

2648

13-0-1248

(Do Not Write Above This Line)

First Reading

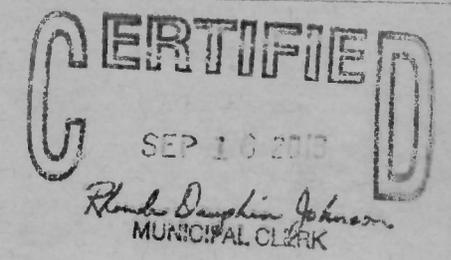
Committee City Utilities
Date August 27 2013
Chair Walter Anderson
Referred To EC

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd
Readings
 Consent V Vote RC Vote

AN ORDINANCE BY
CITY UTILITIES COMMITTEE

AN ORDINANCE CLARIFYING THE INTENT OF ORDINANCE 03-O-1652 AS TO THE PROPOSED ABANDONMENT OF MOROSGO PLACE N.E. AND MOROSGO WAY N.E., LYING AND BEING IN LAND LOT 48 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA, BY REVISING AND RESTATING THE RIGHT OF WAY TO BE ABANDONED FOR THE PURPOSE OF SATISFYING UPDATED PLANS FOR THE CREATION OF CONNECTIVITY IN THE AREA AND RESPONDING TO THE PROPOSED PRIVATE DEVELOPMENT INITIATIVES THROUGH THE EXCHANGE OF REAL PROPERTY OF THE CITY FOR CERTAIN ADJACENT PRIVATE PROPERTY; AND FOR OTHER PURPOSES.



ADOPTED BY
SEP 16 2013
COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Committee City Utilities
Date Sept 10 2013
Chair H. J. S. L.
Action Other
Fav, Adv, Hold (see rev. side)

Committee _____
Date _____
Chair _____
Action _____
Fav, Adv, Hold (see rev. side)
Other _____

MAYOR'S ACTION

APPROVED

SEP 25 2013

WITHOUT SIGNATURE
BY OPERATION OF LAW

Members
Walter Anderson
Madison
ADSL

Date Referred 9/3/13
Referred To: City Utilities
Date Referred _____
Referred To: _____
Date Referred: _____
Referred To: _____

Refer To

Refer To

**AN ORDINANCE BY
CITY UTILITIES COMMITTEE**

AN ORDINANCE CLARIFYING THE INTENT OF ORDINANCE 03-O-1652 AS TO THE PROPOSED ABANDONMENT OF MOROSGO PLACE N.E. AND MOROSGO WAY N.E., LYING AND BEING IN LAND LOT 48 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA, BY REVISING AND RESTATING THE RIGHT OF WAY TO BE ABANDONED FOR THE PURPOSE OF SATISFYING UPDATED PLANS FOR THE CREATION OF CONNECTIVITY IN THE AREA AND RESPONDING TO THE PROPOSED PRIVATE DEVELOPMENT INITIATIVES THROUGH THE EXCHANGE OF REAL PROPERTY OF THE CITY FOR CERTAIN ADJACENT PRIVATE PROPERTY; AND FOR OTHER PURPOSES.

WHEREAS, the Atlanta City Council adopted Ordinance 03-O-1652 (“03-O-1652”) on November 3, 2003, authorizing the abandonment of Morosgo Place N.E. and Morosgo Way N.E., said proposed abandonment (the “2003 Proposed Abandonment”) being shown on the attached Exhibit “A”; and

WHEREAS, 03-O-1652 indicates that City only intended to complete the 2003 Proposed Abandonment if the property owner abutting the Proposed Abandonment agreed to pay fair market value for the property rights to be conveyed by the City; and

WHEREAS, the 2003 Proposed Abandonment was never completed as the fair market value for the right-of-way associated with Morosgo Place N.E. and Morosgo Way N.E. was never paid to the City and Morosgo Place N.E. and Morosgo Way N.E. continued to operate as right-of-way used by the traveling public; and

WHEREAS, the current, sole abutting property owner to the 2003 Proposed Abandonment, Buckhead South, LLC (the “Applicant”) has approached the City about revising the 2003 Proposed Abandonment to the configuration set forth in Exhibit “B” and certain accompanying legal descriptions (the “Revised Abandonment”); and

WHEREAS, the Applicant has paid a fee of \$2,500 for the costs of advertisement of the Revised Abandonment as specified by Section 138-9(a)(5) of the City of Atlanta Code of Ordinances; and

WHEREAS, the Applicant has agreed to execute an affidavit acknowledging that the 2003 Proposed Abandonment was never completed and waives any claim that it has any interest in any of the right-of-way associated with the 2003 Proposed Abandonment; and

WHEREAS, the Applicant has proposed a configuration for the Revised Abandonment and the commissioner of public works has determined that that the right of way to be abandoned is no longer necessary for the public's use and convenience as a public right-of-way, provided that certain other street connections are made as shown in Exhibit “B” and



that the conditions outlined in City Code Sec. 138-9 have been fulfilled or will be fulfilled by the time that a final vote is taken by the Atlanta City Council; and

WHEREAS, the commissioner of planning and community development has determined that construction of the relocated intersection of a relocated Morosgo Way (“New Morosgo Way”) and the street connections shown in Exhibit “B” satisfy the Connect Atlanta Plan and the Lindbergh Livable Cities Initiative which were created after 03-O-1652 was adopted by the City Council and approved by the Mayor such that the Revised Abandonment is in the best interests of the City; and

WHEREAS, the square footage of property to be abandoned by the City for the construction of the relocated intersection of New Morosgo Way and the street connections as generally shown in Exhibit “B” is approximately 20,626 square feet; and

WHEREAS, in lieu of payment of fair market value for the Revised Abandonment, the Applicant has agreed to dedicate approximately 25,300 square feet of right-of-way (the “New Right-of-Way”) which shall comprise the New Morosgo Way (“New Morosgo Way”) and a relocated intersection on New Morosgo Way and Morosgo Place, also as generally shown on Exhibit “B”; and

WHEREAS, pursuant to Section 2-1543 of the Procurement and Real Estate Code of the City, real property interests may be acquired by the City in exchange for surplus real property interests provided that the chief procurement officer determines that the square-foot for square-foot or dollar value for dollar value exchange is in the best interests of the City; and

WHEREAS, the exchange of property contemplated by this ordinance is in close proximity such that an appraisal would be unnecessary and because the City is receiving more property in exchange such that the financial interests of the City are protected; and

WHEREAS, San Lucia Land, LLC, an entity controlled by the Applicant currently has a contract with Greystar GP II, LLC (“Greystar”) to sell land adjacent to the New Morosgo Way and said contract calls for Greystar to construct New Morosgo Way N.E. and its intersection with Morosgo Place N.E. to City standards within the New Right of Way; and

WHEREAS, in order to construct New Morosgo Way, N.E. and its intersection with Morosgo Place, N.E. the City will need to grant a temporary construction easement to Greystar so that Greystar can construct the new road and intersection in the configuration shown on Exhibit “B”; and.

