

MINUTES
CITY COUNCIL REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, February 5, 2024
5:00 P.M.

1. **CALL TO ORDER:** Mayor Walden called the meeting to order at 5:00 pm.
2. **ROLL CALL:** Present were Councilmember William Illg, Councilmember Sandy Sawyer, Councilmember Mark French, Councilmember Caleb Phillips, City Attorney Kevin Tallant, City Manager Bob Bolz, Deputy City Clerk Tracy Smith, Public Works Director Trampas Hansard, Utility Director Jacob Barr, Downtown Development Director Amanda Edmondson and Finance Director Robin Gazaway. Clay Moss was in attendance for Planning and Zoning.
3. **INVOCATION AND PLEDGE:** Invocation and pledge were led by Councilmember Sawyer.
4. **ANNOUNCEMENTS:** None
5. **APPROVAL OF THE AGENDA:** Motion to approve the agenda as presented made by M. French; second by W. Illg. Vote carried unanimously in favor.
6. **PUBLIC INPUT:** None
7. **CONSENT AGENDA:** Motion to approve the consent agenda for the following items (a) made by W. Illg; second by C. Phillips. Vote carried unanimously in favor.
 - a. Approve Minutes
 - Special Called Meeting held January 17, 2024
 - Executive Session held January 17, 2024

PUBLIC HEARING

8. **ORDINANCE NO. 01-2024:** An Ordinance Of The City Of Dawsonville, Georgia To Enact Impact Fees To Provide Funding For Local Roads, Parks And Recreation, And Other Benefits To The Public; To Provide For Exemptions; To Provide For The Accounting And Expenditure Of Fees; To Provide For The Means Of Appeal; To Provide For Severability; To Provide For An Effective Date; And For Other Purposes. First Public Hearing and First Reading: February 5, 2024; Second Public Hearing, Second Reading and Consideration to Adopt: February 19, 2024.

Motion to open the public hearing made by M. French; second by C. Phillips. Vote carried unanimously in favor. City Attorney Kevin Tallant presented the Impact Fee Ordinance.

The following citizen spoke in favor of the ordinance:

- Adam Whitmire, 829 Walnut River Trl, Hoschton, GA - He owns several tracts of land in the City in which he is trying to develop. He reported that his project has suffered delays due to the moratorium and the unknown factor of whether or not the City will require impact fees and their amounts. He stated he is in favor of impact fees but not extending the moratorium so he can move forward with development.

No one spoke in opposition to the ordinance.

Motion to close the public hearing made by M. French; second by W. Illg. Vote carried unanimously in favor.

BUSINESS

9. **CONSIDERATION OF BID #24-RFB-005: 50'S GARAGE STORE FRONT:** Presented by Robin Gazaway. Her recommendation was to go with the higher bid because the lower bid was not sufficient for the bid package.

Motion to accept the bid for Bid #24-RFB-005 from Windsor Pine in the amount of \$107,280.00 to be paid out of the OneGeorgia Special Purpose Grant Fund made by M. French; second by W. Illg. Vote carried unanimously in favor.
10. **CONSIDERATION OF BID #24-RFB-006: AUDIO AND VIDEO UPGRADES:** Presented by Robin Gazaway who recommends accepting the lowest bid.

MINUTES
CITY COUNCIL SPECIAL CALLED MEETING
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Monday, February 5, 2024
5:00 P.M.

Motion to accept the bid for Bid #24-RFB-006 from The W.H. Platts Co. in the amount of \$62,358.98 to be paid out of the OneGeorgia Special Purpose Grant Fund made by C. Phillips; second by W. Ilg. Councilmember French asked if the decision needs to be made at this meeting. Ms. Gazaway responded no; however, it would enable the work to start once the final approval is received for the grant funding. Vote carried unanimously in favor.

11. **RESOLUTION NO. R2024-01: GEORGIA STATE PATROL POST #37:** Motion to approve Resolution No. R2024-01 made by C. Phillips; second by M. French. Vote carried unanimously in favor. (Exhibit "A")
12. **ROAD AND RIGHT OF WAY DEDICATION REQUEST: SWEETWATER PRESERVE SUBDIVISION:** Motion to approve the acceptance of the dedication request for the Sweetwater Preserve Subdivision roads consisting of Reeves Court, Morrow Place, Shepard Drive, Wheeler Place and Milner Drive and the right of ways made by C. Phillips; second by S. Sawyer. Vote carried unanimously in favor. (Exhibit "B")

MAYOR AND COUNCIL REPORTS:

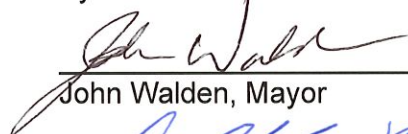
Mayor Walden expressed his appreciation for the meetings he has had with several HOA's and thanked them for their time and would encourage any other HOA's to contact him.

ADJOURNMENT

At 5:17 pm a motion to adjourn the meeting was made by M. French; second by C. Phillips. Vote carried unanimously in favor.

Approved this 19th day of February 2024

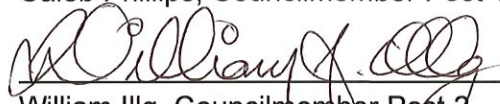
By: CITY OF DAWSONVILLE



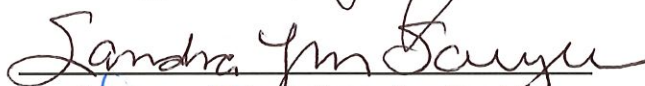
John Walden, Mayor



Caleb Phillips, Councilmember Post 1



William Ilg, Councilmember Post 2



Sandra Sawyer, Councilmember Post 3



Mark French, Councilmember Post 4

Attest:


Beverly A. Banister, City Clerk

RESOLUTION R2024-01

**A RESOLUTION OF THE CITY OF DAWSONVILLE REGARDING
GEORGIA STATE PATROL POST #37**

WHEREAS, the Georgia State Patrol, a state agency, provides public health, safety, and welfare services within the corporate limits of the City of Dawsonville; and,

WHEREAS, in order to effectively carry out their duties, obligations, and services, the Georgia State Patrol officers require the use of properly maintained specialty equipment, and,

WHEREAS, many Georgia State Patrol officers that service the City of Dawsonville have resorted to expending personal funds to purchase said specialty equipment; and,

WHEREAS, the Mayor and City Council of the City of Dawsonville, Georgia, are charged with the protection and maintenance of the public health, safety, and welfare of those within the corporate limits of the City of Dawsonville; and,

WHEREAS, the services rendered by the Georgia State Patrol are a substantial benefit to the City of Dawsonville; and,

WHEREAS, the Mayor and City Council wish to assist officers and the Georgia State Patrol in effectively carrying out their duties to provide for the public health, safety, and welfare of the citizens of the City of Dawsonville.

