

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: North Street & Pressview Avenue (Lot 1) – Justin King, applicant; Request for a side street setback variance from 25 feet to 15 feet for a proposed fence in R-1AA (Single Family Dwelling District).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date 3/26/07 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **DENY** the request for a side street setback variance from 25 feet to 15 feet for a proposed fence in R-1AA (Single Family Dwelling District); or
2. **APPROVE** the request for a side street setback variance from 25 feet to 15 feet for a proposed fence in R-1AA (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Justin King Location: North Street & Pressview Avenue (Lot 1) Zoning: R-1AA (Single Family Dwelling District) Subdivision: Sanlando Country Club Estates
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is proposing to construct a fence around a new single family home that would encroach 10 feet into the required 25-foot side street setback. • The applicant plans on maintaining the existing natural buffer between the proposed fence and North Street. • Traffic Engineering has reviewed this request and finds no issue with traffic safety. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.

STAFF FINDINGS	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.• Special conditions and circumstances result from the actions of the applicant.• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate a hardship. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the fence as depicted on the attached site plan; and• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- Staff Report
- Application
- Applicant statement of request
- Proposed Site Plan
- Location map
- Property Appraiser data sheet
- PUD Commitment Card, *if applicable*

Support information:

- Proposed elevation drawings, renderings, floor plans, etc
- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Authorization letter
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents

- Proposed Development Order

Fee: \$150.00 plus \$50.00 for each additional variance

Application # BC 2007-13
Meeting Date 3-26-07

COPY



VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Justin A. King

Address: 965 Victoria Terrace City: Alt. Springs Zip code: FL

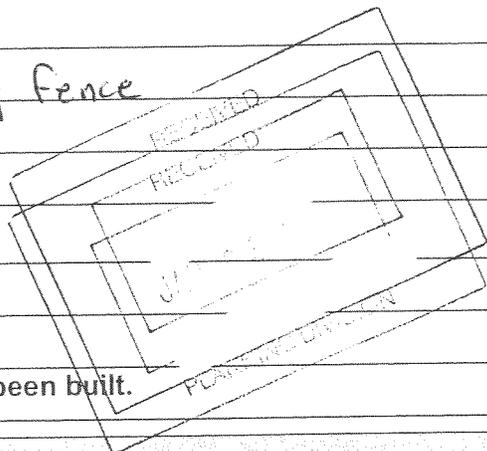
Project Address: N. Street + Pressureview City: _____ Zip code: _____

Contact number(s): 407-923-0668

Email address: justin@healthhedgesstaffing.com

Is the property available for inspection without an appointment? Yes No

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input checked="" type="checkbox"/> Fence	Please describe: <u>Privacy Fence</u>
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	



What type of variance is this request?			
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Side street setback	Required setback:	<u>25</u>	Proposed setback: <u>15</u>
<input type="checkbox"/> Fence height	Required height:		Proposed height:
<input type="checkbox"/> Building height	Required height:		Proposed height:
Use below for additional yard setback variance requests:			
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> Total number of variances requested <u>1</u>			

APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist are provided to the planning division.

Signed: Justin King

FOR OFFICE USE ONLY

Date Submitted: 1-23-07 Reviewed By: DG.
 Tax parcel number: 01-21-29-508-0A00-0010 Zoning/FLU R-1AA/LOR
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)
 Platted Lot (check easements as shown on lots, in notes or in dedication)
 Lot size _____ Meets minimum size and width
 Application and checklist complete
 Notes: _____

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.

	1. Completed application.
	2. Owner's authorization letter (if needed). <i>This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	3. Provide a legible 8 ½ x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<input type="checkbox"/> Size and dimension of the parcel
	<input type="checkbox"/> Location and name of all abutting streets
	<input type="checkbox"/> Location of driveways
	<input type="checkbox"/> Location, size and type of any septic systems, drainfield and wells
	<input type="checkbox"/> Location of all easements
	<input type="checkbox"/> Existing or proposed house or addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	<input type="checkbox"/> Building height
	<input type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s)
	<input type="checkbox"/> Identification of available utilities <i>(ex: water, sewer, well or septic)</i>
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

1/23/2007

To Whom It May Concern:

My name is Justin King. I am the owner of record for parcel 01-21-29-508-0A00-0010. I am writing regarding the above stated parcel.

I am in the process of building a new construction custom home in unincorporated Seminole County. Exact address TBD, however the lot is on the corner of North Street and Pressview Ave.

I am applying for a "variance" on the above stated property and will be attending the February 26th, 2007 Board of Adjustment meeting.

Please let the following serve as additional information regarding my request.

When initially designing the floor plan, we designed it so that the driveway would be on the right of the property when facing the lot from Pressview. The initial floor plan had all the windows on the left side of the house (away from North Street), due to the fact that the house is ON the 25 ft setback line which would prevent me from running a fence on the right side of the house for privacy and security purposes. Due to "traffic safety issues" raised by Randy Williams with the Seminole County Right of Way department, it was necessary to "flip" the floor plan, hence placing all of the windows on the right side of the property. Due to the setback requirements, I am unable to put a fence along the right side of the property, creating both a security issue, as well as a privacy issue. The living room, master bedroom and my 14 month old sons room will all be exposed (there are several windows) to anyone just walking up onto my property from the public sidewalk which is on North Street and peering into my windows, or worse.

