

AUGUST 21, 2025

TO: Berrien County Code Enforcement Office
Planning & Zoning

RE: Bradford Road Subdivision/Ten Mile Creek Construction, LLC
Cole Livingston – Owner

CONTENTS:

(1) Plat of Survey/Aerial Photo/Map

- ***Ten Homes for Berrien County Families.
- ***Ten Large Homesites each being over 2 acres.

(2) Controlled Development/Restrictive Covenants on Subdivision.

- (a) Pictures of proposed homes;
- (b) 1750 heated/cooled square feet;
- (c) Stick built homes only;
- (d) No livestock; and
- (e) Architectural Control Committee to control aesthetics of subdivision.

(3) No detrimental environmental impact per Engineers.

(4) Tax Revenue boost to Berrien County (over \$45,000.00 annually total).

(5) Request complies with Land Use/Zoning Ordinance.

Respectfully submitted,

TEN MILE CREEK CONSTRUCTION, LLC

By: 

Cole Livingston, Owner

DRAFT
DO NOT RECORD
7/8/25

RECORDING INFORMATION

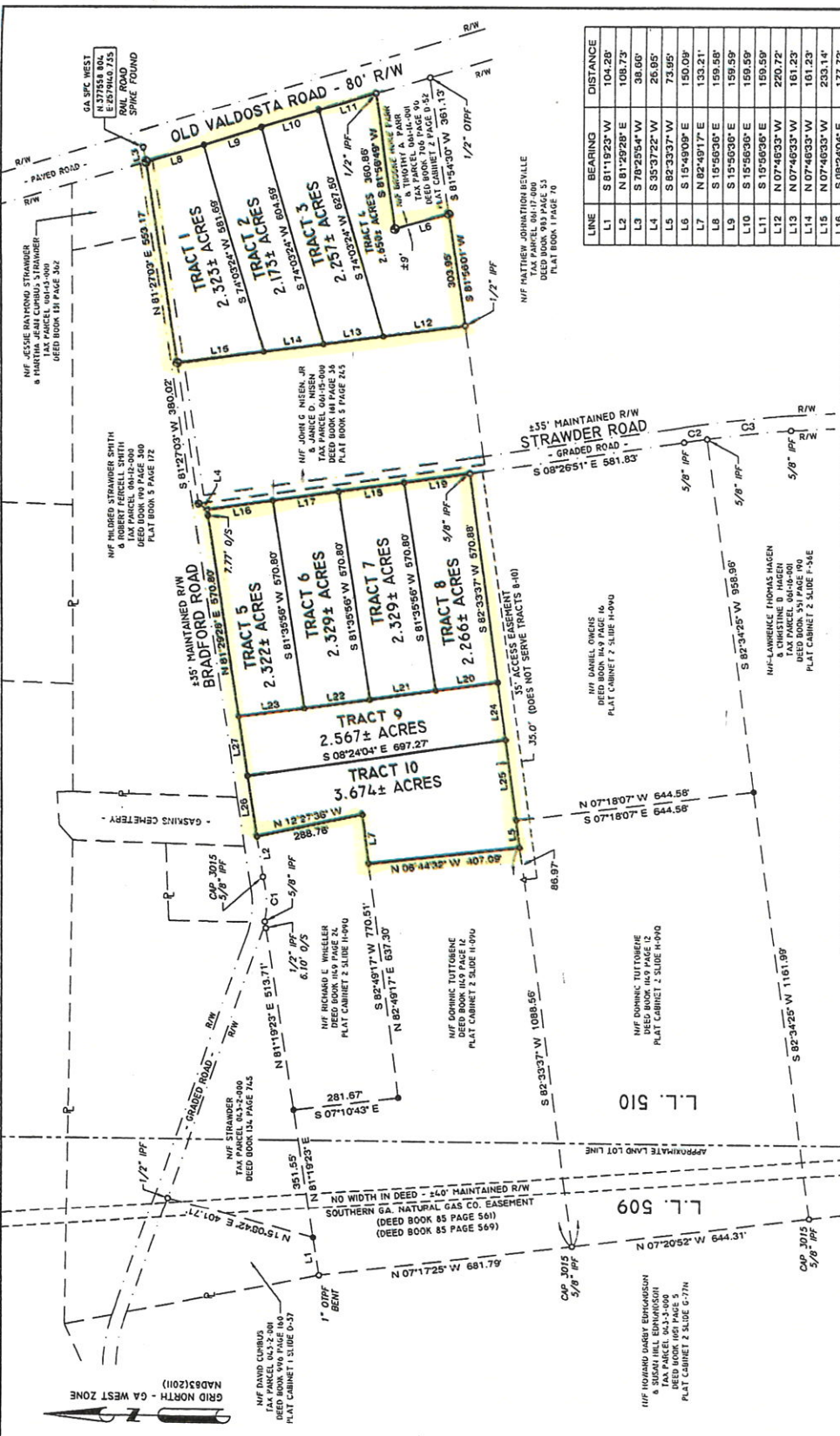


- LEGEND**
- IRON PIN FOUND
 - 5/8" IRON PIN SET WITH ID CAP
 - LAND LOT CORNER
 - LAND LOT CORNER WITH ID WASHER
 - LAND LOT CORNER WITH ID WASHER
 - MAGNETIC NAIL FOUND
 - NOW OR FORMERLY
 - OFFSET
 - OPEN TOP PIPE SET WITH ID CAP
 - PROPERTY LINE
 - POINT OF BEGINNING
 - POINT OF COMMENCEMENT
 - RIGHT OF WAY
 - STATE PLANE COORDINATES
 - 5/8" IPF WITH HAND ID CAP
 - MONUMENT FOUND
 - IPS OR MONUMENT SET AS NOTED
