

APPLICATION FOR ZONING AMENDMENT TO THE CITY OF SMYRNA

Please Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: _____

Hearing Date: _____

APPLICANT: Halpern Enterprises, Inc.

Representative

Name: Moore Ingram Johnson & Steele, LLP - J. Kevin Moore
(Representative's name, printed)

Address: Emerson Overlook, 326 Roswell Street, Marietta, GA 30060

Business Phone: (770) 429-1499 Cell Phone: (678) 516-1609 Fax Number: (770) 429-8631

E-Mail Address: jkml@mijs.com

MOORE INGRAM JOHNSON & STEELE, LLP

Signature of Representative BY: J. Kevin Moore

J. Kevin Moore, Georgia Bar No. 519728
Attorneys for Applicant and Property Owners

TITLEHOLDER:

Name: Halpern Enterprises, Inc.
(Titleholder's name, printed)

Address: 5269 Buford Highway, Atlanta, GA 30340

Business Phone: (770) 451-0318 Cell Phone: (404) 822-3853 Home Phone: Not Applicable

E-mail Address: swest@halpern-online.com
HALPERN ENTERPRISES, INC.

Signature of Titleholder BY: _____

(Attach additional signatures, if needed)

Steve A. West

Vice President - Acquisitions and Development

(To be completed by City)

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____

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Signature of Titleholder BY: _____
(Steve A. West)
(Attach additional signatures, if needed)

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Vice President - Acquisitions and Development

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MOORE INGRAM JOHNSON & STEELE, LLP

Signature of RepresentativeJ. Kevin Moore
J. Kevin Moore; Georgia Bar No. 519728
Attorneys for Applicant and Property Owners

TITLEHOLDER:

Name: City of Smyrna
(Titleholder's name, printed)

Address: 2800 King Street, Smyrna, GA 30080

Business Phone: (770) 434- Cell Phone: _____ Home Phone: _____
6600

E-mail Address: _____
CITY OF SMYRNA, GEORGIA

Signature of TitleholderJ. Kevin Moore
(Attach additional signatures, if needed)
TITLE: _____

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ZONING:

MU (Mixed Use) _____
Present Zoning

LAND USE:

MU _____
Present Land Use

For the Purpose of Mixed-Use of retail, restaurant, grocery, and residential

Size of Tract 12.62 acres

Location Northeasterly intersection of Atlanta Road and Spring Road

(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 559, 594 District 17th

We have investigated the site as to the existence of archaeological and/or architectural landmarks. I hereby certify that there are no X XXXXXXXX such assets, If any, they are as follows:
to the best of our knowledge, information, and belief.

Not Applicable.

DESCRIPTION OF PROPOSED ZONING AMENDMENT:

Per the submitted Site Plan, Applicant is proposing a "Downtown" major grocery store, restaurant out parcels, neighborhood retail, and integrated multi-family residential uses. The mixed-use development will be significantly less in scale than the existing and approved plans for the Subject Property.

CONTIGUOUS ZONING

North: _____ GC

East: _____ LI, OI

South: _____ GC, RAD - Single Family Attached/Detached

West: _____ GC

CONTIGUOUS LAND USE

North: _____ MU

East: _____ MU

South: _____ MDR

West: _____ MU, Parks/Recreation/Conservation

INFRASTRUCTURE

WATER AND SEWER

A letter from Scott Stokes, Director of Public Works Department is required stating that water is available and the supply is adequate for this project.

A letter from Scott Stokes, Director of Public Works Department is required stating that sewer is available and the capacity is adequate for this project.

- If it is Cobb County Water, Cobb County must then furnish these letters.

Comments:

TRANSPORTATION

Access to Property? Via Atlanta Road and Spring Road

Improvements proposed by developer? The Spring Road access will be provided by a right-in/right-out only. There will be two access points on Atlanta Road. First, a proposed new traffic signal at Atlanta Road and Church Street intersection for a full access; and second, a right-in/right-out access on Atlanta Road, per the proposed site plan.

Comments:

Access and traffic improvements are consistent with prior approved plans and will improve traffic flow and access to this development.

ZONING DISCLOSURE REPORT
(Halpern Enterprises, Inc.)

Has the applicant* made, within two years immediately preceding the filing of this application for zoning amendment, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to the Mayor or any member of the City Council who will consider this application?

No.

If so, the applicant* and the attorney representing the applicant* must file a disclosure report with the Mayor and City Council of the City of Smyrna, within 10 days after this application is filed.

Please supply the following information, which will be considered as the required disclosure:

The name of the Mayor or member of the City Council to whom the campaign contribution or gift was made:

Not Applicable.

The dollar amount of each campaign contribution made by the applicant* to the Mayor or any member of the City Council during the two years immediately preceding the filing of this application, and the date of each such contribution:

Not Applicable.

An enumeration and description of each gift having a value of \$250 or more by the applicant* to the Mayor and any member of the City Council during the two years immediately preceding the filing of this application:

Not Applicable.

Does the Mayor or any member of the City Council have a property interest (direct or indirect ownership including any percentage of ownership less than total) in the subject property?

No, to the best of our knowledge, information, and belief.

If so, describe the nature and extent of such interest: Not Applicable.

ZONING DISCLOSURE REPORT (CONTINUED)
(Halpern Enterprises, Inc.)

Does the Mayor or any member of the City Council have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is 10% or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?

No, to the best of our knowledge, information, and belief.

If so, describe the nature and extent of such interest:

Not Applicable.

Does the Mayor or any member of the City Council have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?

No, to the best of our knowledge, information, and belief.

If so, describe the relationship and the nature and extent of such interest:

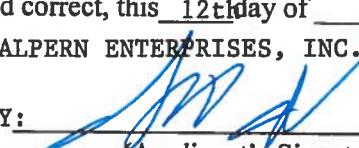
Not Applicable.

If the answer to any of the above is "Yes", then the Mayor or the member of the City Council must immediately disclose the nature and extent of such interest, in writing, to the Mayor and City Council of the City of Smyrna. A copy should be filed with this application**. Such disclosures shall be public record and available for public inspection any time during normal working hours.

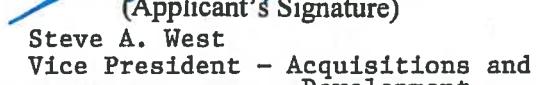
We certify that the foregoing information is true and correct, this 12th day of June,
2015.

HALPERN ENTERPRISES, INC.

BY:


(Applicant's Signature)

Steve A. West
Vice President - Acquisitions and
Development


(Attorney's Signature, if applicable)

Notes

* Applicant is defined as any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association or trust) applying for zoning action.

** Copy to be filed with the City of Smyrna Zoning Department and City Clerk along with a copy of the zoning application including a copy of the legal description of the property.

**APPLICANT'S AND TITLEHOLDERS' REPRESENTATIVE
ZONING DISCLOSURE REPORT**

Has the applicant* made, within two years immediately preceding the filing of this application for zoning amendment, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to the Mayor or any member of the City Council who will consider this application?

No.

If so, the applicant* and the attorney representing the applicant* must file a disclosure report with the Mayor and City Council of the City of Smyrna, within 10 days after this application is filed.

Please supply the following information, which will be considered as the required disclosure:

The name of the Mayor or member of the City Council to whom the campaign contribution or gift was made:

Not Applicable.

The dollar amount of each campaign contribution made by the applicant* to the Mayor or any member of the City Council during the two years immediately preceding the filing of this application, and the date of each such contribution:

Not Applicable.

An enumeration and description of each gift having a value of \$250 or more by the applicant* to the Mayor and any member of the City Council during the two years immediately preceding the filing of this application:

Not Applicable.

Does the Mayor or any member of the City Council have a property interest (direct or indirect ownership including any percentage of ownership less than total) in the subject property?

No, to the best of our knowledge, information, and belief.

If so, describe the natural and extent of such interest: Not Applicable.

APPLICANT'S AND TITLEHOLDERS' REPRESENTATIVE
ZONING DISCLOSURE REPORT (CONTINUED)

Does the Mayor or any member of the City Council have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is 10% or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?

No, to the best of our knowledge, information, and belief.

If so, describe the nature and extent of such interest:

Not Applicable.

Does the Mayor or any member of the City Council have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?

No, to the best of our knowledge, information, and belief.

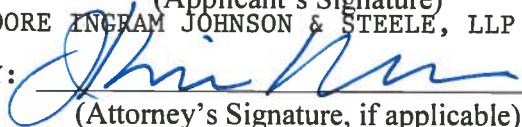
If so, describe the relationship and the nature and extent of such interest:

Not Applicable.

If the answer to any of the above is "Yes", then the Mayor or the member of the City Council must immediately disclose the nature and extent of such interest, in writing, to the Mayor and City Council of the City of Smyrna. A copy should be filed with this application**. Such disclosures shall be public record and available for public inspection any time during normal working hours.

We certify that the foregoing information is true and correct, this 12th day of June, 2015.

(Applicant's Signature)
MOORE INGRAM JOHNSON & STEELE, LLP

BY: 

(Attorney's Signature, if applicable)
J. Kevin Moore; Georgia Bar No. 519728
Attorneys for Applicant and Titleholders

Notes

* Applicant is defined as any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association or trust) applying for zoning action.

** Copy to be filed with the City of Smyrna Zoning Department and City Clerk along with a copy of the zoning application including a copy of the legal description of the property.

ZONING AMENDMENT ANALYSIS

Section 1508 of the Smyrna Zoning Code details nine zoning review factors which must be evaluated by the Mayor and Council when considering a zoning amendment request. Please provide responses to the following using additional pages as necessary. **This section must be filled out by the applicant prior to submittal of the zoning amendment request.**

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The Zoning Amendment permits a use that is suitable in view of the use and development of adjacent and nearby properties, as surrounding properties are zoned and used for a variety of retail uses on Atlanta Road and multi-family uses along the Spring Road corridor. The proposal, however, is less intense than the currently approved development plan.

2. Whether the zoning proposal or the use proposed will adversely affect the existing use or usability of adjacent or nearby property.

The Zoning Amendment will not adversely affect the existing use or usability of adjacent or nearby property as the proposed mixed-use is consistent and compatible with adjoining and area retail and multi-family uses. However, the increased quality of the retail grocery and multi-family use exceed that within the immediate area.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The Property has a reasonable, economic use as currently zoned; however, the currently approved plan is not viable from a marketing standpoint; and, therefore, this proposed development plan is much more in line with the economics of today.

ZONING AMENDMENT ANALYSIS (CONTINUED)

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

The proposed development will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; inasmuch as the proposed development is less intense than the currently approved development plan which had previously been found not to cause any such excessive or burdensome use of infrastructure.

5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

The proposed development is in conformity with the policy and intent of the Land Use Plan; it is simply a less intense and more quality-driven version of the currently approved plan.

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

The existing and changing conditions have affected the use and development of the Property under its currently approved plan; which results in the proposal being justified for approval. The proposed development brings a grocery store and restaurant/retail uses; as well as, multi-family residential in a comprehensive mixed-use development; however, at a much less intense level than the current, approved plan.

ZONING AMENDMENT ANALYSIS (CONTINUED)

7. Whether the development of the property under the zoning proposal will conform to, be a detriment to or enhance the architectural standards, open space requirements and aesthetics of the general neighborhood, considering the current, historical and planned uses in the area.

The proposed development will be an enhancement to the architectural standards and aesthetics of the general neighborhood. The Subject Property currently lies in its demolished state; however, the proposal will provide quality elevations, aesthetics, and uses add to the already vibrant Downtown Community.

8. Under any proposed zoning classification, whether the use proposed may create a nuisance or is incompatible with existing uses in the area.

The proposed use will not create a nuisance and is compatible with existing uses in the area as the proposal consists of a "Downtown" grocery, restaurant, retail, and multi-family consistent with similar uses in the area; however, at a much higher quality.

9. Whether due to the size of the proposed use, in either land area or building height, the proposed use would affect the adjoining property, general neighborhood and other uses in the area positively or negatively.

The proposed development plan will affect adjoining properties in the general neighborhood in a positive manner. The current status of the Property lies demolished. However, the currently approved plan involves a much more intense use. The proposed use replaces the overall scale and intensity, but still delivers the quality of a "Downtown" grocery, retail and restaurant uses; as well as, multi-family residential uses having a positive effect on the vibrancy of the Downtown Smyrna area.



REBECCA KEATON
CLERK OF SUPERIOR COURT Cobb Cty. GA.

STATE OF FLORIDA

COUNTY OF POLK

AFTER RECORDING RETURN TO:

Frank J. Kralicek
Hughes White Kralicek
2110 Powers Ferry Road, Suite 440
Atlanta, Georgia 30339-5058

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2
3
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1

LIMITED WARRANTY DEED

THIS DEED (the "Deed") is made the 25th day of April, 2014, between, T & C LAND, LLC a limited liability company of the State of Georgia (hereinafter referred to as "Grantor"), and HALPERN ENTERPRISES, INC., a Georgia corporation (hereinafter referred to as "Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00) in hand paid at and before the sealing and delivery of these presents, and other good and valuable consideration delivered to Grantor by Grantee at and before the execution, sealing and delivery hereof, the receipt adequacy and sufficiency of which are hereby acknowledged, Grantor has and hereby does grant, bargain, sell, alien, convey and confirm unto Grantee all that tract or parcel of land lying and being in Cobb County, Georgia and being more particularly described on Exhibit A attached hereto and made a part hereof by reference (the "Property").

TO HAVE AND TO HOLD the Property with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee subject only to those matters set forth in Exhibit B attached hereto and by this reference incorporated herein, forever in FEE SIMPLE.

GRANTOR SHALL WARRANT and forever defend the right and title to the Property unto Grantee against the claims of all persons claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed as of the day and year first above written.

GRANTOR:

Signed, sealed and delivered in the presence of: **T & C LAND, LLC**

Alan L. Perry

Unofficial Witness
Mary Jo Jenkins

Notary Public

By: *Cheri Maxwell*

Cheri Maxwell, Managing Member

My commission expires:



[NOTARIAL SEAL]

EXHIBIT A

Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 559 & 594 OF THE 17th LAND DISTRICT, 2nd SECTION, IN THE CITY OF SMYRNA, COBB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT A RIGHT OF WAY MONUMENT AT THE NORTHWESTERN RIGHT OF WAY INTERSECTION OF SPRING ROAD (R/W VARIES) AND CSX RAILROAD (FORMERLY WESTERN AND ATLANTIC RAILROAD; R/W VARIES), SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

FROM SAID TRUE POINT OF BEGINNING, THENCE RUN SOUTHWEST ALONG A CURVE TO THE RIGHT, AND ALONG THE NORTHERLY RIGHT OF WAY LINE OF SPRING ROAD, AN ARC DISTANCE OF 293.43 FEET TO A RIGHT OF WAY MONUMENT [SAID CURVE HAS A RADIUS OF 1780.00 FEET AND IS SUBTENDED BY A CHORD HAVING A BEARING OF SOUTH 86 DEGREES 08 MINUTES 24 SECONDS WEST WITH A CHORD LENGTH OF 293.09 FEET];

THENCE RUN SOUTH 81 DEGREES 13 MINUTES 20 SECONDS WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SPRING ROAD, A DISTANCE OF 368.56 FEET TO A #4 REBAR;

THENCE LEAVE THE NORTHERLY RIGHT OF WAY LINE OF SPRING ROAD AND RUN NORTH 08 DEGREES 54 MINUTES 58 SECONDS WEST, ALONG THE LINE NOW OR FORMERLY OF LAWRENCE TODD MAXWELL, A DISTANCE OF 36.19 FEET TO AN IRON PIN;

THENCE RUN NORTH 31 DEGREES 35 MINUTES 02 SECONDS WEST, ALONG THE LINE NOW OR FORMERLY OF LAWRENCE TODD MAXWELL, A DISTANCE OF 188.51 FEET TO A POINT;

THENCE RUN SOUTH 65 DEGREES 49 MINUTES 31 SECONDS WEST, ALONG THE LINE NOW OR FORMERLY OF LAWRENCE TODD MAXWELL, A DISTANCE OF 77.42 FEET TO A #4 REBAR;

THENCE LEAVE THE LINE NOW OR FORMERLY OF LAWRENCE TODD MAXWELL AND RUN NORTH 23 DEGREES 35 MINUTES 29 SECONDS WEST, ALONG THE LINE NOW OR FORMERLY OF THE CITY OF SMYRNA, A DISTANCE OF 132.00 FEET TO A POINT;

THENCE RUN SOUTH 65 DEGREES 49 MINUTES 31 SECONDS WEST, ALONG THE LINE NOW OR FORMERLY OF THE CITY OF SMYRNA, A DISTANCE OF 132.32 FEET TO A POINT ON THE EASTERN RIGHT OF WAY LINE OF ATLANTA ROAD (R/W VARIES);

THENCE LEAVE THE LINE NOW OR FORMERLY OF THE CITY OF SMYRNA AND RUN NORTH 23 DEGREES 29 MINUTES 49 SECONDS WEST, ALONG THE EASTERLY RIGHT OF WAY LINE OF ATLANTA ROAD, A DISTANCE OF 41.17 FEET TO A POINT;

