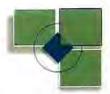
DeKalb County Department of Planning & Sustainability



Michael L. Thurmond Chief Executive Officer Andrew A. Baker, AICP Director



APPLICATION TO AMEND OFFICIAL ZONING MAP OF DEKALB COUNTY, GEORGIA

	Z/CZ No.
	Filing Fee:
Date Received:	Application No.:
Applicant: Lennar Corporation c/o Battle Law	P.C. E-Mail:_mlb@battlelawpc.com
Applicant Mailing Address: One West Court So	quare, Ste. 750 Decatur, GA 30030
Applicant Phone: 404.601.7616	Fax: _404.745.0045
Owner(s): Erskine Park, LLC	E-Mail:
(If more than one owner, attach as I	E-Mail:
Owner's Mailing Address: P.O. Box 2201 Sil	verthorne, Summit, CO 80498
Owner(s) Phone:	Fax:
Address // apation of Subject Property: 4549 Fr	skine Road & 1247 Oakmont Drive, Clarkston, GA 30021
District(s): 18 Land Lot(s): 121	Block: 02 & 12 Parcel(s: 001 & 007
A 10.11	ommission District(s): <u>4 & 6</u>
Present Zoning Category:R-85	Proposed Zoning Category: RSM
Present Land Use Category: SUB	
PLEASE READ TH	E FOLLOWING BEFORE SIGNING
This form must be completed in its entirety be attachments and filing fees identified on the a attachments, shall be determined as incomplete	fore the Planning Department accepts it. It must include the attachments. An application, which lacks any of the required e and shall not be accepted.
Disclosure o	f Campaign Contributions
	oning Act, O.C.G.A., Chapter 36-67A, the following question
must be answered:	n campaign contributions to a local government official within
two years immediately preceding the filling of the	his application? Yes _X_No
If the answer is yes, you must file a disclosi showing;	sure report with the governing authority of DeKalb Count
1. The name and official position	of the local government official to whom the campaig
contribution was made. 2. The dollar amount and description	on of each campaign contribution made during the two year
immediately preceding the filing of	f this application and the date of each such contribution.
A LANCA	0.11
The disclosure must be filed within 10 days after	r (ite application is first filed and must be submitted to the the County, 1300 Commerce Drive, Decator, Ga. 30030.
C.E. Vand the Board of Country Sachers, Denke	
WWW IN PREMEWEL AT ARY	To a Elil (11 9.1-2020
NOTARY	GIGNATURE OF APPLICANT / DATE
11-5-2026: PUBL	Strenck One: Owner Agent
EXPIRATION DATE / SEAL	03
330 West Ponce de Leon Aven	us - Spires 100-500 – Decatur, Georgia – 30030
Ivoice1 404 371 2156 - IPlanning Ea	x] (404) 371-4556 [Development Fax] (404) 371-3007
Email Address: plannin	ganddevelopment@dekalbcountyga.gov
Email Address: planning	ganddevelopment@dekalbcountyga.gov

Revised 1/1/17

dotloop signature verification: dtlp.us/CGMD-tcE1-y1bit

DeKalb County

404.371.2155 (o) 404.371.4556 (f) DeKalbCountyGa.gov Clark Harrison Building 330 W. Ponce de Leon Ave Decatur, GA 30030

Chief Executive Officer	
Michael Thurmond	

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director

Andrew A. Baker, AICP

REZONE APPLICATION AUTHORIZATION

Completion of this form is required if the individual making the request is **<u>not</u>** the owner of the property.

DATE:

CHECK TYPE OF APPLICATION:

- () LAND USE PLAN
- (X) REZONE
- () MINOR MODIFICATION

TO WHOM IT MAY CONCERN:

(I) (WE),_____

Erskine Park, LLC (Name of owner(s))

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

Lennar (Name of	Corporation c/o Battle Law, P.C. Applicant or Agent Representing Ow	vner)
to file an application on (my) / (our)	ELLE C	
Notary Public	NOTARI UBLIC Marie Devine	dotloap verified 09/01/20 5:54 PM EDT RE1N-PYES-KOT6-FSS1
Notary Public	UNTY, GEOUND Owner	
Notary Public	Owner	
Notary Public	Owner	



404.371.2155 (o) 404.371.4556 (f) DeKalbCountyGa.gov

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 (Required prior to filing application: signed copy of this form must be submitted at filing)

Applicant Name: Lennar/c/o Battle Law PC Phone: 404.601.7616 Email: mlb@battlelawpc.com
Property Address: 4549 Erskine Road and 1247 Oakmont Drive, Clarkston, Georgia
Tax Parcel ID: 18 121 02 001, 18 121 12 007
Comm. District(s): 4 & 6 Acreage:12.11 acres
Existing Use: _Residential
Proposed Use: 63 Single-family detached urban townhomes at 5.2 units per acre with density bonus
Supplemental Regs: NA Overlay District: NA DRI: No
Rezoning : Yes _X No
Existing Zoning:R85 Proposed Zoning: RSM
Square Footage/Number of Units:
Rezoning Request: R85 to RSM for Development of Urban detached Townhomes Community
Land Use Plan Amendment: Yes NoX
Existing Land Use:SUBProposed Land Use:NAConsistentX Inconsistent
Special Land Use Permit: Yes NoX_ Article Number(s) 27
Special Land Use Request(s)
NA
Major Modification: NO
Existing Case Number(s):NA
Condition(s) to be modified:



DEPARTMENT OF PLANNING & SUSTAINABILITY

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submitta	al Community Me	eeting: <u>X</u>	Review Ca	lendar I	Dates: X	PC:У	KBOC:
XI	Letter of Intent:	_XImpa	ct Analysis: _X	_Owne	er Authorizatio	on(s):X	_ Campaign
Disclosure:	X Zoning O	Conditions:	X Com	munity (Council Meetin	ng:X_	Public
Notice, Sign	ns:X	Tree Surve	y, Conservation:	X	Land Distu	rbance Perr	nit (LDP):
X	Sketch Plat:	_X	Bldg. Permits:	F	ire Inspection:	:I	Business License:
X	State License:	X	_Lighting Plan:	_X7	Fent Permit:	Sub	mittal Format:
NO STAPL	ES, NO BINDER	S PLEASE					

Review of Site Plan

Density:	X	Density Bonus	es:X_		Mix of Uses:	na	Open Space:	X	
Enhanced	Open Spac	e:x	Setbacks:	front _1	na sides _	_na	_ side corner _n	a	rear
X	Lot Size: _	Frontage	e:	X	_Street Widths:	:	Landscape S	Strips:	X
Buffers:	Par	king Lot Lands	caping:	_NA	Parking - A	Auto:	Parki	ing - B	icycle:
	Screening	:	Streetscap	pes:	Sidewalk	(s:	_Fencing/Walls		Bldg.
Height:	Bldg.	Orientation:	Bldg.	Separat	ion: Bld	g. Mate	rials: Roo	ofs:	
Fenestrati	on:	_Façade Desigr	n:	Garage	es: Pede	estrian P	lan: Per	rimetei	Landscape
Strip:									

Comments: Check traffic capacity of Erskine Road, will be reviewed by County Traffic Engineer. Need to provide justification for RSM zoning in R-85 area, and provide justification for compatibility of proposed two story structures on small lots in midst of larger lot single-family detached community in surrounding area. If providing single-family detached, the perimeter lot compatibility standards of Article 5.2.3 may apply since proposing more than 20 lots; however applicant contends that this is not applicable because these are "urban" d:\pre-app 4549 erskine road aug 12 2020.docx 11/01/2018 MMA



DEPARTMENT OF PLANNING & SUSTAINABILITY

detached and not single-family detached, and the proposed lots are not directly adjacent to the existing perimeter lots. Streetscape requirements required along frontage of Erskine. Landscaping of 3 trees per single-family lot required by Article 5. Applicant has provided 20 foot buffer around the perimeter as required by zoning ordinance. Applicant is encouraged to provide conceptual elevations to show compliance with Building materials requirements in Article 5. Applicant will be abandoning part of Oakmont drive. Applicant will be using public art for a portion of density bonus—location to be determined, may be on or off-site. Applicant already has pre-community Zoom meeting scheduled prior to September 2nd deadline.

 Planner: ___John Reid ______ Date ___8/12/2020 ______

 Filing Fees

 REZONING: RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1 \$500.00

 RRZONING: RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1 \$500.00

 One of the state of



MICHELE L. BATTLE, ESQ. President

August 18, 2020

RE: A Rezoning Project at 4549 Erksine Road, Clarkston, Georgia 30021

Dear Property Owner:

We would like for you to join our Zoom Video Meeting Wednesday, September 2, 2020 from 6:00 pm - 7:00 pm to discuss a proposed Rezoning project for property located at 4549 Erksine Road, and 1247 Oakmont Drive, Clarkston, Georgia 30021. My client, Lennar Corporation, is seeking to rezone the property from R-85 to RSM for the development of 63 Single-Family Urban Detached Townhomes.

Enclosed please find a copy of the site plan that will be discussed.

