



city of  
powder springs

# Rezoning Request

## Application Checklist

### Applicant Information

Name \*David Pearson Communities, Inc.

Phone (770) 321-5032; \*(770) 429-1499

Mailing Address Suite 400, 2000 First Drive, Marietta, GA 30062

Email doug@davidpearsoncommunities.com; \*jkm@mijs.com

### Application Checklist

The following information will be required:

1.  Application
  2.  Notice of Intent
  3.  Applicant's Written Analysis
  4.  Campaign Contribution Disclosure
  5.  Owner's Authorization, if applicable.
  6.  Legal Description and Survey Plat of the property
  7.  Application Fee (summary of fees attached)
  8.  Copy of the Deed that reflects the current owners name
  9.  Vicinity Map outlining the parcel/s in relation to the surrounding area
  10.  Site plan, plat or survey prepared by an architect, engineer. The following information **must** be included:  
 Specific use or uses proposed for the site. Acreage, bearing and distances, other dimensions, and location of the tract(s). Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area, height, for residential number of units, Square footage of heated floor area. Detention/retention areas, and utility easements. Location of dumpsters. Public or private street(s) - right of way and roadway widths, approximate grades Location and size of parking area with proposed ingress and egress. Specific types and dimensions of protective measures, such as buffers. Landscaping. Wetlands, stream buffers, and 100 year floodplain.
  11.  Sketch Plan/ Architectural Rendering, if applicable
  12.  Traffic Study required for development with 500,000 sf of nonresidential floor area or 350 dwelling units or more.
- List additional attachments: 2021 Cobb County Paid Tax Receipts

### Note Carefully

If your application qualifies as a "Development of Regional Impact" (see Article 13) then you must follow additional procedures BEFORE your application can be considered. The Community Development Department will assist you with the DRI process, which is mandated by State and GRTA requirements.

Indicate the current zoning district of the property, and the zoning district you are requesting. File a separate application for each Rezoning request naming a different zoning district. A Special Use request, Variance request can be filed concurrently with a Rezoning request on the same property by separate application.



city of powder springs

# Rezoning Request

## Application Form

### Applicant Information

Name <b>*David Pearson Communities, Inc.</b>	Phone <b>(770) 321-5032; *(770) 429-1499</b>
Mailing Address <b>Suite 400, 2000 First Drive, Marietta, GA 30062</b>	Email <b>doug@davidpearsoncommunities.com; *jkm@mijs.com</b>

### Rezoning Request Property Information


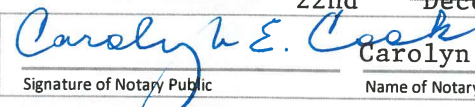
Address <b>5550 Story Road (north and south parcels); 5556 Story Road</b>	Parcel ID / Lot# <b>19088300010</b> Acreage <b>49.771+/-</b>
Present Zoning <b>R-30 (Cobb County)</b>	Proposed Zoning <b>R-15 Conservation</b>
Source of Water Supply <b>Cobb County Water</b>	Source of Sewage Disposal <b>Cobb County Water &amp; Sewer</b>
Proposed Use Peak Hour Trips Generated	Source

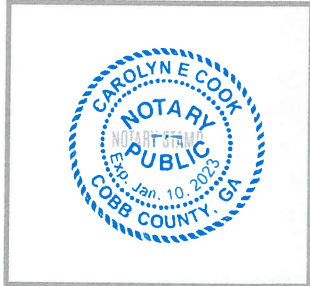
### Additional Information, If Applicable

Elementary School and School's Capacity <b>Powder Springs Elementary - 110 under</b>	Middle School and School's Capacity <b>Cooper Middle School - 115 under</b>
High School and School's Capacity <b>McEachern High School - 93 under</b>	

### Notary Attestation

Executed in Marietta (City), GA (State).

BY:  Signature of Applicant	<u>J. Kevin Moore</u> Printed Name	<u>December 22, 2021</u> Date
Attorneys for Applicant and Property Owners Subscribed and sworn before me this <u>22nd</u> day of <u>December</u> , 20 <u>21</u>		
 Signature of Notary Public	<u>Carolyn E. Cook</u> Name of Notary Public	<u>January 10, 2023</u> My Commission Expires



### \*See Exhibit "A" for Applicant's and Property Owners' Representative Information For Official Use Only

PZ #	
Planning Commission Hearing	City Council Hearing
Withdrawal Date	Reason for Withdrawal



**city of  
powder springs**  
**Rezoning Request**  
**Notice of Intent**

### Applicant Information

<b>Name</b> *David Pearson Communities, Inc.	<b>Phone</b> (770) 321-5032; *(770) 429-1499
<b>Mailing Address</b> Suite 400, 2000 First Drive, Marietta, GA 30062	<b>Email</b> doug@davidpearsoncommunities.com; *jkm@mijis.com

### Notice of Intent

**PART I. Please indicate the purpose of this application :**  
 The purpose of this Application for Rezoning is to rezone the Property (both north and south tracts) and develop the Property into a single-family residential community.


**PART II. Please list all requested variances:**  
 None known at this time.

**Part III. Existing use of subject property:**  
 The Property is undeveloped; excepting only one single residence.

**Part IV. Proposed use of subject property:**  
 Single-family Residential Community.

**Part V. Other Pertinent Information (List or attach additional information if needed):**

### Applicant Signature

	*David Pearson Communities, Inc./	December 22, 2021
Signature of Applicant GA Bar No. 519728	Printed Name J. Kevin Moore	Date



# Rezoning Request

## Applicant's Written Analysis

### Applicant Information

Name	*David Pearson Communities, Inc.	Phone	(770) 321-5032; *(770) 429-1499	
Mailing Address	Suite 400, 2000 First Drive, Marietta, GA 30062		Email	doug@davidpearsoncommunities.com; *jkm@mijis.com

### Written Analysis

In details please address these Rezoning Criteria:

a. Whether the proposed zoning district and uses within that district are compatible with the purpose and intent of the comprehensive plan. The future development map and the future land use plan map of the city's comprehensive plan shall be used in decision making relative to amendments to the official zoning map.

The proposed R-15 Conservation zoning district is compatible with the purposes and intent of the City's Comprehensive Plan as the proposed development will provide quality housing; as well as, allow residential zoning and development to be adjacent to similar developments.

b. Whether the proposed zoning district and uses permitted within that district are suitable in view of the zoning and development of adjacent and nearby property.

The proposed R-15 Conservation zoning classification, and the proposed quality single-family residential community, are suitable uses for the Subject Property in view of uses of the surrounding properties. The adjacent and surrounding properties are primarily residential uses. The proposed community would be a quality development consistent with surrounding neighborhoods.

c. Whether the existing use or usability of adjacent or nearby property will be adversely affected by one or more uses permitted in the requested zoning district.

No adjacent or nearby properties will be adversely or negatively impacted by rezoning the Subject Property to the proposed R-15 Conservation zoning classification and development of a quality single-family residential community.

d. Whether there are substantial reasons why the property cannot or should not be used as currently zoned;

The proposed R-15 Conservation zoning classification within the City of Powder Springs will allow for a higher and better use of the Subject Property than as currently zoned within Cobb County.

e. Whether public facilities such as roads, schools, water and sewer utilities, and police and fire protection will be adequate to serve the proposed zoning district and uses permitted.

