

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

February 11, 2022

VIA HAND DELIVERY AND EMAIL

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

Re: Application for Rezoning of Mogar Farms Funding, LLC to a Rezone 3.115 Acre Tract from GC and OI to TS; Land Lots 846, 880 and 881; 17th District, 2nd Section, City of Smyrna, Cobb County, Georgia.

Dear Rusty:

This firm has been engaged by and represents Mogar Farms Funding, LLC (“Applicant”) 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 March 14, 2022 and, thereafter, heard by the Mayor and City Council on April 18, 2022.

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

1. The Titleholder’s signature and copies of paid tax receipts and tax payments indicating principal amount of taxes are paid on the Subject Property.
2. A copy of the Deed reflecting the current Titleholder.
2. Legal descriptions are included in the above-referenced deed. Also provided is an overall legal description 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. Also, a conceptual color rendering as well.
4. A Tree Preservation & Planting Plan.

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5. Renderings depicting the architectural style and composition of the proposed new hotel building.
6. A Water/Sewer Availability letter from City of Smyrna Public Works Department.
7. A Traffic Impact Statement.
8. A Hydrologic Memorandum.
9. A Constitutional Challenge.
10. A check made payable to the City of Smyrna representing the Application fee and the Tree Plan Review.
11. 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 and/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@samlarkinhuff.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, AICP, Director
Community Development Department
February 11, 2022
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cc: Mr. Joey Staubes, AICP, Planner II (via email w/attachments)
Mr. Sachin Desai, Director of Finance, Buckhead America Hospitality (via email w/attachments)
Mr. Chetan Patel, Chief Operating Officer, Buckhead America Hospitality (via email w/attachments)
Mr. Dipan Patel, President/CEO, Buckhead America Hospitality (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: _____

APPLICANT: Mogar Farms Funding, LLC

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

(Representative's name, printed)

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

Business Phone: (770) 422-7016 Cell Phone: _____ Fax Number: (770) 426-6583

E-Mail Address: gsams@samslarkinhuff.com

Signature of Representative: _____

TITLEHOLDER

Name: Mogar Farms Funding, LLC - SEE ATTACHED SIGNATURE PAGE

(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: _____

APPLICATION FOR REZONING TO THE CITY OF SMYRNA

Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: _____

Hearing Date: _____

APPLICANT: _____

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

(Representative's name, printed)

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

Business Phone: (770) 422-7016 Cell Phone: _____ Fax Number: (770) 426-6583

E-Mail Address: gsams@samslarkinbuff.com

Signature of Representative: _____

TITLEHOLDER

Name: Mogar Farms Funding, LLC

(Titleholder's name, printed)

Address: _____

Business Phone: _____ Cell Phone: 404 324 1898 Home Phone: _____

E-mail Address: dipan@buckheadamerica.com

Signature of Titleholder: D.N. Patel

(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 OI to TS
Present Zoning Proposed Zoning

LAND USE

From RAC to RAC
Present Land Use Proposed Land Use

The construction of a new hotel and the re-branding and aesthetic and
For the Purpose of architectural work on the existing hotel.

Size of Tract 3.115 ac

Location 2685 Spring Road and 2855 Spring Hill Parkway
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 846, 880 and 881 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: OI

South: GC and TS

West: R-15

CONTIGUOUS LAND USE

North: RAC

East: RAC

South: RAC

West: RAC and TCU

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 the Director of Public Works.

TRANSPORTATION

Access to Property? Spring Road and Spring Hill Parkway

Improvements proposed by developer? The Applicant is proposing the development of a new hotel on the northwestern portion of the Subject Property and the re-branding of the existing hotel on the middle portion.

Comments:

The Subject Property is located within a sub-area of the City of Smyrna which is part of and/or adjacent to warehouse, office, retail, multi-family residential, and hotel uses.



WATER/SEWER AVAILABILITY

To whom this concern,

The City of Smyrna has determined that Water and Sewer are available to the proposed development.

Sanitary sewer is available on Spring Hill Pkwy to the proposed development at 2685 Spring Road & 2855 Spring Hill Parkway. The developer is responsible for installing all taps. Existing sewer taps will be used where possible.

Water is available on Spring Hill Pkwy to the proposed development at 2685 Spring Road & 2855 Spring Hill Parkway. All water taps to be installed by developer. The developer is responsible for all taps and bores.

Elevations are the responsibility of the developer for parcel ID# 170088000170, 17088000180, 17088100080.

Sincerely,

x 

Ernest Martin

Director Public Works

770-431-2850

fmartin@smyrnaga.gov

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?

No.

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

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

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

N/A

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:

N/A

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:

N/A

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: N/A

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.

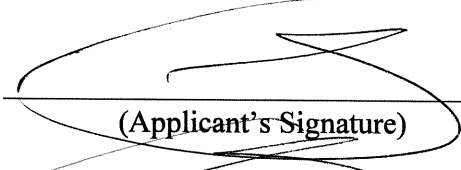
If so, describe the nature and extent of such interest:
N/A

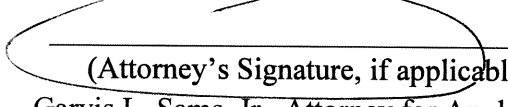
Does the Mayor or any member of the City Council or Planning and Zoning Board have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?
No.

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

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 11th day of February, 2022.


(Applicant's Signature)


(Attorney's Signature, if applicable)

Garvis L. Sams, Jr., Attorney for Applicant

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?

Yes

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: Derek A. Norton

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: On 11/17/21 a check in the sum of \$3,000.00 to the Committee to Elect Derek Norton, Mayor.

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 11th day of February 2022.

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? **YES**

SAMS, LARKIN & HUFF, LLP



02-11-2022
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 proposal will permit a use which is suitable within the context of existing development regarding adjacent and nearby properties.

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 to redevelop the property for the construction of a new hotel in addition to re-branding and re-purposing of the existing hotel. The new seven-story hotel will be constructed on what is now a parking lot on the northwest portion of the Subject Property. The center of the property will feature the positioning of the new hotel where parking and the pool will be relocated in an area between the two hotels.

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

The proposed rezoning will allow the re-branding and remodeling of an existing hotel site and the construction of a new hotel. The newly proposed suite hotel will consist of seven stories with 107 units and the existing hotel will be six stories with 135 units. The existing pool area will converted into parking and a new pool will be situated between the two hotels.

Architects are working on a revised floorplan to depict a building which will amount to two (2) hotels and assist in accommodating joint hotel(s) services.

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 City of Smyrna's infrastructure and constitutes a proposed use which comports with the trend of development along this section of Spring Road and Spring Hill Parkway.

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

The Rezoning proposal is in conformity with the policy and intent of the City's Future Land Use Map ("FLUM"). The Subject Property is further defined as being within one of the City's Corridor Design Districts (CDD-2 Spring Road).

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 affecting the use and development of the Subject Property which give supporting grounds for the Rezoning proposal. Moreover, the Applicant's proposal constitutes a suitable use of the Subject Property which will not adversely affect the adjacent properties and which will be beneficial to the City of Smyrna.

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 Rezoning proposal will provide the re-branding of the existing hotel and add a new hotel to enhance architectural standards and aesthetics in accordance with the renderings provided by the Applicant herein.

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 zoning classification of TS will not create a nuisance; is consistent with the existing Regional Activity Center FLUM designation and is compatible with the existing uses 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 development within this sub-area of the City and will encourage other compatible uses in this area of both the City of Smyrna and Unincorporated Cobb County.



