

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

Cross Reference
Deed Book 67388, Page 429
Deed Book 67618, Page 583

**INDEMNIFICATION, MAINTENANCE AND LAND USE AGREEMENT FOR
PRIVATE IMPROVEMENT**

THIS AGREEMENT made this 7th day of August 2024, by and among EA HOMES, LP, a Delaware limited partnership ("Owner"), a property owner within Fulton County, Georgia, his successors, affiliates and assigns, and FULTON COUNTY, GEORGIA, a political subdivision of the State of Georgia ("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 certain lots located on that certain property known as 3000 Hembree Road, Alpharetta, Georgia 30009, as more fully described in those certain conveyances recorded in Deed Book 67388, Page 429 and Deed Book 67618, Page 583, of Fulton County, Georgia records (the "Property"), depicted as lots 4, 45, 46, 47, 48 and 49 in Exhibit "A", attached hereto and incorporated herein by reference (the "Plat"), on which Owner desires to install certain private improvements (the "Private Improvements").

2. Previously, Fulton County was granted a water line easement, as referenced in and recorded at Deed Book 67227, Page 81, of Fulton County, Georgia records, and hereby grants Owner a License to enter within portions of its water meter 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 the 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 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, his assigns, affiliates, and successors. This Agreement shall be governed by and construed in accordance with the laws of the State of Georgia. If any provisions 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: County Attorney
Office of the County Attorney
141 Pryor Street, SW, Suite 4038
Atlanta, GA 30303

OWNER: EA HOMES, LP
5775 Glenridge Drive, Building D, Suite 350
Atlanta, GA 30328
Attn: Kevin Norton

with a copy to: McLain & Merritt, P.C.
3445 Peachtree Rd., NE, Suite 500
Atlanta, GA 30326
Attn: Neil Morrisroe

[Signatures on following page]

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

Signatures:

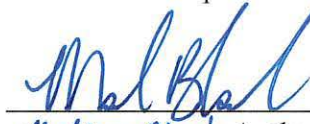
OWNER:

Signed sealed and delivered in the presence of

EA HOMES, LP,
a Delaware limited partnership



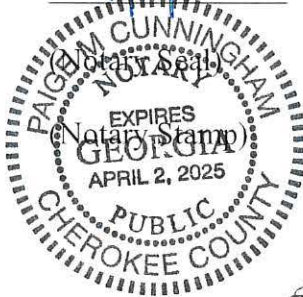
Unofficial Witness

By: 

Madison Black, Authorized Signatory



Notary Public
My Commission Expires: 4/2/25



Attest:



Clerk of Commissioners



FULTON COUNTY, GEORGIA

By: 

Chairman, Board of Commissioners

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



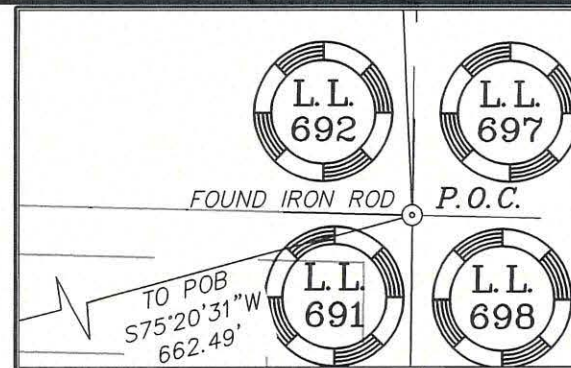
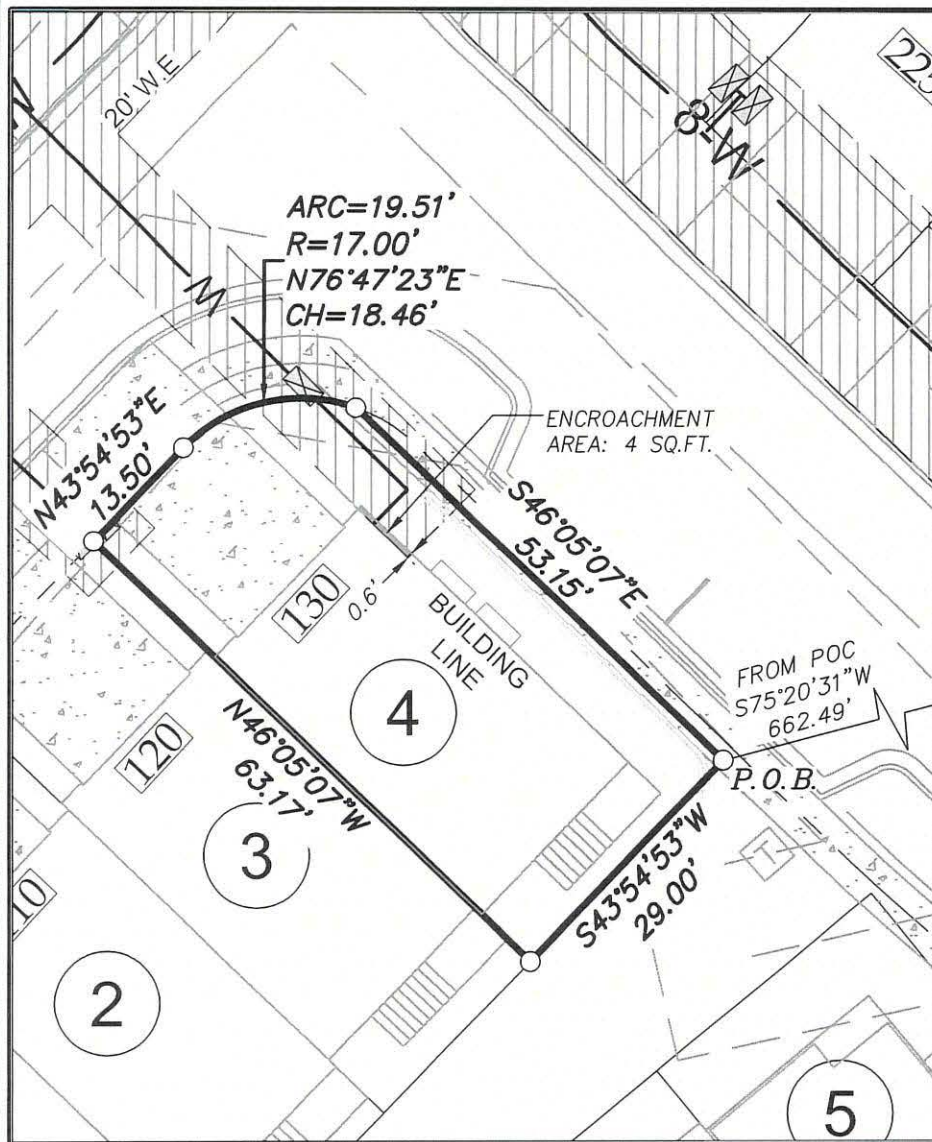
David E. Clark, Director
Department of Public Works