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

Zoom Meeting Details

Meeting ID: 868 4135 3141 Password: 782142

Internet: <u>https://otago.zoom.us/join</u> Telephone: (646) 558-8656

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

Sincerely,

Míchele L. Battle

Michèle L. Battle

SIGN IN SHEET 4549 Erskine Road & 1247 Oakmont Drive, Clarkston, GA 30021 Zoom Video Conference Meeting

Wednesday, September 02, 2020 6:00 PM – 7:00 PM

Please print legibly

			Zip	Phone	
Name	Address	City, State	Code	Number	Email Address
Beth Lilly					
Elizabeth Lilly	1176 Cimarron Ct, Clackston				
Kathy Steele	4092 Cimarron Dr.			678-209-8022	
Tama McGee	4121 Cimarron Drive	Clarkston		404-683-0215	tamaloc@comcast.net
Shalewa Smith					tssmith821@hotmail.com
Gareth Young	4132 Cimarron Drive	Clarkston GA	30021	404 790-5536	garethjohnyoung@gmail.com
Charmaine Willis					charmainehelps@gmail.com
Aaron Zee	4131 Cimarron Drive				
M Linsey					mrglinsey@yahoo.com
Tracey Harris	1254 Minette Place	Clarkston, GA	30021		
Joe Arrington					jarring55@gmail.com

SIGN IN SHEET 4549 Erskine Road & 1247 Oakmont Drive, Clarkston, GA 30021 Zoom Video Conference Meeting

Wednesday, September 02, 2020 6:00 PM – 7:00 PM

Please print legibly

			Zip	Phone	
Name	Address	City, State	Code	Number	Email Address
Graham C					
Margie & Bill Telfair					
	4150 Oakmont				
Ronald Alston	Ct.				
David Skretch Jr					silvermartin 28@msn.com
Henry Griesbach	1253 Otello Ave				hcabseirg@yahoo.com
Annette & William Sullivan	4136 Oakmont Court	Clarkston, GA			asullivan0808@gmail.com
Diane Bradshaw					dbbradshaw@comcast.net
Carlton, Tamara, Debbie Lipscomb	yuma drive in clarkston				cartamebdezine@gmail.com
Greg Perry					cgnrperry@bellsouth.net
Tracey Harris	1254 Minette Place				
Ron Abercrombie					Rabercr46@att.net

SIGN IN SHEET

4549 Erskine Road & 1247 Oakmont Drive, Clarkston, GA 30021

Zoom Video Conference Meeting

Wednesday, September 02, 2020 6:00 PM – 7:00 PM

		PI	eas eip rint le	eqi B bone	
Name	Address	City, State	Code	Number	Email Address
Graham Calhoun	4050 cimarron				
Larry Dooley					lsdooley@gmail.com
Janet Curtis-					
Dist 4 Community Council member				770-491-6198	
Carol and Donnell Price					chprice43@gmail.com/deeprice98@gmail.com
David Skretch Jr					
karuna Shah					karunashah2012@gmail.com
J Chris Project					
Gareth Young					
	1254 Minette				
Tracey Harris	Place	Clarkston, GA	30021	678-822-3677	traceymharris@gmail.com
				678-358- 6836/404-	
Carol & Donnell Price				849-2112	chprice43@gmail.com/deeprice98@gmail.com
Stacey Alston					salston@waldorfatlanta.org
	1119 Cimarron				
Norman and Ginger Powell	Court				norman.powell@bellsouth.net/gingerf4au@aol.com

SIGN IN SHEET

4549 Erskine Road & 1247 Oakmont Drive, Clarkston, GA 30021

Zoom Video Conference Meeting

Wednesday, September 02, 2020 6:00 PM – 7:00 PM

		F	Pleas eip rint l	egi B loone		
Name	Address	City, State	Code	Number	Email Address	
David Skretch.					Silvermartin 28@msn.com.	
Aaron Zee					alfazoolooz@gmail.com	
Joseph and Rose Arnold					roseandjoe45@gmail.com	
Auctionstaff Kipper						
Laveta Hilton						
Hawi Gemeda					kurisiyoum@gmail.com	
Mary Woldegiorgis					mary.woldegiorgis@gmail.com	
Larry D.						
Kathy Steele's email -					KathySteeleMN@gmail.com	
Ronald Alston						
Michelle McMillan				404-388-4303	kipperm@hotmail.com	
Graham Calhoun					ggcalhoun@gmail.com	

SIGN IN SHEET

4549 Erskine Road & 1247 Oakmont Drive, Clarkston, GA 30021

Zoom Video Conference Meeting

Wednesday, September 02, 2020 6:00 PM - 7:00 PM

		Plea	se print leg	iBhone	
Name	Address	City, State	Code	Number	Email Address
Janice Harris Corry					jmharris220@gmail.com

STATEMENT OF INTENT AND IMPACT ANALYSIS

and

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

of

Lennar Georgia, Inc.

for

12.11± acres of land located at 4549 Erskine Park and 1247 Oakmont Drive Land Lot 121 of the 18th District, DeKalb County, GA

Submitted for Applicant by:

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

I. STATEMENT OF INTENT

The Applicant, Lennar Georgia, Inc. is seeking to rezoned the properties located at 4549 Erskine Park and 1247 Oakmont Drive, along with the unopened portion of Oakmont Drive which cuts through the property (collectively, the Subject Property"), to be rezoned from R-85 to RSM for the development of a 63 unit urban detached townhome community, at a density of 5.20 units per acre. The Subject Property has a land use designation of Suburban. In order to achieve the density bonus of 1.2 units per acre, the Applicant will be providing the following:

- Public sidewalk connection to Stone Mountain Trail with a new 8 ft multi-use path of 1,480 linear feet or .28 miles (0.8 density credits) as shown on the submitted site plan.
- 2. Public art. (.8 density credits).

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

II. IMPACT ANALYSIS

(a) <u>Suitability of use</u>: The proposed rezoning will allow for the development of residential lots at a density that is suitable for the area considering the existing uses and zoning classifications in the area, which are all for residential development. The proposed urban detached townhome community will allow for a product that is attractive to young professionals and empty nesters who have a desire to live near the Stone Mountain Trail, with easy access to Highway 78, and within a short distance of Stone Mountain Park.

- (b) <u>Effect on adjacent property</u>: The proposed development will have a positive impact on the surrounding community. First, it will provide for new homes owners in the area, on a underdeveloped lot. Second, the anticipated price points on the homes be equal to or greater than the surrounding home values, which will help support the existing home values in the area. Third, the Applicant will be making improvements to access to Stone Mountain Trail which will benefit the surrounding community.
- (c) <u>Effect on public facilities</u>: The Subject Property is in an area with public utility availability. The proposed rezoning will not cause excessive use of streets, transportation facilities, or utilities in the area.
- (d) Economic use of current zoning: The Subject Property has no use as currently zoned R-85. The current owner of the Subject Property has been marketing the property for sale since 2013. To date no prospective purchaser has been willing to develop the Subject Property as current zoned. Due to the increase in construction costs, along with the extensive improvements now required by Dekalb County for residential subdivisions, including, internal sidewalks, street trees, street lights, open space requirements, right of way dedication together with public streetscape requirements, detention requirements, and new home design requirements, the cost of development would far exceed the current density allowed on the Subject Property. Additionally, the current market supports smaller lot development.
- (e) <u>Effect on historic building, sites, etc</u>. The approval of this Application will not have any adverse impact on any historic buildings, sites, districts or archaeological resources in the area.

(f) <u>Compatibility with Comprehensive Land Use Plan</u>. The Subject Property has a land use designation of Suburban which supports the RSM zoning district.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Land use Amendment Application at issue be approved. Please note that the Applicant's Notice of Constitutional Allegations and Preservation of Constitutional Rights have been submitted with this Application and are attached hereto and by this reference incorporated herein.

This 3rd day of September, 2020.

Respectfully submitted,

Michèle L. Battle, Esq. Attorney For Applicant

NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF

CONSTUTIONAL RIGHTS

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

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

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

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

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

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

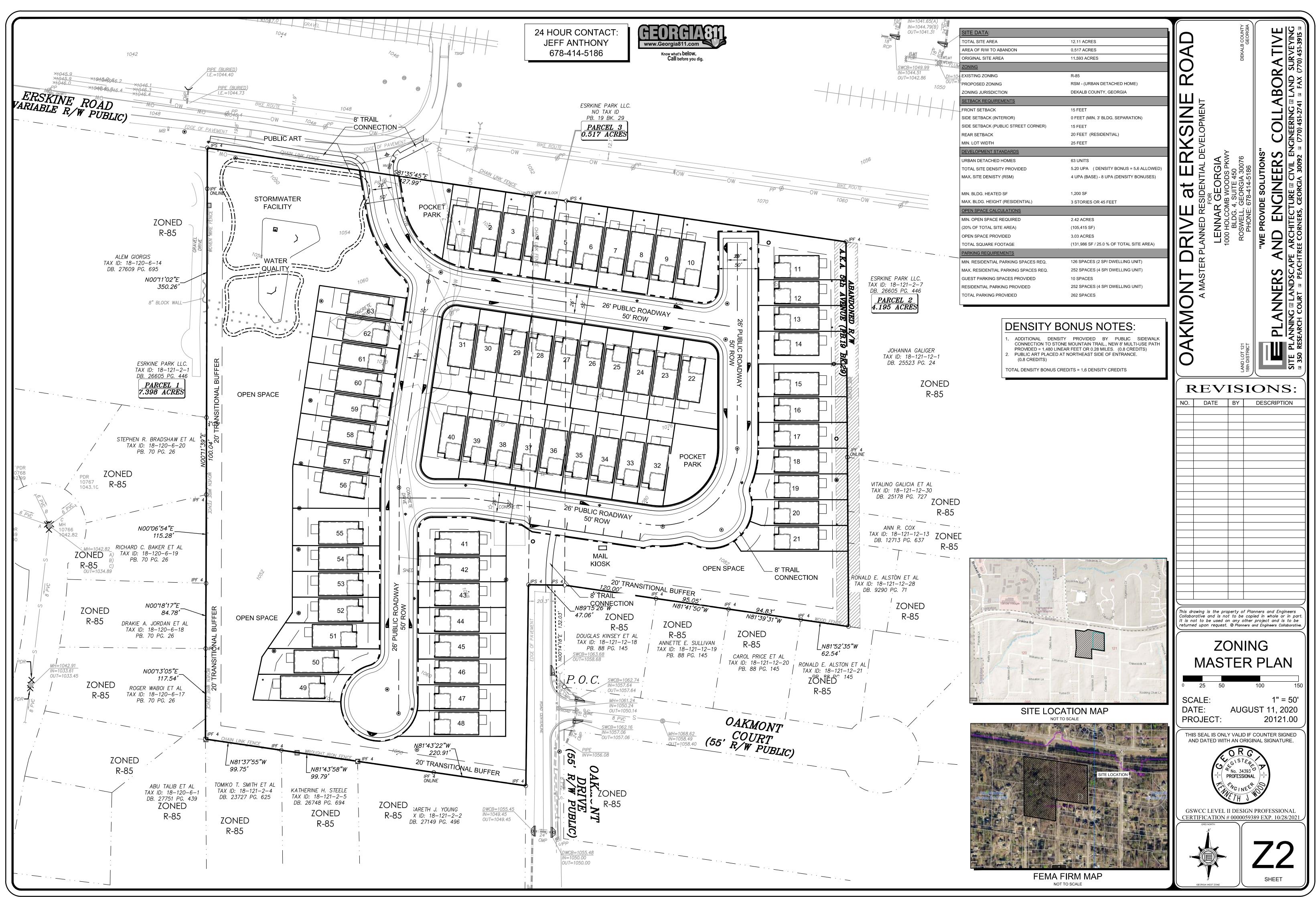
The existing zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If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

CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

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

GOV'T OFFICIAL	OFFICIALPOSITION	AMOUNT OF CONTRIBUTION
Kathie Gannon	Commissioner	\$350
Mereda Davis Johnson	Commissioner	\$500
Larry Johnson	Commissioner	\$700
Lorraine Cochran-Johnson	Commissioner	\$250

By: Printed Name: Michely BAH



2020/2012100\De\Concepts & Exhibits\Zoning\20121.00-Site-Zone-2.dwg - HTodd - 09/03/2020 11:06 A









COUNTY CLERK

NOTES

1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA. EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION SUPPLIED AND TO THE SURVEYOR'S BEST KNOWLEDGE ARE APPROXIMATELY AS SHOWN. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

2. I HAVE EXAMINED THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR DEKALB COUNTY. GEORGIA AND INCORPORATED AREAS. COMMUNITY PANEL NUMBER 13089C0078K, EFFECTIVE DATE AUGUST 15, 2019 AND FOUND THE PROPERTY SHOWN HEREON TO FALL WITHIN A DESIGNATED FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD.

3. THE ORTHOMETRIC HEIGHTS (ELEVATIONS AND CONTOURS) SHOWN HEREON WERE DETERMINED BY GPS OBSERVATIONS AND WERE ADJUSTED BY PLANNERS AND ENGINEERS COLLABORATIVE IN JUNE 2020. NORTH AMERICAN DATUM OF 1983 (NAD83), NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), GEORGIA WEST ZONE STATE PLANE COORDINATES.

4. THE TERM "CERTIFICATION" RELATING TO PROFESSIONAL ENGINEERING AND LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

5. THE TOPOGRAPHIC INFORMATION SHOWN HEREON IS ONLY INTENDED TO COVER A SPECIFIC PORTION OF THE SUBJECT PROPERTY.

6. THE PROPOSED PARCELS SHOWN HEREON MAY OR MAY NOT CONSTITUTE A LEGAL SUBDIVISION.

7. NO ZONING INFORMATION PROVIDED FOR BUILDING SETBACKS.

8. NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

7. THE UNDERGROUND UTILITIES SHOWN HEREON WERE DETERMINED BY LOCATING PAINT MARKINGS CREATED BY SUBSURFACE UTILITY INVESTIGATIONS, LLC. - PHONE-(770) 557–4142.

TITLE EXCEPTIONS

CalAtlantic Commitment number 189003-002475-GA with an effective date of June 9. 2020 was used in the preparation of this survey and the listed exceptions are as follows:

- 4. Easement from J. E. Zucker to Georgia Power Company, dated May 9, 1950, filed for record June 13, 1950, recorded in Deed Book 814, Page 395(a), DeKalb County, Georgia records (This is an Old Georgia Power easement that is blanket in nature).
- 5. Deleted.
- 6. Title to that portion of the Land lying within the bounds of Fourth Avenue; Williams Street aka Williams Road; Fifth Avenue; Oakmont Drive and Rays Road right(s)—of—way (Upon the abandonment proceedings for 5th Ave and Oakmont, this exception will be deleted.).
- Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variation, or other adverse circumstance affecting the Title disclosed by plat(s) recorded in Plat Book 1, Page 18, Dekalb County, Georgia records. (Affects all Parcels).
- 8. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variation, or other adverse circumstance affecting the Title disclosed by plat(s) recorded in Plat Book 19, Page 29, Dekalb County, Georgia records. (Áffects Parcels 2 & 3).

APPROX.	Approximate	I.E.	Invert Elevation
#4	1/2" Rebar	IPF	Iron Pin Found
C&G	Curb and Gutter	IPS	Iron Pin Set
CLF	Chain Link Fence	LP	Light Pole
CMP	Corrugated Metal Pipe	MW	Monitoring Well
C0	Clean Out	N/F	Now or Formerly
CPP	Corrugated Plastic Pipe	OTP	Open Top Pipe
DB	Deed Book	PB	Plat Book
DI	Drop Inlet	PG	Page
DE	Drainage Easement	PKF	PK Nail Found
EOP	Edge of Pavement	PKS	PK Nail Set
EPP	Electric Power Pole	POB	Point of Beginnir
EPAN	Electric Panel	POC	Point of Comme
ESMT	Easement	PVC	Polyvinyl Chloride
FES	Flared End Section	RBC	Rebar Capped
FFE	Finish Floor Elevation	RCP	Reinforced Concr
FH	Fire Hydrant	RWM	Right of Way Mo
FLGP	Flag Pole	SSE	Sanitary Sewer E
GA	Georgia	SSMH	Sanitary Sewer N
GM	Gas Meter	TRAN	Transformer
GW	Guy Wire	VCP	Vitrified Clay Pip
HDR	Hand Rail	W.D.F.	Wood Fence
H.W.	Hard Wood	WM	Water Meter
HW	Headwall	WV	Water Valve
ICV	Irrigation Control Valve		

Well rmerly Pipe und ginning ommencemen hloride Pipe Concrete Pipe ay Monument ewer Easement ewer Manhole ay Pipe

LEGAL DESCRIPTION PARCEL 1

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 121 of the 18th District, Dekalb County, Georgia and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, COMMENCE at a point located at the intersection of the northerly Right—of—Way (R/W) line of Oakmont Court (55' R/W public) and the easterly R/W of Oakmont Drive (55' R/W public); thence North 00 degrees 14 minutes 18 seconds East a distance of 132.03' to a #4 iron pin set; thence North 89 degrees 15 minutes 26 seconds West a distance of 47.06' to a #4 iron pin set; said point being THE TRUE POINT OF BEGINNING., thence South 00 degrees 44 minutes 34 seconds West a distance of 261.19' to a #4 iron pin found; thence North 81 degrees 43 minutes 22 seconds West a distance of 220.91' to a #4 iron pin found; thence North 81 degrees 43 minutes 58 seconds West a distance of 99.79' to a #4 iron pin found; thence North 81 degrees 37 minutes 55 seconds West a distance of 99.75' to a #4 iron pin found; thence North 00 degrees 13 minutes 05 seconds East a distance of 117.54' to a #4 iron pin found; thence North 00 degrees 18 minutes 17 seconds East a distance of 84.78' to a #4 iron pin found; thence North 00 degrees 06 minutes 54 seconds East a distance of 115.28' to a #4 iron pin found; thence North 00 degrees 11 minutes 39 seconds East a distance of 100.04' to a #6 open top pipe found; thence North 00 degrees 11 minutes 02 seconds East a distance of 350.26' to a #4 iron pin set; thence South 81 degrees 35 minutes 45 seconds East a distance of 427.99' to a #4 iron pin found; thence South 00 degrees 44 minutes 34 seconds West a distance of 504.90' to a #4 iron pin set; and THE TRUE POINT OF BEGINNING.

Said tract having an area of 7.398 acres.

LEGAL DESCRIPTION PARCEL 2

ALL THAT TRACT OR PARCEL OF LAND Iving and being in Land Lot 121 of the 18th

TO FIND THE POINT OF BEGINNING, COMMENCE at a point located at the intersection of the northerly Right—of—Way (R/W) line of Oakmont Court (55' R/W public) and the easterly R/W of Oakmont Drive (55' R/W public); thence North 00 degrees 14 minutes 18 seconds East a distance of 132.03' to a #4 iron pin set; said point being THE TRUE POINT OF BEGINNING., thence North 00 degrees 14 minutes 18 seconds East a distance of 499.10' to a #4 iron pin set; thence South 81 degrees 40 minutes 48 seconds East a distance of 367.12' to a #4 iron pin found; thence South 00 degrees 22 minutes 00 seconds East a distance of 499.67' to a point; thence North 81 degrees 52 minutes 35 seconds West a distance of 62.54' to a #4 iron pin found; thence North 81 degrees 39 minutes 31 seconds West a distance of 94.83' to a #4 iron pin found; thence North 81 degrees 41 minutes 50 seconds West a distance of 95.05' to a #4 iron pin found; thence North 81 degrees 40 minutes 41 seconds West a distance of 120.00' to a #4 iron pin set; and THE TRUE POINT OF BEGINNING.

