



DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director

APPLICATION TO AMEND OFFICIAL ZONING MAP
OF DEKALB COUNTY, GEORGIA

Z/CZ No. \_\_\_\_\_

Filing Fee: \_\_\_\_\_

Date Received: \_\_\_\_\_ Application No.: \_\_\_\_\_

Applicant: D.R. Horton, Inc c/o Battle Law P.C. E-Mail: mlb@battlawpc.com

Applicant Mailing Address: One West Court Square, Suite 750 Decatur, GA. 30030

Applicant Phone: 404-601-7616 Fax: 404-745-0045

Owner(s): Daterco, Inc. E-Mail: jdterry143@aol.com

(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address: 2021 Crown Dr. St. Augustine, FL. 32092

Owner(s) Phone: 954-483-8198 Fax: NA

Address/Location of Subject Property: 4743 Flat Shoals Parkway Decatur, GA. 30034

District(s): 15 Land Lot(s): 61 and 68 Block: 3 Parcel(s): 15 061 03 001

Acreage: 17.52 Commission District(s): 3, 7

Present Zoning Category: OI Proposed Zoning Category: MR-1

Present Land Use Category: NC

PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before the Planning Department accepts it. It must include the attachments and filing fees identified on the attachments. An application, which lacks any of the required attachments, shall be determined as incomplete and shall not be accepted.

Disclosure of Campaign Contributions

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? [X] Yes [ ] No

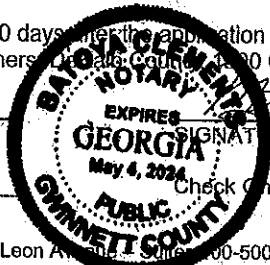
If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing;

- 1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and the Board of Commissioners, DeKalb County, 300 Commerce Drive, Decatur, Ga. 30030.

NOTARY

May 04, 2024
EXPIRATION DATE / SEAL



SIGNATURE OF APPLICANT / DATE

Check One: Owner [ ] Agent [X]

330 West Ponce de Leon Avenue, Suite 300-500 - Decatur, Georgia - 30030
[voice] 404.371.2155 - [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007
Web Address http://www.dekalbcountyga.gov/planning
Email Address: planninganddevelopment@dekalbcountyga.gov

February 5, 2021

**RE:** A Proposed Rezoning Project at 4743 Flat Shoals Parkway, Decatur, GA 30034

Dear Property Owner:

We would like for you to join our Zoom Video Meeting Saturday, February 20, 2021 from 11:00am – 12:00pm to discuss the proposed rezoning of the property located at 4743 Flat Shoals Parkway, Decatur, GA 30034. My client, D.R. Horton, Inc. is seeking to rezone the property to allow for the development of a Townhome Community.

Below are the meeting instructions. There are multiple ways for you to join the meeting, including via your computer, tablet, or cell phone, with or without video. If you are unable to make it, but would like to learn more, please contact our office at (404) 601-7616 ext. 2 or email us at [bdc@battlelawpc.com](mailto:bdc@battlelawpc.com) and we'll send you a summary of the meeting.

**You are invited to a Zoom meeting.**

**When: Feb 20, 2021 11:00 AM Eastern Time (US and Canada)**

**Website:** <https://otago.zoom.us/join>

or

**One Tap Mobile: 1.646.558.8656**

**Meeting Id: 850 9158 9657**

**Passcode: 110187**

Please contact our offices if you have any questions regarding the meeting.

Sincerely,

  
Michèle L. Battle



## **Zoom Step by Step Instructions**

Go to <https://otago.zoom.us/join> and Enter the Meeting ID that you have been provided with in the appropriate field and click “Join” (the meeting ID will be a 9 digit or 10 digit number)

### **If joining from a mobile Device**

If you are joining from a mobile device (Android smartphone/tablet, Apple iPhone/iPad) then it will simply prompt you to download the Zoom Cloud Meeting app from the App/Play Store.

### **If Joining from a Computer**

When entering a Zoom meeting for the first time from a computer you may need to download a small application file. This process is easy to complete on all commonly used browsers. Google Chrome should automatically download the file.

Just before Entering the meeting you will be prompted to enter a display name. This name is simply to identify you in the meeting.

