



## Community Development Annexation Check List

(As of 7/13)

Name of request: \_\_\_\_\_ East/West Connector and Fontaine Road \_\_\_\_\_

Date Received: \_\_\_\_\_ 4/17/2017 \_\_\_\_\_

Location/Property Address: \_\_\_\_\_ Fontaine Road \_\_\_\_\_ (17033201330) \_\_\_\_\_

Size/Acres: \_\_\_\_\_ 4.19 Acres \_\_\_\_\_

Applicant/Petitioner: \_\_\_\_\_ Cooper Lake Limited Partnership \_\_\_\_\_

Representative (if applicable): \_\_\_\_\_ Ellen Smith \_\_\_\_\_

What annexation method is being used:  100%       60%

- 
- Will zoning be the same as Cobb County's?       Yes  No
- Cobb County Zoning: \_\_\_\_\_ R-20 \_\_\_\_\_
  - Cobb County Future Land Use: \_\_\_\_\_ Low Density Residential (LDR) \_\_\_\_\_
- Has all required paperwork submitted?       Yes  No
- Does it meet with all of the IGA  
(Intergovernmental Agreement)  
agreements with Cobb County?       Yes  No
- If yes, must notify County within 7 calendar days of receiving request.
- Submit application material to City Clerk
    - Date submitted: \_\_\_\_\_ 4/20/17 \_\_\_\_\_
      - Via Certified Mail – Receipt # \_\_\_\_\_
      - Via Hand Delivery \_\_\_\_\_
  - City Clerk sends it to County Clerk
    - Date submitted: \_\_\_\_\_

- County must notify Smyrna of decision within 7 calendar days of receiving notice
    - o County's Response:
      - No Objection \_\_\_\_\_ Objection \_\_\_\_\_
      - Requests Dispute Resolution \_\_\_\_\_
      - Date received: \_\_\_\_\_
- 

- Is property within 1500' of the Chattahoochee River? \_\_\_\_\_ Yes  No
- o If yes, ARC needs to be notified.
  - Date notified: \_\_\_\_\_

- Does proposed use trigger a DRI review? \_\_\_\_\_ Y  N \_\_\_\_\_ Update
  - o If yes or update, notify ARC.
    - Date notified: \_\_\_\_\_
  - o ARC comments and findings: \_\_\_\_\_
    - Date received: \_\_\_\_\_
- 

- Does this require P&Z review? \_\_\_\_\_  Y \_\_\_\_\_ N
  - o If yes, what is meeting date? \_\_\_\_\_ May 8, 2017 \_\_\_\_\_
  - o P&Z recommendation: \_\_\_\_\_
  - What is date of M&C meeting? \_\_\_\_\_ June 19, 2017 \_\_\_\_\_
  - o Mayor & Council Decision: \_\_\_\_\_
- 

- Final City Zoning Designation: \_\_\_\_\_ RAD-Conditional \_\_\_\_\_
- Final City Future Development Designation: \_\_\_\_\_ Moderate Density Residential \_\_\_\_\_
- Effective Date of Annexation (1<sup>st</sup> Day of the Following Month after Approval): \_\_\_\_\_ July 1, 2017 \_\_\_\_\_

City of Smyrna  
Application for Annexation

We, the undersigned, who constitute one hundred percent (100%) of the owners of the land by acreage, as described below, which is unincorporated and contiguous to the City of Smyrna, hereby apply to have said area annexed into the City of Smyrna under the provisions of laws of the State of Georgia, said property being annexed being described as follows:

WHEREFORE, THE UNDERSIGNED HEREBY APPLY FOR SUCH ANNEXATION.

COOPER LAKE LIMITED PARTNERSHIP

Owner's Printed Name

Owner's Printed Name

PO Box 1788, Marietta, GA 30061 770-795-8644

Address Telephone#

Address Telephone#

*[Handwritten Signature]*

Witness the hands and seals of 100% of the record title holders of the land described above:

*Catherine F. Eubanks - Center by James S. Eubanks attorney in fact*

Owner's Legal Signature/Date

Owner's Legal Signature/Date

Print Name:

*Catherine F. Eubanks - Center by James S. Eubanks*

Title:

*sole member*

STATE OF NEW YORK  
COUNTY OF NEW YORK

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That I, **CATHERINE F. EUBANKS CARTER**, a resident of New York County, New York, being desirous of arranging for the transaction of my business through an attorney in fact, have appointed, named and constituted, and by these presents do name, constitute and appoint my brother, **JAMES S. EUBANKS**, a resident of Cobb County, Georgia, as my true and lawful attorney in fact, and do authorize said attorney in fact, for me, and in my name, place and stead:

(a) To purchase, sell, mortgage, encumber, convey, rent, lease, pledge, or otherwise dispose of, by deed with or without warranty, bill of sale, contract or otherwise, any property, real or personal, which I may own or in which I may have an interest, or which I may hereafter acquire, located in the State of Georgia, for cash or upon such terms as said attorney in fact may deem advisable, and to execute in my name and affix my seal appropriate deeds, conveyances or other instruments including contracts for that purpose.

(b) To sign, seal, endorse, receive, deliver, deposit and issue checks, bonds, notes, stocks or other obligations or instruments, and to borrow money and secure the same in any manner;

(c) To collect, sue for, settle, adjust or compromise any claim for money arising by contract or tort, to execute releases, cancellations or satisfactions; and

(d) To do any other thing or perform any other act, not limited to the foregoing, which I might do in person, it being intended that this shall be a general power of attorney and that my attorney in fact shall be in complete control of all of my assets, financial and otherwise.

Should I become physically incapacitated or legally incompetent at any time after executing this General Power of Attorney, the same shall not be terminated or revoked by such condition and the powers herein conferred shall remain of full force and effect.


