# APPLICATION FOR REZONING
# TO THE CITY OF SMYRNA

*Type or Print Clearly*

(To be completed by City)
**Ward:** _____

**Application No:** _____

**Hearing Date:** _____

**APPLICANT:** **Prime Interest, Inc. - Marty D. Orr, President**
(See Attached for Applicant Information)

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

Representative Address: Emerson Overlook, 326 Roswell Street, Marietta, GA 30060

Business Phone: (770) 429-1499 Cell Phone: (678) 516-1609 Fax Number: (770) 429-8631

E-Mail Address: jkm@mijs.com; martyorr@bellsouth.net

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

**TITLEHOLDER**

Name: **TPB RE Holdings II LLC**
(Titleholder's name, printed)

Address: Suite 405, 1720 Peachtree Street, N.W., Atlanta, GA 30309

Business Phone: (404) 260-0702 Cell Phone: _____ Home Phone: _____

E-mail Address: alivingston@satillacapital.com

Signature of Titleholder: TPB RE HOLDINGS II LLC
BY: _____
(Attach additional signatures, if needed)
TITLE: Authorized Signatory
Printed Name: Alex Livingston

(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

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**Ward:** _____

**Application No:** _____

**Hearing Date:** _____

**APPLICANT:** Prime Interest, Inc. - Marty D. Orr, President
(See Attached for Applicant Information)

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

**Representative** Address: Emerson Overlook, 326 Roswell Street, Marietta, GA 30060

Business Phone: (770) 429-1499 Cell Phone: (678) 516-1609 Fax Number: (770) 429-8631

E-Mail Address: jkm@mijs.com; martyorr@bellsouth.net

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

**TITLEHOLDER**

Name: Elaine S. Cole
(Titleholder's name, printed)

Address: 6040 Falcon Court, Austell, GA 30106

Business Phone: _____ Cell Phone: 770-757-1295 Home Phone: (770) 944-9380

E-mail Address: elainescole@bellsouth.net

Signature of Titleholder: Elaine S. Cole
(Attach additional signatures, if needed)
Elaine S. Cole

(To be completed by City)
Received: _____
Heard by P&Z Board: _____
P&Z Recommendation: _____
Advertised: _____
Posted: _____
**Approved/Denied:** _____

# ATTACHMENT TO APPLICATION FOR REZONING

**Application No.:** _____
**Hearing Dates:** **January 11, 2016**
**February 15, 2016**

**Applicant:** **Prime Interest, Inc.**
**Titleholders:** **TPB RE Holdings II LLC and**
**Elaine S. Cole**


Applicant:

Prime Interest, Inc.
Marty D. Orr, President
4235 South Lee Street
Buford, Georgia 30518
(770) 945-3241 (Office)
(770) 596-3251 (Cell)
E-mail: martyorr@bellsouth.net

Applicant's Representative:

J. Kevin Moore, Esq.
Moore Ingram Johnson & Steele, LLP
Attorneys at Law
Emerson Overlook
326 Roswell Street
Marietta, Georgia 30060
(770) 429-1499 (Office)
(770) 429-8631 (Telefax)
E-mail: jkm@mijs.com

**ZONING REQUEST**

From GC to TD Multi-Family Residential

Present Zoning — Proposed Zoning

**LAND USE**

From Moderate Density Residential Medium Density Residential to Urban Residential

Present Land Use — Proposed Land Use

For the Purpose of Townhome Community

Size of Tract 7.25 acres

Location Northwesterly side of Camp Highland Road; southerly of East-West Connector

(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 606 District 17th

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 the best of our knowledge, information, and belief.

Not Applicable

(To be completed by City)

Recommendation of Planning Commission:

Council's Decision:

## CONTIGUOUS ZONING

**North:** GC; Public Use (CSX Railroad)

**East:** GC; RAD Single-Family Attached/Detached

**South:** GC; RAD Single-Family Attached/Detached

**West:** RAD Single-Family Attached/Detached

## CONTIGUOUS LAND USE

**North:** Medium Density Residential

**East:** Medium Density Residential

**South:** Medium Density Residential; Moderate Density Residential

**West:** Moderate Density Residential

## INFRASTRUCTURE

### WATER AND SEWER

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

A letter from Scott Stokes, Director of Public Works Department is required stating that sewer is available and the capacity is adequate for this project.

- If it is Cobb County Water, Cobb County must then furnish these letters.

Comments:

The Applicant has had extensive and productive discussions with the adjacent owner regarding an off-site sewer easement needed to provide connectivity for the project.

### TRANSPORTATION

Access to Property? Camp Highland Road

Improvements proposed by developer? Road improvements will include necessary deceleration lane and any other road improvements deemed necessary or required by the City of Smyrna.

Comments:

## 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:

Not Applicable.

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:

Not Applicable.

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:

Not Applicable.

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, to the best of our knowledge, information, and belief.

If so, describe the natural and extent of such interest: Not Applicable.

## 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, to the best of our knowledge, information, and belief.

If so, describe the nature and extent of such interest:
Not Applicable.

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, to the best of our knowledge, information, and belief.

If so, describe the relationship and the nature and extent of such interest:
Not Applicable.

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 December, 2015.

PRIME INTEREST, INC.

BY: Marty D. Orr / President
(Applicant's Signature)
Marty D. Orr, President

(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.

**APPLICANT'S AND TITLEHOLDERS' REPRESENTATIVE**

## 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:

Mayor Max Bacon; Council Member-Elect Doug Stoner

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:

$1,000 (total) to Mayor Max Bacon's campaign (August 2015)

$500 to Council Member-Elect Doug Stoner's campaign (August 2015)

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:

Political Contributions

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, to the best of our knowledge, information, and belief.

If so, describe the natural and extent of such interest: Not Applicable.

**APPLICANT'S AND TITLEHOLDERS' REPRESENTATIVE**

## 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, to the best of our knowledge, information, and belief.

If so, describe the nature and extent of such interest:
Not Applicable.

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, to the best of our knowledge, information, and belief.

If so, describe the relationship and the nature and extent of such interest:
Not Applicable.

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 December, 20 15.

MOORE INGRAM JOHNSON & STEELE, LLP

BY: _____
(Applicant's Signature)
J. Kevin Moore; Georgia Bar No. 519728
Attorneys for Applicant and Titleholders

_____
(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.

## 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 zoning proposal will permit a use suitable given the use and development of adjacent and nearby property which is largely comprised of higher intensity attached and detached residential homes (including townhomes) and commercial.

2. Whether the zoning proposal or the use proposed will adversely affect the existing use or usability of adjacent or nearby property.

The zoning proposal will not adversely affect adjacent or nearby property. As a townhome community, it will enhance, and be complementary to, existing residential communities.

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

The Property is currently zoned GC. While the Applicant believes the GC zoning category provides economic viability; it does not provide the best use of the Property given its close proximity to adjacent residential communities.

## 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 proposal will not result in an excessive or burdensome use of existing infrastructure. The Property is located on Camp Highland Road, at the East-West Connector, which are major thoroughfares. The proposal is not excessive in terms of residential compatibility; and, therefore, will not unduly burden schools or utilities.

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

The Property is located primarily in the Medium Density Residential Future Land Use category. While the proposal slightly exceeds the recommendations of this category; given the Property's existing GC zoning, the increase is appropriate.

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.

Existing and changing conditions greatly support approval. The existing condition of the Property is deteriorating and Code Enforcement issues have existed. The surrounding area is a mixture of higher intensity residential and commercial uses; and as such, the proposal is appropriate, reasonable, and justified.

## 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 proposal will enhance architectural standards and aesthetics of the general neighborhood, especially in contrast to the existing condition of the Property; as well as, its existing GC zoning.

8. Under any proposed zoning classification, whether the use proposed may create a nuisance or is incompatible with existing uses in the area.

The proposal is consistent and compatible with other higher intensity residential communities 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 proposal would result in positive effects upon surrounding neighbors. The proposal is consistent with, or exceeds, the quality of other attached residential communities in the immediate area and compatible in terms of architecture, size, and scope.

BK: 14985 PG: 5871-5875
Filed and Recorded Sep-27-2012 02:24:06PM
DOC#: D2012-099894
Real Estate Transfer Tax Paid $925.90
03320120023378

JAY C. STEPHENSON
CLERK OF SUPERIOR COURT Cobb Cty. GA.
Multi-County

RR

After recording return to:
Calloway Title & Escrow, LLC
**David W. Dudley** 2-28453(A)
4170 Ashford Dunwoody Rd. Ste. 285
Atlanta, Georgia 30319

[SPACE ABOVE RESERVED FOR RECORDER'S OFFICE]

**After recording, return to:**
**Morris, Manning & Martin, L.L.P.**
**1600 Atlanta Financial Center**
**3343 Peachtree Road, N.E.**
**Atlanta, Georgia 30326**
**Attn: Duncan Miller**

# LIMITED WARRANTY DEED

THIS LIMITED WARRANTY DEED is made as of the 24 day of September 2012, by and between The Piedmont Bank, as party of the first part, hereinafter referred to as "Grantor," and TPB RE Holdings II LLC, a Delaware limited liability company, as party of the second part, hereinafter referred to as "Grantee," the words "Grantor" and "Grantee" to include the neuter, masculine and feminine genders, the singular and the plural.

W I T N E S S E T H:

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00) in hand paid and other good and valuable consideration delivered to Grantor by Grantee at and before the execution, sealing and delivery hereof, the receipt and sufficiency of which is hereby acknowledged, Grantor has and hereby does grant, bargain, sell and convey unto Grantee and the heirs, legal representatives, successors and assigns of Grantee all that tract or parcel of land lying and being in Land Lot 606, 17th District, 2nd Section, Cobb County, Georgia, as more particularly described on Exhibit A attached hereto and incorporated by this reference (the "Property"). This conveyance is made subject to taxes, easements and restrictions of record including, without limitation, subject only to those matters listed in the attached Exhibit B, attached hereto and incorporated by this reference.

TO HAVE AND TO HOLD the Property, together with any and all of the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining to, the only proper use, benefit and behoof of Grantee and the heirs, legal representatives, successors and assigns of Grantee forever IN FEE SIMPLE.

GRANTOR, FOR ITSELF AND ITS SUCCESSORS AND ASSIGNS, SHALL WARRANT and forever defend the right and title to the Property unto Grantee and the heirs, legal representatives, successors and assigns of Grantee against the claims of all persons whomsoever claiming by, through or under Grantor.

IN WITNESS WHEREOF, Grantor has caused this Limited Warranty Deed to be signed and sealed as of the day and year first above written.

