

Z-14-25-AN ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE R-4A (SINGLE FAMILY RESIDENTIAL) TO THE RG-2 (RESIDENTIAL GENERAL-SECTOR 2) DISTRICT FOR PROPERTY LOCATED AT 1767 AND 1777 MARIETTA ROAD, N.W. FRONTING APPROXIMATELY 263 FEET ON THE NORTH SIDE OF MARIETTA ROAD AT THE NORTHEASTERN CORNER OF MARIETTA AND ALMA. DEPTH: APPROXIMATELY VARIES AREA: APPROXIMATELY 2.23 ACRES. LAND LOTS 222 AND 223 , 17TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: ANITA C. SERRATO AND KYLE E. JONES APPLICANT: CHURCHILL PARTNERS, LLC NPU D COUNCIL DISTRICT 9

| | |
|-----------------------|--------------|
| Application File Date | May 13, 2014 |
| Zoning Number | Z-14-25 |
| NPU / CD | D-9 |
| Staff Recommendation | |
| NPU Recommendation | |
| ZRB Recommendation | |

Workflow List:

| | | |
|--|-----------|---------------------|
| Office of Research and Policy Analysis | Completed | 05/20/2014 11:36 AM |
| Zoning Committee | Pending | |
| Atlanta City Council | Pending | |
| Zoning Review Board Staff | Pending | |
| Office of Research and Policy Analysis | Pending | |
| Mayor's Office | Pending | |

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

Z-14-25-AN ORDINANCE BY ZONING COMMITTEE TO REZONE FROM THE R-4A (SINGLE FAMILY RESIDENTIAL) TO THE RG-2 (RESIDENTIAL GENERAL-SECTOR 2) DISTRICT FOR PROPERTY LOCATED AT 1767 AND 1777 MARIETTA ROAD, N.W. FRONTING APPROXIMATELY 263 FEET ON THE NORTH SIDE OF MARIETTA ROAD AT THE NORTHEASTERN CORNER OF MARIETTA AND ALMA. DEPTH: APPROXIMATELY VARIES AREA: APPROXIMATELY 2.23 ACRES. LAND LOTS 222 AND 223 , 17TH DISTRICT, FULTON COUNTY, GEORGIA. OWNER: ANITA C. SERRATO AND KYLE E. JONES APPLICANT: CHURCHILL PARTNERS, LLC NPU D COUNCIL DISTRICT 9

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| NPU Recommendation | |
| ZRB Recommendation | |

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

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at 1767 and 1777 Marietta Road, N.W., be changed from the R-4A (Single Family Residential) to the RG-2 (Residential General-Sector 2) District to wit:

ALL THAT TRACT or parcel of land lying in Land Lots 222 and 223, 17th District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, “Conditional Development”, as identified by the use of the suffice “C” after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.



55 Trinity Avenue S.W., Suite 3350
Atlanta, Georgia 30303
(404) 330-6145

APPLICATION #: **Z-14-025**

DATE ACCEPTED: **05/13/2014**

NOTICE TO APPLICANT

Address of Property:
1767, 1777 Marietta RD NW

City Council District: **9** Neighborhood Planning Unit (NPU): **D**

Zoning Review Board (ZRB) Hearing Date:
Thursday, August 7 or 14, 2014 at 6:00 p.m.

Council Chambers, 2nd Floor, City Hall
55 Trinity Avenue, S.W.

The contact person for NPU D is:

Jim Martin
404-894-6794
james.martin@me.gatech.edu

Contact info for adjacent NPUs is provided below if necessary:

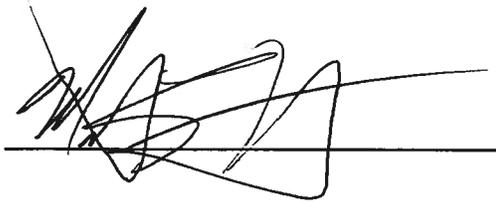
Additional Contacts:

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.

Signed,



LL, for Director, Bureau of Planning



APPLICATION FOR REZONING
City of Atlanta

Date Filed 5/13/14 Application Number Z-14-025

I Hereby Request That The Property Described in this Application be Rezoned

From R4-A District
TO RG-2 District

Name of Applicant Churchill Partners, LLC
Last Name First Name M.I.

address c/o Battle Law, P.C.
One street name West Court Square, Suite 750
city Decatur state GA zip code 30030
phone 404-601-7616 Fax 404-745-0045
e-mail address mlb@battlelawpc.com

Name of Property Owner See Exhibit A attached hereto
Last Name First Name M.I.

address _____ street name _____
city _____ state _____ zip code _____
phone _____ Fax _____

Description of Property

Address of Property 1767 & 1777 street name Marietta Rd
city Atlanta state GA zip code 30318
The subject property fronts +/-263.19 feet on the North side of Marietta Rd
beginning 0 feet from the northeastern corner of Marietta & Alma
Depth: _____ Area: 2.23 acres Land Lot: 222 223 Land District: 17 - Fulton County, GA.
Property is zoned: R4-A Council District: 9 Neighborhood Planning Unit: D

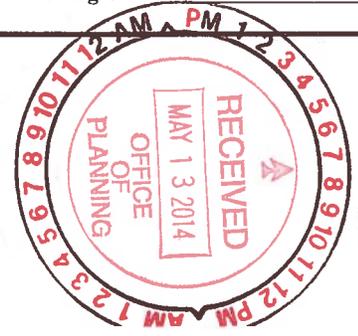


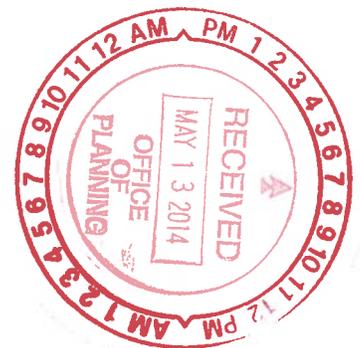
EXHIBIT A

List of Owners

Anita C. Serrato
1777 Marietta Rd
Atlanta, GA 30318
Phone: 404-626-7058
Email: anita@anitagoodlawyer.com

Kyle E. Jones
1767 Marietta Rd
Atlanta, GA 30318
Phone: (404) 432-9544
Email: kylejonesie@gmail.com