This instrument is intended to be a GENERAL POWER OF ATTORNEY, and I hereby ratify and confirm all that my said attorney in fact shall lawfully do by virtue hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, this 07<sup>th</sup> day of October, 2015.

  
CATHERINE F. EUBANKS CARTER

Signed, sealed and delivered  
in the presence of:

  
Witness

  
Notary Public

LUIS A. FABIAN  
Notary Public - State of New York  
NO. 01FA6314707  
Qualified in Queens County  
My Commission Expires Nov 10, 2018

LUIS A. FABIAN  
Notary Public - State of New York  
NO. 01FA6314707  
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My Commission Expires Nov 10, 2018

## Legal Description

All that tract or parcel of land lying and being in Land Lots 332 and 333 of the 17th District, 2<sup>nd</sup> Section, Cobb County, Georgia, and being more particularly described as follows:

**COMMENCE** at a point located at the mitered intersection of the southerly right-of-way line of the East-West Connector (a variable width right-of-way) with the westerly right-of-way line of Fontaine Road (a variable width right-of-way) which point is 0.1 feet southwest of a concrete monument found (bent), said point being the **TRUE POINT OF BEGINNING**.

**FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED**, thence run southeasterly along said miter S50°23'58"E a distance of 43.91 feet to a point located on the westerly right-of-way line of Fontaine Road; thence run southerly along the westerly right-of-way line of Fontaine Road the following courses and distances: S05°06'29"E a distance of 26.60 feet to a point; along the arc of a curve to the right an arc distance of 75.02 feet to a point, said curve having a radius of 1708.40 feet and being subtended by a chord bearing S03°40'59"E a chord distance of 75.01 feet; S69°51'23"W a distance of 40.46 feet to a point; S23°31'24"E a distance of 21.48 feet to a point; N72°42'33"E a distance of 31.70 feet to a point; along the arc of a curve to the right an arc distance of 351.52 feet to an iron pin found (1/2" rebar), said curve having a radius of 1708.40 feet and being subtended by a chord bearing of S04°16'50"W a chord distance of 350.90 feet; thence leave the westerly right-of-way line of Fontaine Road and run N78°53'26"W a distance of 139.40 feet to a point; thence run N47°02'22"W a distance of 61.31 feet to an iron pin found (1/2" rebar); thence run N82°14'36"W a distance of 187.19 feet to an iron pin set (1/2" rebar); thence run N04°50'59"W a distance of 173.15 feet to an iron pin found (1/2" rebar); thence run N22°30'40"W a distance of 215.72 feet to an iron pin found (1/2" rebar) located on the southerly right-of-way line of the East-West Connector; thence run easterly along the southerly right-of-way line of the East-West Connector N85°11'33"E a distance of 450.27 feet to a point located at the mitered intersection of the southerly right-of-way line of the East-West Connector with the westerly right-of-way line of Fontaine Road, said point being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land containing 4.183 acres.

2017 SUBMISSION UNDER SECTION 5  
OF THE VOTING RIGHTS ACT  
FOR THE CITY OF SMYRNA, GEORGIA

Map Designation# \_\_\_\_\_ LL/Parcel# 17033201330

City Ward# 7 Census Tract# \_\_\_\_\_

Copies of annexation ordinance (council meeting minutes) are attached, marked:  
Exhibit     

Responsible body: Mayor and Council of the City of Smyrna  
P.O. Box 1226  
Smyrna, GA 30081  
Telephone (770) 434-6600

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*THIS SECTION TO BE COMPLETED BY APPLICANT. PLEASE BE SURE THIS  
INFORMATION IS ACCURATE – IT WILL BE USED TO ESTABLISH EMERGENCY  
SERVICE THROUGH OUR 911 SYSTEM.*

1. Is the property to be annexed vacant? Yes [] No [ ]
2. If NO, name of resident(s): N/A
3. Complete street address: East-West Connector and Fontaine Road
4. Telephone Number 770.795.8644
5. Number of registered voters before annexation: N/A  
Number and type of minorities or minority language groups: N/A
6. Number of registered voters after annexation: N/A  
Number and type of minorities or minority language groups: N/A
7. Use of property before annexation (i.e., vacant, business, residential): Vacant
8. Zoning classification before annexation: R-20
9. Use of property after annexation (i.e., vacant, business, residential). If residential, please state proposed number of dwelling units: 15 single family detached units
10. Zoning classification being requested (if any): RAD - conditional
11. Effect of change on members of racial or minority groups: N/A
12. Total number of acres being annexed: 4.19



# 17-332



**Legend**

- Parcel
- Parcel
- Parcel
- Street Address
- Railroad ROW
- Trail ROW
- Water Region
- Land Lots
- Subdivision Boundary
- Cobb Boundary

**City Limits**

- Acworth
- Austell
- Kennesaw
- Marietta
- Powder Springs
- Smyrna
- Unincorporated

**C.I.D Limits**

- Cumberland Mall
- Town Center

**Misc**

- Land hooks
- Water Property line
- Parks

17-316	17-333	17-388
17-317		17-389
17-318	17-331	17-390

**Cobb County**  
 Board of Tax Assessors  
 Mapping Division  
 725 Whitlock Ave., Ste 200  
 Marietta, GA 30067  
 770-628-3100

**Disclaimer:** This map was prepared for the purpose of mapping only. It is not intended to be used for any other purpose. The user assumes all responsibility for the accuracy and completeness of the information contained herein. The user agrees to hold the Board of Tax Assessors harmless for any and all claims, damages, losses, or expenses, including reasonable attorneys' fees, that may be incurred by the user as a result of the use of this map.

**Print Date:** Aug 06, 2019

**Scale:**

0 50 100 200 Feet

(1 inch = 200 ft on A4 size paper)

