DATE: April 19, 2006                      AGENDA DATE: April 25, 2006

MEMO TO: Board of Supervisors

FROM: W. Arthur Reeve, P.E., County Engineer

RE: Four Square Church, Use Permit (UP0607) Amendment Appeal

RECOMMENDATION: Deny the appeal from the Foursquare Church for Condition 6, as part of the conditions of Use Permit Amendment (UP0607)

BACKGROUND/DISCUSSION: David C. Powell, on behalf of the Four Square Church, is requesting (attached letter) the appeal of Condition 6 of their Use Permit Amendment (UP0607) that requires the improvements on Macken Avenue (conditions #9 and #10 of the original approved Use Permit conditions) be completed prior to the Certificate of Occupancy.

Because Four Square Church is located within the urban boundary, condition #9 mandates that the south side of Macken Avenue between Meridian Street and Butte Street shall be improved with Cal-Trans Type A2-6 curb, gutter, 5-foot sidewalk, storm drain, and the pavement widening with minimum 0.25’ thick asphalt concrete pavement over engineered base. The condition #10 requires the Four Square Church to obtain an engineered road, grading, and drainage plans for the above improvements, and the condition #11 requires the Four Square Church to obtain an encroachment permit for any work in the Macken Avenue right-of-way.

The above improvements for Macken Avenue were requested by the county seven years ago as part of the conditions for the Use Permit UP9917 in 1999. In January 14, 2002, Four Square Church bonded for the above improvements. At this time, the County is requesting that the improvements on Macken Avenue be completed before the Certificate of Occupancy can be issued for the bus barn and enclosure for the climbing wall.
County Staff recommends denial of the appeal from Four Square Church, deferring them from the improvements along Macken Avenue. The staff’s opinion is based on the following:
1) Almost seven years have elapsed since the conditions for Macken Street improvements have been applied to Four Square Church Use Permit, which makes to question the seriousness of the use permit applicant regarding the improvements of Macken Avenue;
2) Granting the appeal will reduce the significance of the bond posted by Four Square Church in 2002 for the improvements on Macken Avenue.

**ALTERNATIVES:** Grant the appeal to Foursquare Church, and defer the improvements on Macken Avenue for a specific period of time at which the improvements must be completed.

**FINANCING:** Not applicable.

**OTHER AGENCY INVOLVEMENT:** None

**SIGN OFF/REVIEW:**

**ADMINISTRATIVE SIGN OFF:**

Auditor: N/A
County Counsel: N/A
County Administrative Office: N/A
Personnel: N/A
Other Department: N/A

Ernest Perry, Director of CDD
Approved for submittal to the Board of Supervisors
February 14, 2006

Del Norte County Board of Supervisors
981 H Street
Crescent City, CA 95531

RE: Appeal of Planning Commission Action

Three years ago we (the Foursquare Church) built a gymnasium on our property on Macken Street. This gymnasium has been a real asset to the community and our church. A part of the process to create the gym was an agreement between the church and the county that the church would make improvements to Macken Street in front of our properties. Because of different issues, this has not been done yet.

Recently we expanded the use permit on our bus barn to allow us to enclose our climbing wall for year around use and to create a garage for our bus. As a part of this process the Planning Commission added the completion of our road improvements as a condition for occupying these two new areas.

We wish to appeal this addition and respectfully request a deferment of the road improvement as a condition of our eventual Certificate of Occupancy on these two projects. It is our absolute intention to complete the road improvements – our gym looks terrible. We are currently doing a cost assessment with Stover Engineering to begin the process of completing the road improvements.

Thank you for your consideration in this matter.

David C. Powell
Assisting Pastor

cc: Planning Commission
NOTICE OF CONDITIONAL APPROVAL
OWNER (S): Foursquare Gospel – UP0607 Amendment
Page 2

CONDITIONS:

1) A building permit shall be obtained for the additions to the structure;
2) The project shall be completed in substantial accord with the submitted plot plan;
3) Prior to issuance of the Certificate of Occupancy for the structure the Planning Division shall verify that a minimum of 103 parking spaces (as indicated in the project description & plot plan) meet the County’s Off-Street Parking Ordinance are available to serve the subject project and other uses affiliated with the Four Square Church facility. Any expansion or change of use of the Four Square Church may require additional review by the Del Norte County Community Development Department for compliance with the County’s Off Street Parking Ordinance;
4) The project shall comply with the requirements of the Uniform Fire Code applicable at the time of complete application (12/05);
5) The structure shall have a maximum height limit of 35 feet, as allowed by County Zoning Code, Section 20.16.040;
6) Prior to issuance of the Certificate of Occupancy the deferred improvements on Macken Avenue shall be completed;
7) A Notice of Conditional Approval of this project shall be recorded at the time of acceptance of the permit (signing) at the applicant’s expense; and
8) This entitlement is specifically conditioned on the applicant agreeing to indemnify and hold harmless the County of Del Norte, the Planning Commission of the County of Del Norte, the Board of Supervisors of the County of Del Norte, their officers, employees and agents against any and all claims arising out of the issuance of the entitlement and specifically against any expense arising from defending any legal action challenging the issuance of the entitlement, including but not limited to the value of time devoted to such defense by County officers, employees and agents and the amount of any judgment, including costs of suit and attorney fees, recovered against the County or any of its officers, employees or agent in such legal action. The County of Del Norte reserves the option to either undertake the defense of any such legal action or to tender such defense to the applicant. Should the County tender such defense to the applicant and the applicant fail or neglect to diligently defend such legal action, the County may consider such failure or neglect to be a material breach of this conditions and forthwith revoke this entitlement.

See attached Exhibit(s): A, B
NOTICE OF CONDITIONAL APPROVAL

OWNER (S): International Church of the Foursquare Gospel
DESCRIPTION: Amendment to Use Permit to Amend a Quasi-Public Use
OFFICIAL RECORDS REFERENCE: Book 69 Page 331

Notice is hereby given by the Del Norte County Community Development Department, on behalf of the Planning Commission, that on the 1st day of February 2006, the Planning Commission of the County of Del Norte conditionally approved the above-described project. The conditions applicable to the subject project are as listed below and are derived from the action of the Commission. These conditions may include actions required to be fulfilled prior to establishment of the use or filing of the applicable map and/or may include conditions which run with the project and which shall also be the obligation of subsequent owners.

Interested parties should contact the County Department of Community Development for further information.

Ernest Perry, Director
Del Norte County Community Development Department

PROJECT APPLICATION NUMBER (S): UP0607 Amendment
ASSESSORS PARCEL NUMBER (S) AT TIME OF APPLICATION: 120-280-02
Agent: Dave Powell

STAFF REPORT

APPLICANT: Four Square Church

APPLYING FOR: Amendment for a Use Permit to Amend Quasi-Public Use (Addition to Recreation Building)

AP#: 120-280-02 LOCATION: Pacific Ave., Between Butte and Meridian, Crescent City

PARCEL(S) EXISTING EXISTING
SIZE: .45 acre USE: Storage STRUCTURES: Pole Barn

PLANNING AREA: 71 GENERAL PLAN: UR(6/1)

ADJ. GEN. PLAN: Same

ZONING: R1B6 ADJ. ZONING: Same

1. PROCESSING CATEGORY: NON-COASTAL X APPEALABLE COASTAL PROJECT REVIEW APPEAL
   NON-APPEALABLE COASTAL

2. FIELD REVIEW NOTES: DATE: 1/6/06 HEALTH DEPT BUILDING INSPECTION X ENGINEERING/SURVEYING X
   PLANNING X

ACCESS: Macken Ave. ADJ. USES: Residential, Quasi-public

TOPOGRAPHY: Flat DRAINAGE: Surface

DATE OF COMPLETE APPLICATION: January 12, 2006

3. ERC RECOMMENDATION: CEQA Class 1 exempt. Approval with Conditions.

4. STAFF RECOMMENDATION:

Dave Powell, acting as agent for Foursquare Church, has submitted an application to amend an existing Use Permit for Quasi-Public Use. The parcel is zoned R1-B6 (Single Family Residential – 6000 square foot minimum lot size); the General Plan Land Use designation is UR 6/1 (Urban Residential – 6 dwelling units per acre). The surrounding land use includes residential and quasi-public (another church, baseball fields, and schools) use. The project site, as noted, is where the Foursquare Church is located. Access to the project is from Macken Avenue.