### **Join Audio via Computer**

You will then be prompted how you wish to join your audio. If you wish to join audio via the telephone, follow the instructions further down, otherwise simply select Join Computer by Audio

### **Join Audio via Telephone**

Dial in as using the number provided, however after entering the Meeting ID, you will be prompted to enter your Participant ID/Password. Simply enter this number followed by # and the video audio will then be synchronized.

### **Raising Your Hand**

As the non-speaker if you wish to ask a question or make a point during the meeting it’s good protocol to use the “Raise Hand” facility.

If the tool bar is not showing at the bottom of the Zoom window, place your cursor over the Zoom window so it appears and select the “Participants” icon.

A window listing other participants will appear, there is also a “Raise Hand” icon, click the icon to make it known to the Host that you would like to raise your hand.

If you wish to lower your hand, click the “Lower Hand” icon that will have replaced the “Raise Hand” icon.

### **Leave Meeting**

To leave a meeting from Zoom on your desktop, select “End Meeting” then “Leave Meeting.”



# Registrants for 'D.R. Horton, Inc. - 4743 Flat Shoals Parkway Community Meeting'

Search by name or email Search

<input type="checkbox"/>	Registrants	Email Address	Registration Date	
<input type="checkbox"/>	<a href="#">Paulette Suggs</a>	paulette_suggs@bellso uth.net	Feb 20, 2021 11:13 AM	<span>Copy</span>
<input type="checkbox"/>	<a href="#">Tiffany Hogan</a>	tdhogan@drhorton.co m	Feb 20, 2021 11:05 AM	<span>Copy</span>
<input type="checkbox"/>	<a href="#">queenie jay</a>	abdj7701@yahoo.com	Feb 20, 2021 10:57 AM	<span>Copy</span>
<input type="checkbox"/>	<a href="#">Joshua Mahoney</a>	jsm@battlelawpc.com	Feb 20, 2021 10:55 AM	<span>Copy</span>
<input type="checkbox"/>	<a href="#">yt</a>	msty21@aol.com	Feb 20, 2021 10:51 AM	<span>Copy</span>
<input type="checkbox"/>	<a href="#">E. Stevens</a>	atgradio@gmail.com	Feb 20, 2021 10:44 AM	<span>Copy</span>

Cancel Registration

Resend Confirmation Email

**STATEMENT OF INTENT AND**  
**IMPACT ANALYSIS**

and

Other Material Required by  
DeKalb County Zoning Ordinance  
for the  
Application for Rezoning

of

**D.R. Horton, Inc.**  
**c/o Battle Law, P.C.**

for

17.52± acres of land located at  
**4743 Flat Shoals Parkway**

**From OI to MR-1**

Submitted for Applicant by:

Michèle L. Battle, Esq.  
Battle Law, P.C.  
One West Court Square, Suite 750  
Decatur, Georgia 30030  
Phone: (404) 601-7616  
Fax: (404) 745-0045  
Email: [mlb@battlelawpc.com](mailto:mlb@battlelawpc.com)

## **I. STATEMENT OF INTENT**

The Applicant, D.R. Horton, Inc., is seeking to rezone the 17.52 acres of undeveloped land located at 4743 Flat Shoals Parkway in unincorporated DeKalb County (the “Subject Property”) from OI to MR-1 for the development of 120 townhomes at a density of 6.85 units per acre, which is less than the 8 units per acre allowed. The Subject Property has a land use designation of Neighborhood Center (NC).

It is the Applicant’s desire to develop 120 townhomes on the Subject Property. The units include both rear-entry and front entry models, with a portion of the rear-entry units facing Flat Shoals Parkway. The units will be constructed with craftsman style facades with a combination of brick, hard-plank, board and batten, fiber cement shake. Additionally, each unit will have a garage. The proposed development will meet the 20% minimum open space requirement, which will include a pocket park. The project will be primarily marketed to adults without children, empty nesters and young professionals.

This document is submitted both as a Statement of Intent regarding this Application, a preservation of the Applicant’s constitutional rights, and the Impact Analysis of this Application as required by the DeKalb County Zoning Ordinance. A surveyed plat and conceptual site plan of the Subject Property controlled by the Applicant has been filed contemporaneously with the Application, along with other required materials.

