



June 30, 2009

John A. Sherill, Esq.
Eric F. Barton, Esq.
Seyfarth Shaw LLP
1545 Peachtree Street NE, Suite 700
Atlanta, GA 30309-2401

Re: Crossville Hardscrabble, LLC v. City of Roswell, Georgia
Superior Court of Fulton County, Civil Action File No. 2009CV170596
City of Roswell Zoning Number: RZ08-17 and CV 08-03

Dear Mr. Sherill and Mr. Barton:

Crossville Hardscrabble LLC (hereinafter "Crossville") presented its proposed settlement of the above-referenced lawsuit to Mayor & Council at its special called meeting held June 29, 2009. Mayor & Council invited comment from the public and from staff regarding the proposed settlement. Thereafter, Mayor & Council met in closure to consider the proposed settlement, at which time Mayor & Council voted to accept the proposed settlement upon the terms outlined below.

The City of Roswell has received the Preliminary Site Plan for Crossville Hardscrabble, marked and dated as "Revised-June 23, 2009," and marked as "received" by the City of Roswell Community Development Department on June 23, 2009. A copy of the June 23, 2009 Revised Preliminary Site Plan is attached hereto as Exhibit "A" (hereinafter the Revised Plan") and is incorporated herein by reference. Instead of the 31 town houses originally sought by Crossville using R-3A zoning, Crossville now proposes 14 single family homes using a proposed rezoning of R-2 as shown on the Revised Plan attached. The remainder of the proposed site remains as it was originally submitted.

The City of Roswell agrees to initiate the rezoning of a portion of the property that is the subject of Crossville's application RZ08-17 and CV 08-03 as proposed on the Revised Plan from E-2 to R-2 and to initiate the Parkway Village Overlay District approval process for the remaining property as shown on the Revised Plan, subject to all of the conditions contained in Exhibit "B" attached hereto and incorporated herein by reference, including the four variances set out on the last page. Further, the City of Roswell incorporates by reference herein the agreement between Crossville and the Brookfield Country Club Homeowners Association dated June 26, 2009, and which is attached hereto as Exhibit "C."

If acceptable, the City of Roswell shall initiate the rezoning necessary to give effect to this settlement in an expedited fashion. To that end, the City of Roswell has begun the advertising required by the state's Zoning Procedures Law. The Roswell Planning Commission will consider the Revised Plan at a specially called meeting on July 9, 2009. Thereafter, Mayor & Council will consider and vote on the Revised Plan at a public hearing to be held at its July 13, 2009 meeting. Further, Council will agree that it will not take any action to override the Mayor's veto. If Mayor & Council approve the Revised Plan, Crossville will dismiss its lawsuit. Please let me know if this settlement proposal is acceptable.

Sincerely,

A handwritten signature in dark ink, appearing to read "David B. Davidson". The signature is fluid and cursive, with the first name "David" being the most prominent.

David B. Davidson
City Attorney

cc: Mayor & Council
Kay Love
Wendy S. Butler