

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

(Amended December 29, 2017)
Type or Print Clearly

(To be completed by City)
Ward: _____
Application No: _____
Hearing Date: _____

APPLICANT: JLB Realty LLC (See Attached for Applicant Information)

Representative

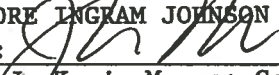
Name: Moore Ingram Johnson & Steele, LLP - J. Kevin Moore
(Representative's name, printed)

Representative

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@mijls.com

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


TITLEHOLDER

Name: Richmont Graduate University
(Titleholder's name, printed)

Address: Building 100, 1900 The Exchange, Atlanta, GA 30339

Business Phone: (404) 239-6132 Cell Phone: _____ Home Phone: _____

E-mail Address: tquinnan@richmont.edu

Signature of Titleholder: BY:  12.13.17
RICHMONT GRADUATE UNIVERSITY
(Attach additional signatures, if needed)
Dr. Timothy Quinnan, President

(To be completed by City)

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____

Amended - December 29, 2017

ZONING REQUEST

From General Commercial (GC) to Mixed Use (MU)
Present Zoning Proposed Zoning

LAND USE

From Regional Activity Center (RAC) to Regional Activity Center (RAC)
Present Land Use Proposed Land Use

For the Purpose of Multi-Family Residential

Size of Tract 12.495 (Revised - Overall)

Location Westerly and easterly sides of Sports Avenue;
Terminus of Sports Avenue (3110 Sports Avenue and unnumbered parcel)
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 845, 846 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: GC, TS (City of Smyrna)

East: R-15, GC (City of Smyrna)

South: RM-8 (Cobb County)

West: GC, RM-12 (City of Smyrna)

CONTIGUOUS LAND USE

North: Regional Activity Center (City of Smyrna)

East: Transportation/Communication/
Utilities (City of Smyrna)

South: High Density Residential (Cobb County)

West: Regional Activity Center (City of Smyrna)

Amended – December 29, 2017

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? Spring Road to Sports Avenue

Improvements proposed by developer? Sidewalk improvements to Sports Avenue to provide better pedestrian connectivity; and such other improvements to Sports Avenue and intersection with Spring Road as may be requested by Public Works.

Comments:

ATTACHMENT TO AMENDED APPLICATION FOR REZONING
(Amended December 29, 2017)

Application No.: _____
Hearing Dates: _____, 2018
_____, 2018

Applicant: JLB Realty LLC
Titleholders: Cumberland Community Church, Inc. and
Richmont Graduate University

Applicant: JLB Realty LLC
Suite 4-200, 3715 Northside Parkway
Atlanta, Georgia 30327
(678) 855-7900 (Main)
Matt Hallman
(678) 855-7904 (Direct)
E-mail: mhallman@jlbpartners.com
Scott L. Schlosser, Vice President
(678) 855-7902 (Direct)
(706) 972-9199 (Cell)
E-mail: sschlosser@jlbpartners.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)
(678) 516-1609 (Mobile)
E-mail: jkm@mijs.com

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Suite 4-200, 3715 Northside Parkway
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(678) 855-7900 (Main)
Matt Hallman
(678) 855-7904 (Direct)
E-mail: mhallman@jlbpartners.com
Scott L. Schlosser, Vice President
(678) 855-7902 (Direct)
(706) 972-9199 (Cell)
E-mail: sschlosser@jlbpartners.com

Applicant's Representative: J. Kevin Moore, Esq.
Moore Ingram Johnson & Steele, LLP
Attorneys at Law
Emerson Overlook
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Marietta, Georgia 30060
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Department of State
Corporate Filings
312 Eighth Avenue North
6th Floor, William R. Snodgrass Tower
Nashville, TN 37243

ARTICLES OF AMENDMENT
TO THE CHARTER
(Nonprofit)

FILED
For Office Use Only
TENNESSEE
OCT 21 11 6:23
WILLIAM J. MUELLER
SECRETARY OF STATE

CORPORATE CONTROL NUMBER (IF KNOWN) 0070206

PURSUANT TO THE PROVISIONS OF SECTION 48-60-105 OF *THE TENNESSEE NONPROFIT CORPORATION ACT*, THE UNDERSIGNED CORPORATION ADOPTS THE FOLLOWING ARTICLES OF AMENDMENT TO ITS CHARTER:

1. PLEASE INSERT THE NAME OF THE CORPORATION AS IT APPEARS OF RECORD:

Psychological Studies Institute

IF CHANGING THE NAME, INSERT THE NEW NAME ON THE LINE BELOW:

Richmont Graduate University

2. PLEASE MARK THE BLOCK THAT APPLIES:

AMENDMENT IS TO BE EFFECTIVE WHEN FILED BY THE SECRETARY OF STATE.

