



FOR STAFF USE ONLY
DATE & TIME STAMP
SP20000Q
RECEIVED
FEB 07 2020
Forsyth County Department of
Planning & Community Development

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: Forsyth County Board of Education
Address: 1120 Dahlonega Highway
Phone#: 770.887.2461 E-mail Address: gpruitt@forsyth.k12.ga.us

D. REPRESENTATION INFORMATION (IF APPLICABLE)

Preferred Contact: ☐ Attorney ☒ Authorized Agent

Name: Greg Pruitt
Address: 1120 Dahlonega Highway
Phone#: 770.887.2461 x202123 E-mail Address: gpruitt@forsyth.k12.ga.us

E. PROPERTY INFORMATION

Tax Map & Parcel #(s): (e.g. xxx-xxx-xxx, xxx-xxx-xxx) PIN 104-001
Current Zoning: RES 3 Proposed Zoning: RES 3
Proposed Use: Municipal - Public Education Elementary School Property Acreage: 42.496
Proposed Road Access: Castleberry Road

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

FOR STAFF USE ONLY
Application # SP200002

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 type="checkbox"/> Single Family Detached				
<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 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:

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).

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?

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?

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?

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)?

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

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)

IN PROPERTY OWNER'S AUTHORIZATION AFFIDAVIT: ADD ADDITIONAL SHEETS IF APPLICABLE

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.

The undersigned hereby swear that he/she/they is/are the owner(s) of the subject property as identified on this application.

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.

Owner Name #1: Forsyth County Board of Education

Address: 1120 Dahlonega Highway

Phone#: 770.887.2461

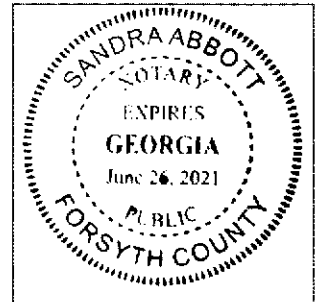
E-mail Address: jbearden@forsyth.k12.ga.us

Signature of Owner: *[Signature]*

Date: 2/7/2020

Signature of Notary: *[Signature]*

Date: 2/7/2020



Owner Name #2:

Address:

Phone#:

E-mail Address:

Signature of Owner:

Date:

Signature of Notary:

Date:

Owner Name #3:

Address:

Phone#:

E-mail Address:

Signature of Owner:

Date:

Signature of Notary:

Date:

Owner Name #4:

Address:

Phone#:

E-mail Address:

Signature of Owner:

Date:

Signature of Notary:

Date:

I. CORPORATE/COMPANY DISCLOSURE: ADD ADDITIONAL SHEETS IF APPLICABLE

If either the applicant or owner are corporations or limited liability companies, provide the names of the corporate stockholders with 10% ownership or greater and officers and directors unless the corporation has stock that is traded on a national stock exchange in which case the corporate name shall be sufficient. 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 which case the corporate name shall be sufficient.

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, and if the proposed development advances a bona fide economic development purpose, 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. The affidavit contemplated in this paragraph shall only be valid for its intended purpose if it is also signed by a duly authorized representative of the Forsyth County Development Authority, Cumming/Forsyth County Chamber of Commerce, or the Forsyth County Manager, with such signature certifying that the pertinent individual is aware of the proposed development and confirms that the proposed development advances a bona fide economic development purpose. For purposes of this paragraph, a bona fide economic development purpose means a development that would be eligible for an inducement under section 22-260 of the Forsyth County Economic Development Ordinance.

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

I am a duly authorized officer/member of the _____ [corporate entity]. The _____ [corporate entity] is the applicant or 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 _____ [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:

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Name of Officer(s), Director(s) and/or Stockholder(s)

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

- JP 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.
- JP 2) I understand that my request will be rejected if all the necessary information and/or requirements are not presented.
- JP 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.
- JP 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.
- JP 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 sign 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.
- JP 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.
- JP 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."*
- JP 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.
- JP 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:

N/A

J. APPLICANT CERTIFICATION - CONTINUED

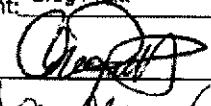
9 10) As the property owner or duly authorized agent of the property owner, I hereby certify that as of the date signed below [check one]:

- ☒ 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: Greg Pruitt

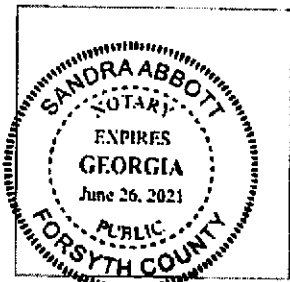
Date: 2/7/2020

Signature of Applicant: 

Date: 2/7/2020

Signature of Notary: 


Date: 2/7/2020



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: Greg Pruitt

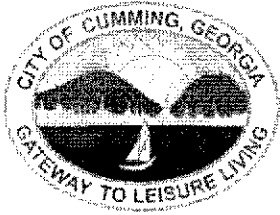
Signature of Applicant: 

Date: 2/7/2020

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

Signature of Applicant: _____

Date: _____



CITY OF CUMMING

(CHARTERED 1845)



DEPARTMENT OF UTILITIES

February 11, 2020

Greg Pruitt
Facilities Planning Manager
Forsyth County Schools
1120 Dahlonega Highway
Cumming, Georgia 30040

MAYOR
Troy Brumbalow

COUNCIL MEMBERS
Joey Cochran
Chad Crane
Jason Evans
Linda Ledbetter
Christopher Light

CITY
ADMINISTRATOR
Phil Higgins

CITY ATTORNEY
Kevin Tallant

CITY CLERK
Jeffery Honca

DIRECTOR OF
UTILITIES
Jonathon W. Heard

RE: Sewer Availability Letter for Proposed School Site - PIN 104-001 (the "Property")

Greg:

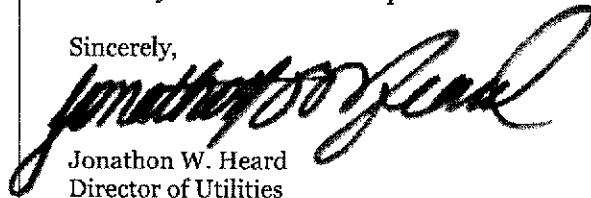
The above referenced property lies fully within the City of Cumming Water and Sewer Service Area and therefore, Forsyth County's rules regarding water and sewer do not apply to this project. That being said, let me try to provide the requested information to the best of my ability:

1. Adequate water pressure and volume is available to the Property along with adequate sewer capacity. Service for both will be by the City of Cumming.
2. No additional off-site sewer lines will be necessary – so the request for a "Forsyth County sewer phasing plan" is not relevant to this property. The City does not require a phasing plan, but even if we did, a couple of sewer manholes are already in existence on the Property, so there would be no need for such a plan. With regard to this Property and proposed project, there will be no required "future outlay of sewer".
3. This project shall comply with the "Cumming Sewer Master Plan" and the "Cumming Water Master Plan" – and not with the Forsyth County Water or Sewer Master Plans.
4. No off-site easements will be needed for this project. However, all easements located over City water and sewer lines that are on the Property shall be conveyed to the City. This includes those easements necessary to serve neighbors of the Property
5. I met with Tim Amerson and had a "pre-application meeting" (which is another requirement of Forsyth County but not a requirement of the City of Cumming).

Please keep in mind that the City will require that the school system extend sewer to surrounding and upstream properties. Also, the City will require a 12-inch water line through the property so that the City can create a water line loop for the southern end of our Water and Sewer Service Area.

Please let me know if you need additional information. Please call me at (770) 781-2020 if you have additional questions.

Sincerely,



Jonathon W. Heard
Director of Utilities

CC: Tim Amerson, Forsyth County Schools



Dr. Jeffrey Bearden, Superintendent • 1120 Dahlonega Highway • Cumming, Georgia 30040 •
Telephone 770.887.2461 • Fax 770.781.6632

April 1, 2020

DRAFT

TO:

RE: Sketch Plat w/ Variance Application SP# 000000
Construction of Elementary School #23, Castleberry Road, Cumming, Georgia

The Forsyth County Schools is providing notice that an application for Sketch Plat with a variance has been submitted to the Forsyth County Planning & Community Development. Pursuant to Unified Development Code, Chapter 18-6.2 we are notifying you as an adjacent property owner or local interested party of our plans to develop the 42.496 acres in Land Lots 197 & 198, 2nd District, 1st Section of Forsyth County for constructing the new Elementary School #23. The variance will allow Elementary School #23 to increase the maximum number of parking spaces from 150 to 221 spaces. The official address has not been provided by the Forsyth County G.I.S. Department.

The project is planned to begin construction October 2020 with an opening date of August 2022. The school is required to relieve the attendance from Whitlow, Vickery Creek, Shiloh Point and Midway Elementary Schools.

A Public Participation Meeting is scheduled on _____ between the hours of **6:00pm until 8:00pm** at the _____, Cumming, Ga. 30040. Additional plan displays of the building will be available for viewing.

Enclosed is a small-scale copy of the overall site plan showing the relationship of our development. You may also send any questions or concerns to my office by _____ addressed to Forsyth County Board of Education, attn: Facilities Office, 1120 Dahlonega Highway, Cumming, Georgia 30040 or facsimile 770.781-6625. Additional information about this application may be obtained at <http://estatus.forsythco.com>.

Sincerely,

Greg Pruitt

Greg Pruitt
Facilities Planning Manager

2019 Property Tax Statement

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

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

CONWAY MARTHA L REVOC TRUST
2138 THOMAS RD
CANTON, GA 30115

Bill No.	Due Date	Current Due	Prior Payment	Back Taxes	*Total Due*
2019-217313	11/15/2019	\$0.00	\$398.63	\$0.00	Paid 09/27/2019

Map: 104 001
Location: CASTLEBERRY RD

Printed: 02/11/2020

INTEREST, PENALTIES, AND OTHER FEES WILL APPLY AFTER DUE DATE.

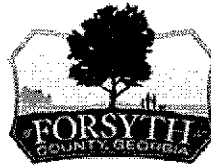
If taxes are paid by your mortgage company, send them the top portion only.

RETURN THIS PORTION WITH PAYMENT

(Interest will be added per month if not paid by due date)

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

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



Tax Payer: CONWAY MARTHA L REVOC TRUST
Map Code: 104 001 Real
Description: 2-1 197-198
Location: CASTLEBERRY RD
Bill No: 2019-217313
District: 001

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good through	Exemptions	
0.00	2,374,850.00	42.5600	\$2,374,850.00	11/15/2019			SV	
Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax
COUNTY BOND	\$2,374,850.00	\$949,940.00	\$935,525.00	\$14,415.00	0.970000	\$13.98	\$0.00	\$13.98
COUNTY M&O	\$2,374,850.00	\$949,940.00	\$935,525.00	\$14,415.00	7.472000	\$107.71	\$0.00	\$107.71
FIRE DISTRICT	\$2,374,850.00	\$949,940.00	\$935,525.00	\$14,415.00	2.175000	\$31.35	\$0.00	\$31.35
SALES TAX CREDIT	\$2,374,850.00	\$949,940.00	\$935,525.00	\$14,415.00	-2.681000	\$0.00	-\$38.65	-\$38.65
SCHOOL BOND	\$2,374,850.00	\$949,940.00	\$935,525.00	\$14,415.00	2.418000	\$34.86	\$0.00	\$34.86
SCHOOL M&O	\$2,374,850.00	\$949,940.00	\$935,525.00	\$14,415.00	17.300000	\$249.38	\$0.00	\$249.38
STATE TAX	\$2,374,850.00	\$949,940.00	\$935,525.00	\$14,415.00	0.000000	\$0.00	\$0.00	\$0.00
TOTALS					27.654000	\$437.28	-\$38.65	\$398.63

If receipt is desired, please send a self-addressed, stamped envelope.

*** If taxes are past due, please call us at 770-781-2110 for current amount as interest and other fees continue to accrue.

Current Due	\$398.63
Discount	\$0.00
Penalty	\$0.00
Interest	\$0.00
Other Fees	\$0.00
Previous Payments	\$398.63
Back Taxes	\$0.00
Total Due	\$0.00
Paid Date	09/27/2019

PRELIMINARY ATTORNEY'S TITLE OPINION

TO: Forsyth County, Georgia
Attn: Planning and Zoning
File No.: 29-138

Bettis Law Group, LLC
1825 Lockeway Drive, # 201
Alpharetta, Georgia 30004
Phone: 678-736-5445

This is to certify that we have examined the properly indexed records of title to the real property described on Exhibit "A" attached hereto and made a part hereof by reference for the sole use and benefit of **Forsyth County, Georgia**.

Said examination extends from _____ (if no date is inserted here, the examination extends forty (40) years preceding the following date) up to and including January 30, 2020. For purposes of this examination, we have relied upon the accuracy and completeness of the records and the indices thereto in the office of the Clerk of the Superior Court in the County in which said real property is situated, along with information, if any, furnished us by the Probate Court and Tax Commissioner of said County. In reliance upon said information, it is our opinion that the title to said property is vested in:

THE FORSYTH COUNTY, GEORGIA SCHOOL DISTRICT, ACTING BY AND THROUGH THE AUTHORITY OF THE FORSYTH COUNTY BOARD OF EDUCATION

Subject to the following:

1. All matters of record prior to and subsequent to the aforesaid effective date of this transaction.
2. Matters affecting title which are not of records, 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. The exact location of boundary lines, unrecorded easements, possible encroachments and other facts or conditions which would be disclosed by an accurate survey and inspection of the property and such state of facts as would be disclosed from a competent civil engineer's accurate survey of said property. (It is always advisable that a survey be made in order to determine if there are encroachments, over-hangs, or overlaps; that the improvements are within the boundaries of property; that the improvements do not violate applicable zoning laws and building restriction lines; and that the lines and corners of the property are clearly marked.)
4. Possible liens of architects, laborers and materialmen for improvement of the property, not filed for record at the date of this certificate.

5. Rights, if any, of persons who may be in possession under claims not appearing of record.
6. Title to that portion of property embraced within the bounds of roads, highways, easements and rights of way, particularly roads and easements which are created by adverse or prescriptive usage.
7. All zoning laws, ordinances or regulations, municipal or county, and all Governmental regulations of the use and occupancy of premises described, including the regulations or condemnation of the land or any building or structure thereon.
8. Any consumer protection, "truth-in-lending" or similar laws.
9. Title to items of personalty used in connection with, or attached to the realty, which were not indexed upon the deed records.
10. If this property abuts property owned by the U.S. Government, loss or damage, if any, arising by reason of the exact location of the U.S. Government property lines or contour lines for Lake Lanier adjoining caption property and flowage easements to the U.S. Government.
11. No certification is provided as to the exact amount of acreage which may be contained within the property described herein.
12. Any mineral or mining interests which are not revealed during the examination period.
13. Availability of utilities or utility charges of whatsoever kind and character, not limited to electrical service and sanitary charges and assessments including any past due utility bills.
14. Pay-as-you-enter water or sewer lines which, while not technically liens, will be payable upon connection with such lines.
15. Street improvement liens which have not been properly placed of record.
16. Matters filed pursuant to the provisions of the Uniform Commercial Code.
17. No certification is provided as to the presence or absence of any hazardous waste on or within the property, nor is certification provided as to whether a violation exists regarding hazardous waste under any and all Federal and State environmental protection laws, rules or regulations.

18. No certification or undertaking of liability is provided as to loss, claim or damage sustained by reason of ownership or conveyance of any interest in the within described property by any incompetent person or persons as defined under the laws of the State of Georgia.
19. Rights of upper and lower riparian owners to the streams, creeks and branches crossing, abutting or located on the within described property, free from diminution or pollution thereof.
20. Any loss, claim or damage sustained as a result of forfeiture proceedings resulting from enforcement of Federal or State drug enforcement or racketeering laws, or claim for taxes by Federal or State governments not reflected within the public records of the county in which the property is located.
21. Loss, claim or damage sustained by irregularities in foreclosure proceedings, including but not limited to required notices, advertisements and like matters which are not reflected in the public records. Also excluded are losses, claims or damages sustained by reason of Federal bankruptcy proceedings by an owner or predecessor in title to the property which proceedings are not reflected in the public records of the county in which the property is located.
22. Subdivision restrictive covenants and matters revealed therein inclusive of any Homeowners association dues or like charges or easements reflected therein as may affect the subject property.
23. No certification is provided as to the fitness of the property for the intended uses or purposes by any purchaser.
24. No certification is provided as to the existence or absence of burial sites or archaeological sites which may affect the subject property, particularly those matters which are not reflected on a survey of the subject property.
25. If the property lies within a subdivision or development in which the streets are not publicly dedicated, no liability is undertaken or certification made as to the respective parties' maintenance of roadways or related amenities. Additionally, no certification or liability is undertaken as to the availability of "curb cuts" as may be issued by the appropriate local government or the Georgia State Highway Department. If the property is served by an easement, no certification or liability is undertaken as to the quality or passability of any such easement or as to the maintenance of the same.
26. No certification is provided as to whether the within described property may be located in "wet lands" which may subject the property and improvements constructed thereon to laws, rules and regulations affecting wet land areas.

27. No opinion is rendered as to compliance with State and Federal Interstate Land Sales Act.
28. This certificate does not make any certification with respect to violations of, or possible liabilities under, the Underground Petroleum Storage Tank Acts, 42 USC 6991 (Supp.), et seq; OCGA Section 12-13-1, et seq, or the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 USC 9604, et seq; the Georgia Surface Mining Act of 1968, OCGA Section 12-4-70 et seq; nor with respect to any other law or regulation, state or federal, governing environmental or water quality matters, now in effect or hereafter enacted, adopted or promulgated.
29. No opinion is expressed as to the effect of preferential assessments for agricultural property which may have been applied for by either the grantor or prior owners of this property, nor is any certification made with respect to liability of this property for any penalties or additional assessments by reason of any prior application for preferential assessment of agricultural property.
30. Mineral Rights and Reservations recorded and unrecorded.
31. Facts which would be disclosed by a current and comprehensive survey of the premises herein described.
32. No assurance is made as to the exact amount of acreage contained in the subject property.
33. All utility and road right-of-way easements of record.
34. Subject to all matters as shown on survey described on the Exhibits attached hereto and made a part hereof.

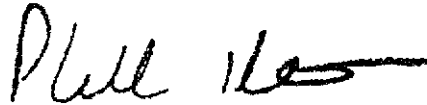
Additional exceptions are as follows:

35. Taxes for 2020 and subsequent years.
36. 2019 state and county taxes in the amount of \$398.63 have been paid.
(Map/Parcel: 104-001).
37. Subject to all those matters shown and depicted on a survey entitled "Survey For: Forsyth County Schools (Elementary School #23)," dated July 25, 2019, as prepared by McFarland-Dyer & Associates, under seal of J. Chris Whitley, RLS 2672, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.

38. Grant of Easement - Sewer and Slope Easements from Martha L. Conway and John F. Myers, III to The City of Cumming, Georgia, dated May 25, 1993, filed June 22, 1993, and recorded in Deed Book 667, Page 80, Public Records of Forsyth County, Georgia.
39. Sewer Easement Indemnification Agreement by and between BMR Development, Inc., a Georgia corporation, Martha L. Conway and John F. Myers, III, dated February 1, 2001, filed February 6, 2001, and recorded in Deed Book 1838, Page 662, Public Records of Forsyth County, Georgia.
40. Grant of Easement from Martha L. Conway and John F. Myers, III to The City of Cumming, Georgia, dated February 1, 2001, filed February 6, 2001, and recorded in Deed Book 1838, Page 668, Public Records of Forsyth County, Georgia.
41. Easements as contained in Right of Way Deed from Martha L. Conway and John F. Myers, III to Forsyth County, dated June 6, 2001, filed June 8, 2001, and recorded in Deed Book 1945, Page 563, Public Records of Forsyth County, Georgia.
42. Temporary Construction Easement from Martha L. Conway and John F. Myers, III to Forsyth County, Georgia, dated June 6, 2001, filed June 8, 2001, and recorded in Deed Book 1945, Page 566, Public Records of Forsyth County, Georgia.
43. Easements as contained in Right of Way Deed from Martha L. Conway to Forsyth County, Georgia, dated December 20, 2011, filed January 4, 2012, and recorded in Deed Book 6158, Page 246 and as corrected and re-recorded in Deed Book 7866, Page 82, Public Records of Forsyth County, Georgia.
44. Temporary Construction Easement from Martha L. Conway to Forsyth County, Georgia, dated December 20, 2011, filed January 4, 2012, and recorded in Deed Book 6158, Page 252, Public Records of Forsyth County, Georgia.
45. Temporary Construction Easement from Martha L. Conway to Forsyth County, Georgia, dated December 20, 2011, filed January 5, 2012, and recorded in Deed Book 6158, Page 302, Public Records of Forsyth County, Georgia.
46. Permanent Construction Easement from Martha L. Conway to Forsyth County, Georgia, dated March 30, 2012, filed April 3, 2012, and recorded in Deed Book 6242, Page 770, Public Records of Forsyth County, Georgia.

47. Easements as contained in Right of Way Deed from Martha L. Conway to Forsyth County, Georgia, dated March 30, 2012, filed April 3, 2012, and recorded in Deed Book 6243, Page 1, Public Records of Forsyth County, Georgia.
48. Permanent Access Easement from Martha L. Conway to The City of Cumming, Georgia, dated October 9, 2015, filed November 12, 2015, and recorded in Deed Book 7574, Page 249, Public Records of Forsyth County, Georgia.

This the 10th day of February, 2020.



Phill Bettis, Attorney At Law
Bettis Law Group, LLC
1825 Lockeway Drive, Suite 201
Alpharetta, Georgia 30004
(678) 736-5445

Exhibit "A"

All that tract or parcel of land lying and being in Land Lots 197 and 198, 2nd District, 1st Section, Forsyth County, Georgia, containing 42.496 acres as shown on a survey entitled "Survey For: Forsyth County Schools (Elementary School #23)", dated July 25, 2019, as prepared by McFarland-Dyer & Associates, under seal of J. Chris Whitley, RLS No. 2672, which survey is incorporated herein and made a part hereof by referenced and is more particularly described as follows:

Beginning at the Northwestern mitered intersection of the right of way of Castleberry Road (right of way varies) and the right of way of Wade Valley Drive (60 feet right of way); thence running in a Southwesterly direction along and with the Northwestern right of way of Castleberry Road (right of way varies) a distance of 577.50 feet to a point, which point is the TRUE POINT OF BEGINNING; thence continuing along said right of way of Castleberry Road and following the curvature thereof the following courses and distances: South 72 degrees 29 minutes 56 seconds West a distance of 248.78 feet to a point; thence an arc length of 316.93 feet along a curve to the left, said curve having a chord bearing and distance of South 63 degrees 46 minutes 08 seconds West 315.70 feet and a radius of 1,040.00 feet to a point; thence an arc length of 330.30 feet along a curve to the left, said curve having a chord bearing and distance of South 53 degrees 00 minutes 23 seconds West 329.58 feet and a radius of 1,450.00 feet to a point; thence South 46 degrees 28 minutes 55 seconds West a distance of 285.87 feet to a point; thence North 43 degrees 31 minutes 05 seconds West a distance of 34.00 feet to a point; thence South 42 degrees 37 minutes 53 seconds West a distance of 104.24 feet to a point; thence South 54 degrees 38 minutes 18 seconds West a distance of 303.07 feet to a point; thence South 46 degrees 28 minutes 55 seconds West a distance of 80.00 feet to a point; thence North 43 degrees 31 minutes 05 seconds West a distance of 25.00 feet to a point; thence South 46 degrees 29 minutes 01 second West a distance of 56.03 feet to a point located at the intersection of said Northwestern right of way of Castleberry Road and the centerline of Mill Creek; thence running along and with the centerline of said Mill Creek and following the meanderings thereof the following courses and distances: North 48 degrees 48 minutes 58 seconds West a distance of 33.59 feet to a point; thence North 50 degrees 44 minutes 33 seconds West a distance of 18.93 feet to a point; thence North 26 degrees 58 minutes 04 seconds West a distance of 19.68 feet to a point; thence leaving said centerline of Mill Creek and running North 49 degrees 44 minutes 01 second West a distance of 526.46 feet to a point; thence running North 32 degrees 10 minutes 09 seconds West a distance of 37.98 feet to a point; thence running North 61 degrees 00 minutes 18 seconds West a distance of 27.23 feet to a point; thence running North 78 degrees 37 minutes 19 seconds West a distance of 105.15 feet to a point; thence running North 60 degrees 14 minutes 31 seconds West a distance of 48.75 feet to a point; thence running North 67 degrees 08 minutes 02 seconds West a distance of 51.35 feet to a point; thence running North 85 degrees 45 minutes 42 seconds West a distance of 13.82 feet to a point; thence running North 83 degrees 38 minutes 00 seconds West a distance of 60.55 feet to a point; thence running South 81 degrees 35 minutes 04 seconds West a distance of 32.14 feet to a point; thence running South 74 degrees 49 minutes 08 seconds West a

distance of 43.14 feet to a point; thence running South 72 degrees 47 minutes 37 seconds West a distance of 20.67 feet to a point; thence running South 75 degrees 58 minutes 40 seconds West a distance of 112.84 feet to a point located at the centerline of Big Creek; thence along and with said centerline of Big Creek and following the meanderings thereof the following courses and distances: thence North 19 degrees 03 minutes 30 seconds East a distance of 49.07 feet to a point; thence North 34 degrees 01 minute 14 seconds East a distance of 40.28 feet to a point; thence North 42 degrees 25 minutes 13 seconds East a distance of 47.84 feet to a point; thence North 25 degrees 50 minutes 03 seconds East a distance of 36.17 feet to a point; thence North 19 degrees 22 minutes 26 seconds East a distance of 68.36 feet to a point; thence North 42 degrees 25 minutes 44 seconds East a distance of 111.59 feet to a point; thence North 18 degrees 27 minutes 26 seconds East a distance of 88.33 feet to a point; thence North 01 degree 18 minutes 01 second West a distance of 106.71 feet to a point; thence North 07 degrees 59 minutes 02 seconds East a distance of 78.12 feet to a point; thence North 10 degrees 13 minutes 31 seconds West a distance of 83.97 feet to a point; thence North 01 degree 34 minutes 15 seconds East a distance of 101.93 feet to a point; thence North 09 degrees 39 minutes 43 seconds East a distance of 78.01 feet to a point located at the intersection of said centerline of Big Creek with the Land Lot Line common to Land Lots 164 and 197; thence leaving said centerline of Big Creek and running along and with said Land Lot Line common to Land Lots 164 and 197, which becomes the Land Lot Line common to Land Lots 163 and 198, the following courses and distances: North 89 degrees 53 minutes 16 seconds East a distance of 930.91 feet to a point; thence South 89 degrees 33 minutes 22 seconds East a distance of 1,226.35 feet to a point; thence leaving said Land Lot Line common to Land Lots 163 and 198 and running South 21 degrees 25 minutes 36 seconds West a distance of 185.41 feet to a point; thence running South 18 degrees 53 minutes 20 seconds East a distance of 47.52 feet to a point; thence running South 51 degrees 06 minutes 26 seconds East a distance of 84.89 feet to a point; thence South 11 degrees 34 minutes 39 seconds East a distance of 95.11 feet to a point, which point is located on the Northwestern right of way of Castleberry Road (right of way varies) and which point is the TRUE POINT OF BEGINNING.

