SPECIAL USE PERMIT APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GA.

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: Halle Properties, L.L.C.	NAME: Odin Paxton LLC
ADDRESS: 20225 N. Scottsdale Road	ADDRESS: 707 Wilshire Blvd, Suite 4880
CITY: Scottsdale	CITY: Los Angeles
STATE: AZ ZIP: 85255	STATE: CA ZIP: 90017-3604
PHONE: (480)606-5781 PHONE: (310)801-2841	
CONTACT PERSON: Kelly Wagoner	PHONE: 404-567-5701
CONTACT'S E-MAIL: Kelly.wagoner@BDGSE.com	

APPLICANT IS THE:			
OWNER'S AGENT PROPERTY OWNER CONTRACT PURCHASER			
existing/proposed zoning: C-2 building/leased square feet: 7,373			
PARCEL NUMBER(S): 6062 223ACREAGE: 1.19			
ADDRESS OF PROPERTY: 4945 Stone Mountain Hwy; Lilburn, GA 30047			
SPECIAL USE REQUESTED: To permit use as an automobile tire store.			

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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^{*}Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING LOCATED IN LAND LOT 57 OF THE 6TH DISTRICT, GWINNETT COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE INTERSECTION OF THE WESTERLY LAND LOT LINE OF LAND LOT 57 AND THE NORTHERLY RIGHT-OF-WAY OF STONE MOUNTAIN HIGHWAY (AKA U.S. HIGHWAY 78)(HAVING A PUBLICLY DEDICATED VARIABLE RIGHT OF WAY); THENCE LEAVING SAID LAND LOT LINE AND CONTINUING ALONG SAID RIGHT OF WAY OF STONE MOUNTAIN HIGHWAY THE FOLLOWING COURSES AND DISTANCES: SOUTH 45 DEGREES 27 MINUTES 52 SECONDS WEST A DISTANCE OF 295.73 FEET TO A POINT; NORTH 27 DEGREES 04 MINUTES 34 SECONDS WEST A DISTANCE OF 6.28 FEET TO A POINT; SOUTH 45 DEGREES 44 MINUTES 08 SECONDS WEST A DISTANCE OF 47.06 FEET TO A POINT; SOUTH 45 DEGREES 44 MINUTES 08 SECONDS WEST A DISTANCE OF 122.50 FEET TO A POINT; SOUTH 45 DEGREES 44 MINUTES 08 SECONDS WEST A DISTANCE OF 17.86 FEET TO A POINT; ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1376.40 FEET, WITH AN ARC DISTANCE OF 124.90 FEET, WITH A CHORD BEARING OF SOUTH 48 DEGREES 20 MINUTES 06 SECONDS WEST AND A CHORD LENGTH OF 124.86 FEET TO A POINT; ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1376.40 FEET, WITH AN ARC DISTANCE OF 162.81 FEET, WITH A CHORD BEARING OF SOUTH 54 DEGREES 19 MINUTES 18 SECONDS WEST AND A CHORD LENGTH OF 162.72 FEET TO A POINT; ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1376.40 FEET, WITH AN ARC DISTANCE OF 133.24 FEET, WITH A CHORD BEARING OF SOUTH 60 DEGREES 28 MINUTES 50 SECONDS WEST AND A CHORD LENGTH OF 133.19 FEET TO A POINT; NORTH 26 DEGREES 44 MINUTES 50 SECONDS WEST A DISTANCE OF 39.00 FEET TO A POINT; SOUTH 64 DEGREES 03 MINUTES 10 SECONDS WEST A DISTANCE OF 37.35 FEET TO A POINT; SOUTH 25 DEGREES 08 MINUTES 50 SECONDS EAST A DISTANCE OF 39,00 FEET TO A POINT; ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1376.40 FEET, WITH AN ARC DISTANCE OF 218.38 FEET, WITH A CHORD BEARING OF SOUTH 69 DEGREES 23 MINUTES 53 SECONDS WEST AND A CHORD LENGTH OF 218.15 FEET TO A POINT; NORTH 59 DEGREES 37 MINUTES 27 SECONDS WEST A DISTANCE OF 11.31 FEET TO A POINT; ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1464.32 FEET, WITH AN ARC DISTANCE OF 126.18 FEET, WITH A CHORD BEARING OF SOUTH 76 DEGREES 07 MINUTES 01 SECONDS WEST AND A CHORD LENGTH OF 126.14 FEET TO A POINT; ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1464.32 FEET, WITH AN ARC DISTANCE OF 71.37 FEET, WITH A CHORD BEARING OF SOUTH 79 DEGREES 58 MINUTES 51 SECONDS WEST AND A CHORD LENGTH OF 71.36 FEET TO A POINT; SOUTH 81 DEGREES 23 MINUTES 07 SECONDS WEST A DISTANCE OF 30.21 FEET TO A POINT; SOUTH 62 DEGREES 28 MINUTES 44 SECONDS WEST A DISTANCE OF 7.06 FEET TO A 1/2 INCH REBAR FOUND, SAID REBAR BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY OF STONE MOUNTAIN HIGHWAY THE FOLLOWING COURSES AND DISTANCES: SOUTH 60 DEGREES 00 MINUTES 13 SECONDS WEST A DISTANCE OF 9.88 FEET TO A 5/8 INCH CAPPED REBAR SET; SOUTH 77 DEGREES 23 MINUTES 36 SECONDS WEST A DISTANCE OF 84.20 FEET TO A 5/8 INCH CAPPED REBAR SET; NORTH 15 DEGREES 09 MINUTES 58 SECONDS WEST A DISTANCE OF 13.99 FEET TO A 5/8 INCH CAPPED REBAR SET; SOUTH 77 DEGREES 25 MINUTES 17 SECONDS WEST A DISTANCE OF 44.36 FEET TO A POINT; SOUTH 12 RECEIVED BY DEGREES 34 MINUTES 49 SECONDS EAST A DISTANCE OF 19.99 FEET TO A 5/8 INCH CAPPED REBAR SET; SOUTH 77 DEGREES 23 MINUTES 30 SECONDS WEST A DISTANCE OF 144.73 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY STONE MOUNTAIN HIGHWAY NORTH 12 DEGREES 39 MINUTES 06 SECONDS WEST A DISTANCE OF 144.52 FEET TO A 1/2 INCH CAPPED REBAR FOUND; THENCE NORTH 66 Planning & Development DEGREES 17 MINUTES 56 SECONDS EAST A DISTANCE OF 313.45 FEET TO A 1/2 INCH CAPPED REBAR FOUND; THENCE SOUTH 13 DEGREES 33 MINUTES 09 SECONDS EAST A DISTANCE OF 168.60 FEET TO A 1/2 INCH REBAR FOUND; THENCE SOUTH 31 DEGREES 57 MINUTES 52 SECONDS WEST A DISTANCE OF 38.33 FEET TO A 1/2 INCH REBAR FOUND, SAID REBAR BEING THE TRUE POINT OF BEGINNING.

