



Rezoning, CUP and Sketch Plat Application

This form is required for submittals of all rezoning, conditional use permit (CUP) and sketch plat applications. While this application provides some information regarding the necessary requirements to submit a complete application, the full application requirements (e.g. minimum site plan requirements) can be found on the website at forsythco.com. From the main web page, please choose **Department and Offices**, next choose **Planning & Community Development** from the list, and then select **Long Range Planning Division** on the left side of the page.

A. SUBMITTAL TYPE

Application for Zoning Review

If this submittal is a revision, please specify the previously assigned application number:

B. REQUESTED ACTION: PLEASE CHECK ALL THAT APPLY (E.G. REZONING, REZONING WITH A CUP, ETC.)

☐ Rezoning ☐ Conditional Use Permit (CUP) ☒ Sketch Plat ☐ CUP for a communication tower

C. APPLICANT INFORMATION

Name: 6090 Shady Grove, LLC
Address: 410 Peachtree Pkwy, Ste 4245, Cumming, GA, 30041
Phone#: 770-235-2742 E-mail Address: mario.zelaya@gramarcorp.com

D. REPRESENTATION INFORMATION (IF APPLICABLE)

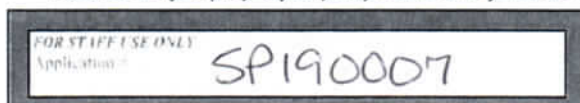
Preferred Contact: ☐ Attorney ☒ Authorized Agent

Name: Chad Lambeth
Address: 350 Research Court, Suite 200, Peachtree Corners, GA 30092
Phone#: 770-451-2741 E-mail Address: clambeth@pecatl.com

E. PROPERTY INFORMATION

Tax Map & Parcel #(s): (e.g. xxx-xxx-xxx, xxx-xxx-xxx) 258 032
Current Zoning: LR - Lake Residential District Proposed Zoning:
Proposed Use: Single-family detached residential Property Acreage: 57.124
Proposed Road Access: Shady Grove Road

Does the subject property lie partly within or adjacent to the City of Cumming? ☐ Yes ☒ No



F. DETAILS OF PROPOSED USE **FOR SHORT-TERM RENTAL APPLICATIONS, SKIP TO ITEM J BELOW**

1) Please complete if you are filing a **rezoning, conditional use permit or sketch plat** application.

a) ☒ This application contains a **residential** component. If checked, please fill out the following:

Residential Building Type	Ownership Type *** (Fee-Simple or Condominium)	# of Lots or Units	Minimum Heated Floor Area (sq. ft.)	Minimum Lot Size (sq. ft.)(If applicable)
<input checked="" type="checkbox"/> Single Family Detached	Fee Simple	60	1200	25,500
<input type="checkbox"/> Townhouses				
<input type="checkbox"/> Apartments				
<input type="checkbox"/> Condos				
<input type="checkbox"/> Other				

*** The UDC requires that condominium-style ownership be specifically identified during the zoning process. While there may be little visual difference between the finished product types, condominium style ownership means that there will not be individually-owned (i.e. fee simple ownership) property associated with a specific type of development; rather there will just be individual ownership in building space (i.e. units) with joint ownership of all property. Some developments might contain both ownership types.

The total residential density (lots and/or units) proposed with this project is **1.05** units per acre.

b) ☐ This application contains a **non-residential** component. If checked, please fill out the following:

Total Building Area (sq. ft.) # of Parking Spaces Est. Bldg. Area of Out Parcels (sq. ft.)

c) What is the total amount of proposed open space (sq. ft. or acres) included with this application?

d) Please indicate whether this project will be served by septic, county sewer, or city sewer: **Septic**

If the project will be served by either county or city sewer, please also submit the results of the required pre-application meeting.

e) Will the proposed development exceed the threshold that triggers the need for a Development of Regional Impact (DRI) review?

☐ Yes ☒ No If yes, supplemental information shall be required in addition to this application.

f) Are you filing a rezoning application to rezone to a Master Planned District (MPD)?

☐ Yes ☒ No If yes, please also submit the supplemental form "Supplemental Application - Master Planned District (MPD)", which can be found on our website at forsythco.com.

g) Are you filing an application that includes Senior Housing?

☐ Yes ☒ No If yes, please also submit the supplemental form "Supplemental Application - Senior Housing Application", which can be found on our website at forsythco.com.

h) Are you filing an application that includes self-service storage?

☐ Yes ☒ No If yes, the separation distance between self-service storage businesses shall be 3/4 of a mile or a variance is required.

i) Are you filing an application that includes a business that conducts around the clock business hours (includes business operations that require employees to work shifts to cover a 24 hour period)?

☐ Yes ☒ No If yes, a Conditional Use Permit is required.

j) Are you filing an application that includes short-term rental?

☐ Yes ☒ No If yes, a Conditional Use Permit is required.

Number of Overnight Guests Number of Daytime Guests

Number of Bedrooms # of Parking Spaces

G. REQUESTED VARIANCE(S) (SEPARATE SHEET REQUIRED FOR EACH REQUESTED VARIANCE)

1) A separate sheet is required for each variance request. The number of this variance request is:

2) Please indicate which section of the Unified Development Code (UDC) is requesting to be varied, e.g. Chapter 11, Table 11.2(a).

N/A

3) Please check the type of variance being requested:

☐ A variance of feet to allow a setback to be feet.

☐ A variance of feet to allow to be feet.

☐ Other:

4) Written Justification. Per § 8-6.3 (B), all variance requests must be accompanied by written documentation justifying the variance and explaining why it should be granted. Additional sheets can be found on the website at forsythco.com. The justification must specifically address, for each variance requested, the below criteria:

a) Describe why the variance would not negate the purpose and intent of the Unified Development Code provision?

N/A

b) Describe why the variance would not cause substantial detriment to the public safety, health, or welfare of the public, or injurious to other property?

N/A

c) Describe why the conditions of your property are unique only to the property which relief is sought and are not applicable generally to other property?

N/A

d) Describe how this property's physical surroundings (e.g. shape, size, or topographical conditions) result in an extraordinary hardship or practical difficulty (as distinguished from a mere inconvenience)?

N/A

e) Describe why the requested variance is the minimum necessary to accomplish the proposed development or building?

N/A

f) Describe how granting this variance will result in equal or greater protection to adjacent property or natural resources? (Only required if requesting a variance to a buffer or setback)

N/A

This application must be signed by the owner(s) as listed on the deed of record for the subject property. If there is more than one property owner, additional affidavits can be found on the website at forsythco.com. Only the owner or authorized agent (i.e. applicant or representing attorney) may speak on behalf of this application at the public hearing.

I/We hereby authorize the authorized agent or attorney listed on the front of this application to speak and act on behalf of the owner(s) in pursuit of the rezoning, conditional use permit, or sketch plat application on this property. I/We realize that any action granted for this property will be binding on the property regardless of ownership.

**IN THE SUPERIOR COURT OF FORSYTH COUNTY
STATE OF GEORGIA**

D.C. RHODEN, in his capacity as Executor)
of the Wendell Otwell Estate,)

Petitioner,)

vs.)

ALL THE WORLD,)

Respondent.)

Civil Action File No. 18CV1416-2

FINAL JUDGMENT AND DECREE

A Petition To Quiet Title was filed in this Court on August 9, 2018, pursuant to O.C.G.A. § 23-3-60 *et seq.* The Petition was filed by D.C. Rhoden in his capacity as Executor of the Wendell Otwell Estate. The Petition sought to quiet title in the name of D.C. Rhoden as Executor of the Wendell Otwell Estate of 57.124 acres lying in Land Lots 537, 562, and 563 in the 14th District, First Section of Forsyth County, Georgia, consisting of Tract 1 being 39.234 acres and Tract 2 being 17.890 acres (hereinafter, referred to as the "Property"). The Property is depicted on a survey dated February 9, 2018, and prepared by Nathan M. McClure, Registered Land Surveyor No. 3086, a copy of which is attached hereto as Exhibit A (hereinafter, referred to as the "Survey").

This Court appointed Kevin J. Tallant, Esq., as Special Master in accordance with O.C.G.A. § 23-3-63 by Order entered on January 11, 2019. The Special Master filed his Report on April 29, 2019, as provided under O.C.G.A. § 23-3-66.

This Court has reviewed and considered the Special Master Report as well as all pleadings and other matters of record and hereby adopts the findings and conclusions of the Special Master and determines that the relief requested in the Petition against the Property should

be GRANTED.

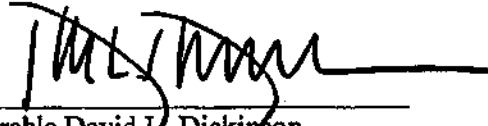
NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that pursuant to O.C.G.A. § 23-3-67, Petitioner D.C. Rhoden, in his capacity as Executor of the Wendell Otwell Estate, owns marketable title and fee simple ownership of the Property free and clear of any clouds on the title or liens or encroachments, subject only to any existing easements for public roads and highways and for public utilities.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court adopts the agreement between Petitioner and Forsyth County, Georgia specifying that Petitioner's fee simple title is subject to Forsyth County, Georgia's ownership of the public road known as Shady Grove Road being an 80' Right-of-Way running through and across the Property, and easements of Forsyth County, Georgia for rights, title, including easements for water and/or sewer over, under, and through, and/or abutting the Property pursuant to grant, deed, prescription, or other easement or interest, and subject to any ad valorem taxes currently due or due in the future to Forsyth County, Georgia on the Property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Petitioner shall pay the fees and expenses of the Special Master upon submission of a payment invoice.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court enters this Final Decree pursuant to the provisions of O.C.G.A. § 23-3-61. This Final Decree shall be recorded in the Office of the Clerk, Superior Court of Forsyth County, Georgia.

SO ORDERED, this 28th day of May, 2019.



Honorable David L. Dickinson
Judge, Forsyth County Superior Court
Bell-Forsyth Judicial Circuit

Presented by:



Kevin J. Tallant, Special Master
Georgia Bar No. 696690
MILES, HANSFORD & TALLANT, LLC
202 Tribble Gap Road, Suite 200
Cumming, Georgia 30040
(770) 781-4100
ktallant@mhhllegal.com

I. CORPORATE ENTITY AUTHORIZATION AFFIDAVIT: ADD ADDITIONAL SHEETS IF APPLICABLE

If owner or applicant is a corporate entity, provide the names of officers, directors, and stockholders if controlling 10% or more, unless the corporation has stock that is traded on a national stock exchange. Also, identify any parties having a direct financial interest in the zoning application other than the owner and applicant (e.g. developer or anticipated commercial occupant). If such additional parties having a direct financial interest are corporations or companies, then provide the names of officers, directors, company members, stockholders with 10% ownership or greater, unless the corporation has stock that is traded on a national stock exchange. In the event that public disclosure of the developer or commercial occupant may cause such developer or occupant to withdraw from pursuing a project due to competition, trade secret, or proprietary business concerns, then an affidavit affirmatively declaring such shall be tendered with the application and in that event only the owner and or authorized applicant shall be identified.

If there is more than one corporate entity, additional affidavits can be found on the website at forsythco.com.

I am a duly authorized officer/member of the 6090 Shady Grove, LLC, [corporate entity].

The 6090 Shady Grove, LLC, [corporate entity]

is the owner of the property seeking rezoning, conditional use and/or sketch plat approval and I am fully vested with authority to act on behalf of the 6090 Shady Grove, LLC, [corporate entity]

in submitting this application. In making this representation, I acknowledge that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state, shall upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

Name of Corporate Entity: 6090 Shady Grove, LLC,

Name of Officer(s), Director(s) and/or Stockholder(s) Percentage of Controlling Financial Interest

<u>Mario Zelaya</u>	

J. APPLICANT CERTIFICATION: PLEASE READ AND INITIAL THE FOLLOWING 9 STATEMENTS

MZ 1) I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on the Planning Commission and/or Board of Commissioners agenda for a public hearing.

MZ 2) I understand that my request will be rejected if all the necessary information and/or requirements are not presented.

MZ 3) I understand that I have an obligation to present all necessary information required by the Unified Development Code to enable the Planning Commission and/or Board of Commissioners to make an informed determination on my request. I will seek advice of Planning Staff or an attorney if I am not familiar with the zoning and land use requirements.

MZ 4) I understand that my request will be acted upon at the Planning Commission and/or Board of Commissioners public hearing and that I am required to be present or to be represented by the authorized representative as indicated on this application, so that someone is available to present all facts and answer questions. I understand that failure to appear at a public hearing may result in the postponement or denial of my request. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Forsyth County.

MZ 5) The Unified Development Code (UDC) of Forsyth County requires the landowner, applicant, or authorized representative to place an orange public participation sign(s) on the subject property during the entire Applicant Work Time. In order to insure that the correct information is included on the public participation sign(s), the Planning and Community Development Department will prepare the sign(s) and present it/them to the applicant at the Zoning Review Meeting. It is the applicant's responsibility to place the sign(s) on the subject property and to maintain the sign(s) during the entire duration of the Applicant Work Time, where the term "maintain" means that any and all meetings and/or application changes shall be updated on the sign(s), and that the sign(s) shall remain standing and readable until an application is withdrawn or the proposal is submitted for Board Consideration. A signed affidavit with a dated photo of each sign(s) placing said sign(s) against a verifiable property landmark shall be submitted to the Planning and Community Development Department within two (2) business days after the Zoning Review Meeting. Failure to submit the affidavit shall result in the public participation report being incomplete and the submittal for Board Consideration not being accepted until all posting requirements are complete.

MZ 6) The Unified Development Code (UDC) of Forsyth County requires that the yellow public hearing sign(s) be placed on the subject property at least twenty-one (21), but not more than forty-five (45) days prior to the public hearing. In order to insure that the correct information is included on the public hearing sign(s) and that it/they is/are posted within the specified time frame, the Planning and Community Development Department will prepare the sign(s) and post it/them on the subject property by replacing the already posted orange public participation sign(s) with the yellow public hearing sign(s). Once the yellow public hearing sign(s) is/are posted, it is the applicant's responsibility to maintain the sign(s) until an application is withdrawn or a decision is rendered by the Board of Commissioners. The term "maintain" means that the sign(s) shall remain standing, be readable, and be updated regarding any changes in the date of the public hearing. The applicant shall be responsible for removal of all public notice signs within three (3) days of the final motion or date of withdrawal. Failure to do so will result in a fine of one hundred dollars (\$100) per day until the sign(s) is/are removed.

MZ 7) The Forsyth County Tree Preservation and Replacement Ordinance requires that all zoning applications submitted to the Department of Planning and Community Development include the following sworn statement: "I hereby swear, under oath, that the property shown on attached plats and site plan has not been clear cut within three years prior to the zoning application date and that the property will not be clear cut prior to a decision by the Board of Commissioners on the zoning. I hereby understand that any property that has been clear cut within three years prior to the date of this application, shall not be eligible for rezoning for a period of three years from the date said property was clear cut. Clear cut is defined as a timber harvest performed in one cutting operation with any remaining trees having no merchantable value or forestry management purpose."

MZ 8) In the event this zoning application is approved, please be aware that such approval shall not be deemed, and is not, a commitment or guarantee by Forsyth County as to the availability of sewer capacity and/or county water; nor shall this approval be construed as a commitment by Forsyth County to assist the developer with sewer easement acquisition. The developer shall be required to independently secure all necessary sewer easements. All sewer capacity agreements must be approved by the Forsyth County Board of Commissioners.

MZ 9) Please list the name(s) and dollar amount of any campaign contribution or gift (for gifts greater than \$100) made to any Forsyth County elected official during the two years immediately preceding the filing of this application. If the applicant is a business, then such disclosure shall pertain to contributions made on behalf of the business as well as on behalf of the individual representing the business for purposes of this application submittal.

