REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: AAD Developments, LLC c/o Mahaffey Pickens Tucker, LLP	NAME: Gwinnett Community Bank
ADDRESS: 1550 North Brown Road, Suite 125	ADDRESS: 1550 North Brown Road, Suite 125
CITY: Lawrenceville	CITY: Lawrenceville
STATE: Georgia ZIP: 30043	STATE: Georgia ZIP: 30043
PHONE: 770.232.0000	PHONE: 770.232.0000

CONTACT PERSON: Shane Lanham PHONE: 770.232.0000

CONTACT'S E-MAIL: slanham@mptlawfirm.com

APPLICANT IS THE:

☐ OWNER'S AGENT ☐ PROPERTY OWNER ☒ CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): C-2 REQUESTED ZONING DISTRICT: R-TH

LAND DISTRICT(S): 7 LAND LOT(S): 137 ACREAGE: +/-18.61

ADDRESS OF PROPERTY: Morgan Road

PROPOSED DEVELOPMENT: Single-family residential development

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: 119	No. of Buildings/Lots: NA
Dwelling Unit Size (Sq. Ft.): 1,750+ square feet	Total Building Sq. Ft. NA
Gross Density: +/- 6.39 units per acre	Density: NA
Net Density: +/-6.39 units per acre	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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PROPERTY DESCRIPTION EXHIBIT

PARCEL A

All that tract or parcel of land lying and being in Land Lot 137 of the 7th Land District, Gwinnett County, Georgia, being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence at the point of intersection of the easterly right of way of State Route 324, (also known as Gravel Springs Road) and the Southernmost right of way of Morgan Road Extension, as shown on Right of Way Deed recorded in Deed Book 40200, page 80-81, Gwinnett County Records, thence leaving said right of way, traveling North 48 degrees 47 minutes 12 seconds East a distance of 775.77 feet to a point; traveling thence South 47 degrees 16 minutes 30 seconds East a distance of 484.59 feet to a point, traveling thence North 58 degrees 08 minutes 31 seconds East a distance of 350.45 feet to a point on the line dividing Land Lots 137 and 138 of the 7th District, Gwinnett County, Georgia, traveling thence along said dividing line North 30 degrees 37 minutes 43 seconds West a distance of 765.57 feet to a point on the Northern right-of-way line of Morgan Road (80 – foot right of way), said point being the TRUE POINT OF BEGINNING; Begin traveling thence North 30 degrees 37 minutes 43 seconds West a distance of 406.63 feet to an iron pin; thence following a clockwise curve having a radius of 23147.39 feet, an arc distance of 645.99 feet to a point (said arc has a chord of 645.97 feet and a chord bearing of South 65 degrees 29 minutes 44 seconds West); thence traveling South 45 degrees 08 minutes 12 seconds West a distance of 210.37 feet to a point on the centerline of Little Ivy Creek; Thence traveling on said centerline of Little Ivy Creek the following courses and distances:

Thence South 19 degrees 51 minutes 42 seconds East a distance of 67.47 feet;

Thence South 18 degrees 41 minutes 58 seconds East a distance of 55.47 feet;

Thence South 35 degrees 13 minutes 31 seconds East a distance of 73.79 feet;

Thence South 40 degrees 10 minutes 23 seconds East a distance of 88.61 feet;

Thence South 54 degrees 28 minutes 28 seconds East a distance of 38.51 feet;

Thence South 22 degrees 02 minutes 20 seconds West a distance of 20.53 feet;

Thence South 28 degrees 01 minutes 23 seconds West a distance of 21.63 feet;

Thence South 14 degrees 56 minutes 57 seconds East a distance of 41.33 feet;

Thence South 52 degrees 22 minutes 14 seconds East a distance of 68.16 feet;

Thence South 57 degrees 01 minutes 29 seconds East a distance of 81.09 feet to a point on the Northern right-of-way line of Morgan Road (80 – foot right of way);

Thence leaving said centerline of Little Ivy Creek, traveling along said right of way line of Morgan Road, and traveling along a clockwise arc of a curve having a radius of 600.00 feet, an arc distance of 288.05 feet to a point (said arc has a chord of 285.29 feet and a chord bearing of North 43 degrees 53 minutes 38 seconds East); thence traveling North 57 degrees 38 minutes 50 seconds East a distance of 544.07 feet to the TRUE POINT OF BEGINNING, Said tract or parcel containing 9.14 acres of land.

