(R-2003-315)

# RESOLUTION NUMBER R- 297114

ADOPTED ON \_\_\_\_\_ SEP 2 4 2002

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING AND DECLARING THAT THE PUBLIC INTEREST AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE ACQUISITION OF CERTAIN EASEMENTS AND RIGHTS-OF-WAY OVER THE PROPERTY DESCRIBED HEREIN FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE PUMP STATION 30A ALTERNATIVE PROJECT, AND ALL INCIDENTS AND APPURTENANCES THERETO, AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS TO CONDEMN, ACQUIRE, AND OBTAIN PREJUDGMENT POSSESSION OF THE PROPERTY FOR THE USE OF THE CITY.

WHEREAS, the Council of the City of San Diego (City) has provided notice to those persons designated in California Code of Civil Procedure Section 1245.235 whose property is proposed to be acquired for the development of the Pump Station 30A Alternative Project, and has provided them a reasonable opportunity to appear and be heard on the matters referred to in California Code of Civil Procedure Section 1240.030;

NOW, THEREFORE, BE IT RESOLVED AND FINDINGS MADE BY THE COUNCIL OF THE CITY OF SAN DIEGO AS FOLLOWS:

1. The public interest, convenience, and necessity of the City of San Diego, and the inhabitants thereof, require the proposed Pump Station 30A Alternative Project (Project), a public project, which involves the installation of a new, gravity-fed sewer main, and the demolition and removal of the existing Pump Station 30A. Replacement of the sewer pump

station is necessary because the existing system is aged and deteriorated, there is no backup power source to the facility in case of power outages or disturbance, and access to the pump station facility for maintenance purposes is inadequate. Successful completion of the Project will give the surrounding community a safe and reliable sewer infrastructure and will sharply reduce the threat of sewer overflows or spills.

- 2. The public interest, convenience, and necessity require the acquisition of permanent general utility easements and easements for temporary access areas and temporary construction areas for the proposed Project, including all incidents and appurtenances thereto, together with the right of ingress and egress over, under, along, and across the land described below, reserving unto the property owner, its successors and assigns, the continued use of the property containing the general utility easements, subject to the following conditions: The erecting of buildings, masonry walls, masonry fences and other structures, the planting or growing of trees, the changing of the surface grade, and the installation of privately-owned pipe lines shall be prohibited except by written permission from the City of San Diego. The Project includes the construction, reconstruction, improvement, maintenance, operation, and repair of the public sewer facilities, and all incidents and appurtenances thereto. The property sought to be acquired is located near La Jolla Village Drive and the Interstate 5 corridor, in the University City community, all in the City of San Diego, County of San Diego, State of California, as more particularly described below.
- 3. The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury. The location and alignment of the new gravity-fed line is determined by the location of the existing sewer lines, which will be tied into at the northern (receiving) end, and at the southern (discharge) point. The proposed

alignment calls for two existing lines to be replaced by a single line, thereby reducing the amount of required property rights. The proposed alignment considered many factors, including the topography of the area, the elevations of the tie-in points, depth of coverage requirements for the portions under Interstate 5, minimizing impacts to environmentally-sensitive native habitat, avoiding existing utilities, and minimizing impacts to private and public improvements and infrastructure. The initially proposed alignment was changed at the affected property owners' request to reduce the impact to their properties. Sewer utilities served by the existing system will be reconnected to the new main, including those utilities serving the impacted properties.