NOW, THEREFORE, BE IT RESOLVED by the governing authority of the City of Dawsonville, Georgia, that the City of Dawsonville shall provide Frisk Gloves, AC to DC Power Inverters and Battery Powered Drills for a total cost not to exceed Three Thousand and Eight Hundred dollars (\$3,800.00) to the Georgia State Patrol and its officers that service the corporate limits of the City of Dawsonville, in recognition of the substantial benefit that said officers provide to the Citizens of the City of Dawsonville, and in an effort to assist said officers in effectively carrying out their duties in providing for the public health, safety, and welfare of the citizens of the City of Dawsonville.

RESOLVED this 5th day of February 2024.

**MAYOR AND DAWSONVILLE CITY
COUNCIL**

By: _____

John Walden, Mayor



Caleb Phillips, Councilmember Post 1



William Illg, Councilmember Post 2

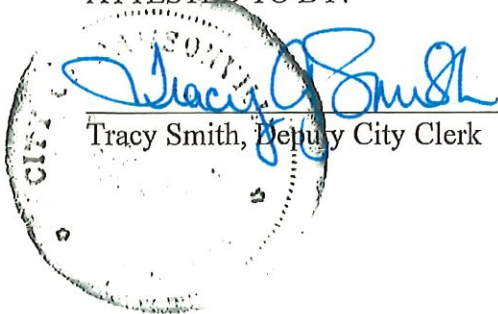


Sandra Sawyer, Councilmember Post 3



Mark French, Councilmember Post 4

ATTESTED TO BY:



Tracy Smith, Deputy City Clerk

Filed 02/12/2024 11:43AM
Bk 01676 Pg 0490-0511
Deed Doc: RWD
Georgia Transfer Tax Paid : \$0.00
0422024000243
Penalty: \$0.00 Interest: \$0.00
Participants: 3645440314
JUSTIN POWER, Clerk of Superior
Court
DAWSON County, Georgia

Upon recording return to:
City of Dawsonville
Planning & Zoning Department
415 Highway 53E, Suite 100
Dawsonville, Georgia 30534

**STATE OF GEORGIA
COUNTY OF DAWSON**

RIGHT-OF-WAY WARRANTY DEED
City of Dawsonville, Georgia

THIS INDENTURE, made this 15th day of November, 2023 between **STARLIGHT HOMES GEORGIA L.L.C.**, a Delaware limited liability company (hereinafter called "Grantor") and **CITY OF DAWSONVILLE**, a political subdivision of the State of Georgia (hereinafter called "Grantee").

WITNESSETH, that Grantor, for and in consideration of **TEN AND NO/100 DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION**, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee, all that tract or parcel of land more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 511 and 512 of the 4th District, 1st Section, City of Dawsonville, Dawson County, Georgia, being a portion of the Sweetwater Preserve subdivision (hereafter collectively and individually referred to as the "Roads") being shown and designated as such on that certain Final Plat of Sweetwater Preserve, dated October 16, 2019 and prepared by Gunnin Land Surveying, as recorded in Plat Book 85, Pages 116-118, Records of Clerk, Superior Court, Dawson County, Georgia, more particularly described as follows:

SEE EXHIBIT "A"

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of Grantee, forever, in fee simple. Grantor shall warrant and forever defend the right, title and interest in and to said property unto Grantee, its successors and assigns, against the claims of all persons whomsoever. Where the context

Exhibit "B"

requires or permits, "Grantor" and "Grantee" shall include their respective heirs, successors and assigns.

[SIGNATURE ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Grantor has caused this deed to be signed, sealed and delivered by its duly authorized representative as of the day and year first above written.

GRANTOR:

STARLIGHT HOMES GEORGIA
L.L.C., a Delaware limited liability
company

By:
Name:
Title:

 (SEAL)
Gregory D. Hasty
VP of Land Development

Signed, sealed, and delivered
in the presence of:


WITNESS


NOTARY PUBLIC

[AFFIX NOTARY SEAL]

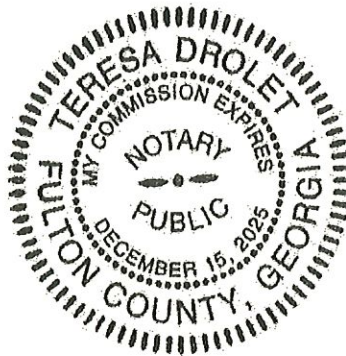
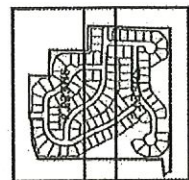


Exhibit "A"
Property Description

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 511 and 512 of the 4th District, 1st Section, City of Dawsonville, Dawson County, Georgia, being designated as **Reeves Court (Public 50' R/W)**, **Morrow Place (Public 50' R/W)**, **Shepard Drive (Public 50' R/W)**, **Wheeler Place (Public 50' R/W)** and **Milner Drive (Public 60' R/W)** on that certain **Final Plat of Sweetwater Preserve**, prepared by Gunnin Land Surveying, containing the seal of Albert W. Gramling, Jr., Georgia Registered Land Surveyor No. 2983, dated October 16, 2019, and recorded June 8, 2020 in Plat Book 85, Pages 116-118, Dawson County, Georgia land records, reference to said plat of survey and the record thereof being hereby made for a more complete description.

THE CITY OF DAWSON COUNTY, GEORGIA, HAS REVIEWED THE APPLICATION FOR A PLAT OF SWEETWATER PRESERVE, LOCATED IN LAND LOTS 511 AND 512, 4th DISTRICT, 1st SECTION, CITY OF DAWSONVILLE, GEORGIA, AND HAS DETERMINED THAT THE PLAT IS IN ACCORDANCE WITH THE CITY'S ZONING ORDINANCES AND THE GEORGIA PLAT ACT.

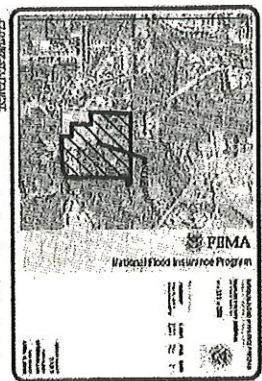


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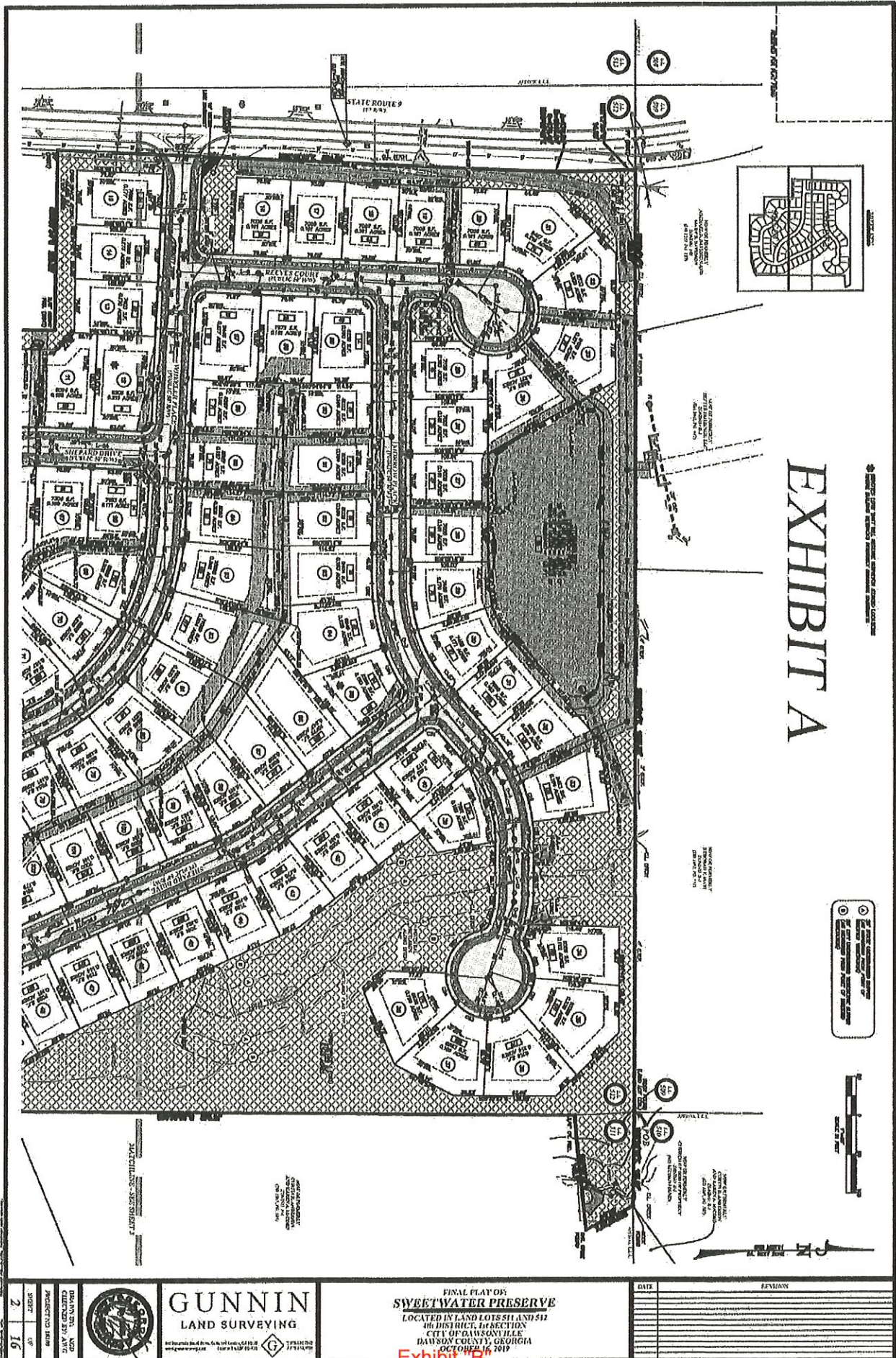
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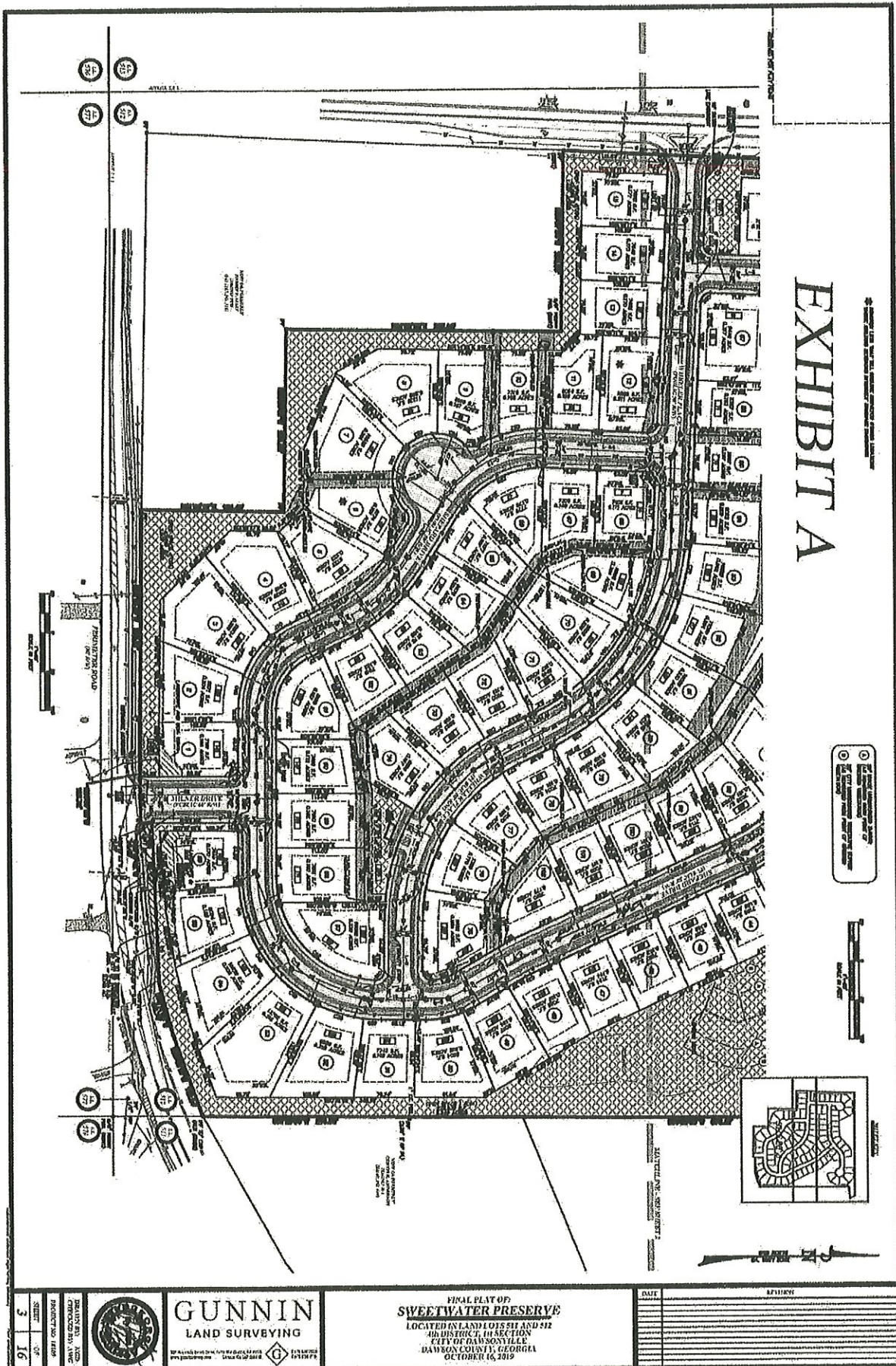