Please indicate the name of the elected official, date of gift, and dollar amount of any gift or contribution:

\$0.00

J. APPLICANT CERTIFICATION - CONTINUED

47 10) As the property owner or duly authorized agent of the property owner, I hereby certify that as of the date signed below [check one]:

- ☒ I have not requested and have no present intention of requesting any form of economic development assistance, that may include but not be limited to tax abatements, bond funding, or other financial inducements related to the development that is the subject of this land use application, from either Forsyth County, the Cumming-Forsyth County Chamber of Commerce, and/or the Forsyth County Development Authority; or
- ☐ I have requested or have a present intention to request economic development assistance, that may include but not be limited to tax abatements, bond funding, or other financial inducements related to the development that is the subject of this land use application, from either Forsyth County, the Cumming-Forsyth County Chamber of Commerce, and/or the Forsyth County Development Authority.

The undersigned has personally appeared before me, a Notary Public, and states upon oath and by initialling, that he/she has read, understands, and agrees to comply with each of the above nine (10) applicant certifications.

Printed Name of Applicant: Mario Zelaya Date: Jun 13, 2019

Signature of Applicant: [Signature] Date: Jun 13, 2019

Signature of Notary: [Signature] Date: June 13, 2019



K. SIGN ORDINANCE ACKNOWLEDGEMENT

By signing below, applicant acknowledges and affirms that prior to submission of this application, applicant has read and reviewed the County regulations applying to such application, including the Forsyth County Sign Ordinance, and agrees to comply with the provisions of the Code.

Name: Mario Zelaya

Signature of Applicant: [Signature] Date: June 13, 2019

L. APPLICANT WITHDRAWAL (ONLY SIGN IF OFFICIALLY WITHDRAWING APPLICATION REQUEST)

Signature of Applicant: _____ Date: _____



Forsyth County Department of Water and Sewer

July 1, 2019

Haley Todd
Planners & Engineers Collaborative
350 Research Court
Peachtree Corners, GA 30060

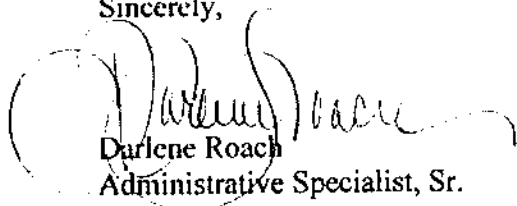
RE: Proposed Property on Shady Grove Rd - Map & Parcel # 258-032

To Whom It May Concern:

Water service is supplied by an 8" water line on Shady Grove Road. Forsyth County does not guarantee that adequate fire or domestic water flows are available for development. Any improvements to the Forsyth County water system required to provide adequate fire-flow, shall be done at the expense of the developer.

Sewer service is not currently available from Forsyth County. If further information is needed, please contact me at 770 886-2792.

Sincerely,



Darlene Roach
Administrative Specialist, Sr.



Planning ■ Landscape Architecture ■ Civil
Engineering ■ Land Surveying ■ Water Resources
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7/3/2019

Forsyth County Department of Planning & Community Development
110 E. Main Street, Suite 100
Cumming, Georgia 30040

Re: **Sketch Plat Application - Sewage Disposal**
The Ascent (6090 Shady Grove Rd)
Planners and Engineers Collaborative, Inc. Project No. 18216.00

Dear Planning & Community Development Officials,

The proposed development will be served by Forsyth County for water service, but sanitary sewer for the site will be provided through individual lot septic tanks with independent sewer drain fields. The proposed sewage disposal system will conform to the requirements of the Forsyth County code. The sewer line will not be tied into a public system, so the connection and availability of sewer capacity will not need to be analyzed. We understand that coordination with the Forsyth County Health Department will be required moving forward.

Thank you for your time and assistance.

Sincerely,

Chad Lambeth
Planners and Engineers Collaborative, Inc.
clambeth@pecatl.com
678.684.6215

7/3/2019

Forsyth County Department of Planning & Community Development
110 E. Main Street, Suite 100
Cumming, Georgia 30040

Re: **Sketch Plat Application – Written Evaluation**
The Ascent (6090 Shady Grove Rd)
Planners and Engineers Collaborative, Inc. Project No. 18216.00

Dear Planning & Community Development Officials,

This statement is intended as the written evaluation as required by the Forsyth County Unified Development Code, Section 8-5.4(D). The applicant is submitting this sketch plat to remove existing zoning conditions that inhibit the full use of the property and to create a plat of the property that allows the applicant full use of the site. This approval would allow the applicant to develop the site within the parameters established by the Lakes Residential zoning district, as described in the Forsyth County UDC.

Description of Proposal

The property is located at 6090 Shady Grove Road, which is currently zoned LR: Lakes Residential. The proposed sketch plat approval would facilitate the development of a new, 60-lot single-family residential development. The proposed development would be fully compliant with the provisions under the Lakes Residential standards set forth in the Forsyth County Unified Development Code, and would need no additional modifications or variances to facilitate the development. The development would feature cottage-style homes on approximately 25,500 square foot lots. There would be a community emphasis on 'wellness', which is reflected in the development's design: ample open space and recreational opportunities, including a 'wellness walk' (made of natural materials) that traverses the entire development. The development's design also pays careful respect to the abundance of natural features on and around the site, including the two streams that cross the property. Final architecture has not been decided for the development at this time, but it will be a mixture of high-quality materials including stone and brick. Shady Grove Road is the primary vehicular access to the property, and splits the parcel diagonally into two halves. The interior roads of the development will be private and the community will be gated. The lots on both sides of the development are laid out in such a way that the homes would create a unified, pleasing frontage along Shady Grove Road. Lots would be accessed from the internal, private street/alleyway. The lots forming the interior common space on the western side of the development would front the 'wellness walk', meaning that they gain driveway access from the 'rear' which is fed by the same private street/alleyway. The development would also feature the 50' exterior setback as required by the zoning district and a 25-foot undisturbed buffer to screen surrounding properties.

Compliance with Comprehensive Plan and UDC

The Forsyth County Comprehensive Plan designates the property as being located within the Lanier Character Area. The proposed use of the site, single-family detached cottage-style homes on 25,500 square foot lots, is compatible with the Plan's vision for low-to-medium-density infill residential to occur in these areas. The size and scale of the cottage-style homes would be compatible with that of nearby residential uses. As previously mentioned, the development would meet all performance standards specified in the LR zoning district regulations, and would not require additional variances.

Impacts on Local Population Density Pattern and Public Infrastructure

A) Public Roads



Permanent access to the development will be from two entrances on either side of Shady Grove Road. As mentioned, all of the development's interior streets, alleys, and driveways will be privately-owned and maintained. Access and traffic are not an anticipated problem from this development. Although this development will not be age-restricted, the Applicant anticipates that the development will attract senior residents, who in general generate less traffic than other demographics. The developer will coordinate curb cuts, deceleration lanes and other improvements with the County.

B) County School System

Mentioned above, although this development will not be age-restricted, the Applicant anticipates that the development will attract senior residents, therefore an excess burden on the County school system is not anticipated.

C) Water and Waste Water Systems

The Applicant is aware that sanitary sewer is not available at this location, and plans to incorporate septic tanks and drain fields for each property. The Applicant is also aware that the septic tanks will require coordination with the Forsyth County Health Department. The Applicant does not anticipate that the development will overburden the existing 8" water line along Shady Grove Road, and understands that any required improvements will be done so at the Applicant's expense.

D) Utilities

The impact on public utilities is anticipated to be minimal. The applicant will install utility lines within the development to serve the project on an as-needed basis.

E) Environmental Impact

Mentioned before, this Sketch Plat application is compliant with all of the requirements specified in the Forsyth County UDC. Therefore, it is the Applicant's opinion that all measures necessary have been taken to ensure that the environmental impact as a result of this development is minimal. The proposal includes natural materials where possible, and the development has been designed around the constraints of the natural features. There development design includes stormwater management ponds and erosion control considerations.

The Applicant will submit plans detailing the development for approval by the Forsyth County Department of Planning & Community Development, the Forsyth County Department of Engineering, the Forsyth County Department of Water & Sewer, the Forsyth County Health Department, and any other appropriate governmental agencies, based on conformity with subdivision and zoning requirements, as well as other applicable ordinances, statutes and regulations.