- 4. The taking of the interests in and to the property more particularly described below is necessary for the proposed Project, for municipal purposes. An extensive analysis was completed before arriving at the proposed alignment, which determined that the property rights sought to be acquired are the minimum needed to provide for the installation of the new, gravity-fed sewer line. The Project will provide a safe and reliable sewer system to the businesses and facilities in the immediate area, as well as in the surrounding community.
- 5. The acquisitions sought herein are for a public use authorized by the following laws: Article 1, Section 19, of the Constitution of the State of California; California Code of Civil Procedure sections 1240.010-050, 1240.110-120, and 1255.410; The Improvement Act of 1911; California Streets and Highways Code sections 5023, 5023.1, 5100, 5101, and 5102; California Government Code sections 37350.5, 38900, 38901, and 40404; and Charter of the City of San Diego, Section 220.
  - 6. The property interests sought to be condemned are described as follows:

APN: 344-240-06 Parcel I - BARTELL

That portion of Lot 1, of Resubdivision No. 1 of Villa La Jolla Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof, No. 6358, filed in the office of the County Recorder of said County, May 13, 1969, being a strip of land 25.00 feet wide, the centerline of which is described as follows:

Commencing at the point of intersection of courses North 49°21'45" East 154.23 feet and South 0°51'45" West 126.37 feet, on the Westerly line of said Lot 1; Thence along said Westerly line North 0°51'45" East 123.16 feet to the **POINT OF BEGINNING**; Thence South 79°07'18" East 207.97 feet; Thence South 72°20'24" East 282.14 feet; Thence South 86°25'23" East 31.83 feet to an intersection with the Northeasterly line of said Lot 1, which bears South 64°08'00 East (South 64°08'11" East per Map No. 6358).

The sidelines of said General Utility Easement shall terminate as follows:

## Westerly:

On the North, at an intersection with the Northerly line of said Lot 1.

On the South, at an intersection with the Westerly line of said Lot 1.

# Easterly:

On the North and South, at an intersection with the Northeasterly line of said Lot 1, which bears South 64°08'00" East.

Above described parcel containing14,469.29 Square Feet, or 0.33217 Ac..

See City of San Diego Prawing No. 19030-B.

lettre Late 5-1-2002

Lester E. Carter Jr., PLS 6148 Date Sr. Land Surveyor, Field Engineering

Sr. Land Surveyor, Field Engineering My Registration Expires 3/31/2006

File: 19030b.wpd

W.O. 173511 - 3/23/2002 (frl-lec)



## TEMPORARY ACCESS AREA

APN: 344-240-06 Parcel 1A - BARTELL

That portion of Lot 1, of Resubdivision No. 1 of Villa La Jolla Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof, No. 6358, filed in the office of the County Recorder of said County, May 13, 1969, described as follows:

Commencing at the point of intersection of courses North 49°21'45" East 154.23 feet and South 0°51'45" West 126.37 feet, on the Westerly line of said Lot 1; Thence along said Westerly line North 0°51'45" East 79.20 feet to the **POINT OF BEGINNING**; Thence continuing along said Westerly line of said Lot 1, North 0°51'45" East 22.48 feet; Thence South 89°00'11" East 118.85 feet; Thence North 0°08'30" East 24.95 feet to the Northerly line of said Lot 1; Thence along the Northerly line of said Lot 1, South 89°07'35" East 26.83 feet; Thence South 0°08'37" West 47.50 feet; Thence North 89°00'01" West 145.96 feet to the **POINT OF BEGINNING**;

Above described parcel containing 3,948.66 Square Feet, 0.09065 Ac.

See City of San Diego Drawing No. 19030-B.

Lester E. Carter Jr.,

PLS 6148

Sr. Land Surveyor, Field Engineering

My Registration Expires 3/31/2006

File: 19030B.wpd

W.O. 173511 - 4/30/2002 (frl-lec)

L.E. CARTER JR.

Exp. 03-31-06

No. 6148

ATE OF CALIFORNIE

APN: 344-240-06 Parcel 1B - BARTELL

That portion of Lot 1, of Resubdivision No. 1 of Villa La Jolla Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof, No. 6358, filed in the office of the County Recorder of said County, May 13, 1969, described as follows:

Commencing at the point of intersection of courses North 49°21'45" East 154.23 feet and South 0°51'45" West 126.37 feet, on the Westerly line of said Lot 1; Thence along said Westerly line North 0°51'45" East 126.37 feet to the Northwest corner of said Lot 1; Thence along the Northerly line of said Lot 1, South 89°07'35" East 53.74 feet to an intersection with the Westerly terminus of the North sideline of a General Utility Easement - Par.1, as shown on City of San Diego Drawing No. 19030-B; Thence South 79°07'18" East 117.43 feet along said sideline to the **POINT OF BEGINNING**; Thence North 24°19'05" East 16.70 feet; Thence South 65°40'55" East 60.00 feet; Thence South 24°19'05" West 5.07 feet to the North sideline of above said General Utility Easement; Thence North 72°20'24" West 22.34 feet along said sideline; Thence North 79°07'18" West 38.88 feet along said sideline to the **POINT OF BEGINNING**.

