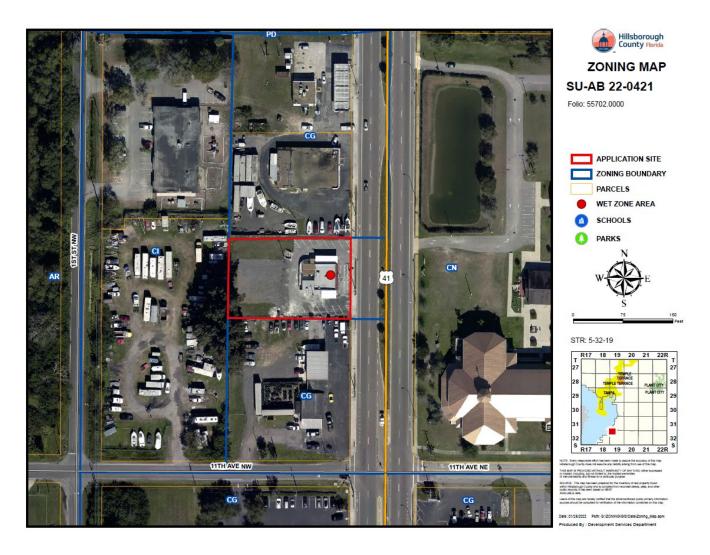


Land Use Application Summary Report

Application Number:	SU-AB 22-0421	Adjacent	Zoning and Land Uses:
Danuart	Distance Separation Waiver for a	North:	CG / Retail
Request:	2-COP AB Permit	South:	CG / Tire Service
Comp Plan Designation:	OC-20 (Office Commercial 20)	East:	CI / Open Storage
Service Area:	Urban	West:	CN / Institutional



APPLICATION: SU-AB 22-0421 LUHO HEARING DATE: March 21, 2022 CASE REVIEWER: Tania C. Chapela

Request Summary:

Pursuant to Land Development Code Section 6.11.11, the request is for a distance separation waiver for a 2-COP Alcoholic Beverage (AB) Permit for an existing restaurant, Bucho's, located at 1110 N. U.S. Highway 41 to allow the sale and consumption of beer and wine on and off the permitted premises.

As shown on the revised survey received March 9, 2022, the proposed wet zone total area will have 1,618 square feet of total, with 1,054 square feet of indoor are and 564 square feet of outdoor area.

The property is zoned CG, which permits the proposed use and consideration of the requested AB permit.

Distance Separation Requirements:

Per LDC Section 6.11.11.D.5, the following separation requirements apply to the proposed wet zoning.

- The distance from the proposed wet zoning to certain community uses shall be 500 feet. According to the survey submitted by the applicant, the request **does not** comply with this requirement. The following community uses were identified within the required distance:
 - 1. Northside Baptist Church (tag #1 on the survey) is located 379 feet northeast of the proposed wet zoning. The applicant requests a 121-foot separation waiver.
 - 2. St. Anne Catholic Church (tag #2 on the survey) is located 153.2 feet southeast of the proposed wet zoning. The applicant requests a 346.8-foot separation waiver.
 - 3. J's Angels Learning child care center (tag #9 on the survey) is located 145.3 feet northwest of the proposed wetzoning. The applicant requests a 354.7-foot waiver separation.
 - 4. The survey identifies property at 1308 N. U.S. Highway 41 as owned by the Catholic Diocese of Saint Petersburg property (tag #11 on the survey). This property is located 338.9 feet north the proposed wet zoning and the applicant requests a 161.1-foot waiver separation. However, staff has determined this property does not contain a community use and therefore no waiver is required.
- The distance from the proposed wet zoning to residentially zoned property shall be 250 feet. According to the survey submitted by the applicant, the request <u>does</u> comply with this requirement.
- There shall be no more than three approved 3-PS, 2-COP, 2-COP-X, 4-COP, 4-COP-X, 4-COP-SX, 4-COP-SBX, 11-C (Social Club) or bottle club alcoholic beverage uses within 1,000 feet of the proposed alcoholic beverage use as measured from the proposed structure to the existing alcoholic beverage use. According to the survey submitted by the applicant, the request **does** comply with this requirement.

