

**FULTON COUNTY  
DEPARTMENT OF PURCHASING & CONTRACT COMPLIANCE**

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130 Peachtree Street  
Atlanta GA 30303  
Tel: (404) 612-5800



**INVITATION TO BID TO SELL**

**Tax Parcel Id. # 17-0225-LL-012-9  
1175 Johnson Road, Atlanta GA 30318**

**For**

**GENERAL SERVICES DEPARTMENT, LAND DIVISION**

**BID DUE DATE AND TIME: September 19, 2011 at 11:00 A.M.  
BID ISSUANCE DATE: August 16, 2011  
PROPERTY INSPECTION/OPEN HOUSE DATE: August 29, 2011 from 9:30  
A.M. until 11:30 A.M.  
PURCHASING CONTACT: Malcolm Tyson (404) 626-5811  
E-MAIL: malcolm.tyson@fultoncountyga.gov**

**LOCATION: FULTON COUNTY DEPARTMENT OF PURCHASING &  
CONTRACT COMPLIANCE  
130 PEACHTREE STREET, SW, SUITE 1168  
ATLANTA, GA 30303**

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**INVITATION FOR BID TO SALE**  
**Tax Parcel Id. # Tax Parcel Id. # 17-0225-LL-012-9**  
**1175 Johnson Road, Atlanta GA 30318**

**FULTON COUNTY GOVERNMENT**

**SECTION 1 - INSTRUCTIONS TO BIDDERS**

Fulton County Government ("County") invites sealed bids for the sale of County-owned real property located at **Tax Parcel Id. # Tax Parcel Id. # Tax Parcel Id. # 17-0225-LL-012-9 1175 Johnson Road, Atlanta GA 30318**

**1. DESCRIPTION OF THE REAL PROPERTY**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 225 OF THE 17TH DISTRICT OF FULTON COUNTY (CITY OF ATLANTA), GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A 1/2" REBAR FOUND AT THE INTERSECTION OF THE SOUTHEASTERN RIGHT-OF-WAY LINE OF JOHNSON ROAD (80 FOOT TOTAL RIGHT-OF-WAY WIDTH) AND THE SOUTHWESTERN RIGHT-OF-WAY LINE OF ROCKDALE STREET (80 FOOT TOTAL RIGHT-OF-WAY WIDTH); THENCE, ALONG SAID SOUTHWESTERN RIGHT-OF-WAY LINE OF ROCKDALE STREET, SOUTH 31 DEGREES 58 MINUTES 38 SECONDS EAST, 57.01 FEET TO A POINT; THENCE 159.71 FEET ALONG AN ARC TO THE LEFT (SAID ARC HAVING A RADIUS OF 649.94 FEET AND A CHORD BEARING SOUTH 39 DEGREES 01 MINUTES 01 SECONDS EAST, 159.31 FEET) TO A 1/2" REBAR FOUND; THENCE, LEAVING SAID RIGHT-OF-WAY LINE OF ROCKDALE STREET, SOUTH 50 DEGREES 37 MINUTES 23 SECONDS WEST, A DISTANCE OF 175.09 FEET TO A 1/2" REBAR FOUND; THENCE NORTH 72 DEGREES 17 MINUTES 45 SECONDS WEST, A DISTANCE OF 303.43 FEET TO A 1/2" REBAR FOUND ON SAID SOUTHERN RIGHT-OF-WAY LINE OF JOHNSON ROAD; THENCE, ALONG SAID SOUTHERN RIGHT-OF-WAY LINE, 107.69 FEET ALONG AN ARC TO THE LEFT (SAID ARC HAVING A RADIUS OF 2096.12 FEET AND A CHORD BEARING NORTH 55 DEGREES 58 MINUTES 12 SECONDS EAST, 107.68 FEET) TO A POINT; THENCE NORTH 57 DEGREES 26 MINUTES 31 SECONDS EAST, 242.84 FEET TO THE **POINT OF BEGINNING**.

SAID TRACT OR PARCEL OF LAND CONTAINING **1.363 ACRES** (59,360 SQUARE FEET).

- The legal description of the property is attached as **Exhibit 3**.

**2. GENERAL INFORMATION**

- a. **Purchasing the Bid Document:** This document and supporting documents can be downloaded at the Fulton County website, [www.fultoncountyga.gov](http://www.fultoncountyga.gov) under "Bid Opportunities", "Property Sales".
- b. **Bid Contact:** Information regarding the bid, either procedural or technical, may be obtained by contacting Malcolm Tyson, Assistant Purchasing Agent at (404) 612-5811 or e-mail [malcolm.tyson@fultoncountyga.gov](mailto:malcolm.tyson@fultoncountyga.gov). Information regarding the bid requirements may be obtained by using the following procedure. Inquiries must be submitted in writing to:

Fulton County Purchasing Department  
Attn: Malcolm Tyson  
130 Peachtree Street, S.W. Suite 1168

Atlanta, GA 30303  
Phone: (404) 612-5811  
Fax: (404) 335-5808  
Reference Bid # **Tax Parcel Id. # 17-0225-LL-012-9**

**3. TERMS AND CONDITIONS APPLICABLE TO THE SALE**

- a. The property is being sold "as is" "where is" and "with all faults" to be transferred by a quit claim deed only.
- b. All closing costs shall be borne by the Bidder at closing.
- c. Funds shall be collected from the successful bidder in the form of cash, cashier's check, or bank issued check.
- d. At the time of submission of the offer, the Bidder must provide evidence of availability of funds with an irrevocable letter of availability of funds from a banking institution.

**4. PROPERTY INSPECTION/OPEN HOUSE**

A Property Inspection/Open House of the real property will be held on **August 29, 2011 from 9:30 A.M. until 11:30 A.M. at the property site, located at 1175 Johnson Road, Atlanta GA 30318**

***Inquiries regarding the solicitation either technical or otherwise may be submitted in writing prior to the Property Inspection/Open House and will be addressed at the Property Inspection/Open House.*** Any additional questions asked at the Property Inspection/Open House must be submitted in written form and will be responded to in the form of an addendum with the County's official responses.

The Property Inspection/Open House will be conducted for the purpose of explaining the County's bid process, the specifications/technical documents, to provide an initial verbal, non-binding response to questions concerning these bid specifications and to discuss issues from the bidders' perspective. However, no verbal response provided at the property inspection/open house binds the County. Only the County written communications will be official.

All responses to written requests will be distributed as addenda. These addenda will be numbered consecutively and will be posted on the Fulton County website [www.fultoncountyga.gov](http://www.fultoncountyga.gov).

**5. PREPARATION AND SUBMISSION OF BIDS**

**Bid forms must be filed in accordance with the following instructions:**

- a. Bidders shall **SUBMIT ONE (1) ORIGINAL, SIGNED AND DATED, AND ONE (1) COPY** on the forms provided in the Bid Documents. All Bids must be made on the Bid forms contained herein. All blank spaces must be typed on hand written in blue ink. All dollar amounts must be BOTH in writing and figures and represent the price being offered by the Bidder. Written prices prevail over number prices in the event of error. All corrections to any entry must be lined out and initialed by the Bidder. Please do not use correction tapes or fluids. **Indicate all addenda incorporated in the Bid.** Bids shall be signed by hand by an officer of principal of the Bidder with the authority to execute a Real Estate Sales Contract.

Bids by joint ventures, consortia, associations or partnerships shall designate one single participant to represent all those forming the bidding entity. Bids shall be signed by a duly authorized representative of the bidding entity and evidence of the Signatory's authority signed by and listing the full names and addresses of all participants in the bidding entity shall be attached to the Bid submittal.

b. Bids must be sealed and clearly marked identifying the following information:

1. Bidder's Name/Company Name and Address.
2. Bids shall be addressed to:

**Department of Purchasing  
Fulton County Public Safety Building  
130 Peachtree Street, S.W.  
Suite 1168  
Atlanta, Georgia 30303-3459**

**RE: Tax Parcel Id. # Tax Parcel Id. # Tax Parcel Id. # 17-0225-LL-012-9  
1175 Johnson Road, Atlanta GA 30318**

6. **WITHDRAWAL OF BIDS:** All bids shall become irrevocable when the bids have been received and opened by the County.

7. **ADDENDA AND INTERPRETATIONS:** No interpretations of the meaning of the bid documents, appraisals or other documents will be made to any Bidder orally. Bidders requiring clarification or interpretation of the Bidding Documents shall make a request to Malcolm Tyson no later than **5:00 PM, September 12, 2011**. Written requests for clarification or interpretation may be mailed, hand delivered, e-mailed or faxed to the Bid Contact listed in Section 1(d). Telephone inquiries will not be accepted.

Only communications from firms that are in writing and signed will be recognized by the County as duly authorized expressions on behalf of proposers/bidders. Any and all such interpretations and any supplemental instructions by the County will be in the form of written Addenda to the specifications to this Invitation to Bid.

8. **REQUIRED SUBMITTALS:** The bidder **must complete and execute** the following:

1. Bid Schedule
2. Non-Collusion Affidavit

Any bids received after the stated time and date shall not be considered. It shall be the sole responsibility of the bidder to have his/her bid delivered to the Fulton County Department of Purchasing for receipt on or before the stated time and date. If a bid is sent by U.S. Mail, the bidder shall be responsible for its timely delivery to the Purchasing Department. Bids delayed by mail will not be considered, shall not be opened, and arrangements shall be made for their return at the bidder's request and expense.

9. **NO CONTACT PROVISION**

It is the policy of Fulton County that the evaluation and award process for County contracts shall be free from both actual and perceived impropriety, and that contacts between potential vendors and County officials, elected officials and staff regarding pending awards of County contracts shall be prohibited.

a. No person, firm, or business entity, however situated or composed, obtaining a copy of or responding to this solicitation, shall initiate or continue any verbal or written communication regarding this solicitation with any County officer, elected official, employee, or designated County representative, between the date of the

issuance of this solicitation and the date of the issuance of the Notice of Award by the Purchasing Agent, except as may otherwise be specifically authorized and permitted by the terms and conditions of this solicitation.

- b. All verbal and written communications initiated by such person, firm, or entity regarding this solicitation, if same are authorized and permitted by the terms and conditions of this solicitation, shall be directed to the Purchasing Agent.
  - c. Any violation of this prohibition of the initiation or continuation of verbal or written communications with County officers, elected officials, employees, or designated County representatives shall result in a written finding by the Purchasing Agent that the submitted Bid or proposal of the person, firm, or entity in violation is “non-responsive”, and same shall not be considered for award.
10. **APPLICABLE LAWS:** All applicable laws and regulations of the State of Georgia and ordinances and regulations of Fulton County shall apply. Protestors shall seek resolution of their complaints in the manner provided in the Fulton County Code of Laws §2-324, which is incorporated by reference herein.
11. **BID OPENING:** Bids will be opened in public and the name of each bidder and the amount of each bid shall be read aloud at 11:05 a.m. on the stated due date in the Purchasing Bid Room of the Department of Purchasing & Contract Compliance, 130 Peachtree Street, SW, Suite 1168, Atlanta, Georgia 30303-3459.
12. **RIGHT TO REJECT BIDS:** The County reserves the right to reject any and all bids and cancel the sale at any time prior to closing.
13. **DETERMINATION OF SUCCESSFUL BIDDER:** Fulton County desires to complete this work in a timely manner. The real property will be awarded to the highest responsive, responsible bidder(s), provided that the price offered by such bidder is acceptable to the Land Administrator, with the concurrence of the County Manager, based upon the appraised fair market value.
- 1) **Responsibility:** The determination of the bidder’s responsibility will be made by the County based on whether the bidder meets the following minimum requirements:
    - a) The County reserves the right to reject any bid if the evidence submitted by, or investigation of, the bidder fails to satisfy the County that he/she has the capacity to complete the purchase of the property.
  - 2) **Responsiveness:** The determination of responsiveness will be made by the County based on a consideration of whether the bidder has submitted a complete Bid form and all Addenda without irregularities, excisions, special conditions, or alternative bids unless specifically requested in the Bid form and do not submit a Bid less than the Fair Market Value as set forth in the appraisal.
14. **BASIS OF AWARD:** The award shall be made in accordance with the provisions of the invitation for sale by sealed bid and as approved by the Board of Commissioners prior to public offering. If awarded, such award will be awarded to the highest responsible bidder, provided that the price offered by such bidder is equal to or greater than the Fair Market Value as set forth in the appraisal. The successful bidder will be required to execute a Real Estate Sales Contract in accordance with the provisions set forth in the invitation to sale bid. All bids may be rejected if they are deemed in the judgment of the County to be non-responsive to the invitation to sell.
15. **RESOLUTION AND CLOSING:** Upon notification of Award of Contract, the County shall furnish the successful bidder with the Real Estate Sales Contract and any other pre-closing documents.

Within ten (10) business days after receipt, the bidder shall return the properly executed contract and any other required documents.

After receipt of the documents executed by the bidder, proofs of authority and funds collected in the form of cash, cashier's check or a bank issued check, the County or the Closing Attorney shall provide instructions on how the purchaser(s) funds shall be collected for use at the closing. The County, and/or its appointed Representatives, shall prepare all necessary documents for closing. Upon closing of the transaction, the County shall distribute all closing documents and cause the deed to be recorded.

**16. COUNTY'S RIGHTS UPON FAILURE OF SUCCESSFUL BIDDER TO CLOSE TRANSACTION.**

In accordance with the terms set forth in the invitation for sale bids under this subdivision, the county shall, as may be necessary, pursue its rights upon the failure of the successful bidder to close a transaction concerning the sale, conveyance or exchange of real property owned by the County. When the deed conveying the real property offered for sale by the County has been executed by the chairman of the Board of Commissioners and is ready for delivery, the successful bidder shall be notified by registered or certified mail of where the closing shall and delivery of the Quit Claim Deed shall be accepted. If for any reason the successful bidder fails to render full payment of the consideration upon which the bid was based within 15 days after the mailing of the notice, such failure shall be construed as a refusal to pay the consideration due the County under the terms of the bid and as a refusal to accept the County's deed. If the successful bidder fails or refuses, for any reason, to close the transaction the county shall, at its option, have the right, at its option, to pursue any and all remedies available to it at law or in equity, including but not limited to the right to specific performance. If the county is successful in enforcing its right to specific performance, the county may demand that the successful bidder pay the county's reasonable attorney's fees incident thereto.

**17. SUCCESSFUL BIDDER'S RIGHT UPON FAILURE OF THE COUNTY TO CLOSE THE TRANSACTION.**

Subject to the County's rights to reject any and all bids, the County shall tender a duly executed quitclaim deed conveying the land or interest in real property offered by it for sale within 120 days after the awarding the bid to the successful bidder. Failure by the County to close and deliver such Quit Claim Deed within 120-day period of receipt of the executed Real Estate Sales Contract and all required documents and funds from the Purchaser(s) shall entitle the successful bidder to refuse to close the transaction by giving written notice of such action to the Land Administrator. Upon receipt of such written notice of refusal, the County shall cancel the transaction. Neither the County nor the successful bidder shall be liable to any party in any respect as a result of such refusal to close the transaction under this circumstance.

**BID SCHEDULE**

**This page must be returned with your Bid**

**Property Address:** \_\_\_\_\_

**My Bid to Purchase this property is:**

**\$** \_\_\_\_\_  
**(Dollar Amount in Numbers)**

\_\_\_\_\_  
**(Dollar Amount in Words)**

SALE WILL BE TO THE HIGHEST BIDDER, PROVIDED THAT THAT THE PRICE OFFERED IS ACCEPTABLE TO THE COUNTY AND BASED UPON THE APPRAISED FAIR MARKET VALUE.

**The minimum bid is the appraised value set in the Appraisal Report in Exhibit 4.**

The bid shall become irrevocable when the bids have been received and opened by the County.

Property will be sold by "Quit Claim Deed." Documents will be executed between the successful bidder and Fulton County. Successful bidder must close on property in accordance with the terms and conditions of the Real Estate Purchase Contract and the Invitation to Bid to Sell provisions.

Bidder's name or Legal Business Name: \_\_\_\_\_

Bidder's address or Business Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Social Security # or Federal Tax ID: \_\_\_\_\_

Bidder or Authorized Business Representative's Name: \_\_\_\_\_

**[Type or Print Name]**

Bidder's of Business Representative's Signature: \_\_\_\_\_

Bidder or Business Phone #: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Fax Number: \_\_\_\_\_

**STATE OF GEORGIA**

**COUNTY OF FULTON**

**NON-COLLUSION AFFIDAVIT OF BIDDER/OFFEROR**

I, \_\_\_\_\_ certify that pursuant to Fulton County Code Section 2-320 (11), this bid or proposal is made without prior understanding, agreement or connection with any corporation, firm or person submitting a bid for the same property, and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of state and federal law and can result in fines, prison sentences and civil damages awards. I agree to abide by all conditions of this bid or proposal and certify that I am authorized to sign this bid or proposal for the bidder.

Affiant further states that pursuant to O.C.G.A. Section 36-91-21 (d) and (e), has not, by itself or with others, directly or indirectly, prevented or attempted to prevent competition in such bidding or proposals by any means whatsoever. Affiant further states that (s)he has not prevented or endeavored to prevent anyone from making a bid or offer on the project by any means whatever, nor has Affiant caused or induced another to withdraw a bid or offer for the work.

\_\_\_\_\_  
(BIDDER OR COMPANY NAME)

\_\_\_\_\_  
By its: (TITLE/AUTHORITY)

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_  
(SECRETARY/ASSISTANT SECRETARY)

(Affix corporate seal here, if a corporation)

Notary Public: \_\_\_\_\_

County: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

**NOTE:**

**IF THE OFFEROR IS A PARTNERSHIP, ALL OF THE PARTNERS AND ANY OFFICER, AGENT, OR OTHER PERSON WHO MAY HAVE REPRESENTED OR ACTED FOR THEM IN BIDDING FOR OR PROCURING THE CONTRACT SHALL ALSO MAKE THIS OATH.**

**IF THE OFFEROR IS A CORPORATION, ALL OFFICERS, AGENTS, OR OTHER PERSONS WHO MAY HAVE ACTED FOR OR REPRESENTED THE CORPORATION IN BIDDING FOR OR PROCURING THE CONTRACT SHALL MAKE THE OATH.**

**EXHIBIT 3**

**LEGAL DESCRIPTION OF THE PROPERTY**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 225 OF THE 17TH DISTRICT OF FULTON COUNTY (CITY OF ATLANTA), GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A 1/2" REBAR FOUND AT THE INTERSECTION OF THE SOUTHEASTERN RIGHT-OF-WAY LINE OF JOHNSON ROAD (80 FOOT TOTAL RIGHT-OF-WAY WIDTH) AND THE SOUTHWESTERN RIGHT-OF-WAY LINE OF ROCKDALE STREET (80 FOOT TOTAL RIGHT-OF-WAY WIDTH); THENCE, ALONG SAID SOUTHWESTERN RIGHT-OF-WAY LINE OF ROCKDALE STREET, SOUTH 31 DEGREES 58 MINUTES 38 SECONDS EAST, 57.01 FEET TO A POINT; THENCE 159.71 FEET ALONG AN ARC TO THE LEFT (SAID ARC HAVING A RADIUS OF 649.94 FEET AND A CHORD BEARING SOUTH 39 DEGREES 01 MINUTES 01 SECONDS EAST, 159.31 FEET) TO A 1/2" REBAR FOUND; THENCE, LEAVING SAID RIGHT-OF-WAY LINE OF ROCKDALE STREET, SOUTH 50 DEGREES 37 MINUTES 23 SECONDS WEST, A DISTANCE OF 175.09 FEET TO A 1/2" REBAR FOUND; THENCE NORTH 72 DEGREES 17 MINUTES 45 SECONDS WEST, A DISTANCE OF 303.43 FEET TO A 1/2" REBAR FOUND ON SAID SOUTHERN RIGHT-OF-WAY LINE OF JOHNSON ROAD; THENCE, ALONG SAID SOUTHERN RIGHT-OF-WAY LINE, 107.69 FEET ALONG AN ARC TO THE LEFT (SAID ARC HAVING A RADIUS OF 2096.12 FEET AND A CHORD BEARING NORTH 55 DEGREES 58 MINUTES 12 SECONDS EAST, 107.68 FEET) TO A POINT; THENCE NORTH 57 DEGREES 26 MINUTES 31 SECONDS EAST, 242.84 FEET TO THE **POINT OF BEGINNING**.

