

As Passed by the House

124th General Assembly

Regular Session

2001-2002

Sub. H. B. No. 473

REPRESENTATIVES Carey, Peterson, Trakas, Core, Schmidt, Cates

A B I L L

To authorize the conveyance of state-owned real estate 1
located in Jackson County to the Jackson City Board 2
of Education, to authorize the conveyance of 3
state-owned real estate located in Delaware County 4
to Delaware County, to authorize the conveyance of 5
state-owned real estate located in Perry County to 6
the Board of Trustees of the Hocking Technical 7
College, to correct a legal description in a 8
previous conveyance of real property the Adjutant 9
General determined was no longer needed for armory 10
or military purposes, to authorize the conveyance 11
and transfer of state-owned personal property 12
comprising part of the Flat Branch Sewage Treatment 13
Plant located in Logan County to the Board of 14
County Commissioners of Logan County, and to 15
declare an emergency. 16

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. (A) The Governor is hereby authorized to execute a 17
deed in the name of the state conveying to the Jackson City Board 18
of Education, and its successors and assigns, all of the state's 19
right, title, and interest in the following described real estate: 20

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Parcel 1 22

The following described tract is located in part of the 23
Scioto Salt Reserve (SSR) Lots 4 and 5, Township 6 North, Range 18 24
West, Franklin Township, Jackson County Ohio. Being part of the 25
State of Ohio, Ohio Agricultural Research and Development Center's 26
tract two and tract three, as recorded in Volume 209, at Page 648, 27
of the Deed Records, Recorder's Office, Jackson County, Ohio and 28
being more accurately described as follows: 29

Beginning at the intersection of the centerline of the 30
Portsmouth Branch of the B&O SW Railroad (Jackson Short Line) and 31
the township line between Franklin and Lick Townships, thence 32
South 82 degrees 18'53" East, along the township line, a distance 33
of 1398.90 feet to an iron pin set, said pin being the TRUE POINT 34
OF BEGINNING for the herein described tract; 35

Thence South 82 degrees 18'53" East, continuing along the 36
township line, passing an iron pin previously set at the southeast 37
corner of Lick Township, SSR Lot 116 at a distance of 41.07 feet, 38
a total distance of 215.54 feet to an iron pin set on the west 39
right-of-way line of County Home Road (Township Road 707, 40'
right-of-way), also being a tract of the Board of County 40
Commissioners of Jackson County, as recorded in Deed Volume 76, at 41
Page 267; 42
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Thence South 07 degrees 11'24" West, along the west 44
right-of-way line of County Home Road and said Commissioner's 45
tract, a distance of 637.87 feet to an iron pin set; 46

Thence South 25 degrees 23'58" West, through the tract of 47
which this description is a part, a distance of 677.82 feet to an 48
iron pin set on the north right-of-way line of State Route 93 49
(right-of-way varies) and being the south line of the tract of 50
which this description is a part; 51

Thence North 64 degrees 30'00" West, along the north 52

right-of-way line of State Route 93, a distance of 223.70 feet to
an iron pin set on the east line of the Ohio Department of
Transportation's tract as recorded in Deed Volume 270, at Page 49;

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Thence along said Ohio Department of Transportation's tract
and the right-of-way line for state Route 93, the following two
(2) courses;

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North 25 degrees 30'00" East, a distance of 20.00 feet to an
iron pin set;

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North 61 degrees West, a distance of 136.45 feet to an iron
pin set;

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Thence North 23 degrees 14'34" East, through the tract of
which this description is a part, a distance of 1190.21 feet to
the point of beginning. Containing a total of 9.665 acres, 9.648
acres are within Scioto Salt Reserve Lot 4, and 0.017 acres within
Scioto Salt Reserve Lot 5. All being part of Auditor's Parcel #
0050010004500;

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Being subject to all legal right-of-ways and easements.

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All iron pins set for this survey are 5/8" rebar (30" long)
with i.d. cap stamped "Dana Exline 7060."

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A plat of survey is attached hereto and made a part hereof.
This description is valid only if the plat is attached and
recorded with it.

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Bearings for this survey are rotated to ODOT plans JAC
93-13.95 recorded in Jackson County Record of Centerline Plats
Book 1, Page 83.

