

City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM:

Case No: CUP 17-14
Proposal: Request for short-term rental of one unit in a duplex at 1703 Edgecumbe Drive
Applicant: Ryan and Greta Refshaw
Owner: Ryan and Greta Refshaw
Location: 1703 Edgecumbe Drive
Legal: Lot 9G Gibson Kitka Snowden Subdivision
Zone: R-1 MH single family, duplex and manufactured home zoning district
Size: 6960 square feet
Parcel ID: 2-5002-009
Existing Use: Residential
Adjacent Use: Residential
Utilities: Full city services
Access: Edgecumbe Drive

KEY POINTS AND CONCERNS:

1. **Findings:** The required findings of fact have been met as the conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties through the conditions of approval, by meeting all applicable SGC regulations, and by being in support of the Comprehensive Plan regarding transient housing supply.
2. **Other Major Points:**
 - **Rental unit:** two bed/one bath, on first story of duplex, owners reside in upstairs unit
 - **Safety:** sufficient parking, owner lives on-site, access from municipal street, safety inspection to be conducted by Fire Marshal if approved
 - **Neighborhood harmony:** foliage provides buffers, potential impacts of short-term rentals on long-term rental rates, this unit may be rented long-term outside of tourist season

RECOMMENDATION:

Staff recommends that the Planning Commission find CUP 17-14 to be consistent with Sitka General Code Title 22 and the Comprehensive Plan and to approve the conditional use permit application for a short-term rental of one unit of a duplex at 1703 Edgecumbe Drive.

ATTACHMENTS

Attachment A: Vicinity Map
Attachment B: Aerial Vicinity Map
Attachment C: Zoning Map
Attachment D: Site Plan
Attachment E: Floor Plan
Attachment F: Subdivision Plat

Attachment G: Parcel Pictures
Attachment H: Application
Attachment I: Flood Zone Map
Attachment J: Mailing List
Attachment K: Proof of Payment
Attachment L: Warranty Deed

BACKGROUND/PROJECT DESCRIPTION

The request is for a conditional use permit for a short-term rental unit for one unit of a duplex at 1703 Edgecumbe Drive in the R-1 MH single-family, duplex, and manufactured home residential zoning district. The property will meet the 4 parking space requirement for a duplex. The owners live in the upstairs unit and the rental unit is the downstairs unit. The rental unit has two bedrooms and one bathroom. The owners state the intent to operate the short-term rental primarily during tourist season and operate a long-term rental during the off-season. The property is accessed via Edgecumbe Drive. The nearest short-term rental type property is a bed and breakfast at 1725 Edgecumbe Drive.

The R-1 MH zoning district may allow short-term rentals as a conditional use subject to the ability to mitigate any adverse effects to nonexistent or minimal and reasonable for the zone and in harmony with surrounding land uses.¹

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.²

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: The property has two parking areas that provide parking in excess of the required 4 spaces.

b. Amount of noise to be generated and its impacts on surrounding land use: Renters can be known to create more noise due to being on vacation than typical families might. However, the provision of a rental overview and ability to address concerns adequately mitigate this. In addition, on-site owners can help to provide supervision.

c. Odors to be generated by the use and their impacts: No additional odors.

¹ Table 22.16.015-1 and Sections 22.24.010(B) and (C) (Bed and Breakfast and Short-term Rental respectively).

² § 22.24.010.E

d. Hours of operation: Unit to be rented short-term primarily during tourist season.

e. Location along a major or collector street: Edgecumbe Drive.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: No concerns for cut through traffic. Access is through a residential area.

g. Effects on vehicular and pedestrian safety: A rental overview should provide thorough directions and instructions for proper access.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: No different than the permitted long-term rental unit.

i. Logic of the internal traffic layout: The applicant has indicated the required parking spaces for a duplex residence. Owners should provide traffic circulation information to tenants.

j. Effects of signage on nearby uses: No proposed signage.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: Foliage provides buffers.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: Conforms to Comprehensive Plan Section 2.6.2(K), which supports facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses. In addition, the Comprehensive Plan identifies the goal of providing various housing opportunities and housing options for seasonal, temporary, emergency, and transitional needs.³ This application conforms to the above sections by creating short-term transient housing.

m. Other criteria that surface through public comments or planning commission review: Short-term rentals may increase long-term rental rates for the overall community.^{4 5}

Concerns for bears, traffic, and parking can be mitigated through conditions of approval.

FINDINGS⁶

1. ...The granting of the proposed conditional use permit will not:

³ Comprehensive Plan 2.5.11, 2.10.3, and 2.10.4.

⁴ Planning: The Magazine of the American Planning Association, February 2016, p. 31

⁵ Gurran & Phibbs article in JAPA Volume 83 Issue 1

⁶ § 22.30.160.C – Required Findings for Conditional Use Permits

- a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, *specifically, the short-term rental will operate primarily during tourist season.*
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation, *specifically, conforms to Comprehensive Plan Section 2.6.2(K), which supports facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, *specifically, through the provision of a rental overview.*

RECOMMENDATION

It is recommended that the Planning Commission adopt the staff analysis and required findings as found in the staff report and grant the requested conditional use permit subject to attached conditions of approval.