Per LDC Section 6.11.11.E., waivers to the required separation distances may be requested by applicants at a noticed public hearing. The hearing officer may consider such requests on the basis of whether special or unique circumstances exist such that the proposed alcoholic beverage use does not pose significant impacts on the surrounding uses, and whether certain circumstance exist such that the necessity for the separation requirement(s) is negated.

Requested Separation Waivers

The applicant has provided the following justification for the requested separation waivers from the affected community uses:

APPLICATION: SU-AB 22-0421 LUHO HEARING DATE: March 21, 2022 CASE REVIEWER: Tania C. Chapela

The consumption of beer and wine will be complementary to the food being served at the restaurant.

Staff Findings:

LDC Section 6.11.11.E.3. provides for the approval of separation waivers where there are "special or unique circumstances where the alcoholic beverage use applied for does not have significant impacts on surrounding land uses and certain circumstances negate the necessity for the specified distance requirements."

- Staff finds the requested separation waiver from the J's Angels Learning center supportable because the child care center is located to the west on 1st Street and faces away from the proposed wet zoning. Additionally, direct access between the two uses is blocked by intervening buildings and fences, resulting in a normal route of travel of more than 1,000 feet.
- Staff finds the requested separation waiver from the Northside Baptist Church supportable because the church is separated from the proposed wet zoning by a four-lane divided highway. Additionally, the route of travel from the restaurant entrance to the church entrance is more than 700 feet.
- Staff finds the requested separation waiver from the St. Anne Catholic Church supportable because the church is separated from the proposed wet zoning by a four-lane divided highway. Additionally, the main entrance to the church faces east, away from the proposed wet zoning, and the normal route from the restaurant entrance to the church entrance is more than 800 feet.
- Staff has received no objections from the affected community uses.

Staff finds the proposed wet zoning consistent with the commercial/institutional character of Highway 41. Staff further finds the that due to the circumstances above, the proposed wet zoning does not pose significant impacts on surrounding land uses, thereby negating the necessity for the required separations.

Recommendation:

For the reasons discussed above, staff finds the request APPROVABLE. This recommendation is based upon the revised wet zone survey showing a wet zoned area 1618 square feet total area, including 1,054 square feet of indoor area and 564 square feet of outdoor area, received March 9, 2022.

Staff's Recommendation:	Approvable
	The May
Zoning Administrator Sign-off:	t Fri Mar 11 2022 13:24:56

specific purpose survey wet zone area SPECIAL USE 2-COP

SECTION 5, TOWNSHIP 32 SOUTH, RANGE 19 EAST, HILLSBOROUGH COUNTY FLORIDA

Development Services Received 03/09/22 SU-AB 22-0421

FINDINGS

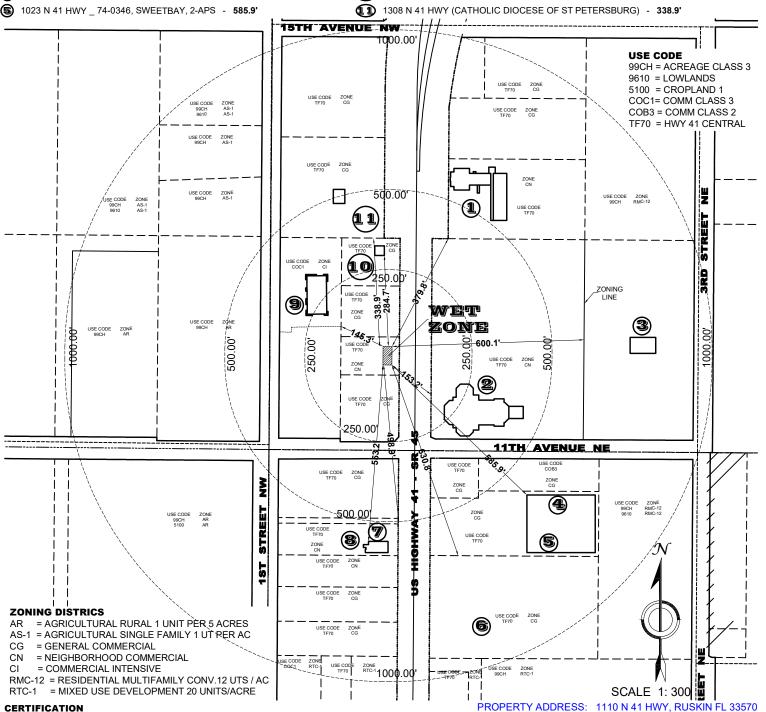
1301 N US HIGHWAY 41 RUSKIN (NORTHSIDE BAPTIST CHURCH) - 379.8'

