

21-00731



# SPECIAL USE PERMIT APPLICATION

## For All Uses

(Except Collective Residences; Hotel Motel and Extended-Stay Hotel and Places of Worship)

DEC 13 2021

CITY OF SNELLVILLE  
PLANNING & DEVELOPMENT

DATE RECEIVED \_\_\_\_\_

CASE # SUP 22-01

Version 10-27-2020

City of Snellville, Georgia  
Department of Planning & Development  
2342 Oak Road, 2<sup>nd</sup> Floor  
Snellville, Georgia 30078  
Phone 770.985.3515 Fax 770.985.3551 [www.snellville.org](http://www.snellville.org)

<b>Applicant is:</b> (check one)	<input type="checkbox"/> Property Owner	<b>Property Owner</b> (if not the applicant): <input type="checkbox"/> check here if additional property owners and attach additional sheets.
	<input type="checkbox"/> Attorney for Property Owner	
	<input type="checkbox"/> Property Owner's Agent	
<u>Wesley Padgett</u>		<u>Michael C. McMillen</u>
Name (please print)		Name (please print)
<u>Acquisitions, Southern Region</u>		<u>CEO</u>
Title		Title
<u>RCG Ventures, LLC</u>		<u>RCG Snellville, LLC</u>
Corporate Entity Name		Corporate Entity Name
<u>3060 Peachtree Rd NW</u>		<u>3060 Peachtree Rd NW</u>
Mailing Address		Mailing Address
<u>Atlanta, GA 30305</u>		<u>Atlanta, GA 30305</u>
City, State, Zip Code		City, State, Zip Code
<u>4048165454</u>		<u>4048165454</u>
Phone Number (wk)	(cell)	Phone Number (wk)
<u>Wesley Pa@rcgventures.com</u>		<u>mikem@rcgventures.com</u>
Email Address		Email Address

Requested Special Use (see Uses Requiring a Special Use Permit): other dialysis treatment center

This SUP application is also being filed along with applications for:  Rezoning  Land Use Plan Amendment  None

Present Zoning District Classification: B6 Present Future Land Use Classification: TOWNE CENTER  
Proposed Zoning District Classification: B6 Proposed Future Land Use Classification: TOWNE CENTER

Property Street Address: 2135 East Main Street Acreage: 1.607 Tax Parcel No.: R5038174

### APPLICATION FEES:

- Special Use Permit Application \$ 500 (without rezoning); or \$250 with rezoning
- Public Notice Sign \$ 75 (single-sided) or \$125 (double-sided) per parcel, per road frontage
- Adjoining Property Owner Notice \$ 15 (per adjoining property X 2 public hearings)

Special use permits may not be used for securing early zoning for conceptual proposals which may not be undertaken for more than 6 months from the date the application is submitted. A special use permit application will be considered only if it is made by the owner of the property or their authorized agent.

**SPECIAL USE:** A use which while not permitted as a matter of right may be allowed within a given zoning district when meeting standards as prescribed by this UDO. Special land uses have operational characteristics and/or impacts that are significantly different from the zoning district's principal authorized uses and therefore require individual review pursuant to the standards and criteria set forth in this UDO.

**UDO Sec. 103-10.1. General:** Special use permits are intended as a means for the City Council to authorize certain uses that are not permitted by-right in a zoning district. Special use permits may be subject to meeting specific standards by Chapter 200 Article 6 (Use Provisions), but still require individual review by City Council because of the increased potential for incompatibility with its immediate neighborhood.

\*\*\*\* INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED \*\*\*\*

### **UDO Sec. 103-10.2. Application Requirements**

- A. Each application for a special use permit must be filed with the Department and must include the following:
  1. Payment of the appropriate application fee.
  2. A current legal description of the site. If the site includes multiple lots, provide a separate legal description for each individual lot, together with a composite legal description for all lots.
  3. One (1) original and ten (10) copies of the property boundary survey. In addition, a digital copy in .pdf format must be submitted using email, flash drive, or other means approved by the Director. The survey must have been prepared by a registered land survey no more than 12 months before the date of application submittal.
  4. One (1) original and ten (10) copies of the proposed site plan, drawn to scale, showing: a north arrow; land lot, district, and parcel number: the dimensions with bearing and distance; acreage; location of the tract(s); the present zoning district of all adjacent lots; the proposed location of structures, driveways, parking, and loading areas; and the location and extent of required buffer areas. The site plan must be prepared by an architect, engineer, landscape architect or land surveyor whose State registration is current and valid. The site plan must be stamped and sealed by one of the four above-mentioned professionals no more than 6 months before the date of submittal. In addition, a digital copy in .pdf format must be submitted using email, flash drive, or other means approved by the Director.
  5. Letter of intent explaining what is proposed and any requested variance(s) from the Use Standards.
  6. Attach a copy of the Use Standards as applicable to the requested Special Use. Demonstrate that the property and requested Special Use is in compliance with each Use Standard. Non-compliance with any Use Standard shall be requested as a variance from the Use Standard(s) and may be grounds for denial of the Special Use Permit.
  7. Ten (10) stapled or bound copies of the special use permit application and all supporting documents, in addition to one unbound application bearing original signatures. In addition, a digital copy in .pdf format of all plan submittals must be submitted using the means requested by the Director.
  8. Architectural building renderings indicating building elevation, colors, construction materials, etc. of which the facades and roofs will consist.
  9. Additional information deemed necessary by the Director in order to evaluate a proposed use and its relationship to the surrounding area must be submitted.
  10. A traffic impact analysis when required by UDO Sec. 103-5.2 (see page 9 below).

### **UDO Sec. 103-10.3. Review Criteria**

In reviewing applications for a special use permit, the following standards and factors must be considered by the Planning Commission and the City Council in place of the matters identified in Sec. 103-9.4.B.10 and/or Sec. 103-9.4.C.11:

- A. Applicable use standards of Chapter 200 Article 6 (Use Provisions); and
- B. Whether the proposed use would consistent with the needs of the neighborhood or community as a whole and would not be in conflict with policies and objectives of the Comprehensive Plan; and
- C. Whether the proposed use has adverse impacts on the surrounding area, especially with regard to but not limited to traffic, storm drainage, land values and compatibility of land use activities; and
- D. Whether the proposed use is desired for development and a more intensive zoning district which contains that use as a use by right would not be appropriate for the property; or
- E. Whether a proposed use is desired for development and no zoning district contains that use as a use by right; or
- F. Whether a unique use not addressed in any zoning district is desired for development and is not likely to be duplicated within the City; or
- G. Whether the density of development may be affected by the height of a building.

### **UDO Sec. 103-10.4. Review Process**

- A. Applications for special use permits must be submitted to the Planning and Development Department no later than noon, 42 days before the meeting date of the Planning Commission.
- B. The Department may prepare a study in accordance with Sec. 103-9.5 (Department Study), which must also include how the proposed use conforms to the review criteria in this subsection. The study may recommend conditions of approval which may be deemed advisable so that the purpose of this UDO will be served and the public health, safety, morality, and general welfare secured.
- C. The Planning Commission must hear the application for special use permit following the same procedures required for a rezoning in Sec. 103-9.6 (Planning Commission Action), except as follows:
  1. The Planning Commission may not consider the matters set forth in Sec. 103-9.4.B.10 and/or Sec. 103-9.4.C.11 as part of a special use permit.
  2. In lieu of the matters identified in clause 1 above, the Planning Commission must consider the review criteria in this subsection.
  3. The Planning Commission may propose conditions that will ensure that the use standards identified in that clause are met and the public health, safety, and general welfare are secured.

- D. At least 15 days before the date of the public hearing to be held by the City Council, the special use request must be duly advertised and heard, following the same procedure required for a rezoning in Sec. 103-9.7 (City Council Public Hearing) and Sec. 103-9.8 (Public Notification). The City Council may approve conditions that will ensure that the review criteria in this subsection are met and the public health, safety, and general welfare are secured.
- E. If the special use permit application is denied by the City Council, no special use application affecting any portion of the same property may be submitted less than 6 months from the date of denial.

#### **UDO Sec. 103-10.5. Appeals**

Any person aggrieved by a decision or order of the City Council may appeal by certiorari to the Superior Court of Gwinnett County. Any such appeal must be filed within 30 days from the date of the decision of the City Council. Upon failure to file the appeal within 30 days, the decision of the City Council will be final.

#### **UDO Sec. 103-10.6. Following Special Use Permit Approval**

- A. If an application is approved and a special use permit is granted, all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property must be in accordance with the approved plan and conditions. All final site plans must be approved by the Director before the issuance of any permits. Once established, the special use must be in continuous operation. Upon discovery that the operation of the special use has or had ceased for a period of 180 days or more and the owner of the property has not requested voluntary termination of the special use permit, the Director must forward a report to City Council through the Planning Commission which may recommend that action be taken to remove the special use permit from the property.
- B. Changes to a special use or development of a site for the special use will be treated as an amendment to the special use permit and will be subject to the same application and review process as a new application.
- C. The special use for which a special use permit is granted must commence operations or construction within 12 months of the date of approval by the City Council. If, at the end of this 12-month period, the Director determines that active efforts are not proceeding toward operation or construction, a report may be forwarded to the City Council through the Planning Commission which may recommend that action be taken to remove the special use permit from the property.
- D. The Director or an officer of the City of Snellville Police Department has the right to periodically examine the operation of the specific use to determine compliance with the requirements of any conditions. If the Director determines that the requirements and conditions are being violated, a written notice will be issued to the owner of the property outlining the nature of the violations and giving the owner of the property a maximum of 30 days to come into compliance. This 30-day maximum will be amendable in the reasonable discretion of the Director. If after 30 days the violations continue to exist, the Director must forward a report to the City Council through the Planning Commission, which may recommend that action be taken to remove the special use permit from the property. E. Upon approval by the City Council, a special use permit must be identified on the Official Zoning Maps.
- F. Upon approval by the City Council of a special use permit, the owner of the property must be issued a notice from the Director, which states the specific use permitted, the requirements of this subsection and any conditions attached to the approval.
- G. The Department may not issue a certificate of occupancy for the specific use unless all requirements and conditions of the special use permit have been fulfilled by the owner of the property.

**APPLICANT SHALL PROVIDE A RESPONSE AS TO WHETHER THE PROPERTY MEETS EACH CRITERIA OR EACH USE STANDARD AS REQUIRED IN UDO SEC. 206 FOR THE PROPOSED USE AND INCLUDE SAID RESPONSES WITH THE LETTER OF INTENT.**

**CERTIFICATIONS**

APPLICANT'S CERTIFICATION

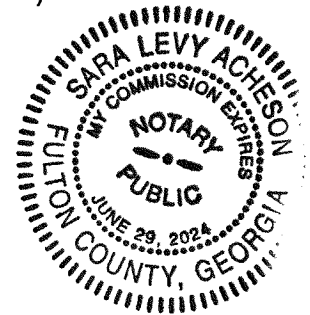
The undersigned below does hereby, swear or affirm under penalty of perjury under the laws of the State of Georgia, is authorized to make this application for a Special Use Permit and that the statements and documents submitted as part of this application are true and accurate to the best of my knowledge or belief. The undersigned is aware that no application or re-application affecting the same land shall be acted upon within six (6) months from the date of last action by the Mayor and Council.

I, the undersigned applicant, understand and agree that the Special Use Permit, if approved, shall automatically terminate if the event that this property is sold, transferred or otherwise conveyed to any other party, or the business which operates the special use is sold, transferred, or otherwise conveyed or discontinued.

Wesley Padgett 12.10.21  
Signature of Applicant Date

Wesley Padgett, Acquisitions Southern Region  
Type or Print Name and Title

Affix Notary Seal



Sara Levy Acheson 12/10/21  
Signature of Notary Public Date

PROPERTY OWNER'S CERTIFICATION

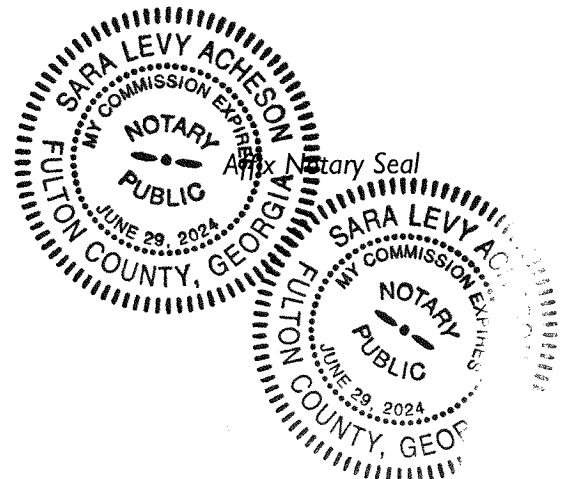
The undersigned below, or as attached, swear and affirm that I am (we are) the owner of property that is subject to this application, as shown in the records of Gwinnett County, Georgia which is the subject matter of the attached application. I further authorize Wesley Padgett to file this application. The undersigned is aware that no application or re-application affecting the same land shall be acted upon within six (6) months from the date of last action by the Mayor and Council.

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

Michael C. McMillen 12.10.21  
Signature of Owner Date

Michael C. McMillen, CEO  
Type or Print Name and Title

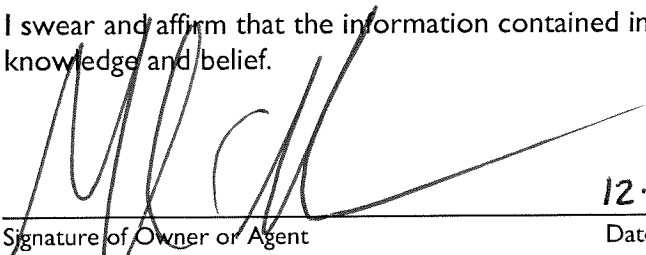
Sara Levy Acheson 12/10/21  
Signature of Notary Public Date



AUTHORIZATION TO INSPECT PREMISES

With the signature below, I authorize the staff of the Department of Planning and Development of the City of Snellville, Georgia to inspect the premises, which are the subject of this Special Use Permit application.

I swear and affirm that the information contained in this application is true and accurate to the best of my knowledge and belief.

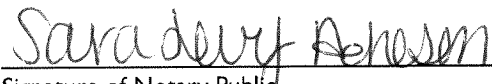
  
\_\_\_\_\_  
Signature of Owner or Agent

12.10.21

Date

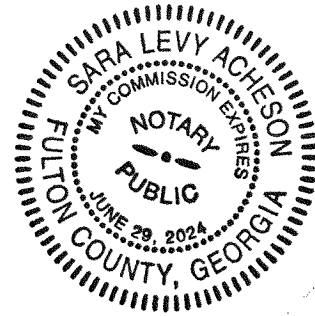
Michael C McMillen, CEO  
\_\_\_\_\_  
Type or Print Name and Title

Affix Notary Seal

  
\_\_\_\_\_  
Signature of Notary Public

12/10/21

Date



**CONFLICT OF INTEREST CERTIFICATIONS FOR SPECIAL USE PERMIT**

The undersigned below, making application for a Special Use Permit, has complied with the Official Code of Georgia Section 36-67A-1, et. seq., 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.

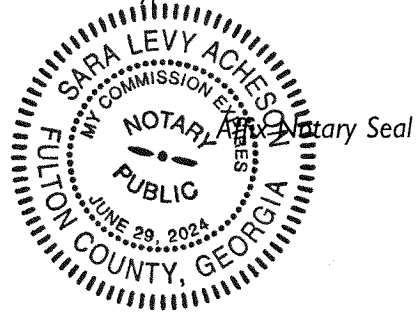
*Michael C. McMillen* 12-10-21  
Signature of Applicant Date

Michael C. McMillen, CED  
Type or Print Name and Title

*Wesley Padgett* 12-10-21  
Signature of Applicant's Attorney or Representative Date

Acquisitions, Southern Region - Wesley Padgett  
Type or Print Name and Title

*Sara Levy Acheson* 12/10/21  
Signature of Notary Public Date



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Have you, within the last two (2) 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?

YES  NO YOUR NAME: \_\_\_\_\_

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

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (list all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within the last two years)

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



Legal Description.

**Proposed Parcel D**

Snellville Oaks – Shopping Center

#2135 East Main Street

Property ID: 5038 174

ALL that tract or parcel of land lying and being in Land Lot 38 of the 5<sup>th</sup> District, City of Snellville, Gwinnett County, Georgia and being more particularly described as follows:

Commencing at a one-inch axle embedded in concrete found at the northeast corner of Land Lot 38, said corner being common to Land Lots 38, 39, 58 and 59 of the 5<sup>th</sup> District, Gwinnett County, Georgia, said point being the POINT OF BEGINNING;

THENCE running along the northeasterly line of Land Lot 38 (said line being common to Land Lot 59), said line also being the westerly line of Olde Hickory Village Phase 2A Subdivision, recorded in Plat Book 99, Page 273, South 29 degrees 52 minutes 58 seconds East, a distance of 1234.33 feet to a point;

THENCE continuing along the said easterly line of Land Lot 38 (said line being common to Land Lot 59), said line also being the westerly line of Olde Hickory Village Phase 2A Subdivision South 29 degrees 52 minutes 58 seconds East, a distance of 459.78 feet to an iron pin found, a one-half inch rebar;

THENCE leaving the said northeasterly line of Land Lot 38 proceed South 72 degrees 28 minutes 27 seconds West, a distance of 134.46 feet to a point;

THENCE South 72 degrees 33 minutes 03 seconds West, a distance of 148.17 feet to a point;

THENCE South 27 degrees 34 minutes 51 seconds West, a distance of 21.21 feet to a point;

THENCE South 17 degrees 25 minutes 09 seconds East, a distance of 195.00 feet to a point;

THENCE South 62 degrees 25 minutes 09 seconds East, a distance of 42.43 feet to a point on the northerly right-of-way line of U.S. Highway No. 78 (a.k.a. Georgia Highway No. 10, a.k.a. East Main Street), right-of-way varies;

THENCE along the said northerly right-of-way line of U.S. Highway No. 78 South 72 degrees 34 minutes 51 seconds West, a distance of 110.00 feet to a point;

THENCE leaving the said northerly right-of-way line of U.S. Highway No. 78 proceed North 27 degrees 34 minutes 51 seconds East, a distance of 42.43 feet to a point;

THENCE North 17 degrees 25 minutes 03 seconds West, a distance of 155.08 feet to a point;

THENCE South 72 degrees 34 minutes 51 seconds West, a distance of 169.87 feet to an iron pin found;

THENCE South 15°14'24" East, a distance of 187.09 feet to a point on the northerly right-of-way line of U.S. Highway No. 78 (a.k.a. Georgia Highway No. 10, a.k.a. East Main Street), right-of-way varies;

THENCE along the said northerly right-of-way line of U.S. Highway No. 78 South 73 degrees 24 minutes 01 seconds West, a distance of 127.48 feet to a point;

THENCE continuing along the said northerly right-of-way line of U.S. Highway No. 78 South 72°36'22" West, a distance of 45.23 feet to a point;

THENCE leaving the said northerly right-of-way line of U.S. Highway No. 78 proceed North 17°25'09" West, a distance of 31.37 feet to a point;

THENCE North 17°32'26" West, a distance of 68.39 feet to a point;

THENCE North 22°19'07" West, a distance of 87.85 feet to a point;

THENCE North 72°37'28" East, a distance of 182.15 feet to a point;

THENCE South 17°22'32" East, a distance of 2.03 feet to a point;

THENCE North 72°37'28" East, a distance of 5.31 feet to a point to the POINT OF BEGINNING.

Said tract or parcel of land containing 33,465 Square Feet or 0.768 Acres, more or less.

FILED & RECORDED  
CLERK SUPERIOR COURT  
GWINNETT COUNTY, GA.

2006 NOV 17 PM 2:00

TOM LAWLER, CLERK

After recording please return to:  
Sean Whitworth  
First American Title Insurance Co.  
5775 Glenridge Drive, Suite A240  
Atlanta, GA 30328  
NCS 2513726

\_\_\_\_\_  
LIMITED WARRANTY DEED  
\_\_\_\_\_

PT-61 #~~067-2006-045871~~  
GWINNETT CO. GEORGIA  
REAL ESTATE TRANSFER TAX  
\$10750.00  
TOM LAWLER CLERK OF  
SUPERIOR COURT

STATE OF GEORGIA §  
  §  
COUNTY OF GWINNETT §

THIS INDENTURE, made this 13<sup>th</sup> day of November, 2006, between 2135 EAST MAIN STREET HOLDINGS, LLC, a Maryland limited liability company, whose mailing address is c/o CWC Capital Asset Management LLC, 701 13<sup>th</sup> Street, NW, Suite 1000, Washington, D.C. 20005, as party of the first part, hereinafter called Grantor, and RCG-SNELLVILLE, LLC, a Georgia limited liability company, as party of the second part, having an address of c/o RCG Ventures, LLC, 2970 Peachtree Road, Suite 805, Atlanta, Georgia 30305), hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH, that Grantor, for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto said Grantee, the following described property:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said described property. This document also conveys any and all interest of LaSalle Bank National Association, as Trustee for Multifamily/Commercial Mortgage Pass-Through Certificates Series 1998-MC3 pursuant to assignment and assumption recorded in Gwinnett County Deed Book 20970, Page 126, of the certain Deed to Secure Debt from KR Snellville, Inc. to Salomon Brothers Realty Corp. dated September 29, 1998, and recorded in Gwinnett County Deed Book 17241, Page 25.

TO HAVE AND TO HOLD the property with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining to, the proper use, benefit and behoove of Grantee, subject only to those matters set forth in Exhibit B attached hereto and by this reference incorporated herein, forever in FEE SIMPLE.

0189439



AND Grantor will only warranty and forever defend the right and title to the Property unto Grantee against the claims of those persons claiming by, through or under Grantor only, but no others.

GRANTEE ACKNOWLEDGES THAT GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATIONS AS TO THE PHYSICAL CONDITION OF THE PROPERTY, OR ANY OTHER MATTER AFFECTING OR RELATED TO THE PROPERTY. GRANTEE EXPRESSLY AGREES THAT, TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE PROPERTY IS CONVEYED "AS IS", "WHERE IS", AND "WITH ALL FAULTS", AND GRANTOR EXPRESSLY DISCLAIMS, AND GRANTEE ACKNOWLEDGES AND ACCEPTS THAT GRANTOR HAS DISCLAIMED, ANY AND ALL REPRESENTATIONS, WARRANTIES, OR GUARANTIES OF ANY KIND, ORAL OR WRITTEN, EXPRESS OR IMPLIED (EXCEPT AS TO TITLE AS HEREIN PROVIDED AND LIMITED, AND REPRESENTATIONS, COVENANTS, AND WARRANTIES CONTAINED IN THE PURCHASE AGREEMENT OR IN CLOSING DOCUMENTS THEREUNDER) CONCERNING THE PROPERTY, INCLUDING, WITHOUT LIMITATION, (i) THE VALUE, CONDITION, MERCHANTABILITY, HABITABILITY, MARKETABILITY, PROFITABILITY, SUITABILITY, OR FITNESS FOR A PARTICULAR USE OR PURPOSE OF THE PROPERTY; (ii) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO THE CONSTRUCTION, OF ANY IMPROVEMENTS TO THE PROPERTY; AND (iii) THE MANNER OF REPAIR, QUALITY OF REPAIR, STATE OF REPAIR, OR LACK OF REPAIR OF ANY SUCH IMPROVEMENTS. BY GRANTEE'S ACCEPTANCE OF THIS DEED, GRANTEE REPRESENTS THAT GRANTEE HAS MADE (i) ALL INSPECTIONS OF THE PROPERTY TO DETERMINE ITS VALUE AND CONDITION DEEMED NECESSARY OR APPROPRIATE BY GRANTEE, INCLUDING, WITHOUT LIMITATION, INSPECTIONS FOR THE PRESENCE OF ASBESTOS, PESTICIDE RESIDUES, HAZARDOUS WASTE AND OTHER HAZARDOUS MATERIALS; AND (ii) INVESTIGATIONS TO DETERMINE WHETHER ANY PORTION OF THE PROPERTY LIES WITHIN ANY FLOOD HAZARD AREA AS DETERMINED BY THE U.S. ARMY CORPS OF ENGINEERS OR OTHER APPLICABLE AUTHORITY.

*[SIGNATURE PAGE FOLLOWS]*

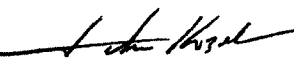
IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed, the day and year above written.

**GRANTOR:**

**2135 EAST MAIN STREET HOLDINGS, LLC,**  
a Maryland limited liability company

By: LaSalle Bank, N.A., f/k/a LaSalle National Bank,  
as Trustee for the Registered Holders of the Mortgage  
Capital Funding, Inc. Multifamily/Commercial  
Mortgage Pass-Through Certificates, Series 1998-MC3,  
its sole member

By: CWCapital Asset Management LLC, a  
Massachusetts limited liability company, solely  
in its capacity as Special Servicer to the Trust

By:   
John G. Kozeka, Vice President

WITNESS:

Name: Carol Wright

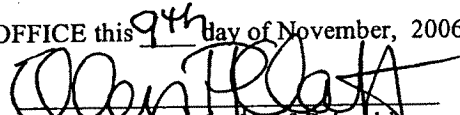
WITNESS:

Name: Amy E. Langdon

**DISTRICT OF COLUMBIA §**

BEFORE ME, the undersigned, a Notary Public, on this day personally appeared John G. Kozeka, the Vice President of CWC Capital Asset Management LLC, the Special Servicer to LaSalle Bank, N.A., f/k/a LaSalle National Bank, as Trustee for the Registered Holders of the Mortgage Capital Funding, Inc. Multifamily/Commercial Mortgage Pass-Through Certificates, Series 1998-MC3, the Sole Member of 2135 East Main Street Holdings, LLC, a Maryland limited liability company, known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that same was executed for the purposes and consideration therein expressed and in the capacity therein stated as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 9<sup>th</sup> day of November, 2006.

  
Notary Public, District of Columbia

Ellen P. Klatt  
Notary Public, District of Columbia  
My Commission Expires 7/31/2011

Prepared by:  
Shackelford, Melton & McKinley, LLP  
3333 Lee Parkway, Tenth Floor  
Dallas, Texas 75219  
Attn: Paul C. Webb, Esq.

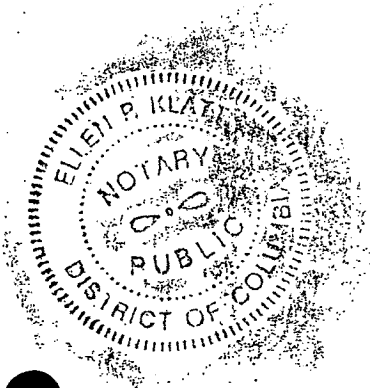


EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 38 of the 5th District, Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at a 1 inch axle embedded in concrete found at the point common to Land Lots 38, 39, 58 and 59 of the 5th Land District, Gwinnett County, Georgia; thence running along the land lot line common to Land Lots 38 and 59 South 31 degrees 38 minutes 56 seconds East 1234.29 feet to an iron pin set; thence continuing along said land lot line South 31 degrees 38 minutes 56 seconds East 460.14 feet to an iron pin set; thence leaving said land lot line common to Land Lots 38 and 59 and running South 70 degrees 48 minutes 46 seconds West 134.39 feet to an iron pin set; thence continuing South 70 degrees 48 minutes 46 seconds West 148.26 feet to an iron pin set; thence running South 25 degrees 48 minutes 46 seconds West 21.21 feet to an iron pin set; thence running South 19 degrees 11 minutes 14 seconds East 195.00 feet to an iron pin set; thence running South 64 degrees 11 minutes 14 seconds East 42.43 feet to an iron pin set located on the northerly right of way line of U.S. Highway 78 (Ga. Highway 10) (Right of Way Varies); thence running along said northerly right of way line of U.S. Highway 78 South 70 degrees 48 minutes 46 seconds West 110.00 feet to an iron pin set; thence leaving said northerly right of way line of U.S. Highway 78 and running North 25 degrees 48 minutes 46 seconds East 42.43 feet to an iron pin set; thence running North 19 degrees 11 minutes 14 seconds West 155.00 feet to an iron pin set; thence running South 70 degrees 48 minutes 46 seconds West 169.87 feet to an iron pin set; thence running South 19 degrees 11 minutes 14 seconds East 185.00 feet to an iron pin set located on the northerly right of way line of U.S. Highway 78; thence running along said northerly right of way line of U.S. Highway 78 South 70 degrees 48 minutes 46 seconds West 138.18 feet to an iron pin set; thence continuing along said northerly right of way line of U.S. Highway #78 South 70 degrees 48 minutes 46 seconds West 110.00 feet to an iron pin set; thence leaving said northerly right of way line of U.S. Highway 78, and running North 25 degrees 48 minutes 46 seconds East 42.43 feet to an iron pin set; thence running North 19 degrees 11 minutes 14 seconds West 72.95 feet to a point; thence running along a 725.00 foot radius curve to the left, said curve having a chord of 82.58 feet bearing North 22 degrees 27 minutes 07 seconds West a distance of 82.62 feet to an iron pin set; thence running along a 725.00 foot radius curve to the left, said curve having a chord of 172.32 feet bearing North 32 degrees 32 minutes 32 seconds West a distance of 172.73 feet to an iron pin set; thence running South 70 degrees 48 minutes 46 seconds West 211.53 feet to an iron pin set; thence running North 33 degrees 29 minutes 25 seconds West 1273.77 feet to an iron pin set; thence continuing North 33 degrees 29 minutes 25 seconds West 100.06 feet to a 2 inch pipe filled with concrete found located on the land lot line common to Land Lots 38 and 39; thence running along said land lot line common to Land Lots 38 and 39 North 58 degrees 31 minutes 49 seconds East 988.13 feet to a 1 inch axle embedded in concrete and the Point of Beginning.

Said parcel of land is identified as "Tract #1 - 15.89 acres", "Tract #2 - 18.21 acres" and "Reserved Green Area - 0.71 acre" on that certain survey entitled "As-Built Survey of Snellville Oaks Shopping Center Located in Land Lot #38, District #5, Gwinnett County, Georgia for Secured Properties Investors IX, L.P., Jamestown Management Company, The Lincoln National

EXHIBIT "A"

Life Insurance Company, and Chicago Title Insurance Company prepared by Flanders & Associates, Inc. and bearing the certification and seal of James E. Flanders, Georgia Registered Land Surveyor No. 1320, dated July 14, 1993, last revised August 14, 1993 and also is identified as "Tract #1 - 15.89 acres", "Tract #2 - 18.21 acres", and "Reserved Green Area - 0.71 acres" being particularly shown and described according to an ALTA Survey for KR Snellville, Inc. by Danny Joe Flanders, Georgia Registered Land Surveyor No. 2501, dated August 25, 1998.

Together with Easement Rights contained in that certain Access Easement Agreement dated July 31, 1991 from W. H. Britt and O. H. Britt to Wal-Mart Stores, Inc., and recorded in Deed Book 6672, Page 203, Gwinnett County, Georgia Records, subject to reservations, conditions and obligations contained therein; and

"Together with Easement Rights contained in that certain Declaration of Easements and Restrictive Covenants Snellville, Georgia by Hwy 78 partners, L.P., a Georgia limited partnership, dated August 25, 1993, filed for record August 26, 1993, and recorded in Deed Book 9235, Page 130, aforesaid records; as amended by that certain Amendment to Declaration of Easements and Restrictive Covenants Snellville, Georgia, by and between Secured Properties Investors IX, L.P., a Georgia limited partnership and Wal-Mart Stores, Inc., a Delaware corporation, dated June 23, 1994, filed for record June 29, 1994, and recorded in Deed Book 10454, Page 95, aforesaid records; and as further affected by that certain Affidavit Affecting Title to Land, filed for record January 28, 1997, and recorded in Deed Book 13731, Page 41, aforesaid records."

BK47266PG0410

EXHIBIT B

**Permitted Exceptions**

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**\*Program ends at midnight Oct. 15, 2021, or when allocated funds are depleted, whichever comes first.**



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**TIFFANY P. PORTER**  
**GWINNETT COUNTY**  
**TAX COMMISSIONER**



## BILL DETAIL

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### Tax Account

**Mailing Address:**

RCG-SNELLVILLE, LLC  
3060 PEACHTREE RD NW STE 400  
ATLANTA , GA 30305-2239

**SITUS:**

2135 EAST MAIN ST

**Tax District:**

SNELLVILLE

**Parcel ID**

R5038 174

**Property Type**

Real Property

**Last Update**

10/12/2021 3:36:29 PM

**Legal Description**

HWY 78



### Tax Values

Description	Market Value	Assessed Value
Land	\$1,190,000.00	\$476,000.00
Improvement	\$510,000.00	\$204,000.00
<b>Total</b>	<b>\$1,700,000.00</b>	<b>\$680,000.00</b>



**Class Codes** 342-Community Shopping Mall

### Assessments

	Net Tax	Savings
<u>School Taxes</u>	\$14,518.00	\$0.00
<u>County Incorporated No Police</u>	\$7,786.00	\$0.00
<b>Total Tax</b>	<b>\$22,304.00</b>	<b>\$0.00</b>

### Tax Installment Information

Period	Bill Number	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	24549275	10/15/2021	2021	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Due:</b>				<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

### Payment History

Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2021	24549275	B21.104114	\$22,304.00	10/7/2021

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**TIFFANY P. PORTER**  
**GWINNETT COUNTY**  
**TAX COMMISSIONER**



## BILL DETAIL

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### Tax Account

**Mailing Address:**

RCG-SNELLVILLE, LLC  
3060 PEACHTREE RD NW STE 400  
ATLANTA, GA 30305-2239

**SITUS:**

2133 E MAIN ST

**Tax District:**

SNELLVILLE

**Parcel ID**

R5038 185

**Property Type**

Real Property

**Last Update**

10/12/2021 3:37:40 PM

**Legal Description**

HWY 78

### Tax Values

Description	Market Value	Assessed Value
Land	\$85,425.00	\$34,170.00
Improvement	\$42,075.00	\$16,830.00
<b>Total</b>	<b>\$127,500.00</b>	<b>\$51,000.00</b>



### Class Codes

321-Restaurant

### Assessments

	Net Tax	Savings
<u>School Taxes</u>	\$1,088.85	\$0.00
<u>County Incorporated No Police</u>	\$583.95	\$0.00
<b>Total Tax</b>	<b>\$1,672.80</b>	<b>\$0.00</b>

### Tax Installment Information

Period	Bill Number	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	24556902	10/15/2021	2021	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Due:</b>				<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

### Payment History

Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2021	24556902	B21.103713	\$1,672.80	10/7/2021

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**TIFFANY P. PORTER**  
GWINNETT COUNTY  
TAX COMMISSIONER



## BILL DETAIL

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### Tax Account

**Mailing Address:**

RCG-SNELLVILLE, LLC  
3060 PEACHTREE RD NW STE 400  
ATLANTA, GA 30305-2239

**SITUS:**

2135 EAST MAIN ST

**Tax District:**

SNELLVILLE

**Parcel ID**

R5038 193

**Property Type**

Real Property

**Last Update**

10/12/2021 3:38:46 PM

**Legal Description**

HWY 78

### Tax Values

Description	Market Value	Assessed Value
Land	\$1,041,590.00	\$416,640.00
Improvement	\$366,010.00	\$146,410.00
<b>Total</b>	<b>\$1,407,600.00</b>	<b>\$563,050.00</b>



### Class Codes

345-Discount Department Store

### Assessments

	Net Tax	Savings
<u>School Taxes</u>	\$12,021.12	\$0.00
<u>County Incorporated No Police</u>	\$6,446.93	\$0.00
<b>Total Tax</b>	<b>\$18,468.05</b>	<b>\$0.00</b>

### Tax Installment Information

Period	Bill Number	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	24563836	10/15/2021	2021	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Due:</b>				<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

### Payment History

Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2021	24563836	B21.104136	\$18,468.05	10/7/2021



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