SAID TRACT OR PARCEL OF LAND CONTAINING **1.363 ACRES** (59,360 SQUARE FEET).

**EXHIBIT 4**

**PROPERTY APPRAISAL**

Exhibit 4

## CHILDERS ASSOCIATES

REAL ESTATE CONSULTANTS AND APPRAISERS

321 FOURTEENTH STREET, N.W.

ATLANTA, GEORGIA 30318

TELEPHONE: (404) 876-5100

FAX: (404) 876-8863

RICHARD S. CHILDERS, MAI  
DAVID W. CHILDERS, MAI



August 5, 2011.

Mrs. Liza R. Cheek  
Fulton County, General Services Department  
Land Division  
141 Pryor Street, SW  
Suite 8021  
Atlanta, Georgia 30303

Re: Appraisal of a 1.35 Acre tract and  
building known as the  
Rockdale Health Center  
1175 Johnson Road  
Atlanta, Georgia 30318  
Childers Associates File #: 033-11

Dear Ms. Cheek:

As requested, we have inspected the above referenced property for the purpose of estimating the current 'as is' market value of the fee simple interest in the real estate. The attached report is a self contained, narrative appraisal and meets the standards of the State of Georgia Real Estate Appraisers Board. This report also complies with the standards and ethical requirements of the Appraisal Institute. It also meets the specific requirements of the Fulton County General Services Department. Namely that the value estimate for this property be discounted to reflect an exposure time to the marketplace of only thirty days prior to a sealed bid sale. The effective date of our appraisal is July 11, 2011, the date of our most recent inspection.

Based on an analysis of the data contained in the attached report, it is my opinion that a reasonable discounted estimate of value for the subject property as of July 11, 2011 would be:

**SEVENTY FOUR THOUSAND DOLLARS**  
**(\$74,000)**

Page 2  
Mrs. Liza R. Cheek  
August 5, 2011

I appreciate this opportunity to be of service and I am available to you should you have any questions concerning the data or analysis used n this report.

Very Truly Yours

A handwritten signature in black ink, appearing to read "Richard S. Childers". The signature is fluid and cursive, with a large initial "R" and "C".

Richard S. Childers, MAI  
Certified General Real Estate Appraiser  
State of Georgia No. 436

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### ADDENDA

- Exhibit A - Survey of Subject Property
- Exhibit B - RG-3 & PD-MU Zoning Regulations
- Exhibit C - Land Sales
- Exhibit D - Title Certificate
- Exhibit E - Subject Photographs

## **BASIC ASSUMPTIONS AND LIMITING CONDITIONS**

The estimate of value contained in this appraisal report is based upon the following conditions and assumptions:

1. The legal descriptions furnished are assumed to be correct.
2. I assume no responsibility for matters legal in character, nor do I render any opinion as to title, which is assumed to be marketable. All existing liens, encumbrances and assessments have been disregarded and the property is appraised as though free and clear, under responsible ownership and competent management, except as noted in the attached report.
3. Any sketches, plats or drawings included in this report are included to assist the reader in visualizing the property. I have made no survey of the property and assume no responsibility in connection with such matters.
4. Unless otherwise noted herein, it is assumed that there are no encroachments, zoning restrictions or violations existing in the subject property.
5. Information, estimates and opinions contained in this report are obtained from sources considered reliable, however, no liability for information provided by others can be assumed by the appraiser.
6. I am not required to give testimony or to attend court by reason of this appraisal, with reference to the property in question, unless arrangements have been made previously therefore.
7. It is assumed that there are no structural defects hidden by floor or wall coverings or any other hidden or unapparent conditions of the property; that all mechanical equipment and appliances are in good working condition; and that all electrical components and the roofing are in good condition unless otherwise noted in the report.

If the client has any questions regarding these items, it is the client's responsibility to order the appropriate inspections. The appraiser does not have the skill or expertise needed to make such inspections. The appraiser assumes no responsibility for these items.

8. The divisions of the land and improvement values estimated herein are applicable only under the program of utilization shown. These separate valuations are invalidated by any other application.

**BASIC ASSUMPTIONS AND LIMITING CONDITIONS (cont.)**

9. The signatory of this appraisal report is a member of the Appraisal Institute. The Bylaws and Regulations of the Institute require each member to control the use and distribution of each appraisal report signed by such member. Therefore, except as hereinafter provided, the party for whom this appraisal report was prepared may distribute copies of this appraisal report, in its entirety, to such third parties as may be selected by the party for whom this appraisal report was prepared; however, portions of this appraisal report shall not be given to third parties without the prior written consent of the signatory of this appraisal report. Further, neither all nor any part of this appraisal report shall be disseminated to the general public by the use of advertising or other media, public relations media, new media, sales media or other media for public communications without the prior written consent of the signatory of this appraisal report. Providing this report in its entirety to potential bidders for purchase of the subject surplus property is hereby allowed.
10. The value estimated applies only to the entire property and cannot be prorated to individual portions or fractional interests. Any proration or division of interests will invalidate the value estimate, unless such proration or division of interests is set forth in the report.
11. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.
12. The appraisal report is prepared for the use of Fulton County, General Services Department – Land Division for asset disposition and to facilitate the sale of the subject property in a sealed bid sale. No third parties are authorized to rely upon this report without the express written consent of the appraiser.

**QUALIFICATIONS - RICHARD S. CHILDERS**

Education: B.B.A. (Business), University of Georgia, Athens, GA  
M.B.A. (Real Estate), Georgia State University, Atlanta, GA

I have received credit for all of the major courses of the Appraisal Institute. I have also taken other courses related to real estate appraising, real estate law and mortgage lending. These courses were offered by Graduate and Undergraduate Departments of Real Estate at Georgia State University, the University of Georgia and the Savings and Loan Institute.

Experience: I have been engaged exclusively as an appraiser/consultant in the real estate field since 1971. I am a former Associate with the southeastern division of Landauer Associates and a former Staff Appraiser with Georgia Federal Bank. I started my own firm in January of 1977. Our company has performed appraisal, appraisal review and consulting assignments for insurance companies, banks, government agencies, attorneys, corporations and individuals in the Metropolitan Atlanta area and throughout the Southeast. We have appraised industrial, commercial, residential and special purpose properties. Specific assignments include, but are not limited to, multi-tenant and single tenant warehouse, distribution and manufacturing facilities, office buildings, shopping centers, subdivisions, planned unit developments, apartments, condominiums, motels and all types of vacant acreage.

I have been active in the Atlanta Area Chapter of the Appraisal Institute since receiving the MAI designation in 1976, and served as Chapter President in 1989. I served as the Chapter Delegate to the Georgia Appraisers Coalition between 1990 and 1995 and Chairman for the Georgia Government Relations Subcommittee for two years. I completed a three-year term as a Director for the National Board of Directors of the Appraisal Institute in December 1997 and served on the National Nominating Committee during 2000.

**Professional Affiliations:**

Member, Appraisal Institute, (MAI)  
Certified Real Estate Appraiser,  
State of Georgia C000436

**APPRAISAL INSTITUTE CERTIFICATION**

I certify that, to the best of my knowledge and belief:

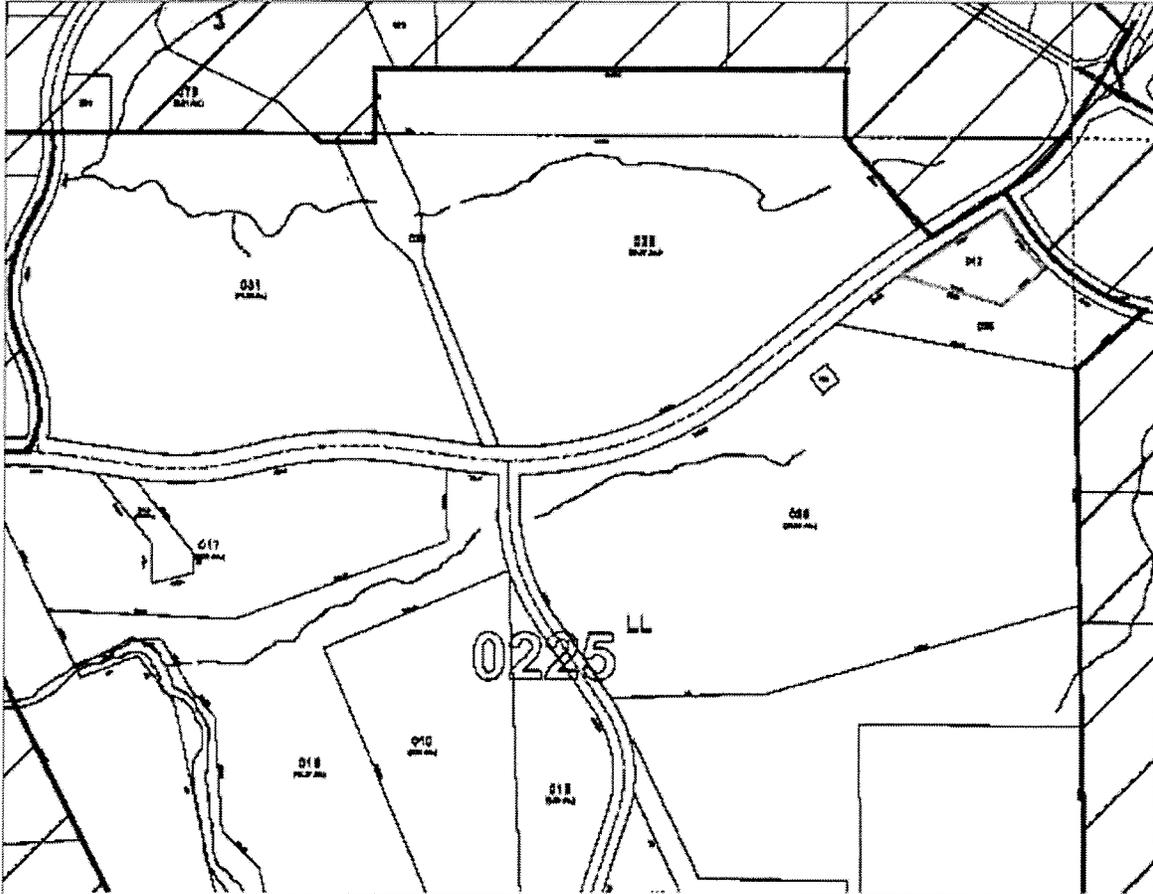
1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, impartial, and unbiased professional analyses, opinions and conclusions.
3. We have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
4. We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. Our analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice and the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.
8. We have made a personal inspection of the property that is the subject of this report.
9. Charles E. (Chuck) Hill, Certified General Real Property Appraiser, provided significant professional assistance to the persons signing this report.
10. We certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
11. As of the date of this report, we have completed the requirements of the continuing education programs of the Appraisal Institute.
12. The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.



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Richard S. Childers, MAI  
Certified General Real Estate Appraiser  
State of Georgia No. 436

SUBJECT TAX PLAT SKETCH



## PROPERTY IDENTIFICATION

We were provided a title certificate by the client. A copy of the title report is included in the addenda of this report as Exhibit E. The title report includes numerous deeds indicating that the subject tract consists of an assemblage of numerous smaller tracts. In addition, the title certificate includes a survey produced by Joe W. Arnold Co. Engineers and Surveyors and dated March 20, 1963. This survey indicates a land area of 1.15 acres. The client further provided us with a survey produced by Charles D. McCann and Associates. Their survey is dated December 9, 1997 and does not include measurements of the subject land or improvements. In addition, we obtained an additional survey produced by Geosurvey Limited and dated September 4, 2003. Copies of both surveys are attached as Exhibit A at the end of this report. As shown on the Geosurvey Limited survey, the property is located at the southwestern corner of Johnson Road and Rockdale Street. This location is about 450 feet southeast of West Marietta Street. Johnson Road forms the northwestern boundary of the site and Rockdale Street forms the northeastern boundary of the site. The survey indicates that the irregular square-shaped tract contains 1.35 acres, or 58,634 square feet. The property is improved with an approximately 8,145 square foot, single story building known as the Rockdale Health Center.

According to the Fulton County Tax Assessors office, the subject is identified as tax parcel 17-0225-LL-012-9 with a street address of 1175 Johnson Road, Atlanta, Georgia, 30318. A copy of the tax plat is provided on the facing page. Tax records indicate an area of 1.5685 acres. The Geosurvey Limited survey is the most recent measurement of the subject property and we will rely on a land area estimate of 1.35 acres for appraisal purposes. The property is zoned RG-3 and is owned by Fulton County.

**PROPERTY HISTORY**

We believe that the property has been under the ownership of Fulton County for at least 10 years. We understand that the building has been vacant since 2004 and formerly served as a health clinic known as the Rockdale Health Center. We believe the building was built in the 1950's. A plaque by the front entrance indicates that the building was renovated in 1974. The building has been severely damaged due to vandalism.

## PURPOSE, USE AND INTENDED DATE OF APPRAISAL

The purpose of this appraisal is to estimate the current market value of the fee simple interest in the subject property. As instructed, the estimated market value is discounted to reflect a 30 day marketing period. We understand that Fulton County selling the property via a sealed bid auction and this appraisal will be used to establish an appropriate sales price. The effective date of this appraisal is July 11, 2011, the date of our most recent inspection.

Market value is defined in the 2010-11 edition of the Uniform Standards of Professional Appraisal Practice published by the Appraisal Foundation as follows:

“A type of value, stated as an opinion, that presumes the transfer of a property (i.e., a right of ownership or a bundle of such rights), as of a certain date, under specific conditions set forth in the definition of the term identified by the appraiser as applicable in an appraisal.

Comment: Forming an opinion of market value is the purpose of many real property appraisal assignments, particularly when the client’s intended use includes more than one intended use. The conditions included in the market value definition establish market perspectives for development of the opinion. These conditions may vary from definition to definition but generally fall under three categories:

1. The relationship, knowledge, and motivation of the parties (i.e., seller and buyer);
2. The terms of sale (e.g. cash, cash equivalent, or other terms); and
3. The conditions of sale (e.g. exposure in a competitive market for a reasonable time prior to sale).

Fee simple is defined in the Dictionary of Real Estate Appraisal, Third Edition, published by the Appraisal Institute as:

“Absolute ownership unencumbered by any other interest or estate, subject only to the limitation imposed by the governmental powers of taxation, eminent domain, police power, and escheat.”

## **SCOPE OF ASSIGNMENT**

The scope section describes the activities performed to accomplish the appraisal assignment. In this appraisal, we researched the general area surrounding the subject neighborhood to find recent sales of land with uses similar to those proposed for the subject property. We have inspected the property which included a study of the identifying documents used to locate and describe the property. We inspected the subject site, neighborhood, and comparable sales discovered during our research. All of the sales are confirmed with the seller, buyer, or broker involved with the transaction, unless otherwise noted. Sources of information include transaction summaries researched in Costar/COMPS data service, Win2Data, public tax records and recorded deeds, as well as discussions with individuals and real estate brokers active in the local real estate market. Detailed sales sheets were prepared for those transactions believed to be most comparable to the subject and are include in the addenda of this report as Exhibit C.

The subject land is appraised based on a comparison of sales of similar residential land tracts suitable for development in a similar manner as the subject property. I have investigated the zoning of the subject and surrounding area and have investigated the real property rights of the subject to determine the likely best permitted use for the land. In addition, I have observed the development trends in the subject market area and considered broader market conditions to estimate a land use supported by the market.

Through the above analysis and through our verification of the sales data, we typically estimate a likely exposure and marketing time for the subject property. However, the client indicated that the subject property would be sold via a sealed bid process and the property would only be exposed to the marketplace 30 days prior to opening of the sealed bids. As a

result, we will estimate the market value of the subject property and then apply a discount for limited exposure and marketing time. The following is a complete appraisal presented in a self contained, narrative format. The report conforms to the Uniform Standards of Professional Appraisal Practice (USPAP) guidelines, as well as, the standards and ethical guidelines of the Appraisal Institute.

## AREA DATA

The subject property is situated at the southeast corner of Johnson Road and Rockdale Street, just southwest of West Marietta Street. This location is in Fulton County and within the city limits of Atlanta. Fulton County is in the northwest quadrant of Georgia and is part of Atlanta's 20-county Metropolitan Statistical Area (MSA). Metropolitan Atlanta is recognized as the economic leader of the southeastern United States. The strength of the Atlanta economy is due primarily to its location near the geographic center of the nine-state southeast region, coupled with excellent banking, transportation and communication facilities. Metro Atlanta has offices for more than 450 of the "Fortune 500" companies as well as regional offices for most agencies of the Federal government.

Atlanta is the transportation hub of the southeastern United States. It was founded as the terminus of the Western and Atlantic Railroad and since then, has developed an extensive rail, air and highway transportation network. The key to Atlanta's air transportation is the Hartsfield-Jackson International Airport, which provides service to 150 U. S. and 25 international cities. The airport was renamed to include and honor Atlanta Mayor Maynard Jackson, who was instrumental in the redevelopment of the airport. The airport accommodated an average of 2,725 arriving and departing flights per day and served approximately 86 million passengers in 2007. The facility is also served by the world's most extensive airport rail system, including an internal subway system and direct connection with the city's transit network. The airport provides more than 55,300 jobs to the area's residents with a total annual regional economic impact of nearly \$18.7 billion. The addition of a \$5.4 billion fifth runway has increased the airport's flight capacity from about 180 flights per hour to 270 flights per hour. Hartsfield-Jackson International Airport serves as the headquarters and hub for Delta Airlines

and also serves a variety of local and domestic carriers. For the past several years, Atlanta has been ranked as the busiest airport in the United States and the world in terms of passenger volume.

Atlanta is one of the few cities where three interstate highways converge. A 63-mile, circumferential interstate highway, Interstate 285, links three interstates: Interstate 75, Interstate 85, and Interstate 20, and connects them with a variety of major arterial roadways and city surface streets. Interstate 75 extends in a northwesterly direction from Florida to Canada. Interstate 85 extends in a northeasterly direction from Alabama to Maine (via a junction with I-95). From 16th Street, on the north side of Atlanta, to Cleveland Avenue on the south side, I-75 and I-85 are merged into the Downtown Connector. Interstate 20 extends in an east/west direction from Texas to South Carolina. Interstate 285 provides a limited access bypass for through traffic. The southern end of Georgia 400 operates as a toll way and extends from I-285 to I-85. Due to this extensive freeway system, Atlanta has become the southeastern hub of the nation's interstate highway system.

The Atlanta Regional Commission (ARC) provides detailed population information for the 20 county Atlanta Region that includes Fulton County. The Atlanta Region includes 63 cities and a total land area of 2,989 square miles. The population of the 20-county Region for 2009 was 5,233,800. Populations range from 65,700 in Spalding (about 1.3% of the Region's 2009 total) to 957,900 in Fulton (about 18% of the Region's total).

