



**Action Requested/Required:**

- Vote/Action Requested
- Discussion or Presentation Only
- Public Hearing
- Report Date: 4/24/24
- Hearing Date: 6/6/24
- Voting Date: 6/20/24

**Department:** Community Development **Presenter(s) & Title:** Steve Green, Zoning Administrator

**Agenda Item Title:**

MPA2404-001 - Riverstone Pod B - Applicant seeks to add residential as an allowed use in Pod B and has also requested a concurrent variance for the reduction of the required buffer when PD zone property abuts RA-6 zoned property - Center Street

**Summary:**

The applicant has filed a Master Plan Amendment to allow residential uses in Pod B of the Riverstone Development. Currently the allowed uses in Pod B are commercial type businesses. The submitted site plan indicates 4 duplex units which provides 8 living units on .89 acres (38,768 square feet). Access to the units will be from Center Street. The applicant has also submitted a concurrent variance request to eliminate the 50' required buffer in its' entirety along the rear and a portion of the side yard. The applicant is proposing a 15' front yard setback and a 10' setback along the side and rear yards.

**Budget Implications:**

Budgeted?  Yes  No  N/A

Total Cost of Project:  Check if Estimated

Fund Source: General Fund  Water & Sewer  Sales Tax  Other:

**Staff Recommendations:**

Staff recommendations will be presented at June 6th public hearing.

**Reviews:**

Has this been reviewed by Management and Legal Counsel, if required?  Yes  No

**Attachments:**

Application  
Site plan



Community Development Department

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

Public Hearing Application

Project # MPA2401-001

- 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, Jesse Gunnin, 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, Jesse Gunnin, have received and thoroughly read the Public Hearing Procedures.

This 1st day of April, 2024

Applicant: [Signature] Print Name: Jesse Gunnin

Applicant Information:

Name: Jesse Gunnin for JRG1, LLC
Address: 141 Railroad Street, Ste 116
City: Canton
State: GA Zip Code: 30114
Telephone: 770.359.8609
Fax Number:
Email Address: jesse@gunninsurvey.com

Owner Information:

Name: Matt Sasser for Bright-Sasser, LLC
Address: 1301 Hightower Trl., Ste 350
City: Atlanta
State: GA Zip Code: 30350
Telephone: 404.446.0225
Fax Number:
Email Address: matt@meyersbrothers.com

This Application For (Check Only One):

- A Annexation
B Rezoning
C Master Plans
[X] 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
[X] 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:

Received By: Date:

Amount Paid:




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](http://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](http://www.cantonga.gov). \*

I, Jesse Gunnin, 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.

 Date: 04.01.2024  
Signature  
Jesse R. Gunnin  
Printed Name

I, Jesse Gunnin, 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.

 Date: 04.01.2024  
Signature  
Jesse R. Gunnin  
Printed Name

\*Please be prepared to discuss the Items with the City staff.



# CANTON

Community Development Department  
110 Academy Street, Canton, Georgia 30114  
770-704-1500

## Authorization Of Applicant

This form is to be executed under oath. I, MATT SASSER, 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 5<sup>th</sup> day of April, 2024.

Owner Signature: 

Print Name: MATT SASSER

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:

- |   |  |
|---|--|
| <input type="checkbox"/> A Annexation                       | <input type="checkbox"/> G Zoning Condition Amendment          |
| <input type="checkbox"/> B Rezoning                         | <input type="checkbox"/> H Density Transfer within Master Plan |
| <input type="checkbox"/> C Master Plans                     | <input type="checkbox"/> I Temporary Use Permit                |
| <input checked="" type="checkbox"/> D Master Plan Revisions | <input type="checkbox"/> J Zoning Ordinance Text Amendment     |
| <input type="checkbox"/> E Conditional Use Permit           | <input checked="" type="checkbox"/> K Variance                 |
| <input type="checkbox"/> F Land Use Modification            |  |

Name of Authorized Applicant: JESSE GUNNIN FOR JRG1, LLC

Signature: 

Mailing Address: 141 RAILROAD STREET  
SUITE 116

City: CANTON

State: GA Zip Code: 30114

Telephone: 770 359 8609

Fax Number: \_\_\_\_\_

E-mail: jesse@gunnainsurvey.com

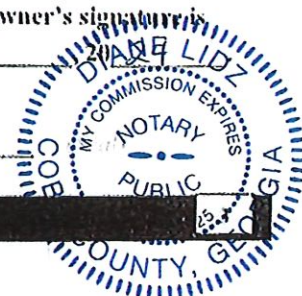
Applicant Status:

- |  |
|--|
| <input type="checkbox"/> Owner                         |
| <input checked="" type="checkbox"/> Option to Purchase |
| <input type="checkbox"/> Leasee                        |
| <input type="checkbox"/> Area Resident                 |
| <input type="checkbox"/> Other (Explain): _____        |

This Authorization of Applicant Form has been completed and the property owner's signature is

Sworn To And Subscribed Before Me This 1st Day Of April

Notary Signature: 





# CANTON

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, MATT SASSER, 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 1<sup>st</sup> day of April, 2024.

Owner Signature: \_\_\_\_\_

Print Name: MATT SASSER

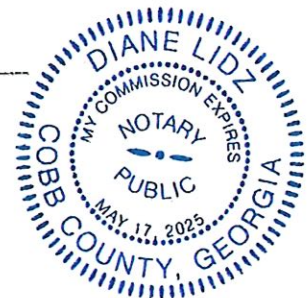
I, the above signed legal owner of the subject property, do hereby authorize the following application to be submitted to the City of Canton:

- |   |  |
|---|--|
| <input type="checkbox"/> A Annexation                       | <input type="checkbox"/> G Zoning Condition Amendment          |
| <input type="checkbox"/> B Rezoning                         | <input type="checkbox"/> H Density Transfer within Master Plan |
| <input type="checkbox"/> C Master Plans                     | <input type="checkbox"/> I Temporary Use Permit                |
| <input checked="" type="checkbox"/> D Master Plan Revisions | <input type="checkbox"/> J Zoning Ordinance Text Amendment     |
| <input type="checkbox"/> E Conditional Use Permit           | <input checked="" type="checkbox"/> K Variance                 |
| <input type="checkbox"/> F Land Use Modification            |  |

Sworn To And Subscribed Before Me This 1<sup>st</sup> Day Of April, 2024.

Notary Signature: \_\_\_\_\_

Diane Lidz





Community Development Department  
 110 Academy Street, Canton, Georgia 30114  
 770-704-1500

## 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: Jesse Gunnin *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):*

Bryan Roach

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:

	<b>Description</b>
\$ 250	To Bryan Roach for Canton April 2023
\$	
\$	<i>Type text here</i>

Note: Complete a separate form for each authorized applicant.





Community Development Department  
 110 Academy Street, Canton, Georgia 30114  
 770-704-1500

**Property Information:**

Address: Center Street  
 Land Lot(s): 193 District: 14 Section: 2nd Map #: 14N22A Parcel #: 060  
 Existing Zoning Of Property: PD-Mixed  City  County Total Acreage Of Property: 0.89  
 Proposed Zoning Of Property: PD-Mixed Existing Use(s) Of Property: Vacant - Commercial  
 Directions to property from Main Street in downtown Canton:  
Take Main Street north to Riverstone Parkway; right on Riverstone Parkway; go 1/2 mile then left on  
Juniper Street; right on Center Street; property is on left

**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	MIV-CORP, LLC	RA-6	RESIDENTIAL
NW	WENDELL EDWARDS	RA-6	RESIDENTIAL
<del>SOUTH</del>			
NW	ARTURO VELAZUEZ	RA-6	RESIDENTIAL
<del>EAST</del>			
NW	CARLOS VICENTE	RA-6	RESIDENTIAL
<del>WEST</del>			
NW	MARK TULLER	RA-6	RESIDENTIAL
<del>OTHER</del>			

**UTILITY INFORMATION**

How is sewage from this development to be managed? Public sewer  
 Proposed managing jurisdiction: City of Canton  
 How will water be provided to the site? Public water  
 Proposed managing jurisdiction: City of Canton Size Limit: \_\_\_\_\_



Community Development Department

110 Academy Street, Canton, Georgia 30114
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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 R.M. Moore Elementary

TRAFFIC INFORMATION

Road/Street providing access: Center Street

Width at property: (Road) 29' (Right-of-way) 50'

Distance to nearest major thoroughfare: 440' Thoroughfare Name: Riverstone Parkway

Description of Road accessing property (Classification): Local

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

- [X] Boundary Survey
[X] Legal Description
[X] Letter of Intent
[ ] Planning Commission Review Criteria Response
[ ] Board of Zoning Appeals Review Criteria Response
[ ] Petition Requesting Annexation
[ ] Other (please explain)

- [X] Master Plan / Site Plan
[X] Location Map
[ ] Hydrology Study
[ ] Traffic Analysis Report
[ ] Elevation Plans
(Guidelines available from Planning & Zoning Dept.)





