

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

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

May 8, 2020

VIA FIRST CLASS MAIL & EMAIL

Mr. Rusty Martin, ACIP, Director
Community Development Department
City of Smyrna
3180 Atlanta Road
Smyrna, GA 30080

Re: Application for Rezoning of The Woodbery Group, LLC to a Rezone 3.2 Acre Tract from GC and RTD to MU; Land Lots 594 and 631; 17th District, 2nd Section, City of Smyrna, Cobb County, Georgia.

Dear Rusty:

This firm has been engaged by and represents The Woodbery Group, LLC (“Woodbery”) concerning the above-captioned Rezoning Application. By meeting today’s deadline, it is my understanding that the Application will be heard by the Planning & Zoning Board on June 8, 2020 and, thereafter, heard by the Mayor and City Council on July 20, 2020.

With respect to the foregoing, enclosed please find the original and one (1) copy of the above-captioned Application and supplemental documentation as follows:

1. The Titleholders’ signatures and paid tax receipts indicating that taxes are paid on the Subject Property with respect to both the City of Smyrna and Cobb County. Also, enclosed are copies of the Deeds reflecting the current Titleholders.
2. Legal descriptions are included in the above-referenced deeds. Also provided are overall legal descriptions in Word format.
3. A full-sized copy; an 11” x 17” sized copy; and, an 8½” x 11” copy of the proposed Site Plan.
4. A full-sized copy; an 11” x 17” sized copy; and, an 8½” x 11” copy of the Tree Protection/Replacement Plan.
5. Preliminary Tree Plan.

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

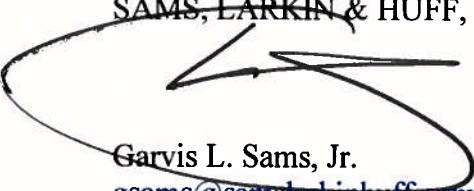
Mr. Rusty Martin, ACIP, Director
Community Development Department
May 8, 2020
Page 2

6. Renderings/elevations depicting the architectural style and composition of the propose development.
7. A Water/Sewer Availability letter from Mr. Bo Jones, Assistant Director of Public Works.
8. A Constitutional Challenge.
9. Check made payable to the City of Smyrna representing the Application fee and the Tree Protection Plan Review fee. In this instance, a Land Use Change fee is not required.
10. A flash drive containing a pdf copy of this submittal and the legal description in Word format.

I will be speaking with you and Joey Staubes in order to discuss potential stipulations/conditions of the Rezoning request and to address any concerns which you or the City staff may have regarding the Application. In the interim, should you have any questions or need any additional documentation or information, please do not hesitate to contact me. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLS, Jr./jac
Enclosures/Attachments

cc: Listed on next page

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Mr. Rusty Martin, ACIP, Director
Community Development Department
May 8, 2020
Page 3

cc: Honorable Derek Norton, Mayor (via email w/attachments)
Members, City of Smyrna City Council (via email w/attachments)
Members, City of Smyrna Planning & Zoning Board (via email w/attachments)
Ms. Tammi Saddler Jones, City Administrator (via email w/attachments)
Ms. Heather Peacon-Corn, City Clerk
Scott A. Cochran, Esq. (via email w/attachments)
Mr. Kevin Moore, P.E., City Engineer (via email w/attachments)
Mr. Frank Martin, Director of Public Works (via email w/attachments)
Mr. Timothy Grubaugh, Deputy Fire Marshall (via email w/attachments)
Mr. Joey Staubes, Planner II (via email w/attachments)
Mr. David Woodbery, The Woodbery Group, LLC (via email w/attachments)

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

Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: _____

Hearing Date: PC: June 8, 2020

APPLICANT: The Woodbery Group, LLC MC: July 20, 2020

Name: SAMS LARKIN & HUFF, LLP/Garvis L. Sams, Jr.

(Representative's name, printed)

Address: Suite 100, 376 Powder Springs Street, Marietta, GA 30064

Business Phone: 770-422-7016 Cell Phone: 404-975-7772 Fax Number: 770-426-6583

E-Mail Address: gsams@samslarkinbuff.com

Signature of Representative: _____

TITLEHOLDER

Name: SEE ATTACHED SIGNATURE PAGES

(Titleholder's name, printed)

Address: _____

Business Phone: _____ Cell Phone: _____ Home Phone: _____

E-mail Address: _____

Signature of Titleholder: _____

(Attach additional signatures, if needed)

(To be completed by City)

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____

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(Representative's name, printed)

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Business Phone: 770-422-7016 Cell Phone: 404-975-7772 Fax Number: 770-426-6583

E-Mail Address: gsams@samslarkinhuff.com

Signature of Representative: _____

TITLEHOLDER

Name: M.D. Eubanks and Sharon Cantrell

(Titleholder's name, printed)

Address: 1650 Spring Rd, 2938 Jonquil Dr. & 2958 Jonquil Dr. Smyrna, GA 30080

Business Phone: _____ Cell Phone: 7-514-2164 Home Phone: _____

E-mail Address: _____

Signature of Titleholder: MaryDiane Eubanks

(Attach additional signatures, if needed)

(To be completed by City)

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P&Z Recommendation: _____

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E-Mail Address: gsams@samslarkinhuff.com

Signature of Representative: _____

TITLEHOLDER

Name: M.D. Eubanks and Sharon Cantrell

(Titleholder's name, printed)

Address: 1650 Spring Rd, 2938 Jonquil Dr. & 2958 Jonquil Dr. Smyrna, GA 30080

Business Phone: 770-585-5859 Cell Phone: 4-217-7587 Home Phone: _____

E-mail Address: Cantrellsharon21@yahoo.com

Signature of Titleholder: Sharon T. Cantrell

(Attach additional signatures, if needed)

(To be completed by City)

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E-Mail Address: gsams@samslarkinbuff.com

Signature of Representative: _____

TITLEHOLDER

Name: 1680 Spring LLC

(Titleholder's name, printed)

Address: 2930 Jonquil Drive, Smyrna, GA 30080

Business Phone: 770-573-4434 Cell Phone: 404-723-9216 Home Phone: NA

E-mail Address: nick@revcoffee.com

Signature of Titleholder: _____

(Attach additional signatures, if needed)

(To be completed by City)

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P&Z Recommendation: _____

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(Representative's name, printed)

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Business Phone: 770-422-7016 Cell Phone: 404-975-7772 Fax Number: 770-426-6583

E-Mail Address: gsams@samslarkinbuff.com

Signature of Representative: _____

TITLEHOLDER

Name: Wanaza Allman
(Titleholder's name, printed)

Address: 2948 Jonquil Drive, Smyrna, GA 30080

Business Phone: _____ Cell Phone: 404-545-3301 Home Phone: _____

E-mail Address: _____

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

(To be completed by City)

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

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E-Mail Address: gsams@samslarkinbuff.com

Signature of Representative: _____

TITLEHOLDER

Name: Aida Zafrean Investments LLC

(Titleholder's name, printed)

Address: 2968 Jonquil Drive, Smyrna, GA 30080

Business Phone: _____ Cell Phone: 404-3581291 Home Phone: _____

E-mail Address: e1Veler098@gmail.com

Signature of Titleholder:  _____

(Attach additional signatures, if needed)

(To be completed by City)

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P&Z Recommendation: _____

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Business Phone: 770-422-7016 Cell Phone: 404-975-7772 Fax Number: 770-426-6583

E-Mail Address: gsams@samslarkinbuff.com

Signature of Representative: _____

TITLEHOLDER

Name: Aida Zafrean Investments LLC

(Titleholder's name, printed)

Address: 2968 Jonquil Drive, Smyrna, GA 30080

Business Phone: _____ Cell Phone: 404 312-6626 Home Phone: _____

E-mail Address: Julimar.0524@yahoo.com

Signature of Titleholder: _____

(Attach additional signatures, if needed)

(To be completed by City)

Received: _____

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P&Z Recommendation: _____

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Business Phone: 770-422-7016 Cell Phone: 404-975-7772 Fax Number: 770-426-6583

E-Mail Address: gsams@samslarkinhuff.com

Signature of Representative: _____

TITLEHOLDER

Name: EIB Properties LLC
(Titleholder's name, printed)

Address: 1639 Spring Rd (Corn Road), Smyrna, GA 30080

Business Phone: 404-233-1411 Cell Phone: 404-849-4832 Home Phone: NA

E-mail Address: david@wwcompany.com

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

(To be completed by City)

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

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Business Phone: 770-422-7016 Cell Phone: 404-975-7772 Fax Number: 770-426-6583

E-Mail Address: gsams@samslarkinbuff.com

Signature of Representative: _____

TITLEHOLDER

Name: Fred Shope Jr. Living Trust
(Titleholder's name, printed)

Address: 2936 Emory Road, Smyrna GA 30080

Business Phone: _____ Cell Phone: 404-290-1030 Home Phone: _____

E-mail Address: fms Shope Jr @ gmail . com

Signature of Titleholder: Fred M. Shope Jr
(Attach additional signatures, if needed)

(To be completed by City)

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____

ZONING REQUEST

From GC and RTD to MU
Present Zoning Proposed Zoning

LAND USE

From CAC to CAC
Present Land Use Proposed Land Use

For the Purpose of Mixed Use Development

Size of Tract 3.2 ac

Location 2930, 2938, 2948, 2958 & 2968 Jonquil Drive, 1639 & 1650 Spring Road, and 2936 Emory Rd.
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 594 and 631 District 17

We have investigated the site as to the existence of archaeological and/or architectural landmarks. I hereby certify that there are no x there are such assets. If any, they are as follows:

(To be completed by City)

Recommendation of Planning Commission:

Council's Decision:

CONTIGUOUS ZONING

North: GC and NS

East: R-15

South: R-15 and RTD

West: RTD

CONTIGUOUS LAND USE

North: CAC

East: MODR (Less than or equal to 4.5 du/ac)

South: CAC and MODR (Less than or equal to 4.5 du/ac)

West: MHDR (Less than or equal to 10 units/ac)

INFRASTRUCTURE

WATER AND SEWER

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

A letter from Frank Martin, 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:

SEE ATTACHED LETTER FROM MR. BO JONES, ASSISTANT DIRECTOR PUBLIC WORKS REGARDING THE AVAILABILITY OF WATER AND SEWER.

TRANSPORTATION

Access to Property? Jonquil Drive, Spring Road, Emory Drive, and Corn Road

Improvements proposed by developer? The development and construction of a mixed-use development consisting of 105 residential units and 10,800 square feet of retail below residential.

Comments:

The property is located in an area under the City's Future Land Use Map designated as CAC (Community Activity Center). The requested MU (Mixed Use) zoning district is compatible with the CAC future land use category.

City of Smyrna

Water and Sewer Availability

The City of Smyrna has determined that water and sewer is available to the proposed development.

Sanitary sewer is available to the proposed development on Jonquil Drive. The developer is responsible for all taps and bores. Existing sewer taps will be used where possible.

Water is available to the proposed development on Jonquil Drive. The developer is responsible for all taps and bores. Existing water taps will be used where possible.

Elevations are the responsibility of the developer for when tying into the sewer system.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bo Jones', with a long horizontal flourish extending to the right.

Bo Jones

Assistant Director Public Works

ZONING DISCLOSURE REPORT

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? **Yes**

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: **Derek Norton**

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:
\$1500 in the fall of 2018

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: **None**

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.**

If so, describe the natural and extent of such interest: _____

ZONING DISCLOSURE REPORT (CONTINUED)

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.

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



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

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

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 4th day of May, 2020.


(Applicant's Signature)

(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.

CAMPAIGN DISCLOSURE REPORT¹
BY ATTORNEY FOR APPLICANT²

Has the Applicant made, within two (2) years immediately preceding the filing of this Application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Smyrna City Council or Planning Commission who will consider the Application?

No. _____

If so, the Applicant and the attorney representing the Application must file a disclosure report with the Smyrna City Council within ten (10) days after this Application is first filed.

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

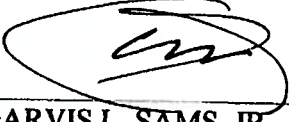
The name of the member(s) of the Smyrna City Council or Planning Commission to whom the campaign contribution or gift was made: _____

The dollar amount of each campaign contribution made by the Applicant to the member(s) of the Smyrna City Council or Planning Commission during the two (2) years immediately preceding the filing of this Application and the date of each such contribution: _____

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the Applicant to the member(s) of the Smyrna City Council or Planning Commission during the two (2) years immediately preceding the filing of this Application: N/A

I certify that the foregoing information is true and correct, this the 8th day of May, 2020.

SAMS, LARKIN & HUFF, LLP

By: 
GARVIS L. SAMS, JR.
Attorney for Applicant

¹If the answer to any of the above is "Yes", then the member of the Smyrna City Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing to the Smyrna City Council. A copy should be filed with this Application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

²Applicant means any person who applies for a rezoning action and any attorney, or other person representing or acting on behalf of a person who applies for a rezoning action.

DISCLOSURE

IF THE ANSWER TO ANY OF THE FOLLOWING QUESTIONS IS "YES", YOU MAY BE REQUIRED UNDER O.C.G.A. §36-67A-3 TO PROVIDE FURTHER INFORMATION:

- A) ARE YOU, OR ANYONE ELSE WITH A PROPERTY INTEREST IN THE SUBJECT PROPERTY, A MEMBER OF THE CITY OF SMYRNA PLANNING COMMISSION OR CITY OF SMYRNA MAYOR AND COUNCIL? NO**
- B) DOES AN OFFICIAL OF SUCH PUBLIC BODIES HAVE ANY FINANCIAL INTEREST IN ANY BUSINESS ENTITY WHICH HAS A PROPERTY INTEREST IN THE SUBJECT PROPERTY? NO**
- C) DOES A MEMBER OF THE FAMILY OF SUCH OFFICIALS HAVE AN INTEREST IN THE SUBJECT PROPERTY AS DESCRIBED IN (A) AND (B)? NO**
- D) WITHIN TWO (2) YEARS IMMEDIATELY PRECEDING THIS APPLICATION, HAVE YOU MADE CAMPAIGN CONTRIBUTION(S) OR GIVEN GIFTS TO SUCH PUBLIC OFFICIALS AGGREGATING \$250.00 OR MORE? NO**

SAMS, LARKIN & HUFF, LLP

May 27 2020
DATE

By: _____

Garvis L. Sams, Jr.
Attorney for Applicant

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 rezoning will permit a use which is suitable in the context of existing uses and development within this area which includes a mixture of single-family detached houses, townhouses, and retail uses.

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 impact the existing use or usability of adjacent or nearby properties. The applicant is proposing a mixture of uses which will serve as an excellent transition between residential and commercial with its proposed development of residential units above retail in the building along Spring Road, and with the location of additional residential units along Jonquil Drive. This area already sustains a mixture of residential and commercial developments.

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

Approval of the Rezoning Application will allow the assemblage of parcels located within the CAC Future Land Use Map to be redeveloped for a mixed use development. This redevelopment will serve as a transition from single-family attached and detached residential to commercial by combining both retail and residential uses into one unified development along this section of Spring Road which is within the LCI Study which was adopted in April 2017.

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 that will have an adverse impact upon the existing and/or proposed City infrastructure and constitutes proposed uses which comport with the tenor of development along this portion of the Spring Road Corridor.

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

The proposed development will be situated utilizing an assemblage of the subject parcels. All of the Subject Property is located within the CAC Future Land Use Map category and the requested MU zoning district is compatible with the CAC designation. In addition, the proposed site plan depicts a pedestrian sidewalk along the development's Jonquil Drive road frontage along with meaningfully positioned pedestrian connectivity which is an enhancement highlighted in Smyrna's Spring Road LCI Recommendations.

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.

There are existing and changing conditions positively affecting the use and development of the Subject Property. The property is located in an area mixed with single-family detached and attached residential, retail, and restaurant use. Also, the property is within a heavily studied area as depicted in Smyrna's Spring Road Corridor LCI. As such, the proposed development will act as a transition strategically connecting more commercial and residential uses to this sub-area. This redevelopment will enhance a neighborhood retail node providing local services to its residential and commercial neighbors.

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 will enhance architectural standards and aesthetics in accordance with the attached renderings depicting the architectural style and composition of the proposed buildings.

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 rezoning will not create a nuisance and is compatible with existing uses and zonings in the area.

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 rezoning will positively affect the trend of residential and commercial development within this area that is part of the "Gateway" district of the Spring Road Corridor LCI. The proposed development will assist by providing a Neighborhood Activity Center which provides local services, residential and commercial, to the community.

Munis Self Service

Real Estate

View Bill

As of 4/16/2020
Bill Year 2019
Bill 5085
Owner EUBANKS MARY DIANE &
Parcel ID 17059400910

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2019	\$1,416.07	\$1,416.07	\$0.00	\$0.00	\$0.00
TOTAL		\$1,416.07	\$1,416.07	\$0.00	\$0.00	\$0.00

©2020 Tyler Technologies, Inc.



Printed: 4/15/2020

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8800
Fax: 770-528-8879

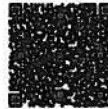
Payer:
MARY DIANE & DIANA EUBANKS

**EUBANKS MARY DIANE &
CANTRELL JERRY**

Payment Date: 9/26/2019

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2019	17059400910	10/15/2019	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$4,338.12	\$0.00



Scan this code with your mobile phone to view this bill



REBECCA KEATON
CLERK OF SUPERIOR COURT Cobb Cty. GA.

STATE OF GEORGIA
COUNTY OF COBB

Return Recorded Deed to:
Jeffrey L. Tucker
COCHRAN & EDWARDS, LLC
2950 Atlanta Road, S.E.
Smyrna, Georgia 30080-3655
(770) 435-2131

ASSENT OF EXECUTOR TO DEVISE AND BEQUEST

The undersigned **Mary Diane Eubanks**, the duly qualified Executor of the Last Will and Testament of **David Lee Eubanks**, deceased, late of said County, does hereby assent to the devise made by Item II of the Will of said **David Lee Eubanks**, deceased, the same being recorded in Estate No. 15-1376 in the office of the Probate Court of Cobb County, Georgia, which Item reads in relevant part as follows:

"All of my property, both real and personal, residue and remainder, of whatever character and wherever situated, including any lapsed or void legacy or devise, I give to my wife, **MARY DIANE EUBANKS**, absolutely and in fee simple."

And the real property in the Estate of the deceased, **David Lee Eubanks**, being more particularly described as follows:

SEE EXHIBIT "A"

This assent is made under the provisions of O.C.G.A. 53-8-15 et seq., as amended, to pass the title of said real property to **Mary Diane Eubanks** as devisee of the devise made in said Item of said Will. There is sufficient amount of property in said estate in addition to the above-described real property to pay the indebtedness of said estate.

Given under my hand and seal, this 2nd day of December, 2015.

Mary Diane Eubanks
Mary Diane Eubanks, Executor under the Last Will and Testament of David Lee Eubanks, Deceased

Signed, sealed and delivered in the presence of

[Signature]
Witness
[Signature]
Notary Public



COCHRAN & EDWARDS, LLC
Attorneys At Law
2950 Atlanta Road, S.E.
Smyrna, GA 30080
(770) 435-2131

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lots 631 and 594, 17th District, 2nd Section, Cobb County, Georgia, as per plat of survey by Daniel H. Barfield dated January 27, 1978, revised March 28, 1978, and recorded in Plat Book 70, page 84, Cobb County, Georgia records, and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, begin at the corner formed by the intersection of the center line of Jonquil Drive and the Southeast right-of-way of Spring Street; running thence South 58 degrees 45 minutes West along the Southeast right-of-way of Spring Street to a concrete monument and the **POINT OF BEGINNING**; running thence South 01 degree 29 minutes 04 seconds West a distance of 205.08 feet to an iron pin and corner; running thence North 88 degrees 30 minutes 55 seconds West a distance of 135 feet to an iron pin and corner; running thence North 10 degrees 32 minutes 11 seconds East a distance of 134.25 feet to an iron pin and corner located on the Southeast right-of-way of Spring Street; running thence North 59 degrees 00 minutes 00 seconds East along the Southeast right-of-way of Spring Street a distance of 135 feet to a concrete monument and the **POINT OF BEGINNING**.

Being improved real property known as 1650 Spring Road, Smyrna, Georgia, 30080, according to the present system of numbering in Cobb County, Georgia.

This being the same property as that conveyed by Warranty Deed recorded April 11, 1978, in Deed Book 1878, Page 309, Cobb County, Georgia Records.

Cobb County Tax Parcel ID # 17059400910

2500

State of Georgia
Cobb County

WARRANTY DEED

FILED AND RECORDED
BOOK 15, PAGE 209
78 APR 11 AM 39
Cobb Superior Court Clerk

THIS INDENTURE, Made the 28th day of March
in the year one thousand nine hundred seventy-eight, between

CHARLES G. E. MOSER AND BRUCE C. TOMSON

of the County of _____, and State of Georgia, as party or parties
of the first part, hereinafter called Grantor, and

JERRY CHITRELL AND D. LEE HOBANKS

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee"
to include their respective heirs, successors and assigns where the context requires or permits).
WITNESSETH that: Grantor, for and in consideration of the sum of Ten Dollars
and other valuable considerations (\$10.00) DOLLARS
in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby
acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents
does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land
Lots 631 and 594, 17th District, 2nd Section, Cobb County,
Georgia, as per plat of survey by Daniel H. Barfield dated
January 27, 1978, revised March 28, 1978, and recorded in
Plat Book 70, page 84, Cobb County, Georgia records,
and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, begin at the corner formed
by the intersection of the center line of Jonquil Drive and
the Southeast right-of-way of Spring Street; running thence
South 58 degrees 45 minutes West along the Southeast right-
of-way of Spring Street to a concrete monument and the POINT
OF BEGINNING; running thence South 01 degree 29 minutes 04
seconds West a distance of 205.08 feet to an iron pin and
corner; running thence North 88 degrees 30 minutes 55 seconds
West a distance of 135 feet to an iron pin and corner;
running thence North 10 degrees 32 minutes 11 seconds East a
distance of 134.25 feet to an iron pin and corner located on
the Southeast right-of-way of Spring Street; running thence
North 59 degrees 00 minutes 00 seconds East along the
Southeast right-of-way of Spring Street a distance of 135
feet to a concrete monument and the POINT OF BEGINNING.

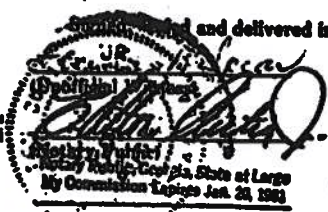
Grantors agree to pay any additional State and County taxes
for the year 1977 when the final bill for same is rendered
by the Tax Commissioner of Cobb County and agree to hold
Grantees harmless for any liability for City of Smyrna taxes
prior to the year 1978.

25.00
Pd.

Cobb County, Georgia
Real Estate Transfer Tax
Paid \$ 25.00
Date 4-11-78
J. H. [Signature]
Clerk of Superior Court

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, mem-
bers and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only
proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.
AND THE SAID Grantor will warrant and forever defend the right and title to the above
described property unto the said Grantee against the claims of all persons whomsoever.

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



and delivered in presence of
[Signature] (Seal)
CHARLES G. E. MOSER (Seal)
[Signature] (Seal)
BRUCE C. TOMSON (Seal)

3051

SEAL ATTACHED

1.8.78

Munis Self Service

Real Estate

[View Bill](#)

[View bill image](#)

As of 4/16/2020

Bill Year 2019

Bill 14948

Owner SHARES HOLDING LLC

Parcel ID 17059401820

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2019	\$215.76	\$215.76	\$0.00	\$0.00	\$0.00
TOTAL		\$215.76	\$215.76	\$0.00	\$0.00	\$0.00

©2020 Tyler Technologies, Inc.



Printed: 4/30/2020

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8800
Fax: 770-528-8879

Payer:
Shares Holding LLC

SHARES HOLDING LLC

Payment Date: 9/24/2019

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2019	17059401820	10/15/2019	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance	
\$0.00	\$0.00	\$0.00	\$0.00	\$659.76	\$0.00	



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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

After recording return to:

ATTN: Shawn D. Stafford, Esq.
Neel, Robinson & Stafford, LLC
5555 Glenridge Connector
Suite 400
Atlanta, Georgia 30342
FILE No. 1943248B
Parcel No. 17059401820
STATE OF GEORGIA
COUNTY OF FULTON

LIMITED WARRANTY DEED

THIS INDENTURE, made as of the 30th day of September, 2019, between Shares Holding, LLC (hereinafter referred to as "Grantor"), and EIB Properties, LLC (hereinafter referred to as "Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, legal representatives, successors, and assigns where the context requires or permits);

WITNESSETH: THAT

Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed, and confirmed, and by these presents does grant, bargain, sell, alien, convey, and confirm unto Grantee, all those tracts or parcels of land lying and being in Cobb County, Georgia, being more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (hereinafter referred to as the "Land");

TOGETHER WITH all buildings, structures, and improvements thereon and all rights, members, easements, hereditaments, tenements and appurtenances appertaining to the Land and all right, title, and interest of Grantor in and to alleys, streets, rights-of-way adjacent to or abutting the Land (the Land, together with the foregoing, is hereinafter referred to as the "Property");

TO HAVE AND TO HOLD the Property, without warranty as to the matters set forth in Exhibit "B" hereto, with all and singular the rights, members, hereditaments, tenements and appurtenances thereof, to the same being, belonging, or in anywise appertaining to the only proper use, benefit, and behoof of Grantee forever in FEE SIMPLE;

AND Grantor will warrant and forever defend the right and title to the Property unto Grantee against the claims of all persons whomsoever claiming by, through or under Grantor, except as to claims arising under those matters set forth in Exhibit "B" hereto.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his/her/its hand and seal the day and year first written above.

IN WITNESS WHEREOF, Grantor has executed this instrument under seal.

Signed, sealed and delivered in the presence of:

[Handwritten signature]

Unofficial Witness
[Handwritten signature]

Notary Public

Shares Holding, LLC

BY: *[Handwritten signature]*

Thornton W. Morris, Jr.
President

(SEAL)

My Commission Expires: _____

[Notary Seal]

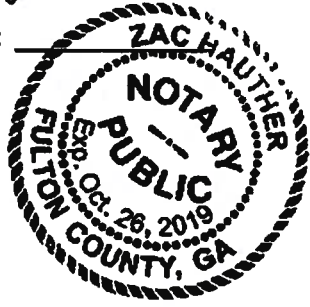


EXHIBIT "A"**LEGAL DESCRIPTION**

All that tract or parcel of land lying and being in Land Lots 594, 595, 630 & 631, 17th District, 2nd Section, Cobb County, Georgia, and being the easternmost tract shown on a Plat of Survey prepared for Jingaheng Dong and Yi Ling by James A. Evans, Jr., Registered Professional Land Surveyor, dated May 28, 1998, last revised July 31, 2001, and is more particularly described as follows: BEGINNING at an iron pin located on the northeasterly right-of-way line of Corn Road a distance of 170 feet northwesterly from the intersection of said right-of-way line and the westerly right-of-way line of Jonquil Street, as measured along the northeasterly right-of-way line of Corn Road, running thence northwesterly along the northeasterly right-of-way of Corn Road and following the curvature thereof a distance of 209.30 feet to an iron pin found; running thence North 28 degrees 33 Minutes 25 seconds East 133.11 feet to an iron pin; thence South 61 degrees 03 minutes 19 seconds East 149.23 feet to an iron pin; thence South 00 degrees 49 minutes 31 seconds East 123.99 feet to an iron pin and the POINT OF BEGINNING.

EXHIBIT "B"
PERMITTED EXCEPTIONS

1. All taxes for the year 2020 and all subsequent years, not yet due and payable.
2. Rights of upper and lower riparian owners in and to the waters of creeks and branches crossing subject property and the natural flow thereof without diminution.

Munis Self Service

Real Estate

[View Bill](#)

[View bill image](#)

As of 4/16/2020

Bill Year 2019

Bill 5579

Owner FRED SHOPE JR LIVING TRUST

Parcel ID 17063100160

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2019	\$446.37	\$446.37	\$0.00	\$0.00	\$0.00
TOTAL		\$446.37	\$446.37	\$0.00	\$0.00	\$0.00

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Printed: 4/30/2020



Cobb County Online Tax Receipt

Thank you for your payment!

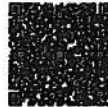
CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
 Phone: 770-628-8600
 Fax: 770-628-8679

Payer:
FRED M SHOPE JR

FRED SHOPE JR LIVING TRUST

Payment Date: 11/15/2019

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2019	17063100180	10/15/2019	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$10.15	\$68.25	\$0.00	\$0.00	\$1,443.33	\$0.00



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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

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

STATE OF GEORGIA
COUNTY OF COBB

105

WARRANTY DEED

THIS INDENTURE made this 6th day of July, 2006, between

Barry D. Griffin,

as party or parties of the first part, hereinafter called Grantor, and

Fred M. Shope, Jr.,

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the signing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

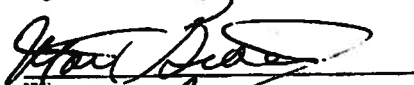
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 631 OF THE 17TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, BEING LOT 9, DONNA SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 8, PAGE 121, COBB COUNTY, GEORGIA RECORDS. SAID PLAT IS INCORPORATED HEREIN BY REFERENCE

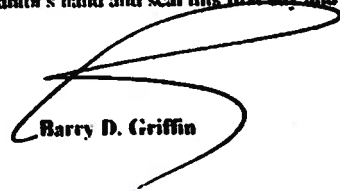
TO HAVE AND TO HOLD the said tract or parcel of land with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written

Signed, sealed and delivered in the presence of


Witness


Barry D. Griffin

(Seal)

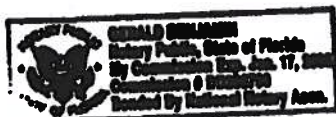

Notary Public
My commission expires 1/1/2008

(Seal)

(Seal)

[Attach Notary Seal]

(Seal)



Munis Self Service

Real Estate

[View Bill](#)

[View bill image](#)

As of 4/16/2020

Bill Year 2019

Bill 13176

Owner PLOTT ROBERT ALAN & DONNA

Parcel ID 17063100450

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2019	\$541.59	\$541.59	\$0.00	\$0.00	\$0.00
TOTAL		\$541.59	\$541.59	\$0.00	\$0.00	\$0.00

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Printed: 4/15/2020

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-628-8600
Fax: 770-628-8678

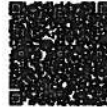
Payer:
1680 SPRING

PLOTT ROBERT ALAN & DONNA

Payment Date: 11/14/2019

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2019	17063100450	10/15/2019	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$12.32	\$82.81	\$0.00	\$0.00	\$1,751.23	\$0.00



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WARRANTY DEED

STATE OF GEORGIA COUNTY OF FULTON

THIS INDENTURE, Made the 30th day of May, in the year one thousand nine hundred ninety one, between

MARGUERITE D. LITTLE

of the County of Chatham, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

ROBERT ALAN PLOTT AND DONNA PLOTT

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of NINETY FIVE THOUSAND AND 00/100 (\$95,000.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 631 of the 17th District, 2nd Section, Cobb County, Georgia, and being more particularly described in Exhibit "A", attached hereto and made a part of this description.

This conveyance is subject to 1991 State & County Ad Valorem taxes, easements of record.

95.00
Cobb County, Georgia Real Estate Transfer Tax
Paid 95.00
Date 6-7-91
In C. Sebastian
Clerk of Superior Court

FILED AND RECORDED
91 JUN -7 AM 9:58
J. C. Sebastian
Cobb Superior Court Clerk

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 anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

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

Signed, sealed and delivered in presence of:
Marguerite D. Little (Seal)
MARGUERITE D. LITTLE (Seal)
M.P. SEAL
PK5138PC0393 (Seal)
Notary Public Seal: S. A. COMM NOTARY PUBLIC

