

*** THESE DOCUMENTS MAY ONLY BE RECORDED BY A REPRESENTATIVE OF THE LAND DIVISION.
PLEASE DO NOT ATTEMPT TO RECORD THEM ON YOUR OWN. THANK YOU.***

Cross Reference:

Book 6229, Pages 175 and 185
Book 6581 Page 178

[BLANK SPACE ABOVE THIS LINE IS FOR THE SOLE USE OF THE CLERK OF SUPERIOR COURT]

THIS DOCUMENT MAY BE RECORDED ONLY BY PERSONNEL OF THE FULTON COUNTY LAND DIVISION

Return Recorded Document to:
Fulton County Land Division
141 Pryor Street, S.W. – Suite 8021
Atlanta, Georgia 30303

Project Name : Miles
Tax Parcel Identification No.: 07390001641430
Land Disturbance Permit No.: 019S-039WR
Zoning/Special Use Permit No.: _____
(if applicable)

For Fulton County Use Only

Approval Date: _____
Initials: _____

**SEWER EASEMENT
(Corporate Form)**

STATE OF GEORGIA,
COUNTY OF FULTON

This indenture entered into this _____ day of _____, 2021, between **ATL FAIRBURN JV, LLC**, a limited liability company duly organized under the laws of the State of Delaware, party of the first part (hereinafter referred to as Grantor) and **FULTON COUNTY**, a Political Subdivision of the State of Georgia, party of the second part and Grantee.

WITNESSETH, that for and in consideration of \$1.00 in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged and in consideration of the benefits which will accrue to the undersigned from the construction of a sewer line through subject property, and in consideration of the benefits which will accrue to the subject property from the construction of a sewer line through the subject property, said Grantor has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey to **FULTON COUNTY** and to successors and assigns the right, title, and privilege of easements through subject property located in Land Lot(s) 164 and 165 of the 7th District, Fulton County, Georgia, and more particularly described as follows: To wit:

Project Miles

See Exhibit "A" attached hereto and made a part hereof

Sewer Easement Relocation – Corporation
Revised 08/20/2007

This right and easement herein granted being to occupy such portion of my property as would be sufficient for the construction, access, maintenance and upgrade of a sewer line through my property according to the location and size of said sewer line as shown on the map and profile now on file in the office of the Public Works Department of Fulton County and described and depicted on Exhibit A-1 and which size and location may be modified from time to time including in the future after the date of this document to accommodate said sewer line within the aforesaid boundaries of the above-described easement.

Special Provision

Said sewer easement was originally recorded in the Fulton County records in Deed Book 6229, pages 175 and 185 and Deed Book 6581, page 178. The Grantor has requested that the original sewer alignment associated with this document be altered as shown on attached Exhibit "A". With the execution of this document, the original easements referred to above are considered modified to the extent that the description on the exhibits are corrected herein. Said sewer easement modification shall not become effective until the new sewer alignment shown on Exhibit "A-1" has been installed to Fulton County standards and has been approved and accepted by the Fulton County Department of Public Works and/or the Fulton County Department of Environment and Community Development.

For the same consideration, Grantor hereby conveys and relinquishes to FULTON COUNTY a right of access over Grantor's remaining lands as necessary for FULTON COUNTY to perform maintenance and repairs on said sewer line on both a routine and emergency basis.

Said Grantor hereby warrants that it has the right to sell and convey said sewer line easement and right of access and binds itself, its successors and assigns forever to warrant and defend the right and title to the above described sewer line easement unto the said FULTON COUNTY, its successors and assigns against the claims of all persons whomever by virtue of these presents.

Said Grantor hereby waives for itself, its successors and assigns all rights to any further compensation or claim to damages on account of the construction, access, upgrade or maintenance of said sewer line for the use of the property as herein agreed.

IN WITNESS HEREOF said party of the first part has hereunto affixed his/her hand and seal on the day and year first above written.

GRANTOR

ATL FAIRBURN JV, LLC, a Delaware limited liability company

By: Lex Fairburn Manager, a Delaware limited liability company, its managing member

By: LXP Manager Corp. s Delaware corporation, its manager

By: [Signature]
Name: Joseph Bonaventura
Title: Vice President

Signed, sealed and delivered this
4th day of November, 2021,
in the presence of

[Signature]
Unofficial witness

[Signature]
Notary Public

(NOTARY SEAL)

MEGAN A. O'SHAUGHNESSY
Notary Public, State of New York
Reg. No. 01OS6369844
Qualified in Suffolk County
Commission Expires January 22, 2022

JOINER AND CONSENT
(First Commercial Bank)

By its execution of this Joinder and Consent, the undersigned, **FIRST COMMERCIAL BANK, A DIVISION OF SYNOVUS BANK** ("First Commercial"), hereby consents to and approves that certain Sewer Easement from **ATL FAIRBURN JV, LLC** to **FULTON COUNTY**, to which a copy of this Joinder and Consent is attached.

