

After recording return to:
Michael Graham, Land Administrator
Fulton County Land Division
141 Pryor Street, SW, Suite 8021
Atlanta, GA 30303

Cross Reference

Deed/Plat Book 66671, Page 242
Deed Book 68574, Page 306

INDEMNIFICATION, MAINTENANCE AND LAND USE AGREEMENT FOR PRIVATE IMPROVEMENT

THIS AGREEMENT, made this ____ day of _____, 20__, between Toll Southeast LP Company, Inc. as citizen within Fulton County, Georgia, his successors, affiliates and assigns, as Indemnitor ("Owner"), and FULTON COUNTY, a political subdivision of the State of Georgia (the "County").

For good and valuable consideration, receipt of which is hereby acknowledged, it is hereby agreed as follows:

1.

Owner warrants that he is the full and true owner and has clear title to that certain property known as 0 Kimball Bridge Road, _____ Alpharetta, GA 30022 (enter address), and as more fully described in that certain conveyance recorded in Deed Book 66671, Page 242 of Fulton County, Georgia records, on which Owner desires to install certain private improvements (the "Private Improvements") as more fully described in Exhibit "A", attached hereto and incorporated herein by reference.

2.

Previously, Fulton County was granted a sanitary sewer easement, as referenced in and recorded at Plat Book/Deed Book (circle one) 68574, Page 306 of Fulton County, Georgia records, and hereby grants Owner a License to enter within a portion of its sanitary sewer easement to construct, repair and replace, from time to time as may be needed certain private improvements at his sole cost and responsibility, said private improvements as same are more fully described in Exhibit "A" (the "Private Improvements").

3.

With respect to this License, Owner shall install and construct the Private Improvements in a good and workmanlike manner and in compliance with all state, local, and Fulton County laws and regulations, including but not limited to, all current state, local and Fulton County laws and regulations governing soil erosion and sedimentation control. Owner will at all times adhere to best management

practice procedures to protect the environment in connection with the construction, repair and/or maintenance of the Private Improvements.

4.

This License shall commence on the date of execution hereof and shall continue in full force and effect unless and until it is terminated at the will of the County.

5.

Owner may terminate this License and Agreement by written notice to the County and shall remove the Private Improvement at his sole costs and return the area to its natural vegetative state. If during the term of this License, the area containing the Private Improvements is condemned by the County or its assign, Owner shall make no claim in the condemnation proceedings for compensation for the Private Improvements.

6.

Fulton County personnel and/or agents shall have free access to and across the Private Improvements to perform routine maintenance and any emergency repairs to the existing public improvements.

7.

Owner shall be solely responsible for the maintenance, repair and replacement of the Private Improvements and the County grants Owner a right of access in order to carry out these obligations.

8.

Notwithstanding any other provisions, in the case of an emergency, Fulton County may immediately suspend or revoke the License without notice in order to protect the health, safety, and welfare of the public. In non-emergency situations, after providing at least 10 days' notice to Owner, Fulton County may suspend or revoke the License in order to carry out any necessary governmental function. In the event of the suspension or revocation of the License, Owner must cure all defects specified by the County in its notice and within the time reasonably specified by the County. Failure on the part of Owner to cure any defects within the allotted time will be grounds for the County to terminate the License. Alternately, the County may, but shall not be required to, cure any such defect at the sole cost and expense of Owner. The County may elect to terminate the License at will and remove the Private Improvements without liability for loss or damage for such removal. Fulton County shall remove the Private Improvements so as not to damage other portions of Owner's property and is granted a right of entry by Owner on the other portions of Owner's property to effectuate the repair, if necessary.

9.

Owner hereby agrees to indemnify Fulton County and hold Fulton County harmless from any and all damages which Fulton County may suffer and from any and all liability, claims, penalties, forfeitures, suits, and costs and expenses incident to the granting of the License and this Agreement (including cost of defense, settlement, and reasonable attorney's fees), which it may hereafter incur, become responsible for, or pay out as a result of the death or bodily injuries to any person, destruction or damage to any property, contamination of or adverse effects on the environment, or any violations of governmental laws, regulations, or orders caused in whole or in part by the negligent act, negligent omission or willful misconduct of Owner, his employees, subcontractors, or assigns in the performance of this License or Agreement.

10.

Owner agrees to repair or replace in a manner acceptable to the County and/or the owner thereof any public utilities damaged by it, its employees or subcontractors during performance of this License and Agreement or resulting from the failure of the Private Improvements. At its election the County may repair or replace the damaged utility and assess all costs against Owner.

11.

The License conveyed to Owner by this Agreement shall be binding upon Owner, its assigns, affiliates, and successors. This Agreement shall be governed by and construed in accordance with the laws of the State of Georgia. If any provision of this agreement is held to be unenforceable for any reason, the unenforceability thereof shall not affect the remainder of the Agreement, which shall remain in full force and effect, and enforceable in accordance with its terms.

12.

The License conveyed to Owner by this Agreement shall constitute a covenant running with the land and shall be recorded in the real property records of Fulton County, Georgia and shall be binding upon all subsequent transferees of said property.

13.

