



FISCHER DEVELOPMENT COMPANY
FISCHER DEVELOPMENT CO. II, INC.
GRAND COMMUNITIES, LTD.

March 8th, 2018

Ms. Tina Garver, AICP
Community Development Director
City of Powder Springs
4488 Pineview Drive
Powder Springs, Georgia 30127

RE: Application of Grand Communities, Ltd. to Rezone Springbrooke Estates (Unit I – Phase II) from Conditional MDR to Conditional MDR (PZ No. 18-004)

Ms. Garver:

This letter formally confirms that Grand Communities, Ltd. will no longer be represented by Sams, Larkin, Huff, and Balli, LLP in connection with the above-captioned Application for Rezoning. I would appreciate it if you would make note of this fact in the file for this Application, and please update your records, communications, and/or electronic transmissions/postings accordingly.

The Application is scheduled to be heard and considered by the Planning Commission on March 26th, 2018 with the final hearing and consideration by the Mayor and City Council on April 2nd, 2018. In the interim, we will appear at the Agenda Work Sessions before both the Planning Commission and the Mayor and City Council, respectively.

The subject property is part of an overall 109.62 acre tract which was originally rezoned by the Mayor and City Council of Powder Springs on February 21st, 2005. Since that time, portions of the subject property have been developed and built upon, and is now known as the Springbrooke Estates Subdivision. Springbrooke Estates has an active Homeowners Association (HOA), and we have an on-going dialogue with the HOA Board to garner their support for our application. Our next meeting with the HOA is scheduled for March 11th, 2018.

We also have engaged City Staff in numerous meetings and communications regarding this Application over the past few months. As a result of those communications, we agreed to provide a letter outlining agreeable zoning conditions that shall become part of the zoning approvals for the subject property. The proposed zoning conditions are as follows:

- 1. The zoning conditions set forth herein shall replace and supersede any and all prior conditions currently in-place on the subject property.*
- 2. The maximum number of homes shall be one hundred nine (109).*
- 3. A minimum of 26.68 (24.60%) acres of the total site (109.26 acres) shall be "open space" which shall be owned and maintained by the HOA unless otherwise agreed to, or desired by, the City of Powder Springs.*
- 4. The minimum square footage of the homes shall be twenty-four hundred (2,400) square feet.*
- 5. The architectural style and composition of the homes shall be consistent with the renderings/elevations being submitted concurrently with this letter ("Springbrooke Designer Collection", dated February 5th, 2018).*
- 6. Each home shall have, at a minimum, an attached two-car garage. Additionally, there shall be sufficient room on and within the driveways to park two (2) additional vehicles.*

7. *The subject property shall be incorporated into the existing HOA.*
8. *Final locations, configurations, and/or methodology for stormwater management and hydrology – including on-site detention and water quality – shall be in accordance with the regulations of the City of Powder Springs Unified Development Code (UDC) in affect at the time of the zoning approval.*
9. *Should the City revise the UDC following this zoning approval, the developer and home builder can comply with the standards and requirements of the current or future UDC, whichever is the least restrictive.*
10. *Maintain streambank buffers consistent with the City of Powder Springs' and State of Georgia's requirements, and voluntarily convey said buffers to the City of Powder Springs in the form of a Conservation Easement, , with the understanding that utilization of previous variances on this property for buffer averaging will be allowed.*
11. *The submission of a landscape plan during the Plan Review Process which shall be subject to City Staff review and approval, and which shall include the following:*
 - a. *Sodded front, side, and rear yards.*
 - b. *At both points of ingress/egress onto Lewis Road, as shown on the "Rezoning Sketch Plan", the installation of ground-based, monument-style entrance signage which shall be landscaped, lighted, and irrigated.*
 - c. *The dedication of a ten foot (10') wide no access easement along the Lewis Road frontage except, of course, with respect to the ingress/egress locations.*
12. *The Community Development Director shall have the authority to approve minor modifications to the "Revised Sketch Plan", architecture, zoning conditions, and other issues as the Application proceeds through the Plan Review Process and thereafter, as long as those modifications are in substantial conformance with the intent of this Application.*

I look forward to working with you and City Staff to complete the Springbrooke Estates Subdivision in a manner acceptable to the City, existing residents, Grand Communities, and Fischer Homes. Please do not hesitate to contact me with any questions, comments, or clarifications. Thank you for your time and consideration.

