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RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
12/18/2014 09:12 AM  
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DEP RT. REC'D FOR CLEARFIELD CITY C  
ORP

ORDINANCE 91-4

AN ORDINANCE OF THE CITY OF CLEARFIELD ADOPTING A REDEVELOPMENT PLAN ENTITLED "WEST SIDE CENTRAL BUSINESS DISTRICT PROJECT AREA PLAN", DATED April 9, 1991 THE THIRD OFFICIAL REDEVELOPMENT PLAN OF CLEARFIELD CITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARFIELD, UTAH:

1. That Sections 1 through 7 to be titled West Side Central Business District Project Area Plan dated April 9, 1991 be adopted as part of the revised ordinances of the City of Clearfield, Utah to read as follows:

Section 1 DEVELOPMENT PLAN OFFICIALLY DESIGNATED

The "West Side Central Business District Project Area Plan", dated April 9, 1991 (hereafter referred to as the Redevelopment Plan) is hereby designated as the official redevelopment plan of the project area.

Section 2 PROJECT BOUNDARIES

The legal description of the boundaries of the project area is as follows:

Beginning at a point which is on the south line of the southwest quarter of Section 1, Township 4 North, Range 2 West, Salt Lake Base and Meridian Survey, located in the City of Clearfield, County of Davis, Utah, said point being East 220 feet more or less from the southwest corner of said southeast quarter, said Section 1, said point also being at the intersection of the southwest line of State Highway 126 (U.S. Highway 91) and said southline of said southeast quarter section thence east along said southline of said southeast quarter section 70.0 feet to the centerline of said Highway 126; thence northwesterly along said centerline of said Highway 126 a distance of 535.0 feet; thence northwesterly along the centerline of Highway 126 1,530.0; thence northwesterly 1,340.0 feet more or less to the northline of the southwest quarter section of said section 1; thence northwesterly along the centerline of said Highway 125 1,280.0 feet more or less to the intersection of said highway centerline and the westline of the northwest quarter of said section 1; thence north along said westline of said northwest quarter 430.0 feet; thence west 40.0 feet to the westline of said Highway 126; thence west 521.0 feet; thence southwesterly 180.6 feet more or less to the northwest corner of the Davis County Recorder's Parcel #12-020-0076; thence southwesterly 210.0 feet more or less to the southwest line of the Union Pacific Railroad property line; thence south 29 degrees 56' East 500.0 feet along said Railroad property southwest line; thence northeasterly 210.0 feet to the northeast line of said Railroad property; thence southeasterly along said Railroad property northeast line 232.4 feet;

thence southeasterly along said northeast line of said railroad property 600.0 feet more or less to the south corner of parcel #12-020-0034; thence south along the west line of Main Street 150.0 feet more or less to the south line of the northeast quarter of Section 2 township 4 North, Range 2 West; thence west along the southline of the Northeast quarter of said section 2, a distance of 180.0 feet; thence southeasterly along the southwest line of the southeast leg of 200 South Street 420.0 feet more or less to the eastline of the southeast quarter of said section 2, thence south along said eastline of said southeast quarter, (said eastline also being the centerline of Main Street) 2,257.25 feet more or less to the southwest corner of the southwest quarter of Section 1, Township 4 North, Range 2 West, SLB&M; thence east along the south line of said southwest quarter of said Section 1 (said southline also being the centerline of 700 South Street) 1,530.0 feet to the southline of the southwest quarter of said section 1 at its intersection with the eastline of the Union Pacific Railroad property; thence east along said southline 1,125.0 feet more or less to the southeast corner of said quarter section; thence east 220.0 feet more or less to the point of beginning.

### Section 3 PURPOSES OF REDEVELOPMENT PLAN

The purposes and intent of the Clearfield City Council, with respect to the project area, is to accomplish the following purposes by adoption of the Redevelopment Plan.