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PARCEL B

All that tract or parcel of land lying and being in Land Lot 137 of the 7th Land District, Gwinnett County, Georgia, being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, begin at the point of intersection of the easterly right of way of State Route 324, (also known as Gravel Springs Road) and the Southernmost right of way of Morgan Road Extension, as shown on Right of Way Deed recorded in Deed Book 40200, page 80-81, Gwinnett County Records, thence leaving said right of way, traveling North 48 degrees 47 minutes 12 seconds East a distance of 775.77 feet to a point; traveling thence South 47 degrees 16 minutes 30 seconds East a distance of 484.59 feet to a point, traveling thence North 58 degrees 08 minutes 31 seconds East a distance of 350.45 feet to a point on the line dividing Land Lots 137 and 138 of the 7th District, Gwinnett County, Georgia, traveling thence along said dividing line North 30 degrees 37 minutes 43 seconds West a distance of 685.54 feet to a point on the Southern right-of-way line of Morgan Road (80 – foot right of way); traveling along said right of way line of Morgan Road, South 57 degrees 38 minutes 50 seconds West a distance of 541.66 feet to a point, traveling thence along said right of way line of Morgan Road, along the arc of a counterclockwise curve, an arc distance of 309.59 feet, having a radius of 520.00 feet, a chord bearing of South 40 degrees 35 minutes 29 seconds West, a chord distance of 305.03 feet; thence traveling South 23 degrees 32 minutes 09 seconds West a distance of 140.83 feet; traveling thence along said right of way line of Morgan Road, along the arc of a clockwise curve, an arc distance of 239.78 feet, having a radius of 683.47 feet, a chord bearing of South 33 degrees 49 minutes 11 seconds West, a chord distance of 238.56 feet; thence traveling South 44 degrees 31 minutes 07 seconds West a distance of 35.26 feet to a point; thence traveling South 12 degrees 18 minutes 55 seconds West a distance of 85.23 feet to the TRUE POINT OF BEGINNING, Said tract or parcel containing 9.47 acres of land.

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Morgan Landing

GROSS ACRES:	+/- 18.61 AC	NET ACRES:	+/- 18.61 AC
EXISTING ZONING:	C2		
PROPOSED ZONING:	R-TH		
TOTAL UNITS:	119 UNITS		
TOTAL DENSITY:	6.39 U/A		
UNIT WIDTH:	24' X 54' UNITS		
MIN. UNIT S.F.:	1,150 S.F.		
BUILDING SETBACKS (INTERNAL)		BUILDING SETBACKS (EXTERNAL)	
FRONT:	10'	FRONT:	AS SHOWN
REAR:	20'	REAR:	AS SHOWN
SIDE:	0' / 10' CORNER	SIDE:	AS SHOWN
BETWEEN BUILDINGS:	20'		
LANDSCAPED BUFFER:	AS SHOWN		
FRONTAGE LIS STRIP:	AS SHOWN		
BUILDING HEIGHTS:	35'		
OPEN SPACE:	30%		

PARKING ANALYSIS			TOTAL/PER UNIT	TOTAL LOT	TOTAL SPACES
LOT TYPE	GARAGE	DRIVEWAY			
FRONT ENTRY	2	2	4	119	476
TOTAL PARKING SPACES REQUIRED FOR RESIDENTIAL					238
ON STREET PARKING					8
TOTAL PARKING SPACES PROVIDED FOR RESIDENTIAL					484

VARIANCES:
1. EXTERNAL REAR YARD REDUCTION FROM 40' TO 30' AGAINST 100FT RIGHT OF WAY (I-85)
2. EXTERNAL REAR YARD REDUCTION FROM 40' TO 20' AGAINST PROPERTY ZONED RSD
3. BUFFER REDUCTION FROM 25' TO 0 AGAINST PROPERTY ZONED RSD
4. EXTERNAL SIDE YARD REDUCTION FROM 40' TO 20 AGAINST PROPERTY ZONED RSD, RAM AND AUT
5. EXTERNAL FRONT YARD REDUCTION FROM 50' TO 10' ALONG MORGAN ROAD
6. LANDSCAPED SETBACK REDUCTION FROM 50' TO 10' ALONG MORGAN ROAD