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SAID TRACT OF LAND CONTAINS 1.193 ACRES (51,977 SQUARE FEET).

SITE ANALYSIS

DISCOUNT TIRE TOTAL PARKING RATIO PROVIDED REQUIRED PARKING MINIMUM REQUIRED

5,0/1,000 S.F. 1/BAY (MINIMUM) 3/BAY (MAXIMUM) 6 SPACES

MAXIMUM ALLOWED GROSS SITE AREA NET SITE AREA

- TO ALLOW TIRE SALES AND SERVICE IN A C-2 ZONING DISTRICT.
- MAXIMUM PARKING RATIO.

 3. A VARIANCE TO INCREASE THE
- MAXIMUM DRIVE ISLE WIDTH ABOVE 24'.

SETBACKS: FRONT= 15' SIDE= 10

THIS SITE IS NOT IN THE LIMITS OF A 100-YEAR FLOOD PLAIN

THE POST OF PERSONS ASSESSED. TANKS THE LIGHT ON ASSTRA

PROPERTY THE PARTY. PERSONAL PROPERTY.

CONTRACTOR

TORIC TORDAY

Not For Construction

CONCEPTUAL SITE PLAN

7,373 S.F. 37 SPACES

1.19± AC. 1.19± AC.

GAA 110036

PROPOSED DISCOUNT TIRE GA 4945 STONE MOUNTAIN HWY. LILBURN, GWINNETT COUNTY,

REVISION

CHECKED SSUED DATE 6130018

PROJECT NO.

16-15/ Main SHEET P-7

GA

FOR: DISCOUNT TIRE COMPANY SCOTTSDALE, AZ 85255

Buckel Design

- ENTITLEMENTS:

 1. A SPECIAL USE PERMIT IS REQUIRED 2. A VARIANCE TO INCREASE THE

REAR = 30" (STOOP CAN ENCROADE UP TO 3 UF)

LANDSCAPE STRIP FRONT= 10'
PARKING LOT SCREENING IS REQUIRED.

