

## **ORDINANCE NO. 3573**



**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT FOR A WAREHOUSE USE ON 8.3855± ACRES OUT OF THE FRANCIS MILLER SURVEY, ABST. NO. 926 DESCRIBED IN EXHIBIT “A” ATTACHED HERETO AND LOCATED IN PLANNED DEVELOPMENT NUMBER 88 (PD-88); APPROVING DEVELOPMENT REGULATIONS, INCLUDING A DETAILED SITE PLAN, LANDSCAPE PLAN, AND BUILDING ELEVATIONS; PROVIDING FOR SPECIAL EXCEPTIONS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity, the governing body, in the exercise of its legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** The City of Farmers Branch Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, (collectively, “the Zoning Ordinance”) be, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit for a Warehouse Use within the Planned Development Number 88 (PD-88) zoning district on an 8.3855± acres out of the Francis Miller Survey, Abstract No. 926, City of Farmers Branch, Dallas County, Texas, described in Exhibit “A” attached hereto and incorporated herein for all purposes (“the Property”) subject to the provisions of Section 2 of this Ordinance.

**SECTION 2.** The Property shall conform in operation, location and construction to the development standards specified within Planned Development No. 88 (PD-88) Zoning District, and, if used and developed for the use authorized by Section 1, above, shall also be used and developed in association with the following regulations:

- A.** The Property shall be developed and used only in accordance with the Detailed Site Plan attached hereto as Exhibit “B” and incorporated herein by reference (“the Site Plan”).

- B.** The Property shall be developed in accordance with the Landscape and Tree Preservation Plan attached hereto as Exhibit “C” and incorporated herein by reference (“the Landscape Plan”). Notwithstanding anything to the contrary in the Zoning Ordinance, installation of all landscaping and related irrigation system required by the Landscape Plan shall be completed prior to issuance of a certificate of occupancy for the first structure constructed on the Property.
- C.** The exterior of the building constructed on the Property shall be designed and constructed substantially as shown in the Building Elevations attached hereto as Exhibit “D” and incorporated herein by reference (“the Elevations”).
- D.** Notwithstanding anything to the contrary set forth in the use and development regulations of PD-88, as amended, the Property may be developed in accordance with the following special exceptions:
- (1) Notwithstanding Section II.B.5 of the PD-88 Development Regulations, the minimum number of off-street parking spaces to be provided for a warehouse use shall be one (1) space per 3,000 square feet of the gross floor area.
  - (2) Notwithstanding Section II.E. of the PD-88 Development Regulations, the frontage adjacent to Valley View Lane may be developed without development of a tree lawn back of curb or a ten foot (10.0’) wide sidewalk, but only if:
    - (a) The existing trees located on the Property within the vicinity of Valley View Lane are preserved in accordance with the Landscape Plan; and
    - (b) A five foot (5.0’) wide sidewalk is constructed along the Valley View Lane frontage of the Property.
  - (3) Notwithstanding Section III.C. of the PD-88 Development Regulations, the building to be constructed on the Property may be setback and developed within the building envelope as set forth on the Site Plan.
  - (4) Notwithstanding Section V.C. of the PD-88 Development Regulations, the roof of the building constructed on the Property may be constructed without cornices provided the building is designed and constructed substantially as shown in the Elevations.
  - (5) Notwithstanding Section V.E. of the PD-88 Development Regulations, openings and windows of the building constructed on the Property visible from Valley View Lane may have a horizontal dimension greater than the vertical dimension, but only to the extent and number shown on the Elevations.

**SECTION 3.** The Property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

**SECTION 4.** The provisions of this ordinance shall be controlling with respect to the use and development of the Property for the purposes authorized in Section 1, above. In the event of any irreconcilable conflict with the provisions of any other ordinances of the City of Farmers Branch, the provisions of this ordinance shall be controlling.

**SECTION 5.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

**SECTION 6.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 7.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 8.** This Ordinance and the right to use the property in accordance with the Specific Use Permit granted pursuant to Section 1 of this Ordinance is subject to termination in accordance with Section 6.5.C. of the Comprehensive Zoning Ordinance, as amended.

**SECTION 9.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 18<sup>TH</sup> DAY OF JUNE 2019.**

**ATTEST:**

**APPROVED:**

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Amy Piukana, City Secretary

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Robert C. Dye, Mayor

**APPROVED AS TO FORM:**

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Peter G. Smith, City Attorney  
(kbl:6/6/19:108322)