Z-14-025

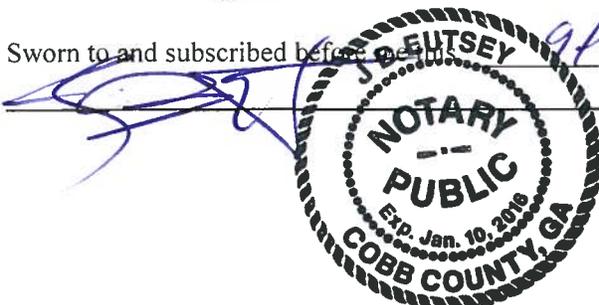


- C. **CONDITIONAL ZONING.** If the request is for zoning for new development, submit fourteen (14) copies of the site plan prepared by a State of Georgia registered architect, landscape architect, engineer, or planner holding the AICP designation. Site plans must be folded to 11" x 14". All site plans shall be sealed by the professional preparer and shall show the scale, north arrow; the location of streets and street names; sidewalks; existing and proposed buildings and their square footage, heights, and floor area ratio; parking spaces, loading areas, and number of parking spaces must also be shown. All plans for residential development must include, on the site plan, a summary of calculations in accordance with the Land Use Intensity System (see Chapter 8 of the Zoning Ordinance). For complete information regarding site plans, refer to the "Site Plan Requirements" attachment to this application form.
- D. **PLANNED DEVELOPMENT (PD) DISTRICTS.** If your request is for PD District Zoning, you must comply with the requirements of Chapter 19 of the Zoning Ordinance and with the appropriate regulations for Planned Development Housing, Office-Commercial, Mixed-Use, or Business Park as appropriate. **Certification of a PD Zoning pre-application conference is required.** Submit *Attachment 7*.
- E. **PROPERTY DESCRIPTION.** A copy of a recent plat of survey prepared by an engineer or land surveyor registered in the State of Georgia must accompany each application. In addition, a written legal description must be submitted. In cases involving more than one contiguous property, a consolidated legal description of the property must be submitted.
- F. **HOUSING APPLICATION.** If the rezoning application contemplates the construction of one or more residential units, complete the attached Atlanta Public School form, *Attachment 3*.
- G. **DEVELOPMENTS OF REGIONAL IMPACT.** If your application meets the thresholds shown on *Table II (Attachment 4)*, you must contact the Office of Planning for further instructions.
- H. **TREE PRESERVATION.** All development must meet the City of Atlanta Tree Ordinance. Contact the City Arborist, (404) 330-6150 for details.
- I. **COMPREHENSIVE DEVELOPMENT PLAN (CDP) AMENDMENT.** Submit *Attachment 5*.
- J. **DISCLOSURE.** Submit a disclosure statement as described in *Attachment 6*.
- K. **HEARING DATES AND PROCESSING OF APPLICANTS.** See attached Zoning Review Board Schedule.
- L. **MEETING WITH NEIGHBORHOOD PLANNING UNIT.** (NPU) You must contact the appropriate Neighborhood Planning Unit (NPU) within two business days after filing your rezoning application to appear before them prior to the public hearing of the Zoning Review Board. The name and phone number of the contact for the NPU will be provided at the time that you file your application.
- M. **FEES.** See attached fee schedule, *Attachment 8*.
- N. **AUTHORIZATION TO INSPECT PREMISES.** I hereby authorize the staff of the Office of Planning of the City of Atlanta to inspect the premises, which are the subject of this rezoning application.
- O. **Revisions to site plans will only be accepted up to 15 days prior to the scheduled hearing date.**

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

By: [Signature]
 Owner or Agent of Owner (Applicant)

Sworn to and subscribed before me this 9th day of May, 2014.
 _____ (Notary Public)



Z-14-025



A. SUMMARY OF PROPOSED PROJECT

The Applicant is seeking to develop a 21 unit townhome community on an irregularly shaped 2.23 acres of land located within the Bolton Road/Moores Mill Community, at 1767 and 1777 Marietta Road, Atlanta, Fulton County, GA (the "Subject Property"). The Subject Property is currently zoned R-4A and is improved with two single family residences. The northeastern boundary line of the Subject Property abuts the Crest Lawn Memorial Park Cemetery, and the western and southern boundary lines of the Subject Property abut Marietta Street and Alma Street. The area in which the Subject Property is located is residential in character with a variety of house styles. Additionally, directly across from the Subject Property is a vacant parcel of land having a street address of 1768 Marietta Road, Atlanta, which was rezoned from R4-A to RG-2 on March 21, 2005, simultaneously with a CDP Amendment from Single Family Residential to Low Density Residential.

B. DOCUMENTED IMPACT ANALYSIS

(1) **Compatibility with comprehensive development plans; timing of development.**

The rezoning of the Subject Property from R4-A to RG-2 does require an amendment to the Comprehensive Development Plan; however, the proposed use of the Subject Property for a residential townhome community is consistent with both the residential character of the area, as well as with other single family attached homes in the area.

(2) **Availability of and effect on public facilities and services; referrals to other agencies.**

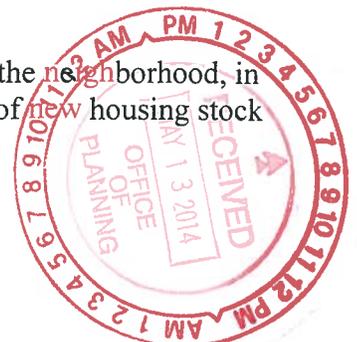
Public facilities are available for the site, and the proposed addition will not have a significant impact on the surrounding area.

(3) **Availability of other land suitable for proposed use; effect on balance of land uses.**

With the exception of the vacant parcel at 1768 Marietta Street which is directly across from the Subject Property, there are no vacant parcels in the immediate area that are currently zoned for the proposed townhome community.

(4) **Effect on character of the neighborhood.**

The proposed project will have a positive impact on the character of the neighborhood, in that it will contribute to ongoing revitalization of the area, and development of new housing stock that is compatible with the surrounding residences in the area.



2-14-028

(5) Suitability of proposed use.

The proposed use is both suitable and consistent with the surrounding residential community, as well as with the trends in the area. Additionally, the proposed townhome community will provide additional housing choices for individuals desiring to live in the area, which is consistent with one of the objective set forth in the 2002 Bolton Road/Moores Mill LCI Study.

