

**APPLICATION FOR REZONING
TO THE CITY OF SMYRNA**

Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: _____

Hearing Date: _____

APPLICANT: C S Realty Group, LLC


Representative

Name: Moore Ingram Johnson & Steele, LLP - J. Kevin Moore
(Representative's name, printed)

Address: Emerson Overlook, Suite 100, 326 Roswell Street, Marietta, GA 30060

Business Phone: (770) 429-1499 Cell Phone: (678) 516-1609 Fax Number: (770) 429-8631

E-Mail Address: jkm@mij.s.com

Signature of Representative: BY: 
MOORE INGRAM JOHNSON & STEELE, LLP
J. Kevin Moore; Georgia Bar No. 519728
Attorneys for Applicant and Property Owner

TITLEHOLDER

Name: Nancy Carol Logan, as Trustee of The Joseph D. Logan Residuary Trust created under Item V of the Last Will and Testament of Joseph Daniel Logan
(Titleholder's name, printed)

Address: 3435 Blue Spruce Court, Gainesville, GA 30504

Business Phone: _____ Cell Phone: (678) 234-0775 Home Phone: _____

E-mail Address: nancy@escapetime.net

Signature of Titleholder: BY: 
(Attach additional signatures, if needed)

(To be completed by City)
Nancy Carol Logan, as Trustee of The Joseph D. Logan Residuary Trust created under Item V of the Last Will and Testament of Joseph Daniel Logan

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____

ATTACHMENT TO APPLICATION FOR REZONING

Application No.: _____
Hearing Dates: February 12, 2018
March 19, 2018

Applicant: C S Realty Group, LLC
Titleholder: Nancy Carol Logan, as Trustee of The Joseph D. Logan
Residuary Trust Created Under Item V of the Last Will
and Testament of Joseph Daniel Logan, Deceased

Applicant: C S Realty Group, LLC
Suite 200
3020 Roswell Road, N.E.
Marietta, Georgia 30062
Keith Cannon
Manager
(770) 425-1463 (Office)
(770) 425-1451 (Telefax)
(404) 405-9007 (Cell)
E-mail: keith@csrland.com

Applicant's Representative: J. Kevin Moore, Esq.
Moore Ingram Johnson & Steele, LLP
Attorneys at Law
Emerson Overlook, Suite 100
326 Roswell Street
Marietta, Georgia 30060
(770) 429-1499 (Office)
(770) 429-8631 (Telefax)
E-mail: jkm@mijs.com

ZONING REQUEST

From R-20 (Cobb County) to RAD (City of Smyrna)
Present Zoning Proposed Zoning

LAND USE

From Medium Density Residential to Moderate Density Residential (MODR)
Present Land Use (Cobb County) Proposed Land Use (City of Smyrna)

For the Purpose of Single-Family, Detached, Residential Neighborhood

Size of Tract 11.3229 acres

Location Northeasterly side of Old Concord Road; Northwesterly of Concord Road (3305 and 3311 Old Concord Road)
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 340, 341, 380 District 17th

We have investigated the site as to the existence of archaeological and/or architectural landmarks. I hereby certify that there are no ~~xxxxxxx~~ such assets. If any, they are as follows:
to the best of our knowledge, information, and belief.

Not Applicable.

(To be completed by City)
Recommendation of Planning Commission:

Council's Decision:

CONTIGUOUS ZONING

North: R-20 (Cobb); RTD (City of Smyrna)

East: R-20 (Cobb); GC (City of Smyrna)

South: R-20 (Cobb); RAD (City of Smyrna)

West: R-20 (Cobb)

CONTIGUOUS LAND USE

North: Public Institutional (Cobb);
MDR (Cobb); MEDR (City of Smyrna)

East: MDR (Cobb); MU (City of Smyrna)

South: MDR (Cobb); MODR (City of Smyrna); PRC (City of Smyrna)

West: LDR (Cobb)

INFRASTRUCTURE

WATER AND SEWER

A letter from Scott Stokes, Director of Public Works Department is required stating that water is available and the supply is adequate for this project.

A letter from Scott Stokes, Director of Public Works Department is required stating that sewer is available and the capacity is adequate for this project.

- If it is Cobb County Water, Cobb County must then furnish these letters.

Comments:

TRANSPORTATION

Access to Property? Old Concord Road

Improvements proposed by developer? Intersection improvements at the proposed entrance as directed by the City of Smyrna Public Works.

Comments:

ZONING DISCLOSURE REPORT
(on behalf of Applicant)

Has the applicant* made, within two years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to the Mayor or any member of the City Council or Planning and Zoning Board who will consider this application?

No.

If so, the applicant* and the attorney representing the applicant* must file a disclosure report with the Mayor and City Council of the City of Smyrna, within 10 days after this application is filed.

Please supply the following information, which will be considered as the required disclosure:

The name of the Mayor or member of the City Council or Planning and Zoning Board to whom the campaign contribution or gift was made:

Not Applicable.

The dollar amount of each campaign contribution made by the applicant* to the Mayor or any member of the City Council or Planning and Zoning Board during the two years immediately preceding the filing of this application, and the date of each such contribution:

Not Applicable.

An enumeration and description of each gift having a value of \$250 or more by the applicant* to the Mayor and any member of the City Council or Planning and Zoning Board during the two years immediately preceding the filing of this application:

Not Applicable.

Does the Mayor or any member of the City Council or Planning and Zoning Board have a property interest (direct or indirect ownership including any percentage of ownership less than total) in the subject property?

No, to the best of our knowledge, information, and belief.

If so, describe the natural and extent of such interest: Not Applicable.

ZONING DISCLOSURE REPORT (CONTINUED)
(on behalf of Applicant)

Does the Mayor or any member of the City Council or Planning and Zoning Board have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is 10% or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?

No, to the best of our knowledge, information, and belief.

If so, describe the nature and extent of such interest:

Not Applicable.

Does the Mayor or any member of the City Council or Planning and Zoning Board have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?

No, to the best of our knowledge, information, and belief.

If so, describe the relationship and the nature and extent of such interest:

Not Applicable.

If the answer to any of the above is "Yes", then the Mayor or the member of the City Council or Planning and Zoning Board must immediately disclose the nature and extent of such interest, in writing, to the Mayor and City Council of the City of Smyrna. A copy should be filed with this application**. Such disclosures shall be public record and available for public inspection any time during normal working hours.

We certify that the foregoing information is true and correct, this 12th day of January, 2018

C S REALTY GROUP, LLC

BY: 

(Applicant's Signature)

Keith Cannon
Manager

~~Attorney's Signature if applicable~~

Notes

* Applicant is defined as any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association or trust) applying for rezoning action.

** Copy to be filed with the City of Smyrna Zoning Department and City Clerk along with a copy of the zoning application including a copy of the legal description of the property.

ZONING DISCLOSURE REPORT

(on behalf of Applicant's and Titleholder's Representative)

Has the applicant* made, within two years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to the Mayor or any member of the City Council or Planning and Zoning Board who will consider this application?

No.

If so, the applicant* and the attorney representing the applicant* must file a disclosure report with the Mayor and City Council of the City of Smyrna, within 10 days after this application is filed.

Please supply the following information, which will be considered as the required disclosure:

The name of the Mayor or member of the City Council or Planning and Zoning Board to whom the campaign contribution or gift was made:

Not Applicable.

The dollar amount of each campaign contribution made by the applicant* to the Mayor or any member of the City Council or Planning and Zoning Board during the two years immediately preceding the filing of this application, and the date of each such contribution:

Not Applicable.

An enumeration and description of each gift having a value of \$250 or more by the applicant* to the Mayor and any member of the City Council or Planning and Zoning Board during the two years immediately preceding the filing of this application:

Not Applicable.

Does the Mayor or any member of the City Council or Planning and Zoning Board have a property interest (direct or indirect ownership including any percentage of ownership less than total) in the subject property?

No, to the best of our knowledge, information, and belief.

If so, describe the natural and extent of such interest: Not Applicable.

ZONING DISCLOSURE REPORT (CONTINUED)

(on behalf of Applicant's and Titleholder's Representative)

Does the Mayor or any member of the City Council or Planning and Zoning Board have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is 10% or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?

No, to the best of our knowledge, information, and belief.

If so, describe the nature and extent of such interest:

Not Applicable.

Does the Mayor or any member of the City Council or Planning and Zoning Board have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?

No, to the best of our knowledge, information, and belief.

If so, describe the relationship and the nature and extent of such interest:

Not Applicable.

If the answer to any of the above is "Yes", then the Mayor or the member of the City Council or Planning and Zoning Board must immediately disclose the nature and extent of such interest, in writing, to the Mayor and City Council of the City of Smyrna. A copy should be filed with this application**. Such disclosures shall be public record and available for public inspection any time during normal working hours.

We certify that the foregoing information is true and correct, this 12th day of January, 2018.

MOORE INGRAM JOHNSON & STEELE, LLP

~~(Applicant's Signature)~~

BY:


(Attorney's Signature, if applicable)

J. Kevin Moore

Georgia Bar No. 519728

Attorneys for Applicant and Titleholder

Notes

* Applicant is defined as any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association or trust) applying for rezoning action.

** Copy to be filed with the City of Smyrna Zoning Department and City Clerk along with a copy of the zoning application including a copy of the legal description of the property.

REZONING ANALYSIS

Section 1508 of the Smyrna Zoning Code details nine zoning review factors which must be evaluated by the Planning and Zoning Board and the Mayor and Council when considering a rezoning request. Please provide responses to the following using additional pages as necessary. **This section must be filled out by the applicant prior to submittal of the rezoning request.**

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The proposed project will permit a use that is suitable in view of the use and development of adjacent and nearby property as Applicant is proposing a single-family, detached neighborhood consistent with other single-family homes along Old Concord Road and providing a much-needed transition from the commercial areas and higher density residential off of South Cobb Drive.

2. Whether the zoning proposal or the use proposed will adversely affect the existing use or usability of adjacent or nearby property.

