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CLERK SUPERIOR COURT  
GWINNETT COUNTY, GA.

2009 DEC 16 PM 4:16

TOM LAWLER, CLERK

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Return to:

Mitchell T. Bagwell, Esquire  
Foltz Martin, LLC  
5 Piedmont Center  
Suite 750  
Atlanta, GA 30305

**RECIPROCAL EASEMENT AND COVENANT AGREEMENT**

**THIS RECIPROCAL EASEMENT AND COVENANT AGREEMENT** (this "Agreement") is made as of this 15<sup>th</sup> day of December, 2009, by and among **HEBRON BAPTIST CHURCH, INC.**, a Georgia non-profit corporation ("Hebron"); **THE KROGER CO.**, an Ohio corporation ("Kroger"); and **DACULA MARKET, LLC**, a Georgia limited liability company ("Dacula").

**WITNESSETH:**

**WHEREAS**, Hebron is the owner of that certain parcel of land (the "Hebron Parcel") situated in the City of Dacula, County of Gwinnett and State of Georgia, which Hebron Parcel is currently unimproved and is more particularly described on Exhibit "A" attached hereto and made a part hereof; and

**WHEREAS**, the Hebron Parcel is across Dacula Road from that certain parcel of land also owned by Hebron (the "Hebron Church Parcel"), which Hebron Church Parcel is more particularly described on Exhibit "A-1", attached hereto and hereby made a part hereof upon which parcel Hebron has constructed a church for the operations of Hebron's ministries; and

**WHEREAS**, Kroger is the owner of that certain parcel of land adjacent to the Hebron Parcel (the "Kroger Parcel"), which Kroger Parcel is more particularly described on Exhibit "B" attached hereto and made a part hereof; and

**WHEREAS**, Dacula is the owner of those two certain parcels of land adjacent to the Kroger Parcel and the Hebron Parcel (individually "Shop Parcel A" and Shop Parcel B", and together the "Shop Parcels"), which Shop Parcels are more particularly described on Exhibit "C" attached hereto and made a part hereof; and

**WHEREAS**, the Hebron Parcel, the Hebron Church Parcel, the Kroger Parcel and the Shop Parcels are depicted graphically on the Site Plan attached hereto as Exhibit "D" and made a part hereof (the "Site Plan"); and

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**WHEREAS**, the Hebron Parcel, the Hebron Church Parcel, the Kroger Parcel and the Shop Parcels are sometimes collectively referred to herein as the "Parcels" and individually as a "Parcel"; and

**WHEREAS**, Hebron, Kroger and Dacula desire to establish certain rights and servitudes over the Parcels in order to facilitate each party's use and operation of the Parcels as shown on the Site Plan;

**NOW THEREFORE**, in consideration of the sum of TEN AND NO/100 DOLLARS and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

**I. EASEMENTS.**

***Easements Benefiting Hebron***

1. Access Easement.

(a) Dacula, as owner of the Shop Parcels, does hereby establish for the benefit of, and grant and convey to, the owners from time to time of the Hebron Parcel a perpetual, nonexclusive easement appurtenant to the Hebron Parcel upon, over, across and through those portions of the area crosshatched and labeled the "Access Drives Easement Area" on the Site Plan (the "Access Drives Easement Area") as are on the Shop Parcels, for the purposes of vehicular and pedestrian passage, ingress and egress (but not parking).

(b) At such time as the Access Drives are constructed, Hebron agrees to cooperate, if Dacula elects in its sole discretion, to have the Access Drives publicly dedicated to the appropriate government entity to become public right of way, at no cost (beyond de minimis costs) to Hebron.

2. Parking Easements.

(a) By Kroger.

(i) Kroger, as the owner of the Kroger Parcel, does hereby establish for the benefit of, and grant and convey to, the owners from time to time of the Hebron Church Parcel, an easement appurtenant to the Hebron Church Parcel, so long as a church is operated thereon, to park passenger motor vehicles (but not commercial or industrial vehicles) on that portion of the Kroger Parcel specifically designated on the Site Plan as the "Hebron Parking Easement Area", including the right of access, ingress and egress over the Kroger Parcel to utilize the Hebron Parking Easement Area (the "Hebron Parking Easement"). No parking shall be allowed anywhere on the Kroger Parcel except within the Hebron Parking Easement Area. The Hebron Parking Easement may only be used by Hebron and its church members and only from 7:00 A.M. to 1:00 P.M. on Sundays. Notwithstanding the foregoing or any other provision of this Agreement to the contrary, Hebron acknowledges and agrees that owner of the Kroger Parcel shall have the right in its sole discretion to construct building improvements within the Hebron Parking Easement Area, and to the extent that

any parking area is thereby removed from the Hebron Parking Easement Area during and/or after the construction of such a building, the Hebron Parking Easement Area shall be reduced accordingly and the parking easement granted by this Section I(2)(a)(i) shall be automatically terminated as to such areas; provided that to the extent that any Hebron Parking Easement Area is thereby removed, the owner of the Kroger Parcel will designate in writing reasonably comparable parking area to be added to the Hebron Parking Easement Area, and the Hebron Parking Easement Area will thereafter include such additional parking area.

(ii) Hebron shall keep the Kroger Parcel free from trash or other debris resulting from Hebron's use of the Hebron Parking Easement Area. Kroger shall be responsible for all other maintenance, repair and replacement of that portion of the Hebron Parking Easement Area that is on the Kroger Parcel; provided, however, that if Hebron or its employees, agents, contractors or invitees damages any portion of the Hebron Parking Easement Area, whether by their own negligence or willful act, Hebron shall, at the option of Kroger (a) promptly repair said damage at Hebron's sole cost and expense, or (b) reimburse Kroger for the reasonable costs and expenses incurred by Kroger in connection with the repair and restoration of such damages.

(b) By Dacula.

(i) Dacula, as the owner of the Shop Parcels, does hereby establish for the benefit of, and grant and convey to, the owners from time to time of the Hebron Church Parcel, an easement appurtenant to the Hebron Church Parcel to park passenger motor vehicles (but not commercial or industrial vehicles) on that portion of Shop Parcel A specifically designated on the Site Plan as the "Hebron Parking Easement Area", including the right of access, ingress and egress over the Shop Parcels to utilize the Hebron Parking Easement Area (the "Hebron Parking Easement"). No parking shall be allowed anywhere on the Shop Parcels except within the Hebron Parking Easement Area. The Hebron Parking Easement may only be used by Hebron and its church members and only from 7:00 A.M. to 1:00 P.M. on Sundays.

(ii) Hebron shall keep the Shop Parcels free from trash or other debris resulting from Hebron's use of the Hebron Parking Easement Area. Dacula shall be responsible for all other maintenance, repair and replacement of that portion of the Hebron Parking Easement Area that is on Shop Parcel A; provided, however, that if Hebron or its employees, agents, contractors or invitees damages any portion of the Hebron Parking Easement Area, whether by their own negligence or willful act, Hebron shall, at the option of Dacula (a) promptly repair said damage at Hebron's sole cost and expense, or (b) reimburse Dacula for the reasonable costs and expenses incurred by Dacula in connection with the repair and restoration of such damages.

3. Water Line Easement.

Dacula, as the owner of Shop Parcel A, does hereby establish for the benefit of, and grant and convey to, the owners from time to time of the Hebron Parcel, a perpetual nonexclusive easement appurtenant to the Hebron Parcel upon, over, across and through those portions of the area labeled the "Water Line Easement Area" on the Site Plan (the "Water Line Easement Area") on Shop Parcel A,

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for the purposes of allowing the water line within the Water Line Easement Area ("Water Line") to encroach upon Shop Parcel A. Dacula, as the owner of Shop Parcel A, does hereby establish for the benefit of, and grant and convey to, the owners from time to time of the Hebron Parcel a permanent, non-exclusive easement appurtenant to the Hebron Parcel within the Water Line Easement Area to allow for the construction, repair and maintenance of the Water Line; provided, however, (i) all such work shall be performed in such a manner and at such times as will cause a minimum of disruption to the operation of any business on Shop Parcel A; (ii) any and all damage to Shop Parcel A shall be promptly repaired and Shop Parcel A shall be restored to the condition that existed prior to the performance of such work and Hebron shall indemnify and hold the owner of Shop Parcel A harmless from any cost, expense, liability, claim or lien associated with such work or use; and (iii) the owner of Shop Parcel A may relocate, at its own expense, the Water Line. Hebron will cooperate with Dacula to have the Water Line publicly dedicated.

***Easements Benefiting Kroger and Dacula***

4. Stormwater Pipe Easements. Hebron, as owner of the Hebron Parcel, does hereby establish for the benefit of, and grant and convey to, the owners from time to time of the Kroger Parcel and the Shop Parcels a perpetual, nonexclusive easement appurtenant to such Parcels upon, over, across and through those portions of the area labeled the "Stormwater Pipe Areas" on the Site Plan (the "Stormwater Pipe Areas") on the Hebron Parcel, for the purposes of allowing the stormwater pipes within the Stormwater Pipes Area (the "Pipes") to encroach upon the Hebron Parcel, and for the free flow of storm water through the Pipes. Hebron acknowledges that storm water originating from parcels other than the Kroger Parcel and the Shop Parcels will flow through the Pipes, and acquiesces to same. Hebron, as the owner of the Hebron Parcel, does hereby establish for the benefit of, and grant and convey to, the owners from time to time of the Kroger Parcel and the Shop Parcels a permanent, non-exclusive easement appurtenant to such Parcels on ten feet (10') of either side of the Pipes to allow for their construction, repair and maintenance; provided, however, (i) all such work shall be performed promptly and in such a manner and at such times as will cause a minimum of disruption to the operation of any business on the Hebron Parcel; (ii) any and all damage to the Hebron Parcel shall be promptly repaired and the Hebron Parcel shall be restored to the condition that existed prior to the performance of such work and the owner performing such work shall indemnify and hold the owner of the Hebron Parcel harmless from any cost, expense, liability, claim or lien associated with such work or use; and (iii) the owner of the Hebron Parcel may relocate, at its own expense, the Pipes, so long as stormwater drainage from the Kroger Parcel and the Shop Parcels is not interrupted in such a manner as would materially adversely affect the business conducted on the Kroger Parcel or the Shop Parcels.

5. Slope Easements.

(a) In favor of Kroger. Hebron, as owner of the Hebron Parcel, does hereby establish for the benefit of, and grant and convey to, the owners from time to time of the Kroger Parcel a perpetual, nonexclusive easement appurtenant to such Parcel for the installation, construction, use, maintenance, repair, replacement, and restoration of a slope for the support of the Kroger Parcel and any and all improvements and facilities now or hereafter located on the Kroger Parcel in, to, on, over, across and under that portion of the Hebron Parcel located within the area depicted on the Site Plan

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as the "Hebron Parcel Slope Area" (the "Hebron Parcel Slope Area"); provided that any and all such work and slopes shall be performed in a good and workmanlike manner, in compliance with all laws, without the placement of any lien or notice of claim of lien on the Hebron Parcel which is not released or bonded over within 30 days after the owner of the Kroger Parcel receives notice thereof. The owner of the Kroger Parcel shall, at its own cost and expense, keep and maintain in a good condition, order and state of repair any slope constructed or installed by the owner of the Kroger Parcel within the owner of the Hebron Parcel Slope Area. The owner of the Hebron Parcel shall have the right to use the Hebron Parcel Slope Area for all uses and purposes not inconsistent with the rights granted hereunder to the owner of the Kroger Parcel.

(b) In favor of Dacula. Hebron, as owner of the Hebron Parcel, does hereby establish for the benefit of, and grant and convey to, the owners from time to time of the Shop Parcels a perpetual, nonexclusive easement appurtenant to such Parcels for the installation, construction, use, maintenance, repair, replacement and restoration, of a slope for the support of the Shop Parcels and any and all improvements and facilities now or hereafter located on the Shop Parcels in, to, on, over, across and under that portion of the Hebron Parcel located within the Hebron Parcel Slope Area; provided that any and all such work and slopes shall be performed in a good and workmanlike manner, in compliance with all laws, without the placement of any lien or notice of claim of lien on the Hebron Parcel which is not released or bonded over within ten (10) days after the owner of the Shop Parcels receives notice thereof. The owner of the Shop Parcels shall, at its own cost and expense, keep and maintain in a good condition, order and state of repair any slope constructed or installed by the owner of the Shop Parcels within the owner of the Hebron Parcel Slope Area. The owner of the Hebron Parcel shall have the right to use the Hebron Parcel Slope Area for all uses and purposes not inconsistent with the rights granted hereunder to the owner of the Shop Parcels.

6. Grading Easement.

(a) In favor of Kroger. Hebron, as the owner of the Hebron Parcel, does hereby establish for the benefit of, and grant and convey to, the owners from time to time of the Kroger Parcel a temporary, nonexclusive easement appurtenant to the Kroger Parcel on, over and across the Hebron Parcel for the purpose of removing dirt from the Hebron Parcel, establishing the grade between the Hebron Parcel and the Kroger Parcel, and completing the grading work, including without limitation for the purpose of depositing and spreading upon the Hebron Parcel earth removed from the existing ponds and wetlands area (the "Pond Soil"), all as set forth in those certain grading plans attached hereto as Exhibit "E" (the "Grading Plan"), including the right of access to and from the Hebron Parcel as may be necessary for completing the grading work contemplated herein and in the Grading Plan. The Pond Soil shall be evenly spread across the disturbed area and shall not exceed twelve inches (12") in depth. The aforementioned temporary easement shall terminate on the earlier to occur of (i) two (2) years after the date hereof; or (ii) upon the owner of the Kroger Parcel completing its grading work.

(b) In favor of Dacula. Hebron, as the owner of the Hebron Parcel, does hereby establish for the benefit of, and grant and convey to, the owners from time to time of the Shop Parcels a temporary, nonexclusive easement appurtenant to the Shop Parcels on, over and across the Hebron Parcel for the purpose of removing dirt from the Hebron Parcel, establishing the grade between the Hebron Parcel and the Shop Parcels and completing the grading work, including without limitation

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for the purpose of depositing and spreading upon the Hebron Parcel earth removed from the existing ponds and wetlands area, all as set forth in the Grading Plan, including the right of access to and from the Hebron Parcel as may be necessary for completing the grading work contemplated herein and in the Grading Plan. The Pond Soil shall be evenly spread across the disturbed area and shall not exceed twelve inches (12") in depth. The aforementioned temporary easements shall terminate on the earlier to occur of (i) two (2) years after the date hereof; or (ii) upon the owner of the Shop Parcels completing its grading work.

(c) Profit a Pendre. The foregoing grading easements in favor of Kroger and Dacula includes a profit a pendre to remove 350,000 cubic yards of soil total from the Hebron Parcel in connection with the development of the Kroger Parcel and Shop Parcels.

**II. COVENANTS.**

In connection with the establishment of the easements contained herein, the parties do hereby covenant and agree as follows:

1. Construction of Access Drives. Dacula covenants and agrees that it will construct the Access Drives that are within the Access Drives Easement Area (the "Access Drives") at the same time that Dacula develops the Shop Parcels, if ever, at its own cost and expense, in a good and workmanlike, lien-free manner. The Access Drive adjacent to Dacula Road will be constructed at the same time as vertical improvements are constructed on Shop Parcel A, if ever, and the Access Drive adjacent to Fence Road will be constructed at the same time as vertical improvements are constructed on Shop Parcel B, if ever. The Access Drives will be constructed in compliance with all applicable zoning ordinances of the City of Dacula.

2. Access Drive Barriers and Modifications.

(a) No owner of a Parcel shall, at any time during the term of this Agreement, erect a barrier across, or in any other way modify the Access Drives, in such a way as would interfere with the flow of traffic between and among the Parcels and the adjacent public roadways, without the prior written consent of the owners of the other Parcels, in such owner's sole discretion.

(b) The owners of the Parcels hereby covenant and agree to make all commercially reasonable efforts to keep the Access Drives open, unobstructed and free of interference at all times, including during periods of construction on the Parcels.

3. Construction of Sidewalks.

(a) Dacula covenants and agrees that it will construct the sidewalks ("Sidewalks") shown on the Site Plan that are on Shop Parcel A at the same time that Dacula develops Shop Parcel A, if ever, at its own cost and expense, in a good and workmanlike, lien-free manner. The Sidewalks will be constructed in compliance with all applicable zoning ordinances of the City of Dacula.

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(b) Kroger covenants and agrees that it will construct the Sidewalks shown on the Site Plan that are on the Kroger Parcel at the same time that Kroger develops the Kroger Parcel, if ever, at its own cost and expense, in a good and workmanlike, lien-free manner. The Sidewalks will be constructed in compliance with all applicable zoning ordinances of the City of Dacula.

4. Use Restrictions on the Hebron Parcel. The portion of the Hebron Parcel shown on Exhibit "F" and labeled the "Hebron Restricted Property" (herein so called), which Hebron Restricted Property is legally described on Exhibit "F-1," shall be subject to the following restrictive covenants:

(a) No portion of the Hebron Restricted Property shall be used as a drug store or for a pharmacy department requiring the services of a registered pharmacist, provided that this restriction shall cease to be in force and effect if the owner or occupant of the Kroger Parcel and the owners or occupants of both Shop Parcels fail to operate a drug store or pharmacy department on the Kroger Parcel or either Shop Parcel for a period of three hundred and sixty five (365) consecutive days or longer subsequent to the commencement of business operations on the Kroger Parcel or either Shop Parcel, except when such failure is caused by labor disputes, force majeure (including reconstruction as a result of fire or other casualty) or conditions beyond the control of the owner or lessee of the Kroger Parcel or Shop Parcels.

(b) No portion of the Hebron Restricted Property shall be used as a food store or food department, or for the sale of groceries, meats, fish, produce, dairy products, bakery products, alcohol beverages or any of them for off-premises consumption, provided that nothing herein shall prevent the sale of such products as an incidental part of a business so long as the total number square feet devoted to the display of such products does not exceed five percent (5%) of the total square footage of the building improvements in which such products are sold or five hundred (500) square feet, including, in either case, one half (1/2) of the aisle space adjacent to any display area, whichever is smaller, provided that this restriction shall cease to be in force and effect if the owner or occupant of the Kroger Parcel and the owners or occupants of both Shop Parcels fail to conduct a business for the sale of groceries, meats, fish, produce, dairy products, bakery products, alcohol beverages or any of them, for a period of longer than three hundred and sixty five (365) consecutive days or longer subsequent to the commencement of business operations on the Kroger Parcel or either Shop Parcel, except when such failure is caused by labor disputes, force majeure (including reconstruction as a result of fire or other casualty) or conditions beyond the control of the owner or lessee of the Kroger Parcel or Shop Parcel.

(c) No portion of the Hebron Restricted Property shall be used for the sale of automotive fuel, including without limitation gasoline and diesel fuel, provided that this restriction shall cease to be in force and effect if the owner or occupant of the Kroger Parcel and the owners or occupants of both Shop Parcels fail to conduct business for the sale of automotive fuel for a period of longer than three hundred and sixty five (365) consecutive days or longer subsequent to the opening for business of an automotive fuel dispensing facility on the Kroger Parcel or Shop Parcels, except when such failure is caused by labor disputes, force majeure (including reconstruction as a result of fire or other

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casualty) or conditions beyond the control of the owner or lessee of the Kroger Parcel or Shop Parcels.

(d) No parking area used in connection with a use violating the foregoing use restrictions shall be located on the Hebron Restricted Property, even if the building housing such use is located outside of the Hebron Restricted Property.

(e) Notwithstanding anything to the contrary in this Section II(4), restaurants shall not be considered a violation of the food restrictions set forth above and shall be allowed upon the Hebron Restricted Property. Any restaurants upon the Hebron Restricted Property shall meet all City of Dacula and Gwinnett County parking requirements without a variance.

5. Use Restrictions on the Kroger Parcel and the Shop Parcels. No portion of the Kroger Parcel or the Shop Parcels shall be used for any of the following uses: tattoo parlors, pawn shops, massage parlors (except for a non-sexual massage provider such as that operated as of the date of this Agreement under the trade name "Massage Envy"), adult novelty stores, adult book stores, adult entertainment establishments, automotive repair shops, used car lots, billboards, boat sales (new or used), motorcycle sales (new or used), used clothing stores, consignment stores, contractor's office with outside storage of equipment (this prohibition shall not apply (i) during construction or remodel of any improvements on the Kroger Parcel or Shop Parcels in regard to shelters used by contractors engaged in the orderly continuation of construction of the improvements, and (ii) with respect to temporary structures erected on the Kroger Parcel in connection with seasonal sales), emission inspection stations, mini warehouse storage facilities, mobile home or mobile home leasing or sales lot, recovered materials processing facility, liquor or package stores (not part of a grocery store), stand alone bars or saloons (bars or saloons that are not a part of a sit down family restaurant).

### **III. EFFECT OF AGREEMENT.**

Except as may be specifically set forth herein, the covenants, easements and restrictions provided for herein shall be effective upon the date hereof and shall run with the land and constitute a use for reciprocal benefits to, and burdens upon, the Parcels. Except as may be specifically set forth herein, the covenants, easements and restrictions provided for herein shall inure to the benefit of and be binding upon Hebron, Kroger, and Dacula, their successors, successors-in-title and assigns and shall remain in full force and effect and shall be unaffected by any change in ownership or possession of the Parcels, or any of them, or by any change of use, demolition, reconstruction, expansion or other circumstances, except as specified herein. It is the intent of Hebron, Kroger and Dacula that this Agreement shall remain in effect and shall not be terminated by merger unless an appropriate instrument terminating this Agreement shall be filed in the land records of the Superior Court of Gwinnett County, Georgia. Each of the rights created hereunder shall be specifically enforceable in a court of equity since an action for damages would not be an adequate remedy for a breach of this Agreement.

### **IV. MISCELLANEOUS.**

1. Invalidity. If any provision of this Agreement, or portion thereof, or the application thereof to any person or circumstances, shall, to any extent, be held invalid, inoperative or

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unenforceable, the remainder of this Agreement, or the application of such provision or portion thereof to any other persons or circumstances, shall not be affected thereby and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

2. Exhibits. Exhibits "A," "A-1," "B," "C," "D," "E," "F," and "F-1," attached hereto are by this reference incorporated herein and made a part hereof.

3. Applicable Law. The terms of this Agreement shall be governed by the laws of the State of Georgia.

4. No Dedication. This Agreement is not intended to, and shall not be construed to dedicate the herein described easement areas to the general public. Subject to the easements and restrictions contained in this Agreement, the owners from time to time of the Parcels shall have the right to expand, alter, modify or demolish all or part of the buildings now or hereafter constructed on the Parcels, or develop the Parcels in any manner they see fit.

5. Use of Easements. The easements, rights and privileges set forth herein for the benefit of the Hebron Parcel shall also be for the benefit of Hebron's invitees, agents, employees, successors and assigns, together with any mortgagees of the Hebron Parcel. The easements, rights and privileges set forth herein for the benefit of the Hebron Church Parcel shall also be for the benefit of Hebron's invitees, agents, employees, successors and assigns, including without limitation church members, together with any mortgagees of the Hebron Church Parcel. The easements, rights and privileges set forth herein for the benefit of the Kroger Parcel shall also be for the benefit of Kroger, its invitees, agents, employees, successors and assigns, together with any mortgagees of the Kroger Parcel. The easements, rights and privileges set forth herein for the benefit of the Shop Parcels shall also be for the benefit of Dacula, its invitees, agents, employees, successors and assigns, together with any mortgagees of the Shop Parcels. The easements, rights, privileges, restrictions, benefits and obligations hereunder shall be covenants running with the land expressly affected thereby unless otherwise specified herein.

6. No Joint Venture. Nothing contained in this Agreement shall be construed to make the owners of the respective parcels partners or joint venturers, or to render either owner liable for the debts or obligations of the other owner.

7. Time is of the Essence. Time shall be of the essence in this Agreement with respect to all matters of performance set forth herein.

## **V. AMENDMENT.**

The owners of the Parcels shall, during the development of the Parcels, execute such amendments to this Agreement as are reasonably necessary to define and clarify the easements and other rights and responsibilities herein contained, provided, as to the owner asked to execute an amendment, such amendment does not negatively impact the development or use of the owner's Parcel, impose additional costs on such owner or diminish the owner's rights hereunder.

WITNESS the hand and seal of the undersigned on the day and year first set forth above.

