

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

GEORGIA TECH FOUNDATION )  
REAL ESTATE HOLDING )  
CORPORATION )

Plaintiff/Petitioner, )

v. )

CITY OF ATLANTA, GEORGIA AND )  
CITY OF ATLANTA BOARD OF )  
ZONING ADJUSTMENT, by and through )  
Its members, HENRY BRYANT, JOHNNY )  
EDWARDS, NAOMI WARD, )  
DAVID DORSEY, and TAD CHRISTIAN )

Defendants/Respondents. )

CIVIL ACTION FILE  
NO. 2009-CV-167390

**CONSENT ORDER**

The parties, by their counsel having consented hereto, and after review of the record in this case, the Court hereby orders as follows:

1. In this lawsuit, Plaintiff Georgia Tech Foundation Real Estate Holding Corporation (“GTF”) appeals from the denial of a Special Administrative Permit by the City of Atlanta and the denial of Plaintiff’s appeal of that action by the City of Atlanta Board of Zoning Adjustment (BZA).

2. GTF is the owner of property located at 771 Spring Street, N.W., Atlanta, Georgia (the “Property”), which consists of an unused parking lot and a three-story building known as the Crum & Forster building. GTF purchased the

Property in December 2007 for \$11,000,000 to develop the Property in furtherance of Georgia Tech's Master Plan and specifically to expand Technology Square. At the time GTF purchased the property and sought a Special Administrative Permit, the Property was not subject to any historic designation.

3. In April 2008, GTF submitted a Special Administrative Permit Application (SAP-08-024) to demolish the Crum & Forster building (the "SAP" or the "permit"). In July 2008, the City Bureau of Planning denied the SAP. GTF subsequently filed suit.

4. On or about August 25, 2009, while this litigation was pending the City of Atlanta designated the Property and Crum & Forster building on the Property as a Landmark Building or Site pursuant to Section 16-20.006 of the Zoning Ordinance of the City of Atlanta.

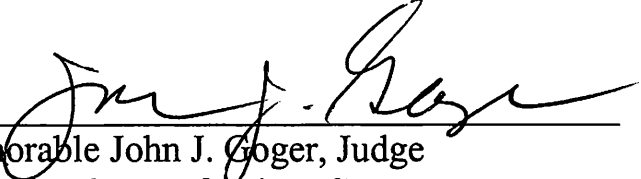
5. The parties have agreed that, in the context of settlement and in consideration of the terms of this Order, the denial of the SAP should be remanded to the BZA. At its next regularly scheduled hearing, the BZA shall order, with or without conditions, not inconsistent with this Order, the Director of the Office of Planning to grant SAP-08-024 within 10 days of its hearing.

6. In the event the SAP is not timely approved upon remand or the other conditions of this order are not satisfied, GTF shall have thirty days from the date

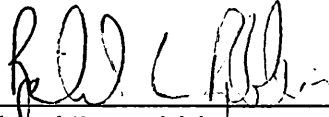
of such action to file any objection thereto, and the Court shall have a hearing on such objections.

7. The case is otherwise dismissed without prejudice, provided that this Court shall retain jurisdiction of this matter for enforcement of the foregoing Order.

SO ORDERED this 24 day of September 2012.

  
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Honorable John J. Goger, Judge  
Superior Court of Fulton County

Respectfully submitted, this 17<sup>th</sup> day of September, 2012.



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