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NOTICE TO TITLE COMPANIES: THE FOLLOWING RESOLUTION IMPOSES FEES WHICH, UNTIL PAID, CONSTITUTE A STATUTORY AND PERPETUAL LIEN ON AND AGAINST THE PROPERTY SERVED. CONTACT THE DISTRICT MANAGER LISTED WITH THE COLORADO DEPARTMENT OF LOCAL AFFAIRS OR ON THE DISTRICT'S WEBSITE HTTPS://LORETTOHEIGHTSDISTRICTS.COM TO VERIFY PAYMENT.

#### **RESOLUTION NO. 2024-02-01**

# A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LORETTO HEIGHTS METROPOLITAN DISTRICT NO. 4 REGARDING THE IMPOSITION OF ADMINISTRATIVE, OPERATION, AND MAINTENANCE FEES

- A. Loretto Heights Metropolitan District No. 4 (the "**District**") is a quasi-municipal corporation and political subdivision of the State of Colorado located in the City and County of Denver, Colorado.
- B. The District's boundaries are described in the legal description attached hereto as **Exhibit A**, which legal description may be amended from time to time, pursuant to the inclusion and/or exclusion of property into or from the District (the "**Property**").
- C. Pursuant to the authority granted to the District by the Service Plan for Loretto Heights Metropolitan District No. 1, as approved by the City Council for the City and County of Denver, Colorado on August 26, 2019, as it may be amended form time to time (the "Service Plan"), the District is responsible for the ownership, operation, maintenance, and construction of facilities to benefit to the Property (the "Improvements and Services").
- D. The District is authorized pursuant to Section 32-1-1001 (1)(j), C.R.S., as amended from time to time, and its Service Plan to fix and impose fees, rates, tolls, charges and penalties for services of facilities provided by the District, which until paid, shall constitute a perpetual lien on and against the property served.
- E. The District has determined that, to offset the costs of administrative requirements of the District, and to meet the costs of the operation and maintenance of the Improvements and Services, it is necessary and equitable to impose an administrative fee on certain transactions ("Administrative Fee") and operation and maintenance fee for each residential dwelling unit ("Residential Units") located within the Property (the "Operation and Maintenace Fee").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LORETTO HEIGHTS METROPOLITAN DISTRICT NO. 4, AS FOLLOWS:

- 1. The Board of Directors hereby finds, determines, and declares that it is in the best interests of the District, its inhabitants and taxpayers to exercise its powers and authorities by imposing an Administrative Fee and an Operation and Maintenance Fee on the Property and to use the revenues from the Administrative Fee and Operation and Maintenance Fee to cover administrative, operations, and maintenance expenses of the District in the provision of the Improvements and Services.
  - 2. Fees are hereby established for all Residential Units within the District as follows:

- (a) An Administrative Fee of \$125.00 upon any conveyance of a Residential Unit from a builder to an owner or an owner to another owner. An invoice for the Administrative Fee will be mailed to each property owner ("Owner") following the conveyance of any Residential Unit within the Property. The Administrative Fee may be included on an invoice for the first Operation and Maintenance Fee following the conveyance of any Residential Unit.
- (b) An Operation and Maintenance Fee of \$250.00 per quarter, payable in advance, for each Residential Unit. The first Operation and Maintenance Fee payment for any Residential Unit shall become due and payable to the District upon the sale or transfer of a Residential Unit from a builder to an owner or form an owner to another owner, and shall be billed quarterly. An invoice for the Operation and Maintenance Fee for a given quarter will be mailed to each Owner 15 days in advance of the subject quarter (e.g. on or before December 16<sup>th</sup> for the quarter beginning on January 1<sup>st</sup>, March 16th for the quarter beginning on April 1<sup>st</sup>, June 15<sup>th</sup> for the quarter beginning July 1<sup>st</sup>, and September 15<sup>th</sup> for the quarter beginning October 1<sup>st</sup>) (the "Bill Date").
- (c) The District reserves the right to amend this resolution in the future to increase or decrease the amount of the Administrative Fee and/or the Operation and Maintenance Fee or to otherwise modify this resolution.
- 3. Payment for the Administrative Fee and the Operation and Maintenance Fee shall be made within 30 calendar days of the Bill Date. Any Administrative Fee or Operation and Maintenance Fee not paid in full shall be considered past due and otherwise outstanding. A reminder notice may be, but is not required to be, sent at such time. Strict compliance with the invoice procedure set forth herein is not required in order for the District to enforce its rights as set forth herein.
- 4. Failure to make payment when due shall constitute a default. Upon default, simple interest shall accrue on the total amount past due and owing at the rate of 18% per annum until paid, as permitted by Section 29-1-1102(7), C.R.S., as amended from time to time.
- 5. If the Owner does not make payment of all past due amounts, including interest (the "**Delinquent Balance**"), within 60 days from the Bill Date, the District may deliver to the Owner a Notice of Intent to File a Lien Statement (a "**Lien Notice**"). The Lien Notice shall give notice to the Owner that the District intends to perfect its lien against the Property by recording a Lien Statement in the office of the Denver County Clerk and Recorder if the Delinquent Balance is not paid in full within 30 days after said Lien Notice is served upon Owner by certified mail, return receipt requested, pursuant to Section 38-22-109(3), C.R.S., as amended from time to time. The District is under no obligation to deliver a Lien Notice as the Delinquent Balance constitutes a perpetual charge and lien upon the Property served by operation of law.
- 6. The Administrative Fee and the Operation and Maintenance Fee shall not be imposed on real property actually conveyed or dedicated to non-profit owners' associations, governmental entities or utility providers.
- 7. The Administrative Fee and the Operation and Maintenance Fee, in the amount of the Delinquent Balance, shall constitute a statutory and perpetual charge and lien upon the

Property pursuant to Section 32-1-1001(1)(j), C.R.S., as amended from time to time, from the date the same becomes due and payable until paid. The lien shall be perpetual in nature as defined by the laws of the State of Colorado on the Property and shall run with the land and such lien may be foreclosed by the District in the same manner as provided by the laws of Colorado for the foreclosure of mechanics' liens. In addition, any and all attorney fees incurred related to the collection of any defaulted amounts are included in the balance of the Delinquent Balance and constitute a lien on the Property. This Resolution shall be recorded in the real property records of the Clerk and Recorder of Denver County, Colorado.

- 8. The District shall be entitled to institute such remedies and collection proceedings as may be authorized under Colorado law, including, but not limited to, foreclosure of its perpetual lien. The defaulting Owner shall pay all costs, including attorneys' fees, incurred by the District in connection with the foregoing. In foreclosing such lien, the District will enforce the lien only to the extent necessary to collect the Delinquent Balance and costs of collection (including, but not limited to, reasonable attorneys' fees).
- 9. Judicial invalidation of any of the provisions of the Resolution or of any paragraph, sentence, clause, phrase, or word herein, or the application thereof in any given circumstances shall not affect the validity of the remainder of the Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.
- 10. Any inquiries pertaining to the Administrative Fee or the Operation and Maintenance Fee may be directed to the District's Manager, as listed with the Colorado Department of Local Affairs or the District's website <a href="https://lorettoheightsdistricts.com/">https://lorettoheightsdistricts.com/</a>.
  - 11. This Resolution shall take effect immediately upon its adoption and approval.

By:

LORETTO HEIGHTS METROPOLITAN DISTRICT NO. 4, a quasi-municipal corporation and political subdivision of the State of Colorado

Mark Witkiewicz Procide

Attest:

 $R_{V'}$ 

Secretary / Asst. Sec.

