



Black Hill, Director Level Site Plan Amendment for Forest Conservation Plan Purposes, 82013025D

dj

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SP

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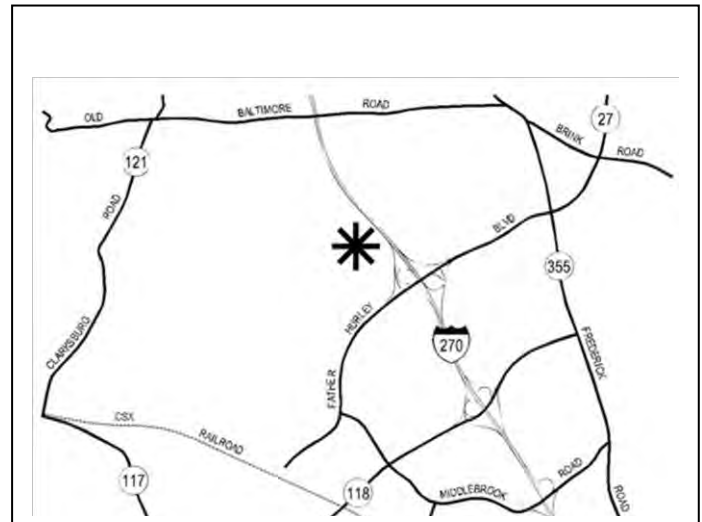
Richard Weaver, Acting Chief, Area 3, Richard.Weaver@montgomeryplanning.org, 301.495.4544

Staff Report Date: 7-14-17

Description

Black Hill: Site Plan No. 82013025D

- Site Plan Amendment for Forest Conservation Plan purposes to remove minor discrepancies associated with a Category I Conservation Easement located in the southern corner of the subject property. The subject property is located north of Father Hurley Boulevard and west of I-270 along Crystal Rock Drive; 107.70 gross acres; zoned TMX-2; 2009 Germantown Employment Area Sector Plan.
- **Staff Recommendation: Approval with conditions**
- **Applicant:** Palomino Capital, LLC
- **Submittal Date:** 07/12/2017



Summary

- **Staff Recommendation: Approval with Conditions.**
- Proposal to remove and relocate on-site 25,193 square feet (0.58 acres) of existing Category I Conservation Easement.
- Although this request qualifies as a staff level amendment, it is the Planning Board's policy to review all plans that remove or change a conservation easement.
- Meets the requirements of Chapter 22A, Forest Conservation Law.

SECTION 1 – RECOMMENDATIONS AND CONDITIONS

SITE PLAN NO. 82013025D: Staff recommends approval of the Site Plan amendment for Forest Conservation Plan purposes. All conditions of Site Plan No. 820130250 as contained in the Montgomery County Planning Board’s Resolution mailed August 1, 2013, remain in full force and effect except as modified below:

CONDITIONS:

1. Within ninety (90) days of the mailing date of the Planning Board Resolution, the Applicant must record a new Category I Conservation Easement replacing the previously recorded easement and reflecting the relocation of the 25,193 square feet of easement as specified on the approved Final Forest Conservation Plan (FFCP). The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded prior to the abandonment of the existing easement in the Montgomery County Land Records by deed and the Liber Folio for the easement must be referenced on the record plat.
2. Within ninety (90) days of the mailing date of the Planning Board Resolution, the Applicant must abandon the existing Category I Conservation Easement that was previously recorded at Liber47964/Folio 231. The deed of abandonment must be approved by the M-NCPPC Office of the General Counsel and must be recorded after the new Category I Conservation Easement is recorded in the Montgomery County Land Records by deed.
3. Within ninety (90) days of the mailing date of the Planning Board Resolution, the Applicant must submit a complete record plat application that delineates the revised conservation easements and references the Liber/Folio of the recorded deed. The existing easement remains in full force and effect until the new Category I Conservation Easement is recorded.
4. Applicant must have all required site inspections performed by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
5. The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC Forest Conservation Inspector.
6. The limits of disturbance (“LOD”) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Amended Final Forest Conservation Plan.

SECTION 2 – SITE LOCATION AND DESCRIPTION

Site Location

The Black Hill development consists of approximately 107.70 acres, zoned TMX-2; located approximately 1.5 miles north of the Germantown Town Center, and 0.6 miles north of the interchange of Ridge Road/Father Hurley Boulevard (MD 27) and I-270. The development is located west of I-270, south of Black Hill Regional Park and north of the existing Cloverleaf townhouse development (zoned R-30). Outlined in red below (Figure 1), the Black Hill community is one of the largest undeveloped mixed use properties remaining in Montgomery County.

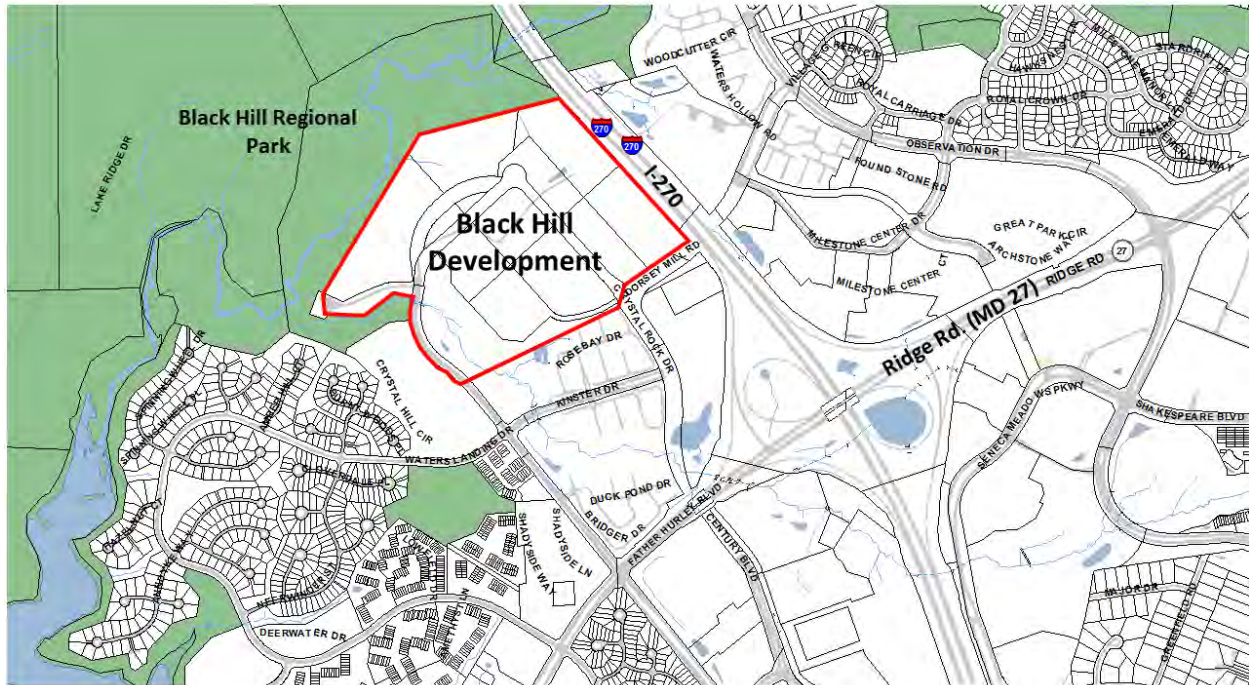


Figure 1 – Site Location

Site Vicinity

The Black Hill property is located in the northern portion of the 2009 Germantown Employment Area Sector Plan (“North End District”), within walking distance of the proposed BRT station and Black Hill Regional Park. In March 1995, the property was developed as Waters Landing Golf Driving Range (Site Plan No. 819950170). However, the driving range was considered an interim use. Since the approval of the Project Plan, Preliminary Plan, and Infrastructure Site Plan, Crystal Rock Drive and Century Boulevard (public roads) have been constructed.

The natural topography generally falls away from I-270 (high point), slopes downward toward the existing townhouses within the Cloverleaf Center, and naturally drains into the Little Seneca Creek (lowest point). A tributary of Little Seneca Creek boards the southwest portion of the site and includes a forested stream buffer between the property and the Cloverleaf Center development. There are no historic features located on-site.



Figure 2 – Site Vicinity

SECTION 3 – APPLICATION AND PROPOSAL

Previous Approvals

In June, 2013, the Planning Board approved the Infrastructure Site Plan No. 820130250, the FFCP and the construction of Crystal Rock Drive and Century Blvd. (public roadways), including public utilities consisting of 6.69-acres of land zoned TMX-2. The Preliminary Plan and Project Plan approvals included the Stormwater Management concept approval (November 2012).

In May, 2016, the Planning Board approved an amendment to the Site Plan to update the FFCP, Site Plan No. 82013025A, in conjunction with the approval for the Black Hill, Phase IIA, Site Plan No. 820150060, to reflect the grading and construction of the proposed residential and commercial areas.

In December, 2016, the Planning Board approved an amendment to the Site Plan to update the FFCP, Site Plan No. 82013025B, for the extension of Dorsey Mill Road from the current terminus (east of I-270) bridging over I-270 and connecting into Century Blvd. (west of I-270).

In January, 2017, the Planning Board approved an amendment to the Site Plan to update the FFCP, Site Plan No. 82013025C, in conjunction with the approval for the Thrive Assisted Living Site Plan No. 820160100 to reflect the grading and construction of the Thrive Assisted Living Center.

Current Application

On July 12, 2017 an application was filed for an amendment to the Site Plan to update the FFCP under Site Plan No. 82013025D (Attachment A). The Applicant is proposing to remove approximately 25,193 square feet (0.58 acres) of Category I Conservation Easement beginning approximately in the southern

corner of the Property and extending up the western side of the Property to Crystal Rock Drive. The easement proposed for removal overlaps a stormwater management easement. The Applicant proposes to relocate the 25,193 square feet (0.58 acres) to other areas on the Property adjacent to existing Category I Conservation Easements.

SECTION 4 – ANALYSIS AND FINDINGS

PLANNING BOARD REVIEW AUTHORITY

The Forest Conservation Regulations require Planning Board action on certain types of modifications to an approved FFCP. This Application is not a major amendment and is considered a Director level approval under the Forest Conservation Regulations COMCOR 22A.00.01.13 A (2) because it does not entail the removal of more than 5,000 square feet of forest. However, the Planning Board’s policy requires all changes to an approved and recorded easement to be reviewed by the Board.

In this Application, the Applicant proposes to remove and relocate 25,193 square feet of Category I Conservation Easement on the Subject Property.

ANALYSIS AND FINDINGS

This amendment is necessary to correct some conflicts and minor adjustments in the existing Category I Conservation Easement recorded on November 15, 2013 under Liber 47964/Folio 231 (Attachment B). A portion of this Category I Conservation Easement was recorded over an existing Stormwater Management (SWM) Easement for an off-site SWM Pond. The Applicant proposes to remove approximately 21,348 square feet (0.49 acres) of this conservation easement that overlaps the SWM Easement and to remove an additional 3,845 square feet (0.09 acres) of this conservation easement to adjust the easement to match prior approvals. These two changes results in a total of 25,193 square feet (0.58 acres) of conservation easement being removed. The removed easement is being relocated to other areas on site and adjacent to existing Category I Conservation Easements on the Property at a 1:1 rate (Attachment C).

The area of SWM Easement located with the Category I Conservation easement is approximately 11,375.0 square feet (0.26 acres). However, the amount of Category I Conservation Easement requested to be removed is approximately 21,348 square feet (0.49 acres). The reason there must be more Conservation Easement removal than just the area of overlap is because the remaining area of Conservation Easement between the SWM Easement and the existing approved limits of disturbance (LOD) would not qualify as forest under Chapter 22A. Therefore, this small “sliver” of Conservation Easement area must be removed and mitigated by putting an area of equal size on the existing property into new Category I Conservation Easement and mitigating at a 1:1 rate.