THENCE RUN NORTH 23 DEGREES 29 MINUTES 49 SECONDS WEST, ALONG THE EASTERLY RIGHT OF WAY LINE OF ATLANTA ROAD, A DISTANCE OF 268.77 FEET TO A PK NAIL;

THENCE RUN NORTHWEST ALONG A CURVE TO THE RIGHT, AND ALONG THE EASTERLY RIGHT OF WAY LINE OF ATLANTA ROAD, AN ARC DISTANCE OF 76.29 FEET TO A POINT [SAID CURVE HAS A RADIUS OF 5687.58 FEET AND IS SUBTENDED BY A CHORD HAVING A BEARING OF NORTH 23 DEGREES 06 MINUTES 45 SECONDS WEST WITH A CHORD LENGTH OF 76.29 FEET];

THENCE LEAVE THE EASTERLY RIGHT OF WAY LINE OF ATLANTA ROAD AND RUN NORTH 65 DEGREES 12 MINUTES 45 SECONDS EAST, ALONG THE LINE NOW OR FORMERLY OF THE CITY OF SMYRNA, A DISTANCE OF 76.11 FEET TO A POINT;

THENCE RUN NORTH 21 DEGREES 23 MINUTES 45 SECONDS EAST, ALONG THE LINE NOW OR FORMERLY OF THE CITY OF SMYRNA, A DISTANCE OF 57.73 FEET TO A POINT;

THENCE RUN NORTH 22 DEGREES 25 MINUTES 15 SECONDS WEST, ALONG THE LINE NOW OR FORMERLY OF THE CITY OF SMYRNA, A DISTANCE OF 100.00 FEET TO A POINT;

THENCE RUN SOUTH 65 DEGREES 12 MINUTES 45 SECONDS WEST, ALONG THE LINE NOW OR FORMERLY OF THE CITY OF SMYRNA, A DISTANCE OF 115.14 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF ATLANTA ROAD;

THENCE LEAVE THE LINE NOW OR FORMERLY OF THE CITY OF SMYRNA AND RUN NORTHWEST ALONG A CURVE TO THE RIGHT, AND ALONG THE EASTERLY RIGHT OF WAY LINE OF ATLANTA ROAD, AN ARC DISTANCE OF 82.36 FEET TO A PK NAIL [SAID CURVE HAS A RADIUS OF 5687.58 FEET AND IS SUBTENDED BY A CHORD HAVING A BEARING OF NORTH 20 DEGREES 54 MINUTES 09 SECONDS WEST WITH A CHORD LENGTH OF 82.36 FEET];

THENCE RUN NORTH 12 DEGREES 13 MINUTES 58 SECONDS WEST, ALONG THE EASTERLY RIGHT OF WAY LINE OF ATLANTA ROAD, A DISTANCE OF 88.26 FEET TO A RIGHT OF WAY MONUMENT;

THENCE LEAVE THE EASTERLY RIGHT OF WAY LINE OF ATLANTA ROAD AND RUN NORTH 68 DEGREES 08 MINUTES 15 SECONDS EAST, ALONG THE LINE NOW OR FORMERLY OF THE CITY OF SMYRNA, A DISTANCE OF 131.21 FEET TO A #4 REBAR ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF CSX RAILROAD;

THENCE RUN SOUTH 42 DEGREES 32 MINUTES 01 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF CSX RAILROAD, A DISTANCE OF 72.51 FEET TO A POINT;

THENCE RUN SOUTH 46 DEGREES 46 MINUTES 43 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF CSX RAILROAD, A DISTANCE OF 99.83 FEET TO A #4 REBAR;

THENCE RUN NORTH 65 DEGREES 12 MINUTES 45 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF CSX RAILROAD, A DISTANCE OF 31.92 FEET TO A #4 REBAR;

THENCE RUN SOUTH 50 DEGREES 16 MINUTES 14 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF CSX RAILROAD, A DISTANCE OF 18.71 FEET TO A POINT;

THENCE RUN SOUTH 52 DEGREES 06 MINUTES 31 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF CSX RAILROAD, A DISTANCE OF 64.54 FEET TO A POINT;

THENCE RUN SOUTH 54 DEGREES 06 MINUTES 37 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF CSX RAILROAD, A DISTANCE OF 64.54 FEET TO A POINT;

THENCE RUN SOUTH 55 DEGREES 47 MINUTES 00 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF CSX RAILROAD, A DISTANCE OF 137.19 FEET TO A POINT;

THENCE RUN SOUTH 55 DEGREES 55 MINUTES 05 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF CSX RAILROAD, A DISTANCE OF 126.46 FEET TO A POINT;

THENCE RUN SOUTH 55 DEGREES 38 MINUTES 10 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF CSX RAILROAD, A DISTANCE OF 119.70 FEET TO A POINT;

THENCE RUN SOUTH 54 DEGREES 19 MINUTES 15 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF CSX RAILROAD, A DISTANCE OF 124.69 FEET TO A POINT;

THENCE RUN SOUTH 52 DEGREES 42 MINUTES 53 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF CSX RAILROAD, A DISTANCE OF 122.56 FEET TO A POINT;

THENCE RUN SOUTH 51 DEGREES 20 MINUTES 33 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF CSX RAILROAD, A DISTANCE OF 123.85 FEET TO A POINT;

THENCE RUN SOUTH 50 DEGREES 27 MINUTES 15 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF CSX RAILROAD, A DISTANCE OF 126.32 FEET TO A POINT;

THENCE RUN SOUTH 49 DEGREES 54 MINUTES 48 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF CSX RAILROAD, A DISTANCE OF 73.86 FEET TO A POINT;

THENCE RUN SOUTH 50 DEGREES 05 MINUTES 31 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF CSX RAILROAD, A DISTANCE OF 88.59 FEET TO A #4 REBAR;

THENCE RUN SOUTH 50 DEGREES 02 MINUTES 56 SECONDS EAST A DISTANCE OF 45.40 FEET TO A RIGHT OF WAY MONUMENT ON THE NORTHERLY RIGHT OF WAY LINE OF SPRING ROAD, WHICH IS THE TRUE POINT OF BEGINNING;

EXHIBIT "B"

Permitted Exceptions

1. Real estate ad valorem taxes for the year 2014 and subsequent years, a lien not yet due and payable.
2. Rights of tenants in possession.
3. Georgia Power Easements as follows:
 - a. Dated September 30, 1941, filed December 31, 1941, from N.A. Reed Estate, to Georgia Power Company, recorded in Deed Book 144, Page 226, records of the Clerk of Superior Court of Cobb County, Georgia.
 - b. Dated July 30, 1959, filed September 9, 1959, from Joseph D. Daniel, to Georgia Power Company, recorded in Deed Book 510, Page 200, aforesaid records.
 - c. Dated December 26, 1963, filed February 19, 1964, from Joseph D. Daniel, to Georgia Power Company, recorded in Deed Book 752, Page 46, aforesaid records.
4. Conveyance of access rights contained in that Department of Transportation Right of Way Deed dated March 9, 1988, filed March 14, 1988, from J.D. Daniel, to the Department of Transportation, recorded in Deed Book 4845, Page 284, aforesaid records.
5. Conveyance of access rights contained in that Department of Transportation Right of Way Deed dated March 7, 1988, filed March 18, 1988, from 84 Lumber Company, to the Department of Transportation, recorded in Deed Book 4850, Page 247, aforesaid records.
6. Survey for 84 Lumber Company dated May 21, 1990, filed November 15, 1990, recorded in Plat Book 133, Page 29, reveals the following:
 - a. Georgia Department of Transportation Drainage Easement located on northwestern boundary of displayed property; and
 - b. 20 foot moveable ingress and egress easement near southwestern boundary of subject property.
7. All matters affecting subject property as disclosed on that Topographic Exhibit for Halpern Enterprises, Inc., and First American Title Insurance Company, dated April 22, 2014, by TerraMark Professional Land Surveying, Scott E. Burson, Georgia Registered Land Surveyor No. 3037.

BK: 15152 PG: 4674-4677
Filed and Recorded Apr-29-2014 02:40:53PM
DOC# D2014-027307
Real Estate Transfer Tax \$0.00
0332014007995

Rebecca Keaton
REBECCA KEATON
CLERK OF SUPERIOR COURT Cobb Cty. GA.

STATE OF FLORIDA
COUNTY OF POLK

AFTER RECORDING RETURN TO:
Frank J. Kralicek
Hughes White Kralicek
2110 Powers Ferry Road, Suite 440
Atlanta, Georgia 30339-5058
4/10/2014

QUITCLAIM DEED

THIS INDENTURE is made this 25^{4th} day of April, 2014, by and between T & C LAND, LLC, a limited liability company duly formed and existing under the laws of the State of Georgia, as party of the first part (hereinafter "Grantor"), and HALPERN ENTERPRISES, INC., a Georgia corporation, as party of the second part (hereinafter "Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, successors, and assigns where the context hereof requires or permits).

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt, adequacy and sufficiency of which is hereby acknowledged, by these presents does hereby grant, remise, convey and forever quitclaim unto Grantee the following described property, to wit:

All that tract or parcel of land lying and being in Land Lots 559 and 594 of the 17th Land District, 2nd Section, Cobb County, Georgia, being more particularly described on Exhibit "A" attached hereto and by this reference incorporated herein; TOGETHER with any and all improvements located therein or thereon (collectively, the "Property").

TO HAVE AND TO HOLD the Property, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by and means or ways, have, claim, or demand any right or title to the Property or appurtenances, or any rights thereof.

Grantor has contemporaneously herewith conveyed the Property to Grantee by virtue of a certain Limited Warranty Deed. The purpose of this Quitclaim Deed is the release of any interest that Grantor may have in the Property as the same is described on Exhibit "A" attached hereto and hereby made a part hereof, which description is derived from a new survey obtained by Grantee.

IN WITNESS WHEREOF, Grantor has signed and sealed this Quitclaim Deed the day and year first above written.

GRANTOR:

Signed, sealed and delivered in the presence of: **T & C LAND, LLC**

Alon L. Perez

Unofficial Witness

Mary Jo Jenkins

Notary Public

By: *Cheri Maxwell*
Cheri Maxwell, Managing Member

My commission expires:



[NOTARIAL SEAL]

EXHIBIT "A"Legal Description

All that tract or parcel of land lying and being in Land Lots 559 and 594 of the 17th Land District, 2nd Section, City of Smyrna, Cobb County, Georgia and being more particularly described as follows:

Beginning at a point found at the intersection of the southwest right of way line of CSX Railroad (having a variable width right of way) with the northeast right of way line of Spring Road (having a variable width right of way); thence, leaving said Point of Beginning and running with the said right of way line of Spring Road the following courses and distances:

1. 293.41 feet along the arc of a curve deflecting to the right and having a radius of 1780.00 feet and a chord bearing and distance of South 86° 08' 19" West, 293.08 feet to a capped ½" rebar found; thence,
2. South 81° 13' 28" West, 368.56 feet to a point; thence, leaving the said right of way of Spring Road and running
3. North 08° 54' 50" West, 36.19 feet to a point; thence,
4. North 31° 34' 54" West, 188.51 feet to a point; thence,
5. South 65° 49' 39" West, 77.43 feet to a point; thence,
6. North 23° 35' 21" West, 132.00 feet to a ½" rebar found; thence,
7. South 65° 49' 39" West, 132.32 feet to a point found on the east right of way line of Atlanta Road (having a variable width right of way); thence, running with the said right of way line of Atlanta Road the following courses and distances:
8. North 23° 29' 40" West, 309.85 feet to a point; thence,
9. 76.35 feet along the arc of a curve deflecting to the right and having a radius of 5687.58 feet and a chord bearing and distance of North 23° 06' 37" West, 76.35 feet to a capped rebar found; thence, leaving the said right of way line of Atlanta Road and running
10. North 65° 12' 53" East, 76.11 feet to a point; thence,
11. North 21° 23' 53" East, 57.73 feet to a point; thence,
12. North 22° 25' 07" West, 100.00 feet to a ½" rebar found; thence,
13. South 65° 12' 53" West, 115.14 feet to a point on the said right of way of Atlanta Road; thence, running with the said right of way of Atlanta Road the following courses and distances

14. 82.34 feet along the arc of a curve deflecting to the right and having a radius of 5687.58 feet and a chord bearing and distance of North 20° 54' 00" West, 82.34 feet to a point; thence,
15. North 12° 13' 50" West, 88.27 feet to a point; thence, leaving the said right of way line of Atlanta Road and running
16. North 68° 08' 23" East, 131.23 feet to a nail found on the said right of way line of the CSX Railroads; thence, running with the said right of way line of the CSX Railroad the following courses and distances:
 17. South 42° 31' 53" East, 72.50 feet to a 1/2" rebar found; thence,
 18. South 46° 46' 35" East, 99.82 feet to a 1/2" rebar found; thence,
 19. North 65° 12' 53" East, 31.92 feet to a point; thence,
 20. South 50° 16' 06" East, 18.71 feet to a 1/2" rebar found; thence,
 21. South 52° 06' 23" East, 64.54 feet to a 1/2" rebar found; thence,
 22. South 54° 06' 29" East, 64.54 feet to a point; thence,
 23. South 55° 46' 52" East, 137.18 feet to a 1/2" rebar found; thence,
 24. South 55° 54' 57" East, 126.46 feet to a point; thence,
 25. South 55° 38' 02" East, 119.70 feet to a point; thence,
 26. South 54° 19' 07" East, 124.68 feet to a point; thence,
 27. South 52° 42' 45" East, 122.55 feet to a point; thence,
 28. South 51° 20' 25" East, 123.84 feet to a 1/2" rebar found; thence,
 29. South 50° 27' 07" East, 126.31 feet to a point; thence,
 30. South 49° 54' 40" East, 73.86 feet to a point; thence,
 31. South 50° 05' 23" East, 88.59 feet to a 1/2" rebar found; thence,
 32. South 50° 02' 48" East, 45.40 feet to the Point of Beginning, 447,920 square feet or 10.2828 acres of land, more or less.

The herein described tract or parcel of land is subject to all rights of way and easements, both recorded and unrecorded.

Jay C. Stephenson
Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF COBB

After Recording, Return To:
Scott A. Cochran, Attorney
COCHRAN, CAMP & SNIPES
2950 Atlanta Street, SE
Smyrna, GA 30080-3692
P2006-040 City of Smyrna

THIS INDENTURE, made the 28th day March, in the year Two Thousand Six, between J. N. HOLBROOK, SR. of the County of Cobb, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and CITY OF SMYRNA as party or parties of the second part, hereinafter called Grantee (the words Grantor and Grantee to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS & OTHER VALUABLE CONSIDERATIONS (\$10.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell alien, convey and confirm unto the said Grantee,

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

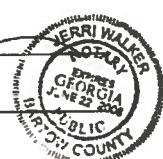
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in presence of:

J. N. Holbrook, Sr.
Witness
J. N. Holbrook, Sr.

J. N. Holbrook, Sr.
Notary Public



J. N. Holbrook, Sr.
J. N. Holbrook, Sr.

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 559 of the 17th District and 2nd Section of Cobb County, Georgia, and in the City of Smyrna, more particularly described as follows:

BEGINNING at an iron pin on the northeastern side of the sidewalk on the northeastern side of Atlanta Street, 599 feet southeasterly, as measured along the northeastern side of said sidewalk, from the southerly side of the sidewalk on the southerly side of Spring Street, said POINT OF BEGINNING being at the southwestern corner of the property of Mrs. Larena Pruitt; thence South 26 degrees 38 minutes east along the northeastern side of said sidewalk on Atlanta Street 140 feet to an iron pin; thence North 61 degrees East, forming an interior angle of 87 degrees 38 minutes, 110 feet to an iron pin; thence North 17 degrees 11 minutes East, forming an interior angle of 136 degrees 11 minutes, 57.73 feet to an iron pin; thence North 26 degrees 38 MINUTES West, forming an interior angle of 136 degrees 11 minutes 100 feet to an iron pin; thence South 61 degrees West, forming an interior angle of 87 degrees 38 minutes, 150 feet to the iron pin at the POINT OF BEGINNING.

Being the same property conveyed by Warranty Deed from Mrs. D. J. Ray, Henry Konigsmark, Sr. and Henry Konigsmark, Jr. to Standard Oil Company (Incorporated in Kentucky), dated February 19, 1962, filed for record February 20, 1962, recorded in Deed Book 631, Page 307, in the Office of the Clerk of the Superior Court of Cobb County, Georgia, and by Guardian's Deed from Mrs. A. B. Morton, as Guardian of Ann Konigsmark and Nancy Konigsmark, Minors to Standard Oil Company (Incorporated in Kentucky), dated February 19, 1962, filed for record February 20, 1962, recorded in Deed Book 631, Page 296, in the Office of the Clerk of the Superior Court of Cobb County, Georgia.

