#### PERMIT

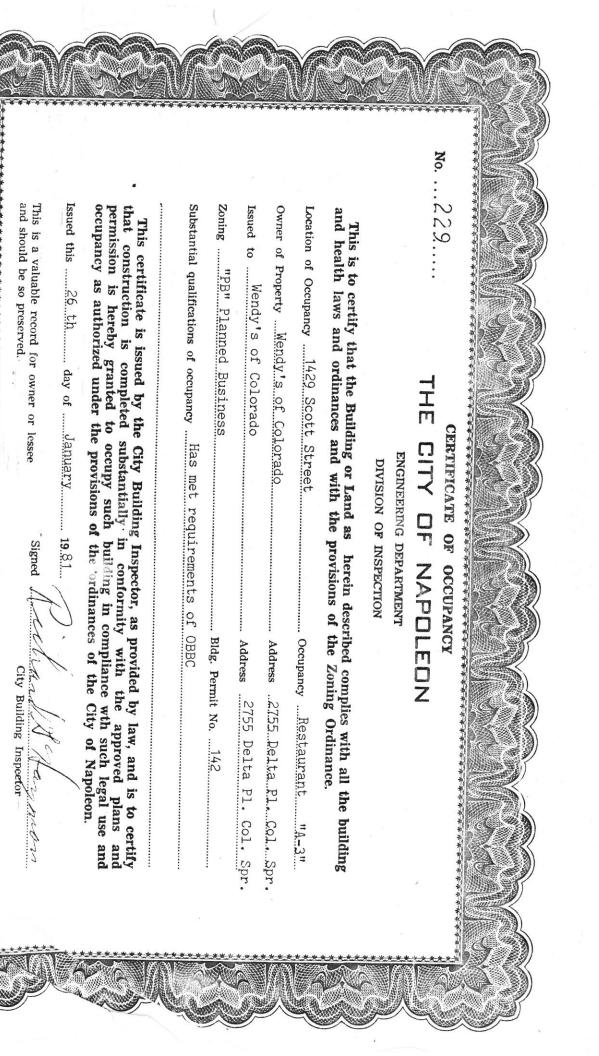
## CITY OF NAPOLEON, OHIO — DEPT. OF BUILDING & ZONING 255 W. Riverview Avenue, Napoleon, Ohio 43545 (419) 592-4010

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Permit No	)				Date 10-02	80
ob Locat	tion Napoleon, Oh	nio 1429 Scot	t St.	Valuation \$_	200,000	27 23
Owner <mark>₩@</mark> r	ndy's of Colora	adouress		Address 2755 Delta Pl., Colorado S		
Contracto	r Dick Dickin					
	Address 3901 Sc	outh Ave., Tole	edo, Ohio	12615		
lectric Co	ontractor		8 8			
	Contractor					
	al Contractor					
	mitted, as approved	d for work described in by the Building Commonent construction and	nissioner of the	City of Napoleo	n. Ohio. Work si	ub- hall
Vork Infor			al X			
	No. dwelling units		d1	Indu		
	tructionX ription of Work	Addition	- 211×2n+	Re	emodel	
is the owners or contractors responsibility to call the uilding Department for the following (x) inspections:			PERMIT & FEES OF IMPOLEON  8 66.20			
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v	concrete.		Electr	ical Permit	\$22.40	
X	<ul> <li>Footing drains and to backfill.</li> </ul>	d foundation prior	Plumb	oing Permit	\$	
X	<ul> <li>Prepared sub-grad</li> </ul>	de prior to placing	Mecha	anical Permit	\$	
	concrete floor sla	b.	Demo	lition Permit	\$	
X	_ Sanitary sewer		Zonin	g Permit	\$	
X				Permit	\$ 300.00	
	service framing prior to wall board.	prior to installing	Water		\$ 100.00	
X		mlumah!	Sewer	•	\$ 10.00	
		plumbing and		. Elec.	\$	9
X			Other			
	· ·	pection, prior to			_ ֆ	
	<ul> <li>Final building ins occupancy.</li> </ul>	pection, prior to			\$ 498.60	
	_ Final building ins	pection, prior to		TOTAL FEES	0	
rmit is not	Final building ins occupancy.			TOTAL FEES LESS FEES PAI	D \$ -0-	
rmit is not void if wo	_ Final building ins	paid in full, and shall		TOTAL FEES	D \$ -0-	