Deed Book 15355 Pg 4317
Filed and Recorded Aug-16-2016 03:56pm
2016-0098291
Real Estate Transfer Tax \$0.00

Rebecca Keaton
Rebecca Keaton
Clerk of Superior Court Cobb Cty. Ga.

After Recording Return To:
Kumar, Prabhu, Patel & Banerjee, LLC
One Lakeside Commons, Suite 800
990 Hammond Drive
Atlanta, Georgia 30338
Attn: Samir Patel, Esq.
File No.: 1443.014

Cross Reference:

Deed Book 15159 Page 6378

14th
QUITCLAIM DEED OF RELEASE

THIS INDENTURE is made this 30th day of June, 2016, by and between, **THE BRAND BANKING COMPANY**, a Georgia banking corporation, as party of the first part (hereinafter referred to as the "Grantor") and **MOGAR FARMS FUNDING, LLC**, a Georgia limited liability company, as party of the second part (hereinafter referred to as "Grantee").

WITNESSETH:

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 is hereby acknowledged, Grantor has bargained, sold, and does by these presents bargain, sell, remise, release, and forever quitclaim unto Grantee, its successors and assigns, all the right, title, interest, claim or demand which Grantor has or may have had in and to the following described property (the "**Property**") to wit:

SEE ATTACHED EXHIBIT "A"

THE PURPOSE OF THE QUIT CLAIM DEED is to:

- (a) release the Property from the lien, security interest and security title of that certain Deed to Secure Debt and Security Agreement (the "**Deed to Secure Debt**"), recorded in Deed Book 15159, Page 6378, in the Office of the Clerk of the Superior Court of Cobb County, Georgia; and
- (b) evidence the satisfaction of the Deed to Secure Debt and the indebtedness secured thereby having been released in full.

TO HAVE AND TO HOLD the Property unto Grantee.

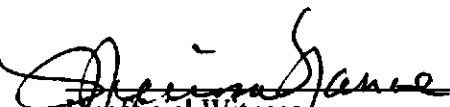
[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Grantor has caused its duly authorized officers to execute this document under seal on the day and year first above written.

GRANTOR:

Signed, sealed and delivered in the presence of:

THE BRAND BANKING COMPANY
a Georgia banking corporation


Unofficial Witness

By: 
Name: JUN NEMITZ
Its: EXECUTIVE VICE PRESIDENT


Notary Public
My Commission Expires: 8/26/17

(Notary Seal)

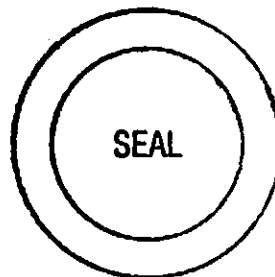
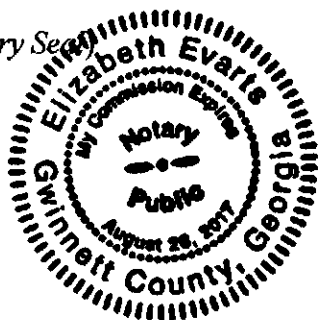


EXHIBIT "A"
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in land lots 846, 880, and 881, 17th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at a concrete right of way marker found at the intersection of the easterly right of way of Cumberland Circle (variable right of way) and the northerly right of way of Spring Hill Parkway (variable right of way); THENCE North 17 degrees 41 minutes 42 seconds West for a distance of 119.29 feet along the easterly right of way of Cumberland Circle to a concrete right of way marker; thence North 52 degrees 26 minutes 25 seconds East for a distance of 210.96 feet to a 1/2 inch rebar found; thence North 37 degrees 39 minutes 34 seconds West for a distance of 189.48 feet to a 1/2 inch rebar set on the southerly right of way of Spring Road (100 foot right of way); thence North 51 degrees 08 minutes 37 seconds East for a distance of 73.45 feet along the southerly right of way of Spring Road to a 1/2 inch rebar set; thence North 52 degrees 24 minutes 27 seconds East for a distance of 49.49 feet along the southerly right of way of Spring Road to a 1/2 inch rebar found; thence leaving said right of way South 26 degrees 56 minutes 58 seconds East for a distance of 91.21 feet to a 1/2 inch rebar found; thence South 44 degrees 09 minutes 05 seconds East for a distance of 48.07 feet to a 1/2 inch rebar set; thence South 63 degrees 32 minutes 21 seconds East for a distance of 59.53 feet to a 1/2 inch rebar set; thence South 64 degrees 22 minutes 56 seconds East for a distance of 55.96 feet to a 1/2 inch rebar found; thence South 13 degrees 29 minutes 53 seconds West for a distance of 21.03 feet to a 1/2 inch rebar found; thence South 70 degrees 12 minutes 08 seconds East for a distance of 241.81 feet to a 1/2 inch rebar found; thence South 19 degrees 59 minutes 44 seconds West for a distance of 208.63 feet to a 1/2 inch rebar found on the Northerly right of way of Spring Hill Parkway; thence North 70 degrees 16 minutes 42 seconds West for a distance of 48.66 feet along said right of way to a P.K. nail found in pavement; thence along a curve to the left having a radius of 266.93 Feet and an arc length of 145.90 feet, being subtended by a chord of North 86 degrees 06 minutes 12 seconds West for a distance of 144.09 feet along said right of way to a 1/2 inch rebar found; thence South 78 degrees 42 minutes 55 seconds West for a distance of 176.65 feet along said right of way to a point; thence South 88 degrees 17 minutes 18 seconds West for a distance of 63.57 feet along said right of way to a concrete right of way marker found; thence North 66 degrees 15 minutes 30 seconds West for a distance of 16.51 feet along said right of way to the concrete right of way marker at the point of BEGINNING.

Said tract contains 135,815 square feet or 3.12 acres.

Munis Self Service

Real Estate (Your House or Land)

View Bill

As of	1/4/2022
Bill Year	2021
Bill	11450
Owner	MOGAR FARMS FUNDING LLC
Parcel ID	17088000170

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2021	\$17,515.97	\$17,515.97	\$0.00	\$0.00	\$0.00
TOTAL		\$17,515.97	\$17,515.97	\$0.00	\$0.00	\$0.00

Munis Self Service

Real Estate (Your House or Land)

View Bill

View bill image

As of	1/4/2022
Bill Year	2021
Bill	11451
Owner	MOGAR FARMS FUNDING LLC
Parcel ID	17088000180

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2021	\$395.52	\$395.52	\$0.00	\$0.00	\$0.00
TOTAL		\$395.52	\$395.52	\$0.00	\$0.00	\$0.00

Munis Self Service

Real Estate (Your House or Land)

View Bill

As of	1/4/2022
Bill Year	2021
Bill	11452
Owner	MOGAR FARMS FUNDING LLC
Parcel ID	17088100080

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2021	\$503.69	\$503.69	\$0.00	\$0.00	\$0.00
TOTAL		\$503.69	\$503.69	\$0.00	\$0.00	\$0.00

Munis Self Service

Real Estate (Your House or Land)

View Bill

View bill image

As of	1/4/2022
Bill Year	2021
Bill	11451
Owner	MOGAR FARMS FUNDING LLC
Parcel ID	17088000180

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2021	\$395.52	\$395.52	\$0.00	\$0.00	\$0.00
TOTAL		\$395.52	\$395.52	\$0.00	\$0.00	\$0.00



