

PARCEL	PARCEL ID	ADDRESS	OWNER	LOT SIZE (AC.)	ZONING (AC.)	USE
A	086C00010000	3125 POPLAR LEVEL ROAD	NORTON HOSPITALS INC.	0.6825	R-5: 0.2572, OR-1: 0.4253	UNDEVELOPED
B	086C00040005	3123 POPLAR LEVEL ROAD	NORTON HOSPITALS INC.	0.6843	R-5: 0.3953, C-1: 0.2890	UNDEVELOPED
C	086C00069999	3119 POPLAR LEVEL ROAD	NORTON HOSPITALS INC.	0.3028	C-1: 0.3028	UNDEVELOPED
D	086C00080000	3117 POPLAR LEVEL ROAD	NORTON HOSPITALS INC.	0.3214	OR-1: 0.3214	UNDEVELOPED
E	086C00220995	3113 POPLAR LEVEL ROAD	NORTON HOSPITALS INC.	0.3213	OR-1: 0.3213	UNDEVELOPED
F	086C00099993	3109 POPLAR LEVEL ROAD	DEPT OF KY VFW	0.6625	OR-1: 0.6532	UNDEVELOPED
G	086C00250000	3 AUDUBON PLAZA DRIVE	NORTON HOSPITALS INC.	12.5200	OR-3: 4.9831, R-5: 7.5369	VFW (FRATERNAL CLUB) PARKING GARAGE

LOT	LOT SIZE (AC.)	USE	FOOTPRINT/FLOOR AREA (S.F.)	FLOOR AREA RATIO	STRUCTURE HT. (FT.)	ZONING (AC.)
1	5.2943*	GROCERY STORE	40,600/40,600	0.18	45	C-1
2	1.2165*	RESTAURANT	5,704/5,704	0.11	35	C-1
3	0.8897*	RESTAURANT	3,238/3,238	0.08	40	C-1
4	1.5479*	RESTAURANT/RETAIL	12,400/12,400**	0.18	40	C-1
5	1.1654*	RESTAURANT	5,547/5,547	0.11	40	C-1
6	2.8298*	OPEN SPACE	N/A	N/A	N/A	C-1
VFW	0.3466*	FRATERNAL CLUB	1,373/1,373	0.09	EX - 25	C-1
NORTON'S	2.6828	PARKING GARAGE	30,646/153,230	1.31	EX - 50	OR-3

LOT	USE	MIN. REQUIRED	MAX. ALLOWED	PROVIDED
1	GROCERY STORE	1/250 = 162	1/200 = 203	203
2	RESTAURANT	1/125 = 46	1/50 = 114	78
3	RESTAURANT	1/125 = 26	1/50 = 65	35
4	COFFEE/ICE CREAM SHOP	1/200 = 27	1/100 = 53	60
5	RESTAURANT	1/250 = 20	1/150 = 33	61
6	SANDWICH SHOP	1/125 = 17	1/50 = 42	61
VFW	FRATERNAL CLUB	1/150 = 9	1/75 = 18	18
TOTALS		351	639	455

LOT	VUA (S.F.)	I/A REQUIRED (S.F.)	I/A PROVIDED (S.F.)
1	128,046	8,451	9,123
2	25,475	1,911	2,263
3	19,515	1,464	3,493
4	24,468	1,835	2,838
5	24,119	1,809	3,134
6	N/A	N/A	N/A
VFW	7,799	390	437

LOT	STREET CLASS	BUSINESS CLASS	AREA (S.F.)	HEIGHT (FT.)
1/4 VFW	ARTERIAL > 4 LANES	SHARED, > 4	120	16
2	ARTERIAL > 4 LANES	SINGLE	40	6
3	ARTERIAL > 4 LANES	SINGLE	60	12
5	ARTERIAL > 4 LANES	SINGLE	80	12

**METRO PUBLIC WORKS NOTES**  
 10' RIGHT OF WAY DEDICATION TO ILLINOIS AVENUE SHALL BE RECORDED PRIOR TO CONSTRUCTION APPROVAL BY METRO PUBLIC WORKS AND IPL.