In October 2005 the Planning Commission approved an amendment to convert an existing storage area to a recreation area for the Church's youth. As a result of the conversion of the bus storage to a recreation area, there is need for a new covered bus area. This current amendment is for the addition of a new 14 foot 6 inches wide by 48 feet long bus storage area along the West End of the newly
converted recreation area. In addition, the applicant is also proposing to construct an enclosure around an existing climbing wall that is located on the north side of the building and faces Macken Avenue. The maximum height for all additions is 35 feet, which is the maximum building height in an R-1 zone district. These proposed additions are to be attached to the newly converted recreation building.

The main issue for the addition is the potential for lost parking spaces due to the additions. The location of the new covered bus area does not interfere with any existing parking spaces. The addition around the rock wall may impact several spaces. However, due to a surplus of parking spaces demonstrated by the applicant, no additional parking spaces shall be required as a result of this project. Additionally, the agent has indicated that the facilities will only be utilized on a limited basis, during off-peak hours, so the parking impact is expected to be minimal. The agent has indicated that the facilities will be utilized on Wednesday and Thursday evenings as well as limited use on other days. This project, as submitted, tentatively satisfies the requirements of the Off Street Parking Ordinance but will require review by the Planning Department, prior to the issuance of the Certificate of Occupancy. Additionally, any additional expansions or conversions will require review at such time.

Staff recommends the Commission adopt the findings and approve the project with the below listed conditions:

5. FINDINGS:

A) The project is consistent with the Standards and Policies of the General Plan and Title 20 Zoning;
B) The applicant has tentatively demonstrated adequate parking to satisfy the County Off-Street Parking Ordinance and parking requirements of the original Use Permit;
C) The project, as submitted, shall require the securement of a Building Permit from the County Building Department;
D) The project will not be detrimental to the conditions of the neighborhood or persons working or residing therein; and
E) The project is exempt from the California Environmental Quality Act (Class 1).

6. CONDITIONS:

1) A building permit shall be obtained for the additions to the structure;
2) The project shall be completed in substantial accord with the submitted plot plan;
3) Prior to issuance of the Certificate of Occupancy for the structure the Planning Division shall verify that a minimum of 103 parking spaces (as indicated in the project description & plot plan) meet the County’s Off-Street Parking Ordinance are available to serve the subject project and other uses affiliated with the Four Square Church facility. Any expansion or change of use of the Four Square Church may require additional review by the Del Norte County Community Development Department for compliance with the County’s Off Street Parking Ordinance;
4) The project shall comply with the requirements of the Uniform Fire Code applicable at the time of complete application (12/05);
5) The structure shall have a maximum height limit of 35 feet, as allowed by County Zoning Code, Section 20.16.040;
6) Prior to issuance of the Certificate of Occupancy the deferred improvements on Macken Avenue shall be completed;
7) A Notice of Conditional Approval of this project shall be recorded at the time of acceptance of the permit (signing) at the applicant’s expense; and

8) This entitlement is specifically conditioned on the applicant agreeing to indemnify and hold harmless the County of Del Norte, the Planning Commission of the County of Del Norte, the Board of Supervisors of the County of Del Norte, their officers, employees and agents against any and all claims arising out of the issuance of the entitlement and specifically against any expense arising from defending any legal action challenging the issuance of the entitlement, including but not limited to the value of time devoted to such defense by County officers, employees and agents and the amount of any judgment, including costs of suit and attorney fees, recovered against the County or any of its officers, employees or agent in such legal action. The County of Del Norte reserves the option to either undertake the defense of any such legal action or to tender such defense to the applicant. Should the County tender such defense to the applicant and the applicant fail or neglect to diligently defend such legal action, the County may consider such failure or neglect to be a material breach of this conditions and forthwith revoke this entitlement.
Proposed 935 m^2

Pacific Ave.

Mackenzie Ave.

Pacific Hwy.

BLTTE St.

MERIDIAN 54th St.