LESS AND EXCEPT

All that tract or parcel of land lying and being in Land Lot 559 of the 17th Land District of Cobb County, Georgia, being more particularly described as follows:

BEGINNING at a point 8.12' right of and opposite station 133+75.27 on the construction centerline of Atlanta Road on Georgia Highway Project MR-9025(8); running thence North 22 degrees 23 minutes 19.5 seconds West a distance of 139.75 feet to a point; thence North 85 degrees 42 minutes 10.1 seconds East a distance of 34.86 feet to a point; thence southeasterly along a curving line having a radius of 5887.578 feet for an arc distance of 139.80 feet to a point; thence South 65 degrees 43 minutes 17.7 seconds West a distance of 33.89 feet back to the POINT OF BEGINNING.

BEING THE SAME PROPERTY conveyed by Right of Way Deed dated December 17, 1987 from Chevron USA, Inc. a Pennsylvania corporation, to the Department of Transportation.

Pred Book 14275 Pg 2579
Filed and Recorded Jan 12, 2006 06:38am
2006-0006322
Real Estate Transfer Tax \$0.00

J.C. Stephenson
J.C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

RRR
Return Recorded Document to
Cochran, Camp & Slipes
2950 Atlanta Street
Smyrna, Georgia 30080

QUITCLAIM DEED

STATE OF GEORGIA
COUNTY OF COBB

FILE #: 05-201

THIS INDENTURE, Made the 28th day of December, 2005, between **TIMOTHY B. CARTER** of the County of Cobb, and the State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **CITY OF SMYRNA** of the County of Cobb, and the State of Georgia, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 559 of the 17th District, 2nd Section of Cobb County, Georgia, and being more particularly described as follows:

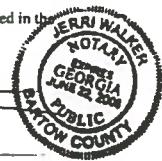
BEGINNING at an iron pin on the northeasterly side of the right of way of Atlanta Street, which iron pin is located South 25 degrees 30 minutes East 1,124.8 feet from the southeasterly intersection of the right of way of Spring Street and the right of way of Atlanta Street, as measured along the northeasterly side of the right of way of Atlanta Street; running thence South 25 degrees 30 minutes East along the northeasterly side of the right of way of Atlanta Street a distance of 132 feet to an iron pin; running thence North 63 degrees 55 minutes East a distance of 165 feet to an iron pin; running thence North 25 degrees 30 minutes West a distance of 132 feet to an iron pin; running thence South 63 degrees 55 minutes West a distance of 165 feet to an iron pin located on the northeasterly side of Atlanta Street at the POINT OF BEGINNING, all as being shown on plat made by J.P. Phillips, Surveyor, dated May 21, 1956 and recorded in Plat Book 14, Page 140, Cobb County, Georgia Records.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right to title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered in the presence of:

J. Walker
(Notary Public)



Timothy B. Carter (Seal)
Timothy B. Carter

902-623

623

H.D. 118PB-Mev.

RURAL POST ROADS
RIGHT OF WAY DEED

1. GEORGIA, COBB County Project No. SUS 1385 (1)
 2. THIS CONVEYANCE made and executed the 15th day of March 1966
 3. WITNESSETH that ELIZABETH D. KONIGSMARK, as Executrix of the Will of
 4. the undersigned, is the owner of a tract of land in said county through which a Rural Post Road or Farm to Market Road,
 5. known as project No. SUS 1385 (1), between S.R. 5
 6. and U.S. 41 has been laid out by the State Highway Department of
 7. Georgia as a part of the Rural Post Road System of Georgia, as provided in Acts of the General Assembly of Georgia of
 8. 1937, said road being more particularly described in a map and drawing of said road in the office of the State Highway
 9. Department of Georgia, Atlanta, Georgia, to which reference is hereby made.
 10. Now, therefore, in consideration of the benefit to my property by the construction or maintenance of said road, and
 11. in consideration of ONE DOLLAR (\$1.00) in hand paid, the receipt whereof is hereby acknowledged, I do hereby grant,
 12. bargain, sell and convey to said COBB County, Georgia, so much land
 13. in Land Lot No. 558, 559 of the 17th Land District or G. M. District of said County as to make a
 14. right of way for said road as surveyed and measured from the center line of the highway location as follows:
 From Sta. to Sta. a strip ft. wide side
 From Sta. to Sta. a strip ft. wide side
 From Sta. to Sta. a strip ft. wide side
 From Sta. to Sta. a strip ft. wide side

SEE ATTACHMENT

15. Said right of way is more particularly described according to a plat of the right of way through the property
 16. of Henry Konigsmark, Jr., prepared by the State Highway Department of
 17. Georgia, dated the 11th day of October 1965 and made a part of this description.
 18. Said plat is hereto attached or is on file in the office of the State Highway Department of Georgia, No. 2 Capitol Square,
 19. Atlanta, Georgia.
 20. Said right of way begins at Station _____ which is the boundary line
 21. between the lands of _____ and the undersigned party and
 22. continues to Station _____ which is the boundary line between the lands
 23. of the undersigned and _____ and totals 0.99^{1/4} Acres.

24. **CONDITIONS AND RESERVATIONS**

25. The information filled in with ink in the above description was inserted before the execution by the Grantor.
 26. AND for the same consideration, I do further grant the right to all necessary drainage in the construction and
 27. maintenance of said road constructed over the said right of way and on my lands adjacent thereto, and also release
 28. said County and State Highway Department from any claim of damage arising on account of construction of said roads
 29. or fills and embankments, ditches or culverts or bridges, on account of back water, changing of courses of streams, or
 30. in any other manner.

31. To have and to hold the said conveyed premises in fee simple.
 32. I hereby warrant that I have the right to sell and convey said land and bind myself, my heirs, executors and administrators forever to defend by virtue of these presents.

34. In Testimony whereof, I have hereunto set my hand and seal the day above written.

35. Signed, sealed and delivered in the

presence of

John A. Matthey
John A. Matthey
Notary Public

Notary Public, State of Georgia
Commission issued in Fulton County
My Commission Expires Aug. 15, 1967 Deed No. ()

Elizabeth D. Konigsmark
ELIZABETH D. KONIGSMARK, as Executrix
of the Will of Henry Konigsmark, Jr.

(L.S.)

GEORGIA, Cobb County, Clerk's Office Superior Court, L.S.
Filed for Record 22 day of March 1966
4:30 P.M. Recorded March 23, 1966
TYRE LEE TERRY, Clerk

1. GEORGIA, COBB County Project No. SUS 1385 (1) 2. THIS CONVEYANCE made and executed the 15 th day of March 1966 3. WITNESSETH that ELIZABETH D. KONIGSMARK, as Executrix of the Will of 4. the undersigned, is the owner of a tract of land in said county through which a Rural Post Road or Farm to Market Road, 5. known as project No. SUS 1385 (1), between S.R. 5 6. and U.S. 41 has been laid out by the State Highway Department of 7. Georgia as a part of the Rural Post Road System of Georgia, as provided in Acts of the General Assembly of Georgia of 8. 1937, said road being more particularly described in a map and drawing of said road in the office of the State Highway 9. Department of Georgia, Atlanta, Georgia, to which reference is hereby made. 10. Now, therefore, in consideration of the benefit to my property by the construction or maintenance of said road, and 11. in consideration of ONE DOLLAR (\$1.00) in hand paid, the receipt whereof is hereby acknowledged, I do hereby grant, 12. bargain, sell and convey to said COBB County, Georgia, so much land 13. in Land Lot No. 558, 559 of the 17th Land District or G. M. District of said County as to make a 14. right of way for said road as surveyed and measured from the center line of the highway location as follows: From Sta. to Sta. a strip ft. wide side From Sta. to Sta. a strip ft. wide side From Sta. to Sta. a strip ft. wide side From Sta. to Sta. a strip ft. wide side <p>15. Said right of way is more particularly described according to a plat of the right of way through the property 16. of Henry Konigsmark, Jr., prepared by the State Highway Department of 17. Georgia, dated the 11th day of October 1965 and made a part of this description. 18. Said plat is hereto attached or is on file in the office of the State Highway Department of Georgia, No. 2 Capitol Square, 19. Atlanta, Georgia. 20. Said right of way begins at Station _____ which is the boundary line 21. between the lands of _____ and the undersigned party and 22. continues to Station _____ which is the boundary line between the lands 23. of the undersigned and _____ and totals 0.99^{1/4} Acres.</p> <p>24. CONDITIONS AND RESERVATIONS</p> <p>25. The information filled in with ink in the above description was inserted before the execution by the Grantor. 26. AND for the same consideration, I do further grant the right to all necessary drainage in the construction and 27. maintenance of said road constructed over the said right of way and on my lands adjacent thereto, and also release 28. said County and State Highway Department from any claim of damage arising on account of construction of said roads 29. or fills and embankments, ditches or culverts or bridges, on account of back water, changing of courses of streams, or 30. in any other manner.</p> <p>31. To have and to hold the said conveyed premises in fee simple. 32. I hereby warrant that I have the right to sell and convey said land and bind myself, my heirs, executors and administrators forever to defend by virtue of these presents.</p> <p>34. In Testimony whereof, I have hereunto set my hand and seal the day above written.</p> <p>35. Signed, sealed and delivered in the</p> <p>presence of</p> <p><i>John A. Matthey</i> <i>John A. Matthey</i> Notary Public</p> <p>Notary Public, State of Georgia Commission issued in Fulton County My Commission Expires Aug. 15, 1967 Deed No. ()</p> <p><i>Elizabeth D. Konigsmark</i> ELIZABETH D. KONIGSMARK, as Executrix of the Will of Henry Konigsmark, Jr.</p> <p>GEORGIA, Cobb County, Clerk's Office Superior Court, L.S. Filed for Record 22 day of <u>March</u> 1966 4:30 P.M. Recorded <u>March 23, 1966</u> TYRE LEE TERRY, Clerk</p>
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ATTACHMENT

624

Parcel No.

7

Owner

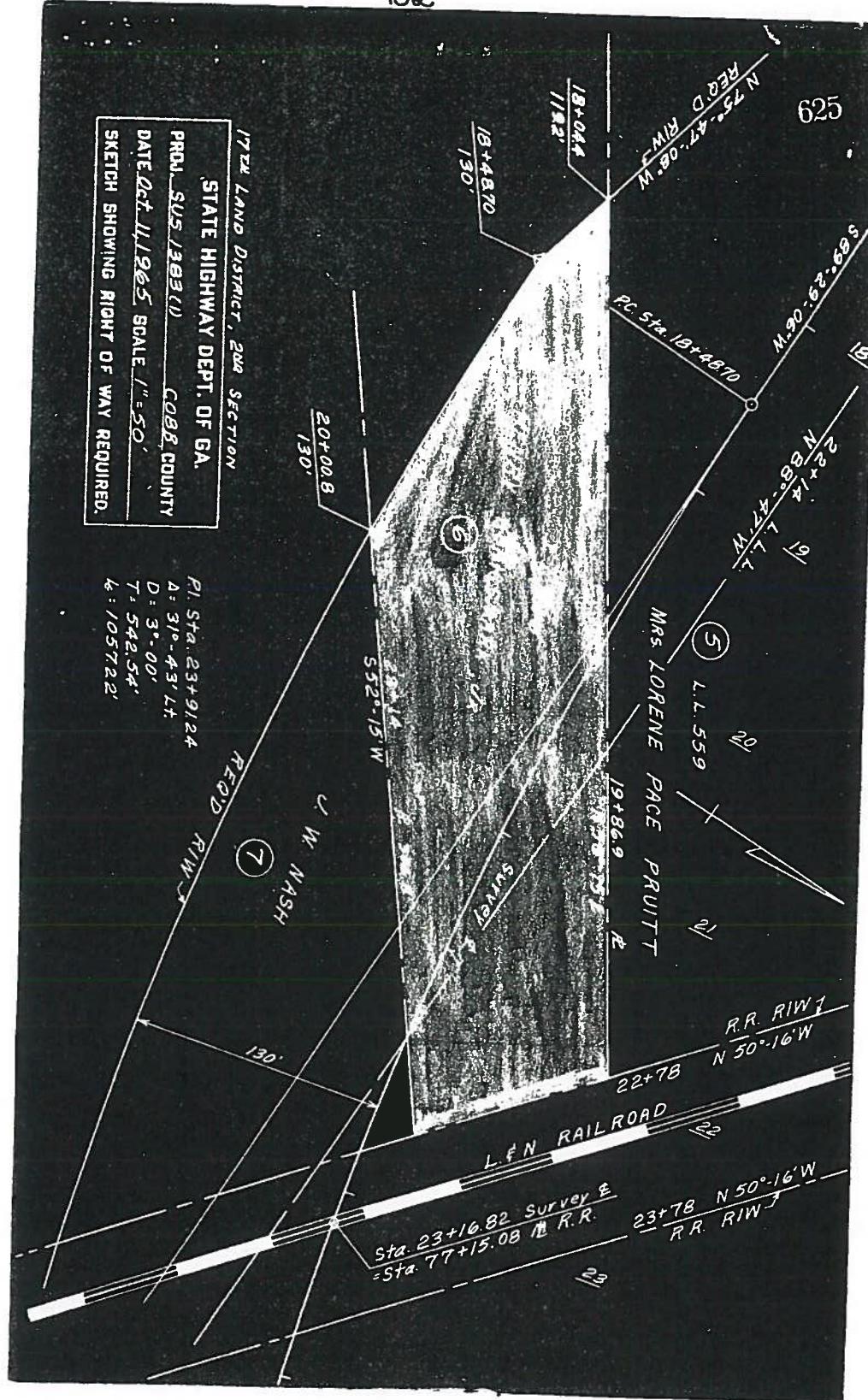
Acres

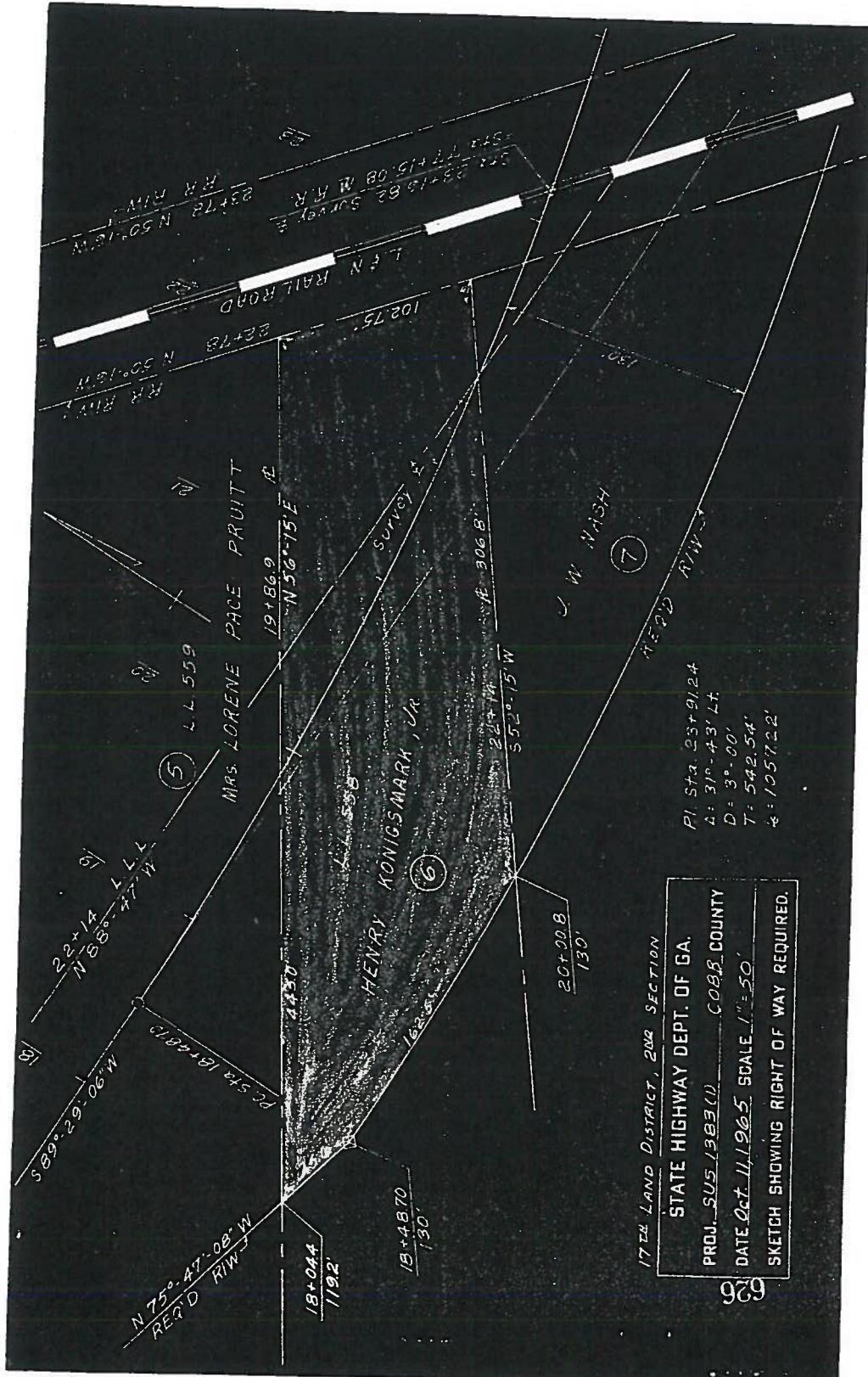
Henry Konigsmark, Jr.

