

ENROLLED ORDINANCE 165-4

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF SUMMIT AND THE TOWN OF SUMMIT ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW<sup>1</sup>/<sub>4</sub>OF SECTION 29 AND THE NE<sup>1</sup>/<sub>4</sub>OF SECTION 30, T7N, R17E, TOWN OF SUMMIT, WAUKESHA COUNTY, WISCONSIN, FROM THE A-P AGRICULTURAL LAND PRESERVATION AND A-2 RURAL HOME DISTRICTS (COUNTY) AND THE A-1 AGRICULTURAL DISTRICT (TOWN) TO THE A-1 AGRICULTURAL DISTRICT (COUNTY) AND THE A-2 AGRICULTURAL DISTRICT (TOWN)  
(SZT-1698)

WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of requisite notice of said hearing and the recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Sections 59.692 and 60.61 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for the Town of Summit, Waukesha County, Wisconsin, adopted on June 23, 1970 and the Town of Summit Zoning Ordinance adopted on August 12, 2003, are hereby amended to conditionally rezone certain lands located in part of the NW<sup>1</sup>/<sub>4</sub>of Section 29 and the NE<sup>1</sup>/<sub>4</sub>of Section 30, T7N, R17E, Town of Summit, from the A-P Agricultural Land Preservation and A-2 Rural Home Districts (County) and the A-1 Agricultural District (Town) to the A-1 Agricultural District, (County) and the A-2 Agricultural District (Town) subject to the conditions contained in the Town of Summit Amending Ordinance No. 295-10, and more specifically described in the 'Staff Report and Recommendation' and map on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference (SZT-1698).

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Summit.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

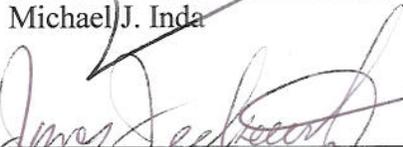
AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF SUMMIT AND THE TOWN OF SUMMIT ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 29 AND THE NE ¼ OF SECTION 30, T7N, R17E, TOWN OF SUMMIT, WAUKESHA COUNTY, WISCONSIN, FROM THE A-P AGRICULTURAL LAND PRESERVATION AND A-2 RURAL HOME DISTRICTS (COUNTY) AND THE A-1 AGRICULTURAL DISTRICT (TOWN) TO THE A-1 AGRICULTURAL DISTRICT (COUNTY) AND THE A-2 AGRICULTURAL DISTRICT (TOWN) (SZT-1698)

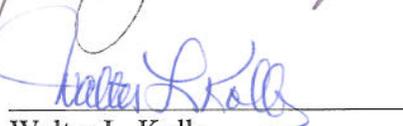
Presented by:  
Land Use, Parks, and Environment Committee

  
Fritz Ruf, Chair

  
Robert Hutton

  
Michael J. Inda

  
James Jeskewitz

  
Walter L. Kolb

  
Ted Rolfs

  
Thomas J. Schellinger

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: May 28, 2010,   
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X

Vetoed: \_\_\_\_\_

Date: 6-1-10,   
Daniel P. Vrakas, County Executive

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**ZONING MAP AMENDMENT**

**DATE:** April 8, 2010

**FILE NO.:** SZT-1698

**PETITIONER:** Ronald and Linda Deppert  
1060 N. Golden Lake Road  
Oconomowoc, WI 53066

**AGENT:** Anthony Zanon  
Jahnke and Jahnke Associates, Inc.  
711 West Moreland Blvd.  
Waukesha, WI 53188-2479

**TAX KEY NO.:** SUMT 0690.998

**LOCATION:**  
Lot 2, Certified Survey Map No. 4070 located in the NW ¼ of Section 29 and the NE ¼ of Section 30, T7N, R17E, Town of Summit. More specifically, the property is located at the southeast corner of N. Golden Lake and Genesee Lake Roads containing approximately 101.89 acres.

**PRESENT ZONING:**  
A-P Agricultural Land Preservation and A-2 Rural Home Districts (County) and A-1 Agricultural District (Town).

**PRESENT LAND USE:**  
A single residence on 102 acres with significant wetlands and other upland open space areas.

**PROPOSED ZONING:**  
A-1 Agricultural District (County) and A-2 Agricultural District (Town) with conditions.

**PROPOSED LAND USE:**  
Divide the 102-acre parcel into three (3) lots with one parcel containing in excess of fifty acres (50), to be sold to the Waukesha County Land Conservancy. One of the two other parcels will contain the existing residence and the other will accommodate a new single-family residence.

**PUBLIC HEARING DATE:**  
February 18, 2010.

**PUBLIC REACTION:**  
None.

**TOWN PLAN COMMISSION ACTION:**  
On February 18, 2010 and March 18, 2010, the Town Plan Commission recommended in favor of the rezoning of the Shoreland portions of the property as well as the Town amending Ordinance.

**TOWN BOARD ACTION:**  
On April 1, 2010, the Town Board of Summit approved the rezoning of the subject property with conditions, (see attached Town Ordinance) and recommended in favor of the County Shoreland rezoning.

**CONFORMANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF SUMMIT LAND USE PLAN:**

Both the Town and County Plans indicate these properties to be Primary Environmental Corridor for a majority of the area and Rural Density Agricultural and Other Agricultural and Open Lands category for the three upland portions of the property. The proposed development of three parcels on the 102 acres meets the intent and purposes of both Land Use Plans.

**OTHER CONSIDERATIONS:**

The property in question contains extensive wetlands and an existing residence and outbuilding on one of the three upland portions of the site. The residence is now served with a long private driveway that will be used to service the other building parcel as well as provide for maintenance access to the 52-acre parcel being created on the southwest corner of the property, containing uplands as well as wetlands that will be transferred to the Waukesha Land Conservancy for preservation. Soils tests at the new proposed building site have been conducted and are satisfactory to accommodate an on-site waste disposal system. The remaining portions of the two residential lots being created will remain in open space use while accommodating the new residence to be located on proposed Lot 1, which contains 20.7 acres. The existing residence will be located on a new lot containing 28.9 acres of land. A Certified Survey Map (CSM) has been submitted for review and approval to create the three proposed lots. The Town Ordinance has conditions requiring the land division be in substantial conformance of the February 18, 2010 public hearing information as well a submittal of a CSM to divide the property into the three parcels; the conveyance of the large 52 acre lot to the Waukesha Land Conservancy and dedication of right-of-way along Genesee Lake Rd., which lies to the north and a one year requirement to satisfy the conditions with the petitioner acknowledging in writing the acceptance of the conditions. It should be noted that on the far north end of the property adjacent to Genesee Lake Rd. an approximately 90' x 100' area which was part of a much larger area that was formerly the old Town dump is being dedicated to the Town. This covers the area of that former dump and will be removed from the lands being acquired by the Waukesha Land Conservancy.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved as conditioned by the Town.** We feel that the proposed division of this parcel into three parcels with the largest one being protected from any future development and owned by the Waukesha Land Conservancy serves to meet the intent and purposes of the County and Town Development Plans and protects the most environmentally sensitive areas of the property from any development. It is felt that the use of one lot for an additional residence on 20 acres far exceeds the recommendations contained in the Land Use Plan and with the protective restrictions placed on the CSM to preserve the wetlands and environmental corridors on this site serves to meet the goals and objectives of the Town and County Land Use Plans. We feel that the proposed amendment is appropriate and should be approved as recommended by the Town of Summit and as recommended herein.

Respectfully submitted,



Richard L. Mace  
Planning and Zoning Division Manager

RLM:es

Attachments: Town Ordinance  
Map

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\1698 Deppert smt.doc

165-0-001

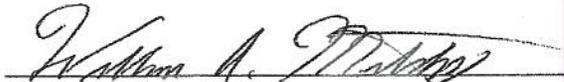
3.

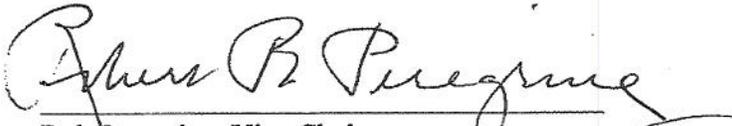
COMMISSION ACTION

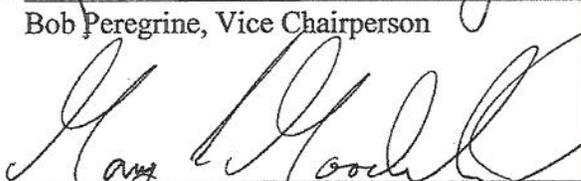
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends approval of SZT-1698 (Ronald and Linda Deppert) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