There is adequate public facilities and infrastructure in place to sufficiently service the proposed single-family residential community.

f. Whether the proposed zoning district and uses permitted within that zoning district are supported by new or changing conditions not anticipated by the comprehensive plan or reflected in the existing zoning on the property or surrounding properties.

The existing zoning classification does not reflect changing conditions of the area surrounding it. If the Property were developed pursuant to the existing zoning, the surrounding communities would be adversely impacted.

g. Whether the proposed zoning district and uses permitted within that zoning district reflect a reasonable balance between the promotion of the public health, safety, morality or general welfare and the right to unrestricted use of property.

The proposed R-15 Conservation zoning classification, together with the quality residential community, is a more reasonable use of the Property, and provides a better overall promotion of public health, safety, morality, and general welfare of area residents and neighborhoods.

### Applicant Signature

BY:		*David Pearson Communities, Inc./	December 22, 2021
Signature of Applicant	Bar No. 519728	Printed Name	J. Kevin Moore
Attorneys for Applicant and Property Owners		Date	



# Rezoning Request

## Campaign Contribution Disclosure

### Applicant and Attorney Information

<b>Applicant's Name</b> David Pearson Communities, Inc.	<b>Applicant's Address</b> 2000 First Drive, Suite 400, Marietta, GA 30060
<b>Applicant's Attorney</b> *Moore Ingram Johnson & Steele, LLP - J. Kevin Moore	<b>Attorney's Address</b> 326 Roswell Street, Emerson Overlook, Suite 100, Marietta, GA 30060

### Campaign Contribution Disclosure

The following information is provided in accordance with the Georgia Conflict of Interest in Zoning Actions Act, O.C.G.A. 36-67A-1 et seq.

The property that is the subject of the attached application is owned by:

- Individual(s)     
  Corporation     
  Partnership     
  Limited Partnership     
  Joint Venture

All persons, corporations, partners, limited partners, or joint ventures party to ownership of the property that is the subject of the attached application are listed below:

Assemblies of God Foundation, Trustee of	Naomi Leah Storey
The James R. Storey Charitable Remainder Unitrust	
James Roy Storey(a/k/a James R. Storey)	

APPLICANT: Within the two years preceding the date of the attached application, the applicant has made campaign contributions or gifts aggregating \$250 or more to the Mayor, to members of the Powder Springs City Council, or to members of the Planning Commission, as follows:

Name of Official	Amount of Contribution or Gift	Date of Contribution or Gift
None		

ATTORNEY: Within the two years preceding the date of the attached application, the attorney representing the applicant has made campaign contributions or gifts aggregating \$250 or more to the Mayor, to members of the Powder Springs City Council, or to members of the Planning Commission, as follows:

Name of Official	Amount of Contribution or Gift	Date of Contribution or Gift
None		



# Rezoning Request Owner's Authorization Form

## Owner's Authorization

<b>Applicant Name</b> *David Pearson Communities, Inc.	<b>Applicant's Address</b> Suite 400, 2000 First Drive, Marietta, GA 30062
<b>Property Address</b> 5550 Story Road (north and south parcels): 5556 Story Road Powder Springs, GA	<b>Property PIN</b> 19088300010; 19088300150

This is to certify that ~~Kristi L. Willoughby~~ ~~VP~~ I am  the Authorized Representative of a Corporation that is the owner of a majority interest in the subject property of the attached application. By execution of this form, this is to authorize the person names as "applicant" below, acting on behalf of the owner, to file for and pursue a request for approval of the following:

Check all that apply:

Rezoning <input checked="" type="checkbox"/>	Special Use <input type="checkbox"/>	Hardship Variance <input type="checkbox"/>
Special Exception <input type="checkbox"/>	Flood Protection Variance <input type="checkbox"/>	Appeal of Administrative Decision <input type="checkbox"/>

## Signature of Property Owner(s)

Assemblies of God Foundation, a Missouri corporation, Trustee of The James R. Storey Charitable Remainder Unitrust (an irrevocable trust)

BY:  WILLIAM A. HUNT, JR., VP December 9, 2021


Signature of Owner Printed Name Date

State of MO, County of Greene

This instrument was acknowledged before me this 9th day of December month.

20 21, by William A Hunt Identification Presented: personally known



 Kristi L. Willoughby 10/18/2022

Signature of Notary Public Name of Notary Public My Commission Expires

Signature of Owner _____	Printed Name _____	Date _____
State of _____, County of _____.		
This instrument was acknowledged before me this _____ day of _____ month.		
20 _____, by _____ Identification Presented: _____		
Signature of Notary Public _____	Name of Notary Public _____	My Commission Expires _____



# city of powder springs

## Rezoning Request

### Owner's Authorization Form

### Owner's Authorization

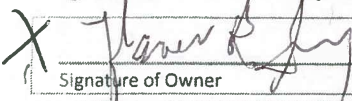
<b>Applicant Name</b> *David Pearson Communities, Inc.	<b>Applicant's Address</b> Suite 400, 2000 First Drive, Marietta, GA 30062
<b>Property Address</b> 5550 Story Road (north and south parcels); 5556 Story Road Powder Springs, GA	<b>Property PIN</b> 19088300010; 19088300150

This is to certify that I am  ~~an individual~~  ~~an authorized representative of a corporation~~ the owner of a majority interest in the subject property of the attached application. By execution of this form, this is to authorize the person names as "applicant" below, acting on behalf of the owner, to file for and pursue a request for approval of the following:

Check all that apply:

Rezoning <input checked="" type="checkbox"/>	Special Use <input type="checkbox"/>	Hardship Variance <input type="checkbox"/>
Special Exception <input type="checkbox"/>	Flood Protection Variance <input type="checkbox"/>	Appeal of Administrative Decision <input type="checkbox"/>

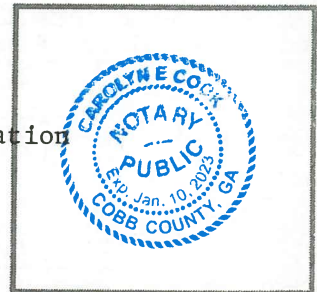
### Signature of Property Owner(s)


	<u>James Roy Storey</u>	<u>December 14</u> , 2021
Signature of Owner	Printed Name	Date

State of GA, County of GA.

This instrument was acknowledged before me this 14th day of December month,

2021 by James Roy Storey of signer. Identification Presented: Personal Identification



	<u>Carolyn E. Cook</u>	<u>January 10, 2023</u>
Signature of Notary Public	Name of Notary Public	My Commission Expires

_____ Signature of Owner	_____ Printed Name	_____ Date
State of _____, County of _____.		
This instrument was acknowledged before me this _____ day of _____ month,		
20____ by _____ of signer. Identification Presented: _____		
_____ Signature of Notary Public	_____ Name of Notary Public	_____ My Commission Expires

**EXHIBIT "A" – ATTACHMENT TO APPLICATION FOR REZONING**

**Application No.:** \_\_\_\_\_  
**Planning Commission Hearing:** **January 24, 2022**  
**Mayor and City Council Hearing:** **February 7, 2022**

**Applicant:** **David Pearson Communities, Inc.**  
**Titleholders:** **James Roy Storey (a/k/a James R. Storey) and  
Assemblies of God Foundation,  
a Missouri corporation, Trustee of  
The James R. Storey Charitable Remainder  
Unitrust (an irrevocable trust)**

**Applicant's and Property Owners' Representative:**

J. Kevin Moore, Esq.  
Moore Ingram Johnson & Steele, LLP  
Attorneys at Law  
Emerson Overlook, Suite 100  
326 Roswell Street  
Marietta, Georgia 30060  
(770) 429-1499 (Office)  
(770) 429-8631 (Telefax)  
E-mail: [jkm@mij.com](mailto:jkm@mij.com)



**LEGAL DESCRIPTION  
(NORTHERN TRACT)**

*All that tract or parcel of land lying and being in Land Lots 820, 821, 882 and 883 of the 19th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:*

**BEGINNING** at an iron pin set (#4 rebar w/cap) located on the northwesterly right-of-way of Story Road (50' right-of-way) said iron pin being located 375.79 feet from the intersection of the said northwesterly right-of-way of Story Road and the northeasterly right-of-way of Hiram Lithia Springs Road (50' right-of-way) as measured in a northeasterly direction along the said northwesterly right-of-way of Story Road; having thus established the **TRUE POINT OF BEGINNING** leaving said point and right-of-way and running  $N00^{\circ}04'49''E$  for a distance of 150.61 feet to an iron pin set (#4 rebar w/cap); thence running  $N00^{\circ}02'19''W$  for a distance of 283.00 feet to an iron pin set (#4 rebar w/cap); thence running  $N00^{\circ}14'42''E$  for a distance of 186.55 feet to an iron pin found (3/4" crimped-top-pipe); thence running  $N00^{\circ}47'38''W$  for a distance of 232.73 feet to an iron pin found (1/2" open-top-pipe) located on the common line between Land Lot 883 and 820 of the said 19th District; thence leaving said Land Lot Line and running  $N00^{\circ}56'49''W$  for a distance 208.27 feet to an iron pin found (#4 rebar); thence running  $N00^{\circ}49'40''W$  for a distance of 34.61 feet to an iron pin found (#4 rebar); thence running  $N00^{\circ}54'28''W$  for a distance of 134.42 feet to an iron pin found (#4 rebar disturbed); thence running  $N00^{\circ}56'47''W$  for a distance of 139.74 feet to an iron pin found (1/2" open-top-pipe); thence running  $N86^{\circ}08'37''W$  for a distance of 97.61 feet to an iron pin found (#4 rebar); thence running  $N01^{\circ}22'21''E$  for a distance of 139.94 feet to an iron pin found (1/2" open-top-pipe); thence running  $N00^{\circ}24'42''E$  for a distance of 38.82 feet to an iron pin found (#4 rebar); thence running  $S85^{\circ}25'25''E$  for a distance of 741.51 feet to an iron pin

set (#4 rebar); thence running  $S88^{\circ}38'59''E$  for a distance of 680.39 feet to an iron pin found (#4 rebar); thence running  $S00^{\circ}23'53''W$  for a distance of 819.02 feet to an iron pin set located on the northwesterly right-of-way of said Story Road; thence running in a generally southwesterly direction along and following the northwesterly right-of-way of said Story Road for the following courses and distances: running thence  $S58^{\circ}49'02''W$  for a distance of 225.83 feet to a point; thence running in a southwesterly direction along a curve to the left for an arc length of 307.99 feet (said arc being subtended by a chord of  $S58^{\circ}15'23''W - 307.99$  feet and having a radius of 18,878.22 feet) to a point; thence running  $S56^{\circ}40'03''W$  for a distance of 171.30 feet to a point; thence running in a southwesterly direction along a curve to the right for an arc length of 237.07 feet (said arc being subtended by a chord of  $S61^{\circ}57'46''W - 236.38$  feet to a point and having a radius of 896.02 feet) to a point; thence running  $S70^{\circ}26'51''W$  for a distance of 98.34 feet to a point; thence running in a southwesterly direction along a curve to the left for an arc length of 322.52 feet (said arc being subtended by a chord of  $S71^{\circ}03'25''W - 322.50$  feet and having a radius of 7,348.08 feet) to a point; thence running  $S69^{\circ}28'26''W$  for a distance of 111.62 feet to an iron pin set (#4 rebar) which is the **TRUE POINT OF BEGINNING**. Said tract contains  $\pm 37.092$  acres ( $\pm 1,615,730$  sq. ft.)

**LEGAL DESCRIPTION  
(SOUTHERN TRACT)**

*All that tract or parcel of land lying and being in Land Lots 821 and 882 of the 19th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:*

**BEGINNING** at a point located at the intersection of the southeasterly right-of-way of Story Road (50' right-of-way) and the easterly right-of-way of Riding Woods Drive (50' right-of-way); having thus established the **TRUE POINT OF BEGINNING** leaving said point and running in a generally northeasterly direction along and following the southeasterly right-of-way of said Story Road for the following courses and distances: thence running in a northeasterly direction along a curve to the left for an arc length of 59.85 feet (said arc being subtended by a chord of N56°15'24"E – 59.84 feet and having a radius of 946.02 feet) to a point; thence running N56°40'03"E for a distance of 169.83 feet to a point; thence running in a northeasterly direction along a curve to the right for an arc length of 306.70 feet (said arc being subtended by a chord of N58°15'25"E – 306.70 feet and having a radius of 18,828.22 feet) to a point; thence running N58°49'02"E for a distance of 368.51 feet to a point; thence running in a northeasterly direction along a curve to the left for an arc length of 165.52 feet (said arc being subtended by a chord of N54°35'06"E – 165.35 feet and having a radius of 1035.60 feet) to a point; thence running N48°23'48"E for a distance of 111.58 feet to an iron pin set (#4 rebar w/cap); thence leaving said right-of-way and running S00°31'40"W for a distance of 157.03 feet to an iron pin set (#4 rebar); thence running S89°44'01"E for a distance of 300.00 feet to an iron pin found (#4 rebar) located on the common line between Land Lot 882 and 881, said iron pin being located S00°33'37"W a distance of 96.01 feet from an iron pin found (1" open-top-pipe) which is the common corner of Land Lots 821, 822, 881 and 882 of the said 19th District; thence running S01°07'02"W along the common line between Land Lots

881 and 882 for a distance of 362.69 feet to an iron pin found (#4 rebar); thence continuing along said Land Lot Line  $S01^{\circ}00'55''W$  for a distance of 219.59 feet to an iron pin found (#5 rebar); thence leaving said Land Lot Line and running  $N88^{\circ}44'16''W$  for a distance of 1049.52 feet to an iron pin found (#3 rebar); thence running  $N88^{\circ}46'37''W$  for a distance of 225.64 feet to an iron pin found (#4 rebar) located on the east right-of-way of Riding Woods Drive; thence running  $N01^{\circ}11'45''E$  along the east right-of-way of Riding Woods Drive for a distance of 64.06 feet to a point which is the **TRUE POINT OF BEGINNING**. Said tract contains  $\pm 12.679$  acres ( $\pm 552,317$  sq. ft.).




*Maid*

THIS DOCUMENT WAS PREPARED BY:  
Assemblies of God Foundation  
3900 S Overland Avenue  
Springfield MO 65807

Deed Book 15976 Pg 3186  
Filed and Recorded Oct-05-2021 03:49pm  
2021-0142846  
Real Estate Transfer Tax \$0.00  
0332021029758

## WARRANTY DEED

  
Condra Taylor  
Clerk of Superior Court Cobb Cty. Ga.