All notices, consents, request, demands or other communications to or upon the respective party shall be in writing and shall be effective for all purposes upon receipt, including, but not limited to, in the case of (i) personal delivery; (ii) delivery by messenger, express or air courier or similar courier; or (iii) delivery by United States first class certified or registered mail, postage prepaid and addressed as follows:

COUNTY: Fulton County
Director of Public Works
141 Pryor Street, SW, 6th Floor
Atlanta, GA 30303

with a copy to: Fulton County
County Attorney
Office of the County Attorney
141 Pryor Street, SW, Suite 4038
Atlanta, GA 30303

OWNER: Toll Southeast LP Company, Inc.
1140 VIRGINIA DRIVE,
FORT WASHINGTON, PA 19034

District 1, Section 1, Land Lot(s) 93

Parcel Number: 11 027000930073

IN WITNESS WHEREOF, the parties have executed this Agreement at Atlanta, Georgia,
as of the day and year first above written.

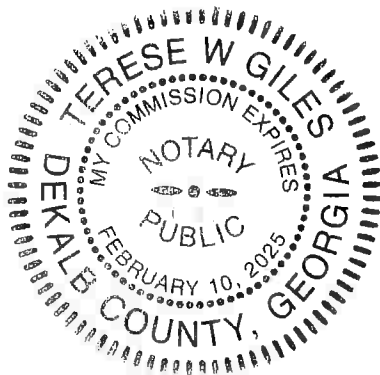
Signatures:

Signed sealed and delivered in the presence of

[Signature]
Unofficial Witness

Terese W. Giles
Notary Public
My Commission Expires: 2/10/25

(Notary Seal)



OWNER Toll Southeast LP Company, Inc.

[Signature]
Signature (Authorized Party to Bind Owner Entity)

Adam Guercio VP
Signatory's Name and Title (printed)

Owner's Address: _____

1140 VIRGINIA DRIVE,

FORT WASHINGTON, PA 19034

[Signatures continued on next page.]

Signed, sealed and delivered this ____ day
of _____, 2024 in the
presence of:

FULTON COUNTY, GEORGIA a political
subdivision of the State of Georgia

Witness

Robert L. Pitts, Chairman
Fulton County Board of Commissioners

[Notarial Seal]

ATTEST:

APPROVED AS TO FORM:

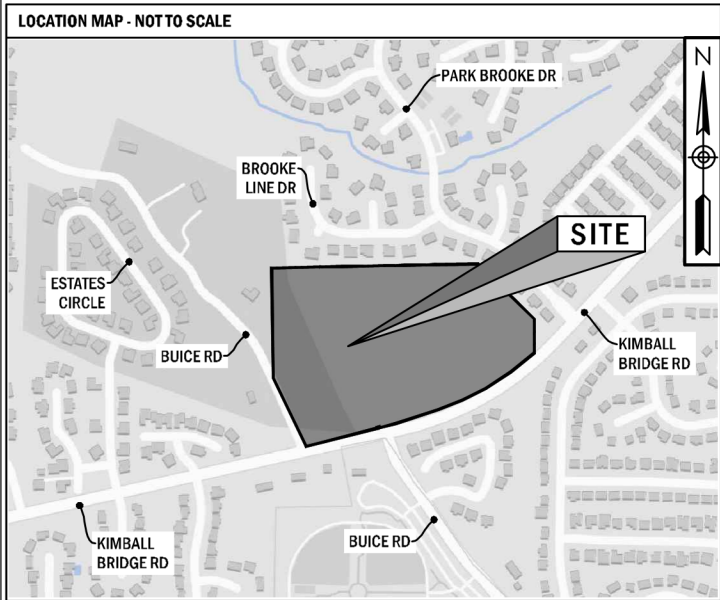
Y. Soo Jo, County Attorney

Tonya R. Grier
Clerk to the Commission

APPROVED AS TO CONTENT:

David E. Clark, Director
Department of Public Works

Exhibit "A"



ENCROACHMENT TABLE		AREA NOTE	EASEMENT NOTE
STORMWATER PIPE -	456 LF	20' SANITARY SEWER EASEMENT HAS A TOTAL OF 56,215.27 SQUARE FEET (1.291 ACRES)	20' SANITARY SEWER EASEMENT IS CENTERED ON SEWER MAIN (10' EACH SIDE). BEARINGS ON THE SEWER MAIN ARE THE SAME AS THE EASEMENT LINES.
WATER PIPE -	130 LF		

Chris Wood
10/31/24

OWNER / DEVELOPER
TOLL SOUTHEAST LP COMPANY, INC 4080 MCGINNIS FERRY ROAD ALPHARETTA, GA 30005 PHONE: 678.699.1403 CONTACT: J.R. CROWE EMAIL: JCROWE1@TOLLBROTHERS.COM
CONTRACTOR
A.L. GRADING CONTRACTORS 110 PEACHTREE INDUSTRIAL BLVD SUGAR HILL, GA 30518 PHONE: 770.945.5059 CONTACTS: BLAKE WOOD / DAVID ARMENTA EMAILS: BLAKE@ALGC.NET / DAVID@ALGC.NET
ENGINEER
McFARLAND-DYER & ASSOCIATES, INC. 4174 SILVER PEAK PARKWAY SUWANEE, GA 30024 PHONE: 770.932.6550 CONTACT: JOHN E. NAGY EMAIL: JNAGY@BOWMAN.COM
SURVEYOR
MAXWELL-REDDICK AND ASSOCIATES, INC NORTHWINDS II 2500 NORTHWINDS PKWY, SUITE 360 ALPHARETTA, GA 30009 PHONE: 404.693.1618 CONTACT: DENVER YOUNGBLOOD EMAIL: DYOUNGBLOOD@MAXRED.COM

