Mayor
Derek Easterling
City Manager
Jeff Drobney
City Clerk, MMC
Debra Taylor

Council
Mayor Pro-Tem, Pat Ferris
James Eaton
Tracey Viars
Chris Henderson
David Blinkhorn

City Council
Meeting Agenda
March 16, 2020 6:30 PM
Council Chambers

I. INVOCATION

II. PLEDGE OF ALLEGIANCE

III. CALL TO ORDER

IV. ANNOUNCEMENTS

A. If you would like to provide public comment on an agenda item, but do not want to attend a Mayor and City Council meeting, you can email Lea Addington at laddington@kennesaw-ga.gov no later than 6:00 PM the night of the regular meeting. Your comments on a specific agenda item will be read aloud for the record.

V. PRESENTATIONS

A. Presentation of a proclamation to declare March 20, 2020 as Arbor Day for the City of Kennesaw.

VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

VII. OLD BUSINESS

VIII. NEW BUSINESS

A. Approval of a RESOLUTION authorizing the Mayor and Police Chief to sign Memorandum of Understanding with the City of Acworth.

The purpose of this Memorandum of Understanding is to establish that in the event staffing levels of either police department are decreased as a result of the COVID-19 crisis, Acworth and Kennesaw Police Officers may be duly-sworn-in, granted inter-jurisdictional authority, and will have all rights and responsibilities of each agency. This action will be taken to ensure the continuity of public safety services to our citizens in both cities. Personnel will be governed by their home agency's standard operating policy and procedure while responding to calls for service or police related actions within the neighboring jurisdiction. Police Chief recommends action, pending legal review.

IX. COMMITTEE AND BOARD REPORTS

X. PUBLIC HEARING(S)

Swearing-in of any witnesses or individuals offering comments on any of the following items.

A. FINAL PUBLIC HEARING: Approval of an ORDINANCE to amend Appendix A "Unified Development Code," Chapter 1 "General Provisions," Section 1.09.02 "Definitions," and adding a new section under Chapter 4 "Site Design Standards," Section 4.06.00 "University Living-PBSH" (Purpose Built Student Housing).

The proposed code amendments address the housing use that deals directly with purpose built student housing located within city limits. The proposed zoning district to be added to chapter four along with the associated definitions was presented to the Planning Commission at their regular scheduled meeting February 5, 2020. Don Bergwall motioned to adopt the code amendments and new zoning district as submitted, seconded by SaVaughn Irons. Vote 3-0. Legal reviewed and helped develop. This public hearing item was postponed from the February 17 and March 3, 2020 Mayor and Council meetings. Upon further discussion and review of the new definitions in Chapter 1 and zoning district in Chapter 4, staff is preparing revisions to the proposed draft for review and staff recommends postponing until the April 6, 2020 meeting.

B. Authorization for approval of ORDINANCE for rezoning request submitted by Fountain Residential Partners.

Property located at 1465 Shiloh Road being identified as Land Lot 60, Tax Parcel 31, 2nd Section, Cobb County. Said request to rezone property consisting of 4.4+/- acres. Project proposal is student built housing with a rezoning request from City R-30 to City RM-12. application was advertised in the Marietta Daily Journal on February 14, 2020 and February 21, 2020 with property posting on February 18, 2020. The Planning Commission, at a meeting held on March 04, 2020, made recommendation (vote 3-0) to approve the rezoning, subject to staff's recommendation with the following item #9 added and referenced in the applicant's attorney letter dated March 13, 2020:

1. *Reversionary clause that requires that construction permits and activity be initiated withing 24 months of the date of the rezoning and variance approval. Failure to obtain permits and start construction activity within the 24 month period will result in the reversion of the rezoning and variances and the property will revert back to the prior zoning of R-30.*
2. *Submission of a traffic impact study that demonstrates either the development will not have a negative impact on existing traffic conditions or that the negative impacts of the development can be mitigated through traffic improvements that will be incorporated as part of the development plan. Traffic counts shall be no more than three years old from date of the study and shall be taken during a time of year when the academic calendar is in session for nearby universities and schools.*
3. *All access for the development shall be an arterial or major collector roadway, as identified in the City of Kennesaw Unified Development Code or similar classification document.*

4. *Parking requirements: Sites shall be designed to accommodate on-site parking for at least one (1) vehicle per bedroom with additional parking for visitors total equals 263 parking spaces to be provided*
5. *Security requirements:*
    a. *The property management company shall submit a security plan in accordance with the standards of Crime Prevention through Environmental Design (CPTED). The security plan shall be submitted to the City of Kennesaw Police Department for review and safe-keeping and shall be updated annually at the beginning of each calendar year, no later than January 31. Any such security plan shall require that on-site management shall be required 24 hours per day, seven days per week.*
    b. *All access points on the property shall be secured with gated entry and shall be self-closing;*
    c. *The development shall be enclosed with a minimum eight (8)-foot high privacy fence along the entire property line.*
    d. *The property shall be equipped with a security camera system that shall be monitored by the property management company on-site. Any such system shall record and store video images located throughout the common areas, including the parking areas, and signs shall be posted throughout the development notifying residents and visitors of the security camera system;*
    e. *All common area doors and access gates shall be secured with electronic locks;*
    f. *All apartment units shall be equipped with a door that features a 180-degree peep hole;*
    g. *For every 200 parking spaces, the development shall feature at least one Emergency Blue Light Phone that is connected to the Cobb County Public Safety's 24-hour communications center and identify the phone location if the caller is unable to talk.*

    Lighting: In order to ensure adequate illumination of the development and promote safety and security, the Parking Lot Design Guide standards set forth for Basic Enhanced Security, Security, and High Security as set forth in the Illuminating Engineering Society Lighting Handbook (IESNA), latest edition, as amended, is adopted as the standard for the installation and operating of lighting in parking lots. **No over flow of light onto/into the adjacent property.**

6. All façade materials to be installed similar to the elevations provided by the applicant and be in compliance with the City of Kennesaw architectural Standards.

7. Maximum height of building will be 35 feet as per the adopted zoning ordinance chapter one that defines how building height is measured.

8. Maximum number of units allowed will be 52 units with a maximum of 241 beds.

9. Right side of property - minimum 5 foot buffer be installed.

C. Authorization for approval of variance requests submitted by Fountain Residential Partners, LLC. for property located at 1465 Shiloh Road.

Property located at 1465 Shiloh Road being identified as Land Lot 60, Tax Parcel 31, 2nd Section, Cobb County. Said proposal is for purpose built student housing. Said variance requests for the following: (1) Increase the RM-12 zoning district max. density from 12 unites/acre to 15.55 units/acre (68 units total); (2) Reduce the front yard setback along Shiloh Road from 40 ft. to 30 ft. on property consisting of 4.4+/- acres. Application was advertised in the Marietta Daily Journal on February 14, 2020 and February 21, 2020 with property posting on

February 18, 2020. The Planning Commission, at a meeting held on March 04, 2020, vote 2-1, made recommendation to deny the requested variances for density and front setback reduction.
Staff recommendation: Darryl Simmons, Zoning Adminstrator, recommends the approval of the density and setback variances, as requested.

D. Approval of a RESOLUTION and transmittal of the updated Capital Improvement Element (CIE) and Short-Term Work Program (STWP) report.

Transmittal of report and approved resolution, this CIE-STWP report will reflect Fiscal Years 2020-2024. Request is for approval of transmittal Resolution to Atlanta Regional Commission (ARC) and Georgia Department of Community Affairs (DCA) for review and comments prior to final adoption by Mayor and Council later in 2020 at a scheduled hearing following proper public notice. Department of Community Affairs requires participating local governments to submit an update to these project reports as required for the City of Kennesaw to maintain Qualified Local Government status. This report identifies short-term goals and projects over a five-year period. The public hearing was advertised in the Marietta Daily Journal on February 28, 2020 and March 6, 2020. Staff Recommendation: Darryl Simmons, Planning and Zoning Administrator, recommends transmitting the proposed draft for regional review by the Atlanta Regional Commission and Department of Community Affairs.

E. FIRST PUBLIC HEARING: Approval of an ORDINANCE to repeal Metricom Franchise Agreement, Appendix E of the City of Kennesaw Code of Ordinances.

On June 20, 2000, the Mayor and City Council adopted Ordinance #2000-12 wherein the City entered into an agreement with Metricom Inc. to grant a franchise to construct, operate and maintain wireless communication systems within the City of Kennesaw right of way. Upon information and belief, Metricom and its successor are no longer in business, the City is not receiving franchise fees from Metricom or any of its successors, and there are no wireless communication system facilities owned by Metricom or its successors in the City right of way. The Metricom Franchise expired by its own terms on June 20, 2016 and the City sent notice to Metricom of its expiration on February 12, 2020. The public hearings were duly advertised in the Marietta Daily Journal March 6, 2020 and March 13, 2020 editions. The final public hearing will be held on April 6, 2020 at the Mayor and Council regular meeting. The City Clerk and legal recommends approval.

F. FIRST PUBLIC HEARING: Approval of an ORDINANCE to repeal MediaOne Franchise Agreement, Appendix F of the City of Kennesaw Code of Ordinances.

On November 19, 2001 the Mayor and City Council of the City of Kennesaw adopted Ordinance 2001-33 wherein the City entered into an agreement with Mediaone of Colorado, Inc. (hereinafter “Mediaone”) to grant a franchise to construct, operate, upgrade and maintain a cable system along the public right of

way within the franchise area, for the purpose of providing cable services (hereinafter the Mediaone Franchise). The Mediaone franchise expired by its own terms on November 19, 2011. While the City may be receiving franchise fees from Comcast pursuant to its state issued franchise agreement in the City, the City is not receiving franchise fees from Mediaone or any of its successors pursuant to the Mediaone franchise. The public hearings were duly advertised in the Marietta Daily Journal March 6, 2020 and March 13, 2020 editions. The final public hearing will be held on April 6, 2020 at the Mayor and Council regular meeting. The City Clerk and legal recommends approval.

XI. CONSENT AGENDA

A. Approval of the February 24, 2020 Executive Session minutes and March 2, 2020 Mayor and City Council meeting minutes.

B. On March 2, 2020, Jennifer Henderson purchased one (1) cemetery lot in the Kennesaw City Cemetery. The lot is located in Section III, Plot 34, Lot H for the burial of her mother Patricia White. City Clerk recommends authorizing the Mayor to sign the supporting deed for purchase of the lot.

C. Approval of RESOLUTION and authorization for the Mayor to execute the Lease Supplement with Georgia Municipal Association (GMA) for the direct leasing program for one (1) 2020 F250 Truck. The total amount of the loan is $22,554.

Through GMA the City will finance the truck for a four year period with annual payments of $5,086.26 at an annual interest rate of 4.14%. Funding will be through Magnolia Bank via GMA. Finance Director recommends approval.

100.8000.58.1200 Total principal $22,554.00 over lease term

100.8000.58.2200 Total interest $2,877.30 over lease term

D. Approval of a RESOLUTION to amend the Cobb Framework Agreement for McCollum Pkwy @ Ben King Road.

The City of Kennesaw entered into a Cobb Framework Agreement with Cobb County, Georgia on January 26, 2016, for services associated with McCollum Parkway @ Ben King Road Intersection Improvements (PROJECT), Project No. X2309. At the time the parties anticipated the total project costs to be Two Million and No/100 Dollars ($2,000,000.00) and agreed on a funding split of 70% COUNTY ($1,400,000.00) and 30% CITY ($600,000.00). The project design has been completed, the ROW acquisition completed and the project was advertised for construction on October 10, 2019. The total project costs are now anticipated to be $3,720,000 and increasing the maximum financial contributions of each party as follows: County 70% $2,604,000 City 30% $1,116,000. Cobb County is asking the City to allow it's portion of the increased cost to be advanced from the Mack Dobbs project (also a joint County/City 2016 SPLOST project) while County and City staff work on the scope and budget for Mack Dobbs. Cobb County believes potential savings can be found in the McCollum @ Ben King Road project after plan set/quantities review and closely managing

construction allowances thereby reducing the City's portion of the overall project cost. Recommendation is for the Council to authorize the Mayor to sign to allow this much needed road and traffic safety project to proceed.

E. Request to sell or surplus eight Police Vehicles.

The Chief of Police requests permission to sell or surplus 8 older vehicles in the fleet. The vehicle information is as follows:
2005 GMC Yukon VIN:3GKEC16Z05G228967; 2006 Ford Crown Victoria VIN: 2FAFP71W76X130780; 2007 Ford Crown Victoria VIN: 2FAFP71W07X145090; 2007 Ford Crown Victoria VIN: 2FAFP71W07X145089; 2007 Ford Crown Victoria VIN: 2FAFP71W07X130694; 2008 Ford Crown Victoria VIN: 2FAFP71V68X128500; 2011 Ford Crown Victoria VIN: 2FABP7BV1BX110927; and a 2011 Dodge Ram 1500 VIN: 1D7RV1CT0BS539607 (purchased with forfeited funds). The Chief of Police and the City Fleet Manager recommend removing the aforementioned vehicles from the fleet.

F. Request to surplus and dispose of Public Works vehicle.

With Council's approval to purchase a new vehicle in the FY 2020 budget, Public Works now has a surplus truck that needs to be disposed. Staff will attempt to sell the surplus item in the open market; however, if no bids are received then the items will be sold as scrap metal. The surplus vehicle is a 2001 Chevrolet 3500, VIN #3GBKC34FO1M102983. The Public Works Director recommends declaring the aforementioned vehicle as surplus.

G. Road Closures for July 3rd and Day with Santa.

The following road closures support the Salute to America, July 3rd event on Friday, July 3rd.

- Main Street will be closed from Moon Station Rd to Summers St: 8:00 AM – 12:00 Midnight
- Cherokee Street will be closed from Big Shanty to Main Street 8:00 AM – 12:00 Midnight
- Lewis Street will be closed from Dallas St to Main St from 12:00 Noon – 12:00 Midnight
- J.O. Stephenson Avenue will be closed from Little General Cloggers Lane to Main Street from 12:00 Noon – 12:00 Midnight
- Watts Drive will be closed from Little General Cloggers Lane to Main Street from 12:00 Noon – 12:00 Midnight
- The City parking lot at Tunnel Plaza will be closed 8:00 AM – 12:00 Midnight
- Shirley Drive will be closed Cherokee St to Carruth St 9:00 PM until 10:30PM.

The following road closures support the Day with Santa event on Saturday, December 5th:

- Main Street will be closed from Lewis St to Summers St 12:00 Noon –

10:00 PM;
    - To accommodate the parade Main Street will also be closed from Park Dr to Lewis St: 1:45 PM – 3:15 PM.
- The following roads will be closed at Main St 12:00 Noon – 10:00 PM: J.O. Stephenson Ave., Cherokee St., Watts Dr.
    - To accommodate the parade the following roads will be closed at Main St 1:45 PM - 3:15 PM: Park Dr., Lewis St., Dallas St., Whitfield Pl., Moon Station Rd.,
- Watts Dr. will be closed just west of the new parking lot entrance at 1:45 PM for approx. 30mins. Dallas St. will be closed at Watts Dr. for approx. the same 30mins.
- Cherokee St will be closed from Big Shanty Dr. to Main St: 12:00 Noon – 10:00 PM
- Watts Dr. will be closed from Little General Cloggers Lane to Main Street from 12:00 Noon – 10:00 PM.

The Events Committee recommends approval.

DEPARTMENT REPORTS

XII. GENERAL AND ADMINISTRATIVE

GINA AULD, Finance Director

XIII. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief
LINDA DAVIS, 911 Communications Director

A. Receipt of 2020 January and February Crime Statistics

XIV. INFORMATION TECHNOLOGY

RICK ARNOLD, Operations Specialist
JOSHUA GUERRERO, Systems Administration Specialist

XV. PUBLIC WORKS

RICKY STEWART, Public Works Director
ROBBIE BALENGER, Facilities Manager

XVI. RECREATION AND CULTURE

RICHARD BANZ, Museum Director
STEVE ROBERTS, Parks and Recreation Director
ANN PARSONS, Smith-Gilbert Gardens Director

XVII. COMMUNITY DEVELOPMENT

ROBERT FOX, Economic Development Director
DARRYL SIMMONS, Zoning Administrator
SCOTT BANKS, Building Official

XVIII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

XIX. CITY MANAGER'S REPORT (Jeff Drobney)

A. City Manager reports, discussions and updates.

XX. MAYOR'S REPORT

A. Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committees, Authority or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve committees, as deemed necessary.

XXI. COUNCIL COMMENTS

XXII. EXECUTIVE SESSION - Land, Legal, Personnel

Pursuant to the provisions of O.C.G.A. 50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney; and/or personnel matters; and/or real estate matters

XXIII. ADJOURN

Regular Meeting Agenda
3/16/2020 6:30 PM
Council Chambers

Title of Item:	If you would like to provide public comment on an agenda item, but do not want to attend a Mayor and City Council meeting, you can email Lea Addington at laddington@kennesaw-ga.gov no later than 6:00 PM the night of the regular meeting. Your comments on a specific agenda item will be read aloud for the record.
Agenda Comments:	
Funding Line(s)	

Regular Meeting Agenda
3/16/2020 6:30 PM
Council Chambers

Title of Item:	Presentation of a proclamation to declare March 20, 2020 as Arbor Day for the City of Kennesaw.
Agenda Comments:	
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Proclamation	3/5/2020	Presentation

PROCLAMATION

DECLARING MARCH 20, 2020 AS ARBOR DAY
IN THE CITY OF KENNESAW

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW THEREFORE, I, Derek Easterling, by the authority vested in me as Mayor of the City of Kennesaw do hereby proclaim the City of Kennesaw's support of Arbor Day, and recognize the City's community tree planting. Further, I urge all citizens to protect our trees and woodlands, plant trees to gladden the heart and promote the well-being of this for future generations.

IN WITNESS THEREOF, I have hereunto set my hand and caused the official seal of the City of Kennesaw, Georgia, to be affixed this __20th__ day of March, 2020.

ATTEST:

_____
Debra Taylor, City Clerk

APPROVED:

_____
Derek Easterling, Mayor

Regular Meeting Agenda
3/16/2020 6:30 PM
Council Chambers

Title of Item:	Approval of a RESOLUTION authorizing the Mayor and Police Chief to sign Memorandum of Understanding with the City of Acworth.
Agenda Comments:	The purpose of this Memorandum of Understanding is to establish that in the event staffing levels of either police department are decreased as a result of the COVID-19 crisis, Acworth and Kennesaw Police Officers may be duly-sworn-in, granted inter-jurisdictional authority, and will have all rights and responsibilities of each agency. This action will be taken to ensure the continuity of public safety services to our citizens in both cities. Personnel will be governed by their home agency's standard operating policy and procedure while responding to calls for service or police related actions within the neighboring jurisdiction. Police Chief recommends action, pending legal review.
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Resolution	3/13/2020	Resolution
Acworth/Kennesaw MOU	3/13/2020	Contract/Agreement

CITY OF KENNESAW, GEORGIA

RESOLUTION NO. 2020-___ 2020

RESOLUTION FOR A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF ACWORTH

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS:

WHEREAS, this Memorandum of Understanding is by and between the City of Acworth Police Department and the City of Kennesaw Police Department; and

WHEREAS, the purpose is to establish that in the event staffing levels of either police departments are decreased as a result of the COVID-19 crisis, Acworth and Kennesaw police officers may be duly sworn-in, granted inter-jurisdictional authority, and will have all rights and responsibilities of each agency; and

WHEREAS, this action will be taken to ensure the continuity of public safety services to our citizens in both cities; and

WHEREAS, personnel will be governed by their home agency's standard operating policy and procedure while responding to calls for service or police related actions within the neighboring jurisdictions.

NOW, THEREFORE, BE IT RESOLVED the Kennesaw City Council authorizes the Mayor and Chief of Police of the City of Kennesaw to sign the Memorandum of Understanding with the City of Acworth.

PASSED AND ADOPTED by the Kennesaw City Council on this 16th day of March, 2020.

ATTEST: CITY OF KENNESAW

_____ _____

Lea Addington, Deputy City Clerk Derek Easterling, Mayor

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ACWORTH POLICE DEPARTMENT AND THE CITY OF KENNESAW POLICE DEPARTMENT, INTER-JURISDICTIONAL AUTHORITY FOR THE PUURPOSE OF MUTUAL AID.

This MEMORANDUM of understanding is entered into this _____ day of _____, _____, by and between the City of Acworth Police Department and the City of Kennesaw Police Department.

Nothing in this MOU should be construed as limiting or impeding the basic spirit of cooperation that exists between the participating agencies.

Purpose

The purpose of this MOU is to establish that in the event that staffing levels of either department are decreased as a result of the Covid-19 crisis, Acworth and Kennesaw Police Officers may be duly-sworn-in, granted inter-jurisdictional authority, and will have all rights and responsibilities of each agency. This action will be taken to ensure the continuity of public safety services to our citizens in both cities. Personnel will be governed by their home agency's standard operating policy and procedure while responding to calls for service or police related actions within the neighboring jurisdiction.

Duration and Termination

This MOU will remain in effect until further notice and will begin on the last date of signing listed below. Agencies may voluntarily withdraw participation at any time by providing written notice.

_____ _____

Chief G. Wayne Dennard, Jr Date
City of Acworth

_____ _____

Chief William Westenberger Date
City of Kennesaw

_____ _____

Tommy Allegood, Mayor Date
City of Acworth

_____ _____

Derek Easterling, Mayor Date
City of Kennesaw

Regular Meeting Agenda
3/16/2020 6:30 PM
Council Chambers

Title of Item:	FINAL PUBLIC HEARING: Approval of an ORDINANCE to amend Appendix A “Unified Development Code,” Chapter 1 “General Provisions,” Section 1.09.02 "Definitions," and adding a new section under Chapter 4 "Site Design Standards," Section 4.06.00 "University Living-PBSH” (Purpose Built Student Housing).
Agenda Comments:	The proposed code amendments address the housing use that deals directly with purpose built student housing located within city limits. The proposed zoning district to be added to chapter four along with the associated definitions was presented to the Planning Commission at their regular scheduled meeting February 5, 2020. Don Bergwall motioned to adopt the code amendments and new zoning district as submitted, seconded by SaVaughn Irons. Vote 3-0. Legal reviewed and helped develop. This public hearing item was postponed from the February 17 and March 3, 2020 Mayor and Council meetings. Upon further discussion and review of the new definitions in Chapter 1 and zoning district in Chapter 4, staff is preparing revisions to the proposed draft for review and staff recommends postponing until the April 6, 2020 meeting.
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	2/25/2020	Ordinance

Exhibit A	2/13/2020	Exhibit
Action minutes Planning Commission	2/6/2020	Backup Material
Updated PowerPoint Data	2/13/2020	Presentation
02-28-20 Legal Ad	2/28/2020	Legal Ad
1.24.2020 MDJ Legal Advertisement	1/28/2020	Legal Ad
1.17.2020 MDJ Legal Advertisement	1/17/2020	Legal Ad

CITY OF KENNESAW, GEORGIA

ORDINANCE NO. 2020-____, 2020

AN ORDINANCE TO AMEND THE KENNESAW CODE OF ORDINANCES BY AMENDING APPENDIX A "UNIFIED DEVELOPMENT CODE," CHAPTER 1 "GENERAL PROVISIONS," SECTION 1.09.02 DEFINITIONS, ADDING A NEW SECTION UNDER CHAPTER 4 SECTION 4.06.00" UNIVERSITY LIVING-PBSH" (PURPOSE BUILT STUDENT HOUSING)

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS:

WHEREAS, the Kennesaw Code of Ordinances of the City of Kennesaw, Georgia Appendix A "Unified Development Code," Chapter 1 "General Provisions," will be amended alphabetically to amend the following;

SECTION 1.09.02 Definitions

Family- One or more related persons by blood, legal adoption, or marriage or not more than three (3) persons not related, occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boardinghouse, rooming house, hotel, <u>or Purpose Built Student Housing</u> as herein defined. Maximum residential occupancy for a residential dwelling unit will be calculated by the number of residents per square foot of floor space as per the currently adopted International Property Maintenance Code.

WHEREAS, the Kennesaw Code of Ordinances of the City of Kennesaw, Georgia Appendix A "Unified Development Code," Chapter 1 "General Provisions," will be amended alphabetically to add the following;

<u>Purpose Built Student Housing</u><u>- a multi-family residential development marketed to affiliates of an academic or professional college or university, or other recognized institution of higher learning. These developments are typically located near college campuses and offer amenities such as individual leases for each occupant, fully furnished units, and residence life programs specific to college students</u>.

WHEREAS, the Kennesaw Code of Ordinances of the City of Kennesaw, Georgia Appendix A "Unified Development Code," Chapter 4 "Site Design Standards," will be amended with the addition of new section 4.06.00 as per exhibit A attached hereto.

SECTION 1. BE IT ORDAINED THAT all ordinances, parts of ordinances, or regulations in conflict herewith are repealed as of the effective date of this ordinance.

SECTION 2. BE IT FURTHER ORDAINED THAT should any section of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 3. BE IT FURTHER ORDAINED THAT this ordinance shall become effective immediately from and after its adoption and execution by the Mayor, pursuant to Section 2.11 of the City Charter of the City of Kennesaw.

PASSED AND ADOPTED by the Kennesaw City Council on this ___ day of , 2020.

ATTEST:

_____
Debra Taylor, City Clerk

CITY OF KENNESAW:

_____
Derek Easterling, Mayor

Exhibit A

4.06.00 UNIVERSITY LIVING PURPOSE BUILT STUDENT HOUSING ("PBSH") DISTRICT

A. *Purpose and intent.* The PBSH District is established to promote the development of safe, secure, affordable, aesthetically-pleasing student housing apartments for adults attending universities and colleges. Student housing is identified by having at least four of the following characteristics: 1) ability to rent on a per bedroom basis; 2) roommate matching services; 3) flexible lease terms to coincide with academic calendar; 4) furnished apartment units; 5) amenities such as study area, bike share program, and student convenience store; or 6) student life programming. The PBSH District is designed to encourage and provide flexible site plan and building arrangements under a unified plan of development rather than by lot-by-lot regulation. The PBSH District is not intended to encourage greater density of development, but rather to encourage ingenuity and resourcefulness in land planning. The PBSH District is appropriate in the following Future Land Use areas as designated by the City of Kennesaw Comprehensive Plan: High Density Residential; Neighborhood Activity Center; Community Activity Center; and Industrial.

B. *Uses.* Any use not permitted as of right, or not permitted by Special Exception, or not permitted by land use permit is prohibited. To the extent there is a conflict between the permitted use table and this subsection, this section shall control for purposes of determining whether the use is allowed.

The following uses are permitted:

Purpose Built Student Housing

C. *Standards for Development.*

a) Minimum acreage required: 4 (four) acres.
b) Minimum lot area: Not applicable.
c) Maximum building coverage: 40%.
d) Maximum impervious surface coverage: 70%.
e) Density requirement: Not applicable, except to the extent the density calculation is necessary to determine the buffer requirement, if any.
f) Maximum number of bedrooms per apartment unit: 5 (five) bedrooms.
g) Maximum number of residents per bedroom: 1 (one) resident.
h) Minimum lot width at front set back: 75 feet.
i) Height and structure requirements.
    i. Maximum building height is 55 feet. However, any structures directly adjacent to single family residentially zoned property shall be limited to a building height of 35 feet;
    ii. All facades shall be masonry, brick or hardy plank (or substantially similar material) or combination thereof, and the construction material of the façade shall incorporate noise absorbing/blocking material in order to minimize noise. The use of stucco shall be prohibited.
j) Minimum set back requirements:
    i. All structures proposed in the PBSH district that abut residential zoning shall be constructed a minimum of 50-feet from the abutting property line. For purposes of this district, residential zoning is any district that permits a residential use, including any district that permits a mixture of residential and non-residential use. The setback requirement under this section as applied to any residential use that permits a mixture

of residential and non-residential (i.e. CBD, HPV, PVC) is applicable to only those portions that are designated or developed for residential use.

ii. All structures proposed in the PBSH district that abut non-residential zoning shall be constructed a minimum of 35-feet from the abutting property line.

k) Landscape buffer and screening requirements.

i. Any property within a PBSH district which abuts a more restrictively zoned residential property shall have a minimum of 30-foot landscaped screening buffer. More restrictively zoned residential property shall mean those properties that allow for a lesser number of units per acre than the actual density (number of units divided by land area) proposed under the PBSH development plan. The land area, for purposes of calculating the actual density under this section, shall not include floodplain, wetlands, or impervious surface dedicated to common areas (i.e. pool, tennis court, clubhouse, study area, management office).

ii. Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across a landscaped buffer. Any such uses which are proposed through, over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification.

iii. Objectives. Undisturbed, planted landscaped buffers and berms shall be implemented in connection with a permitted project and shall address the following objectives:

(a) Screening to enhance aesthetic appeal;
(b) Control or direction of vehicular and pedestrian movement;
(c) Reduction of glare;
(d) Buffering of noise;
(e) Establishment of privacy.

iv. Buffers. Landscaped buffers are subject to review and approval by the Zoning Administrator in accordance with the following standards:

(a) Plantings are to be a mix of evergreen trees and shrubs.
(b) Species are to be ecologically compatible to the site and appropriate for the design situation.
(c) Unless public safety concerns dictate otherwise, a buffer should maximize a visual barrier to a height of six feet within two years of planting.
(d) Minimum height of plant materials at installation is five feet for trees and two feet for shrubs.
(e) Fencing or walls are to be a minimum of six feet in height as approved by the Zoning Administrator.
(f) Trees included in buffer planting may be counted toward site density calculations as required by Section 3.07.00 of the UDC pertaining to tree preservation and replacement, subject to review and approval by the Zoning Administrator.
(g) Buffers shall be regularly maintained by the property owner to ensure that the objectives and standards are met.
(h) When topography and existing conditions allow, the required buffer should be an undisturbed buffer.
(i) Any appeals from a determination by the Zoning Administrator shall be to the Mayor and City Council pursuant to Section 10.05.01 of the UDC.

l) Access and Parking requirements:

i. Submission of a traffic impact study that demonstrates either the development will not have a negative impact on existing traffic conditions or that the negative impacts of the development can be mitigated through traffic improvements that will be incorporated as part of the development plan. Traffic counts shall be no more than three years old from date of the study and shall be taken during a time of year when the academic calendar is in session for nearby universities and schools.

ii. The principal access for the development shall be an arterial or major collector roadway, as identified in the City of Kennesaw Unified Development Code or similar classification document.

iii. Parking requirements: Sites shall be designed to accommodate on-site parking for at least one (1) vehicle per bedroom with additional parking for visitors calculated at 0.30 per unit. Parking requirements may be reduced by 1.5% of the overall number of parking spaces required for each of the following design accommodations:

(a) Developer has entered into a shared parking agreement with an adjacent commercial or institutional property owner;

(b) The development is located within two tenths of a mile (travelling on existing roads and not as the crow flies) from a public transit stop; **OMIT**

(c) The development is located within one quarter of one mile (travelling on existing roads and not as the crow flies) of a post-secondary college or university;

(d) The development has dedicated pick-up drop-off space/lanes for a transportation network service or taxi service;

(e) The nearby post-secondary college and/or university or a privately run and operated shuttle/transportation company agrees to provide regular shuttle service to and from campus for residents;

(f) The development features a bike rack with free lock service.