Y. Soo Jo, County Attorney

Plat

[See Attached]



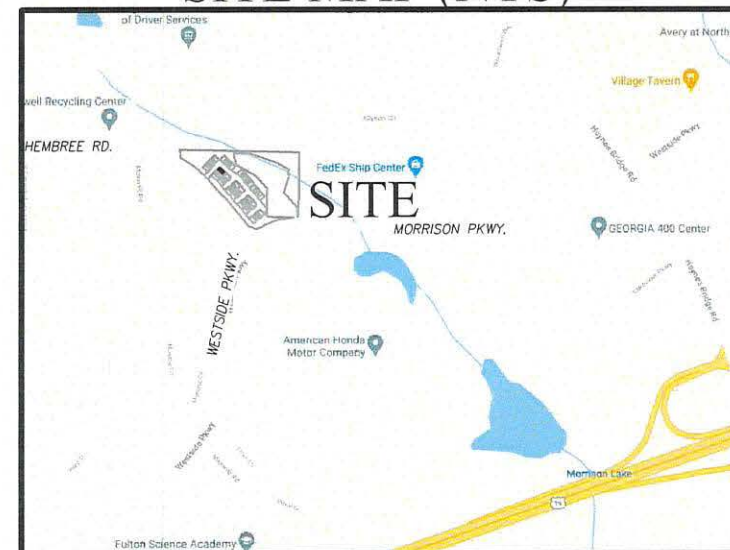
LEGAL DESCRIPTION - LOT 4

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 691 OF THE 1ST DISTRICT, 2ND SECTION, CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE FOUND IRON ROD LOCATED AT THE COMMON LAND LOT CORNER TO LAND LOTS 691, 692, 697, AND 698, THENCE SOUTH 75 DEGREES 20 MINUTES 31 SECONDS WEST A DISTANCE OF 662.49 FEET TO A POINT; SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 43 DEGREES 54 MINUTES 53 SECONDS WEST A DISTANCE OF 29.00 FEET TO A POINT; THENCE NORTH 46 DEGREES 05 MINUTES 07 SECONDS WEST A DISTANCE OF 63.17 FEET TO A POINT; THENCE NORTH 43 DEGREES 54 MINUTES 53 SECONDS EAST A DISTANCE OF 13.50 FEET TO A POINT; THENCE ALONG A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 19.51 FEET, HAVING A RADIUS OF 17.00 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 76 DEGREES 47 MINUTES 23 SECONDS EAST, AND A CHORD LENGTH OF 18.46 FEET TO A POINT; THENCE SOUTH 46 DEGREES 05 MINUTES 07 SECONDS EAST A DISTANCE OF 53.15 FEET TO A POINT AND THE TRUE POINT OF BEGINNING,

CONTAINS 1,788 SQUARE FEET

SITE MAP (NTS)