Said tract having an area of 4.195 acres.

LEGAL DESCRIPTION PARCEL 3

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 121 of the 18th District, Dekalb County, Georgia and being more particularly described as follows:

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Said tract having an area of 0.517 acres.

LINETYPES

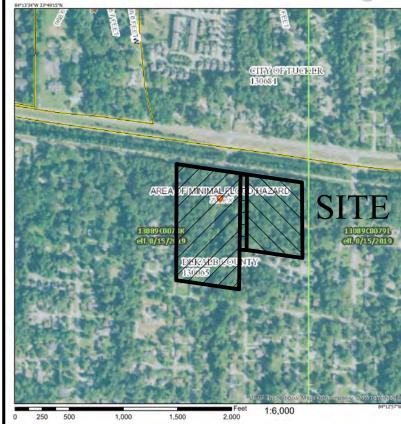
PROPERTY				
	Adjacent Property			
	Property Line			
	Center of Creek			
FENCE LINES				
X	Barb Wire Fence			
o	Chain link fence			
O	Wood Fence			
#	Woven Wire Fence			
<u>SITE / TOPOGRAPHIC FEATURES</u>				
0 0 0	Guardrail			

EXISTING OVERHEAD

EXISTING UNDERGROUND ----- C ----- Cable -----E ----- Electric -----F0----- Fiber Optic ----- G ----- Gas -----T---- Telecommunications -----W----- Water