Printed: 1/4/2022

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:
MOGAR FARMS FUNDING

MOGAR FARMS FUNDING LLC

Payment Date: 11/15/2021

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2021	17088000170	10/15/2021	Pay:	N/A or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$291.49	\$2,665.21	\$0.00	\$0.00	\$56,260.92	\$0.00



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

Owner Information

MOGAR FARMS FUNDING LLC
2875 SPRING HILL PKWY
SMYRNA, GA 30080

Payment Information

Status	Unpaid
Last Payment Date	11/15/2021
Amount Paid	\$952.58

Property Information

Parcel Number	17088000180
Acres	0.5
Assessed Value	\$34,652
Fair Market Value	\$86,630
Tax District	6 - City of Smyrna
Homestead Exemption	NONE

Bill Information

Record Type	Parcel
Bill Type	Original
Tax Year	2021
Due Date	10/15/2021

Taxes

Base Taxes	\$952.58
Penalty	\$47.63
Interest	\$5.76
Fees	\$0.00
Good Through	01/15/2022
Balance Due	\$53.39

Property Address

SPRING RD

Owner Information

MOGAR FARMS FUNDING LLC
2875 SPRING HILL PKWY
SMYRNA, GA 30080

Payment Information

Status	Unpaid
Last Payment Date	11/15/2021
Amount Paid	\$1,283.35

Property Information

Parcel Number	17088100080
Acres	0.76
Assessed Value	\$46,684
Fair Market Value	\$116,710
Tax District	6 - City of Smyrna
Homestead Exemption	NONE

Bill Information

Record Type	Parcel
Bill Type	Original
Tax Year	2021
Due Date	10/15/2021

Taxes

Base Taxes	\$1,283.35
Penalty	\$64.17
Interest	\$7.76
Fees	\$0.00
Good Through	01/15/2022
Balance Due	\$71.93

Property Address

SPRING HILL PKWY

TO THE MAYOR AND CITY COUNCIL
CITY OF SMYRNA, GEORGIA

CONSTITUTIONAL CHALLENGE

COMES NOW, MOGAR FARMS FUNDING, LLC, 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 General Commercial ("GC") and Office-Institutional ("OI"), as established by the governing authority of the City of Smyrna, Georgia to the zoning category of Tourist Services ("TS") for the purposes of a Nationally Branded Hotel and Suite Hotel.

3.

The current GC and OI zoning classifications of the property and all intervening classifications between same and TS 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 OI and all intervening classifications between same and TS 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.

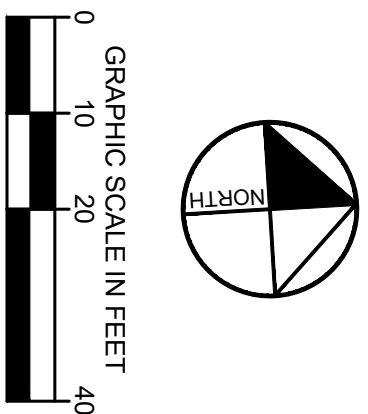
The City of Smyrna Zoning Ordinance is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with zoning applications also violates the aforementioned constitutional provisions in that said procedures contain the lack of procedural and evidentiary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

Respectfully submitted, this the 11th day of February, 2022.

SAMS, LARKIN & HUFF, LLP

By: 

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



VARIANCE NOTES:	
SITE SUMMARY:	
PARCEL: 170-88-00070 & 170-88-000780	
LAND LOT: 846, 848, 849, 881	
17TH DISTRICT	
CURRENT ZONING:	GC & OI
PROPOSED ZONING:	IS
SITE AREA:	3.12 AC
PROPOSED LAND USES AND DENSITIES:	
HOTEL (EXISTING)	107 ROOMS
HOTEL (PROPOSED)	138 ROOMS
HOTEL TOTAL:	245 ROOMS
PARKING SUMMARY:	
REQUIRED PARKING:	121 SPACES
HOTEL	12 SPACES (0.5 SPACES / ROOM)
PROPOSED PARKING:	194 SPACES (TOTAL)
STANDARD	156 SPACES (ROOM)
COMPACT	28 SPACES
STREET	10 SPACES
HANDICAP	6 SPACES
TOTAL SPACES ABOVE:	
1. THIS SITE IS NOT A LOT/BLK PLAN.	
2. THE SITE DOES NOT CONTAIN LAKES, STREAMS, OR STREAM BIFURCS.	
3. THIS SITE DOES NOT CONTAIN A CEMETERY.	
4. THE PROPOSED BUILDING INFORMATION SHOWN HEREON IS APPROXIMATE AND SUBJECT TO CHANGE AS DESIGN DEVELOPS	
5. PARKING COUNTS ARE APPROXIMATE AND SUBJECT TO CHANGE AS DESIGN DEVELOPS. PARKING COUNTS WILL EXCEED TOTAL SPACES ABOVE.	
6. IT IS UNDERSTOOD THAT THE SITE MUST COMPLY WITH ALL APPLICABLE ADA STANDARDS, INCLUDING PARKING AND CONNECTIVITY, AND WILL BE DESIGNED AND DETAILED AS SUCH.	
7. PAVEMENT PLANS FOR ADDITIONAL INFORMATION ON PAVEMENT	
8. PAVEMENT PLANS FOR ADDITIONAL INFORMATION ON PAVEMENT	


SITE PLAN LEGEND:

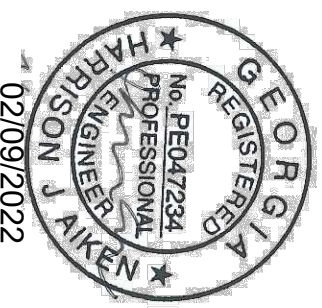
10 PARKING COUNT

**BUCKHEAD
AMERICA**
RING HILL PARKWAY, SUITE NUMBER
SMYRNA, GA 30080
PHONE: 000.000.0000

Kimley»»Horn
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
817 W. PEACHTREE STREET, NW
THE BILTMORE, SUITE 601
ATLANTA, GEORGIA 30308
PHONE (404) 419-8700
WWW.KIMLEY-HORN.COM

No.	REVISION DESCRIPTIONS	DATE	BY

PROJECT		<h1>2865 SPRING HILL HOTEL</h1> <p>2855 & 2865 SPRING HILL PKWY, PROJECT CITY STATE ZIP</p> <p>LAND LOT 846, 880, & 881, 17TH DISTRICT</p>	
GENCERT 0000086808 02/08/2022		DESIGNED BY REVIEWED BY DATE	DRAWN BY 0000086808 02/08/2022
PROJECT NO.	DATE	02/08/2022	01/08/2022