### PERMIT

## CITY OF NAPOLEON, OHIO — DEPT. OF BUILDING & ZONING 255 W. Riverview Avenue, Napoleon, Ohio 43545 (419) 592-4010

Permit No		Date 10-02-80
Job Location Napoleon, Ohio 1429 Scott S	Valuation \$	200,000
Job Location Napoleon, Ohio 429 Scott S Owner Name	Address 2755 Delt	a Pl., Colorado S
Contractor Dick Dickinson Co.  Address 3901 South Ave., Toledo	Telephone No	CO 8
Address 3901 South Ave., Toledo	, Ohio 43615	
lectric Contractor		
lumbing Contractor		
lechanical Contractor		
This permit is issued for work described in the mitted, as approved by the Building Commissi conform to all pertinent construction and lan	oner of the City of Napoleon.	Ohio. Work shall
/ork Information: esidentialCommercial	X Indus	trial
	rant Rem	
rief Description of WorkFast_Food Restau	rant	
s the owners or contractors responsibility to call the illding Department for the following (x) inspections:	PERN	OCT 31980
Footing excavation prior to placing	Building Permit	\$
concrete.	Electrical Permit	\$
——— Footing drains and foundation prior to backfill.	Plumbing Permit	\$
Prepared sub-grade prior to placing	Mechanical Permit	\$
concrete floor slab.	Demolition Permit	\$
Sanitary sewer	Zoning Permit	\$
Rough-in electrical, plumbing and	Sign Permit	\$ 300.00
service framing prior to installing	Water Tap	\$ 100.00
wall board.	Sewer Tap	\$
Final electrical, plumbing and heating.	Temp. Elec.	\$
Final building inspection, prior to	Other	\$
occupancy.	TOTAL FEES	498.60
	LESS FEES PAID	\$
mit is not volid until all face		498.80
rmit is not valid until all fees are paid in full, and shall void if work is not started within six months of date ove.	BALANCE DUE	Ψ



O 00E5 179

## SIGN ORDINANCE REVIEW By Richard G. Hayman

Over the past seven years, I have done three reviews of sign ordinances. Most cities vary greatly from one another. More and more cities are moving toward open spaces, free of any obstructions.

Most businesses want as many signs as they can get with their name on them. Sign ordinances normally spell out what can be on a directional sign. Defiance allows directional signs with no advertising. These signs could say "In" or "Entrance", "Out" or "Exit" but not have McDonalds, Wendys or any other name on them. Bowling Green prohibits signs in S District Planned Commercial uses. Their setback is twenty-five (25) feet.

Perrysburg, Ohio has a Special Commercial and Industrial District and no signs are allowed within ten (10) feet of the public right-of-way.

Route 108 is a main thoroughfare into the City and the twenty (20) foot green area should be left unobstructed and planted in trees and shrubs.

Columbus, Ohio is a good example of the green area requirement. When you come off Interstate 71 onto 161 Worthington Exit, all the shopping centers, motels, french quarters and apartments are required to have a mounded area, screening the businesses from the roadway areas. Tall pole signs are allowed for each individual business complex. Each business within a shopping center did not have a sign and no entrance and exit signs were visible. Trees and shrubs are planted on and around the mounds and it gives the affect of a country green look.

Empire does not use their two signs within the twenty (20) foot area as directional signs. There is no entrance or exit printed on these signs, only "Empire". I do not feel these two signs are necessary.

Wendys had their grand opening and talking to the off-duty policemen working there, they said they saw no traffic problems. The entrance sign that was to be located on the Scott Street drive was not put up and most of the traffic came in this entrance. I did not feel in the beginning that there was a need for this sign, and I do not feel now that there is a need for it.

There is a need for an "Exit" sign at the rear drive because I noticed that a number of cars exiting the area went up the drive that leads to the drive-in window.

They had installed two signs at this rear drive which I made them remove because they were not on Wendy's property. These could be replaced right on the edge of the curb each side of the drive.

I think the Council should look very strongly about modifying or amending this section of the Zoning Ordinance. Napoleon is expanding and we are running out of open green area. Signs are a polutant to the vision, like rubbish and trash are and we should look more to beautifying our entrance to the City instead of cluttering it with all kinds of signs, posts, poles and miscellaneous items.