Exhibit "B"

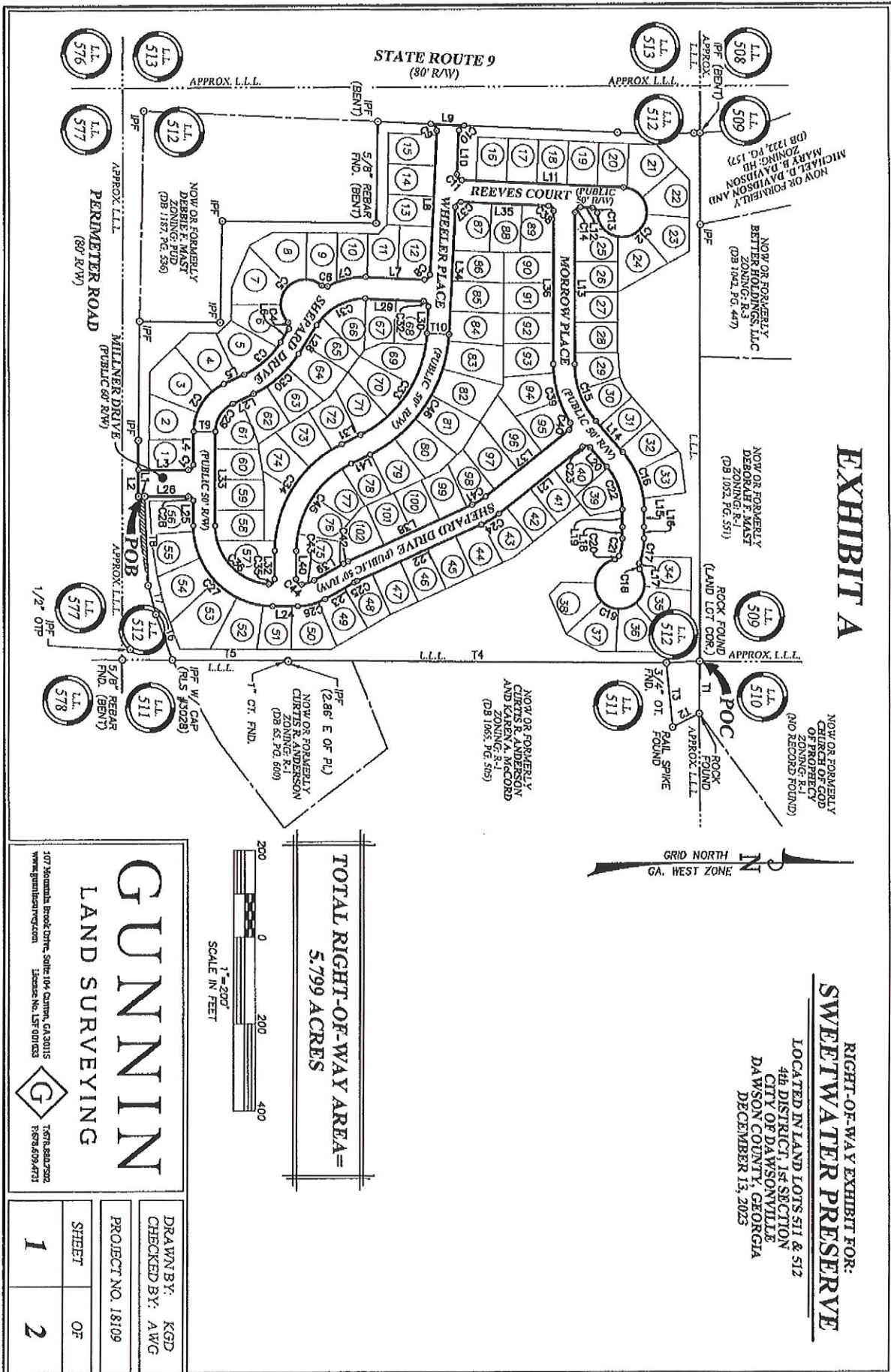


EXHIBIT A

THE LINE CALL TABLE

LINE	BEARING	DISTANCE
11	S89°24'16"E	121.07'
12	S26°46'28"E	68.64'
13	S84°09'13"W	149.11'
14	S00°33'06"W	875.21'
15	S00°28'59"W	256.58'
16	S89°49'19"W	112.24'
17	S75°11'53"W	68.74'
18	S87°37'49"W	205.34'
19	N00°15'42"E	50.00'
20	N02°47'35"E	50.00'