D. Security requirements:

a. The property management company shall submit a security plan in accordance with the standards of Crime Prevention through Environmental Design (CPTED). The security plan shall be submitted to the City of Kennesaw Police Department for review and safe-keeping and shall be updated annually at the beginning of each calendar year, no later than January 31. Any such security plan shall require that on-site management shall be required 24 hours per day, seven days per week.

b. All access points on the property shall be secured with gated entry and shall be self-closing;

c. The development shall be enclosed with a minimum six-foot high privacy fence along the entire property line.

d. The property shall be equipped with a security camera system that shall be monitored by the property management company on-site. Any such system shall record and store video images located throughout the common areas, including the parking areas, and signs shall be posted throughout the development notifying residents and visitors of the security camera system;

e. All common area doors and access gates shall be secured with electronic locks;

f. All apartment units shall be equipped with a door that features a 180-degree peep hole;

g. For every 200 parking spaces, the development shall feature at least one Emergency Blue Light Phone that is connected to the Cobb County Public Safety's 24-hour communications center and identify the phone location if the caller is unable to talk.

h. Lighting: In order to ensure adequate illumination of the development and promote safety and security, the Parking Lot Design Guide standards set forth for Basic Enhanced Security, Security, and High Security as set forth in the Illuminating Engineering Society Lighting Handbook (IESNA), latest edition, as amended, is adopted as the standard for the installation and operating of lighting in parking lots in the PBSH district.

E. In addition to the district requirements as set forth in this section of the Unified Development Code, the development within the PBSH district shall also comply with all other applicable provisions in the Unified Development Code that do not conflict with this ordinance, including but not limited to, regulations pertaining to the following: floodplain, wetland, water supply, watershed, landscaping, tree, design standard, architectural standards, parking and parking lot design, sidewalks, pathways, storm drainage systems, storm drainage easements, water, sewer, access, lighting, street and roadway, retaining wall, dams, utilities, fences, buffers, berms, mailboxes and irrigations systems, signs, wireless telecommunication facilities, accessory and temporary uses, and incidental and permanent storage.

Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall ,
Phillip Jackson
SaVaughn Irons

February 05, 2020 **Planning Commission Action Minutes** City Hall Council Chambers

NOTE: Planning Commission serves as an Advisory Board that makes recommendations to the Mayor and Council, which will be heard on February 17, 2020 6:30p.m. unless otherwise noted. Anyone giving comments in the public session are to sign in and note that limitation of 10 minutes per side will be allowed.

I. **Call Meeting to Order/Roll Call- Called to order at 7:00pm**
Cindi Michael, Phillip Jackson, Don Bergwall and Savaughn Irons in attendance

II. **Approval of minutes:** January 02, 2020 Meeting-Don Bergwall motioned to approve with edits noted, seconded by Phillip Jackson- vote 3-0

III. **Chair and Vice-Chair- Doug Rhodes nominated and voted as Chairman for 2020 vote 3-0**
CindMichaels nominated and voted in as Vice Chairman for 2020
Vote 3-0

IV. **Public Hearing:**

1. **Adoption of the Official 2020 Zoning Map** (to include all annexations, de-annexations, rezoning and amendments up to December 31, 2019). This hearing is to present the draft (zoning map) for your consideration and recommendation to the Mayor and Council for their official action of adoption of the City's Zoning Map. The Official Zoning Map, once adopted will reflect all approved annexations, de-annexations, rezoning, and amendments up to and including December 31, 2019. Adopting the official zoning map will provide clarity on the most current zoning district locations within the city limits. The map reflects staff's analysis and recommendations of amendments to land use designations promoting current trends and long-term city planning objectives. Legal advertisement was placed in the Marietta Daily Journal on January 17, 2020 and January 24, 2020. Staff recommends the adoption of the official zoning map. **This matter will be heard before the Mayor and Council at their scheduled meeting of February 17, 2020, at 6:30pm**
Don Bergwall motioned to adopt zoning map as presented, seconded by Phillip Jackson vote 3-0

2. **Unified Development Code Amendment**: The proposed amendment is to amend APPENDIX A "UNIFIED DEVELOPMENT CODE," CHAPTER 1 "GENERAL PROVISIONS," SECTION 1.09.02 DEFINITIONS, ADDING A NEW SECTION UNDER CHAPTER 4 SECTION 4.06.00" UNIVERSITY LIVING-PBSH" (purpose built student housing) **This matter will be heard before the Mayor and Council at their scheduled meeting of February 17, 2020, at 6:30pm**
Don Bergwall motioned to adopt the Purpose built student housing definition and zoning ordinance draft as presented, seconded by SaVaughn Irons, vote 3-0

3. **RZ2020-01 Rezoning Request** Consideration to approve a rezoning request submitted by Oakmont Pacolet Acquisitions LLC for property located at 1630 Stanley Road. Said request to rezone from City R-20 to City LI (Light Industrial) for property containing 46.6+/- acres for purpose of industrial office warehouse and distribution facility. Property identified as Land Lot 213, Tax Parcel 15. **(Mayor and Council 2.17.2020)**

The next scheduled meeting of the Kennesaw Planning Commission
March 04, 2020 at 7:00pm

Phillip Jackson motioned to table the rezoning application as requested by the Applicant's attorney letter dated January 31, 2020. The dates are the April 1, 2020 Planning Commission meeting and April 20, 2020 M&C meeting seconded by Don Bergwall vote 3-0

- **ZV2020-01 Variance Request** Consideration to approve a zoning variance request submitted by Oakmont Pacolet Acquisitions LLC for property located at 1630 Stanley Road. Said request to seek variance on the minimum lot width at front setback. Property identified as Land Lot 213, Tax Parcel 15, containing 46.6+/- acres and seeking rezoning to City LI (Light Industrial). **(Mayor and Council 2.17.2020)**

  Don Bergwall motioned to table Variance application as requested by the applicant's attorney letter dated January 31, 2020. The hearing dates are –Planning Commission meeting April 1, 2020, M&C meeting April 20, 2020, vote 3-0

V. Staff Comments-No comments by staff

VI. Adjournment- meeting adjourned 8:47pm

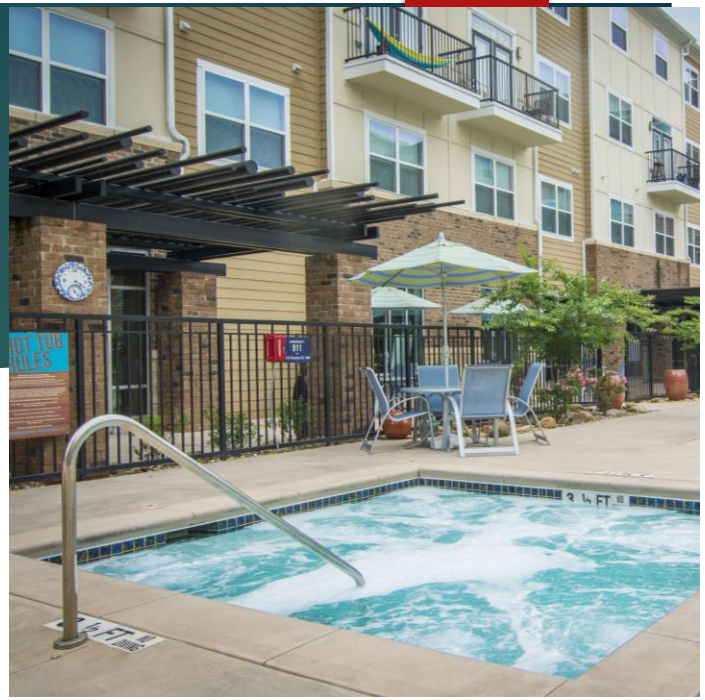
The next scheduled meeting of the Kennesaw Planning Commission
March 04, 2020 at 7:00pm

Private Student Housing

City of Kennesaw

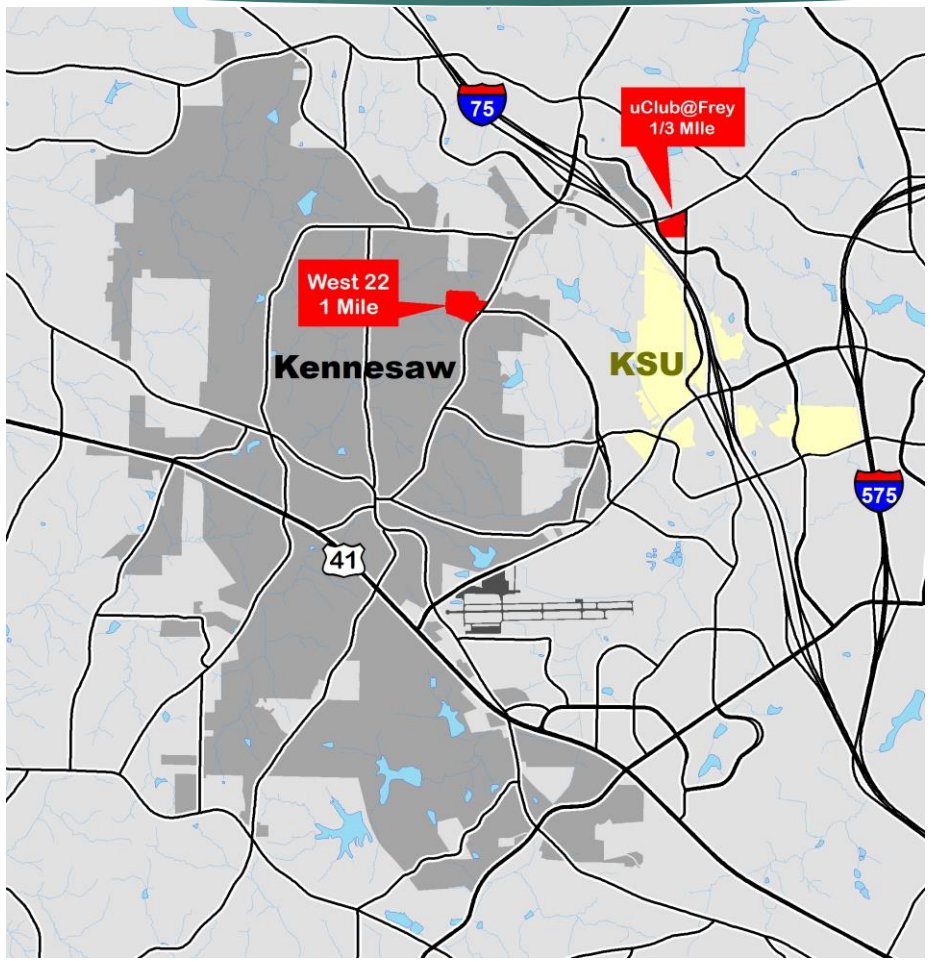
Definition and Terms

Key Distinguishing Factors



1. Units leased by the bedroom
   - Contain 1 to 5 bedrooms
   - Pod format is common/not required
   - Occupancy compliance enforced by management
2. Lease terms aligned with academic calendar year
3. Traditional and student-friendly amenities
   - Study rooms
   - Swimming pools
   - Exercise rooms
   - Barbecue/picnic areas
4. Fair Housing Act

Student Housing Locations



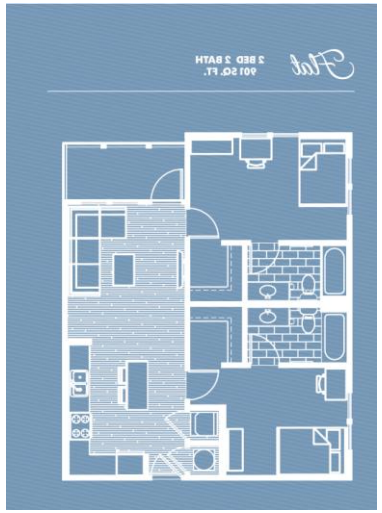
Kennesaw State University

- Ranking: #231 National University (2018)
- Total Enrollment: 35,846
- Undergraduate: 32,945
  Graduate: 2,901
- Full-time: 25,773
  Part-time: 10,073
- Male: 52%
  Female: 48%
- offers more than 150 undergraduate, graduate and doctoral degrees

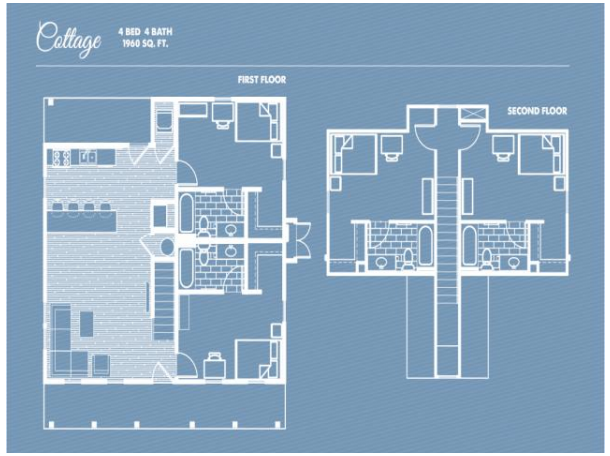
West 22

- 245 units- 850 beds
- May 2011-Obtained rezoning approval to multifamily zoning district RM-12 with accompanying conditions and variances
- Shuttle service to Kennesaw State University West 22 Started 7/2012 to 8/2014
- Total acreage of site-23.98 Acres
- Construction completed in August 2014

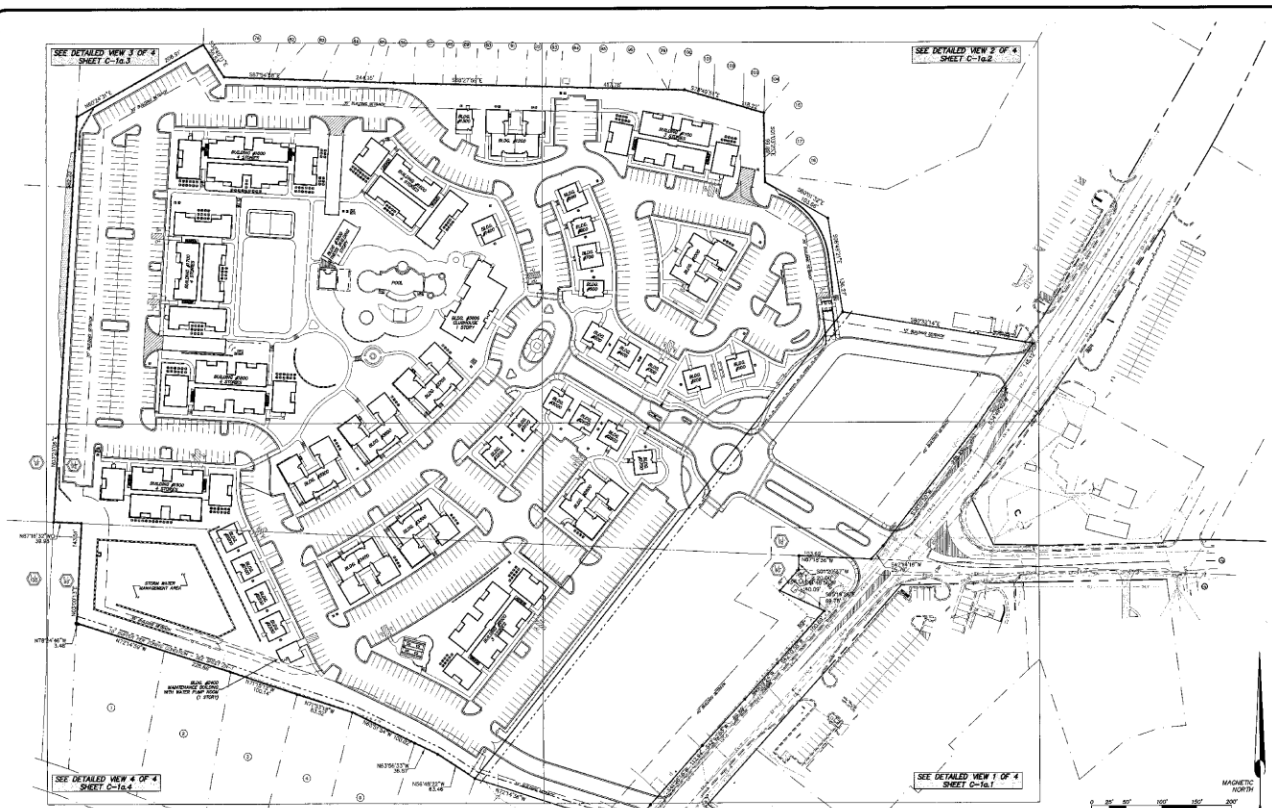
WEST 22


Flat
2 BED 2 BATH
901 SQ. FT.

Cottage
3 BED 3 BATH
1683 SQ. FT.
FIRST FLOOR
SECOND FLOOR


Cottage
4 BED 4 BATH
1960 SQ. FT.
FIRST FLOOR
SECOND FLOOR

Flat
4 BED 4 BATH
1553 SQ. FT.



Project Building Data Table

# Bldg	Bldg #s	Bldg. Type	Stories	1 Bedrooms	2 Bedrooms	3 Bedrooms	4 Bedrooms	5 Bedrooms	Total Units per Bldg	Total Beds per Bldg	Total Gross Square Footage	Total Units	Total Beds
1	#4900	Type 100	4-Story	16	32				48	59	46,512	48	59
1	#5105	Type 200	4-Story			52			52	68	54,140	52	68
1	#5000	Type 300	4-Story			36			36	48	37,836	36	48
4	#1148, #1200	Type 400	4-Story				24		24	96	43,056	48	192
4	#1000, #1100, #1300	Type 500	4-Story				18		18	72	31,911	36	144
5	#1006, #1016, #1061, #5010, #5014, #5102, #5104, #5700	Type 100	3-Story				4	4	20	80	8,984	52	160
5	#1200, #1401, #1501, #5000, #5101, #5102, #5800, #5815, #5201	Type 600	3-Story					1	1	5	2,260	9	45
9	#1000, #1001, #1002, #1003, #1004, #1100, #1200, #2000, #2100	Type 900	2-Story				1		1	4	1,940	9	36
2	#5006, #5013, #5109	Type 1000	2-Story							5	1,820	5	5
1	#2400	Maintenance	1-Story										
1	#5800	Amenity	2-Story										
1	#2800	Offices	2-Story										
98									Total Units =			245	
		Total Bedrooms (BR)	Unit Count						Total Beds =			Total Beds =	1,032
	1 Bedrooms	16	6.5%										
	2 Bedrooms	33	13.7%	66									
	3 Bedrooms	59	24.1%	177									
	4 Bedrooms	97	39.6%	388									
	5 Bedrooms	40	16.3%	200									

Site Data:

TOTAL SITE AREA = 22.86 ACRES

ZONING: RM-12 AND NRC

REQUIRED BUILDING SETBACKS:
FRONT – 40 FT
SIDE – 15 FT
REAR – 35 FT

LANDSCAPE BUFFERS:
10 FT BETWEEN RM-12 AND NRC WITHIN DEVELOPMENT

Number of Dwelling Units:

TOTAL UNITS: 245 UNITS
UNITS PER ACRE: 11 UNITS/ACRE

Number of Parking Spaces:

REQUIRED:
TOTAL SPACES REQUIRED: 480 SPACES
REQUIRED HC SPACES: 2% OF TOTAL: 10 SPACES

TOTAL SPACES PROVIDED: 546 SPACES
REGULAR PARKING-CAP SPACES: 6 SPACES
VAN PARKING-CAP SPACES: 12 SPACES
TOTAL HC SPACES PROVIDED: 2.43% OF TOTAL: 21 SPACES

SF of Residential Buildings:

RESIDENTIAL BUILDINGS: 394,630 SF

SCE
SOUTHERN CIVIL ENGINEERS
10 Roswell Street
Suite 280
Alpharetta, GA 30009
(770) 619-4200
www.sce-atlanta.com

Revisions

Date	Description
08/05/10	REVISED PER CITY & COUNTY COMMENTS

Project Description
THE SANCTUARY AT KENNESAW
A Development By
SOUTH CITY PARTNERS
LAND LOTS 91 & 94, 20TH DISTRICT, 2ND SECTION, KENNESAW, COBB COUNTY, GEORGIA

Drawn:	Designer:	Date:
RCS	RCS	06-06-05

Project Number: 2201.004

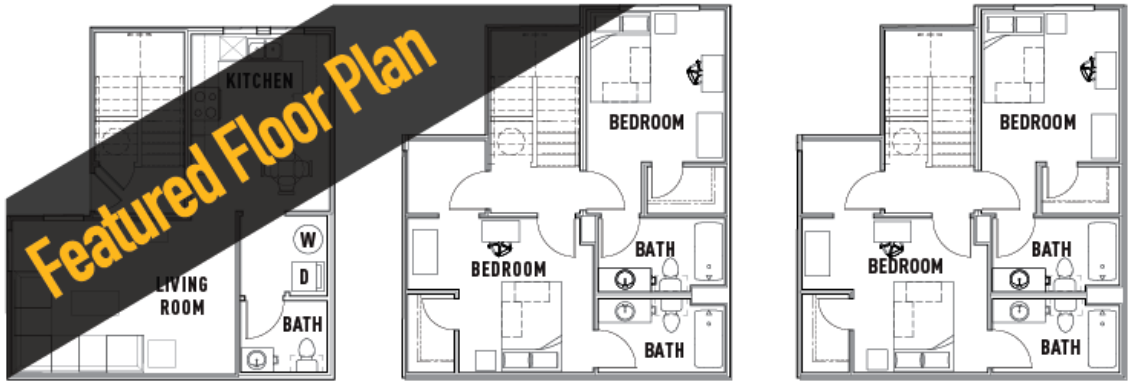
Sheet Title:
OVERALL SITE PLAN

Drawing Number
C-1

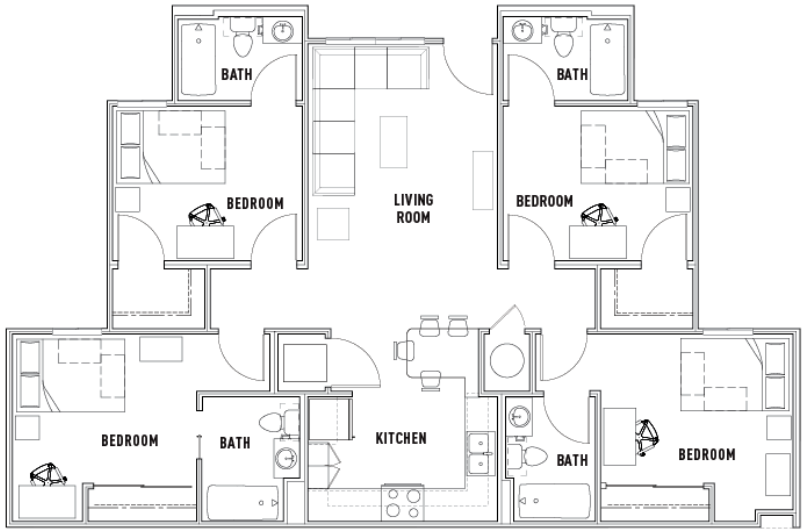
UCLUB@Frey

- September 2010-Obtained rezoning and annexation approval for multifamily zoning district RM-12 with conditions and variances
- Project built in two phases
- Phase I construction completed 7/2012
- 12.83 Acres
- 135 Units
- 504 Beds
- Phase II construction completed 7/2014
- 6.315 acres
- 102 Units
- 408 Beds

UCLUB@Frey



FIRST FLOOR SECOND FLOOR THIRD FLOOR



SITE DATA:

OVERALL TOTAL SITE AREA	12.832 ACRES
TRACT 1 (PROPOSED RESIDENTIAL)	6.315 ACRES
TRACT 2 (EXISTING RESIDENTIAL)	6.517 ACRES
ZONING	
EXISTING ZONING	RM-12C (MULTI-FAMILY)
ZONING JURISDICTION	CITY OF KENNESAW
DENSITY SUMMARY	
OVERALL TOTAL AREA	6.315 ACRES
TOTAL RESIDENTIAL UNITS	102 UNITS
TOTAL DENSITY	16.15 UNITS/AC
TOTAL BEDS	408 BEDS
PROPOSED SETBACKS	
FRONT YARD SETBACK (SHILOH RD.)	40 Feet
FRONT YARD SETBACK (FREY RD.)	40 Feet
FRONT YARD SETBACK (BUSBEE)	50 feet
SIDE YARD SETBACK	3 feet
LANDSCAPE BUFFER	10 feet
BUILDING HEIGHT	4-STORIES (55 feet)
PARKING CALCS	
PARKING REQUIRED	2 SP / UNIT
TOTAL PARKING SPACES PROVIDED	417 SPACES

COBB FIRE & EMERGENCY NOTES:

SHOW TRANSFORMER PADS NO LESS THAN 14 FEET FROM ANY DOOR, 10 FEET FROM ANY BUILDING, OVERHANGS, CANOPIES, EXTERIOR WALLS, BALCONY, EXTERIOR STAIRS, WALKWAYS OR WALL OPENINGS. (STATE MODIFICATION IFC 605.11)
DISTANCE FROM BUILDING MAY BE REDUCED TO 3 FEET IF EXTERIOR IS NON-COMBUSTIBLE WALL WITH NO OPENINGS OR OVERHANGS. (AHJ)

SHOW DESIGNATED FIRE LANES TO MEET THE FOLLOWING REQUIREMENTS: BOTH SIDES OF SIGNS SHALL READ: "NO PARKING, FIRE LANE," LETTERS SHALL NOT BE LESS THAN 2 INCHES IN HEIGHT; ONE SIGN SHALL BE POSTED AT THE BEGINNING OF THE FIRE LANE AND ONE AT THE END OF THE FIRE LANE WITH SIGNS NOT MORE THAN 50 FEET APART; SIGNS SHALL NOT BE MORE THAN 4 FEET FROM THE EDGE OF CURB AND SHALL BE VISIBLE FROM BOTH DIRECTIONS OF DRIVING SURFACE; HEIGHT OF SIGN FACE AS MEASURED FROM THE BOTTOM OF THE SIGN SHALL BE A MINIMUM OF 4 FEET AND A MAXIMUM OF 7 FEET FROM GROUND LEVEL. DECORATIVE SIGNAGE MAY BE USED WITH FIRE MARSHAL'S APPROVAL. FOR LANES 20 TO 28 FEET WIDE, SIGNS AND MARKINGS WILL BE REQUIRED ON BOTH SIDES. FOR LANES 29 TO 32 FEET WIDE, SIGNS AND MARKINGS WILL BE REQUIRED ON ONE SIDE. LANES EXCESS OF 32 FEET WIDE REQUIRE NO SIGNS OR MARKINGS. CURBING OR LINEAGE DELINEATING FIRE LANES SHALL BE PAINTED RED. THE TOP AND FACE OF THE CURB SHALL BE PAINTED. THE FIRE SAFETY INSPECTOR WILL MAKE FINAL DETERMINATION OF FIRE LANES BEFORE FINAL INSPECTION IS MADE. ONE AND TWO FAMILY RESIDENTIAL OPTIONS TO ABOVE SEC 118-231 ©. ABOVE REQUIREMENT MUST BE PRINTED ON SITE PLAN. SEE COBB COUNTY CODE SECTION 118-231.

TRAFFIC NOTES:

1. ALL STRIPING TO BE THERMOPLASTIC.
2. LANE CROSS-SLOPE TO MATCH EXISTING.
3. ALL UTILITIES/POLES ARE TO BE A MINIMUM FORM BACK OF CURB OR WITHIN 2' OF THE RIGHT-OF-WAY, WHICH EVER IS GREATER. PER STD 30.
4. ANY CCT BUS SHELTERS/STOPS ARE TO BE COORDINATED WITH DAVID JACKSON @ 770-528-1660.
5. MINIMUM INTERSECTION SIGHT DISTANCE (ISD) REQUIREMENTS MUST BE SATISFIED PRIOR TO START OF CLEARING OPERATIONS AT BUSBEE EGRESS LOCATION.

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

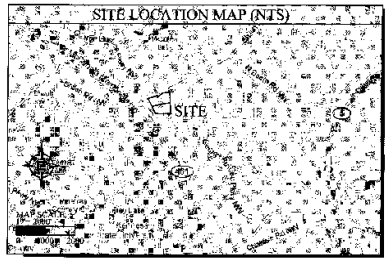
24 HOUR CONTACT:
TODD HAGOOD @ 512-732-1000

PAVING NOTE:

ALL ACCESS ROADS SHALL MEET THE AMERICAN ASSOCIATION OF STATE HIGHWAY TRANSPORTATION OFFICIALS (AASHTO) DESIGN MANUAL LIVE LOAD STANDARD HS20 (75,000LB).

-1

SITE LOCATION MAP (NTS)



COBB COUNTY STATEMENT:

THE COBB COUNTY CEMETERY PRESERVATION COMMISSION RESERVES THE RIGHT TO EXAMINE THIS PROPERTY FOR ETHNIC, CULTURAL, AND RELIGIOUS POTENCIALLY LOCATED THERIN. IF ANY ETHNIC, CULTURAL OR RELIGIOUS EVIDENCE IS FOUND DURING DEVELOPMENT, THEN THE COBB COUNTY CEMETERY PRESERVATION COMMISSION MUST BE NOTIFIED AT ONCE AT (770) 528 2035. FAILURE TO DO SO WILL RESULT IN A STOP-WORK ORDER.
THERE IS NO SIGNIFICANT IMPACT ON THE CEMETERY SITE LISTED IN THE COBB COUNTY CEMETERY PRESERVATION COMMISSIONS INVENTORY LISTING, WHICH IS LOCATED IN THIS, OR ADJACENT LAND LOT.

IRRIGATION NOTE:

ALL ELECTRONIC LANDSCAPE IRRIGATION SYSTEMS INSTALLED AFTER JANUARY 1,2005 MUST BE EQUIPPED WITH A RAIN SENSOR SHUT-OFF SWITCH IN ACCORDANCE WITH GEORGIA HB 1277.

SHILOH RD. NOTE:

SHILOH ROAD IS A CURRENT COBB COUNTY TRANSPORTATION IMPROVEMENT PROJECT AND IS UNDER CONSTRUCTION. TO ENSURE COORDINATION AND COMPATIBILITY ANY ENCROACHMENT WITHIN THE CONSTRUCTION LIMITS WILL REQUIRE APPROVAL FOR BRYAN ROCK, COBB DOT CONSTRUCTION SUPERVISING ENGINEER AT 770-528-4361 PRIOR TO CONSTRUCTION. THE OWNER/DEVELOPER MUST COORDINATE WORK WITH ROADWAY CONTRACTOR. THE DOT ROAD PROJECT WILL TAKE PRECEDENCE IF CONSTRUCTION CONFLICTS OCCUR.

