



Community Development Department

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

Public Hearing Application

Project # VAR2403-001

- 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, Danny Lankford, 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, Danny Lankford, have received and thoroughly read the Public Hearing Procedures.

This 12th day of February, 2024

Applicant:

[Signature]

Print Name: Danny Lankford

Applicant Information:

Name: Danny Lankford
Address: 2285 Park Central Boulevard
City: Stonecrest
State: GA Zip Code: 30035
Telephone: 404-983-5851
Fax Number:
Email Address: dlankford@henryinc.com

Owner Information:

Name: Target Corporation
Address: 1000 Nicolett Mall, TPN12H
City: Minneapolis
State: MN Zip Code: 55403
Telephone: 612-761-1550
Fax Number:
Email Address: Laurie.ODonnell@target.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:

Received By: Date:

Amount Paid:



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, Brynn Anderson, 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 29th day of February, 2024.

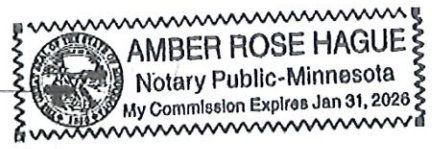
Owner Signature:  Print Name: Brynn Anderson

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
- 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

Sworn To And Subscribed Before Me This 29th Day Of February, 2024.

Notary Signature:





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

## Authorization Of Applicant

This form is to be executed under oath. I, Brynn Anderson, 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 29th day of February, 2024.

Owner Signature: [Signature] Print Name: Brynn Anderson

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 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: Danny Lankford

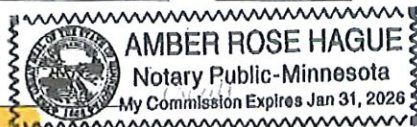
Signature: [Signature]

Mailing Address: 2285 Park Central Boulevard  
 City: Lilburn  
 State: GA Zip Code: 30035  
 Telephone: 404-983-5851  
 Fax Number: \_\_\_\_\_  
 E-mail: dlankford@henryinc.com

Applicant Status:  
 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 29th Day Of February, 2024.

Notary Signature: [Signature]





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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: Danny Lankford *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 |
|----------|-------------|
| \$ _____ | N/A _____   |
| \$ _____ | N/A _____   |
| \$ _____ | N/A _____   |

Note: Complete a separate form for each authorized applicant.



Community Development Department  
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### Property Information:

Address: 2202 Cumming Highway

Land Lot(s): 238, 239 District: 14th Section: \_\_\_\_\_ Map #: \_\_\_\_\_ Parcel #: 14N23 090

Existing Zoning Of Property: Commercial  City  County Total Acreage Of Property: 12.37

Proposed Zoning Of Property: Commercial Existing Use(s) Of Property: retail

Directions to property from Main Street in downtown Canton:

Head east on E Main St toward Chamlee Lane. Continue straight onto GA-20 E. Turn right onto Northside Cherokee Boulevard. Turn left onto Marketplace Drive

**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 | Canton Place Retail               | PD                    | Retail                  |
| SOUTH | Northside Hospital- Cherokee Inc. | PD                    |                         |
| EAST  | Kohl's Department Stores Inc      | PD                    | Retail                  |
| WEST  | Canton Marketplace Owner          | PD                    | Retail                  |
| OTHER |                                   |                       |                         |

### UTILITY INFORMATION

How is sewage from this development to be managed? N/A

Proposed managing jurisdiction: N/A

How will water be provided to the site? N/A

Proposed managing jurisdiction: N/A Size Limit: N/A



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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
MIDDLE Teasley
ELEMENTARY Canton

TRAFFIC INFORMATION

Road/Street providing access: Cumming Highway

Width at property: (Road) N/A (Right-of-way) N/A

Distance to nearest major thoroughfare: N/A Thoroughfare Name: N/A

Description of Road accessing property (Classification): Major Thoroughfare

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

- Boundary Survey, Legal Description, Letter of Intent, Planning Commission Review Criteria Response, Board of Zoning Appeals Review Criteria Response, Petition Requesting Annexation, Other (please explain), Master Plan / Site Plan, Location Map, Hydrology Study, Traffic Analysis Report, Elevation Plans



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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? Yes, the request is due to DOT road construction. The sign previously existing at the center required removal for the widening project. A variance is necessary to allow for a replacement sign.

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? Yes, standard set backs, if enforced, would not allow for the sign to be replaced.

Has the condition from which relief or variance is sought been a result from action by the applicant? No, DOT road widening and loss of available frontage has necessitated the request.

Are there conditions peculiar to the subject property? The applicant and the DOT have negotiated a location for the replacement sign. The proposed and agreed to location offers limited visibility because of the improvements by the DOT however it is the only location offering some relief. It is not possible to install the sign using allowable setbacks. To mitigate damages, the applicant needs a variance to allow for the sign placement as agreed to with the DOT. The road construction and the elimination of property frontage result in limited options for sign placement.

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 sign was currently existing at this property and was required to be removed due to DOT construction. A setback variance is required for the applicant to mitigate it's damages and reinstall the proposed replacement sign.

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

Transfer Tax \$2000.00  
Patty Baker  
Clerk of Superior Court Cherokee Cty, GA

**UPON RECORDING RETURN TO:**

Piedmont Title Insurance Agency, Inc.  
Attn: Isabel Garcia, Esq.  
150 East Ponce de Leon Avenue, Suite 330  
Decatur, Georgia 30030

**LIMITED WARRANTY DEED**

**STATE OF GEORGIA**

**COUNTY OF CHEROKEE**

THIS INDENTURE, made as of the 26<sup>th</sup> day of September, 2007, between **CANTON MARKETPLACE, LLC**, a Georgia limited liability company (hereinafter called "Grantor") and **TARGET CORPORATION**, a Minnesota corporation (hereinafter called "Grantee").

**WITNESSETH:**

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 together with all permits, privileges, improvements, fixtures, trees, timber, and other crops and plants located thereon; however, Grantor specifically reserves unto itself, all rights and privileges provided to Grantor in that certain Agreement Regarding the Sale of Real Property by and between Grantor, Williams G. Hasty, Jr. and Garry Haygood, dated August 10, 2005, recorded in Deed Book 8128, page 75, Cherokee County, Georgia records.

**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 behalf of Grantee, forever, **IN FEE SIMPLE**.

Without expanding by implication the limited warranty of title contained herein, 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 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.)

**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:

J. L. Sedberry  
Unofficial Witness

Candice Creighton Townsend  
Notary Public

(NOTARY SEAL)

My Commission Expires:

August 1, 2009



**CANTON MARKETPLACE, LLC**, a Georgia limited liability company

By: Sembler Family Partnership #36, Ltd., a Florida limited partnership, its Manager

By: Sembler Retail, Inc., a Florida corporation, as General Partner

By: [Signature]  
Name: VP / Assist. Sec  
Title: Jeff Fuqua

[CORPORATE SEAL]

**EXHIBIT "A"**

Property Description  
Target Tract  
Canton Marketplace  
Cherokee County, Georgia

All that tract or parcel of land lying and being in Land Lots 238 & 239 of the 14<sup>th</sup> District, 2<sup>nd</sup> Section, City of Canton, Cherokee County, Georgia, and being more particularly described as follows:

BEGINNING at a point at the intersection of the Southerly right of way of Cumming Highway (State Route 20, variable R/W) and the Easterly right of way miter of Canton Parkway (120' R/W); thence leaving said Southerly right of way of Cumming Highway and following along said miter South 55 degrees 46 minutes 42 seconds West, 91.86 feet to a point; thence leaving said Easterly miter and continuing along the Easterly right of way of Canton Parkway South 11 degrees 18 minutes 43 seconds West, 309.19 feet to a point, said point being the POINT OF BEGINNING. Thence leaving said Easterly right of way of Canton Parkway South 76 degrees 01 minutes 45 seconds East, 606.55 feet to a point; thence South 13 degrees 58 minutes 15 seconds West, 26.50 feet to a point; thence South 76 degrees 01 minutes 45 seconds East, 6.00 feet to a point; thence South 13 degrees 58 minutes 15 seconds West, 181.00 feet to a point; thence North 76 degrees 01 minutes 45 seconds West, 41.87 feet to a point; thence South 13 degrees 58 minutes 15 seconds West, 284.98 feet to a point; thence South 76 degrees 01 minutes 45 seconds East, 2.42 feet to a point; thence South 13 degrees 58 minutes 15 seconds West, 447.38 feet to a point; thence North 76 degrees 01 minutes 45 seconds West, 32.08 feet to a point; thence South 13 degrees 58 minutes 15 seconds West, 15.00 feet to a point; thence North 76 degrees 01 minutes 45 seconds West, 152.00 feet to a point; thence North 13 degrees 58 minutes 15 seconds East, 15.00 feet to a point; thence North 76 degrees 01 minutes 45 seconds West, 377.18 feet to a point on the Easterly right of way of Canton Parkway (120' R/W); thence following along said Easterly right of way of Canton Parkway North 13 degrees 58 minutes 25 seconds East, 543.44 feet to a point; thence along a curve to the left, an arc distance of 281.52 feet, said curve having a radius of 6,060.00 feet and being subtended by a chord of 281.50 feet, at North 12 degrees 38 minutes 34 seconds East to a point; thence North 11 degrees 18 minutes 43 seconds East, 115.12 feet to a point, said point being the POINT OF BEGINNING.

Target Tract contains 12.37 acres, more or less.

**EXHIBIT "B"**

**Permitted Title Exceptions  
Target Tract**

1. All Cherokee County real property taxes for the year 2008 and subsequent years and all City of Canton real property taxes for the year 2007 and subsequent years as to Parcel 1, a lien not yet due and payable.
2. Easement from W. L. Manous to Georgia Power Company, dated June 23, 1954, recorded in Deed Book 31, page 298, aforesaid records.
3. Easement from Hoyt Heard to Georgia Power Company, dated May 9, 1959, recorded in Deed Book 51, page 107, aforesaid records
4. Agreement to Restrict Property between Canton Marketplace, LLC and Northside Hospital- Cherokee, Inc., dated December 19, 2006, recorded in Deed Book 9295, page 68, aforesaid records.
5. Terms and conditions of that certain Development Agreement by and between the City of Canton, Georgia and Canton Marketplace, LLC, dated August 14, 2007, recorded in Deed Book 9798, page 349, aforesaid records.

| SECTION A - SELLER'S INFORMATION (Do not use agent's Information)   |           |  |                | SECTION C - TAX COMPUTATION   |           |                 |
|---|-----------|--|----------------|---|-----------|-----------------|
| SELLER'S BUSINESS / ORGANIZATION / OTHER NAME<br>Canton Marketplace, LLC  |           |  |                | Exempt Code<br>If no exempt code enter NONE   |           | NONE            |
| MAILING ADDRESS (STREET & NUMBER)<br>1450 South Johnson Ferry Road  |           |  |                | 1. Actual Value of consideration received by seller<br>Complete Line 1A if actual value unknown |           | \$2,000,000.00  |
| CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY<br>Atlanta, GA 30319 USA   |           | DATE OF SALE<br>9/26/2007  |                | 1A. Estimated fair market value of Real and<br>Personal property                                |           | \$0.00          |
| SECTION B - BUYER'S INFORMATION (Do not use agent's Information)  |           |  |                | 2. Fair market value of Personal Property only  |           | \$0.00          |
| BUYER'S BUSINESS / ORGANIZATION / OTHER NAME<br>Target Corporation  |           |  |                | 3. Amount of liens and encumbrances<br>not removed by transfer                                  |           | \$0.00          |
| MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes)<br>1000 Nicollet Mall Real Estate - Property Development |           |  |                | 4. Net Taxable Value<br>(Line 1 or 1A less Lines 2 and 3)                                       |           | \$2,000,000.00  |
| CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY<br>Minneapolis, MN 55403 USA   |           | Check Buyers Intended Use<br>( ) Residential (X) Commercial<br>( ) Agricultural ( ) Industrial |                | 5. TAX DUE at .10 per \$100 or fraction thereof<br>(Minimum \$1.00)                             |           | \$2,000.00      |
| SECTION D - PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))   |           |  |                |   |           |                 |
| HOUSE NUMBER & EXTENSION (ex 285A)  |           | PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION  |                |   |           | SUITE NUMBER    |
| COUNTY<br>CHEROKEE  |           | CITY (IF APPLICABLE)<br>Canton   |                | MAP & PARCEL NUMBER<br>14N23 001 V  |           | ACCOUNT NUMBER  |
| TAX DISTRICT  | GMD       | LAND DISTRICT<br>14  | ACRES<br>12.37 | LAND LOT<br>238 & 239   |           | SUB LOT & BLOCK |
| SECTION E - RECORDING INFORMATION (Official Use Only)   |           |  |                |   |           |                 |
| DATE  | DEED BOOK | DEED PAGE  |                | PLAT BOOK   | PLAT PAGE |                 |

ADDITIONAL BUYERS

None



Official Tax Receipt  
Cherokee County, GA  
2780 Marietta Hwy  
Canton, 30114  
--Online Receipt--

Phone: 678-493-6400

| Trans No       | Map Code | Property ID & District Description | Original Due        | Interest & Penalty        | Amount Due    | Amount Paid         | Transaction Balance |
|----------------|----------|------------------------------------|---------------------|---------------------------|---------------|---------------------|---------------------|
| 2023-112905    | 14N23090 | LL 238, 239 14TH DISTRICT          | \$230,997.04        | \$0.00<br>Fees:<br>\$0.00 | \$0.00        | \$230,997.04        | \$0.00              |
| <b>Totals:</b> |          |                                    | <b>\$230,997.04</b> | <b>\$0.00</b>             | <b>\$0.00</b> | <b>\$230,997.04</b> | <b>\$0.00</b>       |

Paid Date: 11/03/2023

Charge Amount: \$230,997.04

TARGET CORPORATION  
C/O PROPERTY TAX DEPARTMENT P O  
BOX 9456  
MINNEAPOLIS, MN 554409456



Scan this code with your mobile phone to view this bill

## EXHIBIT A

### PARCEL 1 (TARGET FEE)

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 238 and 239 of the 14<sup>th</sup> District, 2<sup>nd</sup> Section, City of Canton, Cherokee County, Georgia and being more particularly described as follows:

BEGINNING at a point at the intersection of the southerly right of way of Cumming Highway (State Route 20, variable R/W) and the easterly right of way miter of Canton Parkway (120' R/W); thence leaving said southerly right of way of Cumming Highway and following along said miter South 55 degrees 46 minutes 42 Seconds West, 91.86 feet to a point; thence leaving said easterly miter and continuing along the easterly right of way of Canton Parkway South 11 degrees 18 minutes 43 seconds West, 309.19 feet to a point, said point being the POINT OF BEGINNING.

Thence leaving said easterly right of way of Canton Parkway South 76 degrees 01 minutes 45 seconds East, 606.55 feet to a point; thence South 13 degrees 58 minutes 15 seconds West, 26.50 feet to a point; thence South 76 degrees 01 minutes 45 seconds East, 6.00 feet to a point; thence South 13 degrees 58 minutes 15 seconds West, 181.00 feet to a point; thence North 76 degrees 01 minutes 45 seconds West, 41.87 feet to a point; thence South 13 degrees 58 minutes 15 seconds West, 284.98 feet to a point; thence South 76 degrees 01 minutes 45 seconds East, 2.42 feet to a point; thence South 13 degrees 58 minutes 15 seconds West, 447.38 feet to a point; thence North 76 degrees 01 minutes 45 seconds West, 32.08 feet to a point; thence South 13 degrees 58 minutes 15 seconds West 15.00 feet to a point; thence North 76 degrees 01 minutes 45 seconds West, 152.00 feet to a point; thence North 13 degrees 58 minutes 15 seconds East, 15.00 feet to a point; thence North 76 degrees 01 minutes 45 seconds West, 377.18 feet to a point on the easterly right of way of Canton Parkway (120' R/W); thence following along said easterly right of way of Canton Parkway North 13 degrees 58 minutes 25 seconds East, 543.44 feet to a point; thence along a curve to the left, an arc distance of 281.52 feet, said curve having a radius of 6060.00 feet and being subtended by a chord of 281.50 feet, at North 12 degrees 38 minutes 34 seconds East, to a point; thence North 11 degrees 18 minutes 43 seconds East, 115.12 feet to a point. Said point being the POINT OF BEGINNING.

Target Tract contains 12.369 acres more or less and is more particularly shown on that certain ALTA/ACSM Land Title survey for Target Corporation, Canton Marketplace, LLC and First American Title Insurance Company, prepared by Gaskins, signed, sealed and certified by Donaloy Hutchins, Georgia Registered Land Surveyor No. 2011, dated June 15, 2007, last revised September 6, 2007, signed June 21, 2007.

[Continued to following Page]

## **TOGETHER WITH PARCEL 2**

Rights, benefits and easements contained in that certain Operation and Easement Agreement among Target Corporation, Kohl's Department Stores, Inc., Lowe's Home Centers, Inc., and Canton Marketplace, LLC for Canton Marketplace Shopping Center, dated September 26, 2007, recorded in Deed Book 9861, page 322, Cherokee County, Georgia Records.

## **TOGETHER WITH PARCEL 3**

Rights, benefits and easements contained in that certain Reciprocal Easement and Restriction Agreement by and between Canton Marketplace, LLC and William G. Hasty, Jr. and Garry Haygood, dated June 19, 2007, recorded in Deed Book 9669, page 271, aforesaid records; as affected by that certain First Amendment to Reciprocal Easement and Restriction Agreement by and between said parties, dated September 12, 2007, recorded in Deed Book 9861, page 277, aforesaid records.

To: City of Canton Board of Zoning Appeals  
C/O City of Canton Community Development  
11 O Academy St., Canton GA 30114

Re: Variance Request for Freestanding Signage  
Target Store T2476- Canton  
(2202 Cumming Hwy, Canton GA)

Dear Members of the Zoning Appeals Board,  
On behalf of Target Stores, we are requesting your favorable consideration for setback variances to allow for the installation of a freestanding sign to replace a sign that was existing on this site at essentially the same location being proposed for the new sign.

The sections of code from which we are requesting variance relief are as follows:

*"Chapter 103 - SITE PLANNING AND PROJECT DESIGN  
STANDARDS ...B.Location restrictions. 1)Unless otherwise provided in this UDC, all signs shall be located on private property and in no case on public property or within the public right-of-way, private right-of-way, ingress and egress easements, driveway and maneuvering areas, or within utility easements, except with respect to swinging or projecting signs in the downtown district that meet the standards of section 103.05.10.B.3.  
2)No freestanding sign may be located within 30 feet of the intersection of street right-of-way lines extended parallel or at a location that would cause an obstruction to vision of vehicular or pedestrian traffic.  
... C.Setbacks. 1)Unless otherwise provided for herein, all signs shall be located outside public or private rights-of-way or at least ten feet from the back of the curb or edge of pavement of the adjacent street, whichever is greater.  
2)Signs located on a corner lot shall be no closer than 30 feet from the intersection of street right-of-way lines and shall be set back outside of the public or private right-of-way, or 15 feet from the back of the curb or edge of pavement of the adjacent street, whichever is greater."*

*The existing sign located along the Cumming Hwy frontage was required to be removed to allow for highway expansion being performed by the Georgia Department of Transportation as part of the improvements being made to Cumming Hwy along the frontage of the Canton Market Place Shopping Center.*

*With the taking of the frontage for this improvement, there remains no practical location for this sign to be placed that would meet current setback requirements. Because of this, Target and their representatives have worked with the Georgia D.O.T, to identify a location in the easement area that would allow for the installation of the sign and not impact required utility improvements along the frontage. The location agreed to by Target and the DOT places the sign in a dedicated sign easement free and clear of utilities and in a location that will not impact access for required access to Georgia D.O.T. traffic control devices or street lighting.*



*While the proposed and agreed to location is not ideal for signage, it does offer the only reasonable visibility site lines to the proposed sign from traffic along Cumming Hwy and is in a position where it will not impact or impair visibility to motorists along the highway nor impact visibility to vehicles entering and existing the shopping center.*

*The sign has been designed dimensionally to be smaller than the former sign at this location. This being done so the sign could fit withing the confines of the dedicated sign easement. The previously existing sign maintained dimensions of roughly 24' in width and 10' in height. T he proposed sign is proposed at just under 8' in width and at 10' in height, approximately 33% of the size of the sign that has been removed. Again, these reduced dimensions reflect limitations of the agreed to sign easement, the only reasonable location for the sign. 18ft from the edge of the road. The proposed sign location will be set back 18' south from the edge of the outermost east bound travel lane of Cumming Hwy and 30'to the east of the entrance of Market Place Drive.*

We are asking for your favorable consideration of this for relief of undue hardships created by the highway expansion project and utility improvements along Cumming Hwy. These hardships are no fault of the applicant, Target Stores, and the requested relief is the minimum relief to allow for Target to present their signage in a reasonable and safe position to allow for the continued success of their store.

Because of the recent road expansion project, there exists extraordinary and exceptional conditions pertaining to the property in the form of limited frontage for signage, hampered visibility site lines and sign location limitations due to access requirements for DOT service vehicles. Granting the requested setback variance will not cause any substantial detriment to the public good and would result in the minimum relief required to allow for reasonable use of sign area for this location.,

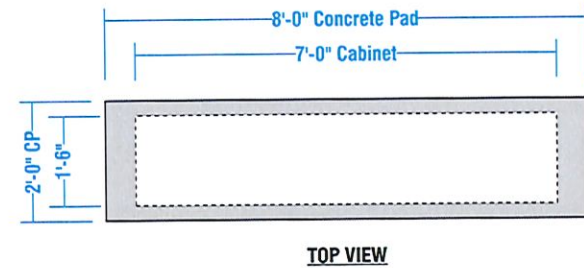
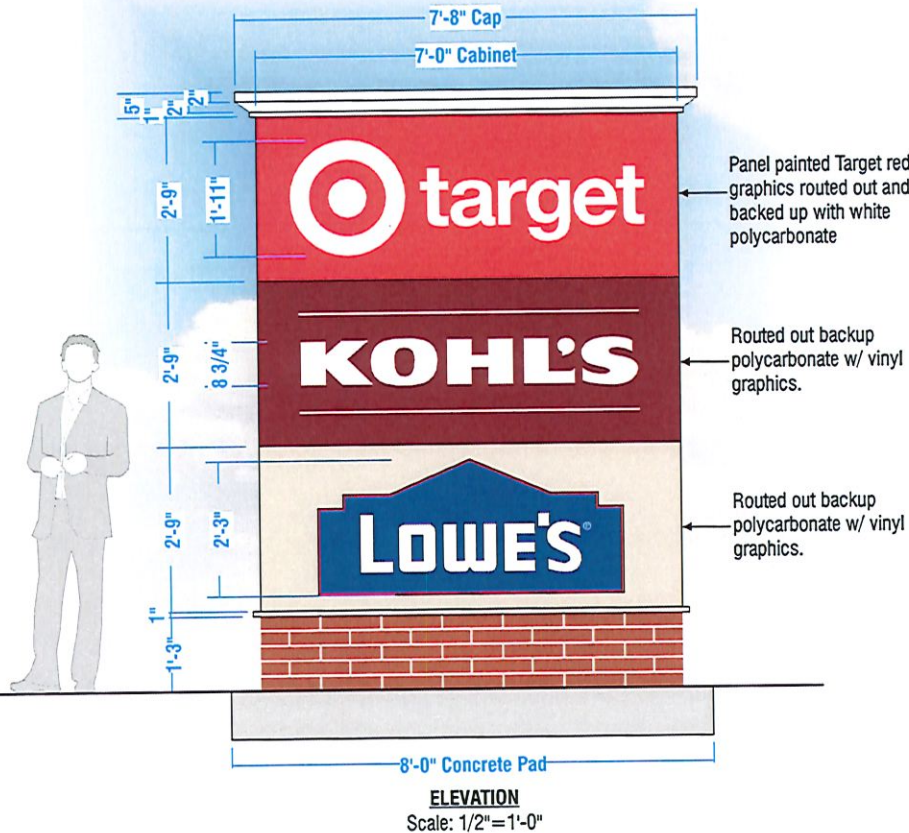
As is apparent, this stretch of highway has become an extremely busy thoroughfare and it is essential for reasonable signage along this frontage to identify the entrances to this site for the convenience and safety of Target guests.

Thanks for your consideration of this request.

Boyd Hippenstiel/Federal Heath Sign Company  
Target Consultant  
813-244-5854







**A REPLACE MONUMENT W/ NEW TENANT SIGN W/ LEADING EDGE APPROXIMATELY 15' BACK FROM CURRENT LOCATION (SHOWN IN RED)**

**GENERAL SPECIFICATIONS:**

FABRICATED D/F PYLON W/ INT. ILLUMINATION  
ALL TENANT GRAPHICS ARE ROUTED OUT ALUMINUM & BACKED UP W/ POLYCARBONATE & VINYL GRAPHICS PER BRAND SPECIFICATIONS.

SPECIFIC PYLON FINISHES TBD.

**Colors & Finishes**

Colors shown here may not exactly match manufacturers color chart swatch or actual sample.

- Black
- White Polycarbonate
- TBD
- TBD
- MP #8207 4LVG (Full Gloss)

**FEDERAL HEALTH SIGN COMPANY**  
www.FederalHeath.com  
12704 DuPont Circle Tampa, FL 33626  
(813) 855-4415 (800) 284-3284 Fax (813) 854-3037

**Manufacturing Facilities:**  
Ocala, CA - Lumbia, TX - Jacksonville, TX - Dallas, TX  
**Other Locations:**  
Orem, UT - Las Vegas, NV - Laughlin, AZ  
Island Falls, ID - El Paso, TX - Jacksonville, TX - San Antonio, TX  
Houston, TX - Corpus Christi, TX - Indianapolis, IN  
Louisville, KY - Knoxville, TN - Granger, WI - Delaware, OH  
Wilmington, NC - Tampa, FL - Atlanta, GA  
Tampa, FL - Daytona Beach, FL - Orlando, FL

**Revisions:**  
R1 8-14-20 VA Rev. Sign A Opt 2 layout & add Sign B.  
R2 8-19-20 GR Revise Sign A Opt 2 per Mark-up  
R3 9-15-20 BW Revise lead spec for signs B.  
R4 9-11-20 BW Reverse option 1 & option 2  
R5 12-08-20 JPR Revise to show option 1 of ground sign added mfg. parts, site plan & foundation and base pad.  
R6 12-09-20 BW Revise position of sign, make pad above grade & revise notes & arrows as per mark-up.  
R7 4-29-21 WS Update notes see pg. 3 per mark-up.  
R8 8-2-21 BW Update overall size & revise as per mark-up.  
R9 8-10-21 BW Increase height as per mark-up.  
R10 12-2-21 BW Revise size as per mark-up & add page 4.  
Colors depicted in this rendering may not match actual finished materials. Refer to Product Samples for Exact Color Match.

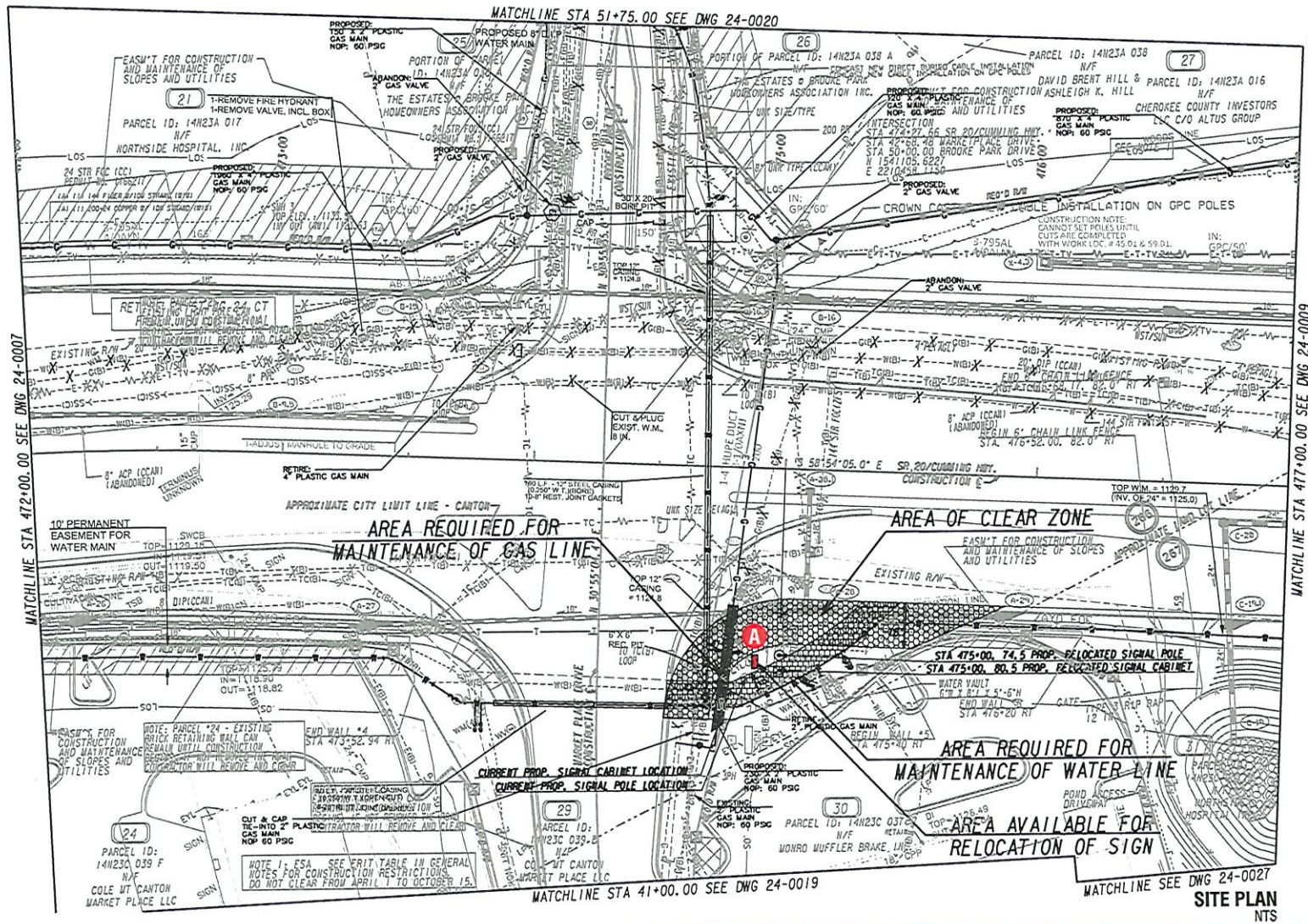
**Client Approval/Date:** \_\_\_\_\_  
**Landlord Approval/Date:** \_\_\_\_\_

Account Rep: **Boyd Hippenstiel**  
Project Manager: **Donna Copp**  
Drawn By: **Gene Bourbonnais**  
Underwriters Laboratories Inc. **UL** Electrical to use U.L. listed components and shall meet all P.E.C. standards.

Project / Location:  
  
Store: T2476  
2022 Cumming Hwy.  
Canton, GA 30115

Job Number: **23-61364-10**  
Date: **December 9, 2020**  
Sheet Number: **3** or **4**  
Design Number: **23-61364-10 R10a**  
**EXHIBIT**

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12704 DuPont Circle Tampa, FL 33626  
(813) 855-4415 (800) 284-3284 Fax (813) 854-3037

**Manufacturing Facilities:**  
Channahon, IL - Lumberton, TN - Jacksonville, TX - Dickinson, TX

**Other Locations:**  
Channahon, IL - Las Vegas, NV - Lakeland, FL - Houston, TX - Corpus Christi, TX - San Antonio, TX - Louisville, KY - Knoxville, TN - Gaston, NC - Ocala, FL - Vidalia, GA - Tampa, FL - Daytona Beach, FL - Orlando, FL

**Building Quality Signage Since 1901**

**Revisions:**

R1 8-14-20 VA Rev. Sign A Opt 2 layout & add Sign B.  
R2 8-19-20 CR Revise Sign A Opt 2 per mark-up.  
R3 8-23-20 BN Revise location for sign B.  
R4 9-11-20 BN Reverse option 1 & option 2.  
R5 12-09-20 JP/JK Reverse to show option 1 of ground sign added imp. page, site plan & foundation and base die.

**Client Approval/Date:**

**Landlord Approval/Date:**

**Account Rep:** Boyd Hippenstiel

**Project Manager:** Donna Copp

**Drawn By:** Gene Bourbonnais

**Underwriters Laboratories (UL) nfc**

**ELECTRICAL TO USE UL LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS**

**ALL ELECTRICAL SIGNS ARE TO COMPLY WITH U.L. 84 AND ARTICLE 605 OF THE N.E.C. STANDARDS, INCLUDING THE PROPER GROUNDING AND BONDING OF ALL SIGNS.**

**Project / Location:**

**Store: T2476**  
2022 Cumming Hwy.  
Canton, GA 30115

**Job Number:** 23-61364-10

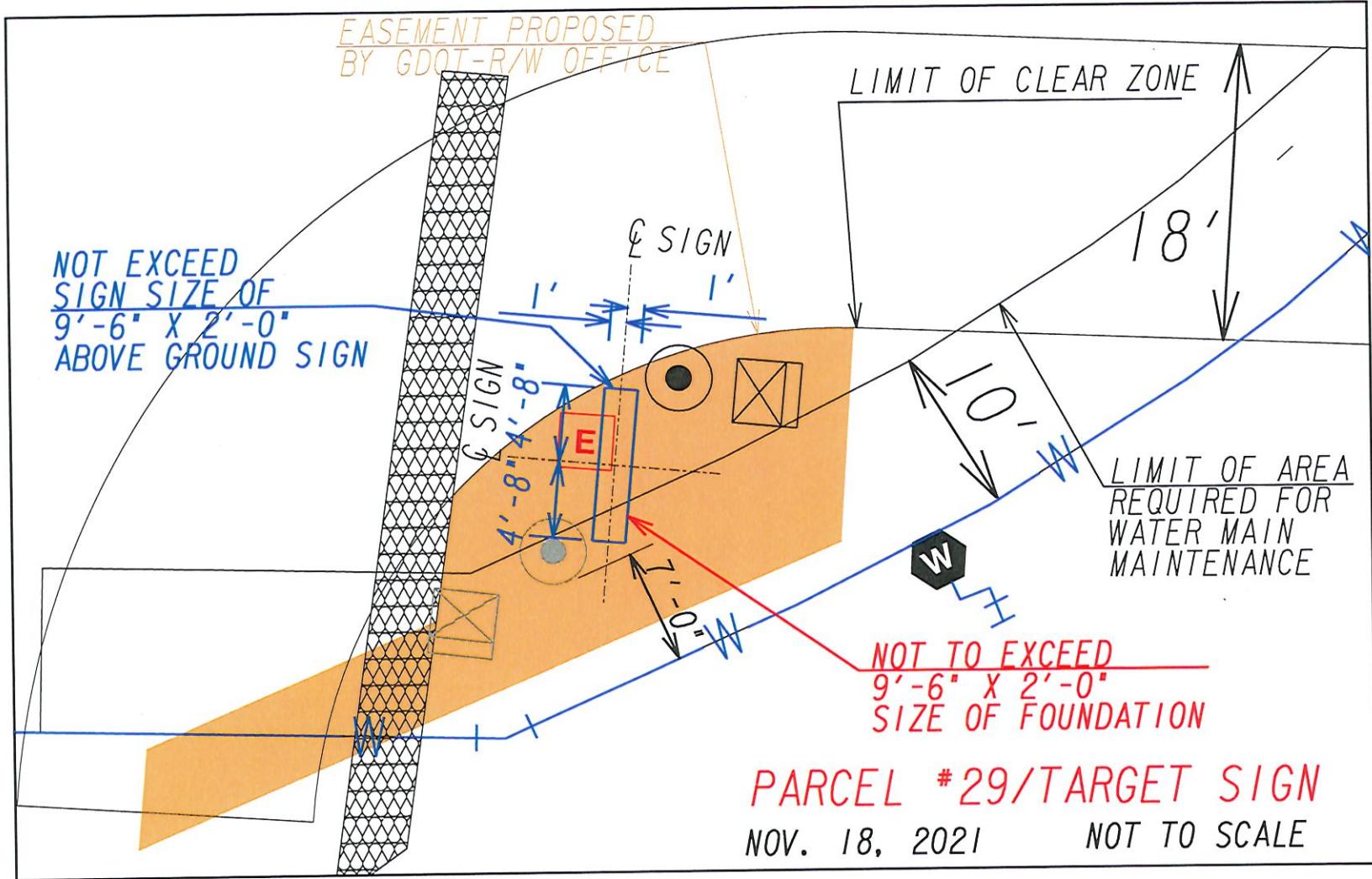
**Date:** December 9, 2020

**Sheet Number:** 2 of 4

**Design Number:** 23-61364-10 R10a

**EXHIBIT**

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**PARCEL #29/TARGET SIGN**  
 NOV. 18, 2021 NOT TO SCALE

**FEDERAL HEALTH SIGN COMPANY**  
 www.FederalHeath.com  
 12704 DuPont Circle Tampa, FL 33626  
 (813) 855-4415 (800) 284-3284 Fax (813) 854-3037

**Manufacturing Factories:**  
 Oxnard, CA - Santa, TX - Jacksonville, TX - Dallas, TX  
**Other Locations:**  
 Orem, UT - Las Vegas, NV - Las Vegas, AZ  
 Idaho Falls, ID - El Paso, TX - Jacksonville, TX - San Antonio, TX  
 Houston, TX - Corpus Christi, TX - Indianapolis, IN  
 Louisville, KY - Knoxville, TN - Canton, MI - Ossauqua, OH  
 Whitehouse, IL - Tampa, FL - Albany, GA  
 Tampa, FL - Daytona Beach, FL - Orlando, FL

**Revisions:**  
 R1 6.14.20 VA Rev. Sign A Opt 2 layout & add Sign B.  
 R2 8.19.20 CR Reduce Sign Size 2 per mark-up.  
 R3 9.8.20 BW Revise base spec for sign B.  
 R4 9.11.20 BW Revise option 1 & option 2.  
 R5 12.08.20 JF/JK Reverse to show option 1 of ground sign added engi. note, site plan & foundation and base spec.  
 Colors depicted in this rendering may not match actual finished materials. Refer to Product Samples for Exact Color Match.  
 Client Approval/Date: \_\_\_\_\_  
 Landlord Approval/Date: \_\_\_\_\_

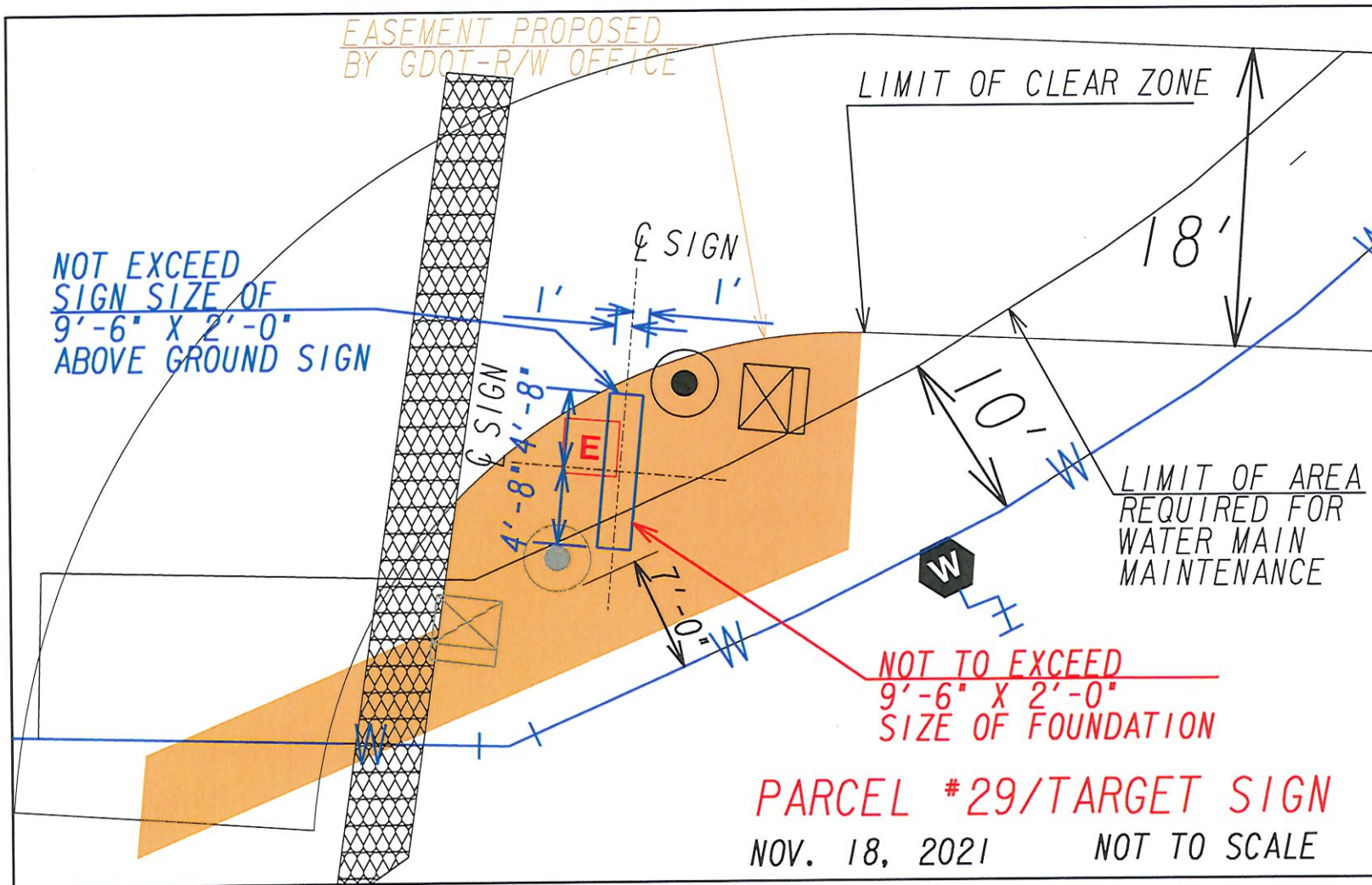
Account Rep: **Boyd Hippenstiel**  
 Project Manager: **Donna Copp**  
 Drawn By: **Gene Bourbonnais**  
 Underwriters Laboratories Inc. **UL** **UL** **UL**  
 ELECTRICAL TO USE ALL LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS.  
 ALL ELECTRICAL SIGNS ARE TO COMPLY WITH U.L. REPAIR AND ARTICLE 605 OF THE N.E.C. STANDARDS, INCLUDING THE PROPER GROUNDING AND BONDING OF ALL SIGNS.

Project / Location:  
  
 Store: T2476  
 2022 Cumming Hwy.  
 Canton, GA 30115

Job Number: **23-61364-10**  
 Date: **December 9, 2020**  
 Sheet Number: **4** of **4**  
 Design Number: **23-61364-10 R10a**  
**EXHIBIT**

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12704 DuPont Circle Tampa, FL 33626  
(813) 855-4415 (800) 284-3284 Fax (813) 854-3037

Manufacturing Facilities:  
Oxnard, CA - Euless, TX - Jacksonville, TX - Oklahoma, OK  
Office Locations:  
Oxnard, CA - Las Vegas, NV - Laughlin, AZ  
Idaho Falls, ID - Euless, TX - Jacksonville, TX - San Antonio, TX  
Houston, TX - Corpus Christi, TX - Indianapolis, IN  
Lawrenceville, GA - Knoxville, TN - Canton, MI - Columbus, OH  
Wichita, KS - Tulsa, OK - Atlanta, GA  
Tampa, FL - Daytona Beach, FL - Orlando, FL

Building Quality Signage Since 1901

Revisions:  
R1 8.14.20 VA Rev. Sign A Opt 2 layout & add Sign B.  
R2 8.17.20 GB Define Sign A Opt 2 per mark-up  
R3 9.11.20 BW Revise line spec for sign B.  
R4 9.11.20 BW Revise option 1 & option 2  
R5 12.03.20 JPT/JK Reverse to show option 1 of ground sign  
add 4" high, 1" wide, 1/4" thick sign plate & foundation and base pad.  
Color: Depicted in This Rendering May Not Match Actual Finished Materials. Refer to Product Samples For Exact Color Match.  
Client Approval/Date:  
Landlord Approval/Date:

Account Rep: **Boyd Hippenstiel**  
Project Manager: **Donna Copp**  
Drawn By: **Gene Bourbonnais**  
Underwriters Laboratories Inc. **UL** ELECTRICAL TO USE U.L. LISTED COMPONENTS AND SHALL MEET ALL I.E.C. STANDARDS  
ALL ELECTRICAL SIGNS ARE TO COMPLY WITH U.L. 88 AND ARTICLE 608 OF THE N.E.C. STANDARDS, INCLUDING THE PROPER GROUNDING AND BONDING OF ALL SIGNS.

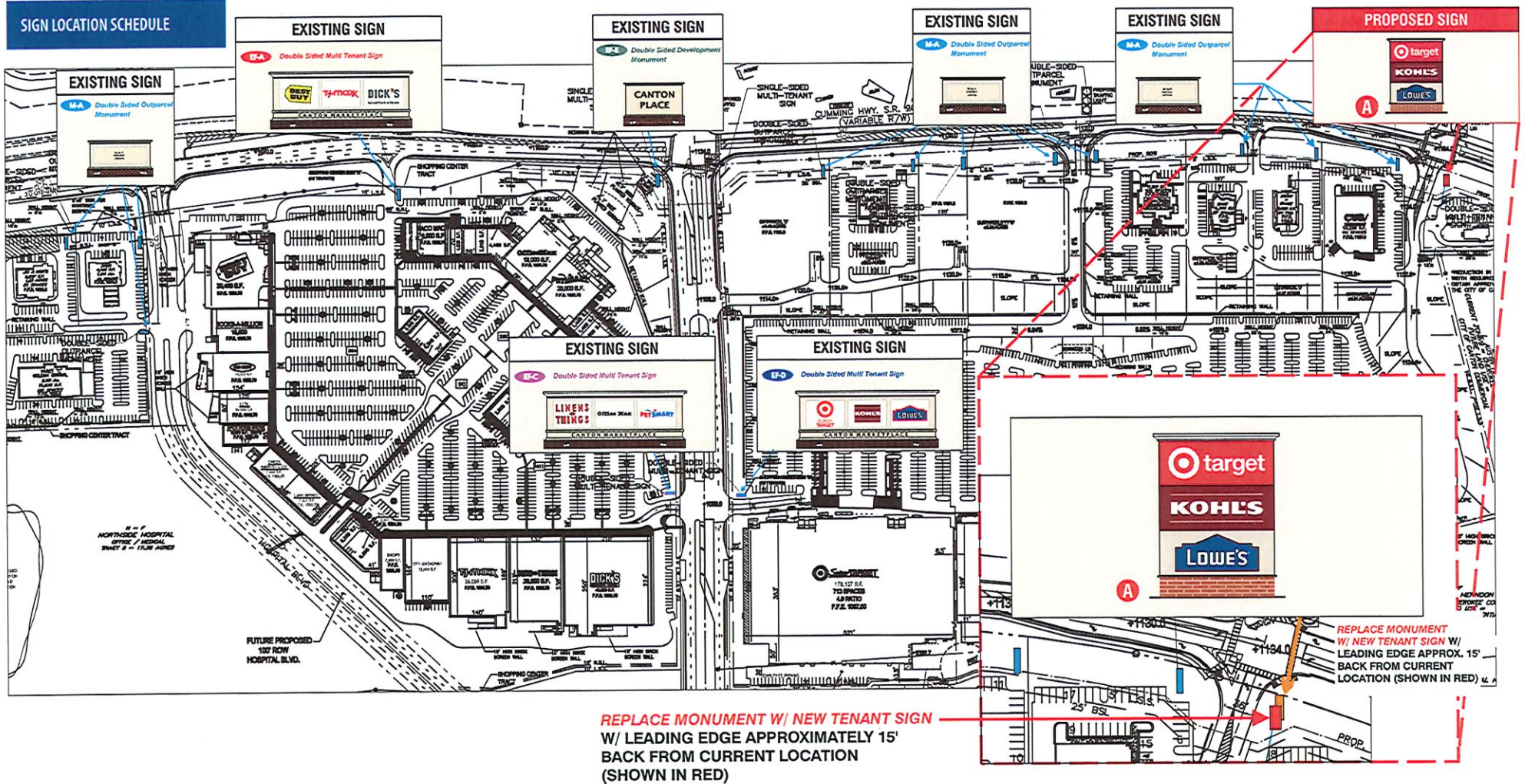
Project / Location:  
 Store: T2476  
2022 Cumming Hwy.  
Canton, GA 30115

Job Number: **23-61364-10**  
Date: **December 9, 2020**  
Sheet Number: **4 of 4**  
Design Number: **23-61364-10 R10a**  
**EXHIBIT**

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**SIGN LOCATION SCHEDULE**



**REPLACE MONUMENT W/ NEW TENANT SIGN W/ LEADING EDGE APPROXIMATELY 15' BACK FROM CURRENT LOCATION (SHOWN IN RED)**

**REPLACE MONUMENT W/ NEW TENANT SIGN W/ LEADING EDGE APPROX. 15' BACK FROM CURRENT LOCATION (SHOWN IN RED)**



12704 DuPont Circle Tampa, FL 33626  
 (813) 855-4415 (800) 284-3284 Fax (813) 854-3037

**Manufacturing Facilities:**  
 Courville, CA - Dallas, TX - Jacksonville, TX - Dumas, TX  
**Other Locations:**  
 Oremville, CA - Las Vegas, NV - Laughlin, AZ  
 Idaho Falls, ID - El Paso, TX - Jacksonville, TX - San Antonio, TX  
 Houston, TX - Corpus Christi, TX - Indianapolis, IN  
 Louisville, KY - Knoxville, TN - Galveston, TX - Oklahoma, OK  
 Yellowknife, E. - Tunica, MS - Atlanta, GA  
 Tampa, FL - Daytona Beach, FL - Orlando, FL

**Building Quality Signage Since 1901**

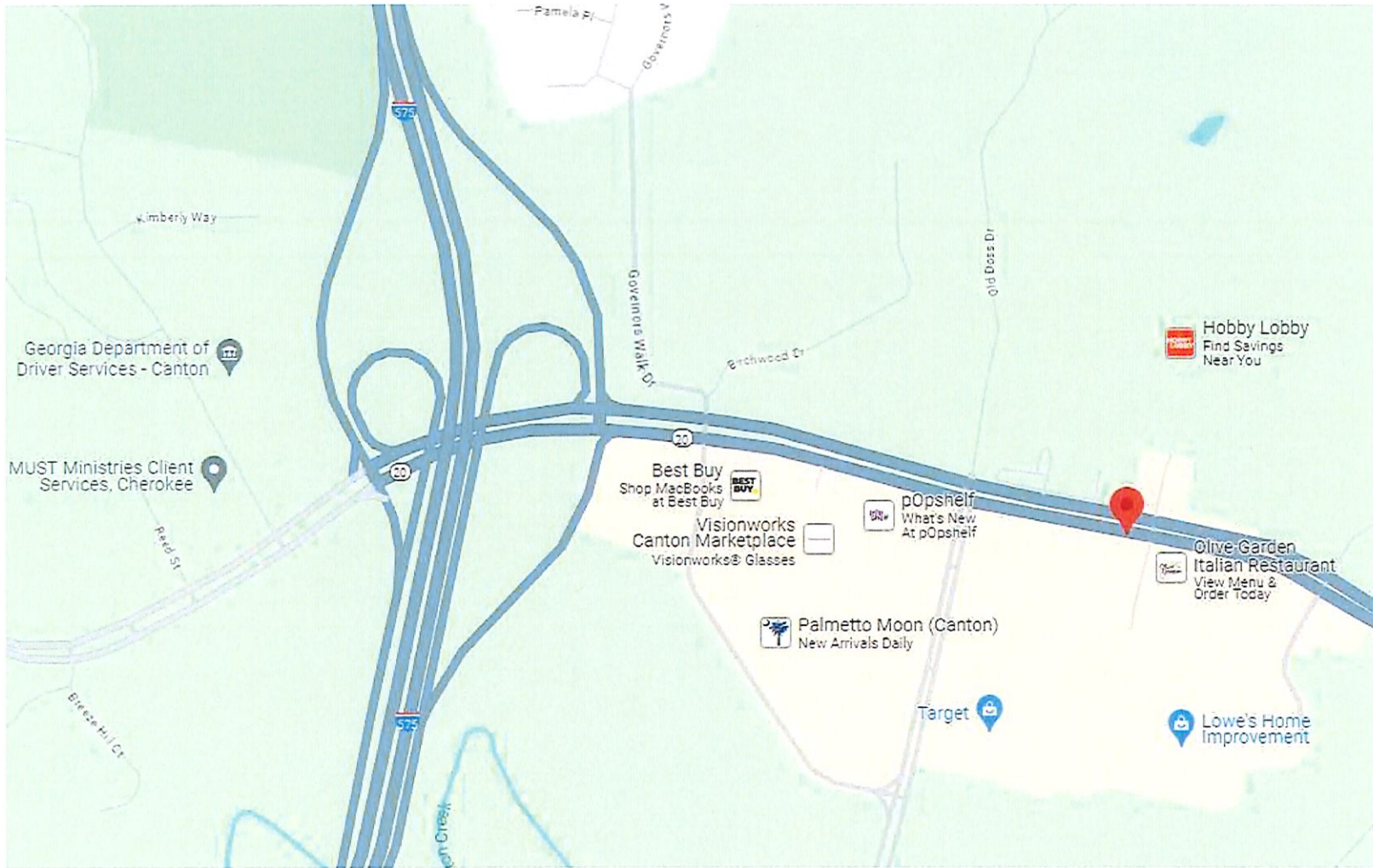
**Revisions:**  
 R1 8.14.20 VA Rev. Sign A Opt 2 layout S. add Sign B.  
 R2 8.19.20 EA Revise Sign A Opt 2 per mark-up  
 R3 9.3.20 BW Revise face sheet for sign S.  
 R4 9.11.20 BW Revise option 1 & option 2  
 R5 12.08.20 JF/K Revise to show option 1 of ground sign added eng. info, site plan & foundation and base disc.  
 R6 12.09.20 BW Revise position of sign, make pad above grade & revise notes & arrows as per mark-up.  
 R7 4.29.21 WJ Update notes on pg. 3 per mark-up.  
 R8 8.9.21 BW Reduce overall size & revise as per mark-up.  
 R9 8.10.21 BW Increase height as per mark-up.  
 R10 12.6.21 BW Revise size as per mark-up & add page 4.  
 Colors Depicted in this Rendering May Not Match Actual Finished Materials. Refer to Product Samples For Exact Color Match.  
**Client Approval/Date:**  
**Landlord Approval/Date:**

Account Rep: **Boyd Hippenstiel**  
 Project Manager: **Donna Copp**  
 Drawn By: **Gene Bourbonnais**  
 Underwriters Laboratories Inc. **UL** ELECTRICAL TO USE ALL UL LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS  
 ALL ELECTRICAL SIGNS ARE TO COMPLY WITH U.L. 84 AND ARTICLE 605 OF THE N.E.C. STANDARDS, INCLUDING THE PROPER GROUNDING AND BONDING OF ALL SIGNS.

Project / Location:  
  
 Store: T2476  
 2022 Cumming Hwy.  
 Canton, GA 30115

Job Number: **23-61364-10**  
 Date: **December 9, 2020**  
 Sheet Number: **1 of 4**  
 Design Number: **23-61364-10 R10a EXHIBIT**

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IN THE SUPERIOR COURT OF CHEROKEE COUNTY  
STATE OF GEORGIA

DEPARTMENT OF TRANSPORTATION, )  
)  
Condemnor, )  
)  
v. )  
)  
0.285 ACRES OF LAND; and COLE MT. )  
CANTON MARKETPLACE, LLC; WELLS )  
FARGO BANK, NATIONAL ASSOCIATION, )  
AS TRUSTEE FOR MORGAN STANLEY )  
BANK OF AMERICA MERRILL LYNCH )  
TRUST 2013-C10, COMMERCIAL PASS- )  
THROUGH CERTIFICATES 2013-C10; )  
TARGET CORPORATION; KOHL'S )  
DEPARTMENT STORES, INC.; and TAX )  
COMMISSIONER OF CHEROKEE COUNTY, )  
individually, )  
)  
Condemnees. )

CIVIL ACTION FILE NO.  
19CVE1714

PARCEL 29

**CONSENT ORDER AMENDING PETITION AND ORDER AND JUDGMENT**

WHEREAS, this action is an *in rem* condemnation proceeding brought by Condemnor Department of Transportation (hereinafter "Condemnor") against certain property owned on the date of taking by Condemnee Cole Mt. Canton Marketplace, LLC (hereinafter the "Subject Property") to acquire 0.2855 acres of land in fee simple right of way as more particularly described in the Petition for Condemnation and Declaration of Taking (hereinafter "Petition") filed on September 5, 2019 (hereinafter "date of taking")

WHEREAS, the Court entered an Order and Judgment on September 16, 2019 ("Order and Judgment") vesting title in the Condemnor, which included a description of the property condemned, including right of way and certain easement rights, and the Order and Judgment was recorded in the Deed Records of Cherokee County at Deed Book 14397, Page 237; and

WHEREAS, Cole Mt. Canton Marketplace, LLC and Target Corporation were the only parties who filed a Notice of Appeal or any other pleading in response to the Petition for Condemnation; and

WHEREAS, Cole Mt. Canton Marketplace, LLC previously filed a Notice of Assignment with this Court on April 20, 2023 assigning its claim for just and adequate compensation in this condemnation action, under and pursuant to the Notice of Appeal filed by Cole Mt. Canton Marketplace, LLC on September 18, 2019, to Canton Marketplace Owner, LLC; and

WHEREAS, Condemnor and Cole Mt. Canton Marketplace, LLC, Canton Marketplace Owner, LLC and Target Corporation are in agreement that the Right of Way Plan sheets 60-0009 (page 9 of 39) and 60-0034 (page 34 of 39) and the legal descriptions attached to the Petition and Declaration of Taking as part of “Appendix “A” – Annex 1-A” shall be replaced with the attached **Exhibit A** and identified as Right of Way Plan sheets 60-0009 (page 9 of 39) and 60-0034 (page 34 of 39) dated June 16, 2017, last revised on February 28, 2022 and the Legal Description, in order to change a portion of the right of way to a permanent easement for the construction and maintenance of slopes and placement of utilities, and to permit a sign to be placed in the permanent easement area;

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that:

(1) The Petition and Declaration of Taking and Order and Judgment are hereby amended by substituting Right of Way Plan Sheets 60-0009 and 60-0034, dated June 16, 2017, and last revised on February 28, 2022 for the plan sheets attached to the Petition and Declaration of Taking; and

(2) The Petition and Declaration of Taking and Order and Judgment are hereby amended by substituting the Legal Description attached to this Order for the original Legal Description attached to the Petition and Declaration of Taking; and

(3) All other terms and conditions of the Petition, Declaration of Taking and the Order and Judgment shall remain in full force and effect; and

(4) This Order shall be filed on the deed records of Cherokee County with a reference to the Deed Book and Page at which the Order and Judgment are recorded.

SO ORDERED this 4th day of August, 2023.

  
Judge, Cherokee County Superior Court

Consented to by:

/s/ Audrey N. Conley (signed w/ express permission by I. Cadle)

Robert M. Dyer  
Georgia Bar No. 236880  
Alicia M. Argo  
Georgia Bar No. 859330  
Audrey N. Conley  
Georgia Bar No. 904614  
DYER & RUSBRIDGE, P.C.  
291 East Main Street  
Canton, GA 30114 (770) 479-7418  
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[aliciaargo@dyruslaw.com](mailto:aliciaargo@dyruslaw.com)  
[Audreyconley@dyruslaw.com](mailto:Audreyconley@dyruslaw.com)  
*Attorneys for Condemnor*

/s/ Ivy N. Cadle

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J. Tyler Cox  
Georgia Bar No. 876435  
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Monarch Plaza, Suite 1600  
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Atlanta, GA 30326  
404 577-6000  
[icadle@bakerdonelson.com](mailto:icadle@bakerdonelson.com)  
[tcx@bakerdonelson.com](mailto:tcx@bakerdonelson.com)  
*Attorney for Target Corporation*

/s/ Elizabeth R. Story (signed w/ express permission by I. Cadle)

Christian F. Torgrimson  
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PARKER POE ADAMS & BERNSTEIN LLP  
1075 Peachtree Street NE, Suite 1500  
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[christiantorgrimson@parkerpoe.com](mailto:christiantorgrimson@parkerpoe.com)  
[elizabethstory@parkerpoe.com](mailto:elizabethstory@parkerpoe.com)  
*Attorneys for Condemnee Cole Mt. Canton Marketplace, LLC and Canton Marketplace Owner, LLC*

EXHIBIT "A"

PROJECT NO.: CSSTP-0009-00(164)  
P. I. NO.: 0009164  
PARCEL NO.: 29  
DATE OF R/W PLANS: 6/16/2017  
REVISION DATE: 2/28/22

CHEROKEE County

Page 1 of 1

All that tract or parcel of land lying and being in Land Lot 266 & 267 of the 14 Land District of CHEROKEE County, Georgia, being more particularly described as follows:

**RIGHT OF WAY**

Beginning at a point 85.13 feet Right of and opposite Station 473+74.77 on the construction centerline of SR 20; running thence S 58°22'14.8" E a distance of 86.47 feet to a point 85.93 feet right of and opposite station 474+61.23 on said construction centerline laid out for S.R. 20; thence N 68°43'10.2" E a distance of 54.54 feet to a point 42.73 feet right of and opposite station 474+94.53 on said construction centerline laid out for S.R. 20; thence southeasterly 10.70 feet along the arc of a curve (said curve having a radius of 1798.10 feet and a chord distance of 10.70 feet on a bearing of S 57°41'36.0" E) to the point 42.96 feet right of and opposite station 475+05.22 on said construction centerline laid out for S.R. 20; thence northwesterly 27.05 feet on a bearing of South 32°36'15.2" West to a point 70 feet right of and opposite station 475+04.51 on said construction centerline laid out for S.R. 20; thence 27.22 feet along the arc of a curve (said curve having a radius of 31.79 feet and a chord distance of 26.40 feet on a bearing of N83°37'07.4" West to a point 81.04 feet right of and opposite station 474+80.53 on said construction centerline laid out for S.R. 20; thence S 36°45'16.9" W a distance of 7.66 feet to a point 88.66 feet right of and opposite station 47+79.78 on said construction centerline laid out for S.R. 20; thence N 84°29'52.8" W a distance of 19.20 feet to a point 96.95 feet right of and opposite station 474+62.46 on said construction centerline laid out for S.R. 20; thence S 33°59'41.2" W a distance of 6.24 feet to a point 103.18 feet right of and opposite station 474+62.15 on said construction centerline laid out for S.R. 20; thence S33°59'.41.2" West a distance of 111.51 feet to a point 20.33 right of and opposite station 40+51.71 on the construction centerline laid out for Marketplace Drive; thence S 10°24'05.2" W a distance of 47.69 feet to a point 32.96 feet right of and opposite station 40+05.72 on said construction centerline laid out for Marketplace Drive; thence S 80°02'40.2" W a distance of 9.80 feet to a point 25.00 feet right of and opposite station 40+00.00 on said construction centerline laid out for Marketplace Drive; thence N 64°14'53.4" W a distance of 42.67 feet to a point 17.67 feet left of and opposite station 40+00.00 on said construction centerline laid out for Marketplace Drive; thence N 25°39'42.2" E a distance of 25.99 feet to a point 17.71 feet left of and opposite station 40+25.99 on said construction centerline for Marketplace Drive; thence N 14°49'55.2" E a distance of 165.19 feet back to the point of beginning.

**Containing 0.274 acres more or less.**

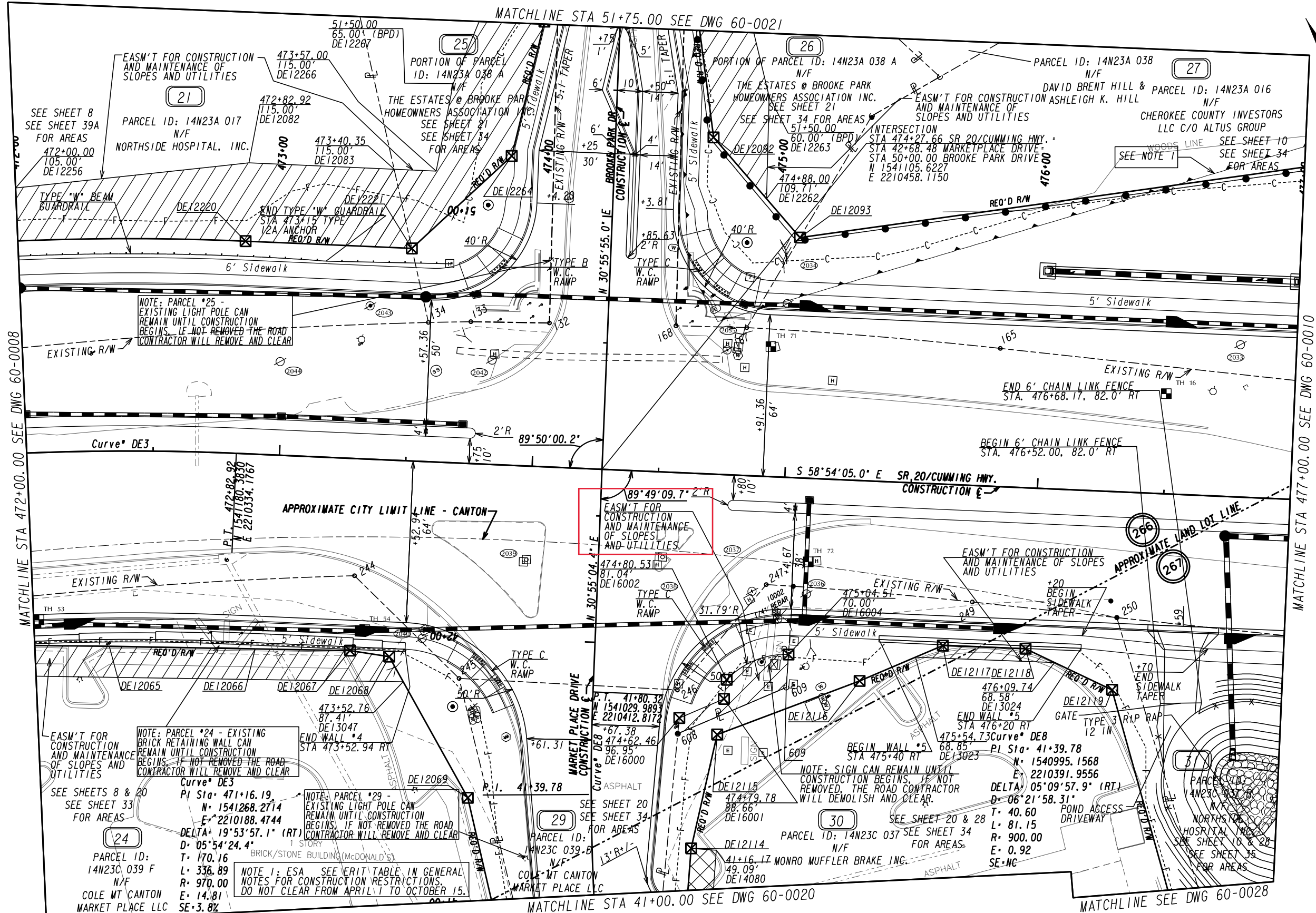
**PERMANENT EASEMENT**

ALSO, granted is the right to construct and maintain any required slopes and the placement of utilities within the easement area shown on the attached plat, being more particularly described as follows:

Beginning at a point 96.95 feet right of and opposite station 474+62.46 on the construction centerline laid out for S.R. 20; thence S84°29'52.8" E 19.20 feet to a point 88.66 right of and opposite station 474+79.78 on said construction centerline laid out for S.R. 20; thence N36°45'16.9" E 7.66 feet to a point 81.04 right of and opposite station 474+80.53 on said construction centerline laid out for S.R. 20; thence 27.22 feet along the arc of a curve (said curve having a radius of 31.79 feet and a chord distance of 26.40 feet on a bearing of S83°37'07.4"E to a point 70.00 right of and opposite station 475+04.51 on said construction

centerline laid out for S.R. 20; thence  $S32^{\circ}36'15.2''W$  a distance of 13.06 feet to a point 83.06 feet right of and opposite station 475+04.17 on said construction centerline laid out for S.R. 20; thence  $N84^{\circ}29'52.8''W$  a distance of 46.59 feet to a point 103.18 feet right of and opposite station 474+62.15 on said construction centerline laid out for S.R. 20; thence  $N33^{\circ}59'41.2''E$  a distance of 6.24 feet back to the point of beginning.  
**Containing 0.011 acres more or less.**

The title, estate or interest in the above described lands, required by condemnor and now taken by condemnor for public use is as follows: A permanent easement is condemned for the right to construct and maintain slopes and placement of utilities and is shown described within on the attached plats dated June 16, 2017; Last Revised: Sheet Nos. 60-0009 and 60-0034 on February 28, 2022 and attached hereto as Annex 1-A. The owner retains the right to place and maintain a sign in the easement area. The owner also retains the right to supply said sign with electricity in a reasonable manner. Should the sign be damaged by the condemnor, its agents and/or contractors, while doing work in the adjacent easement in a reasonable and workmanlike manner, owner shall be responsible for repairs to the sign.”



MATCHLINE STA 472+00.00 SEE DWG 60-0008

MATCHLINE STA 477+00.00 SEE DWG 60-0010

|   |     |
|---|-----|
| PROPERTY AND EXISTING R/W LINE              | --- |
| REQUIRED R/W LINE                           | --- |
| CONSTRUCTION LIMITS                         | --- |
| EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES | --- |
| EASEMENT FOR CONSTR OF SLOPES               | --- |
| EASEMENT FOR CONSTR OF DRIVES               | --- |
| BEGIN LIMIT OF ACCESS.....BLA               | --- |
| END LIMIT OF ACCESS.....ELA                 | --- |

|  |     |
|--|-----|
| LIMIT OF ACCESS                            | --- |
| REQ'D R/W & LIMIT OF ACCESS                | --- |
| ORANGE BARRIER FENCE                       | --- |
| ESA - ENV. SENSITIVE AREA (SEE ERIT TABLE) | --- |

SCALE IN FEET

| DATE    | REVISIONS   |
|---------|---|
| 7-21-17 | REV. PAR*21 & OWNER'S NAME; REV. LEGEND                         |
|         | REV. PAR*25 & SEE SHEET LBL                                     |
| 3-09-18 | REV. LEGEND; ADDED LABEL TO PERM ESMT - PARCEL *21, 24, 25 & 30 |
| 10-3-18 | REV. PAR*24   |
| 4-1-19  | REV. PAR*21 PERM ESMT   |

| DATE     | REVISIONS                                     |
|----------|---|
| 10-15-19 | REV. PAR*25 REQ'D & PESMT; PAR*26 ADDED PESMT |
| 1-28-20  | ADDED SIGN NOTE TO PARCEL *29                 |
| 2-28-20  | ADDED WALL NOTE TO PARCEL *24                 |
| 3-17-20  | ADDED LIGHT POLE NOTE TO PARCEL *25 & *29     |
| 2-28-22  | REV PARCEL*29 REQ'D R/W ADDED PERM ESMT       |

STATE OF GEORGIA  
DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY MAP**

PROJECT NO: CSSTP-0009-00(164)  
COUNTY: CHEROKEE  
LAND LOT NO: 266, 267  
LAND DISTRICT: 14 / 2nd SECT.  
DATE 6-16-17 SH 9 OF 39

DRAWING No.  
**60-0009**



25

PORTION OF PARCEL ID: 14N23A 038 A  
N/F THE ESTATES @ BROOKE PARK  
HOMEOWNERS ASSOCIATION INC.

SEE SHEET 9 & 21

Table with columns: PNT, OFFSET/, STATION/DIST, ALIGNMENT BEARING. Contains survey data for Parcel 25, including points 134, DE12221, DE12264, DE12265, DE12086, DE12087, 320, 321, 132, 133, 134.

PARCEL 25 REQ'D PERM. EASMT FOR THE CONSTR. & MAINT. OF SLOPES AND UTILITIES (DEPESMT25)

Table with columns: PNT, OFFSET/, STATION/DIST, ALIGNMENT BEARING. Contains survey data for Parcel 25, including points DE12221, DE12083, DE12266, DE12267, DE12087, DE12086, DE12265, DE12264, DE12221.

26

PORTION OF PARCEL ID: 14N23A 038 A  
N/F THE ESTATES @ BROOKE PARK  
HOMEOWNERS ASSOCIATION INC. SEE SHEET 9 & 21

Table with columns: PNT, OFFSET/, STATION/DIST, ALIGNMENT BEARING. Contains survey data for Parcel 26, including points 168, 322, 323, DE12090, DE12091, DE12092, DE12093, 167, 168, 167, 168.

PARCEL 26 REQ'D PERM. EASMT FOR THE CONSTR. & MAINT. OF SLOPES AND UTILITIES DEPESMT26

Table with columns: PNT, OFFSET/, STATION/DIST, ALIGNMENT BEARING. Contains survey data for Parcel 26, including points DE12262, DE12092, DE12091, DE12090, DE12263, DE12262.

29

PARCEL 29 REQ'D PERM. EASMT FOR THE CONSTR. & MAINT. OF SLOPES AND UTILITIES DEPESMT29

Table with columns: PNT, OFFSET/, STATION/DIST, ALIGNMENT BEARING. Contains survey data for Parcel 29, including points DE16000, DE16001, DE16002, DE16004, 609, 608, DE16000.

27

PARCEL ID: 14N23A 016  
N/F  
CHEROKEE COUNTY INVESTORS LLC C/O ALTUS GROUP SEE SHEET 9 & 10

Table with columns: PNT, OFFSET/, STATION/DIST, ALIGNMENT BEARING. Contains survey data for Parcel 27, including points 167, DE12093, DE12094, DE12095, DE12096, 161, 162, 162, 164, 165, 167, 167.

PARCEL ID: 14N23C 039 D  
N/F

COLE MT CANTON MARKET PLACE LLC SEE SHEET 9 & 20

Table with columns: PNT, OFFSET/, STATION/DIST, ALIGNMENT BEARING. Contains survey data for Parcel 29, including points 245, 246, 247, 10002, DE16004, DE16002, DE16001, DE16000, 608, 607, 606, DE12196, DE12072, 616, 245.

30

PARCEL ID: 14N23C 037  
N/F  
MONRO MUFFLER BRAKE INC. SEE SHEET 9, 20 & 28

Table with columns: PNT, OFFSET/, STATION/DIST, ALIGNMENT BEARING. Contains survey data for Parcel 30, including points 10002, 249, 250, 604, DE12120, DE12119, DE12118, DE12117, DE12116, DE12115, DE12114, DE12113, DE12261, 607, 608, 609, 10002.

PARCEL 30 REQ'D PERM. EASMT FOR THE CONSTR. & MAINT. OF SLOPES AND UTILITIES (DEPESMT30)

Table with columns: PNT, OFFSET/, STATION/DIST, ALIGNMENT BEARING. Contains survey data for Parcel 30, including points DE13023, DE12117, DE12118, DE13024, DE13023, 607, 606, DE12196, DE12072, 616, 245.

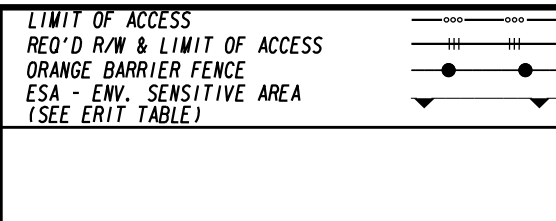
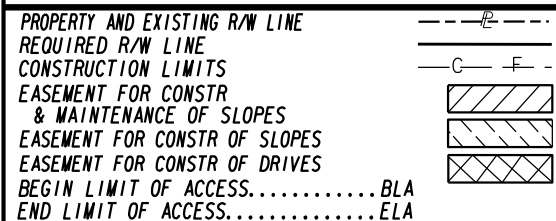


Table with columns: DATE, REVISIONS. Contains revision history for the drawing.

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STATE OF GEORGIA  
DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY MAP  
PROJECT NO: CSSTP-0009-00(164)  
COUNTY: CHEROKEE  
LAND LOT NO:  
LAND DISTRICT: 14 / 2nd SECT.  
GMD  
DATE 6-16-17 SH 34 OF 39  
DRAWING No.  
60-0034