	(Density is persons per acre)		Population			Multi-family Units			Single Family Units		
	# of New MF Units per 100 New Residents	2009 Population Density	2000 Population	2009 Population	Net change 2000-2009	Multi-family Units 2000	Multi-family Units 2009	Net change 2000-2009	Single Family Units 2000	Single Family Units 2009	Net change 2000-2009
Cherokee	11	0.74	141,603	206,900	63,997	2,733	9,455	6,762	45,144	67,667	22,613
Clayton	17	3.05	236,517	261,906	45,383	25,327	32,822	7,495	67,265	70,354	13,689
Cobb	35	3.07	627,731	676,600	69,049	59,966	77,243	17,257	172,369	196,704	26,345
DeKalb	41	4.22	665,665	731,200	65,335	90,256	117,168	26,912	170,026	166,420	15,394
Douglas	5	1.01	92,174	123,600	36,626	4,515	6,625	2,110	27,650	41,765	14,215
Fayette	5	0.64	31,263	106,700	15,437	2,452	3,193	731	23,909	35,270	6,361
Fulton	34	2.50	816,006	967,900	141,894	160,516	198,720	48,204	196,506	336,454	42,948
Gwinnett	10	2.71	588,448	757,300	168,852	42,766	60,165	17,399	161,856	220,642	58,746
Henry	5	0.63	119,241	192,600	73,459	3,149	7,017	3,869	36,621	63,955	27,074
Rockdale	9	1.01	70,111	65,000	14,889	3,031	4,156	1,125	20,978	27,222	6,244
City of Atlanta	55	NA	416,474	460,700	64,226	91,032	126,496	35,464	95,036	104,814	9,778
<b>"Core" 10</b>	<b>19</b>	<b>2.15</b>	<b>3,429,379</b>	<b>4,124,300</b>	<b>694,921</b>	<b>364,740</b>	<b>516,594</b>	<b>151,854</b>	<b>317,516</b>	<b>1,151,045</b>	<b>233,527</b>
<b>% of 20-county</b>	<b>NA</b>	<b>NA</b>	<b>81%</b>	<b>75%</b>	<b>63%</b>	<b>95%</b>	<b>54%</b>	<b>91%</b>	<b>75%</b>	<b>76%</b>	<b>67%</b>
Barrow	5.7	0.64	46,144	66,400	20,256	858	953	135	13,566	21,363	7,797
Bartow	2.1	0.31	76,315	94,300	18,281	2,120	2,505	385	21,101	26,155	7,054
Cattell	9.9	0.35	67,266	111,300	24,032	3,377	5,755	2,378	24,516	32,632	5,116
Coakley	4.8	0.42	89,216	119,600	30,385	2,773	4,232	1,459	28,176	36,464	11,318
Forsyth	3.6	1.09	66,407	172,700	74,293	614	3,271	2,657	32,102	56,747	26,645
Hall	6.7	0.64	139,277	175,400	36,123	5,174	7,608	2,434	37,900	60,777	12,877
Newton	2.7	0.54	62,001	97,000	34,999	1,323	2,257	929	19,663	33,047	13,384
Paulding	3.9	0.64	61,676	128,400	46,722	967	2,797	1,830	25,752	42,767	17,035
Spalding	6.9	0.51	56,417	65,700	7,283	2,364	3,364	500	17,710	20,964	3,274
Wallon	1.1	0.37	60,627	73,700	15,013	960	1,154	204	13,536	25,720	6,682
<b>"External" 10</b>	<b>4.2</b>	<b>0.61</b>	<b>759,113</b>	<b>1,109,500</b>	<b>310,387</b>	<b>21,055</b>	<b>33,966</b>	<b>12,911</b>	<b>239,364</b>	<b>353,726</b>	<b>114,362</b>
<b>% of 20-county</b>	<b>NA</b>	<b>NA</b>	<b>19%</b>	<b>21%</b>	<b>31%</b>	<b>5%</b>	<b>6%</b>	<b>9%</b>	<b>21%</b>	<b>24%</b>	<b>33%</b>
<b>20-County Total</b>	<b>14</b>	<b>1.26</b>	<b>4,226,482</b>	<b>5,233,800</b>	<b>1,007,318</b>	<b>405,795</b>	<b>650,560</b>	<b>144,765</b>	<b>1,156,880</b>	<b>1,604,769</b>	<b>347,889</b>

Source: ARC

Population gains in the Metropolitan Area since 2000 resulted primarily from substantial suburban growth. Most of the growth has occurred toward the southern and northern suburbs, which includes Fulton, Henry, Cherokee and Gwinnett Counties. As shown in the chart, nearly 80% of the 20 county area's 2009 population resides in one of the ten core counties. Fulton County added 141,894 residents between 2000 and 2009, only to be surpassed by Gwinnett County in the "Core" 10 of the 20-county region. The City of Atlanta had a moderate increase in population, adding about 64,225 new residents from the period between 2000 and 2009.

We researched the Site To Do Business to obtain demographic information on the general area within a one-mile and three-mile radius of the subject. We also searched for

statistical data for Fulton County, the City of Atlanta, and the state of Georgia. Some of the data is analyzed in the following paragraphs.

The population estimates for the subject neighborhood, Fulton County, the City of Atlanta, and Georgia are summarized in the following table:

<b>Population Statistics</b>							
<u>Area</u>	<u>1990</u>	<u>2000</u>	<u>Avg</u>		<u>Avg</u>		<u>Avg</u>
			<u>Change/</u>	<u>Yr</u>	<u>Change/</u>	<u>Yr</u>	<u>Change/</u>
Georgia	6,478,216	8,186,453	2.6%	2010	1.8%	2015	2.2%
Fulton County	648,951	816,006	2.6%	1,047,825	2.8%	1,171,458	2.4%
City of Atlanta	391,646	416,474	0.6%	505,580	2.1%	554,229	1.9%
Subject (1-mile radius)	4,674	2,994	-4.4%	6,556	8.0%	7,951	4.0%
Subject (3-mile radius)	92,702	96,876	0.4%	117,493	2.0%	128,011	1.7%

As shown above, Fulton County has grown at a steady rate from 2000 through 2010 with an average population increase of 2.8% per year. We believe most of this growth occurred prior to the national economic recession, or about mid-year 2007. The City of Atlanta's population increased at a slower rate than Fulton County over the same 10-year period with an average increase of about 2.1% per year. The area proximate to the subject land (3-mile radius) grew at roughly the same rate as the city between 2000 and 2010 at an average change in population of about 2.0 % per year. This growth is significantly greater than the average annual rate of 0.4% for the previous decade and slightly higher than the projected rate of 1.7% per year from 2010 to 2015. Population growth within the city limits of Atlanta is also projected to slow from 2.1% for the decade of 2000 through 2010, to 1.9% per year from 2010 to 2015. There were 95,036 single family units in 2000 and 104,814 single family units in 2009, a net change of only 9,778 single-family units, or about 1.1%. To summarize, the populations proximate to the subject area (1 and 3 mile radius) are projected to continue to grow at a moderate rate, similar to the growth rates found in Georgia, Fulton County, and the City of Atlanta.

In summary, the Atlanta metropolitan area has a diverse economy which supports continued population growth. Public, freight and air transportation make up the backbone of the regional economy. Because of the extensive infrastructure, abundance of natural resources and educated workforce, the region is able to attract many of the countries top companies.

**Neighborhood Description**

The subject property is located at the southwest corner of Johnson Road and Rockdale Street, about 450 feet southwest of West Marietta Street/Perry Boulevard. The general boundaries of the subject neighborhood are Marietta Boulevard to the east and northeast, Donald Lee Hollowell Parkway to the south, Interstate 285 to the west and the Chattahoochee River to the northwest. The property is located near an older industrial area running along both sides of Marietta Boulevard and along West Marietta Street and Johnson Road. This location is approximately two miles west of Georgia Tech and approximately 3.5 miles northwest of Five Points, the historical center of Downtown Atlanta.

Until recently this area was experiencing stable to declining growth. Neighborhoods surrounding the Bellwood Quarry had been in a state of decline for at least 20 years and there was no new development along Marietta Street, West Marietta Street and Perry Boulevard. Commercial development in this area is in poor condition. Perry Homes, one of Atlanta's largest public housing developments was located approximately one mile northwest of the subject on Perry Boulevard. Perry Homes was constructed in the 1950's or early 1960's and, though reasonably well maintained, was criticized for a number of reasons. Perhaps the most serious criticism was the size and relative isolation of this development. Residents of Perry Homes were at a considerable disadvantage when attempting to find meaningful employment. This was due to the lack of adequate transportation and lack of jobs within walking distance. Perry Homes was demolished in 2003 and has been redeveloped as a mixed income, mixed use development known as West Highlands.

Another significant development in the neighborhood is the Bellwood Quarry. Owned by Fulton County and operated by Vulcan Metals, the 137 acre Bellwood Quarry is an active

gravel quarry and is just south of the subject property. The City of Atlanta has recently negotiated a purchase of the quarry for approximately \$40 million. This property is a key piece in the development of the Beltline project and will also serve as a back up water reservoir for the City.

New development started in this neighborhood about a decade ago with the redevelopment of several industrial buildings along Marietta Street. The old King Plow buildings were converted to office condominiums and soon after other buildings near King Plow were converted for residential loft condominiums. The Knight Park subdivision, located about a mile east of the subject property has made a rapid reversal over the last 10 to 15 years. During this time, most of the homes have been renovated and additional new homes have been built. A new townhouse development was constructed on Marietta Boulevard adjacent to the Knight Park neighborhood and additional land has been purchased along West Marietta Street and Lois Street just north of the subject property for residential development. Considerable new residential development has occurred and is continuing in the Bolton community approximately two miles northwest of the subject property across the CSX rail yard. This development is spreading south and east along Marietta Road and Marietta Boulevard toward the subject's immediate area.

There is strong renewal just east of the subject's neighborhood along Joseph Lowery Boulevard and Marietta Street closer in to Georgia Tech and the downtown area. Several older loft buildings have been renovated as townhouse and condominium units as well as office space. Also, several large new apartment developments have been constructed in this area.

Perhaps the best known renovation and reclamation project in proximity to the subject tract is Atlantic Station located about 2 miles to the northeast. It is reasonable to assume that the

intense development at Atlantic Station will not continue indefinitely and that demand and market conditions will change. As the economy has slowed in 2007/2008, new development in the neighborhood diminished rapidly. Although the broader market recently ended an economic recession, we believe the subject market is still impacted by the downturn. The uncertainty of the economy has quelled new development and lead to a generally distressed condition in the neighborhood. However, looking longer term say ten years out, I believe that the success of this neighborhood as well as the neighborhoods closer to the subject tract will continue to provide the impetus for new and higher priced residential development in the subject's immediate neighborhood. I also expect the renovation of existing homes to continue.

Finally, the Beltline Parkway Project has been approved by the Atlanta City Council, Fulton County and the Atlanta School Board. The Beltline Parkway Project is an extraordinary opportunity for the City of Atlanta and should be done even if the transit portion of the project is not completed for many years. The first element of the project will be a series of parks connected by walking, running and bike paths that will surround the City of Atlanta. With the addition of transit and increased convenience, developers will likely be drawn to the Beltline and increased residential densities should occur along the parkway project. The transit system will connect with the four points of the existing MARTA Rail System and will make access to the MARTA Rail System convenient and attractive to many more residents. The Bellwood Quarry property, located less than ½ mile from the subject property is proposed to become one of the major parks to be located along the Beltline Parkway. For purposes of this appraisal we will assume that the Beltline Project will continue but we recognize that it will be several years before parks are developed and many more years before the rail system is installed. However, it is my opinion that the Beltline Project does have a positive affect on this neighborhood.

**RECORD DATA****Ad Valorem Taxes**

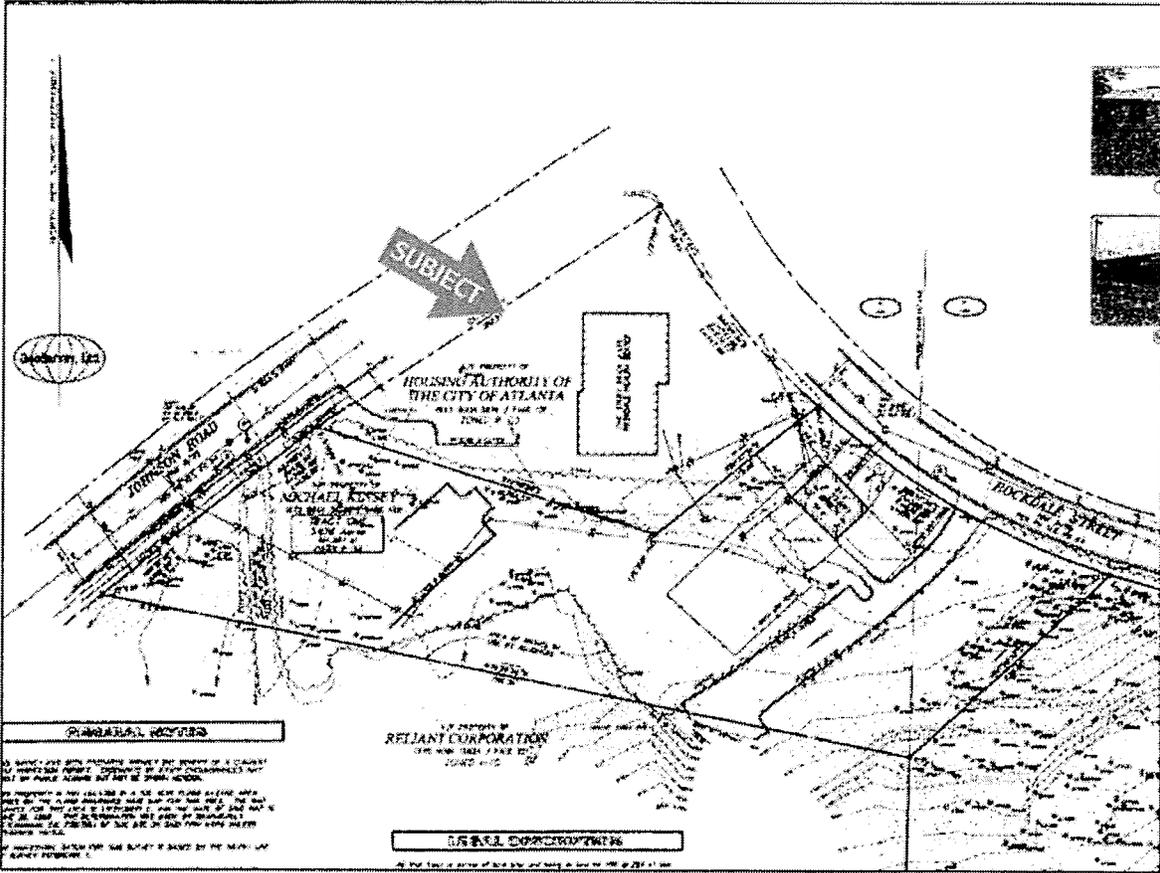
The property is identified as Tax Parcel 17-0225-LL-012-9. The subject is currently under the ownership of Fulton County and there are no ad valorem taxes paid on the property. Fulton County tax records for the year 2010 indicate a value for the property of \$1,435,300. In my opinion, this value is not appropriate due to the poor condition of the building.

**Zoning**

The property is currently zoned RG-3. However, the highest and best use of the subject is for assemblage with an adjoining tract zoned PD-MU, Planned Development Mixed Use, and for development with single family mixed use townhomes, compatible with the existing single family detached land use pattern of Grove Park neighborhood and West Highlands master plan. The zoning regulations for the RG, Residential General District and the PD-MU, Planned Development Mixed Use District are attached as Exhibit B at the end of this report.

The building is a former public health clinic and is judged a legal, non-conforming use under the current RG-3 zoning regulations. As discussed later in this report, the building has been abandoned since 2004 and is in poor condition. According to officials in the City of Atlanta Bureau of Planning, the building could be rehabilitated for use as a health clinic as long as it has not been vacant for at least one year. Since it has been vacant for approximately seven years, the structure must conform to the permitted uses of the R-G zoning district if it is to be used. In addition, clinics are legal uses in the PD-MU district. As a result, the building has potential value in both the RG-3G and PD-MU districts.

# SUBJECT SURVEY



**PROPERTY DESCRIPTION****Land**

A reduced copy of the survey for the subject property is provided on the facing page.

The subject is situated at the southwestern corner of Johnson Road and Rockdale Street.

According to the survey, there is 350.51 feet of frontage on Johnson Road and about 216 feet along Rockdale Street. The total land area is 1.35 acres, or 58,634 square feet. The land is relatively flat to gently rolling and is primarily cleared for the existing improvements. Along the road frontages, the property is between three and five feet above grade of Johnson Road and slightly above grade of Rockdale Street. Access is available via a driveway from both roads.

The subject is located in the City of Atlanta and all utilities are available.

An L-shaped tract adjoins the subject's southeastern and southwestern boundaries. This property is zoned PD-MU and is owned by a prominent local developer. Across Johnson Road to the northwest is a commercial tract improved with a rehabilitation, education and counseling center. An industrial property is across Rockdale Street to the northeast. The land is zoned R-G3 and is judged appropriate for multi-family development.

## **Improvements**

The land is improved with a 1950's era single story, brick building. Based on our measurements, the irregular shaped building contains 8,145 gross square feet and is known as the Rockdale Health Center. The building is vacant and appears to have been so for some time. A plaque mounted beside the main entrance indicates that the building was renovated in 1974. There is a brick exterior, concrete foundation, and a built-up flat roof. A corrugated metal band runs around the top of the building. There is also a strip of 2 foot by 4 foot tinted windows along three exterior walls, just below the metal band. The roof and building exterior appear to be in average condition.

Due to the overall poor conditions, our interior inspection was brief. During this inspection we observed a mix of carpet and linoleum, painted sheetrock walls and a suspended ceiling with recessed florescent lighting. We also observed significant damage to the building's interior and it appears that the copper wiring and plumbing have been stripped. The interior configuration is typical of a large health clinic with a large waiting room and numerous exam rooms. The HVAC system has also been severely damaged by vandalism. There appears to be no roof leaks, but again, we were only able to view a portion of the building from the inside. Based on our observations and the significant amount of damage from vandalism, the interior is judged to be in poor condition. We did not observe any asbestos or other hazardous construction materials during our inspection. However, due to the age of the building it is possible that hazardous materials are present.

Access to the property is available via asphalt driveways from Johnson Road and Rockdale Street. The driveways and asphalt parking lot are in below average condition. Overall, the improvements are in below average condition.

**HIGHEST AND BEST USE**

Highest and Best Use is defined by the Appraisal Institute as being:

"that reasonable and probable use that will support the highest present value, as defined, as of the effective date of the appraisal."

It is also defined as:

"That use, from among reasonable and probable legal alternate uses, found to be physically possible, appropriately supported, financially feasible, and which results in the highest land value."

**As Vacant**

The subject property is a 1.35 tract located at the southeast corner of Johnson Road and Rockdale Street in the City of Atlanta. The land is improved with an approximately 8,145 square foot former health clinic building and is zoned RG3, a multi-family zoning district.

The subject neighborhood experienced significant revitalization as mixed-use and residential developments replaced old residential and industrial properties. A primary example of this urban renewal is West Highlands, a large mixed income development comprised of single-family homes, apartments and town homes. This project is just north and west of the subject property is on part of the old Perry Homes public housing site. The residential units developed in West Highlands have been absorbed rapidly, although demand has slowed over the past three to five years.

The adjoining property to the south and east is a 12.09 acre assemblage zoned PD-MU. According to the fee owner, this primarily vacant tract is approved for approximately 213 attached town homes with a starting price at approximately \$150,000. We understand that the owner of this tract was interested in acquiring the subject to assemble with the PD-MU zoned land.

As discussed, growth in the subject neighborhood slowed during the economic downturn and developers are waiting for demand to return and existing inventory to be absorbed. Although development of the 1.35 acre subject land is legally permissible under existing RG3 zoning, we believe that assemblage with the adjoining PD-MU zoned tract would allow for development to a higher density, resulting in a more productive use of the land. Therefore, it is my opinion that the highest and best use of the subject land is for assemblage with the adjoining 12.09 acre tract and for development under PD-MU zoning. The assemblage would be 13.34 acres.

#### **As Improved**

The property is improved with an approximately 8,145 square foot former health clinic building. The 1950's era, single story building has a concrete foundation, brick exterior and a flat roof. The interior has a mix of carpet and linoleum, painted sheetrock walls and a suspended ceiling with recessed florescent light fixtures. The building has central HVAC and all utilities are available. The exterior is in average condition. Based on our observations, significant damage has occurred inside, including the removal of most, if not all, of the copper plumbing and copper wiring. In addition, an exterior portion of the HVAC system has been severely damaged by vandalism. Therefore, the building interior is in poor condition.