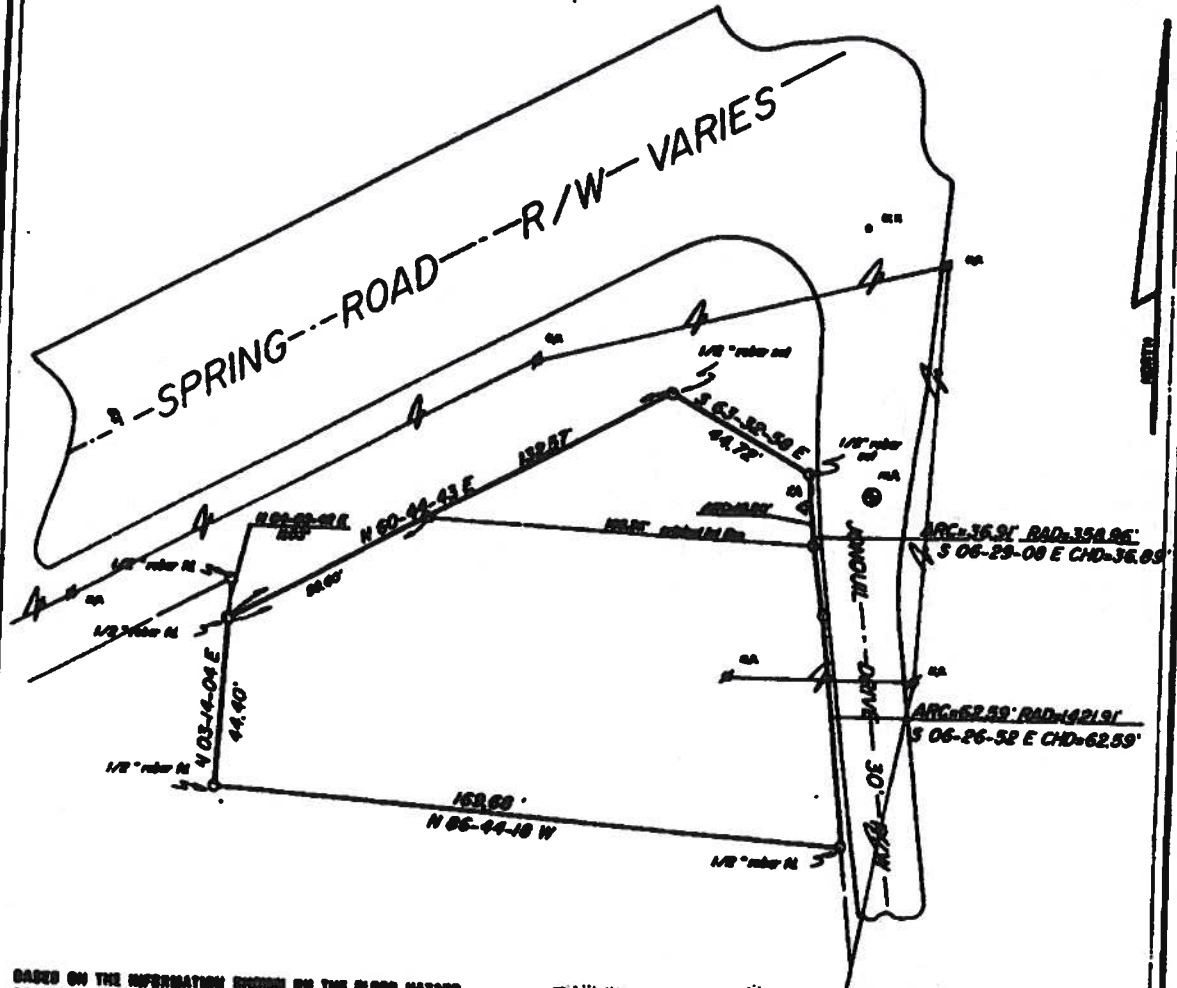
EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 631 of the 17th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

COMMENCING at the intersection of the southwesterly right of way of Spring Road with the southwesterly right of way of Jonquil Drive (being a 30 foot right of way); thence running southeasterly along the southwesterly right of way of JONquil Drive an arc distance of 18.5 feet to an iron pin located at the northeast corner of Lot 1, Block 2, Jonquil Heights Sub-division, as per plat recorded in Plat Book 6, Page 159, Cobb County Records, which plat is hereby referred to and incorporated by reference herein; thence continuing to run southeasterly along the southwesterly right of way of Jonquil Drive an arc distance of 36.91 feet to a point; running thence southeasterly along the southwesterly right of way of Jonquil Drive an arc distance of 62.59 feet to an iron pin found; thence running North 86 degrees 44 minutes 18 seconds West a distance of 169.68 feet to an iron pin found; thence running North 03 degrees 14 minutes 04 seconds East a distance of 44.40 feet to an iron pin found on the southeasterly right of way of Spring Road; running thence North 60 degrees 44 minutes 43 seconds East along the southeasterly right of way of Spring Road a distance of 132.57 feet to an iron pin set; thence running South 63 degrees 32 minutes 58 seconds East along the southwesterly right of way of Spring Road a distance of 44.72 feet to an iron pin located at THE POINT OF BEGINNING; all according to a plat of survey prepared by Pearson & Associates, Inc., dated May 16, 1991, for Robert Alan Plott & Donna Plott; a copy of which is attached hereto and made a part of this description.

M B L

BK 6138PG0394



BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD
 BOUNDARY MAPS FURNISHED BY THE DEPT. OF H.U.D. THROUGH
 THE FEDERAL INSURANCE ADMINISTRATION, IT IS MY OPINION
 THAT THE PROPERTY SHOWN HEREON IS **OUTSIDE**
 OF THE FLOOD HAZARD AREA



L.P.F. - HIGH PINE POINT	J.S. - JUNCTION BOX
L.P.S. - HIGH PINE SET	C.L. - CENTER LINE
S.E. - BUILDING LINE	R/W - RIGHT OF WAY
S.E. - EASEMENT	P.P. - PERCE POST
N.W. - HEAD WALL	P.L. - PROPERTY LINE
S.E. ON S.E. - SANITARY COVER EASEMENT	
- DO NOT USE HOUSE TO PROPERTY LINE DISTANCE OR FENCES FOR PROPERTY LINE LOCATION -	

SURVEY FOR **PLOTT, ROBERT ALAN & DONNA**

LAND LOT 631

17th DISTRICT 2nd SECTION

COBB COUNTY JONQUIL HEIGHTS SUBDIVISION PHASE ---

LOT PART OF 1 BLOCK 2 UNIT --- SEC --- PLAT BOOK 6 PAGE 159

LOCATION & DESCRIPTION OF EASEMENTS AND UTILITIES
 TAKEN GRAPHICALLY FROM RECORDED SUBDIVISION PLAT
 WHEN APPLICABLE.

SCALE: 1" = 40'

DATE MAY 16, 1991



Parsons & Associates, Inc.
 ENGINEERING • LAND SURVEYING • SITE PLANNING
 DEVELOPMENT • CONSTRUCTION LAYOUT
 WETLAND LAND DELINEATION • ENVIRONMENTAL STUDIES
 831 FOREST PARKWAY - SUITE 300
 FOREST PARK, GEORGIA 30080
 (404) 388 7715
 (404) 388 0813 TELE COPIER

MARK A. BUCKNER
 REGISTERED LAND SURVEYOR

JON
 DRAWN BY

86198PC0395

Munis Self Service

Real Estate

[View Bill](#)

[View bill image](#)

As of 4/16/2020

Bill Year 2019

Bill 5086

Owner EUBANKS MARY DIANE &

Parcel ID 17063100460

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2019	\$445.15	\$445.15	\$0.00	\$0.00	\$0.00
TOTAL		\$445.15	\$445.15	\$0.00	\$0.00	\$0.00

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Printed: 4/15/2020

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8800
Fax: 770-528-8879

Payer:
MARY DIANE & DIANA EUBANKS

**EUBANKS MARY DIANE &
CANTRELL JERRY**

Payment Date: 9/26/2019

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2019	17063100460	10/15/2019	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$1,361.20	\$0.00



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



REBECCA KEATON
CLERK OF SUPERIOR COURT Cobb Cty. GA.

STATE OF GEORGIA
COUNTY OF COBB

Return Recorded Deed to:
Jeffrey L. Tucker
COCHRAN & EDWARDS, LLC
2990 Atlanta Road, S.E.
Smyrna, Georgia 30080-3655
(770) 433-3131

ASSENT OF EXECUTOR TO DEVISE AND REQUEST

The undersigned Mary Diane Eubanks, the duly qualified Executor of the Last Will and Testament of David Lee Eubanks, deceased, late of said County, does hereby assent to the devise made by Item II of the Will of said David Lee Eubanks, deceased, the same being recorded in Estate No. 15-1376 in the office of the Probate Court of Cobb County, Georgia, which Item reads in relevant part as follows:

"All of my property, both real and personal, residue and remainder, of whatever character and wherever situated, including any lapsed or void legacy or devise, I give to my wife, MARY DIANE EUBANKS, absolutely and in fee simple."

And the real property in the Estate of the deceased, David Lee Eubanks, being more particularly described as follows:

All that tract or parcel of land lying and being Land Lot 631, 17th District, 2nd Section, Cobb County, Georgia being Lot 2, Block 2, Jonquil Heights Subdivision as per plat recorded in Plat Book 6, Page 159, Cobb County, Georgia Records, said plat being incorporated herein by reference for more particular description and delineation of the lot dimensions thereof.

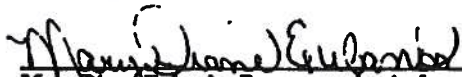
Being improved real property known as 2938 Jonquil Drive, Smyrna, Georgia, 30080 according to the present system of numbering in Cobb County, Georgia.

This being the same property as that conveyed by Warranty Deed recorded March 13, 1982, in Deed Book 2488, Page 34, Cobb County, Georgia Records.



Cobb County Tax Parcel ID # 17063100460

This assent is made under the provisions of O.C.G.A. 53-8-15 et seq., as amended, to pass the title of said real property to Mary Diane Eubanks as devisee of the devise made in said Item of said Will. There is sufficient amount of property in said estate in addition to the above-described real property to pay the indebtedness of said estate.

Given under my hand and seal, this 2nd day of December, 2015.


Mary Diane Eubanks, Executor under the Last Will and Testament of David Lee Eubanks, Deceased

Signed, sealed and delivered in the presence of:


Witness

Notary Public



COCHRAN & EDWARDS, LLC
Attorneys At Law
2950 Atlanta Road, S.E.
Smyrna, GA 30080
(770) 435-2131

Munis Self Service

Real Estate

[View Bill](#)

[View bill image](#)

As of 4/16/2020

Bill Year 2019

Bill 424

Owner ALLMAN WANAZA

Parcel ID 17063100470

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2019	\$259.78	\$259.78	\$0.00	\$0.00	\$0.00
TOTAL		\$259.78	\$259.78	\$0.00	\$0.00	\$0.00

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Printed: 4/15/2020

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
 Phone: 770-628-8600
 Fax: 770-628-8679

Payer:
C RONALD SR & WANAZA ALLMAN

ALLMAN WANAZA

Payment Date: 10/10/2019

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2019	17063100470	10/15/2019	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$1,561.10	\$0.00



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348
00



STATE OF GEORGIA

Cobb County, Georgia

Real Estate Transfer Tax
Paid \$ None - 83 COBB
Date 4-7-83

CLIFTON & HELMS

ATTORNEYS-AT-LAW

SUITE 7A

3800 BARNHEAD HIGHWAY

LEWIS SPURGE, GEORGIA 30007

County

THIS INDENTURE made this 7 day of March

in the year of our Lord One Thousand Nine Hundred and

between WANAZA BISHOP
of the State of GEORGIA and County of COBB of the first part
and WANAZA T. ALLMAN
of the State of GEORGIA and County of COBB of the Second part

WITNESSETH; That the said part y of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged he s granted, bargained, sold and conveyed and by these presents d&h grant, bargain, sell and convey unto the said part y of the second part,

her heirs and assigns, all that tract or parcel of land lying and being in Land Lot 631 of the 17th District, 2nd Section of Cobb County, Georgia, being Lot 3, Block 2, JONQUIL HEIGHTS SUBDIVISION, as per plat recorded in Plat Book 6, Page 159, Cobb County Records, and being more particularly described as follows:

none
BEGINNING at an iron pin on the west side of Jonquil Drive, Seven hundred fifty-six (756) feet south from the southwest corner of Jonquil Drive and Spring Street (said point of beginning being at the southeast corner of Lot 2 of said block and subdivision) and running thence south along the west side of Jonquil Drive, Seventy-five (75) feet to an iron pin at the northeast corner of Lot 4 of said block and subdivision; running thence west, along the north line of said Lot 4, One hundred seventy (170) feet to an iron pin; running thence north, Seventy-five (75) feet to an iron pin on the south line of Lot 2 of said block and subdivision, and running thence east, along the south line of said Lot 2, One hundred seventy (170) feet to the west side of Jonquil Drive and point of beginning; being improved property, having a house thereon known as No. 114 Jonquil Drive, according to the present numbering of houses in the City of Smyrna, Georgia. This deed is made and placed of record for the purpose of reflecting the change of owner's name by marriage.

