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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council                      **DATE:** August 14, 2014

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** Public Comment on the Application to Obtain Abandonment of Right of Way of Lake Allen Lane filed by JW Homes, LLC, Applicant of behalf of the Residents of Lake Allen Lane

**MEETING DATE:** For Submission onto the August 19, 2014, City Council Regular Meeting Agenda

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*BACKGROUND INFORMATION: (Attach additional pages if necessary)*

See attached:

Memorandum  
Exhibits

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**APPROVAL BY CITY MANAGER:**                     JPM                     APPROVED

**PLACED ON AGENDA FOR:** 08/19/2014

**CITY ATTORNEY APPROVAL REQUIRED:** (  ) YES      (    ) NO

**CITY ATTORNEY APPROVAL:**                     SJC                    

**REMARKS:**



TO: Mayor and City Council for the City of Sandy Springs, Georgia

FROM: John McDonough, City Manager

DATE: August 12, 2014, for submission onto the August 19, 2014 Mayor and City Council Meeting Agenda

ITEM: Public Comment on the Application to Obtain Abandonment of Right of Way of Lake Allen Lane filed by JW Homes, LLC, Applicant on behalf of the residents of Lake Allen Lane.

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**Recommendation:**

The City Manager requests guidance from the Mayor and City Council approve the Application and Affidavit to Obtain Abandonment of Right of Way ("Application") along Lake Allen Lane of approximately 0.824 acres of Right of Way. The Subject property is located in Land Lot 90 of the 17<sup>th</sup> District of Fulton County, Georgia.

**Background:**

The City received the Application from JW Homes, LLC ("Applicant"), on behalf of the residents of Lake Allen Lane, requesting that the City abandon its interest in the Right of Way known as Lake Allen Lane. The Applicant has entered into a contract to purchase each of the residential properties along Lake Allen Lane. Pursuant to the City's Right of Way Policy, the Assistant City Manager sought the direction of the Mayor and Council on this Application. At the July 15, 2014 Council Meeting, the Mayor and Council were informed that City staff had performed an initial assessment of the Applications and determined that it was in the City's interest to abandon said Right of Way. The Mayor and City Council instructed City staff to preliminarily move forward with the Application request as directed by the City Manager, and the Application is now before the Mayor and Council for a public hearing and final approval or denial by the Mayor and Council.

**Discussion:**

Once the Mayor and City Council authorized City staff to move forward with the abandonment process at the July 15, 2014 City Council meeting, City staff posted public notice signs at the abandonment site and advertised the abandonment hearing in the legal organ of Fulton County for two consecutive weeks. The Application is now before the Mayor and Council for a public hearing. If the Mayor and Council decide to approve the Application, then the Right of Way known as Lake Allen Lane will be abandoned by the City. The City would not be required to make any Right of Way enhancements prior to relinquishing it, other than routine maintenance work.

**Alternatives:**

If the Mayor and City Council elect not to approve the application, the Applicant likely will not move forward with their planned development along Allen Road and Sandy Springs Circle.

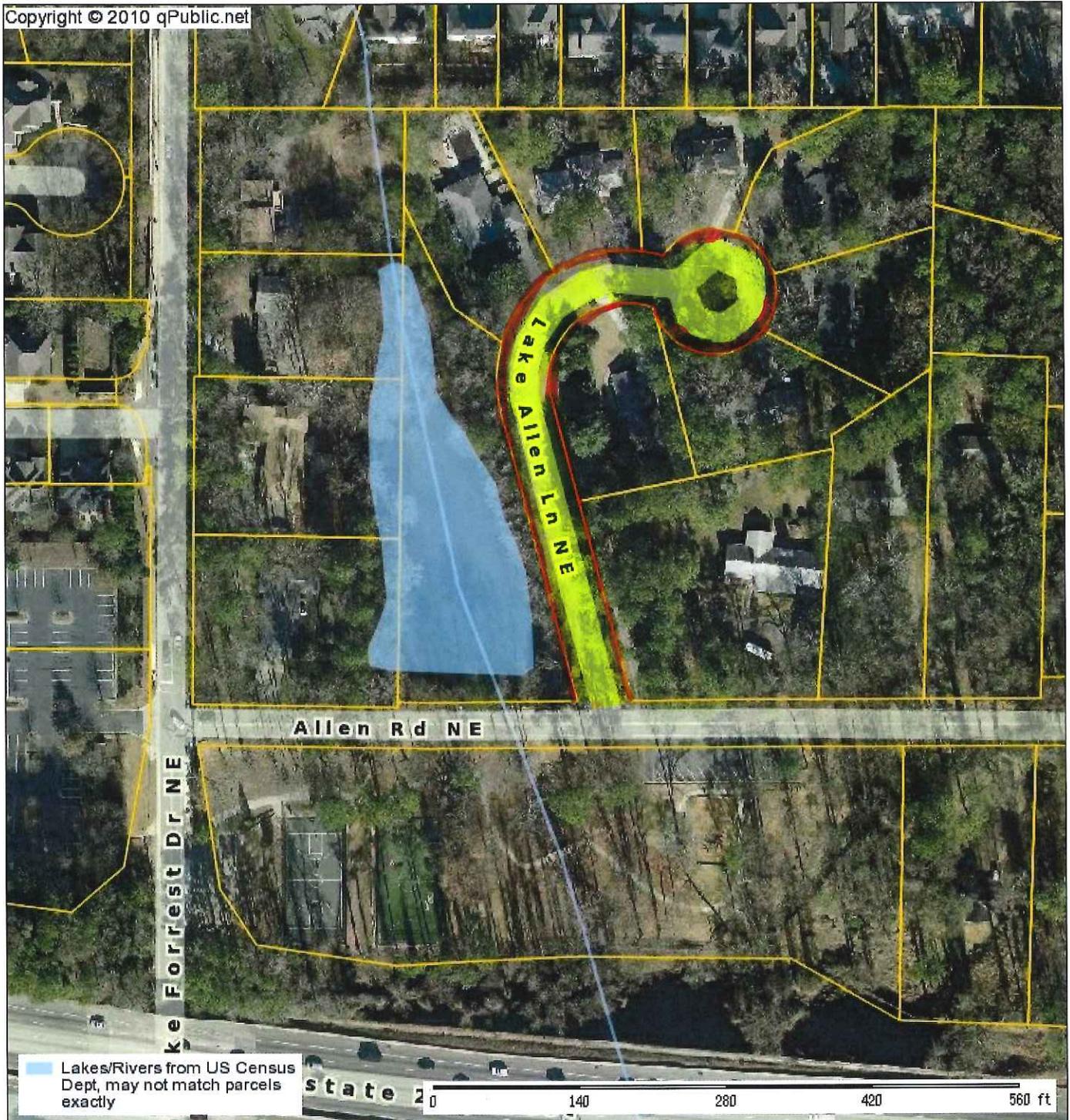
**Financial Impact:**

There would be a financial benefit in the form of additional property tax revenue to the City if the portion of Sandy Springs Circle (a/k/a Allen Court) right-of-way is abandoned and furthermore developed as part of an 88 unit single family and townhome residences.

**Attachments:**

Exhibits

- Aerial and GIS Maps
- Application including Plats and Legal Descriptions and Signed Petitions, etc.
- Resolution



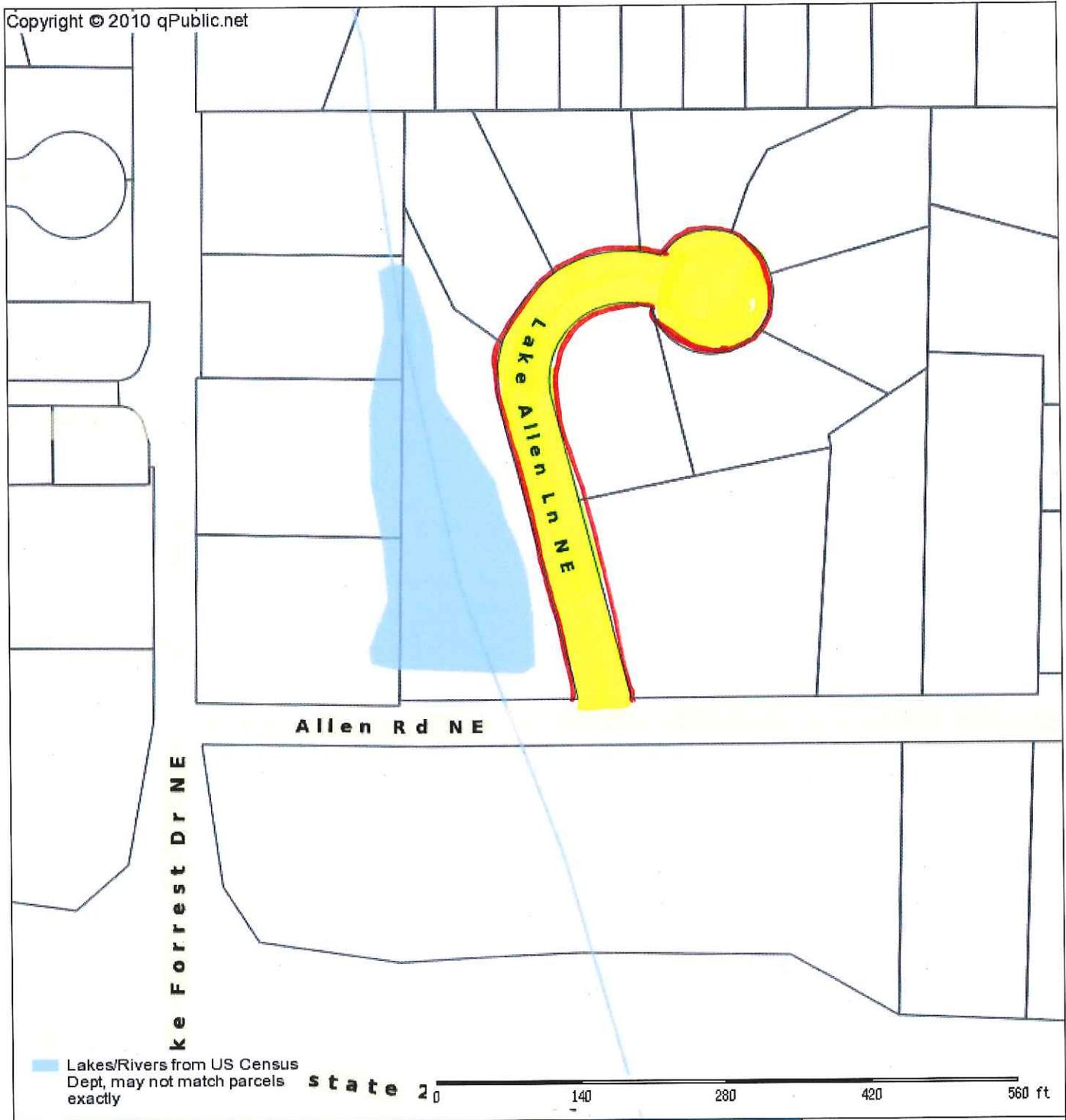
Lakes/Rivers from US Census Dept, may not match parcels exactly

**JW HOMES, LLC ROW ABANDONMENT REQUEST / LAKE ALLEN LANE**

Parcel: undefined Acres:

Name:		Land Value:	
Site:		Building Value:	
Sale:		Misc Value:	
Mail:		Total Value:	





Lakes/Rivers from US Census Dept, may not match parcels exactly



**JW HOMES, LLC ROW ABANDONMENT REQUEST / LAKE ALLEN LANE**

Parcel: undefined Acres:	
Name:	Land Value:
Site:	Building Value:
Sale:	Misc Value:
	Total Value:
Mail:	



**STATE OF GEORGIA**

**FULTON COUNTY**

**APPLICATION AND AFFIDAVIT TO OBTAIN ABANDONMENT OF RIGHT-OF-WAY**

COMES NOW, JW Homes, LLC, the undersigned applicant, and makes the following affidavit and application to the City of Sandy Springs, Georgia ("Sandy Springs"). All facts contained herein are made under oath and notarized and the applicant, having been duly sworn under oath, states as follows:

1.

The applicant is the contract purchaser of the property set forth in the attached exhibit and has obtained consent for this application from the owners of the property set forth in the attached vesting deeds and adjoining the right-of-way of Lake Allen Lane as shown on the attached survey.

2.

The applicant is requesting that the right-of-way of Lake Allen Lane be abandoned for the following reasons: The ROW will become part of the proposed 88 lot residential development currently named "Allen Road Tract".

3.

In the event the right-of-way is abandoned by Sandy Springs, such abandonment will not adversely affect any party in the immediate surrounding area and applicant states under oath that applicant knows of no party who would be left landlocked, in a hardship condition, or who objects to this abandonment.

4.

Applicant states that any other parties with any potential or actual interest in the right-of-way have been notified by sending such person a copy of this affidavit.

5.

The history of the right-of-way, from its construction and dedication, through all its recorded owners till the present, is as follows: (year dedicated either by plat or deed, currently being used by which landowners, etc., submit copies of any recorded plats or deeds.)

Lake Allen Lane was acquired by the Developer prior to the subdivision of the acreage into Lake Allen Estates. The road was constructed in connection with the subdivision that first appears on the subdivision plat for Lake Allen Estates recorded at Plat Book 76, page 20, Fulton County, Georgia records. The dates of approval appear to be between January 2 and January 10, 1963 with the plat being recorded of record on January 14, 1963. No separate deed for said right-of-way nor a recordation of the plat has been found of record which indicates that said right-of-way has been in continuous use from 1963 until the date of this application.

6.

The physical condition of the right-of-way as of the date of this application is as follows: (state whether paved, overgrown with trees, or whether there is any physical evidence of use): R.O.W. currently used as public road that provides access to 7 private residences. The 7 residences are part of the consolidation and will be purchased as part of the proposed project.

7.

Applicant hereby agrees to hold Sandy Springs harmless from any and all responsibility, liability or damage of any type whatsoever regarding the abandonment of the City's interest in said right-of-way. It is understood by the applicant that applicant is not entitled to any abandonment as a matter of right, but only upon the terms and conditions as contained in this affidavit. Applicant hereby agrees The MCC may elect to sell the abandoned rights-of-way at its fair market value. The final decision regarding the disposition of the right-of-way abandonment will be made by the Sandy Springs MCC.

8.

Applicant agrees to furnish Sandy Springs, Georgia with a plat of survey, not more than ninety (90) days old, showing the location of the current right-of-way, the boundary lines of applicant's property, and the area of rights-of-way to be abandoned, as well as identify all utilities and drainage structures, pipes and ditches within the area of the subject right-of-way. Further, applicant agrees to record in the records of the Clerk of Fulton Superior Court, Atlanta, Georgia the original quitclaim deed and boundary survey depicting the abandoned right-of-way, within forty-eight (48) hours following the granting of any abandonment of such right-of-way.

9.

In the event the abandonment is granted, applicant consents to the fact that thereafter the City shall not be required to reinstall, construct, or otherwise expend City funds to improve subject abandoned right-of-way.

10.

Applicant shows that, if the abandonment is granted, applicant's proposed use of caption property after the abandonment is as follows: The property will be part of the interior of the proposed project. Large portions of the R.O.W. are in Stream Buffers and those will be partially restored. Additionally, 4 single-family homes and the supporting infrastructure will occupy the area.

11.

In the event of abandonment of subject right-of-way, Sandy Springs specifically retains any and all easements for drainage, utility or purposes other than roadway purposes which may exist over, under, through, or across the subject right-of-way. Any release of private easement rights or easement rights other than those of Sandy Springs, i.e. utility companies, must be released by that easement holder.

12.

Applicant shall submit with this document a fee of one hundred fifty dollars (**\$150.00**) for the processing of this application, along with a copy of the owner's vesting deed, survey of the proposed abandonment, and copy of any development plans for the property.

13.

Applicant agrees that a misrepresentation or inaccuracy, either intentional or accidental, made by applicant in this application of procedure shall authorize the City to terminate the processing of this application or, if such shall be discovered after this application has been approved by the City of Sandy Springs MCC, then such approval shall be subject to revocation by the MCC.

14.

Applicant agrees that the City of Sandy Springs is not required to abandon the subject right-of-way, and the decision for approval or denial of this application shall be made within ninety (90) days of this application being filed with the City Clerk. The applicant shall be notified in writing of the date of any public hearing and MCC decision concerning the subject right-of-way within three (3) business days prior to the hearing and/or MCC meeting.

This 20th day of May, 2014.

Signed, sealed and delivered in the

Presence of:



Notary Public  
(SEAL)

APPLICANT: JW Homes, LLC

  
Bryan Musolf, Vice President of Land Acquisitions

Address: 4125 Atlanta Road, Smyrna, GA 30080

Phone Number: 770-703-1654

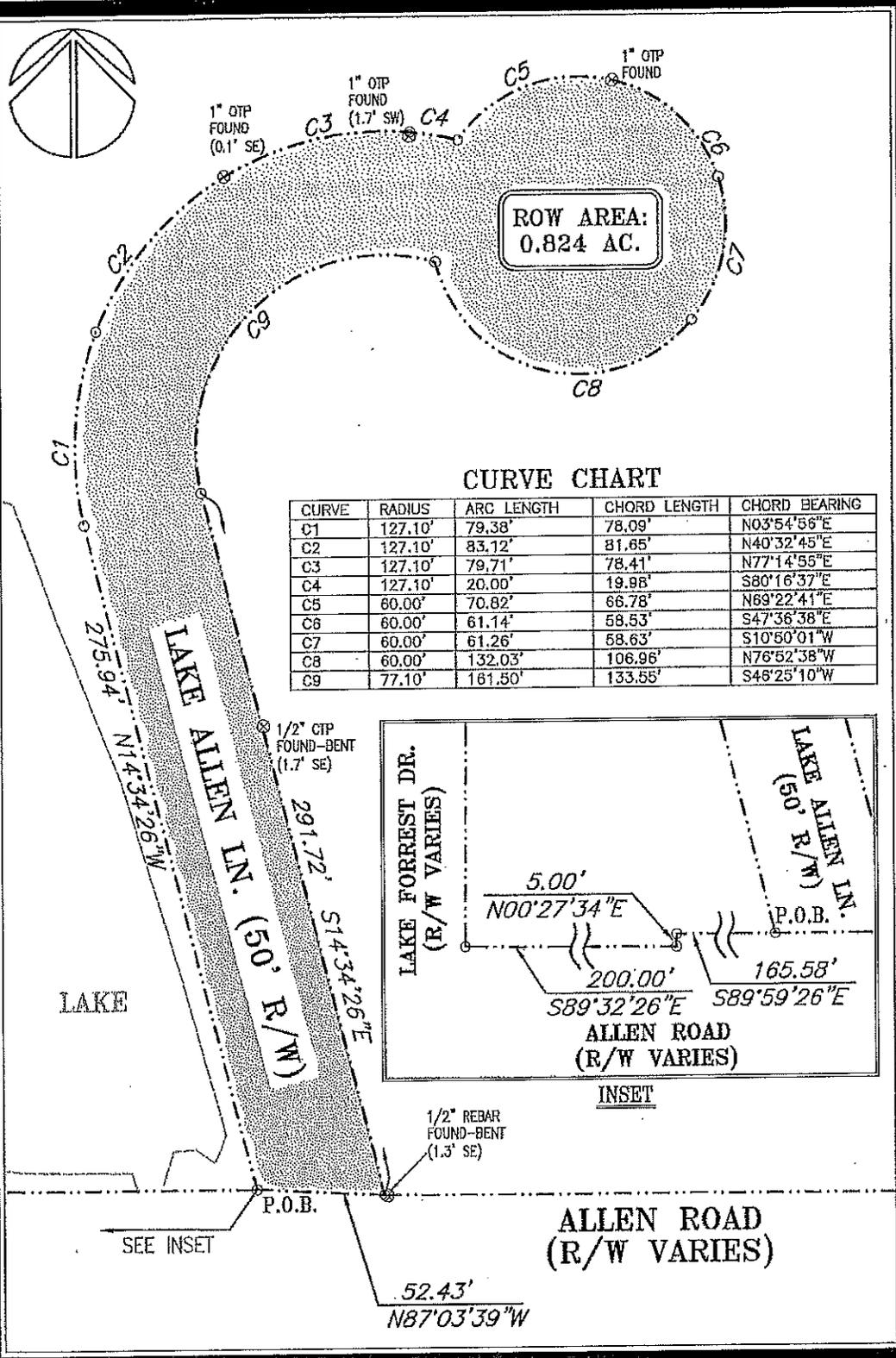
**TRENELL SMITH**  
Notary Public State of Georgia  
My commission expires 5th Day of June 2017

## ATTACHMENTS

- Survey depicting area of right-of-way requested to be abandoned (Exhibit A)
- Metes and bounds legal description of area requested to be abandoned (Exhibit B)
- Copy of applicant's deed vesting title (Exhibit C)
- Copies of letters of consent from all adjoining landowners and other interested parties, if applicable (Exhibit D)
- Copy of right-of-way dedication plats or deeds, if applicable (Exhibit E)
- Attorney's title certificate documenting the history of the R/W through all of its recorded owners to present (Exhibit F)
- Processing fee

Exhibit A

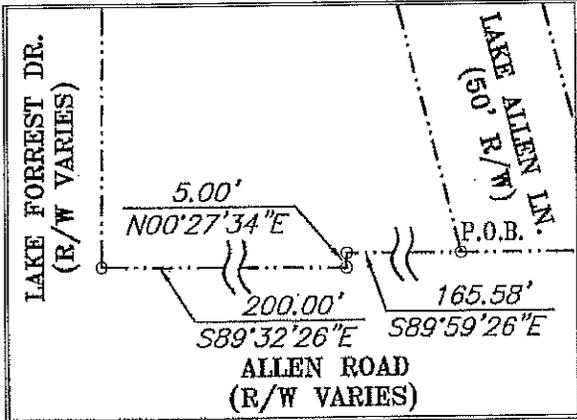
Survey depicting area of right-of-way requested to be abandoned



ROW AREA:  
0.824 AC.

**CURVE CHART**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	127.10'	79.38'	78.09'	N03°54'55\"E
C2	127.10'	83.12'	81.65'	N40°32'45\"E
C3	127.10'	79.71'	78.41'	N77°14'55\"E
C4	127.10'	20.00'	19.98'	S80°16'37\"E
C5	60.00'	70.82'	66.78'	N69°22'41\"E
C6	60.00'	61.14'	58.53'	S47°36'38\"E
C7	60.00'	61.26'	58.63'	S10°50'01\"W
C8	60.00'	132.03'	106.96'	N76°52'38\"W
C9	77.10'	161.50'	133.55'	S48°25'10\"W



INSET



JOB NO: 13-102  
DRAWN BY: MP  
CHECKED BY: JCW  
SCALE: 1"= 50'  
DATE: 04-11-2014

EXHIBIT  
(RIGHT OF WAY  
OF LAKE ALLEN LN.)

SURVEY FOR:  
**ALLEN ROAD**

LAND LOT: 90  
17TH DISTRICT  
FULTON COUNTY  
GEORGIA

**MDA**  
McFarland-Dyer  
& Associates

4174 SILVER PEAK PARKWAY  
SUWANEE, GEORGIA 30024  
PHONE (770) 932-6550  
FAX (770) 932-6551  
WWW.QOMDA.NET

Exhibit B

Metes and bounds legal description of area requested to be abandoned

## *Legal Description*

**ALL THAT TRACT OR PARCEL OF** land lying and being in Land Lot 90, 17<sup>th</sup> District, Fulton County, Georgia, being more particularly described as follows:

**BEGINNING** at the northeastern intersection of the right of way of Allen Road (right of way varies) and the right of way of Lake Forrest Drive (right of way varies); thence along the right of way Allen Road South 89°32'26" East, a distance of 200.00 feet to a point; thence North 00°27'34" East, a distance of 5.00 feet to a point; thence South 89°59'26" East, a distance of 165.58 feet to a point located on the northwestern intersection of Allen Road and Lake Allen Lane (50 feet right of way), that is the **POINT OF BEGINNING**; thence leaving said right of way and along the right of way of Lake Allen Lane North 14°34'26" West, a distance of 275.94 feet to a point; thence 79.38 feet along a curve to the right, said curve having a chord of North 03°54'56" East 78.09 feet and a radius of 127.10 feet to a point; thence 83.12 feet along a curve to the right, said curve having a chord of North 40°32'45" East 81.65 feet and a radius of 127.10 feet to a point; thence 79.71 feet along a curve to the right, said curve having a chord of North 77°14'55" East 78.41 feet and a radius of 127.10 feet to a point; thence 20.00 feet along a curve to the right, said curve having a chord of South 80°16'37" East 19.98 feet and a radius of 127.10 feet to a point; thence 70.82 feet along a curve to the right, said curve having a chord of North 69°22'41" East 66.78 feet and a radius of 60.00 feet to a point; thence 61.14 feet along a curve to the right, said curve having a chord of South 47°36'38" East 58.53 feet and a radius of 60.00 feet to a point; thence 61.26 feet along a curve to the right, said curve having a chord of South 10°50'01" West 58.63 feet and a radius of 60.00 feet to a point; thence 132.03 feet along a curve to the right, said curve having a chord of North 76°52'38" West 106.96 feet and a radius of 60.00 feet to a point; thence 161.50 feet along a curve to the left, said curve having a chord of South 46°25'10" West 133.55 feet and a radius of 77.10 feet to a point; thence South 14°34'26" East, a distance of 291.72 feet to a point located on the right of way of Allen Road; thence along said right of way North 87°03'39" West, a distance of 52.43 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 0.824 Acres.

Exhibit C

Copy of applicant's deed vesting title (Current Owner's Vesting Deeds)

24137  
8348

GEORGIA, FULTON COUNTY  
FILED AND RECORDED

1938 MAR 24 PM 2:01

JUANITA HICKS  
CLERK, SUPERIOR COURT

File No. BROGDON  
JACKSON AND HARDWICK  
2100 ROSWELL ROAD, SUITE 700F  
MARIETTA, GEORGIA 30062

QUIT-CLAIM DEED

STATE OF GEORGIA COUNTY OF Fulton

THIS INDENTURE, Made the 28th day of NOV. in the year one thousand nine hundred Ninety-Seven, between VESTA GREEN BROGDON, of the Parish of St. Tammany, and the State of LOUISIANA as party or parties of the first part, hereinafter called Grantor, and VESTA LOUISE BURNETT of the county of FULTON and the State of Georgia, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and Grantee" to include their respective heirs, successors and assigns where the context requires of parties).

WITNESSETH that: Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable consideration, cash in hand paid at and before the signing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee,

ALL THAT TRACT or parcel of land lying and being in Land Lot 90 of the 17th District of Fulton County, Georgia, being Lot 2, of Lake Allen Estates Subdivision, as per plat recorded at Plat Book 76, Page 20, Fulton County Records, and being more particularly described as follows:

BEGINNING at a point on the southerly side of Lake Allen Lane 454.3 feet northwesterly, northeasterly, and easterly from Allen Road, as measured along the northeastern, southeastern and southerly sides of Lake Allen Lane (said point of beginning also being at the northeast corner of Lot 1 of said Subdivision); running thence southeasterly, easterly, and northeasterly along the southwestern, southern, and southeasterly sides of the cul-de-sac of Lake Allen Lane 132.03 feet to said Lot 3; 134.3 feet; thence southeasterly along the southwestern line of said Lot 3; 134.3 feet; thence southeasterly 73.1 feet; thence southerly 7.2 feet; thence southwesterly 129.3 feet to Lot 1 of said Subdivision; thence northwesterly along the northeastern line of said Lot 1, 166.4 feet to the southerly side of Lake Allen Lane and the point of beginning; being improved property known as No. 5055 Lake Allen Lane.

Also conveyed hereby is all of Grantor's interest in

ALL THAT TRACT or parcel of land lying and being in Land Lot 90 of the 17th District, Fulton County, Georgia, and consisting of that portion of said land lot designated "Lake" on the plat and survey of Lake Allen Estates by J. Paul Bates, R.L.S., dated December 14, 1962, being the same property described in a Quitclaim Deed from Raymond A. Chatham, Inc. to Grantor and others dated May 28, 1970 as recorded at Deed Book 5230, Page 142, Fulton County Records.

Real Estate Transfer Tax  
Paid \$  
Date 3/24/38  
JUANITA HICKS  
Clerk, Superior Court

TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or claim in said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered in the presence of:

*Audrey L. Brogdon*  
(Unofficial witness)

*Lillian O. Pearson*  
(Notary Public)  
My Commission Expires *3/24/38*

*Vesta Green Brogdon* (Seal)  
VESTA GREEN BROGDON



BOOK 24137 PG 348

Deed Book 50110 Pg 214  
Filed and Recorded Jun-03-2011 08:30am  
2011-0151676  
Real Estate Transfer Tax \$245.00  
Cathelene Robinson  
Clerk of Superior Court  
Fulton County, Georgia

FILE #1151065

**TRUSTEE'S DEED  
JOINT TENANCY WITH SURVIVORSHIP**

STATE OF GEORGIA  
COUNTY OF FULTON

This Indenture made this 27th day of May, in the year 2011, between JOSEPHINE P. OSGOOD, AS TRUSTEE FOR THE REVOCABLE TRUST OF GERALD C. OSGOOD AND JOSEPHINE P. OSGOOD, said Trustees hereinafter being called the Grantor, of the County of FULTON, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and ANDREA A. CURCIO and GLENN KAPLAN, as joint tenants with survivorship and not as tenants in common as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, acting under and by virtue of the power and authority of the Trust created, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

See Exhibit "A" attached hereto and made a part hereof by this reference.

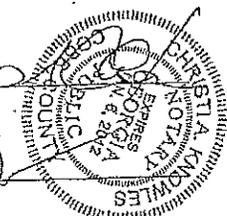
This Deed is given subject to all easements and restrictions of record, if any.

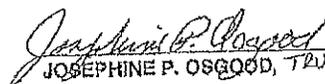
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in **FREE SIMPLE**: subject to all encumbrances, easements, and restrictions of record.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-10, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

Witness  
Notary Public  


 (Seal)  
JOSEPHINE P. OSGOOD, TRUSTEE

(Seal)

Agent File No. 66213

Exhibit "A"

All that tract or parcel of land lying and being in Land Lot 90 of the 17<sup>th</sup> District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a point marked by an iron pin on the Northwesterly side of Lake Allen Lane, Three Hundred Fifty-five and Three Tenths (355.3) feet Northwesterly, Northerly and Northeasterly, as measured along the Southwesterly, Westerly and Northwesterly side of Lake Allen Lane from the corner formed by the intersection of the Southwesterly side of Lake Allen Lane and the North side of Allen Road; running thence Northwesterly, Fifty (50) feet to an iron pin; thence continuing Northwesterly, but in a more Northerly direction, along a line forming an interior angle of 138 degrees 19 minutes with the last described course, a distance of One Hundred Eighteen and Seven Tenths (118.7) feet to an iron pin; thence North along a line forming an interior angle of 153 degrees 51 minutes with the last described course, a distance of Eighty-seven and Eight Tenths (87.8) feet to an iron pin; thence East along a line forming an interior angle of 90 degrees 50 minutes with the last described course, a distance of Fifty-nine and Seven Tenths (59.7) feet to an iron pin; thence Southeasterly along a line forming an interior angle of 119 degrees 25 minutes with the last described course and along the Southwesterly side of Lot 6 of property hereinafter referred to, a distance of One Hundred Seventy-eight and Six Tenths (178.6) feet to an iron pin on the Northwesterly side of Lake Allen Lane; thence Southwesterly along the Northwesterly side of Lake Allen Lane and following the curvature thereof, Eighty-one and Forty-two Hundredths (81.42) feet to the POINT OF BEGINNING.

Being known as Part of Lot 7, Lake Allen Estates, according to the Plat of Survey for Raymond A. Chatham, made by J. Paul Bates, Registered Surveyor, dated January 16, 1963, which is made a part of this description by reference thereto, a copy of which is recorded in Deed Book 4010, Page 304, Fulton County, Georgia Records.

Together with grantors interest in all that tract or parcel of land lying and being in Land Lot 90 of the 17<sup>th</sup> District of Fulton County, Georgia, and consisting of that portion of said land lot designated "Lake" on the plat and survey of Lake Allen Estates by J. Paul Bates, R.L.S., dated December 14, 1962, and filed in Fulton County Records, Plat Book 76, Page 20, which is hereby incorporated by reference.

AUGUSTA  
TITLE CO.

www.augustatitle.com

*J.P.B.*

Deed Book 5011 @ Pg 214  
Filed and Recorded Jun-03-2011 09:30am  
2011-0151676  
Real Estate Transfer Tax \$245.00  
Cathelene Robinson  
Clerk of Superior Court  
Fulton County, Georgia

FILE #1151065

**TRUSTEE'S DEED  
JOINT TENANCY WITH SURVIVORSHIP**

STATE OF GEORGIA  
COUNTY OF FULTON

This Indenture made this 27th day of May, in the year 2011, between JOSEPHINE P. OSGOOD, AS TRUSTEE FOR THE REVOCABLE TRUST OF GERALD C. OSGOOD AND JOSEPHINE P. OSGOOD, said Trustees hereinafter being called the Grantor, of the County of FULTON, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and ANDREA A. CURCIO and GLENN KAPLAN, as joint tenants with survivorship and not as tenants in common as party or parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits).

**WITNESSETH that:** Grantor, acting under and by virtue of the power and authority of the Trust created, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

See Exhibit "A" attached hereto and made a part hereof by this reference.

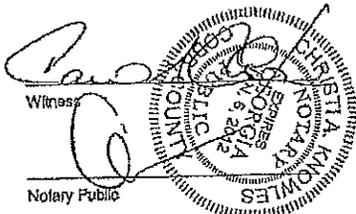
This Deed is given subject to all easements and restrictions of record, if any.

**TO HAVE AND TO HOLD** the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantees, as joint tenants and not as tenants in common; for and during their joint lives, and upon the death of either of them, then to the survivor of them in **FEE SIMPLE**; subject to all encumbrances, easements, and restrictions of record.

