

DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing date.

Date Received: _____ Application No.: _____

APPLICANT NAME: LCI-SVAP NDM JV, LP c/o Kathryn M. Zickert

Daytime Phone #: 404-815-3704 Fax #: 404-685-7004

Mailing Address: 1230 Peachtree St., NE, Ste. 3100, Atlanta, GA 30309

E-mail: kmzickert@sgrlaw.com

OWNER NAME: See Attachment A (If more than one owner, attach contact information for each owner)

Daytime Phone #: _____ Fax #: _____

Mailing Address: _____

E-mail: _____

SUBJECT PROPERTY ADDRESS OR LOCATION: See Attachment A

_____, DeKalb County, GA, 30033

District(s): 18 Land Lot(s): 100, 101 Block(s): 02, 04 Parcel(s): See Att. A

Acreage or Square Feet: 78.09 Commission District(s): 2 / 6 Existing Zoning: C-1

Proposed Special Land Use (SLUP): Gas Pumps

I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application.

Owner: _____ Agent: ☒ Signature of Applicant: 
(Check One)

Printed Name of Applicant: LCI-SVAP NDM JV, LP c/o Kathryn M. Zickert

Notary Signature and Seal:







DeKalb County
GEORGIA

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION AUTHORIZATION

The property owner should complete this form or a similar, signed and notarized form if the individual who will file the application with the County is not the property owner.

Date: 4/3/2018

TO WHOM IT MAY CONCERN:

(I) (WE), LCI SVAP NDM MCY, LLC and LCI SVAP NDM JV, LP
Name of Owner(s)

being (owner) (owners) of the subject property described below or attached hereby delegate authority to
Kathryn M. Zickert and Smith, Gambrell & Russell, LLP
Name of Applicant or Agent

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

Notary Public Nina D. Finn

COMMISSION #FF898420
EXPIRES: July 12, 2019
WWW.AARONNOTARY.COM

Owner Print name: GREG MOROSS

Notary Public _____ Owner Print name: _____

Notary Public _____ Owner Print name: _____

Notary Public _____ Owner Print name: _____

ATTACHMENT A
To
LCI-SVAP NDM JV, LP
Rezone and SLUP Applications

18-100-020-040; 2144 Lawrenceville Hwy.
18-100-02-041; 2054 Lawrenceville Hwy.
LCI SVAP NDM MCY LLC
c/o Christopher Kapper
Sterling Organization
340 Royal Poinciana Way, Ste. 316
Palm Beach, Florida 33480

18-100-02-005; 2050 Lawrenceville Hwy.
18-100-02-049; 1086 Birch Road
18-100-02-014; 2692 Sweet Briar Road
18-100-02-057; 2038 Lawrenceville Hwy.
LCI SVAP NDM JV LP
c/o Christopher Kapper
Sterling Organization
340 Royal Poinciana Way, Ste. 316
Palm Beach, Florida 33480

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? ___ Yes X 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 CEO and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Date: 4/3/2018

Applicant / Owner: GREG MARASS
[print name]


[signature and title]

Name and official position of the local government official to whom the campaign contribution was made	Date of Donation	Dollar Amount of Donation

Promenade, Suite 3100
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592
Main: 404 815-3500
www.sgrlaw.com

SMITH, GAMBRELL & RUSSELL, LLP
Attorneys at Law

Kathryn M. Zickert
Direct Tel: (404) 815-3704
Direct Fax: (404) 685-7004
kmzickert@sgrlaw.com

May 3, 2018

Via Facsimile: 404.371.7004

Ms. Barbara Sanders
DeKalb County Clerk to Commission and CEO
1300 Commerce Drive
Decatur, Georgia 30030

Re: Campaign Contribution Disclosure – May 2016 through May 3, 2018

Dear Ms. Sanders:

This letter is intended to provide campaign contributions as required by state law for Kathryn M. Zickert, Dennis, J. Webb, Jr., J. Alexander Brock and Smith, Gambrell & Russell, LLP. Please be advised that over the past two years our total contributions have been as follows:

CANDIDATE	AMOUNT	DATE	CONTRIBUTOR
Jeff Rader	\$500	01/29/18	Kathryn M. Zickert
Jeff Rader	\$500	01/29/18	Dennis J. Webb, Jr.
Jeff Rader	\$2,000	01/25/18	Smith, Gambrell & Russell, LLP

Please do not hesitate to contact me if you require any further information.

Sincerely,



Kathryn M. Zickert
Attorney

KMZ/sea

cc: DeKalb County Planning Director (via hand delivery)



**STATEMENT OF INTENT/
WRITTEN JUSTIFICATION**

and

Other Material Required by
DeKalb County Zoning Ordinance f
or the
Special Land Use Permit Application

of

LCI-SVAP NDM JV, LP

for

\pm 78.09 Acres of Land
located in Land Lots 100 and 101, 18th District

Submitted for the Applicant by:

Kathryn M. Zickert
Dennis J. Webb, Jr.
J. Alexander Brock
Smith, Gambrell & Russell, L.L.P.
Promenade II, Suite 3100
1230 Peachtree Street, NE
Atlanta, GA 30309
404-815-3500

I. INTRODUCTION

This Application seeks a Special Land Use Permit (“SLUP”) to allow for the development of a Costco Wholesale Warehouse (“Costco”) with fuel pumps in conjunction with the overall redevelopment of the North DeKalb Mall. The property is located on ± 78.09 acres of land approximately 415 feet south of the intersection of Lawrenceville Highway and North Druid Hills Road in Land Lots 100 and 101 of the 18th District of DeKalb County (“Subject Property”). This application is being submitted in conjunction with an application to rezone the Subject Property from C-1 (Local Commercial) to MU-4 (Mixed Use High Density) to allow the redevelopment of the North DeKalb Mall into a mixed-use development that includes the subject Costco Wholesale Warehouse fuel pumps.

The DeKalb County Code of Ordinances Section 4.2.28 requires a SLUP for the construction of fuel pumps located in an activity center and associated with convenience stores, gas stations, and service stations. The DeKalb County Future Land Use Map designates the Subject Property as being located in the “Town Center” activity center. As a result, the Applicant must obtain a SLUP to construct the fuel pumps associated with the Costco Wholesale Warehouse.

Costco began selling gas at its warehouses in 1995 on the same principle it sells merchandise inside the warehouse – high quality fuel and quantities large enough to allow a very low price. Costco’s decision to add fuel to its low cost offerings has proven very popular. Today, 77% of all U.S. stores and 80% of stores in the Southeast have gas pumps. Further, 32% of members who purchase gas during open warehouse hours also shop inside, a number Costco anticipates will be higher at the Subject Property given its proposed mixed-use environment.

More importantly, Costco’s stations represent the state of the art in environmental and safety features and include:

1. Certified Costco gas attendants: The best environmental and safety features of Costco gas stations are the trained fuel attendants. All attendants must pass a certification test before they can work at a Costco gas station. The attendant works at the fuel islands instead of behind a cash register so they can respond immediately to any safety or environmental issue. They know what to do in case of an emergency.
2. Best equipment in the industry with continuous leak monitoring: All Costco gas stations have corrosion-proof double-wall underground storage tanks and piping. Everything underground is continuously monitored for leaks via an electronic monitoring system. The entire station will automatically shut down if a leak is detected. These electronic systems are monitored 24/7 by both Costco employees and an outside service. The secondary containment system ensures that even if a leak occurs, it would never actually reach the environment.
3. Oil-Water separators: These devices trap any surface hydrocarbons before they can enter the storm sewer system. An oil-water separator is designed to protect the storm drains from oil or gas run-off due to leaks and spills at the gas station. All run-off from under the canopy is funneled into one or more catch-basins and then through the separator. Oil and gasoline are lighter than water, so it floats on top of water and is captured in the separator and disposed of outside of the storm drain system. These devices are maintained regularly.
4. Vapor recovery systems: The gas stations feature vapor recovery systems which capture gasoline vapors displaced during vehicle fueling and routes them back to underground storage tanks.

5. Spill cleanup program: The best equipment in the world does not prevent the occasional surface spill, which is often caused by human error. Spilled fuel is a safety as well as an environmental concern, so Costco trains its gas station attendants on how to properly clean up a surface spill before it evaporates or finds its way into the soil. Every Costco station operates with a spill kit on the fuel islands at all times. For several years, all Costco gas stations have used a fuel mitigation solution called FM-186 to clean up spills. The FM solution is a radical improvement over previous technologies. Costco attendants simply spray the solution on a spill and mix it in with a brush. The FM-186 immediately renders the spill non-flammable by stopping the fuel's evaporation. The process also allows natural occurring bacteria to consume the energy-rich hydro-carbon molecules. This process even remediates toxic molecules of benzene and toluene. After the process the spill cleanup materials are totally non-hazardous and are properly disposed.
6. Safety: Trained and certified Costco attendants stationed on the fuel islands make the gas stations the safest places to buy fuel. Costco employees help customers in a variety of ways, including aid to the elderly and disabled. They also rigorously enforce the national fire code, including prohibitions against smoking, leaving the engine running while filling a tank, placing gas in unsafe portable containers. Costco gas stations also feature several emergency shut-off buttons that immediately cut power to the station in case of emergency. Costco has automatic 911 phones, eye wash, spill containment and cleanup supplies, and several fire extinguishers. Costco stations are also equipped with 15 automatic dry-chemical

fire extinguishers in case of an underground leak and potential fire. Every Costco gas attendant wears a safety vest and is equipped with a wireless phone to call for assistance if necessary.

The Applicant submits this document as a Statement of Intent with regard to its Application, a preservation of the Applicant's constitutional rights, and a written justification for the proposed SLUP as required by the DeKalb County Code of Ordinances ("Zoning Code") § 27-7.4.6.

II. CRITERIA TO BE APPLIED TO SPECIAL LAND USE PERMITS

A.

ADEQUACY OF THE SIZE OF THE SITE FOR USE CONTEMPLATED AND WHETHER OR NOT ADEQUATE LAND AREA IS AVAILABLE FOR THE PROPOSED USE INCLUDING PROVISION OF ALL REQUIRED YARDS, OPEN SPACE, OFF-STREET PARKING, AND ALL OTHER APPLICABLE REQUIREMENTS OF THE ZONING DISTRICT IN WHICH THE USE IS PROPOSED TO BE LOCATED.

The Subject Property is part of the proposed redevelopment of North DeKalb Mall, a ± 50 acres mixed-use development comprising 152,221 square foot Costco Wholesale Warehouse retail store; 148,900 square feet of shopping and retail space; a 14,500 square foot food hall; 45,850 square feet of restaurant and food service; the relocation of the existing AMC Theater to a new 48,000 square foot building; 50,400 square feet of office space; a 150-room hotel; approximately 450 units of multifamily residential; and 50 townhomes (the "Proposed Development"). The Applicant's plans incorporate some of the existing tenants, including Marshall's, Burlington Coat Factory and others, into the retail component of the Proposed Development. The redevelopment also includes the construction of an internal roadway network, streetscape plan, landscape plan, common areas and pedestrian facilities. The Applicant's plans incorporate some of the existing tenants, including Marshall's, Burlington Coat Factory and others, into the retail component of the Proposed Development. The Proposed Development is

currently the subject of a concurrent rezoning application that seeks to rezone the property from C-1 to MU-4.

The Proposed Development will meet the applicable requirements of the MU-4 district and the Applicant does not anticipate any variances to allow the Proposed Development or the construction of the fuel pumps that are the subject of this Application.

B.

COMPATIBILITY OF THE PROPOSED USE WITH ADJACENT PROPERTIES AND LAND USES AND WITH OTHER PROPERTIES AND LAND USES IN THE DISTRICT.

The proposed use fits perfectly among adjacent and nearby properties. As noted previously, the Proposed Development is a significant mixed-use community that has almost all amenities but a gas station. The proposal will serve not just those Costco members who “work and play” there and also those who live there. The Applicant also notes that it will engage in discussions with the surrounding community to ensure its proposal is acceptable to these neighbors.

The primary goal of land use planning is to eliminate or minimize the potential adverse effect of the dissimilar uses of adjacent tracts of land by establishing a harmonious transition between them. The traditional method of achieving this goal is through both "off-site" and "on-site" transition. Off-site transition consists of avoiding the placement of dissimilar uses next to each other by placing uses of intermediate density between them. On-site transition, which might either supplement or replace off-site transition, consists of measures imposed on or adjacent to the more intensive use to protect neighborhoods from adverse effects. Thus, this method of land use planning includes measures such as maintenance of buffers; walls, fences or berms; lighting control; noise control; aesthetic control; limitations on building location and orientation; location of or restrictions upon accessory uses; and prohibition of certain uses or

hours of use normally permitted for that district. All of these devices will be utilized as necessary in this project.

C.

ADEQUACY OF PUBLIC SERVICES, PUBLIC FACILITIES, AND UTILITIES TO SERVE
THE USE CONTEMPLATED.

The proposed fueling center will have access to water and sewer, however it is anticipated to have a negligible demand on public utilities when compared to the existing North DeKalb Mall it is replacing. The fuel pumps typically have a hose bib nearby that will be used on occasion, but there will be no other demand for public utilities during its normal operation.

D.

ADEQUACY OF THE PUBLIC STREET ON WHICH THE USE IS PROPOSED TO BE
LOCATED AND WHETHER OR NOT THERE IS SUFFICIENT TRAFFIC-CARRYING
CAPACITY FOR THE USE PROPOSED SO AS NOT TO UNDULY INCREASE TRAFFIC
AND CREATE CONGESTION IN THE AREA.

This project will not affect existing transportation facilities. The Subject Property has access to North Druid Hills Road and Lawrenceville Highway, both classified as major arterial roadways and has a quick access to US 78, classified as a freeway. *See DeKalb County 2014 Transportation Plan*, Figure 5-2, Functional Classification Map: DeKalb County. The traffic to be generated by the proposed fuel pumps will not significantly impact traffic capacities along these roadways and surrounding streets, even at peak hours, and can be accommodated.