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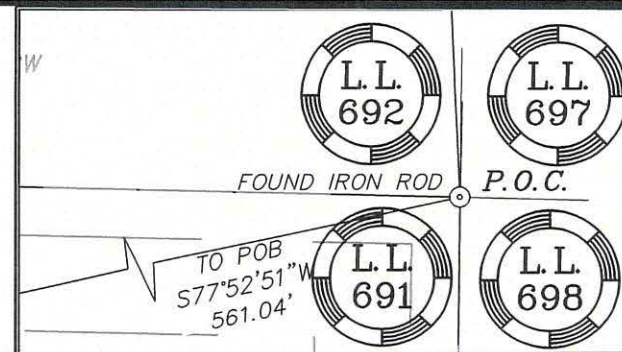
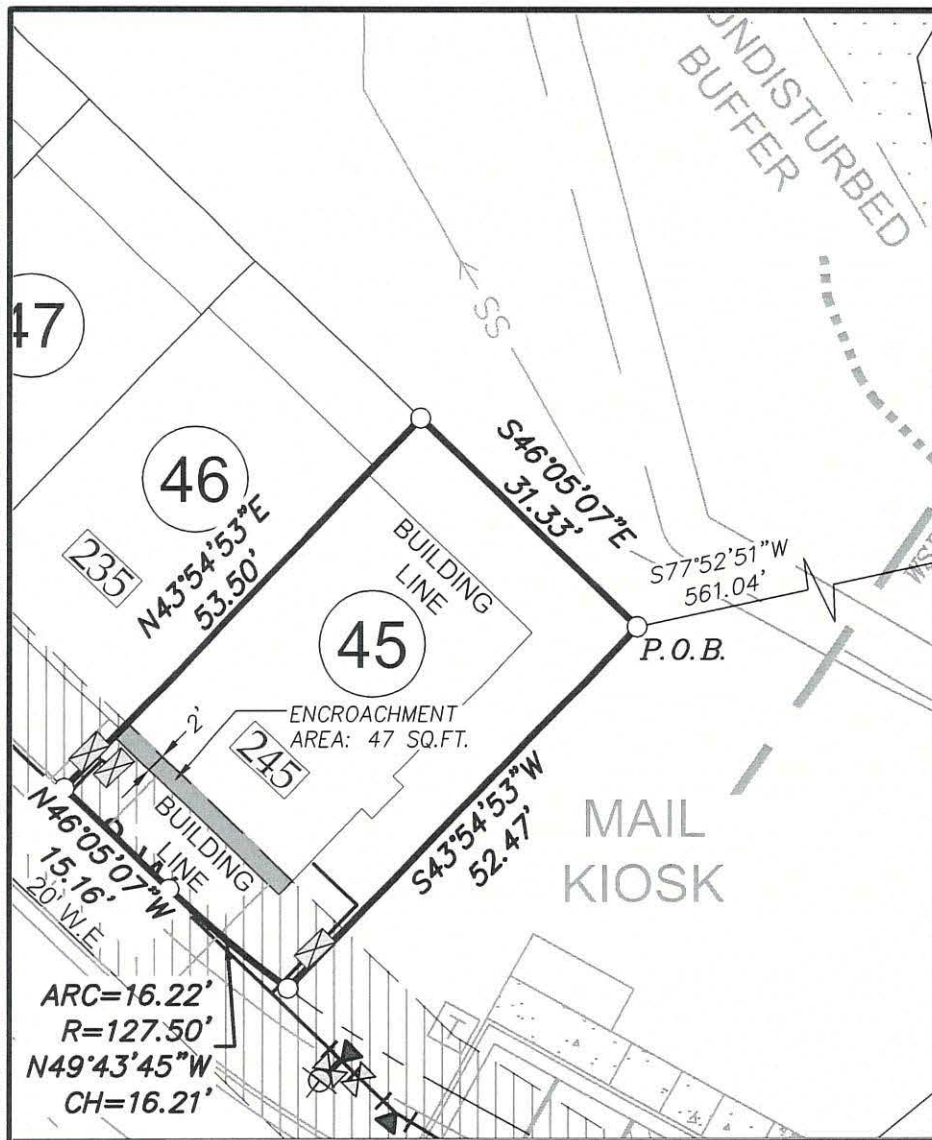
350 RESEARCH COURT PEACHTREE CORNERS, GEORGIA 30092
(770)451-2741 WWW.PEC.PLUS
C.O.A.-LSF000004

WATER EASEMENT ENCROACHMENT EXHIBIT OF LOT 4 FOR: FIREFLY

COUNTY FULTON
STATE OF STATE
CITY OF ALPHARETTA
LAND LOT(S) 691
DISTRICT 1st SECTION 2nd



DRAWN BY: FA
CHECKED BY: FA
FILE NO.: 21059.00
DATE: 03/22/24
SCALE: 1"=20'



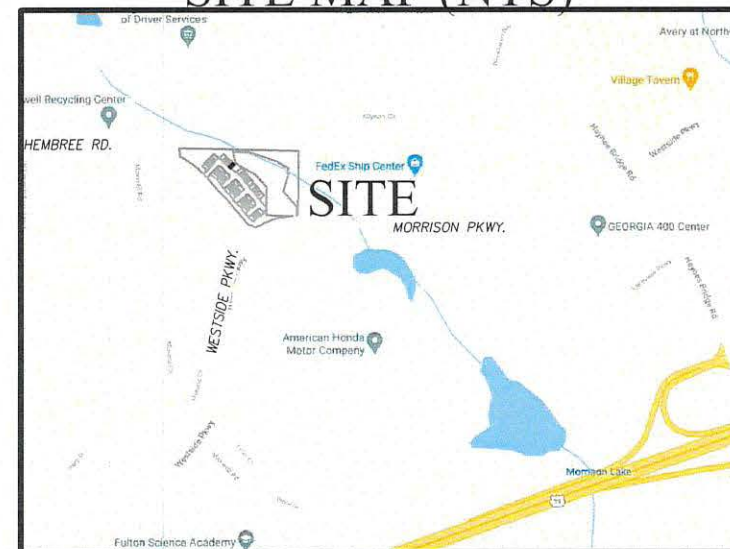
LEGAL DESCRIPTION - LOT 45

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 691 OF THE 1ST DISTRICT, 2ND SECTION, CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE FOUND IRON ROD LOCATED AT THE COMMON LAND LOT CORNER TO LAND LOTS 691, 692, 697, AND 698, THENCE SOUTH 77 DEGREES 52 MINUTES 51 SECONDS WEST A DISTANCE OF 561.04 FEET TO A POINT; SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 43 DEGREES 54 MINUTES 53 SECONDS WEST A DISTANCE OF 52.47 FEET TO A POINT; THENCE ALONG A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 16.22 FEET, HAVING A RADIUS OF 127.50 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 49 DEGREES 43 MINUTES 45 SECONDS WEST, AND A CHORD LENGTH OF 16.21 TO A POINT; THENCE NORTH 46 DEGREES 05 MINUTES 07 SECONDS WEST A DISTANCE OF 15.16 FEET TO A POINT; THENCE NORTH 43 DEGREES 54 MINUTES 53 SECONDS EAST A DISTANCE OF 53.50 FEET TO A POINT; THENCE SOUTH 46 DEGREES 05 MINUTES 07 SECONDS EAST A DISTANCE OF 31.33 FEET TO A POINT AND THE TRUE POINT OF BEGINNING,

CONTAINS 1,671 SQUARE FEET

SITE MAP (NTS)