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The above description was prepared from an actual field
survey completed on March 08, 2001 by Dana A. Exline, Ohio
Professional Surveyor #7060.

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Parcel 2

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The following described tract is located in part of the 82
Scioto Salt Reserve (SSR) Lot 4, Township 6 North, Range 18 West, 83
Franklin Township, Jackson County Ohio. Being part of the State of 84
Ohio, Ohio Agricultural Research and Development Center's tract 85
two as recorded in Volume 209, at Page 648, of the Deed Records, 86
Recorder's Office, Jackson County, Ohio and being more accurately 87
described as follows: 88

Beginning at the intersection of the centerline of the 89
Portsmouth Branch of the B&O SW Railroad (Jackson Short Line) and 90
the township line between Franklin and Lick townships, thence 91
South 82 degrees 18'53" East, along the township line, a distance 92
of 1654.44 feet to an iron pin set on the east right-of-way line 93
of County Home Road (Township Road 707, 40' right-of-way) also 94
being a tract of the Board of County Commissioners of Jackson 95
County, as recorded in Deed Volume 76, at page 267, said pin being 96
the TRUE POINT OF BEGINNING for the herein described tract; 97

Thence South 82 degrees 18'53" East, continuing along the 98
township line, a distance of 353.70 feet to an iron pin set; 99

Thence South 38 degrees 54'57" West, through the tract of 100
which this description is a part, a distance of 672.60 feet to an 101
iron pin set on the east right-of-way line of County Home Road and 102
said Commissioner's tract; 103

Thence North 07 degrees 11'24" East, along the east 104
right-of-way line of County Home Road, a distance of 575.15 feet 105
to the point of beginning. Containing a total of 2.335 acres. 106
Being part of Auditor's Parcel #0050010004500; 107

Being subject to all legal right-of-ways and easements. 108

All iron pins set for this survey are 5/8" rebar (30" long) 109
with i.d. cap stamped "Dana Exline 7060." 110

A plat of survey is attached hereto and made a part hereof. 111
This description is valid only if the plat is attached and 112

recorded with it. 113

Bearings for this survey are rotated to ODOT plans JAC 114
93-13.95 recorded in Jackson County Record of Centerline Plats 115
Book 1, Page 83. 116

The above description was prepared from an actual field 117
survey completed on March 08, 2001 by Dana A. Exline, Ohio 118
Professional Surveyor #7060. 119

(B) Consideration for the conveyance of the real estate 120
described in division (A) of this section is the conveyance from 121
the Jackson City Board of Education to the state (The Ohio State 122
University) and its successors and assigns of the following 123
described real estate: 124

The following described tract is located in part of the 125
Scioto Salt Reserve (SSR) Lots 117 and 118, Township 7 North, 126
Range 18 West, Lick Township, Jackson County Ohio, and being part 127
of the Jackson City Schools, Board of Education's 24.118 acre 128
tract, as recorded in Volume 330, at Page 333, of the Deed 129
Records, Recorder's Office, Jackson County, Ohio and being more 130
accurately described as follows: 131

Beginning at the intersection of the centerline of the 132
Portsmouth Branch of the B&O SW Railroad (Jackson Short Line) and 133
the township line between Lick and Franklin Townships, thence 134
South 82°18'53" East, along the township line, passing an iron pin 135
set at the southwest corner of SSR Lot 117 at 1439.97 feet, a 136
total distance of 2112.86 feet to an iron pin set and being the 137
TRUE POINT OF BEGINNING for the herein described tract; 138

Thence North 05°33'28" East, through the tract of which this 139
description is a part, a distance of 735.22 feet to an iron pin 140
set on the north line of the 24.118 acre tract; 141

Thence South 82°15'00" East, along the north line of the 142

tract of which this description is a part, a distance of 659.26 143
feet to an iron pin previously set on the west line of a twenty 144
foot wide ingress-egress easement for the Jackson County Home 145
Cemetery; 146

Thence South 07°08'47" West, along an easterly line of the 147
tract of which this description is a part, a distance of 308.00 148
feet to an iron pin previously set; 149