Recommended Motions: (two motions - read and voted upon separately)

- 1) I move to adopt and approve the required findings for conditional use permits as discussed in the staff report.
- 2) I move to approve the conditional use permit application for a short-term rental at 1703 Edgecumbe Drive subject to the attached conditions of approval. The property is also known as Lot 9G Gibson Kitka Snowden Subdivision. The request is filed by Ryan and Greta Refshaw. The owners of record are Ryan and Greta Refshaw.

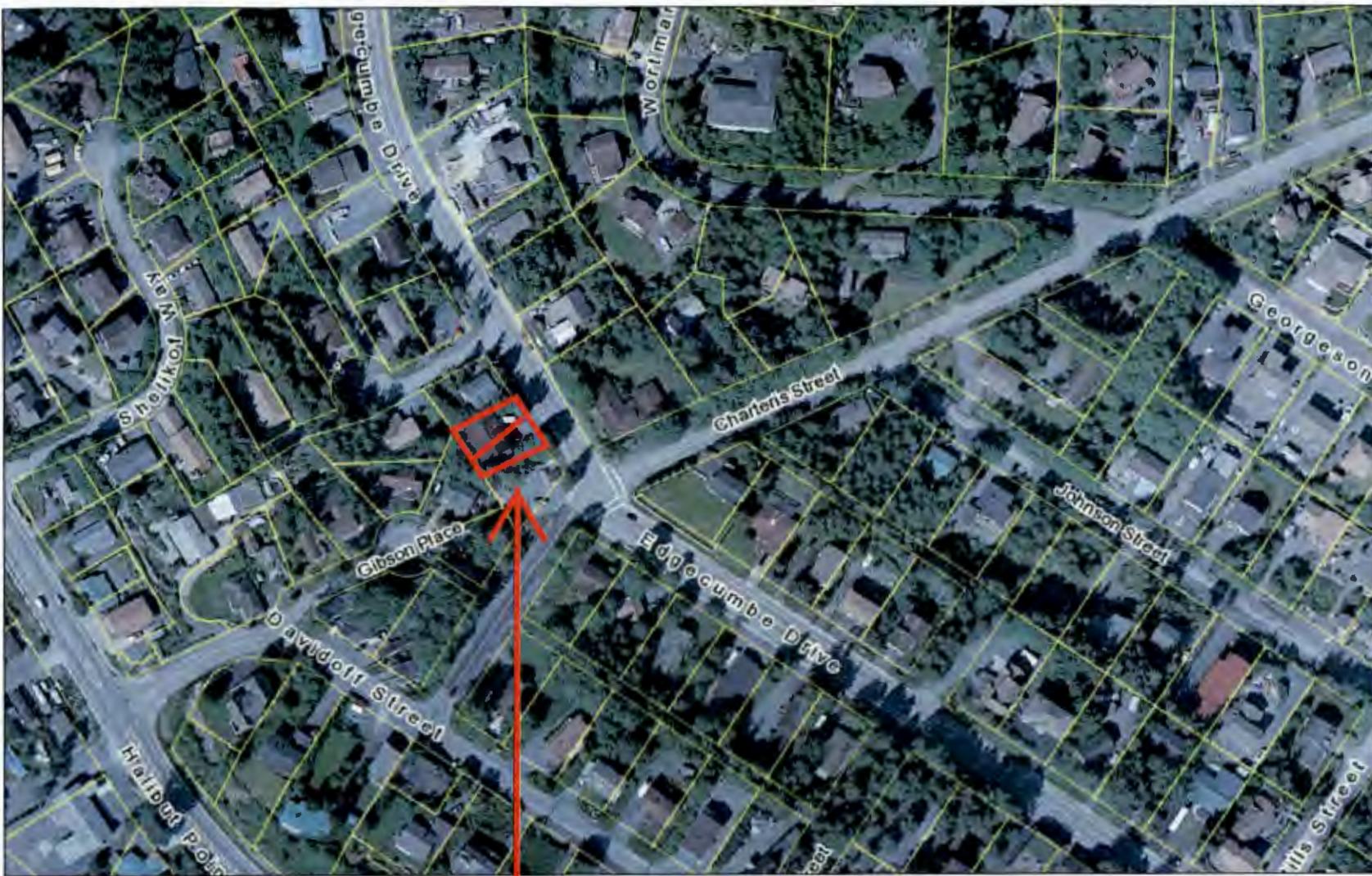
Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the

facility has begun operation. The report is due within thirty days following the end of the reporting period.

5. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
7. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
8. To mitigate against the risk and impact of bears from the short term rental, the property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4am on trash collection day. Should this condition not be followed the CUP shall be revoked.
9. To mitigate against parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site and further that should on-street parking occur at any time, the conditional use permit shall be revoked.
10. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the short-term renters.
11. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.