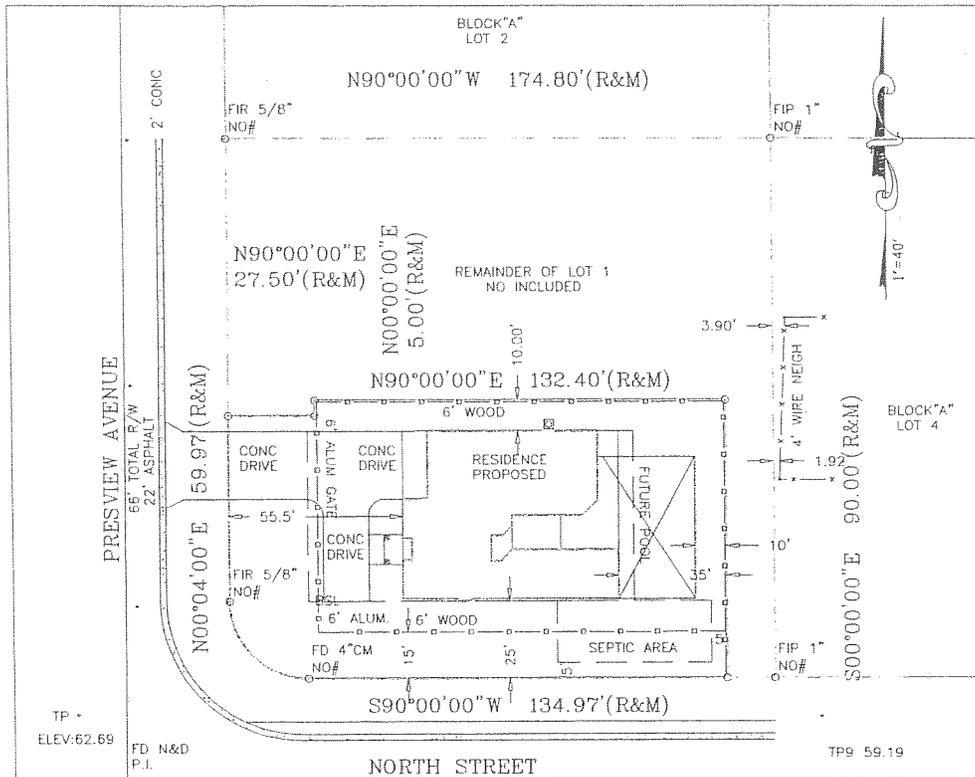
As evidenced by the submitted photos of the subject property, the property sits up high off of the road (North Street) and is heavily treed on the right side (North Street side), clearly obscuring any clear view from the road. I plan to keep 15 feet of natural tree's as a "buffer" between the moderately heavily traveled North Street and my property and proposed New Construction. Hence, even with a fence on the 15 foot setback line versus the 25 ft setback line, the "line of site" is basically the same. You can't see anything more, nor anything less if the proposed fence is constructed on the 15 ft setback line. However, a fence WILL provide the necessary and requested privacy and security.

Additionally, as evidenced by the submitted photos, directly across North Street, the property has a "variance" as their fence is either on the 10 or 15 foot setback line.

I ask that the Board of Adjustment please take into consideration the above stated facts related to my "variance" request.

Respectfully Submitted,

Justin A. King
155 Victoria Terrace
Altamonte Springs, FL 32701
407-923-0668



R=25.00'(R)
 L=39.30'(R)
 Tan=25.03'
 Δ=90°04'00"
 Ch. Brg. S44°58'00"E
 Ch. 35.38'

SITE PLAN

LEGAL DESCRIPTION:
 LOT 1, BLOCK A, SANLANDO COUNTRY CLUB ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 55, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.
 LESS
 A PORTION OF LOT 1, BLOCK A, SANLANDO COUNTRY CLUB ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 55, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGIN AT THE NORTHWEST CORNER OF LOT 1, BLOCK 1, SANLANDO COUNTRY CLUB ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 55, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF PRESSVIEW AVENUE; THENCE DEPARTING SAID RIGHT OF WAY RUN EAST ALONG THE NORTHERLY LINE OF SAID LOT 1 A DISTANCE OF 174.80 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE RUN SOUTH ALONG THE EASTERLY LINE OF SAID LOT 1 A DISTANCE OF 175.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1 AND THE NORTHERLY RIGHT-OF-WAY OF NORTH STREET; THENCE RUN WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF NORTH STREET A DISTANCE OF 15.00 FEET; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE RUN NORTH PARALLEL TO THE EAST LINE OF SAID LOT 1 A DISTANCE OF 90.00 FEET; THENCE RUN WEST A DISTANCE OF 132.40 FEET; THENCE RUN SOUTH 5.00 FEET; THENCE RUN WEST A DISTANCE OF 27.50 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF PRESSVIEW AVENUE; THENCE RUN NORTH 00°04'00" EAST ALONG SAID EASTERLY RIGHT AND THE WEST LINE OF SAID LOT 1 A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING.