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 89°55'21"E	112.82'
L2	N 89°55'21"E	27.02'
L3	S 00°19'34"E	11.41'
L4	N 89°40'26"E	121.99'
L5	S 00°03'33"E	151.71'
L6	S 14°19'51"E	11.29'
L7	N 79°21'38"E	110.45'
L8	N 89°50'27"E	375.51'
L9	S 85°07'49"E	99.41'
L10	S 56°18'25"E	82.36'
L11	S 31°21'37"E	277.62'
L12	N 57°55'11"E	59.77'
L13	N 33°39'32"E	86.41'
L14	S 56°20'28"E	20.00'
L15	S 33°39'32"W	90.71'
L16	S 57°55'11"W	74.25'
L17	S 58°31'00"W	44.92'
L18	S 66°00'16"W	220.67'
L19	S 72°31'19"W	192.06'
L20	N 17°28'41"W	20.00'
L21	N 72°31'19"E	190.92'
L22	N 66°00'16"E	218.22'
L23	N 58°31'00"E	33.59'
L24	N 31°21'37"W	273.34'
L25	N 56°18'25"W	72.80'
L26	N 85°07'49"W	93.40'
L27	S 89°50'27"W	372.80'
L28	S 79°21'38"W	115.44'
L29	S 50°42'10"W	80.35'
L30	S 27°56'34"W	68.02'
L31	S 00°55'19"E	120.10'
L32	S 25°39'46"E	258.15'
L33	N 87°44'53"E	183.15'
L34	N 76°09'17"E	55.34'
L35	N 13°44'10"W	125.95'
L36	N 76°15'50"E	20.00'
L37	S 13°44'10"E	145.91'
L38	S 76°09'17"W	77.33'
L39	S 87°44'53"W	198.31'
L40	N 25°39'46"W	275.68'
L41	N 00°55'19"W	129.64'
L42	N 27°56'34"E	77.20'
L43	N 50°42'10"E	80.56'
L44	N 14°19'51"W	16.79'
L45	N 00°03'33"W	134.12'
L46	S 89°40'26"W	128.91'
L47	N 00°19'39"W	31.53'

CERTIFICATE OF
AUTHORIZATION # LSF000953



SITE DATA	
ADDRESS	4030 KIMBALL BRIDGE ROAD ALPHARETTA, GA 30005
TAX PARCEL ID #	11 027000930073
CITY OF ALPHARETTA LDP #	D220033
CITY OF ALPHARETTA FINAL PLAT CASE #	FP240003

MAXWELL-REDDICK AND ASSOCIATES ENGINEERING • LAND SURVEYING	
40 JOE KENNEDY BLVD STATESBORO, GA 30458 (912) 489-7112 OFFICE	2500 NORTHWINDS PKWY SUITE 360 ALPHARETTA, GA 30009 (404) 693-1618 OFFICE
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DRAWN BY: JTD
DATE: 10-17-2024
JOB NO.: 2023-180
SCALE: N/A

SHEET 1 OF 7	
SANITARY SEWER EASEMENT EXHIBIT FOR HAWTHORN SUBDIVISION PREPARED FOR TOLL SOUTHEAST LP COMPANY, INC AND FULTON COUNTY LOCATED IN LAND LOT 93, 1ST DISTRICT, 1ST SECTION CITY OF ALPHARETTA, FULTON COUNTY, GA	

LEGAL DESCRIPTION - HAWTHORN SUBDIVISION - 20' SANITARY SEWER EASEMENT

ALL THAT CERTAIN AREA OF LAND LYING AND BEING IN LAND LOT 93 OF THE 1ST LAND DISTRICT, 1ST SECTION OF FULTON COUNTY, CITY OF ALPHARETTA, GEORGIA, CONTAINING 56,215.27 SQUARE FEET (1.291 AC) AND BEING MORE PARTICULARLY DESCRIBED AS "20' SANITARY SEWER EASEMENT" ON A SANITARY SEWER EASEMENT EXHIBIT FOR HAWTHORN SUBDIVISION, PREPARED FOR TOLL SOUTHEAST LP COMPANY, INC. AND FULTON COUNTY, PREPARED BY MAXWELL-REDDICK AND ASSOCIATES, DATED 10-17-24 WHICH READS AS FOLLOWS:

COMMENCING AT A ONE-INCH OPEN TOP PIPE FOUND (1"OTPF) LOCATED AT THE INTERSECTION OF THE LAND LOT LINES COMMON TO LAND LOTS 80, 81, 92, AND 93; THENCE ALONG THE LAND LOT LINE COMMON TO LAND LOTS 92 AND 93 NORTH 89°55'21" EAST A DISTANCE OF 112.82' TO A POINT, WHICH IS THE POINT OF BEGINNING.