IMPERVIOUS AREA:

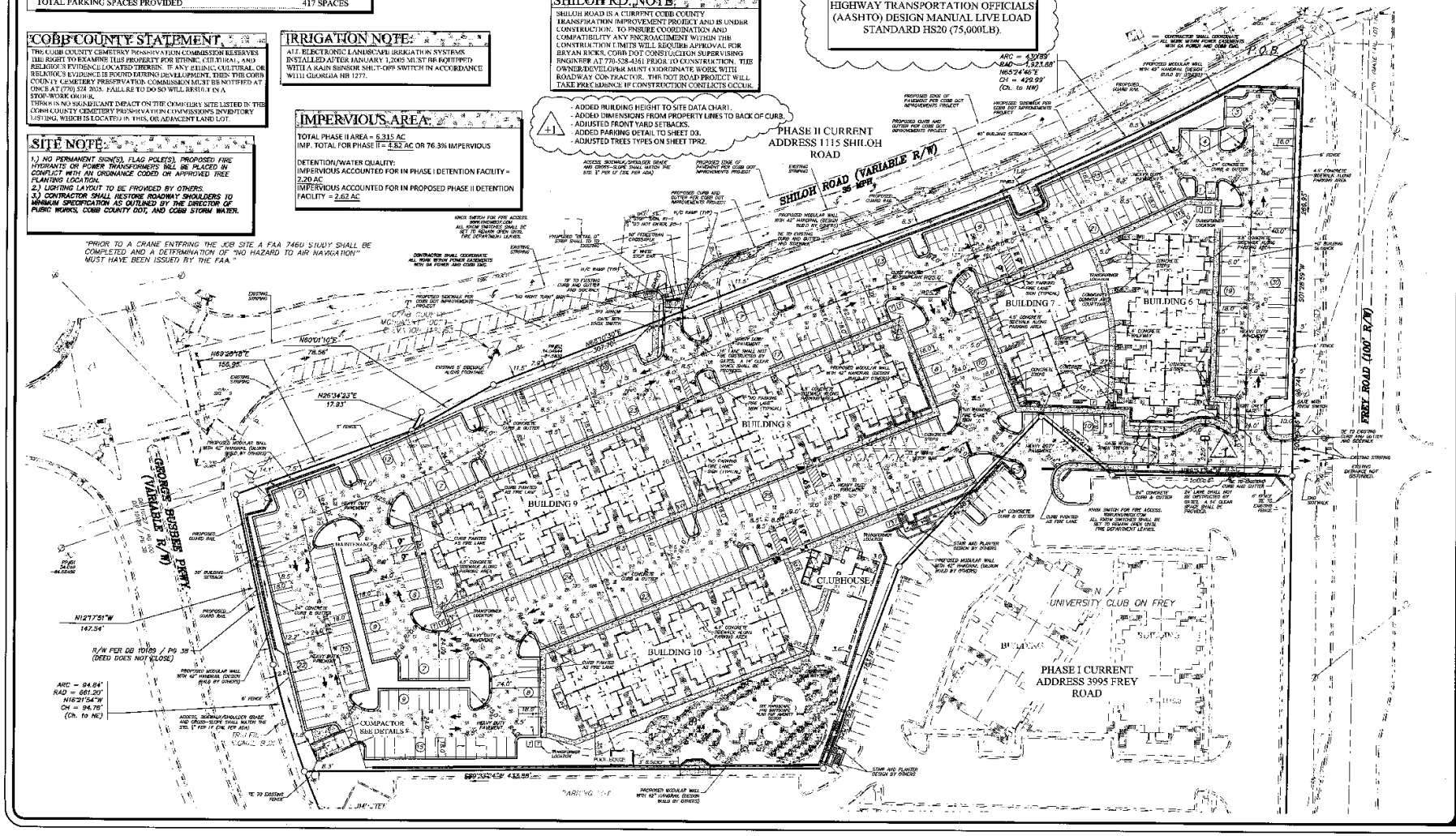
TOTAL PHASE II AREA = 6.315 AC
IMP. TOTAL FOR PHASE II = 4.82 AC OR 76.3% IMPERVIOUS

DETENTION/WATER QUALITY:
IMPERVIOUS ACCOUNTED FOR IN PHASE I DETENTION FACILITY = 2.20 AC
IMPERVIOUS ACCOUNTED FOR IN PROPOSED PHASE II DETENTION FACILITY = 2.62 AC

SITE NOTE:

1.) NO PERMANENT SIGN(S), FLAG POLE(S), PROPOSED FIRE HYDRANTS OR POWER TRANSFORMERS WILL BE PLACED IN CONFLICT WITH AN ORDINANCE CODED OR APPROVED TREE PLANTING LOCATION.
2.) LIGHTING LAYOUT TO BE PROVIDED BY OTHERS.
3.) CONTRACTOR SHALL RESTORE ROADWAY SHOULDERS TO MINIMUM SPECIFICATION AS OUTLINED BY THE DIRECTOR OF PUBLIC WORKS, COBB COUNTY DOT, AND COBB STORM WATER.

+1
- ADDED BUILDING HEIGHT TO SITE DATA CHART.
- ADDED DIMENSIONS FROM PROPERTY LINES TO BACK OF CURB.
- ADJUSTED FRONT YARD SETBACKS.
- ADDED PARKING DETAIL TO SHEET D3.
- ADJUSTED TREES TYPES ON SHEET TPR2.



"PRIOR TO A CRANE ENTERING THE JOB SITE A FAA 7460 STUDY SHALL BE COMPLETED AND A DETERMINATION OF "NO HAZARD TO AIR NAVIGATION" MUST HAVE BEEN ISSUED BY THE FAA."

UNIVERSITY CLUB ON FREY - PHASE II
A PURPOSE BUILT STUDENT HOUSING FACILITY
FOR
ACC OP (FREY), LLC
12700 HILL COUNTRY BLVD, SUITE 1-200
AUSTIN, TEXAS 78738
PHONE: 512-732-1000

LAND LOT 58
20th DISTRICT, 2nd Section

CITY OF KENNESAW
COBB COUNTY
GEORGIA

"WE PROVIDE SOLUTIONS"
PLANNERS AND ENGINEERS COLLABORATIVE
SITE PLANNING ■ LANDSCAPE ARCHITECTURE ■ CIVIL ENGINEERING ■ LAND SURVEYING
350 RESEARCH COURT ■ NORCROSS, GEORGIA 30092 ■ (770)451-2741 ■ FAX (770)451-2515 ■ WWW.PECITI.COM

REVISIONS:

NO.	DATE	BY	DESCRIPTION
-1	1-17-2013	MK	COBB COMMENT REV.
+1	1-30-2013	MK	CITY OF KENNESAW

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SHEET TITLE
MASTER SITE PLAN

0 20 40 80 120

SCALE: 1" = 40'
DATE: DEC. 18TH, 2012
PROJECT: 10056.01A

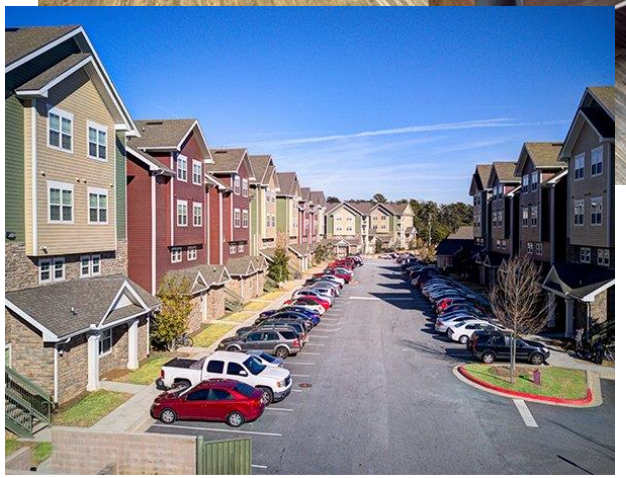
THIS SEAL IS ONLY VALID IF COUNTED SIGNED AND DATED WITH AN ORIGINAL SIGNATURE

GEORGIA No. 37061 PROFESSIONAL ENGINEER MICHAEL E. KRUSE

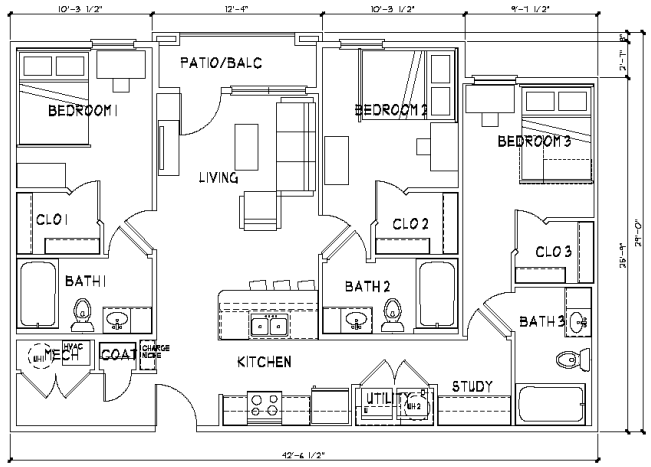
GSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATION # 0000006476 EXP. 6/20/2015

4
SHEET

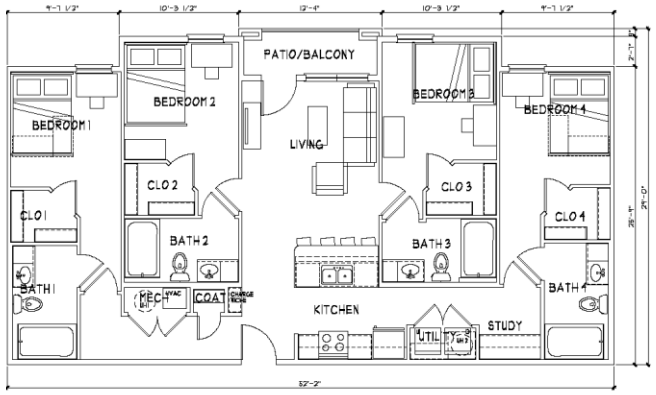
UCLUB@Frey



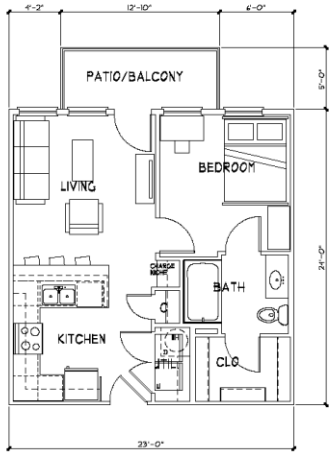
Various unit layout designs



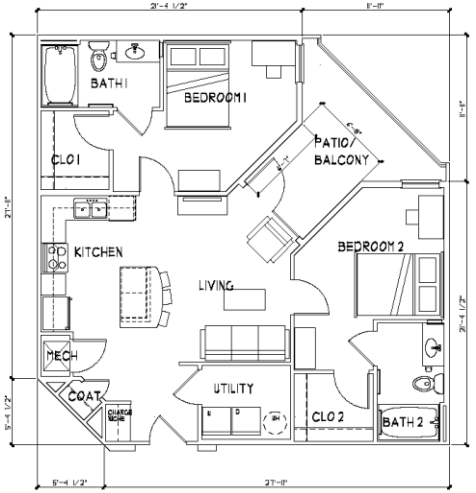
C1 THREE BEDROOM THREE BATH
SCALE: 1/4" = 1'-0"
NET AREA 1,078 SF GROSS AREA 1,189 SF



FOUR BEDROOM FOUR BATH
SCALE: 1/4" = 1'-0"
NET AREA 1,319 SF GROSS AREA 1,437 SF



A1 ONE BEDROOM ONE BATH
SCALE: 1/4" = 1'-0"
NET AREA 520 SF GROSS AREA 616 SF



B2 TWO BEDROOM TWO BATH
SCALE: 1/4" = 1'-0"
NET AREA 862 SF GROSS AREA 1,033 SF

Approval process, land use planning opportunities/partnerships

- Student housing approved developments are currently placed under multifamily zoning district with site specific conditions under zoning actions
- City of Kennesaw unified development code (UDC) does not specifically address the density, infrastructure or design implications of this use
- A continuous dialogue exists with the City of Kennesaw, Cobb County and Kennesaw State University to pursue future solutions that addresses this planning issue

Community Desires and Challenges

- **Students**- sense of place, independence, less car dependency, security, campus connectivity, amenities, activities, town connectivity
- **Parents**- affordability, location, security, structured environment, increased life skills achieved by students
- **University**- alignment with university growth master plan, safety for the students, lowered impact for on-campus parking infrastructure, partnerships with local government authority
- **City of Kennesaw Planning and Zoning staff**- diversity of housing types, providing a community need, compliance with city comprehensive plan goals
- **Adjoining residents and business owners**- NIMBY, perception versus facts regarding safety, traffic, crime, character of the community

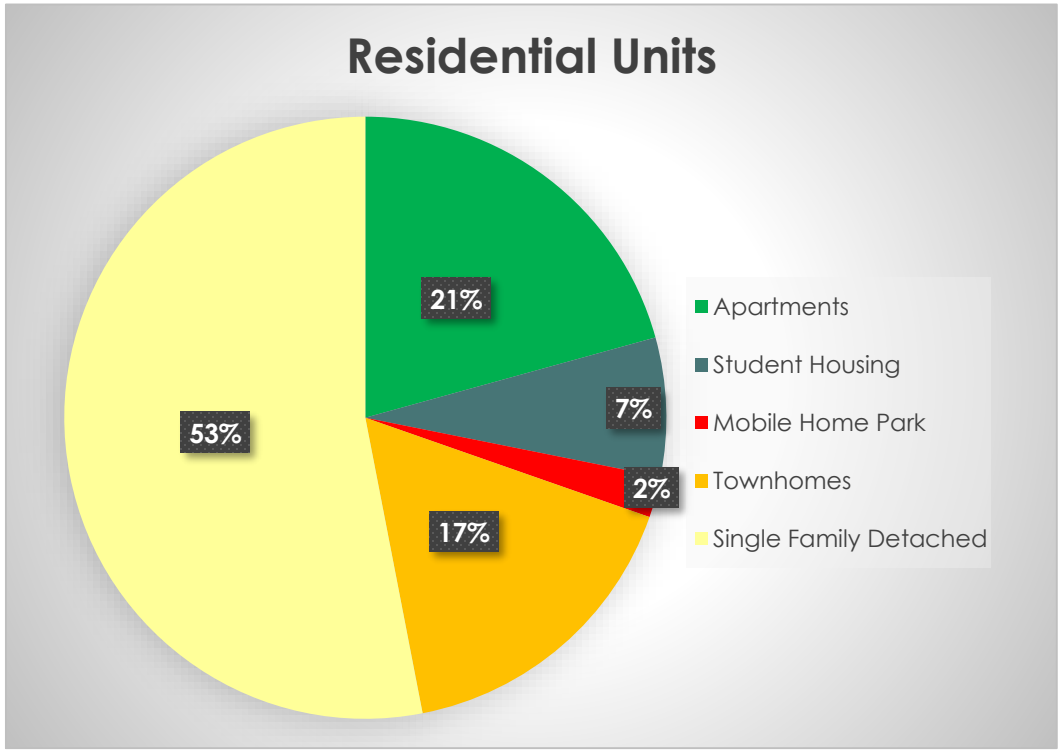
Emerging Trends

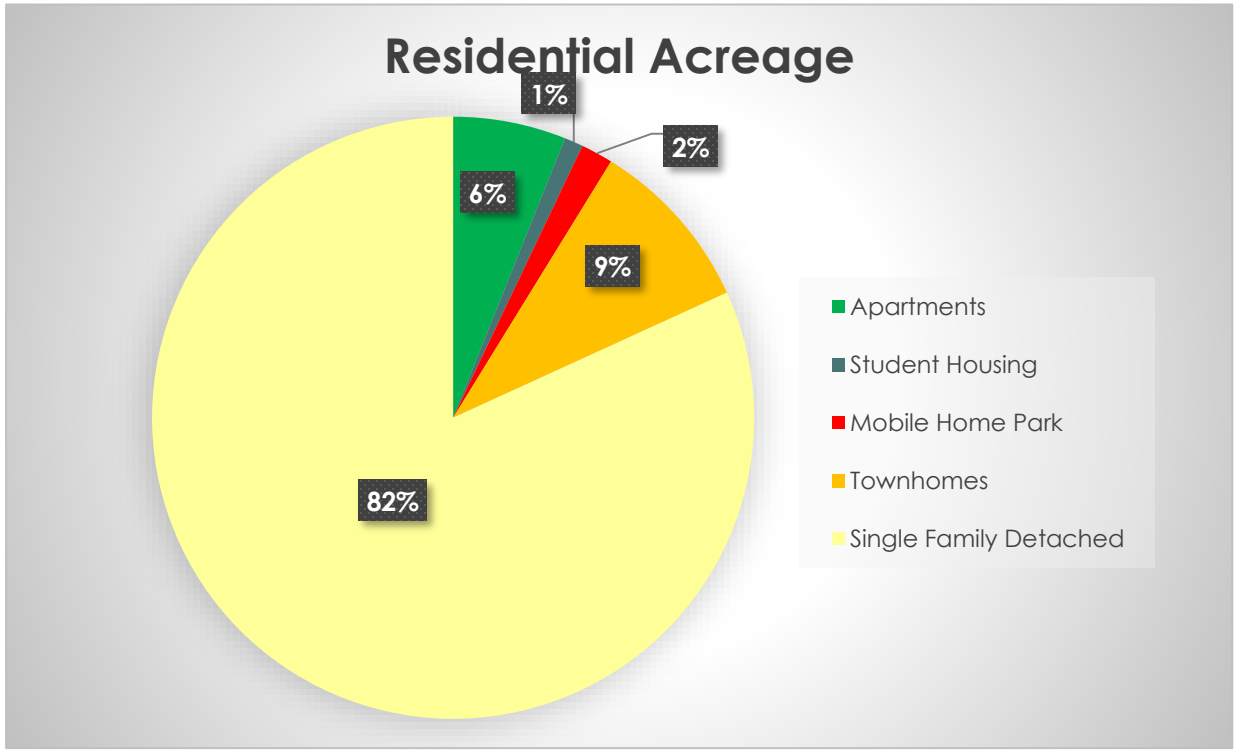
- City of Kennesaw in the short term continues to receive interest from student housing builders
- Diverse workforce and need for post graduate affordable housing
- Student housing and infrastructure needs will continue to increase
- Future infusion of demographic shifts with growing senior population, transplants and maturing young families

Conclusions and Goals

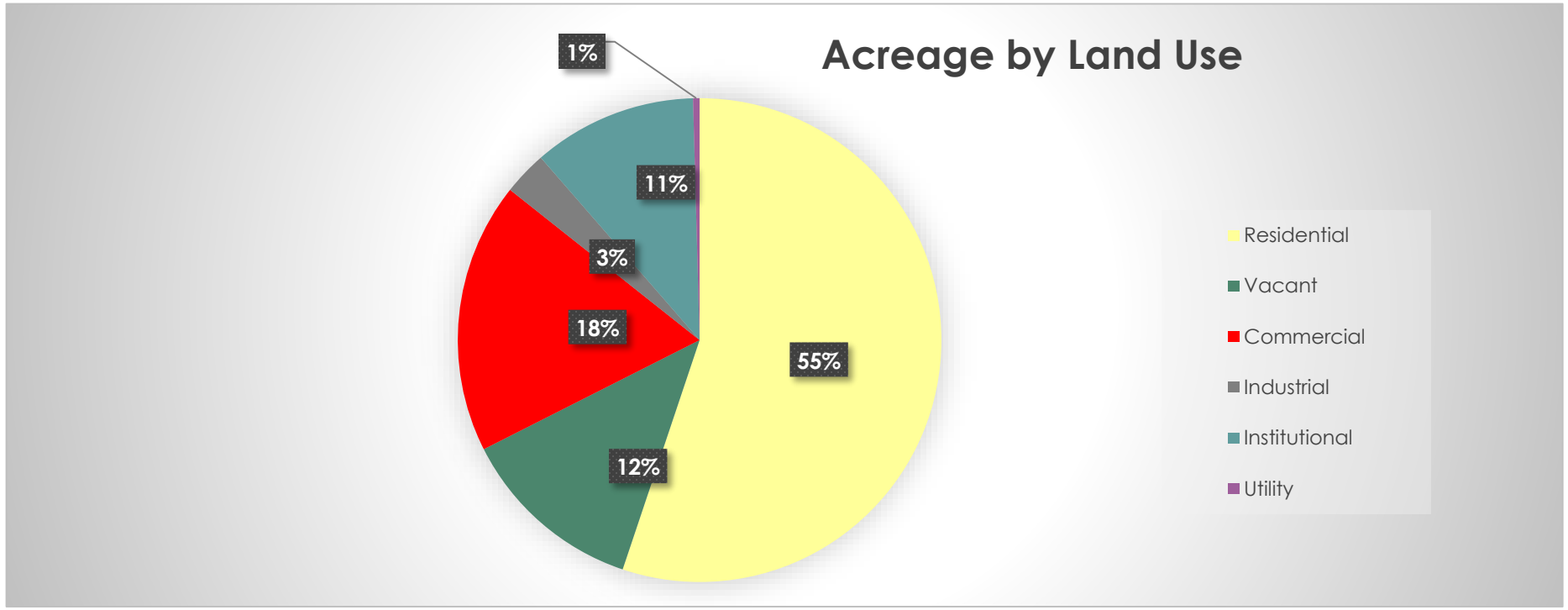
- City must plan for the future by diligent education through community outreach regarding this residential use
- City of Kennesaw will identify areas of opportunities best suited for these uses that meet the planning goals of both Kennesaw State University University, Cobb County and City of Kennesaw
- Future adoption of purpose built student housing standards

City of Kennesaw housing data





City of Kennesaw Housing Data



8055 Incorporation

MDJ-5560
GPN-6
NOTICE OF INTENT TO VOLUNTARILY DISSOLVE A CORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is given that a Notice of Intent to Dissolve Schoen Family, LLC a Georgia Business Corporation, with its registered office at 3804 Bluffview Trace, Marietta, Cobb County Georgia 30062 have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code.

2:21,28-2020

MDJ-5561
GPN-06
NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is given that articles of incorporation that will incorporate COURTNEY HILL, CRNA, PC have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The initial registered office of the corporation is located at 1671 HAMMOCK DRIVE, SMYRNA, GA, 30080 and its initial registered agent at such address is COURTNEY HILL.

2:21,28-2020

MDJ-5577
GPN-06
BUSINESS TO BE CONDUCTED UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB

The undersigned hereby certifies that they are conducting a business in the City of Marietta, County of Cobb, in the State of Georgia under the trade name:La Michoacana Helados and that the nature of said business is:ice cream shop and that said business is composed of the following:Leticia Cortes 656 Walnut Cir SW Marietta, GA 30060.
This 11th day of February, 2020.
Rebecca Keaton
Clerk of Superior Court
Cobb County
2:21,28-2020

MDJ-5578
GPN-06
BUSINESS TO BE CONDUCTED UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB

The undersigned hereby certifies that they are conducting a business in the City of Marietta, County of Cobb, in the State of Georgia under the trade name:Sandy Plains Dental Group and that the nature of said business is:denistry and related dental services and that said business is composed of the following:Sandy Plains Dental Group, PC 17000 Red Hill Avenue, Irvinee, CA 92614.
This 12th day of February, 2020.
Rebecca Keaton
Clerk of Superior Court
Cobb County
2:21,28-2020

8055 Incorporation

office of the corporation is located at 2451 Cumberland Parkway SE Unit 3855 Atlanta, Cobb County, Georgia 30339-6157 and its initial registered agent at such address is BILLY OGILVIE, JR.

2:21,28-2020

MDJ-5719
GPN-06
NOTICE OF INTENT TO INCORPORATE

Notice is given that Articles of Incorporation, which will incorporate Guided by Verses, Inc., have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The initial registered office of the corporation will be located at 4981 Colchester Court SE, Atlanta, GA 30339, and its initial registered agent at such address is Robert A. Rodden.

2:28;3:6-2020

MDJ-5722
GPN-6
NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is given that Articles of Incorporation which incorporate K.O. Towing Acquisition, Inc. have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The initial registered office of the corporation is located at 3225 Shallowford Road, Suite 1200, Marietta, Cobb County, Georgia 30062 and its initial registered agent at such address is Lawrence Brannen Domenico.

2:28; 3:6-2020

MDJ-5724
GPN-06
BUSINESS TO BE CONDUCTED UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB

The undersigned hereby certifies that they are conducting a business in the City of Kennesaw, County of Cobb, in the State of Georgia under the trade name:Motto Mortgage Outlet and that the nature of said business is:mortgage brokerage and that said business is composed of the following:Rich Spaulding LLC 813 Omaha Place Kennesaw, GA 30152.
This 18th day of February, 2020.
Rebecca Keaton
Clerk of Superior Court
Cobb County
2:28;3:6-2020

MDJ-5725
GPN-06
BUSINESS TO BE CONDUCTED UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB

The undersigned hereby certifies that they are conducting a business in the City of Marietta, County of Cobb, in the State of Georgia under the trade name:HANDYMAN CONNECTION of Marietta and that the nature of said business is:handymon services and that said business is composed of the following:JAKS Creative Ventures,

8055 Incorporation

MDJ-5807
GPN-6
NOTICE OF INTENT TO VOLUNTARILY DISSOLVE A CORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is given that a Notice of Intent to Dissolve Thru-Way Management, Inc. a Georgia Business Corporation, with its registered office at 707 Whitlock Avenue Marietta Cobb County Georgia 30064 have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code.

2:28; 3:6-2020

MDJ-5825
GPN-06
NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is hereby given that the Articles of Incorporation which incorporate North American Bath Company, Inc. (the "Corporation") have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The initial registered office of the Corporation is located at 148 Golf Crest Drive, Acworth, Georgia 30101, and its initial registered agent at such address is Brian Valente.

2:28;3:6-2020

MDJ-5829
GPN-06
NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is given that articles of incorporation that will incorporate Max Graphics Inc have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The initial registered office of the corporation is located at 4530 Moon Station Lane NW, Acworth, GA, 30101 and its initial registered agent at such address is Chris Gross.

2:28;3:6-2020

MDJ-5849
GPN-06
BUSINESS TO BE CONDUCTED UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB

The undersigned hereby certifies that they are conducting a business in the City of Powder Springs, County of Cobb, in the State of Georgia under the trade name:Lucky Couture Boutique and that the nature of said business is:online women clothing boutique and that said business is composed of the following:Nicole Owens 5502 Jamestowne Ct Powder Springs, GA 30127.
This 24th day of February, 2020.
Rebecca Keaton
Clerk of Superior Court
Cobb County
2:28;3:6-2020

MDJ-5850
GPN-06
BUSINESS TO BE CONDUCTED

8065 Planning Commission

Daniel Street (2235 Cooper Lake Rd; 2001 Daniel Street). (Continued by the Planning Commission from the December 3, 2019 Planning Commission hearing until the February 5, 2020 Planning Commission hearing; Continued by Staff from the February 5, 2020 Planning Commission hearing until the March 3, 2020 Planning Commission hearing).

SLUP-4(2019) A-1 AUTO CORES, LLC (A1 Machine and Mold Incorporated, owner) requesting a Special Land Use Permit for the purpose of an auto salvage in Land Lot 292 of the 17th District. Located on the north side of Pearl Street and on the west side of West Atlanta Street (778 West Atlanta Street). (Continued by Staff from the March 5, 2019 through February 5, 2020 Planning Commission hearings until the March 3, 2020 Planning Commission hearing).

SLUP-17(2019) ST. BENEDICTS EPISCOPAL DAY SCHOOL, INC. (Cooper Lake-Daniel, LLC, owner) requesting a Special Land Use Permit for the purpose of a private school (expansion of grades 5-8) in Land Lot 695 of the 17th District. Located on the intersection of the northwest side of Cooper Lake Road and the north side of Daniel Street; northeasterly side of Daniel Street (2235 Cooper Lake Road and 2001 Daniel Street). (Continued by the Planning Commission from the December 3, 2019 Planning Commission hearing and the February 5, 2020 Planning Commission hearings until the March 3, 2020 Planning Commission hearing).

Z-1(2020) KNOLL CONSTRUCTION, LLC (Blackstock Properties, LLC, owner) requesting rezoning from R-20 to NRC for the purpose of an office/retail building in Land Lot 789 of the 19th District, Located at the northwest corner of Ernest Barrett Parkway and Powder Springs Road and on the western side of Crane Drive (2650 Powder Springs Road). (Previously continued by the Planning Commission from the February 5, 2020 Planning Commission hearing until the March 3, 2020 Planning Commission hearing).

Z-3(2020) DAVID MENNA (David C. Menna, owner) requesting rezoning from R-20 to R-15 for the purpose of residential subdivision in Land Lot 12 of the 20th District. Located at the southeast corner of Baker Road and Woodstock Road (2930 Baker Road). (Previously continued by Staff from the February 5, 2020 Planning Commission hearing until the March 3, 2020 Planning Commission hearing).

Z-7(2020) SEVEN SPRINGS DEVELOPMENT CO., INC. (Estate of Berma Beatrice Brumbelow, owner) requesting rezoning from R-30 to RSL for the purpose of a senior living subdivision in Land Lot 586 of the 19th District. Located on the north side of Moon Road, west of Florence Road. (Previously continued by the Planning Commission from the February 5, 2020 Planning Commission hearing until the March 3, 2020 Planning Commission hearing).

Z-11(2020) CAMERON GENERAL CONTRACTORS, INC. (Patricia B-

8065 Planning Commission

To consider a stipulation and site plan amendment for Shallowford Wash Leasing, LLC regarding case Z-12 of 1995 for property located on the south side of Shallowford Road, east of Lassiter Road, in Land Lot 400 of the 16th District (3950 Shallowford Road).

ITEM OB-11-2020
To consider a stipulation and site plan amendment for TRG Construction regarding case Z-104 of 1997 for property located on the north side of the East West Connector, east of Powder Springs Road, in Land Lot 788 of the 19th District (2760 East West Connector).

ITEM OB-12-2020
To consider a request for a gated community for Abbas Heidari regarding property located on the southeast side of Paper Mill Road, east of Gateside Place in Land Lots 5, 6 and 74 of the 1st District.

ITEM OB-13-2020
To consider a stipulation amendment for Pulte Home Company, LLC regarding case Z-5 of 2018 for property located on the southwest side of Olde Towne Parkway, east of Johnson Ferry Road, in Land Lot 86 of the 1st District (Olde Towne Parkway).

ITEM OB-14-2020
To consider a stipulation and site plan amendment for John and Nino Soricelli regarding case Z-11 of 1993 for property located on the north side of Chartley Lane, north of Chartley Circle, in Land Lot 102 of the 1st District (3433 Chartley Lane).

ITEM OB-15-2020
To consider a stipulation and site plan amendment for Annabek, LLC regarding case Z-72 of 2019 for property located on the north, south and west sides of Lake Careca Road, west of Hartman Road, in Land Lots 699 and 700 of the 18th District (Lake Careca Road).

NOTE:"Pursuant to the Official Code of Cobb County, Zoning Section 134-124 (b) the Cobb County Board of Commissioners is authorized to consider and may consider all constitutionally permissible zoning classification(s), including, but not limited to, intervening classification(s) and/or the classification(s) sought by the applicant".

The exact description of the property sought to be rezoned is on file in the office of the Cobb County Community Development, Zoning Division, 1150 Powder Springs Street, Suite 400, Marietta, Georgia 30064 and available for inspection by interested citizens between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

Hearing on said petitions will be heard by the Commission at 9:00 a.m. on the prescribed hearing date. The public hearing will be held in the Second Floor Commissioners Meeting Room, Cobb County Building, 100 Cherokee Street, Marietta, Georgia, 30090.

Anyone wishing to attend this public hearing may do so and be heard relative thereto. Any person wishing to speak before the Planning Commission must file a contribution disclosure statement if, and only if, the monetary contribution was made within

8065 Planning Commission

MDJ-5841
GPN-13
CITY OF KENNESAW
PUBLIC NOTICE

Notice is hereby given that the City of Kennesaw shall hold a public hearing to give consideration to transmitting the updated draft of the required Capital Improvement Element and Short-term work program report for 2020-2024 to the Atlanta Regional Commission and Department of Community Affairs for review. These updates are necessary for the City of Kennesaw to maintain qualified local government status.

