



Rezoning #22CZ14

Castleberry Estates

Hawker St

Wimberly Oaks Dr

Wimberly Rd

Diesel Path



July 2022
May 2022 Aerial Photography
Prepared by: Town of Apex Planning Department

PETITION TO AMEND THE OFFICIAL ZONING MAP

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: 22CZ14 Submittal Date: _____
Fee Paid: _____

Project Information

Project Name: 905 Wimberly Rd.
Address(es): 905 Wimberly Rd. Apex, NC 27523
PIN(s): 0723229734
Acreage: 7.21
Current Zoning: R-80W Proposed Zoning: RA-CZ
Current 2045 LUM Classification(s): Rural Density Residential
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes No

If any portion of the project is shown as mixed use (3 or more stripes on the 2045 Land Use Map) provide the following:

Area classified as mixed use: Acreage: _____
Area proposed as non-residential development: Acreage: _____
Percent of mixed use area proposed as non-residential: Percent: _____

Applicant Information

Name: Evan Bost
Address: 1941 Evans Rd.
City: Cary State: NC Zip: 27513
Phone: 919-460-1983 E-mail: info@bosthomes.com

Owner Information

Name: Bradford Cliff Hoffman, Chelsea Danielle Hoffman
Address: 204 Echo Creek Pl
City: Apex State: NC Zip: 27539
Phone: 480-518-5415 E-mail: bradford.hoffman@gmail.com
chelseaglass@yahoo.com

Agent Information

Name: Evan Bost
Address: 1941 Evans Rd.
City: Cary State: NC Zip: 27513
Phone: 919-460-1983 E-mail: Evan@bosthomes.com

Other contacts: _____

PETITION INFORMATION

Application #: 22CZ14 Submittal Date: _____

An application has been duly filed requesting that the property described in this application be rezoned from R-80W to RA-CZ. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance (UDO). It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval, as required by the UDO. Use additional pages as needed.

PROPOSED USES:

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

1	Single-Family Partial Home Construction	21	_____
2	Accessory Apartment	22	_____
3	_____	23	_____
4	_____	24	_____
5	_____	25	_____
6	_____	26	_____
7	_____	27	_____
8	_____	28	_____
9	_____	29	_____
10	_____	30	_____
11	_____	31	_____
12	_____	32	_____
13	_____	33	_____
14	_____	34	_____
15	_____	35	_____
16	_____	36	_____
17	_____	37	_____
18	_____	38	_____
19	_____	39	_____
20	_____	40	_____

PETITION INFORMATION

Application #: 22CZ14 Submittal Date: _____

3) Zoning district supplemental standards. The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.

1 SFH proposed - does not require any supplemental standards

4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

1 SFH proposed, which will not create a nuisance or impact on surrounding land or roadways

5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

1 SFH proposed with approved erosion control plan will manage stormwater during construction. Clearing will be restricted to the area for the home, yard, and driveway. Design minimizes environmental impact.

6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

1 SFH proposed, will have minimal impact on roads, water and wastewater facility, parks, schools, fire, and EMS facilities.

7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

1 SFH proposed - no impact to health, safety, or welfare of other residents in the town or ETJ

PETITION INFORMATION

Application #: 22CZ14 Submittal Date: _____

8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.

1 SFH proposed on a large lot. No detrimental impact to adjacent properties

9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

1 SFH proposed - no significant impact

10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

1 SFH proposed, will comply with all standards

AGENT AUTHORIZATION FORM

Application #: 22CZ14

Submittal Date: 5/24/22

Chelsea and Brad Hoffman is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- Site Plan
- Subdivision
- Variance
- Other: _____

The property address is: 905 Wimberly Rd. Apex NC 27523

The agent for this project is: Evan BOST

I am the owner of the property and will be acting as my own agent

Agent Name: Evan Bost - Bost Construction Co. Inc. dba Bost Custom Homes

Address: 1941 Evans Rd. Cary, NC 27513

Telephone Number: 919-460-1983

E-Mail Address: info@bosthomes.com

Signature(s) of Owner(s)*

* Bradford Hoffman _____ 5.20.22

 Type or print name Date

* Chelsea Hoffman _____ 5.20.22

 Type or print name Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AFFIDAVIT OF OWNERSHIP

Application #: 22CZ14

Submittal Date: _____

The undersigned, Evan Bost (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 905 Wimberly Rd., Apex and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated N/A, and recorded in the Wake County Register of Deeds Office on N/A, in Book N/A Page N/A.
- If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on N/A, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on N/A, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the N/A day of N/A, 20 N/A.

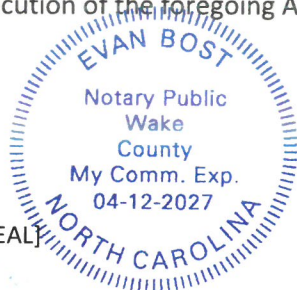
N/A (seal)

N/A

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, the undersigned, a Notary Public in and for the County of WAKE, hereby certify that Evan Bost, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's person, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[NOTARY SEAL]

Evan Bost
Notary Public

State of North Carolina
My Commission Expires: 4/12/27

Application #:

22CZ14

Submittal Date:

Insert legal description below.