This Application is a part of the larger Proposed Development which is a Development of Regional Impact (DRI) and Kimley-Horn and Associates, Inc. has been engaged to perform the voluminous traffic study required by the Atlanta Regional Commission and the Georgia Regional Transportation Authority. However preliminarily, the Applicant used the Institute of Traffic Engineers (ITE) Trip Generation Manual (Ninth Edition), § 944, to calculate vehicle trips for the

gas station component.¹ The gas station will include nine pumps. According to ITE, the gas station could generate 113 trips in the morning, weekday peak hour and 141 trips in the afternoon, weekday peak hour. However, a significant number of these trips will be by persons already shopping at or driving past Costco. The Applicant's own data shows that 32 % of gas purchasers also visit the wholesale store. There is also a significant "pass-by" trip capture for any gas station, since most users stop for fuel on their way to or from some destination. Thus they are already on the road network.

E.

WHETHER OR NOT EXISTING LAND USES LOCATED ALONG ACCESS ROUTES TO THE SITE WILL BE ADVERSELY AFFECTED BY THE CHARACTER OF THE VEHICLES OR THE VOLUME OF TRAFFIC GENERATED BY THE PROPOSED USE.

The existing land uses located along North Druid Hills Road and Lawrenceville Highway will not be affected by the volume of traffic generated by the fuel pumps. The traffic generated by the fuel pumps will be insignificant to the amount of traffic generated by the existing mall. As stated in paragraphs above, the fuel pumps are a part of the overall redevelopment of North DeKalb Mall into a large, mixed-use development, which is a Development of Regional Impact reviewed by the Atlanta Regional Commission. The Development of Regional Impact process will require a study to detail the impacts on adjacent roadways and outline any remedies, if needed. As a result, any traffic that the proposed fuel pumps will generate on North Druid Hills Road and Lawrenceville Highway should not adversely impact the adjacent roadways, however, if it does, the DRI approval will compel its abatement.

¹ It bears noting that ITE § 944 is for a gasoline/service station. This station will sell gas but not include a service station or convenience market, so the actual numbers should be lower than recorded by ITE.

F.

INGRESS AND EGRESS TO THE SUBJECT PROPERTY AND TO ALL PROPOSED BUILDINGS, STRUCTURES, AND USES THEREON, WITH PARTICULAR REFERENCE TO PEDESTRIAN AND AUTOMOTIVE SAFETY AND CONVENIENCE, TRAFFIC FLOW AND CONTROL, AND ACCESS IN THE EVENT OF FIRE OR OTHER EMERGENCY.

The overall redevelopment of the Subject Property will incorporate a proposed network of internal drives that connect to the existing access points on North Druid Hills Road via Sweet Briar Road, Birch Road and Mistletoe Road, as well as maintaining access to the signalized intersection at Lawrenceville Highway and Orion Drive. The Proposed Development will also incorporate pedestrian access throughout the site and provide for adequate emergency vehicle access.

G.

WHETHER THE PROPOSED USE WILL CREATE ADVERSE IMPACTS UPON ANY ADJOINING LAND USE BY REASON OF NOISE, SMOKE, ODOR, DUST, OR VIBRATION GENERATED BY THE PROPOSED USE.

The Applicant has taken steps to minimize the impact of the fuel pumps on the adjacent properties through careful design considerations. The proposed fuel pumps are located internal to the large North DeKalb Mall redevelopment site, thereby limiting the deleterious effects of its operation on the adjacent properties. This location also indicates that the fuel pumps are not visible from the right-of-way of North Druid Hills or Lawrenceville Highway, helping to enhance the aesthetic appeal of these corridors.

H.

WHETHER THE PROPOSED USE WILL CREATE ADVERSE IMPACTS UPON ANY ADJOINING LAND USE BY REASON OF THE HOURS OF OPERATION OF THE PROPOSED USE.

The fuel pumps will maintain the same hours of operation as the associated Costco Wholesale Warehouse and will not create any adverse impacts on the adjacent properties.

I.

WHETHER THE PROPOSED USE WILL CREATE ADVERSE IMPACTS UPON ANY ADJOINING LAND USE BY REASON OF THE MANNER OF OPERATION OF THE PROPOSED USE.

As stated in Subsection II.G above, the fuel pumps will be located internal to the large Subject Property, minimizing the impacts, if any, on the adjacent properties

J.

WHETHER THE PROPOSED PLAN IS OTHERWISE CONSISTENT WITH THE REQUIREMENTS OF THE ZONING DISTRICT CLASSIFICATION IN WHICH THE USE IS PROPOSED TO BE LOCATED.

As stated in the paragraphs above, the proposed use will be fully compliant with the MU-4 district regulations. Moreover, the Proposed Development will be compliant with the supplemental use regulations set forth in the Zoning Code § 27-4.2.28. See Subsection II.Q of this Statement of Intent for analysis.

K.

WHETHER THE PROPOSED USE IS CONSISTENT WITH THE POLICIES OF THE COMPREHENSIVE PLAN.

The fuel pumps in question are on a portion of the Subject Property designated as “Town Center” (TC) by the County’s Comprehensive Land Use Plan. The TC character area promotes the concentration of residential and commercial structures, which serve many communities in order to reduce automobile travel, promote walkability and increased transit usage. The areas consist of a focal point for several neighborhoods with a variety of activities such as general retail, commercial, professional office, higher-density housing, and appropriate public and open space uses that are easily accessible by pedestrians.

- Pedestrian Scale Development - Create pedestrian scale communities that focus on the relationship between the street, buildings, streetscaping and people.

- Open Space and Linkages - Encourage development and redevelopment in activity centers to provide open space and/or contribute to the public realm with pedestrian linkages, and other design features.
- Traffic Calming - Organize circulation patterns through traffic calming techniques and access management. Add traffic calming improvements, sidewalks, and increased street interconnections to increase safety and improve walkability.
- Preferred Uses - Each Town Center shall include a high-density mix of residential, retail, office, services, and employment to serve several neighborhoods.

The Proposed Development will improve pedestrian access and linkages to the public realm by improving access from the public sidewalk through the Subject Property. The installation of sidewalks throughout the site will help promote the separation between pedestrians and vehicular traffic, thereby improving safety.

L.

WHETHER THE PROPOSED PLAN PROVIDES FOR ALL REQUIRED BUFFER ZONES AND TRANSITIONAL BUFFER ZONES WHERE REQUIRED BY THE REGULATIONS OF THE ZONING DISTRICT IN WHICH THE USE IS PROPOSED TO BE LOCATED.

The overall Proposed Development will incorporate appropriate transitional buffers between its MU-4 zoning and other less intense districts. The fuel pumps at issue, however, abut other commercial uses and are not in close proximity to any residential districts. As a result, no buffer or transitional zones are required for the fuel pump use in accordance with Zoning Code § 5.4.5.

M.

WHETHER THERE IS ADEQUATE PROVISION OF REFUSE AND SERVICE AREAS.

The fuel pumps are an accessory to the Costco Wholesale Warehouse, which will have refuse and service areas adequate enough to accommodate the Costco and fuel pumps.

N.

WHETHER THE LENGTH OF TIME FOR WHICH THE SPECIAL LAND USE PERMIT IS GRANTED SHOULD BE LIMITED IN DURATION.

Because the proposed fuel pumps are suitable for the Subject Property, there is no reason to limit the duration of the requested SLUP.

O.

WHETHER THE SIZE, SCALE AND MASSING OF PROPOSED BUILDINGS ARE APPROPRIATE IN RELATION TO THE SIZE OF THE SUBJECT PROPERTY AND IN RELATION TO THE SIZE, SCALE AND MASSING OF THE ADJACENT AND NEARBY LOTS AND BUILDINGS.

The Proposed Development will redevelop over 50 acres of the Subject Property and the proposed fuel pumps will occupy less than a half-acre of that development. As a result, the scale of the fuel pump development is dwarfed by the overall Proposed Development and will have no impact on adjacent lots and buildings.

P.

WHETHER THE PROPOSED USE WILL ADVERSELY AFFECT HISTORIC BUILDINGS, SITES, DISTRICTS, OR ARCHAEOLOGICAL RESOURCES.

The Applicant is not aware of any historic buildings, sites, districts, or archaeological resources on or around the Subject Property.

Q.

WHETHER THE PROPOSED USE SATISFIES THE REQUIREMENTS CONTAINED WITHIN THE SUPPLEMENTAL REGULATIONS FOR SUCH SPECIAL LAND USE PERMIT.

Yes. The proposed fuel pumps meet the requirements of Zoning Code § 27-4.2.28. Specifically:

1. The primary building (i.e., Costco Wholesale Warehouse) shall be exempt from primary building setbacks if located in activity centers;

2. The canopy covering the gasoline pumps will be set back not less than fifteen (15) feet from all street rights-of-way;
3. The canopy height will not exceed the greater of twenty (20) feet or the height of the principal building;
4. The canopies and their columns will be complementary to the overall color scheme and building materials scheme of the Costco building façade;
5. Canopy lighting shall not extend beyond the area immediately beneath the canopy and all fixtures shall be recessed, including any fixture or lens. Lighting shall project inward and downward, shall not have any spillover to adjacent properties, and shall cut off no later than thirty (30) minutes after closure of the facility.
6. N/A - Automobile service stations with gas sales shall have a capacity to store one (1) car per bay (car area in front of a pump), so as not to interfere with driveway ingress and egress traffic flow.
7. The fuel pumps will be a minimum of thirty (30) feet from the nearest exterior property line.
8. The owner and operator are responsible for daily litter clean-up to ensure that property remains free of litter, trash, and debris.
9. There will be separate and distinct parking spaces for each use for the overall development (i.e. Costco Shopping). – The fuel pumps are accessory to the Costco Wholesale Warehouse and do not require separate and distinct parking per DeKalb County Code of Ordinances Sec. 6.1.4. .
10. There will be no use of light emitting diodes, neon lights, and illuminated panels placed around the windows or on the outside of the building.

11. Service areas, storage areas, and trash enclosure will be oriented away from public view and screened from adjacent properties.

R.

WHETHER THE PROPOSED USE WILL CREATE A NEGATIVE SHADOW IMPACT ON ANY ADJOINING LOT OR BUILDING AS A RESULT OF THE PROPOSED BUILDING HEIGHT.

No, the proposed fuel pump canopy will be lower than the adjacent Costco buildings and will not create any negative shadow impacts on the adjoining properties.

S.

WHETHER THE PROPOSED USE WOULD RESULT IN DISPROPORTIONATE PROLIFERATION OF THAT OR SIMILAR USES IN THE SUBJECT CHARACTER AREA.

There are two existing gas stations in the vicinity, the Exxon Gas Station at 3873 North Druid Hills Rd and the Shell Gas Station at 2146 Lawrenceville Hwy, however the Subject Property is located near the intersection of two major arterials that each have a high volume of traffic each day. Accordingly, there is a demand for fuel in the area and the addition of a fueling station will not overburden the subject character area.

Furthermore, the fuel pumps are incidental to the Costco and will be available only to its members. As a consequence, only the Costco members will be visiting the proposed fuel pumps and it is unlikely to significantly affect the business of existing gas stations in the area.

T.

WHETHER THE PROPOSED USE WOULD BE CONSISTENT WITH THE NEEDS OF THE NEIGHBORHOOD OR THE COMMUNITY AS A WHOLE, BE COMPATIBLE WITH THE NEIGHBORHOOD, AND WOULD NOT BE IN CONFLICT WITH THE OVERALL OBJECTIVE OF THE COMPREHENSIVE PLAN.

The proposed fuel pumps would serve both Costco members from the surrounding neighborhood as well as others passing through the area. The Subject Property's location on two major arterials and in a major mixed-use development makes it an appropriate site for fuel

pumps. Also, the proposed fuel pumps are consistent with the overall objectives of the Comprehensive Plan. Refer to Subsection II.K, *supra*, for analysis.

III. NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that the current zoning classification of and rules relative to the Subject Property owner's right to use the Property established in the DeKalb County Zoning Ordinance, to the extent they prohibit this use, are unconstitutional and 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 I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of private property without just compensation and without due process in violation of 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 I of the Constitution of the State of Georgia, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The Applicant respectfully submits that the Board of Commissioners' failure to approve the requested Special Land Use Permit would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property's owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

A refusal to allow the use in question 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 use 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. § 36-66-1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the 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.

This 3rd day of May, 2018.

Respectfully Submitted,



Kathryn M. Zickert

Dennis J. Webb, Jr.

J. Alexander Brock

Smith, Gambrell & Russell, LLP

Promenade II, Suite 3100
1230 Peachtree Street, NE
Atlanta, GA 30309
404-815-3500

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

PRE-APPLICATION FORM

REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE

(Pre-application conference is required prior to filing application: copy must be submitted at filing)

Kathy Zickert

Applicant Name: LCI-SVAP NDM JV, LP Phone: 4/815-3704 Email: kmzickert@sga.com

Property Address: 2050 Lawrenceville Hwy, Decatur 30033

Tax Parcel ID: email coming Comm. District: 2, 6 Acreage: coming, ~20 or 80 acres

Existing Use: N. DeKalb Mall Proposed Use Mixed Use

Rezoning: Yes ☒ No ☐

Existing Zoning: C-1 Proposed Zoning: MU4 Square Footage/Number of Units: 417,721 ~~Ø~~

Rezoning Request: Mixed Use 150-room hotel
450 multi-family

Land Use Plan Amendment: Yes ☐ No ☒

Existing Land Use: _____ Proposed Land Use: _____ Consistent ☐ Inconsistent ☐

Special Land Use Permit: Yes ☒ No ☐ Article Number(s) 27 4.2.28

Special Land Use Request(s) Gas Pump related to Costco

Major Modification:

Existing Case Number(s): _____

Condition(s) to be modified and request:

Sign in Sheet

ALL VISITORS must sign in using the visitor sign in sheet before entering the North DeKalb Mall office.

Thanks Management!

Date: 3/7/2018 Time In: _____ Name: _____ Reason for visit: Mall Redevelopment

		Dawn Lander	
3/7		GAIL RICHMAN	North Druid Valley
3/7		Theresa Same - Medlock	Mall development
3-7		MARY STELLMAN - GROWTH DEKALB	" "
3-7		Marilee Vitram - Laurel Ridge	Shirrock
3/7		Erik Spalane	
3/7		Justin Houston	
3/7		Emily Flood	

3/7/18		Michael Dowling / Clairmont Heights	Civic Assn.
3-7-18		Jim Smith	EHCA
3-7-18		Don Wicks	
3-7-18		Chris Beck / Clyde Shepherd	Nature Preserve
3/7/18		Elizabeth Roberts	Willey Brook Ctr. Assoc

LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.
COMMUNITY MEETING

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Pam Daily	610 Park Lane Decatur	ppdaily@yahoo.com
Lauren Maloney	2670 Woodridge Drive, Decatur	lmaloney712@gmail.com
Lynn Gavin	893 Gaymont Cir	LGAVIN1110@gmail.com
Dani Senne	3001 Mt Olive Dr. , Decatur, GA	senne-dani@gmail.com

LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.