## **II. IMPACT ANALYSIS**

- (a) Suitability of use: The proposed rezoning will permit uses that are suitable in view of the uses and developments adjacent and nearby the Subject Property. The Subject Property is abutted by parcels zoned MR-1, R-100, RSM, NS, and C-1. The Subject Property is just

down the road from a commercial corridor where there are many restaurants and grocery stores. It is the Applicant's contention that the development of the Subject Property for townhomes is consistent with the abutting residential and commercial developments and will support existing businesses in the commercial district as well as attract new businesses to the district. The proposed development will allow for townhome units to be developed which are a step up in design and price points from the neighboring townhomes.

- (b) Effect on adjacent property: The proposed development will have a positive impact on the surrounding community, as it will support the commercial district that has developed in this area. It is anticipated that the proposed units will have a sales price starting between \$200,000 and \$225,000 whereas the average price point in the community is \$166,000. As a result, the proposed project will push up the housing price points in the area for single-family detached homes by helping to establish a floor for resale of existing homes in the area which are at the lower end of the housing market.
- (c) Economic use of current zoning: The Subject Property has no use as currently zoned. As a result of the COVID epidemic the office market has been severely impacted as business continue to adapt to their employees working from home. Existing office buildings are losing tenants daily which negatively impacts the ability to finance new office building development.
- (d) Effect on public facilities: The Subject Property is in an area with public utility availability. The proposed rezoning will not cause excessive use of streets, transportation facilities, or utilities in the area. Flat Shoals Parkway is a heavily used arterial road. All access to the community will be off Woodberry Parkway, and any project improvements required by DeKalb County will be addressed.

(e) Effect on historic building, sites, etc. The approval of this Application will not have any adverse impact on any historic buildings, sites, districts or archaeological resources in the area.

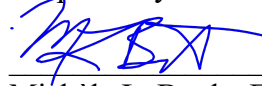
(f) Compatibility with Comprehensive Land Use Plan. The Subject Property has a land use designation of Neighborhood Center and is abutted by property with land use designations of Neighborhood Center and Suburban. The MR-1 zoning district is a permitted zoning district within the Neighborhood Center Land Use District.

#### **IV. CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be incorporated as conditions of approval of this Application. Please note that the Applicant's Notice of Constitutional Allegations and Preservation of Constitutional Rights have been submitted with this Application and are attached hereto and by this reference incorporated herein.

This 24<sup>th</sup> day of February, 2021.

Respectfully submitted,



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Michèle L. Battle, Esq.  
Attorney For Applicant



NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF  
CONSTITUTIONAL RIGHTS

The portions of the DeKalb County Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the DeKalb County Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

