



city of  
powder springs

# Rezoning Request

## Application Checklist

### Applicant Information

Name **\*Traton, LLC**

Phone [REDACTED] \* [REDACTED]

Mailing Address 720 Kennesaw Avenue; Marietta, GA 30060

Email [REDACTED]

### 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: City and County 2021 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.

**\*See Exhibit "A" for Applicant's and Property Owner's Representative Information**



**city of powder springs**  
**Rezoning Request**  
**Application Form**

**Applicant Information**

Name <b>*Traton, LLC</b>	Phone [REDACTED]; [REDACTED]
Mailing Address <b>720 Kennesaw Avenue; Marietta, GA 30060</b>	Email [REDACTED]

**Rezoning Request Property Information**


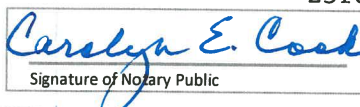
Address <small>4596 Lewis Road, portions of two unnumbered parcels on Lewis Road, portion of 4401 Oglesby Road</small> <b>(See Exhibit "B")</b>	Parcel ID / Lot# <b>See Exhibit "B"</b>	Acreage <b>12.7+/-</b>
Present Zoning <b>CRC</b>	Proposed Zoning <b>PUD-R</b>	
Source of Water Supply <b>Cobb County Water</b>	Source of Sewage Disposal <b>Cobb County Water &amp; Sewer</b>	
Proposed Use <b>Peak Hour Trips Generated</b>	Source	

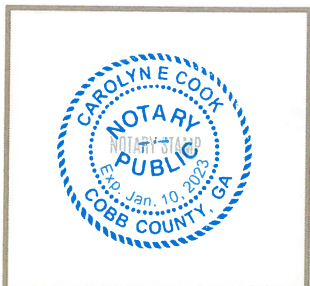
**Additional Information, If Applicable**

Elementary School and School's Capacity <b>Powder Springs Elementary - 110 under capacity</b>	Middle School and School's Capacity <b>Cooper Middle School - 115 under capacity</b>
High School and School's Capacity <b>McEachern High School - 93 under capacity</b> <del>South Cobb High - 615 under capacity</del>	

**Notary Attestation**

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


BY:  Signature of Applicant	<u>J. Kevin Moore</u> Printed Name	<u>December 23, 2021</u> Date
Attorneys for Applicant and Property Owner Subscribed and sworn before me this <u>23rd</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 Owner's Representative Information**

**For Official Use Only**

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



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

### Applicant Information

Name <b>*Traton, LLC</b>	Phone [REDACTED]
Mailing Address <b>720 Kennesaw Avenue; Marietta, GA 30060</b>	Email [REDACTED]

### Notice of Intent

**PART I. Please indicate the purpose of this application :**

The purpose of this Application for Rezoning is to assemble portions of five parcels into one tract and develop the overall tract into a townhome community.

**PART II. Please list all requested variances:**

- (1) Variance to waive the requirement for planting street trees in front of townhome units (PUD-R, Sec. 2-32.d);
- (2) Variance to waive requirement to maintain 75 percent of existing tree canopy (Sec. 12-13); and
- (3) Variance to allow a minimum horizontal road centerline radius of 37 feet.

**Part III. Existing use of subject property:**


The property is undeveloped.

**Part IV. Proposed use of subject property:**

Townhome Community.

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

### Applicant Signature

BY: 	<b>*Traton, LLC/J. Kevin Moore</b>	December 23, 2021
Signature of Applicant	Printed Name	Date
GA Bar No. <b>519728</b>	<del>Attorneys for Applicant and Property Owner</del>	

**\*See Exhibit "A" for Applicant's and Property Owner's Representative Information**





# Rezoning Request

## Applicant's Written Analysis

### Applicant Information

Name **\*Traton, LLC**

Phone [REDACTED]

Mailing Address **720 Kennesaw Avenue; Marietta, GA 30060**

Email [REDACTED]

### 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 PUD-R 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 PUD-R zoning classification, and the proposed, quality townhome community, are suitable uses for the Subject Property in view of uses of the surrounding properties. 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 PUD-R zoning classification and development of a quality townhome community.

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

The Subject Property is currently zoned to the Community Retail Commercial ("CRC") zoning classification. The uses allowed under the CRC classification would have a more harmful, far-reaching impact upon adjacent and surrounding communities than a quality, townhome community.

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 townhome 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 CRC zoning does not reflect changing conditions of the area surrounding it. If the Property were developed to allow for uses under the existing CRC 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 PUD-R zoning classification, together with the quality townhome 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 than uses allowed under the existing CRC zoning classification.

### Applicant Signature

BY: [Signature] \*Traton, LLC/J. Kevin Moore December 23, 2021  
Signature of Applicant GA Bar No. Printed Name Date  
519728 - Attorneys for Applicant and Property Owner

Form Version: 06152020

**\*See Exhibit "A" for Applicant's and Property Owner's Representative Information**





city of powder springs

# Rezoning Request

## Campaign Contribution Disclosure

### Applicant and Attorney Information

Applicant's Name **Traton, LLC**

Applicant's Address **720 Kennesaw Avenue, Marietta, GA 30060**

Applicant's Attorney **\*J. Kevin Moore, Moore Ingram Johnson & Steele, LLP**

Attorney's Address **Emerson Overlook, Suite 100, 326 Roswell Street, 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
- X - Limited Liability Company**

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:

Oglesby Road Group, LLC

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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		

**\*See Exhibit "A" for Applicant's and Property Owner's Representative Information**



city of powder springs

# Rezoning Request Owner's Authorization Form

## Owner's Authorization

Applicant Name \*Traton, LLC

Applicant's Address 720 Kennesaw Avenue, Marietta, GA 30060

Property Address 4596 Lewis Road, portions of two unnumbered parcels on Lewis Road; portion of 4401 Oglesby Road Powder Springs, GA

Property PIN 19104900110, portions of 19104900010, 19104900020, 19104900120, and 19105000010

limited liability company

This is to certify that I am  or We are  or I am  the Authorized Representative of a ~~corporation~~ limited liability company 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)


OGLESBY ROAD GROUP, LLC  
 BY: *Lindsey A. Tippins* Lindsey A. Tippins December 17, 2020  
 Signature of Owner Manager Printed Name Date

State of GA, County of Cobb.

This instrument was acknowledged before me this \_\_\_\_\_ day of December month.

20 21 by Lindsey A. Tippins Identification Presented: Drivers Lic.

*Angie Boswell* Angie Boswell Jan. 8, 2023  
 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

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

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

**Applicant:** **Traton, LLC**  
**Titleholder:** **Oglesby Road Group, LLC**

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

J. Kevin Moore, Esq.  
Moore Ingram Johnson & Steele, LLP  
Attorneys at Law  
Emerson Overlook, Suite 100  
326 Roswell Street  
Marietta, Georgia 30060  
[REDACTED] (Office)  
[REDACTED] (Telefax)  
E-mail: [REDACTED]



**EXHIBIT “B” – ATTACHMENT TO APPLICATION FOR REZONING**

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

**Applicant:** **Traton, LLC**  
**Titleholder:** **Oglesby Road Group, LLC**

**ADDRESS AND PARCEL LISTING FOR PROPERTIES  
INCLUDED IN APPLICATION FOR REZONING**

<b><u>Property Address</u></b>	<b><u>Tax ID/ Parcel #</u></b>
4596 Lewis Road	19-104900110
4596 Lewis Road (portion of parcel)	19-104900010
Lewis Road (unnumbered) (portion of parcel)	19-104900020
Lewis Road (unnumbered) (portion of parcel)	19-104900120
4401 Oglesby Road (portion of parcel)	19-105000010

### LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 1024, 1049 & 1050, 19TH DISTRICT, 2ND SECTION, CITY OF POWDER SPRINGS, COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF C.H. JAMES PARKWAY (A/K/A HIGHWAY 278, PUBLIC, LIMITED ACCESS, VARIABLE R/W) AND THE WESTERN LINE OF LAND LOT 1024, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE LEAVING SAID INTERSECTION AND FOLLOWING ALONG SAID WESTERN LINE OF LAND LOT 1024 NORTH 00 DEGREES 29 MINUTES 50 SECONDS EAST 49.68 FEET TO AT THE INTERSECTION OF SAID WESTERN LINE OF LAND LOT 1024 AND THE 25 FOOT STATE CREEK BUFFER;

THENCE LEAVING SAID INTERSECTION AND FOLLOWING ALONG SAID 25 FOOT STATE CREEK BUFFER IN AN EASTERLY, THENCE SOUTHEASTERLY DIRECTION A TOTAL OF 1364.6 FEET +/- AND BEING SUBTENDED BY A TIE LINE OF SOUTH 64 DEGREES 38 MINUTES 40 SECONDS EAST 1157.61 FEET TO A POINT;

THENCE LEAVING SAID 25 FOOT STATE CREEK BUFFER SOUTH 48 DEGREES 24 MINUTES 46 SECONDS EAST 205.27 FEET TO A POINT;

THENCE SOUTH 78 DEGREES 37 MINUTES 04 SECONDS EAST 157.77 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF LEWIS ROAD (PUBLIC, VARIABLE R/W);

THENCE FOLLOWING ALONG SAID WESTERLY RIGHT OF WAY LINE OF LEWIS ROAD THE FOLLOWING COURSES AND DISTANCES:

SOUTH 12 DEGREES 47 MINUTES 26 SECONDS EAST 177.02 FEET TO A POINT;

THENCE 367.01 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 390.00 FEET AND BEING SUBTENDED BY A BEARING AND CHORD OF SOUTH 38 DEGREES 00 MINUTES 00 SECONDS WEST 353.62 FEET TO A POINT;

THENCE 105.00 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADUS OF 390.00 FEET AND BEING SUBTENDED BY A BEARING AND CHORD OF SOUTH 72 DEGREES 40 MINUTES 20 SECONDS WEST 104.68 FEET TO A POINT;

THENCE SOUTH 80 DEGREES 23 MINUTES 05 SECONDS WEST 65.31 FEET TO A POINT AT THE INTERSECTION OF SAID WESTERLY RIGHT OF WAY LINE OF LEWIS ROAD AND THE NORTHEASTERLY RIGHT OF WAY LINE OF C.H. JAMES PARKWAY;

THENCE LEAVING SAID INTERSECTION AND FOLLOWING ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE OF C.H. JAMES PARKWAY THE FOLLOWING COURSES AND DISTANCES;

NORTH 42 DEGREES 26 MINUTES 04 SECONDS WEST 349.66 FEET TO A POINT;

THENCE NORTH 42 DEGREES 26 MINUTES 04 SECONDS WEST 837.89 FEET TO A POINT AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF C.H. JAMES PARKWAY AND THE COMMON LINE OF LAND LOTS 1024 & 1049;

THENCE LEAVING SAID INTERSECTION AND CONTINUING ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE OF C.H. JAMES PARKWAY NORTH 42 DEGREES 26 MINUTES 04 SECONDS WEST 312.09 FEET TO A POINT AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF C.H. JAMES PARKWAY AND THE WESTERN LINE OF LAND LOT 1024, SAID POINT BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 12.7 ACRES MORE OR LESS.



REBECCA KEATON  
CLERK OF SUPERIOR COURT Cobb Cty. GA.

RETURN TO: JKM  
Moore Ingram Johnson & Steele, LLP  
EMERSON OVERLOOK  
326 ROSWELL ST.  
MARIETTA GA 30060

QUITCLAIM DEED

12/32  
STATE OF GEORGIA  
COUNTY OF COBB

THIS INDENTURE made the 18<sup>th</sup> day of May in the year TWO THOUSAND FIFTEEN, by and between

**CITY OF POWDER SPRINGS, GEORGIA,**  
a municipal corporation of the State of Georgia

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

**OGLESBY ROAD GROUP, LLC,**  
a Georgia limited liability company

of the County of Cobb and State of Georgia, 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 Ten Dollars (\$10.00) 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, by these presents does hereby remise, convey, and forever QUITCLAIM unto the said Grantee

ALL THOSE TRACTS OR PARCELS OF LAND lying and being in Land Lots 1024, 1049 and 1050 of the 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia, as more particularly described in the legal descriptions and plats collectively attached hereto as Exhibit "A" and incorporated herein by reference.



TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

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

Signed, sealed and delivered in the presence of:

**CITY OF POWDER SPRINGS, GEORGIA**  
a municipal corporation of the State of Georgia

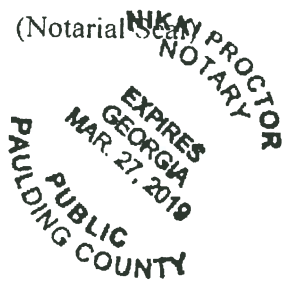
By: Patricia C. Vaughn (Seal)  
Patricia C. Vaughn  
Mayor, City of Powder Springs, Georgia

By: Kelly Axt  
Kelly Axt, City Clerk

Richard M. Walcott  
Witness

Dixie Proctor  
(Notary Public)

My Commission Expires: 03/27/2019



**Exhibit "A"**

Attached collectively hereto as Exhibit "A" are the following legal descriptions and plats which more particularly identify and describe the property conveyed hereby:

-legal description of Tract 4  
-plat of Tract 4

-legal description of Tract 8  
-plat of Tract 8

-legal description of Tract 9  
-plat of Tract 9

-legal description of Tract 12  
-plat of Tract 12

PROPERTY DESCRIPTION  
OGLESBY ROAD GROUP, LLC: TRACT 4

ALL that tract or parcel of land lying and being in Land Lot 1050, 19<sup>th</sup> District, 2<sup>nd</sup> Section, City of Powder Springs, Cobb County, Georgia and being more particularly described as follows:

COMMENCING at a point on the shared Land Lot corner of Land Lots 1050 and 1051 and the Land Lot line of Land Lot 1097;

THENCE departing the shared Land Lot corner of Land Lots 1050 and 1051 North 89 degrees 13 minutes 56 seconds West along the common land Lot line of Land Lots 1050 and 1097 for a distance of 1024.76 feet to a point on the northeasterly right of way margin of C.H. James Parkway – Austell Bypass – S.R. 6 (Variable Right of Way);

THENCE along the northeasterly right of way margin of C.H. James Parkway – Austell Bypass – S.R. 6 (Variable Right of Way) North 42 degrees 16 minutes 05 seconds West for a distance of 386.83 feet to a point on the easterly right of way margin of Lewis Road (Variable Right of Way);

THENCE along the easterly right of way margin of Lewis Road (Variable Right of Way) North 00 degrees 36 minutes 36 seconds East for a distance of 78.47 feet to a right of way monument found;

THENCE continuing along the easterly right of way margin of Lewis Road (Variable Right of Way) North 00 degrees 36 minutes 30 seconds East for a distance of 25.00 feet to a right of way monument found, said point being the TRUE POINT OF BEGINNING;

THENCE continuing along the easterly right of way margin of Lewis Road (Variable Right of Way) North 00 degrees 26 minutes 12 seconds East for a distance of 50.00 feet to a right of way monument found;

THENCE departing the easterly right of way margin of Lewis Road (Variable Right of Way) South 88 degrees 57 minutes 05 seconds East for a distance of 454.13 feet to a point;

THENCE following a curve to the right an arc distance of 39.77, having a radius of 8155.96 feet, and being subtended by a chord of South 88 degrees 58 minutes 11 seconds East for a distance of 39.77 feet to a point on the southwesterly right of way margin of Oglesby Road (Variable Right of Way);

THENCE along the southwesterly right of way margin of Oglesby Road (Variable Right of Way) following a curve to the left an arc distance of 117.37 feet, having a radius of 520.00 feet, and being subtended by a chord of South 63 degrees 11 minutes 07 seconds East for a distance of 117.12 feet to a point;