Regards,


Jason M. Wisniewski
Vice President of Planning and Zoning
Grand Communities, Ltd./Fischer Development Company

cc: *R. Judson Hall, PE, RLA – TerraTory Development Consultants, Inc.*
Sean Stefan, Fischer Homes – Land Acquisition Manager, Atlanta
Joe Hiott, Grand Communities, Ltd./Fischer Development Company – Land Development Manager
Alex Almodóvar, MPA, City of Powder Springs – Permitting + Development Coordinator

Powder Springs Application Form

REZONING

Applicant: Grand Communities, Ltd. JASON M. WISNIEWSKI Telephone No.: (859) 344-3136

Applicant's Address: 3940 Olympic Boulevard, Suite 100, Erlanger, Kentucky 41018

Property Location: Springbrooke Estates Subdivision located along Lewis Road Land Lot No.: 975, 976, 1022, 1023, 1024, 1049, + 1050

Applicant is: Property Owner Other: Attorney for Property Owner (Attach Owner's Authorization)

Other Representative of the Owner (Attach Owner's Authorization)

MOR (Medium Density Residential)
 Current Zoning: Conditional

Type of Application

Rezoning to: _____

Change in Stipulations of Approval

Attachments

Application Fee Review Checklist

Boundary Description Other: _____

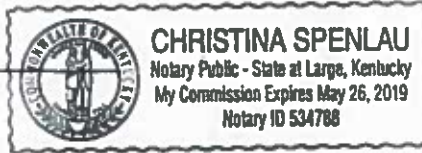
Sketch Plan (Not Required) _____

Impact Studies (Not Required) _____

Campaign Contribution Form _____

I attest that this Application and its attachments are accurate to the best of my knowledge.

J. M. Wisniewski
 Signature of Applicant (to be notarized)



Sworn to and subscribed before me this
12th day of February, 2018
Christina Spenlau
 Notary Public

DO NOT WRITE IN THE BOXES BELOW

DRI Forms filed with ARC/DCA/GRTA on: _____ Final determination received on: _____

Application Received Date: _____

Scheduled for Public Hearing on:

Planning Commission Date: _____

Mayor & City Council Date: _____

Signs Provided Date: _____

Newspaper Ad Date: _____

Affidavit Received Date: _____

Notes:

Planning Commission

Public Hearing: Date: _____

Tabled Until: Date: _____

Recommendation

Approval

Approval with Stipulations

Denial

No Recommendation

Mayor & Council

Public Hearing: Date: _____

Tabled Until: Date: _____

Returned to P.C. Date: _____

Final Action

Approved

Approved with Stipulations

Denied

Stipulations Attached



Application Withdrawn

By Planning Director

By P.C. or Mayor & Council

Date: _____

Without time restriction

Restriction: Cannot be refiled for _____ months

Applicant: Grand Communities, Ltd.

Current Zoning: MDR - Conditional

Proposed Zoning: MDR - Conditional

Property Location: Springbrooke Estates Subdivision located along Lewis Road

975, 976, 1022, 1023,
Land Lot No. 1024, 1049, + 1050

Standards for rezoning consideration

The Planning Commission and the Mayor and City Council shall consider the following standards in considering any rezoning proposal, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

Standard	YES	NO	Comments
a. Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed use is not changing. The Applicant is requesting modifications to the Concept Plan and zoning conditions.
b. Is the proposed use consistent with the stated purpose of the zoning district that is being requested?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed use is not changing. The Applicant is requesting modifications to the Concept Plan and zoning conditions.
c. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed use is not changing. The Applicant is requesting modifications to the Concept Plan and zoning conditions.
d. Will the existing use or usability of adjacent or nearby property not be adversely affected by the proposed use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed use is not changing, and the proposed modifications to the Concept Plan and zoning conditions will not adversely affect the existing residential uses and/or existing residents.
e. Are their substantial reasons why the property cannot or should not be used as currently zoned?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The existing Concept Plan impacts streams and wetlands that can be, and are, avoided through proposed modifications. In addition, the existing zoning conditions are specific to another builders' product and cannot be built by Applicant's homebuilding operations.
f. Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the proposed use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
g. Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The existing zoning conditions are specific to another builders' product and cannot be built by Applicant's homebuilding operations.
h. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Prepared...Date: February 12th, 20 18 for Grand Communities, Ltd. Applicant
 Date: _____, 20 ____ by _____ Powder Springs Staff
 Date: _____, 20 ____ by Other: _____