2 1131 N 41 HWY RUSKIN (ST ANNE CATHOLIC CHURCH) - 153.2'

1108 3RD ST NE RMC-12 ZONING DISTRICT - 600.1

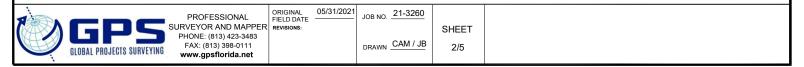
1023 N 41 HWY _ 07-0533, 2-APS - 585.9

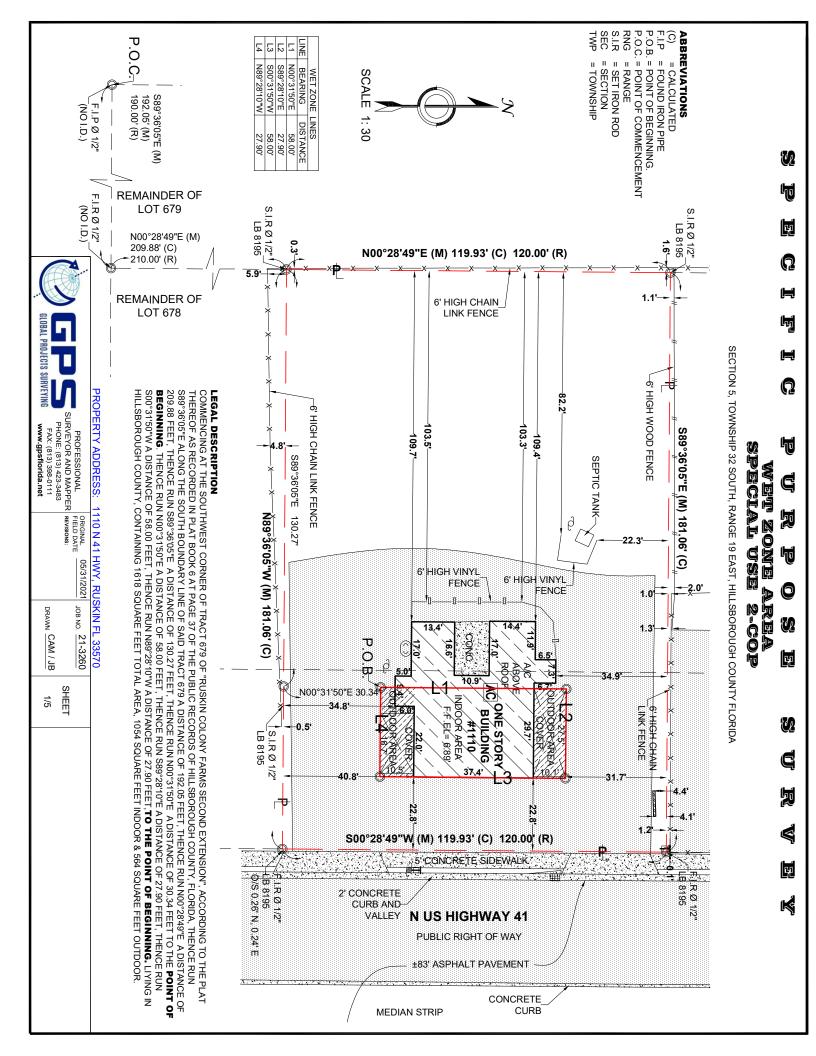
- 6 911 N 41 HWY _ 84-1176, 1-APS 630.8'
- 7 1010 N 41 HWY RUSKIN _ AB 04-0122 WITHDRAWN 498.9
- 1010 N 41 HWY RUSKIN _ 55687.0000 2-COP-R AB 82-0939 (PIZZA HUT) 553.2
- (9) 1139 1ST ST RUSKIN (A J's ANGELS LEARNING, CHILD CENTER) 1-APS 145.3'
- 1202 41 HWY, RUSKIN (SUNOCO GAS STATION & CONVENIENT STORE) 1-APS 284.7



