SANDY SPRINGS
GEORGIA

CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** July 10, 2014

FROM: John McDonough, City Manager

AGENDA ITEM: Consideration of Preliminary Approval of an Application and Affidavit to Obtain Abandonment of a portion of the Right of Way of Sandy Springs Circle (a/k/a Allen Court); filed by JW Homes, LLC

MEETING DATE: For Submission onto the July 15, 2014, City Council Work Session Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Exhibits

APPROVAL BY CITY MANAGER: _____ *APPROVED*

PLACED ON AGENDA FOR: 7/15/2014

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

CITY ATTORNEY APPROVAL: _____

REMARKS:

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

FROM: Bryant Poole, Assistant City Manager

DATE: June 26, 2014, for submission onto the July 15, 2014 Mayor and City Council Work Session Meeting Agenda

ITEM: Consideration of Preliminary Approval of an Application and Affidavit to Obtain Abandonment of a portion of the Right of Way of Sandy Springs Circle (a/k/a Allen Court); filed by JW Homes, LLC.

Public Works Department's Recommendation:

The staff requests and recommends that the Mayor and City Council consider and approve the application and Affidavit to Obtain Abandonment of Right of Way along Sandy Springs Circle (a/k/a Allen Court) of approximately 0.141 acres of excess right of way adjacent to the Applicant's property of which they are under contract to purchase. The subject property is located in Land Lot 90 of the 17th District of Fulton County, Georgia.

Background:

The City has received an Application and Affidavit to Obtain Abandonment of Right of Way on a portion of Sandy Springs Circle (a/k/a Allen Court). The Applicant, is requesting that the Mayor and City Council approve the Application and pass a Resolution declaring that the City shall abandon its interests in that portion of Right-of-Way along Sandy Springs Circle (a/k/a Allen Court). Pursuant to the City's Right of Way Policy, the Assistant City Manager is seeking the direction of the Mayor and City Council on this matter.

Discussion:

The City has certain policies in place for applicants to petition for right of way abandonment ("Procedures"). City staff has performed an initial assessment of the application and has determined that the request to abandon a portion of right of way of Sandy Springs Circle (a/k/a Allen Court) is warranted. The Application by the Applicant includes a petition signed by 100% of the owners directly adjacent to the requested abandonment along Sandy Springs Circle (a/k/a Allen Court). Should the Mayor and City Council approve the application, implementation of the abandonment process would proceed as directed by the City Manager.

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.

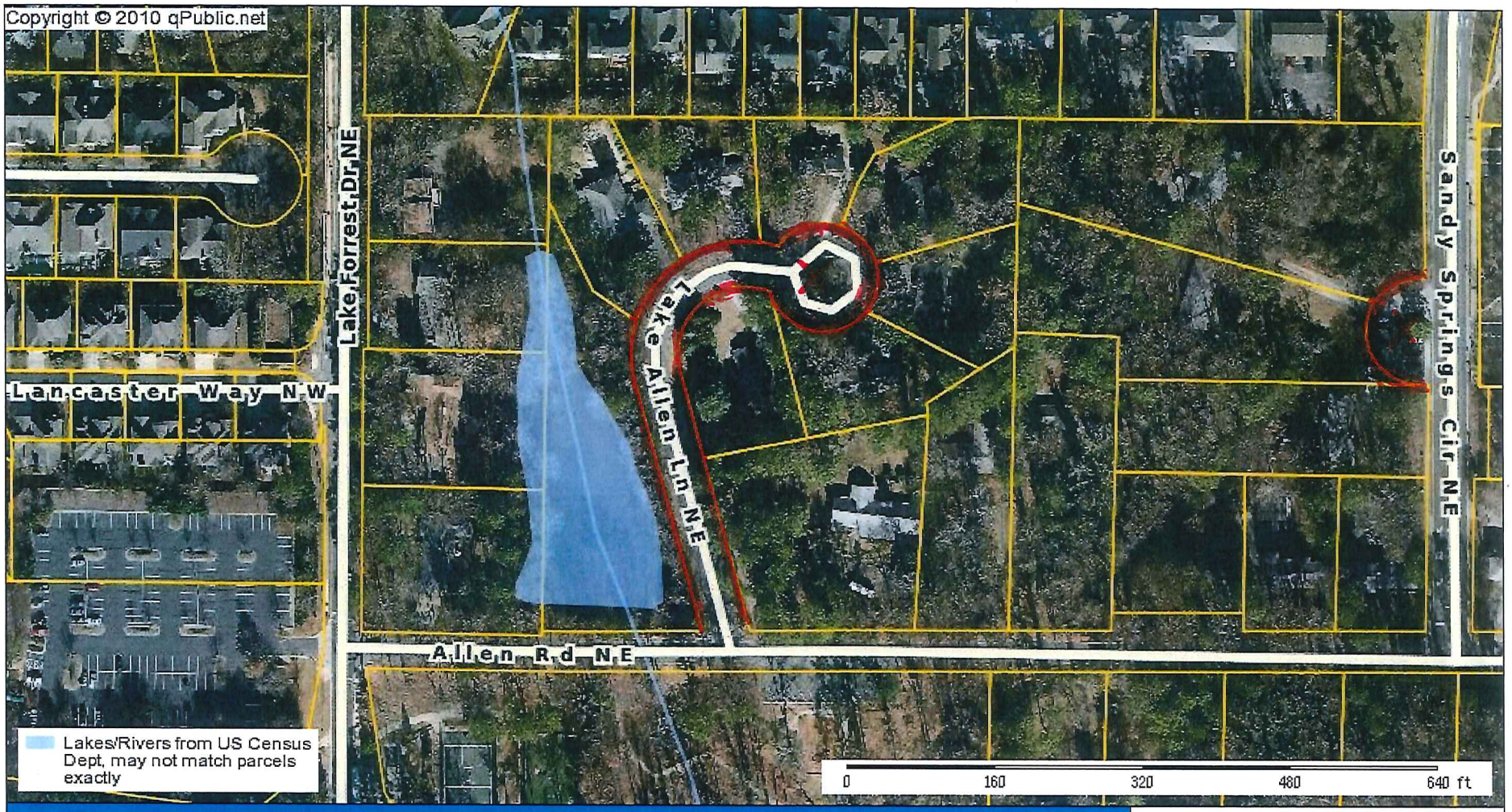
Financial Impact:

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.