- a. Removal of structurally substandard buildings to permit the return of the project area land to economic use and new construction.
- b. Removal of impediments to land disposition and development through assembly of land into reasonably sized and shaped parcels served by improved public utilities and new community facilities.
- c. Rehabilitation of buildings to assure sound long term economic activity in the core area of Clearfield City.
- d. The elimination of environmental deficiencies, including, among others, small and irregular lot subdivision, overcrowding of the land and inadequate off-street parking.
- e. Achievement of an environment reflecting a high level of concern for architectural and urban design principles developed through encouragement, guidance, appropriate controls and professional assistance to owner participants and redevelopers.
- f. Implement the tax increment financing provisions of the Utah Neighborhood Act, which is incorporated herein by reference and made a part of this ordinance.

- g. The strengthening of the tax base and economic health of the entire community and of the State of Utah.
- h. Provisions for improvements to public streets, curbs and sidewalks, other public rights-of-way, street lights, landscaped area, public parking and other public improvements.

#### Section 4 PLAN INCORPORATED BY REFERENCE

The Redevelopment Plan is incorporated herein by reference and made a part of this ordinance. Three copies of said plan shall be filed and maintained in the office of the City Recorder for public inspection.

#### Section 5 ADOPTION OF OWNER PARTICIPATION RULES

The owner participation rules adopted by the Clearfield City Redevelopment Agency and attached as a part of the plan, are incorporated herein and are made a part of this ordinance. They shall become effective upon adoption of the ordinance.

#### Section 6 COUNCIL FINDINGS

The Clearfield City Council hereby determines and finds the following:

- a. The project area above described is a "blighted area" as defined in Section 17A-2-1202, UCA 1953, as amended, and that the redevelopment of said area is necessary to effectuate the public purposes set forth in the Utah Neighborhood Development Act and public purposes intended by the establishment of the Clearfield City Redevelopment Agency.
- b. The redevelopment plan would redevelop the above described area in conformity with the Utah Neighborhood development Act and is in best interests of the public peace, health, safety and welfare of the area and the community.
- c. The adoption and carrying out of the plan is feasible and economically sound.
- d. The redevelopment plan conforms to and is compatible with the master plan of the Clearfield City.
- e. The carrying out of the redevelopment plan will promote the public peace, health, safety and welfare of the community and will effectuate the purposes and policy of the Utah Neighborhood Development Act.

- f. The condemnation of the real property, if and as provided for in the redevelopment plan, is necessary to the execution of the redevelopment plan and adequate provisions have been made for the payment of said property to be acquired as required by law.
- g. The Clearfield City Redevelopment Agency has a feasible plan for the relocation of persons, if any, to be temporarily or permanently displaced from housing facilities in the project area.
- h. Persons displaced from the project area, if any, are able to find or will be able to find either in the project area or in areas not generally less desirable in regard to public utilities and public and commercial facilities, and at rents or prices within their financial means and available to them, decent, safe and sanitary dwellings equal in number to the number of dwellings displaced and reasonably accessible to their places of employment.

#### Section 7 HOUSING FACILITIES

The Clearfield City Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the project area, if any, are displaced, and that pending the development of such facilities, temporary housing at comparable rents to those existing at the time of the displacement will be available in the general area.

#### Section 8 TAX INCREMENT FINANCING

This ordinance incorporates the provisions of tax increment financing permitted by the Utah Neighborhood Development Act and specifically Section 17A-2-1247, UCA, 1953 as amended, which provides as follows:

- a. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in a redevelopment project each year by or for the benefit of the State of Utah, any city, county, city and county, district or other public corporation (hereinafter sometimes called "Taxing Agencies") after the effective date of this Ordinance shall be divided as follows:
  - 1. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or



for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of such Ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the county last equalized on the effective date of the Ordinance shall be used in determining the assessed valuation of the taxable property in the project on the effective date); and, . . .

2. In a redevelopment project with a redevelopment plan adopted after April, 1983, that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under subsection (1) shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency according to the limits set forth in subsection (3) to pay the principal and interest on loans, money advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) included in such redevelopment agency after April 1, 1983, to finance or refinance, in whole or in part, such redevelopment.