GRANTOR:

The Piedmont Bank

By: _____

Name: Monty Watson

Title: Chairman / CEO

[SEAL]

Signed, sealed and delivered in the presence of:

_____
Unofficial Witness

_____
Notary Public

My Commission Expires:

_____

[AFFIX NOTARY SEAL]

S. DAYA
MY COMMISSION EXPIRES
DEC 19 2012
COBB CO., GEORGIA
NOTARY PUBLIC

**EXHIBIT A**

**JC Partners Property:**

ALL THAT TRACT or parcel of land lying and being in Land Lot 606, 17th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin found at the point found by the intersection of the northwesterly right-of-way of East West Connector (a variable right-of-way) and the southwesterly right-of-way of The Silver Comet Trail f/k/a CSX Railroad (a 190-foot right-of-way) and thence proceeding southwesterly along said northwesterly right-of-way of East-West Connector along a curve to the right with a radius of 2,028.98 feet an arc distance of 97.89 feet, said arc being subtended by a chord bearing South 58 degrees 44 minutes 17 seconds West a chord distance of 97.88 feet to a point; thence leaving said right-of-way of East-West Connector and proceeding North 29 degrees 52 minutes 47 seconds West a distance of 45.50 feet to an iron pin found; thence proceeding South 60 degrees 26 minutes 20 seconds West a distance of 22.07 feet to an iron pin found; thence proceeding South 29 degrees 14 minutes 32 seconds East a distance of 45.50 feet to an iron pin found on the northwesterly right-of-way of East West Connector; thence proceeding along said northwesterly right-of-way of East-West Connector along an arc of a curve to the right with a radius of 2,028.98 feet an arc distance of 511.80 feet, said arc being subtended by a chord bearing South 67 degrees 59 minutes 02 seconds West a chord distance of 510.45 feet to an iron pin found at the intersection with the common land lot line of Land Lots 547 and 606; thence leaving said northwesterly right-of-way of East-West Connector and running along said common land lot line of Land Lots 547 and 606 North 00 degrees 39 minutes 54 seconds East a distance of 439.47 feet to an iron pin found on the southwesterly right-of-way of The Silver Comet Trail f/k/a CSX Railroad; thence leaving the common land lot line of Land Lots 547 and 606 and proceeding along said southwesterly right-of-way of The Silver Comet Trail South 71 degrees 57 minutes 22 seconds East a distance of 600.99 feet to an iron pin found at the intersection with the northwesterly right-of-way of East-West Connector and the southwest right-of-way of The Silver Comet Trail and the TRUE POINT OF BEGINNING, being unimproved property and containing 3.11 acres, more or less, all as shown as the North Tract on that Survey for J C Partners LLC, Republic Bank of Georgia & Lawyers Title Insurance Corporation, dated February 2, 2007, last revised December 9, 2007, by Christopher A. Evans, G.R.L.S. No. 2784, of Gaskins Surveying Company, Inc. (the "Survey").

TOGETHER WITH:

ALL THAT TRACT or parcel of land lying and being in Land Lot 606, 17th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at a point formed by the intersection of the southeasterly right-of-way of East-West Connector (a variable right-of-way) and the southwesterly right-of-way of The Silver Comet Trail f/k/a CSX Railroad (a 190-foot right-of-way) and thence proceeding along said southwesterly right-of-way of The Silver Comet Trail f/k/a CSX Railroad South 71 degrees 57 minutes 22 seconds East a distance of 255.06 feet to an iron pin found on the northwesterly right-

of-way of Camp Highland Road (a variable right-of-way); thence proceeding along said northwesterly right-of-way of Camp Highland Road South 15 degrees 17 minutes 17 seconds West a distance of 142.79 feet to an iron pin found; thence continuing along said northwesterly right-of-way of Camp Highland Road along a curve to the right with a radius of 350.71 feet an arc distance of 322.84 feet, said arc being subtended by a chord bearing South 41 degrees 39 minutes 35 seconds West a chord distance of 311.56 feet to an iron pin found; thence leaving said right-of-way of Camp Highland Road and proceeding North 03 degrees 07 minutes 20 seconds West a distance of 151.65 feet to an iron pin found; thence proceeding South 88 degrees 18 minutes 29 seconds West a distance of 89.55 feet to an iron pin found; thence proceeding South 01 degrees 24 minutes 31 seconds West a distance of 117.03 feet to an iron pin found; thence proceeding South 84 degrees 52 minutes 47 seconds West a distance of 3.31 feet to an iron pin found; thence proceeding South 04 degrees 40 minutes 09 seconds East a distance of 31.07 feet to an iron pin found; thence proceeding South 01 degrees 24 minutes 31 seconds West a distance of 42.26 feet to an iron pin found on the northwesterly right-of-way of Camp Highland Road; thence continuing along said northwesterly right-of-way along an arc of a curve to the left with a radius of 530.00 feet an arc distance of 15.76 feet, said arc being subtended by a chord bearing South 77 degrees 29 minutes 24 seconds West a chord distance of 15.76 feet to an iron pin found; thence continuing along said northwesterly right-of-way South 78 degrees 20 minutes 31 seconds West a distance of 6.72 feet to an iron pin found; thence continuing along said right-of-way of Camp Highland Road along an arc of a curve to the left with a radius of 435.00 feet an arc distance of 122.73 feet, said arc being subtended by a chord bearing South 70 degrees 15 minutes 34 seconds West a chord distance of 122.32 feet to an iron pin found; thence continuing along said northwesterly right-of-way of Camp Highland Road South 62 degrees 10 minutes 37 seconds West a distance of 67.06 feet to an iron pin found; thence continuing along said right-of-way North 01 degrees 40 minutes 57 seconds West a distance of 3.31 feet to a point; thence continuing along said right-of-way South 62 degrees 58 minutes 45 seconds West a distance of 127.85 feet to an iron pin found; thence continuing along said northwesterly right-of-way of Camp Highland Road along an arc of a curve to the right with a radius of 419.89 feet an arc distance of 94.97 feet, said arc being subtended by a chord bearing South 69 degrees 27 minutes 31 seconds West a chord distance of 94.77 feet to an iron pin found; thence continuing along said northwesterly right-of-way of Camp Highland Road South 75 degrees 56 minutes 17 seconds West a distance of 101.28 feet to a rebar found; thence leaving said northwesterly right-of-way of Camp Highland Road and proceeding North 01 degrees 02 minutes 29 seconds West a distance of 368.94 feet to an iron pin found; thence proceeding South 88 degrees 17 minutes 35 seconds West a distance of 21.01 feet to a point; thence proceeding North 16 degrees 06 minutes 53 seconds West a distance of 10.82 feet an iron pin found on the southeasterly right-of-way of East-West Connector; thence proceeding northeasterly along said southeasterly right-of-way of East-West Connector along an arc of a curve to the left with a radius of 2,137.98 feet an arc distance of 704.59 feet, said arc being subtended by a chord bearing North 64 degrees 26 minutes 39 seconds East chord distance of 701.41 feet to an iron pin found at the intersection with the southwesterly right-of-way of The Silver Comet Trail f/k/a CSX Railroad and the TRUE POINT OF BEGINNING, bring improved property and containing 6.87 acres, more or less, all as shown as South Tract on the Survey.

BK: 14985 PG: 5875
JAY C. STEPHENSON
CLERK OF SUPERIOR COURT Cobb Cty. GA.

**EXHIBIT B**

**Permitted Title Exceptions**

1. All taxes for the year 2013 and subsequent years.

2. Right-of-Way Deed from Judy Ann Forrester Stegall, John Edward Forrester, Charles Wayne Forrester and Rudene Norris Forrester to Cobb County, Georgia, dated January 26, 1990, filed for record February 7, 1991 at 9:53 a.m., recorded in Deed Book 6005, Page 514, Records of Cobb County, Georgia; as re-recorded February 20, 1991 at 2:56 p.m., recorded in Deed Book 6018, Page 139, aforesaid Records.

3. Right of Way Easement Agreement from Charles Wayne Forrester, Judy Ann Forrester Stegall and John Edward Forrester to Colonial Pipeline Company, a Delaware corporation, dated December 26, 1995, filed for record February 27, 1996 at 9:02 a.m., recorded in Deed Book 9436, Page 238, aforesaid Records.

4. Right-of-Way from Rudene Forrester to City of Smyrna, Georgia, dated July 27, 1998, filed for record August 21, 1998 at 3:42 p.m., recorded in Deed Book 11607, Page 148, aforesaid Records.

   NOTE: The above item may be removed or modified upon further examination and/or survey review.

5. Permanent Sidewalk Easement from J.C. Partners, LLC to City of Smyrna, dated December 21, 2007, filed for record January 17, 2008 at 9:00 a.m., recorded in Deed Book 14572, Page 6171, aforesaid Records.

6. All those matters as disclosed by that certain plat recorded in Plat Book 4, Page 101, aforesaid Records.

Rush

BK: 14969 PG: 2034
Filed and Recorded Aug-07-2012 02:19:38PM
DOCN: D2012-081174
Real Estate Transfer Tax $0.00
0332012016513

JAY C. STEPHENSON
CLERK OF SUPERIOR COURT Cobb Cty. GA.

**RETURN RECORDED DOCUMENT TO:**
**Elaine S. Cole**
**6040 Falcon Court**
**Austell, Ga. 30106**

**Document Preparation Only**

# WARRANTY DEED

**STATE OF GEORGIA**

**COUNTY OF DOUGLAS**

**THIS INDENTURE,** made this 11th day of July in the year Two Thousand Twelve (2012), between

**Barbara Leona Slay**
**N/K/A Barbara Monroe**

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

**Elaine S. Cole**

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).

