

U-13-10/U-08-14 AN AMENDED ORDINANCE BY ZONING COMMITTEE GRANTING A SPECIAL USE PERMIT FOR THE TRANSFER OF EXCESS DEVELOPMENT DENSITY FROM PROPERTY LOCATED AT 979 CRESCENT STREET (SENDING PARCEL) TO 207-225 13TH STREET (RECEIVING PARCEL) AND FOR OTHER PURPOSES. NPU E COUNCIL DISTRICT 2 (FAVORABLE - TO BE REFERRED ZRB AND ZONING COMMITTEE)

| | |
|-----------------------|----------------------|
| Application File Date | April 4, 2013 |
| Zoning Number | U-13-10/U-08-14 |
| NPU / CD | E/2 |
| Staff Recommendation | Approval Conditional |
| NPU Recommendation | Approval |
| ZRB Recommendation | Approval Conditional |

Review List:

| | | |
|--|-----------|---------------------|
| Office of Research and Policy Analysis | Completed | 05/07/2013 3:31 PM |
| Zoning Committee | Completed | 05/17/2013 1:49 PM |
| Atlanta City Council | Completed | 06/05/2013 10:16 AM |
| Zoning Staff | Completed | 06/17/2013 3:43 PM |
| Office of Research and Policy Analysis | Completed | 06/17/2013 5:39 PM |
| Zoning Committee | Pending | |
| Zoning Staff | Skipped | 06/17/2013 3:44 PM |

HISTORY:

05/15/13 Zoning Committee FAVORABLE

| | |
|----------------|---------------------------------------|
| RESULT: | FAVORABLE [UNANIMOUS] |
| AYES: | Wan, Bottoms, Shook, Smith, Young Jr. |
| ABSENT: | Joyce Sheperd |

05/20/13 Atlanta City Council REFERRED TO ZRB AND ZC

| | |
|----------------|---|
| RESULT: | REFERRED TO ZRB AND ZC [11 TO 0] |
| AYES: | Martin, Smith, Shook, Winslow, Willis, Young Jr., Sheperd, Bottoms, Hall, Bond, Archibong |
| ABSENT: | Alex Wan |
| AWAY: | Aaron Watson, Felicia A. Moore, Yolanda Adrean |

RESULT: **REFERRED TO ZRB AND ZC [11 TO 0]**
AYES: Martin, Smith, Shook, Winslow, Willis, Young Jr., Sheperd, Bottoms, Hall, Bond, Archibong
ABSENT: Alex Wan
AWAY: Aaron Watson, Felicia A. Moore, Yolanda Adrean

| | |
|---|--------------------|
| Certified by Presiding Officer | Certified by Clerk |
| | |
| Mayor's Action <i>See Authentication Page Attachment</i> | |

**AN ORDINANCE
BY ZONING COMMITTEE**

U-13-10/U-08-14 AN AMENDED ORDINANCE BY ZONING COMMITTEE GRANTING A SPECIAL USE PERMIT FOR THE TRANSFER OF EXCESS DEVELOPMENT DENSITY FROM PROPERTY LOCATED AT 979 CRESCENT STREET (SENDING PARCEL) TO 207-225 13TH STREET (RECEIVING PARCEL) AND FOR OTHER PURPOSES. NPU E COUNCIL DISTRICT 2 (FAVORABLE - TO BE REFERRED ZRB AND ZONING COMMITTEE)

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| ZRB Recommendation | Approval Conditional |

WHEREAS, the City Council finds that it is in the public interest to allow the owners of historic designated properties to transfer their development density to adjacent properties; and

WHEREAS, the Atlanta Historical Society, Inc. (Atlanta History Center), through its subsidiary AHA/MMH, LLC owns property at 979 Crescent Avenue, upon which is located the Margaret Mitchell House and

WHEREAS, the parcel is an existing Landmark Building or Site (LBS) and is zoned SPI-16/SA1/LBS; and

WHEREAS, the Atlanta Historical Society seeks to transfer a portion of the residential development rights from the property at 979 Crescent Avenue, to a receiving property located at 207-225 13th Street and all other development rights are being retained on the donor site and are not being severed from this site; and

WHEREAS, the sending property at 979 Crescent Avenue, will not be altered by the transfer of development rights and the LBS designation will assist in the protection of the Mitchell House and its Crescent Street views for the public; and

WHEREAS, the owners of the sending and receiving parcel will enter into an agreement within 30 days after the approval of the special permit to transfer excess development rights and shall provide the executed affidavit and all corresponding documents to the City of Atlanta Office of Planning-Director and the City of Atlanta Law Department to be recorded in the real property records in the Office of the Clerk of Superior Court, Fulton County, Georgia; and

WHEREAS, the transfer of development rights *will result in 120,290 square feet of residential development to be transferred from at 979 Crescent Avenue to a receiving property located at 207 -225 13th Street and all other development rights are retained on the donor (sending) site at 979 Crescent*

Avenue including non-residential, mixed-use and other bonuses not specifically addressed above.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of (Section 16-28.023 of the Zoning Ordinance of the City of Atlanta), a Special Use Permit for a Transfer of Excess Development Rights is hereby approved. Said use is granted to TPKG 13th Street Development, LLC, its successors, assigns and all subsequent owners. The sending and receiving parcels are more particularly described by the attached legal descriptions and/or surveys.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled “Special Use Permits, Procedural Requirements”, and the Director, Office of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the Special Use Permit, including the executed agreements shall be recorded with the Clerk of Superior Court of Fulton County in accordance with the provisions of Section 16-28.023 (4).

SECTION 4. That the Special Use Permit shall be recorded by the Office of Planning on the official zoning map (referencing both the Donor (sending) and Recipient (receiving) parcels) in accordance with the provisions of Section 28.023 (4).

SECTION 5. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Notice To Applicant

City of Atlanta - Bureau of Planning

APPLICATION NUMBER: **U-13-010**

City Council District: **2** Neighborhood Planning Unit (NPU):

Address of Property: **979 Crescent and 207 13th street**

Zoning Review Board (ZRB) Hearing Date:
Thursday, June 6, 2013 at 6:00 p.m.
Council Chambers, 2nd Floor, City Hall
55 Trinity Avenue, S.W.

The contact person for NPU E is:

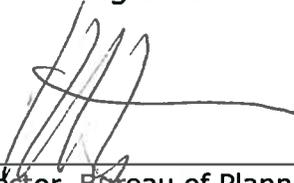
Penelope Cheroff
404-892-0229
pcheroff@cheroffgroup.com

Contact info for adjacent NPUs is provided below if necessary:

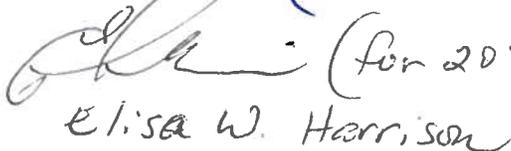
Please contact the person(s) listed above within two days to find out which meetings you will be required to attend before the next NPU meeting. If you are unable to reach the contact person, please call the city's NPU coordinator at 404-330-6145.

Sign Posting - The property owner is required to post a sign or signs in a conspicuous place on the property at least 15 days before the first hearing date shown above. One sign shall be placed every 600 feet along each street the property abuts. A sign posting affidavit must be returned to the Bureau of Planning to confirm posting.

Signed,



CMO, for Director, Bureau of Planning


Robert L. Zoeckler, Applicant *(979 Crescent)*

(for 207 13th Street)
Elisa W. Harrison

JOINT TDR APPLICATION
APPLICATION FOR SPECIAL USE PERMIT

City of Atlanta



Date Filed _____

Application Number U-13-10

I Hereby Request That The Property Described in this Application be granted a Special Use Permit

Name of Applicant Atlanta Historical Society, Inc.

Last Name

First Name

M.I.

Address 130 Street Name W. Paces Ferry Road, N.W.City Atlanta State GA Zip Code 30305Phone 404-814-4064 Fax 404-814-2041E-mail address jmcquigg@atlantahistorycenter.comName of Property Owner Atlanta Historical Society, Inc.

Last Name

First Name

M.I.

Address 130 Street Name W. Paces Ferry Road, N.W.City Atlanta State GA Zip Code 30305Daytime Phone 404-814-4064 Fax 404-814-2041E-mail address jmcquigg@atlantahistorycenter.com**Description of Property**Street Address of Property 979 Crescent Avenue, N.E.City Atlanta State GA Zip Code 30309Property is zoned: SPI 16/SA1/LBS Council District: 2 Neighborhood Planning Unit: EThe subject property fronts ±154.13 feet on the west side ofPeachtree Street, beginning 0 feet from the southwestcorner of the intersection of 10th Street and Peachtree StreetDepth: varies Area: ±0.56 acres Land Lot: 106 Land District: 17th

✓ 15-10

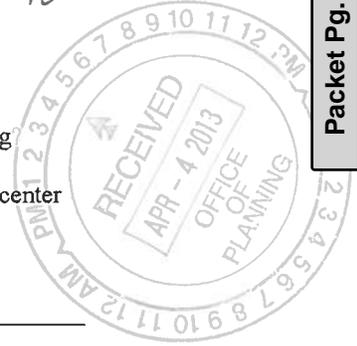
INSTRUCTIONS

A. SUMMARY OF PROPOSED PROJECT. What kind of special use would you be operating?

_____ personal care home _____ rehabilitation center _____ day care center

_____ assisted living facility _____ nursing home _____ church

other: (describe): transfer of development rights



B. IMPACT ANALYSIS. Type or legibly print on a separate piece of paper a complete and descriptive response to each one of the following questions:

1. Ingress and Egress:

- How will employee and client vehicles enter and leave the property?
- How will emergency vehicles (fire, police, and ambulance) gain access to the property?
- Will the way in which vehicles enter and leave the property cause traffic congestion? Why or why not?

2. Off-Street Parking and Loading:

- How will the operator of the facility dispose of refuse and garbage? What kind of containers would be used? Will the City or a private garbage disposal service be used? How often will the service pick up the garbage?
- How will products and supplies be delivered to the facility?
- Where and how will service personnel (such as electric and gas maintenance personnel) park their vehicles and gain access to the property for routine maintenance?
- How will employees and clients park their vehicles and gain access to the property.

3. Buffering and Screening:

- How will adjoining properties be buffered or screened from any noise or glare from lights that might be generated from the facility?
- How many vehicles will travel to and from the facility every day? Are you planning to make any road improvements to accommodate heavy traffic to and from the facility?

4. Hours and Manner of Operation:

- Proposed Use of Site? Please state exactly and in detail what is intended to be done on, or with the property.
- What will be the hours and days of the week during which the facility will be open?
- How many employees will be employed at the facility? Include the number of shifts and number of employees per shift.
- How many clients will be served by the facility, and what will be their ages?
- Will you offer meals; and if so, when will they be offered?
- Will there be any other special programs offered at the facility; and if so, will they cause vehicles to park at or on the site?

MADDOX, NIX, BOWMAN & ZOECKLER
A PROFESSIONAL CORPORATION

ROBERT W. MADDOX
JOHN ANDREW NIX
THOMAS A. BOWMAN
ROBERT L. ZOECKLER

ATTORNEYS AT LAW
945 BANK STREET
POST OFFICE DRAWER 1017
CONYERS, GEORGIA 30012-1017

Telephone:
770-922-7700
Facsimile:
770-760-7600

4 April 2013

VIA HAND DELIVERY

Ms. Charletta Wilson Jacks, Director
Office of Planning
City of Atlanta
City Hall South, Suite 3350
68 Mitchell Street, S.W.
Atlanta, Georgia 30335



Re: Joint Special Use Permit to Transfer Certain Residential Development Rights from 979 Crescent Avenue (sending property) to 207 13th Street (receiving property).