STATE OF GEORGIA  
COUNTY OF COBB

This Warranty Deed made this 22<sup>nd</sup> day of September, 2021, by and between the **GRANTOR, JAMES R. STOREY**, a married man, hereinafter referred to as "Grantor" and the **GRANTEES, ASSEMBLIES OF GOD FOUNDATION, a Missouri corporation, Trustee of THE JAMES R. STOREY CHARITABLE REMAINDER UNITRUST (an irrevocable trust)**, hereinafter referred to as "Grantee." The mailing address of the Grantee is 3900 S. Overland Avenue, Springfield, Missouri 65807.

WITNESSETH: The Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which is hereby specifically acknowledged, has granted, bargained, sold, aliened, conveyed, and confirmed, and by these presents does hereby grant, bargain, sell, alien, convey, and confirm to Grantee, the following described lots, tracts or parcels of land lying, being and situated in the County of Cobb and State of Georgia, to-wit:

See legal description on Exhibit A attached hereto and incorporated herein by reference.

Property commonly known as 5550 Story Road, Powder Springs, Georgia 30127

It being a portion of the property conveyed to James R. Storey, by deed of Winnell Capes Story (Mrs. Carl Story) dated the 31<sup>st</sup> day of July, 1981 and of record in the Cobb County Recorder of Deeds in Deed Book 2437, at Page 347.

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining, unto the said Grantee and unto successors and assigns FOREVER, the said Grantor hereby covenanting that it is lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that it has good right to convey the same; that the said premises are free and clear of any incumbrances done or suffered by it or those under whom it claimed title; and that it will warrant and defend the title to said premises unto the said Grantee, and unto their successors and assigns forever, against the lawful claims and demands of all persons.

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

GRANTOR:

Deed Book 15976 Pg 3187

James R. Storey  
James R. Storey

Naomi Storey  
Witness

STATE OF GEORGIA )  
COUNTY OF COBB ) ss.

On this 22<sup>ND</sup> day of SEPTEMBER, 2021, before me personally appeared that James R. Storey, to me known to be the persons described in, and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

In testimony whereof I have hereunto set my hand and affixed my official seal at my office in said county and state the day and year last above written.

My commission expires:

Aug 25, 2024

Joyce A. Corn  
Notary Public  
Type or print name Joyce A. CORN



## EXHIBIT A

All that tract or parcel of land lying and being in Land Lots 820, 821, 882 and 883 of the 19th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

## NORTHERN TRACT:

BEGINNING at an iron pin set (#4 rebar w/cap) located on the northwesterly right-of-way of Story Road (50' right-of-way) said iron pin being located 375.79 feet from the intersection of the said northwesterly right-of-way of Story Road and the northeasterly right-of-way of Hiram Lithia Springs Road (50' right-of-way) as measured in a northeasterly direction along the said northwesterly right-of-way of Story Road; having thus established the TRUE POINT OF BEGINNING leaving said point and right-of-way and running N00°04'49"E for a distance of 150.61 feet to an iron pin set (#4 rebar w/cap); thence running N00°02'19"W for a distance of 283.00 feet to an iron pin set (#4 rebar w/cap); thence running N00°14'42"E for a distance of 186.55 feet to an iron pin found (3/4" crimped-top-pipe); thence running N00°47'38"W for a distance of 232.73 feet to an iron pin found (1/2" open-top-pipe) located on the common line between Land Lot 883 and 820 of the said 19th District; thence leaving said Land Lot Line and running N00°56'49"W for a distance 208.27 feet to an iron pin found (#4 rebar); thence running N00°49'40"W for a distance of 34.61 feet to an iron pin found (#4 rebar); thence running N00°54'28"W for a distance of 134.42 feet to an iron pin found (#4 rebar disturbed); thence running N00°56'47"W for a distance of 139.74 feet to an iron pin found (1/2" open-top-pipe); thence running N86°08'37"W for a distance of 97.61 feet to an iron pin found (#4 rebar); thence running N01°22'21"E for a distance of 139.94 feet to an iron pin found (1/2" open-top-pipe); thence running N00°24'42"E for a distance of 38.82 feet to an iron pin found (#4 rebar); thence running S85°25'25"E for a distance of 741.51 feet to an iron pin set (#4 rebar); thence running S88°38'59"E for a distance of 680.39 feet to an iron pin found (#4 rebar); thence running S00°23'53"W for a distance of 819.02 feet to an iron pin set located on the northwesterly right-of-way of said Story Road; thence running in a generally southwesterly direction along and following the northwesterly right-of-way of said Story Road for the following courses and distances: running thence S58°49'02"W for a distance of 225.83 feet to a point; thence running in a southwesterly direction along a curve to the left for an arc length of 307.99 feet (said arc being subtended by a chord of S58°15'23"W – 307.99 feet and having a radius of 18,878.22 feet) to a point; thence running S56°40'03"W for a distance of 171.30 feet to a point; thence running in a southwesterly direction along a curve to the right for an arc length of 237.07 feet (said arc being subtended by a chord of S61°57'46"W – 236.38 feet to a point and having a radius of 896.02 feet) to a point; thence running S70°26'51"W for a distance of 98.34 feet to a point; thence running in a southwesterly direction along a curve to the left for an arc length of 322.52 feet (said arc being subtended by a chord of S71°03'25"W – 322.50 feet and having a radius of 7,348.08 feet) to a point; thence running S69°28'26"W for a distance of 111.62 feet to an iron pin set (#4 rebar) which is the TRUE POINT OF BEGINNING. Said tract contains ±37.092 acres (±1,615,730 sq. ft.)

## LESS AND EXCEPT FROM THE NORTHERN TRACT:

All that tract or parcel of land lying and being in Land Lots 882 and 883 of the 19th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin set (#4 rebar w/cap) located on the northwesterly right-of-way of Story Road (50' right-of-way) said iron pin being located 375.79 feet from the intersection of the said northwesterly right-of-way of Story Road and the northeasterly right-of-way of Hiram Lithia Springs Road (50' right-of-way) as measured in a northeasterly direction along the said northwesterly right-of-way of Story Road; having thus established the TRUE POINT OF BEGINNING leaving said point and right-of-way and running N00°04'49"E for a distance of 150.61 feet to an iron pin set (#4 rebar w/cap); thence running N00°02'19"W for a distance of 76.52 feet to an iron pin set (#4 rebar w/cap); thence running N89°57'41"E for a distance of 234.56 feet to an iron pin set (#4 rebar w/cap); thence running N23°25'45"E for a distance of 93.35 feet to an iron pin set (#4 rebar w/cap); thence running N89°57'41"E for a distance of 477.67 feet to an iron pin set located on the northwesterly right-of-way of said Story Road; thence running in a generally southwesterly direction along and following the northwesterly right-of-way of said Story Road for the following courses and distances: running thence S56°40'03"W for a distance of 46.24 feet to a point; thence running in a southwesterly direction along a curve to the right for an arc length of 237.07 feet (said arc being subtended by a chord of S61°57'46"W – 236.38 feet to a point and having a radius of 896.02 feet) to a point; thence running