LESS AND EXCEPT:

All that tract or parcel of land lying and being in Land Lot 197, 2nd District, 1st Section, Forsyth County, Georgia, containing 0.271 acres as shown on a survey entitled "Survey For: Forsyth County Schools (Elementary School #23)", dated July 25, 2019, as prepared by McFarland-Dyer & Associates, under seal of J. Chris Whitley, RLS No. 2672, which survey is incorporated herein and made a part hereof by referenced and is more particularly described as follows:

Beginning at the Northwestern mitered intersection of the right of way of Castleberry Road (right of way varies) and the right of way of Wade Valley Drive (60 feet right of way); thence running in a Southwesterly direction along and with the Northwestern right of way of Castleberry Road a distance of 577.50 feet to a point; thence leaving said Northwestern right of way of Castleberry Road and running North 11 degrees 34

minutes 39 seconds West a distance of 95.11 feet to a point; thence running North 51 degrees 06 minutes 26 seconds West a distance of 84.89 feet to a point; thence running North 18 degrees 53 minutes 20 seconds West a distance of 47.52 feet to a point; thence running North 21 degrees 25 minutes 36 seconds East a distance of 185.41 feet to a point located on the Land Lot Line common to Land Lots 163 and 198; thence along said Land Lot Line common to Land Lots 163 and 198, which becomes the Land Lot Line common to Land Lots 164 and 197, the following courses and distances: North 89 degrees 33 minutes 22 seconds West a distance of 1,226.35 feet to a point; thence South 89 degrees 53 minutes 16 seconds West a distance of 644.04 feet to a point, which point is the TRUE POINT OF BEGINNING; thence leaving said Land Lot Line common to Land Lots 164 and 197 and running South 84 degrees 00 minutes 47 seconds West a distance of 73.92 feet to a point; thence an arc length of 48.60 feet along a curve to the left, said curve having a chord bearing and distance of South 76 degrees 32 minutes 08 seconds West 48.46 feet and a radius of 188.03 feet to a point; thence running South 69 degrees 58 minutes 21 seconds West a distance of 24.70 feet to a point; thence an arc length of 31.97 feet along a curve to the left, said curve having a chord bearing and distance of South 54 degrees 16 minutes 38 seconds West 31.57 feet and a radius of 58.36 feet to a point; thence running South 38 degrees 34 minutes 55 seconds West a distance of 30.91 feet to a point; thence an arc length of 102.37 feet along a curve to the left, said curve having a chord bearing and distance of South 17 degrees 37 minutes 53 seconds West 100.10 feet and a radius of 139.97 feet to a point; thence running South 03 degrees 19 minutes 10 seconds East a distance of 187.84 feet to a point; thence an arc length of 114.98 feet along a curve to the right, said curve having a chord bearing and distance of South 04 degrees 06 minutes 17 seconds West 114.72 feet and a radius of 495.12 feet to a point; thence an arc length of 57.38 feet along a curve to the right, said curve having a chord bearing and distance of South 46 degrees 25 minutes 22 seconds West 53.75 feet and a radius of 46.09 feet to a point; thence running North 03 degrees 49 minutes 39 seconds East a distance of 19.32 feet to a point; thence running North 04 degrees 10 minutes 16 seconds West a distance of 1.39 feet to a point; thence an arc length of 28.46 feet along a curve to the left, said curve having a chord bearing and distance of North 42 degrees 00 minutes 29 seconds East 27.07 feet and a radius of 26.09 feet to a point; thence an arc length of 110.21 feet along a curve to the left, said curve having a chord bearing and distance of North 04 degrees 06 minutes 46 seconds East 109.96 feet and a radius of 475.12 feet to a point; thence running North 03 degrees 19 minutes 10 seconds West a distance of 187.70 feet to a point; thence an arc length of 116.99 feet along a curve to the right, said curve having a chord bearing and distance of North 17 degrees 37 minutes 53 seconds East 114.40 feet and a radius of 159.97 feet to a point; thence running North 38 degrees 34 minutes 55 seconds East a distance of 30.91 feet to a point; thence an arc length of 42.94 feet along a curve to the right, said curve having a chord bearing and distance of North 54 degrees 16 minutes 38 seconds East 42.40 feet and a radius of 78.36 feet to a point; thence running North 69 degrees 58 minutes 21 seconds East a distance of 24.55 feet to a point located on the Land Lot Line common to Land Lots 164 and 197; thence along said Land Lot Line common to Land Lots 164 and 197 North 89 degrees 53 minutes 16 seconds East a distance of 127.61 feet to a point, which point is the TRUE POINT OF BEGINNING.

STATE OF GEORGIA }

COUNTY OF FORSYTH }

Fee Amt. \$20.00 Page 1 of 1
Forsyth County, GA
Greg G. Allen Clerk Superior Ct
BK 6242 PG 770-775

PERMANENT CONSTRUCTION EASEMENT

THIS INDENTURE, made this 30 day of March, 2012, between **Martha L. Conway** (hereinafter referred to as "GRANTOR"), and **FORSYTH COUNTY**, a political subdivision of the State of Georgia, (hereinafter referred to as "Grantee"), ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires).

WITNESSETH THAT: GRANTOR, for and in consideration of the sum of One and No/100 Dollar in hand paid at and before the sealing and delivery of these presents, and by these presents, grant unto the Grantee an easement over, under, upon, and across the following described property:

TO-WIT 28,734.50 SF. of Permanent Construction Easement located in Land Lots 197 and 198 of the 2nd District, 1st Section, Tax Map No. 104-001, Forsyth County, Georgia, identified as Parcel # 33, as depicted in the plans entitled "Forsyth County Engineering Department, Right of Way Plans; Project - Castleberry Road; County - Forsyth" Project No. PEW12", as prepared by Gresham Smith and Partners. Said plans are incorporated herein by reference and shown on a copy of said plans attached hereto as Exhibit "A"

THE PURPOSE of this easement is to allow Grantee, or its agents, to construct and maintain slopes, fills, drainage, and embankments as necessary, in order to support improvements on roadway; as per Exhibit A, attached

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

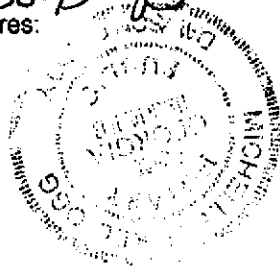
Signed, sealed and delivered this
30 day of March,
in the presence of:

Paul Hegler
Witness

Michelle W. Kellogg
Notary Public 3-30-13
My Commission expires:


Grantor(s):

Martha L. Conway
Martha L. Conway



MATCH LINE STA. 60+00

MATCH LINE STA. 65+00

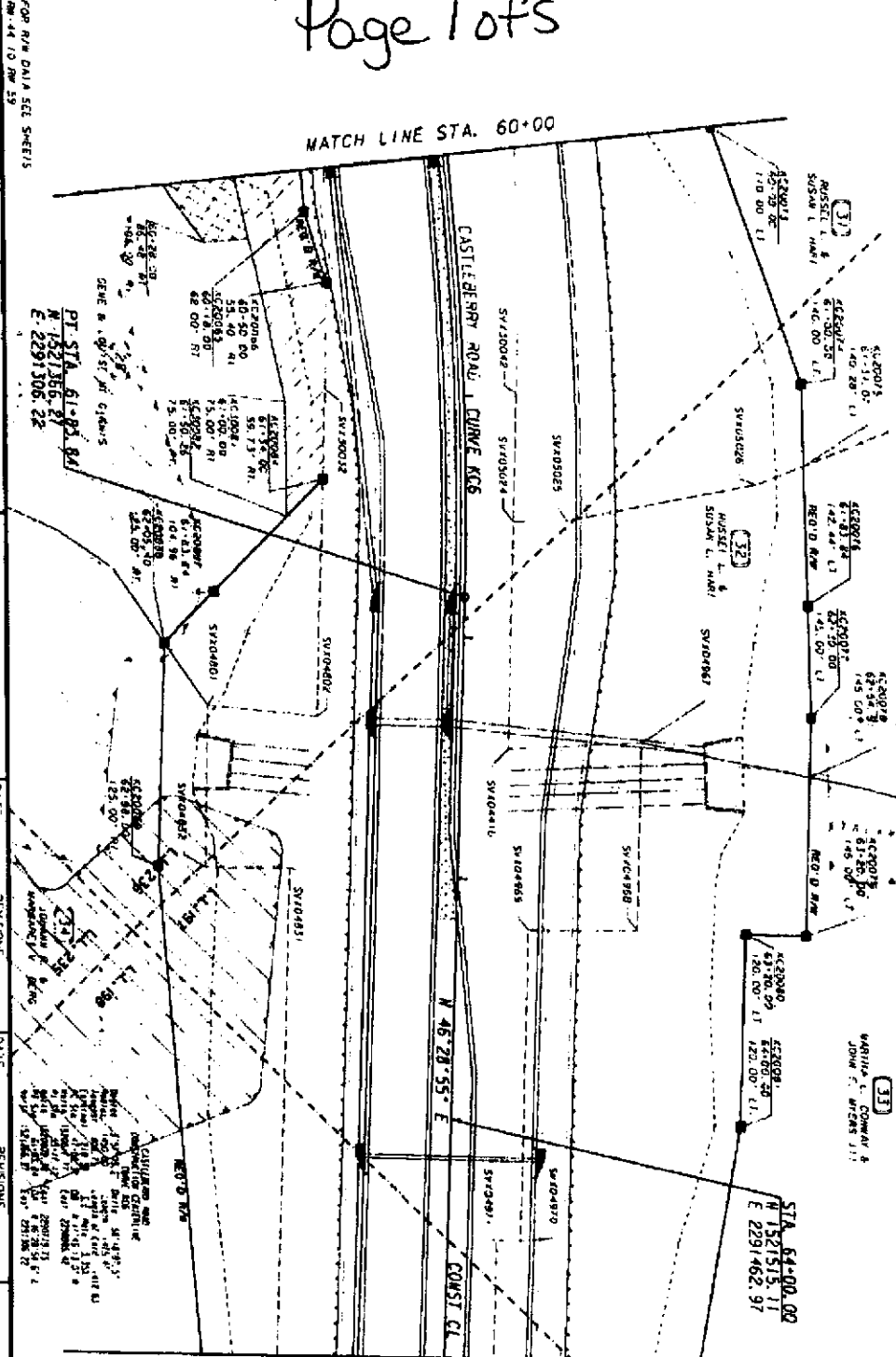


GRESHAM
SMITH AND
PARTNERS

ENGINEERING DEPARTMENT
PROJECT: CASTLEBERRY ROAD
COUNTY: OREGON
DATE: 2/5/05

DATE: 2/5/05
BY: [signature]
CHECKED: [signature]
APPROVED: [signature]

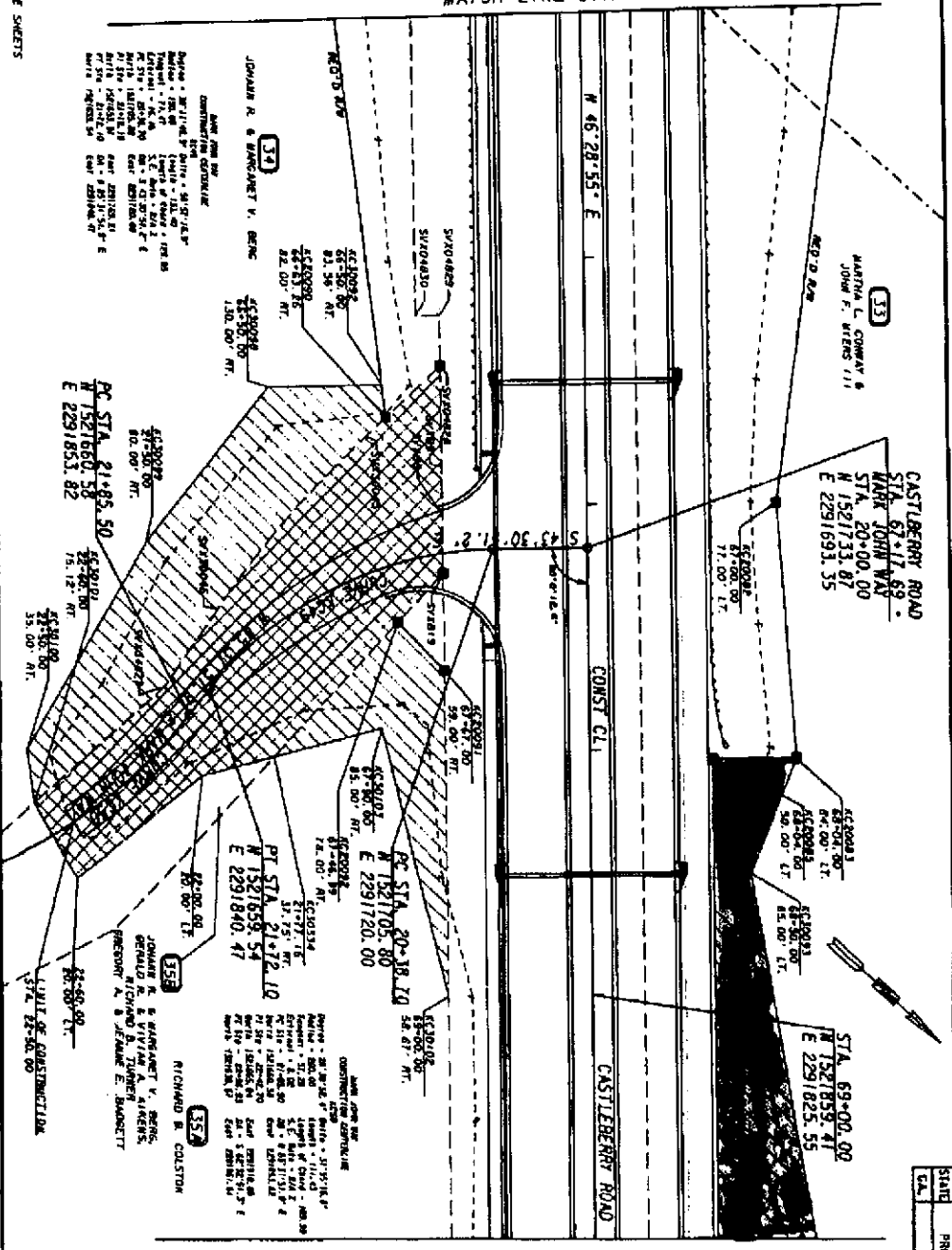
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BY: [signature]
CHECKED: [signature]
APPROVED: [signature]



STATE	PROJECT NUMBER	DATE
CA.	PEWIZ	59

2 of 5

MATCH LINE STA. 65+00



MATCH LINE STA. 70+00



GRESHAM
SMITH AND
PARTNERS

ENGINEERING DEPARTMENT
PROJECT - CASTLEBERRY ROAD
COUNTY - FORSYTH
DATE 2/6/05 SHEET RW-12

DATE 2/6/05
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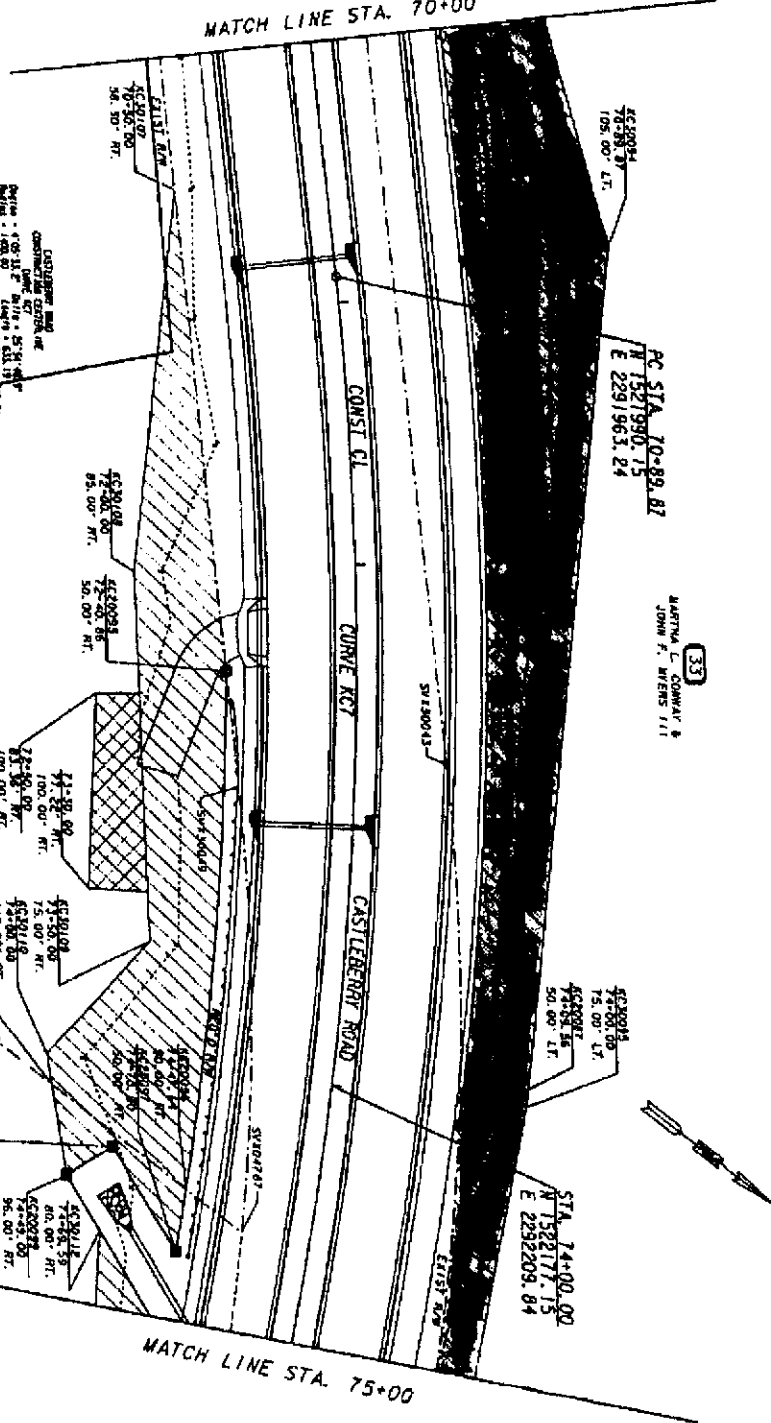
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MATCH LINE STA. 70+00



FOR R/W DATA SEE SHEETS
RW-44 TO RW-59

**GRESHAM
SMITH AND
PARTNERS**

ENGINEERING FIRM
CONSULTING ENGINEER
A MEMBER OF THE
FEDERATION OF PROFESSIONAL ENGINEERS
REGISTERED PROFESSIONAL ENGINEER
EX-12345

DATE: 10/1/03
REVISIONS:
DATE: 10/1/03
REVISIONS:

DATE	REVISIONS	DATE	REVISIONS

FORSTH COUNTY
ENGINEERING DEPARTMENT
PROJECT - CASTLEBERRY ROAD
COUNTY - FORSTH
DATE 10/1/03
SHEET RW-43

STATE	PROJECT NUMBER	DATE
GA	PEWZ	10/03



GRESHAM
SMITH AND
PARTNERS

ENGINEERING
ARCHITECTURE
INTERIOR DESIGN
LANDSCAPE ARCHITECTURE
PLANNING
CONSULTING

SCALE IN FEET
0 20 40 60 80 100

DATE: 8/20/02
REVISED: 8/20/02
BY: [Signature]

DATE: 8/20/02
REVISED: 8/20/02
BY: [Signature]

ENGINEERING
ARCHITECTURE
INTERIOR DESIGN
LANDSCAPE ARCHITECTURE
PLANNING
CONSULTING

ON R/W DATA SEE SHEETS

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CURVE KCB
PC STA. 77+23.06
N 152°30'37" E
E 229°25'03.83

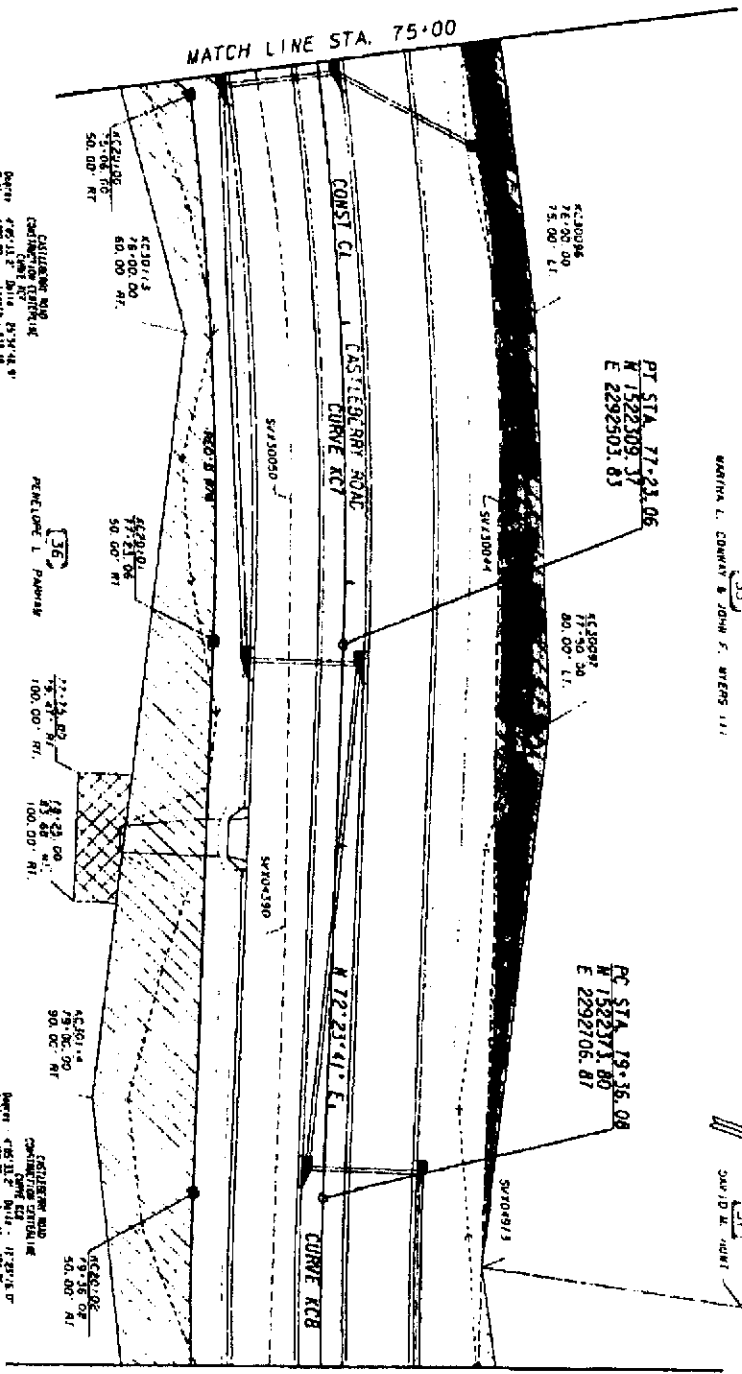
CONST. CL. 11.23' 41" E.L.
CURVE KCB
PC STA. 79+36.08
N 152°31'1.80" E
E 229°27'06.87

CONST. CL. 11.23' 41" E.L.
CURVE KCB
PC STA. 81+49.10
N 152°31'1.80" E
E 229°27'06.87

CONST. CL. 11.23' 41" E.L.
CURVE KCB
PC STA. 83+62.12
N 152°31'1.80" E
E 229°27'06.87

CONST. CL. 11.23' 41" E.L.
CURVE KCB
PC STA. 85+75.14
N 152°31'1.80" E
E 229°27'06.87

CONST. CL. 11.23' 41" E.L.
CURVE KCB
PC STA. 87+88.16
N 152°31'1.80" E
E 229°27'06.87



WATKINS L. CONWAY & JOHN F. WYERS LLP

DATE: 8/20/02

DATE	PROJECT NUMBER	REV	BY
8/20/02	PEWZ	4	59



G F E S H A M
S M I T H A N D
P A R T N E R S

DATE	REVISIONS	DATE	REVISIONS
12/05/05	CHANGED "1" TO "2" IN P. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 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[illegible]

BK 6243 PG 1-6

STATE OF GEORGIA }

COUNTY OF FORSYTH }

RIGHT OF WAY WARRANTY DEED

THIS INDENTURE, made this 30, day of March, 2012, between Martha L. Conway, hereinafter called "Grantor," and **FORSYTH COUNTY**, a political subdivision of the State of Georgia, hereinafter called "Grantee";

WITNESSETH, That, Grantor, for and in consideration 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 and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell and convey unto Grantees, all that tract or parcel of land more particularly described as follows:

All that tract or parcel of land lying and being in Land Lot(s) 197 & 198 of the 2nd District, 1st Section, Tax Map No. 104-001, Forsyth County, Georgia, and being the proposed 1.262 AC (or 54,979.22 SF) identified as Parcel # 33, as depicted in the plans entitled "Forsyth County Engineering Department, Right of Way Plans; Project - Castleberry Road; County - Forsyth" Project No. PEW12", as prepared by Gresham Smith and Partners dated 02/15/2005 and revised 11/22/05. Said plans are incorporated herein by reference and shown on a copy of said plans attached hereto as Exhibit "A"

TO HAVE AND TO HOLD the said bargained premises, together 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 Grantees, forever, in fee simple. Grantor shall warrant and forever defend the right, title and interest in and to said property unto Grantees, their successors and assigns, against the claims of all persons whomsoever. Where the context requires or permits, "Grantor" and "Grantee" shall include their respective heirs, successors and assigns.