COMMUNITY MEETING

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Wendy Drew	Valley Circle, Decatur 30033	wheeleratlanta@gmail.com
Gayla Green	Decatur 30033 2738 Harrington Drive	gayla.green@gmail.com
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MESSINA Li	2387 TESMOND DR DECATUR, GA 30033	MLi22112YAHOO.COM

LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.
COMMUNITY MEETING

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LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.
COMMUNITY MEETING

NAME	ADDRESS	E-MAIL/PHONE NUMBER
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SAMI FREIJI	2844 DELCOURT DRIVE DECATUR, GA 30033	samirnet@bellsouth.net H 404-728-8840
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Janet Fluter	1006 Latham Rd Decatur 30033	janetfluter@gmail.com
William Martin	2461 Woodbridge Dr. Decatur 30033	whmartinj@gmail.com
William Haston	2995 Westbury Drive Decatur, GA 30033	haston.william3@gmail.com
Thomas J. Mizell, M.D.	3518 N. Druid Hills Rd. Decatur, GA 30033	docnaboy8000@aol.com
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Kelley Stanton

1200 Blueberry Trail
Decatur GA 30033

Kelley S @ Benefit Solutions Etc. com

LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.
COMMUNITY MEETING

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Linda Grivas	2606 LAUREL RIDGE DR DECATUR, GA	TEN4EVER @ GMAIL.COM 404-634-7689
Chequetta Allen	2411 Lawrenceville Hwy #8 Decatur, GA 30033	chequettaa@gmail.com 404-621-5737
STEVE LANGDON	566 N. SUPERIOR AVE DECATUR, GA 30033	slangdon @ barnsleyconsulting.com 404-273-2271
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ROOSEVELT GILBERT	2150 LAWRENCEVILLE HWY DECATUR GA 30033	RGILB99763@AOL.COM
Nancy Ciliax	780 Densley Dr 30033	nciliax@emory.edu

LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.
COMMUNITY MEETING

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Ken Lancette	1807 Bedfordshire Dr. 30033 kelancette@gmail.com	↑ 8 dot support work in water + planning (both worked @ ARE) +
		call or email - happy to help in neighborhood!
MISTY HAXTON	3133 Hollywood Drive	misty.haxton@yahoo.com 404-808-7122
Butch + Penny Krump	2617 Woodridge Dr.	bpkump@gmail.com
Amy Langley	3088 Dove Way	gdajlhyg@gmail.com
Jen Ed May	680 Wendan Dr.	Jenn30033@yahoo.com
ER. BABCOCK	DECATUR	bbberb@mindspring.com

LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.

COMMUNITY MEETING

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LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.
COMMUNITY MEETING

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LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.
COMMUNITY MEETING

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LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.
COMMUNITY MEETING

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LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.
COMMUNITY MEETING

NAME	ADDRESS	E-MAIL/PHONE NUMBER
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Margaret Williams	2915 Panybarn Rd. Decatur 30033	margiemw16@yahoo.com

LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.

COMMUNITY MEETING

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LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.

COMMUNITY MEETING

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LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.
COMMUNITY MEETING

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LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.
COMMUNITY MEETING

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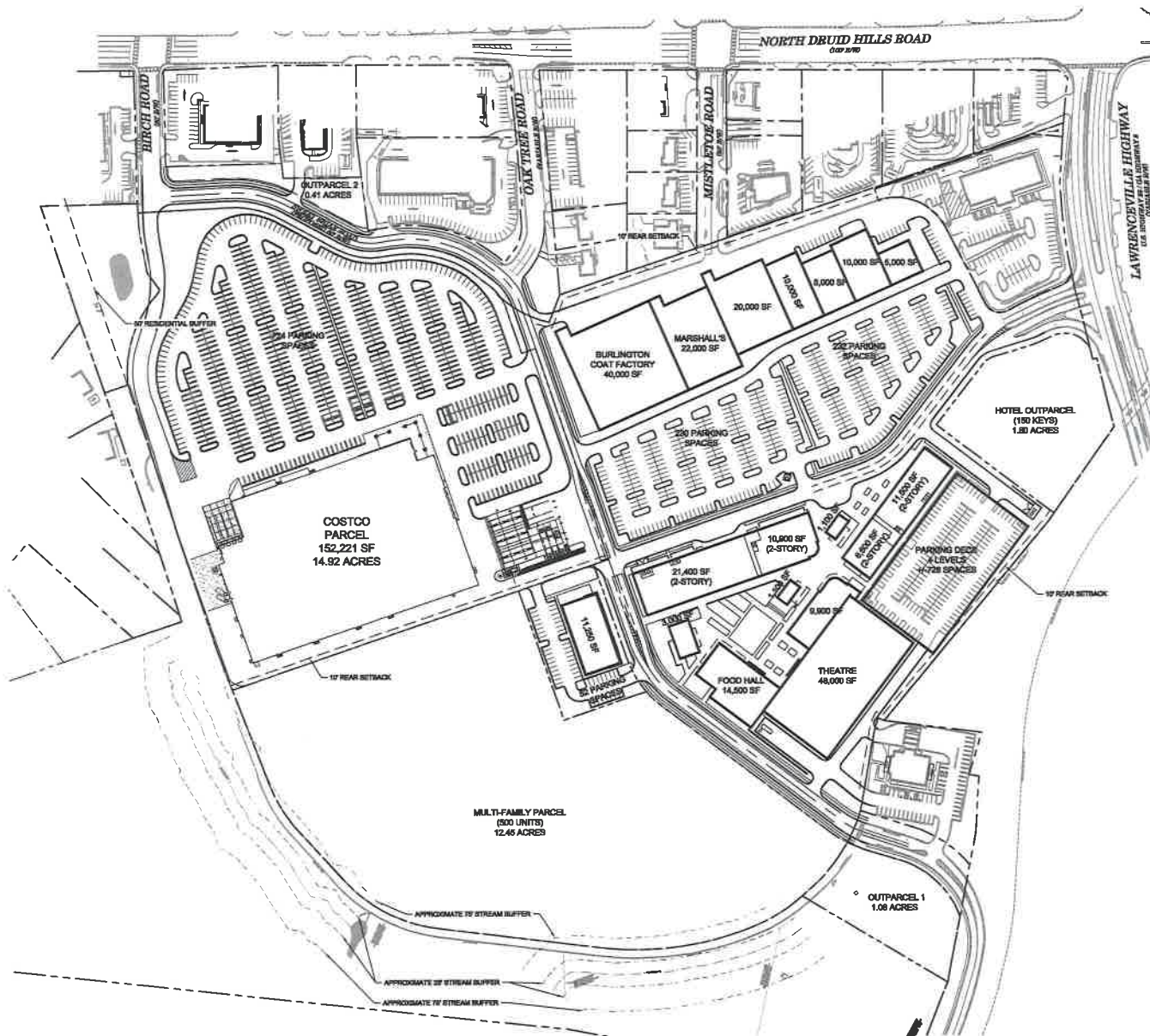
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Jean Logan - Tutwirth Springs — jeansloggan@gmail.com

Cheryl Carroll

N. Druid Valley

ccarroll33@comcast.net



SITE PLAN LEGEND:

--- PROPERTY LINE
--- INTERNAL LOT LINE

SITE AREA CALCULATIONS:

PROPOSED SITE AREA:	
TRACT 1 (POWER CENTER & PLAZA)	19.87 AC
TRACT 2 (COSTCO)	14.92 AC
TRACT 3 (MULTI-FAMILY)	12.46 AC
TRACT 4 (UNDISTURBED)	24.10 AC
TRACT 5 (OUTPARCEL 1)	1.08 AC
TRACT 6 (HOTEL)	1.88 AC
TRACT 7 (OUTPARCEL 2)	0.41 AC
TRACT 8 (WEST RETAIL)	1.08 AC
TRACT 9 (EXISTING POND)	1.20 AC
TRACT 10 (UNDISTURBED RES.)	0.53 AC
TRACT 11 (UNDISTURBED RES.)	0.87 AC
TOTAL	78.09 AC

OPEN SPACE:	
TRACT 1 (POWER CENTER & PLAZA)	3.47 AC (17.5%)
TRACT 2 (COSTCO)	1.46 AC (9.1%)
TRACT 3 (MULTI-FAMILY)	2.48 AC (20%)
TRACT 4 (UNDISTURBED)	24.10 AC (100%)
TRACT 5 (OUTPARCEL 1)	0.22 AC (20%)
TRACT 6 (HOTEL)	0.38 AC (20%)
TRACT 7 (OUTPARCEL 2)	0.38 AC (95.1%)
TRACT 8 (WEST RETAIL)	0.28 AC (28.4%)
TRACT 9 (EXISTING POND)	1.18 AC (98.3%)
TRACT 10 (UNDISTURBED RES.)	0.53 AC (100%)
TRACT 11 (UNDISTURBED RES.)	0.87 AC (100%)
TOTAL	35.16 AC (45%)
REQUIRED	7.81 AC (10%)

PROPOSED USE QUANTITIES:	
COSTCO	152,221 SF
POWER CENTER	
BURLINGTON COAT FACTORY	40,000 SF
MARSHALL'S	22,000 SF
MINOR ANCHORS	53,000 SF
THEATRE	48,000 SF
OFFICE	100,800 SF
FOOD HALL	14,500 SF
WEST RETAIL	11,250 SF
PLAZA RESTAURANT	45,850 SF
PLAZA RETAIL	19,950 SF
TOTAL	607,271 SF

MINIMUM PARKING ALLOWABLE: 1,407 SPACES
MAXIMUM PARKING ALLOWABLE: 3,183 SPACES
PROPOSED PARKING: 1,984 SPACES

BUILDING HEIGHTS: ALL BUILDINGS ARE 1-STORY UNLESS OTHERWISE NOTED ON PLAN

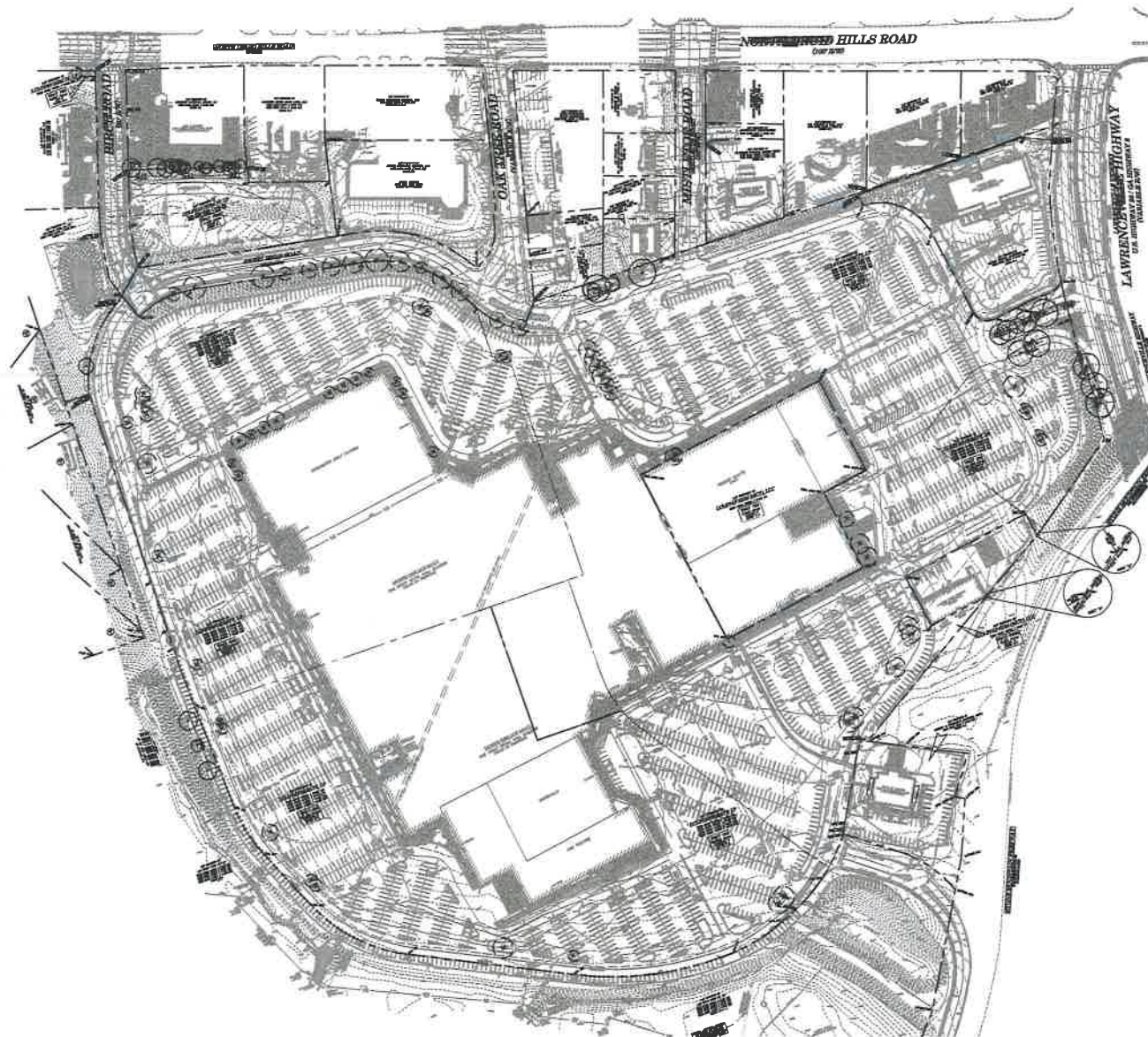
BASE ML-4 DENSITY: 917 UNITS (24 UNITS/AC)
AVAILABLE ML-4 DENSITY WITH BONUS: 1854 UNITS (40 UNITS/AC)
PROVIDED DENSITY: 500 UNITS (8.5 UNITS/AC)

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Call before you dig.