LEGEND FOR PROPOSED IMPROVEMENTS

THURSDES BUILDING PROPERTY DUMO DOMESTICAL MEANT DOT-

WITH THE AND PROPERTY OF LAND TO LEAVE THE

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PROPOSED DISCOUNT TIRE GAA 110086/ 4945 STONE MOUNTAIN HWY. LILBURN, GWINNETT COUNTY, GA FOR: DISCOUNT TIRE COMPANY SCOTTSDALE, AZ 85255 CHECKED ISSUED DATE 6/13/2016 ISSUED FOR CONCEPTUAL REVIEW PROJECT NO. 16-159

FILE 16-158 Main

P-7

SPECIAL USE PERMIT APPLICANT'S RESPONSE STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENT OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

(A) WHETHER A PROPOSED SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

The primary use is a retail trade that is compatible with the current and surrounding C-2 zoning.

(B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

The site is currently undeveloped. The development proposal does not impact adjacent properties.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

The retail sales use of the store is permitted in the C-2 zoning. C-2 permits tire sales and installation with an approved Special Use Permit and is a component of the applicant's business.

(D) WHETHER THE PROPOSED SPECIAL USE PERMIT WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

The property is an Outlot of an existing retail shopping center that was planned for development for retail or resturant uses. There will be no excessive use of streets, or transportation facilities and is a low volume user for water and sewer facilities. There are no school impacts.

(E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

The land use plan notates this location as Corridor Mixed Use and provides a service that is compatible with that designation.

(F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED SPECIAL USE PERMIT:

The applicant is not aware of changing conditions that may impact this request.

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May 27, 2016

Mrs. Kathy Holland Interim Director Gwinnett County Planning & Development Department Planning Division 446 Crogan Street, Suite 250 Lawrenceville, GA 30046

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RE:

Special Use Permit Application Letter of Intent

4945 Stone Mountain Hwy.

BDG#: 16-158

Dear Mrs. Holland,

Halle Properties, L.L.C., the property ownership entity for Discount Tire Company, is applying for a Special Use Permit to develop a new Discount Tire store located at 4945 Stone Mountain Hwy. A special use permit is required to support operation of Discount Tire to permit the sales of wheels and tires in a C-2 zoning district. Discount Tire offers no other automobile services such as oil changes, alignments, or other common automotive repair and services. The property is a 1.19 acre pad graded site with no existing improvements. The current zoning is appropriate for this use with the approval of a special use permit.

Discount Tire Company currently owns four stores operating in Gwinnett County. Three of the four stores are located on C-2 zoned property. The fourth is located within the City of Buford and in a comparable zoning district. The locations of these stores are in locations with similar retail characteristics of adjacent properties. The proposed development parcel was originally pad graded around 1999, during the time the adjacent Lowe's shopping center was constructed. Discount Tire store operations have very little impact on water, sewer, and transportation infrastructure.

The store is approximately 7,373 square feet single story building, 24 feet in height (27'-4" to top of parapet). The building density is approximately 14.1% of the lot size. Of the building, 1,450 square feet is comprised of display and sales area. The remaining includes storage, utility, office, and work bays of which there are six. The site plan is prepared to provide 37 parking spaces, or a 1 space per 200 SF of building area, the maximum permissible as a retail use. Although the UDO has a parking category for tire sales, Discount Tire's operation requires the level of parking shown on the site plan for various reasons. There are 8-10 employees on average that work at their store and often customers will drop vehicles off and pickup at a later time once the services for their vehicle is complete. Discount Tire is a high volume retailer with a lot of customer turn over in the course of a week and the parking provided per the site plan will adequately service the needs of the store.

There are no buffer impacts identified that are needed to develop the site as intended. Discount Tire intends to meet applicable development regulations with the exception of two potential variances as noted below:

- Discount Tire is currently providing parking to meet their operational needs
 however the UDO includes tire sales as a category that is more restrictive than retail
 sales. Discount Tire will pursue a variance if determined by planning staff that the
 more restrictive parking provision will apply.
- 2. A variance to increase the maximum drive isle width of 24' to better accommodate store operations, delivery trucks, and for emergency vehicle access.