**THIS CONVEYANCE** is made pursuant to Official Code of Georgia Section 44-6-19, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

**IN WITNESS WHEREOF**, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:



 (Seal)  
JOSEPHINE P. OSGOOD, TRUSTEE

(Seal)

Agent File No. 66213

Exhibit "A"

All that tract or parcel of land lying and being in Land Lot 90 of the 17<sup>th</sup> District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a point marked by an iron pin on the Northwesterly side of Lake Allen Lane, Three Hundred Fifty-five and Three Tenths (355.3) feet Northwesterly, Northerly and Northeasterly, as measured along the Southwesterly, Westerly and Northwesterly side of Lake Allen Lane from the corner formed by the intersection of the Southwesterly side of Lake Allen Lane and the North side of Allen Road; running thence Northwesterly, Fifty (50) feet to an iron pin; thence continuing Northwesterly, but in a more Northerly direction, along a line forming an interior angle of 138 degrees 19 minutes with the last described course, a distance of One Hundred Eighteen and Seven Tenths (118.7) feet to an iron pin; thence North along a line forming an interior angle of 153 degrees 51 minutes with the last described course, a distance of Eighty-seven and Eight Tenths (87.8) feet to an iron pin; thence East along a line forming an interior angle of 90 degrees 50 minutes with the last described course; a distance of Fifty-nine and Seven Tenths (59.7) feet to an iron pin; thence Southeasterly along a line forming an interior angle of 119 degrees 26 minutes with the last described course and along the Southwesterly side of Lot 6 of property hereinafter referred to, a distance of One Hundred Seventy-eight and Six Tenths (178.6) feet to an iron pin on the Northwesterly side of Lake Allen Lane; thence Southwesterly along the Northwesterly side of Lake Allen Lane and following the curvature thereof, Eighty-one and Forty-two Hundredths (81.42) feet to the POINT OF BEGINNING.

Being known as Part of Lot 7, Lake Allen Estates, according to the Plat of Survey for Raymond A. Chatham, made by J. Paul Bates, Registered Surveyor, dated January 16, 1963, which is made a part of this description by reference thereto, a copy of which is recorded in Deed Book 4010, Page 304, Fulton County, Georgia Records.

Together with grantors interest in all that tract or parcel of land lying and being in Land Lot 90 of the 17<sup>th</sup> District of Fulton County, Georgia, and consisting of that portion of said land lot designated "Lake" on the plat and survey of Lake Allen Estates by J. Paul Bates, R.L.S., dated December 14, 1962, and filed in Fulton County Records, Plat Book 76, Page 20, which is hereby incorporated by reference.



www.augustatitle.com

*J.P.B.*

Please return to: FERGUSON MCMANAMY ATTORNEYS AT LAW, LLC  
100-ASHFORD CENTRE NORTH, SUITE 120  
ATLANTA, GEORGIA 30338  
File # 06-05-0060

Deed Book 43996 Pg 166  
Filed and Recorded Dec-04-2006 08:32am  
2006-0399878  
Real Estate Transfer Tax \$325.00  
Juanita Hicks  
Clerk of Superior Court  
Fulton County, Georgia

STATE OF GEORGIA  
COUNTY OF FULTON

**TRUSTEE'S DEED**

THIS INDENTURE is made as of the 21st day of November, 2006, between

**JOHN J. CARLIN AS TRUSTEE OF THE FAMILY TRUST OF JOHN J. CARLIN**

(hereinafter referred to as "Grantor") and

**DUSTIN P. WISE**

(hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

**WITNESSETH:**

GRANTOR (acting under and by virtue of the power and authority contained in the Trust Agreement, dated FEBRUARY 25, 1998, for and in consideration of the sum of TEN AND 00/100 (\$10.00) in hand paid at and before the sealing and delivery of these presents (the receipt of which is hereby acknowledged), has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee, PURSUANT TO THE POWERS CONTAINED IN FAMILY TRUST OF JOHN J. CARLIN DATED FEBRUARY 25, 1998 the following described property (hereinafter referred to as the "Land"),

All that tract or parcel of land lying and being in Land Lot 90 of the 17th District, Fulton County, Georgia, being Lot 6, Lake Allen Estates Subdivision, as per plat recorded in Plat Book 76, Page 20, Fulton County, Georgia records, which recorded plat is incorporated herein by this reference and made a part of this description. Said property being known as 5840 LAKE ALLEN LANE according to the present system of numbering houses in Fulton County, Georgia.

TO HAVE AND TO HOLD the Land with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever, IN FEE SIMPLE in as full and ample a manner as the same was held, possessed and enjoyed.

EXECUTED under seal as of the date above.

Signed, sealed and delivered in the presence of:

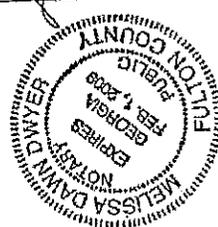
*Amy Kahner*  
\_\_\_\_\_  
Witness

*M. John J.*  
\_\_\_\_\_  
Notary Public

My commission expires

JOHN J. CARLIN AS TRUSTEE  
OF THE FAMILY TRUST OF JOHN J. CARLIN

BY: *John J. Carlin, Jr.*  
\_\_\_\_\_  
John J. Carlin, Jr.  
Trustee



Please return to: FERGUSON McMANAMY ATTORNEYS AT LAW, LLC  
3365 PIEDMONT ROAD, SUITE 1025  
ATLANTA, GEORGIA 30305  
File # 06010613

**FERGUSON McMANAMY**  
Attorneys at Law, LLC  
100 Ashford Center North  
Suite 120  
Atlanta, GA 30338

154  
Dead Book 43149 Pg 1  
Filed and Recorded Aug-02-2006 09:30am  
2006-0262409  
Real Estate Transfer Tax \$318.00  
**Juanita Hicks**  
Clerk of Superior Court  
Fulton County, Georgia

STATE OF GEORGIA  
COUNTY OF FULTON

**WARRANTY DEED**

THIS INDENTURE made this 28th day of July, 2006, between

**HAMBY G. DAVIS**,

as party or parties of the first part, hereinafter called Grantor, and

**MARK L. ALTERMAN**,

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

ALL THAT PARCEL OF LAND BEING IN LAND LOT 90 OF THE 17TH DISTRICT OF FULTON COUNTY GEORGIA, BEING PART OF LOTS 4 AND 5 OF LAKE ALLEN ESTATES, AS PER PLAT RECORDED IN PLAT BOOK 76, PAGE 20, FULTON COUNTY, GEORGIA RECORDS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY SIDE OF LAKE ALLEN LANE AT THE SOUTHEASTERN CORNER OF LOT 6 OF SAID SUBDIVISION, WHICH POINT IS 516.22 FEET NORTHWESTERLY, NORTHERLY, NORTHEASTERLY AND EASTERLY FROM THE INTERSECTION OF THE SOUTHWESTERN SIDE OF LAKE ALLEN LANE WITH THE NORTH SIDE OF ALLEN ROAD; THENCE NORTHWESTERLY ALONG THE NORTHEASTERN LINE OF SAID LOT 6, 139.3 FEET; THENCE EASTERLY, FORMING AN INTERIOR ANGLE OF 65 DEG. AND 41' WITH THE PRECEDING COURSE, 224 FEET TO A POINT LOCATED 16 FEET WEST OF THE NORTHWESTERN LINE OF LOT 4; THENCE SOUTHWESTERLY, FORMING AN INTERIOR ANGLE OF 31 DEG. 25' WITH THE PRECEDING COURSE, 134.9 FEET TO AN IRON PIN; THENCE SOUTHWESTERLY, FORMING AN EXTERIOR ANGLE OF 140 DEG. 00' WITH THE PRECEDING COURSE, 50 FEET TO AN IRON PIN ON THE NORTHERN SIDE OF THE TURNAROUND AT THE EASTERN TERMINUS OF LAKE ALLEN LANE, AT THE LINE BETWEEN LOTS 4 AND 5, THENCE SOUTHWESTERLY ALONG THE CURVATURE OF THE NORTHWESTERN SIDE OF SAID TURNAROUND 71.67 FEET; THENCE WESTERLY ALONG THE NORTHERN SIDE OF LAKE ALLEN LANE 20 FEET TO AN IRON PIN AND THE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in **FREE SIMPLE**.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, sealed and delivered in the presence of:

*[Signature]*  
Witness

*[Signature]* (Seal)  
**HAMBY G. DAVIS**

*[Signature]*  
Notary Public  
My commission expires



\_\_\_\_\_ (Seal)

\_\_\_\_\_ (Seal)

[Attach Notary Seal]

Form 10-1



GEORGIA STATE OFFICE  
TITLE BUILDING  
ATLANTA, GEORGIA 30303

# Lawyers Title Insurance Corporation

ATLANTA BRANCH OFFICE

Fulton County, Georgia  
Real Estate Transfer Tax  
Roll # 19.70  
Date April 13, 1981  
ALEXANDER S. PRICE  
Clerk, Superior Court  
By: *David Phillips*  
Deputy Clerk

## WARRANTY DEED

STATE OF GEORGIA COUNTY OF FULTON

THIS INDENTURE, Made the 10th day of April, in the year one thousand nine hundred eighty-one, between

JAMES C. S. CHU and SHIEN-CHING CHU

of the County of Fulton and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

ADEL ALAN FILSCOF

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of ten dollars and other valuable consideration ( \$10.00 ) DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land lying and being in Land Lot 13 of the 17th District, Fulton County, Georgia, being part of Lots 3, 4 and 5, Lake Allen Estates, as per plat recorded in Plat Book 75, page 20, Fulton County Records, and being further known as 5200 Lake Allen Drive.

