

**DECEMBER 17, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM # 10

PURPOSE

To consider a stipulation and site plan amendment for Wilkins Walk Land, L.P. regarding rezoning application Z-18 of 2006 (Weaver & Woodbury Company), for property located at the southwest intersection of Hicks Road and Concord Road, and on the east side of Floyd Road in Land Lots 1000 and 1073 of the 19th District.

BACKGROUND

The subject property was rezoned to RA-5 and RM-8 in 2006 to build a residential development consisting of single family houses and townhouses. This particular request only concerns the single family houses located at the intersection of Hicks Road and Concord Road. This request can be divided into three amendments. First, the applicant would like to delete the vehicular interparcel access that was shown on the 2006 zoning site plan, and replace it with a 10 foot pedestrian easement on the northwestern side of lot 14. This amendment would allow there to be less grading, and the developer would not have to cross a 60 foot Colonial Pipeline easement. Second, the lots that touch Hicks Road and Concord Road on the 2006 plan were intended to face these two roads and were to be served by a shared alley-way. The applicant would like to have a more traditional subdivision where all the houses face into the new subdivision. Third, there was a small open space area bounded by the private alley-way that would need to be removed to allow a standard cul-de-sac and detention pond access. Fourth, the applicant would like to add masonry siding as one of the approved exterior materials; this would be in addition to brick, stone, stacked stone or shake. If approved, all previous zoning stipulations would remain in effect.

FUNDING

N/A

STAFF COMMENTS

Water and Sewer: Comments from Z-18 of 2006 remain in effect.

Stormwater Management: All previous Stormwater Management comments from Z-18 of 2006 to remain in effect.

Cobb D.O.T.: Recommend sidewalk along Hicks Road frontage. Recommend a deceleration lane for the Hick Road entrance.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed stipulation and site plan amendment.

ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business" Cobb County, Georgia

12-17-2013

~~11 10 13~~

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

BOC Hearing Date Requested: 9/17/13

Applicant: Rob Carter for Wilkins Walk Land, LP Phone #: 770-390-9378
(applicant's name printed)

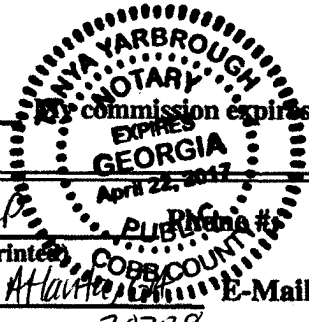
Address: One Glendale Pkwy Suite 1275 Atlanta, GA 30328 E-Mail: rcarter@westplan.com

ROBERT B. BETTERTON Address: 950 WEST SAUNDOWN ROAD Marietta, GA 30064
(representative's name, printed)

[Signature] Phone #: 678-483-0242 E-Mail: betterton.surveying@live.com
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

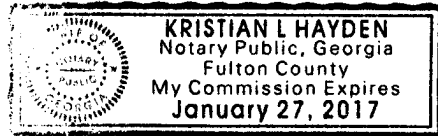


My commission expires: April 22, 2017

Titleholder(s): Wilkins Walk Land, LP Phone #: 770-390-9378
(property owner's name printed)

Address: One Glendale Pkwy, Suite 1275, Atlanta, GA 30328 E-Mail: r.carter@westplan.com

[Signature] (on behalf of Wilkins Walk Land, LP)
(Property owner's signature)



Signed, sealed and delivered in presence of:

[Signature]
Notary Public

My commission expires: January 27, 2017

Commission District: 4 Zoning Case: Z-18(2006)

Date of Zoning Decision: 2-21-06 Original Date of Hearing: 2-21-06

Location: Concord/Floyd/Hicks RD
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): _____ District(s): _____

State specifically the need or reason(s) for Other Business:

To change the type and location of interparcel access and eliminate
need for large amount of dirt (120,000 cubic yds) and
~~to change the type and location of interparcel access and eliminate~~

(List or attach additional information if needed)

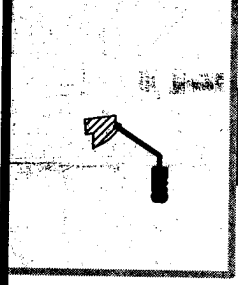
COBB COUNTY GEORGIA
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2013 AUG 13 AM 11:24
COBB COUNTY ZONING DIVISION

PROPOSED

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 AUG 13 AM 11:24

COBB COUNTY ZONING DIVISION



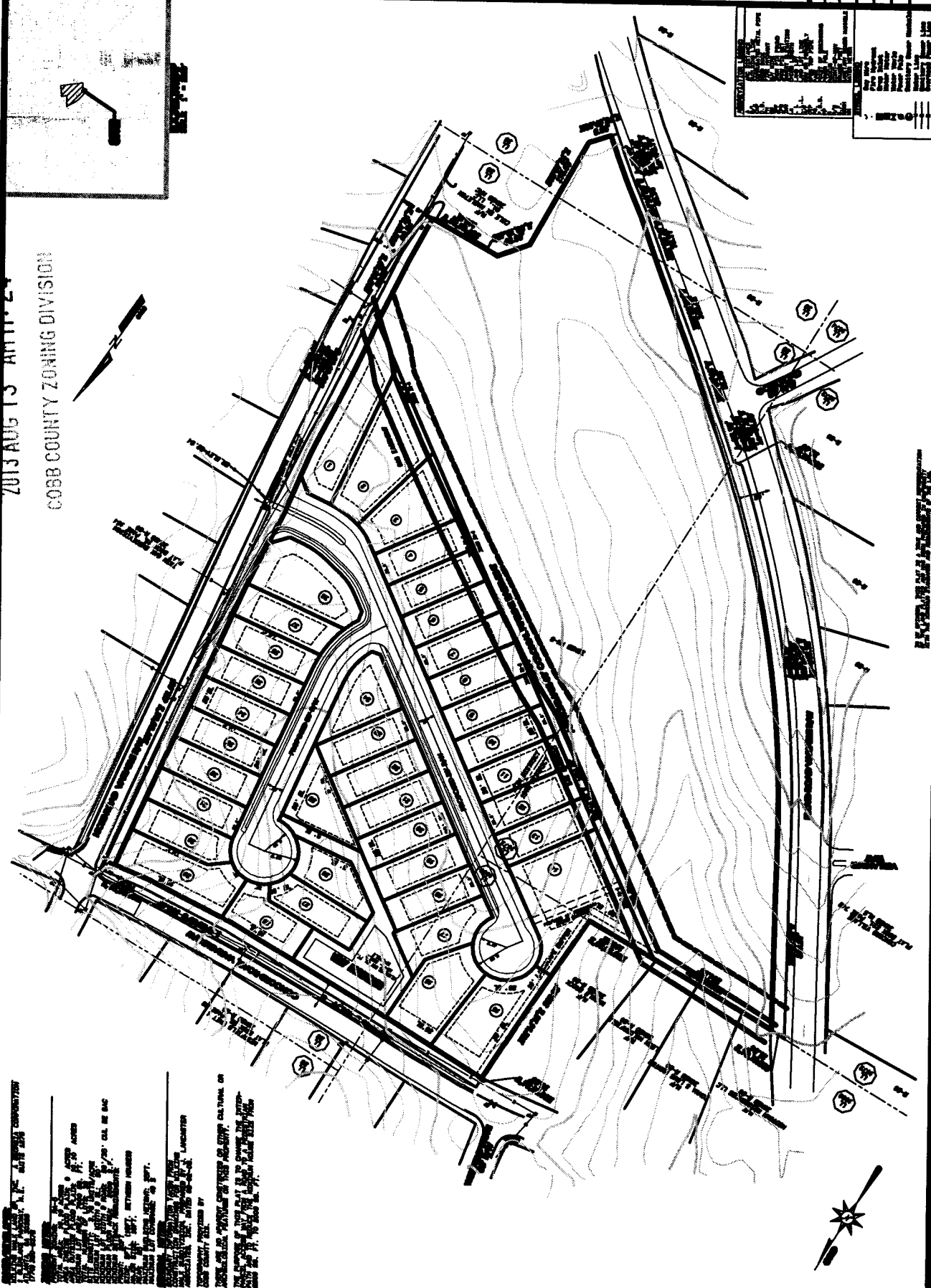
CONTRACTOR
M.C. BENTON & COMPANY, INC.
1000 W. WOODBRIDGE BLVD., SUITE 100
ALPHARETTA, GA 30201
PHONE: 404.487.1111
FAX: 404.487.1112
WWW.MCBENTON.COM

OWNER
M.C. BENTON & COMPANY, INC.
1000 W. WOODBRIDGE BLVD., SUITE 100
ALPHARETTA, GA 30201
PHONE: 404.487.1111
FAX: 404.487.1112
WWW.MCBENTON.COM

DESIGNED BY
M.C. BENTON & COMPANY, INC.
1000 W. WOODBRIDGE BLVD., SUITE 100
ALPHARETTA, GA 30201
PHONE: 404.487.1111
FAX: 404.487.1112
WWW.MCBENTON.COM

DATE
2013 AUG 13

SCALE
AS SHOWN



BENTON
M.C. BENTON & COMPANY, INC.
1000 W. WOODBRIDGE BLVD., SUITE 100
ALPHARETTA, GA 30201
PHONE: 404.487.1111
FAX: 404.487.1112
WWW.MCBENTON.COM



REVISIONS
NO. 1
DATE
DESCRIPTION

REVISED ZONING PLAN
M.C. BENTON & COMPANY, INC.
1000 W. WOODBRIDGE BLVD., SUITE 100
ALPHARETTA, GA 30201
PHONE: 404.487.1111
FAX: 404.487.1112
WWW.MCBENTON.COM

1001

ORIGINAL DATE OF APPLICATION: 02-21-06APPLICANTS NAME: WEAVER & WOODBERY COMPANYTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 02-21-06 ZONING HEARING:**

WEAVER & WOODBERY COMPANY (Estate of Mary Frances Moss Englett, William Luther Englett as Administrator, Jeff D. Hughes a/k/a Jefferson Davis Hughes, Faye W. Barber, E. E. Beavers Family Partnership, LP, John A. Glore, Estate of Gladys Glore Walker, John A. Glore and Ronald J. Glore as Co-Executors, Estate of Don C. Wilkins, William Donald Wilkins as Executor, Estate of James Calvin Cox, Michael Enfinger as Administrator, Alan F. and Margaret Carol Ashe, Katheryn Wood Anderson, Simon Dube, Michael E. Enfinger, Alfred D. Thurston, Jr., Sara T. Stripe, Ruby Ballew, Estate of Theodore F. Kiger, Jackie Theodore Kiger, Timothy Franklin Kiger a/k/a Timothy F. Kiger and Donna Joan Kiger as Co-Executors and Jack T. Kiger, owners) requesting Rezoning from **R-20** and **NRC** to **RA-5** and **RM-8** for the purpose of Attached and Detached Residential Community in Land Lots 29 and 30 of the 17th District and Land Lots 1000 and 1073 of the 19th District. Located at the southwest intersection of Concord Road and Hicks Road and on the east side of Floyd Road, south of Concord Road.

MOTION: Motion by Lee, second by Goreham, as part of the Consent Agenda, to **approve** rezoning to the **RA-5 (detached)** and **RM-8** zoning districts **subject to:**

- letter of agreeable stipulations from Mr. John Moore dated February 1, 2006, *not otherwise in conflict* (copy attached and made a part of these minutes)
- installation of wrought iron fence with brick, stucco, or stacked stone columns along Floyd Road
- interior sidewalks to connect to five-foot wide sidewalk along Floyd Road
- removal of two RM-8 buildings closest to Hicks Road, thereby reducing the total to 114 units

VOTE: **ADOPTED** unanimously

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 AUG 13 AM 11:24
COBB COUNTY ZONING DIVISION

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

PAGE 23 OF

JOHN H. MOORE
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WILLIAM R. JOHNSON[†]
ROBERT D. INGRAM[†]
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G. PHILLIP BEGGGS
ELDON L. BASHAN
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARNAK
KEVIN B. CARLOCK[†]
ALEXANDER T. GALLOWAY III[†]
J. KEVIN MOORE
RODNEY R. McCOLLOCH
SUSAN S. STUART
DANIEL A. LANDIS^{**}
BRIAN D. SMITH

HARRY R. TEAR III
W. TROY HART[†]
JEFFREY A. DAXE
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C. LEE DAVIS[†]
TANYA L. CROSSE*
ROBERT W. BROWN II
VICTOR P. VALMUS
JEFFERY L. DICKERSON

BILLING ADDRESS

P.O. BOX 3305
MARIETTA, GEORGIA 30061

TELEPHONE (770) 429-1499
TELECOPIER (770) 429-8631

TENNESSEE OFFICE

CEDAR RIDGE OFFICE PARK
SUITE 463
408 N. CEDAR BLUFF ROAD
KNOXVILLE, TENNESSEE 37923

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T. SHANE MAYES
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NICHOLAS J. PETERSON*
JEFFREY K. STINSON
ELIZABETH ANN GUERRANT
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS*
CHRISTOPHER L. MOORE
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RYAN G. PRESCOTT
RICARDO J. DEMEDEIROS
BRETT A. MILLER

KAREN S. KURTZ
CHRISTOPHER C. MINGLEDORFF
MORGAN E. FOSTER
KATHERINE G. CRONE
RICHARD V. MERRITT

OF COUNSEL:
JOHN L. SKELTON, JR.

[†] ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN OH
*** ALSO ADMITTED IN NC
♦ ADMITTED ONLY IN TN

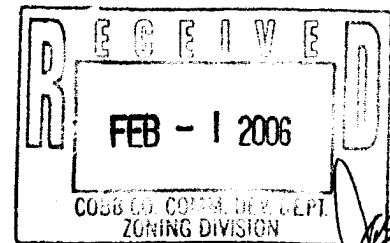
WRITER'S DIRECT
DIAL NUMBER

February 1, 2006

Min. Bk. 39 Petition No. 2-18
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 2/21/06

Hand Delivered

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661



RE: Application for Rezoning
Application No.: Z-18 (2006)
Applicant: Weaver & Woodbery Company
Property Owners: William L. Englett; the Estate
of Mary Moss Englett; Jeff D.
Hughes; E. E. Beavers Family
Partnership, L.P.; et al.
Property: 19.798 acres located on the
northeasterly side of Floyd
Road, just north of the inter-
section of Floyd Road and Hicks
Road, Land Lots 29 and 30,
17th District, and Land Lots
1000 and 1073, 19th District,
2nd Section, Cobb County,
Georgia

Dear John:

As you know, this firm represents Weaver & Woodbery Company, the Applicant (hereinafter referred to as "Applicant"), and the Property Owners enumerated in the Application for Rezoning (hereinafter collectively referred to as "Owners"), in their Application for Rezoning regarding a total tract of 19.798 acres located on the northeasterly side of Floyd Road, just north of

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-18
Meeting Date 2/21/06
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 10
February 1, 2006

the intersection of Floyd Road and Hicks Road, Land Lots 29 and 30, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning staff, reviewing the staff comments and recommendations, meetings with area residents and homeowners associations, and reviewing the uses of surrounding properties, we have been authorized by the Applicant and Owners to submit this letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The referenced stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
- (2) Rezoning of the Subject Property shall be from the R-20 and Neighborhood Retail Commercial ("NRC") zoning categories to the proposed RA-5 and RM-8 zoning classifications, with reference to that certain Site Plan prepared for Weaver & Woodbery Company by DGM Land Planning Consultants, Inc. dated December 1, 2005, last revised January 31, 2006.
- (3) By this letter of agreeable stipulations and conditions, Applicant amends its Application for Rezoning to include the revised Site Plan hereinabove set forth, same being prepared for Weaver & Woodbery Company by DGM Land Planning Consultants, Inc. dated December 1, 2005, last revised January 31, 2006.
- (4) The Subject Property consists of 19.798 acres of total site area and shall be developed for a residential community comprised of single-family, detached residences and an attached townhomes.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 10
February 1, 2006

Petition No. Z-18
Meeting Date 2/21/06
Continued

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

- (1) The total site area for the proposed project is 19.798 acres with a total number of units for the entire project of one hundred sixteen (116). This results in an overall residential density of 5.86 units per acre.
- (2) The entrance signage to the proposed community shall be located at the entrances shown and reflected on the referenced Site Plan. The signage shall be ground-based, monument style and the entrance area shall be professionally designed, landscaped, and maintained.
- (3) All utilities servicing the residences within the proposed community shall be underground.
- (4) Lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the residences contained therein.
- (5) All streets within the proposed RM-8 community shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code. The cul-de-sac street off Hicks Road within the RA-5 community shall be a public right-of-way.
- (6) Applicant agrees to the creation of a mandatory master homeowners association consistent with up-scale communities within the area. The mandatory master homeowners association shall be responsible for the upkeep and maintenance of all common areas, entrance areas, private streets, landscaped areas, and landscaping within the stormwater management areas contained within the overall single-family community.

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 10
February 1, 2006

- (7) Additionally, and in conjunction with the creation of the mandatory master homeowners association, Applicant agrees to the recording and enforcement of protective covenants which will contain covenants, rules, and regulations applicable to the overall single-family residential community.
- (8) Minor modifications to the referenced Site Plan, including, but not limited to, the layout of lots and stormwater control measures may be approved by the District Commissioner, as needed or necessary.
- (9) The stormwater management areas shall be as shown and reflected on the referenced Site Plan.
- (10) The stormwater management areas shall be fenced and landscaped for purposes of visual screening. The landscaping shall be approved by the Cobb County arborist during the plan review process.
- (11) There shall be a landscaped area located along the frontage of Floyd Road.
- (12) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed development.
- (13) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (14) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 5 of 10
February 1, 2006

- (15) All buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.

- (16) Applicant agrees to the following system improvements to mitigate traffic concerns:
 - (a) Construction of deceleration lanes at each access point together with a left-turn lane on Hicks Road;

 - (b) Donation of right-of-way forty (40) feet from the existing roadway centerline along the westerly side of Hicks Road;

 - (c) Donation of right-of-way forty (40) feet from the existing roadway centerline along the southerly side of Concord Road;

 - (d) Donation of right-of-way fifty (50) feet from the existing roadway centerline along the northeasterly side of Floyd Road; and

 - (e) Alignment of the entrance to the proposed community located on Floyd Road across from the intersection of Glore Road.

STIPULATIONS APPLICABLE TO THE PROPOSED RA-5 COMMUNITY

- (1) The proposed single-family community shall consist of approximately 9.98 acres and shall be developed for a maximum of thirty-eight (38) single-family, detached homes, resulting in a density of 3.81 units per acre.

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-18
Meeting Date 2/21/06
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 6 of 10
February 1, 2006

- (2) Residences to be constructed within the proposed single-family community shall have a minimum of 2,200 square feet, ranging upwards to 3,000 square feet.
- (3) The proposed residences shall be traditional or Craftsman in style and architecture and shall have two car garages.
- (4) Additionally, the fronts of the proposed residences shall be brick, stone, stacked stone, cedar shake-type shingles, or combinations thereof.
- (5) The minimum lot size of lots within the proposed single-family community shall be 7,000 square feet.
- (6) The setbacks for the proposed single-family community shall be as follows:
 - (a) Front setback - Twenty (20) feet (or as shown and reflected on the referenced Site Plan);
 - (b) Rear setback - Twenty-five (25) feet (or as shown and reflected on the referenced Site Plan); and
 - (c) Side setback - Five (5) feet.
- (7) All front yards of the residences to be constructed within the proposed single-family community shall be sodded.
- (8) There shall be a no access easement for all lots located adjacent to Concord Road and Hicks Road. However, access to the proposed units facing Concord Road and Hicks Road shall be by means of a shared alley-way.

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-18
Meeting Date 2/21/06
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 7 of 10
February 1, 2006

STIPULATIONS APPLICABLE TO THE PROPOSED RM-8 COMMUNITY

- (1) The proposed townhome community shall consist of approximately 9.818 acres and shall be developed for a maximum of seventy-eight (78) single-family, attached townhomes, resulting in a density of 7.94 units per acre.
- (2) The proposed townhome community shall be developed under and pursuant to the Cobb County Condominium Ordinance, and not the Georgia Condominium Act.
- (3) Residences to be constructed within the proposed townhome community shall have a minimum of 1,800 square feet, ranging upwards to 2,200 square feet, or greater, of heated living space.
- (4) The proposed townhome residences shall be traditional in style and architecture, shall be a maximum of three-stories in height, and shall have two-car garages, as more particularly shown and reflected on the renderings to be presented to the Planning Commission and Board of Commissioners at their respective hearings.
- (5) The front facades of the proposed townhome residences shall consist of brick, stone, stacked stone, cedar shake-type, or combinations thereof.
- (6) Additionally, the front exterior shall be staggered in order to present a more aesthetically pleasing streetscape.
- (7) The proposed townhome community shall be a condominium development as that term is used and defined under the Cobb County Zoning Ordinance and complying in all respects with the Cobb County Zoning Ordinance.

MOORE INGRAM JOHNSON & STEELEPetition No. Z-18
Meeting Date 2/21/06
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 8 of 10
February 1, 2006

- (8) All units within the proposed townhome community shall be "for sale" units only. A maximum of ten (10) percent of the proposed units may be leased at any one time.
- (9) Applicant agrees to the recording and enforcement of a Declaration of Restrictive Covenants which will contain covenants, rules, and regulations applicable to the proposed residential condominium community.
- (10) Additionally, and in conjunction with the Declaration of Restrictive Covenants, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance ways, all common areas, private streets, and stormwater management area contained within the proposed townhome community.
- (11) Amenities within the proposed townhome community shall consist of a pool, cabana, and playground area and common green space areas, as more particularly shown and reflected on the referenced Site Plan.
- (12) There shall be a minimum of thirty (30) feet between buildings within the proposed townhome community.
- (13) All yard areas surrounding the proposed residences shall be sodded and professionally maintained as more particularly set forth in the Declaration of Covenants and Restrictions.

We believe the requested zoning, together with the revised Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the area surrounding the proposed development. The proposed residential communities shall be quality developments, shall be compatible with surrounding

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 9 of 10
February 1, 2006

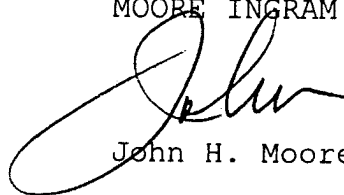
Petition No. Z-18
Meeting Date 2/21/06
Continued

neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Enclosures

c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee
(With Copy of Enclosure)

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Bob Ott
(With Copy of Enclosure)

Mr. James Cavedo
Mableton Improvement Coalition
(With Copy of Enclosure)

Ms. Clarice Barber Page
Southwest Austell Neighbors
(With Copy of Enclosure)

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 10 of 10
February 1, 2006

Petition No. Z-18
Meeting Date 2/21/06
Continued

c: Ms. Robin Meyer
Jerry A. Landers, Jr., Esq.
Area Residents
(With Copy of Enclosure)

Weaver & Woodbery Company
(With Copy of Enclosure)

Wilkins Walk

Cobb County, Georgia Land Lots 29, 30, 1000, & 1073, 17th District & 19th District, 2nd Section

prepared for:
Weaver and Woodbery



January 31, 2006



DGM
LAND PLANNING
CONSULTANTS
915 Commerce Plaza
Cincinnati, Ohio 45202
KENTUCKY
S.A. 301444
770 514-9000
F.W. 514-9491



Site Data

Total Site Area: 19,798 AC
Existing Zoning: R-20/NRC
Total Units Shown: 116
Overall Density: 5.86 UN/AC

Parcel A- Single Family Neighborhood

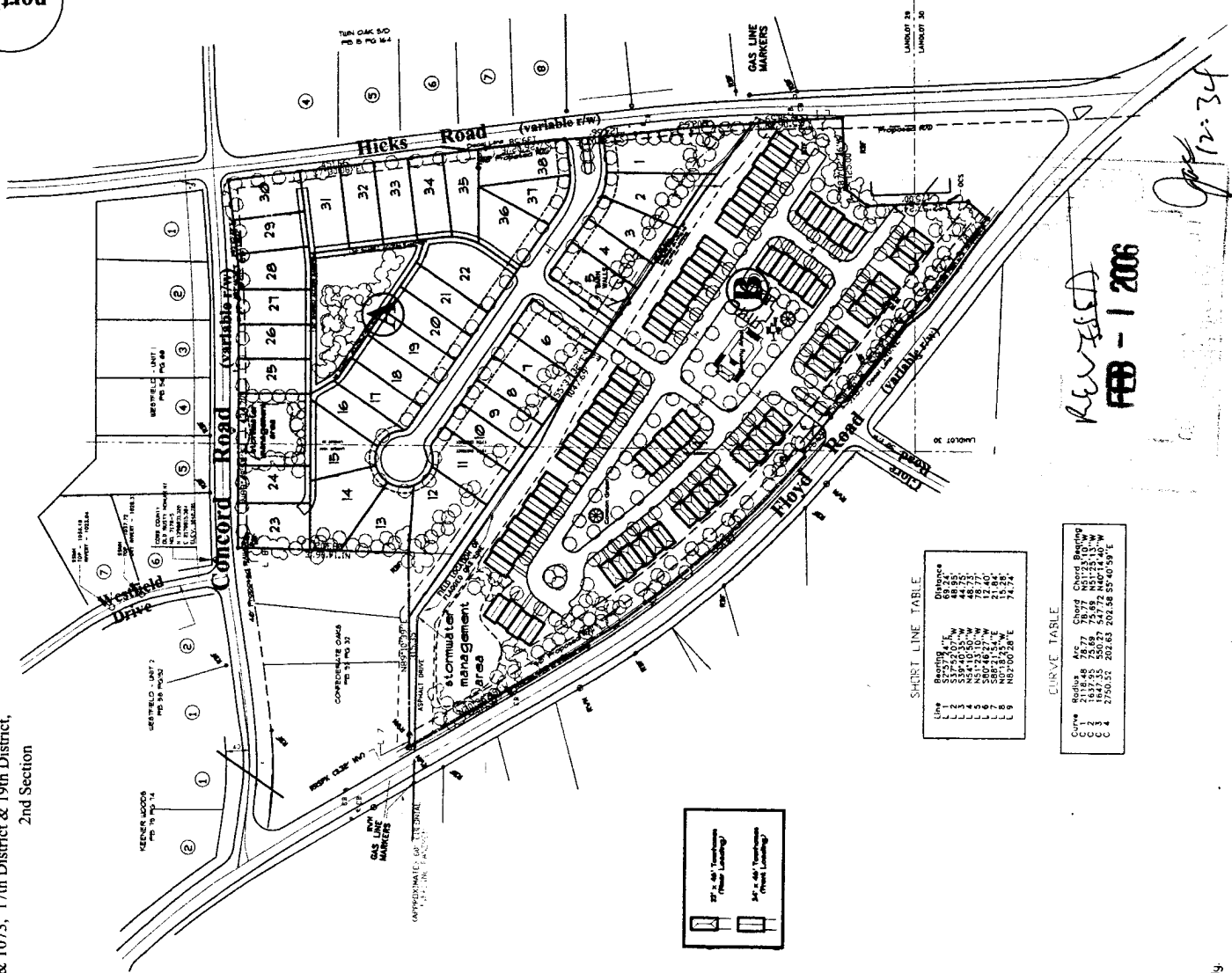
Area: 9,980 AC
Proposed Zoning: RA-5
Total Lots Shown: 38
Density: 3.81 UN/AC
Minimum Lot Size: 7,000 SF
Minimum Lot Width: 50'
Building Setbacks:
front: 20'
rear: 25'
side: 5'

Parcel B- Townhome Community

Area: 9,818 AC
Proposed Zoning: RM-8
Total Units Shown: 78
Density: 7.94 UN/AC
(27-22'x 46' attached townhome units)
(51-24'x 46' attached townhome units)
Minimum Distance Between Bldgs: 30'

Notes:

1. Boundary survey and topographic information by AARROW Surveying.
2. According to Flood Insurance Rate Map (FIRM) 13066-C0007P.
3. No wetlands are shown on this site.
4. Stream and tree classifications are to be determined.
5. No archeological or architectural landmarks are known to exist on site.
6. Stormwater management and water quality structures are conceptual in size and will be revised based on hydrologic study.



SHORT LINE TABLE

Line	Bearing	Distance	Point
1	S37°50'00"W	48.55'	10173.70
2	S88°00'00"W	48.75'	10173.70
3	S88°00'00"W	48.75'	10173.70
4	S26°46'21"W	12.40'	10173.70
5	S88°00'00"W	21.94'	10173.70
6	N82°00'28"E	24.72'	10173.70

CURVE TABLE

Curve	Radius	Delta	Chord	Point
C1	2118.48	78.77	507.77	10173.70
C2	1847.35	55.02	25.92	10173.70
C4	2750.52	302.63	202.58	55°00'59"E