Scale 1" = 60".
APPLICANT: Foursquare Church

APPLYING FOR: Amendment to Use Permit to Expand a Quasi-Public Use (Construction of a Multi-Purpose/Gymnasium Building and Associated Off-Street Parking)

AP#: 120-200-06, 07, 08 LOCATION: 144 Butte St, at Pacific Ave. 120-204-06, 11, & 120-280-02

PARCEL(S) EXISTING USE: church & school EXISTING STRUCTURES: church bldg, church school bldg, 1 residence, 1 acc. bldg

SIZE: 1.68+ acres

PLANNING AREA: 71 GENERAL PLAN: Urban Residential (6u/1a)

ADJ. GEN. PLAN: Same

ZONING: R1-B6 ADJ. ZONING: Same

1. PROCESSING CATEGORY: NON-COASTAL X APPEALABLE COASTAL PROJECT REVIEW APPEAL

2. FIELD REVIEW NOTES: DATE: 6/4/99 HEALTH DEPT x BUILDING INSPI x PLANNING x ENGINEERING/SURVEYING x

ACCESS: Butte Street, Pacific Ave ADJ. USES: Residential TOPOGRAPHY: Generally Flat DRAINAGE: Surface

DATE OF COMPLETE APPLICATION: 6/10/99

3. ERC RECOMMENDATION: Previous Negative Declaration applies. Approval subject to listed conditions.

4. STAFF RECOMMENDATION:

Foursquare Church applied for and received a conditional use permit to construct a multi-purpose/gymnasium building on its property located on the northeast corner of Butte Street and Pacific Avenue. The site is the location of the existing church/school and associated parking area. The project area is zoned R1-B6 (Single Family Residential). Quasi-public uses are allowable in residential areas. The applicant proposed construction of additional parking in excess of that required by County Code on a separate parcel located at the northeast corner of Macken Avenue and Butte Street.

The applicant's architect has now requested an amendment to the use permit to allow the use of the bus barn, originally planned for demolition, to be left in place and two parcels located at the northeast corner of Macken Avenue and Butte Street to be improved as parking.

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lots to serve the development. Some parking would continue to be used near the bus barn. A total of 103 spaces was previously required and the new plan would provide in excess of the required number of spaces. A total of 41 parking spaces would be available on the 120' by 120' site. A residence located on one of the lots will be removed.

The effect of the amendment is limited to adjacent parcels. Effects to the adjacent residences will be mitigated by the requirement that fencing be placed, if not already in place, to reduce headlight glare into the neighboring parcels.

The original condition for parking has been amended to reflect the proposed changes. Condition 3 specifically reflects the requested amendment and refers to the updated plan submitted by the applicant. Road improvements must be addressed as part of the original permit and may be integrated into the engineered plans currently required.

Staff recommends the Commission adopt the findings, including the previous Negative Declaration, and approve the project amendment with the listed revision to condition 3.

5. FINDINGS:

A) The project is consistent with the policies and standards of the General Plan and Title 20 Zoning;

B) A Negative Declaration has been previously prepared pursuant to the California Environmental Quality Act which the Commission has considered in reviewing the project and making its decision;

C) An initial study has been conducted by the lead agency so as to evaluate the potential for adverse environmental impact; and

D) Considering the record as a whole, there is no evidence before the lead agency that the proposed project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends, as defined in Section 711.2, of the Fish and Game Code.

6. CONDITIONS:

EXISTING CONDITIONS:

1) The project shall be developed in substantial accord with the applicant's submitted plot plan;

2) A complete set of construction plans shall be submitted to the Crescent Fire Protection District for review
of compliance with the Uniform Fire Code prior to issuance of the building permit;

3) Parking shall be provided pursuant to the County Code (Chapter 20.46). The new parking lots shall be paved and spaces delineated by striping and/or bumpers. Multiple use parking is allowed pursuant to Chapter 20.46.050 of Del Norte County Code based on the analysis submitted by Jeff Mitchell Architecture dated April 20, 1999, and revised parking plan submitted on 6/3/99;

4) Lighting of the facility shall be directed away from the adjacent residential areas to minimize off-site glare;

5) A minimum 4 ft. high opaque fence shall be provided along the north and west sides of the off-site parking area, and along the south side of the on-site parking area, to reduce headlight glare into adjacent residential areas;

6) Any future expansion will require additional review by the Planning Commission;

7) All construction shall comply with Section 14.16.027 and Section 14.16.028 of Del Norte County Code regarding addressing and the posting of address numbers;

8) Prior to issuance of the use permit, the applicant shall provide evidence of transfer of the portion of land owned by Stimson Timber Company to the Four Square Church. This portion of land shall be merged into the adjacent properties by Notice of Merger or by description in a deed recorded with the County Recorder's Office. Any other separate lots that include development across property lines will require merger with the lots affected prior to issuance of a building permit;