IN WITNESS WHEREOF, Grantor has executed this Deed under Seal on the date above written.

Signed, sealed and delivered this
30 day of March,
2012 in the presence of

Karl Hylleberg

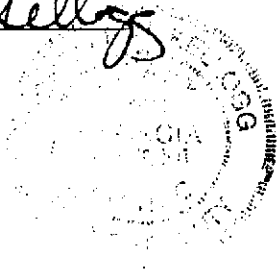
Witness

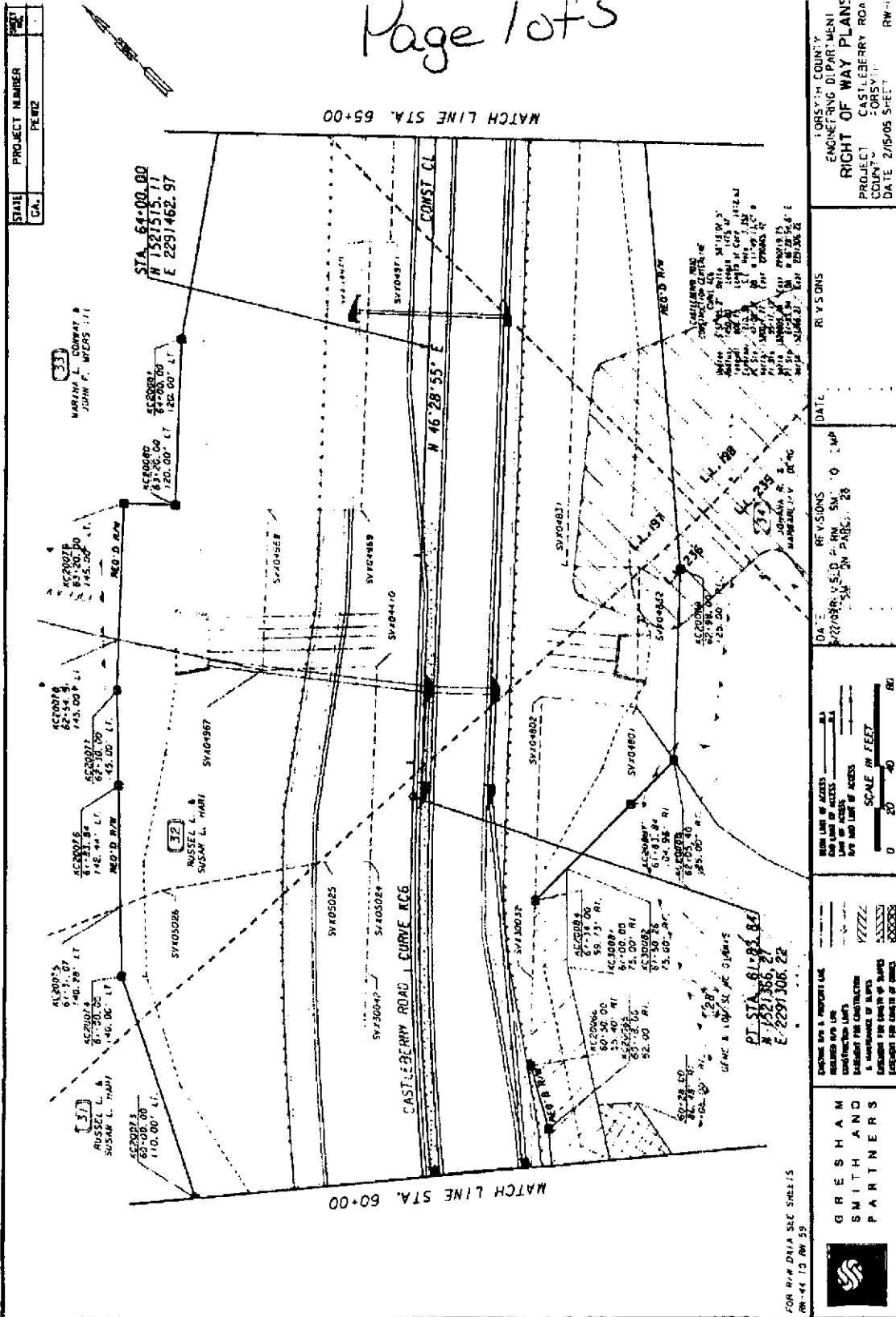
Michael W. Kellogg

Notary Public 3-10-13
My Commission expires:

Grantor(s)

Martha L. Conway
Martha L. Conway











FOR R/W DATA SEE SHEET 15
004-44 12 RW 29



GERESHAM
SMITH AND
PARTNERS

STAFF OF CONGRESSIONAL &
MULTIMEDIA AND DIGITAL
COPY SERVICES
AND OUR CLIENTS
AND PARTNERS & OUR SUPPORT

SCALE

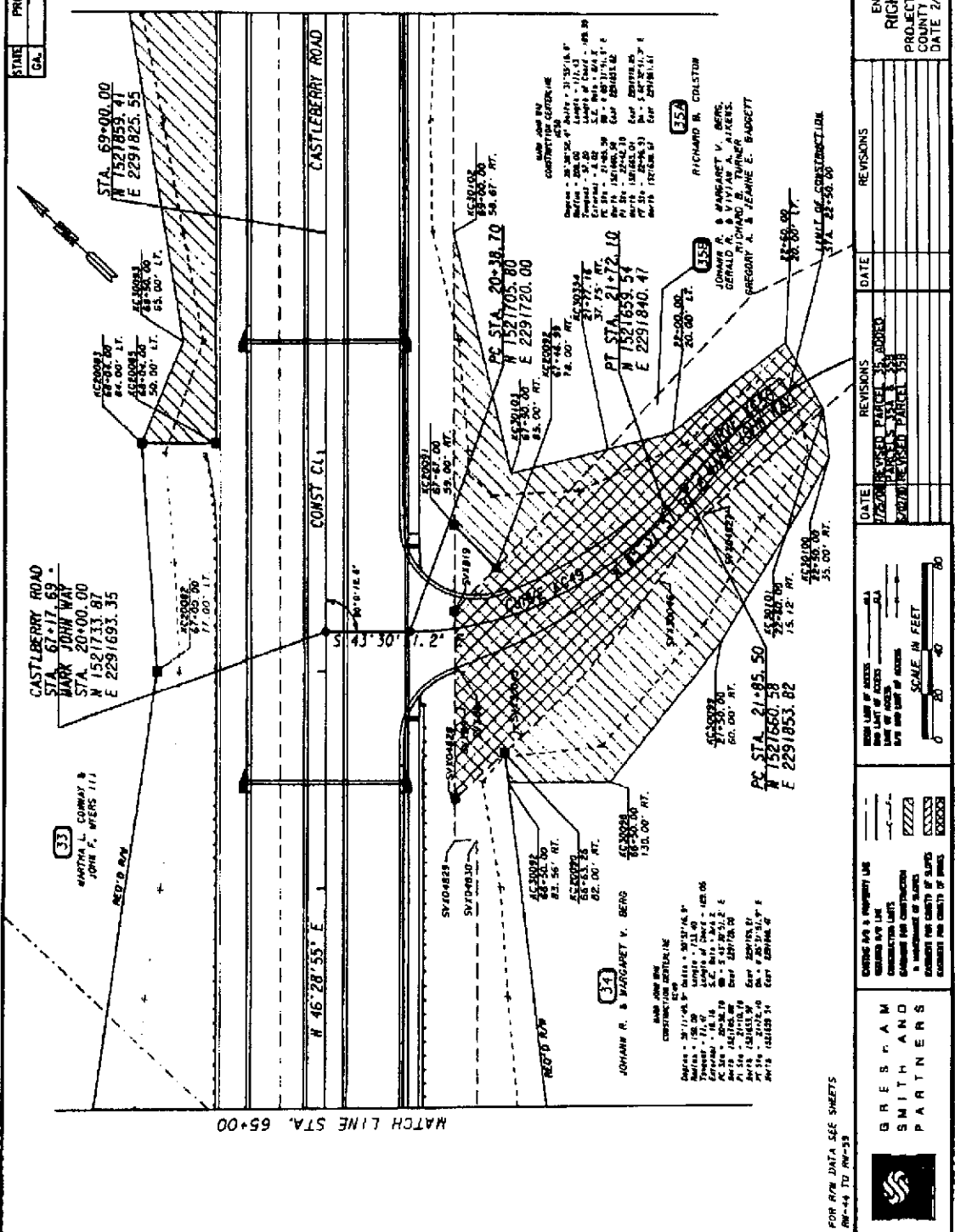
DB
FEET

DATE REVISIONS
07/22/09 V.S.D. - RM SM
SM - IN PARC. 28

DATE:	REVISIONS

FORSYTH COUNTY
ENGINEERING DEPARTMENT
PROJECT: CASTLEBERRY ROAD
COUNTY: FORSYTH
DATE: 2/15/05 SHEET: RW-4

STATE	PROJECT NUMBER	SHEET
GA.	PER12	12
		5

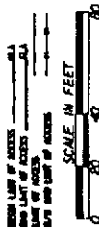


FOR R/W DATA SEE SHEETS
PR-44 TO PR-55



GRES, AM
SMITH AND
PARTNERS

ENGINE AND SURVEYING
REGISTERED PROFESSIONAL ENGINEERS
SURVEYORS
EXEMPT FROM CARRYING OF SLIPS
EXEMPT FROM CARRYING OF BONDS



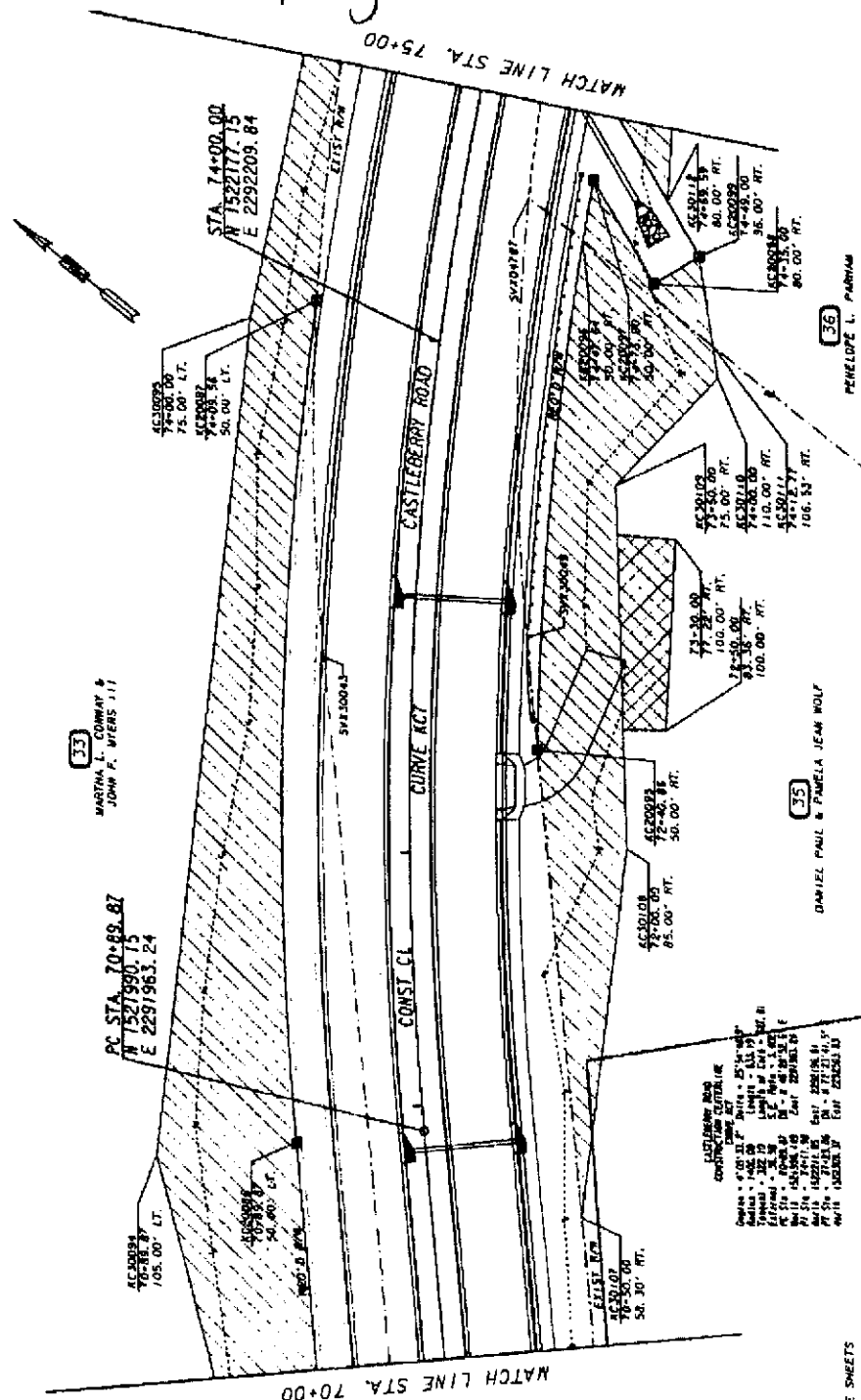
DATE	REVISIONS	DATE	REVISIONS
7/26/00	REVISION PARCEL 35 ADDED		
7/26/00	REVISION PARCEL 35B ADDED		
7/26/00	REVISION PARCEL 35C ADDED		

FORSYTH COUNTY
ENGINEERING DEPARTMENT
RIGHT OF WAY PLANS
PROJECT - CASTLEBERRY ROAD
COUNTY - FORSYTH
DATE 2/6/05 SHEET RW-12

12-000000
2/6-05-00

Page 3 of 5

STATE	PROJECT NUMBER	SHEET
GA.	PER12	13



FOR R/W DATA SEE SHEETS
RD-44 TO RD-59

GRESHAM SMITH AND PARTNERS

ENGINEERING DEPARTMENT
RIGHT OF WAY PLANS
PROJECT - CASTLEBERRY ROAD
COUNTY - FORSYTH
DATE 7/6/05 SHEET RW-13

REVISIONS

DATE	REVISIONS

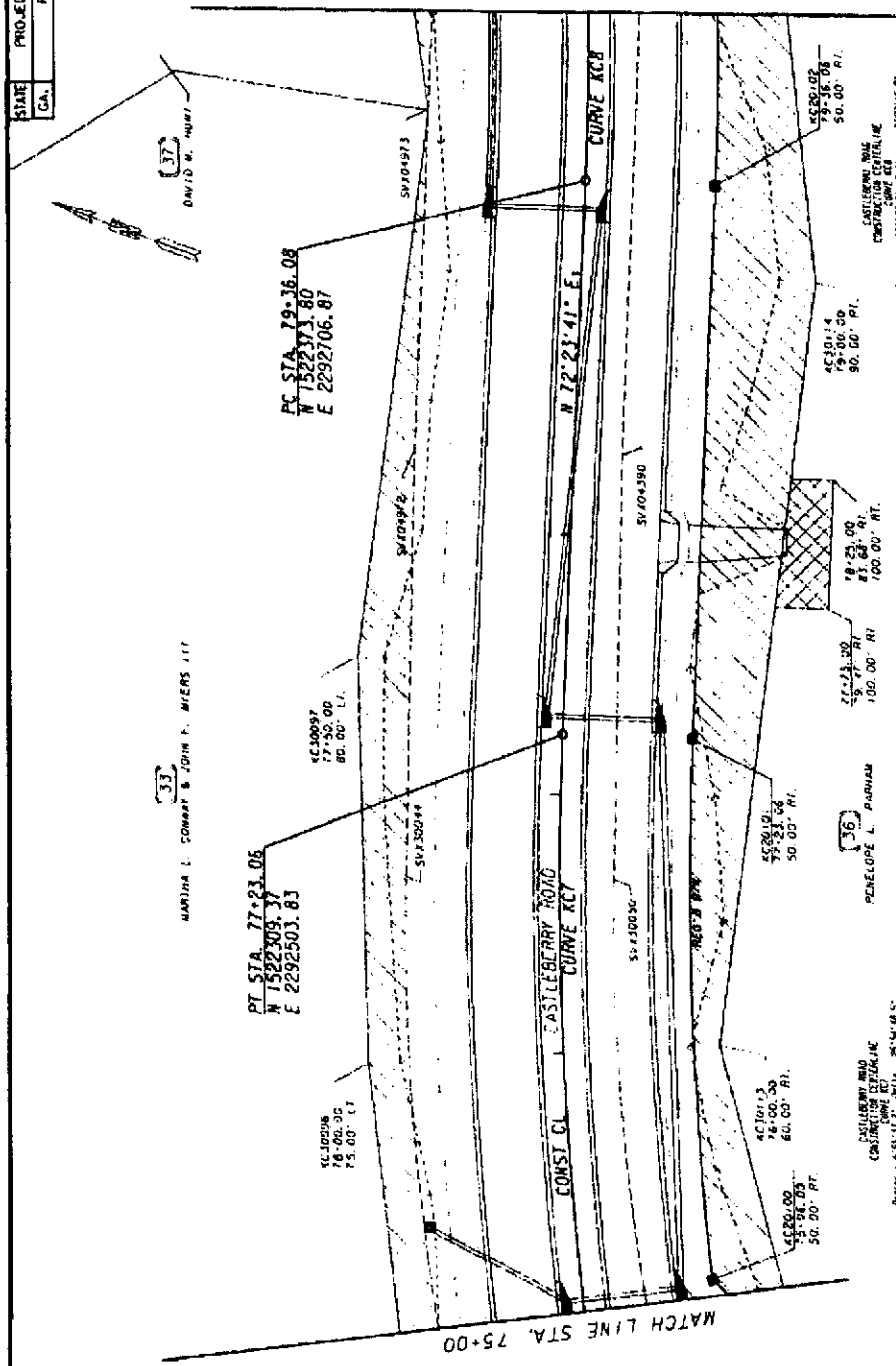
SCALE IN FEET
0 20 40 80

LEGEND

- EXISTING R/W & PROPERTY LINE
- PROPOSED R/W LINE
- CONSTRUCTION LIMITS
- EASEMENTS FOR CONSTRUCTION
- EASEMENTS FOR SLURPS
- EASEMENTS FOR CEMENT OF SLURPS
- EASEMENTS FOR CEMENT OF MARKS

MATCH LINE STA. 80+00

STATE	PROJECT NUMBER	SHEET
GA.	PEW2	14



CASTLEBERRY ROAD
CONSTRUCTION CENTERLINE
Station 75+00.00 to 79+00.00
Station 79+00.00 to 80+00.00
Station 80+00.00 to 81+00.00
Station 81+00.00 to 82+00.00
Station 82+00.00 to 83+00.00
Station 83+00.00 to 84+00.00
Station 84+00.00 to 85+00.00
Station 85+00.00 to 86+00.00
Station 86+00.00 to 87+00.00
Station 87+00.00 to 88+00.00
Station 88+00.00 to 89+00.00
Station 89+00.00 to 90+00.00
Station 90+00.00 to 91+00.00
Station 91+00.00 to 92+00.00
Station 92+00.00 to 93+00.00
Station 93+00.00 to 94+00.00
Station 94+00.00 to 95+00.00
Station 95+00.00 to 96+00.00
Station 96+00.00 to 97+00.00
Station 97+00.00 to 98+00.00
Station 98+00.00 to 99+00.00
Station 99+00.00 to 100+00.00

CASTLEBERRY ROAD
CONSTRUCTION CENTERLINE
Station 75+00.00 to 79+00.00
Station 79+00.00 to 80+00.00
Station 80+00.00 to 81+00.00
Station 81+00.00 to 82+00.00
Station 82+00.00 to 83+00.00
Station 83+00.00 to 84+00.00
Station 84+00.00 to 85+00.00
Station 85+00.00 to 86+00.00
Station 86+00.00 to 87+00.00
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Station 95+00.00 to 96+00.00
Station 96+00.00 to 97+00.00
Station 97+00.00 to 98+00.00
Station 98+00.00 to 99+00.00
Station 99+00.00 to 100+00.00

FOR R/W DATA SEE SHEETS
Pw 44 10 Mr-59

GRESHAM SMITH AND PARTNERS

REGISTERED PROFESSIONAL ENGINEERS

1000 Peachtree Street, N.E.
Atlanta, Georgia 30309

Phone: (404) 525-1000
Fax: (404) 525-1001

REVISIONS

NO.	DATE	REVISION
1	7/28/2015	PER 3P DEW-BL

DATE 7/28/2015

SCALE 1" = 40'

LEGEND

- PROPOSED
- EXISTING
- RIGHT OF WAY
- EASEMENT
- ADJACENT PROPERTY
- UTILITY
- FENCE
- DRIVE
- WALKWAY
- BIKEWAY
- TRAIL
- RAILROAD
- HIGHWAY
- AIRPORT
- MARINA
- PORT
- CANAL
- LAKE
- RIVER
- OCEAN
- MOUNTAIN
- HILL
- VALLEY
- PLAIN
- DESERT
- TUNDRA
- SAVANNAH
- JUNGLE
- SWAMP
- MANGROVE
- CORAL REEF
- GLACIER
- ICEBERG
- VOLCANO
- MOUNTAIN
- HILL
- VALLEY
- PLAIN
- DESERT
- TUNDRA
- SAVANNAH
- JUNGLE
- SWAMP
- MANGROVE
- CORAL REEF
- GLACIER
- ICEBERG

FORST COUNTY
ENGINEERING DEPARTMENT
PROJECT CASTLEBERRY ROAD
COUNTY FORST
DATE 2/5/05 SHEET 14 OF 14



GRESHAM
SMITH
PARTNERS

Application

Release

PT-283A Rev. 8/07

APPLICATION AND QUESTIONNAIRE FOR CURRENT USE
ASSESSMENT OF BONA FIDE AGRICULTURAL PROPERTY

To the Board of Tax Assessors of Forsyth County: In accordance with the provisions of O.C.G.A. § 48-5-7.4, I submit this application and the completed questionnaire on the back of this application for consideration of current use assessment on the property described herein. Along with this application, I am submitting the fee of the Clerk of Superior Court for recording such application if approved.

Name of owner (individual(s), family owned farm entity, trust, estate, non-profit conservation organization or club) The name of each individual and the percentage interest of each must be listed on the back of this application. For special rules concerning Family Farm Entities and the maximum amount of property that may be entered into a covenant, please consult the County Board of Tax Assessors			
Owner's mailing address <u>205 West Crossville Rd.</u>		City, State, Zip <u>Roswell GA 30075</u>	
Property location (Street, Route, Hwy, etc.) <u>Castelberry Rd.</u>		City, State, Zip <u>Cumming GA</u>	
District <u>2-1</u>	Land Lot <u>197-198</u>	Sublot & Block <u>Be 5233Pg. 439</u>	Recorded Deed Book/Page <u>NONE</u>
List types of storage and processing buildings: ;			

AUTHORIZED SIGNATURE

I, the undersigned, do hereby solemnly swear, covenant and agree that all the information contained above, as well as the information provided on the questionnaire, is true and correct to the best of my knowledge and that the above described property qualifies under the ownership and land use provisions of O.C.G.A. § 48-5-7.4. I further swear that I am authorized to sign this application on behalf of the owner(s) making application and that I have shown the percentage interest of the individuals having an ownership right to this property on the back of this application form. I am also aware that certain penalty provisions are applicable if this covenant is breached.

Martha L. Conway
Signature of Taxpayer or Taxpayer's Authorized Representative

RECEIVED

JUN 07 2011

Sworn to and subscribed before me this

Date of Application

Day

2011

Signature of Taxpayer or Taxpayer's Authorized Representative
(Please have additional taxpayers sign on reverse side of application)

Jamie M. [Signature]

Notary Public

If denied, Georgia law O.C.G.A. § 48-5-7.4 provides that the applicant may appeal in the same manner as other property appeals are made pursuant to O.C.G.A. § 48-5-311.

CR# 1162				FOR TAX ASSESSORS USE ONLY	
Map and Parcel Number <u>104-001</u>	Tax District	Taxpayer Account Number	Total Number of Acres	Yr Covenant: Begins: Jan 1 <u>2012</u> Ends: Dec 31 <u>2021</u>	
If transferred from Preferential Agricultural Assessment, provide date of transfer: _____	If applicable, covenant is a renewal for tax year: Beginning Jan 1, _____ Ending: Dec 31, _____ Pursuant to O.C.G.A. § 48-5-7.4(d) a taxpayer may enter into a renewal contract in the 9 th year of a covenant period so that the contract is continued without a lapse for an additional 10 years.			If applicable, covenant is a continuation for tax year Beginning Jan 1, _____ Ending: Dec 31, _____ If continuing a covenant where part of the property has been transferred, list Original Covenant Map and Parcel Number:	
	Based on the information submitted above, as well as the information provided on the questionnaire, the <u>Forsyth</u> County Board of Tax Assessors has considered such information and has made the following final determination of this application: Approved: <u>✓</u> Date: <u>12/8/11</u> Denied: _____ Date: _____ If denied, the County Board of Tax Assessors shall issue a notice to the taxpayer in the same manner as all other notices are issued pursuant to O.C.G.A. § 48-5-306.			12/9/11 Date	

APPLICATION FOR RELEASE OF CURRENT USE ASSESSMENT OF BONA FIDE AGRICULTURAL PROPERTY

I, the owner of the above described property, having satisfied all applicable taxes and penalties associated with the covenant above, do hereby file this application for release of current use assessment with the county board of tax assessors. Pursuant to O.C.G.A. § 48-5-7.4(w), no fee is required for the clerk of superior court to file and index this release in the real property records of the clerk's office.