The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property as Applicant is proposing a quality, single-family residential neighborhood consistent with other single-family neighborhoods along Old Concord Road, especially in light of the Subject Property's adjacency to commercial uses.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The Subject Property does not have a reasonable, economic use as currently zoned given its proximity and adjacency to non-residential uses.

REZONING ANALYSIS (CONTINUED)

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

The proposed rezoning will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools as the proposed project is within the confines, spirit, and intent of the Future Land Use Plan and as a small single-family residential neighborhood will have limited impact on such infrastructure.

5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

The proposed single-family neighborhood is in conformity with the policy and intent of the Land Use Plan as it transitions from the more intense, non-residential uses and is consistent with other City of Smyrna projects located adjacent to the Subject Property.

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Existing and changing conditions affecting the use and development of the Property support the proposed rezoning as adjacent properties have been developed for either higher intensity residential uses; or, higher intensity non-residential uses by impacting the Subject Property's development. As such, Applicant's proposal is a superb transition by providing single-family, detached, quality homes as a transition to more traditional single-family homes located along Old Concord Road.

REZONING ANALYSIS (CONTINUED)

7. Whether the development of the property under the zoning proposal will conform to, be a detriment to or enhance the architectural standards, open space requirements and aesthetics of the general neighborhood, considering the current, historical and planned uses in the area.

The proposed development of the Subject Property will enhance the architectural standards, open space requirements, and aesthetics of the general neighborhood by providing high quality, single-family, detached homes with appropriate open space provided in the context of enhancing and protecting the existing neighborhood from the encroachment of higher intensity residential and non-residential uses.

8. Under any proposed zoning classification, whether the use proposed may create a nuisance or is incompatible with existing uses in the area.

The proposed development of the Subject Property as a single-family, detached, neighborhood will not create a use which is a nuisance or incompatible with the existing single-family detached neighborhoods along Old Concord Road.

9. Whether due to the size of the proposed use, in either land area or building height, the proposed use would affect the adjoining property, general neighborhood and other uses in the area positively or negatively.


The proposed development of a quality single-family, detached neighborhood will positively affect adjoining single-family uses along Old Concord Road by providing a much needed transition from higher intensity residential and non-residential uses in close proximity or adjacent to the Subject Property.

Deed Book 15470 Pg 1290
Filed and Recorded Aug-21-2017 09:20am
2017-0094368
Real Estate Transfer Tax \$0.00
0332017019878



Rebecca Keaton
Clerk of Superior Court Cobb Cty. Ga.

STATE OF GEORGIA,
COUNTY OF COBB.

 McCormack Law Firm, P.C.
1730 Thompson Bridge Rd.
Gainesville, GA 30501

QUIT CLAIM DEED

THIS INDENTURE made this 14th day of August, 2017, by and between NANCY CAROL LOGAN, as Trustee of The Joseph D. Logan Marital Trust created under Item IV of the Last Will and Testament of Joseph Daniel Logan, deceased, party of the first part, hereinafter referred to as "Grantor", and NANCY CAROL LOGAN, as Trustee of The Joseph D. Logan Residuary Trust created under Item V of the Last Will and Testament of Joseph Daniel Logan, deceased, party of the second part hereinafter referred to as "Grantee", the words "Grantor" and "Grantee" to include the neuter, masculine, and feminine genders, the singular and the plural;

WITNESSETH:

FOR AND IN CONSIDERATION of the sum of One Dollar and other good and valuable consideration delivered to Grantor by Grantee at and before the execution, sealing and delivery hereof, the receipt and sufficiency of which is hereby acknowledged, the Grantor has and hereby does remise, convey, and forever quitclaim unto Grantee and the heirs, legal representatives, successors and assigns of Grantee:

A 5% interest in all that tract or parcel of land as more particularly described on the attached Schedule "A", which is incorporated herein by reference, and made a part hereof.

The purpose of this Quit Claim Deed is so the Residuary Trust will hold 100% of said property. Grantor received a 5% interest in said property in a Deed of Assent dated December 2, 2010 and the remaining 95% was conveyed in a Quit Claim Deed dated November 11, 2002 from the Joseph Daniel Logan to Nancy Carol Logan.

NO TITLE WORK PERFORMED

TO HAVE AND TO HOLD said tract or parcel of land in order that neither Grantor nor any person claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said land or any of the rights, members and appurtenances thereof.

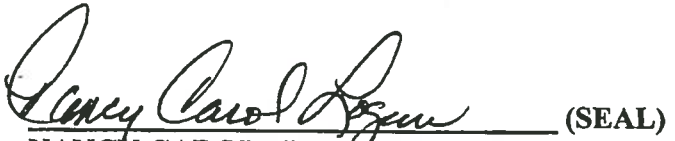
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year first above written.



WITNESS


NOTARY PUBLIC



 (SEAL)

NANCY CAROL LOGAN in her capacity as
Executor under the Last Will and Testament of
JOSEPH DANIEL LOGAN

EXHIBIT "A"

Tract I

ALL THAT TRACT OR PARCEL of land lying and being in Land Lots 340, 341 and 380, of the 17th District, of the 2nd Section, Cobb County, Georgia, being approximately 2.235 acres of land as is shown on plat of Ross/Lee Consulting Engineers, Inc. by survey denominated property of Joseph D. Logan, dated October 10, 1978, designated drawing No. 8160, being revised April 24, 1979, and being more particularly described as follows:

BEGINNING at an iron pin and corner located on the northeasterly side of the Old Concord right-of-way 38.23 feet southeasterly of the intersection of the north Land Lot Line of Land Lot 340 with the northeasterly side of the Old Concord Road right-of-way; thence running north 78 degrees 08 minutes 53 seconds east for a distance of 236 feet to an iron pin and corner; thence continuing north 88 degrees 04 minutes 16 seconds east for a distance of 120.24 feet to an iron pin and corner; thence continuing north 10 degrees 51 minutes 51 seconds east for a distance of 212.63 feet to an iron pin and corner; thence continuing north 80 degrees 58 minutes 06 seconds east for a distance of 328.58 feet to an iron pin and corner; thence running south 06 degrees 53 minutes 00 seconds east for a distance of 269.25 feet to an iron pin and corner; thence running south 88 degrees 48 minutes 20 seconds west for a distance of 198.03 feet to an iron pin and corner; thence running south 89 degrees 11 minutes 23 seconds west for a distance of 201.24 feet to a fence corner; thence running south 81 degrees 21 minutes 31 seconds west for a distance of 189.34 feet to an iron pin and corner; thence running south 73.59 minutes 41 seconds west for a distance of 146.15 feet to an iron and corner located on the northeasterly right-of-way line of Old Concord Road; thence running north 35 degrees 02 minutes 47 seconds west along the northeasterly side of the Old Concord Road right-of-way for a distance of 36.77 feet to an iron pin and corner and the POINT OF BEGINNING.

Tract II

All that tract or parcel of land lying and being in Land Lots 341 and 380 of the 17th Land District, 2nd Section of Cobb County, Georgia and being more particularly described as follows:

COMMENCING at an iron pin located at the point formed by the intersection of the northeastern right of way of Old Concord Road, a 50 foot right-of-way; and the south line of Land Lot 341; thence running southeasterly along the southeastern right of way of Old Concord Road for 36.14 feet to an iron pin; thence departing said right of way and running North 78 degrees 08 minutes 53 seconds East for 236.00 feet to an iron pin; thence running North 88 degrees 04 minutes 16 seconds East for 60.12 feet to a point and the POINT OF BEGINNING: thence running North 13 degrees 13 minutes 38 seconds East for 370.08 feet to a point; thence running North 80 degrees 58 minutes 06 seconds East for 170.41 feet to a point; thence running South 54 degrees 01 minutes 54 seconds East for 212.13 feet to an iron pin found; thence running South 80 degrees 58 minutes 06 seconds West for 328.58 feet to a fence corner; thence running South 10 degrees 51 minutes 51 seconds West for 212.63 feet to a fence corner; thence running South 88 degrees 04 minutes 16 seconds West for 60.12 feet to a point and the POINT OF BEGINNING.

Said tract containing 52,773 square feet or 1.2115 acres.

Tract III

All that tract or parcel of land lying and being in Land Lot 380, 341 and 340 of the 17th District, 2nd Section, Cobb County, Georgia and being more particularly described as follows:

Beginning at a point found on the northeasterly right of way of Old Concord Road (having a 50 foot right of way) which point is 150.0 northwesterly from the intersection of the northeasterly right of way of Old Concord Road with the intersection of Land Lots 341 and 340; running thence North 56 degrees 08 minutes 43 seconds east a distance of 200.0 feet to a point; running thence north 58 degrees 23 minutes 43 seconds east a distance of 260.0 feet to a point; running thence north 58 degrees 23 minutes 43 seconds east a distance of 1.13 feet to a point; running thence north 12 degrees 26 minutes 17 seconds west a distance of 225.0 feet to an iron pin set; running thence north 64 degrees 36 minutes 43 seconds east a distance of 170.20 feet to an iron pin set; running thence north 63 degrees 42 minutes 36 seconds east a distance of 410.90 feet to an iron pin set; running thence south 27 degrees 26 minutes 00 seconds east a distance of 399.0 feet to an iron pin found; running thence south 44 degrees 12 minutes 00 seconds west a distance of 314.80 feet to an iron pin set; running thence North 52 degrees 34 minutes 16 seconds west a distance of 211.81 feet to an iron pin; running thence south 82 degrees 01 minutes 10 seconds west a distance of 170.41 feet to an iron pin; running thence south 14 degrees 32 minutes 20 seconds west a distance of 370.08 feet to an iron pin set; running thence South 89 degrees 22 minutes 58 seconds west a distance of 24.43 feet to a point; (running thence north 01 degrees 29 minutes 14 seconds west a distance of 50.77 feet to a point); running thence north 10 degrees 02 minutes 36 seconds east a distance of 160.27 feet; running thence north 04 degrees 21 minutes 01 seconds west a distance of 116.08 feet; running thence south 85 degrees 38 minutes 59 seconds west a distance of 21.84 feet to a point; running thence south 58 degrees 23 minutes 43 seconds west a distance of 223.62 feet; running thence south 56 degrees 08 minutes 43 seconds west a distance of 199.61 feet to a point on the northeasterly right of way of Old Concord Road (having a 50 foot right of way); running thence north 33 degrees 51 minutes 17 seconds west a distance of 20.00 feet to a point, also being the Point of Beginning.