0.994

ALL that tract or parcel of land lying and being in Land Lots 558 and 559 of the 17th Land District, 2nd Section of Cobb County, Georgia being more particularly described as follows:

BEGINNING at a point where the property line between the lands of the Grantor and the lands now or formerly owned by J. W. Nash intersects the southwest existing right of way line of the L & N Railroad; running thence, southwestwardly three hundred six and eight-tenths (306.8) feet along said property, crossing the survey center line of Georgia Highway Project SUS 1383 (1) at station 22+14, to a point that is one hundred thirty (130) feet south of and opposite survey center line station 20+00.8 of said project; thence, westwardly one-hundred sixty-two and five-tenths (162.5) feet along a curved line which is one hundred thirty (130) feet south of and concentric to the survey center line which is on a three ($3^{\circ} 00'$) degree curve to a point which is south of and opposite survey center line station 18+48.70 of said project; thence, northwestwardly forty-five and six-tenths (45.6) feet along a line which is established between the latter mentioned point and a point that is forty-five ($45'$) feet south of and opposite survey center line station 15+00 of said project to a point on the property line between the lands of the Grantor and the lands now or formerly owned by Mrs. Lorene Pace Pruitt, said latter point being one hundred nineteen and two-tenths (119.2) feet south of and opposite survey center line station 18+04.4 of said project; thence, northeastwardly four hundred forty-five (445.0) feet along the latter mentioned property line, crossing said survey center line at station 19+86.9 to a point on said existing right of way line of the L & N Railroad; thence, southeastwardly one hundred two and seventy-five one hundredths (102.75) feet along said railroad right of way line back to the point of beginning.





902-67

67

H.D. 118PR-Kew.

RURAL POST ROADS
RIGHT OF WAY DEED

1. GEORGIA, COBB County Project No. SUS 1383 (1)
2. THIS CONVEYANCE made and executed the 7th day of March 1966
3. WITNESSETH that ~~THE PEOPLE'S FINANCIAL CORPORATION~~ PEOPLES FINANCIAL CORPORATION
4. the undersigned, is the owner of a tract of land in said county through which a Rural Post Road or Farm to Market Road, known as project No. SUS 1383 (1) between S.R. 3
5. and U.S. 41

6. has been laid out by the State Highway Department of Georgia as a part of the Rural Post Road System of Georgia, as provided in Acts of the General Assembly of Georgia of 1937, said road being more particularly described in a map and drawing of said road in the office of the State Highway Department of Georgia, Atlanta, Georgia, to which reference is hereby made.

7. Now, therefore, in consideration of the benefit to my property by the construction or maintenance of said road, and 11. in consideration of ONE DOLLAR (\$1.00) in hand paid, the receipt whereof is hereby acknowledged, I do hereby grant, 12. bargain, sell and convey to said Cobb County, Georgia, so much land
13. in Land Lot No. 558 & 559 of the 17th Land District or G. M. District of said County as to make a
14. right of way for said road as surveyed and measured from the center line of the highway location as follows:

From Sta.	to Sta.	a strip	ft. wide	side
From Sta.	to Sta.	a strip	ft. wide	side
From Sta.	to Sta.	a strip	ft. wide	side
From Sta.	to Sta.	a strip	ft. wide	side

15. Said right of way is more particularly described according to a plat of the right of way through the property
16. of ~~THE PEOPLE'S FINANCIAL CORPORATION~~ PEOPLES FINANCIAL CORPORATION prepared by the State Highway Department of
17. Georgia, dated the 3rd day of August 1964 and made a part of this description.
18. Said plat is hereto attached or is on file in the office of the State Highway Department of Georgia, No. 2 Capitol Square, Atlanta, Georgia.
19. Said right of way begins at Station _____ which is the boundary line
20. between the lands of Existing R/W of South Atlanta Street and the undersigned party and
21. continues to Station _____ which is the boundary line between the lands
22. of the undersigned and George D. Patterson and totals 0.149 Acres.

24. CONDITIONS AND RESERVATIONS

25. The information filled in with ink in the above description was inserted before the execution by the Grantor.
26. AND for the same consideration, I do further grant the right to all necessary drainage in the construction and
27. maintenance of said road constructed over the said right of way and on my lands adjacent thereto, and also release
28. said County and State Highway Department from any claim of damage arising on account of construction of said roads
29. or fills and embankments, ditches or culverts or bridges, on account of back water, changing of courses of streams, or
30. in any other manner.

31. To have and to hold the said conveyed premises in fee simple.
32. I hereby warrant that I have the right to sell and convey said land and bind myself, my heirs, executors and administrators forever to defend by virtue of these presents.

34. In Testimony whereof, I have hereunto set my hand and seal the day above written.

35. Signed, sealed and delivered in the presence of

W. D. Patterson
W. D. Patterson
Notary Public
Notary Public, Cobb County, Georgia
My Commission Expires Aug. 14, 1966

~~THE PEOPLE'S FINANCIAL CORPORATION~~ (L.S.)
PEOPLES FINANCIAL CORPORATION

BY: *Bill Patterson* (L.S.)

BY: *W. D. Patterson* (L.S.)

Deed No. (1)
GEORGIA, Cobb County, Clerk's Office Superior Court
Filed for Record 15 day of March 1966
11:30 AM Recorded 15 Mar 1966
TYRE LEE TERRY, Clerk

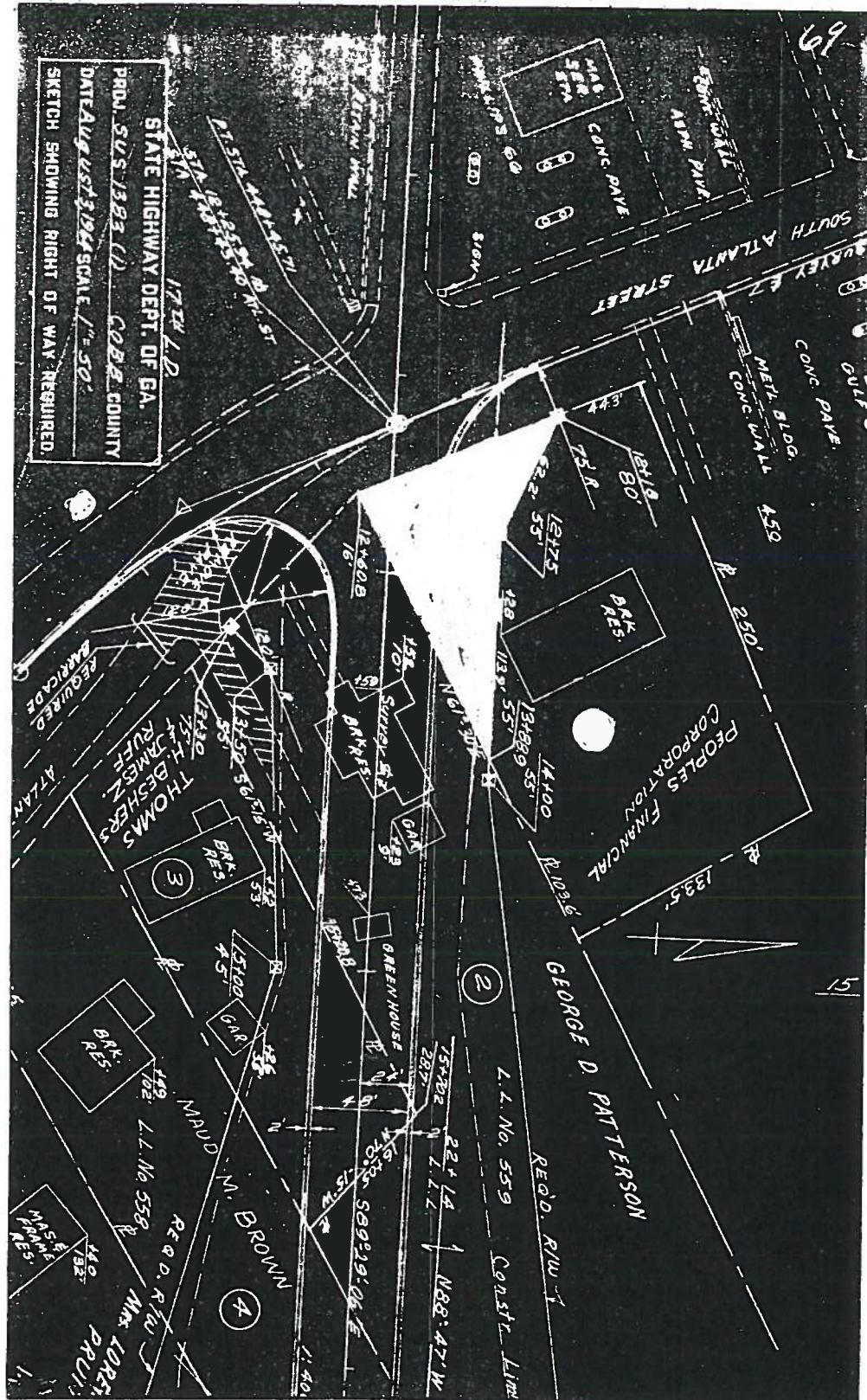
68

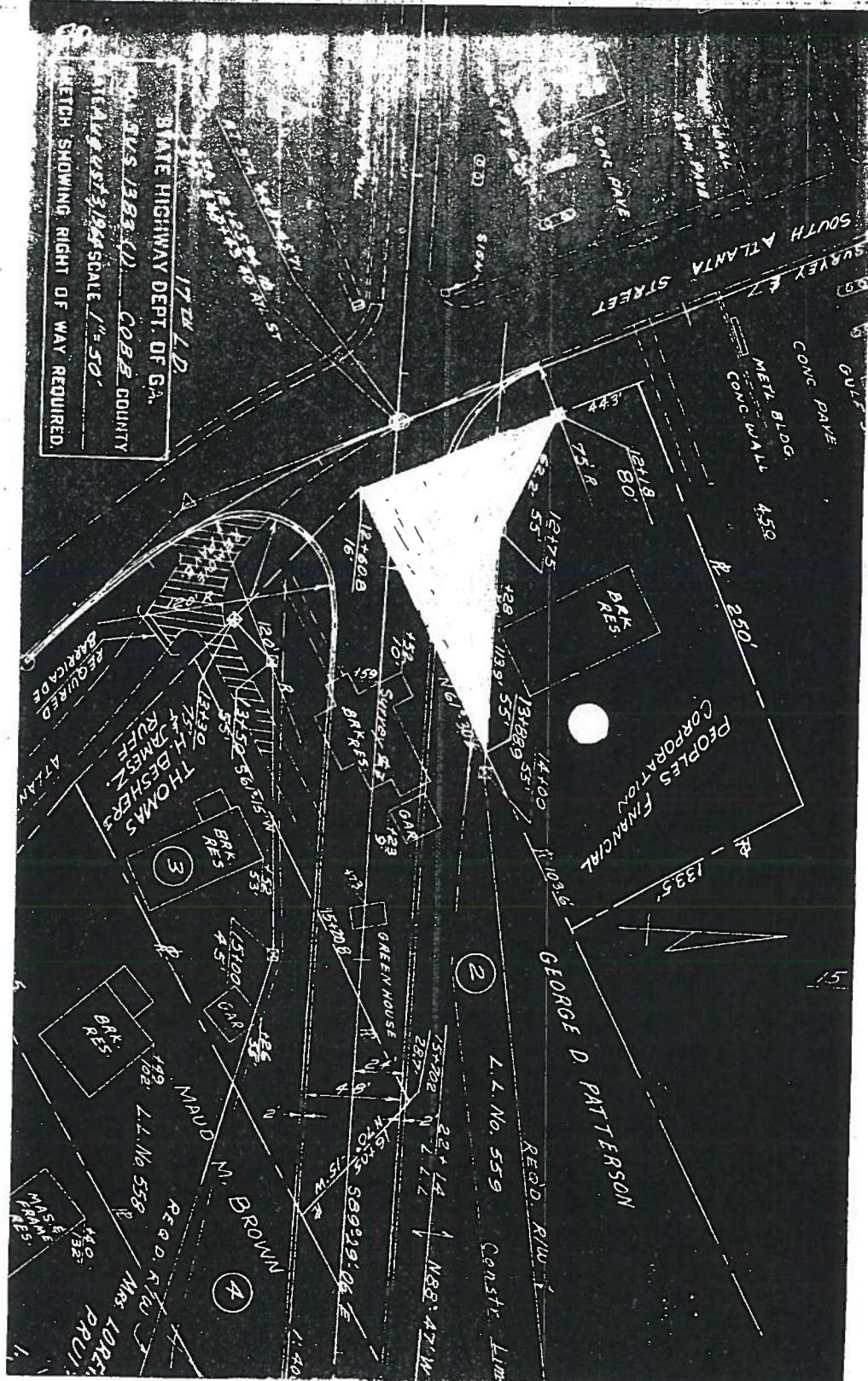
PARCEL NO.	GRANTOR	ACREAGE
1	Humble Oil and Refining Company	0.149 Ac.

ALL that tract or parcel of land lying and being in Land Lots No. 558 and 559 of the 17th Land District of Cobb County, Georgia, being more particularly described as follows:

BEGINNING at a point which is the Grantor's south property corner (16 feet right of survey center line station 12+60.8 of Georgia Highway Project SUS 1383 (1) said point of beginning being located 1464 feet south as measured along the east existing right of way line of South Atlanta Street from the southeast intersection of the existing right of way lines of South Atlanta Street and Spring Street; running thence, northwardly 105.7 feet along said existing right of way line of South Atlanta Street to a point on the left proposed right of way line of said project (80 feet left of survey center line station 12+18); thence, S 65° 48' E 62.2 feet along said proposed right of way line to a point (55 feet left of survey center line station 12+75); thence, S 89° 29' 06" E 113.9 feet along said proposed right of way line to a point on the Grantor's southeast property line (55 feet left of survey center line station 13+88.9); thence, S 61° 50' W 146.4 feet along said southeast property line to the point of beginning.

The above described tract being a part of the property conveyed by C. W. McElley to Humble Oil and Refining Company by deed dated November 6, 1962 recorded in Deed Book 670, Page 521 of the Cobb County Deed Records.





RURAL POST ROADS
RIGHT OF WAY DEED

1. GEORGIA. COBB County Project No. SUS 1383 (1)

2. THIS CONVEYANCE made and executed the 27th day of September 1965

3. WITNESSETH that George A. Brown and Maud M. Brown

4. the undersigned, is the owner of a tract of land in said county through which a Rural Post Road or Farm to Market Road,

5. known as project No. SUS 1383 (1) between S. R. 3

6. and U. S. 41

has been laid out by the State Highway Department of

7. Georgia as a part of the Rural Post Road System of Georgia, as provided in Acts of the General Assembly of Georgia of 1937, said road being more particularly described in a map and drawing of said road in the office of the State Highway Department of Georgia, Atlanta, Georgia, to which reference is hereby made.

10. Now, therefore, in consideration of the benefit to my property by the construction or maintenance of said road, and in consideration of ONE DOLLAR (\$1.00) in hand paid, the receipt whereof is hereby acknowledged, I do hereby grant,

12. bargain, sell and convey to said Cobb County, Georgia, so much land

13. in Land Lot No. 5584559 of the 17th Land District or G. M. District of said County as to make a

14. right of way for said road as surveyed and measured from the center line of the highway location as follows:

From Sta. to Sta. a strip ft. wide side

From Sta. to Sta. a strip ft. wide side

From Sta. to Sta. a strip ft. wide side

From Sta. to Sta. a strip ft. wide side

BEGINNING at a point where the Grantor's northwest property line is intersected by the survey center line of Georgia Highway Project SUS 1383 (1) at station 16 + 68; running thence, N 59° 15' E along said property line to a line which is one-hundred thirty (130) feet north of and parallel to said survey center line; thence, westwardly along said parallel line to the Grantor's southeast property line; thence, S 58° W along said southeast property line and crossing said survey center line at station 18 + 23 to a line which is established between a point which is one-hundred thirty (130) feet south of and opposite survey center line station 18 + 48.70 of said project and a point which is forty-five (45) feet south of and opposite survey center line station 15 + 00 of said project; thence, northwestwardly along said established line to the first mentioned property line; thence, N 59° 15' E along said first mentioned property line back to the point of beginning.

15. Said right of way is more particularly described according to a plat of the right of way through the property

16. of George A. Brown and Maud M. Brown prepared by the State Highway Department of

17. Georgia, dated the 3rd day of August 1964 and made a part of this description.

18. Said plat is hereto attached or is on file in the office of the State Highway Department of Georgia, No. 2 Capitol Square,

19. Atlanta, Georgia.

20. Said right of way begins at Station 16 + 68 which is the boundary line

21. between the lands of M. H. Tatum & George D. Patterson and the undersigned party and

22. continues to Station 18 + 23 which is the boundary line between the lands

23. of the undersigned and Mrs. Lorena Pace Pruitt and totals 0.742 Acres.

24. CONDITIONS AND RESERVATIONS

25. The information filled in with ink in the above description was inserted before the execution by the Grantor.

26. AND for the same consideration, I do further grant the right to all necessary drainage in the construction and maintenance of said road constituted over the said right of way and on my lands adjacent thereto, and also release of said County and State Highway Department from any claim of damage arising on account of construction of said roads or fills and embankments, ditches or culverts or bridges, on account of back water, changing of courses of streams, or in any other manner.