As discussed, the highest and best use of the subject land is for assemblage with the adjoining 12.09 acre tract and for development under PD-MU zoning. According to the PD-MU zoning regulation, clinics are a legal use. However, the need for a health clinic at this location appears to have diminished with the closing of Perry Homes. In our opinion, reconstructing the building for any other conforming use is not feasible. As a result, the building is judged of no contributable value and the highest and best use of the land as improved is for demolition of the building and assemblage of the subject land with the adjoining PD-MU zoned tract.

**METHOD OF VALUATION**

In my opinion, the most appropriate method of estimating the market value of the land is by the Sales Comparison Approach. Sales Comparison Approach is defined in the Dictionary of Real Estate Appraisal, Third Edition, published by the Appraisal Institute as:

“A set of procedures in which a value indication is derived by comparing the property being appraised to similar properties that have been sold recently, applying appropriate units of comparison, and making adjustment to the sale prices of the comparables based on the elements of comparison. The sales comparison approach may be used to value improved properties, vacant land, or land being considered as though vacant; it is the most common and preferred method of land valuation when comparable sales data are available.”

In the Sales Comparison Approach, I will estimate value by comparing the subject with sales of similar land tracts. The sales are analyzed based on their price per acre and adjustments are first made for time of sale, and then adjusted based on their size, location, zoning and contributing improvements.

As discussed, we estimate the market value of the subject property and then apply a discount and measure the impact of the proposed thirty day marketing period.

## VALUATION

The four sales judged most comparable to the subject assemblage are summarized in the following chart. The sales are compared to the subject on a price per acre basis with sizes ranging from 2.81 acres for Sale Four to 14 acres for Sale One. Sale prices range from \$45,208 per acre for Sale Two to \$82,143 per acre for Sale One and sold between August 2006 and August 2008. Detailed sales sheets are attached at the end of this report as Exhibit C including a tax sketch, photograph and location map of each sale.

Comparable Land Sales						
Sale #	Location	Date	Sale Price	Zoning	Acres	\$/Acre
1	East side of Hollywood Rd southeast of the corner of Hollywood Rd and Main St.	8/15/2006	\$1,150,000	RG3, R5	14.00	\$82,143
2	East side of Austin Rd. and north side of Hill Acres Rd., west of Fairburn Rd.	1/4/2007	\$228,800	PD-H	5.06	\$45,208
3	East side of Kimberley Rd., north of Melvin Rd.	1/25/2008	\$950,000	RG-3	13.25	\$71,698
4	South side of Northwest Dr. and east side of I-285, south of Bolton Rd.	8/21/2008	\$130,000	RG-3	2.81*	\$46,263
Subject	SE corner of Rockdale St. and Johnson Rd.			PD-H	13.44	

\* useable acres

The economic recession that gripped the southeastern region and the nation as a whole began in late 2006 or early 2007. However, evidence of its impact on all sectors of the Metro Atlanta real estate market was not seen until roughly mid-year 2007. Over the five years prior to 2007, the Atlanta real estate market has mirrored most U.S. real estate markets, growing and expanding at an exceptional rate. Metro area home values began a sharp decline near the end of 2007 with some areas experiencing diminished values of up to 50%. In my opinion, home values stabilized in mid to late year 2009 and presently remain at stabilization. As a result, no adjustment for market conditions over time is necessary.

Sale One is an approximately 14 acre tract located roughly two miles northwest of the subject on the east side of Hollywood Road. The rectangular shaped tract sold in August 2006 for \$82,143 per acre. This property is a gently rolling tract of raw land and is zoned RG-3 by the City of Atlanta. A creek runs through the northeastern quadrant of the property resulting in a significant portion of flood plain. No adjustment is needed for size, however, I believe an upward adjustment is reasonable to this sales inferior location. A slight downward adjustment is appropriate for superior shape. According to the broker involved with this transaction approximately 39% of the land area for this sale is unusable due to flood plain and a stream buffer. Although an upward adjustment is needed due to the significant amount of unusable land, we believe the strength of the adjustment is tempered as a portion of the flood plain will be incorporated into a future residential development and a portion of these developments require open space. The subject's PD-MU zoning allows for development at a higher density than this sale's RG-3 zoning and an upward adjustment is necessary. Overall a strong upward adjustment is reasonable for Sale One.

Sale Two is a 5.06 acre tract consisting of two parcels. The property sold in January 2007 for \$45,208 per acre. The irregular shaped tract is approximately 7.25 miles southwest of the subject and is zoned R-3, Single Family Residential. Like the previous sale, an upward adjustment is appropriate for inferior location. Because smaller tracts typically sell for a higher unit price than larger tracts, we adjust downward for smaller size. In my opinion, this property's long, narrow shape creates a challenge for a functional, residential development and a moderate upward adjustment is appropriate. A further upward adjustment is necessary for inferior zoning. As a result, Sale Two is adjusted moderately upward overall.

Sale Three is a 13.25 tract that is located on the east side of Kimberly Road, about 7 miles southwest of the subject. The property sold in January 2008 for \$71,698 per acre. This property was purchased and assembled for the development of a townhouse community. We believe a slight premium was paid for this land tract, as the buyer required the tract for sewer access for the proposed development. Development of this townhouse community never commenced and this tract remains undeveloped land. A downward adjustment is appropriate for conditions of sale to account for the premium paid for the land at time of sale. No adjustments are needed for similar size and shape. However, like Sales One and Two we adjust upward for inferior location and zoning. In my opinion, the overall direction of adjustment is upward.

Sale Four is a 3.81 acre tract on the south side of Northwest Drive and east side of Interstate 285. The property is about 3 miles northwest of the subject and sold in August 2008 for \$130,000. The listing broker indicated that a creek runs through the property encumbering about one acre. Dividing the sales price by 2.81 usable acres yields an adjusted sales price of \$46,263 per acre. Northwest Drive connects with Bolton Road just north of Sale Four, and Bolton Road provides southbound access to Interstate 285. The heavily wooded tract has a gently rolling topography and is zoned RG-3 by the City of Atlanta. The broker indicated a density of 45 townhomes or 90 garden apartments. In my opinion, this location is removed from both public transportation and retail services, and an upward adjustment is appropriate for inferior location. A strong downward adjustment is necessary for this sale's significantly smaller size. A further downward adjustment is made for slightly superior shape with an upward adjustment made for inferior zoning. Based on this discussion, Sale Four is judged slightly superior to the subject and a downward adjustment is necessary.

The following chart is a summary of the comparable sales and the adjustments made to each sale for comparison to the subject.

#### Land Sales Adjustments

Sale No.	Subject	1	2	3	4
Sale Date		8/15/2006	1/4/2007	1/25/2008	8/21/2008
Acres	13.44	14.00	5.06	13.250	2.81
Sale Price/AC		\$82,143	\$45,208	\$71,698	\$46,263
<b>Adjustments</b>					
market conditions over time		=	=	=	=
conditions of sale		=	=	-	=
<b>Other Adjustments</b>					
location	average	+	+	+	+
size	13.44 AC	=	-	=	-
shape	irregular	-	+	=	-
zoning	PD-H	+	+	+	+
floodplain/unusable land		+	=	=	=
<b>Overall Adjustment</b>					
		+	+	+	-

As shown in the chart, Sales One and Three are large tracts like the subject assemblage with unadjusted sales prices at the high end of the range. Sales Two and Four are small tracts and their unit prices are at the bottom end of the range. Sales One and Three are adjusted moderately upward overall, and Sales Two and Four are adjusted slightly upward and slightly downward, respectively. Although all of the sales deserve consideration in the final determination of value, it is my opinion that Sale One deserves the most weight due primarily to similar size and location. Based on this discussion, I believe a reasonable unit value estimate for the subject assemblage as vacant is \$100,000 per acre. Applying this unit value estimate to the 1.35 acres contained within the subject site yields a final value estimate for the subject land as vacant of \$135,000.

However, the land is improved with an 8,145 building which requires demolition.

Section 66, Page 11 of the Marshall cost manual indicates a unit cost for demolition of a Class C building between \$3.60 and \$5.35 per square foot. I believe \$3.60 is appropriate and results in an estimated demolition expense of \$29,322 for the building. Deducting this cost from the estimated value of the land as vacant, or \$135,000, results in a market value estimate of the subject property under typical marketing conditions of \$105,680, as rounded.

**DISCOUNT FOR MARKETING**

Fulton County has designated the subject as surplus property in accordance with the policies and procedures for Fulton County. The pertinent policy is entitled Disposition of County Owned Real Property. This policy is dated June 1, 2011 and sponsored by the General Services Department for Fulton County.

The property is to be sold under this policy with restrictions on the marketing of the property in accordance with the regulation. The regulation specifies that the property will be sold through a sealed bid process. The property will be exposed to the market for 30 days only. The proposed sale will be announced to the public via a sign posted on the property, posting of the invitation to bid on the county website, and advertisement in the official legal organ of the county or in at least one newspaper of general circulation in the county for two consecutive weeks prior to the sale. Sealed bids for the property will be received and opened at the end of the thirty day exposure time.

There will be one inspection of the property for potential purchasers conducted by the Land Division of Fulton County after the legal advertisements have run and this inspection will be at least five days prior to the bid opening date. A qualified bidder for the property must have funds in cash available to purchase the property at the time of bidding. A bank letter of credit will be required with the bid. A bidder may ask any questions of the county and these questions and answers will be posted on the county website. No negotiations or changes in the bid policy will be allowed, however, and the property will be sold "as is" and "where is" and "with all faults". The title will be transferred by quitclaim only.

The high bidder for the property will be notified when the bids are opened and the selected, qualified, high bidder has 10 days to sign the contract for sale provided by the county.

The bidder then has a maximum of 15 days to close the transaction providing cash to the county. The scheduled number of days from the opening of the bids to closing is therefore about 25 days.

The above described conditions and restrictions on the marketing of the property are believed to significantly impact the likely sale price. A significant effect is the likely limitation on the number of qualified buyers. Typical exposure times for commercial properties range from six months to one year and sometimes longer for specialized property. The specified 30 day exposure time will limit the number of buyers with knowledge of the property. The buyers are further reduced by the requirement of pre-qualification of financing prior to sale, the limited closing time after the bids are opened, and the increased risk with only one inspection allowed and no post contract negotiations or changes allowed.

Assuming typical market value is determined through probability as the expected mean of a normal distribution of market activity, buyers and sellers are in balance in the market place and sufficient time is allowed to sell a property at close to the expected mean. Significantly limiting the qualified buyers as in this case will skew the distribution toward a lower value. If the expected mean market value of the distribution is at the midpoint, or 50% above the low end of the range and 50% below the high end of the range, this reduction in demand could skew the value obtained one half to the negative, or about 25%.

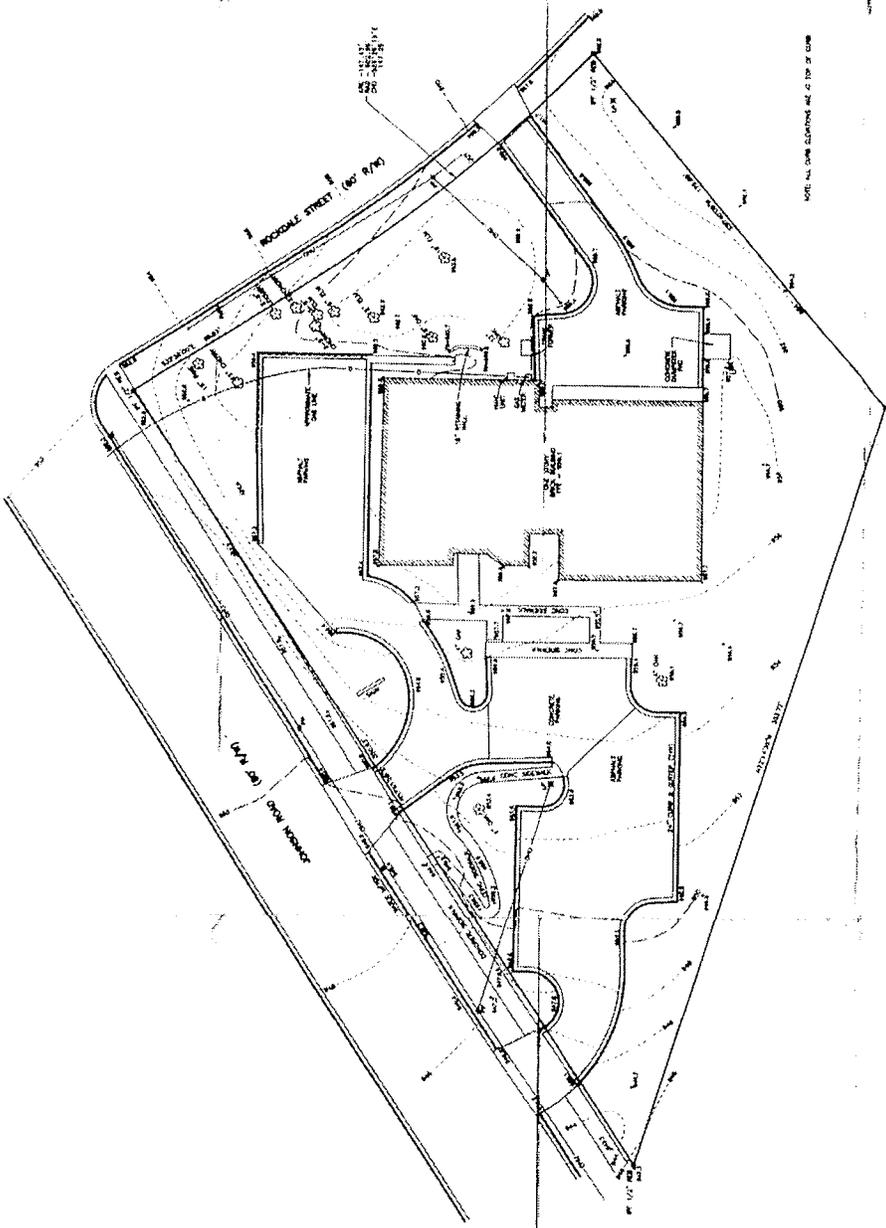
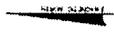
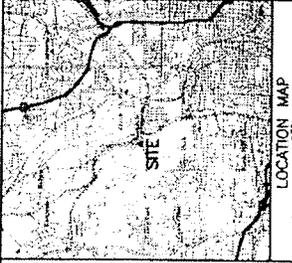
An additional reduction in value is also predicted for increased risk. The feasibility of an investment in the subject is more in question than under typical marketing conditions as a result of the limited inspection, purchasing of the property with no negotiations or requirements for change, and no post contract inspections or verifications allowed. If the typical required incentive for an investment in a commercial property is 15%, this incentive should be increased

in the same manner as the price will be reduced as explained above of 25%, or about one fourth of the total or about 3.8%. Adding the estimated reduction in price of 25% and the increased required incentive of 3.8% indicates an overall reduction in price due to the marketing conditions of about 28.8%.

Another perspective on the expected discount is from the buyer's viewpoint. The buyer will be provided with the market value appraisal of the property. The buyer would likely think that a 50% discount from market value would overstate the conditions, but a more typical 15% discount for entrepreneurial incentive would understate the conditions. The midpoint between these two estimates is 32.5%.

Our discussions with a broker in the real estate auction industry indicated a probable discount for quick sale under reasonably similar conditions of about 30%. Our estimates of discount as discussed above range from 28.8% to 32.5%. In our opinion, a reasonable discount for the specified marketing conditions for the subject would be toward the midpoint of this range or about 30% below the previously estimated market value under typical marketing conditions. Applying this discount to the market value estimate of \$105,680 yields a final 'as is' value estimate for the subject of \$74,000, as rounded.

**EXHIBIT A**  
**SURVEY OF SUBJECT PROPERTY**



FULTON COUNTY A POLITICAL SUBDIVISION  
OF THE STATE OF GEORGIA  
THE ROCKDALE HEALTH CENTER

LAND LOT 225  
CITY OF ATLANTA

175' DISTRICT  
FULTON COUNTY, GEORGIA

CHARLES D. MCCANN  
LAND SURVEYOR

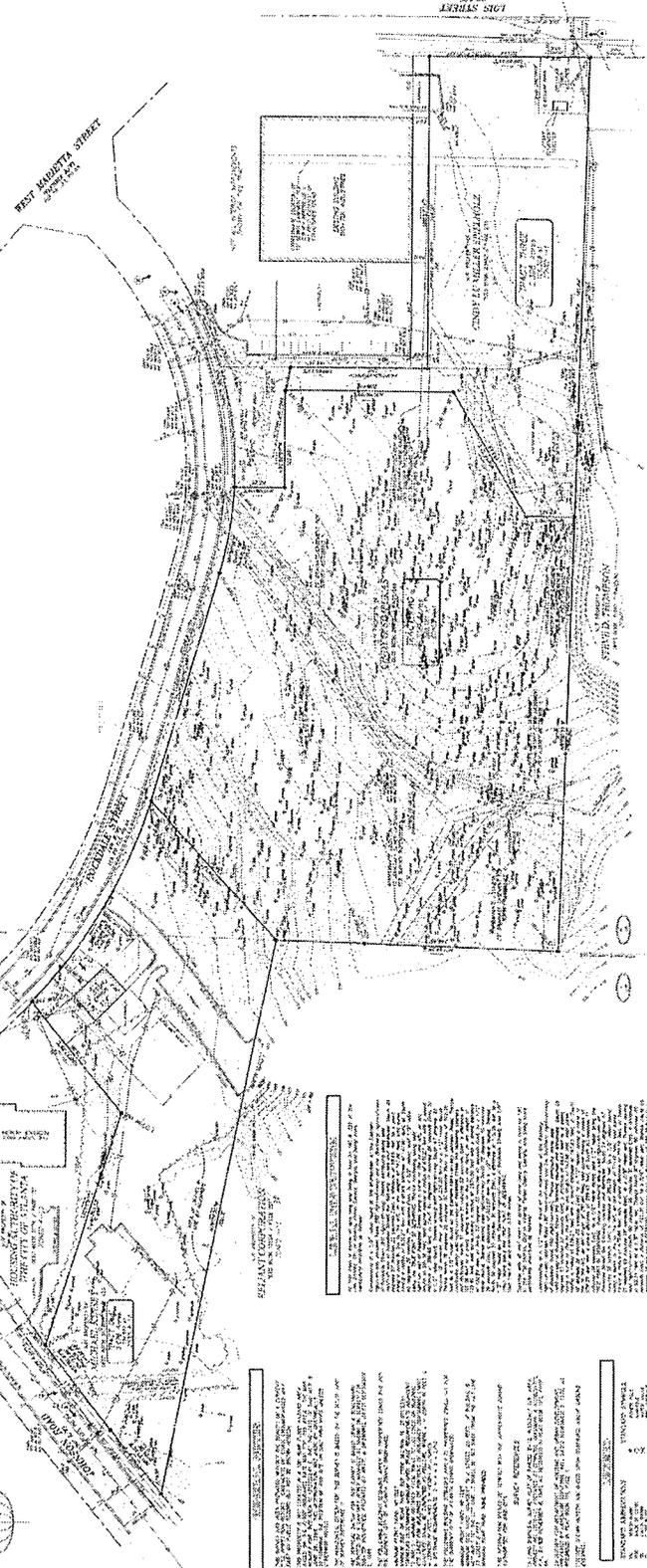
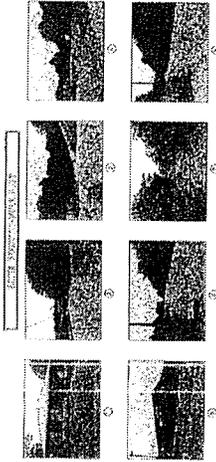
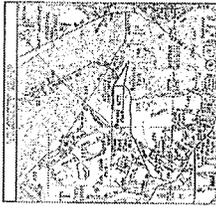
SCALE: 1" = 20'  
DATE: 11-10-1987

DATE: 11-10-1987

NO. 10000000



ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED  
DATE 08-14-2013 BY 60322 UCBAW/SJS/STP



RESUBMIT TO PREVIOUS EDITION FOR  
**BRICKBUILT, L.L.C.**  
 C-101

DATE REVISION: 08/11/2011  
 DRAWN BY: J. B. BROWN  
 CHECKED BY: J. B. BROWN  
 PROJECT NO.: 1011011011  
 SHEET NO.: 1011011011-01



DATE: 08/11/2011  
 TIME: 10:00 AM  
 PROJECT: 1011011011  
 SHEET: 1011011011-01

DATE: 08/11/2011  
 TIME: 10:00 AM  
 PROJECT: 1011011011  
 SHEET: 1011011011-01

DATE: 08/11/2011  
 TIME: 10:00 AM  
 PROJECT: 1011011011  
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DATE: 08/11/2011  
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**EXHIBIT B**

**RG-3 AND PD-MU ZONING REGULATIONS**



Atlanta, Georgia, Code of Ordinances >> PART III - CODE OF ORDINANCES—LAND DEVELOPMENT CODE >> Part 16 - ZONING >> CHAPTER 8. - R-G RESIDENTIAL GENERAL DISTRICT REGULATIONS >>

## CHAPTER 8. - R-G RESIDENTIAL GENERAL DISTRICT REGULATIONS

- [Sec. 16-08.001. - Scope of provisions.](#)
- [Sec. 16-08.002. - Statement of intent.](#)
- [Sec. 16-08.003. - Permitted principal uses and structures.](#)
- [Sec. 16-08.004. - Permitted accessory uses and structures.](#)
- [Sec. 16-08.005. - Special permits.](#)
- [Sec. 16-08.006. - Transitional uses, structures, requirements.](#)
- [Sec. 16-08.007. - Minimum lot requirements.](#)
- [Sec. 16-08.008. - Minimum yard requirements.](#)
- [Sec. 16-08.009. - Maximum height.](#)
- [Sec. 16-08.010. - Minimum off-street parking requirements.](#)

### Sec. 16-08.001. - Scope of provisions.

The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are the regulations in the R-G Residential General District.