The Site Plan amendment meets all applicable requirements of Chapter 22A regarding forest conservation. The proposed modifications to the FFCP will not alter, modify, or revise any of the existing forest conservation requirements of the original approved plan. The amount of Category I Conservation Easement being removed is balanced by the same amount being added to other equally appropriate areas of the Property.

Staff finds that the proposed amendment conforms to all requirements under Chapter 22A.

SECTION 5 – CITIZEN CORRESPONDENCE AND ISSUES

This Application was submitted in accordance with all Planning Board adopted procedures. The Director Level FFCP Amendments are not subject to noticing and posting requirements of the Development Manual.

SECTION 6 – CONCLUSION

The proposed amendment meets all requirements established in Chapter 22A, Forest Conservation Law. Therefore, approval of the Application with the conditions specified herein is recommended.

Staff recommends that the Planning Board approve this FFCP Amended for Site Plan purposes with the conditions specified above.

ATTACHMENTS

Attachment A – Final Forest Conservation Plan

Attachment B – Existing Conservation Easement Agreement L47964/F231

Attachment C – Easement Removal and Relocation

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CONSERVATION DEED OF EASEMENT ("Easement")

Category I
DEFINITIONS

Grantor: Fee simple owner of real property subject to a:

- (i) Plan approval conditioned on compliance with a FCP, whether or not the applicant is the fee simple owner of the property; or
- (ii) Plan approval conditioned on compliance with a conservation easement agreement (issued pursuant to Chapter 50 or 59, Montgomery County Code).

Grantee: Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ("Commission").

Property: Parcels A, 3, 5, 6 & 8 Subdivision: Churchill Town Sector Germantown, Recorded among the Land Records of Montgomery County, Maryland as Plat No's. 21285, 22485 and 22486.

Planning Board: Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission.

Planning Director: Director of the Montgomery County Planning Department of the Maryland-National Capital Park and Planning Commission, Montgomery County, or the Director's designee.

Plan: Sediment control permit approved pursuant to Montgomery County Code Chapter 19; preliminary plan approved under Montgomery County Code Chapter 50; site plan, development plan, planned unit development or special exception application approved under Montgomery County Code Chapter 59; mandatory referral reviewed pursuant to Article 28 of Maryland State Code Annotated; approved major utility construction (as defined by Washington Suburban Sanitary Commission's regulations).

Forest Conservation Plan ("FCP"): Forest Conservation Plan No. 820130250 approved by the Planning Board or Planning Director pursuant to Chapter 22A, Montgomery County Code.

Exhibit A:

FCP approved as a condition of receiving any of the Plan approval noted above.

Exhibits B, C, D & E:

Descriptions and sketches of the easements over and across property to be developed, which may be amended by Grantor as part of the Site Plan process to remove certain areas and substitute equivalent areas in accordance with the FCP, upon Grantee's consent."

MONTGOMERY COUNTY, MD

APPROVED BY KE

NOV 15 2013

Grantor Initials KA

\$ Exempt RECORDATION TAX PAID
\$ 179 TRANSFER TAX PAID

FILED
LORETTA E. KNIGHT
CLERK'S OFFICE
MONTGOMERY CO. MD

2013 NOV 15 AM 11:15

HP PD SURE	40.00
RECORDING FEE	75.00
TOTAL	115.00
Rest #007	Rcpt # 45065
LER SID	Blk # 4121
Nov 15, 2013	11:13 am

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) LEK 47964, p. 0231, MSA_CE63_47921. Date available 11/19/2013. Printed 04/08/2014.

SS
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WITNESSETH

The Easement reflects a grant of easement by Grantor to the Grantee.

WHEREAS Grantor (or Grantor's agent) has obtained authority to develop pursuant to a Plan in accordance with Montgomery County, Maryland laws; and

WHEREAS, the Planning Board or other approving authority approved Grantor's Plan conditioned upon a requirement that development occur in strict accordance with an FCP approved by the Planning Board after full review of the FCP pursuant to the provisions of Montgomery County Code Chapter 22A (Forest Conservation); Chapter 50 (Subdivision Regulations); and/or Chapter 59 (Zoning Ordinance); and/or

WHEREAS, the Planning Board approved Grantor's Plan conditioned upon Grantor subjecting the property to be developed ("Property") or a portion of the Property to a conservation easement pursuant to the provisions of Montgomery County Code Chapter 50 (Subdivision Regulations), and/or Chapter 59 (Zoning Ordinance); and

WHEREAS, the location of this Easement is as shown on Exhibit A attached hereto and incorporated by reference into the terms of this Easement; and

WHEREAS, the purpose of this Easement is to protect existing and future forest cover; individual trees; streams and adjacent buffer areas, wetlands and other sensitive natural features; and to maintain existing natural conditions to protect plant habitats, water quality and wildlife; and

WHEREAS, the purpose includes preservation of the natural beauty of the Property subject to the easement and prevention of any alteration, construction or destruction that will tend to mar or detract from such natural beauty; and

WHEREAS, the purpose also includes the protection and preservation of natural features within the area of the Easement which efforts are consistent with the terms and conditions of the approved Plan and applicable law; and

WHEREAS, the Planning Board understands that certain minor revisions to the FCP and Easement may become necessary to facilitate the approval of future Site Plans for the Property (but such revisions will only be to Exhibits B, C, D & E and will not require the total area of forest conservation to be larger nor diminish the aggregate amount of land area in Exhibits B, C, D & E subjected to forest conservation protection); and

WHEREAS, the Grantor and Grantee (collectively referred to as the "Parties") intend for

Grantor Initials



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the conditions and covenants contained in this Easement to run with the land in perpetuity and to be binding on all subsequent owners and occupants of the Property; and

WHEREAS, the Grantor intends that a servitude be placed upon the Property to create a conservation benefit in favor of the Planning Board.

NOW, THEREFORE, the Grantor has executed this Easement for no monetary consideration but for the purpose of ensuring compliance with development standards imposed in accordance with Montgomery County law as a condition of development approval. The Grantor does hereby grant and convey unto the Planning Board, in perpetuity, an easement on the Property of the size and location described in Exhibits B, C, D & E attached hereto and incorporated by reference into the terms of this Easement, and further described on the applicable record plat(s), of the nature and character described herein. This Easement constitutes a covenant real running with the title of the land, and is granted to preserve, protect and maintain the general topography and natural character of the land. The Grantor does hereby waive any challenge to the validity of this easement whether or not shown on a plat. Grantor, its heirs, successors and assigns covenant to abide by the following restrictions within the Easement:

1. The foregoing recitals are agreed to and incorporated herein and shall be binding upon the Grantor.
2. No living trees or shrubs (of any size or type) shall be cut down, removed or destroyed without prior written consent from the Planning Board. Diseased or hazardous trees or limbs may be removed to prevent personal injury or property damage after reasonable notice to the Planning Board, unless such notice is not practical in an emergency situation or removal of trees is undertaken pursuant to a forest management plan approved by the Planning Director.
3. No plant materials (including, but not limited to brush, saplings, undergrowth, or non-woody vegetation) shall be mowed or cut down, dug up, removed or destroyed unless removed pursuant to the terms and conditions of an approved forest management plan. Noxious weeds (limited to those weeds defined as "noxious" under Maryland State or Montgomery County laws or regulations and "exotic or invasive plants" in the *Montgomery County Trees Technical Manual*) may be removed as required by law, but the method of removal must be consistent with the limitations contained within this Easement. Vegetation removal shall be limited to noxious weeds only, exotic and invasive weeds only, and protective measures must be taken to protect nearby trees and shrubs.
4. No mowing, agricultural activities, or cultivation shall occur. Grantor may replace dead trees or undergrowth provided that new plantings are characteristic of trees or undergrowth native to Maryland.
5. Nothing in this Easement precludes activities necessary to implement an afforestation or reforestation efforts pursued pursuant to an approved forest conservation plan or

Grantor Initials

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maintenance agreement implemented under Chapters 19 or 22A of the Montgomery County Code.

6. The following activities may not occur at any time within the Easement area:
- a. Construction, excavation or grading (except for afforestation and reforestation efforts conducted in compliance with an approved forest conservation plan).
 - b. Erection of any building or structural improvements on or above ground, including (but not limited to) sheds, dog pens, play equipment and retaining walls.
 - c. Construction of any roadway or private drive.
 - d. Activities which in any way could alter or interfere with the natural ground cover or drainage (including alteration of stream channels, stream currents or stream flow).
 - e. Industrial or commercial activities.
 - f. Timber cutting, unless conducted pursuant to an approved forest management plan approved by the Planning Director and the Department of Natural Resources for the State of Maryland.
 - g. Location of any component of a septic system or wells.
 - h. Excavation, dredging, or removal of loam, gravel, soil, rock, sand and other materials.
 - i. Diking, dredging, filling or removal of wetlands.
 - j. Pasturing of livestock (including horses) and storage of manure or any other effluent.
 - k. Alteration of stream.

7. Nothing in this Easement shall prevent construction or maintenance of stormwater structures and/or facilities or other utilities, including, but not limited to water and sewer lines, on, over, or under the easement area, if said structures, facilities or utilities are (i) required to implement the Plan, (ii) shown on the approved FCP, and (iii) approved by the appropriate governing bodies or agencies in accordance with applicable laws and regulations.

Grantor Initials



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8. No dumping of unsightly or offensive material, including trash, ashes, sawdust or grass clippings shall occur. Natural biodegradable materials may be allowed in a properly located, designed, managed and maintained compost pile, provided the activity does not damage adjacent trees. Upon prior written approval of the Planning Director, suitable heavy fill and other stabilization measures may be placed to control and prevent erosion, provided that the fill is covered by arable soil or humus and properly stabilized.

9. Fences consistent with the purposes of the Easement may be erected within the Easement area if shown on the FCP or only after written approval from the Planning Director.

10. Unpaved paths or trails consistent with the purposes of the Easement may be created only after written approval from the Planning Director.

11. All rights reserved by or not prohibited to Grantor shall be exercised so as to prevent or minimize damage to the forest and trees, streams and water quality, plant and wildlife habitats, and the natural topographic character of the land within the Easement.

12. Grantor authorizes Planning Board representatives to enter the Property and easement area at their own risk and at reasonable hours for the purpose of making periodic inspections to ascertain whether the Grantor, its heirs, successors or assigns have complied with the restrictions, conditions, and easements established herein. This Easement does not convey to the general public the right to enter the Property or easement area for any purpose. This Easement does not restrict or enlarge access to the general public in common open space held under community or homeowner association control beyond any access rights created by applicable community or homeowner association covenants and by-laws.

13. The Grantor does hereby waive any challenge to the validity of this Easement in the event it is not shown on a plat, and Grantor agrees to make specific reference to this Easement in a separate paragraph of any subsequent deed, sales contract, mortgage, lease or other legal instrument by which any possessory or equitable interest in the Property is conveyed.

14. No failure on the part of the Planning Board to enforce any covenant or provision herein shall waive the Planning Board's right to enforce any covenant within this Easement.

15. Upon finding a violation of any of the restrictions, conditions, covenants and easements established by this Easement, the Planning Board shall have the right to enforce such provisions in accordance with any statutory authority (including, if applicable, the imposition of civil monetary fines or penalties in amounts and by such means as may be promulgated from time to time). The Planning Board also may seek injunctive or other appropriate relief in any court of competent jurisdiction, including the right to recover damages in an amount sufficient to restore the property to its original natural state, and Grantor agrees to pay for court costs and reasonable attorney fees if the Planning Board successfully seeks judicial relief.