**2865 SPRING HILL
HOTEL**
2855 & 2685 SPRING HILL PKWY, PROJECT CITY
STATE ZIP
LAND LOT 846, 880, & 881, 17TH DISTRICT

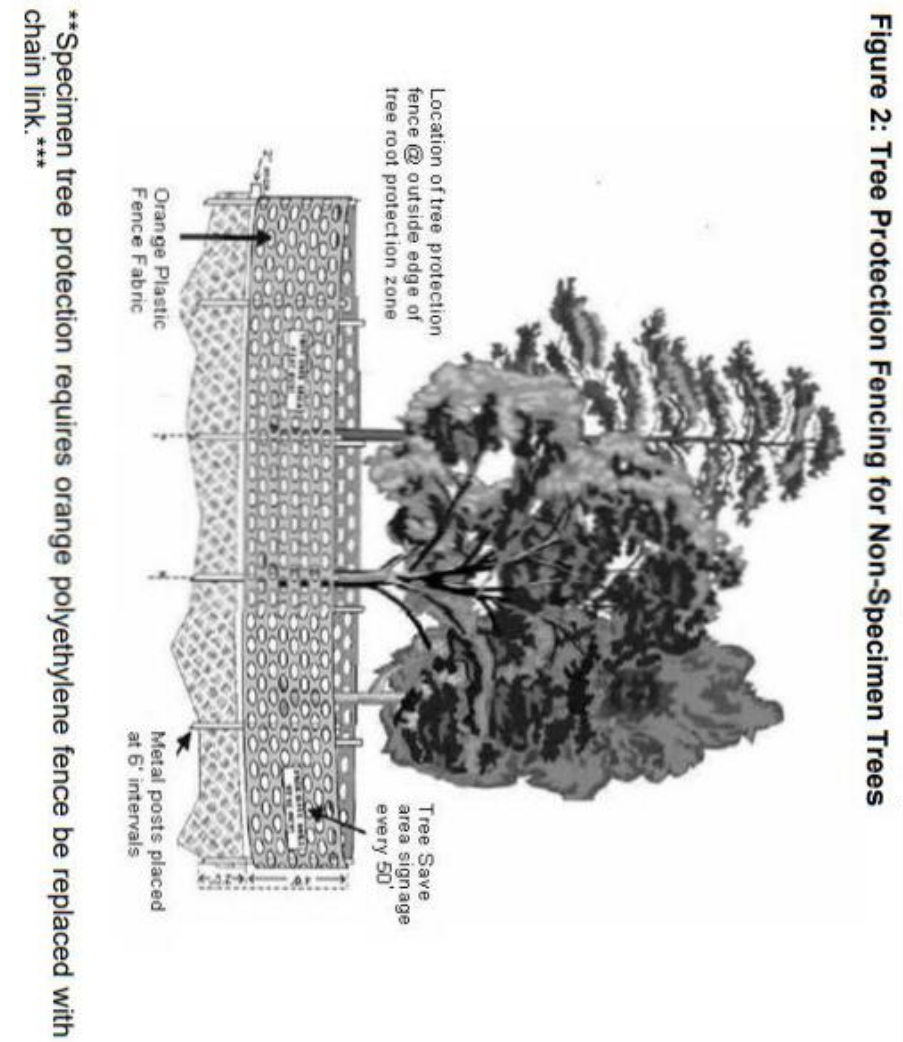


Figure 2: Tree Protection Fencing for Non-Specimen Trees

CITY OF SMYRNA TREE PROTECTION NOTES

1. CONTACT THE MAINTENANCE DEVELOPMENT DEPARTMENT (770-735-5827) TO ARRANGE A PRE-INSTALLATION CONFERENCE PRIOR TO ANY LAND DISTURBANCE. NO PERMIT SHALL BE ISSUED UNTIL PLANS ARE APPROVED AND AN ON-SITE INSPECTION WITH CITY REPRESENTATIVES OCCURS.
2. PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO GRADING OR THE REMOVAL OF INTERVIEWS SURFACES OR STRUCTURES.
3. BULKERS SHALL BE PERMANENTLY SUBJECT TO COMMUNITY DEVELOPMENT DEPARTMENT APPROVAL.
4. THE 6" OF STEEL REINFORCED CONCRETE SHALL BE PROTECTED WITH 4" OF CHAIN LINK TREE SAVE FENCING 6" FEET ON CENTER WITH METAL SUPPORT POSTS AND TREE SAVE SIGNAGE. INSTALLATION OF THE TREE SAVE FENCING SHALL INVOLVE NO TREEMACHING OR GRADING.
5. TREE SAVE FENCING FOR THE ENTIRE SITE MUST BE INSTALLED, INSPECTED AND APPROVED PRIOR TO THE INSTALLATION OF EROSION CONTROL MEASURES. NO LAND DISTURBANCE OR DEMOLITION IS ALLOWED BEFORE TREE SAVE FENCING HAS BEEN INSPECTED AND APPROVED BY COMMUNITY DEVELOPMENT DEPARTMENT.
6. PERMITTING OF TREES, STEEPENING, AND NON-STRUCTURED, COUNTED FOR EDP CREDITS MUST BE FULLY PRESERVED DURING INDIVIDUAL LOT

Figure 13: Acceptable Grade Fills Within Root Zones

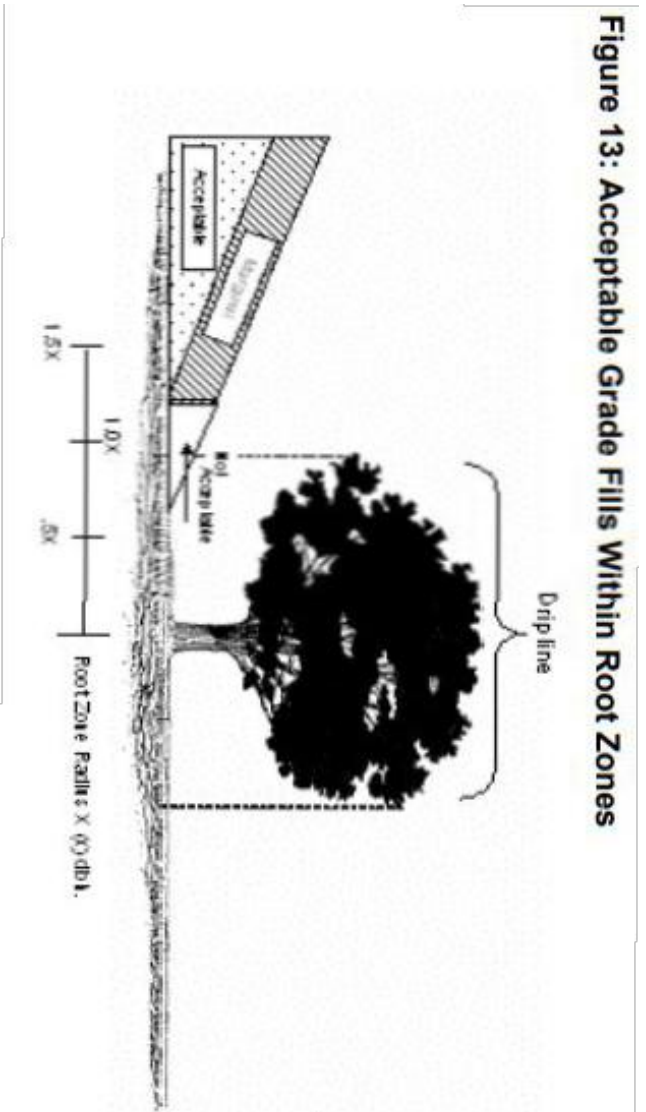
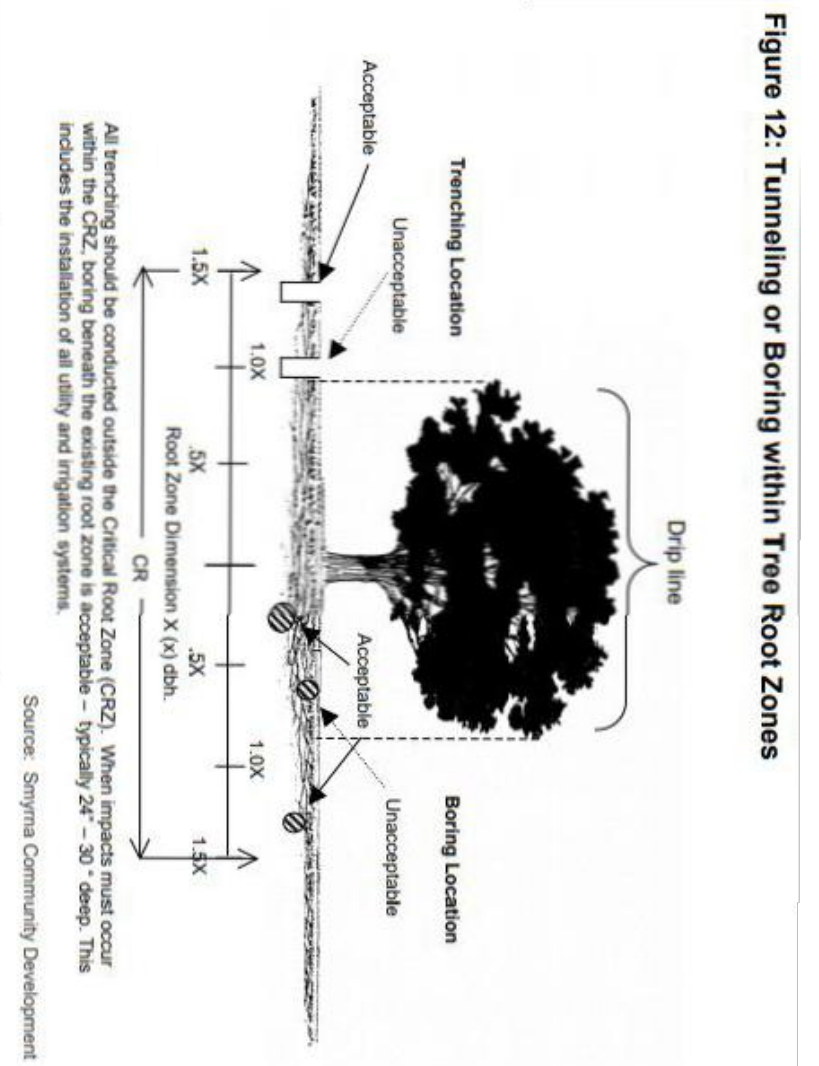