31. To have and to hold the said conveyed premises in fee simple.

32. I hereby warrant that I have the right to sell and convey said land and bind myself, my heirs, executors and administrators forever to defend by virtue of these presents.

34. In Testimony whereof, I have hereunto set my hand and seal the day above written.

35. Signed, sealed and delivered in the

Maud M. Brown (I. S.)

George A. Alexander (I. S.)

Julia Rosalyn Davis (I. S.)

Notary Public (I. S.)

Deed No. (I. S.)

GEORGIA, Cobb County, Clerk's Office Superior Court (I. S.)

Filed for Record, 10 day of Mar 1966 (I. S.)

at 4 o'clock P.M. Recorded, Mar 1966 (I. S.)

TYRE LEE TERRY, Clerk

902-67

67

S.D. 118PR-Kew.

RURAL POST ROADS
RIGHT OF WAY DEED

1. **GEORGIA**, **COBB** County Project No. **SUS 1383 (1)**
 2. **THIS CONVEYANCE** made and executed the **7th** day of **March** **1966**
 3. **WITNESSETH** that **XEROX EXISTING PEOPLE'S FINANCIAL CORPORATION**
 4. the undersigned, is the owner of a tract of land in said county through which a Rural Post Road or Farm to Market Road,
 5. known as project No. **SUS 1383 (1)**, between **S.R. 3**
 6. and **U.S. 41**

7. Georgia as a part of the Rural Post Road System of Georgia, as provided in Acts of the General Assembly of Georgia of
 8. 1987, said road being more particularly described in a map and drawing of said road in the office of the State Highway
 9. Department of Georgia, Atlanta, Georgia, to which reference is hereby made.

10. Now, therefore, in consideration of the benefit to my property by the construction or maintenance of said road, and
 11. in consideration of **ONE DOLLAR (\$1.00)** in hand paid, the receipt whereof is hereby acknowledged, I do hereby grant,
 12. bargain, sell and convey to said **Cobb** County, Georgia, so much land

13. in Land Lot No. **558 & 559** of the **17th** Land District or **G. M. District** of said County as to make a

14. right of way for said road as surveyed and measured from the center line of the highway location as follows:

From Sta.	to Sta.	a strip	ft. wide	side
From Sta.	to Sta.	a strip	ft. wide	side
From Sta.	to Sta.	a strip	ft. wide	side
From Sta.	to Sta.	a strip	ft. wide	side

15. Said right of way is more particularly described according to a plat of the right of way through the property
 16. of **XEROX EXISTING PEOPLE'S FINANCIAL CORPORATION** prepared by the State Highway Department of
 17. Georgia, dated the **5th** day of **August** **1964** and made a part of this description.
 18. Said plat is hereto attached or is on file in the office of the State Highway Department of Georgia, No. 2 Capitol Square,
 19. Atlanta, Georgia.
 20. Said right of way begins at Station _____ which is the boundary line
 21. between the lands of **Existing R/W of South Atlanta Street** and the undersigned party and
 22. continues to Station _____ which is the boundary line between the lands
 23. of the undersigned and **George D. Patterson** and totals **0.149** Acres.

CONDITIONS AND RESERVATIONS

25. The information filled in with ink in the above description was inserted before the execution by the Grantor.
 26. AND for the same consideration, I do further grant the right to all necessary drainage in the construction and
 27. maintenance of said road constructed over the said right of way and on my lands adjacent thereto, and also release
 28. said County and State Highway Department from any claim of damage arising on account of construction of said roads
 30. in any other manner.

31. To have and to hold the said conveyed premises in fee simple.
 32. I hereby warrant that I have the right to sell and convey said land and bind myself, my heirs, executors and administrators forever to defend by virtue of these presents.

34. In Testimony whereof, I have hereunto set my hand and seal the day above written.

36. **Signed, sealed and delivered in the**
presence of

H. W. Deasam
 Notary Public
 Cobb County, Georgia
 My Commission Expires Aug. 14, 1966

XEROX EXISTING PEOPLE'S FINANCIAL CORPORATION (L.S.)

BY: **Bell Johnson** (U.S.A.)

BY: **Eric President** (U.S.A.)

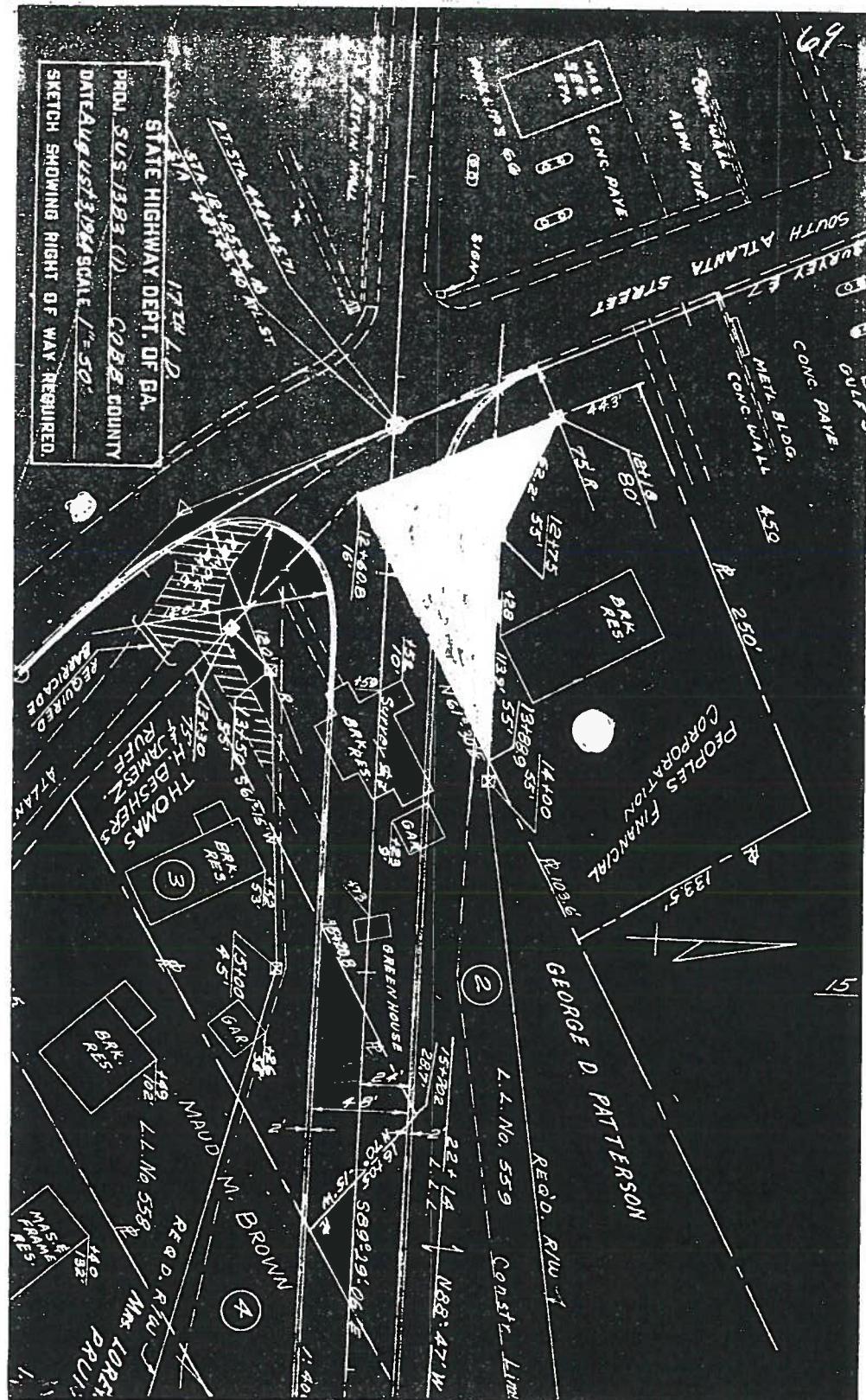
Deed No. (**1**)
 GEORGIA, Cobb County, Clerk's Office Superior Court
 Filed for Record **15** day of **March**, 1966
 11:45 o'clock A.M. Recorded **15** March, 1966
 TYRE LEE TERRY, Clerk

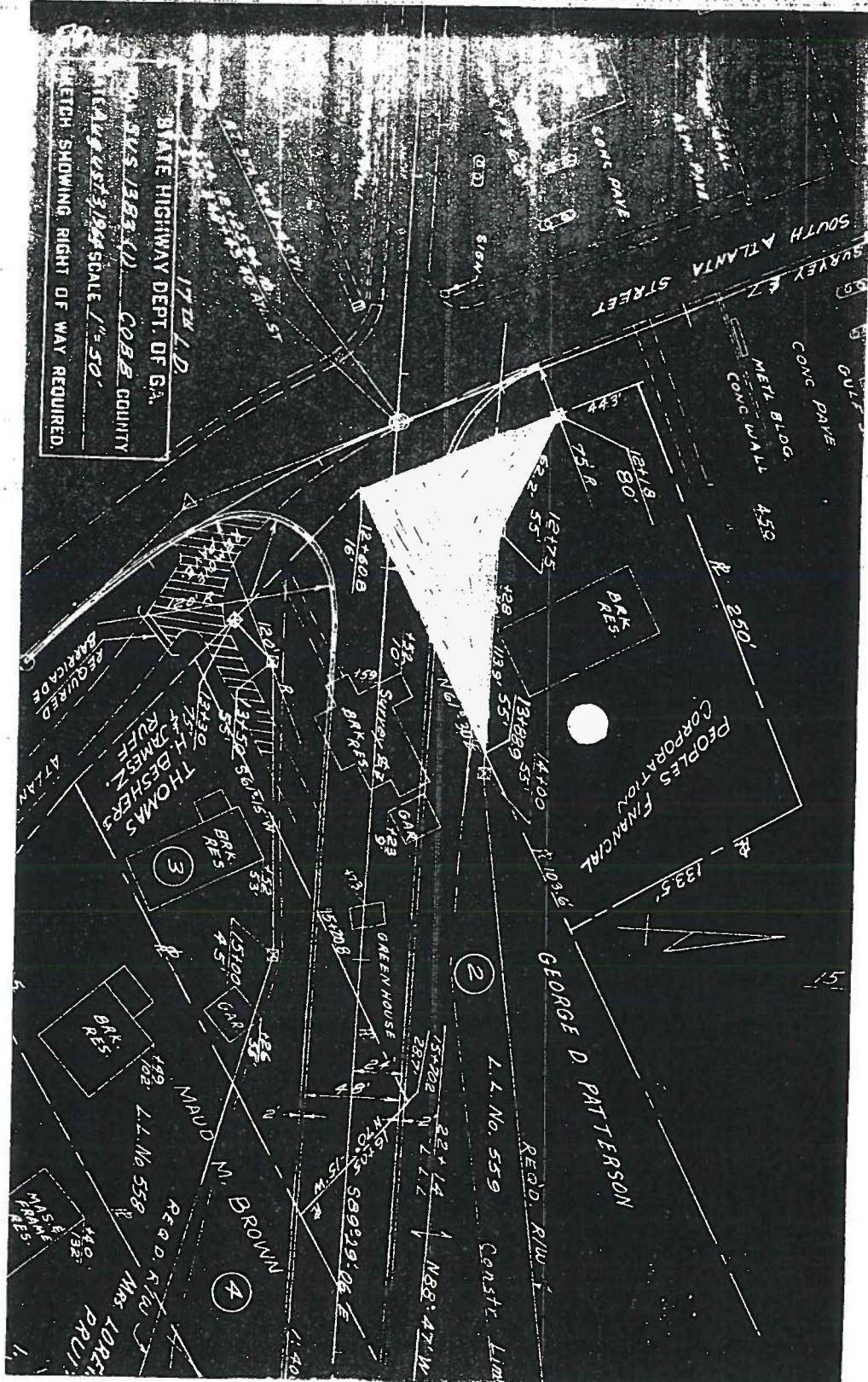
PARCEL NO.	GRANTOR	ACREAGE
1	Humble Oil and Refining Company	0.149 Ac.

ALL that tract or parcel of land lying and being in Land Lots No. 558 and 559 of the 17th Land District of Cobb County, Georgia, being more particularly described as follows:

BEGINNING at a point which is the Grantor's south property corner (16 feet right of survey center line station 12+60.8 of Georgia Highway Project SUS 1383 (1) said point of beginning being located 146⁴ feet south as measured along the east existing right of way line of South Atlanta Street from the southeast intersection of the existing right of way lines of South Atlanta Street and Spring Street; running thence, northwardly 105.7 feet along said existing right of way line of South Atlanta Street to a point on the left proposed right of way line of said project (80 feet left of survey center line station 12+18); thence, S 65° 48' E 62.2 feet along said proposed right of way line to a point (55 feet left of survey center line station 12+75); thence, S 89° 29' 06" E 113.9 feet along said proposed right of way line to a point on the Grantor's southeast property line (55 feet left of survey center line station 13+88.9); thence, S 61° 30' W 146.4 feet along said southeast property line to the point of beginning.

The above described tract being a part of the property conveyed by C. W. McNelley to Humble Oil and Refining Company by deed dated November 6, 1962 recorded in Deed Book 670, Page 521 of the Cobb County Deed Records.







Printed: 6/12/2015 12:10:26 PM

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
CHELLY McDUFFIE CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
HALPERN ENTERPRISES LNC

HALPERN ENTERPRISES INC

Payment Date: 10/15/2014

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2014	17055900350	10/15/2014	Pay: N/A or	2498.17	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$2,498.17	\$2,498.17	\$0.00



Printed: 6/12/2015 12:11:31 PM

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
CHELLY McDUFFIE CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
HALPERN ENTERPRISES LNC

HALPERN ENTERPRISES INC

Payment Date: 10/15/2014

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2014	17055900370	10/15/2014	Pay:	N/A	or
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$21,713.04	\$21,713.04	\$0.00



Printed: 6/12/2015 12:12:16 PM

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
CHELLY McDUFFIE CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
HALPERN ENTERPRISES LNC

HALPERN ENTERPRISES INC

Payment Date: 10/15/2014

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2014	17055900400	10/15/2014	Pay:	N/A or 30015.58	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$30,015.58	\$30,015.58	\$0.00



Printed: 6/12/2015 12:13:01 PM

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
CHELLY McDUFFIE CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
HALPERN ENTERPRISES LNC

HALPERN ENTERPRISES INC

Payment Date: 10/15/2014

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2014	17055900410	10/15/2014	Pay: N/A or	4873.01	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$4,873.01	\$4,873.01	\$0.00



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Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
CHELLY McDUFFIE CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer
HALPERN ENTERPRISES LNC

HALPERN ENTERPRISES INC**Payment Date: 10/15/2014**

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2014	17055900620	10/15/2014	Pay:	N/A or 702.60	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$702.60	\$702.60	\$0.00



Printed: 6/12/2015 12:14:32 PM

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
CHELLY McDUFFIE CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
HALPERN ENTERPRISES LNC

HALPERN ENTERPRISES INC

Payment Date: 10/15/2014

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2014	17055900750	10/15/2014	Pay: N/A	or 30.59	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$30.59	\$30.59	\$0.00

Real Estate Bills

View Bill

Bill Year	2014
Bill	6323
Owner	HALPERN ENTERPRISES INC
Parcel ID	17055900350

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/17/2014	\$842.72	\$842.72	\$0.00	\$0.00	\$0.00
TOTAL		\$842.72	\$842.72	\$0.00	\$0.00	\$0.00

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Real Estate Bills

View Bill

Bill Year	2014
Bill	6324
Owner	HALPERN ENTERPRISES INC
Parcel ID	17055900370

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/17/2014	\$7,324.58	\$7,324.58	\$0.00	\$0.00	\$0.00
TOTAL		\$7,324.58	\$7,324.58	\$0.00	\$0.00	\$0.00

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Real Estate Bills

View Bill

Bill Year	2014
Bill	6325
Owner	HALPERN ENTERPRISES INC
Parcel ID	17055900400

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/17/2014	\$10,125.33	\$10,125.33	\$0.00	\$0.00	\$0.00
TOTAL		\$10,125.33	\$10,125.33	\$0.00	\$0.00	\$0.00

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Real Estate Bills

View Bill

Bill Year	2014
Bill	6326
Owner	HALPERN ENTERPRISES INC
Parcel ID	17055900410

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/17/2014	\$1,643.84	\$1,643.84	\$0.00	\$0.00	\$0.00
TOTAL		\$1,643.84	\$1,643.84	\$0.00	\$0.00	\$0.00

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Real Estate Bills

View Bill

Bill Year	2014
Bill	6327
Owner	HALPERN ENTERPRISES INC
Parcel ID	17055900620

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/17/2014	\$237.01	\$237.01	\$0.00	\$0.00	\$0.00
TOTAL		\$237.01	\$237.01	\$0.00	\$0.00	\$0.00

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Real Estate Bills

View Bill

Bill Year	2014
Bill	6328
Owner	HALPERN ENTERPRISES INC
Parcel ID	17055900750

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/17/2014	\$10.32	\$10.32	\$0.00	\$0.00	\$0.00
TOTAL		\$10.32	\$10.32	\$0.00	\$0.00	\$0.00

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SURVEY NOTES

EQUIPMENT USED:
A TOPCON 223 TOTAL STATION WAS USED TO OBTAIN ANGULAR MEASUREMENTS AND DISTANCE MEASUREMENTS.

