

**ORDINANCE NO. 97-12**

**AN ORDINANCE ESTABLISHING THE HERITAGE ISLES COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; SPECIFYING GENERAL AND SPECIAL POWERS OF THE DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING FOR THE ADMINISTRATION AND FINANCING OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, East Meadows Joint Venture, a Delaware corporation ("Petitioner") has filed a petition with Hillsborough County requesting that the Board of County Commissioners of Hillsborough ("County") adopt an ordinance establishing the Heritage Isles Community Development District pursuant to Chapter 190, Florida Statutes. ("District"), and designating the real property described in Exhibit "A", attached hereto, as the area of land for which the District is authorized to manage and finance basic service delivery; and

WHEREAS, the District will constitute a timely, efficient, effective, responsive and economic method of delivering community development services, in the area described in Exhibit "A", which the County is not able to provide at a level and quality needed to service the District, thereby providing a solution to the County's planning, management and financing needs for the delivery of capital infrastructure therein without overburdening the County and its taxpayers; and

WHEREAS, the County has held a public hearing on the Petition in accordance with the requirements and procedures of Section 190.005(1)(d), Florida Statutes; and

WHEREAS, the County has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e), Florida Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA THIS 7<sup>TH</sup> DAY OF OCTOBER, 1997, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT. The County hereby finds and states, that:

1. all statements contained in the Petition are true and correct;
2. the creation of the District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the County's Comprehensive Plan;
3. the area of land within the proposed District is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developable as one functional interrelated community;
4. the creation of the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District;
5. the proposed community development services and facilities to be provided by the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and
6. the area that will be served by the District is amenable to separate, special-district government.

**SECTION 2. CONCLUSIONS OF LAW.**

1. This proceeding is governed by Chapter 190, Florida Statutes;
2. The County has jurisdiction pursuant to Section 190.005(2), Florida Statutes; and
3. The granting of the Petition complies with the dictates of Chapter 190, Florida Statutes.

**SECTION 3.** There is hereby created a Community Development District for the area of land described in Exhibit "A", attached, which shall exercise the powers of Sections 190.011 and 190.012(1), (2) and (3), Florida Statutes, and which shall operate in accordance with the Charter, attached as Exhibit "B" and incorporated herein.

**SECTION 4.** This Ordinance shall be effective immediately upon receipt of acknowledgment that a copy of this Ordinance has been filed with the Secretary of State.

**SECTION 5.** If any section, subsection, sentence, clause, provision, or other part of this Ordinance is held invalid for any reason, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

STATE OF FLORIDA                    )  
  )  
COUNTY OF HILLSBOROUGH        )

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners at its regular meeting of October 7, 1997, as the same appears of record in Minute Book 257 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 9th day of October, 1997.

RICHARD AKE, CLERK



Deputy Clerk

*[Handwritten signature]*

W:\ATTY\MKS\CLIENT\USHOME\HRTG\ISLE\97ORDNCE.

APPROVED BY COUNTY ATTORNEY  
BY *[Handwritten signature]*

Approved As To Form And  
Legal Sufficiency.

HERITAGE ISLES  
COMMUNITY DEVELOPMENT DISTRICT

DESCRIPTION: A parcel of land lying in Section 9 and 10, Township 27 South, Range 20 East, Hillsborough County, Florida, and being more particularly described as follows:

From the Northeast corner of said Section 9, run thence along the East boundary of said Section 9, S.00°14'51"E., 1502.04 feet to the POINT OF BEGINNING; thence N.74°30'41"E., 1164.22 feet; thence N.11°57'34"E., 1202.76 feet; thence along a line lying 5.00 feet South of and parallel with the North boundary of the aforesaid Section 10, S.89°36'21"E., 3958.43 feet; thence along a line lying 5.00 feet West of and parallel with the East boundary of said Section 10, the following three (3) courses: 1) S.00°14'50"E., 2670.72 feet; 2) S.00°34'41"E., 1322.75 feet; 3) S.00°35'42"E., 508.42 feet; thence S.89°59'30"W., 831.24 feet to a point of curvature; thence Westerly, 570.34 feet along the arc of a curve to the left having a radius of 4089.00 feet and a central angle of 07°59'30" (chord bearing S.85°59'45"W., 569.88 feet) to a point of tangency; thence S.82°00'00"W., 304.58 feet to a point of curvature; thence Westerly, 546.08 feet along the arc of a curve to the right having a radius of 3911.00 feet and a central angle of 08°00'00" (chord bearing S.86°00'00"W., 545.64 feet) to a point of tangency; thence WEST, 1340.00 feet to a point of curvature; thence Westerly, 2234.54 feet along the arc of a curve to the right having a radius of 3711.00 feet and a central angle of 34°30'00" (chord bearing N.72°45'00"W., 2200.93 feet) to a point of tangency; thence N.55°30'00"W., 500.00 feet to a point of curvature; thence Westerly, 1701.74 feet along the arc of a curve to the left having a radius of 1589.00 feet and a central angle of 61°21'39" (chord bearing N.86°10'49"W., 1621.57 feet) to a point of tangency; thence S.63°08'21"W., 430.57 feet; thence along a line lying 2566.25 feet East of and parallel with the West boundary of the aforesaid Section 9, N.00°52'00"W., 3810.47 feet; thence along a line lying 5.00 feet South of and parallel with the North boundary of said Section 9, S.89°59'21"E., 2485.36 feet; thence S.05°15'12"E., 1551.35 feet; thence N.74°30'41"E., 178.80 feet to the POINT OF BEGINNING.

Containing 745.925 acres, more or less.

LESS THE FOLLOWING DESCRIBED PARCEL:

EXHIBIT "A"

PARCEL "GC-1"  
(HOLES 15, 16 AND 17)