Figure 12: Tunneling or Boring within Tree Root Zones:



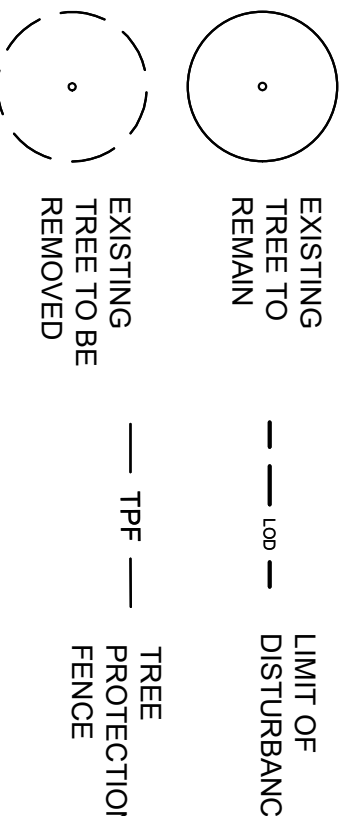
NOTE:
NO BOUNDARY TREES IMPACTED.

2855 & 2685 SPRING HILL PKWY EXISTING TREES TO REMOVE	
TREE #	SPECIES

TREE DENSITY CALCULATIONS

ISDF = 3.12 AC. X 100 = 312 REQUIRED SITE DENSITY INCHES
EDF = 37 EXISTING DENSITY INCHES
RDF = SDF - EDF
RDF = 344.28 = 344.28 REQUIRED DENSITY INCHES

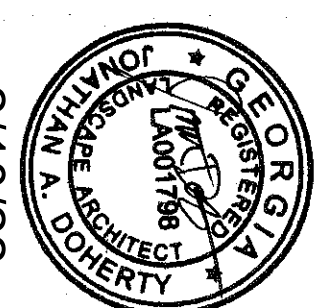
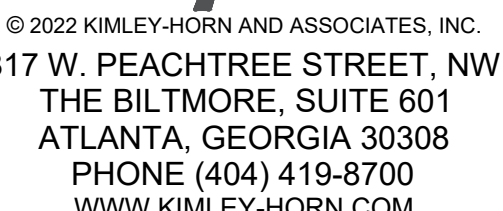
TREE PROTECTION LEGEND

[illegible]

2855 & 2685 SPRING HILL PKWY, PROJECT CITY
STATE ZIP
LAND LOT 846, 880, & 881, 17TH DISTRICT

No.	REVISION DESCRIPTIONS	DATE	BY

2875 SPRING HILL PARKWAY, SUITE NUMBER
SMYRNA, GA 30080
PHONE: 000.000.0000



2/10/22

BSW/CC CERT.
LEVEL III

DRAWN BY _____

DESIGNED BY
HREVIEWED BY
K

DATE 2/7/20

PROJECT NO. 0130770

TITLE

REZONING TREE

PROTECTION

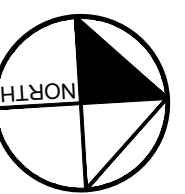
PLAIN

1100

00-17

GEORGIA811

Unifine Protection Center, Inc.
Know what's below.
Call before you dig.



0 10 20 40
GRAPHIC SCALE IN FEET

1-800-368-7232



MEMORANDUM

To: Chetan Patel, Buckhead America

From: Matt Flynn, P.E., Kimley-Horn and Associates, Inc.
Allison Laber, EIT, Kimley-Horn and Associates, Inc.

Date: February 8, 2022

RE: **2685 Spring Hill Parkway Hotel – Smyrna, GA**
Traffic Memorandum

Kimley-Horn is pleased to provide this traffic memorandum regarding the proposed *2685 Spring Hill Parkway Hotel* development in Smyrna, Georgia.

PROJECT OVERVIEW

The *2685 Spring Hill Parkway Hotel* site contains an existing 135 room hotel. The site is bordered by Spring Hill Parkway to the south, Cumberland Boulevard to the west, and Spring Road to the North. The site is located approximately 0.4 miles west of I-285 access in Smyrna, Georgia. A proposed expansion of the hotel will add 107 rooms. The proposed site area is 3.12 acres.

SITE ACCESS AND CIRCULATION

As shown on the attached site plan, site access to the proposed development will be provided along Spring Road at one (1) right-in/right-out driveway and along Spring Hill Parkway at one (1) full movement driveway. Surface parking will be provided on site.

TRIP GENERATION

Project traffic is defined as the vehicle trips expected to be generated by the proposed development. Anticipated trip generation for the *2685 Spring Hill Parkway Hotel* development was calculated using rates and equations contained in the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 11th Edition, 2021. This analysis generated the project trips using the following land use: Hotel (ITE Code 310).

The anticipated project trip generation is summarized in **Table 1**.

Table 1: Trip Generation											
ITE Code	Land Use	Density	Daily Traffic			AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
Existing Trips (To Remain)											
150	Hotel	135 rooms	1,040	520	520	60	34	26	72	37	35
Proposed New Trips											
150	Hotel	107 rooms	736	368	368	46	26	20	51	26	25
Total Future Project Trips											
150	Hotel	242 rooms	1,776	888	888	106	60	46	123	63	60

Note: No reductions for alternative transportation modes (walking, cycling, transit, carpooling, etc.) or mixed-use were taken.

