

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE
FULTON COUNTY BOARD OF COMMISSIONERS APPROVING PETITION Z89-068
ON JUNE 7, 1989 PROPERTY LOCATED AT 5505 GLEN ERROL ROAD**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on December 20, 2011 at 6:00 p.m. as follows:

SECTION 1. That the condition(s) of a Resolution by the Fulton County Board of Commissioners, approved on June 7, 1989, for petition Z89-0068 that allowed the property to be rezoned to the R-2 (Single-family Dwelling District) be changed for the property located at 5505 Glen Errol Road, consisting of a total of approximately 1.10 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 122 of the 17th District, Fulton County, Georgia by the attached legal description; and

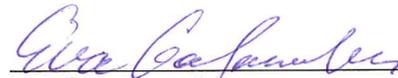
SECTION 2. That the property shall be developed in compliance with the conditions of approval, as attached to this ordinance. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations; and

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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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

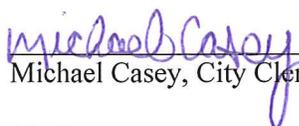
APPROVED AND ADOPTED this the 20th day of December, 2011.

Approved:



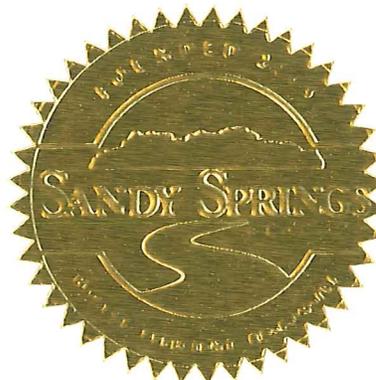
Eva Galambos, Mayor

Attest:



Michael Casey, City Clerk

(Seal)



CONDITIONS OF APPROVAL

**ZM11-003
5505 Glen Errol Road**

The City of Sandy Springs Mayor and City Council approved the modification of the conditions of Z98-068, with regard to the above referenced property currently zoned R-2 (Single-family Dwelling District). Zoning modification petition ZM11-003 was approved by the Mayor and City Council at the December 20, 2011 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Single family detached dwellings and accessory uses and structures.
2. To the owner's agreement to abide by the following:
 - a. To the Site Plan received by the Zoning Department on 4-13-89 and to submit to the Director of Public Works for approval, prior to the approval of a Land Disturbance Permit, a revised Site Plan based on a certified boundary survey of the entire property zoned, incorporating the stipulations of these conditions of zoning approval and meeting or exceeding the requirements of the Zoning Resolution.
 - b. To submit to the Director of Public Works for his approval, prior to any defoliation or alteration of the site, a Land Disturbance application which shall include a grading plan including phasing, a hydrological study, a separate soil sedimentation and erosion control plan, and proposed provisions for permanent storm water retention.
 - c. To submit to the Director of Public Works for his approval prior to the approval of a Land Disturbance Permit, a detailed landscape and/or tree protection plan for all required buffers, landscape strips, and tree protection zones. Said landscaping for each phase of development shall be in place prior to the recording of the final plat for each phase of development.
 - d. To submit to the Director of Public Works for his approval, prior to the subdivision of any parcel zoned pursuant to this petition, a copy of all easement agreements for shared parking and access.
3. To the owner's agreement to the following site development considerations:
 - a. No more than 4 exit/entrances on Glen Errol Drive to be located a minimum of 150 feet from the new dedicated right-of-way of Long Island Drive. Curb cut locations and alignments are subject to the approval of the ~~Fulton County~~ **Sandy Springs** Traffic Engineer.
 - b. No access shall be allowed from Long Island Drive.
 - c. Provide and maintain off-street parking on the subject property during the entire construction period.
4. To the owner's agreement to abide by the following requirements, dedication and improvements:
 - a. Dedicate at no cost to ~~Fulton County~~ **Sandy Springs** along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the

following rights-of-way, and dedicate at no cost to ~~Fulton County~~ **Sandy Springs** such additional right-of way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:

30 feet from centerline of Glen Erroll Drive.

30 feet from centerline of Long Island Drive.

- b. Improve the following roadways along the entire property frontage from the center of road to back of curb as follows:

14.5 feet from centerline of Glen Erroll Drive.

- c. Construct sidewalks along entire property frontage within the rights-of-way of Glen Erroll Drive and Long Island Drive. ~~Said sidewalks for each phase of development shall be in place prior to the recording of the final plat,~~ with the exception that Lot 3 (A.K.A. 5505 Glen Erroll Road) shall not be required, per Conditions of Z89-068 Zoning, to keep the existing sidewalk and install new sidewalk along its Glen Erroll Road frontage.

- d. Subject to Ordinance No. 2008-09-48, Section 103-80 of the Land Development ordinance, applicant shall maintain shoulder within the right-of-way to permit future installation of sidewalks. In addition, owner/applicant shall pay for future sidewalk installation.

- e. Before commencing with the proposed sidewalk removal, the Owner/Applicant shall apply for and receive a Land Disturbance Permit and/or a Right-Of-Way Encroachment Permit and, after the proposed work is completed, the Owner/Applicant shall restore the disturbed area with turf grass that shall be maintained by the Owner/Applicant as long as no future improvements occur in the once disturbed area.

5. To the owner's agreement to abide by the following:

- a. To contact the Director of Public Works, prior to the application for a Land Disturbance Permit, to arrange with the ~~County~~ **City** Arborist an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries.
- b. To maintain as a minimum, the tree density requirements as prescribed by the ~~Fulton County~~ **Sandy Springs** Tree Preservation **Conservation** Ordinance ~~Administrative Guidelines~~, either through the retention of existing trees, or tree replacement, in perpetuity.



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STATE OF Colorado

COUNTY OF

RETURN TO:
MCCURDY AND CANDLER, L.L.C.
P.O. BOX 57
DECATUR, GA 30031
File # 09-17757

SPECIAL WARRANTY DEED

THIS INDENTURE is made this December 16, 2010, by and between **Aurora Loan Services LLC**, (hereinafter referred to as "Grantor"), and **Michael Ivey** (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, for and in consideration of the sum of TEN AND NO/100THS DOLLARS (\$10.00) and other good and valuable consideration, the receipt, adequacy and sufficiency whereof are hereby acknowledged by Grantor, Grantor has granted, bargained, sold, aliened, conveyed and confirmed unto the Grantee, all of Grantor's right, title and interest in and to the following described property, to wit:

The following described real property situate in the City of Atlanta, County of Fulton and State of Georgia, to wit: All that tract or parcel of land (hereinafter referred to as the "Land") particularly described as follows: All that tract or parcel of land lying and being in Land Lot 122, 17th District, Fulton County, Georgia, being Lot 3, as per exemption plat for Gerald Handley and Charlie Jean Handley recorded in Plat Book 163, Page 109, Fulton County Records, which plat is hereby referred to and made a part of this description, being improved property having a house thereon known as 5505 Glen Errol Drive, according to the present system of numbering houses in Fulton County, Georgia, and being more particularly shown on survey prepared by Georgia Land Surveying Co., Inc., dated September 18, 1990. Tax ID #17-0122-0003-025-1 By Fee Simple Deed from Robert H. Clem as set forth in Deed Book 34802, Page 596 and recorded on 4/29/2003, Fulton County Records.

TO HAVE AND TO HOLD, said tract or parcel of land, together 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 said Grantee forever in FEE SIMPLE, subject only to the matters set forth herein.

AND the Grantor promises or covenants to defend title to the property from and against all lawful claims and demands of all persons claiming by, through or under Grantor and none other.

RECEIVED

OCT 06 2011

City of Sandy Springs
Community Development

ZM 11-003