*(Code 1977, § 16-08.001)*

### Sec. 16-08.002. - Statement of intent.

The intent of this chapter in establishing the R-G Residential General District is as follows:

- (1) To provide for a range of residential densities that are compatible with the surrounding residential environment, and with the comprehensive development plan.
- (2) To provide for supporting facilities, either as permitted uses and structures or as uses permissible by special permit.
- (3) To encourage maintenance and preservation of existing large dwellings by allowing conversion to two-family or multifamily use.

*(Code 1977, § 16-08.002; Ord. No. 2000-08, § 1, 2-16-00)*

### Sec. 16-08.003. - Permitted principal uses and structures.

A building or premises shall be used only for the following principal purposes:

- (1) Churches, synagogues, temples, mosques and other religious worship facilities, having a minimum lot area of one acre.
- (2) Colleges and universities, other than trade schools, business colleges, and similar institutions.
- (3) Dormitories, fraternity houses and sorority houses, officially affiliated with an accredited college, university or private school and only for the time period that such affiliation is in effect, such that loss of affiliation shall result in the loss of permission for the use.
- (4) Multifamily dwellings.
- (5) Public schools.
- (6) Repealed.
- (7) Single-family detached dwellings and two-family dwellings.
- (8) Structures and uses required for operation of MARTA, but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purpose.

## (9) Supportive housing.

(Code 1977, § 16-08.003, Ord. No. 2000-08, § 2, 2-16-00, Ord. No. 2005-21, §§ 1, 2, 3-25-05, Ord. No. 2008-62(06-O-0038), §§ 4A, 5A, 7-7-08, Ord. No. 2009-24(08-O-1251), § 2A, 6-9-09)

**Sec. 16-08.004. - Permitted accessory uses and structures.**

A building or premises shall be used only for the following accessory purposes:

- (1) Greenhouses, garden sheds, private garages and similar structures.
- (2) Barns for keeping of horses, provided that no such barn shall be within 50 feet of any lot line.
- (3) Guest houses, servant quarters, or lodging facilities for caretakers or watchmen.
- (4) Swimming pools, tennis courts and similar facilities.
- (5) Home occupation, subject to limitations set forth in section 16-29.001(17).
- (6) Devices for the generation of energy, such as solar panels, wind generators and similar devices.
- (7) In connection with multifamily dwellings containing 50 or more dwelling units, the following shall be permitted as accessory uses, subject to the limitations set forth herein:
  - (a) Establishments for sale of convenience goods. Nothing in this provision shall permit the location of package stores as defined in article a, section 14-2001, Definitions, Package store area—retail store for the sale of packaged spirituous liquors.
  - (b) Eating and drinking establishments.
  - (c) Personal and professional service establishments.
  - (d) Child care nurseries, day care centers, prekindergartens, kindergartens, play and other special schools or day care facilities for young children.
  - (e) Clubhouses and similar facilities.

Such establishments shall be designed and scaled to meet only the requirements of the occupants. Such establishments shall not in combination occupy more than five percent of the total floor area of the total development, and such accessory space shall be counted as a part of the total development permission allowed for each such site. Further, all such accessory uses shall be confined to locations in the basement or first floor level buildings and shall have access only from the interior of the lobby. All such establishments which are located within multiple-building complexes shall be so situated that no portion of any such accessory use is visible in whole or in part from any public street. No such accessory uses for any individual site shall contain more than a total of 10,000 square feet and no individual accessory use shall occupy more than 20 percent of the total accessory space which is otherwise permitted. No accessory building shall be constructed until construction of the principal building has actually begun, and no accessory building shall be used or occupied until the principal building is completed and in use, or in the case of multiple-family building complexes no accessory use shall commence operation until at least 50 percent of the total proposed dwelling units are occupied.

(Code 1977, § 16-08.004)

**Sec. 16-08.005. - Special permits.**

The following uses are permissible only by special permit of the kind indicated, subject to limitations and requirements set forth herein or elsewhere in this part:

- (1) *Special use permits:*
  - (a) Cemeteries and mausoleums.
  - (b) Child care nurseries, day care centers, prekindergartens, kindergartens, play and other special schools or day care facilities for young children.
  - (c) Civic, service, garden, neighborhood or private club.
  - (d) Colleges and universities, other than trade schools, business colleges and similar uses.
  - (e) Extraction or removal of sand, gravel, topsoil, clay, dirt or other natural resources.
  - (f) Personal care homes, assisted living facilities and rehabilitation centers.
  - (g) Landfills.
  - (h) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications greater than 70 feet in height, except 1) alternative design mounting structures and 2) new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).

- (i) Nursing homes.
- (j) Parks; playgrounds, stadiums, baseball or football fields, golf course, sports arena, and community centers.
- (k) Private schools.
- (2) *Special administrative permit.*
  - (a) Zero-lot-line development. See section 16-28.011(6).
  - (b) Repealed.
  - (c) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications 70 feet or less in height, alternative design mounting structures, and new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).
  - (d) Whenever an application for such a permit is made, the director of the bureau of planning shall provide prior notification to the pertinent district councilmember and at-large councilmembers.
- (3) *Special exceptions:*
  - (a) Churches, synagogues, temples, mosques and other religious worship facilities where lot area is less than one acre.
  - (b) Structures and uses required for operation of a public utility, except uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purpose.

(Code 1977, § 16-08 005; Ord. No. 1997-06, § 4, 2-10-97; Ord. No. 1997-65, § 1, 11-10-97; Ord. No. 2001-96, §§ XX, XXI, 12-12-01; Ord. No. 2004-53, §§ 11A—11C, 8-20-04; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2008-62(06-O-0038), § 3J, 7-7-08)

#### Sec. 16-08.006. - Transitional uses, structures, requirements.

The following height limitations shall apply to all uses approved by special permits as well as permitted uses.

*Transitional height planes:* Where this district adjoins a district in R-1 through R-5 classification without an intervening street, height within the district shall be limited as follows: No portion of any structure shall protrude through a height-limiting plane beginning 35 feet above the buildable area boundary nearest to the common district boundary and extending inward over this district at an angle of 45 degrees.

(Code 1977, § 16-08 006)

#### Sec. 16-08.007. - Minimum lot requirements.

The following minimum lot requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) *Churches, temples, synagogues, mosques and similar religious facilities:* Minimum net lot, one acre when permitted by special exception.
- (2) *Single-family and two-family dwellings:* Minimum lot width of 50 feet; minimum net lot area of 5,000 square feet, except zero-lot-line development.
- (2a) *Single-family zero-lot-line development:* Single-lot area: 2,500 square feet with a minimum combined area of 5,000 square feet; lot width: Not less than ten feet, with a minimum combined width of 50 feet. (See section 16-28.007.)
- (3) The following standard ratios on Table I, "Land Use Intensity Ratios," shall apply to two-family dwellings, multi-family dwellings, zero-lot-line dwellings, residence hotels, apartment hotels, rooming houses, containing living quarters for five or more persons, and dormitories, fraternity houses, and sorority houses. They are allowed at the maximum ratios for each of the five sectors as so designated on the official map. Any change in the Residential General (RG) sector designation or change from any other classification to an RG district which carries a sector designation shall require an amendment of the official map as prescribed for amendments general (Chapter 27). For the purpose of obtaining a building permit, the ratios indicated for Total Open Space (TSOR), Usable Open Space (USOR), and parking shall be used according to the nearest Floor Area Ratio (FAR) (shown on Table I) to the actual FAR for the development as indicated on the plans presented.
- (4) *All other uses:* Minimum lot width of 50 feet; minimum net lot area of 20,000 square feet.

(Code 1977, § 16-08 007; Ord. No. 2000-08, § 3, 2-16-00; Ord. No. 2001-74, § 2, 10-10-01; Ord. No. 2005-21, §§ 1, 2,

3-25-05, Ord. No. 2008-62(06-O-0038), § 5B, 7-7-08)

**Sec. 16-08.008. - Minimum yard requirements.**

- (1) *Front yard:* 40 feet
  - (2) *Side or rear yard:* As determined under section 16-28.011(5)(e)a. and b., except for duplex zero-lot-line development.
  - (2a) *Side or rear yard:* Duplex zero lot line development: No side yard is required along the internal lot line. The internal side or rear lot line may be reduced to zero feet.
- (Code 1977, § 16-08.008, Ord. No. 2001-74, § 3, 10-10-01)

**Sec. 16-08.009. - Maximum height.**

None except as required in section 16-08.006.

(Code 1977, § 16-08.009)

**Sec. 16-08.010. - Minimum off-street parking requirements.**

The following parking requirements shall apply to all uses approved by special permit as well as permitted uses (see section 16-28.014):

- (1) *Schools, colleges, churches, recreation or community centers and other places of assembly:* One space for each four fixed seats (with 18 inches of bench length counted as one seat) or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
  - (a) *Public or private elementary or middle school:* Two spaces for each classroom.
  - (b) *High school:* Four spaces for each classroom.
  - (c) *Colleges and universities:* Eight spaces for each classroom.
- (2) *Nursing homes* are required to have one space for each four beds. *Personal care homes, assisted living facilities, and rehabilitation centers with a residential component* are required to have the amount of parking specified by the Land Use Intensity Ratios Table.
- (3) *Child care centers, day care centers, prekindergartens, kindergartens, play and other special schools or day care centers for young children:* One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children as approved by the director, bureau of traffic and transportation.
- (4) *Two-family dwellings, multifamily dwellings and zero-lot-line dwellings and lodging units:* Off-street parking ratios per dwelling unit or lodging unit shall be determined from Table I by applying the applicable FAR. See section 16-28.008(7).
- (5) All accessory uses cited in section 16-08.004 shall provide one additional space per 300 square feet of floor area devoted to such space.
- (6) *Other uses:* One space for each 300 square feet of floor area.
- (7) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirement; over 25 percent must provide one space per 600 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.

TABLE I

LAND USE INTENSITY RATIOS

LUI Ratios Times Gross Land Area

	Floor Area (FAR)	Total Open Space (TOSR)	Useable Open Space (UOSR)	Parking Spaces Per Lodging Unit	Parking Spaces Per Dwelling Unit
Sector 1	.100	.80	.65	1.0	2.2
	.107	.80	.62	1.0	2.1

	.115	.79	.60	1.0	2.1
	.123	.79	.58	1.0	2.0
	.132	.78	.55	1.0	1.9
	.141	.78	.54	1.0	1.9
	.152	.78	.53	1.0	1.8
	.162	.77	.53	1.0	1.8
.....					
Sector 2	.174	.77	.52	.67	1.7
	.187	.77	.52	.67	1.7
	.200	.76	.52	.67	1.6
	.214	.76	.51	.67	1.6
	.230	.75	.51	.67	1.5
	.246	.75	.49	.67	1.5
	.264	.74	.48	.67	1.5
	.283	.74	.48	.67	1.4
	.303	.73	.46	.67	1.4
	.325	.73	.46	.67	1.3
	.348	.73	.45	.67	1.3
.....					
Sector 3	.373	.72	.45	.60	1.3
	.400	.72	.44	.60	1.2
	.429	.72	.43	.60	1.2
	.459	.72	.42	.60	1.2
	.492	.71	.41	.60	1.1
	.528	.71	.41	.60	1.1
	.566	.71	.40	.60	1.1
	.606	.70	.40	.60	1.0
	.650	.70	.40	.60	1.0
	.696	.69	.40	.60	.99
.....					
Sector 4	.746	.69	.40	.45	.96
	.800	.68	.40	.45	.93
	.857	.68	.40	.45	.90
	.919	.68	.40	.45	.87
	.985	.68	.40	.45	.85
	1.06	.68	.40	.45	.83
	1.13	.67	.41	.45	.81
	1.21	.67	.41	.45	.79
	1.30	.67	.42	.45	.77
	1.39	.68	.42	.45	.75
	1.49	.68	.43	.35	.73
.....					
Sector 5	1.60	.68	.43	.35	.71
	1.72	.68	.45	.35	.69
	1.84	.69	.46	.35	.67

	1.97	.70	.47	.35	.65
	2.11	.71	.49	.35	.63
	2.26	.72	.50	.35	.61
	2.42	.75	.51	.35	.60
	2.60	.76	.52	.35	.58
	2.79	.81	.56	.35	.56
	2.99	.83	.57	.35	.55
	3.20	.86	.61	.35	.54
.....					
Sector 6	3.43	.91	.64	.27	.53
	3.63	.95	.67	.27	.52
	3.95	1.00	.71	.27	.50
	4.24	1.05	.75	.27	.49
	4.55	1.11	.79	.27	.48
	4.88	1.17	.83	.27	.46
	5.23	1.24	.89	.27	.45
	5.60	1.31	.94	.27	.44
	5.99	1.39	.99	.27	.43
	6.40	1.46	1.05	.27	.42

See section 16-28.010 for definitions of terms. See also section 16-28.00867.

(Code 1977, § 16-08.010; Ord. No. 2000-08, § 4, 2-16-00; Ord. No. 2002-26, § 2, 3-14-02; Ord. No. 2004-53, § 11D, 8-20-04)

Atlanta, Georgia, Code of Ordinances >> PART III - CODE OF ORDINANCES—LAND DEVELOPMENT  
CODE >> Part 16 - ZONING >> CHAPTER 19B. - PD-MU PLANNED DEVELOPMENT—MIXED USE  
DISTRICT REGULATIONS >>

**CHAPTER 19B. - PD-MU PLANNED DEVELOPMENT—MIXED USE DISTRICT  
REGULATIONS**

Sec. 16-19B 001. - Scope of provisions.

Sec. 16-19B 002. - PD-MU districts: Defined, intent, where permitted.

Sec. 16-19B 003. - Permitted principal uses and structures.

Sec. 16-19B 004. - Permitted accessory uses and structures.

Sec. 16-19B 005. - Residential intensity ratings and related requirements.

Sec. 16-19B 006. - Off-street parking and loading requirements. (See section 16-28.014 and also section 16-28.015 for loading requirements.)

Sec. 16-19B 007. - Site planning.

**Sec. 16-19B.001. - Scope of provisions.**

The following regulations and requirements apply to PD-MU Planned Development—Mixed Use Districts.

*(Code 1977, § 16-19B 001)*

**Sec. 16-19B.002. - PD-MU districts: Defined, intent, where permitted.**

PD-MU districts may hereafter be established in accordance with the general procedures and requirements set forth in chapter 19, above. Such areas are defined as planned development districts for establishment of complementary groupings of residential, in combination with commercial and/or office, uses. Where such developments exist, or are previously approved, and where such developments are of a nature substantially in accord with the intent of these regulations, they may be rezoned to PD-MU status, and shall thereafter be subject to the regulations and requirements for such districts.

It is the intent of these regulations to provide for development of such districts at locations appropriate in terms of the comprehensive development plan and the transportation facilities plan, and in close proximity to mass transit facilities, in accord with standards set forth herein.

It is further intended that PD-MU development shall be in complexes within which mutually supporting residential, commercial and office uses are scaled, balanced and located so as to reduce general traffic congestion by providing housing close to principal destinations, and where convenient pedestrian circulation systems and mass transit facilities further reduce the need for private automobiles.

Within such districts, it is intended that uses shall be so arranged horizontally or vertically:

- (1) That residential uses shall be so separated from major vehicular traffic flows and other disquieting influences as to protect privacy and tranquility; and
- (2) That general commercial and service uses shall be concentrated for maximum pedestrian convenience and located for easy accessibility by residents of the district, workers within the district and visitors.
- (3) That residential uses are promoted within commercial centers.

Where such districts adjoin residential neighborhoods, it is intended that arrangement of buildings, uses, open space and vehicular access be such as to provide appropriate transition and reduce potential adverse effects.

*(Code 1977, § 16-19B.002)*

### Sec. 16-19B.003. - Permitted principal uses and structures.

- (1) Single-family, duplex, multiple-family dwellings.
- (2) Offices, clinics (other than veterinary).
- (3) Banks, savings and loan associations, and similar financial institutions.
- (4) Retail stores.
- (5) Eating and drinking establishments, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits and those with drive-in service; catering establishments, delicatessens, bakeries.
- (6) Barbershops, beauty shops and similar personal service establishments.
- (7) Laundry and dry cleaning collection stations; laundry and dry cleaning establishments where equipment is operated by customers.
- (8) Tailoring, custom dressmaking, millinery and similar establishments with on-premises retail sales only.
- (9) Repair establishments for shoes, clocks, watches and similar articles.
- (10) Hotels, motels.
- (11) Child care, continuing care retirement communities as defined in Section 16-29.001(16)(b).
- (12) Recreation establishments, including theaters, bowling alleys, poolrooms, billiard parlors and similar establishments.
- (13) Structures and uses required for operation of MARTA or a public utility, except uses involving storage, train yards, warehousing, switching or maintenance shop, as the primary purpose.
- (14) Adult businesses as defined in section 16-29.001(3). See section 16-28.016 for locational requirements.
- (15) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications as contemplated by section 16-25.002(3)(iv)(i).
- (16) Churches, synagogues, temples, mosques and other religious worship facilities.
- (17) Supportive housing with a special use permit.
- (18) Shelter with a special use permit.

(Code 1977, § 16-19B.003. Ord. No. 1997-06, § 6, 2-10-97; Ord. No. 2001-96, § L, 12-12-01; Ord. No. 2004-79, § 1, 10-20-04; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2005-25, § 4A, 5-9-05; Ord. No. 2005-41(06-O-0381), § 44, 7-12-05; Ord. No. 2008-62(06-O-0038), § 6Q-A, 7-7-08; Ord. No. 2009-24(08-O-1251), § 2Y, 6-9-09)

### Sec. 16-19B.004. - Permitted accessory uses and structures.

Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted in this district. Devices for the generation of energy, such as solar panels, wind generators and similar devices, are allowed.

(Code 1977, § 16-19B.004)

### Sec. 16-19B.005. - Residential intensity ratings and related requirements.

Residential intensities shall be permitted according to the appropriate sector number maximum intensities and related ratios as shown on Table I, "Land Use Intensity Ratios" (see section 16-10.007), as approved by the council through an application filed for a Planned Development Mixed Use (PD-MU) District.