Sworn to and subscribed before me
This _____ day of _____, _____

Taxpayer's Authorized Signature

Approved by: Board of Tax Assessors

Notary Public

Date Filed

Date Approved

ALL APPLICANTS, other than single titled owners, must list below each individual's name that owns a beneficial interest in the property described in this application, the percentage interest of each, the relationship of each (if the applicant is a family farm entity), and all other information applicable to this application.

[illegible]

Check Appropriate Ownership Type:

- ☒ One or more natural or naturalized citizens.
- ☐ An estate of which the devisees or heirs are one or more natural or naturalized citizens.
- ☐ A trust of which the beneficiaries are one or more natural or naturalized citizens.
- ☐ A family owned farm entity (e.g., a family corporation, family partnership, family general partnership, family limited partnership, family limited corporation or family limited liability company. Percent (%) of gross income from bona fide conservation uses. _____ (including earnings on investments directly related to past or future bona fide conservation uses, within this state within the year immediately preceding the year in which eligibility is sought (include supporting tax records); provided, however, that in the case of a newly formed family farm entity, an estimate of the income of such entity may be used to determine its eligibility (include supporting estimate records).)
- ☐ Nonprofit conservation organization designated as a 501(c)(3) organization under the Internal Revenue Code. (Provide copy of IRS determination letter/charter with application.)
- ☐ Bona fide club organized for pleasure, recreation, and other non-profitable purposes pursuant to Section 501(c)(7) of the Internal Revenue Code. (Provide copy of IRS determination letter/charter with application.)

Check All Bona fide uses that apply and the percentage use, as they relate to the property described in this application.

- ☐ Raising, harvesting, or storing crops % _____
☐ Feeding, breeding, or managing livestock or poultry % _____
☒ Producing plants, trees, fowl, or animals (including the production of fish or wildlife) % 99
☒ Wildlife habitat of not less than ten (10) acres of wildlife habitat (either in its natural state or under management; no form of commercial fishing or fish production shall be considered a type of agriculture); % 99 (see board of tax assessors for appropriate documentation in accordance with O.C.G.A. Section 48-5-7.4(b)(2))
☐ Production of aquaculture, horticulture, floriculture, forestry, dairy, livestock, poultry, and apiarian products % _____
☐ Other _____

- () Yes (X) No Is this property or any portion thereof, currently being leased? (If yes, list the name of the person or entity and briefly explain how the property is being used by the lessee, as well as the percentage of the property leased.)
- () Yes (X) No Are there other real property improvements located on this property other than the storage and processing buildings listed on the front of this application? If yes, briefly list and described these real property improvements.
- () Yes (X) No Are there any restrictive covenants currently affecting the property described in this application. If yes, please explain.
- () Yes (X) No Are there any deed restriction on this property? If yes, please list the restrictions.
- (X) Yes () No Does the current zoning on this property allow agricultural use? If no, please explain.
- () Yes (X) No Is there any type business operated on this property? If yes please indicate business name & type of business.

- If this application is for property that is less than 10 acres in size, a taxpayer must submit additional relevant records providing proof of bona fide agricultural use.
- Although not required, the applicant(s) for a property having more than 10 acres may wish to provide additional information to assist the board of assessors in making their determination. This information may include:
 - Plans or programs for the production of agricultural and timber products.
 - Evidence of participation in a government subsidy program for crops or timber.
 - Receipts that substantiate a bona fide conservation use, such as receipts for feed, equipment, etc.
 - Income tax records, such as copies of a previously filed Federal Schedule F or the appropriate entity return (e.g., Federal Form 1065, 1120, etc.)
- The Board of Tax Assessors can only deny an application if the use of the property does not meet the definition of bona fide agricultural property or if the ownership of the property is not in compliance with O.C.G.A. § 48-5-7.4.

Pct

After recording return to
Forsyth County Engineering Department
110 E. Main Street
Cumming, GA 30040

Doc ID: 015430360004 Type: GLR
Recorded: 08/05/2016 at 03:29:58 PM
Fee Amt: \$0.00 Page 1 of 4
Forsyth County, GA
Greg G. Allen Clerk Superior Ct
BK 7866 PG 82-85

STATE OF GEORGIA

COUNTY OF FORSYTH

Ref. DB 6158 PG 246

CORRECTIVE RIGHT OF WAY WARRANTY DEED

THIS INDENTURE made this 27th day of July, 2016 between the Martha L. Conway Revocable Trust (Grantor) and Forsyth County, a political subdivision of the State of Georgia (Grantee).

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00) in hand paid, and the benefits flowing from the project hereinafter described, Grantor does grant and convey unto Grantee, its successors and assigns, the following property, to wit: a required corrected Right-of-Way for "Big Creek Greenway Phase 4 Extension, located in, Land Lots 197 and 198 of the 2nd District, 1st Section, Forsyth County, Georgia, which is shown as Right-of-Way and further described on that plat attached hereto as Exhibit A, and incorporated herein by reference.

To have and to hold the bargained premises unto Grantee, its successors and assigns forever in fee simple.

Grantor will forever warrant and defend the title to the bargained premises unto Grantee, its successors and assigns the claims of all persons whomsoever.

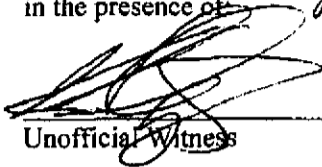
THIS CORRECTIVE RIGHT OF WAY WARRANTY DEED is made for the purpose of correcting the legal description contained in that certain Right of Way Warranty Deed from Grantor to Grantee dated December 20, 2011 and recorded in Deed Book 6158 Page 246, Forsyth County, Georgia Deed Records, which correction is made necessary to match the field as-built conditions to the legal description attached hereto as Exhibit "A." The legal description contained herein as Exhibit "A" is the legal description that should have been attached to said prior Right-of-Way Deed and the parties agree to substitute that Exhibit "A" attached hereto for the original Exhibit "A" attached to the Deed referenced above. Except as modified herein, the original Deed shall remain in full force and effect.

mfc

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal the day and year above written.

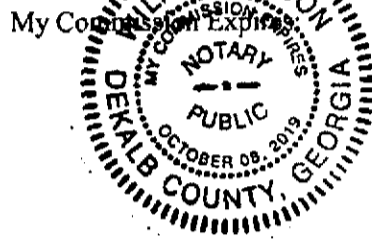
GRANTOR:

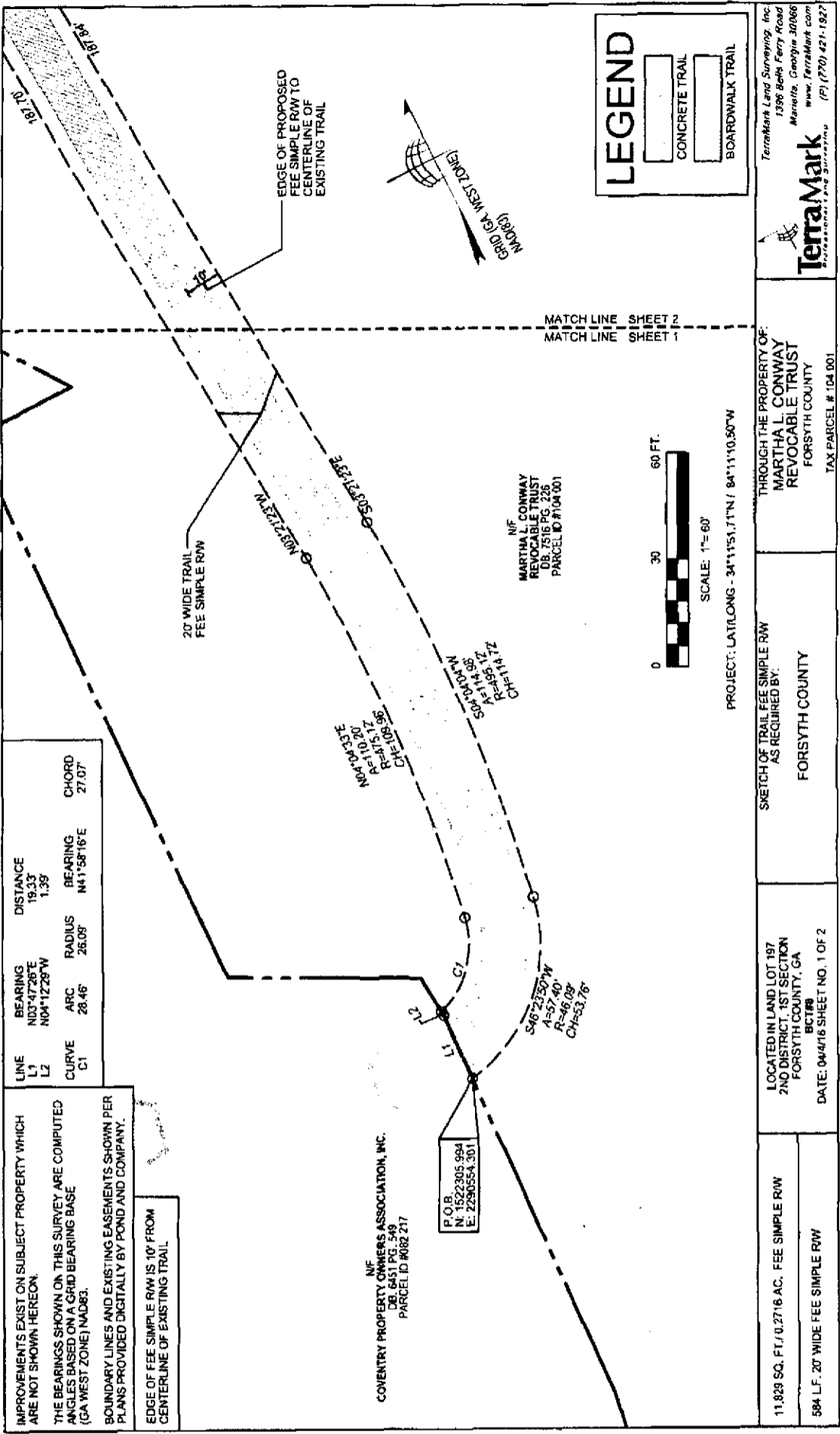
Signed, sealed and delivered
on the 27th day of July, 2016
in the presence of

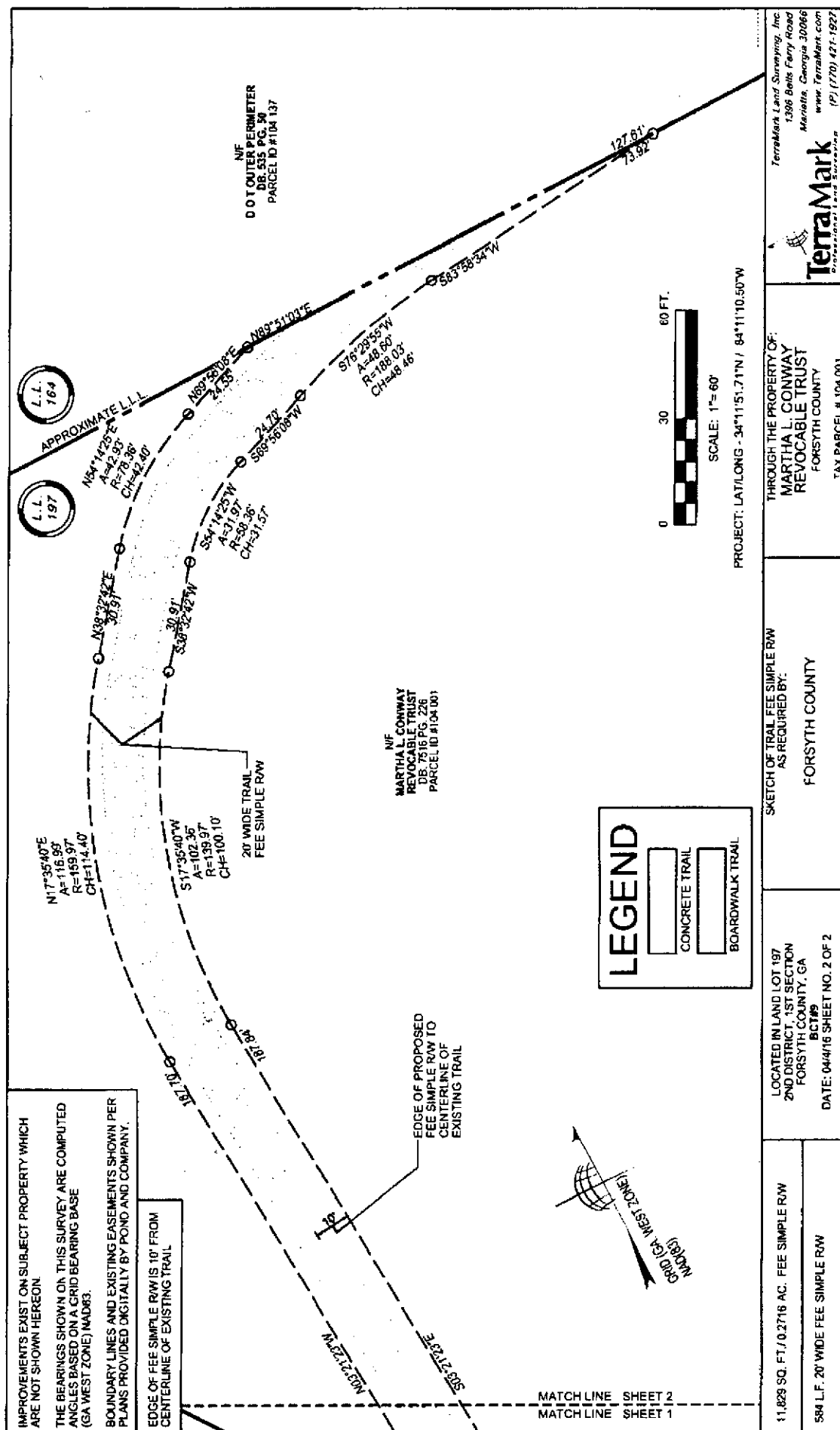

Unofficial Witness

By: Martha L. Conway (SEAL)
Print Name: MARTHA L. CONWAY
Title: TRUSTEE


Notary Public







PATH: S:\SURVEY\2016\2016-003\DWG\ESMT PLATS.DGN

2019 Property Tax Statement

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

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

CONWAY MARTHA L REVOC TRUST
2138 THOMAS RD
CANTON, GA 30115

Bill No.	Due Date	Current Due	Prior Payment	Back Taxes	*Total Due*
2019-217313	11/15/2019	\$0.00	\$398.63	\$0.00	Paid 09/27/2019
Map: 104 001					Printed: 02/08/2020
Location: CASTLEBERRY RD					

INTEREST, PENALTIES, AND OTHER FEES WILL APPLY AFTER DUE DATE.

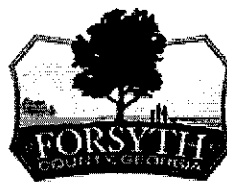
If taxes are paid by your mortgage company, send them the top portion only.

RETURN THIS PORTION WITH PAYMENT

(Interest will be added per month if not paid by due date)

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

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



Tax Payer: CONWAY MARTHA L REVOC TRUST
Map Code: 104 001 Real
Description: 2-1 197-198
Location: CASTLEBERRY RD
Bill No: 2019-217313
District: 001

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good through	Exemptions	
0.00	2,374,850.00	42.5600	\$2,374,850.00	11/15/2019			SV	
Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax
COUNTY BOND	\$2,374,850.00	\$949,940.00	\$935,525.00	\$14,415.00	0.970000	\$13.98	\$0.00	\$13.98
COUNTY M&O	\$2,374,850.00	\$949,940.00	\$935,525.00	\$14,415.00	7.472000	\$107.71	\$0.00	\$107.71
FIRE DISTRICT	\$2,374,850.00	\$949,940.00	\$935,525.00	\$14,415.00	2.175000	\$31.35	\$0.00	\$31.35
SALES TAX CREDIT	\$2,374,850.00	\$949,940.00	\$935,525.00	\$14,415.00	-2.681000	\$0.00	-\$38.65	-\$38.65
SCHOOL BOND	\$2,374,850.00	\$949,940.00	\$935,525.00	\$14,415.00	2.418000	\$34.86	\$0.00	\$34.86
SCHOOL M&O	\$2,374,850.00	\$949,940.00	\$935,525.00	\$14,415.00	17.300000	\$249.38	\$0.00	\$249.38
STATE TAX	\$2,374,850.00	\$949,940.00	\$935,525.00	\$14,415.00	0.000000	\$0.00	\$0.00	\$0.00
TOTALS					27.654000	\$437.28	-\$38.65	\$398.63

If receipt is desired, please send a self-addressed, stamped envelope.

*** If taxes are past due, please call us at 770-781-2110 for current amount as interest and other fees continue to accrue.

Current Due	\$398.63
Discount	\$0.00
Penalty	\$0.00
Interest	\$0.00
Other Fees	\$0.00
Previous Payments	\$398.63
Back Taxes	\$0.00
Total Due	\$0.00
Paid Date	09/27/2019

GRANT OF EASEMENT

SEWER & SLOPE Easements

STATE OF GEORGIA
COUNTY OF FORSYTH

25th This Grant of Easement made and entered into this day of May, 1993, between:

MARTHA L. CONWAY & JOHN F. MYERS, III
of the State and County aforesaid, party of the first part, and The City of Cumming, a political subdivision of the State of Georgia, as party of the second part:

WITNESSETH, that said party of the first part, for and in consideration of the sum of TEN DOLLARS AND NO/100--- (\$10.00) does hereby grant, bargain, sell, and convey unto The City of Cumming, the said party of the second part, an easement and perpetual right-of-way over and under the property of the party of the first part, to wit:

Property located in Land Lot 197 of the 2nd District, Forsyth County, Georgia, and being a strip of land more particularly described and shown on a drawing (Sheets 1 & 10) prepared by Civil Engineering Consultants, Inc., Marietta, Georgia, dated March 24, 1993, identified as Parcel #1-A and on file in the City's Utility Director's office.

Said sewer easement is to be 20 feet wide, with permission to use up to 40 feet wide for construction, the center line of which shall be the center line of the sewer line hereinafter installed by Grantee, over, upon, through, under or across said lands. Said easement begins and ends where the said location enters and leaves the property of the undersigned party of the first part, and is bounded by said party's property line as already established, as above indicated, and totals 1,202 Linear Feet. Said slope easement is to be 6,125 square feet as shown on the above referenced drawings.

The sewer easement covered by this instrument is for the purpose of operating a public sewer line, together with the right to go upon said property to install a sewer line, or lines, and to inspect, maintain, relieve, replace or repair the same, as may from time to time be necessary, and wherever said party of the second party may seem fit, with all rights, members and appurtenances to said easement and right-of-way in anyway appertaining to or belonging. The slope easement is for the purpose of constructing and maintaining the ground elevations around the pumping station and includes the right to maintain the slopes as deemed necessary by the party of the second part.

The party of the first part does hereby covenant with the party of the second part that they are lawfully seized and possessed of the real estate above described, that they have a good and lawful right to convey it, or any part thereof, that it is completely free and clear from all encumbrances, and that they will forever warrant and defend the title there to against the lawful claims of all persons whomsoever.

ADDITIONAL SPECIFICATIONS: ~~None~~ ONE SEWER TAP (B) IF ANYONE IS PAID FOR R.P.W. IN THIS LINE, EQUAL COMPENSATION WILL BE PAID FOR THIS TAP. IN WITNESS WHEREOF, said party of the first part has hereunto set their hand and affixed their seal, the day and year above written:

Signed, sealed and delivered, this 25 day of May, 1993, in the presence of:

Witness: *[Signature]*

NOTARY PUBLIC (SEAL)

(My commission expires on the 2nd day of May, 1997)

Martha L. Conway (SEAL)

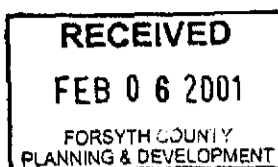
(SEAL)

Forsyth County
Clerks Office Superior Court
Filed for record on the 22 day of June, 1993
at 3:10 o'clock PM. Recorded in Book 667 Page 86 this 23 day of June, 1993
Cecil McChesney, Clerk
City City

11838
1662

FORSYTH COUNTY, GA - DOCUMENT STAMP
Recorded 02/06/2001 at 13:16:26
No. 2001-00001415 1 of 6 Pgs
Fee Amt: 20.00
Transfer Tax: .00

Douglas Sorrells
Douglas Sorrells, SUPERIOR COURT CLERK



1838 662
Pd & Del: Lipscomb-Johnson, et al

SEWER EASEMENT INDEMNIFICATION AGREEMENT

THIS INDEMNIFICATION is made this 1st day of February, 2001, by and between **BMR DEVELOPMENT, INC., A GEORGIA CORPORATION ("BMR")** and **MARTHA L. CONWAY and JOHN F. MYERS, III ("C&M")**.

WITNESSETH

WHEREAS, BMR will be the owner of certain property (the "Development Property") lying in Land Lots 195, 196, 197, 237 and 238 of the 2nd District, 1st Section, Forsyth County, Georgia being more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof; and

WHEREAS, the C&M is the owner of certain property (the "C&M Property") lying in Land Lot 197 of the 2nd District, 1st Section of Forsyth County, Georgia being 0.22744 acres and being more particularly described on Exhibit "B" attached hereto and by this reference made a part hereof; and

WHEREAS, BMR desires to make this Indemnification to C&M for the proposed construction of a sanitary sewer line across the C&M Property which will be constructed under the Grant of Easement (the "Grant of Easement") given by C&M to The City of Cumming for the benefit of BMR;

NOW, THEREFORE, in consideration of the sum of Ten and No/100 dollars (\$10.00) in hand paid, the covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is hereby agreed as follows:

1. Indemnity.

(a) BMR hereby agrees to indemnify, defend and hold C&M harmless from and against any loss, damage or liability which C&M actually and directly incurs as a result of the exercise by BMR of its rights under the Grant of Easement for the construction of the sanitary sewer line across the C&M Property.

(b) Construction and Maintenance. BMR shall, in a good and workmanlike manner and in compliance with all applicable Forsyth County regulations, construct and install the sewer

line on the C&M Property. BMR shall at all times be responsible for the maintenance and repair of such sewer line to the extent required by Forsyth County.

2. Successors and Assigns. This Indemnification shall be binding upon and inure to the benefit of and be enforceable by the heirs, legal representatives, successors, assigns and successors-in-title of the parties hereto. All obligations of BMR hereunder shall be binding upon their respective successors-in-title and assigns; provided the covenants and obligations herein are only personal to and enforceable against the parties or successors-in-title, as the case may be, owning title to the respective properties at the time any liability or claim arising under this Agreement shall have accrued; it being intended that upon the conveyance of title by a party, the party conveying title shall thereupon be released of any liability hereunder as to the property conveyed for any breach of this Indemnification or claim arising under this Indemnification accruing after the date of such conveyance.

3. Notice. All notices shall be in writing and shall be deemed to have been properly given on the earlier of (i) when delivered in person, (ii) when deposited in the United States Mail, with adequate postage, and sent by registered or certified mail with return receipt requested, to the appropriate party at the address set out below, or (iii) when deposited with Federal Express, Express Mail or other overnight delivery service for next day delivery, addressed to the appropriated party at the address set out below.

C&M: Martha L. Conway
205 West Crossville Road
Roswell, GA 30075

BMR: BMR Development, Inc.
210 Sandy Springs Place
Atlanta, GA 30328
Attention: Chris A. Weathers

Rejection or other refusal by the addressee to accept, or the inability of the courier service or the United States Postal Service to deliver because of a changed address of which no notice was given, shall be deemed to be receipt of the notice sent. Any party shall have the right, from time to time, to change the address to which notices to it shall be sent by giving to the other party or parties at least ten (10) days prior notice of the changed address.

4. Entire Agreement. This document constitutes the entire agreement between the parties and understanding between the parties relating to the subject matter hereof and may not be amended, waived or discharged, except by instrument in writing executed by the party against which enforcement of such amendment, waiver or discharge is sought.

5. Governing Law. This document shall be governed by and construed in accordance with the laws of the State of Georgia.

IN WITNESS WHEREOF, this Agreement has been executed under the seal and delivered as of the date first written above.