TO HAVE AND TO HOLD the said bargained premises, together 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 her the said part y of the second part, her heirs and assigns, forever, IN FEE SIMPLE.

And the said part y of the first, for her heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said part y of the second part, her heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said part y of the first part he s hereunto set her hand and affixed his seal, the day and year above written.

Signed, sealed and delivered in the presence of
Wanaza Bishop (Sd)
WANAZA BISHOP (Sd)

Notary Public
NOTARY PUBLIC, GEORGIA STATE AT LARGE
MY COMMISSION EXPIRES AUGUST 27, 1983
GEORGIA, Cobb County, Office of Superior Court
Filed 4-7-83, Book 148, Page 148
Deed Book 148, Page 148 JACK L. GRAHAM, C

Munis Self Service

Real Estate

[View Bill](#)

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As of	4/16/2020
Bill Year	2019
Bill	5087
Owner	EUBANKS MARY DIANE &
Parcel ID	17063100480

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2019	\$194.40	\$194.40	\$0.00	\$0.00	\$0.00
TOTAL		\$194.40	\$194.40	\$0.00	\$0.00	\$0.00

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Printed: 4/15/2020

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
MARY DIANE & DIANA EUBANKS

**EUBANKS MARY DIANE &
CANTRELL JERRY LEE**

Payment Date: 9/26/2019

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2019	17063100480	10/15/2019	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$594.44	\$0.00



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REBECCA KEATON
CLERK OF SUPERIOR COURT Cobb Cty. GA.

STATE OF GEORGIA
COUNTY OF COBB

Return Recorded Deed to:
Jeffrey L. Tucker
COCHRAN & EDWARDS, LLC
2950 Atlanta Road, S.E.
Smyrna, Georgia 30080-3655
(770) 435-2131

ASSENT OF EXECUTOR TO DEVISE AND BEQUEST

The undersigned Mary Diane Eubanks, the duly qualified Executor of the Last Will and Testament of David Lee Eubanks, deceased, late of said County, does hereby assent to the devise made by Item II of the Will of said David Lee Eubanks, deceased, the same being recorded in Estate No. 15-1376 in the office of the Probate Court of Cobb County, Georgia, which Item reads in relevant part as follows:

"All of my property, both real and personal, residue and remainder, of whatever character and wherever situated, including any lapsed or void legacy or devise, I give to my wife, MARY DIANE EUBANKS, absolutely and in fee simple."

And the real property in the Estate of the deceased, David Lee Eubanks, being more particularly described as follows:

ALL THAT TRACT or parcel of land lying and being in Land Lot 631 of the 17th District and 2nd Section of Cobb County, Georgia, being Lot 4, Block 2, Jonquil Heights Subdivision as per plat recorded in Plat Book 6, Page 159, Cobb County Records, which plat is incorporated herein by reference and made a part hereof.

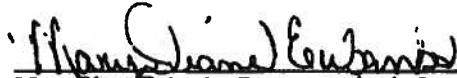
Being improved real property known as 2958 Jonquil Drive, Smyrna, Georgia, 30080 according to the present system of numbering in Cobb County, Georgia.

This being the same property as that conveyed by Quitclaim Deed recorded January __, 1983, in Deed Book 2665, Page 299, Cobb County, Georgia Records.


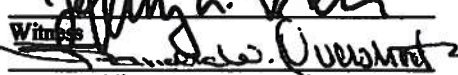
Cobb County Tax Parcel ID # 17063100480

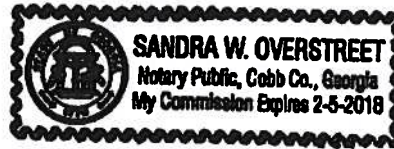
This assent is made under the provisions of O.C.G.A. 53-8-15 et seq., as amended, to pass the title of said real property to Mary Diane Eubanks as devisee of the devise made in said Item of said Will. There is sufficient amount of property in said estate in addition to the above-described real property to pay the indebtedness of said estate.

Given under my hand and seal, this 2nd day of December, 2015.


Mary Diane Eubanks, Executor under the Last Will and Testament of David Lee Eubanks, Deceased

Signed, sealed and delivered in the presence of:


Witness

Notary Public



COCHRAN & EDWARDS, LLC
Attorneys At Law
2950 Atlanta Road, S.E.
Smyrna, GA 30080
(770) 435-2131

Munis Self Service

Real Estate

[View Bill](#)

[View bill image](#)

As of 4/16/2020

Bill Year 2019

Bill 294

Owner AIDA ZAFREAN INVESTMENTS LLC

Parcel ID 17063100490

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2019	\$277.00	\$277.00	\$0.00	\$0.00	\$0.00
TOTAL		\$277.00	\$277.00	\$0.00	\$0.00	\$0.00

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Printed: 4/15/2020

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-628-8800
Fax: 770-628-8879

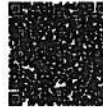
Payer:
CESAR NUNEZ

AIDA ZAFREAN INVESTMENTS LLC

Payment Date: 11/5/2019

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2019	17063100490	11/7/2019	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$15.27	\$0.00	\$862.30	\$0.00



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Rebecca Keaton

REBECCA KEATON
CLERK OF SUPERIOR COURT Cobb Cty. GA.

GANEK WRIGHT MINSK PC
SUITE 285
4170 ASHFORD DUNWOODY RD
ATLANTA, GA 30319

Return to:
GANEK WRIGHT MINSK PC
Bill Wright, Esquire
125 Townpark Drive, Suite 300
Kennesaw, GA 30144
Phone: (770)420-8234
Facsimile: (866)398-4588

BW151345

10

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF DEKALB

THIS INDENTURE, made this 31st day of July, in the year 2015, between GRAND AVENUE PROPERTIES, LLC, hereinafter called Grantor, and AIDA ZAFREAN INVESTMENTS, LLC, hereinafter called Grantee (the words, "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

GRANTOR, FOR AND IN CONSIDERATION of the sum of TEN (\$10.00) DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 631 OF THE 17TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, BEING LOT 5, BLOCK 2, JONQUIL HEIGHTS SUBDIVISION, AS PER FLAT RECORDED IN FLAT BOOK 6, PAGE 159, COBB COUNTY, GEORGIA RECORDS, WHICH FLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART OF THIS DESCRIPTION. SAID PROPERTY BEING KNOWN AS 2968 JONQUIL DRIVE SE ACCORDING TO THE PRESENT SYSTEM OF NUMBERING PROPERTY IN COBB COUNTY, GEORGIA. PARCEL ID NUMBER: 17 0631 0 049 0. SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD.

This conveyance is made subject to the following:

1. State and county ad valorem real property taxes and assessments for 2015, a lien not yet due and payable at the time of execution, and subsequent years.
2. All easements and restrictions of record.

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 anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND GRANTOR will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under Grantor, but not otherwise.

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

Signed, sealed and delivered
this 31st day of July, 2015,
in the presence of:

Grand Avenue Properties, LLC

BY: *[Signature]*

(SEAL)

Witness

Notary Public
My Commission Expires:

(Notary Seal)

[Handwritten initials]



LEGAL DESCRIPTION (BASED ON GASKINS & GEORGIA LAND SURVEYING)

All that tract or parcel of land lying and being in Land Lot 594, 595, & 631 of the 17th Land District, City of Smyrna, Cobb County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey prepared by Gaskins (LSF #789; Drawing/File S:BND/COBB/17_0594), bearing the seal of Jason A. Hopkins (Ga Registered Land Surveyor #3215) and by Georgia Land Surveying Co. (Job #199873:1: Drawing #F-3565), bearing the seal of Josh L. Lewis, IV, (GA Registered Land Surveyor #3028). And being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

To find the POINT OF BEGINNING, COMMENCE at a TBM Nail set at the intersection of the northeasterly right-of-way line of Spring Road (variable width public r/w) and Jonquil Drive (existing 30' public r/w); THENCE departing said Jonquil Drive and proceeding northwesterly crossing said Jonquil Drive North 83 degrees 26 minutes 51 seconds West for a distance of 31.75 feet to a computed point, said computed point being the POINT OF BEGINNING;

THENCE departing said right-of-way line of Jonquil Drive South 01 degrees 24 minutes 41 seconds West for a distance of 75.00 feet to a computed point;

THENCE South 01 degrees 24 minutes 41 seconds West for a distance of 75.00 feet to a computed point;

THENCE North 88 degrees 06 minutes 03 seconds West for a distance of 169.94 feet to a computed point;

THENCE South 01 degrees 29 minutes 40 seconds West for a distance of 74.90 feet to a computed point;

THENCE South 03 degrees 16 minutes 08 seconds West for a distance of 28.04 feet to a computed point;

THENCE South 00 degrees 40 minutes 28 seconds West for a distance of 124.02 feet to a computed point;

THENCE South 67 degrees 37 minutes 52 seconds East for a distance of 208.98 feet to a computed point;

THENCE North 28 degrees 29 minutes 50 seconds East for a distance of 133.06 feet to a computed point;

THENCE South 61 degrees 03 minutes 19 seconds East for a distance of 45.48 feet to a computed point;

THENCE North 04 degrees 26 minutes 58 seconds East for a distance of 53.48 feet to a computed point;

THENCE North 04 degrees 50 minutes 23 seconds East for a distance of 78.39 feet to a computed point;

THENCE North 11 degrees 49 minutes 50 seconds West for a distance of 199.07 feet to a computed point;

THENCE North 58 degrees 59 minutes 42 seconds East for a distance of 154.91 feet to a computed point;

THENCE South 01 degrees 34 minutes 50 seconds East for a distance of 11.03 feet to a computed point;

THENCE North 58 degrees 46 minutes 01 seconds East for a distance of 132.77 feet to a computed point;

THENCE South 63 degrees 28 minutes 15 seconds East for a distance of 43.47 feet to a computed point;

THENCE South 12 degrees 22 minutes 19 seconds East for a distance of 36.91 feet to a computed point;