**Ordinance No. 3573**  
**Exhibit "A" - Description of the Property**

**LEGAL DESCRIPTION**

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE FRANCIS MILLER SURVEY, ABSTRACT NO. 926, CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS AND BEING THE SAME 8.387 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO CADG MERCER MM HOLDINGS, LLC, A TEXAS LIMITED LIABILITY COMPANY, AND RECORDED IN INSTRUMENT NO. 201800070985 OF THE OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS, SAID 8.387 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A 1/2 INCH IRON FOUND FOR CORNER IN THE SOUTH RIGHT-OF-WAY LINE OF KEENAN BRIDGE ROAD (VARIABLE WIDTH RIGHT-OF-WAY), SAID POINT BEING THE NORTHWEST CORNER OF SAID 8.387 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO CADG MERCER MM HOLDINGS, LLC, A TEXAS LIMITED LIABILITY COMPANY;

**THENCE** NORTH 82° 43' 41" EAST (NORTH 82° 44' 04" EAST - DEED) ALONG THE SAID SOUTH RIGHT-OF-WAY LINE OF KEENAN BRIDGE ROAD AND THE NORTH LINE OF SAID 8.387 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO CADG MERCER MM HOLDINGS, LLC, A TEXAS LIMITED LIABILITY COMPANY, FOR A DISTANCE OF 384.85 FEET (384.87 FEET - DEED) TO A 1/2" IRON ROD WITH ORANGE CAP FOUND CORNER, SAID POINT BEING THE NORTHEAST CORNER OF SAID 8.387 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO CADG MERCER MM HOLDINGS, LLC, A TEXAS LIMITED LIABILITY COMPANY AND THE NORTHWEST CORNER OF A 7.360 ACRE TRACT OF LAND DESCRIBED IN DEED TO DOWNTOWN DEVELOPMENT INC AND RECORDED IN VOLUME 2005010, PAGE 6581 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS;

**THENCE** SOUTH 13° 37' 54" EAST (SOUTH 13° 37' 54" EAST - DEED) DEPARTING THE SAID SOUTH RIGHT-OF-WAY LINE OF KEENAN BRIDGE ROAD AND ALONG THE EAST LINE OF SAID 8.387 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO CADG MERCER MM HOLDINGS, LLC, A TEXAS LIMITED LIABILITY COMPANY AND THE WEST LINE OF SAID 7.360 ACRE TRACT OF LAND DESCRIBED IN DEED TO DOWNTOWN DEVELOPMENT INC TRACT, FOR A DISTANCE OF 756.28 FEET (756.05 FEET - DEED) TO A 1/2" IRON ROD FOUND FOR CORNER IN THE NORTH RIGHT-OF-WAY LINE OF VALLEY VIEW LANE (VARIABLE WIDTH RIGHT-OF-WAY), SAID POINT BEING THE SOUTHEAST CORNER OF SAID 8.387 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO CADG MERCER MM HOLDINGS, LLC, A TEXAS LIMITED LIABILITY COMPANY AND THE SOUTHWEST CORNER OF SAID 7.360 ACRE TRACT OF LAND DESCRIBED IN DEED TO DOWNTOWN DEVELOPMENT INC, SAID POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1860.08 FEET WITH A CENTRAL ANGLE OF 15° 25' 59" (15° 26' 27" - DEED) AND A CHORD BEARING SOUTH 64° 22' 54" WEST (SOUTH 64° 21' 31" WEST - DEED) AT A DISTANCE OF 499.51 FEET (499.77 FEET - DEED);

**THENCE** SOUTHWESTERLY FOLLOWING ALONG SAID CURVE TO THE RIGHT AND ALONG THE SAID NORTH RIGHT-OF-WAY LINE OF VALLEY VIEW LANE AND THE SOUTH LINE OF SAID 8.387 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO CADG MERCER MM HOLDINGS, LLC, A TEXAS LIMITED LIABILITY COMPANY FOR AN ARC DISTANCE OF 501.03 FEET (501.28 FEET - DEED) TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 8.387 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO CADG MERCER MM HOLDINGS, LLC, A TEXAS LIMITED LIABILITY COMPANY;

**THENCE** NORTH 06° 55' 31" WEST (NORTH 06° 54' 50" WEST - DEED) DEPARTING THE SAID NORTH RIGHT-OF-WAY LINE OF VALLEY VIEW LANE AND ALONG THE WEST LINE OF SAID 8.387 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO CADG MERCER MM HOLDINGS, LLC, A TEXAS LIMITED LIABILITY COMPANY AND PASSING AT A DISTANCE OF 15.28 FEET THE SOUTHEAST CORNER OF LOT 1 IN BLOCK 1 OF BONNEAU ADDITION PHASE 2, AN ADDITION TO THE CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 96168, PAGE 3245 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS AND ALONG THE EAST LINE OF SAID LOT 1 IN BLOCK 1 OF BONNEAU ADDITION PHASE 2, FOR A TOTAL DISTANCE OF 908.87 FEET (908.96 FEET - DEED) TO THE POINT OF BEGINNING AND CONTAINING 8.3855 ACRES (8.387 ACRES - DEED) OF LAND, MORE OR LESS.

(ALL BEARINGS SHOWN HEREON BASED ON THE TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE):



BLUE SKY SURVEYING  
& MAPPING, CORPORATION  
11015 MIDWAY ROAD  
DALLAS, TEXAS 75229  
PHONE: (214) 358-4500  
FAX: (214) 358-4600  
DRPETREE@BLUESKYSURVEYING.COM  
TBPLS REGISTRATION No. 10105700

**PROPERTY EXHIBIT**

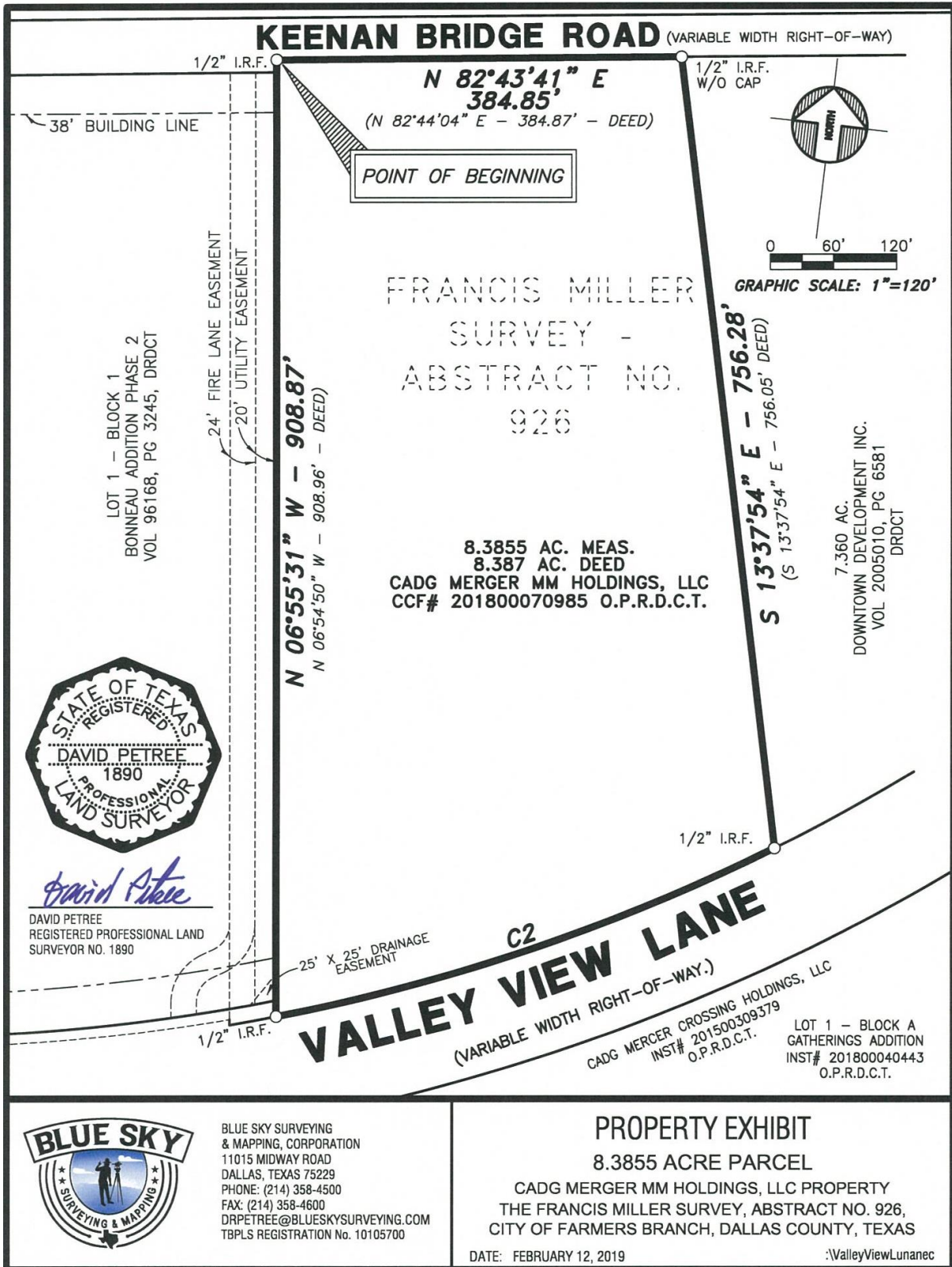
**8.3855 ACRE PARCEL**

CADG MERGER MM HOLDINGS, LLC PROPERTY  
THE FRANCIS MILLER SURVEY, ABSTRACT NO. 926,  
CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS

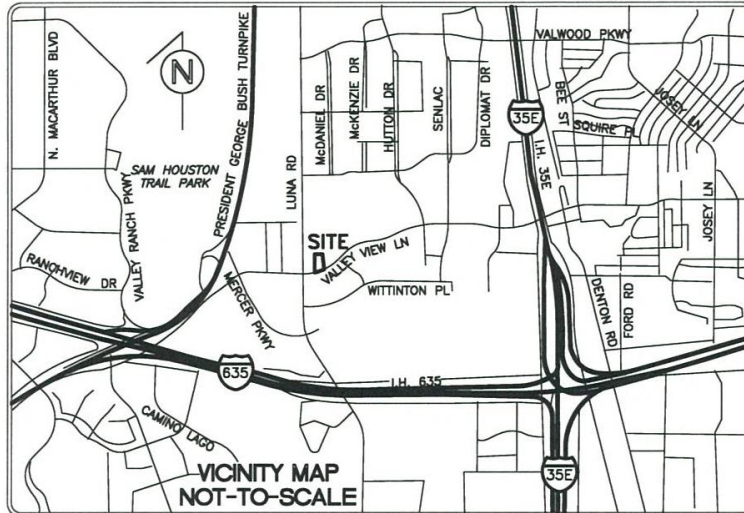
DATE: FEBRUARY 12, 2019

:\ValleyViewLunanec

Ordinance No. 3573  
Exhibit "A" - Description of the Property (cont.)



**Ordinance No. 3573**  
**Exhibit "A" - Description of the Property (cont.)**



~ CURVE DATA TABLE ~

NO.	RADIUS	DELTA	ARC	CH. BEARING	CHORD
C1	1860.08'	15°25'59"	501.03'	S 64°22'54" W	499.51'

**LEGEND**

AC.	ACRES
CCF#	COUNTY CLERK'S FILE NUMBER
DRDCT	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
I.R.F.	IRON ROD FOUND
W/O CAP	WITH ORANGE PLASTIC CAP



BLUE SKY SURVEYING  
 & MAPPING, CORPORATION  
 11015 MIDWAY ROAD  
 DALLAS, TEXAS 75229  
 PHONE: (214) 358-4500  
 FAX: (214) 358-4600  
 DRPETREE@BLUESKYSURVEYING.COM  
 TBPLS REGISTRATION No. 10105700

**PROPERTY EXHIBIT**

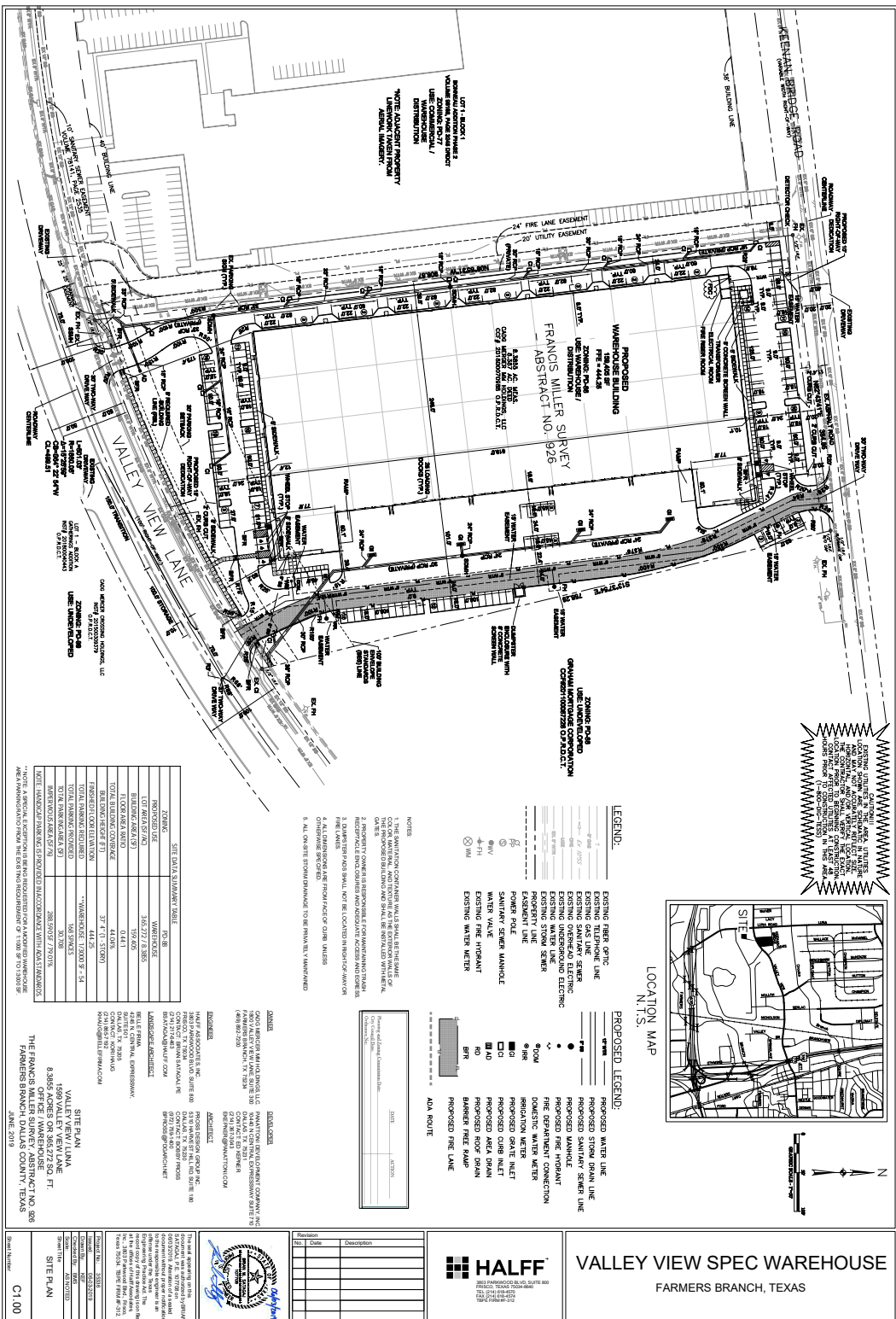
**8.3855 ACRE PARCEL**

CADG MERGER MM HOLDINGS, LLC PROPERTY  
 THE FRANCIS MILLER SURVEY, ABSTRACT NO. 926,  
 CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS

DATE: FEBRUARY 12, 2019

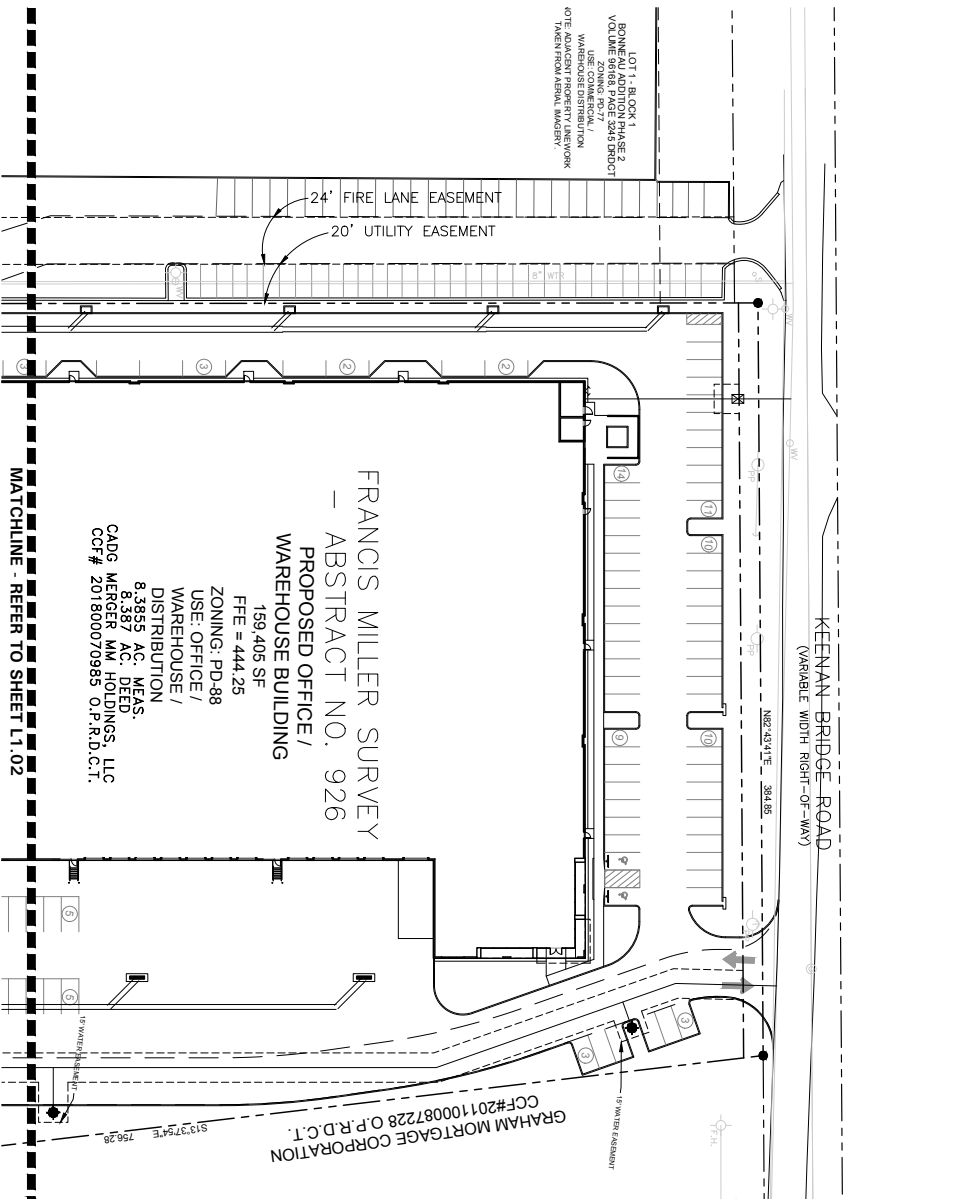
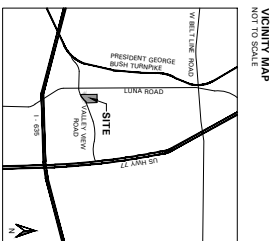
:ValleyViewLunanec

**Ordinance No. 3573**  
**Exhibit "B" - Site Plan**



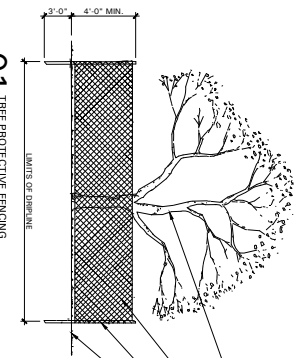


## Exhibit "C" - Landscape and Tree Preservation Plan (cont.)

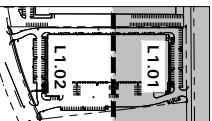
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**TREE PRESERVATION NOTES**

- [illegible]

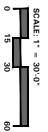


DATE	ACTION
Planning and Zoning Commission Date:	
City Council Date:	
Ordinance No.	



## TREE PRESERVATION PLAN

**PROPERTY OWNER:**  
CADG MERCER MM HOLDINGS, LLC  
1800 VALLEY VIEW LANE  
SUITE 300  
FARMERS BRANCH, TX 75234  
266.892.9886



**BELLE  
FIRMA**

4245 North Central Express  
Suite 501  
Dallas, Texas 75205  
214.885.7782

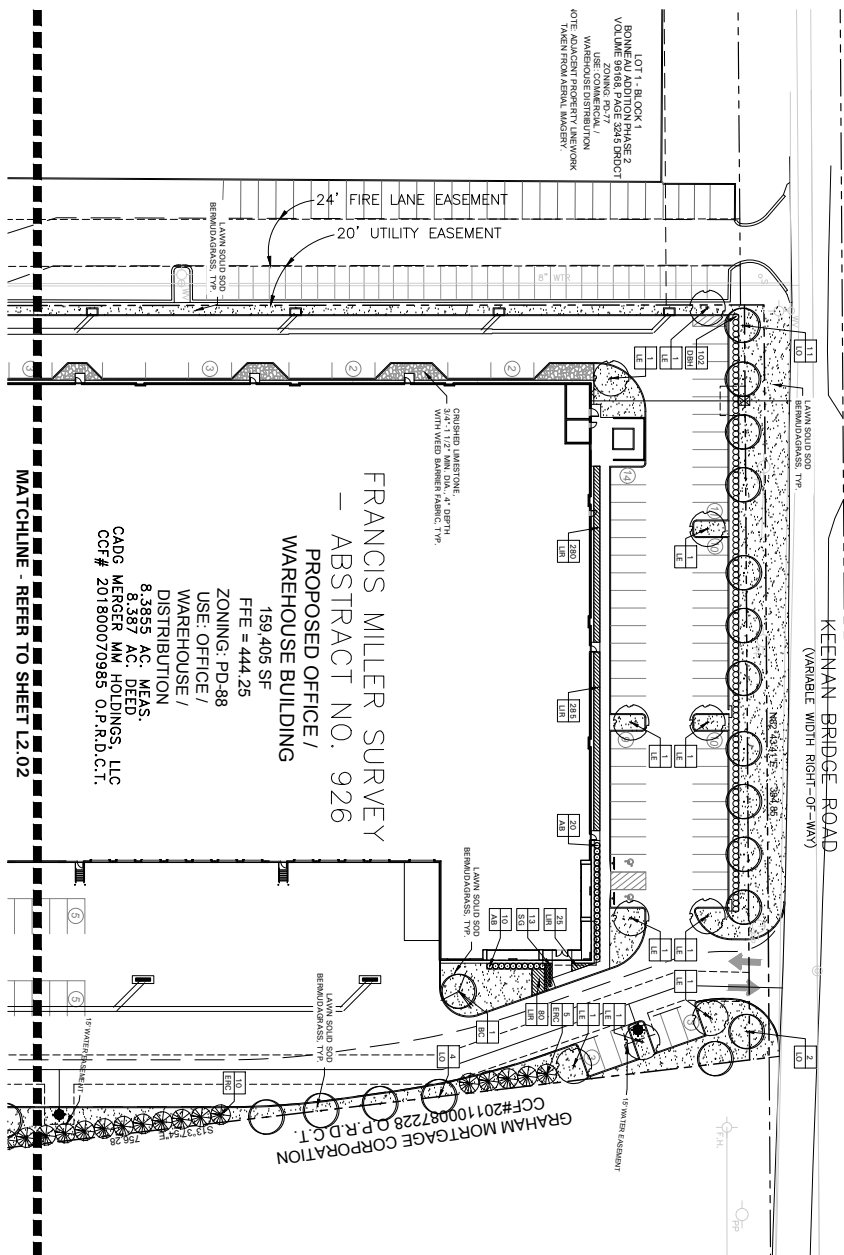


**pross design group, incorporated**  
5310 Harvest Hill Road, Suite 180, Dallas, Texas 75230. 972/759-1400

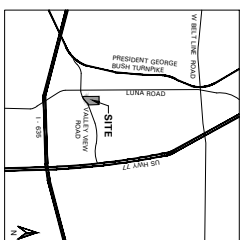
 **PANATTONI**  
VALLEY VIEW LN SPEC WAREHOUSE  
FARMERS BRANCH, TEXAS

job no  
1844  
sheet  
L1.01



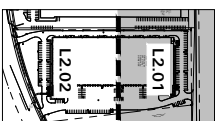


1. CONTRACTOR SHALL VERIFY ALL EXISTING AND PROPOSED WORK IS IN ACCORDANCE WITH ALL APPLICABLE CODES, ORDINANCES, AND REGULATIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS AND APPROVALS.
2. CONTRACTOR SHALL LOCATE ALL EXISTING UTILITIES PRIOR TO ANY EXCAVATION OR CONSTRUCTION. CONTRACTOR SHALL EXERCISE CAUTION WHEN WORKING IN THE VICINITY OF EXISTING UTILITIES.
3. ANY WORK AT STRUCTURES A MINIMUM 2% SLOPE SHALL BE PROTECTED BY ANCHORING.
4. CONTRACTOR SHALL TAKE GREAT CARE TO ACHIEVE A FINAL CONTOUR AS INDICATED. LEAVES AFTER PLANTING SHALL BE BELOW FINAL FINISHED GRADE IN ALL AREAS.
5. ALL PLANTING BIDS AND LAWN AREAS SHALL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW. ALL PLANTING SHALL BE INSTALLED ADJACENT TO BUILDINGS AND DRIVEWAYS.