City & Borough of Sitka, Alaska

Selected Parcel: 1703 EDGECUMBE ID: 25002009

Printed 3/31/2017 from <http://www.mainstreetmap.com/ak/sitka/internal.asp>



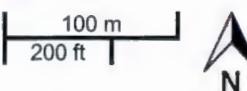
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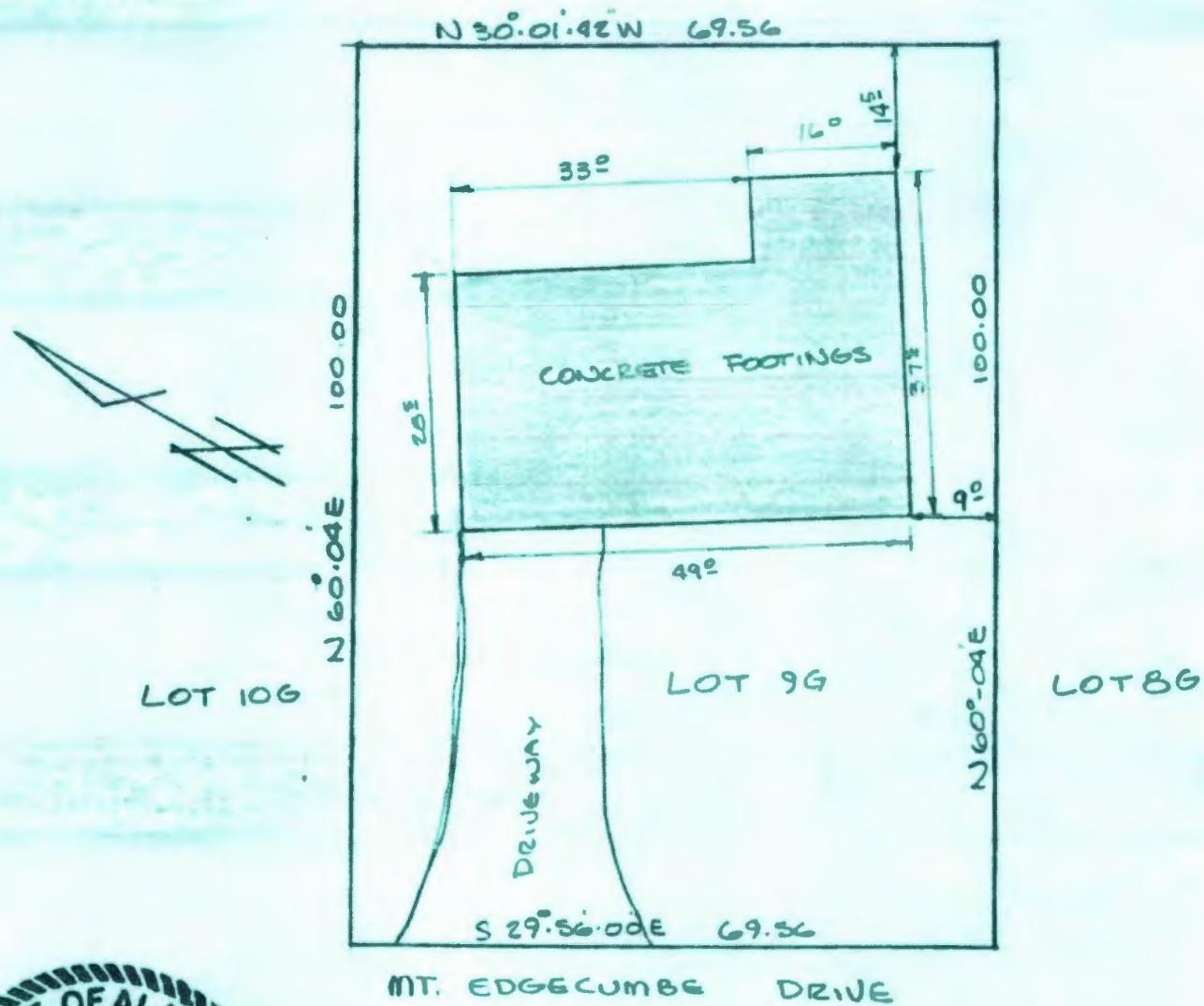
City & Borough of Sitka, Alaska

Selected Parcel: 1703 EDGECUMBE ID: 25002009

Printed 3/31/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>



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I, NOEL F. STRAGIER, being a Registered Land Surveyor in the State of Alaska, having inspected LOT 99, GIBSON, KITKA, SNOWDEN SUBDIVISION, hereby certify that the improvements located thereon lie wholly within the property lines and that improvements on adjacent properties do not encroach upon the subject property.