Powder Springs

OWNER'S AUTHORIZATION

This is to certify that (I am we are I am the Corporate Secretary of a Corporation that is) the owner of a majority interest in the property that is the subject of the attached application.

By execution of this form, this is to authorize the person named as "applicant" below, acting on behalf of the owner, to file for and pursue a request for approval of the following:

(Check each that applies and cross out each that does not apply)

- Rezoning
- Special Use
- Appeal from Administrative Decision
- Special Exception
- Hardship Variance
- Flood Protection Variance

Applicant: Grand Communities, Ltd.

Applicant's Address: 3940 Olympic Boulevard, Suite 100, Erlanger, KY 41018

Date this Authorization becomes null and void: JULY 1st, 20 18. (Not applicable)

[Signature]
Signature of Owner

(Notarized)
Pamela R. Custer



Signature of Owner

(Notarized)

Signature of Owner

(Notarized)

Signature of Owner

(Notarized)

Attach additional sheets as needed

Corporations -- attach copy of corporate resolution approving authorization

Applicant: Grand Communities, Ltd.

Applicant's Address: 3940 Olympic Boulevard, Suite 100
Erlanger, Kentucky 41018

Applicant's Attorney: Sams, Larkin, Huff, + Balli, LLP

Attorney's Address: 376 Powder Springs Street, Suite 100
Marietta, Georgia 30064

The following information is provided in accordance with the Georgia Conflict of Interest in Zoning Actions Act, O.C.G.A. 36-67A-1 *et seq.*

The property that is the subject of the attached application is owned by:

- Individual(s) Corporation Partnership Limited Partnership Joint Venture

All persons, corporations, partners, limited partners, or joint venturers party to ownership of the property that is the subject of the attached application are listed below:

Grand Communities, Ltd. _____

APPLICANT: Within the two years preceding the date of the attached application, the applicant has made campaign contributions or gifts aggregating \$250 or more to the Mayor, to members of the Powder Springs City Council, or to members of the Planning Commission, as follows:

Name of Official	Amount of Contribution or Gift	Date of Contribution or Gift
None.		
_____	_____	_____
_____	_____	_____
_____	_____	_____

ATTORNEY: Within the two years preceding the date of the attached application, the attorney representing the applicant has made campaign contributions or gifts aggregating \$250 or more to the Mayor, to members of the Powder Springs City Council, or to members of the Planning Commission, as follows:

Name of Official	Amount of Contribution or Gift	Date of Contribution or Gift
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant: Grand Communities, Ltd. Current Zoning: MDR-Conditional Proposed Zoning: MDR-Conditional
 Property Location: Springbrooke Estates Subdivision located along Lewis Road Land Lot No. 975, 976, 1022, 1023, 1024, 1049, + 1050

A sketch plan is required to accompany a rezoning application for an MDR or MXU Development, or a multifamily or nonresidential use or project, if any new construction alteration of the site is proposed.

The sketch plan may be prepared by the applicant, a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person familiar with land development activities.

The sketch plan must be drawn to approximate scale on a boundary survey of the tract or on a property map showing the approximate location of the boundaries and dimensions of the tract.

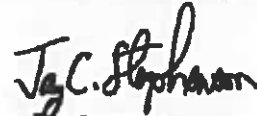
The sketch plan must show the following:

- Name and address of the property owner.
- Name, address, and telephone number of the applicant (if different than the owner).
- If drawn on a boundary survey: date of survey and source of datum,
- Date of plan drawing, and revision dates, as appropriate.
- North point and approximate scale of the drawing.
- Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre).
- Location sketch of the property in relation to the surrounding area with regard to well known landmarks such as arterial streets or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location sketch.
- Zoning district classification of the subject property and all adjacent properties, and current zoning district boundaries if they cross the property.
- Man-made features within and adjacent to the property, including existing streets and names, city limit lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
- Proposed use of the property, including a statistical summary of development factors such as density, nonresidential floor area, number of lots or dwelling units, and minimum unit sizes, as may be pertinent to the type of project.

