

#6

Application for "Other Business" Cobb County, Georgia

COBB COUNTY GEORGIA
FILED IN OFFICE

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 11/19/2013

COBB COUNTY ZONING DIVISION

Applicant: TOWN CENTER HOTEL ASSOCIATES Phone #: 770-952-1500
(applicant's name printed)

Address: 2900 GEORGE BUSBEE PARKWAY E-Mail: LHUCKABY@COLUMBIANM.COM

LOREN HUCKABY Address: 6151 POWERS FERRY SUITE 605 ATLANTA GA 30339
(representative's name, printed)

[Signature] Phone #: 404-931-8395 E-Mail: LHUCKABY@COLUMBIANM.COM
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]

Jamil R Johnson
NOTARY PUBLIC
Fulton County, GEORGIA
My Comm. Expires 04/08/2017

My commission expires: 04/08/17

Notary Public

Titleholder(s): LOREN HUCKABY Phone #: 404-931-8395
(property owner's name printed)

Address: 6151 POWERS FERRY RD. 605 SUITE E-Mail: LHUCKABY@COLUMBIANM.COM
ATLANTA GA 30339

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:
Jamil R Johnson
NOTARY PUBLIC
Fulton County, GEORGIA
My Comm. Expires 04/08/2017

My commission expires: 04/08/17

Notary Public

Commission District: 3 Zoning Case: Z-160 of 1996 to SLUP32 of 1998

Date of Zoning Decision: 12/17/96 Original Date of Hearing: 12/17/1996

Location: 2900 George Busbee Pky
(street address, if applicable; nearest intersection, etc.)

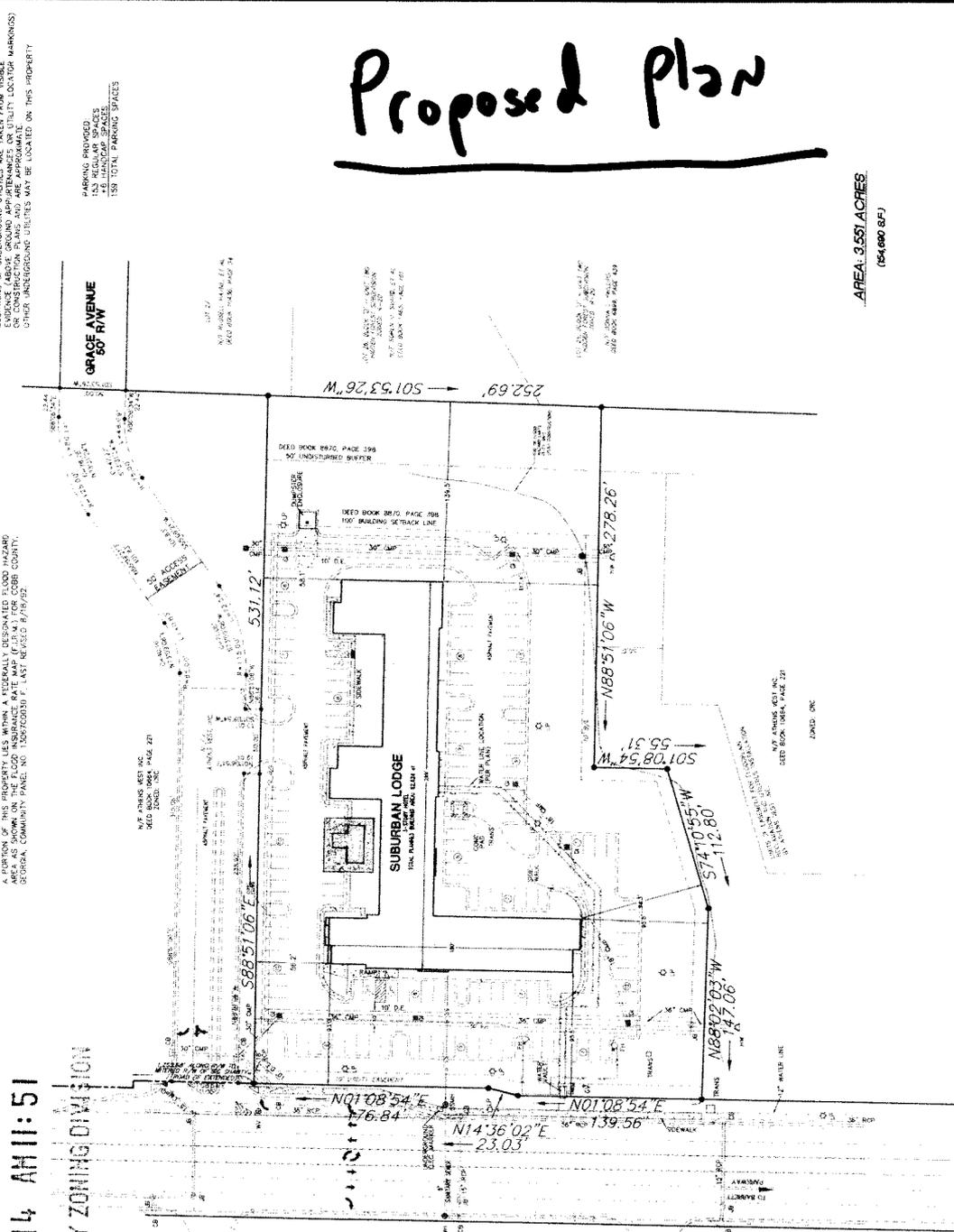
Land Lot(s): 502, 507, 574 District(s): 1644

