

DeKalb County Department of Planning & Sustainability

Hon. Michael Thurmond Chief Executive Officer

Andrew Baker, AICP, Director

VARIANCE APPLICATION FOR PUBLIC HEARING (Board of Commissioners) from

Development Standards Causing Undue Hardship Upon Owners of Property

IPS No					
Applicant and/or Authorized Representative Christopher Jung					
ailing Address: 245 TownPark Drive, Suite 470					
ity/State/Zip Code: Kennesaw, GA. 30144					
mail: cjung@bgeinc.com					
elephone Home: <u>(678) 492-3524</u> Business: <u>(470) 705-0885</u>					
OWNER OF RECORD OF SUBJECT PROPERTY					
wner: Atlanta ISP Parking Portfolio One Propco, LLC.					
ddress (Mailing): _820 A1A North, Suite #E21					
mail: David.Burch@inlightre.com					
elephone Home: <u>(706) 340-0960</u> Business: <u>(706) 340-0960</u>					
ADDRESS/LOCATION OF SUBJECT PROPERTY					
ddress: 2700 Turner Hill Road City: Lithonia State: GA Zip: 30058					
District(s): <u>16</u> Land Lot(s): <u>169</u> Block: <u>n/a</u> Parcel: <u>16-169-01-0</u> 26					
M Commission District & Super District:5 & 7					
VARIANCE (From Development Standards causing undue hardship upon owners of property.) TO BE COMPLETED BY BLANNING AND SUSTAINABLETY DEPARTMENT:					
TO BE COMPLETED BY PLANNING AND SUSTAINABILITY DEPARTMENT:					
Date Received:					





Board of COMMISSIONERS VARIANCE REQUEST

AUTHORIZATION OF THE PROPERTY OWNER

I hereby authorize the staff and members of the Planning and Sustainability

Department to inspect the premises of the Subject Property

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property subject to the application.

DATE: July 11, 2022

Applicant: David Burch, President

DATE: ______ Applicant: ______

Signature

Atlanta ISP Parking Portfolio One Propco, LLC



Board of COMMISSIONERS VARIANCE REQUEST

AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property and that I authorize the applicant/agent to apply for a hearing to the ZoningBoard of Appeals for the requests as shown in this application.

DATE: 07/11/2022	Applicant/Agent: _	Shitshu _	fy
	Signature		
TO WHOM IT MAY CONCERN: (I)/ (WE) _Atlanta ISP Parking Po	rtfolio One Propco, LL	.C	
(Name of Owners)			
being (owner/owners) of the property d Christopher Jung (BGE, Inc.) Danae Bruce (CBRE)	escribed below or attached	d hereby deleg	ate authority to:
Notary Public	th	Owner	David Burch, President
STORY OF STATE OF STA	Kaylee Ann Martin Notary Public State of Florida		
Notary Public	Comm# HH100678 Expires 3/4/2025	Owner	
Notary Public		Owner	

The Board of Zoning Appeal
DeKalb County Department of Planning & Sustainability
1300 Commerce Drive
Decatur, GA, 30030

RE: Letter of Intent for Lithonia ISP Sidewalk Improvements Variance Application 2700 Turner Hill Road, Lithonia, GA. 30058

Dear Board of Zoning Appeal:

Our intent is to apply for and obtain a Sidewalk Improvement (Section 14-191) Variance for our project located at 2700 Turner Hill Road, Lithonia, GA. 30058. During the first review for a Land Disturbance Permit (LDP), it was brought to our attention that Section 14-191 of the DeKalb County Ordinances applied to our project. Section 14-191 (b) of the ordinance states the following:

Where a proposed subdivision or project requiring a land development permit has frontage on an existing public street, right-of-way shall be dedicated along that frontage so as to meet the standards of that street's classification in the county thoroughfare plan. The right-of-way shall be improved wherever required as further provided in this section. For existing streets on which a proposed subdivision or project requiring a land development permit has frontage, the applicant shall:

- (1) Dedicate a minimum of fifty (50) percent of the required right-of-way width as measured from the centerline of the existing street right-of-way;
- (2) Install all required sidewalks, street trees, streetlights, and place utilities according to the standards in section 14-190; and
- (3) Provide a minimum of fifty (50) percent of the roadway pavement required in section 14-190 and install it to the right-of-way centerline.

Section 14-190 provides the minimum requirements for these improvements, and they are as follows:

Type of	Travel	Bike	Paving	Planting	Side-	Utility	Property	Under-	Street
Road	Lanes	Lanes	Width	Strips	walks	Strips	ROW	ground	Lights
								Utilities	
Collector	2 @ 11'	2 @ 4'		2 @ 5'	2 @ 5'	2 @ 15'	70	Υ	Υ

An additional option was provided to us, by the reviewer, that required a 2-foot landscape strip, and a 10-foot sidewalk.

The property has a total frontage of approximately 4,000 linear feet. The frontage along the DeKalb County's right-of-way is approximately 1,110 feet and along the Georgia Department of Transportation's (GDOT) right-of-way is approximately 2,890 feet. Since this improvement is along GDOT's right-of-way, we must obtain approval from GDOT. GDOT also has minimum requirements that are established in the AASHTO Roadway Design Guide. Below are two tables that must be followed for the design of these improvements.

Table 1

Roadway Classification	ADT < 400	ADT 400 – 2,000	ADT > 2,000 or DHV > 200
Local Road	2-ft.	3-ft.	6-ft.
Collector	2-ft.	4-ft.	6-ft.
Arterial	4-ft.	6-ft.	8-ft.

Table 2

U.S. Customary Units

Design		Foreslopes			Backslopes		
Speed (mph)	Design ADT	1V:6H or flatter	1V:5H to 1V:4H	1V:3H	1V:3H	1V:5H to 1V:4H	1V:6H or flatter
	UNDER 750	7-10	7-10	b	7-10	7-10	7-10
≤40	750-1500	10-12	12-14		12-14	12-14	12-14
540	1500-6000	12-14	14-16		14-16	14-16	14-16
	OVER 6000	14-16	16–18		16-18	16-18	16-18
	UNDER 750°	10-12	12-14		8-10	8-10	10-12
45 50	750-1500	14-16	16-20		10-12	12-14	14-16
45-50	1500-6000	16-18	20-26		12-14	14-16	16-18
	OVER 6000	20-22	24-28		14-16	18-20	20-22
	UNDER 750°	12-14	14-18		8-10	10-12	10-12
	750-1500	16-18	20-24		10-12	14-16	16-18
55	1500-6000	20-22	24-30		14-16	16-18	20-22
	OVER 6000	22-24	26-32*		16–18	20-22	22-24
	UNDER 750°	16-18	20-24		10-12	12-14	14-16
	750-1500	20-24	26-32*		12-14	16-18	20-22
60	1500-6000	26-30	32-40°		14-18	18-22	24-26
	OVER 6000	30-32*	36-44*	*	20-22	24-26	26-28
	UNDER 750°	18-20	20-26		10-12	14-16	14-16
	750-1500	24-26	28-36*		12-16	18-20	20-22
65-70°	1500-6000	28-32°	34-42*		16-20	22-24	26-28
	OVER 6000	30-34	38-46*		22-24	26-30	28-30

The two tables above require Average Daily Traffic (ADT) traffic counts. Traffic counts were not performed for the project. However, Annual Average Daily Traffic (AADT) for Turner Hill Road were measured in August of 2020 by GDOT. The AADT was 28,614. While ADT and AADT are different, their values are typically close. Therefore, we can determine the Design ADT for Table 1 would be greater than 2000 and for Table 2 would be over 6000. This means that GDOT would require a 6-foot shoulder with no more than a 6% slope, and 20 to 28 linear feet of foreslope depending on the slope. The 26 to 34 feet is considered to be part of the "Clear Zone". Clear Zone is defined in the GDOT Design Policy Manual as the area beyond the roadway edge of travel which provides an environment free of fixed objects, with stable, flattened slopes which enhance the opportunity for reducing crash severity. It is defined in the AASHTO Roadway Design Guide as the unobstructed, traversable area provided beyond the edge of the through traveled way for the recovery of errant vehicles. The clear zone includes shoulders, bike lanes, and auxiliary lanes, except those auxiliary lanes that function like through lanes. If a 1V:6H slope is selected and the sidewalk does

not exceed 1V:50H slope, the sidewalk can be part of the foreslope distance. So, the original requirement from DeKalb County of a 2-foot landscape strip has resulted in a minimum of a 16-foot of landscape strip. The landscape area has increased from 5,780 square feet to 46,240 square feet.

Applicant's responses are noted in italics:

1. There is an extraordinary or exceptional physical condition (s) pertaining to the particular piece of property (such as, but not limited to, lot size, lot shape, specimen tree(s), steep slope(s), or preservation of historic characteristics of the property), which was not created by the current owner, previous owner, or applicant; by reason of a clearly demonstrable condition(s), the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district, as distinguished from a special privilege or convenience sought by the property owner.

The following constitute extraordinary physical conditions pertaining to the property that were not created by the current owner, previous owner or applicant:

- A. There is a stream head that is within 150 feet of the required sidewalk. The stream head does not appear on any Waters of the United States (WOTUS) maps or within the Wetland Inventory Maps provided by U.S Fish & Wildlife Service (See attached Site Plan for location of stream). It was discovered while performing environmental investigations. This stream currently enters a 48" reinforced concrete pipe (RCP)culvert that travels underneath Turner Hill Road. The required sidewalk would impact the stream and cause extraordinary physical conditions, in the form of stream impact mitigation and extension of the RCP culvert. The existing 48" RCP culvert would need to be extended under the required sidewalk to capture the flow from the stream. The 48" RCP culvert was installed shallow and does not provide for much cover. Extending the 48" RCP culvert would result in additional construction across Turner Hill Road. This additional construction would include deepening the 48" RCP culvert and regrading on the other side of Turner Hill Road. This type of work would require approval from the Georgia's Environmental Protection Division. Profiles of the culvert extension is provided in this submittal
- B. In addition to the stream impact and culvert extension, seven (7) Georgia Power utility poles would need to be relocated. They would need to be relocated beyond the sidewalk and may cross the property lines in some areas. This is another example of extraordinary physical conditions as additional property would need to be provided as right-of-way.
- C. This property also sits along Turner Hill Road, which is a GDOT road in an industrial district with 28,000+ ADT (as noted above). This constitutes an extraordinary condition as it relates to installing sidewalk improvements, which would encourage dangerous interactions between pedestrian and bicycle traffic and heavy auto & truck traffic.

Requiring the sidewalk improvements would deprive the property owner of the same privilege enjoyed by neighboring rock quarries, and thus this variance would not constitute a special privilege or convenience. The area is the beginning of the industrial district, along Turner Hill Road, that includes multiple rock quarries. Sidewalk improvements don't exist anywhere along Turner Hill Road near our project. Providing this variance would not be providing special privilege or conveniences.

2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.

As previously mentioned, this is the beginning of the industrial district in which no other industrial zoned property has provided sidewalk improved as required in section 14-191. Providing this variance is the minimum relief necessary, as there is no alternative relief, and this relief has already been provided to other properties in the area.

3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.

The pedestrian route that these improvements would afford would not provide any benefits to the public welfare. In fact, they could be detrimental to the public welfare due to the heavy traffic along Turner Hill Road. Turner Hill Road has an AADT of over 28,000 with 9% trucks. Pedestrian traffic should be discouraged along heavy traffic / truck routes like this one, and we expect GDOT will feel the same way. At the time of this submission, GDOT has not responded to our requests for input, so we will provide as soon as we receive it.

4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.

The literal interpretation and strict application of Section 14-191 would cause undue and unnecessary hardship due to the requirements set by GDOT and AASHTO. These requirements are described in the opening paragraphs of this letter. The property owner would lose almost 10x times as much property as intended by the ordinance because of GDOT's requirements. It would also require significant work related to the stream impact and culvert extension.

5. The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

A variance to Section 14-191 would be keeping with DeKalb County's 2021 Comprehensive Plan 5-year update. The Comprehensive Plan states that for Truck Route Design Considerations there needs to be a balance with concerns for other modes as well, particularly in areas where there are higher instances of bicycles and pedestrians. By installing this 10-foot sidewalk, we could inadvertently be creating a high instance of bicycles and pedestrian traffic on a truck route, and thus create a dangerous situation with bicycles and pedestrians intersecting with trucks.

Accordingly, Applicant respectfully requests that the Zoning Board of Appeals grant the requested variance to Section 14-191 for the project known as Lithonia ISP located at 2700 Turner Hill Road, Lithonia, GA. 30058. We are happy to answer any questions the Board may have with regard to this Application.

Sincerely,

Christopher Jung, P.E.

BGE, Inc. – Senior Project Manager

Mistopher Jung



Appendix F. Waiver Form

DEPARTMENT OF TRANSPORTATION STATE OF GEORGIA

INTRADEPARTMENTAL CORRESPONDENCE

FILE: A-089-007349-7; 2700 Turner Hill Road, Lithonia, GA.	OFFICE: District 7 DATE 06/27/2022
FROM: Atlanta ISP Parking Portfolio One Propco, LLC.	
TO: District Engineer	
SUBJECT: Request for Waiver of Regulations for Control Manual	or Driveway and Encroachment
✓ Wavier is Granted✓ Wavier is Denied	
Reason: The pedestrian route that these improve any benefits to the public welfare. In face public welfare due to the heavy traffic at has an AADT of over 28,000 with 9% to discouraged along heavy traffic / truck interpretation and strict application of S unnecessary hardship due to the requirements are described in the The property owner would lose almost intended by the ordinance because of Control of S.	ct, they could be detrimental to the long Turner Hill Road. Turner Hill Road ucks. Pedestrian traffic should be routes like this one. The literal ection 14-191 would cause undue and rements set by GDOT and AASHTO. The opening paragraphs of this letter.
Comments	
District Engineer/Designee District Engineer/Designee District Engineer/Designee District Engineer/Designee	
Cc: File	

 Rev. 5.1
 F. Waiver Form

 11/18/20
 Page F-1

Commercial Real Estate Due Diligence Management

3465 South Arlington Rd Suite E#183 Akron, OH 44312

866.290.8121 www.amnational.net

HIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NO SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON: RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OR ANY LOCAL JURISDICTION AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS OR SUITABLE FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES 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 15-6-67.

RESERVED FOR COUNTY USE

ALTA/NSPS LAND TITLE SURVEY

LITHONIA ISP

2700 TURNER HILL ROAD LITHONIA, GA 30058 COUNTY OF DEKALB

To: Fidelity National Title Insurance Company; Turnerhill Road Lithonia Propco, LLC, a Delaware limited liability company; and American National, LLC, This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6a, 6b, 7a, 7b1, 7c, 8, 9, 10, 11a, 13, 14, 16, 17, 18, 19, 20 of Table A thereof. The fieldwork was completed on (10/11/2021).

NETWORK REFERENCE #20212869-1



JOHN P. MALONE

Land Surveyor Number: 2826 in state of GEORGIA Date of Plat or Map: 10/11/2021 Date of last revision: 1/19/2021

Surveyor

Survey Prepared By: Stencel & Associates, LLC | LSF#001350 229 Greenway Street Thomson, Ga 30824

MCDANIELS STREET

VICINITY MAP- N.T.S.

SITE

CONYERS STREET

GENERAL NOTES

\$ MCDANIELS STREET, ALL PUBLIC RIGHT OF WAYS

(GN5) THE POSTED ADDRESS ON SITE IS 2700 TURNER HILL ROAD LITHONIA. GA 30058.

(GNG) PARCEL NUMBERS OF SUBJECT SITE -16 169 01 026 .

(GN7) NO PARTY WALLS WERE OBSERVED. (GN8) NO WETLAND MARKERS WERE OBSERVED

(GN I)) NO PLOTTABLE OFFSITE EASEMENTS WERE OBSERVED. GN 1 2) NO EVIDENCE OBSERVED WHILE CONDUCTING FIELD VORK OF ANY CEMETERIES, GRAVESITES, AND BURIAL GROUNDS.

AS-SURVEYED LEGAL DESCRIPTION

All that tract or parcel of land lying and being Land Lot 169 of the 16th District of Dekalb County, Georgia, containing 39.69 acres, and being more particularly described as follows:

Beginning at a concrete monument found (CMF) on the miter angle of the northern right of way intersection of Conyers Street, a public right of way and Turner Hill Road, a public right of way, thence continuing along the northern right of way of Conyers Street North 88 degrees 27 minutes 04 seconds West for a distance of 154.17' to a CMF, thence running along a curve to the left for a arc distance of 167.04', a chord bearing of South 85 degrees 57 minutes 21 seconds West for a chord distance of 167.77' with a radius of 858.51' to a point, thence running South 80 degrees 25 minutes 32 seconds West for a distance of 37.79' to a CMF, thence running North 00 degrees 43 minutes 06 seconds West for a distance of 17.16' to a CMF, thence running South 75 degrees 42 minutes 12 seconds West for a distance of 87.91' to a CMF, thence running along a curve to the right for a arc distance of 261.00', a chord bearing of North 80 degrees 33 minutes 18 seconds West for a chord distance of 256.18' with a radius of 390.74' to a CMF, thence running North 61 degrees 42 minutes 48 seconds West for a distance of 117.99', thence running North 87 degrees 51 minutes 04 seconds West for a distance of 83.66' to a point, thence running North 59 degrees 55 minutes 20 seconds West for a distance of 80.43' to a #4rbf, thence leaving said right of way running North 29 degrees 14 minutes 52 seconds East for a distance of 209.96' to a point, thence running North 59 degrees 49 minutes 21 seconds West for a distance of 302.87' to a point, thence running North 58 degrees 30 minutes 32 seconds West for a distance of 78.20' to a point, thence running North 27 degrees 17 minutes 25 seconds East for a distance of 62.28' to a point, thence running North 77 degrees 28 minutes 12 seconds West for a distance of 167.85' to a point, thence running North 00 degrees 20 minutes 27 seconds East for a distance of 195.94' to a point, thence running North 73 degrees 43 minutes 36 seconds West for a distance of 128.77' to a point located on the eastern right of way of North Mcdaniel Street, a public right of way, thence continuing along said right of way running North 00 degrees 48 minutes 51 seconds East for a distance of 5.78' to a point, thence running along a curve to the right for an arc distance of 16.65, a chord bearing of North 22 degrees 41 minutes 00 seconds East for a chord distance of 16.62' with a radius of 81.76' to a point, thence running along a curve to the left for an arc distance of 156.46', a chord bearing of North 25 degrees 12 minutes 32 seconds West for a chord distance of 108.79' with a radius of 55.00' to a point, thence leaving said right of way running North 01 degrees 09 minutes 22 seconds West for a distance of 295.24' to a point on the eastern right of way of Mcdaniel Street, a public right of way, thence leaving said right of way running North 01 degrees 09 minutes 03 seconds West for a distance of 1104.23' to a point located on the southern right of way of Turner Hill Road, a public right of way, thence continuing along said right of way until the point of beginning following these courses South 60 degrees 18 minutes 08 seconds East for a distance of 26.11' to a point, thence running South 18 degrees 57 minutes 20 seconds East for a distance of 108.17' to a point, thence running South 30 degrees 49 minutes 33 seconds East for a distance of 157.15' to CMF, thence running along a curve to the left for an arc distance of 314.24', a chord bearing of South 32 degrees 36 minutes 27 seconds East for a chord distance of 313.92' with a radius of 1999.86' to a CMF, thence running South 32 degrees 03 minutes 22 seconds East for a distance of 159.63' to a CMF, thence running South 54 degrees 11 minutes 58 seconds East for a distance of 106.47' to a CMF, thence running South 46 degrees 36 minutes 31 seconds East for a distance of 152.47' to a CMF, thence running South 52 degrees 55 minutes 10 seconds East for a distance of 155.36' to a CMF Broken, thence running South 47 degrees 34 minutes 46 seconds East for a distance of 350.26, thence running South 41 degrees 26 minutes 31 seconds East for a distance of 150.42' to a CMF, thence running South 48 degrees 48 minutes 11 seconds East for a distance of 232.87' to a CMF, thence running along a curve to the right for an arc distance of 741.63, a chord bearing of South 22 degrees 57 minutes 34 seconds East for a chord distance of 732.23' with a radius of 1342.39' to a CMF, thence running South 88 degrees 39 minutes 31 seconds East for a distance of 29.57' to a CMF, thence running along a curve to the right for an arc distance of 195.39, a chord bearing of South 02 degrees 54 minutes 00 seconds East for a chord distance of 195.22' with a radius of 1372.39' to a CMF, thence running along the miter angle South 48 degrees 22 minutes 47 seconds West for a distance

of 88.50' to a CMF known as the Point of Beginning.

TITLE COMMITMENT LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 169 of the 16th District of DeKalb County, Georgia, containing 39.721 acres, and being designated as parcels A, B and C, as shown on release plat for McPhail properties, by Billy May Cheek, RLS No. 1615, with Mayas, James and associates, dated March 16, 1989, and being more particularly described as follows:

To find the True Point of Beginning, begin at a point at the intersection of the West right-of-way line of Turner Hill Road

Extension with the North right-of-way line of Conyers Street connector if said lines ware attended to form an angle instead

of a curve running thence South 89 degrees 50 minutes 17 seconds West, 63.00 feet to an iron pin and the True Point of Beginning; running thence from said True Point of Beginning along the North right-of-way line of Conyers Street connector the following courses and distances: South 89 degrees 30 minutes 17 seconds West, 155.00 feet to a point; thence along an arc of a curve having a radius of 858.31 feet (being subtended by a chord bearing and distance of South 84 degrees 15 minutes 22 seconds West, 167.02 feet) 167.29 feet to a point; South 78 degrees 40 minutes 27 seconds West, 38.18 feet to a point; North 00 degrees 07 minutes 33 seconds West, 18.19 feet to a point; South 73 degrees 35 minutes 39 seconds West, 88.72 feet to a point; thence along an arc of curve having a radius of 390.71 feet (being subtended by a chord bearing and distance of North 82 degrees 12 minutes 30 seconds West, 233,96 feet) 260.75 feet to a point; North 63 degrees 05 minutes 26 seconds West, 118.37 feet to a point; North 09 degrees 23 minutes 32 seconds West, 83.66 feet to a point on the Northeasterly right-of-way line of Conyers Street; thence running along the Northeasterly right-of-way line of Conyers Street; North 61 degrees 27 minutes 53 seconds West, 81.70 feet to an iron pin; thence North 27 degrees 40 minutes 22 seconds East, 210.00 feet to an iron pin; thence North 61 degrees 23 minutes 12 seconds West, 302.80 feet to an iron pin; thence North 60 degrees 03 minutes 56 seconds West, 78.20 feet to an iron pin; thence North 25 degrees 56 minutes 38 seconds East, 62.00 feet to an iron pin; thence North 78 degrees 56 minutes 08 seconds West, 168.00 feet to an iron pin; thence North 01 degrees 13 minutes 28 seconds West, 196.00 feet to an iron pin; thence North 75 degrees 21 minutes 02 seconds West, 128.79 feet to an iron pin on the East right-of-way line of North McDaniel Street; running thence along the East right-of-way line of North McDaniel Street; North 00 degrees 49 minutes 56 seconds West, 3.38 feet to a point; thence running along a cul de sac of North McDaniel Street along an arc of a curve having a radius of 81.76 feet (being subtended by a chord bearing and distance of North 21 degrees 02 minutes 13 seconds East, 16.62 feet) 16.63 feet to a point; thence containing along said cul de sac along an arc of a curve having a radius of 53.00 feet (being subtended by a chord bearing and distance of North 26 degrees 31 minutes 17 seconds West, 108.79 feet) 136.44 feet to a nail found in rock; running thence North 02 degrees 62 minutes 49 seconds West, 293.56 feet to an iron pin; thence North 02 degrees 42 minutes 50 seconds West, 297.64 feet to a point; thence North 02 degrees 42 minutes 50 seconds West, 606.10 feet to an iron pin on the Southwest right-of-way line of Turner Hill Road Extension; running thence along the Southwest right-of-way line of Turner Hill Road extension, the following courses and distances; South 58 degrees 23 minutes 48 seconds East, 26.04 feet to a point; South 23 degrees 40 minutes 08 seconds East; 103.32 feet to a point; South 31 degrees 03 minutes 03 seconds West, 137.74 feet to a point; thence along an arc of curve having a radius of 1999.56 feet (being subtended by a chord bearing and distance of South 34 degrees 10 minutes 08 seconds East, 313.81 feet) 314.14 feet to a point; South 33 degrees 42 minutes 06 seconds East, 139.07 feet to a point; South 33 degrees 23 minutes 37 seconds East, 107.11 feet to a point; South 48 degrees 20 minutes 34 seconds East, 131.72 feet to a point; South 54 degrees 12 minutes 23 seconds East, 133.39 feet to a point; South 48 degrees 32 minutes 49 seconds East, 350.14 feet to a point; South 42 degrees 35 minutes 02 seconds East, 131.23 feet to a point; South 50 degrees 22 minutes 15 seconds East, 233.11 feet to a point; thence along an arc of curve having a radius of 1342.39 feet (being subtended by a chord bearing and distance of South 33 degrees 12 minutes 00 seconds East, 246.48 feet) 266.83 feet to a point; thence along an arc of a curve having a radius of 1342.39 feet (being subtended by a chord bearing and distance of South 19 degrees 23 minutes 18 seconds East, 491.30 feet) 494.08 feet to a point; North 89 degrees 30 minutes 18 seconds East, 30.34 feet to a point; thence along an arc of a curve having a radius of 1372.39 feet (being subtended by a chord bearing and distance of South 04 degrees 33 minutes 37 seconds East, 195.90 feet) 196.06 feet to a point; South 47 degrees 16 minutes 20 seconds West, 88.23 feet to a point and the True Point of Beginning.

Less and Except:

All that tract or parcel of land lying, and being in Land Lot 169 of the 16th Land District, DeKalb County, Georgia, as shown on survey for Jawahar Chugh dated 9/26/02 prepared by Louie D. Patrick, GA RLS, which plat is incorporated herein and made a part hereof for a more complete description and being more particularly described as follows: Beginning at the intersection of the West right of way of the Turner Hill Road Extensions where the same intersects the North right of way of Georgia Railroad (200' right of war), thence run North 37 degrees 50 minutes 55 seconds West along the North right of way of the Georgia Rail Road a distinct of 122.54 feet to a point; thence run North 87 degrees 50 minutes 55 seconds West along the North right of way of the Georgia Railroad a distance of 36.87 feet to a iron pin set at the centerline of Old Conyers Street (30' right of way); thence run North 63 degrees 53 minutes 16 seconds West a distance of 480.53 feet to a PK nail set at the Southern right of way of Convers Street thence run North 88 degrees 39 minutes 45 seconds East a chord distance of 32.57 feet with an arc measurement of 32.58 feet to a point thence run North 82 degrees 42 minutes 25 seconds East along the Southern right of way of Convers Street a chord distance of 69.60 feet with an arc measurement of 69.66 feet to a concrete right of way marker; thence run North 78 degrees 24 minutes 48 seconds East along the Southern right of way of Conyers Street a distance of 86.87 feet to a concrete right of way marker; thence run North 01 degrees 19 minutes 17 seconds East along the Easterly right of way of Conyers Street a distance of 10.13 feet to a point; thence run North 84 degrees 15 minutes 22 seconds East along the Southern right of way of Conyers Street a chord distance of 151.46 feet with an arc measurement of 151.70 feet to a Point, thence North 89 degrees 50 minutes 18 seconds East along the Southern right or way of Conyers Street a distance of 155.00 feet to a point; thence run South 47 degrees 27 minutes 34 seconds East along the Southwesterly right of way of Conyers Street a distance of 88.44 feet to a point on the Westerly right of way of Turner Hill Road Extension; thence run South 00 degrees 09 minutes 42 seconds East along the Westerly right of way of Turner Hill Road Extension a distance of 216.91 feet to a point on the Georgia Railroad right of way and True Point of Beginning.

ASSURANCE NOTE:

This an assurance note that this is the same Tract referenced to the Fidelity National Title Insurance Company, Commitment No. 212520GA dated September 8, 2021 and is the same property shown on this survey.

Notes Corresponding to Schedule B, Part II

12. Any right, interest or claim that may exist, arise or be asserted under or pursuant to the Perishable Agricultural Commodities Act of 1930, as amended, 7 USC 499a et seq., the Packers and Stockyard Act of 1921, as amended, 7 USC 181 et seq., or any similar state laws. (No Survey Matters to Plot)

13. Sewer Easement between Davidson Mineral Properties, Inc. and DeKalb County, dated October 25, 1973, filed January 7, 1974 and recorded in Deed Book 3118, Page 28, records of the Superior Court of DeKalb County, Georgia. (Too Ambiguous to Plot) 14. Soil Easement Novation between Davidson Mineral Properties, Inc. and the Department of Transportation, dated October 30, 1973, filed January 11, 1974 and recorded in Deed Book 3 | 20, Page | 8 |, aforesaid records. (No Survey Matters to Plot)

15. Easements as contained in that Right of Way Deed by and between Davidson Mineral Properties, Inc. and DeKalb County, dated November 27, 1979, filed December 15, 1979 and recorded in Deed Book 4188, Page 317, aforesaid records; as affected by an Easement and Reservation of Easements In that certain Quitclaim Deed between DeKalb County, Georgia and Davidson Mineral Properties, Inc., dated January 5, 1988, filed January 25, 1988 and recorded in Deed Book 6046, Page 287, aforesaid records. (Plotted and Shown Hereon, as RW) 16. Sewer Easement from Davidson Mineral Properties, inc. to DeKalb County, Georgia, dated October 21, 1982, filed November 23, 1982 and recorded in Deed Book 4682, Page 576, aforesaid records. (Plotted and Shown Hereon)

17. Easements as contained in that Right of Way Deed by and between Davidson Mineral Properties, Inc. and DeKalb County, a Georgia political subdivision, dated May 3, 1983, filed May 5, 1983 and recorded in Deed Book 4753, Page 206, aforesaid records. (Plotted and Shown Hereon as N. Mcdaniels Street R/W)

8. Easements as contained in that Right of Way Deed by and between Davidson Mineral Properties, Inc. and DeKalb County, dated December 17, 1987, filed February 10, 1988 and recorded in Deed Book 6058, Page 259, aforesaid records.

19. All matters affecting subject property as shown on the following plats, all aforesaid

(Plat Illegible, Plotted and Shown Hereon as Turner Hill Road R/W)

(A) Plat Book 9, Page 47; and (Plotted and Shown Hereon, as Record Boundary) (B) Plat Book 28 I, Pages 85-87. (Plotted and Shown Hereon, as Record Boundary)

Sheet 1 of 2

FLOOD NOTE:

y graphic plotting only, a portion of this property is in Zone(s) ONE "X" & ZONE "AE"of the Flood Insurance Rate Map,Community Panel No.

108/2016 and is partially in a Special Flood Hazard Area.

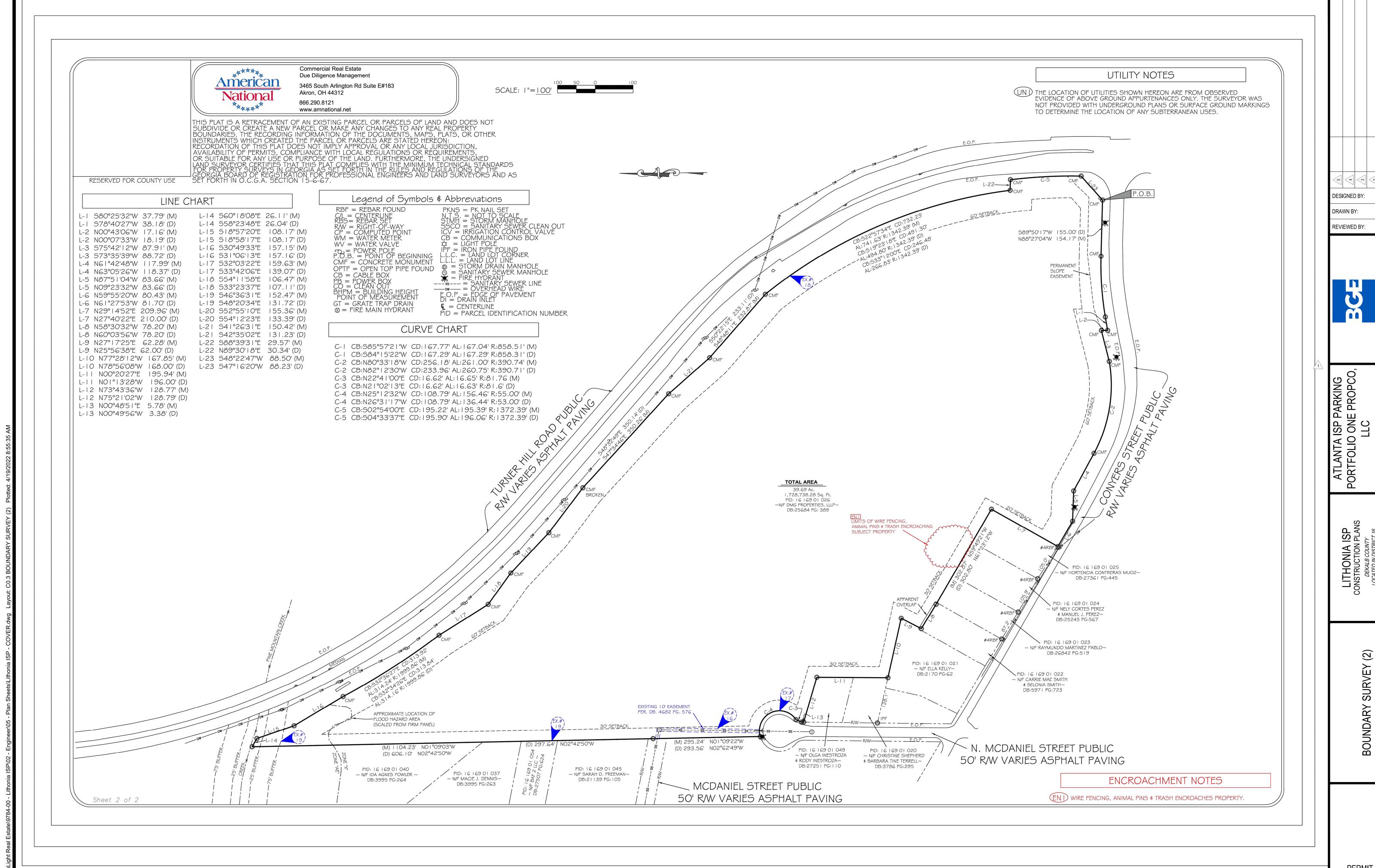
Know what's below. Call before you dig.

DESIGNED BY: DRAWN BY: REVIEWED BY: ATLANTA ISP PA PORTFOLIO ONE F LLC SURVEY

PERMIT SET **FILE NUMBER:** 9784-00

C0.2

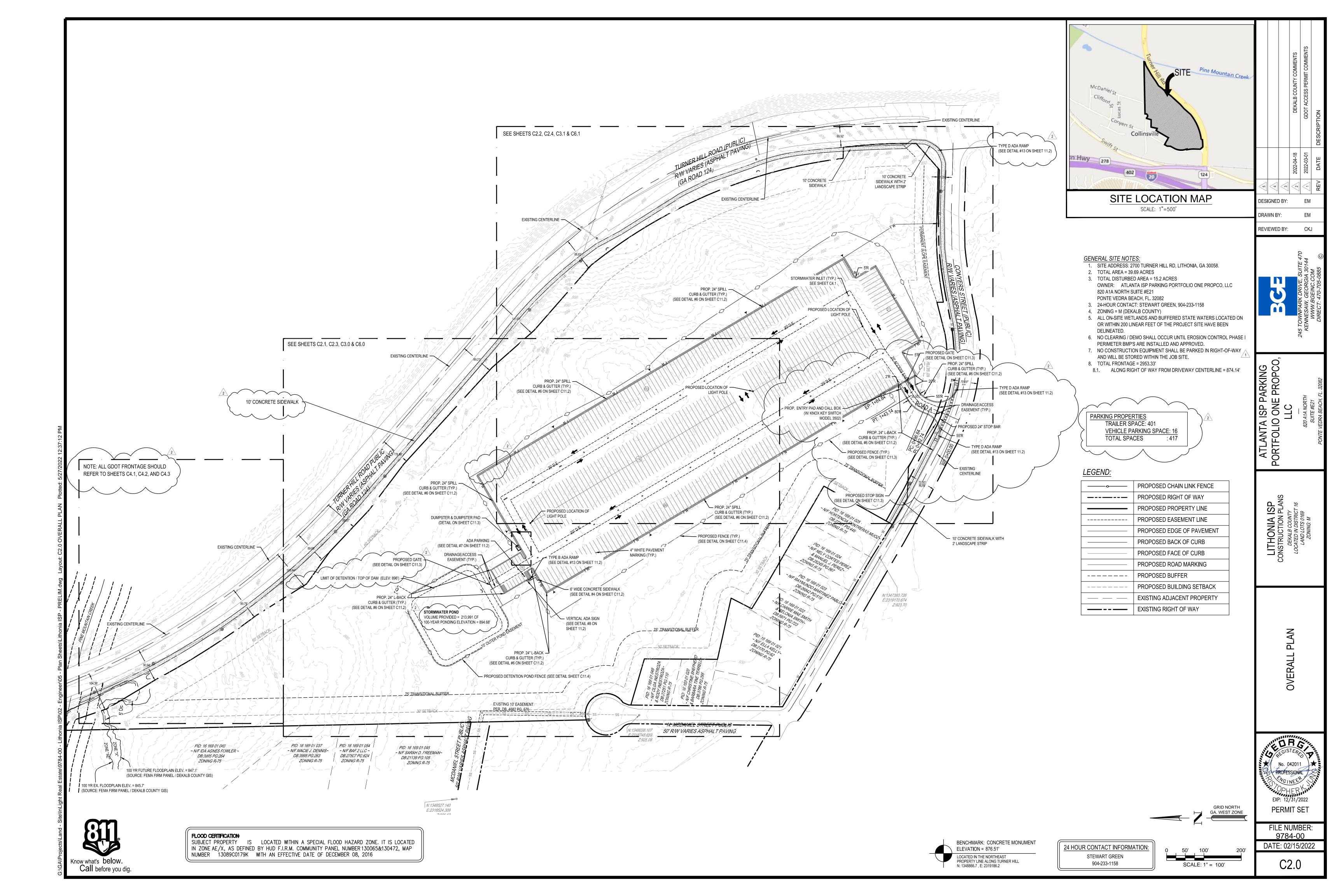
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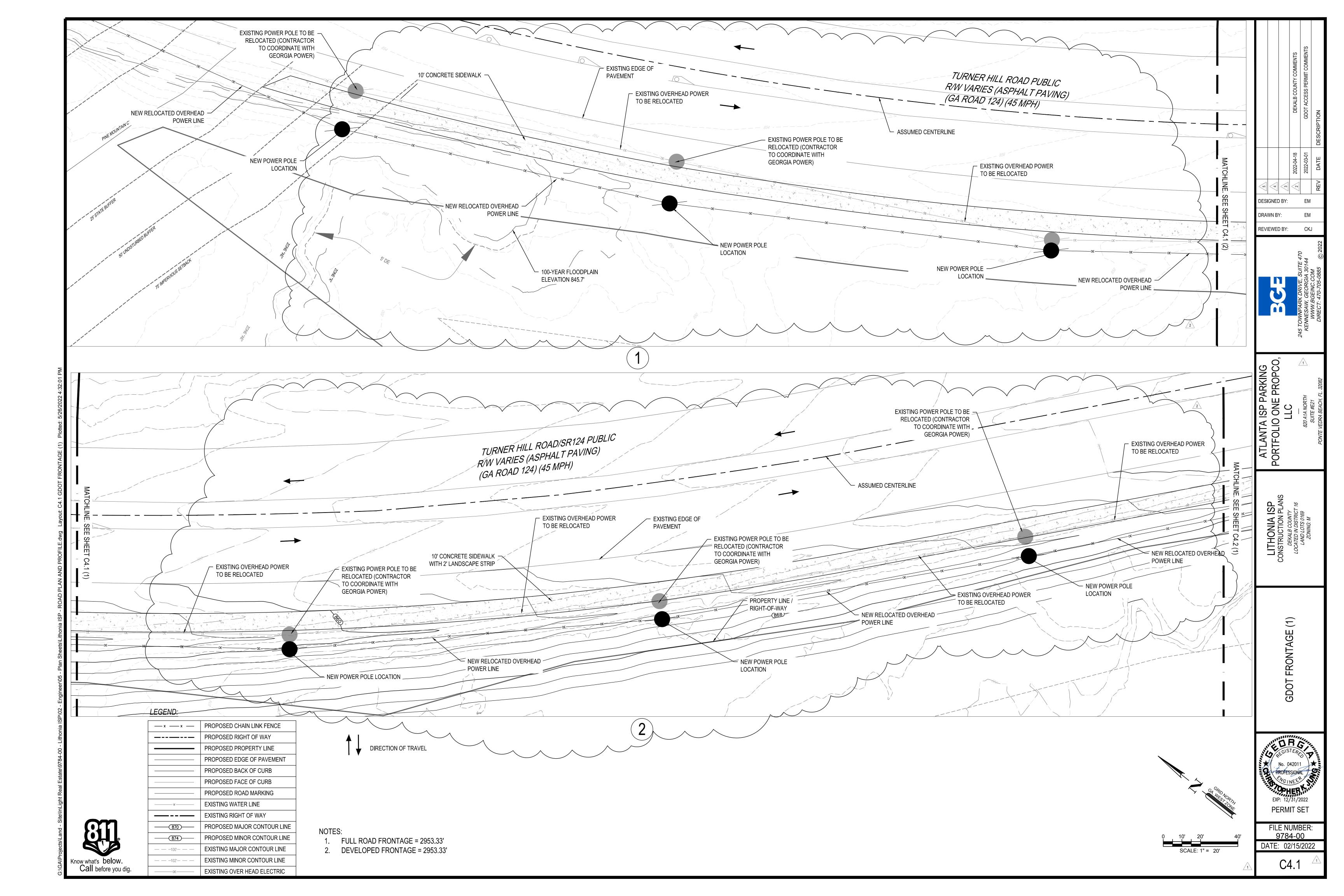


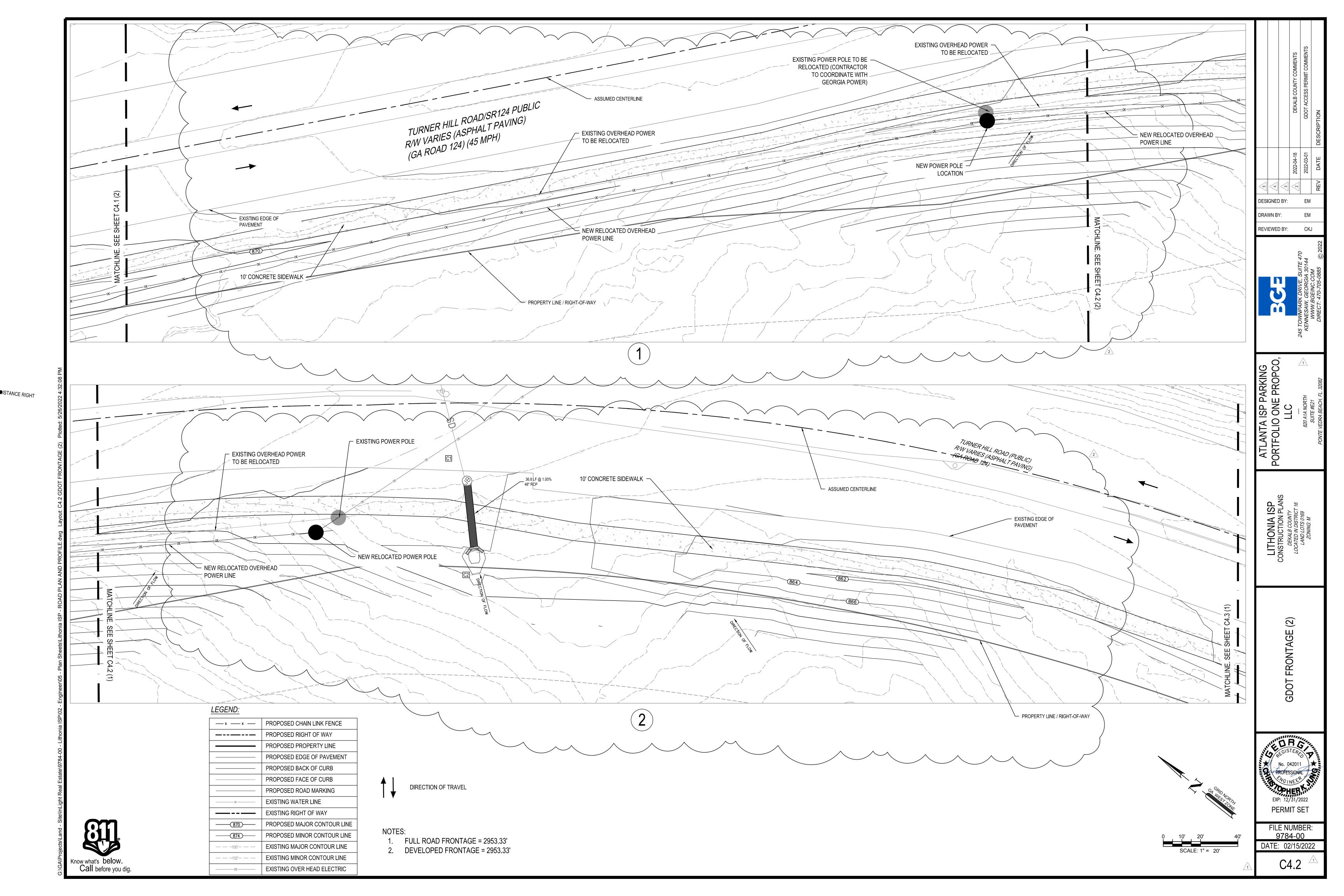


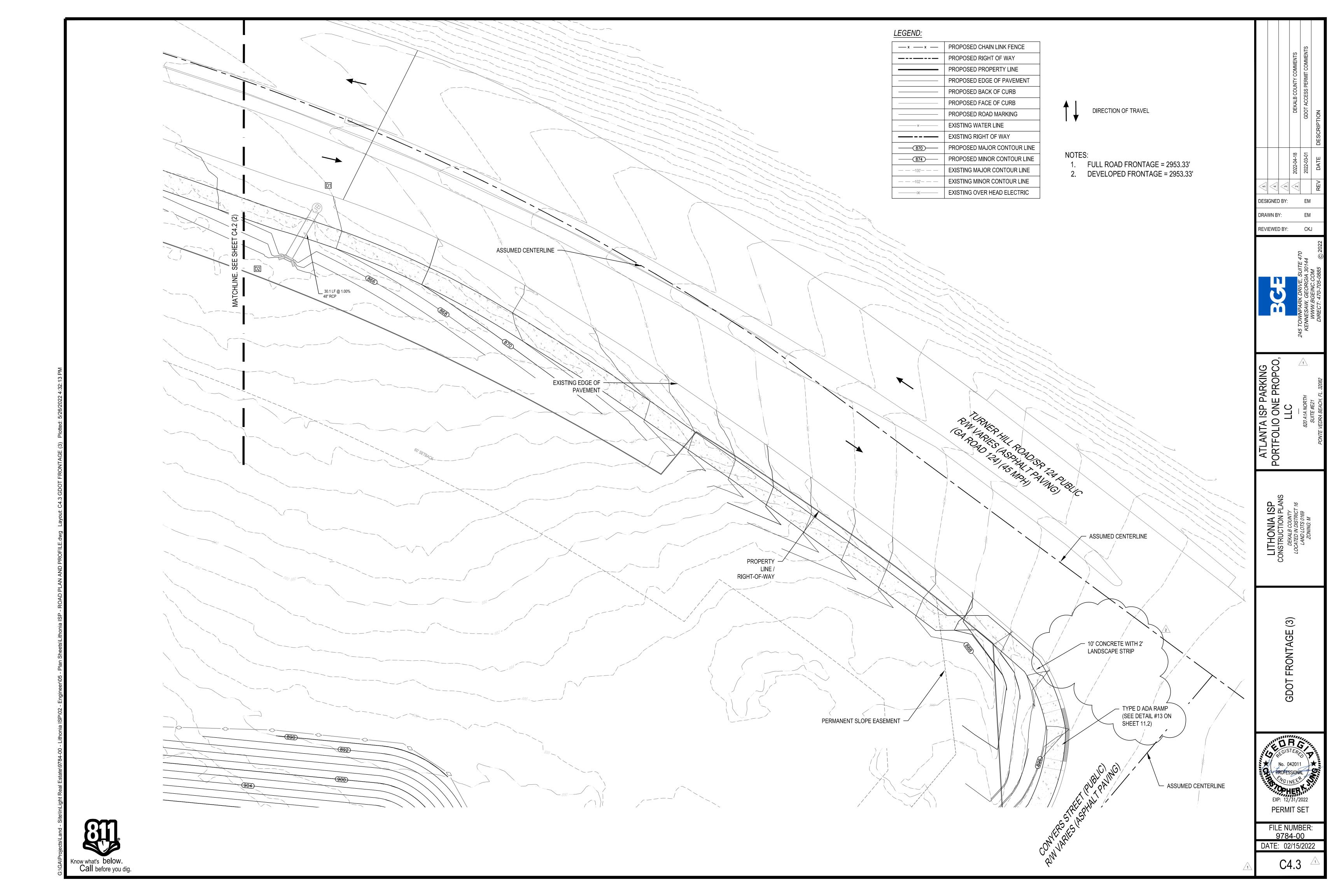
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SURVEY









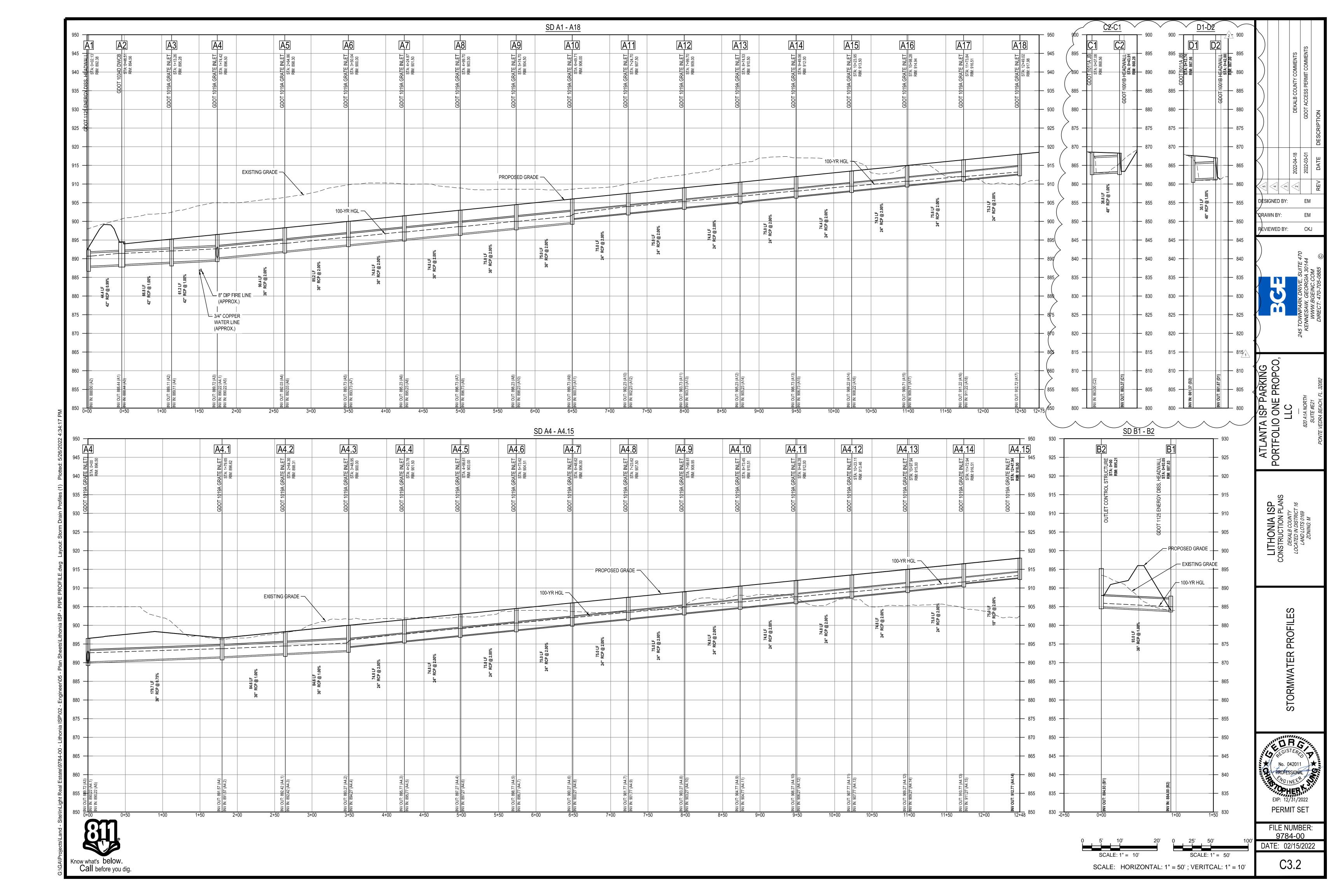




Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10