SEWER NOTE:
SANITARY LINE TO CONNECT WITH EXISTING SEWER MANHOLE LOCATED IN MORGAN ROAD. SEWER PROVIDED BY GWINNETT COUNTY

WATER NOTE:
WATER PROVIDED BY GWINNETT COUNTY. AVAILABLE WITHIN MORGAN RD PROPERTY

FEMA NOTE:
ACCORDING TO FIRM NUMBER 13135C0059F DATED 09/29/2006 FOR GWINNETT COUNTY GEORGIA. THE PROPERTY SHOWN DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA

ACREAGE NOTE:
NET ACREAGE EXCLUDES 0% OF FLOODPLAIN AND ELECTRICAL TRANSMISSION, NATURAL GAS OR PETROLEUM PIPELINE EASEMENT

PARCEL "A"
+/- 9.14 ACRES
(TO CENTERLINE OF CREEK)
TAX # 7137 020
N/F LILBURN DEVELOPERS INC.

PARCEL "B"
+/- 9.47 ACRES
TAX # 7137 020
N/F LILBURN DEVELOPERS INC.

LAND LOT(S): 137 DISTRICT: 7TH
GWINNETT COUNTY, CITY OF BUFORD
STATE OF GEORGIA
DATE: APRIL 5, 2018

FRONT ENTRY TOWNHOME
TYPICAL LOT DETAIL

811
CALL BEFORE YOU DIG

APPROXIMATE WETLAND DELINEATION

50' COUNTY UNDISTURBED BUFFER (AS MEASURED FROM TOP OF BANK)
75' COUNTY IMPERVIOUS BUFFER (AS MEASURED FROM TOP OF BANK)

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ALLIANCE
ENGINEERING ♦ PLANNING
LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING ♦ LAND PLANNING ♦ LANDSCAPE ARCHITECTURE
6640 SHADY BROOK TRAIL ♦ NORCROSS, GA 30093
770.279.2733 ♦ WWW.ALLIANCEGP.COM

SITE ZONING PLANS FOR
MORGAN LANDING
L.L. 137 - DISTRICT 7TH
GWINNETT COUNTY, GEORGIA

Issue:	Date:	Description:
Rev. (1)	7/3/18	
Rev. (2)		
Rev. (3)		
Rev. (4)		
Rev. (5)		
Rev. (6)		
Rev. (7)		

Designed by TTY
Checked by TSM
Project # 17-177-122

NORTH

Scale: 1" = 80'

ZONING PLAN

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REZONING APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENTS 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 REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

(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 REZONING:

Please see attached

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REZONING APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

(A) Yes, the proposed Development will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed residential use is suitable given the mixed-residential character of the area.

(B) No, the proposed Development will not adversely affect the existing use or usability of any of the nearby properties. Rather, the proposed residential use will complement existing uses on adjacent and nearby properties.

(C) Applicant submits that the property does have not reasonable economic use as currently zoned.

(D) No, the proposed Development will not result in an excessive or burdensome use of the infrastructure systems.

(E) Yes, the proposed Development is in conformity with the policy and intent of the Gwinnett County 2030 Unified Plan.

(F) Applicant submits that the character of adjacent residential uses and the Property's proximity to Interstate 85 provide additional support of this Application.

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Mahaffey Pickens Tucker, LLP
ATTORNEYS AT LAW

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Brian T. Easley
Kelly O. Faber
Mary Grace Griffin
Christopher D. Holbrook
Nicholas N. Kemper
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Austen T. Mabe
Jeffrey R. Mahaffey
David G. McGee
Steven A. Pickens
Thomas A. Simpson
Andrew D. Stancil
R. Lee Tucker, Jr.
*Of Counsel

LETTER OF INTENT FOR REZONING APPLICATION OF AAD DEVELOPMENTS, LLC

Mahaffey Pickens Tucker, LLP (the "Applicant") submits this Letter of Intent and attached Rezoning Application for the purpose of rezoning to the R-TH zoning classification an approximately 18.61 acre tract (the "Property") situated along Morgan Road northeast of its intersection with Gravel Springs Road. The Property bears a single Gwinnett County parcel identification number, but is split by Morgan Road into two tracts. The Property is adjacent to Interstate 85 and is currently zoned C-2.