State specifically the need or reason(s) for Other Business:
To Add a swimming pool.

(List or attach additional information if needed)

Proposed plan

AREA: 3.551 ACRES
(154,680 SF)

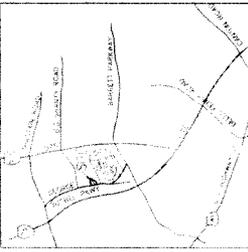


GEORGE BUSBEE PARKWAY (100' R/W)

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 OCT 14 AM 11:51
COBB COUNTY ZONING DIVISION



NOTES:
 1. THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF THE SURVEYING PROFESSION.
 2. THIS MAP OR PLAN HAS BEEN PREPARED BY THE SURVEYOR AND IS SUBJECT TO THE SURVEYOR'S PROFESSIONAL JUDGMENT.
 3. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF THE SURVEYING PROFESSION.
 4. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO OBVIOUS ENCUMBRANCES OR EVIDENCE OF UNLAWFUL ACTS.
 5. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO OBVIOUS ENCUMBRANCES OR EVIDENCE OF UNLAWFUL ACTS.
 6. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO OBVIOUS ENCUMBRANCES OR EVIDENCE OF UNLAWFUL ACTS.



WARRANTY MAP
 1. THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF THE SURVEYING PROFESSION.
 2. THIS MAP OR PLAN HAS BEEN PREPARED BY THE SURVEYOR AND IS SUBJECT TO THE SURVEYOR'S PROFESSIONAL JUDGMENT.
 3. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF THE SURVEYING PROFESSION.
 4. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO OBVIOUS ENCUMBRANCES OR EVIDENCE OF UNLAWFUL ACTS.
 5. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO OBVIOUS ENCUMBRANCES OR EVIDENCE OF UNLAWFUL ACTS.

ALTA/ACSM LAND TITLE SURVEY
 CATSKILL DEVELOPMENT GROUP, LLC
 ODD-TOWN CENTER, LLC, EMPIRE FINANCIAL SERVICES, INC.
 LAWYERS TITLE INSURANCE CORPORATION

DESIGNED BY: [Name]
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: 08-27-1998
 SCALE: 1" = 40'
 LAND LOT(S): 507
 ZONE: SECTION 181B, LAND DISTRICT 1
 COBB COUNTY, GA

PREPARED BY:
DEVELOPMENT CONSULTANTS GROUP
 3305 Peachridge Boulevard, Suite 102
 Atlanta, Georgia 30328
 Telephone: (770) 273-1710
 Fax: (770) 321-9426



To: CatSkill Development Group, LLC, ODD-Town Center, LLC, Empire Financial Services, Inc., its Successors and Assigns.
 This is to certify that this map or plan and the survey on which it is based were made (1) in accordance with the Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, (2) that the survey was conducted in accordance with the Accuracy Standards (as applied by ALTA and ACSM) and in effect at the date of this certification of an urban survey.
 Adopted by the American Land Title Association on September 27, 1997.
 Adopted by the Board of Directors, American College of Professional Surveyors on April 10, 1997.
 Adopted by the Board of Directors, National Society of Professional Surveyors on April 8, 1997.

Application for Special Land Use Permit Cobb County

(type or print clearly)

Application No. SLUP-32
Hearing Date: 11/03/98
Hearing Date: 11/17/98

Applicant Catskill Development Group, L.L.C. Business Phone (770)951-2220 Home Phone _____

Moore Ingram Johnson & Steele, LLP

J. Kevin Moore Address 192 Anderson Street, Marietta, GA 30060

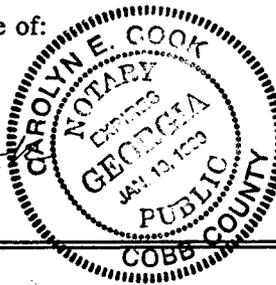
(representative's name, printed)

[Signature] Business Phone (770) 429-1499

(representative's signature) Georgia Bar No. 519728

Signed, sealed and delivered in presence of:

[Signature]
Notary Public



My commission expires: 01-10-99

Titleholder See Attached Business Phone _____ Home Phone _____

Signature _____ Address _____

(attach additional signatures, if needed)

Signed, sealed and delivered in presence of:

Notary Public

My commission expires: _____

Present Zoning GRC

For the Purpose of Studio Suite Hotel/Motel Facility

Location Easterly side of George Busbee Parkway, north of Town Center Mall
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 502, 507, and 574 District 16t

Size of Tract 4.21 Acre(s)

ORIGINAL DATE OF APPLICATION: 11-98

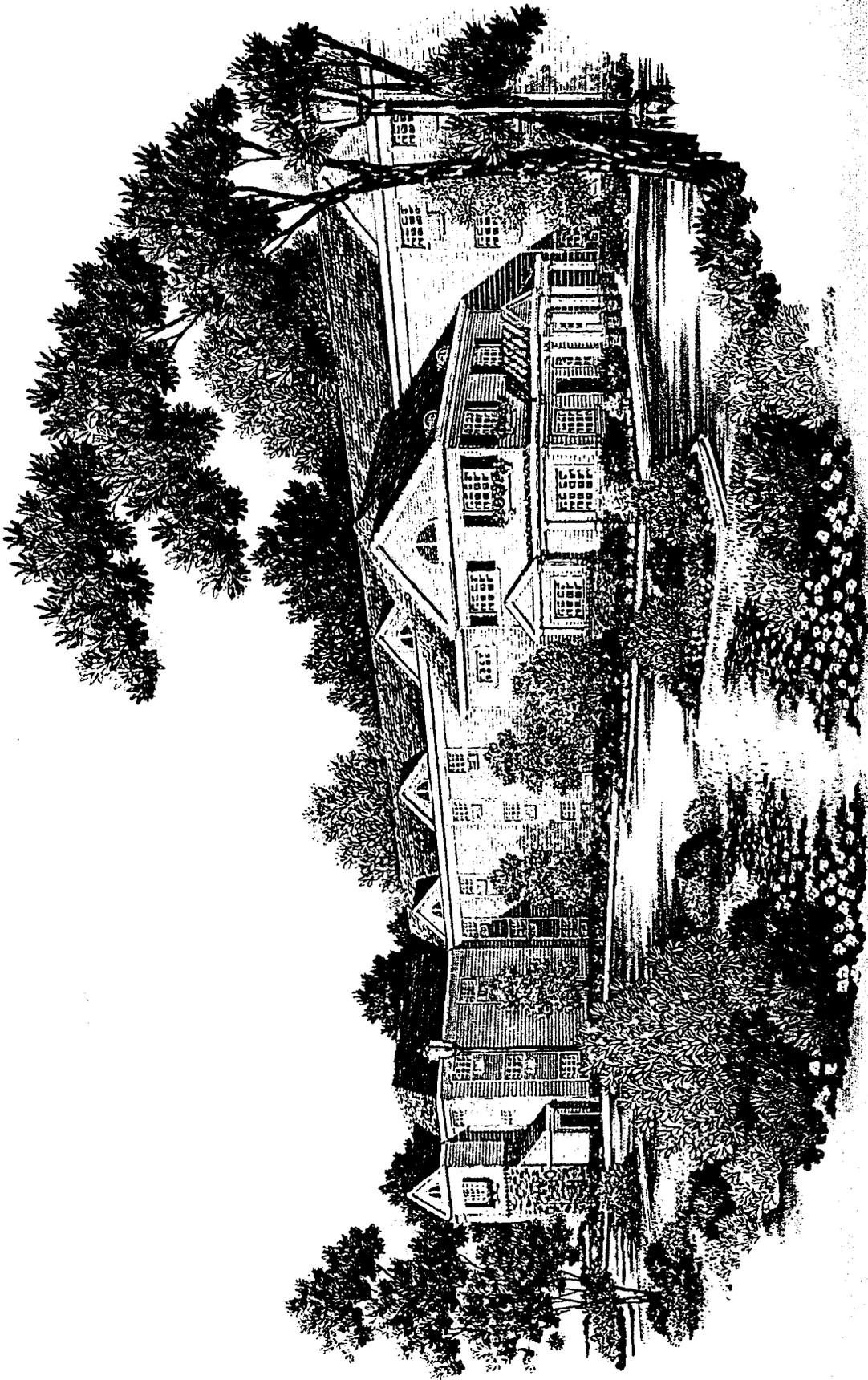
APPLICANTS NAME: CATSKILL DEVELOPMENT GROUP, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 11-17-98 ZONING HEARING:

CATSKILL DEVELOPMENT GROUP, LLC (Athens Vest, Inc., owner) for a **Special Land Use Permit** for the purpose of a Studio Suite Hotel Facility in Land Lots 502, 507 and 574 of the 16th District. 4.21 acres. Located on the east side of George Busbee Parkway, south of Big Shanty Road. The Board of Commissioners, as part of the Consent Agenda, **approved Special Land Use Permit subject to: 1) site plan approved by the Board of Commissioners (reduced copies of site plan and architectural renderings attached and made a part hereof); 2) project to meet all requirements of the Cobb County hotel/suite ordinance, Section 134-218; 3) letter of agreeable conditions dated October 30, 1998 (attached and made a part hereof).** Motion by Wysong, second by W. Thompson, carried 5-0.

Large drawing not found
in Zoning file



SLUP-3a - architectural rendering referenced in BOC Zoning Minutes
of 11/17/98. Kara King

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

192 ANDERSON STREET
MARIETTA, GEORGIA 30060

POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061

TELEPHONE
(770) 429-1499

TELECOPIER
(770) 429-8631

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON
ROBERT D. INGRAM
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
SARAH L. BARGO
DIANE M. BUSCH
DAVID IAN MATTHEWS
JERE C. SMITH
CLAYTON O. CARMACK
MICHELLE S. DAVENPORT
KEVIN B. CARLOCK
ALEXANDER T. GALLOWAY III