A copy of the draft is on file in the City Hall in the Planning and Zoning Office for viewing during normal business hours of 8:00am to 5:00pm Monday through Friday. City of Kennesaw is soliciting input from the public on these updates. Mayor and Council will consider adoption of these updates later in 2020 at a scheduled public hearing following public notice.

The Mayor and Council shall hold a public hearing on this matter on March 16, 2020 at 6:30pm meeting to be held at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.

Darryl Simmons
Planning and Zoning Administrator
2:28;3:6-2020

MDJ-5842
GPN-13
City of Kennesaw
Public Notice

Notice is hereby given that the City of Kennesaw shall hold public hearings to amend the Unified Development Code. The proposed amendment is to amend APPENDIX A "UNIFIED DEVELOPMENT CODE", CHAPTER 1 "GENERAL PROVISIONS", SECTION 1.09.02 "DEFINITIONS", and CREATING A NEW SECTION UNDER CHAPTER 4 SECTION 4.06.00 "UNIVERSITY LIVING-PBSH" (purpose built student housing).

Copy of the amendment to the Unified Development Code is on file in the Office of Planning and Zoning during normal business hours, Monday-Friday from 8am to 5pm for public viewing. The Planning Commission held their first public hearing on February 05, 2020 at 7:00pm and the scheduled hearing and adoption by the Mayor and Council will be continued to the March 16, 2020 meeting at 6:30pm. The meeting will be held in the Kennesaw City Council Chambers, 2529 J.O. Stephenson Avenue, Kennesaw, GA. All interested persons may attend and be heard relative there to.

Darryl Simmons
Zoning Administrator
2:28;3:6-2020

8070 Probate

MDJ-5327
GPN-18
IN THE PROBATE COURT OF COBB COUNTY

8055 Incorporation

MDJ-4860
GPN-6
BUSINESS TO BE CONDUCTED UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB

The undersigned hereby certifies that

MDJ-4934
GPN-6
BUSINESS TO BE CONDUCTED UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB

The undersigned hereby certifies that they are conducting a business in the City of Kennesaw, County of Cobb, in the State of Georgia under the trade name: Plan Share Admin and that the nature of said business is: Consulting/Insurance and that said business is composed of the following: Brian David Miller, LLC 1398 Kings Park Drive NW Kennesaw, GA 30152.
This 10th day of January, 2020.

Rebecca Keaton
Clerk of Superior Court
Cobb County
1:24,31-2020

MDJ-4938
GPN-6
NOTICE OF INTENT TO VOLUNTARILY DISSOLVE A CORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is given that a Notice of Intent to Dissolve Candy Man, Inc. a Georgia Business Corporation, with its registered office at 2750 Jiles Road, Suite 108, Kennesaw, Cobb County Georgia 30144 have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code.

1:24,31-2020

MDJ-4949
GPN-6
NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is given that Articles of Incorporation which incorporate Vartex Mechanical, Inc. have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The initial registered office of the corporation is located at 1150 Holland Road Powder Springs, Cobb County, Georgia 30127 and its initial registered agent at such address is Shazie Ali.

1:24,31-2020

8055 Incorporation

MDJ-4961
GPN-06
APPLICATION TO REGISTER BUSINESS TO BE CONDUCTED UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB

8065 Planning Commission

MDJ-4724
GPN-13
CITY OF KENNESAW
PUBLIC NOTICE

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for adoption of the official 2020 Zoning Map for the City of Kennesaw. A copy of the map is on file in City Hall in the Planning and Zoning Office for viewing during normal business hours of 8:00am-5:00pm Monday through Friday.
Said meetings shall be held before the Planning Commission on February 5, 2020, at 7:00P.M. with the Mayor and Council Mayor considering adoption at a proper public meeting to be held February 17, 2020 at 6:30P.M. Both meetings are to be held at 2529 J. O. Stephenson Avenue, Kennesaw, Georgia. Any interested citizens may attend and be heard.

Darryl Simmons
Planning and Zoning Administrator
1:17,24-2020

MDJ-4773
GPN-13
City of Kennesaw
Public Notice

Notice is hereby given that the City of Kennesaw shall hold public hearings to amend the Unified Development Code. The proposed amendment is to amend APPENDIX A UNIFIED DEVELOPMENT CODE, CHAPTER 1 GENERAL PROVISIONS, SECTION 1.09.02 DEFINITIONS, ADDING A NEW SECTION UNDER CHAPTER 4 SECTION 4.06.00 UNIVERSITY LIVING-PBSH (purpose built student housing)
Copy of the amendment to the Unified Development Code is on file in the Office of Planning and Zoning during normal business hours, Monday-Friday from 8am to 5pm for public viewing. The Planning Commission shall hold the first public hearing on February 05, 2020 at 7:00pm with a final scheduled hearing and adoption by the Mayor and Council to be considered on February 17, 2020 at 6:30pm. Meetings will be held in the Kennesaw City

8065 Planning Commission

Council Chambers, 2529 J.O. Stephenson Avenue, Kennesaw, GA. All interested persons may attend and be heard relative there to.

Darryl Simmons
Zoning Administrator
1:17,24-2020

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mission hearing).
Z-56(2019) **KO MANAGEMENT, INC.** (The Estate of Lewis E. Lee; KO Management, Inc., owner) requesting rezoning from R-20 and NRC to RA-5 for the purpose of a residential subdivision in Land Lots 37 and 39 of the 17th and 18th District. Located on the West side of Mableton Parkway; north side of Wood Valley Road; and on the east side of Glore Circle. (Continued by Staff from the September 3, 2019 Planning Commission hearing until the October 1, 2019 Planning Commission hearing; Held by the Planning Commission from the October 1, 2019 Planning Commission hearing until the November 5, 2019 Planning Commission hearing; Continued by the Planning Commission from the November 5, 2019 Planning Commission hearing until the December 3, 2019 Planning Commission hearing; Held by the Planning Commission from the December 3, 2019 Planning Commission hearing until the February 5, 2020 Planning Commission hearing).
Z-62(2019) **EMBRY DEVELOPMENT COMPANY, LLC** (Estate of Opal Williams Milam, owner) requesting rezoning from R-20 to PVC for the purpose of mixed use in Land Lots 77, 78, 155 and 156 of the 18th District. Located on West side of Mableton Parkway, southwest side of Old Powder Springs Road, north side of Boggs Road, north side of Patricia Lane, on the north side of Lynne Circle, on the east and west sides of Milam Drive, on the south side of Sunset Boulevard (not open) and on the east and west sides of Gloria Circle (not open) (Multiple addresses in application). (Continued by Staff from the October 1, 2019 Planning Commission hearing through the December 3, 2019 Planning Commission hearings until the February 5, 2020 Planning Commission hearing).
Z-67(2019) **20 HOLDINGS, LLC** (20 Holdings, LLC; Eastside Baptist Church, Inc., owners) requesting rezoning from R-20 to RM-8 for the purpose of townhomes in Land Lots 208, 209, and 225 of the 17th District. Located on the southeast intersection of Sandtown Road and Osborne Road; northwesterly intersection of Austell Road and Sandtown Road (1501, 1521

8065 Planning Commission

Sandtown Road and a portion of 1528 Austell Road). (Continued by the Planning Commission from the November 5, 2019 Planning Commission hearing and the December 3, 2019 Planning Commission hearing until the February 5, 2020 Planning Commission hearing).
Z-11 **SOUTHERN PRIDE, LLC** (Southern Pride, LLC, owner) requesting rezoning from R-30, NRC, PSC and GC to RSL for the purpose of non-supportive senior living in Land Lots 66 and 83 of the 19th District. Located at the southeast corner of Dallas Highway and McConnell Road (691 McConnell Road).
Z-12 **YASMIN BENICHAY-BITON** (Lior Biton and Ronen Shafiki, owners) requesting rezoning from CF to R-12 for the purpose of single-family houses in Land Lot 180 of the 17th District. Located on the northwest side of Cooper Lake Road, north of Veterans Memorial Highway
(9 and 11 Cooper Lake Road).
Z-13 **ARTURO MARTINEZ** (Iglesia Misionera Roca De Salvacion, Inc., owner) requesting rezoning from PSC to NRC for the purpose of a church in Land Lot 190 of the 18th District. Located at the southwest intersection of Mableton Parkway and Boggs Road (6170 and 6190 Mableton Pkwy, and 529 Boggs Road).
Z-14 **ANDRES ESTRADA** (Atlanta Safety Brake Service, Inc., owner) requesting rezoning from GC to NRC for the purpose of light auto repair and office in Land Lot 34 of the 18th District. Located at the western end of Sydney Ann Boulevard, and on the east side of James Road (1498 Sydney Ann Boulevard).
Z-15 **MORGAN HOUSE PCH, LLC** (Susan Ndungu, owner) requesting rezoning from NRC to NRC for the purpose of a personal care home in Land Lot 588 of the 16th District. Located on the south side of Chesterfield Drive and on the east side of Canton Road (2670 Canton Road).
Z-16 **KOTA PROPERTIES, INC.** (Petinos, LLC, owner) requesting rezoning from NRC to NRC for the purpose of revising the zoning stipulation from case Z-151 of 2004 to allow other restaurants and uses in Land Lots 475 and 476 of the 19th District. Located at the northwest corner of Powder Springs Road and Grove Valley Drive (private road). 1812 Powder Springs Road. (Withdrawn without prejudice).
Z-17 **ARPIT PATEL** (Arpitkumar M. Patel and Avani A. Patel, owners) requesting rezoning from LRC to NRC for the purpose of a convenience store

8065 Planning Commission

with fuel sales in Land Lots 274 and 303 of the 17th District. Located at the southwest corner of Windy Hill Road and Benson Poole Road (470 and 478 Windy Hill Road).
Z-18 **THE REVIVE LAND GROUP, LLC** (380 Allen Street, LLC owner) re-

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The contribution aggregates to a sum total of $250.00 or more.
This disclosure statement must be submitted to the Zoning Division Office by mail to P. O. Box 649, Marietta, Georgia 30061 or in person at 1150 Powder Springs Street, Suite 400, Marietta, Georgia 30064 within five (5) days before the public hearing.
Additionally, if you believe you need any special accommodations in order to attend these public hearings, please contact the County Clerks Office at 770-528-3307 no later than 48 hours before the date of the above meeting.

1:24-2020

MDJ-4906
GPN-13
COBB COUNTY
BOARD OF COMMISSIONERS
ZONING HEARING
"OTHER BUSINESS"
FEBRUARY 18, 2020

ITEM OB-9-2020
To consider a stipulation amendment for Amber-Shea, LLC regarding rezoning application Z-13 of 2019, for property located on the south side of Veterans Memorial Highway and the north side of Old Powder Springs Road in Land Lot 1298 of the 19th District (1311 Veterans Memorial Highway).

1:24-2020

8070 Probate

MDJ-4512
GPN-18
IN THE PROBATE COURT OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF JAMES EARL LIGON III, DECEASED
ESTATE NO. 19-2364
PETITION FOR LETTERS OF ADMINISTRATION
NOTICE

TO: whom it may concern:
MICHAELA ANNE LIGON has petitioned to be appointed Administrators of the estate of JAMES EARL LIGON, III deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All

8070 Probate

interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before JANUARY 27, 2020.

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of the estate of MELANIE RUTH GREEN deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before JANUARY 27, 2020.
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Kelli L. Wolk
Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
1:3,10,17,24-2020

MDJ-4517
GPN-18
IN THE PROBATE COURT OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF JOHN VICTOR SPENCER DECEASED
ESTATE NO. 19-2387
PETITION FOR LETTERS OF ADMINISTRATION
NOTICE

TO: TO WHOM IT MAY CONCERN
LINDA KUBAS SPENCER has petitioned to be appointed Administrator of the estate of JOHN VICTOR SPENCER deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Peti-

ture of said business is:trucking and that said business is composed of the following:KJB TRANSPORT 567 Chorring Cross Drive Marietta, GA 30066.
This 8th day of January, 2020.
Rebecca Keaton
Clerk of Superior Court
Cobb County
1:17,24-2020

MDJ-4771
GPN-06
APPLICATION TO REGISTER BUSINESS TO BE CONDUCTED UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB

The undersigned hereby certifies that they are conducting a business in the City of Smyrna/Marietta, County of Cobb, in the State of Georgia under the trade name:Champion Focused Leadership Consulting and that the nature of said business is:consulting & training courses and that said business is composed of the following:Sandra Gains 1105 Queensgate Dr Smyrna, GA 30082.
This 8th day of January, 2020.
Rebecca Keaton
Clerk of Superior Court
Cobb County
1:17,24-2020

MDJ-4772
GPN-06
APPLICATION TO REGISTER BUSINESS TO BE CONDUCTED UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB

The undersigned hereby certifies that they are conducting a business in the City of Acworth, County of Cobb, in the State of Georgia under the trade name:EXOTIC ZEN and that the nature of said business is:plant design and that said business is composed of the following:JOSH GADDY & MERCEDES NORWOOD 473 Lake Park Terrace Acworth, GA 30101.
This 8th day of January, 2020.
Rebecca Keaton
Clerk of Superior Court
Cobb County
1:17,24-2020

MDJ-4776
GPN-6
NOTICE OF INTENT TO VOLUNTARILY DISSOLVE A CORPORATION

Notice is given that a Notice of Intent to Dissolve Merrimac Holdings, Inc. (the "Corporation"), a Georgia corporation with its registered office at 3350 Riverwood Parkway, Suite 1600, Atlanta, Cobb County, Georgia 30339, will be delivered to the Secretary of State for filing in accordance with the Geor-

The name of the Corporation shall be Specialty Builders Insurance Company.

Article 2.
Form of Organization
The Corporation shall be formed as a domestic surplus lines insurer and shall have perpetual duration.

Article 3.
Incorporators
The names and addresses of the five incorporators, all of whom are over 18 years of age, are of good moral character, and have not been convicted of a crime involving moral turpitude are as follows:
Patrick John Mitchell
517 Gramercy Dr.
Marietta, GA 30068
John Stephen Berry
337 Lands Mill
Marietta, GA 30067
Mark Gromek
900 Woodsmith Lane
Johns Creek, GA 30099
Ellen Graham Smith
1549 N. Springs Dr.
Dunwoody, GA 30338
Shawn Andrew Stinson
3884 Wakfield Hall Sq.
Smyrna, GA 30080
All of the incorporators are citizens of the United States and residents of the state of Georgia.

Article 4.
Kinds of Insurance the Corporation is formed to transact
The Corporation is hereby formed as a domestic surplus lines insurer to conduct property and casualty insurance as defined in Chapter 7 of the Official Code of Georgia.

Article 5.
Authorized capital stock and par value of each share
The Corporation shall be a stock insurance company authorized to issue ten thousand (10,000) shares of common stock with a par value of $500 per share.

Article 6.
Initial Directors
The Board of Directors shall consist of not less than three (3) nor more than nine (9) persons. The Board of Directors shall conduct the affairs of the Corporation and the precise number of members shall be fixed from time to time in accordance with the Bylaws of the Corporation. Initially, the Board of Directors shall consist of three (3) persons, whose names and addresses are as follows and each of whom is a resident of the State of Georgia and a citizen of the United States:
Mark Gromek
900 Woodsmith Lane
Johns Creek, GA 30099
Patrick John Mitchell
517 Gramercy Dr.

dress is Richard C. Hummel, III.
1:17,24-2020

8065 Planning Commission

MDJ-4724
GPN-13
CITY OF KENNESAW
PUBLIC NOTICE

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for adoption of the official 2020 Zoning Map for the City of Kennesaw. A copy of the map is on file in City Hall in the Planning and Zoning Office for viewing during normal business hours of 8:00am-5:00pm Monday through Friday.
Said meetings shall be held before the Planning Commission on February 5, 2020, at 7:00P.M. with the Mayor and Council Mayor considering adoption at a proper public meeting to be held February 17, 2020 at 6:30P.M. Both meetings are to be held at 2529 J. O. Stephenson Avenue, Kennesaw, Georgia. Any interested citizens may attend and be heard.
Darryl Simmons
Planning and Zoning Administrator
1:17,24-2020

MDJ-4773
GPN-13
City of Kennesaw
Public Notice

Notice is hereby given that the City of Kennesaw shall hold public hearings to amend the Unified Development Code. The proposed amendment is to amend APPENDIX A UNIFIED DEVELOPMENT CODE, CHAPTER 1 GENERAL PROVISIONS, SECTION 1.09.02 DEFINITIONS, ADDING A NEW SECTION UNDER CHAPTER 4 SECTION 4.06.00 UNIVERSITY LIVING-PBSH (purpose built student housing)
Copy of the amendment to the Unified Development Code is on file in the Office of Planning and Zoning during normal business hours, Monday-Friday from 8am to 5pm for public viewing. The Planning Commission shall hold the first public hearing on February 05, 2020 at 7:00pm with a final scheduled hearing and adoption by the Mayor and Council to be considered on February 17, 2020 at 6:30pm. Meetings will be held in the Kennesaw City Council Chambers, 2529 J.O. Stephenson Avenue, Kennesaw, GA. All interested persons may attend and be heard relative there to.
Darryl Simmons
Zoning Administrator
1:17,24-2020

MDJ-4811
GPN-13
CITY OF MARIETTA

PETITION FOR LETTERS OF ADMINISTRATION
NOTICE

TO: whom it may concern
LAUREN G. LEVINGER has petitioned to be appointed Administrator of the estate of ANITA LYNN FERCHAU deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before JANUARY 21, 2020.
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.
Tara C. Riddle
Associate Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770)528-1900
12:27-2019;1:3,10,17-2020

MDJ-4387
GPN-18
IN THE PROBATE COURT OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
JAMES ARTHUR HENDERSON, JR.,
DECEASED
ESTATE NO.19-2362
PETITION FOR LETTERS OF ADMINISTRATION
NOTICE

TO: AVERY HENDERSON by and through her Guardian Ad Litem, VICTORIA H. WATKINS, and to whom it may concern:
CRYSTAL VIZCAINO HENDERSON has petitioned to be appointed Administrator of the estate of JAMES ARTHUR HENDERSON, JR., deceased, of said County. The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261. All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the

MDJ-4391
GPN-18
IN THE PROBATE COURT OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
JOHN WESLEY THOMPSON, JR.
DECEASED
ESTATE NO.19-2331
PETITION FOR LETTERS OF ADMINISTRATION
NOTICE

TO: WHOM IT MAY CONCERN
ELIZABETH MARIE THOMPSON has petitioned to be appointed Administrator of the estate of JOHN WESLEY THOMPSON, JR. deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before JANUARY 21, 2020
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.
Tara C. Riddle
Associate Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
12:27-2019;1:3,10,17-2020

MDJ-4392
GPN-18
IN THE PROBATE COURT OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
CHARLES L. LOCKHART
DECEASED
ESTATE NO.19-2322
NOTICE OF PETITION TO FILE FOR YEARS SUPPORT

The Petition of JERRY A. LANDERS, JR., CONSERVATOR for BRENDA LOCKHART for a years support from the estate of CHARLES L. LOCKHART, Deceased, for Decedents Surviving Spouse, having been duly filed, all interested persons are hereby noti-

MDJ-4514
GPN-18
IN THE PROBATE COURT OF COBB COUNTY
STATE OF GEORGIA
IN RE:
DARLENE PAYNE,
DECEASED
ESTATE NO. 19-2388
NOTICE OF PETITION TO FILE FOR YEARS SUPPORT

The Petition of RICHARD EDWARD PAYNE, for a years support from the estate of DARLENE PAYNE, Deceased, for Decedents Surviving Spouse, having been duly filed, all interested persons are hereby notified to show cause, if any they have, on or before JANUARY 27, 2020, why said Petition should not be granted.
All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed on or before the time stated in the preceding sentence. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.
Kelli L. Walk,
Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770)528-1900
1:3,10,17,24-2020

MDJ-4515
GPN-18
IN THE PROBATE COURT OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
OLUBUNMI ASHEBU
DECEASED
ESTATE NO. 19-2230
PETITION FOR LETTERS OF ADMINISTRATION
NOTICE

TO: WHOM IT MAY CONCERN
DAVID ABIOLA ASHEBU has petitioned to be appointed Administrator of the estate of OLUBUNMI ASHEBU deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objec-

Regular Meeting Agenda
3/16/2020 6:30 PM
Council Chambers

Title of Item:	Authorization for approval of ORDINANCE for rezoning request submitted by Fountain Residential Partners.
	Property located at 1465 Shiloh Road being identified as Land Lot 60, Tax Parcel 31, 2nd Section, Cobb County. Said request to rezone property consisting of 4.4+/- acres. Project proposal is student built housing with a rezoning request from City R-30 to City RM-12. application was advertised in the Marietta Daily Journal on February 14, 2020 and February 21, 2020 with property posting on February 18, 2020. The Planning Commission, at a meeting held on March 04, 2020, made recommendation (vote 3-0) to approve the rezoning, subject to staff's recommendation with the following item #9 added and referenced in the applicant's attorney letter dated March 13, 2020: 1. *Reversionary clause that requires that construction permits and activity be initiated withing 24 months of the date of the rezoning and variance approval. Failure to obtain permits and start construction activity within the 24 month period will result in the reversion of the rezoning and variances and the property will revert back to the prior zoning of R-30.* 2. *Submission of a traffic impact study that demonstrates either the development will not have a negative impact on existing traffic conditions or that the negative impacts of the development can be mitigated through traffic improvements that will be incorporated as part of the development plan. Traffic counts shall be no more than three years old from date of the study and shall be taken during a time of year when the academic calendar is in session for nearby universities and schools.* 3. *All access for the development shall be an arterial or major collector roadway, as identified in the City of Kennesaw Unified Development Code or similar classification document.* 4. *Parking requirements: Sites shall be designed to accommodate on-site parking for at least one (1) vehicle per bedroom with*

Agenda Comments:	*additional parking for visitors total equals 263 parking spaces to be provided* 5. *Security requirements:* a. *The property management company shall submit a security plan in accordance with the standards of Crime Prevention through Environmental Design (CPTED). The security plan shall be submitted to the City of Kennesaw Police Department for review and safe-keeping and shall be updated annually at the beginning of each calendar year, no later than January 31. Any such security plan shall require that on-site management shall be required 24 hours per day, seven days per week.* b. *All access points on the property shall be secured with gated entry and shall be self-closing;* c. *The development shall be enclosed with a minimum eight (8)-foot high privacy fence along the entire property line.* d. *The property shall be equipped with a security camera system that shall be monitored by the property management company on-site. Any such system shall record and store video images located throughout the common areas, including the parking areas, and signs shall be posted throughout the development notifying residents and visitors of the security camera system;* e. *All common area doors and access gates shall be secured with electronic locks;* f. *All apartment units shall be equipped with a door that features a 180-degree peep hole;* g. *For every 200 parking spaces, the development shall feature at least one Emergency Blue Light Phone that is connected to the Cobb County Public Safety's 24-hour communications center and identify the phone location if the caller is unable to talk.* *Lighting: In order to ensure adequate illumination of the development and promote safety and security, the Parking Lot Design Guide standards set forth for Basic Enhanced Security, Security, and High Security as set forth in the Illuminating Engineering Society Lighting Handbook (IESNA), latest edition, as amended, is adopted as the standard for the installation and operating of lighting in parking lots.* **No over flow of light onto/into the adjacent property.** *6. All façade materials to be installed similar to the elevations provided by the applicant and be in compliance with the City of Kennesaw architectural Standards.* *7. Maximum height of building will be 35 feet as per the adopted zoning ordinance chapter one that defines how building height is measured.* *8. Maximum number of units allowed will be 52 units with a maximum of 241 beds.* ***9. Right side of property - minimum 5 foot buffer be installed.***

Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	3/13/2020	Ordinance
Fountain Residential Letter	3/13/2020	Backup Material
Shiloh Road Student Housing	3/13/2020	Presentation
Rezoning-Variance Application - 1465 Shiloh Road	3/2/2020	Backup Material
03-04-20 Planning Commission Minutes	3/13/2020	Minutes
design updates	3/5/2020	Backup Material
adopted comprehensive plan data	3/5/2020	Backup Material
Survey plat - 1465 Shiloh Road	1/22/2020	Backup Material
Site Plan - 1465 Shiloh Road	3/2/2020	Backup Material
opposing side attorney letter	3/5/2020	Backup Material
Floor plans - 1465 Shiloh Road	3/2/2020	Backup Material
Elevation photo - 1465 Shiloh Road	3/2/2020	Backup Material
Profile View from Shiloh Road	3/2/2020	Backup Material
Revised Staff Analysis	3/13/2020	Backup Material
MDJ Legals 2.14, 2.21.2020	2/21/2020	Legal Ad

CITY OF KENNESAW, GEORGIA

ORDINANCE NO. 2020

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF KENNESAW, GEORGIA SO AS TO CHANGE THE ZONING DISTRICT DESIGNATION FROM CITY R-30 TO CITY RM-12 PROPERTY LOCATED AT 1465 SHILOH ROAD (LAND LOT 60 TAX PARCEL 31)

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS:

WHEREAS, FOUNTAIN RESIDENTIAL PARTNERS, made application to amend the Official Zoning Map of the City of Kennesaw, Georgia so as to change the zoning designation from **CITY R-30 TO CITY RM-12** on property located at 1465 Shiloh Road, identified as Land Lot 60 Tax Parcel 31 (as more particularly described below); and

WHEREAS, notice was advertised in the Marietta Daily Journal on February 14, 2020 and February 21, 2020 of a public hearing before the Kennesaw Planning Commission held on March 04, 2020 and the Mayor and Council on March 16, 2020.

WHEREAS, the Kennesaw Planning Commission held a public hearing on this proposal at a meeting held on March 04, 2020; and

WHEREAS, the Mayor and Council held a public hearing to consider this proposal at a meeting held on March 16, 2020; and

WHEREAS, the Mayor and Council have determined that the proposed amendment to the Official Zoning Map is in the public interest and meets the standards established in the Kennesaw Zoning Code.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS.

SECTION 1. The Official Zoning Map of the City of Kennesaw, Georgia is hereby amended so as to change the zoning district designation from **CITY R-30 TO CITY RM-12** for the following described property

Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 60 OF THE 20TH DISTRICT, 2ND SECTION OF COBB COUNTY, GEORGIA, AS SHOWN BY PLAT OF SURVEY FOR PREPARED BY MERRITT & WELKER, ENGINEERS, DATED FEBRUARY, 1964, A COPY OF WHICH IS RECORDED IN PLAT BOOK 33, PAGE 41, COBB COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE:

BEGINNING AT A POINT ON THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD 296 FEET EAST OF THE INTERSECTION FORMED BY THE EAST RIGHT OF WAY OF AYERS DRIVE WITH THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD; THENCE RUNNING SOUTH 71 DEGREES 05 MINUTES EAST, FOR A DISTANCE OF 207.5 FEET TO A POINT; THENCE RUNNING SOUTH 62 DEGREES, 58 MINUTES EAST, FOR A DISTANCE OF 207.5 FEET TO A POINT AND CORNER; THENCE RUNNING SOUTH 03 DEGREES, 09 MINUTES WEST, FOR A DISTANCE OF 515.1 FEET TO A POINT AND CORNER; THENCE RUNNING NORTH 63 DEGREES, 40 MINUTES WEST, FOR A DISTANCE OF 408.7 FEET TO A POINT AND CORNER; THENCE RUNNING NORTH 1 DEGREE, 34 MINUTES EAST, FOR A DISTANCE OF 495 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD AND THE POINT OF BEGINNING.

SECTION 2. BE IT FURTHER ORDAINED THAT the amendment to the Official Zoning Map outlined in Section 1 above is adopted to change the zoning district designation from **CITY R-30 TO CITY RM-12 with conditions as noted:**

1. *Reversionary clause that requires that construction permits and activity be initiated within 24 months of the date of the rezoning and variance approval. Failure to obtain permits and start construction activity within the 24 month period will result in the reversion of the rezoning and variances and the property will revert back to the prior zoning of R-30.*
2. *Submission of a traffic impact study that demonstrates either the development will not have a negative impact on existing traffic conditions or that the negative impacts of the development can be mitigated through traffic improvements that will be incorporated as part of the development plan. Traffic counts shall be no more than three years old from date of the study and shall be taken during a time of year when the academic calendar is in session for nearby universities and schools.*
3. *All access for the development shall be an arterial or major collector roadway, as identified in the City of Kennesaw Unified Development Code or similar classification document.*
4. *Parking requirements: Sites shall be designed to accommodate on-site parking for at least one (1) vehicle per bedroom with additional parking for visitors total equals 263 parking spaces to be provided*
5. *Security requirements:*
   a. *The property management company shall submit a security plan in accordance with the standards of Crime Prevention through Environmental Design (CPTED). The security plan shall be submitted to the City of Kennesaw Police Department for review and safe-keeping and shall be updated annually at the beginning of each calendar year, no later than January 31. Any such security plan shall require that on-site management shall be required 24 hours per day, seven days per week.*
   b. *All access points on the property shall be secured with gated entry and shall be self-closing;*
   c. *The development shall be enclosed with a minimum eight (8)-foot high privacy fence along the entire property line.*

d. *The property shall be equipped with a security camera system that shall be monitored by the property management company on-site. Any such system shall record and store video images located throughout the common areas, including the parking areas, and signs shall be posted throughout the development notifying residents and visitors of the security camera system;*
e. *All common area doors and access gates shall be secured with electronic locks;*
f. *All apartment units shall be equipped with a door that features a 180-degree peep hole;*
g. *For every 200 parking spaces, the development shall feature at least one Emergency Blue Light Phone that is connected to the Cobb County Public Safety's 24-hour communications center and identify the phone location if the caller is unable to talk. Lighting: In order to ensure adequate illumination of the development and promote safety and security, the Parking Lot Design Guide standards set forth for Basic Enhanced Security, Security, and High Security as set forth in the Illuminating Engineering Society Lighting Handbook (IESNA), latest edition, as amended, is adopted as the standard for the installation and operating of lighting in parking lots.* ***No over flow of light onto/into the adjacent property.***

6. *All façade materials to be installed similar to the elevations provided by the applicant and be in compliance with the City of Kennesaw architectural Standards.*
7. *Maximum height of building will be 35 feet as per the adopted zoning ordinance chapter one that defines how building height is measured.*
8. *Maximum number of units allowed will be 52 units with a maximum of 241 beds.*
9. ***Right side of property - minimum 5 foot buffer be installed***

SECTION 3. BE IT FURTHER ORDAINED THAT it is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable, and if any section, paragraph, sentence, clause, and phrase is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance.

SECTION 4. BE IT FURTHER ORDAINED THAT this Ordinance shall become effective from and after its adoption and execution by the Mayor, pursuant to Section 2.11 of the City Charter of the City of Kennesaw.