Sincerely,

Chad Lambeth
clambeth@pecatl.com
Planners and Engineers Collaborative, Inc.
678.684.6215



GEORGIA
CORPORATIONS
DIVISION

GEORGIA SECRETARY OF STATE
**BRAD
RAFFENSPERGER**

[HOME \(/\)](#)

BUSINESS SEARCH

BUSINESS INFORMATION

Business Name:	6090 Shady Grove, LLC	Control Number:	18003883
Business Type:	Domestic Limited Liability Company	Business Status:	Active/Noncompliance
NAICS Code:	Real Estate and Rental and Leasing	NAICS Sub Code:	Other Activities Related to Real Estate
Principal Office Address:	112 North Main Street, Cumming, GA, 30040, USA	Date of Formation / Registration Date:	1/8/2018
State of Formation:	Georgia	Last Annual Registration Year:	NONE

REGISTERED AGENT INFORMATION

Registered Agent Name: **Putnam C Smith**

Physical Address: **112 North Main Street, Cumming, GA, 30040, USA**

County: **Forsyth**

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7/3/2019

Forsyth County Department of Planning & Community Development
110 E. Main Street, Suite 100
Cumming, Georgia 30040

Re: **Sketch Plat Application – Public Participation Letter**
The Ascent (6090 Shady Grove Rd)
Planners and Engineers Collaborative, Inc. Project No. 18216.00

Dear Planning & Community Development Officials,

The following is the Applicant's proposed public participation plan:

A) This public participation plan is submitted as required by the Unified Development Code of Forsyth County, and is attached and incorporated as a part of the Applicant's Forsyth County sketch plat application.

B) People who will be notified of this application are:

1. Adjacent and nearby residents and property owners located within 500 feet of the subject property. The Forsyth County Department of Planning and Community Development will provide a list of the adjacent and nearby residents and property owners who must be notified.
2. Interested parties – all persons on Forsyth County's official interested parties list
3. Political Jurisdictions:
 - a. Board of Commissioners – District 5, Commissioner Laura Semanson
4. Public agencies – all involved departments of the Forsyth County Government
5. Homeowner associations for neighborhoods located within 500 feet of any part of the subject property. The Forsyth County Department of Planning and Community Development will provide a list of the homeowner associations that must be notified.

C) Notification of interested and potentially affected parties:

1. All parties identified in Section B will be notified of this application as follows:
 - a. Groups 1 and 2 will be informed by the public participation letter, public participation meeting notification sign, public participation meeting, the public hearing notification sign, the public hearing, and if requested, additional group or individual meetings. Attached is a draft copy of the public participation letter.
 - b. Group 3 will be informed by the public participation letter, meeting, or combination thereof.
 - c. Group 4 will be informed through the rezoning process and staff review.
 - d. The Department of Planning and Community Development will notify groups 2, 3, and 4 of this application in accordance with UDC Section 8-5.5(C)(2)(a).
 - e. Group 5 will be informed by the public participation letter, the public participation meeting notification sign, public participation meeting, the public hearing notification sign, the public hearing, and if requested, additional meetings.
2. Any modifications to the application will be performed in accordance with the requirements of the UDC.

D) All interested and potentially affected parties will be encouraged to discuss with the applicant representatives any questions, concerns, or other issues prior to the public hearing by way of private/group meetings, letters,



telephone calls, emails, or other appropriate means. Public questions, concerns, or other issues will be addressed as they arise.

E) Completion of this plan will be accomplished prior to the public hearing. A written public participation report outlining the results of this plan's implementation will also be submitted prior to the public hearing.

F) The Applicant will keep the Department of Planning and Community Development informed as to the status of its public participation efforts through letters, emails, telephone calls, and/or meetings as required by the UDC.

Sincerely,

Chad Lambeth
Planners and Engineers Collaborative, Inc.
clambeth@pecatl.com
678.684.6215



Planning ■ Landscape Architecture ■ Civil
Engineering ■ Land Surveying ■ Water Resources
"WE PROVIDE SOLUTIONS"

[DATE]

Re: **Sketch Plat Application (SP _____)**
The Ascent (6090 Shady Grove Rd)
Planners and Engineers Collaborative, Inc. Project No. 18216.00

Dear Neighbors:

In an effort to foster community accord, 6090 Shady Grove, LLC would like to inform interested property owners that a Sketch Plat application has been submitted on August 2, 2019 to the Forsyth County Department of Planning and Community Development.

We are seeking a sketch plat approval that would allow for a new single-family residential subdivision consisting of 60 homes on approximately 58 acres at 6090 Shady Grove Road, Cumming, Georgia 30040 (Tax Parcel 258-032). The sketch plat has been created in conformance with the existing Lakes Residential zoning district regulations. Enclosed is a copy of the proposed site plan depicting the property. Additional information regarding this application can be found at <http://estatus.forsythco.com>.

A neighborhood meeting will be held on _____, 2019 at 6:30pm at the _____ located at the _____, Cumming, GA 30040. This meeting is not the public hearing. Its purpose is to provide neighbors and interested parties the opportunity to meet with the applicant, ask questions, and voice concerns about this application.

We are committed to keeping the public informed during the process of this application. If you have any questions, comments, or concerns, please feel free to reach out to the development team.

Sincerely,

Chad Lambeth

2018 Property Tax Statement

Matthew C. Ledbetter
Forsyth County Tax Commissioner
1092 Tribble Gap Rd
Cumming, GA 30040-2236

MAKE CHECK OR MONEY ORDER PAYABLE TO:
Forsyth County Tax Commissioner

OTWELL WENDELL B C/O JENNY ELMORE
3544 RIVER BLUFF RD

IBERVILLE, MS 39540

Matthew C. Ledbetter
Forsyth County Tax Commissioner
1092 Tribble Gap Rd
Cumming, GA 30040-2236

Phone: (770) 781-2110 Fax: (678) 455-1207

Bill No 2018-260519 Due Date 11/15/2018 **TOTAL DUE \$0.00**

Map: 258 032

Last payment made on: 11/14/2018 Today's date: 6/12/2019

Location: 6090 SHADY GROVE RD
INTEREST, PENALTIES, AND OTHER
FEES WILL APPLY AFTER DUE DATE.

If taxes are paid by your mortgage company, send them the top portion of your statement only.

Tax Payer: OTWELL WENDELL B C/O JENNY ELMORE
Map Code: 258 032
Description: 14-1 537-563
Location: 6090 SHADY GROVE RD
Bill No: 2018-260519
District: 001 FORSYTH COUNTY AT LARGE

Building Value	Land Value	Acres	Fair Market Value	Due Date	Exemptions
\$0.00	\$3,218,000.00	58.0000	\$3,218,000.00	11/15/2018	SV

Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax
STATE TAX	\$3,218,000.00	\$1,287,200.00	\$1,267,222.00	\$19,978.00	0.0000	\$0.00	\$0.00	\$0.00
COUNTY M&O	\$3,218,000.00	\$1,287,200.00	\$1,267,222.00	\$19,978.00	7.3280	\$146.40	\$0.00	\$92.74
SALES TAX CREDIT			\$1,267,222.00	\$19,978.00	-2.6860	\$0.00	-\$53.66	\$0.00
COUNTY BOND	\$3,218,000.00	\$1,287,200.00	\$1,267,222.00	\$19,978.00	1.3190	\$26.35	\$0.00	\$26.35
SCHOOL M&O	\$3,218,000.00	\$1,287,200.00	\$1,267,222.00	\$19,978.00	17.3000	\$345.62	\$0.00	\$345.62
SCHOOL BOND	\$3,218,000.00	\$1,287,200.00	\$1,267,222.00	\$19,978.00	2.4180	\$48.31	\$0.00	\$48.31
FIRE DISTRICT	\$3,218,000.00	\$1,287,200.00	\$1,267,222.00	\$19,978.00	1.9750	\$39.46	\$0.00	\$39.46
Totals:					27.654	\$606.14	-\$53.66	\$552.48

Current Due	\$552.48
Penalty	\$0.00
Interest	\$0.00
Other Fees	\$0.00
Previous	\$552.48

If Back Taxes Are Due Please Call for correct amount due as interest continues to accrue!