(Code 1977, § 16-19B.005)

### Sec. 16-19B.006. - Off-street parking and loading requirements. (See section 16-28.014 and also section 16-28.015 for loading requirements.)

Off-street parking shall be provided as follows:

- (1) *Residential:* See section 16-08.007, table I, for applicable ratios according to the appropriate floor area ratio.
- (2) *Recreational establishments:* One per 400 square feet.
- (3) *Eating and drinking establishments:* One space for each 400 square feet of floor area. Where an eating and drinking establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 300 square feet of floor area. Floor area shall include, in addition to those areas defined in section

16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

- (4) *Other uses:* One per 400 square feet.
- (5) *Accessory outdoor dining:* Limited to 25 percent of the total gross floor area of the building or business with no parking requirements, unless a greater number of spaces are required as a condition for a special use permit: over 25 percent must provide one space per 800 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area. Where an establishment derives more than 60% of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 600 s.f. of the total accessory outdoor dining area including the 25 percent non-exempt floor area.
- (6) *Shelter:* One parking space for each on duty staff member, whether paid or unpaid. In addition to staff parking, a space of sufficient size is required for each van, bus or other vehicle used by the facility and one additional parking space shall be provided for each 2,000 square feet of the facility.

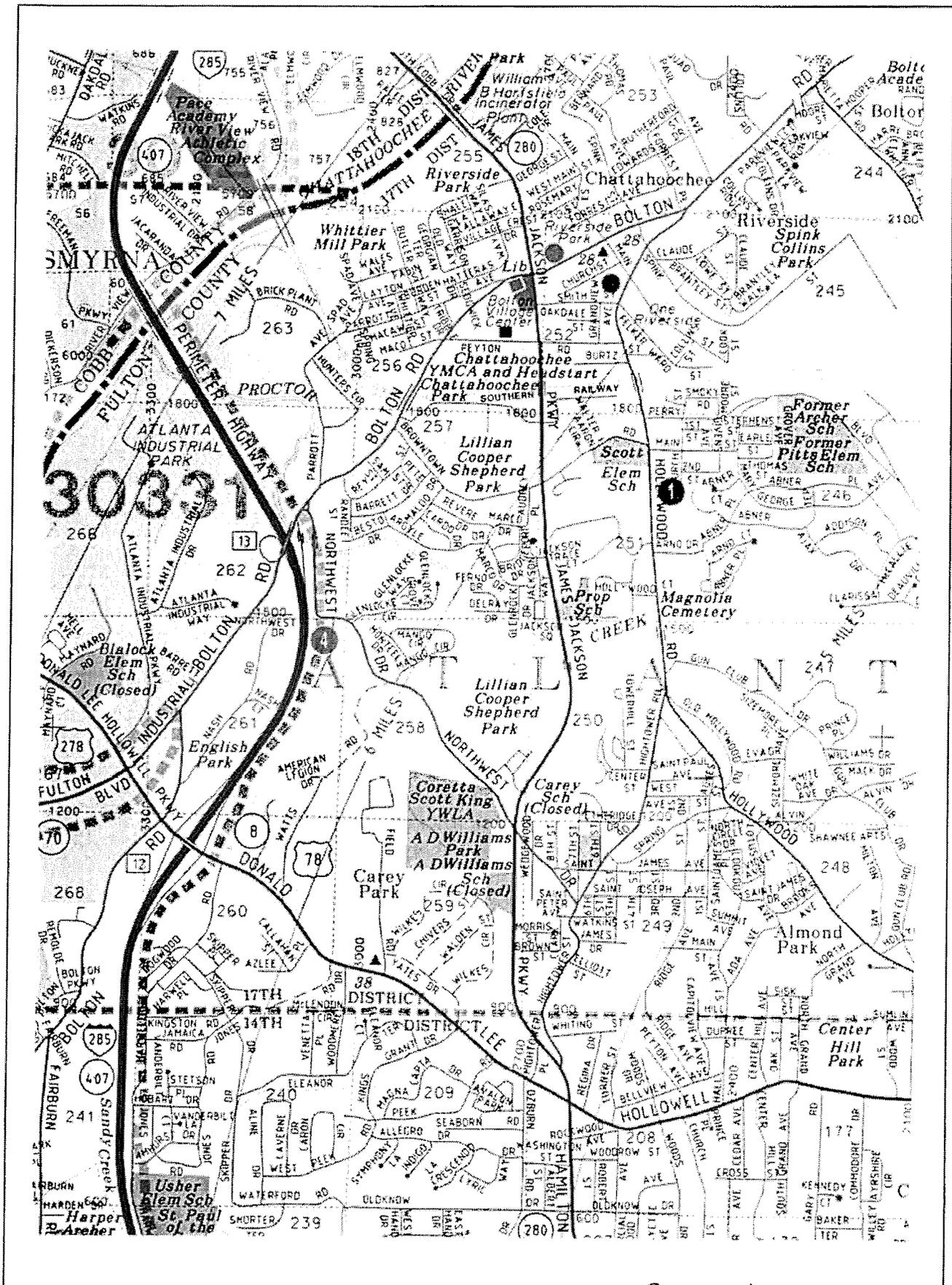
(Code 1977, § 16-19B.006, Ord. No. 1996-59, § 10, 8-26-96; Ord. No. 2002-26, § 12, 3-14-02, Ord. No. 2005-41(06-O-0381), §§ 45, 46, 7-12-05; Ord. No. 2009-24(08-O-1251), § 2Y(2), 6-9-09)

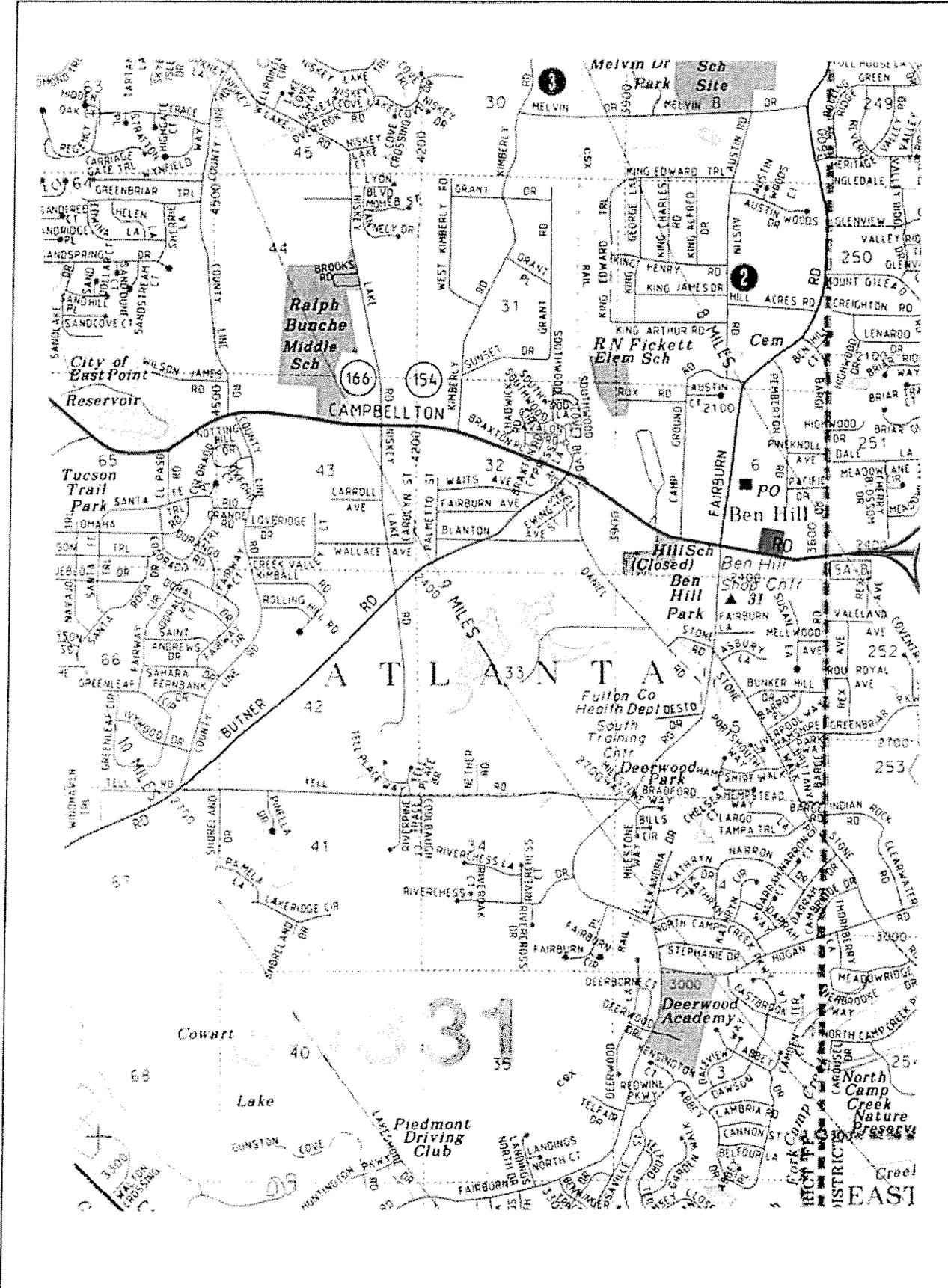
#### Sec. 16-19B.007. - Site planning.

- (1) *External Relationships:* Relation of the district to surrounding areas shall be as provided for PD-H districts in section 16-19A.006(1), "Principal Vehicular Access Points"; (2) "Access for Pedestrians and Cyclists"; (3) "Protection of Visibility."
  - (a) *Location of uses in relation to adjoining R districts:* Where a PD-MU district adjoins any R district, with or without an intervening street or alley, to the maximum extent reasonably practicable, residential uses within the PD-MU district shall be located adjacent to the R district and nonresidential uses and signs shall be located or oriented away from the R districts.
- (2) *Internal Relationships:* The site plan shall provide for safe, efficient, convenient and harmonious groups of structures, uses, facilities and open spaces in a manner facilitating pedestrian movement between major origins and destinations within and adjacent to the district with a minimum of conflicts with vehicular traffic. In particular:
  - (a) *Pedestrian systems and open space network:* Pedestrian systems through buildings shall relate to a network of exterior open spaces reserved for pedestrian use and enjoyment. Interior and exterior pedestrian ways shall be scaled for anticipated traffic and form a convenient pattern connecting major concentrations of uses within the district, and shall connect to principal mass transit stations or stops within and outside the district.
  - (b) *Streets, parking areas and service areas:* Streets, parking areas and service areas shall be so located and designed as to separate private vehicular use within the district from principal pedestrian areas. Such separation may be horizontal, with vehicular areas concentrated and grouped in a logical location or locations at edges of the district adjacent to major or collector streets, or vertical.
  - (c) *Relationships of uses:* Relationship of uses shall be such that major commercial and service establishments are grouped for maximum pedestrian convenience in locations uninterrupted by residential or general office occupancies. Residential or general office uses may either be in separate areas within the district or may be separated vertically from commercial and service areas.

(Code 1977, § 16-19B.007)

**EXHIBIT C**  
**LAND SALES**





## LAND SALE NUMBER ONE

GRANTOR: Triumph, the Church and Kingdom of God in Christ

GRANTEE: Dillard Land Investments, LLC

RECORDED: Book: 43780 Page: 63 County: Fulton

DATE OF TRANSACTION: 8/15/2006

CONSIDERATION: \$1,150,000 Price per Acre: \$82,143

TAX STAMPS: \$1150.00

FINANCING: All cash to seller. No effect on price.

LOCATION: Southeast along the East side of Hollywood Road southeast of the intersection of Hollywood Road and Main Street

TAX PARCEL ID: 17-0251-0000-89

ZONING AT TIME OF SALE: RG-3, R5

INSPECTION DATE: April 24, 2008

VERIFICATION & SOURCE: CoStar, COMPS, Win2Data, public records and Philip Covin (Broker) 678-762-4664

CONDITIONS OF SALE: Arm's length

PRESENT USE: Vacant land

TOTAL AREA: 14 acres

IMPROVEMENTS DESCRIPTION: None

HIGHEST AND BEST USE: High density single-family residential development.

DESCRIPTION OF THE PROPERTY:

Frontage: Approximately 902 feet on Hollywood Road.

Access: Available from Hollywood Rd

Utilities: All available.

Drainage: Appears adequate

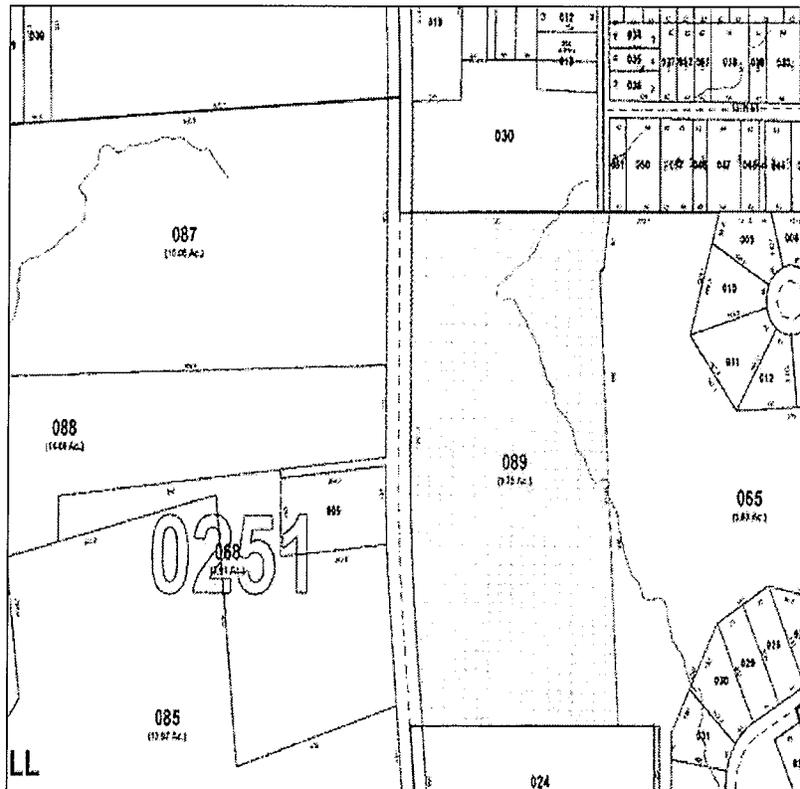
Topography: Level near frontage of property with parts 10-15 below grade near creek. Creek running through the property.

Easements: None noted

## LAND SALE NUMBER ONE (cont.)

REMARKS: The property is covered by a dense growth of hardwoods. There is a creek running through the property causing approximately 39 % of non build-able property. Approximately 15 % of that non-usable property is considered a flood plain and the remainder is in a stream buffer. The broker for the deal mentioned that the creek was not shown on available flood plain maps but the parties to the transaction had an independent engineer come out and assess the property. This property is a combination of two parcels bought together. One parcel was said to be 12.451 acres in size with the second one 1.55 acres. One parcel had a burned out house on the property that was torn down after acquisition. The second parcel still has an old abandoned house on the property. The property was bought for the land only with the improvements having no bearing on the sales price.

# LAND SALE NUMBER ONE PHOTOGRAPH AND SKETCH



Photograph Taken By: Robbie Mullins  
Date Taken: April 24, 2008

## LAND SALE NUMBER TWO

GRANTOR: R.L. McQueen, a/k/a Rosie L. McQueen, individually,  
R.L. McQueen, Trustee under the Rosie L. McQueen  
Living Trust dated XXX  
(as to Tract I)  
and Rev. R.L. McQueen, of the State of Georgia (as to  
Tract II)

GRANTEE: Tashi III Hill Acres, LLC

RECORDED: Book: 44,281 Page: 325 County: Fulton

DATE OF TRANSACTION: January 4, 2007

CONSIDERATION: \$228,800 Price/Unit: \$1.04 per square foot  
of land (see Remarks)

FINANCING: All cash to seller. No effect on price.

LOCATION: Tract I: East side of Austin Road, 180.6 feet north  
from the intersection with Hill Acres Road  
Tract II: North side of Hill Acres Road, 700 feet east  
of the intersection with Austin Road  
(Adjoining parcels)

TAX PARCEL ID(S): Tract I: 14F-0007-LL-109-8  
Tract II: 14F-0007-0002-006-3

ZONING AT TIME OF SALE: R-3, Single-family Residential district in City of  
Atlanta

INSPECTION DATE(S): May 20, 2011

VERIFICATION AND SOURCE: Georgia MLS and public record only

CONDITIONS OF SALE: Arm's length transaction

PROPERTY RIGHTS SOLD: Fee simple

TIME ON MARKET: Unknown

HIGHEST & BEST USE AT SALE: Single-family residential development

PRESENT USE: Both tracts are undeveloped land

## LAND SALE NUMBER TWO

TOTAL AREA: Land: Tract I: 202,471 square feet (4.648 acres)  
Tract II: 18,000 square feet (0.4132 acres)  
Total: 220,471 square feet (5.061 acres)

IMPROVEMENTS DESCRIPTION: None noted

### DESCRIPTION OF THE PROPERTY:

Shape: Tract I and Tract II are both rectangular in shape. Adjoining, they create a "T" shape.

Access: Tract I can be accessed via the east side of Austin Road and Tract II can be accessed via the north side of Hill Acres Road

Frontage: Tract I: 150.08 feet on the east side of Austin Road, Tract II: 100 feet along the north side of Hill Acres Road

Utilities: All available

Drainage: Appears adequate

Topography: Fairly level and on grade with the fronting roads

Easements: Reportedly, a 20-foot sanitary sewer easement traverses Tract I in a north/south direction

REMARKS: This is the purchase of two tracts of land for a single-family residential development. At the time of sale, both tracts were zoned R-3, Single-Family Residential district. A site plan was submitted and approved by the Atlanta City Council on January 16, 2007. At this time, both tracts were rezoned to PD-H, Planned Development-Housing district. The site plan indicates that Tract I was to serve as one access point to the proposed development from the north side of Hill Acres Road. Tract II would be utilized for the development of a total of 10 proposed residential lots with an interior residential street providing access from the east side of Austin Road. Per the site plan, the largest proposed lot would be 0.55 acres and the smallest proposed lot would be 0.28 acres, with an average lot size of about 0.393 acres. Upon our inspection, both of these land tracts remain undeveloped. Per our research, both land tracts went into foreclosure July 7, 2008. Per the Fulton County Tax Assessor's website (public record), both tracts remain under bank ownership at the writing of this report.

**LAND SALE NUMBER TWO PHOTOGRAPH AND SKETCH**



**Photograph Taken By: Chad A. Lieske**  
**Date Taken: May 20, 2011**



### LAND SALE NUMBER THREE

GRANTOR: Community Trust Bank

GRANTEE: Kimberley Road, LLC

RECORDED: Book: 46,282 Page: 114 County: Fulton

DATE OF TRANSACTION: January 25, 2008

CONSIDERATION: \$950,000 Price/Unit: \$1.65 per square foot  
of land (see Remarks)

FINANCING: All cash to seller. No effect on price.

LOCATION: East side of Kimberly Road, about 0.36 miles north of  
the intersection with Melvin Road

TAX PARCEL ID: 14F0029 LL0433

ZONING AT TIME OF SALE: RG-3, General (multi-family) Residential district

INSPECTION DATE: May 23, 2011

VERIFICATION AND SOURCE: CoStar Comps data service, public record, and with  
Camden Casto, with grantor (404) 813-2048 and Bill  
Butler, current listing agent  
(770) 622-3050

CONDITIONS OF SALE: Arm's length assemblage

PROPERTY RIGHTS SOLD: Fee simple with grantor reserving an easement and  
right to connect and tap-in to an existing sewer line on  
the property in a location mutually agreed upon  
between both grantor and grantee

TIME ON MARKET: CoStar Comps data service reports that the property  
was on the market for 114 days prior to this sale.

HIGHEST & BEST USE AT SALE: Multi-family or planned unit residential development

PRESENT USE: This is undeveloped land.