Payment of tax revenues to the redevelopment agency shall be subject to and shall except uncollected or delinquent taxes in the same manner as payments of taxes to other taxing agencies are subject to collection. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such project as shown by the last equalized assessment roll referred to in subsection (a)(1) of this section, all of the taxes levied and collected upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies. When such loans, advances and indebtedness, if any, any interest thereon, have been paid, taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

3. For purposes of subsection (2) to the maximum amounts which shall be allocated to and when collected shall be paid into the special fund of the redevelopment agency may not exceed the following percentages:

- (i) For a period of the first five (5) years commencing from the first tax year a redevelopment agency accepts an amount allocated to and when collected paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, money advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) which loans, advances, or indebtedness are incurred by such redevelopment agency after April 1, 1983, one hundred percent (100%) of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under subsection (1);
- (ii) For a period of the next five (5) years, eighty percent (80%) of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under subsection (1);
- (iii) For a period of the next five (5) years, seventy-five percent (75%) of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under subsection (1);
- (iv) For a period of the next five (5) years, seventy percent (70%) of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under subsection (1);
- (v) For a period of the next five (5) years, sixty percent (60%) of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under subsection (1).

4. Nothing contained in subsection (a)(2), and (a)(3) shall prevent an agency from receiving a greater percentage than those set forth in subsection (a)(3) of the levied taxes of any local taxing agency each year in excess of the amount allocated to and when collected paid into funds of the respective local taxing agency if the governing body of such local taxing agency consents in writing.

2. In the opinion of the Clearfield City Council, it is necessary to health and safety of the inhabitants of the City that this ordinance becomes effective immediately upon its adoption and publication or posting.

PASSED, ADOPTED AND ORDERED PUBLISHED BY THE Clearfield City Council this 9th day of April, 1991.