PASSED AND ADOPTED by the Kennesaw City Council on this ____ day of March, 2020

ATTEST: CITY OF KENNESAW:

_____ _____

Debra Taylor, City Clerk Derek Easterling, Mayor

G. Douglas Dillard
404-665-1241

E-Mail
ddillard@dillardsellers.com

March 13, 2020

Via E-mail (dwrobleski@kennesaw-ga.gov)

Diane Wrobleski
Zoning Coordinator
Planning and Zoning
City of Kennesaw
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

Re: 1465 Shiloh Road Rezoning Request (RZ2020-01), Zoning Conditions

Dear Diane,

Please accept this letter on behalf of my client, Fountain Residential Partners, committing to the zoning conditions listed in the March 4, 2020 Planning Commission Summary (see attached for reference). As the Applicant in the above-referenced zoning request, Fountain Residential commits to fulfilling the conditions proposed by City Planning and Zoning Staff, pending request approval by City Council. Fountain Residential also commits to those additional conditions proposed by Planning Commission (including conditions related to site access, privacy fence height, overflow lighting, and property buffer), pending final approval by City Council.

Additionally, this letter confirms final submission of our revised site plan based on Planning Commission comments and recommendations. This current conceptual zoning site plan is submitted for review and consideration by City Council and includes 52 units (241 bedrooms).

Thank you for your consideration, and please let us know if you have any additional questions.

Sincerely,

DILLARD SELLERS

/s/ G. Douglas Dillard
G. Douglas Dillard
R. Baxter Russell

Enclosure

cc: Darryl Simmons (dsimmons@kennesaw-ga.gov)

00153634;1

Fountain Residential Partners

Shiloh Road Student Housing

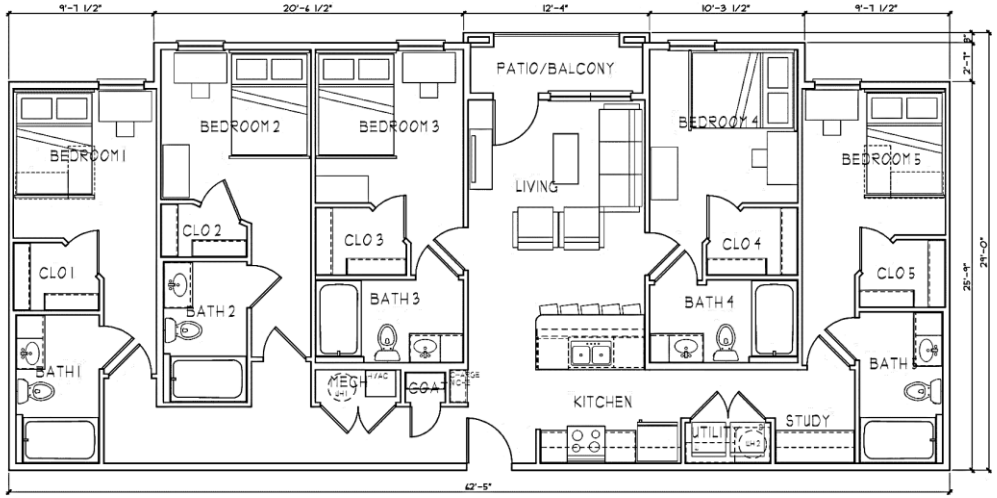
Architectural Site Plan

SITE SURFACE 10D COVERAGE CALCS	
LAND AREA	192,025.00
SURFACE PAVEMENT	89,029.00
ELEVATED DECK	0.00
APARTMENTS	45,397.00
bldg covrage area	45,397.00
COVERAGE	134,426.00
IMPERVIOUS %	70.00
BLDG COVERAGE	23.64

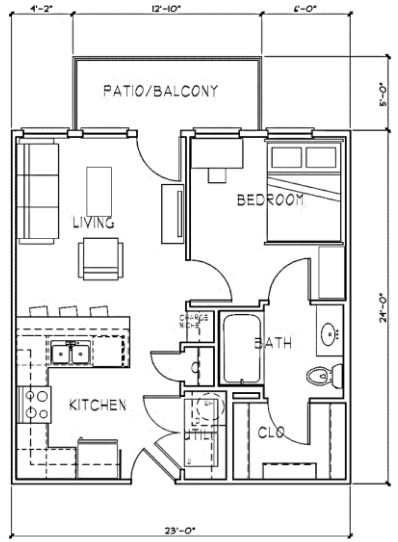
SITEBASE SURFACE 10D							
UNIT TYPE	#/FLR	TOTAL #	BED CNT	NET/UNIT	GROSS/UNIT	TOTAL NET	TOTAL GROSS
B1	1	2	4	801	897	1,602	1,794
D1	1	3	8	1,078	1,189	3,234	3,567
D2	2	6	24	1,319	1,437	7,914	8,622
E1	14	41	205	1,600	1,727	65,600	70,807
	18	52	241			78,350	84,790

LEASING AND AMENITY 4,676
PARKING 263 SPACES

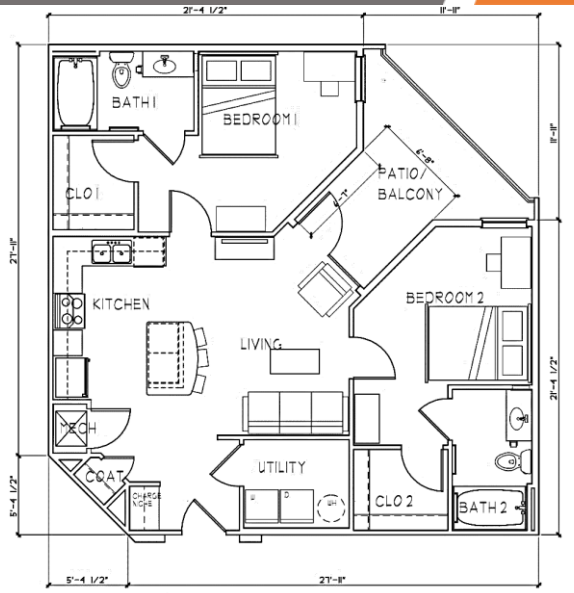
Architectural Unit Plans



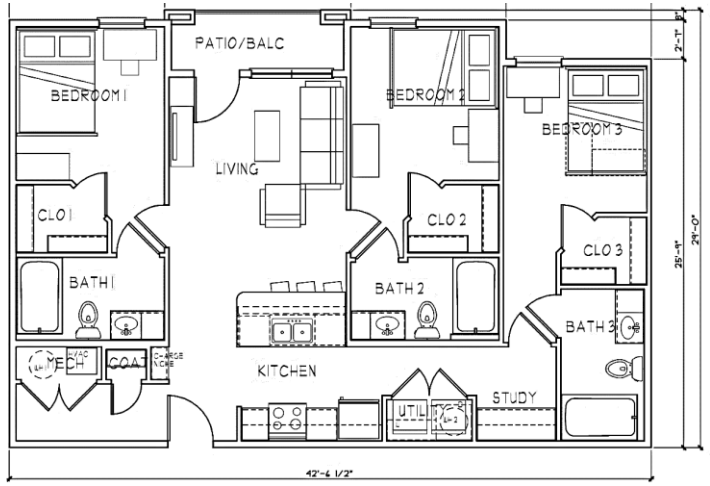
E1 FIVE BEDROOM FIVE BATH
SCALE: 1/4" = 1'-0"
NET AREA 1,600 SF GROSS AREA 1,727 SF



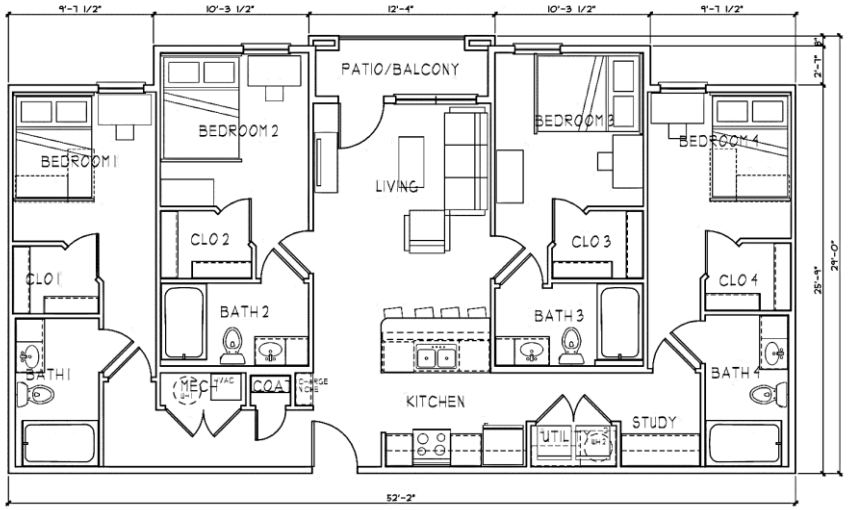
A1 ONE BEDROOM ONE BATH
SCALE: 1/4" = 1'-0"
NET AREA 520 SF GROSS AREA 616 SF



B2 TWO BEDROOM TWO BATH
SCALE: 1/4" = 1'-0"
NET AREA 862 SF GROSS AREA 1,033 SF



C1 THREE BEDROOM THREE BATH
SCALE: 1/4" = 1'-0"
NET AREA 1,078 SF GROSS AREA 1,189 SF



D1 FOUR BEDROOM FOUR BATH
SCALE: 1/4" = 1'-0"
NET AREA 1,319 SF GROSS AREA 1,437 SF

Kennesaw State University Growth

- Kennesaw State University is the Third Largest University in the State of Georgia behind Georgia State and the University of Georgia
- University enrollment grew by 6.7% for the 2019 school year to almost 38,000 students.
- KSU enrolled about 6,500 new freshmen students for Fall 2019, which is a 30-percent increase from 2018.
- U.S. News listed KSU 10th nationally and No. 1 in Georgia for admissions yield rate, meaning the percentage of students who choose to enroll once accepted.

Purpose-Built Student Housing

- Professionally managed by a specialized student housing management company adept in the product type.
- Rents “per bedroom” versus “per unit” with only one resident allowed per bedroom. Only one bed per bedroom is furnished. Rule is enforced by utility usage analysis and unit walks by management.
- Property will contain safety and security measures that will include, but not be limited to security cameras throughout, fully gated, electronic access, full-time management/maintenance, including staff that live on site, and Emergency Blue Light Phones.
- Current site plan abides 100% by the to-be-adopted PBSH Code proposed by the City of Kennesaw Planning Department, if adopted in the current form, without ANY request for variances.

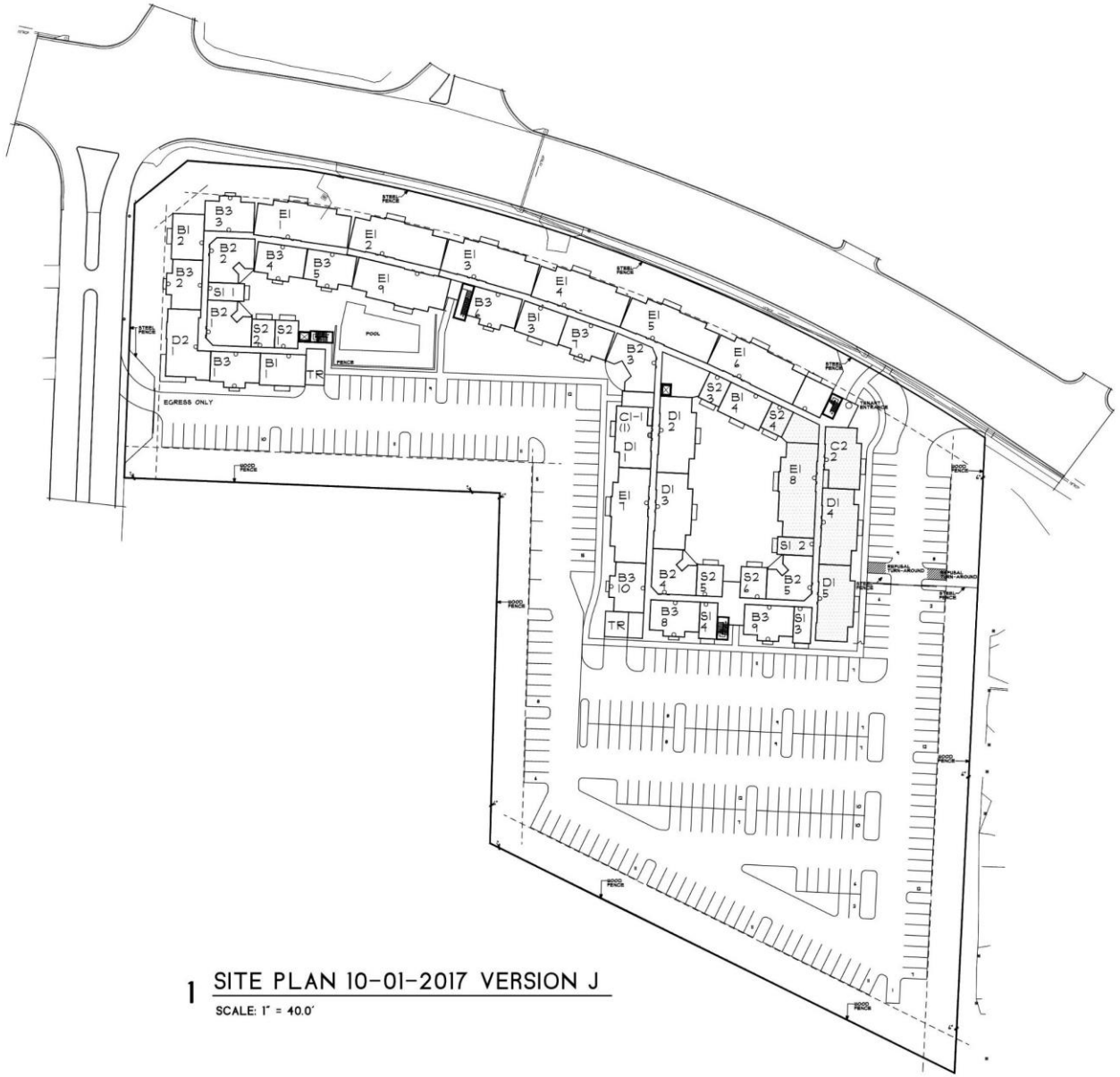
Salient Points of Discussion

- Parking: The site plan allows for 109% of parking spaces per bedroom, including ample visitor parking. This is roughly 30% more parking than has been designed for the highest parked developments Fountain Residential Partners has built in the last 6 years.
- Traffic: Site plan allows for abundant bicycle parking, ride sharing pickup locations, and for a KSU shuttle. Shortest route of travel to the KSU central parking garage is east down Shiloh Road and South on Frey Road. See Google Maps below for reference.
- Good Neighbors: Fountain Residential Partners has offered the adjacent single-family neighbors the opportunity to hand pick the species of trees to go on the property as part of the landscape buffer. Furthermore, the fence will be placed not at the property lines, but at the back of curb. All site lighting will be zero foot candles at the property line. Please see Line of Sight exhibit below.

Previous 2017 Zoning Site Plan

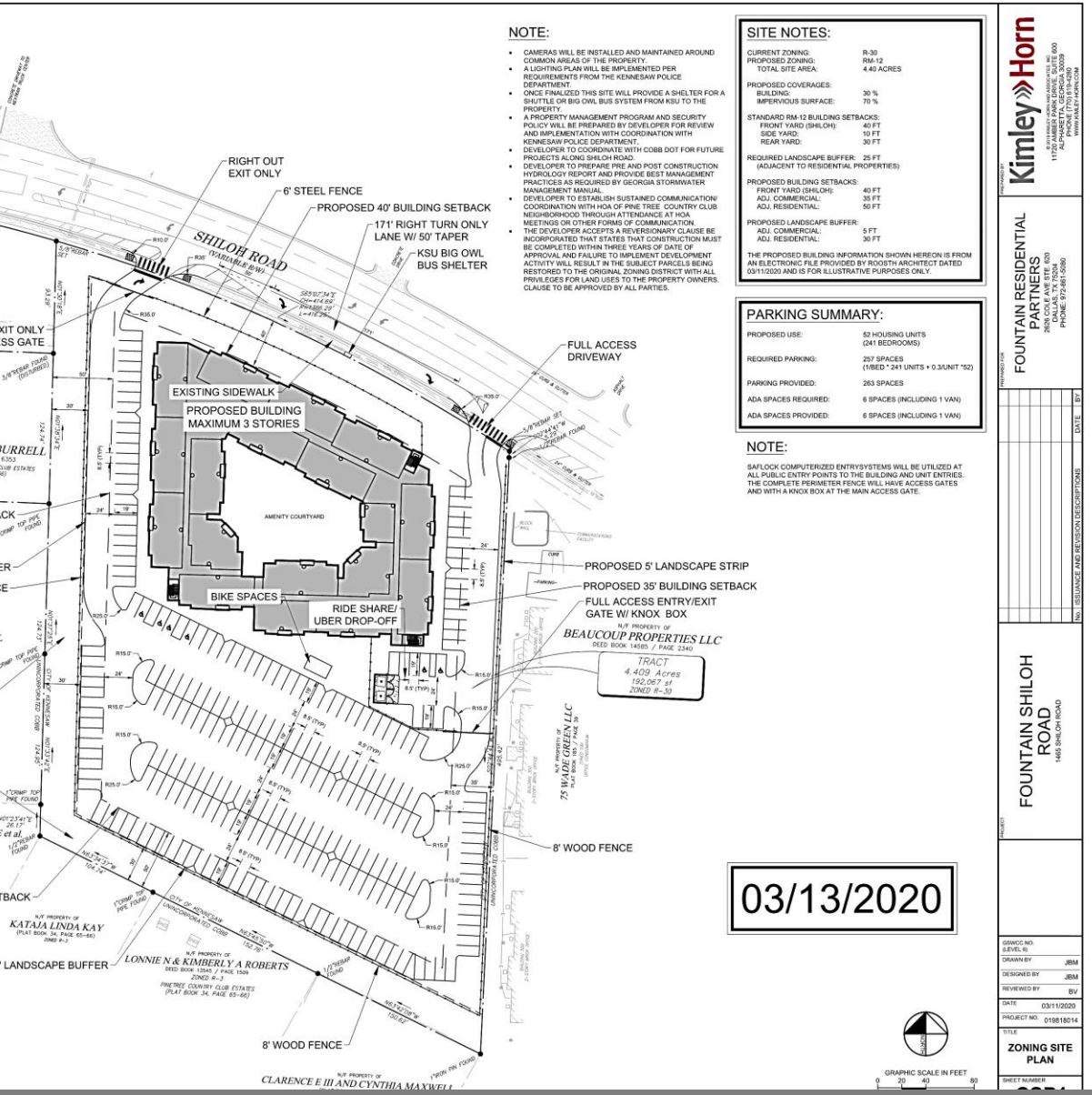
122 UNITS
354 BEDS
288 PARKING SPACES

VERSION J 3 STORY							
UNIT TYPE	1ST FLR	2ND FLR	3RD FLR	4TH FLR	TOTAL UNITS	BED/ UNIT	TOTAL BEDS
A1	1	1	1	0	3	1	3
B1	4	4	4	0	12	2	24
B2	5	5	5	0	15	2	30
B3	10	0	0	0	10	2	20
C1	1	1	1	0	3	3	9
D1	2	5	5	0	12	4	48
D2	1	1	1	0	3	4	12
E1	8	9	9	0	26	5	130
S1	3	4	4	0	11	1	11
S2	5	6	6	0	17	1	17
TH-5		10			10	5	50
					122		354



1 SITE PLAN 10-01-2017 VERSION J
SCALE: 1" = 40.0'

Zoning Site Plan



NOTE:

- CAMERAS WILL BE INSTALLED AND MAINTAINED AROUND COMMON AREAS OF THE PROPERTY.
- A LIGHTING PLAN WILL BE IMPLEMENTED PER REQUIREMENTS FROM THE KENNESAW POLICE DEPARTMENT.
- ONCE FINALIZED THIS SITE WILL PROVIDE A SHELTER FOR A SHUTTLE OR BIG OWL BUS SYSTEM FROM KSU TO THE PROPERTY.
- A PROPERTY MANAGEMENT PROGRAM AND SECURITY POLICY WILL BE PREPARED BY DEVELOPER FOR REVIEW AND IMPLEMENTATION WITH COORDINATION WITH KENNESAW POLICE DEPARTMENT.
- DEVELOPER TO COORDINATE WITH COBB DOT FOR FUTURE PROJECTS ALONG SHILOH ROAD.
- DEVELOPER TO PREPARE PRE AND POST CONSTRUCTION HYDROLOGY REPORT AND PROVIDE BEST MANAGEMENT PRACTICES AS REQUIRED BY GEORGIA STORMWATER MANAGEMENT MANUAL.
- DEVELOPER TO ESTABLISH SUSTAINED COMMUNICATION/ COORDINATION WITH HOA OF PINE TREE COUNTRY CLUB NEIGHBORHOOD THROUGH ATTENDANCE AT HOA MEETINGS OR OTHER FORMS OF COMMUNICATION.
- THE DEVELOPER ACCEPTS A REVERSIONARY CLAUSE BE INCORPORATED THAT STATES THAT CONSTRUCTION MUST BE COMPLETED WITHIN THREE YEARS OF DATE OF APPROVAL AND FAILURE TO IMPLEMENT DEVELOPMENT ACTIVITY WILL RESULT IN THE SUBJECT PARCELS BEING RESTORED TO THE ORIGINAL ZONING DISTRICT WITH ALL PRIVILEGES FOR LAND USES TO THE PROPERTY OWNERS. CLAUSE TO BE APPROVED BY ALL PARTIES.

SITE NOTES:

CURRENT ZONING:	R-30
PROPOSED ZONING:	RM-12
TOTAL SITE AREA:	4.40 ACRES
PROPOSED COVERAGES:	
BUILDING:	30 %
IMPERVIOUS SURFACE:	70 %
STANDARD RM-12 BUILDING SETBACKS:	
FRONT YARD (SHILOH):	40 FT
SIDE YARD:	10 FT
REAR YARD:	30 FT
REQUIRED LANDSCAPE BUFFER: (ADJACENT TO RESIDENTIAL PROPERTIES)	25 FT
PROPOSED BUILDING SETBACKS:	
FRONT YARD (SHILOH):	40 FT
ADJ. COMMERCIAL:	35 FT
ADJ. RESIDENTIAL:	50 FT
PROPOSED LANDSCAPE BUFFER:	
ADJ. COMMERCIAL:	5 FT
ADJ. RESIDENTIAL:	30 FT

THE PROPOSED BUILDING INFORMATION SHOWN HEREON IS FROM AN ELECTRONIC FILE PROVIDED BY ROOSTH ARCHITECT DATED 03/11/2020 AND IS FOR ILLUSTRATIVE PURPOSES ONLY.

PARKING SUMMARY:

PROPOSED USE:	52 HOUSING UNITS (241 BEDROOMS)
REQUIRED PARKING:	257 SPACES (1/BED * 241 UNITS + 0.3/UNIT *52)
PARKING PROVIDED:	263 SPACES
ADA SPACES REQUIRED:	6 SPACES (INCLUDING 1 VAN)
ADA SPACES PROVIDED:	6 SPACES (INCLUDING 1 VAN)

NOTE:

SAFLOCK COMPUTERIZED ENTRYSYSTEMS WILL BE UTILIZED AT ALL PUBLIC ENTRY POINTS TO THE BUILDING AND UNIT ENTRIES. THE COMPLETE PERIMETER FENCE WILL HAVE ACCESS GATES AND WITH A KNOX BOX AT THE MAIN ACCESS GATE.

03/13/2020

Kimley»Horn

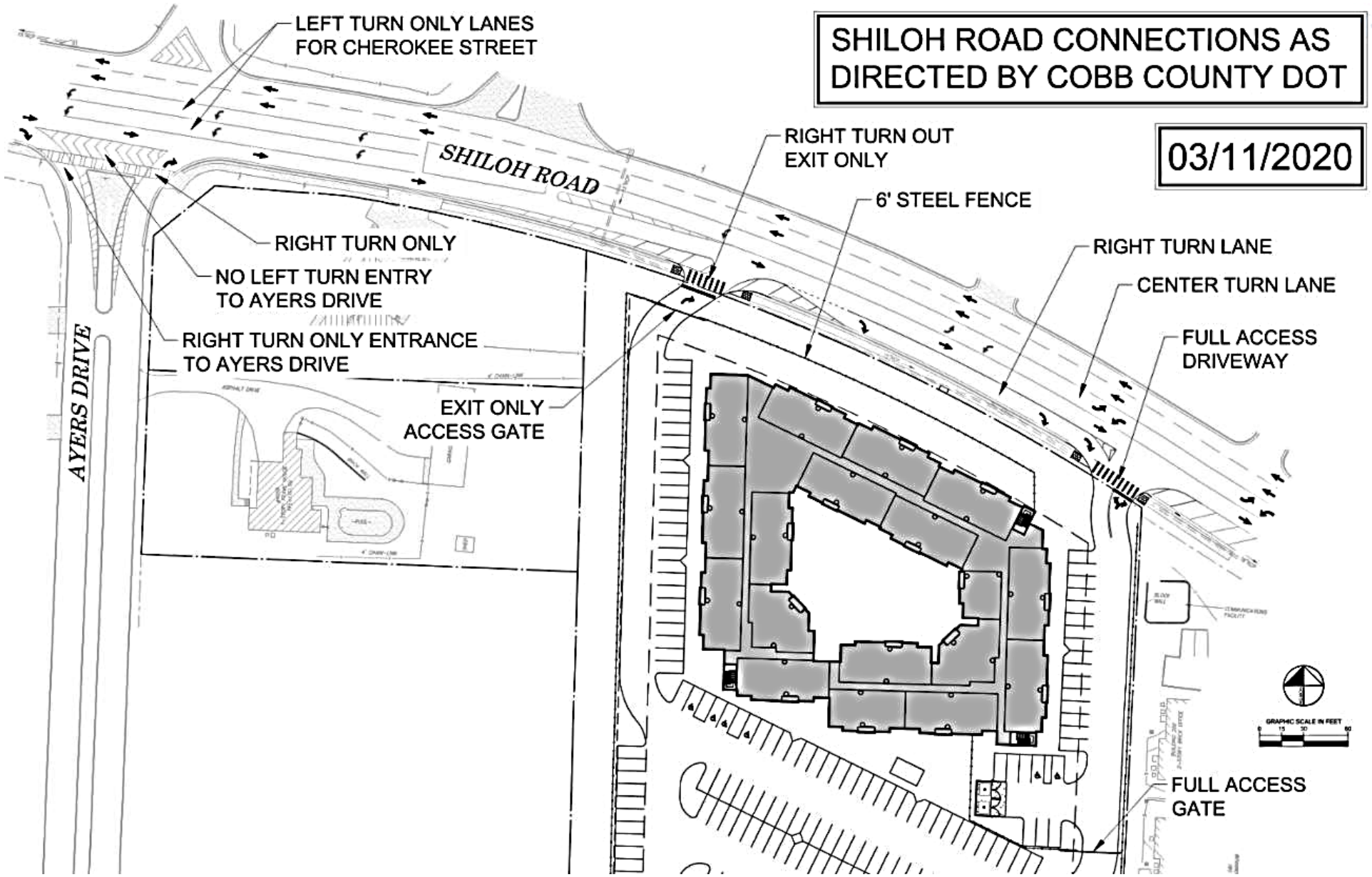
FOUNTAIN RESIDENTIAL PARTNERS
2636 COLE AVE STE 820
DALLAS, TX 75204
PHONE: 972-661-5090

FOUNTAIN SHILOH ROAD
1465 SHILOH ROAD

No.	ISSUANCE AND REVISION DESCRIPTIONS	DATE	BY

GSWCC NO. (LEVEL III)	
DRAWN BY	JBM
DESIGNED BY	JBM
REVIEWED BY	BV
DATE	03/11/2020
PROJECT NO.	019818014
TITLE	ZONING SITE PLAN
SHEET NUMBER	

Shiloh Road Connections as Directed by Cobb County DOT



Aerial of Site

Office Park – View West – Towards Student Housing Project

Office Park – View South – South from Shiloh Road

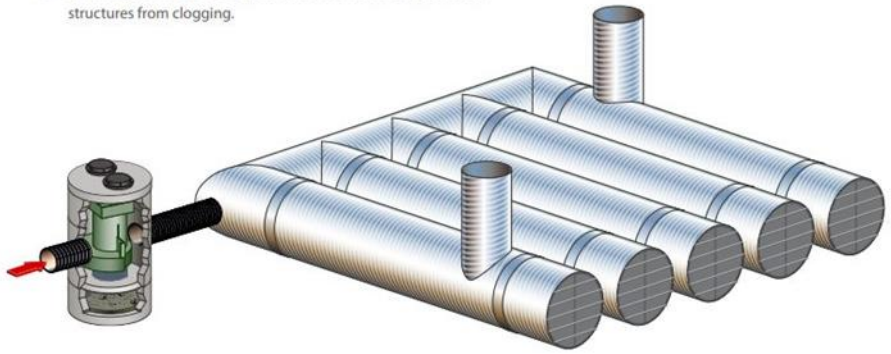
Office Park – View West – Near Shiloh Road

Stormwater Detention, Infiltration & Water Quality

The Need for Effective Pretreatment

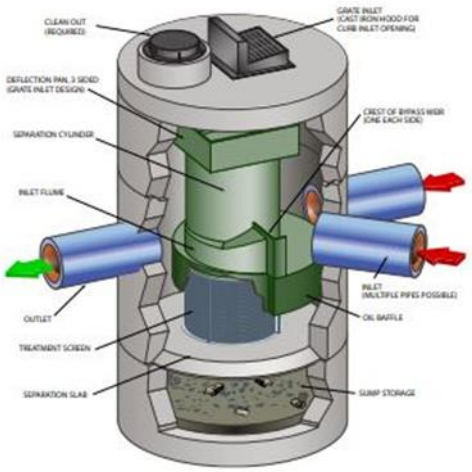
Infiltration systems have multiple components, and one of the most important is pretreatment. The purpose of a pretreatment device is to prolong the life of the infiltration system by removing debris and sediment that can collect on the invert and within the stone backfill voids. Pretreatment will maintain the efficiency of an infiltration system as well as extend the life cycle, therefore preventing a premature replacement. Pretreatment also offers these additional benefits:

- Easier to clean and maintain compared to the infiltration system itself.
- Cost savings due to the extended service life of the system.
- Removing trash and debris protects downstream outlet control structures from clogging.