S70°26'51"W for a distance of 98.34 feet to a point; thence running in a southwesterly direction along a curve to the left for an arc length of 322.52 feet (said arc being subtended by a chord of S71°03'25"W – 322.50 feet and having a radius of 7,348.08 feet) to a point; thence running S69°28'26"W for a distance of 111.62 feet to an iron pin set (#4 rebar) which is the TRUE POINT OF BEGINNING. Said tract contains ±2.50 acres (±108,858 sq. ft.)

and;

All that tract or parcel of land lying and being in Land Lots 821 and 882 of the 19th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

**SOUTHERN TRACT:**

BEGINNING at a point located at the intersection of the southeasterly right-of-way of Story Road (50' right-of-way) and the easterly right-of-way of Riding Woods Drive (50' right-of-way); having thus established the TRUE POINT OF BEGINNING leaving said point and running in a generally northeasterly direction along and following the southeasterly right-of-way of said Story Road for the following courses and distances: thence running in a northeasterly direction along a curve to the left for an arc length of 59.85 feet (said arc being subtended by a chord of N56°15'24"E – 59.84 feet and having a radius of 946.02 feet) to a point; thence running N56°40'03"E for a distance of 169.83 feet to a point; thence running in a northeasterly direction along a curve to the right for an arc length of 306.70 feet (said arc being subtended by a chord of N58°15'25"E – 306.70 feet and having a radius of 18,828.22 feet) to a point; thence running N58°49'02"E for a distance of 368.51 feet to a point; thence running in a northeasterly direction along a curve to the left for an arc length of 165.52 feet (said arc being subtended by a chord of N54°35'06"E – 165.35 feet and having a radius of 1035.60 feet) to a point; thence running N48°23'48"E for a distance of 111.58 feet to an iron pin set (#4 rebar w/cap); thence leaving said right-of-way and running S00°31'40"W for a distance of 157.03 feet to an iron pin set (#4 rebar); thence running S89°44'01"E for a distance of 300.00 feet to an iron pin found (#4 rebar) located on the common line between Land Lot 882 and 881, said iron pin being located S00°33'37"W a distance of 96.01 feet from an iron pin found (1" open-top-pipe) which is the common corner of Land Lots 821, 822, 881 and 882 of the said 19th District; thence running S01°07'02"W along the common line between Land Lots 881 and 882 for a distance of 362.69 feet to an iron pin found (#4 rebar); thence continuing along said Land Lot Line S01°00'55"W for a distance of 219.59 feet to an iron pin found (#5 rebar); thence leaving said Land Lot Line and running N88°44'16"W for a distance of 1049.52 feet to an iron pin found (#3 rebar); thence running N88°46'37"W for a distance of 225.64 feet to an iron pin found (#4 rebar) located on the east right-of-way of Riding Woods Drive; thence running N01°11'45"E along the east right-of-way of Riding Woods Drive for a distance of 64.06 feet to a point which is the TRUE POINT OF BEGINNING. Said tract contains ±12.679 acres (±552,317 sq. ft.).

**LESS AND EXCEPT FROM THE SOUTHERN TRACT:**

All that tract or parcel of land lying and being in Land Lot 882 of the 19th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at a point located at the intersection of the southeasterly right-of-way of Story Road (50' right-of-way) and the easterly right-of-way of Riding Woods Drive (50' right-of-way); having thus established the TRUE POINT OF BEGINNING leaving said point and running in a generally northeasterly direction along and following the southeasterly right-of-way of said Story Road for the following courses and distances: thence running in a northeasterly direction along a curve to the left for an arc length of 59.85 feet (said arc being subtended by a chord of N56°15'24"E – 59.84 feet and having a radius of 946.02 feet) to a point; thence running N56°40'03"E for a distance of 169.83 feet to a point; thence running in a northeasterly direction along a curve to the right for an arc length of 77.35 feet (said arc being subtended by a chord of N57°54'29"E – 77.35 feet and having a radius of 18,828.22 feet) to an iron pin set (#4 rebar w/cap) thence leaving said right-of-way and running S28°26'34"E for a distance of 273.07 feet to an iron pin set (#4 rebar w/cap); thence running N88°44'16"W for a distance of 163.03 feet to an iron pin found (#3 rebar); thence running N88°46'37"W for a distance of 225.64 feet to an iron pin found (#4 rebar) located on the east right-of-way of Riding Woods Drive; thence running N01°11'45"E along the east right-of-way of Riding Woods Drive for a distance of 64.06 feet to a point which is the TRUE POINT OF BEGINNING. Said tract contains ±1.25 acres (±54,442 sq. ft.).

Deed Book 15976 Pg 3189  
Connie Taylor  
Clerk of Superior Court Cobb Cty. Ga.

3.00 pd 24

STATE OF GEORGIA  
COUNTY OF COBB

QUIT CLAIM DEED

THIS INDENTURE made this 31st day of July 1971 by and between

Winnell Capes Story (Mrs. Carl Story)

party or parties of the first part, hereinafter referred to as "Grantor", and James R. Storey

party or parties 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;

WITNESSETH:

FOR AND IN CONSIDERATION of the sum of One Dollar 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, the Grantor has and hereby does remise, release, convey and forever quitclaim unto Grantee and the heirs, legal representatives, successors and assigns of Grantee

All that tract and parcel of Land in Land Lots 820, 821, 882, and 883, 19th district, 2nd section of Cobb County, Georgia and being more particularly described as follows:

To find the true point of beginning begin at the NE corner of LL 883; thence S along the land lot line dividing LL 882 and LL 883, 698 feet, more or less, to an iron pin found and the true point of beginning; thence S 89° W 247.23 feet to a point on the N side of Story Road; then S 68° 59' W 417.8 ft along the N side of Story Road 25 feet from the center line of Story Road to a point and iron pin found; thence due N 837 feet, more or less, to a point on the N line of LL 883; thence due N 500 feet, more or less, into LL 820 to a point; thence due E 630 feet, more or less, to a point on the E line of LL 820; thence due N 160 feet, more or less, along the E line of LL 820; thence due E 1020 feet, more or less, to a point and iron pin found; thence due S 760 feet, more or less, to a point and iron pin found; thence due E 300 feet to a point on the E line of LL 882; thence due S 598 feet, more or less, to a point; thence due W 1320 feet, more or less, and the true point of beginning.

Cobb County, Georgia  
Real Estate Transfer Tax  
Paid \$ None  
Date July 31, 1971  
*James R. Storey*  
Notary Public

COBB SUPERIOR COURT CLERK  
81 NOV 11 PM 4:11  
0137-347

TO HAVE AND TO HOLD said tract or parcel of land in order that neither the Grantor nor any person claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said land or any of the rights, members and appurtenances thereof.

