

ZONING STIPULATIONS

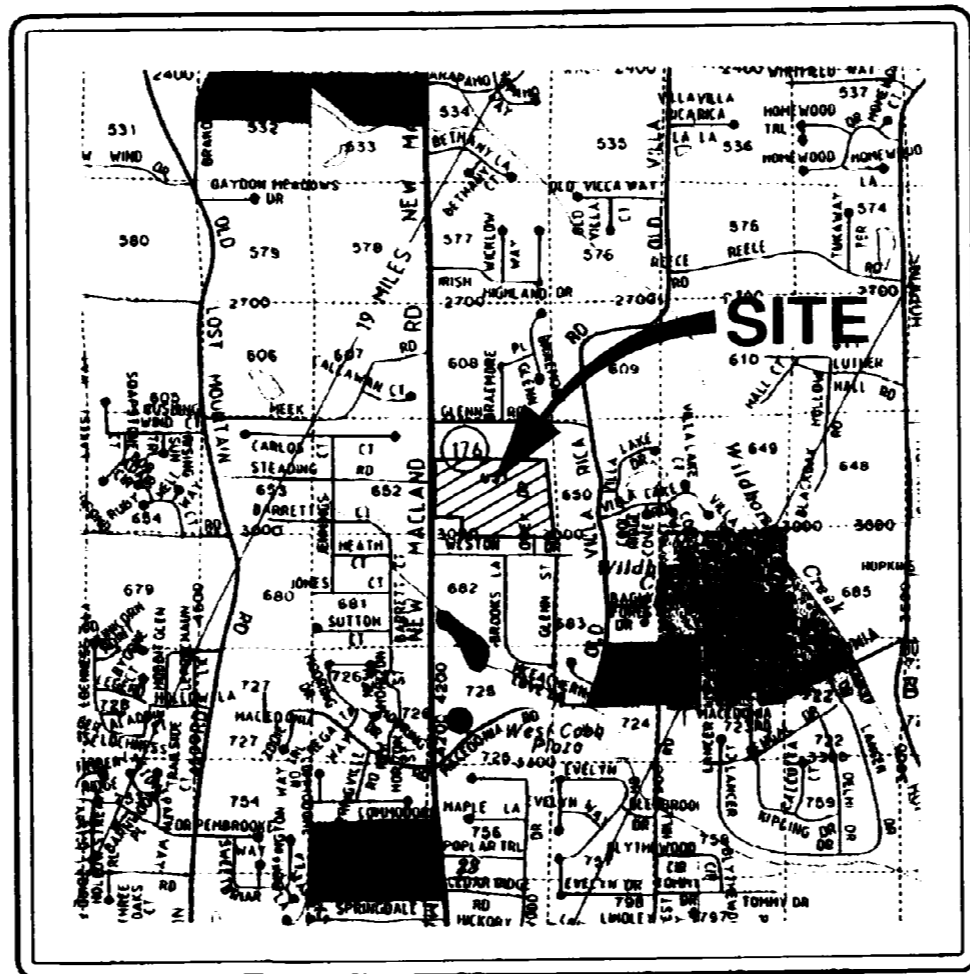
1. Rezoning of the Subject Property shall be from the R-20 zoning category (Cobb County) to the Medium Density Residential ("MDR") zoning category (City of Powder Springs) with reference to that certain revised Rezoning Plan prepared for Tomberlin Realty Services, LLC by Elite Engineering dated and last revised May 13, 2005.
2. The 22.4 acre tract (hereinafter "Subdivision") shall be developed for a single-family residential community containing a maximum of fifty-three (53) units for a maximum net density of 2.5 units per acre.
3. All residences constructed in the proposed Subdivision shall be traditional and craftsman in styling and architecture.
4. Homes within the proposed Subdivision shall have the following minimum floor areas of heated and cooled living space:
 - a. A maximum of ten (10) homes shall be between 2,500 square feet and 3,000 square feet; and
 - b. The balance and remainder of the homes shall be greater than 3,000 square feet
5. The facades of the residences within the proposed Subdivision shall be brick, stone, stacked stone, stucco-type, masonry siding, cedar shake shingles, or combinations thereof. Further, a minimum of fifty (50) percent of the residences shall have front elevations comprised entirely of brick or stone accents. No elevation shall be repeated within three (3) building lots.
6. Applicant agrees that all residences within the proposed Subdivision shall have two-car garages. A minimum of seventy-five (75) percent of the residences shall have side or rear entry garages.
7. Applicant agrees that these shall be no split-foyer plans within the proposed Subdivision; nor shall there be any vinyl siding placed on the exterior of the residences.
8. All lots in the proposed Subdivision shall have the following building setbacks:
 - a. Front setback - Thirty-five (35) feet;
 - b. Rear setback - Thirty (30) feet; and
 - c. Side setback - Ten (10) feet

(minimum thirty-five (35) feet for corner lot) (By this Application for Change in Stipulations, the side setback is reduced to five (5) feet; with twenty (20) feet maintained between structures (homes).
9. All front and side yards of the residences to be constructed within the proposed Subdivision shall be sodded.
10. The entrance to the proposed Subdivision shall be ground-based, monument style signage and shall be heavily and professionally landscaped; and shall be irrigated.
11. Applicant agrees to the creation of a mandatory homeowners association consistent with up-scale communities within the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all common areas, including the amenity and entrance areas, contained within the proposed Subdivision.
12. Additionally, and in conjunction with the creation of the mandatory homeowners association, Applicant agrees to the recording and enforcement of protective covenants which will contain covenants, rules, and regulations applicable to the proposed Subdivision, in perpetuity, which shall include a provision requiring a third-party management company which shall be responsible for the upkeep and maintenance of all common areas, in-ground irrigation system, landscaped areas, and amenity area within the proposed Subdivision. Applicant agrees to submit to the Mayor and Council for review the protective covenants for the proposed subdivision. The Mayor and Council shall have the right to approve such covenants, which approval may not be unreasonably withheld. The approval is required prior to the issuance of building permits for the homes to be constructed, excepting only, any model homes.
13. Further, Applicant, together with any subsequent developer or builder, agrees to strictly enforce the provisions of the above-referenced covenants until turnover of the homeowners association to the future homeowners. During control by the developer, a minimum of one resident from the proposed Subdivision shall be a member of the Board of Directors with annual meetings to be conducted.
14. Amenities within the proposed Subdivision shall consist of a clubhouse, the exterior of which shall be consistent of that specified for the homes. The clubhouse will be a minimum of 1,500 square feet, furnished, and include a kitchen (per Council approval on May 16, 2005).
15. The utilities servicing the residences within the proposed Subdivision shall be underground.
16. Applicant agrees that it shall allocate the sum of \$10,000 to the mandatory homeowners association, which sum shall be deposited into the homeowners association account at the turnover of the association. This sum shall be in addition to any sums then remaining in said account.
17. Applicant agrees that upon turnover of the association, there shall be no debt incurred to the homeowners association.
18. Any lots not built upon within a period of seven (7) years of permitting of the proposed Subdivision shall be deeded to the homeowners association.
19. Applicant agrees to the construction of sidewalks on at least one side of all streets within the proposed Subdivision.
20. There shall be a natural, undisturbed buffer, supplemented by evergreen plant materials, as appropriate, along the rear lot line of every perimeter lot within the proposed Subdivision. The existence of said buffer area in each lot shall be preserved, in perpetuity, by placing a covenant within the warranty deed to subsequent homeowners concerning its existence which shall be recorded in the Deed Records of the Superior Court of Cobb County, Georgia. This perimeter buffer shall be a minimum of twenty (20) feet in width (per Council approval on May 16, 2005).
21. Applicant agrees to all transportation improvements recommended by the Cobb County Department of Transportation and the City of Powder Springs Public Works Department, said improvements to be provided at no cost to either the City of Powder Springs or Cobb County.
22. Applicant agrees that if the builder for the homes within the proposed Subdivision should change, then such builder shall be approved by the Mayor and City Council for the City of Powder Springs.
23. Applicant agrees to comply with all City of Powder Springs model Stormwater Management requirements applicable to the Subject Property.
24. Applicant agrees to comply with all City of Powder Springs development standards and ordinances relating to project improvements, including all newly adopted model ordinances at the time of zoning approval, except as approved by the Mayor and City Council.
25. Applicant agrees to abide by the City of Powder Springs Stormwater Ordinance

ADDITIONAL STIPULATIONS

26. There shall be a covenant which prohibits fencing in the side yard at any point between the rear of the dwelling and the right-of-way of the street used to access the lot.
27. Side entry driveways shall have raised or sloped curbing located on that portion of the driveway which forms the turnaround adjacent to the side yard lot line.
28. The side yard setback for the proposed homes shall be a minimum of five (5) feet; and a minimum of twenty (20) feet shall be maintained between structures/homes.
29. New Vision Communities, LLC shall be the approved builder.
30. Homes to be constructed within the proposed subdivision shall be consistent with the photographs on file with the City of Powder Springs Planning & Zoning Department as part of this Application; and in addition, specific home elevations shall be submitted to the City of Powder Springs Planning & Zoning staff prior to the issuance of residential construction permits to ensure consistency with the submitted photographs.

OWNER/DEVELOPER
ELITE DEVELOPMENT SERVICES, INC.
 848 HIRAM ACWORTH HIGHWAY
 HIRAM, GA 30141
CONTACT: MATTHEW CHAMBERS
 (770) 222-9811



LOCATION MAP --- 1" = 2000'

SURVEYOR'S CERTIFICATE

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon actually exist and their location, size, type and material are correctly shown

The field data upon which this plat is based has a closure precision of one foot in 24,033 feet, and an angular error of 3" per angle point, and was adjusted using COMPASS rule. The following type of equipment was used to obtain the linear and angular measurements used in the preparation of this plat: SOKKIA SET 2-100. This plat has been calculated for closure and is found to be accurate within one foot in 339,609 feet.

By (name): W. Carlton Rakestraw
 Registered Georgia Land Surveyor No. 2236
 Address: 2203 Marietta Highway, Dallas, Ga 30157
 Telephone Number: [REDACTED]
 Date: 11-28-06

CERTIFICATE OF FINAL PLAT APPROVAL FOR RECORDATION

All requirements of the Powder Springs Unified Development Code having been represented as being fulfilled by this plat, [and the related as-built surveys approved on 11/03/06], the undersigned acting under authority of the Mayor and City Council of Powder Springs, Georgia, hereby approves this plat for recordation by the Clerk of the Superior Court [along with the accompanying deeds of dedication of all streets, easements and other public areas and improvements which are shown on this plat], subject to maintenance and guarantee by the owner for two years from the date of this approval.

The approval recognizes the receipt of appropriate surety by the Mayor and City Council of Powder Springs in the amount of \$ 48,600 to assure the completion and maintenance of all streets and drainage facilities appurtenant to this subdivision.

Kalvin S. Anderson Date 12/18/06
 City of Powder Springs Public Works Director

OWNER'S CERTIFICATE AND DEDICATION
 State of Georgia, County of Cobb

The undersigned certifies that he or she is the fee simple absolute owner of the (and shown on this plat and that the plat and the public improvements contained therein or associated therewith meet all applicable requirements and standards of the Powder Springs Unified Development Code. The undersigned further certifies as the owner of the land shown on this plat and whose name is subscribed hereto, that this plat was made from an actual survey and for value received the sufficiency is hereby acknowledged, and does hereby convey all streets and rights-of-way, water mains and sewer lines shown hereon in fee simple to the City of Powder Springs and further dedicates to the use of the public forever all alleys, parks, watercourses, drains, easements and public places hereon shown for the purposes and considerations herein expressed, in consideration of the approval of this development plan and other valuable considerations, the owner further releases and holds harmless the City of Powder Springs from any and all claims, damages, or demands arising: on account of the design, construction, maintenance of the property shown hereon: on account of the roads, fills, embankments, ditches, cross drains, culverts, water mains, sewer lines, and bridges within the proposed rights of way and easements shown: and on account of backwater, the collection and discharge of surface water or the changing of courses of streams. And further the owner warrants that he owns fee simple title to the property shown hereon and agrees that the City shall not be liable to him, his heirs, successors or assigns for any claims or damages resulting from the construction or maintenance of cross drain extensions, drives, structures, street, culverts, curbs or sidewalks. The changing of courses of streams and rivers, flooding from natural creeks and rivers, surface waters and any other matters whatsoever. The undersigned further warrants that he or she has the right to sell and convey the lands according to this plat and does hereby bind himself or herself and owners subsequent in title to defend by virtue of these presents.

Owner's name: PTDL NEW MACLAND
 Owner's address: 5784 LAKE FOREST DR ATLANTA, GA 30308

Don L. Zuber Date 12-12-06
 (Owner's Signature)

GENERAL NOTES:

ALL CORNERS SET ARE 1/2" REBAR UNLESS OTHERWISE NOTED.

THIS PROPERTY IS LOCATED WITHIN A FEMA ZONE "X" ACCORDING TO COBB COUNTY F.I.R.M. PANEL 13067C COMMUNITY #0065F DATED AUGUST 18, 1992.

NO PART OF THE PROPERTY LIES WITHIN THE 100-YEAR FLOODPLAIN.

FOR LOTS UPSTREAM OF CULVERT ROAD CROSSINGS, FINISHED FLOOR ELEVATIONS SHALL BE NO LESS THAN ONE (1) FOOT ABOVE THE LOW POINT IN THE ROAD.

THE DIMENSIONS, BEARINGS, DISTANCES, AND AREA CALCULATIONS OF THE RESIDENTIAL SUBDIVISION SHOWN HEREON WERE PREPARED BY AND ARE THE RESPONSIBILITY OF CARLTON RAKESTRAW & ASSOCIATES.

THE CIVIL ENGINEERING DESIGN OF THIS DEVELOPMENT, WHICH INCLUDES BUT IS NOT LIMITED TO: LOT CONFIGURATION, STREETS, SIGHT DISTANCE, POTABLE WATER PRESSURE, SANITARY SEWER / SEPTIC SYSTEMS, SOILS STUDIES, STORM WATER, HYDROLOGY STUDIES, CULVERT SIZES, 100 YEAR FLOOD ELEVATIONS, MINIMUM FLOOR ELEVATIONS, ETC. WAS PREPARED BY AND IS THE SOLE RESPONSIBILITY OF ELITE ENGINEERING, P.C. AS SHOWN ON CONSTRUCTION PLANS FOR VINEYARDS AT NEW MACLAND AND DATED 09/28/05.

THIS PLAT IS SUBJECT TO THE COVENANTS SET FORTH IN THE SEPARATE DOCUMENT(S) DATED 12-18-06 WHICH HEREBY BECOMES A PART OF THIS PLAT, RECORDED IN DEED BOOK 426, PAGE 346, COBB COUNTY DEED RECORDS AND SIGNED BY THE OWNER.

GENERAL INFORMATION

ENGINEER:	ELITE ENGINEERING
ENGINEER ADDRESS:	276 HIRAM ACWORTH HIGHWAY
CURRENTLY ZONED:	MDR (CITY OF POWDER SPRINGS)
TOTAL AREA OF DEVELOPMENT:	21.081 ACRES
TOTAL # OF LOTS DEVELOPED:	53
LENGTH OF NEW STREETS:	2985 FEET
MINIMUM LOT SIZE:	11,000 S.F.
MINIMUM FRONT SETBACK:	35 FEET
MINIMUM SIDE SETBACK:	5 FEET (35 FEET/CORNER)
MINIMUM WIDTH BETWEEN HOUSES:	20 FEET
MINIMUM REAR SETBACK:	30 FEET
FIELD TRAVERSE PRECISION:	1":24,033'
ANGLE ADJUSTMENT:	3" PER ANGLE
TRAVERSE ADJUSTMENT:	COMPASS
PLAT PRECISION:	1:339,609'
EQUIPMENT:	SOKKIA SET 2-100
STREET RIGHT-OF-WAYS:	50 FEET
CUL-DE-SAC RADIUS:	50 FEET
CENTERLINE OF STREET:	25 FEET FROM R/W
STREET WIDTH (BOC/BOC):	24 FEET (UNLESS NOTED)
PAVEMENT WIDTH:	20 FEET (UNLESS NOTED)
PAVEMENT TYPE:	ASPHALT

STORM DRAINS

DWCB A9 TO SWCB A8	24" RCP
SWCB A8 TO DWCB A7	36" CMP
DWCB A7 TO JB A6	42" CMP
JB A6 TO SWCB A5	42" CMP
SWCB A5 TO JB A4	42" CMP
JB A4 TO JB A3	42" CMP
JB A3 TO DWCB A2	42" CMP
DWCB A2 TO HW A1	42" CMP
SWCB A3.1 TO JB A3	18" CMP
SWCB A4.5 TO SWCB A4.4	18" CMP
SWCB A4.4 TO SWCB A4.3	18" CMP
SWCB A4.3 TO JB A4.2	24" CMP
JB A4.2 TO DWCB A4.1	24" CMP
DWCB A4.1 TO JB A4	30" CMP
DWCB A4.1.1 TO DWCB A4.1	18" CMP
SWCB A5.1 TO SWCB A5	18" CMP
SWCB A6.1 TO SWCB A6	18" CMP
SWCB B3 TO DWCB B2	18" CMP
DWCB B2 TO HW B1	24" CMP

POST OFFICE:
 POWDER SPRINGS, GA 30127



©2006, GRA

CARLTON RAKESTRAW & ASSOCIATES
 REGISTERED LAND SURVEYORS
 2203 MARIETTA HWY DALLAS, GEORGIA 30157
 PHONE: [REDACTED] FAX: [REDACTED]

PROJECT NO. 05-009
 PLOT FILE # 05-009-F
 DATE: 12-12-06
 DRAWN BY: S.M.B.
 APPROVED BY: W.C.R.

LOCATED IN LAND LOT(S) - 651
 19TH DISTRICT, 2ND SECTION
 CITY OF POWDER SPRINGS, COBB COUNTY, GEORGIA

FINAL PLAT FOR
VINEYARDS AT NEW MACLAND

SHEET
 1/2

PLAT BOOK 2007-04
 11/20/16
 DEPT. OF SUPERIOR COURT, COBB COUNTY, GA.



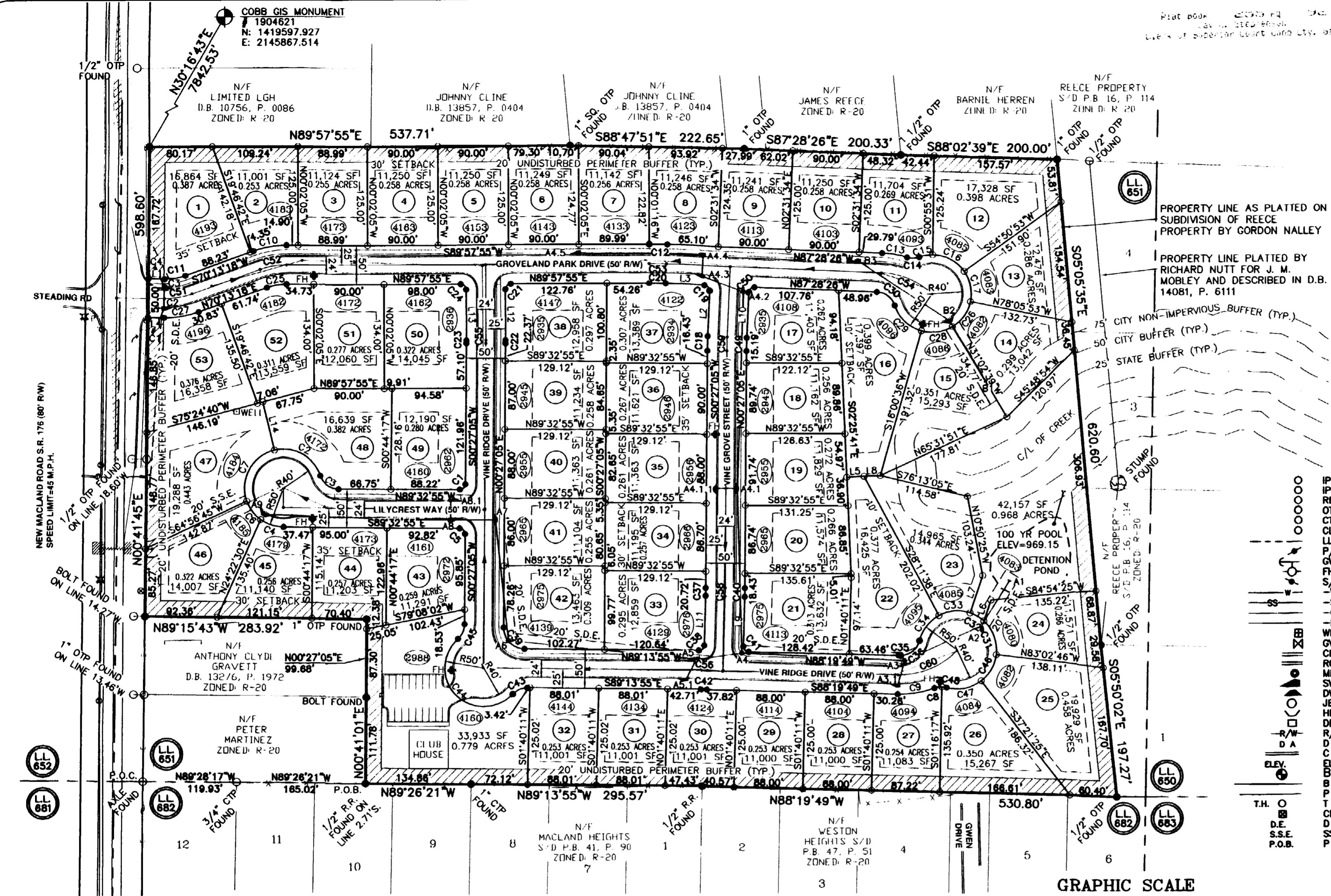
CARLTON RAKESTRAW & ASSOCIATES
 REGISTERED LAND SURVEYORS
 2203 MARIETTA HWY. DALLAS, GEORGIA 30157
 PHONE: [REDACTED] FAX: [REDACTED]

PROJECT NO. 05-009
 PLOT FILE # 05-009-F
 DATE: 11-28-06
 DRAWN BY: S.M.B.
 APPROVED BY: W.C.R.

LOCATED IN LAND LOT(S) - 651
 19TH DISTRICT, 2ND SECTION
 CITY OF POWDER SPRINGS, COBB COUNTY, GEORGIA

FINAL PLAT FOR
VINEYARDS AT NEW MACLAND

SHEET
 2/2



AREA
 918,299 SF
 21.081 ACRES

PROPERTY LINE AS PLATTED ON SUBDIVISION OF REECE PROPERTY BY GORDON NALLEY
 PROPERTY LINE PLATTED BY RICHARD NUTT FOR J. M. MOBLEY AND DESCRIBED IN D.B. 14081, P. 6111
 CITY NON-IMPERVIOUS BUFFER (TYP.)
 CITY BUFFER (TYP.)
 STATE BUFFER (TYP.)

- LEGEND**
- IPF --- IRON PIN FOUND
 - IPS --- IRON PIN SET
 - RB --- REBAR
 - OTF --- OPEN TOP PIPE
 - CTP --- CRIMP TOP PIPE
 - CLF --- CHAIN LINK FENCE
 - LL --- LAND LOT LINE
 - P/POLE --- POWER POLE
 - GW --- GLY WIRE
 - FW --- FIRE HYDRANT
 - S/POLE --- SERVICE POLE
 - W --- WATER MAIN
 - SS --- SANITARY SEWER
 - CL --- CENTERLINE
 - EP --- EDGE OF PAVEMENT
 - WM --- WATER METER
 - GV --- GATE VALVE
 - CMP --- CORRUGATED METAL PIPE
 - RCP --- REINFORCED CONCRETE PIPE
 - MH --- MANHOLE
 - SWCB --- SINGLE WING CATCH BASIN
 - DWCB --- DOUBLE WING CATCH BASIN
 - JB --- JUNCTION BOX
 - HWL --- HEADWALL
 - DI --- DROP INLET
 - R/W --- RIGHT-OF-WAY
 - D A --- DRAINAGE AREA
 - C D --- CROSSDRAIN
 - EL --- ELEVATION
 - B M --- BENCH MARK
 - B L --- BUILDING LINE
 - P L --- PROPERTY LINE
 - T H --- TEST HOLE
 - CMF --- CONCRETE MONUMENT FOUND
 - D E --- DRAINAGE EASEMENT
 - SSE --- SANITARY SEWER EASEMENT
 - P O B --- POINT OF BEGINNING

GRAPHIC SCALE



(IN FEET)
 1 inch = 100 ft.

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	11.00	7.00	9.90	N45°27'05"E
C2	73.71	50.00	67.22	N61°15'17"W
C3	30.77	25.00	28.87	S54°17'06"E
C4	31.28	50.00	30.77	S72°04'42"E
C5	11.00	7.00	9.90	N44°32'55"W
C6	30.01	50.00	29.56	S36°57'46"E
C7	84.02	50.00	74.48	S28°22'17"W
C8	9.42	25.00	9.37	S80°28'19"W
C9	47.99	125.00	47.70	N80°40'16"E
C10	43.07	125.00	42.86	S80°05'36"W
C11	26.99	75.00	26.84	N80°31'46"E
C12	23.34	525.00	23.34	N88°44'51"W
C13	32.30	125.00	32.21	N80°04'15"W
C14	15.85	25.00	15.59	N89°09'51"E
C15	17.39	50.00	17.30	S80°57'38"W
C16	47.06	50.00	45.34	N62°06'48"W
C17	41.06	50.00	39.92	N11°37'30"W

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	BEARING
C18	19.01	525.00	19.01	S01°29'19"W
C19	11.00	7.00	9.90	N42°28'26"W
C20	21.23	475.00	21.23	N88°45'16"W
C21	11.00	7.00	9.90	S44°57'55"W
C22	4.45	525.00	4.45	N00°12'30"E
C23	4.03	475.00	4.03	N00°12'30"E
C24	11.00	7.00	9.90	N45°02'05"W
C25	25.84	75.00	25.72	S80°05'36"W
C26	41.06	50.00	39.92	N35°25'44"E
C27	44.98	125.00	44.73	N80°31'46"E
C28	41.06	50.00	39.92	N82°28'59"E
C29	49.60	50.00	47.59	S45°34'12"E
C30	30.68	25.00	28.79	N52°18'43"W
C31	47.46	50.00	45.70	N20°14'19"W
C32	20.58	50.00	20.43	N59°13'13"W
C33	41.18	50.00	40.02	S85°23'54"W
C34	41.43	50.00	40.25	S38°04'11"W

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	BEARING
C35	2.37	75.00	2.37	S89°14'14"E
C36	32.95	25.00	30.62	N52°05'41"E
C37	10.10	475.00	10.10	N01°03'38"E
C38	10.89	7.00	9.82	N46°13'08"E
C39	42.26	27.00	38.08	S44°23'25"E
C40	11.16	525.00	11.16	N01°03'38"E
C41	11.00	7.00	9.90	S43°19'49"E
C42	7.48	475.00	7.48	N88°46'52"W
C43	21.03	25.00	20.41	S66°40'23"W
C44	162.37	50.00	99.86	S44°23'25"E
C45	21.03	25.00	20.41	N24°32'46"E
C46	39.87	50.00	38.82	N29°47'55"E
C47	46.57	50.00	44.91	N79°19'33"E
C48	6.43	25.00	6.41	N81°21'36"W
C49	17.20	475.00	17.20	S01°29'19"W
C50	11.00	7.00	9.90	S47°31'34"W

¢ CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	BEARING
C51	35.98	100.00	35.79	N80°31'46"E
C52	34.46	100.00	34.29	S80°05'36"W
C53	22.35	500.00	22.35	N88°45'16"W
C54	71.89	100.00	70.35	N66°52'43"W
C55	4.24	500.00	4.24	N00°12'30"E
C56	7.87	500.00	7.87	N88°46'52"W
C57	84.44	100.00	81.96	N67°28'45"E
C58	10.63	500.00	10.63	N01°03'38"E
C59	18.11	500.00	18.10	S01°29'19"W
C60	84.44	100.00	81.96	N67°28'45"E

LINE TABLE

LINE	LENGTH	BEARING
L1	20.83	N89°09'46"W
L2	58.88	S02°31'34"W
L3	49.41	S87°28'26"E
L4	20.70	S89°09'46"E
L5	21.98	S87°34'19"W
L6	27.95	S18°59'27"W
L7	49.74	S18°59'27"W
L8	20.85	N87°34'19"E
L9	62.66	N01°40'11"E
L10	58.88	S02°31'34"W
L11	62.78	S01°40'11"W
L12	65.88	N00°02'05"W
L13	65.88	S00°02'05"E
L14	63.06	N13°29'19"W