## City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE - (419) 592-4010

November 14, 1980

Mayor Robert G. Heft

Mr. Victor Wesalowski Office Assistant 3800 Airport Highway Toledo, OH 43615

Clerk-Treasurer Rupert W. Schweinhagen

Re: Wendy's Signs

Members of Council Lawrence Haase, President James Jackson William Young Darel Austermiller Darrell Fox James Zumfelde

City Manager Alan E. Tandy

Law Director Keith Muehlfeld Dear Sir:

I have reviewed the drawing and the pictures of the signs for Wendy's and have numbered the signs on the plot plan. Signs 1, 2, 3, 4, 5 and 9 are approved as shown. Sign number 6 shall be moved twenty (20) feet back from the right-of-way of N. Scott Street the same as Sign 1. Signs 7 and 8 are not located on your property but in the road right-of-way. Because this is a private road, they do not have to set back the twenty (20) feet, as the ones on Scott are required, but they do have to be on Wendy's property. This is required by Code. If Signs 6, 7 and 8 are moved then they will be allowed.

I have also accompanied with this letter, the fees for each sign submitted. If any signs are removed, please deduct the amount of that sign and submit the remiander.

Yours truly.

Richard G. Hayman

Building Commissioner

RGH: dd

## REVIEW FOR BOARD OF ZONING APPEALS By Richard G. Hayman

Re: Wendy's Restaurant Signs

Wendy's Restaurant is applying for a variance to Section 151.34(A)(7) of the Zoning Code for Planned Business Areas. This Section reads as follows: Off street parking spaces and accessory uses such as filling station pumps and islands, signs and light standards and access drives may be located in the required front yard, but not within twenty (20) feet of the front lot line. Said strip of land shall be maintained as a lawn area with occasional tree and shrub plantings.

I feel very strongly about Planned Business Districts and this particular section of the Zoning Code. The intent of the Code is to keep an open green area along the street right-of-ways. If we let every business encroach on this twenty (20) foot strip, before long we won't have an open green area. Also with the future widening of Scott Street this will put anything in this open area that much closer to the street.

Wendy's is asking for an entrance sign to be placed ten and one-half feet  $(10\frac{1}{2})$  from the right-of-way. McDonald's has already been granted a variance for two signs reading Drive-Thru and Thank You. These signs are 2 ft. by 3 ft. in size and contain the McDonald arches.

The sign for Wendy's will read "Wendy's Entrance" and will be five foot one inch high.

Empire Restaurant is also coming before you tonight for a variation on two signs.

When you drive down Scott Street now it has a fairly nice look with the signs all at twenty feet from the right-of-way. I think the Board should take a deep consideration before granting all these encroachments on this twenty foot (20') green area.

Wendy's has already been granted variances on other yard requirements.

### PROCEEDINGS OF THE BOARD OF ZONING APPEALS DECEMBER 9, 1980

MEMBERS PRESENT: Richard McBroom

Lynn Yackee Ned Giffey

Howard Overhulse Robert Downey

ALSO PRESENT:

Richard Hayman Bruce Weirauch

IN ATTENDANCE:

Tom Klosterman Bill McDermot

The Chairman called the meeting to order at 4:37. The roll was taken. The Chairman then asked for discussion on the minutes of the August 11, 1980 meeting. There being no discussion the minutes were approved as written.

The Chairman then opened the floor for discussion on the first item on the agenda, an appeal made by Wendy's Restaurant for a variation in the required front yard setback requirement in a "PB" Planned Business District, for an accessory use. The Chairman then recognized Mr. Bill McDermot of Wendy's who explained the reason for the appeal.

Mr. McDermot explained that with their location (1429 Scott St.), the large amount of traffic and change in the grade of the lot a sign was needed near the right-of-way line and within the front setback of the property. He stated that the sign was necessary to advise customers that the drive was an entrance only and was not to be used as an exit.

The Board then expressed the need for caution in this area of town. It was noted that the traffic was bad in these areas, therefore good visability was a must. Also plans to widen Scott Street have been suggested, which would make the signs that much closer to the street.

Mr. Overhulse than made a motion to deny the variation request as applied for by Wendy's. Mr. Downey seconded the motion. There being no discussion the Board proceeded to vote. Mr. McBroom, Mr. Overhulse, Mr. Downey, Mr. Giffey voted to deny the request and Mr. Yackee voted not to deny.