As shown in **Table 1**, the proposed development is projected to generate an additional 736 total daily trips (368 in; 368 out), 46 total AM peak hour trips (26 in; 20 out), and 51 total PM peak hour trips (26 in; 25 out). With this projected increase in traffic associated with the development, the project site is anticipated to generate a grand total of 1,776 total daily trips (888 in; 888 out), 106 total AM peak hour trips (60 in; 46 out), and 123 total PM peak hour trips (63 in; 60 out) from the number of trips that the site currently generates.

TRIP DISTRIBUTION AND ASSIGNMENT

Expected trip distribution was determined based recent trends in traffic along the area roadways according to Traffic Analysis and Data Application (TADA), population forecasts, and knowledge of proposed developments in the area. Anticipated trip distribution is described in **Table 2** and shown in **Figure 1** (attached).

Table 2: Trip Distribution		
To/From	Direction	Trip Distribution
I-285	West	15%
	East	15%
I-75	North	5%
	South	25%
Spring Road	East	5%
Cobb Parkway	North	15%

We hope this information is helpful. If you have any questions concerning this letter or need additional information, please do not hesitate to contact me.

Sincerely,
KIMLEY-HORN AND ASSOCIATES, INC.



Matt Flynn, P.E.
Project Manager



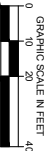
Allison Laber, EIT
Analyst

Attachments:

- Trip Generation Analysis
- Trip Distribution Map
- Proposed Site Plan

Trip Generation Analysis (11th Ed.) 2685 Spring Hill Parkway Hotel Smyrna, GA													
Land Use			Density		Daily Trips			AM Peak Hour			PM Peak Hour		
					Total	In	Out	Total	In	Out	Total	In	Out
Existing Trips (To Remain)													
LUC	Land Use		Density	Units									
310	Hotel		135	rooms	1,040	520	520	60	34	26	72	37	35
Proposed New Trips													
LUC	Land Use		Density	Units									
310	Hotel		107	rooms	736	368	368	46	26	20	51	26	25
Total Future Project Trips				242 rooms	1,776	888	888	106	60	46	123	63	60
Total Existing Site Trips					1,040	520	520	60	34	26	72	37	35
Net New Trips					736	368	368	46	26	20	51	26	25





VARIANCE NOTES:	
SITE SUMMARY:	
PARCEL:	176-000070 & 176-000080
LAND LOT #6: 946, 948, & 981	
TOWNSHIP/CITY:	
CURRENT ZONING:	GC & OI
PROPOSED ZONING:	IS
SITE AREA:	3.1 AC
PROPOSED LAND USES AND DENSITIES:	
HOTEL (EXISTING) HOTEL (PROV.)	107 ROOMS 242 ROOMS
PARKING SUMMARY:	
REQUIRED PARKING:	121 SPACES
HOTEL	121 SPACES (0.5 SPACES / ROOM)
PROPOSED PARKING:	194 SPACES (TOTAL)
STANDARD	10.0 SPACES (ROOM)
COMPACT	28 SPACES
PARALLEL	6 SPACES
HANDICAP	6 SPACES
1. THIS SITE IS NOT IN A FLOODPLAIN. 2. THE SITE DOES NOT CONTAIN LAKES, STREAMS, OR STREAM BUFFERS. 3. THIS SITE DOES NOT CONTAIN A CEMETERY. 4. THE PROPOSED BUILDING INFORMATION SHOWS HEREON IS APPROXIMATE AND SUBJECT TO CHANGE AS DESIGN DEVELOPS ALL PARKING COUNTS ARE APPROXIMATE AND ARE LEFT TO CHANGE AS DESIGN DEVELOPS. PARKING COUNTS WILL EXCEED TO THIS SHOWN ABOVE. 6. IT IS UNDERSTOOD THAT THE SITE MUST COMPLY WITH ALL APPLICABLE ASA STANDARDS, INCLUDING PARKING AND SIGNAGE, AND WILL BE DESIGNED AND MODELED AS SUCH. 7. SEE ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION ON PLAZA DESIGN.	

SITE PLAN LEGEND:

----- EXISTING RIGHT-OF-WAY LINE

⑩ PARKING COUNT

No.	REVISION DESCRIPTIONS	DATE	BY

**BUCKHEAD
AMERICA**
RY BOULEVARD NW, SUITE 25, ATLANTA,
GA 30306
SMYRNA, GA 30080
PHONE: 404.474.4814

Kimley»Horn
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
817 W. PEACHTREE STREET, NW
THE BILTMORE, SUITE 601
ATLANTA, GEORGIA 30308
PHONE (404) 419-8700
WWW.KIMLEY-HORN.COM

277 CLIFTON
STREET
2685 SPRING HILL PKWY, PROJECT CITY
STATE ZIP
LAND LOT 178, 15TH DISTRICT

SWCC CERT.	0000069206
ENVIRONMENTAL (II)	
DESIGNED BY	HJIA
APPROVED BY	KRTT
DATE	2/17/2022
PROJECT NO.	017308018
REZONING SITE	

SHEET NUMBER
C0-10



MEMORANDUM

To: City of Smyrna
From: Harrison Aiken, P.E.
Kimley-Horn and Associates, Inc.
Date: February 8, 2022
Subject: Spring Hill Hotel – Preliminary Stormwater Study for Rezoning

SITE BACKGROUND

The Spring Hill Hotel Project consists of two parcels that are located at 2855 & 2685 Spring Hill Parkway in Smyrna and Cobb County, Georgia. These parcels are currently zoned GC (General Commercial district) and OI (Office and Institutional district). The proposed use for all parcels is TS (Tourist Services).

EXISTING TOPOGRAPHY AND STORMWATER INFRASTRUCTURE

The existing 3.12-acre site naturally drains from the north to the south and southeast and makes up one overall basin that is conveyed southeast toward Interstate-285 (I-285). On site, that basin is split into three sub-basins with identified outfall points. Basin 1A covers the majority of the site, and stormwater is conveyed overland and through existing pipes toward the southeast. This basin outfalls in a 24" CMP pipe, which is piped under the adjacent property to the east (2875 Spring Hill Parkway). Basin 1B contains a portion of the parking lot and an unpaved area in the southwestern corner of the site, and stormwater is conveyed overland to an inlet in the southern corner of the lot. This inlet and basin outfall south in a 36" RCP pipe, which is piped under Spring Hill Parkway. Basin 1C contains a portion of the unpaved area of the site along the northern parking lot and retention wall in the north and northeaster portion of the site, and stormwater is conveyed overland to inlets on the adjacent northeastern property (2810 & 2814 Spring Road). The inlet and basin outfall to 18" RCP pipe, which is piped to the southeast. These pipes all ultimately reach a tributary of Rottenwood Creek. There is an existing 60" CMP pipe being used as underground detention in the southeast corner of the lot.

CITY OF SMYRNA STORMWATER REQUIREMENTS

Upon redevelopment, the project will be required to meet the current City of Smyrna (CoS) stormwater ordinance. The ordinance notes that water quality and channel protection are required, as defined in the Georgia Stormwater Management Manual. The post developed

peak flow rates for the 2, 5, 10, 25, 50, and 100-year, 24-hour storm events be reduced from the existing conditions or as further described below. Additionally, a ten percent drainage study will be required to confirm that this development does not impact the larger basin this project contributes to.