RIGHT-OF-WAY
CALL TABLE

LINE	BEARING	DISTANCE
11	S00°15'42"W	14.40'
12	S89°57'42"W	80.00'
13	N00°15'42"E	115.68'
14	N89°44'18"W	76.24'
15	N25°04'07"W	52.50'
16	N57°31'52"W	36.83'
17	N02°43'55"E	136.40'
18	N87°12'25"W	331.11'
19	N02°48'19"E	77.00'
20	S87°12'25"E	101.07'
21	N02°47'38"E	375.45'
22	S89°54'46"E	27.05'
23	S89°54'46"E	350.83'
24	N49°09'15"E	94.93'
25	S89°54'46"E	40.78'
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100	S89°54'46"E	26.18'

RIGHT-OF-WAY CURVE TABLE

CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	18.85'	12.00'	N44°24'18"W	16.97'
C2	136.57'	121.00'	N57°31'52"W	129.44'
C3	113.34'	200.02'	N41°18'06"W	111.83'
C4	16.44'	12.00'	S85°12'57"W	15.19'
C5	178.05'	57.51'	N47°20'17"W	114.98'
C6	14.51'	12.00'	N05°43'40"E	13.94'
C7	89.85'	183.82'	N13°54'08"W	88.96'
C8	18.84'	15.06'	N42°14'15"W	16.96'
C9	23.55'	15.06'	S47°47'57"E	21.21'
C10	18.85'	12.00'	S42°12'03"E	16.97'
C11	18.85'	12.00'	N42°12'03"E	16.97'
C12	285.59'	57.50'	S43°22'03"E	84.76'
C13	18.07'	12.00'	S43°33'58"E	15.45'
C14	142.65'	220.02'	N89°54'46"E	136.56'
C15	144.59'	220.02'	N89°54'46"E	136.56'
C16	56.76'	160.00'	S79°18'44"E	58.67'
C17	12.11'	12.00'	N82°38'41"E	11.61'
C18	295.83'	57.50'	S21°07'02"W	61.98'
C19	13.59'	14.00'	N40°06'53"W	13.41'
C20	40.66'	110.00'	N79°19'28"W	40.42'
C21	106.54'	150.02'	S85°34'50"W	104.69'
C22	18.28'	12.00'	S05°31'03"W	16.55'
C23	44.30'	200.00'	S31°12'02"E	48.19'
C24	7.16'	75.00'	S27°01'09"E	7.16'
C25	65.97'	125.00'	S14°48'09"E	65.21'
C26	288.86'	185.00'	S45°22'21"W	281.12'
C27	18.93'	12.50'	S40°08'09"W	15.64'
C28	80.14'	71.00'	N57°24'13"W	75.95'
C29	141.64'	250.02'	N41°17'53"W	139.75'
C30	131.36'	131.13'	N28°57'04"W	125.93'
C31	18.86'	12.00'	N47°45'43"E	18.98'
C32	293.62'	275.00'	S56°37'11"E	279.87'
C33	19.85'	12.00'	S42°31'19"E	17.53'
C34	304.35'	275.00'	S47°19'51"W	288.06'
C35	202.31'	135.00'	N44°21'23"W	183.90'
C36	18.85'	12.00'	N46°26'26"E	18.97'
C37	18.28'	12.00'	N46°26'26"E	18.97'
C38	142.70'	250.00'	N73°44'05"E	140.78'
C39	36.23'	150.00'	S80°22'02"E	36.14'
C40	11.94'	125.00'	S27°10'05"E	11.94'
C41	31.13'	75.00'	S17°51'48"E	30.91'
C42	20.22'	12.00'	S47°17'25"W	17.87'
C43	249.02'	225.00'	N57°44'17"W	236.50'
C44	347.00'	325.00'	N56°57'11"W	330.75'

RIGHT-OF-WAY EXHIBIT FOR:
SWEETWATER PRESERVE

LOCATED IN LAND LOTS 511 & 512
4th DISTRICT, 1st SECTION
CITY OF DAWSONVILLE
DAWSON COUNTY, GEORGIA
DECEMBER 13, 2023

GUNNIN
LAND SURVEYING

107 Mountain Brook Drive, Suite 104, Canton, GA 30105
www.gunninlandsurveying.com License No. 15F 001033



T571.88A.7502
15F 001033

DRAWN BY: KGD
CHECKED BY: AWG
PROJECT NO. 18109

SHEET OF

2 2

**INDEMNITY & UNDERTAKING AGREEMENT
(GAP)**

WHEREAS, The City of Dawsonville ("City") is to take title to the roads and right of way (the "Dedication") as stated in the Title Certificate (attached hereto as Exhibit "A") from Starlight Homes Georgia L.L.C. ("Starlight");

AND WHEREAS, the City has raised as title exceptions on certain defects or other matters, hereinafter referred to as the "Exception", more particularly described as follows:

Any defect, lien, encumbrance, adverse claim or other matter that appears for the first time in the Public Records or is created, attaches or is disclosed between the Effective Date of the Title Certificate attached hereto as "Exhibit A" and the date of Dedication.