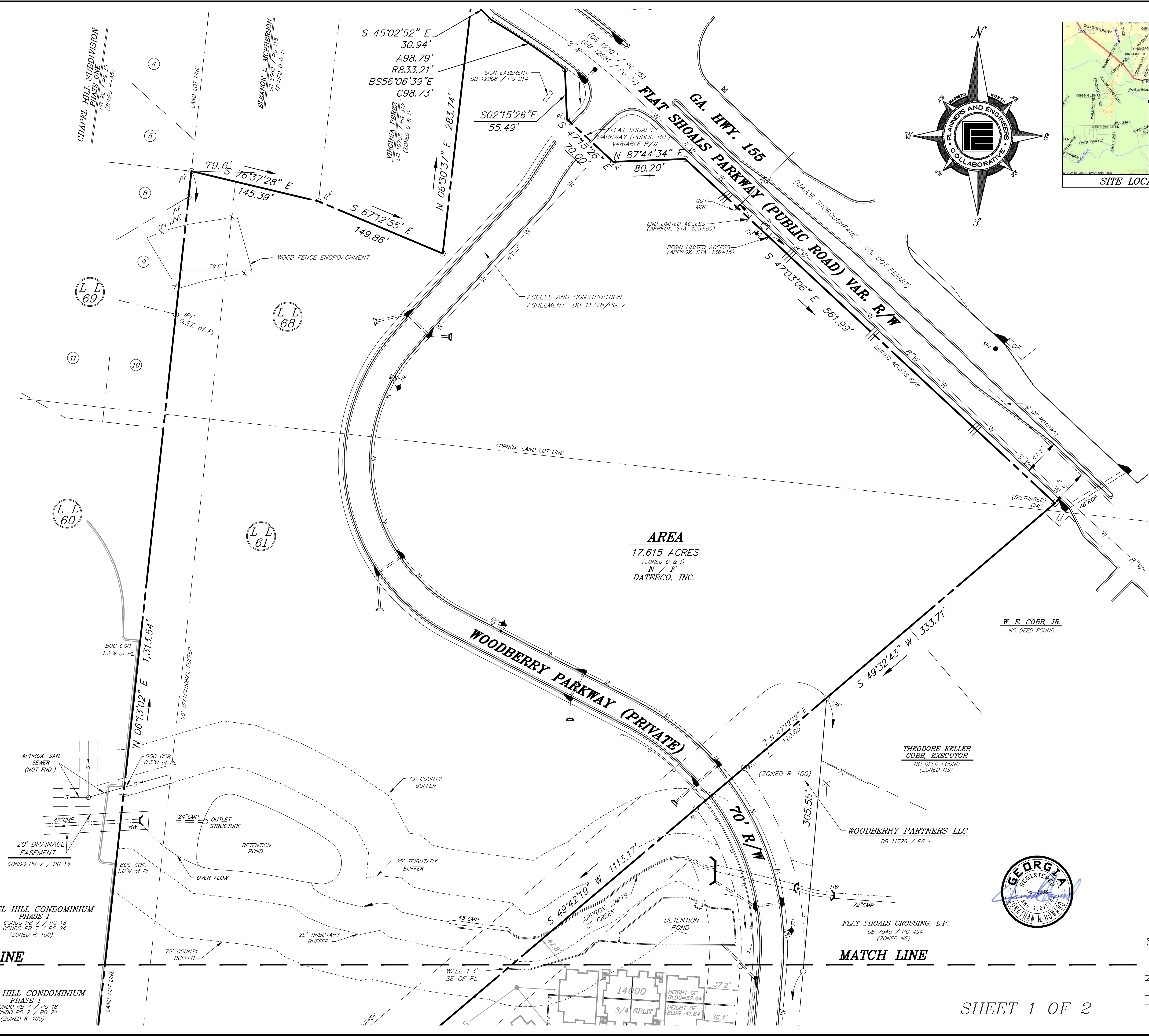
A refusal by the DeKalb County Board of Commissioners to rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the rezoning in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

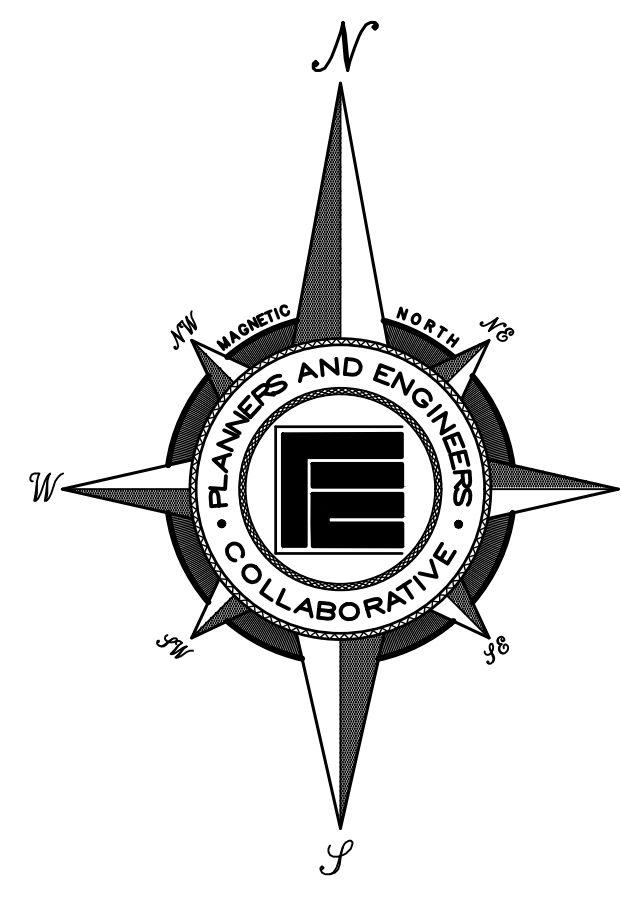
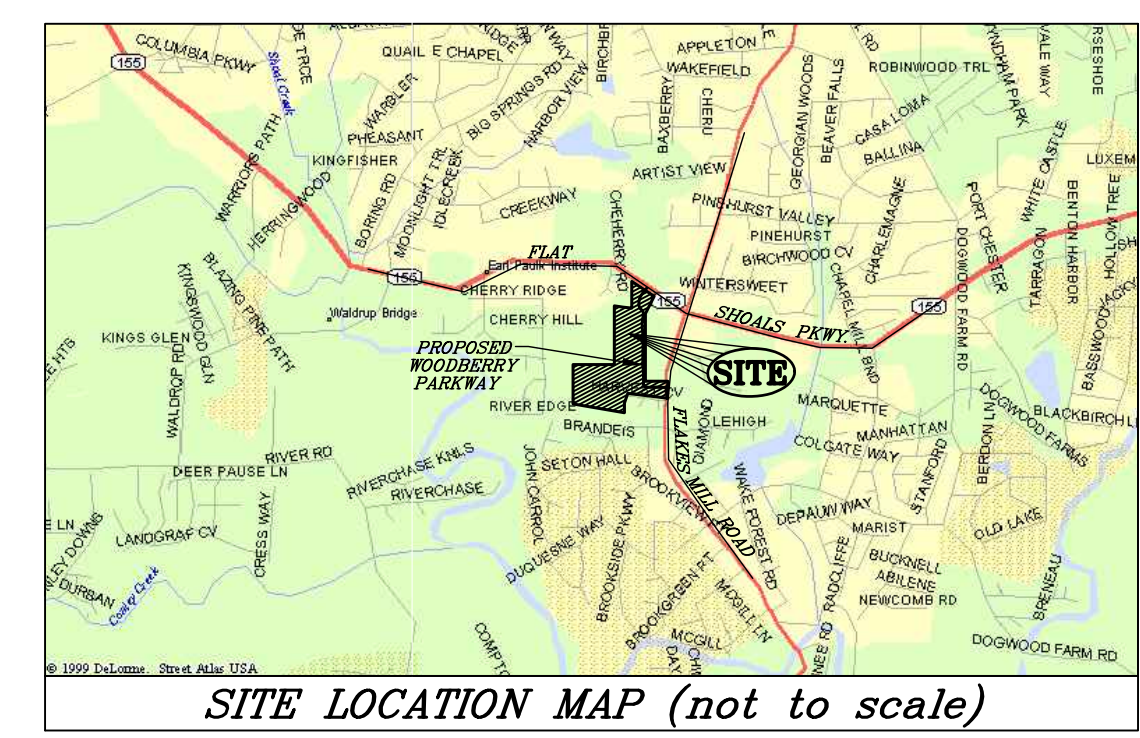
A refusal to allow the rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of DeKalb County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

This document is the property of Flannes and Engineers Collaborative, Inc. and shall not be used for any other project without the written consent of Flannes and Engineers Collaborative, Inc.



**AREA**  
 17.615 ACRES  
 (ZONED O & 1)  
 N / F  
 DATERCO, INC.



- LEGEND**
- IPF IRON PIN FOUND (#4 Re-Rod unless noted otherwise)
  - PS IRON PIN SET (#4 Re-Rod unless noted otherwise)
  - OT PIPE IRON PIN FOUND (open top pipe)
  - CT PIPE IRON PIN SET (crimp top pipe)
  - POINT
  - C/MF CONCRETE MONUMENT FOUND
  - M/H SANITARY SEWER MANHOLE
  - S — SANITARY SEWER LINE
  - S — STORM DRAINAGE LINE
  - C — COMB. STORM & SAN. SEWER LINE
  - CURB INLET
  - JUNCTION BOX
  - DL DROP INLET
  - WL WEIR INLET
  - P/P POWER POLE
  - P/P W/ GUY WIRE POWER POLE W/ GUY WIRE
  - O/P OVERHEAD POWER / TELEPHONE LINE
  - W/V WATER VALVE
  - G/V GAS VALVE
  - F/H FIRE HYDRANT
  - W — WATER LINE
  - G — UNDERGROUND GAS LINE
  - E — UNDERGROUND ELECTRIC LINE
  - T — UNDERGROUND TELEPHONE LINE
  - LIGHT POLE
  - EXISTING TREE
  - CALLS PER DEED (50x10' W)
  - TW — TOP OF WALL
  - BW — BOTTOM OF WALL
  - W (TYP) — WALL (TYP)
  - TRANSFORMER
  - L — LIMITED ACCESS RIGHT-OF-WAY
  - X — FENCE LINE
  - EP — EDGE OF PAVEMENT

DRAWN BY: SE  
 CHECKED BY: JAH  
 FILE NO.: 98214.01  
 DATE: 02/25/2021  
 SCALE: 1" = 50'  
 DATE OF FIELD WORK: 2/23/21

BOUNDARY SURVEY  
 FOR  
 DR HORTON HOMES

LAND LOTS 61 & 68  
 DISTRICT 15th

DEKALB COUNTY  
 GEORGIA

REVISIONS

REV	DATE	DESCRIPTION	BY
5			
4			
3			
2			
1			

W. E. COBB, JR.  
 NO DEED FOUND

THEODORE KELLER  
 COBB, EXECUTOR  
 NO DEED FOUND (ZONED NS)

WOODBERRY PARTNERS LLC  
 DB 11778 / PG 1

FLAT SHOALS CROSSING, L.P.  
 DB 7545 / PG 494  
 (ZONED NS)



SHEET 1 OF 2

**PRC+**  
 LAND PLANNING - SURVEYING & CONSTRUCTION - CIVIL ENGINEERING  
 300 RESEARCH COURT, SUITE 200, DEKALB COUNTY, GEORGIA 30092  
 (770) 451-1741 WWW.PRCPLUS.COM  
 C.O.A.-LS5000004



REAR ENTRY UNITS



DISCLAIMER: DESIGN IS CONCEPTUAL AT THIS STAGE, AND SUBJECT TO CHANGE DURING DESIGN DEVELOPMENT.

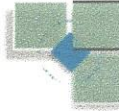




DeKalb County Department of Planning & Sustainability

Lee May  
Interim Chief Executive Officer

Andrew A. Baker, AICP  
Director



REZONE APPLICATION AUTHORIZATION

Completion of this form is required if the individual making the request is not the owner of the property.

DATE: 2-22-21

CHECK TYPE OF APPLICATION:

- LAND USE PLAN
- REZONE
- MINOR MODIFICATION


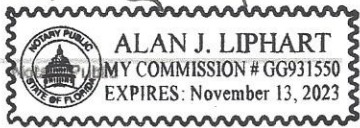
TO WHOM IT MAY CONCERN:

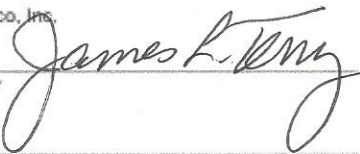
(I) (WE) Daterco, Inc.  
(Name of owner(s))

being (owner )/(owners) of the property described below or attached hereby delegate authority to

D.R. Horton, Inc. c/o Battle Law, P.C.  
(Name of Applicant or Agent Representing Owner)

to file an application on (my) / (our) behalf.

  
 Notary Public  
  
 Notary Public

Daterco, Inc.  
 Owner   
 Owner  
 Owner

Campaign Contribution Disclosure Statements  
Last Updated 2/24/2021

**CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT**

Pursuant to the provisions of 36 O.C.G.A. 67(A), please find below a list of those contributions made by Michèle L Battle or Battle Law, P.C. in the past two years, aggregating \$250.00 or more, to local government officials who will consider this application.

<b>NAME OF GOV'T OFFICIAL</b>	<b>OFFICIAL POSITION</b>	<b>AMOUNT OF CONTRIBUTION</b>
Ted Terry	<b>Commissioner</b>	<b>\$500</b>
Mereda Davis Johnson	<b>Commissioner</b>	<b>\$250</b>

By:   
Printed Name: Michele L. Battle



DEPARTMENT OF PLANNING & SUSTAINABILITY

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting:  Review Calendar Dates:  PC:  BOC:   
 Letter of Intent: \_\_\_\_\_ Impact Analysis: \_\_\_\_\_ Owner Authorization(s): \_\_\_\_\_ Campaign Disclosure: \_\_\_\_\_  
 Zoning Conditions: \_\_\_\_\_ Community Council Meeting: \_\_\_\_\_ Public Notice, Signs: \_\_\_\_\_  
 Tree Survey, Conservation: \_\_\_\_\_ Land Disturbance Permit (LDP): \_\_\_\_\_ Sketch Plat: \_\_\_\_\_  
 Bldg. Permits: \_\_\_\_\_ Fire Inspection: \_\_\_\_\_ Business License: \_\_\_\_\_ State License: \_\_\_\_\_  
 Lighting Plan: \_\_\_\_\_ Tent Permit: \_\_\_\_\_ Submittal Format: NO STAPLES, NO BINDERS PLEASE

Review of Site Plan

Density:  Density Bonuses: NA Mix of Uses: NA Open Space:  Enhanced  
 Open Space: \_\_\_\_\_ Setbacks: front \_\_\_\_\_ sides \_\_\_\_\_ side corner \_\_\_\_\_ rear \_\_\_\_\_ Lot Size:  
 \_\_\_\_\_ Frontage: \_\_\_\_\_ Street Widths: \_\_\_\_\_ Landscape Strips:  Buffers:   
 Parking Lot Landscaping: \_\_\_\_\_ Parking - Auto: \_\_\_\_\_ Parking - Bicycle: \_\_\_\_\_ Screening:  
 Streetscapes:  Sidewalks: \_\_\_\_\_ Fencing/Walls: \_\_\_\_\_ Bldg. Height: \_\_\_\_\_ Bldg.  
 Orientation: \_\_\_\_\_ Bldg. Separation: \_\_\_\_\_ Bldg. Materials:  Roofs: \_\_\_\_\_ Fenestration: \_\_\_\_\_  
 Façade Design: \_\_\_\_\_ Garages:  Pedestrian Plan: \_\_\_\_\_ Perimeter Landscape Strip: \_\_\_\_\_  
 Possible Variances: TBD

Comments: Chapel Park HOA was contacted.  
of 122 units, 72 will be rear entry. front entry - 1 car garage;  
rear entry - 2 car garage. Proposed connection to Woodberry Pkwy.  
36 visitor plug spaces. Exceeds min. open space (40% proposed).

Planner: Melora Furman Date: 2/25/21

Filing Fees

<b>REZONING:</b> RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1	\$500.00
RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5	\$750.00
OI, OD, OIT, NS, C1, C2, M, M2	\$750.00
<b>LAND USE MAP AMENDMENT</b>	\$500.00
<b>SPECIAL LAND USE PERMIT</b>	\$400.00

## REZONING DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 61 & 68 of the 15th District, Dekalb County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the southwestern right-of-way line of Flat Shoals Parkway, also known as Georgia Highway 155 (variable right-of-way) and the proposed northwestern right-of-way line of Woodberry Parkway (proposed 70' right-of-way); thence along said right-of-way line of Flat Shoals Parkway the following courses and distances: South 47 degrees 15 minutes 26 seconds East a distance of 70.00 feet to a point; thence North 87 degrees 44 minutes 34 seconds East a distance of 80.20 feet to a point; thence South 47 degrees 3 minutes 6 seconds East a distance of 561.99 feet to a point; thence leaving said right-of-way line South 49 degrees 32 minutes 43 seconds West a distance of 333.71 feet to a point; thence South 49 degrees 42 minutes 19 seconds West a distance of 120.65 feet to a point; thence continue Southwesterly along said line, a distance of 70.12 feet; thence continue Southwesterly along said line, a distance of 922.40 feet; thence North 6 degrees 13 minutes 2 seconds East a distance of 1,313.54 feet to a point; thence South 76 degrees 37 minutes 28 seconds East a distance of 145.39 feet to a point; thence South 67 degrees 12 minutes 55 seconds East a distance of 149.86 feet to a point; thence North 6 degrees 30 minutes 37 seconds East a distance of 283.74 feet to a point; thence South 45 degrees 2 minutes 52 seconds East a distance of 30.94 feet to a point; thence 98.79 feet along an arc of a curve to the right, said curve having a radius of 833.21 feet and a chord bearing and distance of South 56 degrees 6 minutes 39 seconds East 98.73 feet to a point; thence South 2 degrees 15 minutes 26 seconds East a distance of 55.49 feet to a point to a point and the TRUE POINT OF BEGINNING.

Said tract containing 17.615 acres.