The City of Smyrna stormwater ordinance requires all pre-development uses to have a curve number of 55, unless buildings existed prior to 1978. Kimley-Horn is working with the Client and reviewing historical information to determine if the buildings existed before 1978 and therefore will be allowed to use a curve number of 89 for commercial use. Since this has not been confirmed and for the purpose of this hydro memo and preliminary sizing, it is assumed that a curve number of 55 will be required and volumes were determined utilizing this information.

PROPOSED STORMWATER INFRASTRUCTURE

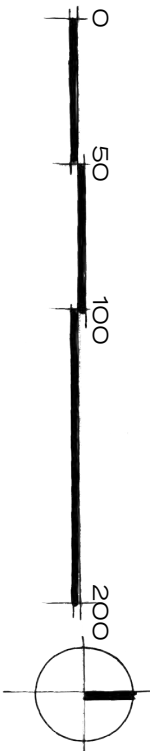
The proposed stormwater management for the project is anticipated to be provided in one below grade detention system, which will outfall into basin 1A. Water quality volumes, channel protection volumes, and required detention volumes will be provided within these systems. The system for is anticipated to be approximately 50,000 cubic feet in size and will be located under the internal drive on the southern portion of the parcel (adjacent to the property owned by BA 2875 Spring Hill, LLC) in order to allow maintenance access.

A hydrovac truck (or similar) will be able to open a manhole and vacuum out any sediment or trash that may collect in the systems. This system is proposed to outfall to the 24" CMP pipe in Basin 1A that is routed southeast along Spring Hill Parkway toward Interstate 285. Basins 1B, and 1C will be reduced in size and it is not anticipated that a detention vault will be required for these sub-basins.

CLOSING

The proposed improvements to the site are expected to reduce existing stormwater issues on the site. The increased detention volume provided to meet the runoff peak flow rate reduction factor will decrease peak flows. The retention of the required water quality on site will reduce flows and improve the quality of the water as it is discharged from the site. The following table shows the pre-development flows that the project will be required to meet. These flow rates are based on using a curve number of 55, and a time of concentration of 5 minutes.

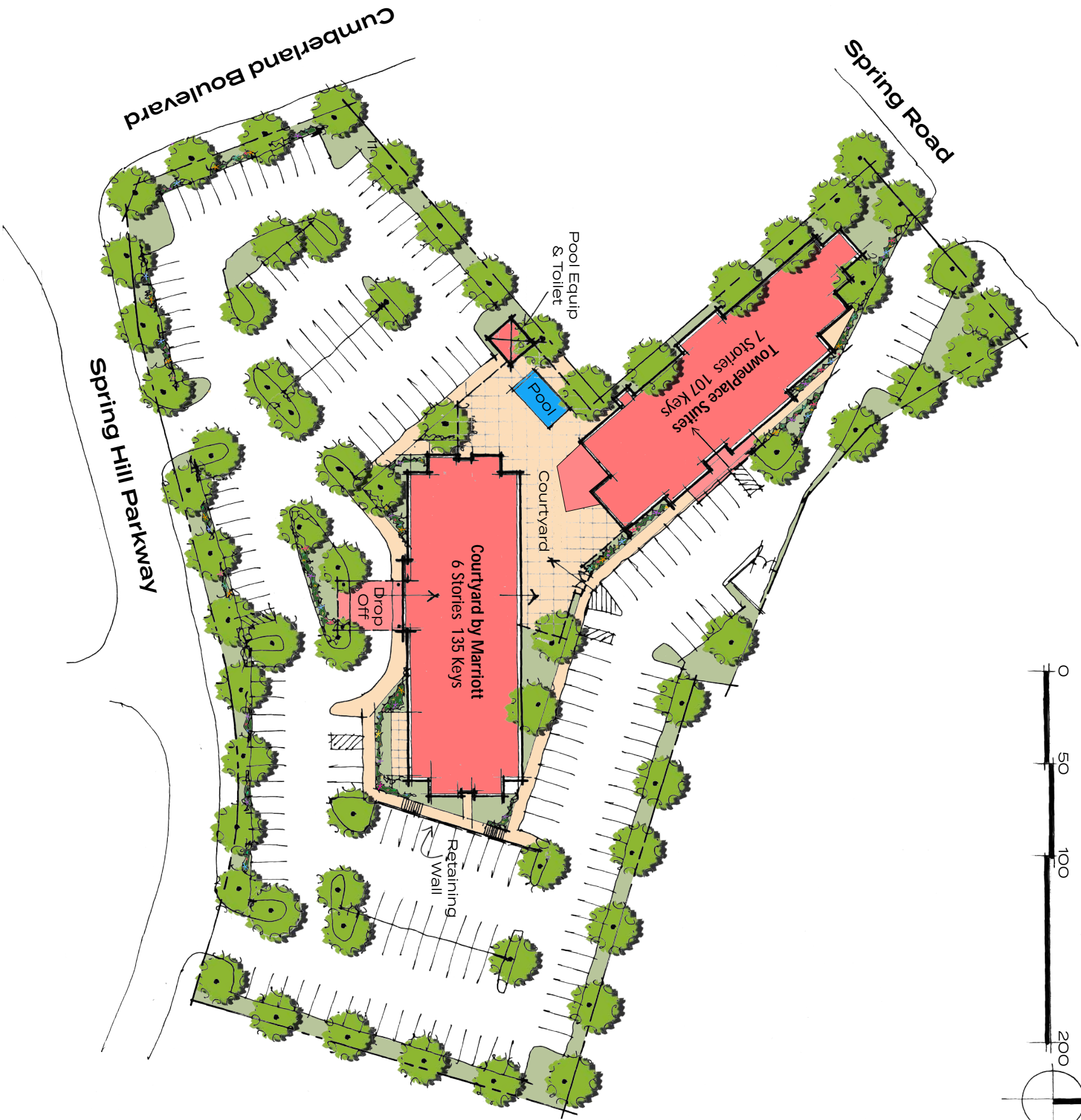
Pre-Development Stormwater Flows		
Storm Event	Basin 1A Flow Rate (CFS)	Basin 1B Flow Rate (CFS)
2-Year	4.14	0.70
5-Year	8.24	1.39
10-Year	12.41	2.10
25-Year	19.23	3.25
50-Year	25.33	4.28
100-Year	32.00	5.41



Courtyard by Marriott
Height: 6 Stories
Keys: 135

TownePlace Suites
Height: 7 Stories
Keys: 107 with (7) 1-Bedrooms

Total Keys: 242
Total Parking: 210 Spaces



MARRIOTT COMPLEX
SMYRNA, GEORGIA

SITE PLAN



HOTEL DATA

1ST FLOOR (APPROX. 9,210 SF)
7 KEYS @ 1ST FLOOR

2ND FLOOR (APPROX. 8,680 SF)
15 KEYS @ 2ND FLOOR

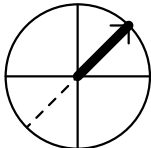
TYPICAL FLOOR (3-7) (APPROX. 8,680 SF/ FLR)
17 KEYS @ TYPICAL FLOOR