AMENDMENT IS TO BE EFFECTIVE, _____ (MONTH, DAY, YEAR)

(NOT TO BE LATER THAN THE 90TH DAY AFTER THE DATE THIS DOCUMENT IS FILED.) IF NEITHER BLOCK IS CHECKED, THE AMENDMENT WILL BE EFFECTIVE AT THE TIME OF FILING.

3. PLEASE INSERT ANY CHANGES THAT APPLY:

A. PRINCIPAL ADDRESS: _____
STREET ADDRESS
CITY STATE/COUNTY ZIP CODE

B. REGISTERED AGENT: _____

C. REGISTERED ADDRESS: _____
STREET ADDRESS
CITY TN STATE ZIP CODE COUNTY

D. OTHER CHANGES: _____

4. THE CORPORATION IS A NONPROFIT CORPORATION.

5. THE MANNER (IF NOT SET FORTH IN THE AMENDMENT) FOR IMPLEMENTATION OF ANY EXCHANGE, RECLASSIFICATION, OR CANCELLATION OF MEMBERSHIPS IS AS FOLLOWS:

6. THE AMENDMENT WAS DULY ADOPTED ON September 2, 2008 (MONTH, DAY, YEAR)
BY (Please mark the block that applies):

THE INCORPORATORS WITHOUT MEMBER APPROVAL, AS SUCH WAS NOT REQUIRED.

THE BOARD OF DIRECTORS WITHOUT MEMBER APPROVAL, AS SUCH WAS NOT REQUIRED.

THE MEMBERS

7. INDICATE WHICH OF THE FOLLOWING STATEMENTS APPLIES BY MARKING THE APPLICABLE BLOCK:

ADDITIONAL APPROVAL FOR THE AMENDMENT (AS PERMITTED BY §48-60-301 OF THE TENNESSEE NONPROFIT CORPORATION ACT) WAS NOT REQUIRED.

ADDITIONAL APPROVAL FOR THE AMENDMENT WAS REQUIRED BY THE CHARTER AND WAS OBTAINED.

Chief Financial Officer

SIGNER'S CAPACITY

October 17, 2008

DATE

SIGNATURE

William J. Mueller

NAME OF SIGNER (TYPED OR PRINTED)

(1)
(3)
(3)
(3)
(3)

Secretary of State
Division of Business Services
312 Eighth Avenue North
6th Floor, William R. Snodgrass Tower
Nashville, Tennessee 37243

OCT 24 2008

DATE: 10/21/08
REQUEST NUMBER: 6391-1084
TELEPHONE CONTACT: (615) 741-2286
FILE DATE/TIME: 10/21/08 0823
EFFECTIVE DATE/TIME: 10/21/08 1630
CONTROL NUMBER: 0070206

TO:
RICHMONT GRADUATE UNIVERSITY
1815 MCCALLIE AVE

CHATTANOOGA, TN 37404

RE:
RICHMONT GRADUATE UNIVERSITY
ARTICLES OF AMENDMENT TO THE CHARTER

THIS WILL ACKNOWLEDGE THE FILING OF THE ATTACHED DOCUMENT WITH AN EFFECTIVE DATE AS INDICATED ABOVE.

WHEN CORRESPONDING WITH THIS OFFICE OR SUBMITTING DOCUMENTS FOR FILING, PLEASE REFER TO THE CORPORATION CONTROL NUMBER GIVEN ABOVE.

PLEASE BE ADVISED THAT THIS DOCUMENT MUST ALSO BE FILED IN THE OFFICE OF THE REGISTER OF DEEDS IN THE COUNTY WHEREIN A CORPORATION HAS ITS PRINCIPAL OFFICE IF SUCH PRINCIPAL OFFICE IS IN TENNESSEE.