A TRIMBLE R-8 DUAL FREQUENCY GPS UNIT WAS USED FOR ESTABLISHING CONTROL. A NETWORK ADJUSTED RTK SURVEY WAS PERFORMED AND ADJUSTED BY RELATIVE POSITIONAL ACCURACY.

CLOSURE STATEMENT:
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS ACCURATE WITHIN ONE FOOT IN 396,125 FEET.

THE FIELD DATA UPON WHICH THIS SURVEY IS BASED, ARE WITHIN THE POSITIONAL TOLERANCES ALLOWED FOR ALTA/ACSM LAND TITLE SURVEYS PER THE 2011 MINIMUM TECHNICAL STANDARDS ESTABLISHED BY ALTA AND ACM AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

THE BEARINGS SHOWN ON THIS SURVEY ARE COMPUTED ANGLES BASED ON A GRID BEARING BASE (GA WEST ZONE) NAD83.

ALL HORIZONTAL DISTANCES SHOWN ARE GROUND DISTANCES.

MEASURING UNITS OF THIS PLAT ARE IN U.S. SURVEY FEET.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY TO THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT THE EXPRESS CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

TERRAMARK LAND SURVEYING, INC. DOES NOT WARRANT THE EXISTENCE OR NON-EXISTENCE OF ANY WETLANDS OR HAZARDOUS WASTE IN THE SURVEY AREA.

FIELD WORK FOR THIS PROPERTY WAS COMPLETED ON APRIL 11, 2014.

SITE INFORMATION

CURRENT OWNER: HALPERN ENTERPRISES, INC.
DB. 15152 PG. 4667

CURRENT ZONING: MU (MIXED USE DISTRICT) SEE SECTION 720 OF ZONING CODE
JURISDICTION: CITY OF SMYRNA

LOT DENSITY 4 PARCELS / 12.6258 SITE DEVELOPED ACRES (NOT INCLUDING R/W TAKE AREA) = 0.3156 LOTS PER ACRE

MINIMUM LOT SIZE 39,897 SQ FT OR 0.9159 AC

MAXIMUM LOT SIZE 211,790 SQ FT OR 4.8620 AC

AVERAGE LOT SIZE 137,495 SQ FT OR 3.1565 AC

TITLE NOTES

ACCORDING TO THE "FIRM" (FLOOD INSURANCE RATE MAP) OF COBB COUNTY, GEORGIA (PANEL NUMBER 13067C0119H), DATED MARCH 4, 2013: NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN ON THIS SURVEY.

SUBJECT PROPERTY HAS ACCESS TO THE PUBLIC RIGHTS OF WAY OF SPRING ROAD AND ATLANTA ROAD.

REFERENCE MATERIAL

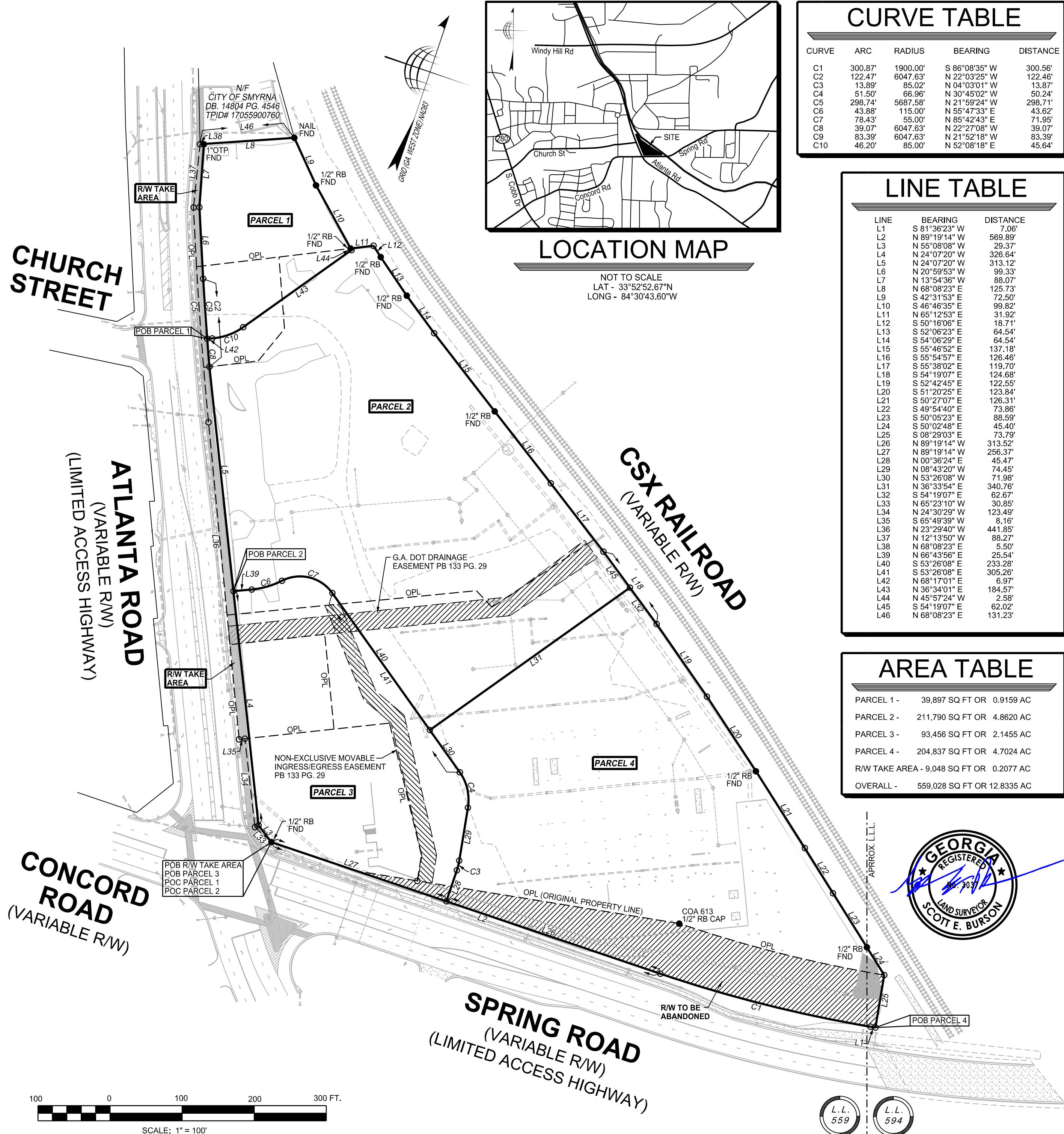
1. ALTA/ACSM LAND TITLE SURVEY
FOR HALPERN ENTERPRISES, INC. AND
FIRST AMERICAN TITLE INSURANCE COMPANY
PREPARED BY TERRAMARK LAND SURVEYING, INC.
DATED APRIL 22, 2014

2. JONQUIL - PARCEL PLAN
PREPARED BY B&C STUDIO
DATED JUNE 5, 2015 AND RECEIVED JUNE 9, 2015

SURVEYOR'S CERTIFICATE

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A 15-6-67. AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

SCOTT E. BURSON, RLS
REGISTERED NUMBER: 3037



CURVE TABLE

CURVE	ARC	RADIUS	BEARING	DISTANCE
C1	300.87'	1900.00'	S 86°08'35" W	300.56'
C2	122.47'	6047.63'	N 22°03'25" W	122.46'
C3	13.89'	85.02'	N 04°03'01" W	13.87'
C4	51.50'	66.96'	N 30°45'02" W	50.24'
C5	298.74'	5687.58'	N 21°59'24" W	298.71'
C6	43.88'	115.00'	N 55°47'33" E	43.62'
C7	78.43'	55.00'	N 85°42'43" E	71.95'
C8	39.07'	6047.63'	N 22°27'08" W	39.07'
C9	83.39'	6047.63'	N 21°52'18" W	83.39'
C10	46.20'	85.00'	N 52°08'18" E	45.64'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 81°36'23" W	7.06'
L2	N 89°19'14" W	569.89'
L3	N 55°08'08" W	29.37'
L4	N 24°07'20" W	326.64'
L5	N 20°59'53" W	99.33'
L6	N 13°54'36" W	88.07'
L7	N 68°08'23" E	125.73'
L8	S 42°31'53" E	72.50'
L9	S 46°46'35" E	99.82'
L10	N 65°12'53" E	31.92'
L11	S 50°16'06" E	18.71'
L12	S 52°06'23" E	64.54'
L13	S 54°06'29" E	64.54'
L14	S 55°46'52" E	137.18'
L15	S 55°45'57" E	126.46'
L16	S 55°38'02" E	119.70'
L17	S 54°19'07" E	124.68'
L18	S 52°42'45" E	122.55'
L19	S 51°20'25" E	123.84'
L20	S 50°27'07" E	126.31'
L21	S 49°54'40" E	73.86'
L22	S 50°05'23" E	88.59'
L23	S 50°02'48" E	45.40'
L24	S 08°29'03" E	73.79'
L25	N 89°19'14" W	313.52'
L26	N 89°19'14" W	256.37'
L27	N 00°36'24" E	45.47'
L28	N 08°43'20" W	74.45'
L29	N 53°26'08" W	71.98'
L30	N 36°33'54" E	340.76'
L31	S 54°19'07" E	62.67'
L32	N 65°23'10" W	30.85'
L33	N 24°30'29" W	123.49'
L34	N 65°49'39" W	8.16'
L35	N 23°29'49" W	441.85'
L36	N 12°13'50" W	88.77'
L37	N 68°08'23" E	5.50'
L38	N 66°43'59" E	25.54'
L39	S 53°26'00" E	233.28'
L40	S 53°26'00" E	305.26'
L41	N 68°17'01" E	6.97'
L42	N 36°34'01" E	184.57'
L43	N 45°57'24" W	2.58'
L44	S 54°19'07" E	62.02'
L45	N 68°08'23" E	131.23'

AREA TABLE

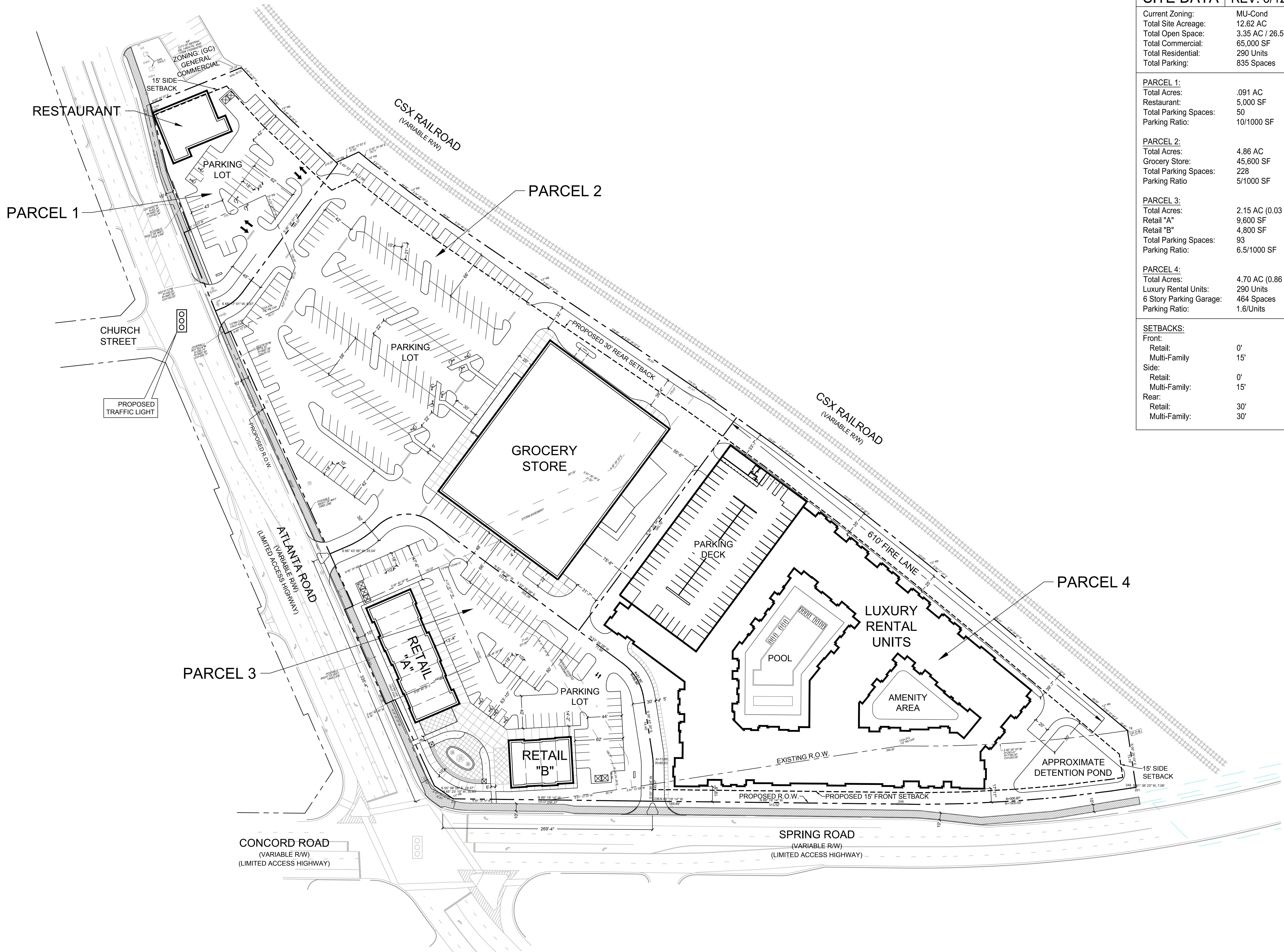
PARCEL 1 -	39,897 SQ FT OR 0.9159 AC
PARCEL 2 -	211,790 SQ FT OR 4.8620 AC
PARCEL 3 -	93,456 SQ FT OR 2.1455 AC
PARCEL 4 -	204,837 SQ FT OR 4.7024 AC
R/W TAKE AREA -	9,048 SQ FT OR 0.2077 AC
OVERALL -	559,028 SQ FT OR 12.8335 AC

RE-COMBINATION PLAT
FOR
HALPERN ENTERPRISES, INC.
(JONQUIL VILLAGE)
LOCATED IN
LAND LOTS 559 & 594, 17TH DISTRICT
CITY OF SMYRNA, COBB COUNTY, GEORGIA

RE-REGISTERED
2013
SCOTT E. BURSON
LAND SURVEYOR

SHEET NO.
1
1
DRAWING# TM 14-053D

TerraMark Land Surveying, Inc.
1336 Bell's Ferry Road
Marietta, Georgia 30066
Phone No. (770) 421-0522
www.terraMark.com
C. O. A. # LS#00870



SITE DATA

REV. 6/12/15

Current Zoning:	MU-Cond
Total Site Acreage:	12.62 AC
Total Open Space:	3.35 AC / 26.5%
Total Commercial:	65,000 SF
Total Residential:	290 Units
Total Parking:	835 Spaces

PARCEL 1:

Total Acres:	.091 AC
Restaurant:	5,000 SF
Total Parking Spaces:	50
Parking Ratio:	10/1000 SF

PARCEL 2:

Total Acres:	4.86 AC
Grocery Store:	45,600 SF
Total Parking Spaces:	228
Parking Ratio	5/1000 SF

PARCEL 3:

Total Acres:	2.15 AC (0.03 AC ROW)
Retail "A"	9,600 SF
Retail "B"	4,800 SF
Total Parking Spaces:	93
Parking Ratio:	6.5/1000 SF

PARCEL 4:

Total Acres:	4.70 AC (0.86 AC ROW)
Luxury Rental Units:	290 Units
6 Story Parking Garage:	464 Spaces
Parking Ratio:	1.6/Units

SETBACKS:

Front:

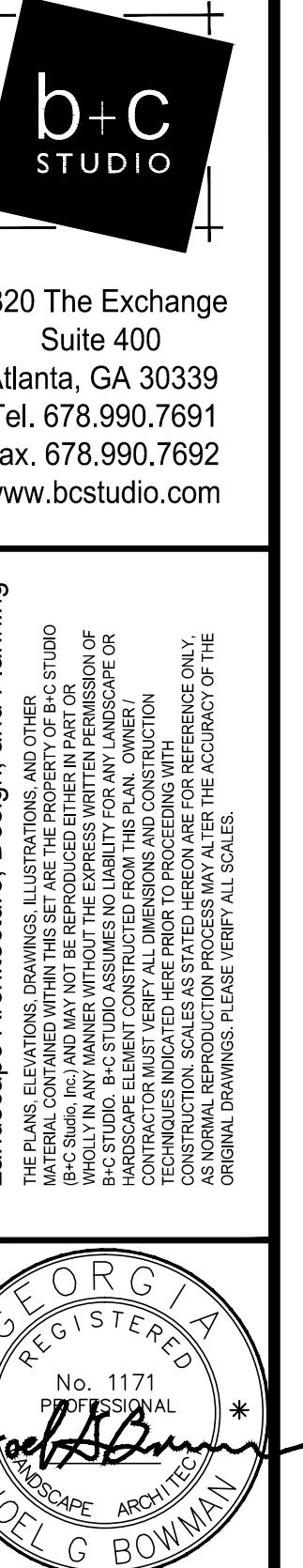
Retail:	0'
Multi-Family	15'