Grantor Initials




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16. All written notices required by this Easement shall be sent to the Planning Director, M-NCPPC, 8787 Georgia Avenue, Silver Spring, Maryland 20910.

TO HAVE AND TO HOLD unto the Planning Board, its successors and assigns forever, this Grant shall be binding upon the heirs, successors and assigns of the Grantor in perpetuity and shall constitute a covenant real running with the title of the Property.

[SIGNATURE PAGE FOLLOWS]



Approved for legal sufficiency
Office of the General Counsel, MNCPPC

Grantor Initials 

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) LEK 47964, p. 0236, MSA_CE63_47921. Date available 11/19/2013. Printed 04/08/2014.

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IN WITNESS WHEREOF, Grantor has caused to be executed this Easement to be signed by itself or its duly authorized officer as of this 3rd day of OCTOBER, 2013.

WITNESS:

GRANTOR:

BLACK HILLS GERMANTOWN, LLLP
By: Lerner Enterprises, LLC
Its managing general partner



Type: Mark D. Lerner, Manager .

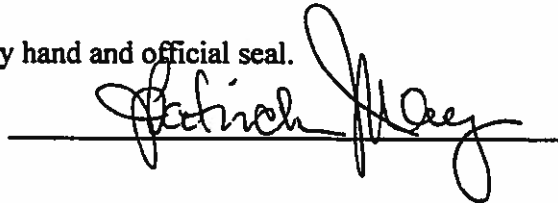
STATE OF MARYLAND

COUNTY OF MONTGOMERY to wit:

I HEREBY CERTIFY that on this 3rd day of October, 2013, before me, a Notary Public in and for the State and County aforesaid, personally appeared Mark D. Lerner, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing and annexed instrument and acknowledged that said individual executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires: 11.29.13

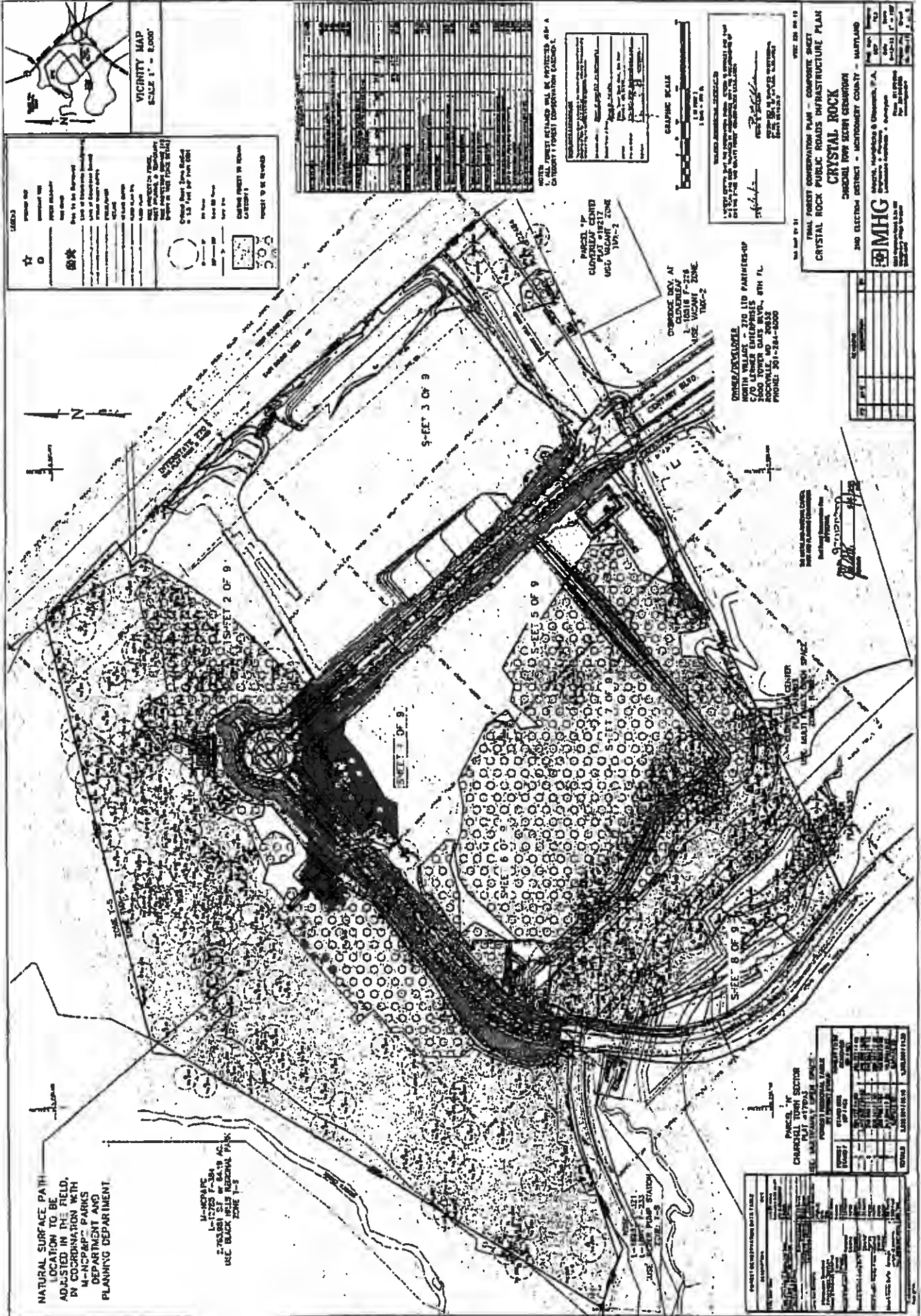


ATTORNEY CERTIFICATION

I certify that this instrument was prepared under the supervision of the undersigned, an attorney admitted to practice before the Court of Appeals of Maryland.

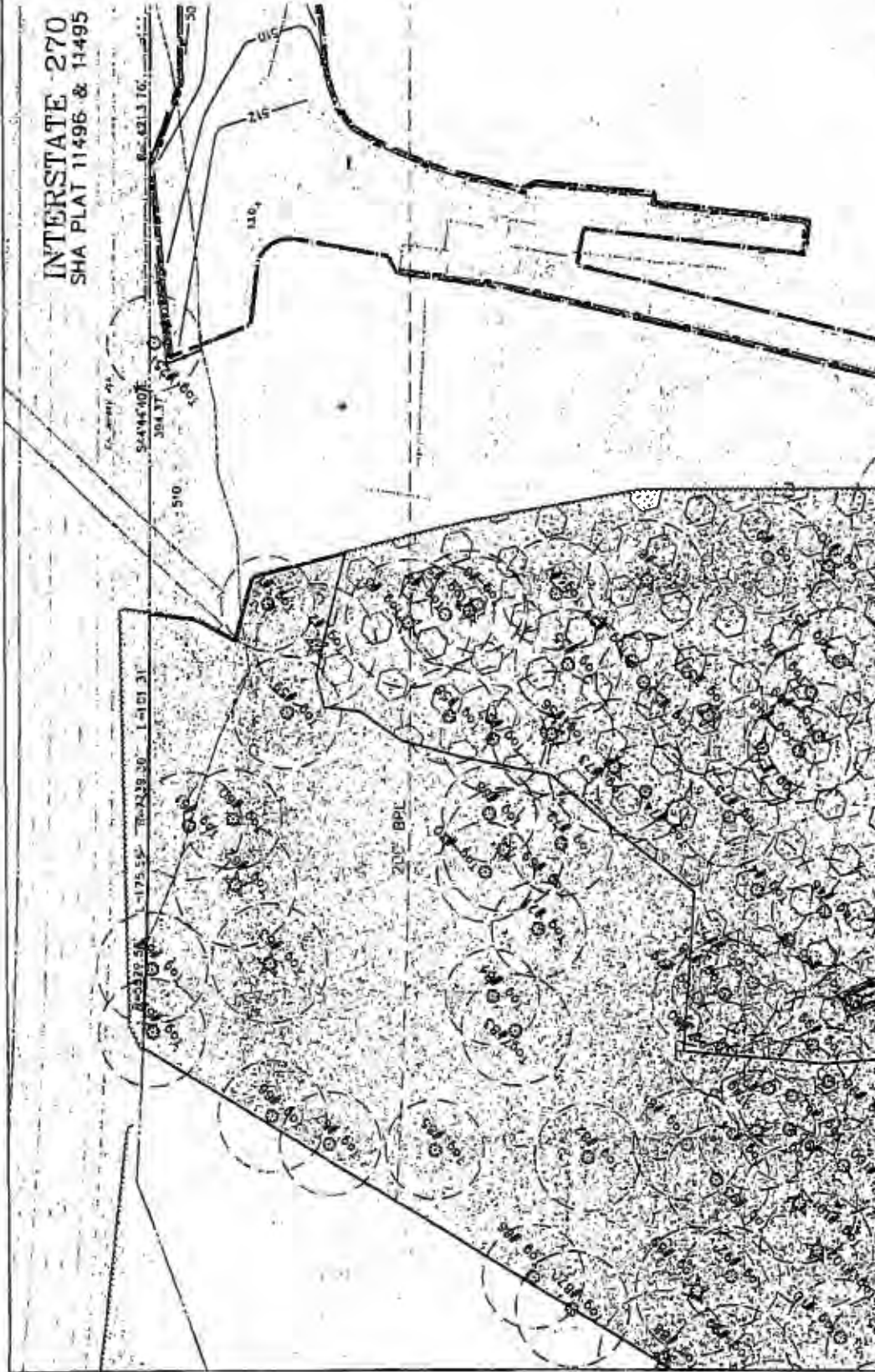
Grantor Initials





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INTERSTATE 270
SHA PLAT 11496 & 11495



GRAPHIC SCALE
0 100 200 300 400 500 FEET
0 0.1 0.2 0.3 MILES

FINAL FOREST CONSERVATION PLAN
CRYSTAL ROCK PUBLIC ROADS INFRASTRUCTURE PLAN
CRYSTAL ROCK
ORIGINAL FROM SETUP SEPARATION
2ND ELECTRONIC DISTRICT - MONTGOMERY COUNTY - MARYLAND

EMHIG
Engineering & Mapping, Inc.
10000 Rockville Pike, Suite 100
Rockville, MD 20850
Tel: 301-761-1000
Fax: 301-761-1001
www.emhig.com