Thence South 82°18'53" East, along a boundary line of the 150
tract of which this description is a part passing into SSR Lot 118 151
at 20.00 ft, a total distance of 108.20 feet to an iron pin 152
previously set; 153

Thence South 07°08'47" West, along an easterly line of the 154
tract of which this description is a part, a distance of 426.00 155
feet to an iron pin previously set on the township line between 156
Lick and Franklin Townships; 157

Thence North 82°18'53" West, along the township line passing 158
an iron pin previously set for the southeast corner of SSR Lot 117 159
at 88.20 feet, a total distance of 747.07 feet to the point of 160
beginning. Containing a total of 12.000 acres. 11.137 acres are 161
within Scioto Salt Reserve Lot 117, and 0.863 acres are within 162
Scioto Salt Reserve Lot 118. All being part of Auditor's Parcel 163
#H120060025401; 164

Being subject to all legal right-of-ways and easements. 165

All iron pins set for this survey are 5/8" rebar (30" long) 166
with i.d. cap stamped "Dana Exline 7060." 167

A plat of survey is attached hereto and made a part hereof. 168
This description is valid only if the plat is attached and 169
recorded with it. 170

Bearings for this survey are rotated to ODOT plans JAC 171
93-13.95 recorded in Jackson County Record of Centerline Plats 172

Book 1, Page 83.	173
The above description was prepared from an actual field	174
survey completed on March 08, 2001 by Dana A. Exline, Ohio	175
Professional Surveyor #7060.	176
(C) The Jackson City Board of Education shall pay the costs	177
of the conveyances described in divisions (A) and (B) of this	178
section.	179
(D) Upon the conveyance to the state of the real estate	180
described in division (B) of this section, the Auditor of State,	181
with the assistance of the Attorney General, shall prepare a deed	182
to the real estate described in division (A) of this section. The	183
deed shall state the consideration. The deed shall be executed by	184
the Governor in the name of the state, countersigned by the	185
Secretary of State, sealed with the Great Seal of the State,	186
presented in the Office of the Auditor of State for recording, and	187
delivered to the Jackson City Board of Education. The Jackson City	188
Board of Education shall present the deed for recording in the	189
Office of the Jackson County Recorder.	190
(E) This section shall expire one year after its effective	191
date.	192
Section 2. (A) The Governor is hereby authorized to execute a	193
deed in the name of the state conveying to Delaware County, and	194
its successors and assigns, all of the state's right, title, and	195
interest in the following described real estate:	196
PARCEL 124-10-SH	197
DEL-CR-124-1.60	198
HIGHWAY EASEMENT TO REPLACE	199
A BRIDGE AND WIDEN ROADWAY ON HOME ROAD	200

Situated in the State of Ohio, County of Delaware, Township of Concord, being a part of a 180.26 acre tract of land conveyed to the State of Ohio, as described in Deed Book 60, Page 469, Delaware County Recorder's Office, and being more particularly described as follows:

Being on the south side of County Road 124 (Home Road) and being located within the following described points in the boundary thereof:

Commencing, for reference, at an iron pin found in the intersection of State Route 745 and County Road 124 (Home Road);

thence with the centerline of Right-of-Way of County Road 124, North 80°02'37" East a distance of 30.82 feet to a point,

thence leaving said centerline South 08°42'51" East a distance of 30.00 feet to a point in the existing southerly right-of-way of County Road 124, said point also being the TRUE POINT OF BEGINNING for the easement described herein;

thence North 80°02'37" East, a distance of 1537.91 feet to a point at Roadway Station 25+70.35, 11.58' Right;

thence South 16°06'08" East, a distance of 88.94 feet to a point at Roadway Station 25+80.23, 100.00' Right;

thence South 80°02'11" West, a distance of 664.86 feet to a point at Roadway Station 19+15.00, 100.00' Right;

thence North 65°05'45" West, a distance of 80.67 feet to a point at Roadway Station 18+50.00, 55.00' Right;

thence South 81°17'09" West, a distance of 93.00 feet to a point at Roadway Station 17+57.00, 55.00' Right;

thence South 08°42'51" East, a distance of 25.00 feet to a point at Roadway Station 17+57.00, 80.00' Right;