Said tract being 6.033 acres as described on a Survey by Paul Lee Registered Land Surveyor dated December 1, 1987 and as further revised December 3, 1987.

Tract IV

Land Lots 340 and 341 of the 17th District, Second Section of Cobb County, Georgia, and being more particularly described as follows:


Beginning at a point on the northernmost right-of-way of Old Concord Road north 33 degrees 51 minutes 17 seconds west 130 feet from the intersection of the land lot line separating Land Lots 340 and 341 with the northernmost sides of the right-of-way of Old Concord Road; running thence north 56 degrees 08 minutes and 43 seconds east 199.61 feet to an iron pin; running thence north 58 degrees 23 minutes 43 seconds east 223.62 feet to an iron pin; running thence north 85 degrees 38 minutes 59 seconds east 21.84 feet to an iron pin; running thence south 04 degrees 21 minutes 01 seconds east 116.08 feet to an iron pin; running thence south 10 degrees 02 minutes 36 seconds west 160.27 feet to an iron pin; running thence south 01 degrees 29 minutes 14 seconds east 50.77 feet to an iron pin; running thence south 89 degrees 22 minutes 58 seconds west 35.70 feet to an iron pin found; running thence south 79 degrees 25 minutes 07 seconds west 235.90 feet to an iron pin found on the northernmost right-of-way of Old Concord Road; running thence north 33 degrees 53 minutes 22 seconds west 36.16 feet to an iron pin found at the intersection of the line dividing Land Lots 340 and 341 where said line intersects the northernmost right-of-way of Old Concord Road; running thence north 33 degrees 51 minutes 17 seconds west along the northernmost line of the right-of-way of Old Concord Road 130 feet to the point of beginning.

Being that property that is presently identified under the street numbering system of Cobb County, Georgia, as 3305 Old Concord Road, and being also that property surveyed by Paul Lee Consulting Engineering, Associates, Inc., in a revised plat of December 3, 1987, a copy of which is attached hereto and made part hereof by reference.

As a part of the property or property rights transferred hereunder there is also all rights granted to the Grantor(s) herein by virtue of a driveway easement recorded in Deed Book 2295, Page 23 of Cobb County Records, said easement is transferred to the Grantee(s) in the Deed and it is the intent of all parties hereto that this easement shall run with the land.

This being the same property described in a Deed of Assent dated December 2, 2010, from Nancy Carol Logan, Executor to Nancy Carol Logan, Trustee recorded in Deed Book 14846, page 5333-5337, Cobb County, Georgia Deed Records.

Deed Book 15470 Pg 1295
Filed and Recorded Aug-21-2017 09:20am
2017-0094369
Real Estate Transfer Tax \$0.00
0332017019880



Rebecca Keaton
Clerk of Superior Court Cobb Cty. Ga.

STATE OF GEORGIA,
COUNTY OF COBB.

McCormack Law Firm, P.C.
1730 Thompson Bridge Rd.
Gainesville, GA 30501

QUIT CLAIM DEED

THIS INDENTURE made this 14th day of August, 2017, by and between NANCY CAROL LOGAN, party of the first part, hereinafter referred to as "Grantor", and NANCY CAROL LOGAN, as Trustee of The Joseph D. Logan Residuary Trust created under Item V of the Last Will and Testament of Joseph Daniel Logan, deceased, party of the second part hereinafter referred to as "Grantee", the words "Grantor" and "Grantee" to include the neuter, masculine, and feminine genders, the singular and the plural;

WITNESSETH:

FOR AND IN CONSIDERATION of the sum of One Dollar and other good and valuable consideration delivered to Grantor by Grantee at and before the execution, sealing and delivery hereof, the receipt and sufficiency of which is hereby acknowledged, the Grantor has and hereby does remise, convey, and forever quitclaim unto Grantee and the heirs, legal representatives, successors and assigns of Grantee:

A 95% interest in all that tract or parcel of land as more particularly described on the attached Schedule "A", which is incorporated herein by reference, and made a part hereof.


The purpose of this Quit Claim Deed is so the Residuary Trust will hold 100% of said property. Grantor received a 95% interest in said property in a Quit Claim Deed dated November 11, 2002 and the remaining 5% was conveyed in a Deed of Assent dated December 2, 2010 from the Estate of Joseph Daniel Logan to the Marital Trust.

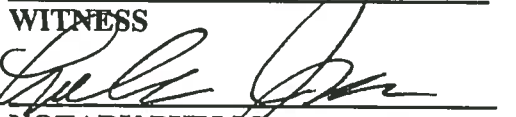
This being the same property described in a Quit Claim Deed dated November 11, 2002, from Joseph Daniel Logan, Nancy Carol Logan, recorded in Deed Book 13632, page 1974-1976, Cobb County, Georgia Deed Records.

NO TITLE WORK PERFORMED

TO HAVE AND TO HOLD said tract or parcel of land in order that neither Grantor nor any person claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said land or any of the rights, members and appurtenances thereof.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year first above written.



WITNESS


NOTARY PUBLIC



NANCY CAROL LOGAN (SEAL)



EXHIBIT "A"

Tract I

ALL THAT TRACT OR PARCEL of land lying and being in Land Lots 340, 341 and 380, of the 17th District, of the 2nd Section, Cobb County, Georgia, being approximately 2.235 acres of land as is shown on plat of Ross/Lee Consulting Engineers, Inc. by survey denominated property of Joseph D. Logan, dated October 10, 1978, designated drawing No. 8160, being revised April 24, 1979, and being more particularly described as follows:

BEGINNING at an iron pin and corner located on the northeasterly side of the Old Concord right-of-way 38.23 feet southeasterly of the intersection of the north Land Lot Line of Land Lot 340 with the northeasterly side of the Old Concord Road right-of-way; thence running north 78 degrees 08 minutes 53 seconds east for a distance of 236 feet to an iron pin and corner; thence continuing north 88 degrees 04 minutes 16 seconds east for a distance of 120.24 feet to an iron pin and corner; thence continuing north 10 degrees 51 minutes 51 seconds east for a distance of 212.63 feet to an iron pin and corner; thence continuing north 80 degrees 58 minutes 06 seconds east for a distance of 328.58 feet to an iron pin and corner; thence running south 06 degrees 53 minutes 00 seconds east for a distance of 269.25 feet to an iron pin and corner; thence running south 88 degrees 48 minutes 20 seconds west for a distance of 198.03 feet to an iron pin and corner; thence running south 89 degrees 11 minutes 23 seconds west for a distance of 201.24 feet to a fence corner; thence running south 81 degrees 21 minutes 31 seconds west for a distance of 189.34 feet to an iron pin and corner; thence running south 73.59 minutes 41 seconds west for a distance of 146.15 feet to an iron and corner located on the northeasterly right-of-way line of Old Concord Road; thence running north 35 degrees 02 minutes 47 seconds west along the northeasterly side of the Old Concord Road right-of-way for a distance of 36.77 feet to an iron pin and corner and the POINT OF BEGINNING.

Tract II

All that tract or parcel of land lying and being in Land Lots 341 and 380 of the 17th Land District, 2nd Section of Cobb County, Georgia and being more particularly described as follows:

COMMENCING at an iron pin located at the point formed by the intersection of the northeastern right of way of Old Concord Road, a 50 foot right-of-way; and the south line of Land Lot 341; thence running southeasterly along the southeastern right of way of Old Concord Road for 36.14 feet to an iron pin; thence departing said right of way and running North 78 degrees 08 minutes 53 seconds East for 236.00 feet to an iron pin; thence running North 88 degrees 04 minutes 16 seconds East for 60.12 feet to a point and the POINT OF BEGINNING; thence running North 13 degrees 13 minutes 38 seconds East for 370.08 feet to a point; thence running North 80 degrees 58 minutes 06 seconds East for 170.41 feet to a point; thence running South 54 degrees 01 minutes 54 seconds East for 212.13 feet to an iron pin found; thence running South 80 degrees 58 minutes 06 seconds West for 328.58 feet to a fence corner; thence running South 10 degrees 51 minutes 51 seconds West for 212.63 feet to a fence corner; thence running South 88 degrees 04 minutes 16 seconds West for 60.12 feet to a point and the POINT OF BEGINNING.

Said tract containing 52,773 square feet or 1.2115 acres.

Tract III

All that tract or parcel of land lying and being in Land Lot 380, 341 and 340 of the 17th District, 2nd Section, Cobb County, Georgia and being more particularly described as follows:

Beginning at a point found on the northeasterly right of way of Old Concord Road (having a 50 foot right of way) which point is 150.0 northwesterly from the intersection of the northeasterly right of way of Old Concord Road with the intersection of Land Lots 341 and 340; running thence North 56 degrees 08 minutes 43 seconds east a distance of 200.0 feet to a point; running thence north 58 degrees 23 minutes 43 seconds east a distance of 260.0 feet to a point; running thence north 58 degrees 23 minutes 43 seconds east a distance of 1.13 feet to a point; running thence north 12 degrees 26 minutes 17 seconds west a distance of 225.0 feet to an iron pin set; running thence north 64 degrees 36 minutes 43 seconds east a distance of 170.20 feet to an iron pin set; running thence north 63 degrees 42 minutes 36 seconds east a distance of 410.90 feet to an iron pin set; running thence south 27 degrees 26 minutes 00 seconds east a distance of 399.0 feet to an iron pin found; running thence south 44 degrees 12 minutes 00 seconds west a distance of 314.80 feet to an iron pin set; running thence North 52 degrees 34 minutes 16 seconds west a distance of 211.81 feet to an iron pin; running thence south 82 degrees 01 minutes 10 seconds west a distance of 170.41 feet to an iron pin; running thence south 14 degrees 32 minutes 20 seconds west a distance of 370.08 feet to an iron pin set; running thence South 89 degrees 22 minutes 58 seconds west a distance of 24.43 feet to a point; (running thence north 01 degrees 29 minutes 14 seconds west a distance of 50.77 feet to a point); running thence north 10 degrees 02 minutes 36 seconds east a distance of 160.27 feet; running thence north 04 degrees 21 minutes 01 seconds west a distance of 116.08 feet; running thence south 85 degrees 38 minutes 59 seconds west a distance of 21.84 feet to a point; running thence south 58 degrees 23 minutes 43 seconds west a distance of 223.62 feet; running thence south 56 degrees 08 minutes 43 seconds west a distance of 199.61 feet to a point on the northeasterly right of way of Old Concord Road (having a 50 foot right of way); running thence north 33 degrees 51 minutes 17 seconds west a distance of 20.00 feet to a point, also being the Point of Beginning.