**W I T N E S S E T H that:** Grantor, for and in consideration of the sum of **TEN AND 00/100'S ($10.00) Dollars** and other good and valuable considerations 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:

*****Grantor herein reserves a Life Estate in Caption Property*****

**All that tract or parcel of land lying and being in Land Lot 606 of the 17th District and Second Section of Cobb County, Georgia and being subdivided Lot No. 7 as shown on plat made by J.P. Phillips, C.E., June, 1940, recorded in Plat Book 5, page 101, Cobb County, Georgia records to which plat reference is made for a more complete legal description. This lot having a frontage of 110 feet on Camp Highland Road, south side 228 feet, West side 100 feet, north side 181.5 feet. Being 4730 Camp Highland Road, Smyrna, Ga. 30082. Tax Parcel# 17060600080.**

**This Deed is given subject to all easements and restrictions of record, if any.**

**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 day and year first above written.

Signed, sealed and delivered
In the presence of:

Elizabeth Carter
Witness

Elizabeth Carter
Notary Public

ELIZABETH CARTER
NOTARY
Cobb County - State of Georgia
My Comm. Expires October 03, 2014

Barbara L Slay (SEAL)
Barbara Leona Slay

Barbara L. Monroe (SEAL)
N/K/A Barbara Monroe

Printed: 11/13/2015 12:28:18 PM

## Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer:
SATILLA ASSET MANAGEMENT LLC

**TPB RE HOLDINGS II LLC**

## Payment Date: 9/28/2015

| Tax Year | Parcel ID | Due Date | | Appeal Amount | | Taxes Due |
|---|---|---|---|---|---|---|
| 2015 | 17060600070 | 10/15/2015 | Pay: | N/A | or | 9909.19 |

| Interest | Penalty | Fees | Total Due | Amount Paid | Balance |
|---|---|---|---|---|---|
| $0.00 | $0.00 | $0.00 | $9,909.19 | $9,909.19 | **$0.00** |

Printed: 11/13/2015 12:28:44 PM

## Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer:
SATILLA ASSET MANAGEMENT LLC

**TPB RE HOLDINGS II LLC**

## Payment Date: 9/28/2015

| Tax Year | Parcel ID | Due Date | | Appeal Amount | | Taxes Due |
|---|---|---|---|---|---|---|
| 2015 | 17060600090 | 10/15/2015 | Pay: | N/A | or | 388.08 |

| Interest | Penalty | Fees | Total Due | Amount Paid | Balance |
|---|---|---|---|---|---|
| $0.00 | $0.00 | $0.00 | $388.08 | $388.08 | **$0.00** |

Printed: 11/13/2015 12:29:23 PM

## Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer:
SATILLA ASSET MANAGEMENT LLC

**TPB RE HOLDINGS II LLC**

## Payment Date: 9/28/2015

| Tax Year | Parcel ID | Due Date | | Appeal Amount | | Taxes Due |
|---|---|---|---|---|---|---|
| 2015 | 17060600100 | 10/15/2015 | Pay: | N/A | or | 468.86 |

| Interest | Penalty | Fees | Total Due | Amount Paid | Balance |
|---|---|---|---|---|---|
| $0.00 | $0.00 | $0.00 | $468.86 | $468.86 | **$0.00** |

Printed: 11/13/2015 12:30:01 PM

## Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer:
SATILLA ASSET MANAGEMENT LLC

**TPB RE HOLDINGS II LLC**

## Payment Date: 9/28/2015

| Tax Year | Parcel ID | Due Date | | Appeal Amount | | Taxes Due |
|---|---|---|---|---|---|---|
| 2015 | 17060600110 | 10/15/2015 | Pay: | N/A | or | 381.22 |

| Interest | Penalty | Fees | Total Due | Amount Paid | Balance |
|---|---|---|---|---|---|
| $0.00 | $0.00 | $0.00 | $381.22 | $381.22 | **$0.00** |

Printed: 11/13/2015 12:30:32 PM

## Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer:
SATILLA ASSET MANAGEMENT LLC

**TPB RE HOLDINGS II LLC**

## Payment Date: 9/28/2015

| Tax Year | Parcel ID | Due Date | | Appeal Amount | | Taxes Due |
|---|---|---|---|---|---|---|
| 2015 | 17060600120 | 10/15/2015 | Pay: | N/A | or | 248.36 |

| Interest | Penalty | Fees | Total Due | Amount Paid | Balance |
|---|---|---|---|---|---|
| $0.00 | $0.00 | $0.00 | $248.36 | $248.36 | **$0.00** |

Printed: 11/13/2015 12:27:28 PM

## Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer:
BARBARA L MONROE & ELAINE S COLE

**COLE ELAINE S**

## Payment Date: 10/7/2015

| Tax Year | Parcel ID | Due Date | | Appeal Amount | | Taxes Due |
|---|---|---|---|---|---|---|
| 2015 | 17060600080 | 10/15/2015 | Pay: | N/A | or | 517.12 |

| Interest | Penalty | Fees | Total Due | Amount Paid | Balance |
|---|---|---|---|---|---|
| $0.00 | $0.00 | $0.00 | $517.12 | $517.12 | **$0.00** |

Log In

## Real Estate

View Bill View bill image

| | |
|---|---|
| As of | 12/10/2015 |
| Bill Year | 2015 |
| Bill | 15946 |
| Owner | TPB RE HOLDINGS II LLC |
| Parcel ID | 17060600070 |

View payments/adjustments

| Installment | Pay By | Amount | Payments/Credits | Balance | Interest | Due |
|---|---|---|---|---|---|---|
| 1 | 11/16/2015 | $3,374.38 | $3,374.38 | $0.00 | $0.00 | $0.00 |
| TOTAL | | $3,374.38 | $3,374.38 | $0.00 | $0.00 | $0.00 |

Log In

## Real Estate

View Bill

View bill image

| | |
|---|---|
| As of | 12/10/2015 |
| Bill Year | 2015 |
| Bill | 15947 |
| Owner | TPB RE HOLDINGS II LLC |
| Parcel ID | 17060600090 |

View payments/adjustments

| Installment | Pay By | Amount | Payments/Credits | Balance | Interest | Due |
|---|---|---|---|---|---|---|
| 1 | 11/16/2015 | $132.15 | $132.15 | $0.00 | $0.00 | $0.00 |
| TOTAL | | $132.15 | $132.15 | $0.00 | $0.00 | $0.00 |

Log In

# Real Estate

View Bill

View bill Image

| | |
|---|---|
| As of | 12/10/2015 |
| Bill Year | 2015 |
| Bill | 15948 |
| Owner | TPB RE HOLDINGS II LLC |
| Parcel ID | 17060600100 |

View payments/adjustments

| Installment | Pay By | Amount | Payments/Credits | Balance | Interest | Due |
|---|---|---|---|---|---|---|
| 1 | 11/16/2015 | $159.66 | $159.66 | $0.00 | $0.00 | $0.00 |
| TOTAL | | $159.66 | $159.66 | $0.00 | $0.00 | $0.00 |

Log In

## Real Estate

View Bill View bill image

| | |
|---|---|
| As of | 12/10/2015 |
| Bill Year | 2015 |
| Bill | 15949 |
| Owner | TPB RE HOLDINGS II LLC |
| Parcel ID | 17060600110 |

View payments/adjustments

| Installment | Pay By | Amount | Payments/Credits | Balance | Interest | Due |
|---|---|---|---|---|---|---|
| 1 | 11/16/2015 | $129.82 | $129.82 | $0.00 | $0.00 | $0.00 |
| TOTAL | | $129.82 | $129.82 | $0.00 | $0.00 | $0.00 |

Log In

## Real Estate

View Bill

View bill image

| | |
|---|---|
| As of | 12/10/2015 |
| Bill Year | 2015 |
| Bill | 15950 |
| Owner | TPB RE HOLDINGS II LLC |
| Parcel ID | 17060600120 |

View payments/adjustments

| Installment | Pay By | Amount | Payments/Credits | Balance | Interest | Due |
|---|---|---|---|---|---|---|
| 1 | 11/16/2015 | $84.58 | $84.58 | $0.00 | $0.00 | $0.00 |
| TOTAL | | $84.58 | $84.58 | $0.00 | $0.00 | $0.00 |

Log In

## Real Estate

View Bill

View bill image

| | |
|---|---|
| As of | 12/10/2015 |
| Bill Year | 2015 |
| Bill | 3078 |
| Owner | COLE ELAINE S |
| Parcel ID | 17060600080 |

View payments/adjustments

| Installment | Pay By | Amount | Payments/Credits | Balance | Interest | Due |
|---|---|---|---|---|---|---|
| 1 | 11/16/2015 | $176.10 | $176.10 | $0.00 | $0.00 | $0.00 |
| TOTAL | | $176.10 | $176.10 | $0.00 | $0.00 | $0.00 |

## LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 66 of the 17th District, 2nd Section, City of Smyrna, Cobb County, Georgia and being more particularly described as follows:

Beginning at a concrete monument found at the intersection of the Southeastern Right-of-Way line of East-West Connector (Right-of-Way Varies) and the Southwestern Right-of-Way line of The Silver Comet Trail (190' Right-of-Way), said monument being the TRUE POINT OF BEGINNING;

Thence leaving said intersection and continuing along said Right-of-Way of The Silver Comet Trail, South 71 degrees 57 minutes 22 seconds East, a distance of 255.06 feet to a point on the Northwestern Right-of-Way line of Camp Highland Rd (Right-of-Way Varies);

Thence leaving the Southwestern Right-of-Way line of The Silver Comet Trail (190' Right-of-Way) and continuing along said Right-of-Way of Camp Highland Rd, South 15 degrees 17 minutes 17 seconds West, a distance of 142.79 feet to a point;

Thence continuing along said Right-of-Way, 322.84 feet along an arc of a curve to the right, said curve having a radius of 350.71 feet and a chord bearing and distance South 41 degrees 39 minutes 35 seconds West 311.56 feet to a point;

Thence continuing along said Right-of-Way, South 03 degrees 07 minutes 20 seconds East, a distance of 2.15 feet to a point;

Thence continuing along said Right-of-Way, 108.92 feet along an arc of a curve to the right, said curve having a radius of 997.27 feet and a chord bearing and distance South 70 degrees 28 minutes 12 seconds West 108.75 feet to a point;

Thence continuing along said Right-of-Way, South 01 degrees 25 minutes 27 seconds West, a distance of 3.21 feet to an iron pin found (1" otp);

Thence continuing along said Right-of-Way, 15.76 feet along an arc of a curve to the left, said curve having a radius of 530.00 feet and a chord bearing and distance South 77 degrees 29 minutes 24 seconds West 15.76 feet to a point;

Thence continuing along said Right-of-Way, South 78 degrees 20 minutes 31 seconds West, a distance of 6.72 feet to a point;

Thence continuing along said Right-of-Way, 122.73 feet along an arc of a curve to the left, said curve having a radius of 431.00 feet and a chord bearing and distance South 70 degrees 15 minutes 34 seconds West 122.32 feet to a point;

Thence continuing along said Right-of-Way, South 62 degrees 10 minutes 37 seconds West, a distance of 67.06 feet to a point;

Thence continuing along said Right-of-Way, North 01 degrees 40 minutes 57 seconds West, a distance of 3.31 feet to a point;

Thence continuing along said Right-of-Way, South 62 degrees 58 minutes 45 seconds West, a distance of 127.85 feet to a point;

Thence continuing along said Right-of-Way, 94.97 feet along an arc of a curve to the right, said curve having a radius of 419.89 feet and a chord bearing and distance South 69 degrees 27 minutes 31 seconds West 94.77 feet to a point;

Thence continuing along said Right-of-Way, South 75 degrees 56 minutes 17 seconds West, a distance of 101.28 feet to an iron pin found;

Thence leaving the Northwestern Right-of-Way line of Camp Highland Rd (Right-of-Way Varies), North 01 degrees 02 minutes 29 seconds West, a distance of 368.94 feet to a point;

Thence South 88 degrees 17 minutes 35 seconds West, a distance of 21.01 feet to a point;

Thence North 16 degrees 06 minutes 53 seconds West, a distance of 10.82 feet to a point on the Southeastern Right-of-Way line of East-West Connector (Right-of-Way Varies);

Thence continuing along said Right-of-Way, 704.59 feet along an arc of a curve to the left, said curve having a radius of 2137.98 feet and a chord bearing and distance of North 64 degrees 26 minutes 39 seconds East 701.41 feet to a concrete monument found at the Southwestern Right-of-Way line of The Silver Comet Trail (190' Right-of-Way), said monument being the TRUE POINT OF BEGINNING.