FOR TITLE INSURANCE PURPOSES ONLY

AS-BUILT PLOT PLAN

LOT 9G
GIBSON, KITKA, SNOWDEN SUBDIVISION

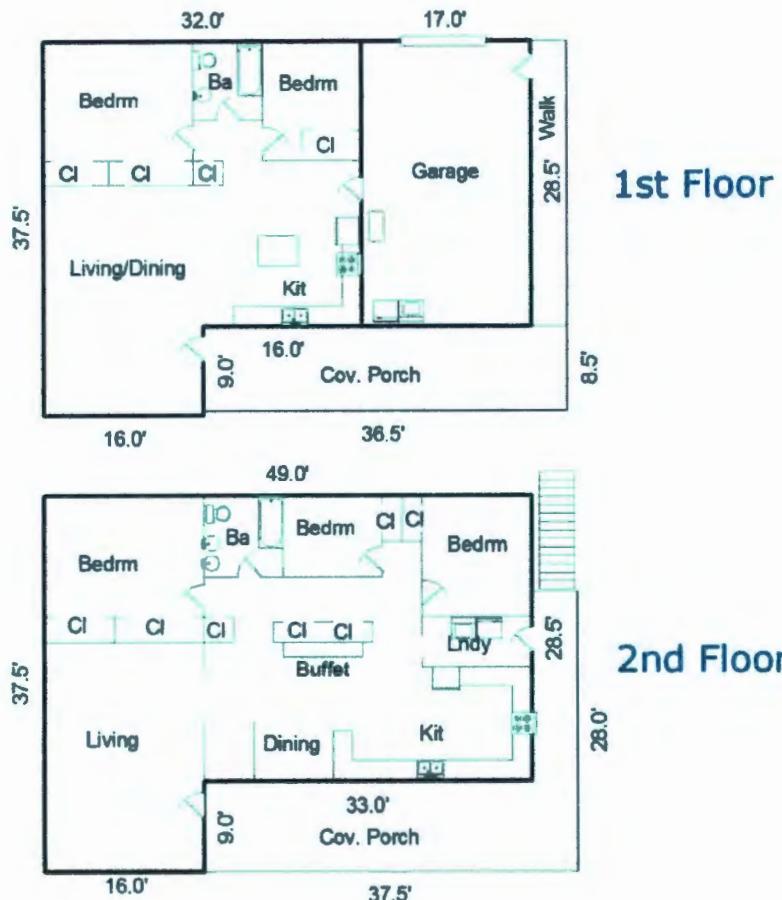
PREPARED FOR: Ms. MICHELLE MCGRAW
BOX 71B
SITKA, ALASKA 99835