 - CALCULATED POINT
 - FENCE LINE
 - LAND LOT LINE
- SURVEY REFERENCES**
- PLAT BOOK PAGE 70
 - PLAT BOOK 4 PAGE 372
 - PLAT BOOK 5 PAGE 172
 - PLAT BOOK 1 SLIDE B-52 (STRAWER)
 - PLAT BOOK 2 SLIDE F-54E
 - PLAT BOOK 2 SLIDE F-491
 - PLAT BOOK 2 SLIDE H-665
 - PLAT BOOK 2 SLIDE H-695

NOTES

- THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A RELATIVE ERROR OF 1 IN 100,000. THE PLAT IS BASED ON THE FOLLOWING DATA:
 - INTERVAL: THE FIELD DATA WAS COLLECTED USING A CHINA NAV 83 (BASE) 839 (ROVER) DUAL FREQUENCY RECEIVER UTILIZING REAL TIME KINEMATIC OBSERVATIONS. THIS PLAT HAS AN ERROR OF CLOSURE OF 1 FOOT IN 125,000.
- THE BEARINGS ARE GRID BEARINGS. NORTH AMERICAN DATUM OF 1983. THE PLAT IS BASED ON THE FOLLOWING DATA:
 - SERVICE (IPDS) PROVIDED BY JAVAD GNSS. STATE PLANE COORDINATES PUBLISHED HEREIN ARE FOR ADJUDICATING THE RETRACEMENT OF THIS SURVEY BUT SHOULD NOT BE USED IN LIEU OF ORIGINAL MONUMENTATION FOUND UNDISTURBED.
- A CURRENT TITLE SEARCH OR ABSTRACT OF MATTERS AFFECTING TITLE TO THE SUBJECT PROPERTY HAS NOT BEEN PROVIDED TO THE SURVEYOR. EASEMENTS OR OTHER ENCUMBRANCES MAY EXIST BUT ARE NOT SHOWN. ADJOINING TAX PARCEL INFORMATION WAS OBTAINED FROM THE COUNTY TAX ASSESSORS WEBSITE (PUBLIC) AND NO TITLE SEARCH WAS PERFORMED TO CONFIRM CORRECTNESS OF SAID INFORMATION.
- EXISTING STRUCTURES ARE NOT SHOWN.