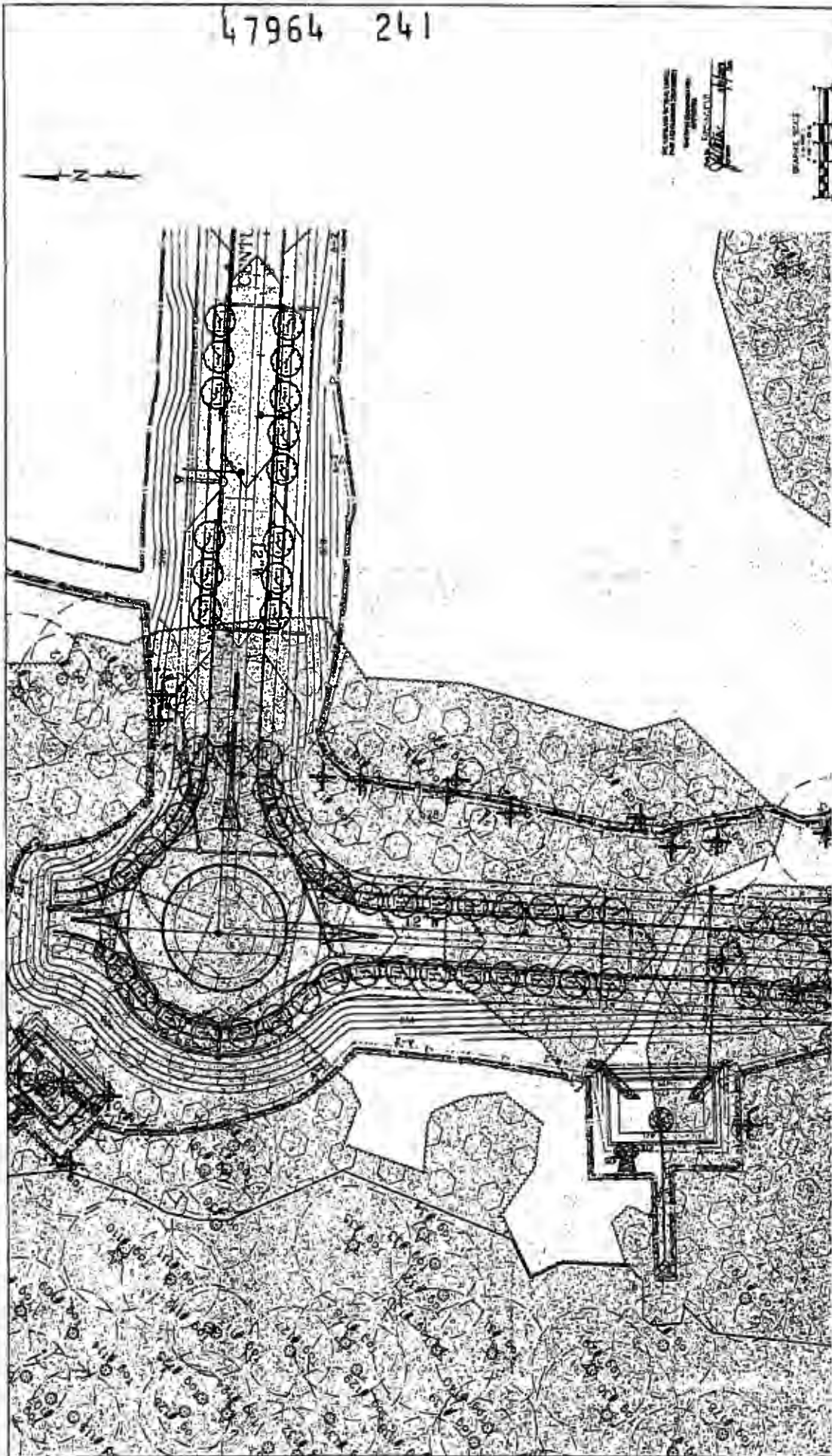
APPROVED FOR THE STATE OF MARYLAND
BY THE DEPARTMENT OF THE ENVIRONMENT
AND NATURAL RESOURCES
DATE: 04/08/2014
BY: [Signature]

APPROVED FOR THE STATE OF MARYLAND
BY THE DEPARTMENT OF THE ENVIRONMENT
AND NATURAL RESOURCES
DATE: 04/08/2014
BY: [Signature]

LEGEND

- Symbol: Circle with dot - Description: [Illegible]
- Symbol: Star - Description: [Illegible]
- Symbol: Square with dot - Description: [Illegible]
- Symbol: Circle with dashed line - Description: [Illegible]
- Symbol: Dashed line - Description: [Illegible]
- Symbol: Solid line - Description: [Illegible]
- Symbol: Double line - Description: [Illegible]

47964 241



CRYSTAL ROCK PUBLIC ROADS INFRASTRUCTURE PLAN
 SCALE: AS SHOWN
 DATE: 11/19/2013



FINAL FOREST CONSERVATION PLAN
CRYSTAL ROCK PUBLIC ROADS INFRASTRUCTURE PLAN
CRYSTAL ROCK
 SUBMITTER: **CRYSTAL ROCK**
 PROJECT: **NO SUCCESSION EFFECTS - WILDLIFE CORRIDOR - BAYLOR**

DATE	DESCRIPTION
11/19/2013	FINAL PLAN
04/08/2014	PRINTED

EMHG
 Environmental Management & Consulting, P.A.
 10000 W. US Highway 90, Suite 100
 Crystal Rock, VA 22822
 Phone: 540-433-4444
 Fax: 540-433-4445
 www.emhg.com

EMHG
 Environmental Management & Consulting, P.A.
 10000 W. US Highway 90, Suite 100
 Crystal Rock, VA 22822
 Phone: 540-433-4444
 Fax: 540-433-4445
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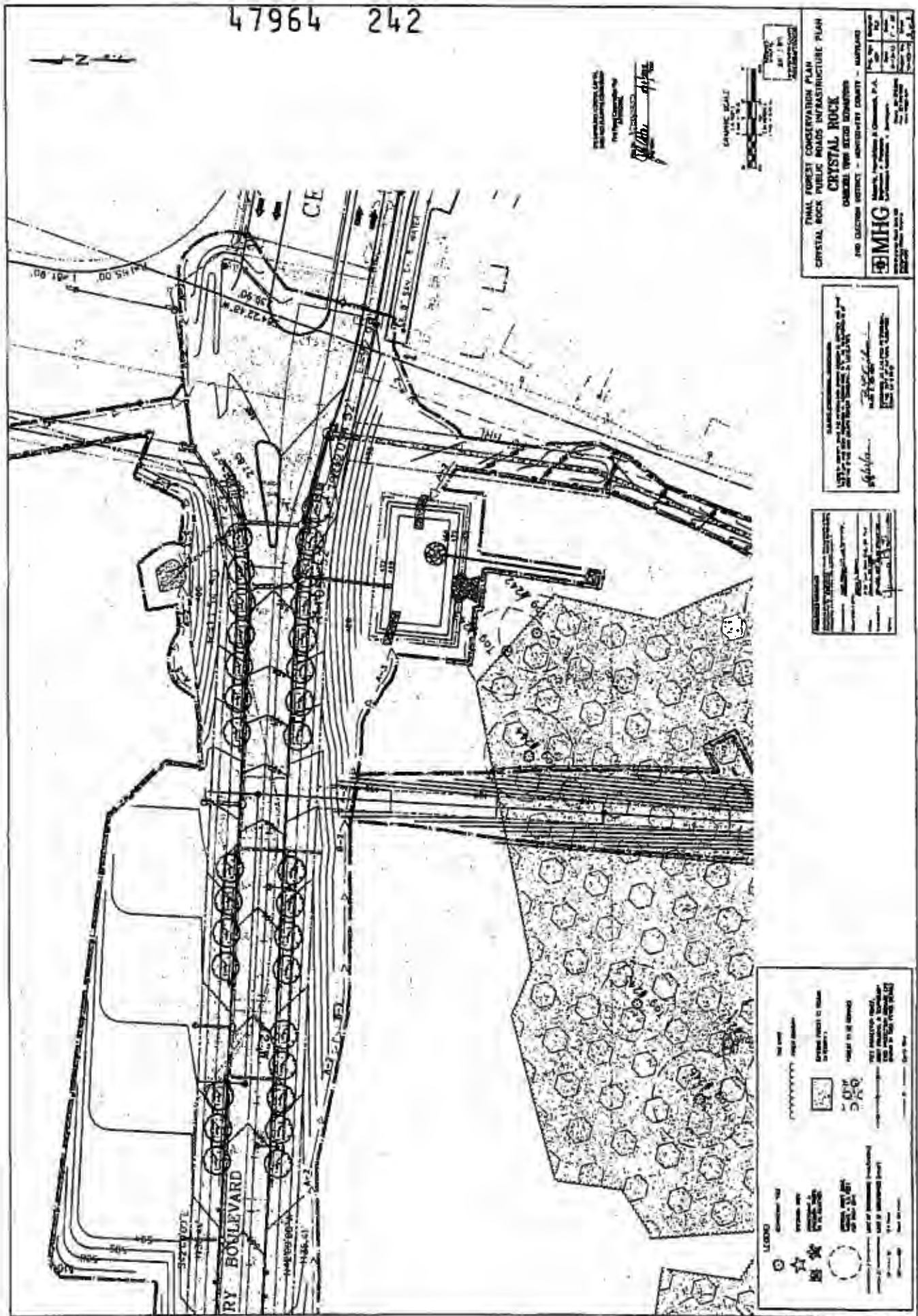
EMHG
 Environmental Management & Consulting, P.A.
 10000 W. US Highway 90, Suite 100
 Crystal Rock, VA 22822
 Phone: 540-433-4444
 Fax: 540-433-4445
 www.emhg.com

LEGEND

Symbol	Description
Circle with dot	Proposed Structure
Star	Proposed Structure
Circle with cross	Proposed Structure
Circle with vertical lines	Proposed Structure
Circle with horizontal lines	Proposed Structure
Circle with diagonal lines	Proposed Structure
Circle with wavy lines	Proposed Structure
Circle with concentric circles	Proposed Structure

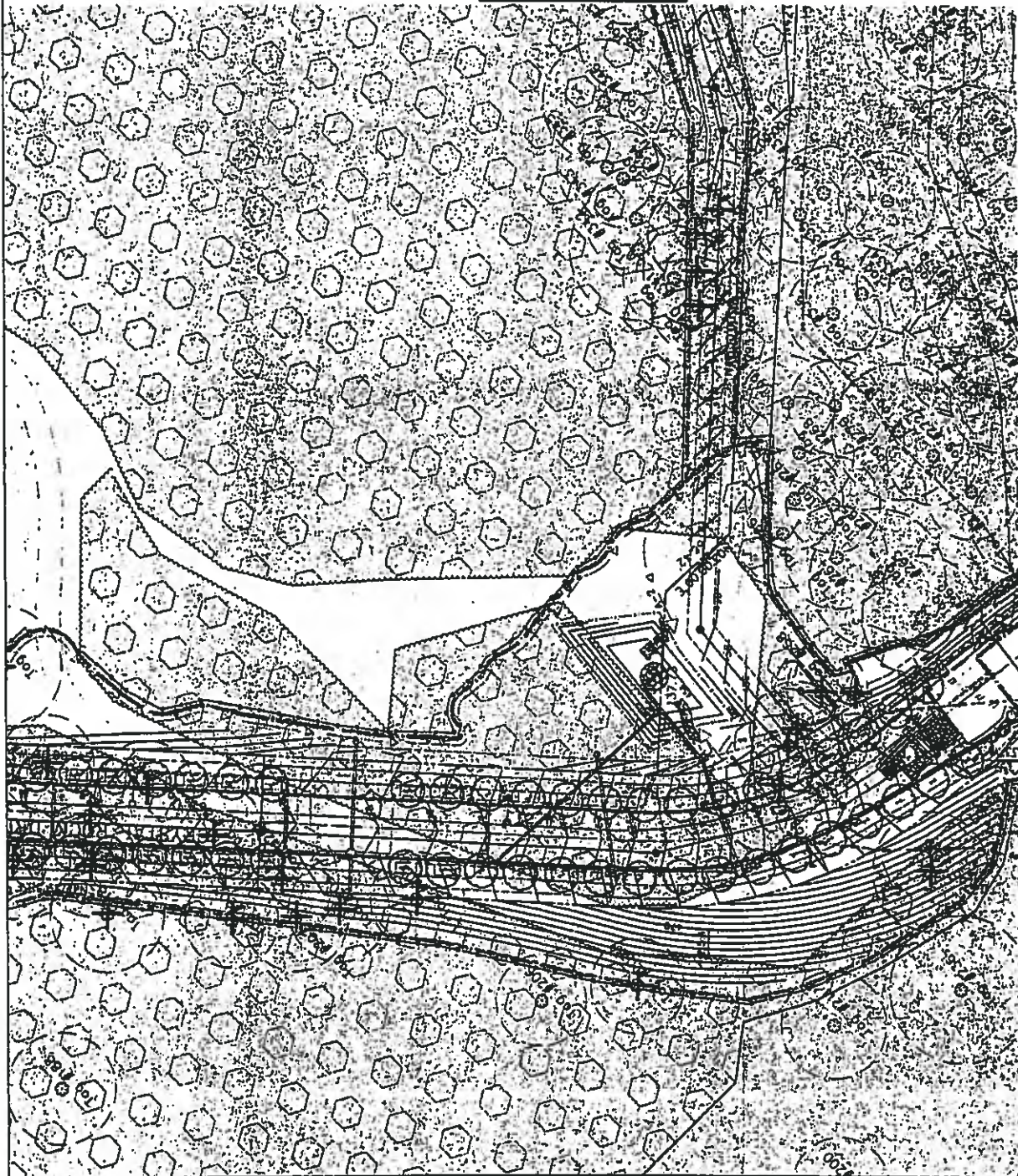
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 Date: 11/19/2013

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) LEK 47964, p. 0242, MSA CE63 47921 Date available 11/19/2013. Printed 04/08/2014.