BEGINNING at an iron on the northeastern side of the cul de sac of Lake Allen Lane, 647.55 feet north, northeasterly, southeasterly, easterly, northeasterly, northerly and northwesterly from Allen Road, as measured along the east, southeasterly, southerly, southwesterly, southerly, southeasterly, easterly and northeasterly side of Lake Allen Lane; and running thence northerly and northeasterly along the easterly and northeasterly side of Lake Allen Lane, 20.21 feet to a point; running thence northeasterly 50 feet to an iron pin; running thence northeasterly 134.4 feet to an iron pin; running thence east 31 feet to an iron; running thence south 115 feet to a point; running thence southwesterly 152.2 feet to the northeasterly side of Lake Allen Lane and the point of beginning, according to survey prepared by E. S. Giometti C. E., dated June 2, 1955; being improved property having a house thereon known as No. 5200 Lake Allen Lane, N.E., according to the present system of numbering houses in the City of Atlanta, Georgia and suburbs.

This conveyance is made subject to that certain deed to secure debt in favor of Bankers Mortgage Associates recorded in Deed Book 1434, page 266, Fulton County Records, which balance grantee assumes and agrees to pay.

GEORGIA, Fulton County, Clerk's Office Superior Court  
Filed & Recorded, APR 13 1981 at 12:24 *Shelby J. Price c.*

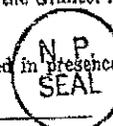
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in presence of:

*Denal Hoyt*  
witness  
*Alvin H. Suggs*  
witness  
*W. Larry Tubbs*  
witness  
my Comm. Exp. 5-8-81



*James C. S. Chu* (Seal)  
*Shien-Ching Chu* (Seal)

GEORGIA, Fulton County, Clerk's Office Superior Court  
Filed & Recorded, OCT 1 1976 at 1:37 PM.

WILLIAM IRWIN CROSSBY  
ATTORNEY AT LAW

Fulton County, Georgia  
Real Estate Transfer Tax

Paid \$ 16.80

Date Oct 1, 1976



2546156

WARRANTY DEED

*Barbara J. Lince*

Clerk of Superior Court

*By [Signature]*  
[Signature]

STATE OF GEORGIA

COUNTY OF

FULTON

THIS INDENTURE, Made the 1st day of October, in the year  
one thousand nine hundred seventh-six, between

ROGER HOLMES HARRISON

of the County of Fulton, and State of Georgia, as party or parties of the  
first part, hereinafter called Grantor, and

PAULA S. POWELL

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and  
"Grantee" to include their respective heirs, successors and assigns where the context requires or  
permits).

WITNESSETH that: Grantor, for and in consideration of the sum of Ten and 00/100  
( \$10.00 ) DOLLARS

in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby  
acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents  
does grant, bargain, sell, alien, convey and confirm unto the said Grantee, All that certain tract  
or parcel of land lying and being in Land Lot 90, 17th District, Fulton County,  
Georgia, being Part of Lot 3, Lake Allen Estates, as per plat recorded in Plat  
Book 76, page 20, Fulton County Records, and being more particularly described  
as follows:

BEGINNING at an iron pin on the southeasterly side of the cul de sac of Lake  
Allen Lane five hundred eighty-six and thirty-three hundredths (586.33) feet  
northerly and northeasterly as measured along the easterly and southeasterly side  
of Lake Allen Lane and southeasterly, easterly and northeasterly as measured  
along the southwesterly, southerly and southeasterly side of the cul de sac  
of Lake Allen Lane and following the curvature thereof from the corner formed  
by the intersection of the easterly side of Lake Allen Lane with the northerly  
side of Allen Road; running thence southeasterly along a line that forms an  
interior angle of 104 degrees 02 minutes with the southeasterly side of the cul  
de sac of Lake Allen Lane one hundred thirty-four and three tenths (134.3)  
feet to an iron pin; running thence northeasterly forty-six (46) feet to an  
iron pin; running thence northerly one hundred thirty-five (135) feet to an  
iron pin; running thence southwesterly one hundred fifty-two and nine tenths  
(152.9) feet to an iron pin on the northeasterly side of the cul de sac of Lake  
Allen Lane; running thence southeasterly, southerly and southwesterly as  
measured along the northeasterly, easterly and southeasterly arc of the cul de  
sac of Lake Allen Lane and following the curvature thereof sixty-one and twenty-  
six hundredths (61.26) feet (which arc is subtended by a chord line running 58.6  
feet and forming an interior angle of 119 degrees 45 minutes with the preceding  
course) to an iron pin and the point of beginning, being improved property,  
having a one story brick and frame house thereon, and being more particularly  
shown on survey prepared by Georgia Land Surveying Co., Inc, dated September 14,  
1973.

(CONTINUED OVER)

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights,  
members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the  
only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above  
described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above  
written.

Signed, sealed and delivered in presence of:

*Both [Signatures]*

*Roger Holmes Harrison* (Seal)  
ROGER HOLMES HARRISON (Seal)



*[Signature]*

W. I. CROSSBY  
Notary Public, Georgia State at Large  
My Commission Expires Aug. 14, 1977

24137  
0348

GEORGIA, FULTON COUNTY  
FILED AND RECORDED

1998 MAR 24 PM 2:01

JUANITA HICKS  
CLERK, SUPERIOR COURT

FM No. BROGDON  
JACKSON AND HARDWICK  
2100 ROSWELL ROAD, SUITE 700F  
MARIETTA, GEORGIA 30062

QUIT-CLAIM DEED

STATE OF GEORGIA COUNTY OF Fulton

THIS INDENTURE, Made the 28th day of NOV. in the year one thousand nine hundred ninety-seven, between VESTA GREEN BROGDON, of the Parish of St. Tammany, and the State of LOUISIANA, as party or parties of the first part, hereinafter called Grantor, and VESTA LOUISE BURNETT of the county of FULTON, and the State of Georgia, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable consideration, cash in hand paid at and before the signing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee,

ALL THAT TRACT or parcel of land lying and being in Land Lot 90 of the 17th District of Fulton County, Georgia, being Lot 2, of Lake Allen Estates Subdivision, as per plat recorded at Plat Book 76, Page 20, Fulton County Records, and being more particularly described as follows:

BEGINNING at a point on the southerly side of Lake Allen Lane 454.3 feet northwesterly, northeasterly, and easterly from Allen Road, as measured along the northeastern, southeastern and southerly sides of Lake Allen Lane (said point of beginning also being at the northeast corner of Lot 1 of said Subdivision); running thence southeasterly, easterly, and northeasterly along the southwestern, southern, and southeastern sides of the cul-de-sac of Lake Allen Lane 132.03 feet to Lot 3; running thence southeasterly along the southwestern line of said Lot 3, 134.3 feet; thence southwesterly 73.1 feet; thence southerly 7.2 feet; thence northwesterly along the northeastern line of said Subdivision; thence northwesterly along the northeastern line of said Lot 1, 166.4 feet to the southerly side of Lake Allen Lane and the point of beginning; being improved property known as No. 5055 Lake Allen Lane.

Also conveyed hereby is all of Grantor's interest in

ALL THAT TRACT or parcel of land lying and being in Land Lot 90 of the 17th District, Fulton County, Georgia, and consisting of that portion of said land lot designated "Lake" on the plat and survey of Lake Allen Estates by J. Paul Bates, R.L.S., dated December 14, 1962, being the same property described in a Quitclaim Deed from Raymond A. Chatham, Inc. to Grantor and others dated May 28, 1970 as recorded at Deed Book 5230, Page 142, Fulton County Records.