The purpose of the limitations described above appear to be heavily weighted to improve stormwater quality and reduce runoff from excess pavement in parking lots and provide pedestrian friendly developments. Discount Tire will work with planning staff to ensure that adequate alternative provisions will be made to address these types of concerns to ensure a high functioning store that will be successful at this location.

Should any further information be required to adequately review this application for a special use permit, please feel free to contact me.

Sincerely,

Kelly J. Wagoner, P.E. CPESC Principal/Sr. Project Manager

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SPECIAL USE PERMIT APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

Signature of Applicant Date

Don Thrail Kill Asst. VP - Agent
Type or Print Name and Title

Otto State 5/31/10

KATHY PETERS
Commission # 186187
Notary Public - Arizona
Maricopa County
My Commission Expires
June 6, 2019

Signature of Notary Public Date Notary Seal

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SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

See attached Signature of Notary Public	acknowledgment	Notary Seal
Type or Print Name and Title		
STEVE AIS HMM/N -	MANAGER	
Signature of Property Owner		Date
ARL		5/31/2016

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certific document to which this certificate is attached, and not to	ate verifies only the identity of the individual who signed the he truthfulness, accuracy, or validity of that document.
State of California) County of Les Angeles) On May 31, 2016 before me, 5	Here Insert Name and Title of the Officer
Date	Here Insert Name and Title of the Officer
personally appeared	
	Name(s) of Signer(s)
subscribed to the within instrument and acknow	그 물이 되었다면 하다 이름을 살아 있다면 하다고 하다고 하는데 하다.
	I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
STEPHEN RIEDER Commission # 2076174 Notary Public California Los Angeles County	WITNESS my hand and official seal. Signature And Reacle
My Comm. Expires Jul 29, 2018	Signature of Notary Public
	PTIONAL -
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CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

The undersigned below, making application for a Special Use Permit, has complied with the Official Code of Georgia Section 36-67A-I, et. seq, <u>Conflict of Interest in Zoning Actions</u>, and has submitted or attached the required information on the forms provided.

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Britished 513	1/16	On Thrail Kil	I AUP-Age
SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAM	IE AND TITLE
Lell I w	6/3/16	KALLY J. WAGGONER.	PROJECT MANAGER
SIGNATURE OF APPLICANT'S	DATE	TYPE OR PRINT NAM	1E AND TITLE
ATTORNEY OR REPRESENTATIVE		KATHY PETERS	
SIGNATURE OF NOTARY PUBLIC	DATE	Commission # 186187 Notary Public - Arizona Maricopa County My Commission Expires June 5, 2019	SEAL
DISCLOSURE C	OF CAMPAIGN O	CONTRIBUTIONS	
Have you, within the two years immed contributions aggregating \$250.00 or member of the Gwinnett County Plant	nore to a member o		
YES NO DOA	Thrailkill		
	YOU	IR NAME	

If the answer is yes, please complete the following section:

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions.

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CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

The undersigned below, making application for a Special Use Permit, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, <u>Conflict of Interest in Zoning Actions</u>, and has submitted or attached the required information on the forms provided.

SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
Kilg A Wi	6/5/16	KELLY WASONER PRINCIPAL /574
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATI	DATE VE	TYPE OR PRINT NAME AND TITLE
SIGNATURE OF NOTARY PUBL	6/3/16 IC DATE	OTAP, NOTARY SEAL
DISCLOSU	RE OF CAMPAIGN CON	TRIBUTIONS WHITE
Have you, within the two years in contributions aggregating \$250.00 member of the Gwinnett County YES NO Kee	or more to a member of the Planning Commission?	g of this application, made campaign e Board of Commissioners or a
	YOUR N	AME
If the answer is yes, please comple	te the following section:	
NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

RECEIVED additional sheets if necessary to disclose or describe all contributions.

DCT 1 0 2018

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE SPECIAL USE PERMIT REQUEST.

PARCEL I.D. NUMBER:	6	062	223
(Map Reference Number)	District	Land Lot	Parcel
Pen Thulhill	2		5/3//11
Signature of Applicant		0 0	Date
I on Thrauke	11 A	VP- Flaen	
Type or Print Name and Title		J	
FOR THEIR APPROVAL BE		ONERS USE ONLY	
(PAYMENT OF ALL PROPER PARCEL HAVE BEEN VERIF SIGNATURE BELOW)			
NAME		-	TITLE
DATE		4	
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