Payments

Back Taxes

\$0.00

Total Due

\$0.00





WEISSMAN PC
One Alliance Center, 3500 Lenox Road, 4th Floor
Atlanta, GA 30326
(404)926-4526
(404)926-4726

OPINION OF TITLE

Prepared for and limited to the use of:

RE: Our File: CM104-19-0115
6090 Shady Grove Road
Buford, GEORGIA

This is to certify that, on behalf of the named person or entity hereinabove (in consideration of a fee to be paid), the undersigned has caused to be made a careful examination of title to that certain real property described in Exhibit "A" attached hereto and incorporated herein (the "Property"), in accordance with the Title Standards of the State of Georgia (as adopted August 18, 2005), and as correctly indexed in the public records of the county in which said Property lies. Based upon such search, effective through the 7th day of July, 2019, at 12:00 AM ("Date of Opinion Letter"), it is our opinion that title in Fee Simple to the Property is vested in:

D. C. Rhoden, as Executor under the Last Will and Testament of Wendell Bramblett Otwell, deceased

by virtue of Final Judgment and Decree in Civil Action No. 18CV-1416-2, Forsyth County Superior Court, styled D. C. Rhoden, in his capacity as Executor of the Wendell Otwell Estate vs All The World, dated May 28, 2019, being filed in the Forsyth County, Georgia Civil Docket Records. (NOTE - Said Final Judgment is not yet recorded in the Forsyth County deed records.)

Wendell Bramblett Otwell by virtue of Certificate of Order of Year's Support from the Estate of Edwin Chesley Otwell, dated January 5, 1987, filed for record January 5, 1987, recorded in Deed Book 354, Page 273, Forsyth County, Georgia records.

Subject only to those matters set out hereinbelow (all matters related to the following are expressly excepted from this Opinion Letter):

MORTGAGE, LIEN, JUDGMENT, TAX AND OTHER INFORMATION:

1. No open Security Deeds of record.
2. No mandatory homeowners' association affecting subject property is found.
3. NOTE: Final Judgement and Decree vesting title in Seller is not yet of record in the Forsyth County deed records.
4. 2018 Forsyth County real property taxes PAID in the amount of \$552.48 on November 14, 2018, for Parcel Number 258 032.
5. As a matter of information: Subject Property is located in unincorporated Forsyth County. No city taxes assessed for 2018.
6. NOTE: Probate Records for The Estate of Wendell Bramblett Otwell filed in Forsyth County Probate Court.
7. NOTE: Referenced plat of survey recorded as an Exhibit to Lis Pendens recorded at Lien Book 400, Page 147, Forsyth County, Georgia records, and is not recorded in the County plat books.

SPECIAL EXCEPTIONS:

1. Title to that portion of (caption or subject) property embraced within the bounds of Shady Grove Road (having an 80-foot right-of-way) and Mountain View Trail (having a 50-foot right-of-way).
2. No insurance is afforded as to the exact amount of acreage or square footage contained in the property described herein.
3. Rights-of-Way and Easements contain in that certain Condemnation by Forsyth County, being Docket No. 2799, known as Project No. R.R. PR 1401(2), Final Order dated August 9, 1955, Forsyth County, Georgia records.

OPINION OF TITLE

(Continued)

4. Right-of-Way Easement from Mrs. Edwin C. Otwell to the Sawnee Electric Membership Corporation, dated December 1, 1987, filed for record December 18, 1987, recorded in Deed Book 393, Page 729, aforesaid records.
5. Easement from Wendell Bramblett Otwell to the Atlanta Gas Light Company, dated May 20, 1994, filed for record May 26, 1994, recorded in Deed Book 760, Page 733, aforesaid records.
6. Application and Questionnaire for Current Use Assessment of Bona Fide Agricultural Property, filed for record October 19, 2012, recorded in Deed Book 6449, Page 463, aforesaid records. (Expires on December 31, 2021)

STANDARD EXCEPTIONS:

1. All matters of record subsequent to the Date of Opinion Letter;
2. All matters affecting the title which are not of record in the deed or lien dockets maintained by the Clerk of Superior Court of the county in which the Property is located, or which, if they are of record, are not indexed in such a manner that a reasonably prudent search would have revealed them to the examiner;
3. All municipal or county zoning laws, ordinances, and regulations, and all governmental regulations concerning the use, occupancy, possession, and retention of the Property (including any condemnation of the Property or any building or structure thereon), or the effect of any violation of these laws, ordinances, or governmental regulations, unless notice of violation thereof is properly indexed and recorded as of the Date of Opinion Letter;
4. Statutory liens or lien rights not shown of record; and any liens or lien rights in favor of any governmental body or private entity due to street improvements and/or unpaid sanitary service assessments, water, sewer, and/or other utility bills, where such liens are not filed in the lien dockets maintained by the Clerk of Superior Court of the county in which the Property is located, and any impediments to the transfer of accounts for said utilities to a new owner or occupant of the Property;
5. Any liens or lien rights relating to the existence or cleanup of hazardous materials or toxic waste under local, state, or federal statutes or regulations which are not correctly filed and indexed (under the name of the owner of record of said Property at the date and time of the filing of such lien) of record in the Office of the Clerk of the Superior Court of the county in which the Property is located;
6. Unrecorded or improperly-indexed claims of lien for commercial brokerage relating to a sale or attempted sale of the Property;
7. Matters respecting personal property situated on or affixed to the Property, and any Uniform Commercial Code filings relating to personal property or fixtures not properly indexed in the deed records;
8. Bankruptcy proceedings affecting the Property, and consequences of any attack on the estate or interest certified to herein under any federal or state law dealing with bankruptcy, insolvency, or creditors' rights;
9. Any seizure of, or claim of lien on, the Property under any federal or state criminal forfeiture statutes, which seizure or lien is not correctly filed of record in the deed or lien dockets maintained by the Clerk of the Superior Court of the county in which the Property is located (and indexed under the name of the owner of record of said property at the date and time of the filing of such notice of seizure or lien);
10. Any easements, roadways, rights, interests, or claims affecting the Property which a current and accurate survey and/or physical inspection of the Property would disclose and which are not shown by the public records; any inaccuracy in the area, square footage, or acreage of the Property as described herein or as shown on plats or surveys of record and/or plats or surveys referenced in the legal description contained herein; and title to any portion of the Property lying within the bounds of any public road;
11. Riparian rights of abutting land owners in and to any waters traversing the Property, and littoral rights;
12. Existence of burial sites or archeological sites that may affect the Property;
13. Rights or claims of tenants or other parties in possession, not shown by the public records;
14. Taxes becoming due and payable subsequent to the Date of Opinion Letter, as well as additional taxes, interest, and/or penalties which may be assessed for current and/or prior years by virtue of unapproved tax digests, adjustment, re-appraisal, re-assessment, appeal, removal of exemptions, or other amendment to the tax records of the city and/or county in which the Property is located, or for any other reason; and
15. All property and solid waste tax fifas, and all transfers of tax debts or fifas to other entities, which fifas and transfers are not properly indexed in the lien records maintained by the Clerk of Superior Court of the county in which subject property is located, under the name of the owner of record of said property as of January 1 of the tax year in question.

OPINION OF TITLE
(Continued)

This Opinion of Title is limited to names as they appear in the chain of title to the Property and is given for the sole use of the addressee herein. No liability whatsoever shall incur to either the undersigned company, firm, or attorney due to reliance by others upon the information contained herein.

Weissman P.C.

A handwritten signature in black ink, appearing to read "Brett Verner", written in a cursive style.

Brett Verner
Attorney at Law

OPINION OF TITLE

(Continued)

EXHIBIT "A"
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 537, 562 ad 563 of the 14th District, 1st Section, Forsyth County, Georgia, being Tract 1, containing 39.234 Acres; and Tract 2, containing 17.890 Acres, (said tracts herein being an aggregated 57.124 Acres), as shown in that certain Plat of Survey for 6090 Shady Grove, LLC, prepared by Nathan M. McClure, G.R.L.S. No. 3085, dated February 9, 2018, recorded as Exhibit "A" to Notice of Lis Pendens at Lien Book 400, Page 147, Forsyth County, Georgia records.

IN THE SUPERIOR COURT OF
FORSYTH COUNTY, GEORGIA

FORSYTH COUNTY, GEORGIA

VS.