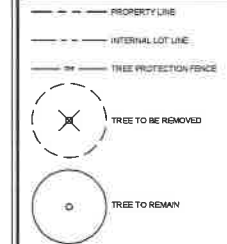


SITE AREA CALCULATIONS:

PROPOSED SITE AREA:	
TRACT 1 (POWER CENTER & PLAZA) TRACT 2 (CORTEX) TRACT 3 (MULTI-FAMILY) TRACT 4 (UNDEVELOPED) TRACT 5 (OUTPATIENT 1) TRACT 6 (HOTEL) TRACT 7 (OUTPATIENT 2) TRACT 8 (WEST RETAIL) TRACT 9 (EASTING PARK) TRACT 10 (UNDEVELOPED RES.) TRACT 11 (UNDEVELOPED RES.)	18.87 AC. 14.92 AC. 12.81 AC. 24.10 AC. 1.08 AC. 1.08 AC. 0.41 AC. 1.08 AC. 1.20 AC. 0.53 AC. 0.87 AC.
TOTAL	78.89 AC.
OPEN SPACE:	
TRACT 1 (POWER CENTER & PLAZA) TRACT 2 (CORTEX) TRACT 3 (MULTI-FAMILY) TRACT 4 (UNDEVELOPED) TRACT 5 (OUTPATIENT 1) TRACT 6 (HOTEL) TRACT 7 (OUTPATIENT 2) TRACT 8 (WEST RETAIL) TRACT 9 (EASTING PARK) TRACT 10 (UNDEVELOPED RES.) TRACT 11 (UNDEVELOPED RES.)	3.47 AC. (7.5%) 1.40 AC. (3.8%) 2.26 AC. (2.9%) 2.24 AC. (2.9%) 0.24 AC. (0.3%) 0.30 AC. (0.3%) 0.29 AC. (0.4%) 0.28 AC. (0.4%) 1.19 AC. (3.0%) 0.50 AC. (1.0%) 0.87 AC. (1.0%)
TOTAL REQUIRED	35.46 AC. (45%) 7.81 AC. (10%)
PROPOSED USE QUANTITIES	
DORMED POWER CENTER BURLINGTON COAT FACTORY MARINAUX JUNIOR ANCHORS THEATRE OFFICE GOLF HALL WEST RETAIL PLAZA RESTAURANT PLAZA RETAIL	152,221 SF 40,000 SF 22,000 SF 53,000 SF 100,000 SF 100,800 SF 14,500 SF 11,250 SF 45,850 SF 18,850 SF
TOTAL	607,271 SF
MINIMUM PARKING ALLOWABLE: 1,407 SPACES MAXIMUM PARKING ALLOWABLE: 3,163 SPACES PROPOSED PARKING: 1,964 SPACES	
BUILDING HEIGHTS:	
ALL BUILDINGS ARE 1-STORY UNLESS OTHERWISE NOTED ON PLAN	
BASE MAP DENSITY: 1,407 SPACES AVAILABLE MLD DENSITY WITH BONUS: PROVIDED DENSITY:	917 UNITS (40 UNITS/AC.) 1854 UNITS (40 UNITS/AC.) 500 UNITS (8.5 UNITS/AC.)



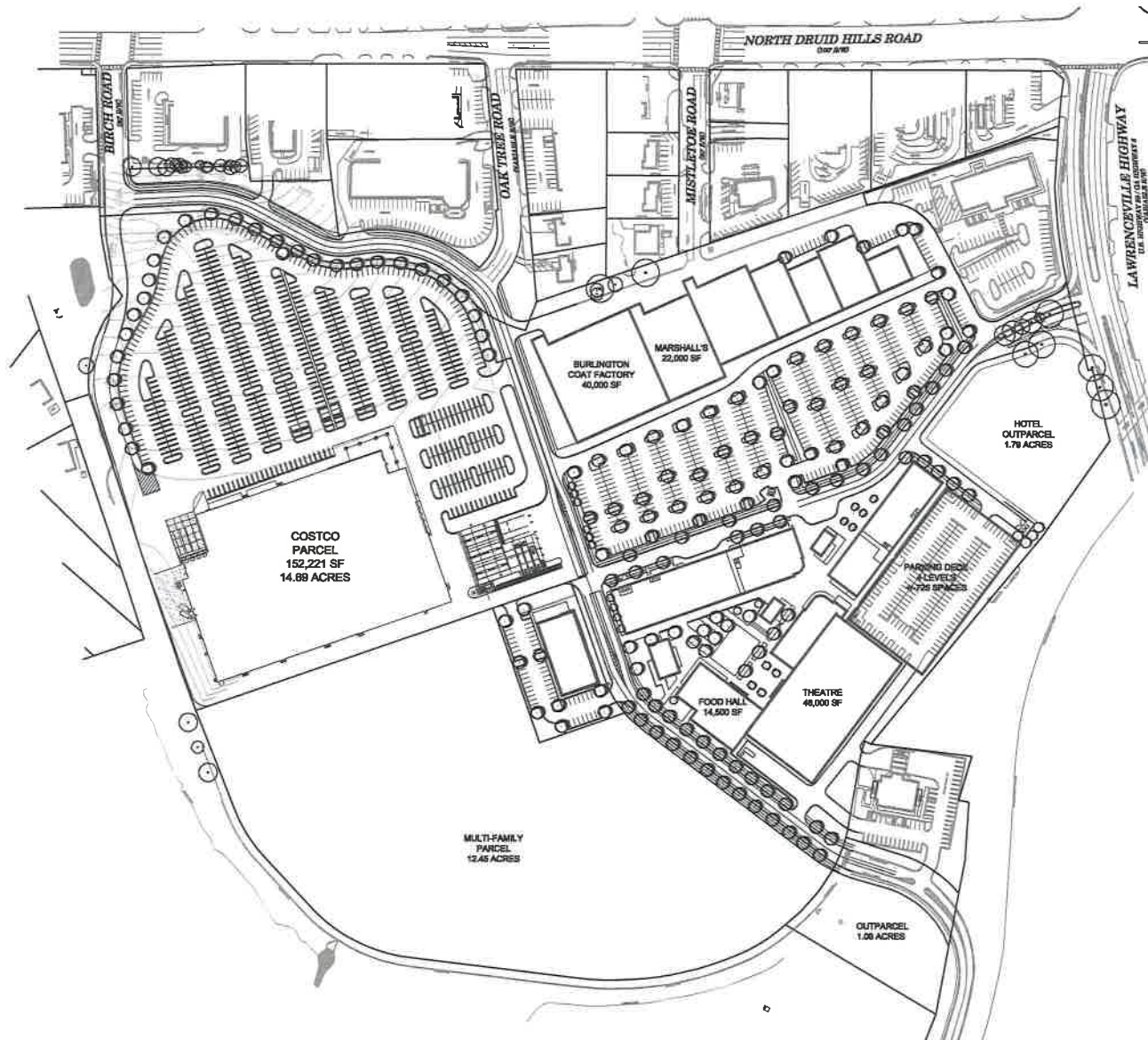
TREE PROTECTION LEGEND:



Trees to Remain			
Species	Qty	Density Units	Total Density Units
Hickory	12	1	3.2
Hickory	18	1	4.8
Maple	18	2	4.8
Oak	12	1	3.2
Oak	18	1	4.8
Oak	25	1	6.0
Oak	26	9	7.4
Oak	28	1	8.8
Pear	10	1	3.2
Pear	15	1	4
Pear	20	2	5.4
Pear	21	1	5.4
Pear	27	1	8
Pine	8	2	2.4
Pine	9	1	2.4
Pine	10	1	3.2
Pine	11	3	9.6
Pine	13	3	9.6
Pine	13	2	8
Pine	14	3	8
Pine	15	1	4
Poplar	27	1	8
Sweetgum	13	1	4
Sweetgum	14	1	4
Sweetgum	16	1	4.8
Sweetgum	27	1	8
Totals:	37		179

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 UNITS: Feet - Inch Georgia 811
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CONCEPT PLANT SCHEDULE

	12' LARGE CANOPY TREE	141	.5	80.5
	8' ORNAMENTAL TREE	22	.5	11.0
	8' OVERHEAD TREE	4	.5	2.0
				Total = 93.5 Density Units





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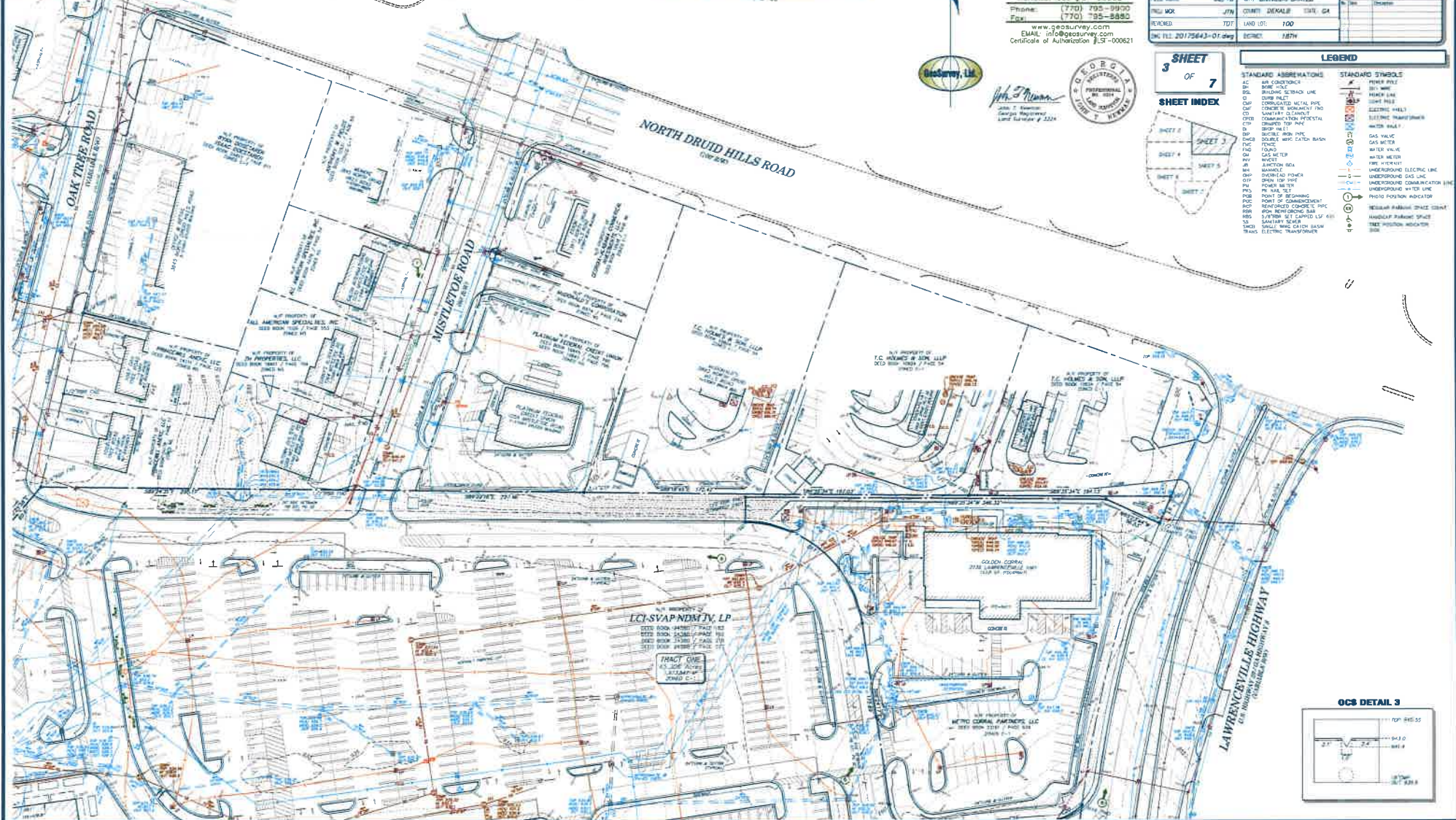
North Dekalb Mall

LCI-SVAP NDM JV, LP
LCI-SVAP NDM (MCY), LLC

First American Title Insurance Company

PLAT NO	20175643	SHRINK SCALE	3" = 40'	SURVEY DATE	12-15-2017				
FILE NO.	C878	QTY:	UNINCORPORATED	<table border="1"> <thead> <tr> <th colspan="2">REMARKS</th> </tr> </thead> <tbody> <tr> <td>No.</td> <td>Description</td> </tr> </tbody> </table>		REMARKS		No.	Description
REMARKS									
No.	Description								
PLAT WOR	JTH	COUNTY	DEKALB	STATE	GA				
RECORDED	TOT	LAND LOT	100						
ENC. FILE	20175643-01.dwg	DESKED	JSTH						

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OF **7**
SHEET INDEX

[illegible]