PROPERTY INFORMATION & SOURCE OF TITLE
TRACTS 1-10 ARE A DIVISION OF PROPERTY DESCRIBED IN DEED BOOK 1149 PAGE 20 AND DEPICTED AS TRACTS 1, 2 & 3 ON A SURVEY RECORDED IN PLAT BOOK 2 SLIDE H-990.
TRACTS 5-10 ARE A DIVISION OF PROPERTY DESCRIBED IN DEED BOOK 1149 PAGE 21 AND DEPICTED AS TRACT 4 ON A SURVEY RECORDED IN PLAT BOOK 2 SLIDE H-990.



SURVEYOR CERTIFICATION:
As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, and seals of the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned certifies that the survey was conducted in accordance with the standards and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

WESTON JAMES HENDON
LAND SURVEYOR
NO. 2965
GEORGIA LAND SURVEYING FIRM NO. 1230



LINE	BEARING	DISTANCE
L1	S 81°19'23" W	104.28'
L2	N 81°29'28" E	108.73'
L3	S 78°25'54" W	38.00'
L4	S 35°37'22" W	26.95'
L5	S 82°33'37" W	73.95'
L6	S 15°49'09" E	150.09'
L7	N 82°49'17" E	133.21'
L8	S 15°50'00" E	159.59'
L9	S 15°50'00" E	159.59'
L10	S 15°50'00" E	159.59'
L11	S 15°50'00" E	159.59'
L12	N 07°46'33" W	220.72'
L13	N 07°46'33" W	161.23'
L14	N 07°46'33" W	161.23'
L15	N 07°46'33" W	233.14'
L16	S 08°24'04" E	177.72'
L17	S 08°24'04" E	177.72'
L18	S 08°24'04" E	177.72'
L19	S 08°24'04" E	177.72'
L20	N 08°24'04" W	168.15'
L21	N 08°24'04" W	177.73'
L22	N 08°24'04" W	177.73'
L23	N 08°24'04" W	176.85'
L24	S 82°33'37" W	160.02'
L25	S 82°33'37" W	215.47'
L26	N 81°29'28" E	164.84'
L27	N 81°29'28" E	160.00'

CURVE	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	N 87°33'44" E	122.11'	280.21'
C2	S 08°10'39" E	60.07'	83.07'
C3	S 08°07'54" E	227.08'	4071.82'

CLIENT: _____

PROJECT: DIVISION SURVEY LOCATED IN LAND LOT 510 OF THE 10TH LAND DISTRICT BERRIEN COUNTY, GEORGIA

JOB NO.	1705
SURVEY DATE	9/20/24 - 9/23/24
PLAT DATE	9/20/25
SCALE	1" = 200'
DWG NAME	1705C.DWG
CRD. FILE	482.CRD
DRAWN BY	WJH

HAND LAND SURVEYING COMPANY
324 S. JEFFERSON STREET NASHVILLE, GA 31639
PH (259) 507-1031 WJHAND@GMAIL.COM
GEORGIA REGISTERED LAND SURVEYOR NO. 2965
GEORGIA LAND SURVEY FIRM NO. 1230



Parcel ID 061 16 002
Class Code Agricultural
Taxing District County
Acres 33.62

Owner FARMERS AND MERCHANTS BA
202 WEST WASHINGTON AVE
NASHVILLE, GA 31639
Physical Address n/a

DRAFT

THIS DOCUMENT PREPARED BY
AND RETURN TO:

DANIEL L. STUDSTILL
STUDSTILL FIRM, LLP
ATTORNEYS AT LAW
110 NORTH DOGWOOD DRIVE
P. O. BOX 647
NASHVILLE, GA 31639-0647
(229) 686-3500

RECORDING INFORMATION ABOVE THIS LINE

RESTRICTIVE COVENANTS

GEORGIA, BERRIEN COUNTY:

WHEREAS, Ten Mile Creek Construction, LLC, A Georgia Limited Liability Company (hereinafter "Declarant"), of Lanier County, Georgia, is the Owner of the following described property, to-wit:

All those tracts or parcels of land situate, lying and being a total of **24.89 acres**, more or less, located in Land Tract No. 510, 10th Land District, **Berrien County, Georgia**, designated as **Tract 1 (2.323 acres), Tract 2 (2.173 acres), Tract 3 (2.257 acres), Tract 4 (2.650 acres), Tract 5 (2.322 acres), Tract 6 (2.329 acres), Tract 7 (2.329 acres), Tract 8 (2.266 acres), Tract 9 (2.567 acres) and Tract 10 (3.674 acres)**, and being more particularly described according to that certain Plat of Survey entitled "PLAT OF SURVEY FOR COLE LIVINGSTON" dated May 16, 2025, prepared by Weston J. Hand, Hand Land Surveying Company, Georgia Registered Land Surveyor No. 2965, and recorded in Plat Cabinet 2, Slide _____, in the Office of the Clerk of Superior Court of Berrien County, GA. Said plat is incorporated herein and made a part of this description by reference hereto. (Current Berrien County Tax Map 061 Parcel 14)

WHEREAS, the said Owner is developing the above-described tracts for sale as residential tracts;

WHEREAS, in order to issue the orderly development of said property, it is deemed necessary that the use of each and all of the said described subdivision tracts be restricted in the manner and to the extent hereinafter set forth; and

NOW THEREFORE, for and in consideration of the premises and of the benefits to be derived **TEN MILE CREEK CONSTRUCTION, LLC**, does hereby set up, establish, promulgate and declare the following protective covenants to apply to all of said tracts and to all persons owning said tracts or any of them, hereafter; these protective covenants shall become immediately effective and run with the land and shall be binding on all persons claiming under and through the said present owner until twenty (20) years after the date hereof.

- 1) Each of the said Tracts are as shown on that certain Plat of Survey entitled "PLAT OF SURVEY FOR COLE LIVINGSTON" dated May 16, 2025, prepared by Weston J. Hand, Hand Land Surveying Company, Georgia Registered Land Surveyor No. 2965, and designated as **Tract 1 (2.323 acres)**, **Tract 2 (2.173 acres)**, **Tract 3 (2.257 acres)**, **Tract 4 (2.650 acres)**, **Tract 5 (2.322 acres)**, **Tract 6 (2.329 acres)**, **Tract 7 (2.329 acres)**, **Tract 8 (2.266 acres)**, **Tract 9 (2.567 acres)** and **Tract 10 (3.674 acres)**, recorded in Plat Cabinet 2, Slide _____, in the Office of the Clerk of Superior Court of Berrien County, GA, and the subdivision shall be known as _____. No Tract shall be re-subdivided so as to create any Tract of less area than as shown on the aforesaid survey or revision thereof and no Tract shall be otherwise diminished in size or changed in shape so as to have less than the area shown on said Plat of Survey.
- 2) No Tract shall be utilized for other than residential purposes. No dwelling house shall be erected or located upon any of the said tracts other than a single-family dwelling having at least one thousand five hundred (1,750) square feet of heated/cooled floor space, exclusive of porches, garages, carports, stoops and covered walkways or breezeways with such residences being homes, of brick, brick veneer, stucco, stone, fiber cement board, dryvit, vinyl siding or plaster construction. No residence shall use any other siding not approved by the Architectural Control Committee. Vinyl windows and vinyl soffit are permissible. The roof of the dwelling house shall have a pitch of at least 8/12 or greater and shall use architectural style shingles. No building shall be erected, altered, placed or permitted to remain on any tract other than one detached single-family dwelling not to exceed two and one-half (2½) stories in height and a private garage for no less than two (2) cars. All tracts shall at all times be maintained in a neat, clean and attractive appearance/condition including during the pre-construction ownership phase, the construction phase and the owner-occupied phase.