IN WITNESS WHEREOF, First Commercial has executed this Joinder and Consent .

Signed, sealed and
delivered in the presence of:

Ramona S. Martin
Unofficial Witness
Janice Vagner

Notary Public

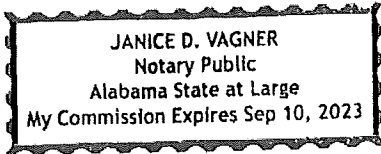
First Commercial:

First Commercial Bank, a Division of Synovus Bank

By: _____
Name: *Dean Matthews*
Its: *SVP*

[Affix Bank Seal Here]

[Affix Commission Expiration
Date and Notary Public Seal Here]

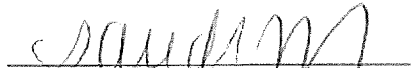


JOINDER AND CONSENT
(Development Authority)

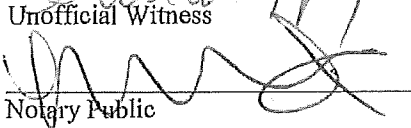
By its execution of this Joinder and Consent, the undersigned, **DEVELOPMENT AUTHORITY OF FULTON COUNTY** ("Development Authority") a public body corporate and politic of the State of Georgia, hereby consents to and approves that certain Sewer Easement from **ATL FAIRBURN JV, LLC** to **FULTON COUNTY** to which a copy of this Joinder and Consent is attached.

IN WITNESS WHEREOF, Development Authority has executed this Joinder and Consent.

Signed, sealed and
delivered in the presence of:



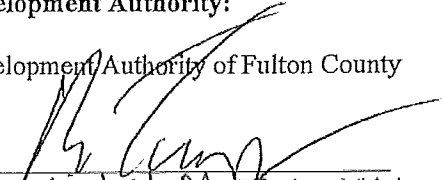
Unofficial Witness



Notary Public

Development Authority:

Development Authority of Fulton County

By: 
Name: Michel M. Turpeau
Its: Chairman

[Affix Commission Expiration
Date and Notary Public Seal Here]

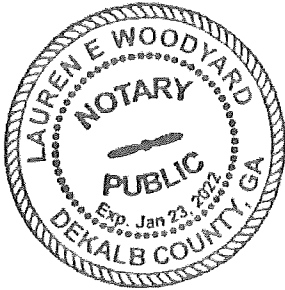


EXHIBIT "A"

Tract 1 (Atl Fairburn JV, LLC)