Said tract containing 7.25 acres.

CITY OF SMYRNA
2800 King Street / P.O. Box 1226, Smyrna, Georgia 30081
(770) 434-6600 / www.smyrnacity.com

## *City of Smyrna*

### Water and Sewer Availability

The City of Smyrna has determined that water is available to the proposed development. A 10" water main exists on the north side of Camp Highland Road. If the proposed development is private it will require to have a master meter and each unit will have a private sub-meter read by a third party.

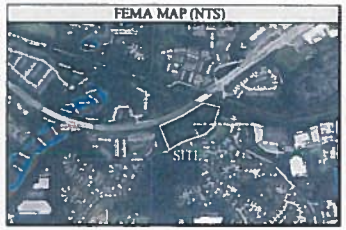
Sanitary Sewer is not readily available and or adjacent to the proposed development. Cobb County Water and Sewer System should also be consulted as to the availability to this proposed development.

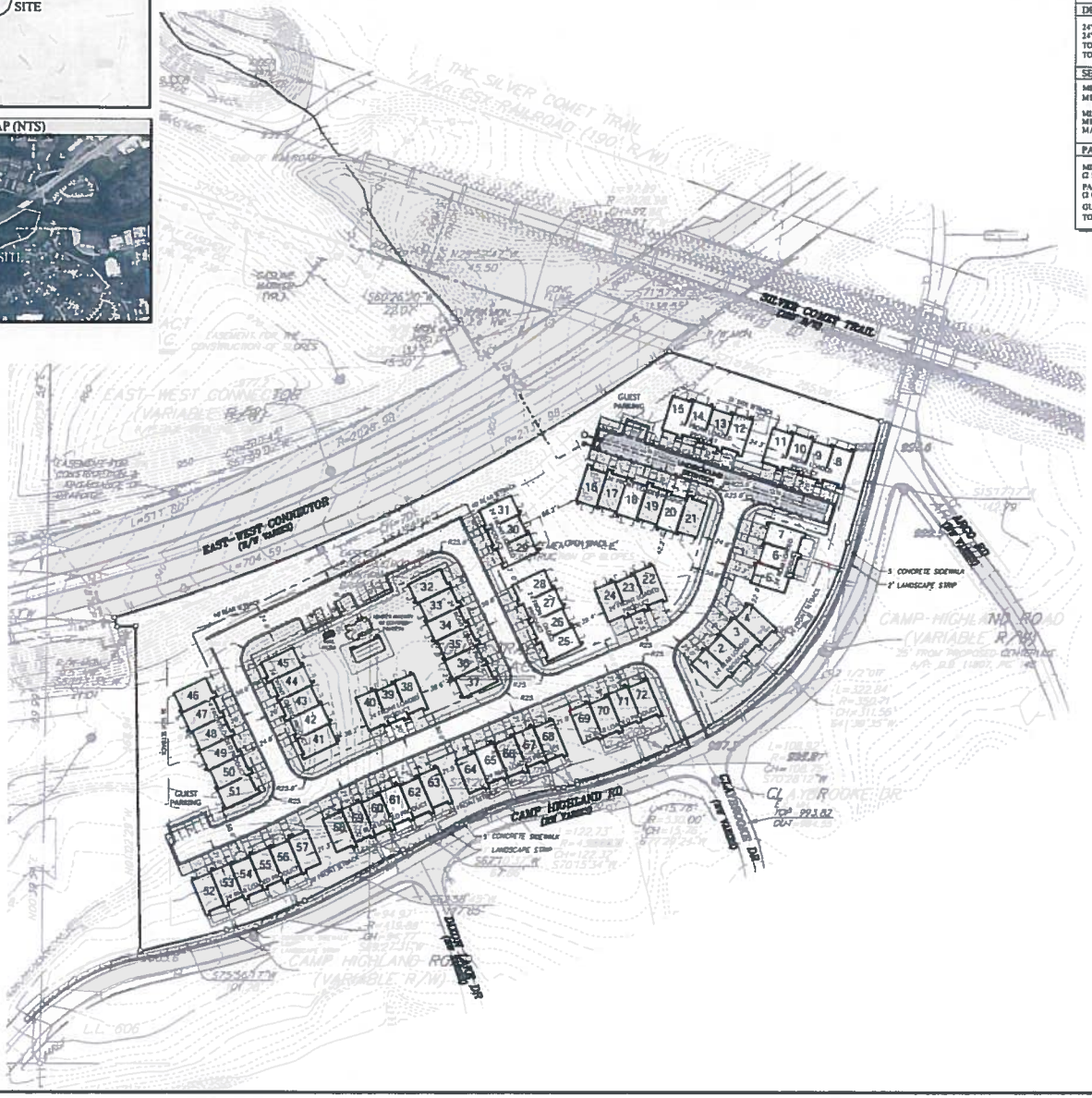
This information is based upon a conceptual master plan titled Camp Highland Road by Planners and Engineers Collaborative dated September 14, 2015. Pressure and elevations are the responsibility of the developer.

Scott Stokes, CPWM
Director Public Works

SITE LOCATION MAP (NTS)


FEMA MAP (NTS)




## SITE DATA:

| | |
|---|---|
| TOTAL SITE AREA | 7.25+/- ACRES |
| **ZONING** | |
| EXISTING ZONING | GC GENERAL COMMERCIAL |
| PROPOSED ZONING | TD MULTIFAMILY RESIDENTIAL |
| ZONING JURISDICTION | CITY OF SMYRNA |
| **DEVELOPMENT SUMMARY** | |
| 24' FRONT LOADED UNITS | 44 UNITS |
| 24' REAR LOADED UNITS | 28 UNITS |
| TOTAL RESIDENTIAL UNITS | 72 UNITS |
| TOTAL SITE DENSITY | 9.93 LOTS/ACRE |
| **SETBACK SUMMARY:** | |
| MINIMUM HEATED FLOOR AREA | 1,800 SF |
| MINIMUM FRONT YARD SETBACK | 50 FEET (VARIANCE TO 20 FEET) |
| MINIMUM SIDE YARD SETBACK | 35 FEET |
| MINIMUM REAR YARD SETBACK | 40 FEET |
| MAXIMUM BUILDING HEIGHT | 35 FEET |
| **PARKING CALCULATION SUMMARY:** | |
| MINIMUM PARKING REQUIRED PER DWELLING UNIT (2 SPACES PER UNIT) | 144 SPACES |
| PARKING PROVIDED PER DWELLING UNIT (2 GARAGE SPACES / 2 DRIVEWAY SPACES) | 288 SPACES |
| GUEST PARKING | 17 SPACES |
| TOTAL PARKING | 305 SPACES |

# CAMP HIGHLAND ROAD

A MASTER PLANNED TOWNHOME DEVELOPMENT

FOR

PRIME INTEREST
4231 SOUTH LEE STREET
BUFORD, GEORGIA 30518
PHONE: 770-945-3241

LAND LOTS 1, 2, 3 & 4 OF THE 17TH DISTRICT, 2ND SECTION

CITY OF SMYRNA
COBB COUNTY
GEORGIA


PLANNERS AND ENGINEERS COLLABORATIVE

"WE PROVIDE SOLUTIONS"

SITE PLANNING ◎ LANDSCAPE ARCHITECTURE ◎ CIVIL ENGINEERING ◎ LAND SURVEYING

330 RESEARCH COURT ◎ ATLANTA, COBB COUNTY, GEORGIA 30092 ◎ (770)455-2746 FAX (770)455-2746 ◎ WWW.PECA.TO.COM


## REVISIONS:

| NO | DATE | BY | DESCRIPTION |
|---|---|---|---|
| | | | |



SHEET TITLE

## CONCEPTUAL MASTER SITE PLAN

0 30 60 120 180

SCALE: 1" = 60'
DATE: NOV. 13, 2015
PROJECT: 15227.00

THIS SEAL IS ONLY VALID IF COPIES SIGNED AND DATED WITH AN ORIGINAL SIGNATURE

GEORGIA REGISTERED PROFESSIONAL ENGINEER

11/13/2015

GSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATE # [illegible] EXP. [illegible]

Z1

SHEET

811 Know what's below. Call before you dig.

24 HOUR CONTACT:
MARTY ORR @ 770-945-3241

## SITE LOCATION MAP (NTS)




## FEMA MAP (NTS)




## SPECIMEN TREE SURVEY NOTE:

SPECIMEN TREE SURVEY PROVIDED BY ALEX PHILLIPS, DATED NOVEMBER 11, 2013. CONSULTING ARBORIST / ALEX PHILLIPS ISA CERTIFIED ARBORIST, #MA-1066A