CERTIFICATION

THIS IS TO CERTIFY THAT A VISUAL INSPECTION HAS BEEN MADE OF ALL PROPERTY FOR THE FOLLOWING EXISTING COMMUNITY USES: CHURCH/SYNAGOGUES, SCHOOLS, CHILD CARE CENTERS, PUBLIC LIBRARIES, COMMUNITY RECREATIONAL FACILITIES, AND PARKS WITHIN 500-FOOT STRAIGHT-LINE DISTANCE FROM THE PROPOSED SITE. A VISUAL INSPECTION OF THE APPARENT PROPOSED SPECIAL USE PERMITTED SITE FROM RESIDENTIALLY ZONED PROPERTY HAS BEEN MADE AND IS INDICATED IN A STRAIGHT-LINE DISTANCE AS REQUIRED FOR THE SPECIFIC ALCOHOLIC BEVERAGE PERMIT CLASSIFICATION. IN THE CASE WHERE AN ALCOHOLIC BEVERAGE PERMIT CLASSIFICATION REQUIRES THAT CERTAIN TYPES OF EXISTING ALCOHOLIC BEVERAGE USES WITHIN A 1,000-FOOT, STRAIGHT-LINE DISTANCE FROM THE PROPOSED SITE BE INDICATED AS DEFINED IN THE LAND DEVELOPMENT CODE, A VISUAL INSPECTION HAS BEEN MADE AND THE FINDINGS ARE INDICATED ON THE SURVEY. = PROPERTY LINES = ZONE DISTRICT LINE





LEGAL DESCRIPTION WET ZONE AREA SPECIAL USE 2-COP

1110 N 41 HWY, RUSKIN FL 33570

LEGAL DESCRIPTION

COMMENCING AT THE SOUTHWEST CORNER OF TRACT 679 OF "RUSKIN COLONY FARMS SECOND EXTENSION", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6 AT PAGE 37 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, THENCE RUN S89°36'05"E ALONG THE SOUTH BOUNDARY LINE OF SAID TRACT 679 A DISTANCE OF 192.05 FEET, THENCE RUN N00°28'49"E A DISTANCE OF 209.88 FEET, THENCE RUN S89°36'05"E A DISTANCE OF 136.22 FEET, THENCE RUN N00°23'55"W A DISTANCE OF 40.87 FEET TO THE **POINT OF BEGINNING**. THENCE RUN N00°31'50"E A DISTANCE OF 48.00 FEET, THENCE RUN S89°28'10"E A DISTANCE OF 27.90 FEET, THENCE RUN S00°31'50"W A DISTANCE OF 48.00 FEET, THENCE RUN N89°28'10"W A DISTANCE OF 27.90 FEET, THE POINT OF BEGINNING. LIYING IN HILLSBOROUGH COUNTY.

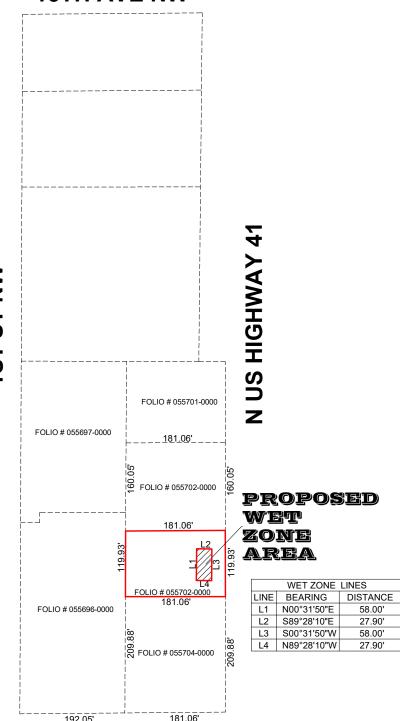
CONTAINING 1618 SQUARE FEET TOTAL AREA, 1054 SQUARE FEET INDOOR & 564 SQUARE FEET OUTDOOR