CITY OF CLEARFIELD, UTAH

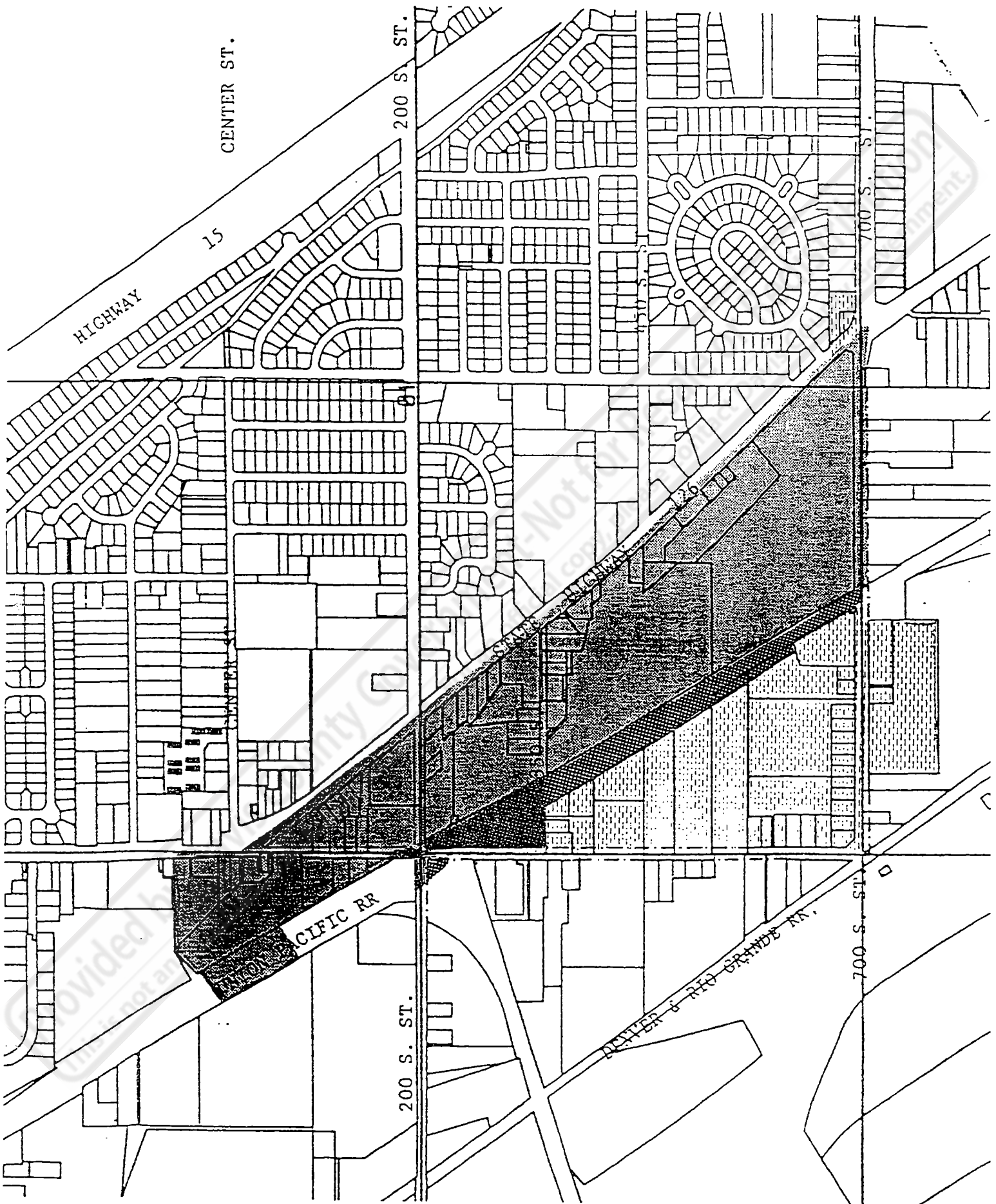
By: *Melton F. Hamill*  
Mayor

ATTEST:

*Richard B. Smith*  
City Recorder

DATE OF FIRST POSTING OR PUBLICATION: April 26, 1991








AFFIDAVIT OF POSTING

I, Richard B. Waite, the City Recorder for Clearfield City, a Municipal Corporation, by these presents do hereby affirm and certify that I personally posted this day at each of the locations listed below, copies of ordinance number 91-4 of Clearfield City adopting a redevelopment plan known as "West Side Central Business District Project Area Plan", for the required 60-day public review and inspection.

I posted copies of the passed ordinance for display to the public at the Office of the City Recorder, Clearfield City Hall, 140 East Center Street, Clearfield, Utah, at the Community First Bank, 180 South State Street, Clearfield, Utah, and at the North Branch of the Davis County Library, 562 South 1000 East, Clearfield, Utah.

POSTING DATE: APRIL 26, 1991

POSTING REMOVAL DATE: JUNE 25, 1991

  
Richard B. Waite  
Clearfield City Recorder



DO NOT REMOVE THIS NOTICE UNTIL POSTING REMOVAL DATE

RESOLUTION NO. RDA 91R-5

APRIL 9, 1991

RESOLUTION OF THE REDEVELOPMENT AGENCY OF CLEARFIELD ADOPTING THE PROJECT AREA REDEVELOPMENT PLAN ENTITLED "WEST SIDE CENTRAL BUSINESS DISTRICT AREA," DATED NOVEMBER 16, 1990.

WHEREAS, the Redevelopment Agency of Clearfield has held a public hearing on April 9, 1991 to consider adopting the Neighborhood Development Plan entitled, "West Side Central Business District Project Area Plan"; and . . .

WHEREAS, the Redevelopment Agency of Clearfield has considered the written and oral statements made at the public hearing objecting to or supporting the redevelopment plan and has proceeded to hear and pass upon all written and oral objections to said plan and has cause to be made further amendments and modifications to said plan and as a result of evidence and testimony received at said public hearings; and

WHEREAS, the project area redevelopment plan shall be entitled "West Side Central Business District Project Area Plan", hereinafter referred to as Project Area Plan, and shall be dated April 9, 1991.