Signed, sealed and delivered  
in the presence of:

[Signature]  
Witness:

[Signature]  
Notary Public



My commission expires: \_\_\_\_\_  
Kay Cone  
Notary Public  
Gwinnett County, Georgia  
My Comm Exp May 6, 2012

HEBRON BAPTIST CHURCH, INC.,  
a Georgia non-profit corporation

By: [Signature] (SEAL)  
Mark Gordon, Trustee

Signed, sealed and delivered  
in the presence of:

[Signature]  
Witness:

[Signature]  
Notary Public



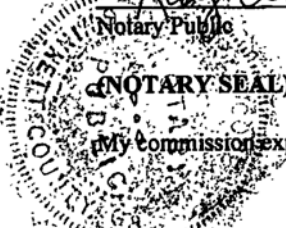
My commission expires: \_\_\_\_\_  
Kay Cone  
Notary Public  
Gwinnett County, Georgia  
My Comm Exp May 6, 2012

By: [Signature] (SEAL)  
Quillon Butler, Trustee

Signed, sealed and delivered  
in the presence of:

[Signature]  
Witness:

[Signature]  
Notary Public



My commission expires: \_\_\_\_\_  
Kay Cone  
Notary Public  
Gwinnett County, Georgia  
My Comm Exp May 6, 2012

By: [Signature] (SEAL)  
Dr. Wayne Wallis, Trustee

(CORPORATE SEAL)

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Signed, sealed and delivered  
in the presence of:

Kimberly Pasnake  
Unofficial Witness  
Linda L. Campbell  
Notary Public

THE KROGER CO., an Ohio corporation

By: Paul W. Heldman  
Print: Paul W. Heldman  
Title: Executive Vice President



My commission expires:



Linda L. Campbell  
Notary Public, State of Ohio  
My Commission Expires 11-15-2014

Signed, sealed and delivered  
in the presence of:

Linda L. Campbell  
Unofficial Witness  
Notary Public

DACULA MARKET, LLC, a  
Georgia limited liability company

By: Connolly Manager, Inc., a Georgia corporation,  
its Manager

By: Timothy J. Connolly II, its President

My commission expires:



Linda L. Campbell  
Notary Public, State of Ohio  
My Commission Expires 11-15-2014

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Signed, sealed and delivered  
in the presence of:

**THE KROGER CO.,** an Ohio corporation

\_\_\_\_\_  
Unofficial Witness

By: \_\_\_\_\_

Print: \_\_\_\_\_

Title: \_\_\_\_\_

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

My commission expires:

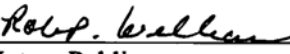
**[NOTARY SEAL]**

Signed, sealed and delivered  
in the presence of:

**DACULA MARKET, LLC,** a  
Georgia limited liability company

  
\_\_\_\_\_  
Unofficial Witness

By: Connolly Manager, Inc., a Georgia corporation,  
its Manager

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

By:   
\_\_\_\_\_  
Timothy J. Connolly II, its President

My commission expires:



**BK49855PG0592**

**EXHIBIT "A"**

**ALL THAT TRACT OR PARCEL OF LAND** lying and being in Land Lots 303 and 304, 5<sup>th</sup> Land District, Gwinnett County, Georgia and being more particularly described on that certain Plat prepared for Richard W. Courts II, prepared by James Higginbotham, Jr., Georgia Registered Land Surveyor, dated April 7, 1966, filed and recorded April 27, 1966 in Plat Book N, Page 242, Gwinnett County, Georgia records.

**LESS AND EXCEPT:**

**LEGAL DESCRIPTION  
PARCEL 1-A - HEBRON TO DACULA TOWN CENTER III, LLC**

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 0.731 ACRES LYING AND BEING IN LAND LOT 304 OF THE 5<sup>th</sup> LAND DISTRICT, CITY OF DACULA, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING COMMENCE AT A POINT AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY OF FENCE ROAD (80' RIGHT OF WAY) AND THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD (80' RIGHT OF WAY); THENCE RUN ALONG THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD NORTH 56 DEGREES 05 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 359.59 FEET TO A POINT; CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 560.87 FEET AND AN ARC LENGTH OF 259.01 FEET, BEING SUBTENDED BY A CHORD OF NORTH 69 DEGREES 19 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 256.72 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY NORTH 07 DEGREES 26 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 11.79 FEET TO AN IRON PIN SET ON THE REQUIRED NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD, HAVING A RIGHT OF WAY WIDTH THAT VARIES; THENCE RUNNING ALONG THE REQUIRED NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 549.30 FEET AND AN ARC LENGTH OF 35.89 FEET, BEING SUBTENDED BY A CHORD OF NORTH 84 DEGREES 28 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 35.89 FEET TO A POINT; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY NORTH 86 DEGREES 08 MINUTES 20 SECONDS WEST FOR A DISTANCE OF 253.93 FEET TO A POINT; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 648.72 FEET AND AN ARC LENGTH OF 325.52 FEET, BEING SUBTENDED BY A CHORD OF NORTH 71 DEGREES 45 MINUTES 50 SECONDS WEST FOR A DISTANCE OF 322.11 FEET TO A POINT; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY NORTH 57 DEGREES 23 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 152.89 FEET TO AN IRON PIN SET; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY NORTH 57 DEGREES 23 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 147.50 FEET TO A POINT; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 474.00 FEET AND AN ARC LENGTH OF 181.27 FEET, BEING SUBTENDED BY A CHORD OF NORTH 46 DEGREES 25 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 180.17 FEET TO AN IRON PIN SET; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 474.00 FEET AND AN ARC LENGTH OF 124.99 FEET, BEING SUBTENDED BY A CHORD OF NORTH 27 DEGREES 55 MINUTES 24 SECONDS WEST FOR A DISTANCE OF 124.63 FEET TO AN IRON PIN SET; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 474.00 FEET AND AN ARC LENGTH OF 82.04 FEET, BEING SUBTENDED BY A CHORD OF NORTH 15 DEGREES 24 MINUTES 40 SECONDS WEST FOR A DISTANCE OF 81.93 FEET TO AN IRON PIN SET; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY NORTH 10 DEGREES 27 MINUTES 11 SECONDS WEST FOR A DISTANCE OF 79.56 FEET TO AN IRON PIN SET; THENCE LEAVING SAID REQUIRED RIGHT OF WAY NORTH 67 DEGREES 37 MINUTES 58 SECONDS EAST FOR A DISTANCE OF 76.32 FEET TO A POINT ON LAND LOT LINE COMMON TO LAND LOTS 273 AND 304, SAID POINT BEING THE TRUE POINT OF BEGINNING:

Exhibit "A"

LESS AND EXCEPT:

LEGAL DESCRIPTION  
PARCEL 2-A - HEBRON TO CNL DACULA PEACHTREE, LLC

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 1.326 ACRES LYING AND BEING IN LAND LOTS 303 AND 304 OF THE 5th LAND DISTRICT, CITY OF DACULA, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING COMMENCE AT A POINT AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY OF FENCE ROAD (80' RIGHT OF WAY) AND THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD (80' RIGHT OF WAY); THENCE RUN ALONG THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD NORTH 56 DEGREES 05 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 359.59 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 560.87 FEET AND AN ARC LENGTH OF 259.01 FEET, BEING SUBTENDED BY A CHORD OF NORTH 69 DEGREES 19 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 256.72 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY NORTH 07 DEGREES 26 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 11.79 FEET TO AN IRON PIN SET ON THE REQUIRED NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD, HAVING A RIGHT OF WAY WIDTH THAT VARIES; THENCE RUNNING ALONG THE REQUIRED NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 549.30 FEET AND AN ARC LENGTH OF 35.89 FEET, BEING SUBTENDED BY A CHORD OF NORTH 84 DEGREES 28 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 35.89 FEET TO A POINT; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY NORTH 86 DEGREES 08 MINUTES 20 SECONDS WEST FOR A DISTANCE OF 253.93 FEET TO A POINT; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 648.72 FEET AND AN ARC LENGTH OF 325.52 FEET, BEING SUBTENDED BY A CHORD OF NORTH 71 DEGREES 45 MINUTES 50 SECONDS WEST FOR A DISTANCE OF 322.11 FEET TO A POINT; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY NORTH 57 DEGREES 23 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 152.89 FEET TO A POINT; THENCE LEAVING SAID REQUIRED RIGHT OF WAY NORTH 45 DEGREES 02 MINUTES 46 SECONDS EAST FOR A DISTANCE OF 7.05 FEET TO A POINT ON THE LAND LOT LINE COMMON TO LAND LOTS 274 AND 303, SAID POINT BEING THE TRUE POINT OF BEGINNING:

THENCE FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED AND RUNNING ALONG THE LAND LOT LINE COMMON TO LAND LOTS 274 AND 303 AND LAND LOT LINE COMMON TO LAND LOTS 273 AND 304 NORTH 29 DEGREES 49 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 309.25 FEET TO A POINT; THENCE LEAVING SAID LAND LOT LINE NORTH 67 DEGREES 37 MINUTES 58 SECONDS EAST FOR A DISTANCE OF 203.11 FEET TO A POINT; THENCE SOUTH 44 DEGREES 57 MINUTES 16 SECONDS EAST FOR A DISTANCE OF 167.98 FEET TO A POINT; THENCE SOUTH 72 DEGREES 01 MINUTES 33 SECONDS EAST FOR A DISTANCE OF 10.96 FEET TO A POINT; THENCE SOUTH 17 DEGREES 58 MINUTES 27 SECONDS WEST FOR A DISTANCE OF 43.07 FEET TO A POINT; THENCE SOUTH 45 DEGREES 02 MINUTES 38 SECONDS WEST FOR A DISTANCE OF 83.86 FEET TO A POINT; THENCE SOUTH 44 DEGREES 57 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 23.17 FEET TO A POINT; THENCE SOUTH 45 DEGREES 02 MINUTES 46 SECONDS WEST FOR A DISTANCE OF 151.04 FEET TO A POINT ON AFORESAID LAND LOT LINE COMMON TO LAND LOTS 274 AND 303, SAID POINT BEING THE TRUE POINT OF BEGINNING.

**BK49855PG0594**

**Exhibit "A"**

**LESS AND EXCEPT:**

**LEGAL DESCRIPTION  
PARCEL 3-A - HEBRON TO DACULA TOWN CENTER, LLC**

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 10.709 ACRES LYING AND BEING IN LAND LOTS 303 AND 304 OF THE 5th LAND DISTRICT, CITY OF DACULA, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING COMMENCE AT A POINT AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY OF FENCE ROAD (80' RIGHT OF WAY) AND THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD (80' RIGHT OF WAY); THENCE RUN ALONG THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD NORTH 56 DEGREES 05 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 359.59 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 560.87 FEET AND AN ARC LENGTH OF 259.01 FEET, BEING SUBTENDED BY A CHORD OF NORTH 69 DEGREES 19 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 256.72 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY NORTH 07 DEGREES 26 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 11.79 FEET TO AN IRON PIN SET ON THE REQUIRED NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD, HAVING A RIGHT OF WAY WIDTH THAT VARIES, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING:

THENCE FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED RUN ALONG THE REQUIRED NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 549.30 FEET AND AN ARC LENGTH OF 35.89 FEET, BEING SUBTENDED BY A CHORD OF NORTH 84 DEGREES 28 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 35.89 FEET TO A POINT; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY NORTH 86 DEGREES 08 MINUTES 20 SECONDS WEST FOR A DISTANCE OF 253.93 FEET TO A POINT; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 648.72 FEET AND AN ARC LENGTH OF 325.52 FEET, BEING SUBTENDED BY A CHORD OF NORTH 71 DEGREES 45 MINUTES 50 SECONDS WEST FOR A DISTANCE OF 322.11 FEET TO A POINT; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY NORTH 57 DEGREES 23 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 138.18 FEET TO A POINT ON THE LAND LOT LINE COMMON TO LAND LOTS 274 AND 303; THENCE LEAVING SAID REQUIRED RIGHT OF WAY AND RUNNING ALONG SAID LAND LOT LINE NORTH 29 DEGREES 49 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 14.89 FEET TO A POINT; THENCE LEAVING SAID LAND LOT LINE NORTH 45 DEGREES 02 MINUTES 46 SECONDS EAST FOR A DISTANCE OF 151.04 FEET TO A POINT; THENCE NORTH 44 DEGREES 57 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 23.17 FEET TO A POINT; THENCE NORTH 45 DEGREES 02 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 83.86 FEET TO A POINT; THENCE NORTH 17 DEGREES 58 MINUTES 27 SECONDS EAST FOR A DISTANCE OF 43.07 FEET TO A POINT; THENCE NORTH 72 DEGREES 01 MINUTES 33 SECONDS WEST FOR A DISTANCE OF 10.96 FEET TO A POINT; THENCE NORTH 44 DEGREES 57 MINUTES 16 SECONDS WEST FOR A DISTANCE OF 167.98 FEET TO A POINT; THENCE SOUTH 67 DEGREES 37 MINUTES 58 SECONDS WEST FOR A DISTANCE OF 203.11 FEET TO A POINT ON THE LAND LOT LINE COMMON TO LAND LOTS 273 AND 304; THENCE RUNNING ALONG SAID LAND LOT LINE NORTH 29 DEGREES 49 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 80.68 FEET TO A POINT; THENCE LEAVING SAID LAND LOT LINE NORTH 67 DEGREES 37 MINUTES 58 SECONDS EAST FOR A DISTANCE OF 167.45 FEET TO A POINT; THENCE NORTH 23 DEGREES 14 MINUTES 28 SECONDS WEST FOR A DISTANCE OF 179.19 FEET TO A POINT;

THENCE SOUTH 67 DEGREES 37 MINUTES 58 SECONDS WEST FOR A DISTANCE OF 188.16 FEET TO A POINT ON THE AFORESAID LAND LOT LINE COMMON TO LAND LOTS 273 AND 304; THENCE RUNNING ALONG SAID LAND LOT LINE NORTH 29 DEGREES 49 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 261.03 FEET TO A POINT ON THE AFORESAID REQUIRED NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD; THENCE LEAVING SAID LAND LOT LINE AND RUNNING ALONG THE REQUIRED NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1847.85 FEET AND AN ARC LENGTH OF 16.41 FEET, BEING SUBTENDED BY A CHORD OF NORTH 17 DEGREES 14 MINUTES 11 SECONDS WEST FOR A DISTANCE OF 16.41 FEET TO A POINT; CONTINUING ALONG SAID REQUIRED RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2059.80 FEET AND AN ARC LENGTH OF 208.45 FEET, BEING SUBTENDED BY A CHORD OF NORTH 22 DEGREES 26 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 208.36 FEET TO A POINT WHERE THE REQUIRED RIGHT OF WAY INTERSECTS THE EXISTING NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD; LEAVING SAID RIGHT OF WAY NORTH 60 DEGREES 47 MINUTES 16 SECONDS EAST FOR A DISTANCE OF 300.00 FEET TO A POINT; THENCE SOUTH 29 DEGREES 12 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 378.85 FEET TO A POINT; THENCE NORTH 60 DEGREES 47 MINUTES 16 SECONDS EAST FOR A DISTANCE OF 49.26 FEET TO A POINT; THENCE SOUTH 29 DEGREES 12 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 686.67 FEET TO A POINT; THENCE SOUTH 71 DEGREES 27 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 446.11 FEET TO A POINT; THENCE SOUTH 07 DEGREES 26 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 239.12 FEET TO AN IRON PIN SET, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING.