WHEREAS, the Applicant and Greystar agree that public access to the right-of-way associated with the Revised Abandonment may not be denied until the New Morosgo Way N.E. and its intersection with Morosgo Place N.E. are constructed to City standards with the New Right of Way; and

WHEREAS, the commissioner of public works and the commissioner of planning and development have reviewed the Applicant’s request and concluded that the Revised



Abandonment and the construction of New Morosgo Way, N.E. and its intersection with Morosgo Place, N.E. as described herein will not have any adverse affect on the traffic movement now and in the future.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

SECTION 1: That based on: (i) the failure of conditions for the abandonment of the City's interest in the right of way as set forth in Ordinance 03-O-1652; (ii) the waiver of any claim of interest given by the adjoining property owner in authorized to be abandoned by Ordinance 03-O-1652; and (iii) the continued use by the general public of the right of way for transportation purposes since the November 10, 2003 effective date, the abandonment of such right of way set forth in Ordinance 03-O-1652 is rescinded.

SECTION 2: That the right of way of the City as described in Exhibit "B" attached hereto as the property to be abandoned and as more particularly described in the application for abandonment is hereby declared no longer useful or necessary for the public's use and convenience and the abandonment of same being hereby authorized subject to the satisfactory completion of the New Morosgo Way N.E. and its intersection with Morosgo Place N.E. to City standards. The satisfaction of this condition concerning completion of New Morosgo Way N.E. and its intersection with Morosgo Place N.E. to City standards shall include the building of new sidewalks required by the City's standard street detail and connection to any existing sidewalks where New Morosgo Way N.E. intersects with Morosgo Place N.E. specifically including those parts of Morosgo Way that will be new construction on right of way to be dedicated to the City.

SECTION 3: As consideration and in exchange for the conveyance of the right of way of the City as described in Exhibit "B" totaling approximately 20,626 square feet pursuant to the abandonment application, the Mayor or his designee is authorized to accept real property totaling approximately 25,300 square feet, as shown on Exhibit "B" from the Applicant, its successors or assigns. The adjustment of such square footage is authorized to provide for the installation and connection of sidewalks provided that the square footage received by the City shall exceed the square footage abandoned. The adjustment of square footage is specifically authorized, without limitation, in those situations where the connection of new sidewalks required by the City's standard street detail will connect the existing sidewalks as required to satisfy the conditions required by this ordinance.

SECTION 4: That the Mayor or his designee is authorized to execute a Quit Claim Deed and other necessary documents, as determined by the City Attorney, to convey any interest in the right of way of the City as described in Exhibit "B" totaling approximately 20,626 square feet to the current abutting owners, its successors or assigns provided however that as a condition of the authorization set forth herein and as additional consideration, public access to the right-of-way abandoned by the City shall be secured by an easement of public access until the New Morosgo Way N.E. and its intersection with Morosgo Place N.E. are constructed to City standards and except where closure is permitted as a part of the construction approved by the Department of Public Works.



SECTION 5: The requirements of Section 2-1541 for an appraisal, title reports and survey are waived in that the real property to be exchanged is in such close proximity. The requirement for a title report shall be at the option of the City.

SECTION 6: That the Mayor or his designee is authorized to execute a construction easement to Greystar, its successors or assigns to allow for the construction of the New Morosgo Way N.E. and its intersection with Morosgo Place N.E. according to the standards for construction of City streets and at no cost to the City. The plans for the construction of New Morosgo Way N.E. shall be approved by the Department of Public Works and all required permits shall be obtained before construction can begin. Such construction easement shall expire upon the acceptance of New Morosgo Way N.E. and its intersection with Morosgo Place N.E. or twenty-four months whichever shall first occur.

SECTION 7: The City Attorney, or a designee, is authorized to prepare all necessary documents to facilitate this transaction and to record all documents in the Fulton County Records; provided however that any costs to close the transaction and record the deeds are to be borne by the Applicant.

SECTION 8: This ordinance shall become effective when signed by the Mayor or by operation of law.

A true copy,

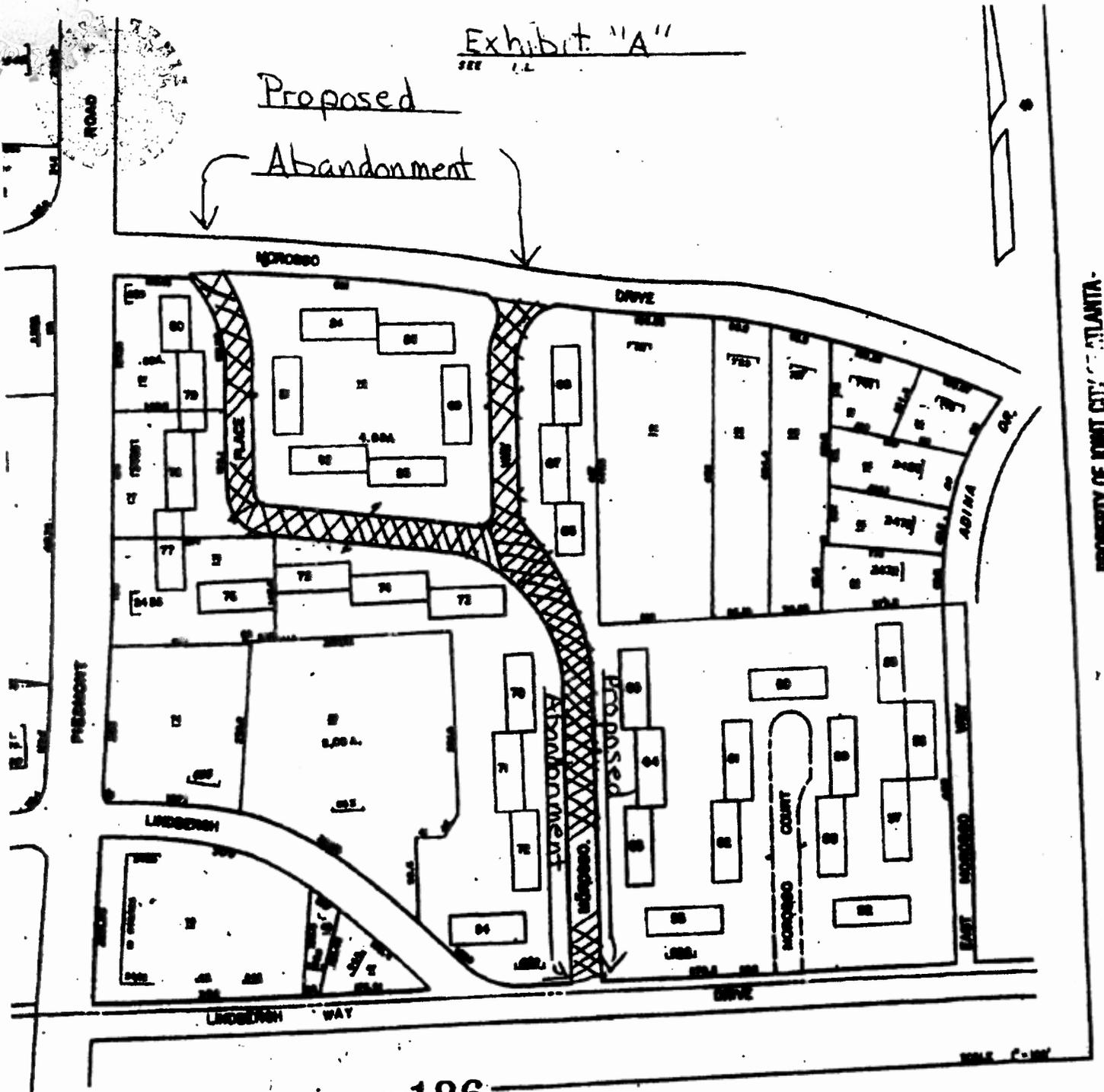
ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

September 16, 2013
September 25, 2013

Rhonda Dauphin Johnson
Municipal Clerk

Exhibit "A"
SEE L.L.

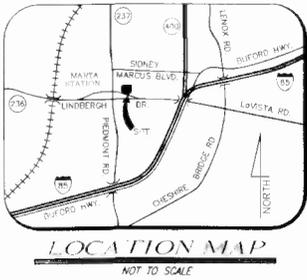
Proposed
Abandonment



PROPERTY OF JOINT CITY OF ATLANTA
PLANNING DEPARTMENT
1988

186

EXHIBIT A



LOCATION MAP
NOT TO SCALE

TRACT 1
0.379 ACRES
16,116 SQ. FT.

TRACT 2
0.104 ACRES
4,510 SQ. FT.

TRACT 3
0.581 ACRES
25,300 SQ. FT.

TRACT 4
0.314 ACRES
13,690 SQ. FT.

LEGAL DESCRIPTION: TO BUCKHEAD SOUTH LLC

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND LYING AND BEING IN LAND LOT 48 OF THE 17th DISTRICT FULTON COUNTY, GEORGIA AND BEING MORE FULLY SHOWN AS TRACT 1 AND DESIGNATED 0.379 ACRES (16,116 SQ. FT.) AND HAS THE FOLLOWING METES AND BOUNDS TO WIT:

COMMENCING AT A RIGHT-OF-WAY INTERSECTION BETWEEN THE EASTERLY RIGHT-OF-WAY OF MOROSGO PLACE (60' R/W) AND THE SOUTHERLY RIGHT-OF-WAY OF MOROSGO DRIVE (60' R/W), SAID RIGHT-OF-WAY INTERSECTION BEING THE POINT-OF-COMMENCEMENT (P.O.C.); THENCE CONTINUING EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF MOROSGO DRIVE (60' R/W) FOR A DISTANCE OF 323.36' TO A POINT AT THE WESTERLY RIGHT-OF-WAY OF THE EXISTING MOROSGO WAY (50' R/W), SAID POINT BEING THE POINT-OF-BEGINNING (P.O.B.)

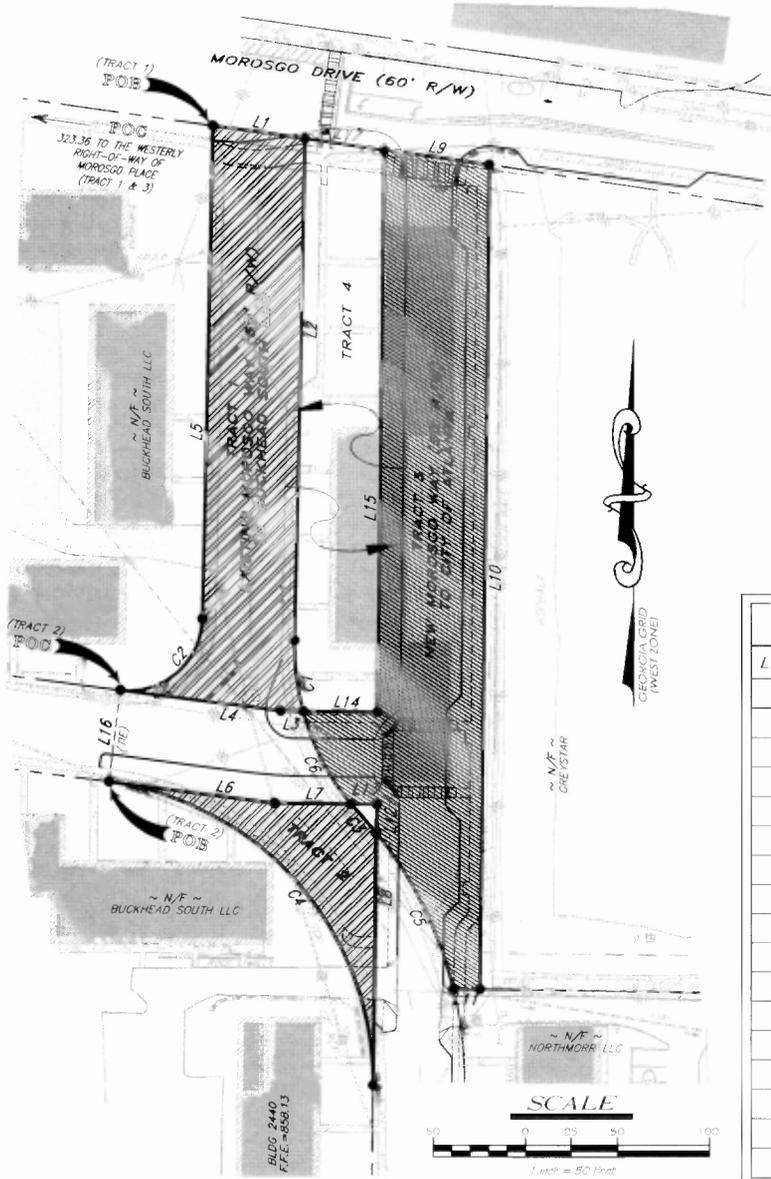
FROM THE POINT-OF-BEGINNING (P.O.B.) THUS ESTABLISHED, THENCE CONTINUING SOUTH 82 DEGREES 04 MINUTES 20 SECONDS EAST (S82°04'20"E) FOR A DISTANCE OF 50.34' TO A POINT; THENCE TURNING AND CONTINUING SOUTH 01 DEGREES 13 MINUTES 11 SECONDS WEST (S01°13'11"W) FOR A DISTANCE OF 272.72' TO A POINT; THENCE TURNING AND CONTINUING ALONG THE ARC OF A CURVE THAT DEFLECTS TO THE LEFT HAVING A RADIUS OF 134.74' WITH AN ARC LENGTH OF 38.89', SAID ARC BEING SUBTENDED BY A CHORD BEARING SOUTH 07 DEGREES 02 MINUTES 50 SECONDS EAST (S07°02'50"E) FOR A CHORD DISTANCE OF 38.75' TO A POINT; THENCE TURNING AND CONTINUING NORTH 89 DEGREES 20 MINUTES 58 SECONDS WEST (N89°20'58"W) FOR A DISTANCE OF 12.38' TO A POINT; THENCE TURNING AND CONTINUING NORTH 82 DEGREES 42 MINUTES 16 SECONDS WEST (N82°42'16"W) FOR A DISTANCE OF 87.78' TO A POINT; THENCE TURNING AND CONTINUING ALONG THE ARC OF A CURVE THAT DEFLECTS TO THE LEFT HAVING A RADIUS OF 40.00' AND AN ARC LENGTH OF 66.93', SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 49 DEGREES 08 MINUTES 50 SECONDS EAST (N49°08'50"E) FOR A CHORD DISTANCE OF 59.39' TO A POINT; THENCE CONTINUING NORTH 01 DEGREES 13 MINUTES 16 SECONDS EAST (N01°13'16"E) FOR A DISTANCE OF 267.99' TO A POINT AT THE SOUTHERLY RIGHT-OF-WAY OF MOROSGO DRIVE (60' R/W), SAID POINT BEING THE POINT-OF-BEGINNING (P.O.B.)

TOGETHER WITH:

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND LYING AND BEING IN LAND LOT 48 OF THE 17th DISTRICT FULTON COUNTY, GEORGIA AND BEING MORE FULLY SHOWN AS TRACT 2 AND DESIGNATED 0.104 ACRES (4,510 SQ. FT.) AND HAS THE FOLLOWING METES AND BOUNDS TO WIT:

COMMENCING AT THE RIGHT-OF-WAY INTERSECTION BETWEEN THE NORTHERLY RIGHT OF WAY OF MOROSGO PLACE (50' R/W) AND THE NORTHWESTERLY RIGHT-OF-WAY OF MOROSGO WAY (50' R/W), SAID RIGHT-OF-WAY INTERSECTION BEING THE POINT-OF-COMMENCEMENT (P.O.C.); THENCE TURNING AND LEAVING SAID RIGHT-OF-WAY INTERSECTION AND TRAVELING ACROSS MOROSGO PLACE (50' R/W) SOUTH 08 DEGREES 54 MINUTES 31 SECONDS WEST (S08°54'31"W) FOR A DISTANCE OF 49.99' TO A POINT AT THE SOUTHWESTERLY RIGHT-OF-WAY OF THE EXISTING MOROSGO WAY (50' R/W), SAID POINT BEING THE POINT-OF-BEGINNING (P.O.B.)

FROM THE POINT-OF-BEGINNING (P.O.B.) THUS ESTABLISHED, THENCE TURNING AND CONTINUING SOUTH 82 DEGREES 42 MINUTES 40 SECONDS EAST (S82°42'40"E) FOR A DISTANCE OF 91.22' TO A POINT; THENCE TURNING AND CONTINUING SOUTH 89 DEGREES 20 MINUTES 58 SECONDS EAST (S89°20'58"E) FOR A DISTANCE OF 41.78' TO A POINT; THENCE TURNING AND CONTINUING ALONG THE ARC OF A CURVE THAT DEFLECTS TO THE RIGHT HAVING A RADIUS OF 423.78' AND AN ARC LENGTH OF 20.85', SAID ARC BEING SUBTENDED BY A CHORD BEARING SOUTH 41 DEGREES 04 MINUTES 25 SECONDS EAST (S41°04'25"E) FOR A DISTANCE OF 20.85' TO A POINT; THENCE TURNING AND CONTINUING SOUTH 00 DEGREES 39 MINUTES 15 SECONDS WEST FOR A DISTANCE OF 137.95' TO A POINT; THENCE TURNING AND CONTINUING ALONG THE ARC OF A CURVE THAT DEFLECTS TO THE LEFT HAVING A RADIUS OF 165.00' AND AN ARC LENGTH OF 240.53', SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 41 DEGREES 03 MINUTES 57 SECONDS WEST (N41°03'57"W) FOR A DISTANCE OF 219.79' TO A POINT, SAID POINT BEING THE POINT-OF-BEGINNING (P.O.B.)



Curve	Length	Radius	Direction	Chord
C1	38.89'	134.74'	S7°02'50"E	38.75'
C2	66.93'	40.00'	N49°08'50"E	59.39'
C3	20.85'	423.78'	S41°04'25"E	20.85'
C4	240.53'	165.00'	N41°03'57"W	219.79'
C5	95.97'	215.00'	N26°26'15"W	95.18'
C6	57.11'	134.74'	N27°27'31"W	56.69'

NOTES:
BOUNDARY REFERENCE WAS TAKEN FROM A CONSOLIDATION MAP FOR GREYSTAR, PREPARED BY HARDY SURVEYING GROUP, LLC, DATED JANUARY 16, 2013.
INFORMATION REGARDING THE PRESENCE, SIZE AND LOCATION OF UNDERGROUND UTILITIES SHOWN HEREON HAS BEEN SHOWN BASED ON THE LOCATION OF THE ABOVE GROUND APPURTENANCES, AVAILABLE DESIGN PLANS, AND FLAGS AND PAINT PLACED BY THE UTILITY PROTECTION SERVICE. NO CERTIFICATION IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF THE INFORMATION CONCERNING UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON. PER GEORGIA LAW, THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES.
THIS TRACT OF LAND DOES NOT LIE WITHIN THE LIMITS OF A DESIGNATED 100 YEAR FLOOD HAZARD AREA ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NO. 13121C0253E DATED JUNE 22, 1998.
THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITIES NAMED HEREON ON THE ISSUED DATE OF SURVEY. NO EXPRESSED OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY OTHER PERSON, PERSONS OR ENTITIES WITHOUT AN EXPRESSED RECERTIFICATION BY THE SURVEYOR OF RECORD.

Line #	Direction	Length
L1	S82°04'20"E	50.34'
L2	S01°13'11"W	272.72'
L3	N89°20'58"W	12.38'
L4	N82°42'16"W	87.78'
L5	N01°13'16"E	267.99'
L6	S82°42'40"E	91.22'
L7	S89°20'58"E	41.78'
L8	S00°39'15"W	137.95'
L9	S82°00'30"E	57.98'
L10	S00°39'02"W	448.51'
L11	N89°11'26"W	14.16'
L12	N00°39'15"E	15.56'
L13	N89°20'58"W	13.88'
L14	S89°20'58"E	40.59'
L15	N00°39'02"E	305.56'
L16	S06°54'31"W	49.99'
L17	S82°00'30"E	43.42'

LEGEND

LINE TYPES

- SUBJECT PROPERTY LINE
- PREVIOUS TRACT LINE
- LAND LOT LINE
- FENCE LINE
- BUILDING SETBACK LINE
- STORM SEWER PIPE
- SANITARY SEWER PIPE
- OVERHEAD POWER LINE
- WATER MAIN
- GAS MAIN
- CURB AND GUTTER (C&G)
- SITE WALL

SYMBOLS

- DI - DROP INLET
- DIR - PIPE DIRECTION
- DWCB - DOUBLE WING CATCH BASIN
- JB - JUNCTION BOX
- SWCB - SINGLE WING CATCH BASIN
- CO - CLEAN OUT
- SSMH - SANITARY SEWER MANHOLE
- WM - WATER METER
- WV - WATER VALVE
- WVLT - WATER VAULT
- GY - GUIDE ARRES
- LP - LIGHT POLE
- PP - POWER POLE
- TRANS - TRANSFORMER
- GM - GAS METER
- GV - GAS VALVE
- BO - BOLLARD
- IPS - IRON PIN SET
- RF - REBAR FOUND

PAGE 1 OF 2
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13-001-SWAP.dwg

- LAND SWAP -
GREYSTAR
LAND LOT 48 - 17th DISTRICT
FULTON COUNTY, GEORGIA
CITY OF ATLANTA

Project No.	No	Revision	Date
13-001	1		
Surveys By:	W.J.B.		
Drawn By:	B.J.B.		
Checked By:	S.M.H.		
Date:	7/25/13		
Scale:	1" = 50'		

GREYSTAR
18 BROAD STREET, SUITE 300
CHARLESTON, SC 29401
Office: 843.579.3227
Fax: 843.302.0201

HARDY SURVEYING GROUP, LLC
LAND SURVEYORS • PLANNERS • CONSULTANTS
No. 3210
PROFESSIONAL
SEVEN DUNWOODY PARK, SUITE 115
ATLANTA, GEORGIA 30338
PH: 770.698.0019 FAX: 770.395.6999



EXHIBIT B
PAGE 1 OF 5

EXHIBIT B

PAGE 2 OF 5

LEGAL DESCRIPTION: TO BUCKHEAD SOUTH LLC

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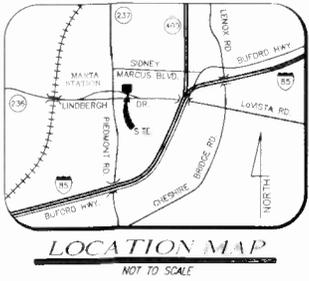
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EXHIBIT B

PAGE 3 OF 5

COMMENCING AT THE RIGHT-OF-WAY INTERSECTION BETWEEN THE NORTHERLY RIGHT OF WAY OF MOROSGO PLACE (50' R/W) AND THE NORTHWESTERLY RIGHT-OF-WAY OF MOROSGO WAY (50' R/W), SAID RIGHT-OF-WAY INTERSECTION BEING THE **POINT-OF-COMMENCEMENT, (P.O.C.)**; THENCE TURNING AND LEAVING SAID RIGHT-OF-WAY INTERSECTION AND TRAVERSING ACROSS MOROSGO PLACE (50' R/W) SOUTH 06 DEGREES 54 MINUTES 31 SECONDS WEST (S06°54'31"W) FOR A DISTANCE OF 49.99' TO A POINT AT THE SOUTHWESTERLY RIGHT-OF-WAY OF THE EXISTING MOROSGO WAY (50' R/W), SAID POINT BEING THE **POINT-OF-BEGINNING, (P.O.B.)**

FROM THE **POINT-OF-BEGINNING (P.O.B.)** THUS ESTABLISHED, THENCE TURNING AND CONTINUING SOUTH 82 DEGREES 42 MINUTES 40 SECONDS EAST (S82°42'40"E) FOR A DISTANCE OF 91.22' TO A POINT; THENCE TURNING AND CONTINUING SOUTH 89 DEGREES 20 MINUTES 58 SECONDS EAST (S89°20'58"E) FOR A DISTANCE OF 41.78' TO A POINT; THENCE TURNING AND CONTINUING ALONG THE ARC OF A CURVE THAT DEFLECTS TO THE RIGHT HAVING A RADIUS OF 423.78' AND AN ARC LENGTH OF 20.85', SAID ARC BEING SUBTENDEED BY A CHORD BEARING SOUTH 41 DEGREES 04 MINUTES 25 SECONDS EAST (S41°04'25"E) FOR A DISTANCE OF 20.85' TO A POINT; THENCE TURNING AND CONTINUING SOUTH 00 DEGREES 39 MINUTES 15 SECONDS WEST FOR A DISTANCE OF 137.95' TO A POINT; THENCE TURNING AND CONTINUING ALONG THE ARC OF A CURVE THAT DEFLECTS TO THE LEFT HAVING A RADIUS OF 165.00' AND AN ARC LENGTH OF 240.53', SAID ARC BEING SUBTENDEED BY A CHORD BEARING NORTH 41 DEGREES 03 MINUTES 57 SECONDS WEST (N41°03'57"W) FOR A DISTANCE OF 219.79' TO A POINT, SAID POINT BEING THE **POINT-OF-BEGINNING. (P.O.B.)**



LEGAL DESCRIPTION: TO CITY OF ATLANTA

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND LYING AND BEING IN LAND LOT 48 OF THE 17TH DISTRICT FULTON COUNTY, GEORGIA AND BEING MORE FULLY SHOWN AS TRACT 3 AND DESIGNATED 0.581 ACRES (25,300 SQ. FT.) AND HAS THE FOLLOWING METES AND BOUNDS TO WIT:

COMMENCING AT A RIGHT-OF-WAY INTERSECTION BETWEEN THE EASTERLY RIGHT-OF-WAY OF MOROSGO PLACE (50' R/W) AND THE SOUTHERLY RIGHT-OF-WAY OF MOROSGO DRIVE (60' R/W), SAID RIGHT-OF-WAY INTERSECTION BEING THE POINT-OF-COMMENCEMENT, (P.O.C.); THENCE CONTINUING EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF MOROSGO DRIVE (60' R/W) FOR A DISTANCE OF 417.12 TO A POINT AT THE WESTERLY RIGHT-OF-WAY OF THE NEW MOROSGO WAY (50' R/W) SAID POINT BEING THE POINT-OF-BEGINNING, (P.O.B.)

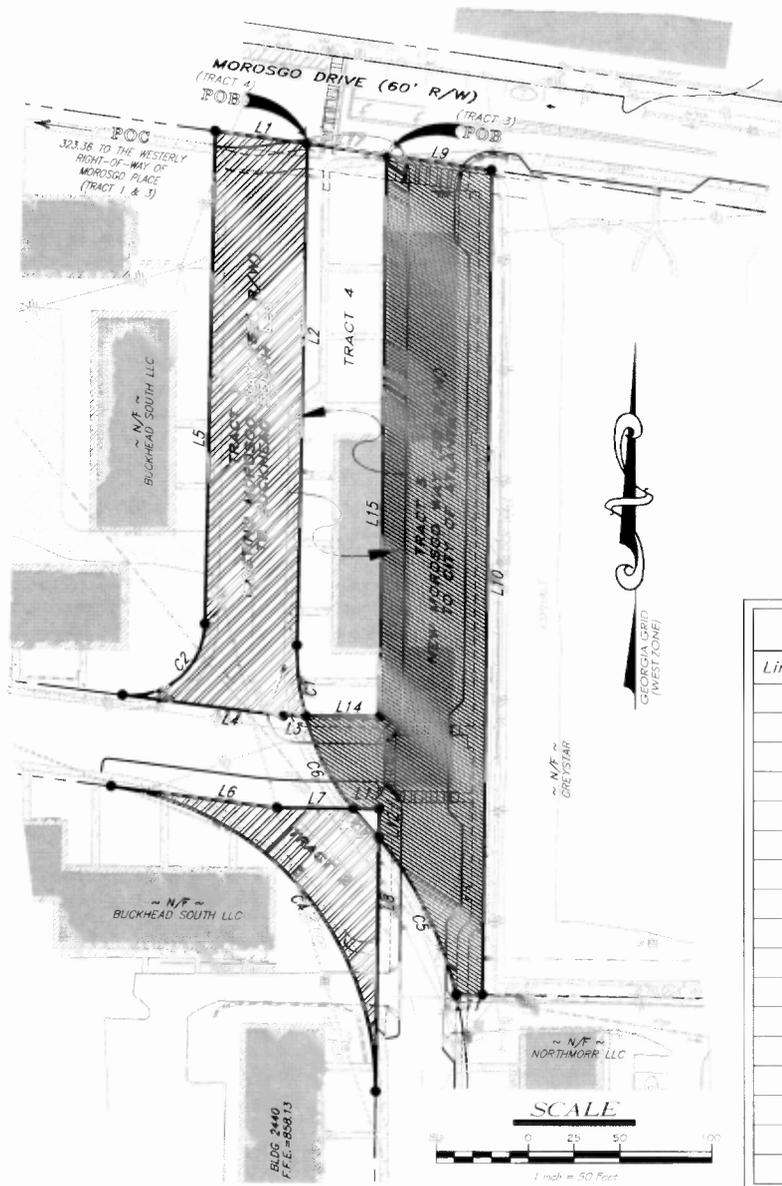
FROM THE POINT-OF-BEGINNING, (P.O.B.) THIS ESTABLISHED, THENCE CONTINUING SOUTH 82 DEGREES 00 MINUTES 30 SECONDS EAST (S82°00'30"E) FOR A DISTANCE OF 57.98' TO A POINT; THENCE TURNING AND CONTINUING SOUTH 00 DEGREES 39 MINUTES 02 SECONDS WEST (S00°39'02"W) FOR A DISTANCE OF 448.51' TO A POINT; THENCE TURNING AND CONTINUING NORTH 89 DEGREES 11 MINUTES 26 SECONDS WEST (N89°11'26"W) FOR A DISTANCE OF 14.16' TO A POINT; THENCE TURNING AND CONTINUING ALONG THE ARC OF A CURVE THAT DEFLECTS TO THE LEFT HAVING A RADIUS OF 215.00' AND AN ARC LENGTH OF 35.97', SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 26 DEGREES 26 MINUTES 15 SECONDS WEST (N26°26'15"W) FOR A DISTANCE OF 95.18' TO A POINT; THENCE TURNING AND CONTINUING NORTH 00 DEGREES 39 MINUTES 15 SECONDS EAST (N00°39'15"E) FOR A DISTANCE OF 15.56' TO A POINT; THENCE TURNING AND CONTINUING NORTH 89 DEGREES 20 MINUTES 58 SECONDS WEST (N89°20'58"W) FOR A DISTANCE OF 13.88' TO A POINT; THENCE TURNING AND CONTINUING ALONG THE ARC OF A CURVE THAT DEFLECTS TO THE RIGHT HAVING A RADIUS OF 134.74' AND AN ARC LENGTH OF 57.11'; SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 27 DEGREES 27 MINUTES 31 SECONDS WEST (N27°27'31"W) FOR A CHORD DISTANCE OF 56.69' TO A POINT; THENCE TURNING AND CONTINUING SOUTH 89 DEGREES 20 MINUTES 58 SECONDS EAST (S89°20'58"E) FOR A DISTANCE OF 40.59' TO A POINT; THENCE TURNING AND CONTINUING NORTH 00 DEGREES 39 MINUTES 02 SECONDS EAST (N00°39'02"E) FOR A DISTANCE OF 305.56' TO A POINT AT THE SOUTHERLY RIGHT-OF-WAY OF MOROSGO DRIVE (60' R/W), SAID POINT BEING THE POINT-OF-BEGINNING, (P.O.B.)

LEGAL DESCRIPTION: RETAINED BY BUCKHEAD SOUTH LLC

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND LYING AND BEING IN LAND LOT 48 OF THE 17TH DISTRICT FULTON COUNTY, GEORGIA AND BEING MORE FULLY SHOWN AS TRACT 4 AND DESIGNATED 0.314 ACRES (13,690 SQ. FT.) AND HAS THE FOLLOWING METES AND BOUNDS TO WIT:

COMMENCING AT A RIGHT-OF-WAY INTERSECTION BETWEEN THE EASTERLY RIGHT-OF-WAY OF MOROSGO PLACE (50' R/W) AND THE SOUTHERLY RIGHT-OF-WAY OF MOROSGO DRIVE (60' R/W), SAID RIGHT-OF-WAY INTERSECTION BEING THE POINT-OF-COMMENCEMENT, (P.O.C.); THENCE CONTINUING EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF MOROSGO DRIVE (60' R/W) FOR A DISTANCE OF 323.36 TO A POINT AT THE WESTERLY RIGHT-OF-WAY OF THE EXISTING MOROSGO WAY (50' R/W); THENCE CONTINUING ALONG SAID RIGHT-OF-WAY SOUTH 82 DEGREES 04 MINUTES 20 SECONDS EAST (S82°04'20"E) FOR A DISTANCE OF 50.34' TO A POINT; SAID POINT BEING THE POINT-OF-BEGINNING, (P.O.B.)

FROM THE POINT-OF-BEGINNING (P.O.B.) THIS ESTABLISHED, THENCE CONTINUING SOUTH 82 DEGREES 00 MINUTES 30 SECONDS EAST (S82°00'30"E) FOR A DISTANCE OF 43.42' TO A POINT; THENCE TURNING AND CONTINUING SOUTH 00 DEGREES 39 MINUTES 02 SECONDS WEST (S00°39'02"W) FOR A DISTANCE OF 305.56' TO A POINT; THENCE TURNING AND CONTINUING NORTH 89 DEGREES 20 MINUTES 58 SECONDS WEST (N89°20'58"W) FOR A DISTANCE OF 40.59' TO A POINT; THENCE TURNING AND CONTINUING ALONG THE ARC OF A CURVE THAT DEFLECTS TO THE RIGHT HAVING A RADIUS OF 134.74' AND AN ARC LENGTH OF 38.89', SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 07 DEGREES 02 MINUTES 50 SECONDS WEST (N07°02'50"W) FOR A CHORD DISTANCE OF 38.75' TO A POINT; THENCE CONTINUING NORTH 01 DEGREES 13 MINUTES 11 SECONDS EAST (N01°13'11"E) FOR A DISTANCE OF 272.72' TO A POINT AT THE SOUTHERLY RIGHT-OF-WAY OF MOROSGO DRIVE (60' R/W), SAID POINT BEING THE POINT-OF-BEGINNING, (P.O.B.)