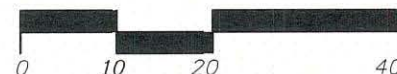


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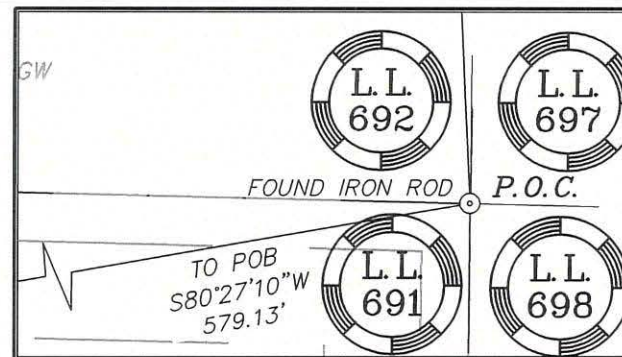
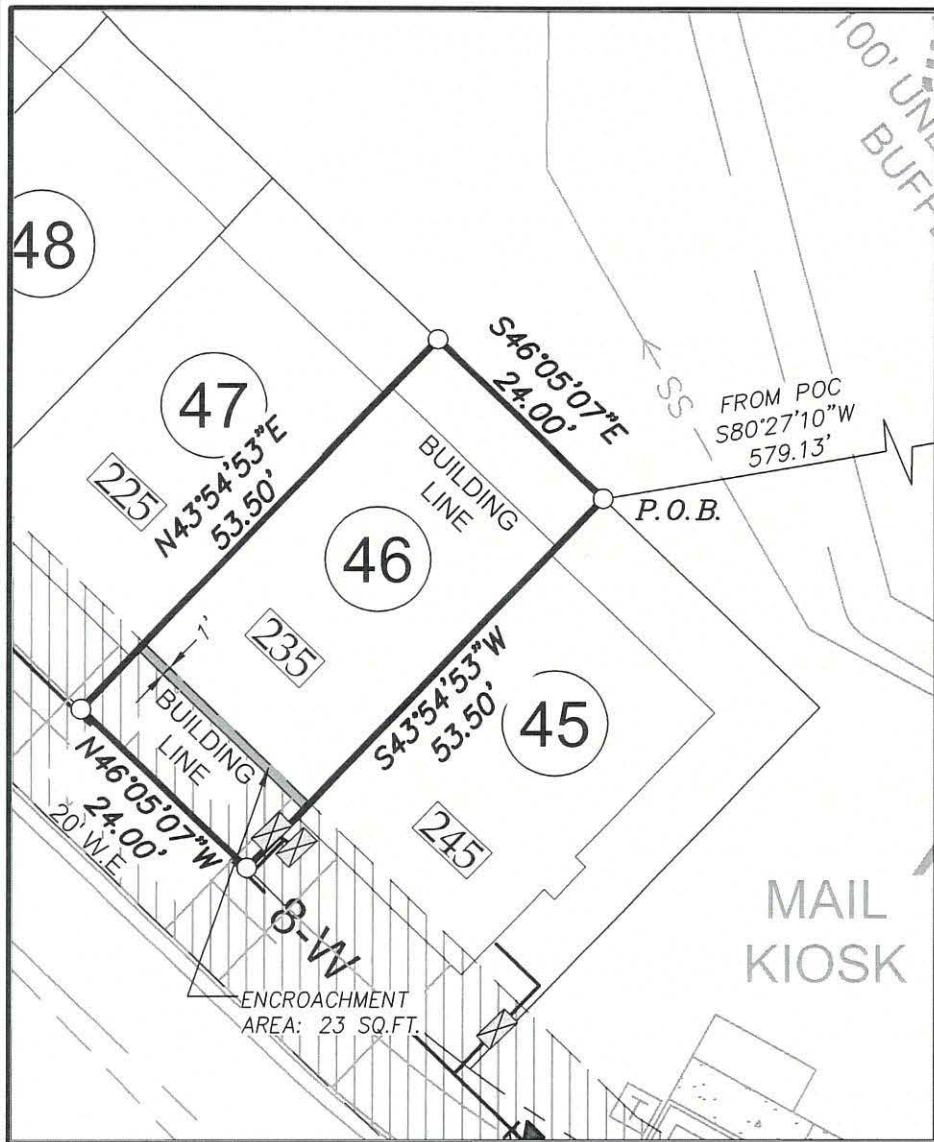
350 RESEARCH COURT PEACHTREE CORNERS, GEORGIA 30092
(770)451-2741 WWW.PEC.PLUS
C.O.A.-LSF000004

WATER EASEMENT ENCROACHMENT EXHIBIT OF LOT 45 FOR: FIREFLY

COUNTY FULTON
STATE OF STATE
CITY OF ALPHARETTA
LAND LOT(S) 691
DISTRICT 1st SECTION 2nd



DRAWN BY: FA
CHECKED BY: FA
FILE NO.: 21059.00
DATE: 03/22/24
SCALE: 1"=20'