- 3) No Tract (including the buildings, facilities and improvements which may be situated thereon) shall be used or occupied by other than the owners thereof or one (1) lessee or tenant of the entire tract; provided, however, that when used and occupied by owners, lessee or tenant of the whole of such a tract, such tract may also be used and occupied by the members of the household, and guests of such owners, lessee or tenant. No trailer, tent, shack, garage, barn or other outbuilding or temporary structure upon any Tract shall be used or occupied as a residence or for dwelling purposes, either temporarily or permanently.
- 4) No building or structure of any kind, including metal or wood outbuildings, fences, entrance ways, mailboxes, or other fixtured improvements shall be erected, placed or altered on any tract until the construction plans and specifications and a plan showing the location of the structure on the tract have been approved by the Architectural Control Committee so as to qualify as to workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade evaluation. No fence or wall shall be erected, placed or altered on any tract nearer to any street than the minimum building setback line unless similarly approved. Approval shall be as provided hereafter.
- 5) No tract shall be used for any commercial purpose whatsoever. No commercial vehicle shall be parked, stored or kept upon any such tract except while being loaded or unloaded or while engaged in work upon such tract. No hogs, cattle, poultry or other livestock or animals of any kind shall be kept upon any tract described herein, except cats and dogs not exceeding two (2) in number of either on any one tract, and other usual household pets; provided, however, that no cat, dog or other pet shall be kept upon any such tract unless the premises wherein the same shall be kept shall be maintained at all times in a clean and sanitary condition and reasonably free of noxious and repugnant odors, flies, fleas and other insects.
- 6) Only vehicles in running condition may be parked on the tract. Vehicles may not be repaired on the tract if such repairs leave the vehicle inoperative for more than seven (7) consecutive days. No semi-trucks will be allowed to be parked or stored in the subdivision.
- 7) No noxious or offensive activity shall be carried on upon any land, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
- 8) No structures of a temporary character such as campers, buses, basements, tents, shacks, garages, barns, metal buildings or other outbuildings shall be used on any land at any time as a residence or temporary living quarters. Said structures not being used as a residence or temporary living quarters may only be placed in an area not visible to adjoining property. This paragraph shall not be construed in such a manner as to prevent the erection and use of a garage or storage building to be used for the storage of automobiles and/or equipment. The garage or storage building must be of similar construction and color of main dwelling and must be approved by the Architectural Control Committee.

- 9) Each and every conveyance of any of the said tracts shall be subject to and subordinate to a perpetual easement in, to and over a necessary and reasonable portion of said tract for utility purposes which easement shall be for the purpose, and shall authorize the said present owner, its successors and assigns, licensees, heirs, executors and administrators to utilize said easement areas for the purpose of constructing, developing, maintaining, and utilizing in, on and over such easement areas, drainage ditches, and other drainage facilities, sewer lines, water lines, electric power and communication lines, and any and all other utility facilities, together with such poles, conduits, wires, guy wires, pumps, transformers, and other necessary or desired equipment and appurtenances thereof; and by virtue of said easement the said present owner and its heirs, executors, administrators, successors, licensees and assigns, shall have free and unrestricted right of ingress and egress to said easement areas and in and over the same for the purpose of constructing, developing, maintaining, use and protecting such facilities. Each and every conveyance of any of the said tracts shall be subject to and subordinate to all matters shown and depicted on the aforesaid Subdivision Plat, including but not limited to, matters regarding utility easements, set-backs dedicated road right of ways, and easements for ingress and egress.
- 10) The covenants, provisions and restrictions herein set forth shall run with the land, and once they become effective with respect to any tract upon the sale and conveyance of such tract as aforesaid, they shall be binding upon such tract and the purchaser or purchasers thereof and all persons claiming under any such purchase for the period or periods of time above prescribed herein. All dedications, easements, road right of ways, limitations, restrictions, and reservations shown on the aforesaid Subdivision plat are incorporated herein and made a part hereof as if fully set forth herein and shall be construed as being adopted in each and every contract, deed, or conveyance executed or to be executed by or on behalf of Declarant and, thereafter, each successive Owner, conveying any of the Properties, whether specifically referred to therein or not.
- 11) Should any future owner of one or more of said tracts, or any person claiming under such owner, violate or attempt to violate any of the covenants or restrictions herein set forth, it shall be the lawful right of said present owner or any other person then owning one or more of the tracts described herein to institute and prosecute appropriate proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions either to prevent such violation or a continuation thereof, or to recover damages resulting from such violation, or both.
- 12) This Declaration may be amended only by the affirmative vote (in person or by proxy) or written consent of the Owners representing two-thirds (2/3) or more of the total number of tracts, plus consent of the Declarant. Any amendment must be recorded among the Official Deed Records of Berrien County, Georgia. No amendment may remove, revoke, or modify any right or privilege of Declarant without the written consent of Declarant or the assignee of such right or privilege. Despite anything otherwise contained herein, in the event it is determined that any provisions of this Declaration need to be amended to conform to

