

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF

## SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP  
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376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

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FACSIMILE

December 20, 2021

### VIA EMAIL

Mr. Russell G. Martin, AICP, Director  
Community Development Department  
City of Smyrna  
3180 Atlanta Road  
Smyrna, GA 30080

Re: Application for Rezoning of Roselane, LLC to Rezone a 0.434 ± Acre Tract from FC to R-8 (No. Z21-008)

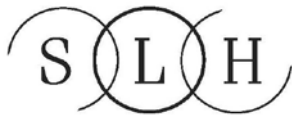
Dear Rusty:

You will recall that this firm represented Roselane, LLC concerning the above-captioned Application for Rezoning and post-entitlement issues. In that regard, the Application was heard, considered and approved by the Mayor and City Council on July 19, 2021. A part of the Rezoning included a portion of an alleyway that serviced the Subject Property and adjacent tracts in the past. Clearly, the Rezoning was predicated upon the site plan which was approved and subject to numerous stipulations/conditions which were a part of the Rezoning.

However, none of the zoning stipulations/conditions required the City to convey any portions of the Subject Property or any easements appurtenant thereto but my client has an interest in acquiring one of the alleyways as shown on the attached plat and as described in the attached legal description.

While, technically, the Application sought 0.1 upa over the maximum range of densities as a part of the conditions of the Rezoning, Roselane previously submitted a Letter of Intent (“LOI”) in order to acquire that City-owned property (the existing “alley”) which brings the density down below 4.5 units per acre and thus makes everything consistent with the City’s Future Land Use Map, Comprehensive Land Use Plan and City Policy Guidelines, respectively.

This letter will serve to retract the LOI in accordance with discussions which you and I have had regarding the most appropriate way to proceed with respect to these issues. However, we are asking that the City consider proceeding through the statutory abandonment procedures



**VIA HAND DELIVERY**

Mr. Russell G. Martin, AICP, Director  
Community Development Department  
City of Smyrna  
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on the alleyway. This letter constitutes a formal request that the City consider doing so and placing that on the earliest possible agenda. In the final analysis, the proposed abandonment consists of 0.023 acres or the equivalent of 1,001.14 square feet.

Please let me know if you need any additional information or documentation regarding these matters prior to discussing these issues with the City Administrator, Mayor and/or City Council Members and the City Attorney who is a recipient of this letter.

With kindest personal regards and best wishes for the Holiday Season, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in black ink, appearing to be "GLS", enclosed within a large, loopy oval scribble.

Garvis L. Sams, Jr.  
[gsams@slhb-law.com](mailto:gsams@slhb-law.com)