PREPARED BY

1000

DATE: Aug 1980

**STRAGIER
ENGINEERING SERVICES**
P O Box 58 Sitka, Alaska 99835
(907) 747-5833

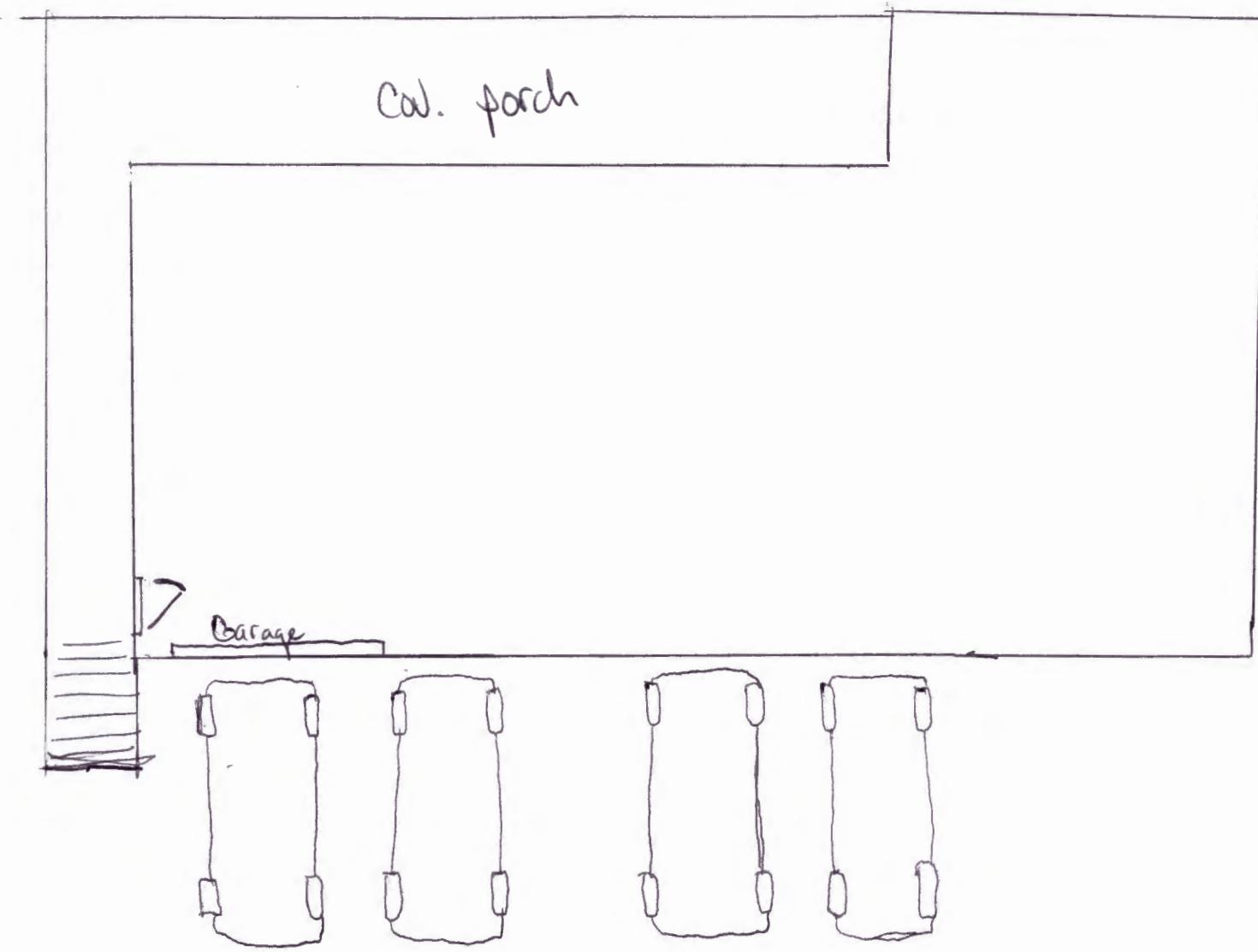


Sketch by Apex Sketch v5 Standard™

Comments:

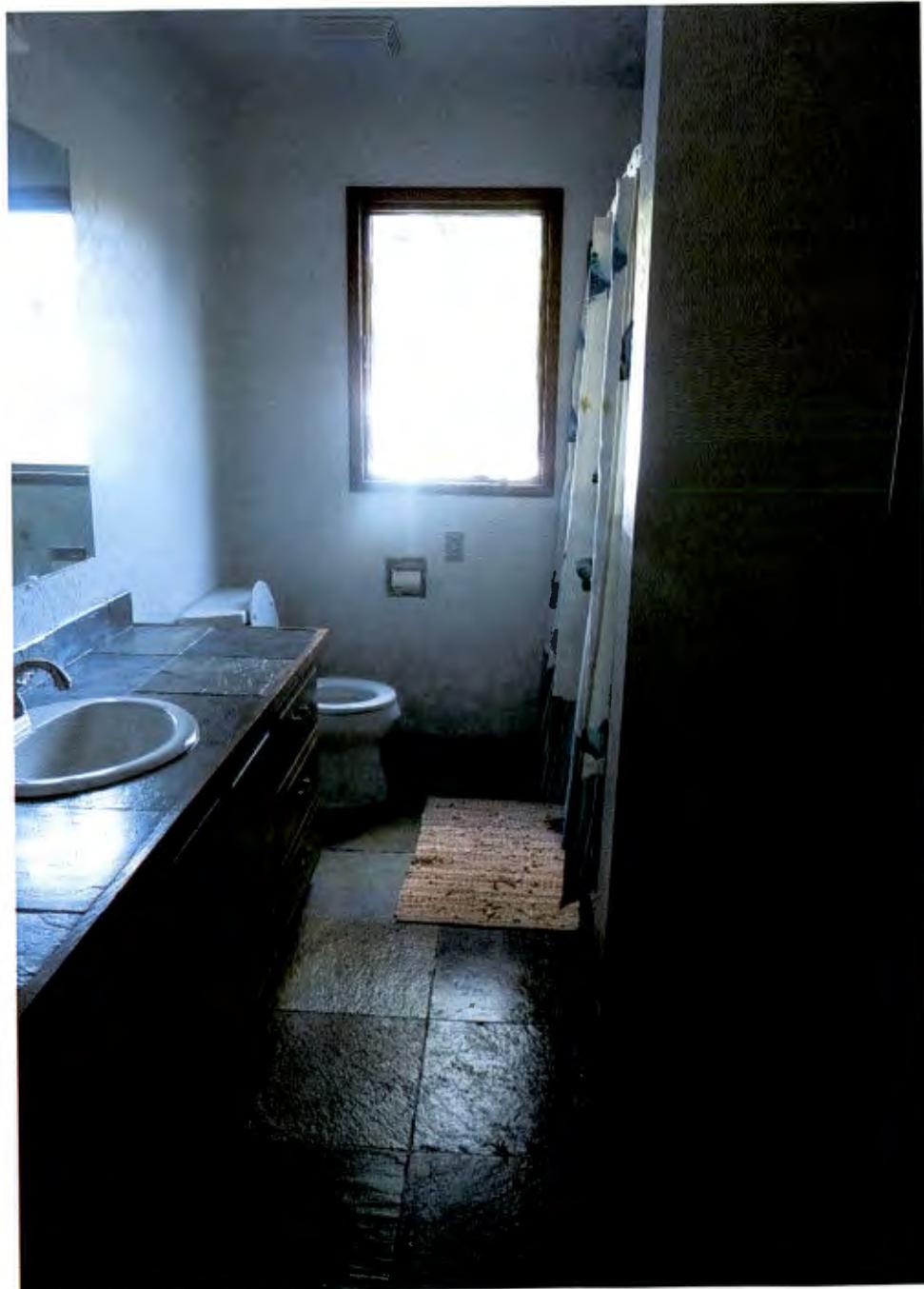
AREA CALCULATIONS SUMMARY				LIVING AREA BREAKDOWN			
Code	Description	Net Size	Net Totals	Breakdown			Subtotals
GLA1	First Floor	1056.0000	1056.0000	First Floor	32.00	x 28.50	912.0000
GLA2	Second Floor	1540.5000	1540.5000		9.00	x 16.00	144.0000
GAR	Garage	484.5000	484.5000	Second Floor	49.00	x 28.50	1396.5000
P/P	Cov. Porch	310.2500			9.00	x 16.00	144.0000
	Cov. Porch	423.0000					
	Wd Walk	99.7500	833.0000				
Net LIVABLE Area		(rounded)	2597	4 Items		(rounded)	2597

