

original

ERECTED INTO A TOWNSHIP IN 1733
TOWNSHIP OF WORCESTER
AT THE CENTER POINT OF MONTGOMERY COUNTY
PENNSYLVANIA

1721 Valley Forge Road
P.O. Box 767
Worcester, PA 19490

Phone (610) 584-1410
Fax (610) 584-8901

THIS SECTION COMPLETED ONLY BY TOWNSHIP:

APPEAL NO. : 1708 DATE FILED: 6/28, 20 17

APPLICATION: BOARD OF SUPERVISORS
 ZONING HEARING BOARD

1. Date of Application: June 16, 2017

2. Classification of Appeal (Check one or more, if applicable):
- a. Appeal from the Zoning Officer's Determination
 - b. Request for Variance
 - c. Request for Special Exception
 - d. Challenges to the Validity of Zoning Ordinance or Map
 - e. Request for Conditional Use Hearing
 - f. Request for Amendment to Zoning Map
 - g. Request for Zoning Ordinance Amendment
 - h. Request for a Curative Amendment
 - i. Request for other relief within the Jurisdiction of the Zoning Hearing Board as established in Section 909.1(a) of the Pennsylvania Municipalities Code

3. Applicant:
- a. Name: William and Mary Jo DeRosato
 - b. Mailing address: 2650 Bean Road, Norristown, PA 19403
 - c. Telephone number: 610-637-1147
 - d. State whether owner of legal title, owner of equitable title, or tenant with the permission of owner legal title: (REQUIRED)

Please attach Deed to prove ownership, an Agreement of Sale to prove equitable ownership, or an Affidavit allowing Tenant to apply for necessary relief.

4. Applicant's attorney, if any:
- a. Name: Andrew C. Laird, Esquire
 - b. Address: 360 W Main Street
 Trappe, PA 19426
 - c. Telephone number: 610-489-0700

5. Property Details:
- a. Present Zoning Classification: R-175
 - b. Present Land Use: Residential
 - c. Location (Street Address):
2656 Bean Road
 - d. Parcel #: 67-00-00150-90-8
 - e. Lot Dimensions:
 - (1) Area: 64333 SF
 - (2) Frontage: 131
 - (3) Depth: 484
 - f. Circle all that apply in regards to the above specified property:
 - Public Water Public Sewer
 - Private Well Private Septic
 - g. Size, construction, and use of existing improvements; use of land, if unimproved: **(Please submit as an attachment)**
6. Proposed Use(s):
- a. Proposed use(s) and construction: Please provide size, construction and proposed use(s). **(Please submit as an attachment)**
7. Legal grounds for appeal (Cite specific sections of Pennsylvania Municipalities Planning Code, Zoning Ordinance, Subdivision Regulations, and/ or other Acts or Ordinances). All sections that apply must be listed in which relief is required and an explanation provided. **(Please submit as an attachment)**
8. Has any previous appeal been filed concerning the subject matter of this appeal?
 Yes No
- If yes: specify: **(Please submit as an attachment)**
9. Challenges please list requested issues of fact or interpretation:
(Please submit as an attachment)
10. Worcester Township to provide the list of names and addresses of all property within 500 feet of the perimeter of the subject property. **(REQUIRED: SECTION 150-224)**

CERTIFICATION

I (We) hereby certify that the above information is true and correct to the best of my (our) knowledge, information or belief.



Signature

William DeRosato

Printed Name



Signature

Mary Jo DeRosato

Printed Name

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF _____ : SS

The undersigned, being duly sworn according to law, deposes and says the he/she is the above names applicant, that he/she is authorized to and does take this affidavit on behalf of the owner, and foregoing facts are true and correct.

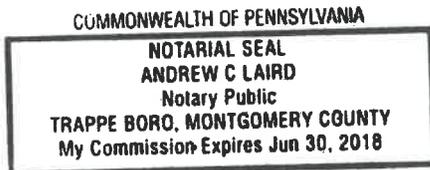

Applicant


Applicant

Sworn to and subscribed before me this 26 day of June, 2017

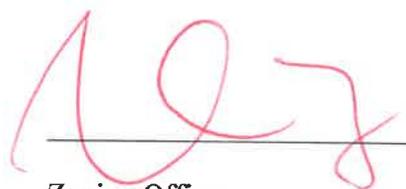


Notary Public



Date Received: _____

6/28/17



Zoning Officer

BEFORE THE ZONING HEARING BOARD
OF
THE TOWNSHIP OF WORCESTER
MONTGOMERY COUNTY, PENNSYLVANIA

IN RE: WILLIAM DeROSATO
2656 Bean Road

June 15, 2017

Proposed Use

William and Mary Jo DeRosato are the record owners of Parcel Numbers 67-00-00151-00-7 (hereinafter 2650 Bean Road) and 67-00-00150-90-8 (hereinafter 2656 Bean Road). (See Exhibit A-2). Said properties are adjacent to one another (See Exhibit A-3). The property subject to this Application for Variance is 2656 Bean Road, which consists of an irregular lot 64,333 square feet in size. Said property is bordered on one side by the residential dwelling owned by Applicant's and bordered on the other side by vacant, wooded, land consisting of 32.71 acres (see Exhibit A-5). The Property is zoned R-175 and subject to the use restrictions set forth in §150 – 35.

William Derosato operates DeRosato Enterprises, Inc., a construction services company which specializes in commercial contract dump truck hauling, residential asphalt driveway paving, commercial parking lots and private road asphalt paving, light excavation and snow removal. The Applicants acquired 2560 Bean Road and 2656 Bean Road on October 13, 1998, and ever since have operated said business. As a result of the use restrictions set forth in §150 – 35, the applicants are seeking a variance under §150 – 219 of the Township Zoning Code and request zoning relief as a no impact home-based business as defined in §150 – 9, or, in the alternative a Variance by Estoppel.

The Business operated does not involve customer, client or patient traffic, nor vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, which are in excess of those normally associated with the residential use.

The Applicants park or otherwise store four (4) dump truck vehicles, a trailer and other ancillary equipment which is not visible from the street nor visible from the neighboring properties.

Therefore, the business activities are compatible with the residential use of the property and surrounding residential uses as there is no indication of the operation of a business.

No employees operate from the residence of the Applicants as the only individuals residing in the residential dwelling are the Applicants themselves. Employees present on-site to retrieve company work vehicles and then return with the company work vehicles at the end of the workday.

There is no display or sale of retail codes nor stockpiling of inventory of any kind whatsoever. The property is used for the parking of vehicles and ancillary equipment as set forth above.

The Business does not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood. The vehicles parked on the property do not emanate noise, vibration, fumes, odors, or any other interference which is detectable in the neighborhood.

The Business does not generate any solid waste or sewage discharge.

The Business activity, namely the parking of vehicles and ancillary equipment, does not occupy more than 25% of the habitable floor area.

The Business is not involved in any illegal activity.

In the alternative, the Applicants are entitled to a Variance by Estoppel. The factors to be considered when determining whether to grant a Variance by Estoppel were summarized in Skarvelis v. Zoning Hearing Board of Dormont, 679 A.2d 278, 281 (Pa.Cmwth.1996) (quoting Mucy v. Fallowfield Township Zoning Hearing Board of Washington County, 147 Pa.Cmwth. 644, 647-648, 609 A.2d 591, 592 (1992)).

Since the purchase of the property, the Applicants have used the property in the same manner as it is currently utilized. More than nineteen (19) years have passed without any enforcement by the municipality despite the Municipality knowing or should have known of the violation.

As a result of there being no enforcement by the Municipality, the Applicants acted in good faith and relied innocently upon the validity of the use of the property. There has been no increase in vehicles and ancillary equipment stored as the applicants have consistently stored the same or substantially similar vehicles and equipment.

As a result of the Applicants reliance upon the belief that the use was permitted, the Applicants have made substantial expenditures which include repaving, landscaping, and similar expenses to improve the area as well as ensure the area is not visible or otherwise obstructive to the neighboring properties.

The Applicants have relied on their belief that their actions constituted valid use of the property; therefore, a denial of a Variance by Estoppel would impose an unnecessary hardship on the Applicants as they would now have to relocate their business, which is operated consistently from its current location since 1998, as well as experience a decrease in value of the property, based on its best use as it is currently utilized, due to the irregular shape of the property resulting in an undesirable location for a residential dwelling.

BEFORE THE ZONING HEARING BOARD
OF
THE TOWNSHIP OF WORCESTER
MONTGOMERY COUNTY, PENNSYLVANIA

IN RE: WILLIAM DeROSATO
2656 Bean Road

June 15, 2017

A-1	Zoning Hearing Board Application
A-2	Deed
A-3	Property Records
A-4	Plot Plan
A-5	Property Records 67-00-00247-00-1 (Adjacent Property)
A-6	RESERVED
A-7	RESERVED
A-8	RESERVED
A-9	RESERVED
A-10	RESERVED

EXHIBIT
“A-1”

ERECTED INTO A TOWNSHIP IN 1733
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1721 Valley Forge Road
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 Private Well Private Septic

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6. Proposed Use(s):

- a. Proposed use(s) and construction: Please provide size, construction and proposed use(s). **(Please submit as an attachment)**

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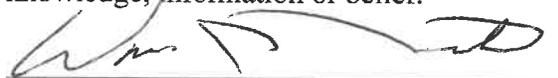
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I (We) hereby certify that the above information is true and correct to the best of my (our) knowledge, information or belief.



Signature

William DeRosato

Printed Name



Signature

Mary Jo DeRosato

Printed Name

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF _____ : SS

The undersigned, being duly sworn according to law, deposes and says the he/she is the above names applicant, that he/she is authorized to and does take this affidavit on behalf of the owner, and foregoing facts are true and correct.



Applicant

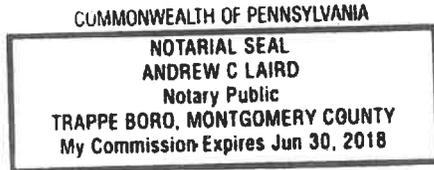


Applicant

Sworn to and subscribed before me this 26 day of June, 2017



Notary Public



Date Received: _____

Zoning Officer

EXHIBIT
“A-2”

021495
38403
93 NOV -4 PM 12:31
EASTERN ABSTRACT, INC.
2900 W. GERMANTOWN PIKE
NORRISTOWN, PA 19140

This Indenture Made the 15th day of October in the year of our Lord one thousand nine hundred and ninety eight (1998)

Between
BETTY JANE BAUMAN

(hereinafter called the Grantor(s), of the one part, and

WILLIAM J. DEROSATO AND MARY JO DE ROSATO HUSBAND AND WIFE

(hereinafter called the Grantee(s), of the other part;

Witnesseth That the said Grantor(s) for and in consideration of the sum of TWO HUNDRED FIFTY (\$250,000.00) *Howard D. Alloway* lawful money of the United States of America, unto her well and truly paid by the said Grantee(s), at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, enfeoffed, released and confirmed, and by these presents does grant, bargain, sell, alien, enfeoff, release and confirm unto the said Grantee(s) their Heirs and Assigns, as Tenants by the entirety

ALL THAT CERTAIN parcel or tract of ground, situate in the Township of Worcester, County of Montgomery and Commonwealth of Pennsylvania, bounded and described according to a plan of subdivision prepared for Richard and Betty Jane Bauman prepared by Czop/Specter, Inc. Consulting Engineers and Surveyors, Worcester, Pennsylvania dated March 20, 1990 last revised September 4, 1992 as follows, to wit;

BEGINNING at a point in the title line of Bean Road said point being corner of lands now or late of JOHNSON; thence along lands to JOHNSON the next 2 courses and distances (1) South 46 degrees 11 minutes 00 seconds West 160.00 feet to a point and (2) South 05 degrees 45 minutes 50 seconds West 466.02 feet to a point a corner of lands now or late of Hargrave; thence along lands of Hargrave, the next 2 courses and distances (1) North 85 degrees 28 minutes 00 seconds east, 67.00 feet to a point, (2) North 64 degrees 23 minutes 00 seconds East 220.00 feet to a point, a corner of lands now or late of Smith; thence along lands of Smith the next 2 courses and distances (1) North 43 degrees 09 minutes 00 seconds West 60.00 feet to a point (2) North 48 degrees 51 minutes 00 seconds East 261.00 feet to a point in title line of Bean Road; thence along the said title line North 43 degrees 49 minutes 00 seconds West 350.00 feet to the point and place of beginning.

Premises known by reference: 2650 & 2656 BEAN ROAD WORCESTER, Pennsylvania

2500.00
2500.00
P.M.

2.00
13.50
13.50
50
6.00

Together with all and singular the building's improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever, of the said Grantor(s), as well at law as in equity, or otherwise howsoever, of, in, and to the same and every part thereof.

To have and to hold the said lot or piece of ground described with the buildings and improvements thereon erected, ^{hereditaments} and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee(s), their Heirs and Assigns; to and for the only proper use and behoof of the said Grantee(s), their Heirs and Assigns forever.

And the said Grantor(s), for herself,

Heirs, Executors, and Administrators does by these presents, covenant, grant, promise and agree, to and with the said Grantee(s), their Heirs and Assigns, that the said Grantor(s) and her Heirs, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee(s), their Heirs and Assigns, against the said Grantor(s) and her Heirs, and against all and every other Person and Persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under him, her, it, or any of them, shall and will

WARRANT and forever DEFEND.

In Witness Whereof, the said party of the first part to these presents has hereunto set hand(s) and seal(s). Dated the day and year first above written.

Signed, Sealed and Delivered

IN THE PRESENCE OF US:


BETTY JANE BAUMAN Seal
Seal
Seal

BEING PARCEL NUMBER 67-00-00151-00-7 and 67-00-00150-90-8

BEING the same premises which Richard H. Bauman and Betty Jane Bauman, his wife, by Deed dated 4/21/1998 and recorded at MONTGOMERY County in Deed Book 5229 page 2161, granted and conveyed unto BETTY JANE BAUMAN, in fee.

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
67-00-00150-90-8 WORCESTER
2656 BEAN RD
BAUMAN BETTY JANE
B 020 U 030 L 2 2107 DATE: 10/21/98

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
67-00-00151-00-7 WORCESTER
2650 BEAN RD
BAUMAN BETTY JANE
B 020 U 021 L 1101 DATE: 10/21/98

#21495	
WORCESTER TWP.	2500.00
STATE STAMP	2500.00
TOTAL	5000.00
CHECK	5000.00
CHANGE	0.00

ITEM 2
11-04-98 WED #1 CASH-11 5150 16:15 TR

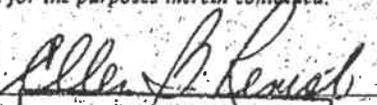
DB5247PG1468

On this, the 15th day of October, 1998, before me,
a Notary Public the undersigned Officer,

personally appeared BETTY JANE BAUMAN

known to me (satisfactorily proven) to be the person(s) whose name(s) is subscribed to the within
instrument, and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Notarial Seal
Ellen B. Renick, Notary Public
East Norriton Twp., Montgomery County
My Commission Expires Feb. 22, 2000
Member, Pennsylvania Association of Notaries

DEED.

BETTY JANE BAUMAN

TO

WILLIAM J. DEROSATO AND
MARY JO DEROSATO



Margaret Bachmacker

EASTERN ABSTRACT, INC.
2960 W. GERMANTOWN PIKE
NORRISTOWN, PA 19403

EA # 38403

The residence of the within-named Grantee

is 2650 Bean Road

Worcester, Pa. 19490

On behalf of the Grantee



DB5247PG1470

EXHIBIT
“A-3”

PARID: 670000150908
 DEROSATO WILLIAM J & MARY JO

2656 BEAN RD

Parcel

TaxMapID	67020 030
Parid	67-00-00150-90-8
Land Use Code	2107
Land Use Description	R - RES VAC LAND 60001-87120 SQ FT
Property Location	2656 BEAN RD
Lot #	2
Lot Size	64333 SF
Front Feet	131
Municipality	WORCESTER
School District	METHACTON
Utilities	NONE//

Owner

Name(s)	DEROSATO WILLIAM J & MARY JO
Name(s)	
Mailing Address	2650 BEAN RD
Care Of	
Mailing Address	
Mailing Address	NORRISTOWN PA 19403

Current Assessment

Appraised Value	Assessed Value	Restrict Code
63,570	63,570	

Estimated Taxes

County	220
Montco Community College	25
Municipality	3
School District	1,827
Total	2,075
Tax Lien	Tax Claim Bureau Parcel Search

Last Sale

Sale Date	15-OCT-98
Sale Price	\$0
Tax Stamps	0
Deed Book and Page	5247-01467
Grantor	
Grantee	DEROSATO WILLIAM J & MARY JO
Date Recorded	04-NOV-98

Sales History

Sale Date	Sale Price	Tax Stamps	Deed Book and Page	Grantor	Grantee	Date Recorded
10-15-1998	\$0	0	5247-01467		DEROSATO WILLIAM J & MARY JO	11-04-1998
04-21-1998	\$0	0	5229-02161		BAUMAN BETTY JANE	06-18-1998
07-29-1993	\$2,000	20	5049-00963		BAUMAN RICHARD H & BETTY JANE	08-03-1993
07-01-1993	\$2,000		5049-0963			

12-05-1972 \$0

0

-

JOHNSON NATALIE & ELAINE M

Lot Information

Lot Size	64333 SF
Lot #	2
Remarks	131 X IRR 64333 SF
Remarks	
Remarks	

Assessment History

Appraised Value	Assessed Value	Restrict Code	Effective Date	Reason	Notice Date
63,570	63,570			O	27-JUN-97
	63,570		01-JAN-98	REASSESSMENT	
	100		01-AUG-93	SUBDIVISION	
	0		01-JUL-93	SUBDIVISION	

EXHIBIT

“A-4”

EXHIBIT
“A-5”

PARID: 670000247001
 DIPRINZIO ANDRE & SANDRA L

1636 BERKS RD

Parcel

TaxMapID	67020 002
Parid	67-00-00247-00-1
Land Use Code	0319
Land Use Description	R - PREFERENTIAL ASSESSMENT
Property Location	1636 BERKS RD
Lot #	
Lot Size	32.71 ACRES
Front Feet	461
Municipality	WORCESTER
School District	METHACTON
Utilities	WELL/SEPTIC/

Owner

Name(s)	DIPRINZIO ANDRE & SANDRA L
Name(s)	
Mailing Address	1636 BERKS RD
Care Of	
Mailing Address	
Mailing Address	NORRISTOWN PA 19403

Current Assessment

Appraised Value	Assessed Value	Restrict Code
525,440	207,270	319

Estimated Taxes

County	717
Montco Community College	81
Municipality	10
School District	5,957
Total	6,765
Tax Lien	Tax Claim Bureau Parcel Search

Last Sale

Sale Date	11-JAN-00
Sale Price	\$450,000
Tax Stamps	4500
Deed Book and Page	5310-01424
Grantor	
Grantee	DIPRINZIO ANDRE & SANDRA L
Date Recorded	16-MAR-00

Sales History

Sale Date	Sale Price	Tax Stamps	Deed Book and Page	Grantor	Grantee	Date Recorded
01-11-2000	\$450,000	4500	5310-01424		DIPRINZIO ANDRE & SANDRA L	03-16-2000
12-05-1972	\$1	0	-		JOHNSON NATALIE & ELAINE M	

Lot Information

Lot Size 32.71 ACRES
 Lot #
 Remarks MKT VALUE 530570
 Remarks STD ASSMT 530570
 Remarks 90 032.71AC

Residential Card Summary

1 of 2

Card 1
 Land Use Code 0319
 Building Style FARM HOUSE
 Number of Living Units 1
 Year Built 1785
 Year Remodeled
 Exterior Wall Material STONE
 Number of Stories 2
 Square Feet of Living Area 5,047
 Total Rms/Bedrms/Baths/Half Baths 9/5/3/
 Basement FULL
 Finished Basement Living Area
 Rec Room Area
 Unfinished Area
 Wood Burning Fireplace 3
 Pre Fab Fireplace
 Heating CENTRAL WITH A/C
 System HOT WATER
 Fuel Type OIL
 Condo Level
 Condo/Townhouse Type
 Attached Garage Area
 Basement Garage No. of Cars

Accessory Structures

Card	Type	Type	Size	Year Built
1	RS1	FRAME UTILITY SHED	108	1930
1	RG1	FRAME OR CB DETACHED GARAGE	1200	1930
1	RS1	FRAME UTILITY SHED	144	1930
1	RS1	FRAME UTILITY SHED	144	1930
1	AB1	BANK BARN	2160	1930
2	AB2	FLAT BARN	1392	1930

Permits

1 of 6

Permit Date 23-NOV-2016
 Permit Number 20160347
 Amount 20000
 Purpose ADDITION
 Notes
 Notes
 Notes
 Status OPEN

Assessment History

Appraised Value	Assessed Value	Restrict Code	Effective Date	Reason	Notice Date
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6/14/2017

Montgomery, Pennsylvania

525,440	207,270	319	01-JAN-13	ASSMT LOWERED-CORRECT CHAR	20-DEC-13
530,570	212,400	319	01-JAN-13	SOIL VALUE CHANGE	04-OCT-12
530,570	200,500	319	01-JAN-01	7.1 VALIDATION	08-NOV-00
	200,500	Preferential	01-JAN-01	ASST CORRECTION	
	530,570		01-JAN-00	APPEAL	
	530,570		01-JAN-00	APPEAL	
	203,100	Preferential	01-JAN-00	APPEAL	
	605,800		01-JAN-99	COURT STIPULATION	
	304,340	Preferential	01-JAN-99	COURT STIPULATION	
	605,810		01-JAN-98	REASSESSMENT	
	321,210	Preferential	01-JAN-98	REASSESSMENT	
	17,700	Preferential	01-AUG-93	SUBDIVISION	
	23,800		01-JAN-90	PREF ASSESSMENT,ACT 319 OR 515	
	17,700	Preferential	01-JAN-90	PREF ASSESSMENT,ACT 319 OR 515	
	23,800		01-JAN-87		

EXHIBIT
“A-6”

EXHIBIT
“A-7”

EXHIBIT
“A-8”

EXHIBIT
“A-9”

EXHIBIT
“A-10”