NOW, THEREFORE, BE IT RESOLVED, by the Redevelopment Agency of Clearfield:

1. The legal description of the boundaries of the project area covered by the redevelopment plan entitled, "West Side Central Business District Project Area", dated April 9, 1991, remain as follows, to-wit:

Beginning at a point which is on the south line of the southwest quarter of Section 1, Township 4 North, Range 2 West, Salt Lake Base and Meridian Survey, located in the City of Clearfield, County of Davis, Utah, said point being East 220 feet more or less from the southwest corner of said southeast quarter, said Section 1, said point also being at the intersection of the southwest line of State Highway 126 (U.S. Highway 91) and said southline of said southeast quarter section thence east along said southline of said southeast quarter section 70.0 feet to the centerline of said Highway 126; thence northwesterly along said centerline of said Highway 126 a distance of 535.0 feet; thence northwesterly along the centerline of Highway 126 1,530.0 feet; thence northwesterly ~~1,340.0~~ 1,440.0 feet more or less to the northline of the southwest quarter section of said section 1; thence northwesterly along the centerline of said Highway 126 1,280.0 feet more or less to the intersection of said highway centerline and the westline of the northwest quarter of said section 1; thence north along said westline of said northwest quarter 430.0 feet; thence west 40.0 feet to the westline of said Highway 126; thence west 521.0 feet; thence southwesterly 180.6 feet more or less to the northwest corner of the Davis County Recorder's Parcel #12-020-0076; thence southwesterly 210.0 feet more or less to the southwest line of the Union Pacific Railroad property line; thence south 29 degrees 56' East 500.0 feet along said Railroad property southwest line; thence northeasterly 210.0 feet to the northeast line of said Railroad property; thence southeasterly along said Railroad property northeast line 232.4 feet;

thence southeasterly along said northeast line of said railroad property 600.0 feet more or less to the south corner of parcel #12-020-0034; thence south along the west line of Main Street 150.0 feet more or less to the south line of the northeast quarter of Section 2 township 4 North, Range 2 West; thence west along the southline of the Northeast quarter of said section 2, a distance of 180.0 feet; thence southeasterly along the southwest line of the southeast leg of 200 South Street 420.0 feet more or less to the eastline of the southeast quarter of said section 2, thence south along said eastline of said southeast quarter, (said eastline also being the centerline of Main Street) 2,257.25 feet more or less to the southwest corner of the southwest quarter of Section 1, Township 4 North, Range 2 West, SLB&M; thence east along the south line of said southwest quarter of said Section 1 (said southline also being the centerline of 700 South Street) 1,530.0 feet to the southline of the southwest quarter of said section 1 at its intersection with the eastline of the Union Pacific Railroad property; thence east along said southline 1,125.0 feet more or less to the southeast corner of said quarter section; thence east 220.0 feet more or less to the point or beginning.

2. The purpose and intent of the Redevelopment Agency of Clearfield with respect to the project area, is to accomplish the following purposes by adoption of the said "Redevelopment Plan":
  - a. Removal of structurally substandard buildings to permit the return of the project area land to economic use and new construction.
  - b. Removal of impediments to land disposition and development through assembly of land into reasonable sized and shaped parcels services by improved public utilities and new community facilities.
  - c. Rehabilitation of buildings to assure sound long term economic activity in the core area of Clearfield City.
  - d. Elimination of environmental deficiencies, including among others small and irregular lot subdivision, overcrowding of the land and inadequate off-street parking.
  - e. Achievement of an environment reflecting a high level of concern for architectural and urban design principals, developed through encouragement, guidance, appropriate controls and professional assistance to owner participants and redevelopers.
  - f. Implement the tax increment financing provisions of the Utah Neighborhood Act, Utah Code Annotated Section 17A-2-1247, as amended, which is incorporated hereby reference and made a part of this Resolution.
  - g. Strengthening of the tax base and economic health for the entire community, and the State of Utah.