LESS AND EXCEPT:

(Legal Description continued)

NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD (80' RIGHT OF WAY); THENCE RUN ALONG THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD NORTH 56 DEGREES 05 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 359.59 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 560.87 FEET AND AN ARC LENGTH OF 259.01 FEET, BEING SUBTENDED BY A CHORD OF NORTH 69 DEGREES 19 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 256.72 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY NORTH 07 DEGREES 26 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 11.79 FEET TO AN IRON PIN SET ON THE REQUIRED NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD, HAVING A RIGHT OF WAY WIDTH THAT VARIES ; THENCE RUNNING ALONG THE REQUIRED NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 549.30 FEET AND AN ARC LENGTH OF 35.89 FEET, BEING SUBTENDED BY A CHORD OF NORTH 84 DEGREES 28 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 35.89 FEET TO A POINT; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY NORTH 86 DEGREES 08 MINUTES 20 SECONDS WEST FOR A DISTANCE OF 253.93 FEET TO A POINT; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 648.72 FEET AND AN ARC LENGTH OF 325.52 FEET, BEING SUBTENDED BY A CHORD OF NORTH 71 DEGREES 45 MINUTES 50 SECONDS WEST FOR A DISTANCE OF 322.11 FEET TO A POINT; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY NORTH 57 DEGREES 23 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 152.89 FEET TO AN IRON PIN SET; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY NORTH 57 DEGREES 23 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 147.50 FEET TO A POINT; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 474.00 FEET AND AN ARC LENGTH OF 181.27 FEET, BEING SUBTENDED BY A CHORD OF NORTH 46 DEGREES 25 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 180.17 FEET TO AN IRON PIN SET, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING:

THENCE FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED AND CONTINUING ALONG SAID REQUIRED RIGHT OF WAY OF DACULA ROAD ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 474.00 FEET AND AN ARC LENGTH OF 124.99 FEET, BEING SUBTENDED BY A CHORD OF NORTH 27 DEGREES 55 MINUTES 24 SECONDS WEST FOR A DISTANCE OF 124.63 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY SOUTH 66 DEGREES 58 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 28.09 FEET TO A POINT; THENCE NORTH 67 DEGREES 37 MINUTES 58 SECONDS EAST FOR A DISTANCE OF 106.38 FEET TO A POINT ON THE LAND LOT LINE COMMON TO LAND LOTS 273 AND 304; THENCE RUNNING ALONG SAID LAND LOT LINE SOUTH 29 DEGREES 49 MINUTES 19 SECONDS EAST FOR A DISTANCE OF 80.68 FEET TO A POINT; THENCE LEAVING SAID LAND LOT LINE SOUTH 67 DEGREES 37 MINUTES 58 SECONDS WEST FOR A DISTANCE OF 109.46 FEET TO A POINT; THENCE SOUTH 09 DEGREES 40 MINUTES 58 SECONDS WEST FOR A DISTANCE OF 28.37 FEET TO AN IRON PIN SET ON THE AFORESAID NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING.

BK49855PG0596

Exhibit "A"

LESS AND EXCEPT:

LEGAL DESCRIPTION  
DACULA ROAD - R/W DEDICATION

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 0.227 ACRES LYING AND BEING IN LAND LOT 303 OF THE 5th LAND DISTRICT, CITY OF DACULA, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING COMMENCE AT A POINT AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY OF FENCE ROAD (80' RIGHT OF WAY) AND THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD (80' RIGHT OF WAY); THENCE RUN ALONG THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD NORTH 56 DEGREES 05 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 359.59 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 560.87 FEET AND AN ARC LENGTH OF 259.01 FEET, BEING SUBTENDED BY A CHORD OF NORTH 69 DEGREES 19 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 256.72 FEET TO AN IRON PIN SET, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING:

THENCE FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED AND CONTINUING ALONG THE NORTHEASTERLY RIGHT OF WAY OF SAID DACULA ROAD ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 560.87 FEET AND AN ARC LENGTH OF 36.29 FEET, BEING SUBTENDED BY A CHORD OF NORTH 84 DEGREES 24 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 36.28 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 86 DEGREES 15 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 269.70 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 596.62 FEET AND AN ARC LENGTH OF 288.62 FEET, BEING SUBTENDED BY A CHORD OF NORTH 72 DEGREES 24 MINUTES 02 SECONDS WEST FOR A DISTANCE OF 285.81 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 58 DEGREES 32 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 135.24 FEET TO A POINT LOCATED ON THE LAND LOT LINE COMMON TO LAND LOTS 274 AND 303; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING ALONG SAID LAND LOT LINE NORTH 29 DEGREES 49 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 33.87 FEET TO A POINT LOCATED ON THE REQUIRED NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD; THENCE LEAVING SAID LAND LOT LINE AND RUNNING ALONG THE REQUIRED NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD SOUTH 57 DEGREES 23 MINUTES 19 SECONDS EAST FOR A DISTANCE OF 138.18 FEET TO A POINT; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 648.72 FEET AND AN ARC LENGTH OF 325.52 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 71 DEGREES 45 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 322.11 FEET TO A POINT; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY SOUTH 86 DEGREES 08 MINUTES 20 SECONDS EAST FOR A DISTANCE OF 253.93 FEET TO A POINT; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 549.30 FEET AND AN ARC LENGTH OF 35.89 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 84 DEGREES 28 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 35.89 FEET TO A POINT; THENCE LEAVING SAID REQUIRED RIGHT OF WAY SOUTH 07 DEGREES 26 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 11.79 FEET TO AN IRON PIN SET ON THE AFORESAID NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING.

LESS AND EXCEPT:

LEGAL DESCRIPTION  
DACULA ROAD - R/W DEDICATION

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 0.021 ACRES LYING AND BEING IN LAND LOT 304 OF THE 5th LAND DISTRICT, CITY OF DACULA, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING COMMENCE AT A POINT AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY OF FENCE ROAD (80' RIGHT OF WAY) AND THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD (80' RIGHT OF WAY); THENCE RUN ALONG THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD NORTH 56 DEGREES 05 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 211.90 FEET TO A 1/2" REBAR SET; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 56 DEGREES 05 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 147.69 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 560.87 FEET AND AN ARC LENGTH OF 259.01 FEET, BEING SUBTENDED BY A CHORD OF NORTH 69 DEGREES 19 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 256.72 FEET TO A 1/2" REBAR SET; THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 560.87 FEET AND AN ARC LENGTH OF 36.29 FEET, BEING SUBTENDED BY A CHORD OF NORTH 84 DEGREES 24 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 36.28 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 86 DEGREES 15 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 269.70 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 596.62 FEET AND AN ARC LENGTH OF 288.62 FEET, BEING SUBTENDED BY A CHORD OF NORTH 72 DEGREES 24 MINUTES 02 SECONDS WEST FOR A DISTANCE OF 285.81 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 58 DEGREES 32 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 151.16 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1780.67 FEET AND AN ARC LENGTH OF 338.77 FEET, BEING SUBTENDED BY A CHORD OF NORTH 53 DEGREES 05 MINUTES 31 SECONDS WEST FOR A DISTANCE OF 338.26 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 532.96 FEET AND AN ARC LENGTH OF 245.17 FEET, BEING SUBTENDED BY A CHORD OF NORTH 22 DEGREES 48 MINUTES 09 SECONDS WEST FOR A DISTANCE OF 243.01 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 09 DEGREES 37 MINUTES 27 SECONDS WEST FOR A DISTANCE OF 104.61 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1949.86 FEET AND AN ARC LENGTH OF 270.29 FEET, BEING SUBTENDED BY A CHORD OF NORTH 13 DEGREES 35 MINUTES 43 SECONDS WEST FOR A DISTANCE OF 270.07 FEET TO A POINT ON THE LAND LOT LINE COMMON TO LAND LOTS 273 AND 304, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED, LEAVING SAID LAND LOT LINE, AND RUNNING ALONG THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1949.86 FEET AND AN ARC LENGTH OF 182.30 FEET, BEING SUBTENDED BY A CHORD OF NORTH 20 DEGREES 14 MINUTES 42 SECONDS WEST FOR A DISTANCE OF 182.23 FEET TO A POINT LOCATED ON THE REQUIRED NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING ALONG THE REQUIRED NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2059.80 FEET AND AN ARC LENGTH OF

208.45 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 22 DEGREES 26 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 208.36 FEET TO A POINT; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1847.85 FEET AND AN ARC LENGTH OF 16.41 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 17 DEGREES 14 MINUTES 11 SECONDS EAST FOR A DISTANCE OF 16.41 FEET TO A POINT ON THE AFORESAID LAND LOT LINE COMMON TO LAND LOTS 273 AND 304; THENCE LEAVING SAID REQUIRED RIGHT OF WAY AND RUNNING ALONG SAID LAND LOT LINE NORTH 29 DEGREES 49 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 42.96 FEET TO A POINT ON THE AFORESAID NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING.

**BK49855PG0598**

**Exhibit "A"**

**LESS AND EXCEPT:**

**LEGAL DESCRIPTION  
REQUIRED RIGHT OF WAY - DACULA ROAD**

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 0.0616 ACRES (2,685 SQUARE FEET) LYING AND BEING IN LAND LOT 303 OF THE 5th LAND DISTRICT, CITY OF DACULA, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING COMMENCE AT A POINT AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY OF FENCE ROAD (80' RIGHT OF WAY) AND THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD (RIGHT OF WAY WIDTH VARIES); THENCE RUN ALONG THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD NORTH 56 DEGREES 05 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 211.90 FEET TO A 1/2" REBAR FOUND; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 56 DEGREES 05 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 147.69 FEET TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED AND CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 560.87 FEET AND AN ARC LENGTH OF 259.01 FEET, BEING SUBTENDED BY A CHORD OF NORTH 69 DEGREES 19 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 256.72 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY NORTH 07 DEGREES 26 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 11.79 FEET TO A POINT ON THE REQUIRED NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD; THENCE RUNNING ALONG THE REQUIRED NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 549.30 FEET AND AN ARC LENGTH OF 223.20 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 70 DEGREES 57 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 221.67 FEET TO A POINT; THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY SOUTH 44 DEGREES 06 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 41.82 FEET TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING.

**LEGAL DESCRIPTION**  
**TRACT 2 (HEBRON TO DACULA MARKET)**

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 4.088 ACRES LYING AND BEING IN LAND LOTS 303 AND 304 OF THE 5th LAND DISTRICT, CITY OF DACULA, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING COMMENCE AT A ½" REBAR FOUND AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY OF FENCE ROAD (80' RIGHT OF WAY) AND THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD (RIGHT OF WAY WIDTH VARIES);  
THENCE RUN ALONG THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD NORTH 56 DEGREES 05 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 359.59 FEET TO AN IRON PIN SET;  
THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 44 DEGREES 06 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 41.82 FEET TO AN IRON PIN SET;  
THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 549.30 FEET AND AN ARC LENGTH OF 183.17 FEET, BEING SUBTENDED BY A CHORD OF NORTH 68 DEGREES 52 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 182.32 FEET TO AN IRON PIN SET, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING.  
THENCE FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED AND CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 549.30 FEET AND AN ARC LENGTH OF 40.03 FEET, BEING SUBTENDED BY A CHORD OF NORTH 80 DEGREES 31 MINUTES 27 SECONDS WEST FOR A DISTANCE OF 40.03 FEET TO AN IRON PIN SET;  
THENCE LEAVING SAID RIGHT OF WAY NORTH 07 DEGREES 26 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 239.12 FEET TO AN IRON PIN SET;  
THENCE NORTH 71 DEGREES 27 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 446.11 FEET TO AN IRON PIN SET;  
THENCE NORTH 29 DEGREES 12 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 357.18 FEET TO AN IRON PIN SET SAID IRON PIN BEING LOCATED AT THE NORTHWEST CORNER OF THE RIGHT OF WAY TERMINUS OF OLD PEACHTREE ROAD EXTENSION (HAVING A RIGHT OF WAY WIDTH OF 80 FEET) AS SHOWN ON FINAL PLAT FOR DACULA TOWN CENTER RECORDED IN PLAT BOOK 124, PAGE 90, GWINNETT COUNTY RECORDS;  
THENCE LEAVING SAID TERMINUS AND RUNNING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 960.00 FEET AND AN ARC LENGTH OF 82.93 FEET, BEING SUBTENDED BY A CHORD OF NORTH 62 DEGREES 29 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 82.91 FEET TO AN IRON PIN SET;  
THENCE NORTH 60 DEGREES 00 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 21.87 FEET TO AN IRON PIN SET;  
THENCE SOUTH 27 DEGREES 46 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 80.06 FEET TO AN IRON PIN SET;  
THENCE SOUTH 60 DEGREES 00 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 18.79 FEET TO AN IRON PIN SET;  
THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1040.00 FEET AND AN ARC LENGTH OF 19.45 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 60 DEGREES 33 MINUTES 01 SECONDS WEST FOR A DISTANCE OF 19.45 FEET TO AN IRON PIN SET;  
THENCE SOUTH 28 DEGREES 54 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 37.00 FEET TO AN IRON PIN SET;  
THENCE SOUTH 61 DEGREES 05 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 18.81 FEET TO AN IRON PIN SET;  
THENCE SOUTH 29 DEGREES 12 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 137.30 FEET TO AN IRON PIN SET;  
THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 214.50 FEET AND AN ARC LENGTH OF 158.16 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 50 DEGREES 20 MINUTES 07 SECONDS EAST FOR A DISTANCE OF 154.60 FEET TO AN IRON PIN SET;  
THENCE SOUTH 71 DEGREES 27 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 157.20 FEET TO AN IRON PIN SET;

**BK49855PG0600**

**Exhibit "A"**

**LESS AND EXCEPT:**

THENCE NORTH 68 DEGREES 29 MINUTES 53 SECONDS EAST FOR A DISTANCE OF 23.57 FEET TO AN IRON PIN SET;  
THENCE NORTH 11 DEGREES 16 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 36.12 FEET TO AN IRON PIN SET;  
THENCE NORTH 44 DEGREES 53 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 241.78 FEET TO AN IRON PIN SET;  
THENCE NORTH 22 DEGREES 22 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 293.46 FEET TO AN IRON PIN SET;  
THENCE NORTH 75 DEGREES 23 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 74.03 FEET TO AN IRON PIN SET;  
THENCE NORTH 84 DEGREES 20 MINUTES 10 SECONDS EAST FOR A DISTANCE OF 226.26 FEET TO AN IRON PIN SET;  
THENCE SOUTH 53 DEGREES 54 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 45.69 FEET TO AN IRON PIN SET;  
THENCE SOUTH 01 DEGREES 51 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 57.37 FEET TO AN IRON PIN SET;  
THENCE NORTH 79 DEGREES 16 MINUTES 09 SECONDS WEST FOR A DISTANCE OF 76.01 FEET TO AN IRON PIN SET;  
THENCE SOUTH 33 DEGREES 33 MINUTES 50 SECONDS WEST FOR A DISTANCE OF 113.43 FEET TO AN IRON PIN SET;  
THENCE SOUTH 10 DEGREES 43 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 116.06 FEET TO AN IRON PIN SET;  
THENCE SOUTH 44 DEGREES 53 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 75.17 FEET TO AN IRON PIN SET;  
THENCE SOUTH 22 DEGREES 22 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 61.02 FEET TO AN IRON PIN SET;  
THENCE SOUTH 62 DEGREES 28 MINUTES 34 SECONDS EAST FOR A DISTANCE OF 56.81 FEET TO AN IRON PIN SET;  
THENCE SOUTH 24 DEGREES 44 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 76.57 FEET TO AN IRON PIN SET;  
THENCE SOUTH 79 DEGREES 16 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 48.28 FEET TO AN IRON PIN SET;  
THENCE SOUTH 10 DEGREES 43 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 251.51 FEET TO AN IRON PIN SET;  
THENCE NORTH 59 DEGREES 49 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 64.31 FEET TO AN IRON PIN SET;  
THENCE SOUTH 38 DEGREES 28 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 122.90 FEET TO AN IRON PIN SET;  
THENCE SOUTH 07 DEGREES 26 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 70.94 FEET TO AN IRON PIN SET ON THE AFORESAID NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING.

LESS AND EXCEPT:

**LEGAL DESCRIPTION  
TRACT 2-A (HEBRON TO DACULA MARKET)**

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 0.373 ACRES LYING AND BEING IN LAND LOT 303 OF THE 5th LAND DISTRICT, CITY OF DACULA, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND **THE TRUE POINT OF BEGINNING** COMMENCE AT A ½" REBAR FOUND AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY OF FENCE ROAD (80' RIGHT OF WAY) AND THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD (RIGHT OF WAY WIDTH VARIES);  
THENCE RUN ALONG THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD NORTH 56 DEGREES 05 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 211.90 FEET TO A 1/2"REBAR FOUND; THENCE LEAVING SAID RIGHT OF WAY NORTH 31 DEGREES 58 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 556.15 FEET TO AN IRON PIN SET, SAID IRON PIN BEING **THE TRUE POINT OF BEGINNING**;  
THENCE FROM **THE TRUE POINT OF BEGINNING** THUS ESTABLISHED RUN NORTH 79 DEGREES 16 MINUTES 09 SECONDS WEST FOR A DISTANCE OF 15.98 FEET TO AN IRON PIN SET;  
THENCE NORTH 15 DEGREES 42 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 76.84 FEET TO AN IRON PIN SET;  
THENCE NORTH 10 DEGREES 43 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 90.25 FEET TO AN IRON PIN SET;  
THENCE NORTH 72 DEGREES 57 MINUTES 17 SECONDS EAST FOR A DISTANCE OF 98.63 FEET TO AN IRON PIN SET;  
THENCE NORTH 31 DEGREES 19 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 31.79 FEET TO AN IRON PIN SET;  
THENCE SOUTH 58 DEGREES 40 MINUTES 28 SECONDS EAST FOR A DISTANCE OF 40.09 FEET TO AN IRON PIN SET;  
THENCE SOUTH 31 DEGREES 58 MINUTES 22 SECONDS WEST FOR A DISTANCE OF 236.76 FEET TO AN IRON PIN SET, SAID IRON PIN BEING **THE TRUE POINT OF BEGINNING**.

**BK49855PG0602 Exhibit "A"**

**LESS AND EXCEPT:**

**LEGAL DESCRIPTION  
REQUIRED RIGHT OF WAY - DACULA ROAD**

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 0.022 ACRES LYING AND BEING IN LAND LOT 303 OF THE 5th LAND DISTRICT, CITY OF DACULA, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING COMMENCE AT A 1/2" REBAR FOUND AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY OF FENCE ROAD (80' RIGHT OF WAY) AND THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD (RIGHT OF WAY WIDTH VARIES);

THENCE RUN ALONG THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD NORTH 58 DEGREES 05 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 211.90 FEET TO A 1/2" REBAR FOUND, SAID REBAR BEING THE TRUE POINT OF BEGINNING:

THENCE FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED AND CONTINUING ALONG SAID RIGHT OF WAY NORTH 56 DEGREES 05 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 147.69 FEET TO AN IRON PIN SET;

THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 44 DEGREES 06 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 41.82 FEET TO AN IRON PIN SET ON THE REQUIRED NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD;

THENCE RUNNING ALONG SAID REQUIRED NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1337.22 FEET AND AN ARC LENGTH OF 83.39 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 55 DEGREES 29 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 83.38 FEET TO AN IRON PIN SET;

THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY SOUTH 51 DEGREES 50 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 105.51 FEET TO A 1/2" REBAR FOUND, SAID REBAR BEING THE TRUE POINT OF BEGINNING.

**LESS AND EXCEPT:**

**Legal Description  
Sale by Hebron Baptist Church to Hebron Christian Academy**

All that tract or parcel of land, approximately 15.00 acres, lying and being in Land Lot 304 of the 5th District, Gwinnett County, Georgia as shown by that plat of survey for Hebron Christian Academy prepared by Kevin V. Ringo, dated October 15, 2003, recorded November 20, 2003 in Plat Book 100, Page 194, Gwinnett County, Georgia records.

Exhibit "A"

LESS AND EXCEPT:  
**LEGAL DESCRIPTION**  
**TRACT 1 (HEBRON TO KROGER)**

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 9.365 ACRES LYING AND BEING IN LAND LOT 303 OF THE 5th LAND DISTRICT, CITY OF DACULA, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING COMMENCE AT A 1/2" REBAR FOUND AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY OF FENCE ROAD (80' RIGHT OF WAY) AND THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD (RIGHT OF WAY WIDTH VARIES);

THENCE RUN ALONG THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD NORTH 56 DEGREES 05 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 211.90 FEET TO A 1/2" REBAR FOUND; THENCE LEAVING SAID RIGHT OF WAY AND RUN ALONG THE REQUIRED RIGHT OF WAY OF DACULA ROAD NORTH 51 DEGREES 50 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 41.81 FEET TO AN IRON PIN SET, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING;

THENCE FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED AND CONTINUING ALONG SAID REQUIRED RIGHT OF WAY NORTH 51 DEGREES 50 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 63.70 FEET TO AN IRON PIN SET;

THENCE CONTINUING ALONG SAID REQUIRED RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1337.22 FEET AND AN ARC LENGTH OF 83.39 FEET, BEING SUBTENDED BY A CHORD OF NORTH 55 DEGREES 29 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 83.38 FEET TO AN IRON PIN SET ON THE AFORESAID NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD;

THENCE RUNNING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 549.30 FEET AND AN ARC LENGTH OF 183.17 FEET, BEING SUBTENDED BY A CHORD OF NORTH 68 DEGREES 52 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 182.32 FEET TO AN IRON PIN SET;

THENCE LEAVING SAID RIGHT OF WAY NORTH 07 DEGREES 26 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 70.94 FEET TO AN IRON PIN SET;

THENCE NORTH 38 DEGREES 28 MINUTES 47 SECONDS EAST FOR A DISTANCE OF 122.90 FEET TO AN IRON PIN SET;

THENCE SOUTH 59 DEGREES 49 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 64.31 FEET TO AN IRON PIN SET;

THENCE NORTH 10 DEGREES 43 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 251.51 FEET TO AN IRON PIN SET;

THENCE NORTH 79 DEGREES 16 MINUTES 09 SECONDS WEST FOR A DISTANCE OF 48.28 FEET TO AN IRON PIN SET;

THENCE NORTH 24 DEGREES 44 MINUTES 38 SECONDS WEST FOR A DISTANCE OF 76.57 FEET TO AN IRON PIN SET;

THENCE NORTH 62 DEGREES 28 MINUTES 34 SECONDS WEST FOR A DISTANCE OF 56.81 FEET TO AN IRON PIN SET;

THENCE NORTH 22 DEGREES 22 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 61.02 FEET TO AN IRON PIN SET;

THENCE NORTH 44 DEGREES 53 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 75.17 FEET TO AN IRON PIN SET;

THENCE NORTH 10 DEGREES 43 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 116.06 FEET TO AN IRON PIN SET;

THENCE NORTH 33 DEGREES 33 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 113.43 FEET TO AN IRON PIN SET;

THENCE SOUTH 79 DEGREES 16 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 409.57 FEET TO AN IRON PIN SET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2460.00 FEET AND AN ARC LENGTH OF 20.23 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 53 DEGREES 35 MINUTES 14 SECONDS EAST FOR A DISTANCE OF 20.23 FEET TO AN IRON PIN SET;

THENCE SOUTH 53 DEGREES 21 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 174.42 FEET TO AN IRON PIN SET;

**BK49855PG0604**

**Exhibit "A"**

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2540.00 FEET AND AN ARC LENGTH OF 71.36 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 54 DEGREES 09 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 71.36 FEET TO AN IRON PIN SET;

THENCE SOUTH 31 DEGREES 58 MINUTES 22 SECONDS WEST FOR A DISTANCE OF 89.24 FEET TO AN IRON PIN SET;

THENCE NORTH 58 DEGREES 40 MINUTES 28 SECONDS WEST FOR A DISTANCE OF 40.09 FEET TO AN IRON PIN SET;

THENCE SOUTH 31 DEGREES 19 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 31.79 FEET TO AN IRON PIN SET;

THENCE SOUTH 72 DEGREES 57 MINUTES 17 SECONDS WEST FOR A DISTANCE OF 98.63 FEET TO AN IRON PIN SET;

THENCE SOUTH 10 DEGREES 43 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 90.25 FEET TO AN IRON PIN SET;

THENCE SOUTH 15 DEGREES 42 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 76.84 FEET TO AN IRON PIN SET;