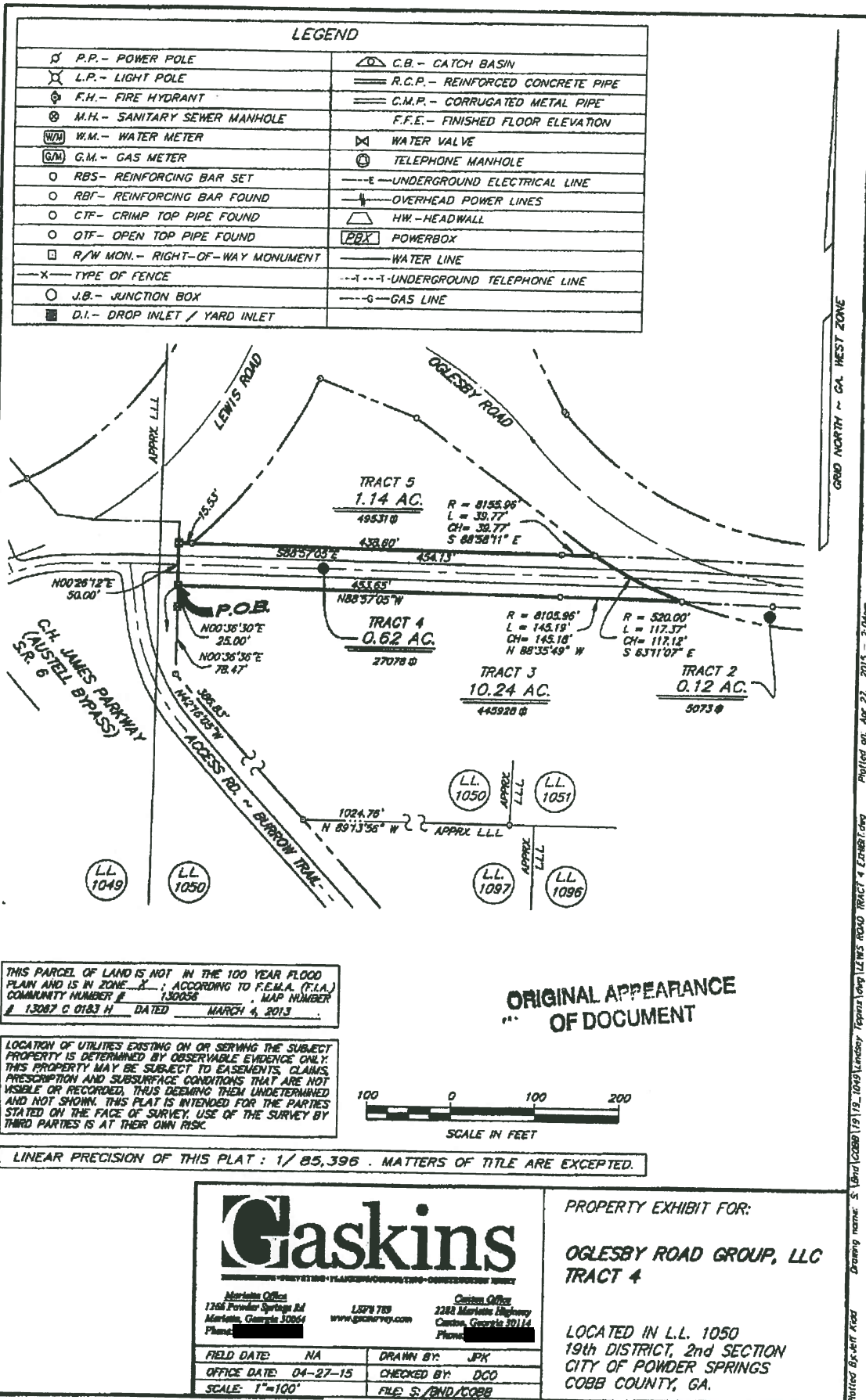
THENCE departing the southwesterly right of way margin of Oglesby Road (Variable Right of Way) following a curve to the left an arc distance of 145.19 feet, having a radius of 8105.96 feet,



and being subtended by a chord of North 88 degrees 35 minutes 49 seconds West for a distance of 145.18 feet to a point;

THENCE North 88 degrees 57 minutes 05 seconds West for a distance of 453.65 feet to a right of way monument found on the easterly right of way margin of Lewis Road (Variable Right of Way), said point being the TRUE POINT OF BEGINNING.

Said tract of land contains 0.62 Acres or 27,078 Square Feet more or less.



# Gaskins

**Marion Office**  
1268 Powder Springs Rd  
Marietta, Georgia 30064  
Phone: [REDACTED]

**Custom Office**  
2283 Marietta Highway  
Canton, Georgia 30114  
Phone: [REDACTED]

FIELD DATE: NA	DRAWN BY: JPK
OFFICE DATE: 04-27-15	CHECKED BY: DCO
SCALE: 1"=100'	FILE: S/RND/COBB

PROPERTY EXHIBIT FOR:  
**OGLESBY ROAD GROUP, LLC**  
**TRACT 4**

LOCATED IN L.L. 1050  
19th DISTRICT, 2nd SECTION  
CITY OF POWDER SPRINGS  
COBB COUNTY, GA.

Drawing name: S:\Data\COBB\19\_19\_1049\Landscap\Tppas\Tppas\OGLESBY ROAD TRACT 4 EXHIBIT.dwg Plotted on: Apr 27, 2015 2:04pm Printed by: JPK

Property Description

OGLESBY ROAD GROUP, LLC: TRACT 8

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 1049, 19<sup>TH</sup> DISTRICT, 2<sup>ND</sup> SECTION, CITY OF POWDER SPRINGS, COBB COUNTY, GEORGIA, LABELED AS "TRACT 8" AS SHOWN ON THAT CERTAIN SURVEY FOR OGLESBY ROAD GROUP, LLC, DATED JANUARY 14, 2015, PREPARED BY GASKINS SURVEYING COMPANY, INC., GEORGIA LAND SURVEYOR NO. 789, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT WHERE THE NORTHWESTERLY RIGHT OF WAY MARGIN OF LEWIS ROAD (VARIABLE RIGHT OF WAY) INTERSECTS THE EXISTING NORTHEASTERLY RIGHT OF WAY MARGIN OF C.H. JAMES PARKWAY S.R. 6 (VARIABLE RIGHT OF WAY), SAID POINT BEING THE **TRUE POINT OF BEGINNING**; THENCE LEAVING THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY MARGIN OF LEWIS ROAD (VARIABLE RIGHT OF WAY) INTERSECTS THE EXISTING NORTHEASTERLY RIGHT OF WAY MARGIN OF C.H. JAMES PARKWAY S.R. 6 (VARIABLE RIGHT OF WAY), FOLLOWING A CURVE TO THE RIGHT AN ARC DISTANCE OF 105.00 FEET (SAID ARC BEING SUBTENDED BY A CHORD BEARING SOUTH 72 DEGREES 48 MINUTES 38 SECONDS WEST, A CHORD DISTANCE OF 104.68 FEET, AND HAVING A RADIUS OF 390.00 FEET) TO A POINT; THENCE SOUTH 80 DEGREES 31 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 65.31 FEET TO A POINT AND CORNER; THENCE NORTH 42 DEGREES 17 MINUTES 46 SECONDS WEST FOR A DISTANCE OF 349.66 FEET TO A POINT AND CORNER; THENCE NORTH 35 DEGREES 32 MINUTES 24 SECONDS EAST FOR A DISTANCE OF 51.30 FEET TO A POINT; THENCE NORTH 29 DEGREES 23 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 217.87 FEET TO A POINT; THENCE NORTH 35 DEGREES, 49 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 149.67 FEET TO A POINT AND CORNER ; THENCE SOUTH 54 DEGREES 18 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 100.00 FEET TO A POINT; THENCE SOUTH 36 DEGREES 00 MINUTES 40 SECONDS WEST FOR A DISTANCE OF 150.15 FEET TO A POINT; THENCE SOUTH 05 DEGREES 06 MINUTES 48 SECONDS EAST FOR A DISTANCE OF 210.70 FEET TO A POINT; THENCE SOUTH 42 DEGREES 14 MINUTES 39 SECONDS EAST FOR A DISTANCE OF 243.43 FEET TO A POINT AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY MARGIN OF LEWIS ROAD (VARIABLE RIGHT OF WAY) AND THE EXISTING NORTHEASTERLY RIGHT OF WAY MARGIN OF C.H. JAMES PARKWAY S.R. 6 (VARIABLE RIGHT OF WAY), SAID POINT BEING THE **TRUE POINT OF BEGINNING**.

SAID TRACT OF LAND CONTAINING 2.23 ACRES MORE OR LESS.

ORIGINAL APPEARANCE  
OF DOCUMENT

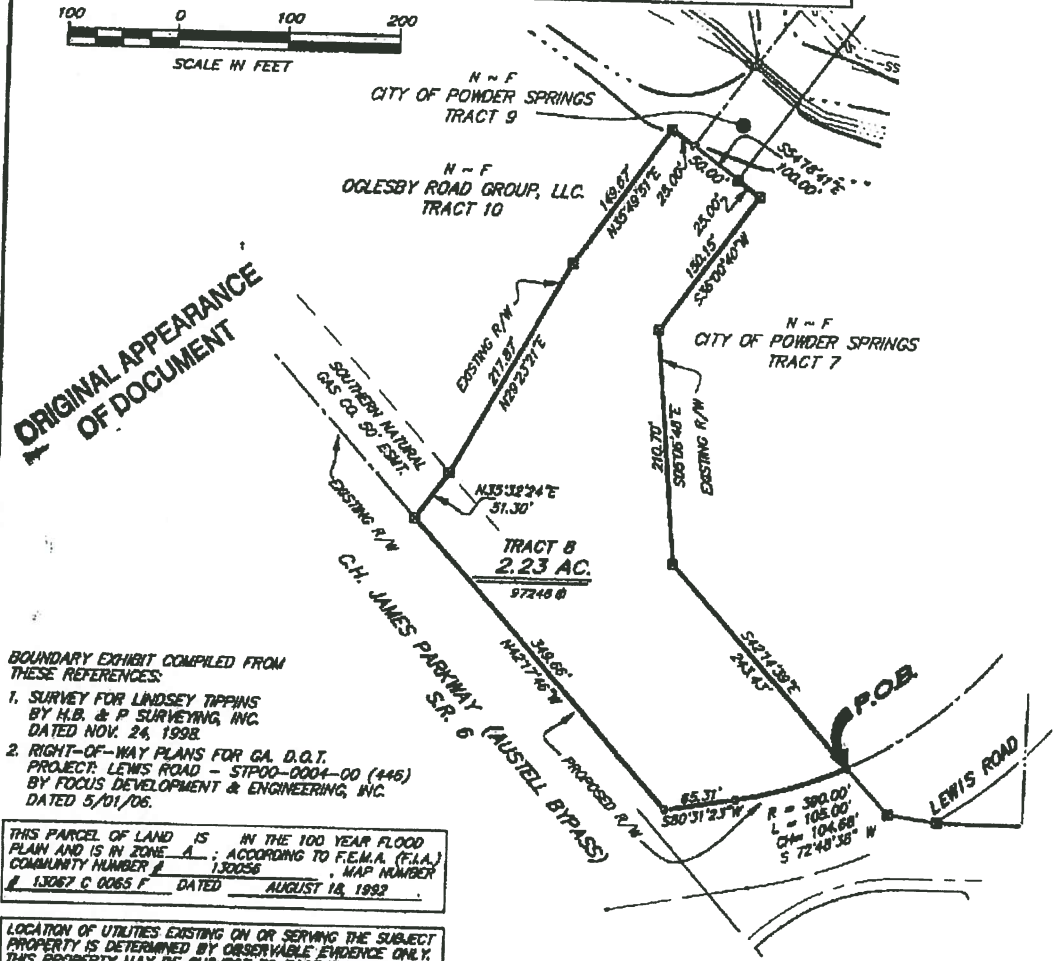
ORIG. SURVEY



LEGEND	
⊕ P.P. - POWER POLE	△ C.B. - CATCH BASIN
⊗ L.P. - LIGHT POLE	▬ R.C.P. - REINFORCED CONCRETE PIPE
⊕ F.H. - FIRE HYDRANT	▬ C.M.P. - CORRUGATED METAL PIPE
⊗ M.H. - SANITARY SEWER MANHOLE	F.F.E. - FINISHED FLOOR ELEVATION
⊕ W.M. - WATER METER	⊕ WATER VALVE
⊕ G.M. - GAS METER	⊕ TELEPHONE MANHOLE
○ RBS - REINFORCING BAR SET	---E--- UNDERGROUND ELECTRICAL LINE
○ RBF - REINFORCING BAR FOUND	⊕ OVERHEAD POWER LINES
○ CTF - CRIMP TOP PIPE FOUND	△ HW - HEADWALL
○ OTF - OPEN TOP PIPE FOUND	⊕ PRK - POWERBOX
⊕ R/W MON. - RIGHT-OF-WAY MONUMENT	▬ WATER LINE
⊕ TYPE OF FENCE	---T--- UNDERGROUND TELEPHONE LINE
○ J.B. - JUNCTION BOX	---G--- GAS LINE
⊕ D.I. - DROP INLET / YARD INLET	



ORIGINAL APPEARANCE OF DOCUMENT



- BOUNDARY EXHIBIT COMPILED FROM THESE REFERENCES:
1. SURVEY FOR LINDSEY TIPPINS BY H.B. & P. SURVEYING, INC. DATED NOV. 24, 1998.
  2. RIGHT-OF-WAY PLANS FOR GA. D.O.T. PROJECT: LEWIS ROAD - STPOO-0004-00 (445) BY FOCUS DEVELOPMENT & ENGINEERING, INC. DATED 5/01/06.

THIS PARCEL OF LAND IS IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE A; ACCORDING TO FEMA (F.I.A.) COMMUNITY NUMBER 130056, MAP NUMBER 13067 C 0065 F DATED AUGUST 18, 1992

LOCATION OF UTILITIES EXISTING ON OR SERVING THE SUBJECT PROPERTY IS DETERMINED BY OBSERVABLE EVIDENCE ONLY. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTION AND SUBSURFACE CONDITIONS THAT ARE NOT VISIBLE OR RECORDED, THUS DEEMING THEM UNDETERMINED AND NOT SHOWN. THIS PLAT IS INTENDED FOR THE PARTIES STATED ON THE FACE OF SURVEY; USE OF THE SURVEY BY THIRD PARTIES IS AT THEIR OWN RISK.

LINEAR PRECISION OF THIS PLAT: 1/476,820. MATTERS OF TITLE ARE EXCEPTED.

# Gaskins

Surveyors - Planners - Engineers - Environmental Scientists

<p><b>Main Office</b> 1244 Powder Springs Rd Marietta, Georgia 30067 Phone: (770) 426-1100</p>	<p>LS#9789 www.gaskinsurvey.com</p>	<p><b>Conroe Office</b> 2384 Marietta Highway Conroe, Georgia 30116 Phone: (770) 426-1100</p>
--	---	---

FIELD DATE: NA	DRAWN BY: JPK
OFFICE DATE: 01-14-15	CHECKED BY: DCO
SCALE: 1"=100'	DATE: 01/14/15

PROPERTY EXHIBIT FOR:  
**OGLESBY ROAD GROUP, LLC  
TRACT 8**

LOCATED IN L.L. 1049  
19th DISTRICT, 2nd SECTION  
CITY OF POWDER SPRINGS  
COBB COUNTY, GA.