**BOND AND ENCROACHMENT PERMIT FROM KDOT REQUIRED FOR WORK WITHIN POPLAR LEVEL ROAD RIGHT OF WAY.**

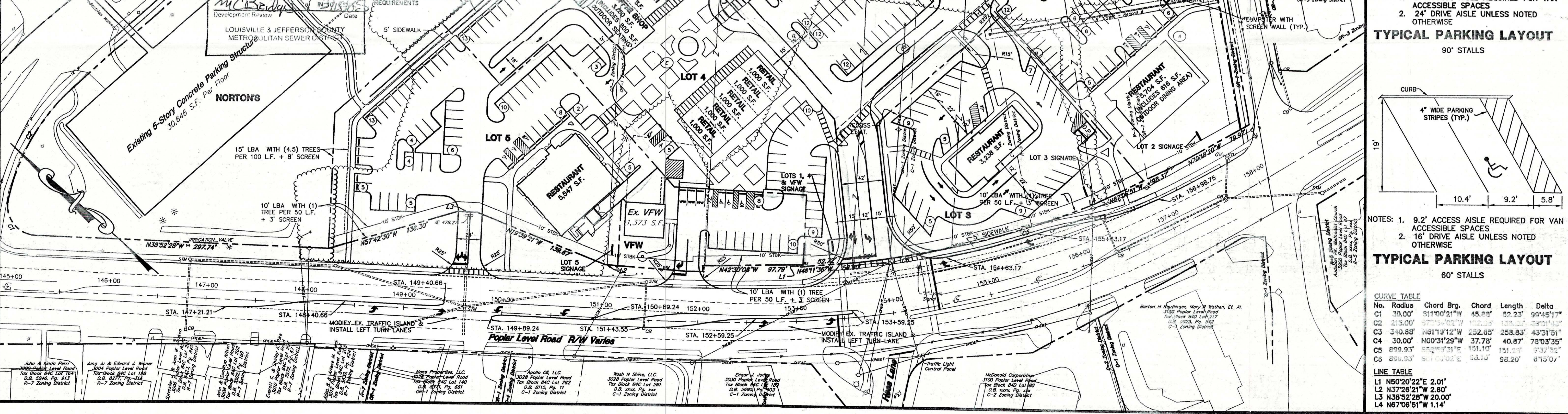
**CONSTRUCTION PLANS, BOND AND AN ENCROACHMENT PERMIT FROM METRO PUBLIC WORKS REQUIRED FOR WORK WITHIN AUDUBON PLAZA AND ILLINOIS AVENUE RIGHT OF WAYS PRIOR TO CONSTRUCTION APPROVAL BY METRO PUBLIC WORKS AND IPL.**

**VARIANCES**  
 1. INCREASE MAXIMUM FRONT SETBACK FROM 150' TO 296' ON LOT 1.  
 2. INCREASE MAXIMUM FRONT SETBACK FROM 80' TO 94' FOR FRONT BUILDING LOT 4.  
 3. INCREASE MAXIMUM FRONT SETBACK FROM 80' TO 207' FOR REAR BUILDING LOT 4.

**ZONING SUMMARY**  
 R/W DEDICATION: 0.1750 AC.  
 C-1 TO REMAIN: 0.5918 AC.  
 R-5 TO C-1: 8.0461 AC.  
 OR-1 TO C-1: 2.3520 AC.  
 OR-3 TO C-1: 2.3003 AC.  
 OR-3 TO REMAIN: 2.6828 AC.