FOR: ARTICLES OF AMENDMENT TO THE CHARTER

ON DATE: 10/21/08

FROM:
PSYCHOLOGICAL STUDIES INSTITUTE/1815 MCC
1815 MCCALLIE AVE

CHATTANOOGA, TN 37404-0000

	FEE	
RECEIVED:	\$20.00	\$0.00
TOTAL PAYMENT RECEIVED:		\$20.00

RECEIPT NUMBER: 00004489119
ACCOUNT NUMBER: 00376545



SS-4458

RILEY C. DARNELL
SECRETARY OF STATE

Secretary of State
Division of Business Services
312 Eighth Avenue North
6th Floor, William R. Snodgrass Tower
Nashville, Tennessee 37243

ISSUANCE DATE: 10/08/2002
REQUEST NUMBER: 02281516
TELEPHONE CONTACT: (615) 741-6488

CHARTER/QUALIFICATION DATE: 10/27/1933
STATUS: ACTIVE
CORPORATE EXPIRATION DATE: PERPETUAL
CONTROL NUMBER: 0070206
JURISDICTION: TENNESSEE

TO:
DR JEFF TERRELL
PSI/MCCARTY BLDG
2055 MT PARAN RD NW
ATLANTA, GA 30327

REQUESTED BY:
DR JEFF TERRELL
PSI/MCCARTY BLDG
2055 MT PARAN RD NW
ATLANTA, GA 30327

CERTIFICATE OF EXISTENCE

I, RILEY C DARNELL, SECRETARY OF STATE OF THE STATE OF TENNESSEE DO HEREBY CERTIFY THAT

"THE PSYCHOLOGICAL STUDIES INSTITUTE, INC."

IS A CORPORATION DULY INCORPORATED UNDER THE LAW OF THIS STATE WITH DATE OF
INCORPORATION AND DURATION AS GIVEN ABOVE,
THAT ALL FEES, TAXES, AND PENALTIES OWED TO THIS STATE WHICH AFFECT THE
EXISTENCE OF THE CORPORATION HAVE BEEN PAID,
THAT THE MOST RECENT CORPORATION ANNUAL REPORT REQUIRED HAS BEEN FILED
WITH THIS OFFICE, AND
THAT ARTICLES OF DISSOLUTION HAVE NOT BEEN FILED, AND
THAT ARTICLES OF TERMINATION OF CORPORATE EXISTENCE HAVE NOT BEEN FILED

FOR: REQUEST FOR CERTIFICATE

ON DATE: 10/08/02

FROM:
CHATTANOOGA BIBLE INSTITUTE
1001 MCCALLIE AVE
CHATTANOOGA, TN 37403-0000

RECEIVED: FEES \$20.00 \$0.00
TOTAL PAYMENT RECEIVED: \$20.00

RECEIPT NUMBER: 00003154774
ACCOUNT NUMBER: 00271547



Riley C Darnell

RILEY C. DARNELL
SECRETARY OF STATE

OCT 24 2008

Secretary of State
Division of Business Services
312 Eighth Avenue North
6th Floor, William R. Snodgrass Tower
Nashville, Tennessee 37243

DATE: 10/21/08
REQUEST NUMBER: 6391-1084
TELEPHONE CONTACT: (615) 741-2286
FILE DATE/TIME: 10/21/08 0823
EFFECTIVE DATE/TIME: 10/21/08 1630
CONTROL NUMBER: 0070206

TO:
RICHMONT GRADUATE UNIVERSITY
1815 MCCALLIE AVE

CHATTANOOGA, TN 37404

RE:
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FOR: ARTICLES OF AMENDMENT TO THE CHARTER

ON DATE: 10/21/08

FROM:
PSYCHOLOGICAL STUDIES INSTITUTE/1815 MCC
1815 MCCALLIE AVE

RECEIVED: FEES
 \$20.00 \$0.00
TOTAL PAYMENT RECEIVED: \$20.00

CHATTANOOGA, TN 37404-0000

RECEIPT NUMBER: 00004489119
ACCOUNT NUMBER: 00376545



SS-4458

Riley C. Darnell

RILEY C. DARNELL
SECRETARY OF STATE

Jay C. Stephenson
Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

After Recording Return to:
Henry Henegar
Psychological Studies Institute
1815 McCallie Avenue
Chattanooga, TN 37404

PF
5
18

DEED OF GIFT

STATE OF GEORGIA,
COUNTY OF COBB


THIS INDENTURE, made this 18th day of October, in the Year of our Lord Two Thousand Two between **LPC HOLDINGS, LLLP**, a Georgia limited liability limited partnership of the State of Georgia and County of Cobb, party of the first part, and **PSYCHOLOGICAL STUDIES INSTITUTE, INC.**, a Tennessee non-profit corporation, party of the second part,

