



City of Cumming Planning & Development

100 Main Street

Cumming, Georgia 30040

Phone: (770) 781-2024

Email: s.morgan@cityofcumming.net

Website: www.cityofcumming.net

Annexation Petition
into the
City of Cumming, GA

Annexation# 2023161

RECEIVED

JUL 10 2023

CITY OF CUMMING

Please Print Clearly

Applicant's Name:

GEORGE E. BUTLER II

Applicant's Mailing Address:

132 HAWKINS STREET

City:

DAHLONEGA

State:

GA

Zip:

30533

Applicant's Telephone Number(s):

404-735-6054

Address of Property to be Annexed:

MARKET PLACE BOULEVARD, CUMMING, GA 30041

County Zoning Classification:

LR-LAKE RESIDENTIAL DISTRICT

Requested City Zoning Classification:

HB-HIGHWAY BUSINESS DISTRICT

Tax Map #

C37

Parcel #

003

Land Lot #

67

District #

2ND

Size of Property in Acres:

9.306

Current Use of Property:

VACANT

Petition **MUST** include a completed application with signatures and **ALL** attachments.

- An 8 ½ x 11 copy of the current **RECORDED BOUNDARY SURVEY** of said property showing the contiguity of said property to the existing corporate limits of the City of Cumming, Georgia (**Attached hereto as Exhibit "A"**).
- A copy of the current metes and bounds **LEGAL DESCRIPTION** that matches the boundary survey of the property being annexed (**Attached hereto as Exhibit "B"**).
- Survey must be signed and sealed by a Registered Land Surveyor.
- If property is to be rezoned upon annexation, you must file a separate Re-Zoning Application along with this petition.

Please answer the following questions to meet and comply with the United States Department of Justice, Civil Rights Division, Voting Section, Section 5 of the Voting Rights Act.

1. Intended Use of Land:

Residential

Commercial

Existing Structure(s)

Vacant

Other (specify) _____

2. Number of persons currently residing on the property: ZERO ;

Number 18 years or older: N/A ; Number registered to vote: N/A

Exhibit "C" – Population Estimate Information

A. Number of existing housing units

ZERO

B. List of Addresses for each housing unit in the annexed area at the time of the annexation

N/A

C. Disposition of existing structures (e.g. to be demolished, moved or converted)

N/A

D. Names of affected Subdivision

N/A

E. Name of affected Multi-Family Complex

N/A

F. Names of Group Quarters (dormitories, nursing homes, jails, etc.)

N/A

G. Names of affected Duplexes

N/A

H. Names of Mobile Home Parks

N/A

LEGAL DESCRIPTION

All that tract or parcel of land lying in Land Lot 67 of the 2nd District, 1st Section of Forsyth County, Georgia being as per a survey for SD Reality by Richard Webb & Associates dated November 9, 2022, being more fully described as follows:

The True Point of Beginning is at a Rock at the intersection of the eastern Land Lot Line of Land Lot 67 and the northern R/W of a Graded Road (100' R/W).

Thence leaving said Land Lot Line along said R/W S87°56'30"W a distance of 21.85' to a RWM; Thence S00°01'36"W a distance of 190.72' to an IPS #4RB; Thence leaving said R/W N88°45'08"W a distance of 413.99' to an IPF 1/2"CTP; Thence S89°39'46"W a distance of 178.80' to an IPF #4RB; Thence S89°46'12"W a distance of 86.87' to an IPF #4RB; Thence N89°25'59"W a distance of 154.47' to an IPF 1/2"ROD in the City of Cumming; Thence S63°13'19"W a distance of 58.32' to an IPS #4RB on the eastern R/W of Market Place BLVD (R/W Varies); Thence along said R/W with a curve turning to the right with an arc length of 530.99', with a radius of 1950.00', with a chord bearing of N32°20'23"E, with a chord length of 529.35', to a Point; Thence N51°54'53"E a distance of 31.65' to a Point; Thence N41°38'35"E a distance of 40.00' to a Point; Thence N29°45'15"E a distance of 27.72' to a Point; Thence with a curve turning to the right with an arc length of 96.66', with a radius of 1950.00', with a chord bearing of N44°25'44"E, with a chord length of 96.66', to a Point; Thence N89°00'39"E a distance of 147.38' to a RWM in Forsyth County; Thence N44°26'03"E a distance of 36.92' to a Point on the centerline of a creek; Thence along said creek centerline S71°02'00"E a distance of 16.68' to a Point; Thence S75°06'58"E a distance of 62.73' to a Point; Thence N39°18'31"E a distance of 13.56' to a Point; Thence S62°42'22"E a distance of 3.91' to a Point; Thence S84°21'21"E distance of 61.31' to a Point; Thence S66°53'09"E a distance of 25.35' to a Point; Thence S30°58'06"E a distance of 22.49' to a Point; Thence S59°56'29"E a distance of 14.16' to a Point; Thence N59°59'39"E a distance of 27.06' to a creek intersection; Thence continuing along said creek centerline S74°19'31"E a distance of 27.26' to a Point; Thence S50°29'32"E a distance of 21.62' to a Point; Thence S84°34'04"E a distance of 45.60' to a Point; Thence S09°31'13"E a distance of 20.81' to a Point; Thence S37°08'29"E a distance of 15.88' to a Point; Thence S76°39'03"E a distance of 14.36' to a Point at the intersection of said creek centerline and the said western Land Lot Line of Land Lot 67; Thence leaving said creek centerline along said Land Lot Line S03°06'40"W a distance of 306.87' to a Rock on the northern said R/W of a graded Road; Thus being the True Point of Beginning, Together with and subject to covenants, easements, and restrictions of record.

Said property contains 405,362.20 Square Feet, 9.306 Acres

REZONING APPLICATION FORM
CITY OF CUMMING, GEORGIA

RECEIVED
JUL 10 2023

CITY OF CUMMING

Rezoning Request No. 2023161

Date Paid _____ Receipt# _____

Amount Paid _____

Property Owner: Name: SD REALITY LLC

Address: 620 LELAND PKWY.

CUMMING, GA 30041

Phone: 470-680-6295

Applicant: Name: GEORGE E. BUTLER II

(if different from owner) Address: 132 HAWKINS ST.

DAHLONEGA, GA 30533

Phone: 404-735-6054

Agent: (if applicable) Name: N/A Phone: _____

Existing Zoning: LR - LAKE RESIDENTIAL DISTRICT (COUNTY)

Proposed Zoning: HB - HIGHWAY BUSINESS DISTRICT

Existing Use: VACANT

Proposed Use: COMMERCIAL - WITH RETAIL,

RESTAURANT, FOODMARKET, EVENT VENUE

Acreage of Site: 9.306

Location of Property: MARKET PLACE BOULEVARD, CUMMING 30041

(street address) N/A

Tax Map and Parcel # C37003

Applicants shall submit (22) sets of application as follows in order; Application 3 pages, letter of intent, legal description with metes and bounds, plat survey, required site plans, developments plans, elevation drawings to the Zoning Administrative Officer for distribution to the applicable bodies and/or review agencies. The Zoning Administrative Officer may require more or less copies depending on the nature and extent of required review.

All 22 sets must be on 8 1/2 x 11 inch paper. Do not staple!

Please be advised of the following:

- 1) The applicant is bound by the submitted site plan and letter of intent if this application is approved.
- 2) It is a legal requirement that the public hearing for this Rezoning, be advertised in the legal County organ in addition to posting a rezoning sign on the subject property.

Complete the following information. (This section may be addressed in the letter of intent.)

1. The existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property.

PLEASE SEE ATTACHED LETTER OF INTENT
FROM THE APPLICANT

2. The extent to which property values are diminished by the particular zoning restrictions.

DITTO

3. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.

DITTO

4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.

DITTO

5. The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.

DITTO

6. The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request.

DITTO

7. The zoning history of the subject property.

DITTO

8. The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.

DITTO

9. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.

DITTO

Property Owner's Certification

I hereby certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant and/or agent listed above is authorized to act as the applicant and/or agent in the pursuit of the rezoning of this property. I further certify that, within the past two years, the applicant has not made any campaign contributions or made gifts of \$250 or more to members of the Governing Body or Planning Commission who will consider this application, or that if such contributions or gifts have been made, the amount and recipient of such contributions or gifts will be disclosed within ten (10) days after this application is first filed, as required by Title 36, Chapter 85, Georgia Laws.

SD REALTY LLC

Signature of Property Owner: K. Venkata Ramana Karvetinagaram

Printed Name of Property Owner: BY: VENKATA RAMANA KARVETINAGARAM
ITS: MANAGING MEMBER

Date of Signature: JULY 10, 2023

Law Offices of
George E. Butler II, LLC

132 Hawkins Street
Dahlonega, GA 30533

E-MAIL: geb@lawyers.com
WEB gebutlerlaw.com

OFFICE 706-864-3200 or
404-873-2544
FAX 706-864-3206 or
404-875-5130
CELL 404-735-6054

July 10, 2023

Mr. Scott Morgan
Zoning Administrator
Planning and Zoning Department
City of Cumming
100 Main Street
Cumming, Georgia 30040

BY HAND DELIVERY

RE: **LETTER OF INTENT REQUIRED BY THE ZONING ORDINANCE OF THE CITY OF CUMMING IN CONNECTION WITH BOTH THE ANNEXATION APPLICATION & THE "HB" REZONING APPLICATION BY GEORGE E. BUTLER II FOR FORSYTH COUNTY TAX PARCEL NO. C37 003, BEING 9.306 ACES ON THE EAST SIDE OF MARKET PLACE BOULEVARD, THAT IS OWNED BY SD REALITY LLC, A GEORGIA LIMITED LIABILITY CO. OWNED BY MR. VENKATA RAMANA KARVETINAGARAM**

Dear Scott:

As you know, I am serving as the Applicant on behalf of the Owner, SD Reality LLC, in connection with both its Petition for Annexation and its contemporaneous Rezoning Application; and in my capacity as Applicant I am serving as the agent/authorized representative for SD Reality LLC (the "Owner"), which is the current Owner of record of the property in question, being Forsyth County Tax Parcel No. C37 003 (the "Subject Property"). And, in turn, SD Reality LLC is owned by Mr. Venkata Ramana Karvetinagaram, who is a resident of Forsyth County and who goes by the name "Venkat Ram."

Accordingly, on behalf of Mr. Ram and SD Reality, LLC, I am seeking to annex the Subject Property into the City of Cumming from Forsyth County, where it is currently

and somewhat anomalously zoned “LR” or Lake Residential District—and to have it rezoned in the process to the “HB” or Highway Business District zoning classification.

Taking first things first, the Owner asked me to determine whether it should seek rezoning for a commercial project in Forsyth County or the City, given the contiguity of the Subject Property to the City. The ultimate decision by the Owner whether to stay in the County or to seek annexation was governed primarily by O.C.G.A. §§ 36-36-1 *et seq.*—the Chapter of the Georgia Code dealing with Annexation of Territory.

And my analysis of the current Map of the City of Cumming with the Subject Property highlighted, a copy of which is attached as Exhibit “A” hereto, revealed that the Subject Property is a virtual—if not an actual—“unincorporated island” by virtue of the City’s previous annexation into the City in 2019 of 151.384 acres on both sides of Market Place Boulevard pursuant to the Annexation Petition of Atlantic Realty Development, LLC. That fact is also emphasized by the annotations on the boundary survey of the Subject Property by Richard Webb, which is attached as Exhibit “B” and on which I have highlighted the current City common boundary with the property in red.

As a result of that annexation the property directly across from the Subject Property on the west side of Market Place Boulevard was annexed into the City and rezoned by the City “PUD”; whereas, the 93.49 acres of so-called “Orkin” property on the east side of Market Place Boulevard lying between the Subject Property and Tucker Road to the north were annexed into the City as “HB” or Highway Business District.

And two of the three Orkin “HB” parcels in question, C37 001 and C37 002, almost completely encircle the Subject Property on the north and east sides. And, given that the southern boundary of the Subject Property was already comprised of City “R1” parcels, the only remaining portion of its aggregate external boundary that was not City property was the roughly 200 feet of common boundary with some state-owned DOT property in the southeast corner. That is so because the entire western boundary of the Subject Property is deemed to be contiguous to the City by virtue of O.C.G.A. § 36-36-90(1), given the annexation in 2019 of the property directly across Market Place Boulevard.

Ironically, Chapter 39 of Title 36 of the Georgia Code positively prohibits the creation of an “unincorporated island” by a city in the process of utilizing the power of annexation—as per O.C.G.A. § 36-36-4(a)(1) (“Unincorporated islands prohibited”). And, although not strictly prohibited, the inadvertent creation by the City back in 2019 of a virtual “unincorporated island” like the Subject Property would certainly be frowned upon. And, of course, any responsibility for that oversight would belong to the

Applicant, assuming (as I do) that it failed to bring that questionable impact on the Subject Property to the attention of the Mayor and Council.

Fortunately, O.C.G.A. § 36-36-20 et seq. (“Annexation Pursuant to Application by 100 Percent of Landowners”) gives the Owner here the right to have the City annex the Subject Property so long as at least one-eighth (or **12.5%**) of its aggregated external boundary or **50 feet**, “**whichever is less**”(!), is contiguous to the City; whereas, in the Owner’s case over **90%** and over **2,000 feet** of its aggregate boundary is contiguous to the City. Accordingly, it was my conclusion as a matter of clearly stated Georgia annexation policy—as set forth in Chapter 36 of Title 36 of the Georgia Code—that the Subject Property ought to be annexed into the City of Cumming.

At that point in my analysis I called the City and spoke with Everett Thompson, who immediately pointed out to me that the 2019 rezoning of the contiguous Orkin property to “HB” established a precedent that would justify an “HB” zoning of the Subject Property that would allow the specific commercial uses being contemplated by the Owner.

Accordingly, the recommendation was promptly made by me and communicated to the Owner that Georgia annexation law combined with the City of Cumming’s own prior annexation and zoning precedents vis-à-vis property contiguous to the Subject Property dictated that the Owner seek annexation and rezoning by the City rather than rezoning by the County.

CURRENT REZONING PROPOSAL

In particular, the Owner has authorized me to seek “HB” rezoning for the purpose of allowing 47,200 square feet of new commercial space on the Subject Property, which is to be erected in phases. And, as per the Site Plan attached hereto as Exhibit “C,” the improvements will consist of a total of 6 buildings, including a 4,000-square-foot restaurant outparcel.

Proposed Building No. 1—as depicted on the Site Plan—is designed for 7,200 square feet of retail; proposed Building No. 2 for 7,200 square feet of retail; proposed Building No. 3 for 15,600 square feet of retail; proposed Building No. 4 for 7,200 square feet of retail; and proposed Building No. 5 for 2,200 square feet of retail, plus 5,000 square feet devoted to an event facility that would host wedding receptions, corporate events, *etc.*

As per the legend on the Site Plan, the proposed 47,200 square feet of building coverage is roughly 1/5th of the maximum building coverage otherwise allowed under “HB” of 202,885 square feet; whereas, the 3.262 acres of Open Space being provided, which is 35.3% of the overall acreage on the site, is roughly double the minimum open space requirement under “HB” for the site, which is 20% of the total acreage or only 1.861 acres.

The estimated time to build-out of the retail and event space is 5 to 10 years and could be longer depending on economic and marketing conditions, given that the Owner intends to develop and operate the facility itself.

As this point the Owner believes that it has located a boutique and high-end food market for proposed Building No. 3 with its 15,600 square feet of space.

COMMUNITY IMPACT & BENEFIT STATEMENT

The Owner intends to develop a vibrant and landscaped commercial development, which will follow the applicable City of Cumming design guidelines and design standards. The existing zoning of surrounding properties are “HB” on the north and east and “PUD” directly across Market Place Boulevard; whereas, the adjoining parcels on the south are zoned “R1.” The “R1” properties are not well maintained and were previously assembled and under contract for sale as part of a multi-family residential project that the City denied. And the Applicant’s “HB” proposal is in conformity with the City’s Comprehensive Plan and Future Land Use Map—as well as with the Forsyth County Comprehensive Plan and Future Land Use Map.

Approval of the Application would not cause a safety hazard or noxious condition, would not reduce property values in the surrounding area; and, therefore, it would promote the health, safety, morals, and general welfare of public—with specific reference to the proposed Event Venue, which would provide a locale for various wholesome family-oriented celebrations. And the relative gain to the public is also estimated to be significant as the proposed retail uses will mesh well into the existing commercial land use in the area.

The Subject Property is physically suitable for the development being requested by the Application under the “HB” zoning district and is not currently suitable for development under its existing County “LR” zoning designation.

The Subject Property has remained vacant as zoned for quite some time; and the fairly recent annexation and “HB” rezoning of the former Orkin property to the north and east constitutes a changed condition that provides supporting ground for approval of both the annexation and rezoning requests.

Because of the purely commercial nature and relatively low density of the project, the proposed “HB” rezoning will not result in or cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.

And, as a result, refusal to grant approval of the requested Annexation and Rezoning as described in the Rezoning Application would—as the Applicant and owner hereby respectfully suggest—impose a disproportionate and unfair hardship on the Owner without accruing any benefits to surrounding property owners.

LEGALITIES

As the Applicant, therefore, I must respectfully urge the City to consider that any decision by it to deny the requested “HB” rezoning approval would be unconstitutional and illegal and constitute a taking of property without just compensation in violation of Art. I, Sec. I, Para. I, and Art. I, Sec. III, Para. I(a), of the Georgia Constitution of 1983, as Amended, and would constitute a denial of substantive due process and equal protection under the Due Process and Equal Protection Clauses of the Fourteenth Amendment of the United States Constitution and of the Georgia Constitution of 1983, as Amended, Art. I, Sec. I, Para. I, and Art. I, Sec. I, Para. II, as an arbitrary and inconsistent exercise by the City of its legislative authority—entitling the Owner, *inter alia*, to seek a reversal of any decision to deny the rezoning under state and federal law.

In short, any provisions of the City of Cumming Zoning Ordinance that might be interpreted to require the development of the Subject Property in some other non-commercial manner different from the Application and proposed Site Plan will not hold up to constitutional scrutiny given the City’s own annexation and rezoning precedents in the immediate vicinity—including but not limited to its decision in 2019 to render the Subject Property a virtual “unincorporated island.”

Furthermore, any decision denying the contemporaneous Annexation being sought on behalf of the Owner would also constitute an arbitrary and irrational abuse of discretion in light of the City’s own annexation precedents in the immediate vicinity.

The Applicant and Owner reserve all other rights and privileges under the Constitutions of the United States and the State of Georgia and available at law and in equity in the event that the City of Cumming refuses to approve the Annexation and Rezoning as requested by the Applicant.

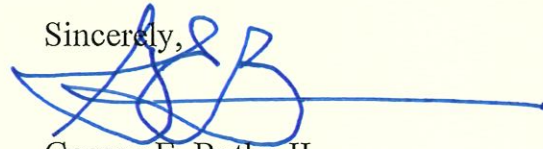
CONCLUSION

The Applicant respectfully asks that the Application be approved as requested and reserves the right to amend this Letter of Intent and the Application by supplementing additional responses and documents.

Please feel free to contact me on my cell phone @ 404-735-6054 with any questions or concerns in the regard.

Best regards.

Sincerely,



George E. Butler II
Applicant

GEB/cr

Enclosures

cc: Hon. Alfred John, Forsyth County Commission Chairman
(*VIA EMAIL:* ajohn@fordythco.com)
Kenneth E. Jarrard, Esq. (*VIA EMAIL:* kjarrard@jarrard-davis.com)
Kevin J. Tallant, Esq. (*VIA EMAIL:* ktallant@mhtlegal.com)
Mr. Venkat Ram (*VIA EMAIL:* kdramana99@gmail.com)
Mr. Jason May (*VIA EMAIL:* jason@we-develop.us)

PROJECT PERMITTEE:
 VISION DEVELOPMENT, LLC
 2240 AIR CONTACT
 VISION DRIVE, SUITE 100
 CUMMING, GA 30041
 CONTACT: VISION@VISIONDEVELOPMENT.COM

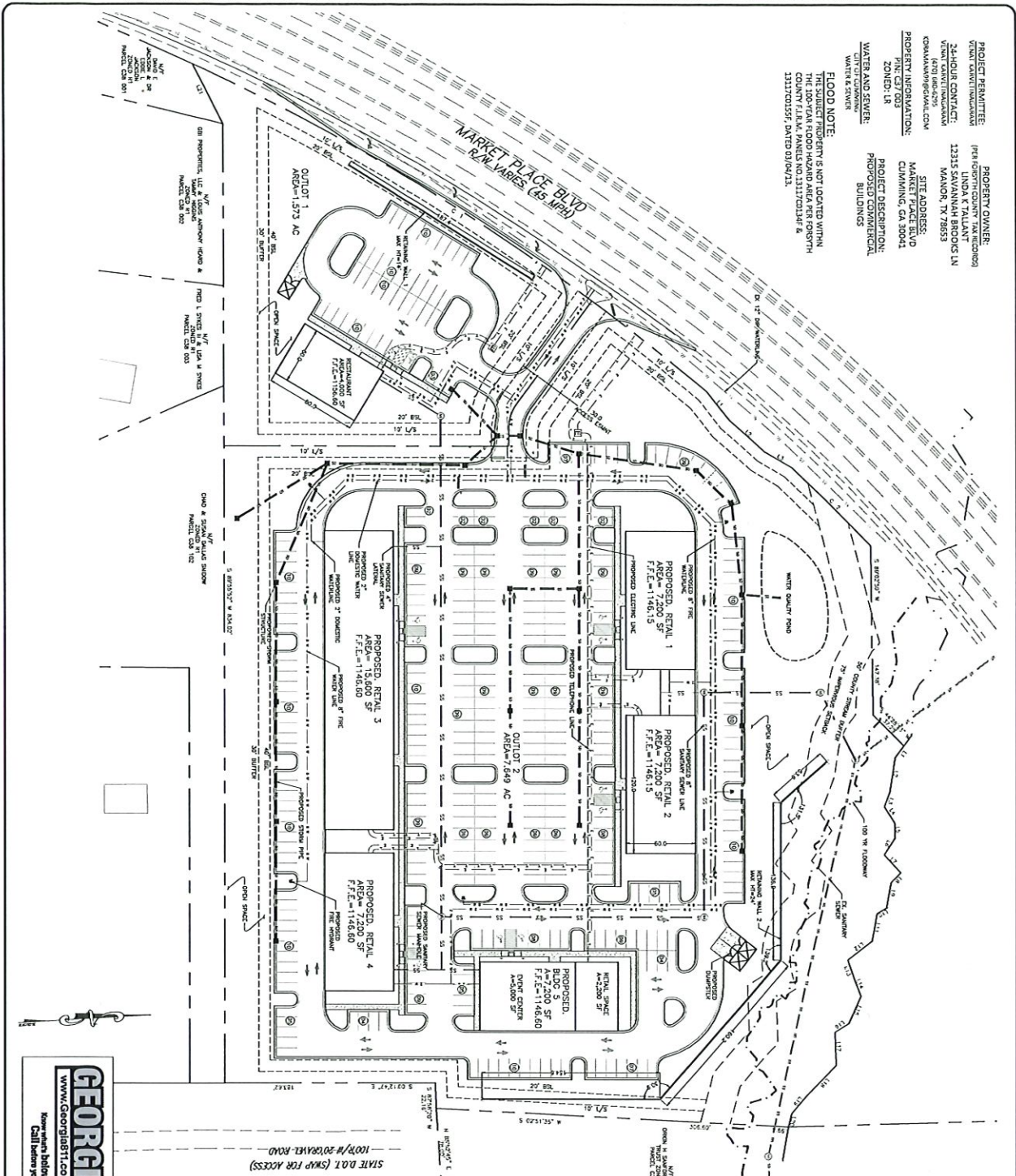
PROPERTY INFORMATION:
 DATE: 01/23/2022
 ZONED: LR

PROJECT DESCRIPTION:
 PROPOSED COMMERCIAL BUILDINGS

PROPERTY OWNER:
 JEFFREY S. GIBSON, JR.
 LINA & TALLANT
 13315 SAVANNAH BROOKS LN
 MAJOR, TX 78653

SITE ADDRESS:
 MARKET PLACE BLVD
 CUMMING, GA 30041

FLOOD NOTE:
 THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE 100-YEAR FLOOD HAZARD AREA PER FIRM# COUNTY F.I.R.M. PANEL NO. 131702314F & 131702315F, DATED 01/04/21.



- SITE LEGEND**
- EX. CURB AND CUTTER
 - EX. CURB AND CUTTER
 - CONCRETE SIDEWALK
 - EX. SIDEWALK
 - PROPERTY LINE
 - EX. LIGHT
 - EX. COMMUNICATION BOX
 - EX. TRANSMITTER
 - XXXXX BUILDING ADDRESS NUMBER

SITE DATA

PROPOSED RETAIL 1
 AREA = 7,200 SF
 F.F.E. = 11,480

PROPOSED RETAIL 2
 AREA = 7,200 SF
 F.F.E. = 11,480

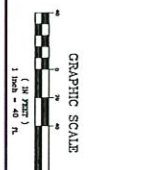
PROPOSED RETAIL 3
 AREA = 15,000 SF
 F.F.E. = 11,480

PROPOSED RETAIL 4
 AREA = 12,000 SF
 F.F.E. = 11,480

PROPOSED GARAGE
 AREA = 4,000 SF
 F.F.E. = 11,480

GENERAL NOTES:

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD.
3. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD.
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SHEET NO.	1
TOTAL SHEETS	1
JOB NO.	2022-181

EXHIBIT C
 (PAGE 1 OF 1)



ZONING SITE PLAN
 MARY ALICE PLACE BLVD
 AND LOT 67
 2ND DISTRICT, 1ST SECTION
 CUMMING'S, GEORGIA
 PRELIMINARY NOT FOR CONSTRUCTION

B.C. ENGINEERING, INC.
 116 NORTH MAIN ST.
 CUMMING, GA 30040
 PHONE: (770) 205-6181
 FAX: (770) 205-6162
 EMAIL: office@bcengineering-ga.com

LEGAL DESCRIPTION

All that tract or parcel of land lying in Land Lot 67 of the 2nd District, 1st Section of Forsyth County, Georgia being as per a survey for SD Reality by Richard Webb & Associates dated November 9, 2022, being more fully described as follows:

The True Point of Beginning is at a Rock at the intersection of the eastern Land Lot Line of Land Lot 67 and the northern R/W of a Graded Road (100' R/W).

Thence leaving said Land Lot Line along said R/W S87°56'30"W a distance of 21.85' to a RWM; Thence S00°01'36"W a distance of 190.72' to an IPS #4RB; Thence leaving said R/W N88°45'08"W a distance of 413.99' to an IPF 1/2"CTP; Thence S89°39'46"W a distance of 178.80' to an IPF #4RB; Thence S89°46'12"W a distance of 86.87' to an IPF #4RB; Thence N89°25'59"W a distance of 154.47' to an IPF 1/2"ROD in the City of Cumming; Thence S63°13'19"W a distance of 58.32' to an IPS #4RB on the eastern R/W of Market Place BLVD (R/W Varies); Thence along said R/W with a curve turning to the right with an arc length of 530.99', with a radius of 1950.00', with a chord bearing of N32°20'23"E, with a chord length of 529.35', to a Point; Thence N51°54'53"E a distance of 31.65' to a Point; Thence N41°38'35"E a distance of 40.00' to a Point; Thence N29°45'15"E a distance of 27.72' to a Point; Thence with a curve turning to the right with an arc length of 96.66', with a radius of 1950.00', with a chord bearing of N44°25'44"E, with a chord length of 96.66', to a Point; Thence N89°00'39"E a distance of 147.38' to a RWM in Forsyth County; Thence N44°26'03"E a distance of 36.92' to a Point on the centerline of a creek; Thence along said creek centerline S71°02'00"E a distance of 16.68' to a Point; Thence S75°06'58"E a distance of 62.73' to a Point; Thence N39°18'31"E a distance of 13.56' to a Point; Thence S62°42'22"E a distance of 3.91' to a Point; Thence S84°21'21"E distance of 61.31' to a Point; Thence S66°53'09"E a distance of 25.35' to a Point; Thence S30°58'06"E a distance of 22.49' to a Point; Thence S59°56'29"E a distance of 14.16' to a Point; Thence N59°59'39"E a distance of 27.06' to a creek intersection; Thence continuing along said creek centerline S74°19'31"E a distance of 27.26' to a Point; Thence S50°29'32"E a distance of 21.62' to a Point; Thence S84°34'04"E a distance of 45.60' to a Point; Thence S09°31'13"E a distance of 20.81' to a Point; Thence S37°08'29"E a distance of 15.88' to a Point; Thence S76°39'03"E a distance of 14.36' to a Point at the intersection of said creek centerline and the said western Land Lot Line of Land Lot 67; Thence leaving said creek centerline along said Land Lot Line S03°06'40"W a distance of 306.87' to a Rock on the northern said R/W of a graded Road; Thus being the True Point of Beginning, Together with and subject to covenants, easements, and restrictions of record.

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