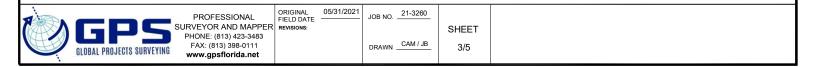
SITE PLAN WET ZONE AREA SPECIAL USE 2-COP

SECTION 5, TOWNSHIP 32 SOUTH, RANGE 19 EAST, HILLSBOROUGH COUNTY FLORIDA

15TH AVE NW

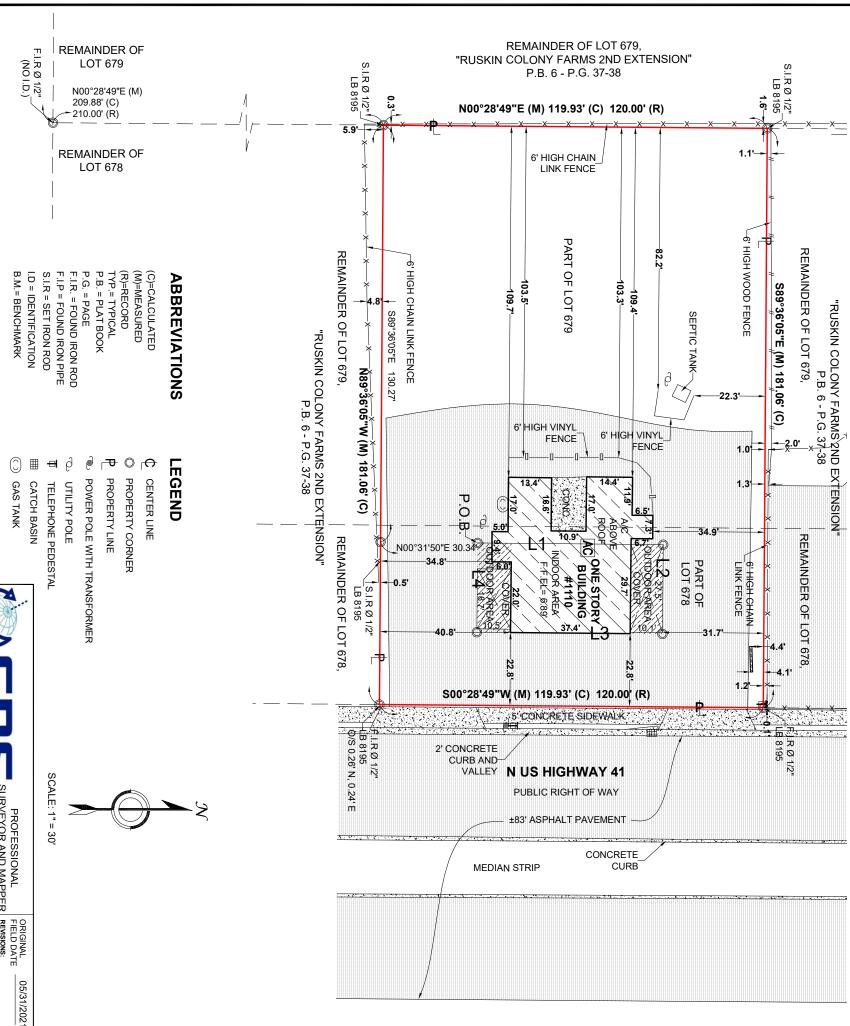


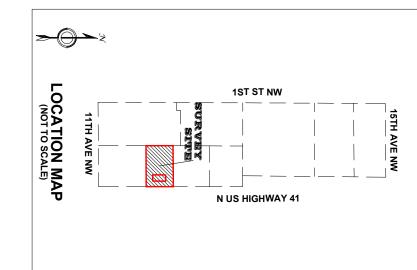
11TH AVE NW



QQ 0 Ç U ij

SECTION 05, TOWNSHIP 32S, RANGE 19E. HILLSBOROUGH COUNTY





PROPERTY ADDRESS1110 N 41 HWY, RUSK (FOLIO No. 055702-0000) IN, FL 33570

DESCRIPTION:

THE NORTH 120.00 FEET OF THE SOUTH 330.00 FEET OF THE EAST 125.00 FEET OF TRACT 679 AND THE NORTH 120.00 FEET OF THE SOUTH 330.00 FEET OF THAT PART OF TRACT 678 LYING AND BEING WEST OF U.S. 41 OF "RUSKIN COLONY FARMS SECOND EXTENSION", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6 AT PAGE 37 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

FLOOD ZONE INFORMATION: COMMUNITY: HILLSBOROUGH

FIRM DATE: 08/28/2008 FLOOD ZONE: AE + 9 MAP/PANEL NO. 12057C0656H SUFFIX: H COUNTY-120112

THERE MAY BE LEGAL RESTRICTIONS ON THE SUBJECT PROPERTY THAT ARE NOT SHOWN ON THE MAP OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, OR THE RECORDS OF ANY OTHER PUBLIC AND PRIVATE ENTITIES AS THEIR JURISDICTIONS MAY APPEAR.

THE MAP OF SURVEY IS INTENDED TO BE DISPLAYED AT THE STATED GRAPHIC SCALE IN ENGLISH UNITS OF MEASUREMENT. ATTENTION IS BROUGHT TO THE FACT THAT SAID DRAWING MAY BE ALTERED IN SCALE BY THE REPRODUCTION PROCESS

THIS SURVEY WAS CONDUCTED FOR THE PURPOSE OF A BOUNDARY SURVEY ONLY AND IS NOT INTENDED TO DELINEATE THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY BOARD, COMMISSION OR OTHER ENTITY

LEGAL DESCRIPTION WAS FURNISHED BY THE

CLIENT.

WELL-IDENTIFIED FEATURES AS DEPICTED ON THIS SURVEY AND MAP WERE MEASURED TO AN ESTIMATED HORIZONTAL POSITIONAL ACCURACY OF 1/10 FOOT UNLESS OTHERWISE SHOWN.

BEARINGS AS SHOWN HEREON ARE BASED UPON AN ASSUMED VALUE OF S00°28'49"W FOR THE WEST RIGHT OF WAY LINE OF N US HIGHWAY 41 AS DEPICTED ON THE MAP OF SURVEY. LEGAL DESCRIPTION SUBJECT TO ANY DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS OR RECORDED EASEMENTS.

THE SURVEYOR MAKES NO REPRESENTATION AS TO OWNERSHIP, POSSESSION OR OCCUPATION OF THE SUBJECT PROPERTY BY ANY ENTITY OR INDIVIDUAL.

SUBSURFACE IMPROVEMENTS ENCROACHMENTS WITHIN, UPON, ABUTTING OR ADJACENT TO THE PROPERTY WERE NOT LOCATED AND SHOWN. AND/OR ACROSS, SUBJECT ARE NOT

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS AND DELETIONS TO THIS MAP OF SURVEY BY OTHER THAN THE SIGNING PARTY ARE PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY.

THIS MAP OF SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREIN AND THE CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PARTY.

CERTIFY TO:

TIBURSIO RAMIREZ I AM HAPPY LLC

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY: THAT THIS "BOUNDARY SURVEY" AND THE MAP OF SURVEY RESULTING THERE FROM WAS PERFORMED UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND FURTHER, THAT SAID "BOUNDARY SURVEY" MEETS THE INTENT OF THE "MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA", PURSUANT TO RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE AND ITS IMPLEMENTING RULE, CHAPTER 472.027 OF THE

GLOBAL PROJECTS SURVEYING	
PROFESSION SURVEYOR AND N PHONE: (813) 423 FAX: (813) 398-0 www.gpsflorida	

MAPPER 23-3483 1-0111 **la.net**

JOB NO.