The Applicant proposes to develop a single-family residential community, including 119 attached single-family townhomes. The proposed development would have a net density of approximately 6.39 units per acre, which is below the maximum allowed density of 8.0 units per acre prescribed for the R-TH zoning classification in the Gwinnett County Unified Development Ordinance (the "UDO"). The proposed single-family community would consist of homes at a size, quality, and price-point commensurate with homes in the surrounding area. The Property is adjacent to existing residential uses including Morgan Commons, which is zoned RZT, and the Townhomes at Morgan Commons development zoned RM-8. The proposed townhomes would include a minimum of 1,750 square feet and would be constructed with front facades of brick, stone, and/or fiber cement shake/siding. The proposed homes would also include two-car garages, covered entrances, and attractive architectural elements as depicted on the building elevations submitted with the Application. The proposed community would also include over 5.5 acres of common area which is approximately 30% of the Property's overall area. The proposed common area includes a pocket park as well as larger natural areas for the use and enjoyment of residents.

Residents of the proposed development would have convenient access to Interstate 85, Gravel Springs Road (State Route 324), and Braselton Highway (State Route 124) as well as

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nearby schools, commercial developments, and community uses. The Property is within the Existing/Emerging Suburban Character Area of the 2030 Unified Plan. Encouraged land uses for that area include infill development at densities and architectural character which are compatible with existing development. The Property is adjacent to existing an townhome development and would provide an appropriate transitional use from Interstate 85 and Gravel Springs Road moving easterly towards lower-density single-family residential development along Braselton Highway. Moreover, the Property is currently zoned C-2 pursuant to RZC2003-00045 with limited conditions allowing large-scale, intensive commercial development. The proposed single-family residential community would bring the Property in line with the policies of the 2030 Comprehensive Plan.

The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Rezoning Application filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted this 5th day of July, 2018.

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham
Attorneys for Applicant

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REZONING 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: 7/5/18

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title

Signature of Notary Public — Date: 7/5/18 — Notary Seal

JENNIFER E BURKHOLDER NOTARY PUBLIC GWINNETT COUNTY GEORGIA EXPIRES October 2, 2020

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REZONING 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.

GWINNETT COMMUNITY BANK

Signature of Property Owner — Date: 7/6/18

JOHN T. MARTIN, PRESIDENT GWINNETT COMMUNITY BANK
Type or Print Name and Title

Signature of Notary Public — Date: 7/6/18

LINDA A WILSON NOTARY PUBLIC BARROW COUNTY, GEORGIA MY COMMISSION EXPIRES JANUARY 18, 2021
Notary Seal

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CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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

SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
	7/5/18	Shane M. Lanham, Attorney for Applicant

SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	7/5/18	

SIGNATURE OF NOTARY PUBLIC DATE NOTARY SEAL

JENNIFER E BURKHOLDER NOTARY PUBLIC GWINNETT COUNTY GEORGIA EXPIRES October 14, 2020

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating $250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

[X] YES [ ] NO Mahaffey Pickens Tucker, LLP

YOUR 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)
See attached.		

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

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CONFLICT OF INTEREST CERTIFICATION FOR REZONING/CHANGE IN CONDITIONS AND SPECIAL USE PERMIT APPLICATIONS

MAHAFFEY PICKENS TUCKER, LLP

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
John Heard	$2000	02/20/2018

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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

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 REZONING REQUEST.**

PARCEL I.D. NUMBER: (Map Reference Number) 7 (District) - 137 (Land Lot) - 020 (Parcel)

Signature of Applicant — Date 7/3/18

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Debra Smith
NAME

tax services associate
TITLE

July 3, 2018
DATE

RZM '18

24' x 50' Front Entry Product Townhome - Elevation B

FRONT ELEVATIONS

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FRONT ENTRY SIDES & REARS

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