thence South 81°17'09" West, a distance of 57.00 feet to a

point at Roadway Station 17+00.00, 80.00' Right; 230

thence North 08°42'51" West, a distance of 20.00 feet to a 231

point at Roadway Station 17+00.00, 60.00' Right; 232

thence South 81°17'09" West, a distance of 140.00 feet to a 233

point at Roadway Station 15+60.00, 60.00' Right; 234

thence North 08°42'51" West, a distance of 5.00 feet to a 235

point at Roadway Station 15+60.00, 55.00' Right; 236

thence South 81°17'09" West, a distance of 525.86 feet to a 237

point at Roadway Station 10+34.46, 55.00' Right; 238

thence North 11°30'28" West, a distance of 24.72 feet to the 239

TRUE POINT OF BEGINNING at Roadway Station 10+32.94, 30.31' Right. 240

The above described area is a part of Auditor's Permanent 241

Parcel Number 60024003007000. Within said bounds of Parcel 242

124-10-SH is 2.117 acres, more or less, and subject to all other 243

easements of record. 244

This description was prepared by Burgess & Niple, under the 245

direction of S. Patrick Mills, Registered Professional Surveyor 246

Number 7158. 247

The basis of bearings in this description are based on the 248

Ohio State Plane Coordinate System, North Zone. 249

The stations referred to herein are based on construction 250

plans for replacement of structure number 2130998. 251

(B) Consideration for the conveyance of the real estate 252

described in division (A) of this section is the purchase price of 253

\$20,074.00. Proceeds from the sale of this real estate shall be 254

deposited in the state treasury to the credit of the Department of 255

Youth Services Building Development Fund. 256

(C) Delaware County shall pay the costs of the conveyance of 257

the real estate described in division (A) of this section. 258

(D) Upon payment of the purchase price, the Auditor of State, 259
with the assistance of the Attorney General, shall prepare a deed 260
to the real estate described in division (A) of this section. The 261
deed shall be executed by the Governor in the name of the state, 262
countersigned by the Secretary of State, sealed with the Great 263
Seal of the State, presented in the Office of the Auditor of State 264
for recording, and delivered to Delaware County. Delaware County 265
shall present the deed for recording in the Office of the Delaware 266
County Recorder. 267

(E) This section shall expire one year after its effective 268
date. 269

Section 3. (A) The Governor is hereby authorized to execute a 270
deed in the name of the state conveying to the Board of Trustees 271
of the Hocking Technical College, and its successors and assigns, 272
all of the state's right, title, and interest in the following 273
described real estate: 274

Situated in the State of Ohio, County of Perry, Township of 275
Harrison, Twp. 14, Range 14, Section 9, bounded and described as 276
follows: 277

Starting at the center of section; thence North 83°51'56" 278
West 420.69 feet to an iron pin; thence South 5°13'04" West 233.22 279
feet to an iron pin; thence South 7°58'04" West 382.54 feet to an 280
iron pin; thence South 83°27'16" East 313.50 feet to an iron pin; 281
thence South 6°32'44" West 33.0 feet to an iron pin; thence South 282
83°27'16" East 20.0 feet to an iron pin; thence North 6°32'44" 283
East 33.0 feet to an iron pin; thence South 83°27'16" East 248.72 284
feet to an iron pin; thence South 5°45'44" West 136.88 feet to an 285
iron pin; thence North 84°14'16" West 38.49 feet to a concrete 286
monument at the place of beginning; South 84°14'16" West 770.63 287
feet to a concrete monument; thence South 5°47'42" West 1417.03 288
feet to a concrete monument on State Highway Number 93 right of 289

way; thence along said right of way North 43°52'44" East 1312.63 feet to an iron pin at the intersection of State Highway 75 right of way; thence North 5°45'44" East 201.0 feet to a concrete monument; thence North 30°14'16" West 65.48 feet to a concrete monument; thence North 5°45'44" East 130.0 feet to a concrete monument the place of beginning containing 16.62 acres more or less.

(B) Consideration for the conveyance of the real estate described in division (A) of this section is one dollar and other valuable consideration.