**EXHIBIT "A"**  
Page 6 of 10

GRID NORTH - GA WEST ZONE  
 Drawing name: S:\Bent\COBBS\19\19\_1049\Lindsey Tippins long\LEWIS ROAD TRACT 8 EXHIBIT.dwg  
 Plotted on: Jan 15, 2015 - 10:34am  
 Created By: Jeff Todd

PROPERTY DESCRIPTION  
OGLESBY ROAD GROUP, LLC: TRACT 9

ALL that tract or parcel of land lying and being in Land Lots 1024 and 1049, 19<sup>th</sup> District, 2<sup>nd</sup> Section, City of Powder Springs, Cobb County, Georgia and being more particularly described as follows:

COMMENCING at the point where the northeasterly right of way margin of C.H. James Parkway – Austell Bypass – S.R. 6 (Variable Right of Way) intersects the westerly right of way margin of Lewis Road (Variable Right of Way);

THENCE in a northerly direction along the westerly right of way margin of Lewis Road (Variable Right of Way) for a distance of 1125.17 feet to the TRUE POINT OF BEGINNING;

THENCE departing the westerly right of way margin of Lewis Road (Variable Right of Way) following a curve to the right an arc distance of 52.90 feet, having a radius of 440.84 feet, and being subtended by a chord of South 32 degrees 54 minutes 32 seconds West for a distance of 52.87 feet to a point;

THENCE South 36 degrees 03 minutes 56 seconds West for a distance of 351.53 feet to a right of way monument found;

THENCE North 54 degrees 18 minutes 41 seconds West for a distance of 50.00 feet to a point;

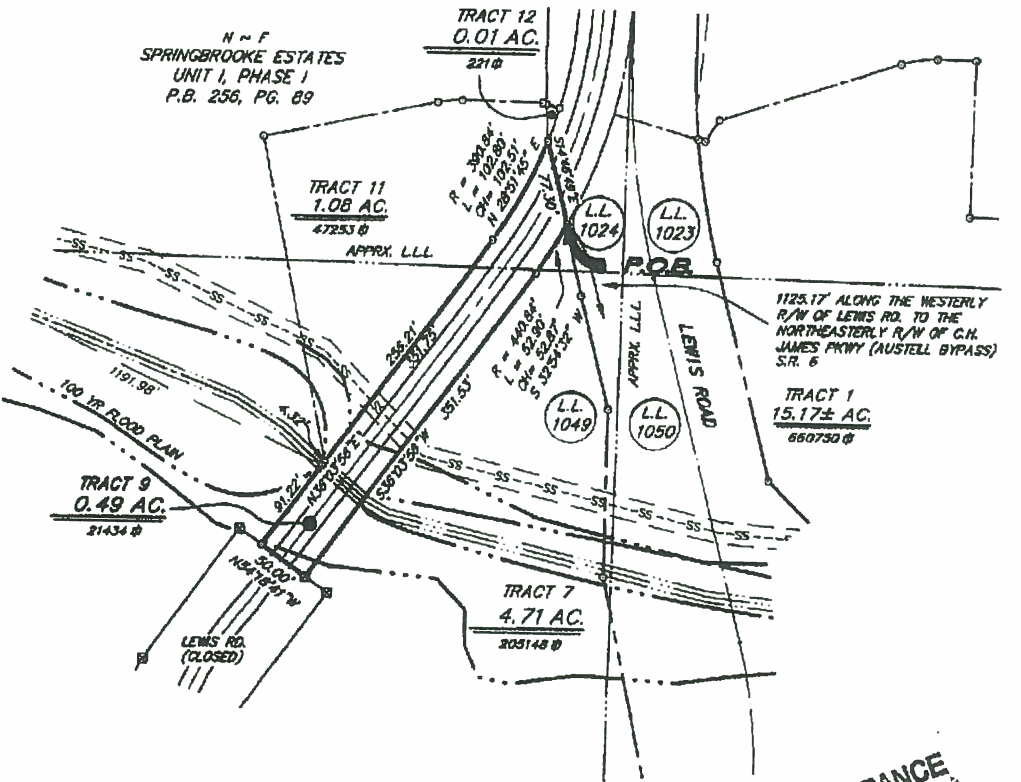
THENCE North 36 degrees 03 minutes 56 seconds East for a distance of 351.75 feet to a point;

THENCE following a curve to the left an arc distance of 102.80 feet, having a radius of 390.84 feet, and being subtended by a chord of North 28 degrees 51 minutes 45 seconds East for a distance of 102.51 feet to a point on the westerly right of way margin of Lewis Road (Variable Right of Way);

THENCE along the westerly right of way margin of Lewis Road (Variable Right of Way) South 14 minutes 46 minutes 49 seconds East for a distance of 77.30 feet to a point and the TRUE POINT OF BEGINNING.

Said tract of land contains 0.49 Acres or 21,434 Square Feet more or less.

LEGEND	
⊙ P.P. - POWER POLE	△ C.B. - CATCH BASIN
⊙ L.P. - LIGHT POLE	▬ R.C.P. - REINFORCED CONCRETE PIPE
⊙ F.H. - FIRE HYDRANT	▬ C.M.P. - CORRUGATED METAL PIPE
⊙ M.H. - SANITARY SEWER MANHOLE	— F.F.E. - FINISHED FLOOR ELEVATION
⊙ W.M. - WATER METER	⊙ WATER VALVE
⊙ G.M. - GAS METER	⊙ TELEPHONE MANHOLE
○ RBS - REINFORCING BAR SET	---E--- UNDERGROUND ELECTRICAL LINE
○ RBF - REINFORCING BAR FOUND	— OVERHEAD POWER LINES
○ CTF - CRIMP TOP PIPE FOUND	△ HW - HEADWALL
○ OTF - OPEN TOP PIPE FOUND	⊙ POWERBOX
□ R/W MON. - RIGHT-OF-WAY MONUMENT	— WATER LINE
X - TYPE OF FENCE	---T--- UNDERGROUND TELEPHONE LINE
○ J.B. - JUNCTION BOX	---G--- GAS LINE
⊙ D.I. - DROP INLET / YARD INLET	



THIS PARCEL OF LAND IS IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE A, ACCORDING TO FEMA (F.I.A.) COMMUNITY NUMBER # 130056, MAP NUMBER # 13057 C 0183 H DATED MARCH 4, 2013

LOCATION OF UTILITIES EXISTING ON OR SERVING THE SUBJECT PROPERTY IS DETERMINED BY OBSERVABLE EVIDENCE ONLY. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTION AND SUBSURFACE CONDITIONS THAT ARE NOT VISIBLE OR RECORDED, THUS DEEMING THEM UNDETERMINED AND NOT SHOWN. THIS PLAT IS INTENDED FOR THE PARTIES STATED ON THE FACE OF SURVEY. USE OF THE SURVEY BY THIRD PARTIES IS AT THEIR OWN RISK.



LINEAR PRECISION OF THIS PLAT: 1/169,263. MATTERS OF TITLE ARE EXCEPTED.



**Marion Office**  
1266 Powder Springs Rd  
Marion, Georgia 30064  
Phone: [REDACTED]

**Clark Office**  
2188 Atlanta Highway  
Clark, Georgia 30114  
Phone: [REDACTED]

LSP# 789  
www.gaskinsurvey.com

FIELD DATE: NA	DRAWN BY: JPK
OFFICE DATE: 04-27-15	CHECKED BY: DCO
SCALE: 1"=100'	FILE: S / BND / COBB

PROPERTY EXHIBIT FOR:  
**OGLESBY ROAD GROUP, LLC  
TRACT 9**

LOCATED IN L.L. 1024 AND 1049  
19th DISTRICT, 2nd SECTION  
CITY OF POWDER SPRINGS  
COBB COUNTY, GA.

GRID NORTH - GA. WEST ZONE  
Drawing name: S:\bnc\0086119\19\_1049\Lincoln\_Triples\Orig\LEWIS ROAD TRACT 9 EXHIBIT.dwg  
Printed by: wllf 4/30

PROPERTY DESCRIPTION  
OGLESBY ROAD GROUP, LLC: TRACT 12

ALL that tract or parcel of land lying and being in Land Lot 1024, 19<sup>th</sup> District, 2<sup>nd</sup> Section, City of Powder Springs, Cobb County, Georgia and being more particularly described as follows:

COMMENCING at the point where the northeasterly right of way margin of C.H. James Parkway – Austell Bypass – S.R. 6 (Variable Right of Way) intersects the westerly right of way margin of Lewis Road (Variable Right of Way);

THENCE in a northerly direction along the westerly right of way margin of Lewis Road (Variable Right of Way) for a distance of 1202.47 feet to the TRUE POINT OF BEGINNING;

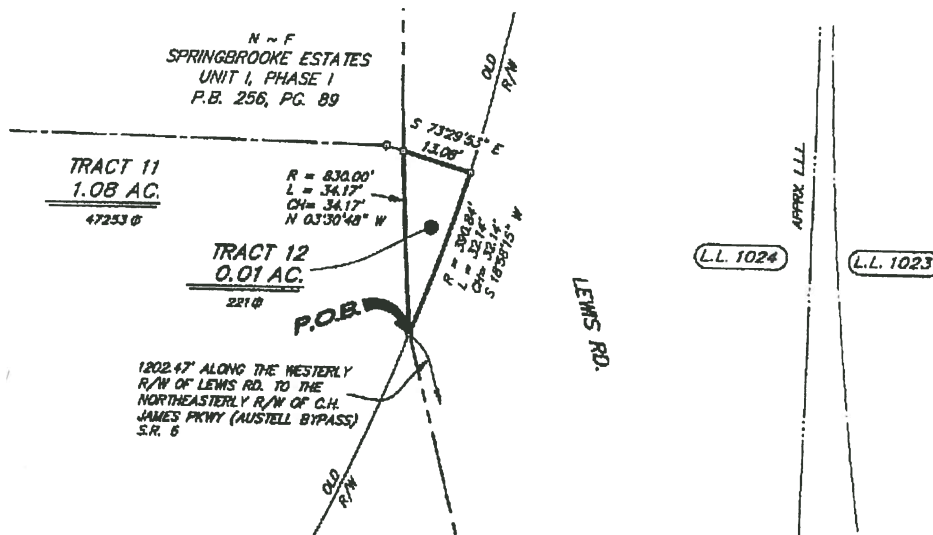
THENCE continuing along the westerly right of margin of Lewis Road (Variable Right of Way) following a curve to the left an arc distance of 34.17 feet, having a radius of 830.00 feet, and being subtended by a chord of North 03 degrees 30 minutes 48 seconds West for a distance of 34.17 feet to a point;

THENCE South 73 degrees 29 minutes 53 seconds East for a distance of 13.08 feet to a point;

THENCE following a curve to the right an arc distance of 32.14 feet, having a radius of 390.84 feet, and being subtended by a chord of South 18 degrees 58 minutes 15 seconds West for a distance of 32.14 feet to a point on the westerly right of way margin of Lewis Road (Variable Right of Way), said point being the TRUE POINT OF BEGINNING.

Said tract of land contains 0.01 Acres or 221 Square Feet more or less.

LEGEND	
⊠ P.P. - POWER POLE	△ C.B. - CATCH BASIN
⊗ L.P. - LIGHT POLE	▬ R.C.P. - REINFORCED CONCRETE PIPE
⊙ F.H. - FIRE HYDRANT	▬ C.M.P. - CORRUGATED METAL PIPE
⊕ M.M. - SANITARY SEWER MANHOLE	— F.F.E. - FINISHED FLOOR ELEVATION
⊕ W.M. - WATER METER	⊗ WATER VALVE
⊕ G.M. - GAS METER	⊕ TELEPHONE MANHOLE
○ RBS - REINFORCING BAR SET	---E--- UNDERGROUND ELECTRICAL LINE
○ RBF - REINFORCING BAR FOUND	— OVERHEAD POWER LINES
○ CTF - CRIMP TOP PIPE FOUND	△ HW. - HEADWALL
○ OTF - OPEN TOP PIPE FOUND	⊠ PBX POWERBOX
⊠ R/W MON. - RIGHT-OF-WAY MONUMENT	— WATER LINE
—X— TYPE OF FENCE	---T--- UNDERGROUND TELEPHONE LINE
○ J.B. - JUNCTION BOX	---G--- GAS LINE
⊠ D.I. - DROP INLET / YARD INLET	



ORIGINAL APPEARANCE OF DOCUMENT

ORIGINAL APPEARANCE OF DOCUMENT

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 # 130056, MAP NUMBER # 13007 C 01B3 H, DATED MARCH 4, 2013.

LOCATION OF UTILITIES EXISTING ON OR SERVING THE SUBJECT PROPERTY IS DETERMINED BY OBSERVABLE EVIDENCE ONLY. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTION AND SUBSURFACE CONDITIONS THAT ARE NOT VISIBLE OR RECORDED. THIS DEEDING THEM UNDETERMINED AND NOT SHOWN. THIS PLAT IS INTENDED FOR THE PARTIES STATED ON THE FACE OF SURVEY. USE OF THE SURVEY BY THIRD PARTIES IS AT THEIR OWN RISK.



LINEAR PRECISION OF THIS PLAT: 1/19,904. MATTERS OF TITLE ARE EXCEPTED.

**Gaskins**  
 SURVEYING & ENGINEERING

Marletta Office  
 1706 Powder Springs Rd  
 Marletta, Georgia 30047  
 Phone: [REDACTED]

1526 789  
 www.gaskinsurvey.com

Condon Office  
 2284 Marletta Highway  
 Condon, Georgia 30114  
 Phone: [REDACTED]

FIELD DATE: NA	DRAWN BY: JPK
OFFICE DATE: 04-27-15	CHECKED BY: DCO
SCALE: 1"=20'	FILE: S/BND/COBB

PROPERTY EXHIBIT FOR:  
 OGLESBY ROAD GROUP, LLC  
 TRACT 12

LOCATED IN L.L. 1024  
 19th DISTRICT, 2nd SECTION  
 CITY OF POWDER SPRINGS  
 COBB COUNTY, GA.

Drawing name: S:\Bnd\COBB\1519\_1049\Landray\_Tpkins.dwg LEWIS ROAD TRACT 12 EXHIBIT.dwg  
 Plotted on: Apr 27, 2015 - 2:04pm  
 Plotted by: Jeff Koss



*Mail*  
MOORE INGRAM JOHNSON & STEELE  
REAL ESTATE DEPARTMENT  
EMERSON OVERLOOK  
328 ROSWELL STREET  
MARIETTA GA 30060  
HCE

*Rebecca Keaton*  
REBECCA KEATON  
SUPERIOR COURT Cobb Cty. GA.

GEORGIA DEPARTMENT OF TRANSPORTATION  
QUITCLAIM DEED

STATE OF GEORGIA  
COUNTY OF FULTON

PROJECT: STP-0004-00(446)  
COBB COUNTY  
PI #000446

THIS INDENTURE, made this 3rd day of March, 2015, between the DEPARTMENT OF TRANSPORTATION, an agency of the State of Georgia (herein called "Grantor") and OGLESBY ROAD GROUP, LLC. (herein called "Grantee")

WITNESSETH: that the Grantor for an in consideration of the sum of ONE DOLLAR (\$1.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, cash in hand paid, the receipt of which is hereby acknowledged, has bargained, sold, and does by these presents bargain, sell, remise, release, and forever QuitClaim to Grantee all the right, title, interest, claim or demand which Grantor has or may have had in and to all that right of way as described in Exhibit "A" and shown on the attached plat marked as Exhibit "B".

TO HAVE AND TO HOLD the said described premises, together with all and singular the rights, privileges and appurtenances thereto, or in anywise appertaining, to the only proper use, benefit and behoof of the Grantee, his heirs and assigns, forever.

IN WITNESS WHEREOF, the Grantor, acting by and through the Commissioner of the Department of Transportation, has hereunto caused the hand and seal of the Department of Transportation to be set to these presents the day and year first above written.