GLS, Jr./jac  
Attachments

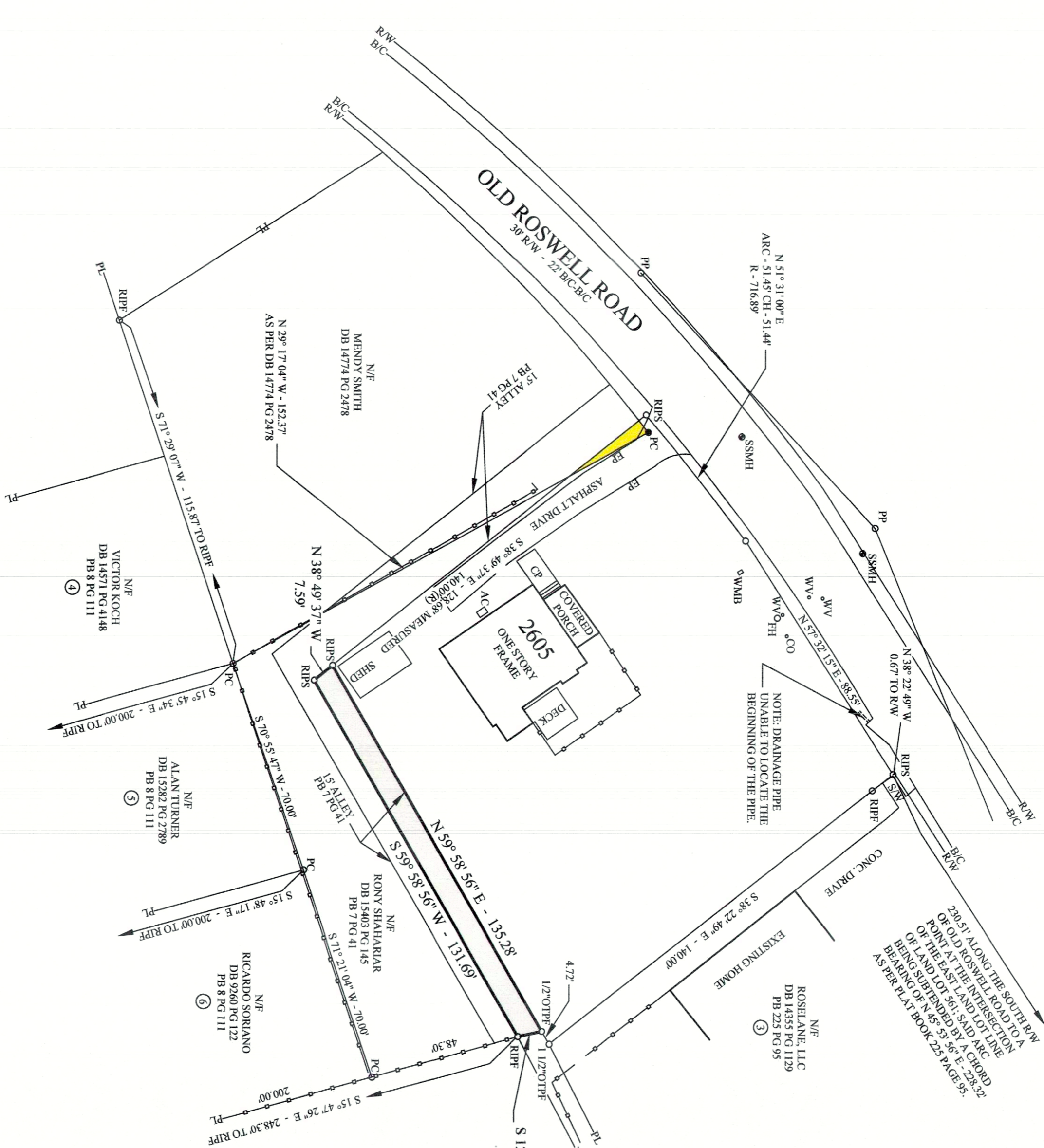
cc: Mr. Joey Staubes, AICP, Planner II (via email w/attachments)  
Mr. Brian Sadler, Roselane, LLC (via email w/attachments)

TRACT AREA = 0.023 ACRES (1,001.14 S.F.)

AREA OF OVERLAPPING DEEDS:  
NOTE: 70 SQUARE FOOT OVERLAP OF DB 14774 PG 2478 & DB 15874 PG 97.  
A BOUNDARY LINE AGREEMENT WITH THE NEIGHBOR IS REQUIRED TO RESOLVE.