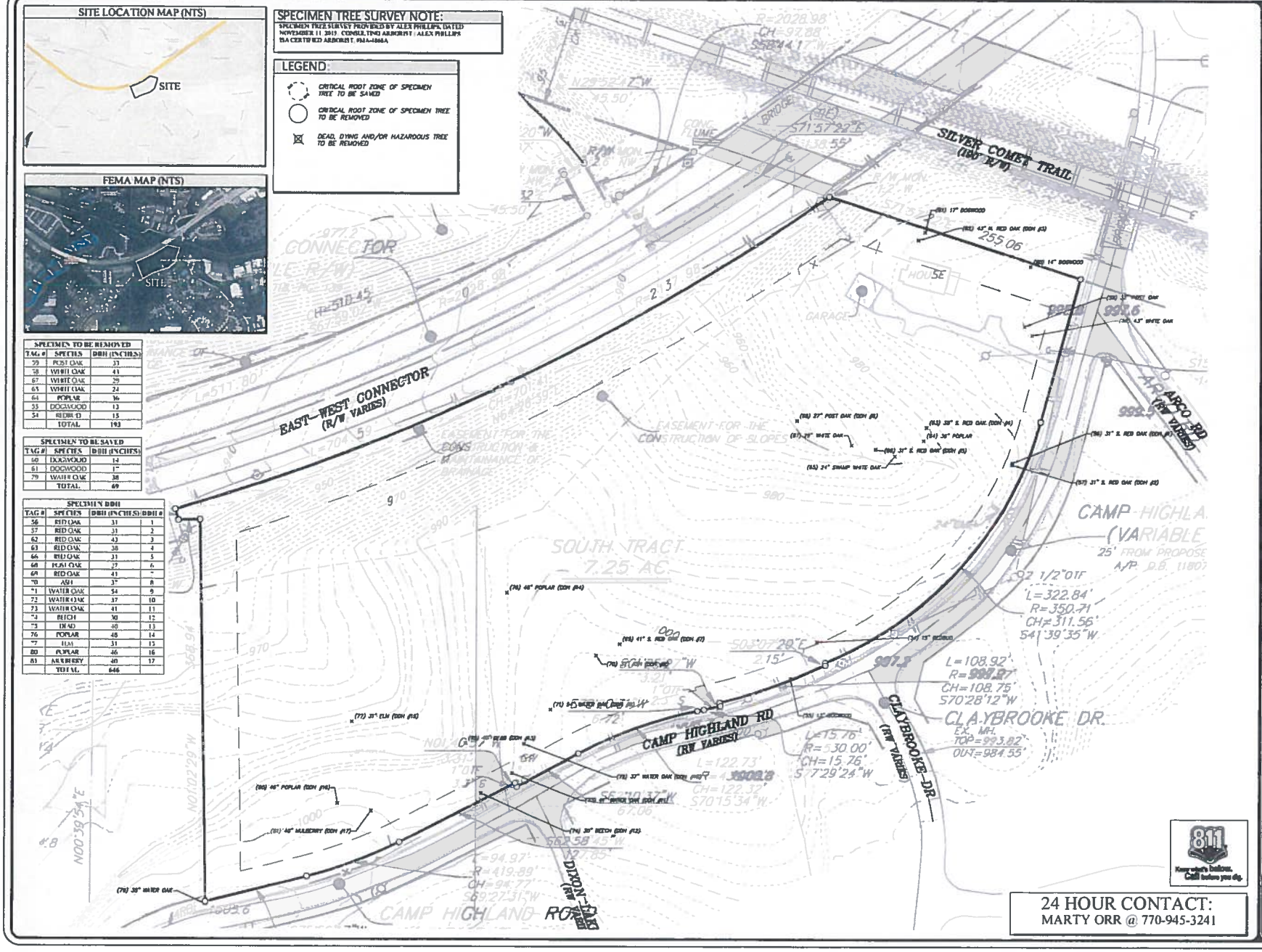
## LEGEND:

- CRITICAL ROOT ZONE OF SPECIMEN TREE TO BE SAVED
- CRITICAL ROOT ZONE OF SPECIMEN TREE TO BE REMOVED
- DEAD, DYING AND/OR HAZARDOUS TREE TO BE REMOVED

| SPECIMEN TO BE REMOVED | | |
|---|---|---|
| TAG # | SPECIES | DBH (INCHES) |
| 59 | POST OAK | 33 |
| 58 | WHITE OAK | 41 |
| 67 | WHITE OAK | 29 |
| 65 | WHITE OAK | 24 |
| 64 | POPLAR | 36 |
| 55 | DOGWOOD | 13 |
| 54 | RED BUD | 15 |
| | TOTAL | 193 |

| SPECIMEN TO BE SAVED | | |
|---|---|---|
| TAG # | SPECIES | DBH (INCHES) |
| 60 | DOGWOOD | 14 |
| 61 | DOGWOOD | 17 |
| 79 | WATER OAK | 38 |
| | TOTAL | 69 |

| SPECIMEN DBH | | | |
|---|---|---|---|
| TAG # | SPECIES | DBH (INCHES) | DBH # |
| 56 | RED OAK | 33 | 1 |
| 57 | RED OAK | 33 | 2 |
| 62 | RED OAK | 42 | 3 |
| 63 | RED OAK | 38 | 4 |
| 66 | RED OAK | 33 | 5 |
| 68 | POST OAK | 27 | 6 |
| 69 | RED OAK | 41 | 7 |
| 70 | ASH | 37 | 8 |
| 71 | WATER OAK | 54 | 9 |
| 72 | WATER OAK | 37 | 10 |
| 73 | WATER OAK | 41 | 11 |
| 74 | BEECH | 30 | 12 |
| 75 | DEAD | 40 | 13 |
| 76 | POPLAR | 40 | 14 |
| 77 | ELM | 33 | 15 |
| 80 | POPLAR | 46 | 16 |
| 81 | MULBERRY | 40 | 17 |
| | TOTAL | 646 | |




**24 HOUR CONTACT:**
MARTY ORR @ 770-945-3241

# CAMP HIGHLAND ROAD

A MASTER PLANNED TOWNHOME DEVELOPMENT

FOR
PRIME INTEREST
4235 SOUTH LEE STREET
BUFORD, GEORGIA 30518
PHONE: 770-945-3241

LAND LOTS 264
1TH DISTRICT, 2ND SECTION

CITY OF BUFORD
GWINNETT COUNTY
GEORGIA

PLANNERS AND ENGINEERS COLLABORATIVE

"WE PROVIDE SOLUTIONS"

SITE PLANNING ◎ LANDSCAPE ARCHITECTURE ◎ CIVIL ENGINEERING ◎ LAND SURVEYING
330 RESEARCH COURT ◎ PEACHTREE CORNERS, GEORGIA 30092 ◎ (770)449-7418 FAX (770)449-7419 ◎ WWW.PECATL.COM

## REVISIONS:

| NO. | DATE | BY | DESCRIPTION |
|---|---|---|---|
| | | | |



SHEET TITLE

## TREE LOCATION PLAN

0 20 40 80 120

SCALE: 1" = 40'
DATE: NOV. 13, 2015
PROJECT: 15227.00

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.

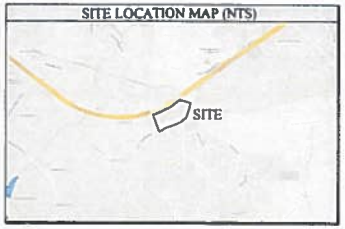
GEORGIA REGISTERED PROFESSIONAL ENGINEER
J. C. HOWARD

11/13/15

TPR1

SHEET

SITE LOCATION MAP (NTS)




FEMA MAP (NTS)




## TREE PROTECTION NOTES:

1. CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AT (770-319-5187) TO ARRANGE A PRECONSTRUCTION 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. ALL TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO GRADING OR THE REMOVAL OF IMPERVIOUS SURFACES OR STRUCTURES.
3. BUFFERS SHALL BE REPLANTED SUBJECT TO COMMUNITY DEVELOPMENT DEPARTMENT APPROVAL.

## STREETSCAPE TREE CALCULATIONS:

ONE OVER STORY TREE REQUIRED FOR EVERY 40 LINEAR FEET OF SUBDIVISION STREETS.

1124 LF OF STREETSCAPE (SUBTRATED UTILITY, DRIVEWAYS, PROXIMITY TO BUILDING SPACE TO DETERMINE CALCULATION)
1124/40 = 28 TREES
28 STREET TREES REQUIRED.

## PARKING LOT TREE CALCULATIONS:

ONE OVER STORY TREE PLANTED WITHIN 50 LINEAR FEET OF EACH PARKING SPACE.

## TREE DENSITY CALCULATIONS:

SITE DATA:

| | |
|---|---|
| TOTAL SITE AREA | 7.25 ACRES |
| INFRASTRUCTURE IMPROVEMENTS (ROAD) | - 1.13 ACRES |
| NET LOT AREA | 6.08 ACRES |

TREE REPLACEMENT REQUIREMENTS:
100 INCHES PER ACRE
6.08 AC X 100 INCHES = 608 INCHES REQUIRED (SDF)

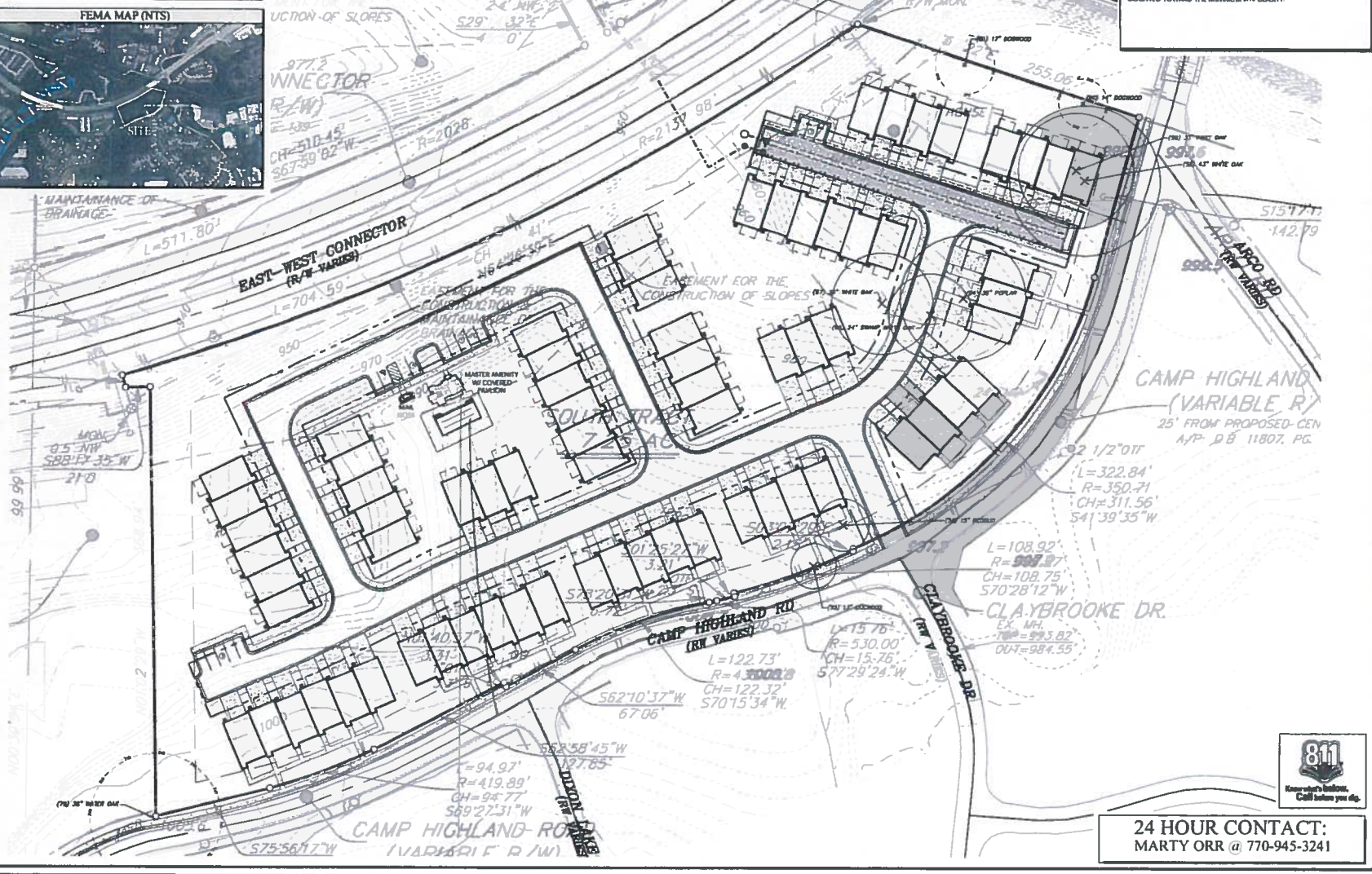
SPECIMEN RECOMPENSE COMPLIANCE:

| | |
|---|---|
| SPECIMEN TREE INCHES REMOVED | 180 INCHES |

TREE DENSITY COMPLIANCE:

| | |
|---|---|
| EXISTING DENSITY FACTOR | 68 INCHES |
| RDF REQUIRED* | + 130 INCHES* |
| SITE DENSITY FACTOR REQUIRED* | 608 INCHES* |

*(180) 3" TREES REQUIRED TO MEET SITE DENSITY. STREET TREES CAN BE COUNTED TOWARD THE MINIMUM SITE DENSITY.




24 HOUR CONTACT:
MARTY ORR @ 770-945-3241

# CAMP HIGHLAND ROAD

A MASTER PLANNED TOWNHOME DEVELOPMENT

PRIME INTEREST
4215 SOUTH LEE STREET
BUFORD, GEORGIA 30518
PHONE 770-945-3241

LAND LOTS 188 & 189, 7th DISTRICT, 2nd SECTION

CITY OF BUFORD
GWINNETT COUNTY
GEORGIA

PLANNERS AND ENGINEERS COLLABORATIVE

"WE PROVIDE SOLUTIONS"

SITE PLANNING ■ LANDSCAPE ARCHITECTURE ■ CIVIL ENGINEERING ■ LAND SURVEYING
330 RESEARCH COURT ■ PEACHTREE CORNERS, GEORGIA 30092 ■ (770)449-7276 ■ FAX (770)449-2983 ■ WWW.PECATL.COM

## REVISIONS:

| NO. | DATE | BY | DESCRIPTION |
|---|---|---|---|
| | | | |



SHEET TITLE
TREE PROTECTION & REPLACEMENT CALC. PLAN

0 20 40 80 120

SCALE: 1" = 40'
DATE: NOV. 13, 2015
PROJECT: 15227.00

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.

GEORGIA REGISTERED PROFESSIONAL ENGINEER
JOHN C. HOBBS

11/13/15

TPR2
SHEET

# SPECIMEN TREE REPORT
## SMYRNA

Tree Report for:
Prime Interest
4235 South Lee Street
Buford, GA 30518

Property Address:
4730 Camp Highland Rd. SE
Smyrna
Cobb County

Project 15227.00

Survey Date 11/11/2015

ROOT ZONE TREE CONSULTANTS
350 RESEARCH CT. PEACHTREE CORNERS, GA 30092
PHONE: 770-451-3915

Consulting Arborist
Alex Phillips, ASLA
ISA Certified Arborist #MA-4868A
Tree Risk Assessment Qualified

# Camp Highland Road

## Specimen Tree Inventory

Some trees on a site warrant special consideration and encouragement for preservation. The intent of these specifications is to provide the necessary information to facilitate project design, plan review and enforcement processes. The City of Smyrna Specimen tree specifications are organized by size:

Deciduous Hardwood (Oak and Beech) trees over 24" DBH

Deciduous Hardwood (Maple, Hickory, Ash, Blackgum, Pecan, spruce and Cedar)trees over 30" DBH

Conifer and Softwoods (Pine, Poplars and Sweetgums) over 36" DBH

Under Story (Dogwoods, Redbuds, Sourwoods) trees over 10" DBH

Any tree that does not meet the following requirements as set forth by the International Society of Arboriculture shall be deemed poor in condition, a danger to human life and property and removed from the site.

Life expectancy less than 15 years

A trunk with visible decay

More than two major and several minor dead limbs (hardwoods)

Major insect or pathological problems

No more than 70% of branches on one side.

## Site Location

The Site is located along the East-West Connector in the city of Smyrna and also near the Silver Comet Multi-use trail. The property is a heavily wooded middle age forest with a with a mix of Oak, Poplar, and Pine trees. The grades are steep and much of the ground layer has been taken over by Privet and other invasives like English ivy. Unfortunately these have negatively impacted many of the existing trees and limited the secondary growth of new replacement trees. In addition the trees in the front have negative environmental impact from utility pruning.

## Definitions

Tree Number: Trees are tagged with an aluminum disk that shows a unique number to identify the tree.

Species: Trees are listed by a regional common name and botanical name.

Diameter at Breast Height (DBH): The diameter of a trunk at 4.5' above ground level.

ROOT ZONE

# Camp Highland Road

Measured in inches.

Condition:

Good: A specimen tree with healthy productive tip growth. A sound trunk with no visible damage or decay. No major limb loss and healthy branch unions. No visible insect or disease infestations. Life expectancy of more than 15 years.

Fair: A specimen tree with healthy but not vigorous tip growth. Less than 30% of crown is dead. No major dead limbs and no major trunk cavities or damage. Branch unions show some signs of stress. Tree is expected to live longer than 10 years.

Poor: More than 30% of the crown is dead or has significant tip die back. More than one major limb is dead and are large trunk cavities with visible decay. Severe insect or disease damage leading to immediate death. Roots are visible and show signs of decay and rot. Life expectancy is less than 5 years.

Dead: Tree has no bud or leaf production. All limbs are barren and rot is visible.
Invasive: Tree species whose native range is not within the Piedmont classification.

Hazardous: Severe or uncorrectable damage that will lead to a loss of property or life if there is tree failure.

ROOT ZONE

# Camp Highland Road

| Tree # | Species | DBH | Condition | Comments |
|---|---|---|---|---|
| 54 | *Cercis canadensis* Redbud | 15" | Specimen | Tree is in good health. |
| 55 | *Cornus florida* Dogwood | 13" | Specimen | Tree is in good health. |
| 56 | *Quercus falcata* Southern Red Oak | 31" | Non-Specimen | DDH # 1: Split w/ included bark and lean. Pic # 1 & 2 |
| 57 | *Quercus falcata* Southern Red Oak | 31" | Non-Specimen | DDH # 2: Split w/ included bark and lean. Pic # 1 & 2 |
| 58 | *Quercus alba* White Oak | 43" | Specimen | Tree is in good health. |
| 59 | *Quercus stellata* Post Oak | 33" | Specimen | Tree is in good health. |
| 60 | *Cornus florida* Dogwood | 14" | Specimen | Tree is in good health. |
| 61 | *Cornus florida* Dogwood | 17" | Specimen | Tree is in good health. |
| 62 | *Quercus rubra* Northern Red Oak | 43" | Non-Specimen | DDH # 3: Major dead limbs, decline, tip dieback, less than 15 year life expectancy. Pic # 3 |
| 63 | *Quercus falcata* Southern Red Oak | 38" | Non-Specimen | DDH # 4: Major lean, major limb loss. Pic # 4 |
| 64 | *Liriodendron tulipifera* Tulip Poplar | 36" | Specimen | Tree is in good health. |
| 65 | *Quercus bicolor* Swamp White Oak | 24" | Specimen | Tree is in good health. |
| 66 | *Quercus falcata* Southern Red Oak | 31" | Non-Specimen | DDH # 5: Lean w/ 100% weight over lean. Root rot. Pic # 5 |
| 67 | *Quercus alba* White Oak | 29" | Specimen | Tree is in good health. |
| 68 | *Quercus stellata* Post Oak | 27" | Non-Specimen | DDh # 6: Lean with weigh toward lean and trunk wound. Pic # 6 & 7 |

# Camp Highland Road

| Tree # | Species | DBH | Condition | Comments |
|---|---|---|---|---|
| 69 | *Quercus falcata* Southern Red Oak | 41" | Non-Specimen | DDH # 7: Overall decline, tip dieback, and major limb loss. Pic # 8 |
| 70 | *Fraxinus americana* White Ash | 37" | Non-Specimen | DDH # 8: Split multi-leader. Decline and tip dieback. Pic # 9 |
| 71 | *Quercus nigra* Water Oak | 54" | Non-Specimen | DDH # 9: Split with weeping. Included bark and major limb loss. Pic # 10 & 11 |
| 72 | *Quercus nigra* Water Oak | 37" | Non-Specimen | DDH # 10: Fruiting bodies on roots. Major limb loss. Pic # 12 |
| 73 | *Quercus nigra* Water Oak | 41" | Non-Specimen | DDH # 11: Utility prune, major trunk wound and fruiting bodies on roots. Major lean. Pic # 13 & 14 |
| 74 | *Fagus grandifolia* Beech | 30" | Non-Specimen | DDH # 12: Utility prune and weeping wounds. Pic # 15 |
| 75 | Dead | 40" | Non-Specimen | DDH # 13: Dead. Pic # 16 |
| 76 | *Liriodendron tulipifera* Tulip Poplar | 48" | Non-Specimen | DDH # 14: Major limb loss. Decline with weeping trunk wounds at 25'. Pic # 17 |
| 77 | *Ulmus alata* Winged Elm | 31" | Non-Specimen | DDH # 15: Split with included bark. Pic # 18 |
| 79 | *Quercus nigra* Water Oak | 38" | Specimen | Tree is in good health. |
| 80 | *Liriodendron tulipifera* Tulip Poplar | 46' | Non-Specimen | DDH # 16: Total ivy coverage. Major dead limbs. Pic # 19 |
| 81 | *Morus alba* White Mulberry | 40" | Non-Specimen | DDH # 17: Invasive, included bark and major limb failure. Pic # 20 |

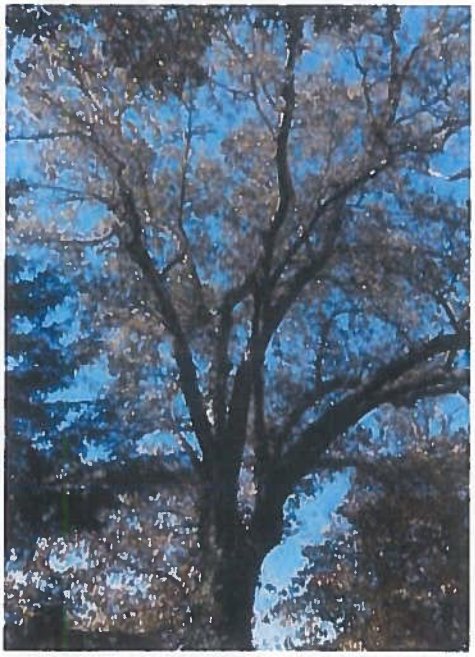
## Summary

Total: 27
Specimen Quality: 10
Non-Specimen Quality: 17
Many of the large trees along the front are not in specimen condition due to trunk wounds and utility pruning and poor growing conditions due to human activity.