Parking Plan



← Edgcumbe Dr. →















CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION FORM

RECEIVED MAR 29 2017

1. Request projects at least TWENTY-ONE (21) days in advance of next meeting date.
2. Review guidelines and procedural information.
3. Fill form out completely. No request will be considered without a completed form.
4. Submit all supporting documents and proof of payment.

APPLICATION FOR: VARIANCE CONDITIONAL USE
 ZONING AMENDMENT PLAT/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: Conditional use permit for short term rental at 1703 Edgcumbe Dr.

PROPERTY INFORMATION:

CURRENT ZONING: R-1/MH PROPOSED ZONING (if applicable): _____
CURRENT LAND USE(S): Residential PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: Ryan and Greta Refshaw
PROPERTY OWNER ADDRESS: PO Box 2673 Sitka, AK
STREET ADDRESS OF PROPERTY: 1703 Edgcumbe Dr
APPLICANT'S NAME: Ryan Refshaw
MAILING ADDRESS: PO Box 2673
EMAIL ADDRESS: ryref@hotmail.com DAYTIME PHONE: 747-4625 / cell - 738-0973

PROPERTY LEGAL DESCRIPTION:

TAX ID: 25002009 LOT: 9G BLOCK: 8 TRACT: _____
SUBDIVISION: Gibson, Kitka, Smudde US SURVEY: 2746a

OFFICE USE ONLY

COMPLETED APPLICATION	<input checked="" type="checkbox"/>	SITE PLAN	<input checked="" type="checkbox"/>
NARRATIVE	<input checked="" type="checkbox"/>	CURRENT PLAT	<input checked="" type="checkbox"/>
FEES	<input checked="" type="checkbox"/>	PARKING PLAN	<input checked="" type="checkbox"/>

REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

- Completed application form
- Narrative
- Site Plan showing all existing and proposed structures with dimensions and location of utilities
- Proof of filing fee payment
- Proof of ownership
- Copy of current plat

For Conditional Use Permit:

- Parking Plan
- Interior Layout

For Plat/Subdivision:

- Three (3) copies of concept plat
- Plat Certificate from a title company
- Topographic information
- Proof of Flagging

If Pertinent to Application:

- Landscape Plan
- Drainage and Utility Plan

CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.

Ryan Refshaw
Owner

3/28/17
Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request.

Applicant (If different than owner)

Date

Ryan Refshaw
PO Box 2673
Sitka, AK 99835
Phone (907) 747-4625
ryref@hotmail.com

March 29, 2017

**City and Borough of Sitka
Planning and Community Development Department**

This is a narrative pertaining to a request for a conditional use permit for a short-term rental at 1703 Edgecumbe Drive, by the owners, Ryan and Greta Refshaw.

The purpose of the short term rental would be to house clientele for fishing lodges during the season, and potentially traveling nurses, coast guard personnel, or other persons needing temporary housing during the off-season.

The apartment is a first floor, two bedroom, one bath accommodation of approximately 1056 sq. ft. It has separate utilities, ample parking and a large covered porch.

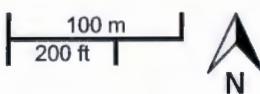
Ryan Refshaw



City & Borough of Sitka, Alaska

Selected Parcel: 1703 EDGEcumbe ID: 25002009

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Parcel ID: 14790000
DONALD/DIANE ORRELL
ORRELL, DONALD, R./DIANE, M.
P.O. BOX 1962
SITKA AK 99835-1962