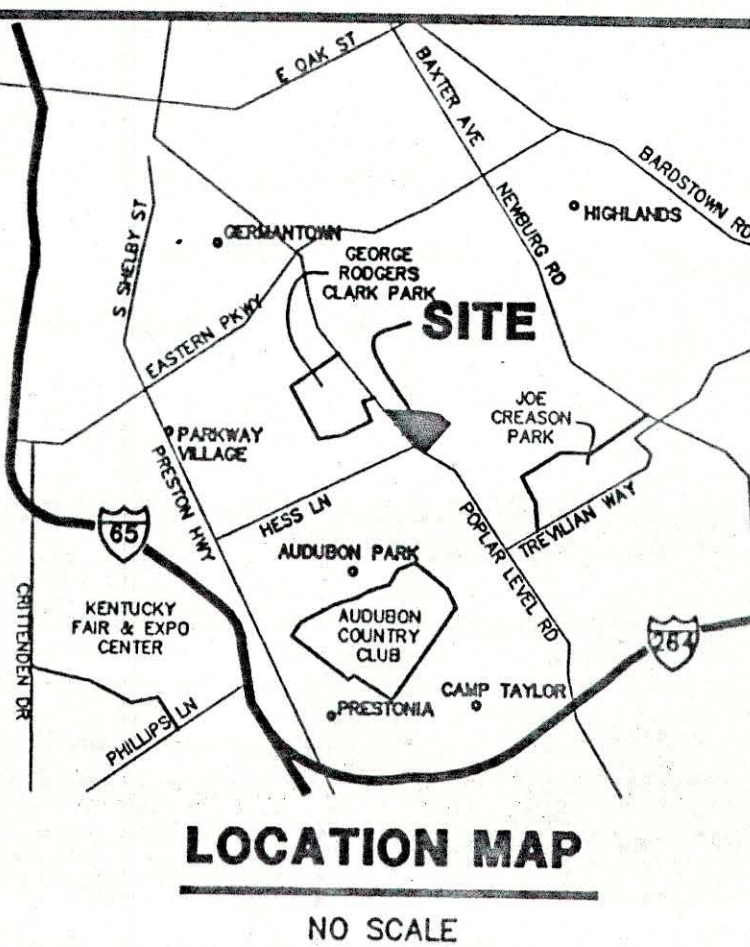
**TRANSPORTATION APPROVAL PRELIMINARY DEVELOPMENT PLAN**  
 CATEGORY: 2 3 4  
 CONDITIONS:  
 BY: [Signature]  
 DATE: 5/10/05

**APPROVED DISTRICT DEVELOPMENT PLAN**  
 DOCKET NO. 9-37-04  
 APPROVAL DATE: 3/17/05  
 EXPIRATION DATE: 3/17/06  
 SIGNATURE OF PLANNING COMMISSION: [Signature]



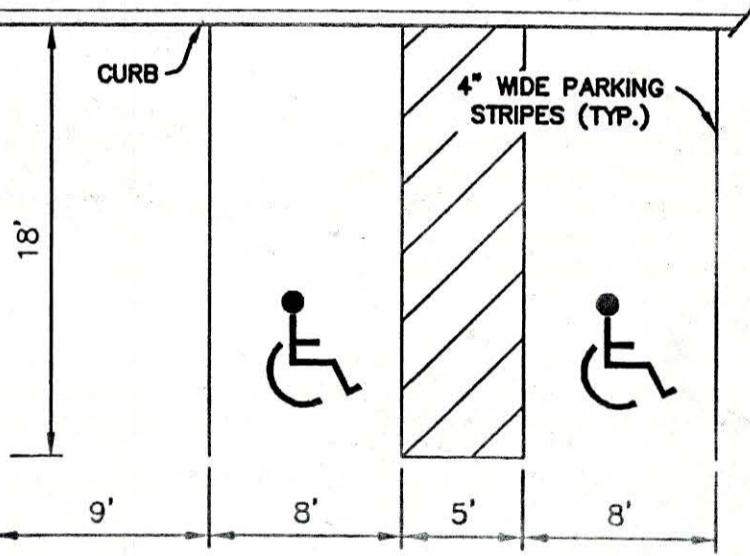
**NOTICE**  
 PERMITS SHALL BE ISSUED ONLY IN CONFORMANCE WITH THE BINDING ELEMENTS OF THIS DISTRICT DEVELOPMENT PLAN.