DRAWN

21-3260

CAM / JB

SHEET

Nicolas Romero

1110 N US HWY 41, Ruskin FL 33570 Phone: 727 810 7472

Hillsborough County

Zoning

REF: Code of compliance

Dear representative,

Bucho's Restaurant is a Mexican restaurant selling Tex-Mex food located at 1110 N US HWY 41, Ruskin FL 33570. The restaurant currently does not serve alcoholic beverages although it has services for both lunch and dinner. We are seeking to expand the offering of the restaurant menu and request a license to be able to serve beer and wine alcohol beverages under a 2COP license. This would allow drinks to complement the food menu selection offered.

Although, to the best of our knowledge, the request complies to all other stated requirements, complying with section 5.2.1 point 4, we would like to inform that the business is within 500 feet of a community use structure (church).

We kindly request a distance waiver for our intended purpose.

Thank you for your consideration.

Best regards,

Nicolas Romero

Agent

Bucho's Restaurant

1/11/2022

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INSTRUMENT#: 2019397521, BK: 26949 PG: 1734 PGS: 1734 - 1736 09/12/2019 at 11:48:26 AM, DOC TAX PD(F.S.201.02) \$0.70 DEPUTY CLERK:SCHRISTIAN Pat

Frank, Clerk of the Circuit Court Hillsborough County

Prepared by and return to:

Terence Matthews, Attorney at Law Terence Matthews, Chartered 5190 26th Street West, Suite D Bradenton, Florida 34207 941-755-8583

File Number: 19M-116

[Space Above This Line For Recording Data]	<u></u>
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Rec . Deed--\$ 27.00 Doc. Stamps--\$ 0.70 TOTAL--\$ 27.70

Quit Claim Deed

This Quit Claim Deed made this 134 day of 444, 2019 between

Grantors:

Rafael Romo Fuentes, a married person, whose post office address is 7616 41st Avenue East, Bradenton, FL 34208, and Marlene Romo-Ramirez, a single person, whose post office address is 11808 Crawford Parrish Lane, Parrish, FL 34219;

and

Grantee:

I AM HAPPY LLC, a Florida Limited Liability Company, whose post office address is 491 Cortez Road West, Bradenton, FL 34207.

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantors, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantors in hand paid by said grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim to the said grantee, and grantee's heirs and assigns forever, all the right, title, interest, claim and demand which grantors have in and to the following described land, situate, lying and being in Hillsborough County, Florida to-wit:

The North 120 feet of the South 330 feet of the East 125 feet of Tract 679 and the North 120 feet of the South 330 feet of that part of Tract 678 lying and being West of U.S. 41, of RUSKIN COLONY FARMS SECOND EXTENSION, according to the Plat thereof, as recorded in Plat Book 6, Page 37, of the Public Records of Hillsborough County, Florida.

Parcel Identification Number: 055702-0000 Also known as 1110 N 41 Hwy, Ruskin, FL Grantors warrant that at the time of this conveyance, the subject properties are not the Grantors' homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property. Grantors' residence and homestead addresses are:

Rafael Romo Fuentes, 7616 41st Avenue East, Bradenton, FL 34208; Marlene Romo-Ramirez, 11808 Crawford Parrish Lane, Parrish, FL 34219.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

THIS INSTRUMENT WAS PREPARED FROM INFORMATION SUPPLIED BY THE PARTIES HERETO AND WITHOUT THE BENEFIT OF TITLE EXAMINATION. THE PREPARER MAKES NO REPRESENTATIONS CONCERNING THE MARKETABILITY OF TITLE, AND IS NOT INSURING TITLE.

To Have and to Hold, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of grantors, either in law or equity, for the use, benefit and profit of the said grantee forever.