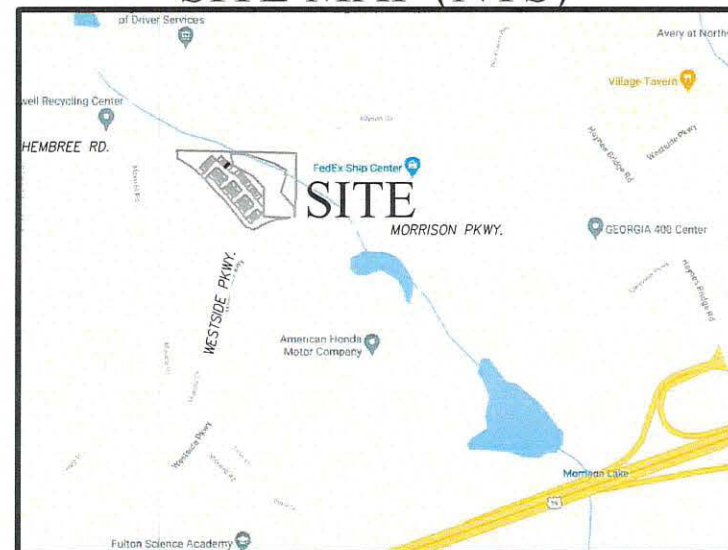
LEGAL DESCRIPTION – LOT 46

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 691 OF THE 1ST DISTRICT, 2ND SECTION, CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE FOUND IRON ROD LOCATED AT THE COMMON LAND LOT CORNER TO LAND LOTS 691, 692, 697, AND 698, THENCE SOUTH 80 DEGREES 27 MINUTES 10 SECONDS WEST A DISTANCE OF 579.13 FEET TO A POINT; SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 43 DEGREES 54 MINUTES 53 SECONDS WEST A DISTANCE OF 53.50 FEET TO A POINT; THENCE NORTH 46 DEGREES 05 MINUTES 07 SECONDS WEST A DISTANCE OF 24.00 FEET TO A POINT; THENCE NORTH 43 DEGREES 54 MINUTES 53 SECONDS EAST A DISTANCE OF 53.50 FEET TO A POINT; THENCE SOUTH 46 DEGREES 05 MINUTES 07 SECONDS EAST A DISTANCE OF 24.00 FEET TO A POINT AND THE TRUE POINT OF BEGINNING,

CONTAINS 1,284 SQUARE FEET

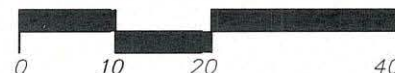
SITE MAP (NTS)



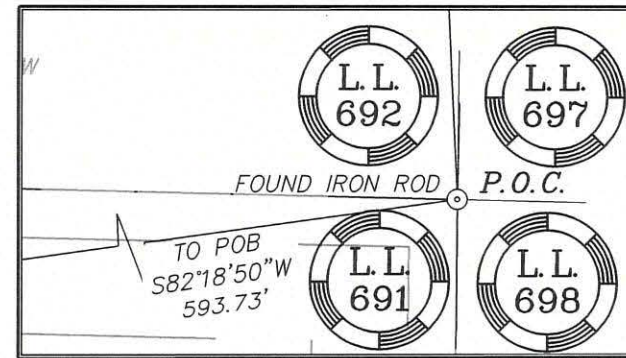
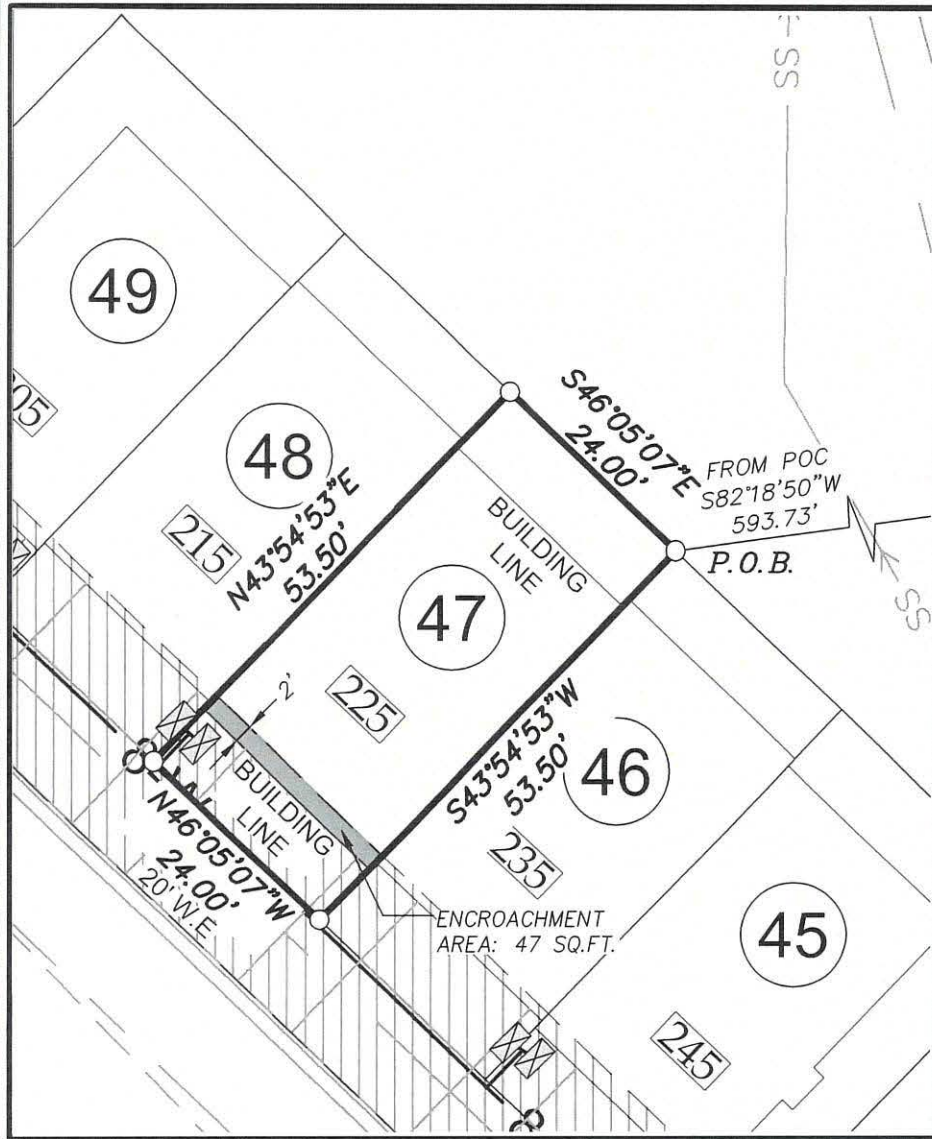
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 C.O.A.-LSF000004