All that tract or parcel of land lying and being in Land Lots 164 and 165 of the 7th District, city of Fairburn, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a nail set in pavement located at the intersection of the Westerly right-of-way line of Creekwood Road (60-foot right-of-way) and the Northerly right-of-way line of Cleckler Road (50-foot right-of-way), said point being the TRUE POINT OF BEGINNING; Thence along Cleckler Road South 83 degrees 48 minutes 57 seconds West, a distance of 252.81 feet to a point; Thence along a curve to the right having an arc length of 125.88 feet, with a radius of 1041.43 feet, being subtended by a chord bearing of South 87 degrees 16 minutes 43 seconds West, for a distance of 125.80 feet to a point; Thence North 89 degrees 41 minutes 25 seconds West, a distance of 198.31 feet to a point; Thence North 89 degrees 45 minutes 46 seconds West, a distance of 324.67 feet to a point; Thence South 89 degrees 35 minutes 34 seconds West, a distance of 561.13 feet to a point at the intersection with Northeasterly right-of-way line of John Seaborn Road (variable right-of-way); Thence along said right-of-way line North 40 degrees 22 minutes 55 seconds West, a distance of 357.78 feet to a point; Thence North 40 degrees 22 minutes 55 seconds West, a distance of 572.89 feet to a point; Thence North 13 degrees 34 minutes 13 seconds West, a distance of 501.66 feet to a point; Thence departing said right-of-way line South 62 degrees 32 minutes 24 seconds West, a distance of 537.96 feet to a point located on the Northerly right-of-way line of Cleckler Road; Thence along said right-of-way line North 37 degrees 58 minutes 13 seconds West, a distance of 80.66 feet to a point; Thence North 33 degrees 55 minutes 07 seconds West, a distance of 65.49 feet to a point; Thence North 44 degrees 59 minutes 04 seconds West, a distance of 58.24 feet to a point; Thence North 44 degrees 59 minutes 04 seconds West, a distance of 83.88 feet to a point located on the Southeasterly right-of-way line of U.S. Interstate 85 (300-foot right-of-way); Thence along said right-of-way line North 62 degrees 30 minutes 18 seconds East, a distance of 1242.61 feet to a point; Thence along a curve to the left having an arc length of 436.53 feet, with a radius of 7462.23 feet, being subtended by a chord bearing of North 60 degrees 49 minutes 45 seconds East, for a distance of 436.47 feet to a point; Thence along a curve to the left having an arc length of 109.72 feet, with a radius of 7462.23 feet, being subtended by a chord bearing of North 58 degrees 43 minutes 55 seconds East, for a distance of 109.72 feet to a point; Thence along a curve to the left having an arc length of 731.14 feet, with a radius of 23381.26 feet, being subtended by a chord bearing of North 57 degrees 24 minutes 54 seconds East, for a distance of 731.11 feet to a point; Thence North 55 degrees 13 minutes 03 seconds East, a distance of 712.86 feet to a point located on the Westerly right-of-way line of Creekwood Road (60-foot right-of-way); Thence along said right-of-way line South 02 degrees 16 minutes 04 seconds East, a distance of 163.52 feet to a point; Thence departing said right-of-way line North 44 degrees 05 minutes 04 seconds West, a distance of 58.66 feet to a point; Thence South 55 degrees 13 minutes 03 seconds West, a distance of 616.40 feet to a point; Thence along a curve to the right having an arc length of 734.55 feet, with a radius of 23461.26 feet, being subtended by a chord bearing of South 57 degrees 24 minutes 50 seconds West, for a distance of 734.52 feet to a point; Thence along a curve to the right having an arc length of 110.90 feet, with a radius of 7542.23 feet, being subtended by a chord bearing of South 58 degrees 43 minutes 55 seconds West, for a distance of 110.90 feet to a point; Thence along a curve to the right having an arc length of 43.23 feet, with a radius of 7542.23 feet, being subtended by a chord bearing of South 59 degrees 19 minutes 03 seconds West, for a distance of 43.23 feet to a point; Thence South 39 degrees 53 minutes 14 seconds East, a distance of 66.03 feet to a point; Thence South 19 degrees 52 minutes 58 seconds East, a distance of 44.66 feet to a point; Thence South 04 degrees 06 minutes 05 seconds East, a distance of 99.11 feet to a point; Thence South 44 degrees 04 minutes 35 seconds East, a distance of 21.86 feet to a point; Thence South 71 degrees 08 minutes 46 seconds East, a distance of 64.27 feet to a point; Thence North 45 degrees 00 minutes 58 seconds East, a distance of 58.76 feet to a point; Thence North 86 degrees 55 minutes 27 seconds East, a distance of 47.21 feet to a point; Thence South 61 degrees 52 minutes 54 seconds East, a distance of 58.04 feet to a point; Thence North 88 degrees 46 minutes 54 seconds East, a distance of 47.65 feet to a point; Thence North 48 degrees 37 minutes 27 seconds East, a distance of 79.70 feet to a point; Thence North 74 degrees 03 minutes 47 seconds East, a distance of 47.97 feet to a point; Thence South 38 degrees 17 minutes 40 seconds East, a distance of 60.83 feet to a point; Thence North 83 degrees 17 minutes 39 seconds East, a distance of 27.81 feet to a point; Thence North 18 degrees 16 minutes 01 seconds East, a distance of 82.93 feet to a