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MONTGOMERY COUNTY CIRCUIT COURT (Land Records) LEK 47964, p. 0243, MSA CE63 47921. Date available 11/19/2013. Printed 04/08/2014.



LEGEND

- ROADWAY (with symbol)
- RAILROAD (with symbol)
- WATER (with symbol)
- UNDEVELOPED FOREST (with symbol)
- DEVELOPED FOREST (with symbol)
- ROADWAY (with symbol)
- RAILROAD (with symbol)
- WATER (with symbol)
- UNDEVELOPED FOREST (with symbol)
- DEVELOPED FOREST (with symbol)

NOTES

1. THIS MAP IS A REPRODUCTION OF THE ORIGINAL MAP.
2. THE ORIGINAL MAP IS ON FILE AT THE MONTGOMERY COUNTY ARCHIVES.
3. THE ORIGINAL MAP IS ON FILE AT THE MONTGOMERY COUNTY ARCHIVES.

DATE: 04/08/2014
 TIME: 10:00 AM
 PROJECT: 47964
 SHEET: 243

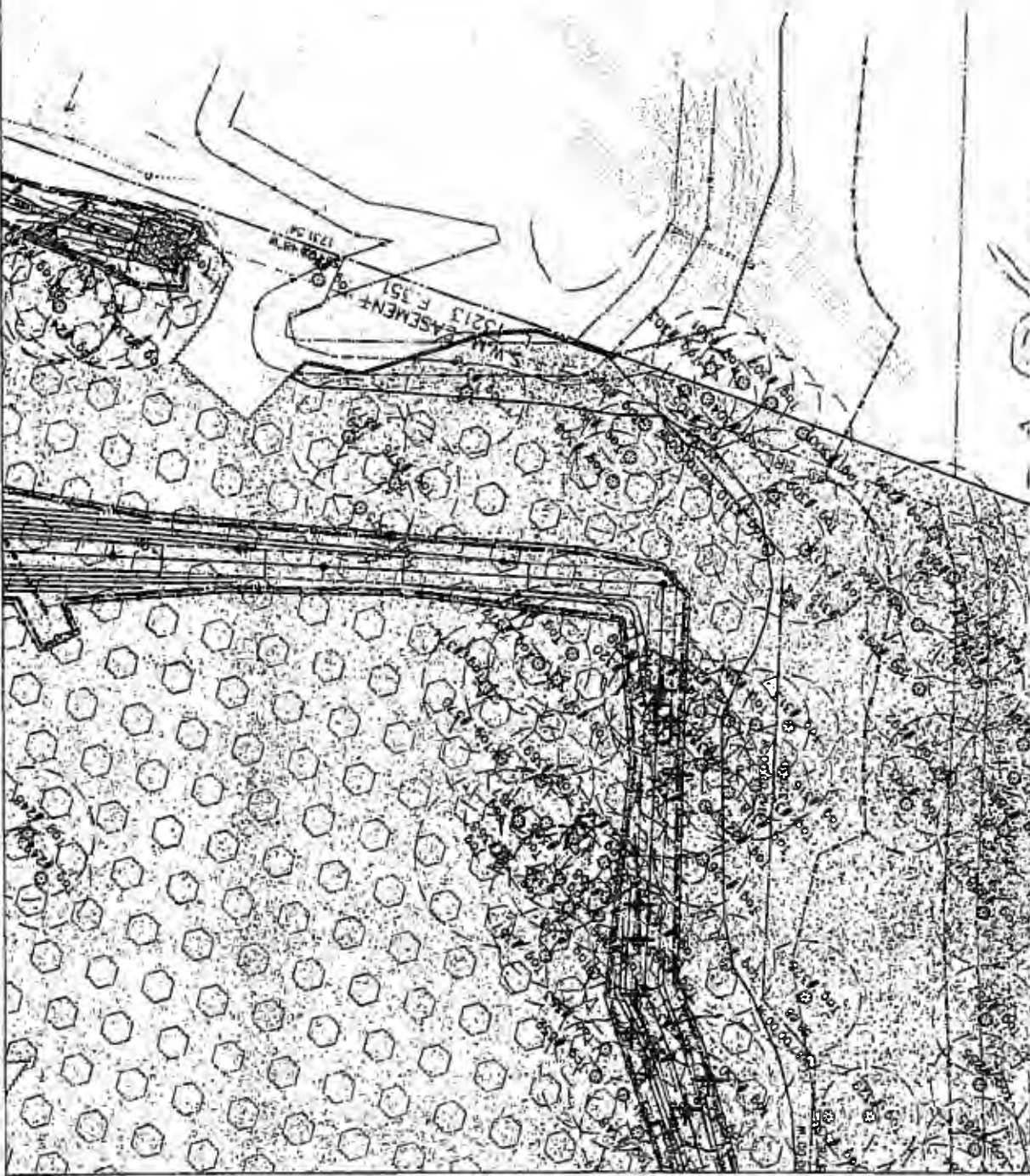
APPROVED
 DATE: 04/08/2014
 TIME: 10:00 AM
 PROJECT: 47964
 SHEET: 243

FINAL FOREST CONSERVATION PLAN
CRYSTAL ROCK PUBLIC ROADS INFRASTRUCTURE PLAN
CRYSTAL ROCK
 GENERAL FARM SECTOR COMMISSION
 140 ELECTRON DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG
 MONTGOMERY HERITAGE & CONSERVATION, P.A.
 140 ELECTRON DISTRICT - MONTGOMERY COUNTY - MARYLAND
 206-444-1111
 www.mhgc.com

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) LEK 47964, p. 0244, MSA CE63 47921. Date available 11/19/2013. Printed 04/08/2014.

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LEGEND

- 10' Contour
- 20' Contour
- 30' Contour
- 40' Contour
- 50' Contour
- 60' Contour
- 70' Contour
- 80' Contour
- 90' Contour
- 100' Contour
- 110' Contour
- 120' Contour
- 130' Contour
- 140' Contour
- 150' Contour
- 160' Contour
- 170' Contour
- 180' Contour
- 190' Contour
- 200' Contour

SYMBOLS

- 10' Contour
- 20' Contour
- 30' Contour
- 40' Contour
- 50' Contour
- 60' Contour
- 70' Contour
- 80' Contour
- 90' Contour
- 100' Contour
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- 130' Contour
- 140' Contour
- 150' Contour
- 160' Contour
- 170' Contour
- 180' Contour
- 190' Contour
- 200' Contour

NOTES

- 1. This map was prepared from the original topographic map.
- 2. All contours are in feet.
- 3. Contours are spaced at 10-foot intervals.
- 4. Contours are shown at 10-foot intervals from 100 feet to 200 feet.
- 5. Contours are shown at 20-foot intervals from 10 feet to 100 feet.
- 6. Contours are shown at 5-foot intervals from 0 feet to 10 feet.
- 7. Contours are shown at 1-foot intervals from 0 feet to 5 feet.
- 8. Contours are shown at 0.5-foot intervals from 0 feet to 5 feet.
- 9. Contours are shown at 0.2-foot intervals from 0 feet to 5 feet.
- 10. Contours are shown at 0.1-foot intervals from 0 feet to 5 feet.

APPROVED FOR THE BOARD OF SUPERVISORS

DATE: 04/08/2014

BY: [Signature]

APPROVED FOR THE BOARD OF SUPERVISORS

DATE: 04/08/2014

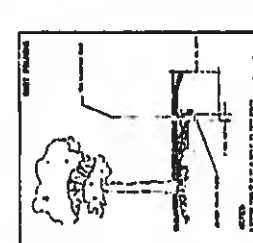
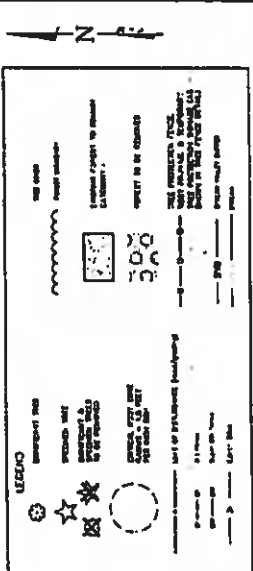
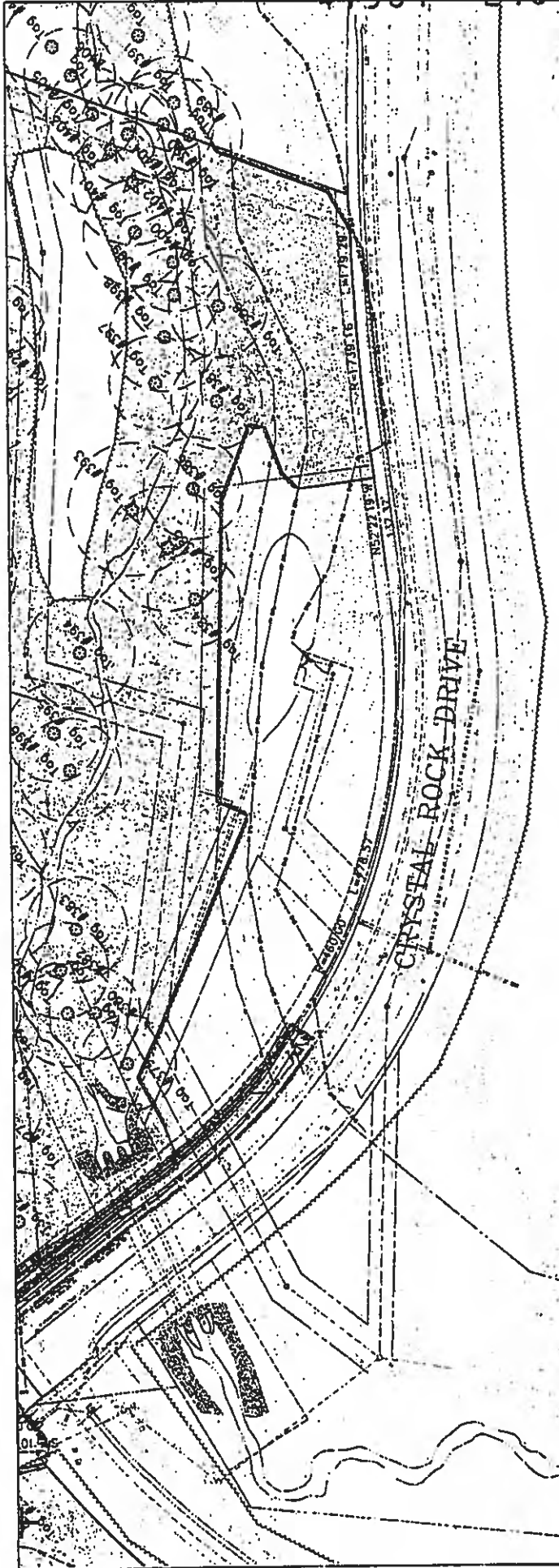
BY: [Signature]

FINAL FOREST CONSERVATION PLAN
CRYSTAL ROCK PUBLIC ROADS INFRASTRUCTURE PLAN
CRYSTAL ROCK
 CRYSTAL ROCK SCOR CONSULTING
 ONE ELECTION STREET - HUNTSVILLE, ALABAMA 35894
 PHONE: (256) 891-1111
 FAX: (256) 891-1112
 WWW.CRYSTALROCKSCOR.COM

MMHG
 MONTGOMERY COUNTY
 HUNTSVILLE, ALABAMA

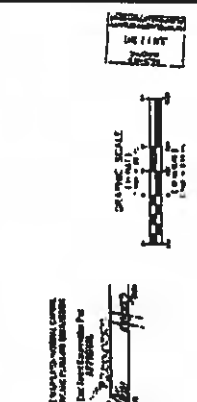


47964 245



Notes
 1. The project location is shown on the attached site plan... 2. The project location is shown on the attached site plan... 3. The project location is shown on the attached site plan... 4. The project location is shown on the attached site plan...