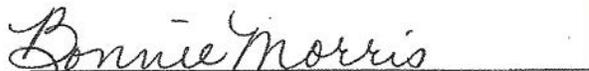
April 8, 2010

  
William Mitchell, Chairperson

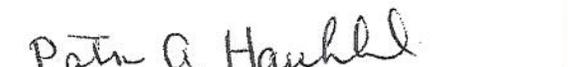
  
Bob Peregrine, Vice Chairperson

  
Gary Goodchild

(Absent)  
Jim Siepmann

  
Bonnie Morris

  
Walter Kolb

  
Pat Haukohl



RECEIVED

APR 09 2010

DEPT OF PARKS & LAND USE

STATE OF WISCONSIN    TOWN OF SUMMIT    WAUKESHA COUNTY

ORDINANCE NO. 295-10

AN ORDINANCE TO CONDITIONALLY REZONE AND AMEND THE  
TOWN OF SUMMIT ZONING DISTRICT MAP  
OF THE TOWN OF SUMMIT CODE  
BY PLACING CERTAIN LANDS IN THE TOWN OF SUMMIT  
FROM THE A-1 AGRICULTURAL DISTRICT (SECTION 235-41)  
TO THE A-2 AGRICULTURAL DISTRICT (SECTION 235-42).

WHEREAS, a petition was filed on January 13, 2010 by Ronald and Linda Deppert (hereinafter "PETITIONER"), as the owner of certain lands in the Town of Summit, to rezone certain property at 1060 N. Golden Lake Road in the Town of Summit, as further described herein and incorporated by reference as Exhibit B (the "Subject Property"); and

WHEREAS, said rezoning petition was submitted to rezone the Subject Property from A-1 Agricultural District (Section 235-41 of the Town Code) to the A-2 Agricultural District (Section 235-42 of the Town Code); and

WHEREAS, the Petitioner has supplied all required data pursuant to the Town Code, and a public hearing was conducted by the Town Plan Commission of the Town of Summit on February 18, 2010 as required by Section 235-80(B)(5) of the Town Code, upon due notice as required by Section 235-81 of the Town Code; and

WHEREAS, the Town Board of the Town of Summit, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such rezoning on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others, hereby determine that the rezoning will not violate the spirit or intent of the Town Code, will not be contrary to the public health, safety or general welfare of the Town of Summit, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood, and will be consistent with the Town Comprehensive Plan, as long as the operation is conducted pursuant to the following conditions and in strict compliance with the same,

NOW, THEREFORE, the Town Board of the Town of Summit, Waukesha County, Wisconsin, DO ORDAIN as follows:

SECTION 1: The entire subject property is hereby rezoned to A-2, Agricultural District, and the Zoning Map of the Town of Summit is hereby amended to change the zoning of the subject property from A-1 Agricultural District (Section 235-41 of the Town Code) to the A-2, Agricultural District (Section 235-42 of the Town Code) if the conditions stated in Section 2 of this ordinance are complied with.

SECTION 2: The above rezoning and zoning map amendment is conditioned upon the following conditions, which must be complied with or this ordinance is null and void:

- A. SUBJECT TO PLAN PRESENTATION AND COMPLIANCE. The Subject Property must be used in substantial conformity with the information presented at the public hearing on February 18, 2010, except as set forth herein.
- B. SUBJECT TO CERTIFIED SURVEY MAP. Petitioner shall comply with all conditions of approval of the Certified Survey Map (CSM), if said approval is granted. The CSM shall be subject to the approval of the Town of Summit Town Plan Commission and Town Board. In addition, all terms and conditions of the Town of Summit Code shall be complied with in all respects, along with all applicable rules ordinances, statutes and other procedures related to said CSM, and subject to satisfying any conditions that may be imposed upon that land division, prior to this conditional rezoning ordinance being effective. The CSM shall show that the existing driveway shall serve a shared access for lots 1 and 3, and a shared access agreement to this effect shall be entered and recorded in a form approved by the Town Manager/Planner. The Town reserves all rights in consideration of the CSM, and no assurance is granted that such CSM will be approved.
- C. SUBJECT TO CONVEYANCE OF LOT 2. As represented at the public hearing, Petitioner shall convey Lot 2 to the Waukesha County Land Conservancy in a form acceptable to the Town Manager/Planner. In addition, a deed restriction shall be imposed on lot 2 which prohibits structures (except for signage), in a form acceptable to the Town Manager/Planner. Due to the restriction against structures, the Town is not requiring a perk test for lot 2.
- D. SUBJECT TO DEDICATION OF RIGHT OF WAY. Petitioner shall convey the additional right of way described in attached Exhibit A, in a form accepted by the Town Manager/Planner, and this rezoning is subject to such conveyance being accepted by the Town of Summit Town Board unless this rezoning condition is waived by the Town of Summit Town Board.
- E. WAUKESHA COUNTY CONDITIONS. Petitioner shall request and obtain approval from Waukesha County for a rezoning of the Waukesha County Shoreland and Floodland Protection Ordinance and comply with any and all conditions placed on that decision.