6. TOP OF MARCH SHALL BE 17' MINIMUM BELOW THE FINISHED GRADE.
7. ALL LAWN AREAS SHALL BE SOLED SOLO BERMUDGRASS UNLESS OTHERWISE NOTED ON THE DRAWINGS.
8. CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES, STRUCTURES, AND LANDSCAPE. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS AND APPROVALS.
9. CONTRACTOR SHALL PROVIDE AN EROSION CONTROL PLAN FOR ALL EXCAVATION AND CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS AND APPROVALS.



- [illegible]

1. PLANT SOUP PLANT TO COMBINATION PLANT
  2. COMPLETELY REFINED DROPS TO THE OVENHOOD
  3. TO PRESS JARS BY HAND WITH TONGS TO BE
  4. ROLL STAYS USED TO CHARGE A ROLLER, BE
  5. SURFACE, THE FIRM UNIFORM INDICATION: THE
  6. WATER SOUP THROUGHOUT AS SOO OPERATIONS
  7. PROGRESS:
  8. IF INSTALLATION OCCURS BETWEEN SEPTEMBER
  9. AND WHICH IS REFINED REFINED REFINED
  10. AND WHICH IS REFINED REFINED REFINED
  11. POINTS AND THE THICKNESS 10000 SQUARE FEET.
- CITY OF FARMERS BRANCH**
- LANDSCAPE NOTES**
1. APPROVAL OF PRODUCTION PLAN IS REQUIRED FOR
  2. INNOVATION PLAN MUST BE PREPARED AND STATED
  3. A LICENSED PROFESSIONAL IN THE FIELD OF PLANT
  4. AND LANDSCAPE DESIGN
  5. APPROVAL OF PRODUCTION PLAN IS REQUIRED FOR
  6. APPROVAL OF PRODUCTION PLAN IS REQUIRED FOR
  7. APPROVAL OF PRODUCTION PLAN IS REQUIRED FOR
  8. APPROVAL OF PRODUCTION PLAN IS REQUIRED FOR
  9. APPROVAL OF PRODUCTION PLAN IS REQUIRED FOR
  10. APPROVAL OF PRODUCTION PLAN IS REQUIRED FOR
  11. APPROVAL OF PRODUCTION PLAN IS REQUIRED FOR



**KEY MAP**  
SCALE: 1" = 300'

SYMBOL	COMMON NAME
AB	Dwarf Abelia "Edward Goucher"
BC	Bald Cypress
DBH	Dwarf Burford Holly
ERC	Eastern Red Cedar
LE	Lacinate Elm
LIR	Upright "Big Blue"
LO	Live Oak
SG	Salvia "Greggii" Red