Signed, sealed and delivered in the presence of:

BMR:

BMR Development, Inc.
a Georgia Corporation

By: Chris A. Weathers, President
CHRIS A. WEATHERS, PRESIDENT

(CORPORATE SEAL)

Rita A. [Signature]
Witness

[Signature]
Notary Public

My commission expires: _____



Exhibit "A"000903
11/14/00Description of Property
Bethelview Road Tract

All of that tract or parcel of land lying and being in Land Lots 195, 196, 197, 237 and 238 of the 2nd District, 1st Section of Forsyth County, Georgia and being more particularly described as follows:

Beginning at an iron pin found (1" crimp top pipe) being the northeast corner of Land Lot 195 (said corner being common to Land Lots 165, 166, 195 and 196) and proceeding thence South 88°49'38" East along the north line of Land Lot 196 for a distance of 1391 feet, more or less to a point formed by the intersection of the north line of Land Lot 197 and the centerline of Big Creek; thence in a southwesterly direction along the centerline of Big Creek and following the meanderings thereof for a distance of 3136 feet more or less to a point formed by the intersection of the centerline Big Creek and the easterly r/w of Bethelview Road (variable r/w ~ 75 feet from centerline); thence departing the centerline of Big Creek and proceeding North 10°40'49" West along the easterly r/w of Bethelview Road (variable r/w ~ 75 feet from centerline) for a distance of 69 feet, more or less to an iron pin found (1" crimp top pipe); thence departing the easterly r/w of Bethelview Road (variable r/w ~ 75 feet from centerline) and proceeding North 24°15'41" East for a distance of 353.49 feet to a point on the centerline of an old roadbed; thence North 17°56'02" East along the centerline of an old road bed for a distance of 54.51 feet to a point; thence North 10°43'28" East along the centerline of an old road bed for a distance of 45.46 feet to a point; thence North 00°42'24" West along the centerline of an old road bed for a distance of 47.11 feet to a point; thence North 04°29'15" West along the centerline of an old road bed for a distance of 48.34 feet to a point; thence North 03°54'09" West along the centerline of an old road bed for a distance of 44.26 feet to a point; thence North 07°18'39" West along the centerline of an old road bed for a distance of 42.62 feet to a point; thence North 06°52'08" West along the centerline of an old road bed for a distance of 56.43 feet to a point; thence North 25°32'20" West along the centerline of an old road bed for a distance of 52.68 feet to a point; thence North 38°25'25" West along the centerline of an old road bed for a distance of 6.08 feet to a point; thence North 74°34'09" West along the centerline of an old road bed for a distance of 38.47 feet to a point; thence North 82°25'43" West along the centerline of an old road bed for a distance of 48.88 feet to a point; thence North 73°48'47" West along the centerline of an old road bed for a distance of 45.32 feet to a point; thence North 59°48'05" West along the centerline of an old road bed for a distance of 11.80 feet to a point; thence North 56°06'35" West along the centerline of an old road bed for a distance of 118.58 feet to an iron pin found (1/2" re-bar); thence North 32°40'19" West along the centerline of an old road bed for a distance of 46.93 feet to an iron pin found (1/2" re-bar); thence North 32°24'55" West along the centerline of an old road bed for a distance of 125.30 feet to an iron pin found (1/2" re-bar) on the easterly r/w of

L000903.1

Bethelview Road (variable r/w ~ 50 feet from centerline); thence in a northwesterly direction along the easterly r/w of Bethelview Road (variable r/w ~ 50 feet from centerline) the following courses and distances: (1) North 10°34'28" West, 477.99 feet; (2) 121.01 feet along the arc of a curve to the left, said curve having a radius of 1653.92 feet and being subtended by a chord of North 12°40'13" West, 120.98 feet; (3) North 14°45'58" West, 16.87 feet; (4) 34.87 feet along the arc of a curve to the left, said curve having a radius of 413.84 feet and being subtended by a chord of North 17°10'47" West, 34.86 feet; (5) 159.22 feet along the arc of a curve to the left, said curve having a radius of 879.28 feet and being subtended by a chord of North 24°46'51" West, 159.00 feet; (6) 170.15 feet along the arc of a curve to the left, said curve having a radius of 623.86 feet and being subtended by a chord of North 37°46'55" West, 169.63 feet to an iron pin found (3/8" re-bar); thence departing said r/w and proceeding North 63°02'55" East for a distance of 239 feet, more or less to a point on the centerline of a creek; thence in a northerly direction along the centerline of said creek and following the meanderings thereof for a distance of 241 feet, more or less to a point formed by the centerline of said creek and the north line of Land Lot 195; thence departing said creek and proceeding North 88°05'39" East along the north line of Land Lot 195 for a distance of 856 feet, more or less to an iron pin found (1" crimp top pipe), said pin being the northeast corner of Land Lot 195 (said corner being common to Land Lots 165, 166, 195 and 196) and the Point of Beginning. Said tract containing 75.22629 acres, more or less.

000903
January 10, 2001

Description of Proposed 20' Sanitary Sewer Easement

All that tract or parcel of land lying and being within Land Lot 197 of the 2nd District, 1st Section of Forsyth County, Georgia and being more particularly described as follows:

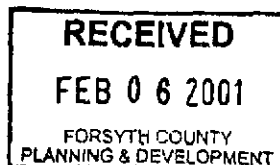
To find the point of beginning, commence at the Land Lot corner common to Land Lots 196, 197, 236, & 237 of said District and Section; thence proceed westerly along the land lot line common to Land Lots 196 & 237 South 88°59'34" West, a distance of 343.41 feet to a point in the centerline of Big Creek; thence northeasterly along said centerline a total distance of 1096.2' to the True Point of Beginning. From the Point of Beginning thus established; continue along said centerline of Big Creek North 10°09'29" East, a distance of 18.10 feet to a point; thence North 45°26'43" East for a distance of 6.31 feet to a point; thence departing said centerline South 39°07'43" East for a distance of 205.42 feet to a point; thence South 50°52'17" West for a distance of 20.00 feet to a point; thence North 39°07'43" West for a distance of 193.01 feet to a point in the centerline of said Big Creek and the Point of Beginning. Containing 4,017 square feet or 0.09222 Acres.

Also together with and overtop of the above described easement a 50' Temporary Construction Easement further described as follows:

All that tract or parcel of land lying and being within Land Lot 197 of the 2nd District, 1st Section of Forsyth County, Georgia and being more particularly described as follows:

To find the point of beginning, commence at the Land Lot corner common to Land Lots 196, 197, 236, & 237 of said District and Section; thence proceed westerly along the land lot line common to Land Lots 196 & 237 South 88°59'34" West, a distance of 343.41 feet to a point in the centerline of Big Creek; thence northeasterly along said centerline a total distance of 1076.4' to the True Point of Beginning. From the Point of Beginning thus established; continue along said centerline of Big Creek North 10°09'29" East, a distance of 37.89 feet to a point; thence North 45°26'43" East for a distance of 21.37 feet to a point; thence departing said centerline South 39°07'43" East for a distance of 206.84 feet to a point; thence South 50°52'17" West for a distance of 50.00 feet to a point; thence North 39°07'43" West for a distance of 180.10 feet to a point in the centerline of said Big Creek and the Point of Beginning. Containing 5,890 square feet or 0.13522 Acres outside the limits of above described 20'SSE.

Book 1838 Page 668

Grant Of EasementSTATE OF GEORGIA
COUNTY OF FORSYTH

This Grant of Easement made and entered into this 1st day of February, 2001, between:

of the State and County aforesaid, party of the first part, and The City of Cumming, a political subdivision of the State of Georgia, as party of the second part:

WITNESSETH, that said party of the first part does hereby grant, bargain, sell, and convey unto the City of Cumming, the said party of the second part, an easement and perpetual right-of-way over and under the property of the party of the first part, to wit:

Property located in Land Lot 197 of the 2nd District, 1st Section, Forsyth County, Georgia, and being a strip of land located and identified as Parcel #1 in the 1990 edition of Forsyth County Tax Maps, Map Page 104.

Said easement is to be 20 feet wide with permission to use up to 50 feet wide for repair and maintenance. Said easement begins and ends where the said location enters and leaves the property of the undersigned party of the first part, and is bounded by said party's property line as already established, as above indicated, and totals 206.84 Linear Feet.

The sewer easement covered by this instrument is for the purpose of operating a public sewer line, and to inspect, maintain, relieve, replace or repair the same, as may from time to time be necessary, and wherever said party of the second party may seem fit, with all rights, members and appurtenances to said easement and right-of-way in anyway appertaining to or belonging.

The party of the first part does hereby covenant with the party of the second part that they are lawfully seized and possessed of the real estate above described, that they have a good and lawful right to convey it, or any part thereof, that it is completely free and clear from all encumbrances, and that they will forever warrant and defend the title there to against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, said party of the first part has hereunto set their hand and affixed their seal, the day and year above written:

Martha L. Conway (SEAL)
J. F. Myers (SEAL)

Signed, sealed and delivered, this 1st day of February, 2001,

in the presence of:

James A. Conway
NOTARY PUBLIC (SEAL)

FORSYTH COUNTY, GA - DOCUMENT STAMP
Recorded 02/06/2001 at 13:17:15
No. 2001-00001416 1 of 3 Pgs
Fee Amt: 14.00
Transfer Tax: .00

Douglas Sorrells
Douglas Sorrells, SUPERIOR COURT CLERK
W. H. Lipsecomb - Johnson, et al

My commission expires on the 18th day of March, 2002

000903
January 10, 2001

Description of Proposed 20' Sanitary Sewer Easement

All that tract or parcel of land lying and being within Land Lot 197 of the 2nd District, 1st Section of Forsyth County, Georgia and being more particularly described as follows:

To find the point of beginning, commence at the Land Lot corner common to Land Lots 196, 197, 236, & 237 of said District and Section; thence proceed westerly along the land lot line common to Land Lots 196 & 237 South 88°59'34" West, a distance of 343.41 feet to a point in the centerline of Big Creek; thence northeasterly along said centerline a total distance of 1096.2' to the True Point of Beginning. From the Point of Beginning thus established; continue along said centerline of Big Creek North 10°09'29" East, a distance of 18.10 feet to a point; thence North 45°26'43" East for a distance of 6.31 feet to a point; thence departing said centerline South 39°07'43" East for a distance of 205.42 feet to a point; thence South 50°52'17" West for a distance of 20.00 feet to a point; thence North 39°07'43" West for a distance of 193.01 feet to a point in the centerline of said Big Creek and the Point of Beginning. Containing 4,017 square feet or 0.09222 Acres.

Also together with and overtop of the above described easement a 50' Temporary Construction Easement further described as follows:

All that tract or parcel of land lying and being within Land Lot 197 of the 2nd District, 1st Section of Forsyth County, Georgia and being more particularly described as follows:

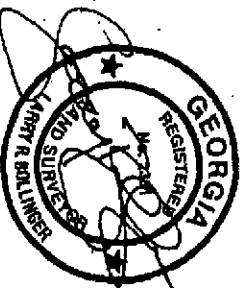
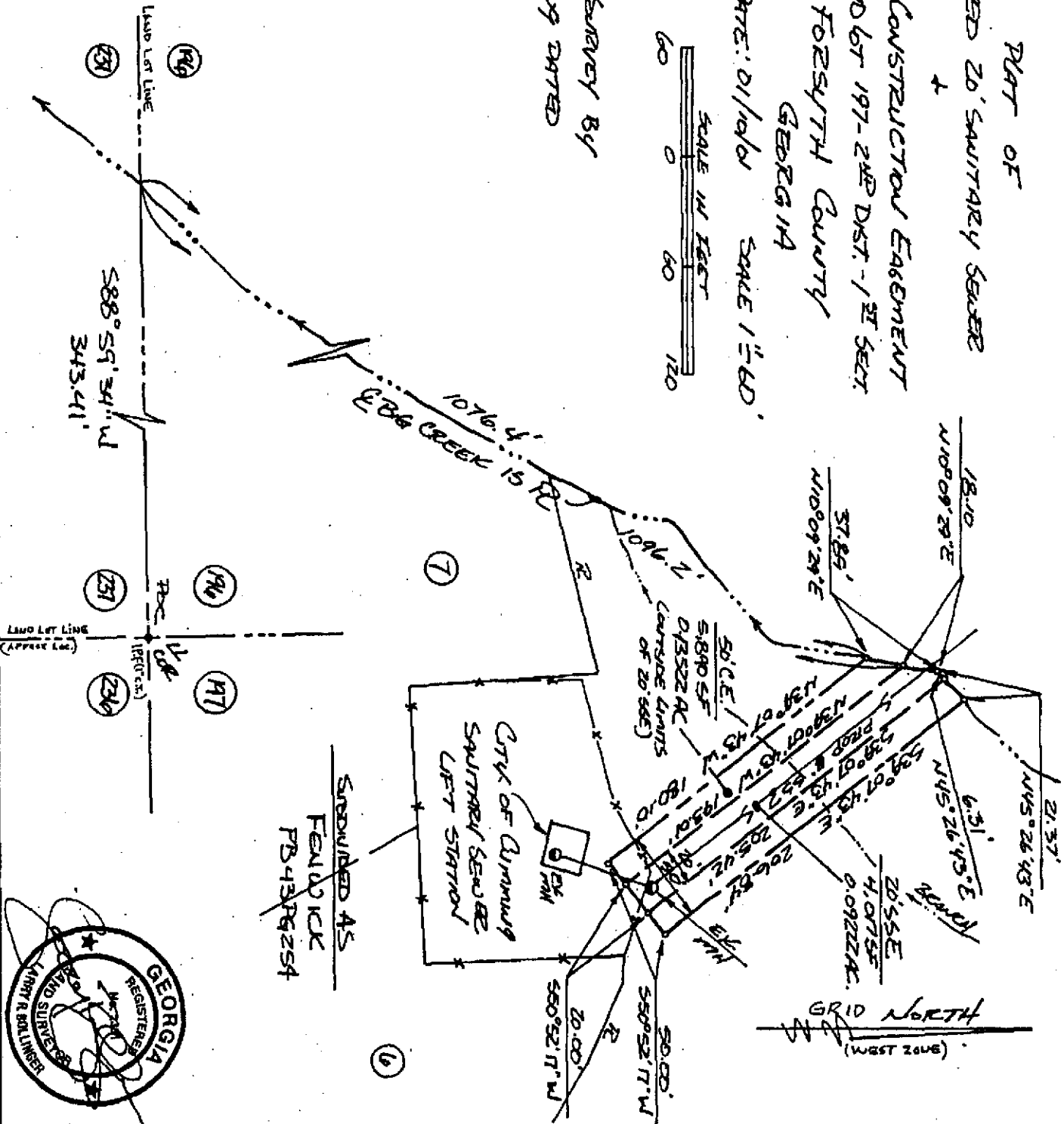
To find the point of beginning, commence at the Land Lot corner common to Land Lots 196, 197, 236, & 237 of said District and Section; thence proceed westerly along the land lot line common to Land Lots 196 & 237 South 88°59'34" West, a distance of 343.41 feet to a point in the centerline of Big Creek; thence northeasterly along said centerline a total distance of 1076.4' to the True Point of Beginning. From the Point of Beginning thus established; continue along said centerline of Big Creek North 10°09'29" East, a distance of 37.89 feet to a point; thence North 45°26'43" East for a distance of 21.37 feet to a point; thence departing said centerline South 39°07'43" East for a distance of 206.84 feet to a point; thence South 50°52'17" West for a distance of 50.00 feet to a point; thence North 39°07'43" West for a distance of 180.10 feet to a point in the centerline of said Big Creek and the Point of Beginning. Containing 5,890 square feet or 0.13522 Acres outside the limits of above described 20'SSE.

PLAT OF
PROPOSED 20' SANITARY SEWER
+
50' CONSTRUCTION EASEMENT
LAND LOT 197-248 DIST. - 1ST SECT.
FORSEYTH COUNTY
GEORGIA

DATE: 01/10/01 SCALE 1"=60'



REF: Boundary Survey By
Watts & Browning DATED
10/2/00.



SUBMITTED AS
FENDICK
PB43B6254

CITY OF ALPHARETTA
SANITARY SEWER
LIFT STATION

SCALE: 1"=60'
DATE SURVEYED: 10-02-00
DATE DRAFTED: 01-10-01
SURVEYED BY: WUB/EAR
DRAWN BY: LTB
CHECKED BY: MHL
FIELD BOOK #: 200, 1883
JOB NUMBER: 000903
FOLDER NUMBER: 000903
COCO FILE: 565 BETHLEHEM
DISC FILE: FORSEYTH
COUNTY: FORSEYTH
PLAT FILE: 1051
SHEET: 1051

Watts & Browning Engineers, Inc.
CIVIL ENGINEERS & LAND SURVEYORS
SUITE 120
1854 AIRPORT ROAD
ATLANTA, GEORGIA 30341
PHONE (770) 451-7400
FAX (770) 451-5883



REVISIONS	
NO.	DESCRIPTION

Book 1945
Pages 563 - 565
FORSYTH COUNTY, GA - DOCUMENT STAMP
Recorded 06/08/2001 11:56:19 am
No. 9999-00022888 1 of 3 Pgs
Fee Amt: .00
Douglas Sorrells, SUPERIOR COURT CLERK

Engineering

RIGHT OF WAY DEED
Board of Commissioners
Forsyth County, Georgia

NAME OF ROAD: CASTLEBERRY ROAD NUMBER: _____

This indenture made this 06 day of JUNE, 2001 between
MARTHA L. CONWAY & JOHN F. MYERS III, hereinafter referred to as **GRANTOR**, and
FORSYTH COUNTY, a political subdivision of the State of Georgia, hereinafter referred to as
GRANTEE.

WITNESSETH, that the Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good valuable considerations, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee's heirs and assigns, all the following described, to wit:

All that tract or parcel of land lying and being in Land Lot 197, of the 2nd District and First Section of Forsyth County, Georgia, and being the proposed 5,475 square feet of right-of-way as more fully shown on a plat entitled "Right of Way Plat for Forsyth County Department of Engineering" as prepared by Armstrong Land Surveying, Inc. (Robert T. Armstrong RLS # 1901). Said plat is incorporated herein by reference. For a more complete description thereof see Exhibit "A" attached.

TO HAVE AND TO HOLD, the said bargained premises, together 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 herein, Grantee's heirs and assigns, forever in Fee Simple.

AND the said Grantor, for Grantor's heirs, executors and administrators, will warrant and forever defend the right and title to the above-described property unto the said Grantee, Grantee's heirs and assigns, against the claims of all persons whomsoever. "Grantor" and "Grantee" are used for singular or plural, as context requires.

IN WITNESS WHEREOF, the said Grantor has hereunto set Grantor's hand and seal, the day and year first above written.

Signed, Sealed and Delivered
In the presence of:

Bob S. Simmons

Witness

Cindy Ballal

Notary Public

GRANTORS:

Martha L. Conway

MARTHA L. CONWAY

John F. Myers, III

JOHN F. MYERS III

My Commissioner Expires: _____
Notary Public, Forsyth County, Georgia
My Commission Expires March 18, 2005



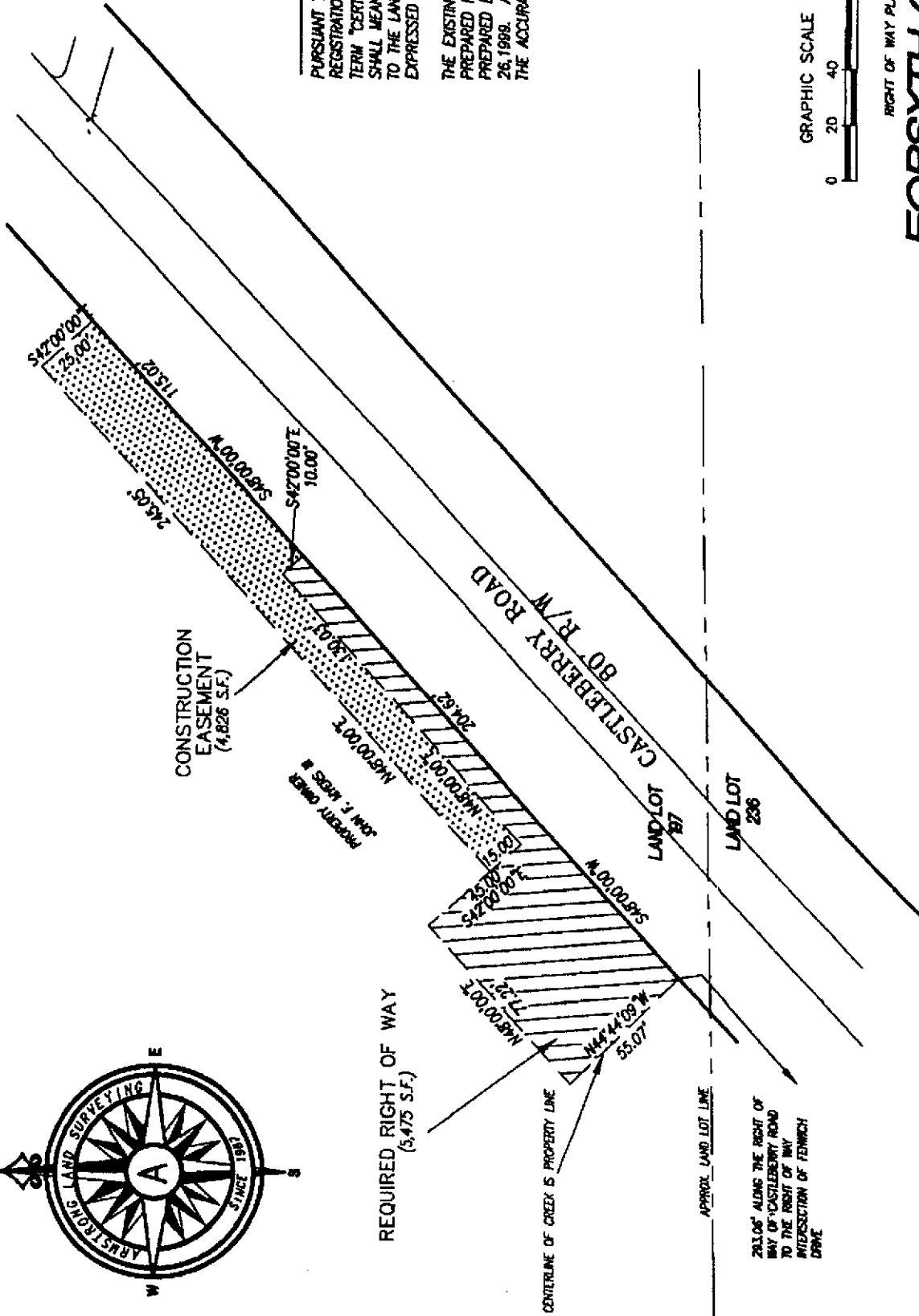
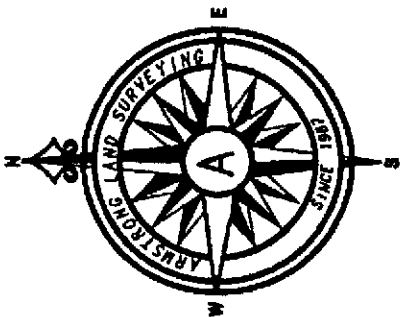
EXHIBIT "A"
Legal Description of Required Right of Way Area

All that tract or parcel of land lying and being in Land Lot 197 of the 2nd District, 1st Section, Forsyth County, Georgia, and being more particularly described as follows:

Commencing at a point at the northeastern right of way of Castleberry Road and Fenwich Drive; thence along the right of way of Castleberry Road along a curve to the right an arc distance of 41.97 feet, said curve having a radius of 1585.53 feet and being subtended by a chord of 41.97 feet at North 45 degrees 44 minutes 53 seconds East to a point; thence continuing along said right of way North 47 degrees 41 minutes 17 seconds East, a distance of 109.26 feet to a point; thence continuing along said right of way North 48 degrees 09 minutes 24 seconds East, a distance of 144.55 feet to a point on the centerline of a creek; said point being the POINT OF BEGINNING; thence leaving said right of way and along said creek thence North 44 degrees 44 minutes 09 seconds West, a distance of 55.07 feet to a point; thence leaving said creek North 48 degrees 00 minutes 00 seconds East, a distance of 77.22 feet to a point; thence South 42 degrees 00 minutes 00 seconds East, a distance of 45.00 feet to a point; thence North 48 degrees 00 minutes 00 seconds East, a distance of 130.03 feet to a point; thence South 42 degrees 00 minutes 00 seconds East, a distance of 10.00 feet to a point on the northern right of way of Castleberry Road; thence along said right of way South 48 degrees 00 minutes 00 seconds West, a distance of 204.62 feet to a point on the centerline of said creek; said point being the POINT OF BEGINNING.

Said tract contains 5,475 sf. (0.13 acres)

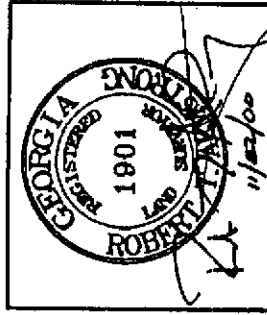
EXHIBIT A



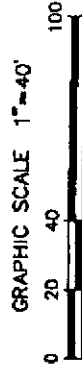
GENERAL NOTES

PURSUANT TO RULE 180-6.09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, THE TERM "CERTIFY" OR "CERTIFICATION" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED ON FACTS AND KNOWLEDGE KNOWN TO THE LAND SURVEYOR AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

THE EXISTING RIGHT OF WAY FOR CASTLEBERRY ROAD TAKEN FROM A PLAT PREPARED FOR THE FORSYTH COUNTY DEPARTMENT OF ENGINEERING PREPARED BY FRONTLINE SURVEYING AND MAPPING, DATED NOVEMBER 26, 1999. ARMSTRONG LAND SURVEYING, INC. ASSUMES NO LIABILITY AS TO THE ACCURACY OF THAT INFORMATION SHOWN HEREON.



SURVEY NOT VALID WITHOUT SURVEYOR'S ORIGINAL BLACK INK SIGNATURE



RIGHT OF WAY PLAT FOR

FORSYTH COUNTY DEPARTMENT OF ENGINEERING

LAND LOTS 197 AND 236
2nd. DISTRICT ~ 1st. SECTION
FORSYTH COUNTY, GEORGIA

SCALE: 1"= 40'
SURVEY DATE: OCTOBER 19, 2000

DWG FILE: 248D
JOB NO: 00248

CHKD:RTA

DRAWN:RA

FIELD:NA

Armstrong Land Surveying, Inc.

POST OFFICE BOX 775

DOUGLASSVILLE, GEORGIA 30033

PHONE: (770) 577-0077 / FAX: (770) 577-0088

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Book 1945
Pages 566 - 568
FORSYTH COUNTY, GA - DOCUMENT STAMP
Recorded 06/08/2001 11:56:31 am
No. 9999-00022889 1 of 3 Pgs
Fee Amt: .00
Douglas Sorrells, SUPERIOR COURT CLERK

Engineering

STATE OF GEORGIA }
COUNTY OF FORSYTH }

TEMPORARY CONSTRUCTION EASEMENT

THIS INDENTURE, made this 06 day of JUNE, 2001, between MARTHA L. CONWAY & JOHN F. MYERS III (hereinafter referred to as "GRANTOR"), and FORSYTH COUNTY, a political subdivision of the State of Georgia, of the County of Forsyth and State of Georgia, (hereinafter referred to as "Grantee"), ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires).