(6) Effect on adjacent property.

The proposed project will not negatively impact the adjacent property.

(7) Economic use of current zoning.

The Subject Property has marginal value as currently zoned.

(8) Tree Preservation:

The Applicant seeks to preserve as many existing trees on the site as possible. To the extent that development plans require the removal of any trees, such removal shall be conducted in strict compliance with the City's Tree Ordinance..

C. CONDITIONAL ZONING

Attached hereto as Exhibit C are fourteen (14) copies of the Site Plan of the subject property prepared by Adam & Lee Land Surveying.

D. PLANNED DEVELOPMENT (PD) DISTRICTS.

The Applicant is not applying for a PD District Zoning.

E. PROPERTY DESCRIPTION

The legal description of the subject property is:

SEE ATTACHED LEGAL DESCRIPTION

F. HOUSING APPLICATION

SEE ATTACHED

G. DEVELOPMENTS OF REGIONAL IMPACT

This application does not meet the criteria which requires the completion of the development of Regional Impact Request for Review Form.

Z-14028



H. TREE PRESERVATION.

The Applicant seeks to preserve as many existing trees on the site as possible. To the extent that development plans require the removal of any trees, such removal shall be conducted in strict compliance with the City's Tree Ordinance..

I. COMPREHENSIVE DEVELOPMENT PLAN (CDP) AMENDMENT

SEE ATTACHED

J. DISCLOSURE

The Campaign Contributions Disclosure Statements for the Applicant and the Applicant's legal representative are attached hereto as Exhibit J.

2-14-028



AUTHORIZATION BY PROPERTY OWNER

(Required if person filing the application is **not** the owner of the subject property or Applicant for the proposed rezoning)

I, Kyle E. Jones (OWNER'S NAME)

SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 1767 Marietta Rd, Atlanta, GA 30318 (PROPERTY ADDRESS).

AS SHOWN IN THE RECORDS OF Fulton COUNTY, GEORGIA, WHICH IS THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I AUTHORIZE THE PERSON NAMED BELOW TO FILE THIS APPLICATION AS MY AGENT.

NAME OF APPLICANT:

LAST NAME Churchill Partners, LLC FIRST NAME c/o Battle Law, P.C.

ADDRESS One STREET NAME West Court Sq. SUITE 750

CITY Decatur STATE GA ZIP CODE 30030

TELEPHONE NUMBER

AREA CODE (404) NUMBER 601 - 7616

Kyle E. Jones
Signature of Owner
Kyle E. Jones
Print name of owner

Personally Appeared Before Me this 1st day of May, 2014.

Grace Dasrat
Notary Public

GRACE DASRAT
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires Mar. 23, 2018

Z-14-025



AUTHORIZATION BY PROPERTY OWNER

(Required if person filing the application is **not** the owner of the subject property or Applicant for the proposed rezoning)

I, Anita C. Serrato (OWNER'S NAME)

SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 1777 Marietta Rd, Atlanta, GA 30318 (PROPERTY ADDRESS).

AS SHOWN IN THE RECORDS OF Fulton COUNTY, GEORGIA, WHICH IS THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I AUTHORIZE THE PERSON NAMED BELOW TO FILE THIS APPLICATION AS MY AGENT.

NAME OF APPLICANT:

LAST NAME Churchill Partners, LLC FIRST NAME c/o Battle Law, P.C.

ADDRESS One STREET NAME West Court Sq. SUITE 750

CITY Decatur STATE GA ZIP CODE 30030

TELEPHONE NUMBER

AREA CODE (~~404~~) NUMBER 601 - 7616

Anita C. Serrato

Signature of Owner
Anita C. Serrato

Print name of owner

Personally Appeared Before Me this 2nd day of May, 2014.

Myra G. Ingram

Notary Public



Z-14-025

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.

[Handwritten Signature]

SIGNATURE OF ATTORNEY

Michele L. Battle, Battle Law, PC

NAME

One West Court Sq., Suite 750

ADDRESS

| | | |
|---------|-------|---------|
| Decatur | GA | 30030 |
| CITY | STATE | ZIPCODE |

404-601-7616

TELEPHONE NUMBER

Z-14-025



ATLANTA PUBLIC SCHOOLS REVIEW REQUEST

(Required only if application would result in construction of one or more units of new housing)

Application Number _____

Name of applicant Churchill Partners, LLC

Address c/o Battle Law, PC, One West Court Sq., Suite 750

City Decatur State GA Zip Code 30030

Contact, if other than applicant Michele L. Battle

Zoning category requested RG-2 No. of acres of property to be rezoned 2.23 acres

No. of Proposed dwelling units per acre 9.41 Total number of dwelling units 21

Total number of units by bedroom: 10 2-bedroom units
11 3-bedroom units

Monthly rental per unit _____ or selling per unit \$325,000.00

Projected construction completion date: 10 months after approval



Z-14-025

COMPREHENSIVE LAND USE AMENDMENT

Date: May 5, 2014

The City of Atlanta
Department of Planning and Community Development
Office of Planning
68 Mitchell Street, South Building, Suite 3350
Atlanta, Georgia 30335-0310

RE: CDP Land Use Amendment Application

Dear Sir/Madam:

I hereby request that the Comprehensive Development Plan (CDP) land use designation for (*address of property*) 1767 & 1777 Marietta Rd be amended from (*existing land designation*) _____ to a designation that will allow it to be rezoned from (*existing zoning classification*) R-4A to (*proposed zoning classification*) RG-2. Notarized authorization of any and all property owner (s) indicating consent to this request have been made a part of this application. I understand that my application for a CDP amendment is subject to a review by the Neighborhood Planning Unit (NPU) in which the property is located, and I agree to contact the Chairperson of that NPU to request consideration of my application. I further understand that I am required to submit an application fee for the CDP amendment in an amount of \$1,000.00. I have submitted a complete description of the proposed development project, including type of land use, number of units and /or square footage, floor area ratio(s), and lot coverage ratio. Furthermore the following information has also been included:

1. Whether the proposed land use change will permit uses that are suitable in view of the use and development of adjacent and nearby property.
2. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property.
3. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
4. Whether the amendment is consistent with the written policies in the Comprehensive Plan Text.
5. Whether there are environmental impacts or consequences resulting from the proposed change.

I filed an application (Z-____-____) for rezoning of the subject property on (*date*) 5/6/2014

Sincerely, Churchill Partners, LLC

By: _____

Applicant's Signature

Til Stanfield

Name of Applicant (please print)

c/o Battle Law, P.C., One West Court Sq.

Address of Applicant

Suite 750

Decatur,

GA

30030

City

State

Zip Code

404-601-7616

Phone Number of Applicant

Applicant informed of CDP hearing schedule

2-14-025



AREA
2.231 ACRES
97,198 SQ. FEET

CURRENT ZONING AS PER:
CITY OF ATLANTA, GEORGIA
ZONED R-4A (SINGLE FAMILY RESIDENTIAL)

FLOOD STATEMENT:
THIS PROPERTY DOES NOT LIE WITHIN
A FEDERAL FLOOD HAZARD AREA AS
PER PANEL NO. 13121C 0237F
DATED: SEPTEMBER 18, 2013

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

THIS SURVEY HAS BEEN PREPARED FOR THE
EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED
HEREON. NO EXPRESS OR IMPLIED WARRANTIES
WITH RESPECT TO THE INFORMATION SHOWN
HEREIN IS TO BE EXTENDED TO ANY PERSONS
OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

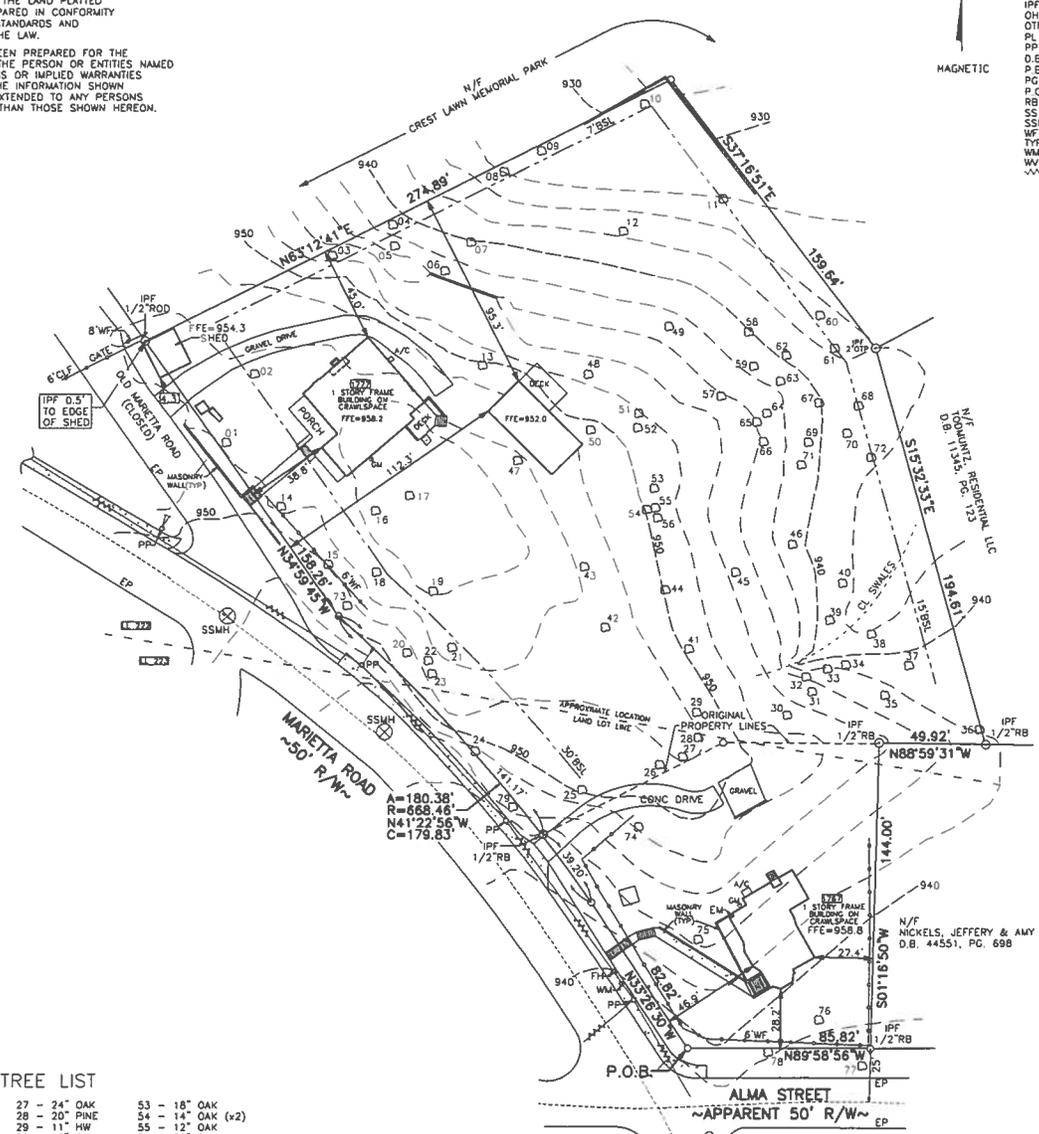
SCALE : 1" = 40'



LEGEND

- A ARC
- R RADIUS
- C CHORD
- A/C AIR CONDITIONING
- R/W RIGHT OF WAY
- N/F ADJOINING OWNERSHIP
- CLF CHAIN LINK FENCE
- BSL BUILDING SETBACK LINE
- CONC CONCRETE
- CONC CONCRETE
- C&G CURB AND GUTTER
- EM ELECTRICITY METER
- EP EDGE OF PAVEMENT
- EP EDGE OF PAVEMENT
- PH FIRE HYDRANT
- GM GAS METER
- OV GAS VALVE
- HW HARD WOOD TREE
- IPS 1/2" REBAR SET
- IPF IRON PIN FOUND
- PP POWER POLE
- OMP OVERHEAD POWER
- OTP OPEN TOP PIPE
- PL PROPERTY LINE
- PP POWER POLE
- P.B. PLAT BOOK
- O.B. DEED BOOK
- PG. PAGE
- P.O.B. POINT OF BEGINNING
- RE-BAR RE-BAR
- SS SANITARY SEWER LINE
- SSMH SANITARY SEWER MANHOLE
- WF WOOD FENCE
- TYP TYPICAL
- WM WATER METER
- WW WATER VALVE
- OVERHEAD UTILITY LINE

MAGNETIC



TREE LIST

| | | |
|-----------------------|-------------------|---------------------|
| 01 - 36" HW | 27 - 24" OAK | 53 - 18" OAK |
| 02 - 26" OAK | 28 - 20" PINE | 54 - 14" OAK (x2) |
| 03 - 16" PINE | 29 - 11" HW | 55 - 12" OAK |
| 04 - 27" OAK | 30 - 12" OAK | 56 - 32" OAK |
| 05 - 15" HICKORY | 31 - 27" OAK (x2) | 57 - 6" OAK |
| 06 - 20" PECAN | 32 - 16" PINE | 58 - 12" OAK |
| 07 - 18" BEECH | 33 - 38" OAK | 59 - 8" OAK |
| 08 - 14" HW | 34 - 17" OAK | 60 - 7" OAK |
| 09 - 14" HW | 35 - 20" OAK | 61 - 8" HW |
| 10 - 14" HW | 36 - 14" OAK | 62 - 8" HW |
| 11 - 28" HICKORY | 37 - 30" OAK | 63 - 7" HW |
| 12 - 26" OAK | 38 - 24" OAK | 64 - 11" OAK |
| 13 - 24" WALNUT | 39 - 18" OAK | 65 - 8" HICKORY |
| 14 - 42" HW | 40 - 34" OAK | 66 - 22" OAK |
| 15 - 14" HW | 41 - 12" HICKORY | 67 - 26" OAK |
| 16 - 14" HW | 42 - 16" HICKORY | 68 - 16" OAK |
| 17 - 24" SYCAMORE | 43 - 22" HW (x2) | 69 - 11" OAK |
| 18 - 18" HW | 44 - 12" OAK | 70 - 16" OAK |
| 19 - 16" HICKORY | 45 - 30" OAK | 71 - 12" OAK |
| 20 - 18" OAK | 46 - 24" OAK | 72 - 12" POPLAR |
| 21 - 12" HICKORY (x2) | 47 - 27" PINE | 73 - 26" CHERRY |
| 22 - 13" OAK | 48 - 12" HW | 74 - 6 (+2) DOGWOOD |
| 23 - 24" OAK | 49 - 22" PECAN | 75 - 52" HW |
| 24 - 40" OAK | 50 - 12" HICKORY | 76 - 22" HW |
| 25 - 10" HICKORY | 51 - 8" OAK (x3) | 77 - 18" HW |
| 26 - 16" OAK | 52 - 13" OAK | 78 - 44" HW |
| | | 79 - 32" OAK |

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON.

ALL ISSUES OF TITLE ARE EXCEPTED ON THIS SURVEY UNLESS NOTED AS NO TITLE REPORT HAS BEEN PROVIDED

NOTES:
FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A 5 SECOND THEODOLITE AND AN ELECTRONIC DISTANCE METER
THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A MEASURED PRECISION OF ONE FOOT AND 0.21 FEET AND AN ANGULAR ERROR OF 0.005 SECOND PER ANGLE POINT AND WAS ADJUSTED BY LEAST SQUARES.
THIS MAP OR PLAT HAS BEEN ACCURATELY CHECKED FOR CLOSURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 11,874 FEET

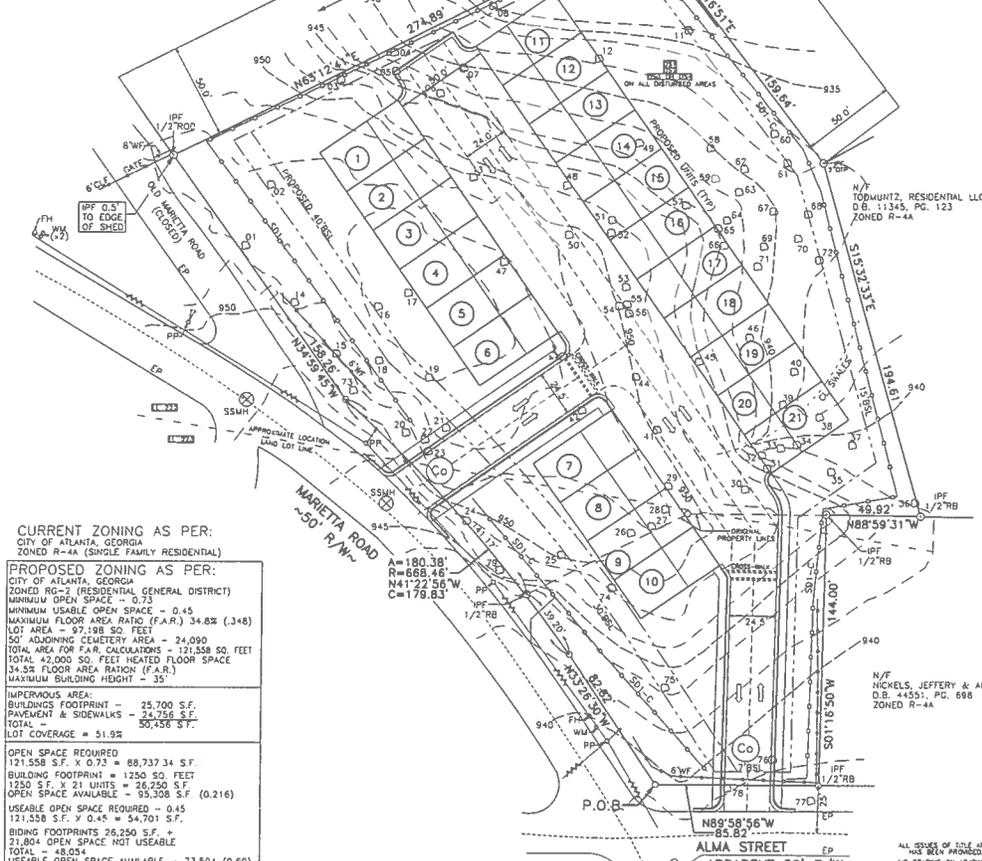
| | | | | | |
|---------------------|---|---------------------|--------------------------------------|--------------------|---------------------|
| REVISIONS | PROJECT DESCRIPTION: | SURVEY FOR: | ADAM & LEE LAND SURVEYING | | OFFICE: 2022/14 |
| | BINGHAM PARK | | | | 5640 GA. HWY. 20 S. |
| | 1761 & 1777 MARIETTA ROAD, ATLANTA, GEORGIA | | LOGANVILLE, GA. 30052 (770)554-8995 | FIELD: 05/27/14 | BY: SMM |
| | COUNTY: FULTON | DISTRICT: 17TH | D.B. 36184, PG. 264 | SCALE: AS SHOWN | SHEET: 1 OF 1 |
| LAND LOT: 222 & 223 | SECTION: 17TH | D.B. 47360, PG. 357 | www.adamandlee.com | PAX: (770)554-8134 | 4049 |

Z-14-025

SCALE: 1" = 30'

MAGNETIC

FLOOD STATEMENT: THIS PROPERTY DOES NOT LIE WITHIN A FEDERAL FLOOD HAZARD AREA AS PER PANEL NO. 13121C 03377 DATED: SEPTEMBER 16, 2013



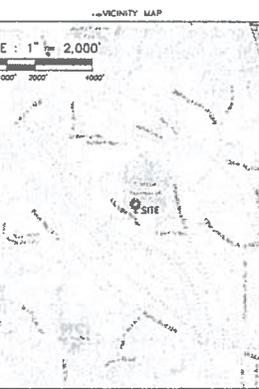
- LEGEND
ARC
RADIUS
C CHORD
A/C AIR CONDITIONING
R/W RIGHT OF WAY
ADJ. ADJOINING OWNERSHIP
CLF CHAIN LINK FENCE
BSB BUILDING SETBACK LINE
CONC CONCRETE
CUT CURB AND CUTTER
EM ELECTRICITY METER
EP EDGE OF PAVEMENT
FH FIRE HYDRANT
GM GAS METER
GV GAS VALVE
IPS 1/2" REBAR SET
IRON PIN FOUND
OHP OVERHEAD POWER
OTIP OPEN TOP PIPE
PL PROPERTY LINE
PP POWER POLE
D.B. DEED BOOK
P.B. PLAT BOOK
P.C. PAGE
P.O.B. POINT OF BEGINNING
RE-BAR
RS SANITARY SEWER LINE
SSM SANITARY SEWER MANHOLE
WF WOOD FENCE
TYP TYPICAL
WU WATER UTILITY
WV WATER VALVE
OHP OVERHEAD UTILITY LINE

Table with 2 columns: Symbol and Description. Includes 'MINIMUM REQUIRED PARKING 1.3 SPACES PER UNIT', 'UPPER FLOOR = 1,250 S.F.', 'LOWER FLOOR = 750 S.F. GARAGE = 500 S.F.', '2,000 S.F. HEATED FLOOR SPACE 21 UNITS', and '25' 2,000 S.F. HEATED FLOOR SPACE 21 UNITS'.

2,000 SQ FEET TOTAL HEATED FLOOR SPACE
CEMETERY AREA 24,090 SQ FEET
SUBJECT PROPERTY 97,198 SQ FEET
TOTAL = 121,558
34.5% FLOOR AREA RATIO

AREA
2,231 ACRES
97,198 SQ. FEET

CURRENT ZONING AS PER: CITY OF ATLANTA, GEORGIA ZONED R-4A (SINGLE FAMILY RESIDENTIAL)
PROPOSED ZONING AS PER: CITY OF ATLANTA, GEORGIA ZONED R-3 (RESIDENTIAL GENERAL DISTRICT)
MINIMUM OPEN SPACE - 0.73
MINIMUM USABLE OPEN SPACE - 0.45
MAXIMUM FLOOR AREA RATIO (F.A.R.) 34.8% (3.48)
LOT AREA = 97,198 SQ. FEET
50' ADJOINING CEMETERY AREA = 24,090
TOTAL AREA FOR F.A.R. CALCULATIONS = 121,558 SQ. FEET
TOTAL 42,000 SQ. FEET HEATED FLOOR SPACE
34.5% FLOOR AREA RATIO (F.A.R.)
MAXIMUM BUILDING HEIGHT = 35'



SCALE: 1" = 2,000'

ALL ISSUES OF TITLE ARE ON THIS PLAN ARE EXCEPTED UNLESS NOTED AS NO TITLE HAS BEEN PROVIDED.
NO GRADING ON ADJOINING LOTS UNLESS OWNED BY SAME PARTY.
STAKE-OUT LOCATION TO BE VERIFIED BY SURVEYOR PRIOR TO CONSTRUCTION.
NO GRADED SLOPES SHALL EXCEED 2%.

CONSTRUCTION DETAIL DRAWING showing sections A-A, B-B, C-C, D-1, D-2, D-3, D-4. Includes details for 'CONSTRUCTION EXIT', 'SEMI-RIGID UNDERDRUM', 'SELT FENCE - TYPE C', and 'SEMENT BARRIER'. Includes a circular stamp from the City of Atlanta Department of Public Works.

ALL ISSUES OF TITLE ARE EXCEPTED ON THIS SURVEY UNLESS NOTED AS NO TITLE REPORT HAS BEEN PROVIDED.
ZONING AS PER: CITY OF ATLANTA, GEORGIA ZONED R-4A (SINGLE FAMILY RESIDENTIAL)
BUILDING SETBACK REQUIREMENTS
FRONT - 30'
SIDE - 7'
REAR - 15'
MINIMUM LOT AREA - 7,500 SQ. FEET
MAXIMUM FLOOR AREA RATIO 35%
MAXIMUM LOT COVERAGE - 55%

IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.
THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

PROJECT DESCRIPTION: BINGHAM PARK
PLAN FOR: BINGHAM PARK
1767 & 1777 MARIETTA ROAD, ATLANTA, GEORGIA
COUNTY: FULTON DISTRICT: 1796 O.B. 47360, P.O. 357
LAND LOT: 233 & 231 SECTION: 08 3618, O.B. 364
ADAM & LEE LAND SURVEYING
5640 GA. HWY. 20 S.
LOGANVILLE, GA. 30052 (770)554-8995
www.adamandlee.com FAX (770)554-8134
SCALE: 1" = 30'
SHEET 7 OF 1
14049

Z-14-025

FLOOD STATEMENT:

THIS PROPERTY DOES NOT LIE WITHIN A FEDERAL FLOOD HAZARD AREA AS PER PANEL NO. 13121C 0237F DATED: SEPTEMBER 18, 2013

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

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON, THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON.

ALL ISSUES OF TITLE ARE EXCEPTED ON THIS SURVEY UNLESS NOTED AS NO TITLE REPORT HAS BEEN PROVIDED

NOTES

FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A 5 SECOND THEODOLITE AND AN ELECTRONIC DISTANCE METER THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 40,261 FEET AND AN ANGULAR ERROR OF 00 SECOND PER ANGLE POINT AND WAS ADJUSTED BY LEAST SQUARES THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 71,874 FEET

TREE LIST

Table listing tree species and counts: 01 - 36" HW, 02 - 26" OAK, 03 - 16" PINE, 04 - 27" OAK, 05 - 15" HICKORY, 08 - 20" PECAN, 07 - 18" BEECH, 08 - 14" HW, 09 - 14" HW, 10 - 14" HW, 11 - 28" HICKORY, 12 - 26" OAK, 13 - 24" WALNUT, 14 - 42" HW - 9% IMPACT OF NET ROOT ZONE, 15 - 14" HW, 16 - 14" HW - LOST, 17 - 24" SYCAMORE - LOST, 18 - 18" HW - 19% IMPACT, 19 - 16" HICKORY, 20 - 18" OAK, 21 - 12" HICKORY (x2), 22 - 13" OAK, 23 - 24" OAK, 24 - 40" OAK, 25 - 10" HICKORY, 26 - 16" OAK, 27 - 24" OAK, 28 - 20" PINE, 29 - 11" HW, 30 - 12" OAK, 31 - 27" OAK (x2), 32 - 16" PINE, 33 - 36" OAK, 34 - 17" OAK, 35 - 20" OAK, 36 - 14" OAK, 37 - 30" OAK, 38 - 24" OAK, 39 - 18" OAK, 40 - 34" OAK, 41 - 12" HICKORY, 42 - 16" HICKORY, 43 - 22" HW (x2), 44 - 12" OAK, 45 - 30" OAK, 46 - 24" OAK, 47 - 27" PINE, 48 - 12" HW, 49 - 22" PECAN, 50 - 12" HICKORY, 51 - 8" OAK (x3), 52 - 13" OAK, 53 - 18" OAK, 54 - 14" OAK (x2), 55 - 12" OAK, 56 - 32" OAK, 57 - 6" OAK, 58 - 12" OAK, 59 - 8" OAK, 60 - 7" OAK, 61 - 6" HW, 62 - 8" HW, 63 - 7" HW, 64 - 11" OAK, 65 - 8" HICKORY, 66 - 22" OAK, 67 - 26" OAK, 68 - 18" OAK, 69 - 11" OAK, 70 - 16" OAK, 71 - 12" OAK, 72 - 12" POPLAR, 73 - 26" CHERRY, 74 - 8"(2) DOGWOOD - LOST, 75 - 52" HW - 19% IMPACT, 76 - 22" HW - LOST, 77 - 18" HW - 16% IMPACT, 78 - 44" HW - LOST, 79 - 32" OAK - 10% IMPACT OF NET ROOT ZONE

CURRENT ZONING AS PER: CITY OF ATLANTA, GEORGIA ZONED R-4A (SINGLE FAMILY RESIDENTIAL)

PROPOSED ZONING AS PER: CITY OF ATLANTA, GEORGIA ZONED RG-2 (RESIDENTIAL GENERAL DISTRICT) LOT AREA = 97,198 SQ. FEET TREE DENSITY FOR ALL RG DISTRICT 90' PER ACRE 90' x 2.231 ACRES = 200.8 201 INCHES D.B.H. REQUIRED 202' SAVED

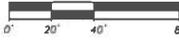
RECOMPENSE FORMULA

\$ = \$100 ((# TREES DESTROYED + # TREES LOST) - # TREES REPLACED) + \$30.00 ((# DBH INCHES DESTROYED + # DBH INCHES LOST) - # CALIPER INCHES REPLACED) 70 TREES LOST (\$100.00) / 1,270 INCHES LOST (\$30.00) = \$45,100.00 17 REPLACEMENT TREES (\$100.00) / 42.5 INCHES REPLACED (\$30.00) = \$2,975.00 \$42,125.00 RECOMPENSE

Table with columns: COUNTY, DISTRICT, D.B., PG., LAND LOT, SECTION, D.B., PG.

ADAM & LEE LAND SURVEYING 5640 GA. HWY. 20 S. LOGANVILLE, GA. 30052 (770)554-8995 www.adamandlee.com FAX=(770)554-8134

SCALE: 1" = 40'

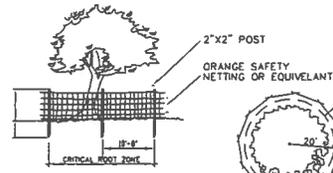


MAGNETIC

LEGEND

- A ARC
R RADIUS
C CHORD
A/C AIR CONDITIONING
R/W RIGHT OF WAY
N/F ADJOINING OWNERSHIP
CLF CHAIN LINK FENCE
BSL BUILDING SETBACK LINE
CONC CONCRETE
CONC CONCRETE
LFG CURB AND GUTTER
EM ELECTRICITY METER
EP EDGE OF PAVEMENT
FH FIRE HYDRANT
GM GAS METER
GV GAS VALVE
HW HARD WOOD TREE
DPS 1/2" REBAR SET
IPF IRON PIN FOUND
OHP OVERHEAD POWER
OTIP OPEN TOP PIPE
PL PROPERTY LINE
PP POWER POLE
D.B. DEED BOOK
P.B. PLAT BOOK
PG PAGE
P.O.B. POINT OF BEGINNING
RB RE-BAR
SS SANITARY SEWER LINE
SSMH SANITARY SEWER MANHOLE
WF WOOD FENCE
TYP TYPICAL
WM WATER METER
HW WATER VALVE
OVERHEAD UTILITY LINE
PROPOSED REPLACEMENT TREE
UNDERSTORY AND/OR ORNAMENTAL TREES TO BE PLANTED
USE ONLY TREES FROM CITY OF ATLANTA ARBORIST DIVISION PLANTING LIST

AREA 2.231 ACRES 97,198 SQ. FEET



TYPE "A" ACTIVE TREE PROTECTION FENCING N.T.S.