9) Prior to issuance of a Certificate of Occupancy, the applicant shall construct improvements to: 1) the south side of Macken Avenue from Butte Street to Meridian Street; 2) the west side of Butte Street from Pacific Avenue northerly for 120 feet; and 3) the west side of Meridian Avenue from Macken Avenue southerly 80 feet. The roads shall be improved by constructing Cal-Trans Type A-2 curb and gutter, 5 foot sidewalk, storm drain (if needed), and pavement widening. The resultant half-width shall be 20 feet from centerline of the street right-of-way to face of curb. The pavement structural section shall be a minimum of 0.25 feet of Cal-Trans Type B compacted asphalt concrete over an engineered base. The road structural section design

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shall be based on a "Traffic Index" (T.I.) of 6.0 and the appropriate soil R-value;

10) Prior to issuance of the Certificate of Occupancy, engineered road, grading, and drainage plans for the above improvements shall be submitted to the Community Development Department, Engineering and Surveying Division, for review and acceptance. The plan shall be prepared by a California Registered Civil Engineer. Any improvements called for in the plan shall be the responsibility of the developer and shall be constructed prior to issuance of a Certificate of Occupancy; and

11) An encroachment permit shall be obtained from the Community Development Department, Engineering and Surveying Division, for any work in the County right-of-way.

REVISED CONDITION FOR AMENDMENT

3) Parking shall be provided pursuant to the County Code (Chapter 20.46). The new parking lots shall be paved and 103 spaces delineated by striping and/or bumpers. Multiple use parking is allowed pursuant to Chapter 20.46.050 of DNCO Code based on the amendment request submitted by Jeff Mitchell Architecture dated 8/8/01.
BOND INFORMATION SUMMARY

RECEIVED FROM: Crescent City Foursquare Church

DATE: January 14, 2002

AMOUNT RECEIVED: Performance Bond $24,550.00

RECEIPT #: 

FOR: Foursquare Church - Improvement Plan 01-070

PROJECT: 

PURPOSE: See Item 9 of Use Permit UP9917: curb and gutter, etc.
See Item 10 of Use Permit UP9917: road, grading and drainage plan

BONDING DOCUMENTS (ATTACHED):

Subdivision Bond

TICKLER DATE: January 14, 2003

RELEASE DATE: 

NOTES 2/1/06 - 10:31:44 AM - Spoke to Mary Renfro at QC - bond was set to expire 11/05. Sadie said work has not been done. Mary stated they would issue new bond.

MARY RENFRO
I.C.W. GROUP
EXPLORER INSURANCE COMPANY
1800 SUTTER STREET SUITE 420
CONCORD, CA 94520

Phone: (925) 671-9060  Fax: (510) 937-8239

Date: 10/12/04

COUNTY OF DEL NORTE
COMMUNITY DEVEL. DEPT
CRESCENT, CA 095531

Insured Name: CRESCEINT CITY FOURSQUARE

Project:

Contract Price: $24,555.00
Contract Date: 01/11/05
Bond Number: 184 66 87

Without prejudicing your right or affecting our liability under our bond(s) described above, we would appreciate a status update on the referenced job. Thank you for your valued cooperation.

1. IF CONTRACT IS COMPLETED, please state:
   A. Approximate date of completed work (or final delivery):
   B. Approximate acceptance date:
   C. Final contract price:

2. IF CONTRACT IS UNCOMPLETED, please state the approximate percentage or dollar amount of contract completed or delivered to date:
   - The project has not yet been commenced.

3. Do you know of any unpaid bills for labor or material? No.
   If yes, please explain:

4. Remarks:

By: Tina McClendon  Date: October 20, 2004
Title: Deputy Director, Community Phone: (707) 464-7229
Development Department Stamped Addressed Envelope Enclosed
SUBDIVISION BOND

KNOW ALL MEN BY THESE PRESENTS: That Crescent City Foursquare Church as Principal, and The Explorer Insurance Company a corporation organized and existing under the laws of the State of Arizona and authorized to transact surety business in the State of California, as Surety, are held and firmly bound unto County of Del Norte in the sum of Twenty-four thousand five hundred fifty-five and no/100 Dollars ($24,555.00) for the payment whereof, well and truly to be made, said Principal and Surety bind themselves, their heirs, administrators, successors, and assigns, jointly and severally, firmly by these presents.