Dear Charletta:

I represent the Atlanta Historical Society, Inc. (Atlanta History Center) in this application. The Atlanta History Center owns 979 Crescent Avenue, upon which is located the Margaret Mitchell House. This parcel is an existing Landmark Building or Site (LBS) and is zoned SPI-16/SA1/LBS. We are jointly filing this request with 13th Street Holdings, LLC for a Special Use Permit to transfer development rights from the MMH parcel to 207 13th Street. 979 Crescent Avenue is the sending site and the 13th Street property is the receiving site.

You will recall that a nearly-identical SUP/TDR was approved by City Council in June 2008 (U-08-14/08-O-0653) and extended in July 2009 (09-O-1106). Due to various factors, that SUP/TDR was not consummated and expired in June 2012. The TDR before you effectively seeks to renew that former SUP/TDR, with several minor adjustments specified in the attached application materials.

I include with this joint SUP/TDR application the City's SUP form and all other required documents. Several issues should be noted for the record in compliance with the application requirements of Code Section 16-28.023(5). First, the Atlanta History Center seeks to transfer only a portion of the residential development rights from the property at 979 Crescent Avenue to the receiving property on 13th Street as specified on the attached calculation sheet. All other development rights are being retained on the donor site and are not being severed from this site. (See Code Section 16-28.023(5)(a)(v).)

Second, no physical property changes are requested for the donor site as a part of this SUP application. Since we are not changing anything on-site at this time, many of the criteria



Ms. Charletta Wilson Jacks
4 April 2013
Page 2

and factors associated with a standard SUP application, such as parking, ingress and egress, and so forth, are not relevant to the donor site application.

Finally, I also include an affidavit for filing in Fulton Superior Court pursuant to 16-28.023(5)(a)(iii) limiting future development in accordance with the terms of this permit as it relates to the donor parcel. I hereby certify that my client, the Atlanta Historical Society, Inc., will execute the affidavit following approval of the SUP and consummation of the transfer and either have it recorded in Fulton County or forwarded to the Law Department for filing, at your discretion, within the time you specify.

We greatly appreciate your assistance with this application, and look forward to presenting it to the Midtown Neighbors, NPU E, the ZRB, and City Council. Please do not hesitate to call if you need further information or have questions.

Respectfully submitted,

Robert L. Zoeckler

RLZ/mbc

cc: Jackson McQuigg, Vice President of Properties, Atlanta History Center
Doug Young, Executive Director, Atlanta Urban Design Commission
Scott L. Leventhal, Tivoli Properties, Inc.

**Joint Special Use Permit for TDR
979 Crescent Avenue, N.E. (Sending Property)
Atlanta Historical Society, Inc.**



U-13-10

SENDING PROPERTY

A. SUMMARY

This is a joint application for a special use permit for the transfer of development rights from 979 Crescent Avenue, N.E. (the “Sending Property”) to 207 Thirteenth Street (the “Receiving Property”). 13th Street Holdings, LLC wishes to incorporate 120,471 square feet of transferred residential density into its proposed new development. The Sending Property currently is zoned SPI-16/SA1/LBS and is designated LBS.

Included with this joint SUP/TDR application is the City’s SUP form and all other required documents. Several issues should be noted for the record in compliance with the application requirements of Code Section 16-28.023(5). First, this application seeks to transfer only a portion of the residential development rights from the property at 979 Crescent Avenue to the receiving property on 13th Street as specified on the attached calculation sheet. All other development rights are being retained on the donor site and are not being severed from this site. (See Code Section 16-28.023(5)(a)(v).) Second, the donor property will not be physically altered by this application. Accordingly, analysis using the standard SUP criteria is not applicable to applicant Atlanta Historical Society, Inc. Third, the required affidavit (see § 16-28.023(5)(a)(iii)) is attached unsigned and will be executed and filed at the City’s direction should this application be approved and the transfer consummated by the parties.

A very similar SUP/TDR involving the same properties was approved by City Council in June 2008 (U-08-14/08-O-0653) and extended in July 2009 (09-O-1106). (Copies are attached.) Due to various factors, that SUP/TDR was not consummated and expired in June 2012. The TDR before you effectively seeks to renew that former SUP/TDR, with several minor adjustments as specified in the attached application materials. One point of difference is that following adoption of the prior SUP/TDR, the block that was previously the donor property was subdivided into 3 parcels. The current SUP/TDR applies only to the northern 0.56 acre parcel – parcel “A” on the attached survey – which contains the Margaret Mitchell House. The remaining 2 parcels on the former block are not affected by this application.

B. SPECIAL CHARACTERISTICS OF PROPERTY

Code Section 16-28.023(5)(a)(i) requires a description of the special characteristics of the sending property and an explanation of the manner in which those characteristics promote the intent of the TDR ordinance. The Margaret Mitchell House has been a designated Landmark Building since 1989 and listed on the National Register of Historic Places since 1996. The

F.8.a

Packet Pg. 79

**Joint Special Use Permit for TDR
979 Crescent Avenue, N.E. (Sending Property)
Atlanta Historical Society, Inc.**



importance of this landmark to Atlanta is well documented in the designation legislation and numerous other places as including the Windsor House Apartments in which Margaret Mitchell wrote the novel Gone With The Wind.

0-13-10

The TDR here will assist in the protection of the Mitchell House and its Peachtree Street views for the public. The special historic characteristics of this important Landmark Building are promoted by the subject TDR since the severance of certain residential development rights will help preserve this historic building and green space, which is the primary purpose of the state TDR scheme in general, and Atlanta's TDR scheme in particular. (See, Code Section 16-28.023(1)(Intent)). In addition, landing these development rights on the 13th Street site means that a rezoning to accomplish needed density at that location is unnecessary. This TDR thus protects two important city goals in a single SUP application.

C. STATEMENT REGARDING LIMITED RIGHTS TRANSFERRED

Pursuant to Code Section 16-28.023(5)(a)(v), this application seeks to transfer 120,471 square feet of residential development density to the 13th Street receiving site specified in this application. No other development rights are sought to be severed from the sending property at this time, including all remaining residential development rights, non-residential development rights, and mixed-use development rights. All such other development rights shall remain on 979 Crescent Avenue, N.E., the Sending Property.

979 Crescent Avenue, N.E. (Sending Property)
Joint Special Use Permit for TDR
Atlanta Historical Society, Inc.

TRANSFER OF DEVELOPMENT RIGHTS CALCULATIONS
FOR
SENDING PROPERTY 979 CRESCENT AVENUE, N.E.



U-13-10

Zoning

SPI-16 Subarea 1 / LBS within Transit Station Area.

Land Area

Net lot area: 24,177 SF

Gross lot area: 48,627.9 SF

Residential Development Rights Available

- Base Residential Density:
3.2 (FAR) x 24,177 (net lot area) = 77,366 SF
- Transit Station Area Residential Density:
3.2 (FAR) x 24,177 (net lot area) = 77,366 SF
- Open Space Residential Bonus:
6.4 (FAR of combined base and transit station) x 24,450.9 SF (gross lot area – net lot area) = 156,485 SF
- Ground Floor Retail Bonus Density (residential use):
2.0 (FAR) x 48,627.9 (gross lot area) = 97,255 SF
- Existing residential development: None.
- Total Available Residential Density = 408,474 SF

**979 Crescent Avenue, N.E. (Sending Property)
Joint Special Use Permit for TDR
Atlanta Historical Society, Inc.**



Total Residential Density Transferred to 13th Street

120,471 SF

Total Residential Density Remaining On Donor Site (990 Peachtree St.)

408,474 SF (available) – 120,471 SF (transferred) = 288,003 SF
(residential density remaining on site)

Parking

No change from existing conditions.

NOTE: All other development rights are retained on donor site (979 Crescent Avenue) including non-residential, mixed use, and other bonuses not specifically addressed above.



U-13-10

STATE OF GEORGIA
 COUNTY OF FULTON

In Re: Property of Atlanta Historical Society, Inc.
 Deed Book 38148, Page 593;
 Deed Book 38148, Page 597;
 Deed Book 55182, Page 316.

AFFIDAVIT WITH RESPECT TO REAL PROPERTY

In Re: Special Use Permit authorizing Transfer of Residential Development Rights from 979 Crescent Avenue, N.E. Atlanta, Georgia 30309 ("Sending Property") to 207 13th Street, Atlanta, Georgia 30309 ("Receiving Property").

Personally appeared before me, the undersigned notary public duly authorized to administer oaths, F. SHEFFIELD HALE, who, after being duly sworn, testifies and deposes as follows:

1. My name is F. Sheffield Hale. I am over the age of eighteen, and I suffer from no disabilities that would prevent me from giving the testimony set forth herein. I have personal knowledge of the facts stated herein, and know them to be true to the best of my knowledge. I give this Affidavit voluntarily.
2. That the deponent is the President and Chief Executive Officer of Atlanta Historical Society, Inc. ("AHS, Inc."), a not-for-profit Georgia corporation.
3. That AHS, Inc. is the current owner ("Owner") of the parcel of land known as 979 Crescent Avenue, N.E., Atlanta, Georgia 30309 as more particularly described on Exhibit "A" attached to this Affidavit and incorporated herein by reference (the "Sending Property");
4. That Owner has been granted Special Use Permit # _____ (the "SUP") with respect to the Sending Property, a true and correct copy of the SUP being attached hereto as Exhibit "B" and incorporated herein by reference;
5. That Owner has entered into a binding agreement with 13th Street Holdings, LLC, the owner of the Receiving Property, with respect to the Sending Property (the "Agreement"), a true and correct copy of which is attached to this Affidavit as Exhibit "C" and incorporated herein by reference;

6. That the SUP and the Agreement limit and restrict the future development of the Sending Property by way of a transfer of 120,471 square feet of residential development rights to the Receiving Property;

7. That Owner agrees to bind itself and all successors in title, individually and collectively, to the prohibitions against future use of said 120,471 square feet of residential development on the Sending Property as set forth in the SUP and Agreement and further agrees to adhere to the regulations and conditions set forth in the SUP pursuant to 16-28.023 of the Code of Ordinances of the City of Atlanta, and that all other residential, non-residential and mixed-use development rights pertaining to said property shall be retained by the Sending Property;

8. That Owner understands and agrees that any failure to adhere to the regulations of the SUP shall entitle the City of Atlanta to commence appropriate enforcement action;

9. That the SUP shall be binding upon and shall inure to the benefit of the Owner and any and all successors in interest, individually and collectively, to Sending Property;

10. That the limited residential development restrictions set forth herein shall run with the land of the Sending Property in perpetuity and shall transfer automatically without further approval of any kind by the City of Atlanta and be binding upon any and all successors in interest to the Sending Property;

11. That this Affidavit is given with the Owner's understanding that same has been relied upon by the City of Atlanta in the issuance of the SUP benefiting and restricting the Sending Property;

12. That the Owner understands that the Law Department of the City of Atlanta shall cause this Affidavit with all attachments to be recorded in the official real estate records of the Superior Court of Fulton County; and

13. That said recording of this Affidavit is for the purpose of providing notice of record of the provisions of the SUP and the Agreement to all successors in interest and interested parties, and specifically to provide notice of the binding effect of these provisions upon the Owner and all successors in interest to the Property.

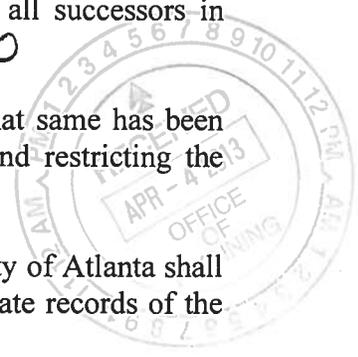
Further affiant sayeth not.

Sworn to and subscribed
before me this _____ day of
_____, 2013.

Notary Public

[SEAL]

_____(SEAL)
F. SHEFFIELD HALE
President and CEO
Atlanta Historical Society, Inc.



AUTHORIZATION OF ATTORNEY

I SWEAR AND AFFIRM, AS AN ATTORNEY AT LAW, THAT I HAVE BEEN AUTHORIZED BY THE OWNER OF THE PROPERTY SUBJECT TO THE PROPOSED REZONING TO FILE THIS APPLICATION.



SIGNATURE OF ATTORNEY

Robert L. Zoeckler, Esq.

NAME

Maddox, Nix, Bowman & Zoeckler, P.C.

ADDRESS

945 Bank Street

Conyers **GA** **30012**

CITY STATE ZIPCODE

770-922-7700

TELEPHONE NUMBER



U-13-10



AUTHORIZATION TO INSPECT PREMISES

With the signature below, I authorize the staff of the Office of Planning of the City of Atlanta to inspect the premises, which are the subject of this special use permit application.

U-13-10

I swear and affirm that the information contained in this application is true and accurate to the best of my knowledge and belief.

[Handwritten signature]

**Owner or Agent of Owner (Applicant)
Atlanta Historical Society, Inc.**

Sworn to and subscribed before me this 2nd day of April, 2013.

Katherine P. Hoogerwerf (Notary Public)

**KATHERINE P HOOGERWERF
NOTARY PUBLIC
DEKALB COUNTY, GEORGIA
MY COMMISSION EXPIRES 08-05-14**



U-13-10

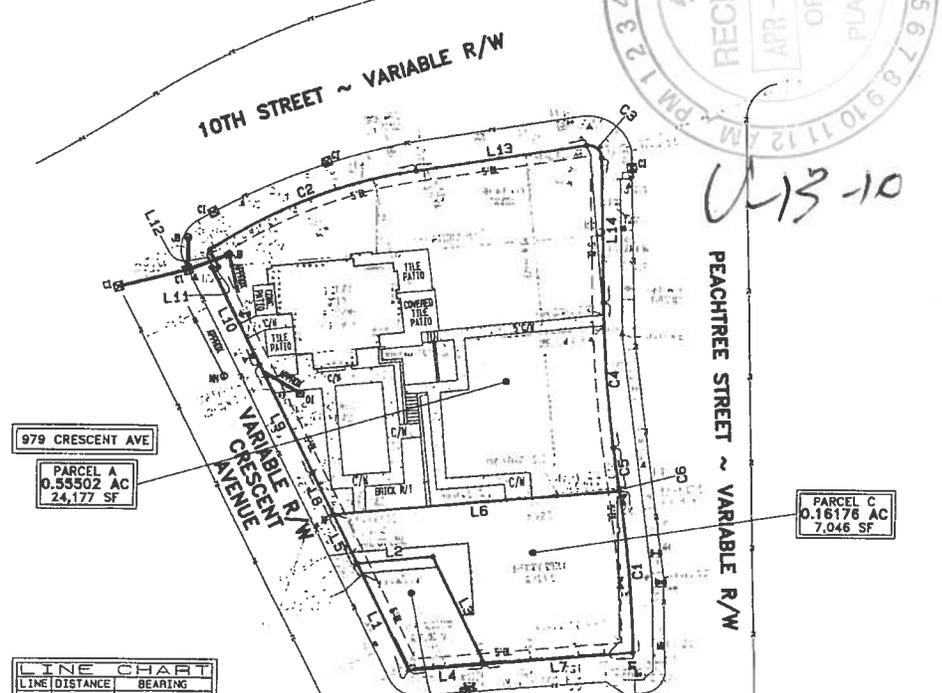
LEGEND

| | | | |
|-------|-----------------------------|------|---------------------------|
| A | ARC | LC | LENGTH OF CHORD |
| AC | ACRE(S) | LLL | LAND LOT LINE |
| AE | ACCESS EASEMENT | L/P | LAMP POST/LIGHT POLE |
| AGL/C | ATLANTA GAS LIGHT COMPANY | L/S | LANSCAPED AREA |
| ASP | ASPHALT | M/B | MAILBOX |
| BB | BOTTOM OF BANK | MFE | MINIMUM FLOOR ELEVATION |
| BC | BACK OF CURB | MFN | MEYROMDIA FIBRE NETWORK |
| B/C | BUILDING CORNER | NH | NAILHOLE |
| BL | BUILDING SETBACK LINE | NM | MONITORING WELL |
| BM | BENCHMARK | N/C | NAIL IN CAP |
| BPF | BLUE PIN FLAG | N/F | NAIL FOUND |
| BP | BLUE PAINT MARK | N/OF | NAIL OR FORMERLY |
| BS | BOTTOM OF SURF | N/S | NAIL OR STRUCTURE |
| BSO | BELLSOUTH TELEPHONE CO. | OPF | ORANGE PIN FLAG |
| BSO/M | BELLSOUTH CABLE MARKER | OPM | ORANGE PAINT MARK |
| BM | BOTTOM OF WALL | OT | OPEN TOP PIPE |
| B/W | BARBED WIRE | P | POWER LINE |
| CB | CATCH BASIN | PB | PLAT BOOK |
| CI | CURB INLET | P/B | POWER BOX |
| CL | CENTERLINE | PG | PAGE(S) |
| C/L | CHAIN LINK | P/V | POST INDICATOR VALVE |
| CMF | CONCRETE MONUMENT FOUND | PL | PROPERTY LINE |
| CM | CORRUGATED METAL PIPE | POB | POINT OF BEGINNING |
| CO | CLEANOUT | POC | POINT OF CONCERNING |
| COMM | COMMUNICATION | PM | POWER METER |
| CT | CORRUGATED TOP PIPE | P/N | PARKING METER |
| CTV | CABLE TELEVISION | PP | POWER POLE |
| C/W | CONCRETE WALK | PS | PARKING SPACE(S) |
| DB | DEED BOOK | R | RADIUM |
| DE | DRAINAGE EASEMENT | R/C | RADIUS |
| DI | DROP INLET | RJ | CURVE TO THE RIGHT |
| DIP | DUCTILE IRON PIPE | R/R | RE-INFORCED CONCRETE PIPE |
| DNR | DEPT. OF NATURAL RESOURCES | RCP | REINFORCED CONCRETE PIPE |
| DNR/S | ONR MONUMENT SET | RF | RED PIN FLAG |
| EB | ELECTRIC BOX | RPM | RED PAINT MARK |
| ENC | ELECTRIC MEMBERSHIP CORP. | RR | RAILROAD |
| EP | EDGE OF PAVEMENT | R/T | RETAINING |
| FC | FACE OF CURB | R/B | RIGHT OF WAY |
| F/C | FENCE CORNER | SF | SQUARE FEET |
| FDC | FIRE DEPARTMENT CONNECTION | S/P | SERVICE POLE |
| FTE | FINISHED FLOOR ELEVATION | T | TRAFFIC SIGNAL |
| FH | FIRE HYDRANT | TS | TRAFFIC SIGN |
| F/L | FENCE LINE | T/H | TOP OF HALL |
| FOCH | FIBRE OPTIC CABLE MARKER | T/N | TEST NAIL |
| FP | FENCE POST | U/G | UNDERGROUND |
| F/P | FLAG POLE | VB | VALVE BOX |
| GLMP | GAS LINE MARKER POST | V/M | VALVE MARKER POST |
| GM | GAS METER | W | WATER LINE |
| GP | GUY POLE | T/C | TOP OF CURB |
| GPC | GEORGIA POWER COMPANY | TP | TRAFFIC POLE |
| GV | GAS VALVE | TR | TRANS |
| GW | GUY WIRE | T/S | TRAFFIC SIGNAL |
| H/C | HANDICAP PARKING SPACE | TSI | TRAFFIC SIGN |
| HVP/P | HIGH VOLTAGE POWER POLE | TM | TOP OF MALL |
| HM | HIGH WATER | T/N | TEST NAIL |
| H/W | HEADWALL | U/G | UNDERGROUND |
| ICV | IRRIGATION CONTROL VALVE | VB | VALVE BOX |
| INV | INVERT | V/M | VALVE MARKER POST |
| IPF | IRON PIN FOUND | W | WATER LINE |
| IPP | IRON PIPE PLACED | NF | NETLAND FLAG |
| IRF | INTERMEDIATE REGIONAL FLOOD | NM | NAIL FOUND |
| JB | JUNCTION BOX | NV | NAIL VALVE |
| LJ | CURVE TO THE LEFT | YPF | YELLOW PIN FLAG |
| L/A | LIMIT OF ACCESS | YPM | YELLOW PAINT MARK |

REFERENCE MATERIAL:

1. PLAT: ALTA SURVEY FOR THE MARGARET MITCHELL MUSEUM, INC. & AHS/MMH, LLC, LAND LOT 106, 17TH DISTRICT FULTON COUNTY, GEORGIA, BY TRU-LINE SURVEYING, INC. DATED 07/12/04.

2. PLAT: LOT CONSOLIDATION PLAT FOR ATLANTA HISTORICAL SOCIETY & FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK, LOCATED IN LAND LOT 106, 17TH DISTRICT, CITY OF ATLANTA, FULTON COUNTY, GEORGIA, PREPARED BY MATTS & BROWNING ENGINEERS, INC. DATED MARCH 21, 2008, RECORDED APRIL 8, 2008, PLAT BOOK 337, PAGE 19, FULTON COUNTY RECORDS.



LINE CHART

| LINE | DISTANCE | BEARING |
|------|----------|-------------|
| L1 | 54.65' | N26°16'35"W |
| L2 | 35.00' | N84°31'11"E |
| L3 | 55.07' | S85°15'00"E |
| L4 | 95.13' | S85°10'53"W |
| L5 | 25.43' | N26°16'35"W |
| L6 | 131.85' | N85°00'54"E |
| L7 | 67.84' | S85°10'53"W |
| L8 | 21.53' | N26°46'22"W |
| L9 | 55.47' | N26°46'22"W |
| L10 | 50.23' | N26°29'12"W |
| L11 | 3.21' | N84°42'02"E |
| L12 | 8.88' | N26°30'24"W |
| L13 | 79.00' | N81°08'56"E |
| L14 | 66.66' | N81°08'12"E |

CURVE CHART

| LINE | ARC | CHORD BEARING | RADIUS | CHORD |
|------|------------|---------------|---------|---------|
| C1 | 74.97 (R) | S05°07'31"E | 536.46' | 74.91' |
| C2 | 102.50 (R) | N68°44'51"E | 237.00' | 101.80' |
| C3 | 10.24 (R) | S49°59'38"E | 5.00' | 9.04' |
| C4 | 67.41 (L) | S04°18'57"E | 607.43' | 67.37' |
| C5 | 18.72 (L) | S08°22'41"E | 607.43' | 18.72' |
| C6 | 1.38 (R) | S09°11'16"E | 536.46' | 1.38' |

NOTE: THE REFERENCED MUNICIPALITY SUPPLIED THE ZONING INFORMATION STATED ON THIS PLAT. ANY GRAPHIC DEPICTION OF SETBACK LINES AND OTHER MATTERS OF ZONING ARE THE SURVEYOR'S INTERPRETATION OF THE ZONING INFORMATION FURNISHED. THE SURVEYOR OFFERS NO CERTIFICATION AS TO THE ZONING OF THE SUBJECT PROPERTY OR COMPLIANCE WITH THE ZONING REGULATIONS FOR THE STRUCTURES OR BUSINESSES ON THE SUBJECT PROPERTY.

NOTE: THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED IN THE CERTIFICATION HEREON. SAID CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED ENTITIES WITHOUT AN EXPRESSED RECERTIFICATION BY THE SURVEYOR NAMING SAID ENTITIES.

NOTE: ABOVE GROUND UTILITY LOCATIONS WERE OBTAINED FROM FIELD OBSERVATIONS. MATTS & BROWNING HAS NOT RESEARCHED UNDERGROUND UTILITY LOCATIONS. INFORMATION SHOWN HEREON REGARDING THE EXISTENCE, SIZE, TYPE AND LOCATION OF UNDERGROUND UTILITIES IS BASED ON MARKINGS IN THE FIELD AND INFORMATION FURNISHED BY OTHERS AND MATTS & BROWNING ENGINEERS IS UNABLE TO CERTIFY TO THE ACCURACY OR COMPLETENESS OF THIS INFORMATION. INDICATED LOCATIONS SHOULD BE CONFIRMED IN THE FIELD WITH UTILITY COMPANIES PRIOR TO PROCEEDING WITH PLANNING, DESIGN OR CONSTRUCTION.

MATTS & BROWNING ENGINEERS, INC. HAS EXAMINED THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM) AND IT IS OUR OPINION THAT THE REFERENCED PROPERTY IS LOCATED IN ZONE "X-UNSHADED". SEE BELOW AS PER: FULTON COUNTY FIRM MAP NUMBER 13121C0242 E, DATED 06/22/98.

ZONE X (UNSHADED): AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD.

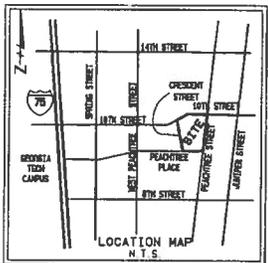
ZONING NOTES:

ZONED: SPI -16 SUBAREA 1 (SA-1)

ZONING REGULATIONS ARE SUBJECT TO INTERPRETATION. FOR FUTURE ZONING INFORMATION CONTACT: TSHAKA WARREN WITH CITY OF ATLANTA ZONING 404-330-6963

BULK REGULATIONS:

- MAXIMUM BUILDING HEIGHT: NONE SEC. 16-18P.028 (4.8)
- MINIMUM YARD REQUIREMENTS: FRONT SETBACK: 8 FEET SEC 16-18 P.013.1.A REAR SETBACK: 20 FEET SEC 16-18 P.029.2.A SIDE SETBACK: NONE (NON-RESIDENTIAL USES) SECTION 16-18 P.028.2.B.1 20 FEET (RESIDENTIAL) EXCEPT THAT THE SIDE YARD MAY BE REDUCED TO ZERO FEET WHEN A RESIDENTIAL USE HAS NO RESIDENTIAL WINDOWS ADJACENT TO SUCH YARD.



NOTE: THIS PLAT SUPERCEDES THE PLAT RECORDED IN PLAT BOOK 332, PAGE 32, FULTON COUNTY, GEORGIA RECORDS.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE OF ONE FOOT IN 115,205 FEET AND AN ANGULAR ERROR OF 05" PER ANGLE POINT, AND WAS LEAST SQUARES ADJUSTED.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 104,972 FEET.

A LEICA TC 500 TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS & REQUIREMENTS OF LAW.

MEMBER SURVEYING AND MAPPING SOCIETY OF GEORGIA

SCALE: 1"=40'

DATE SURVEYED: 03/18/09

DATE UPDATED: N/A

SURVEYED BY: PURYEAR

DATE DRAFTED: 06/25/10

UPDATE DRAFTED: N/A

DRAWN BY: ANCH

CHECKED BY: MI

FIELD BOOK #: 226, 231

JOB NUMBER: 080302

FOLDER NUMBER: 080302

0800 FILE: 586-080302

0156 FILE: 080302-LOT-SPLIT

COUNTY/LL D/S: FULTON/106/17

PLAT FILE: B

SHEET: 1 OF 1

WATTS & BROWNING ENGINEERS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
5582 PEACHTREE ROAD
ATLANTA, GEORGIA 30341-4953
PHONE: (770) 451-7453
FAX: (770) 455-3955
WWW.WBENGR.COM

REVISIONS

| NO. | DATE | BY | DESCRIPTION |
|-----|----------|------|------------------------|
| 1 | 07/17/11 | ANCH | SHOW PARCELS A,B & C. |
| 2 | 06/06/11 | TC | ADDRESS CITY COMMENTS. |

LOT SPLIT PLAT FOR

ATLANTA HISTORICAL SOCIETY & FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK

LOCATED IN

LAND LOT 106
17TH DISTRICT
CITY OF ATLANTA
FULTON COUNTY, GEORGIA

F.8.a

Packet Pg. 87

979 CRESCENT AVENUE
DONOR/SENDING PARCEL

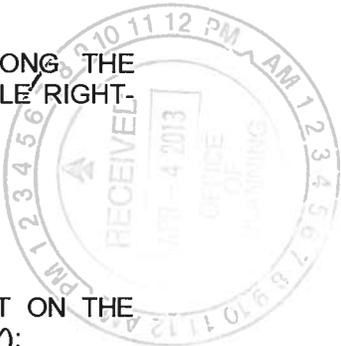
**DESCRIPTION OF PROPERTY
THE MARGARET MITCHELL HOUSE
PARCEL A**

ALL OF THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 106 OF THE 17TH DISTRICT, CITY OF ATLANTA, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO REACH THE POINT OF BEGINNING, COMMENCE FROM A POINT FORMED BY THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY OF CRESCENT AVENUE (VARIABLE RIGHT-OF-WAY) AND THE NORTHERLY RIGHT-OF-WAY OF PEACHTREE PLACE (VARIABLE RIGHT-OF-WAY) RUNNING THENCE ALONG THE NORTHEASTERLY RIGHT-OF-WAY OF CRESCENT AVENUE (VARIABLE RIGHT-OF-WAY) NORTH 26°16'36" WEST FOR A DISTANCE OF 80.08 FEET TO THE POINT OF BEGINNING.

13-10

FROM THE POINT OF BEGINNING THUS ESTABLISHED, CONTINUE ALONG THE NORTHEASTERLY RIGHT-OF-WAY OF CRESCENT AVENUE (VARIABLE RIGHT-OF-WAY) THE FOLLOWING COURSES AND DISTANCES;



1. NORTH 26°46'22" WEST, A DISTANCE OF 21.53 FEET TO A POINT;
2. NORTH 26°46'22" WEST FOR A DISTANCE OF 55.47 FEET TO A POINT;
3. NORTH 26°29'12" WEST FOR A DISTANCE OF 50.23 FEET TO A POINT;
4. NORTH 84°42'02" EAST FOR A DISTANCE OF 3.21 FEET TO A POINT;
5. NORTH 26°30'24" WEST FOR A DISTANCE OF 8.86 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF 10TH STREET (VARIABLE RIGHT-OF-WAY);

THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY OF 10TH STREET (VARIABLE RIGHT-OF-WAY) THE FOLLOWING COURSES AND DISTANCES;

1. 102.60 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 237.00 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 68°44'51" EAST, 101.80 FEET TO A POINT;
2. NORTH 81°08'56" EAST FOR A DISTANCE OF 79.00 FEET TO A POINT;
3. 10.24 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 6.00 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 49°59'38" EAST, 9.04 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF PEACHTREE STREET (VARIABLE RIGHT-OF-WAY);

THENCE ALONG THE WESTERLY RIGHT-OF-WAY OF PEACHTREE STREET (VARIABLE RIGHT-OF-WAY) THE FOLLOWING COURSES AND DISTANCES;

1. SOUTH 01°08'12" EAST FOR A DISTANCE OF 66.66 FEET TO A POINT;
2. 67.41 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 607.43 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 04°18'57" EAST, 67.37 FEET TO A POINT;
3. 18.72 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 607.43 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 08°22'41" EAST, 18.72 FEET TO A POINT;
4. 1.38 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 538.46 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 09°11'16" EAST, 1.38 FEET TO A POINT;

THENCE DEPARTING THE WESTERLY RIGHT-OF-WAY OF PEACHTREE STREET (VARIABLE RIGHT-OF-WAY) SOUTH 85°00'54" WEST FOR A DISTANCE OF 131.85 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINING 0.55502 OF AN ACRE OR 24,177 SQUARE FEET.



[Handwritten signature] U-13-10

Parcel Details

17 01060007152
 979 CRESCENT AVE NE
 MARGARET MITCHELL HOUSE INC



- Planning
- Tax
- Public Safety
- 2010 Census
- Housing Survey

Planning Designations

| | |
|--|---|
| Property in Atlanta city limits | Yes |
| USPS ZIP Code | 30309 |
| District/Landlot | 17-106 cadastral map |
| Zoning | |
| Primary | SPI-16 SA1 |
| Overlay | LBS (Landmark Building/Site) |
| Maps | Official Zoning Map (pdf) Online Map |
| Future Land Use | High-Density Commercial (HDC) |
| NPU | E |
| Adjacent NPU (within 300 feet) | - |
| Neighborhood | Midtown |
| Council District | 2 |
| Renewal Community | No |
| Empowerment Zone | No |
| New Market Tax Credits | No |
| Livable Centers Initiative (LCI) | - |
| Tax Allocation District (TAD) | - |
| Supportive Housing Distance Eligibility | Meets distance requirements |
| Neighborhood Stabilization Program | No |
| Neighborhood Stabilization Program 3 | No |
| Opportunity Zone | No |
| Community Development Impact Areas | No |
| Urban Redevelopment Areas | No |
| Inspection Arborist | NE |
| Inspection Building | Ford |
| Inspection Electrical | Thompson |
| Inspection HVAC | Broughton |
| Inspection Plumbing | Markell |
| Potential Brownfield | - |

RECEIPT

CITY OF ATLANTA
ATLANTATEST
55 TRINITY AVE SW

Application: U-13-010
Application Type: Planning/ZRB/Special use/NA
Address: 979 CRESCENT AVE NE, ATLANTA, GA 30309
Owner Name: MARGARET MITCHELL HOUSE INC
Owner Address:
Application Name:

| Receipt No. | 323487 | | | | | |
|----------------|------------|-------------|--------------|------------|----------|----------|
| Payment Method | Ref Number | Amount Paid | Payment Date | Cashier ID | Received | Comments |
| Check | 0018 | \$400.00 | 04/04/2013 | RPLEWIS | | |

Owner Info.: MARGARET MITCHELL HOUSE INC

Work Description: TDR

PAID
CITY OF ATLANTA
APR 04 2013
[Signature]
EX OFFICIO MUNICIPAL
REVENUE COLLECTOR

**Conditions for U-13-10 for 979 Crescent Avenue (sending parcel)
207- 225 13TH Street (receiving parcel)**

1. All documents submitted with the application to the Office of Planning on April 4, 2013 and supplemental information submitted with the application to the Office of Planning on June 5, 2013 for a Special Use Permit to transfer a total of 120,290 square feet square feet of residential development rights from 979 Crescent Avenue N. E. to 207, 211, 219, 223 and 225 13th Street. The owners of the sending and receiving parcel will enter into an agreement within 30 days after the approval of the special permit to transfer excess development rights and shall provide the executed affidavit and all corresponding executed documents to the City of Atlanta Office of Planning-Director and the City of Atlanta Law Department to be recorded in the real property records in the Office of the Clerk of Superior Court, Fulton County, Georgia.
2. The maximum building height shall be 250 feet.
3. All building setbacks (including for the parking deck podium) shall be met for the entire building.
4. The first two levels above finished grade of western facing parking deck façade shall be fully enclosed.

you on the Park

Tivoli Properties, Inc.
 KGH International Development, LLC

Zoning Calculations
 May 9, 2013



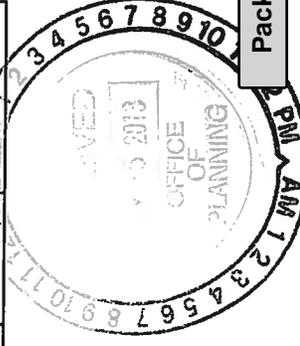
| | | |
|--|----------------|---------------------------------|
| Net Land Area (NLA) | 36,941 | |
| Net Land Area (NLA) | 36,941 | |
| Land Increase Adjacent to ROW | 4,160 | |
| Gross Land Area (GLA) | 41,101 | |
| Residential Floor Area | 251,812 | |
| GLA x 3.2 Floor Area Ratio (FAR) | 131,523 | |
| Transfer Development Rights (TDR) | 120,290 | from Atlanta Historical Society |
| Allowed Floor Area | 251,813 | |
| Balconies | 23,084 | |
| Rooftop Terraces | 9,309 | |
| Landscaped Areas and Plazas | 10,475 | |
| Sidewalks on Property | 1,178 | |
| Landscaped Areas in ROW | 225 | |
| Useable Open Space (UOS) | 44,271 | |
| Useable Open Space Ratio (UOSR) | 1.08 | = UOS/GLA (1.05 minimum) |

Tivoli Properties, Inc.
 700 on the Park - Residential Apartments

Unit Calculations
 May 3, 2013

| Level | SA | SB | 1A | 1B | 1C | 1D | 1E | 2A | 2B | 2C | 2D | LEVEL TOTALS |
|--------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|----------|----------|----------|--------------|
| | Studio | Studio | 1x1 | 1x1 | 1x1 | 1x1 | 1x1 | 2x2 | 2X2 | 2X2 | 2X2.5 | |
| L7 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 8 |
| L8 | 2 | 2 | 4 | 2 | 1 | 0 | 0 | 4 | 0 | 0 | 0 | 15 |
| L9 | 2 | 2 | 4 | 2 | 1 | 0 | 0 | 4 | 0 | 0 | 0 | 15 |
| L10 | 2 | 2 | 4 | 2 | 1 | 0 | 0 | 4 | 0 | 0 | 0 | 15 |
| L11 | 2 | 2 | 4 | 2 | 1 | 0 | 0 | 4 | 0 | 0 | 0 | 15 |
| L12 | 2 | 2 | 4 | 2 | 1 | 0 | 0 | 4 | 0 | 0 | 0 | 15 |
| L13 | 2 | 2 | 4 | 2 | 1 | 0 | 0 | 4 | 0 | 0 | 0 | 15 |
| L14 | 0 | 0 | 4 | 2 | 1 | 2 | 1 | 4 | 0 | 0 | 0 | 14 |
| L15 | 0 | 0 | 4 | 2 | 1 | 2 | 1 | 4 | 0 | 0 | 0 | 14 |
| L16 | 0 | 0 | 4 | 2 | 1 | 2 | 1 | 4 | 0 | 0 | 0 | 14 |
| L17 | 0 | 0 | 4 | 2 | 1 | 2 | 1 | 4 | 0 | 0 | 0 | 14 |
| L18 | 0 | 0 | 4 | 2 | 1 | 2 | 1 | 4 | 0 | 0 | 0 | 14 |
| L19 | 0 | 0 | 4 | 2 | 1 | 2 | 1 | 4 | 0 | 0 | 0 | 14 |
| L20 | 0 | 0 | 4 | 2 | 1 | 2 | 1 | 4 | 0 | 0 | 0 | 14 |
| L21 | 0 | 0 | 4 | 2 | 1 | 2 | 1 | 4 | 0 | 0 | 0 | 14 |
| L22 | 0 | 0 | 4 | 2 | 1 | 2 | 1 | 4 | 0 | 0 | 0 | 14 |
| L23 | 0 | 0 | 4 | 0 | 0 | 2 | 1 | 4 | 2 | 1 | 0 | 14 |
| L24 | 0 | 0 | 0 | 0 | 0 | 2 | 1 | 0 | 0 | 0 | 4 | 7 |
| TYPE TOTALS | 12 | 12 | 68 | 30 | 15 | 22 | 11 | 68 | 2 | 1 | 4 | 245 |

| | | | | | | | | | | | | |
|-------------|-------|-------|--------|--------|--------|--------|-------|--------|-------|-------|-------|----------------|
| Type Area | 552 | 632 | 748 | 758 | 844 | 824 | 794 | 1,149 | 1,377 | 1,688 | 1,908 | |
| Total Areas | 6,624 | 7,584 | 50,864 | 22,740 | 12,660 | 18,128 | 8,734 | 78,132 | 2,754 | 1,688 | 7,632 | 217,540 |



13TH STREET HOLDINGS, LLC
400 Galleria Parkway, Suite 1500
Atlanta, Georgia 30339

 Telephone: (770) 272-7600
 Telecopier: (678) 385-5928

May 21, 2013

VIA FEDERAL EXPRESS

Ms. Charletta Wilson Jacks
 CITY OF ATLANTA BUREAU OF PLANNING
 55 Trinity Avenue, Suite 3350
 Atlanta, Georgia 30303

Re: Special Use Permit Application U-13-10 (the "Application") filed by 13th Street Holdings, LLC for the Transfer of Development Rights from 990 Peachtree Street, N.E., Atlanta, Georgia (the "Sending Property") to 207 13th Street, N.E., Atlanta, Georgia (the "Receiving Property")

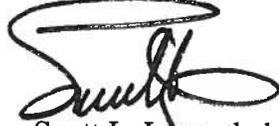
Dear Ms. Wilson Jacks:

On May 6, 2013, 13th Street Holdings, LLC transferred its interest in the Receiving Property to TPKG 13th Street Development, LLC. Please let the undersigned know whether any action is required on the part of either 13th Street Holdings, LLC or TPKG 13th Street Development, LLC to substitute TPKG 13th Street Development, LLC as the applicant under Application. If no additional action is required, please confirm that "TPKG 13th Street Development, LLC" has been properly recognized as the successor-in-interest to 13th Street Holdings, LLC and that the Application is proceeding forward with TPKG 13th Street Development, LLC as the applicant.

Thank you in advance for your assistance in this matter. Please do not hesitate to contact me with any questions or if you should require any additional information.

Sincerely,

13th STREET HOLDINGS, LLC



Scott L. Leventhal
 Authorized Representative

SLL/elh

cc: Jackson McQuigg
 Robert Zoekler, Esq.



MADDOX, NIX, BOWMAN & ZOECKLER
A PROFESSIONAL CORPORATION

ROBERT W. MADDOX
JOHN ANDREW NIX
THOMAS A. BOWMAN
ROBERT L. ZOECKLER

ATTORNEYS AT LAW
945 BANK STREET
POST OFFICE DRAWER 1017
CONYERS, GEORGIA 30012-1017

Telephone:
770-922-7700
Facsimile:
770-760-7600

4 April 2013

VIA HAND DELIVERY

Ms. Charletta Wilson Jacks, Director
Office of Planning
City of Atlanta
City Hall South, Suite 3350
68 Mitchell Street, S.W.
Atlanta, Georgia 30335

C-13-10

Re: Joint Special Use Permit to Transfer Certain Residential Development Rights from 979 Crescent Avenue (sending property) to 207 13th Street (receiving property).

Dear Charletta:

I represent the Atlanta Historical Society, Inc. (Atlanta History Center) in this application. The Atlanta History Center owns 979 Crescent Avenue, upon which is located the Margaret Mitchell House. This parcel is an existing Landmark Building or Site (LBS) and is zoned SPI-16/SA1/LBS. We are jointly filing this request with 13th Street Holdings, LLC for a Special Use Permit to transfer development rights from the MMH parcel to 207 13th Street. 979 Crescent Avenue is the sending site and the 13th Street property is the receiving site.

You will recall that a nearly-identical SUP/TDR was approved by City Council in June 2008 (U-08-14/08-O-0653) and extended in July 2009 (09-O-1106). Due to various factors, that SUP/TDR was not consummated and expired in June 2012. The TDR before you effectively seeks to renew that former SUP/TDR, with several minor adjustments specified in the attached application materials.

I include with this joint SUP/TDR application the City's SUP form and all other required documents. Several issues should be noted for the record in compliance with the application requirements of Code Section 16-28.023(5). First, the Atlanta History Center seeks to transfer only a portion of the residential development rights from the property at 979 Crescent Avenue to the receiving property on 13th Street as specified on the attached calculation sheet. All other development rights are being retained on the donor site and are not being severed from this site. (See Code Section 16-28.023(5)(a)(v).)

Second, no physical property changes are requested for the donor site as a part of this SUP application. Since we are not changing anything on-site at this time, many of the criteria

Ms. Charletta Wilson Jacks
4 April 2013
Page 2

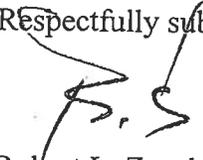
U-13-10

and factors associated with a standard SUP application, such as parking, ingress and egress, and so forth, are not relevant to the donor site application.

Finally, I also include an affidavit for filing in Fulton Superior Court pursuant to 16-28.023(5)(a)(iii) limiting future development in accordance with the terms of this permit as it relates to the donor parcel. I hereby certify that my client, the Atlanta Historical Society, Inc., will execute the affidavit following approval of the SUP and consummation of the transfer and either have it recorded in Fulton County or forwarded to the Law Department for filing, at your discretion, within the time you specify.

We greatly appreciate your assistance with this application, and look forward to presenting it to the Midtown Neighbors, NPU E, the ZRB, and City Council. Please do not hesitate to call if you need further information or have questions.

Respectfully submitted,



Robert L. Zoeckler

RLZ/mbc

cc: Jackson McQuigg, Vice President of Properties, Atlanta History Center
Doug Young, Executive Director, Atlanta Urban Design Commission
Scott L. Leventhal, Tivoli Properties, Inc.

**979 Crescent Avenue, N.E. (Sending Property)
Joint Special Use Permit for TDR
Atlanta Historical Society, Inc.**

**TRANSFER OF DEVELOPMENT RIGHTS CALCULATIONS
FOR
SENDING PROPERTY 979 CRESCENT AVENUE, N.E.**

Zoning

SPI-16 Subarea 1 / LBS within Transit Station Area.

C-13-10

Land Area

Net lot area: 24,177 SF

Gross lot area: 48,627.9 SF

Residential Development Rights Available

- Base Residential Density:
3.2 (FAR) x 24,177 (net lot area) = 77,366 SF
- Transit Station Area Residential Density:
3.2 (FAR) x 24,177 (net lot area) = 77,366 SF
- Open Space Residential Bonus:
6.4 (FAR of combined base and transit station) x 24,450.9 SF (gross lot area – net lot area) = 156,485 SF
- Ground Floor Retail Bonus Density (residential use):
2.0 (FAR) x 48,627.9 (gross lot area) = 97,255 SF
- Existing residential development: None.
- Total Available Residential Density = 408,474 SF

Joint Special Use Permit for TDR
979 Crescent Avenue, N.E. (Sending Property)
Atlanta Historical Society, Inc.

importance of this landmark to Atlanta is well documented in the designation legislation and numerous other places as including the Windsor House Apartments in which Margaret Mitchell wrote the novel Gone With The Wind. 0-13-10

The TDR here will assist in the protection of the Mitchell House and its Peachtree Street views for the public. The special historic characteristics of this important Landmark Building are promoted by the subject TDR since the severance of certain residential development rights will help preserve this historic building and green space, which is the primary purpose of the state TDR scheme in general, and Atlanta's TDR scheme in particular. (See, Code Section 16-28.023(1)(Intent)). In addition, landing these development rights on the 13th Street site means that a rezoning to accomplish needed density at that location is unnecessary. This TDR thus protects two important city goals in a single SUP application.

C. STATEMENT REGARDING LIMITED RIGHTS TRANSFERRED

Pursuant to Code Section 16-28.023(5)(a)(v), this application seeks to transfer 120,471 square feet of residential development density to the 13th Street receiving site specified in this application. No other development rights are sought to be severed from the sending property at this time, including all remaining residential development rights, non-residential development rights, and mixed-use development rights. All such other development rights shall remain on 979 Crescent Avenue, N.E., the Sending Property.

979 Crescent Avenue, N.E. (Sending Property)
Joint Special Use Permit for TDR
Atlanta Historical Society, Inc.

Total Residential Density Transferred to 13th Street

~~120,471 SF~~ 120,290

C'-13-10

Total Residential Density Remaining On Donor Site (990 Peachtree St.)

408,474 SF (available) – ~~120,471 SF~~ 120,290 (transferred) = 288,003 SF
(residential density remaining on site)

Parking

No change from existing conditions.

NOTE: All other development rights are retained on donor site (979 Crescent Avenue) including non-residential, mixed use, and other bonuses not specifically addressed above.

STATE OF GEORGIA
 COUNTY OF FULTON

In Re: Property of Atlanta Historical Society, Inc.
 Deed Book 38148, Page 593;
 Deed Book 38148, Page 597;
 Deed Book 55182, Page 316.

U-13-10

AFFIDAVIT WITH RESPECT TO REAL PROPERTY

In Re: Special Use Permit authorizing Transfer of Residential Development Rights from 979 Crescent Avenue, N.E. Atlanta, Georgia 30309 ("Sending Property") to 207 13th Street, Atlanta, Georgia 30309 ("Receiving Property").

Personally appeared before me, the undersigned notary public duly authorized to administer oaths, F. SHEFFIELD HALE, who, after being duly sworn, testifies and deposes as follows:

1. My name is F. Sheffield Hale. I am over the age of eighteen, and I suffer from no disabilities that would prevent me from giving the testimony set forth herein. I have personal knowledge of the facts stated herein, and know them to be true to the best of my knowledge. I give this Affidavit voluntarily.
2. That the deponent is the President and Chief Executive Officer of Atlanta Historical Society, Inc. ("AHS, Inc."), a not-for-profit Georgia corporation.
3. That AHS, Inc. is the current owner ("Owner") of the parcel of land known as 979 Crescent Avenue, N.E., Atlanta, Georgia 30309 as more particularly described on Exhibit "A" attached to this Affidavit and incorporated herein by reference (the "Sending Property");
4. That Owner has been granted Special Use Permit # _____ (the "SUP") with respect to the Sending Property, a true and correct copy of the SUP being attached hereto as Exhibit "B" and incorporated herein by reference;
5. That Owner has entered into a binding agreement with 13th Street Holdings, LLC, the owner of the Receiving Property, with respect to the Sending Property (the "Agreement"), a true and correct copy of which is attached to this Affidavit as Exhibit "C" and incorporated herein by reference;

6. That the SUP and the Agreement limit and restrict the future development of the Sending Property by way of a transfer of 120,471 square feet of residential development rights to the Receiving Property;

7. That Owner agrees to bind itself and all successors in title, individually and collectively, to the prohibitions against future use of said 120,471 square feet of residential development on the Sending Property as set forth in the SUP and Agreement and further agrees to adhere to the regulations and conditions set forth in the SUP pursuant to 16-28.023 of the Code of Ordinances of the City of Atlanta, and that all other residential, non-residential and mixed-use development rights pertaining to said property shall be retained by the Sending Property;

8. That Owner understands and agrees that any failure to adhere to the regulations of the SUP shall entitle the City of Atlanta to commence appropriate enforcement action;

9. That the SUP shall be binding upon and shall inure to the benefit of the Owner and any and all successors in interest, individually and collectively, to Sending Property;

10. That the limited residential development restrictions set forth herein shall run with the land of the Sending Property in perpetuity and shall transfer automatically without further approval of any kind by the City of Atlanta and be binding upon any and all successors in interest to the Sending Property;

11. That this Affidavit is given with the Owner's understanding that same has been relied upon by the City of Atlanta in the issuance of the SUP benefiting and restricting the Sending Property;

U-13-10

12. That the Owner understands that the Law Department of the City of Atlanta shall cause this Affidavit with all attachments to be recorded in the official real estate records of the Superior Court of Fulton County; and

13. That said recording of this Affidavit is for the purpose of providing notice of record of the provisions of the SUP and the Agreement to all successors in interest and interested parties, and specifically to provide notice of the binding effect of these provisions upon the Owner and all successors in interest to the Property.

Further affiant sayeth not.

Sworn to and subscribed
before me this _____ day of
_____, 2013.

Notary Public

[SEAL]

F. SHEFFIELD HALE
President and CEO
Atlanta Historical Society, Inc.

(SEAL)

979 CRESCENT AVENUE
DONOR/SENDING PARCEL

DESCRIPTION OF PROPERTY
THE MARGARET MITCHELL HOUSE
PARCEL A

ALL OF THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 106 OF THE 17TH DISTRICT, CITY OF ATLANTA, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO REACH THE POINT OF BEGINNING, COMMENCE FROM A POINT FORMED BY THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY OF CRESCENT AVENUE (VARIABLE RIGHT-OF-WAY) AND THE NORTHERLY RIGHT-OF-WAY OF PEACHTREE PLACE (VARIABLE RIGHT-OF-WAY) RUNNING THENCE ALONG THE NORTHEASTERLY RIGHT-OF-WAY OF CRESCENT AVENUE (VARIABLE RIGHT-OF-WAY) NORTH 26°16'36" WEST FOR A DISTANCE OF 80.08 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS ESTABLISHED, CONTINUE ALONG THE NORTHEASTERLY RIGHT-OF-WAY OF CRESCENT AVENUE (VARIABLE RIGHT-OF-WAY) THE FOLLOWING COURSES AND DISTANCES;

1. NORTH 26°46'22" WEST, A DISTANCE OF 21.53 FEET TO A POINT;
2. NORTH 26°46'22" WEST FOR A DISTANCE OF 55.47 FEET TO A POINT;
3. NORTH 26°29'12" WEST FOR A DISTANCE OF 50.23 FEET TO A POINT;
4. NORTH 84°42'02" EAST FOR A DISTANCE OF 3.21 FEET TO A POINT;
5. NORTH 26°30'24" WEST FOR A DISTANCE OF 8.86 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF 10TH STREET (VARIABLE RIGHT-OF-WAY);

THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY OF 10TH STREET (VARIABLE RIGHT-OF-WAY) THE FOLLOWING COURSES AND DISTANCES;

1. 102.60 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 237.00 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 68°44'51" EAST, 101.80 FEET TO A POINT;
2. NORTH 81°08'56" EAST FOR A DISTANCE OF 79.00 FEET TO A POINT;
3. 10.24 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 6.00 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 49°59'38" EAST, 9.04 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF PEACHTREE STREET (VARIABLE RIGHT-OF-WAY);

THENCE ALONG THE WESTERLY RIGHT-OF-WAY OF PEACHTREE STREET (VARIABLE RIGHT-OF-WAY) THE FOLLOWING COURSES AND DISTANCES;

1. SOUTH 01°08'12" EAST FOR A DISTANCE OF 66.66 FEET TO A POINT;
2. 67.41 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 607.43 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 04°18'57" EAST, 67.37 FEET TO A POINT;
3. 18.72 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 607.43 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 08°22'41" EAST, 18.72 FEET TO A POINT;
4. 1.38 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 538.46 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 09°11'16" EAST, 1.38 FEET TO A POINT;

THENCE DEPARTING THE WESTERLY RIGHT-OF-WAY OF PEACHTREE STREET (VARIABLE RIGHT-OF-WAY) SOUTH 85°00'54" WEST FOR A DISTANCE OF 131.85 FEET TO THE POINT OF BEGINNING.

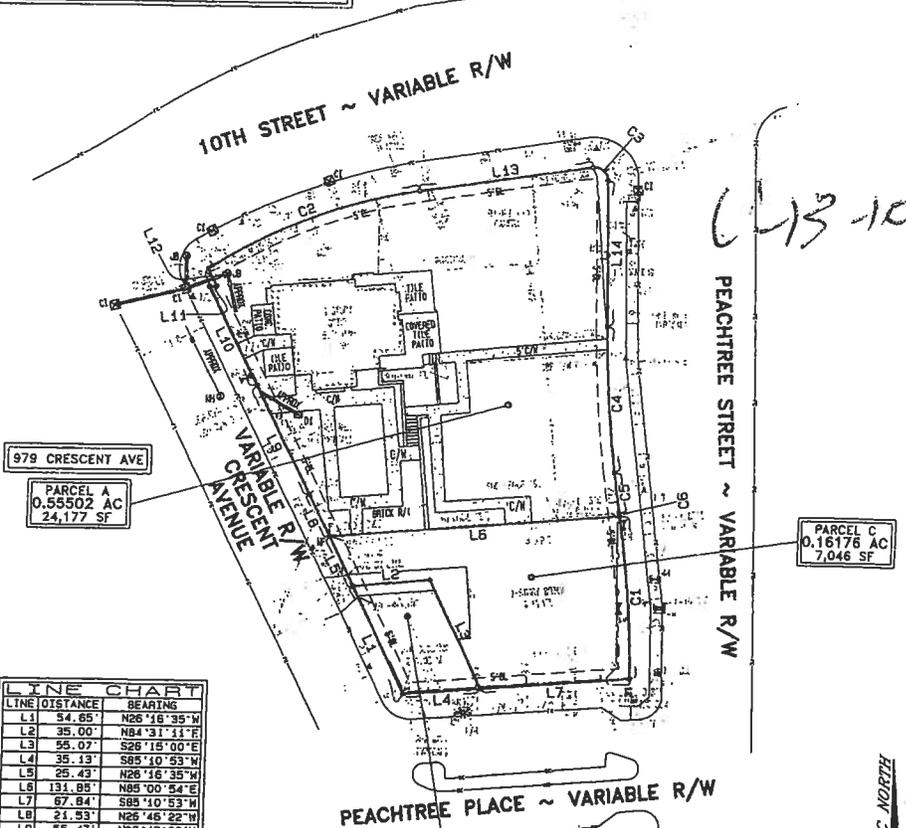
SAID TRACT OR PARCEL CONTAINING 0.55502 OF AN ACRE OR 24,177 SQUARE FEET.