WITNESSETH: That the said party of the first part, for and as a completed gift to party of the second part, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part, its successors and assigns, ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 846, 17th District, 2nd Section, Cobb County, Georgia and being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference, together with all buildings and other improvements located thereon, and together with all fixtures, rights, members, easements, minerals, flowers, shrubs, crops, trees, timber, emblements, tenements, hereditaments, reversions, remainders, rents, issues, profits, leases, condemnation awards and payments, and appurtenances in any manner appertaining or belonging to said property and free and clear of all liens and encumbrances except those set forth on Exhibit "B" which is attached hereto and incorporated by reference herein.

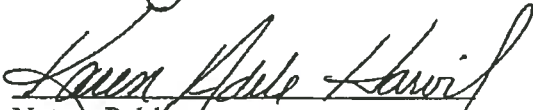
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in any wise appertaining, to the only proper use, benefit and behoof of the said party of the second part, its successors and assigns, forever, in Fee Simple, so that neither the said party of the first part, nor any other person or persons claiming under said party of the first part shall at any time, claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

IN WITNESS WHEREOF, the said party of the first part has hereunto caused this deed to be executed under seal by its duly authorized officers, the day and year first above written.

Signed, sealed and delivered
in the presence of:



Witness



Notary Public

Notary Public, Cobb County, Georgia
My Commission Expires April 10, 2008



LPC HOLDINGS, LLLP, a Georgia limited liability limited partnership

BY: PACES HOLDINGS, LLC, a Georgia limited liability company, its sole general partner

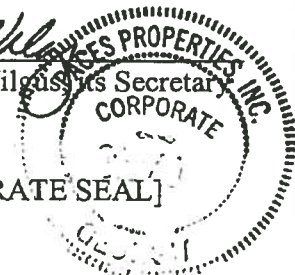
BY: PACES PROPERTIES, INC., a Georgia corporation, its Manager

BY: 

W. Michael Hammer, its President

ATTEST 

Paul C. Wilgus, its Secretary



[CORPORATE SEAL]

EXHIBIT A
(Legal Description)

TRACT E:

All of that tract or parcel of land lying and being in Land Lots 846, 17th District, 2nd Section Cobb County, Georgia containing 2.454 acres (106910 sq. ft.) and being more particularly described as follows:

Beginning at the intersection of the easternmost right of way line of Sports Avenue (50' right-of-way) with the southernmost right of way line of Spring Road, thence running along the easternmost right of way of Sports Avenue South 15°04'53" West a distance of 187.85' to a point; thence continuing along the easternmost right of way of Sports Avenue South 08°06'44" West a distance of 80.08' to a ½" rebar placed; thence continuing along said easternmost right of way of Sports Avenue and a curve to the right having a radius of 330.00 feet and an arc distance of 13.67 feet and being subtended by a chord bearing South 00°02'38" East a distance of 13.67 feet to a ½" rebar placed; thence continuing along said easternmost right of way of Sports Avenue South 01°13'50" East a distance of 50.00 feet to a ½" rebar placed; thence continuing along said easternmost right of way of Sports Avenue South 88°46'10" West a distance of 5.00 feet to a ½" rebar placed; thence continuing along said easternmost right of way of Sports Avenue South 01°13'50" East a distance of 384.88 feet to a ½" rebar placed; thence along the easternmost right of way of Sports Avenue and a curve to the left having a radius of 64.00 feet and an arc distance of 50.26 feet and being subtended by a chord bearing South 21°16'10" West a distance of 48.98 feet to a ½" rebar placed; thence along the easternmost right of way of Sports Avenue and a curve to the left having a radius of 64.00 feet and an arc distance of 100.53 feet and being subtended by a chord bearing South 88°46'10" West a distance of 90.51 feet to a ½" rebar placed and the TRUE POINT OF BEGINNING; thence South 43°46'10" West a distance of 26.29 feet to a ½" rebar placed; thence South 88°55'10" West a distance of 355.80 feet to a ½" rebar found; thence North 00°41'27" West a distance of 238.35 feet to a ½" rebar found; thence North 89°00'47" East a distance of 22.54 feet to a ½" rebar found; thence North 00°50'49" West a distance of 32.06 feet to a ½" rebar found; thence North 89°15'15" East a distance of 408.66 feet to a ½" rebar found on the westernmost right of way of Sports Avenue; thence South 01°13'50" East a distance of 115.61 feet to a ½" rebar placed; thence along the westernmost right of way of Sports Avenue and a curve to the left having a radius of 25.00 feet and an arc distance of 36.17 feet and being subtended by a chord bearing South 40°13'11" West a distance of 33.10 feet to a ½" rebar placed; thence along the easternmost right of way of Sports Avenue and a curve to the right having a radius of 64.00 feet and an arc distance of 142.88 feet and being subtended by a chord bearing South 17°43'12" West a distance of 115.00 feet to a ½" rebar placed and the TRUE POINT OF BEGINNING, said tract being shown on that Survey for Cumberland Community Church, Inc., Psychological Studies Institute, Inc., LPC Holdings, LLLP, Marshall & Ilsley Trust Company National Association and M. F. Hron, as Trustees and Chicago Title Insurance Company, prepared by Chester M. Smith, Jr., Georgia Registered Land Surveyor No. 1445, of Metro Engineering and Surveying Co., Inc., dated August 14, 2002, last revised September 20, 2002 being the same property shown as Tract E on that certain Exemption Plat for Springland, Ltd., prepared by G.M Gillespie, Georgia Registered Land Surveyor No. 2121 of Watts & Browning Engineers, Inc., dated May 28, 1991, last revised January 7, 1993, last filed January 15, 1993, recorded in Plat Book 142, page 43, Cobb County, Georgia records.