The proposed project layout including:

- For office or industrial parks and residential subdivisions included within an MDR or MXU development, approximate lot lines and street right-of-way lines, along with the front building setback line on each lot.
- For multi-family and nonresidential development projects, the approximate outline and location of all principal buildings, and the location of all minimum building setback lines, trash receptacle locations, outdoor storage areas, buffers, parking and loading areas, and driveways.
- A statement as to the source of domestic water supply.
- A statement as to the provision for sanitary sewage disposal.
- The approximate location of proposed storm water detention facilities.
- Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

Deed Book 14743 Pg 1206
Filed and Recorded Dec-14-2009 03:35pm
2009-0156344
Real Estate Transfer Tax \$500.00



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

[Space Above This Line For Recording Data]

RETURN TO:
MOORE INGRAM JOHNSON & STEELE, LLP
EMERSON OVERLOOK
326 ROSWELL STREET
MARIETTA, GEORGIA 30060
08R200.1

RR
22.

**LIMITED
WARRANTY DEED**

STATE OF GEORGIA

COUNTY OF COBB

THIS INDENTURE, made the 10th day of December, in the year Two Thousand Nine, between

UNITED COMMUNITY BANK

of the County of Cobb, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

TI SPRINGBROOKE, LLC, a Georgia limited liability company

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of OTHER VALUABLE CONSIDERATIONS AND TEN AND NO/100 DOLLARS (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey, and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lots 975, 976, 1022, 1023, 1024, 1049 and 1050 of the 19th District, 2nd Section, Cobb County, Georgia, and being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference

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

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons CLAIMING BY, THROUGH, OR UNDER GRANTOR, BUT NOT OTHERWISE.

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

Signed, sealed and delivered in the presence of:

UNITED COMMUNITY BANK

[Signature]
Unofficial Witness

By: [Signature] (Seal)
Philip Galbreath, Vice President

[Signature]
Notary Public

ATTEST:

[Signature] (Seal)
By: Name: Gary Guthrie
Title: President

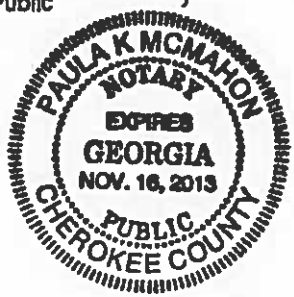


EXHIBIT "A"**LEGAL DESCRIPTION**

Written Description - Tract I, Lewis Road Property:

All that tract or parcel of land lying and being in Land Lots 975, 976, 1024 and 1049, 19th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at a 2" open top found at the Land Lot corner common to Land Lots 950, 951, 974 and 975; thence along the north line of Land Lot 975 S 88°28'39" E for a distance of 664.88 feet to a 4" flat metal bar found; thence continuing along said Land Lot line S 88°26'37" E for a distance of 643.80 feet to a 1/2" open top found; thence S 01°56'03" W for a distance of 441.99 feet to a #3 rebar found; thence S 53°13'40" E for a distance of 92.81 feet to a point; thence S 72°51'25" E for a distance of 552.56 feet to a point on the westerly right of way of Lewis Road (50 foot right of way); thence along said right of way S 26°06'06" W for a distance of 36.79 feet to a #3 rebar found; thence continuing along said right of way S 30°16'49" W for a distance of 77.49 feet to a point; thence continuing southwesterly along said right of way, following the curvature thereof along a curve to the right, for an arc distance of 224.78 feet, said curve having a radius of 947.10 feet and being subtended by a chord of S 37°27'46" W 224.25 feet to a point; thence continuing along said right of way S 44°15'43" W for a distance of 250.16 feet to a point; thence continuing along said right of way S 42°55'09" W for a distance of 139.22 feet to a point; thence continuing southwesterly along said right of way, following the curvature thereof along a curve to the left, for an arc distance of 103.22 feet, said curve having a radius of 671.48 feet and being subtended by a chord of S 38°30'45" W 103.12 feet to the intersection of said right of way and the south line of Land Lot 976; thence along said Land Lot line N 88°41'14" W for a distance of 24.42 feet to a 1/2" open top found at the Land Lot corner common to Land Lots 975, 976, 1023 and 1024; thence along the west line of Land Lot 1023 S 00°08'59" W for a distance of 40.55 feet to the intersection of said Land Lot line and the westerly right of way of Lewis Road; thence southerly along said right of way, following the curvature thereof along a curve to the left, for an arc distance of 71.93 feet, said curve having a radius of 279.44 feet and being subtended by a chord of S 19°39'54" W 71.73 feet to a point; thence continuing southerly along said right of way, following the curvature thereof along a curve to the left, for an arc distance of 131.06 feet, said curve having a radius of 617.66 feet and being subtended by a chord of S 06°00'35" W 130.82 feet to a point; thence continuing along said right of way S 00°23'12" W for a distance of 419.94 feet to a point; thence continuing along said right of way S 02°04'03" W for a distance of 158.70 feet to a point; thence continuing along said right of way S 03°54'47" W for a distance of 171.18 feet to a point; thence continuing along said right of way S 05°00'32" W for a distance of 98.34 feet to a point; thence continuing southerly along said right of way, following the curvature thereof along a curve to the right, for an arc distance of 78.70 feet, said curve

EXHIBIT "A" (Cont'd.)

having a radius of 397.13 feet and being subtended by a chord of S 10°41'09" W 78.57 feet to a point; thence N 73°38'13" W for a distance of 14.55 feet to a point; thence N 89°12'15" W for a distance of 74.99 feet to a point; thence westerly, following the curvature thereof along a curve to the left, for an arc distance of 22.32 feet, said curve having a radius of 100.00 feet and being subtended by a chord of S 84°24'05" W 22.27 feet to a point; thence S 78°00'25" W for a distance of 163.75 feet to a point; thence S 11°59'35" E for a distance of 301.85 feet to a point on the westerly right of way of Lewis Road; thence along said right of way S 36°00'20" W for a distance of 9.37 feet to the intersection of said right of way and the centerline of a creek; thence northwesterly along said creek centerline, following the meanderings thereof, for a distance of 1,580 feet, more or less, said creek being subtended by the tie line N 64°04'57" W 1,188.77 feet to the intersection of said creek centerline and the west line of Land Lot 1024; thence along said Land Lot line N 00°29'49" E for a distance of 991.81 feet to an iron pin set at the Land Lot corner common to Land Lots 974, 975, 1024 and 1025; thence along the west line of Land Lot 975 N 00°25'35" E for a distance of 906.66 feet to a #3 rebar found; thence continuing along said Land Lot line N 00°27'39" E for a distance of 413.11 feet to the POINT OF BEGINNING. Said tract contains 82.367 acres more or less;

TOGETHER WITH:

Written Description - Tract 2, Lewis Road Property:

All that tract or parcel of land lying and being in Land Lots 1022, 1023, 1024 and 1050, 19th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at a #6 rebar found at the common corner of Land Lots 1022, 1023, 1050 & 1051; thence along the east line of Land Lot 1050 S 02°01'32" W for a distance of 237.97 feet to a point in the centerline of a creek; thence westerly along said creek centerline, following the meanderings thereof, for a distance of 883 feet more or less, said creek being subtended by a tie line of S 83°15'52" W for a distance of 841.80 feet to a point; thence N 21°21'47" W for a distance of 215.29 feet to a point; thence N 04°08'59" E for a distance of 72.15 feet to a point; thence N 19°22'29" E for a distance of 152.19 feet to a point; thence N 89°05'33" W for a distance of 154.60 feet to a point; thence N 00°54'27" E for a distance of 142.70 feet to a point; thence N 89°05'33" W for a distance of 35.78 feet to a point; thence westerly, following the curvature thereof along a curve to the left, for an arc distance of 33.45 feet, said curve having a radius of 100.00 feet and being subtended by a chord of S 81°19'34" W 33.29 feet to a point; thence S 71°44'41" W for a distance of 174.83 feet to a point; thence S 33°34'50" W for a distance of 23.59 feet to a point; thence N 74°53'40" W for a distance of 90.84 feet to a point on the eastern right of way of Lewis Road (50' right of way); thence along said right of way the following courses and distances; thence northerly, following the curvature thereof along a curve to the left, for an arc distance of 78.79 feet, said curve having a radius of 447.13 feet and being subtended by a chord of N 10°03'26" E 78.69 feet to a point; thence N 05°00'32" E for a distance of 98.82 feet to a point; thence N 03°54'47" E for a distance of 172.46 feet to a point; thence N 02°04'03" E for a distance of 160.24 feet to a point; thence N 00°23'12" E for a distance of 211.47 feet to an iron pin set; thence leaving said right of way S 89°07'41" E for a distance of 214.65 feet to an iron