UNIT MIX
7 - 1 BR
69 - KING
31 - QQ
107 KEYS TOTAL

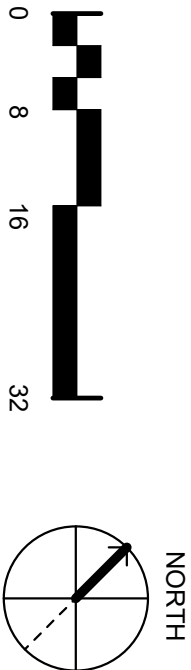
APPROX. TOTAL HEATED AREA=
61,290 SF

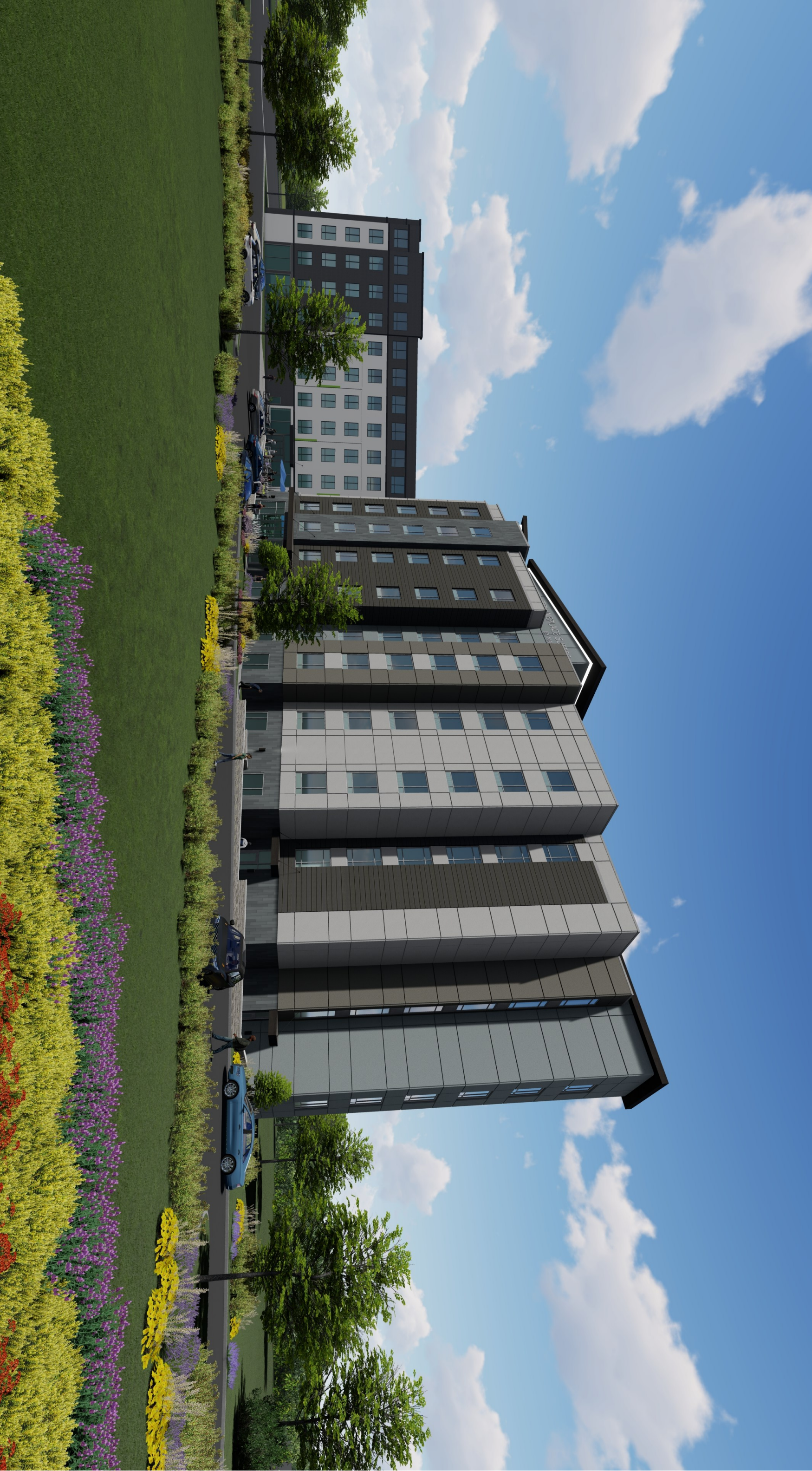


NORTH









Buckhead America

H O S P I T A L I T Y

TOWNE PLACE SUITES BY MARRIOTT

SMYRNA, GA

28 September 2021

RENDERING

oda.us.com | ODA ARCHITECTURE





Buckhead America

H O S P I T A L I T Y

TOWNE PLACE SUITES BY MARRIOTT

SMYRNA, GA

RENDERING

28 September 2021

oda.us.com | ODA ARCHITECTURE





Buckhead America

H O S P I T A L I T Y

TOWNE PLACE SUITES BY MARRIOTT

SMYRNA, GA

RENDERING



LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in land lots 846, 880, and 881, 17th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at a concrete right of way marker found at the intersection of the easterly right of way of Cumberland Circle (variable right of way) and the northerly right of way of Spring Hill Parkway (variable right of way); THENCE North 17 degrees 41 minutes 42 seconds West for a distance of 119.29 feet along the easterly right of way of Cumberland Circle to a concrete right of way marker; thence North 52 degrees 26 minutes 25 seconds East for a distance of 210.96 feet to a 1/2 inch rebar found; thence North 37 degrees 39 minutes 34 seconds West for a distance of 189.48 feet to a 1/2 inch rebar set on the southerly right of way of Spring Road (100 foot right of way); thence North 51 degrees 08 minutes 37 seconds East for a distance of 73.45 feet along the southerly right of way of Spring Road to a 1/2 inch rebar set; thence North 52 degrees 24 minutes 27 seconds East for a distance of 49.49 feet along the southerly right of way of Spring Road to a 1/2 inch rebar found; thence leaving said right of way South 26 degrees 56 minutes 58 seconds East for a distance of 91.21 feet to a 1/2 inch rebar found; thence South 44 degrees 09 minutes 05 seconds East for a distance of 48.07 feet to a 1/2 inch rebar set; thence South 63 degrees 32 minutes 21 seconds East for a distance of 59.53 feet to a 1/2 inch rebar set; thence South 64 degrees 22 minutes 56 seconds East for a distance of 55.96 feet to a 1/2 inch rebar found; thence South 13 degrees 29 minutes 53 seconds West for a distance of 21.03 feet to a 1/2 inch rebar found; thence South 70 degrees 12 minutes 08 seconds East for a distance of 241.81 feet to a 1/2 inch rebar found; thence South 19 degrees 59 minutes 44 seconds West for a distance of 208.63 feet to a 1/2 inch rebar found on the Northerly right of way of Spring Hill Parkway; thence North 70 degrees 16 minutes 42 seconds West for a distance of 48.66 feet along said right of way to a P.K. nail found in pavement; thence along a curve to the left having a radius of 266.93 Feet and an arc length of 145.90 feet, being subtended by a chord of North 86 degrees 06 minutes 12 seconds West for a distance of 144.09 feet along said right of way to a 1/2 inch rebar found; thence South 78 degrees 42 minutes 55 seconds West for a distance of 176.65 feet along said right of way to a point; thence South 88 degrees 17 minutes 18 seconds West for a distance of 63.57 feet along said right of way to a concrete right of way marker found; thence North 66 degrees 15 minutes 30 seconds West for a distance of 16.51 feet along said right of way to the concrete right of way marker at the point of BEGINNING.

Said tract contains 135,815 square feet or 3.12 acres.