**TREE CANOPY CALCULATIONS**  
 SITE AREA: 13.2902 AC. = 578,921 S.F.  
 CLASS: C  
 PRESERVED TREE CANOPY: 17.8% (102,841 S.F.)  
 TOTAL TREE CANOPY REQUIRED: 15.0% (86,838 S.F.)  
 NEW TREE CANOPY REQUIRED: 0% (0 S.F.)

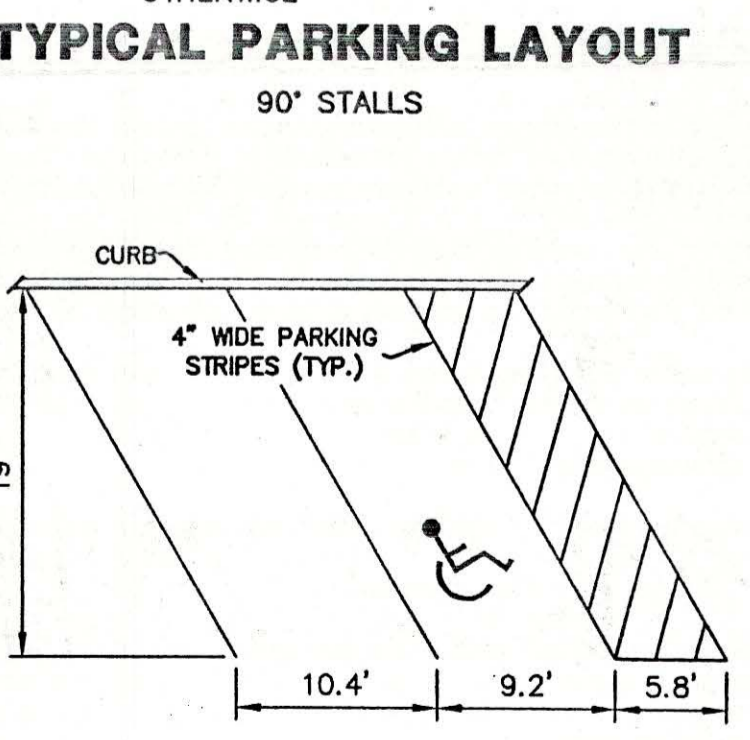


**LEGEND**

EXISTING	LEGEND
Light Pole	Light Pole
Storm Sewer	Storm Sewer
Storm Manhole	Storm Manhole
Catch Basin	Catch Basin
Headwall	Headwall
Water Line	Water Line
Water Valve	Water Valve
Fire Hydrant	Fire Hydrant
Gas, Mail, V.L.	Gas, Mail, V.L.
Guy Wire	Guy Wire
Electric Junction Box	Electric Junction Box
Electric Manhole	Electric Manhole
Overhead Electric	Overhead Electric
Telephone	Telephone
Sanitary Sewer	Sanitary Sewer
Sanitary Manhole	Sanitary Manhole
Sign	Sign
Guardrail	Guardrail
Curb Elevations	Curb Elevations
Spot Elevation	Spot Elevation
Intermediate Contour	Intermediate Contour
Index Contour	Index Contour
100 Year Flood Limit	100 Year Flood Limit
Property Line	Property Line
Zoning Boundary	Zoning Boundary
Abandoned Lot Line	Abandoned Lot Line
Parcel Number	Parcel Number
Property Corner	Property Corner
Tree Mass	Tree Mass
Tree	Tree



**NOTES:** 1. 8' ACCESS AISLE REQUIRED FOR VAN ACCESSIBLE SPACES  
 2. 24' DRIVE AISLE UNLESS NOTED OTHERWISE



**NOTES:** 1. 9.2' ACCESS AISLE REQUIRED FOR VAN ACCESSIBLE SPACES  
 2. 16' DRIVE AISLE UNLESS NOTED OTHERWISE

**CURVE TABLE**

No.	Radius	Chord Brg.	Chord Length	Delta
C1	33.00'	511°02'21"W	45.89'	52.23'
C2	213.00'	112°02'21"W	228.13'	33°11'15"
C3	340.88'	N81°18'12"W	252.85'	253.53'
C4	30.00'	N00°31'29"W	37.78'	40.37'
C5	899.93'	S85°31'31"E	151.10'	151.93'
C6	899.93'	S85°31'31"E	93.15'	93.20'

**LINE TABLE**

L1	N50°20'22"E	2.01'
L2	N38°52'28"W	2.60'
L3	N38°52'28"W	20.00'
L4	N67°06'51"W	1.14'

**Architecture Engineering Construction**  
 815 West Market Street  
 Suite 300  
 Louisville, Kentucky 40202  
 Ph. 502-585-2222  
 Fx. 502-992-0605  
 E. www.qk4.com

**AUDUBON CENTER**  
 JEFFERSON DEVELOPMENT GROUP  
 DETAILED DISTRICT DEVELOPMENT & PREL SUBDIVISION PLAN

**PROJECT NUMBER: 03902000**

DATE	REVISION/DESCRIPTION
02/09/05	1. LAYOUT COMMENTS
07/18/05	2. PUBLIC HEARING COMMENTS
09/10/05	3. LAYOUT COMMENTS

**DRAWN BY: BWE** **CHECKED BY: DJR**  
**HORIZ. SCALE: 1" = 50'** **VERT. SCALE: 1" = 10'**  
 DATE: 12/22/04  
 SHEET NUMBER: 10f2

BINDING ELEMENTS

AUDUBON CENTER

DOCKET NO. 9-39-04VW & 10-21-04

May 17, 2005

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

- 1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or authorized Committee thereof, any changes/additions/alterations not so referred shall not be valid. The proposed grocery store shall not be used for any purpose other than a grocery unless such change in use is approved by the Metro Council.
2. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. The development shall not exceed the square feet of gross floor area as shown on the approved development plan. The square footage of the development shall not be increased without the approval of Metro Council.
4. Signs shall be in accordance with Chapter 8, shall be monument style and shall be no more than 12 feet in height.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site. This binding element shall not prohibit advertising signs within store windows which are visible from the exterior of the store, otherwise in compliance with applicable sign regulations.
6. (a) Outdoor storage, display and sales are permitted only as allowed by Section 9.7 of the Jefferson County Development Code.
(b) Outdoor sales and display. Outdoor sales and display areas shall be limited to the designated area shown on the development plan.
(c) Outdoor storage. Outdoor storage of pallets and/or bundled or unbundled boxes shall be limited to the designated area shown on the development plan. No other exterior storage shall be permitted on site.
(d) Trash storage, compaction/container unit. Outdoor trash storage and the compactor/container unit shall be each contained in a screened area and shall be limited to the designated area(s) shown on the development plan. "Trash" shall include any pallets, cardboard boxes, extra shelving, disabled cars or any similar items.
(e) Outdoor equipment. No refrigeration systems, refrigerators, freezers, coolers, vending machines, ice machines or similar equipment (except compressors) shall be located outside the building. All roof top equipment shall be adequately screened from public view. This binding element may be amended only with the approval of Metro Council.
7. Lighting. (a) All outdoor lighting shall be directed down and away from adjoining residential properties. Light poles shall not exceed twenty-eight feet in height. Parking lot lighting fixtures shall be fully shielded and shall utilize flat lenses so that no light source (i.e., the lamp within the fixture) is visible from adjacent residential

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property. All other lighting within the development shall be coach style lighting. Light levels due to lighting on the subject site shall not exceed 0.5 foot candles measured at the property line. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with this Binding Element. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certifications shall be maintained on site at all times thereafter.

(b) Drive-thru pharmacy lighting. All luminaires mounted on or recessed into the lower surface of canopies or drive-through bays shall be fully shielded and utilize flat lenses. The maximum lighting level shall be 50 foot candles. Such lighting shall be decreased to 5-10 foot candles between the hours of 10 PM and 7 AM.

(c) This binding element may be amended only with the approval of Metro Council.

- 8. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
9. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
c. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
10. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
11. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
12. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line. This binding element may be amended only with the approval of Metro Council.

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ant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors, and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

- 14. The site shall be developed in accordance with the woodland protection areas delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and Metro Council approval.
15. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of the deed restrictions shall be approved by Planning Commission counsel. Deed Restrictions must be recorded prior to tree preservation approval. All plans setting out woodland protection areas must contain the following notes:
A. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site on which all existing vegetation shall be permanently preserved. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat, except that the gazebo required by these binding elements may be constructed within the WPA and a walking path may be installed in the WPA in a location agreeable to the applicant and approved by Planning and Design Services staff.
B. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
16. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the February 17, 2005 and March 17, 2005 Planning Commission meetings. The materials and design of the proposed grocery shall be masonry and designed to have the appearance of brick similar to that of the grocery located on Thierman Lane in St. Matthews. This binding element may be amended only with the approval of Metro Council.
17. The facade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval. This binding element may be amended only with the approval of Metro Council.
18. No overnight idling of trucks shall be permitted on-site. This binding element may be amended only with the approval of Metro Council.
19. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
20. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
21. Skylights. The roof of the building shall have no skylights.
22. Outdoor activity. No loading, trash pickup (i.e. dumpster loading and unloading, pallet or trash removal from the site), trash compacting audible beyond the property line, outdoor construction or maintenance, parking lot cleaning or sweeping (except snow and ice), shall occur on the property between the hours of 7 PM and 7 AM. This binding element may be amended only with the approval of Metro Council.

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- 23. Deliveries. No deliveries shall be made to or on the site or drive-thru window operation shall be made between the hours of 10 PM and 6 AM.
24. Delivery Truck Parking On-Site. No delivery trucks with lights, engines, refrigerator motors or similar equipment in operation shall be allowed to park on the property between the hours of 10 PM and 7 AM. The property owner or store operator shall post signs to this effect. This binding element may be amended only with the approval of Metro Council.
25. Recreational vehicles. No recreational vehicles, campers or similar vehicles shall be allowed to park on the property except for normal shopping usage at the property. Owner or store operator shall post signs to this effect.
26. Alarms. Provided no applicable law or regulation otherwise requires, no security alarms, sirens or bells shall be located on the exterior of the building. However, it is permissible for an alarm system to be operated in conjunction with exit doors.
27. No blasting shall occur on the site unless approved by the Land Development and Transportation Committee after notice to those individuals who spoke at the public hearing. This binding element may be amended only with the approval of Metro Council.
28. Prior to commencing site disturbance work the developer shall contract with an archaeologist to perform an archaeological survey report and shall provide a copy of the survey report to the Urban Design Division ("Landmarks") of Louisville Metro Planning and Design Services. Within thirty days following delivery of the survey report to Landmarks, the developer and Landmarks shall meet to review the findings of the survey report and to agree upon what action, if any, should be taken. This binding element may be amended only with the approval of Metro Council.
29. The site shall be developed in accordance with the tree preservation areas delineated on the site plan and related notes. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.

All plans setting out tree preservation areas must contain the following notes:

- 1. Tree preservation areas (TPAs) identified on this plan represent portions of the site the developer has designated to be left undisturbed during the development of roadways, utilities and similar infrastructure. These are not permanent preservation areas. Tree in these areas may be removed during construction of homes or buildings on individual lots.
2. Dimension lines have been used on this plan to establish the general location of TPAs and represent minimum distances. The final boundary for each TPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
3. Tree protection fencing shall be erected around all TPAs prior to site disturbance (except as provided in these notes) to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed in a TPA, the fence shall be relocated to protect all remaining trees within that TPA. When a tree mass contains both WPAs and TPAs, fencing shall only be required at the outer most perimeter of that tree mass.
4. No parking, material storage, or construction activities are permitted within the TPAs beyond that allowed for preliminary site investigation work.
5. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty

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(20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed 12 feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at a height of four and one-half feet above ground level shall be removed without prior approval by DPDS.

- 30. First flush stormwater runoff for the site is to be funneled into storm ceptors, settling/retention basins, and/or oil/water separators as needed so that grit, oil, gas, antifreeze, and other potential toxic substances are captured before entering the detention basin. MSD is to approve both the details of capturing the first flush material and the details of the maintenance plan for the ceptors, basins, and/or oil/water separators. The property owner is responsible for proper maintenance of the storm ceptors, basins, and/or oil/water separators as per MSD's approved maintenance plan, and is to provide MSD with documentation of such maintenance ensuring that the maintenance plan is properly followed.
31. Prior to issuance of a construction permit the developer shall obtain approval of the development plan from the U. S. Army Corps of Engineers.
32. Access from Audubon Plaza Drive shall be designed so as to restrict access by delivery trucks, which design shall initially include placement of bollards at appropriate locations. The Planning Commissioner shall have the right to require additional restrictions at a later date should the placement of bollards be unsuccessful in restricting delivery truck access. This binding element may be amended only with the approval of Metro Council.
33. Exterior improvements to the VFW building shall be made similar to those presented at the March 17, 2005 public hearing so as to integrate it's design with the design of the proposed structures in the center.
34. Although the approved Development Plan indicates an on-site detention basin, the developer agrees to continue to pursue the concept of an off-site basin or downstream improvement suitable to MSD, with the intent of balancing the issues of tree preservation and acceptable stormwater management.
35. The design of the fencing along the easterly portion of the property shall be as presented at the March 17, 2005 public hearing. In addition, the landscaping along the fencing shall be evergreens at least 6 feet in height and irrigation shall be installed in connection with the landscaping. This binding element may be amended only with the approval of Metro Council.
36. The developer/applicant/property owner shall plant large shade trees on the subject property approximately 50 feet on centers along the entire Poplar Level Road frontage. Said trees shall be a minimum 3 inches in caliper at time of planting. A landscape plan that conforms to this binding element and Chapter 10 of the LDC shall be approved by Planning and Design Services staff prior to requesting any permits, in accordance with Binding Element No. 9. This binding element may be amended only with the approval of Metro Council.
37. The developer/applicant/property owner shall incorporate a provision in all leases that requires each tenant to take measures for keeping shopping carts on the subject property and for periodically retrieving shopping carts along Illinois Avenue, Audubon Plaza and Poplar Level Road that have been removed from the site. This binding element may be amended only with the approval of Metro Council.
38. The developer/applicant/ property owner shall install a "Bright Site" on Poplar Level Road somewhere along the frontage of the subject property if approved by the State Highway Department. This binding element may be amended only with the approval of Metro Council.
39. The developer/applicant/property owner shall donate the property within the designated Woodland Protection Area along Illinois Avenue to Metro Government at such time as Metro Government indicates that it will accept the donation. This binding element may be amended only with the approval of Metro Council.
40. The developer/applicant/property owner shall construct/install a gazebo on the northeast portion of the site along Illinois Avenue similar in size to the gazebo at Willow Park; the cost of said gazebo is not required to exceed \$5,000. The exact location of the gazebo shall be approved by Planning and Design Services staff. This binding element may be amended only with the approval of Metro Council.

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The above binding elements of the district development plan are agreed to by the property owner on May 17, 2005.

OWNER OR OWNER'S AUTHORIZED REPRESENTATIVE:

NORTON HOSPITALS, INC.

BY \_\_\_\_\_

TITLE: \_\_\_\_\_

VETERANS OF FOREIGN WARS OF THE UNITED STATES - KENTUCKY DIVISION

BY \_\_\_\_\_

TITLE: \_\_\_\_\_

JEFFERSON DEVELOPMENT GROUP

BY \_\_\_\_\_

TITLE: \_\_\_\_\_

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