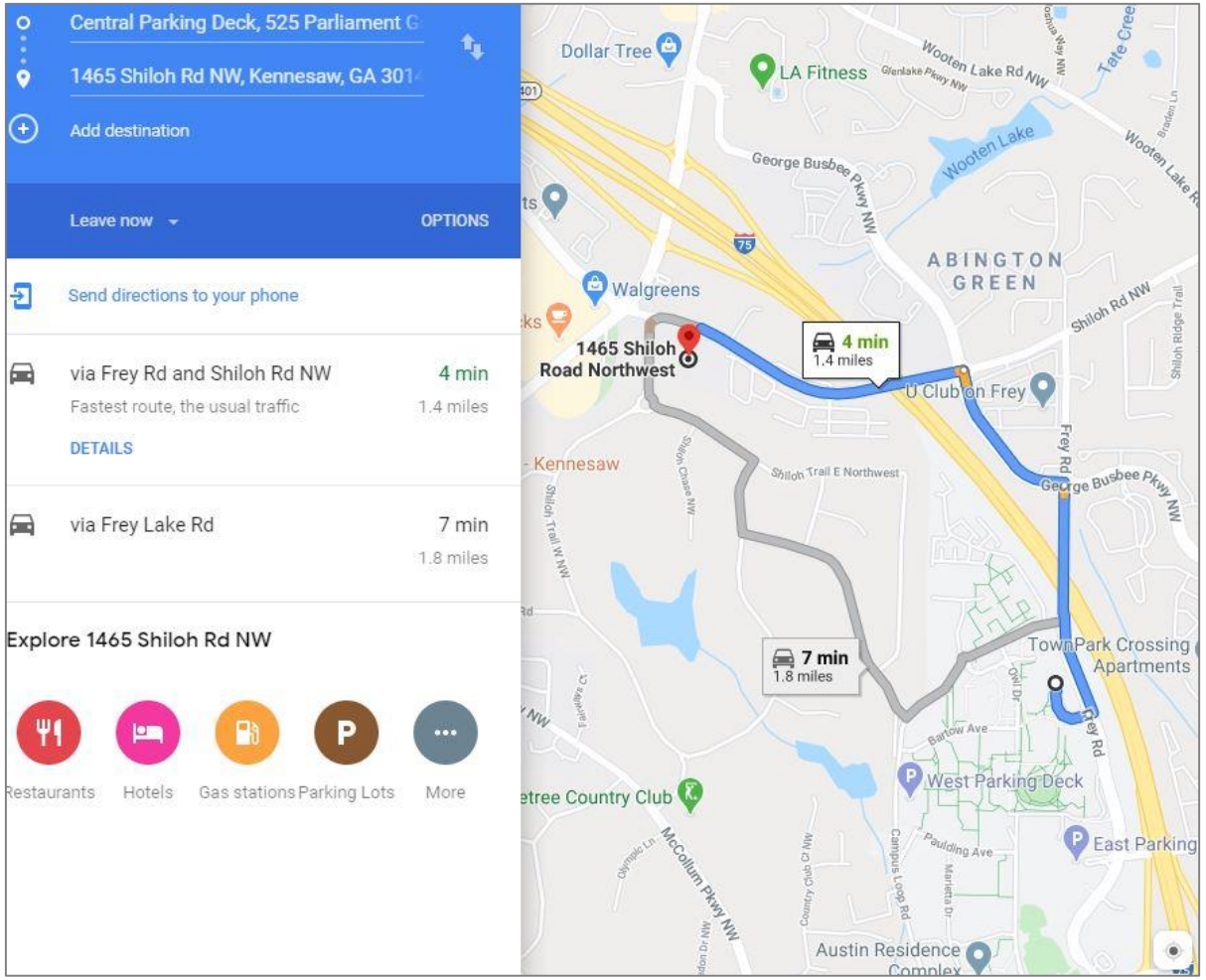
CDS® Advantages

- Grate inlet option available
- Internal bypass weir
- Accepts multiple inlets at a variety of angles
- Advanced hydrodynamic separator
- Captures and retains 100% of floatables and neutrally buoyant debris 4.7 mm or larger
- Indirect screening capability keeps screen from clogging
- Retention of all captured pollutants, even at high flows
- Performance verified by NJCAT, WA Ecology, and ETV Canada



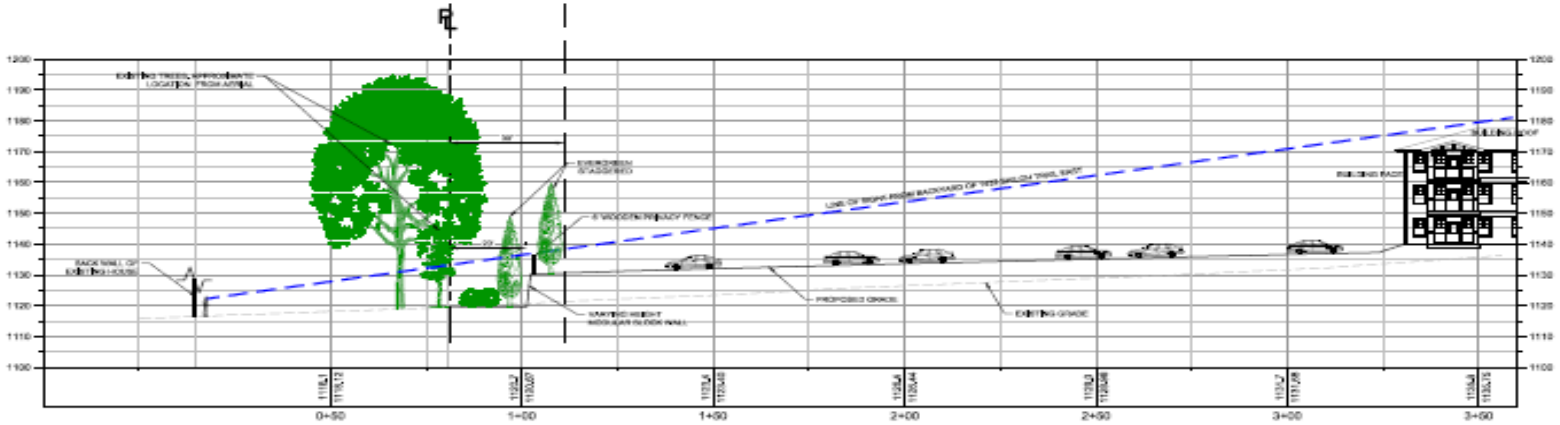
Stormwater Collection & Detention, Infiltration and Water Quality will be designed to meet the standards of the Georgia Blue book and will be approved by the City of Kennesaw as typical done to meet the requirements of an LDP permit

Google Maps Directions – Site to/from KSU Central Deck

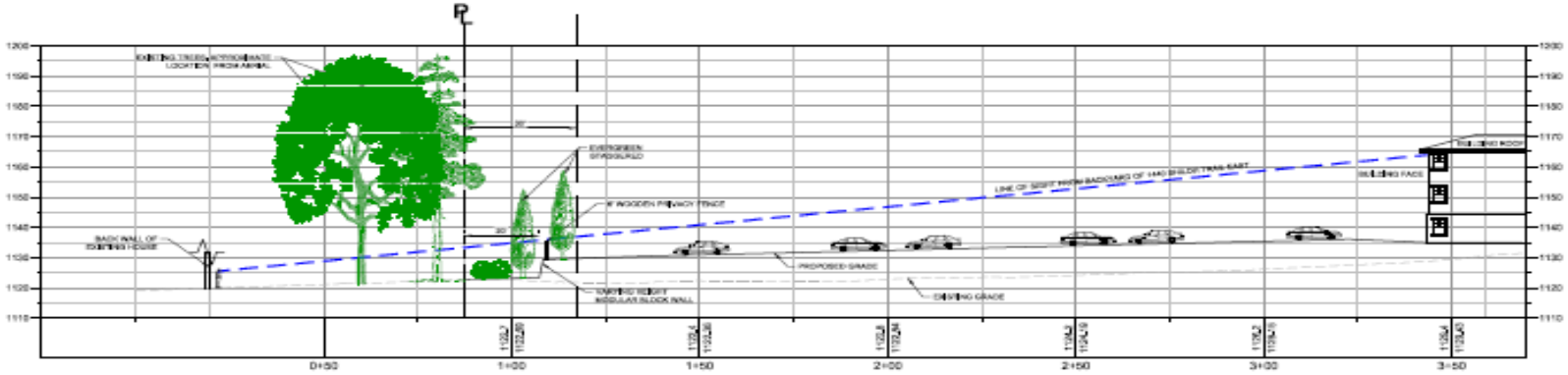


Directions shown are from Google Maps. Bing Maps provided the identical driving directions. Driving directions were generated at approximately 8:30am to account for rush hour traffic.

Line of Sight Exhibit



PROFILE VIEW
VIEW FROM 1432 SHILOH TRAIL EAST
1" = 20' HORIZ.
1" = 20' VERT.



LAND CASES		LAND USE OR ZONING FROM	TO
AV	LU		
AX	RZ2020-01	R-30	RM-12
DX			
HBR			
SLUP			
ZV2020-01			

AV – Administrative Variance
AX – Annexation
DX – De-annexation
HBR – Historic Board Review
LU – Land Use
RZ – Re-zoning
SLUP – Special Land Use
ZV – Variance

R-10 ZONING
KENNESAW CITY LIMITS
COBB COUNTY
99 LAND LOT

1465 Shiloh Rd
Land Lot 60, Tax Parcel 31
Subject Properties

CITY OF KENNESAW
PLANNING & ZONING DEPT.
770-590-8268

Derek Easterling MAYOR
Debra Taylor CITY CLERK

Scale: 1 " = 200 '
Print Date: 1/31/2020
RZ2020_01_Aerial_ap

G. Douglas Dillard
404-665-1241

DILLARD Sellers
ATTORNEYS AT LAW

E-Mail
ddillard@dillardsellers.com

February 18, 2020

Via E-mail (dwrobleski@kennesaw-ga.gov)

Diane Wrobleski
Zoning Coordinator
Planning and Zoning
City of Kennesaw
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

Re: 1465 Shiloh Road, Revised Site Plan Submission (RZ2020-001)

Dear Diane,

Please find enclosed the revised site plan for the above-referenced RM-12 rezoning application with concurrent variances. This updated site plan replaces the original site plan submitted with the complete application packet on January 21, 2020.

In submitting this revised plan, the Applicant reduces the density of the proposed development from 19.55 units/acre (86 units) to 15.55 units/acre (68 units total). Also, the Applicant increases on-site parking from 152 spaces to 262 spaces and provides additional front yard setback allowance. Based on these site plan modifications, the Applicant's rezoning and variance requests are now summarized as follows:

Rezone the subject property from R-30 to RM-12, with two (2) concurrent variance requests:

1) **Variance from Sec. 4.01.02, to increase the maximum density from 12 units/acre to ~~19.55 units/acre (86 units total)~~ 15.55 units/acre (68 units total).**
2) **Variance from Sec. 4.01.02, to reduce the front yard setback along Shiloh Road from 40 ft. to ~~20 ft~~ 30 ft.**
3) ~~**Variance from Sec. 6.06.09, to reduce the required parking from 172 spaces (2 spaces/unit) to 152 spaces (1.76 spaces/unit).**~~ **[Omit Variance Request]**

This revised site plan and updated application requests satisfy the standards governing the exercise of zoning power and the variance criteria, as set forth in the City's Unified Development Code. Additionally, the proposed student housing development is also consistent with the goals and objectives of the 2017 Kennesaw Comprehensive Plan Update. In order to reasonably develop the Property as shown on revised and updated site plan submission, the Applicant continues to seek approval of this rezoning request to RM-12 and the concurrent variance application as updated herein.

Thank you for your consideration, and please let us know if you have any additional questions. We will include this revised site plan submission with required property owner notifications.

Sincerely,

DILLARD SELLERS

G. Douglas Dillard
R. Baxter Russell

Enclosure

cc: Darryl Simmons (dsimmons@kennesaw-ga.gov)

Letter of Intent and Impact Analysis

City of Kennesaw

Rezoning Application
Concurrent Variance Application

Applicant:

Fountain Residential Partners
c/o G. Douglas Dillard, Esq.

Property:
1465 Shiloh Road
Parcel ID 20006000310

Submitted for Applicant by:

G. Douglas Dillard
R. Baxter Russell
DILLARD SELLERS
1776 Peachtree Street, Suite 390N
Atlanta, Georgia 30309
(404) 665-1241
ddillard@dillardsellers.com

I. INTRODUCTION

Fountain Residential Partners (the "Applicant") respectfully submits these rezoning and concurrent variance applications for property located at 1465 Shiloh Road consisting of approximately 4.4 acres, Parcel No. 20006000310 (the "Property"). Applicant requests approval of the requests in order to develop an upscale student housing community for the Kennesaw State University student population. In 2017, the Property was included in a similar rezoning request for a student housing development (the "2017 Application"). As described in the application materials now submitted, this current application presents significant modifications to the 2017 Application. The zoning requests and student housing community have been redesigned to reduce traffic and land use impacts upon the surrounding residences. Furthermore, the current application proposes a significant density reduction from the 2017 Application. Through these new applications and proposed development, the Applicant seeks to establish a high-quality student housing community that will positively impact the City of Kennesaw, including the City's Kennesaw State community partners, Kennesaw State students, and surrounding residential neighbors.

The Applicant seeks to construct an upscale student housing community, including one apartment style building, additional manor style housing buildings, and amenity features such as a pool, fitness facility, and student common area with study rooms. The development's design includes craftsman style architecture, ample parking for students and visitors, and extensive landscape screening and buffering from surrounding properties. The Applicant is coordinating with city officials to implement a detailed security program for development. Additionally, the Applicant is working with Kennesaw State representatives to provide shuttle bus service for students to the university campus.

In order to accomplish the proposed development, the Applicant submits a rezoning application to the City of Kennesaw, seeking to rezone the currently undeveloped Property from R-30 (Single Family Residential) to RM-12 (Multiple-Family District). The Applicant also submits a concurrent variance application, requesting the following three (3) variances from the Kennesaw Unified Development Code (the "UDC"):

1) Variance from Sec. 4.01.02, to increase the maximum density from 12 units/acre to 19.55 units/acre (86 units total).
2) Variance from Sec. 4.01.02, to reduce the front yard setback along Shiloh Road from 50 ft. to 20 ft.
3) Variance from Sec. 6.06.09, to reduce the required parking from 172 spaces (2 spaces/unit) to 152 spaces (1.76 spaces/unit).

This application satisfies the standards governing the exercise of zoning power and the variance criteria, as set forth in the UDC and discussed below. The proposed student housing development is also consistent with the goals and objectives of the 2017 Kennesaw Comprehensive Plan Update. In order to reasonably develop the Property as shown on proposed

Zoning Site Plan, the Applicant seeks approval of this rezoning request to RM-12 and the concurrent variance application.

II. REZONING & VARIANCE ANALYSIS

As demonstrated below, the Applicant satisfies all standards for rezoning as described in the UDC, Sec. 10.01.02:

1) **Would the proposed amendment be consistent and compatible with the city's land use and development plans, goals and objectives?**

   The proposed rezoning and student housing community are consistent with the goals and objectives of the City's Comprehensive Plan. As discussed on pg. 27, the City recognizes the importance of Kennesaw State University and its student population to the City's growth and future development. The Comprehensive Plan also includes the evaluation of the City's student housing needs in the Short Term Work Program (pg. 57).

2) **Would the proposed amendment tend to increase, decrease, or have no impact on traffic safety and congestion in the streets?**

   The proposed rezoning and student housing development will minimally impact traffic along Shiloh Road and in the surrounding area. As demonstrated on the proposed site plan, the development is designed for safe ingress and egress with only one full access driveway and a right-out exit only driveway. The proposed site access has been evaluated by Cobb County traffic officials to insure compliance with county regulations and standards. With modifications to the site design from the 2017 Application, the development will not feature access to Ayers Drive, thus limiting traffic and congestion issues in the adjacent residential neighborhood.

3) **Would the proposed amendment tend to increase, decrease, or have no relationship to safety from fire and other dangers?**

   The proposed rezoning and student housing development will increase safety on the currently undeveloped Property. The proposal includes all appropriate fire and public safety features. Additionally, the Applicant is coordinating with city officials to implement a detailed security program for the community, including but not limited to, enhanced on-site security, cameras, and gated community access.

4) **Would the proposed amendment tend to promote, diminish, or have no influence on the public health and general welfare of the city?**

The proposed rezoning and student housing development will promote the public health and general welfare of the City and Kennesaw residents. Applicant's student housing community will provide high-quality housing for university students in a prime location situated near campus and adjacent to primary campus access routes. The proposed development will reduce and alleviate the burden on existing single-family neighborhoods to provide off-campus housing for students.

5) **Would the proposed amendment tend to increase, decrease, or have no influence on the adequate [provision] of light and air?**

The proposed rezoning and student housing development will have no burden or negative effect on the adequate provision of light and air. The Property and proposed development site are located on a major road within the City, closely located to other high-traffic uses and the overall intensity of the university.

6) **Would the proposed amendment tend to cause, prevent, or have no influence on the overcrowding of land?**

The proposed rezoning and student housing development will have no influence on the overcrowding of land. The Property is situated in a prime location for student housing, near the university as well as other student housing developments.

7) **Would the proposed amendment tend to cause, prevent, or have no relationship on the population distribution within the city, thus creating any area so dense in population as to adversely affect the health, safety, and general welfare of the city?**

The proposed rezoning and student housing development will help prevent overcrowding and unbalanced population distribution within the City. The Applicant seeks to address and meet the City's demand for purpose-built student housing by providing a student housing community in close proximity to the university.

8) **Would the proposed amendment tend to impede, facilitate, or have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities or facilities?**

The proposed rezoning and student housing development will not burden existing city or county utilities, facilities, or other public services. The City's current infrastructure will adequately provide the necessary services needed by the development. With the Property's location near a university transit shuttle line, the Applicant is working with Kennesaw State representatives to provide shuttle bus service for students to the university campus.

9) **Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?**

The proposed rezoning and student housing development are compatible with current environmental conditions in light of development on surrounding properties. The Applicant's proposed student housing community will increase the value, use and enjoyment of surrounding properties by providing much needed, additional stormwater infrastructure at the Property.

10) **Would the proposed amendment tend to require only reasonable expenditures of public funds, or would the amendment tend to require an excessive or premature expenditure of public funds?**

The proposed rezoning and student housing development will not require the expenditures of public funds, beyond the reasonable use and enjoyment of currently available public utilities, facilities, and services.

11) **Would the proposed amendment tend to promote, diminish, or have no influence upon the aesthetic effect of existing and future uses of the property and the surrounding area?**

The proposed rezoning and student housing development will promote the aesthetic effect of current and future development on the property and in the surrounding area. The Applicant will develop the community as high-quality, purpose-built student housing with craftsman style architecture and design features.

12) Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?

The proposed rezoning and student housing development will not have an adverse economic effect on the value of surrounding or adjacent properties. Applicant's proposed development will provide extensive landscape buffering and setbacks from surrounding properties. Furthermore, the proposed student housing development will deliver great benefit to surrounding properties and nearby single-family residential community by providing much needed student housing for university students and alleviating the burden to host student housing in dedicated single-family neighborhoods.

13) Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?

The proposed rezoning and student housing development will not create an isolated zoning district unrelated to nearby districts. The Property is located on a major road with direct access and in close proximity to the university campus. Additionally, the Property is located nearby other student housing developments and properties zoned RM-12.

Furthermore, the Applicant also satisfies all criteria for variance requests as described in the UDC, Sec. 9.02.03:

A) There is extraordinary and exceptional conditions pertaining to the property because of its size, shape or topography;

Due to the size and depth of the Property, the Applicant requests only those front yard setback, parking and density variances required to develop the site as a high-quality student housing community and to provide the necessary landscape buffers and building setbacks from adjacent properties. The Applicant requests the minimum variances necessary to develop the Property for a reasonable economic use under the requested RM-12 zoning district.

B) The application of the UDC standards to property creates practical difficulty or unnecessary hardship;

A strict application of the front yard setback, parking and density requirements creates an unnecessary hardship, such that the Applicant is unable to develop the property under the requested RM-12 zoning district regulations. The Applicant submits these variance request in order to overcome this difficulty and develop the proposed student housing community.

C) The practical difficulty and/or unnecessary hardship are conditions which are peculiar to the property involved; and

The Property's size and depth require that the proposed student housing development be designed and located as shown on the submitted Zoning Site Plan in order to accommodate landscape buffering and building setbacks adjacent to surrounding properties. These conditions are peculiar to the Property, and the Applicant requests the minimum variances required to overcome these conditions and the hardship which they impose upon the Property.

D) Relief, if granted, would not cause substantial detriment to the public good or impede the purposes and intent of the UDC.

The requested variances will not cause any detriment to the public or impede the purposes and intent of the UDC. As requested and shown on the Zoning Site Plan, the variances will allow development of a high quality student housing community and provide buffer and setback relief to surrounding property owners. Strict application of the subject regulations imposes an unnecessary hardship upon the Applicant. The Applicant has requested the minimum relief necessary to develop the Property for a reasonable economic use under the requested RM-12 zoning district.

III. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the City of Kennesaw approve the rezoning and grant the variances as requested by the Applicant. If there are any questions about this application, you may contact me at 404-665-1241 or ddillard@dillardsellers.com.

Sincerely,

DILLARD SELLERS

G. Douglas Dillard
R. Baxter Russell

Exhibit A

REQUIRED CONSTITUTIONAL AND ANTE LITEM NOTICE

Georgia law and the procedures of the City of Kennesaw require us to raise Federal and State constitutional objections during the public hearing application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Kennesaw Unified Development Code (the "UDC"), facially and as applied to the Property, which restrict the Property to any uses, land use designations, conditions, development standards, or to any zoning districts other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the UDC, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning classifications other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking and inverse condemnation of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the City of Kennesaw to grant the application as requested would constitute a taking of the Applicant's property and inverse condemnation. Because of this unconstitutional taking, the City of Kennesaw would be required to pay just compensation to the Applicant.

A denial of this Application would constitute an arbitrary and capricious act by the Kennesaw Mayor and City Council, without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the requested rezoning and/or variances would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

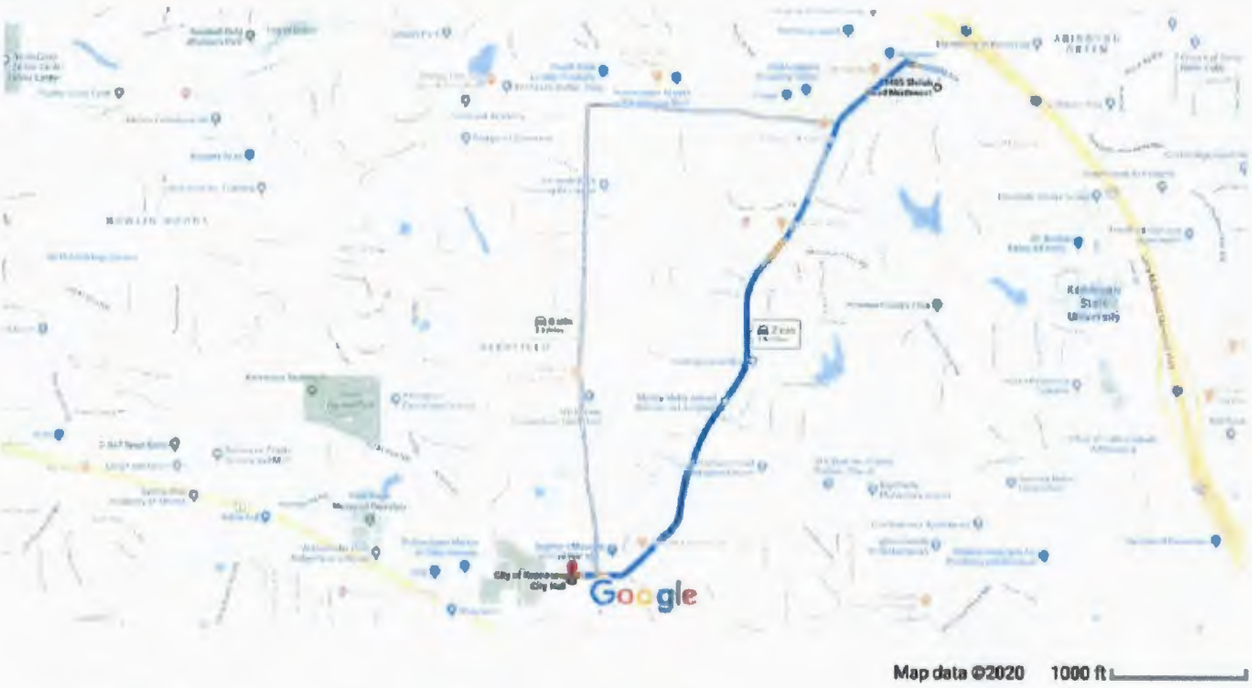
A refusal by Kennesaw Mayor and City Council, to grant the requested rezoning and/or variances in accordance with the criteria requirements as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the Application, subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A denial of the requested rezoning and/or variances would be unconstitutional. This notice is being given to comply with the provisions of O.C.G.A. § 36-33-5 to afford the City an opportunity to approve the applications as requested by the Applicant. If action is not taken by the City to approve the rezoning and/or variances within a reasonable time, a claim will be filed in the Superior Court of Cobb County demanding just and adequate compensation under Georgia law for the taking of the Property, inverse condemnation, diminution of value of the Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

Google Maps

1465 Shiloh Road Northwest, Kennesaw, GA to City of Kennesaw City Hall

Drive 2.6 miles, 7 min



1465 Shiloh Rd NW

Kennesaw, GA 30144

1. Head northwest on Shiloh Rd NW toward Ayers Dr

0.1 mi

2. Use the left 2 lanes to turn left onto Cherokee St NW

Pass by Bojangles' Famous Chicken 'n Biscuits (on the right)

1.0 mi

3. Continue straight to stay on Cherokee St NW

1.4 mi

4. Continue straight onto J.O. Stephenson Ave

0.1 mi

5. Turn left

Destination will be on the left

89 ft

City of Kennesaw City Hall

2529 J.O. Stephenson Ave, Kennesaw, GA 30144

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to

Deed Book 14585 Pg 2340
Filed and Recorded Mar-03-2008 03:21pm
2008-0027429
Real Estate Transfer Tax $1,425.00

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

14-pt

(Space Above This Line For Recording Data)

RETURN TO:
Joel L. Larkin, Esq.
Sams, Larkin & Huff, LLP
376 Powder Springs Street, Suite 100
MARIETTA GA 30064

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF Cobb

THIS INDENTURE, made the 29th day of February, in the year Two Thousand Eight, between

KEN B. SMATHERS

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

BEAUCOUP PROPERTIES, 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 CONSIDERATION 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 THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 60 OF THE 20TH DISTRICT, 2ND SECTION OF COBB COUNTY, GEORGIA, AS SHOWN BY PLAT OF SURVEY FOR PREPARED BY MERRITT & WELKER, ENGINEERS, DATED FEBRUARY, 1964, A COPY OF WHICH IS RECORDED IN PLAT BOOK 33, PAGE 41, COBB COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY 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.

THIS CONVEYANCE IS MADE subject only to those matters set out on Exhibit "B" attached hereto and incorporated herein by this reference. Other than as to those matters set out on Exhibit "B" hereto, the Said Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever claiming by or through Grantor.

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

Sworn to and subscribed
before me this 29th day of
February, 2008.

Notary Public

My Commission Expires

(NOTARIAL SEAL)

JOEL L. LARKIN
NOTARY
GEORGIA
PUBLIC
COBB COUNTY
FEBRUARY 27, 2012

Ken B. Smathers
Ken B. Smathers

145

EXHIBIT "A"
Legal Description

BEGINNING AT A POINT ON THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD 296 FEET EAST OF THE INTERSECTION FORMED BY THE EAST RIGHT OF WAY OF AYERS DRIVE WITH THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD; THENCE RUNNING SOUTH 71 DEGREES 05 MINUTES EAST, FOR A DISTANCE OF 207.5 FEET TO A POINT; THENCE RUNNING SOUTH 62 DEGREES, 58 MINUTES EAST, FOR A DISTANCE OF 207.5 FEET TO A POINT AND CORNER; THENCE RUNNING SOUTH 03 DEGREES, 09 MINUTES WEST, FOR A DISTANCE OF 515.1 FEET TO A POINT AND CORNER; THENCE RUNNING NORTH 63 DEGREES, 40 MINUTES WEST, FOR A DISTANCE OF 408.7 FEET TO A POINT AND CORNER; THENCE RUNNING NORTH 1 DEGREE, 34 MINUTES EAST, FOR A DISTANCE OF 495 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD AND THE POINT OF BEGINNING.

EXHIBIT "B"
Permitted Exceptions

1. All taxes for the year 2008 and subsequent years, not yet due and payable, and any additional taxes which may result from a reassessment of the subject property or re-billing of the taxes.

2. Right of way deed in favor of Cobb County, dated May 28, 1997, and recorded in Deed Book 10429, Page 382, Cobb County, Georgia Records.

3. Right of way easement in favor of Cobb County Marietta Water Authority, dated May 7, 1997, and recorded in Deed Book 10506, Page 144, Cobb County, Georgia Records.

4. All matters as shown on Plat of survey recorded in Plat Book 33, Page 41, Cobb County, Georgia Records.

5. All matters which are shown on that certain plat of survey for Beaucoup Properties, LLC dated January 10, 2008 by Centerline Surveying Systems, Inc., Charles C. Franklin, Georgia Registered Land Surveyor No. 2143.

Deed Book 14585 Pg 2343
Filed and Recorded Mar-03-2008 03:21pm
2008-0027430
Real Estate Transfer Tax $0.00

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

12-pm

After recording please return to:
Joel L. Larkin
Sams, Larkin & Huff, LLP
Suite 100, 376 Powder Springs Street
Marietta, GA 30064

STATE OF GEORGIA

COUNTY OF COBB

QUITCLAIM DEED

THIS INDENTURE, made as of the 29th day of February, 2008, between **KEN B. SMATHERS ("Grantor")**, and **BEAUCOUP PROPERTIES, LLC**, a Georgia limited liability company **("Grantee")** (the words "Grantor" and "Grantee" to include their respective heirs, legal representatives, successors and assigns where the context requires or permits);

WITNESSETH, THAT:

GRANTOR, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof are hereby acknowledged, has remised, conveyed and quitclaimed, and by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee, all of Grantor's right, title and interest in and to that certain tract or parcel of land lying and being in Cobb County, Georgia, which is described as follows:

All that tract or parcel of land lying and being in Land Lot 60 of the 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia, and being more particularly described as follows:

Beginning at an iron pin located on the southern right of way of Shiloh Road (right of way varies), said point being located 1671.07 feet from the intersection of the southeasterly right of way of Shiloh Road and the southwesterly right of way of Interstate 75 (right of way varies), said point being the POINT OF BEGINNING; thence proceeding north 03 Degrees, 18 Minutes, 47 Seconds East 5.50 feet to a point on the southerly right of way of Shiloh Road; thence proceeding along said right of way along a curve to the left an arc distance of 416.26 feet, said curve having a radius of 1386.29 feet and being subtended by a chord of 414.70 feet having a bearing of North 64 Degrees 31 Minutes 46 Seconds West to an iron pin on said right of way; thence

2 of 5

leaving said right of way and proceeding South 02 Degrees 09 Minutes 28 Seconds West, 93.34 feet to an iron pin; thence proceeding South 02 Degrees 11 Minutes 55 Seconds West, 124.83 feet to an iron pin; thence proceeding South 02 Degrees, 11 Minutes, 24 Seconds West, 249.54 feet to an iron pin; thence proceeding South 02 Degrees, 02 Minutes, 09 Seconds West, 26.30 feet to an iron pin and corner; thence proceeding South 63 Degrees 02 Minutes 32 Seconds East, 104.72 feet to an iron pin; thence proceeding South 63 Degrees, 05 Minutes, 12 Seconds East, 152.84 feet to an iron pin; thence proceeding South 63 Degrees, 13 Minutes, 59 Seconds East, 150.77 feet to an iron pin and corner; thence proceeding North, 03 Degrees, 18 Minutes, 47 Seconds East, 500.71 feet to a point located on the southerly right of way of Shiloh Road, said point being the POINT OF BEGINNING.

Said tract or parcel of land contains approximately 4.41 acres and is shown on that certain Survey for Beaucoup Properties, LLC dated January 10, 2008 by Centerline Surveying Systems, Inc., Charles C. Franklin, Georgia Registered Land Surveyor No. 2143. Further, said property (the "Property") is conveyed together with all of the right, title and interest of Grantor, if any, in and to (a) any gaps and gores between the Property and tracts of land adjacent to the Property, and (b) any appurtenant easements and/or rights-of-way adjacent to the Property.