Said tract being 6.033 acres as described on a Survey by Paul Lee Registered Land Surveyor dated December 1, 1987 and as further revised December 3, 1987.

Tract IV

Land Lots 340 and 341 of the 17th District, Second Section of Cobb County, Georgia, and being more particularly described as follows:

Beginning at a point on the northernmost right-of-way of Old Concord Road north 33 degrees 51 minutes 17 seconds west 130 feet from the intersection of the land lot line separating Land Lots 340 and 341 with the northernmost sides of the right-of-way of Old Concord Road; running thence north 56 degrees 08 minutes and 43 seconds east 199.61 feet to an iron pin; running thence north 58 degrees 23 minutes 43 seconds east 223.62 feet to an iron pin; running thence north 85 degrees 38 minutes 59 seconds east 21.84 feet to an iron pin; running thence south 04 degrees 21 minutes 01 seconds east 116.08 feet to an iron pin; running thence south 10 degrees 02 minutes 36 seconds west 160.27 feet to an iron pin; running thence south 01 degrees 29 minutes 14 seconds east 50.77 feet to an iron pin; running thence south 89 degrees 22 minutes 58 seconds west 35.70 feet to an iron pin found; running thence south 79 degrees 25 minutes 07 seconds west 235.90 feet to an iron pin found on the northernmost right-of-way of Old Concord Road; running thence north 33 degrees 53 minutes 22 seconds west 36.16 feet to an iron pin found at the intersection of the line dividing Land Lots 340 and 341 where said line intersects the northernmost right-of-way of Old Concord Road; running thence north 33 degrees 51 minutes 17 seconds west along the northernmost line of the right-of-way of Old Concord Road 130 feet to the point of beginning.

Being that property that is presently identified under the street numbering system of Cobb County, Georgia, as 3305 Old Concord Road, and being also that property surveyed by Paul Lee Consulting Engineering, Associates, Inc., in a revised plat of December 3, 1987, a copy of which is attached hereto and made part hereof by reference.

As a part of the property or property rights transferred hereunder there is also all rights granted to the Grantor(s) herein by virtue of a driveway easement recorded in Deed Book 2295, Page 23 of Cobb County Records, said easement is transferred to the Grantee(s) in the Deed and it is the intent of all parties hereto that this easement shall run with the land.



CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Printed: 12/19/2017

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:
JOSEPH DANIEL LOGAN RESIDUARY TRUST

JOSEPH D LOGAN MARITAL TRUST
LOGAN NANCY CAROL AS TRUSTEE

Payment Date: 10/16/2017

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2017	17038000200	10/15/2017	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance	
\$0.00	\$0.00	\$0.00	\$0.00	\$4,709.48	\$0.00	



Scan this code with your mobile phone to view this bill!



CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Printed: 12/19/2017

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:
JOSEPH DANIEL LOGAN RESIDUARY TRUST

JOSEPH D LOGAN MARITAL TRUST
LOGAN NANCY CAROL AS TRUSTEE

Payment Date: 10/16/2017

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2017	17034100200	10/15/2017	Pay:	N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$2,336.11	\$0.00



Scan this code with your mobile phone to view this bill!!!

LEGAL DESCRIPTION
(3305 and 3311 Old Concord Road)
(Combined)

All that tract or parcel of land lying and being located in Land Lots 340, 341 & 380, 2nd Section of the 17th District of Cobb County, Georgia and being more particularly described as follows:

Commencing at the Land Lot intersection of Land Lots 340, 341, 380 & 381; thence N89°02'31"W, a distance of 153.95 feet to a nail found in asphalt; thence S76°31'53"W, a distance of 243.01 feet to a 1/2 inch rebar found on Old Concord Road (50' R/W); thence along said right-of-way N32°48'30"W, a distance of 202.40 feet to a 1/2 inch rebar found; thence continuing along said right-of-way N32°55'30"W, a distance of 20.15 feet to a 1/2 inch rebar found; thence leaving said right-of-way N57°03'09"E, a distance of 200.18 feet to a 1/2 inch rebar found; thence N59°17'37"E, a distance of 258.77 feet to a 1/2 inch rebar found; thence N11°18'44"W, a distance of 225.47 feet to a 1/2 inch rebar found; thence N64°55'32"E, a distance of 167.27 feet to a 1/2 inch rebar found; thence N64°59'05"E, a distance of 409.24 feet to a 1-1/2 inch open top pipe found; thence S27°12'35"E, a distance of 397.78 feet to a 1/2 inch rebar with cap found; thence S45°05'17"W, a distance of 314.95 feet to a 2 inch open top pipe found; thence S04°53'43"E, a distance of 270.00 feet to a 1 inch open top pipe found; thence N89°47'47"W, a distance of 75.87 feet to a 1/2 inch rebar found; thence N88°22'36"W, a distance of 122.14 feet to a 1 inch open top pipe found; thence N89°02'31"W, a distance of 141.68 feet to a point at the intersection of Land Lots 340, 341, 380 & 381 and back to the POINT OF BEGINNING.

Said tract containing 495,358 square feet or 11.3718 acres.

**LEGAL DESCRIPTION
(3311 Old Concord Road)**

All that tract or parcel of land lying and being located in Land Lots 340 & 341, 2nd Section of the 17th District of Cobb County, Georgia and being more particularly described as follows:

Commencing at the Land Lot intersection of Land Lots 340, 341, 380 & 381; thence N89°02'31"W, a distance of 153.95 feet to a nail found in asphalt; thence S76°31'53"W, a distance of 243.01 feet to a 1/2 inch rebar found on Old Concord Road (50' R/W); thence along said right-of-way N32°48'30"W, a distance of 36.58 feet to a point; thence leaving said right-of-way N80°20'27"E, a distance of 236.49 feet to a 1/2 inch rebar found; thence N89°59'05"E, a distance of 35.91 feet to a point; thence N00°35'52"W, a distance of 50.58 feet to a 1/2 inch rebar found; thence N10°55'09"E, a distance of 160.39 feet to a 1/2 inch rebar found; thence N03°36'11"W, a distance of 116.16 feet to a 1/2 inch rebar found; thence S86°31'48"W, a distance of 21.84 feet to a 1/2 inch rebar found; thence S59°16'08"W, a distance of 223.50 feet to a 1/2 inch rebar found; thence S57°00'11"W, a distance of 199.75 feet to a 1/2 inch rebar found and Old Concord Road (50' R/W); thence along said right-of-way N32°55'30"W, a distance of 20.15 feet to a 1/2 inch rebar found; thence leaving said right-of-way N57°03'09"E, a distance of 200.18 feet to a 1/2 inch rebar found; thence N59°17'37"E, a distance of 258.77 feet to a 1/2 inch rebar found; thence N11°18'44"W, a distance of 225.47 feet to a 1/2 inch rebar found; thence N64°55'32"E, a distance of 167.27 feet to a 1/2 inch rebar found; thence N64°59'05"E, a distance of 409.24 feet to a 1-1/2 inch open top pipe found; thence S27°12'35"E, a distance of 397.78 feet to a 1/2 inch rebar with cap found; thence S45°05'17"W, a distance of 314.95 feet to a 2 inch open top pipe found; thence S04°53'43"E, a distance of 270.00 feet to a 1 inch open top pipe found; thence N89°47'47"W, a distance of 75.87 feet to a 1/2 inch rebar found; thence N88°22'36"W, a distance of 122.14 feet to a 1 inch open top pipe found; thence N89°02'31"W, a distance of 141.68 feet to a point at the intersection of Land Lots 340, 341, 380 & 381 and back to the POINT OF BEGINNING.

Said tract containing 411,519 square feet or 9.4471 acres.

**LEGAL DESCRIPTION
(3305 Old Concord Road)**

All that tract or parcel of land lying and being located in Land Lots 340 & 341, 2nd Section of the 17th District of Cobb County, Georgia and being more particularly described as follows:

Commencing at the Land Lot intersection of Land Lots 340, 341, 380 & 381; thence N89°02'31"W, a distance of 153.95 feet to a nail found in asphalt; thence S76°31'53"W, a distance of 243.01 feet to a 1/2 inch rebar found on Old Concord Road (50' R/W); thence N32°48'30"W, a distance of 36.58 feet to a point and the POINT OF BEGINNING.

Thence continue along Old Concord Road (50' R/W) N32°48'30"W, a distance of 165.82 feet to a 1/2 inch rebar found; thence leaving said right-of-way N57°00'11"E, a distance of 199.75 feet to a 1/2 inch rebar found; thence N59°16'08"E, a distance of 223.50 feet to a 1/2 inch rebar found; thence N86°31'48"E, a distance of 21.84 feet to a 1/2 inch rebar found; thence S03°36'11"E, a distance of 116.16 feet to a 1/2 inch rebar found; thence S10°55'09"W, a distance of 160.39 feet to a 1/2 inch rebar found; thence S00°35'52"E, a distance of 50.58 feet to a point; thence S89°59'05"W, a distance of 35.91 feet to a 1/2 inch rebar found; thence S80°20'27"W, a distance of 236.49 feet to a point on Old Concord Road (50' R/W) and back to the POINT OF BEGINNING

Said tract containing 83,839 square feet or 1.9247 acres.