THENCE SOUTH 79 DEGREES 16 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 15.98 FEET TO AN IRON PIN SET;

THENCE SOUTH 31 DEGREES 58 MINUTES 22 SECONDS WEST FOR A DISTANCE OF 330.32 FEET TO AN IRON PIN SET;

THENCE NORTH 55 DEGREES 22 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 31.08 FEET TO AN IRON PIN SET;

THENCE SOUTH 34 DEGREES 40 MINUTES 38 SECONDS WEST FOR A DISTANCE OF 223.02 FEET TO AN IRON PIN SET ON THE AFORESAID REQUIRED NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD, SAID IRON PIN BEING **THE TRUE POINT OF BEGINNING.**

## Exhibit "A-1"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 303 and 304 of the 5th Land District of Gwinnett County, Georgia containing 173.0252 acres and being more particularly described according to a Plat of Survey by Mannon, Meeks & Bagwell, Surveyors and Engineers, Inc. dated July 24, 1998, said Plat being incorporated herein by reference and more particularly described as follows:

BEGINNING at a point common to the intersection of the Northeasterly right-of-way of Dacula Road a/k/a Sims Road (80 foot right-of-way) with a line common to Land Lot 19 of the 7th Land District and Land Lot 304 of the 5th Land District; thence North 58 degrees 25 minutes 06 seconds East along the line common to Land Lot 19 of the 7th Land District and Land Lot 304 of the 5th Land District 1869.63 feet to an iron pin; thence South 29 degrees 59 minutes 58 seconds East 3281.13 feet to a rock on the line common to Land Lot 303 and Land Lot 304 of the 5th Land District of Gwinnett County, Georgia; thence South 56 degrees 27 minutes 08 seconds West 162.17 feet to a rock; thence South 37 degrees 40 minutes 12 seconds East 577.18 feet to a rock; thence South 31 degrees 13 minutes 54 seconds West 1204.81 feet to an iron pin on the Northeasterly right-of-way of Dacula Road; thence North 56 degrees 50 minutes West 147.69 feet to an iron pin; thence North 71 degrees 55 minutes West along a line having a radius of 560.87 feet and an arc distance of 295.30 feet; thence North 87 degrees 00 minutes West 269.70 feet to a point; thence continuing along the Northeasterly right-of-way of the said Dacula Road North 73 degrees 08 minutes 30 seconds West along a line having a radius of 596.62 feet and an arc distance of 288.61 feet; thence continuing North 59 degrees 17 minutes West 135.24 feet to an iron pin and a point common to the intersection of the Northeasterly right-of-way of Hebron Church Road and the line common to Land Lot 303 and Land Lot 274 of the 5th Land District of Gwinnett County; thence North 30 degrees 33 minutes 47 seconds West 923.18 feet along a line common to Land Lot 303 and Land Lot 274 and then continuing along a line common to Land Lot 304 and Land Lot 273; thence North 22 degrees 09 minutes 20 seconds West along the Northeasterly right-of-way of the said Dacula Road having a radius of 1949.86 feet and an arc distance of 261.67 feet to a point; thence continuing North 26 degrees 00 minutes West 557.41 feet to a point; thence continuing North 30 degrees 22 minutes 30 seconds West along a line having a radius of 1949.86 feet and an arc distance of 297.78 feet to a point; thence continuing North 34 degrees 45 minutes West 718.35 feet to a point; thence continuing North 31 degrees 00 minutes West along a line having a radius of 2824.79 feet and having an arc distance of 369.76 feet; thence continuing North 27 degrees 15 minutes West 333.30 feet to a point; thence continuing North 26 degrees 04 minutes 48 seconds West along a line having a radius of 2824.79 feet and an arc distance of 115.36 feet to an iron pin and the true point of beginning; said parcel being designated as Tract No. 1 containing 173.0078 acres; AND

BEGINNING at a point on the Northeasterly right-of-way of Hebron Church Road (80 foot right-of-way) at a point common to its intersection with the Southerly right-of-way of Dacula Road (80 foot right-of-way); thence South 82 degrees 41 minutes 48 seconds East along the Southerly right-of-way of Dacula Road having a radius of 676.62 feet and an arc distance of 101.64 feet to a point; thence continuing along the Southerly right-of-way of the said Dacula Road South 87 degrees 00 minutes East 19.43 feet to a point; thence South 82 degrees 37 minutes West 34.84 feet to a point; thence North 84 degrees 49 minutes West 85.13 feet to an iron pin on the Northeasterly right-of-way of Hebron Church Road; thence North 04 degrees 12 minutes West 10.74 feet to an iron pin and the true point of beginning. Said parcel being designated as Tract No. 2 containing 0.0174 acres.

Exhibit "A-1"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 273, 274 AND 303 OF THE 5TH DISTRICT PARTIALLY IN THE CITY OF DACULA, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOW:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF DACULA ROAD (80 FOOT RIGHT OF WAY) (AKA MONROE AVENUE) WITH THE WESTERLY RIGHT OF WAY LINE OF HEBRON CHURCH ROAD; THENCE FROM SAID POINT OF BEGINNING AS THUS ESTABLISHED, ALONG THE WESTERLY RIGHT OF WAY OF AFORESAID HEBRON CHURCH ROAD, SOUTH 06 DEGREES 31 MINUTES 37 SECONDS EAST A DISTANCE OF 259.53 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY, SOUTH 03 DEGREES 58 MINUTES 39 SECONDS EAST A DISTANCE OF 316.89 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY, SOUTH 05 DEGREES 15 MINUTES 23 SECONDS EAST A DISTANCE OF 111.88 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY FOLLOWING A COUNTERCLOCKWISE CURVE WITH AN ARC DISTANCE OF 267.12 FEET, HAVING A RADIUS OF 588.23 FEET, SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 18 DEGREES 15 MINUTES 56 SECONDS EAST, 264.83 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY, SOUTH 31 DEGREES 16 MINUTES 29 SECONDS EAST A DISTANCE OF 111.18 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY, SOUTH 83 DEGREES 47 MINUTES 51 SECONDS WEST A DISTANCE OF 530.79 FEET TO A 1/2 INCH RE-BAR FOUND; THENCE SOUTH 80 DEGREES 18 MINUTES 55 SECONDS WEST A DISTANCE OF 463.40 FEET TO A 1/2 INCH RE-BAR FOUND; THENCE NORTH 17 DEGREES 03 MINUTES 16 SECONDS WEST A DISTANCE OF 1168.93 FEET TO A 1/2 INCH RE-BAR FOUND ON THE LAND LOT LINE DIVIDING LAND LOTS 273 AND 274; THENCE NORTH 26 DEGREES 20 MINUTES 15 SECONDS EAST A DISTANCE OF 537.60 FEET TO A 1/2 INCH RE-BAR FOUND ON THE SOUTHERLY RIGHT OF WAY LINE OF OLD PEACHTREE ROAD; THENCE ALONG SAID RIGHT OF WAY FOLLOWING A COUNTERCLOCKWISE CURVE WITH AN ARC DISTANCE OF 96.26 FEET, HAVING A RADIUS OF 676.62 FEET, SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 68 DEGREES 30 MINUTES 36 SECONDS EAST, 96.18 FEET TO A POINT; THENCE CONTINUING ALONG AFORESAID RIGHT OF WAY, SOUTH 72 DEGREES 35 MINUTES 08 SECONDS EAST A DISTANCE OF 251.89 FEET TO THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT OF WAY OF OLD PEACHTREE ROAD WITH THE SOUTHERLY RIGHT OF WAY OF DACULA ROAD; THENCE ALONG THE RIGHT OF WAY OF DACULA ROAD, FOLLOWING A COUNTERCLOCKWISE CURVE WITH AN ARC DISTANCE OF 56.60 FEET, HAVING A RADIUS OF 450.08 FEET, SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 49 DEGREES 56 MINUTES 30 SECONDS EAST, 56.56 FEET TO A POINT; THENCE CONTINUING ALONG RIGHT OF WAY OF DACULA ROAD THE FOLLOWING COURSES AND DISTANCES, SOUTH 53 DEGREES 32 MINUTES 39 SECONDS EAST A DISTANCE OF 110.89 FEET TO A POINT; THENCE SOUTH 59 DEGREES 16 MINUTES 27 SECONDS EAST A DISTANCE OF 192.58 FEET TO A POINT; THENCE SOUTH 61 DEGREES 39 MINUTES 29 SECONDS EAST A DISTANCE OF 136.90 FEET TO A POINT; THENCE FOLLOWING A COUNTERCLOCKWISE CURVE WITH AN ARC DISTANCE OF 149.14 FEET, HAVING A RADIUS OF 676.62 FEET, SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 67 DEGREES 58 MINUTES 22 SECONDS EAST, 148.84 FEET TO THE POINT OF INTERSECTION OF DACULA ROAD AND HEBRON CHURCH ROAD AND THE POINT OF BEGINNING.

SAID TRACT OF LAND IS SHOWN ON A SURVEY FOR: HEBRON BAPTIST CHURCH, INC. AS TRACT NO. 2 CONTAINING 31.7751 ACRES PREPARED BY HANNON, MEEKS & BAGWELL, SURVEYORS & ENGINEERS, INC. DATED JULY 29, 1998.

**Exhibit "B"**

**LEGAL DESCRIPTION**  
**(PARCEL I - KROGER)**  
(REVISED 10-22-09)

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 10.830 ACRES LYING AND BEING IN LAND LOT 303 OF THE 5th LAND DISTRICT, CITY OF DACULA, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING COMMENCE AT A ½" REBAR FOUND AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY OF FENCE ROAD (80' RIGHT OF WAY) AND THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD (RIGHT OF WAY WIDTH VARIES);

THENCE RUN ALONG THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD NORTH 56 DEGREES 05 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 211.90 FEET TO A 1/2" REBAR FOUND;

THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 51 DEGREES 50 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 41.81 FEET TO AN IRON PIN SET, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING:

THENCE FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED AND CONTINUING ALONG SAID RIGHT OF WAY NORTH 51 DEGREES 50 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 63.70 FEET TO AN IRON PIN SET;

THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1337.22 FEET AND AN ARC LENGTH OF 83.39 FEET, BEING SUBTENDED BY A CHORD OF NORTH 55 DEGREES 29 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 83.38 FEET TO AN IRON PIN SET;

THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 549.30 FEET AND AN ARC LENGTH OF 183.17 FEET, BEING SUBTENDED BY A CHORD OF NORTH 68 DEGREES 52 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 182.32 FEET TO AN IRON PIN SET;

THENCE LEAVING SAID RIGHT OF WAY NORTH 07 DEGREES 26 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 70.94 FEET TO AN IRON PIN SET;

THENCE NORTH 38 DEGREES 28 MINUTES 47 SECONDS EAST FOR A DISTANCE OF 122.90 FEET TO AN IRON PIN SET;

THENCE SOUTH 59 DEGREES 49 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 64.31 FEET TO AN IRON PIN SET;

THENCE NORTH 10 DEGREES 43 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 251.51 FEET TO AN IRON PIN SET;

THENCE NORTH 79 DEGREES 16 MINUTES 09 SECONDS WEST FOR A DISTANCE OF 48.28 FEET TO AN IRON PIN SET;

THENCE NORTH 24 DEGREES 44 MINUTES 38 SECONDS WEST FOR A DISTANCE OF 76.57 FEET TO AN IRON PIN SET;

THENCE NORTH 62 DEGREES 28 MINUTES 34 SECONDS WEST FOR A DISTANCE OF 56.81 FEET TO AN IRON PIN SET;

THENCE NORTH 22 DEGREES 22 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 61.02 FEET TO AN IRON PIN SET;

THENCE NORTH 44 DEGREES 53 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 75.17 FEET TO AN IRON PIN SET;

THENCE NORTH 10 DEGREES 43 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 116.06 FEET TO AN IRON PIN SET;

THENCE NORTH 33 DEGREES 33 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 113.43 FEET TO AN IRON PIN SET;

THENCE SOUTH 79 DEGREES 16 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 409.57 FEET TO AN IRON PIN SET;

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**Exhibit "B"**

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2460.00 FEET AND AN ARC LENGTH OF 20.23 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 53 DEGREES 35 MINUTES 14 SECONDS EAST FOR A DISTANCE OF 20.23 FEET TO AN IRON PIN SET;

THENCE SOUTH 53 DEGREES 21 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 174.42 FEET TO AN IRON PIN SET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2540.00 FEET AND AN ARC LENGTH OF 71.36 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 54 DEGREES 09 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 71.36 FEET TO AN IRON PIN SET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2540.00 FEET AND AN ARC LENGTH OF 81.08 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 55 DEGREES 52 MINUTES 33 SECONDS EAST FOR A DISTANCE OF 81.07 FEET TO AN IRON PIN SET;

THENCE SOUTH 30 DEGREES 10 MINUTES 16 SECONDS WEST FOR A DISTANCE OF 85.29 FEET TO AN IRON PIN SET;

THENCE NORTH 58 DEGREES 40 MINUTES 28 SECONDS WEST FOR A DISTANCE OF 123.79 FEET TO AN IRON PIN SET;

THENCE SOUTH 31 DEGREES 19 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 31.79 FEET TO AN IRON PIN SET;

THENCE SOUTH 72 DEGREES 57 MINUTES 17 SECONDS WEST FOR A DISTANCE OF 98.63 FEET TO AN IRON PIN SET;

THENCE SOUTH 10 DEGREES 43 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 90.25 FEET TO AN IRON PIN SET;

THENCE SOUTH 15 DEGREES 42 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 76.84 FEET TO AN IRON PIN SET;

THENCE SOUTH 79 DEGREES 16 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 63.00 FEET TO AN IRON PIN SET;

THENCE SOUTH 10 DEGREES 43 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 93.20 FEET TO AN IRON PIN SET;

THENCE SOUTH 79 DEGREES 16 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 19.00 FEET TO AN IRON PIN SET;

THENCE SOUTH 10 DEGREES 43 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 44.09 FEET TO AN IRON PIN SET;

THENCE SOUTH 59 DEGREES 06 MINUTES 14 SECONDS EAST FOR A DISTANCE OF 95.07 FEET TO AN IRON PIN SET ON THE AFORESAID NORTHWESTERLY RIGHT OF WAY OF FENCE ROAD;

THENCE RUNNING ALONG SAID RIGHT OF WAY SOUTH 31 DEGREES 17 MINUTES 42 SECONDS WEST FOR A DISTANCE OF 237.76 FEET TO AN IRON PIN SET;

THENCE LEAVING SAID RIGHT OF WAY NORTH 55 DEGREES 22 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 240.45 FEET TO AN IRON PIN SET;

THENCE SOUTH 34 DEGREES 40 MINUTES 38 SECONDS WEST FOR A DISTANCE OF 223.02 FEET TO AN IRON PIN SET ON THE AFORESAID NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING.