THENCE South 07 degrees 30 minutes 34 seconds East for a distance of 62.59 feet

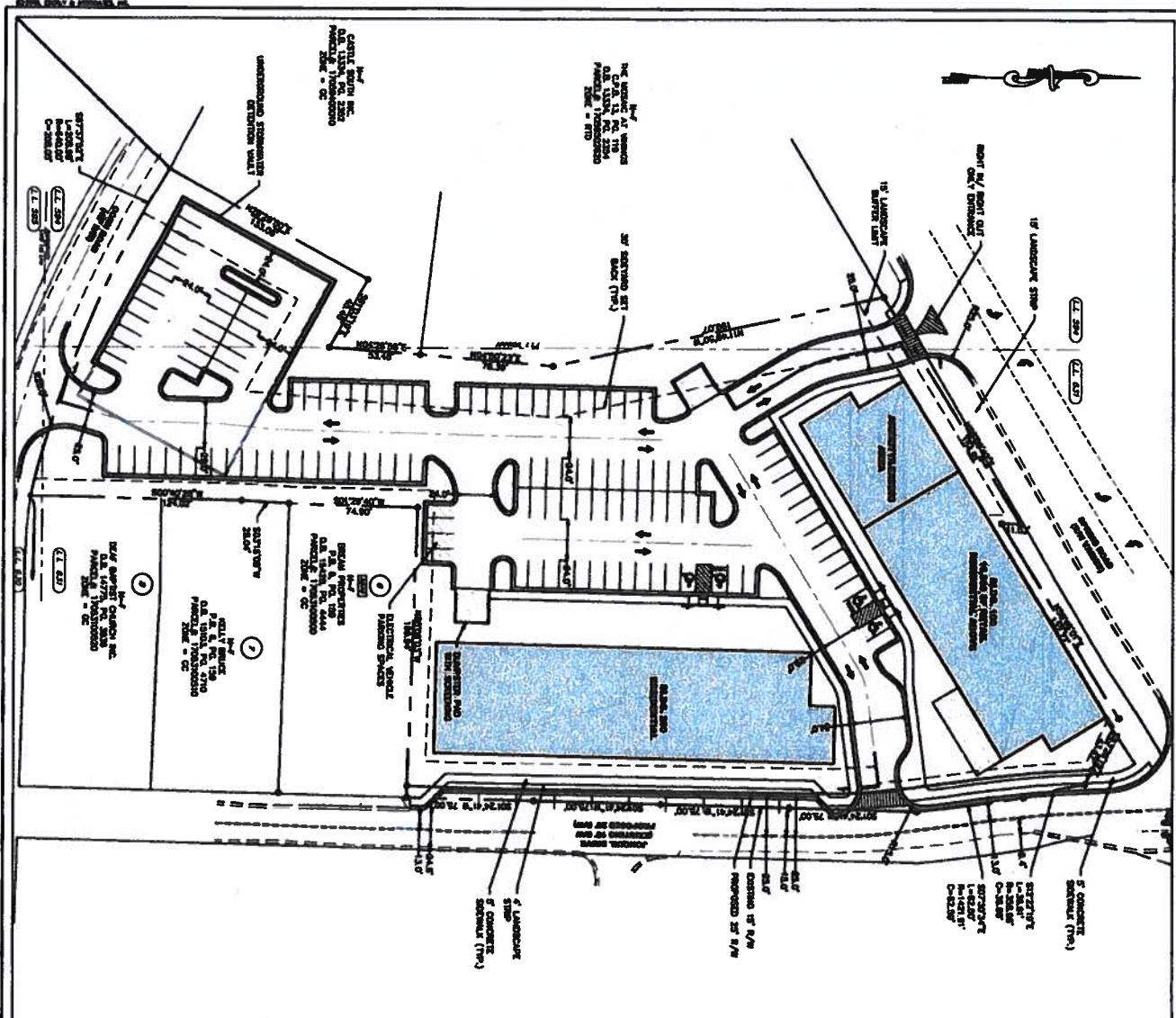
to a computed point;

THENCE South 01 degrees 24 minutes 41 seconds West for a distance of 75.00 feet to a computed point;

THENCE South 01 degrees 24 minutes 41 seconds West for a distance of 75.00 feet to a computed point on the aforesaid right-of-way line of Jonquil Drive;

THENCE southeasterly across said right-of-way line of Jonquil Drive South 83 degrees 26 minutes 51 seconds East for a distance of 31.75 feet to a computed point, said computed point being the POINT OF BEGINNING.

Said tract or parcel of land contains 2.93 acres or 127,631 square feet.



PROJECT INFORMATION

EXISTING SITE DATA

ZONING USE: R-100-1 (Single-Family Residential)

TOTAL ACRES: 2.83

TOTAL SQUARE FEET: 1,100,000

CONCRETE: 10,000

ASPHALT: 10,000

PAVING: 10,000

ADDITIONAL PAVING PROVIDED: 14 TOTAL SPACES

PROJECT INFORMATION

GENERAL DATA

ZONING USE: M-100-1 (Mixed-Use)

TOTAL ACRES: 2.83

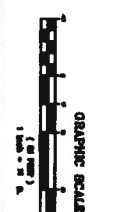
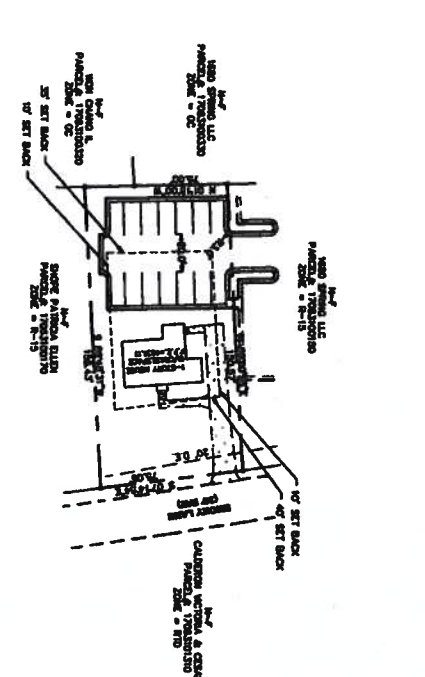
TOTAL SQUARE FEET: 1,100,000

CONCRETE: 10,000

ASPHALT: 10,000

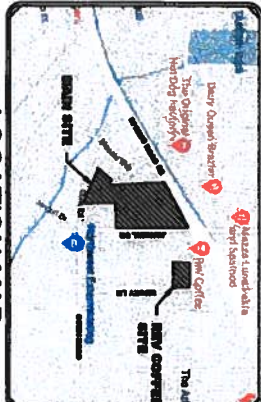
PAVING: 10,000

ADDITIONAL PAVING PROVIDED: 14 TOTAL SPACES

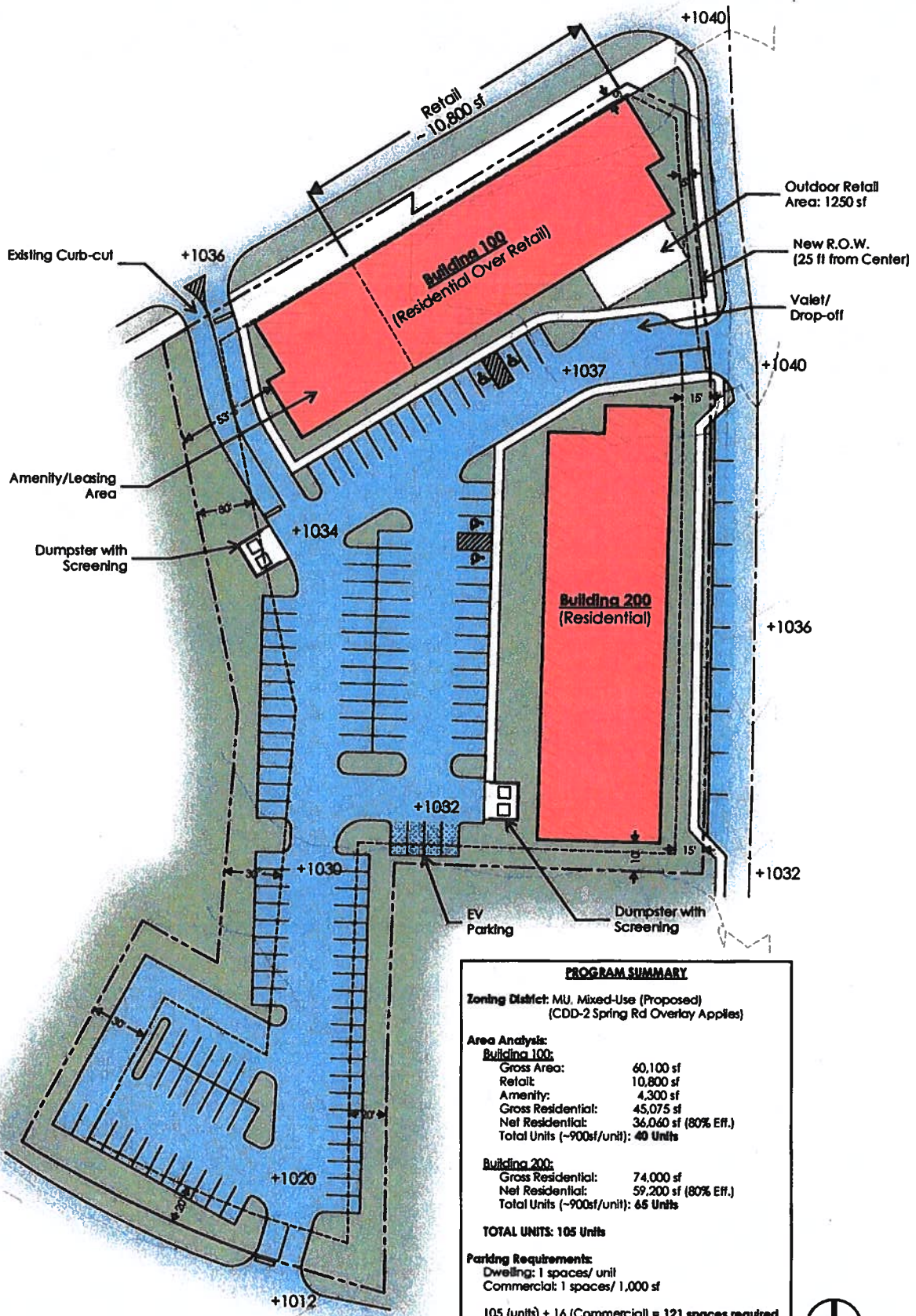


NO PORTION OF THIS PROPERTY LIES IN THE FLOOD HAZARD ZONE AS PER THE COBB COUNTY F.I.R.M. NO. 15087011184 DATED MARCH 4, 2011.

LOCATION MAP



<p>PROJECT NO. 20-023</p> <p>DATE 04/20/20</p> <p>DRAWN BY</p> <p>PROJECT MANAGER</p> <p>CHECKED</p>	<p>PROJECT: SPRING ROAD MIXED-USE THE WOODBERY GROUP LLC</p> <p>LAND LOT 694, 695, & 691 17TH DISTRICT COBB COUNTY, GEORGIA 1960 SPRING RD</p>		<p>LAND PLANNING</p> <p>ONL ENGINEERING</p> <p>LANDSCAPE ARCHITECTURE</p>	



PROGRAM SUMMARY

Zoning District: MU, Mixed-Use (Proposed)
(CDD-2 Spring Rd Overlay Applies)

Area Analysis:

Building 100:

Gross Area:	60,100 sf
Retail:	10,800 sf
Amenity:	4,300 sf
Gross Residential:	45,075 sf
Net Residential:	36,060 sf (80% Eff.)
Total Units (~900sf/unit):	40 Units

Building 200:

Gross Residential:	74,000 sf
Net Residential:	59,200 sf (80% Eff.)
Total Units (~900sf/unit):	65 Units

TOTAL UNITS: 105 Units

Parking Requirements:

Dwelling: 1 spaces/ unit
Commercial: 1 spaces/ 1,000 sf

105 (units) + 16 (Commercial) = 121 spaces required
+/- 137 spaces provided



LEGAL DESCRIPTION

ALL THAT TRACT or parcel of land lying and being in Land Lot 631 of the 17th District of Cobb County, Georgia, being known as Lot 9 of the Donna subdivision, recorded in Plat Book: 8 Page: 121, being more particularly described as follows:

BEGINNING at an angle iron found on the westerly right of way of Emory Road (30 foot right of way) located 501 feet in a northerly direction from the intersection of the northerly right of way of Corn Road (40 foot right of way and the westerly right of way of Emory Road; thence leaving said right of way running South 86 degrees 48 minutes 31 seconds West a distance of 158.43 feet to a point; thence running North 01 degrees 15 minutes 00 seconds West a distance of 75.00 feet to a ¾" open top pipe; thence running North 86 degrees 50 minutes 26 seconds East a distance of 150.57 feet to a ½" rebar found on the westerly right of way of Emory Road; thence running along said right of way running South 07 degrees 14 minutes 54 seconds East a distance of 75.06 feet to an angle iron, said point being the point of BEGINNING.