From the Northeast corner of the aforesaid Section 9, run thence along the East boundary of said Section 9, S.00°14'51"E., 1683.42 feet to the POINT OF BEGINNING; thence N.74°30'41"E., 1163.41 feet; thence S.88°37'51"E., 41.63 feet; thence S.78°02'26"E., 78.89 feet; thence S.31°45'17"W., 36.45 feet; thence S.32°15'18"W., 91.94 feet; thence S.29°29'15"W., 96.08 feet; thence S.36°22'18"W., 92.73 feet; thence S.45°02'40"W., 92.99 feet; thence S.42°36'09"W., 85.46 feet; thence S.38°12'07"W., 68.95 feet; thence S.57°31'18"W., 68.79 feet; thence S.55°44'57"W., 33.42 feet; thence S.46°58'11"W., 113.64 feet; thence S.44°44'31"W., 53.84 feet; thence S.25°46'58"W., 38.53 feet; thence S.61°32'24"W., 21.23 feet; thence S.52°46'47"W., 35.11 feet; thence S.29°50'50"W., 42.01 feet; thence S.50°11'17"E., 20.45 feet; thence S.07°54'54"W., 16.79 feet; thence S.51°42'09"E., 24.45 feet; thence S.56°39'19"E., 28.79 feet; thence S.71°51'21"E., 14.27 feet; thence N.61°28'36"E., 15.34 feet; thence N.85°22'22"E., 18.09 feet; thence S.48°19'26"E., 23.84 feet; thence S.21°59'40"E., 32.06 feet; thence S.04°00'21"W., 36.10 feet; thence S.24°57'10"W., 68.87 feet; thence S.21°11'17"W., 66.94 feet; thence S.15°43'27"W., 39.97 feet; thence S.01°33'59"W., 70.66 feet; thence S.19°37'53"E., 56.89 feet; thence S.56°45'16"E., 38.91 feet; thence S.60°36'48"E., 54.63 feet; thence S.63°05'55"E., 67.55 feet; thence S.73°56'27"E., 48.12 feet; thence S.85°34'15"E., 38.30 feet; thence N.72°44'22"E., 49.67 feet; thence N.51°51'26"E., 61.42 feet; thence S.61°52'08"E., 30.72 feet to a point on a curve, said point hereinafter referred to as POINT "A"; thence Southerly, 124.90 feet along the arc of a curve to the left having a radius of 125.00 feet and a central angle of 57°15'00" (chord bearing S.12°52'30"W., 119.77 feet) to a point of tangency; thence S.15°45'00"E., 157.35 feet to a point on a curve; thence Westerly, 333.53 feet along the arc of a curve to the right having a radius of 355.00 feet and a central angle of 53°49'51" (chord bearing S.81°05'05"W., 321.40 feet) to a point of reverse curvature; thence Westerly, 784.79 feet along the arc of a curve to the left having a radius of 2645.00 feet and a central angle of 17°00'00" (chord bearing N.80°30'00"W., 781.91 feet) to a point of reverse curvature; thence Northwesterly, 82.55 feet along the arc of a curve to the right having a radius of 55.00 feet and a central angle of 86°00'00" (chord bearing N.46°00'00"W., 75.02 feet) to a point of reverse curvature; thence Northerly, 382.75 feet along the arc of a curve to the left having a radius of 645.00 feet and a central angle of 34°00'00" (chord bearing N.20°00'00"W., 377.16 feet) to a point of tangency; thence N.37°00'00"W., 150.00 feet; thence S.53°00'00"W., 120.00 feet; thence N.37°00'00"W., 350.00 feet to a point of curvature; thence Northerly, 183.26 feet along the arc of a curve to the right having a radius of 175.00 feet and a central angle of 60°00'00" (chord bearing N.07°00'00"W., 175.00 feet) to a point of reverse curvature; thence Northerly, 37.16 feet along the arc of a curve to the left having a radius of 225.00 feet and a central angle of 09°27'47" (chord bearing N.18°16'07"E., 37.12 feet) to a point of reverse curvature; thence Northeasterly, 34.24 feet along the arc of a curve to the right having a radius of 25.00 feet and a central angle of 78°27'47" (chord bearing N.52°46'07"E., 31.62 feet) to a point of reverse curvature; thence

Northeasterly, 170.38 feet along the arc of a curve to the left having a radius of 125.00 feet and a central angle of  $78^{\circ}05'49''$  (chord bearing  $N.52^{\circ}57'05''E.$ , 157.49 feet); thence  $S.48^{\circ}39'05''E.$ , 100.47 feet; thence  $N.71^{\circ}30'41''E.$ , 43.93 feet; thence  $N.74^{\circ}30'41''E.$ , 365.44 feet to the POINT OF BEGINNING.

Containing 34.905 acres, more or less.

ALSO LESS THE FOLLOWING DESCRIBED PARCEL:

## CHARTER

### I. COMMUNITY DEVELOPMENT DISTRICT ESTABLISHED

Pursuant to Chapter 190, Florida Statutes (F.S.), a community development district, henceforth to be known as the Heritage Isles Community Development District (the District), is established, and this Charter is hereby adopted. The land within the District includes a portion of a master planned Development of Regional Impact project generally known as "Heritage Isles" in Hillsborough County, Florida.

### II. GENERAL AND SPECIAL POWERS

The District shall have all power as set forth in Chapter 190, F.S., this Charter, and any other applicable law.

#### A. General Powers

The District shall have, and the District Board of Supervisors (the District Board) may exercise, all powers which can be granted to a community development district pursuant to Chapter 190, F.S., or other applicable law. Such powers include, but are not limited to, the following:

- (1) To sue and be sued in the name of the District, to adopt and use a seal and authorize the use of a facsimile thereof; to acquire, by purchase, gift, devise, or otherwise, and to dispose of, real and personal property, or any estate therein; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.
- (2) To apply for coverage of its employees under the state retirement system in the same manner as if such employees were state employees, subject to



necessary action by the District to pay employer contributions into the state retirement fund.