## LEGAL DESCRIPTION PARCEL II-A (SHOPS A)

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 4.109 ACRES LYING AND BEING IN LAND LOTS 303 AND 304 OF THE 5th LAND DISTRICT, CITY OF DACULA, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING COMMENCE AT A ½" REBAR FOUND AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY OF FENCE ROAD (80' RIGHT OF WAY) AND THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD (RIGHT OF WAY WIDTH VARIES);  
THENCE RUN ALONG THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD NORTH 56 DEGREES 05 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 211.90 FEET TO AN IRON PIN SET;  
THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 51 DEGREES 50 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 105.51 FEET TO AN IRON PIN SET;  
THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1337.22 FEET AND AN ARC LENGTH OF 83.39 FEET, BEING SUBTENDED BY A CHORD OF NORTH 55 DEGREES 29 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 83.38 FEET TO AN IRON PIN SET;  
THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 549.30 FEET AND AN ARC LENGTH OF 183.17 FEET, BEING SUBTENDED BY A CHORD OF NORTH 68 DEGREES 52 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 182.32 FEET TO AN IRON PIN SET, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING.  
THENCE FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED AND CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 549.30 FEET AND AN ARC LENGTH OF 75.93 FEET, BEING SUBTENDED BY A CHORD OF NORTH 82 DEGREES 23 MINUTES 27 SECONDS WEST FOR A DISTANCE OF 75.87 FEET TO AN IRON PIN SET;  
THENCE LEAVING SAID RIGHT OF WAY NORTH 42 DEGREES 08 MINUTES 49 SECONDS EAST FOR A DISTANCE OF 63.01 FEET TO AN IRON PIN SET;  
THENCE NORTH 07 DEGREES 26 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 188.52 FEET TO AN IRON PIN SET;  
THENCE NORTH 71 DEGREES 27 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 446.11 FEET TO AN IRON PIN SET;  
THENCE NORTH 29 DEGREES 12 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 357.18 FEET TO AN IRON PIN SET, SAID IRON PIN BEING LOCATED AT THE NORTHWEST CORNER OF THE RIGHT OF WAY TERMINUS OF OLD PEACHTREE ROAD EXTENSION (HAVING A RIGHT OF WAY WIDTH OF 80 FEET) AS SHOWN ON FINAL PLAT FOR DACULA TOWN CENTER RECORDED IN PLAT BOOK 124, PAGE 90, GWINNETT COUNTY RECORDS;  
THENCE LEAVING SAID TERMINUS AND RUNNING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 960.00 FEET AND AN ARC LENGTH OF 82.93 FEET, BEING SUBTENDED BY A CHORD OF NORTH 62 DEGREES 29 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 82.91 FEET TO AN IRON PIN SET;  
THENCE NORTH 60 DEGREES 00 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 21.87 FEET TO AN IRON PIN SET;  
THENCE SOUTH 27 DEGREES 46 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 80.06 FEET TO AN IRON PIN SET;  
THENCE SOUTH 60 DEGREES 00 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 18.79 FEET TO AN IRON PIN SET;  
THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1040.00 FEET AND AN ARC LENGTH OF 19.45 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 60 DEGREES 33 MINUTES 01 SECONDS WEST FOR A DISTANCE OF 19.45 FEET TO AN IRON PIN SET;  
THENCE SOUTH 28 DEGREES 54 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 37.00 FEET TO AN IRON PIN SET;  
THENCE SOUTH 61 DEGREES 05 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 18.81 FEET TO AN IRON PIN SET;

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**Exhibit "C"**

THENCE SOUTH 29 DEGREES 12 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 137.30 FEET TO AN IRON PIN SET;  
THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 214.50 FEET AND AN ARC LENGTH OF 158.16 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 50 DEGREES 20 MINUTES 07 SECONDS EAST FOR A DISTANCE OF 154.60 FEET TO AN IRON PIN SET;  
THENCE SOUTH 71 DEGREES 27 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 157.20 FEET TO AN IRON PIN SET;  
THENCE NORTH 68 DEGREES 29 MINUTES 53 SECONDS EAST FOR A DISTANCE OF 23.57 FEET TO AN IRON PIN SET;  
THENCE NORTH 11 DEGREES 16 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 36.12 FEET TO AN IRON PIN SET;  
THENCE NORTH 44 DEGREES 53 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 241.78 FEET TO AN IRON PIN SET;  
THENCE NORTH 22 DEGREES 22 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 293.46 FEET TO AN IRON PIN SET;  
THENCE NORTH 75 DEGREES 23 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 74.03 FEET TO AN IRON PIN SET;  
THENCE NORTH 84 DEGREES 20 MINUTES 10 SECONDS EAST FOR A DISTANCE OF 226.26 FEET TO AN IRON PIN SET;  
THENCE SOUTH 53 DEGREES 54 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 45.69 FEET TO AN IRON PIN SET;  
THENCE SOUTH 01 DEGREES 51 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 57.37 FEET TO AN IRON PIN SET;  
THENCE NORTH 79 DEGREES 16 MINUTES 09 SECONDS WEST FOR A DISTANCE OF 76.01 FEET TO AN IRON PIN SET;  
THENCE SOUTH 33 DEGREES 33 MINUTES 50 SECONDS WEST FOR A DISTANCE OF 113.43 FEET TO AN IRON PIN SET;  
THENCE SOUTH 10 DEGREES 43 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 116.06 FEET TO AN IRON PIN SET;  
THENCE SOUTH 44 DEGREES 53 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 75.17 FEET TO AN IRON PIN SET;  
THENCE SOUTH 22 DEGREES 22 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 61.02 FEET TO AN IRON PIN SET;  
THENCE SOUTH 62 DEGREES 28 MINUTES 34 SECONDS EAST FOR A DISTANCE OF 56.81 FEET TO AN IRON PIN SET;  
THENCE SOUTH 24 DEGREES 44 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 76.57 FEET TO AN IRON PIN SET;  
THENCE SOUTH 79 DEGREES 16 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 48.28 FEET TO AN IRON PIN SET;  
THENCE SOUTH 10 DEGREES 43 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 251.51 FEET TO AN IRON PIN SET;  
THENCE NORTH 59 DEGREES 49 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 64.31 FEET TO AN IRON PIN SET;  
THENCE SOUTH 38 DEGREES 28 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 122.90 FEET TO AN IRON PIN SET;  
THENCE SOUTH 07 DEGREES 26 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 70.94 FEET TO AN IRON PIN SET ON THE AFORESAID NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING.

Exhibit "C"

**LEGAL DESCRIPTION**  
**(PARCEL II-B – SHOPS B)**  
(REVISED 10-22-09)

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 2.296 ACRES LYING AND BEING IN LAND LOT 303 OF THE 5th LAND DISTRICT, CITY OF DACULA, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING COMMENCE AT A 1/2" REBAR FOUND AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY OF FENCE ROAD (80' RIGHT OF WAY) AND THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD (RIGHT OF WAY WIDTH VARIES);

THENCE RUN ALONG THE NORTHEASTERLY RIGHT OF WAY OF DACULA ROAD NORTH 56 DEGREES 05 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 211.90 FEET TO A 1/2" REBAR FOUND;

THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 51 DEGREES 50 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 41.81 FEET TO AN IRON PIN SET;

THENCE LEAVING SAID RIGHT OF WAY NORTH 34 DEGREES 40 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 223.02 FEET TO AN IRON PIN SET;

THENCE NORTH 55 DEGREES 22 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 240.45 FEET TO AN IRON PIN SET ON THE AFORESAID NORTHWESTERLY RIGHT OF WAY OF FENCE ROAD;

THENCE RUNNING ALONG SAID RIGHT OF WAY NORTH 31 DEGREES 17 MINUTES 42 SECONDS EAST FOR A DISTANCE OF 237.76 FEET TO AN IRON PIN SET, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING;

THENCE FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED AND LEAVING SAID RIGHT OF WAY NORTH 59 DEGREES 06 MINUTES 14 SECONDS WEST FOR A DISTANCE OF 95.07 FEET TO AN IRON PIN SET;

THENCE NORTH 10 DEGREES 43 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 44.09 FEET TO AN IRON PIN SET;

THENCE NORTH 79 DEGREES 16 MINUTES 09 SECONDS WEST FOR A DISTANCE OF 19.00 FEET TO AN IRON PIN SET;

THENCE NORTH 10 DEGREES 43 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 93.20 FEET TO AN IRON PIN SET;

THENCE NORTH 79 DEGREES 16 MINUTES 09 SECONDS WEST FOR A DISTANCE OF 63.00 FEET TO AN IRON PIN SET;

THENCE NORTH 15 DEGREES 42 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 76.84 FEET TO AN IRON PIN SET;

THENCE NORTH 10 DEGREES 43 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 90.25 FEET TO AN IRON PIN SET;

THENCE NORTH 72 DEGREES 57 MINUTES 17 SECONDS EAST FOR A DISTANCE OF 98.63 FEET TO AN IRON PIN SET;

THENCE NORTH 31 DEGREES 19 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 31.79 FEET TO AN IRON PIN SET;

THENCE SOUTH 58 DEGREES 40 MINUTES 28 SECONDS EAST FOR A DISTANCE OF 123.79 FEET TO AN IRON PIN SET;

THENCE NORTH 30 DEGREES 10 MINUTES 16 SECONDS EAST FOR A DISTANCE OF 85.29 FEET TO AN IRON PIN SET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2540.00 FEET AND AN ARC LENGTH OF 81.08 FEET, BEING SUBTENDED BY A CHORD OF NORTH 55 DEGREES 52 MINUTES 33 SECONDS WEST FOR A DISTANCE OF 81.07 FEET TO AN IRON PIN SET;

THENCE NORTH 31 DEGREES 58 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 80.12 FEET TO AN IRON PIN SET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2460.00 FEET AND AN ARC LENGTH OF 156.05 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 56 DEGREES 40 MINUTES

**BK49855PG0612 Exhibit "C"**

43 SECONDS EAST FOR A DISTANCE OF 156.02 FEET TO AN IRON PIN SET ON THE AFORESAID NORTHWESTERLY RIGHT OF WAY OF FENCE ROAD;

THENCE RUNNING ALONG THE NORTHWESTERLY RIGHT OF WAY OF FENCE ROAD SOUTH 31 DEGREES 30 MINUTES 15 SECONDS WEST FOR A DISTANCE OF 80.00 FEET TO AN IRON PIN SET;

