

TO THE CITY OF POWDER SPRINGS

COBB COUNTY, GEORGIA

CONSTITUTIONAL CHALLENGE

COMES NOW, INFINITE 1 HOLDINGS, LLC, hereinafter referred to as the "Applicant", and asserts the following, to wit:

1.

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

2.

The Application for Rezoning of the property seeks a rezoning from the existing category of R-15, as established by the governing authority of Powder Springs, Georgia to the zoning category of CRC.

3.

Particularly given that the property is located in the Community Service/Institutional area as designated on the Powder Springs Future Land Use Map, and is situated near similar other properties with commercial, industrial and residential zonings, the current R-15 zoning classification of the property and all intervening classifications between same and CRC in the City of Powder Springs as proposed are unconstitutional in that they deprive the Applicant under and pursuant to Article 1, Section I, Paragraphs I and II of the Georgia Constitution of 1983 and the Equal Protection and Due Process clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States. This deprivation of property without due process violates constitutional prohibitions against the taking of private property without just compensation.

4.

The R-15 zoning classification in the City of Powder Springs and all intervening classifications between same and CRC in the City of Powder Springs as proposed as they presently exist violate the Applicant's right to the unfettered use of the property in that the existing zoning classifications do not bear a substantial relation to the public health, safety, morality or general welfare and is, therefore, confiscatory and void. Further, said classifications 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 upon the Applicant.

5.

The City of Powder Springs' Unified Development Code is further unconstitutional in that the procedures contained therein pertaining to the public hearings held in connection with zoning applications also violates the aforementioned constitutional provisions in that said procedures contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issues at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law.

Respectfully submitted, this the 22nd day of July 2025.

SAMS, LARKIN & HUFF, LLP

By: 

JOEL L. LARKIN

Attorney for Applicant

Ga. Bar No. 438415