WITNESSETH THAT: GRANTOR, for and in consideration of the sum of One and No/100 Dollar in hand paid at and before the sealing and delivery of these presents, and by these presents, grant unto the Grantee an easement over, under, upon, and across the following described property:

TO-WIT, 4,826 square feet of Temporary Construction Easement located in Land Lot(s) 197 of the 2nd District, 1st Section, as more fully shown on the plat entitled "Right of Way Plat for Forsyth County Department of Engineering" prepared by Armstrong Land Surveying, Inc. (Robert T. Armstrong, RLS #1901) depicting Castleberry Road. Said plat is recorded in the Forsyth County records in Plat Book N/A, Page N/A. See Exhibit "A".

NOTE: Temporary Construction Easement to expire upon completion and acceptance of project.

THE PURPOSE of this easement is to allow Grantee, or its agents, to construct slopes, fills, and embankments as necessary, in order to support improvements on Castleberry Road required for a culvert replacement project; as per Exhibit A, attached

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

Signed, sealed, and delivered
In the presence of:

GRANTORS:

Martha L. Conway
MARTHA L. CONWAY

John F. Myers III
JOHN F. MYERS III

Bob S. Simms
Witness

Andy Ballard
Notary Public

My Commission Expires: _____
Notary Public, Forsyth County, Georgia
My Commission Expires March 18, 2005

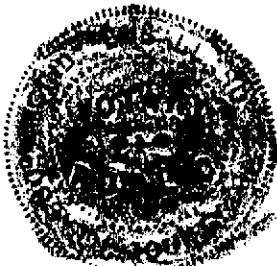


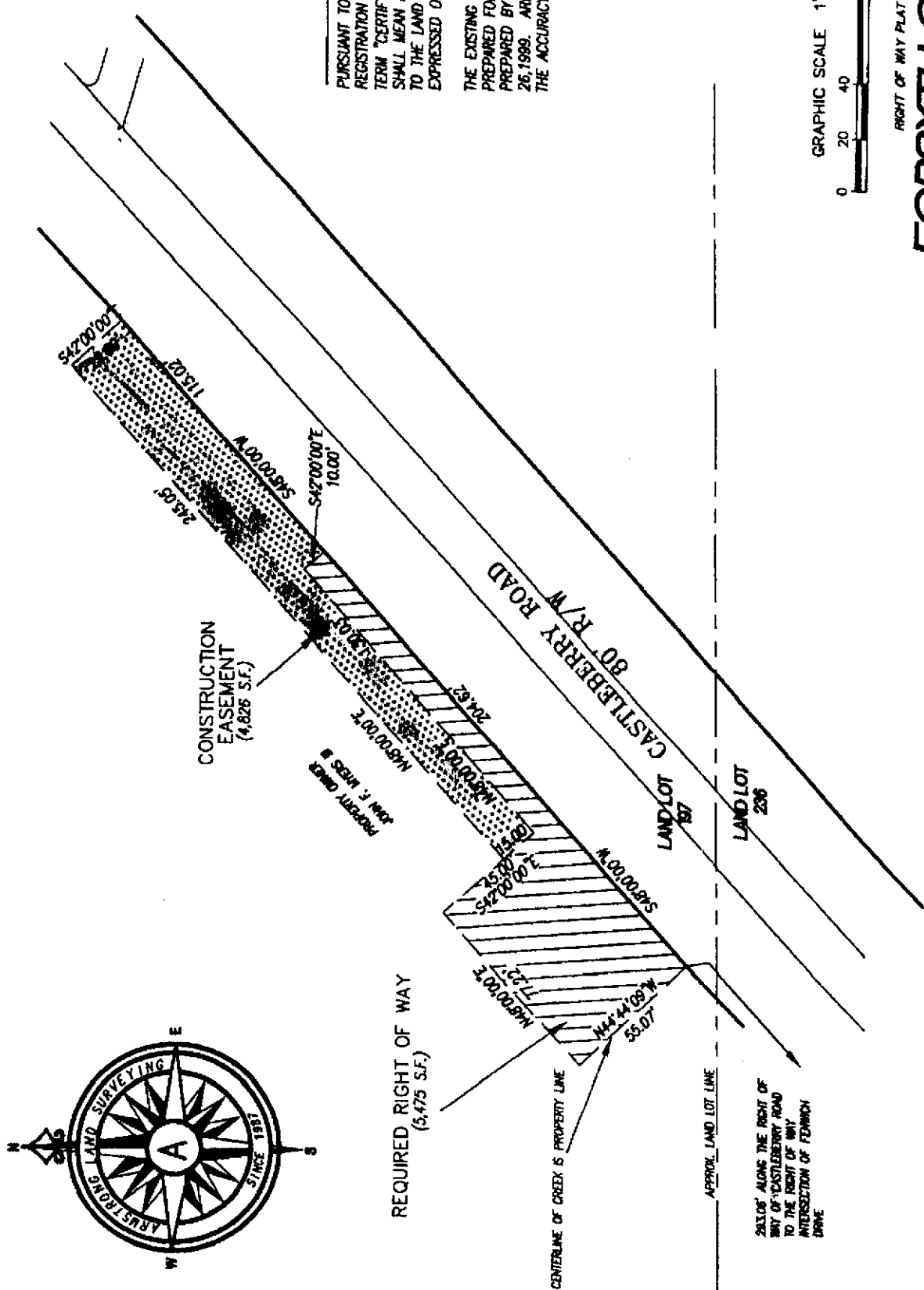
EXHIBIT "A"
Legal Description of Required Temporary Easement Area

All that tract or parcel of land lying and being in Land Lot 197 of the 2nd District, 1st Section, Forsyth County, Georgia, and being more particularly described as follows:

Commencing at a point at the northeastern right of way of Castleberry Road and Fenwich Drive; thence along the right of way of Castleberry Road along a curve to the right an arc distance of 41.97 feet, said curve having a radius of 1585.53 feet and being subtended by a chord of 41.97 feet at North 45 degrees 44 minutes 53 seconds East to a point; thence continuing along said right of way North 47 degrees 41 minutes 17 seconds East, a distance of 109.26 feet to a point; thence continuing along said right of way North 48 degrees 09 minutes 24 seconds East, a distance of 144.55 feet to a point; thence continuing along said right of way North 48 degrees 00 minutes 00 seconds East, a distance of 204.62 feet to a point; said point being the POINT OF BEGINNING; thence leaving said right of way North 42 degrees 00 minutes 00 seconds West, a distance of 10.00 feet to a point; thence South 48 degrees 00 minutes 00 seconds West, a distance of 130.03 feet to a point; thence North 42 degrees 00 minutes 00 seconds West, a distance of 15.00 feet to a point; thence North 48 degrees 00 minutes 00 seconds East, a distance of 245.05 feet to a point; thence South 42 degrees 00 minutes 00 seconds East, a distance of 25.00 feet to a point on the northern right of way of Castleberry Road; thence along said right of way South 48 degrees 00 minutes 00 seconds West, a distance of 115.02 feet to a point; said point being the POINT OF BEGINNING.

Said tract contains 4,826 sf. (0.11 acres)

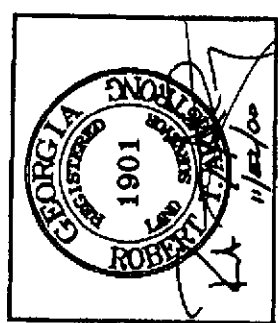
EXHIBIT A



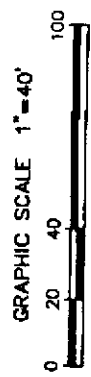
GENERAL NOTES

PURSUANT TO RULE 180-6.09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, THE TERM "CERTIFY" OR "CERTIFICATION" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED ON FACTS AND KNOWLEDGE KNOWN TO THE LAND SURVEYOR AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

THE EXISTING RIGHT OF WAY FOR CASTLEBERRY ROAD TAKEN FROM A PLAT PREPARED BY THE FORSYTH COUNTY DEPARTMENT OF ENGINEERING, DATED NOVEMBER 26, 1988. ARMSTRONG LAND SURVEYING, INC. ASSUMES NO LIABILITY AS TO THE ACCURACY OF THAT INFORMATION SHOWN HEREON.



SURVEY NOT VALID WITHOUT SURVEYOR'S ORIGINAL BLACK INK SIGNATURE



RIGHT OF WAY PLAT FOR

FORSYTH COUNTY DEPARTMENT OF ENGINEERING

LAND LOTS 197 AND 236
2nd. DISTRICT ~ 1st. SECTION
FORSYTH COUNTY, GEORGIA

SCALE: 1"= 40'
SURVEY DATE: OCTOBER 19, 2000
FIELD/A
DRAWN: RA
CHKD: RTA
DWG FILE: 2480
JOB NO: 00248

Armstrong Land Surveying, Inc.

POST OFFICE BOX 775
DOUGLASSVILLE, GEORGIA 30135

PHONE (770) 577-0077 / FAX (770) 577-0088

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pt
Please return to: Lynnette Weldy
Forsyth County Department of Engineering
110 East Main Street
Cumming, Ga. 30040

Doc ID: 012692960006 Type: GLR
Recorded: 01/04/2012 at 04:14:17 PM
Fee Amt: \$20.00 Page 1 of 6
Forsyth County, GA
Greg G. Allen Clerk Superior Ct
BK **6158** PG **246-251**

STATE OF GEORGIA }
 :
COUNTY OF FORSYTH }

RIGHT OF WAY WARRANTY DEED

THIS INDENTURE, made this 20 day of December, 2011, between **Martha L. Conway**, hereinafter called "Grantor," and **FORSYTH COUNTY**, a political subdivision of the State of Georgia, hereinafter called "Grantee";

WITNESSETH, That, Grantor, for and in consideration 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 and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell and convey unto Grantees, all that tract or parcel of land more particularly described as follows:

All that tract or parcel of land lying and being in Land Lot(s) **197 & 198** of the **2nd** District, **1st** Section, Tax Map No. 104-001, Forsyth County, Georgia, and being the proposed **10,869.38 SF or 0.250 AC** identified as **Parcel # 2**, as depicted in the plans entitled "Right of Way of Big Creek Greenway Phase 4 Extension"; Forsyth County Project No. PEB17, as prepared by Pond. Said plans are incorporated herein by reference and shown on a copy of said plans attached hereto as Exhibit "A".

TO HAVE AND TO HOLD the said bargained premises, together 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 Grantees, forever, in fee simple. Grantor shall warrant and forever defend the right, title and interest in and to said property unto Grantees, their successors and assigns, against the claims of all persons whomsoever. Where the context requires or permits, "Grantor" and "Grantee" shall include their respective heirs, successors and assigns.

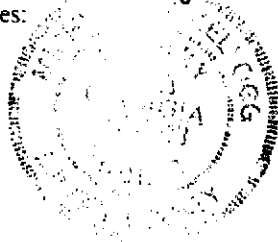
IN WITNESS WHEREOF, Grantor has executed this Deed under Seal on the date above written.

Signed, sealed and delivered this
20 day of December, 2011
in the presence of:

Karl Higley
Witness

Michelle W. Kellogg
Notary Public

My Commission expires:



GRANTOR:

Martha L. Conway
Martha L. Conway

Exhibit 'A'

Page 1 of 2

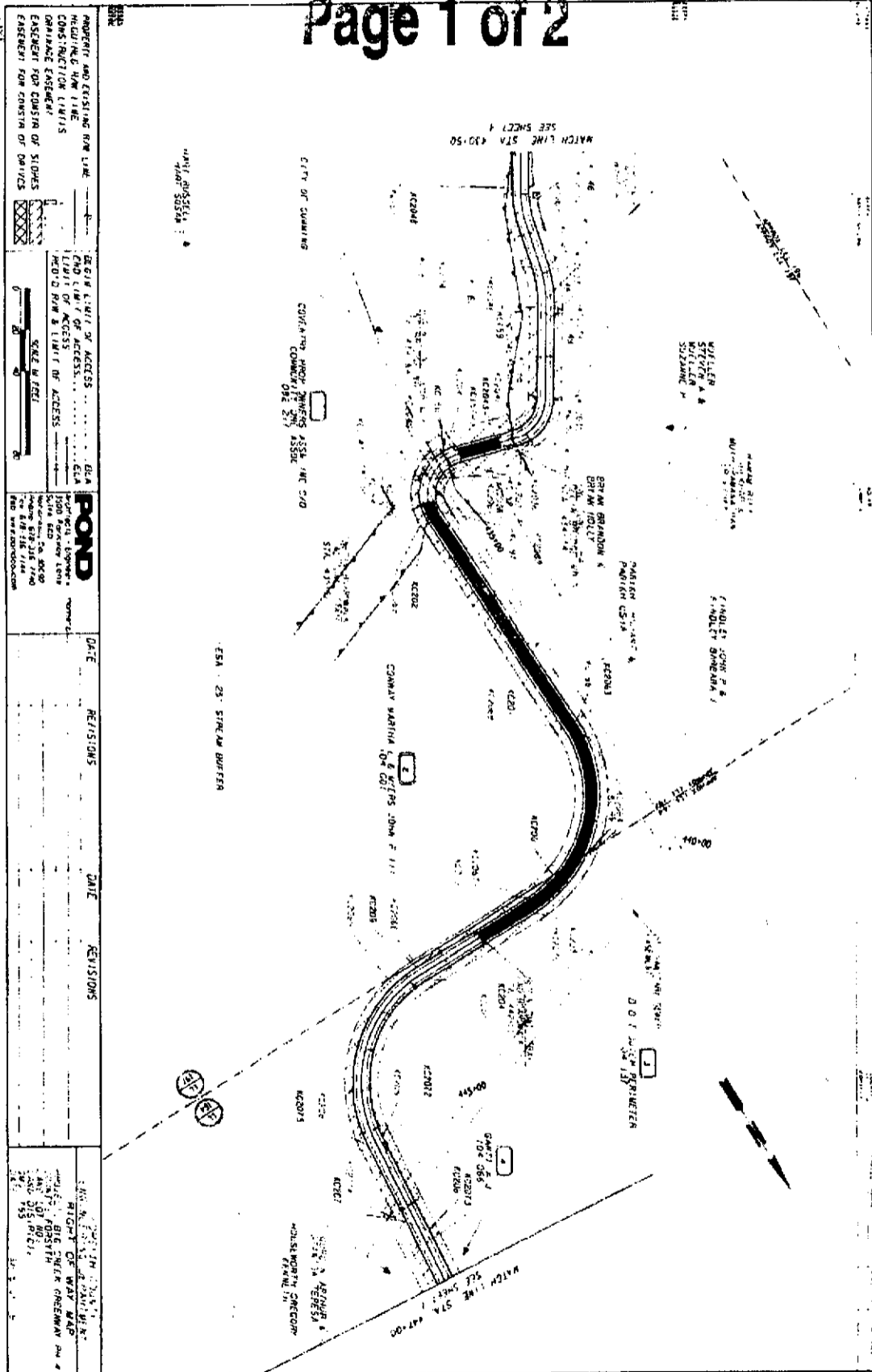


Exhibit
'A'
Page 2 of 2

.....				
PARCEL 2 CONWAY MARTHA L & MYERS JOHN F III				
REQ'D R/W KC102				
.....				
PNT	OFFSET/ DIST		STATION/ BEARING	ALIGNMENT

KC155	10.00 R	435+10.44		Big Creek Trail
	16.29	N 3°47'25.6" E		
KC154	5.58 L	435+15.07		Big Creek Trail
	4.53	N 4°12'06.6" W		
KC153	10.00 L	435+16.23		Big Creek Trail
ARC LENGTH = 51.502				
CHORD BEAR = N 35°41'21.7" E				
LNTH CHORD = 48.017				
RADIUS = 40.00				
DEGREE = 143° 14' 22"				
KC197	10.00 L	435+80.61		Big Creek Trail
	298.24	N 1°11'44.2" W		
KC198	10.00 L	438+78.85		Big Creek Trail
ARC LENGTH = 169.622				
CHORD BEAR = N 28°04'38.7" E				
LNTH CHORD = 162.338				
RADIUS = 166.00				
DEGREE = 34° 30' 55"				
KC199	10.00 L	440+38.25		Big Creek Trail
	47.78	N 89°51'04.6" E		
KC200	10.00 R	440+81.87		Big Creek Trail
ARC LENGTH = 190.009				
CHORD BEAR = S 36°05'15.7" W				
LNTH CHORD = 176.881				
RADIUS = 146.00				
DEGREE = 39° 14' 37"				
KC201	10.00 R	438+78.85		Big Creek Trail
	298.24	S 1°11'44.2" E		
KC202	10.00 R	435+80.61		Big Creek Trail
ARC LENGTH = 84.199				
CHORD BEAR = S 33°00'23.5" W				
LNTH CHORD = 77.459				
RADIUS = 60.00				
DEGREE = 95° 24' 34"				
KC155	10.00 R	435+10.44		Big Creek Trail
REQD R/W = 10869.38 SF				
REQD R/W = 0.250 ACRES				
REMAINDER = +/- 43.85 ACRES				

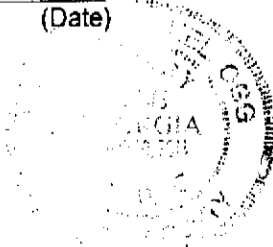


Exhibit
'A'
Page 1 of 2

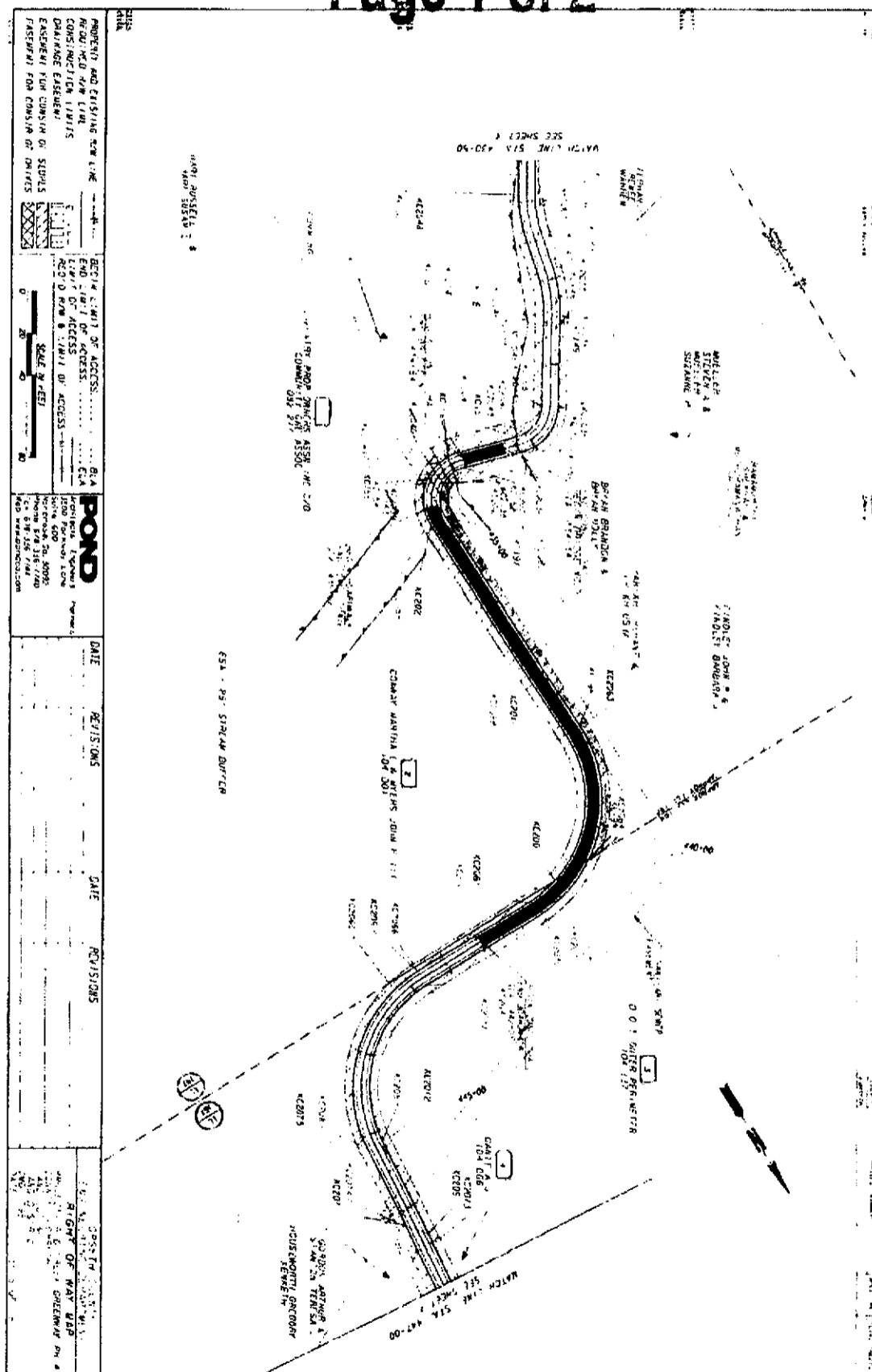


Exhibit
'A'

Page 2 of 2

.....				
PARCEL 2 CONWAY MARTHA L & MYERS JOHN F III				
TEMP. EASEMENT FOR THE CONSTR. OF SLOPES KC2004				
.....				
PNT	OFFSET		STATION	ALIGNMENT

KC153	10.00	L	435+16.23	BIG CREEK TRAIL
KC2039	17.46	L	435+18.94	BIG CREEK TRAIL
KC2061	20.00	L	435+15.12	BIG CREEK TRAIL
ARC LENGTH = 39.293				
CHORD BEAR = N 36°19'33.8" E				
LNTH CHORD = 36.544				
RADIUS = 30.00				
DEGREE = 190° 59' 9"				
KC2062	20.00	L	435+80.61	BIG CREEK TRAIL
KC2063	20.00	L	438+78.85	BIG CREEK TRAIL
ARC LENGTH = 165.095				
CHORD BEAR = N 25°40'38.2" E				
LNTH CHORD = 159.108				
RADIUS = 176.00				
DEGREE = 32° 33' 15"				
KC2064	20.00	L	440+25.18	BIG CREEK TRAIL
KC199	10.00	L	440+38.25	BIG CREEK TRAIL
ARC LENGTH = 169.622				
CHORD BEAR = S 28°04'38.7" W				
LNTH CHORD = 162.338				
RADIUS = 166.00				
DEGREE = 34° 30' 55"				
KC198	10.00	L	438+78.85	BIG CREEK TRAIL
KC197	10.00	L	435+80.61	BIG CREEK TRAIL
ARC LENGTH = 51.502				
CHORD BEAR = S 35°41'21.7" W				
LNTH CHORD = 48.017				
RADIUS = 40.00				
DEGREE = 143° 14' 22"				
KC153	10.00	L	435+16.23	BIG CREEK TRAIL
REQD EASMT AREA = 5097.21 SF				

Please return to: Lynnette Weldy
Forsyth County Department of Engineering
110 East Main Street
Cumming, Ga. 30040

pd



Doc ID: 012692970003 Type: GLR
Recorded: 01/04/2012 at 04:14:41 PM
Fee Amt: \$14.00 Page 1 of 3
Forsyth County, GA
Greg G. Allen Clerk Superior Ct

BK 6158 PG 252-254

STATE OF GEORGIA }
COUNTY OF FORSYTH }

TEMPORARY CONSTRUCTION EASEMENT
Tract 2

THIS INDENTURE made this 20 day of December, 2011 between Martha L. Conway, (hereinafter referred to as "GRANTOR"), and FORSYTH COUNTY, a political subdivision of the State of Georgia, (hereinafter referred to as "Grantee"), ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires).

WITNESSETH THAT: GRANTOR, for and in consideration of the sum of One and No/100 Dollar in hand paid at and before the sealing and delivery of these presents, and by these presents, grant unto the Grantee an easement over, under, upon, and across the following described property:

TO-WIT 6,708.63 SF square feet of Temporary Construction Easement located in Land Lot(s) **197 & 198** of the **2nd** District, **1st** Section, Tax Map No. 104-001 and being identified as Parcel # **2 Tract 2** as depicted in the plans entitled "Right of Way of Big Creek Greenway Phase 4 Extension" Project No. PEB17, as prepared by Pond. Said plans are incorporated herein by reference and shown on a copy of said plans attached hereto as Exhibit "A".

THE PURPOSE of this easement is to allow Grantee, or its agents, to construct slopes, fills, and embankments as necessary, in order to support improvements on roadway; as per Exhibit A, attached

NOTE: Temporary Construction Easement(s) to expire upon completion and acceptance of project.