(1) RECORD	(2) UTILITY EASEMENT	(3) FOUND IRON PIPE	(4) SURVEY PROPERTY	(5) X - X - X WIRE FENCE	(6) CONCRETE	DWG	CHK
(10) MEASURED	(11) EASEMENT & UTILITIES EAST/WEST	(12) FOUND IRON ROD	(13) OVERHEAD WIRES	(14) WOOD FENCE	(15) BEC		
(16) AIR CONTAMINER	(17) FOUND CONCRETE MOUNDING	(18) FOUND NAIL/SCREW	(19) SET IRON PIPE	(20) PROPERTY CORNER			

NOTES:
 1) NOT VALID UNLESS COPIES CONFORM TO ORIGINALS AND DATE CERTIFICATION
 2) LEGAL DESCRIPTION PROVIDED BY OTHERS
 3) PROPERTIES SHOWN HEREON MUST NOT BE ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PROPERTY PLAT OF RECORD
 4) FENCES WHERE SHOWN ARE FOR RECORD UNLESS OTHERWISE NOTED
 5) UNDERGROUND UTILITIES FROM WADSWORTH AND/OR OTHER IMPROVEMENTS, IF ANY, WERE NOT LOCATED
 6) ELEVATIONS, IF SHOWN, ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM 1928
 7) FENCE OWNERSHIP NOT DETERMINED UNLESS OTHERWISE NOTED
 8) MEASUREMENTS TO WIRE FENCES ARE TO FENCES OF WIRE
 9) MEASUREMENTS TO WOOD FENCES ARE TO OUTSIDE OF WOOD
 10) WALL MEASURES ARE TO/FROM FACE OF WALL
 11) DRAWING DISTANCE BETWEEN WALLS AND/OR FENCES AND PROPERTY LINES MAY BE EXAGGERATED FOR CLARITY
 12) FLOOD ZONE INFORMATION WAS OBTAINED FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INFORMATION RATE MAPS

ADDRESS:
 XXXX PRESSVIEW AVE & NORTH ST.
 FLORIDA

DATE OF SURVEY: 01/16/07
 SURVEY NO: 202954

CERTIFIED TO:
 JUSTIN KING, HOMETOWN TITLE LLC, COMMONWEALTH LAND TITLE INSURANCE COMPANY.

CLOSING SERVICES BY:

THIS IS A DIAGONALLY SIGNED AND SEALED SPECIFIC OF A BOUNDARY SURVEY PERFORMED UNDER THE DIRECTION OF THE UNDERSIGNED & COPIES ARE AUTHORIZED ON OR ABOUT THE DATE OF SURVEY SHOWN HEREON AND CERTIFIES ONLY TO THOSE PERSONS AND/OR ENTITIES LISTED HEREON. THE BOUNDARY SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS BY CHAPTER 461, FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472-027 FLORIDA STATUTES.

1. BEALE SMITH IV, P.S.
 PROFESSIONAL SURVEYOR, FLORIDA REG. NO. 5238

PROFESSIONAL SURVEY SERVICES
BEALE SMITH
 PROFESSIONAL SURVEYOR
 FLORIDASURVEYASSOCIATES.COM
 282 SHORT AVENUE, SUITE 124 LONGWOOD, FLORIDA 32750
 PHONE: 407-331-5577 FAX: 407-331-9188

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																																																			
<p align="center">GENERAL</p> <p>Parcel Id: 01-21-29-508-0A00-0010</p> <p>Owner: THOMPSON DOUGLAS & DIANNE</p> <p>Mailing Address: 4501 ELAINE PL</p> <p>City,State,ZipCode: ORLANDO FL 32812</p> <p>Property Address: NORTH & PRESSVIEW</p> <p>Subdivision Name: SANLANDO COUNTRY CLUB ESTATES</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 00-VACANT RESIDENTIAL</p>		<p>2007 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$80,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$80,000</p> <p>Assessed Value (SOH): \$80,000</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$80,000</p> <p>Tax Estimator</p>																																																	
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<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																																			

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On March 26, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

PT OF LOT 1 DESC AS BEG 90 FT S OF NW COR RUN S 59.97 FT SELY
ALONG CURVE 39.30 FT E 134.97 FT N 90 FT W 132.40 FT S 5 FT W 27.50
FT TO BEG SANLANDO COUNTRY CLUB ESTATES PB 11 PG 55

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Justin King
965 Victoria Terrace
Altamonte Springs FL

Project Name: North & Pressview (01-21-29-508-0A00-0010)

Requested Development Approval:

Request for a side street setback variance from 25 feet to 15 feet for a proposed fence in R-1AA (Single Family Dwelling District).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

1. The variance granted will apply only to the fence as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
April Boswell, AICP
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: