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EXHIBITS:

None

1 A You know what, Tom, I don't have any right on the top of my  
2 head, but I'm sure there has been one or two.

3 Q You've also been experiencing cuts in services from the Monroe  
4 County Road Commission, is that right?

5 A That's true.

6 Q It's fair to say, isn't it, Mr. Wilburn, that there -- there  
7 hasn't been a lot of economic development in Bedford Township  
8 in the last few years?

9 A That would be true.

10 Q Mr. Wilburn, if you could turn to Exhibit 26 in the bigger  
11 book. There you go.

12 A I'm there, Tom.

13 Q Okay. And if you turn to page 95 and 96.

14 A Okay.

15 Q And I think in -- in your role as supervisor, the master plan  
16 is -- is not a document you look at everyday, but it's a  
17 document that you have some familiarity with, correct?

18 A Yes, that would be true.

19 Q You're aware the local commercial designation that's described  
20 at the top of page 95 is -- is the only standalone commercial  
21 designation in Bedford Township?

22 A Yes.

23 Q In fact, you personally have some concerns about that being  
24 the only commercial designation in the township --

25 A Yes, I do.

1 Q -- correct? And I'm sorry?

2 A Yes.

3 Q Okay. And I -- I know it's hard, even when you know my  
4 question's coming to -- to wait for the -- the court reporter.  
5 And you see down at the bottom of that page, there's the --  
6 the mixed residential/office/commercial designation, do you  
7 see that?

8 A Yes, I do.

9 Q And -- and you would agree with me that the -- the use of the  
10 phrase local commercial in that zoning designation, and it  
11 pops up in a couple of different places, that corresponds to  
12 the local commercial that's seen at the top of page 95,  
13 correct?

14 A That would be correct.

15 Q And you would agree with me, wouldn't you, Mr. Wilburn, that  
16 any of the township's commercial zoning districts,  
17 C-1, C-2, or C-3 might fit within the local commercial  
18 designation at the top of page 95?

19 A Yes.

20 Q And you would also agree with me, wouldn't you, Mr. Wilburn,  
21 that the current zoning for the Whitman Ford property which on  
22 the western portion which shows single-family residential,  
23 does not comply with what the master plan is calling for on  
24 that parcel?

25 A True.

1 A I may have.

2 Q Okay.

3 A I might've misspoke.

4 Q Do you recall also being asked -- asked that question at your  
5 deposition on December 23<sup>rd</sup>, 2009?

6 A I'm sure -- I'm sure I was asked.

7 Q Okay. And do you recall at that time testifying that you  
8 believed that C-1, C-2, and C-3 would all fit within the local  
9 commercial designation?

10 A When you say local, Mr. Hanson, I may have interpreted that as  
11 something smaller, you know, and that's why I gave you that  
12 answer. You know, when I -- when -- when I -- when you say  
13 local, I look at local as being like some small business type,  
14 you know --

15 Q Well --

16 A -- not a retail type store.

17 Q -- let -- let's be clear, Mr. Wilburn, we're talking about  
18 local commercial as it's defined in the master plan. If you  
19 can look at Exhibit 26, page 95.

20 A Okay, I'm there.

21 Q That -- that's the local commercial designation that I had you  
22 refer to when I asked you does C-1, C-2, and C-3 fit in there,  
23 and I think your testimony was yes; are you changing that  
24 testimony, sir?

25 MR. GOLDSMITH: Asked and answered.

1 THE COURT: Well, I'm not sure. What I didn't know  
2 at the time of the deposition was whether or not he was  
3 presented with the master plan, that wasn't clear to me.

4 BY MR. HANSON:

5 Q Do you recall being presented with the master pl -- well, let  
6 -- let's step back. You recall this morning being presented  
7 with the master plan, correct?

8 A Yes.

9 Q Okay. And you recall being asked the question of whether that  
10 you agree --

11 A I'm just not sure if I understood you clearly on what you were  
12 asking me, Mr. Hanson, that's what I'm telling you.

13 Q Okay. Let me -- let me ask the question very clearly, and I  
14 thought I asked it clearly --

15 A Okay.

16 Q -- this morning, please tell me if I did not. Do you believe  
17 that C-1, C-2, and C-3 fits within the local commercial  
18 designation of the master plan?

19 A Local commercial --

20 Q With the -- the master plan that's in front of you right there  
21 and right now? ;

22 A Yes. According to the master plan, yes, it does.

23 Q You -- you agree with that, correct?

24 A Yes.

25 Q And you also understand that C-2 or C-3 would permit a large

1 scale retail facility, correct?

2 A Right.

3 Q So you're -- okay, I think that testimony's clear. Another  
4 thing that you just stated to Mr. Goldsmith with regard to the  
5 -- the township initiated rezoning to PBO --

6 A Yes.

7 Q -- one of the things you stated was that you thought it would  
8 be a win-win for everybody?

9 A That's what I thought, yes.

10 Q Okay. You believe that it would be a -- a win-win for the  
11 property owner when the property owner stood up at the board  
12 meeting, or his representative stood up at the board meeting  
13 and said I don't want this?

14 A I'm not the only vote on that board, Mr. Hanson. I -- I felt  
15 that what I was doing was the right thing, yes, I will say  
16 that.

17 Q You believe that it was a win for the property owner when  
18 --

19 A I --

20 Q -- the property was objecting to the township's initiated  
21 rezoning on the property?

22 A I felt that it was a win-win for everybody considering all the  
23 things that were going on, and in the community, okay?

24 Q And -- and you believed it was a win for the property owner as  
25 well?