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

Signed, sealed and delivered
in the presence of:

Paul Hayter 12-20-11
Witness (Date)

Michelle W. Kellogg 12-20-11
Notary (Date)

My Commission expires:

GRANTOR:

Martha L. Conway
Martha L. Conway

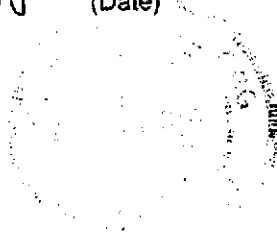


Exhibit
'A'

~~Page 1 of 2~~

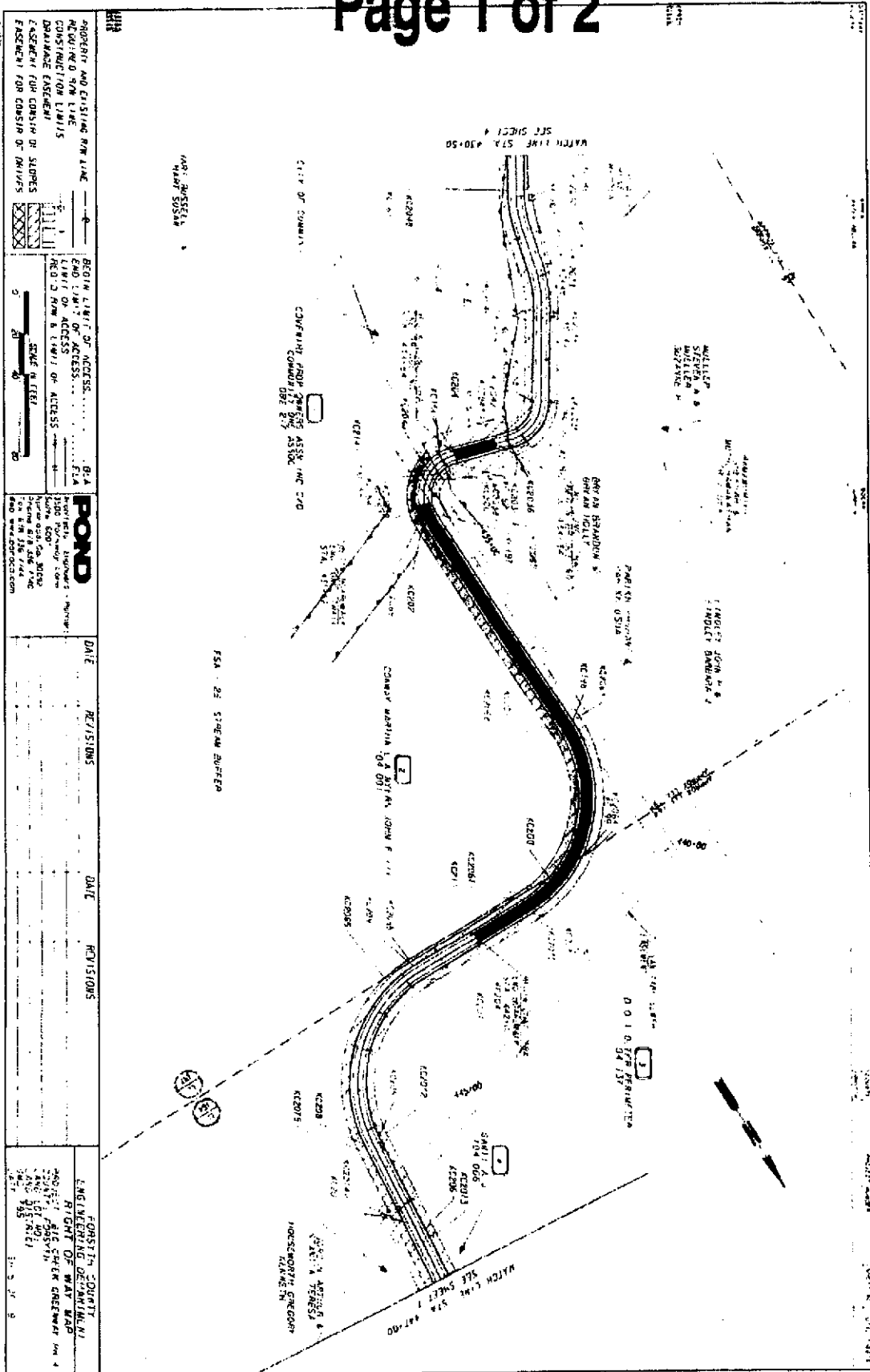


Exhibit
'A'

Page 2 of 2

.....
 PARCEL 2 CONWAY MARTHA L & MYERS JOHN F III
 TEMP. EASEMENT FOR THE CONSTR. OF SLOPES KC2005

PNT	OFFSET	STATION	ALIGNMENT
KC155	10.00 R	435+10.44	BIG CREEK TRAIL
ARC LENGTH = 84.199			
CHORD BEAR = N 39°00'23.5" E			
LNTH CHORD = 77.459			
RADIUS = 60.00			
DEGREE = 95° 29' 34"			
KC202	10.00 R	435+80.61	BIG CREEK TRAIL
KC201	10.00 R	438+78.85	BIG CREEK TRAIL
ARC LENGTH = 190.009			
CHORD BEAR = N 36°05'15.7" E			
LNTH CHORD = 176.881			
RADIUS = 146.00			
DEGREE = 39° 14' 37"			
KC200	10.00 R	440+81.87	BIG CREEK TRAIL
KC2065	20.00 R	443+16.76	BIG CREEK TRAIL
ARC LENGTH = 37.601			
CHORD BEAR = S 83°43'49.5" W			
LNTH CHORD = 37.530			
RADIUS = 176.00			
DEGREE = 32° 33' 15"			
KC2066	20.00 R	442+83.43	BIG CREEK TRAIL
KC2067	20.00 R	441+26.74	BIG CREEK TRAIL
ARC LENGTH = 216.112			
CHORD BEAR = S 44°19'39.4" W			
LNTH CHORD = 194.081			
RADIUS = 136.00			
DEGREE = 42° 7' 45"			
KC2068	20.00 R	438+78.85	BIG CREEK TRAIL
KC2069	20.00 R	435+80.61	BIG CREEK TRAIL
ARC LENGTH = 100.822			
CHORD BEAR = S 40°03'58.2" W			
LNTH CHORD = 92.331			
RADIUS = 70.00			
DEGREE = 81° 51' 4"			
KC2143	20.00 R	435+08.53	BIG CREEK TRAIL
KC155	10.00 R	435+10.44	BIG CREEK TRAIL
REQD EASMT AREA = 6708.63 SF			

Please return to: Lynnette Weldy
Forsyth County Department of Engineering
110 East Main Street
Cumming, Ga. 30040

pit

Doc ID: 012693230003 Type: GLR
Recorded: 01/05/2012 at 09:40:19 AM
Fee Amt: \$0.00 Page 1 of 3
Forsyth County, GA
Greg G. Allen Clerk Superior Ct
BK 6158 PG 302-304

STATE OF GEORGIA }
COUNTY OF FORSYTH }

TEMPORARY CONSTRUCTION EASEMENT
Tract 1

THIS INDENTURE made this 20 day of December, 2011 between **Martha L. Conway**, (hereinafter referred to as "GRANTOR"), and **FORSYTH COUNTY**, a political subdivision of the State of Georgia, (hereinafter referred to as "Grantee"), ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires).

WITNESSETH THAT: GRANTOR, for and in consideration of the sum of One and No/100 Dollar in hand paid at and before the sealing and delivery of these presents, and by these presents, grant unto the Grantee an easement over, under, upon, and across the following described property:

TO-WIT 5,097.21 SF square feet of Temporary Construction Easement located in Land Lot(s) **197 & 198** of the **2nd** District, **1st** Section, Tax Map No. 104-001 and being identified as Parcel # 2 Tract 1 as depicted in the plans entitled "Right of Way of Big Creek Greenway Phase 4 Extension" Project No. PEB17, as prepared by Pond. Said plans are incorporated herein by reference and shown on a copy of said plans attached hereto as Exhibit "A".

THE PURPOSE of this easement is to allow Grantee, or its agents, to construct slopes, fills, and embankments as necessary, in order to support improvements on roadway; as per Exhibit A, attached

NOTE: Temporary Construction Easement(s) to expire upon completion and acceptance of project.

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

Signed, sealed and delivered
in the presence of:

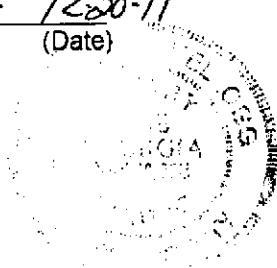
Karl Hight 12-20-11
Witness (Date)

Michelle W. Kellogg 12-20-11
Notary (Date)

My Commission expires:

GRANTOR:

Martha L. Conway
Martha L. Conway



Page 1 of 2

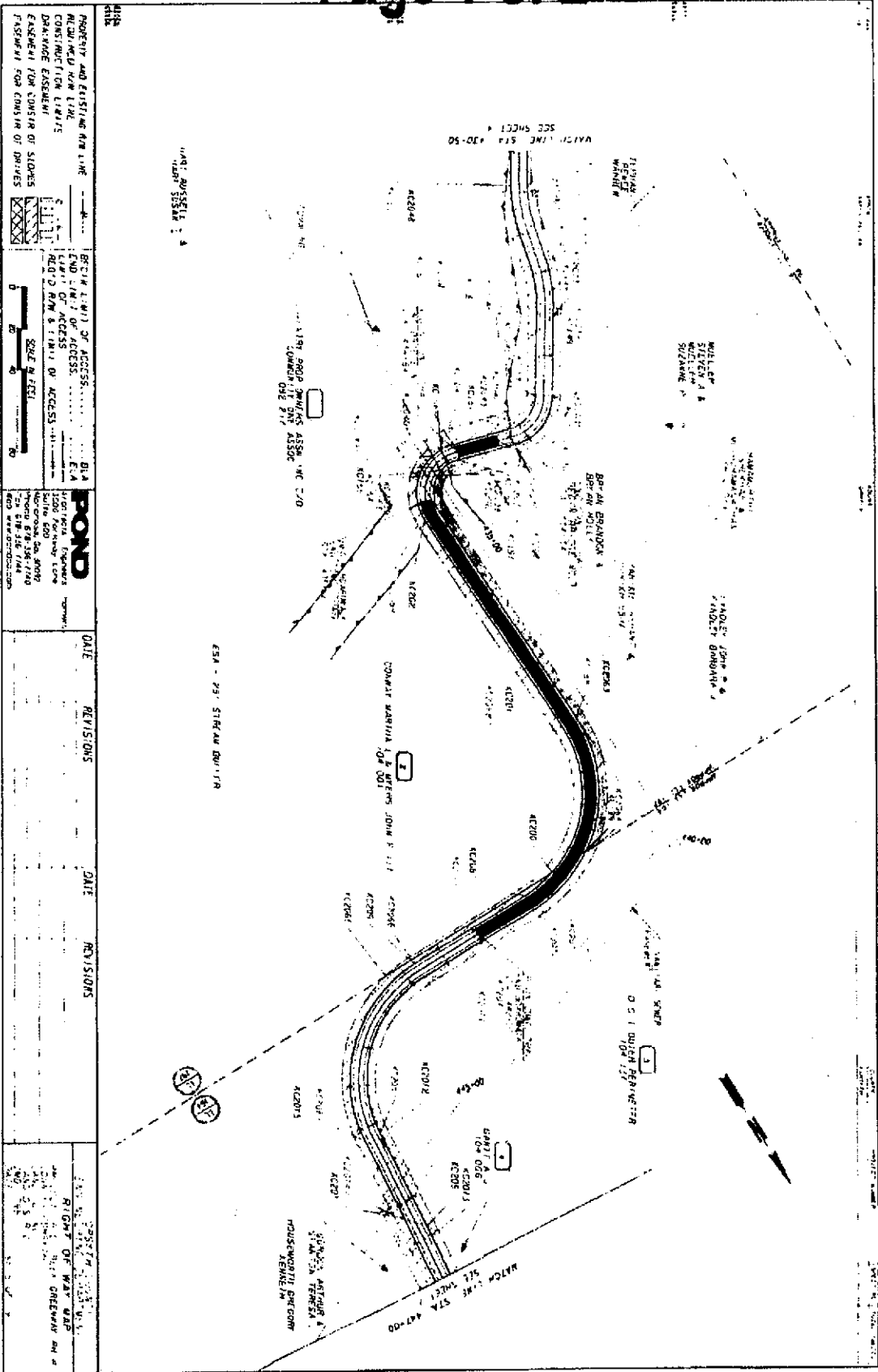
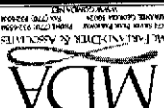


Exhibit
'A'

Page 2 of 2

.....
 PARCEL 2 CONWAY MARTHA L & MYERS JOHN F III
 TEMP. EASEMENT FOR THE CONSTR. OF SLOPES KC2004

PNT	OFFSET		STATION	ALIGNMENT
KC153	10.00	L	435+16.23	BIG CREEK TRAIL
KC2039	17.46	L	435+18.94	BIG CREEK TRAIL
KC2061	20.00	L	435+15.12	BIG CREEK TRAIL
ARC LENGTH = 39.293				
CHORD BEAR = N 36°19'33.8" E				
LNTH CHORD = 36.544				
RADIUS = 30.00				
DEGREE = 190° 59' 9"				
KC2062	20.00	L	435+80.61	BIG CREEK TRAIL
KC2063	20.00	L	438+78.85	BIG CREEK TRAIL
ARC LENGTH = 165.095				
CHORD BEAR = N 25°40'38.2" E				
LNTH CHORD = 159.108				
RADIUS = 176.00				
DEGREE = 32° 33' 15"				
KC2064	20.00	L	440+25.18	BIG CREEK TRAIL
KC199	10.00	L	440+38.25	BIG CREEK TRAIL
ARC LENGTH = 169.622				
CHORD BEAR = S 28°04'38.7" W				
LNTH CHORD = 162.338				
RADIUS = 166.00				
DEGREE = 34° 30' 55"				
KC198	10.00	L	438+78.85	BIG CREEK TRAIL
KC197	10.00	L	435+80.61	BIG CREEK TRAIL
ARC LENGTH = 51.502				
CHORD BEAR = S 35°41'21.7" W				
LNTH CHORD = 48.017				
RADIUS = 40.00				
DEGREE = 143° 14' 22"				
KC153	10.00	L	435+16.23	BIG CREEK TRAIL
REQD EASMT AREA = 5097.21 SF				

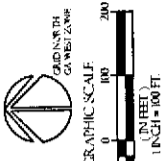


THESE PLANS HAVE BEEN PREPARED BY THE SURVEYOR AND THE SURVEYOR'S SEAL IS HEREBY AFFIXED TO THESE PLANS. THE SURVEYOR'S SEAL IS A REQUIREMENT OF THE GEORGIA SURVEYING ACT OF 1967, AS AMENDED. THE SURVEYOR'S SEAL IS A REQUIREMENT OF THE GEORGIA SURVEYING ACT OF 1967, AS AMENDED.

DATE: 07/15/2009
DRAWN BY: JTB
CHECKED BY: JTB
PROJECT: BOUNDARY & TOPOGRAPHIC SURVEY

FORSTH COUNTY SCHOOLS
(ELEMENTARY SCHOOL #23)
SURVEY FOR: 1/2 AC. ± AND DISTRICT 23

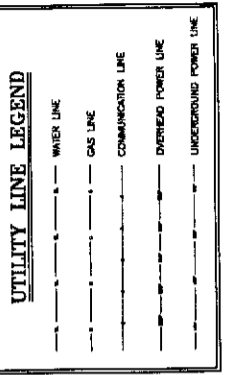
BOUNDARY & TOPOGRAPHIC SURVEY
SHEET 1 OF 2



SURVEYOR'S CERTIFICATION
I, the undersigned, being a duly licensed Surveyor of the State of Georgia, do hereby certify that I am the author of the foregoing and that the same are true and correct to the best of my knowledge and belief.

CURVE CHART

CURVE	BEARING	ANGLE	LENGTH	CHORD	BEARING
C1	N 45° 15' 00" E	45.15	100.00	100.00	N 45° 15' 00" E
C2	S 45° 15' 00" W	45.15	100.00	100.00	S 45° 15' 00" W
C3	N 45° 15' 00" E	45.15	100.00	100.00	N 45° 15' 00" E
C4	S 45° 15' 00" W	45.15	100.00	100.00	S 45° 15' 00" W
C5	N 45° 15' 00" E	45.15	100.00	100.00	N 45° 15' 00" E
C6	S 45° 15' 00" W	45.15	100.00	100.00	S 45° 15' 00" W
C7	N 45° 15' 00" E	45.15	100.00	100.00	N 45° 15' 00" E
C8	S 45° 15' 00" W	45.15	100.00	100.00	S 45° 15' 00" W
C9	N 45° 15' 00" E	45.15	100.00	100.00	N 45° 15' 00" E
C10	S 45° 15' 00" W	45.15	100.00	100.00	S 45° 15' 00" W

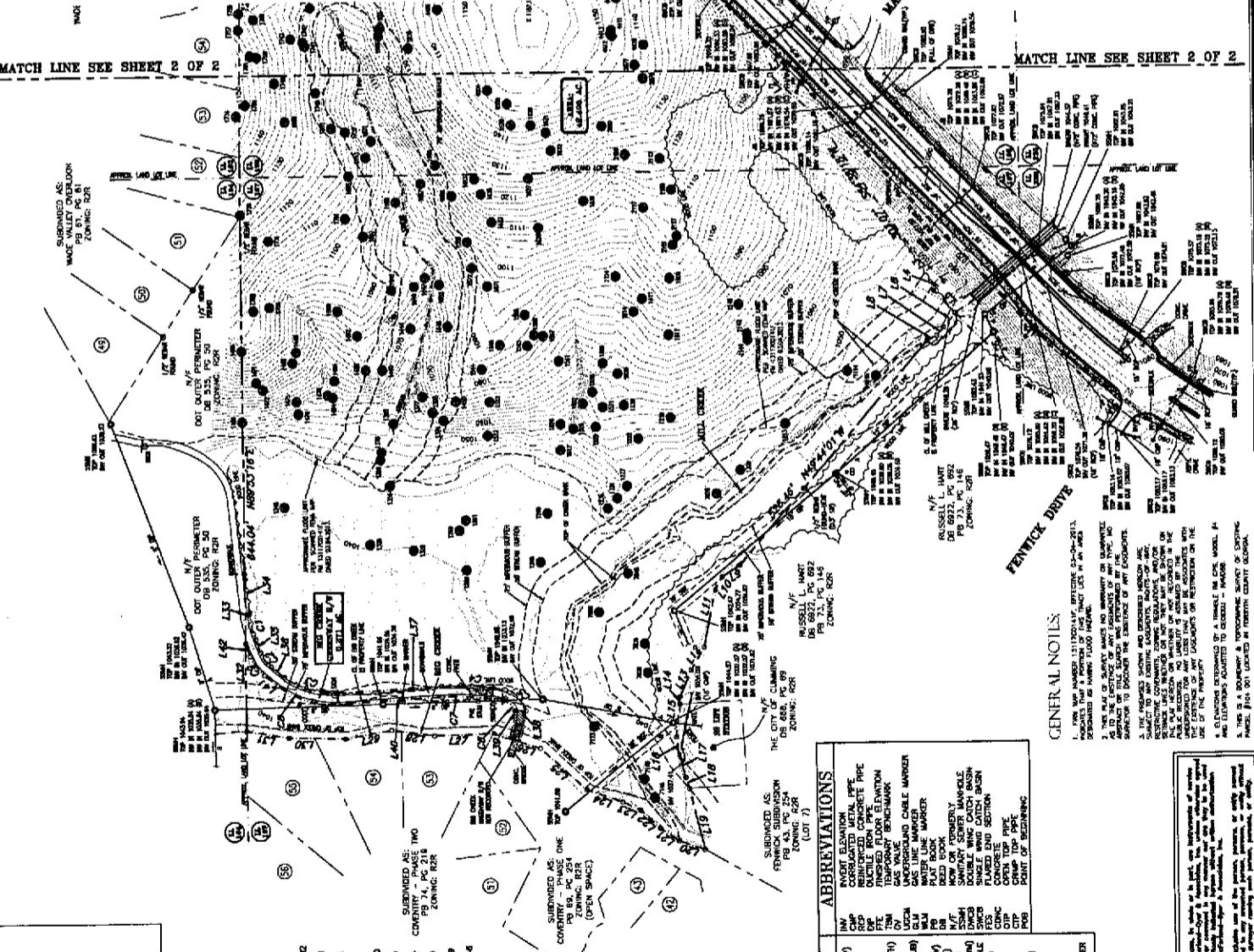


LINE CHART

LINE	BEARING	LENGTH	CHORD	BEARING
L1	N 45° 15' 00" E	100.00	100.00	N 45° 15' 00" E
L2	S 45° 15' 00" W	100.00	100.00	S 45° 15' 00" W
L3	N 45° 15' 00" E	100.00	100.00	N 45° 15' 00" E
L4	S 45° 15' 00" W	100.00	100.00	S 45° 15' 00" W
L5	N 45° 15' 00" E	100.00	100.00	N 45° 15' 00" E
L6	S 45° 15' 00" W	100.00	100.00	S 45° 15' 00" W
L7	N 45° 15' 00" E	100.00	100.00	N 45° 15' 00" E
L8	S 45° 15' 00" W	100.00	100.00	S 45° 15' 00" W
L9	N 45° 15' 00" E	100.00	100.00	N 45° 15' 00" E
L10	S 45° 15' 00" W	100.00	100.00	S 45° 15' 00" W

TREE CHART:

NO.	BEARING	LENGTH	CHORD	BEARING
101	N 45° 15' 00" E	100.00	100.00	N 45° 15' 00" E
102	S 45° 15' 00" W	100.00	100.00	S 45° 15' 00" W
103	N 45° 15' 00" E	100.00	100.00	N 45° 15' 00" E
104	S 45° 15' 00" W	100.00	100.00	S 45° 15' 00" W
105	N 45° 15' 00" E	100.00	100.00	N 45° 15' 00" E
106	S 45° 15' 00" W	100.00	100.00	S 45° 15' 00" W
107	N 45° 15' 00" E	100.00	100.00	N 45° 15' 00" E
108	S 45° 15' 00" W	100.00	100.00	S 45° 15' 00" W
109	N 45° 15' 00" E	100.00	100.00	N 45° 15' 00" E
110	S 45° 15' 00" W	100.00	100.00	S 45° 15' 00" W



REFERENCES:
1. DEED BOOK 7866, PAGE 82
2. DEED BOOK 8043, PAGE 1
3. DEED BOOK 12, PAGE 112
4. DEED BOOK 61, PAGE 81
5. DEED BOOK 535, PAGE 50
6. DEED BOOK 69, PAGE 219
7. DEED BOOK 66, PAGE 224
8. DEED BOOK 43, PAGE 254
9. DEED BOOK 586, PAGE 89
10. DEED BOOK 73, PAGE 146

LEGEND

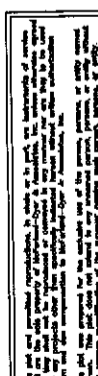
UTILITY POLE (UP)	CONCRETE
PIPE	CONCRETE
PIPE	CONCRETE
PIPE	CONCRETE
PIPE	CONCRETE
PIPE	CONCRETE
PIPE	CONCRETE
PIPE	CONCRETE
PIPE	CONCRETE
PIPE	CONCRETE
PIPE	CONCRETE

ABBREVIATIONS

UTILITY POLE (UP)	CONCRETE
PIPE	CONCRETE
PIPE	CONCRETE
PIPE	CONCRETE
PIPE	CONCRETE
PIPE	CONCRETE
PIPE	CONCRETE
PIPE	CONCRETE
PIPE	CONCRETE
PIPE	CONCRETE

GENERAL NOTES:
1. THE SURVEY WAS MADE BY THE SURVEYOR AND THE SURVEYOR'S SEAL IS HEREBY AFFIXED TO THESE PLANS. THE SURVEYOR'S SEAL IS A REQUIREMENT OF THE GEORGIA SURVEYING ACT OF 1967, AS AMENDED.

This plan and the accompanying map are submitted to you for your review and approval. The plan and map are submitted to you for your review and approval. The plan and map are submitted to you for your review and approval.



Please return to: Lynnette Weldy
Forsyth County Department of Engineering
110 East Main Street
Cumming, Ga. 30040

Doc ID: 014988320002 Type: GLR
Recorded: 11/12/2015 at 11:27:03 AM
Fee Amt: \$12.00 Page 1 of 2
Forsyth County, GA
Greg G. Allen Clerk Superior Ct
BK 7574 PG 249-250

STATE OF GEORGIA }
:
COUNTY OF FORSYTH }

PERMANENT ACCESS EASEMENT

THIS INDENTURE, made this 9 day of October, 2015, between **Martha L. Conway**, (hereinafter referred to as "GRANTOR"), and **The City of Cumming**, a political subdivision of the State of Georgia, (hereinafter referred to as "Grantee"), ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires).

WITNESSETH THAT: GRANTOR, for and in consideration of the sum of One and No/100 Dollar in hand paid at and before the sealing and delivery of these presents, and by these presents, grant unto the Grantee an easement over, under, upon, and across the following described property:

TO-WIT An area 30' Wide +/- and 30' Long +/- narrowing down to 20' Wide +/- x 50' Feet long +/-, being a proposed Permanent Access Easement beginning at a point directly south of the Big Creek Greenway Trail at an existing sewer line easement running from the City of Cumming's Concrete Pad; thence running eastward from said existing sewer easement a distance of 80 feet +/- contiguous with the Big Creek Greenway Trail, within Land Lot 198 of the 2nd District, 1st Section, and within Tax Map No. 104-001 and being identified as outlined, striped, and highlighted in yellow as depicted in the Exhibit "A" and attached herein. The Permanent Access Easement shall be used for City of Cumming sewer easement access, repair and maintenance, to include access by motorized vehicles (i.e., bushhogs) and any related improvements to enable such access.