~~F~~ U-13-10

LEGEND

- A - ARC
- AC - ACCESS EASEMENT
- AGL - ATLANTA GAS LIGHT COMPANY
- ASP - ASPHALT
- BB - BOTTOM OF BANK
- BC - BACK OF CURB
- B/C - BUILDING CORNER
- BL - BUILDING SETBACK LINE
- BN - BENCHMARK
- BRF - BLUE PIN FLAG
- BH - BLUE PAINT MARK
- BS - BOTTOM OF SLOPE
- BSD - BELL SOUTH TELEPHONE CO.
- BSOCH - BELL SOUTH CABLE MARKER
- BW - BOTTOM OF WALL
- B/W - BARBED WIRE
- CB - CATCH BASIN
- CI - CURB INLET
- CL - CENTERLINE
- C/L - CHAINLINK
- CNE - CONCRETE NONWENT FOUND
- CNP - CORRUGATED METAL PIPE
- CD - CLEANOUT
- COM - COMMUNICATION
- CT - CRIMPED TOP PIPE
- CTV - CABLE TELEVISION
- C/W - CONCRETE WALK
- DB - DEED BOOK
- DE - DRAINAGE EASEMENT
- DI - DROP INLET
- DIP - DUCTILE IRON PIPE
- DIR - DEPT. OF NATURAL RESOURCES
- DIRMS - DIR MONUMENT SET
- EB - ELECTRIC BOX
- EMC - ELECTRIC MEMBERSHIP CORP.
- EP - EDGE OF PAVEMENT
- FC - FACE OF CURB
- F/C - FENCE CORNER
- FDC - FENCE FOOTING CONNECTION
- FFE - FINISHED FLOOR ELEVATION
- FM - FIRE HYDRANT
- F/L - FENCE LINE
- FDCN - FIBRE OPTIC CABLE MARKER
- FP - FENCE POST
- F/P - FLAG POLE
- GLWP - GAS LINE MARKER POST
- GH - GAS METER
- GP - GUY POLE
- GPC - GEORGIA POWER COMPANY
- GV - GAS VALVE
- GN - GUY WIRE
- N/C - HANDICAP PARKING SPACE
- HVP/P - HIGH VOLTAGE POWER POLE
- HW - HIGH WATER
- H/W - HEADWALL
- ICV - IRRIGATION CONTROL VALVE
- INV - INVERT
- IR - IRON PIN FOUND
- IPF - IRON PIN PLACED
- IRF - INTERMEDIATE REGIONAL FLOOD
- JB - JUNCTION BOX
- (L) - CURVE TO THE LEFT
- L/A - LIMIT OF ACCESS
- LC - LENGTH OF CHORD
- LL - LAND LOT LINE
- LWP - LAND POST/LIGHT POLE
- L/S - LANDSCAPED AREA
- NFE - NAILBOOK
- NFE - MINIMUM FLOOR ELEVATION
- NPH - METROEDIA FIBRE NETWORK
- NH - NAILBOOK
- NH - MONITORING WELL
- N/C - NAIL IN CAP
- N/P - NAIL POINT
- N/P - NOM OR FORMERLY
- OC - OUTLET CONTROL STRUCTURE
- OSF - ORANGE PAINT MARK
- OPM - ORANGE PAINT MARK
- OT - OPEN TOP PIPE
- P - POWER LINE
- PB - PLAT BOOK
- P/B - POWER BOX
- PI - PAGE IS
- PIV - POST INDICATOR VALVE
- PL - PROPERTY LINE
- POB - POINT OF BEGINNING
- PDC - POINT OF COMMENCING
- PM - POWER METER
- P/M - PARKING METER
- P/P - POKER POLE
- PS - PARKING SPACE IS
- PVC - POLYETHYLENE GLYCOL PIPE
- R - RADIUS
- RD - CURVED TO THE RIGHT
- RE - RE-BAR
- RCB - REINFORCED CONCRETE PIPE
- RE - RED PIN FLAG
- RPH - RED PAINT MARK
- RR - RAILROAD
- R/T - RETAINING
- R/M - RIGHT OF WAY
- SF - SQUARE FEET
- SR - SOLID ROD
- SS - SANITARY SEMER
- SS - SANITARY FEMER EASEMENT
- STE - SIDEWALK
- T - TELEPHONE LINE
- T - TELEPHONE BOX
- T/S - TELEPHONE SIGNAL
- TST - TRAFFIC SIGN
- TW - TOP OF WALL
- T/N - TEST WELL
- U/G - UNDERGROUND
- VB - VALVE BOX
- VMP - VALVE MARKER POST
- W - WATER LINE
- W - METLAND FLAG
- WM - WATER METER
- WV - WATER VALVE
- YFP - YELLOW PIN FLAG
- YPH - YELLOW PAINT MARK

REFERENCE MATERIAL:
 1. PLAT: ALTA SURVEY FOR THE MARGARET MITCHELL MUSEUM, INC. & AHS/004, L.L.C. LAND LOT 106, 17TH DISTRICT FULTON COUNTY, GEORGIA. BY TRU-LINE SURVEYING, INC. DATED 07/12/04.
 2. PLAT: LOT CONSOLIDATION PLAT FOR ATLANTA HISTORICAL SOCIETY & FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK, LOCATED IN LAND LOT 106, 17TH DISTRICT, CITY OF ATLANTA, FULTON COUNTY, GEORGIA, PREPARED BY MATTS & BROWNING ENGINEERS, INC. DATED MARCH 21, 2008, RECORDED APRIL 8, 2008, PLAT BOOK 337, PAGE 19, FULTON COUNTY RECORDS.



LINE CHART

| LINE | DISTANCE | BEARING |
|------|----------|-------------|
| L1 | 54.65' | N26°16'35"W |
| L2 | 35.00' | N84°31'11"E |
| L3 | 55.07' | S26°15'00"E |
| L4 | 35.13' | S89°10'53"W |
| L5 | 25.43' | N26°16'35"W |
| L6 | 131.89' | N85°00'54"E |
| L7 | 67.84' | S85°10'53"W |
| L8 | 21.53' | N26°46'22"W |
| L9 | 55.47' | N26°46'22"W |
| L10 | 50.23' | N26°29'12"W |
| L11 | 3.21' | N84°42'02"E |
| L12 | 6.66' | N25°30'24"W |
| L13 | 79.00' | N81°08'56"E |
| L14 | 66.66' | S01°08'12"E |

CURVE CHART

| LINE | ARC | CHORD | BEARING | RADIUS | CHORD |
|------|---------|-------|-------------|---------|---------|
| C1 | 74.97' | (R) | S05°07'31"E | 538.46' | 74.91' |
| C2 | 102.80' | (R) | N68°44'51"E | 237.00' | 104.80' |
| C3 | 10.24' | (R) | S48°59'38"E | 6.00' | 9.04' |
| C4 | 67.41' | (L) | S04°18'57"E | 607.43' | 67.37' |
| C5 | 18.72' | (L) | S08°22'41"E | 607.43' | 18.72' |
| C6 | 1.38' | (R) | S09°11'16"E | 538.46' | 1.38' |

NOTE: THE REFERENCED MUNICIPALITY SUPPLIED THE ZONING INFORMATION STATED ON THIS PLAT. ANY GRAPHIC DEPICTION OF SETBACK LINES AND OTHER MATTERS OF ZONING ARE THE SURVEYOR'S INTERPRETATION OF THE ZONING INFORMATION FURNISHED. THE SURVEYOR OFFERS NO CERTIFICATION AS TO THE ZONING OF THE SUBJECT PROPERTY OR COMPLIANCE WITH THE ZONING REGULATIONS FOR THE STRUCTURES OR BUSINESSES ON THE SUBJECT PROPERTY.

NOTE: THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED IN THE CERTIFICATION HEREON. SAID CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED ENTITIES WITHOUT AN EXPRESSED RECERTIFICATION BY THE SURVEYOR HAVING SAID ENTITIES.

NOTE: ABOVE GROUND UTILITY LOCATIONS WERE OBTAINED FROM FIELD OBSERVATIONS. MATTS & BROWNING HAS NOT RESEARCHED UNDERGROUND UTILITY LOCATIONS. INFORMATION SHOWN HEREON REGARDING THE EXISTENCE, SIZE, TYPE AND LOCATION OF UNDERGROUND UTILITIES IS BASED ON MARKINGS IN THE FIELD AND INFORMATION FURNISHED BY OTHERS AND MATTS & BROWNING ENGINEERS IS UNABLE TO CERTIFY TO THE ACCURACY OR COMPLETENESS OF THIS INFORMATION. INDICATED LOCATIONS SHOULD BE CONFIRMED IN THE FIELD WITH UTILITY COMPANIES PRIOR TO PROCEEDING WITH PLANNING, DESIGN OR CONSTRUCTION.

MATTS & BROWNING ENGINEERS, INC. HAS EXAMINED THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM) AND IT IS OUR OPINION THAT THE REFERENCED PROPERTY IS LOCATED IN ONE 'X-UNSHADED'. SEE BELOW AS PER: FULTON COUNTY FIRM MAP NUMBER 13121C0242 E, DATED 06/22/98.
 ZONE X (UNSHADED): AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD.

ZONING NOTES:
 ZONED: SPI -16 SUBAREA 1 (SA-1)
 ZONING REGULATIONS ARE SUBJECT TO INTERPRETATION. FOR FUTURE ZONING INFORMATION CONTACT: TSHAKA WARREN WITH CITY OF ATLANTA ZONING 404-330-6963

BULK REGULATIONS:
 1. MAXIMUM BUILDING HEIGHT: NONE SEC. 16-18P.028 (4.B)
 2. MINIMUM YARD REQUIREMENTS:
 FRONT SETBACK: 5 FEET SEC 16-18 P.013.1.A
 REAR SETBACK: 5 FEET SEC 16-18 P.008.1.A
 SIDE SETBACK: NONE (ODN-RESIDENTIAL USES) SECTION 16-18 P.028.2.B.1
 20 FEET (RESIDENTIAL) EXCEPT THAT THE SIDE YARD MAY BE REDUCED TO ZERO FEET WHEN A RESIDENTIAL USE HAS NO RESIDENTIAL WINDOWS ADJACENT TO SUCH YARD.



THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE OF ONE FOOT IN 118,205 FEET AND AN ANGULAR ERROR OF 05" PER ANGLE POINT, AND WAS LEAST SQUARES ADJUSTED.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 104,972 FEET.

A LEICA TC 500 TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS & REQUIREMENTS OF LAW.

MEMBER SURVEYING AND MAPPING SOCIETY OF GEORGIA

LOT SPLIT PLAT FOR
ATLANTA HISTORICAL SOCIETY & FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK
 LOCATED IN
 LAND LOT 106
 17TH DISTRICT
 CITY OF ATLANTA
 FULTON COUNTY, GEORGIA

SCALE: 1"=40'
 DATE SURVEYED: 03/18/09
 DATE UPDATED: N/A
 SURVEYED BY: PLYEAR
 DATE DRAFTED: 06/29/10
 UPDATE DRAFTED: N/A
 DRAWN BY: AMCH
 CHECKED BY: HJ
 FIELD BOOK #: 2325, 2371
 JOB NUMBER: 080302
 FOLDER NUMBER: 080302
 CADD FILE: 585-080302
 OISC FILE: 080302-LOT-SPLIT
 COUNTY/L/D/S: FULTON/106/17
 PLAT FILE: B
 SHEET: 1 OF 1

WATTS & BROWNING ENGINEERS, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 5582 PEACHTREE ROAD
 ATLANTA, GEORGIA 30341-4953
 PHONE: (770) 451-7453
 FAX: (770) 453-3955
 WWW.WBENG.COM

REVISITS

| NO. | DATE | BY | DESCRIPTION |
|-----|----------|------|------------------------|
| 1 | 07/19/11 | AMCH | SHOW PARCELS A, B & C. |
| 2 | 06/09/11 | TOC | ADDRESS CITY COMMENTS. |



13TH STREET HOLDINGS, LLC
400 Galleria Parkway, Suite 1500
Atlanta, Georgia 30339

Telephone: (770) 272-7600
Telecopier: (678) 385-5928

May 21, 2013

VIA FEDERAL EXPRESS

Ms. Charletta Wilson Jacks
CITY OF ATLANTA BUREAU OF PLANNING
55 Trinity Avenue, Suite 3350
Atlanta, Georgia 30303

Re: Special Use Permit Application U-13-10 (the "Application") filed by 13th Street Holdings, LLC for the Transfer of Development Rights from 990 Peachtree Street, N.E., Atlanta, Georgia (the "Sending Property") to 207 13th Street, N.E., Atlanta, Georgia (the "Receiving Property")

Dear Ms. Wilson Jacks:

On May 6, 2013, 13th Street Holdings, LLC transferred its interest in the Receiving Property to TPKG 13th Street Development, LLC. Please let the undersigned know whether any action is required on the part of either 13th Street Holdings, LLC or TPKG 13th Street Development, LLC to substitute TPKG 13th Street Development, LLC as the applicant under Application. If no additional action is required, please confirm that "TPKG 13th Street Development, LLC" has been properly recognized as the successor-in-interest to 13th Street Holdings, LLC and that the Application is proceeding forward with TPKG 13th Street Development, LLC as the applicant.

Thank you in advance for your assistance in this matter. Please do not hesitate to contact me with any questions or if you should require any additional information.

Sincerely,

13TH STREET HOLDINGS, LLC



Scott L. Leventhal
Authorized Representative

SLL/elh

cc: Jackson McQuigg
Robert Zoekler, Esq.





SCOTT L. LEVENTHAL
President & Chief Executive Officer

April 2, 2013

VIA HAND DELIVERY

Ms. Charletta Wilson Jacks
City of Atlanta Bureau of Planning
55 Trinity Avenue, Suite 3350
Atlanta, Georgia 30303

U-13-10

Re: Special Use Permit Application U-13-__ (the "Application") for the Transfer of Development Rights from 990 Peachtree Street, N.E., Atlanta, Georgia (the "Sending Property") to 207 Thirteenth Street, N.E., Atlanta, Georgia (the "Receiving Property")

Dear Ms. Wilson Jacks:

This letter constitutes an agreement by 13th Street Holdings, LLC ("Applicant"), in the above-referenced Application, to execute an affidavit as required by Section 16-28.023(4)(b)(i) and Section 16-28.023(4)(b)(iii) of the City of Atlanta Zoning Ordinance (collectively, the "Affidavit"), in substantially the same form attached hereto as Exhibit "A", for the purpose of transferring development rights from the Sending Property to the Receiving Property.

Within thirty (30) days after the approval of the Application, Applicant shall provide the executed Affidavit to the City of Atlanta Bureau of Planning and the City of Atlanta Law Department to be recorded in the real property records in Office of the Clerk of Superior Court, Fulton County, Georgia Records. The recorded Affidavit shall provide notice of the Application approval and conditions and be binding upon Applicant, its successors, assigns and all subsequent owners of the Receiving Property.

I agree, on behalf of Applicant, its successors and assigns, to adhere to the terms of this letter agreement, as well as the other requirements placed on the Receiving Property by the Application.

Sincerely,

13TH STREET HOLDINGS, LLC

Scott L. Leventhal
Authorized Agent

TIVOLI PROPERTIES, INC.

EXHIBIT A**STATE OF GEORGIA
COUNTY OF FULTON****AFFIDAVIT WITH RESPECT TO REAL PROPERTY**

U-13-10

In re: Special Use Permit approved pursuant to Application U-08-__ to transfer development rights from 990 Peachtree Street, N.E., Atlanta, Georgia, to 207 Thirteenth Street, N.E., Atlanta, Georgia

Before me, a notary public, came Scott L. Leventhal, acting as the authorized agent of 13th Street Holdings, LLC (the "Owner") owner of the Receiving Property, who being duly sworn, says under oath the following:

1. That Owner owns that certain parcel of land known as 207 Thirteenth Street, N.E., Atlanta, Georgia, as more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Receiving Property");
2. That the City of Atlanta has granted a special use permit pursuant to Application U-13-__ (the "SUP") to transfer development rights from 990 Peachtree Street, N.E., Atlanta, Georgia, to the Receiving Property, a copy of which SUP approval is attached hereto as Exhibit "B";
3. That the approval of the SUP affects future development of the Receiving Property due to the transfer of development rights from 990 Peachtree Street, N.E., Atlanta, Georgia;
4. That Owner consents to the use of the development rights transferred pursuant to the SUP approval and all such rights sought to be utilized pursuant to the SUP are fully and unconditionally owned by the Owner;
5. That the development rights transferred in the SUP originally belonged to the property known as 990 Peachtree Street, N.E., Atlanta, Georgia, commonly known as the "Margaret Mitchell House" and "Commercial Row," and such development rights have been transferred pursuant to an agreement between the Atlanta History Center and Owner;
6. That Owner desires that any subsequent purchaser or lessee of the Receiving Property have knowledge of the restrictions, limitations and rights set forth in SUP and to be bound by the terms of the SUP to the same extent and as fully as if the same were covenants running with the land;
7. That this Affidavit is made with Owner's understanding that it will be relied on by the City of Atlanta in issuance of the SUP benefiting and restricting the Receiving Property and that the City of Atlanta Law Department shall record this affidavit with all attachments in the official real property records in the Office of the Clerk of Superior Court, Fulton County, Georgia for the purpose of providing notice of record of the provisions of the SUP to all successors in interest and interested parties.

Sworn to and subscribed before me
this ____ day of _____, 2013

Notary Public

(Notarial Seal)

My Commission Expires:_____

By: _____
Scott L. Leventhal
Authorized Agent

U-13-10

AUTHORIZATION TO INSPECT PREMISES

With the signature below, I authorize the staff of the Office of Planning of the City of Atlanta to inspect the premises, which are the subject of this special use permit application.

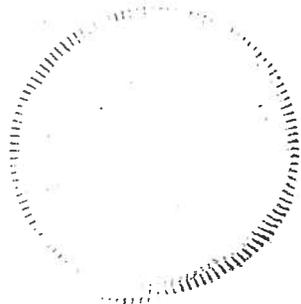
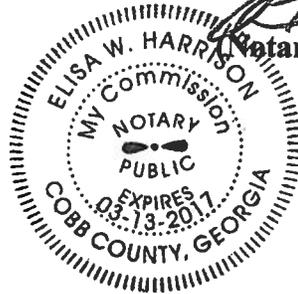
I swear and affirm that the information contained in this application is true and accurate to the best of my knowledge and belief



Owner or Agent of Owner (Applicant)

Sworn to and subscribed before me this 1st day of April, 2013


(Notary Public)



C-13-10

Legal Description

ALL OF THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 106, 17th District, City of Atlanta, Fulton County, Georgia, and more particularly described as follows:

COMMENCING at a one-half-inch (1/2") rebar found at the intersection of the southerly right-of-way line of Thirteenth Street, N.E. (a 40-foot public right of way) and the westerly right-of-way line of Piedmont Avenue, N.E. (a 60-foot public right of way); THENCE running North 88° 13 '05" West along the southerly right-of-way line of Thirteenth Street, N.E. for a distance of 408.87 feet to a one-half-inch (1/2") iron pin placed and the TRUE POINT OF BEGINNING.

FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED; THENCE departing the southerly right-of-way line of Thirteenth Street, N.E. and running South 01° 53 '05" West for a distance of 178.00 feet to a one-half-inch (1/2") iron pin placed; THENCE running North 88° 21' 13" West for a distance of 32.08 feet to a one-half-inch (1/2") rebar found; THENCE running North 88° 21' 13" West for a distance of 31.36 feet to a one-half-inch (1/2") rebar found; THENCE running North 87° 23' 49" West for a distance of 35.96 feet to a one-inch (1") crimp-top pipe found; THENCE running North 88° 39' 15" West for a distance of 72.00 feet to a point; THENCE running North 87° 36' 41" West for a distance of 36.00 feet to a one-half-inch (1/2") iron pin placed; THENCE running North 01° 41' 18" East for a distance of 178.02 feet to a one-half-inch (1/2") rebar found on the southerly right-of-way line of Thirteenth Street, N.E. (a 40-foot public right of way); THENCE running South 88° 39' 22" East along said right-of-way line for a distance of 35.98 feet to a three-quarters-inch (3/4") open-top pipe found; THENCE running South 87° 30' 06" East and continuing along said right-of-way line for a distance of 72.23 feet to a point; THENCE running South 87° 30' 06" East and continuing along said right-of-way line for a distance of 36.00 feet to a 3/4" open-top pipe found; THENCE running South 89° 36' 46" East and continuing along said right-of-way line for a distance of 31.73 feet to a one-quarter-inch (1/4") rebar found; THENCE running South 88° 21' 53" East and continuing along said right-of-way line for a distance of 32.08 feet to a one-half-inch (1/2") iron pin placed and the TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL ENCOMPASSING approximately 0.848 of an acre, or approximately 36,941 square feet, as shown on that certain "ALTA/ACSM Land Title Survey for 13th Street Holdings, LLC, High Trust Bank and Fidelity National Title Insurance Company," prepared by Metro Engineering & Surveying Co., Inc., bearing the seal and certification of James R. Green, Georgia Registered Land Surveyor No. 2543, dated January 18, 2008, and last revised June 2, 2008.

THE BEARINGS for the survey and the foregoing legal description derived from it are based upon the Georgia State Plane Coordinate System (GSPCS).

Exhibit "A"
Affidavit With Respect to Real Property
Legal Description of Receiving Property

U-13-10

ALL OF THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 106, 17th District, City of Atlanta, Fulton County, Georgia, and more particularly described as follows:

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