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

**SITE ADDRESS:**  
**2605 OLD ROSWELL ROAD**  
**SMYRNA, GA. 30080**



INSTRUMENT USED FOCUS 35 ROBOT, SOKKIA GCX3 GPS SYSTEM.  
SURVEY FIELD WORK PERFORMED ON: 3-20-21, 3-25-21.  
ALL DISTANCES ARE HORIZONTAL.  
THIS SURVEY AND ITS FINDINGS DO NOT CONSTITUTE A TITLE SURVEY. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND RECORDS FROM PUBLIC RECORDS, FILE DATA, THE CLIENT, OR OTHER SOURCES AS REFERENCED. OTHER DOCUMENTS OR CONDITIONS AFFECT THIS PROPERTY.  
AS PER THE F.I.R.M. FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 13067G0119 H DATED 3-4-13 THIS PROPERTY IS NOT IN A FLOOD HAZARD SPECIAL FLOOD HAZARD ZONE.  
THIS OPINION IS NOT A CERTIFICATION OF FLOOD HAZARD STATUS, BUT AN INTERPRETATION OF THE REFERENCED MAP AND PUBLIC DATA. IF THE EXACT LOCATION OR ELEVATION OF FLOOD HAZARD BOUNDARIES ARE NECESSARY, A MORE DETAILED SURVEY AND ENGINEERING CONSULTING ENGINEERING ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF THE REFERENCED MAP OR PUBLIC DATA.  
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PERCENTAGE OF ONE FOOT IN 10,000 FEET. AN ANGULAR ERROR OF 0.057\"/>

THIS SURVEY ONLY INCLUDES OBJECTS THAT ARE VISIBLE ON THE SURFACE AND IS NOT RESPONSIBLE FOR UNDERGROUND UTILITIES OR OTHER OBJECTS THAT ARE NOT APPARENT BY VISUAL OBSERVATION, I.E. UNDERGROUND GAS TANKS, GAS LINES, WATER LINES, SEWER LINES, ETC. THE SURVEYOR ASSUMES NO LIABILITY FOR MATTERS NOT CERTIFIED UNLESS EXCAVATED.  
THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SURVEYOR. THE SURVEYOR, PERSONS OR ENTITY, NO CERTIFICATION OR LIABILITY IS EXTENDED TO ANY PARTY NOT NAMED HEREON.  
AS A UNIQUE PICTORIAL AND GRAPHIC PROFESSIONAL WORK, THE COPYRIGHT LAWS OF THE UNITED STATES.

THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND OTHER ENCUMBRANCES MAY EXIST WHICH BENEFIT AND/OR BURDEN THIS PROPERTY.  
THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels is stated herein. RECORDDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules 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.



THIS DOCUMENT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE (IN CONTRASTING INK) OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL.

PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC.  
PLANNING - ENGINEERING - LAND SURVEYING  
44 DARBY'S CROSSING DRIVE, SUITE 200, HIRAM, GA. 30141  
Ph. (770) 435-2576 - Email: mark.lee@plceac.com

GA. REG. P.S. LIC. NO. 2522  
DATE: 7-29-21

NO.	DATE	REVISION

LAND LOT 561 17TH DISTRICT 2ND SECTION  
COBB COUNTY, CITY OF SMYRNA, GEORGIA

ALLEY RIGHT-OF-WAY SURVEY FOR  
**ROSELANE, LLC**

**LEGEND**  
AC - AIR COMPRESSOR  
BC - BACK OF CURB  
BSMH - BELLSOUTH MANHOLE  
CC - CONCRETE CANOPY  
CO - CLEANOUT  
CONC - CONCRETE  
CP - CONCRETE PAD  
DI - DROPPED INLET  
DB - DEED BOOK  
EC - EDGE OF CONCRETE  
EP - EDGE OF PAVEMENT  
EX - EXISTING  
FH - FIRE HYDRANT  
GM - GAS METER  
GP - GRAVEL PAD  
HW - HARDWOOD  
M - MEASURED DISTANCE  
LS - LANDSCAPE AREA  
LT - LANDSCAPE TIMBER  
N/E - NOW OR FORMERLY  
OTPF - OPEN TOP PIN FOUND  
PBX - POWER BOX  
PC - POINT CALCULATED  
PG - PAGE  
PL - PROPERTY LINE  
PM - POWER METER  
R - RECORD MEASUREMENT  
RIPF - REBAR IRON PIN FOUND  
RIPR - REBAR IRON PIN SET  
RMF - RIGHT OF WAY MARKER FOUND  
RW - RIGHT OF WAY  
SSM - SANITARY SEWER LINE  
SSMH - SANITARY SEWER MANHOLE  
SW - SIDEWALK  
UB - UTILITY BOX  
WMB - WATER METER BOX  
WV - WATER VALVE  
- FENCE

NOTE: ALL RIPF & RIPR ARE #4 REBAR UNLESS OTHERWISE NOTED.