EXHIBIT "A" (Cont'd.)

pin found; thence S 01°40'47" E for a distance of 200.09 feet to an iron pin set; thence S 89°09'12" E for a distance of 4.59 feet to a 3/4" steel rod found; thence S 89°06'53" E for a distance of 798.93 feet to a 3/4" steel rod found; thence N 89°45'15" E for a distance of 45.08 feet to a 3/4" steel rod found; thence S 88°53'46" E for a distance of 254.83 feet to an angle iron found; thence N 89°37'29" E for a distance of 170.37 feet to a point; thence S 28°28'26" W for a distance of 114.26 feet to a point; thence S 19°53'05" E for a distance of 174.00 feet to a point; thence S 37°32'56" E for a distance of 90.63 feet to a point; thence S 14°58'34" W for a distance of 73.42 feet to a point; thence S 21°34'01" E for a distance of 67.69 feet to a point; thence S 85°36'40" E for a distance of 52.01 feet to a point; thence S 05°16'01" W for a distance of 87.15 feet to a point; thence S 32°24'53" E for a distance of 59.90 feet to a point; thence S 76°22'42" E for a distance of 110.99 feet to a point; thence S 47°44'00" E for a distance of 39.00 feet to a point on the northerly line of Land Lot 1051; thence along said Land Lot line S 89°13'27" W for a distance of 459.18 feet to the POINT OF BEGINNING. Said tract contains 30.233 acres more or less;

All as show on that certain survey prepared for MCOL Development One, L.P., United Community Bank and Stewart Title Guaranty Company by Barton Surveying, Inc. bearing the certification and seal of David R. Barton, RLS #2533 dated March 16, 2005, and last revised September 28, 2005;

TOGETHER WITH THE FOLLOWING EASEMENTS:

1. Easements contained in that Grading Easement Agreement by and between Oglesby Road Group, LLC, a Georgia limited liability company, and McCar Homes, Inc., a Georgia corporation, dated April 1, 2005, recorded at Deed Book 14141, Page 4125, Cobb County Records; and
2. Grant of Easement Sewer by and between Bettie L. Walters and Cobb County dated April 5, 2005, recorded October 14, 2005 in Deed Book 14234, Page 6218, Cobb County Records;

LESS AND EXCEPT:

ALL THAT tract or parcel of land lying and being in Land Lots 1022, 1023 and 1050 of the 19th District, 2nd Section, City of Powder Springs, Cobb County, Georgia, and being that property designated as "Open Space" shown on that certain plat for Springbrooks Estates, Unit II, Phase 2 recorded in Plat Book 261, Pages 42-44, Cobb County Records, which plat is incorporated herein by reference; and

LESS AND EXCEPT:

ALL THAT tract or parcel of land lying and being in Land Lots 1023 and 1024 of the 19th District, 2nd Section, City of Powder Springs, Cobb County, Georgia, and being that property designated as "Open Space" shown on that certain plat for Springbrooks Estates, Unit II, Phase I recorded in Plat Book 260, Page 90, Cobb County Records, which plat is incorporated herein by reference; and

Plot

EXHIBIT "A" (Cont'd.)