- h. Provisions for improvements to public streets, curbs and sidewalks, other public rights-of-way, street lights, landscaped areas, public parking, and other public improvements.
      - i. Implement other objectives of the Agency for this project area.
3. The Project Area Redevelopment Plan is incorporated herein by reference, is attached hereto, and made a part of this Resolution, as well as all attachments including the report to the plan, and the adopted owner participation rules.
4. The Project Area Redevelopment Plan dated April 9, 1991 is hereby designated as the official redevelopment plan of the project area.
5. The Redevelopment Agency of Clearfield hereby determines and finds as follows:
  - a. The project area is a "blighted area" as defined in Section 17A-2-1202, Utah Code, and that the redevelopment of said area is necessary to effectuate the public purposes set forth in the Utah Neighborhood Development Act and public purposes intended by the establishment of the Redevelopment Agency of Clearfield.
  - b. The redevelopment plan would redevelop the above described area in conformity with the Utah Neighborhood Development Act and is in the best interest of the public peace, health, safety, and welfare of the area and the community.
  - c. The adoption and carrying out of the plan is feasible and economically sound.
  - d. The redevelopment plan conforms to and is compatible with the master plan of Clearfield City, Utah.
  - e. The carrying out of the redevelopment plan will promote the public peace, health, safety, and welfare of the community and will effectuate the purposes and policy of the Utah Neighborhood Development Act.
  - f. The condemnation of the real property, if and as provided for in the redevelopment plan, is necessary to the execution of the redevelopment plan and adequate provisions have been made of the payment of said property to be acquired as required by law.
  - g. The Redevelopment Agency of Clearfield City has a feasible plan for the relocation of persons, if any to be temporarily or permanently displaced from housing facilities in the project area.



- n. Persons displaced from the project area, if any, are able to find or will be able to find either in the project area or in areas not generally less desirable facilities, and at rents or prices within their financial means and available to them, decent, safe, and sanitary dwellings displaced and reasonable accessible to their places of employment.
6. The Redevelopment Agency of Clearfield City is satisfied that permanent housing facilities will be available within three years from the time occupants of the project area, if any, are displaced, and that pending the development of such facilities, temporary housing at comparable rents to those existing at the time of the displacement will be available in the general area.
7. This Resolution adopting the redevelopment plan specifically incorporates the provisions of tax increment financing permitted by Section 17A-2-1247, Utah Code Annotated 1953, as amended, which provides the following:
- a. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in a redevelopment project each year by or for the benefit of the State of Utah, any city, county, city and county, district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the redevelopment plan, shall be divided as follows:
- (1) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency of agencies which did not include the territory in a redevelopment project on the effective date, the assessment roll of the county last equalized on the effective date of the ordinance shall be used in determining the assessed valuation of the taxable property in the project on the effective date); and . . .
- (2) That portion of the levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Redevelopment Agency to pay the principal of and interest on loans, money advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by such redevelopment agency to finance or refinance, in whole or in part, such redevelopment project.

Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such projects as shown by the last equalized assessment roll referred to in subsection (a)(1) of this section, all of the taxes levied and collected upon the taxable property of the respective taxing agencies. When such loans, advanced, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property area paid.

- (3) For purposes of subsection (2) to the maximum amounts which shall be allocated to and when collected shall be paid into the special fund of the redevelopment agency may not exceed the following percentages:
- (i) For a period of the first five (5) years commencing from the first tax year a redevelopment agency accepts an amount allocated to and when collected paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, money advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) which loans, advances, or indebtedness are incurred by such redevelopment agency after April 1, 1983, one hundred percent (100%) of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under subsection (1);
  - (ii) For a period of the next five (5) years, eighty percent (80%) of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under subsection (1);
  - (iii) For a period of the next five (5) years, seventy-five percent (75%) of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under subsection (1);
  - (iv) For a period of the next five (5) years, seventy percent (70%) of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under subsection (1);
  - (v) For a period of the next five (5) years, sixty percent (60%) of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under subsection (1).

(4) Nothing contained in subsection (a)(2), and (a)(3) shall prevent an agency from receiving a greater percentage that those set forth in subsection (a)(3) of the levied taxes of any local taxing agency each year in excess of the amount allocated to and when collected paid into funds of the respective local taxing agency if the governing body of such local taxing agency consents in writing.

8. The Redevelopment Agency of Clearfield City hereby officially adopts the project area redevelopment plan entitled "West Side Central Business District Project Area Plan", dated April 9, 1991, by resolution and shall submit said plan, together with a copy of this Resolution and the Resolution adopting the owner participation rules to the City Council of Clearfield City requesting that said plan and owner participation rules be adopted in accordance with the provisions of the Utah Neighborhood Development Act.