EXHIBIT B
PERMITTED EXCEPTIONS

1. Taxes and assessments for the year 2003 and subsequent years.
2. Easement from S. W. Power to Georgia Railway and Power Company, dated October 22, 1912, filed November 19, 1912, recorded in **Deed Book PP, page 490**, Cobb County, Georgia records.
3. Easement from Mrs. W. D. Deaton to Georgia Power Company, dated March 14, 1956, filed April 24, 1956, recorded in **Deed Book 356, page 46**, aforesaid records.
4. Right-of-Way Easement from Mrs. Alice I. Deaton to Colonial Pipeline Company, dated June 23, 1962, filed December 7, 1962, recorded in **Deed Book 675, page 660**, aforesaid records; as affected by that certain QuitClaim Deed of Partial Release from Colonial Pipeline Company, a Delaware corporation, to Tadpole Holdings, LLC, a Georgia limited liability company, dated August 10, 1995, filed August 11, 1995, recorded in **Deed Book 9033, page 77**, aforesaid records.
5. Easement from Mrs. W. D. Deaton to Cobb County, dated July 25, 1962, filed January 7, 1963, recorded in **Deed Book 681, page 93**, aforesaid records.
6. Easement from Mrs. Alice I. Deaton to Georgia Power Company, dated October 10, 1966, filed November 28, 1966, recorded in **Deed Book 947, page 338**, aforesaid records.
7. Easement from Mrs. Alice I. Deaton to Georgia Power Company, dated October 10, 1966, filed November 28, 1966, recorded in **Deed Book 948, page 520**, aforesaid records.
13. Encroachment Agreement between Springland, Ltd. and Georgia Power Company, dated October 8, 1990, filed January 11, 1991, recorded in **Deed Book 5982, page 381**, aforesaid records.
14. Right-of-Way Deed from Springland, Ltd., a Georgia limited partnership, to Cobb County, dated April 15, 1991, filed April 22, 1991, recorded in **Deed Book 6082, page 353**, aforesaid records.
15. Declaration of Easements by Springland, Ltd., a Georgia limited partnership whose sole general partner is Hiram S. Cochran, dated October 28, 1991, filed October 29, 1991, recorded in **Deed Book 6322, page 445**, aforesaid records.
16. Reciprocal Easement and Operation Agreement between Springland, Ltd., a Georgia limited partnership, and Chicago Sports Bar, Inc., a Georgia corporation, dated as of

January 29, 1993, filed February 1, 1993, recorded in **Deed Book 7126, page 157**, aforesaid records; as amended by that First Amendment to Reciprocal Easement and Operation Agreement by and between Springland, Ltd., a Georgia limited partnership, and Perry Tratten, as authorized agent to The Individual Owners of "the CSB Parcel" and to the extent of any ownership interest of Tratten in said property, dated as of December 8, 1995, filed January 24, 1996, recorded in **Deed Book 9372, page 493**, aforesaid records.