BEGINNING AT A POINT LOCATED ON THE LAND LOT LINE COMMON TO LAND LOTS 92 AND 93; THENCE CONTINUING ALONG THE LAND LOT LINE COMMON TO LAND LOTS 92 AND 93 NORTH 89°55'21" EAST A DISTANCE OF 27.02' TO A POINT; THENCE LEAVING THE LAND LOT LINE COMMON TO LAND LOTS 92 AND 93 SOUTH 00°19'34" EAST A DISTANCE OF 11.41' TO A POINT; THENCE NORTH 89°40'26" EAST A DISTANCE OF 121.99' TO A POINT; THENCE SOUTH 00°03'33" EAST A DISTANCE OF 151.71' TO A POINT; THENCE SOUTH 14°19'51" EAST A DISTANCE OF 11.29' TO A POINT; THENCE NORTH 79°21'38" EAST A DISTANCE OF 110.45' TO A POINT; THENCE NORTH 89°50'27" EAST A DISTANCE OF 375.51' TO A POINT; THENCE SOUTH 85°07'49" EAST A DISTANCE OF 99.41' TO A POINT; THENCE SOUTH 56°18'25" EAST A DISTANCE OF 82.36' TO A POINT; THENCE SOUTH 31°21'37" EAST A DISTANCE OF 277.62' TO A POINT; THENCE NORTH 57°55'11" EAST A DISTANCE OF 59.77' TO A POINT; THENCE NORTH 33°39'32" EAST A DISTANCE OF 86.41' TO A POINT; THENCE SOUTH 56°20'28" EAST A DISTANCE OF 20.00' TO A POINT; THENCE SOUTH 33°39'32" WEST A DISTANCE OF 90.71' TO A POINT; THENCE SOUTH 57°55'11" WEST A DISTANCE OF 74.25' TO A POINT; THENCE SOUTH 58°31'00" WEST A DISTANCE OF 44.92' TO A POINT; THENCE SOUTH 66°00'16" WEST A DISTANCE OF 220.67' TO A POINT; THENCE SOUTH 72°31'19" WEST A DISTANCE OF 192.06' TO A POINT; THENCE NORTH 17°28'41" WEST A DISTANCE OF 20.00' TO A POINT; THENCE NORTH 72°31'19" EAST A DISTANCE OF 190.92' TO A POINT; THENCE NORTH 66°00'16" EAST A DISTANCE OF 218.22' TO A POINT; THENCE NORTH 58°31'00" EAST A DISTANCE OF 33.59' TO A POINT; THENCE NORTH 31°21'37" WEST A DISTANCE OF 273.34' TO A POINT; THENCE SOUTH 56°18'25" WEST A DISTANCE OF 72.80' TO A POINT; THENCE NORTH 85°07'49" WEST A DISTANCE OF 93.40' TO A POINT; THENCE SOUTH 89°50'27" WEST A DISTANCE OF 372.80' TO A POINT; THENCE SOUTH 79°21'38" WEST A DISTANCE OF 115.44' TO A POINT; THENCE SOUTH 50°42'10" WEST A DISTANCE OF 80.35' TO A POINT; THENCE SOUTH 27°56'34" WEST A DISTANCE OF 68.02' TO A POINT; THENCE SOUTH 00°55'19" EAST A DISTANCE OF 120.10' TO A POINT; THENCE SOUTH 25°39'46" EAST A DISTANCE OF 258.15' TO A POINT; THENCE NORTH 87°44'53" EAST A DISTANCE OF 183.15' TO A POINT; THENCE NORTH 76°09'17" EAST A DISTANCE OF 55.34' TO A POINT; THENCE NORTH 13°44'10" WEST A DISTANCE OF 125.95' TO A POINT; THENCE NORTH 76°15'50" EAST A DISTANCE OF 20.00' TO A POINT; THENCE SOUTH 13°44'10" EAST A DISTANCE OF 145.91' TO A POINT; THENCE SOUTH 76°09'17" WEST A DISTANCE OF 77.33' TO A POINT; THENCE SOUTH 87°44'53" WEST A DISTANCE OF 198.31' TO A POINT; THENCE NORTH 25°39'46" WEST A DISTANCE OF 275.68' TO A POINT; THENCE NORTH 00°55'19" WEST A DISTANCE OF 129.64' TO A POINT; THENCE NORTH 27°56'34" EAST A DISTANCE OF 77.20' TO A POINT; THENCE NORTH 50°42'10" EAST A DISTANCE OF 80.56' TO A POINT; THENCE NORTH 14°19'51" WEST A DISTANCE OF 16.79' TO A POINT; THENCE NORTH 00°03'33" WEST A DISTANCE OF 134.12' TO A POINT; THENCE SOUTH 89°40'26" WEST A DISTANCE OF 128.91' TO A POINT; THENCE NORTH 00°19'39" WEST A DISTANCE OF 31.53' TO A POINT LOCATED ON THE LAND LOT LINE COMMON TO LAND LOTS 92 AND 93, WHICH IS THE POINT OF BEGINNING.