Notes
 1. The project location is shown on the attached site plan... 2. The project location is shown on the attached site plan... 3. The project location is shown on the attached site plan... 4. The project location is shown on the attached site plan...



FINAL FOREST CONSERVATION PLAN
CRYSTAL ROCK
 MONTGOMERY COUNTY, PENNSYLVANIA
 PREPARED BY: [Firm Name]

Professional Engineer
 [Signature]
 [Firm Name]

Professional Engineer
 [Signature]
 [Firm Name]

47964 247

TAX ID Number: Parcel 5 - 02-03402826
 Parcel 6 - 02-03402837
 Parcel 8 - 02-03402850

EXHIBIT B
CONSERVATION EASEMENT
PART OF PARCELS 5, 6, AND 8
CHURCHILL TOWN SECTOR
GERMANTOWN
PLAT NOS. 22485 AND 22486

Being a strip or parcel of land located in the Second (2nd) Election District in Montgomery County, Maryland, hereinafter described in, though, over and across the property conveyed by The Prudential Insurance Company of America to North Village – 270 Limited Partnership by deed dated November 19, 1987 and recorded among the Land Records of Montgomery County, Maryland in Liber 8032 at Folio 357; and also being a part of Parcels 5, 6 and 8 as delineated on plats of subdivision entitled "CHURCHILL TOWN SECTOR GERMANTOWN" as recorded among said Land Records as Plat Nos. 22485 and 22486 and being more particularly described by Macris, Hendricks and Glascock, P. A. on September 4, 2013 in the Maryland Coordinate System NAD 83/2007 datum as follows:

Beginning for said parcel of land at a point, said point being the beginning of the North 69°05'52" West, 194.07 foot line as delineated on the aforementioned Plat No. 22485, then binding with said line and the outline of Parcels 5, 6 and 8 the following four (4) courses and distances as now surveyed

1. North 68°45'58" West, 194.22 feet to a point, then
2. North 04°05'45" East, 2.87 feet to a point, then
3. North 30°30'52" East, 1,634.55 feet to a point, then
4. North 75°59'16" East, 1,315.65 feet to a point, said point being on the westerly right-of-way limits of Interstate 270, said point also being the beginning of

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Curve No. 1 as delineated on the aforementioned Plat No. 22486,
then binding with said westerly right-of-way limits and part of Curve
No. 1

5. 66.91 feet along the arc of a non-tangent curve deflecting to the left with a radius of 5829.58 feet and a chord bearing and distance of South 42°36'02" East, 66.91 feet to a point, then leaving said right-of-way limits and said Curve No. 1 to cross and include part of Parcels 8, 6 and 5
6. South 41°37'26" East, 13.64 feet to a point, then
7. South 20°51'31" East, 55.13 feet to a point, then
8. South 28°25'21" East, 52.97 feet to a point, then
9. South 25°43'00" East, 53.71 feet to a point, then
10. South 19°18'06" East, 56.66 feet to a point, then
11. South 53°46'06" East, 50.11 feet to a point, then
12. South 46°58'07" East, 49.79 feet to a point, then
13. South 45°04'27" West, 84.12 feet to a point, then
14. North 31°18'46" West, 88.78 feet to a point, then
15. North 52°27'57" West, 37.61 feet to a point, then
16. South 63°27'22" West, 61.67 feet to a point, then
17. South 56°55'34" West, 122.28 feet to a point, then
18. North 88°25'06" West, 50.71 feet to a point, then
19. South 82°05'49" West, 85.57 feet to a point, then
20. North 41°12'47" West, 119.04 feet to a point, then
21. South 55°10'02" West, 110.11 feet to a point, then
22. South 40°02'42" West, 125.55 feet to a point, then
23. South 58°12'52" West, 40.56 feet to a point, then
24. South 75°11'03" West, 52.73 feet to a point, then
25. South 50°27'27" West, 58.82 feet to a point, then
26. South 24°45'18" West, 98.00 feet to a point, then
27. South 41°23'44" West, 70.25 feet to a point, then
28. South 77°16'36" West, 61.23 feet to a point, then
29. North 74°32'33" West, 25.53 feet to a point, then

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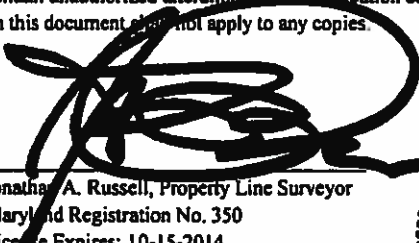
30. South 78°36'01" West, 62.46 feet to a point, then
31. South 09°43'18" West, 27.27 feet to a point, then
32. South 62°42'43" West, 58.39 feet to a point, then
33. North 41°08'01" West, 33.83 feet to a point, then
34. South 43°13'59" West, 27.44 feet to a point, then
35. South 33°00'01" East, 13.92 feet to a point, then
36. South 88°14'59" West, 31.41 feet to a point, then
37. South 50°08'18" West, 177.46 feet to a point, then
38. South 48°01'34" West, 154.53 feet to a point, then
39. North 46°20'52" West, 28.86 feet to a point, then
40. South 44°18'22" West, 23.17 feet to a point, then
41. South 36°43'15" East, 42.58 feet to a point on the northerly right-of-way limits of
Crystal Rock Drive, then binding with part of said northerly right-of-
way line
42. 164.82 feet along the arc of a non-tangent curve deflecting to the left with a radius of
610.00 feet and a chord bearing and distance of South 30°54'39"
West, 164.32 feet to a point, then leaving said right-of-way limits to
continue to cross and include part of said Parcel 5
43. South 48°16'52" West, 57.32 feet to a point, then
44. South 00°25'00" West, 112.21 feet to a point, then
45. South 34°23'57" East, 1.49 feet to a point on the northerly right-of-way limits of
Crystal Rock Drive, then binding with part of said northerly right-of-
way line, then
46. 114.89 feet along the arc of a non-tangent curve deflecting to the left with a radius of
610.00 feet and a chord bearing and distance of South 02°56'23"
West, 114.72 feet to a point, then leaving said right-of-way limits to
continue to cross and include part of said Parcel 5
47. South 21°23'30" West, 28.01 feet to a point, then
48. South 13°43'37" West, 80.82 feet to a point, then
49. South 06°02'53" East, 40.39 feet to a point, then
50. South 32°27'42" East, 61.68 feet to a point, then

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- 51. South 27°58'04" West, 28.47 feet to a point, said point being on Curve No. 3 as delineated on the aforementioned Plat No. 22485 at an arc length of 13.84 feet from the beginning thereof, then binding with Plat No. 22485
- 52. 344.33 feet along the arc of a non-tangent curve deflecting to the left with a radius of 650.00 feet and a chord bearing and distance of South 80°12'18" West, 340.32 feet to a point, then
- 53. South 65°01'44" West, 268.87 feet to the point of beginning; containing an area of 1,128,472 square feet or 25.90616 acres of land and as delineated on Exhibit C attached hereto and made a part hereof by this reference.

Certified correct to the best of my professional knowledge, information and belief and this description was prepared by me and is in conformance with Title 9, Subtitle 13, Chapter 6, Section .12 of the Minimum Standards of Practice for Land Surveyors. If the seal and signature are not violet colored, the document is a copy that should be assumed to contain unauthorized alterations. The certification contained on this document shall not apply to any copies.

Jonathan A. Russell, Property Line Surveyor
 Maryland Registration No. 350
 License Expires: 10-15-2014

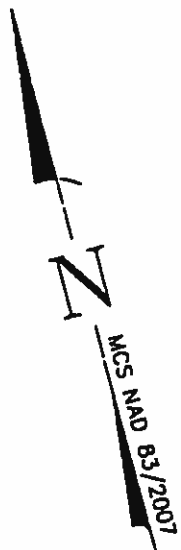



AFTER RECORDATION PLEASE RETURN TO:

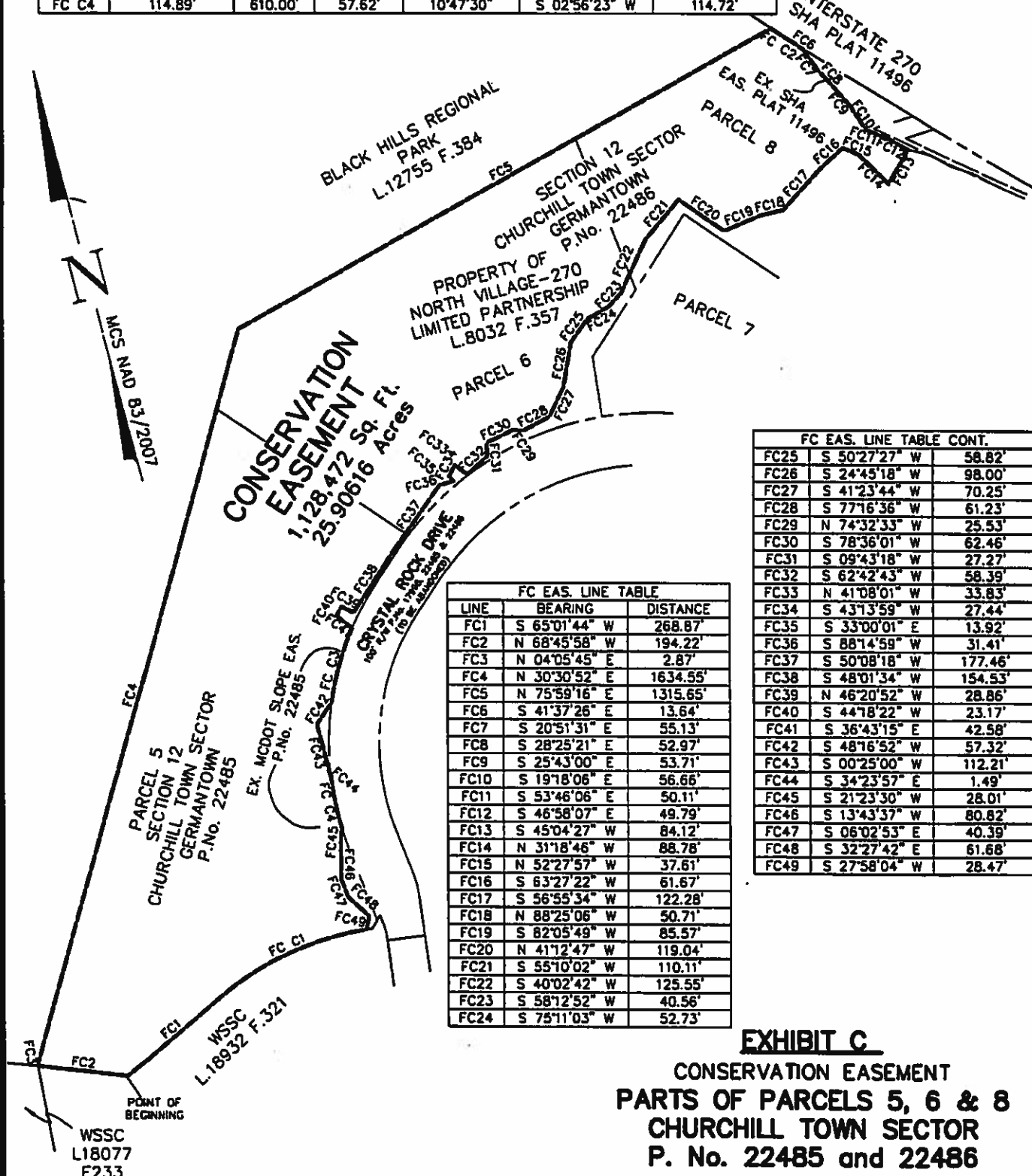
Macris, Hendricks, & Glascock, P.A.
 9220 Wightman Rd., Suite 120
 Montgomery Village, MD 20886
 Attn: Barry Hoyle

47964 251

FC EAS. CURVE TABLE						
CURVE	ARC LENGTH	RADIUS	TANGENT	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
FC C1	344.33'	650.00'	176.31'	30°21'08"	S 80°12'18" W	340.32'
FC C2	66.91'	5829.58'	33.46'	0°39'28"	S 42°36'02" E	66.91'
FC C3	164.82'	610.00'	82.91'	15°28'52"	S 30°54'39" W	164.32'
FC C4	114.89'	610.00'	57.62'	10°47'30"	S 02°56'23" W	114.72'



MONTGOMERY COUNTY CIRCUIT COURT (Land Records) LEK 47964, p. 0251, MSA_CE63_47921. Date available 11/19/2013. Printed 04/08/2014.