COBB COUNTY WATER SYSTEM

Customer Services Facility
660 South Cobb Drive
Marietta, Georgia 30060-3105
770-419-6200
www.cobbwater.org

Stephen D. McCullers, P.E.
Director

Divisions
Business Services
Customer Services
Engineering & Records
Stormwater Management
System Maintenance
Water Protection

January 5, 2018

Keith Cannon
CS Realty Group, LLC
3020 Roswell Road Suite 200
Marietta, GA 30062

Re: Proposed +/- 43-lot residential development
Old Concord Road, +/- 11.3 acres
Land Lots 341 & 380, 17th District,
Nickajack Creek Basin, South Cobb WRF

To Whom It May Concern:

Current Cobb County policy is to provide wastewater treatment capacity for approved zonings. Therefore, we will be able to provide capacity for your approved zoning classification with the following stipulations as set forth by the Cobb County Board of Commissioners:

→The developer has 150 days from this date to present plans for review and approval. Water and sewer fees must be paid and construction started within 90 days after plan approval.

→Should you fail to meet this stipulation, this letter of allocation is invalid and you must reapply to this department for capacity. No preference will be given and your request will be placed at the bottom of the request list.

→This letter is only valid for the project referenced. It is non-renewable, non-transferable, non-extendible and does not guarantee that sewer lines are at the site. Upgrades to existing water distribution and wastewater collection facilities may be required of the Developer if the demands of this proposal exceed the capacity limits of our existing or proposed facilities.

Water service is currently available via the existing 6-inch water main on Old Concord Road. A passing fire flow test is a requirement of approval of construction plans by this department.

Sincerely,

COBB COUNTY WATER SYSTEM

Tim Davidson
Engineering & Records Division

cc: file

Equal Opportunity Employer

Cobb County...Expect the Best!

www.cobbcounty.org

ATTACHMENT TO APPLICATION FOR REZONING

Application No.:

Hearing Dates:

February 12, 2018

March 19, 2018

Applicant:

C S Realty Group, LLC

Titleholder:

**Nancy Carol Logan, as Trustee of The Joseph D. Logan
Residuary Trust Created Under Item V of the Last Will
and Testament of Joseph Daniel Logan, Deceased**

EXTERIOR MATERIALS AND FINISHES

The exterior wall coverings and finishes to be used within the proposed single-family, detached, residential community shall consist of brick, stone, stacked stone, cedar shake, hardi-plank, or combinations thereof; and shall be consistent with those architectural elevations and renderings submitted in conjunction with the Application for Rezoning.

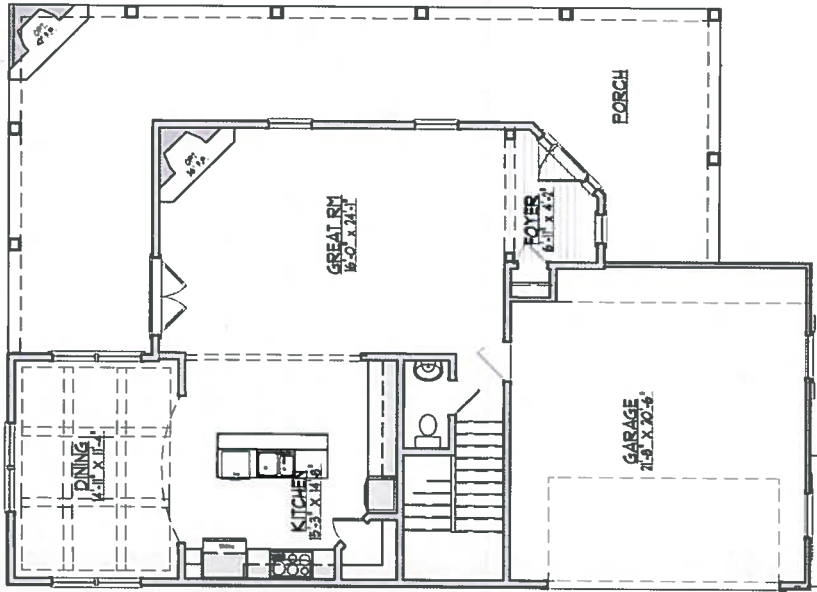


The Presleigh 3 story 5 BEDROOMS 2943 SQFT
3-1/2 BATHS

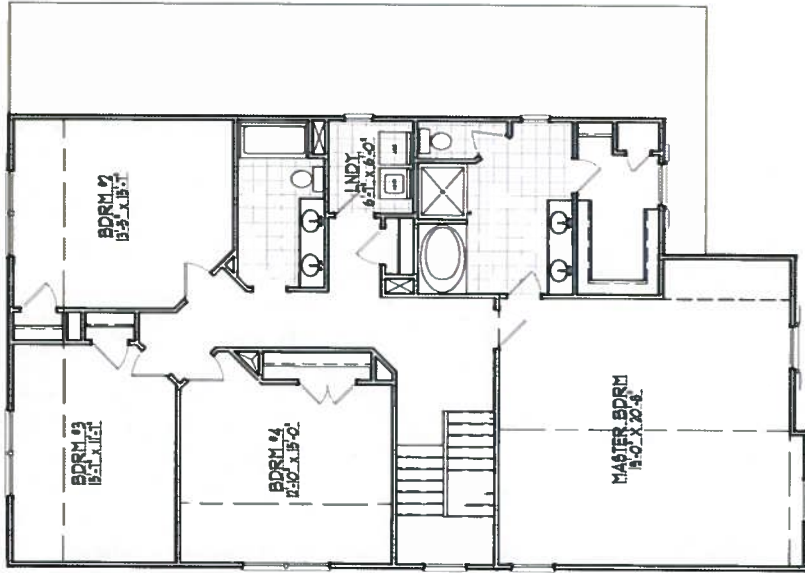


CRAWFORD CREEK
HOMEBUILDERS

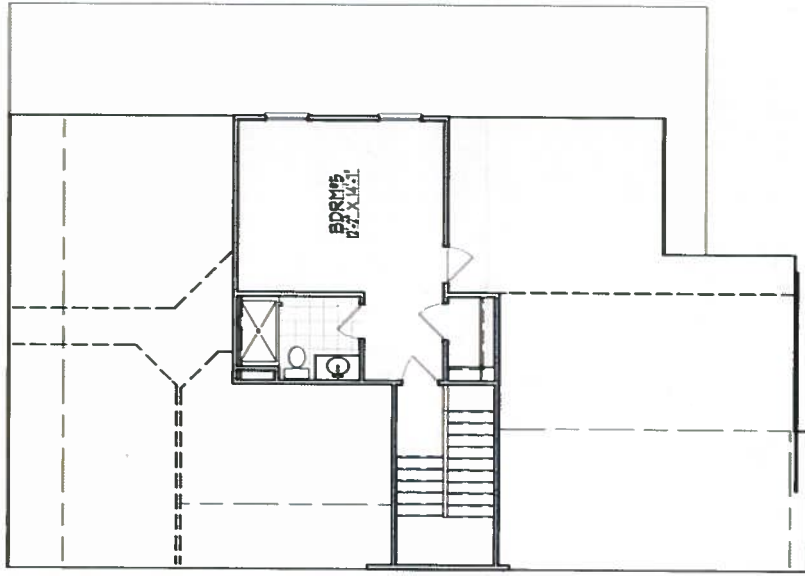
Crawford Creek HomeBuilders



FIRST FLOORPLAN



SECOND FLOORPLAN



THIRD FLOORPLAN

"The Presleigh 3 story "

All Renderings include some options and all plans are subject to change



"The Paysleigh B"