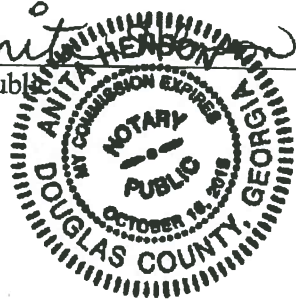
DEPARTMENT OF TRANSPORTATION  
An agency of the State of Georgia

Signed, Sealed and Delivered this the  
3<sup>rd</sup> day of March, 2015  
in the Presence of

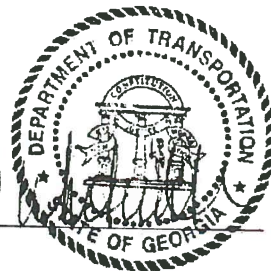
BY: *Russell R. McMurray*  
Russell R. McMurray, P.E.  
Commissioner

*Chavis R. Madani*  
Witness

*Anita Henson*  
Notary Public



ATTEST:  
*Angela O. Whitworth*  
Angela O. Whitworth  
Treasurer



**EXHIBIT "A"**

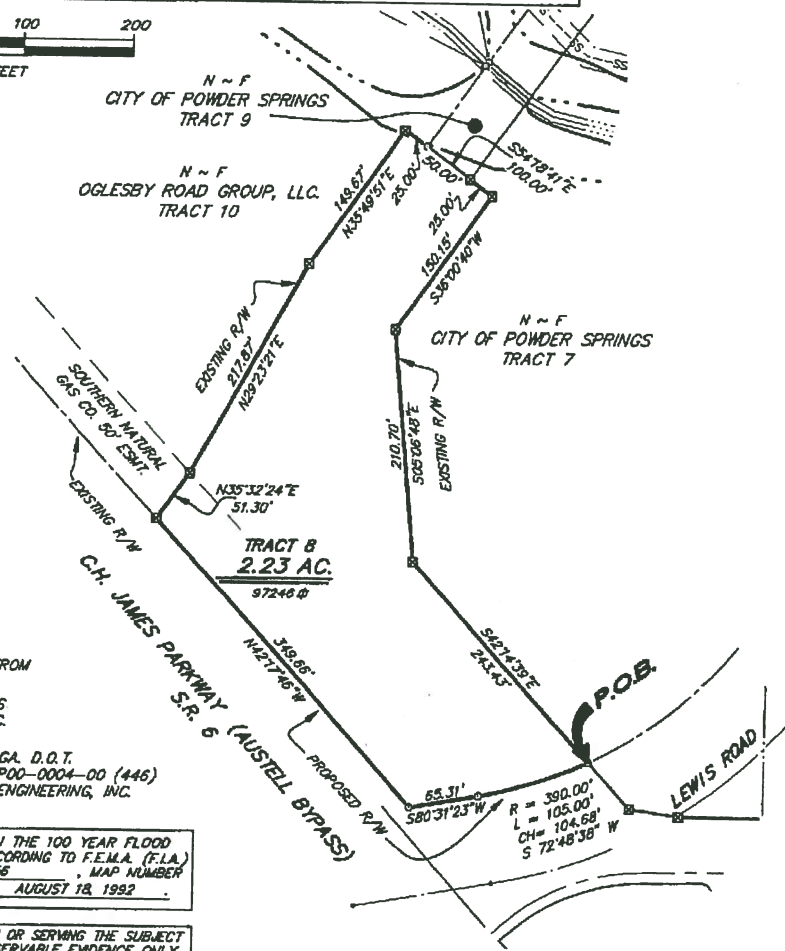
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 1049, 19<sup>TH</sup> DISTRICT, 2<sup>ND</sup> SECTION, CITY OF POWDER SPRINGS, COBB COUNTY, GEORGIA, AS SHOWN ON THAT CERTAIN SURVEY FOR OGLESBY ROAD GROUP, LLC, DATED JANUARY 14, 2015, PREPARED BY GASKINS SURVEYING COMPANY, INC., GEORGIA LAND SURVEYOR NO. 789, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT WHERE THE NORTHWESTERLY RIGHT OF WAY MARGIN OF LEWIS ROAD (VARIABLE RIGHT OF WAY) INTERSECTS THE EXISTING NORTHEASTERLY RIGHT OF WAY MARGIN OF C.H. JAMES PARKWAY S.R. 6 (VARIABLE RIGHT OF WAY), SAID POINT BEING THE **TRUE POINT OF BEGINNING**; THENCE LEAVING THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY MARGIN OF LEWIS ROAD (VARIABLE RIGHT OF WAY) INTERSECTS THE EXISTING NORTHEASTERLY RIGHT OF WAY MARGIN OF C.H. JAMES PARKWAY S.R. 6 (VARIABLE RIGHT OF WAY), FOLLOWING A CURVE TO THE RIGHT AN ARC DISTANCE OF 105.00 FEET (SAID ARC BEING SUBTENDED BY A CHORD BEARING SOUTH 72 DEGREES 48 MINUTES 38 SECONDS WEST, A CHORD DISTANCE OF 104.68 FEET, AND HAVING A RADIUS OF 390.00 FEET) TO A POINT; THENCE SOUTH 80 DEGREES 31 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 65.31 FEET TO A POINT AND CORNER; THENCE NORTH 42 DEGREES 17 MINUTES 46 SECONDS WEST FOR A DISTANCE OF 349.66 FEET TO A POINT AND CORNER; THENCE NORTH 35 DEGREES 32 MINUTES 24 SECONDS EAST FOR A DISTANCE OF 51.30 FEET TO A POINT; THENCE NORTH 29 DEGREES 23 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 217.87 FEET TO A POINT; THENCE NORTH 35 DEGREES, 49 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 149.67 FEET TO A POINT AND CORNER ; THENCE SOUTH 54 DEGREES 18 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 100.00 FEET TO A POINT; THENCE SOUTH 36 DEGREES 00 MINUTES 40 SECONDS WEST FOR A DISTANCE OF 150.15 FEET TO A POINT; THENCE SOUTH 05 DEGREES 06 MINUTES 48 SECONDS EAST FOR A DISTANCE OF 210.70 FEET TO A POINT; THENCE SOUTH 42 DEGREES 14 MINUTES 39 SECONDS EAST FOR A DISTANCE OF 243.43 FEET TO A POINT AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY MARGIN OF LEWIS ROAD (VARIABLE RIGHT OF WAY) AND THE EXISTING NORTHEASTERLY RIGHT OF WAY MARGIN OF C.H. JAMES PARKWAY S.R. 6 (VARIABLE RIGHT OF WAY), SAID POINT BEING THE **TRUE POINT OF BEGINNING**.

SAID TRACT OF LAND CONTAINING 2.23 ACRES MORE OR LESS.

LESS AND EXCEPT THE RIGHT OF WAY FOR LEWIS ROAD LYING AND BEING WITHIN SAID TRACT OF LAND.

LEGEND			
	P.P. - POWER POLE		C.B. - CATCH BASIN
	L.P. - LIGHT POLE		R.C.P. - REINFORCED CONCRETE PIPE
	F.H. - FIRE HYDRANT		C.M.P. - CORRUGATED METAL PIPE
	M.H. - SANITARY SEWER MANHOLE		F.F.E. - FINISHED FLOOR ELEVATION
	W.M. - WATER METER		WATER VALVE
	G.M. - GAS METER		TELEPHONE MANHOLE
	R.B.S. - REINFORCING BAR SET		UNDERGROUND ELECTRICAL LINE
	R.B.F. - REINFORCING BAR FOUND		OVERHEAD POWER LINES
	C.T.F. - CRIMP TOP PIPE FOUND		HW - HEADWALL
	O.T.F. - OPEN TOP PIPE FOUND		POWERBOX
	R/W MON. - RIGHT-OF-WAY MONUMENT		WATER LINE
	X - TYPE OF FENCE		UNDERGROUND TELEPHONE LINE
	J.B. - JUNCTION BOX		GAS LINE
	D.I. - DROP INLET / YARD INLET		



BOUNDARY EXHIBIT COMPILED FROM THESE REFERENCES:

1. SURVEY FOR LINDSEY TIPPINS BY H.B. & P SURVEYING, INC. DATED NOV. 24, 1998.
2. RIGHT-OF-WAY PLANS FOR GA. D.O.T. PROJECT: LEWIS ROAD - STPOO-0004-00 (446) BY FOCUS DEVELOPMENT & ENGINEERING, INC. DATED 5/01/06.

THIS PARCEL OF LAND IS IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE A; ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY NUMBER 130056, MAP NUMBER 13067 C 0065 F DATED AUGUST 18, 1992.

LOCATION OF UTILITIES EXISTING ON OR SERVING THE SUBJECT PROPERTY IS DETERMINED BY OBSERVABLE EVIDENCE ONLY. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTION AND SUBSURFACE CONDITIONS THAT ARE NOT VISIBLE OR RECORDED. THIS DEEMING THEM UNDETERMINED AND NOT SHOWN. THIS PLAT IS INTENDED FOR THE PARTIES STATED ON THE FACE OF SURVEY. USE OF THE SURVEY BY THIRD PARTIES IS AT THEIR OWN RISK.

LINEAR PRECISION OF THIS PLAT : 1/ 476,620 . MATTERS OF TITLE ARE EXCEPTED.

# Gaskins

SURVEYING - PLANNING - CONSULTING - CONSTRUCTION

<p><b>Marion Office</b>          1266 Powder Springs Rd          Marietta, Georgia 30064          Phone: [REDACTED]</p>	<p>LSP# 789  <a href="http://www.gsksurvey.com">www.gsksurvey.com</a></p>	<p><b>Canton Office</b>          2288 Marietta Highway          Canton, Georgia 30114          Phone: [REDACTED]</p>
---	---	--

FIELD DATE: NA	DRAWN BY: JPK
OFFICE DATE: 01-14-15	CHECKED BY: DCO
SCALE: 1"=100'	FILE: S. AND / FOR

PROPERTY EXHIBIT FOR:  
**OGLESBY ROAD GROUP, LLC**  
**TRACT 8**

LOCATED IN L.L. 1049  
 19th DISTRICT, 2nd SECTION  
 CITY OF POWDER SPRINGS  
 COBB COUNTY, GA.

GRID NORTH - GA WEST ZONE

Drawing name: S:\bnd\2008\19\_10\_1049\ Lindsey Tippins [dwg] LEWIS ROAD TRACT B EXHIBIT.dwg Plotted on: Jan 15, 2015 - 10:34am  
 Plotted By: JPK / JFD

Deed Book 12341 Pg 481  
Filed and Recorded Mar-30-1999 11:12am  
1999-0052918  
Real Estate Transfer Tax \$0.00  
Jay C. Stephenson  
Clerk of Superior Court  
Cobb County, Georgia

2400  
RR

*Jay C. Stephenson*

RETURN TO:  
Moore Ingram Johnson & Steele, LLP  
192 Anderson Street  
Marietta, GA 30060

*mw*

**QUITCLAIM DEED**

STATE OF TENNESSEE

COUNTY OF DAVIDSON

THIS INDENTURE made the 24<sup>th</sup> day of MARCH in the year of one thousand nine hundred and ninety-nine, between

**JAMES EDWIN OGLESBY, JR., as Executor under the  
Last Will and Testament of JAMES EDWIN OGLESBY, SR., deceased**

of the County of DAVIDSON and State of Tennessee, as party or parties of the first part, hereinafter called Grantor, and

**OGLESBY ROAD GROUP, LLC  
a Georgia limited liability company**

of the County of Cobb and State of Georgia, 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 one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey, and forever QUITCLAIM unto the said Grantee

ALL THOSE TRACTS OR PARCELS OF LAND LYING AND BEING IN LAND LOTS 1022, 1023, 1024, 1048, 1049, AND 1050, OF THE 19TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE.

This Quitclaim Deed is given in connection with that certain Limited Warranty Deed from Grantor and others to Grantee, recorded simultaneously herewith, upon which transfer tax has been paid.

Further, Grantor is acting under the powers and authority of Grantor as Executor in the Last Will and Testament of James Edwin Oglesby, Sr., which was presented for Probate in the Probate Court of Davidson County, Tennessee, and Letters Testamentary were issued to the undersigned on June 20, 1995, by Order of the Probate Court for Davidson County, Tennessee, at Nashville, being Docket No. 95P-1011.

TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

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

Signed, sealed and delivered  
in the presence of:

Ronnie R. Dixon  
(Unofficial Witness)

James Edwin Oglesby, Jr. (Seal)  
JAMES EDWIN OGLESBY, JR.  
as Executor under the Last Will and Testament  
of James Edwin Oglesby, Sr., deceased

James S. Phillips  
My Commission Expires: 1/30/02  
(Not a Seal)  
N. P. SEAL



EXHIBIT "A"

TRACT A:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 1048 and 1049, of the 19th District, 2nd Section, Cobb County, Georgia, and being 13.47 acres as shown on survey for Lindsey Tippins, dated November 24, 1998, prepared by H.B. & P. Surveying, Inc., John O. Huffman, Georgia Registered Land Surveyor No. 2034, and being more particularly described as follows:

BEGINNING at an iron pin found at the intersection of the southwesterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6 with the northerly land lot line of Land Lot 1048, said district and section; thence running south 44 degrees 03 minutes 51 seconds east as measured along the southwesterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6, for a distance of 1,064.06 feet to a right of way monument and corner; thence running south 18 degrees 17 minutes 34 seconds west for a distance of 85.54 feet to a right of way monument and corner; thence running south 65 degrees 01 minutes 29 seconds west for a distance of 51.95 feet to a right of way monument and corner located on the northeasterly right of way of Oglesby Road (having a variable right of way); thence running north 66 degrees 40 minutes 21 seconds west as measured along the northeasterly right of way of Oglesby Road for a distance of 129.67 feet to a right of way monument; thence running north 69 degrees 08 minutes 13 seconds west as measured along the northeasterly right of way of Oglesby Road for a distance of 174.51 feet to a right of way monument and corner; thence running south 20 degrees 40 minutes 46 seconds west for a distance of 24.47 feet to a right of way monument and corner; thence running north 69 degrees 50 minutes 37 seconds west as measured along the northeasterly right of way of Oglesby Road for a distance of 1,015.03 feet to an iron pin found and corner; thence running north 00 degrees 33 minutes 45 seconds west for a distance of 419.81 feet to an iron pin found and corner located on the northerly land lot line of Land Lot 1048, said district and section; thence running north 89 degrees 15 minutes 13 seconds east as measured along the northerly land lot line of Land Lot 1048, said district and section, for a distance of 581.74 feet to the point of BEGINNING.

EXHIBIT "A" - PAGE TWO

TRACT B-2

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 1024 and 1049, of the 19th District, 2nd Section, Cobb County, Georgia, and being 15.36 acres as shown on survey for Lindsey Tippins, dated November 24, 1998, prepared by H.B. & P. Surveying, Inc., John O. Huffman, Georgia Registered Land Surveyor No. 2034, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the common corner of Land Lots 1023, 1024, 975, and 976, said district and section, thence proceed south 00 degrees 50 minutes 49 seconds east as measured along the easterly land lot line of Land Lot 1024, said district and section, for a distance of 52.47 feet to an iron pin located at the intersection of the easterly land lot line of Land Lot 1024, said district and section, with the northwesterly right of way of Lewis Road (having a 50 foot right of way); thence running in a southwesterly and southerly direction as measured along the northwesterly and westerly right of way of Lewis Road the following courses and distances: along the arc of a curve to the left, an arc distance of 192.27 feet (said arc being subtended by a chord bearing south 09 degrees 04 minutes 44 seconds west, a chord distance of 190.75 feet, and having a radius of 441.31 feet) to a point; south 01 degrees 18 minutes 31 seconds east, for a distance of 361.10 feet to a point; along the arc of a curve to the right, an arc distance of 294.61 feet (said arc being subtended by a chord bearing south 00 degrees 39 minutes 51 seconds west, a chord distance of 294.57 feet, and having a radius of 4,870.96 feet) to a point; south 02 degrees 58 minutes 19 seconds west, for a distance of 14.67 feet, to a point, said point being the TRUE POINT OF BEGINNING; thence running in a southwesterly direction as measured along the northwesterly right of way of Lewis Road the following courses and distances: south 02 degrees 58 minutes 19 seconds west for a distance of 181.98 feet to a point; along the arc of a curve to the right, an arc distance of 208.53 feet (said arc being subtended by a chord bearing south 19 degrees 21 minutes 49 seconds west, a chord distance of 206.06 feet and having a radius of 390.84 feet) to a point; south 34 degrees 18 minutes 58 seconds west for a distance of 351.75 feet to an iron pin and corner; north 56 degrees 03 minutes 40 seconds west for a distance of 25.00 feet to a right of way monument and corner; south 34 degrees 04 minutes 53 seconds west for a distance of 149.67 feet to a right of way monument; south 27 degrees 38 minutes 22 seconds west for a distance of 217.87 feet to a right of way monument; south 33 degrees 47 minutes 26 seconds west for a distance of 51.30 feet to a right of way monument and corner located at the intersection of the northwesterly right of way of Lewis Road with the northeasterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6; thence running north 44 degrees 02 minutes 45 seconds west as measured along the northeasterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6, for a distance of 837.89 feet to a point and corner located at the intersection of the northeasterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6, with the northerly land lot line of Land Lot 1049, said district and section; thence running north 89 degrees 30 minutes 23 seconds east as measured along the northerly land lot line of Land Lot 1049, said district and section, for a distance of 426.82 feet to a point and corner; thence running north 00 degrees 03 minutes 16 seconds west for a distance of 671.06 feet to a point and corner; thence running south 84 degrees 57 minutes 53 seconds east for a distance of 247.44 feet to a point and corner; thence running south 59 degrees 57 minutes 34 seconds east for a distance of 485.33 feet to the point of BEGINNING.

