



CONDITIONAL USE PERMIT APPLICATION

RECEIVED

Snellville Planning & Development Department

2342 Oak Road

Snellville, GA 30078

Phone 770.985.3514

Fax 770.985.3551

www.snellville.org

1520 SCENIC HWY #1900179

CUP #19-03

PARCEL- 5070 003 SAMS CLUB #4739

APR 11 2019

PLANNING & DEVELOPMENT

Applicant is: (check one)

- Owner's Agent
- Contract Purchaser
- Property Owner

Owner (if not the applicant): check here if there are additional property owners and attach additional sheets.

Keith Moore, PE

Name (please print)

Sam's Real Estate Business Trust

Name (please print)

7068 Ledgestone Commons

Address

2101 SE Simple Savings Drive

Address

Bartlett, Tennessee 38133

City, State, Zip Code

Bentonville, Arkansas 72716

City, State, Zip Code

(901) 384-0404

Phone Number(s)

(901) 384-0710

Fax

(479) 277-1351

Phone Number(s)

Fax

Contact Person: Keith Moore

Phone: (901) 384-0404

Fax: (901) 384-0710

Cell Phone: _____

E-mail: keithmoore@carlsonconsulting.net

Present Zoning Classification(s): BG

Present Land Use Classification(s): Retail

Property Address/Location: 1520 Scenic Hwy N

District 5 Land Lot 73 Parcel(s) 5074 362

5073 003

Applicants must submit a Conditional Use Permit application (and Land Use Plan Amendment and/or Zoning Map Amendment application, if required) for the following permitted uses (check one):

- Automotive Body Repair Shops (HSB District Only)
- Automotive Parts Store (with or without lubrication or tune-up centers) (BG and HSB Districts)
- Automotive Repair Shops including major engine repair (transmission, radiator repair and engine overhauls) (HSB District Only)
- Automotive and Motorcycle Sales and Rental Establishments and associated service facilities (BG and HSB Districts)
- Automotive Service Stations or Tire Stores (including lubrication, tune-up, battery replacement, brake repair centers) (BG District Only)
- Banks and Savings & Loan Institutions (OP District Only)
- Beauty and Barber Shops, including Manicurists (OP District Only)
- Boat Sales Establishments and associated service facilities (HSB District Only)
- Building Supply Centers with screened outdoor storage (BG and HSB Districts)
- Camper and Recreational Vehicle Sales and Rental Establishments and associated service facilities (HSB District Only)
- Cell Towers (new) and Telecommunications Antennas and Towers (new) (All Zoning Districts)
- Cemetery (All Residential Districts)
- Churches and related religious uses (All Residential Districts, BG and HSB Districts Only)
- Community Living Arrangement (RS-180 or RS-150 District)
- Commercial Recreational Enterprises (All Residential Districts; BG and HSB Districts)
- Contractor's Office with outdoor storage of equipment or materials (HSB District Only)
- Day Care Centers, provided that State day care requirements and health regulations are met (OP District Only)
- Drug Stores and Pharmacies accessed through and associated with medical clinics, doctors' offices, or dental offices (OP District Only)
- Emissions Inspections Stations (BG District Only)
- Equipment Rental, Sales, or Service Establishments with outdoor storage of equipment (HSB District Only)
- Family Personal Care Home (RS-180 or RS-150 District)
- Gas (Fuel) Stations (BG and HSB Districts)
- Group Home (RS-180 or RS-150 District)
- Historical Event Venue (All Residential Districts)
- Lawnmower Sales and Repair Shops (BG and HSB Districts)
- Machine and/or Welding Shops (BG District Only)
- Mini-Warehouse Storage Facilities (HSB District Only)
- Parking Lots and Parking Structures (OP District Only)
- Pawn Shops and Pawn Brokers, Title Pawn Shops, and Check Cashing Businesses (BG District Only)

- Plumbing, Electrical, Pool, and Homebuilding Supply Showrooms and Sales Centers with outdoor storage (HSB District Only)
- Psychics and Fortuntellers (BG District Only)
- Public, Private and Parochial Schools (All Residential Districts)
- Railroad through and spur tracks (All Residential Districts; OP, BN, BG, and HSB Districts)
- Tattoo and or Body Piercing Establishments (BG District Only)
- Taxicab or Limousine Services (BG and HSB Districts)
- Utility Substation (All Residential Districts; OP, BN, BG, and HSB Districts)

At a minimum, the following items are required with submittal of all CUP applications. Incomplete applications will not be accepted.