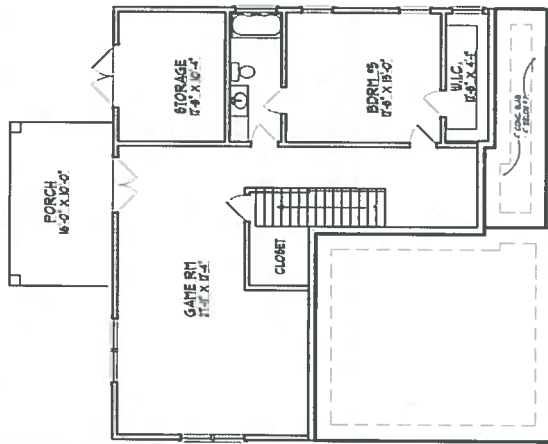
5 BEDROOMS
4 BATHS

3210 SQFT

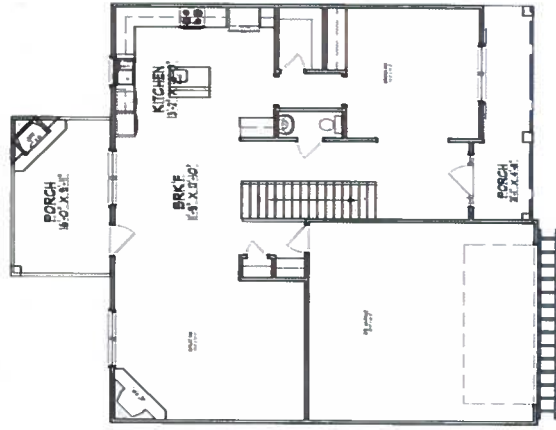


CRAWFORD CREEK
HOMEBUILDERS

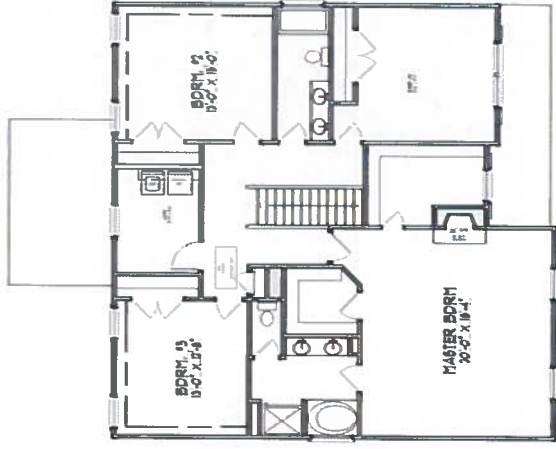
Crawford Creek HomeBuilders



"The Paysleigh B"
BASEMENT FLOORPLAN



"The Paysleigh B"
FIRST FLOORPLAN



"The Paysleigh B"
SECOND FLOORPLAN

All Renderings include some options and all plans are subject to change



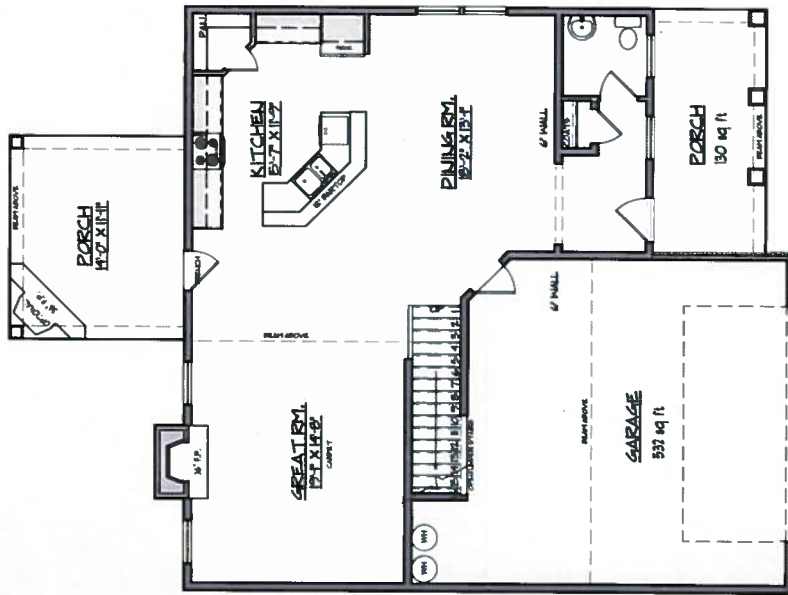
The Brittany 3 story
5 BEDROOMS
3-1/2 BATHS

2963 SQFT

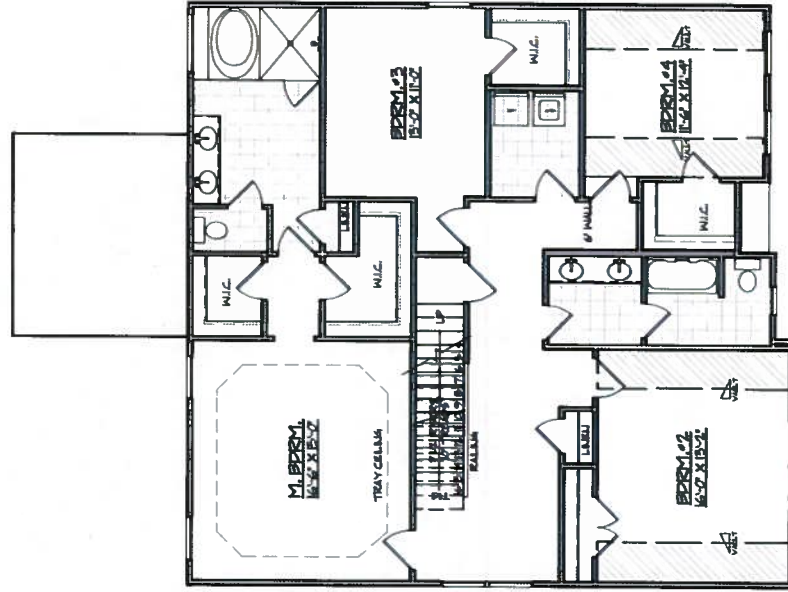


CRAWFORD CREEK
HOMEBUILDERS

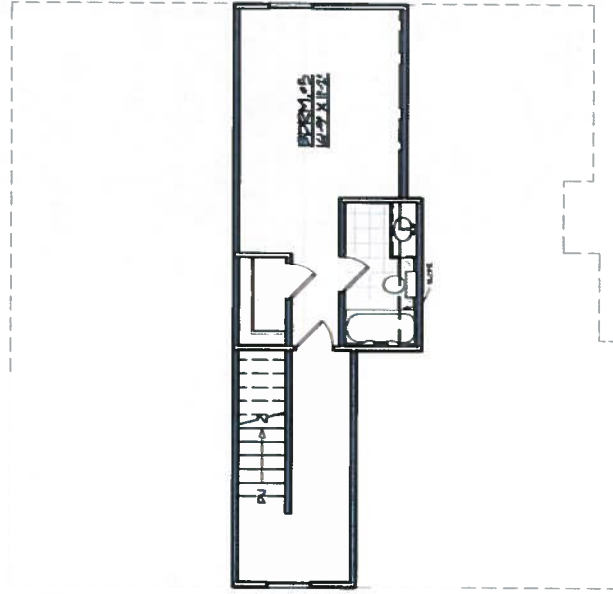
Crawford Creek HomeBuilders



FIRST FLOORPLAN

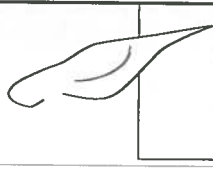


"The Brittany 3 story"
SECOND FLOORPLAN



THIRD FLOORPLAN

All Renderings include some options and all plans are subject to change

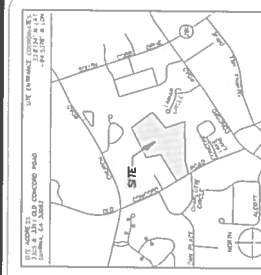


DOVetail
 LANDSCAPE ARCHITECTURE
 1011 Main Hill Road
 Westborough, MA 01581
 Phone: (508) 851-1874
 Fax: (508) 851-1875
 www.dovetail.net

NO.	DATE	DESCRIPTION
1	1/20/10	PRELIMINARY PLAN
2	1/20/10	REVISED PLAN
3	1/20/10	REVISED PLAN
4	1/20/10	REVISED PLAN
5	1/20/10	REVISED PLAN
6	1/20/10	REVISED PLAN
7	1/20/10	REVISED PLAN
8	1/20/10	REVISED PLAN
9	1/20/10	REVISED PLAN
10	1/20/10	REVISED PLAN

Logan's Walk
 REZONING AND ANNEXATION
 24-HR CONTACT: KETH CANNON, (404) 405-9007
 CONTACT PERSON: KETH CANNON
 PHONE: (404) 405-9007
 FAX: (404) 405-9007
 3200 ROSWELL ROAD, SUITE 200
 ALPHARETTA, GEORGIA 30009
 24-HR CONTACT: KETH CANNON, (404) 405-9007

TREE PROTECTION & REPLACEMENT PLAN
 SHEET NUMBER: R22



SITE DENSITY CALCULATIONS

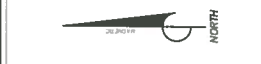
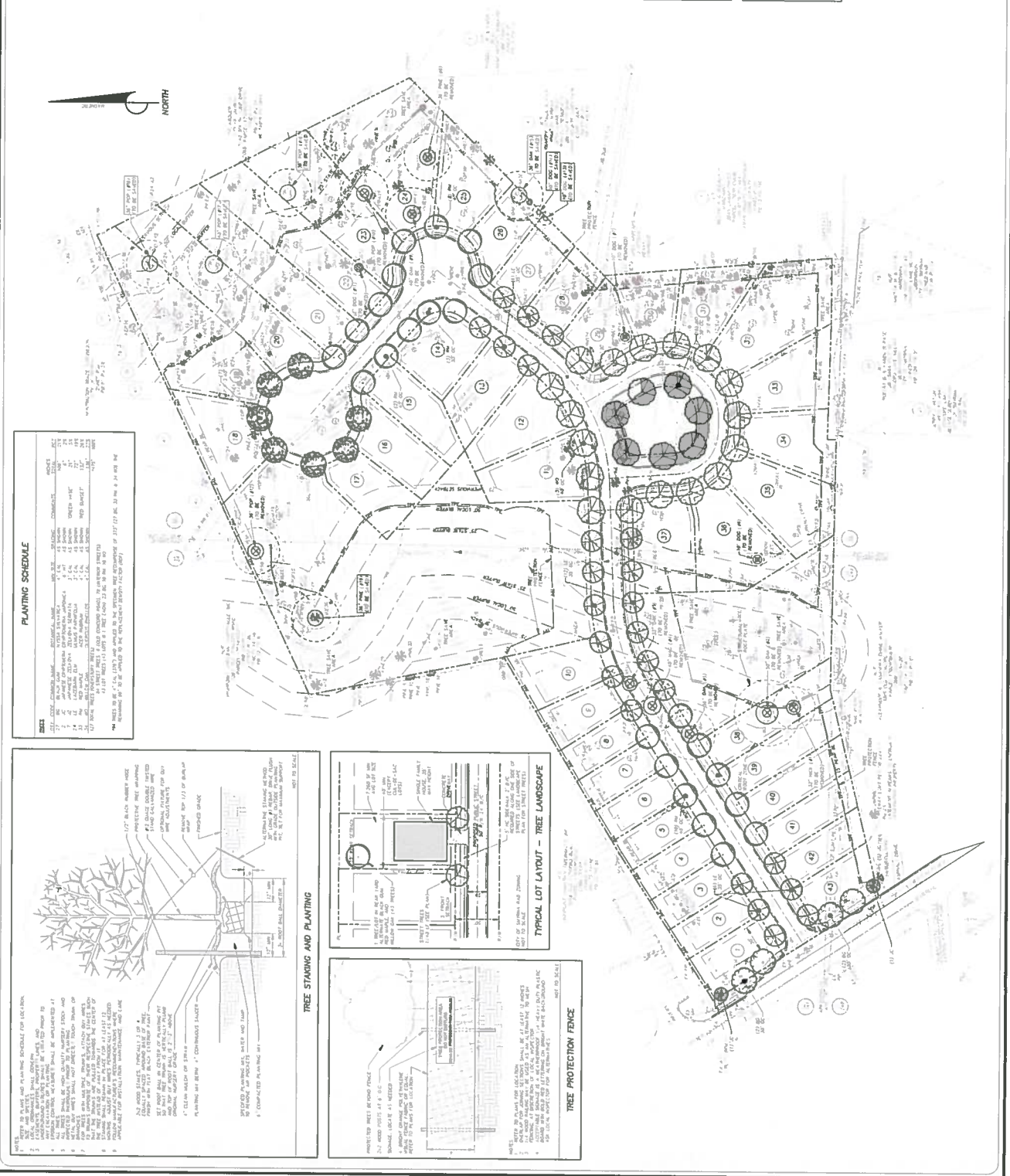
NET AREA = 113,272 SQ FT
 GROSS AREA = 113,272 SQ FT
 TOTAL AREA = 113,272 SQ FT
 TOTAL FLOOR AREA = 113,272 SQ FT
 TOTAL VOLUME = 113,272 SQ FT
 TOTAL HEIGHT = 113.272 FT