REFER TO L1.00 FOR PLANT LIST  
AND LANDSCAPE TABULATIONS

**PROPERTY OWNER:**  
CADG MERCER MM HOLDINGS, LLC

**FARMERS BRANCH, TX 75234**  
**469.892.7200**

SCALE: 1" = 30.0'

**BELLE  
FIRMA**

4245 North Central Expressway  
Suite 501  
Dallas, Texas 75205  
214.835.7192 

drawn:  
NAY  
checked  
KAH  
date  
04.11.18



**prolog**  
pross design group  
5310 Marquest Hill Road, Suite 180

press design group, incorporated  
5310 Harwood Hill Road, Suite 180, Dallas, Texas 75230, 972/759-1400

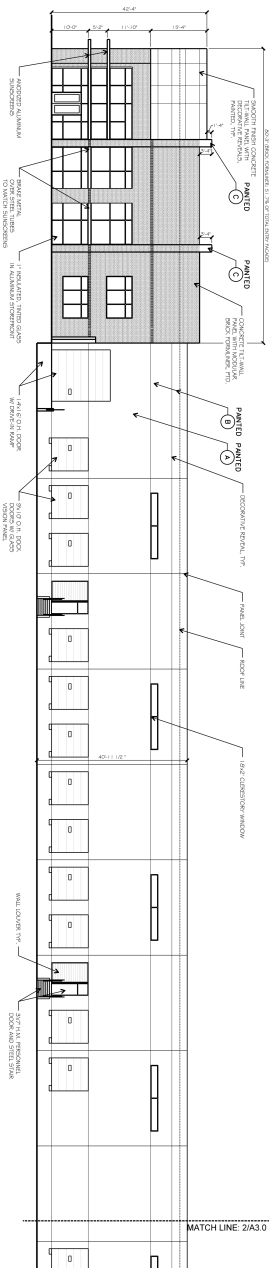
**PANATTONI**  
VALLEY VIEW LN SPEC WAREHOUSE  
FARMERS BRANCH, TEXAS

job no  
1844  
sheet  
L2.01



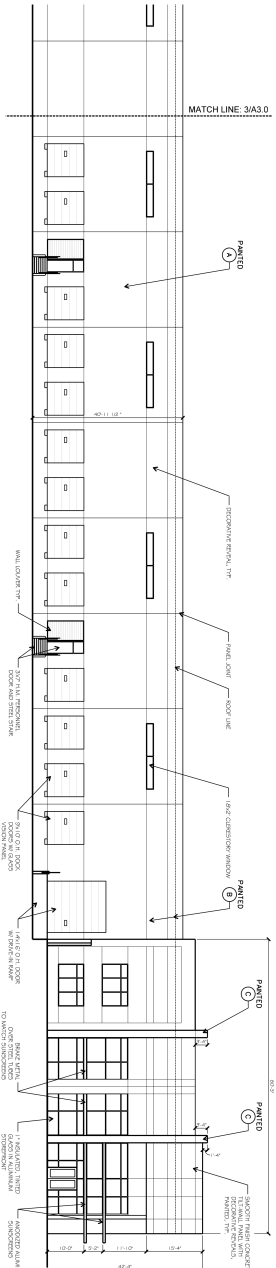


**Ordinance No. 3573**  
**Exhibit "D" – Elevations**

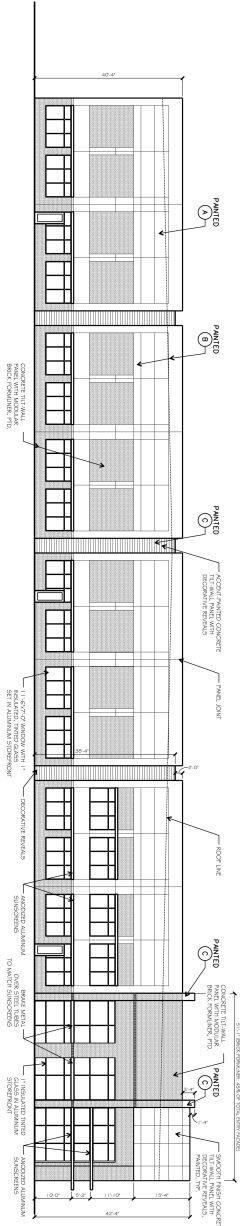
[illegible]

### 3 PARTIAL EAST ELEVATION

SCALE: 1/16" = 1'-0"



**2 PARTIAL EAST ELEVATION**  
SCALE: 1/16"=1'-0"



**1 SOUTH ELEVATION**  
SCALE: 1/16"=1'-0"  
(VIEW FROM VALLEY VIEW IN)

DATE SIGNED (Initials)	
1. DATE SIGNED	
2. DATE SIGNED	
3. DATE SIGNED	
4. DATE SIGNED	
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[illegible]