SITE PHOTOGRAPHS



IF YOU DIG



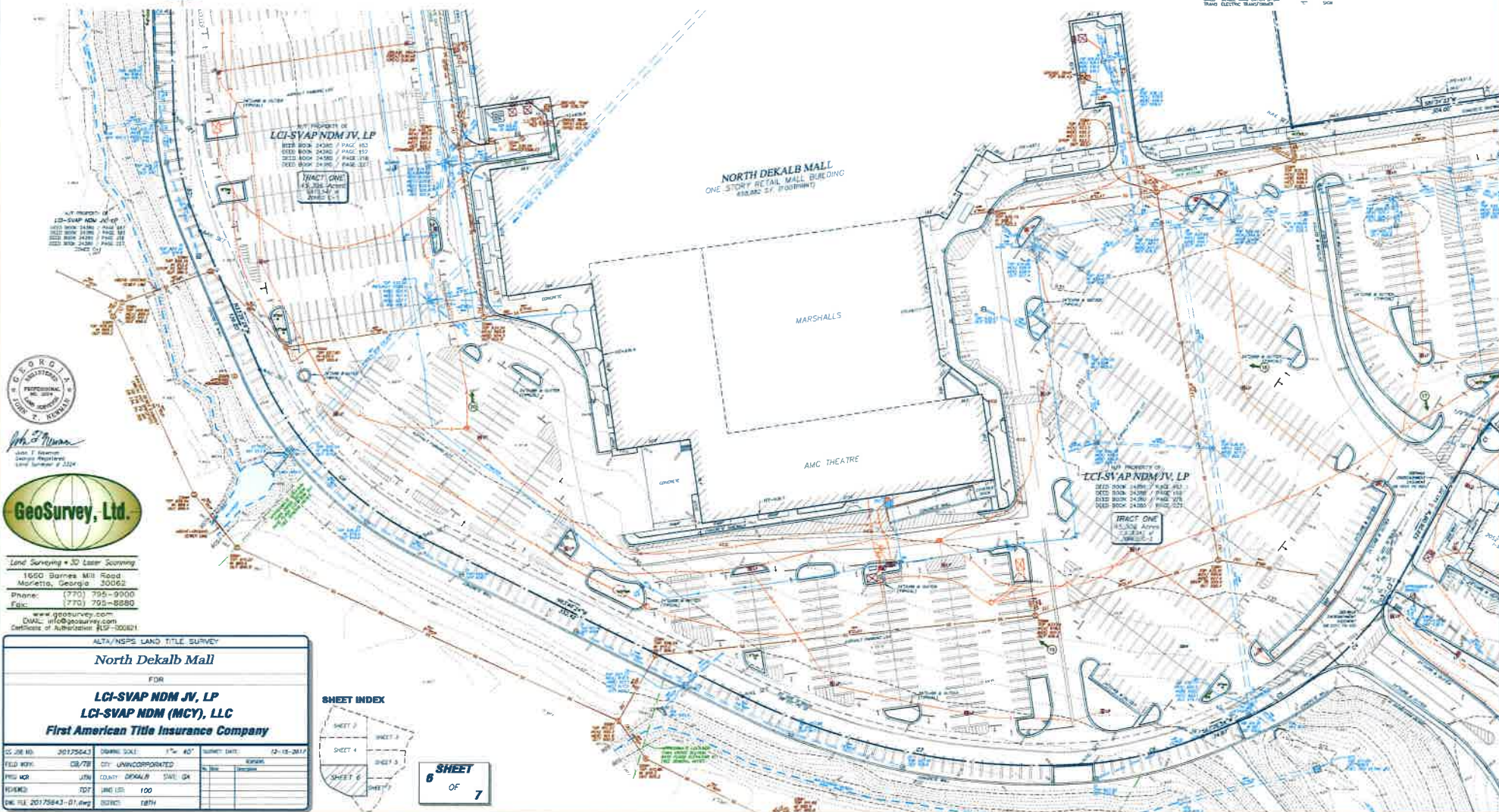
Know what's below.
Call before you dig.
Dial 811
Or Call 800-282-7411

GRAPHIC SCALE



LEGEND

STANDARD ABBREVIATIONS	STANDARD SYMBOLS
ADJ. PROPERTY	ADJ. PROPERTY
AS. CENTERLINE	AS. CENTERLINE
BL. LINE	BL. LINE
BR. LINE	BR. LINE
CL. LINE	CL. LINE
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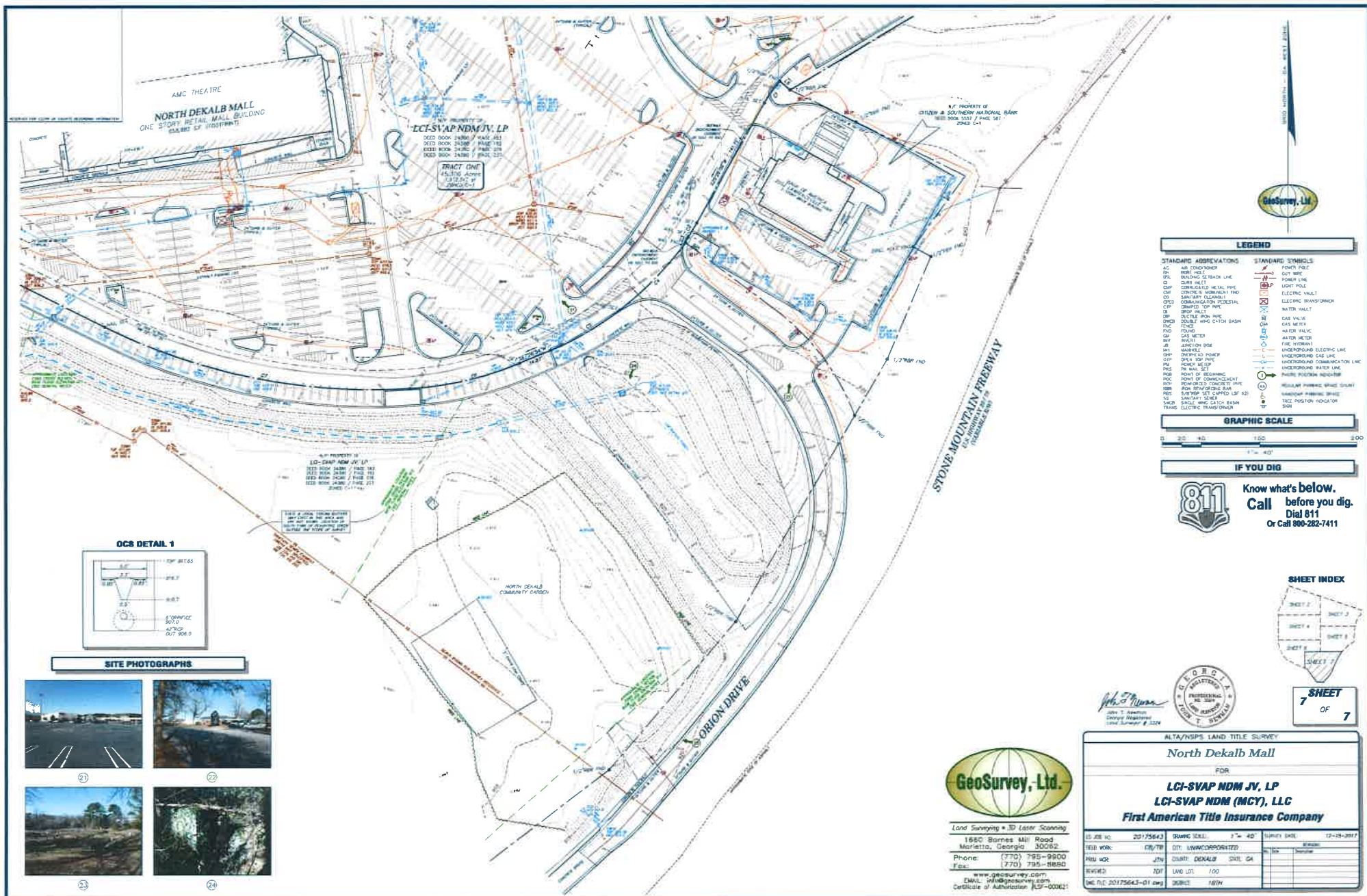
1650 Barnes Mill Road
 Marietta, Georgia 30062
 Phone: (770) 795-9000
 Fax: (770) 795-8880
 www.geosurvey.com
 Email: info@geosurvey.com
 Certificate of Authorization #037-00001

ALTA/NSPS LAND TITLE SURVEY			
North Dekalb Mall			
FOR			
LCI-SVAP NDM JV, LP			
LCI-SVAP NDM (MCY), LLC			
First American Title Insurance Company			
CS JOB NO.	20175843	DRAWN SCALE:	1"= 40'
FIELD NO.	08/78	CITY:	UNINCORPORATED
PROJECT NO.	100	COUNTY:	DEKALB
REVISION:	10/1	STATE:	GA
DATE:	10/1	SCALE:	100
DATE:	10/1	SCALE:	100
DATE:	10/1	SCALE:	100

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SHEET 6 OF 7



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Email: info@geosurvey.com
Certificate of Authorization LSG-000021

John T. Newman
George Newman
2000 Turner & Tipton



ALTA/NSPS LAND TITLE SURVEY

North Dekalb Mall

506

LCI-SVAP NDM JV, LP
LCI-SVAP NDM (MGT), LLC

First American Title Insurance Company

STAKE NO:	20175643	ORANGE SCALE:	1" = 40'	SURVEY DATE:	12-29-2017
FIELD WORK:	08/18	CITY:	UNINCORPORATED	<div> <div> </div> <div> </div> </div>	
PLATT NO:	179	COUNTY:	DEKALB	STATE:	GA
REMARKS:	TOP	LAND LOT:	100		
ENC FILE:	20175643-01.dwg	ORANGE:	180TH		

Legal Description
Survey Tract One

All that tract or parcel of land lying or being in Land Lot 100, 18th District, Dekalb County, Georgia, and being more particularly described as follows:

Beginning at a concrete monument found at the intersection of the Westerly right-of-way of Lawrenceville Highway (U.S. Highway 29, Georgia Highway 8) (variable right-of-way) with the Northerly right-of-way of Stone Mountain Freeway (U.S. Highway 29/78) (variable right-of-way); thence along said right-of-way of Stone Mountain Freeway South 54 degrees 13 minutes 44 seconds West, a distance of 231.11 feet to a concrete monument found; thence South 58 degrees 57 minutes 28 seconds West, a distance of 0.71 feet to a 5/8 inch rebar set; ; thence leaving said right-of-way North 08 degrees 30 minutes 11 seconds West, a distance of 49.53 feet to a nail found; thence South 81 degrees 31 minutes 51 seconds West, a distance of 270.26 feet to a nail found; thence South 08 degrees 28 minutes 09 seconds East, a distance of 110.00 feet to a 5/8 inch rebar set; thence North 81 degrees 27 minutes 16 seconds East, a distance of 125.23 feet to a 5/8 inch rebar set on the Northerly right-of-way of Stone Mountain Freeway; thence along said right-of-way South 58 degrees 48 minutes 20 seconds West, a distance of 372.99 feet to a 1/2 inch rebar found; thence leaving said right-of-way North 48 degrees 31 minutes 39 seconds West, a distance of 13.69 feet to a 1/2 inch rebar found; thence along a curve to the left, said curve having an arc length of 27.85 feet with a radius of 131.39 feet, being subtended by a chord bearing of South 35 degrees 30 minutes 32 seconds West, a distance of 27.79 feet to a nail set; thence South 29 degrees 26 minutes 08 seconds West, a distance of 141.10 feet to a nail set; thence along a curve to the left, said curve having an arc length of 17.02 feet with a radius of 303.36 feet, being subtended by a chord bearing of South 31 degrees 02 minutes 34 seconds West, a distance of 17.02 feet to a nail set; thence along a curve to the left, said curve having an arc length of 6.28 feet with a radius of 27.00 feet, being subtended by a chord bearing of South 25 degrees 58 minutes 53 seconds West, a distance of 6.27 feet to a nail set; thence along a curve to the right, said curve having an arc length of 97.01 feet with a radius of 350.00 feet, being subtended by a chord bearing of South 44 degrees 27 minutes 06 seconds West, a distance of 96.70 feet to a nail set; thence along a curve to the right, said curve having an arc length of 81.23 feet with a radius of 302.36 feet, being subtended by a chord bearing of South 59 degrees 45 minutes 17 seconds West, a distance of 80.99 feet to a nail set; thence South 67 degrees 26 minutes 54 seconds West, a distance of 34.87 feet to a nail set; thence along a curve to the right, said curve having an arc length of 115.56 feet with a radius of 347.00 feet, being subtended by a chord bearing of South 76 degrees 59 minutes 11 seconds West, a distance of 115.03 feet to a nail set; thence along a curve to the right, said curve having an arc length of 323.11 feet with a radius of 623.13 feet, being subtended by a chord bearing of North 78 degrees 37 minutes 28 seconds West, a distance of 319.50 feet to a nail set; thence North 63 degrees 46 minutes 24 seconds West, a distance of 332.42 feet to a nail set; thence along a curve to the right, said curve having an arc length of 218.97 feet with a radius of 311.00 feet, being subtended by a chord bearing of North 43 degrees 36 minutes 27 seconds West, a distance of 214.48 feet to a nail set; thence North 23 degrees 26 minutes 29 seconds West, a distance of 139.20 feet to a nail set; thence along a curve to the right, said curve having an arc length of 111.43 feet with a radius of 296.99 feet, being subtended by a chord bearing of North 12 degrees 41 minutes 45 seconds West, a distance of 110.78 feet to a nail set; thence North 01 degrees 57 minutes 01 seconds West, a distance of 216.73 feet to a nail set; thence along a curve to the right, said curve having an arc length of 116.80 feet with a radius of 2283.00 feet, being subtended by a chord bearing of North 00 degrees 29 minutes 06 seconds West, a distance of 116.79 feet to a 5/8 inch rebar set; thence North 00 degrees 58 minutes 49 seconds East, a distance of 38.93