STREET TREE CALCULATIONS

STREET WIDTH = 40 FT
 STREET TREE SPACING = 20 FT
 STREET TREE HEIGHT = 10 FT
 STREET TREE DENSITY = 1 TREE PER 200 SQ FT

TREE PROTECTION/REPLACEMENT NOTES

1. CONTACT THE COUNTY PLANNING DEPARTMENT FOR TREE PROTECTION AND REPLACEMENT REQUIREMENTS.
2. CONTACT THE COUNTY PLANNING DEPARTMENT FOR TREE PROTECTION AND REPLACEMENT REQUIREMENTS.
3. CONTACT THE COUNTY PLANNING DEPARTMENT FOR TREE PROTECTION AND REPLACEMENT REQUIREMENTS.



CONCEPTUAL SITE PLAN
 1/25/18



DOVETAIL CIVIL ENGINEERS, INC.
 149 Main Hill Road
 Wakefield, GA 30077
 Office: (404) 726-1300
 Fax: (404) 726-1314
 www.dovetailga.com

NO.	DATE	DESCRIPTION

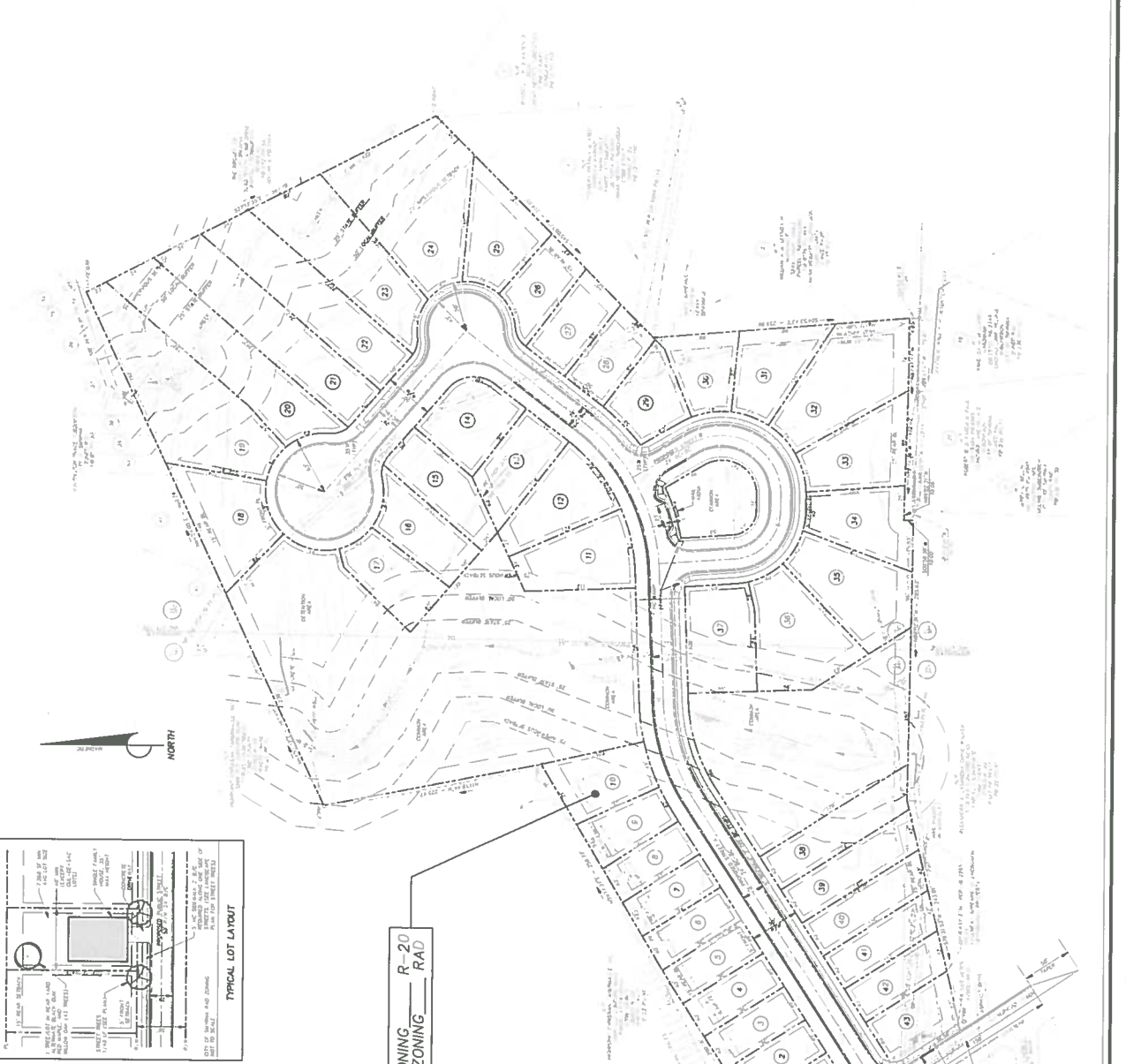
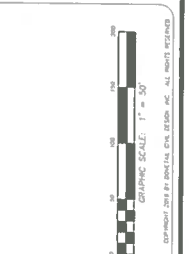
Logan's Walk
 REZONING AND ANNEXATION
 SITE: WILKINSON
 3303 & 3311 OLD CONCORD ROAD
 DEKALB COUNTY, GEORGIA
 2020 HICKORY ROAD, SUITE 200
 MARIETTA, GEORGIA 30067
 PHONE: (404) 493-8007
 CONTACT PERSON: KEITH CANNON
 24-HR CONTACT: KEITH CANNON, (404) 493-9007

CONCEPTUAL SITE PLAN
 SHEET NAME: RZ1
 SHEET FILE: 000
 DATE: 1/25/18
 PROJECT: 18000000



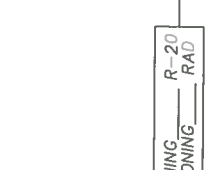
- PROJECT NOTES**
1. THE PROPOSED LOT DENSITY IS BASED ON THE CITY OF WAKEFIELD ZONING ORDINANCE, CHAPTER 12, ARTICLE 12.01, SECTION 12.01.01.
 2. THE TOTAL SITE AREA IS 11.3229 ACRES.
 3. THIS PLAN IS A CONCEPTUAL DEVELOPMENT PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF ANY RESULTS OR REPRESENTATIONS.
 4. THIS PLAN IS SUBJECT TO ALL CITY, COUNTY, AND STATE REGULATIONS, ORDINANCES, AND DECREES.
 5. THE PROPOSED LOT DENSITY IS 15 UNITS PER ACRE.
 6. THE PROPOSED LOT DENSITY IS 15 UNITS PER ACRE.
 7. THE PROPOSED LOT DENSITY IS 15 UNITS PER ACRE.
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 9. THE PROPOSED LOT DENSITY IS 15 UNITS PER ACRE.
 10. THE PROPOSED LOT DENSITY IS 15 UNITS PER ACRE.

- PROPOSED LOT DENSITY**
1. THE PROPOSED LOT DENSITY IS 15 UNITS PER ACRE.
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 9. THE PROPOSED LOT DENSITY IS 15 UNITS PER ACRE.
 10. THE PROPOSED LOT DENSITY IS 15 UNITS PER ACRE.