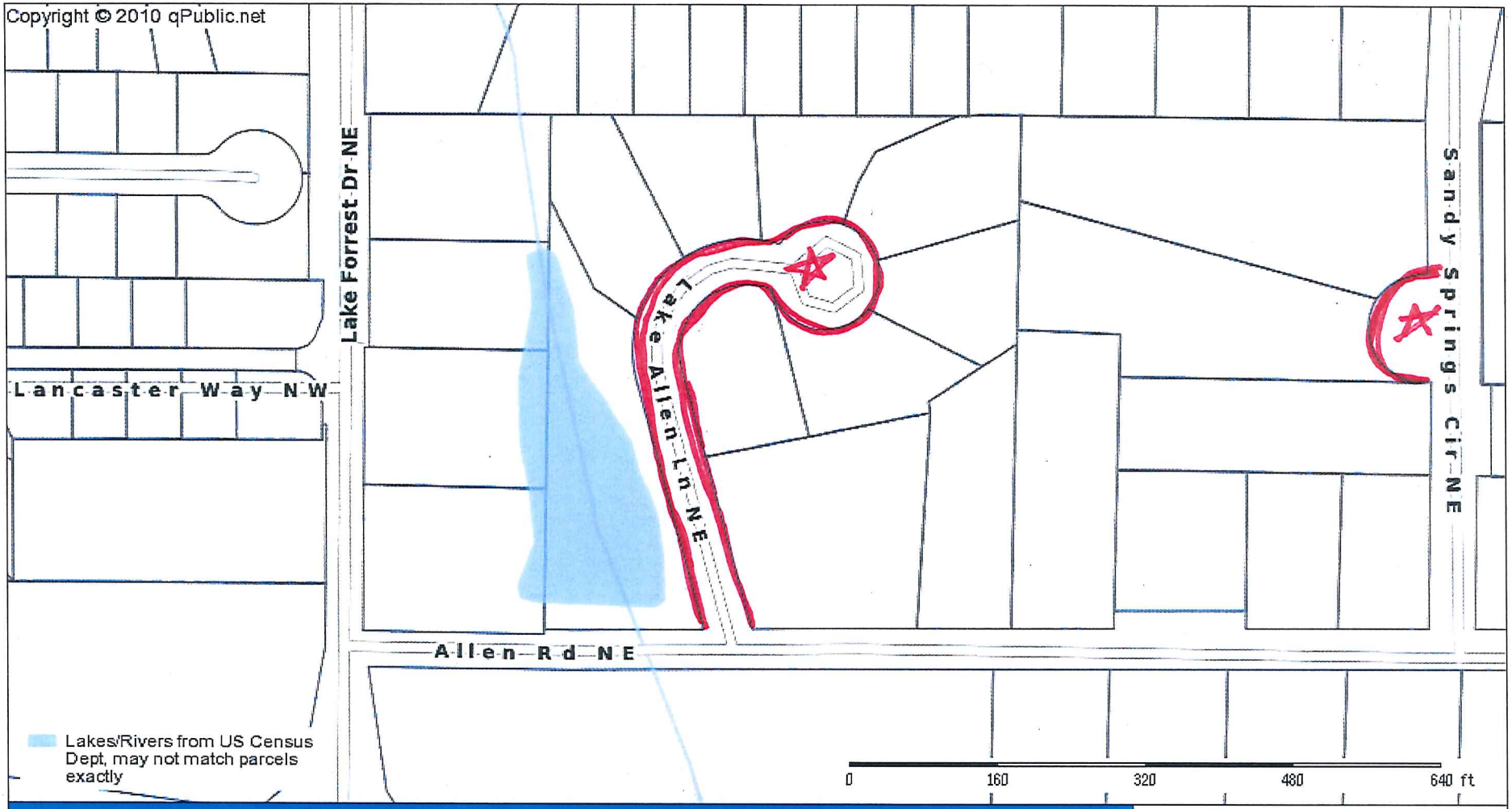


Fulton County Assessor

Parcel: undefined Acres:

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

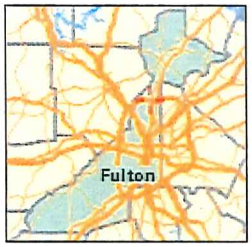
Fulton County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.
Date printed: 06/26/14 : 15:05:46



Fulton County Assessor

Parcel: undefined Acres:

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



Fulton County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.
Date printed: 06/26/14 : 15:07:51

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 Sandy Springs Circle as shown on the attached survey.

2.

The applicant is requesting that the right-of-way of Sandy Springs Circle 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.)

Allen Court also known as Sandy Springs Circle was acquired by the Developer prior to the subdivision of the acreage into property known as "Sub'd of J.H. Chatham." The road was constructed in connection with the subdivision and first appears on the subdivision plat being "Sub'd of J H. Chatham," recorded at Plat Book 61, page 93, Fulton County, Georgia records. The dates of approval appear to be between January 15 and February 4, 1958 with the plat being recorded of record on February 14, 1958. 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 1958 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. has an existing driveway to 2 private residences and a portion of a parking lot.

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: To be a portion of the entrance of the proposed 88 lot development currently named "Allen Road Tract."

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

ATTACHMENTS

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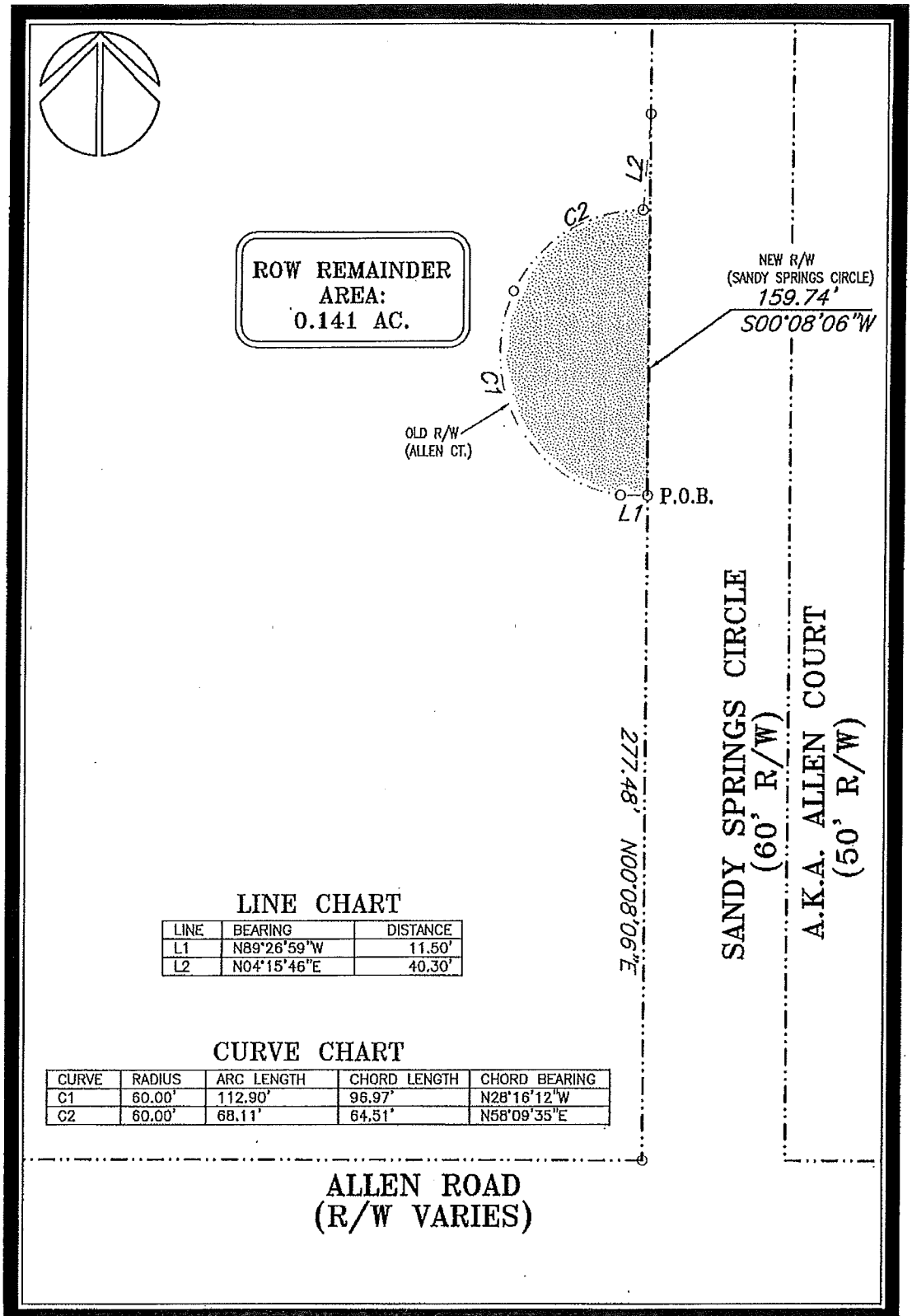
Exhibit A

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



LINE CHART

LINE	BEARING	DISTANCE
L1	N89°26'59"W	11.50'
L2	N04°15'46"E	40.30'

CURVE CHART

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	60.00'	112.90'	96.97'	N28°16'12"W
C2	60.00'	68.11'	64.51'	N58°09'35"E

GEORGIA REGISTERED No. 2672 PROFESSIONAL LAND SURVEYOR J. CHRIS WHITLEY

JOB NO: 13-1102
DRAWN BY: MP
CHECKED BY: JCW
SCALE: 1"= 50'
DATE: 04-11-2014

EXHIBIT
(RIGHT OF WAY
REMAINDER OF
ALLEN CT.)

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.GOMDA.NET

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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, 17th District, Fulton County, Georgia, being more particularly described as follows:

BEGINNING at the northwestern intersection of the right of way of Allen Road (right of way varies) and the right of way of Sandy Springs Circle (60 feet right of way) a.k.a Allen Court (50 feet right of way); thence along the right of way of Sandy Springs Circle North 00°08'06" East, a distance of 277.48 to a point, that is the **POINT OF BEGINNING;** thence leaving said right of way North 89°26'59" West, a distance of 11.50 feet to a point; thence 112.90 feet along a curve to the right, said curve having a chord of North 28°16'12" West 96.97 feet and a radius of 60.00 feet to a point; thence 68.11 feet along a curve to the right, said curve having a chord of North 58°09'35" East 64.51 feet and a radius of 60.00 feet to a point; thence North 04°15'46" East, a distance of 40.30 feet to a point located on the right of way of Sandy Springs Circle; thence along said right of way South 00°08'06" West, a distance of 159.74 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 0.141 Acres.

Exhibit C

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

Deed Book 34196 Pg 3
Filed and Recorded Feb-13-2003 10:51am
2003-0054829
Real Estate Transfer Tax $0.00
Juanita Hicks
Clerk of Superior Court
Fulton County, Georgia

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FULTON

THIS INDENTURE, made the 1st day of October in the year two thousand two, between 5840 ALLEN COURT VENTURES, LLP, a Georgia limited liability partnership, as party or parties of the first part, hereinafter called Grantor, and TYLER C. DIXON, of Fulton County, 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 an in consideration of the assumption of mortgage, 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 90 of the 17th District of Fulton County, Georgia, being part of Lot 9 of the J.H. Chatham Subdivision, a plat of said subdivision being of record in Plat Book 61, page 93, Fulton County Records, and being more particularly described as follows:

BEGINNING at an iron pin on the north side of Allen Court 435 feet north, northwesterly and westerly, as measured along the east, northeasterly and northerly sides of Allen Court, from the point of intersection of the east side of Allen Court with the north side of Allen Road, said point of beginning also being at the line which divides Lots 9 and 10, said subdivision and plat, and running thence northeasterly along the line which divides said Lots 9 and 10, 166 feet to an iron pin; thence westerly along a line forming an interior angle of 85 degrees 53 minutes with the preceding course 450 feet to an iron pin; thence southwesterly along a line forming an interior angle of 90 degrees 23 minutes with the preceding course 90 feet to an iron pin; thence southeasterly along a line forming an interior angle of 100 degrees 54 minutes with the preceding course 219.8 feet to an iron pin; thence continuing southeasterly along a line forming an interior angle of 189 degrees 23 minutes with the preceding course 180 feet to the northwesterly side of Allen Court; thence northeasterly and easterly along the northwesterly and northerly sides of Allen Court, and following the curvature thereof, 65 feet to an iron pin at the point of beginning; being improved property known as 5840 Allen Court, according to the present system of numbering houses in Fulton County, and being that property shown on plat of survey for James H. Cole by Georgia Land Surveying Co., Inc., dated December 21, 1978.

THIS CONVEYANCE is subject to that certain Deed To Secure Debt (and the note secured thereby) covering subject property held by RBC Centura, f/k/a Tucker Federal Savings Bank.

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.

5840 Allen Court Ventures, LLP

By: _____
Tyler C. Dixon, General Partner

Signed, sealed and delivered in the presence of:

_____
Witness

_____
Notary Public

JON LEE ANDERSEN
MY COMMISSION EXPIRES
AUG 15 2005
FULTON COUNTY, GA.
NOTARY PUBLIC

RFA, Inc., General Partner

By: _____
Roger F. Arndt, President

Signed, sealed and delivered in the presence of:

_____
Witness

_____
Notary Public

JON LEE ANDERSEN
MY COMMISSION EXPIRES
AUG 15 2005
FULTON COUNTY, GA.
NOTARY PUBLIC

Deed Book 34196 Pg 4
Juanita Hicks
Clerk of Superior Court
Fulton County, Georgia

Deed Book 50762 Pg 246
Filed and Recorded Jan-04-2012 03:10pm
2012-0001595
Real Estate Transfer Tax $560.00
Cathelene Robinson
Clerk of Superior Court
Fulton County, Georgia

59424.08

Return to:
Trinity Title Ins. Agency
437 E. Ponce De Leon Ave.
Decatur, GA 30030-1938

After recording return to:
First American Title Insurance Company
Six Concourse Parkway
Suite 2000
Atlanta, GA 30328
Attn: Brenda Sollenberger

COUNTY OF FULTON)
STATE OF GEORGIA)

QUITCLAIM DEED

THIS INDENTURE, made as of the 30th day of December, 2011, between **SYNOVUS BANK**, formerly known as Columbus Bank and Trust Company, as successor in interest through name change and by merger with Bank of North Georgia (hereinafter called "Grantor"), and **IPI GLOBAL, LLC**, a Georgia limited liability company (hereinafter called "Grantee").

WITNESSETH, Grantor for and in consideration of the sum of TEN DOLLARS ($10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, cash in hand paid, the receipt of which is hereby acknowledged, has bargained, sold and does by these presents bargain, sell, remise, release, and forever quitclaim to Grantee all the right, title, interest, claim or demand which Grantor has or may have had in and to all that tract of land, if any, described on Exhibit A, attached hereto and made a part hereof.

Together with all the rights, members and appurtenances to the said described premises in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said described premises unto Grantee, so that neither Grantor nor any other person or persons claiming under Grantor shall at any time, claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

(The words "Grantor" and "Grantee" include all genders, plural and singular, and their respective heirs, successors and assigns where the context permits.)

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

[Signature appears on following page]

2354050-1 10460.0330903

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

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public

(NOTARY SEAL)

My Commission Expires:

DIANE HAEGER
NOTARY
EXPIRES
GEORGIA
MAY 24, 2013
PUBLIC
COBB COUNTY

GRANTOR:

SYNOVUS BANK, a Georgia bank

By: _____
Joseph Sumner, Jr., Vice President

[Bank Seal]

2354050-1 10460.0330908

EXHIBIT "A"

Legal Description

TRACT 1:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 90 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE NORTHERN SIDE OF ALLEN ROAD, 600 FEET EAST, AS MEASURED ALONG THE NORTHERN SIDE OF ALLEN ROAD FROM THE POINT FORMED BY THE INTERSECTION OF THE NORTHERN SIDE OF ALLEN ROAD WITH THE EASTERN SIDE OF LAKE FOREST ROAD AND RUNNING THENCE IN AN EASTERLY DIRECTION ALONG THE NORTHERN SIDE OF ALLEN ROAD, 100 FEET TO AN IRON PIN; RUNNING THENCE IN A NORTHERLY DIRECTION AT AN INTERIOR ANGLE OF 90 DEGREES, 31 MINUTES WITH THE PRECEDING LINE, 319.1 FEET TO AN IRON PIN; RUNNING THENCE SOUTHWESTERLY, 118.2 FEET TO AN IRON PIN; RUNNING THENCE IN A SOUTHERN DIRECTION, 246.6 FEET TO AN IRON PIN LOCATED ON THE NORTHERN SIDE OF ALLEN ROAD AND THE POINT OF BEGINNING, AS SHOWN ON SURVEY FOR R. L. BLAND, DATED AUGUST 9, 1983, AND MADE BY A. S. GIOMETTI, GEORGIA REGISTERED LAND SURVEYOR NO. 1125.

PLUS,

TRACT 2:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 90 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, BEING LOT 6 OF SUBDIVISION OF J. H. CHATHAM PROPERTY AS PER PLAT RECORDED IN PLAT BOOK 61, PAGE 93, FULTON COUNTY RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE.

BEGINNING AT A POINT ON THE NORTH SIDE OF ALLEN ROAD, THREE HUNDRED FORTY (340) FEET WEST FROM THE NORTHWEST CORNER OF ALLEN ROAD AND ALLEN COURT (SAID POINT OF BEGINNING BEING AT THE SOUTHWEST CORNER OF LOT 5, OF SAID SUBDIVISION) AND RUNNING THENCE WEST, ALONG THE NORTH SIDE OF ALLEN ROAD, ONE HUNDRED TEN (110) FEET TO A POINT; RUNNING THENCE NORTH, THREE HUNDRED TWENTY-NINE (329) FEET TO A POINT ON THE SOUTH LINE OF LOT 8; RUNNING THENCE EAST ONE HUNDRED EIGHT AND TWO TENTHS (108.2) FEET TO A POINT; WITH THE LAST PRECEDING COURSE, SOUTH THREE

HUNDRED THIRTY (330) FEET TO THE NORTH SIDE OF ALLEN ROAD AND THE POINT OF BEGINNING.

PLUS,

TRACT 3:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 90 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA, BEING LOT 5, "SUBDIVISION OF J. H. CHATHAM", AS SHOWN ON PLAT RECORDED IN PLAT BOOK 61, PAGE 15, FULTON COUNTY, RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF.

PLUS,

TRACT 4:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 90 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, BEING LOT 4, AS SHOWN ON PLAT OF SUBDIVISION OF PROPERTY OF J. H. CHATHAM, MADE BY C. E. ABERCROMBIE, REF. NO. 879, DATED OCTOBER 23, 1957, RECORDED IN PLAT BOOK 61, PAGE 15, FULTON COUNTY RECORDS, TO WHICH PLAT IS REFERRED FOR A MORE COMPLETE DESCRIPTION.

PLUS,

TRACT 5:

ALL THAT TRACT OR PARCEL OF LAND SITUATE, LYING AND BEING IN LAND LOT 90 OF THE 17TH DISTRICT OF FULTON COUNTY, BEING LOT 3 ACCORDING TO PLAT OF SUBDIVISION OF THE PROPERTY OF J. H. CHATHAM AS MADE BY C. E. ABERCROMBIE, OCTOBER 23, 1957, AS RECORDED IN PLAT BOOK 61, PAGE 15, FULTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH SIDE OF ALLEN ROAD TWELVE HUNDRED SEVEN (1,207) FEET WEST AS MEASURED ALONG THE NORTH SIDE OF ALLEN ROAD FROM THE NORTHWEST CORNER OF ALLEN ROAD AND ROSWELL ROAD; SAID POINT ALSO BEING AT THE NORTHWEST CORNER OF ALLEN ROAD AND ALLEN COURT; RUNNING THENCE WEST ALONG THE NORTH SIDE OF ALLEN ROAD ONE HUNDRED (100) FEET TO THE SOUTHEAST CORNER OF LOT 4 AS SHOWN ON SAID PLAT; THENCE NORTH ALONG THE EAST LINE OF

SAID LOT 4 A DISTANCE OF ONE HUNDRED EIGHTY (180) FEET, TO THE NORTHEAST CORNER THEREOF; THENCE EAST ONE HUNDRED (100) FEET TO THE WEST SIDE OF ALLEN COURT; THENCE SOUTH ALONG THE WEST SIDE OF ALLEN COURT ONE HUNDRED EIGHTY (180) FEET TO THE NORTH SIDE OF ALLEN ROAD AT THE POINT OF BEGINNING.

PLUS,

TRACT 6:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 90 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, BEING KNOWN AS LOT 7 OF J. H. CHATHAM SUBDIVISION AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF ALLEN COURT, BASED UPON A 50-FOOT RIGHT-OF-WAY AND ALLEN ROAD AS PRESENTLY SITUATE; RUNNING THENCE NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY OF ALLEN COURT 180 FEET TO THE TRUE POINT OF BEGINNING, AND IRON PIN FOUND; RUNNING THENCE WESTERLY ALONG THE NORTHERLY BOUNDARY OF LOTS 3, 4 AND 5 A DISTANCE OF 340 FEET; RUNNING THENCE NORTHERLY 100 FEET; RUNNING THENCE EASTERLY 340 FEET TO AN IRON PIN FOUND LOCATED UPON THE RIGHT-OF-WAY OF ALLEN COURT AS AFORESAID; RUNNING ALONG THE SOUTHERLY RIGHT-OF-WAY OF ALLEN COURT A DISTANCE OF 100 FEET TO THE IRON PIN FOUND WHICH WAS DENOMINATED AS THE TRUE POINT OF BEGINNING. SUBJECT TO RECORDED PLAT THEREOF RECORDED AT PLAT BOOK 61, PAGE 93, RECORDED IN FULTON COUNTY SUPERIOR COURT, WHICH PLAT IS HEREBY REFERRED TO AND MADE A PART OF THIS DESCRIPTION.

PLUS,

TRACT 7:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 90 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, BEING LOT 8 AND PART OF LOT 9 OF THE SUBDIVISION OF J. H. CHATHAM AS SHOWN ON PLAT OF SURVEY BY C. E. ABERCROMBIE, R. E., DATED JANUARY 6, 1958, AND RECORDED IN PLAT BOOK 61, PAGE 93, FULTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT MARKED BY AN IRON PIN ON THE WEST SIDE OF ALLEN COURT TWO HUNDRED EIGHTY (280) FEET NORTH FROM THE NORTHWESTERLY CORNER OF ALLEN COURT AND ALLEN ROAD; RUNNING THENCE NORTHWESTERLY AND NORTHERLY ALONG THE SOUTHWESTERLY AND WESTERLY SIDE OF THE CUL-DE-SAC OF ALLEN COURT ONE HUNDRED THIRTY-THREE AND FIVE (133.5) FEET TO AN "X" ON CONCRETE; THENCE NORTHWESTERLY (ALONG A LINE WHICH FORMS AN INTERIOR ANGLE OF 147 DEGREES 54 MINUTES WITH A LONG CHORD OF LOT 8, SAID LONG CHORD HAVING A LENGTH OF 107.5 FEET) A DISTANCE OF ONE HUNDRED EIGHTY (180) FEET TO AN IRON PIN; THENCE CONTINUING NORTHWESTERLY ALONG A LINE WHICH FORMS AN INTERIOR ANGLE OF 169 DEGREES 53 MINUTES WITH THE LAST DESCRIBED COURSE A DISTANCE OF TWO HUNDRED NINETEEN AND EIGHT-TENTHS (219.8) FEET TO AN IRON PIN; THENCE SOUTH ONE HUNDRED FORTY-FOUR (144) FEET TO AN IRON PIN; THENCE EASTERLY ONE HUNDRED EIGHT AND TWO-TENTHS (108.2) FEET TO AN IRON PIN; THENCE SOUTH FIFTY (50) FEET TO AN IRON PIN; THENCE EASTERLY ALONG THE NORTHERLY SIDE OF LOT 7, THREE HUNDRED FORTY (340) FEET TO AN IRON PIN ON THE WEST SIDE OF ALLEN COURT AND THE POINT OF BEGINNING.

Deed Book 50762 Pg 251
Catherlene Robinson
Clerk of Superior Court
Fulton County, Georgia

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

Sandy Springs Circle.

Printed Name	Signature	Indication:		Property Street Address
		YES	NO	
Tyler C. Dixon		✓		5840 Sandy Springs Circle
IPI Global, LLC	Brenda Hedges	✓		5820 & 5830 Allen Court

Neighborhood: _____ Date: _____

Exhibit E

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

PB 61/93

FINAL APPROVAL

This map has been approved for recording by the Commissioners of Roads and Revenues of Fulton County, Georgia, having first been technically examined by the Fulton County Planning Commission and Engineer-Director of Public Works and approved in accordance with existing rules and regulations

Clerk, Commissioners of Roads and Revenues — Date FEB. 5 1958

Date JAN. 15 1958

Dept. of Public Works — Date FEB. 4 1958

PUBLIC HEALTH REQUIREMENTS

This subdivision, as shown, is approved upon the condition that water supply and sewage disposal facilities comply with the requirement indicated below, all of which are to be interpreted in accordance with the regulations of Fulton County Health Department.

WATER SUPPLY
( ) Public Water System
( ) _____

SEWAGE DISPOSAL
( ) Public Sewer System
X) Individual Septic Tanks, provided actual development begins before a public sewer becomes available.

OTHER FACTORS _____

SEWER [illegible]

The approval of any [illegible] of this subdivision is given conditionally to [illegible] (1) Such approval [illegible] dedication from consent [illegible] thereof against abutting [illegible] served over each of the [illegible] constructing and maintaining [illegible]

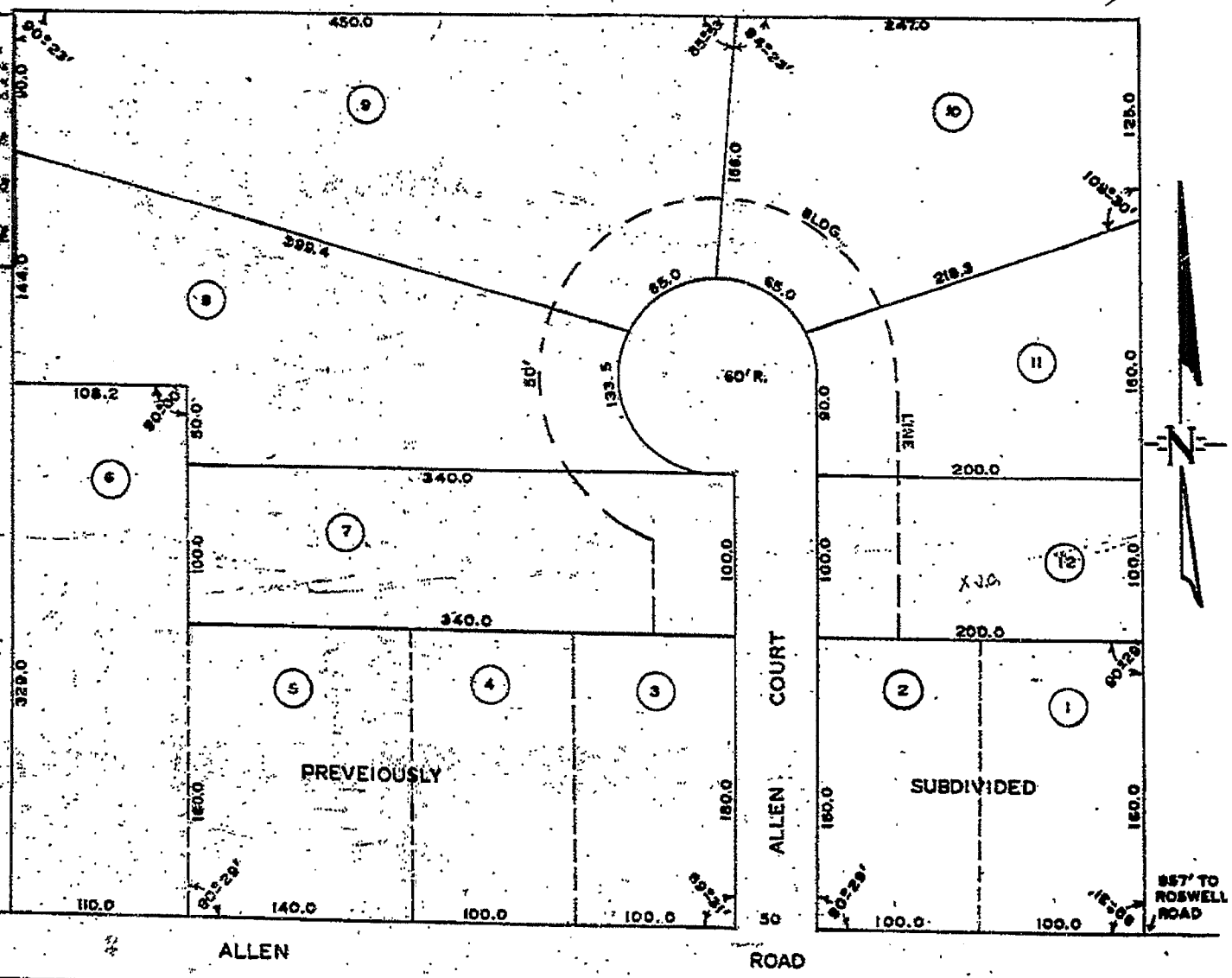
1-22-58 Date — H C Duke, Fulton County Health Dept.

Certification As To Recording

This is to certify that this plat has been recorded in Plat Book 61 Page 93 of Fulton County Records, on 2-14 1958

W. M. [illegible], Clerk, Superior Court, Fulton County, Georgia

This plat is approved with the understanding that easement is granted Fulton County along all road frontage for the purpose of sloping cuts and fills as follows:
0' to 5' - not less than 3 to 1 slope
5' to 10' depth - not less than 2 to 1 slope
10' or more depth - 1½ to 1 slope



SUB'D OF J. H. CHATHAM
LAND LOT 90 17TH. DIST. FULTON CO.
GA. SCALE 1"=60' JANUARY 6, 1958
C. E. ABERCROMBIE REG. NO. 879

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, 17th District, Fulton County, Georgia, being a portion of Allen Court also known as Sandy Springs Circle aka Allen Lane as shown on that plat of "Sub'd of J. H. Chatham" recorded at Plat Book 61, page 93, 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 Allen Court also known as Sandy Springs Circle 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 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**. Allen Court also known as Sandy Springs Circle was acquired by the Developer prior to the subdivision of the acreage into property known as "Sub'd of J. H. Chatham". The road was constructed in connection with the subdivision and first appears on the subdivision plat for "Sub'd of J. H. Chatham". recorded at Plat Book 61, page 93, Fulton County, Georgia records. The dates of approval appear to be between January 15 and February 4, 1958 with the plat being recorded of record on February 14, 1958. 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 1958 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

VICINITY MAP

VARIANCE REQUESTS

REGULATION	DESCRIPTION	REQUIRED	PROVIDED
ORDINANCE 7.2.3.G.4	TR FRONT YARD SETBACK (SANDY SPRINGS CIRCLE)	40'	10'
ORDINANCE 7.2.3.G.5	TR SIDE YARD SETBACK (ALLEN ROAD)	40'	10'
ORDINANCE 7.2.3.G.6	TR REAR YARD SETBACK (LAKE FORREST DRIVE)	35'	32.5'
ORDINANCE 7.2.3.H.1	INTERIOR FRONT YARD SETBACK	20'	0'
ORDINANCE 7.2.3.H.2	INTERIOR SIDE YARD SETBACK	7'	5'
ORDINANCE 7.2.3.H.2	MINIMUM DISTANCE BETWEEN HOUSES	14'	10'
ORDINANCE 7.2.3.H.3	INTERIOR REAR YARD SETBACK	25'	10'
ORDINANCE 4.23.1	SIDE BUFFER	25'	SEE PLAN
ORDINANCE 4.23.1	IMPROVEMENT SETBACK	10'	0'
ORDINANCE 12B.4	STREETSCAPE STANDARDS		
	ALONG ALLEN ROAD (GRASS STRIP/SIDEWALK)	2'/9'	4'/6'
	ALONG SANDY SPRINGS CIRCLE	2'/9'	4'/12'
CODE SEC. 103-75	MINIMUM RIGHT OF WAY	50'	44'
COD SEC. 103-72.e.3	ALLOW MORE THAN 2 HOMES TO SHARE A COMMON PRIVATE DRIVEWAY.		
CODE SEC. 109-225.a.1	50' UNDISTURBED NATURAL VEGETATIVE BUFFER	N/A	SEE NOTE 1
NOTE 1:	24,444 SF OF DISTURBANCE TO ENCROACH INTO 50' BUFFER. ENCROACH 29,026 SF SO THERE IS AN OVERALL REDUCTION PROPOSED.	EXISTING CONDITIONS	
CODE SEC. 109-225.a.2	25' IMPERVIOUS SETBACK BEYOND 50' BUFFER	N/A	SEE NOTE 2
NOTE 2:	10,000 SF OF IMPERVIOUS AREA TO ENCROACH INTO SETBACK. ENCROACH 15,152 SF SO THERE IS AN OVERALL REDUCTION PROPOSED.	EXISTING CONDITIONS	

PRODUCT ANALYSIS

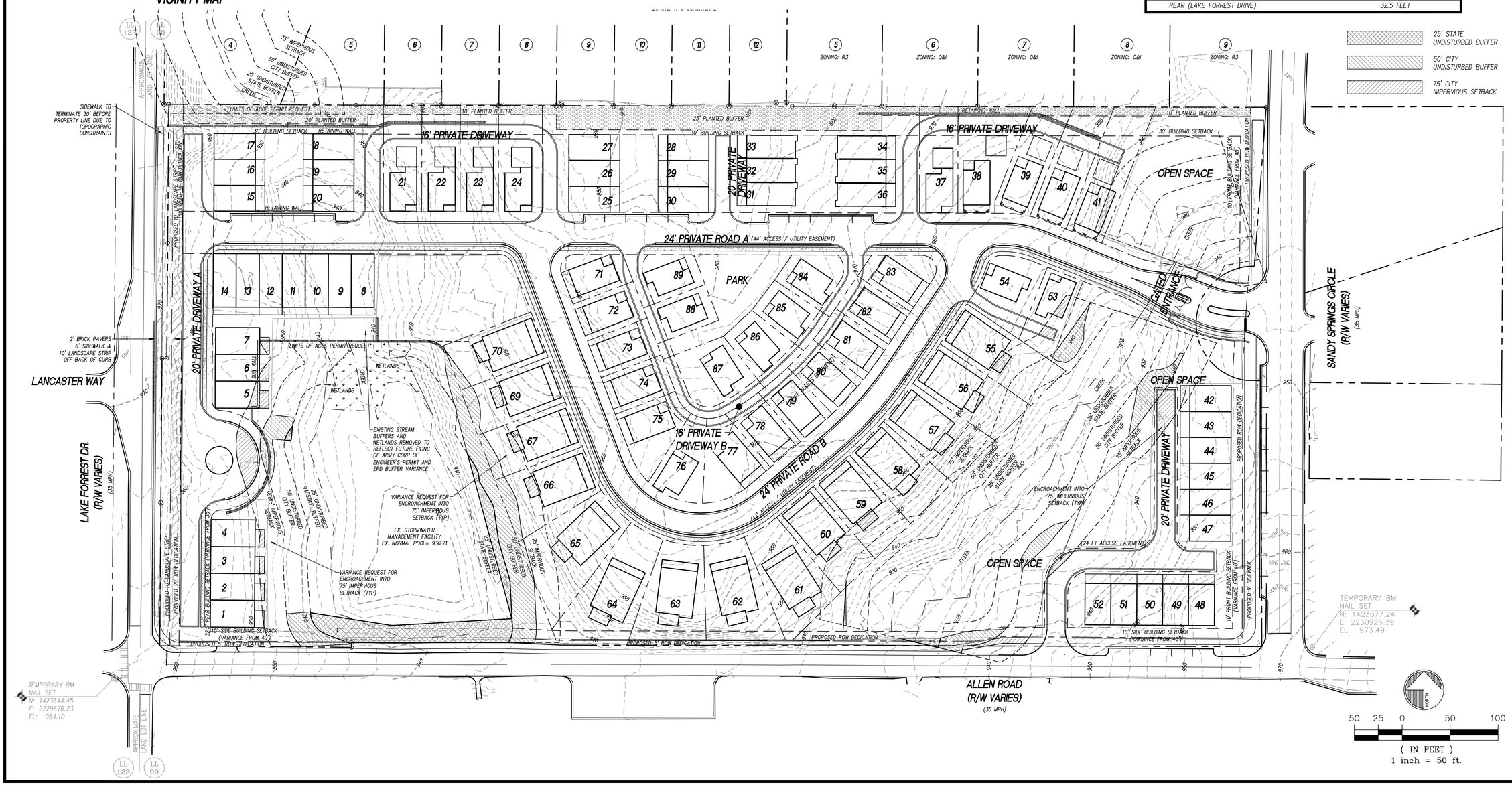
DESCRIPTION	DIMENSIONS	ACCESS	PRODUCT	TOTAL
SINGLE FAMILY	40' x 100' MIN.	DETACHED GARAGE	RIVERSIDE	4 UNITS
SINGLE FAMILY	40' x 75' MIN.	REAR ENTRY	RICHLAND	12 UNITS
SINGLE FAMILY	40' x 68' MIN.	REAR ENTRY	RANDALL	14 UNITS
SINGLE FAMILY	50' x 97' MIN.	FRONT ENTRY	WALLACE	15 UNITS
TOWNHOUSE	24' x 56'	FRONT ENTRY	COLLINS	7 UNITS
TOWNHOUSE	28' x 52'	FRONT ENTRY	BOSTON	7 UNITS
TOWNHOUSE	27' x 52'	REAR ENTRY	CHARLOTTE	19 UNITS
TOWNHOUSE	24' x 52'	REAR ENTRY	BRIDGEPORT	10 UNITS
TOTAL RESIDENTIAL UNITS				88 UNITS

BUFFER / IMPERVIOUS SETBACK ENCROACHMENTS

	25' STATE UNDISTURBED BUFFER	50' CITY UNDISTURBED BUFFER	75' CITY IMPERVIOUS SETBACK
EXISTING CONDITIONS	6,672 SF DISTURBED	29,026 SF DISTURBED	15,152 SF IMPERVIOUS
CITY CENTER MASTER PLAN	32,178 SF DISTURBED	39,162 SF DISTURBED	24,238 SF IMPERVIOUS
ORIGINAL ZONING PLAN	17,057 SF DISTURBED	29,022 SF DISTURBED	13,564 SF IMPERVIOUS
CURRENT ZONING PLAN	22,986 SF DISTURBED	24,444 SF DISTURBED	10,000 SF IMPERVIOUS

DEVELOPMENT SUMMARY

ZONING	
EXISTING ZONING	R-3, OI
TOTAL SITE AREA	14.63 ACRES
UNITS	88
DENSITY	6.0 UNITS/ACRE
OPEN SPACE	4.5 ACRES (30%)
PRIVATE ROAD WIDTH	24' BC-BC
PRIVATE ROAD EASEMENT WIDTH	44'
PRIVATE ALLEY WIDTH	16' & 20' BC-BC
PRIVATE ALLEY EASEMENT WIDTH	24'
MINIMUM FLOOR AREA	1,500 SF
MAXIMUM LOT COVERAGE	50%
MINIMUM LOT WIDTH AT SETBACK LINE	24 FEET
MINIMUM LOT AREA	1,340 SF
MINIMUM LOT DEPTH	55 FEET
LOT LINES MAY BE NON RADIAL	
SETBACKS (INTERIOR)	
FRONT	0 FEET
SIDE (ADJACENT TO STREET)	0 FEET
SIDE (ADJACENT TO LOTS)	5 FEET
REAR	10 FEET
SETBACKS (PERIMETER)	
FRONT (SANDY SPRINGS CIRCLE)	10 FEET
SIDE	30 FEET
SIDE (ALLEN ROAD)	10 FEET
REAR (LAKE FORREST DRIVE)	32.5 FEET



RIDGE PLANNING AND ENGINEERING
1795 WHITE CIRCLE - SUITE 202 - MARIETTA, GA 30066
JEFF SMITH, P.E. DIRECT 404.328.6280
MIKE HAPONSKI, P.E. DIRECT 404.557.2400

LAND PLAN

ALLEN ROAD TRACT

LANDLOT 90
17th DISTRICT
SANDY SPRINGS, GEORGIA

DESIGNED FOR:

Owner/Developer:

JOHN WIELAND HOMES AND NEIGHBORHOODS
jwhomes.com
4125 Atlanta Road SE • Smyrna, GA 30080
24 Hour Contact: Jason Garrett 770-703-1646

GSWCC CERTIFICATION NUMBER: 36629
EXPIRATION DATE: 07.20.2015

GEORGIA REGISTERED No. 37161 PROFESSIONAL ENGINEER JEFFREY M. SMITH

REVISIONS

ZONING PLAN

Z.100

13075c.dwg 04.25.2014