



RECEIVED

JUN 10 2019

REZONING APPLICATION

APPLICATION TO AMEND THE OFFICIAL ZONING MAP, SNELLVILLE, GEORGIA
CITY OF SNELLVILLE
PLANNING & DEVELOPMENT

City of Snellville
Planning & Development Department
2342 Oak Road, 2nd Floor
Snellville, GA 30078
Phone 770.985.3514 Fax 770.985.3551 www.snellville.org

DATE RECEIVED: _____

2338 SCENIC HWY #1900290
AMERICAN PET RESORT, LLC. RZ CASE #19-04
PARCEL- R5026-074

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.

American Pet Resort, LLC
Name (please print)
1551 Atlantic Blvd., Suite 200
Address
Jacksonville, Florida 32207
City, State, Zip Code
(904) 363-3330 (904) 363-3314
Phone Number(s) Fax

2338 Scenic Highway, LLC
Name (please print)
2341 Defoors Ferry Road
Address
Atlanta, Georgia 30318
City, State, Zip Code
(404) 355-9500 (404) 351-2511
Phone Number(s) Fax

Contact Person: Robert A. McCann P.E. Phone: (770) 491-7550 Fax: (770) 491-7750

Cell Phone: _____ E-mail: bmccann@hainesgipson.com

Present Zoning Classification(s): BG (General Business) in the Corridor Overlay District

Proposed Zoning Classification(s): BG (General Business) in teh Corridor Overlay District

Proposed Use: Kennel/Pet Boarding facility

Property Address/Location: 2338 Scenic Highway District 5th Land Lot 26 Parcel(s) R5026-074

At a minimum, the following items are required with submittal of this application. 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, public notice sign, and adjoining property owner notification fees;
- √ Letter of Intent explaining the request for rezoning 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 and proposed zoning district for the parcel(s). Include listing of ALL permitted uses in requested Zoning District;
- √ Analysis of impact of the proposed rezoning 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);
- √ A current legal description of the parcel(s) to be rezoned. If the parcel proposed for amendment includes multiple parcels, provide a separate legal description for each individual parcel, together with a composite legal description for all parcels;
- √ 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;
- √ Thirty (30) 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;
- √ Thirty (30) stapled or bound copies of: (a) Rezoning application (page 1 only and any additional sheets if there are additional property owners); (b) Analysis of impact of the proposed rezoning (Attachment A); (c) Certifications (Attachments B and C); (d) Letter of Intent; and (e), Architectural building renderings and all supporting documents. In addition, one (1) unbound application (original) bearing original signatures and all other required documents. 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 Rezoning application (and all supporting documents) in .pdf file format;

Pursuant to Section 15.2(3)(e) of the Snellville Zoning Ordinance, a **written, documented analysis of the impact of the proposed rezoning 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 are 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: Yes, the site is zoned BG (General Business). The proposed Pet Paradise is classified as a "kennel" which is a principle permitted use in the BG zoning district.

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

Response: The proposed Pet Paradise kennel facility is very compatible with the existing surrounding businesses (storage facility, medical office) and will not impact the future usability of adjacent undeveloped sites.

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

Response: We are not requesting to change the zonign of the site, rather we are requesting a "Change of Zoning Conditions" because the previous re-zoning of the site (RZ 07-19 dated January 28, 2008) was based on a specific site plan.

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: The proposed Pet Paradise is a dog boarding/daycare kennel facility. Daily vehicle traffic will be very light for pet owners to drop off or pick up pets. There will be no adverse impact to the utilities as the water and sewerage use will be similar to a single family residence. There will be no impact to the local schools.

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

Response: The proposed Pet Paradise kennel facility complies with the current Future Land Use Map that designates this site as "retail." Additionally, the proposed use complies with both the Downtown and Highway 78 West Corridor "character areas" and predominant land use as "commercial/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: The proposed use of the site has always been retail/commercial. The previous re-zoning was for a retail shopping center to incldue a driveway connection to Henry Clower Boulevard. The propsoed Pet Paradise site is a less intense use compared to teh previously approved retail project and there is no proposed additional driveway access to Henry Clower Boulevard

REZONING CERTIFICATIONS

In the event an owner's agent or contract purchaser is filing this application, both of the certifications below must be completed. If the owner is filing the application, only the Owner's Certification must be completed.

APPLICANT'S CERTIFICATION

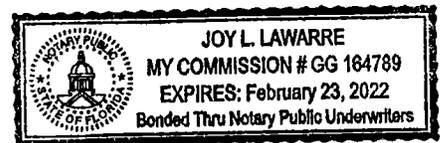
The undersigned below, or as attached, is authorized to make this application. The undersigned is aware that, should this request be denied by City Council, no application affecting any portion of the same property shall be submitted less than twelve months from the date of denial.

William L. Joel 06/05/2019
Signature of Applicant Date

William L. Joel, Senior Vice President
Type or Print Name and Title

Notary Seal

Joy L. Lawarre 6/5/19
Signature of Notary Public Date



OWNER'S CERTIFICATION

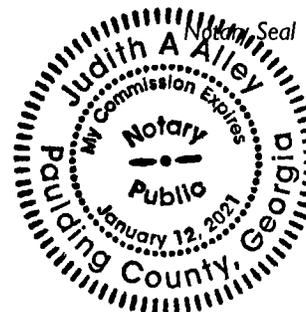
The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that, should this request be denied by City Council, no application affecting any portion of the same property shall be submitted less than twelve months from the date of denial.

Check here if there are additional property owners and attach additional "Owner's Certification" sheets.

Arthur O. Brannen 6/7/2019
Signature of Owner Date

ARTHUR O BRANNEN, MEMBER
Type or Print Name and Title
2338 SCENIC HIGHWAY, LLC

Judith A. Alley 6/7/19
Signature of Notary Public Date



CONFLICT OF INTEREST CERTIFICATIONS FOR ZONING ACTIONS

The undersigned below, making application for rezoning or a Conditional Use Permit, has complied with the Official Code of Georgia Section 36-67A-1, et. sec., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on forms provided.

Check here if there are additional property owners and attach additional "Conflict of Interest Certification" sheets.

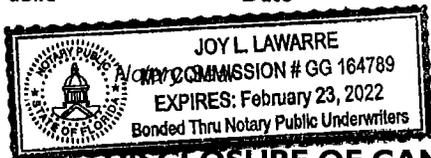
William L. Joel 06/05/2019
Signature of Applicant Date

William L. Joel, Senior Vice President
Type or Print Name and Title

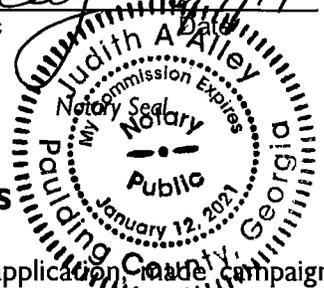
Arthur O. Brannen 6/7/2019
Signature of Owner Date

ARTHUR O. BRANNEN, MEMBER
Type or Print Name and Title
2338 SCENIC HIGHWAY, LLC

Joy L. Lawarre 6/5/19
Signature of Notary Public Date
(as to Applicant)



Judith A. Alley 6/7/19
Signature of Notary Public Date
(as to Owner)



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the last four (4) years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more or made gifts having in the aggregate a value of \$250.00 or more to any member of the Mayor and City Council or any member of the Snellville Planning Commission?

As to Applicant (circle one): YES **(NO)** As to Property Owner (circle one): YES **(NO)**

If the answer is YES, please complete the following section:

| Name of Government Official: | Contributions or Descriptions of Gifts (List all which aggregate to \$250.00 or more): | Date when Contribution or Gift was made within last four-years: |
|------------------------------|--|---|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Check here and attach additional sheets if necessary to disclose or describe all contributions or gifts.

All that tract or parcel of land lying or being in Land Lot 26, 5th District, City of Snellville, Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at a 1/2 inch rebar found at the intersection of the Northerly right-of-way of Henry Clower Boulevard (variable right-of-way) with the Easterly right-of-way of Scenic Highway (Georgia Highway 124) (variable right-of-way), said point having State Plane Coordinates of North 1,401,714.83, East 2,340,349.72, Georgia West Zone; thence along said right-of-way of Scenic Highway, along a curve to the right, said curve having an arc length of 251.74 feet with a radius of 1856.86 feet, being subtended by a chord bearing of North 19 degrees 22 minutes 15 seconds East, a distance of 251.55 feet to a 5/8 inch rebar set; thence South 67 degrees 33 minutes 02 seconds East, a distance of 2.05 feet to a 5/8 inch rebar set; thence North 25 degrees 00 minutes 19 seconds East, a distance of 97.65 feet to a 5/8 inch rebar set; thence North 63 degrees 43 minutes 38 seconds West, a distance of 2.46 feet to a 5/8 inch rebar set; thence along a curve to the right, said curve having an arc length of 103.08 feet with a radius of 1856.86 feet, being subtended by a chord bearing of North 27 degrees 51 minutes 47 seconds East, a distance of 103.07 feet to a 1/2 inch rebar found; thence North 29 degrees 27 minutes 13 seconds East, a distance of 8.00 feet to a 1/2 inch rebar found; thence North 43 degrees 03 minutes 57 seconds East, a distance of 8.01 feet to a 1/2 inch rebar found; thence leaving said right-of-way North 81 degrees 58 minutes 35 seconds East, a distance of 375.14 feet to a 5/8 inch rebar found; thence North 80 degrees 48 minutes 03 seconds East, a distance of 13.87 feet to a 1/2 inch rebar found; thence South 30 degrees 02 minutes 45 seconds West, a distance of 220.95 feet to a nail found; thence South 11 degrees 03 minutes 43 seconds West, a distance of 84.09 feet to a nail set; thence South 12 degrees 39 minutes 23 seconds East, a distance of 30.63 feet to a nail found; thence South 24 degrees 21 minutes 15 seconds West, a distance of 61.85 feet to a 5/8 inch rebar set; thence South 24 degrees 12 minutes 25 seconds West, a distance of 45.27 feet to a 5/8 inch rebar set; thence South 24 degrees 28 minutes 34 seconds West, a distance of 54.58 feet to a 5/8 inch rebar set; thence South 24 degrees 05 minutes 39 seconds West, a distance of 83.13 feet to a 1-1/4 inch rod found; thence South 23 degrees 35 minutes 39 seconds West, a distance of 16.84 feet to a 1 inch open top pipe found; thence South 15 degrees 06 minutes 38 seconds West, a distance of 47.55 feet to a 1/2 inch rebar found on the Northerly right-of-way of Henry Clower Boulevard; thence along said right-of-way North 67 degrees 32 minutes 35 seconds West, a distance of 87.95 feet to a 1/2 inch rebar found; thence North 76 degrees 42 minutes 52 seconds West, a distance of 228.95 feet to a 1/2 inch rebar found; thence North 53 degrees 12 minutes 26 seconds West, a distance of 29.00 feet to a 1/2 inch rebar found, said point being the True Point of Beginning.

Said tract of land contains 4.259 Acres.

FILED AND RECORDED
CLERK SUPERIOR COURT
WINN COUNTY GA

2016 SEP 28 PM 2:00

RICHARD ALEXANDER, CLERK

This instrument prepared by:
Hartman Simons & Wood LLP
6400 Powers Ferry Road, Suite 400
Atlanta, Georgia 30339

✓ After recording return to:
Buckhead Title Company, LLC
c/o The Dunlap Law Firm, LLC
2964 Peachtree Road NW
Buckhead Centre – Suite 300
Atlanta, Georgia 30305

PT-61 # 067-2016-026556
GWINNETT CO. GEORGIA
REAL ESTATE TRANSFER TAX
\$ 550.00
RICHARD T. ALEXANDER, JR. CLERK OF
SUPERIOR COURT

LIMITED WARRANTY DEED

THIS INDENTURE, made effective as of the 27th day of September, 2016, between CML-GA SNELLVILLE, LLC, a Georgia limited liability company ("**Grantor**"), whose address is c/o Rialto Capital, 7000 Central Parkway NE, Suite 700, Atlanta, Georgia 30328, in favor of 2338 SCENIC HIGHWAY, LLC, a Georgia limited liability company ("**Grantee**"), whose mailing address is 2341 DeFours Ferry Road, NW, Atlanta, Georgia 30318.

WITNESSETH THAT:

Grantor, for and in consideration of the sum of Ten and No/100 U.S. Dollars (\$10.00), lawful money of the United States of America, to it in hand paid by Grantee, at or before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold, alienated, remised, released, conveyed and confirmed and by these presents does grant, bargain, sell, alienate, remise, release, convey and confirm unto Grantee and its successors and assigns forever, the parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the County of **Gwinnett**, State of Georgia, and more particularly described on **Exhibit A** attached hereto and incorporated herein by reference (the "**Property**").

Subject however, to:

- (a) Real property taxes and assessments for the year 2017 and thereafter;
- (b) Zoning and other regulatory laws and ordinances affecting the Property;
- (c) Matters that would be disclosed by an accurate survey of the Property;

0090381-82

27

- (d) Rights of tenants in possession, if any;
- (e) Any plat affecting the Property; and
- (f) Easements, rights of way, limitations, conditions, covenants, restrictions, and other matters of record affecting the Property.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND Grantor hereby warrants the title to the Property and, subject only to the matters set forth above, will forever defend the same against the lawful claims of any persons claiming by, through or under Grantor, but against none other.

[signatures on following page]

IN WITNESS WHEREOF, Grantor has caused these presents to be executed under seal the day and year first above written.

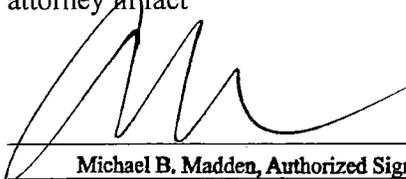
GRANTOR:

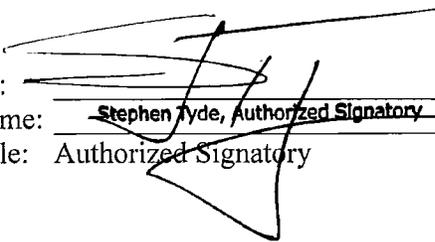
CML-GA SNELLVILLE, LLC, a Georgia limited liability company

By: MULTIBANK 2009-1 CML-ADC VENTURE, LLC, a Delaware limited liability company, Its Sole Member

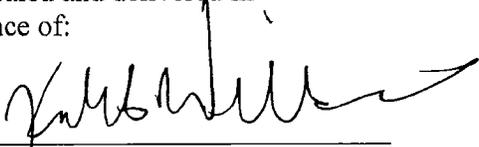
By: RL CML 2009-1 INVESTMENTS, LLC, a Delaware limited liability company, Its Manager

By: RIALTO CAPITAL ADVISORS, LLC, a Delaware limited liability company, as its attorney in fact

By:  (Seal)
Name: Michael B. Madden, Authorized Signatory
Title: Authorized Signatory

By:  (Seal)
Name: Stephen Hyde, Authorized Signatory
Title: Authorized Signatory

Signed, sealed and delivered in the presence of:


Unofficial Witness


Notary Public

My Commission Expires: 9/18/17



EXHIBIT "A"
LEGAL DESCRIPTION

Parcel One

Tracts 1, 2, 4, 5, 6, 8 & 9

ALL THOSE SEVERAL TRACTS OR PARCELS OF LAND LYING AND BEING in Land Lots 26 & 27 of the 5th Land District of Gwinnett County, Georgia and being Tracts 1, 2, 4, 5, 6, 8 & 9, all as more particularly shown and delineated on a plat of survey prepared by Valentino & Associates, Inc., Glenn A. Valentino, Georgia Registered Land Surveyor No. 2528, prepared for The Boulevards Shops and Offices at Scenic, LLC, dated March 2, 2007, last revised October 4, 2007, said Tracts containing in the aggregate approximately 6.734 acres, and being described in the aggregate in accordance with said survey as follows:

BEGINNING at an iron pin set at the point formed by the southeasterly edge of the right-of-way of Georgia State Route #124 (a/k/a Scenic Highway – variable right-of-way width) where the same is intersected by the northeasterly edge of the miter of the right-of-way of Henry Clower Boulevard (right-of-way varies); RUNNING THENCE FROM THE TRUE POINT OR PLACE OF BEGINNING SO ESTABLISHED in a northeasterly direction along the southeasterly edge of the right-of-way of Georgia State Route #124 an arc distance of 54.08 feet, said arc having a radius of 1,864.86 feet and being subtended by a chord bearing of North 16 degrees 38 minutes 16 seconds East a chord distance of 54.08 feet to an iron pin set; running thence in a northeasterly direction along the southeasterly edge of the right-of-way of Georgia State Route #124 an arc distance of 99.60 feet, said arc having a radius of 1,864.86 feet and being subtended by a chord bearing of North 18 degrees 59 minutes 55 seconds East a chord distance of 99.59 feet to an iron pin set; running thence, and leaving the right-of-way of Georgia State Route #124 South 70 degrees 41 minutes 23 seconds East a distance of 359.76 feet to a 3/4" open top pin found; running thence North 24 degrees 42 minutes 22 seconds East a distance of 54.58 feet to a 1/2" open top pin found; running thence North 24 degrees 26 minutes 13 seconds East a distance of 45.27 feet to a 1/2" rebar found; running thence North 70 degrees 45 minutes 49 seconds West a distance of 364.20 feet to a 1/2" rebar found on the southeasterly edge of the right-of-way of Georgia State Route #124; running thence northeasterly along the southeasterly edge of the right-of-way of Georgia State Route #124 an arc distance of 100.00 feet, said arc having a radius of 1,864.86 feet and being subtended by a chord bearing of North 25 degrees 06 minutes 34 seconds East a distance of 99.99 feet to a 1/2" rebar found with cap; running thence, and leaving the right-of-way of Georgia State Route #124, South 70 degrees 47 minutes 09 seconds East a distance of 345.66 feet to a 1/2" open top pin found; running thence South 70 degrees 39 minutes 00 seconds East a distance of 13.48 feet to a 1/2" rebar found; running thence South 71 degrees 03 minutes 32 seconds East a distance of 3.80 feet to a 1/2" open top pin found; running thence North 19 degrees 02 minutes 26 seconds East a distance of 115.65 feet to a chiseled square found; running thence North 19 degrees 03 minutes 38 seconds West a distance of 165.95 feet to a 5/8" rebar found; running thence North 81 degrees 01 minute 30 seconds East a distance of 291.81 feet to an iron pin set on the southwesterly edge of the right-of-way of Lenora Church Road (80 foot right-of-way width); running thence South 12 degrees 20 minutes 24 seconds East along the southwesterly edge of the right-of-way of Lenora Church Road a distance of 125.00 feet to an iron pin set; running thence South 12 degrees 20 minutes 24 seconds East along the southwesterly edge of the right-of-way of Lenora Church Road a distance of 105.00 feet to an iron pin set; running thence South 12 degrees 20 minutes 24 seconds East along the southwesterly edge of the right-of-way of Lenora Church Road a distance of 110.00 feet to an iron pin set; running thence South 12 degrees 20 minutes 24 seconds East along the southwesterly edge of the right-of-way of Lenora Church Road a distance of 109.01 feet to an iron pin set; running thence, and leaving the right-of-way of Lenora Church Road South 77 degrees 36 minutes 11 seconds West a distance of 154.57 feet to a disturbed 1/2" rebar found; running thence South 77 degrees 33 minutes 54 seconds West a distance of 452.84 feet to a 1.25" steel rod found; running thence South 23 degrees 49 minutes 27 seconds West a distance of 16.84 feet to a 3/4" open top pin found; running thence South 15 degrees 20 minute 26 seconds West a distance of 47.55 feet to an iron pin found on the northerly edge of the right-of-way of Henry Clower Boulevard; running thence North 67 degrees 21 minutes 13 seconds West along the northeasterly edge of the right-of-way of Henry Clower Boulevard a distance of 88.15 feet to an iron pin set; running thence North 76 degrees 29 minutes 32 seconds West along the northeasterly edge of the right-of-way of Henry Clower Boulevard a distance of 228.76 feet to an iron pin set; running thence North 52 degrees 58 minutes 59 seconds West along the northeasterly edge of the mitered intersection of Henry Clower Boulevard a distance of 37.59 feet to an iron pin set at the

point of intersection with the southeasterly edge of the right-of-way of Georgia State Route #124 and the TRUE POINT OR PLACE OF BEGINNING.

TOGETHER WITH all of the easement rights set forth in that certain Sanitary Sewer Easement Agreement dated November 7, 2007 and executed by Betty Jane Zickafoose and Karen Rosenberg in favor of The Boulevards Shops and Offices at Scenic, LLC, filed for record November 13, 2007 at 10:59 a.m. and recorded at Deed Book 48424, Page 549, Gwinnett County Deed Records providing for a sanitary sewer easement on the south side of Henry Clower Boulevard, over and across property of Betty Jane Zickafoose and Karen Rosenberg for access into a sanitary sewer manhole located within the bounds of Creek Lane, Snellville, Georgia, being a publicly dedicated sanitary sewer line.

LESS AND EXCEPT THE FOLLOWING:

LOT 1

All that tract or parcel of land lying and being in Land Lot 26 of the 5th Land District, City of Snellville, Gwinnett County, Georgia, said tract or parcel of land being more fully shown and designated as Lot 1 on a plat of survey for Bunrow Properties, LLC, The Boulevards Shops and Offices at Scenic, LLC & United Community Bank; dated September 9, 2008, prepared by Valentino and Associates, Inc. (Job #27016; Drawing #27016), bearing the seal of Glenn A. Valentino, Georgia Registered Land Surveyor #2528, and being more particularly described as follows:

BEGINNING at a 1/2" iron pin set on the westerly right-of-way line of Lenora Church Road (80' right-of-way per Deed Book 148, Pages 453 & 454), said 1/2" iron pin set being located 677.50 feet southeast of the intersection of said westerly right-of-way line of Lenora Church Road and the easterly right-of-way line of State Route #124 (a/k/a Scenic Highway; right-of-way varies), as measured along said westerly right-of-way line of Lenora Church Road;

THENCE proceeding along said westerly right-of-way line of Lenora Church Road the following courses and distances:

South 12 degrees 20 minutes 24 seconds East for a distance of 125.00 feet to a 1/2" iron pin set;

THENCE South 12 degrees 20 minutes 24 seconds East for a distance of 105.00 feet to a 1/2" iron pin set;

THENCE South 12 degrees 20 minutes 24 seconds East for a distance of 62.89 feet to a 1/2" iron pin set;

THENCE departing said westerly right-of-way line of Lenora Church Road, South 77 degrees 34 minutes 25 seconds West for a distance of 420.94 feet to a 1/2" iron pin set;

THENCE North 57 degrees 25 minutes 35 seconds West for a distance of 56.03 feet to a PK (masonry) nail set;

THENCE North 12 degrees 25 minutes 35 seconds West for a distance of 30.63 feet to a 1/2" iron pin set;

THENCE North 11 degrees 17 minutes 31 seconds East for a distance of 84.09 feet to a 1/2" iron pin set;

THENCE North 30 degrees 16 minutes 33 seconds East for a distance of 220.95 feet to a 1/2" iron pin set;

THENCE North 81 degrees 01 minutes 30 seconds East for a distance of 277.84 feet to a 1/2" iron pin set on the westerly right-of-way line of Lenora Church Road, said 1/2" iron pin set being the POINT OF BEGINNING;

Parcel Two

Tract 3

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING in Land Lot 26 of the 5th Land District of Gwinnett County, Georgia, Tract 3, being more particularly described in accordance with a survey prepared by

Valentino & Associates, Inc., Glenn A. Valentino, Georgia Registered Land Surveyor No. 2528; prepared for The Boulevards Shops and Offices at Scenic, LLC, Integrity Bank, and Chicago Title Insurance Company, survey dated March 2, 2007, last revised June 7, 2007, said Tract 3 containing approximately 0.825 acres and being more particularly described in accordance with said survey, as follows:

TO FIND THE TRUE POINT OR PLACE OF BEGINNING, BEGIN at an iron pin set at the point formed by the southeasterly edge of the right-of-way of Georgia State Route #124 (a/k/a Scenic Highway – variable right-of-way width) where the same is intersected by the northeasterly edge of the miter of the right-of-way of Henry Clower Boulevard (right-of-way varies); running thence in a northeasterly direction along the southeasterly edge of the right-of-way of Georgia State Route #124 an arc distance of 54.08 feet, said arc having a radius of 1,864.86 feet and being subtended by a chord bearing of North 16 degrees 38 minutes 16 seconds East a chord distance of 54.08 feet to an iron pin set; running thence in a northeasterly direction along the southeasterly edge of the right-of-way of Georgia State Route #124 an arc distance of 99.60 feet, said arc having a radius of 1,864.86 feet and being subtended by a chord bearing of North 18 degrees 59 minutes 55 seconds East a chord distance of 99.59 feet to an iron pin set which is the TRUE POINT OR PLACE OF BEGINNING; RUNNING THENCE FROM THE TRUE POINT OR PLACE OF BEGINNING SO ESTABLISHED in a northeasterly direction along the southeasterly edge of the right-of-way of Georgia State Route #124 an arc distance of 99.09 feet, said arc having a radius of 1,864.86 feet and being subtended by a chord bearing of North 22 degrees 03 minutes 04 seconds East a chord distance of 99.08 feet to a point; running thence, and leaving the right-of-way of Georgia State Route #124 South 70 degrees 45 minutes 49 seconds East a distance of 364.20 feet to a 1/2" rebar found; running thence South 24 degrees 26 minutes 13 seconds West a distance of 45.27 feet to a 1/2" open top tube found; running thence South 24 degrees 42 minutes 22 seconds West a distance of 54.58 feet to a 3/4" open top pin found; running thence North 70 degrees 41 minute 23 seconds West a distance of 359.76 feet to an iron pin set on the southeasterly edge of the right-of-way of Georgia State Route #124 and the TRUE POINT OR PLACE OF BEGINNING.

Parcel Three

Tract 7

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING in Land Lot 26 of the 5th Land District of Gwinnett County, Georgia, Tract 7, being more particularly described in accordance with a survey prepared by Valentino & Associates, Inc., Glenn A. Valentino, Georgia Registered Land Surveyor No. 2528; prepared for The Boulevards Shops and Offices at Scenic, LLC, Integrity Bank, and Chicago Title Insurance Company, survey dated March 2, 2007, last revised June 7, 2007, said Tract 7 containing approximately 1.559 acres and being more particularly described in accordance with said survey, as follows:

TO FIND THE TRUE POINT OR PLACE OF BEGINNING, BEGIN at an iron pin set at the point formed by the southeasterly edge of the right-of-way of Georgia State Route #124 (a/k/a Scenic Highway – with variable right-of-way width) where the same if intersected by the northeasterly edge of the miter of the right-of-way of Henry Clower Boulevard (right-of-way varies); running thence in a northeasterly direction along the southeasterly edge of the right-of-way of Georgia State Route #124 an arc distance of 54.08 feet, said arc having a radius of 1,864.86 feet and being subtended by a chord bearing of North 16 degrees 38 minutes 16 seconds East a chord distance of 54.08 feet to an iron pin set; running thence in a northeasterly direction along the southeasterly edge of the right-of-way of Georgia State Route #124 an arc distance of 99.60 feet; said arc having a radius of 1,864.86 feet and being subtended by a chord bearing of North 18 degrees 59 minutes 55 seconds East a chord distance of 99.59 feet to an iron pin set; running thence in a northeasterly direction along the southeasterly edge of the right-of-way of Georgia State Route #124 an arc distance of 99.09 feet, said arc having a radius of 1,864.86 feet and being subtended by a chord bearing of North 22 degrees 03 minutes 04 seconds East a chord distance of 99.08 feet to an iron pin set northeasterly along the southeasterly edge of the right-of-way of Georgia State Route #124 an arc distance of 100.00 feet, said arc having a radius of 1,864.86 feet and being subtended by a chord bearing of North 25 degrees 06 minutes 34 seconds East a distance of 99.99 feet to a 1/2" rebar found with cap which is the TRUE POINT OF PLACE OF BEGINNING; RUNNING THENCE FROM THE TRUE POINT OR PLACE OF BEGINNING SO ESTABLISHED in a northeasterly direction along the southeasterly edge of the right-of-way of Georgia State Route #124 an arc distance of 65.87 feet, said arc having a radius of 1,864.86 feet and being subtended by a chord bearing of North 27 degrees 39 minutes 27 seconds East a distance of 65.87 feet to a point; continue

BK54617 PG0577

thence North 29 degrees 03 minutes 47 seconds East along the southeasterly edge of the right-of-way of Georgia State Route #124 a distance of 41.46 feet to a pk nail found; running thence North 84 degrees 16 minutes 26 seconds East along the southerly edge of an offset in the right-of-way of Georgia State Route #124 a distance of 12.32 feet to a 1/2" rebar found; running thence, and leaving the right-of-way of Georgia State Route #124, North 82 degrees 12 minutes 02 seconds East a distance of 375.14 feet to a 5/8" rebar found; running thence South 19 degrees 03 minutes 38 seconds West a distance of 165.95 feet to a chiseled square found; running thence South 19 degrees 02 minutes 26 seconds West a distance of 115.65 feet to a 1/2" open top pin found; running thence North 71 degrees 03 minutes 32 seconds West a distance of 3.80 feet to a 1/2" rebar found; running thence North 70 degrees 39 minutes 00 seconds West a distance of 13.48 feet to a 1/2" rebar found; running thence South 70 degrees 47 minutes 09 seconds West a distance of 345.66 feet to a 1/2" rebar found with cap located on the southeasterly edge of the right-of-way of Georgia State Route #124 and the TRUE POINT OR PLACE OF BEGINNING.

OK54617 PG0578

FILED AND RECORDED
CLERK SUPERIOR COURT
GWINNETT COUNTY GA

2016 SEP 28 PM 2:00

RICHARD ALEXANDER, CLERK

This instrument prepared by:
Hartman Simons & Wood LLP
6400 Powers Ferry Road, Suite 400
Atlanta, Georgia 30339

After recording return to:
Buckhead Title Company, LLC
c/o The Dunlap Law Firm, LLC
2964 Peachtree Road NW
Buckhead Centre - Suite 300
Atlanta, Georgia 30305

STATE OF GEORGIA
COUNTY OF FULTON

PT-61 # 067-2016-026557
GWINNETT CO GEORGIA
REAL ESTATE TRANSFER TAX
\$ 0
RICHARD T ALEXANDER, JR CLERK OF
SUPERIOR COURT

QUITCLAIM DEED

THIS QUITCLAIM DEED is made as of the 27th day of September, 2016, by and between CML-GA SNELLVILLE, LLC, a Georgia limited liability company (hereinafter referred to as "Grantor"), and 2338 SCENIC HIGHWAY, LLC, a Georgia limited liability company (hereinafter referred to as "Grantee"); the terms "Grantor" and "Grantee" to include their respective heirs, legal representatives, successors and assigns where the context requires or permits.

WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has bargained, sold, and does by these presents bargain, sell, remise, release and forever quitclaim unto Grantee all the right, title, interest, claim or demand which Grantor has or may have had in and to the real property located in Gwinnett County, Georgia, being more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof (the "Property").

This Quitclaim Deed is given to clear title to the above referenced property and is the same property that was conveyed by Grantor to Grantee herein by that certain Limited Warranty Deed of even date herewith upon which transfer tax has been paid.

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

[SIGNATURE PAGE FOLLOWS]

0090382

BK54617 P0579

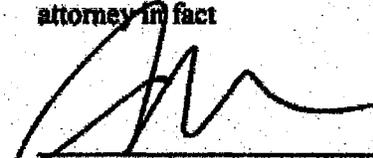
IN WITNESS WHEREOF, the Grantor has executed these presents and affixed its seal the day and year first above written.

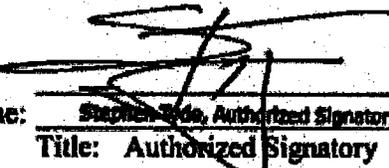
CML-GA SNELLVILLE, LLC, a Georgia limited liability company

By: MULTIBANK 2009-1 CML-ADC VENTURE, LLC, a Delaware limited liability company, Its Sole Member

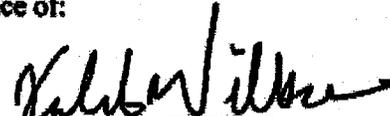
By: RL CML 2009-1 INVESTMENTS, LLC, a Delaware limited liability company, Its Manager

By: RIALTO CAPITAL ADVISORS, LLC, a Delaware limited liability company, as its attorney in fact

By:  (Seal)
Name: Michael B. Madden, Authorized Signatory
Title: Authorized Signatory

By:  (Seal)
Name: Stephen S. Sade, Authorized Signatory
Title: Authorized Signatory

Signed, sealed and delivered in the presence of:


Witness


Notary Public



DK54617 P00580

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT TRACT or parcel of land lying and being in Land Lots 26 & 27 of the 5th Land District, City of Snellville, Gwinnett County, Georgia, said tract or parcel of land containing 6.284 acres (273,742 square feet) as more fully shown and designated on ALTA/NSPS Land Title Survey for 2338 Scenic Highway, LLC, Chicago Title Insurance Company, and CML-GA Snellville, LLC, dated September 21, 2016, last revised September 27, 2016, prepared by Valentino and Associates, Inc., (Job #27016; Drawing #27016), bearing the seal of Glenn A. Valentino, Georgia Registered Land Surveyor #2528, and being more particularly described as follows:

BEGINNING at a 1/2" iron pin set at the northerly miter corner of the intersection of the easterly right-of-way line of S.R. #124 (AKA Scenic Highway; r/w varies) and the northerly right-of-way line of Henry Clower Boulevard (r/w varies).

THENCE proceeding along said easterly right-of-way line of S.R. #124 the following courses and distances:

Along a curve to the right having a radius of 1856.86 feet for an arc distance of 355.41 feet (said arc being subtended by a chord of North 21 degrees 11 minutes 40 seconds East for a distance of 354.87 feet) to a 1/2" iron pin set;

THENCE North 70 degrees 47 minutes 09 seconds West for a distance of 8.07 feet to a 1/2" rebar with cap found;

THENCE along a curve to the right having a radius of 1864.86 feet for an arc distance of 65.87 feet (said arc being subtended by a chord of North 27 degrees 39 minutes 27 seconds East for a distance of 65.87 feet) to a computed point;

THENCE North 29 degrees 03 minutes 47 seconds East for a distance of 41.46 feet to a PK nail found;

THENCE North 84 degrees 16 minutes 26 seconds East for a distance of 12.32 feet to a 1/2" rebar found;

THENCE departing said easterly right-of-way line of S.R. #124 North 82 degrees 12 minutes 02 seconds East for a distance of 375.14 feet to a 5/8" rebar found;

THENCE North 81 degrees 01 minutes 30 seconds East for a distance of 13.97 feet to a 1/2" iron pin set;

THENCE South 30 degrees 16 minutes 33 seconds West for a distance of 220.95 feet to a 1/2" iron pin set;

THENCE South 11 degrees 17 minutes 31 seconds West for a distance of 84.09 feet to a PK Nail set in a concrete curb;

THENCE South 12 degrees 25 minutes 35 seconds East for a distance of 30.63 feet to a PK Nail set in asphalt;

THENCE South 57 degrees 25 minutes 35 seconds East for a distance of 56.03 feet to a 1/2" iron pin set;

THENCE North 77 degrees 34 minutes 25 seconds East for a distance of 420.94 feet to a 1/2" iron pin set on the westerly right-of-way line of Lenora Church Road (80 ft r/w width);

BN54617 P00581

THENCE the following courses and distances along the westerly right-of-way line of Lenora Church Road;

South 12 degrees 20 minutes 24 seconds East for a distance of 47.11 feet to a 1/2" iron pin set;

THENCE South 12 degrees 20 minutes 24 seconds East for a distance of 109.01 feet to a 1/2" iron pin set;

THENCE leaving said westerly right-of-way line of Lenora Church Road South 77 degrees 36 minutes 11 seconds West for a distance of 154.57 feet to a 1/2" iron pin found (disturbed);

THENCE South 77 degrees 33 minutes 54 seconds West for a distance of 452.84 feet to a 1.25" steel rod found;

THENCE South 23 degrees 49 minutes 27 seconds West for a distance of 16.84 feet to a 3/4" open-top pipe found;

THENCE South 15 degrees 20 minutes 26 seconds West for a distance of 47.55 feet to a 1/2" rebar found on the northerly right-of-way line of Henry Clower Boulevard;

THENCE proceeding along said northerly right-of-way line of Henry Clower Boulevard the following courses and distances:

North 67 degrees 21 minutes 13 seconds West for a distance of 88.15 feet to a 1/2" iron pin set;

THENCE North 76 degrees 29 minutes 32 seconds West for a distance of 228.76 feet to a 1/2" iron pin set;

THENCE North 52 degrees 58 minutes 59 seconds West for a distance of 29.00 feet to a 1/2" iron pin set at the northerly miter corner of the intersection of the easterly right-of-way line of S.R. #124 and the northerly right-of-way line of Henry Clower Boulevard, said 1/2" iron pin set being the **POINT OF BEGINNING**.

TOGETHER WITH all of the easement rights set forth in that certain Sanitary Sewer Easement Agreement dated November 7, 2007 and executed by Betty Jane Zickafoose and Karen Rosenberg in favor of The Boulevards Shops and Offices at Scenic, LLC, filed for record November 13, 2007 at 10:59 a.m. and recorded at Deed Book 48424, Page 549, Gwinnett County Deed Records providing for a sanitary sewer easement on the south side of Henry Clower Boulevard, over and across property of Betty Jane Zickafoose and Karen Rosenberg for access into a sanitary sewer manhole located within the bounds of Creek Lane, Snellville, Georgia, being a publicly dedicated sanitary sewer line.

TOGETHER WITH easements contained in Declaration of Easements, Covenants, Conditions and Restrictions by The Boulevards Shops and Offices at Scenic, LLC, dated October 30, 2008, recorded in Deed Book 49165, Page 42, Gwinnett County, Georgia records.



CITY OF SNELLVILLE

Department of Planning & Development
2342 Oak Road, 2nd Floor
Snellville, GA 30078
Phone 770.985.3514 Fax 770.985.3551

APPLICANT - PLEASE HAND DELIVER THIS VERIFICATION SHEET TO THE GWINNETT COUNTY TAX ASSESSORS OFFICE (SEE ADDRESS AND PHONE NUMBER BELOW) TO OBTAIN WRITTEN CONFIRMATION THAT REAL PROPERTY TAXES HAVE BEEN PAID-IN-FULL AND PROPERTY TAX ACCOUNT IS CURRENT. ATTACH COMPLETED ORIGINAL TO APPLICATION. IF SUBMITTING A LAND USE PLAN AMENDMENT APPLICATION TOGETHER WITH A REZONING APPLICATION, PROVIDE VERIFICATION SHEET(S) FOR ONLY ONE (1) APPLICATION.

APPLICANT NAME: American Pet Resorts

CHECK HERE, IF THERE ARE MORE THAN FOUR (4) SUBJECT PARCELS AND ATTACH ADDITIONAL SHEETS.

PROPERTY OWNER NAME(S): _____ TAX PARCEL NO.: _____

AMOUNT OF CURRENT TAXES PAID: \$ _____ PAYMENT DATE: _____ ACCOUNT CURRENT? YES NO

PROPERTY OWNER NAME(S): _____ TAX PARCEL NO.: _____

AMOUNT OF CURRENT TAXES PAID: \$ _____ PAYMENT DATE: _____ ACCOUNT CURRENT? YES NO

PROPERTY OWNER NAME(S): _____ TAX PARCEL NO.: _____

AMOUNT OF CURRENT TAXES PAID: \$ _____ PAYMENT DATE: _____ ACCOUNT CURRENT? YES NO

PROPERTY OWNER NAME(S): _____ TAX PARCEL NO.: _____

AMOUNT OF CURRENT TAXES PAID: \$ 4152.18 PAYMENT DATE: 10/15/18 ACCOUNT CURRENT? YES NO

*** INFORMATION VERIFIED BY GWINNETT COUNTY TAX ASSESSOR'S OFFICE ***

| | |
|---|----------------------|
| COUNTY TAX DEPARTMENT REPRESENTATIVE (PRINT NAME): <u>Julie Smith</u> | DATE: <u>5-30-19</u> |
| COUNTY TAX DEPARTMENT REPRESENTATIVE (SIGNATURE): <u>Julie Smith</u> | |

**ONLY ORIGINAL VERIFICATION SHEET
CAN BE USED TO CONFIRM PROPERTY TAX ACCOUNT STATUS**



BILL DETAIL

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

Tax Account

Mailing Address:

2338 SCENIC HIGHWAY LLC
2341 DEFOORS FERRY RD NW
ATLANTA , GA 30318-2306

SITUS:

2338 SCENIC HWY

Tax District:

SNELLVILLE

Parcel ID

R5026 074

Property Type

Real Property

Last Update

6/13/2019 10:43:15 AM

Legal Description

HWY 124

Tax Values

| Description | Market Value | Assessed Value |
|--------------------|----------------------------|----------------|
| Land | \$220,000.00 | \$88,000.00 |
| Improvement | \$30,000.00 | \$12,000.00 |
| Total | \$250,000.00 | \$100,000.00 |
| Class Codes | 300-Commercial Vacant Land | |

Assessments

| Operation | Net Tax | Savings |
|--------------------------------------|-------------------|---------------|
| <u>School Taxes</u> | \$1,980.00 | \$0.00 |
| <u>STATE OF GEORGIA TAXES</u> | \$0.00 | \$0.00 |
| <u>City of Snellville Taxes</u> | \$458.80 | \$0.00 |
| <u>County Incorporated No Police</u> | \$1,135.90 | \$0.00 |
| Sub Total | \$3,574.70 | \$0.00 |
| Bond | Net Tax | Savings |
| <u>School Taxes</u> | \$195.00 | \$0.00 |
| <u>County Incorporated No Police</u> | \$0.00 | \$0.00 |
| Sub Total | \$195.00 | \$0.00 |
| Special Assessment | Net Tax | Savings |
| <u>SNELLVILLE STORMWATER FEES</u> | \$382.48 | \$0.00 |
| Sub Total | \$382.48 | \$0.00 |
| Total Tax | \$4,152.18 | \$0.00 |

Tax Installment Information

| Period | Bill Number | Due Date | Tax Year | Tax | Penalty/Fee | Interest | Total Due |
|-------------------|-------------|------------|----------|---------------|---------------|---------------|---------------|
| INST 1 | 23423909 | 10/15/2018 | 2018 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Total Due: | | | | \$0.00 | \$0.00 | \$0.00 | \$0.00 |

Payment History

| Tax Year | Bill Number | Receipt Number | Amount Paid | Last Paid |
|----------|-------------|----------------|-------------|------------|
| 2018 | 23423909 | B18.101202 | \$4,152.18 | 10/15/2018 |



HAINES GIPSON & ASSOCIATES
CONSULTING ENGINEERS
CIVIL & STRUCTURAL SERVICES

RANDALL W. GIPSON, P.E.
DANIEL D. CAMPBELL, P.E.
STEPHEN J. SYWY, P.E.
SCOTT E. SAMUEL, P.E.
STONEY C. ABERCROMBIE, P.E.
JEFFREY B. STRICKLAND, P.E.

R. CLAY LEWIS, P.E.
ROBERT A. MCCANN, P.E.
GLENN A. GRAHAM, P.E.
DAVID A. DOMYSLAWSKI, P.E.
DAVID H. LOVVORN, P.E.

June 10, 2019

Mr. Jason Thompson
City of Snellville Planning and Development Director
Snellville City Hall
2342 Oak Road
Snellville, Georgia 30078

Re: Pet Paradise
2338 Scenic Highway
List of Adjoining Property Owners

Dear Jason,

In conjunction with the Change of Zoning Conditions request for the proposed Pet Paradise project site at 2338 Scenic Highway, following is a list of adjoining property owners:

1. Address: 2355 Scenic Hwy, Snellville, Ga
Parcel No.: 5026 228
Owner: ARG ME19PCK001 LLC
Owner's Current Mailing Address: 405 Park Ave, New York, NY 10022-4405
2. Address: 2338 Henry Clower Blvd, Snellville, Ga
Parcel No.: 5026 079
Owner: New London Plaza LLC
Owner's Current Mailing Address: 85 Mill St STE 100A, Roswell, Ga 30075-4952
3. Address: 2335 Scenic Hwy, Snellville, Ga
Parcel No.: 5026 230
Owner: Thrower, Clifford E
Owner's Current Mailing Address: 3010 Marion Ivie Rd, Good Hope, Ga 30641-2027
4. Address: 2330 Scenic Hwy, Snellville, Ga
Parcel No.: 5026 290
Owner: Reba Scenic LLC
Owner's Current Mailing Address: 5607 Glenridge Dr STE 200, Atlanta, Ga 30342-7204
5. Address: 2324 Scenic Hwy, Snellville, Ga
Parcel No.: 5026 073
Owner: Cicco, Michael J
Owner's Current Mailing Address: 2495 Eastgate PI, Snellville, Ga 30078-6145

Mr. Jason Thompson
June 10, 2019
Page 2

6. Address: 2377 Lenora Church Rd
Parcel No.: 5026 310
Owner: Bunrow Properties LLC
Owner's Current Mailing Address: 2347 Lenora Church Rd, Snellville, Ga 30078-3232
7. Address: 2397 Scenic Hwy, Snellville, Ga
Parcel No.: 5026 071
Owner: Brannon Development Company
Owner's Current Mailing Address: 2341 Defoors Ferry Rd NW, Atlanta, Ga 30318-2306
8. Address: Henry Clower Blvd, Snellville, Ga
Parcel No.: 5026 292
Owner: Siddiqi, Shaheen K
Owner's Current Mailing Address: 8240 Royal Melbourne Way, Duluth, Ga 30097-6630
9. Address: Henry Clower Blvd, Snellville, Ga
Parcel No.: 5027 132
Owner: Michell, Barbara S
Owner's Current Mailing Address: 2623 Creek Ln, Snellville, Ga 30078-3217
10. Address: 2633 Creek Ln, Snellville, Ga
Parcel No.: 5027 034
Owner: Zickafoose, Betty Jane ; Rosenberg, Karen
Owner's Current Mailing Address: 2633 Creek Ln, Snellville, Ga 30078-3217
11. Address: 2388 Scenic Hwy, Snellville, Ga
Parcel No.: 5026 078
Owner: Hopkins, Paul
Owner's Current Mailing Address: 120 Indian Summer Path Unit 104, Eatonton, Ga 31024
12. Address: GA 124 Hwy
Parcel No.: 5026 079A
Owner: Cook, Raymond J
Owner's Current Mailing Address: 2000 Presidential Way Apt 405, West Palm Beach, FL 33401

Please contact me at (770) 491-7550 or bmccann@hainesgipson.com if you have any questions or need any other information

Very truly yours,
HAINES, GIPSON & ASSOCIATES, INC.



Robert A. McCann, P.E.
Principal