LOT TRACT 1, BM 1993/PAGE 1623

ANNEXATION PROPERTY DESCRIPTION**905 Wimberly Road**

Being that certain parcel of land located in White Oak Township, Wake County, North Carolina, and being more particularly described as follows:

BEGINNING at an existing ½" iron pipe with a cap and tack, said iron pipe having North Carolina state plane coordinates of North: 732,331.74 and East 2,023,012.20; thence from said beginning point, S 88°36'55" W a distance of 42.21' to a point in the approximate center of Wimberly Road; thence with said center of Wimberly Road, the following five (5) calls:

- 1) N 41°30'42" W a distance of 34.32' to a point;
- 2) N 39°48'36" W a distance of 128.73' to a point;
- 3) A curve turning to the right with an arc length of 285.97', with a radius of 2181.41', with a chord bearing of N 31°28'26" W, with a chord length of 285.76', to a point;
- 4) N 27°43'06" W a distance of 253.03' to a point;
- 5) A curve turning to the right with an arc length of 136.86', with a radius of 2433.91', with a chord bearing of N 26°06'26" W, with a chord length of 136.84', to a point;

Thence leaving said approximate center of Wimberly Road, S 88°39'20" E a distance of 577.73' to an existing ½" iron pipe (passing through a disturbed ¾" iron pipe at a distance of 86.69'); thence S 09°38'01" E a distance of 488.36' to an existing ½" iron pipe; thence N 80°12'30" E a distance of 10.12' to an existing ½" iron pipe; thence S 09°49'00" E a distance of 218.44' to a new ¾" iron pipe; thence S 88°36'55" W a distance of 232.13' to the original point of BEGINNING.

Said parcel containing an area of 7.21 acres (314,206 square feet).



**WAKE COUNTY
PUBLIC SCHOOL SYSTEM**

Wake County Residential Development Notification

Please complete each section of this form and submit with your application.

Town of Apex staff will enter this information into the online WCPSS form.

Please send any questions about this form to:
studentassignment-gis-group@wcpss.net

Developer Company Information	
Company Name	BOST CUSTOM HOMES
Company Phone Number	(919) 460-1983
Developer Representative Name	EVAN BOST
Developer Representative Phone Number	(919) 460-1983
Developer Representative Email	EVAN@BOSTHOMES.COM

New Residential Subdivision Information	
Date of Application for Subdivision	N/A
City, Town or Wake County Jurisdiction	↓
Name of Subdivision	
Address of Subdivision (if unknown enter nearest cross streets)	
REID(s)	
PIN(s)	

Projected Dates Information	
Subdivision Completion Date	N/A
Subdivision Projected First Occupancy Date	

Lot by Lot Development Information																
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates				
								Min	Max	Low	High	Year	# Units	Year	# Units	Year
Single Family	1											2023	1			
Townhomes																
Condos																
Apartments																
Other																

905 Wimberly Rd. Rezoning - #22CZ14

Proposed Zoning Conditions

Architectural:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roof shall be pitched at 5:12 or greater
3. Eaves shall project at least 12 inches from the wall of the structure.
4. Garage doors shall have windows, decorative details or carriage-style adornments on them.
5. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
6. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
7. Front porches shall be a minimum of 6 feet deep.

Environmental:

1. The home shall be sited such that it will preserve as many large specimen trees along the perimeter of the property and the southern third of the property as possible.
2. Evergreen trees shall be planted along the northern side of the property, the species of which shall mature above 15' tall.
3. The final landscaping shall include tree, shrub, and perennial blooming species with special attention to providing pollinator friendly and bird food source species.
4. The final landscaping shall include a minimum of 50% native plants.
5. The final landscaping shall include warm season grasses in order to minimize the need for irrigation and chemical use.
6. The building shall be designed to incorporate passive daylighting techniques, including, but not limited to, southern building orientation, skylights, sun tunnels, and large windows in order to reduce electric light demand.
7. The home shall at minimum be pre-configured with conduit and wiring for rooftop photo-voltaic solar.

Transportation:

1. The minimum front building setback shall be 55 feet from the current right of way.

ANNEXATION PROPERTY DESCRIPTION
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BEGINNING at an existing ½" iron pipe with a cap and tack, said iron pipe having North Carolina state plane coordinates of North: 732,331.74 and East 2,023,012.20; thence from said beginning point, S 88°36'55" W a distance of 42.21' to a point in the approximate center of Wimberly Road; thence with said center of Wimberly Road, the following five (5) calls:

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Said parcel containing an area of 7.21 acres (314,206 square feet).