EXHIBIT "A"  
PAGE THREE

TRACT C:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 1022, 1023, 1024, 1049, and 1050, of the 19th District, 2nd Section, Cobb County, Georgia, and being 56.04 acres as shown on survey for Lindsey Tippins, dated November 24, 1998, prepared by H.B. & P. Surveying, Inc., John O. Huffman, Georgia Registered Land Surveyor No. 2034, and being more particularly described as follows:

BEGINNING at an iron pin found at the intersection of the easterly land lot line of Land Lot 1050, said district and section, with the northerly right of way of Oglesby Road (having a 50 foot right of way); thence running in a westerly direction as measured along the northerly right of way of Oglesby Road the following courses and distances: north 82 degrees 43 minutes 25 seconds west, for a distance of 60.40 feet to a point; along the arc of a curve to the left, an arc distance of 179.13 feet (said arc being subtended by a chord bearing north 87 degrees 17 minutes 04 seconds west, a chord distance of 179.09 feet, and having a radius of 2,322.00 feet) to a point; north 89 degrees 24 minutes 51 seconds west for a distance of 352.83 feet to a point; along the arc of a curve to the left, an arc distance of 253.97 feet (said arc being subtended by a chord bearing north 89 degrees 58 minutes 01 seconds west, a chord distance of 253.96 feet, and having a radius of 8,155.96 feet) to a point; south 89 degrees 17 minutes 57 seconds west, for a distance of 454.13 feet to a right of way monument and corner at the intersection of the northerly right of way of Oglesby Road with the easterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6; thence running in a northerly, westerly and northwesterly direction as measured along the easterly, northerly, and northeasterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6, the following courses and distances: north 00 degrees 50 minutes 53 seconds west for a distance of 24.83 feet to a right of way monument and corner; south 88 degrees 59 minutes 50 seconds west for a distance of 99.62 feet to a right of way monument; north 83 degrees 56 minutes 52 seconds west for a distance of 45.18 feet to a right of way monument and corner; north 43 degrees 59 minutes 38 seconds west for a distance of 299.47 feet to a right of way monument and corner located at the intersection of the northeasterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6 with the northeasterly right of way of Lewis Road; thence running in a northwesterly, northeasterly, northwesterly and northeasterly direction as measured along the northeasterly, southeasterly, northeasterly and southeasterly right of way of Lewis Road the following courses and distances: north 06 degrees 51 minutes 47 seconds west for a distance of 210.70 feet to a right of way monument; north 34 degrees 15 minutes 42 seconds east for a distance of 150.15 feet to a right of way monument and corner; north 56 degrees 03 minutes 40 seconds west for a distance of 25.00 feet to a right of way monument and corner; north 34 degrees 18 minutes 57 seconds east for a distance of 351.53 feet to a point; along the arc of a curve to the left, an arc distance of 235.31 feet (said arc being subtended by a chord bearing north 19 degrees 18 minutes 19 seconds east a chord distance of 232.53 feet, and having a radius of 440.84 feet) to a point; north 02 degrees 58 minutes 17 seconds east for a distance of 197.62 feet to a point; along the arc of a curve to the left, an arc distance of 251.05 feet (said arc being subtended by a chord bearing north 00 degrees 55 minutes 07 seconds east a chord distance of 251.03 feet, and having a radius of 5,159.94 feet) to an iron pin and corner; thence running north 89 degrees 16 minutes 45 seconds east for a distance of 224.59 feet to an iron pin found; thence running north 89 degrees 18 minutes 13 seconds east for a distance of 798.86 feet to an iron pin found; thence running north 88 degrees 12 minutes 01 seconds east for a distance of 45.11 feet to

an iron pin found; thence running north 89 degrees 31 minutes 12 seconds east for a distance of 254.93 feet to an iron pin found on the line dividing Land Lot 1025, said district and section to the west, and Land Lot 1022, said district and section, to the east; thence running north 87 degrees 54 minutes 11 seconds east for a distance of 170.00 feet to an iron pin and corner; thence running south 26 degrees 37 minutes 28 seconds west for a distance of 114.42 feet to an iron pin and corner; thence running south 21 degrees 27 minutes 47 seconds east for a distance of 174.00 feet to a point; thence running south 39 degrees 07 minutes 38 seconds east for a distance of 90.63 feet to an iron pin and corner; thence running south 13 degrees 23 minutes 52 seconds west for a distance of 73.42 feet to an iron pin; thence running south 23 degrees 08 minutes 43 seconds east for a distance of 67.69 feet to an iron pin and corner; thence running south 87 degrees 11 minutes 22 seconds east for a distance of 52.01 feet to an iron pin and corner; thence running south 03 degrees 41 minutes 19 seconds west for a distance of 87.15 feet to an iron pin and corner; thence running south 33 degrees 59 minutes 35 seconds east for a distance of 59.90 feet to an iron pin and corner; thence running south 77 degrees 57 minutes 24 seconds east for a distance of 110.99 feet to an iron pin and corner; thence running south 49 degrees 18 minutes 42 seconds east for a distance of 39.00 feet to an iron pin located on the southerly land lot line of Land Lot 1023, said district and section; thence running south 87 degrees 40 minutes 30 seconds west as measured along the southerly land lot line of Land Lot 1022, said district and section, for a distance of 459.19 feet to an iron pin found at the common corner of Land Lots 1022, 1023, 1050, and 1051, said district and section; thence running south 00 degrees 26 minutes 28 seconds west as measured along the easterly land lot line of Land Lot 1050, said district and section, for a distance of 910.79 feet to the point of BEGINNING.

EXHIBIT "A"  
PAGE FOUR



EXHIBIT "A"  
PAGE FIVE

TRACT D:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 1050, of the 19th District, 2nd Section, Cobb County, Georgia, and being 10.35 acres as shown on survey for Lindsey Tippins, dated November 24, 1998, prepared by H.B. & P. Surveying, Inc., John O. Huffman, Georgia Registered Land Surveyor No. 2034, and being more particularly described as follows:

BEGINNING at the southeastern corner of Land Lot 1050, said district and section; thence running south 89 degrees 01 minutes 06 seconds west as measured along the southerly land lot line of Land Lot 1050, said district and section, for a distance of 1,024.76 feet to an iron pin found at the intersection of the southerly land lot line of Land Lot 1050, said district and section, with the northeasterly side of Access Road; thence running north 44 degrees 01 minutes 04 seconds west as measured along the northeasterly side of Access Road for a distance of 386.83 feet to an iron pin found and corner; thence running north 01 degrees 08 minutes 22 seconds west for a distance of 78.47 feet to a right of way monument; thence running north 01 degrees 08 minutes 28 seconds west for a distance of 25.00 feet to a right of way monument and corner located on the southerly right of way of Oglesby Road (having a 50 foot right of way); thence running in an easterly direction as measured along the southerly right of way of Oglesby Road, the following courses and distances: north 89 degrees 17 minutes 57 seconds east, for a distance of 453.65 feet to a point; along the arc of a curve to the right, an arc distance of 252.64 feet (said arc being subtended by a chord bearing south 89 degrees 58 minutes 00 seconds east, a chord distance of 252.63 feet, and having a radius of 8,105.96 feet) to a point; south 89 degrees 24 minutes 51 seconds east, for a distance of 353.01 feet to a point; along the arc of a curve to the right, an arc distance of 174.94 feet (said arc being subtended by a chord bearing south 87 degrees 17 minutes 22 seconds east, a chord distance of 174.90 feet, and having a radius of 2,272.00 feet) to a point; south 82 degrees 58 minutes 39 seconds east, for a distance of 64.57 feet to an iron pin found and corner at the intersection of the southerly right of way of Oglesby Road with the easterly land lot line of Land Lot 1050, said district and section; thence running south 00 degrees 25 minutes 07 seconds west as measured along the easterly land lot line of Land Lot 1050, said district and section, for a distance of 349.70 feet to the point of BEGINNING.



EXHIBIT "A"  
PAGE SIX

TRACT E:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 1049, of the 19th District, 2nd Section, Cobb County, Georgia, and being 2.05 acres as shown on survey for Lindsey Tippins, dated November 24, 1998, prepared by H.B. & P. Surveying, Inc., John O. Huffman, Georgia Registered Land Surveyor No. 2034, and being more particularly described as follows:

BEGINNING at an iron pin found at the intersection of the easterly right of way of Lewis Road (having a 50 foot right of way) with the southerly land lot line of Land Lot 1049, said district and section; thence running north 00 degrees 51 minutes 04 seconds west as measured along the easterly right of way of Lewis Road for a distance of 258.94 feet to a right of way monument and corner; thence running north 71 degrees 05 minutes 28 seconds east for a distance of 41.41 feet to a right of way monument and corner; thence running south 59 degrees 58 minutes 02 seconds east for a distance of 157.44 feet to a right of way monument and corner; thence running south 80 degrees 08 minutes 04 seconds east for a distance of 92.87 feet to a right of way monument; thence running south 78 degrees 36 minutes 54 seconds east for a distance of 122.36 feet to a right of way monument and corner located on the southwesterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6; thence running south 43 degrees 43 minutes 21 seconds east as measured along the southwesterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6, for a distance of 210.95 feet to the point of BEGINNING.

Deed Book 12341 Pg 473  
Filed and Recorded Mar-30-1999 11:12am  
1999-0052917  
Real Estate Transfer Tax \$0.00  
Jay C. Stephenson  
Clerk of Superior Court  
Cobb County, Georgia  
I HEREBY DO NOT TAKE ANY FEE OR CHARGE FOR RECORDING THIS DEED IN ACCORDANCE WITH GEORGIA LAW

2400  
RE

*Jay C. Stephenson*

RETURN TO:  
Moore Ingram Johnson & Steele, LLP  
192 Anderson Street  
Marietta, GA 30060

**QUITCLAIM DEED**

**STATE OF GEORGIA**

**COUNTY OF COBB**

THIS INDENTURE made the 26th day of March, in the year of one thousand nine hundred and ninety-nine, between

**ROBERT WILLIAM JAMES, as Executor under the  
Last Will and Testament of MARY ELIZABETH GILMER OGLESBY  
aka ELIZABETH G. OGLESBY**

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

**OGLESBY ROAD GROUP, LLC  
a Georgia limited liability company**

of the County of Cobb and State of Georgia, 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 one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey, and forever QUITCLAIM unto the said Grantee

**ALL THOSE TRACTS OR PARCELS OF LAND LYING AND BEING IN  
LAND LOTS 1022, 1023, 1024, 1048, 1049, AND 1050, OF THE 19TH  
DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, AND BEING  
MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED  
HERETO AND MADE A PART HEREOF BY THIS REFERENCE.**

This Quitclaim Deed is given in connection with that certain Limited Warranty Deed from Grantor and others to Grantee, recorded simultaneously herewith, upon which transfer tax has been paid.


Further, Grantor is acting under the powers and authority of Grantor as Executor in the Last Will and Testament of Mary Elizabeth Gilmer Oglesby, which was legally proven in solemn form and admitted to record by order in the Probate Court of Cobb County, Georgia, being Estate No. 98-1650, and Letters Testamentary (Relieved of Filing Returns) were issued to the undersigned on October 1, 1998.


TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

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

Signed, sealed and delivered  
in the presence of:

  
(Unofficial Witness)

 (Seal)  
ROBERT WILLIAM JAMES  
as Executor under the Last Will and Testament  
of Mary Elizabeth Gilmer Oglesby, aka  
Elizabeth G. Oglesby, deceased

  
Notary Public  
My Commission Expires: \_\_\_\_\_  
Notary Seal  
N. P.  
SEAL

Notary Public, Cobb County, Georgia  
My Commission Expires June 10, 1999

EXHIBIT "A"

TRACT A:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 1048 and 1049, of the 19th District, 2nd Section, Cobb County, Georgia, and being 13.47 acres as shown on survey for Lindsey Tippins, dated November 24, 1998, prepared by H.B. & P. Surveying, Inc., John O. Huffman, Georgia Registered Land Surveyor No. 2034, and being more particularly described as follows:

BEGINNING at an iron pin found at the intersection of the southwesterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6 with the northerly land lot line of Land Lot 1048, said district and section; thence running south 44 degrees 03 minutes 51 seconds east as measured along the southwesterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6, for a distance of 1,064.06 feet to a right of way monument and corner; thence running south 18 degrees 17 minutes 34 seconds west for a distance of 85.54 feet to a right of way monument and corner; thence running south 65 degrees 01 minutes 29 seconds west for a distance of 51.95 feet to a right of way monument and corner located on the northeasterly right of way of Oglesby Road (having a variable right of way); thence running north 66 degrees 40 minutes 21 seconds west as measured along the northeasterly right of way of Oglesby Road for a distance of 129.67 feet to a right of way monument; thence running north 69 degrees 08 minutes 13 seconds west as measured along the northeasterly right of way of Oglesby Road for a distance of 174.51 feet to a right of way monument and corner; thence running south 20 degrees 40 minutes 46 seconds west for a distance of 24.47 feet to a right of way monument and corner; thence running north 69 degrees 50 minutes 37 seconds west as measured along the northeasterly right of way of Oglesby Road for a distance of 1,015.03 feet to an iron pin found and corner; thence running north 00 degrees 33 minutes 45 seconds west for a distance of 419.81 feet to an iron pin found and corner located on the northerly land lot line of Land Lot 1048, said district and section; thence running north 89 degrees 15 minutes 13 seconds east as measured along the northerly land lot line of Land Lot 1048, said district and section, for a distance of 581.74 feet to the point of BEGINNING.

EXHIBIT "A" - PAGE TWO

TRACT B-2

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 1024 and 1049, of the 19th District, 2nd Section, Cobb County, Georgia, and being 15.36 acres as shown on survey for Lindsey Tippins, dated November 24, 1998, prepared by H.B. & P. Surveying, Inc., John O. Huffman, Georgia Registered Land Surveyor No. 2034, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the common corner of Land Lots 1023, 1024, 975, and 976, said district and section, thence proceed south 00 degrees 50 minutes 49 seconds east as measured along the easterly land lot line of Land Lot 1024, said district and section, for a distance of 52.47 feet to an iron pin located at the intersection of the easterly land lot line of Land Lot 1024, said district and section, with the northwesterly right of way of Lewis Road (having a 50 foot right of way); thence running in a southwesterly and southerly direction as measured along the northwesterly and westerly right of way of Lewis Road the following courses and distances: along the arc of a curve to the left, an arc distance of 192.27 feet (said arc being subtended by a chord bearing south 09 degrees 04 minutes 44 seconds west, a chord distance of 190.75 feet, and having a radius of 441.31 feet) to a point; south 01 degrees 18 minutes 31 seconds east, for a distance of 361.10 feet to a point; along the arc of a curve to the right, an arc distance of 294.61 feet (said arc being subtended by a chord bearing south 00 degrees 39 minutes 51 seconds west, a chord distance of 294.57 feet, and having a radius of 4,870.96 feet) to a point; south 02 degrees 58 minutes 19 seconds west, for a distance of 14.67 feet, to a point, said point being the TRUE POINT OF BEGINNING; thence running in a southwesterly direction as measured along the northwesterly right of way of Lewis Road the following courses and distances: south 02 degrees 58 minutes 19 seconds west for a distance of 181.98 feet to a point; along the arc of a curve to the right, an arc distance of 208.53 feet (said arc being subtended by a chord bearing south 19 degrees 21 minutes 49 seconds west, a chord distance of 206.06 feet and having a radius of 390.84 feet) to a point; south 34 degrees 18 minutes 58 seconds west for a distance of 351.75 feet to an iron pin and corner; north 56 degrees 03 minutes 40 seconds west for a distance of 25.00 feet to a right of way monument and corner; south 34 degrees 04 minutes 53 seconds west for a distance of 149.67 feet to a right of way monument; south 27 degrees 38 minutes 22 seconds west for a distance of 217.87 feet to a right of way monument; south 33 degrees 47 minutes 26 seconds west for a distance of 51.30 feet to a right of way monument and corner located at the intersection of the northwesterly right of way of Lewis Road with the northeasterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6; thence running north 44 degrees 02 minutes 45 seconds west as measured along the northeasterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6, for a distance of 837.89 feet to a point and corner located at the intersection of the northeasterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6, with the northerly land lot line of Land Lot 1049, said district and section; thence running north 89 degrees 30 minutes 23 seconds east as measured along the northerly land lot line of Land Lot 1049, said district and section, for a distance of 426.82 feet to a point and corner; thence running north 00 degrees 03 minutes 16 seconds west for a distance of 671.06 feet to a point and corner; thence running south 84 degrees 57 minutes 53 seconds east for a distance of 247.44 feet to a point and corner; thence running south 59 degrees 57 minutes 34 seconds east for a distance of 485.33 feet to the point of BEGINNING.