Above described parcel containing 601.62 Square Feet, 0.01381 Ac.

See City of San Diego Drawing No. 19030-B.

Lester E. Carter Jr., PLS 6148 Date

Sr. Land Surveyor, Field Engineering My Registration Expires 3/31/2006

File: 19030B.wpd

W.O. 173511 - 3/23/2002 (frl-lec)

L.E. CARTER JR.

Exp. 03-31-06

No. 6148

ATE OF CALIFORNIE

APN: 344-240-06 Parcel 1C - BARTELL

That portion of Lot 1, of Resubdivision No. 1 of Villa La Jolla Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof, No. 6358, filed in the office of the County Recorder of said County, May 13, 1969, described as follows:

Commencing at the point of intersection of courses North 49°21'45" East 154.23 feet and South 0°51'45" West 126.37 feet, on the Westerly line of said Lot 1; Thence along said Westerly line North 0°51'45" East 110.46 feet to an intersection with the Westerly terminus of the South sideline of a General Utility Easement - Par.1, as shown on City of San Diego Drawing No. 19030-B; Thence South 79°07'18" East 171.97 feet along said South sideline to the **POINT OF BEGINNING**; Thence South 65°40'14" East 49.92 feet; Thence North 24°19'04" East 9.76 feet to an intersection with the South sideline of a General Utility Easement - Par.1, as shown on City of San Diego Drawing No. 19030-B; Thence North 72°20'24" West 17.94 feet along said South sideline; Thence North 79°07'18" West 33.01 feet along said South sideline to the **POINT OF BEGINNING**;

Above described parcel containing 278.62 Square Feet, 0.00640 Ac.

See City of San Diego Drawing No. 19030-B.

Lester E. Carter Jr.,

PLS 6148

Date

-1-2002

Sr. Land Surveyor, Field Engineering My Registration Expires 3/31/2006

File: 19030B.wpd

W.O. 173511 - 3/23/2002 (frl-lec)

APN: 344-240-06 Parcel 1D - BARTELL

That portion of Lot 1, of Resubdivision No. 1 of Villa La Jolla Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof, No. 6358, filed in the office of the County Recorder of said County, May 13, 1969, described as follows:

Commencing at the point of intersection of courses North 49°21'45" East 154.23 feet and South 0°51'45" West 126.37 feet, on the Westerly line of said Lot 1; Thence along said Westerly line North 0°51'45" East 126.37 feet to the Northwest corner of said Lot 1; Thence along the Northerly line of said Lot 1, South 89°07'35" East 53.74 feet to an intersection with the Westerly terminus of the North sideline of a General Utility Easement - Par.1, as shown on City of San Diego Drawing No. 19030-B; Thence South 79°07'18" East 117.43 feet along said sideline; Thence North 24°19'05" East 16.70 feet; Thence South 65°40'55" East 60.00 feet; Thence South 24°19'05" West 5.07 feet to the North sideline of said General Utility Easement; Thence South 72°20'24"East 259.60 feet along said North sideline to the POINT OF BEGINNING; Thence North 13°20'16" East 3.23 feet; Thence South 76°39'42" East 29.15 feet to an intersection with the Northeasterly line of said Lot 1; Thence South 65°08'00" East 37.48 feet to an intersection with the North line of said General Utility Easement; Thence North 72°20'24" West 65.92 feet along said sideline to the POINT OF BEGINNING.