(3) To contract for services of consultants to perform planning, engineering, legal, or other appropriate services of a professional nature. Such contracts shall be subject to public bidding or competitive negotiation requirements set forth in §190.033, F.S.

(4) To borrow money and accept gifts; to apply for and use grants or loans of money or other property from the United States, the state, a unit of local government, or any person for any District purposes and enter into agreements required in connection therewith; and to hold, use, and dispose of such moneys or property for any District purposes in accordance with the terms of the gift, grant, loan or agreement relating thereto.

(5) To adopt rules and orders pursuant to the provisions of Chapter 120, F.S., prescribing the powers, duties, and functions of the officers of the District; the conduct of the business of the District; the maintenance of records; and other form of certificates evidencing tax liens and all other documents and records of the District. The District Board may also adopt administrative rules with respect to any of the projects of the District and define the area to be included therein. The District Board may also adopt resolutions which may be necessary for the conduct of District business.

(6) To maintain an office at such place or places as it may designate within Hillsborough County which office must be reasonably accessible to the landowners.

(7) To hold, control, and acquire by donation, purchase, or condemnation, or dispose of, any public easements, dedications to public use, platted reservations for public purposes, or any reservation for those purposes authorized by this Charter or applicable law and to make use of such easements, dedications, or reservations for any of the purposes authorized by this Charter.

(8) To lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any projects of the type that the District is authorized to undertake and facilities or property of any nature for the use of the District to carry out any of the purposes authorized by this Charter.

(9) To borrow money and issue bonds, certificates, warrants, notes, or other evidence of indebtedness; to levy such tax and special assessments; and to charge, collect, and enforce fees and other user charges all as provided in Chapter 190, F.S., or as may otherwise be authorized by law.

(10) To raise, by user charges or fees, amounts of money which are necessary for the conduct of the District activities and services and to enforce their receipt and collection in the manner prescribed by resolution not inconsistent with law.

(11) To exercise within the District, or beyond the District with prior approval by resolution of the Board of County Commissioners if the taking will occur in an unincorporated area or with prior approval by resolution of the governing body of

the municipality if the taking will occur within a municipality, the right and power of eminent domain, pursuant to the provisions of Chapters 73 and 74, F.S., over any property within the state, except municipal, county, state, and federal property, for the uses and purposes of the District relating solely to water, sewer, roads, and water management, specifically including, without limitation, the power for the taking of easements for the drainage of the land of one person over and through the land of another.

(12) To cooperate with, or contract with, other governmental agencies as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this Charter, Chapter 190, F.S. or other applicable law.

(13) To assess and impose upon lands in the District ad valorem taxes as provided by this Charter, Chapter 190, F.S. or other applicable law.

(14) To determine, order, levy, impose, collect, and enforce special assessments pursuant to Chapter 190 and Chapter 170, F.S. Such special assessments may, in the discretion of the District, be collected and enforced pursuant to the provisions of §§ 197.3631, 197.3632, and 197.3635, or Chapter 170, F.S.

(15) To exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this Charter.

(16) To exercise such special powers as may be authorized by Chapter 190, F.S.

**B. Special Powers**

The District shall have, and the District Board may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included in the District, any or all of the following special powers relating to public improvements and community facilities authorized by Chapter 190, F.S., other applicable law or this Charter. Such special powers include but are not limited to the following:

(1) To finance, plan, fund, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for the following basic infrastructures:

(a) Water management and control for the lands within the District and to connect some or any of such facilities with roads and bridges.

(b) Water supply, sewer, and wastewater management, or any combination thereof, and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways, and to dispose of any effluent, residue, or other byproducts of such system or sewer system.