NOW THEREFORE, in consideration of the issuance of the Dedication, to the extent permitted by law, the undersigned, hereby covenants and agrees with the City:

1. to forever fully protect, defend and save the City harmless from and against the Exception, in and from any and all actual loss, costs, damages, attorney's fees, and expenses of every kind and nature which it may suffer, expend or incur, or by reason, or in consequence of the Dedication on account, or in consequence, or growing out of the Exception only, or on account of the assertion or enforcement or attempted assertion or enforcement thereof or of any rights existing or hereafter arising, or which may at any time be claimed to exist under, or by reason, or in consequence, or growing out of the Exception;
2. to pay, discharge, satisfy or remove the Exception and, when the Exception appears as a matter of public record, to clear the record by recording or filing of releases, assignments, deeds or other appropriate instruments, or by the procurement of a final court order or judgment entered by a court of competent jurisdiction quieting the title of the insured, or declaring the Exception to be null and void and of no force and effect, on or before 30 DAYS AFTER RECEIPT OF DEMAND FROM THE CITY; and
3. that each and every provision herein shall extend and be in force concerning the Dedication.

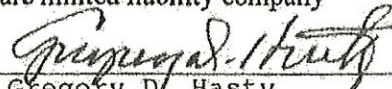
The undersigned agrees that this Agreement is not intended to give any benefits, rights, privileges, actions or remedies to any person or party, other than the City, as a third-party beneficiary or otherwise under any theory of law.

The undersigned hereby agrees that in lieu of an original written signature the facsimile or the electronically transmitted signature on this document will constitute a valid original signature to this document and can be relied upon for enhancement purposes.

[Remainder of page intentionally left blank; Signature page to follow]

IN WITNESS WHEREOF, the parties have executed this agreement this 5th day of February 2024.

STARLIGHT HOMES GEORGIA L.L.C.,
a Delaware limited liability company

By:  (SEAL)
Name: Gregory D. Hasty
Title: VP of Land Development

CITY OF DAWSONVILLE, a political
Subdivision of the State of Georgia

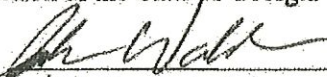
By: 
Name: John Walden
Title: Mayor

Exhibit "A"

Title Certificate

[INSERTED ON FOLLOWING PAGE]

Exhibit "B"

EXHIBIT "A"

LIMITED CERTIFICATE OF TITLE

by
PIEDMONT LAW GROUP
of Garcia & Benkert LLC
100 Crescent Centre Parkway
Suite 300
Tucker, Georgia 30084
404/460-4466

October 25, 2023

City of Dawsonville
415 Hwy 53 East
Suite 100
Dawsonville, GA 30534

RE: Starlight Homes Georgia L.L.C. - Limited Certificate of Title for City of Dawsonville; Property located in Land Lots 511 and 512 of the 14th District, Dawson County, Georgia,
Our File No. 33640.00

Dear Sir or Madam:

This is to certify that we have examined the record of title to the real estate described in Exhibit A attached to this certificate and incorporated herein by this reference and made a part hereof (the "Property") subsequent to the date of April 26, 2019, and we find the fee simple title to the Property to be vested in Starlight Homes Georgia L.L.C., a Delaware limited liability company, by virtue of (i) Limited Warranty Deed between Fall Leaf Residential, LLC, a Georgia limited liability company, and Starlight Homes Georgia L.L.C., a Delaware limited liability company, dated April 25, 2019, filed for record April 26, 2019, recorded in Deed Book 1343, page 33, Dawson County, Georgia Records; and (ii) Quitclaim Deed between Fall Leaf Residential, LLC, a Georgia limited liability company, and Starlight Homes Georgia L.L.C., a Delaware limited liability company, dated April 25, 2019, filed for record April 26, 2019, recorded in Deed Book 1343, page 37, aforesaid records; subject to those objections and exceptions as follows:

1. All taxes for the year 2024 and subsequent years, not yet due and payable, and any additional taxes for the current year or any prior years resulting from a reassessment, amendment or re-billing of city or county taxes subsequent to the Effective Date.
 - (a) Note: For informational purposes, taxes are not being billed for the internal streets within Sweetwater Preserve subdivision. No taxes are being billed under Starlight Homes Georgia L.L.C. for any property within this subdivision subsequent to 2021.
2. Declaration of Protective Covenants, Conditions, Restrictions and Easements for Sweetwater Preserve by Starlight Homes Georgia L.L.C., as Declarant, dated August 20,

2019, filed for record August 28, 2019, recorded in Deed Book 1363, page 543, Dawson County, Georgia Records; as affected by that certain Termination of Rights of Declarant Under the Declaration of Protective Covenants, Conditions, Restrictions and Easements for Sweetwater Preserve by Starlight Homes Georgia L.L.C., as Declarant, dated March 26, 2021, filed for record April 6, 2021, recorded in Deed Book 1485, page 330, aforesaid records; as affected by that certain Quitclaim Deed by and between Starlight Homes Georgia L.L.C. and Sweetwater Preserve Community Association, Inc., dated March 26, 2021, filed for record April 6, 2021, recorded in Deed Book 1485, page 333, aforesaid records; as affected by that certain Entry Feature and Landscaping Easement Agreement by and between David Henry Hitch and Vickie Mae Hitch and Sweetwater Preserve Community Association, Inc., dated September 9, 2020, filed for record April 30, 2021, recorded in Deed Book 1492, page 627, aforesaid records; as affected by that certain Amendment to the Declaration of Protective Covenants, Conditions, Restrictions and Easements for Sweetwater Preserve and Bylaws of Sweetwater Preserve Community Association, Inc. by the Sweetwater Preserve Community Association, Inc., dated May 13, 2022, filed for record May 17, 2022, recorded in Deed Book 1578, page 47, aforesaid records.

3. Underground Easement by Starlight Homes Georgia LLC to Georgia Power Company, dated August 28, 2019, filed for record October 11, 2019, recorded in Deed Book 1372, page 264, aforesaid records.
4. Stormwater Management/BMP Maintenance Agreement by and between Starlight Homes Georgia, LLC and the City of Dawsonville, dated December 19, 2019, filed for record December 19, 2019, recorded in Deed Book 1383, page 447, aforesaid records.
5. Facts and matters shown on that certain Final Plat of Sweetwater Reserve by Gunnin Land Surveying, dated October 16, 2019, filed for record February 6, 2020, recorded in Plat Book 85, Pages 66-81, aforesaid records; as affected by that certain Final Plat of Sweetwater Preserve by Gunnin Land Surveying, last revised June 3, 2020, filed for record June 8, 2020, recorded in Plat Book 85, page 116, aforesaid records.
6. All matters appearing of record prior to April 26, 2019.
7. All matters shown as exceptions in Schedule B of that certain First American Title Insurance Company Owner's Policy No. 5011413-0179834e, dated April 26, 2019.