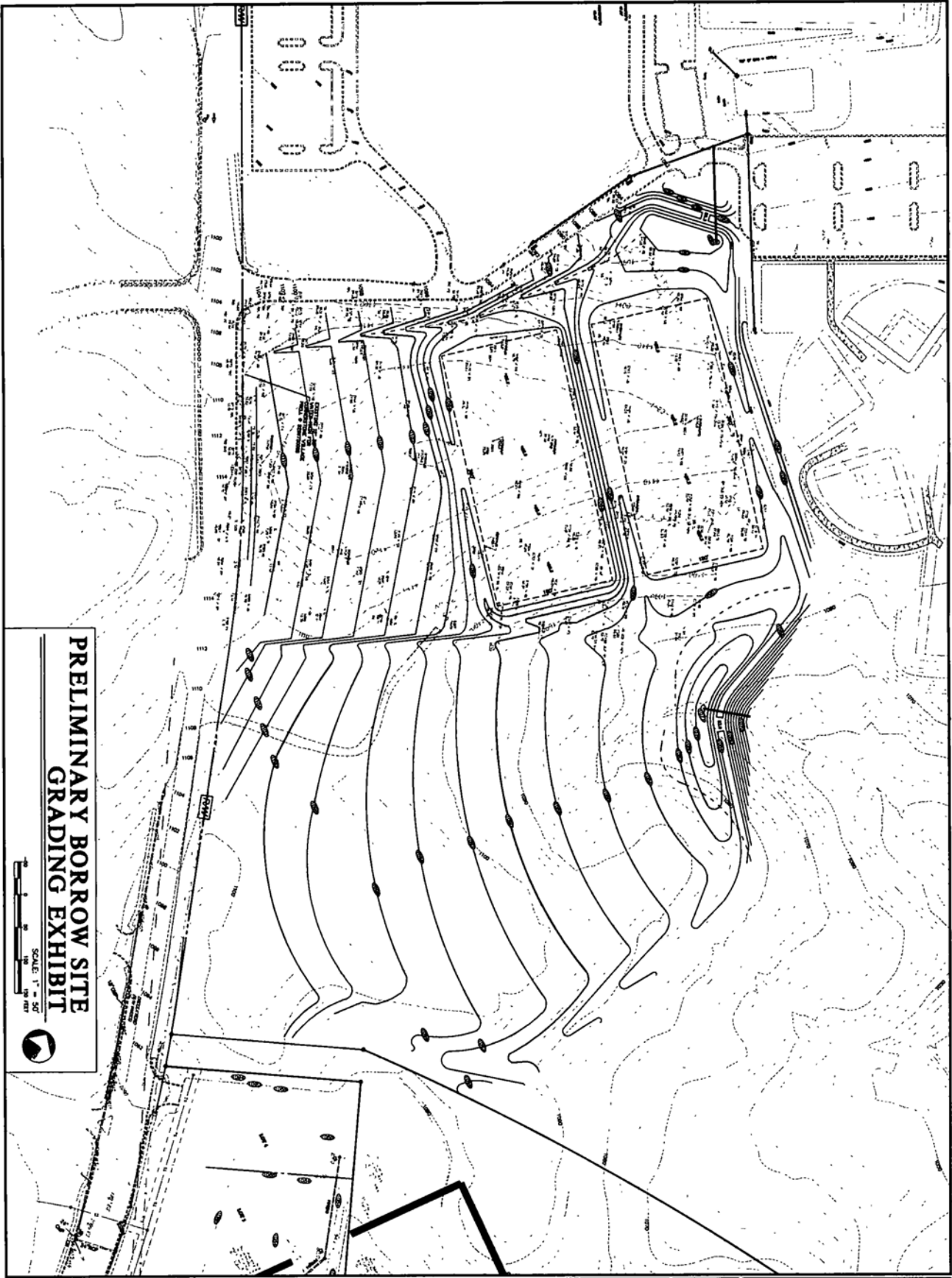
THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 58 DEGREES 29 MINUTES 45 SECONDS EAST FOR A DISTANCE OF 37.37 FEET TO AN IRON PIN SET;

THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 01 DEGREES 30 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 13.48 FEET TO AN IRON PIN SET;

THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 31 DEGREES 17 MINUTES 42 SECONDS WEST FOR A DISTANCE OF 413.80 FEET TO AN IRON PIN SET, SAID IRON PIN BEING **THE TRUE POINT OF BEGINNING.**







**PRELIMINARY BORROW SITE  
GRADING EXHIBIT**

SCALE: 1" = 50'  
1" = 50'



**EX-2**

**BORROW SITE  
GRADING  
EXHIBIT**

**KROGER GAS &  
DACULA MARKET**  
DACULA, GEORGIA  
**THE KROGER COMPANY**  
THE KROGER STORE  
ATLANTA, GA 30343

**ROBERTSON LOJA ROOF**  
ARCHITECTS & ENGINEERS  
3480 Preston Ridge Road Suite 275 Alpharetta, Georgia 30005  
770-474-2800 Fax 678-318-0745



**BK 4 9 8 5 5 P G 0 6 1 7**

**EXHIBIT "F-1"**

**LEGAL DESCRIPTION**

**HEBRON RESTRICTED PARCEL**

**ALL THAT TRACT OR PARCEL OF LAND** containing 26.073 acres lying and being in Land Lots 303 and 304 of the 5<sup>th</sup> Land District, City of Dacula, Gwinnett County, Georgia and being more particularly described as follows:

To find the **TRUE POINT OF BEGINNING**, commence at a ½ rebar found at the intersection of the northwesterly right of way of Fence Road (80' right of way) and the northeasterly right of way of Dacula Road (right of way width varies);

Thence run along the northeasterly right of way of Dacula Road North 56 degrees 05 minutes 32 seconds West, a distance of 211.90 feet to a 1/2" rebar found; thence continue along said right of way and run North 56 degrees 05 minutes 32 seconds West, a distance of 147.69 feet to a point; thence continue along said right of way and run North 44 degrees 06 minutes 44 seconds West, a distance of 41.82 feet to a point; thence continue along said right of way along a curve to the left having a radius of 549.30 feet and an arc length of 223.20, being subtended by a chord of North 70 degrees 57 minutes 35 seconds West, a distance of 221.67 feet to a point; thence leaving said right of way and run North 07 degrees 26 minutes 54 seconds East, a distance of 239.12 feet to a point; thence run North 71 degrees 27 minutes 30 seconds West, a distance of 446.11 feet to a point; thence run North 29 degrees 12 minutes 44 seconds West, a distance of 357.18 feet to a point, said point being the **TRUE POINT OF BEGINNING**; from said **TRUE POINT OF BEGINNING**, thence run along a curve to the right having a radius of 960.00 feet and an arc length of 82.93 feet, being subtended by a chord of North 62 degrees 29 minutes 22 seconds East, a distance of 82.91 feet to a point; thence run North 60 degrees 00 minutes 52 seconds East, a distance of 21.87 feet to a point; thence run South 27 degrees 46 minutes 55 seconds East, a distance of 80.06 feet to a point; thence run South 60 degrees 00 minutes 52 seconds West, a distance of 18.79 feet to a point; thence run along a curve to the left having a radius of 1040.00 feet and an arc length of 19.45 feet, being subtended by a chord bearing South 60 degrees 33 minutes 01 seconds West, a distance of 19.45 feet to a point; thence run South 28 degrees 54 minutes 50 seconds East, a distance of 37.00 feet to a point; thence run South 61 degrees 05 minutes 10 seconds West, a distance of 18.81 feet to a point; thence run South 29 degrees 12 minutes 44 seconds East, a distance of 137.30 feet to a point; thence run along a curve to the right having a radius of 214.50 feet and an arc length of 158.16 feet, being subtended by a chord of South 50 degrees 20 minutes 07 seconds East, a distance of 154.60 feet to a point; thence run South 71 degrees 27 minutes 30 seconds East, a distance of 157.20 feet to a point; thence run North 68 degrees 29 minutes 53 seconds East, a distance of 23.57 feet to a point; thence run North 11 degrees 16 minutes 13 seconds East, a distance of 36.12 feet to a point; thence run North 44 degrees 53 minutes 51 seconds East, a distance of 241.78 feet to a point; thence run North 22 degrees 22 minutes 51 seconds West, a distance of 293.46 feet to a point; thence run North 75 degrees 23 minutes 06 seconds East, a distance of 74.03

**BK49855PG0618**

feet to a point; thence run North 84 degrees 20 minutes 10 seconds East, a distance of 226.26 feet to a point; thence run South 53 degrees 54 minutes 32 seconds East, a distance of 45.69 feet to a point; thence run South 01 degrees 51 minutes 47 seconds East, a distance of 57.37 feet to a point; thence run South 79 degrees 16 minutes 09 seconds East, a distance of 333.56 feet to a point; thence run along a curve to the right having a radius of 2460.00 feet and an arc length of 20.23 feet, being subtended by a chord of South 53 degrees 35 minutes 14 seconds East, a distance of 20.23 feet to a point; thence run South 53 degrees 21 minutes 06 seconds East, a distance of 174.42 feet to a point; thence run along a curve to the right having a radius of 2540.00 feet and an arc length of 71.36 feet, being subtended by a chord bearing South 54 degrees 09 minutes 23 seconds East, a distance of 71.36 feet to a point; thence run North 31 degrees 58 minutes 22 seconds East, a distance of 80.12 feet to a point; thence run along a curve to the left having a radius of 2460.00 feet and an arc length of 64.83 feet, being subtended by a chord bearing North 54 degrees 06 minutes 24 seconds West, a distance of 64.82 feet to a point; thence run North 53 degrees 21 minutes 06 seconds West, a distance of 140.28 feet to a point; thence run North 36 degrees 49 minutes 36 seconds East, a distance of 296.95 feet to a point; thence run North 36 degrees 55 minutes 44 West, a distance of 384.93 feet to a point; thence run along a curve to the left having a radius of 4201.88 feet and an arc length of 1642.49 feet, being subtended by a chord bearing North 88 degrees 57 minutes 04 seconds West, a distance of 1632.06 feet to a point; run thence South 60 degrees 47 minutes 15 seconds West, a distance of 295.14 feet located on the northeast right of way of Dacula Road; thence run along a curve to the left having a radius of 1949.86 feet and an arc length of 50.24 feet, being subtended by a chord bearing South 23 degrees 39 minutes 41 seconds East, a distance of 50.23 feet to a point; thence leaving said right of way and run North 60 degrees 47 minutes 16 seconds East, a distance of 300.00 feet to a point; thence run South 29 degrees 12 minutes 44 seconds East, a distance of 378.85 feet to a point; thence run North 60 degrees 47 minutes 16 seconds East, a distance of 49.26 feet to a point; thence run South 29 degrees 12 minutes 44 seconds East, a distance of 329.49 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

BK49855PG0619

**CONSENT AND JOINDER**

The undersigned, **THE NORTH AMERICAN MISSION BOARD OF THE SOUTHERN BAPTIST CONVENTION**, is Grantee under that certain Deed to Secure Debt, Assignment of Leases and Rents, and Security Agreement from Hebron Baptist Church, Inc., a Georgia non-profit corporation to North American Mission Board of the Southern Baptist Convention, Inc., dated July 31, 1998, and recorded July 31, 1998, in Book 16486, Page 147, Gwinnett County, Georgia records (the "Security Deed"), which Security Deed encumbers the Hebron Parcel described in the foregoing Reciprocal Easement and Covenant Agreement, hereby consents to and joins in the agreements described in the Reciprocal Easement and Covenant Agreement, it being the intent of such consent and joinder that the rights of the owners thereunder shall be unaffected and continue in full force and effect if the undersigned, or its successors or assigns, should foreclose upon the property described in the Security Deed or otherwise exercise its rights under the Security Deed.

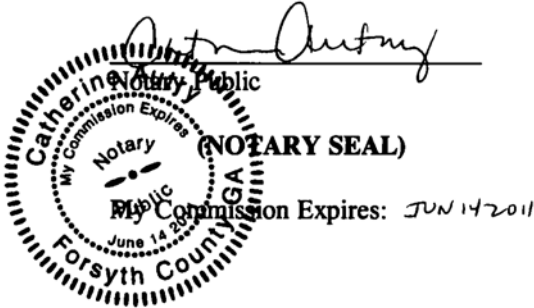
**IN WITNESS WHEREOF**, the undersigned has caused this Consent and Joinder to be executed by its duly authorized officers and its seal to be affixed hereto this 3rd day of NOVEMBER, 2009.

**THE NORTH AMERICAN MISSION  
BOARD OF THE SOUTHERN  
BAPTIST CONVENTION**

Signed, sealed and delivered  
in the presence of:

*Cheryl L. Williams*  
Unofficial Witness

By: *Karl K. Dietz*  
Name: Karl K. Dietz  
Title: Assistant Recording Secretary

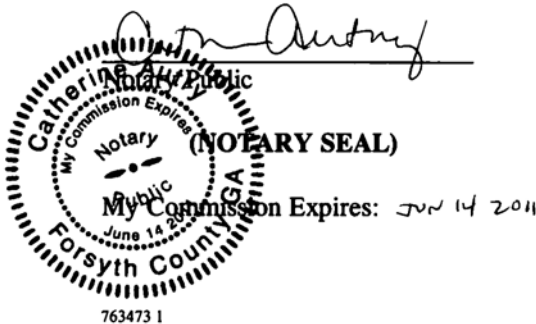


(CORPORATE SEAL)

Signed, sealed and delivered  
in the presence of:

*Cheryl L. Williams*  
Unofficial Witness

By: *T. Salter*  
Name: T. Salter  
Title: Assistant Recording Secretary



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