Parcel ID: 14795000
RUBEN TORRES-MAGANA
TORRES-MAGANA, RUBEN
1509 EDGEcumbe DR
SITKA AK 99835

Parcel ID: 14800000
LIEUDELL/CARMIL GOLDSBERRY
GOLDSBERRY, LIEUDELL & CARMILL
P.O. BOX 1443
SITKA AK 99835-1443

Parcel ID: 14805000
DAVID MOCHAK
MOCHAK, DAVID, A.
210-A CHARTERIS ST.
SITKA AK 99835

Parcel ID: 14810000
FRED/RUTH FINSLEY
FINSLEY, RUTH, L.
1510 DAVIDOFF ST
SITKA AK 99835

Parcel ID: 15956000
GERALD/ELIZABET COX
COX, ELIZABETH
302 CHARTERIS ST.
SITKA AK 99835

Parcel ID: 15957000
SHELDON/ESTHER SCHMITT
SCHMITT, SHELDON, R./ESTER
1506 EDGEcumbe DR
SITKA AK 99835

Parcel ID: 24676000
JOHN/JENNIFER
BACIOCCO/MCNICHOL
BACIOCCO, JOHN, A./MCNICHOL,
JENNIFER S.
316 WORTMAN LOOP
SITKA AK 99835

Parcel ID: 24680001
RACHEL/RONALD MORENO/WALDRON
MORENO, RACHEL & WALDRON,
RONALD
1710 EDGEcumbe DR.
SITKA AK 99835

Parcel ID: 24681000
MATTHEW/STACY GOLDEN
GOLDEN, MATTHEW/STACY
1708 EDGEcumbe DR
SITKA AK 99835

Parcel ID: 24685001
BARBARA CAPEHART
CAPEHART, BARBARA
1386 OKSANNA ST
SPRINGFIELD OR 97477

Parcel ID: 24685002
FLORIAN/PATRICI SEVER
SEVER, FLORIAN/PATRICIA
1706 EDGEcumbe DR.
SITKA AK 99835

Parcel ID: 24690000
DONALD/KAY MCCARTHY
MCCARTHY, DONALD, T./KAY, C.
P.O. BOX 1509
SITKA AK 99835-1509

Parcel ID: 24695000
CHRISTINA/JOHN
KOWALCZOWSKI/GAZAWAY
KOWALCZOWSKI,
CHRISTINA/GAZAWAY, JOHN
301 CHARTERIS ST, #A
SITKA AK 99835

Parcel ID: 24701000
CHRISTNER AK COMMUNITY PROP.
TRUST
CHRISTNER AK COMMUNITY PROP.
TRUST
1201 GEORGESON LOOP
SITKA AK 99835

Parcel ID: 24767000
MARY MESSINGER
MESSINGER, MARY JANE
P.O. BOX 1864
SITKA AK 99835-1864

Parcel ID: 24770001
LEE/DEANNA BENNETT
BENNETT, LEE, W./DEANNA, P.
1707 EDGEcumbe DR
SITKA AK 99835

Parcel ID: 24770002
STEVEN/YVONNE HEITZNER
HEITZNER, STEVEN/YVONNE
98 EBERHARDT DR.
SITKA AK 99835

Parcel ID: 24770003
DONALD/LORETTA MCCARTY
MCCARTY, DONALD, W./LORETTA, K.
100 EBERHARDT DR
SITKA AK 99835

Parcel ID: 25000000
JAMES HARRIGAN
HARRIGAN, JAMES, J.
1610 DAVIDOFF ST
SITKA AK 99835

Parcel ID: 25001000
FLORENCE WELSH
WELSH, FLORENCE, M.
1614 DAVIDOFF ST.
SITKA AK 99835

Parcel ID: 25002003
ALICE CROPLEY
CROPLEY, ALICE, C.
2010 KAINULAINEN DR
SITKA AK 99835

Parcel ID: 25002004
ERIC/SARAH JORDAN
JORDAN, ERIC, W./SARAH, L.
103 GIBSON PLACE
SITKA AK 99835

Parcel ID: 25002005
BRUCE CHRISTIANSON
CHRISTIANSON, BRUCE/KERSTEN
105 GIBSON PLACE
SITKA AK 99835

Parcel ID: 25002006
LUCIENNE/KELLAN
DOGGETT/SHOEMAKER
DOCCTETT, LUCIENNE & SHOEMAKER,
KELLAN
106 GIBSON PLACE
SITKA AK 99835

Parcel ID: 25002007
CHRISTOPHER/K. CARROLL
CARROLL, CHRISTOPHER,
M./KAMALA, F.
107 EBERHARDT DR
SITKA AK 99835

Parcel ID: 25002008
REBECCA LAWRIE
LAWRIE, REBECCA, M.
1705-B EDGEcumbe DR.
SITKA AK 99835

Parcel ID: 25002009
JERRY/DIANE MOORE
MOORE, JERRY & DIANE
201 37TH STREET
CODY WY 82414

Parcel ID: 25003000
JAMES POULSON
POULSON, JAMES
1610 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 25004001
SNOWDEN GROUP, LLC
SNOWDEN GROUP, LLC
P.O. BOX 178
SITKA AK 99835-0178