WATER EASEMENT ENCROACHMENT EXHIBIT OF LOT 46 FOR: FIREFLY

COUNTY FULTON
 STATE OF STATE
 CITY OF ALPHARETTA
 LAND LOT(S) 691
 DISTRICT 1st SECTION 2nd



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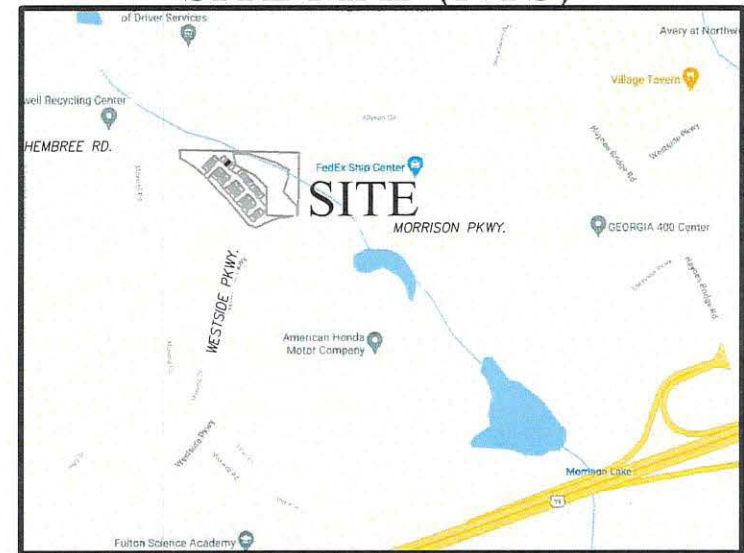
LEGAL DESCRIPTION - LOT 47

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 691 OF THE 1ST DISTRICT, 2ND SECTION, CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE FOUND IRON ROD LOCATED AT THE COMMON LAND LOT CORNER TO LAND LOTS 691, 692, 697, AND 698, THENCE SOUTH 82 DEGREES 18 MINUTES 50 SECONDS WEST A DISTANCE OF 593.73 FEET TO A POINT; SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 43 DEGREES 54 MINUTES 53 SECONDS WEST A DISTANCE OF 53.50 FEET TO A POINT; THENCE NORTH 46 DEGREES 05 MINUTES 07 SECONDS WEST A DISTANCE OF 24.00 FEET TO A POINT; THENCE NORTH 43 DEGREES 54 MINUTES 53 SECONDS EAST A DISTANCE OF 53.50 FEET TO A POINT; THENCE SOUTH 46 DEGREES 05 MINUTES 07 SECONDS EAST A DISTANCE OF 24.00 FEET TO A POINT AND THE TRUE POINT OF BEGINNING,

CONTAINS 1,284 SQUARE FEET

SITE MAP (NTS)



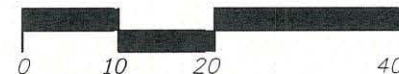
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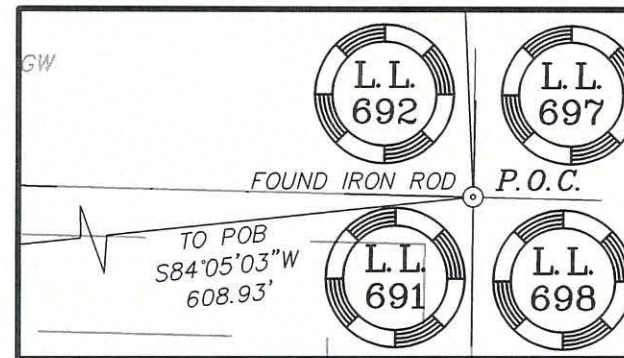
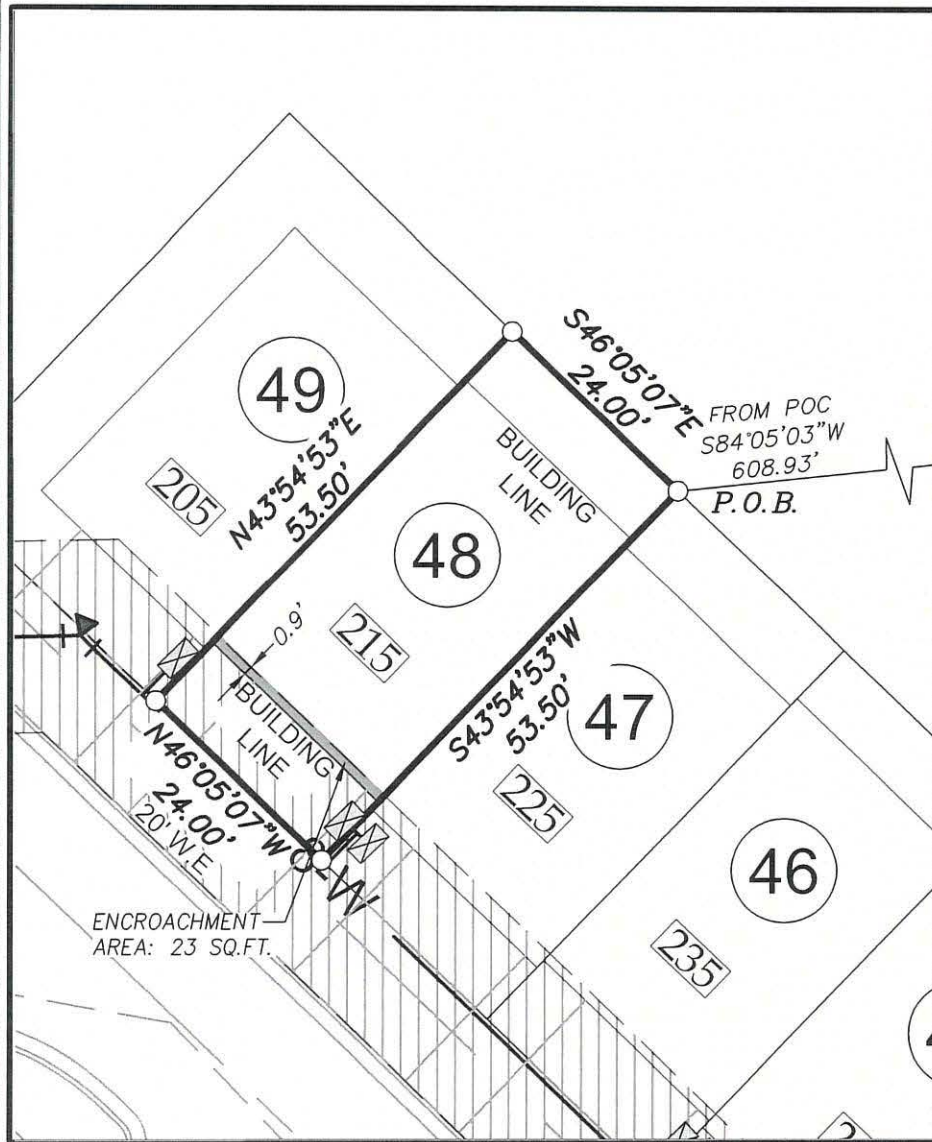
WATER EASEMENT ENCROACHMENT EXHIBIT OF LOT 47