guidelines established by the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association or an institutional lender who holds a loan secured by property subject to this Declaration, Declarant, without need of a vote of Owners, may adopt such amendments.

13) RESERVED

- 14) Should any one or more of these said covenants or restrictions be or become invalid or unenforceable, the remaining covenants and restrictions be or become invalid or unenforceable, the remaining covenants and restrictions herein set forth shall not be affected thereby, but shall remain in full force and effect in accordance with the terms hereto.
- 15) Each and every tract must be sodded, sprigged or seeded and landscaped so as to present a neat appearance at the time of occupancy. No dish antenna or satellite receiving antenna may be constructed, installed, or used on any tract or on any structure built on a tract without the written approval of the Architectural Control Committee. All driveways and/or parking pads shall be paved with asphalt, concrete, or other similar material. A natural drive may be permitted upon approval of the Architectural Control Committee. No residence shall be occupied prior to the driveway and/or parking pad being completed with the hereinabove stated material.
- 16) Sewage disposal systems shall meet state or county specifications and shall be designated, located and constructed in accordance with the requirements, standards and recommendations of the Berrien County or Georgia Department of Public Health. Approval of such systems as installed shall be obtained from such authority.
- 17) No person shall occupy the dwelling house until the main residence is completed and a Certificate of Completion and compliance with these covenants is issued by the Architectural Control Committee.
- 18) The Architectural Control Committee (which shall serve at the pleasure of the Declarant) initially shall be composed of **NATHAN LIVINGSTON, COLE LIVINGSTON AND ASHLEY LIVINGSTON**, all residents of **Lanier County**, Georgia. All plans and location of dwelling must be approved by the Architectural Control Committee. Written approval from two (2) of the above three (3) named individuals is required for any approval as set forth under these restrictive covenants. In the event of the death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee nor their designated representatives shall be entitled to any compensation for services performed pursuant to this covenant.

19) Outbuilding(s) must utilize the same or complimentary color scheme to the main structure with similar architectural features and be constructed in accordance with county building codes. The outbuilding(s) may be stick built, metal, pole barn or portable in construction. Outbuilding(s) should not be constructed from scrap or salvaged materials, such as reclaimed 5V tin, so as not to negatively impact the property values of the neighborhood. Pole barns should have a buffer of landscaping or fencing to block the view through the barn from the road. All outbuildings must be approved by the Architectural Control Committee.

IN WITNESS WHEREOF, the said present owner has signed and sealed this instrument on this _____ day of **August, 2025**.

Signed, sealed and delivered this
_____ day of **August, 2025**,
in the presence of:

**TEN MILE CREEK CONSTRUCTION,
LLC, A Georgia Limited Liability Company**

Witness

By: _____ (SEAL)
Cole Livingston, Manager

[SEAL]

Notary Public

[Notarial Seal]