Above described parcel containing 224.22 Square Feet, 0.00515 Ac.

See City of San Diego Drawing No. 19030-B.

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Lester E. Carter Jr., PLS 6148 Date

Sr. Land Surveyor, Field Engineering My Registration Expires 3/31/2006

File: 19030B.wpd

W.O. 173511 - 3/23/2002 (frl-lec)

L.E. CARTER JR.
Exp. 03-31-06
No. 6148

APN: 344-240-06 Parcel 1E - BARTELL

That portion of Lot 1, of Resubdivision No. 1 of Villa La Jolla Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof, No. 6358, filed in the office of the County Recorder of said County, May 13, 1969, described as follows:

Commencing at the point of intersection of courses North 49°21'45" East 154.23 feet and South 0°51'45" West 126.37 feet, on the Westerly line of said Lot 1; Thence along said Westerly line North 0°51'45" East 110.46 feet to an intersection with the Westerly terminus of the South sideline of a General Utility Easement - Par.1, as shown on City of San Diego Drawing No. 19030-B; Thence South 79°07'18" East 171.97 feet along said South sideline; Thence South 65°40'14" East 49.92 feet; Thence North 24°19'04" East 9.76 feet to an intersection with the South sideline of a General Utility Easement - Par. 1, as shown on City of San Diego Drawing No. 19030-B; Thence South 72°20'24" East 158.11 feet to the POINT OF BEGINNING; Thence South 0°08'22" West 32.73 feet; Thence South75°05'14" East 178.76 feet; Thence North 12°46'24" East 25.81 feet to an intersection with the South sideline of a General Utility Easement - Par 1, as shown on City of San Diego Drawing No. 19030-B; Thence North 86°25'23" West 12.61 feet along said South sideline; Thence North 72°20'24" West 173.96 feet along said South sideline to the POINT OF BEGINNING;

Above described parcel containing 4,958.93 Square Feet, 0.011384 Ac.

See City of San Diego Drawing No. 19030-B.

Lester E. Carter Jr.,

PLS 8148

Date

Sr. Land Surveyor, Field Engineering My Registration Expires 3/31/2006

File: 19030B.wpd

W.O. 173511 - 4/30/2002 (frl-lec)

Exp. 03-31-06 No. 6148

## TEMPORARY ACCESS FOR CONSTRUCTION

APN: 344-240-06 Parcel 1F - BARTELL

That portion of Lot 1, of Resubdivision No. 1 of Villa La Jolla Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof, No. 6358, filed in the office of the County Recorder of said County, May 13, 1969, described as follows:

Commencing at the point of intersection of courses North 49°21'45" East 154.23 feet and South 0°51'45" West 126.37 feet, on the Westerly line of said Lot 1; Thence along said Westerly line North 0°51'45" East 79.20 feet to the **POINT OF BEGINNING**; Thence continuing along said Westerly line, North 0°51'45" East 22.48 feet; Thence South 89°00'11" East 38.09 feet; Thence South 1°24'08" West 44.68 feet to the beginning of a curve, concave Northeasterly, having a radius of 25.00 feet, Thence along the arc of said curve 40.74 feet through a central angle of 93°21'36"; Thence North 88°02'29" East 90.29 feet; Thence North 51°54'07" East 29.94 feet; Thence North 0°59'48" East 22.08 feet to an intersection with the South sideline of a Temporary Construction Area - Par.1C, as shown on City of San Diego Drawing No. 19030-B; Thence along said South sideline, South 65°40'15" East 24.19 feet; Thence South 41°34'19" East 21.24 feet; Thence South 75°05'14" East 161.43 feet to an intersection with the West sideline of a Temporary Construction Area - Par.1E, as shown on City of San Diego Drawing No. 19030-B; Thence along said West sideline, South 0°08'22" West 21.34 feet; Thence North 75°05'14" West 168.46 feet; Thence South 79°19'01" West 55.01 feet; Thence South 88°02'30" West 88.94 feet to the beginning of a curve, concave Northeasterly, having a radius of 40.00 feet, Thence along the arc of said curve 65.18 feet through a central angle of 93°21'36"; Thence North 1°24'05" East 1.96 feet to the beginning of a curve, concave Southwesterly, having a radius of 20.00 feet. Thence along the arc of said curve 31.56 feet through a central angle of 90°24'10"; Thence North 89°00'01" West 2.73 feet to the POINT OF BEGINNING;

Above described parcel containing 8,645.95 Square Feet, 0.19848 Ac.