LESS AND EXCEPT:

All that tract or parcel of land lying and being in Land Lot 1024 of the 19th District, 2nd Section, Cobb County, Georgia, being Lots 4, 5, 6, 7, 8, 9, 10, 11, 14, 86, 87, 88, 89, 90, 91, 92, 97, 98, 99, 100, 101, 122, 123, 124, 125, 126, 127, 128 and 129, Springbrooke Estates, Unit I, Phase I, as per plat recorded in Plat Book 256, Pages 89-90, Cobb County Records, said plat being incorporated herein by reference thereto; and

LESS AND EXCEPT:

ALL THAT tract or parcel of land lying and being in Land Lots 1024 and 1049 of the 19th District, 2nd Section, City of Powder Springs, Cobb County, Georgia, and being that property designated as "Amenities Area", "Detention Area", "Detention Lot (Water Quality Pond)", "Open Space" and "Community Open Space" shown on that certain plat for Springbrooke Estates, Unit I, Phase I recorded in Plat Book 256, Pages 89-90, Cobb County Records, which plat is incorporated herein by reference; and

LESS AND EXCEPT:

ALL those tracts or parcels of land lying and being in Land Lots 976, 1023 and 1024 of the 19th District, 2nd Section, Cobb County, Georgia, and being that property more particularly described on Exhibit A (4 pages) attached to that certain Right of Way Warranty Deed dated May 30, 2006 between Borrower, as Grantor, and City of Powder Springs, as Grantee, filed and recorded June 8, 2006 in Deed Book 14340, Pages 1399-1404, Cobb County Records, which Exhibit A is incorporated herein by reference thereto; and

LESS AND EXCEPT:

ALL those tracts or parcels of land lying and being in Land Lots 1023 of the 19th District, 2nd Section, Cobb County, Georgia, and being that property more particularly described on Exhibit A (3 pages) attached to that certain Quitclaim Deed dated June 1, 2006 between Borrower, as Grantor, and City of Powder Springs, as Grantee, filed and recorded June 8, 2006 in Deed Book 14340, Pages 1394-1398, Cobb County Records, which Exhibit A is incorporated herein by reference thereto; and

LESS AND EXCEPT:

All that tract or parcel of land lying and being in Land Lot 1023 of the 19th District, 2nd Section, Cobb County, Georgia, being Lot 166, Springbrooke Estates, Unit II, Phase 2 as per plat recorded in Plat Book 261, Pages 42-44, Cobb County Records, said plat being incorporated herein by reference thereto; and

LESS AND EXCEPT:

All that tract or parcel of land lying and being in Land Lots 1024 and 1029 of the 19th District, 2nd Section, Cobb County, Georgia, being Lot 1, Springbrooke Estates, Unit I,



EXHIBIT "A" (Cont'd.)

Phase I, as per plat recorded in Plat Book 261, Pages 67-68, Cobb County Records, said plat being incorporated herein by reference thereto; and

All that tract or parcel of land lying and being in Land Lot 1024 of the 19th District, 2nd Section, Cobb County, Georgia, being Lots 2, 3, 15, 16, 17, 93, 94, 95, 96, 102 and 103, Springbrooke Estates, Unit I, Phase I, as per plat recorded in Plat Book 261, Pages 67-68, Cobb County Records, said plat being incorporated herein by reference thereto; and

All that tract or parcel of land lying and being in Land Lot 1023 of the 19th District, 2nd Section, Cobb County, Georgia, being Lots 150, 151, 152, 153, 154, 167, 168, 169, 170, 193, 194, 195 and 196, Springbrooke Estates, Unit II, Phase I, as per plat recorded in Plat Book 260, Page 90, Cobb County Records, said plat being incorporated herein by reference thereto; and

All that tract or parcel of land lying and being in Land Lot 1023 of the 19th District, 2nd Section, Cobb County, Georgia, being Lots 155, 156, 157, and 171, Springbrooke Estates, Unit II, Phase 2, as per plat recorded in Plat Book 261, Pages 42-44, Cobb County Records, said plat being incorporated herein by reference thereto; and

LESS AND EXCEPT and subject to the easement rights contained in Condemnation Docket No. 07-1-10019-99 filed in Deed Book 14553, Page 3757 & Condemnation Docket No. 07-1-10020-99 filed in Deed Book 14553, Page 3753, Cobb County Records.

Handwritten signature