SAID PARCEL CONTAINS 0.266 ACRES MORE OR LESS





Spring and Jonquil Apartments

Spring Rd & Jonquil Dr.
Smyrna, GA 30080



boggs vickers
ARCHITECTURE INTERIORS & DESIGN

Building 100

Concept Rendering
Scale: NTS





Spring and Jonquil Apartments

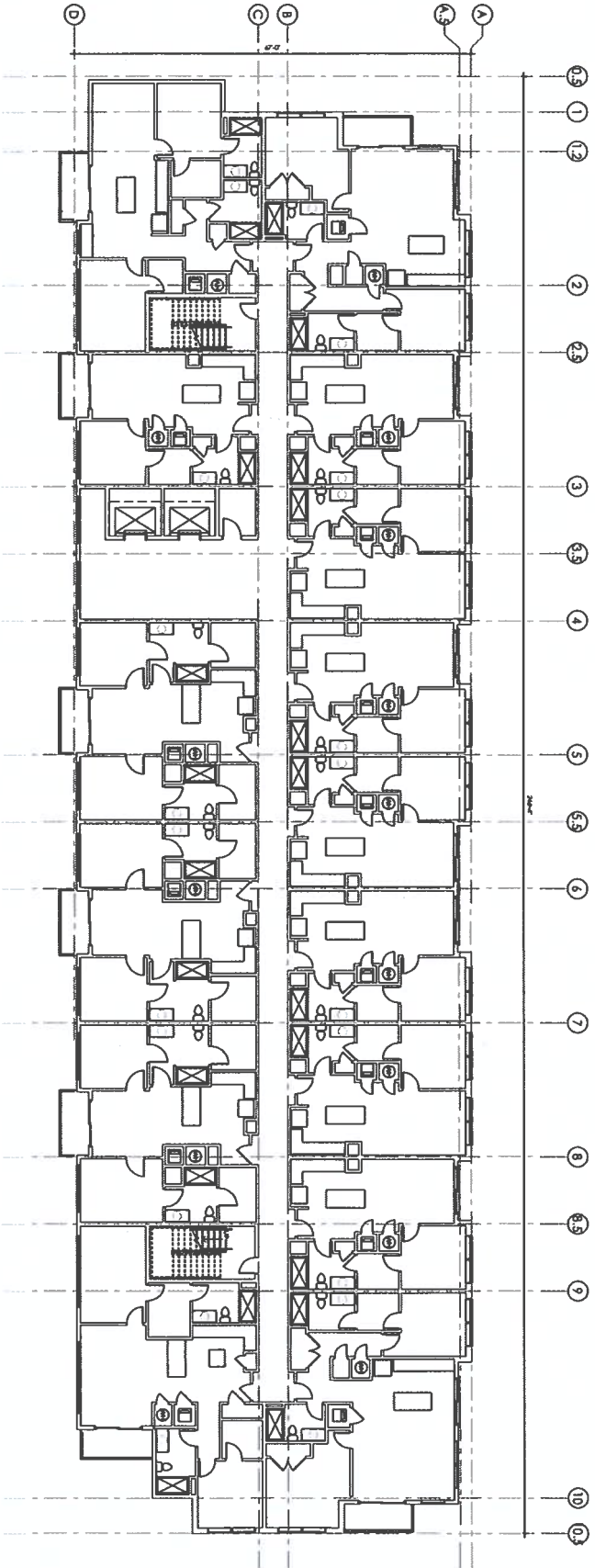
boggsvickers
ARCHITECTURE/INTERIOR DESIGN

Spring Rd & Jonquil Dr.
Smyrna, GA 30080

Buildings 100 & 200

Concept Rendering
Scale: NTS

THE
WOODBERRY
GROUP



Spring and Jonquil Apartments



Spring Rd & Jonquil Dr.
Smyrna, GA 30080

Building 100

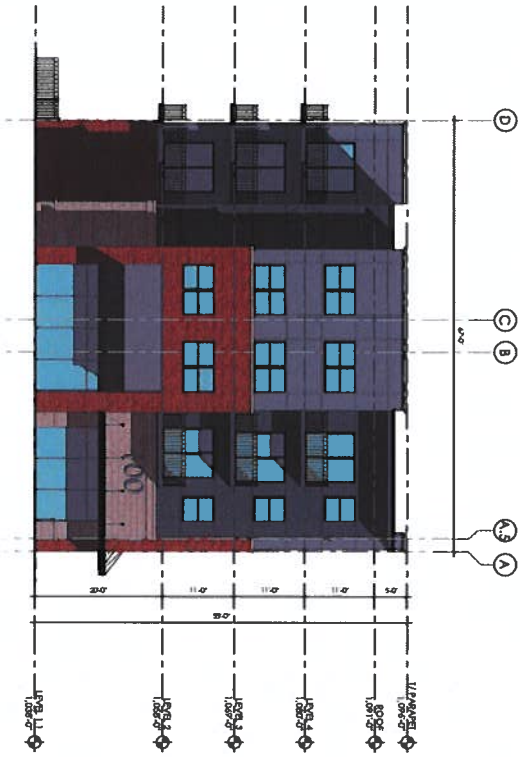
Typical Floor Plan
Scale: 1/8" = 1'-0"



THE
WOODBERRY
GROUP



north elevation



east elevation

Spring and Jonquil Apartments

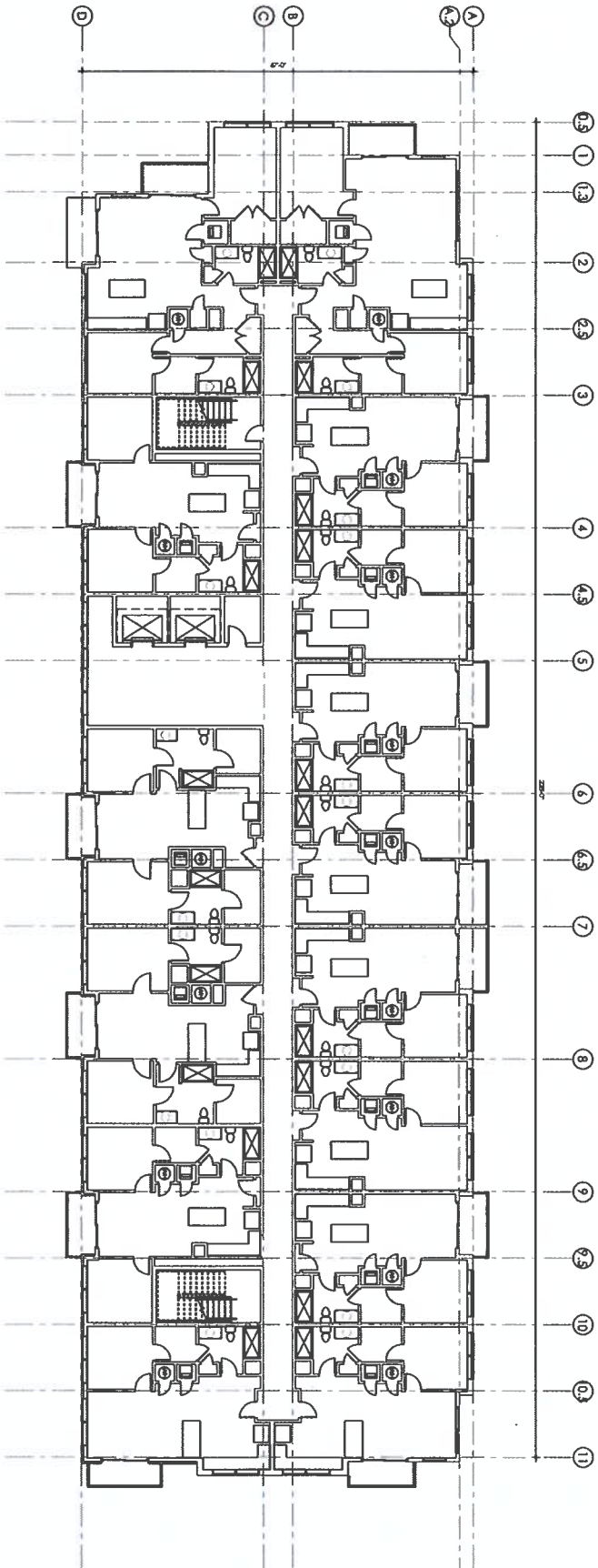


Spring Rd & Jonquil Dr.
Smyrna, GA 30080

Building 100

Building Elevations
Scale: 1/8" = 1'-0"





Spring and Jonquil Apartments



Spring Rd & Jonquil Dr.
Smyrna, GA 30080

Building 200

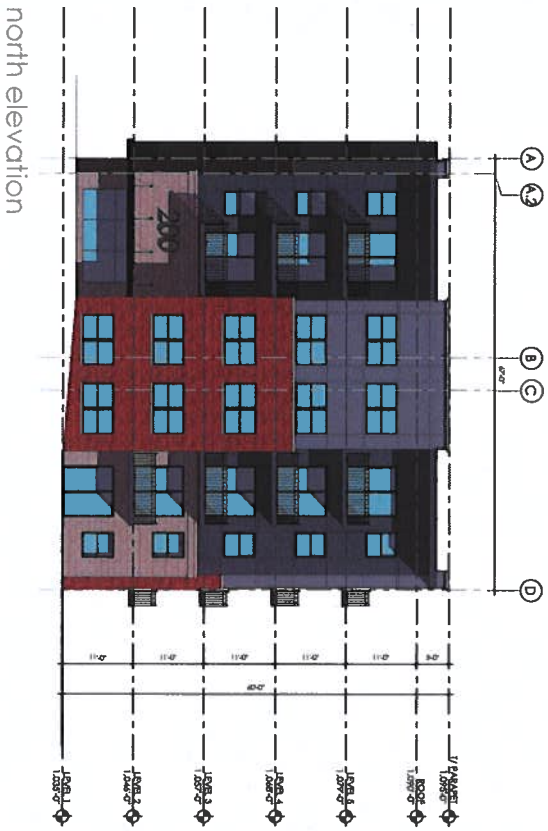
Typical Floor Plan
Scale: 1/8" = 1'-0"



THE WOODBERRY GROUP



east elevation



north elevation

Spring and Jonquil Apartments



Spring Rd & Jonquil Dr.
Smyrna, GA 30080

Building 200

Building Elevations
Scale: 1/8" = 1'-0"



MODIFIED ARBORIST REPORT FOR:

Jonquil and Corn

City of Smyrna, Georgia

Prepared for:

Todd Prinkey – Woodbery Group
Visual Inspection only



Prepared by:
T.J. Schell, LLC
Landscape Architects
And Certified Arborists
2985 Gordy Parkway, Suite 422
Marietta, GA 30066
teresa@tjschell.com
Cell 770-361-2319

Teresa H. Eldredge, PLA, ISA
Certified Arborist
ISA SO-5442A

April 24, 2020

City of Smyrna:

10" dbh Small Trees-Dogwood, Redbud, Cherry, Fringe, Magnolia (Not Southern), Ornamental Maple, Persimmon and Sourwood

20" dbh Coniferous – Arborvitae, Baldcypress, Cedar, China Fir, Eastern Hemlock, E. Red Cedar

24" dbh Overstory-Genus oak, beech, birch, ash, blackgum, cedar, fir, hickory, maple, poplar, So. Magnolia, pecan, etc.