LOT CHART

LOT NO.	AREA (SQ FT)	AREA (AC)	AREA (SQ FT)	AREA (AC)
1	2,128.00	0.0485	2,128.00	0.0485
2	2,128.00	0.0485	2,128.00	0.0485
3	2,128.00	0.0485	2,128.00	0.0485
4	2,128.00	0.0485	2,128.00	0.0485
5	2,128.00	0.0485	2,128.00	0.0485
6	2,128.00	0.0485	2,128.00	0.0485
7	2,128.00	0.0485	2,128.00	0.0485
8	2,128.00	0.0485	2,128.00	0.0485
9	2,128.00	0.0485	2,128.00	0.0485
10	2,128.00	0.0485	2,128.00	0.0485
11	2,128.00	0.0485	2,128.00	0.0485
12	2,128.00	0.0485	2,128.00	0.0485
13	2,128.00	0.0485	2,128.00	0.0485
14	2,128.00	0.0485	2,128.00	0.0485
15	2,128.00	0.0485	2,128.00	0.0485
16	2,128.00	0.0485	2,128.00	0.0485
17	2,128.00	0.0485	2,128.00	0.0485
18	2,128.00	0.0485	2,128.00	0.0485
19	2,128.00	0.0485	2,128.00	0.0485
20	2,128.00	0.0485	2,128.00	0.0485
21	2,128.00	0.0485	2,128.00	0.0485
22	2,128.00	0.0485	2,128.00	0.0485
23	2,128.00	0.0485	2,128.00	0.0485
24	2,128.00	0.0485	2,128.00	0.0485
25	2,128.00	0.0485	2,128.00	0.0485
26	2,128.00	0.0485	2,128.00	0.0485
27	2,128.00	0.0485	2,128.00	0.0485
28	2,128.00	0.0485	2,128.00	0.0485
29	2,128.00	0.0485	2,128.00	0.0485
30	2,128.00	0.0485	2,128.00	0.0485
31	2,128.00	0.0485	2,128.00	0.0485
32	2,128.00	0.0485	2,128.00	0.0485
33	2,128.00	0.0485	2,128.00	0.0485
34	2,128.00	0.0485	2,128.00	0.0485
35	2,128.00	0.0485	2,128.00	0.0485
36	2,128.00	0.0485	2,128.00	0.0485
37	2,128.00	0.0485	2,128.00	0.0485
38	2,128.00	0.0485	2,128.00	0.0485
39	2,128.00	0.0485	2,128.00	0.0485
40	2,128.00	0.0485	2,128.00	0.0485
41	2,128.00	0.0485	2,128.00	0.0485
42	2,128.00	0.0485	2,128.00	0.0485
43	2,128.00	0.0485	2,128.00	0.0485
44	2,128.00	0.0485	2,128.00	0.0485
45	2,128.00	0.0485	2,128.00	0.0485
46	2,128.00	0.0485	2,128.00	0.0485
47	2,128.00	0.0485	2,128.00	0.0485
48	2,128.00	0.0485	2,128.00	0.0485
49	2,128.00	0.0485	2,128.00	0.0485
50	2,128.00	0.0485	2,128.00	0.0485
51	2,128.00	0.0485	2,128.00	0.0485
52	2,128.00	0.0485	2,128.00	0.0485
53	2,128.00	0.0485	2,128.00	0.0485
54	2,128.00	0.0485	2,128.00	0.0485
55	2,128.00	0.0485	2,128.00	0.0485
56	2,128.00	0.0485	2,128.00	0.0485
57	2,128.00	0.0485	2,128.00	0.0485
58	2,128.00	0.0485	2,128.00	0.0485
59	2,128.00	0.0485	2,128.00	0.0485
60	2,128.00	0.0485	2,128.00	0.0485
61	2,128.00	0.0485	2,128.00	0.0485
62	2,128.00	0.0485	2,128.00	0.0485
63	2,128.00	0.0485	2,128.00	0.0485
64	2,128.00	0.0485	2,128.00	0.0485
65	2,128.00	0.0485	2,128.00	0.0485
66	2,128.00	0.0485	2,128.00	0.0485
67	2,128.00	0.0485	2,128.00	0.0485
68	2,128.00	0.0485	2,128.00	0.0485
69	2,128.00	0.0485	2,128.00	0.0485
70	2,128.00	0.0485	2,128.00	0.0485
71	2,128.00	0.0485	2,128.00	0.0485
72	2,128.00	0.0485	2,128.00	0.0485
73	2,128.00	0.0485	2,128.00	0.0485
74	2,128.00	0.0485	2,128.00	0.0485
75	2,128.00	0.0485	2,128.00	0.0485
76	2,128.00	0.0485	2,128.00	0.0485
77	2,128.00	0.0485	2,128.00	0.0485
78	2,128.00	0.0485	2,128.00	0.0485
79	2,128.00	0.0485	2,128.00	0.0485
80	2,128.00	0.0485	2,128.00	0.0485
81	2,128.00	0.0485	2,128.00	0.0485
82	2,128.00	0.0485	2,128.00	0.0485
83	2,128.00	0.0485	2,128.00	0.0485
84	2,128.00	0.0485	2,128.00	0.0485
85	2,128.00	0.0485	2,128.00	0.0485
86	2,128.00	0.0485	2,128.00	0.0485
87	2,128.00	0.0485	2,128.00	0.0485
88	2,128.00	0.0485	2,128.00	0.0485
89	2,128.00	0.0485	2,128.00	0.0485
90	2,128.00	0.0485	2,128.00	0.0485
91	2,128.00	0.0485	2,128.00	0.0485
92	2,128.00	0.0485	2,128.00	0.0485
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94	2,128.00	0.0485	2,128.00	0.0485
95	2,128.00	0.0485	2,128.00	0.0485
96	2,128.00	0.0485	2,128.00	0.0485
97	2,128.00	0.0485	2,128.00	0.0485
98	2,128.00	0.0485	2,128.00	0.0485
99	2,128.00	0.0485	2,128.00	0.0485
100	2,128.00	0.0485	2,128.00	0.0485



CONCEPTUAL SITE PLAN
 SHEET NAME: RZ1
 SHEET FILE: 000
 DATE: 1/25/18
 PROJECT: 18000000

ATTACHMENT TO APPLICATION FOR REZONING

Application No.: _____
Hearing Dates: **February 12, 2018**
March 19, 2018

**BEFORE THE PLANNING COMMISSION AND THE
MAYOR AND CITY COUNCIL FOR THE
CITY OF SMYRNA, GEORGIA**

**CONSTITUTIONAL CHALLENGE
ATTACHMENT TO APPLICATION FOR REZONING**

COME NOW, Applicant, C S REALTY GROUP, LLC (hereinafter referred to as “Applicant”), and Property Owner, NANCY CAROL LOGAN, as Trustee of The Joseph D. Logan Residuary Trust Created Under Item V of the Last Will and Testament of Joseph Daniel Logan, deceased (hereinafter referred to as “Property Owner”), and assert the following:

1.

By Application for Rezoning dated and filed January 12, 2018, Applicant and Property Owner applied for annexation and rezoning of certain real property, being approximately 11.3229 acres, more or less, lying and being in Cobb County, Georgia, a more particular description and delineation of the subject property being set forth in said Application (hereinafter referred to as the “Property” or the “Subject Property”).

2.

The Application for Rezoning of the Property seeks rezoning from the existing zoning category of R-20, as established by the governing authority of Cobb County, Georgia, under and pursuant to Ga. Laws 1956, p. 2006 (hereinafter the “Zoning and Planning Ordinance of Cobb County”), as amended, to the proposed zoning category of RAD, as

established by the governing authority of the City of Smyrna, Georgia, under and pursuant to the Zoning and Planning Ordinance of the City of Smyrna, Georgia (hereinafter the “Zoning and Planning Ordinance of the City of Smyrna”).

3.

As to the Subject Property currently zoned to the R-20 zoning category, as established by Cobb County for the Subject Property, Applicant and Property Owner do contend the Zoning and Planning Ordinance of Cobb County and the Zoning and Planning Ordinance of the City of Smyrna (hereinafter collectively “Zoning Ordinances”) are unconstitutional as applied to the Subject Property in that said Zoning Ordinances deprive Applicant and Property Owner of their Property under and pursuant to Art. I, § I, ¶¶ I and II of the Georgia Constitution of 1983, and the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America. This deprivation of Property without due process violates the constitutional prohibition against the taking of private property without just compensation. The R-20 zoning category (Cobb County), as it presently exists, together with any intervening zoning categories between the existing R-20 (Cobb County) category and the requested RAD (City of Smyrna) category, violate the Applicant’s and Property Owner’s rights to unfettered use of their Property in that said zoning classifications do not bear a substantial relation to the public health, safety, morality, or general welfare and are therefore confiscatory and void. Further, said Ordinances are unconstitutional in that they are arbitrary and unreasonable resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss on the Applicant and Property Owners.

4.

To the extent the Zoning and Planning Ordinance of the City of Smyrna allows or permits the Mayor and City Council to rezone the Subject Property to any category other than as requested, said Ordinance is further unconstitutional in that same violates the Applicant's and Property Owner's constitutionally guaranteed rights to due process, both substantive and procedural. Furthermore, any such action by the Mayor and City Council, or as allowed by the Zoning and Planning Ordinance of the City of Smyrna, is an unconstitutional use of the zoning power and would constitute an abuse of discretion with no justification or benefit flowing to the public welfare. Accordingly, said Ordinance or action would likewise represent a taking of private property rights without the payment of just and adequate compensation in violation of the Constitutions of the State of Georgia and the United States of America.

5.

The Zoning and Planning Ordinance of the City of Smyrna is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with the Zoning Application also violate Art. I, § I, ¶¶ I, II, and XII of the Georgia Constitution of 1983 in that said procedures impose unreasonable time restraints, contain the absence of rebuttal, contain the inability to confront witnesses, contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issue at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law. These procedures fail to comport with the due process requirements of the Constitution of the State of Georgia 1983 and the due process requirements of the Constitution of the United States of America.

Respectfully submitted, this 12th day of January, 2018.

MOORE INGRAM JOHNSON & STEELE, LLP

BY: 

J. Kevin Moore

Georgia Bar No. 519728

Attorneys for Applicant and Property Owner

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FAX (770) 429-8831



COBB COUNTY WATER SYSTEM

Customer Services Facility
660 South Cobb Drive
Marietta, Georgia 30060-3105
770-419-6200
www.cobbwater.org

Stephen D. McCullers, P.E.
Director

Divisions
Business Services
Customer Services
Engineering & Records
Stormwater Management
System Maintenance
Water Protection

January 5, 2018

Keith Cannon
CS Realty Group, LLC
3020 Roswell Road Suite 200
Marietta, GA 30062

Re: Proposed +/- 43-lot residential development
Old Concord Road, +/- 11.3 acres
Land Lots 341 & 380, 17th District,
Nickajack Creek Basin, South Cobb WRF

To Whom It May Concern:

Current Cobb County policy is to provide wastewater treatment capacity for approved zonings. Therefore, we will be able to provide capacity for your approved zoning classification with the following stipulations as set forth by the Cobb County Board of Commissioners:

→The developer has 150 days from this date to present plans for review and approval. Water and sewer fees must be paid and construction started within 90 days after plan approval.

→Should you fail to meet this stipulation, this letter of allocation is invalid and you must reapply to this department for capacity. No preference will be given and your request will be placed at the bottom of the request list.

→This letter is only valid for the project referenced. It is non-renewable, non-transferable, non-extendible and does not guarantee that sewer lines are at the site. Upgrades to existing water distribution and wastewater collection facilities may be required of the Developer if the demands of this proposal exceed the capacity limits of our existing or proposed facilities.

Water service is currently available via the existing 6-inch water main on Old Concord Road. A passing fire flow test is a requirement of approval of construction plans by this department.

Sincerely,

COBB COUNTY WATER SYSTEM

Tim Davidson
Engineering & Records Division

cc: file

Equal Opportunity Employer

Cobb County...Expect the Best!

www.cobbcounty.org