The Chairman then opened the floor for discussion on the second item on the agenda, an appeal filed by Mr. Tom Klosterman on behalf of the owner of Empire Restaurants for a variation in the front yard setback requirements for an accessory use in a "PB" Planned Business District. Said request is to permit signs

within 20 feet of the front property line at the Empire Restaurant located at 1429 Scott Street, Napoleon. The Chairman then recognized Mr. Hayman who explained that the signs are existing and described the location of the signs. Mr. Klosterman then expressed his feelings that the signs are attractive and he felt that to allow McDonald's signs and to deny Wendy's and themselves the right to signs is a shame. Mr. Klosterman then asked the reasoning for the requirements. The Board stated that a greenbelt is required along Scott St. and the Board is required to enforce the Code unless hardship circumstances exist. The Board then expressed negative feelings toward signs in the front setback. The Board also noted that other cities do not allow signs at the right-of-way and they have no problems with traffic. Mr. Hayman then noted that Wendy's was granted several variances for their property previously because of the type of lot they had. Wendy's obtained their problems by buying that particular lot, the problem with the sign is their own problem. problem with Empires sign is that it was installed without a permit. Mr. Yackee than made a motion to deny the request. The motion was seconded by Mr. Downey. There being no discussion the Board unanimously voted to deny the variance as requested.

There being no further business to come before the Board, it was moved and seconded to adjourn. All members voted in favor of adjournment and the Hearing was declared closed.

### COTY OF NAPOLEON BUILDING INSPECTION DEPARTMENT APPLICATION FOR BUILDING PERMIT (please print or type)

Jewier Hayma Richard Hayma

The undersigned hereby makes application for construction, installation, or alteration work as herein specified, agreeing to do all such work in strict accordance with the City of Napoleon's adopted Building Codes.

The Market and Comment and Comment	of Colorado Springs Address2755 Delta Pl. (	Colorado Sp
ntractor Dick Dic	ekinson Co. Telephone No.	Co.
Address 3901 S	South Ave., Toledo, OH. 43615	
t Information: (n	ot required for siding job)	the file of the section of the secti
to No. 2	Subdivision Beck & Schultz	
ning District $PB$	Lot Size104.65 300 ft. Area 31,395	sc. ft.
tbacks: Front	80' Right Side 20' Left Side 45' Rea	137'
rk Information:		
sidential	Cormercial Yes Industrial	
w Construction	Yes Addition Remodel	
cessory Building T	Trash Enclosure Siding Masonry	Control of the contro
	Work: Fast Food Restaurant (Specific Typ	
	trades and adjusted and the second second and the second second second and the second	The field fearings, and the area on part of the theory of
81   81   81	Width 37 No. of Stories 1	to all the property and the second se
THENGEN OF O	568	core fr
a: 1st Floor 2,	sq. it. Basement	total to the total
a: 1st Floor 2,	568 sq. ft. Basement sq. ft. Accessory Building	
2nd Floor 2,	sq. ft. Accessory Building	
2nd Floor 3rd Floor	sq. ft. Accessory Building sq. ft. Other	sq. ft.
2nd Floor 2, 2nd Floor 3rd Floor itional Informatio	sq. ft. Accessory Building sq. ft. Other	sq. ft.

Date 7-30-80

Applicants Signature Jances (c. Olson

# CITY OF NAPOLEON BUILDING INSPECTION DEPARTMENT APPLICATION FOR HEATING PERMIT (PLEASE PRINT OR TYPE)

The undersigned hereby makes application for the installation, replacement or alteration of a heating system or device as herein specified, agreeing to do all such work in strict accordance with the City of Napoleon's adopted Mechanical Code for 1, 2 and 3 Family Buildings. 2755 Delta Place Owner's Name Wendy's of Colorado Springs Colorada Springs, Colorado 80910 Contractor's Namethe dick DICKINSON COAddress 3901 South Ave. Toledo - 531-4231 BUILDING INFORMATION: Single Family Double Family Multiple New Construction X Addition Remodel . Replacement No. of Stories 1 DESCRIPTION OF WORK Heating System - Warm Air X Hot Water Steam Electric Unit Heaters Unit Gas Heaters Other Roof top gas units Type - Gravity Forced X Radiant No. of Thermostatical Heating Zone one Not Water - One Pipe X Two Pipe , Series Loca Electric Heat - No. of Circuits Other Total Rest Loss of Area to be Rested Rated Capacity of Fernace/Scaler 2 units @ 112 MBH; 1 unit @ 187 MBH Btu No. of Furnaces 3 No. of Hot Air Runs 15 NG. of Not Water Radiators Type of Fuel Heating Units Located: Crawi Space Ploor Level Suspended Roof or Exposed to Outside Air Attic Other Roof tops mounted APPLICATION FOR PERMIT SHALL BE ACCOMPANIED BY TWO COMPLETE SETS OF PLANS INCLUDING: LOCATION OF FURNACE OR UNIT HEATERS AND SIZE AND LOCATION OF FEEDER DUCTS AND RETURN AIR DUCTS. ALL PLANS SHALL BE DRAWN TO SCALE. ESTIMATED COST OF COMPLETED PROJECT: \$20,000.00 DATE 10-3-80 APPLICANT'S SIGNATURE