## PROPERTY DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 561 OF THE 17<sup>TH</sup> DISTRICT, 2<sup>ND</sup> SECTION, COBB COUNTY, WITHIN THE CITY OF SMYRNA AS SHOWN ON THE ALLEY RIGHT-OF-WAY SURVEY FOR ROSELANE, LLLC, DATED 07/29/21, PREPARED BY PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC., JOB #2021-013-ALLEY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND AT THE INTERSECTION OF THE EAST LAND LOT LINE OF LAND LOT 561 AND THE SOUTH RIGHT-OF-WAY OF OLD ROSWELL ROAD (HAVING A 30 FOOT RIGHT-OF-WAY) AND AS SHOWN ON A PLAT RECORDED IN PLAT BOOK 225 PAGE 95 OF THE COBB COUNTY RECORDS FOR VININGS CONSTRUCTION COMPANY, GO THENCE SOUTHWESTERLY ALONG THE SOUTH RIGHT-OF-WAY OF OLD ROSWELL ROAD A DISTANCE OF 230.51 FEET TO A POINT; SAID COURSE ALONG THE SAID RIGHT-OF-WAY BEING SUBTENDED BY A CHORD BEARING OF SOUTH 45 DEGREES 53 MINUTES 56 SECONDS WEST FOR A DISTANCE OF 228.32 FEET TO A POINT; GO THENCE SOUTH 38 DEGREES 22 MINUTES 49 SECONDS EAST FOR A DISTANCE OF 0.67 FEET TO AN IRON PIN SET; GO THENCE SOUTH 38 DEGREES 22 MINUTES 49 SECONDS EAST FOR A DISTANCE OF 140.00 FEET TO A 1 ½" OPEN TOP PIN FOUND ON THE NORTH RIGHT-OF-WAY OF A 15 FOOT ALLEY AS PER PLAT BOOK 7 PAGE 41 OF THE COBB COUNTY RECORDS; GO THENCE SOUTH 59 DEGREES 58 MINUTES 56 SECONDS WEST ALONG THE NORTH SIDE OF A 15 FOOT ALLEY AS PER PLAT BOOK 7 PAGE 41 OF THE COBB COUNTY RECORDS FOR A DISTANCE OF 4.72 FEET TO A ½" OPEN TOP PIN FOUND AND THE TRUE POINT OF BEGINNING; GO THENCE SOUTH 12 DEGREES 05 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 7.88 FEET TO A REBAR IRON PIN FOUND AT THE CENTER OF A 15 FOOT ALLEY AS PER PLAT BOOK 7 PAGE 41 OF THE COBB COUNTY RECORDS; GO THENCE ALONG THE CENTERLINE OF A 15 FOOT ALLEY AS PER PLAT BOOK 7 PAGE 41 OF THE COBB COUNTY RECORDS A BEARING OF SOUTH 59 DEGREES 58 MINUTES 56 SECONDS WEST FOR A DISTANCE OF 131.69 FEET TO A REBAR IRON PIN SET; GO THENCE NORTH 38 DEGREES 49 MINUTES 37 SECONDS WEST FOR A DISTANCE OF 7.59 FEET TO A REBAR IRON PIN SET ON THE NORTH RIGHT-OF-WAY OF A 15 FOOT ALLEY AS PER PLAT BOOK 7 PAGE 41 OF THE COBB COUNTY RECORDS; GO THENCE NORTHEAST ALONG THE NORTH RIGHT-OF-WAY OF A 15 FOOT ALLEY AS PER PLAT BOOK 7 PAGE 41 OF THE COBB COUNTY RECORDS A BEARING OF NORTH 59 DEGREES 58 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 135.28 FEET TO A ½" OPEN TOP PIN FOUND AND THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 0.023 ACRES (1,001.14 SQUARE FEET).