(c) Bridges or culverts that may be needed across any drain, ditch, canal, floodway, holding basin, excavation, public highway; tract, grade, fill, or cut and roadways over levees and embankments, and to construct

any and all of such works and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut.

(d) District roads equal to or exceeding the specifications of the county in which such roads are located, and street lights.

(e) Any other project within or without the boundaries of the District when a local government has issued a development order pursuant to §380.06 or §380.061, F.S., approving or expressly requiring the construction or funding of the project by the District, or when the project is the subject of an agreement between District and a governmental entity and is consistent with the local comprehensive plan of the local government within which the project is to be located.

(2) To finance, plan, fund, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:

(a) Parks and facilities for indoor and outdoor recreation, cultural, and educational uses.

(b) Fire prevention and control, including fire stations, water mains and plugs, fire trucks and other vehicles and equipment.

(c) School buildings and related structures, which may be leased, sold, or donated to the school district for use in the educational system when authorized by the district school board.

(d) Security, including but not limited to, guardhouses, fences and gates, electronic intrusion - detection system and patrol cars, except that the

District may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the District.

(e) Control and elimination of mosquitoes and other arthropods of public health importance.

(f) Waste collection and disposal.

(3) To adopt and enforce appropriate rules in connection with the provision of one or more services through its systems and facilities.

C. The District does not have any zoning or development permitting power. All County planning, building, environmental, and land development laws, regulations, and ordinances apply to all development of land within the District. The District shall take no action which is inconsistent with the Hillsborough County Comprehensive Plan.

### **III. BOUNDARIES OF THE DISTRICT**

The District shall consist of all land located within the area described in Exhibit A.

### **IV. BOARD OF SUPERVISORS**

The Board of Supervisors (the District Board) shall be the governing Board of the District.

The District Board shall exercise the powers granted to the District pursuant to this Charter, Chapter 190, F.S. or other applicable law.

A. Membership

(1) The initial District Board shall consist of the following five members:

Andrew G. Irick, II  
Gene E. Lanton  
Frederick J. Sikorski  
Michael S. Lawson  
John Schajatovic

Except as otherwise provided herein, each member shall hold office for a term of four years and until his successor is chosen and qualifies. The members of the District Board must be residents of the state and citizens of the United States.

(2) Within 90 days following the effective date of this Charter, there shall be held a meeting of the landowners of the District for the purpose of electing five supervisors for the District. Notice of the landowners' meeting shall be published once a week for two consecutive weeks in a newspaper which is in general circulation in the area of the District, the last day of such publication to be not fewer than fourteen (14) days or more than twenty eight (28) days before the date of the election. The landowners, when assembled at such meeting, shall organize by electing a chairman who shall conduct the meeting. At such meeting, each landowner shall be entitled to cast one vote per acre of land owned by him and located within the District for each person to be elected. A landowner may vote in person or proxy in writing. A fraction of an acre shall be treated as one (1) acre, entitling the landowner to one (1) vote with respect thereto. The two candidates receiving the highest number of votes shall be elected for a period of

four (4) years, and the three (3) candidates receiving the next largest number of votes shall be elected for a period of two (2) years. The members of the first board elected by landowners shall serve their respective four (4) year or two (2) year terms; however, the next election by landowners shall be held on the first Tuesday in November. Thereafter, there shall be an election of supervisors with respect to those supervisors whose terms are expiring every two (2) years on the first Tuesday in November. The two (2) candidates receiving the highest number of votes shall be elected to service for a 4-year period and the remaining candidates elected shall serve for a 2-year period.

(3) If the District Board proposes to exercise the ad valorem taxing power authorized by §190.021, F.S. as amended, the District Board shall call an election at which the members of the District Board will be elected. Such election shall be held in conjunction with a primary or general election unless the District bears the cost of a special election. Each member shall be elected by the qualified electors of the District for a term of four (4) years, except that, at the first such election, three (3) members shall be elected for a period of four (4) years and two (2) members shall be elected for a period of two (2) years. All elected Board members must be qualified electors of the District.