AS A MATTER OF INFORMATION, the following exceptions are listed in the above-referenced policy:

- i. Easement from Mrs. Katie Lee Tatum to Georgia Power Company, dated August 10, 1966, filed August 23, 1966, recorded in Deed Book 5, page 321, Dawson County, Georgia Records.
- ii. Right of Way Deed from Mrs. Katie Lee Tatum to Dawson County, dated July 16, 1974, filed September 17, 1974, recorded in Deed Book 29, page 747, aforesaid records.

- iii. All matters shown on recorded plat filed June 28, 1983 in Plat Book 13, page 229, aforesaid records.
- iv. Easement from Ivan J. Anderson to Georgia Power Company, dated September 27, 1956, filed September 29, 1956, recorded in Deed Book Y, page 21, aforesaid records.

All questions with reference to the following are expressly excepted from this certificate, and this opinion is limited to the names of married women as they appear in the chain of title and as furnished to examining counsel:

- (a) All matters of record subsequent to the date of this certificate;
- (b) Matters affecting the title which are not of record, or which, if they are of record, are not indexed in such a manner that a reasonably prudent search would have revealed them to the examiner;
- (c) Such state of facts as would be disclosed by a competent civil engineer's accurate survey of the Property (it is always advisable that a survey be made in order to determine if there are encroachments, overhangs, overlaps, that the improvements are within the boundaries of subject Property, and that the lines and corners of the Property are clearly marked);
- (d) Encroachments, except such as in our opinion do not materially affect the value of the Property;
- (e) Title to that portion of the Property within the bounds of any public road;
- (f) The riparian rights of abutting owners on any stream running through the Property;
- (g) Adverse claims of tenants in possession;
- (h) All zoning laws, ordinances or regulations, municipal or county, and all governmental regulations of the use and occupancy of the Property described, including the regulations or condemnation of the land or any building or structure thereon;
- (i) Taxes not due and payable at the date of this certificate, and those being due at all future times;
- (j) Unrecorded claims of lien for labor or material furnished for the improvement of the Property;
- (k) Street improvement liens which have not been properly placed of record;
- (l) Past due water and sewer service bills;
- (m) Bills for utilities used in connection with the premises and any impediments to the transfer of accounts for said utilities to a new owner or occupant of the property;
- (n) Pay-as-you-enter water or sewer lines, which while not technically liens, will be payable upon connection with such lines; and
- (o) Notwithstanding anything to the contrary contained in the legal description of the Property described herein, no certification is afforded as to the exact amount of acreage contained in the Property.

This Limited Certificate of Title is based upon First American Title Insurance Company Owner's Policy No. 5011413-0179834e, dated April 26, 2019, and no certification is given to matters appearing of record prior to said date.

The date through which this certificate of title is effective is October 10, 2023 at 5:00 o'clock p.m.

PIEDMONT LAW GROUP
of Garcia & Benkert LLC

By: 

Isabel M. Garcia,
For the Firm

DMG/ing

4895-4489-3285, v. 1

EXHIBIT "A"
PROPERTY DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 511 and 512 of the 4th District, 1st Section, City of Dawsonville, Dawson County, Georgia, being designated as **Reeves Court (Public 50' R/W)**, **Morrow Place (Public 50' R/W)**, **Shepard Drive (Public 50' R/W)**, **Wheeler Place (Public 50' R/W)** and **Milner Drive (Public 60' R/W)** on that certain **Final Plat of Sweetwater Preserve**, prepared by Gunnin Land Surveying, containing the seal of Albert W. Gramling, Jr., Georgia Registered Land Surveyor No. 2983, dated October 16, 2019, and recorded June 8, 2020 in Plat Book 85, Pages 116-118, Dawson County, Georgia land records, reference to said plat of survey and the record thereof being hereby made for a more complete description.



November 15, 2023

City of Dawsonville
Planning & Zoning Department
415 Highway 53E, Suite 100
Dawsonville, Georgia 30534

Re: ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 511 and 512 of the 4th District, 1st Section, City of Dawsonville, Dawson County, Georgia, being designated as Reeves Court (Public 50' R/W), Morrow Place (Public 50' R/W), Shepard Drive (Public 50' R/W), Wheeler Place (Public 50' R/W) and Milner Drive (Public 60' R/W) on that certain **Final Plat of Sweetwater Preserve**, prepared by Gunnin Land Surveying, containing the seal of Albert W. Gramling, Jr., Georgia Registered Land Surveyor No. 2983, dated October 16, 2019.

Dear Sir or Madame:

In consideration of a fee to be paid, this is to certify that I have examined the properly indexed deed records of Dawson County, Georgia as of October 10, 2023, and we find marketable, fee simple title to the above captioned property is vested in Starlight Homes Georgia L.L.C., a Delaware limited liability company by virtue of: (i) that certain Limited Warranty Deed between Fall Leaf Residential, LLC, a Georgia limited liability company, and Starlight Homes Georgia L.L.C., a Delaware limited liability company, dated April 25, 2019, filed for record April 26, 2019, recorded in Deed Book 1343, page 33, Dawson County, Georgia Records; and (ii) that certain Quitclaim Deed between Fall Leaf Residential, LLC, a Georgia limited liability company, and Starlight Homes Georgia L.L.C., a Delaware limited liability company, dated April 25, 2019, filed for record April 26, 2019, recorded in Deed Book 1343, page 37, aforesaid records, subject to the following exceptions to-wit:

1. All taxes for the year 2024 and subsequent years, not yet due and payable, and any additional taxes for the current year or any prior years resulting from a reassessment, amendment or re-billing of city or county taxes subsequent to the Effective Date.
2. Declaration of Protective Covenants, Conditions, Restrictions and Easements for Sweetwater Preserve by Starlight Homes Georgia L.L.C., as Declarant, dated August 20, 2019, filed for record August 28, 2019, recorded in Deed Book 1363, page 543, Dawson County, Georgia Records; as affected by that certain Termination of Rights of Declarant Under the Declaration of Protective Covenants, Conditions, Restrictions and Easements for Sweetwater Preserve by Starlight Homes Georgia L.L.C., as Declarant, dated March 26, 2021, filed for record April 6, 2021, recorded in Deed Book 1485, page 330, aforesaid