F. SUBJECT TO REIMBURSEMENT OF EXPENSES. The Petitioner shall pay all fees, costs, and assessments due and owing to the Town of Summit, including any permit fees for applicable permits, and for reimbursement of any expenses, costs and disbursements which have been incurred by the Town of Summit in the drafting, review or enforcement of this rezoning ordinance, including without limitation by reason of enumeration, design, engineering, inspection and legal work.

G. PAYMENT OF CHARGES. Any unpaid bills owed to the Town by the Petitioner or Subject Property Owner or his or her tenants, operators or occupants, for a reimbursement of professional fees (and expenses) as described; or for personal property taxes; or for real property taxes; or for licenses, permit fees or for any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this Conditional Rezoning Ordinance, that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.

H. ONE YEAR TO SATISFY CONDITIONS. All of the aforementioned conditions must be satisfied within one year of the date of Town Board approval of this rezoning ordinance, unless extended by the Town of Summit Town Board, or this conditional rezoning ordinance shall be null and void.

I. SUBJECT TO ACCEPTANCE. Subject to the Petitioner acknowledging in writing that they have received a copy of this conditional approval, that they understand and accept the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed to not have been approved, and the property owner will therefore need to re-commence the application process.

SECTION 3. The Town Engineer is hereby authorized and directed to note this rezoning on the Official Zoning Map of the Town of Summit upon successful development of the subject property and satisfaction of all conditions in Section 2 of this ordinance.

SECTION 4. The property owner is hereby put on notice that the Town of Summit may rezone the lands or portions thereof subject to this conditional rezoning ordinance to A-1 Agricultural District if the conditions of this ordinance are not fully complied with.

#### SECTION 5. SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or

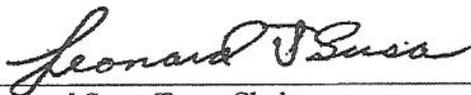
portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 6. EFFECTIVE DATE.

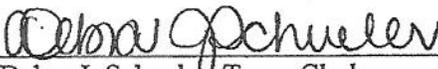
This ordinance shall be in full force and effect from and after its passage and publication and subject to the conditions stated in Section 2, and this ordinance is null and void and original district zoning shall be in effect with no further notice if said conditions are not complied with on the terms and conditions stated herein.

Passed and adopted this 1<sup>st</sup> day of April, 2010.

TOWN OF SUMMIT

  
Leonard Susa, Town Chair

ATTEST:

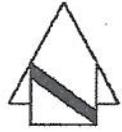
  
Debra J. Schuele, Town Clerk  
Published and posted this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

APPROVAL OF PETITIONER/ SUBJECT PROPERTY OWNER  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 200~~8~~<sup>10</sup>

By: \_\_\_\_\_  
Authorized Signatory

This instrument drafted by  
John P. Macy, Town Attorney  
Arenz, Molter, Macy & Riffle, S.C.  
720 N. East Ave.  
Waukesha, WI 53186  
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# EXHIBIT A



SCALE IN FEET  
0' 40'

**LOT 1 CSM NO. 7025**  
TKN SUMT 0655992  
OWNER : STEVEN & AMY RAABE

**UNPLATTED LANDS**  
TKN SUMT 0655993  
OWNER : TOWN OF SUMMIT

**OUTLOT 1 CSM NO. 7025**  
TKN SUMT 0655992  
OWNER : STEVEN & AMY RAABE

NO RECORDS  
FOUND - GAP

THE NW COR. NW ¼  
OF SEC. 29-7-17  
CONC. MON. W/  
BRASS CAP FD.  
N 385,723.49  
E 2,395,452.11  
BM EL.-872.24



69'

(rec. as S 87°42'39" E)  
S 87°50'34" E 458.07'

NORTH LINE OF THE  
NW ¼ OF SEC. 29-7-17  
S 87°50'34" E (SEWRPC) 2614.23'



100.00'  
N 88°01'25" E  
(rec. as N 88°09'19" E)

8,370 Sq.Ft.

THE NE COR. NW ¼  
OF SEC. 29-7-17  
CONC. MON. W/ BRASS CAP FD.  
N 385,625.10  
E 2,398,064.26

83.01'

N 01°58'35" W

90.00'

S 02°09'12" W  
(rec. as S 02°17'21" W)

**UNPLATTED LANDS**  
TKN SUMT 0690997  
OWNER : TOWN OF SUMMIT

REFERENCE BEARING:  
THE SOUTH LINE OF THE  
NORTHEAST (NE) ¼ OF  
SECTION 30, T9N, R22E WAS  
USED AS THE REFERENCE  
BEARING AND HAS A BEARING  
OF SOUTH 89°30'47" WEST.  
BASED ON WISCONSIN STATE  
PLANE COORDINATE SYSTEM  
(SOUTH ZONE).