feet to a 5/8 inch rebar set; thence along a curve to the right, said curve having an arc length of 99.82 feet with a radius of 7018.44 feet, being subtended by a chord bearing of North 00 degrees 34 minutes 20 seconds East, a distance of 99.82 feet to a 5/8 inch rebar set; thence North 00 degrees 57 minutes 32 seconds East, a distance of 390.76 feet to a 1/2 inch rebar found; thence along a curve to the right, said curve having an arc length of 197.89 feet with a radius of 233.00 feet, being subtended by a chord bearing of North 36 degrees 51 minutes 10 seconds East, a distance of 192.00 feet to a 1/2 inch rebar found; thence along a curve to the left, said curve having an arc length of 13.45 feet with a radius of 27.00 feet, being subtended by a chord bearing of North 46 degrees 55 minutes 32 seconds East, a distance of 13.31 feet to a 5/8 inch rebar set on the Southerly right-of-way of Sweetbriar Road (variable right-of-way); thence along said right-of-way South 20 degrees 54 minutes 10 seconds East, a distance of 54.88 feet to a nail set; thence along a curve to the right, said curve having an arc length of 118.33 feet with a radius of 182.00 feet, being subtended by a chord bearing of North 81 degrees 31 minutes 39 seconds East, a distance of 116.26 feet to a 5/8 inch rebar set; thence South 79 degrees 50 minutes 46 seconds East, a distance of 344.04 feet to a 5/8 inch rebar set; thence along a curve to the right, said curve having an arc length of 186.10 feet with a radius of 219.00 feet, being subtended by a chord bearing of South 55 degrees 30 minutes 10 seconds East, a distance of 180.55 feet to a 5/8 inch rebar set; thence South 31 degrees 09 minutes 35 seconds East, a distance of 67.78 feet to a 5/8 inch rebar set; thence along a curve to the left, said curve having an arc length of 102.25 feet with a radius of 217.00 feet, being subtended by a chord bearing of South 44 degrees 39 minutes 28 seconds East, a distance of 101.31 feet to a 5/8 inch rebar set; thence North 40 degrees 25 minutes 58 seconds East, a distance of 60.81 feet to a 3/4 inch rebar found; thence leaving said right-of-way South 89 degrees 24 minutes 31 seconds East, a distance of 295.17 feet to a 1/2 inch rebar found; thence South 89 degrees 22 minutes 16 seconds East, a distance of 227.46 feet to a 3/4 inch crimp top pipe found; thence South 89 degrees 18 minutes 45 seconds East, a distance of 172.42 feet to a 1/2 inch rebar found; thence South 89 degrees 35 minutes 34 seconds East, a distance of 197.03 feet to a 1/2 inch rebar found; thence South 89 degrees 35 minutes 34 seconds East, a distance of 194.13 feet to a 5/8 inch rebar set on the Westerly right-of-way of Lawrenceville Highway; thence along said right-of-way South 22 degrees 48 minutes 07 seconds West, a distance of 28.21 feet to a 1/2 inch rebar found; thence leaving said right-of-way North 65 degrees 23 minutes 44 seconds West, a distance of 56.53 feet to a 5/8 inch rebar set; thence North 89 degrees 35 minutes 34 seconds West, a distance of 346.32 feet to a 1/2 inch rebar found; thence South 00 degrees 17 minutes 10 seconds West, a distance of 24.24 feet to a nail found; thence along a curve to the right, said curve having an arc length of 161.32 feet with a radius of 114.00 feet, being subtended by a chord bearing of South 48 degrees 56 minutes 11 seconds East, a distance of 148.19 feet to a nail set; thence South 08 degrees 24 minutes 17 seconds East, a distance of 175.89 feet to a nail found; thence along a curve to the left, said curve having an arc length of 51.69 feet with a radius of 33.00 feet, being subtended by a chord bearing of South 53 degrees 24 minutes 16 seconds East, a distance of 46.56 feet to a nail found; thence North 81 degrees 33 minutes 14 seconds East, a distance of 48.82 feet to a nail found; thence along a curve to the right, said curve having an arc length of 64.57 feet with a radius of 441.76 feet, being subtended by a chord bearing of North 85 degrees 52 minutes 43 seconds East, a distance of 64.52 feet to a nail set; thence along a curve to the left, said curve having an arc length of 39.15 feet with a radius of 48.00 feet, being subtended by a chord bearing of North 66 degrees 41 minutes 00 seconds East, a distance of 38.07 feet to a nail found on the Westerly right-of-way of Lawrenceville Highway; thence along said right-of-way, along a curve to the left, said curve having an arc length of 78.21 feet with a radius of 1203.92 feet, being subtended by a chord bearing of South 05 degrees 39 minutes 35 seconds West, a distance of 78.20 feet to a nail set; thence South 05 degrees 14 minutes 03 seconds West, a distance of 100.92 feet to a 5/8 inch rebar set; thence South 84 degrees 45 minutes 57 seconds East, a distance of 8.00 feet to a 5/8 inch rebar set; thence

South 05 degrees 14 minutes 44 seconds West, a distance of 145.00 feet to a concrete monument found, said point being the True Point of Beginning.

Said tract of land contains 48.306 Acres

LESS AND EXCEPT THE FOLLOWING TRACT OF LAND

All that tract or parcel of land lying or being in Land Lot 100, 18th District, Dekalb County, Georgia, and being more particularly described as follows:

Commencing at a concrete monument found at the intersection of the Easterly right-of-way of Lawrenceville Highway (U.S. Highway 29, Georgia Highway 8) (variable right-of-way) with the Northerly right-of-way of Stone Mountain Freeway (U.S. Highway 29/78) (variable right-of-way); thence along said right-of-way of Stone Mountain Freeway South 54 degrees 13 minutes 44 seconds West, a distance of 231.11 feet to a concrete monument found; thence South 58 degrees 57 minutes 28 seconds West, a distance of 0.71 feet to a 5/8 inch rebar set; thence leaving said right-of-way North 08 degrees 30 minutes 11 seconds West, a distance of 49.53 feet to a nail found; thence South 81 degrees 31 minutes 51 seconds West, a distance of 270.26 feet to a nail found; thence along a tie-line North 58 degrees 10 minutes 08 seconds West, a distance of 84.98 feet to a nail set, said point being the True Point of Beginning; thence South 81 degrees 34 minutes 33 seconds West, a distance of 304.00 feet to a nail set; thence North 08 degrees 25 minutes 27 seconds West, a distance of 368.00 feet to a drill hole found; thence North 81 degrees 34 minutes 33 seconds East, a distance of 398.04 feet to a nail set; thence South 08 degrees 25 minutes 27 seconds East, a distance of 200.00 feet to a drill hole found; thence South 81 degrees 34 minutes 33 seconds West, a distance of 94.04 feet to a drill hole found; thence South 08 degrees 25 minutes 27 seconds East, a distance of 168.00 feet to a nail set, said point being the True Point of Beginning.

Said tract of land contains 3.000 Acres.

Legal Description
Survey Tract Two

All that tract or parcel of land lying or being in Land Lot 100, 18th District, Dekalb County, Georgia, and being more particularly described as follows:

Commencing at a concrete monument found at the intersection of the Westerly right-of-way of Lawrenceville Highway (U.S. Highway 29, Georgia Highway 8) (variable right-of-way) with the Northerly right-of-way of Stone Mountain Freeway (U.S. Highway 29/78) (variable right-of-way); thence along said right-of-way of Stone Mountain Freeway South 54 degrees 13 minutes 44 seconds West, a distance of 231.11 feet to a concrete monument found; thence South 58 degrees 57 minutes 28 seconds West, a distance of 0.71 feet to a 5/8 inch rebar set; thence leaving said right-of-way North 08 degrees 30 minutes 11 seconds West, a distance of 49.53 feet to a nail found; thence South 81 degrees 31 minutes 51 seconds West, a distance of 270.26 feet to a nail found; thence along a tie-line North 58 degrees 10 minutes 08 seconds West, a distance of 84.98 feet to a nail set, said point being the True Point of Beginning; thence South 81 degrees 34 minutes 33 seconds West, a distance of 304.00 feet to a nail set; thence North 08 degrees 25 minutes 27 seconds West, a distance of 368.00 feet to a drill hole found; thence North 81 degrees 34 minutes 33 seconds East, a distance of 398.04 feet to a nail set; thence South 08 degrees 25 minutes 27 seconds East, a distance of 200.00 feet to a drill hole found; thence South 81 degrees 34 minutes 33 seconds West, a distance of 94.04 feet to a drill hole found; thence South 08 degrees 25 minutes 27 seconds East, a distance of 168.00 feet to a nail set, said point being the True Point of Beginning.

Said tract of land contains 3.000 Acres.

Legal Description
Survey Tract Three

All that tract or parcel of land lying or being in Land Lot 100, 18th District, Dekalb County, Georgia, and being more particularly described as follows:

Commencing at a concrete monument found at the intersection of the Westerly right-of-way of Lawrenceville Highway (U.S. Highway 29, Georgia Highway 8) (variable right-of-way) with the Northerly right-of-way of Stone Mountain Freeway (U.S. Highway 29/78) (variable right-of-way); thence along said right-of-way of Stone Mountain Freeway South 54 degrees 13 minutes 44 seconds West, a distance of 231.11 feet to a concrete monument found; thence South 58 degrees 57 minutes 28 seconds West, a distance of 0.71 feet to a 5/8 inch rebar set, said point being the True Point of Beginning; thence leaving said right-of-way North 08 degrees 30 minutes 11 seconds West, a distance of 49.53 feet to a nail found; thence South 81 degrees 31 minutes 51 seconds West, a distance of 270.26 feet to a nail found; thence South 08 degrees 28 minutes 09 seconds East, a distance of 110.00 feet to a 5/8 inch rebar set; thence North 81 degrees 27 minutes 16 seconds East, a distance of 125.23 feet to a 5/8 inch rebar set on the Northerly right-of-way of Stone Mountain Freeway; thence along said right-of-way North 58 degrees 48 minutes 20 seconds East, a distance of 2.92 feet to a concrete monument found; thence North 58 degrees 57 minutes 28 seconds East, a distance of 154.17 feet to a 5/8 inch rebar set, said point being the True Point of Beginning.

Said tract of land contains 0.581 Acres.

Legal Description
Survey Tract Four

All that tract or parcel of land lying or being in Land Lot 100, 18th District, Dekalb County, Georgia, and being more particularly described as follows:

Beginning at a 1/2 inch rebar found at the intersection of the Northerly right-of-way of Sweet Briar Road (variable right-of-way) with the Easterly right-of-way of Birch Road (60 foot right-of-way); thence along said right-of-way of Birch Road North 09 degrees 14 minutes 08 seconds East, a distance of 86.03 feet to a 5/8 inch rebar set; thence North 17 degrees 25 minutes 03 seconds East, a distance of 109.86 feet to a 1/2 inch rebar found; thence leaving said right-of-way South 72 degrees 13 minutes 06 seconds East, a distance of 236.14 feet to a 1/2 inch rebar found; thence South 12 degrees 22 minutes 11 seconds West, a distance of 30.67 feet to a 5/8 inch rebar set; thence South 71 degrees 24 minutes 15 seconds East, a distance of 160.12 feet to a 5/8 inch rebar set; thence South 11 degrees 56 minutes 08 seconds West, a distance of 109.33 feet to a 1/2 inch rebar found on the Northerly right-of-way of Sweet Briar Road; thence along said right-of-way North 79 degrees 52 minutes 39 seconds West, a distance of 400.37 feet to a 1/2 inch rebar found, said point being the True Point of Beginning.

Said tract of land contains 1.439 Acres.

Legal Description
Survey Tract Five

All that tract or parcel of land lying or being in Land Lot 100, 18th District, Dekalb County, Georgia, and being more particularly described as follows:

Beginning at a 1/2 inch rebar found at the intersection of the Southerly right-of-way of North Druid Hills Road (100 foot right-of-way) with the Westerly right-of-way of Birch Road 60 foot right-of-way); thence along said right-of-way of Birch Road South 17 degrees 52 minutes 15 seconds West, a distance of 11.94 feet to a 5/8 inch rebar set; thence leaving said right-of-way North 71 degrees 05 minutes 44 seconds West, a distance of 27.36 feet to a 5/8 inch rebar set; thence North 17 degrees 52 minutes 15 seconds East, a distance of 11.94 feet to a 5/8 inch rebar set on the Southerly right-of-way of North Druid Hills Road; thence along said right-of-way South 71 degrees 05 minutes 44 seconds East, a distance of 27.36 feet to a 1/2 inch rebar found, said point being the True Point of Beginning.

Said tract of land contains 0.007 Acres.

Site Description
Tract 1

All that tract or parcel of land lying and being in Land Lot 100 of the 18th District of Dekalb County, Georgia and more particularly described as follows

To find the Point of Beginning commence at the intersection of the southerly Right of Way line of North Druid Hills Road (100' Right of Way) and the easterly Right of Way line of Birch Road (60' Right of Way), thence along the easterly Right of Way line of Birch Road South 16 Degrees 56 Minutes 09 Seconds West, 79 78 feet to a point, thence continue along the easterly Right of Way line of Birch Road South 16 Degrees 32 Minutes 47 Seconds West, 119 73 feet to a point and The Point of Beginning, thence leaving the easterly Right of Way line of Birch Road South 73 Degrees 36 Minutes 03 Seconds East, 236 20 feet to a point, thence South 10 Degrees 59 Minutes 14 Seconds West, 30 67 feet to a point, thence South 72 Degrees 55 Minutes 55 Seconds East, 160 00 feet to a point, thence South 10 Degrees 34 Minutes 49 Seconds West, 109 33 feet to a point on the northerly Right of Way line of Sweet Briar Road (60' Right of Way) thence along the northerly Right of Way line of Sweet Briar Road North 81 Degrees 14 Minutes 23 Seconds West, 160 00 feet to a point, thence continue along the northerly Right of Way line of Sweet Briar Road North 81 Degrees 22 Minutes 09 Seconds West, 240 29 feet to a point located at the intersection of the northerly Right of Way line of Sweet Briar Road and the easterly Right of Way line of Birch Road, thence along the easterly Right of Way line of Birch Road North 07 Degrees 50 Minutes 46 Seconds East, 86 02 feet to a point, thence continue along the easterly Right of Way line of Birch Road North 16 Degrees 01 Minutes 44 Seconds East, 109 85 feet to The Point of Beginning containing 1 44 Acres

Site Description
Tract 2

All that tract or parcel of land lying and being in Land Lots 100 of the 18th District of Dekalb County Georgia and more particularly described as follows

To find The Point of Beginning commence at the intersection of the southerly Right of Way line of North Druid Hills Road (100' Right of Way) and the westerly Right of Way line of Birch Road (60' Right of Way), thence along the westerly Right of Way line of Birch Road South 16 Degrees 31 Minutes 00 Seconds West, 11 94 feet to a point, thence continue along the

westerly Right of Way line of Birch Road South 16 Degrees 31 Minutes 00 Seconds West, 177 58 feet to a point, thence continue along the westerly Right of Way line of Birch Road South 16 Degrees 34 Minutes 33 Seconds West, 74 93 feet to a point, thence continue along the westerly Right of Way line of Birch Road South 13 Degrees 44 Minutes 04 Seconds West 9 23 feet to a point and The Point of Beginning, thence continue along the westerly Right of Way line of Birch Road South 13 Degrees 44 Minutes 04 Seconds West, 55 21 feet to a point, thence continue along the westerly Right of Way line of Birch Road South 07 Degrees 21 Minutes 03 Seconds West, 86 12 feet to a point, thence continue along the westerly Right of Way line of Birch Road South 18 Degrees 30 Minutes 57 Seconds East, 43 28 feet to a point on the northerly Right of Way line of Sweet Briar Road (60' Right of Way) thence along the northerly Right of Way line of Sweet Briar Road following the curvature thereof to the right an arc distance of 13 45 feet, said curvature having a chord bearing and distance of South 45 Degrees 32 Minutes 09 Seconds West, 13 31 feet and having a radius of 27 00 feet, thence along the northwesterly Right of Way line of Birch Road following the curvature thereof to the left an arc distance of 197 94 feet, said curvature having a chord bearing and distance of South 35 Degrees 27 Minutes 47 Seconds West, 192 04 feet and having a radius of 233 00 feet, thence leaving the northwesterly Right of Way line of Sweet Briar Road South 89 Degrees 58 Minutes 00 Seconds West, 52 54 feet to a point on the Land Lot Line separating land Lots 100 and 101, thence in a northerly direction along said Land Lot Line North 00 Degrees 37 Minutes 46 Seconds West, 401 24 feet to a point, thence leaving said Land Lot Line South 73 Degrees 36 Minutes 36 Seconds East, 196 22 feet to The Point of Beginning containing 1 20 Acres