Dorough & Dorough, LLC
Suite 650, 160 Clairemont Avenue
Decatur, Georgia 30030

telephone: 404-687-9977
facsimile: 404-687-0011
www.dorough.com

Exhibit "B"

City of Dawsonville
Planning & Zoning Department
November 15, 2023
Page 2

records; as affected by that certain Quitclaim Deed by and between Starlight Homes Georgia L.L.C. and Sweetwater Preserve Community Association, Inc., dated March 26, 2021, filed for record April 6, 2021, recorded in Deed Book 1485, page 333, aforesaid records; as affected by that certain Entry Feature and Landscaping Easement Agreement by and between David Henry Hitch and Vickie Mae Hitch and Sweetwater Preserve Community Association, Inc., dated September 9, 2020, filed for record April 30, 2021, recorded in Deed Book 1492, page 627, aforesaid records; as affected by that certain Amendment to the Declaration of Protective Covenants, Conditions, Restrictions and Easements for Sweetwater Preserve and Bylaws of Sweetwater Preserve Community Association, Inc. by the Sweetwater Preserve Community Association, Inc., dated May 13, 2022, filed for record May 17, 2022, recorded in Deed Book 1578, page 47, aforesaid records.

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AS A MATTER OF INFORMATION, the following exceptions are listed in the above-referenced policy:

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City of Dawsonville
Planning & Zoning Department
November 15, 2023
Page 3

- ii. Right of Way Deed from Mrs. Katie Lee Tatum to Dawson County, dated July 16, 1974, filed September 17, 1974, recorded in Deed Book 29, page 747, aforesaid records.
- iii. All matters shown on recorded plat filed June 28, 1983 in Plat Book 13, page 229, aforesaid records.
- iv. Easement from Ivan J. Anderson to Georgia Power Company, dated September 27, 1956, filed September 29, 1956, recorded in Deed Book Y, page 21, aforesaid records.

All questions with reference to the following are expressly excepted from this certificate, and this opinion is limited to the names of married women as they appear in the chain of title and as furnished to examining counsel:

- (a) All matters of record subsequent to the date of this certificate;
- (b) Matters affecting the title which are not of record, or which, if they are of record, are not indexed in such a manner that a reasonably prudent search would have revealed them to the examiner;
- (c) Such state of facts as would be disclosed by a competent civil engineer's accurate survey of the Property (it is always advisable that a survey be made in order to determine if there are encroachments, overhangs, overlaps, that the improvements are within the boundaries of subject Property, and that the lines and corners of the Property are clearly marked);
- (d) Encroachments, except such as in our opinion do not materially affect the value of the Property;
- (e) Title to that portion of the Property within the bounds of any public road;
- (f) The riparian rights of abutting owners on any stream running through the Property;
- (g) Adverse claims of tenants in possession;
- (h) All zoning laws, ordinances or regulations, municipal or county, and all governmental regulations of the use and occupancy of the Property described, including the regulations or condemnation of the land or any building or structure thereon;
- (i) Taxes not due and payable at the date of this certificate, and those being due at all future times;
- (j) Unrecorded claims of lien for labor or material furnished for the improvement of the Property;
- (k) Street improvement liens which have not been properly placed of record;
- (l) Past due water and sewer service bills;
- (m) Bills for utilities used in connection with the premises and any impediments to the transfer of accounts for said utilities to a new owner or occupant of the property;

City of Dawsonville
Planning & Zoning Department
November 15, 2023
Page 4

- (n) Pay-as-you-enter water or sewer lines, which while not technically liens, will be payable upon connection with such lines; and
- (o) Notwithstanding anything to the contrary contained in the legal description of the Property described herein, no certification is afforded as to the exact amount of acreage contained in the Property.

This certificate is effective as of 5:00 p.m. on October 10, 2023, and is restricted to the sole use of the addressees herein and is strictly limited to matters set forth in the period of time certified.

Sincerely,


Lisa A. Crawford

MANAGER WRITTEN CONSENT
OF
STARLIGHT HOMES GEORGIA L.L.C.
IN LIEU OF A MEETING

The undersigned Manager of **STARLIGHT HOMES GEORGIA L.L.C.** (the "Company"), hereby consents to the adoption of the following resolution by written consent.

WHEREAS, pursuant to Section 7.11 of the Operating Agreement of the Company, the Managers of the Company have the authority to designate officers of the Company, with such authority and to perform such duties as the Managers may, from time to time, delegate to them;

WHEREAS, pursuant to Section 7.3 of the Operating Agreement of the Company the Member has authorized each Manager to make such designations by themselves and without the necessity of any other approval or authorization;

WHEREAS, Greg Hasty serves as the Director of Land Development for a Company affiliate, Ashton Atlanta Residential, L.L.C ("Ashton Atlanta"); and

WHEREAS, in order to facilitate the operations of the Company, the undersigned Manager wishes to confer on and ratify the respective authority of Mr. Hasty to sign contracts and other business documents entered into by the Company in the ordinary course of business, including the purchase, sale, conveyance, lease or other encumbrance of real property.

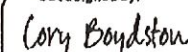
NOW, THEREFORE, BE IT RESOLVED as follows:

So long as Mr. Hasty is employed by Ashton Atlanta, Mr. Hasty shall be an Authorized Representative of the Company with full power and authority to sign contracts, plats and other business documents on behalf of the Company necessary for the ordinary course operations of the Company.

FURTHER RESOLVED, that all actions previously taken by Mr. Hasty in the name or on behalf of the Company consistent with the authorization and appointment contemplated by the foregoing resolutions are hereby adopted, ratified, confirmed, authorized and approved.

IN WITNESS WHEREOF, the undersigned Manager of the Company has executed this written consent as of the date specified below.

Date: 12/21/2022

DocuSigned by:

Cory Boydston
Manager