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

Signed, Sealed and Delivered in the presence of:

*Elizabeth C. Bennett* (Official Witness) *Winnell Capes Story* (SEAL)  
*Robert L. Walker* (Notary Public) \_\_\_\_\_ (SEAL)

Notary Public, Georgia, State at Large

3.00 per

DEED OF ASSENT TO DEVISE

Cobb County, Georgia  
Real Estate Transfer Tax  
Paid \$ 11-11-81  
Date 11-11-81  
John H. Johnson  
Clerk of Superior Court

GEORGIA  
COBB COUNTY

WHEREAS, JAMES CARL STOREY, died a resident of Cobb County, Georgia, on the 30th day of July, 1981, leaving a Will which has been probated in solemn form in said County at the November 1981 term of the Probate Court thereof; and

WHEREAS, under the terms of said Will the following described property was devised to JAMES ROY STOREY:

All that tract and parcel of land in Land Lots 820, 821, 882, and 883, 19th district, 2nd section of Cobb County, Georgia and being more particularly described as follows:

To find the true point of beginning begin at the NE corner of LL 883; thence S along the land lot line dividing LL 882 and LL 883, 660 feet, more or less, to an iron pin found and the true point of beginning; thence S 89° W 247.23 feet to a point on the N side of Story Road; then S 68° 59' W 417.8 ft along the N side of Story Road 25 feet from the center line of Story Road to a point and iron pin found; thence due N 837 feet, more or less, to a point on the N line of LL 883; thence due N 500 feet, more or less, into LL 820 to a point; thence due E 630 feet, more or less, to a point on the E line of LL 820; thence due N 160 feet, more or less, along the E line of LL 820; thence due E 1020 feet, more or less, to a point and iron pin found; thence due S 760 feet, more or less, to a point and iron pin found; thence due E 300 feet to a point on the E line of LL 882, thence due S 560 feet, more or less, to a point; thence due W 1320 feet, more or less, and the true point of beginning.

WHEREAS, the undersigned duly qualified as Executor of the estate of the said JAMES CARL STOREY, and is now administering the estate under the terms of said Will; and it has been determined that all debts and all claims against the estate have been fully paid.

NOW THEREFORE, the undersigned, as Executor of the Will of the said JAMES CARL STOREY, hereby assents to the devise of said property under the terms of said Will, so that full fee simple title is vested in the said JAMES ROY STOREY, as provided in said Will.

WITNESS, my hand and seal, this 4th day of November, 1981

Signed, sealed and delivered in the presence of:

James Roy Storey  
JAMES ROY STOREY  
Estate of James Carl Storey

Elizabeth C. Bassett  
Witness

Robert L. Wilby  
Notary Public

Notary Public, Georgia, State at Large  
My Commission Expires April 28, 1987



COBB SUPERIOR COURT, C.F.F.N.

John H. Johnson

81 NOV 11 PM 1:11

2437-346

After Recording Return to:  
Samuel L. Feldman  
Attorney at Law  
8735 Dunwoody Place, Suite 100  
Atlanta, GA 30350  
Our File No. 05-275C

Deed Book 14214 Pg 2869  
Filed and Recorded Sep-07-2005 09:39am  
2005-0158053  
Real Estate Transfer Tax \$0.00

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

State of Georgia  
County of Fulton

Warranty Deed

**THIS INDENTURE** made this 31st day of August, in the year 2005, between Story Road, LLC, a Georgia limited liability company, as party of the first part, hereinafter called Grantor, and James Roy Storey, as party of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits);

**WITNESSETH** that: Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable consideration (\$10.00) in hand paid at and before the 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, the following described property:

All that tract or parcel of land lying and being in Land Lot 820 and 821, 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia and being more particularly described on Exhibit "A" attached hereto.

**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 delivered in the presence of:

*[Signature]*  
Witness

*[Signature]*  
Notary Public  
My Commission Expires



GRANTOR:  
STORY ROAD, LLC by its Members  
Homelife Communities Development Co.,  
inc., Member

By: *[Signature]* (SEAL)  
Jonathan W. Been, Asst. Secretary

A.B. Land Corporation, Member  
By: *[Signature]* (SEAL)  
Andrew M. Been, President



## EXHIBIT A

### STORY TRACT #1 PROPERTY LINE DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 820 OF THE 19TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3/4" OPEN TOP PIPE FOUND AT THE NORTHEASTERN CORNER OF LAND LOT 820; THENCE ALONG THE EASTERN LINE OF LAND LOT 820 SOUTH 00 DEGREES 05 MINUTES 48 SECONDS WEST, 672.73 FEET TO A #4 REBAR FOUND, SAID POINT BEING THE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID LAND LOT LINE SOUTH 00 DEGREES 05 MINUTES 48 SECONDS WEST, 147.06 FEET TO A #4 REBAR SET; THENCE LEAVING SAID LAND LOT LINE NORTH 88 DEGREES 48 MINUTES 54 SECONDS WEST, 643.84 FEET TO A 3/4" OPEN TOP PIPE FOUND; THENCE NORTH 86 DEGREES 50 MINUTES 38 SECONDS WEST, 97.66 FEET TO A #4 REBAR FOUND; THENCE NORTH 00 DEGREES 44 MINUTES 16 SECONDS EAST, 139.93 FEET TO A #4 REBAR FOUND; THENCE NORTH 00 DEGREES 23 MINUTES 04 SECONDS WEST, 39.07 FEET TO A #4 REBAR SET; THENCE SOUTH 86 DEGREES 05 MINUTES 11 SECONDS EAST, 741.65 FEET TO A #4 REBAR FOUND ON THE EASTERN LINE OF LAND LOT 820, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 2.796 ACRES.

### ~~STORY TRACT #2 PROPERTY LINE DESCRIPTION~~

~~ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 821 OF THE 19TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~COMMENCING AT A 1" OPEN TOP PIPE FOUND AT THE NORTHEASTERN CORNER OF LAND LOT 821; THENCE ALONG THE EASTERN LINE OF LAND LOT 821 SOUTH 00 DEGREES 28 MINUTES 25 SECONDS EAST, 666.86 FEET TO A #4 REBAR FOUND, SAID POINT BEING THE POINT OF BEGINNING.~~

~~THENCE CONTINUING ALONG SAID LAND LOT LINE SOUTH 00 DEGREES 31 MINUTES 58 SECONDS EAST, 276.61 FEET TO A 3/4" OPEN TOP PIPE FOUND ON THE NORTHERLY RIGHT OF WAY OF STORY ROAD (50' R/W); THENCE LEAVING SAID LAND LOT LINE AND ALONG SAID RIGHT OF WAY SOUTH 49 DEGREES 08 MINUTES 44 SECONDS WEST, 394.19 FEET TO A #4 REBAR FOUND; THENCE LEAVING SAID RIGHT OF WAY NORTH 00 DEGREES 17 MINUTES 56 SECONDS WEST, 338.87 FEET TO A #4 REBAR FOUND; THENCE SOUTH 89 DEGREES 09 MINUTES 13 SECONDS EAST, 298.43 FEET TO A #4 REBAR FOUND ON THE EASTERLY LINE OF LAND LOT 821, SAID POINT BEING THE POINT OF BEGINNING.~~

~~SAID TRACT OR PARCEL CONTAINS 2.800 ACRES.~~

James Storey  
5550 Story Rd. Sw  
Powder Springs, GA 30127

TRACT 2 VESTING

WARRANTY DEED

THIS INDENTURE made this 31<sup>st</sup> day of December, in the year of our Lord, 2015, between Sent To Serve Ministries, Inc a 501(c)3 tax exempt, non-profit corporation, EIN 58-1605125, as party of the first part, hereinafter called the donor and James Roy Storey as party of the second part, hereinafter called the recipient

WITNESSETH that the party of the first part, before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, donated, aliened, conveyed, and confirmed, the following described property

All that tract or parcel of land lying and being in Land Lot 883, 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia, and being more particularly described as follows:

Commencing at an iron pin found at the northwestern corner of land lot 883, thence along the northern line of land lot 883 east 620 feet; thence south 687 feet to an iron pin found; thence east 390 feet to an iron pin found; thence 173.2 feet north; thence east 173.2 feet; thence 173.2 feet south; thence continuing west along the northerly right of way of Story Road 173.2 feet to said point being the point of beginning. Said tract or parcel is R30 lot containing 0.6887 acres. This Storey Family Fund lot at Sent To Serve Ministries, Inc. is being transferred so as to be consolidated with the established Storey Family Fund at the Assembly Of God Foundation, EIN 43-1827144, 1900 S. Overland Ave., Springfield, MO 65807, upon demise of recipient, in accordance with his last will and testament.

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 proper use, benefit and behalf of then said recipient forever in fee simple.

AND THE SAID party of the first part will warrant and forever defend the right and title to the above-described property unto the recipient against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Donor representative has hereunto set his hand and seal this day first above written.

Signed, sealed and delivered in the presence of:

SENT TO SERVE MINISTRIES, INC

*Joyce A. Corn*  
Notary Public

*James Roy Storey*  
James Roy Storey,  
Secretary/Treasurer

Notary Commission Expires Aug. 29, 2018



*Witness Signature*  
Witness

Deed Book 15306 Pg 5032  
Filed and Recorded Jan-19-2016 11:18am  
2016-0004237  
Real Estate Transfer Tax 0.00  
033201600040

*Rebecca Keaton*

Rebecca Keaton  
Clerk of Superior Court Cobb Cty. Ga.

500

WARRANTY DEED

STATE OF GEORGIA COUNTY OF COBB

THIS INDENTURE, Made the 2nd day of October, in the year one thousand nine hundred eighty four, between

PAUL WALKER CONSTRUCTION, INC. AND WEST COBB LAND, INC. of the County of Cobb, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

JAMES ROY STOREY

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

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

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR LEGAL DESCRIPTION

100
Notary Public, Georgia
Real Estate Transfer Tax
4003-84
Notary Public, Georgia
Cobb County

FILED AND RECORDED
DEED BOOK 3274 PAGE 153
84 OCT-3 P. 2:39
C. J. Walker



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

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

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

Signed, sealed and delivered in presence of: PAUL WALKER CONSTRUCTION, INC.
Witness: [Signature] Title: [Signature] (Seal)
Notary Public, Georgia State & Large Commission Expires Sept. 28, 1985
BY: [Signature] WEST COBB LAND, INC. (Seal)
Title: [Signature] (Seal)



EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 882, of the 19th District, 2nd Section of Cobb County, Georgia according to plat of survey by Gaskins Surveying Company dated September 28, 1984 and being more particularly described as follows:

To find the point of beginning commence at the southwest corner of Land Lot 882; thence north 00 degrees 37 minutes 07 seconds west a distance of 650.11 feet to an iron pin; thence south 89 degrees 20 minutes 08 seconds east a distance of 50 feet to an iron pin, the same being the point of beginning. From said iron pin and point of beginning; thence south 89 degrees 20 minutes 08 seconds east a distance of 225.45 feet to an iron pin; thence south 75 degrees 19 minutes 23 seconds west a distance of 233.78 feet to an iron pin; thence north 00 degrees 39 minutes 52 seconds east a distance of 61.85 feet to an iron pin, the same being the point of beginning. Said tract constituting 0.16 acres of land.





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

Printed: 10/19/2021

**Cobb County Online Tax Receipt**

Thank you for your payment!

Payer:  
**JAMES R & NAOMI LEAH STOREY**

**STOREY JAMES ROY**

**Payment Date: 10/12/2021**

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2021	19088300010	10/15/2021	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance	
\$0.00	\$0.00	\$0.00	\$0.00	\$476.00	\$0.00	



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



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

Printed: 12/8/2021

**Cobb County Online Tax Receipt**

Thank you for your payment!

Payer:  
**JAMES R & NAOMI LEAH STOREY**

**STOREY JAMES ROY**

**Payment Date: 10/12/2021**

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2021	19088300150	10/15/2021	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance	
\$0.00	\$0.00	\$0.00	\$0.00	\$236.14	\$0.00	



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

# 5550 Story Road



1,504.7

0

752.33

1,504.7 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Cobb County Georgia

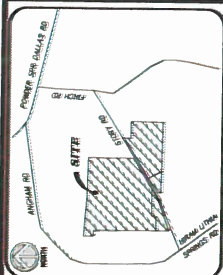
This map is a user generated static output from an internet mapping site and is for reference only. Data may not appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**



Map Notes:

1: 9,028



**VICINITY MAP**  
 A portion of said described property is located within a community of the same name as the subject property, the name of which is Seven Springs. The community is located in the County of Cobb, Georgia, and is bounded by the following: to the north by the community of Seven Springs, to the south by the community of Seven Springs, to the east by the community of Seven Springs, and to the west by the community of Seven Springs. The community is located in the County of Cobb, Georgia, and is bounded by the following: to the north by the community of Seven Springs, to the south by the community of Seven Springs, to the east by the community of Seven Springs, and to the west by the community of Seven Springs.

**SITE NOTES:**  
 1. SINGLE FAMILY RESIDENTIAL  
 2. CONCEPT PLAN  
 3. APPROVED ZONING - R-16 (CONSERVATION)  
 4. FRONT YARD SETBACK - 10 FT  
 5. SIDE YARD SETBACK - 5 FT  
 6. REAR YARD SETBACK - 5 FT  
 7. MINIMUM LOT WIDTH (MINIMUM) - 48 FT  
 8. MINIMUM LOT AREA (MINIMUM) - 1.2 AC  
 9. MINIMUM OPEN SPACE (MINIMUM) - 10%  
 10. MINIMUM OPEN SPACE (MAXIMUM) - 15%  
 11. MINIMUM OPEN SPACE (MINIMUM) - 10%  
 12. MINIMUM OPEN SPACE (MAXIMUM) - 15%