# Camp Highland Road

Pic # 1: Split with included bark and lean. DDH #1 & 2

Pic # 2: Split with included bark, and lean. DDH #1 & 2



Pic # 3: Major dead limbs, decline, tip dieback. Less than 15 year life expectancy. DDH #3

Pic # 4: Major lean, major limb loss. DDH #4

# Camp Highland Road

Pic # 5: Lean w/ 100% weight over lean. Root rot. DDH #5

Pic # 6: Trunk wound. DDH #6

Pic # 7: Lean w/ weight over lean. DDH #6

Pic # 8: Overall decline, tip dieback, and major limb loss. DDH #7

# Camp Highland Road

Pic # 9: Split mulit-leader. Decline and tip dieback DDH #9

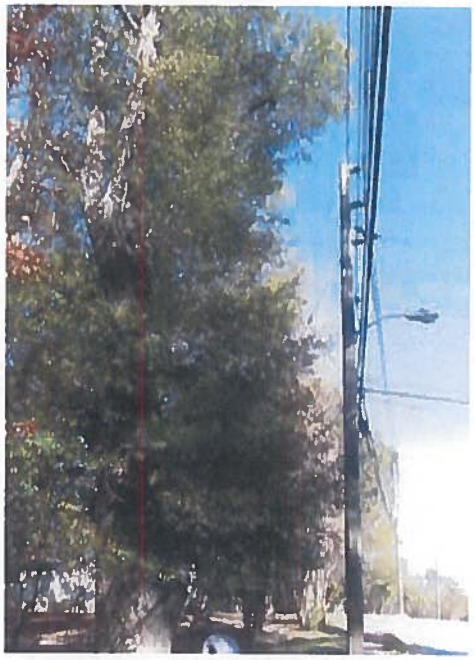
Pic # 10: Split with weeping. DDH #9

Pic # 11: Split with weeping. DDH #9

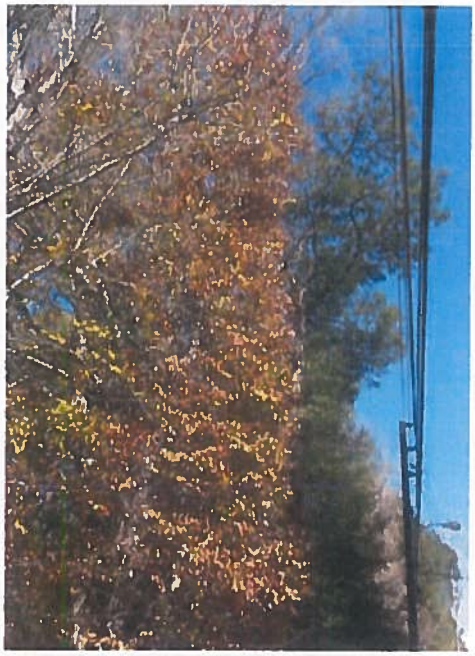
Pic # 12: Fruiting bodies on roots and major limb loss. DDH #10

# Camp Highland Road

Pic # 13: Major trunk wound. DDH #11



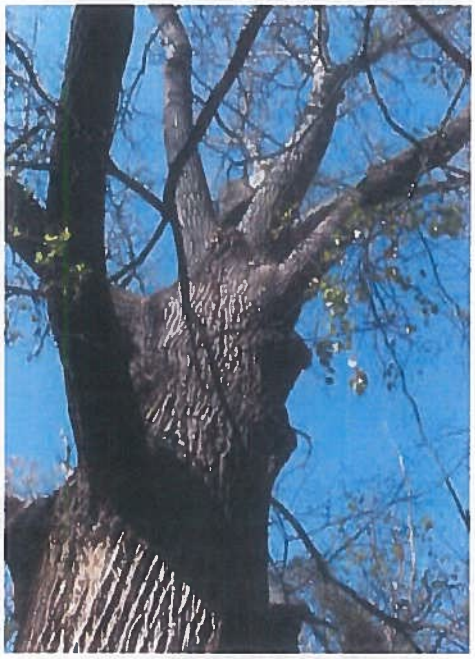
Pic # 14: Utility prune. DDH #11



Pic # 15: Utility prune and weeping wounds. DDH #12

Pic # 16: Dead. DDH #13

# Camp Highland Road



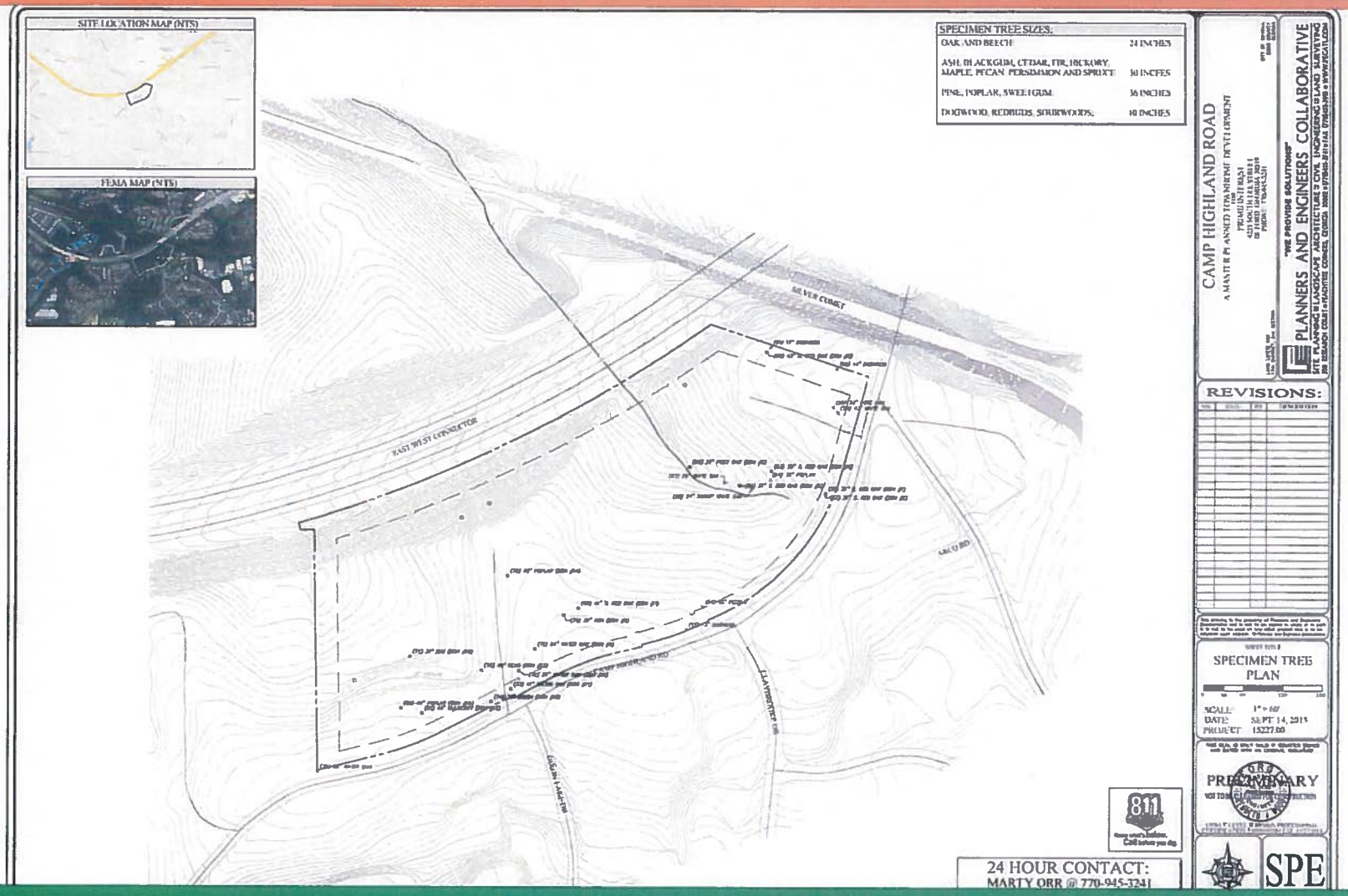
Pic # 17: Major limb loss. Decline with weeping trunk wounds at 25'. DDH #14