NOTICE OF NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

4.21.22

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
 905 Wimberly Rd. Apex, NC 27523 0723229734

Address(es) PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180/Planning-Community-Development>.

A Neighborhood Meeting is required because this project includes (check all that apply):

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):

This rezoning is required for the property to be annexed into the town of Apex. The goal is to change the property jurisdiction from Wake Co. to Town of Apex for a Single Family Home development for the current property owner.

Estimated submittal date: 6/1/22

MEETING INFORMATION:

Property Owner(s) name(s): HOFFMAN, BRADFORD CLIFF; HOFFMAN, CHELSEA DANIELLE

Applicant(s): Evan Bost - Bost Custom Homes

Contact information (email/phone): info@bosthomes.com | (919) 460-1983

Meeting Address: Zoom Meeting ID: 959 8352 8416 Passcode: unh6J7 ; Dial in #: 1-646-568-7788

Date/Time of meeting**: Monday, May 16th 2022 | 5 pm - 7pm

Welcome: 5pm Project Presentation: 5:30pm Question & Answer: 6:00pm

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning and Community Development Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at <http://www.apexnc.org/180/Planning-Community-Development>.

PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Development Contacts:

Project Name: 905 Wimberly Rd Zoning: R-80W

Location: 905 Wimberly Rd., Apex, NC 27523

Property PIN(s): 0723229734 Acreage/Square Feet: 7.61

Property Owner: HOFFMAN, BRADFORD CLIFF; HOFFMAN, CHELSEA DANIELLE

Address: 204 Echo Creek PI

City: Apex State: NC Zip: 27539

Phone: 480-518-5415 Email: bradford.hoffman@gmail.com chelseaglass@yahoo.com

Developer: N/A

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: N/A

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Builder (if known): Bost Custom Homes

Address: 1941 Evans Rd.

City: Cary State: NC Zip: 27513

Phone: (919) 460-1983 Fax: 919-460-1986 Email: info@bosthomes.com

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts

Planning and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

905 Wimberly Rd. - Town of Apex Rezoning Petition

Neighborhood Meeting #1 Minutes

May 16th, 5:00 PM – 7:00 PM

Location: ZOOM - Meeting ID: 959 8352 8416 Passcode: unh6J7

Host: Evan Bost, Dir. of Sales and Marketing, Bost Custom Homes

Attendance:

1. Evan Bost
2. Sylvia Monaco, 805 Wimberly Rd.

Minutes:

Meeting began at 5:00 PM. No participants joined until 6:20 PM. Sylvia Monaco of 805 Wimberly Rd. joined the call, and the scope of the proposed project was explained, including a reference to existing zoning through Wake Co. and what the proposed zoning is in Apex jurisdiction. Once the proposed project scope was identified, Sylvia understood that the main goal is to achieve annexation and access to town utilities. There were no follow up questions or concerns from there. Sylvia left the call at around 6:30 PM. No other neighbors joined the call, and the meeting was adjourned at 7:05 PM.

NEIGHBORHOOD MEETING SIGN-IN SHEET

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Meeting Address: ZOOM: ID: 959 8352 8416 PASSCODE: unh6J7
 Date of meeting: 5/16/22 Time of meeting: 5:00 - 7:00 PM
 Property Owner(s) name(s): BRADFORD & CHELSEA HOFFMAN
 Applicant(s): EVAN BOST, BOST CONSTRUCTION CO. dba BOST CUSTOM HOMES

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Evan BOST	BOST CUSTOM HOMES	HOST		
2.	SYLVIA MONACO	805 WIMBERLY RD.	N/A	N/A	N/A
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Property Owner(s) name(s): BRAD & CHELSEA HOFFMAN

Applicant(s): EVAN BOST

Contact information (email/phone): _____

Meeting Address: ZOOM

Date of meeting: 5/16/22 Time of meeting: 5:00 - 7:00 PM

Please summarize the questions/comments and your responses from the Neighborhood Meeting or emails/phone calls received in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.

Question/Concern #1:

What is the Rezoning for?

Applicant's Response:

Property owner is seeking annexation to access town utilities. Zoning is consistent with current Wake co. Zoning. Proposed project is (1) SFH

Question/Concern #2:

NO FURTHER CONCERNS

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

I, Evan Bost, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom: 959 8352 8416 unH6J7 (location/address) on 5/16/22 (date) from 5:00 PM (start time) to 7:05 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

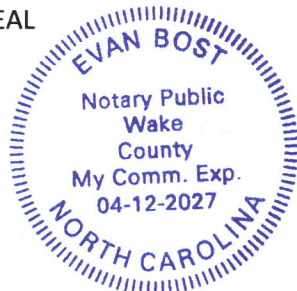
5/18/22
Date

By: Evan Bost

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Evan Bost, a Notary Public for the above State and County, on this the 18th day of May, 20 22.

SEAL



[Signature]
Notary Public
Evan Bost
Print Name

My Commission Expires: 4/12/27