SHEET 2 OF 7



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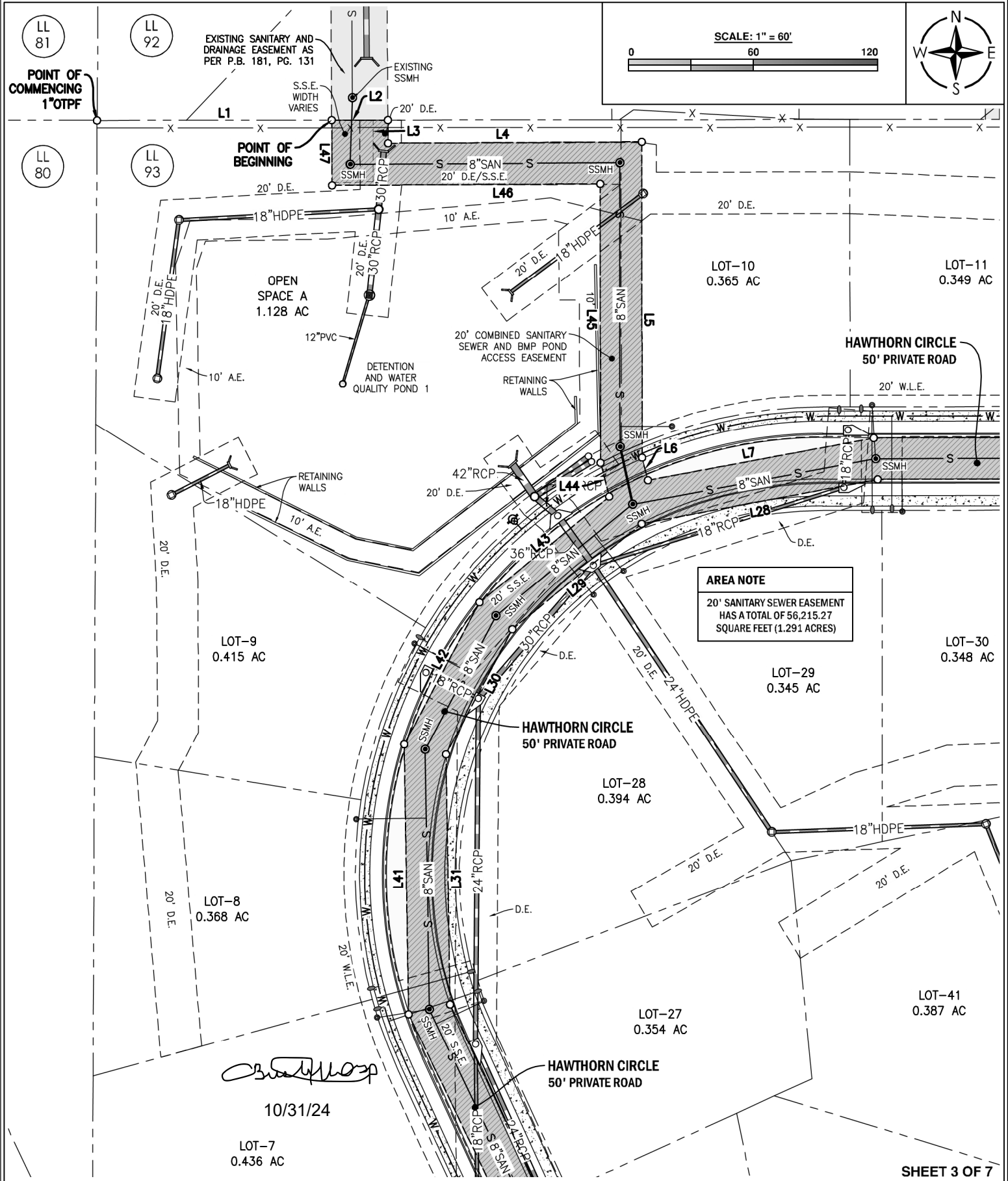
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JOB NO.: 2023-180

SCALE: N/A

SANITARY SEWER EASEMENT EXHIBIT
FOR HAWTHORN SUBDIVISION
PREPARED FOR
TOLL SOUTHEAST LP COMPANY, INC
AND FULTON COUNTY
LOCATED IN LAND LOT 93, 1ST DISTRICT, 1ST SECTION
CITY OF ALPHARETTA, FULTON COUNTY, GA