EXHIBIT "A"  
PAGE THREE

TRACT C:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 1022, 1023, 1024, 1049, and 1050, of the 19th District, 2nd Section, Cobb County, Georgia, and being 56.04 acres as shown on survey for Lindsey Tippins, dated November 24, 1998, prepared by H.B. & P. Surveying, Inc., John O. Huffman, Georgia Registered Land Surveyor No. 2034, and being more particularly described as follows:

BEGINNING at an iron pin found at the intersection of the easterly land lot line of Land Lot 1050, said district and section, with the northerly right of way of Oglesby Road (having a 50 foot right of way); thence running in a westerly direction as measured along the northerly right of way of Oglesby Road the following courses and distances: north 82 degrees 43 minutes 25 seconds west, for a distance of 60.40 feet to a point; along the arc of a curve to the left, an arc distance of 179.13 feet (said arc being subtended by a chord bearing north 87 degrees 17 minutes 04 seconds west, a chord distance of 179.09 feet, and having a radius of 2,322.00 feet) to a point; north 89 degrees 24 minutes 51 seconds west for a distance of 352.83 feet to a point; along the arc of a curve to the left, an arc distance of 253.97 feet (said arc being subtended by a chord bearing north 89 degrees 58 minutes 01 seconds west, a chord distance of 253.96 feet, and having a radius of 8,155.96 feet) to a point; south 89 degrees 17 minutes 57 seconds west, for a distance of 454.13 feet to a right of way monument and corner at the intersection of the northerly right of way of Oglesby Road with the easterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6; thence running in a northerly, westerly and northwesterly direction as measured along the easterly, northerly, and northeasterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6, the following courses and distances: north 00 degrees 50 minutes 53 seconds west for a distance of 24.83 feet to a right of way monument and corner; south 88 degrees 59 minutes 50 seconds west for a distance of 99.62 feet to a right of way monument; north 83 degrees 56 minutes 52 seconds west for a distance of 45.18 feet to a right of way monument and corner; north 43 degrees 59 minutes 38 seconds west for a distance of 299.47 feet to a right of way monument and corner located at the intersection of the northeasterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6 with the northeasterly right of way of Lewis Road; thence running in a northwesterly, northeasterly, northwesterly and northeasterly direction as measured along the northeasterly, southeasterly, northeasterly and southeasterly right of way of Lewis Road the following courses and distances: north 06 degrees 51 minutes 47 seconds west for a distance of 210.70 feet to a right of way monument; north 34 degrees 15 minutes 42 seconds east for a distance of 150.15 feet to a right of way monument and corner; north 56 degrees 03 minutes 40 seconds west for a distance of 25.00 feet to a right of way monument and corner; north 34 degrees 18 minutes 57 seconds east for a distance of 351.53 feet to a point; along the arc of a curve to the left, an arc distance of 235.31 feet (said arc being subtended by a chord bearing north 19 degrees 18 minutes 19 seconds east a chord distance of 232.53 feet, and having a radius of 440.84 feet) to a point; north 02 degrees 58 minutes 17 seconds east for a distance of 197.62 feet to a point; along the arc of a curve to the left, an arc distance of 251.05 feet (said arc being subtended by a chord bearing north 00 degrees 55 minutes 07 seconds east a chord distance of 251.03 feet, and having a radius of 5,159.94 feet) to an iron pin and corner; thence running north 89 degrees 16 minutes 45 seconds east for a distance of 224.59 feet to an iron pin found; thence running north 89 degrees 18 minutes 13 seconds east for a distance of 798.86 feet to an iron pin found; thence running north 88 degrees 12 minutes 01 seconds east for a distance of 45.11 feet to

an iron pin found; thence running north 89 degrees 31 minutes 12 seconds east for a distance of 254.93 feet to an iron pin found on the line dividing Land Lot 1025, said district and section to the west, and Land Lot 1022, said district and section, to the east; thence running north 87 degrees 54 minutes 11 seconds east for a distance of 170.00 feet to an iron pin and corner; thence running south 26 degrees 37 minutes 28 seconds west for a distance of 114.42 feet to an iron pin and corner; thence running south 21 degrees 27 minutes 47 seconds east for a distance of 174.00 feet to a point; thence running south 39 degrees 07 minutes 38 seconds east for a distance of 90.63 feet to an iron pin and corner; thence running south 13 degrees 23 minutes 52 seconds west for a distance of 73.42 feet to an iron pin; thence running south 23 degrees 08 minutes 43 seconds east for a distance of 67.69 feet to an iron pin and corner; thence running south 87 degrees 11 minutes 22 seconds east for a distance of 52.01 feet to an iron pin and corner; thence running south 03 degrees 41 minutes 19 seconds west for a distance of 87.15 feet to an iron pin and corner; thence running south 33 degrees 59 minutes 35 seconds east for a distance of 59.90 feet to an iron pin and corner; thence running south 77 degrees 57 minutes 24 seconds east for a distance of 110.99 feet to an iron pin and corner; thence running south 49 degrees 18 minutes 42 seconds east for a distance of 39.00 feet to an iron pin located on the southerly land lot line of Land Lot 1023, said district and section; thence running south 87 degrees 40 minutes 30 seconds west as measured along the southerly land lot line of Land Lot 1022, said district and section, for a distance of 459.19 feet to an iron pin found at the common corner of Land Lots 1022, 1023, 1050, and 1051, said district and section; thence running south 00 degrees 26 minutes 28 seconds west as measured along the easterly land lot line of Land Lot 1050, said district and section, for a distance of 910.79 feet to the point of BEGINNING.

EXHIBIT "A"  
PAGE FOUR

EXHIBIT "A"  
PAGE FIVE

TRACT D:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 1050, of the 19th District, 2nd Section, Cobb County, Georgia, and being 10.35 acres as shown on survey for Lindsey Tippins, dated November 24, 1998, prepared by H.B. & P. Surveying, Inc., John O. Huffman, Georgia Registered Land Surveyor No. 2034, and being more particularly described as follows:

BEGINNING at the southeastern corner of Land Lot 1050, said district and section; thence running south 89 degrees 01 minutes 06 seconds west as measured along the southerly land lot line of Land Lot 1050, said district and section, for a distance of 1,024.76 feet to an iron pin found at the intersection of the southerly land lot line of Land Lot 1050, said district and section, with the northeasterly side of Access Road; thence running north 44 degrees 01 minutes 04 seconds west as measured along the northeasterly side of Access Road for a distance of 386.83 feet to an iron pin found and corner; thence running north 01 degrees 08 minutes 22 seconds west for a distance of 78.47 feet to a right of way monument; thence running north 01 degrees 08 minutes 28 seconds west for a distance of 25.00 feet to a right of way monument and corner located on the southerly right of way of Oglesby Road (having a 50 foot right of way); thence running in an easterly direction as measured along the southerly right of way of Oglesby Road, the following courses and distances: north 89 degrees 17 minutes 57 seconds east, for a distance of 453.65 feet to a point; along the arc of a curve to the right, an arc distance of 252.64 feet (said arc being subtended by a chord bearing south 89 degrees 58 minutes 00 seconds east, a chord distance of 252.63 feet, and having a radius of 8,105.96 feet) to a point; south 89 degrees 24 minutes 51 seconds east, for a distance of 353.01 feet to a point; along the arc of a curve to the right, an arc distance of 174.94 feet (said arc being subtended by a chord bearing south 87 degrees 17 minutes 22 seconds east, a chord distance of 174.90 feet, and having a radius of 2,272.00 feet) to a point; south 82 degrees 58 minutes 39 seconds east, for a distance of 64.57 feet to an iron pin found and corner at the intersection of the southerly right of way of Oglesby Road with the easterly land lot line of Land Lot 1050, said district and section; thence running south 00 degrees 25 minutes 07 seconds west as measured along the easterly land lot line of Land Lot 1050, said district and section, for a distance of 349.70 feet to the point of BEGINNING.

EXHIBIT "A"  
PAGE SIX

TRACT E:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 1049, of the 19th District, 2nd Section, Cobb County, Georgia, and being 2.05 acres as shown on survey for Lindsey Tippins, dated November 24, 1998, prepared by H.B. & P. Surveying, Inc., John O. Huffman, Georgia Registered Land Surveyor No. 2034, and being more particularly described as follows:

BEGINNING at an iron pin found at the intersection of the easterly right of way of Lewis Road (having a 50 foot right of way) with the southerly land lot line of Land Lot 1049, said district and section; thence running north 00 degrees 51 minutes 04 seconds west as measured along the easterly right of way of Lewis Road for a distance of 258.94 feet to a right of way monument and corner; thence running north 71 degrees 05 minutes 28 seconds east for a distance of 41.41 feet to a right of way monument and corner; thence running south 59 degrees 58 minutes 02 seconds east for a distance of 157.44 feet to a right of way monument and corner; thence running south 80 degrees 08 minutes 04 seconds east for a distance of 92.87 feet to a right of way monument; thence running south 78 degrees 36 minutes 54 seconds east for a distance of 122.36 feet to a right of way monument and corner located on the southwesterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6; thence running south 43 degrees 43 minutes 21 seconds east as measured along the southwesterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6, for a distance of 210.95 feet to the point of BEGINNING.

Deed Book 12341 Pg 462  
Filed and Recorded Mar-30-1999 11:12am  
1999-0052916  
Real Estate Transfer Tax \$2,431.80  
Jay C. Stephenson  
Clerk of Superior Court  
Cobb County, Georgia  
I hereby certify that this deed is a true and correct copy of the original as filed in my office.

3000  
PR

Jay C. Stephenson

RETURN TO:  
MOORE INGRAM JOHNSON & STEELE, LLP  
192 ANDERSON ST.  
MARIETTA GA 30060

LIMITED  
WARRANTY DEED

STATE OF GEORGIA

COUNTY OF COBB

THIS INDENTURE, made the 26th day of March, in the year One Thousand, Nine Hundred Ninety-Nine, between

ROBERT WILLIAM JAMES, aka ROBERT W. JAMES, Individually  
ROBERT WILLIAM JAMES, as Executor under the Last Will and Testament of Mary Elizabeth Gilmer Oglesby  
MYRA NELL HUNTER JAMES, aka MYRA N. JAMES, aka NELL JAMES  
JO-ANN GREER, aka JO-ANN O. GREER,  
HARRIET M. SATTERFIELD aka HARRIET SATTERFIELD,  
MARY ANN KENNEDY,  
MARTHA MAGLEAN OGLESBY, aka MAGLEAN OGLESBY,  
DORIS O. LANDRUM,  
HAROLD DEAN OGLESBY aka HAROLD D. OGLESBY,  
CLIFF R. HUNTER, JR.,  
VIRGINIA CAROLYN JOINER, aka VIRGINIA CAROLYN HUNTER JOINER, aka CAROLYN JOINER, aka  
CAROLYN HUNTER JOINER,  
CLAUDIA O. HUNTON, aka CLAUDIA OGLESBY HUNTON,  
JAMES EDWIN OGLESBY, JR. and GREGORY SCOTT OGLESBY

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

OGLESBY ROAD GROUP, LLC  
a Georgia limited liability company

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 OTHER VALUABLE CONSIDERATIONS AND TEN AND NO/100 DOLLARS (\$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,

ALL THOSE TRACTS OR PARCELS OF LAND LYING AND BEING IN Land Lots 1022, 1023, 1024, 1048, 1049, and 1050, OF THE 19TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE.

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 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 CLAIMING BY, THROUGH, OR UNDER GRANTOR, BUT NOT OTHERWISE.



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

Signed, sealed and delivered in the presence of:

[Signature]  
Unofficial Witness

Robert William James (Seal)  
ROBERT WILLIAM JAMES, aka ROBERT W. JAMES  
Individually

[Signature]  
Notary Public  
Notary Public, Cobb County, Georgia  
My Commission Expires June 10, 1999  
N.P. SEAL

Signed, sealed and delivered in the presence of:

[Signature]  
Unofficial Witness

Robert William James (Seal)  
ROBERT WILLIAM JAMES, as Executor under the Last  
Will and Testament of Mary Elizabeth Gilmer Oglesby

[Signature]  
Notary Public  
Notary Public, Cobb County, Georgia  
My Commission Expires June 10, 1999  
N.P. SEAL

Signed, sealed and delivered in the presence of:

[Signature]  
Unofficial Witness

Myra Nell Hunter James (Seal)  
MYRA NELL HUNTER JAMES, aka MYRA N. JAMES,  
aka NELL JAMES

[Signature]  
Notary Public  
Notary Public, Cobb County, Georgia  
My Commission Expires June 10, 1999  
N.P. SEAL

Signed, sealed and delivered in the presence of:

[Signature]  
Unofficial Witness

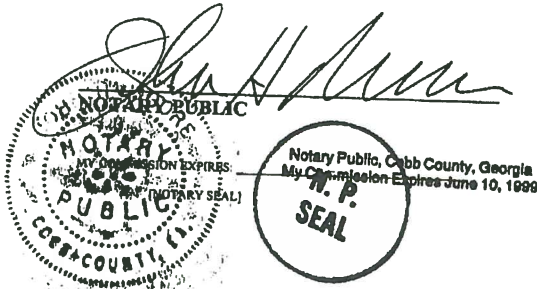
Myra Nell Hunter James (Seal)  
MYRA NELL JAMES, as Attorney-in-Fact for  
JO-ANN GREER, aka JO-ANN O. GREER

Power of Attorney Recorded in Deed Book 12341  
Page 429, Records of Cobb County, GA

[Signature]  
NOTARY PUBLIC  
Notary Public, Cobb County, Georgia  
My Commission Expires June 10, 1999  
N.P. SEAL

Signed, sealed and delivered in the presence of:

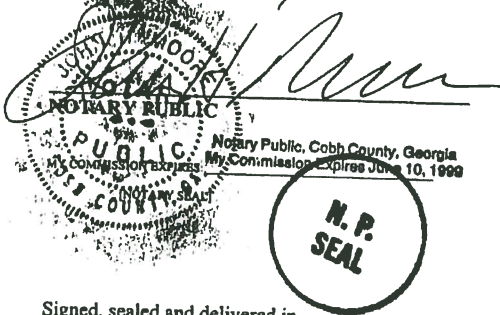
[Signature]  
Unofficial Witness



Myra Nell James (Seal)  
MYRA NELL JAMES, as Attorney-in-Fact for  
HARRIET M. SATTERFIELD aka  
HARRIET SATTERFIELD  
Power of Attorney Recorded in Deed Book 12341  
Page 432, Records of Cobb County, GA

Signed, sealed and delivered in the presence of:

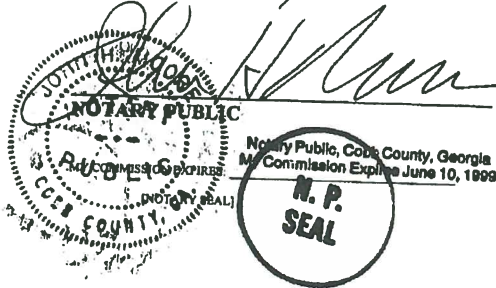
[Signature]  
Unofficial Witness



Myra Nell James (Seal)  
MYRA NELL JAMES, as Attorney-in-Fact for  
MARY ANN KENNEDY aka MARY ANN STANLEY  
aka MARY ANN OGLESBY  
Power of Attorney Recorded in Deed Book 12341  
Page 435, Records of Cobb County, GA

Signed, sealed and delivered in the presence of:

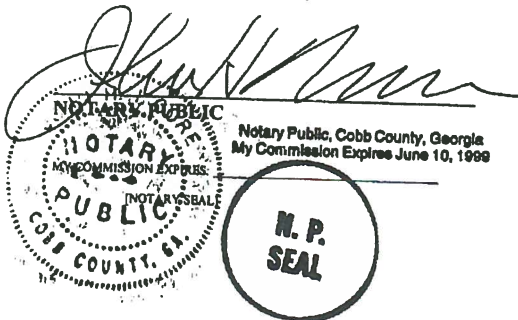
[Signature]  
Unofficial Witness



Myra Nell James (Seal)  
MYRA NELL JAMES, as Attorney-in-Fact for  
MARTHA MAGLEAN OGLESBY, aka MAGLEAN  
OGLESBY  
Power of Attorney Recorded in Deed Book 12341  
Page 438, Records of Cobb County, GA

Signed, sealed and delivered in the presence of:

[Signature]  
Unofficial Witness

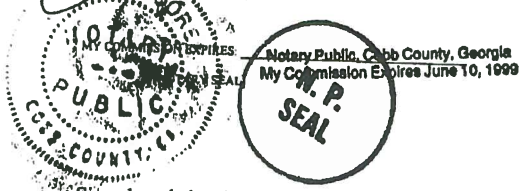


Myra Nell James (Seal)  
MYRA NELL JAMES, as Attorney-in-Fact for  
DORIS O. LANDRUM  
Power of Attorney Recorded in Deed Book 12341  
Page 441, Records of Cobb County, GA

Signed, sealed and delivered in  
the presence of:

[Signature]  
Unofficial Witness

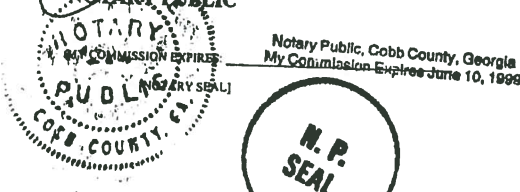
[Signature]  
NOTARY PUBLIC



Signed, sealed and delivered in  
the presence of:

[Signature]  
Unofficial Witness

[Signature]  
NOTARY PUBLIC



Signed, sealed and delivered in  
the presence of:

[Signature]  
Unofficial Witness

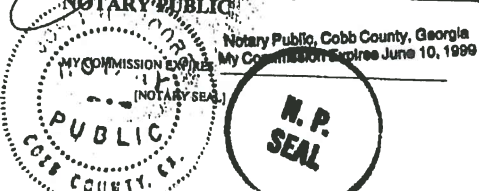
[Signature]  
NOTARY PUBLIC



Signed, sealed and delivered in  
the presence of:

[Signature]  
Unofficial Witness

[Signature]  
NOTARY PUBLIC



Myra Nell James (Seal)

MYRA NELL JAMES, as Attorney-in-Fact for  
HAROLD DEAN OGLESBY aka HAROLD D.  
OGLESBY

Power of Attorney Recorded in Deed Book 12341

Page 444, Records of Cobb County, GA

Myra Nell James (Seal)

MYRA NELL JAMES, as Attorney-in-Fact for  
CLIFF R. HUNTER, JR.

Power of Attorney Recorded in Deed Book 12341

Page 447, Records of Cobb County, GA

Myra Nell James (Seal)

MYRA NELL JAMES, as Attorney-in-Fact for  
VIRGINIA CAROLYN JOINER aka VIRGINIA  
CAROLYN HUNTER JOINER, aka CAROLYN  
HUNTER JOINER, aka CAROLYN JOINER

Power of Attorney Recorded in Deed Book 12341

Page 450, Records of Cobb County, GA

Myra Nell James (Seal)

MYRA NELL JAMES, as Attorney-in-Fact for  
CLAUDIA O. HUNTON, aka CLAUDIA OGLESBY  
HUNTON

Power of Attorney Recorded in Deed Book 12341

Page 453, Records of Cobb County, GA

Signed, sealed and delivered in  
the presence of:

[Signature]  
Unofficial Witness

[Signature]  
NOTARY PUBLIC  
COBB COUNTY, GA  
Notary Public, Cobb County, Georgia  
My Commission Expires June 10, 1999  
N. P. SEAL

Signed, sealed and delivered in  
the presence of:

[Signature]  
Unofficial Witness

[Signature]  
NOTARY PUBLIC  
COBB COUNTY, GA  
Notary Public, Cobb County, Georgia  
My Commission Expires June 10, 1999  
N. P. SEAL

Myra Nell James (Seal)  
MYRA NELL JAMES, as Attorney-in-Fact for  
JAMES EDWIN OGLESBY, JR.

Power of Attorney Recorded in Deed Book 12341

Page 456, Records of Cobb County, GA

Myra Nell James (Seal)  
MYRA NELL JAMES, as Attorney-in-Fact for  
GREGORY SCOTT OGLESBY

Power of Attorney Recorded in Deed Book 12341

Page 459, Records of Cobb County, GA

EXHIBIT "A"

TRACT A:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 1048 and 1049, of the 19th District, 2nd Section, Cobb County, Georgia, and being 13.47 acres as shown on survey for Lindsey Tippins, dated November 24, 1998, prepared by H.B. & P. Surveying, Inc., John O. Huffman, Georgia Registered Land Surveyor No. 2034, and being more particularly described as follows:

BEGINNING at an iron pin found at the intersection of the southwesterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6 with the northerly land lot line of Land Lot 1048, said district and section; thence running south 44 degrees 03 minutes 51 seconds east as measured along the southwesterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6, for a distance of 1,064.06 feet to a right of way monument and corner; thence running south 18 degrees 17 minutes 34 seconds west for a distance of 85.54 feet to a right of way monument and corner; thence running south 65 degrees 01 minutes 29 seconds west for a distance of 51.95 feet to a right of way monument and corner located on the northeasterly right of way of Oglesby Road (having a variable right of way); thence running north 66 degrees 40 minutes 21 seconds west as measured along the northeasterly right of way of Oglesby Road for a distance of 129.67 feet to a right of way monument; thence running north 69 degrees 08 minutes 13 seconds west as measured along the northeasterly right of way of Oglesby Road for a distance of 174.51 feet to a right of way monument and corner; thence running south 20 degrees 40 minutes 46 seconds west for a distance of 24.47 feet to a right of way monument and corner; thence running north 69 degrees 50 minutes 37 seconds west as measured along the northeasterly right of way of Oglesby Road for a distance of 1,015.03 feet to an iron pin found and corner; thence running north 00 degrees 33 minutes 45 seconds west for a distance of 419.81 feet to an iron pin found and corner located on the northerly land lot line of Land Lot 1048, said district and section; thence running north 89 degrees 15 minutes 13 seconds east as measured along the northerly land lot line of Land Lot 1048, said district and section, for a distance of 581.74 feet to the point of BEGINNING.



EXHIBIT "A" - PAGE TWO

TRACT B-2

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 1024 and 1049, of the 19th District, 2nd Section, Cobb County, Georgia, and being 15.36 acres as shown on survey for Lindsey Tippins, dated November 24, 1998, prepared by H.B. & P. Surveying, Inc., John O. Huffman, Georgia Registered Land Surveyor No. 2034, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the common corner of Land Lots 1023, 1024, 975, and 976, said district and section, thence proceed south 00 degrees 50 minutes 49 seconds east as measured along the easterly land lot line of Land Lot 1024, said district and section, for a distance of 52.47 feet to an iron pin located at the intersection of the easterly land lot line of Land Lot 1024, said district and section, with the northwesterly right of way of Lewis Road (having a 50 foot right of way); thence running in a southwesterly and southerly direction as measured along the northwesterly and westerly right of way of Lewis Road the following courses and distances: along the arc of a curve to the left, an arc distance of 192.27 feet (said arc being subtended by a chord bearing south 09 degrees 04 minutes 44 seconds west, a chord distance of 190.75 feet, and having a radius of 441.31 feet) to a point; south 01 degrees 18 minutes 31 seconds east, for a distance of 361.10 feet to a point; along the arc of a curve to the right, an arc distance of 294.61 feet (said arc being subtended by a chord bearing south 00 degrees 39 minutes 51 seconds west, a chord distance of 294.57 feet, and having a radius of 4,870.96 feet) to a point; south 02 degrees 58 minutes 19 seconds west, for a distance of 14.67 feet, to a point, said point being the TRUE POINT OF BEGINNING; thence running in a southwesterly direction as measured along the northwesterly right of way of Lewis Road the following courses and distances: south 02 degrees 58 minutes 19 seconds west for a distance of 181.98 feet to a point; along the arc of a curve to the right, an arc distance of 208.53 feet (said arc being subtended by a chord bearing south 19 degrees 21 minutes 49 seconds west, a chord distance of 206.06 feet and having a radius of 390.84 feet) to a point; south 34 degrees 18 minutes 58 seconds west for a distance of 351.75 feet to an iron pin and corner; north 56 degrees 03 minutes 40 seconds west for a distance of 25.00 feet to a right of way monument and corner; south 34 degrees 04 minutes 53 seconds west for a distance of 149.67 feet to a right of way monument; south 27 degrees 38 minutes 22 seconds west for a distance of 217.87 feet to a right of way monument; south 33 degrees 47 minutes 26 seconds west for a distance of 51.30 feet to a right of way monument and corner located at the intersection of the northwesterly right of way of Lewis Road with the northeasterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6; thence running north 44 degrees 02 minutes 45 seconds west as measured along the northeasterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6, for a distance of 837.89 feet to a point and corner located at the intersection of the northeasterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6, with the northerly land lot line of Land Lot 1049, said district and section; thence running north 89 degrees 30 minutes 23 seconds east as measured along the northerly land lot line of Land Lot 1049, said district and section, for a distance of 426.82 feet to a point and corner; thence running north 00 degrees 03 minutes 16 seconds west for a distance of 671.06 feet to a point and corner; thence running south 84 degrees 57 minutes 53 seconds east for a distance of 247.44 feet to a point and corner; thence running south 59 degrees 57 minutes 34 seconds east for a distance of 485.33 feet to the point of BEGINNING.

EXHIBIT "A"  
PAGE THREE

TRACT C:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 1022, 1023, 1024, 1049, and 1050, of the 19th District, 2nd Section, Cobb County, Georgia, and being 56.04 acres as shown on survey for Lindsey Tippins, dated November 24, 1998, prepared by H.B. & P. Surveying, Inc., John O. Huffman, Georgia Registered Land Surveyor No. 2034, and being more particularly described as follows:

BEGINNING at an iron pin found at the intersection of the easterly land lot line of Land Lot 1050, said district and section, with the northerly right of way of Oglesby Road (having a 50 foot right of way); thence running in a westerly direction as measured along the northerly right of way of Oglesby Road the following courses and distances: north 82 degrees 43 minutes 25 seconds west, for a distance of 60.40 feet to a point; along the arc of a curve to the left, an arc distance of 179.13 feet (said arc being subtended by a chord bearing north 87 degrees 17 minutes 04 seconds west, a chord distance of 179.09 feet, and having a radius of 2,322.00 feet) to a point; north 89 degrees 24 minutes 51 seconds west for a distance of 352.83 feet to a point; along the arc of a curve to the left, an arc distance of 253.97 feet (said arc being subtended by a chord bearing north 89 degrees 58 minutes 01 seconds west, a chord distance of 253.96 feet, and having a radius of 8,155.96 feet) to a point; south 89 degrees 17 minutes 57 seconds west, for a distance of 454.13 feet to a right of way monument and corner at the intersection of the northerly right of way of Oglesby Road with the easterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6; thence running in a northerly, westerly and northwesterly direction as measured along the easterly, northerly, and northeasterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6, the following courses and distances: north 00 degrees 50 minutes 53 seconds west for a distance of 24.83 feet to a right of way monument and corner; south 88 degrees 59 minutes 50 seconds west for a distance of 99.62 feet to a right of way monument; north 83 degrees 56 minutes 52 seconds west for a distance of 45.18 feet to a right of way monument and corner; north 43 degrees 59 minutes 38 seconds west for a distance of 299.47 feet to a right of way monument and corner located at the intersection of the northeasterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6 with the northeasterly right of way of Lewis Road; thence running in a northwesterly, northeasterly, northwesterly and northeasterly direction as measured along the northeasterly, southeasterly, northeasterly and southeasterly right of way of Lewis Road the following courses and distances: north 06 degrees 51 minutes 47 seconds west for a distance of 210.70 feet to a right of way monument; north 34 degrees 15 minutes 42 seconds east for a distance of 150.15 feet to a right of way monument and corner; north 56 degrees 03 minutes 40 seconds west for a distance of 25.00 feet to a right of way monument and corner; north 34 degrees 18 minutes 57 seconds east for a distance of 351.53 feet to a point; along the arc of a curve to the left, an arc distance of 235.31 feet (said arc being subtended by a chord bearing north 19 degrees 18 minutes 19 seconds east a chord distance of 232.53 feet, and having a radius of 440.84 feet) to a point; north 02 degrees 58 minutes 17 seconds east for a distance of 197.62 feet to a point; along the arc of a curve to the left, an arc distance of 251.05 feet (said arc being subtended by a chord bearing north 00 degrees 55 minutes 07 seconds east a chord distance of 251.03 feet, and having a radius of 5,159.94 feet) to an iron pin and corner; thence running north 89 degrees 16 minutes 45 seconds east for a distance of 224.59 feet to an iron pin found; thence running north 89 degrees 18 minutes 13 seconds east for a distance of 798.86 feet to an iron pin found; thence running north 88 degrees 12 minutes 01 seconds east for a distance of 45.11 feet to

an iron pin found; thence running north 89 degrees 31 minutes 12 seconds east for a distance of 254.93 feet to an iron pin found on the line dividing Land Lot 1025, said district and section to the west, and Land Lot 1022, said district and section, to the east; thence running north 87 degrees 54 minutes 11 seconds east for a distance of 170.00 feet to an iron pin and corner; thence running south 26 degrees 37 minutes 28 seconds west for a distance of 114.42 feet to an iron pin and corner; thence running south 21 degrees 27 minutes 47 seconds east for a distance of 174.00 feet to a point; thence running south 39 degrees 07 minutes 38 seconds east for a distance of 90.63 feet to an iron pin and corner; thence running south 13 degrees 23 minutes 52 seconds west for a distance of 73.42 feet to an iron pin; thence running south 23 degrees 08 minutes 43 seconds east for a distance of 67.69 feet to an iron pin and corner; thence running south 87 degrees 11 minutes 22 seconds east for a distance of 52.01 feet to an iron pin and corner; thence running south 03 degrees 41 minutes 19 seconds west for a distance of 87.15 feet to an iron pin and corner; thence running south 33 degrees 59 minutes 35 seconds east for a distance of 59.90 feet to an iron pin and corner; thence running south 77 degrees 57 minutes 24 seconds east for a distance of 110.99 feet to an iron pin and corner; thence running south 49 degrees 18 minutes 42 seconds east for a distance of 39.00 feet to an iron pin located on the southerly land lot line of Land Lot 1023, said district and section; thence running south 87 degrees 40 minutes 30 seconds west as measured along the southerly land lot line of Land Lot 1022, said district and section, for a distance of 459.19 feet to an iron pin found at the common corner of Land Lots 1022, 1023, 1050, and 1051, said district and section; thence running south 00 degrees 26 minutes 28 seconds west as measured along the easterly land lot line of Land Lot 1050, said district and section, for a distance of 910.79 feet to the point of BEGINNING.