### **EXHIBIT A**

# PROPERTY DESCRIPTION SHEET 1 OF 6

TWO (2) PARCELS OF LAND BEING A PORTION OF THAT PARCEL DESCRIBED AT RECEPTION NO. 2020134402, SITUATED IN THE WEST ONE HALF OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

#### PARCEL 4A:

**COMMENCING** AT THE CENTER QUARTER CORNER OF SAID SECTION 32; THENCE NORTH 26°34′33″ WEST, A DISTANCE OF 662.12 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 90°00′00″ WEST, A DISTANCE OF 273.36 FEET;
THENCE NORTH 00°01′10″ EAST, A DISTANCE OF 280.19 FEET;
THENCE SOUTH 89°58′50″ EAST, A DISTANCE OF 273.36 FEET;
THENCE SOUTH 00°01′10″ WEST, A DISTANCE OF 280.10 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 76,579 SQUARE FEET OR 1.76 ACRES, MORE OR LESS.

#### PARCEL 4B:

**COMMENCING** AT THE CENTER QUARTER CORNER OF SAID SECTION 32; THENCE NORTH 02°42′12″ WEST, A DISTANCE OF 1,178.87 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 89°59'37" WEST, A DISTANCE OF 1,139.94 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 213.29 FEET, SAID CURVE HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 81°28'15", AND A CHORD WHICH BEARS SOUTH 49°17'02" WEST A CHORD DISTANCE OF 195.77 FEET;

THENCE SOUTH 08°32'55" WEST, A DISTANCE OF 344.41 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 242.34 FEET, SAID CURVE HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 69°25'33", AND A CHORD WHICH BEARS SOUTH 26°09'52" EAST A CHORD DISTANCE OF 227.79 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 122.68 FEET, SAID CURVE HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 35°08'47", AND A CHORD WHICH BEARS SOUTH 43°18'15" EAST A CHORD DISTANCE OF 120.77 FEET:

THENCE SOUTH 25°43'52" EAST, A DISTANCE OF 441.71 FEET;

THENCE SOUTH 52°25'53" WEST, A DISTANCE OF 264.52 FEET;

THENCE SOUTH 37°34'07" EAST, A DISTANCE OF 136.03 FEET;

THENCE SOUTH 51°34'19" WEST, A DISTANCE OF 2.63 FEET;

THENCE SOUTH 53°35'36" WEST, A DISTANCE OF 139.87 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 119.53 FEET, SAID CURVE HAVING A RADIUS OF 683.31 FEET, A CENTRAL ANGLE OF 10°01'23", AND A CHORD WHICH BEARS NORTH 30°41'15" WEST A CHORD DISTANCE OF 119.38 FEET;

#### SHEET 2 OF 6

THENCE SOUTH 78°04'25" WEST, A DISTANCE OF 33.00 FEET;

THENCE NORTH 02°10'18" WEST, A DISTANCE OF 10.02 FEET;

THENCE NORTH 13°46'01" WEST, A DISTANCE OF 19.70 FEET;

THENCE NORTH 31°29'35" WEST, A DISTANCE OF 10.47 FEET;

THENCE NORTH 37°37'25" WEST, A DISTANCE OF 24.92 FEET:

THENCE NORTH 55°49'07" WEST, A DISTANCE OF 12.49 FEET;

THENCE NORTH 74°48'29" WEST, A DISTANCE OF 0.55 FEET;

THENCE NORTH 75°36'09" WEST, A DISTANCE OF 166.74 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 72.36 FEET, SAID CURVE HAVING A RADIUS OF 129.50 FEET, A CENTRAL ANGLE OF 32°00'46", AND A CHORD WHICH BEARS SOUTH 60°56'14" WEST A CHORD DISTANCE OF 71.42 FEET;

THENCE SOUTH 76°56'37" WEST, A DISTANCE OF 26.65 FEET;

THENCE SOUTH 11°49'44" EAST, A DISTANCE OF 77.15 FEET;

THENCE SOUTH 32°41'45" WEST, A DISTANCE OF 416.23 FEET;

THENCE SOUTH 58°04'44" WEST, A DISTANCE OF 150.00 FEET;

THENCE NORTH 00°06'48" EAST, A DISTANCE OF 150.00 FEET;

THENCE NORTH 89°53'12" WEST, A DISTANCE OF 50.00 FEET;

