

LETTER OF INTENT FOR CHANGE IN CONDITIONS

Original Zoning Case Hearing Jan 11, 2021

Called Special Meeting Jan 27, 2021

Applicant/Owner: Aspen Holdings Atlanta, LLC
2430 Flint Creek Drive
Cumming, GA 30041

Project Location: 5991 Swansey Road
Flowery Branch GA

Description: Modification of Conditions 3 and 10 of the original Rezoning Letter dated February 4, 2021

Tax Parcel #: 15048 00034

Total Acreage: Approximately 40.85 acres

Proposed Density: 2.7 lots per acre (100 lots).

This Letter of Intent and Narrative is being submitted, as referenced above, for the purposes of modifying conditions 3 and 10 (see attached 2.4.21 letter from Hall County Board of Commissioners listing the approval of the rezoning with 10 enumerated conditions). The request before the Board of Commissioners is to approve the modifications to these two conditions, the matter which has been negotiated between developer's counsel and counsel representing Hall County. (Attachment 2 enumerates the new conditions, as approved by both parties).

There are no other modifications to the intended development. As noted above, the attached document between Aspen Holding and Hall County will bear out the agreement between the two, subject of course, to Board of Commissioners approval.

Abernathy Engineering Group, the applicant, on behalf of the owner (Leslie Ann Scales), and the contract purchaser/developer (Aspen Holdings Atlanta, LLC) respectfully requests the approval of the modifications requested to conditions 3 and 10 only.

S. Guy Abernathy, PE
Abernathy Engineering Group, LLC

Interpretation of Rezoning Conditions - (County Attorney Agreement Text)

“Attachment 2” to the Letter of Intent for Change in Conditions

5991 Swansey Rd., Flowery Branch, GA

June 17, 2024

Proposed Agreed Upon Conditions

1. The Developer would apply to the County’s Planning and Development Department for a change in zoning as to conditions 3 and 10 from the County’s February 4, 2021 zoning letter with the understanding that no conditions other than 3 and 10 will be amended.
2. Condition 3 will read: “Developer will improve and pave Swansey Road commencing from the southernmost point of its property where the property intersects with the Swansey Road right of way (otherwise identified as the development’s point along the Swansey Road right of way nearest to Friendship Road). The paving of Swansey Road by the developer will continue north from said initial commencement point to a point just north of the northernmost aspect of the front entrance of its development as shown on the zoning plan approved on January 21, 2021, or farther north along Swansey Road if desired by the Developer. All such paving of Swansey Road will be completed prior to the approval of the final plat, shall be consistent with County standards (see Hall County Detail TE-12 attached hereto), and shall include a right turn deceleration lane on Swansey Road into the development.”
3. Condition 10 will read: “Developer will post a bond or letter of credit in the amount of \$300,000.00 in favor of the County from a creditor doing business and with an office in Hall County, Georgia for the design, realignment, and construction of the section of Swansey Road from the point where the asphalt paving currently ends beyond the intersection with Friendship Road (GDOT) to the proposed development’s southern-most property corner along Swansey Road. The bond or letter of credit may be cashed in by the County once the County awards a contract for the design or construction of the road project to pave the above-referenced section of Swansey Road as described herein. The design

and/or construction of the road project shall be initiated no later than seven years from the date of the posting/issuance of the bond or letter of credit, and if design/construction has not been initiated within seven years, the bond or letter of credit shall be released and rendered null.

The County shall be responsible for all eminent domain needed to acquire right of way and/or easements to adhere to the County's TE-12 specifications as to paving Swansey Road between the paved section nearest to Friendship Road and the southernmost point of the development along Swansey Road.

Additional Clarifications/Additions to Conditions Sought by Applicant

Condition #10:

Add the following to the end of the first paragraph: Developer shall have the discretion to pave the existing road bed with a tar /gravel treatment mix from the end of existing pavement near Friendship road up to the tie-in to the required Te-12 pavement section which will begin at the southern most portion of the subject Aspen Holding project. This portion of the road (and all of Swansey Road) will be maintained by Hall County.

Add the following to the end of the second paragraph: The County will assist the developer in acquiring right-of-way should legitimate attempts by the developer to negotiate the purchase of right of way and /or slope easements bog down, as this road improvement benefits the overall traveling public.