FOR:
FIREFLY

COUNTY FULTON
STATE OF STATE
CITY OF ALPHARETTA
LAND LOT(S) 691
DISTRICT 1st SECTION 2nd



DRAWN BY: FA
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SCALE: 1"=20'

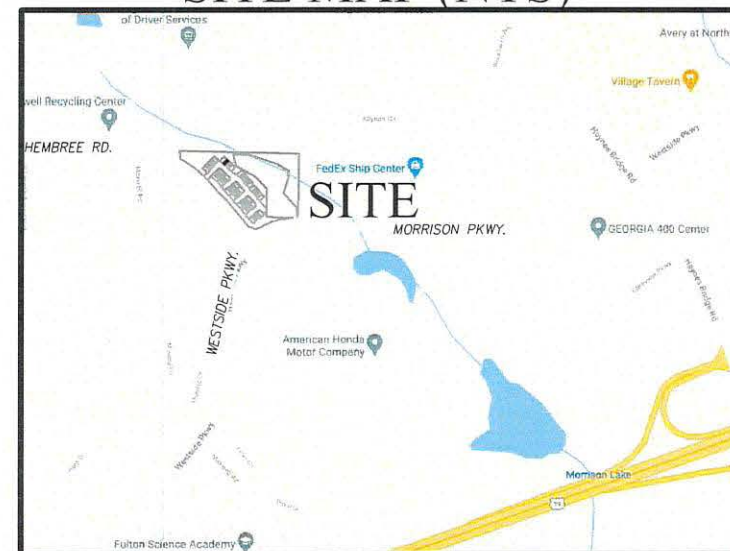


LEGAL DESCRIPTION - LOT 48

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 691 OF THE 1ST DISTRICT, 2ND SECTION, CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE FOUND IRON ROD LOCATED AT THE COMMON LAND LOT CORNER TO LAND LOTS 691, 692, 697, AND 698, THENCE SOUTH 84 DEGREES 55 MINUTES 03 SECONDS WEST A DISTANCE OF 609.93 FEET TO A POINT; SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 43 DEGREES 54 MINUTES 53 SECONDS WEST A DISTANCE OF 53.50 FEET TO A POINT; THENCE NORTH 46 DEGREES 05 MINUTES 07 SECONDS WEST A DISTANCE OF 24.00 FEET TO A POINT; THENCE NORTH 43 DEGREES 54 MINUTES 53 SECONDS EAST A DISTANCE OF 53.50 FEET TO A POINT; THENCE SOUTH 46 DEGREES 05 MINUTES 07 SECONDS EAST A DISTANCE OF 24.00 FEET TO A POINT AND THE TRUE POINT OF BEGINNING,

CONTAINS 1,284 SQUARE FEET

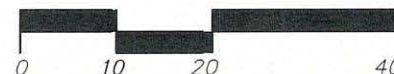
SITE MAP (NTS)