TO HAVE AND TO HOLD the said described property to the said Grantee, so that said Grantor shall not at any time, by any means or ways, have, claim or demand any right or title to the said described property.

IN WITNESS WHEREOF, the Grantor has duly signed and sealed this Quitclaim Deed on the day and year first above written.

Signed, sealed and delivered
in the presence of:

Witness

Notary Public

My Commission Expires

JOEL L. CARKIN NOTARY PUBLIC GEORGIA COBB COUNTY EXPIRES FEBRUARY 27, 2012

(NOTARIAL SEAL)

GRANTOR:

Ken B. Smathers [SEAL]
Ken B. Smathers

Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 60 OF THE 20TH DISTRICT, 2ND SECTION OF COBB COUNTY, GEORGIA, AS SHOWN BY PLAT OF SURVEY FOR PREPARED BY MERRITT & WELKER, ENGINEERS, DATED FEBRUARY, 1964, A COPY OF WHICH IS RECORDED IN PLAT BOOK 33, PAGE 41, COBB COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE:

BEGINNING AT A POINT ON THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD 296 FEET EAST OF THE INTERSECTION FORMED BY THE EAST RIGHT OF WAY OF AYERS DRIVE WITH THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD; THENCE RUNNING SOUTH 71 DEGREES 05 MINUTES EAST, FOR A DISTANCE OF 207.5 FEET TO A POINT; THENCE RUNNING SOUTH 62 DEGREES, 58 MINUTES EAST, FOR A DISTANCE OF 207.5 FEET TO A POINT AND CORNER; THENCE RUNNING SOUTH 03 DEGREES, 09 MINUTES WEST, FOR A DISTANCE OF 515.1 FEET TO A POINT AND CORNER; THENCE RUNNING NORTH 63 DEGREES, 40 MINUTES WEST, FOR A DISTANCE OF 408.7 FEET TO A POINT AND CORNER; THENCE RUNNING NORTH 1 DEGREE, 34 MINUTES EAST, FOR A DISTANCE OF 495 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD AND THE POINT OF BEGINNING.

REZONING APPLICATION

Required Fee $375.00

Date Received 1.21.2020
Staff's Initials DLW

Is this property located within the Kennesaw Historic District (yes) _____ (no) _____

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUESTED APPLICATION IS MANDATORY.

REZONING PROPERTY ADDRESS 1465 Shiloh Road

Land Lot 60 Tax Parcel 31 Lot Size 4.4 acres

Resident Population 0 Housing Units 1 Other Buildings 0

Zoning Request from:

Present Zoning R-30 To: RM-12

For the purpose of: Student Housing

APPLICANT Fountain Residential Partners

APPLICANT EMAIL blittle@fountainresidential.com

Applicant address 2626 Cole Ave., Suite 620, Dallas TX 75204

(Home#)_____ (Fax#) _____ (Work#) 972-861-5080

(Cell#) _____

Applicant Signature _____ Date_____

Signed, sealed and delivered in presence of: Michelle James 01.15.20
Notary **Date**

REPRESENTIVE G.Douglas Dillard, Dillard Sellers

(Fax #)_____ (Work#) 404-665-1241 (Cell#) _____

Representative Signature _____ Date_____

Signed, sealed and delivered in presence of: _____ 1-20-2020
Notary **Date**

TITLEHOLDER: Beaucoup Properties LLC **Telephone:**_____

Signature: _____ **Address:**_____

Signed, sealed and delivered in presence of: _____
Notary **Date**

REZONING APPLICATION

Required Fee $375.00

Date Received 1.21.2020
Staff's Initials DLW

Is this property located within the Kennesaw Historic District (yes) _____ (no) _____

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUESTED APPLICATION IS MANDATORY.

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APPLICANT Fountain Residential Partners

APPLICANT EMAIL blittle@fountainresidential.com

Applicant address 2626 Cole Ave., Suite 620, Dallas TX 75204

(Home#) _____ (Fax#) _____ (Work#) 972-861-5080

(Cell#) _____

Applicant Signature _____ Date _____

Signed, sealed and delivered in presence of: _____
Notary Date

REPRESENTIVE G.Douglas Dillard, Dillard Sellers

(Fax #) _____ (Work#) 404-665-1241 (Cell#) _____

Representative Signature _____ Date _____

Signed, sealed and delivered in presence of: _____
Notary Date

TITLEHOLDER: Beaucoup Properties LLC Telephone: 678 410 7420

Signature: Charles Nasr Address: 137 Olivers Pond Acworth Log. GA. 30522

Signed, sealed and delivered in presence of: _____ 1/15/2020
Notary Date

SOMMERSETT BRASER NOTARY PUBLIC My Commission Expires 07-26-2022 COBB COUNTY, GEORGIA

Community Development Department
2529 J. O. Stephenson Avenue
Kennesaw, GA 30144
770-590-8268

CAMPAIGN CONTRIBUTIONS

The undersigned Applicant herein certifies that they **have** ☐ **have not** ☒ made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars ($250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

FINANCIAL INTEREST

The undersigned Petitioner herein certifies that, to the best of its knowledge, information, and belief, the Mayor, any member of the Planning Commission **does** ☐ **does not** ☒:

1) Have a property interest (direct or indirect ownership, including any percentage of ownership less that total) in the subject property;
2) Have a financial interest (direct ownership interest of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property; and
3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner:

CERTIFY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT, THIS 15th DAY OF January, 20 20

APPLICANT'S SIGNATURE

Applicant means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

Meredith James 01.15.20
Notary Date

Commission expires: 02.04.20

MEREDITH JAMES
Notary Public, State of Texas
Comm. Expires 02-04-2020
Notary ID 130525207

Community Development Department
2529 J. O. Stephenson Avenue
Kennesaw, GA 30144
770-590-8268

CAMPAIGN CONTRIBUTIONS

The undersigned Applicant herein certifies that they **have** ☐ **have not** ☒ made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars ($250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

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3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner:

CERTIFY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT, THIS 20 DAY OF January, 20 20

G. Douglas Dillard, attorney and representative

APPLICANT'S SIGNATURE

Applicant means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

Notary

1-20-2020
Date

Commission expires: 4-25-2021

Community Development Department
2529 J. O. Stephenson Avenue
Kennesaw, GA 30144
770-590-8268

CAMPAIGN CONTRIBUTIONS

The undersigned Applicant herein certifies that they have ☐ have not ☒ made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars ($250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

FINANCIAL INTEREST

The undersigned Petitioner herein certifies that, to the best of its knowledge, information, and belief, the Mayor, any member of the Planning Commission does ☐ does not ☒:

1) Have a property interest (direct or indirect ownership, including any percentage of ownership less that total) in the subject property;
2) Have a financial interest (direct ownership interest of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property; and
3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner:

CERTIFY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT, THIS 15TH DAY OF JANUARY, 2020

Charles Mason

APPLICANT'S SIGNATURE

Applicant means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

SOMMERSETT R NASH JR
My Commission Expires
NOTARY PUBLIC
07-26-2022
COBB COUNTY, GEORGIA

Notary 1/15/2020 Date

Commission expires: 7/26/2022

Beaucoup Properties, LLC
1731 Dixie Avenue, S.E.
Smyrna, Georgia 30080

RE: Property located at 1465 Shiloh Road, more specifically described as Tax Parcel No. 20006000310, Land Lot 60, 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia

To Whom It May Concern:

The undersigned is the owner of the above-referenced property. Pursuant to the signature below, Fountain Residential Partners and its representative, G. Douglas Dillard of Dillard Sellers, are authorized to file a Rezoning Application and a Variance Application with the City of Kennesaw, Georgia, for the subject property.

BEAUCOUP PROPERTIES, LLC

BY: Charles Naser

Title: Managing Partner

Printed Name: Charles Naser

Date: 01 02 20

Section 1908 Standards for Decisions- Rezoning

Section 1908 of the Kennesaw Zoning Code details thirteen zoning review factors which must be evaluated by the Planning and Zoning Board and the Mayor and Council when considering a rezoning request. Please provide responses to the following using additional pages if necessary

	Comments
(1) Would the proposed amendment be consistent and compatible with the City's land use and development, plans, goals and objective?	Please see attached.
(2) Would the proposed amendment tend to increase, decrease, or have no impact on traffic safety and congestion in the streets?	Please see attached.
(3) Would the proposed amendment tend to increase, decrease, or have no relationship to safety from fire and other dangers?	Please see attached.
(4) Would the proposed amendment tend to promote, diminish, or have no influence on the public health and general welfare of the city?	Please see attached.
(5) Would the proposed amendment tend to increase, decrease, or have no influence on the adequate (provisions) of light or air?	Please see attached.
(6) Would the proposed amendment tend to cause, prevent, or have no influence on the overcrowding of land?	Please see attached.
(7) Would the proposed amendment tend to cause, prevent, or have no relationship on the population distribution within the city-creating any area so dense in population as to adversely affect the health, safety, and general welfare of the city?	Please see attached.
(8) Would the proposed amendment tend to impede, facilitate, or have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities or facilities?	Please see attached.
(9) Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?	Please see attached.
(10) Would the proposed amendment tend to require only reasonable expenditures of public funds, or would the amendment tend to require an excessive or premature expenditure of public funds?	Please see attached.
(11) Would the proposed amendment tend to promote, diminish or have no influence upon the aesthetic effect of existing and future uses of property and the surrounding area?	Please see attached.
(12) Would the proposed amendment have measurable adverse economic effect on the value of the surrounding or adjacent property?	Please see attached.
13) Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?	Please see attached.

Community Development

Planning & Zoning Department

2529 J.O. Stephenson Ave., Kennesaw, GA 30144

Date Received 1-21-2020
Staff Initials dlw

VARIANCE

Required Fee $375.00

Is this property located within the Kennesaw Historic District (yes) _____ (no) _____

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUESTED APPLICATION IS MANDATORY.

(Applicant or agent must be present at all public hearings)

PURPOSE OF VARIANCE REQUEST Variance application is submitted with a rezoning application, requesting a rezoning from R-30 to RM-12 for the subject 4.4 ac. parcel.

(i) Increase the RM-12 zoning district max. density from 12 units/acre to 19.55 units/acre (86 units total)

(ii) Reduce the front yard setback along Shiloh Road from 40 ft. to 20 ft. (iii) Reduce required parking from 172 spaces (2 spaces/unit) to 152 spaces (1.76 spaces/unit

VARIANCE PROPERTY ADDRESS 1465 Shiloh Road

Land Lot 60 Tax Parcel 31 Lot Size 4.4 acres Present Zoning R-30

APPLICANT Fountain Residential Partners

APPLICANT EMAIL blittle@fountainresidential.com

Applicant address 2626 Cole Ave., Suite 620, Dallas TX 75204

(Home#) _____ (Fax#) _____ (Work#) 972-861-5080

(Cell#) _____

Applicant Signature _____

Signed, sealed and delivered in presence of: Michelle H. James 01.15.20
Notary Date

REPRESENTIVE G. Douglas Dillard, Dillard Sellers

(Fax #) _____ (Work#) 404-665-1241 (Cell#) _____

Representative Signature _____

Signed, sealed and delivered in presence of: Jennifer R. Tuggle 1-20-2020
Notary

TITLEHOLDER: Beaucoup Properties LLC **Telephone:** _____

Signature: _____ **Address:** _____

Signed, sealed and delivered in presence of: _____
Notary Date

Community Development

Planning & Zoning Department

2529 J.O. Stephenson Ave., Kennesaw, GA 30144

Date Received 1.21.2020
Staff Initials DLW

VARIANCE

Required Fee $375.00

Is this property located within the Kennesaw Historic District (yes) _____ (no) _____

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUESTED APPLICATION IS MANDATORY.

(Applicant or agent must be present at all public hearings)

Variance application is submitted with a rezoning application.

PURPOSE OF VARIANCE REQUEST requesting a rezoning from R-30 to RM-12 for the subject 4.4 ac. parcel

(i) Increase the RM-12 zoning district max. density from 12 units/acre to 19.55 units/acre (86 units total)

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VARIANCE PROPERTY ADDRESS 1465 Shiloh Road

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Applicant address 2626 Cole Ave., Suite 620, Dallas TX 75204

(Home#) _____ (Fax#) _____ (Work#) 972-861-5080

(Cell#) _____

Applicant Signature _____

Signed, sealed and delivered in presence of: _____

Notary Date

REPRESENTIVE G. Douglas Dillard, Dillard Sellers

(Fax #) _____ (Work#) 404-665-1241 (Cell#) _____

Representative Signature _____

Signed, sealed and delivered in presence of: _____

Notary

TITLEHOLDER: Beaucoup Properties LLC **Telephone:** 678-410 7420

Signature: Charles Nasser **Address:** 1500 Chastain Pond Rd, Kennesaw, GA 30152

Signed, sealed and delivered in presence of: _____ 1/15/2020

Notary Date

COMMISSIONED NOTARY PUBLIC COBB COUNTY, GEORGIA 07-26-2022

CAMPAIGN CONTRIBUTIONS

The Owner and Petitioner herein certify that they **have** ☐ **have not** ☒ made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars ($250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

FINANCIAL INTEREST

The undersigned Petitioner herein certifies that, to the best of their knowledge, information, and belief, the Mayor, any member of the Planning Commission **does** ☐ **does not** ☒:

1) Have a property interest (direct or indirect ownership, including any percentage of ownership less that total) in the subject property;

2) Have a financial interest (direct ownership interest of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property; and

3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner: Brent Little

Applicant/Petitioner means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

Owner/Applicant Certification

- The Owner/Petitioner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Petitioner's knowledge and belief. Should any portion not be true then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner/Petitioner hereby grants permission to enter on the property for inspection during the time application is pending.

Applicants Signature

Signed, sealed and delivered in presence of: Meredith James

CAMPAIGN CONTRIBUTIONS

The Owner and Petitioner herein certify that they **have** ☐ **have not** ☒ made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars ($250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

FINANCIAL INTEREST

The undersigned Petitioner herein certifies that, to the best of their knowledge, information, and belief, the Mayor, any member of the Planning Commission **does** ☐ **does not** ☒:

1) Have a property interest (direct or indirect ownership, including any percentage of ownership less that total) in the subject property;

2) Have a financial interest (direct ownership interest of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property; and

3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner: _____ G. Douglas Dillard, attorney and representative

Applicant/Petitioner means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

Owner/Applicant Certification

- The Owner/Petitioner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Petitioner's knowledge and belief. Should any portion not be true then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner/Petitioner hereby grants permission to enter on the property for inspection during the time application is pending.

_____ G. Douglas Dillard,
Applicants Signature attorney and representative

Signed, sealed and delivered in presence of:

CAMPAIGN CONTRIBUTIONS

The Owner and Petitioner herein certify that they **have** ___ **have not** Y made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars ($250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

FINANCIAL INTEREST

The undersigned Petitioner herein certifies that, to the best of their knowledge, information, and belief, the Mayor, any member of the Planning Commission **does** ___ **does not** X:

1) Have a property interest (direct or indirect ownership, including any percentage of ownership less that total) in the subject property;

2) Have a financial interest (direct ownership interest of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property; and

3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner: Charly Nash

Applicant/Petitioner means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

Owner/Applicant Certification

- The Owner/Petitioner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Petitioner's knowledge and belief. Should any portion not be true then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner/Petitioner hereby grants permission to enter on the property for inspection during the time application is pending.

Charly Nash
Applicant's Signature

Signed, sealed and delivered in presence of:

SOMMER PATRICIA BRAGG NOTARY PUBLIC COBB COUNTY, GEORGIA My Commission Expires 07-26-2021

Beaucoup Properties, LLC
1731 Dixie Avenue, S.E.
Smyrna, Georgia 30080

RE: Property located at 1465 Shiloh Road, more specifically described as Tax Parcel No. 20006000310, Land Lot 60, 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia

To Whom It May Concern:

The undersigned is the owner of the above-referenced property. Pursuant to the signature below, Fountain Residential Partners and its representative, G. Douglas Dillard of Dillard Sellers, are authorized to file a Rezoning Application and a Variance Application with the City of Kennesaw, Georgia, for the subject property.

BEAUCOUP PROPERTIES, LLC

BY: Charles Naser

Title: Managing Partner

Printed Name: Charles Naser

Date: 01 02 20

Attach to this document a copy of the property/s that have been served notification along with the documentation supplied in the certified mailing.

Section 1909, Part 4 Standards for Decisions – Variances

Zoning Variances may be granted in such individual cases of practical difficulty or unnecessary hardships as follows:

	COMMENTS
There is extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.	Please see attached.
The application of this chapter to this particular piece of property would create practical difficulty or unnecessary hardship.	Please see attached.
Such conditions are peculiar to the particular piece of property involved.	Please see attached.
Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter.	Please see attached.

City of Kennesaw, GA
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144-2780

(770) 424-8274

2019
Property Tax Bill

Parcel ID	Tax District	Bill #
20006000310	3/3-BOND - KENNESAW CITY	911784

Property Owner/Location/Description	Fair Market Value	Taxable Value
BEAUCOUP PROPERTIES LLC 1465 SHILOH RD	239,330	95,732

Levies	Taxable Value	-	Exemptions	=	Net Assessment	X	Tax Rate	=	Net Tax
KENNESAW CITY	95,732		0		95,732		8.0000000		$765.85
BOND	95,732		0		95,732		1.5000000		$143.60

Exemptions:

Current Year Tax	$909.45
Interest	$0.00
Penalty	$0.00
Other Fees	$0.00
Payments Received	$909.45
Other Amounts Due	$0.00
Total Due	$0.00
Due Date	12/02/2019

Interest will accrue monthly at a rate of .64% per month, based on an annual calculation of Federal Prime Rate (4.75) plus 3%. To arrive at the new monthly interest rate divide the 7.75% by 12. This annual interest rate will change when the Federal Reserve announces the new bank prime loan rate each January (House Bill 960).

Penalty will accrue at 5% after 120 days with an additional 5% assessed after each successive 120 days to a maximum of 20% of the principle amount due (House Bill 960).

Online payments are accepted at www.municipalonlinepayments.com/kennesawga

Any questions concerning ownership changes or change of address should be directed to Cobb County Tax Commissioner's Office at (770) 528-8600.

City of Kennesaw, GA
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144-2780

Please make check or Money Order Payable to City of Kennesaw Property Tax Division and include the Parcel ID on your check.

For your convenience, you may pay by check, money order, Discover, Mastercard, AMEX, VISA. $15.50 fee per transaction for online payments. 3% fee added to credit and debit card payments processed at City Hall office.

Parcel ID:	20006000310
Amount Due:	$0.00
Bill#:	911784
Due Date:	12/02/2019
	AMOUNT PAID

BEAUCOUP PROPERTIES LLC
1731 DIXIE AVE SE
SMYRNA, GA 30080 -

City of Kennesaw, GA
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144-2780

Printed: 1/20/2020

Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer:
Charles Naser

BEAUCOUP PROPERTIES LLC

Payment Date: 10/11/2019

Tax Year	Parcel ID	Due Date		Appeal Amount		Taxes Due
2019	20006000310	10/15/2019	**Pay:**	N/A	or	$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
$0.00	$0.00	$0.00	$0.00	$2,905.46	**$0.00**

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

Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall,
Phillip Jackson
SaVaughn Irons

March 04, 2020	Planning Commission Minutes 7:00PM	City Hall Council Chambers

Meeting of the Kennesaw Planning Commission called to order by Vice-Chairman Michael at 7:00p.m. in the Council Chambers, 2529 J.O. Stephenson Avenue. Roll call taken with the following members present: Cindi Michael, Donald Bergwall, Phillip Jackson and SaVaughn Irons. Absent: Doug Rhodes, Dan Harrison.

City Staff Darryl Simmons, Zoning Administrator was present. Council members Blinkhorn, Ferris and Henderson were present.

The Planning Commission serves as an Advisory Board that makes recommendations to the Mayor and Council, which will be heard on March 16, 2020 6:30p.m. unless otherwise noted. Anyone giving comments in the public session are to sign in and note that limitation of 10 minutes per side will be allowed.

Action on Minutes – **February 05, 2020**.

Don Bergwall made motion, seconded by SaVaughn to approve the minutes of the February 05, 2020, Planning Commission as submitted. ***Vote: 3-0. Don Bergwall, Phillip Jackson and SaVaughn Irons.***

Public Hearing:

1. **RZ2020-01 Rezoning Request** Consideration to approve a rezoning request submitted Fountain Residential Partners for property located at 1465 Shiloh Road. Said request to rezone from City R-30 to City RM-12 for property containing 4.4+/- acres for purpose of proposed student housing development. Property identified as Land Lot 60, Tax Parcel 31. **(Mayor and Council 3.16.2020)**
    - **ZV2020-01 Variance Request** Consideration to approve a zoning variance request submitted by Fountain Residential Partners for property located at 1465 Shiloh Road. Said request to seek variance to 1) Increase the RM-12 zoning district max. density from 12 units/acre to 15.55 units/acre (68 units total); and 2) Reduce the front yard setback along Shiloh Road from 40 ft. to 30 ft.; Property identified as Land Lot 60, Tax Parcel 31, containing 4.4+/- acres. **(Mayor and Council 3.16.2020)**

Zoning Administrator, Darryl Simmons, presented the case for rezoning and variances on the property identified and located at 1465 Shiloh Road with some background activity in the past regarding the property.

The property was annexed into the City in 2000. There were a number of rezoning requests and approvals to the current zoning of R-30 with the request to RM-12. Past rezoning requests included UVC (Urban Village Commercial); O&I (Office & Intuitional); CRC (Community Retail Commercial).
2017 same applicant requested rezoning of three properties (1465 Shiloh Rd., 4058 & 4068 Ayers Dr.) to proposed student housing that would be located on 6.02 acres and incorporate 125 units. Request for rezoning and associated variances was ***denied.*** Traffic implications to the entrance to Pinetree subdivision was cited.

Zoning Administrator, Darryl Simmons, commented that he was in receipt of a letter dated March 04, 2020 from Richard Calhoun of the law firm Gregory, Doyle, Calhoun & Rodgers regarding this matter. He noted that he briefly reviewed the letter.

In addition, he referenced a letter dated February 18, 2020 from the applicant's attorney, Douglas Dillard clarifying the request for rezoning and variances, which included the density from 12 units per acre to 15.5 units per acre along with the reduction of the front setback to 30 feet.

As noted below part of the Zoning Administrator's staff analysis and its history of the proposal is reflected with history of the character area as designated in the City's Comprehensive Plan as well as this proposal only includes one parcel and not four parcel when presented back in 2017. Density less, parking less. There is a need for student housing in both the County and City. Both parties are working together with the University to see how this can be accomplished.

Land Use/Development Proposal Information: for the property identified as 1465 Shiloh Road, Land Lot 60, Tax Parcel 31

- Subject property located in Future land Use category for CAC (Community Activity Center)
- The Character are as designated in the adopted comprehensive plan- Cherokee Street Commercial Corridor
- Purpose built student housing does not have an adopted zoning standard
- Similar approved developments within city limits were rezoned to RM-12 with variances and conditions
- Character area for university programming was included in the 2017 comprehensive plan update. University Living was included as a character area for both existing student housing developments- West 22 and UClub @Frey.
- Shiloh Rd contains Industrial, residential and retail uses.
- Proposing 68 units=248 beds an increase in density from 12 units per acre to 15.55 units per acre
- Three story building
- 262 parking spaces provided which allows one space per bedroom plus guest parking
- Building placement will be closer to Shiloh Road to allow adequate parking in rear yard area

Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall,
Phillip Jackson
SaVaughn Irons

The Zoning Administrator recommends approval of the rezoning request to RM-12 with associated variances to reduce front setback and increase density with the following conditions:

1. *Reversionary clause that requires that construction permits and activity be initiated withing 24 months of the date of the rezoning and variance approval. Failure to obtain permits and start construction activity within the 24 month period will result in the reversion of the rezoning and variances and the property will revert back to the prior zoning of R-30.*
2. *Submission of a traffic impact study that demonstrates either the development will not have a negative impact on existing traffic conditions or that the negative impacts of the development can be mitigated through traffic improvements that will be incorporated as part of the development plan. Traffic counts shall be no more than three years old from date of the study and shall be taken during a time of year when the academic calendar is in session for nearby universities and schools.*
3. *The principal access for the development shall be an arterial or major collector roadway, as identified in the City of Kennesaw Unified Development Code or similar classification document.*
4. *Parking requirements: Sites shall be designed to accommodate on-site parking for at least one (1) vehicle per bedroom with additional parking for visitors*

5 Security requirements:

a. *The property management company shall submit a security plan in accordance with the standards of Crime Prevention through Environmental Design (CPTED). The security plan shall be submitted to the City of Kennesaw Police Department for review and safe-keeping and shall be updated annually at the beginning of each calendar year, no later than January 31. Any such security plan shall require that on-site management shall be required 24 hours per day, seven days per week.*
b. *All access points on the property shall be secured with gated entry and shall be self-closing;*
c. *The development shall be enclosed with a minimum six-foot high privacy fence along the entire property line.*
d. *The property shall be equipped with a security camera system that shall be monitored by the property management company on-site. Any such system shall record and store video images located throughout the common areas, including the parking areas, and signs shall be posted throughout the development notifying residents and visitors of the security camera system;*
e. *All common area doors and access gates shall be secured with electronic locks;*
f. *All apartment units shall be equipped with a door that features a 180-degree peep hole;*
g. *For every 200 parking spaces, the development shall feature at least one Emergency Blue Light Phone that is connected to the Cobb County Public Safety's 24-hour communications center and identify the phone location if the caller is unable to talk.*
h. *Lighting: In order to ensure adequate illumination of the development and promote safety and security, the Parking Lot Design Guide standards set forth for Basic Enhanced Security, Security, and High Security as set forth in the Illuminating Engineering Society Lighting Handbook (IESNA), latest edition, as amended, is adopted as the standard for the installation and operating of lighting in parking lots.*

6 All façade materials to be installed similar to the elevations provided by the applicant and be in compliance with the City of Kennesaw architectural Standards

7 Maximum height of building will be 35 feet as defined in our zoning ordinance chapter one that defines how building height is measured.

8. Maximum number of units allowed will be 68 units with a maximum of 248 beds

Attorney, Douglas Dillard came forward on behalf of their client Fountain Residential who is proposing the project for Student Housing on Shiloh Road on the 4.4+/- acre tract. Mr. Dillard commented that city staff presented the case for rezoning and variances clearly as to the density and setback variances. This project is half of what had been presented in 2017 and is consisted with the City's Comprehensive Plan. The project is located on a thorough fare and located along a commercial, non-residential and residential area. There is a need for housing in the community as Kennesaw State University grows generating this need. ***Point of record the applicant is in support of the conditions made part of the staff analysis.***

A representative of Fountain Residential Communities, Trevor Tollett, came forward. He noted that the units on the 4.4+/- acre tract is to be leased by bed under the academic calendar year. This proposal is almost 56% less than the previously submitted designed plan. Project to be in keeping with codes, including landscaping, buffers, security (blue lights throughout the parking area) and parking.

Meetings with neighbors who voiced concerns with drainage, which with approval of this project can alleviate problems that currently exist today. Screening to the surrounding residents can be addressed with plantings, fencing. Conclusion, the City must plan for the future by diligent education through community outreach and to identify areas of opportunities best suited for these uses in order to meeting the planning goals of both Kennesaw State University, Cobb County and City of Kennesaw. With the help of the Purpose Built Student Housing Standards under consideration now.

Bob Vance from Kimley Horn briefly explained the underground, gravity feed detention pond for the project. In turn, can and will assist with any drainage problems currently existing today, helping the surrounding property owners concerns to drainage.

Motion made to open the meeting for public comment.

A number of residents within the area came forth to voice concerns about the proposed student housing project running along Shiloh Road. In addition, representation for 75 Wade Green Business Center Association brought forth their concerns about the requesting variances for parking and front setback.

Matters of concerns included and not limited to:

- Parking concerns #of spaces being created for both residents and guests as being insufficient
- Parking off-site concerns that would affect the customer parking for the commercial businesses adjacent to the project
- Impervious surface matters
- Quality of Life

- Cutting through the neighborhood (Pine Tree County Club)
- Noise problems with resident activities including within the parking lot area
- Site matters dealing with landscaping and tree plantings taking 3-5 years to grow before it would be beneficial
- Buffer matters along the commercial side
- Water, drainage matters
- Traffic issues
- Proposed multifamily use conflicts with the City's future land use plan and limitation on variances to approve does not allow for the request of density under Section 9.02.02
- Definition of "Family" is affect by the number of unrelated students living as one house keeping unit
- Property is not the right area of the proposed use in the CAC (Community Activity Center)

One resident came forward in support of the project, stating there is a need for student housing as Kennesaw State University grows. This proposal can help solve issues about student housing for both Cobb County and City of Kennesaw.

Motion made to close the meeting for public comment.

Applicant's attorney, Mr. Dillard responded to concerns from the public. The zoning classification requested is the best economic use of the property. They meet the parking standards under the request and as to traffic, traffic is here and the commission cannot use traffic as a consideration for their decision. Everyone has talked about water, drainage and having been addressed by Mr. Vance that the proposed plan would help reduce run off from the property better than it currently stands.

Darryl Simmons, Zoning Administrator, read into the record his recommendation and his approval of both the rezoning and variances as requested. The project is unique in that the City and County must work together as road matters are the jurisdiction of Cobb County. The City is trying to create a safe and controlled student housing project and work collectively with Cobb County. City has increased its personnel with additional Code Enforcement Officers to address security, quality of life, parking and all access matters to the proposed project.

During this time, the City is reviewing and considering new standards for Purpose Built Student Housing to be adopted under the City's Unified Development Code.

Trevor Tollett, applicant representative came forward to address some of the concerns that were voiced by the public. Matter of landscaping to adjacent commercial property the 5 (Five) foot buffer will be pursued further with additional screening, fencing, plantings etc. A reference to drainage was addressed earlier noting that the proposed project could actually improve what is currently happening on the site.

Motion was made by Don Bergwall, seconded by SaVaughn Irons to approve the request for rezoning to RM-12 per staff's recommendations with noted changes as follows:

3. The principal **ALL** *access for the development shall be an arterial or major collector roadway, as identified in the City of Kennesaw Unified Development Code or similar classification document.*

5. Security requirements:

c. The development shall be enclosed with a **minimum eight-foot privacy fence** ~~*six-foot high privacy fence*~~ *along the entire property line.*

h. Lighting: In order to ensure adequate illumination of the development and promote safety and security, the Parking Lot Design Guide standards set forth for Basic Enhanced Security, Security, and High Security as set forth in the Illuminating Engineering Society Lighting Handbook (IESNA), latest edition, as amended, is adopted as the standard for the installation and operating of lighting in parking lots. **No over flow of light onto/into the adjacent property.**

Item number 9 (Nine) to be added to the eight conditions as follows: The right side of property the 5foot buffer be pursued further.

Vote: 3-0. Yea: Don Bergwall, Patrick Jackson and SaVaughn Irons. Nay: None

Motion was made by Don Bergwall, seconded by Patrick Jackson to deny the variance request for density and to reduce the front setback on Shiloh Road to 30 feet. Vote: 2-1. Yea: Don Bergwall and Patrick Jackson. Nay: SaVaughn Irons.