Community Development Department  
110 Academy Street, Canton, Georgia 30114  
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# Canton Planning Commission Review Criteria

(Applications Type A – J : ONLY)

How will this proposal be compatible with surrounding properties? Surrounding properties are residential; one adjoiner is a duplex under construction

How will this proposal affect the use and value of surrounding properties? this proposal will not affect use and value of surrounding properties

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not. No. Property is not suitable to commercial use due to shape, topography and location.

What would be the increase to population and traffic if the proposal were approved? Minimal

What would be the impact to schools and utilities if the proposal were approved? Minimal

How is the proposal consistent with the Comprehensive Land Use Plan, particularly the Future Land Use Map? Yes, it falls within the Traditional Neighborhood Redevelopment Area

Are there existing or changing conditions which affect the development of the property and support the proposed request? No

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



Community Development Department  
110 Academy Street, Canton, Georgia 30114  
770-704-1500

# 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? Yes. Size, shape and topography all significantly impact the development opportunity on this property.

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? Yes. Current zoning code standards (buffer and setbacks) do not allow sufficient buildable area to give this parcel any reasonable economic use.

Has the condition from which relief or variance is sought been a result from action by the applicant? No

Are there conditions peculiar to the subject property? Parcel is currently part of POD B of the D.R.I. Master Plan of Riverstone

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. The parcel would become suitable for residential construction, which is consistent with all adjoining properties. The setbacks and buffers, if reduced as requested, would also be consistent with other homes in this Mill village area.

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



12502  
1333

36  
10/11  
RETURN TO:  
MICHAEL L. SCHAAF  
1853 PIEDMONT ROAD  
SUITE 202  
MARIETTA, GEORGIA 30066

UPON RECORDING RETURN TO:

Alston & Bird  
One Atlantic Center  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3424  
Attention: Ralph Williams, Jr.

CHEROKEE COUNTY, GA.  
REAL ESTATE TRANSFER TAX  
PAID \$ 11,614.50 ✓  
DATE 9-20-96  
BK 2502 PG 333  
Anne M. Rensau  
CLERK OF SUPERIOR COURT

**LIMITED WARRANTY DEED**

STATE OF GEORGIA  
COUNTY OF FULTON

Georgia, Cherokee County  
Filed in office this 20 day of Sept. 19 96  
at 3:50 P.M. Recorded in Book 2502 Page 333  
this 23 day of Sept. 19 96  
Anne M. Rensau  
Clerk Superior Court

THIS INDENTURE, made as of September 16, 1996, between H & H ACQUISITIONS, INC., a Georgia corporation (herein called "Grantor"), and BRIGHT-SASSER CANTON, L. L. C., a Georgia limited liability company (herein called "Grantee").

**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 and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee all that tract or parcel of land described on Exhibit A, attached hereto and made a part hereof.

**TO HAVE AND TO HOLD** the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of Grantee, forever, **IN FEE SIMPLE.**

This Deed and the warranty of title contained herein are made expressly subject to the items set forth on Exhibit B attached hereto and made a part hereof.

Grantor will warrant and forever defend the right and title to the above described property unto Grantee against the lawful claims of all persons owning, holding or claiming by, through or under Grantor, but not otherwise.

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

2502 334

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

Signed, sealed and delivered in the presence of:

*[Signature]*  
Unofficial Witness

*[Signature]*  
Notary Public

H & H ACQUISITIONS, INC.

By: *[Signature]* (SEAL)  
Name: J. Bruce Williams, Jr.  
Title: Executive Vice President

(NOTARY SEAL)

(Corporate Seal)



COPY



**EXHIBIT A****TRACT 1**

All that tract or parcel of land situated, lying and being in Land Lot 193, 14th District, 2nd Section, Cherokee County, Georgia and being more particularly described as follows:

Beginning at the point of intersection of the northern right-of-way line of Georgia Highway No. 5 (80 foot right-of-way) with the east right-of-way of Juniper Street (40 foot right-of-way) and running thence along said east right-of-way of Juniper Street the following courses and distances: North  $00^{\circ} 50' 51''$  East 391.57 feet to a point, North  $00^{\circ} 05' 49''$  West 26.95 feet to a point and North  $11^{\circ} 22' 15''$  East 55.84 feet to a point; thence leaving said right-of-way run North  $53^{\circ} 36' 53''$  East 224.08 feet to a point; thence North  $55^{\circ} 09' 50''$  East 251.57 feet to a point; thence South  $63^{\circ} 13' 53''$  East 95.92 feet to a point on the western right-of-way of Cross Street (variable width right-of-way); thence along said western right-of-way South  $20^{\circ} 45' 29''$  East 94.42 feet to a point on the western right of way of Center Street (40 foot right of way); thence along said western right of way the following courses and distances: South  $32^{\circ} 55' 49''$  East 87.66 feet to a point, South  $32^{\circ} 10' 29''$  East 419.50 feet to a point and South  $25^{\circ} 27' 36''$  West 59.39 feet to a point on the northern right-of-way of Georgia Highway No. 5; thence along said northern right-of-way the following courses and distances: along the arc of a 2,824.80 foot radius curve to the right an arc distance of 102.60 feet (said arc being subtended by a chord lying to the north having a bearing of South  $79^{\circ} 03' 05''$  West and being 102.60 feet in length) to a point and South  $80^{\circ} 05' 31''$  West 677.62 feet to the TRUE POINT OF BEGINNING.

Said property being more particularly shown as Tract 1 containing 8.767 acres more or less (381,893 square feet) on that certain survey prepared for H&H Acquisitions, Inc. by Engineering and Inspection Systems, Inc. dated December 21, 1995, last revised December 28, 1995 bearing the seal and certification of John E. Norton, G.R.L.S. No. 1848. Said survey incorporated herein by this reference.

**TRACT 2**

All that tract or parcel of land situated, lying and being in Land Lot 193, 14th District, 2nd Section, Cherokee County, Georgia and being more particularly described as follows:

Beginning at the intersection of the north right-of-way of Georgia Highway No. 5 (80 foot right-of-way) with the east right-of-way of Center Street (40 foot right-of-way) and running thence along said east right-of-way of Center Street North  $32^{\circ} 10' 29''$  West 482.99 feet to a point; thence North  $20^{\circ} 38' 12''$  West 27.09 feet to a point; along the arc of a 50.00 foot radius curve to the right an arc distance of 67.03 feet (said arc being

BK PG  
2502 336

subtended by a chord lying to the southeast having a bearing of North 17° 46' 12" East and being 62.12 feet in length) to a point; thence North 56° 10' 36" East 120.74 feet to a point on the southwestern right-of-way of Dogwood Street (32 foot right-of-way); thence South 41° 15' 22" East 69.22 feet to a point; thence South 54° 54' 57" East 56.24 feet to a point; thence South 68° 34' 32" East 54.12 feet to a point; thence South 71° 00' 08" East 113.56 feet to a point; thence South 64° 12' 30" East 63.77 feet to a point; thence South 81° 21' 45" East 45.80 feet to a point; thence North 75° 55' 36" East 38.12 feet to a point; thence North 44° 32' 23" East 21.08 feet to a point; thence leaving said southwestern right-of-way and run South 45° 42' 12" East 66.92 feet to a point; thence North 57° 13' 51" East 64.47 feet to a point; thence North 66° 26' 26" East 146.08 feet to a point; thence North 72° 41' 27" East 107.27 feet to a point; thence North 32° 03' 50" East 280.46 feet to a point; thence South 52° 16' 19" East 166.24 feet to a point; thence North 63° 08' 36" East 202.73 feet to a point; thence North 57° 40' 17" East 423.52 feet to a point; thence South 12° 23' 20" West 337.46 feet to a point on the north right-of-way of Georgia Highway No. 5; thence along said north right-of-way the following courses and distances: South 53° 19' 18" West 169.83 feet, along the arc of a 1,877.29 foot radius curve to the right an arc distance of 528.72 feet (said arc being subtended by a chord lying to the northwest having a bearing of South 61° 23' 24" West and being 526.97 feet in length) to a point, South 69° 27' 30" West 460.65 feet to a point, along the arc of a 2,824.80 foot radius curve to the right an arc distance of 326.17 feet (said arc being subtended by a chord lying to the northwest having a bearing of South 72° 45' 58" West and being 325.99 feet in length) to the TRUE POINT OF BEGINNING.

Said property being more particularly shown as Tract 2 containing 12.183 acres more or less (530,690 square feet) on that certain survey prepared for H&H Acquisitions, Inc. by Engineering and Inspection Systems, Inc. dated December 21, 1995, last revised December 28, 1995 bearing the seal and certification of John E. Norton, G.R.L.S. No. 1848. Said survey incorporated herein by this reference.

### TRACT 3

All that tract or parcel of land situated, lying and being in Land Lots 192 and 193, 14th District, 2nd Section, Cherokee County, Georgia and being more particularly described as follows:

To find the true point of beginning commence at the intersection of the north right-of-way of Georgia Highway No. 5 (80 foot right-of-way) with the east right-of-way of Center Street (40 foot right-of-way) and running thence along said east right-of-way of Center Street North 32° 10' 29" West 482.99 feet to a point; thence North 20° 38' 12" West 27.09 feet to a point; along the arc of a 50.00 foot radius curve to the right an arc distance of 67.03 feet (said arc being subtended by a chord lying to the southeast having a bearing of North 17° 46' 12" East and being 62.12 feet in length) to a point; thence North 56° 10' 36" East 120.74 feet to a point on the western right-of-way line of Dogwood Street (32 foot right-of-way); thence South 41° 15' 22" East 69.22 feet to a point; thence South 54° 54'



57° East 56.24 feet to a point; thence South 68° 34' 32" East 54.12 feet to a point; thence South 71° 00' 08" East 113.56 feet to a point; thence South 64° 12' 30" East 63.77 feet to a point; thence South 81° 21' 45" East 45.80 feet to a point; thence North 75° 55' 36" East 38.12 feet to a point; thence North 44° 32' 23" East 21.08 feet to a point; thence leaving said western right-of-way and run South 45° 42' 12" East 66.92 feet to a point; thence North 57° 13' 51" East 64.47 feet to a point; thence North 66° 26' 26" East 146.08 feet to a point; thence North 72° 41' 27" East 107.27 feet to a point; thence North 32° 03' 50" East 280.46 feet to the TRUE POINT OF BEGINNING. From said TRUE POINT OF BEGINNING as thus established run thence North 60° 29' 22" West 69.75 feet to a point; thence North 32° 06' 22" East 54.70 feet to a point; thence North 06° 43' 48" East 149.48 feet to a point; thence North 19° 20' 39" East 168.12 feet to a point; thence North 13° 30' 24" East 248.08 feet to a point; thence North 35° 45' 01" West 80.20 feet to a point; thence North 10° 57' 36" West 67.40 feet to a point; thence North 25° 44' 03" West 42.08 feet to a point; thence North 16° 21' 45" West 68.80 feet to a point; thence North 07° 24' 06" East 58.28 feet to a point; thence North 28° 23' 49" East 81.23 feet to a point; thence North 03° 21' 57" East 70.69 feet to a point; thence North 04° 15' 00" East 65.43 feet to a point; thence North 11° 02' 58" East 55.06 feet to a point; thence North 09° 57' 32" East 66.51 feet to a point; thence North 16° 16' 17" East 71.60 feet to a point; thence North 20° 25' 47" West 98.90 feet to a point; thence North 46° 30' 53" East 79.45 feet to a point; thence South 67° 25' 51" East 42.12 feet to a point; thence North 25° 17' 46" East 213.82 feet to a point; thence North 25° 35' 38" East 123.52 feet to a point on the southside of an unnamed street; thence North 67° 32' 57" East along said unnamed street 41.85 feet to a point; thence South 31° 12' 03" East 97.03 feet to a point; thence South 15° 49' 28" West 254.20 feet to a point; thence South 05° 18' 19" West 520.01 feet to a point; thence South 01° 26' 55" West 342.23 feet to a point; thence South 12° 23' 24" West 215.94 feet to a point; thence North 77° 36' 29" West 10.00 feet to a point; thence South 09° 44' 16" West 481.85 feet to a point; thence North 52° 16' 19" West 166.24 feet to the TRUE POINT OF BEGINNING.

Said property being more particularly shown as Tract 3 containing 8.307 acres more or less (361,831 square feet) on that certain survey prepared for H&H Acquisitions, Inc. by Engineering and Inspection Systems, Inc. dated December 21, 1995, last revised December 28, 1995 bearing the seal and certification of John E. Norton, G.R.L.S. No. 1848. Said survey incorporated herein by this reference.

#### TRACT 4

All that tract or parcel of land situated, lying and being in Land Lots 192, 193, 204 and 205, 14th District, 2nd Section, Cherokee County, Georgia and being more particularly described as follows:

To find the true point of beginning commence at the intersection of the northern right-of-way of Georgia Highway No. 5 (80 foot right-of-way) with the east right-of-way of Center Street (40 foot right-of-way) and running thence along said north right-of-way of

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Georgia Highway No. 5 the following courses and distances: along the arc of a 2,824.80 foot radius curve to the left an arc distance of 326.17 feet (said arc being subtended by a chord lying to the northwest having a bearing of North 72° 45' 58" East and being 325.99 feet in length) to a point, North 69° 27' 30" East 460.65 feet to a point, along the arc of a 1,877.29 foot radius curve to the left an arc distance of 528.72 feet (said arc being subtended by a chord lying to the northwest having a bearing of North 61° 23' 24" East and being 526.97 feet in length) to a point and North 53° 19' 18" East 169.83 feet to the TRUE POINT OF BEGINNING. From said TRUE POINT OF BEGINNING as thus established and leaving said right-of-way run North 12° 23' 20" East 337.46 feet to a point; thence North 12° 21' 48" East 153.29 feet to a point; thence South 80° 12' 04" West 10.81 feet to a point; thence North 12° 22' 52" East 165.95 feet to a point; thence North 01° 26' 57" East 370.70 feet to a point; thence North 05° 17' 41" East 462.24 feet to a point; thence North 15° 47' 56" East 400.39 feet to a point; thence North 85° 39' 00" West 88.34 feet to a point; thence North 00° 44' 18" West 114.30 feet to a point; thence North 83° 57' 09" West 279.64 feet to a point; thence North 59° 22' 55" East 21.25 feet to a point; thence North 47° 57' 29" East 64.80 feet to a point; thence North 37° 47' 15" East 46.70 feet to a point; thence North 32° 06' 19" East 51.79 feet to a point; thence North 23° 23' 48" East 22.27 feet to a point; thence North 73° 52' 17" East 1,388.68 feet to a point; thence South 44° 02' 36" West 14.87 feet to a point; thence South 14° 29' 41" West 71.73 feet to a point; thence South 14° 40' 10" East 77.79 feet to a point; thence South 58° 57' 29" East 206.61 feet to a point; thence South 47° 56' 44" East 110.79 feet to a point; thence South 82° 32' 05" East 135.04 feet to a point; thence South 77° 39' 45" East 64.01 feet to a point; thence South 71° 42' 53" East 147.84 feet to a point; thence South 60° 09' 15" East 107.43 feet to a point; thence South 03° 18' 33" East 83.16 feet to a point; thence South 31° 42' 57" East 145.11 feet to a point; thence North 57° 47' 00" East 160.00 feet to a point; thence South 06° 05' 41" West 236.58 feet to a point on the north right-of-way of Georgia Highway No. 5; thence along said northerly right-of-way the following courses and distances: South 60° 30' 28" West 104.44 feet to a point, along the arc of a 1,950.00 foot radius curve to the left an arc distance of 438.91 feet (said arc being subtended by a chord lying to the southeast having a bearing of South 54° 03' 35" West and being 437.98 feet in length) to a point, South 47° 36' 42" West 224.83 feet to a point, along the arc of a 5,690.00 foot radius curve to the right an arc distance of 567.06 feet (said arc being subtended by a chord lying to the northwest having a bearing of South 50° 28' 00" West and being 566.82 feet in length) to a point and South 53° 19' 18" West 1,511.53 feet to the TRUE POINT OF BEGINNING.

Said property being more particularly shown as Tract 4 containing 66.693 acres more or less (2,905,169 square feet) on that certain survey prepared for H&H Acquisitions, Inc. by Engineering and Inspection Systems, Inc. dated December 21, 1995, last revised December 28, 1995 bearing the seal and certification of John E. Norton, G.R.L.S. No. 1848. Said survey incorporated herein by this reference.

TOGETHER WITH any and all property interests which benefit the above described property as were reserved by the grantor in that certain Limited Warranty Deed from Canton Textile Mills, Inc. to L. Austin Flint, dated March 23, 1984, recorded April 20,



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1984 in Deed Book 394, page 526, Cherokee County Records as were conveyed from Grantee to Grantor by Limited Warranty Deed dated of even date herewith.

**TRACTS 6, 7, 8, 9A and 9B**

All that tract or parcel of land situated, lying and being in Land Lot 205 of the 14th District, 2nd Section, Cherokee County, Georgia and being more particularly described as follows:

To find the true point of beginning commence at the intersection of the northwestern right-of-way line of Georgia Highway No. 5 (80 foot right-of-way) with the southwestern right-of-way of Milton Road (40 foot right-of-way) and run thence along said southwestern right-of-way of Milton Road North 28° 58' 16" West 199.3 feet to an iron pin found at the TRUE POINT OF BEGINNING. From said TRUE POINT OF BEGINNING as thus established continue thence along said right-of-way of Milton Road the following courses and distances: North 28° 58' 16" West 169.91 feet to an iron pin found, North 28° 58' 16" West 11.08 feet to a point, along the arc of a 457.94 foot radius curve to the right an arc distance of 136.42 feet (said arc being subtended by a chord lying to the northeast having a bearing of North 20° 26' 15" West and being 135.91 feet in length) to a point, along the arc of a 778.02 foot radius curve to the left an arc distance of 95.76 feet (said arc being subtended by a chord lying to the southwest having a bearing of North 15° 25' 46" West and being 95.70 feet in length) to a point, along the arc of a 537.62 foot radius curve to the right an arc distance of 53.05 feet (said arc being subtended by a chord lying to the east having a bearing of North 16° 07' 43" West and being 53.03 feet in length) to an iron pin set, along the arc of a 537.62 foot radius curve to the right an arc distance of 49.12 feet (said arc being subtended by a chord lying to the east having a bearing of North 10° 41' 04" West and being 49.10 feet in length) to an iron pin found, along the arc of a 537.62 foot radius curve to the right an arc distance of 50.23 feet (said arc being subtended by a chord lying to the east having a bearing of North 05° 23' 25" West and being 50.22 feet in length) to an iron pin found, along the arc of a 537.62 foot radius curve to the right an arc distance of 50.80 feet (said arc being subtended by a chord lying to the east having a bearing of North 00° 00' 24" West and being 50.78 feet in length) to a point, North 02° 42' 01" East 116.65 feet to a point, along the arc of a 325.00 foot radius curve to the right an arc distance of 64.66 feet (said arc being subtended by a chord lying to the southeast having a bearing of North 08° 23' 58" East and being 64.55 feet in length) to a point, along the arc of a 325.00 foot radius curve to the right an arc distance of 51.28 feet (said arc being subtended by a chord lying to the southeast having a bearing of North 18° 37' 07" East and being 51.23 feet in length) to a point, North 23° 08' 20" East 23.96 feet to a point, North 22° 23' 42" East 87.96 feet to a point and North 20° 37' 47" East 7.61 feet to a point; thence leaving said right-of-way running North 69° 31' 30" West 200.32 feet to an iron pin found; thence North 20° 28' 30" East 100.08 feet to an iron pin found; thence North 43° 33' 20" West 80.83 feet to a point; thence North 14° 05' 10" West 299.13 feet to an iron pin set; thence South 75° 47' 41" West 500.00 feet to an iron pin found; thence South 05° 11' 57" East 667.54 feet to an

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iron pin found; thence South 70° 33' 20" West 55.24 feet to a point; thence South 63° 33' 43" West 46.39 feet to a point; thence South 57° 51' 15" West 76.04 feet to a point; thence South 44° 02' 36" West 97.28 feet to an iron pin set; thence South 44° 02' 36" West 14.87 feet to a point; thence South 14° 29' 14" West 71.73 feet to a point; thence South 14° 40' 10" East 77.79 feet to a point; thence South 58° 57' 29" East 206.61 feet to a point; thence South 47° 56' 44" East 110.79 feet to a point; thence South 82° 32' 05" East 135.04 feet to a point; thence South 77° 39' 45" East 64.01 feet to a point; thence South 71° 42' 53" East 147.84 feet to a point; thence South 60° 09' 15" East 107.43 feet to a point; thence South 03° 18' 33" East 83.16 feet to an iron pin found; thence South 31° 42' 57" East 145.11 feet to an iron pin found (reset); thence North 57° 47' 00" East 160.00 feet to an iron pin set; thence North 58° 01' 51" East 160.09 feet to an iron pin found at the TRUE POINT OF BEGINNING.

Said property being more particularly shown as Tracts 6, 7, 8, 9A and 9B containing a total of 21.127 acres more or less on that certain composite plat prepared for H&H Acquisitions, Inc. by Engineering & Inspection Systems, Inc. dated April 2, 1996, last revised May \_\_\_\_, 1996 bearing the seal and certification of John E. Norton, G.R.L.S. No. 1848. Said plat being incorporated herein by this reference.

#### TRACT 9C

All that tract or parcel of land lying and being in the 14th District and 2nd Section of Cherokee County, Georgia and being Lot No. A-5 of the Clydesdale Subdivision, near the town of Canton, according to plat and survey made of parts of original land lots numbers 204, 205 and 228 by E. C. Perrow, September 14, 1946 and recorded in Deed Book No. 2, Page 428, Cherokee County Deed Records, said lot being more particularly described as follows:

BEGINNING at a marked corner at the Southeast corner of the lot herein conveyed and running a northwesterly course along the west side of Milton Road a distance of 200 feet to a marked corner; thence a southwesterly direction a distance of 160 feet to a marked corner; thence South a distance of 255 feet to a marked corner on State Highway Number Five (5); thence a northeasterly direction along State Highway Number Five (5) to the BEGINNING POINT 325 feet together with all improvements thereon situated, together with all the improvements situated thereon together with a dwelling house and store house.

#### TEAGUE TRACT

All that tract or parcel of land lying and being in Land Lot 205 of the 14th District, 2nd Section, Cherokee County, Georgia and being Lot A-4 of the Clydesdale Subdivision near the Town of Canton according to plat and survey made of parts of original Land Lots Nos. 204, 205 and 228 by E.C. Perrow, September 14, 1946 and recorded in Deed Book



2, page 428 of the Deed Records in the Office of the Clerk superior Court in said county, to which reference is made for size and dimensions of said lot.

BEGINNING at a point where the left (Northwest) existing right of way line of State Route 5 is intersected by the property owner's Northeast property line said point being 40 feet (left) northwest of and opposite Georgia State Route 5 survey centerline station 773+71.3 being a part of Georgia Highway Project ACI-757-I (8) Phase VI Cherokee County: thence running South 60 degrees 05 minutes 34 seconds West along a straight line 100 feet to a point being 40 feet (left) northwest of and opposite Georgia State Route 5 survey centerline station 772+71.3 of said project; thence running North 29 degrees 18 minutes 01 seconds East along a straight line 117.2 feet to a point being 100 feet (left) northwest of and opposite Georgia State Route 5 survey centerline station 773+71.9 of said project; thence running South 29 degrees 15 minutes 24 seconds East along a straight line 60 feet back to the pint of beginning.

The excepted property is the one and same property conveyed by Phyllis D. Evans to the Department of Transportation dated December 18, 1980, recorded January 23, 1981 at Deed Book 298, Page 474, Cherokee County Deed Records.

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**EXHIBIT B**

(Permitted Exceptions)

1. All taxes subsequent to the year 1996 which are liens but not yet due and payable.
2. Easement from Canton Textile Mills, Inc. to Georgia Power Company, dated 4/21/47, filed 5/7/47, and recorded at Deed Book 13, page 245, Cherokee County, Georgia Records. (Tracts 1-4 only)
3. Temporary construction easement as contained in that Right of Way Deed from Canton Textile Mills, Inc. to Department of Transportation, dated 9/9/75, filed 9/30/75, and recorded at Deed Book 186, page 492, aforesaid records. (Tracts 1-4 only)
4. Rights of upper and lower riparian owners in and to the waters of creeks or branches crossing or adjoining subject property, and the natural flow thereof, free from diminution or pollution.
5. Easements contained in that Conveyance of Water and Sewage Treatment System from Canton Textile Mills, Inc. to City of Canton, Georgia dated 8/4/83, filed 9/2/83 and recorded at Deed Book 365, page 164, aforesaid records. (Tracts 1-4 only)
6. Easement from Canton Textile Mills, Inc. to City of Canton, Dated 10/10/83, filed 4/6/84 and recorded at Deed Book 392, page 363, aforesaid records. (Land Lots 192 and 193, 14th District 2nd Section only)
7. Right of Way Easement from Canton Textile Mills to Georgia Power Company, dated 1/17/77, filed 3/4/77 and recorded at Deed Book 211, page 180, aforesaid records. (Tracts 1-4 only)
8. Easement Agreement by and between Canton Textile Mills and Austin Flint, dated 6/17/85, filed 8/31/87 and recorded at Deed Book 655, page 73, aforesaid records, as amended, dated 7/18/88 at Deed Book 726, page 242, aforesaid records. (Tracts 1-4 only)
9. Conveyance of Access Rights from Canton Textile Mills, Inc. to Department of Transportation, dated 7/29/88, filed 7/29/88 and recorded at Deed Book 728, page 612, aforesaid records. (Tracts 1-4 only)
10. Driveway Easement from Canton Textile Mills, Inc. to Blueridge Hills Apartments of Canton, Ltd. a Georgia limited partnership, dated 7/21/88, filed 8/3/88 and recorded at Deed Book 729, page 291, aforesaid records. (Land Lot 193, 14th District, 2nd Section only)



11. Storm Drainage Easement from Canton Textile Mills, Inc. to Blueridge Hills Apartments of Canton, Ltd., a Georgia limited partnership, dated 7/21/88, filed 8/3/88 and recorded at Deed Book 729, page 293, aforesaid records. (Land Lot 193, 14th District, 2nd Section only)
12. Title to that portion of the property within the bounds of any road or right of way.
13. Easement from Canton Textile Mills, Inc. to City of Canton, dated September 14, 1984, filed for record September 26, 1984 and recorded at Deed Book 420, page 103, aforesaid records. (Tracts 1-4 only)
14. Easements contained in that Limited Warranty Deed from Canton Textile Mills, Inc. to L. Austin Flint, dated March 23, 1984m filed for record April 19, 1984 and recorded at Deed Book 394, page 526, aforesaid records. (Tracts 1-4 only)
15. Easements contained in Right of Way Deeds from Canton Cotton Mills to State Highway Board of Georgia as follows (Tracts 1-4 only):
  - (a) dated May 19, 1931, filed for record May 21, 1931 and recorded at Deed Book XX, page 352, aforesaid records;
  - (b) dated February 5, 1931, filed for record April 20, 1931 and recorded at Deed Book XX, page 326, aforesaid records; and
  - (c) dated April 16, 1931, filed for record April 16, 1931 and recorded at Deed Book XX, page 252, aforesaid records.
16. Right of Way Easement from Canton Cotton Mills to Georgia Railway and Power Company, dated October 31, 1923, filed for record January 10, 1924 and recorded at Deed Book RR, page 274, aforesaid records. (Tracts 1-4 only)
17. Right of Way Easement from W.F. Keith to Georgia Railway and Power Company, dated October 17, 1923, filed for record January 10, 1924 and recorded at Deed Book RR, page 290, aforesaid records.
18. Easements contained in Right of Way Deeds from W.F. Keith to State Highway Board of Georgia as follows (Tracts 1-4, 9C and Teague only):
  - (a) dated April 1, 1931, filed for record April 15, 1931 and recorded at Deed Book XX, page 240, aforesaid records;
  - (b) dated April 1, 1931, filed for record April 15, 1931 and recorded at Deed Book XX, page 241, aforesaid records;
  - (c) dated April 5, 1932 filed for record April 5, 1932 and recorded at Deed Book ZZ, page 9, aforesaid records ; and

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(d) dated April 5, 1932, filed for record April 5, 1932 and recorded at Deed Book ZZ, page 10, aforesaid records.

19. Easements contained in that Right of Way Easement (Temporary) from Canton Textile Mills, Inc. to the Department of Transportation dated September 3, 1974, filed for record September 8, 1974 and recorded at Deed Book 170, page 499 aforesaid records.(Tracts 1-4 only)
20. Easements contained in that Temporary Construction Easement from Canton Textile Mills, Inc. to the Department of Transportation, dated August 28, 1975 recorded September 30, 1975 and recorded at Deed Book 186, page 489, aforesaid records.(Tracts 1-4 only)
21. Sanitary Sewer and/or Water Lines dedicated to the City of Canton by virtue of Quit Claim Deed from Canton Textile Mills, Inc. to City of Canton, Georgia, dated December 26, 1974, recorded December 30, 1974 and recorded at Deed Book 174, page 109, aforesaid records.(Tracts 1-4 only)
22. Claims of right to use any part of the "abandoned" road the centerline of which forms part of the eastern boundary (adjacent to the property now or formerly owned by Donald Pack) of the subject property.(Tracts 1-4 only)
23. Claims of right to use any part of the road (sometimes referred to as Amos Road), the centerline of which forms a part of the western boundary of the subject property.(Tracts 1-4 only)
24. Rights of parties, if any, to place the Pizza Hut sign on the property.(Tracts 1-4 only)
25. Rights of parties, if any, to place the McDonald's sign on the property.(Tracts 1-4 only)
26. Boundary Survey for H & H Acquisitions Inc., prepared by Engineering & Inspection Systems, Inc., bearing the seal of John E. Norton, GRLS No. 1848, dated December 21, 1995, last revised December 28, 1995 includes but is not limited to the following matters (Tracts 1-4 only):
  - (a) Centerline of "abandoned road" which forms a portion of the eastern boundary line encroaches onto the property per survey for Lealon M. Greene (now or formerly Donald R. Pack) by J. Paul Bates & Associates dated December 12, 1968.
  - (b) Georgia Power Company 100 foot Transmission Line Easement crossing the property. (Tract 4)
  - (c) Signs located on the property:
    - (i) McDonald's; and
    - (ii) Pizza Hut.



- (d) A portion of the eastern boundary line is the centerline of an "abandoned" road.
  - (e) 10 foot drive entering the property. (Tract 4)
  - (f) Telephone poles located on and overhead telephone lines crossing the property.
  - (g) Power poles located on and overhead electric lines crossing the property.
  - (h) Water line easement along the east side of Center Street.
  - (i) Manholes located on and sanitary sewer lines crossing the property.
  - (j) Water vault located on northside of Highway 5. (Tract 2)
27. Easement from Canton Textile Mills, Inc. to Atlanta Gas Light Company, dated 11/30/61, filed 1/2/62, and recorded at Deed Book 64, page 299, aforesaid records.(Tracts 1-4 only)
28. Such state of facts as shown on composite plat of survey for H&H Acquisitions, Inc., prepared by Engineering & Inspection Systems, Inc., dated April 2, 1996, including but not limited to the following (Tracts 6, 7, 8, 9A and 9B only):
- (a) Lake located on the caption property;
  - (b) a 100 foot wide Georgia Power Company Easement crossing the property;
  - (c) stream crossing the Southern portion of the caption property; and
  - (d) a portion of the property is located within the 100 year flood plain.
29. Such state of facts as shown on Plat for Clydesdale Subdivision, Part 2, recorded at Deed Book 2, Page 429, Cherokee County Deed Records, including but not limited to the following (Tracts 6, 7, 8, 9A and 9B only):
- (a) Lake identified as Lake Juanita located within Clydesdale Subdivision, Part 2;
  - (b) Dam at the South end of Lake Juanita;
  - (c) Areas identified as streets located within the Subdivision; and
  - (d) Areas identified only as "reserve" located within the Subdivision.
30. Such state of facts as shown on Plat for Lealon M. Greene, dated December 12, 1968, prepared by J. Paul Bates & Associates, recorded in Plat Book 6, Page 114, Cherokee County Plat Records, including but not limited to the following (Tracts 6 & 7 only):
- (a) Lake Juanita is located on a portion of the caption property;
  - (b) A portion of the boundary is the center of an abandoned road; and
  - (c) Dam at South end of Lake Juanita.
31. Such state of facts as shown on plat of survey for Odis H. Welchel, dated June 5, 1984, prepared by Mize Brothers, Inc. recorded in Plat Book 26, page 121, Cherokee County Plat Records, including but not limited to the following matters (Tract 8 only):

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- (a) Southern boundary is the centerline of an abandoned road; and
  - (b) Branches crossing the property.
32. Such state of facts as shown on subdivision plat recorded in Deed Book 2, page 428 aforesaid records. (Tract 9C and Teague only)
  33. Such state of facts as shown on plat of survey for Cherokee County, prepared by Moreland Altobelli Associates, Inc., bearing the seal of James M. McNealy, Georgia R.L.S. No. 2301, dated June 13, 1996, last revised June 18, 1996, being Job No. 96600, relative to the subject property. (Teague Tract only)
  34. Right of Way Easement from Charles Teague to Georgia Power Company dated March 18, 1996, recorded May 17, 1996 at Deed Book 2389, Page 36, aforesaid records. (Teague Tract only)
  35. Easements and Restrictions contained in that certain Department of Transportation Right of Way Deed for Limited Access from Phyllis D. Evans to Department of Transportation dated December 18, 1980, recorded January 23, 1981 at Deed Book 298, Page 474, aforesaid records. (Teague Tract only)

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Rev. 92346

ANNE M. RENEAU  
CLERK, SUPERIOR COURT OF CHEROKEE COUNTY



Written Description:

Center Street Parcel

All that tract or parcel of land located in Land Lot 193, 14<sup>th</sup> District, 2<sup>nd</sup> Section, City of Canton, Cherokee County, Georgia, and being more particularly described as follows:

**TO FIND THE TRUE POINT OF BEGINNING, COMMENCE** at a 1/2" rebar set at the intersection of the westerly right of way of Cross Street (40' right of way) with the northwesterly right of way of Center Street (50' right of way), said point being the **TRUE POINT OF BEGINNING**.

**FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED;**

Thence along said right of way of Center Street the following courses and distances:

132.07 feet along the arc of a curve to the right, said curve having a radius of 190.00 feet and being subtended by a chord of S74°55'13"W, 129.42 feet to a point;

N85°10'00"W a distance of 1.00 feet to a point;

175.21 feet along the arc of a curve to the left, said curve having a radius of 240.00 feet and being subtended by a chord of S73°55'08"W, 171.35 feet to a point;

S53°00'16"E a distance of 116.39 feet to a point;

96.62 feet along the arc of a curve to the right, said curve having a radius of 190.00 feet and being subtended by a chord of S67°34'20"W, 95.58 feet to a point;

N58°52'13"W a distance of 28.24 feet to a point at the intersection of the northwesterly right of way of Center Street (50' right of way) with the easterly right of way of Juniper Street (40' right of way);

thence along said right of way of Juniper Street N11°20'58"E a distance of 10.03 feet to a 1/2" rebar found with cap "RLS2133";

thence leaving said right of way N54°41'08"E a distance of 217.41 feet to a 1" open top pipe found;

thence N54°54'42"E a distance of 93.61 feet to a 3/4" drill bit found;

thence N54°18'35"E a distance of 79.78 feet to a 1" open top pipe found;

thence N54°42'20"E a distance of 78.11 feet to a 1/2" open top pipe found;

thence S63°44'19"E a distance of 95.92 feet to a 1/2" rebar found at the westerly right of way of Cross Street (40' right of way);

thence along said right of way of Cross Street S21°15'55"E a distance of 70.40 feet to the **TRUE POINT OF BEGINNING**.

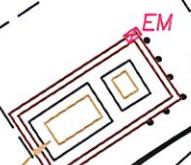
Said tract or parcel of land contains 0.887 acre.

NOW OR FORMERLY  
MARK TULLER AND IESSA TULLER  
(DB 14404, PG. 1610)  
ZONED RA-6

N54°41'08"E  
217.41'

S53°00'16"W 116.39'  
**CENTER STREET**  
(50' R/W)  
(PB 79, PG. 83)

FIBER OPTIC  
BOXES



CONC.  
APRON

BC-BC  
29.2'

R  
(0.6

A=175.21'  
R=240.00'  
C=171.35'  
S73°55'08"W

INGRESS/EGRESS  
EASEMENT  
(DB 4090, PG. 73)

30'x30' ALLTEL  
EASEMENT  
(DB 3906, PG. 296)

IPF (BENT)

NOW OR FORMERLY  
SCGVIII-RIVERSTONE LLC  
(DB 13938, PG. 215)  
ZONED PD-MIXED USE

RMW  
(0.5'NW)

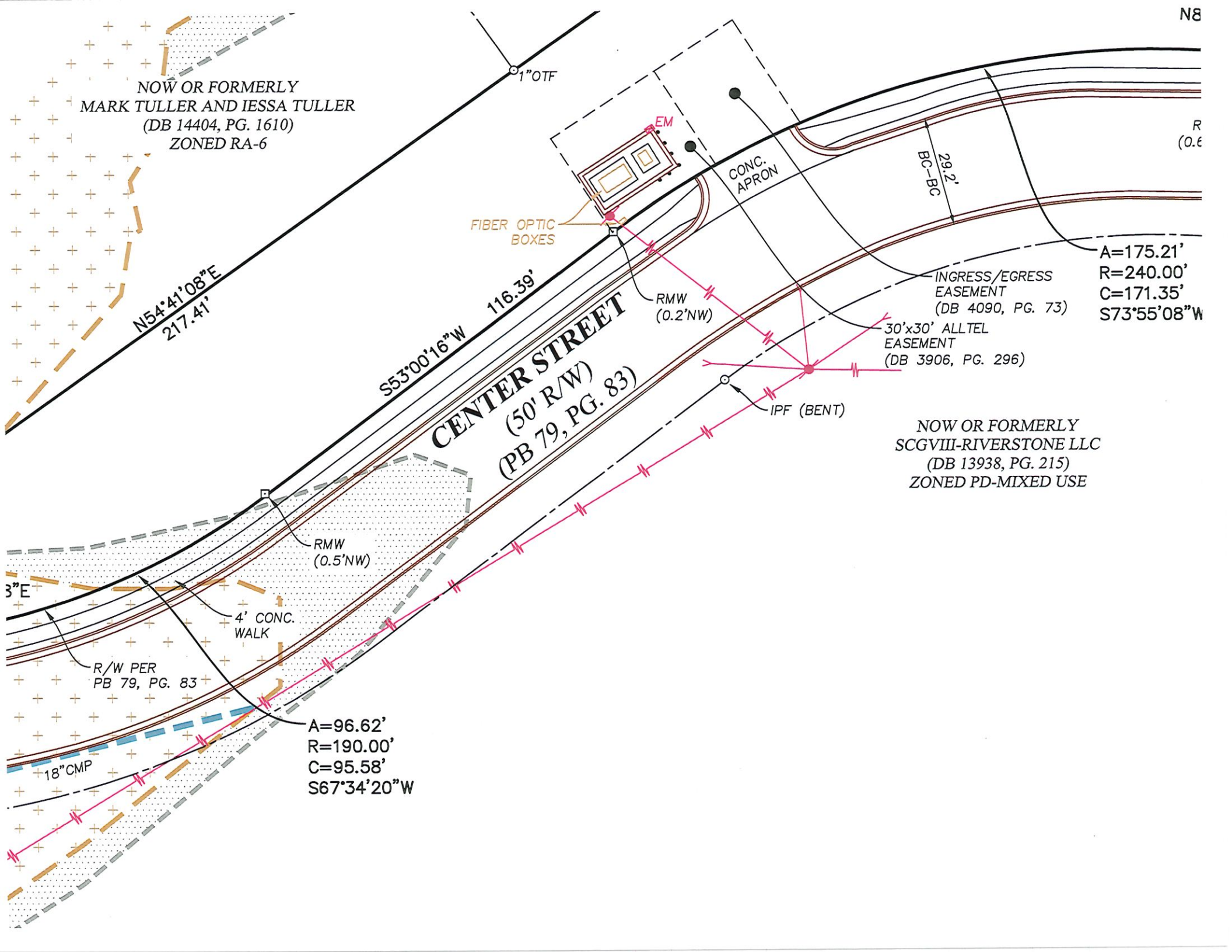
4' CONC.  
WALK

R/W PER  
PB 79, PG. 83

A=96.62'  
R=190.00'  
C=95.58'  
S67°34'20"W

18" CMP

3"E





**2023 Property Tax Statement**

Denise Mastroserio  
Cherokee County Tax Commissioner  
2780 Marietta Hwy  
Canton, GA 30114

**Make Check or Money Order Payable to:**  
Cherokee County Tax Commissioner

BRIGHT-SASSER CANTON L L C  
P O BOX 450233  
ATLANTA, GA 31145

**RETURN THIS PORTION WITH PAYMENT**  
(Interest will be added per month if not paid by due date)

Bill No.	Due Date	Current Due	Payment	Back Taxes	Total Due*
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2023-27731	11/15/2023	\$0.00	\$75,787.98	\$0.00	Paid 10/16/2023
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Map: 14N22A 060  
Location: 6 REINHARDT COLLEGE PKWY  
Printed: 03/27/2024

If you have sold this property, fax a copy of the settlement statement to 678-493-6423. If you have an escrow forward tax bill to your mortgage company as soon as possible. Interest will accrue at the rate prescribed by law starting November 16th and the 16th of each month until paid. The penalty will accrue at the rate prescribed by law. \*\* Pay online at www.cherokeega.com\*\* Please note: There is a 2.5 % Merchant fee for Visa, MasterCard & Discover. There is a 3% Merchant Fee charged for American Express. (These Merchant fees are not collected by Cherokee County.)

Denise Mastroserio  
Cherokee County Tax Commissioner  
2780 Marietta Hwy  
Canton, GA 30114



**Tax Payer:** BRIGHT-SASSER CANTON L L C  
**Map Code:** 14N22A 060 Real  
**Description:** LL192,193,204,205;14TH D  
**Location:** 6 REINHARDT COLLEGE PKWY  
**Bill No:** 2023-27731  
**District:** 003

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good through	Exemptions
0.00	6,619,500.00	88.2600	\$6,619,500.00	11/15/2023			

Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Credit	Net Tax
CITY OF CANTON	\$6,619,500	\$2,647,800	\$0	\$2,647,800	5.400000	\$0.00	\$14,298.12
COUNTY M&O	\$6,619,500	\$2,647,800	\$0	\$2,647,800	4.954000	\$0.00	\$13,117.20
INS PREMIUM CREDIT	\$6,619,500	\$2,647,800	\$0	\$2,647,800	0.000000	\$0.00	\$0.00
PARKS BOND	\$6,619,500	\$2,647,800	\$0	\$2,647,800	0.319000	\$0.00	\$844.65
SCHOOL BOND	\$6,619,500	\$2,647,800	\$0	\$2,647,800	1.500000	\$0.00	\$3,971.70
SCHOOL M&O	\$6,619,500	\$2,647,800	\$0	\$2,647,800	16.450000	\$0.00	\$43,556.31
STATE TAX	\$6,619,500	\$2,647,800	\$0	\$2,647,800	0.000000	\$0.00	\$0.00
<b>TOTALS</b>					<b>28.623000</b>	<b>\$0.00</b>	<b>\$75,787.98</b>

The 'HTRG Credit' reduction shown on your bill is the result of homeowner tax relief enacted by the Governor and the General Assembly of the State of Georgia.

If you need to - change your mailing address / are a new resident / person 62 or older and/or disabled you should call the Tax Assessors office at 678-493-6120 to find out about qualifications for exemptions. April 1 of each year is the deadline to apply with The Tax Assessors Office for any exemptions. If you feel your property value is too high, you should file a return with the Tax Assessor's Office no later than April 1st.

<b>Current Due</b>	\$75,787.98
<b>Penalty</b>	\$0.00
<b>Interest</b>	\$0.00
<b>Other Fees</b>	\$0.00
<b>Previous Payments</b>	\$75,787.98
<b>Back Taxes</b>	\$0.00
<b>Total Due</b>	<b>\$0.00</b>
<b>Paid Date</b>	10/16/2023

LETTER OF INTENT

Center Street Duplexes

April 1, 2024

City of Canton Community Development Department  
1130 Bluffs Parkway  
Canton, GA 30114

RE: LETTER OF INTENT FOR MASTER PLAN AMENDMENT FOR PORTION OF MAP/PARCEL:  
14N22A-060 ON CENTER STREET

Dear Staff Members,

Please allow this letter to serve as our Letter of Intent to amend the Master Plan for the 0.89 acre tract located at the northwest intersection of Center Street and Cross Street in City of Canton, Georgia.

The subject parcel is a remnant from the development that is currently occupied by ALDI Foods within POD B of the D.R.I. Master Plan of Riverstone. Center Street was relocated as part of the original development, dividing the subject parcel from the shopping center. The remnant parcel is still owned by the original developer, Bright-Sasser, LLC and is zoned PD-Mixed Use. Due to the odd shape and topography, the remnant parcel does not allow for a commercial use. Further, all streets abutting this property are entirely residential.

We are proposing 4 duplex buildings for a total of 8 homes, all fronting on Center Street. Parking is provided by 2-car driveways plus additional pervious parking spaces at the mail kiosk. The development will have minimal impact to the existing roadway network and neighboring land uses. We propose no improvements to the existing roadway network.

POD B was originally planned and approved as a commercial use. We are requesting an amendment to the Master Plan for a residential use, specifically 8 units on the 0.89 acre parcel, yielding a density of 9 units/acre. We are also requesting a variance to reduce the 50' zoning buffer to 0' and to establish the setbacks as 15' (front), and 10' (side and rear).



The following zoning requirements are proposed:

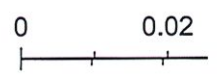
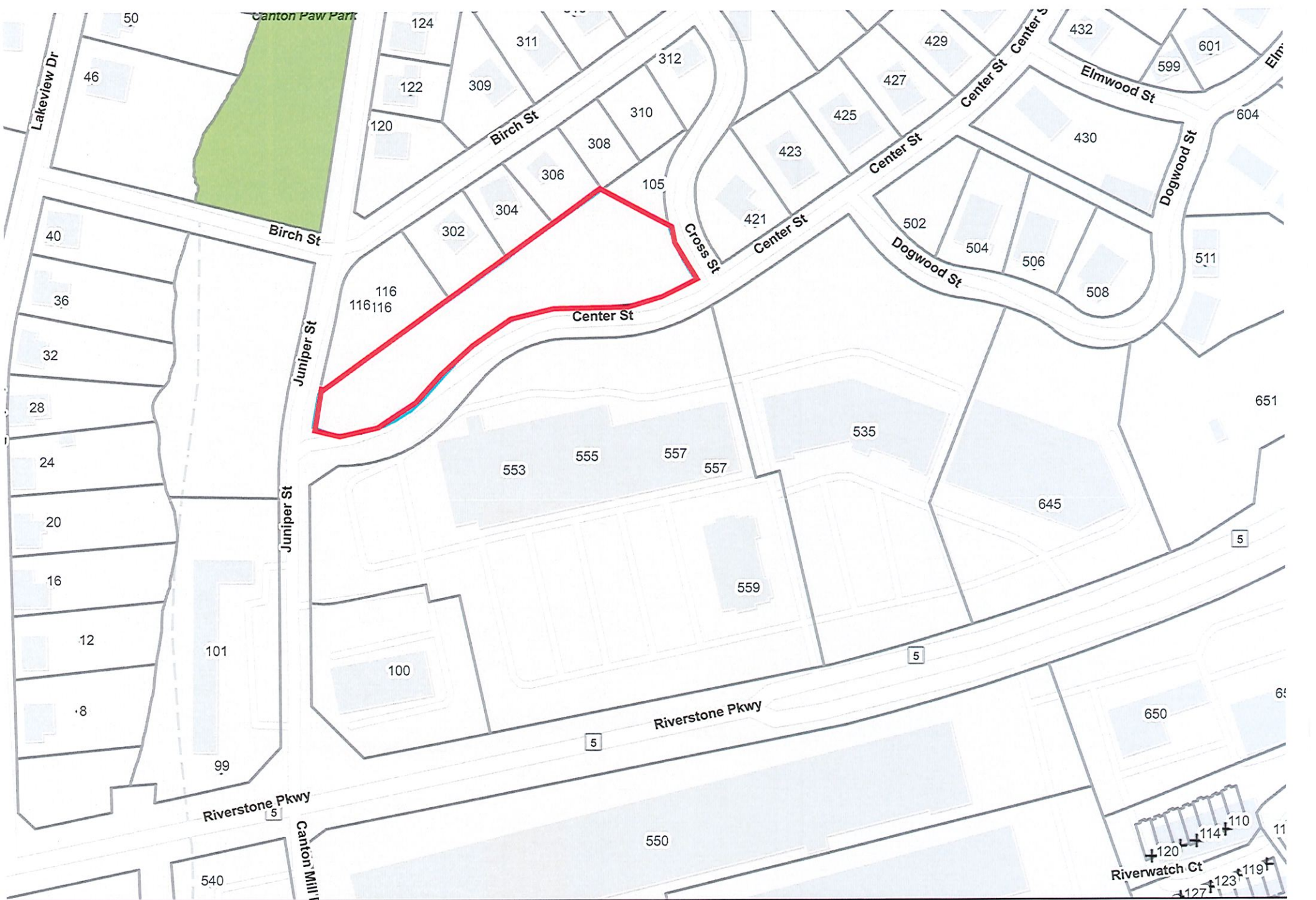
Max. building height ..... 35'  
Max. building coverage .....23%  
Percent impervious surface .....46%  
Open space.....45% (0.04 AC)  
Minimum lot size ..... N/A  
Bldg. setbacks..... 15' (front); 10' (side and rear)  
Min. parking .....8 spaces (1 per unit)  
Max. parking .....20 spaces (2.5 per unit)  
Proposed parking ..... 24 spaces (20% bonus; (4) pervious)

No signage is proposed.

Best regards,



Jesse Gunnin for JRG1, LLC  
Applicant  
770.359.8609  
jesse@gunninsurvey.com





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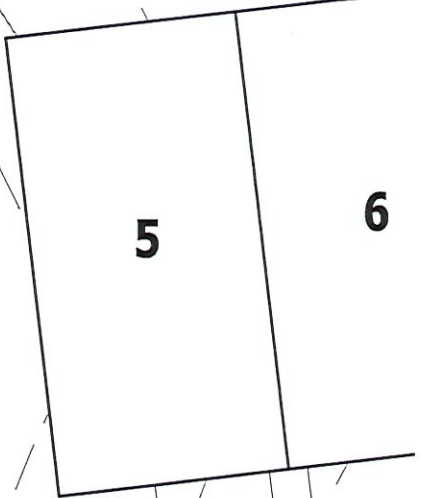
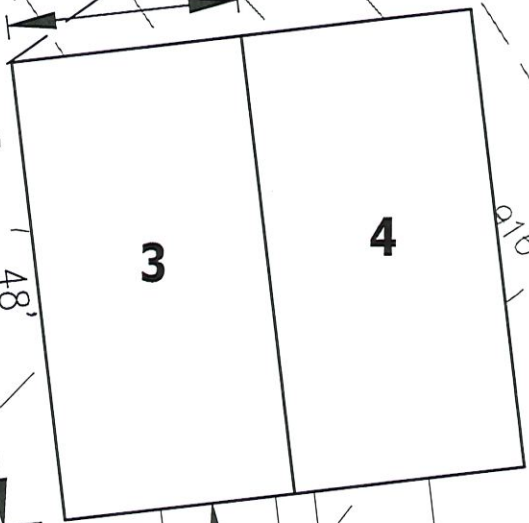
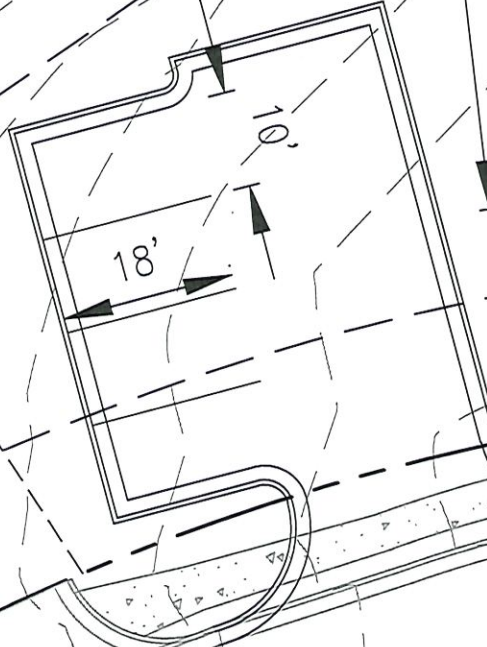
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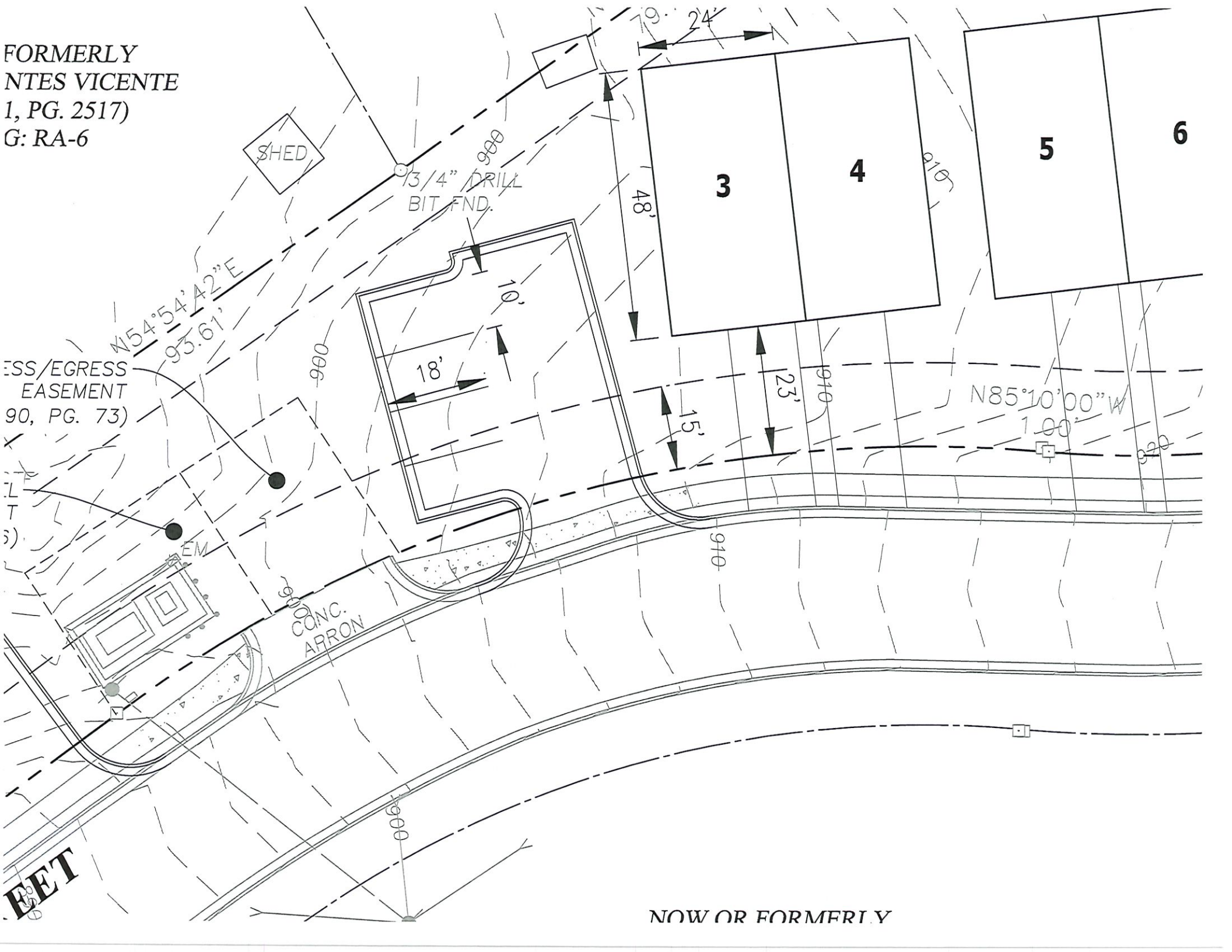
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REVISIONS	DATE	DESCRIPTION
4/27/24	INITIAL	SUBMITTAL

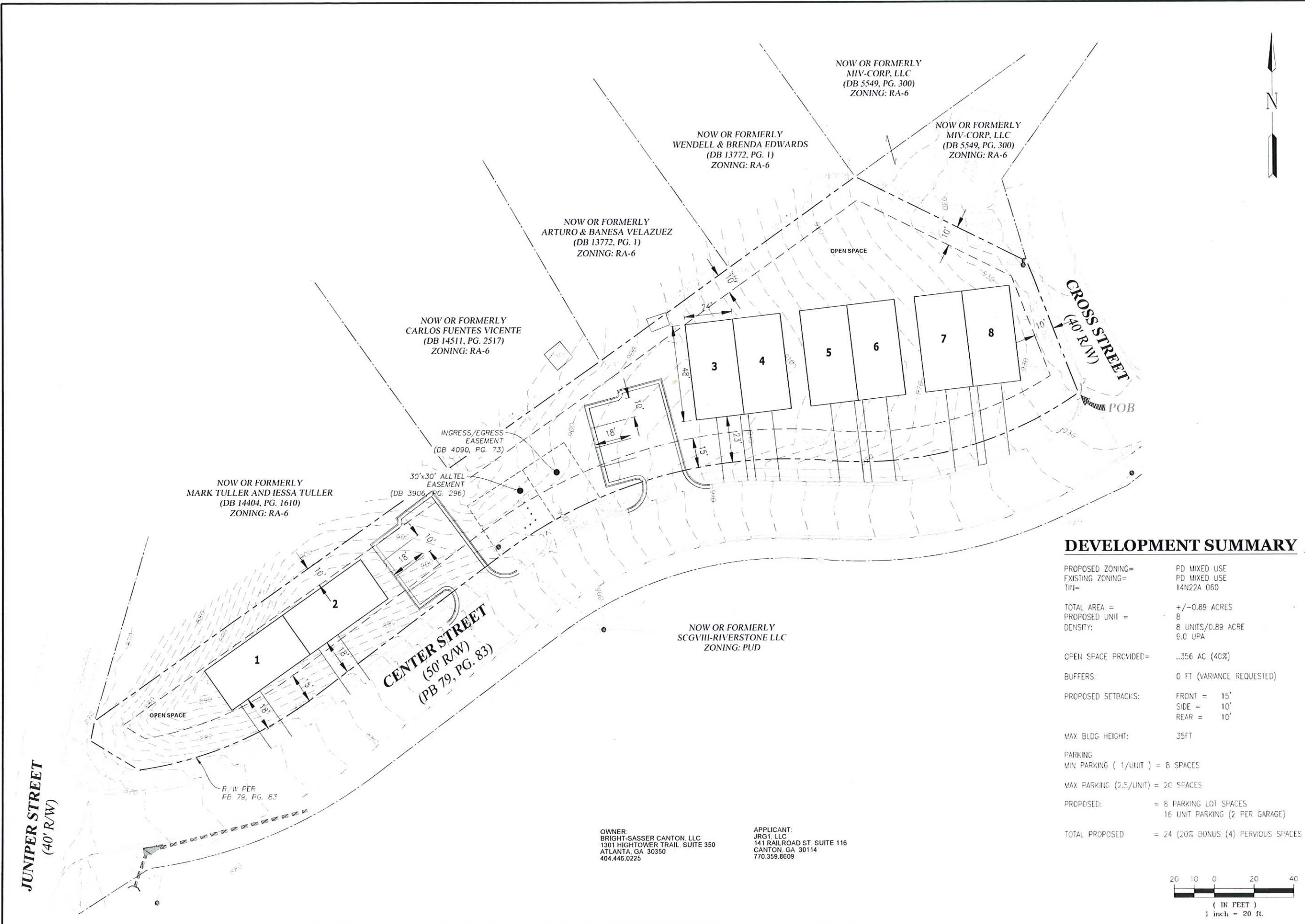
CLIENT  
**JRG1, LLC**  
 24-HOUR EMERGENCY CONTACT: JESSE GUNNIN 770-359-8609

**GREYDEN**  
 ENGINEERING  
 2106 Macy Drive  
 Roswell, Georgia 30076  
 PH: 770-573-4801 FAX: 678-302-6362



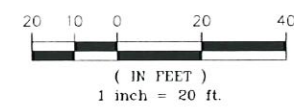
**SITTE PLAN**  
 FOR  
**CENTER STREET DUPLEXES**  
 LOCATED IN CITY OF CANTON  
 CHerokee COUNTY, GEORGIA

DATE	04/01/2024
JOB NO.	23-092
DRAWN	RAD
CHECKED	RAD
SCALE	AS NOTED
SHEET	S-1



**DEVELOPMENT SUMMARY**

PROPOSED ZONING=	PD MIXED USE
EXISTING ZONING=	PD MIXED USE
TIN=	14N22A D60
TOTAL AREA =	+/-0.89 ACRES
PROPOSED UNIT =	8
DENSITY:	8 UNITS/0.89 ACRE
	9.0 UPA
OPEN SPACE PROVIDED=	..356 AC (40%)
BUFFERS:	0 FT (VARIANCE REQUESTED)
PROPOSED SETBACKS:	FRONT = 15'
	SIDE = 10'
	REAR = 10'
MAX BLDG HEIGHT:	35FT
PARKING	
MIN PARKING ( 1/UNIT ) =	8 SPACES
MAX PARKING (2.5/UNIT) =	20 SPACES
PROPOSED:	= 8 PARKING LOT SPACES
	16 UNIT PARKING (2 PER GARAGE)
TOTAL PROPOSED	= 24 (20% BONUS (4) PVIOUS SPACES)



OWNER:  
 BRIGHT-SASSER CANTON, LLC  
 1301 HIGHTOWER TRAIL, SUITE 350  
 ATLANTA, GA 30350  
 404.446.0225

APPLICANT:  
 JRG1, LLC  
 141 RAILROAD ST, SUITE 116  
 CANTON, GA 30114  
 770.359.8609

**JUNIPER STREET**  
 (40' R/W)

**CENTER STREET**  
 (50' R/W)  
 (PB 79, PG. 83)

**CROSS STREET**  
 (40' R/W)