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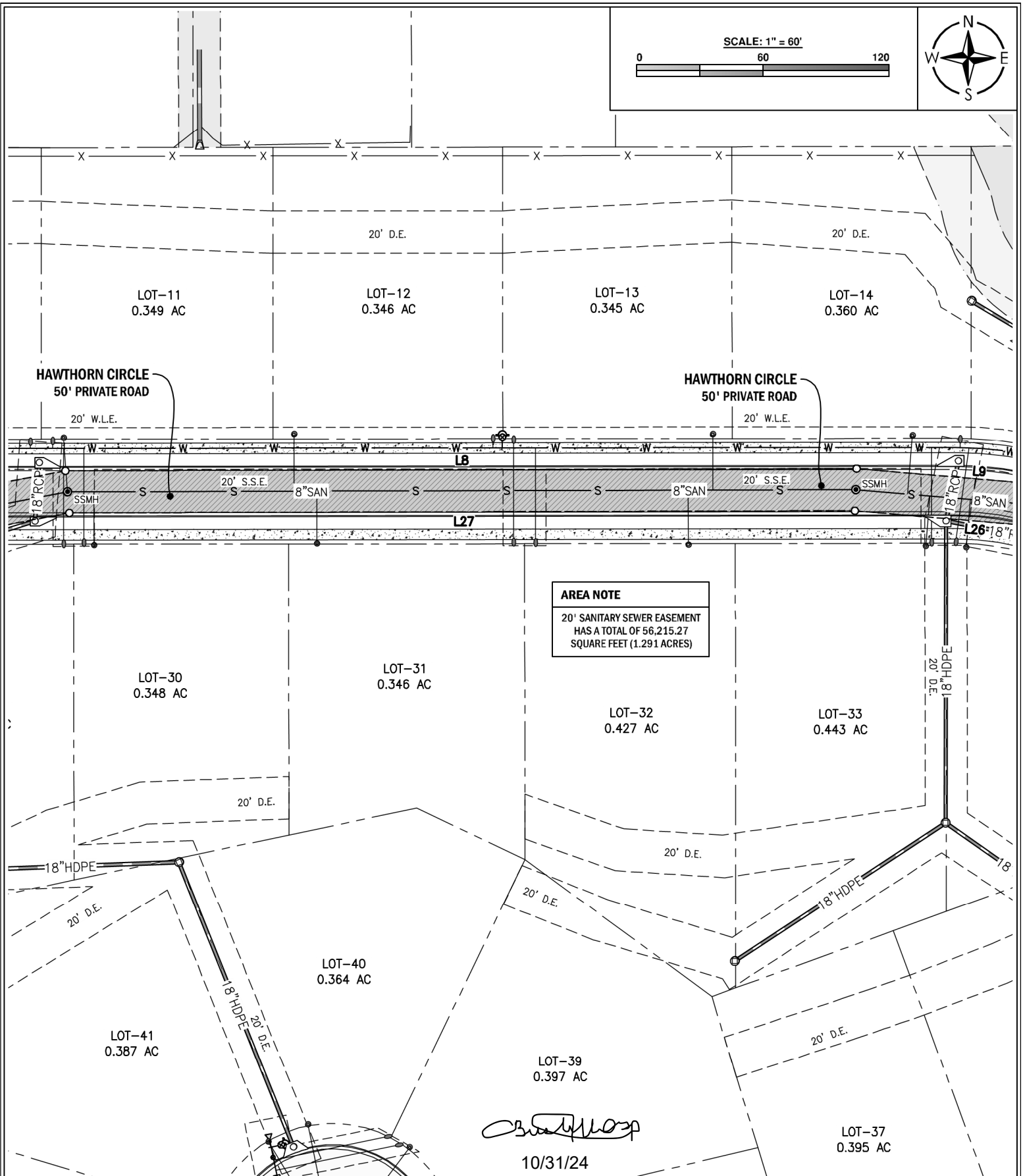
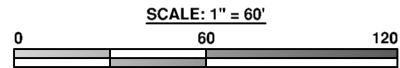
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SCALE: 1" = 60'

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AREA NOTE

20' SANITARY SEWER EASEMENT
HAS A TOTAL OF 56,215.27
SQUARE FEET (1.291 ACRES)

[Signature]