The condition of the foregoing obligation is such that, whereas the above bounden Principal has received Use Permit UP 9917 from the County of Del Norte, and under Condition 10 of said Permit is required to do and perform the following work, to wit: engineered road, grading and drainage improvements on Macken Avenue.

NOW, THEREFORE, if the above bounden Principal shall well and truly perform the work required to be performed under said Use Permit UP 9917, then this obligation shall be void; otherwise to remain in full force and effect.

SIGNED and SEALED this 11th day of January, 2002.

Crescent City Foursquare Church

BY:

The Explorer Insurance Company

Paul J. Konrath
ATTORNEY IN FACT
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Contra Costa
On January 11, 2002
personally appeared Paul J. Konrath,
☑ personally known to me -OR- ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

PATRICIA J. KONRAFH
Commission # 1170619
Notary Public - California
Alameda County
My Comm. Expires Feb 19, 2022

Signature of Notary

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER
☐ INDIVIDUAL
☐ CORPORATE OFFICER
☐ PARTNER(S)
☑ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
OTHER:

DESCRIPTION OF ATTACHED DOCUMENT
Subdivision Bond
Title or Type of Document
One (1)
Number of Pages

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)
The Explorer Insurance Company

January 11, 2002
Date of Document
KNOW ALL MEN BY THESE PRESENTS: That Insurance Company of the West, a Corporation duly organized under the laws of the State of California, The Explorer Insurance Company, a Corporation duly organized under the laws of the State of Arizona, and Independence Casualty and Surety Company, a Corporation duly organized under the laws of the State of Texas, (collectively referred to as the "Companies"), do hereby appoint

PAUL J. KONRATH

their true and lawful Attorney(s)-in-Fact with authority to date, execute, sign, seal, and deliver on behalf of the Companies, fidelity and surety bonds, undertakings, and other similar contracts of suretyship, and any related documents.

IN WITNESS WHEREOF, the Companies have caused these presents to be executed by its duly authorized officers this 16th day of January, 2001.

John L. Hannum, Executive Vice President

John H. Craig, Assistant Secretary

State of California
County of San Diego } ss.

On January 16, 2001, before me, Norma Porter, Notary Public, personally appeared John L. Hannum and John H. Craig, personally known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument, the entity upon behalf of which the persons acted, executed the instrument.

Witness my hand and official seal.

Norma Porter, Notary Public

RESOLUTIONS

This Power of Attorney is granted and is signed, sealed and notarized with facsimile signatures and seals under authority of the following resolutions adopted by the respective Boards of Directors of each of the Companies:

"RESOLVED: That the President, an Executive or Senior Vice President of the Company, together with the Secretary or any Assistant Secretary, are hereby authorized to execute Powers of Attorney appointing the person(s) named as Attorney(s)-in-Fact to date, execute, sign, seal, and deliver on behalf of the Company, fidelity and surety bonds, undertakings, and other similar contracts of suretyship, and any related documents.

RESOLVED FURTHER: That the signatures of the officers making the appointment, and the signature of any officer certifying the validity and current status of the appointment, may be facsimile representations of those signatures; and the signature and seal of any notary, and the seal of the Company, may be facsimile representations of those signatures and seals, and such facsimile representations shall have the same force and effect as if manually affixed. The facsimile representations referred to herein may be affixed by stamping, printing, typing, or photocopying."

CERTIFICATE

I, the undersigned, Assistant Secretary of Insurance Company of the West, The Explorer Insurance Company, and Independence Casualty and Surety Company, do hereby certify that the foregoing Power of Attorney is in full force and effect, and has not been revoked, and that the above resolutions were duly adopted by the respective Boards of Directors of the Companies, and are now in full force.

IN WITNESS WHEREOF, I have set my hand this 17th day of January, 2002.

John H. Craig, Assistant Secretary

To verify the authenticity of this Power of Attorney you may call 1-800-877-1111 and ask for the Surety Division. Please refer to the Power of Attorney Number, the above named individual(s) and details of the bond to which the power is attached. For information or filing claims, please contact Surety Claims, ICW Group, 11455 El Camino Real, San Diego, CA 92130-2045 or call (858) 350-2400.