

**Action Requested/Required:**

- ☒ Vote/Action Requested
☐ Discussion or Presentation Only
☐ Public Hearing
Report Date: 8/9/24
Hearing Date: 8/1/24
Voting Date: 8/15/24

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

Agenda Item Title:

MPA2404-010 - Request to amend zoning conditions for Laurel Canyon in order to eliminate the required water tank - John Gaskins

Summary:

One of the 2005 zoning conditions for Laurel Canyon requires the installation of a water tank. The applicant is requesting this condition be deleted. He is proposing to construct two single family homes in the center of the cul-de-sac.

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:

The staff recommends denial of this application. A Master Water Plan update for the city is slated to take place in the near future. The anticipated completion date is August 2025

Reviews:

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

Attachments:

Application
Letter of Intent
Staff report
Zoning conditions



Land Use Petition: MPA2404-010

Date of Staff Report Preparation: August 9, 2024

Mayor and City Council Public Hearing Date: August 1, 2024

Mayor and Council Action Meeting Date: August 15, 2024

Project Name/Applicant: John Gaskin for Ballantry PMC - Laurel LLP

Property Location: Pod 2, Phase IV, Laurel Canyon

Parcel ID: 14N10J 030A

District/Land Lot: 14th District, Land Lot 118

Acreage: .98 acres / 42,689 square feet

Existing Zoning District: PD-MU

Existing Land Use: Vacant / Open Space

Future Development Map Designation: SDA Suburban Development

Current Use: Vacant / Open Space

Proposed Development: Two single family detached homes

Owner/Petitioner: Ballantry PMC-Laurell, LLLP

Owner/Petitioner's Intent: Remove zoning condition which requires a water tower and construct two single family detached homes

District Standards:

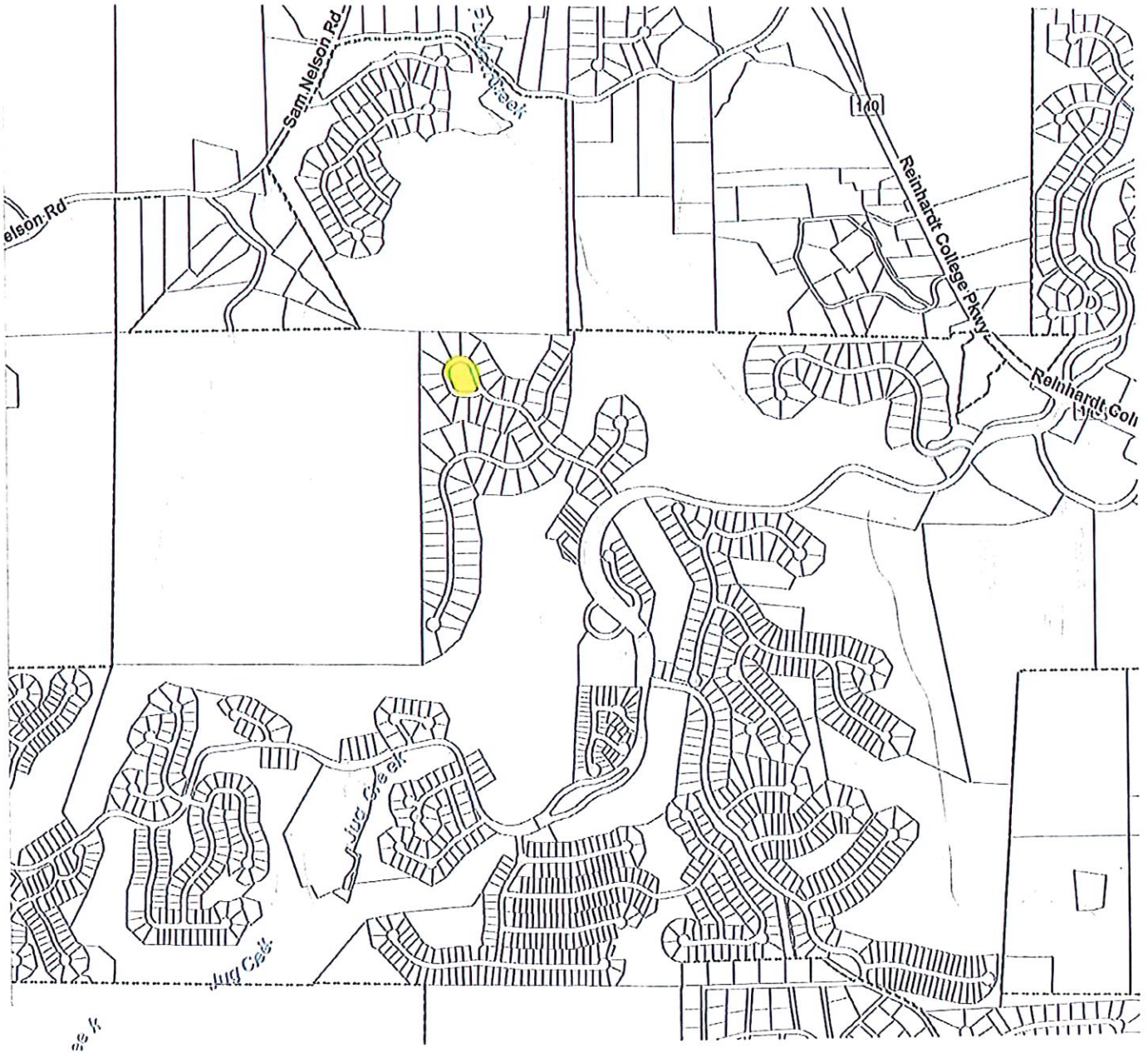
___ Zoning District Standards (Primary Street)			
Impervious Surface (max.)	N/A	Front Yard Setback (min.)	20'
Open Space (min.)	N/A	Side Yard Setback (min.)	5'
Building Height (max.)	N/A	Rear Yard Setback (min.)	20'
Building Height (min.)	N/A	Buffer Planting (min.)	N/A
Zoning Buffer	N/A	Overlay Zone	N/A

Surrounding Land Uses and Zoning:

North –PD-MU, Single family homes
South – PD-MU, Single family homes
East – PD-MU, Single family homes
West – PD-MU, Single family homes

CANTON

Location Map



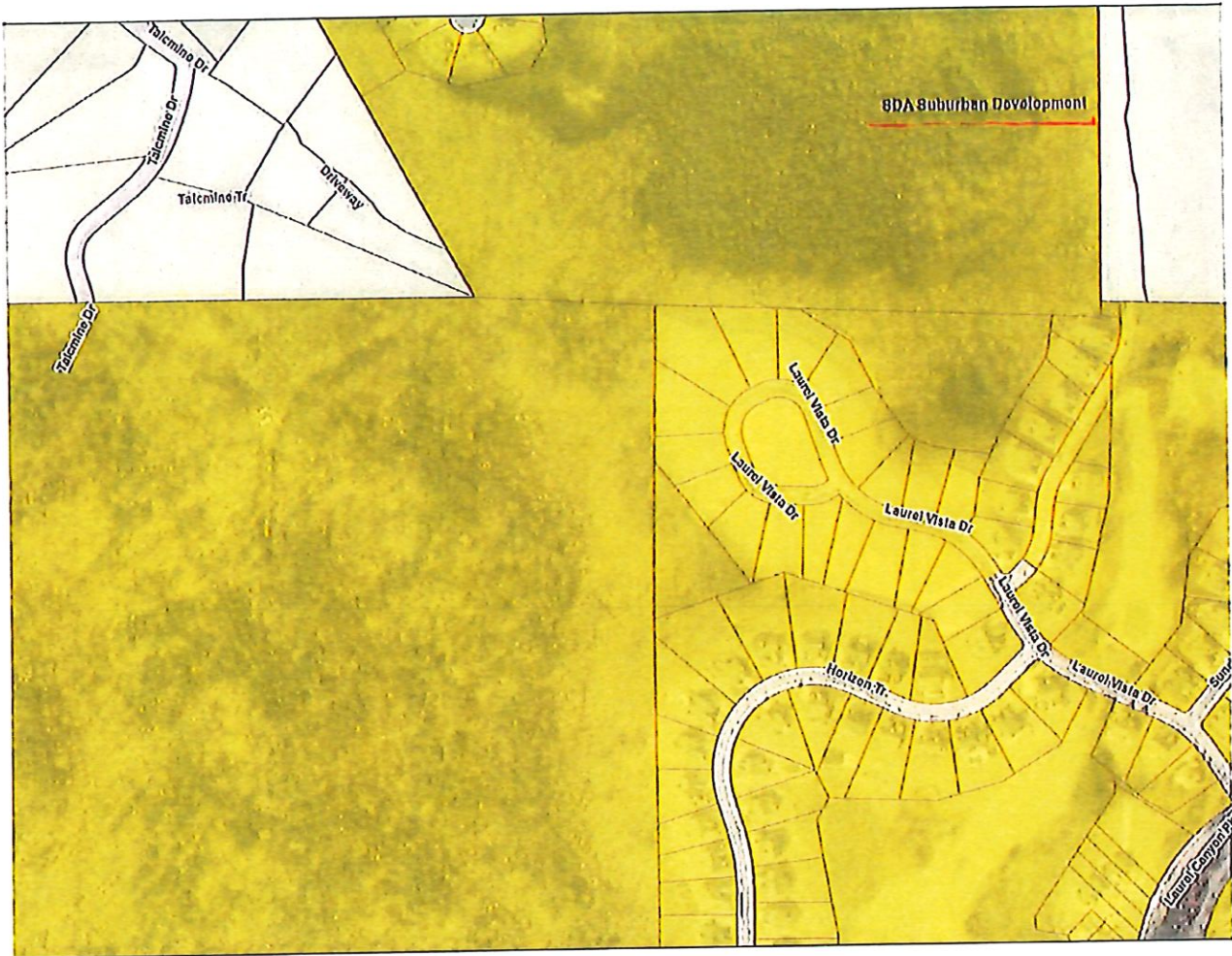


Existing Land Use Map





Future Development Map



024, 1:14:29 PM

Cherokee County Parcels

Cherokee County Streets - Local Roads

Raster.DBO.ORTHO2023

Red: Band_1

Green: Band_2

Blue: Band_3

Cherokee County Mask

Character Area Future Land Use

SDA Suburban Development

Esri Community Maps Contributors, © OpenStreetMap, Mikrossoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/IASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS | This data has been a



Site Description: The site is currently pad graded. It is void of any vegetation. It serves as open space for the cul-de-sac of Laurel Vista Drive.

Site History: The property is part of the original Laurel Canyon development. In August of 2000 approved zoning conditions (condition 39) required the construction of a water tank in the development. In February of 2005 a revised set of conditions was approved by Marie Garrett, Special Advisor to the Mayor, which also listed the requirement for a water tank (condition 40). The Master Plan pod maps dated 2004 and 2005 show the water tank in the center of the cul-de-sac.

CRITERIA TO BE APPLIED – LAND USE PETITION (REZONING)

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
5. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan and Future Development Map;
6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
7. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.
8. Whether the aesthetic and architectural design of the site is compatible with the intent and requirements of the Comprehensive Plan, the Character Areas, and any Overlay Districts.



CRITERIA TO BE APPLIED – CONDITIONAL USE PERMIT

- a. Whether the proposed use is consistent with the comprehensive plan and other adopted policies of the City;
- b. Whether the proposed use complies with the requirements of this zoning ordinance;
- c. Whether public services, public facilities and utilities are adequate to serve the proposed use;
- d. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of:
 - 1. Noise, smoke, order, dust or vibration generated by the proposed use;
 - 2. Hours or manner of operation of the proposed use; and
 - 3. Traffic volumes generated by the proposed use;
- e. Whether the proposed use would result in an over-concentration of the subject use type within the area of the proposed use;
- f. Whether the aesthetic and architectural design of the site is compatible with the intent and requirements of the comprehensive plan, the character areas, and all applicable zoning ordinance regulations; and
- g. Whether the proposed use is compatible with adjacent properties and land uses, based on consideration of the size, scale and massing of proposed buildings and the overall site design.



DEPARTMENT COMMENTS

BUILDING AND SAFETY SERVICES

- BUILDING SERVICES:

- SAFETY SERVICES:

Conditions for Consideration

COMMUNITY DEVELOPMENT

The applicant seeks to eliminate condition #40 of the February 2005 zoning conditions for Laurel Canyon. This condition requires the construction of a water tank to help in the water supply for Laurel Canyon. The approved location has been shown in the cul-de-sac area of Laurel Vista Drive. In place of the water tank the applicant proposes two single family detached homes.

Included with this report are conditions from 2000 and 2005, the Master Plan sheet which shows the water tank location and a sheet from the development agreement with Laurel Canyon.

Conditions for Consideration

The staff recommends **denial** of this application. The

DEVELOPMENT SERVICES

The deletion of the water tower is not recommended until the Master Water Plan is updated. The timing of the update is not known at this time however it is not expected to be completed until at least August 2025.

Conditions for Consideration

POLICE DEPARTMENT



Conditions for Consideration

PUBLIC WORKS

Conditions for Consideration

UTILITY ENGINEER

- [See Development Services comment.](#)

Conditions for Consideration

CHEROKEE COUNTY SCHOOL SYSTEM

Conditions for Consideration

CHEROKEE COUNTY (AS NEEDED)

CHEROKEE COUNTY PLANNING AND ZONING DEPARTMENT

Conditions for Consideration

CHEROKEE COUNTY ENGINEER

Conditions for Consideration



CHEROKEE COUNTY FIRE MARSHAL

Conditions for Consideration

STAFF CONDITIONS FOR CONSIDERATION



Community Development Department

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

Public Hearing Application

Project # MPA 2404-010

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, John D. Gaskin, 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, John D. Gaskin, have received and thoroughly read the Public Hearing Procedures.

This 20 day of April, 2024
Applicant: John D. Gaskin Print Name: John D. Gaskin

Applicant Information:

Name: John D. Gaskin
Address: 4770 S. Atlanta Rd
Suite 100
City: Atlanta
State: GA Zip Code: 30339
Telephone: 770.319.5258
Fax Number: _____
Email Address: john.gaskin@pmcommunities.com

Owner Information:

BALLANTRY PMC
Name: LAUREL LLP
Address: 4770 S. Atlanta Rd.
SUITE 100
City: Atlanta
State: GA Zip Code: 30339
Telephone: 770.319.5258
Fax Number: _____
Email Address: john.gaskin@pmcommunities.com

This Application For (Check Only One):

- | | |
|--|--|
| ☐ A Annexation | ☐ I Temporary Use Permit |
| ☐ B Rezoning | ☐ J Zoning Ordinance Text Amendment |
| ☒ C Master Plans | ☐ K Variance : Pre-Construction |
| ☒ D Master Plan Revisions | ☐ K Variance : Post-Construction |
| ☐ E Conditional Use Permit | ☐ Appeal |
| ☐ F Land Use Modification | |
| ☒ G Zoning Condition Amendment | ☐ Adjustment |
| ☐ H Density Transfer within Master Plan | ☐ 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, John Patrick Malloy, 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 24 day of April, 2024.

Owner Signature: _____

Print Name: John Patrick Malloy

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

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

Sworn To and Subscribed Before Me This 24th Day Of April, 2024.

Notary Signature: Cynthia M. Freese





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

Authorization Of Applicant

This form is to be executed under oath. I, John Patrick Malloy, 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 24 day of April, 2024.

Owner Signature: _____

Print Name: John Patrick Malloy

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

- ☐ A Annexation
- ☐ 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

Name of Authorized Applicant: John David Gaskin

Signature: _____

Mailing Address: 4770 S. Atlanta Rd
Suite 100

City: Atlanta

State: GA

Zip Code: 30339

Telephone: 770.319.5258

Fax Number: _____

E-mail: john.gaskin@pmcommunities.com

Applicant Status:

- ☐ Owner
- ☐ Option to Purchase
- ☐ Leasee
- ☐ Area Resident
- ☐ Other (Explain): VP of Company

This Authorization of Applicant Form has been completed and the property owner's signature is Sworn To and Subscribed Before Me This 24th Day Of April.

Notary Signature: Lyndee M. Jones





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 Community Development.

1. Name of Applicant/Opponent: John D. Gaskin (Type Or Print All Responses)

Section 1

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

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

Section 2

1. Name and the official position of the Canton Official to whom the campaign contribution was made *(Please use a separate form for each official to whom a contribution has been made in the past (2) years):*

2. List the dollar amount/value and description of each campaign contribution made over the past two (2) years by the Applicant/Opponent to the named Canton Official:

Description

\$ _____	_____
\$ _____	_____
\$ _____	_____

Note: Complete a separate form for each authorized applicant.