IN WITNESS WHEREOF the Grantor has signed and sealed this easement the day and year above written

Signed, sealed and delivered this
9th day of Oct, 2015, in the presence
of:

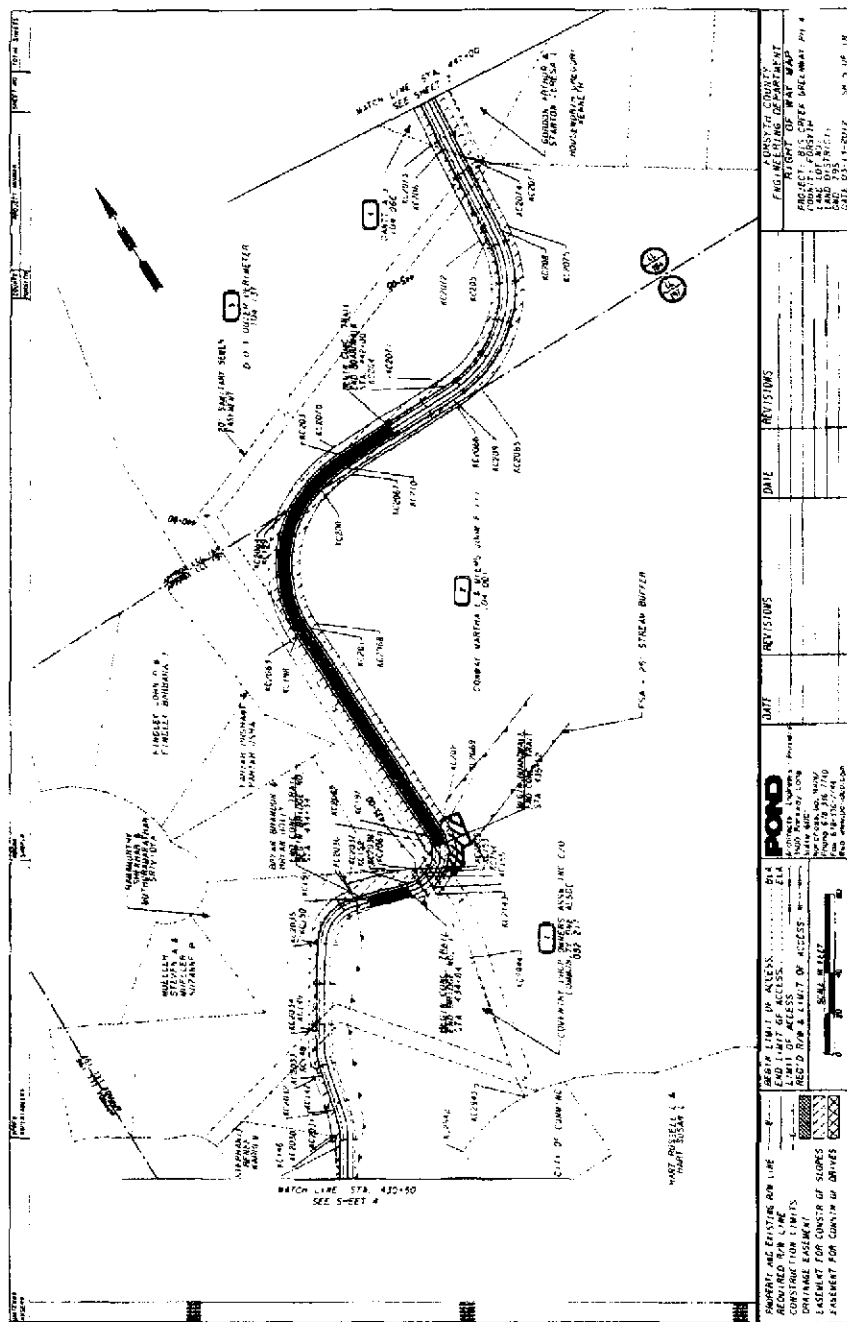
Grantor:

Hal Hylle
Witness

Martha L. Conway
Martha L. Conway

Lynnette Weldy
Notary Public
My Commission expires:







After Recording, Return To:
Bettis Law Group, LLC
Phill Bettis, Attorney at Law
1825 Lockway Drive, Suite 201
Alpharetta, Georgia 30004
Phone: 678-736-5445
Our File No.: 29-138

Doc ID: 017217720004 Type: GLR
Recorded: 09/17/2019 at 01:02:10 PM
Fee Amt: \$16.00 Page 1 of 4
Forsyth County, GA
Greg G. Allen Clerk Superior Ct
BK 9034 PG 458-461

**STATE OF GEORGIA
COUNTY OF FORSYTH**

QUIT-CLAIM DEED

THIS INDENTURE, made as of September 16, 2019, K. ALTON CONWAY, JR., AS TRUSTEE OF THE MARTHA L. CONWAY REVOCABLE TRUST, UNDER AGREEMENT DATED FEBRUARY 18, 2015, of the first part, and THE FORSYTH COUNTY, GEORGIA SCHOOL DISTRICT, ACTING BY AND THROUGH THE AUTHORITY OF THE FORSYTH COUNTY BOARD OF EDUCATION, of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of ONE (\$1.00) DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid the receipt whereof is acknowledged, has bargained, sold, and by these presents does remise, convey and forever quit-claim to the said party of the second part, its heirs and assigns, the below described property to-wit:

All that tract or parcel of land lying and being in Land Lots 197 and 198, 2nd District, 1st Section, Forsyth County, Georgia, containing 42.496 acres as shown on a survey entitled "Survey For: Forsyth County Schools (Elementary School #23)", dated July 25, 2019, as prepared by McFarland-Dyer & Associates, under seal of J. Chris Whitley, RLS No. 2672, which survey is incorporated herein and made a part hereof by referenced and is more particularly described as follows:

Beginning at the Northwestern mitered intersection of the right of way of Castleberry Road (right of way varies) and the right of way of Wade Valley Drive (60 feet right of way); thence running in a Southwesterly direction along and with the Northwestern right of way of Castleberry Road (right of way varies) a distance of 577.50 feet to a point, which point is the TRUE POINT OF BEGINNING; thence continuing along said right of way of Castleberry Road and following the curvature thereof the following courses and distances: South 72 degrees 29 minutes 56 seconds West a distance of 248.78 feet to a point; thence an arc length of 316.93 feet along a curve to the left, said curve having a chord bearing and distance of South 63 degrees 46 minutes 08 seconds West 315.70 feet and a radius of 1,040.00 feet to a point; thence an arc length of 330.30 feet along a curve to the left, said curve having a chord bearing and distance of South 63 degrees 00

minutes 23 seconds West 329.58 feet and a radius of 1,450.00 feet to a point; thence South 46 degrees 28 minutes 55 seconds West a distance of 285.87 feet to a point; thence North 43 degrees 31 minutes 05 seconds West a distance of 34.00 feet to a point; thence South 42 degrees 37 minutes 53 seconds West a distance of 104.24 feet to a point; thence South 54 degrees 38 minutes 18 seconds West a distance of 303.07 feet to a point; thence South 46 degrees 28 minutes 55 seconds West a distance of 80.00 feet to a point; thence North 43 degrees 31 minutes 05 seconds West a distance of 25.00 feet to a point; thence South 46 degrees 29 minutes 01 second West a distance of 56.03 feet to a point located at the intersection of said Northwestern right of way of Castleberry Road and the centerline of Mill Creek; thence running along and with the centerline of said Mill Creek and following the meanderings thereof the following courses and distances: North 48 degrees 48 minutes 58 seconds West a distance of 33.59 feet to a point; thence North 50 degrees 44 minutes 33 seconds West a distance of 18.93 feet to a point; thence North 26 degrees 58 minutes 04 seconds West a distance of 19.68 feet to a point; thence leaving said centerline of Mill Creek and running North 49 degrees 44 minutes 01 second West a distance of 526.46 feet to a point; thence running North 32 degrees 10 minutes 09 seconds West a distance of 37.98 feet to a point; thence running North 61 degrees 00 minutes 18 seconds West a distance of 27.23 feet to a point; thence running North 78 degrees 37 minutes 19 seconds West a distance of 105.15 feet to a point; thence running North 60 degrees 14 minutes 31 seconds West a distance of 48.75 feet to a point; thence running North 67 degrees 08 minutes 02 seconds West a distance of 51.35 feet to a point; thence running North 85 degrees 45 minutes 42 seconds West a distance of 13.82 feet to a point; thence running North 83 degrees 38 minutes 00 seconds West a distance of 60.55 feet to a point; thence running South 81 degrees 35 minutes 04 seconds West a distance of 32.14 feet to a point; thence running South 74 degrees 49 minutes 08 seconds West a distance of 43.14 feet to a point; thence running South 72 degrees 47 minutes 37 seconds West a distance of 20.67 feet to a point; thence running South 75 degrees 58 minutes 40 seconds West a distance of 112.84 feet to a point located at the centerline of Big Creek; thence along and with said centerline of Big Creek and following the meanderings thereof the following courses and distances: thence North 19 degrees 03 minutes 30 seconds East a distance of 49.07 feet to a point; thence North 34 degrees 01 minute 14 seconds East a distance of 40.28 feet to a point; thence North 42 degrees 25 minutes 13 seconds East a distance of 47.84 feet to a point; thence North 25 degrees 50 minutes 03 seconds East a distance of 36.17 feet to a point; thence North 19 degrees 22 minutes 26 seconds East a distance of 68.36 feet to a point; thence North 42 degrees 25 minutes 44 seconds East a distance of 111.59 feet to a point; thence North 18 degrees 27 minutes 26 seconds East a distance of 88.33 feet to a point; thence North 01 degree 18 minutes 01 second West a distance of 106.71 feet to a point; thence North 07 degrees 59 minutes 02 seconds East a distance of 78.12 feet to a point; thence North 10 degrees 13 minutes 31 seconds West a distance of 83.97 feet to a point; thence North 01 degree 34 minutes 15 seconds East a distance of 101.93 feet to a point; thence North 09 degrees 39 minutes 43 seconds East a distance of 78.01 feet to a point located at the intersection of said centerline of Big Creek with the Land Lot Line common to Land Lots 164 and 197; thence leaving said centerline of Big Creek and running along and with said Land Lot Line common to Land Lots 164 and 197, which becomes the Land Lot Line common to Land Lots 163 and 198, the following courses and distances: North 89 degrees 53 minutes 16 seconds East a distance of 930.91 feet to a point; thence South 89 degrees 33 minutes 22 seconds East a distance of 1,226.35 feet to a point; thence leaving said Land Lot Line common to Land Lots 163 and 198 and running South 21 degrees 25 minutes 36 seconds West a distance of 185.41 feet to a point; thence running South 18 degrees 53

minutes 20 seconds East a distance of 47.52 feet to a point; thence running South 51 degrees 06 minutes 26 seconds East a distance of 84.89 feet to a point; thence South 11 degrees 34 minutes 39 seconds East a distance of 95.11 feet to a point, which point is located on the Northwestern right of way of Castleberry Road (right of way varies) and which point is the TRUE POINT OF BEGINNING.

LESS AND EXCEPT:

All that tract or parcel of land lying and being in Land Lot 197, 2nd District, 1st Section, Forsyth County, Georgia, containing 0.271 acres as shown on a survey entitled "Survey For: Forsyth County Schools (Elementary School #23)", dated July 25, 2019, as prepared by McFarland-Dyer & Associates, under seal of J. Chris Whitley, RLS No. 2672, which survey is incorporated herein and made a part hereof by referenced and is more particularly described as follows:

Beginning at the Northwestern mitered intersection of the right of way of Castleberry Road (right of way varies) and the right of way of Wade Valley Drive (60 feet right of way); thence running in a Southwesterly direction along and with the Northwestern right of way of Castleberry Road a distance of 577.50 feet to a point; thence leaving said Northwestern right of way of Castleberry Road and running North 11 degrees 34 minutes 39 seconds West a distance of 95.11 feet to a point; thence running North 51 degrees 06 minutes 26 seconds West a distance of 84.89 feet to a point; thence running North 18 degrees 53 minutes 20 seconds West a distance of 47.52 feet to a point; thence running North 21 degrees 25 minutes 36 seconds East a distance of 185.41 feet to a point located on the Land Lot Line common to Land Lots 163 and 198; thence along said Land Lot Line common to Land Lots 163 and 198, which becomes the Land Lot Line common to Land Lots 164 and 197, the following courses and distances: North 89 degrees 33 minutes 22 seconds West a distance of 1,226.35 feet to a point; thence South 89 degrees 53 minutes 16 seconds West a distance of 644.04 feet to a point, which point is the TRUE POINT OF BEGINNING; thence leaving said Land Lot Line common to Land Lots 164 and 197 and running South 84 degrees 00 minutes 47 seconds West a distance of 73.92 feet to a point; thence an arc length of 48.60 feet along a curve to the left, said curve having a chord bearing and distance of South 76 degrees 32 minutes 08 seconds West 48.46 feet and a radius of 188.03 feet to a point; thence running South 69 degrees 58 minutes 21 seconds West a distance of 24.70 feet to a point; thence an arc length of 31.97 feet along a curve to the left, said curve having a chord bearing and distance of South 54 degrees 16 minutes 38 seconds West 31.57 feet and a radius of 58.36 feet to a point; thence running South 38 degrees 34 minutes 55 seconds West a distance of 30.91 feet to a point; thence an arc length of 102.37 feet along a curve to the left, said curve having a chord bearing and distance of South 17 degrees 37 minutes 53 seconds West 100.10 feet and a radius of 139.97 feet to a point; thence running South 03 degrees 19 minutes 10 seconds East a distance of 187.84 feet to a point; thence an arc length of 114.98 feet along a curve to the right, said curve having a chord bearing and distance of South 04 degrees 06 minutes 17 seconds West 114.72 feet and a radius of 495.12 feet to a point; thence an arc length of 57.38 feet along a curve to the right, said curve having a chord bearing and distance of South 46 degrees 25 minutes 22 seconds West 53.75 feet and a radius of 46.09 feet to a point; thence running North 03 degrees 49 minutes 39 seconds East a distance of 19.32 feet to a point; thence running North 04 degrees 10 minutes 16 seconds West a distance of 1.39 feet to a point; thence an arc length of 28.46 feet along a curve to the left, said curve having a chord bearing and distance of North 42 degrees 00 minutes 29 seconds


East 27.07 feet and a radius of 26.09 feet to a point; thence an arc length of 110.21 feet along a curve to the left, said curve having a chord bearing and distance of North 04 degrees 06 minutes 46 seconds East 109.96 feet and a radius of 475.12 feet to a point; thence running North 03 degrees 19 minutes 10 seconds West a distance of 187.70 feet to a point; thence an arc length of 116.99 feet along a curve to the right, said curve having a chord bearing and distance of North 17 degrees 37 minutes 53 seconds East 114.40 feet and a radius of 159.97 feet to a point; thence running North 38 degrees 34 minutes 55 seconds East a distance of 30.91 feet to a point; thence an arc length of 42.94 feet along a curve to the right, said curve having a chord bearing and distance of North 54 degrees 16 minutes 38 seconds East 42.40 feet and a radius of 78.36 feet to a point; thence running North 69 degrees 58 minutes 21 seconds East a distance of 24.55 feet to a point located on the Land Lot Line common to Land Lots 164 and 197; thence along said Land Lot Line common to Land Lots 164 and 197 North 89 degrees 53 minutes 16 seconds East a distance of 127.61 feet to a point, which point is the TRUE POINT OF BEGINNING.

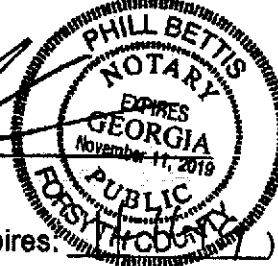
TO HAVE AND TO HOLD the said described premises to the said party of the second part, so that neither the said party of the first part nor his heirs, nor any other person or persons claiming under them shall at any time, by any means or ways, have, claim, or demand any right or title to the aforesaid described premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the said party of the first part has hereunto set their hand and seal, the day and year above written.


Signed this 16th day of September, 2019
in the presence of:


Unofficial Witness


Notary Public

(My commission expires. 

(Notary Public Seal Affixed)


(SEAL)
K. ALTON CONWAY, JR., AS TRUSTEE
OF THE MARTHA L. CONWAY
REVOCABLE TRUST, UNDER
AGREEMENT DATED
FEBRUARY 18, 2015

Legal Description

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lots 197 and 198, 2nd District, 1st Section, Forsyth County, Georgia, being more particularly described as follows:

BEGINNING at the northwestern mitered intersection of the right of way of Castleberry Road (right of way varies) and the right of way of Wade Valley Drive (60 feet right of way); thence southwesterly along the right of way of Castleberry Road a distance of 577.50 feet to a point, that is the **POINT OF BEGINNING**; thence continuing along said right of way South 72°29'56" West a distance of 248.78 feet to a point; thence continuing along said right of way 316.93 feet along a curve to the left, said curve having a chord of South 63°46'08" West 315.70 feet and a radius of 1040.00 feet to a point; thence continuing along said right of way 330.30 feet along a curve to the left, said curve having a chord of South 53°00'23" West 329.58 feet and a radius of 1450.00 feet to a point; thence continuing along said right of way South 46°28'55" West a distance of 285.87 feet to a point; thence continuing along said right of way North 43°31'05" West a distance of 34.00 feet to a point; thence continuing along said right of way South 42°37'53" West a distance of 104.24 feet to a point; thence continuing along said right of way South 54°38'18" West a distance of 303.07 feet to a point; thence continuing along said right of way South 46°28'55" West a distance of 80.00 feet to a point; thence continuing along said right of way North 43°31'05" West a distance of 25.00 feet to a point; thence continuing along said right of way South 46°29'01" West a distance of 56.03 feet to a point located at the intersection of said right of way and the centerline of Mill Creek; thence along the centerline of said creek following courses and distances: North 48°48'58" West a distance of 33.59 feet to a point; thence North 50°44'33" West a distance of 18.93 feet to a point; thence North 26°58'04" West a distance of 19.68 feet to a point; thence leaving said creek North 49°44'01" West a distance of 526.46 feet to a point; thence North 32°10'09" West a distance of 37.98 feet to a point; thence North 61°00'18" West a distance of 27.23 feet to a point; thence North 78°37'19" West a distance of 105.15 feet to a point; thence North 60°14'31" West a distance of 48.75 feet to a point; thence North 67°08'02" West a distance of 51.35 feet to a point; thence North 85°45'42" West a distance of 13.82 feet to a point; thence North 83°38'00" West a distance of 60.55 feet to a point; thence South 81°35'04" West a distance of 32.14 feet to a point; thence South 74°49'08" West a distance of 43.14 feet to a point; thence South 72°47'37" West a distance of 20.67 feet to a point; thence South 75°58'40" West a distance of 112.84 feet to a point located at the centerline of Big Creek; thence along said creek following courses and distances: thence North 19°03'30" East a distance of 49.07 feet to a point; thence North 34°01'14" East a distance of 40.28 feet to a point; thence North 42°25'13" East a distance of 47.84 feet to a point; thence North 25°50'03" East a distance of 36.17 feet to a point; thence North 19°22'26" East a distance of 68.36 feet to a point; thence North 42°25'44" East a distance of 111.59 feet to a point; thence North 18°27'26" East a distance of 88.33 feet to a point; thence North 01°18'01" West a distance of 106.71 feet to a point; thence North 07°59'02" East a distance of 78.12 feet to a point; thence North 10°13'31" West a distance of 83.97 feet to a point; thence North 01°34'15" East a distance of 101.93 feet to a point; thence North 09°39'43" East a

distance of 78.01 feet to a point located at the intersection of said creek with the Land Lot Line common to Land Lots 164 and 197; thence leaving said centerline of creek and along said Land Lot Line North 89°53'16" East a distance of 930.91 feet to a point; thence continuing along said Land Lot Line South 89°33'22" East a distance of 1226.35 feet to a point; thence leaving said Land Lot Line South 21°25'36" West a distance of 185.41 feet to a point; thence South 18°53'20" East a distance of 47.52 feet to a point; thence South 51°06'26" East a distance of 84.89 feet to a point; thence South 11°34'39" East a distance of 95.11 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 42.768 Acres.

LESS AND EXCEPT:

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lot 197, 2nd District, 1st Section, Forsyth County, Georgia, being more particularly described as follows:

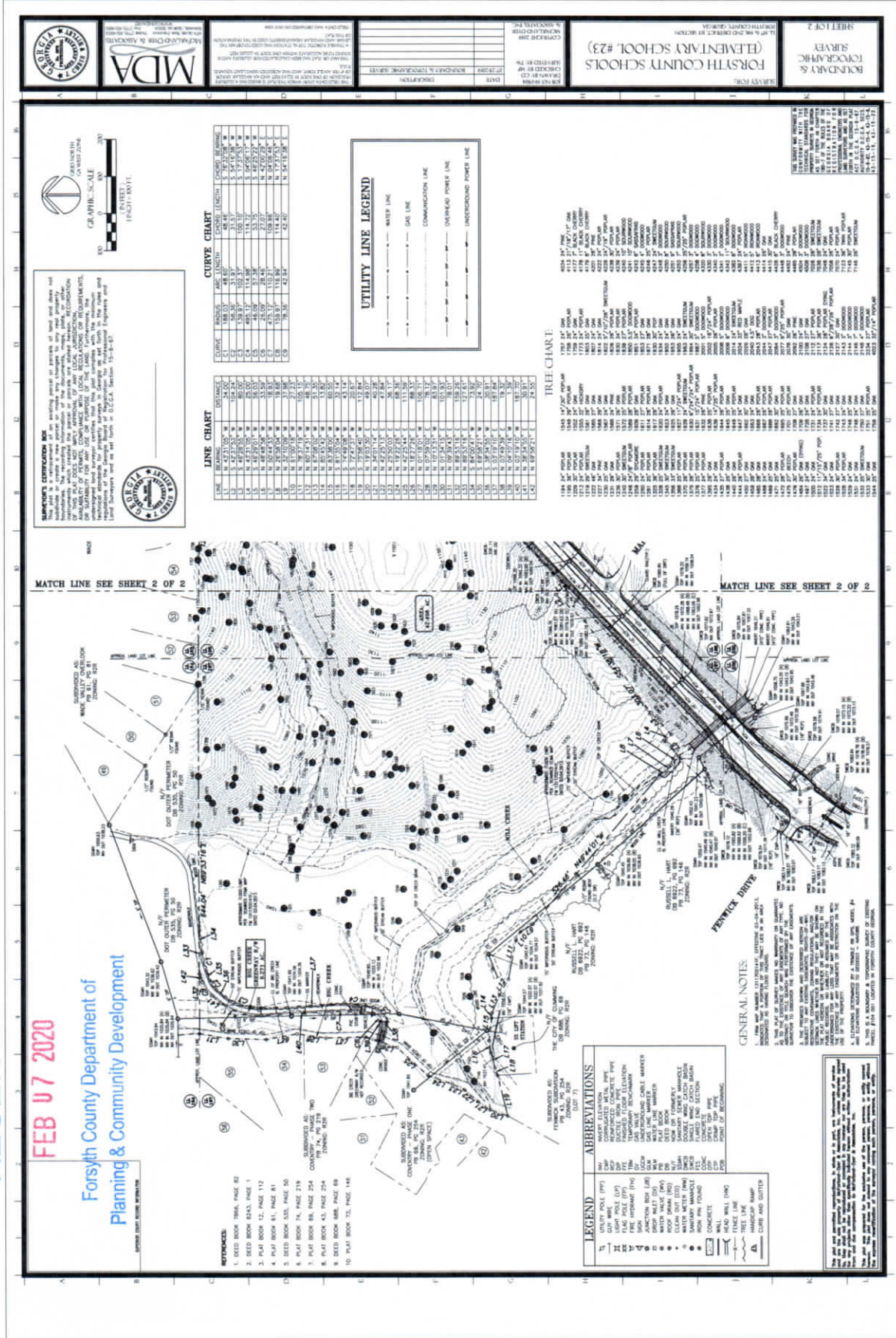
BEGINNING at the northwestern mitered intersection of the right of way of Castleberry Road (right of way varies) and the right of way of Wade Valley Drive (60 feet right of way); thence southwesterly along the right of way of Castleberry Road a distance of 577.50 feet to a point; thence leaving said right of way North 11°34'39" West a distance of 95.11 feet to a point; thence North 51°06'26" West a distance of 84.89 feet to a point; thence North 18°53'20" West a distance of 47.52 feet to a point; thence North 21°25'36" East a distance of 185.41 feet to a point located on the Land Lot Line common to Land Lots 163 and 198; thence along said Land Lot Line North 89°33'22" West a distance of 1226.35 feet to a point; thence continuing along said Land Lot Line South 89°53'16" West a distance of 644.04 feet to a point, that is the **POINT OF BEGINNING**; thence leaving said land Lot Line South 84°00'47" West a distance of 73.92 feet to a point; thence 48.60 feet along a curve to the left, said curve having a chord of South 76°32'08" West 48.46 feet and a radius of 188.03 feet to a point; thence South 69°58'21" West a distance of 24.70 feet to a point; thence 31.97 feet along a curve to the left, said curve having a chord of South 54°16'38" West 31.57 feet and a radius of 58.36 feet to a point; thence South 38°34'55" West a distance of 30.91 feet to a point; thence 102.37 feet along a curve to the left, said curve having a chord of South 17°37'53" West 100.10 feet and a radius of 139.97 feet to a point; thence South 03°19'10" East a distance of 187.84 feet to a point; thence 114.98 feet along a curve to the right, said curve having a chord of South 04°06'17" West 114.72 feet and a radius of 495.12 feet to a point; thence 57.38 feet along a curve to the right, said curve having a chord of South 46°25'22" West 53.75 feet and a radius of 46.09 feet to a point; thence North 03°49'39" East a distance of 19.32 feet to a point; thence North 04°10'16" West a distance of 1.39 feet to a point; thence 28.46 feet along a curve to the left, said curve having a chord of North 42°00'29" East 27.07 feet and a radius of 26.09 feet to a point; thence 110.21 feet along a curve to the left, said curve having a chord of North 04°06'46" East 109.96 feet and a radius of 475.12 feet to a point; thence North 03°19'10" West a distance of 187.70 feet to a point; thence 116.99 feet along a curve to the right, said curve having a chord of North 17°37'53" East 114.40 feet and a radius of 159.97 feet to a point; thence North 38°34'55" East a distance of 30.91 feet to a point; thence 42.94 feet along a curve to the right, said curve having a chord of North 54°16'38" East 42.40 feet and a radius of 78.36 feet to a point; thence

North 69°58'21" East a distance of 24.55 feet to a point located on the Land Lot Line common to Land Lots 164 and 197; thence along said Land Lot Line North 89°53'16" East a distance of 127.61 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 0.271 Acres.

SP20002
RECEIVED

FEB 07 2020

Forsyth County Department of
Planning & Community Development



REF.-1 REFERENCE SURVEY

THIS DOCUMENT HAS BEEN INCLUDED IN THE PLAN SET FOR REFERENCE ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO SURVEY AND ESTABLISH ALL PROPERTY BOUNDARIES, MONUMENTATION AND TO VERIFY ALL TOPOGRAPHIC DATA AND UTILITY LOCATIONS AND TO MAINTAIN LOCATIONS OF ALL SUCH DATA THROUGHOUT THE DURATION OF CONSTRUCTION.