point; Thence North 48 degrees 38 minutes 14 seconds East, a distance of 45.46 feet to a point; Thence South 63 degrees 28 minutes 38 seconds East, a distance of 119.63 feet to a point; Thence South 63 degrees 28 minutes 38 seconds East, a distance of 59.41 feet to a point; Thence North 47 degrees 13 minutes 15 seconds East, a distance of 47.69 feet to a point; Thence North 89 degrees 17 minutes 36 seconds East, a distance of 52.51 feet to a point; Thence South 07 degrees 24 minutes 13 seconds East, a distance of 91.42 feet to a point; Thence South 14 degrees 54 minutes 14 seconds East, a distance of 100.48 feet to a point; Thence South 61 degrees 28 minutes 06 seconds East, a distance of 47.83 feet to a point; Thence South 14 degrees 02 minutes 40 seconds East, a distance of 68.05 feet to a point; Thence South 48 degrees 41 minutes 28 seconds East, a distance of 34.05 feet to a point; Thence South 29 degrees 29 minutes 35 seconds East, a distance of 54.51 feet to a point; Thence South 68 degrees 22 minutes 06 seconds East, a distance of 69.96 feet to a point; Thence North 77 degrees 33 minutes 29 seconds East, a distance of 81.39 feet to a point; Thence South 67 degrees 44 minutes 16 seconds East, a distance of 92.57 feet to a point; Thence South 78 degrees 01 minutes 46 seconds East, a distance of 117.77 feet to a point located on the Westerly right-of-way line of Creekwood Road (60-foot right-of-way); Thence along said right-of-way line South 00 degrees 44 minutes 23 seconds West, a distance of 68.21 feet to a point; Thence South 00 degrees 13 minutes 32 seconds West, a distance of 168.15 feet to a point; Thence South 00 degrees 13 minutes 32 seconds West, a distance of 74.53 feet to a point; Thence along a curve to the left having an arc length of 92.02 feet, with a radius of 5407.75 feet, being subtended by a chord bearing of South 00 degrees 57 minutes 21 seconds East, for a distance of 92.02 feet to a point; Thence along a curve to the left having an arc length of 173.54 feet, with a radius of 5407.75 feet, being subtended by a chord bearing of South 02 degrees 21 minutes 45 seconds East, for a distance of 173.53 feet to a point; Thence departing said right-of-way line North 89 degrees 03 minutes 02 seconds West, a distance of 307.57 feet to a point; Thence South 01 degrees 42 minutes 28 seconds East, a distance of 281.47 feet to a point; Thence South 89 degrees 07 minutes 32 seconds East, a distance of 318.71 feet to a point located on the Westerly right-of-way line of Creekwood Road (60-foot right-of-way); Thence along said right-of-way line South 04 degrees 04 minutes 58 seconds East, a distance of 113.01 feet to a point; Thence South 04 degrees 10 minutes 26 seconds East, a distance of 145.87 feet to a point; Thence South 04 degrees 10 minutes 26 seconds East, a distance of 159.57 feet to a point; Thence South 03 degrees 06 minutes 30 seconds East, a distance of 11.81 feet to a point, said point being the TRUE POINT OF BEGINNING.

Said tract of land contains 78.129 Acres.

EXHIBIT "A-1"

Legal Description
Sanitary Sewer Easement

All that tract or parcel of land lying in Land Lot 165, 7th District, City of Fairburn, Fulton County, Georgia, and being more particularly described as follows:

To find the POINT OF COMMENCEMENT, begin at the intersection of the Land Lot Line common to Land Lots 164 and 165 and the southern right-of-way of Interstate 85 (r/w varies);
THENCE leaving said Land Lot Line, along said right-of-way, proceed North 62 degrees 41 minutes 08 seconds East a distance of 1396.37 feet to a point, said point being the POINT OF BEGINNING.

From the POINT OF BEGINNING, as thus established, leaving said right-of-way, North 88 degrees 42 minutes 03 seconds East a distance of 314.00 feet to a point;
THENCE South 80 degrees 21 minutes 36 seconds East a distance of 55.28 feet to a point;
THENCE South 89 degrees 18 minutes 04 seconds West a distance of 247.10 feet to a point;
THENCE South 88 degrees 34 minutes 45 seconds West a distance of 115.93 feet to a point;
THENCE North 34 degrees 09 minutes 18 seconds West a distance of 9.70 feet to a point, said point being the POINT OF BEGINNING.

Said tract or parcel containing 0.07 acres and being shown and described according to that certain exhibit titled "Sewer Easement Exhibit" for Red Rock Development, LLC, prepared by Southeastern Engineering, Inc., dated 1-8-20, and bearing the seal of Wayne Matthews, PE (Ga #31277), said exhibit being made part of this legal description by reference.