36" dbh Overstory-Genus pine

Corn Road Property

1. **Black Gum – 29" Below Split – (Previous Tag #785) Fair to Good Condition**
2. **Sweet Gum – 21+19" DBH or 31" below split – (Previous Tag #786) A few dead limbs – Co-dominant with included bark at the split, Fair – Request Not Specimen**



3. **Sweet Gum – 41" DBH – (Previous Tag #306) Several large dead limbs, hollow when sounded in a few areas, several large conks at base around tree – Request Not Specimen**



Jonguil Road

4. **Water Oak – 53" DBH – (Tag #415)** Minor amount of mistletoe in canopy – 2 large dead limbs that could be pruned - Fair to Good Condition
5. **Water Oak – 53" DBH – (Tag #417)** Found 2 conks at base and large areas of wetwood on fence side. Poor Condition – Request Not Specimen



6. **Water Oak – 39" DBH – (Tag #416)** Found conk at base, minimal mistletoe in canopy and water sprouts near areas that were incorrectly pruned. Would probably need Level 3 inspection. Fair to Poor Condition – Request Not Specimen



Spring St.

7. **Water Oak – 36" DBH – (Tag #414)** One (1) large dead limb that could be pruned, paved to trunk and large girdled root, but could survive for extended period - Fair Condition

Emory Lane

8. **Hackberry – +/- 38" At narrowest point – (Tag #413 – size estimated due to solid fence)**
Tree has fused leaders but appears healthy throughout trunk and canopy. Common to species. Fair to Good Condition

PROJECT:

Jonquil, Corn, Spring and Emery Existing Tree Conditions

LOCATION:

Portions of Jonquil, Corn, Spring and Emery LAND LOTS #41 & 48 DISTRICT 15 City of Houston, TX

CLIENTS:

The Woodberry Group
Survey by Others

CONTROL DATA:



T.J. SCHELL, LLC

Landmark, Survey & Construction
7700 N. Loop West
Houston, TX 77047
www.tjschell.com
713.865.1111

DATE:

08/11/2011

NO.	DESCRIPTION	DATE
1	PRELIMINARY	08/11/2011
2	REVISED	08/11/2011
3	REVISED	08/11/2011
4	REVISED	08/11/2011
5	REVISED	08/11/2011
6	REVISED	08/11/2011
7	REVISED	08/11/2011
8	REVISED	08/11/2011
9	REVISED	08/11/2011
10	REVISED	08/11/2011
11	REVISED	08/11/2011
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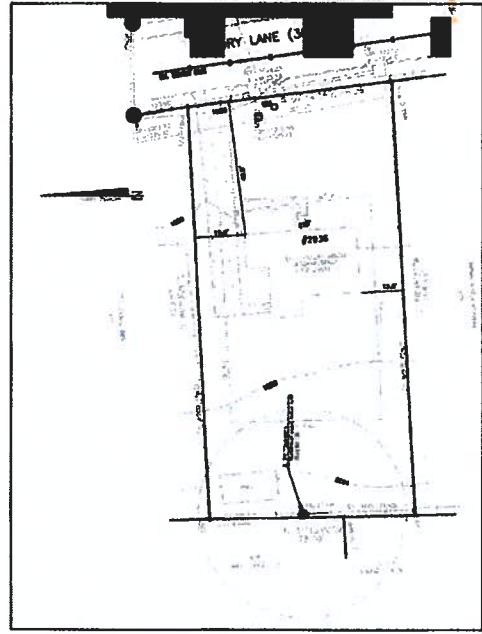
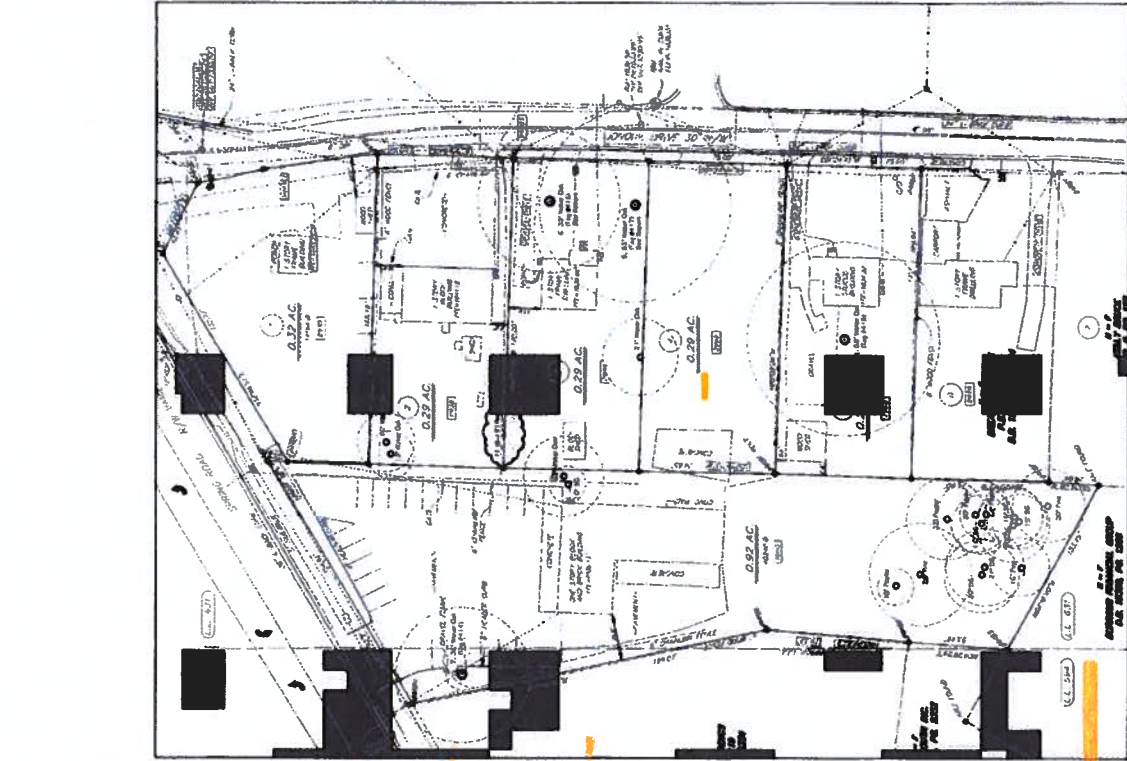
Existing Specimen Trees

SHEET NUMBER:

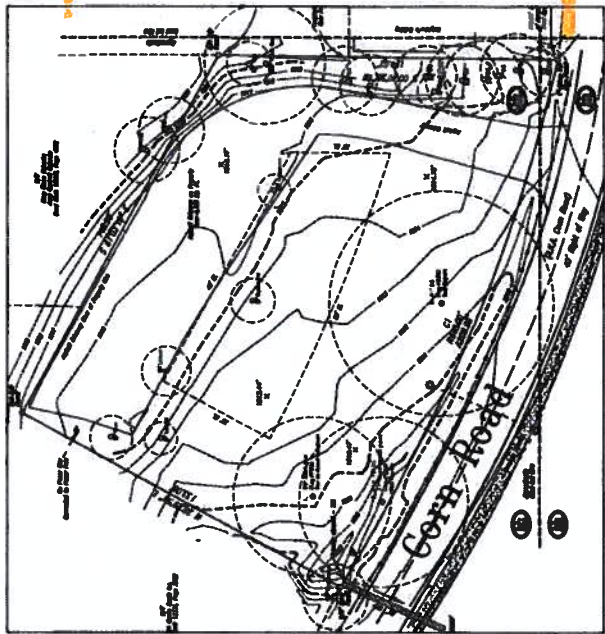
11

TOTAL SHEETS:

11



Emery Lane Property - Existing Specimen Tree #0



Corn Property - Existing Specimen Trees 1-3

NOTES:

1. All trees shown on this plan are existing trees.
2. All trees shown on this plan are to be preserved.
3. All trees shown on this plan are to be protected.
4. All trees shown on this plan are to be maintained.
5. All trees shown on this plan are to be monitored.
6. All trees shown on this plan are to be documented.
7. All trees shown on this plan are to be reported.
8. All trees shown on this plan are to be recorded.
9. All trees shown on this plan are to be reviewed.
10. All trees shown on this plan are to be approved.
11. All trees shown on this plan are to be accepted.

PHOTOGRAPHS:

1. Photograph of tree #1.
2. Photograph of tree #2.
3. Photograph of tree #3.
4. Photograph of tree #4.

ADDITIONAL NOTES:

1. All trees shown on this plan are to be preserved.
2. All trees shown on this plan are to be protected.
3. All trees shown on this plan are to be maintained.
4. All trees shown on this plan are to be monitored.
5. All trees shown on this plan are to be documented.
6. All trees shown on this plan are to be reported.
7. All trees shown on this plan are to be recorded.
8. All trees shown on this plan are to be reviewed.
9. All trees shown on this plan are to be approved.
10. All trees shown on this plan are to be accepted.

Jonquil & Spring - Existing Specimen Trees 4-7

TO THE MAYOR AND CITY COUNCIL

CITY OF SMYRNA, GEORGIA

CONSTITUTIONAL CHALLENGE

COMES NOW, THE WOODBERY GROUP hereinafter referred to as the "Applicant" for Rezoning and asserts the following, to wit:

1.

By application to which this exhibit relates, the Applicant has applied for a rezoning of certain real property lying and being in the City of Smyrna, Cobb County, Georgia, a more particular description and delineation of the subject property, hereinafter referred to as the "Property", being set forth in said Application.

2.

The Application for Zoning of the property seeks a rezoning from the existing categories of GC and RTD, as established by the governing authority of the City of Smyrna, Georgia to the zoning category of Conditional MU for the purposes of a mixed use development along the indicated sections of Spring Road, Jonquil Drive, and Emory Road.

3.

The current GC and RTD zoning classifications of the property and all intervening classifications between same and MU are unconstitutional in that they deprive the Applicant under and pursuant to Article 1, Section I, Paragraphs 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. This deprivation of property without due process violates constitutional prohibitions against the taking of private property without just compensation.

4.

The zoning classifications of GC and RTD and all intervening classifications between same and MU as they presently exist violate the Applicant's rights to the unfettered use of the property in that the existing zoning classification does not bear a substantial relation to the public health, safety, morality or general welfare and is, therefore, confiscatory and void. Further, said classification 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 upon the Applicant.

5.

The City of Smyrna Zoning Ordinance is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with zoning applications also violates the aforementioned constitutional provisions in that said procedures contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issues at hand, and are in some instances controlled by political considerations rather than the facts and considerations required by law.

Respectfully submitted, this the 8th day of May, 2020.

SAMS, LARKIN & HUFF, LLP

By: 

GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950