THENCE SOUTH 00°06'48" WEST, A DISTANCE OF 275.00 FEET;

THENCE SOUTH 58°04'44" WEST, A DISTANCE OF 238.16 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 148.09 FEET, SAID CURVE HAVING A RADIUS OF 408.00 FEET, A CENTRAL ANGLE OF 20°47'49", AND A CHORD WHICH BEARS NORTH 10°30'47" EAST A CHORD DISTANCE OF 147.28 FEET;

THENCE NORTH 00°06'52" EAST, A DISTANCE OF 395.59 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 431.97 FEET, SAID CURVE HAVING A RADIUS OF 362.00 FEET, A CENTRAL ANGLE OF 68°22'12", AND A CHORD WHICH BEARS NORTH 34°17'58" EAST A CHORD DISTANCE OF 406.79 FEET;

THENCE NORTH 68°29'04" EAST, A DISTANCE OF 51.10 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 44.59 FEET, SAID CURVE HAVING A RADIUS OF 137.50 FEET, A CENTRAL ANGLE OF 18°35'02", AND A CHORD WHICH BEARS NORTH 58°06'17" EAST A CHORD DISTANCE OF 44.40 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL:

THENCE ALONG THE PERIMETER OF SAID PARCEL THE FOLLOWING TWELVE (12) COURSES:

- 1) NORTH 68°29'04" EAST, A DISTANCE OF 79.03 FEET TO A POINT OF NON-TANGENT CURVATURE;
- 2) ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 242.79 FEET, SAID CURVE HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 46°22'11", AND A CHORD WHICH BEARS NORTH 04°04'12" WEST A CHORD DISTANCE OF 236.22 FEET;
- NORTH 19°06'52" EAST, A DISTANCE OF 50.00 FEET TO A POINT OF NON-TANGENT CURVATURE;
- 4) ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 116.06 FEET, SAID CURVE HAVING A RADIUS OF 350.00 FEET, A CENTRAL ANGLE OF 19°00'00", AND A CHORD WHICH BEARS NORTH 09°36'52" EAST A CHORD DISTANCE OF 115.53 FEET;

#### SHEET 3 OF 6

- 5) NORTH 00°06'52" EAST, A DISTANCE OF 379.80 FEET TO A POINT OF CURVATURE;
- 6) ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 70.76 FEET, SAID CURVE HAVING A RADIUS OF 315.00 FEET, A CENTRAL ANGLE OF 12°52'16", AND A CHORD WHICH BEARS NORTH 06°33'00" EAST A CHORD DISTANCE OF 70.61 FEET;
- 7) NORTH 12°59'09" EAST, A DISTANCE OF 17.02 FEET;
- 8) NORTH 12°58'52" EAST, A DISTANCE OF 26.19 FEET TO A POINT OF NON-TANGENT CURVATURE;
- 9) ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 222.97 FEET, SAID CURVE HAVING A RADIUS OF 365.00 FEET, A CENTRAL ANGLE OF 35°00′00, AND A CHORD WHICH BEARS NORTH 30°28'52" EAST A CHORD DISTANCE OF 219.52 FEET;
- 10) NORTH 47°58'00" EAST, A DISTANCE OF 330.00 FEET TO A POINT OF NON-TANGENT CURVATURE;
- 11) ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 192.62 FEET, SAID CURVE HAVING A RADIUS OF 334.36 FEET, A CENTRAL ANGLE OF 33°00'27", AND A CHORD WHICH BEARS NORTH 31°28'43" EAST A CHORD DISTANCE OF 189.97 FEET;
- 12) NORTH 89°16'41" EAST, A DISTANCE OF 1,065.64 FEET;

THENCE SOUTH 00°01'10" WEST, A DISTANCE OF 274.07 FEET;

THENCE NORTH 68°40'04" EAST, A DISTANCE OF 16.10 FEET;

THENCE SOUTH 89°58'50" EAST, A DISTANCE OF 173.11 FEET;

THENCE SOUTH 14°13'51" EAST, A DISTANCE OF 48.74 FEET TO A POINT OF BEGINNING;

SAID PARCEL CONTAINS 1,398,330 SQUARE FEET OR 32.10 ACRES, MORE OR LESS.