Community Development Department

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

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. 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: Ranhamdt College Parkway

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

Distance to nearest major thoroughfare: _____ Thoroughfare Name: _____

Description of Road accessing property (Classification): Public R/W - Laurel Vista Drive

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
- ☐ Traffic Analysis Report

- ☒ Master Plan / Site Plan
- ☐ Location Map
- ☐ Hydrology Study

(Guidelines available from Planning & Zoning Dept.)

- ☐ Board of Appeals Review Criteria Response
- ☐ Elevation Plans
- ☐ Petition Requesting Annexation
- ☐ Other (please explain) _____



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

Property Information:

Address: 109 Summit View Ct

Land Lot(s): 11B District: 14 Section: _____ Map #: _____ Parcel #: 14N10J

Existing Zoning Of Property: PUD-MU ☐ City ☐ County Total Acreage Of Property: .982 Acre

Proposed Zoning Of Property: PUD-MU Existing Use(s) Of Property: Open Space

Directions to property from Main Street in downtown Canton:

Take ~~Re~~ Reinhardt College Parkway west to Laurel Canyon Parkway. Take Laurel Canyon Parkway to Laurel Vista Drive. Lots located in roundabout at top of hill

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.

	OWNER NAME/ADDRESS	CURRENT ZONING	CURRENT LAND USE
NORTH	<u>Ballantyne Pmc 52 Belmont, LLC</u>		<u>developed lot</u>
SOUTH	<u>Ballantyne Pmc 52 Belmont, LLC</u>		<u>developed lot</u>
EAST	<u>Ballantyne Pmc 52 Belmont, LLC</u>		<u>developed lot</u>
WEST	<u>Ballantyne Pmc 52 Belmont, LLC</u>		<u>developed lot</u>
OTHER	_____		

UTILITY INFORMATION

How is sewage from this development to be managed? public

Proposed managing jurisdiction: city of Canton

How will water be provided to the site? public

Proposed managing jurisdiction: City of Canton Size Limit: _____



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

Review Criteria

(Applications Type A – J : ONLY)

How will this proposal be compatible with surrounding properties? The 2 proposed
lots are the same size and will have same housing
type & price as surrounding lot
How will this proposal affect the use and value of surrounding properties? no impact

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.
NO. - currently designated as Open Space

What would be the increase to population and traffic if the proposal were approved? 2 additional homes @ 10 trips per day - 20 trips/day

What would be the impact to schools and utilities if the proposal were approved? none

How is the proposal consistent with the Comprehensive Land Use Plan, particularly the Future Land Use Map?

property already zoned PUD-MU

Are there existing or changing conditions which affect the development of the property and support the proposed request? no need for Water Tower on site.

Provide a Letter of Intent, which provides the necessary information to support your application.

LETTER OF INTENT

4/15/2024

**RE: REVISION TO MP0006-06- LAUREL CANYON MASTER PLAN- FEB. 23, 2005 TO ALLOW 2
ADDITIONAL LOTS TO POD 2 HORIZON AT LAUREL CANYON.**

John Gaskin as applicant on behalf of Patrick Malloy Communities, LLC (Builder) representing Ballantry PMC Laurel Canyon, LLLP (Owner) is requesting a revision to the Laurel Canyon Master Plan based on the following facts and items:

- 1) In February 23, 2005 the Laurel Canyon Master Plan MP-0006-06 was revised and approved.*
- 2) The February 23, 2005 Master Plan allowed Pod 2- 88 single family lots. (This Pod is now known as Pod 2 Horizon at Laurel Canyon).*
- 3) Since the Feb. 23, 2005 revision, a second entrance for Laurel Canyon was moved from the South side accessing Honey Dew Drive to the northern side of the development where Summit View Court was extended to provide the new second access to the development. When Summit View Court was extended, 2 lots were lost in the extension. The lot count went from 88 approved lots to 86 actually being developed leaving a surplus of 2 lots allowed in Pod 2.*
- 4) The Golf Maintenance Building for the Fairways of Canton Golf Course owned by Canton Building Authority was inadvertently built on a portion of Pod 3. Pod 3 was allowed 10 units in the Feb. 23, 2005 revision. The golf maintenance building encroachment caused the loss of 4 units within that Pod. Only 6 units are being built in that Pod leaving a surplus of 4 lots.*
- 5) There is a provision in the Feb. 23, 2005 conditions that allow the Developer the flexibility to transfer a maximum of 20% of the Units from one POD to another POD (see attachment) as long as the total number of units within the entire project does not exceed 1405 units.*
- 6) Condition 40 in the Feb. 23, 2005 revision request. The Developer shall enter into a Development Agreement with the City of Canton regarding at a minimum the construction of a water tank on site...its location and size. The original location of the water tank was in the Large Roundabout in POD 2 where the 2 additional lots are being requested. As of the date of this application, the City of Canton has not requested a Developer Agreement. The Developer understands the City of Canton has made other provisions to provide water to the development and the need for a water tank is no longer needed.*

LOI- MP006-06 Laurel Canyon

Page 2

Given these facts the Applicant on behalf of the Owner is requesting the following revision to MP0006-06 Laurel Canyon.

- 1) A revision to the Feb. 23, 2005 MP0006-06 Laurel Canyon Master Plan to allow 2 additional lots within the large roundabout area. The two lots shall be compatible in size and house with the other lots in Pod 2.***
- 2) Allowing the 2 new lots in Pod 2 will bring the total number of lots in Pod 2 back to the number permitted to 88 up from the current number being developed of 86 gaining back the 2 lots lost to the extension of Summit Chase Court to allow the Second Entrance to Laurel Canyon.***
- 3) If the Master Plan revision is allowed as described in Item 1 and Item 2 above, the applicant request that Condition 40 be removed from the Feb. 23, 2005 Conditions that would remove the Developer Agreement Condition for the area where the 2 new lots are being requested.***

City of Canton

February 23, 2005

Mr. George Berkow
Cowart/Berkow, Inc.
3740 Davinci Court
Suite 460
Norcross, Georgia 30092



RE: MP0006-06 – Laurel Canyon

Dear Mr. Berkow:

Department of
Planning & Zoning
557 Riverstone Parkway
Suite 140
Canton, Georgia 30114
770 704-1500 phone
770 479-1872 fax
www.canton-georgia.com

Melissa R. Casteel
Planner

The following conditions reflect revisions and/or changes pursuant to the previously approved conditions of the Laurel Canyon Master Plan which was approved by the Mayor and City Council on August 3, 2000. These revisions/changes are in accordance with the allowance to administratively transfer densities as described in Condition Number 45 of the August 3, 2000 approved master plan conditions of Laurel Canyon. These conditions govern only those pods/parcels described as follows: Parcels 1 through 8, Village Green/Townhome Pod, Pods L-1 through L-11 and Pod H.

1. Within six (6) months of approval of the master plan, developer shall provide to the Office of the Mayor a park and playground plan for the entire development. Said plan shall, at a minimum, locate the parks that are designated active or passive. A summary of amenities shall be submitted in list form as to what can be included within an active park. Minimum acreage shall also be noted.
2. Within six (6) months of approval of the master plan, the developer shall provide to the Department of Planning and Zoning an overall plan for the pathway/trail system and sidewalks along the parkway and connector roads into each of the villages and into the respective pods. The interconnectivity of these paths and sidewalks shall be located on the plan. Sidewalk width and materials of construction shall be noted on the plan.
3. Prior to the issuance of the first Certificate of Occupancy permit, the developer shall have filed and recorded a Home Owners Association for purposes of maintenance of parks including both active and passive, landscaping in common areas, pathways and trails, and private streets. Developer shall also provide evidence that the association is funded for maintenance for a period of 10 years for the following pods/parcels:

Parcels 1 through 8, Village Green/townhome pod, and Pods L-1 through L-11 and Pod H. All other remaining pods shall provide the same information at the time of submission of land disturbance plans.

4. Within six (6) months of approval of the master plan, the developer shall provide a circulation plan for all pedestrian links between each of the following pods/parcels: Parcels 1 through 8, Village Green/townhome pod, and Pods L-1 through L-11 and Pod H. All other remaining pods shall provide the same information at the time of submission of land disturbance plans.

*Pods are
to
be
built
on
the
right
side
of
the
road*

5. Sidewalks contained within the interior of all pods/parcels shall be a minimum of five (5) feet wide on both sides of each street and shall be constructed of concrete and setback from the back of curb a minimum of two (2) feet.

*Don't
want
to
be
on
the
left
side
of
the
road*

6. Sidewalks for the Parkway shall be 8 ft. wide, setback four (4) feet back of curb, and constructed of concrete with brick bands (two brick wide) every 500 ft. The Parkway shall run from S.R 140 to a gate which will serve Pods L-1 through L-11 and continue to Honey Dew Drive. Sidewalks behind the above described gate shall be 6 ft. wide and setback two (2) feet back of curb (minimum). Where the topography is severe, these specifications may be altered upon the approval of the Director of Planning and Zoning.

7. Streetscape along the Parkway shall consist of park benches, scenic view stations, lighting, signage denoting each of the pods/parcels, and transit stops/shelters. Crosswalks shall be delineated and constructed of brick pavers. The developer shall submit such plans prior to any land disturbance permit plan submittal to the Mayor's office for approval.

8. The developer shall share in the cost of a traffic signal at the intersection of the Parkway and State Highway 140. Cost share shall be fifty percent of the cost of the signal and installation and shall be paid at the time of the issuance of the land disturbance permit.

9. Parking for the commercial pods as located along State Highway 140 shall have a set back of 40 ft. from the proposed Department of Transportation right-of-way. Upon submittal of development plans, the developer shall submit a landscape/streetscape plan for this area. No impervious service shall be located within this 40 ft. strip. No storm water detention or retention shall be located within this strip. The intent of this strip is to provide for open space, a buffer to State Highway 140, and to serve as a traffic-calming device.

10. The developer shall provide transit stops with appropriate signage as approved by the Mayor's staff for each residential pod including the club house for the golf course and amenities packages for the larger residential pods (if an amenities package is to be included). For each nonresidential pod, the Mayor's staff of the City of Canton will coordinate with the developer on the location of transit stops.

Rev
shelters

11. Shelters for the city transit system shall be provided by the developer at Laurel Canyon Club House/Amenities Center, the Club House serving Pods L-1 through L-11, Pod H and the Golf Course Club House. This is to be approved by the Mayor's staff. As permitting is issued for pod/parcel, the transit shelters shall be erected and completed prior to the first certificate of occupancy for that respective pod/parcel.

12. Gated entrances shall be provided for all multifamily developments and high density pods exceeding eight (8) units per acre within the master plan in addition to those gated communities as described in the Letter of Intent by the developer.

13. The previously approved master plan of Laurel Canyon and its conditions dated August 2000 delineate the inclusion of the proposed right-of-way of the Outer Perimeter. This request for revision to the Laurel Canyon master plan shall preserve said proposed right-of-way until such time a request for a land disturbance permit is applied for by the respective developer and at such time, if the developer can demonstrate they have not been contacted by the Georgia State Department of Transportation to acquire said right-of-way, the proposed right-of-way of the Outer Perimeter shall be eliminated for failure to act by the Georgia State Department of Transportation. All density as shown on the master plan, as revised and hereby submitted, shall be preserved and intact for said pod.

14. The following roads shall meet the following specifications:

Pod Internal Streets

24 ft. wide B/C to B/C;
50 ft. R.O.W.

Parkway

From State Hwy 140 to the gate serving Pods L-1 to L-11: Four lanes with a divided grass median 60 ft. to 120 R.O.W. (said right-of-way shall vary within this distance of 60ft. to 120ft. to accommodate a four

lanes, grass/landscaped medians). That portion of the parkway that continues to Honey Dew Drive shall be a minimum of 60ft. R.O.W.

Parkway that connects to Honey Dew Drive: Canyon Road

All houses shall be rear-loaded. It is expected, due to topography that a certain number will not be rear loaded units but in this case, said units shall be served with an eyebrow drive so as to avoid and eliminate any backing out onto the parkway. These lots that are rear-loaded and those to be served by the eyebrow driveways are so noted on the master plan and so indicated.

Private Roads shall not be permitted (this does not include a drive entrance serving any attached dwelling unit pod)

Common Private Driveway

Developer shall indicate what are the "certain conditions" (as referenced in the Letter of Intent) which would require construction of a common driveway. Developer shall state occurrence factor and physical condition for such standard.

Old Shoal Creek Road

Developer shall improve the existing lane along the entire frontage of Laurel Canyon to provide a 14 ft. lane and an additional accel/decel lane 14 ft. wide for approximately 300 ft. more or less with 50ft tapers. The developer shall dedicate to the city sufficient right-of-way to equal 30 ft. from center line of the existing road in or to provide a 60 ft. right-of-way. (This condition only pertains to property having immediate frontage for said road.)

State Highway 140

Developer shall provide sufficient right-of-way as required by the Ga. Dept. of Transportation. Developer shall improve the existing through lane along the frontage of Laurel Canyon to 14 ft. wide. Developer shall provide a left hand turn lane into the development with sufficient stacking and turning movements. Additionally, the developer shall provide an accel/decel lane along the said frontage and shall be a minimum of 14 ft. wide with required tapers as called for by the Ga. Dept. of Transportation.

Honey Dew Drive

Improve the existing through lane along the frontage of the development to provide a 14 ft. wide lane. Provide an accel/decel lane 14 ft. wide with curb and gutter with sufficient distance and tapers in accordance with city standards.

15. Developer shall improve and dedicate to the City of Canton necessary right-of-way along State Highway 140 prior to a land disturbance permit being issued by the city and shall improve in accordance to City of Canton and Georgia Department of Transportation standards.

16. No additional ingress or egress shall be permitted from State Highway 140 into Pods A, B, C, D, E, or F except as shown on the Master Plan submitted with the original application (2). A right-in/right-out curb cut shall be approved in concept by the city but shall receive final approval from the State Department of Transportation. All other points of access shall be from the internal street as so noted on the master plan.

17. Developer shall file with the city a letter holding the city harmless for any trail or pathway, which is located within a public or private utility corridor.

18. The development shall be served by the City of Canton sanitary sewer system and city water system. The developer shall enter into a development agreement with the City of Canton in accordance with O.C.G.A. 36-71-13 for the purpose of utility extension and capacity requirements.

detention

Sept 10, 2005

19. Within six (6) months of approval of the master plan, the developer shall submit to the Department of Planning and Zoning a master storm water detention plan for the entire acreage pertaining to Parcels 1 through 8, Village Green/Townhome Pod, Pods L-1 through L-11 and Pod H. development. Said plan shall be designed to meet the 100-year storm. All detention ponds shall be designed as to accommodate recreational opportunities.

20. Developer shall provide, by March 31, 2005 to the Department of Planning and Zoning a traffic study indicating trip generation rates for each pod concerning this revision as well as average daily trips and peak hour trips. Said traffic study shall use the Institute of Traffic Engineers Trip Generation Manual (latest edition) as its reference in calculating trip generation rates. Said traffic study shall also include the transit routing plan and traffic pattern movements.

21. Developer shall provide a copy of the overall phasing of development. Said copy is to be presented to the Mayor's staff and the Department of Planning and Zoning as early as March 31, 2005 and not later than May 1, 2005

1. 10/10/03

22. Within six (6) months of approval of the master plan, the developer shall submit an Open Space Plan. This plan shall include, at a minimum, the location of passive and active parks. A written list indicating the types of facilities to be included within an active park shall be presented to the Department of Planning and Zoning.

23. Developer shall provide for the interconnectivity of all trails and sidewalks to each of the pods/parcels of the development. This is to include residential and nonresidential pods.

✓ 24. Each residential pod shall have sidewalks within the respective neighborhood and shall be a minimum of 5 ft. in width on each side of each street/road.

✓ 25. Each nonresidential pod shall have sidewalks within the respective pod and shall be a minimum of 6ft. in width on each side of each street/road.

26. The following uses are to be permitted within each pod/parcel as described on the attached Pod Land Use plan dated July 30, 2004. These shall include: Parcels 1 through 8, Village Green/townhome pod, and Pods L-1 through L-11 and Pod H. Said attachment shall be entitled Exhibit A: Laurel Canyon Pod Land Use Plan dated July 25, 2004. The remaining pods as described as: Pods A, B, C, D, E, F, G, H, JJ, KK1, KK2, LL, MM, and NN are conditioned as originally approved and remain as noted in Laurel Canyon Master Plan with conditions as approved and dated August 2000.

27. The developer shall work with the city's consulting engineers regarding water availability and pressure to determine additional measures to supply adequate water for the entire site. Said meeting of water needs shall occur prior to the issuance of the first land disturbance permit.

28. The following landscape requirements shall be followed:

Parkway:

Hardwood Trees at a minimum of 3 to 3.5 inch caliper at the time of planting and measured one foot above the root ball.

Minimum Height at the time of planting: 14 ft.
Planted on 60 ft. center

Tree

Village Streets:

Hardwood Trees at a minimum of 3-inch caliper at the time of planting and measured one foot above the root ball.

Minimum Height at the time of planting: 14 ft.
Planted on 50 ft. center

Parkway to Honey Dew Drive:

Hardwood Trees at a minimum of 3 to 3.5-inch caliper at the time of planting and measured one foot above the root ball.

Minimum Height at the time of planting: 14 ft.
Planted on 50 ft. center

State Highway 140

Planting requirements shall meet the overlay zone/Corridors of Influence ordinance .

Old Shoal Creek

Hardwood Trees at a minimum of 3 to 3.5-inch caliper at the time of planting and measured one foot above the root ball.

Minimum Height at the time of planting: 15 ft.
Planted on 60 ft. center

Honey Dew Drive

Hardwood Trees at a minimum of 3 to 3.5-inch caliper at the time of planting and measured from one foot above the root ball.

Minimum Height at the time of planting: 15 ft.
Planted on 60 ft. center

29. Developer shall prepare a tree protection plan, in conjunction with the required landscape plan, which provides a tree density of not less than twenty (20) units to the acre. Tree units are defined as a unit of measurement, quantifying a ratio relevant to the protected and/or installed tree's size for purposes of calculating what percentage of tree density is maintained and/or provided on any given site. Unit credits are based upon tree size, not individual tree counts. Unit credit shall be awarded for only those trees, retained and protected on site, greater than 5" in caliper. Density credits shall be verified by the Department of Planning and Zoning prior to land disturbance. Tree unit credits shall be awarded based on the following tables,

TABLE 1. CONVERTING EXISTING TREE DIAMETERS TO DENSITY UNITS

DBH	UNITS	DBH	UNITS	DBH	UNITS
2-4	2.0	22	4.6	37	10.5

5-7	2.3	23	4.9	38	10.9
8-9	2.5	24	5.1	39	11.3
10	2.6	25	5.4	40	11.7
11	2.7	26	5.7	41	12.2
12	2.8	27	6.0	42	12.6
13	2.9	28	6.3	43	13.1
14	3.1	29	6.6	44	13.6
15	3.2	30	6.9	45	14.0
16	3.4	31	8.2	46	14.5
17	3.6	32	8.6	47	15.0
18	3.8	33	8.9	48	15.6
19	4.0	34	9.3	49	16.1
20	4.2	35	9.7	50	16.6
21	4.4	36	10.1	51+	20

TABLE 2. CONVERTING REPLACEMENT TREES TO DENSITY UNITS

CALIPER	UNITS	CALIPER	UNITS
1"	.4	8"	2.3
2"	.8	9"	2.5
3"	1.6	10"	2.7
4"	1.7	11"	2.9
5"	1.9	12"	3.1
6"	2.0	13"	3.3
7"	2.2	14"+	3.5

30. Developer shall plant a minimum of one (1) hardwood shade tree in each front yard. Said trees shall be planted to the following minimums:

- a. For lots measuring 50' - 74' feet in width: one (1), 2 - 2 1/2" caliper shade tree
- b. For lots measuring 75' - 94' feet in width: one (1), 2 1/2 - 3" caliper shade tree
- c. For lots measuring 95', and greater, feet in width: one (1), 3 1/2 - 4" caliper shade tree

Examples of approved shade trees include Oaks, Maples, Poplars, among others, as listed in the Canton Overlay Zone Community Standards Ordinance - Plant Schedule.

31. The following signage requirements shall be followed:

Overall Development Signage

- a. One (1) development sign indicating the name of the development
at each major entrance into the overall development

Height: 12 ft.

Type: Monument base of brick, stone, or rock

Sign Area 50 sq. ft.

Illumination: Ground lighting

Location: A minimum of 10ft. setback from the proposed right-of-way for State Highway 140.

A minimum of 10 ft. setback from proposed right-of-way of Old Shoal Creek Road and Honey Dew Drive.

Commercial/ Office Pods

- a. For centers 50,000 sq. ft. and over
 - 1. Height: 12 ft. Width: 10 ft.
 - 2. Type: Monument Base Sign
 - 3. Sign Area: 50 sq. ft.
 - 4. Illumination: Internally illuminated or ground illumination
 - 5. Setback: 20 ft. from proposed right-of-way
- b. For buildings or centers less than 50,000 sq. ft.
 - 1. Height: 10 ft. Width: 10 ft.
 - 2. Type: Monument Base Sign
 - 3. Sign Area: 25 ft.
 - 4. Illumination: Internally illuminated or ground illumination
 - 5. Setback: 20 ft. from proposed right-of-way

32 Architectural Standards

For Nonresidential Uses:

Acceptable Building Materials;

Brick

Stacked Stone

Combination of Brick, Stacked Stone, or Stucco

Horizontal siding of material consisting of wood or concrete plank

No exposed block

No decorative or split-faced block

Roofs shall be pitched either hip or gambrel

Any loading dock, truck court shall not be visible from a public road or street. (Screening of evergreen plant material of sufficient height at the time of planting shall satisfy this condition.)

33. Prior to any nonresidential building permit being issued, the developer shall submit a conceptual architectural design for approval by the Mayor's Oversight Committee. Where nonresidential buildings include multi-tenant occupancy, the facades of said buildings shall be varied in depth or parapet height.
34. All utility lines shall be located underground throughout the development.
35. Within 90 days of master plan approval, the developer shall submit a revised copy of the Laurel Canyon master plan reflecting the conditions as approved. Said documents shall note the date of Mayor and City Council action.
36. In accordance with O.C.G.A. 36-71-13, the developer shall enter into an agreement with the City of Canton in order to provide two fully equipped police vehicles for the purpose of minimizing the impact to the system improvements necessary to meet the demands of this development. At the time of the issuance of the land disturbance permit, the developer shall contribute \$60,000 (\$30,000) for each police vehicle which shall be ordered off of the Georgia State approved contract for public safety vehicles. Should the vehicles cost less, the developer will be refunded the amount of over the cost. However, the contribution shall not exceed \$60,000.
37. Within ten (10) working days from the date of these conditions, the developer shall convey to the City of Canton property for the use of a fire station. Size of said property is to be approved by the Canton Fire Chief. The city agrees to coordinate the architectural and site design work with the developer to offer compatibility to the overall development of Laurel Canyon. The City of Canton will provide impact fee credits as so provided in the Georgia Development Fee Act of 1990 and as so described in the Canton Fire Safety Impact Fee Ordinance.
38. Developer shall enter into a development agreement with the City of Canton to provide for and address the impact said development will have on the Cherokee County School system. Such agreement shall be in place prior to any permits being issued on this development.
39. Insufficient right-of-way exists along Old Shoal Creek Road. Provide necessary right-of-way to serve the development. This condition pertains to Pods II, JJ, KK1, KK2, LL, MM, and NN

WATER
TANK
PERMIT

S/S

S/S
AGREEMENT

PODS

40. The proposed water tank at Amos Road has a capacity of 1M gallons of storage. This storage capacity is not sufficient to serve the development as submitted. The developer is directed to meet with the city's consulting engineers to review the necessary requirements to serve Laurel Canyon. Developer shall enter into a development agreement with the City of Canton regarding at a minimum the construction of a water tank on site, its location, and size. Development agreement shall be in place prior to any permit being issued on site.

41. The existing sewer system is not sufficient to serve the development and will have to be extended to do so. The developer shall enter into a development agreement with the City of Canton regarding the location and routing of the sewer extension and sizing of the pipe as well as capacity to meet the needs of the development. . Development agreement shall be in place prior to any permit being issued on site.

~~42. The developer shall enter into a development agreement for purposes of designing a water reuse irrigation system to serve the irrigation needs of the golf course and all open space areas within the development. Development agreement shall be in place prior to any permit being issued on site.~~

43. The development as proposed cannot be served by existing rights-of-way located along and Honey Dew Drive. The developer shall meet the required rights-of-way and lane improvements as required by the City of Canton Street Department.

44. The developer shall adhere to the open space acreage as shown on the Laurel Canyon revised Master Plan (revised master plan pertains only to the following pods: Parcels 1 through 8, Village Green/Townhome Pod, Pods L-1 through L-11 and Pod H). A minimum of 412.03 acres shall be required. Said open space acreage includes 200.03 acres of the total 412.03 acres with the remaining acreage of 212 acres dedicated for the golf course which shall be developed by Laurel Canyon Golf LLC.

45. In accordance with O.C.G.A. 36-71-13, the developer shall enter into a development agreement with the City of Canton for the dedication of 212 acres of land to be used and developed for a public golf course to be conveyed to and owned by the city. Said agreement shall be in place prior to any permit being issued for the development.

46. The total unit count shall be as follows: for Pods/Parcels 1 through 8 a total unit count of 505 units; Village Green/Townhome pod a total unit count of 60 units; and Pods L-1 through L-11 a total unit count of 840



units. Pod H shall not exceed 350 attached (multi family) units. Should detached units be developed instead of attached for Pod H, the density shall apply as stated within the revised conditions. Should attached townhomes be developed instead of the aforementioned uses for Pod H, the density as assigned in the revised conditions shall apply.

✓ The developer shall have the flexibility to transfer up to a maximum of 20 percent of the units from one residential pod to another residential pod. At the time of transfer, the developer shall notify the Department of Planning and Zoning in order for the transfer to be included in the public record file and to allow the necessary time to notify other city departments. The developer shall commit this information to writing and at a minimum state the number of units to be transferred, the pod in which the transfer is to be taken, state the pod which is to receive the additional units, and state the percent increase being transferred. Transferring and receiving pods are limited to those within the same residential land use classification. At no time shall the total units for all pods/parcels described in these revised conditions exceed 1,405 units or exceed the maximum density assigned to each respective pod excluding the maximum of 350 attached units for Pod H. The 1,405 units represents a reduction to the previously approved units which permitted 1,422 units (excluding Pod H units). As a result, the reduction of the aforementioned units from the above described pods/parcels, including Pod H, the developer (Laurel Canyon, LLC) hereby relinquishes the previously approved units as these are no longer available for use or transfer within the development. Should the developer wish to recapture these reduced units, the developer shall submit a formal request and be heard before the Mayor and City Council in a city council meeting.

47. The developer wishes to contribute funds to mitigate the impact of Laurel Canyon on the Cherokee County school system, therefore Laurel Canyon, LLC has agreed to contribute \$500 per residential unit on those units which are not age restricted at the following scheduled formula:

$$\begin{aligned} \$500 \times 479 \text{ single family detached units (non age restricted)} &= \\ \$239,500. \end{aligned}$$

At the time of the first building permit for any non age restricted single family detached residential unit, Laurel Canyon, LLC shall pay in lump sum 50 percent of the 479 permitted non age restricted single family detached units at the following formula:

$$240 \text{ units} \times \$500 = \$120,000$$

Transfer of
Density

1405
683

After one year from the date of issuance of the first non age restricted single family detached unit building permit, the developer shall pay, in full, the balance of the remaining 50 percent of units, or 239 units at the same formula and so prescribed as follows:

$$239 \text{ units} \times \$500 = \$119,500$$

This contribution represents a total contribution of \$239,500. Those residential units in Pods L-1 through L-11 represent age restricted units and the developer has informed the city that children will not reside in these homes and further has agreed to deed restrict all final plats with this condition. Should this ever change, the developer's agreement to contribute funds to the school system, at a rate of \$500 per unit, shall extend to these units as well and shall be paid in full at the time of age restriction on the units discontinues.

Additionally, 350 multi-family attached units have been approved for Pod H. At the time of issuance of building permits for this pod, the developer shall remit to the city as their agreed upon school contribution the full amount of \$175,000 as shown in the following formula:

$$350 \text{ units} \times \$500 = \$175,000.$$

If you require additional information pertaining to this matter, please feel free to contact me at 770-752-8988.

Sincerely,


Marie L. Garrett
Special Advisor to the Mayor

MLG:mrp

Online Payments - Property Taxes

Property Tax Search Results

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Back taxes must be paid with selected bill(s), so all older bills with a balance due will be automatically added to the cart. Click on a Bill # to view the bill.

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Year	Bill #	Tax Type	Deed Name	Property Address	Map Code	Due Date	Prior Payment	Amount Due	Add to Cart
2023	21563	Real	BALLANTRY PMC LAUREL LLLP	109 SUMMITT VIEW CT	14N10J 091	11/15/2023	\$6,790.53	\$0.00	Paid 11/14/2023

Results are limited to first 100 records. If your record is not found, go back and try a more specific search.

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Translate

Cherokee County, GA

Tax Commissioner



Denise Mastroserio
2780 Marietta Hwy
Canton, GA 30114
(678) 493-6400

14 - 0118-0118

14N10J 030A

* = Required



Laurel Canyon, LLC - Pod 2

All that tract or parcel of land lying and being in land lot 118 of the 14th District, 2nd Section, City of Canton, Cherokee County, Georgia and being more particularly described as follows:

Beginning at an iron pin found at the corner common to Land Lots 99, 100, 117 and 118; thence run along and coincident with the line common to Land Lots 117 and 118 South 87 degrees 29 minutes 29 seconds East a distance of 432.72 feet to a point; thence continue to run along and coincident with the line common to Land Lots 117 and 118 South 87 degrees 29 minutes 29 seconds East a distance of 862.18 feet to a point; thence leave the line common to Land Lots 117 and 118 and run South 06 degrees 19 minutes 12 seconds West a distance of 79.02 feet to a point; thence run South 77 degrees 51 minutes 43 seconds East a distance of 64.23 feet to a point; thence run South 12 degrees 32 minutes 21 seconds West a distance of 3.95 feet to a point; thence run South 12 degrees 32 minutes 21 seconds West a distance of 712.58 feet to a point; thence run South 12 degrees 32 minutes 21 seconds West a distance of 10.37 feet to a point; thence run South 44 degrees 12 minutes 38 seconds West a distance of 17.20 feet to a point; thence run South 52 degrees 21 minutes 38 seconds East a distance of 243.23 feet to a point; thence running North 38 degrees 38 minutes 53 seconds East a distance of 64.23 feet to a point; thence run North 38 degrees 38 minutes 53 seconds East a distance of 76.24 feet to a point; thence run North 07 degrees 48 minutes 55 seconds East a distance of 190.86 feet to a point; thence run North 34 degrees 04 minutes 58 seconds East a distance of 158.12 feet to a point; thence run North 78 degrees 37 minutes 44 seconds East a distance of 149.82 feet to a point; thence run South 47 degrees 27 minutes 42 seconds East a distance of 154.84 feet to a point; thence run South 24 degrees 26 minutes 04 seconds East a distance of 151.95 feet to a point; thence run South 06 degrees 49 minutes 32 seconds East a distance of 130.95 feet to a point; thence run South 07 degrees 15 minutes 25 seconds West a distance of 1.97 feet to a point; thence run South 07 degrees 15 minutes 25 seconds West a distance of 149.68 feet to a point; thence run South 57 degrees 31 minutes 33 seconds West a distance of 129.18 feet to a point; thence run South 52 degrees 14 minutes 19 seconds West a distance of 244.24 feet to a point; thence run South 34 degrees 00 minutes 47 seconds East a distance of 3.20 feet to a point; thence run South 34 degrees 00 minutes 47 seconds East a distance of 92.32 feet to a point on the northwesterly right-of-way line of Laurel Canyon Parkway (having a variable width right-of-way); thence run along and coincident with the northwesterly right-of-way line of Laurel Canyon Parkway along the arc of a curve to the left, an arc distance of 50.33 feet (said curve having a radius of 580.00 feet, being subtended by a chord bearing South 62 degrees 24 minutes 52 seconds West, a chord distance of 50.32 feet) to a point; thence leave the northwesterly right-of-way line of Laurel Canyon Parkway and run North 34 degrees 00 minutes 47 seconds West a distance of 76.84 feet to a point; thence run South 55 degrees 59 minutes 19 seconds West a distance of 162.74 feet to a point; thence run North 60 degrees 55 minutes 09 seconds West a distance of 80.35 feet to a point; thence run North 50 degrees 02 minutes 52 seconds West a distance of 75.99 feet to a point; thence run North 50 degrees 02 minutes 52 seconds West a distance of 117.08 feet to a point; thence run North 50 degrees 02 minutes 52 seconds West a distance of 1.76 feet to a point; thence run North 24 degrees 48 minutes 42 seconds East a distance of 166.73 feet to a point; thence run North 65 degrees 11 minutes 18 seconds West a distance of 80.07 feet to a point; thence run South 28 degrees 15 minutes 48 seconds West a distance of 177.70 feet to a point; thence run South 50 degrees 30 minutes 45 seconds West a distance of 813.17 feet to a point; thence run South 02 degrees 54 minutes 08 seconds West a distance of 436.35 feet to a point; thence run South 22 degrees 10 minutes 31 seconds West a distance of 147.48 feet to a point; thence run South 28 degrees 12 minutes 01 seconds West a distance of 135.39 feet to a point; thence run South 18 degrees 56 minutes 34 seconds West a distance of 128.41 feet to a point; thence run South 53 degrees 34 minutes 02 seconds West a distance of 3.35 feet to a point; thence run South 53 degrees 34 minutes 02 seconds West a distance of 255.51 feet to an iron pin set; thence run South 68 degrees 00 minutes 05 seconds West a distance of 135.54 feet to an iron pin found at the corner common to Land Lots 98, 99, 118 and 119; thence run along and coincident with the line common to Land Lots 99 and 118 North 00 degrees 36 minutes 26 seconds East a distance of 2774.43 feet to an iron pin found at the corner common to Land Lots 99, 100, 117 and 118 and The Point of Beginning;

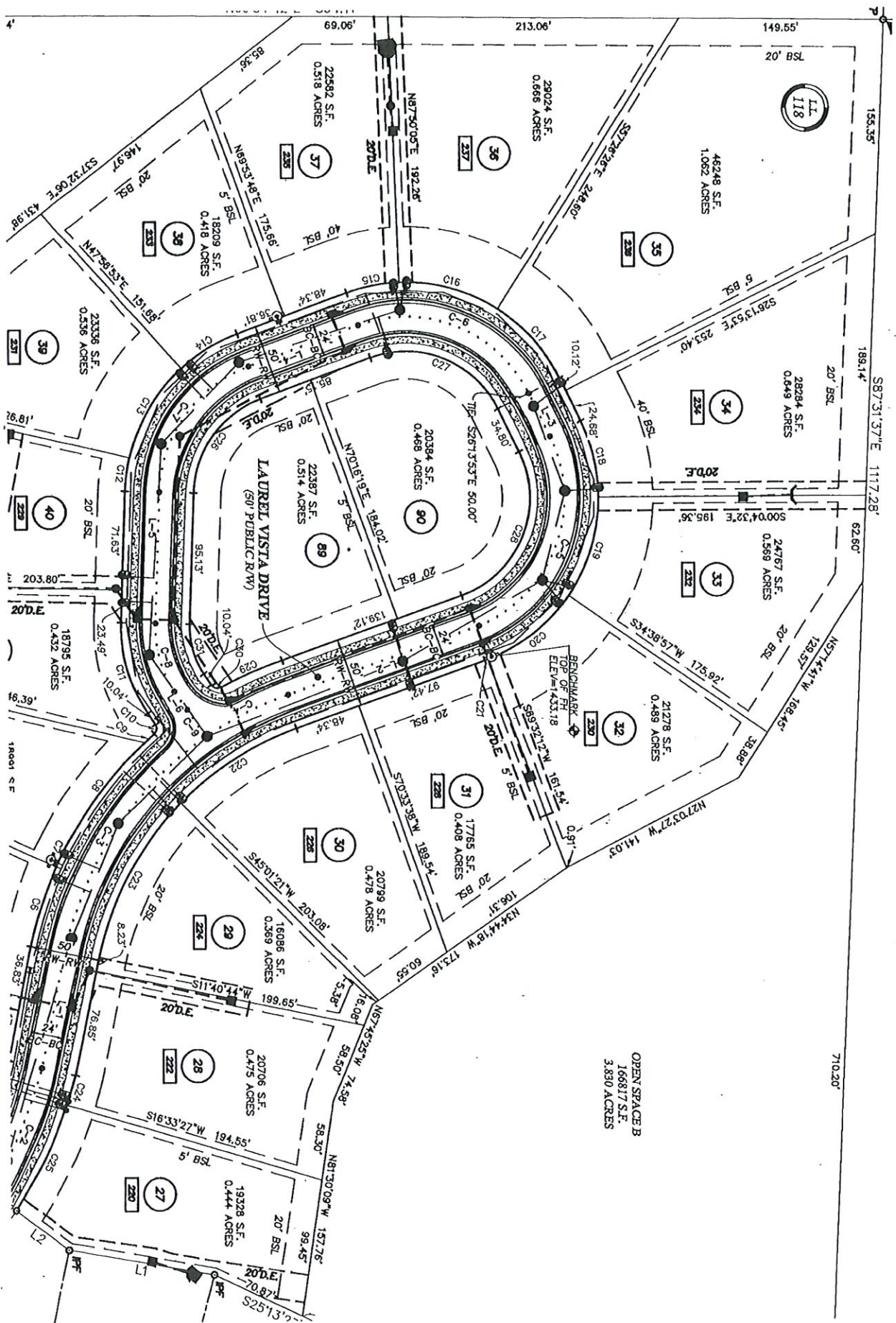
Said tract contains 62.3305 acres (2,715,115 square feet).

GRID NORTH
CA. WEST ZONE

[illegible]

SECRET OF

(407) 684-2653



Plat
Recorded 3/27/2023 11:00 AM
Patty Baker
Clerk of Superior Court
Cherokee County, GA
Book 120 Page 287
Participant IDs: 3645440314

CLOSURE STATEMENT

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS AN ANGULAR ERROR OF 0 SECONDS PER ANGLE POINT AND A PRECISION RATIO OF 1 IN 55,901. IT HAS BEEN ADJUSTED USING THE COMPASS METHOD.

THE DATA SHOWN ON THIS PLAT HAS A CLOSURE PRECISION RATIO OF 1 IN 55,902.

GENERAL NOTES

EQUIPMENT USED TO OBTAIN THESE MEASUREMENTS WAS A TRIMBLE SS TOTAL STATION.

BEARINGS ARE CALCULATED FROM ANGLES TURNED FROM A SINGLE GRID BASELINE.

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS AND BASED ON POSITIONAL VALUES FOR THE NATIONAL REFERENCE STATION NETWORK DEVELOPED BY NPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983 (NAD83) STATE PLANE COORDINATE SYSTEM OF GEORGIA - WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL, PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

DATE OF FIELD WORK: 11/16/2022

LAUREL CANYON POD 2 PHASE 4 IS NOT LOCATED IN A FLOOD HAZARD ZONE AS PER FEMA FLOOD INSURANCE RATE MAP OF CHEROKEE COUNTY, GEORGIA, PANEL NUMBER 1305720144E, EFFECTIVE JUNE 7, 2019.

ALL IRON PINS SET ARE 1/2" REBAR CAPPED WITH "DINING LSF 1033" UNLESS OTHERWISE NOTED.

ALL MATTERS OF TITLE EXCEPTED.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THERE MAY BE EASEMENTS OR OTHER ENCUMBRANCES THAT ARE NOT SHOWN.

THE SURVEY AND PLAT SHOWN HEREON IS NOT INTENDED FOR USE OR RELIANCE BY ANY PARTY FOR ANY PURPOSES NOT SPECIFICALLY LISTED IN THE TITLE. THE AUTHORIZED THIRD PARTIES SHALL INDEMNIFY AND HOLD CANTON LAND SURVEYING, LLC HARMLESS AGAINST ANY AND ALL LIABILITY FOR ANY LOSS ARISING OUT OF OR RELATED TO RELIANCE BY ANY THIRD PARTY ON ANY WORK PERFORMED THEREUNDER, OR THE CONTENTS OF THE SURVEY.

ABOVE GROUND UTILITY LOCATIONS WERE OBTAINED FROM FIELD OBSERVATIONS. UNDERGROUND UTILITIES WERE NOT LOCATED. PART OF THIS SURVEY, THE INFORMATION SHOWN ON THIS DRAWING CONCERNING UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE OWNER, ARCHITECT, CONTRACTOR AND THEIR AGENTS ARE RESPONSIBLE FOR THEIR OWN DETERMINATIONS AS TO THE ACTUAL SIZE, TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THEREOF.

SEE ADDRESS IS LISTED AS:
185 LAUREL CANYON PARKWAY
CANTON, GA 30114

THE CURRENT PARCEL IDENTIFICATION NUMBER IS 34-0135-0006.

ABBREVIATIONS

A.E. ACCESS EASEMENT
B.C. BACK OF CURB
B.C.M. BENCHMARK
B.S.L. BUILDING SETBACK LINE
C.A.O. CURB AND OUTLET
C.L. CENTERLINE
C.M.F. CHAIN LINK FENCE
C.M.F. CONCRETE MONUMENT FOUND
CONC. CONCRETE
COP. CRIMPED TOP PIPE
D.B. DEED BOOK
D.E. DRAINAGE EASEMENT
EX. EXISTING
ED. EDGE OF PAVEMENT
FENCE
L.L.L. LAND LOT LINE
O.P. OPEN TOP PIPE
P.B. PLAT BOOK
P.C. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
PROP. PROPOSED
R.O.W. RIGHT OF WAY
S.S. SANITARY SEWER
S.S.E. SANITARY SEWER EASEMENT
P.L. PROPERTY LINE
S.S.M. SANITARY SEWER MANHOLE
U.E. UTILITY EASEMENT
C.I. CURB INLET
D. DROP INLET
D.W.B. DOUBLE WING CATCH BASIN
FES. FLARED END SECTION
H.W. HEADWALL
J.B. JUNCTION BOX
O.C.S. OUTLET CONTROL STRUCTURE
S.W.C. SINGLE WING CATCH BASIN
W. WER INLET
W.B. WARD INLET
C.M.P. CORRUGATED METAL PIPE
D.I.P. DUCTILE IRON PIPE
H.P. HIGH DENSITY POLYETHYLENE PIPE
P.C.V. POLYETHYLENE GLASS FIBER
R.C.P. REINFORCED CONCRETE PIPE
V.C.P. VITRIFIED CLAY PIPE

LINE TYPE LEGEND

ADJOINING PROPERTY LINE
RIGHT-OF-WAY CENTERLINE
CREEK CENTERLINE
LAND LOT LINE
METAL FENCE
WOOD FENCE
GUARDRAIL
RAILROAD TRACK
OVERHEAD UTILITY LINE
UNDERGROUND CABLE TV LINE
UNDERGROUND ELECTRIC LINE
UNDERGROUND FIBER OPTIC LINE
UNDERGROUND GAS PIPE
UNDERGROUND SANITARY SEWER PIPE
UNDERGROUND STORM SEWER PIPE
UNDERGROUND STREET LIGHTING LINE
UNDERGROUND TELEPHONE LINE
UNDERGROUND TRAFFIC LINE
UNDERGROUND WATER PIPE

NOTES

1. ZONING IS PUD.

2. APPROVAL OF THIS FINAL PLAT DOES NOT CONSTITUTE APPROVAL BY THE CITY OF CANTON ANY LAND DISTURBING ACTIVITIES WITHIN WETLAND AREAS. IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO CONTACT THE APPROPRIATE REGULATORY AGENCY FOR APPROVAL OF ANY WETLAND THAT IS DISTURBED.

3. APPROVAL OF THIS FINAL PLAT DOES NOT CONSTITUTE APPROVAL BY THE CITY OF CANTON OF ANY LAND DISTURBING ACTIVITIES WHICH MAY IMPACT ANY ENDANGERED SPECIES. IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO CONTACT THE APPROPRIATE REGULATORY AGENCY FOR APPROVAL OF ANY DISTURBANCE WHICH MAY HAVE THIS EFFECT.

4. THE SIGHT DISTANCE MEETS OR EXCEEDS CITY OF CANTON DEVELOPMENT REGULATIONS.

5. DRAINAGE EASEMENTS ARE DEDICATED TO PUBLIC USE AND ARE NOT ACCEPTED BY THE CITY OF CANTON FOR CITY MAINTENANCE AND ARE NOT CONSIDERED CITY PROPERTY.

LIFE SAFETY ACCESS NOTE

PUBLIC EMERGENCY ROAD EASEMENT IS FOR LIFE SAFETY ACCESS IN THE EVENT THERE IS AN INCIDENT WITHIN THE LAUREL CANYON DEVELOPMENT THAT WOULD RESTRICT ACCESS TO STATE ROUTE 140 THROUGH THE NORMAL ENTRANCE ALONG LAUREL CANYON PARKWAY. SOLELY LAUREL CANYON AND LAUREL CANYON RESIDENTS WOULD HAVE ACCESS VIA LAUREL OVERLOOK ALONG WITH THOSE RESIDENTS WHO LIVE BETWEEN CHARLIE ROAD AND STATE ROUTE 140 (POCKET CREEK AREA) WHEN SHAL CREEK ROAD IS IMPASSABLE.

BOUNDARY CURVE TABLE

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
1	151.27	300.0	150.26	240°24'24"

CENTERLINE CURVE TABLE

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
1	151.27	300.0	150.26	240°24'24"

LOT CURVE TABLE

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
1	151.27	300.0	150.26	240°24'24"

CENTERLINE LINE TABLE

LINE	BEARING	DISTANCE
1	N 89°59'54" W	151.27

BOUNDARY LINE TABLE

LINE	BEARING	DISTANCE
1	N 89°59'54" W	151.27

SITE DATA

TOTAL PHASE 4 AREA	18.08 ACRES
TOTAL PHASE 4 LOT AREA	18.08 ACRES
TOTAL PHASE 4 LOT AREA	20
GROSS DENSITY (LOTS/TOTAL SITE AREA)	1.10 LOTS/ACRE
NET DENSITY (LOTS/NET SITE AREA)	1.10 LOTS/ACRE
OPEN SPACE AREA	0.00 ACRES
PERMITS	20 FEET (MIN. LOT WIDTH OF 100' AT E.S.)
SETBACK	5 FEET
REAR	20 FEET

OWNER'S CERTIFICATE

THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HEREON, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY AND THAT ALL STATE, CITY, AND COUNTY TAXES OR OTHER ASSESSMENTS NOW DUE ON THIS LAND HAVE BEEN PAID THAT ALL STREETS (OTHER THAN THOSE SHOWN AS PRIVATE), WATER SYSTEMS, DRAINAGE AND DRAINAGE EASEMENTS, AND PUBLIC PLACES SHOWN ARE DEDICATED TO THE USE OF THE PUBLIC FOREVER.

BAILEY P.M.C. LAUREL LLP
DATE 03/10/2023

CITY OF CANTON ENGINEER CERTIFICATE

WE HAVE REVIEWED THE FINAL PLAT AND FIND THAT SAID PLAT CONFORMS TO THE APPROVED PLANS AS SUBMITTED BY THE DEVELOPER AND THE CITY OF CANTON. REAL ID: 3/24/23
DATE 3/24/23

CITY OF CANTON PLANNING DEPARTMENT

THIS PLAT HAS BEEN ADMINISTRATIVELY REVIEWED FOR COMPLIANCE WITH THE CITY OF CANTON ZONING ORDINANCE AND IS APPROVED FOR RECORDING.

Steve Green
ZONING ADMINISTRATOR
DATE 3/24/23

STATEMENT OF LIMITATIONS

THE UNDERSIGNED ASSUMES NO RESPONSIBILITY OR LIABILITY FOR STATEMENTS OR CERTIFICATIONS MADE OR IMPLIED ON THIS DOCUMENT OR PLAT EXCEPT THOSE SPECIFICALLY DENIED BY THE LAWS OF THE STATE OF GEORGIA AND THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS BEING WITHIN THE SCOPE OF TRAINING, EDUCATION, EXPERIENCE AND EXPERTISE NECESSARY FOR PRACTICE AS A REGISTERED LAND SURVEYOR.

Albert W. Gramling, Jr.
DATE 02/10/23

SURVEYOR'S CERTIFICATE (STATE OF GEORGIA)

AS REQUIRED BY SUBSECTION (4) OF O.C.G.A. SECTION 15-9-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS, OR AFFIRMATIONS, SHOULD BE CONFORMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLETES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-9-67.

Albert W. Gramling, Jr.
DATE 02/10/23

REVISION

DATE

FINAL PLAT OF
LAUREL CANYON
POD 2 PHASE IV
LOCATED IN LAND LOT 118
THIS DISTRICT
CITY OF CANTON
CHEROKEE COUNTY, GEORGIA
FEBRUARY 10, 2023

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Y
141 Railroad Street, Suite 116
Canton, Georgia 30114
www.gnsurvey.com
478.660.7028
GNSURVEY, LLC
Canton, GA 30114



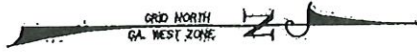
DRAWN BY: RAS
CHECKED BY: AWG

PROJECT NO. 14655

SHEET 1 OF 3

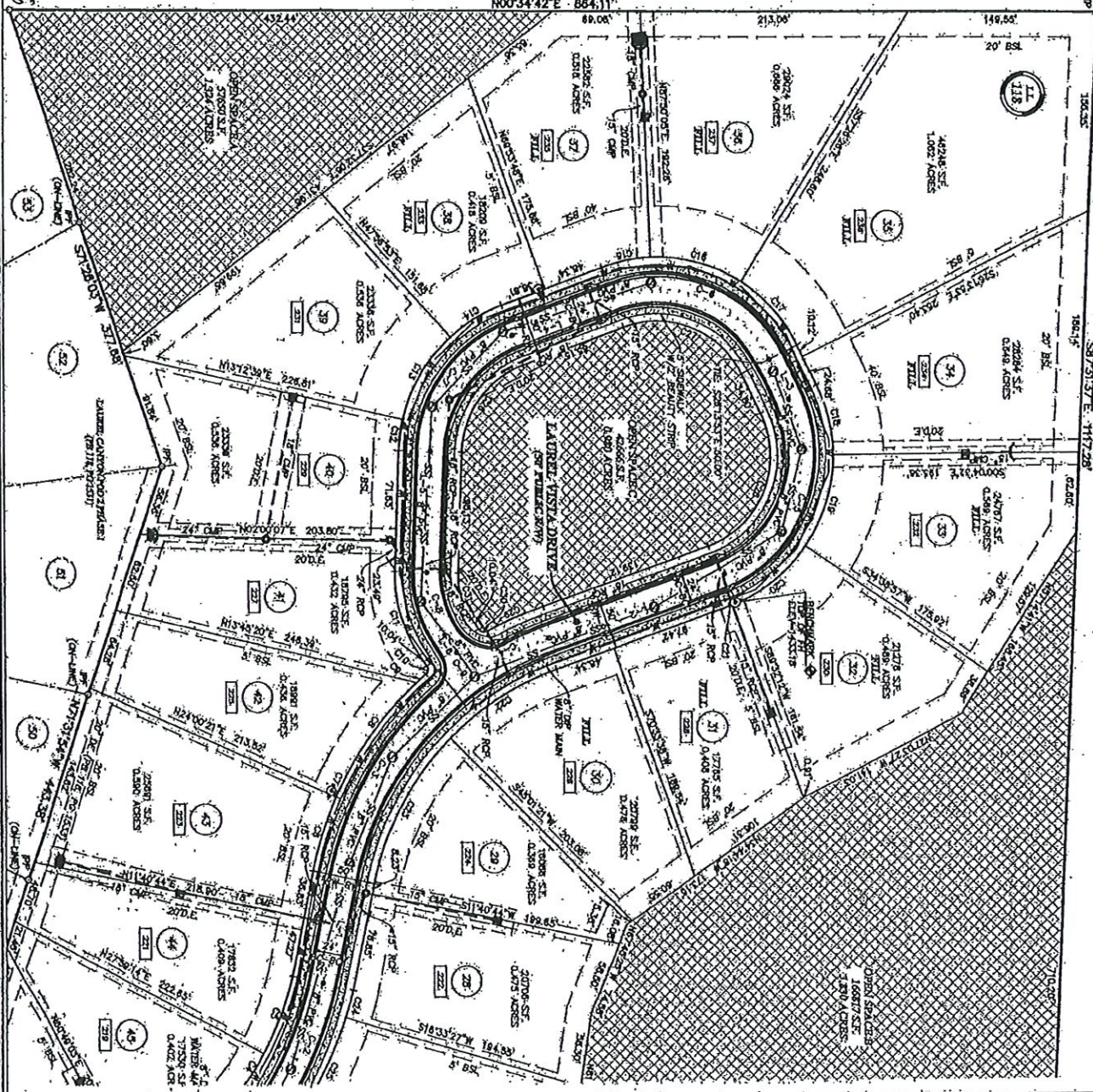
FP 302-005

Plat
 Recorded 3/27/2023 11:00 AM
 City of Canton
 Clerk of Superior Court
 Cherokee County, GA
 Book 120 Page 3885440314
 Participant IDs: 3885440314



NOW OR FORMERLY
 GRID PROPERTIES, LLC
 (DB 2184, PG. 249)

N00°34'42"E - 884.11'



NOW OR FORMERLY
 GRID PROPERTIES, LLC
 (DB 2184, PG. 249)

FINAL PLAT OF:
LAUREL CANYON
POD 2 PHASE IV
 LOCATED IN LAND LOT 118
 14th DISTRICT
 CITY OF CANTON
 CHEROKEE COUNTY, GEORGIA
 FEBRUARY 10, 2023

DATE	REVISION

GUNNIN
SURVEY
 141 Railroad Street, Suite 114
 Canton, Georgia 30114
 www.gunninsurvey.com
 678.880.7502
 Georgia L.S. 000311 - Granite Land Surveying, LLC



DRAWN BY: EAS
 CHECKED BY: AWG
 PROJECT NO: 2405
 SHEET OF 3

Exhibit "A" to Deed

Legal Description

All that tract or parcel of land lying and being in in Land Lot 118 of the 14th district, Cherokee County, Georgia and being more particularly described as follows:

BEGINNING at a one and a half inch crimped top pipe found at the intersection of Land Lots 99, 100, 117, and 118. Said point being the **TRUE POINT OF BEGINNING**.

From the **TRUE POINT OF BEGINNING** as thus established,

Thence South 87 Degrees 31 Minutes 37 Seconds East a distance of 407.09 feet to a point;
Thence South 57 Degrees 14 Minutes 41 Seconds East a distance of 168.45 feet to a point;
Thence South 27 Degrees 03 Minutes 27 Seconds East a distance of 141.03 feet to a point;
Thence South 34 Degrees 44 Minutes 18 Seconds East a distance of 173.16 feet to a point;
Thence South 67 Degrees 45 Minutes 25 Seconds East a distance of 74.58 feet to a point;
Thence South 81 Degrees 30 Minutes 09 Seconds East a distance of 157.76 feet to a point;
Thence South 25 Degrees 13 Minutes 23 Seconds West a distance of 70.87 feet to a point;
Thence South 09 Degrees 54 Minutes 01 Seconds West a distance of 107.76 feet to a point;
Thence South 36 Degrees 57 Minutes 45 Seconds West a distance of 48.63 feet to a point;
Thence along a curve to the right, an arc distance of 151.57 feet, said curve having a radius of 360.10 feet and being subtended by a chord of 150.46 feet, at South 40 Degrees 58 Minutes 44 Seconds East to a point;
Thence South 60 Degrees 46 Minutes 03 Seconds West a distance of 50.00 feet to a point;
Thence South 29 Degrees 13 Minutes 57 Seconds East a distance of 91.79 feet to a point;
Thence South 60 Degrees 49 Minutes 03 Seconds West a distance of 185.88 feet to a point;
Thence North 22 Degrees 50 Minutes 30 Seconds West a distance of 66.98 feet to a point;
Thence North 71 Degrees 31 Minutes 54 Seconds West a distance of 67.92 feet to a point;
Thence North 27 Degrees 59 Minutes 14 Seconds East a distance of 222.65 feet to a point;
Thence along a curve to the left, an arc distance of 64.73 feet, said curve having a radius of 249.92 feet and being subtended by a chord of 64.55 feet, at North 68 Degrees 32 Minutes 13 Seconds West to a point;
Thence North 78 Degrees 19 Minutes 16 Seconds West a distance of 47.27 feet to a point;
Thence South 11 Degrees 40 Minutes 44 Seconds West a distance of 218.90 feet to a point;
Thence North 71 Degrees 31 Minutes 54 Seconds West a distance of 143.62 feet to a point;
Thence North 24 Degrees 00 Minutes 21 Seconds East a distance of 213.52 feet to a point;
Thence along a curve to the right, an arc distance of 20.19 feet, said curve having a radius of 275.00 feet and being subtended by a chord of 20.19 feet, at North 63 Degrees 34 Minutes 17 Seconds West to a point;
Thence along a curve to the right, an arc distance of 90.78 feet, said curve having a radius of 270.69 feet and being subtended by a chord of 90.35 feet, at North 51 Degrees 58 Minutes 49 Seconds West to a point;
Thence South 13 Degrees 45 Minutes 20 Seconds West a distance of 246.39 feet to a point;
Thence North 71 Degrees 31 Minutes 54 Seconds West a distance of 118.85 feet to a point;
Thence South 71 Degrees 26 Minutes 03 Seconds West a distance of 95.44 feet to a point;

Thence North 37 Degrees 32 Minutes 06 Seconds West a distance of 431.98 feet to a point;
Thence North 00 Degrees 34 Minutes 42 Seconds East a distance of 431.67 feet to a point,
said point being the **TRUE POINT OF BEGINNING**.

LESS AND EXCEPT all that tract or parcel of land lying and being in Land Lot 118 of the 14th District, Cherokee County, Georgia, and being more particularly described as follows:

BEGINNING at a one and a half inch crimped top pipe found at the intersection of Land Lots 99, 100, 117, and 118; Thence South 87 Degrees 31 Minutes 37 Seconds East a distance of 407.09 feet to a point; Thence South 57 Degrees 14 Minutes 41 Seconds East a distance of 168.45 feet to a point; Thence South 27 Degrees 03 Minutes 27 Seconds East a distance of 141.03 feet to a point; Thence South 34 Degrees 44 Minutes 18 Seconds East a distance of 173.16 feet to a point; Thence South 67 Degrees 45 Minutes 25 Seconds East a distance of 74.58 feet to a point; Thence South 81 Degrees 30 Minutes 09 Seconds East a distance of 157.76 feet to a point; Thence South 25 Degrees 13 Minutes 23 Seconds West a distance of 70.87 feet to a point; Thence South 09 Degrees 54 Minutes 01 Seconds West a distance of 107.76 feet to a point; Thence South 36 Degrees 57 Minutes 45 Seconds West a distance of 48.63 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

From the **TRUE POINT OF BEGINNING** as thus established,

Thence along a curve to the right, an arc distance of 151.57 feet, said curve having a radius of 360.10 feet and being subtended by a chord of 150.46 feet, at South 40 Degrees 58 Minutes 44 Seconds East to a point;

Thence South 60 Degrees 46 Minutes 03 Seconds West a distance of 50.00 feet to a point;

Thence along a curve to the left, an arc distance of 129.64 feet, said curve having a radius of 310.12 feet and being subtended by a chord of 128.69 feet, at North 40 Degrees 50 Minutes 48 Seconds West to a point;

Thence along a curve to the left, an arc distance of 22.56 feet, said curve having a radius of 249.92 feet and being subtended by a chord of 22.55 feet, at North 58 Degrees 31 Minutes 54 Seconds West to a point;

Thence along a curve to the left, an arc distance of 64.73 feet, said curve having a radius of 249.92 feet and being subtended by a chord of 64.55 feet, at North 68 Degrees 32 Minutes 13 Seconds West to a point;

Thence North 78 Degrees 19 Minutes 16 Seconds West a distance of 84.10 feet to a point;

Thence along a curve to the right, an arc distance of 80.89 feet, said curve having a radius of 275.00 feet and being subtended by a chord of 80.60 feet, at North 69 Degrees 53 Minutes 40 Seconds West to a point;

Thence along a curve to the right, an arc distance of 100.47 feet, said curve having a radius of 270.69 feet and being subtended by a chord of 99.89 feet, at North 50 Degrees 57 Minutes 18 Seconds West to a point;

Thence along a curve to the left, an arc distance of 7.32 feet, said curve having a radius of 5.00 feet and being subtended by a chord of 6.69 feet, at North 82 Degrees 25 Minutes 24 Seconds West to a point;

Thence South 55 Degrees 37 Minutes 02 Seconds West a distance of 10.04 feet to a point;

Thence along a curve to the right, an arc distance of 69.85 feet, said curve having a radius of 110.00 feet and being subtended by a chord of 68.69 feet, at South 73 Degrees 48 Minutes 34 Seconds West to a point;
Thence North 87 Degrees 59 Minutes 53 Seconds West a distance of 95.13 feet to a point;
Thence along a curve to the right, an arc distance of 148.12 feet, said curve having a radius of 125.00 feet and being subtended by a chord of 139.61 feet, at North 54 Degrees 03 Minutes 02 Seconds West to a point;
Thence North 20 Degrees 06 Minutes 12 Seconds West a distance of 85.15 feet to a point;
Thence along a curve to the right, an arc distance of 182.98 feet, said curve having a radius of 125.00 feet and being subtended by a chord of 167.07 feet, at North 21 Degrees 49 Minutes 57 Seconds East to a point;
Thence North 63 Degrees 46 Minutes 07 Seconds East a distance of 34.80 feet to a point;
Thence along a curve to the right, an arc distance of 211.17 feet, said curve having a radius of 125.00 feet and being subtended by a chord of 186.94 feet, at South 67 Degrees 50 Minutes 08 Seconds East to a point;
Thence South 19 Degrees 26 Minutes 22 Seconds East a distance of 145.76 feet to a point;
Thence along a curve to the left, an arc distance of 231.23 feet, said curve having a radius of 225.00 feet and being subtended by a chord of 221.19 feet, at South 48 Degrees 52 Minutes 49 Seconds East to a point;
Thence South 78 Degrees 19 Minutes 16 Seconds East a distance of 85.08 feet to a point;
Thence along a curve to the right, an arc distance of 107.20 feet, said curve having a radius of 299.92 feet and being subtended by a chord of 106.63 feet, at South 65 Degrees 55 Minutes 21 Seconds East to a point;
said point being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land containing 9.468 Acres.

(Space Above This Line For Recording Data)

RETURN TO:
MOORE INGRAM JOHNSON & STEELE, LLP
EMERSON OVERLOOK
326 ROSWELL STREET
MARIETTA, GEORGIA 30060
16R437.1

**LIMITED
WARRANTY DEED**

STATE OF GEORGIA
COUNTY OF COBB

THIS INDENTURE, made the 14th day of December, in the year Two Thousand Sixteen, between

ST. CLAIR FUNDING, LLC,
a Georgia limited liability company

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

BALLANTRY PMC LAUREL, LLLP,
a Georgia limited liability limited partnership

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

WITNESSETH that: Grantor, for and in consideration of the sum of OTHER VALUABLE CONSIDERATIONS AND TEN AND NO/100 DOLLARS (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey, and confirm unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF CANTON, CHEROKEE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

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

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons CLAIMING BY, THROUGH, OR UNDER GRANTOR, BUT NOT OTHERWISE.

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:

ST. CLAIR FUNDING, LLC,
a Georgia limited liability company

Unofficial Witness

By:

Gary R. Sobeck
Gary R. Sobeck
Chief Financial Officer

(Seal)

Notary Public



page 1

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lots 83, 98, 118, 119, 133, 134, 135, 154 & 156 of the 14th District, 2nd Section, City of Canton, Cherokee County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin found at the corner common to Land Lots 62, 63, 82 and 83; thence run along the line common to Land Lots 82 and 83 South 88 degrees 59 minutes 51 seconds East a distance of 2633.01 feet to an iron pin found at the corner common to Land Lots 82, 83, 98 and 99; thence run along the line common to Land Lots 98 and 99 South 89 degrees 28 minutes 23 seconds East a distance of 2612.69 feet to an iron pin found at a rock pile at the corner common to Land Lots 98, 99, 118 and 119; thence run along the line common to Land Lots 99 and 118 North 00 degrees 36 minutes 26 seconds East a distance of 2774.43 feet to an iron pin found at a rock pile at the corner common to Land Lots 99, 100, 117 and 118; thence run along the line common to Land Lots 117 and 118 South 87 degrees 29 minutes 29 seconds East a distance of 2523.21 feet to an iron pin found at the corner common to Land Lots 117, 118, 135 and 136; thence run along the line common to Land Lots 118 and 135 South 00 degrees 50 minutes 39 seconds East a distance of 73.05 feet to a rock found; thence leave said land lot line and run North 89 degrees 15 minutes 51 seconds East a distance of 1758.80 feet to an iron pin found; thence run North 89 degrees 18 minutes 46 seconds East a distance of 344.55 feet to an iron pin set in the centerline of 3 Mile Branch; thence run along the centerline of 3 Mile Branch the following courses and distances: South 01 degrees 37 minutes 06 seconds East a distance of 54.51 feet to a point; South 83 degrees 19 minutes 53 seconds West a distance of 38.01 feet to a point; South 30 degrees 56 minutes 07 seconds West a distance of 22.24 feet to a point; South 58 degrees 42 minutes 25 seconds West a distance of 54.35 feet to a point; South 33 degrees 54 minutes 43 seconds East a distance of 43.86 feet to a point; South 05 degrees 08 minutes 50 seconds West a distance of 74.00 feet to a point; South 05 degrees 33 minutes 49 seconds West a distance of 78.99 feet to a point; South 11 degrees 30 minutes 07 seconds West a distance of 63.46 feet to a point; South 06 degrees 09 minutes 26 seconds West a distance of 139.07 feet to a point; South 07 degrees 51 minutes 57 seconds West a distance of 112.06 feet to a point; South 34 degrees 05 minutes 14 seconds West a distance of 49.72 feet to a point; South 05 degrees 18 minutes 02 seconds West a distance of 15.04 feet to a point; South 80 degrees 21 minutes 56 seconds East a distance of 12.81 feet to a point at its intersection with the centerline of an unnamed branch; thence leave said intersection of 3 Mile Branch and unnamed branch and run South 08 degrees 34 minutes 00 seconds West a distance of 50.19 feet to a point; thence run South 81 degrees 04 minutes 55 seconds East a distance of 23.03 feet to a point; thence run along the arc of a curve to the right an arc distance of 231.13 feet (said curve having a radius of 498.85 feet, being subtended by a chord bearing South 66 degrees 31 minutes 18 seconds East, a chord distance of 229.07 feet) to a point; thence run North 30 degrees 16 minutes 06 seconds East a distance of 43.73 feet to a point; thence run along the arc of a curve to the right an arc distance of 180.47 feet (said curve having a radius of 200.00 feet, being subtended by a chord bearing North 56 degrees 07 minutes 10 seconds East, a chord distance of 174.41 feet) to a point; thence run North 81 degrees 58 minutes 13 seconds East a distance of 332.82 feet to a point; thence run along the arc of a curve to the left an arc distance of 104.87 feet (said curve having a radius of 110.00 feet, being subtended by a chord bearing North 54 degrees 39 minutes 29 seconds East, a chord distance of 100.94 feet) to a point; thence run North 27 degrees 20 minutes 45 seconds East a distance of 93.93 feet to a point on the southwesterly right-of-way line of State Route 140 (also known as Reinhardt College Parkway, formerly known as State Route 20 and Waleska Highway and having a 100 foot right-of-way); thence run along said southwesterly right-of-way line the following courses and distances: along the arc of a curve to the left an arc distance of 170.82 feet (said curve having a radius of 2133.48 feet, being subtended by a chord bearing South 61 degrees 46 minutes 27 seconds East, a chord distance of 170.77 feet) to a point; and South 64 degrees 02 minutes 47 seconds East a distance of 29.26 feet to a point; thence leave said southwesterly right-of-way line and run South 27 degrees 20 minutes 45 seconds West a distance of 92.02 feet to a point; thence run along the arc of a curve to the right an arc distance of 295.55 feet (said curve having a radius of 310.00 feet, being subtended by a chord bearing South 54 degrees 39 minutes 29 seconds West, a chord distance of 284.48 feet) to a point; thence run South 81 degrees 58 minutes 13 seconds West a distance of 402.82 feet to a point; thence run along the arc of a curve to the left an arc distance of 225.59 feet (said curve having a radius of 250.00 feet, being subtended by a chord bearing South 56 degrees 07 minutes 09 seconds West, a chord distance of 218.02 feet) to a point; thence run South 30 degrees 16 minutes 06 seconds West a distance of 40.26 feet to a point; thence run South 43 degrees 40 minutes 32 seconds East a distance of 21.32 feet to a point; thence run South 39 degrees 06 minutes 07 seconds East a distance of 214.51 feet to a point; thence run South 62 degrees 03 minutes 11 seconds East a distance of 564.56 feet to a point; thence run North 30 degrees 43 minutes 02 seconds East a distance of 274.62 feet to a point; thence run South 62 degrees 35 minutes 37 seconds East a distance of 257.78 feet to a point; thence run South 01 degree 17 minutes 48 seconds West a distance of 1395.38 feet to a point on the line common to Land Lots 154 and 155; thence run along the line common to Land Lots 154 and 155 North 89 degrees 23 minutes 25 seconds West a distance of 553.90 feet to an iron pin set at the corner common to Land Lots 134, 135, 154 and 155; thence run along the line common to Land Lots 134 and 135 North 89 degrees 23 minutes 25 seconds West a distance of 89.30 feet to an iron pin found; thence leave said land lot line and run South 04 degrees 03 minutes 06 seconds West a distance of 2681.77 feet to an iron pin found; thence run South 87 degrees 38 minutes 47 seconds East a distance of 330.00 feet to a point in the centerline of Puckett Creek; thence run along the centerline of Puckett Creek South 44 degrees 18 minutes 49 seconds West a distance of 51.48 feet to a point; thence leave said centerline and run North 87 degrees 34 minutes 35 seconds

West a distance of 291.00 feet to a point; thence run South 87 degrees 37 minutes 41 seconds West a distance of 1134.99 feet to an iron pin found; thence run South 87 degrees 38 minutes 44 seconds West a distance of 617.12 feet to an iron pin set on the northeasterly right-of-way line of Honeydew Road (formerly known as Mountain View Road and having a 40 foot right-of-way); thence run along said right-of-way line along the arc of a curve to the left an arc distance of 175.69 feet (said curve having a radius of 545.00 feet, being subtended by a chord bearing North 53 degrees 44 minutes 07 seconds West, a chord distance of 174.93 feet) to a point; thence continuing along said right-of-way line North 62 degrees 58 minutes 14 seconds West a distance of 398.90 feet to a point; thence continuing along said right-of-way line along the arc of a curve to the right an arc distance of 355.65 feet (said curve having a radius of 1802.48 feet, being subtended by a chord bearing North 57 degrees 19 minutes 05 seconds West, a chord distance of 355.07 feet) to an iron pin set; thence run along the northerly right-of-way line of Honeydew Road South 89 degrees 42 minutes 46 seconds West a distance of 58.19 feet to an iron pin set on the southwesterly right-of-way line of Honeydew Road; thence leave said right-of-way line and run South 89 degrees 42 minutes 46 seconds West a distance of 346.15 feet to an iron pin found; thence run South 89 degrees 27 minutes 16 seconds West a distance of 434.34 feet to an iron pin found; thence run South 89 degrees 27 minutes 16 seconds West a distance of 218.92 feet to an iron pin found; thence run South 89 degrees 18 minutes 26 seconds West a distance of 217.82 feet to an iron pin set; thence run South 00 degrees 31 minutes 08 seconds West a distance of 199.58 feet to an iron pin found; thence run North 88 degrees 20 minutes 30 seconds West a distance of 2130.27 feet to an iron pin found at the corner common to Land Lots 97, 98, 119 and 120; thence run along the line common to Land Lots 97 and 98 and thence along the line common to Land Lots 83 and 84 North 88 degrees 32 minutes 47 seconds West a distance of 5280.79 feet to an iron pin set at the corner common to Land Lots 61, 62, 83 and 84; thence run along the line common to Land Lots 62 and 83 North 00 degrees 45 minutes 10 seconds East a distance of 2589.53 feet to an iron pin found at the corner common to Land Lots 62, 63, 82 and 83, said iron pin being THE POINT OF BEGINNING.

Said tract contains 940.968 acres (40,988,557 square feet) and is shown on and described according to that ALTA/ACSM Land Title Survey for Laurel Canyon, LLC, Laurel Canyon Investments, LLC, City of Canton, Laurel Canyon Golf, LLC, Levitt and Sons of Georgia, LLC, Levitt Corporation, New South Federal Savings Bank, Nacoochee Corporation, Laurel Canyon Development, LLC, and Chicago Title Insurance Company, prepared by Lowe Engineers, Wm. J. Daniel III, G.R.L.S. #2257, dated August 3, 2004, last revised February 11, 2005, which ALTA/ACSM Land Title Survey is incorporated herein by reference.

LESS AND EXCEPT:

(Laurel Canyon Investments, LLC Property)

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 134, 135 and 154 of the 14th District, 2nd Section, City of Canton, Cherokee County, Georgia and being more particularly described as follows:

COMMENCE at an iron pin found at a rock pile located at the corner common to Land Lots 99, 100, 117 and 118; thence leave the common corner and run South 75 degrees 28 minutes 21 seconds East a distance of 5602.12 feet to a point located on the southwesterly side of a proposed 50' wide Ingress/Egress and Utility Easement, said point being the TRUE POINT OF BEGINNING.

FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, thence run along the southwesterly side of a proposed 50' wide Ingress/Egress and Utility Easement South 62 degrees 35 minutes 37 seconds East a distance of 257.78 feet to a point; thence run South 01 degree 17 minutes 48 seconds West a distance of 1395.38 feet to a point; thence run North 89 degrees 23 minutes 25 seconds West a distance of 553.90 feet to a point; thence run North 89 degrees 23 minutes 25 seconds West a distance of 89.30 feet to an iron pin found; thence run South 04 degrees 03 minutes 06 seconds West a distance of 953.01 feet to a point; thence run North 86 degrees 04 minutes 49 seconds West a distance of 350.01 feet to a point; thence run North 11 degrees 28 minutes 58 seconds West a distance of 1735.03 feet to a point; thence run North 05 degrees 44 minutes 45 seconds West a distance of 449.16 feet to a point; thence run South 88 degrees 24 minutes 59 seconds East a distance of 783.42 feet to a point; thence run North 77 degrees 41 minutes 16 seconds East a distance of 337.15 feet to a point; thence run North 30 degrees 43 minutes 02 seconds East a distance of 274.62 feet to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains 50.548 acres (2,201,894 square feet) and is shown on and described according to that ALTA/ACSM Land Title Survey for Laurel Canyon, LLC, Laurel Canyon Investments, LLC, City of Canton, Laurel Canyon Golf, LLC, Levitt and Sons of Georgia, LLC, Levitt Corporation, New South Federal Savings Bank, Nacoochee Corporation, Laurel Canyon Development, LLC, and Chicago Title Insurance Company, prepared by Lowe Engineers, Wm. J. Daniel III, G.R.L.S. #2257, dated August 3, 2004, last revised February 11, 2005, which ALTA/ACSM Land Title Survey is incorporated herein by reference.

page 3

FURTHER LESS AND EXCEPT:

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lots 118, 119, 134 and 135 of the 14th District, Cherokee County, Georgia being Pods 5 and 6 of the overall development of Laurel Canyon and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, commence at an axle found North 89 degrees 22 minutes 15 seconds East 5.09 feet from the right-of-way of Reinhardt College Parkway at the northerly land lot line of Land Lot 135; thence along said right-of-way 553.47 feet along the arc of a curve deflecting to the left, having a radius of 2133.48 feet and a chord bearing and distance of South 46 degrees 41 minutes 18 seconds East a distance of 551.92; thence, South 35 degrees 19 minutes 34 seconds West a distance of 25.00 feet to a point; thence, South 54 degrees 40 minutes 26 seconds East a distance of 40.00 feet to a point; thence North 35 degrees 19 minutes 34 seconds East a distance of 25.00 feet to a point; thence 153.27 feet along the arc of a curve, deflecting to the left, having a radius of 2133.48 feet and a chord bearing and distance of South 57 degrees 16 minutes 09 seconds East a distance of 153.24 feet to a point at the intersection of the aforesaid right-of-way and the northerly right-of-way of Laurel Canyon Boulevard; thence continuing along said right-of-way of Laurel Canyon Boulevard 86.23 feet along the arc of a curve, deflecting to the right having a radius of 57.00 feet and a chord bearing and distance of South 15 degrees 59 minutes 27 seconds East a distance of 78.24 feet to a point; thence South 27 degrees 20 minutes 43 seconds West a distance of 21.85 feet to a point; thence 196.04 feet along the arc of a curve deflecting to the right, having a radius of 195.00 feet and a chord bearing and distance of South 56 degrees 08 minutes 48 seconds West a distance of 187.89 feet to a point; thence South 84 degrees 56 minutes 53 seconds West a distance of 283.05 feet to a point; thence 267.22 feet along the arc of a curve, deflecting to the left, having a radius of 280.00 feet and a chord bearing and distance of South 57 degrees 36 minutes 30 seconds West a distance of 257.19 feet to a point; thence South 30 degrees 16 minutes 07 seconds West a distance of 212.71 feet to a point; thence 525.61 feet along the arc of a curve, deflecting to the right, having a radius of 370.00 feet and a chord bearing a distance of South 70 degrees 57 minutes 53 seconds West a distance of 482.52 feet to a point; thence North 68 degrees 20 minutes 20 seconds West a distance of 412.82 feet to a point; thence 265.12 feet along the arc of a curve, deflecting to the left, having a radius of 240.00 feet and a chord bearing and distance of South 80 degrees 00 minutes 51 seconds West a distance of 251.85 feet; thence South 48 degrees 22 minutes 04 seconds West a distance of 244.36 feet to a point; thence 361.66 feet along the arc of a curve, deflecting to the right, having a radius of 470.00 feet and a chord bearing and distance of South 70 degrees 24 minutes 43 seconds West a distance of 352.80 feet to a point; thence, crossing to the southerly right-of-way of Laurel Canyon Boulevard South 59 degrees 07 minutes 18 seconds East a distance of 108.02 feet to the POINT OF BEGINNING. Thence from said POINT OF BEGINNING, leaving said right-of-way and running South 50 degrees 33 minutes 24 seconds East a distance of 431.65 feet to a point; thence South 05 degrees 57 minutes 44 seconds West a distance of 137.16 feet to a point; thence South 44 degrees 07 minutes 35 seconds West a distance of 150.30 feet to a point; thence South 82 degrees 17 minutes 27 seconds West a distance of 137.49 feet to a point; thence South 28 degrees 01 minutes 57 seconds West a distance of 113.26 feet to a point; thence North 83 degrees 19 minutes 05 seconds West a distance of 437.85 feet to a point; thence South 42 degrees 52 minutes 39 seconds East a distance of 222.33 feet to a point; thence South 83 degrees 18 minutes 59 seconds East a distance of 407.26 feet to a point; thence South 06 degrees 41 minutes 01 seconds West a distance of 196.43 feet to a point; thence South 83 degrees 18 minutes 59 seconds East a distance of 396.97 feet to a point; thence, South 66 degrees 57 minutes 37 seconds East a distance of 316.85 feet to a point; thence South 30 degrees 54 minutes 39 seconds East a distance of 158.68 feet to a point; thence South 23 degrees 02 minutes 23 seconds West a distance of 183.23 feet to a point; thence South 76 degrees 59 minutes 25 seconds West a distance of 196.27 feet to a point; thence South 38 degrees 54 minutes 15 seconds East a distance of 23.76 feet to a point; thence South 55 degrees 29 minutes 38 seconds East a distance of 521.89 feet to a point; thence South 18 degrees 29 minutes 34 seconds West a distance of 214.26 feet to a point; thence South 75 degrees 55 minutes 35 seconds West a distance of 218.77 feet to a point; thence North 55 degrees 29 minutes 38 seconds West a distance of 678.85 feet to a point; thence South 71 degrees 02 minutes 15 seconds West a distance of 129.47 feet to a point; thence South 18 degrees 57 minutes 45 seconds East a distance of 206.39 feet to a point; thence South 35 degrees 11 minutes 03 seconds West a distance of 210.76 feet to a point; thence North 76 degrees 45 minutes 27 seconds West a distance of 557.61 feet to a point; thence North 00 degrees 51 minutes 20 seconds East a distance of 357.35 feet to a point; thence North 24 degrees 57 minutes 42 seconds West a distance of 109.88 feet to a point; thence North 35 degrees 10 minutes 37 seconds West a distance of 192.59 feet to a point; thence North 68 degrees 45 minutes 02 seconds West a distance of 135.33 feet to a point; thence South 21 degrees 01 minutes 29 seconds West a distance of 101.58 feet to a point; thence North 68 degrees 45 minutes 02 seconds West a distance of 50.00 feet to a point; thence North 74 degrees 42 minutes 31 seconds West a distance of 147.90 feet to a point; thence North 15 degrees 17 minutes 29 seconds East a distance of 801.85 feet to a point; thence North 29 degrees 26 minutes 55 seconds West a distance of 831.88 feet to a point on the southerly right of way of Laurel Canyon Boulevard; thence along said right-of-way 262.46 feet along the arc of a curve, deflecting to the right, having a radius of 475.00 feet and a chord bearing and distance of South 86 degrees 05 minutes 20 seconds East a distance of 259.13 feet to a point; thence 642.55 feet along the arc of a curve, deflecting to the left, having a radius of 2130.00 feet and a chord bearing and distance of South 78 degrees 54 minutes 07 seconds East a distance of 640.12 feet to a point; thence South 87 degrees 32 minutes 39 seconds East a distance of 206.32 feet to a point; thence 95.52 feet along the arc of a curve, deflecting to the left, having a radius of 530.00 feet and a chord bearing and distance of North 87 degrees 17 minutes

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34 seconds East a distance of 95.39 feet to the POINT OF BEGINNING. Containing 2,217,804 square feet or 57.94 acres of land more or less. Property is subject to all easements and rights-of-way, recorded and unrecorded.

AND LESS AND EXCEPT:

All that tract or parcel of land lying and being in Land Lots 83, 98, 119 and 134 of the 14th District, 2nd Section, City of Canton, Cherokee County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin found at the corner common to Land Lots 62, 63, 82 and 83; thence running along the line common to Land Lots 82 and 83, South 88 degrees 59 minutes 51 seconds East a distance of 2633.01 feet to an iron pin found at the corner common to Land Lots 82, 83, 98 and 99; thence running along the line common to Land Lots 98 and 99, South 89 degrees 28 minutes 23 seconds East a distance of 5.20 feet to an iron pin set; thence leave said land lot line and run South 19 degrees 30 minutes 28 seconds West a distance of 1300.96 feet to a point; thence run South 05 degrees 30 minutes 06 seconds East a distance of 164.92 feet to a point; thence run along the arc of a curve to the left an arc distance of 53.21 feet (said curve having a radius of 175.00 feet, being subtended by a chord bearing North 61 degrees 58 minutes 07 seconds East, a chord distance of 53.01 feet) to a point; thence run North 53 degrees 15 minutes 27 seconds East a distance of 190.42 feet to a point; thence run along the arc of a curve to the right an arc distance of 223.86 feet (said curve having a radius of 325.00 feet, being subtended by a chord bearing North 72 degrees 59 minutes 26 seconds East, a chord distance of 219.46 feet) to a point; thence run North 11 degrees 29 minutes 17 seconds West a distance of 192.72 feet to a point; thence run North 34 degrees 59 minutes 44 seconds East a distance of 235.91 feet to a point; thence run South 70 degrees 28 minutes 14 seconds East a distance of 136.86 feet to a point; thence run North 31 degrees 07 minutes 26 seconds East a distance of 46.97 feet to a point; thence run North 38 minutes 35 minutes 14 seconds West a distance of 221.17 feet to a point; thence run North 08 degrees 25 minutes 42 seconds East a distance of 142.39 feet to a point; thence run North 47 degrees 33 minutes 30 seconds East a distance of 187.19 feet to a point; thence run North 14 degrees 59 minutes 13 seconds East a distance of 128.73 feet to a point; thence run North 50 degrees 30 minutes 00 seconds East a distance of 174.35 feet to a point; thence run South 77 degrees 25 minutes 41 seconds East a distance of 194.18 feet to a point; thence run South 77 degrees 10 minutes 42 seconds East a distance of 338.72 feet to a point; thence run South 61 degrees 21 minutes 32 seconds East a distance of 271.33 feet to a point; thence run South 47 degrees 01 minutes 36 seconds East a distance of 129.74 feet to a point; thence run South 16 degrees 15 minutes 53 seconds West a distance of 171.30 feet to a point; thence run South 86 degrees 55 minutes 25 seconds East a distance of 78.95 feet to a point; thence run along the arc of a curve to the right an arc distance of 174.09 feet (said curve having a radius of 425.00 feet, being subtended by a chord bearing South 75 degrees 11 minutes 20 seconds East, a chord distance of 172.87 feet) to a point; thence run South 63 degrees 27 minutes 16 East a distance of 117.78 feet to a point; thence run along the arc of a curve to the left an arc distance of 42.71 feet (said curve having a radius of 475.00 feet, being subtended by a chord bearing South 66 degrees 01 minutes 50 seconds East, a chord distance of 42.70 feet) to a point; thence run North 26 degrees 07 minutes 41 seconds East a distance of 200.01 feet to a point; thence run North 79 degrees 22 minutes 09 seconds East a distance of 208.92 feet to a point; thence run South 62 degrees 58 minutes 15 seconds East a distance of 103.89 feet to a point; thence run South 37 degrees 45 minutes 20 seconds East a distance of 136.83 feet to a point; thence run North 61 degrees 31 minutes 03 seconds East a distance of 27.42 feet to a point; thence run North 40 degrees 41 minutes 00 seconds West a distance of 151.24 feet to a point; thence run North 36 degrees 19 minutes 07 seconds West a distance of 93.96 feet to a point; thence run North 03 degrees 44 minutes 29 seconds West a distance of 153.60 feet to a point; thence run North 43 degrees 26 minutes 00 seconds East a distance of 146.50 feet to a point; thence run South 83 degrees 05 minutes 28 seconds East a distance of 455.48 feet to a point; thence run South 41 degrees 41 minutes 49 seconds East a distance of 163.05 feet to a point; thence run South 12 degrees 45 minutes 37 seconds West a distance of 190.20 feet to a point; thence run along the arc of a curve to the right an arc distance of 36.46 feet (said curve having a radius of 225.00 feet, being subtended by a chord bearing South 64 degrees 58 minutes 38 seconds East, a chord distance of 36.42 feet) to a point; thence run along the arc of a curve to the right an arc distance of 161.94 feet (said curve having a radius of 225.00 feet, being subtended by a chord bearing South 39 degrees 42 minutes 57 seconds East, a chord distance of 158.47 feet) to a point; thence run South 19 degrees 05 minutes 48 seconds East a distance of 27.68 feet to a point; thence run North 35 degrees 57 minutes 53 seconds East a distance of 106.30 feet to a point; thence run South 61 degrees 06 minutes 31 seconds East a distance of 117.75 feet to a point; thence run South 28 degrees 29 minutes 50 seconds East a distance of 186.22 feet to a point; thence run South 14 degrees 15 minutes 25 seconds West a distance of 122.27 feet to a point; thence run South 85 degrees 39 minutes 41 seconds West a distance of 133.55 feet to a point; thence run South 19 degrees 05 minutes 48 seconds East a distance of 65.87 feet to a point; thence run along the arc of a curve to the left an arc distance of 660.68 feet (said curve having a radius of 325.00 feet, being subtended by a chord bearing South 77 degrees 19 minutes 59 seconds East, a chord distance of 552.65 feet) to a point; thence run South 28 degrees 34 minutes 31 seconds East a distance of 148.51 feet to a point; thence run South 28 degrees 34 minutes 31 seconds East a distance of 148.16 feet to a point; thence run South 87 degrees 10 minutes 46 seconds East a distance of 166.29 feet to a point; thence run North 78 degrees 35 minutes 30 seconds East a distance of 302.75 feet to a point; thence run North 79 degrees 11 minutes 00 seconds East a distance of 315.27 feet to a point; thence run North 58 degrees 02 minutes 35 seconds East a distance of 188.12 feet to a point; thence run North 29 degrees 22 minutes 16 seconds East a distance of 184.97 feet to a point; thence run

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South 87 degrees 56 minutes 38 seconds East a distance of 136.26 feet to a point; thence run North 60 degrees 26 minutes 02 seconds East a distance of 25.39 feet to a point; thence run South 40 degrees 33 minutes 08 seconds East a distance of 492.21 feet to a point; thence run South 29 degrees 13 minutes 09 seconds East a distance of 391.57 feet to a point; thence run South 49 degrees 42 minutes 42 seconds East a distance of 239.32 feet to a point; thence run South 12 degrees 52 minutes 32 seconds East a distance of 538.52 feet to an iron pin set; thence run South 89 degrees 42 minutes 46 seconds West a distance of 117.94 feet to an iron pin found; thence run South 89 degrees 27 minutes 56 seconds West a distance of 434.34 feet to an iron pin found; thence run South 89 degrees 27 minutes 16 seconds West a distance of 218.92 feet to an iron pin found; thence run South 89 degrees 18 minutes 26 seconds West a distance of 217.82 feet to an iron pin set; thence run South 00 degrees 31 minutes 08 seconds West a distance of 199.58 feet to an iron pin found; thence run North 88 degrees 20 minutes 30 seconds West a distance of 2130.27 feet to an iron pin found at the corner common to Land Lots 97, 98, 119 and 120; thence run along the line common to Land Lots 97 and 98 North 88 degrees 32 minutes 47 seconds West a distance of 980.04 feet to a point; thence leave said land lot line and run North 42 degrees 53 minutes 17 seconds East a distance of 696.36 feet to a point; thence run North 79 degrees 16 minutes 56 seconds East a distance of 313.67 feet to a point; thence run North 85 degrees 47 minutes 37 seconds East a distance of 599.05 feet to a point; thence run North 31 degrees 46 minutes 46 seconds East a distance of 161.70 feet to a point; thence run North 31 degrees 46 minutes 46 seconds East a distance of 321.29 feet to a point; thence run South 85 degrees 41 minutes 13 seconds East a distance of 102.38 feet to a point; thence run North 00 degrees 00 minutes 00 seconds East a distance of 152.60 feet to a point; thence run along the arc of a curve to the right an arc distance of 213.48 feet (said curve having a radius of 345.00 feet, being subtended by a chord bearing North 71 degrees 49 minutes 32 seconds West, a chord distance of 210.09 feet) to a point; thence run South 48 degrees 36 minutes 06 seconds West a distance of 371.18 feet to a point; thence run South 41 degrees 00 minutes 17 seconds West a distance of 283.99 feet to a point; thence run North 62 degrees 19 minutes 58 seconds West a distance of 201.71 feet to a point; thence run South 85 degrees 05 minutes 37 seconds West a distance of 913.98 feet to a point; thence run South 18 degrees 25 minutes 19 seconds East a distance of 94.05 feet to a point; thence run South 15 degrees 10 minutes 02 seconds East a distance of 50.93 feet to a point; thence run South 46 degrees 49 minutes 34 seconds West a distance of 35.44 feet to a point; thence run South 78 degrees 52 minutes 43 seconds West a distance of 41.23 feet to a point; thence run South 88 degrees 32 minutes 56 seconds West a distance of 102.11 feet to a point; thence run North 86 degrees 27 minutes 20 seconds West a distance of 140.84 feet to a point; thence run North 62 degrees 35 minutes 29 seconds West a distance of 45.44 feet to a point; thence run North 24 degrees 12 minutes 44 seconds West a distance of 28.36 feet to a point; thence run North 29 degrees 18 minutes 13 seconds East a distance of 65.27 feet to a point; thence run North 10 degrees 29 minutes 05 seconds East a distance of 63.92 feet to a point; thence run North 03 degrees 18 minutes 16 seconds East a distance of 51.01 feet to a point; thence run North 44 degrees 00 minutes 29 seconds West a distance of 112.90 feet to a point; thence run South 48 degrees 57 minutes 28 seconds West a distance of 381.49 feet to a point; thence run South 32 degrees 21 minutes 29 seconds East a distance of 207.00 feet to a point; thence run South 29 degrees 03 minutes 34 seconds West a distance of 190.93 feet to a point; thence run North 86 degrees 13 minutes 50 seconds West a distance of 812.50 feet to a point; thence run North 45 degrees 25 minutes 05 seconds West a distance of 120.35 feet to a point; thence run North 03 degrees 44 minutes 08 seconds East a distance of 902.25 feet to a point; thence run North 70 degrees 41 minutes 20 seconds West a distance of 91.80 feet to a point; thence run along the arc of a curve to the left an arc distance of 269.04 feet (said curve having a radius of 275.00 feet, being subtended by a chord bearing South 81 degrees 17 minutes 05 seconds West, a chord distance of 258.44 feet) to a point; thence run South 53 degrees 15 minutes 27 seconds West a distance of 66.86 feet to a point; thence run South 50 degrees 06 minutes 39 seconds East a distance of 146.40 feet to a point; thence run South 07 degrees 59 minutes 14 seconds East a distance of 75.43 feet to a point; thence run South 52 degrees 05 minutes 25 seconds West a distance of 197.53 feet to a point; thence run South 05 degrees 03 minutes 04 seconds East a distance of 94.27 feet to a point; thence run South 05 degrees 03 minutes 04 seconds East a distance of 122.06 feet to a point; thence run South 27 degrees 49 minutes 58 seconds West a distance of 351.05 feet to a point; thence run South 28 degrees 07 minutes 43 seconds East a distance of 139.19 feet to a point; thence run South 31 degrees 16 minutes 15 seconds West a distance of 88.27 feet to a point; thence run along the arc of a curve to the left an arc distance of 39.58 feet (said arc having a radius of 270.00 feet, being subtended by a chord bearing South 55 degrees 18 minutes 32 seconds East, a chord distance of 39.54 feet) to a point; thence run North 30 degrees 30 minutes 07 seconds East a distance of 1.00 foot to a point; thence run South 55 degrees 35 minutes 11 seconds East a distance of 14.61 feet to a point; thence run North 27 degrees 24 minutes 07 seconds East a distance of 94.72 feet to a point; thence run South 85 degrees 09 minutes 33 seconds East a distance of 138.12 feet to a point; thence run South 47 degrees 57 minutes 53 seconds East a distance of 178.68 feet to a point; thence run South 04 degrees 00 minutes 34 seconds West a distance of 187.18 feet to a point located on the line common to Land Lots 83 and 84; thence run along said land lot line North 88 degrees 32 minutes 47 seconds West a distance of 2617.58 feet to an iron pin set at the corner common to Land Lots 61, 62, 83 and 84; thence run along the line common to Land Lots 62 and 83 North 00 degrees 45 minutes 10 seconds East a distance of 2589.53 feet to an iron pin found at the corner common to Land Lots 62, 63, 82 and 83 and THE POINT OF BEGINNING.

Said tract contains 337.489 acres (14,701,025 square feet) and is shown on and described according to that ALTA/ACSM Land Title Survey for Laurel Canyon, LLC, Laurel Canyon Investments, LLC, City of Canton, Laurel Canyon Golf, LLC, Levitt and Sons of Georgia, LLC, Levitt Corporation, New South Federal Savings Bank, Nacoochee Corporation, Laurel Canyon Development, LLC, and Chicago Title Insurance Company, prepared by

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Lowe Engineers, Wm. J. Daniel III, G.R.L.S. #2257, dated August 3, 2004, last revised February 11, 2005, which ALTA/ACSM Land Title Survey is incorporated herein by reference.

AND LESS AND EXCEPT:

Golf Course Parcel 1

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 118 and 135 of the 14th District, 2nd Section, City of Canton, Cherokee County, Georgia and being more particularly described as follows:

COMMENCE at an iron pin found at a rock pile at the corner common to Land Lots 99, 100, 117 and 118; thence run along the line common to Land Lots 117 and 118 South 87°29'29" East a distance of 1289.61 feet to a point, said point being the TRUE POINT OF BEGINNING.

FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED thence continue along the line common to Land Lots 117 and 118 and run South 87°29'29" East a distance of 1233.59 feet to an iron pin found at the corner common to Land Lots 117, 118, 135 and 136; thence run along the line common to Land Lots 118 and 135 South 00°50'39" East a distance of 73.05 feet to a rock found; thence leave said land lot line and run North 89°15'51" East a distance of 273.79 feet to a point; thence run South 10°53'00" West a distance of 192.71 feet to a point; thence run South 04°04'02" East a distance of 194.72 feet to a point; thence run South 51°56'09" East a distance of 336.90 feet to a point; thence run North 84°01'45" East a distance of 290.56 feet to a point; thence run South 69°54'07" East a distance of 627.25 feet to a point; thence run South 47°39'23" East a distance of 154.55 feet to a point; thence run South 82°04'55" East a distance of 219.41 feet to a point; thence run South 29°56'12" East a distance of 282.20 feet to a point; thence run along the arc of a curve to the right an arc distance of 265.34 feet (said curve having a radius of 375.00 feet, being subtended by a chord bearing North 88°40'44" West, a chord distance of 259.84 feet) to a point; thence run North 68°24'31" West a distance of 435.45 feet to a point; thence run along the arc of a curve to the left an arc distance of 242.06 feet (said curve having a radius of 225.00 feet, being subtended by a chord bearing South 80°46'16" West a chord distance of 230.56 feet) to a point; thence run South 49°57'02" West a distance of 146.59 feet to a point; thence run along the arc of a curve to the right an arc distance of 981.84 feet (said curve having a radius of 875.00 feet, being subtended by a bearing of South 82°05'47" West, a chord distance of 931.13 feet) to a point; thence run North 65°45'27" West a distance of 299.72 feet to a point; thence run along the arc of a curve to the left an arc distance of 592.90 feet (said curve having a radius of 605.00 feet, being subtended by a chord bearing South 86°10'02" West, a chord distance of 569.46 feet) to a point; thence run North 34°00'47" West a distance of 74.44 feet to a point; thence run North 57°18'01" East a distance of 363.52 feet to a point; thence run North 07°25'56" East a distance of 227.33 feet to a point; thence run North 25°09'17" West a distance of 276.43 feet to a point; thence run North 64°47'21" West a distance of 131.28 feet to a point; thence run South 64°09'57" West a distance of 189.91 feet to a point; thence run South 07°17'43" West a distance of 280.71 feet to a point; thence run South 28°21'27" West a distance of 84.49 feet to a point; thence run South 19°35'00" East a distance of 132.17 feet to a point; thence run South 35°56'59" West a distance of 39.77 feet to a point; thence run along the arc of a curve to the right an arc distance of 38.15 feet (said curve having a radius of 325.00 feet, being subtended by a chord bearing North 61°49'31" West, a chord distance of 38.13 feet) to a point; thence run North 65°11'18" West a distance of 249.54 feet to a point; thence run along the arc of a curve to the right an arc distance of 128.88 feet (said curve having a radius of 375.00 feet, being subtended by a chord bearing North 55°20'33" West, a chord distance of 128.25 feet) to a point; thence run North 54°24'44" East a distance of 123.23 feet to a point; thence run North 14°02'18" East a distance of 326.49 feet to a point; thence run North 02°32'24" East a distance of 506.02 feet to a point located on the line common to Land Lots 117 and 118, said point being the TRUE POINT OF BEGINNING.

Said tract contains 53.647 acres (2,336,884 square feet) and is shown on and described according to that ALTA/ACSM Land Title Survey for Laurel Canyon, LLC, Laurel Canyon Investments, LLC, City of Canton, Laurel Canyon Golf, LLC, Levitt and Sons of Cherokee County, LLC, Levitt and Sons of Georgia, LLC, Levitt Corporation, New South Federal Savings Bank, Nacoochee Corporation, Laurel Canyon Development, LLC, and Chicago Title Insurance Company, prepared by Lowe Engineers, Wm. J. Daniel III, G.R.L.S. #2257, dated August 3, 2004, last revised February 14, 2005, which ALTA/ACSM Land Title Survey is incorporated herein by reference.

AND LESS AND EXCEPT:

Golf Course Parcel 2

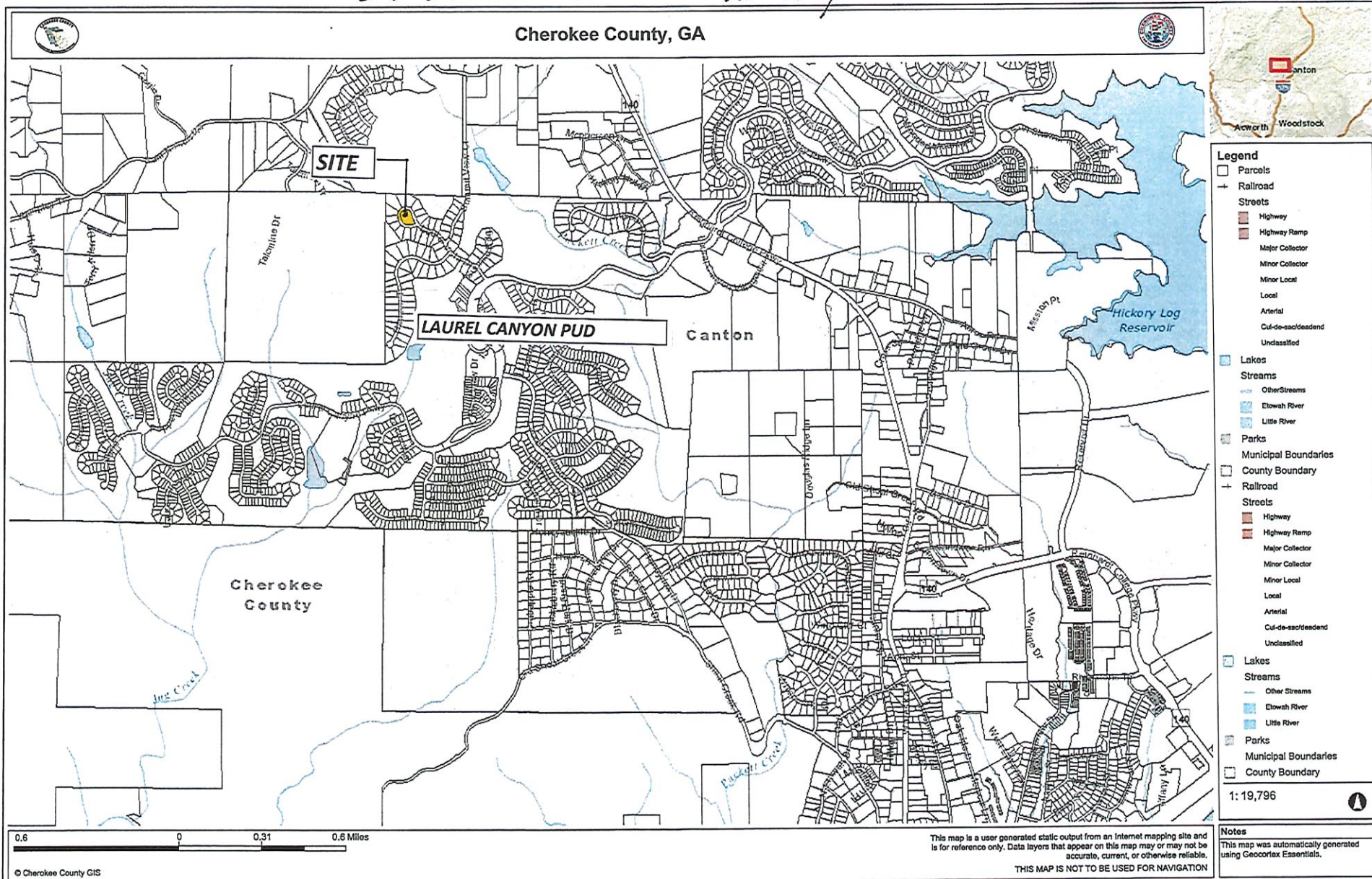
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 135 of the 14th District, 2nd Section, City of Canton, Cherokee County, Georgia and being more particularly described as follows:

COMMENCE at an iron pin found at a rock pile at the corner common to Land Lots 99, 100, 117 and 118; thence run South 65°25'43" East a distance of 3532.30 feet to a point, said point being the TRUE POINT OF BEGINNING.

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LOCATION MAP

Cherokee County, GA



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Atlanta, Georgia 30309-9813
Tel: 404 815-3500
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Dennis (Den) J. Webb, Jr.
Direct Tel: 404-815-3620
Direct Fax: 404-685-6920
dwebb@sgrlaw.com

July 16, 2024

VIA SUBMISSION TO THE COMMUNITY DEV. DEPT.

Mayor & City Council for
The City of Canton Georgia &
Community Development Department for
The City of Canton, Georgia
110 Academy Street
Canton, Georgia 30114

RE: Master Plan Revision and Zoning Condition Amendment Application (the "Application") concerning lots located in POD 2 of Horizon at Laurel Canyon (the "Subject Property") Provided in Support of John D. Gaskin, Patrick Malloy Communities ("Applicant") and Ballantry PMC-Laurel Canyon, LLLP ("Owner")

This office represents the Applicant and Owner in connection with the above-referenced Application. This letter is provided to supplement the letter of intent submitted with the Application, which seeks to amend the Laurel Canyon Master Plan and zoning conditions. The Applicant is pursuing the proposed amendments to allow it to develop two homes on an approximately one-acre parcel located within a circle at the termination of Laurel Vista Drive. Importantly, the Applicant notified in advance potential buyers in the relevant POD, including those on Laurel Vista Drive, that it planned to develop the one-acre parcel at issue with two lots in the future (See, Ex. 1).

This request does not increase the total lot numbers within the POD. The POD will continue to be limited to 88 units. During the community's construction, two lots/units within the POD were lost on account of the relocation of Summit View Court. Additionally, the Applicant lost four lots when the City's Building Authority errantly constructed a maintenance shed within the boundaries of POD 3 and on property the Applicant owns. Approval of these two units in part counterbalances the units that were lost due to factors outside of the developer's control.

Finally, the zoning conditions (Condition 40) envisioned the construction of a water tower within the development and concepts for the construction of a water tower on the Subject Property were evidently discussed with the City in the early stages of this development proposal. Since these discussions, the City's water capacity and service capabilities have increased significantly,

and the development no longer requires the water facilities nor the Subject Property. Accordingly, Applicant requests that this condition be removed from the Property.

RESPONSES TO REVIEW CRITERIA

How will this proposal be compatible with surrounding properties? The proposed change will permit development and subdivision of an acre parcel for homes of a similar size, style, and price point as those surrounding the Subject Property. Further, the developer notified potential surrounding property owners before they bought their homes that the developer intended to develop these lots in the future. The Subject Property is currently undeveloped and is not utilized for any purpose. These lots will implement landscaping and setbacks to ensure that each is integrated within the style of the neighborhood.

Can the property be developed for a reasonable economic use as currently zoned? No. The Master Plan calls for the Subject Property to be left undeveloped, stripping it of any value. Further, the sole reason for leaving the lot undeveloped—to construct a water tower—is no longer valid. As indicated above, constructing the water tower has been deemed unnecessary.

What would be the increase to population and traffic if the proposal were approved? From a practical standpoint, the answer is none. As noted above, the developer is not increasing the total number of homes allowed in the POD, so any impact on population and traffic would be within the limits both originally contemplated by and ultimately approved by the City's Mayor and Council.

What would be the impact to schools and utilities if the proposal were approved? From a practical standpoint, the answer is none. As noted above, the developer is not increasing the total number of homes allowed in the POD, so any impact on schools would be within the limits both originally contemplated by and ultimately approved by the City's Mayor and Council.

How is the proposal consistent with the Comprehensive Land Use Plan, particularly the Future Land Use Map? The proposal essentially relocates lots within the development. It does not change the density or style of the development. The lots will be constructed with similar lot dimensions from those surrounding the Subject Property. Given that the modification is within the original intent of the prior zoning approval, it is consistent with the Comprehensive Land Use Plan.

Are there existing or changing conditions which affect the development of the property and support the proposed request? Yes. The Development was approved in 2005, nearly twenty years ago. Since then, the City has extensively improved its utility services and no longer needs reservations of land for utility improvements such as the water tower contemplated in Condition 40. Additionally, unforeseen circumstances that were beyond the developer's control—such as the City's construction of a maintenance building on the development—caused reductions in the yield of units. These circumstances warrant allowing additional units on the Subject Property.

The Applicant and its development team looks forward to working with the City in connection with this request and anticipates continued collaborative discussions with the City. Georgia law requires, however, that the Applicant submit certain notices and objections to preserve rights in connection with the Applicant and Owner's interests in the Subject Property. These objections are provided accordingly to reserve such rights.

The Applicant at issue in this zoning conditions and master plan modification application, respectfully submits that any decision of the City which would preclude the development of this project as requested is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to approve the Application would constitute a taking of the Owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

The Applicant also respectfully submits that any attempt by the City to impose greater restrictions upon the way the property will be developed than currently exist under the relevant City Code of Ordinances, including by applying later-adopted Ordinances or by approving the Application but conditioning said approval in such a way that the property may not be developed as designed, would be equally unlawful and unconstitutional. Such conditioning or restrictions would constitute an arbitrary and unreasonable use of the power delegated to the City because they could bear no substantial relation to the public health, safety, morality or general welfare of the public and would substantially harm the Applicant and owners of the property and deprive them of reasonable, investment backed expectations based upon the current Codes of the City. Finally, any use of the power delegated to the City to deny the Application or condition it would be a manifest abuse of its discretion.

A refusal to allow the zoning modification in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution. A refusal to allow the zoning modification in question would be invalid because it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

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Opponents to this request, if any, lack standing; have failed to exhaust administrative remedies; and have waived their rights to appeal by failing to assert legal and constitutional objections.

Sincerely,

A handwritten signature in black ink, appearing to be "Dennis J. Webb, Jr.", written in a cursive style.

Dennis (Den) J. Webb, Jr.

Title Insurance Company to insure title to the Fire Station Property in the City's name, subject only to the Permitted Exceptions, or as may be reasonably required by the City or its counsel. Laurel Canyon shall pay the cost to record the Limited Warranty Deed.

4.4 As consideration for conveyance of the Fire Station Property to the City, the City agrees that Laurel Canyon shall have an impact fee credit in the amount of \$75,000.00 per acre contained in the Fire Station Property for use against fire and safety impact fees due and payable in connection with the issuance of building permits within the Laurel Canyon Development. The impact fee credit, or portions thereof, may be transferred or assigned to the successors-in-title of Laurel Canyon within the Laurel Canyon Development. The City shall pay to record the deed conveying the Fire Station Property to the City.

5. CONSTRUCTION OF WATER TOWER.

5.1 Laurel Canyon agrees to construct a water tower ("Water Tower") pursuant to the "Water Tower Plans" (as herein defined) within twenty-four (24) months following the approval of the Water Tower Plans and issuance of all permits required for the construction of the Water Tower. The Water Tower shall be located on certain real property within the Laurel Canyon Property approved by the City and Laurel Canyon. The Water Tower and all related improvements such as the water pump station shall be sold and conveyed to the City upon completion, subject to the normal and customary maintenance period.

5.2 Laurel Canyon shall be responsible, at its sole cost and expense, for the total cost to design, engineer and construct the Water Tower, including without limitation the cost to prepare the Water Tower Plans. Laurel Canyon shall enter into all contracts necessary to design and engineer the Water Tower, prepare the Water Tower Plans, and construct the Water Tower. The general contractor and sub-contractors shall be subject to the City's approval. The City shall provide to Laurel Canyon the requirements for the Water Tower within thirty (30) days following the date Laurel Canyon makes a request for the requirements. Laurel Canyon shall then cause the plans for the Water Tower to be prepared and the submitted to the City; and the City shall approve such plans, such approval not to be unreasonably withheld, delayed or conditioned (such plans, when approved, being herein referred to as the "Water Tower Plans").

5.3 Laurel Canyon shall be responsible for 100% of the cost to design, engineer and construct the Water Tower. The City shall pay a purchase price of \$100 for the Water Tower, provided that Laurel Canyon or its successors-in-title will use 100% of the capacity of the Water Tower. Otherwise, the City shall pay a purchase price for the Water Tower equal to 100% of the marginal costs above the cost that would have been incurred by Laurel Canyon had Laurel Canyon only designed, engineered and constructed the Water Tower with capacity for the use by Laurel Canyon and its successors-in-title. Within approximately thirty (30) days following completion of the Water Tower in accordance with the Water Tower Plans, Laurel Canyon shall provide the City with a statement (together with invoices) showing the total cost to design and engineer the Water Tower, prepare the Water Tower Plans, and construct the Water Tower ("Water Tower Cost Statement") and such other supporting documentation as necessary to demonstrate the City's purchase price for the Water Tower. The