10/31/24

SHEET 4 OF 7



MAXWELL-REDDICK AND ASSOCIATES
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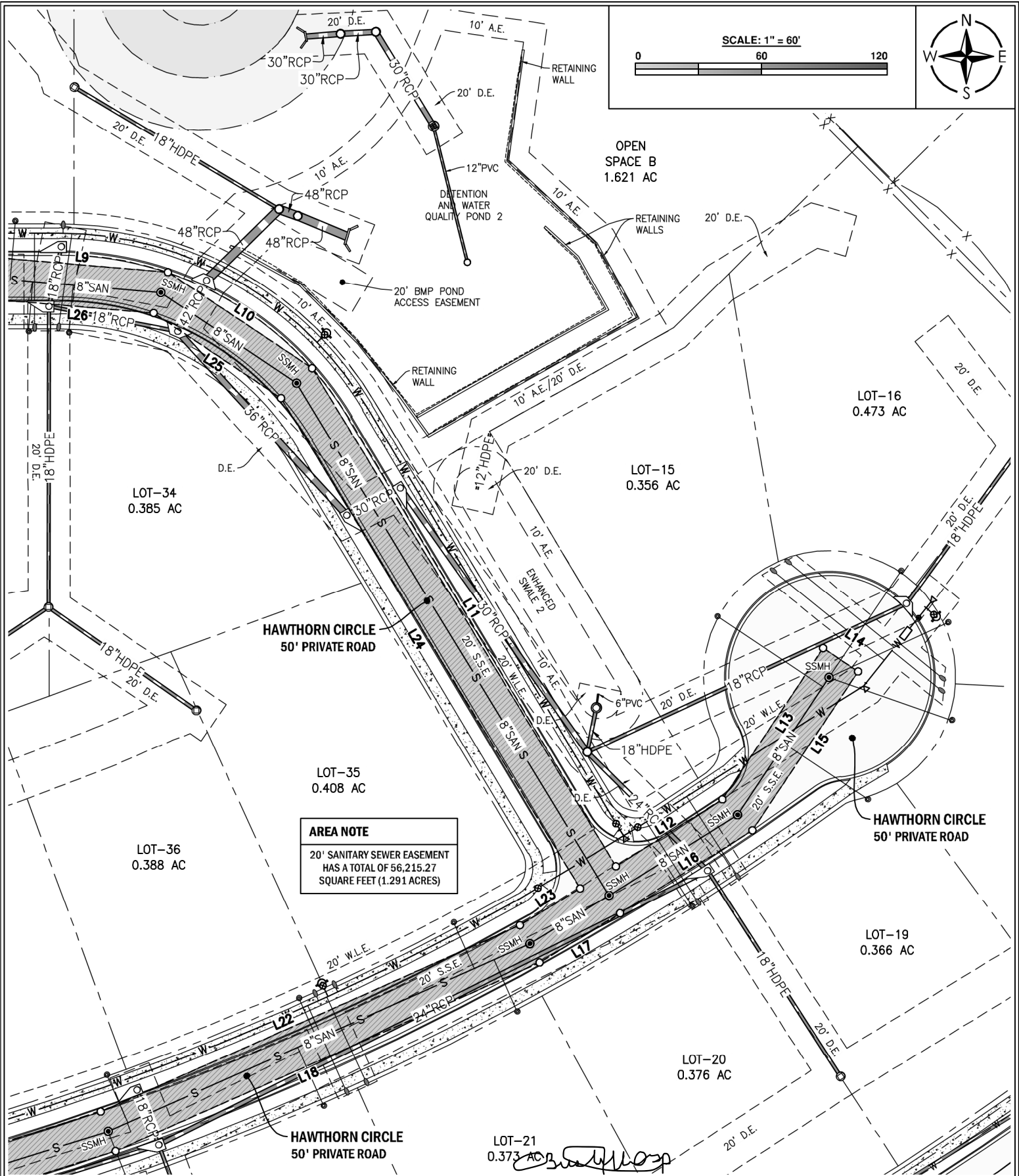
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SCALE: 1" = 60'