- NOTES 1. ALL TREE PROTECTION DEVICES ARE TO BE INSTALLED PRIOR TO START OF LAND DISTURBANCE AND MAINTAINED UNTIL FINAL LANDSCAPING IS INSTALLED. 2. NO PARKING, STORAGE OR OTHER CONSTRUCTION SITE ACTIVITIES ARE TO OCCUR WITHIN TREE PROTECTION AREAS. 3. ALL TREE PROTECTION FENCING TO BE INSPECTED DAILY AND REPLACED OR REPAIRED AS NECESSARY



Handwritten text: Z-14-025

LEGAL DESCRIPTION
1767 & 1777 MARIETTA ROAD, ATLANTA, GEORGIA

All that tract or parcel of land lying and being in Land Lot 222 and 223, 17th District, Fulton County, Georgia and being more particularly described as follows:

Beginning at a point found on the northern right-of-way line of Alma Street and the northeastern right-of-way of Marietta Road; thence along said right-of-way of Marietta Road North 33 degrees 26 minutes 30 seconds West a distance of 82.82 feet to a point; thence continuing along said right-of-way, following a curve to the left, said curve having a radius of 668.46 feet and an arc distance of 180.38 feet and being subtended by a chord bearing North 41 degrees 22 minutes 56 seconds West a distance of 179.83 feet to a point at the intersection of Marietta Street and Old Marietta Road; thence along said right-of-way of Old Marietta Road North 34 degrees 59 minutes 45 seconds West a distance of 158.26 feet to a 1/2 inch rod found; thence leaving said right-of-way North 63 degrees 12 minutes 41 seconds East a distance of 274.89 feet to a point; thence South 37 degrees 16 minutes 51 seconds East a distance of 159.64 feet to a point; thence South 15 degrees 32 minutes 33 seconds East a distance of 194.61 feet to a point; thence North 88 degrees 59 minutes 31 seconds West a distance of 49.92 feet to a point; thence South 01 degrees 16 minutes 50 seconds West a distance of 144.00 feet to a 1/2 inch rebar found on the northern right-of-way of Alma Street; thence along said right-of-way North 89 degrees 58 minutes 56 seconds West a distance of 85.82 feet to THE TRUE POINT OR PLACE OF BEGINNING.

Said tract or parcel of land containing 2.231 acres and being shown on a survey for Bingham Park dated April 29, 2014 and bearing the seal of Gary L. Cooper, Georgia R.L.S. 2606



2-19-02

CONSTITUTIONAL ALLEGATIONS

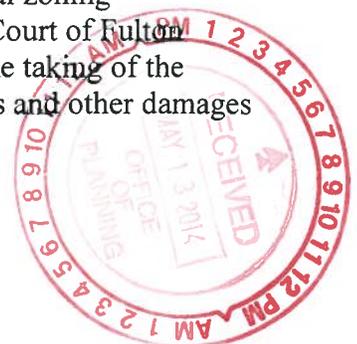
The portions of the City of Atlanta Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant’s property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the City of Atlanta Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant’s Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the City of Atlanta City Council without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the City of Atlanta City Council to rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant’s utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

The existing zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the City an opportunity to revise the Property to a constitutional classification. If action is not taken by the City to rectify this unconstitutional zoning classification within a reasonable time, a claim will be filed in the Superior Court of Fulton County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney’s fees and other damages arising out of the unlawful deprivation of the Applicant’s property rights.



2-14-025

EXHIBIT J

Campaign Contribution Disclosure Statements

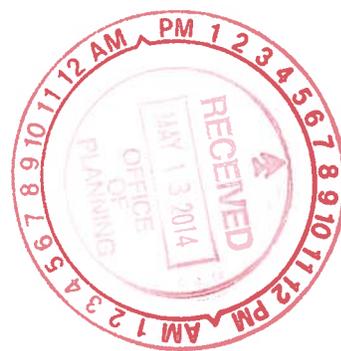
CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

Pursuant to the provisions of 36 O.C.G.A. 67(A), please find below a list of those contributions made by Michele L. Battle and Battle Law, P.C. in the past two years, aggregating \$250.00 or more, to local government officials who will consider this application.

| NAME OF GOV'T OFFICIAL | OFFICIAL POSITION | AMOUNT OF CONTRIBUTION |
|------------------------|-------------------|------------------------|
| | | NONE |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

By: 
 Printed Name: _____

2-14-028



Campaign Contribution Disclosure Statements

CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

Pursuant to the provisions of 36 O.C.G.A. 67(A), please find below a list of those contributions made by Churchill Pastness in the past two years, aggregating \$250.00 or more, to local government officials who will consider this application.

| NAME OF GOV'T OFFICIAL | OFFICIAL POSITION | AMOUNT OF CONTRIBUTION |
|------------------------|-------------------|------------------------|
| | | NONE |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

By:
Printed Name:

Myes T. Stanfield
Myes T. Stanfield

none

Z-14-028



RECEIPT

CITY OF ATLANTA
ATLANTATEST
55 TRINITY AVE SW

Application: Z-14-025
Application Type: Planning/ZRB/Rezoning/NA
Address: 1777 MARIETTA RD NW, ATLANTA, GA 30318
Owner Name: SERRATO ANITA C
Owner Address:
Application Name:

| Receipt No. | Ref Number | Amount Paid | Payment Date | Cashier ID | Received Comments |
|-------------|-------------------|-------------|--------------|------------|-------------------|
| 370027 | 001604 &001605 | \$1,625.00 | 05/13/2014 | NCHAPMAN | |

Owner Info.: SERRATO ANITA C

Work Description: Request property to be rezoned from R4-A to RG-2.

PAID
CITY OF ATLANTA
MAY 13 2014
EX OFFICIO MUNICIPAL
REVENUE COLLECTOR

CIC # 15
001604
001605 pm

PAID
CITY OF ATLANTA
MAY 13 2014
EX OFFICIO MUNICIPAL
REVENUE COLLECTOR



LEGAL DESCRIPTION
1767 & 1777 MARIETTA ROAD, ATLANTA, GEORGIA

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Said tract or parcel of land containing 2.231 acres and being shown on a survey for Bingham Park dated April 29, 2014 and bearing the seal of Gary L. Cooper, Georgia R.L.S. 2606



2-19-02