Side:

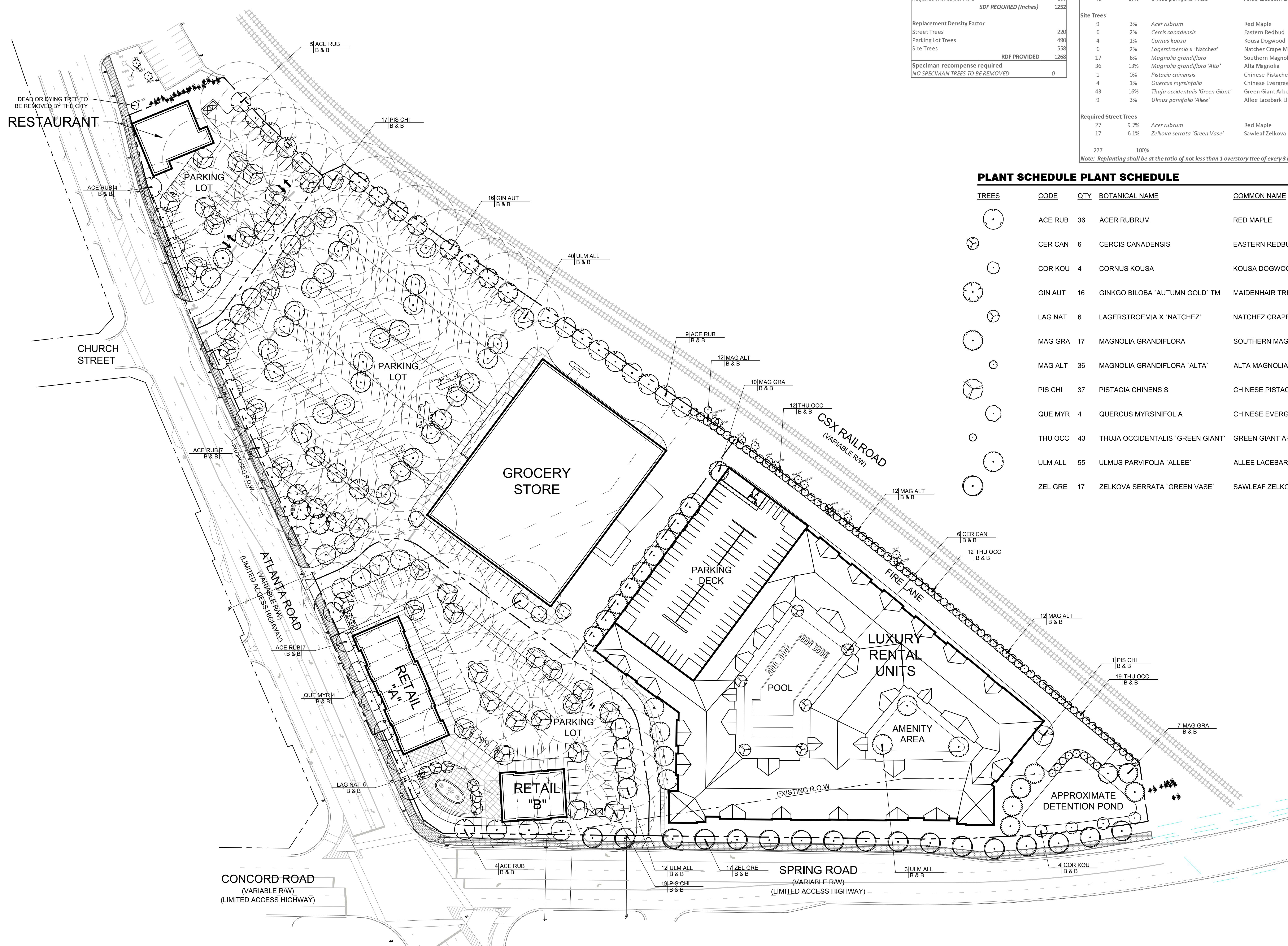
Retail:	0'
Multi-Family:	15'

Rear:

Retail:	30'
Multi-Family:	30'



CONCILE
2995 ATLANTA ROAD SE,
L.L. 559, 11TH DISTRICT, SMYRNA, GA, 30340
Prepared for: HALPERN ENTERPRISES, INC.
Client Address: 5269 BUFORD HIGHWAY, ATLANTA, GA 30340



CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT (770-319-5381) TO ARRANGE A PRECONSTRUCTION CONFERENCE PRIOR TO ANY LAND DISTURBANCE. NO PERMIT SHALL BE ISSUED UNTIL PLANS ARE APPROVED AND AN ON-SITE INSPECTION WITH CITY REPRESENTATIVES OCCURS.

THE COMMUNITY DEVELOPMENT DIRECTOR MUST INSPECT AND APPROVE THE SITE BEFORE THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

TREE SPECIES SPECIFIED ON THIS PLAN ARE SUBJECT TO AVAILABILITY. A TREE SHORTAGE IS ANTICIPATED FOR INSTALLATIONS TO OCCUR IN 2014-2015 SEASONS IN THE ATLANTA METROPOLITAN REGION. SUBSTITUTIONS OF LIKE SIZED TREES MAY BE NECESSARY.

SITE NOTES:

1. SITE DOES NOT HAVE EXISTING TREES TO BE REMOVED.
2. TREE PROTECTION IS NOT NEEDED.
3. ALL TREES MUST BE PLANTED AT LEAST 10 FEET FROM ANY UTILITY LINE.

Required Site Density Factor			
Site Data			
Site Area (Acres)			
12.68			
Detention Pond Area (Acres)			
0.16			
Net Area (Subject to density required)			
12.52			
Required Inches per Acre			
100			
SDF REQUIRED (Inches)			
1252			

Calculation Replacement Density Factor			
Site Trees			
Number			
16			
36			
46			
Percent			
6%			
13%			
17%			
Botanical Name			
Ginkgo biloba 'Autumn Gold' TM			
Pistacia chinensis			
Ulmus parvifolia 'Allee'			
Common Name			
Maidenhair Tree			
Chinese Pistache			
Allee Lacebark Elm			
Size (In)			
5			
80			
25' Min			
5			
180			
25' Min			
5			
230			
25' Min			
Total			
490			

Replacement Density Factor

Street Trees 220

Parking Lot Trees 400

Site Trees 558

RDF PROVIDED 1268

Specimen recompense required 0

NO SPECIMEN TREES TO BE REMOVED

Required Street Trees

9

3%

Acer rubrum

Red Maple

5

45

25' Min

2

12

15' Min.

4

12

12' Min.

3

18

25' Min

3

144

10' O.C.

5

85

25' Min

4

5

20

25' Min

4

172

25' Min

5

45

25' Min

Total

558

Required Street Trees

27

9.7%

Acer rubrum

Red Maple

5

135

40' Min

5

85

40' Min

Total

220

Total RDF

1268

Note: Replanting shall be at the ratio of not less than 1 overstory tree of every 3 understory trees.

PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	REMARKS
ACE RUB	36	ACE RUBRUM	ACER RUBRUM	RED MAPLE	B & B	5' CAL		
CER CAN	6	CERCIS CANADENSIS	CERCIS CANADENSIS	EASTERN REDBUD	B & B	2' CAL		
COR KOU	4	CORNUS KOSA	CORNUS KOSA	KOUSO DOGWOOD	B & B	3' CAL		
GIN AUT	16	GINKGO BILOBA 'AUTUMN GOLD' TM	GINKGO BILOBA 'AUTUMN GOLD'	MAIDENHAIR TREE	B & B	5' CAL		
LAG NAT	6	LAGERSTROEMIA X 'NATCHEZ'	LAGERSTROEMIA X 'NATCHEZ'	NATCHEZ CRAPE MYRTLE	B & B	3' CAL	SINGLE TRUNK	
MAG GRA	17	MAGNOLIA GRANDIFLORA	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	B & B	5' CAL		
MAG ALT	36	MAGNOLIA GRANDIFLORA 'ALTA'	MAGNOLIA GRANDIFLORA 'ALTA'	ALTA MAGNOLIA	B & B	4' CAL		
PIS CHI	37	PISTACIA CHINENSIS	PISTACIA CHINENSIS	CHINESE PISTACHE	B & B	5' CAL		
QUE MYR	4	QUERCUS MYRSINIFOLIA	QUERCUS MYRSINIFOLIA	CHINESE EVERGREEN OAK	B & B	5' CAL		
THU OCC	43	THUJA OCCIDENTALIS 'GREEN GIANT'	THUJA OCCIDENTALIS 'GREEN GIANT'	GREEN GIANT ARBORVITAE	B & B	4' CAL	5'-6' HT	
ULM ALL	55	ULMUS PARVIFOLIA 'ALLEE'	ULMUS PARVIFOLIA 'ALLEE'	ALLEE LACEBARK ELM	B & B	5' CAL		
ZEL GRE	17	ZELKOVA SERRATA 'GREEN VASE'	ZELKOVA SERRATA 'GREEN VASE'	SAWLEAF ZELKOVA	B & B	5' CAL		



1820 The Exchange
Suite 400
Atlanta, GA 30339
Tel: 678.990.7692
Fax: 678.990.7692
www.bcsstudio.com

Landscape Architecture, Design and Planning
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JONQUIL
2995 ATLANTA ROAD SE,
L.L. 559, 11TH DISTRICT, SMYRNA, GA 30340
Prepared for: HALPERN ENTERPRISES, INC.
Client Address: 5269 BUFORD HIGHWAY, ATLANTA, GA 30340

Date: Description:
PROJ. NO: 15-3 Halpern
DESIGN: SM
DRAWN: TW
CHECKED: SM
DATE: 06/12/2015
SCALE: NA
TREE PROTECTION PLAN
TP-01
Sheet No. 3 of 3 - Prepared by b+c studio for HALPERN ENTERPRISES, INC. on June 12, 2015 - 12:35pm