PREPARED BY: AARON MURPHY

PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH

1120 LINCOLN STREET, SUITE 1000

DENVER, CO 80203 303.623.6300 38162 38162

BUT, EXCLUDING THEREFROM, THE FOLLOWING PARCEL OF LAND:

### **EXHIBIT A**

## Exclusion Area Property

A PARCEL OF LAND BEING A PORTION OF THAT PARCEL DESCRIBED AT RECEPTION NO. 2018094939 OF THE RECORDS OF THE CLERK AND RECORDER OF THE CITY AND COUNTY OF DENVER, SITUATED IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE CENTER QUARTER CORNER OF SAID SECTION 32; THENCE NORTH 04°37'21" WEST, A DISTANCE OF 1433.51 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 00°02'16" EAST, A DISTANCE OF 66.00 FEET TO A POINT ON THE NORTH LINE OF SAID PARCEL:

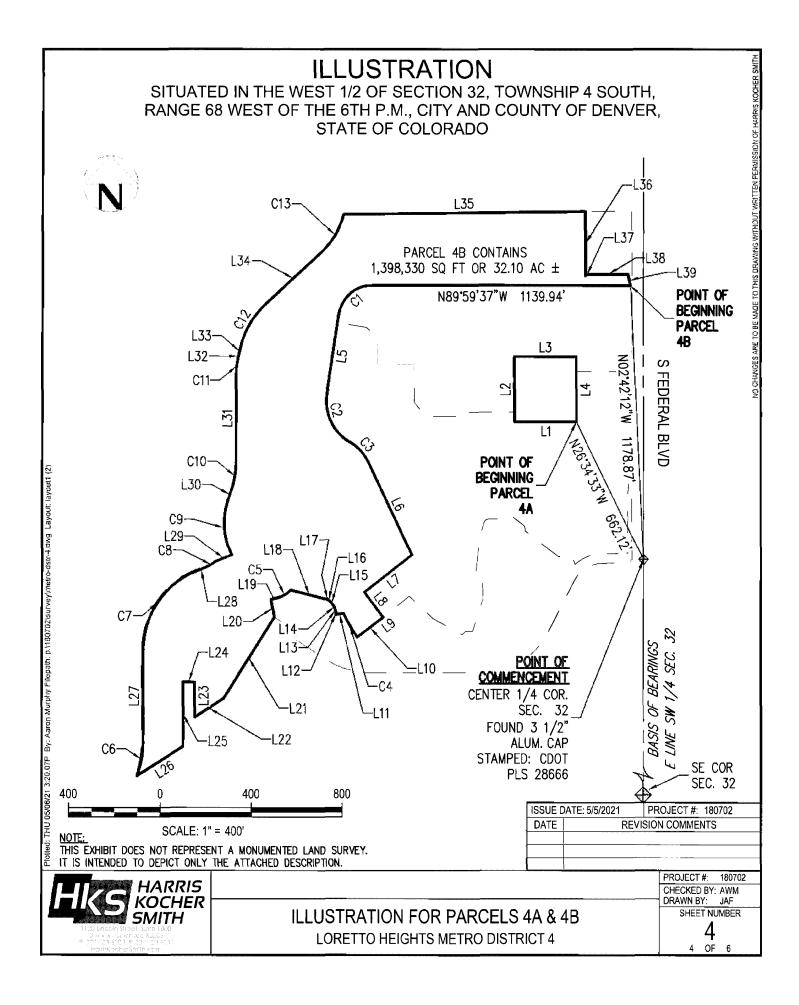
THENCE NORTH 89°16'41" EAST ALONG SAID NORTH LINE, A DISTANCE OF 66.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL;

THENCE SOUTH 00°01'10" WEST ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 66.01 FEET;

THENCE SOUTH 89°17'03" WEST, A DISTANCE OF 66.02 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 4,356 SOUARE FEET OR 0,10 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ASSUMED TO BEAR NORTH 00°01'10" EAST.