17. Tri-Party Agreement by and among Tadpole Holdings, LLC, a Georgia limited liability company, Perry Tratten, as authorized agent for The Individual Owners of "Parcel F" and to the extent of any ownership interest of Tratten in said property and Springland, Ltd., a Georgia limited partnership, dated August 10, 1995, filed October 2, 1995, recorded in **Deed Book 9145, page 431**, aforesaid records.
18. All matters disclosed on that Exemption Plat for Springland, Ltd., recorded in **Plat Book 142, page 43**, aforesaid records.
19. All matters disclosed on that certain Survey for Cumberland Community Church, Inc., Psychological Studies Institute, Inc., LPC Holdings, LLLP, Marshall & Ilsley Trust Company National Association and M. F. Hron, as Trustees and Chicago Title Insurance Company, prepared by Chester M. Smith, Jr., Georgia Registered Land Surveyor No. 1445, of Metro Engineering and Surveying Co., Inc., dated August 14, 2002, last revised September 20, 2002.

Deed Book 13613 Pg 1291
Jay L. Stephenson
Clerk of Superior Court Cobb Cty. Ga.



Printed: 12/21/2017

Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer:
 RICHMONT GRADUATE UNIVERSITY

PSYCHOLOGICAL STUDIES INSTITUTE INC

Payment Date: 10/11/2017

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2017	17084600110	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	\$5,773.34	\$0.00



Scan this code with your mobile phone to view this bill

x

Please take this short (90 second) survey to help us improve the website experience.

Based on today's visit, how likely are you to recommend the Cobb County website to others?

0 1 2 3 4 5 6 7 8 9 10

0 = Not Likely 10 = Very Likely



Munis Self Service

Real Estate

[View Bill](#)

[View bill image](#)

As of	12/28/2017
Bill Year	2017
Bill	13245
Owner	PSYCHOLOGICAL STUDIES INSTITUTE INC
Parcel ID	17084600110

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2017	\$2,012.50	\$2,012.50	\$0.00	\$0.00	\$0.00
Interest			\$10.87			\$0.00
TOTAL		\$2,012.50	\$2,023.37	\$0.00	\$0.00	\$0.00

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REVISED LEGAL DESCRIPTION
(December 29, 2017)

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND, LYING AND BEING WITHIN COBB COUNTY, GEORGIA, WITHIN LAND LOT(S) 845 & 846, 17TH DISTRICT, 2ND SECTION, WITHIN THE CITY OF SMYRNA AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

COMMENCING AT A POINT OF INTERSECTION AT THE SOUTHERN RIGHT-OF-WAY TO SPRING ROAD (SPRING ROAD HAVING A VARIABLE RIGHT-OF-WAY) AND THE EASTERN RIGHT-OF-WAY OF SPORTS AVENUE (SPORTS AVENUE HAVING A VARIABLE RIGHT-OF-WAY) THENCE CONTINUING ALONG THE EAST RIGHT-OF-WAY TO SPORTS AVENUE 176.79'± TO A POINT, THE **POINT-OF-BEGINNING (P.O.B.);**