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10/31/24

SHEET 5 OF 7



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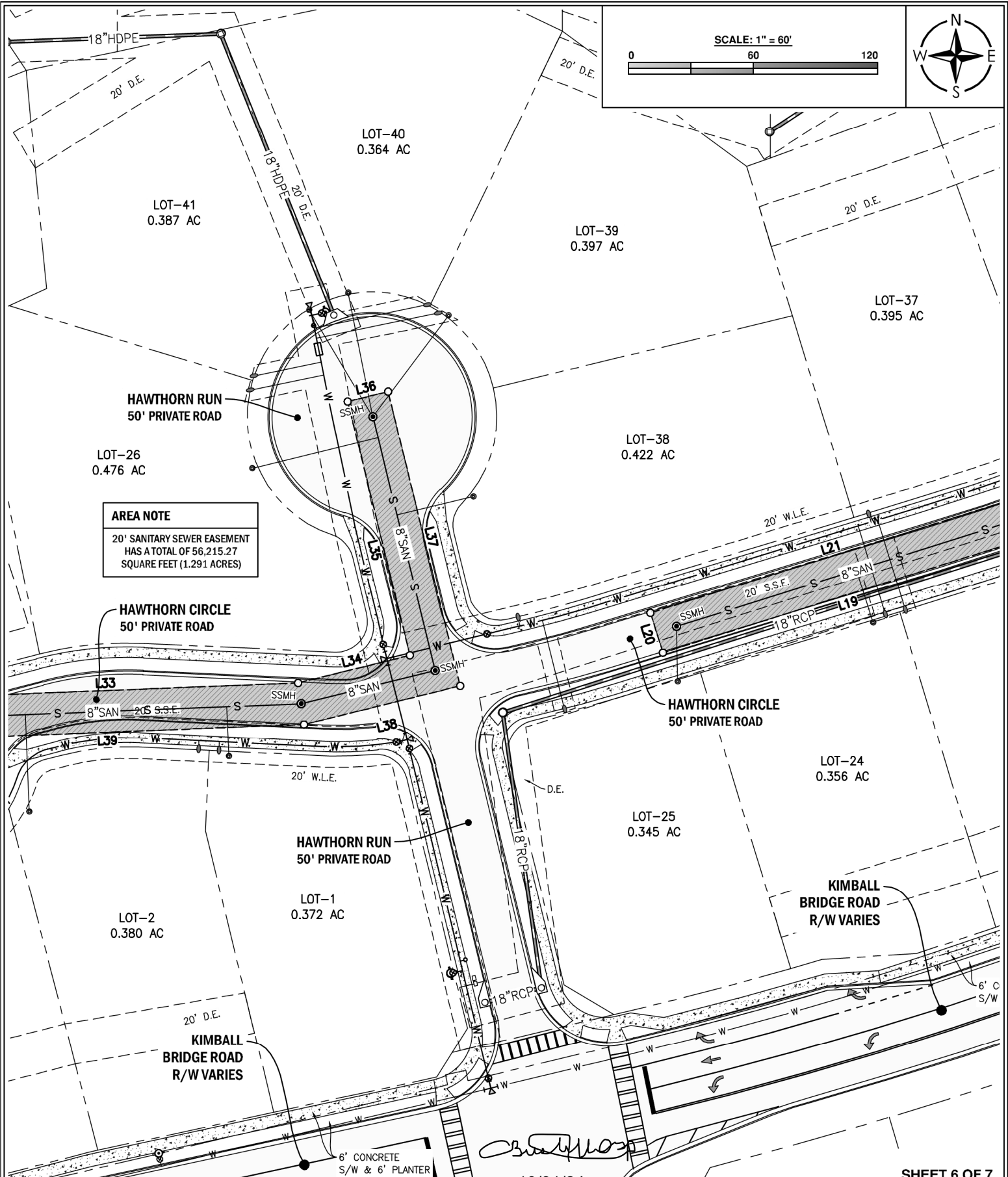
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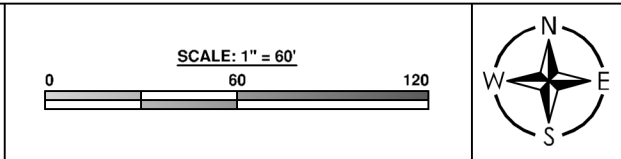
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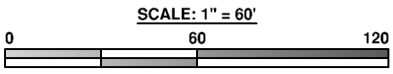
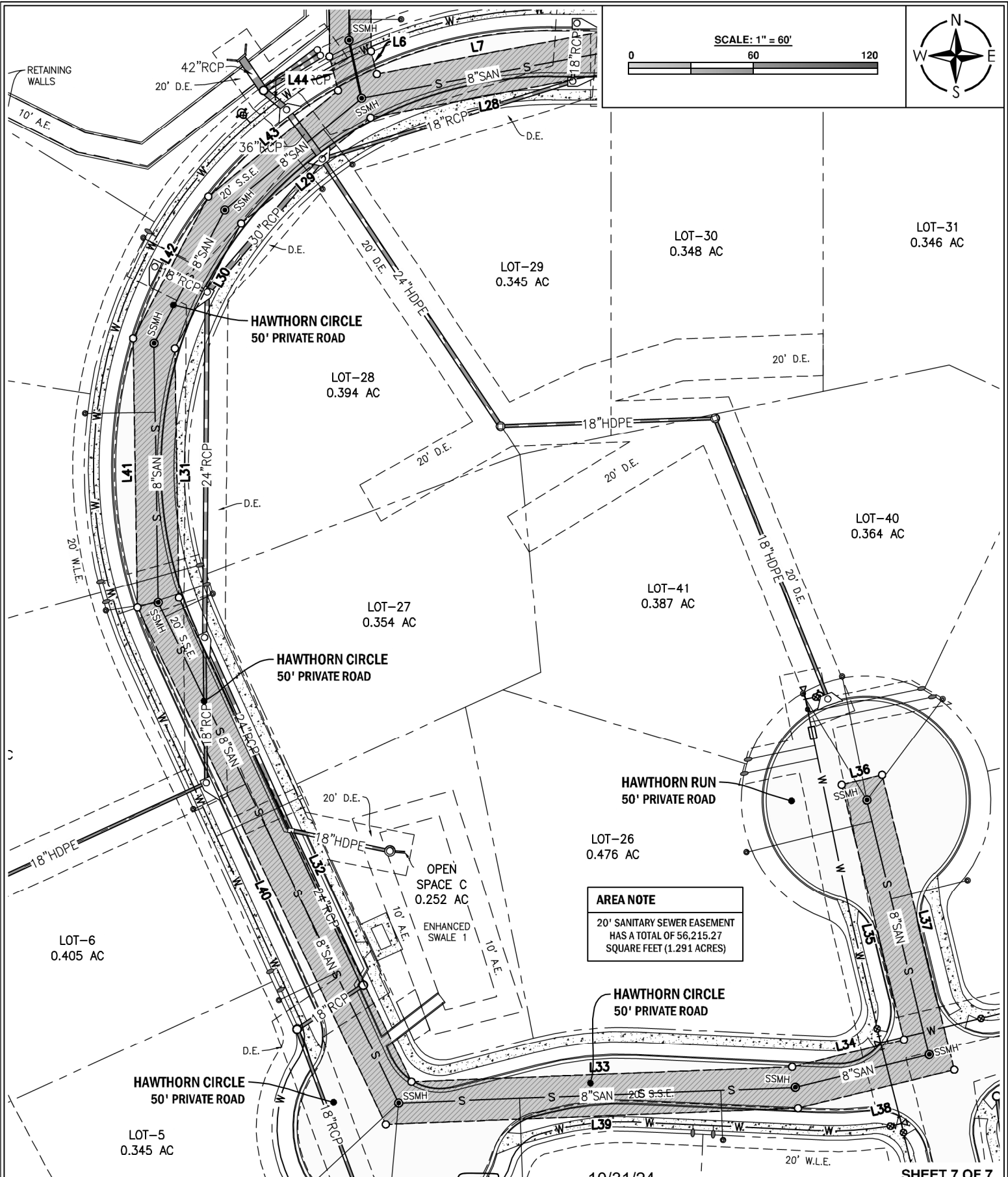
SHEET 6 OF 7



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[Signature] 10/31/24

SHEET 7 OF 7



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