N 87°50'48" W  
93.76'

**LOT 2 CSM NO. 4070**  
TKN SUMT 0690998  
OWNER : RONALD & LINDA DEPPERT

DATE: MARCH 3, 2010  
FILE NAME: S7813.DWG  
P.S. SUMMIT 493

FILE NAME: S:\PROJECTS\S7813\DWG\S7813.DWG

Exhibit B  
(Attach legal description of subject property)

Legal Description:

Lot 2 of Certified Survey Map No. 4070 as recorded in Volume 32 of Certified Survey Maps on Pages 70 – 74 inclusive, as Document No. 1164809 and being part of the Northwest Quarter (NW ¼) and Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of Section 29 and the Northwest Quarter (NW ¼), Northeast Quarter (NE ¼), Southeast Quarter (SE ¼) and Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of Section 30, Town 7 North, Range 17 East, Town of Summit, Waukesha County, Wisconsin further described as follows: Commencing at the northwest corner of the Northwest Quarter (NW ¼) of said Section 29; thence South 87°50'34" East (recorded as South 87°42'39" East) along the north line of said Northwest Quarter (NW ¼) 458.07 feet to the place of beginning of the land hereinafter to be described; thence South 02°09'12" West 225.55 feet (recorded as South 02°17'21" West 225.58 feet); thence South 87°50'48" East (recorded as South 87°42'39" East) 772.40 feet; thence North 02°09'12" East 225.49 feet (recorded as North 02°17'21" East 225.58 feet) to the north line of said Northwest Quarter (NW ¼); thence South 87°50'34" East (recorded as South 87°42'39" East) along said north line 76.73 feet to the east line of the west half of the Northwest Quarter (NW ¼) of Section 29; thence South 00°25'42" West (recorded as South 00°33'51" West) along said east line 1768.47 feet (recorded as 1768.56 feet); thence North 87°29'53" West (recorded as North 87°21'44" West) 1315.28 feet; thence South 87°00'48" West (recorded as South 87°08'57" West) 1903.99 feet to a point on the east right-of-way line of North Golden Lake Road (CTH BB); thence 77.17 feet along said east right-of-way line and the arc of a curve radius of 250.89 feet, center lies to the east, chord bears North 21°29'08.5" East (recorded as North 21°37'17.5" East) 76.87 feet; thence North 30°17'51" East (recorded as North 30°26'00" East) along said east right-of-way line 105.45 feet; thence North 39°53'11" East (recorded as North 40°01'20" East) along said east right-of-way line 314.21 feet; thence North 34°23'11" East (recorded as North 34°31'20" East) along said east right-of-way line 162.22 feet; thence North 31°22'21" East (recorded as North 31°30'30" East) along said east right-of-way line 622.28 feet; thence North 30°17'51" East (recorded as North 30°26'00" East) along said east right-of-way line 827.86 feet to the south right-of-way line of Genesee Lake Road; thence North 86°57'58" East (recorded as North 87°06'07" East) along said south right-of-way line 807.69 feet; thence North 88°01'25" East (recorded as North 88°09'19" East) along said south right-of-way line 457.76 feet (recorded as 457.77 feet) to the place of beginning. Containing 4,434,631 square feet (101.8051 acres) of land.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-05/25/10

(ORD) NUMBER-1650001

- 1 D. FALSTAD.....AYE
- 3 R. HUTTON.....AYE
- 5 J. JESKEWITZ.....
- 7 P. HAUKOHL.....AYE
- 9 J. HEINRICH.....
- 11 F. RUF.....AYE
- 13 P. DECKER.....AYE
- 15 P. MEYERS.....AYE
- 17 J. TORTOMASI.....AYE
- 19 S. WIMMER.....AYE
- 21 W. ZABOROWSKI.....AYE
- 23 K. CHIAVEROTTI....AYE
- 25 G. YERKE.....AYE

- 2 T. ROLFS.....AYE
- 4 J. DWYER.....AYE
- 6 J. BRANDTJEN.....AYE
- 8 T. SCHELLINGER....AYE
- 10 D. SWAN.....AYE
- 12 P. WOLFF.....AYE
- 14 M. INDA.....AYE
- 16 D. PAULSON.....AYE
- 18 K. CUMMINGS.....AYE
- 20 P. JASKE.....AYE
- 22 P. GUNDRUM.....AYE
- 24 W. KOLB.....AYE

TOTAL AYES-23

TOTAL NAYS-00

CARRIED X

DEFEATED \_\_\_\_\_

UNANIMOUS X

TOTAL VOTES-23