Pic # 18: Split with included bark. DDH #15

Pic # 19: Total ivy coverage and major dead limbs. DDH #16

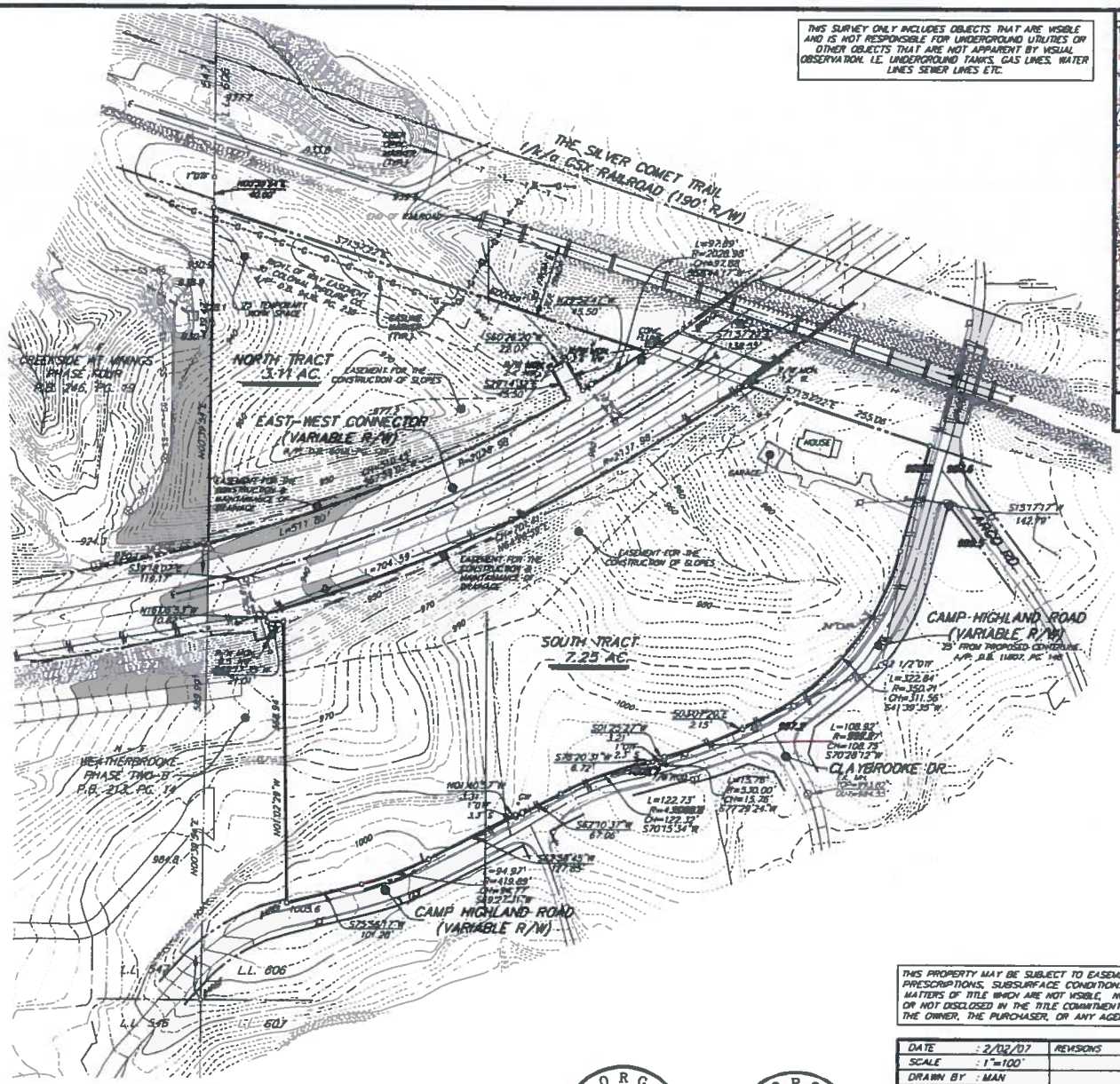
Pic # 20: Invasive, inlcuded bark, and major limb failure. DDH #17

# Camp Highland Road




Specimen Tree Location

THIS SURVEY ONLY INCLUDES OBJECTS THAT ARE VISIBLE AND IS NOT RESPONSIBLE FOR UNDERGROUND UTILITIES OR OTHER OBJECTS THAT ARE NOT APPARENT BY VISUAL OBSERVATION. I.E. UNDERGROUND TANKS, GAS LINES, WATER LINES SEWER LINES ETC.





LOCATION MAP 1" = 2000'

SURVEY REFERENCES:

1.) SURVEY FOR J C PARTNERS, LLC, INTEGRITY BANK & FIRST AMERICAN TITLE INSURANCE COMPANY BY GASKINS SURVEYING COMPANY, INC. DATED JULY 25, 2005, LAST REVISED AUGUST 1, 2005.

2.) ALTA/ACSM LAND TITLE SURVEY FOR J C PARTNERS, LLC, INTEGRITY BANK & FIRST AMERICAN TITLE INSURANCE COMPANY BY GASKINS DATED FEBRUARY 2, 2007.

3.) BOUNDARY SURVEY FOR CAMP HIGHLAND ROAD TRACT BY ROCHESTER & ASSOCIATES, INC. DATED NOVEMBER 20, 2003.

4.) EXECUTOR'S DEED IN DEED BOOK 3486, PG. 367, WHICH REFERENCES PLAT BOOK 4, PAGE 101.

THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTIONS, SUBSURFACE CONDITIONS, OR OTHER MATTERS OF TITLE WHICH ARE NOT VISIBLE, NOT RECORDED, OR NOT DISCLOSED IN THE TITLE COMMITMENT PROVIDED BY THE OWNER, THE PURCHASER, OR ANY AGENTS THEREOF

100 0 100 200
SCALE IN FEET

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE X ; ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY NUMBER # 130057 , MAP NUMBER # 13067 C 0075 F DATED AUGUST 18, 1992

THIS PLAT IS FOR THE EXCLUSIVE USE OF THE PARTIES STATED ON THE FACE OF THE SURVEY. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.

LINEAR PRECISION OF THIS PLAT : 1/ +164,318 . MATTERS OF TITLE ARE EXCEPTED.

GEORGIA REGISTERED LAND SURVEYOR 2011 DONALOY HUTCHINS

GEORGIA REGISTERED LAND SURVEYOR 2784 CHRISTOPHER A. EVANS

| | |
|---|---|
| DATE : 2/02/07 | REVISIONS |
| SCALE : 1"=100' | |
| DRAWN BY : MAN | |
| CHECKED BY : CAE/DH | |
| FIELD BOOK : 516 | |

Gaskins

COMPILED PLAT FOR:

J C PARTNERS, LLC

LOCATED IN L.L. 606
17th DISTRICT, 2nd SECTION
CITY OF SMYRNA
COBB COUNTY, GA.

# ATTACHMENT TO APPLICATION FOR REZONING

**Application No.:** _____
**Hearing Dates:** **January 11, 2016**
**February 15, 2016**

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

## CONSTITUTIONAL CHALLENGE
## ATTACHMENT TO APPLICATION FOR REZONING

COME NOW, Applicant, PRIME INTEREST, INC. (hereinafter referred to as "Applicant"), and Titleholders, TPB RE HOLDINGS II LLC and ELAINE S. COLE (hereinafter referred to as "Titleholders"), and assert the following:

1.

By Application for Rezoning dated and filed December 11, 2015, Applicant and Titleholders applied for rezoning of certain real property, being approximately 7.25 acres, more or less, lying and being located within the City of Smyrna, Cobb County, Georgia, a more particular description and delineation of the subject property being set forth in said Application (hereinafter referred to as the "Property" or the "Subject Property").

2.

The Application for Rezoning of the Property seeks rezoning from the existing zoning category of General Commercial ("GC") to the proposed zoning category of TD Multi-Family Residential, as established by the governing authority of the City of Smyrna, Georgia, under and pursuant to the Zoning and Planning Ordinance of the City of Smyrna, Georgia.

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JOHNSON & STEELE
Limited Liability Partnership
Emerson Overlook
326 Roswell Street
Marietta, GA 30060
(770) 429-1499
FAX (770) 429-8631

3.

With respect to the current GC zoning classification for the Subject Property, Applicant and Titleholders do contend the Zoning and Planning Ordinance of the City of Smyrna is unconstitutional as applied to the Subject Property in that said Ordinance does not permit the Applicant and Titleholders to utilize the Property to the highest and best use set forth within the Application for Rezoning without the necessity of rezoning. However, Applicant and Titleholders do not contend the current zoning category of GC is unconstitutional, per se, only as applied. Thus, the Zoning and Planning Ordinance of the City of Smyrna deprives Applicant and Titleholders of their Property under and pursuant to Art. I, § I, ¶¶ I and II of the Georgia Constitution of 1983, and the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America. This deprivation of Property without due process violates the constitutional prohibition against the taking of private property without just compensation. Also violated are the Applicant's and Titleholders' rights to unfettered use of their Property, as stated above, in that said zoning classifications do not bear a substantial relation to the public health, safety, morality, or general welfare and are, therefore, confiscatory and void. Further, said Ordinance is unconstitutional in that it is arbitrary and unreasonable resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss on the Applicant and Titleholders.

4.

To the extent the Zoning and Planning Ordinance of the City of Smyrna allows or permits the Mayor and City Council to rezone the Subject Property to any category other than as requested, said Ordinance is further unconstitutional in that same violates the Applicant's and Titleholders' constitutionally guaranteed rights to due process, both

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substantive and procedural. Furthermore, any such action by the Mayor and City Council, or as allowed by the Zoning and Planning Ordinance of the City of Smyrna, is an unconstitutional use of the zoning power and would constitute an abuse of discretion with no justification or benefit flowing to the public welfare. Accordingly, said Ordinance or action would likewise represent a taking of private property rights without the payment of just and adequate compensation in violation of the Constitutions of the State of Georgia and the United States of America.

5.

The Zoning and Planning Ordinance of the City of Smyrna is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with the Zoning Application also violate Art. I, § I, ¶¶ I, II, and XII of the Georgia Constitution of 1983 in that said procedures impose unreasonable time restraints, contain the absence of rebuttal, contain the inability to confront witnesses, contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issue at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law. These procedures fail to comport with the due process requirements of the Constitution of the State of Georgia 1983 and the due process requirements of the Constitution of the United States of America.

Respectfully submitted, this 11th day of December, 2015.

MOORE INGRAM JOHNSON & STEELE, LLP

BY: _____
J. Kevin Moore
Georgia Bar No. 519728

Attorneys for Applicant and Titleholders

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Limited Liability Partnership
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Marietta, GA 30060
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FAX (770) 429-8631

**PRIME INTEREST, INC.**
4235 S. LEE ST.
BUFORD, GA 30518

8268

64-315/611
01

DATE 11/10/15

PAY TO THE ORDER OF City of Smyrna $ 1,200.00

One thousand two hundred and 00/100 DOLLARS

Security Features Details on Back.

PEOPLES
BANK & TRUST

FOR Application for Rezoning

MP

⑈008268⑈ ⑆061103153⑆ 000 36 681⑈

**PRIME INTEREST, INC.**
4235 S. LEE ST.
BUFORD, GA 30518

8269

64-315/611
01

DATE 11/10/15

PAY TO THE ORDER OF City of Smyrna $ 500.00

Five hundred and 00/100 DOLLARS

Security Features Details on Back.

PEOPLES
BANK & TRUST

FOR Land Use Change Fee

MP

⑈008269⑈ ⑆061103153⑆ 000 36 681⑈

**PRIME INTEREST, INC.**
4235 S. LEE ST.
BUFORD, GA 30518

8270

64-315/611
01

DATE 11/10/15

PAY TO THE ORDER OF City of Smyrna $ 500.00

Five Hundred and 00/100 DOLLARS

Security Features Details on Back

**PEOPLES**
BANK & TRUST

FOR Tree Protection Plan Review

MP

⑈008270⑈ ⑆061103153⑆ 000 36 681⑈