24 acres of land; and W. S. Turner, W. M.
Turner, Carl Mullinax, H. W. Gravitt,
Minor Heard, Luther Heard, J. L. Robbs,
Jr., Paul Cagle, W. R. Cagle, J. S. Morgan,
R. H. Phillips, H. C. Youngblood, Herbert,
Youngblood, Wansley C. Watson, Joe Shad-
burn, Roscoe Thomas, Emmett Watson, E. M.
Wheeler, Edwin Utwell, Eldred Watson and
John D. Bennett, individually.

Docket No. 2799

In Rem

IN SUPERIOR COURT OF SAID COUNTY

Now comes Forsyth County, Georgia, acting by and through its
Board of Commissioners of Roads and Revenue, as plaintiff and con-
demnor, and, in the exercise of its power of eminent domain, brings
this action for condemnation, and alleges:

1.

Forsyth County, Georgia has caused to be laid out a County
Public Highway or Road, known as Project No. R.R. PR 1401 (2), as a
part of the system of County Roads, as provided by law, said road
being more particularly shown and described on a map and drawing in
the office of the State Highway Department of Georgia, Atlanta,
Georgia, to which reference is made for a full description of said
road.

2.

This petition in rem is brought by Forsyth County, Georgia to
acquire by condemnation the fee simple title to said land for said
road as surveyed and measured from the center line of the highway
location as follows:

Sta. 0/ 00 to Sta. 131 / 86 - 40 feet Left Side
Sta. 0/ 00 to Sta. 131 / 86 - 40 feet Right Side
Being a total distance of 2.497 miles.

Said land sought to be condemned is more particularly described in a plat prepared by the State Highway Department of Georgia, a copy of which is on file as aforesaid and by reference is made a part of this petition. Said land is for public road purposes upon, across and over the said tract of land located in Land Lot No. 3, 442, 443, 484, 483, 444, 445, 482, 481, 536, 537, 563, 620, 621, 622, 538, 637 of the 14th Land District or 885 (Chattahoochee) 3. W. District of said County.

3.

Petitioner stands ready to pay just and adequate compensation for said right of way.

4.

Petitioner is informed and believes that the owners of said land are W. S. Turner, W. M. Turner, Carl Mullinax, H. W. Gravitt, Minor Heard, Luther Heard, J. L. Robbs, Jr., Paul Cagle, V. R. Cagle, J. G. Morgan, R. H. Phillips, H. C. Youngblood, Herbert Youngblood, Wansley C. Watson, Joe Shadburn, Roscoe Thomas, Emmett Watson, E. M. Wheeler, Edwin Otwell, Eldred Watson, and John D. Bennett.

5.

The County of Forsyth and State of Georgia may have some claim against said lands on account of unpaid State and County taxes.

6.

The said owners generally and allienors and any other persons known and unknown claiming any right, title, power, interest, ownership, equity, claim or demand in and to said land and all occupants, tenants, lessees, licensees and all holders, owners and users of ways and easements in, across, and over said land, are made parties defendant to this action to the end that they may come into Court and make claim to such interest or ownership or other right as they may have in the same and to the proceeds arising therefrom.

7.


Because the petitioner believes that there may be taxes due on said land, and that the title of the apparent owner is incomplete, and that there may be persons unknown and non-resident who may have some claim or demand thereon, and for other reasons, petitioner brings this action in the Superior Court of Forsyth County, Georgia, as by statute in such cases made and provided.

8.

Petitioner names as its assessor, J. M. Cantrell.

WHEREFORE, Petitioner prays that the defendants named herein and all persons known and unknown, who may claim or have an interest in said lands be required to appear at a time and place to be named by the Court, to make known their objections, if any they have, their rights, ownership and interest in said land, and claims as to the value of same and to name an assessor.

Petitioner further prays that notice be given to the Tax Commissioner of Forsyth County, and that notice be published once in the Forsyth County News; that notice be given the Ordinary of Forsyth County, who shall represent and act for any unknown owners and for any minors who may have any title, interest, claim or demand in and against said land; that the assessors named according to law be ordered to make an award as by statute provided, and that upon payment of such award into the registry of the Court, the Court decree and adjudge the absolute title to the right of way described in the foregoing petition, free of lien and encumbrance, vest in petitioner.


Leon Bolling, County Attorney
Attorney for Petitioner

DOCKET NO. _____

ORDER

The foregoing petition read and considered, it is ordered that the same be filed.

It is further ordered that all persons owning or claiming any right, title, interest, claim or demand, all lienors, tenants, lessees or any other persons at interest, in and to the land described in the foregoing petition, appear before me in the Superior Court Room at Chambers, in Cumming, Georgia, on the 17th day of August, 1955, at the hour of 10 o'clock A.M. and then and there make known their objections, if any, their rights, title and claims, and the value thereof, and at the same time make known the assessor selected, who shall then and there be sworn and enter upon his duties.

It is further ordered that a copy of the foregoing petition and of this order be served at least five (5) days before the date of said hearing, upon all persons residing in Georgia, named or indicated in said petition as having any rights or any interest in said land, as follows:

(1) By personal service upon each of such persons who is sui juris and in the State of Georgia or a resident thereof, and by service upon the Tax Collector of said County, the Ordinary of said County and the person in possession of said land.

(2) By posting a copy of the attached citation before the Court House door in Forsyth County, Georgia, five (5) days prior to the date fixed for said hearing and by publishing the same in the official newspaper in said County one time five (5) days before the said hearing.

(3) By personal service upon each resident minor and upon the Guardian or other legal representative of any person who is a minor or under other disability imposed by law.

This 9th day of August, 1955.

[Signature]
Judge of Superior Court

RIGHT-OF-WAY EASEMENT

GEORGIA, FORSYTH CO.

Clerks Office Superior Court

Filed for record on the 14

day of Dec 1987

At 10:30 o'clock A.M. Recorded in

Book Page this

12 day of Dec 1987

Carol Williams, Clerk

STATE OF GEORGIA,

Forsyth COUNTY.

In consideration of the benefits to my land by the construction of an electric power line, and making service available to it, the receipt whereof is hereby acknowledged, the undersigned MRS. EDWIN O'NEILL

whose Post Office Address is 327 Trialla Gap Rd Cumming do hereby grant unto

SAWNEE ELECTRIC MEMBERSHIP CORPORATION, whose Post Office Address is Cumming, Georgia, and to

its successors or assigns, the right, privilege and easement to go in, upon, along and across the tract of land

owned by the undersigned in Land Lot No. of the District Section

of Fayette County, State of Georgia, said lands being bounded as follows:

on the North by lands of PURPOSE IS TO RELOCATE POWER LINE

on the South by lands of Albans Shady Grove Rd.

on the East by lands of map 48-22

on the West by lands of

together with the right to construct, operate and maintain continuously upon and under said land, its lines for transmitting electric current, with poles, wires, transformers, service pedestals, and other necessary apparatus, fixtures and appliances, including the right to stretch communication wires on said poles, or under said lands with necessary appliances; with the right to permit the attachment of the wires and appliances of any other company, or person, to said poles; together with the right at all times to enter upon said premises for the purpose of inspecting said lines, making repairs, renewals, alterations and extensions thereon, thereunder, there-to or therefrom; together with the right to cut away and keep clear of said overhead or underground lines, trans-formers, fixtures and appliances, all trees and other obstructions that may now or hereafter in any way interfere or be likely to interfere with the proper operation of said overhead or underground lines, transformers, fixtures and appliances; also the right of ingress and egress over said land to and from said lines. Any timber cut on said land by or for said Company shall remain the property of the owner of said timber.

The undersigned does not convey any land, but merely grants the rights, privileges and easements herein-before set out.

Said Corporation shall not be liable for, or bound by any statement, agreement or understanding not herein expressed.

IN WITNESS WHEREOF, the said MRS. EDWIN O'NEILL has/have hereunto set her/their hand and seal, this 1 day of Dec 1987.

Signed, sealed and delivered in the presence of:

 Witness
 Notary Public
Notary Public, Georgia, State at Large
My Commission Expires Oct. 1, 1988

Mrs. Edwin C. O'Neill (L.S.)
 (L.S.)
 (L.S.)