Real Estate Transfer Tax  
Paid \$            
Date 3-24-98  
JUANITA HICKS  
Clerk, Superior Court

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right in, title to, interest or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered in the presence of:

Vesta Green Brogdon (Seal)  
VESTA GREEN BROGDON

Audrey L. Brogdon  
(Unofficial witness)

\_\_\_\_\_ (Seal)

Lillian O. Pearson  
(Notary Public)  
My Commission Expires:           



BOOK 24137 PG 348

Trey Inman & Associates, P.C.  
57 Liberty Pointe  
Atlanta, Georgia 30304

Deed Book 33729 Pg 620  
Filed and Recorded Dec-89-2002 91:25pm  
2002-0425926  
Real Estate Transfer Tax \$226.80  
Juanita Hicks  
Clerk of Superior Court  
Fulton County, Georgia

STATE OF GEORGIA  
COUNTY OF FULTON

EXECUTOR'S DEED

THIS INDENTURE is made as of OCTOBER 25, 2002, between WILLIAM A. SMITH, III A/K/A WILLIAM ARNOLD SMITH, III AS EXECUTOR OF THE LAST WILL AND TESTAMENT OF BERTHA DICKERSON SMITH (hereinafter referred to as the "Deceased"), late of FULTON COUNTY, GEORGIA (hereinafter referred to as "Grantor") and GRADY G. WOOD AND GARY WOOD AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP NOT AS TENANTS IN COMMON (hereinafter referred to as "Grantees") "Grantor" and "Grantees" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

W I T N E S S E T H

GRANTOR (acting under and by virtue of the power and authority contained in the Will of the Deceased, it having been duly probated and recorded in the Court of Probate of THE COUNTY OF FULTON, STATE OF GEORGIA. Under the terms of said will the first party is authorized to sell and convey any of the estate of said BERTHA DICKERSON SMITH without any order of court, for such consideration and upon such terms as they may deem best.), for and in consideration of the sum of One and no/100 Dollars (\$1.00) in hand paid at and before the sealing and delivery of these presents (the receipt of which is hereby acknowledged), has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee, all that tract or parcel of land being particularly described in exhibit "A" attached hereto and made a part hereof by reference (hereinafter referred to as the "Land").

TO HAVE AND TO HOLD the Land with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever, IN FEE SIMPLE in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the Deceased.

EXECUTED under seal as of the date above.

Unofficial Witness  
Notary Public



GRANTOR:  
*William A. Smith, III*  
WILLIAM A. SMITH, III A/K/A  
WILLIAM ARNOLD SMITH, III, AS  
EXECUTOR



Trey Inman & Associates, P.C.

54 Lanox Courts

Atlanta, Georgia 30324

Deed Book 33729 Pg 620  
Filed and Recorded Dec-29-2002 01:25pm  
2002-0425926  
Real Estate Transfer Tax \$228.00  
Juanita Hicks  
Clerk of Superior Court  
Fulton County, Georgia

STATE OF GEORGIA  
COUNTY OF FULTON

PLEASE RE-RECORD TO CORRECT GRANTEE NAME GRADY  
G. WOOD SHOULD BE GRADY G. MCDANIEL.

EXECUTOR'S DEED

THIS INDENTURE is made as of OCTOBER 25, 2002, between WILLIAM A. SMITH, III A/K/A WILLIAM ARNOLD SMITH, III AS EXECUTOR OF THE LAST WILL AND TESTAMENT OF BERTHA DICKERSON SMITH (hereinafter referred to as the "Deceased"), late of FULTON COUNTY, GEORGIA (hereinafter referred to as "Grantor") and GRADY G. \*WOOD AND GARY WOOD AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP NOT AS TENANTS IN COMMON (hereinafter referred to as "Grantees") "Grantor" and "Grantees" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits). \*MCDANIEL

W I T N E S S E T H

GRANTOR (acting under and by virtue of the power and authority contained in the Will of the Deceased, it having been duly probated and recorded in the Court of Probate of THE COUNTY OF FULTON, STATE OF GEORGIA. Under the terms of said will the first party authorized to sell and convey any of the estate of said BERTHA DICKERSON SMITH without any order of court, for such consideration and upon such terms as they may deem best.), for and in consideration of the sum of One and no/100 Dollars (\$1.00) in cash paid at and before the sealing and delivery of these presents receipt of which is hereby acknowledged), has granted, bargained, sold and conveyed, and by these presents does grant, bargain, and convey unto Grantee, all that tract or parcel of land being particularly described in exhibit "A" attached hereto and made a part hereof by reference (hereinafter referred to as the "Land").

Deed Book 33729 Pg 620  
Filed and Recorded Dec-29-2002 01:25pm  
2002-0425926  
Real Estate Transfer Tax \$228.00  
Juanita Hicks  
Clerk of Superior Court  
Fulton County, Georgia

TO HAVE AND TO HOLD the Land with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever, IN FEE SIMPLE in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the Deceased.

EXECUTED under seal as of the date above.

Unofficial Witness  
  
Notary Public



GRANTOR:  
  
WILLIAM A. SMITH, III A/K/A  
WILLIAM ARNOLD SMITH, III, AS  
EXECUTOR

Deed Book 33729 Pg 621  
Juanita Hicks  
Clerk of Superior Court  
Fulton County, Georgia  
I AM THE ONLY ONE WHO CAN SIGN THIS DEED

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 90 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, BEING LOT 1, LAKE ALLEN ESTATES SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 76, PAGE 20, FULTON COUNTY, GEORGIA RECORDS, WHICH RECORDED PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE.

Deed Book 35272 Pg 586  
Juanita Hicks  
Clerk of Superior Court  
Fulton County, Georgia  
I AM THE ONLY ONE WHO CAN SIGN THIS DEED

*JRH*

CASHIN & MORTON  
TWO MIDTOWN PLAZA - SUITE 1900  
1360 PEACHTREE STREET, N.E.  
ATLANTA, GEORGIA 30309

Fulton County, Georgia  
Real Estate Transfer Tax  
Paid \$             
Date Jun 14 1990  
JUANITA CHICKS  
Clerk Superior Court  
By:             
Deputy Clerk

**QUITCLAIM DEED**

STATE OF GEORGIA, COUNTY OF FULTON

THIS INDENTURE, made as of the 21st day of May in the year one thousand nine hundred ninety

STEPAN V. POPESCU

As party or parties of the first part, hereinafter called Grantor, and

KERSTIN MARGARETA POPESCU

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that Grantor for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee,

GEORGIA Fulton County Clerk's Office Superior Court  
Filed & Recorded June 14 1990 at 4:52

*Juanita Chicks* CLERK

All that tract or parcel of Land lying and being in Land Lot 90, ~~XXXXXXXXXXXXXXXXXX~~, 17th District of FULTON County, Georgia and being more particularly described as follows:

BEGINNING at a point marked by an iron pin at the intersection of the north side of Allen Road and the northeasterly side of Lake Allen Lane (which point is four hundred twenty (420) feet east as measured along the north side of Allen Road from the corner formed by the intersection of the north side of Allen Road and the east side of Lake Forrest Road; thence northwesterly along a line forming an interior angle of 104° 54' with the north side of Allen Road, and along the northeasterly side of Lake Allen Lane, a distance of one hundred ninety-six (196) feet to an iron pin; thence northeasterly two hundred forty-four and three-tenths (244.3) feet to an iron pin; thence southerly two hundred thirty-nine and four-tenths (239.4) feet to an iron pin on the north side of Allen Road; thence west along a line forming an interior angle of 92° 20' with the last described course, and along the north side of Allen Road, a distance of one hundred eighty (180) feet to the point of beginning; being improved property known as 54 Allen Road, N.R.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year written below.

Signed, sealed and delivered in our presence and executed by us this 21st day of May 1990.