# CITY OF NAPOLEON BUILDING INSPECTION DEPARTMENT APPLICATION FOR ELECTRICAL PERMIT (please print or type)

The undersigned hereby makes application for installation or replacement of electrical equipment as herein specified, agreeing to do all such work in strict accordance with the City of Napoleon's adopted Electrical Codes.

in strict accordance with the City of Napoleon's adopted Electrical Codes.
Owner's Name Wendy's of Colorado Springs Address
Electrical Contractor the dick DICKINSON CO. Telephone No. 531-4231 (419)
Address SEE BELOW
General Contractor the dick DICKINSON CO. Telephone No. 419-531-4231
Address 3901 South Ave. Toledo, Ohio 43615
Location of Project 1429 N. Scott St. Cost of Project
Work Information:
Residential Commercial XXX Industrial No. Units
New XXX Service Change Rewiring Additional Wiring
Brief Description of Work: New resturant
Size of proposed service entrance 600amp Number of new circuits 65
Type of proposed service entrance Underground XXX Overhead
Require Temporary Electric YES (Yes of No)
Total Floor Area - Commercial and Industrial only 2568 sq. ft.
Additional Information:
*GROUND FAULT CIRCUIT INTERRUPTER PROTECTION IS REQUIRED ON ALL 120-VOLT SINGLE PHASE, 15 and 20 AMP. CIRCUITS WHICH ARE PART OF A TEMPORARY ELECTRIC SERVICE: AND ALSO ON BATHROOM, OUTDOOR, AND GARAGE RECEPTACLES IN ALL DWELLING UNITS. Ant. 210-8 N.E.C.
*APPLICATION FOR PERMIT SHALL BE ACCOMPANIED BY TWO COMPLETE SETS OF PLANS INCLUDING: ELECTRICAL LAYOUT AND RISER DIAGRAM. (FOR COMMERCIAL AND INDUSTRIAL WORK ONLY).
Date 10-2-80 Applicant's Signature Umm W. J. Simin

## APPLICATION FOR PERMIT TO TAP SEWER

(Print or Type)

OWDER Wendy 5 of Colorado	No. 580-15
Address 2755 Delta Pt. Colorado Springs	P B
Contractor THE DICK DICKINSON Co.	
Address 3901 South Ave To 531-423	Commence or production of the first of the f
LOCATION OF CONNECTION	for office use only
Street and No. 1429 Scott St. Sanitary	Storm
Lot No. E Subdivision Beek Schultz	Size of Tap
Size and Type of SewerALL	WORK MUST BE INSPECTED
I certify that the sewer will be used only as indicated and no ot	
DateSignature	The Committee
awo	er-builder-agent
	ACTION AND ACTION OF THE PROPERTY OF THE PROPE
INSPECTION RECORD	
Date Inspected Size and Type of Sewer	
Location Depth Type of Test	The state of the s
Inspected and Approved By:	The second secon
Additional Information Inspector	Date
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Send copy to:	
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SKETCH OF INSTALLATION



## City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE - (419) 592-4010

November 3, 1980

Mayor Robert G. Heft Mr. Michael L. Hammond Forum Architects Inc. 5515 Southwyck Blvd. Toledo, OH 43614

Clerk-Treasurer

Rupert W. Schweinhagen

Re: Wendy's Restaurant Scott St. Napoleon, Ohio

Members of Council

Lawrence Haase, President James Jackson William Young Darel Austermiller Darrell Fox

City Manager Alan E. Tandy

James Zumfelde

Law Director Keith Muehlfeld Dear Mr. Hammond:

This is in answer to your letter of October 30, 1980.

After our phone conversation, I called the Board of Building Standards. They stated that Section 872.4 was worded in a misleading way and that there was a ruling by the Attorney General's Office in 1964. That decision confirmed your interpretation of the Section.

The Building Officials of the State of Ohio are under enormous pressure from the Board of Building Standards to decipher the OBBC the way it was intended.

I'm sorry if this caused you or Wendy's any inconvenience.

Yours truly,

Richard G. Hayman Building Commissioner

RGH: dd



419-866-1138

October 30, 1980

Mr. Richard Hayman City of Napoleon Building Inspection Department 255 W. Riverview Napoleon, Ohio 43545

Re: Wendy's Restaurant Scott Street Napoleon, Ohio

Dear Mr. Hayman:

This will confirm our telephone conversation of this morning regarding your request to the General Contractor, The dick Dickinson Company, that the foundation wall of the building be waterproofed.

You had referred to O.B.B.C. Section 872.4, Waterproofing and Flooding. Your interpretation was that "exterior walls below grade" in any use of building should be waterproofed. My interpretation is that exterior walls below grade and the cellar floors of all buildings enclosing habitable or occupancy rooms or spaces below grade shall be made watertight', particularly in institutional and residential uses.

My comment was that if the wall was waterproofed it would not prevent anything from getting wet because water would seek its own level on both sides of the foundation wall, in concrete slab on grade construction. You agreed that this was true and that it would not be necessary to waterproof the foundation walls of the Wendy's building. I then informed the General Contractor of this.

If you have any other comments or problems with the construction of the building, please feel free to give me a call.

I might add that it is good to see you are making regular inspections to the site and are very concerned with the quality of construction of the building.

Thank you for your time.

Sincerely,

FORUM ARCHITECTS, INC.

Michael L. Hammond

MLH/kme

cc: The dick Dickinson Company

5515 SOUTHWYCK BLVD.



## General Fire Sales & Service. Inc.

707 First St.

Phone: (419) 693-0708

Toledo, Ohio 43605

A Complete Line Of Better Fire Extinguishing Equipment

December 9, 1980

City Hall 255 W. Riverview Ave. Napoleon, Ohio 43545

Attn: Bruce Weirauch or Richard Hayman Dear Sir,

Enclosed is a copy of the print for the Fire Suppression Systems to be installed at the new Wendy's, 1429 Scott St. in your city.

Please issue a permit and/or approval by mail to my office if everything meets your requirements.

If you have any questions, please contact me at 1-693-0705.

Sincerely,

Lichard a. Ragland
Richard A. Ragland

Coordinator

RAR: ds

#### MEMORANDUM

TO: Members of the Board of Zoning Appeals FROM: Brent N. Damman, Zoning Administrator

SUBJECT: Variance to front setback for Wendys. HEARING DATE: July 13th, 1993 at 4:30 PM

HEARING #: BZA 93/10

### BACKGROUND

An application by Donald Martin 5232 Eagle Ridge Ln. Sylvania Ohio, on behalf of Rick Holland 1555 S. Nevada St. Colorado Springs, Colorado, owner of Wendys Restaurant 1429 N. Scott St. Napoleon, Ohio, requesting variance to the front setback, for the purpose of constructing an addition to the front of the existing structure. The variance is to section 151.39 (D) (1) of the City of Napoleon Ohio Code of General Ordinances, and is located in a "PB" Planned Business zoning district.

### RESEARCH AND FINDINGS

- 1. The purpose of this request is add a glass front eating area to the existing building.
- 2. The planning commission has made recommendation in our new zoning code to change the 80' front setback requirement in the PB zoning district to 60 '.
- 3. With the proposed addition of 16 parking spaces to the west end Wendys lot, the building expansion and added seating will meet the minimum requirements for parking

### ADMINISTRATIVE OPINION

- I am recommending approval of the request with one condition:
- 1. The new parking lot must be completed to City of Napoleon Engineering Department Standards and in full operation before the new addition may be used or occupied.

### CONSIDERATIONS

The standards for variation to be considered are as follows:

(a) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or use in the same vicinity or district.

- (b) That such Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity or district but which is denied to the property in question.
- (c) That the granting of such Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or district in which the property is located.
- (d) That the granting of such a Variance will not alter the land use characteristics of the vicinity of district, diminish the value of adjacent land and improvements or increase the congestion in the public streets.

I think this was drawn before Keith bought 81

I think this was drawn before Keith bought 81

additional from Beck/schultz along the west side. ZI 00 FRUCHEY PROPERTY (2) CONIC. 19 FILLED POSTS@ 491 ೲ AS PHALTAN 17 NEWCUPB PROPOSED WEN BUMPON BOLF GURD FAL PARKING EXPAN 36 ス る し ド 10 171 GREEN BELT ē 14 81 PORCH. 13 2 4 HEN EXINHO Ġ. HEHDYS X HENDYS PARKING A PARKING. 12 WEND HEW HEW EXICTING CURB 65 9 10 8 NEW 24 DRIVE 20 DEIVE PW 401 EMOTING CUPPLCUT. TRAIL DRIVE CUPPICUT

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CITY OF MAPOLLOM