EASEMENT

STATE OF GEORGIA
COUNTY OF FORSYTH

Forsyth County
Clerks Office Superior Court
Filed for record on the 20
day of May 1987
at 1:50 o'clock P.M. Recorded in
Book 740 Page 213 this
day of May 1987
Carl McChesney Clerk

Received of Atlanta Gas Light Company, hereinafter called the Company, the sum of One (\$1.00) Dollar, in consideration of which the undersigned WENDELL BRAMBLETT OTWELL does hereby grant and convey to said company, its successors and assigns, the right, privilege and easement to land lying in Land Lots 527/863, of the 14th District, Forsyth County, Georgia, described in Warranty Deed(s) dated 1/5/87, recorded in Deed Book(s) 354 Page(s) 273, in the Office of the Clerk of the Superior Court of Forsyth County, Georgia, said lands being bounded as follows:

on the North by lands of MARTHA LEE ROOBS
on the South by lands of _____
on the East by lands of MOUNTAIN VIEW TRAIL
on the West by lands of U.S. GOVERNMENT - LAKE SIDNEY LANIER

with the right to construct, maintain, operate, repair, replace, patrol, and remove gas main or mains, regulators and appurtenances thereto, within a strip of land ten (10) feet in width in and through the above described property of the Grantor, together with the free right of ingress and egress to and from said main or mains, regulators and appurtenances. Grantee shall have and is hereby granted the further right to use a strip of land immediately adjoining and adjacent to said right-of-way as a temporary construction area. Grantee shall have the right to clear and keep clear all trees, undergrowth and other obstructions from the right-of-way herein granted. Grantor agrees not to build, construct or create, nor permit others to build, construct, or create, any buildings or other structures on the herein granted right-of-way.

The undersigned does not convey any land, but merely grants the rights, privileges and easements herein before set out.

An easement being ten (10) feet in width and lying parallel with the SOUTHWESTERLY side of SHADY GROVE ROAD and extending 1657 feet, more or less, from the NORTHERLY property line to the EASTERLY property line of the undersigned.

IN WITNESS WHEREOF, the undersigned has hereunto set his, her, their, hand and seal this 20th day of May 1987

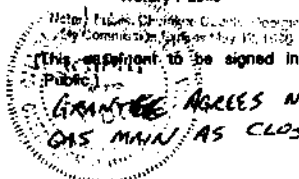
Signed, sealed and delivered
in the presence of:

Frederic J. Brown
Witness
Charles L. Gubandy
Notary Public

Wendell Bramblett Otwell (SEAL)
WENDELL BRAMBLETT OTWELL

(SEAL)

(SEAL)



(This document to be signed in the presence of two (2) witnesses, one of whom must be a Notary Public)

GRANTEE AGREES NOT TO CUT ANY TREES AND WILL LAY GAS MAIN AS CLOSE TO ROAD AS POSSIBLE. CUG

LEGAL DESCRIPTION
TRACT 1

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 537 & 563 of the 14th District, 1st Section, Forsyth County, Georgia and being more particularly described as follows:

BEGINNING at the Land Lot corner of Land Lots 537, 538, 562 & 563; thence along the Land Lot line common to Land Lots 537 & 538 South 89 degrees 5 minutes 7 seconds West a distance of 596.58 feet to a point; thence leaving said right-of-way line North 11 degrees 28 minutes 2 seconds West a distance of 133.13 feet to a point; thence North 88 degrees 7 minutes 59 seconds West a distance of 241.58 feet to a point; thence North 88 degrees 8 minutes 44 seconds West a distance of 251.09 feet to a point; thence North 0 degrees 22 minutes 29 seconds West a distance of 154.99 feet to a point; thence North 0 degrees 22 minutes 46 seconds West a distance of 455.14 feet to a point; thence North 0 degrees 21 minutes 3 seconds West a distance of 374.05 feet to a point; thence North 0 degrees 22 minutes 22 seconds West a distance of 361.06 feet to a point; thence North 89 degrees 24 minutes 28 seconds East a distance of 280.22 feet to a point; thence North 89 degrees 23 minutes 49 seconds East a distance of 305.87 feet to a point on the southwesterly right-of-way line of Shady Grove Road (80' R/W); thence along said right-of-way line the following courses and distances: 174.94 feet along an arc of a curve to the right, said curve having a radius of 1,090.81 feet and a chord bearing and distance of South 31 degrees 50 minutes 0 seconds East 174.75 feet to a point; thence South 27 degrees 8 minutes 28 seconds East a distance of 374.06 feet to a point; thence 169.63 feet along an arc of a curve to the left, said curve having a radius of 1,390.02 feet and a chord bearing and distance of South 30 degrees 38 minutes 13 seconds East 169.52 feet to a point; thence 252.27 feet along an arc of a curve to the left, said curve having a radius of 574.68 feet and a chord bearing and distance of South 46 degrees 42 minutes 30 seconds East 250.25 feet to a point; thence South 59 degrees 17 minutes 3 seconds East a distance of 18.97 feet to a point; thence 53.71 feet along an arc of a curve to the left, said curve having a radius of 1,165.70 feet and a chord bearing and distance of South 60 degrees 36 minutes 15 seconds East 53.71 feet to a point; thence South 61 degrees 55 minutes 27 seconds East a distance of 188.75 feet to a point; thence South 62 degrees 28 minutes 54 seconds East a distance of 196.53 feet to a point; thence 213.72 feet along an arc of a curve to the left, said curve having a radius of 3,110.80 feet and a chord bearing and distance of South 64 degrees 26 minutes 59 seconds East 213.68 feet to a point; thence South 66 degrees 25 minutes 4 seconds East a distance of 108.46 feet to a point; thence leaving said right-of-way line and along the westerly right-of-way line of Mountain View Trail (50' R/W) South 01 degree 13 minutes 0 seconds West a distance of 339.53 feet to a point; thence leaving said right-of-way line South 83 degrees 0 minutes 14 seconds West a distance of 128.21 feet to a point; thence North 85 degrees 58 minutes 29 seconds West a distance of 133.53 feet to a point; thence South 88 degrees 22 minutes 7 seconds West a distance of 133.25 feet to a point; thence South 88 degrees 43 minutes 13 seconds West a distance of 133.17 feet to a point; thence North 84 degrees 46 minutes 20 seconds West a distance of 156.12 feet to a point and the POINT OF BEGINNING. Said tract containing 39.234 acres

TOGETHER WITH

TRACT 2

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 537 & 563 of the 14th District, 1st Section, Forsyth County, Georgia and being more particularly described as follows:

BEGINNING at the Land Lot corner of Land Lots 536, 537, 563 & 564; thence along the Land Lot line common to Land Lots 563 & 564 South 84 degrees 46 minutes 29 seconds East a distance of 174.75 feet to a point; thence North 89 degrees 10 minutes 26 seconds East a distance of 323.79 feet to a point; thence North 89 degrees 11 minutes 38 seconds East a distance of 168.56 feet to a point; thence South 0 degrees 18 minutes 30 seconds West a distance of 1,045.98 feet to a point on the northeasterly right-of-way line of Shady Grove Road (80' R/W) ; thence along said right-of-way line the following courses and distances: North 66 degrees 25 minutes 4 seconds West a distance of 79.21 feet to a point; thence 208.22 feet along an arc of a curve to the right, said curve having a radius of 3,030.80 feet and a chord bearing and distance of North 64 degrees 26 minutes 59 seconds West 208.18 feet to a point; thence North 62

degrees 28 minutes 54 seconds West a distance of 196.14 feet to a point; thence North 61 degrees 55 minutes 27 seconds West a distance of 188.37 feet to a point; thence 50.02 feet along an arc of a curve to the right, said curve having a radius of 1,085.70 feet and a chord bearing and distance of North 60 degrees 36 minutes 15 seconds West 50.02 feet to a point; thence North 59 degrees 17 minutes 3 seconds West a distance of 18.97 feet to a point; thence 217.15 feet along an arc of a curve to the right, said curve having a radius of 494.68 feet and a chord bearing and distance of North 46 degrees 42 minutes 30 seconds West 215.41 feet to a point; thence 159.86 feet along an arc of a curve to the right, said curve having a radius of 1,310.02 feet and a chord bearing and distance of North 30 degrees 38 minutes 13 seconds West 159.76 feet to a point; thence North 27 degrees 8 minutes 28 seconds West a distance of 374.13 feet to a point; thence 118.55 feet along an arc of a curve to the left, said curve having a radius of 1,170.81 feet and a chord bearing and distance of North 30 degrees 8 minutes 38 seconds West 118.50 feet to a point; thence leaving said right-of-way line South 89 degrees 53 minutes 23 seconds East a distance of 434.07 feet to a point; thence South 89 degrees 50 minutes 18 seconds East a distance of 13.84 feet to a point; thence North 89 degrees 36 minutes 3 seconds East a distance of 20.24 feet to a point and the POINT OF BEGINNING. Said tract containing 17.890 acres.