TOTAL AREA: Land: 13.25 acres according to the legal description

IMPROVEMENTS DESCRIPTION: None noted

### LAND SALE NUMBER THREE (cont.)

#### DESCRIPTION OF THE PROPERTY:

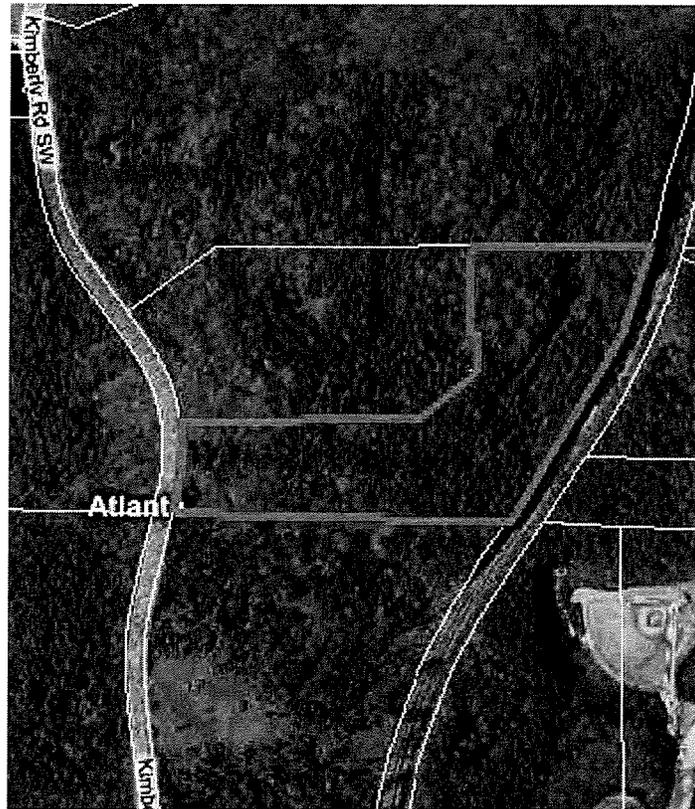
Shape:	Irregular
Access:	Future access is believed via the east side of Kimberly Road
Frontage:	295.57 feet along the east side of Kimberly Road
Utilities:	All available
Drainage:	Appears adequate
Topography:	The land slopes slightly upward from the fronting road and overall the land is rolling.
Easements:	As stated earlier, the grantor reserves an easement and right to connect and tap-in to an existing sewer line on the property in a location mutually agreed upon between both grantor and grantee. In addition, it is noted that a rail line adjoins the eastern property boundary.

REMARKS: This land was purchased for assemblage with the buyer's adjoining land to the north. The assembled land was to be used for a proposed 25.43-acre, 204 townhome subdivision named Kimberly Oaks Townhomes. According to our contact with grantor, the purchase of the 13.25-acre tract granted sewer access and additional Kimberly Road frontage as assembled with the adjoining parcel to the north. An assemblage premium was likely paid by the grantee, but this could not be quantified by our contact with grantor. Upon inspection, no development of the land has occurred. Our research shows that this 25.43-acre tract is now bank owned. The assembled 25.43-acre tract is currently listed for sale at \$2,300,000, which is a per unit price of \$90,444 per acre, or about \$2.08 per square foot of land. At the writing of this report, the listing agent stated there has been no interest in the property.

**LAND SALE NUMBER THREE PHOTOGRAPH AND SKETCH**



**Photograph Taken By: Chad A. Lieske**  
**Date Taken: May 24, 2011**



## LAND SALE NUMBER FOUR

GRANTOR: Northwest Drive, LLC

GRANTEE: Katz Investments, LLC

RECORDED: Book: 47183 Page: 310 County: Fulton

DATE OF TRANSACTION: August 21, 2008

CONSIDERATION: \$130,000 Price/Unit: \$46,263 per acre  
(See Remarks)

TAX STAMPS: \$130.00

FINANCING: All cash to seller. No effect on price.

LOCATION: South side of Northwest Drive and east side of I-285,  
just south of Bolton Road.

TAX PARCEL ID: 17-261-LL-063-7

ZONING AT TIME OF SALE: RG-3

INSPECTION DATE: October 27, 2010

VERIFICATION AND SOURCE: Georgia MLS, public records and Keith Sharp, listing  
agent (404) 969-1585

CONDITIONS OF SALE: Arm's Length

PRESENT USE: Vacant land

TOTAL AREA: 3.81 acres per warranty deed

IMPROVEMENTS DESCRIPTION: None

HIGHEST AND BEST USE: Multi-family development

## LAND SALE NUMBER FOUR (cont.)

### DESCRIPTION OF THE PROPERTY:

frontage: Approximately 200 feet on Northwest Drive and 675 feet along the west side of I-285 North

access: Available from Northwest Drive.

utilities: All available

drainage: A creek encumbers roughly 1 acre of the tract

topography: Generally flat and level

easements: Typical utility easements, assumed

REMARKS: This vacant tract adjoins a small multi-family property to the east and was purchased for development of a townhome or apartment complex. The listing broker estimated that about 1 acre of the site is encumbered with a creek, resulting in 2.81 usable acres and an adjusted unit price of \$46,263 per acre. The property can be developed to a density of 45 townhomes or about 91 garden style apartments.



**EXHIBIT D**  
**TITLE CERTIFICATE**

# JOHN W. BELL, P. C.

## ATTORNEY AT LAW

TELEPHONE: (770) 576-1962  
TELECOPIER: (770) 783-8706

13010 MORRIS ROAD, BUILDING ONE, SUITE 600  
ALPHARETTA, GEORGIA 30004

DIRECT DIAL: (678) 457-1198  
EMAIL: jwbell@jwb-law.com

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### ATTORNEY'S TITLE CERTIFICATE AND OPINION ON THE PROPERTY OF

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### FULTON COUNTY

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CLIENT:	Fulton County	TAX PARCEL:	17-0225-LL-012-9
PROJECT:	Fulton County Surplus Property	OUR FILE:	11-20009
DISTRICT:	17	LAND LOT(S):	225
PARCEL:	1	EFFECTIVE DATE:	June 5, 2011

This is to certify that in consideration of a fee to be paid to the undersigned attorneys, the undersigned does hereby certify that a careful examination has been made of the public records of Fulton County, Georgia affecting title to property described in Caption insofar as is correctly shown by indexes to said records from which indexes this certificate is furnished; and we hereby certify that record fee simple title to said property is now vested in **FULTON COUNTY** by virtue of those certain **Deeds** recorded in **Deed Book 1491, Page 405; Deed Book 2370, Page 547; Deed Book 2359, Page 532; Deed Book 3574, Page 420; Deed Book 4202, Page 582; Deed Book 4387, Page 478; and Deed Book 5076, Page 107**, Fulton County, Georgia records, as described therein; subject, however, to the below referenced objections. This title certificate and opinion is prepared solely for the use of the client and project listed herein for the property interests described by the above referenced parcel designation and may not be relied upon by any third party or for any other purpose.

#### STANDARD EXCEPTIONS

- (a) The exact location of boundary lines, unrecorded easements, possible encroachments and other facts or conditions which would be disclosed by an accurate survey and inspection of the property.
- (b) Any matters not shown by the public records or which are improperly indexed of record.
- (c) Any documents, instruments, or encumbrances filed under names other than those appearing in the chain of title.
- (d) Title to that portion of the property included within the bounds of roads, highways, easements and rights of way, particularly roads and easements which are created by adverse or prescriptive usage.
- (e) Rights of upper and lower riparian owners to the streams, creeks and branches crossing, abutting, or located on the property, free from diminution or pollution thereof.
- (f) Rights, if any, of tenants or other persons who may be in possession under claims not appearing of record.
- (g) Possible liens of architects, laborers and materialmen for improvement of the property, not filed for record as of the effective date of this Certificate of Title.
- (h) All municipal or county zoning laws, ordinances and regulations, and all governmental regulations of the use and occupancy of the property.
- (i) Any matters relating to the presence or absence of any hazardous materials or waste on or within the property, and any violations with regard to hazardous materials or waste under any and all Federal and State environmental protection laws, rules or regulations.
- (j) Pay-as-you-enter water or sewer lines, which, while not technically liens, will be payable upon connection with such lines.
- (k) The location of any portion of the property within the limits of any "wet lands," and any laws, rules and regulations affecting wet land areas.
- (l) Any matters relating to past due utility bills, including but not limited to gas, water, electricity, telephone, sewer, and sanitary services.
- (m) Liens for taxes not yet due and payable.

## SPECIAL EXCEPTIONS

### SECURITY DEEDS

1. None found open of record. Please inquire.

### PROTECTIVE COVENANTS AND SURVEY AND PLAT RESTRICTIONS

1. Those matters shown on that certain plat of Parcel 5 – Block “P” of the Fulton County Health Center, dated March 20, 1963 and recorded in Plat Book 185, Page 52, Fulton County, Georgia records.
2. State Restriction of Sale of Property dated August 9, 1949, filed August 15, 1949 and recorded in Deed Book 2450, Page 505, although such restriction were to cease twenty years after the “completion of the construction of the Auxil[i]ary Health Center – No. Ga-33 – Rockdale.”
3. Restrictions contained in that certain Warranty Deed from the Housing Authority of the City of Atlanta to Fulton County, dated June 6, 1969, filed June 9, 1969 and recorded in Deed Book 5076, Page 107, aforesaid records, with such restrictions to have been terminated in 1980.

### EASEMENTS, RIGHT-OF-WAY DEEDS AND AGREEMENTS

1. None.

### LIENS AND JUDGMENTS

1. Numerous filings involving Fulton County.

### TAXES

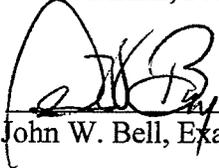
1. The subject property is currently listed as exempt from real property ad valorem taxation according to the Fulton County Tax Commissioner’s records. All matters related to taxation of the subject property are hereby excepted.

**OTHER EXCEPTIONS**

1. Note that the subject property consists of an assemblage of various tracts. Exception is made to any matters of survey which would reveal any gaps or gores, and any portions of the subject property lying within the boundaries of any road right-of-way.

This the 21<sup>st</sup> day of July, 2011.

**JOHN W. BELL, P.C.**

By: 

John W. Bell, Examining Attorney

N

**1 CURVE DATA**  
 Δ: 612.40'  
 D: 172.00'  
 R: 337.03'  
 T: 201.18'  
 L: 362.75'

GEORGIA, FULTON COUNTY  
 FILED AND RECORDED

95 APR 18 PM 3:21

JUANITA WICKS  
 CLERK, SUPERIOR COURT



AREA TO BE SOLD TO FULTON COUNTY

(A) 2,806 S.F.

(B) 20,603 S.F.

23,409 S.F. - TOTAL



20,141 S.F. - AREA NOT TO BE ACQUIRED.



838 S.F. - AREA TO BE ACQUIRED FROM FULTON COUNTY.

**2 CURVE DATA**

Δ: 412.40'  
 D: 102.00'  
 R: 572.96'  
 T: 218.79'  
 L: 218.00'

Book 185 Page 52

Entered 4-18-95

*J. Arnold*  
 Deputy Clerk



**PARCEL 5 - BLOCK "P"**  
**FULTON COUNTY HEALTH CENTER**

ROCKDALE URBAN REDEVELOPMENT PROJECT

N.E. 6A, R-21

LOCATED IN

LAND LOT 228-1744 DISTRICT

CITY OF ATLANTA

FULTON COUNTY, GEORGIA

JOE W. ARNOLD CO.

ENGINEERS & SURVEYORS

ATLANTA, GA.

SCALE: 1"=50'

MARCH 20, 1965

PB 185/52



**Arthur E. Ferdinand**  
**Tax Commissioner**  
**Fulton County, Georgia**

# TAX BILL

141 Pryor Street  
 Atlanta, Georgia 30303  
 (404) 730-6100

Property Owner	Parcel Identification	Description	User ID
FULTON COUNTY	17 -0225- LL-012-9	Real Estate	IWR

Tax District: 05T

<u>Property Address</u>	<u>Account Number</u>	<u>Current Fair Market Value</u>	<u>Current Assessed Value</u>
1175 JOHNSON RD NW	2345616	1,435,300	

**City Exemption:**

**County Exemption:**

**City Sales Tax Credit: \$0.00**

**County Sales Tax Credit: \$0.00**

**This parcel is Exempt.**

<u>Tax Year</u>	<u>Cycle</u>	<u>Principal Amount</u>	<u>Interest</u>	<u>Penalty</u>	<u>Fees</u>	<u>Total</u>
<u>2010</u>	Atlanta	0.00	0.00	0.00	0.00	0.00
<u>2009</u>	Atlanta	0.00	0.00	0.00	0.00	0.00
<u>2008</u>	Atlanta	0.00	0.00	0.00	0.00	0.00
<u>2007</u>	Atlanta	0.00	0.00	0.00	0.00	0.00
<u>2006</u>	Atlanta	0.00	0.00	0.00	0.00	0.00
<u>2005</u>	Atlanta	0.00	0.00	0.00	0.00	0.00
<u>2004</u>	Atlanta	0.00	0.00	0.00	0.00	0.00
<u>2003</u>	Atlanta	0.00	0.00	0.00	0.00	0.00
<u>2002</u>	Atlanta	0.00	0.00	0.00	0.00	0.00
<u>2001</u>	Atlanta	0.00	0.00	0.00	0.00	0.00
<u>2000</u>	Atlanta	0.00	0.00	0.00	0.00	0.00

Grand Total Due \$0.00

**Mailing Address**

FULTON COUNTY  
 141 PRYOR ST SW SUITE 7000  
 ATLANTA GA 30303

Property owners with current legal matters, such as bankruptcy or foreclosure, must contact the Tax Commissioner's office at (404) 730-6100 for the official balance due on their parcel(s).

Information is updated at 3 a.m. each business day and is deemed reliable, but not guaranteed.

[About Delinquent Taxes/Foreclosures](#) | [Return to Search Results](#)

**DETAILED TAX SUMMARY**



**City of Atlanta/Fulton County**

**TAX YEAR:** 2010

**Owner Name**  
FULTON COUNTY

**Parcel Identification**  
17 -0225- LL-012-9

**Account Number**  
2345616

**Property Location**  
1175 JOHNSON RD NW

**Tax District**  
05T

**Fair Market Value**  
1,435,300

**Assessed Value**

**Temporary Assessment**  
Not Found

**City Exemption:**

**County Exemption:**

**This parcel is Exempt.**

Levies	Assessment	Exemptions	Net Assessment	X	Net Rate	State Credit	TAX
<b>Atlanta Cycle</b>							
ATLANTA SCHOOL	0	0	0	X	.021640		\$ \$
ATLANTA SCHOOL BOND	0	0	0	X	.000054		\$ \$
ATLANTA PARKS	0	0	0	X	.000500		\$ \$
ATLANTA GENERAL	0	0	0	X	.010240		\$ \$
ATLANTA BONDS	0	0	0	X	.001200		\$ \$
Last Payment:			<b>Total Amount Billed</b>				<b>\$0.00</b>
			<b>Less Amount Paid</b>				<b>\$0.00</b>
			<b>Total Due</b>				<b>\$0.00</b>
<b>Fulton Cycle</b>							
STATE	0	0	0	X	.000250		\$ \$0.00
FULTON OPER	0	0	0	X	.010281		\$ \$0.00
Last Payment: Not Found			<b>Total Amount Billed</b>				<b>\$0.00</b>
			<b>Less Amount Paid</b>				<b>\$0.00</b>
			<b>Total Due</b>				<b>\$0.00</b>

Property owners with current legal matters, such as bankruptcy or foreclosure, must contact the Tax Commissioner's office at (404) 730-6100 for the official balance due on their parcel(s).

[Return to Tax Bill](#) | [Return to Search Results](#)

1491/405

STATE OF GEORGIA, Fulton County.

#819487

11/23

WHEREAS, In obedience to a writ of fieri facias issued by W. S. RICHARDSON, Tax Collector of the said County of Fulton, against Jennie Shirley for her State and County taxes for the year 1922, I, W. S. Richardson, Tax Collector and ex-officio Sheriff of said County of Fulton, acting under and by virtue of the powers conferred upon me by the Act of General Assembly of Georgia, approved September 11, 1891 (said County containing a population of 75,000 and more), did lately seize the parcel of land hereinafter described as the property of the said Jennie Shirley and after the same being duly advertised, agreeably to law, did on the 14th day of September, in the year Nineteen Hundred and Twenty three place of public sale in the said County of Fulton, expose the same within the legal hours of sale, at public outcry, first offering for sale, 5 feet front of said lot, and receiving no bid from anyone therefor; next offering, 10 feet front of said lot, and receiving no bid from anyone therefor; next offering, 15 feet front of said lot, and receiving no bid from anyone therefor; next offering, 20 feet front of said lot, and receiving no bid from anyone therefor; next offering, 25 feet front of said lot, and receiving no bid from anyone therefor; next offering, 30 feet front of said lot, and receiving no bid from anyone therefor; and then offering the whole of said lot, and receiving no bid from anyone therefor; when no one present having bid for either parcel or the whole of said property put up to be sold, as much as the amount of the tax with the cost due thereon for which it was proposed to sell the same, after each parcel and the whole of same had been cried a reasonable time, said lot of land was knocked off to said Fulton County for the sum of Forty Two dollars and Eighteen cents, the same being the amount of said tax with cost, and said Fulton County being the highest bidder.

Now, this deed, made the 14th day of September, Nineteen Hundred and Twenty three between the said W. S. Richardson Tax Collector and ex-officio Sheriff, as aforesaid, of the one part, and the said Fulton County, of the other part,

Witnesseth, That the said W. S. Richardson, Tax Collector and ex-officio Sheriff, as aforesaid, for and in consideration of the sum of Forty Two Dollars and 18 Cents to him in hand paid by the said Fulton County at and before the sealing and delivery of these presents (the receipt whereof is hereby acknowledged), hath granted, bargained and sold, and by these presents doth grant, bargain, sell and convey, so far as the office of Tax Collector and ex-officio Sheriff authorizes him, unto the said heirs and assigns, all

A certain Lot lying and being in Land Lot No. 225 of the 17th District of Fulton County, Georgia, beginning on the northwest corner of Johnson Street and Avenue A, and thence running south 50 feet; thence west 140 feet; thence north 50 feet; thence east 140 feet to place of beginning, being Lot Number 141 in block No. 1 of Rockdale Park Subdivision.

Together with all the rights, members and appurtenances thereof; and, also, all the estate, right, title, interest, claim and demand of the said Jennie Shirley in law, equity, or otherwise, whatsoever, or, in or to the same.

To Have and to Hold the said premises, and every part thereof, unto the said Fulton County heirs and assigns, in as full and ample a manner as the said Jennie Shirley or her heirs and assigns, did hold and enjoy or might have held and enjoyed the same, had it not been seized and sold under the execution aforesaid.

In Witness Whereof, the said W. S. Richardson, Tax Collector and ex-officio Sheriff as aforesaid, hath hereunto set his hand and affixed his seal, the day and year first above written.

Signed, sealed and delivered in the presence of Geo. B. Saunders, W. S. Richardson (L. S.) Tax Collector and ex-officio Sheriff.

Homer O. Sanford, Notary Public, State of Georgia, (Seal of W. S. Richardson, Tax Collector, Fulton County, Ga.)

STATE OF GEORGIA, Fulton County.

To All and Singular the Sheriffs and Constables of this State—Greeting: YOU ARE HEREBY REQUIRED, That of the goods and chattels, lands and tenements of Jennie Shirley you cause to be made by levy and sale sufficient thereof to make the sum of Twenty Six Dollars, and eighty eight Cents, the amount of her State and County Tax for the year 1922, also, the further sum of Fifty Cents for this F. Fa., and sufficient amount to cover interest on said Principal Tax at the rate of seven per cent per annum from December 20th, 1922, until settled, together with all costs that may hereafter accrue; and have you the said sum of money to be paid to me upon collection thereof, to be rendered to the State and County; the principal, interest and costs aforesaid, and have you then and there this writ.