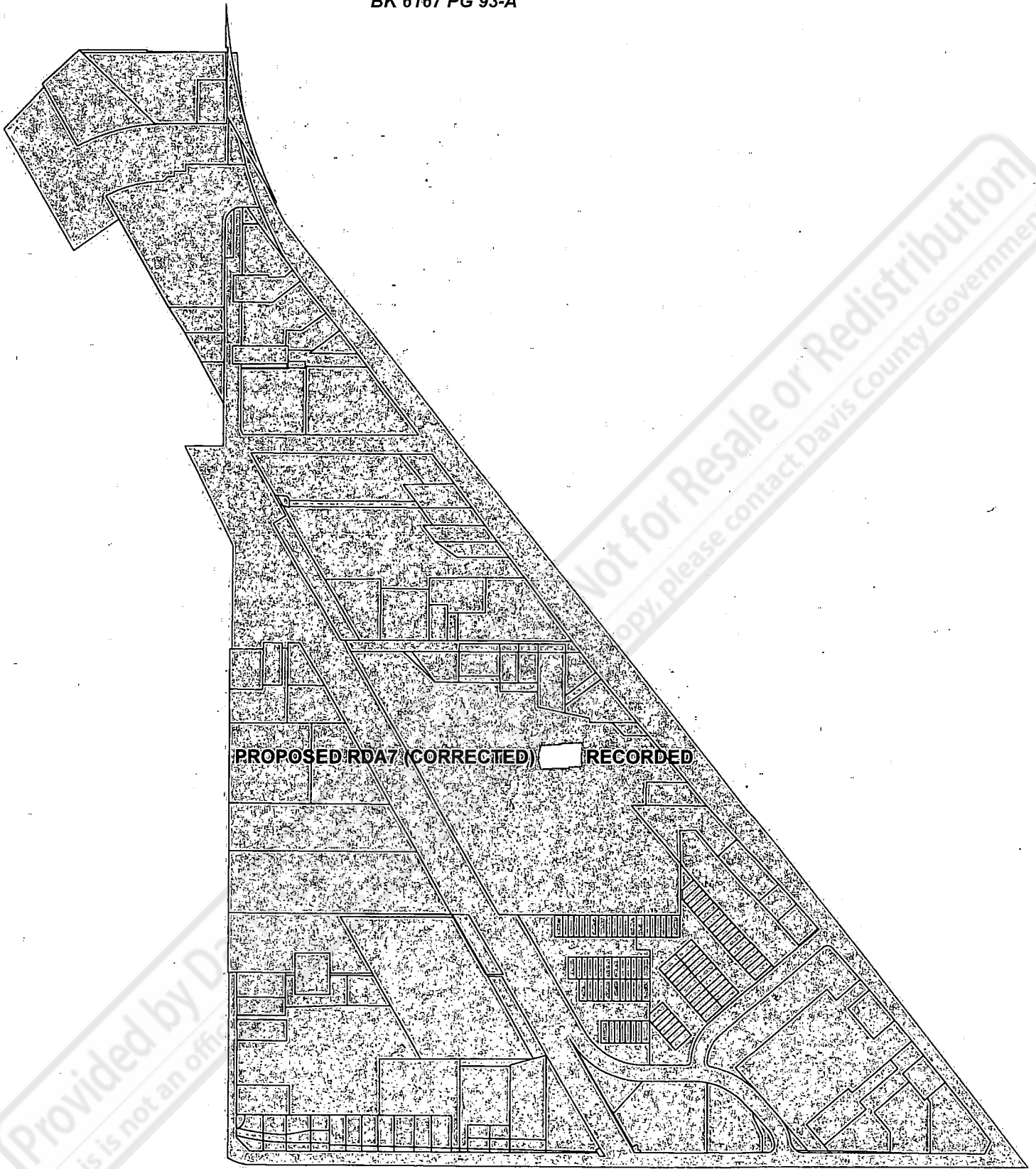
PASSED by the Board of Directors of the Redevelopment Agency of Clearfield, Utah, this 9th day of April, 1991.



*H. Keith Stephenson*  
Chairman

*Richard B. Shirts*  
Secretary

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