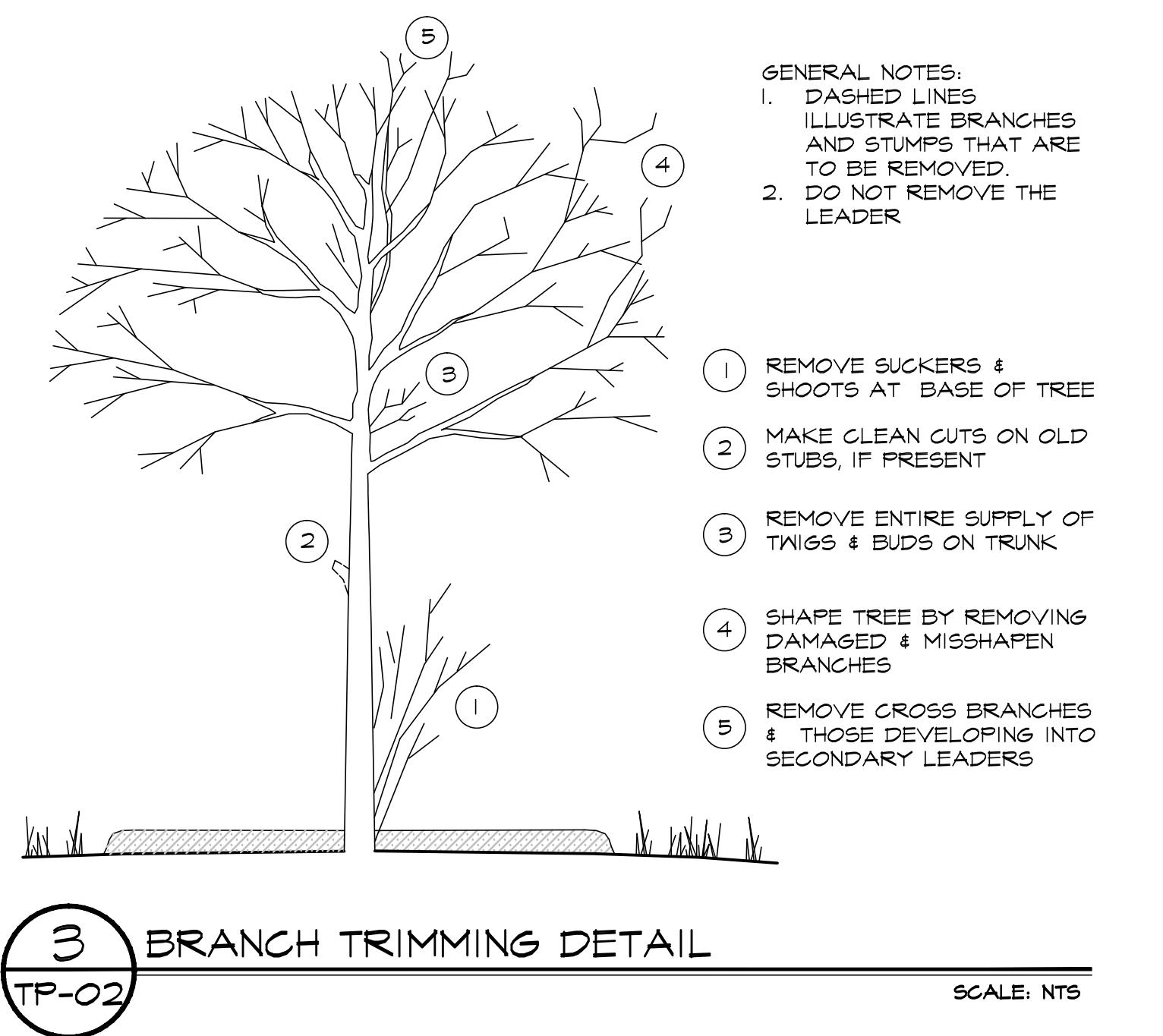
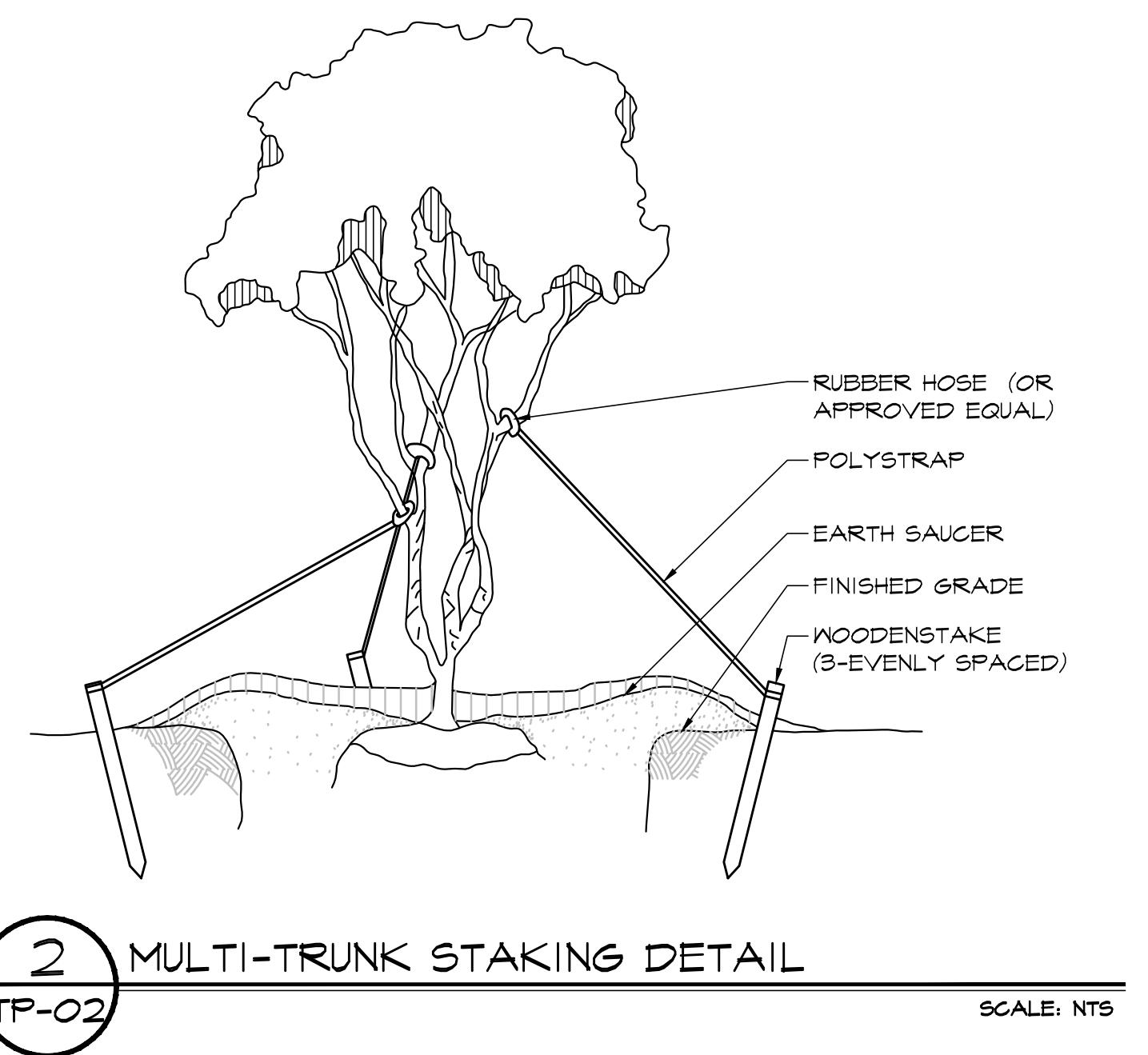
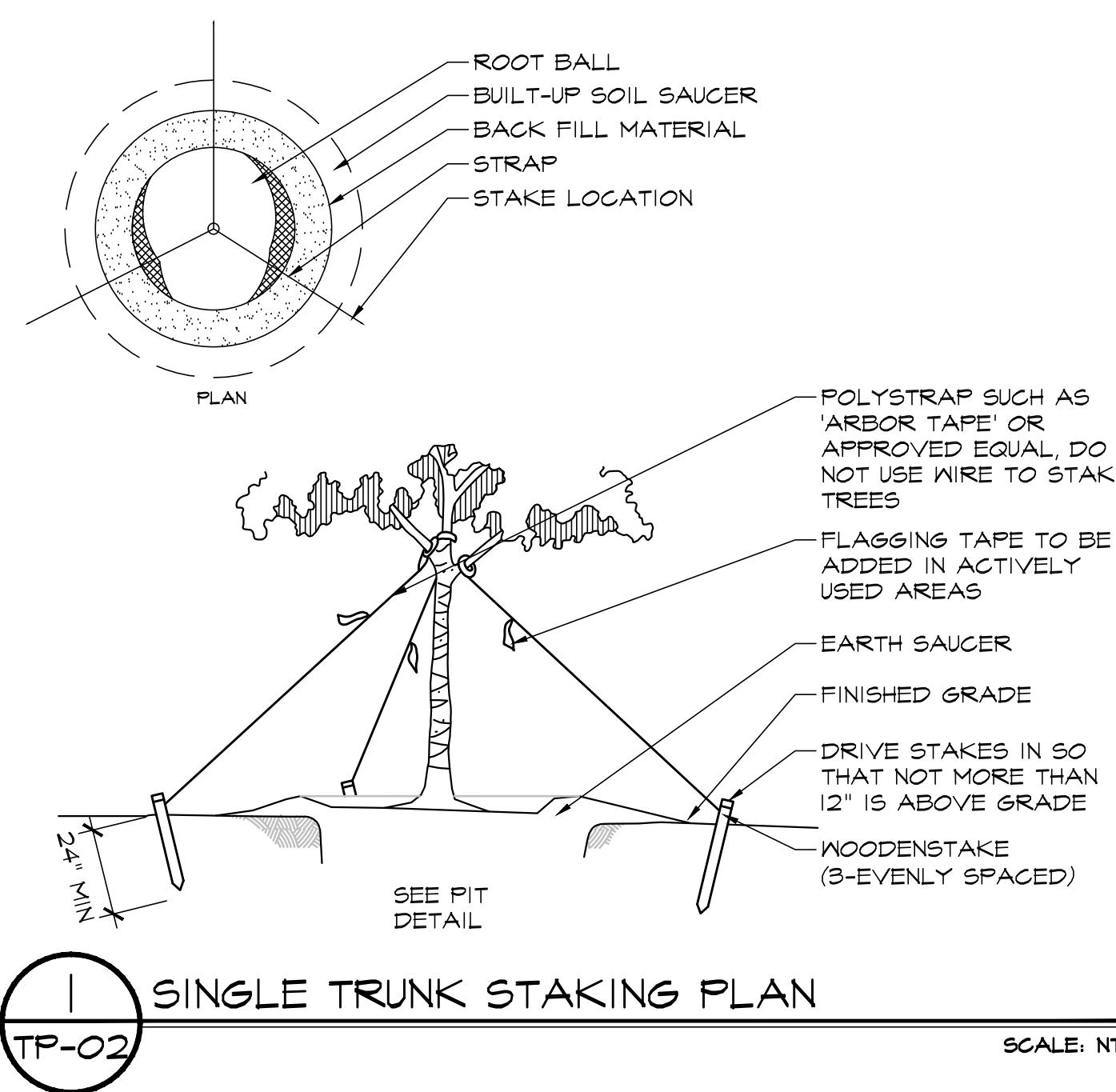
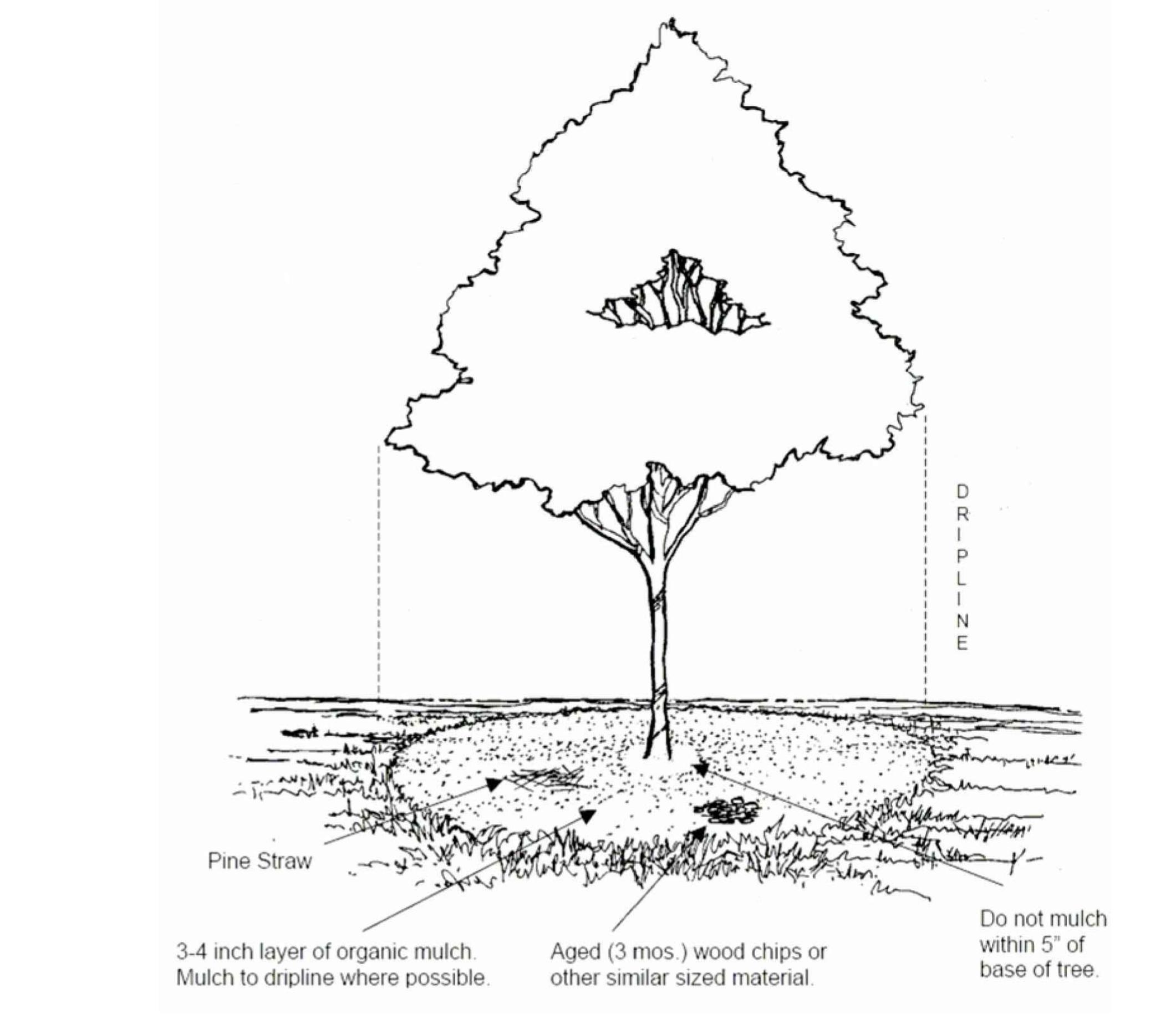
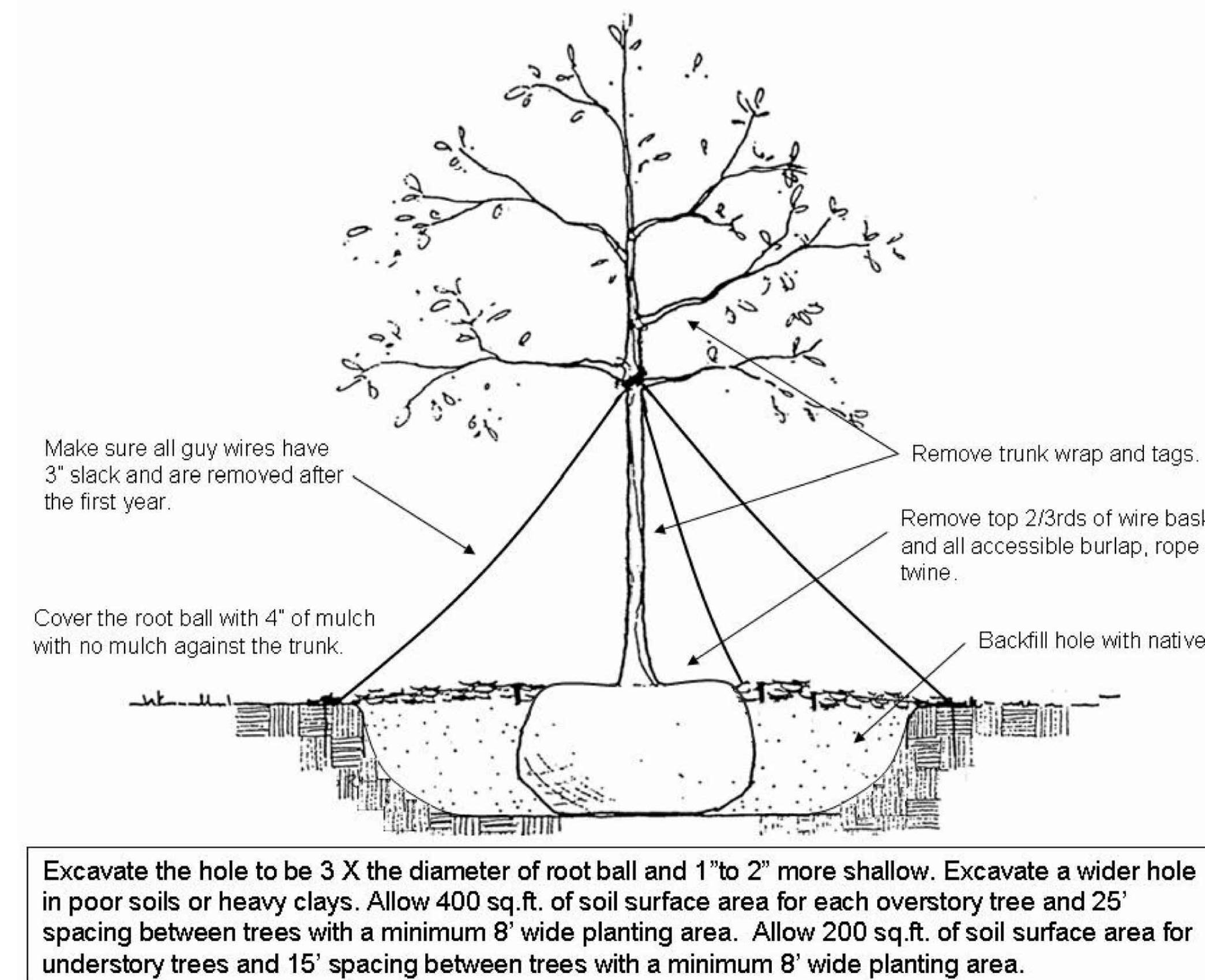


Figure 11: Tree Planting Detail



5 TREE MULCHING DETAIL

CITY OF SMYRNA LANDSCAPE NOTES:

1. TREES SELECTED FOR REPLANTING MUST NOT BE ON THE UNDESIRABLE TREE SPECIES LIST FOUND IN THE TECHNICAL STANDARDS OF THE SMYRNA TREE ORDINANCE.
 2. TREES SELECTED FOR REPLANTING MUST BE FREE FROM INJURY, PESTS, DISEASE, NUTRITIONAL DISORDERS OR ROOT DEFECTS, AND MUST BE IN GOOD VIGOR, MUST HAVE RADIALLY SYMMETRICAL BRANCHING WITH A DOMINANT LEADER, AND MUST HAVE NO LESS THAN FOUR FEET (4') BETWEEN PLANTED GRADE AND LOWEST BRANCH ON THE TRUNK FOR A TWO INCH (2") CALIPER TREE IN ORDER TO ASSURE A REASONABLE EXPECTATION OF SURVIVABILITY.
 3. STANDARDS FOR TRANSPLANTING SHALL BE IN KEEPING WITH THOSE ESTABLISHED IN THE INTERNATIONAL SOCIETY OF ARBORICULTURE PUBLICATION TREE AND SHRUB PLANTING MANUAL OR SIMILAR PUBLICATION.
 4. DEBRIS REMOVED. ALL DEBRIS FROM TREES CUT OR SUBSTANTIALLY DAMAGED SHALL BE REMOVED FROM THE SITE PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. THIS INCLUDES THE REMOVAL OF ANY PORTION OF THE TREE STUMP ABOVE THE ORIGINAL NATURAL GRADE OR ELEVATION OF LAND.
 5. AFTER COMPLETION OF A DEVELOPMENT, THE COMMUNITY DEVELOPMENT DIRECTOR (OR HIS/HER DESIGNEE) WILL CONDUCT AN INSPECTION OF THE SITE TO ENSURE COMPLIANCE WITH THE TREE REPLACEMENT PLAN.
 6. THE DEPARTMENT OF COMMUNITY DEVELOPMENT MAY MAKE UNSCHEDULED INSPECTIONS BEFORE AND DURING DEVELOPMENT TO ENSURE PROTECTION OF TREES, CRITICAL ROOT ZONES AND BUFFER ZONES.
 7. ALL NEWLY PLANTED TREES SHALL HAVE VISIBLE ROOT FLARES AT FINISHED GRADE. NO CIRCLING ROOTS SHALL BE ALLOWED ON PLANTED TREES. THE UPPER $\frac{2}{3}$ OF THE WIRE BASKET, ALL BURLAP AND STRAPPING SHALL BE CUT AND REMOVED PRIOR TO BACKFILL.
 8. TREES LESS THAN THE CALIPER INCH SHOWN WILL NOT BE ACCEPTED. I.E. 3 INCH CALIPER TREES MUST BE 3 INCHES OR LARGER.
 9. WATERING BAGS OR A DRIP IRRIGATION SYSTEM WILL BE PROVIDED FOR ALL TREES PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY. DURING FIRST YEAR, BAGS WILL BE REFILLED WEEKLY BY OWNER AND REFILLED DURING DROUGHTS FOR A MINIMUM OF 3 YEARS AFTER INSTALLATION.
 10. ALL TREE GUYS AND STAKES SHALL BE REMOVED FROM TREE ON YEAR AFTER PLANTING.
 11. A 3" LAYER OF ORGANIC MULCH WILL BE REQUIRED FOR ALL REPLACEMENT TREES. MULCH MUST BE APPLIED PRIOR TO START OF CONSTRUCTION. MULCH SHALL NOT BE PLACED DIRECTLY AGAINST THE TREE TRUNK.

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THE COMMUNITY DEVELOPMENT DIRECTOR MUST INSPECT AND APPROVE THE SITE BEFORE THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

Date:	Description:
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-	-
PROJ. NO: 15-3 Halpern	
DESIGN: SM	
DRAWN: TW	
CHECKED: SM	
DATE: 06/12/2015	
SCALE: NA	
TREE PROTECTION DETAILS	

TP-02

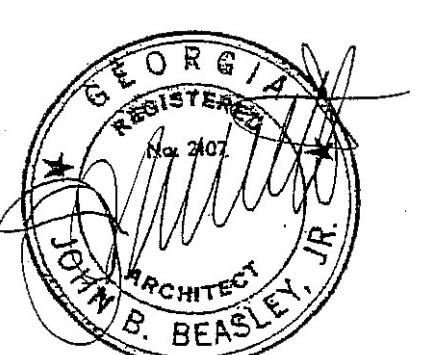


Grocery Elevation



Shops B Elevation

Shops A Elevation



11 JUNE 2015

06.08.2015





06.08.2015





gla

GLA-ATL, LLC

CONCEPTUAL BUILDING PLAN | SPRING ROAD APARTMENTS

06.11.2015