EXHIBIT "A-1" (continued)

Legal Description
Sanitary Sewer Easement

FILE NAME: F:\CUSTOMERS_PROJECTS\1081 Red Rock Dev\1081-19-072 Creekwood\creek\Eng\Construction\LOP Submittal\1081-19-072 C-UTIL-SSWR-EASEMENT EXHIBIT.dwg
PLOT DATE: 1/29/2020 USER: WAYNE MATTHEWS

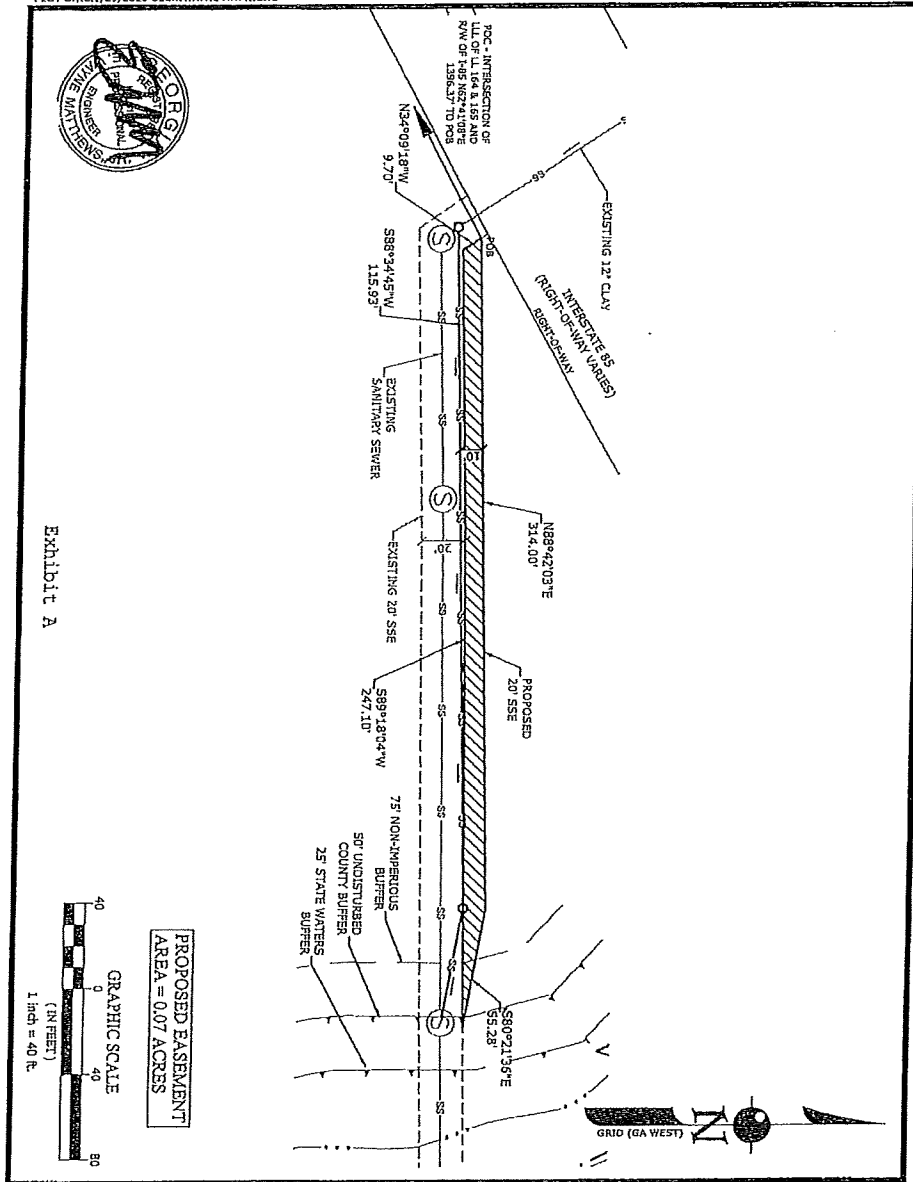
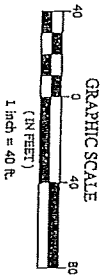


Exhibit A



PROPOSED EASEMENT
AREA = 0.07 ACRES



© COPYRIGHT 2020

Project No.:	1081-19-072
Designed By:	LHC
Issue Date:	1-8-20

SEWER EASEMENT EXHIBIT

OWNED/CONTROLLED BY:
RED ROCK DEVELOPMENT, LLC

LOCATED AT:
**LAND LOT 165, 7TH DISTRICT,
CITY OF FAIRBURN, FULTON COUNTY, GA.**

SOUTHEASTERN ENGINEERING, INC.
2470 Stealy Plains Road Marietta, Georgia 30066
417 Seltzer Way Suwanee, Georgia 30086
Tel: 770-321-1936
www.seengineering.com