In Witness Whereof, grantors have hereunto set grantors' hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Signature - Witness #1

Printed Name: 1814 Ma H

As to Rafael Romo Fuentes

Signature - Witness #2 Printed Name:

As to Rafael Romo Fuente

(Seal)

State of Forida County of Menatee	
	me this 23cd day of August, 2019 by Rafael [] is personally known or [X] has produced ification.
[Notary Seal] LISA A. SANFORD MY COMMISSION # GG 128522 EXPIRES: November 26, 2021 Bonded Thru Notary Public Underwriters	X Man Composition Notary Public Printed Name: My Commission Expires:
Signature - Witness #1 Printed Name: 1 rever Matthews As to Marlene Romo-Ramirez X Signature - Witness #2 Printed Name: 1 Sa Sand Color As to Marlene Romo-Ramirez	X (Seal) Marlene Romo-Ramirez
State of <u>Florida</u> County of <u>Manage</u> e	A
The foregoing instrument was acknowledged before Marlene Romo-Ramirez, a person, Driver's License as identification.	ore me this 23 day of Accest, 2019 by who [] are personally known or [X] have produced fication.
[Notary Seal]	X Auxi alanford Notary Public
LISA A. SANFORD MY COMMISSION # GG 128522 EXPIRES: November 26, 2021 Bonded Thru Notary Public Underwriter	Printed Name: My Commission Expires:

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SPECIAL USE (ALCOHOLIC BEVERAGE PERMIT (WAIVER REQUIRED)

IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application. To request an appointment please call 813-272-5600. All requirements listed on the submittal checklist must be met. Incomplete applications will not be accepted.

	Information	
· · · · · · · · · · · · · · · · · · ·		
Address: 1110 N US HWY 41 City/State/Zip: RUSKIN, FL 33570 TWN-RN-SEC: 05-32-19		
Folio(s): 055702-0000 Zoning: CN	Future Land Use: OC-20 Property Size: 824 SQ FT	
Property Own	ner Information	
	Daytime Phone: (678) 364-9441	
Address: 491 CORTEZ ROAD WEST City/State/Zip: BRADENTON, FL 34207		
Email:	FAX Number:	
	Information	
Name: TIBURCIO RAMIREZ	Daytime Phone: (941) 896-0588	
Address: 1220 24TH AVE WEST	City/State/Zip: PALMETTO, FL 34221	
Email: BUCHOSRESTAURANT@GMAIL.COM	FAX Number:	
Applicant's Represent	ative (if different than above)	
	Daytime Phone: (727) 810-7427	
Address: 2114 DREW ST SUITE D	City / State/Zip: _CLEARWATER, FL 33765	
Email: NICOLASR@JNBUSINESSSUPORT.COM	FAX Number:	
I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION PACKET IS TRUE AND ACCURATE. TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.	I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.	
- Mm Jame-	Signature of Property Owner	
Signature of Applicant		
TIBURCIO RAMIREZ	I AM HAPPY LLC - MARIA ROMO	
Type or Print Name	Type or Print Name	
Intake Staff Signature: Ana Lizardo Office Use Only 22-0421 Intake Date: 01/18/2022		
Case Number:Public Hearing Date: 03/21/2022 Receipt Number:122220		
Type of Application: SU-AB		
Development Services, 601 E Kennedy Blvd, 19 th Floor		
Revised 07/02/2014		



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Commercial/Office/Industr
Zoning	CN
Description	Commercial - Neighborhood
Flood Zone:AE	BFE = 9.0 ft
FIRM Panel	0656H
FIRM Panel	12057C0656H
Suffix	Н
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120656C
County Wide Planning Area	Ruskin
Community Base Planning Area	SouthShore
Community Base Planning Area	Ruskin
Census Data	Tract: 014121 Block: 1082
Future Landuse	OC-20
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	4
Fire Impact Fee	South
Parks/Schools Impact Fee	SOUTH
ROW/Transportation Impact Fee	ZONE 9
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



Folio: 55702.0000
PIN: U-05-32-19-1V4-000000-00678.2
I AM HAPPY LLC
Mailing Address:
491 CORTEZ RD W
BRADENTON, FL 34207-1544
Site Address:
1110 N 41 HWY
RUSKIN, FI 33570

SEC-TWN-RNG: 05-32-19 Acreage: 0.50477898 Market Value: \$220,011.00 Landuse Code: 2104 COMM./OFFICE

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2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder