

AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE FULTON COUNTY BOARD OF COMMISSIONERS APPROVING PETITION Z69-0062 ON JULY 2, 1969, PROPERTY LOCATED AT 1777 BRANDON HALL DRIVE

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on March 18, 2008 at 7:00 p.m. as follows:

SECTION 1. That the condition(s) of a Resolution by the Fulton County Board of Commissioners, approved on July 2, 1969, for petition Z69-0062 that allowed the property to be rezoned to the CUP (Community Unit Plan) District be changed for the property located at **1777 Brandon Hall Drive**, consisting of a total of approximately 1.00 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 359 of the 6th District, Fulton County, Georgia by the attached legal description; and

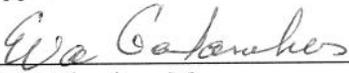
SECTION 2. That the property shall be developed in compliance with the conditions of approval, as attached to this ordinance. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations; and

SECTION 3. That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

SECTION 4. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

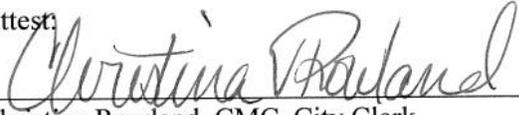
ORDAINED this the 18th day of March, 2008.

Approved:



Eva Galambos, Mayor

Attest:



Christina Rowland, CMC, City Clerk
(Seal)



CONDITIONS OF APPROVAL

ZM008-001
1777 Brandon Hall Drive

The City of Sandy Springs Mayor and City Council approved the modification of the conditions of Z69-0062, with regard to the above referenced property currently zoned currently zoned CUP (Single Family Dwelling District). Zoning modification petition ZM08-001 was approved by the Mayor and City Council at the March 18, 2008 hearing, subject to the following:

The Fulton County Board of Commissioners approved the petition to rezone the subject property from R-2 (Single Family Dwelling District) to CUP (Community Unit Plan District) on July 2, 1969, subject to the Protective Covenants outlined in condition 5., Exhibit "A", of the Letter of Intent dated July 1, 1969.

LETTER OF INTENT

July 1, 1969

Fulton County Board of Commissioners
307 Fulton County Administration Building
Atlanta, Georgia 30303

Attention: Mr. Walter Mitchell, Chairman

RE: Z69-62 FC
Rivergate Community Unit Plan

Gentlemen:

We are delighted to amend our letter of intent dated May 26, 1969 to incorporate the following additional stipulations and conditions as suggested by the Planning Board:

1. All lots which front on Spalding Drive shall meet all requirements of R-2 zoning (Just past Ball Mill Road).
2. No more than one dwelling unit shall be permitted on any lot.
3. That any application for greater density than that set out in the letter of intent or for any change in use, such as multi-family or commercial use, will be initiated only by reapplication for rezoning including public advertisement and public hearings thereon as a new zoning petition.
4. As each successive Phase of the development is under taken in accord with the Master Plan detail subdivision plats will be submitted for approval of Fulton County.
5. Also subject to restrictions and covenants running with the land as set forth in Exhibit "A".

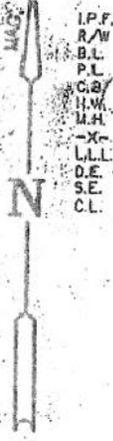
Very truly yours,

Merris-Womack Co.

EXHIBIT "A"

PROTECTIVE COVENANTS

1. Developer reserves the right to approve all House Plans.
2. All recessed garbage cans.
3. No exposed clothes line.
4. No fences in front of building line.
5. All carports to enter from side or rear.
6. Said property shall be used for single family residence purposes only.
7. No temporary house, shack or tent shall be erected on said property to be used for residential or church purposes. Also no lots shall be used for schools or kindergartens.
8. No lot shall be subdivided, nor shall more than one house be erected on any lot.
9. There shall be two side yards, one on each side of the main building, each having a width of not less than fifteen (15) feet; except for the subject lot located at 1777 Brandon Hall Drive (PIN 06 03590001035), which shall have a minimum side yard of ten (10) feet along the west property line only as shown on the site plan received by the Sandy Springs Department of Community Development dated January 7, 2008.
10. There shall be a front yard having a depth of not less than sixty (60) feet.
11. Every lot shall have an area of not less than one (1) acre.
12. A ground floor area of not less than eighteen hundred (1800) square feet if less than two (2) stories in height.
13. A ground floor area of not less than twelve hundred (1200) square feet and a total floor area of not less than twenty-eight hundred (2800) square feet if two (2) stories or more in height.



I.P.F.
 R/W
 B.L.
 P.L.
 C.B.
 H.W.
 U.H.
 -X-
 L.L.
 D.E.
 S.E.
 C.L.

1/2" R.L. ONLY
 IRON PIN FOUND
 RIGHT-OF-WAY
 BUILDING LINE
 PROPERTY LINE
 CATCH BASIN
 HEADWALL
 MANHOLE
 FENCE
 LAND LOT LINE
 DRAINAGE EASMT.
 SEWER EASMT.
 CHAIN LINK

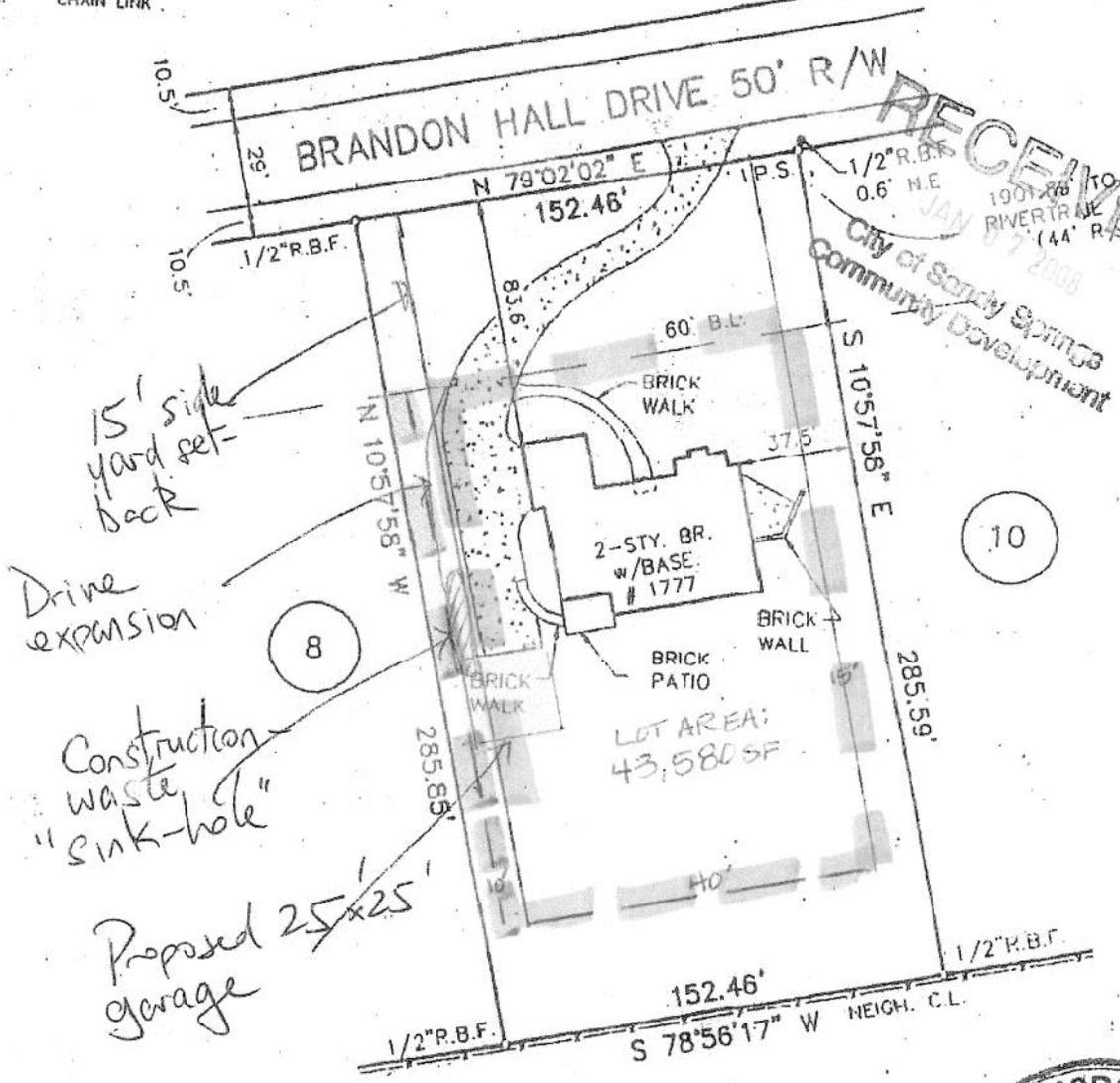
FOUND CURATE TO WITHIN ONE FOOT
 IN 175.308 FEET.

ARE. ACCORDING TO THE F.I.R.M.
 FLOOD PLAIN MAPS.

MR 14.005

ZM08 001

NOTE:
 FENCES SHOULD NOT BE PLACED
 USING SIDE DIMENSIONS FROM
 HOUSE OR STRUCTURE.



RECEIVED
 TO R/W COURT
 1901-88
 RIVERTRAIL
 (44' R/W)
 JAN 17 2008
 City of Sandy Springs
 Community Development

15' side yard set-back
 Drive expansion
 Construction waste "sink-hole"
 Proposed 25'x25' garage

SURVEY FOR
JOAN H. LOPEZ
 LOT 9 UNIT FIVE PHASE ONE
 SUBDIVISION: RIVERGATE
 LAND LOT 359 6th DIST.
 FULTON COUNTY, GEORGIA
 SCALE: 1" = 60'
 REC. IN PLAT BOOK 139, PG. 106
 APRIL 25, 1997



IN MY OPINION, THIS PLAT IS A CORRECT
 REPRESENTATION OF THE LAND PLATTED AND
 HAS BEEN PREPARED IN CONFORMITY WITH
 THE MINIMUM STANDARDS AND REQUIREMENTS
 OF LAW.

SURVEY CONCEPTS, INC.
 3675 HEWATT COURT * SUITE B

JOINT TENANCY WITH SURVIVORSHIP WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FULTON

This Indenture made this 10th day of December, in the year Two Thousand and Three (2003), between **KELA R. CAMPBELL** of the County of FULTON, State of Georgia, as party or parties of the first part, hereinunder called Grantor, **DAVID N. ARMSTRONG AND LORA A. MOSZCZYNSKI**, as joint tenants with survivorship and not as tenants in common as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN AND 00/100'S (\$10.00) Dollars** and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 359 OF THE 6TH DISTRICT OF FULTON COUNTY, GEORGIA, BEING LOT 9, UNIT FIVE AND PHASE ONE OF RIVERGATE SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 139, PAGE 106, FULTON COUNTY, GEORGIA RECORDS, WHICH SAID RECORDED PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE THERETO FOR A MORE COMPLETE DESCRIPTION OF THE PROPERTY.

THIS CONVEYANCE IS MADE SUBJECT TO ALL ZONING ORDINANCES, EASEMENTS AND RESTRICTIONS OF RECORD IF ANY.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantees, as joint tenants, and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in **FEE SIMPLE**, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-19, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with rights of survivorship and not as tenants in common.

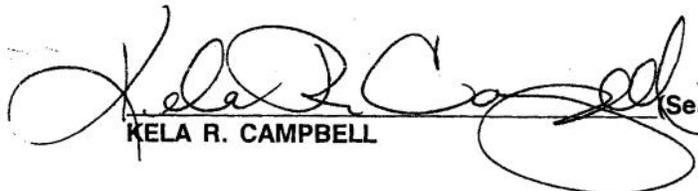
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:



Witness



KELA R. CAMPBELL (Seal)



NOTARY PUBLIC