TRACT 1

SITE DESCRIPTION

TAX ID 18 100 02 005

All that tract or parcel of land lying and being in Land Lots 100 and 101 of the 18th District of DeKalb County, Georgia and more particularly described as follows:

MALL PREMISES

Beginning at an iron pin found on the northwestern Right-of-Way line of Lawrenceville Highway (also known as State Route 40 and U.S. Highway #29) (100 foot Right-of-Way at this point), which iron pin is located 112 feet southwesterly (as measured along said northwestern Right-of-Way line of Lawrenceville Highway) from the intersection of said northwestern Right-of-Way line of Lawrenceville Highway with the southwestern Right-of-Way line of North Druid Hills Road (100 foot a Right-of-Way); and a running thence in a generally southwesterly direction along the northwestern Right-of-Way line of Lawrenceville Highway the following courses and distances: South 21 degrees 50 minutes 00 seconds West 120.0 feet to a point; along the arc of a 1,203.92 foot radius curve an arc distance of 267.56 feet to a point (said arc being subtended by a chord lying to the southeast thereof and bearing South 08 degrees 47 minutes 21 seconds West 267.01 feet); and South 03 degrees 54 minutes 00 seconds West 101.29 feet to a point; running thence South 86 degrees 06 minutes 00 seconds East along an offset in the northwestern Right-of-Way line of Lawrenceville Highway 8.00 feet to a point; running thence South 03 degrees 54 minutes 00 seconds West along said Right-of-Way line of Lawrenceville Highway 145.53 feet to a concrete monument at the intersection of said Right-of-Way line with the northwestern Right-of-Way line of Stone Mountain Parkway (also known as State Route #410 and U. S. Highway #78) (variable Right-of-Way); running thence in a southwesterly direction along said northwestern Right-of-Way line of Stone Mountain Parkway the following courses and distances: South 52 degrees 51 minutes 59 seconds West 231.11 feet to a concrete monument; South 57 degrees 35 minutes 43 seconds West 154.88 feet to a concrete monument, and South 57 degrees 26 minutes 26 seconds West 375.90 feet to a point; thence leaving said northwestern Right-of-Way line of Stone Mountain Parkway and running North 49 degrees 45 minutes 51 seconds West 13.77 feet to a point; running thence in a southwesterly direction along the arc of a 131.39 foot radius curve an arc distance of 27.85 feet to a point (said arc being subtended by a chord lying to the southeast thereof and bearing South 34 degrees 09 minutes 05 seconds West 27.80 feet); running thence South 28 degrees 04 minutes 41 seconds West 141.13 feet to a point; running thence in a southwesterly direction the following two courses and distances: along the slight arc of a 303.36 foot radius curve an arc distance of 17.02 feet to a point (said arc being subtended by a chord lying to the southeast thereof and bearing South 29 degrees 41 minutes 07 seconds West 17.02 feet); and along the arc of a 27.00 foot radius curve an arc distance of 6.29 feet (said arc being subtended by a chord lying to the southeast thereof and bearing South 24 degrees 37 minutes 26 seconds West 6.27 feet); running thence South 54 degrees 48 minutes 39 seconds East 113.92 feet to a point; running thence in a southeasterly direction along the arc of a 240.00 foot radius curve an arc distance of 138.55 feet to a point on the northwestern Right-of-Way line of Stone Mountain Parkway (said arc being subtended by a chord lying to the southwest thereof and bearing South 38 degrees 16 minutes 24 seconds East 136.63 feet); running thence in a southwesterly direction along the northwestern Right-of-Way line of Stone Mountain Parkway the following three courses and distances: South 28 degrees 43 minutes 36 seconds West 243.86 feet to a point; South 39 degrees 20 minutes 39 seconds West 200.01 feet to a point, and South 51 degrees 12 minutes 45 seconds West 153.58 feet to a point in the center line of the South Fork of Peachtree Creek (said point hereinafter referred to as "Point A"); running thence in a northwesterly direction along the center line of the South Fork of Peachtree Creek and following the meandering thereof 658.12 feet, more or less, to a point (said point hereinafter referred to as "Point B"); said Point A and Point B being connected by traverse lines commencing at Point A and terminating at Point B as follows: North 51 degrees 26 minutes 36 seconds West 146.06 feet; North 54 degrees 43 minutes 18 seconds West 194.09 feet; North 46 degrees 25 minutes 57 seconds West 204.54 feet, and North 61 degrees 42 minutes 30 seconds West 113.43 feet; and continuing thence in a generally northwesterly direction along the center line of said creek, and the following meandering thereof, 1965.00 feet, more or less to an iron pin found; (said point hereinafter referred to as "Point C"); said Point B and Point C being connected by traverse line commencing at Point B and terminating at Point C as follows: North 66 degrees 01 minutes 29 seconds West 1,827.06 feet; thence leaving the center line of said creek and running North 60 degrees 42 minutes 04 seconds East 574.8 feet to a point; running thence North 89 degrees 00 minutes 04 seconds East 678.00 feet to an axle on the Land Lot line common to said Land Lots 100 and 101; running thence North 01 degrees 10 minutes 31 seconds West along said Land Lot line 382.26 feet to an iron pin found; running thence North 00 degrees 01 minute 12 seconds West along said Land Lot line 109.05 feet to a nail placed in root of beech tree; running thence North 89 degrees 58 minutes 00 seconds East 52.54 feet to a point; running thence in a northeasterly direction the following two courses and distances: along the arc of a 233.00 foot radius curve an arc distance of 197.94 feet to a point (said arc being subtended by a chord lying to the southeast thereof and bearing North 35 degrees 27 minutes 47 seconds East 192.04 feet); and along the arc of a 27.00 foot radius curve an arc distance of 13.45 feet to a point (said arc being subtended by a chord lying to the northwest thereof and bearing North 45 degrees 32 minutes 09 seconds East 13.31 feet); running thence South 22 degrees 17 minutes 33 seconds East 54.88 feet to a point; running thence in a northeasterly direction along the arc of an 182.00 foot radius curve an arc distance of 118.33 feet to a point (said arc being subtended by a chord lying to the south thereof and bearing North 80 degrees 06 minutes 37 seconds East 116.26 feet); running thence South 81 degrees 15 minute 48 seconds East 344.04 feet to a point; running thence in a southeasterly direction along the arc of a 219.00 foot radius curve an arc distance of 186.09 feet to a point said arc being subtended by a chord lying to the southeast thereof and bearing South 56 degrees 55 minutes 12 seconds East 180.55 feet); running thence South 32 degrees 34 minutes 37 seconds East 67.78 feet to a point; running thence in a southeasterly direction along the arc of a 217.00 foot radius curve an arc distance of 102.26 feet to a point (said arc being subtended by a chord lying to the northeast thereof and bearing South 46 degrees 04 minutes 34 seconds East 101.31 feet); running thence North 39 degrees 02 minutes 55 seconds East 60.81 feet to an iron pin found; running thence North 89 degrees 12 minutes 26 seconds East 1,086.71 feet to the iron pin found on the northwestern Right-of-Way line of Lawrenceville Highway at THE POINT OF BEGINNING.

The above referenced property is shown, excluding the Less and Except tracts herein below described, as a 75.858 acre tract being known as "Marketsquare at North Dekalb, C-FH North Dekalb Center Associates"; said survey being incorporated herein by reference and made a part of this description.

The property described below is included in addition to the ENTIRE PREMISES:

Less and Except from the above-described property are the following tracts:

RICH'S

TAX ID 18 100 02 040

All that tract or parcel of land lying and being in Land Lot 100 of the 18th District of Dekalb County, Georgia, and more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, Begin at an iron pin found on the northwestern Right-of-Way line of Lawrenceville Highway (also known as State Route #8, and U.S. Highway # 29) (100 foot Right-of-Way at this point), which iron pin is located 112 feet southwesterly (as measured along said northwestern Right-of-Way line of Lawrenceville Highway from the intersection of said northwestern Right-of-Way line of Lawrenceville Highway with the southwestern Right-of-Way line of North Druid Hills Road (100 foot Right-of-Way); run thence in a generally southwesterly direction along the northwestern Right-of-Way line of Lawrenceville Highway the following courses and distances: South 21 degrees 50 minutes 00 seconds West 120.0 feet to a point; along the arc of a 1,203.92 foot radius curve an arc distance of 267.56 feet to a point (said arc being subtended by a chord lying to the southeast thereof and bearing South 08 degrees 47 minutes 21 seconds West 267.01 feet); and South 03 degrees 54 minutes 00 seconds West 101.29 feet to a point; run thence South 86 degrees 06 minutes 00 seconds East along an offset in the northwestern Right-of-Way line of Lawrenceville Highway 8.00 feet to a point; run thence South 03 degrees 54 minutes 00 seconds West along said Right-of-Way line of Lawrenceville Highway 145.53 feet to a concrete monument at the intersection of said Right-of-Way line with the northwestern Right-of-Way line of Stone Mountain Parkway (also known as State Route #410 and U. S. Highway # 78) (variable Right-of-Way); run thence along said northwestern Right-of-Way line of Stone Mountain Parkway South 52 degrees 51 minutes 59 seconds West 231.11 feet to a concrete monument; continue thence South 57 degrees 35 minutes 43 seconds West along said right-of-way line 0.71 feet to a point; thence leave said Right-of-Way line and run North 09 degrees 49 minutes 00 seconds West 49.5 feet to a point; run thence South 80 degrees 11 minutes 00 seconds West 335.15 feet to a point, and run thence North 09 degrees 49 minutes 00 seconds West 55.00 feet to a point which marks the TRUE POINT OF BEGINNING; from the TRUE POINT OF BEGINNING as thus established, running thence South 80 degrees 11 minutes 00 seconds West 304.00 feet to a point; running thence North 09 degrees 49 minutes 00 seconds West 368.00 feet to a point; running thence North 80 degrees 11 minutes 00 seconds East 398.04 feet to a point; running thence South 09 degrees 49 minutes 00 seconds East 200.00 feet to a point; running thence South 80 degrees 11 minutes 00 seconds West 94.04 feet to a point; and running thence South 09 degrees 49 minutes 00 seconds East 168.00 feet to the POINT OF BEGINNING.

The above referenced property is shown as a 3.000 acre tract designated "Rich's" on the survey.

RICH'S ACCESSORY AREA

TAX ID 18 100 02 041

All that tract or parcel of land lying and being in Land Lot 100 of the 18th District of DeKalb County, Georgia and more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, Begin at an iron pin found on the northwestern Right-of-Way line of Lawrenceville Highway (also known as State Route #8, and U.S. Highway #29) (100 foot Right-of-Way at this point), which iron pin is located 112 feet southwesterly (as measured along said northwestern Right-of-Way line of Lawrenceville Highway from the intersection of said northwestern Right-of-Way line of North Druid Hills Road (100 foot Right-of-Way); run thence in a generally southwesterly direction along the northwestern Right-of-Way line of Lawrenceville Highway the following courses and distances: South 21 degrees 50 minutes 00 seconds West 120.0 feet to a point; along the arc of a 1,203.92 foot radius curve an arc distance of 267.56 feet to a point (said arc being subtended by a chord lying to the southeast thereof and bearing South 08 degrees 47 minutes 21 seconds West 267.01 feet); and South 03 degrees 54 minutes 00 seconds West 101.29 feet to a point; run thence South 86 degrees 06 minutes 00 seconds East along an offset in the northwestern Right-of-Way line of Lawrenceville Highway 8.00 feet to a point; run thence South 03 degrees 54 minutes 00 seconds West along said Right-of-Way line of Lawrenceville Highway 145.53 feet to a concrete monument at the intersection of said Right-of-Way line with the northwestern Right-of-Way line of Stone Mountain Parkway (also known as State Route #410 and U.S. Highway #78) (Variable Right-of-Way); run thence along said northwestern Right-of-Way line of Stone Mountain Parkway South 52 degrees 51 minutes 39 seconds West 231.11 feet to a concrete monument; continue thence South 57 degrees 35 minutes 43 seconds West along said Right-of-Way line 0.71 feet to a point which marks the TRUE POINT OF BEGINNING; from the TRUE POINT OF BEGINNING, as thus established, continue thence South 57 degrees, 35 minutes 43 seconds West along said Right-of-Way line 154.17 feet to a concrete monument; continue thence South 57 degrees 26 minutes 26 seconds West along said Right-of-Way line 2.92 feet to a point; thence leaving said Right-of-Way line and running South 80 degrees 11 minutes 00 seconds West 125.17 feet to a point; running thence North 09 degrees 49 minutes 00 seconds West 110.0 feet to a point; running thence North 80 degrees 11 minutes 00 seconds East 270.15 feet to a point; running thence South 09 degrees 49 minutes 00 seconds East 49.50 feet to the northwestern Right-of-Way line of Stone Mountain Parkway and the POINT OF BEGINNING.

The above referenced property is shown as a 0.582 acre tract designated "Rich's Accessory Area" on the survey.

Site Description

TAX ID 18 100 02 056

All that tract or parcel of land lying and being in Land Lots 100 and 101 of the 18th District of DeKalb County, Georgia and more particularly described as follows:

GOLDEN CORRAL

To find The Point of Beginning commence at an iron pin found on the northwestern Right-of-Way line of Lawrenceville Highway (also known as State Route #8 and U.S. Highway #29) (100 foot Right-of-Way at this point), which iron pin is located 112 feet southwesterly (as measured along said northwestern Right-of-Way line of Lawrenceville Highway) from the intersection of said northwestern Right-of-Way line of Lawrenceville Highway with the southwestern Right-of-Way line of North Druid Hills Road (100 foot a Right-of-Way); thence along the northwestern Right-of-Way line of Lawrenceville Highway South 21 degrees 50 minutes 00 seconds West 26.81 feet to a point and The Point of Beginning; and a running thence in a generally southwesterly direction along the northwestern Right-of-Way line of Lawrenceville Highway the following courses and distances: South 21 degrees 50 minutes 00 seconds West 93.19 feet to a point; along the arc of a 1,203.92 foot radius curve an arc distance of 189.07 feet to a point (said arc being subtended by a chord lying to the southeast thereof and bearing South 10 degrees 39 minutes 19 seconds West 188.88 feet); thence leaving the northwestern Right-of-Way line of Lawrenceville Highway along the arc of a 48.00 foot radius curve to the right an arc distance of 38.19 feet to a point (said arc being subtended by a chord lying to the southeast thereof and bearing South 65 degrees 11 minutes 05 seconds West 38.11 feet); thence along the arc of a 441.76 foot radius curve to the left an arc distance of 64.64 feet to a point (said arc being subtended by a chord lying to the southeast thereof and bearing South 84 degrees 22 minutes 48 seconds West 64.58 feet); thence South 80 degrees 11 minutes 20 seconds West 48.81 feet to a point; thence along the arc of a 33.00 foot radius curve to the right an arc distance of 51.64 feet to a point (said arc being subtended by a chord lying to the southeast thereof and bearing North 54 degrees 48 minutes 40 seconds West 46.67 feet); thence North 09 degrees 48 minutes 40 seconds East 175.86 feet to a point; thence along the arc of a 114.00 foot radius curve to the left an arc distance of 161.29 feet to a point (said arc being subtended by a chord lying to the southeast thereof and bearing North 50 degrees 20 minutes 34 seconds West 148.17 feet); thence North 00 degrees 12 minutes 34 seconds West 24.25 feet to a point; thence North 89 degrees 12 minutes 26 seconds East 346.11 feet to a point; thence South 68 degrees 10 minutes 00 seconds East 56.53 feet to The point of Beginning containing 1.78 Acres.

TRACT 2

Site Description

TAX ID 18 100 02 057

All that tract or parcel of land lying and being in Land Lots 100 and 101 of the 18th District of DeKalb County, Georgia and more particularly described as follows:

HENDON RING ROAD

To find The Point of Beginning commence at an iron pin found on the northwestern Right-of-Way line of Lawrenceville Highway (also known as State Route #8 and U.S. Highway #29) (100 foot Right-of-Way at this point), which iron pin is located 112 feet southwesterly (as measured along said northwestern Right-of-Way line of Lawrenceville Highway) from the intersection of said northwestern Right-of-Way line of Lawrenceville Highway with the southwestern Right-of-Way line of North Druid Hills Road (100 foot a Right-of-Way); and a running thence in a generally southwesterly direction along the northwestern Right-of-Way line of Lawrenceville Highway the following courses and distances: South 21 degrees 50 minutes 00 seconds West 120.0 feet to a point; along the arc of a 1,203.92 foot radius curve an arc distance of 267.56 feet to a point (said arc being subtended by a chord lying to the southeast thereof and bearing South 08 degrees 47 minutes 21 seconds West 267.01 feet); and South 03 degrees 54 minutes 00 seconds West 101.29 feet to a point; running thence South 86 degrees 06 minutes 00 seconds East along an offset in the northwestern Right-of-Way line of Lawrenceville Highway 8.00 feet to a point; running thence South 03 degrees 54 minutes 00 seconds West along said Right-of-Way line of Lawrenceville Highway 145.53 feet to a concrete monument at the intersection of said Right-of-Way line with the northwestern Right-of-Way line of Stone Mountain Parkway (also known as State Route #410 and U. S. Highway #78) (variable Right-of-Way); running thence in a southwesterly direction along said northwestern Right-of-Way line of Stone Mountain Parkway the following courses and distances: South 52 degrees 51 minutes 59 seconds West 231.11 feet to a concrete monument; South 57 degrees 35 minutes 43 seconds West 154.88 feet to a concrete monument; and South 57 degrees 26 minutes 26 seconds West 375.90 feet to a point; thence leaving said northwestern Right-of-Way line of Stone Mountain Parkway and running North 49 degrees 45 minutes 51 seconds West 13.77 feet to a point; running thence in a southwesterly direction along the arc of a 131.39 foot radius curve an arc distance of 27.85 feet to a point (said arc being subtended by a chord lying to the southeast thereof and bearing South 34 degrees 09 minutes 05 seconds West 27.80 feet); running thence South 28 degrees 04 minutes 41 seconds West 141.13 feet to a point; running thence in a southwesterly direction along the arc of a 303.36 foot radius curve an arc distance of 17.02 feet to a point (said arc being subtended by a chord lying to the southeast thereof and bearing South 29 degrees 41 minutes 07 seconds West 17.02 feet); running thence in a southwesterly direction along the arc of a 27.00 foot radius curve an arc distance of 6.29 feet to THE POINT OF BEGINNING (said arc being subtended by a chord lying to the southeast thereof and bearing South 24 degrees 37 minutes 26 seconds West 6.27 feet); running thence South 54 degrees 48 minutes 39 seconds East 113.92 feet to a point; running thence in a southeasterly direction along the arc of a 240.00 foot radius curve a arc distance of 138.55 feet to a point on the northwestern Right-of-Way line of Stone Mountain Parkway (said arc being subtended by a chord lying to the southwest thereof and bearing South 38 degrees 16 minutes 24 seconds East 136.63 feet); running thence in a southwesterly direction along the northwestern Right-of-Way line of Stone Mountain Parkway the following three courses and distances: South 28 degrees 43 minutes 36 seconds West 243.86 feet to a point; South 39 degrees 20 minutes 39 seconds West 200.01 feet to a point; and South 51 degrees 12 minutes 45 seconds West 153.58 feet to a point in the center line of the South Fork of Peachtree Creek (said point hereinafter referred to as "Point A"); running thence in a northwesterly direction along the center line of the South Fork of Peachtree Creek and following the meandering thereof 658.12 feet, more or less, to a point (said point hereinafter referred to as Point "B"); said Point A and Point B being connected by traverse lines commencing at Point A and terminating at Point B as follows: North 51 degrees 26 minutes 36 seconds West 146.06 feet; North 54 degrees 43 minutes 18 seconds West 194.09 feet; North 46 degrees 25 minutes 57 seconds West 204.54 feet; and North 61 degrees 42 minutes 30 seconds West 113.43 feet; and continuing thence in a generally northwesterly direction along the center line of said Creek, and the following meandering thereof, 1965.00 feet, more or less to an iron pin found; (said point hereinafter referred to as Point "C"); said Point B and Point C being connected by traverse line commencing at Point B and terminating at Point C as follows: North 66 degrees 01 minutes 29 seconds West 1,827.06 feet; thence leaving the center line of said creek and running North 60 degrees 42 minutes 04 seconds East 574.3 feet to a point; running thence North 89 degrees 00 minutes 04 seconds East 293.00 feet to a point; thence North 06 Degrees 39 Minutes 43 Seconds West 201.36 feet to a point on the southerly Right of Way of Latham Road (60' Right of Way); thence along the southerly Right of Way line of Latham Road the following 2 calls: North 78 Degrees 26 Minutes 50 seconds East 89.54 feet; North 61 degrees 48 minutes 52 seconds East 90.11 feet; thence leaving said Right of Way South 28 degrees 02 minutes 46 seconds East 289.62 feet to a point; running thence North 89 degrees 00 minutes 04 seconds East 105.00 feet to an axle on the Land Lot line common to said Land Lots 100 and 101; running thence North 01 degrees 10 minutes 31 seconds West along said Land Lot line 382.26 feet to an iron pin found; running thence North 00 degrees 01 minute 12 seconds West along said Land Lot line 109.05 feet to a nail placed in root of beech tree; running thence North 89 degrees 58 minutes 00 seconds East 52.54 feet to a point; running thence South 00 Degrees 25 Minutes 26 Seconds East 390.67 feet to a point; running thence in a Southeasterly direction along the arc of a 7018.44-foot radius curve an arc distance of 99.80 feet to a point (said arc being subtended by a chord lying to the east thereof and bearing South 00 Degrees 48 Minutes 36 Seconds East 99.80 feet); running thence South 00 Degrees 24 Minutes 09 Seconds East 38.92 feet to a point; running thence in a Southeasterly direction along the arc of a 2283.00-foot radius curve an arc distance of 116.77 feet to a point (said arc being subtended by a chord lying to the East thereof and bearing South 01 Degrees 52 Minutes 04 Seconds East 116.76 feet); running thence South 03 Degrees 19 Minutes 59 Seconds East 216.68 feet to a point; running thence in a Southeasterly direction along the arc of a 296.99-foot radius curve an arc distance of 111.40 feet to a point (said arc being subtended by a chord lying to the Northeast thereof and bearing South 14 Degrees 04 Minutes 43 Seconds East 110.75 feet); running thence South 24 Degrees 49 Minutes 27 Seconds East 139.17 feet to a point; running thence in a Southeasterly direction along the arc of a 311.00-foot radius curve an arc distance of 218.92 feet to a point (said arc being subtended by a chord lying to the Northeast thereof and bearing South 44 Degrees 59 Minutes 25 Seconds East 214.43 feet); running thence South 65 Degrees 09 Minutes 22 Seconds East 332.34 feet to a point;

342.61 feet to a point; running thence in a Southeasterly direction along the arc of a 623.13-foot radius curve an arc distance of 323.03 feet to a point (said arc being subtended by a chord lying to the North thereof and bearing South 80 Degrees 00 Minutes 26 Seconds East 319.43 feet); running thence in a Northeasterly direction along the arc of a 347.00-foot radius curve an arc distance of 115.53 feet to a point (said arc being subtended by a chord lying to the Northwest thereof and bearing North 75 Degrees 36 Minutes 13 Seconds East 115.00 feet); running thence North 66 Degrees 03 Minutes 56 Seconds East 34.86 feet to a point; running thence in a Northeasterly direction along the arc of a 302.36-foot radius curve an arc distance of 81.21 feet to a point (said arc being subtended by a chord lying to the Northwest thereof and bearing North 58 Degrees 22 Minutes 19 Seconds East 80.97 feet); running thence in a Northeasterly direction along the arc of a 350.00-foot radius curve an arc distance of 96.99 feet to a point at THE POINT OF BEGINNING. (said arc being subtended by a chord lying to the Northwest thereof and bearing North 43 Degrees 04 Minutes 08 Seconds East 96.68 feet); containing 25.18 Acres

Together With:

TAX ID 18 100 02 055

Beginning at the intersection of the southerly Right of Way line of North Druid Hills Road (100' Right of Way) and the westerly Right of Way line of Birch Road (60' Right of Way); thence along the westerly Right of Way line of Birch Road South 16 Degrees 31 Minutes 00 Seconds West, 11.94 feet to a point; thence leaving the westerly Right of Way line of Birch Road North 27 Degrees 26 Minutes 59 Seconds West, 27.36 feet to a point; thence North 16 Degrees 31 Minutes 00 Seconds East, 11.94 feet to a point on the southerly Right of Way line of North Druid Hills Road; thence along the southerly Right of Way line of North Druid Hills Road South 72 Degrees 26 Minutes 59 Seconds East, 27.36 feet to The Point of Beginning containing 0.01 Acres.

Outparcel C & D included within Hendon Ring Road.

Site Description
OutParcel C

TAX ID 18 101 02 093

All that tract or parcel of land lying and being in Land Lot 101 of the 18th District, Dekalb County, Georgia being all of Lot 5 Block D of the Pine Ridge Park Subdivision, as recorded in Plat Book 25, Page 96, Dekalb County, Georgia records as further revised and recorded in Plat Book 85, Page 31, Dekalb County, Georgia records being more particularly described as follows:

To find the Point of Beginning commence at an axle found on the Land Lot Line separating Land Lots 101 and 100 located at the southeast corner of Lot 3 Block D of above described subdivision; thence South 89 Degrees 00 Minutes 04 Seconds West 255.00 feet to a point and The Point of Beginning; thence South 89 Degrees 00 Minutes 04 Seconds West 130.00 feet to a point; thence North 06 Degrees 39 Minutes 43 Seconds West, 201.36 feet to a point on the southerly Right of Way line of Latham Road (60' Right of Way); thence along the southerly Right of Way line of Latham Road following the curvature thereof to the left the following chord bearing and distance, North 78 Degrees 26 Minutes 50 Seconds East, 89.55 feet; thence South 16 Degrees 55 Minutes 22 Seconds East, 225.39 feet to The Point of Beginning containing 0.53 Acres.

Site Description
OutParcel D

TAX ID 18 101 02 094

All that tract or parcel of land lying and being in Land Lot 101 of the 18th District, Dekalb County, Georgia being all of Lot 4 Block D of the Pine Ridge Park Subdivision, as recorded in Plat Book 25, Page 96, Dekalb County, Georgia records as further revised and recorded in Plat Book 85, Page 31, Dekalb County, Georgia records being more particularly described as follows:

To find the Point of Beginning commence at an axle found on the Land Lot Line separating Land Lots 101 and 100 located at the southeast corner of Lot 3 Block D of above described subdivision; thence South 89 Degrees 00 Minutes 04 Seconds West 105.00 feet to a point and The Point of Beginning; thence South 89 Degrees 00 Minutes 04 Seconds West 150.00 feet to a point; thence North 16 Degrees 55 Minutes 22 Seconds West, 225.39 feet to a point on the southerly Right of Way line of Latham Road (60' Right of Way); thence along the southerly Right of Way line of Latham Road following the curvature thereof to the left the following chord bearing and distance North 61 Degrees 46 Minutes 15 Seconds East, 90.13 feet; thence South 28 Degrees 02 Minutes 46 Seconds East, 289.62 feet to The Point of Beginning containing 0.67 Acres.