Total combined acreage for the two tracts is 57.124 acres.



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[illegible]



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REV:	DATE:	BY:	ORIGINATOR:
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[illegible]

CALLS ALONG TRACT 1

Course	Starting	Distance
L1	M 11:28:02 W	133.13'
L2	M 05:07:59 W	241.56'
L3	M 05:08:14 W	251.69'
L4	M 02:01:13 W	151.72'
L5	S 27:08:28 E	374.06'
L6	S 59:17:03 E	16.97'
L7	S 61:55:27 E	189.75'
L8	S 62:28:54 E	196.55'
L9	S 66:25:04 E	106.46'
L10	S 01:13:00 W	339.55'
L11	S 03:00:14 W	728.21'
L12	S 05:58:29 W	133.55'
L13	S 06:52:07 W	133.28'
L14	S 07:43:13 W	133.17'
L15	M 04:46:02 W	156.12'

Curve	Radius	Length	Chord	Chord Bear.
C1	1390.81°	174.64'	174.45'	5 31°26.00' E
C2	1090.02°	169.62'	169.52'	5 30°28.13' E
C3	574.68°	252.27'	250.25'	8 46°42.30' E
C4	1165.20°	53.71'	53.71'	5 60°36.15' E
C5	3110.80°	213.72'	213.66'	5 64°26.59' E

Course	Braking	Distance
L16	N 031 29 57° E	85.16'
L17	N 66 25 04° W	79.21'
L18	N 62 28 54° W	186.34'
L19	N 61 55 57° W	198.13'
L20	N 59 17 03° W	16.87'
L21	N 27 00 28° W	374.13'
L22	S 89 51 23° E	434.07'
L23	S 89 50.118° E	13.64'
L24	N 89 35 39° E	20.23'
L25	S 84 48 29° E	174.75'
L26	N 89 10 26° E	373.79'
L27	N 89 11 138° E	164.56'
L28	S 84 56 24° E	104.07'

Curve	Radius	Length	Chord	Chord Bear.
C6	3030, 80"	208, 22"	206, 18"	N 64° 26' 59" W
C7	1065, 70"	50, 03"	50, 02"	N 60° 36' 15" W
C8	494, 60"	217, 15"	215, 41"	N 46° 42' 30" W
C9	1310, 02"	159, 86"	159, 76"	N 30° 38' 13" W
C10	1170, 81"	118, 55"	118, 50"	N 30° 08' 34" W

6090 SHADY GROVE LLC

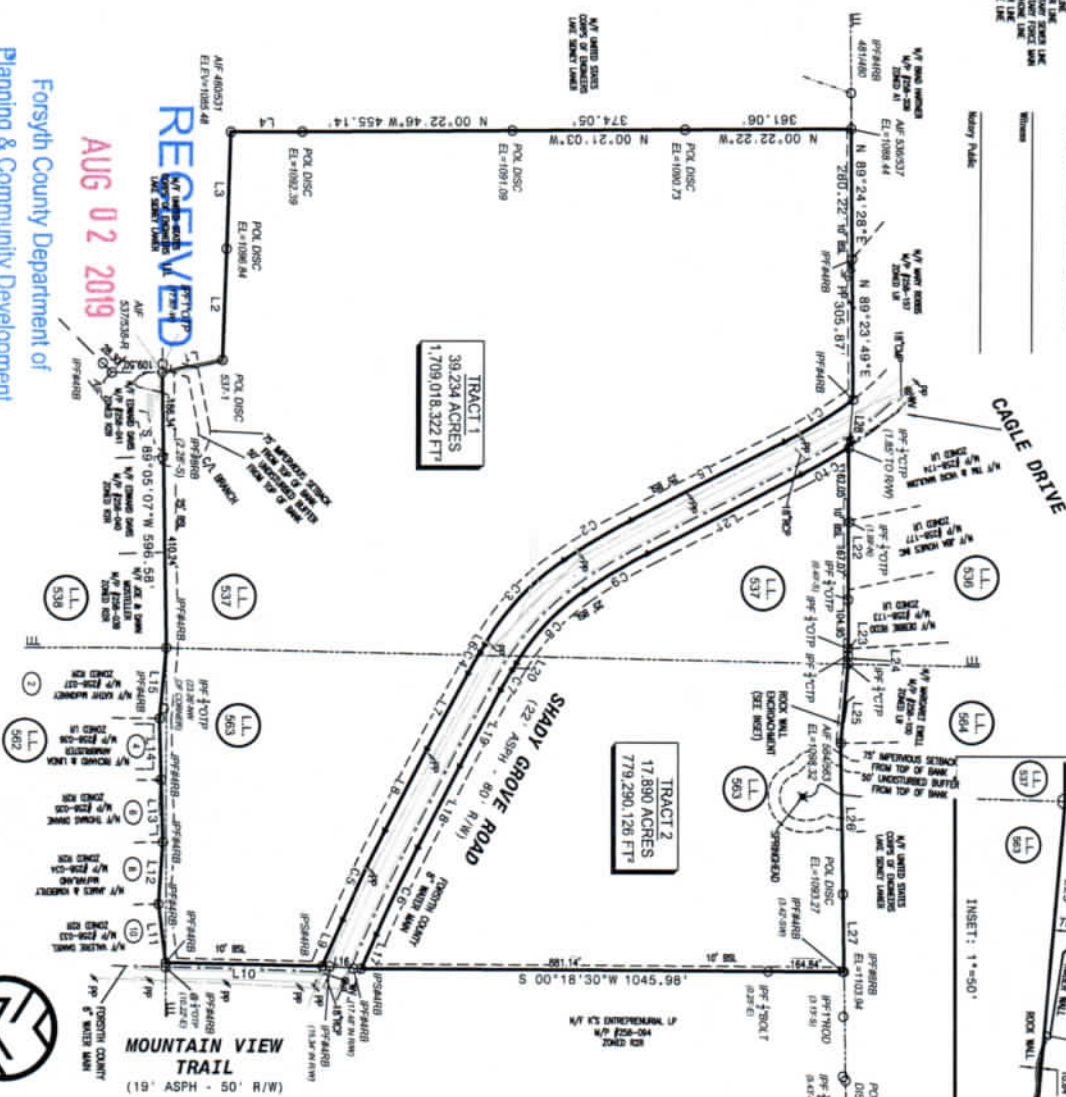
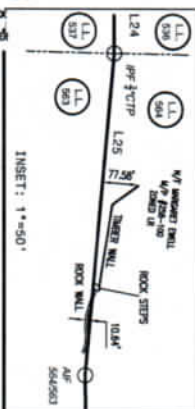
FORSYTH COUNTY, GEORGIA
PLAT DATE: FEBRUARY 9, 2018
REVISIONS

Forsyth County Department of
Planning & Community Development

SP190007

GRAPHIC SCALE - 1"=200'

TOTAL = 57.124 ACRES
2,488,308.448 SQUARE FEET



MCCLURE

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NATHAN@MCCLURESURVEYING.COM
WWW.MCCLURESURVEYING.COM

PLAT BOOK 59 PAGE 31
 PLAT BOOK 31 PAGE 278
 PLAT BOOK 40 PAGE 239
 USCOE TANK SHEET INFO
 OTHER STATE WATERS RECORDS
 BUFFERS MAY EXIST. CON
 FORTS COUNTY ENGINEER
 VERIFICATION.

OTHER STATE WATERS REQUIRING
BUFFERS MAY EXIST. CONTACT
FORSTYTH COUNTY ENGINEERING FOR
VERIFICATION.

JOB NO. 18028