See City of San Diego Drawing No. 19030-B.

Lester E. Carter Jr.,

PLS 6148

Date

5-1-2002

Sr. Land Surveyor, Field Engineering

My Registration Expires 3/31/2006

File: 19030B.wpd

W.O. 173511 - 4/30/2002 (frl-lec)

L.E. CARTER JR.

Exp. 03-31-06

No. 6148

APN: 344-240-07 Parcel 1 - PROTEA

That portion of Pueblo Lot 1300, of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Miscellaneous Map No. 36, recorded on 12 November 1921 and a portion of Lot 5, of Villa La Jolla Unit No. 1, according to Map No. 6234, recorded on 25 November 1968, both in the office of the County Recorder of said County, more particularly described as follows:

Commencing at the point of intersection of courses North 49°21'45" East 154.23 feet and South 0°51'45" West 126.37 feet, on the Westerly line of Lot 1, of Resubdivision No.1 of Villa La Jolla Unit No. 1, according to Map No. 6358, recorded on 13 May 1969 in the Office of said County Recorder; Thence North 0°51'45" East 110.46 feet along said Westerly line to the POINT OF BEGINNING; Thence North 79°07'18" West 56.53 feet; Thence North 24°01'32" East 82.58 feet to an intersection with the Northerly line of said Pueblo Lot 1300; Thence South 89°08'14" East 23.23 feet along said Northerly line; Thence South 0°51'35" West 34.70 feet; Thence South 24°01'32" West 25.98 feet; Thence South 79°07'18" East 10.36 feet; Thence South 0°51'35" West 9.47 feet to the Northerly line of said Lot 1; Thence North 89°07'35" West 0.05 feet along said Northerly line of Lot 1 to the Northwest corner of said Lot 1; Thence South 0°51'45" West 15.91 feet along above said Westerly line of said Lot 1 to the Point of Beginning.

Above described parcel containing 3,139.01 Square Feet, or 0.0720 Ac.

See City of San Diego Drawing No. 19033--B.

Lester E. Carter Jr., PLS 6148

Date

Sr. Land Surveyor, Field Engineering My Registration Expires 3/31/2002

File: 19033B.wpd

W.O. 173511 - 10/4/2001 (frl-lec)

L. E. CARTER JR. Exp. 3-31-02

No. 6148

APN: 344-240-08 Parcel 2 - PROTEA

That portion of Pueblo Lot 1300, of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Miscellaneous Map No. 36, recorded on 12 November 1921, in the office of the County Recorder of said County, more particularly described as follows:

Commencing at the point of intersection of courses North 49°21'45" East 154.23 feet and South 0°51'45" West 126.37 feet, on the Westerly line of Lot 1, of Resubdivision No.1 of Villa La Jolla Unit No. 1, according to Map No. 6358, recorded on 13 May 1969 in the Office of said County Recorder; Thence North 0°51'45" East 126.37 feet along said Westerly line to the Northwest corner of said Lot 1; Thence South 89°07'35" East 0.05 feet along the Northerly line of Lot 1 to the **POINT OF BEGINNING**; Thence North 0°51'35" East 9.47 feet; Thence South 79°07'18" East 54.52 feet to an intersection with the Northerly line of said Lot 1; Thence North 89°07'35" West 53.69 feet along said Northerly line to the **Point of Beginning**.

Above described parcel containing 254.24 Square Feet, or 0.0058 Ac.

See City of San Diego Drawing No. 19033-B.