Parcel ID: 25004002
~~SNOWDEN GROUP, LLC~~
~~SNOWDEN GROUP, LLC~~
~~P.O. BOX 178~~
~~SITKA AK 99835-0178~~

Parcel ID: 25004003
~~SNOWDEN GROUP, LLC~~
~~SNOWDEN GROUP, LLC~~
~~P.O. BOX 178~~
~~SITKA AK 99835-0178~~

Parcel ID: 25062008
~~STANLEY FILLER~~
~~FILLER, JR., STANLEY, J.~~
~~406 HOLLYWOOD WAY~~
~~SITKA AK 99835~~

Parcel ID: 25062009
~~STANLEY FILLER~~
~~FILLER, STANLEY, J.~~
~~P.O. BOX 777~~
~~SITKA AK 99835-0777~~

Parcel ID: 25065002
~~MGC INVESTMENTS, LLC~~
~~MGC INVESTMENTS, LLC~~
~~P.O. BOX 1451~~
~~SITKA AK 99835-1451~~

Parcel ID: 25066000
~~TREVOR/BARBARA WEBB~~
~~WEBB, TREVOR/BARBARA~~
~~106 EBERHARDT DR~~
~~SITKA AK 99835~~

Parcel ID: 25067000
~~KERMIT WHITTEMORE~~
~~WHITTEMORE, KERMIT, D.~~
~~P.O. BOX 264~~
~~SITKA AK 99835-0264~~

P&Z Mailing
April 7, 2017

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 3/29/17To: Ryan RefshawACCOUNT # 100-300-320-3201.002
PLANNING & ZONING

Variance.....	100.00
Conditional Use Permit.....	
Minor Subdivision.....	
Major Subdivision.....	
Zoning Map Change.....	
Zoning Text Change.....	
Lot Merger.....	
Boundary Line Adjustment.....	
General Permit.....	
Appeal of Enforcement Action (Pending).....	
Other.....	
Sales Tax.....	5.00
 TOTAL.....	105.00

Thank you

PAID

MAR 29 2017

CITY & BOROUGH OF SITKA

A
L
A
S
K
A

2017-000261-0

Recording Dist: 103 - Sitka
3/23/2017 10:32 AM Pages: 1 of 2



53852

STATUTORY WARRANTY DEED
Alaska Statute §34.15.030

The Grantor, JERRY MOORE and DIANE MOORE, husband and wife, who's mailing address is 201 37th Street, Cody, WY 82414, for and in consideration of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, conveys and warrants to the Grantee, RYAN L. REFSHAW, a single man, of PO BOX 2673, Sitka, Alaska 99835, to have and to hold, all of their right, title and interest, including any after acquired title, in and to the following real property located at 1703 Edgecumbe Drive in Sitka, Alaska, and more particularly described below:

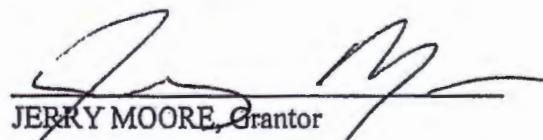
Lot 9G, Gibson-Kitka-Snowden Subdivision, according to Plat 77-5, in the Sitka Recording District, First Judicial District, State of Alaska.

TOGETHER WITH any and all improvements, appurtenances, easements, rights or hereditaments situated thereon.

SUBJECT TO existing easements, rights of way, restrictions, reservations and covenants of record.

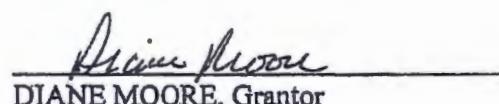
FURTHER SUBJECT TO rights of the state or federal government and/or the public in and to any portion of the land for right of way as established by Federal Statute RS477, whether or not such rights are shown by recordings of maps in the public records by the state of Alaska showing in the general location of these rights of way.

DATE: 3/21/17



JERRY MOORE, Grantor

DATE: 3-21-17



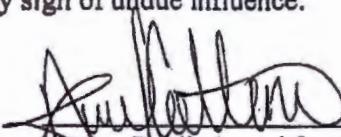
DIANE MOORE, Grantor

*Ryan L. Refshaw and Greta A. Refshaw, husband and wife
Warranty Deed
Page 1 of 2

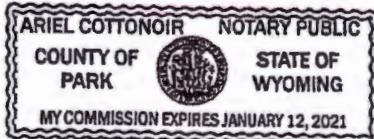
ACKNOWLEDGEMENT

THIS IS TO CERTIFY that on this 21 day of March, 2017, before me, the undersigned, a Notary Public in and for the county of Park, state of Wyoming, personally appeared JERRY MOORE and DIANE MOORE, to me known to be the individuals who described in the foregoing instrument, and who acknowledged to me that he executed the foregoing instrument as his free and voluntary act and deed for the uses and purposes stated without any sign of undue influence.

SEAL



Notary Public in and for the state of Wyoming
My Commission Expires: Jan 12, 2021



RETURN TO AFTER RECORDING:

Jerry & Diane Moore
201 37th Street
Cody, WY 82414

Warranty Deed
Page 2 of 2



2 of 2
2017-000261-0