FC EAS. LINE TABLE		
LINE	BEARING	DISTANCE
FC1	S 65°01'44" W	268.87'
FC2	N 68°45'58" W	194.22'
FC3	N 04°05'45" E	2.87'
FC4	N 30°30'52" E	1634.55'
FC5	N 75°59'16" E	1315.65'
FC6	S 41°37'26" E	13.64'
FC7	S 20°51'31" E	55.13'
FC8	S 28°25'21" E	52.97'
FC9	S 25°43'00" E	53.71'
FC10	S 19°18'06" E	56.66'
FC11	S 53°46'06" E	50.11'
FC12	S 46°58'07" E	49.79'
FC13	S 45°04'27" W	84.12'
FC14	N 31°18'46" W	88.78'
FC15	N 52°27'57" W	37.61'
FC16	S 63°27'22" W	61.67'
FC17	S 56°55'34" W	122.28'
FC18	N 88°25'06" W	50.71'
FC19	S 82°05'49" W	85.57'
FC20	N 41°12'47" W	119.04'
FC21	S 55°10'02" W	110.11'
FC22	S 40°02'42" W	125.55'
FC23	S 58°12'52" W	40.56'
FC24	S 75°11'03" W	52.73'

FC EAS. LINE TABLE CONT.		
FC25	S 50°27'27" W	58.82'
FC26	S 24°45'18" W	98.00'
FC27	S 41°23'44" W	70.25'
FC28	S 77°16'36" W	61.23'
FC29	N 74°32'33" W	25.53'
FC30	S 78°36'01" W	62.46'
FC31	S 09°43'18" W	27.27'
FC32	S 62°42'43" W	58.39'
FC33	N 41°08'01" W	33.83'
FC34	S 43°13'59" W	27.44'
FC35	S 33°00'01" E	13.92'
FC36	S 88°14'59" W	31.41'
FC37	S 50°08'18" W	177.46'
FC38	S 48°01'34" W	154.53'
FC39	N 46°20'52" W	28.86'
FC40	S 44°78'22" W	23.17'
FC41	S 36°43'15" E	42.58'
FC42	S 48°16'52" W	57.32'
FC43	S 00°25'00" W	112.21'
FC44	S 34°23'57" E	1.49'
FC45	S 21°23'30" W	28.01'
FC46	S 13°43'37" W	80.82'
FC47	S 06°02'53" E	40.39'
FC48	S 32°27'42" E	61.68'
FC49	S 27°58'04" W	28.47'

EXHIBIT C
CONSERVATION EASEMENT
PARTS OF PARCELS 5, 6 & 8
CHURCHILL TOWN SECTOR
P. No. 22485 and 22486

SCALE: 1" = 300' SEPTEMBER, 2013
 MONTGOMERY COUNTY, MARYLAND

MHG Macris, Hendricks & Glascock, P.A.
 Engineers • Planners
 Landscape Architects • Surveyors

6220 Wightman Road, Suite 120
 Montgomery Village, Maryland
 20886-1279

Phone 301.670.0640
 Fax 301.948.0693
 www.mhgsa.com

47964 252

TAX ID Number: Parcel A 02-03279868
Parcel 3 02-03279870

EXHIBIT D
CONSERVATION EASEMENT
PART OF PARCELS A and 3
CHURCHILL TOWN SECTOR
GERMANTOWN
PLAT NO. 21285

Being a strip or parcel of land located in the Second (2nd) Election District in Montgomery County, Maryland, hereinafter described in, through, over and across the property conveyed by The Prudential Insurance Company of America to North Village – 270 Limited Partnership by deed dated November 19, 1987 and recorded among the Land Records of Montgomery County, Maryland in Liber 8032 at Folio 357; and also being a part of Parcels A and 3 as delineated on plats of subdivision entitled "CHURCHILL TOWN SECTOR GERMANTOWN " as recorded among said Land Records as Plat No. 21285 and being more particularly described by Macris, Hendricks and Glascock, P. A. on August 21, 2013 in the Maryland Coordinate System NAD 83/2007 datum as follows:

Beginning for said strip or parcel of land at a point, said point being on and 856.76 feet from the end of the South 64°20'50" West, 1492.94 foot line as delineated on the aforementioned Plat No. 21285, then binding with a part of said line

1. South 64°22'52" West, 472.24 feet to a point, then leaving said line to cross and include part of Parcels A and 3 the following thirty three (33) courses and distances
2. North 67°11'21" West, 87.99 feet to a point, then
3. North 44°30'47" West, 35.34 feet to a point, then
4. North 00°46'58" East, 97.29 feet to a point, then

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5. North 30°36'00" West, 86.15 feet to a point, then
6. North 43°13'37" West, 62.67 feet to a point, then
7. North 59°32'34" West, 72.88 feet to a point, then
8. North 38°06'22" West, 90.99 feet to a point, then
9. North 48°06'55" West, 102.65 feet to a point, then
10. North 42°29'23" West, 63.65 feet to a point, then
11. North 36°26'13" West, 67.66 feet to a point, then
12. North 50°25'14" West, 53.69 feet to a point, then
13. North 72°42'50" West, 230.61 feet to a point, then
14. North 07°14'10" East, 51.77 feet to a point, then
15. North 60°45'00" East, 18.45 feet to a point, then
16. North 29°15'00" West, 8.91 feet to a point, then
17. North 27°46'07" East, 43.11 feet to a point, then
18. South 82°59'11" East, 78.64 feet to a point, then
19. South 51°12'50" East, 50.46 feet to a point, then
20. South 44°05'39" East, 91.92 feet to a point, then
21. South 40°56'31" East, 224.56 feet to a point, then
22. South 50°25'32" East, 157.92 feet to a point, then
23. South 67°35'51" East, 112.96 feet to a point, then
24. South 45°26'09" East, 148.27 feet to a point, then
25. South 18°47'18" East, 74.83 feet to a point, then
26. South 38°55'04" East, 48.39 feet to a point, then
27. South 59°54'40" East, 50.96 feet to a point, then
28. South 81°34'22" East, 46.87 feet to a point, then
29. North 79°27'40" East, 37.13 feet to a point, then
30. North 53°40'23" East, 91.69 feet to a point, then
31. North 48°40'37" East, 179.27 feet to a point, then
32. North 87°05'41" East, 34.99 feet to a point, then
33. South 45°47'44" East, 45.47 feet to a point, then
34. South 01°30'32" East, 43.79 feet to the point of beginning; containing an area of 109,239

47964 254

square feet or 2.50777 acres of land and as delineated on Exhibit E,
attached hereto and made a part hereof by this reference.

Certified correct to the best of my professional knowledge,
information and belief and this description was prepared
by me and is in conformance with Title 9, Subtitle 13,
Chapter 6, Section .12 of the Minimum Standards of Practice
for Land Surveyors. If the seal and signature are not violet
colored, the document is a copy that should be assumed to
contain unauthorized alterations. The certification contained
on this document shall not apply to any copies.

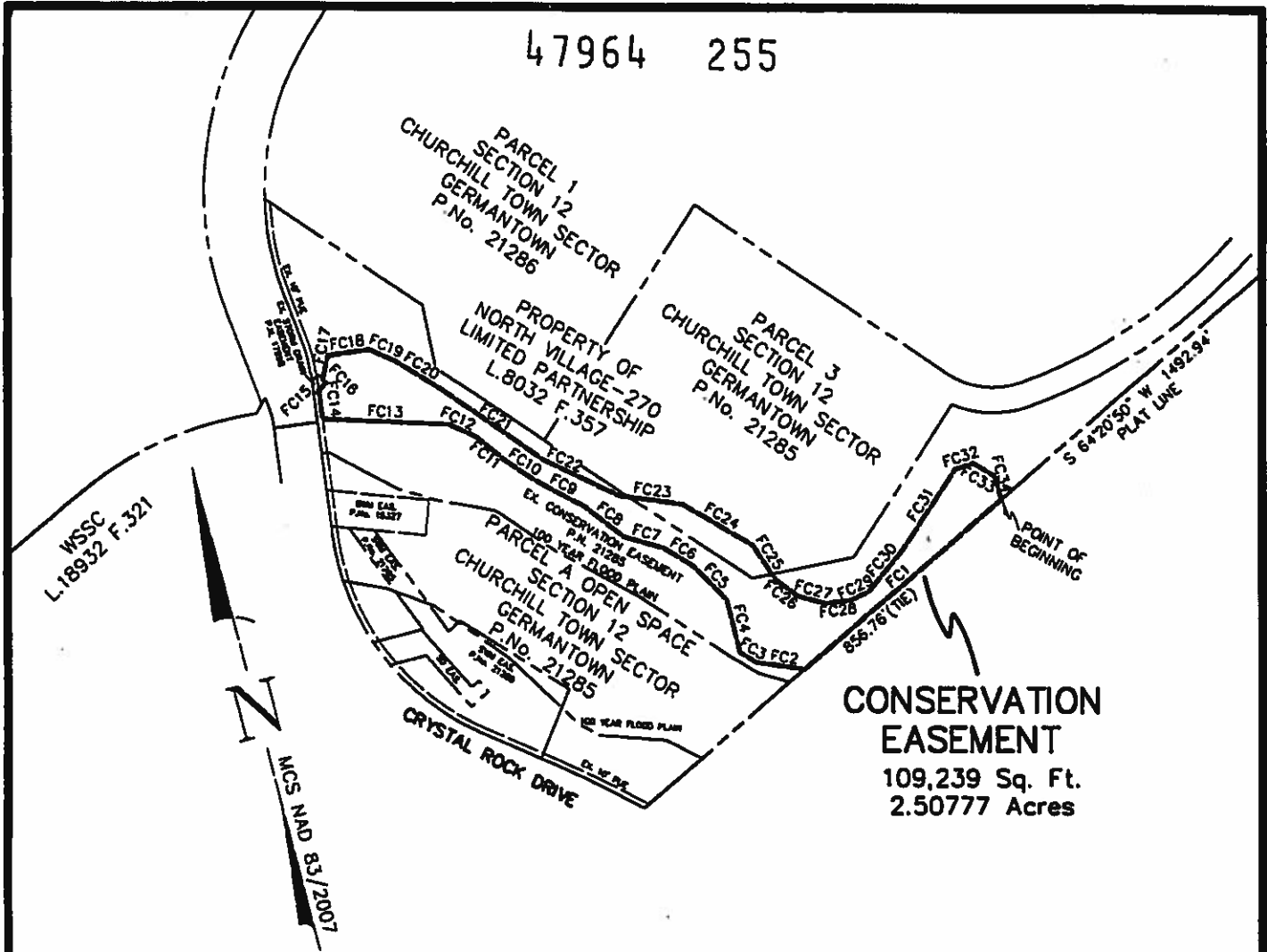
Barry E. Hoyle
Macris, Hendricks & Glascock, P.A.
Barry E. Hoyle, Professional Land Surveyor
Maryland Registration No. 21135
License Expires: 06-21-2014



AFTER RECORDATION PLEASE RETURN TO:

**Macris, Hendricks, & Glascock, P.A.
9220 Wightman Rd., Suite 120
Montgomery Village, MD 20886
Attn: Barry Hoyle**

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) LEK 47964, p. 0255, MSA_CE63_47921. Date available 11/19/2013. Printed 04/08/2014.



