

STATE OF GEORGIA  
COUNTY OF FULTON

**RESOLUTION TO APPROVE FIRST AMENDMENT TO MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CITY SPRINGS**

**WHEREAS**, on April 19, 2016 at a specially called meeting of the City of Sandy Springs Public Facilities Authority (“Authority”), the Authority adopted a resolution approving, among other things, the Master Declaration of Covenants, Conditions and Restrictions for City Springs (“Master Declaration”) the City Springs project (“Project”); and

**WHEREAS**, the Master Declaration provides for certain required restrictions and easements necessary for the development, construction, use, operation and maintenance of the City Springs project (“Project”); and

**WHEREAS**, Section 6.9 of the Master Declaration contains provision relating to utility easements within the public roadways or the City parking parcel at the Project; and

**WHEREAS**, Section 6.9 contemplates running utility lines through the dirt within the public roadway, which would require disruption of the roadway each time one of the lines needs repair; and

**WHEREAS**, it is more feasible to locate utility lines just below the public roadway area under the lid of the parking deck to allow for easier access for repairs and maintenance and, therefore, it is desirable to provide such a method of locating utility lines; and

**WHEREAS**, to provide for this method of locating utility lines, Section 6.9 of the Master Declaration must be revised as provided in the First Amendment to Master Declaration of Covenants, Conditions and Restrictions for City Springs (“First Amendment”), attached hereto; and

**WHEREAS**, the members of the Authority desire to approve the First Amendment to provide for the suggested method of locating utility lines at the Project.

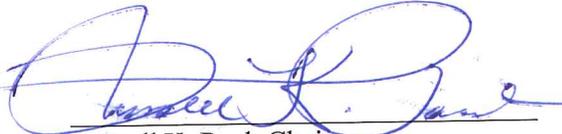
**NOW, THEREFORE, BE IT RESOLVED** by the City of Sandy Springs Public Facilities Authority, while in session on March 21, 2017, as follows:

1. The First Amendment is hereby approved; and
2. The Authority’s attorney is hereby directed to file the First Amendment in the records of the Clerk of Superior Court, Fulton County, Georgia, following its execution; and
3. The General Manager of the Authority and Authority’s attorney are hereby authorized to take such actions deemed necessary or prudent to effectuate the intent of this resolution.

**RESOLUTION NO. 2017-03-45**  
**Public Facilities Authority**

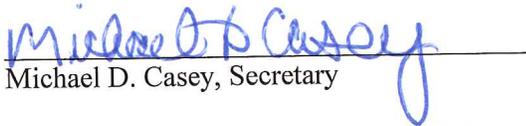
**RESOLVED** this the 21<sup>st</sup> day of March 2017.

Approved:

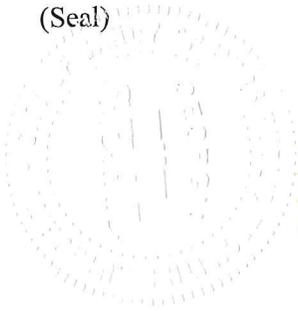


Russell K. Paul, Chairman

Attest:

  
Michael D. Casey, Secretary

(Seal)



**ATTACHMENT**

**FIRST AMENDMENT TO MASTER DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR CITY SPRINGS**

After recording return to:

Law Offices of Wendell K. Willard  
7840 Roswell Road  
Building 300, Suite 330  
Sandy Springs, Georgia 30350  
Attention: Wendell K. Willard, Esq.

**FIRST AMENDMENT TO MASTER DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR CITY SPRINGS**

**THIS FIRST AMENDMENT TO MASTER DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR CITY SPRINGS** ("First Amendment") is made by the City of Sandy Springs Public Facilities Authority, a political subdivision of the State of Georgia ("Declarant") and is effective the \_\_\_\_\_ day of \_\_\_\_\_, 2017 ("Effective Date").

**Recitals**

A. Declarant made and recorded that certain Master Declaration of Covenants, Conditions and Restrictions for City Springs, dated June 15, 2016 ("Master Declaration"), and recorded June 16, 2016, in Deed Book 56269, Page 444 in the records of the Clerk of Superior Court, Fulton County, Georgia ("Public Records").

B. Pursuant to Section 11.2(a) of the Master Declaration, Declarant has the authority to unilaterally amend the Master Declaration as set forth herein by instrument in writing executed by Declarant and placed in the Public Records.

**Amendment**

**NOW, THEREFORE**, for valuable consideration including the recitals above, which are herein incorporated below, the Declarant hereby amends the Master Declaration as follows:

1. **Utility Easements within the Public Roadways.** Section 6.9 of the Master Declaration is hereby deleted in its entirety, and is replaced with the following new Section 6.9:

“6.9 **Utility Easements within the Public Roadways.** Each Owner shall have a nonexclusive easement to run utility facilities under and through the Public Roadways and/or along the top of the City Parking Parcel just below the lid of the parking deck structure in order to connect to existing public utility facilities or to connect the utility facilities serving different Parcels within the Property to one another; provided, however, that prior to any Owner placing utility facilities within the Public Roadways, such Owner must submit the plans and specifications for such utility facilities to the City, as the party that is responsible for the initial construction and ongoing repair, replacement and maintenance of the Public Roadways pursuant to the public Roadway Easement, and receive official approval from the City of the same and prior to any Owner placing utility facilities along the top of the City Parking Parcel, such Owner must submit plans and specifications for such utility facilities to the Authority, as the owner of the City Parking Parcel, and receive official approval from the Authority of the same.”

2. **Miscellaneous.** This First Amendment shall be recorded in the Public Records, shall run with the land and each estate therein and shall be binding upon all persons having or acquiring any right, title or interest in the Property or any Parcel therein. Any capitalized terms not defined herein shall have the same meaning as in the Master Declaration. Except as otherwise modified herein, the terms and conditions of the Master Declaration shall remain in full force and effect. In the event of a conflict between this First Amendment and the Master Declaration, the terms of this First Amendment shall control.

(signatures on the following page)

IN WITNESS WHEREOF, Declarant has executed this First Amendment to Master Declaration of Covenants, Conditions and Restrictions for City Springs, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Signed, sealed and delivered in the presence of:

Kristin Bogner

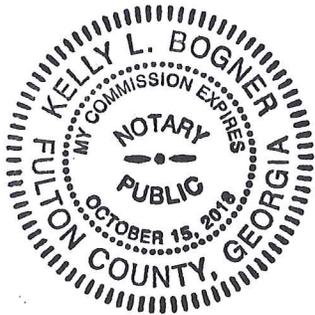
Witness

Kelly Bogner

Notary Public

My commission expires: Oct. 15, 2018

[NOTARY SEAL]



**CITY OF SANDY SPRINGS PUBLIC FACILITIES AUTHORITY**, a political subdivision of the State of Georgia

By: Russell K. Paul

Name: Russell K. Paul  
Title: Chairman

Attest:

By: Michael Casey  
Name: Michael Casey  
Title: Secretary