J. KEVIN MOORE
WILLIAM C. BUHAY
SUSAN S. STUART
MICHAEL W. KITCHENS
ROONEY R. MCCOLLOCH
DANIEL A. LANDIS*
BRIAN D. SMITH
HARRY R. TEAR III
MICHAEL R. WING
W. TROY HART
JOSEPH H. AKERS
JEFFREY A. DAXE
MELISSA W. GILBERT
DEAN C. BUCCI
JOHN R. McCOWN**

* ALSO ADMITTED IN NC
** ALSO ADMITTED IN TN

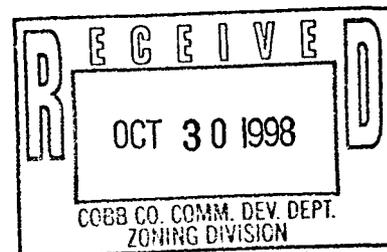
October 30, 1998

WRITER'S DIRECT DIAL NUMBER

SLUP-32
*Letter referenced in
BCC Zoning Minutes
of 11/17/98. Karen
King*

Hand Delivered

Mrs. Judy Williams
Senior Planner
Zoning Division
Cobb County Community
Development Department
Suite 500
100 Cherokee Street
Marietta, Georgia 30090-9674



RE: Application for Special Land Use Permit
Application No.: SLUP-32 (1998)
Applicant: Catskill Development, L.L.C.
Owner: Athens Vest, Inc.
Property: Property located on
George Busbee Parkway,
Cobb County, Georgia

Dear Judy:

As you know, this firm represents Catskill Development, L.L.C., the Applicant (hereinafter referred to as "Applicant"), and Athens Vest, Inc., the Owner (hereinafter referred to as "Owner"), with respect to the above-referenced Application for Special Land Use Permit. After meeting with planning and zoning staff, reviewing the staff comments and recommendations, and reviewing the uses of surrounding properties, we have been authorized by the Applicant and Owner to submit this letter of agreed stipulations which, if the Application for Special Land Use Permit is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the property. The referenced stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall be in conformity with and in addition to all existing

MOORE INGRAM JOHNSON & STEELE

Mrs. Judy Williams
Senior Planner
Zoning Division
Cobb County Community
Development Department
Page Two
October 30, 1998

SLUP-32
pg #2

stipulations which are currently in place on the subject property.

- (2) Applicant is seeking a special land use permit in the existing Community Retail Commercial ("CRC") zoning category for a studio suite hotel/motel facility with reference being made to that preliminary site plan prepared for Catskill Development Group, L.L.C.
- (3) The subject property shall be developed for a studio suite hotel/motel facility upon a total of 4.21 acres.
- (4) Applicant agrees to comply fully with all provisions of the extended stay/studio suite hotel motel ordinance same being § 134-218(12)(b).
- (5) Applicant agrees that it shall maintain a 100 foot building setback line from the adjacent Hidden Forest Subdivision.
- (6) Applicant further agrees that it shall maintain a 50 foot undisturbed buffer from the adjacent Hidden Forest Subdivision.

It is believed that the requested zoning, pursuant to the referenced site plan and the stipulations contained herein, is an appropriate use of the subject property while taking into consideration the uses, properties, and owners thereof surrounding the proposed development. Thank you for your consideration in this matter.

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



J. Kevin Moore

MOORE INGRAM JOHNSON & STEELE

Mrs. Judy Williams
Senior Planner
Zoning Division
Cobb County Community
Development Department
Page Three
October 30, 1998

SLUP-32
pg #3

c: Cobb County Board of Commissioners:

- William J. Byrne, Chairman
- William A. Cooper
- George Woody Thompson, Jr.
- Joe L. Thompson
- Gordon J. Wysong

Cobb County Planning Commission:

- Henley A. Vansant, Chairman
- Jean Hallinan
- Murray Homan
- Jerry Dawson
- Richard M. Jones

ORIGINAL DATE OF APPLICATION: 11-17-98APPLICANTS NAME: CATSKILL DEVELOPMENT GROUP

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 07-20-99 ZONING HEARING:

OTHER BUSINESS ITEM #4 – TO CONSIDER A SITE PLAN
AMENDMENT FOR SUBURBAN LODGE OF TOWN CENTER
REGARDING SLUP-32 (CATSKILL DEVELOPMENT GROUP) OF
NOVEMBER 17, 1998

To consider a site plan amendment for Suburban Lodge of Town Center regarding SLUP-32 (Catskill Development Group) of November 17, 1998, for property located on the east side of George Busbee Parkway, south of Big Shanty Road in Land Lots 502 and 507 of the 16th District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding a request from Suburban Lodge of Town Center for site plan amendment relative to the maximum height of the building. The request for increased building height is to accommodate the cupola. Following presentation and discussion, the Board of Commissioners **approved** amendment to site plan for Suburban Lodge of Town Center regarding SLUP-32 (Catskill Development Group) of November 17, 1999 for property located on the east side of George Busbee Parkway, south of Big Shanty Road in Land Lots 502 and 507 of the 16th District **subject to: 1) maximum building height of fifty (50') feet for the cupola as shown in the elevation drawings dated March 9, 1999 (reduced copy attached and made a part of these minutes); 2) signage on building to meet Sign Ordinance requirements; 3) all other previously approved conditions/stipulations shall remain in effect.** Motion by Hunter, carried 5-0.

ORIGINAL DATE OF APPLICATION: 11-17-98

APPLICANTS NAME: CATSKILL DEVELOPMENT GROUP, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 07-18-00 ZONING HEARING:

**OTHER BUSINESS ITEM #2 – TO CONSIDER A STIPULATION
AMENDMENT FOR CDG-TOWN CENTER, LLC REGARDING SLUP-32
(CATSKILL DEVELOPMENT GROUP, LLC) OF NOVEMBER 17, 1998**

To consider a stipulation amendment for CDG-Town Center, LLC regarding SLUP-32 (Catskill Development, Group, LLC) of November 17, 1998, for property located on the east side of George Busbee Parkway, south of Big Shanty Road in Land Lots 502, 507 and 574 of the 16th District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request to amend a stipulation, and it was determined by consensus of the Board that the request was a minor amendment. Following Mr. Danneman's presentation, the following motion was made:

MOTION: Motion by Buckner to **approve** request to amend the maximum height of a sign from 8' to 20', or as otherwise restricted by the Cobb County Sign Ordinance, for CDG-Town Center, LLC regarding SLUP-32 (Catskill Development Group, LLC) of November 17, 1998 for property located on the east side of George Busbee Parkway, south of Big Shanty Road in Land Lots 502, 507 and 574 of the 16th District, and **all other previously approved conditions/stipulations of December 17, 1996 are to remain in effect.**

VOTE: **ADOPTED** unanimously

ORIGINAL DATE OF APPLICATION: 12/96
2013 OCT 14 AM 11:51

APPLICANTS NAME: COBB PERI ASSOCIATES
COBB COUNTY ZONING DIVISION

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 12-17-96 ZONING HEARING: Following presentations there were extensive discussions pertaining to future access to the Hidden Forest Subdivision. Following these comments and review of submitted written agreeable conditions, the Board of Commissioners approved rezoning to the CRC zoning district subject to: 1) those portions of letter of agreeable conditions dated December 2, 1996 not in conflict with the letter of December 12, 1996 and the below listed stipulations (letter attached and made a part hereof); 2) letter of agreeable conditions dated December 12, 1996, with the second and last paragraph of this letter being removed in their entirety, (letter attached and made a part hereof); 3) in regard to future access to the Hidden Forest Subdivision, the applicant had previously agreed to the design and construction of buildings on subject property so as not to prevent access to the Hidden Forest Subdivision. Subsequently an agreement was included within the December 12, 1996 letter (stipulated above) for the applicant to provide a fifty foot access easement running from Grace Avenue to George Busbee Parkway. The Board of Commissioners further stipulated that this access easement not be opened until such time as there is actual commercial development of the Hidden Forest Subdivision; 4) owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns; 5) project subject to amended Cobb DOT comments and recommendations which state: a) maximum of three (3) driveways on George Busbee Parkway (drives to align with the existing driveways on the opposite side of the street); b) installation of a continuous

ORIGINAL DATE OF APPLICATION: 12/96

APPLICANTS NAME: COBB PERI ASSOCIATES

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 12-17-96 ZONING HEARING (CONT'D.):

deceleration/acceleration lane along the entire George Busbee Parkway; c) owner/developer/applicant to verify that minimum intersection sight distance is available at all access locations, and if it is not, implement remedial measures, subject to the Department's approval to achieve the minimum requirements; d) owner/developer required to meet all Cobb County development requirements and ordinances related to project improvements; 5) no access to Big Shanty Road; 6) project subject to Stormwater Management Division comments and recommendations. Motion by Cooper, second by Wysong, carried 5-0.

ALSTON & BIRD

One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424

404-881-7000
Fax: 404-881-7777

Peter M. Degnan

Direct Dial: 404-881-7743

Internet: pdegnan@alston.com

*Z-160 - letter as
referenced in zoning
minutes of 12-17-96.
Kw DGC*

December 2, 1996

Mr. Ed Thomas
Cobb County Planning Department
100 Cherokee Street, Suite 500
Marietta, GA 30090-9674

Re: Cobb-Peri Rezoning

Dear Ed:

This letter is in response to the written comments by the Hidden Forest Homeowners Association as reflected in their correspondence of November 21, 1996, addressed to Russ Kellogg. In an effort to respond to the concerns expressed by Hidden Forest and to ensure that our proposed development is of benefit to the entire community, I am hereby amending Peri-Cobb's zoning application to include the following stipulations:

I. Limitation of Uses.

Attached to this letter is a copy of the site plan on file with Cobb County, with the entire site being divided into Tracts A and B. The following uses will be excluded from either Tract A or B.

- (1) Ambulance services excluded from the entire site;
- (2) Amusement centers excluded from the entire site;
- (3) Animal hospitals excluded from the entire site;
- (4) Amusement arcades excluded from the entire site as a permitted use;
- (5) Paint and body repair shops excluded from the entire site;
- (6) Auto upholstery shops excluded from the entire site;

- (7) Billiard and pool halls excluded from the entire site;
- (8) Bus stations excluded from the entire site;
- (9) Car washes excluded from the entire site;
- (10) Community fairs excluded from the entire site;
- (11) Convenience food stores with self-service fuel pumps excluded from the entire site;
- (12) Designated recycling collection locations excluded from the entire site;
- (13) Fast food restaurants (defined as being restaurants with drive-through services) excluded from Tract B only;
- (14) Exterminating facilities excluded from the entire site;
- (15) Full service gasoline stations excluded from the entire site;
- (16) Funeral homes excluded from the entire site;
- (17) Golf courses excluded from the entire site;
- (18) Helicopter landing area excluded from the entire site;
- (19) In-home daycare excluded from the entire site;
- (20) Rooming and boarding homes excluded from the entire site; and
- (21) Self-service storage facilities excluded from the entire site.

II. Site Plan/Aesthetics

- (1) Lighting. External lighting will be directed downward of an omnidirectional type and will not admit light in the direction of Hidden Forest Subdivision.
- (2) Roof line. Roof lines will include a parapet to conceal all external vents, air-conditioning unites, etc. from George Busbee Parkway and Big Shanty Road.

(3) Exterior. External facade of the building shall be brick, stone, not to exclude glass, quality stucco and/or masonry that would blend with existing structures in the area.

(4) Signage. The signage will be conservative, of monument type, no taller than 8 feet and adhering to the stipulations in the presented restricted covenants.

(5) Sidewalks. Sidewalks will be furnished along owner's frontage on George Busbee Parkway and meeting with existing sidewalk on Big Shanty.

(6) Public Telephones. All public telephones will be inside buildings.

(7) Landscaping Plans. Each parking area will have a minimum of one tree per twelve parking spaces within the parking area, as well as along the perimeters, with the dimensions of said trees being consistent with the existing restrictive covenants.

(8) Flooding. The proposed development will adhere to county and state runoff regulations and erosion control ordinances in order to ensure that the rate of runoff post-development will not exceed that of the pre-development rate for the designated storm levels. Necessary hydrology studies shall be submitted to Cobb County to establish that this standard has been met.

(9) Buffer. Fifty foot undisturbed buffer zone between Hidden Forest property lines and the proposed development, with an additional 50 foot building setback before any building structure. No living trees will be cut in the undisturbed buffer.

(10) Setback. The building is to be set back 75 feet from Big Shanty right-of-way.

(11) Fence. Chain link fence (6 foot tall) to run parallel to the contiguous property line with Hidden Forest subdivision and contained within the development with the exact location of the fence to be mutually agreed upon by property owner and Hidden Forest subdivision.

(12) Subdividing. Subject site will not be subdivided until a user has been identified for all or a portion of the property.

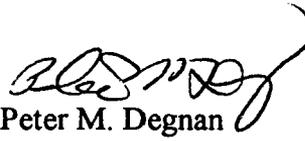
(13) Refuse. All refuse areas shall be screened by masonry fence, and screened by semi-mature evergreen trees.

Mr. Ed Thomas
December 2, 1996
Page 4

I understand that Hidden Forest still has concerns with respect to any change to the existing zoning classification of our property. However, I trust that these stipulations will, at a minimum, alleviate some of these concerns.

By copy of this letter to Buddy Curtis, I am reconfirming Peri-Cobb's willingness to continue to meet with representatives of the Hidden Forest Homeowners Association to discuss any remaining concerns they have pertaining to our development.

Sincerely,



Peter M. Degnan

PMD:lbl
[AC963320.055]

cc: Mr. Buddy Curtis

December 12, 1996

2-1600

Mr. Buddy Curtis
President
Hidden Forest Homeowners Association
2981 Hidden Forest Court
Marietta, Georgia 30066

*Rec'd
at public
hearing of
12-17-96
Letter as referenced
in zoning minutes
of 12-17-96.
K. Daen*

Dear Mr. Curtis:

This letter is in response to your correspondence of December 8, 1996. As representative of the property owner, I am agreeable to the following additional stipulations:

(a) ~~The fence constructed on the site will run continuously from the existing fence all the way to Noonday Creek and will be located on the property owner's side of the fifty foot undisturbed buffer (the only disturbance of the buffer will be for the construction of the fence).~~

*deleted
(10)*

(b) The roof line will include a parapet or appropriate architectural screen to conceal all external vents, air conditioning units, etc. and will run continuously around the entire roof.

(c) The following additional uses will be excluded from the property: gas stations of any type; fast food restaurants (defined as restaurants offering drive-through services); and businesses operating twenty-four hours a day.

We are also willing to make the following commitment to the Hidden Forest Homeowners Association pertaining to an access easement. Subject to Hidden Forest obtaining appropriate approvals from Cobb County, we are agreeable to providing a fifty foot access easement running from Grace Street to the George Busby Parkway. However, the exact location of the easement will be determined by the property owner so as to insure that it will not interfere with the development plans for the proposed project approved by Cobb County.

~~Alternatively, we are agreeable to providing an access easement sufficient to accommodate four lanes from the western boundary of the Hidden Forest Subdivision to George Busby Parkway through the flood plain acreage located along the southern~~

*deleted
(10)*

boundary of our property. Again, this commitment is subject to Hidden Forest Homeowners Association obtaining the appropriate approvals from local, state and federal authorities.

Very truly yours,

Russell Kellogg
Vice President
Cadillac Fairview U.S., Inc.