CONSERVATION EASEMENT
 109,239 Sq. Ft.
 2.50777 Acres

FC EAS. LINE TABLE		
LINE	BEARING	DISTANCE
FC1	S 64°22'52" W	472.24'
FC2	N 67°11'21" W	87.99'
FC3	N 44°30'47" W	35.34'
FC4	N 00°46'58" E	97.29'
FC5	N 30°36'00" W	86.15'
FC6	N 43°13'37" W	62.67'
FC7	N 59°32'34" W	72.88'
FC8	N 38°06'22" W	90.99'
FC9	N 48°08'55" W	102.65'
FC10	N 42°29'23" W	63.65'
FC11	N 36°26'13" W	67.66'
FC12	N 50°25'14" W	53.69'
FC13	N 72°42'50" W	230.61'
FC14	N 07°14'10" E	51.77'
FC15	N 60°45'00" E	18.45'
FC16	N 29°15'00" W	8.91'
FC17	N 27°46'07" E	43.11'
FC18	S 82°59'11" E	78.64'
FC19	S 51°12'50" E	50.46'
FC20	S 44°05'39" E	91.92'
FC21	S 40°56'31" E	224.56'
FC22	S 50°25'32" E	157.92'
FC23	S 67°35'51" E	112.96'
FC24	S 45°28'09" E	148.27'
FC25	S 18°47'18" E	74.83'
FC26	S 38°55'04" E	48.39'
FC27	S 59°54'40" E	50.96'
FC28	S 81°34'22" E	46.87'
FC29	N 79°27'40" E	37.13'
FC30	N 53°40'23" E	91.69'
FC31	N 48°40'37" E	179.27'
FC32	N 87°05'41" E	34.99'
FC33	S 45°47'44" E	45.47'
FC34	S 01°30'32" E	43.79'

EXHIBIT E
CONSERVATION EASEMENT
PART OF PARCELS A and 3
CHURCHILL TOWN SECTOR
P. No. 21285

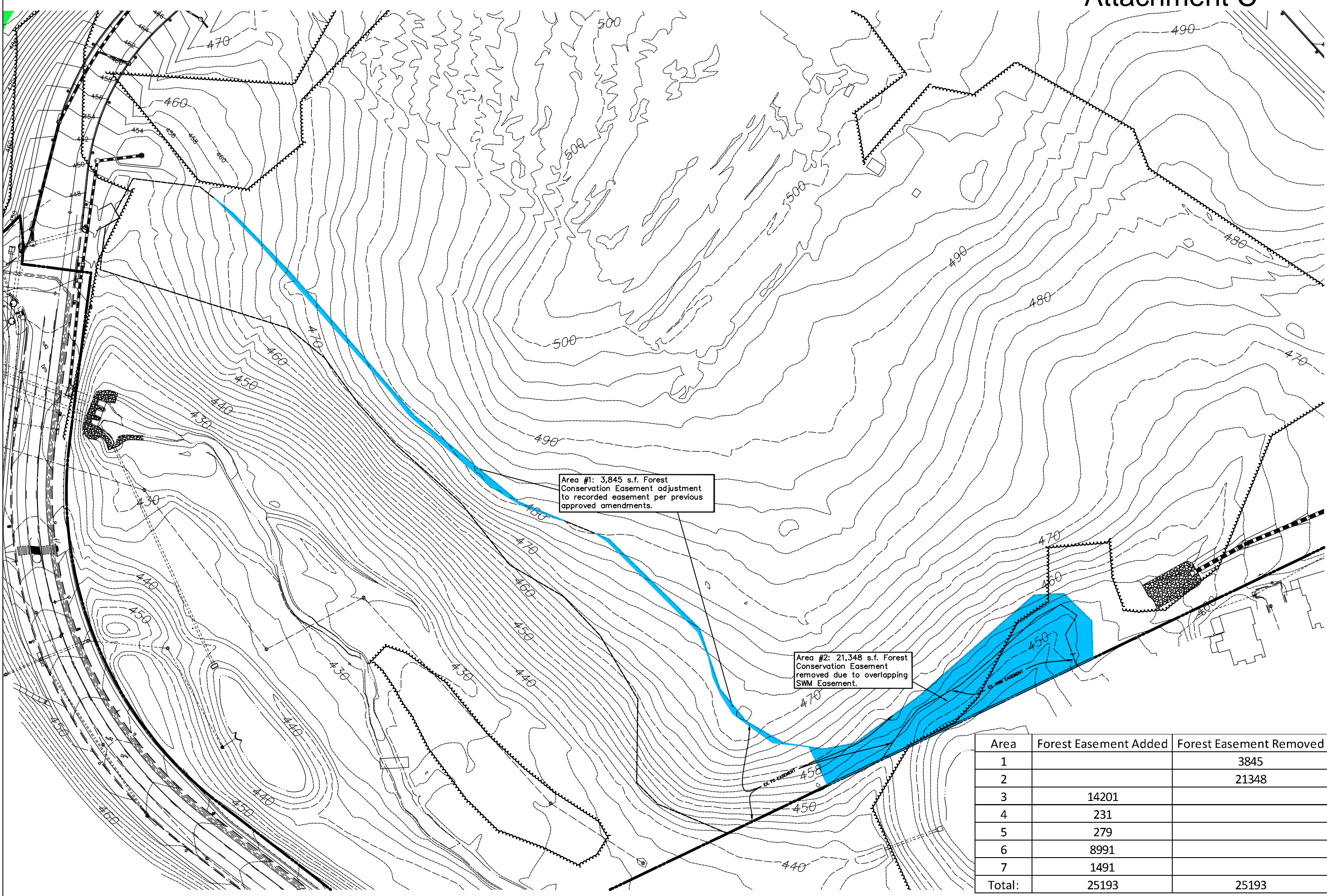
SCALE: 1" = 300' SEPTEMBER, 2013
 MONTGOMERY COUNTY, MARYLAND

MHG Macris, Hendricks & Glascock, P.A.
 Engineers • Planners
 Landscape Architects • Surveyors

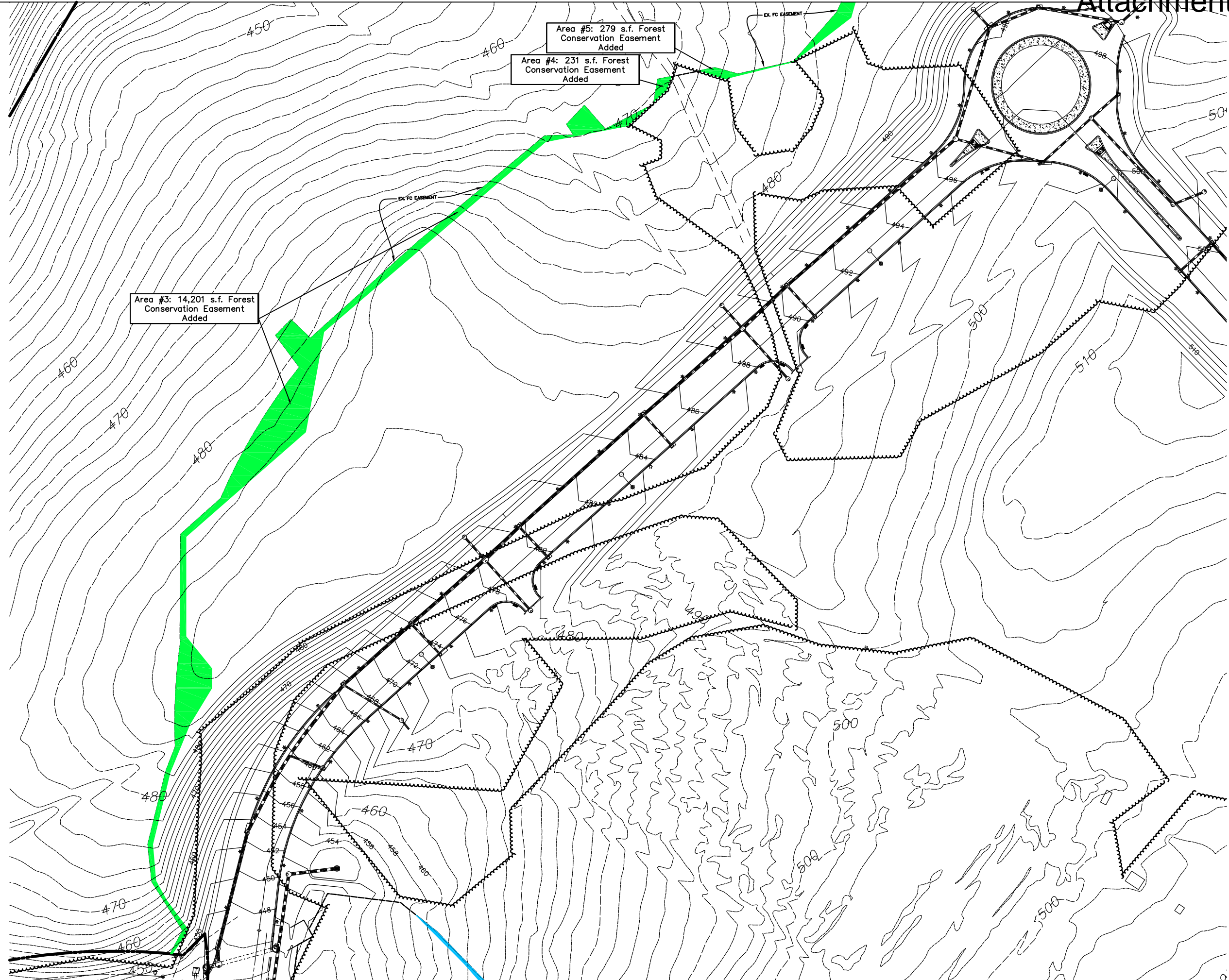
8220 Wightman Road, Suite 120
 Montgomery Village, Maryland
 20886-1276

Phone 301.670.0840
 Fax 301.948.0853
 www.mhgsa.com

I:\10102\dwg\EX_FC_ESMT RECONCILIATION2017.dwg, Copyright © 2017 Macris, Hendricks & Glascock, P.A.



Area	Forest Easement Added	Forest Easement Removed
1		3845
2		21348
3	14201	
4	231	
5	279	
6	8991	
7	1491	
Total:	25193	25193



PROJ. MGR: MDP
 DRAWN BY: FCJ
 SCALE: 1"=100'
 DATE: 07.11.2017
 JOB NO: 10.102.41

FOREST CONSERVATION EASEMENT EXHIBIT
 2 of 3

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