Lester E. Carter Jr., PLS 6148

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10-24-01

Sr. Land Surveyor, Field Engineering My Registration Expires 3/31/2002

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L. E. CARTER JR. Exp. 3-31-02

No. 6148

File: 19033B.wpd

W.O. 173511 -10/4/2001 (frl-lec)

R-297114

APN: 344-240-08 Parcel 2A - PROTEA

That portion of Pueblo Lot 1300, of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Miscellaneous Map No. 36, recorded on 12 November 1921, in the office of the County Recorder of said County, more particularly described as follows:

Commencing at the point of intersection of courses North 49°21'45" East 154.23 feet and South 0°51'45" West 126.37 feet, on the Westerly line of Lot 1, of Resubdivision No.1 of Villa La Jolla Unit No. 1, according to Map No. 6358, recorded on 13 May 1969 in the Office of said County Recorder; Thence North 0°51'45" East 126.37 feet along said Westerly line to the Northwest corner of said Lot 1; Thence South 89°07'35" East 0.05 feet along the Northerly line of said Lot 1; Thence North 0°51'35" East 35.12 feet; to the **POINT OF BEGINNING**; Thence continuing North 0°51'35" East 34.70 feet to an intersection with the Northerly line of said Pueblo Lot 1300; Thence South 89°08'14" East 14.85 feet along said Northerly line; Thence South 24°01'32" West 37.74 feet to the **Point of Beginning**.

Above described parcel containing 257.53 Square Feet, or 0.0059 Ac..

See City of San Diego Drawing No. 19033-B.

Lester E. Carter Jr., RLS

RLS 6148

Date

Sr. Land Surveyor, Field Engineering My Registration Expires 3/31/2002

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File: 19033B.wpd

W.O. 173511 - 6/12/2000

L. E. CARTER JR. Exp. 3-31-02

No. 6148

APN: 344-240-08 Parcel 2B - PROTEA

That portion of Pueblo Lot 1300, of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Miscellaneous Map No. 36, recorded on 12 November 1921, in the office of the County Recorder of said County, more particularly described as follows:

Commencing at the point of intersection of courses North 49°21'45" East 154.23 feet and South 0°51'45" West 126.37 feet, on the Westerly line of Lot 1, of Resubdivision No.1 of Villa La Jolla Unit No. 1, according to Map No. 6358, recorded on 13 May 1969 in the Office of said County Recorder, Thence North 0°51'45" East 126.37 feet along said Westerly line to the Northwest corner of said Lot 1, Thence South 89°07'35" East 118.54 feet along the Northerly line of Lot 1 to the POINT OF BEGINNING; Thence North 48°19'24" East 45.12 feet; Thence North 0°29'58" East 27.31 feet: Thence South 89°30'02" East 60.20 feet: Thence South 0°29'58" West 51.79 feet; Thence North 89°30'02" West 60.20 feet; Thence South 48°19'24" West 8.93 feet, Thence North 89°07'35" West 26.83 feet to the Point of Beginning.

Above described parcel containing 3,607.93 Square Feet, or 0.0828 Ac.

See City of San Diego Drawing No. 19033-B.

Lester E. Carter Jr.,

PLS 6148

Sr. Land Surveyor, Field Engineering

My Registration Expires 3/31/2002

File: 19033B.wpd

W.O. 173511 - 11/30/2000 (frl-lec)

L. E. CARTER JR. Exp. 3-31-02

No. 6148

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- 7. The offer to acquire the property, as required by California Government Code Section 7267.2, has been made to the property owners of record, and was rejected.
- 8. The legal counsel for the City of San Diego be, and is hereby authorized and directed to commence an eminent domain action in the Superior Court of the State of California, County of San Diego, in the name and on behalf of the City of San Diego, against all owners and claimants to an interest in the above-described property, to condemn, acquire and obtain prejudgment possession of the property for the use of the City.

APPROVED: CASEY GWINN, City Attorney

Leslie A. FitzGerald

Deputy City Attorney

LAF:ccm 8/27/02 Or.Dept:REA Aud.Cert:READ#50

R-2003-315

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