-----Ty---- Television Storm Drainage Line _____S ____ Sanitary Sewer

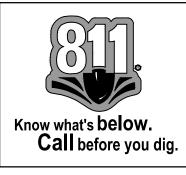
National Flood Hazard Layer FIRMette



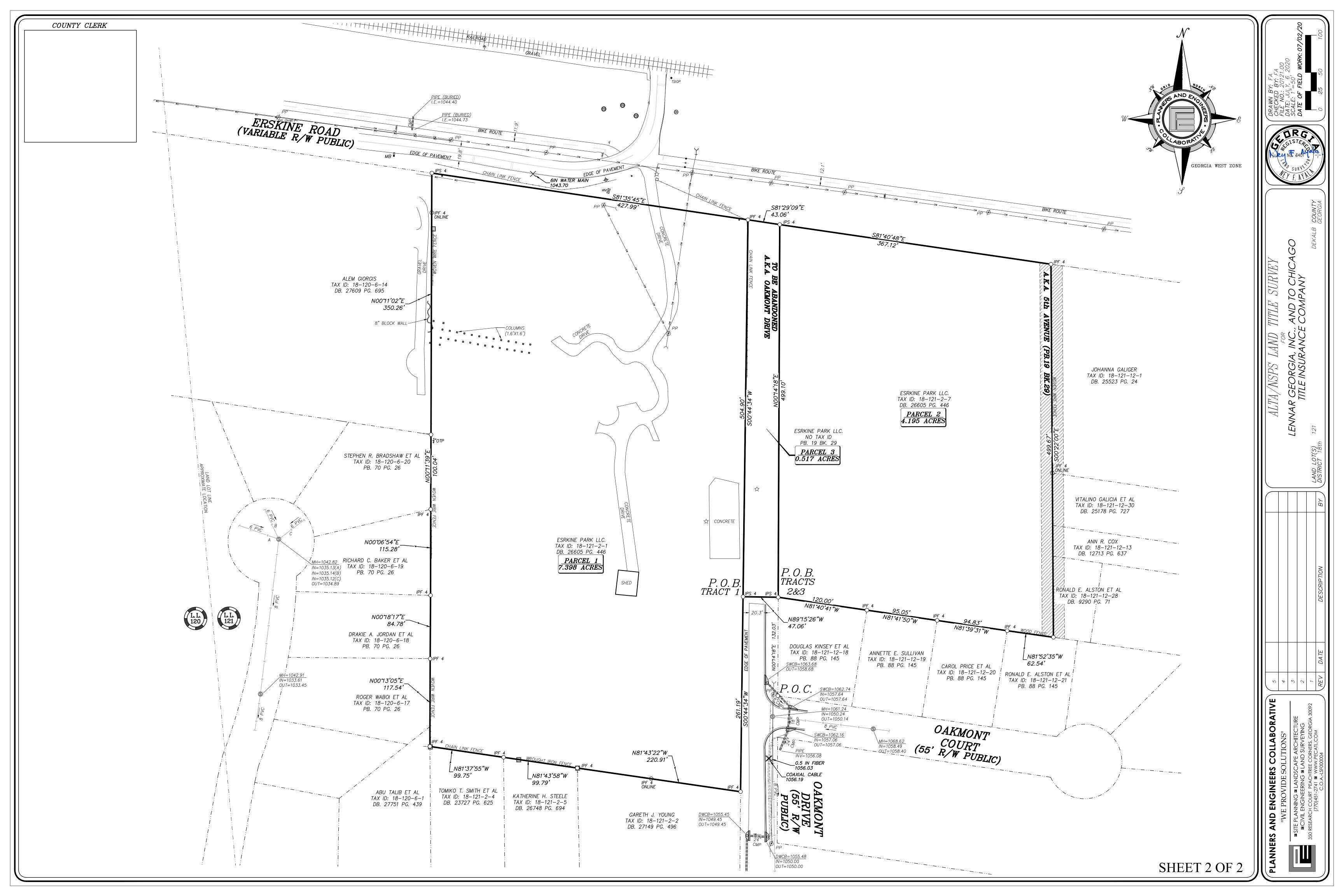
LEGEND

O IPF	IRON PIN FOUND (#4 Re-Rod unless noted otherwise)
O IPS	IRON PIN SET (#4 Re-Rod unless noted otherwise)
O OT PIPE	IRON PIN FOUND (open top pipe)
O CT PIPE	IRON PIN SET (crimp top pipe)
0	POINT
⊡ CMF	CONCRETE MONUMENT FOUND
S MH	SANITARY SEWER MANHOLE
Ø	GREASE TRAP
Ø	CLEANOUT
	TELEPHONE MANHOLE
à	ACCESS MANHOLE
<u> </u>	SANITARY SEWER LINE
	STORM DRAINAGE LINE
- <i>-CS</i>	COMB. STORM & SAN. SEWER LINE
	SINGLE WING CATCH BASIN LEFT
	SINGLE WING CATCH BASIN RIGHT
	DOUBLE WING CATCH BASIN
<u>6</u>	OUTLET CONTROL STRUCTURE
(B)	JUNCTION BOX
()	YARD INLET
	GRATE INLET
	CURB INLET
	DROP INLET
	HEADWALL
🔲 W.I.	WEIR INLET
0	IRRIGATION VALVE
Q PP	POWER POLE
Q TP	TRAFFIC POLE
Q 5P	SERVICE POLE
$\!$	POWER POLE W/ GUY WIRE
	OVERHEAD POWER / TELEPHONE LINE
ЕM	ELECTRIC METER
ΕT	ELECTRIC TRANSFORMER
EB	ELECTRIC BOX
AC	AIR CONDITIONER UNIT
WK	WATER METER
×	WATER VALVE
<u>GM</u> .GV.	GAS METER
k× ↓	GAS VALVE
φ- <i>FH</i>	FIRE HYDRANT
W	WATER LINE
*	LIGHT POLE
TW	TOP OF WALL
(SO310'W)	CALLS PER DEED
BW	BOTTOM OF WALL
	WALL (TYP)
BW	BLOCK WALL
BRW CW	BRICK WALL CONCRETE WALL
RCP	REINFORCED CONCRETE PIPE
B.S.L.	BUILDING SETBACK LINE
- 0 -	SIGN
	DRAINAGE ARROW
	MAILBOX
*	GAS LIGHT
0	BOLLARD

District, Dekalb County, Georgia and being more particularly described as follows:



<form> A B B B C <t< th=""><th><image/></th><th>ALB COUNTY GEORGIA ALB COUNTY GEORGIA ALB COUNTY ALB COUNTY GEORGIA ALB COUNTY C C C C C C C C C C C C C C C C C C C</th></t<></form>	<image/>	ALB COUNTY GEORGIA ALB COUNTY GEORGIA ALB COUNTY ALB COUNTY GEORGIA ALB COUNTY C C C C C C C C C C C C C C C C C C C
	SITE AREA: PARCEL 1:7.398 ACRES AL95 ACRES DARCEL 3:OVERALL SITE:0.517 ACRESOVERALL SITE:12.110 ACRES	ALTA/NSPS LAND TITLE SURVEY FOR LENNAR GEORGIA, INC., AND TO CHICAGO TITLE INSURANCE COMPANY LAND LOT(S), 121 LAND LOT(S), 121 DEKAL
	The field data upon which this map or plat is based has a closure precision of one foot in 66,396 feet and an angular error of 00'00'02" per angle point and was adjusted using the compass adjustment rule. This map or plat has been calculated for closure and is found to be accurate to within one foot in 150,251 feet. PARCEL 1 PARCEL 2 EQUIPMENT USED: ANGULAR: TOPCON TOTAL STATION LINEAR: TOPCON TOTAL STATION Detail Requirements for ALTA/NSPS Land Title Survey, on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1-4, 8, 9, 10, 13, and 16 of Table A thereof. The field work was completed on: Date of Map or Plat: July 6, 2020.	Image: Sand Engineers Collaborative 5
		PLANNERS AND ENO "WE PR "WE PR "SITE PLANNING CIVIL ENG 350 RESEARCH COI (770)4



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BOSTON B COLUMBIA B BOSTON C COLUMBIA C ATLANTA C



ATLANTA DIVISION 1000 HOLCOMB WOODS PKWY BLDG 400 SUITE 450 ROSWELL GA 30076