- √ Pre-submittal appointment shall be requested and completed a minimum of five (5) business days prior to Application deadline to ensure application is complete, accurate, and includes all required attachments/exhibits and required signatures;
- √ Payment of the appropriate application and public notice sign fees. Make checks payable to *City of Snellville*;
- √ Letter of Intent explaining the request for a Conditional Use Permit and what is proposed;
- √ The names, addresses, and original signatures of the owners of the subject parcel(s) and their agents, if any;
- √ The present zoning district and land use plan classification for the subject parcel(s);
- √ Analysis of impact of the proposed Conditional Use Permit pursuant to Section 15.2(3)(e) of Snellville Zoning Ordinance. (Attachment A);
- √ Applicant's and/or Owner's Certification (Attachment B);
- √ Conflict of Interest Certification and Disclosure of Campaign Contributions (Attachment C and D);
- √ A current legal description of the parcel(s) proposed for a Conditional Use Permit;
- √ Verification from county Tax Assessor that all property taxes have been paid and account is current (for all parcels subject to this application). Applicant to obtain confirmation of taxes paid using original Verification Sheet (attached);
- √ A Certificate of Title or Warranty Deed (for all parcels subject to this application);
- √ Map indicating the subject parcel(s) and the adjoining parcel(s), identified by property owner(s) name and tax parcel number;
- √ Ten (10) copies and one (1) original of the proposed Site and Concept Plan, and one (1) 11" x 17" (or smaller) reduction of the plan, drawn to scale, showing: (a) north arrow; (b) district, land lot(s) and parcel number(s); (c) the dimensions with bearing and distance; (d) acreage; (e) location of the tract(s), (f) the present zoning and land use classification of all adjacent parcels, (g) the proposed location of structures, driveways, parking and loading areas; (h) and the location and extent of required buffer areas. Site and Concept Plan shall be prepared by an architect, engineer, landscape architect, or land surveyor whose Georgia state registration is current and valid. Site plan must be stamped and sealed by one of the four above-mentioned professionals no more than six (6) months prior to the date of submittal;
- √ Additional information in narrative form, or depicted on the site plan, demonstrating how all provisions regarding the conditional use as listed in the Zoning Ordinance will be complied with;
- √ Ten (10) stapled or bound copies of the Conditional Use Permit application, Architectural building renderings and all supporting documents, in addition to one (1) unbound application (original) bearing original signatures. All documents must be folded to 8-1/2 x 11"; and
- √ A CD-ROM containing a digital file of: (a) site plan in .pdf and .dwg file formats, (b) legal description(s) in .pdf file format, and (c) completed and signed Conditional Use Permit application (and all supporting documents) in .pdf file format;

The following uses must comply with additional regulations, which is in-addition to the general submittal requirements above:

- Automotive Body Repair Shops – Site and Concept Plan shall include the location of a six-foot (6') high opaque fence. Provide picture(s) of proposed fencing.
- Automotive Repair Shops including major engine repair (transmission, radiator repair and engine overhauls) – Site and Concept Plan shall include the location of a six-foot (6') high opaque fence. Provide picture(s) of proposed fencing.
- Automotive and Motorcycle Sales and Rental Establishments and associated service facilities (include on Site & Concept Plan):

	Complies (check one)
a) The property for said use shall not be less than two (2) acres in area;	<input type="checkbox"/> Yes <input type="checkbox"/> No
b) The property shall have a minimum road frontage of two-hundred (200) feet;	<input type="checkbox"/> Yes <input type="checkbox"/> No
c) One thousand (1,000) linear feet of separation exists between said business and any other automotive and motorcycle sales business.;	<input type="checkbox"/> Yes <input type="checkbox"/> No
d) Include the following statement on the Site & Concept Plan, "All vehicles on the sales lots are to be in operating condition at all times";	<input type="checkbox"/> Yes <input type="checkbox"/> No
e) Include the following statement on the Site & Concept Plan, "All vehicle inventory stored/parked/displayed outside must be on paved parking surfaces only and shall not be stored/parked/displayed in landscaped areas or elevated by use of a ramp, post or other device higher than five-feet (5') above grade";	<input type="checkbox"/> Yes <input type="checkbox"/> No
f) Include the following statement on the Site & Concept Plan, "Showrooms and/or service bays that keep new/used/service vehicles within building structures, must meet all applicable Federal, State, County, and local building and life-safety codes (at the time of application for an Occupation tax Certificate) regarding the storage of hazardous materials";	<input type="checkbox"/> Yes <input type="checkbox"/> No

NOTE: Internet automobile/motorcycle sales where there is no temporary or permanent storage, parking, delivery, or display of inventory may submit an Administrative Variance application in lieu of a Conditional Use Permit application for administrative review and approval.

- Building Supply Centers with outdoor lumber yards or storage areas - Site and Concept Plan shall include the location of a six-foot (6') high opaque fence. Provide picture(s) of proposed fencing.
- Cell Towers (new) and Telecommunications Antennas and Towers (new): See Attachment B

- Cemeteries (new):
- a) All new cemeteries shall front on a street having a minimum road classification of "major collector", for a distance of at least one-hundred feet (100'); Complies (check one)
 Yes No
- b) New cemeteries shall have a minimum lot size shall be two (2) acres; Yes No
- c) A landscape buffer having a width of ten-feet (10') shall be installed along all side and rear lot lines and shall have a fence of a type specified in the City of Snellville Architectural Design Standards. Show on Site Plan and provide pictures of proposed fencing. Yes No
- Churches and related religious uses:
- a) All such facilities shall front on a street having a minimum road classification of "major collector", for a distance of at least one-hundred feet (100'); Complies (check one)
 Yes No
- b) The minimum lot size shall be one (1) acre; Yes No
- c) The maximum lot size shall be three (3) acres; Yes No
- d) All buildings shall be set back at least fifty-feet (50') from the front property line, forty-feet (40') from the rear property line, and twenty-feet (20') from the side property lines (thirty-five feet) (35') on the street side if a corner lot; and Yes No
- e) A densely planted buffer, no less than six feet (6') in height, having a minimum width of ten-feet (10') shall be installed along all side and rear property lines which abut Residential Land Use. Show on Site Plan. Yes No
- Community Living Arrangement:
- a) Minimum one (1) acre lot size; Complies (check one)
 Yes No
- b) Licensed by the Department of Human Resources of the State of Georgia as a Community Living Arrangement; Yes No
- c) The community living arrangement shall apply for and receive an occupation tax certificate/business license from the City of Snellville prior to operation; Yes No
- d) May be granted for the care of up to 6 adults, aged 18 years or older; and Yes No
- e) Approved by the Gwinnett County Department of Environmental Health for properties having an on-site sewage management (septic) system. Yes No
- Contractor's Office with outdoor storage of equipment or materials – Site and Concept Plan shall include the location of a six-foot (6') high opaque fence. Provide picture(s) of proposed fencing.
- Drug Stores and Pharmacies:
- a) Accessed through and associated with medical clinics, doctors' offices, or dental offices; and Complies (check one)
 Yes No
- b) Provide floor plan showing office space and public and private access areas. Yes No
- Family Personal Care Home:
- a) Minimum one (1) acre lot size; Complies (check one)
 Yes No
- b) Licensed by the Department of Human Resources of the State of Georgia as a Community Living Arrangement; Yes No
- c) The community living arrangement shall apply for and receive an occupation tax certificate/business license from the City of Snellville prior to operation; Yes No
- d) May be granted for the care of up to 6 adults, aged 18 years or older; and Yes No
- e) Approved by the Gwinnett County Department of Environmental Health for properties having an on-site sewage management (septic) system. Yes No
- f) The dwelling unit must be the primary and legal place of residence for the owner of the family personal care home. Owner of the family personal care home is defined as an individual, not a partnership or corporation, that has sole Ownership of 51% or more of the stock, assets, or value of the family personal care home business. Yes No
- g) Operation of the family personal care home is subject to the regulations or Article XVIII, Home Occupations and Businesses of the City of Snellville Zoning Ordinance. Yes No
- Gas (Fuel) Stations:
- a) Fuel pumps shall not be closer than thirty-feet (30') from right-of-way. Show on Site Plan; Complies (check one)
 Yes No
- b) Fuel pumps and gas storage tanks shall be setback at least one-hundred feet (100') from any residential zoning district; Show on Site Plan; Yes No
- c) Canopy design shall conform to the specifications indicated in Architectural Design Standards. Provide examples. Yes No
- Group Home:
- a) Minimum one (1) acre lot size; Complies (check one)
 Yes No
- b) Licensed by the Department of Human Resources of the State of Georgia as a Child Care Institution; Yes No
- c) The group home shall apply for and receive an occupation tax certificate/business license from the City of Snellville prior to operation; Yes No
- d) May be granted for 6 or more children or child care institution for medically fragile children (1-12 children) that provides full-time group home care for children through 18 years of age outside their own home; Yes No
- e) Approved by the Gwinnett County Department of Environmental Health for properties having an on-site sewage management (septic) system. Yes No
- f) Dwelling and premises shall maintain residential in character. Yes No

- Historical Event Venue: Complies (check one)
- a) Principal building must have been built at least 50 years prior to the Conditional Use Permit application, and the principal building must maintain historical significance based upon criteria used for The National Register of Historic Places; provided however, that failure to be listed by The National Register of Historic Places shall not disqualify such a building for consideration by the City of Snellville for designation as an Historic Event Venue; Yes No
 - b) In addition to all principal permitted uses and permitted accessory uses, any such venue facility shall only be used for the following commercial uses – weddings, private parties, business lunches, receptions, showers, and events of similar characteristics; Yes No
 - c) The minimum lot size shall be one (1) acre. Show on Site Plan; Yes No
 - d) The minimum size of the principal building shall be 1,800 square feet. Show on Site Plan; and Yes No
 - e) A buffer shall be planted along all side and rear property lines, having a minimum width of ten-feet (10'), when abutting residentially zoned properties. Show on Site Plan. Yes No
- Pawn Shops and Pawn Brokers, Title Pawn Shops, and Check Cashing Businesses: Complies (check one)
- a) No pawnshop/broker, title pawn shop or check cashing business shall be licensed or operated within one-thousand feet (1,000') of any residential zoning district, public or private school or college, church or other place of worship, library, daycare facility, public park or playground, massage establishment, tattoo and/or body piercing establishment, and existing pawnshop, title pawnshop, check cashing or adult establishment. Provide distance survey by GA Registered Land Surveyor; Yes No
- Plumbing, electrical, pool and homebuilding supply showrooms and sales centers with outdoor storage – Site and Concept Plan shall include the location of a six-foot (6') high opaque fence. Provide picture(s) of proposed fencing.
- Psychics and Fortunetellers: Complies (check one)
- a) No psychic or fortuneteller shall be licensed or operated within two-thousand feet (2,000') of any residential zoning district, public or private school or college, church or other place of worship, library, daycare facility, public park or playground, massage establishment, adult entertainment establishment, tattoo and/or body piercing establishment, and any other existing psychic and fortunetelling business. Provide distance survey by GA Registered Land Surveyor; Yes No
- Public, Private and Parochial schools: Complies (check one)
- a) A minimum site of five (5) acres is provided; Yes No
 - b) The site shall front on a street having a minimum road classification of "major collector", for a distance of at least one-hundred-feet (100'); Yes No
 - c) A buffer is provided along all side and rear property lines having a minimum width of ten-feet (10'). Show on Site Plan; Yes No
- Railroad through and spur tracks: Complies (check one)
- a) No sidings or terminal facilities shall be provided; Yes No
 - b) No service, repair or administrative facilities shall be provided. Yes No
- Tattoo and or Body Piercing Establishments: Complies (check one)
- a) No tattoo and/or body piercing establishment shall be licensed or operated within two-thousand feet (2,000') of any residential zoning district, public or private school or college, church or other place of worship, library, daycare facility, public park or playground, massage establishment, adult entertainment establishment, or any other existing tattoo and/or body piercing establishment. Provide distance survey by GA Registered Land Surveyor; Yes No
- Utility Substation: Complies (check one)
- a) Documentation is presented by the utility company depicting the need for such substation in a residential locale; Yes No
 - b) Any substation shall conform with all setback and space limits of the zoning district in which they are located; Yes No
 - c) Substations shall be enclosed by an opaque fence other than a cyclone type, and shall be appropriately landscaped; Yes No
 - d) A buffer shall be planted along all side and rear property lines, having a minimum width of ten-feet (10'). Yes No

Pursuant to Section 15.2(3)(e) of the Snellville Zoning Ordinance, a written, documented analysis of the impact of the proposed Conditional Use Permit with respect to each of the following matters shall be included. Please respond to the following standards in the space provided or attach additional sheets if necessary. **Simple yes/no answers or re-statement of the questions is not acceptable.**

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

Response: Existing landscaping, fencing, and grade differences provide screening for existing and proposed developments from adjacent/nearby properties

2. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property.

Response: No adverse impacts to adjacent/nearby properties are anticipated. Proposed use conforms to the current land use classification for the site of "retail".

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Response: Property is currently developed with a Sam's Club Wholesale retail store.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

Response: No major/excessive impacts to existing public infrastructure/schools are anticipated as a result of the proposed development.

5. Whether the zoning proposal is in conformity with the policy and intent of the Land Use Plan.

Response: Yes. The proposed fuel station use conforms with the current land use classification of "retail".

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Response: None

CELL TOWERS

Check here if section is NOT APPLICABLE

Article XIX of the Snellville Zoning Ordinance should be reviewed by the applicant in its entirety and the following shall be formally addressed in writing. Check here and attach additional sheets if necessary.

1) Section 19.4 (B) Inventory of Existing Sites and towers, that are either within the City of Snellville or within three miles of the border thereof, including specific information about the location, height, and design of each tower: _____

2) Section 19.5 (C) Factors Considered in Granting Conditional Use Permits:

A) Height of Proposed Tower: _____ (ft) _____ (meters)

B) Proximity of the tower to residential structures and residential district boundaries:

C) Nature of uses on adjacent and nearby properties:

D) Surrounding topography:

E) Surrounding tree coverage and foliage:

F) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness:

G) Availability of suitable existing towers and other structures as discussed in Section 19.5 (D) of the Snellville Zoning Ordinance:

TRACT 1:

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 73 of the 5th. District, City of Snellville, Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at a 5/8" rebar set at the intersection of the easterly right of way of Georgia Highway 124 (variable right of way) and the South line of Land Lot 73, thence leaving said right of way along said Land Lot Line North 61 degrees 27 minutes 51 seconds East, a distance of 635.95 feet to a 1/2" rebar found on the westerly right of way of North Road a.k.a Old Snellville Highway (60' right of way); thence leaving said Land Lot Line along said right of way along a curve to the right, an arc distance of 143.02 feet, said curve having a radius of 2053.48 feet and being subtended by a chord of 142.99 feet, at South 00 degrees 11 minutes 03 seconds East to a point; thence continuing along said right of way South 01 degree 48 minutes 40 seconds West, a distance of 312.02 feet to a point; thence continuing along said right of way South 01 degree 18 minutes 13 seconds West, a distance of 264.66 feet to a point; thence continuing along said right of way South 00 degrees 30 minutes 54 seconds West, a distance of 131.64 feet to a point; thence continuing along said right of way South 01 degree 16 minutes 11 seconds West, a distance of 227.40 feet to a 5/8" rebar set at the intersection of the westerly right of way of North Road and the northerly right of way of Mount Zion Church Road (60' right of way); thence along the northerly right of way of Mount Zion Church Road North 81 degrees 29 minutes 42 seconds West, a distance of 75.53 feet to a point; thence continuing along said right of way along a curve to the left, an arc distance of 137.61 feet, said curve having a radius of 763.09 feet and being subtended by a chord of 137.42 feet, at North 86 degrees 39 minutes 22 seconds West to a point; thence continuing along said right of way South 88 degrees 10 minutes 40 seconds West, a distance of 195.85 feet to a point; thence continuing along said right of way along a curve to the right, an arc distance of 192.81 feet, said curve having a radius of 495.96 feet and being subtended by a chord of 191.61 feet, at North 80 degrees 41 minutes 03 seconds West to a point; thence continuing along said right of way North 69 degrees 32 minutes 45 seconds West, a distance of 94.14 feet to a 5/8" rebar set at the mitered intersection of the northerly right of way of Mount Zion Church Road and the easterly right of way of Georgia Highway 124; thence along the easterly right of way of Georgia Highway 124 North 26 degrees 01 minute 06 seconds West, a distance of 53.18 feet to a concrete right of way monument found; thence continuing along said right of way North 14 degrees 51 minutes 34 seconds East, a distance of 562.98 feet to a concrete right of way monument found; thence continuing along said right of way South 72 degrees 08 minutes 44 seconds East, a distance of 15.00 feet to a point; thence continuing along said right of way North 15 degrees 25 minutes 29 seconds East, a distance of 20.22 feet to a point; thence continuing along said right of way North 76 degrees 20 minutes 48 seconds West, a distance of 15.00 feet to a concrete right of way monument found; thence continuing along said right of way North 14 degrees 51 minutes 34 seconds East, a distance of 91.26 feet to a point at the intersection on the easterly right of way of Georgia Highway 124 and the South Line of Land Lot 73; said point being the POINT OF BEGINNING.

Said tract contains 566,101 sf. (13.00 acres)



ACCOUNT DETAIL

[View/Pay Your Taxes / Account Detail](#)

Tax Account

Mailing Address:

SAM'S REAL ESTATE BUSINESS TRU
PO BOX 8050
BENTONVILLE , AR 72712-8055

SITUS:

1520 SCENIC HWY

Tax District:

SNELLVILLE

[Change Mailing Address](#)

Parcel ID

R5073 003

Property Type

Real Property

Last Update

3/14/2019 11:55:05 AM

Legal Description

HWY 124

Tax Bills

Note: Four years of tax information is available online. Email tax@gwinnettcountry.com to request other years.

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
<input type="text" value="2018"/>	\$118,377.56	\$118,377.56	\$0.00	\$0.00	10/15/2018	\$0.00
Total						\$0.00



ACCOUNT DETAIL

[View/Pay Your Taxes / Account Detail](#)

Tax Account

Mailing Address:

SAM'S REAL ESTATE BUSINESS TRU
PO BOX 8050
BENTONVILLE , AR 72712-8055

[Change Mailing Address](#)

SITUS:

0 GA HWY 124

Tax District:

COUNTY Unincorporated

Parcel ID

R5074 362

Property Type

Real Property

Last Update

3/14/2019 12:01:07 PM

Legal Description

HWY 124

Tax Bills

Note: Four years of tax information is available online. Email tax@gwinnettcountry.com to request other years.

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
2018	\$23.86	\$23.86	\$0.00	\$0.00	10/15/2018	\$0.00
Total						\$0.00

21905/152

21905
0152

STATE OF GEORGIA
COUNTY OF FULTON
After recording, return to:
CALLOWAY TITLE & ESCROW, LLC
Attention: David Dudley 2-1954
4800 Ashford Dunwoody Rd-Site 240
Atlanta, Georgia 30338

BK21905 PG0152

FILED & RECORDED
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA.

00 DEC 21 AM 9:07

LIMITED WARRANTY DEED

TOM LAWLER, CLERK

THIS INDENTURE, made and entered into the 19th day of December, 2000, by and between SNELLVILLE ASSOCIATES LIMITED PARTNERSHIP, a Georgia limited partnership (the "Grantor"), and H. LEE SCOTT, JR., AS TRUSTEE OF SAM'S REAL ESTATE BUSINESS TRUST, a Delaware business trust (the "Grantee"), the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits.

WITNESSETH:

FOR AND IN CONSIDERATION of the sum of Ten and No/100 (\$10.00) Dollars in hand paid by Grantee to Grantor at and before the execution, sealing and delivery hereof, and other good and valuable consideration, the receipt, adequacy and sufficiency of which is hereby acknowledged, Grantor has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee, and the successors, legal representatives and assigns of Grantee, all of the right, title and interest of Grantor in and to all that tract or parcel of land, together with all buildings and improvements thereon, situated, lying and being in Land Lot 73 of the 5th District, Snellville, Gwinnett County, Georgia, being more particularly described in Exhibit "A" annexed hereto, together with all rights, members, easements and improvements located thereon or appurtenant thereto (collectively, the "Property").

TO HAVE AND TO HOLD same, together with any and all of the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of Grantee forever, in FEE SIMPLE.

THIS CONVEYANCE and Grantors' warranty of title are subject to those matters set forth in Exhibit "B" annexed hereto.

GRANTOR SHALL WARRANT and forever defend the right and title to such property unto Grantee, and the successors, legal representatives and assigns of Grantee, against the claims of all persons whomsoever holding, owning or claiming by, through or under Grantor, it being the intention of the parties hereto that such warranties shall be limited to only such period of time that Grantor owned such property, subject to matters referred to in the preceding paragraph.

IN WITNESS WHEREOF, Grantor has signed, sealed and delivered this deed, the day and year first above written.

Signed, sealed and delivered
In the presence of:

GRANTOR:

SNELLVILLE ASSOCIATES LIMITED PARTNERSHIP, a Georgia limited partnership

Cheryl Weeks
Unofficial Witness

By: SELIG ENTERPRISES, INC., a Georgia corporation, its general partner

Christiaan Myron
Notary Public
My Commission Expires: 10/24/04

By: William J. Dawkins (L.S.)
Senior Vice President

(NOTARY SEAL)

GWINNETT CO. GEORGIA
REAL ESTATE TRANSFER TAX

(CORPORATE SEAL)

\$ 5,733.80

TOM LAWLER, CLERK OF
SUPERIOR COURT

[HASNELLVII\closing doc\Limited Warranty Deed.doc]

157188-92

EXHIBIT "A"

TRACT 1:

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 73 of the 5th District, City of Snellville, Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at a 5/8" rebar set at the intersection of the easterly right of way of Georgia Highway 124 (variable right of way) and the South line of Land Lot 73, thence leaving said right of way along said Land Lot Line North 61 degrees 27 minutes 51 seconds East, a distance of 635.95 feet to a 1/2" rebar found on the westerly right of way of North Road a.k.a Old Snellville Highway (60' right of way); thence leaving said Land Lot Line along said right of way along a curve to the right, an arc distance of 143.02 feet, said curve having a radius of 2053.48 feet and being subtended by a chord of 142.99 feet, at South 00 degrees 11 minutes 03 seconds East to a point; thence continuing along said right of way South 01 degree 48 minutes 40 seconds West, a distance of 312.02 feet to a point; thence continuing along said right of way South 01 degree 18 minutes 13 seconds West, a distance of 284.66 feet to a point; thence continuing along said right of way South 00 degrees 30 minutes 54 seconds West, a distance of 131.64 feet to a point; thence continuing along said right of way South 01 degree 16 minutes 11 seconds West, a distance of 227.40 feet to a 5/8" rebar set at the intersection of the westerly right of way of North Road and the northerly right of way of Mount Zion Church Road (60' right of way); thence along the northerly right of way of Mount Zion Church Road North 81 degrees 29 minutes 42 seconds West, a distance of 75.53 feet to a point; thence continuing along said right of way along a curve to the left, an arc distance of 137.61 feet, said curve having a radius of 763.09 feet and being subtended by a chord of 137.42 feet, at North 86 degrees 39 minutes 22 seconds West to a point; thence continuing along said right of way South 88 degrees 10 minutes 40 seconds West, a distance of 196.85 feet to a point; thence continuing along said right of way along a curve to the right, an arc distance of 192.81 feet, said curve having a radius of 495.96 feet and being subtended by a chord of 191.61 feet, at North 80 degrees 41 minutes 03 seconds West to a point; thence continuing along said right of way North 69 degrees 32 minutes 45 seconds West, a distance of 94.14 feet to a 5/8" rebar set at the mitered intersection of the northerly right of way of Mount Zion Church Road and the easterly right of way of Georgia Highway 124; thence along the easterly right of way of Georgia Highway 124 North 28 degrees 01 minute 05 seconds West, a distance of 53.18 feet to a concrete right of way monument found; thence continuing along said right of way North 14 degrees 51 minutes 34 seconds East, a distance of 562.98 feet to a concrete right of way monument found; thence continuing along said right of way South 72 degrees 08 minutes 44 seconds East, a distance of 15.00 feet to a point; thence continuing along said right of way North 15 degrees 25 minutes 29 seconds East, a distance of 20.22 feet to a point; thence continuing along said right of way North 76 degrees 20 minutes 48 seconds West, a distance of 15.00 feet to a concrete right of way monument found; thence continuing along said right of way North 14 degrees 51 minutes 34 seconds East, a distance of 91.26 feet to a point at the intersection on the easterly right of way of Georgia Highway 124 and the South Line of Land Lot 73; said point being the POINT OF BEGINNING.

Said tract contains 566,101 sf. (13.00 acres)

21905
0154

BK 21905 PG 0154

EXHIBIT "B"

Permitted Title Exceptions

Drainage rights as contained in that certain Right-of-Way Deed from Bernice M. Britt, et al to Gwinnett County, a political subdivision of the State of Georgia, dated July 7, 1981, filed for record July 24, 1981 at 2:46 p.m., recorded in Deed Book 2217, Page 230, Records of Gwinnett County, Georgia. (Tract 1)

{HASNELL\closing docs\limited Warranty Deed.doc}

21905/155

21905
0155

BK 21905 PGO155

FILED & RECORDED
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA.

00 DEC 21 AM 9:07

TOM LAWLER, CLERK

AFTER RECORDING RETURN TO:

R. Margan Calaway, Esq.
Calaway Titus and Eason, L.L.C.
4701 Ashford Dunwoody Blvd.
Suite 210 2-11454
Atlanta, Georgia 30338

STATE OF GEORGIA

COUNTY OF GWINNETT

QUITCLAIM DEED

THIS INDENTURE, made and entered into this 13th day of December, 2000, by MARGENE MOULDER, an individual residing in Gwinnett County, Georgia (the "Grantor"), and H. LEE SCOTT, JR., AS TRUSTEE OF SAM'S REAL ESTATE BUSINESS TRUST, a Delaware business trust (the "Grantee"), the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits.

WITNESSETH:

FOR AND IN CONSIDERATION OF the sum of Ten and No/100 (\$10.00) Dollars, and other good and valuable consideration, cash in hand paid, the receipt, adequacy and sufficiency of which are hereby acknowledged, Grantor has granted, bargained, sold, aliened, conveyed, confirmed, remised, released and forever quitclaimed, and does by these presents grant, bargain, sell, alien, convey, confirm, remise, release and forever QUITCLAIM unto Grantee all of the right, title, interest, claim or demand which Grantor has or may have had in and to all that tract or parcel of land lying and being in Land Lot 74 of the 5th District, of Gwinnett County, Georgia, being more particularly described in Exhibit "A" annexed hereto (the "Property").

TOGETHER WITH all the rights, members and appurtenances to the Property in anywise appertaining or belonging.

TO HAVE AND TO HOLD the Property unto Grantee, so that neither Grantor nor any other person or persons claiming by, through or under Grantor shall at any time, by any means or ways, have, claim or demand any right, title, interest or claim to the Property or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, Grantor has signed, sealed and delivered this Quitclaim Deed to Grantee, the day and year first above written.

Signed, sealed and delivered
in the presence of
[Signature]
Unofficial Notary
[Signature]
Notary Public
Nov. 25, 2000
PUBLIC
GWINNETT COUNTY

GRANTOR:

Margene Moulder (L.S.)
MARGENE MOULDER, an individual residing
in Gwinnett County, Georgia

GWINNETT CO. GEORGIA
REAL ESTATE TRANSFER TAX

\$ 1.00

TOM LAWLER, CLERK OF
SUPERIOR COURT

157189

BK 21905 PG 0156

EXHIBIT "A"

All that tract or parcel of land lying and being Land Lot 74 of the 5th Land District, Gwinnett County, Georgia and being more particularly described as follows:

Commence at the intersection of the land lot line common to Land Lots 73 and 74 and the easterly variable right of way of Georgia Highway 124, said point being the TRUE POINT OF BEGINNING;

Thence, along said right of way of Georgia Highway 124 North 14 degrees 42 minutes 53 seconds East for a distance of 52.23 feet to a point; Thence, leaving said right of way South 54 degrees 35 minutes 18 seconds East for a distance of 42.34 feet to a point on the land lot line common to Land Lots 73 and 74; Thence, along said land lot line South 61 degrees 27 minutes 51 seconds West for a distance of 54.38 feet to a point, said point being the TRUE POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 0.02 acres or 1,034 square feet.

mm

List of Adjacent Property Owners

Owner Name: Lillian Margene Moulder Trust

Mailing Address: 1498 Scenic Hwy N, Snellville, GA 30078-2128

Tax Parcel Number:

District: 5

Land Lot: 74

Parcel ID: 5074 007