(4) Members of the District Board shall be known as supervisors and, upon entering into office, shall take and subscribe to the oath of office as prescribed by §876.05, F.S. They shall hold office for the terms for which they were elected or appointed and until their successors are chosen and qualified. If, during the term



of office, a vacancy occurs, the remaining members of the District Board shall fill the vacancy by an appointment for the remainder of the unexpired term.

(5) A majority of the members of the District Board constitutes a quorum for the purposes of conducting its business and exercising its powers and for all other purposes. Action taken by the District shall be upon a vote of a majority of the members present unless general law or a rule of the District requires a greater number.

(6) As soon as practicable after each election or appointment, the District Board shall organize by electing one of its members as chairman and by electing a secretary, who need not be a member of the District Board, and such other officers as the District Board may deem necessary.

(7) The District Board shall keep a permanent record book entitled "Record of Proceedings of Heritage Isles Community Development District," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts. The record book shall at reasonable times be opened to inspection in the same manner as state, county, and municipal records pursuant to Chapter 119, F.S. The record book shall be kept at the office or other regular place of business maintained by the District Board in Hillsborough County.

(8) Pursuant to resolution of the District Board, each supervisor shall be entitled to receive for his or her services an amount not to exceed \$200.00 per meeting of the Board of Supervisors, not to exceed \$4,800.00 per year per

supervisor, or an amount as may be established by the electors of the District at referendum. In addition, subject to approval by the District Board, each supervisor shall receive travel and per diem expenses as set forth in §112.061, F.S., (1990).

(9) All meetings of the District Board shall be open to the public and governed by the provisions of Chapter 286, F.S.

B. Duties

(1) The Board shall employ, and fix the compensation of, a District Manager. The District Manager shall have charge and supervision of the works of the District and shall be responsible for preserving and maintaining any improvement or facility constructed or erected pursuant to the provisions of this Charter, Chapter 190, F.S., or other applicable law, for maintaining and operating the equipment owned by the District, and for performing such other duties as may be prescribed by the District Board. It shall not be a conflict of interest under Chapter 112, F.S., for a District Board member or the District Manager or another employee of the District to be a stockholder, officer, or employee of a landowner within the District. The District Manager may hire or otherwise employ and terminate the employment of such other persons, including, without limitation, professional, supervisory, and clerical employees, as may be necessary and authorized by the District Board. The compensation and other conditions of employment of the officers and employees of the District shall be as provided by the District Board.

(2) The District Board shall designate a person who is a resident of the state as treasurer of the District, who shall have charge of the funds of the District. Such funds shall be disbursed only upon the order, or pursuant to the resolution, of the District Board by warrant or check countersigned by the treasurer and by such other person as may be authorized by the District Board. The District Board may give the treasurer such other or additional powers and duties as the District Board may deem appropriate and may fix his compensation. The District Board may require the treasurer to give a bond in such amount, on such terms, and with such sureties as may be deemed satisfactory to the District Board to secure the performance by the treasurer of his powers and duties. The financial records of the District Board shall be audited by an independent certified public accountant at least once a year.

#### **V. OPERATION OF THE DISTRICT**

The operations, requirements for disclosure, duration and dissolution, and all other affairs and practices of the District shall be governed by and in accordance with Chapter 190, F.S. and other applicable law.

#### **VI. FUTURE AMENDMENTS TO LAW**

In the event of any future amendments to Chapter 190, F.S. or to any other law applicable to the District, such amendments shall be applicable to the District if it is otherwise the intent of such amendment that it apply to community development districts in existence at the time of enactment or upon the effective date of such future amendments. In the event such future amendments provide that their applicability shall be discretionary or subject to specified

conditions, this Charter shall not affect the exercise of such discretion or the conditions upon which such future amendments would become applicable to the District.

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