

CANTON

Community Development Department

110 Academy Street, Canton, Georgia 30114
770-704-1500

Public Hearing Application

Project # VAR 2209-002

1. Please check all information supplied on the following pages to ensure that all spaces are filled out completely and accurately before signing this form. State N/A, where Not Applicable
2. Please make your check payable to "City of Canton."
3. If you have questions regarding this form please contact the Department of Planning and Zoning by calling (770) 704-1530.

This form is to be executed under oath. I, Midelyn Louis, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in the Application for Public Hearing is true and correct and contains no misleading information. I, Midelyn Louis, have received and thoroughly read the Public Hearing Procedures.

Applicant: Midelyn Louis This 31st day of August, 20 02.
Print Name: Midelyn Louis

Applicant Information:

Name: Midelyn Louis
Address: 2960 106 Legend Creek Dr
City: Canton
State: GA Zip Code: 30114
Telephone: 678 949-6900
Fax Number: 678 493-6793
Email Address: MidelynL@yahoo.com

Owner Information:

Name: Cecil Pruet
Address: 40 Austin Patrick Ave
360 W. Main St.
City: Canton
State: GA Zip Code: 30114
Telephone: 770-542-9699
Fax Number: _____
Email Address: Korin@austinpatrik.com

This Application For (Check Only One):

- ☐ A Annexation
- ☐ B Rezoning
- ☐ C Master Plans
- ☐ D Master Plan Revisions
- ☐ E Conditional Use Permit
- ☐ F Land Use Modification
- ☐ G Zoning Condition Amendment
- ☐ H Density Transfer within Master Plan

- ☐ I Temporary Use Permit
- ☐ J Zoning Ordinance Text Amendment
- ☐ K Variance : Pre-Construction
- ☐ K Variance : Post-Construction
- ☐ Appeal
- ☐ Adjustment
- ☐ Special Exception

Fee Schedule:

Application Type _____
Base Fee _____ + (#Acres _____ x \$25.00 = _____) = _____
+ (#Acres _____ x \$50.00 = _____) = _____
Advertising Fee _____ = _____

Staff Use Only

Amount Due: _____
Amount Due: _____
Total Fee: _____
Amount Paid: _____

Received By: _____ Date: _____



Community Development Department
110 Academy Street, Canton, Georgia 30114

770-704-1500

Authorization Of Property Owner

This form is to be executed under oath. I, Cecil Pruitt, do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the owner of the property, which is the subject matter of the attached application, as is shown in the records of Cherokee County, Georgia. I hereby authorize the City of Canton and its representatives to inspect the property, which is the subject of this application, and post any notices required thereon.

This 3rd day of August, 2022.

Owner Signature: Cecil Pruitt Print Name: Cecil Pruitt

I, the above signed legal owner of the subject property, do hereby authorize the following application to be submitted to the City of Canton:

- | | |
|---|--|
| ☐ A Annexation | ☐ G Zoning Condition Amendment |
| ☐ B Rezoning | ☐ H Density Transfer within Master Plan |
| ☐ C Master Plans | ☐ I Temporary Use Permit |
| ☐ D Master Plan Revisions | ☐ J Zoning Ordinance Text Amendment |
| ☐ E Conditional Use Permit | ☒ K Variance |
| ☐ F Land Use Modification | |

Sworn To And Subscribed Before Me This 3rd Day Of August, 2022.

Notary Signature: Christy Darnell





Community Development Department
110 Academy Street, Canton, Georgia 30114
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Authorization Of Applicant

This form is to be executed under oath. I, _____, do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the owner of the property, which is the subject matter of the attached application, as is shown in the records of Cherokee County, Georgia. I hereby authorize the City of Canton and its representatives to inspect the property, which is the subject of this application, and post any notices required thereon.

This _____ day of _____, 20____.

Owner Signature: _____ Print Name: _____

I, the above signed legal owner of the subject property, do hereby authorize the person named below to act as applicant in the pursuit of a request for:

- | | |
|---|--|
| ☐ A Annexation | ☐ G Zoning Condition Amendment |
| ☐ B Rezoning | ☐ H Density Transfer within Master Plan |
| ☐ C Master Plans | ☐ I Temporary Use Permit |
| ☐ D Master Plan Revisions | ☐ J Zoning Ordinance Text Amendment |
| ☐ E Conditional Use Permit | ☒ K Variance |
| ☐ F Land Use Modification | |

Name of Authorized Applicant: Midelyn Louis

Signature: *Midelyn Louis*

Mailing Address: 106 Legend Creek Dr

Applicant Status:

City: Canton GA
State: GA Zip Code: 30114
Telephone: 678 949-6900
Fax Number: 678 493-6793
E-mail: midelyn1@yahoo.com

- ☐ Owner
☐ Option to Purchase
☐ Leasee
☐ Area Resident
☐ Other (Explain): _____

This Authorization of Applicant Form has been completed and the property owner's signature is Sworn To And Subscribed Before Me This 31st Day Of August 2022.

Notary Signature: *Lawson Brown*





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110 Academy Street, Canton, Georgia 30114
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Authorization Of Applicant

This form is to be executed under oath. I, _____, do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the owner of the property, which is the subject matter of the attached application, as is shown in the records of Cherokee County, Georgia. I hereby authorize the City of Canton and its representatives to inspect the property, which is the subject of this application, and post any notices required thereon.

This _____ day of _____, 20____.

Owner Signature: _____ Print Name: _____

I, the above signed legal owner of the subject property, do hereby authorize the person named below to act as applicant in the pursuit of a request for:

- | | |
|---|--|
| ☐ A Annexation | ☐ G Zoning Condition Amendment |
| ☐ B Rezoning | ☐ H Density Transfer within Master Plan |
| ☐ C Master Plans | ☐ I Temporary Use Permit |
| ☐ D Master Plan Revisions | ☐ J Zoning Ordinance Text Amendment |
| ☐ E Conditional Use Permit | ☒ K Variance |
| ☐ F Land Use Modification | |

Name of Authorized Applicant: Midelyn Louis

Signature: *Midelyn Louis*

Mailing Address: 106 Legend Creek Dr

Applicant Status:

City: Canton GA
State: GA Zip Code: 30114
Telephone: 678 949-6900
Fax Number: 678 493-6793
E-mail: midelynL@yahoo.com

- ☐ Owner
☐ Option to Purchase
☐ Leasee
☐ Area Resident
☐ Other (Explain): _____

This Authorization of Applicant Form has been completed and the property owner's signature is Sworn To And Subscribed Before Me This 31st Day Of August

Notary Signature: *Ann Marie*



CANTON

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(Application Type A : ONLY)

Address of Property to be Annexed: 2960 Marietta Hwy Canton GA 30114

Land Lot(s): 1.27 District: 14 Section: 2nd Map #: _____ Parcel #: 024

Please answer the following questions to meet and comply with the United States Department of Justice, Civil Rights Division, Voting Section, Section 5 of the Voting Rights Act.

1. Intended Use of the Land:

- ☐ Residential
☒ Commercial
☐ Vacant

- ☐ Other (Specify) _____
☐ Existing Structures _____

2. Number of persons currently residing on the property: 2; Number 18 years or older: _____;
Number registered to vote: Unknown

3. The number of all residents occupying the property: Unknown

- | | |
|-------------------------------------|------------------------|
| _____ American Indian | _____ Alaskan Native |
| _____ Asian | _____ Pacific Islander |
| _____ Black, not of Hispanic Origin | _____ Hispanic |
| _____ White, not of Hispanic Origin | |

4. Please attach the following information as Exhibit "C". The Atlanta Regional Commission requires this information so that they can provide Population Estimates.

- (1) Number of Existing Housing Units
- (2) List of addresses for each housing unit in the annexed area at the time of the annexation
- (3) Disposition of existing structures (e.g. to be Demolished, Moved, or Converted)
- (4) Names of affected subdivision
- (5) Names of affected multi-family complex
- (6) Names of group quarters (such as school dormitories, nursing homes or jails)
- (7) Names of affected duplexes
- (8) Names of Mobile Home Parks

I/We the undersigned, being the owner(s) of real property of the territory described herein, respectfully request that the Mayor and City Council of the City of Canton, Georgia annex this property into the City and extend the City boundaries to include the same.

Cecil Pruett 8/3/22
Property Owner's Signature Date

Cecil Pruett
Property Owner's Printed Name

Sworn To And Subscribed Before Me This 3rd Day Of August, 2022

Notary Signature: Christy Darnell (Seal)





Dear Applicant,

By signing this letter you have acknowledged that you have read and understand the City of Cantons "Housing Needs Assessment & Market Study. A copy of this study may be found on the City's website, www.cantonga.gov.

In addition by signing this letter you have acknowledged that you have read and understand the City of Canton's "Roadmap for Success". This plan was adopted by the Mayor and City Council on December 17, 2020. A copy of this document may also be found on the City's website, www.cantonga.gov. *

I, Midelyn Louis, as applicant and/or owner of the subject property(ies) do hereby attest that I have read and understand the City of Canton "Housing Needs Assessment & Market Study". The proposed project meets the tenets of success and assists the City in reaching goals through the proposed development. The specific means by which these items have been implemented may be found in the Letter of Intent.

Midelyn Louis
Signature

Date: 6/28/22

Midelyn Louis
Printed Name

I, Midelyn Louis, as applicant and/or owner of the subject property(ies) do hereby attest that I have read and understand the City of Canton's "Roadmap for Success". The proposed project has implemented the "Roadmap for Success" or portions thereof within the proposed development. The specific means by which these items have been implemented may be found in the Letter of Intent.

Midelyn Louis
Signature

Date: 6/28/22

Midelyn Louis
Printed Name

*Please be prepared to discuss the items with the City staff.



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Disclosure Form

O.C.G.A. § 36-67A-2 / O.C.G.A. § 36-67A-3 requires disclosure of campaign contributions to government officials by an applicant or opponent of a public hearing petition. Applicants must file this form with the Department of Planning and Zoning.

1. Name of Applicant/Opponent: Midehyn Lewis Please Type or Print All Responses

Section 1

If the answer to any of the following questions is "Yes," complete Section 2.

- A) Are you, or anyone else with a property interest in the subject property, a member of the City of Canton Planning Commission or the City of Canton Mayor and Council?
☐ YES ☒ NO
- B) Does an official of such public bodies have any financial interest in any business entity which has a property interest in the subject property?
☐ YES ☒ NO
- C) Does a member of the family of such officials have an interest in the subject property as described in (A) and (B)?
☐ YES ☒ NO
- D) Within Two (2) years of immediately preceding this application have you made campaign contributions(s) or given gifts to such public officials aggregating \$250 or more?
☐ YES ☒ NO

Section 2

1. Name and the official position of the Canton Official to whom the campaign contribution was made *(Please use a separate form for each official to whom a contribution has been made in the past (2) years):*
2. List the dollar amount/value and description of each campaign contribution made over the past two (2) years by the Applicant/Opponent to the named Canton Official:

	Description
\$	
\$	
\$	

Note: Complete a separate form for each authorized applicant.



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Property Information:

Address: 2960 Marietta Highway Canton GA 30114
Land Lot(s): 1.27 District: 14 Section: 2nd Map #: Parcel #: 024

Existing Zoning Of Property: C ☒ City ☐ County Total Acreage Of Property: 2.5 AC
Proposed Zoning Of Property: C Existing Use(s) Of Property:

Directions to property from Main Street in downtown Canton:

Right on E. Marietta st. (L) on W. Marietta st. slight (R) onto
Marietta Rd. Turn (L) onto Marietta Hwy. (R) onto driveway

Adjacent Property/Owner Information: Please provide the following information for all adjacent properties, including property connected by public rights-of-way. Attach additional sheets as necessary.

	<u>OWNER NAME/ADDRESS</u>	<u>CURRENT ZONING</u>	<u>CURRENT LAND USE</u>
NORTH	_____	_____	_____
SOUTH	_____	_____	_____
EAST	_____	_____	_____
WEST	_____	_____	_____
OTHER	_____	_____	_____

UTILITY INFORMATION

How is sewage from this development to be managed? City of Canton

Proposed managing jurisdiction: Dept of Environmental Health

How will water be provided to the site? City of Canton

Proposed managing jurisdiction: _____ Size Limit: _____



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PUBLIC SCHOOL POLICY STATEMENT

The Mayor and Council of the City of Canton hereby recognize that growth and development can, at times, have an effect on school capacity within the county and therefore recognize the need to share information on developments that have regional impact. In an effort to cooperate with the Cherokee County School Board and share information on residential rezoning requests, master plan applications, and land use modifications to the comprehensive land use plan, the Mayor and Council hereby encourage open dialogue and meeting between the applicant and the appropriate school board representative. Therefore, developers whose projects consist of 25 or more residential units shall contact the Cherokee County School Board and communicate with a school board representative to discuss their intent. This communication between the applicant and the school board shall take place, at a minimum, prior to the Planning Commission meeting in which the application is scheduled to be heard. The applicant should be prepared to address such communication if requested by the Mayor and Council at the meeting in which final action is to be taken. (Section 8-8-B-37) (Amended: 12/07/00)

County Schools serving this development:

HIGH Cherokee High School

MIDDLE Teasley middle school

ELEMENTARY Community Christian School / Hasty

TRAFFIC INFORMATION

Road/Street providing access: Butterworth

Width at property: (Road) _____ (Right-of-way) _____

Distance to nearest major thoroughfare: 1/2 mile Thoroughfare Name: Exxon gas station

Description of Road accessing property (Classification): _____

In support of this request, I submit the following items, which are attached and made a part of this application:

- | | |
|---|---|
| ☐ Boundary Survey | ☐ Master Plan / Site Plan |
| ☐ Legal Description | ☐ Location Map |
| ☒ Letter of Intent | ☐ Hydrology Study |
| ☐ Planning Commission Review Criteria Response | ☐ Traffic Analysis Report |
| | (Guidelines available from Planning & Zoning Dept.) |
| ☐ Board of Zoning Appeals Review Criteria Response | ☐ Elevation Plans |
| ☐ Petition Requesting Annexation | |
| ☐ Other (please explain) _____ | |



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Canton Board of Zoning Appeals Review Criteria

Article H, Section 8-8-H-195 empowers the Zoning Board of Appeals to authorize variances from provisions of the Zoning Code pursuant to a finding based in the criteria listed below. Please respond to the following.

(Applications Type K : ONLY)

Are there any extraordinary and exceptional conditions pertaining to the subject property because of its size, shape or topography? NO

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary

hardship? yes, Cherokee Angel will not be allowed to open the
adultery care.

Has the condition from which relief or variance is sought been a result from action by the applicant? yes

Need reduce side setback from 50' to 7'-17'

Are there conditions peculiar to the subject property? NO

Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Specifically, would the variance impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals or general welfare or the inhabitants or the City?

NO

* Please provide a Letter of Intent, which provides the necessary information to support your application for Variance.

PLEASE RECORD AND RETURN TO:

Hasty, Pope & Ball, LLP
P.O. Box 1818
Canton, GA 30169
(File #1045)

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF CHEROKEE

THIS DEED, made this 19th day of March in the Year of Our Lord Two Thousand Seven between **JOE D. MANOUS** ("Grantor"), of the State of Georgia and County of Cherokee, and **G. CECIL PRUETT** ("Grantee"), of the State of Georgia and County of Cherokee, (the terms "Grantor" and "Grantee" to include the neuter, masculine and feminine genders, the singular and the plural, and shall be deemed to refer equally to each of said persons, firms, or entities, their respective heirs, successors and assigns where the context hereof requires or permits, unless otherwise specifically provided herein).

WITNESSETH THAT: Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt, adequacy and sufficiency of which being hereby acknowledged by Grantor, has granted, bargained, sold and conveyed, and by these presents does hereby grant, bargain, sell and convey unto Grantee, the following described real property, to-wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 127 of the 14th District, 2nd Section, City of Canton, Cherokee County, Georgia, and being more particularly described in Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the above-described tract or parcel of land, together 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**.

Printed: 11/17/2022 11:13:38
Register: 3 Clerk:

Official Tax Receipt
Dana McKinzie
Cherokee Tax Commissioner

Phone: (678) 493-6400
Fax: (678) 493-6423

2780 Marietta Hwy
Canton, GA 30114

Trans No	Property ID/District Description	Original Due	Interest & Penalty	Prev Paid	Amount Due	Amount Paid	Transaction Balance
214031 Year-Bill No 2022 - 93612	15N13B 024 / 003 2960 MARIETTA HWY FMV: \$506,500.00	5,814.42	0.00 Fees 0.00	0.00	5,814.42	5,814.42 Paid Date 11/9/2022 14:53:44	0.00 Current Due 0.00
Transactions	214031 - 214031 Totals	5,814.42	0.00	0.00	5,814.42	5,814.42	0.00

PRUETT REAL ESTATE INVESTMENT
INC
371 HILTON WAY
CANTON, GA 30114

Paid By

PRUETT REAL ESTATE
INVESTMENT INC

Check No 1293
Charge Acct

Cash Amt 0.00
Check Amt 5,814.42
Charge Amt 0.00
Change Amt 0.00
Refund Amt 0.00
Overpay Amt 0.00

To be filed in **CHEROKEE COUNTY**

PT-61 028-2007-002879

SECTION A - SELLER'S INFORMATION (Do not use agent's information)				SECTION C - TAX COMPUTATION	
SELLER'S LAST NAME Manous	FIRST NAME Joe	MIDDLE D.	Exempt Code If no exempt code enter NONE		NONE
MAILING ADDRESS (STREET & NUMBER) 721 Longview Rd.			1 Actual Value of consideration received by seller Complete Line 1A if actual value unknown		\$525,000.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Canton, GA 30114 USA		DATE OF SALE 3/19/2007	1A Estimated fair market value of Real and Personal property		\$0.00
SECTION B - BUYER'S INFORMATION (Do not use agent's information)				2 Fair market value of Personal Property only	
BUYER'S LAST NAME Pruett	FIRST NAME G.	MIDDLE Cecil	3 Amount of liens and encumbrances not removed by transfer		\$0.00
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) 371 Hilton Way			4 Net Taxable Value (Line 1 or 1A less Lines 2 and 3)		\$525,000.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Canton, GA 30114 USA		Check Buyers Intended Use () Residential (X) Commercial () Agricultural () Industrial	5 TAX DUE at 10 per \$100 or fraction thereof (Minimum \$1.00)		\$525.00
SECTION D - PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))					
HOUSE NUMBER & EXTENSION (e.g. 285A) 2960		PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION Marietta Highway			SUITE NUMBER
COUNTY CHEROKEE		CITY (IF APPLICABLE) Canton	MAP & PARCEL NUMBER 15H13B 024		ACCOUNT NUMBER
TAX DISTRICT	GWD	LAND DISTRICT 14	ACRES	LAND LOT 127	SUB LOT & BLOCK
SECTION E - RECORDING INFORMATION (Official Use Only)					
DATE	DEED BOOK	DEED PAGE	PLAT BOOK	PLAT PAGE	

ADDITIONAL BUYERS

None

City of Canton
Zoning Department
151 Elizabeth St, Canton, GA 30114

Letter of Intent for Zoning Variance For:
Cherokee Angel
Midelyn Louis
2960 Marietta Highway
Canton GA 30114

ZONING: Commercial Tax ID #: 15N13B Parcel ID # 024 Land Lot 1.27 District 14th
Letter of Intent for Zoning Variances/Special Exception

Thursday September 1st, 2022

Dear Planning & Zoning Members,

We are requesting a variance for the above address to seek relief of the required setback, for the reasons detailed below, the proposed reduction of the yard setbacks would allow the tenant with the owner's agreement to run an adult daycare for seniors living in the community.

Due to the requirements for life care services set in the ordinances Sect 104.03.14, the setback from such establishment is strictly determined. We are requesting a reduction of the required setback from 50' to +/- 17'. The strict application of the requirements of this applicable zoning chapter would deprive the community the privilege to enjoy activities within their neighborhood.

Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located and would have no effect on any adjoining properties. This zoning relief requested will not cause any detriment to the common good, as the literal interpretation and strict application of the applicable zoning requirements of this chapter would cause substantial undue and unnecessary hardship to the current property owner.

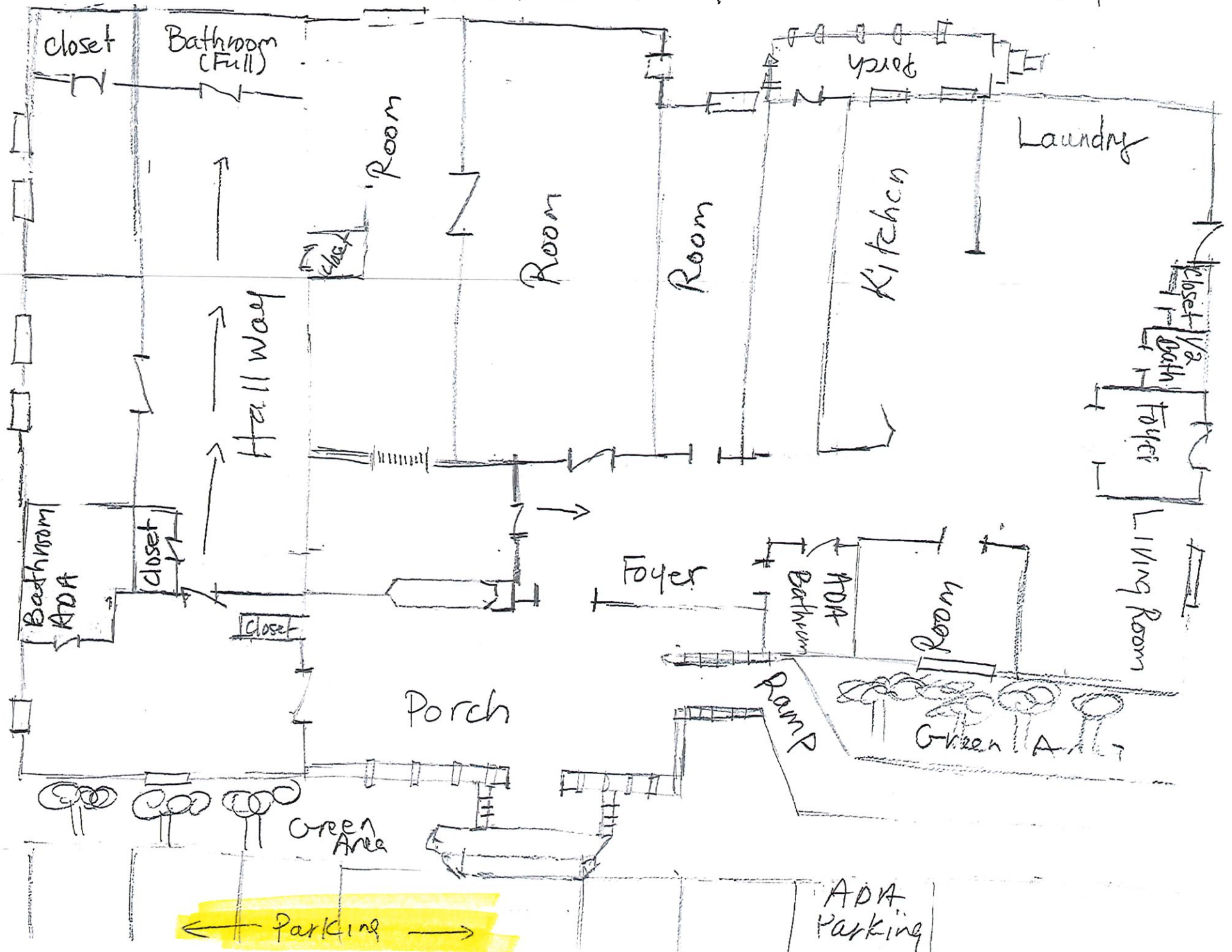
Thank you for your consideration,

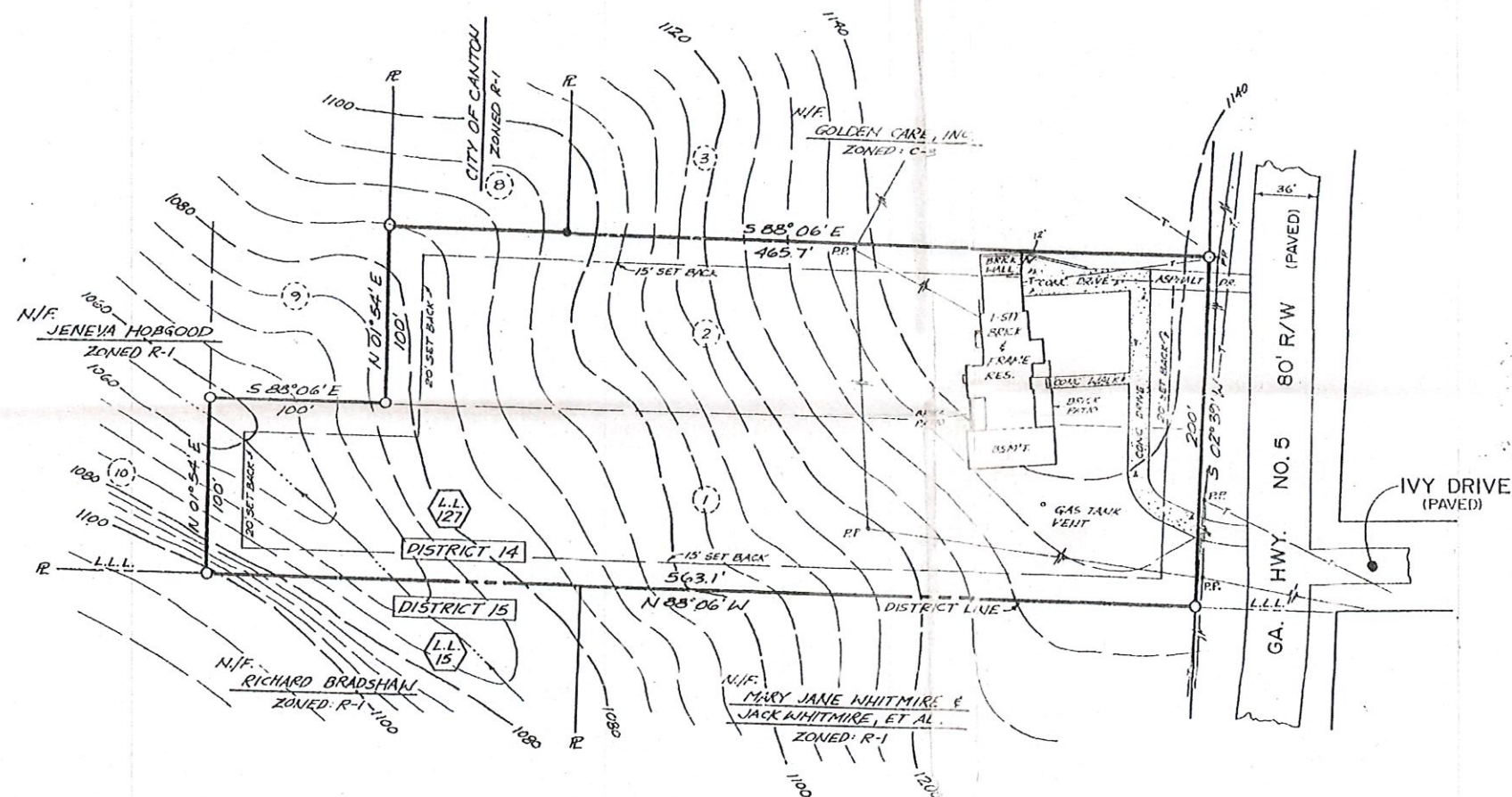
Sincerely,



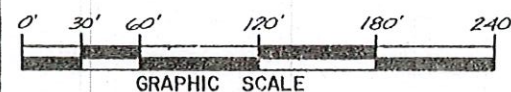
Midelyn Louis

2960 Marietta Hwy Canton 30114





AREA = 2.36 ACRES



ADAMS-SIMS & ASSOCIATES, INC.
P.O. BOX 1466
CANTON, GEORGIA 30114
PHONE: (404) 479-5856



LAND SURVEYING
SUBDIVISIONS
LAND PLANNING

ZONING SKETCH			
SUBDIVISION: PINE CREST SUBDIVISION			
LOTS: 1 & 2, PHASE, UNIT, BLOCK			
SURVEY FOR:			
JOE D. MANOUS			
LAND LOT(S): 127			
DISTRICT: 14, SECTION: 2			
CITY: CANTON			
CHEROKEE COUNTY, GEORGIA			
DRAWN BY: J.T.K.		CHECKED BY: J.A.	

LEGEND:	
1.) I.P.S. - IRON PIN SET (1/2" REINFORCING BAR)	
2.) I.P.F. - IRON PIN FOUND	
3.) L.L.L. - LAND LOT LINE	
4.) R/W - RIGHT OF WAY	
5.) P.L. - PROPERTY LINE	
6.) C - CENTERLINE	
7.) -x-x- FENCE (APPROX. LOC.)	
8.) - - - - - STREAM (APPROX. LOC.)	
9.) - - - - - DITCH (APPROX. LOC.)	
10.) P.P. - POWER & (OR) PHONE POLE	

- NOTES:
- 1) REFERENCE PLAT FOR: RALPH LAWSON PROPERTY, BY: LAT RIDGWAY, DATED: MARCH 21, 1955, RECORDED IN PLAT BOOK 1, PAGE 155.
 - 2) ALL BOUNDARY INFORMATION SHOWN WAS TAKEN FROM NOTE 1 AND WAS NOT FIELD VERIFIED.
 - 3) ZONING = PRESENT ZONING R-1
PROPOSED ZONING C-3
 - 4) ADJACENT OWNER ZONING: AS SHOWN.
 - 5) SET BACKS - FRONT 20'
SIDE 15'
REAR 20'
 - 6) NO GRADING OR STRUCTURAL CHANGES ARE PROPOSED AT THIS TIME.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN N/A FEET AND AN ANGULAR ERROR OF N/A PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN N/A FEET.

EQUIPMENT USED: TOPCON GTS-2B, E.D.M.

FLOOD INSURANCE RATE MAP, COMMUNITY NO. 130039, DATED JULY 15, 1988, SHOWS THIS PROPERTY NOT TO BE IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

UNDERGROUND UTILITIES, IF ANY, ARE NOT SHOWN.

"ALL MATTERS OF TITLE ARE EXCEPTED."