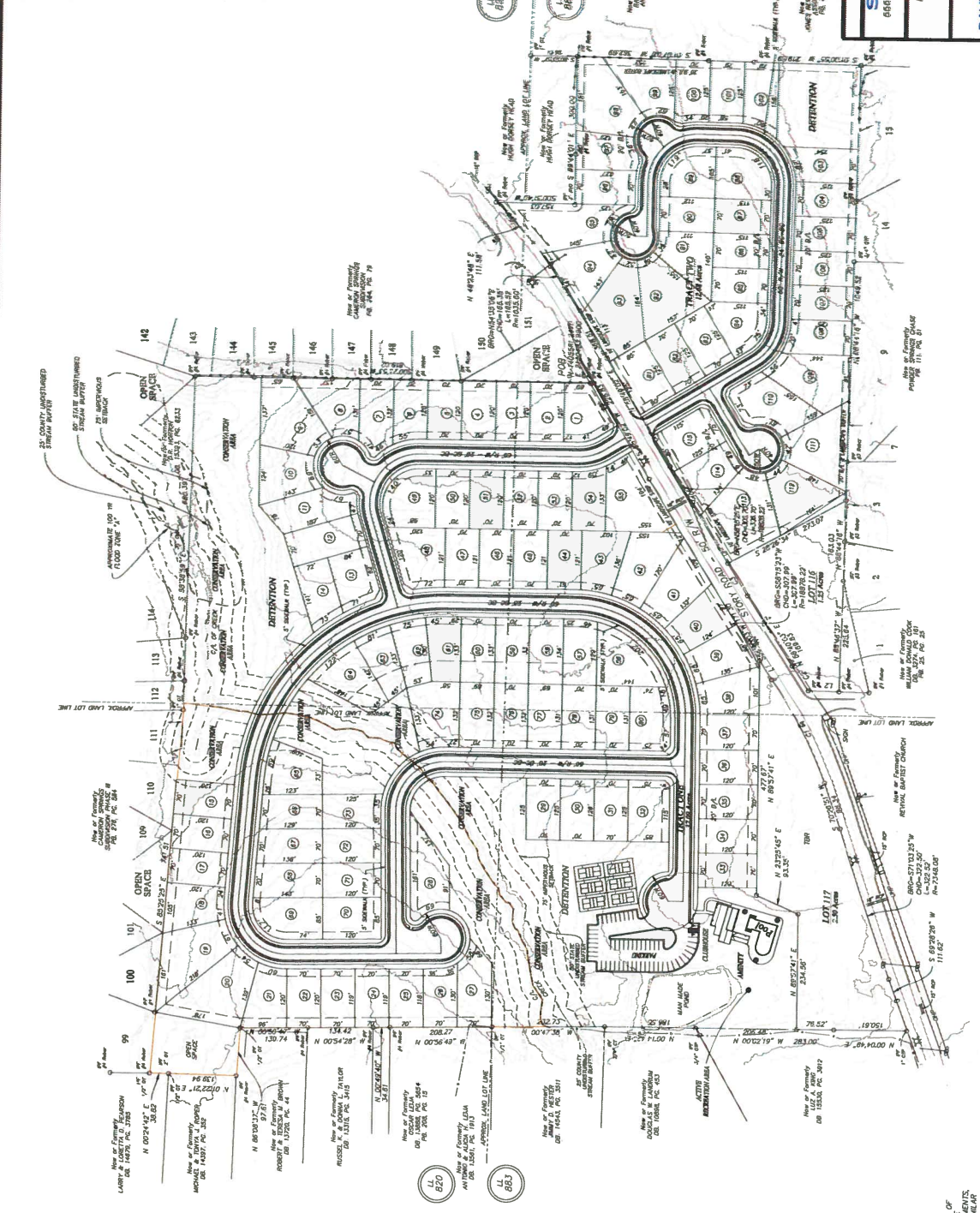
**SETBACKS**  
 FRONT - 10 FT  
 REAR - 5 FT  
 SIDE - 5 FT  
 ALL RESERVATION AREAS SHALL MAINTAIN THE 10 FT SETBACK FROM THE ADJACENT SHARED DRIVEWAY. THE SETBACK FROM THE ADJACENT SHARED DRIVEWAY SHALL BE MAINTAINED FOR THE ENTIRE LENGTH OF THE DRIVEWAY. THE SETBACK FROM THE ADJACENT SHARED DRIVEWAY SHALL BE MAINTAINED FOR THE ENTIRE LENGTH OF THE DRIVEWAY. THE SETBACK FROM THE ADJACENT SHARED DRIVEWAY SHALL BE MAINTAINED FOR THE ENTIRE LENGTH OF THE DRIVEWAY.

**CONCEPTUAL PLAN FOR:**  
**SEVEN SPRINGS**  
 6669 STONEY ROAD - PARCEL ID: 1480000010  
 COBB COUNTY, GA.  
 LOCATED IN LAND LOTS 820, 821, 822 & 823  
 19TH DISTRICT, 2ND SECTION  
 COBB COUNTY, GEORGIA

**APPLICANT:**  
 DAVID PEARSON COMMUNITIES, INC.  
 1000 WEST AVENUE, SUITE 100, MARIETTA, GA 30067  
 (770) 414-1000

**CONTRACT #:** 9-17-21  
**DATE:** 9-17-21  
**NO. DATE:** 5550-START-10  
**REVISION DESCRIPTION:**  
 1 1.8-8-21 REQUIRED DENSITY

DATE	NO.	DATE	REVISION DESCRIPTION
9-17-21	1	1.8-8-21	REQUIRED DENSITY



**LEGEND**

- FIRE HYDRANT
- WALKER VALVE
- WALKER METER
- POWER POLE
- UTILITY LINE
- OPEN SPACE
- WOOD FENCE
- CHAIN LINK FENCE
- BARRIER WIRE FENCE

LINE	DESCRIPTION	COORDINATES
L1	10.00'	150223.33, 7.00'
L2	10.00'	150223.33, 7.00'
L3	10.00'	150223.33, 7.00'
L4	10.00'	150223.33, 7.00'

**SEVEN SPRINGS**



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**ATTACHMENT TO APPLICATION FOR REZONING**

**Application No.:** \_\_\_\_\_

**Hearing Dates:** **January 24, 2022**  
**February 7, 2022**

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

**CONSTITUTIONAL CHALLENGE  
ATTACHMENT TO APPLICATION FOR REZONING**

COME NOW, Applicant, DAVID PEARSON COMMUNITIES, INC. (hereinafter referred to as “Applicant”), and Property Owners, JAMES ROY STOREY (a/k/a JAMES R. STOREY) and ASSEMBLIES OF GOD FOUNDATION, a Missouri corporation, TRUSTEE OF THE JAMES R. STOREY CHARITABLE REMAINDER UNITRUST (an irrevocable trust) (hereinafter collectively referred to as “Owners” or “Property Owners”), and assert the following:

1.

By Application for Rezoning dated and filed December 22, 2021, Applicant and Property Owners applied for annexation and rezoning of certain real property, located within unincorporated 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 “Subject Property”).

2.

The Application for Rezoning of the Property seeks rezoning from the existing zoning category of R-30, under and pursuant to the Cobb County Zoning Ordinance, to R-15

Conservation, as established by the governing authority of the City of Powder Springs, Georgia, under and pursuant to the Unified Development Code of Powder Springs Georgia, as amended, being hereinafter referred to as the “Unified Development Code of the City of Powder Springs.”

3.

As to the current R-30 zoning category and the Property located within unincorporated Cobb County, Georgia, the Zoning and Planning Ordinance of Cobb County and the Unified Development Code of the City of Powder Springs, Georgia (collectively the “Ordinances”), are unconstitutional as applied to the Property in that said Ordinances deprive Applicant and Property Owners of their Property under and pursuant to Art. I, § I, ¶¶ I and II of the Georgia Constitution of 1983, and the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America. This deprivation of the Property without due process violates the constitutional prohibition against the taking of private property without just compensation. The R-30 zoning category, as it presently exists, together with any intervening zoning categories between the existing R-30 zoning category (Cobb County) and the requested R-15 Conservation zoning category (City of Powder Springs), violates the Applicant’s and Property Owners’ right to unfettered use of their Property 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 Ordinances are unconstitutional in that they are arbitrary and unreasonable resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss on the Applicant and Property Owners.

4.

To the extent the Unified Development Code of the City of Powder Springs, Georgia, 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 Applicant's and Property Owners' constitutionally guaranteed rights to due process, both substantive and procedural. Furthermore, any such action by the Mayor and City Council, or as allowed by the Zoning and Planning Ordinance of the City of Powder Springs, 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 Ordinances are 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 22<sup>nd</sup> day of December, 2021.

MOORE INGRAM JOHNSON & STEELE, LLP

BY: 

J. KEVINMOORE  
Georgia Bar No. 519728

Attorneys for Applicant and Property Owners