(C) The Board of Trustees of the Hocking Technical College shall pay the costs of the conveyance of the real estate described in division (A) of this section.

(D) Upon the payment of the consideration described in division (B) of this section, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Board of Trustees of the Hocking Technical College. The Board of Trustees of the Hocking Technical College shall present the deed for recording in the Office of the Perry County Recorder.

(E) This section shall expire one year after its effective date.

Section 4. (A) This section is remedial, with its purpose being to remedy an error in Amended Substitute Senate No. 250, passed by the 123rd General Assembly on May 24, 2000, approved by the Governor on June 21, 2000, and effective on June 21, 2000, by adding language that was removed erroneously from the original

legal description for the parcel of real estate designated as 321
"Parcel No. 3" in Section 12 of that act that authorized the 322
conveyance of property the Adjutant General determined was no 323
longer needed for armory or military purposes. The legal 324
description contained in that act was erroneous because it did not 325
reflect an easement which, instead of being reserved to the 326
original grantor, was actually a part of the original grant of 327
land to the State of Ohio, Adjutant General's Department. Thus, 328
the Adjutant General's Department could not properly transfer all 329
of the land it was originally granted. The purpose of this section 330
is to authorize the conveyance of the property located in Scioto 331
County, Ohio, using the description contained in Amended 332
Substitute Senate Bill No. 250 of the 123rd General Assembly, with 333
the addition of the description of the easement for ingress and 334
egress to the property, originally granted to the State of Ohio. 335

(B) Pursuant to section 5911.10 of the Revised Code, the 336
Governor is hereby authorized to execute a deed in the name of the 337
state conveying to C-FORCE, Inc., its successors and assigns, all 338
of the state's right, title, and interest in the following 339
described parcels of real estate and improvements on them that the 340
Adjutant General has determined are no longer required for armory 341
or military purposes, that are located in Scioto County, and that 342
are known as the Portsmouth Armory, motor vehicle storage 343
building, and organizational maintenance shop: 344

Parcel No. 3 - Portsmouth Armory property - Previous Deed 345
Reference: Volume 380, Page 598, Scioto County Deed Record - 346
Situated in the City of Portsmouth, County of Scioto and State of 347
Ohio (Formerly in Clay Township), to-wit: Beginning at a point in 348
the north property line of 17th Street, said point being Two 349
Hundred Ten Feet (210 ft.) east of the center line of High Street; 350
said point being also Fifty Feet (50 ft.) east of the first alley 351
east of High Street; thence in a northwardly direction parallel to 352

the east property line of the first alley east of High Street with 353
a line bearing North 5 deg. 30 min, east 450 feet to a point; 354
thence in an eastwardly direction parallel to the north property 355
line of 17th Street with a line bearing South 85 deg. 17 min. East 356
231 feet, more or less, to a point on the east property line of a 357
3.98 acre tract of the Grantor herein; thence in a southwardly 358
direction with the east line of said tract and bearing South 2 359
deg. 12 min. West, 158 feet more or less, to a corner of said 360
tract; thence in an eastwardly direction with the lines of said 361
tract as follows:- South 86 deg. 54 min. East, 152.4 feet to a 362
point; thence in a southwardly direction with a line bearing South 363
2 deg., 53 min. West, 294 feet to a point; said point being in the 364
north property line of 17th Street; thence in a westwardly 365
direction with the north property line of 17th Street, North 85 366
deg. 17 min. West, 400.4 feet to the point of beginning, 367
containing 3.508 acres more or less, and being 3.147 acres off the 368
3.93 acre tract, known as the "First Tract," and 0.361 acres off 369
the 1.715 acres tract known as the "Second Tract," in a deed made 370
to Grantors herein, by Johnson and Duis Inc., dated July 1, 1938, 371
and recorded in Deed Book 236, Page 291 of Scioto County Record of 372
Deeds. 373

Together with an easement as means of ingress and egress to said 374
premises from the first alley east of High Street in said city 375
over the following described premises, to-wit: 376