Given under my hand and official signature, this 20th day of December, 1922. W. S. Richardson (L. S.) Tax Collector Fulton County.

STATE OF GEORGIA, Fulton County.

Levied the within F. Fa. on the following described property, to-wit: A certain Lot lying and being in Land Lot No. 225 of the 17th District BEGINNING on the Northwest corner of Johnson Street and Avenue A, and thence running south 50 ft; thence west 140 feet; thence north 50 feet; thence east 140 feet to place of beginning, being lot number 141 in block No. 1 of Rockdale Park Subdivision. and Street, running back feet more or less in direction; the house on Lot known as number on said street according to present plan of numbering. This same being property adjoining property of Jennie Shirley Levied on as the property of Jennie Shirley to satisfy a F. Fa. in favor of State of Georgia and County of Fulton, against said Lot and against said Jennie Shirley for State and County Taxes for the year 1922

Atlanta, Ga. May 1st 19 23 Served May 31st 19 23 Filed in office 3:00 P.M. December 28, 19 23 Recorded December 31, 19 23 W. S. Richardson T. C. and ex-officio Sheriff. J. S. C. C. E. C.

2359/532

STATE OF GEORGIA

No. 1101603

FULTON COUNTY.

THIS INDENTURE made this 5th day of October in the Year of Our Lord One Thousand Nine Hundred and forty eight between W M TUCKER of the County of FULTON COUNTY A POLITICAL SUBDIVISION OF GEORGIA of the County of of the second part:

WITNESSETH, That the said part Y of the first part, for and in consideration of the sum of One and No/100 Dollars and the purposes hereinafter recited Dollars cash

in hand paid, the receipt of which whereof is hereby acknowledged, has... bargained, sold, and do... by these presents, bargain, sell, remise, release and forever QUITCLAIM to the said party... of the second part, its successors heirs and assigns, all the right, title, interest, claim or demand which the said part Y of the first part, has or may have had in and to

all that tract or parcel of land lying and being in Land Lot 225 of the 17th District of Fulton County, Georgia, being Lots 402 and 403 of the Subdivision of Rockdale Farm, as per plat made by C S Robert, C E and more particularly described as follows: Beginning at a point on the east side of Avenue B, two hundred fifty (250) feet south of the southeast corner of Avenue B and Johnson Street; running thence east one hundred forty (140) feet along the south line of Lot 401; thence south along the rear lines of Lots 446 and 447, one hundred (100) feet; thence west along the north line of Lot 404 one hundred forty (140) feet to the east side of Avenue B; thence north along the east side of Avenue B one hundred (100) feet to the point of beginning; being the same property described in Deed Book S-4, Page 198 of Fulton County Records, and the same property conveyed from Dr E H Brinson to the Parent Teachers Association of Rockdale Park by deed recorded in Deed Book 763, page 466 of the Fulton County Records.

A plat of the Map of Rockdale Park made for Forrest and George Adair, Real Estate Agents, by O F Kauffman, C E dated November, 1906, is recorded in Plat Book 3, page 8 of Fulton County Records.

This deed is made by the undersigned for the purpose of divesting any interest that the undersigned may have in the above stated property by reason of a Deed executed on September 22, 1936 wherein the city of Atlanta by James L Key, Mayor, executed a Quit-Claim Deed to the above described property to: "H. D Rutland, Louise Hector and W M Tucker, Trustees of the Parent Teachers Association of Rockdale Park.

With all the rights, members and appurtenances to the said described premises in anywise appertaining or belonging. To HAVE AND TO HOLD the said described premises unto the said party... of the second part, its successors and assigns, so that neither the said part Y of the first part, nor his or her heirs, nor any other person or persons claiming under him or her shall at any time, by any means or ways, have, claim or demand any right title or interest to the aforesaid described premises or its appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the said part Y of the first part has hereunto set his or her hand and affixed his or her seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF E A WRIGHT RICHARD T ADERHOLD JR ( N P SEAL) NOTARY PUBLIC, GA STATE AT LARGE W M X TUCKER [SEAL] [SEAL] [SEAL]

Filed 10:43 AM Oct 26, 1948 Recorded Nov 19, 1948 J. W. [Signature] C. S. C.

547

2370

For State Restrictions of Sale of Property See 3450-505

STATE OF GEORGIA, Fulton County

No. 1101604

sp  
S/P.

THIS INDENTURE, made this 10th day of November in the Year of Our Lord One Thousand Nine Hundred and forty seven between Ida Chappell, Elmira White and Will Williams, in their capacity as Trustees of the Parent Teachers Association of Rockdale Park, of the State of Georgia and County of Fulton of the first part, and FULTON COUNTY, a political subdivision of the State of Georgia and County of Fulton of the second part,

WITNESSETH: That the said part 1st of the first part, for and in consideration of the sum of TEN AND 00/100ths (\$10.00) Dollars and other valuable consideration ~~thereof~~ in hand paid at and before the sealing and delivery of these presents, the receipt ~~whereof~~ whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said part 2nd of its successors ~~and assigns~~ all that tract or parcel of land, lying and being in all that tract or parcel of Land lying and being in Land Lot 225 of the 17th District of Fulton County, Georgia, being Lots 402 and 403 of the subdivision of Rockdale Farm, as per plat made by C E Robert and more particularly described as follows:

Beginning at a point on the east side of Avenue B, two hundred fifty (250) feet south of the southeast corner of Avenue B and Johnson Street; running thence east one hundred forty (140) feet along the south line of Lot 401; thence south along the rear line of Lots 446 and 447 one hundred (100) feet; thence west along the north line of Lot 404 one hundred forty (140) feet to the east side of Avenue B; thence north along the east side of Avenue B one hundred (100) feet to the point of beginning.

Being the same property recorded Deed Book S-4, page 198, and the same property conveyed from D r. E H Brinson to the Parent Teachers Association of Rockdale Park as recorded in Deed Book 763, page 466 of Fulton County Records.

A plat of the Map of Rockdale Park made for Forrest & George Adair Real Estate Agents by O F Kauffman C E dated Nov 1906 is recorded Plat Book 3 page 8 Fulton County Records.

This deed is executed and delivered by parties of the first part in their capacity as Trustees of the Parent Teachers' Association of Rockdale Park pursuant to the authority of a resolution adopted by the Parent Teachers' Association of Rockdale Park at a called meeting of said Parent Teachers' Association held October 23, 1947 after personal notice to each of the members of said Parent Teachers' Association. A certified copy of the minutes of said called meeting having thereto attached a duplicate original of the notice of the call of said meeting duly signed by all members of said association is hereto attached marked "Exhibit A" and made a part of this deed.

TO HAVE AND TO HOLD the said bargained premises together, tract or parcels 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 part 2nd

of the second part, its successors ~~and assigns~~ and assigns forever, in Fee Simple.

And the said part 1st of the first part, for themselves, their heirs, executors and administrators, will warrant and forever defend the right and title to the above-described property, unto the said part 2nd of the second part, its successors ~~and assigns~~ and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said part 1st of the first part, ha Ye hereunto set their hand and affixed their seal, the day and year above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF BEATRICE E TUCKER

MEXICO S HEMEREE ( N 2 SEAL )  
NOTARY PUBLIC, GEORGIA STATE AT LARGE  
MY COMMISSION EXPIRES MARCH 5, 1950

IDA CHAPPELL (SEAL)

ELMIRA WHITE [Seal]

WILL H WILLIAMS [Seal]

As Trustees of Parent Teachers Association of Rockdale Park (SEAL)  
Cecil Ellington (SEAL)

Witness Cecil Ellington

Filed 10:43 AM Oct. 26, 1948  
Recorded Nov 19, 1948

*J. W. Johnson* C.S.C.

SEE: PB 185-52 AND WD 3574-420

SEE: PB3-8 AND PB185-52 AND W/D 2370-547

155

3574 PAGE 420 WARRANTY DEED FORM 68 MILLER'S BOOK & OFFICE SUPPLY CO. ATLANTA

1675196  
STATE OF GEORGIA,  
FULTON County.

THIS INDENTURE, made this 17th day of May  
in the year of our Lord One Thousand Nine Hundred and Sixty  
Between SQUIRE BANKS  
of the State of Georgia and County of Fulton of the first part  
and FULTON COUNTY, a Political Subdivision  
of the State of Georgia and County of Fulton of the second part.

WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations ----- DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, he.s. granted, bargained, sold and conveyed and by these presents do.s. grant, bargain, sell and convey unto the said part Y of the second part, his successors and assigns, all that tract and parcel of land lying and being in Land Lot 225 of the 17th District, City of Atlanta, County of Fulton, State of Georgia, being Lot 401 of the plat of Rockdale Park, and more particularly described as follows:

BEGINNING at a point on the East side of Avenue "B" Two hundred (200) feet South from the Southeast corner of Johnson Road and Avenue "B", running thence South along the East side of Avenue "B" Fifty (50) feet; thence East One hundred forty (140) feet; thence North Fifty (50) feet; thence West One hundred forty (140) feet to the point of beginning, being improved property having a house thereon known as 1179 Avenue "B" according to the present system of numbering houses in the City of Atlanta, Georgia.

Grantor to have sixty (60) days from date to vacate and surrender premises.






FILED  
FULTON CO., GA.  
MAY 17 10 46 AM '60  
*[Signature]*  
CLERK SUPERIOR COURT

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of it the said part Y of the second part, his SUCCESSORS and assigns forever, IN FEE SIMPLE.

And the said part Y of the first part, for his heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said part Y of the second part, his SUCCESSORS and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, That the said part Y of the first part he.s. hereunto set his hand and affixed his seal, the day and year above written.

Signed, sealed and delivered in the presence of:

*[Signature]*  
*[Signature]*  
Notary Public, Fulton County, Ga.

Squire Banks (Seal)

RECORDED (Seal)

MAY 23 '60 (Seal)

*[Signature]* (Seal)  
CLERK SUPERIOR COURT



AND WD 4387-478

SEE: PB 3-8 AND PB 185-52 AND WD 2370-547

FILED  
FULTON CO. GA.

2145270

JUN 9 3 45 PM '69

RECORDED  
FULTON CO. GA  
JUN 12 '69

WARRANTY DEED *[Signature]*  
COURT

GEORGIA  
FULTON COUNTY

THIS INDENTURE made this 6<sup>th</sup> day of June *[Signature]*  
CLERK, SUPERIOR CO.

1969, between the HOUSING AUTHORITY OF THE CITY OF ATLANTA, GEORGIA, a public body corporate and politic, of the State of Georgia and County of Fulton (hereinafter referred to as Grantor), and FULTON COUNTY, a political subdivision of the State of Georgia (hereinafter referred to as Grantee).

**W I T N E S S E T H T H A T:**

The Grantor, for and in consideration of the sum of Two Thousand One Hundred Seventy-Six and 11/100 Dollars (\$2,176.11) at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the Grantee, its successors and assigns, all that tract or parcel of land in the Rockdale Urban Redevelopment Area (the Redevelopment Plan for said Project having been approved by the Mayor and Board of Aldermen of the City of Atlanta on April 6, 1960) lying and being in the City of Atlanta and in Land Lot 225 of the 17th District in Fulton County, Georgia, being Parcel E-2b of the Rockdale Urban Redevelopment Area, Project Georgia R-21, and being more particularly described as follows:

BEGINNING at a point on the southeast side of Johnson Road, 133.85 feet southwesterly, as measured along the southeast side of Johnson Road from its intersection with the southwest side of Rockdale Street; running thence

2145270

south 57 degrees 40 minutes west, 97.92 feet to an iron pin; thence continuing in a southwesterly direction along the southeast side of Johnson Road along an arc whose chord line is north 56 degrees 09 minutes east, 118.66 feet and following the curvature thereof, 118.67 feet to an iron pin; running thence south 72 degrees 14 minutes 30 seconds east, 124.30 feet to an iron pin; running thence northerly and northeasterly along an arc whose radius is 307.03 feet and along the westerly and northwesterly side of property now or formerly owned by the Fulton County Health Center, 160 feet to an iron pin; running thence north 00 degrees 32 minutes east, 11.73 feet to a point on the southeast side of Johnson Road and the point of beginning; said tract contains approximately 10362.44 square feet, as is more fully disclosed on a Land Disposal Survey Plat of Parcel E-2B (Fulton County Health Center), Rockdale Urban Redevelopment Area, Project GA R-21, made by Joe W. Arnold Co., Engineers & Surveyors, dated January 16, 1967, and revised January 24, 1967; subject to the following:

1. Any and all utility easements remaining in that portion of Avenue "B" as vacated and abandoned for street purposes by ordinance adopted by the Mayor and Board of Aldermen of the City of Atlanta, Georgia, on August 5, 1963, and approved August 7, 1963, and as set out in instrument filed for record March 12, 1964, and recorded in Deed Book 4202, page 582, aforesaid records.
2. Any and all easements shown on said plat.

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 Grantee, its heirs, successors and assigns, forever, in Fee Simple.

Book 2390  
Page 547

STATE RESTRICTION OF SALE OF PROPERTY

BOOK 2450 PAGE 505  
1130213

Commissioners of Roads & Revenues, Fulton County agree that in the event the contract now pending for a State grant-in-aid is approved, and State funds are received to assist in the construction of Auxiliary Health Center No. Ga-33 Rockdale, at Atlanta, Georgia, the following statement will be recorded with the deed to the property on which the facility is constructed as an encumbrance on the transfer or sale of the premises, and that a Statement by the Clerk of the Circuit Court certifying that this has been done will be promptly furnished to the Georgia Department of Public Health.

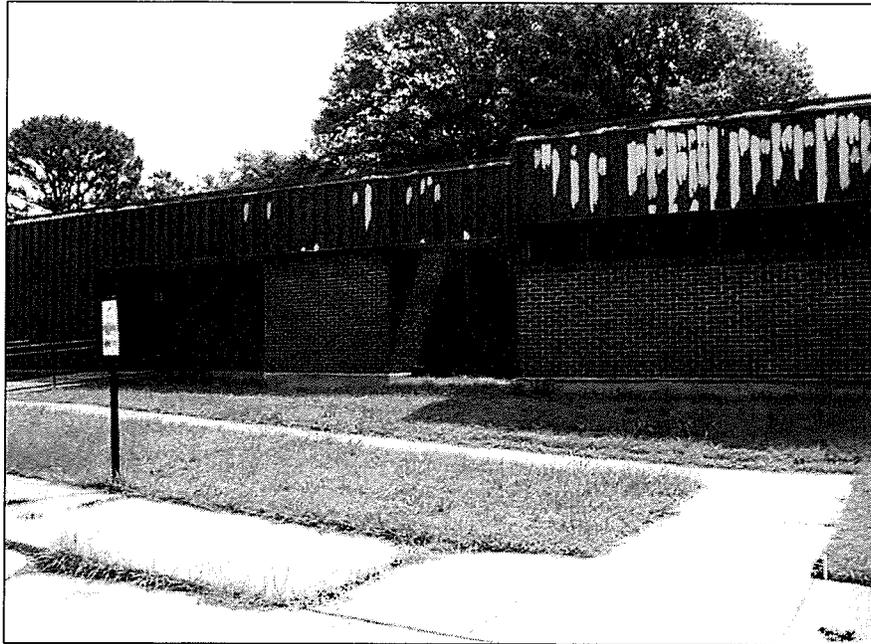
In conformity with Section 7 (d) of Act 62, Georgia Laws 1949, if at any time within twenty years after the completion of the construction of the Auxiliary Health Center - No. Ga-33 - Rockdale at Atlanta, Georgia, said facility (A) is sold or transferred to any person, agency, or organization which (1) is not qualified to file an application under the provision of the above Act or (2) is not approved as a transferee by the State Agency or its successor, or (B) has ceased to be a publicly-owned facility, the State of Georgia shall be entitled to recover from either the transferor or the transferee a per centum of the then value of such facility equal to the same percentage as the State grant was to the total cost of the construction of the facility. This amount to be determined by agreement of the parties or by action brought in court in due process of law.

Commissioners of Roads & Revenues  
Fulton County  
(Applicant)  
By [Signature]  
(Authorized Representative)  
Chairman of Board  
(Title of Authorized Representative)

Aug. 9, 1949  
(Date)  
GEORGIA, Fulton County, Clerk's Office, Superior Court  
Filed for Record, this the 15 day of Aug. 1949  
at 11:48 o'clock P.M. Recorded in Book 2450  
Page 505 of this vol. of Laws 1949

**EXHIBIT E**  
**SUBJECT PHOTOGRAPHS**

## SUBJECT PHOTOGRAPHS



1. View of the west side of the subject building.



2. View of the east side of the subject building.

Photographs by: Chuck Hill  
Date taken: July 11, 2011

**SUBJECT PHOTOGRAPHS**



**3. Johnson Road frontage.**



**4. Rockdale Street frontage.**

**Photographs by: Chuck Hill  
Date taken: July 17, 2008**

**SUBJECT PHOTOGRAPHS**



**5. Ceiling damage.**



**6. Typical interior construction and damage.**

**Photographs by: Chuck Hill  
Date taken: July 11, 2011**

**EXHIBIT 5**

**REAL ESTATE SALES CONTRACT**

## Real Estate Sales Contract

1. The undersigned Purchaser agrees to buy, and the undersigned Seller agrees to sell all that tract or parcel of land, with such improvements as are located thereon, described as follows: All that tract or parcel of land lying and being in Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, \_\_\_\_\_ Section, Fulton County, Georgia, and being known as address \_\_\_\_\_, together with all improvements, appliances, lighting fixtures, all electrical, mechanical, plumbing, air conditioning, and any other systems or fixtures as are attached thereto; also all plants, trees and shrubbery now on the premises (collectively the "Property"). The Purchase Price of the property shall be \_\_\_\_\_ (\$ \_\_\_\_\_) to be paid as follows:

2. *Purchaser.* This is a cash transaction with no contingencies for financing and Purchaser shall pay all closing costs.

3. Seller will convey to Purchaser title to the Property by Quit Claim Deed.

4. Seller and Purchaser agree that such papers as may be legally necessary to carry out the terms of this agreement shall be executed and delivered by such parties at the time the sale is consummated. Seller shall deliver possession of the Property to Purchaser at time of closing.

5. This sale is "AS IS, WHERE IS AND WITH ALL FAULTS" with regard to the condition of the Property. Should the Property be destroyed or damaged before this agreement is consummated, then at the election of the Purchaser, this agreement may be canceled.

6. Purchaser and Seller each represent and warrant to the other that there are, and will be, no fees or commissions payable to agents, brokers or other intermediaries as a consequence of this transaction, and that they have not dealt with a broker, agent or other intermediary who might by reason of such dealing have any claim for a fee, commission or other compensation, expenses or charges of whatever nature; the provisions of this paragraph shall survive the closing and delivery of the Quit Claim Deed.

7. *Time is of the essence of this agreement.* This agreement and all Terms, Conditions and provisions of the Invitation to Bid to Sell constitutes the sole and entire agreement between the parties hereto and no modification of this agreement shall be binding unless attached hereto and signed by all parties to this agreement. Any representation, promise, or inducement not included in this agreement shall not be binding upon any party hereto. Typewritten or handwritten provisions, riders and addenda shall control over all printed provisions of this agreement in conflict with them.

8. Real estate taxes and assessments for the Property shall be prorated as of midnight of the date immediately preceding the date of closing.

9. This transaction shall be closed by a law firm selected by the County.

10. This instrument shall be regarded as a binding contract upon execution by the Purchaser.

This instrument is signed, sealed and delivered by the parties and the date of last execution as shown below shall be the "Effective Date" of this Agreement.

**SELLER (S):**

Signed, sealed and delivered this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011 in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Notary Public

[Notary Seal]

**APPROVED AS TO FORM**

This \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Office of Fulton County Attorney

**PURCHASER(S):**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name Here

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
Telephone/Fax

\_\_\_\_\_  
Date of Execution

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

By: \_\_\_\_\_  
John H. Eaves, Chairman  
Fulton County Board of Commissioners

Attest: \_\_\_\_\_  
Mark Massey, Clerk of Commission