# LINE TABLES

LINE TABLE			
LINE	BEARING	LENGTH	
L1	N90.00,00,M	273.36'	
L2	N00°01'10"E 280.19		
L3	S89'58'50"E 273.36		
L4	S00°01'10"W 280.10		
L5	S08'32'55"W 344.41'		
L6	S <b>25*43</b> '52 <b>"</b> E	E 441.71'	
L7	S52°25'53"W 264.52		
L8	S37°34'07"E 136.0		
L9	S51*34'19"W	2.63'	
L10	S53°35'36"W	139.87	
L11	S78*04'25"W 33.00		
L12	N0210'18"W 10.02'		
L13	N13*46'01"W 19.70'		
L14	N31°29'35"W	10.47'	
L15	N37°37'25"W 24.92'		
L16	N55*49'07"W 12.49'		
L17	N74*48'29"W 0.55'		
L18	N75*36'09"W 166.7		
L19	S76*56'37"W	26.65'	
L20	S11°49'44"E 77.15'		

	LINE TABLE		
LINE	BEARING	LENGTH	
L21	S32'41'45"W	416.23'	
L22	S58'04'44"W	150.00'	
L23	N00°06'48"E	150.00'	
L24	N89'53'12"W	50.00'	
L25	S00°06'48"W 275.00		
L26	S58°04'44"W 238.1		
L27	N00°06'52"E	395.59	
L28	N68°29'04"E	51.10'	
L29	N68'29'04"E	79.03'	
L30	N19 <sup>-</sup> 06'49"E	50.00	
L31	N00°06'52"E 379.8		
L32	N12'59'09"E 17.02		
L33	N12*58'52"E	26.19'	
L34	N47°58'00"E	330.00'	
L35	N89*16'41"E 1065.64		
L36	S00°01'10"W 274.07		
L37	N68°40'04"E 16.10		
L38	S89*58'50"E	173.11'	
L39	S14°13'51"E 48.74'		

ISSUE DATE: 5/5/2021	PROJECT #: 180702	
DATE	REVISION COMMENTS	

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LINE TABLES

PROJECT #: 180702 CHECKED BY: AWM DRAWN BY: JAF SHEET NUMBER

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# **CURVE TABLE**

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
C1	150.00'	81°28'15"	213.29	S49°17'02"W	195.77'
C2	200.00'	69*25'33"	242.34'	S26*09'52"E	227.79'
C3	200.00'	35°08'47"	122.68'	S43'18'15"E	120.77'
C4	683.31'	10'01'23"	119.53'	N30'41'15"W	119.38'
C5	129.50'	32*00'46"	72.36'	S60°56'14"W	71.42'
C6	408.00'	20*47'49"	148.09'	N10°30°47"E	147.28'
C7	362.00'	68 <b>°</b> 22'12 <b>"</b>	431.97	N34°17°58″E	406.79
C8	137.50'	18'35'02"	44.59'	N58 <b>°</b> 06'17 <b>"</b> E	44.40'
C9	300.00'	46*22'11"	242.79'	N04°04'13"W	236.22'
C10	350.00'	19'00'00"	116.06'	N09°36'52"E	115.53'
C11	315.00'	12'52'16"	70.76'	N06°33'00"E	70.61'
C12	365.00'	35°00'00"	222.97'	N30°28'52"E	219.52'
C13	334.36'	33°00'27"	192.62'	N31°28'43"E	189.97'

ISSUE DATE: 5/5/2021		PROJECT #: 180702		
DATE RE		VISION COMMENTS		
		a service who stops also stops again		

HARRIS KOCHER SMITH 140 Uncash Figuel, 5the 1990 Denver, Colorced 00203 P. 335 925 6500 Pt 363 323 3511

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**CURVE TABLE** 

PROJECT #: 180702 CHECKED BY: AWM DRAWN BY: JAF SHEET NUMBER

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