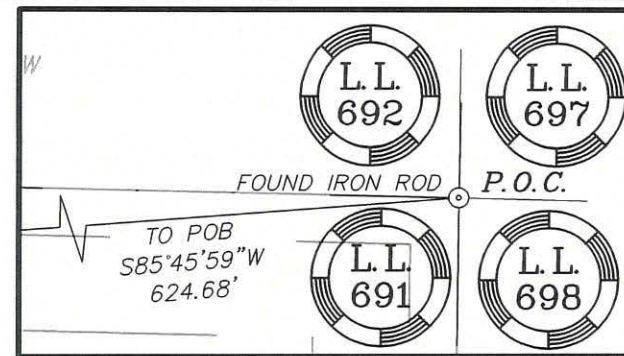
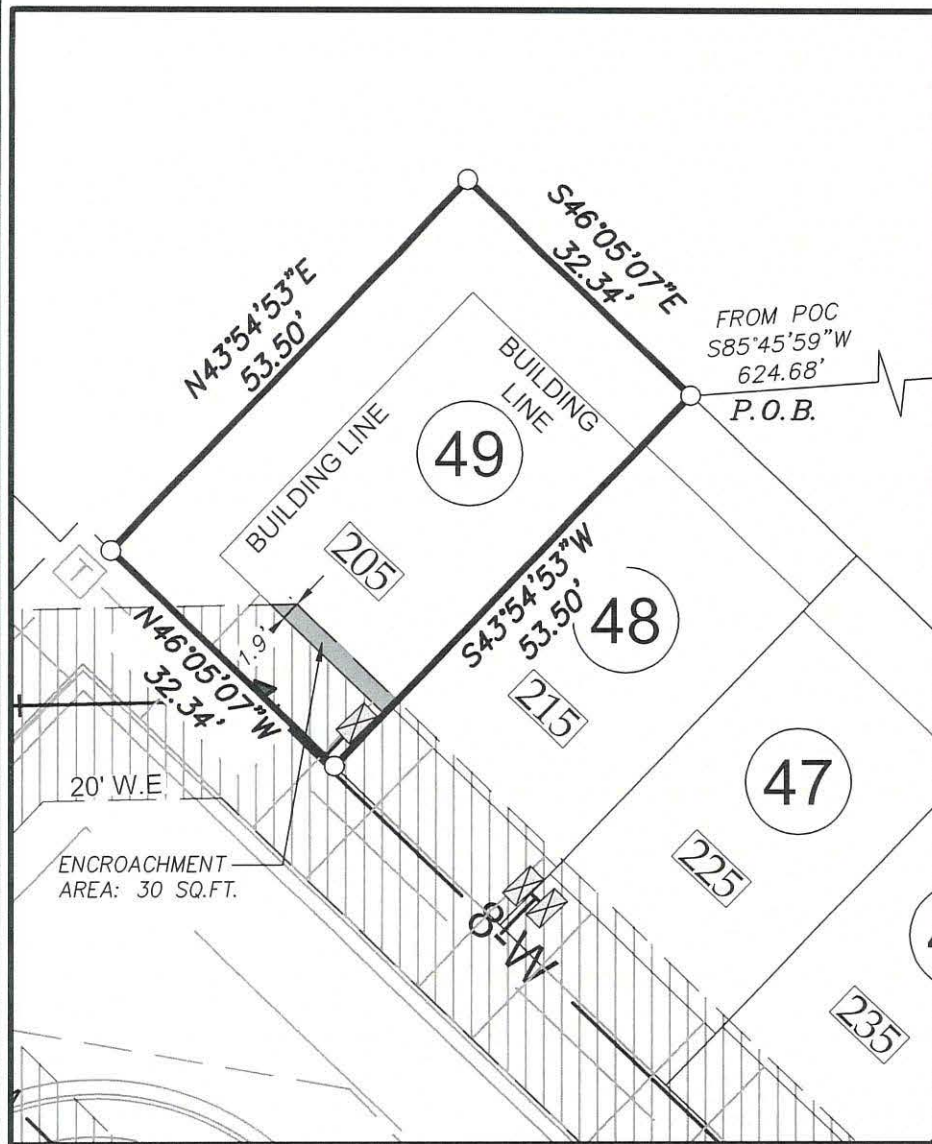
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 C.O.A.-LSF000004

WATER EASEMENT ENCROACHMENT EXHIBIT OF LOT 48 FOR: FIREFLY

COUNTY FULTON
 STATE OF GEORGIA
 CITY OF ALPHARETTA
 LAND LOT(S) 691
 DISTRICT 1st SECTION 2nd



DRAWN BY: FA
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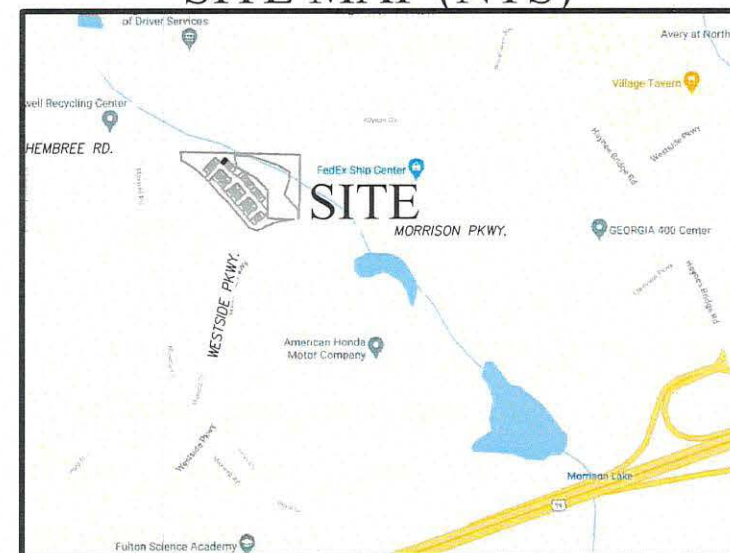
LEGAL DESCRIPTION - LOT 49

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 691 OF THE 1ST DISTRICT, 2ND SECTION, CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE FOUND IRON ROD LOCATED AT THE COMMON LAND LOT CORNER TO LAND LOTS 691, 692, 697, AND 698, THENCE SOUTH 85 DEGREES 45 MINUTES 59 SECONDS WEST A DISTANCE OF 624.68 FEET TO A POINT; SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 43 DEGREES 54 MINUTES 53 SECONDS WEST A DISTANCE OF 53.50 FEET TO A POINT; THENCE NORTH 46 DEGREES 05 MINUTES 07 SECONDS WEST A DISTANCE OF 32.34 FEET TO A POINT; THENCE NORTH 43 DEGREES 54 MINUTES 53 SECONDS EAST A DISTANCE OF 53.50 FEET TO A POINT; THENCE SOUTH 46 DEGREES 05 MINUTES 07 SECONDS EAST A DISTANCE OF 32.34 FEET TO A POINT AND THE TRUE POINT OF BEGINNING,

CONTAINS 1,730 SQUARE FEET

SITE MAP (NTS)



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(770)451-2741 WWW.PEC.PLUS
C.O.A.-LSF000004

WATER EASEMENT ENCROACHMENT EXHIBIT OF LOT 49

FOR:
FIREFLY

COUNTY FULTON
STATE OF STATE
CITY OF ALPHARETTA
LAND LOT(S) 691
DISTRICT 1st SECTION 2nd



DRAWN BY: FA
CHECKED BY: FA
FILE NO.: 21059.00
DATE: 03/22/24
SCALE: 1"=20'