Curve	Length	Radius	Direction	Chord
C1	38.89'	134.74'	S7°02'50"E	58.75'
C2	66.93'	40.00'	N49°08'50"E	59.38'
C3	20.85'	423.78'	S41°04'25"E	20.85'
C4	240.53'	165.00'	N41°03'57"W	219.79'
C5	95.97'	215.00'	N26°26'15"W	95.18'
C6	57.11'	134.74'	N27°27'31"W	56.69'

Line #	Direction	Length
L1	S82°04'20"E	50.34'
L2	S01°13'11"W	272.72'
L3	N89°20'58"W	12.38'
L4	N82°42'16"W	87.78'
L5	N01°13'16"E	267.99'
L6	S82°42'40"E	91.22'
L7	S89°20'58"E	41.78'
L8	S00°39'15"W	137.95'
L9	S82°00'30"E	57.98'
L10	S00°39'02"W	448.51'
L11	N89°11'26"W	14.16'
L12	N00°39'15"E	15.56'
L13	N89°20'58"W	13.88'
L14	S89°20'58"E	40.59'
L15	N00°39'02"E	305.56'
L16	S06°54'31"W	49.99'
L17	S82°00'30"E	43.42'

LEGEND

LINE TYPES

- SUBJECT PROPERTY LINE
- PREVIOUS TRACT LINE
- LAND LOT LINE
- FENCE LINE
- BUILDING SETBACK LINE
- STORM SEWER PIPE
- SANITARY SEWER PIPE
- OVERHEAD POWER LINE
- WATER MAIN
- CAS MAIN
- CURB AND CUTTER (C&C)
- SITE WALL

SYMBOLS

- DI - DROP INLET
- DIR - PIPE DIRECTION
- DWCB - DOUBLE WING CATCH BASIN
- JB - JUNCTION BOX
- SWCB - SINGLE WING CATCH BASIN
- CO - CLEAN OUT
- SSMH - SANITARY SEWER MANHOLE
- WM - WATER METER
- WV - WATER VALVE
- WWT - WATER WALK
- GY - GUY WIRE
- LP - LIGHT POLE
- PP - POWER POLE
- TRAF - TRANSFORMER
- GM - GAS METER
- GV - GAS VALVE
- RD - ROLLARD
- IPS - IRON PIN SET
- RF - REBAR FOUND

PAGE 2 OF 2
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- LAND SWAP -

GREYSTAR
LAND LOT 48 - 17th DISTRICT
FULTON COUNTY, GEORGIA
CITY OF ATLANTA

Project No.	13-001	No	Revision	Date
Surveyed By:	W.J.B.	1		
Drawn By:	B.J.B.	2		
Checked By:	S.M.H.	3		
Date:	7/25/13	4		
Scale:	1" = 50'	5		

GREYSTAR

18 BROAD STREET, SUITE 300
CHARLESTON, SC 29401

Office: 843.579.3227
Fax: 843.302.0201

HARDY SURVEYING GROUP, LLC
LAND SURVEYORS / PLANNERS - CONSULTANTS

SEVEN DUNWOODY PARK, SUITE 115
ATLANTA, GEORGIA 30338
PH: 770.698.0019 FAX: 770.395.6999

EXHIBIT B
PAGE 4 OF 5

EXHIBIT B

PAGE 5 OF 5

LEGAL DESCRIPTION: TO CITY OF ATLANTA

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND LYING AND BEING IN LAND LOT 48 OF THE 17th DISTRICT FULTON COUNTY, GEORGIA AND BEING MORE FULLY SHOWN AS TRACT 3 AND DESIGNATED 0.581 ACRES (25,300 SQ. FT.) AND HAS THE FOLLOWING METES AND BOUNDS TO WIT.

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FROM THE **POINT-OF-BEGINNING, (P.O.B.)** THUS ESTABLISHED, THENCE CONTINUING SOUTH 82 DEGREES 00 MINUTES 30 SECONDS EAST (S82°00'30"E) FOR A DISTANCE OF 57.98' TO A POINT; THENCE TURNING AND CONTINUING SOUTH 00 DEGREES 39 MINUTES 02 SECONDS WEST (S00°39'02"W) FOR A DISTANCE OF 448.51' TO A POINT; THENCE TURNING AND CONTINUING NORTH 89 DEGREES 11 MINUTES 26 SECONDS WEST (N89°11'26"W) FOR A DISTANCE OF 14.16' TO A POINT; THENCE TURNING AND CONTINUING ALONG THE ARC OF A CURVE THAT DEFLECTS TO THE LEFT HAVING A RADIUS OF 215.00' AND AN ARC LENGTH OF 95.97', SAID ARC BEING SUBTENDE BY A CHORD BEARING NORTH 26 DEGREES 26 MINUTES 15 SECONDS WEST (N26°26'15"W) FOR A DISTANCE OF 95.18' TO A POINT; THENCE TURNING AND CONTINUING NORTH 00 DEGREES 39 MINUTES 15 SECONDS EAST (N00°39'15"E) FOR A DISTANCE OF 15.56' TO A POINT; THENCE TURNING AND CONTINUING NORTH 89 DEGREES 20 MINUTES 58 SECONDS WEST (N89°20'58"W) FOR A DISTANCE OF 13.88' TO A POINT; THENCE TURNING AND CONTINUING ALONG THE ARC OF A CURVE THAT DEFLECTS TO THE RIGHT HAVING A RADIUS OF 134.74' AND AN ARC LENGTH OF 57.11', SAID ARC BEING SUBTENDE BY A CHORD BEARING NORTH 27 DEGREES 27 MINUTES 31 SECONDS WEST (N27°27'31"W) FOR A CHORD DISTANCE OF 56.69' TO A POINT; THENCE TURNING AND CONTINUING SOUTH 89 DEGREES 20 MINUTES 58 SECONDS EAST (S89°20'58"E) FOR A DISTANCE OF 40.59' TO A POINT; THENCE TURNING AND CONTINUING NORTH 00 DEGREES 39 MINUTES 02 SECONDS EAST (N00°39'02"E) FOR A DISTANCE OF 305.56' TO A POINT AT THE SOUTHERLY RIGHT-OF-WAY OF MOROSGO DRIVE (60' R/W), SAID POINT BEING THE **POINT-OF-BEGINNING, (P.O.B.)**



EXHIBIT C

AFFIDAVIT OF DAVID P. BAKER

Personally appeared before the undersigned officer duly authorized by law to administer oaths, DAVID P. BAKER, who after first being duly sworn, states:

1.

I am the Manager of Buckhead South, LLC ("Buckhead South") a Georgia limited liability company. The information contained herein is based upon my own personal knowledge. I am competent in the manner required by law to give this Affidavit.

2.

As a part of my job responsibilities as Manager of Buckhead South, I maintain and have knowledge of the business and financial records associated with the conduct and management of its business affairs, including without limitation, the ownership of its interests in real property.

3.

Buckhead South owns all of the real property lying and being in Land Lot 48 of the 17th district of Fulton County, Georgia which abuts Morosgo Place N.E. and Morosgo Way N.E. on both sides from and between the intersections with Morosgo Drive N.E. of both of these street segments to the termination of Morosgo Place N.E. into Morosgo Way N.E. and from such intersection continuing on both sides of Morosgo Way N.E. to the intersection of Morosgo Way N.E. with Lindbergh Drive. All of these street segments are, to my understanding, rights of way of the City of Atlanta.

4.

In the normal course of business of Buckhead South, I had reason to evaluate a



proposed transaction involving the real property interests of Buckhead South described in Paragraph 3. As a part of the due diligence associated with such transaction, it came to my attention that Morosgo Place N.E. and Morosgo Way N.E. were the subject of Ordinance 03-O-1652 adopted by the Atlanta City Council and approved by the Mayor on November 10, 2003. Ordinance 03-O-1652 involved the proposed abandonment of Morosgo Place N.E. and Morosgo Way N.E. upon the payment of the appraised value to the City of Atlanta.

5.

I examined Ordinance 03-O-1652 as well as the business records of Buckhead South that I deemed necessary to determine the real property interests that Buckhead South had acquired from its predecessor in interest in the real property described in Paragraph 3. Based on my review, I determined that Buckhead South had not received title to Morosgo Place N.E. and Morosgo Way N.E. when it acquired said real property. Based on my review, I determined that if any interest in Morosgo Place N.E. and Morosgo Way N.E. had been vested in the predecessor in interest from whom such property was acquired, it would have passed to Buckhead South.

6.

I reviewed such other records of Buckhead South that I deemed necessary to determine that Buckhead South had not made any payments to the City of Atlanta in connection with exercising any rights under Ordinance 03-O-1652 to which it may have acceded when it purchased the real property described in Paragraph 3 nor had Buckhead South ever stated to the City of Atlanta that it sought to exercise any right to purchase the right of way authorized to be abandoned by Ordinance 03-O-1652.

7.

On behalf of Buckhead South and as a part of the consideration for the City of Atlanta to consent to the proposed abandonment of certain segments of Morosgo Place N.E. and Morosgo Way N.E. as described in the application of Buckhead South submitted to the City of Atlanta in 2013, I state, on behalf of Buckhead South, as its Manager, that Buckhead South voluntarily and unconditionally waives any right to which it may acceded as the owner of the real property described in Paragraph 3 with respect to the right of way that was the subject of Ordinance 03-O-1652. This waiver is also given without reservation of any rights that may have been granted by any applicable state statute upon the passage of Ordinance 03-O-1652. I understand and have communicated to Buckhead South that the waiver set forth in this Affidavit is only a part of the consideration for the abandonment described in the application of Buckhead South submitted to the City of Atlanta in 2013,

8.

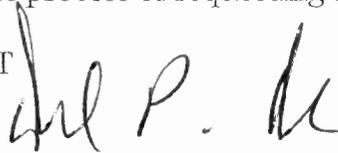
I understand that my authority as the Manager of Buckhead South to attest to these statements and sign this Affidavit, and in doing so bind Buckhead South to the terms of the waiver set forth herein, is an important part of the consideration to be accepted by the City of Atlanta in exchange for the proposed abandonment of certain segments of Morosgo Place N.E. and Morosgo Way N.E. as described in the application of Buckhead South. In that regard, I state that any and all acts and approvals, whether required by the Georgia Limited Liability Company Act, by the articles of incorporation of Buckhead South or by any operating agreement of Buckhead South that would be required for my signature to bind Buckhead South to the waiver of any rights under

Ordinance 03-O-1652 to which it may have acceded when it purchased the real property described in Paragraph 3 have been completed in the manner required by law. It is my choice not to attach any supporting documents to this Affidavit with respect to the consent given by Buckhead South to the waiver. The absence of such documents shall not be used by me or by Buckhead South to challenge the validity of this Affidavit. I attest to the statements herein and sign this Affidavit after having full opportunity to consult with legal counsel.

9.

This Affidavit has been prepared only for the limited purpose of requesting the abandonment of certain segments Morosgo Place N.E. and Morosgo Way N.E. in the configuration requested by Buckhead South in its application to the City of Atlanta such that it is not my intention to limit the right of Buckhead South to present additional evidence of any type with respect to its proof or defense of its ownership interests described in Paragraph 3 wherever and whenever it might be necessary to prove or defend its ownership interest outside of the process of requesting such abandonment.

FURTHER AFFLIANT SAYETH NOT



David P. Baker
Manager,
Buckhead South LLC

Sworn to and subscribed
before me, this 5th day
of August, 2013

Notary Public.
My commission expires

5/16/2015



RCS# 3015
9/16/13
2:19 PM

Atlanta City Council

CONSENT AGENDA SECTION I PAGES (1-20)
EXCEPT 13-O-1260
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 4

Y Smith	Y Archibong	Y Moore	Y Bond
B Hall	Y Wan	B Martin	NV Watson
Y Young	Y Shook	B Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	B Mitchell

+

ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	09-16-13 ITEMS ADVERSED ON CONSENT
1. 13-O-1227	40. 13-R-3544	66. 13-R-3571
2. 13-O-1228	41. 13-R-3545	67. 13-R-3572
3. 13-O-1229	42. 13-R-3546	68. 13-R-3573
4. 13-O-1230	43. 13-R-3427	69. 13-R-3574
5. 13-O-1232	44. 13-R-3428	70. 13-R-3576
6. 13-O-1235	45. 13-R-3429	71. 13-R-3577
7. 13-O-1258	46. 13-R-3533	72. 13-R-3578
8. 13-O-1263	47. 13-R-3547	73. 13-R-3579
9. 13-O-1265	48. 13-R-3537	74. 13-R-3580
10. 13-O-1266	49. 13-R-3538	75. 13-R-3581
11. 13-O-1267	50. 13-R-3539	
12. 13-O-1234	51. 13-R-3549	
13. 13-O-1248	52. 13-R-3550	
14. 13-O-1082	53. 13-R-3551	
15. 13-O-1216	54. 13-R-3552	
16. 13-O-1236	55. 13-R-3560	
17. 13-O-1238	56. 13-R-3561	
18. 13-O-1240	57. 13-R-3562	
19. 13-O-1241	58. 13-R-3563	
20. 13-O-1244	59. 13-R-3564	
21. 13-O-1247	60. 13-R-3565	
22. 13-O-1242	61. 13-R-3566	
23. 13-O-1260	62. 13-R-3567	
24. 13-O-1249	63. 13-R-3568	
25. 13-O-1250	64. 13-R-3569	
26. 13-O-1251	65. 13-R-3570	
27. 13-O-1252		
28. 13-O-1253		
29. 13-O-1254		
30. 13-O-1255		
31. 13-O-1256		
32. 13-R-3555		
33. 13-R-3556		
34. 13-R-3557		
35. 13-R-3558		
36. 13-R-3559		
37. 13-R-3012		
38. 13-R-3541		
39. 13-R-3542		