THENCE TURNING AND LEAVING SAID RIGHT-OF-WAY AND CONTINUING ALONG THE LINE OF N/F CUMBERLAND COMMUNITY CHURCH SOUTH 89 DEGREES 33 MINUTES 45 SECONDS EAST (S89°33'45"E) A DISTANCE OF 214.68' TO A #4 REBAR FOUND; THENCE TURNING AND CONTINUING ALONG THE LINE OF N/F COLONIAL PIPE LINE COMPANY SOUTH 00 DEGREES 21 MINUTES 23 SECONDS WEST (S00°21'23"W) A DISTANCE OF 512.86' TO A #4 REBAR FOUND; THENCE CONTINUING ALONG THE LINE OF N/F COLONIAL PIPE LINE COMPANY SOUTH 00 DEGREES 21 MINUTES 27 SECONDS WEST (S00°21'27"W) A DISTANCE OF 275.15' TO A MONUMENT WITH BRASS DISC FOUND ON THE NORTHERN RIGHT-OF-WAY TO THE LOUISVILLE & NASHVILLE RAILROAD; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY AND FOLLOWING A CURVE THAT DEFLECTS TO THE LEFT HAVING A RADIUS OF 1,403.52', ARC LENGTH 528.31', CHORD BEARING SOUTH 62 DEGREES 58 MINUTES 28 SECONDS WEST (S62°58'28"W) A CHORD DISTANCE OF 525.20' TO A POINT; THENCE CONTINUING ALONG SAID RAIL ROAD RIGHT-OF-WAY SOUTH 52 DEGREES 11 MINUTES 16 SECONDS WEST (S52°11'16"W) A DISTANCE OF 310.15' TO A #4 REBAR FOUND; THENCE TURNING AND LEAVING SAID RIGHT-OF-WAY AND CONTINUING ALONG THE LINE OF N/F JASMINE AT THE GALLERIA LLC NORTH 00 DEGREES 53 MINUTES 09 SECONDS EAST (N00°53'09"E) A DISTANCE OF 709.91' TO A #4 REBAR FOUND; THENCE CONTINUING ALONG SAID LINE NORTH 00 DEGREES 55 MINUTES 47 SECONDS EAST (N00°55'47"E) A DISTANCE OF 238.32' TO A #4 REBAR FOUND; THENCE TURNING AND CONTINUING SOUTH 89 DEGREES 25 MINUTES 51 SECONDS EAST (S89°25'51"E) A DISTANCE OF 22.49' TO A #4 REBAR FOUND; THENCE TURNING AND CONTINUING NORTH 00 DEGREES 46 MINUTES 19 SECONDS EAST (N00°46'19"E) A DISTANCE OF 32.28' TO A POINT; THENCE CONTINUING ALONG THE COMMON LINE TO N/F BRE HV PROPERTIES LLC SOUTH 89 DEGREES 07 MINUTES 37 SECONDS EAST (S89°07'37"E) A DISTANCE OF 408.73' TO A #4 REBAR FOUND AT THE WESTERLY RIGHT-OF-WAY TO SPORTS AVENUE (SPORTS AVENUE HAVING A VARIABLE RIGHT-OF-WAY); THENCE TURNING AND CONTINUING ALONG THE WESTERLY

RIGHT-OF-WAY TO SPORTS AVENUE SOUTH 00 DEGREES 23 MINUTES 09 SECONDS WEST (S00°23'09"W) A DISTANCE OF 115.45' TO A POINT AT A CUL-DE-SAC AT THE END OF SPORTS AVENUE RIGHT-OF-WAY; THENCE TURNING AND CONTINUING ALONG SAID CUL-DE-SAC AND FOLLOWING THE ARC OF A CURVE THAT DEFLECTS TO THE RIGHT HAVING A RADIUS OF 25.00', AN ARC LENGTH OF 36.17', SAID ARC BEING SUBTENDED WITH A CHORD BEARING SOUTH 41 DEGREES 50 MINUTES 19 SECONDS WEST (S41°50'19"W) A CHORD DISTANCE OF 33.10' TO A POINT; THENCE TURNING AND CONTINUING ALONG THE ARC OF A CURVE THAT DEFLECTS TO THE LEFT HAVING A RADIUS OF 64.00' AND AN ARC LENGTH OF 142.87', SAID ARC BEING SUBTENDED WITH A CHORD BEARING SOUTH 19 DEGREES 20 MINUTES 20 SECONDS WEST (S19°20'20"W) A CHORD DISTANCE OF 115.00' TO A POINT. THENCE TURNING AND CONTINUING ALONG A CURVE THAT DEFLECTS TO THE LEFT HAVING A RADIUS OF 64.00', ARC LENGTH OF 100.53', SAID ARC BEING SUBTENDED WITH A CHORD BEARING SOUTH 89 DEGREES 39 MINUTES 36 SECONDS EAST (S89°39'36"E) A CHORD DISTANCE OF 90.51' TO A POINT; THENCE CONTINUING ALONG A CURVE THAT DEFLECTS TO LEFT HAVING A RADIUS OF 64.00', ARC LENGTH 50.26', SAID ARC BEING SUBTENDED WITH A CHORD BEARING NORTH 22 DEGREES 51 MINUTES 23 SECONDS EAST (N22°51'23"E) A CHORD DISTANCE OF 48.98' TO A POINT AT THE END OF SAID CUL-DE-SAC AND POINT OF TRANSITION TO THE EASTERLY RIGHT-OF-WAY TO SPORTS AVENUE (R/W VARIES); THENCE CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY TO SPORTS AVENUE NORTH 00 DEGREES 21 MINUTES 23 SECONDS EAST (N00°21'23"E) A DISTANCE OF 384.88' TO A POINT; THENCE CONTINUING SOUTH 89 DEGREES 38 MINUTES 37 SECONDS EAST (S89°38'37"E) A DISTANCE OF 5.00' TO A POINT; THENCE CONTINUING NORTH 00 DEGREES 21 MINUTES 23 SECONDS EAST (N00°21'23"E) A DISTANCE OF 50.00' TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY AND FOLLOWING A CURVE THAT DEFLECTS TO THE RIGHT HAVING A RADIUS OF 330.00', ARC LENGTH 13.67', SAID ARC BEING SUBTENDED WITH A CHORD BEARING NORTH 01 DEGREES 32 MINUTES 35 SECONDS EAST (N01°32'35"E) A CHORD DISTANCE OF 13.67' TO THE **POINT-OF-BEGINNING (P.O.B.)** AND CONTAINING 12.495 ACRES (544,223 SQ. FT.).