EXHIBIT "A"  
PAGE FOUR

EXHIBIT "A"  
PAGE FIVE

TRACT D:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 1050, of the 19th District, 2nd Section, Cobb County, Georgia, and being 10.35 acres as shown on survey for Lindsey Tippins, dated November 24, 1998, prepared by H.B. & P. Surveying, Inc., John O. Huffman, Georgia Registered Land Surveyor No. 2034, and being more particularly described as follows:

BEGINNING at the southeastern corner of Land Lot 1050, said district and section; thence running south 89 degrees 01 minutes 06 seconds west as measured along the southerly land lot line of Land Lot 1050, said district and section, for a distance of 1,024.76 feet to an iron pin found at the intersection of the southerly land lot line of Land Lot 1050, said district and section, with the northeasterly side of Access Road; thence running north 44 degrees 01 minutes 04 seconds west as measured along the northeasterly side of Access Road for a distance of 386.83 feet to an iron pin found and corner; thence running north 01 degrees 08 minutes 22 seconds west for a distance of 78.47 feet to a right of way monument; thence running north 01 degrees 08 minutes 28 seconds west for a distance of 25.00 feet to a right of way monument and corner located on the southerly right of way of Oglesby Road (having a 50 foot right of way); thence running in an easterly direction as measured along the southerly right of way of Oglesby Road, the following courses and distances: north 89 degrees 17 minutes 57 seconds east, for a distance of 453.65 feet to a point; along the arc of a curve to the right, an arc distance of 252.64 feet (said arc being subtended by a chord bearing south 89 degrees 58 minutes 00 seconds east, a chord distance of 252.63 feet, and having a radius of 8,105.96 feet) to a point; south 89 degrees 24 minutes 51 seconds east, for a distance of 353.01 feet to a point; along the arc of a curve to the right, an arc distance of 174.94 feet (said arc being subtended by a chord bearing south 87 degrees 17 minutes 22 seconds east, a chord distance of 174.90 feet, and having a radius of 2,272.00 feet) to a point; south 82 degrees 58 minutes 39 seconds east, for a distance of 64.57 feet to an iron pin found and corner at the intersection of the southerly right of way of Oglesby Road with the easterly land lot line of Land Lot 1050, said district and section; thence running south 00 degrees 25 minutes 07 seconds west as measured along the easterly land lot line of Land Lot 1050, said district and section, for a distance of 349.70 feet to the point of BEGINNING.

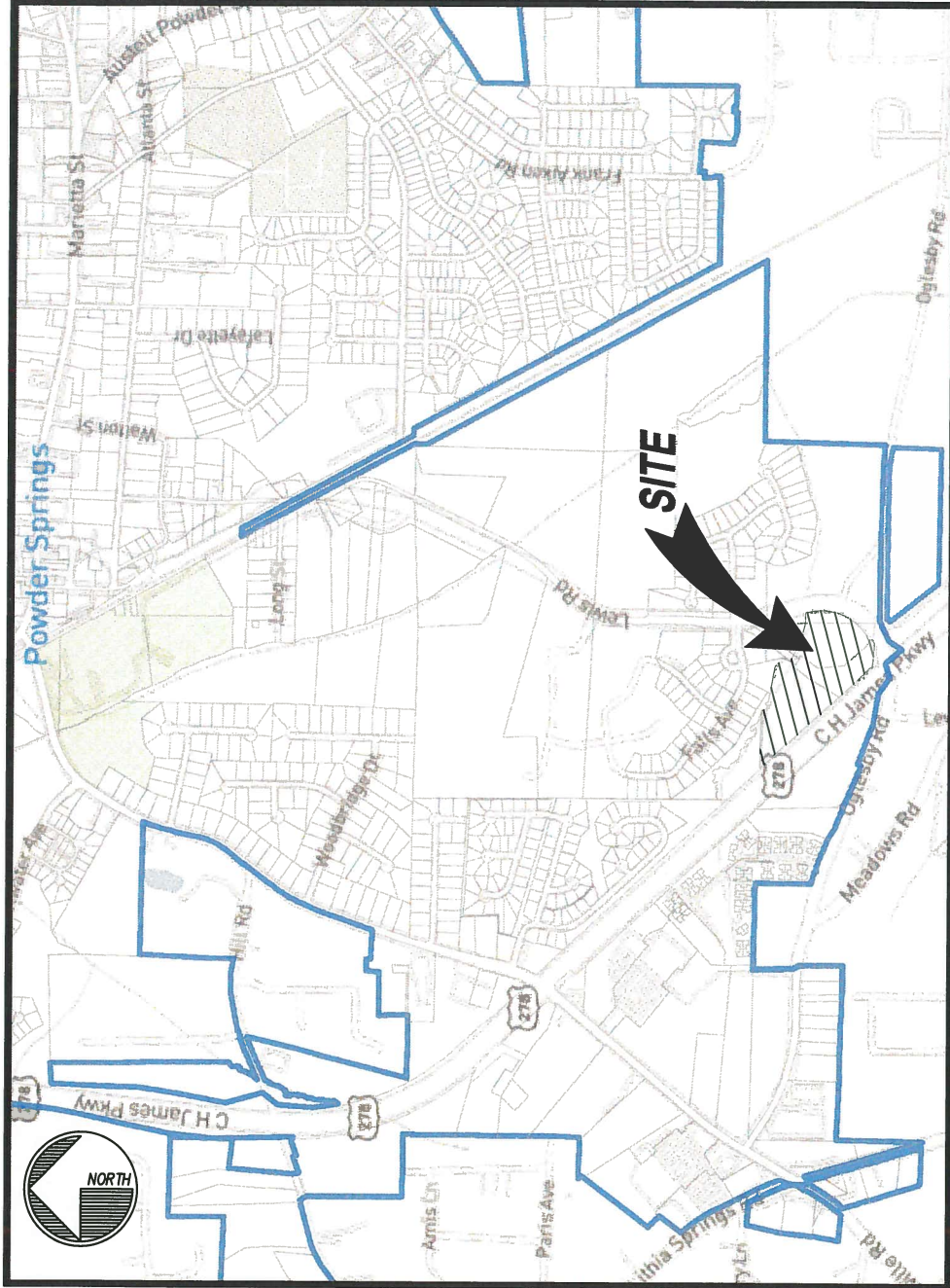
EXHIBIT "A"  
PAGE SIX

TRACT E:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 1049, of the 19th District, 2nd Section, Cobb County, Georgia, and being 2.05 acres as shown on survey for Lindsey Tippins, dated November 24, 1998, prepared by H.B. & P. Surveying, Inc., John O. Huffman, Georgia Registered Land Surveyor No. 2034, and being more particularly described as follows:

BEGINNING at an iron pin found at the intersection of the easterly right of way of Lewis Road (having a 50 foot right of way) with the southerly land lot line of Land Lot 1049, said district and section; thence running north 00 degrees 51 minutes 04 seconds west as measured along the easterly right of way of Lewis Road for a distance of 258.94 feet to a right of way monument and corner; thence running north 71 degrees 05 minutes 28 seconds east for a distance of 41.41 feet to a right of way monument and corner; thence running south 59 degrees 58 minutes 02 seconds east for a distance of 157.44 feet to a right of way monument and corner; thence running south 80 degrees 08 minutes 04 seconds east for a distance of 92.87 feet to a right of way monument; thence running south 78 degrees 36 minutes 54 seconds east for a distance of 122.36 feet to a right of way monument and corner located on the southwesterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6; thence running south 43 degrees 43 minutes 21 seconds east as measured along the southwesterly right of way of C. H. James Parkway (Austell Bypass) S. R. 6, for a distance of 210.95 feet to the point of BEGINNING.





**LOCATION MAP**  
SCALE: NTS



**CARLA JACKSON** TAX COMMISSIONER  
**HEATHER WALKER** CHIEF DEPUTY  
 Phone: [REDACTED]  
 Fax: [REDACTED]

Printed: 12/9/2021

**Cobb County Online Tax Receipt**

Thank you for your payment!

Payer:  
 OGLESBY ROAD GROUP

**OGLESBY ROAD GROUP LLC**

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

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2021	19104900110	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	\$859.27	\$0.00



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



<b>Parcel Id:</b>	19-104900110	<b>Tax Account Id:</b>	7044
<b>Property Location:</b>	4596 LEWIS RD	<b>Zoning Code:</b>	
<b>Owner Name/Address:</b>	OGLESBY ROAD GROUP LLC PO DRAWER 970 MARIETTA GA 30061	<b>Land Value:</b>	0
		<b>Improvement Value:</b>	28,312
		<b>Exempt Value:</b>	0.00
		<b>Total Assessed Value:</b>	28,312.00
		<b>Deductions:</b>	None

Taxes

[Make a Payment](#)

Year	Due Date	Type	Billed	Balance	Interest	Total Due	Status
2021	11/17/2021	Tax	268.96	0.00	0.00	0.00	PAID
2020	11/15/2020	Tax	268.96	0.00	0.00	0.00	PAID
2019	11/29/2019	Tax	127.11	0.00	0.00	0.00	PAID

Last Payment: 11/02/21

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**CARLA JACKSON** TAX COMMISSIONER  
**HEATHER WALKER** CHIEF DEPUTY  
Phone: [REDACTED]  
Fax: [REDACTED]

Printed: 12/9/2021

### Cobb County Online Tax Receipt

Thank you for your payment!

Payer:  
OGLESBY ROAD GROUP

**OGLESBY ROAD GROUP LLC**

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

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2021	19104900010	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	\$2,636.44	\$0.00



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<b>Parcel Id:</b>	19-104900010	<b>Tax Account Id:</b>	6314
<b>Property Location:</b>	4596 LEWIS RD	<b>Zoning Code:</b>	
<b>Owner Name/Address:</b>	OGLESBY ROAD GROUP LLC	<b>Land Value:</b>	0
	PO DRAWER 970	<b>Improvement Value:</b>	86,868
	MARIETTA GA 30061	<b>Exempt Value:</b>	0.00
		<b>Total Assessed Value:</b>	86,868.00
		<b>Deductions:</b>	None

Taxes

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Year	Due Date	Type	Billed	Balance	Interest	Total Due	Status
2021	11/17/2021	Tax	825.25	0.00	0.00	0.00	PAID
2020	11/15/2020	Tax	825.25	0.00	0.00	0.00	PAID
2019	11/29/2019	Tax	688.18	0.00	0.00	0.00	PAID

Last Payment: 11/02/21

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**CARLA JACKSON** TAX COMMISSIONER  
**HEATHER WALKER** CHIEF DEPUTY  
 Phone: [REDACTED]  
 Fax: [REDACTED]

Printed: 12/9/2021

**Cobb County Online Tax Receipt**

Thank you for your payment!

Payer:  
 OGLESBY ROAD GROUP

**OGLESBY ROAD GROUP LLC**

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

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2021	19104900020	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	\$1,965.95	\$0.00



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<b>Parcel Id:</b>	19-104900020	<b>Tax Account Id:</b>	6315
<b>Property Location:</b>	LEWIS RD	<b>Zoning Code:</b>	
<b>Owner Name/Address:</b>	OGLESBY ROAD GROUP LLC	<b>Land Value:</b>	0
	PO DRAWER 970	<b>Improvement Value:</b>	64,776
	MARIETTA GA 30061	<b>Exempt Value:</b>	0.00
		<b>Total Assessed Value:</b>	64,776.00
		<b>Deductions:</b>	None

Taxes

[Make a Payment](#)

Year	Due Date	Type	Billed	Balance	Interest	Total Due	Status
2021	11/17/2021	Tax	615.37	0.00	0.00	0.00	PAID
2020	11/15/2020	Tax	615.37	0.00	0.00	0.00	PAID
2019	11/29/2019	Tax	615.37	0.00	0.00	0.00	PAID

Last Payment: 11/02/21

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**CARLA JACKSON** TAX COMMISSIONER  
**HEATHER WALKER** CHIEF DEPUTY  
 Phone: [REDACTED]  
 Fax: [REDACTED]

Printed: 12/9/2021

**Cobb County Online Tax Receipt**

Thank you for your payment!

Payer:  
 OGLESBY ROAD GROUP

**OGLESBY ROAD GROUP LLC**

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

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2021	19104900120	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	\$170.57	\$0.00	



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<b>Parcel Id:</b>	19-104900120	<b>Tax Account Id:</b>	7045
<b>Property Location:</b>	LEWIS RD	<b>Zoning Code:</b>	
<b>Owner Name/Address:</b>	OGLESBY ROAD GROUP LLC	<b>Land Value:</b>	0
	P O DRAWER 970	<b>Improvement Value:</b>	5,620
	MARIETTA GA 30061	<b>Exempt Value:</b>	0.00
		<b>Total Assessed Value:</b>	5,620.00
		<b>Deductions:</b>	None

Taxes

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Year	Due Date	Type	Billed	Balance	Interest	Total Due	Status
2021	11/17/2021	Tax	53.39	0.00	0.00	0.00	PAID
2020	11/15/2020	Tax	53.39	0.00	0.00	0.00	PAID
2019	11/29/2019	Tax	44.76	0.00	0.00	0.00	PAID

Last Payment: 11/02/21

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**CARLA JACKSON** TAX COMMISSIONER  
**HEATHER WALKER** CHIEF DEPUTY  
Phone: [REDACTED]  
Fax: [REDACTED]

Printed: 12/9/2021

### Cobb County Online Tax Receipt

Thank you for your payment!

Payer:  
OGLESBY ROAD GROUP

**OGLESBY ROAD GROUP LLC**

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

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2021	19105000010	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	\$7,519.51	\$0.00



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<b>Parcel Id:</b>	19-105000010	<b>Tax Account Id:</b>	6158
<b>Property Location:</b>	4401 OGLESBY RD	<b>Zoning Code:</b>	
<b>Owner Name/Address:</b>	OGLESBY ROAD GROUP LLC PO DRAWER 970 MARIETTA GA 30061	<b>Land Value:</b>	0
		<b>Improvement Value:</b>	247,760
		<b>Exempt Value:</b>	0.00
		<b>Total Assessed Value:</b>	247,760.00
		<b>Deductions:</b>	None

Taxes

[Make a Payment](#)

Year	Due Date	Type	Billed	Balance	Interest	Total Due	Status
2021	11/17/2021	Tax	2,353.72	0.00	0.00	0.00	PAID
2020	11/15/2020	Tax	2,353.72	0.00	0.00	0.00	PAID
2019	11/29/2019	Tax	2,353.72	0.00	0.00	0.00	PAID

Last Payment: 11/02/21

[Return to Home](#)



**ATTACHMENT TO APPLICATION FOR REZONING**

Application No.: \_\_\_\_\_  
Planning Commission Hearing: January 24, 2022  
Mayor and City Council Hearing: 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, TRATON, LLC (hereinafter referred to as “Applicant”), and Property Owner, OGLESBY ROAD GROUP, LLC (hereinafter referred to as “Owner” or “Property Owner”), and assert the following:

1.

By Application for Rezoning dated and filed December 23, 2021, Applicant and Property Owner applied for rezoning of certain real property located within incorporated City of Powder Springs, 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 Community Retail Commercial (“CRC”) to the proposed zoning classification of PUD-R, 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.

With respect to the existing CRC zoning classification, Applicant and Property Owner do contend the Unified Development Code of the City of Powder Springs, Georgia is unconstitutional as applied to the Property in that said Ordinance does not permit the Applicant and Property Owner to utilize the Property to the use set forth within the Application for Rezoning without the necessity of rezoning. However, Applicant and Property Owner do not contend the current zoning category of CRC is unconstitutional, per se, only as applied. Thus, the Ordinance deprives Applicant and Property Owner 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. The existing zoning category of CRC, together with any intervening zoning categories between the existing CRC category and the requested PUD-R category, violate the Applicant's and Property Owner's 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 Property Owner.

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 Owner's 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 Unified Development Code 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 Ordinance 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.

[Balance of page 3 left intentionally blank]

[Signature contained on page 4]



Respectfully submitted, this 23<sup>rd</sup> day of December, 2021.

MOORE INGRAM JOHNSON & STEELE, LLP

BY: 

J. KEVINMOORE

Georgia Bar No. 519728  
Attorneys for Applicant and Property Owner

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