Beginning at a point in the east property line of the first alley 377
east of High Street, said point bearing North 5 deg., 30 min. East 378
450 feet North of the intersection of the east property line of 379
the first alley east of High Street, with the north property line 380
of 17th Street; thence in an eastwardly direction with a line 381
bearing South 85 deg., 17 min. East, 50 feet to a point; said 382
point being also the northwest corner of a tract herein conveyed 383
to the City of Portsmouth, Ohio, for Armory Purposes; thence in a 384

southwardly direction with the west line of said tract and
parallel to the east property line of the first alley east of High
Street; South 5 deg., 30 min. West, 30 feet to a point; thence in
a westwardly direction with a line bearing North 85 deg., 17 min.
West, 50 feet to a point in the east property line of aforesaid
alley; thence in a northwardly direction with the east line of the
aforesaid alley North 5 deg., 30 min. east, 30 feet to the point
of beginning containing 0.0344 acres more or less."

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(C) The Adjutant General's Department had the real estate
described in division (B) of this section appraised, and the
appraised value was determined to be \$235,000.00. The Adjutant
General offered the real estate for sale as follows:

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(1) To the City of Portsmouth at the appraised value. This
offer was declined.

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(2) To the Board of County Commissioners of Scioto County at
the appraised value. This offer was declined.

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(3) A public auction was then held on August 29, 2001, at
which time came Mr. Ted Hartley, President of C-FORCE, Inc., who
bid \$170,000.00 and who was declared to be the highest bidder.
C-FORCE, Inc. deposited ten per cent of the purchase price by
certified check on the date of the action, and the balance will be
paid following legislative correction of the legal description.

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(D) The grantee shall pay the costs of the conveyance of the
real estate described in division (B) of this section.

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(E) The net proceeds of the conveyance of the real estate
described in division (B) of this section shall be deposited in
the state treasury to the credit of the Armory Improvements Fund
pursuant to section 5911.10 of the Revised Code.

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(F) Upon payment of the purchase price, the Auditor of State,
with the assistance of the Attorney General, shall prepare a deed
to the real estate described in division (B) of this section. The

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deed shall state the consideration. The deed shall be executed by
the Governor, countersigned by the Secretary of State, sealed with
the Great Seal of the State, presented to the Office of the
Auditor of State for recording, and delivered to C-FORCE, Inc.,
which shall present the deed for recording in the Office of the
Scioto County Recorder.

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(G) This section shall expire five years after its effective
date.

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Section 5. (A) The Governor or the Governor's designee is
hereby authorized to execute and deliver bills of sale and other
instruments of conveyance in the name of the state providing for
the conveyance and transfer of ownership to the Board of County
Commissioners of Logan County, and its successors and assigns, of
all right, title, and interest of the State of Ohio and its
agencies, institutions, and instrumentalities to all of the
personal property owned by the State of Ohio, including, without
limitation, all machinery, equipment, furniture, fixtures, sewer
lines and apparatus, tangibles and intangibles, and contract
rights, if any, located at or used in connection with the Flat
Branch Sewage Treatment Plant.

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(B) The Governor or the Governor's designee is hereby
authorized on behalf of the State of Ohio and its agencies,
institutions, and instrumentalities to enter into such further
agreements and take such actions, by self or by or through
appropriate state agencies, institutions, or instrumentalities, as
may be required or appropriate to carry out the conveyances and
transfers provided for in division (A) of this section.

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(C) Consideration for the conveyance and transfer of the
personal property described in division (A) of this section is the
mutual benefit accruing to the State of Ohio and to Logan County
by having the Board of County Commissioners of Logan County

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operate the Flat Branch Sewage Treatment Plant, which enables the
extension of sewer services to additional residents and businesses
of Logan County.

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(D) The Board of County Commissioners of Logan County shall
pay the costs of the conveyance and transfers of the personal
property described in division (A) of this section.

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(E) This section expires one year after its effective date.

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Section 6. This act is hereby declared to be an emergency
measure necessary for the immediate preservation of the public
peace, health, and safety. The reasons for such necessity are that
immediate action is necessary to enable the Jackson City Board of
Education to begin construction on an urgently needed new school
building, to enable Delaware County to begin construction on an
urgently needed bridge, and to correct a legal description in a
previous conveyance of real property that the Adjutant General
determined was no longer needed for armory or military purposes.
Therefore, this act shall go into immediate effect.

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