*Stepan V. Popescu*  
Unofficial Witness

*Stepan V. Popescu*

*Kerstin Margareta Popescu*  
Notary Public



My Commission Expires Aug 21, 1991

[NOTARIAL SEAL]

BOOK 13478 PAGE 104

Exhibit D

Consent from all adjoining landowners and other interested parties, if applicable

**PETITION FOR ROADWAY ABANDONMENT**

I(We) do hereby pledge and consent to the request for the abandonment of

Lake Allen Lane

Printed Name	Signature	Indication:		Property Street Address
		YES	NO	
Andrea A. Curcio & Glenn Kaplan	<i>[Handwritten Signature]</i>	✓		Lake Allen
Andrea A. Curcio & Glenn Kaplan	<i>[Handwritten Signature]</i>	✓		5830 Lake Allen Lane
Dustin P. Wise	<i>[Handwritten Signature]</i>	✓		5840 Lake Allen Lane
Mark L. Alterman	<i>[Handwritten Signature]</i>	✓		5850 Lake Allen Lane
Adel A. Filsoof	<i>[Handwritten Signature]</i>	✓		5860 Lake Allen Lane
Paula S. Powell	<i>[Handwritten Signature]</i>	✓		5865 Lake Allen Lane
Vesta L. Burnett	<i>[Handwritten Signature]</i>	✓		5855 Lake Allen Lane
Grady G. McDaniel & Gary Wood	<i>[Handwritten Signature]</i>	✓		5835 Lake Allen Lane
Kerstin M. Popescu	<i>[Handwritten Signature]</i>	✓		54 Allen Road

Neighborhood: \_\_\_\_\_ Date: \_\_\_\_\_

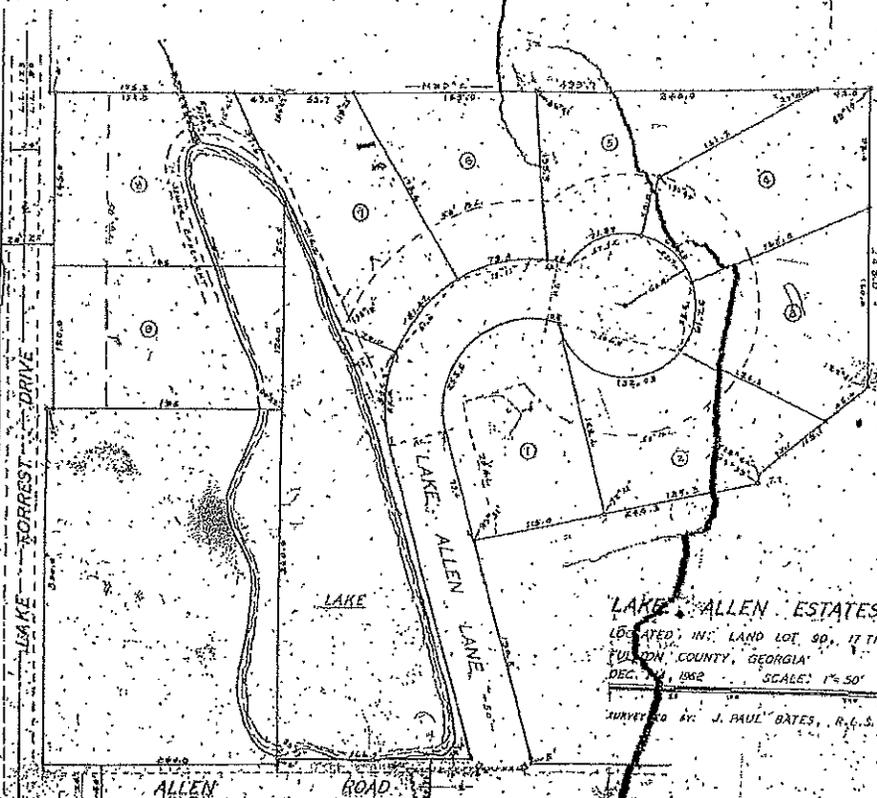
Exhibit E

Copy of right-of-way dedication plats or deeds, if applicable

**PLAT APPROVAL**  
 This map has been prepared for recording by the County of...  
 and is hereby approved for recording by the County...  
 Clerk of Court, Fulton County, Georgia  
 Date: Dec 12, 1962

**PLAT APPROVAL**  
 This map has been prepared for recording by the County of...  
 and is hereby approved for recording by the County...  
 Clerk of Court, Fulton County, Georgia  
 Date: Dec 12, 1962

**PLAT APPROVAL**  
 This map has been prepared for recording by the County of...  
 and is hereby approved for recording by the County...  
 Clerk of Court, Fulton County, Georgia  
 Date: Dec 12, 1962



**LAKE ALLEN ESTATES**

LOCATED IN LAND LOT 80, 17 TH. DIST.  
 FULTON COUNTY, GEORGIA

DEC. 12, 1962 SCALE: 1" = 50'

SURVEYED BY: J. PAUL BATES, R.L.S.



Exhibit F

Attorney's title certificate documenting the history of the R/W through all of its recorded owners to present

LAW OFFICES  
**WILLIAM H. DODSON, II, LLC**  
6000 LAKE FORREST DRIVE, N.W.  
SUITE 200  
ATLANTA, GEORGIA 30328  
TELEPHONE: (404) 250-9800 FACSIMILE: (404) 250-0535

WILLIAM H. DODSON, II

bill\_dodson@dodson-galaw.com

May 14, 2014

Joel S. Reed, Esq.  
JW Homes, LLC  
4125 Atlanta Road  
Smyrna, GA 30080

Our File No.: D13-52569 (a-m)

IN RE: All that tract or parcel of land lying and being in Land Lot 90, 17<sup>th</sup> District, Fulton County, Georgia, being Lake Allen Lane as shown on that plat of Lake Allen Estates recorded at Plat Book 76, page 20, Fulton County, Georgia records and as more particularly described on Exhibit "A" attached.

Dear Sir/Madam:

In consideration of a fee to be paid, this is to certify that I have examined the properly indexed deed records of Fulton County, Georgia and find the above captioned property vested in either the City of Sandy Springs or Fulton County, Georgia, by virtue of the dedication of said right-of-way upon the recordation of the subdivision plat in the land records of Fulton County, Georgia and unrecorded conveyance of public roads by Fulton County, Georgia and assumed by the City of Sandy Springs, subject to the following exceptions to-wit:

1. **Survey.** Exception is taken to all matters of survey as well as all matters which may be disclosed by an inspection of the property.
2. **Utilities.** Exception is taken to utility lines actually installed in the right-of-way of Lake Allen Lane as well as to unrecorded easements required for operation, inspection, maintenance, repair or replacement of facilities located within said right-of-way.
3. **Private Easements of Usage.** Exception is taken to rights of property owners

Joel S. Reed, Esq.  
May 14, 2014  
Page 2

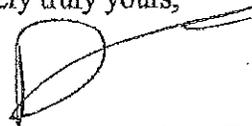
abutting said right-of-way for pedestrian, vehicular and utility purposes acquired by deed, recorded plat or usage under, across or over said right-of-way.

4. **Reversionary Private Rights in the Fee Upon Abandonment.** Exception is taken to the rights of property owners abutting said right-of-way in and to the fee interest in and to said right-of-way for such portion of the right-of-way abutting their property to the centerline of the abandoned right-of-way upon abandonment.

5. **History.** Lake Allen Lane was acquired by the Developer prior to the subdivision of the acreage into Lake Allen Estates. The road was constructed in connection with the subdivision and first appears on the subdivision plat for Lake Allen Estates recorded at Plat Book 76, page 20, Fulton County, Georgia records. The dates of approval appear to be between January 2 and January 10, 1963 with the plat being recorded of record on January 14, 1963. No separate deed for said right-of-way nor a recordation of the plat has been found of record which indicates that said right-of-way has been in continuous use from 1963 until the date of this report.

6. This certificate: (1) is effective as of 5:00 P.M., April 15, 2014; (2) is restricted to the sole use of the addressees herein; (3) is restricted solely for the use in the transaction contemplated in the client's title request; and (4) is strictly limited to matters set forth in period of time certified.

Very truly yours,



William H. Dodson, II  
Attorney at Law

WHDii:mha

RESOLUTION NO. \_\_\_\_\_

STATE OF GEORGIA  
COUNTY OF FULTON

**A RESOLUTION TO APPROVE THE APPLICATION TO OBTAIN  
ABANDONMENT OF RIGHT OF WAY OF LAKE ALLEN LANE FILED BY JW  
HOMES, LLC ON BEHALF OF THE RESIDENTS OF LAKE ALLEN LANE**

**WHEREAS**, the City has received an Application and Affidavit to Obtain Abandonment of Right of Way (“Application”) along Lake Allen Lane of approximately 0.824 acres of Right of Way, with the subject property being located in Land Lot 90 of the 17<sup>th</sup> District, Fulton County, Georgia, and more particularly described as set forth in the Application attached hereto; and

**WHEREAS**, the Application includes a petition signed by 100% of the owners directly adjacent to the Right of Way to be abandoned along Lake Allen Lane; and

**WHERE**, the City has held a public hearing on the matter, which was advertised by posting a notice sign on the property and advertised in the legal organ of Fulton County for two consecutive weeks prior to the public hearing; and

**WHEREAS**, the Mayor and Council has considered the Application and determined that it is in the City’s best interest to abandon said Right of Way.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF SANDY SPRINGS, GEORGIA:**

That the City of Sandy Springs Mayor and City Council approve the Application and Affidavit to Obtain Abandonment of Right of Way of Lake Allen Lane, in Land Lot 90 of the 17th District, Fulton County, Georgia, and authorize the City Manager to sign and execute all documents required to facilitate this transaction upon review and final approval of City staff and legal.

**SO RESOLVED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Russell K. Paul, Mayor

Attest:

\_\_\_\_\_  
Michael Casey, City Clerk  
(Seal)