Site Concept

Cumberland - Smyrna, Georgia

DEVELOPMENT DATA

Total Units: 325 Units
 Total Beds: 452 Beds
 Buildings 300, 400, and 600 = 3 Stories
 Buildings 100, 200, 500 and 700 = 3/4 Splits

PARKING

426 Surface Spaces (9 Handicap, 2 Van Accessible)
 25 Tandem Spaces
 40 Integrated Garages (1 Van Accessible)
 Total Parking: 491 Spaces
 (1.51 Spaces/Unit)
 (1.09 Spaces/Bed)

BUILDING AREAS

Office/Amenity 9,638 sf
 Multi-family 307,494 sf
 Retail 3,612 sf
 Live/Work Commercial 10,129 sf



ATTACHMENT TO AMENDED APPLICATION FOR REZONING
(Amended December 29, 2017)

Application No.: _____
Hearing Dates: _____, 2018
_____, 2018

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

AMENDED CONSTITUTIONAL CHALLENGE
ATTACHMENT TO AMENDED APPLICATION FOR REZONING

COME NOW, Applicant, JLB REALTY LLC (hereinafter referred to as “Applicant”), and Titleholders, CUMBERLAND COMMUNITY CHURCH, INC. and RICHMONT GRADUATE UNIVERSITY (hereinafter collectively referred to as “Property Owners”), and delete in its entirety the Constitutional Challenge filed with the Application for Rezoning on August 11, 2017, and insert in lieu thereof the following:

1.

By Application for Rezoning dated and filed August 11, 2017, and the Amended Application for Rezoning dated and filed December 21, 2017, Applicant and Property Owners applied for rezoning of approximately 12.495 acres, more or less, of real property lying and being in the City of Smyrna, Cobb County, Georgia, a more particular description and delineation of the subject property being set forth in said Amended Application (hereinafter referred to as the “Property” or the “Subject Property”).

2.

The Application for Rezoning and the Amended Application for Rezoning (hereinafter collectively referred to as “Applications”) of the Property seeks rezoning from the existing zoning category of General Commercial (“GC”), to the proposed zoning category of Mixed Use (“MU”), as established by the governing authority of the City of Smyrna, Cobb

County, 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.

With respect to the current GC zoning classification for the Subject Property, Applicant and Property Owners do contend the Zoning and Planning Ordinance of the City of Smyrna is unconstitutional as applied to the Property in that said Ordinance does not permit the Applicant and Property Owners to develop the Subject Property to the use set forth within the Applications without the necessity of rezoning. However, Applicant and Property Owners do not contend the GC zoning category is unconstitutional, per se, only as applied. Thus, the Zoning and Planning Ordinance of the City of Smyrna deprives Applicant and Property Owners 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 existing zoning category of GC, together with any intervening zoning categories between the existing GC category and the requested category, violates the Applicant’s and Property Owners’ rights to unfettered use of their Property, as stated above, 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 Ordinance is unconstitutional in that it is 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 Property to any category other than as requested, said Ordinance is further unconstitutional in that same violates Applicant's and Property Owners' 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 Applications 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 29th day of December, 2017.

MOORE INGRAM JOHNSON & STEELE, LLP

BY: 

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Georgia Bar No. 519728

Attorneys for Applicant and Property Owners