Staff Comments – There were no additional comments from Staff.

Adjournment There being no further business, motion made by Donald Bergwall to adjourn this meeting at 9:00 p.m. Motion carried. Vote: 3-0. The next meeting is scheduled for April 01, 2020.

SITE PLAN 10C

UNIT TYPE	UNIT COUNT	BED CNT
EFF. 1	2	2
EFF. 2	3	3
1 BED 1 BATH	3	3
2 BED 2 BATH	2	4
2 BED 2 BATH	6	12
3 BED 3 BATH	7	21
4 BED 4 BATH	22	88
5 BED 5 BATH	23	115
	68	248

262 SURFACE SPACES 81 COMPACT 181 FULL SIZE
268.4 SPACES REQUIRED

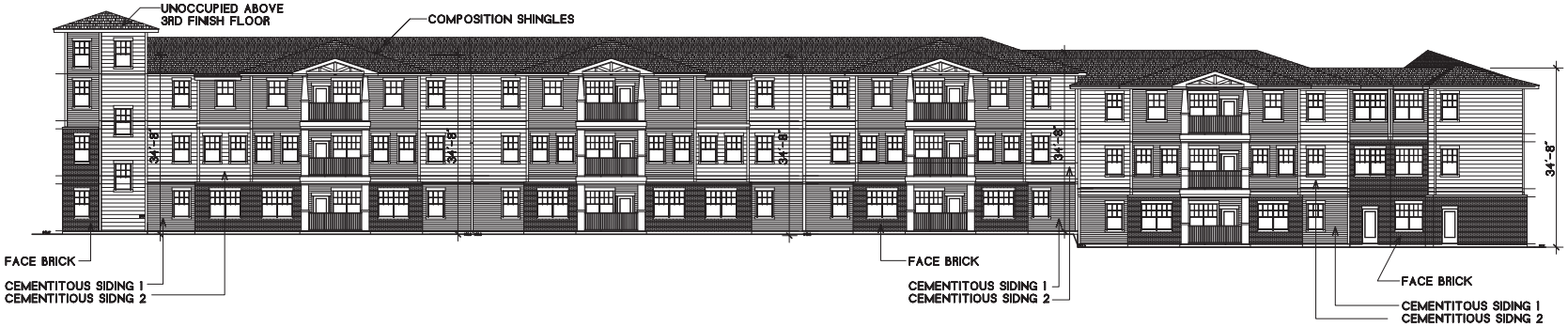
SITE SURFACE 10C COVERAGE CALCS	
LAND AREA	192,025.00
SURFACE PAVEMENT	96,012.50
APARTMENTS	37,578.68
BLDG. COV. AREA	37,578.00
COVERAGE	130,976.00
PAVEMENT COV. %	50.00
BLDG COVERAGE %	19.57
IMPERVIOUS %	69.57

1 SITEPLAN 10C

SCALE: 1" = 40.0'

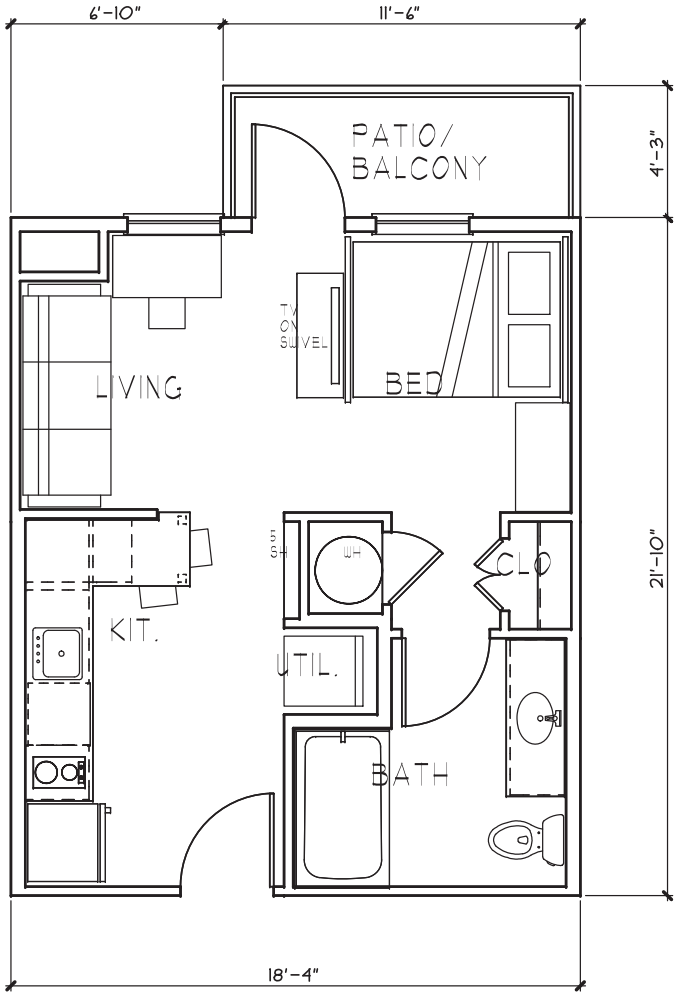
EAST ELEVATION

SCALE: 3/32" = 1'-0"



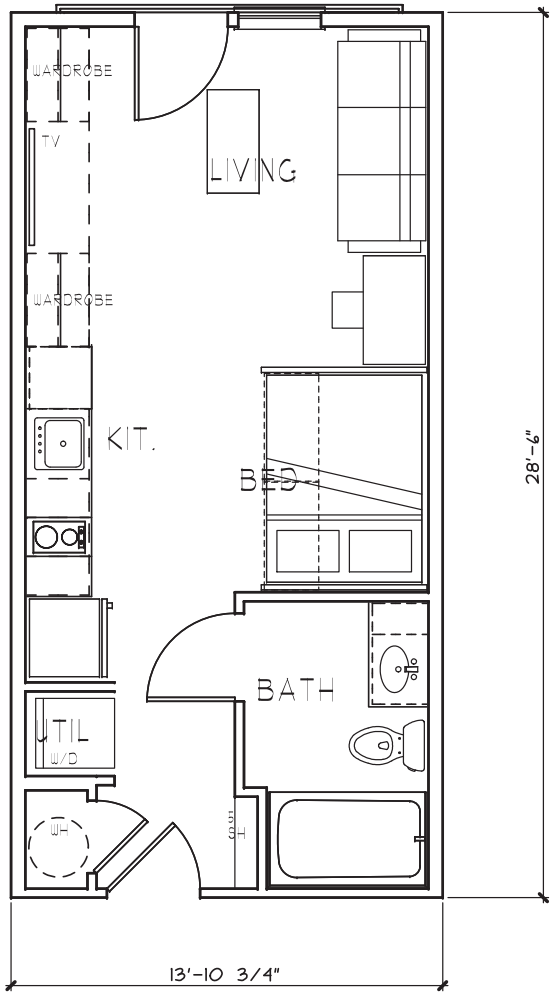
NORTH ELEVATION

SCALE: 3/32" = 1'-0"



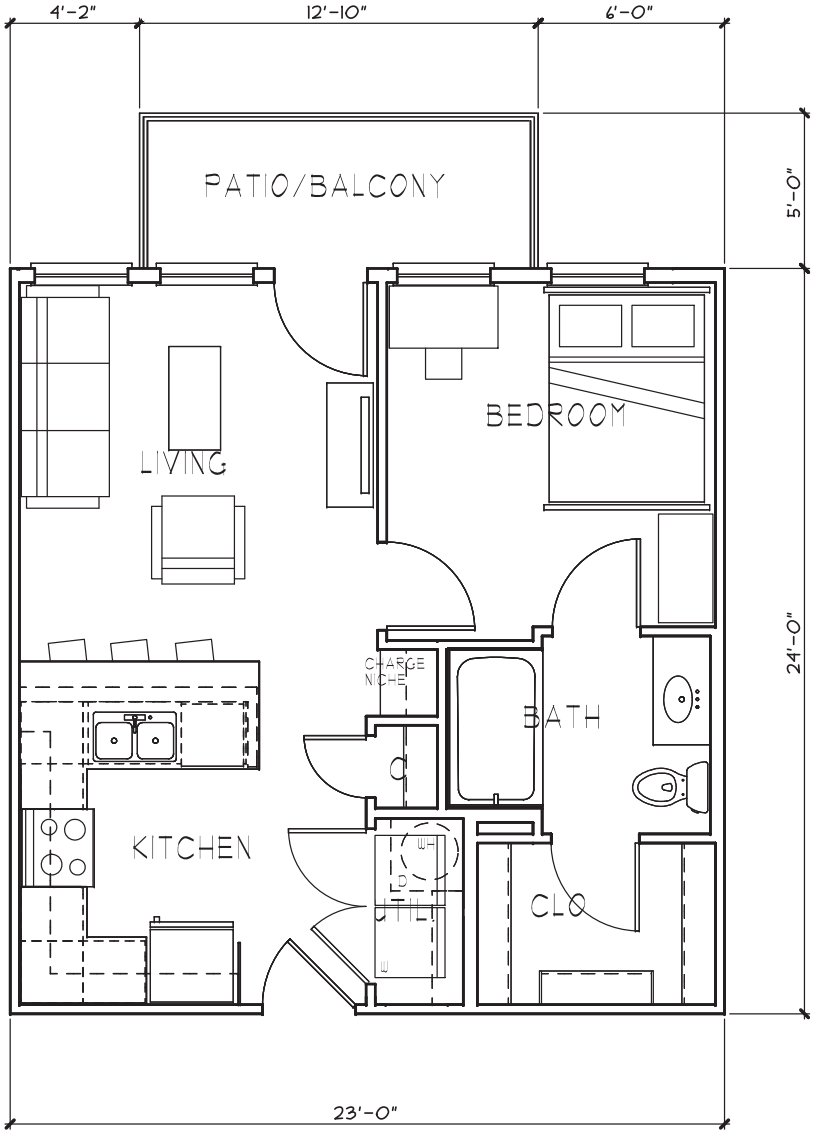
S2 EFFICIENCY

SCALE: 1/4" = 1'-0" NET 371 SF GROSS 449 SF



S3 EFFICIENCY

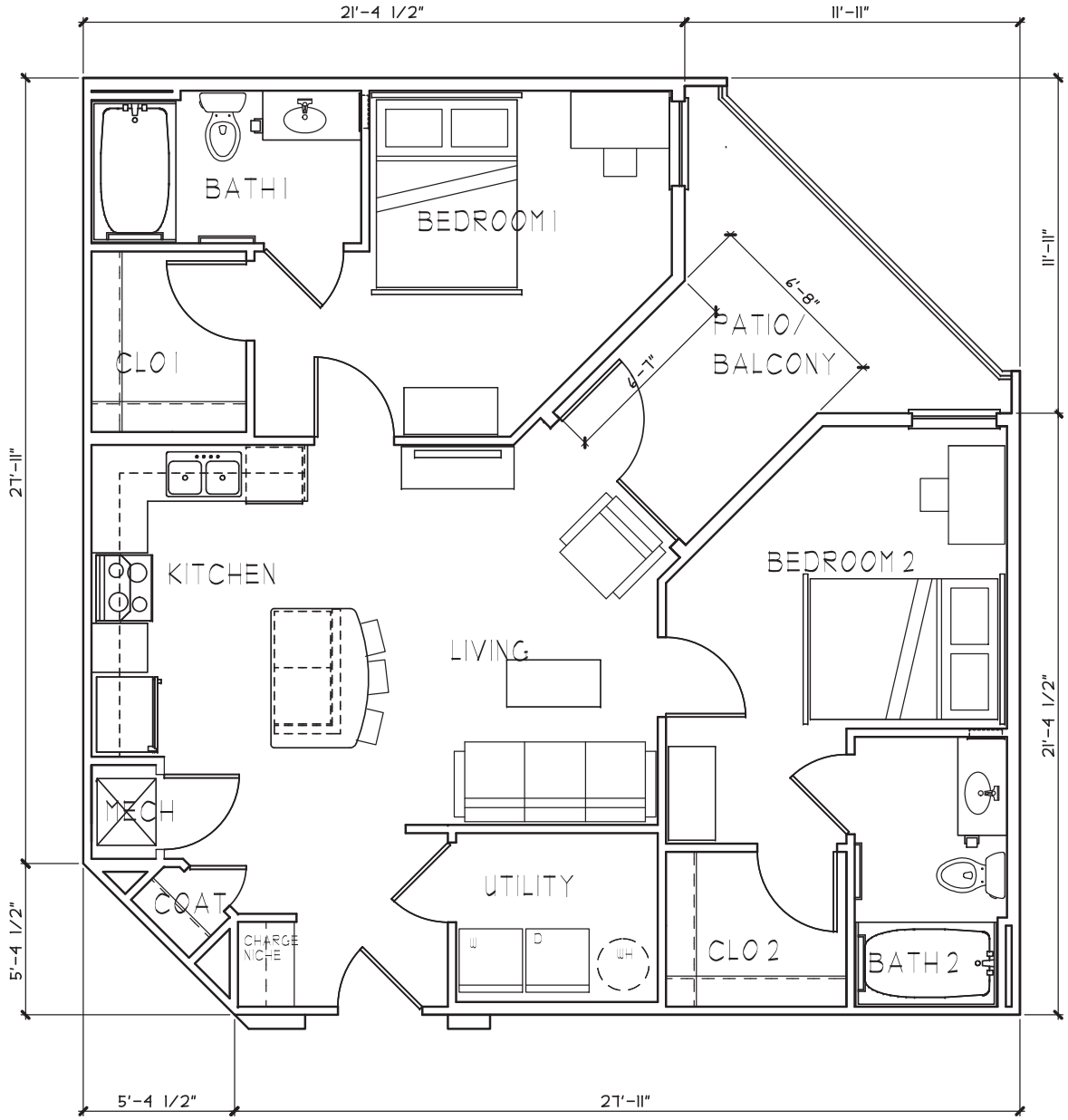
SCALE: 1/4" = 1'-0" NET 360 SF GROSS 396 SF



A1 ONE BEDROOM ONE BATH

SCALE: 1/4" = 1'-0"

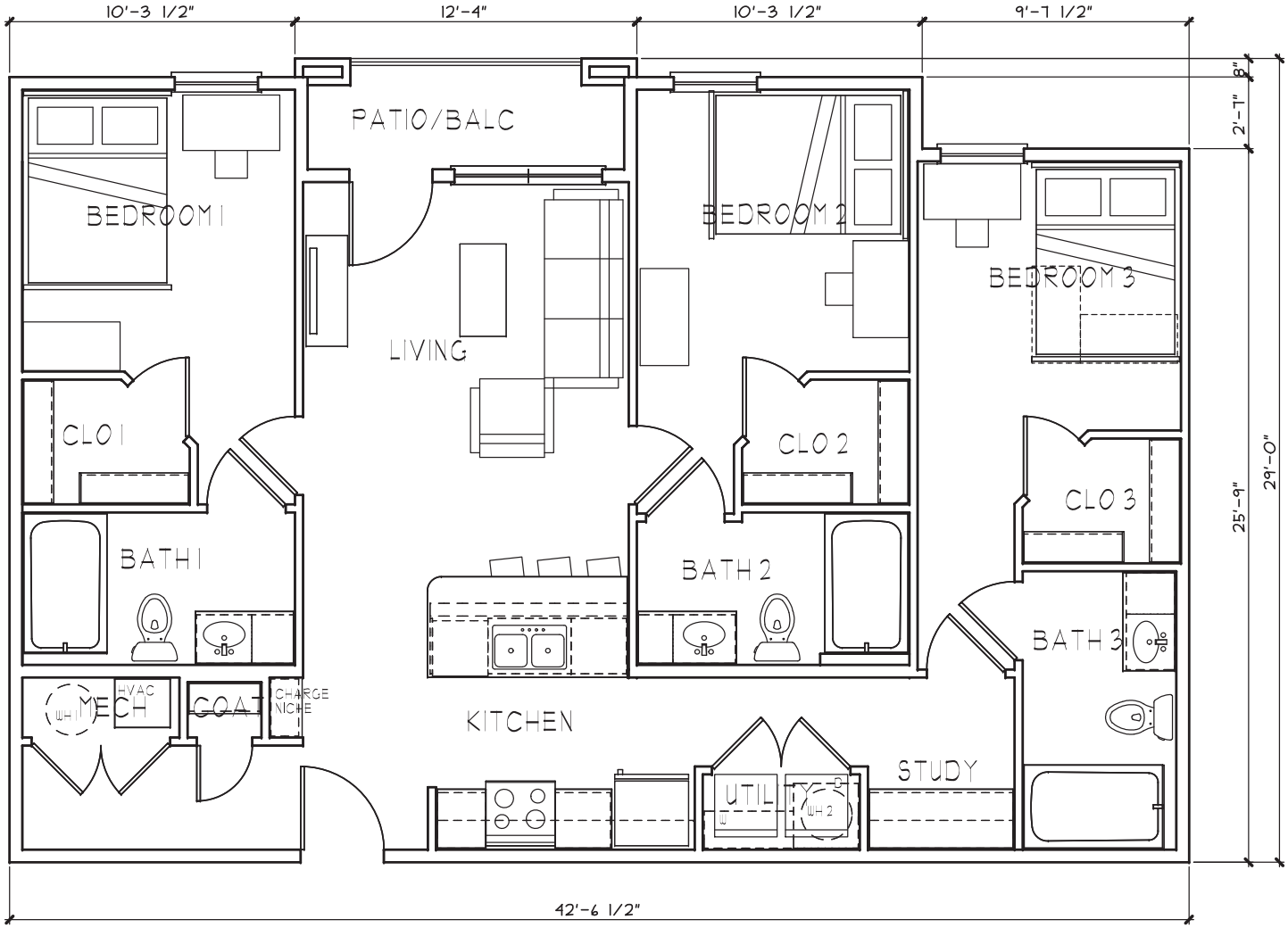
NET AREA 520 SF GROSS AREA 616 SF



B2 TWO BEDROOM TWO BATH

SCALE: 1/4" = 1'-0"

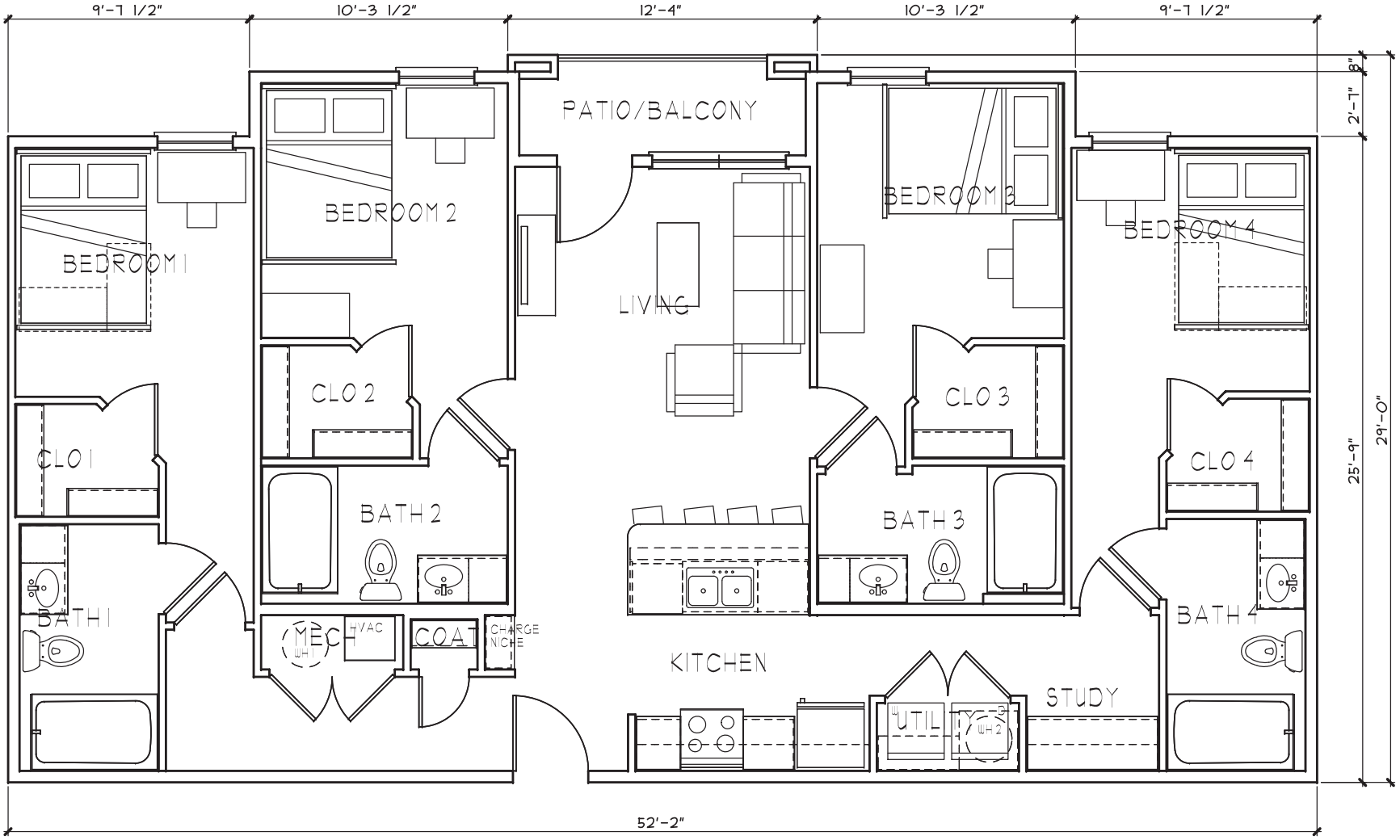
NET AREA 862 SF GROSS AREA 1,033 SF



C1 THREE BEDROOM THREE BATH

SCALE: 1/4" = 1'-0"

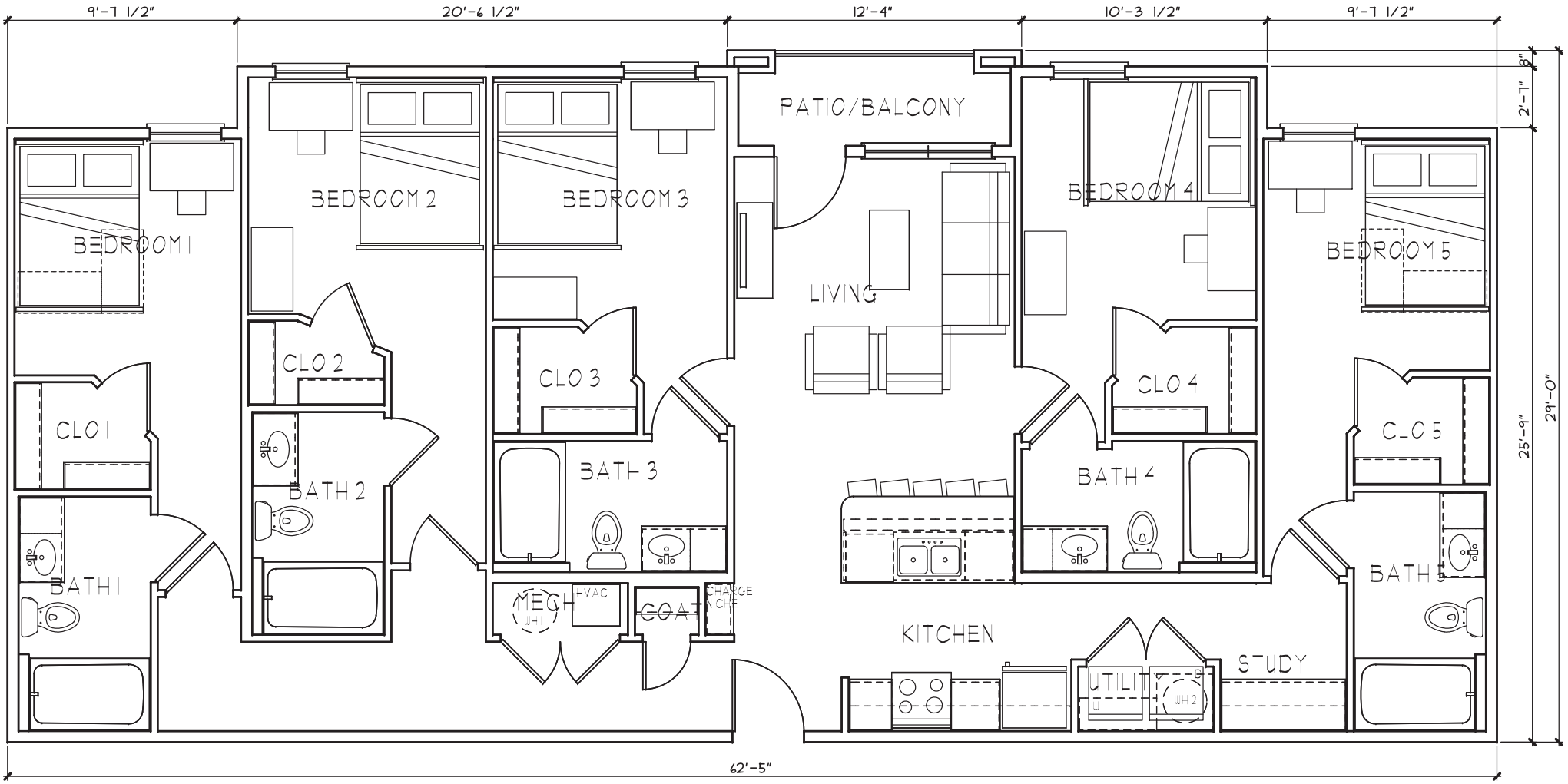
NET AREA 1,078 SF GROSS AREA 1,189 SF



D1 FOUR BEDROOM FOUR BATH

SCALE: 1/4" = 1'-0"

NET AREA 1,319 SF GROSS AREA 1,437 SF



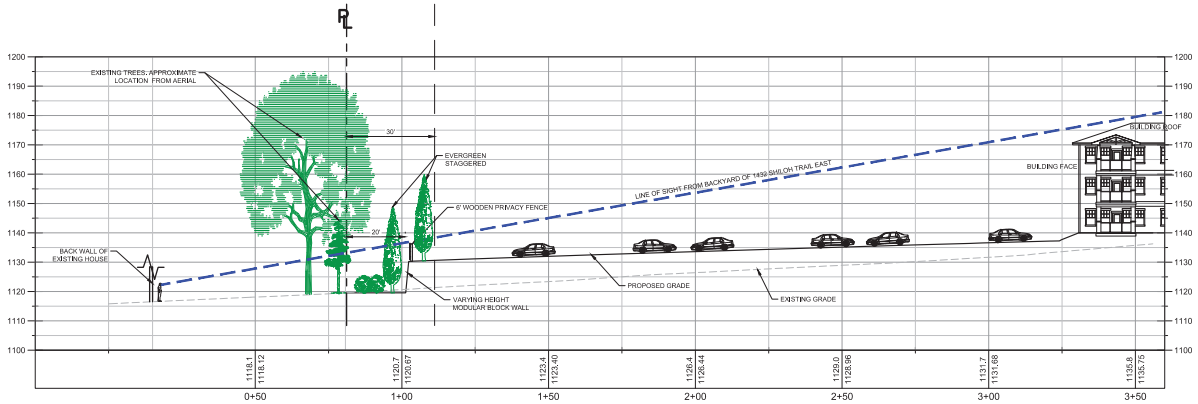
E1 FIVE BEDROOM FIVE BATH

SCALE: 1/4" = 1'-0"

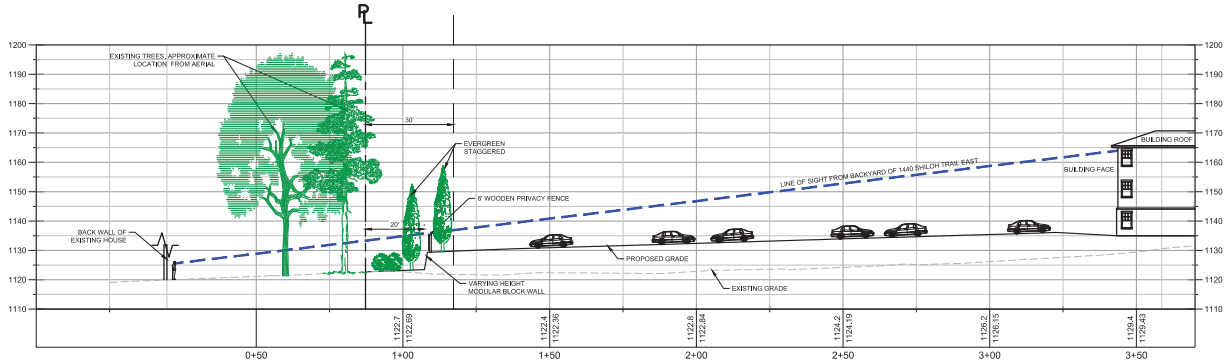
NET AREA 1,600 SF GROSS AREA 1,727 SF

EAST ELEVATION

SCALE: 1/4" = 1'-0"



PROFILE VIEW
VIEW FROM 1432 SHILOH TRAIL EAST
1" = 20' HORZ.
1" = 20' VERT.



PROFILE VIEW
VIEW FROM 1440 SHILOH TRAIL EAST
1" = 20' HORZ.
1" = 20' VERT.

GRAPHIC SCALE IN FEET
0 10 20 40
HORIZONTAL

0 10 20 40
VERTICAL

02-27-2020

EX-4

SECTION VIEWS FROM 1432 AND 1440 SHILOH TRAIL EAST

Kimley»Horn

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K:\ALP_PRJ\019818014 - Fountain Shiloh Road 2\CAD\References\oSurf-FG-019818006-OLD.dwg EX-4 - SECTION VIEWS FROM 1432 AND 1440 SHILOH TRAIL EAST Feb 27, 2020 8:21am by: jay.maddox

Campus Living

This character area is defined only by recent student apartment development near Kennesaw State University campus (less than one mile from the closest entry). This area is a good location for students, and for working adults as well. Located on Busbee Parkway south of Wade Green Road, the area is well situated for access to I-75, I-575 and Barrett Parkway. Sidewalks support pedestrian access along Wade Green Road, Busbee Parkway and Frey Road. Neighborhood office parks and retail stores and services are located along Wade Green Road.

Growth of this area is limited due to lack of available land and to its isolation from other areas in the City limits. This area is an "island" surrounded by land under Cobb County jurisdiction.

Future Land Use Categories

- CAC Community Activity Center
- RH High Density Residential

Campus Living

Cherokee Street Commercial Corridor

The Cherokee Street Commercial Corridor is an approximately 1 mile section of Wade Green Road and Cherokee Street extending from the Wade Green and I-75 Interchange south to Ben King Road. This corridor is comprised of neighborhood compatible retail and office developments intermixed with residential and institutional land uses. South of the McCollum Parkway intersection, many of the office and retail uses occur in older homes that have been rezoned to allow commercial use. North of McCollum Parkway to the I-75 interchange are several strip malls and free standing office developments. Sidewalks are frequently used by residents, but are possibly undersized as Cherokee Street and its right-of-way narrows approaching Ben King Road. Parking is often limited to the front or driveway side of the structure. Signage is generally more attractive and visible in the more recent strip developments north of McCollum Parkway.

Future Land Use Categories

- CAC Community Activity Center
- NAC Neighborhood Activity Center
- PI Public Service/Institutional

Cherokee Street Commercial Corridor

Cobb Parkway Industrial

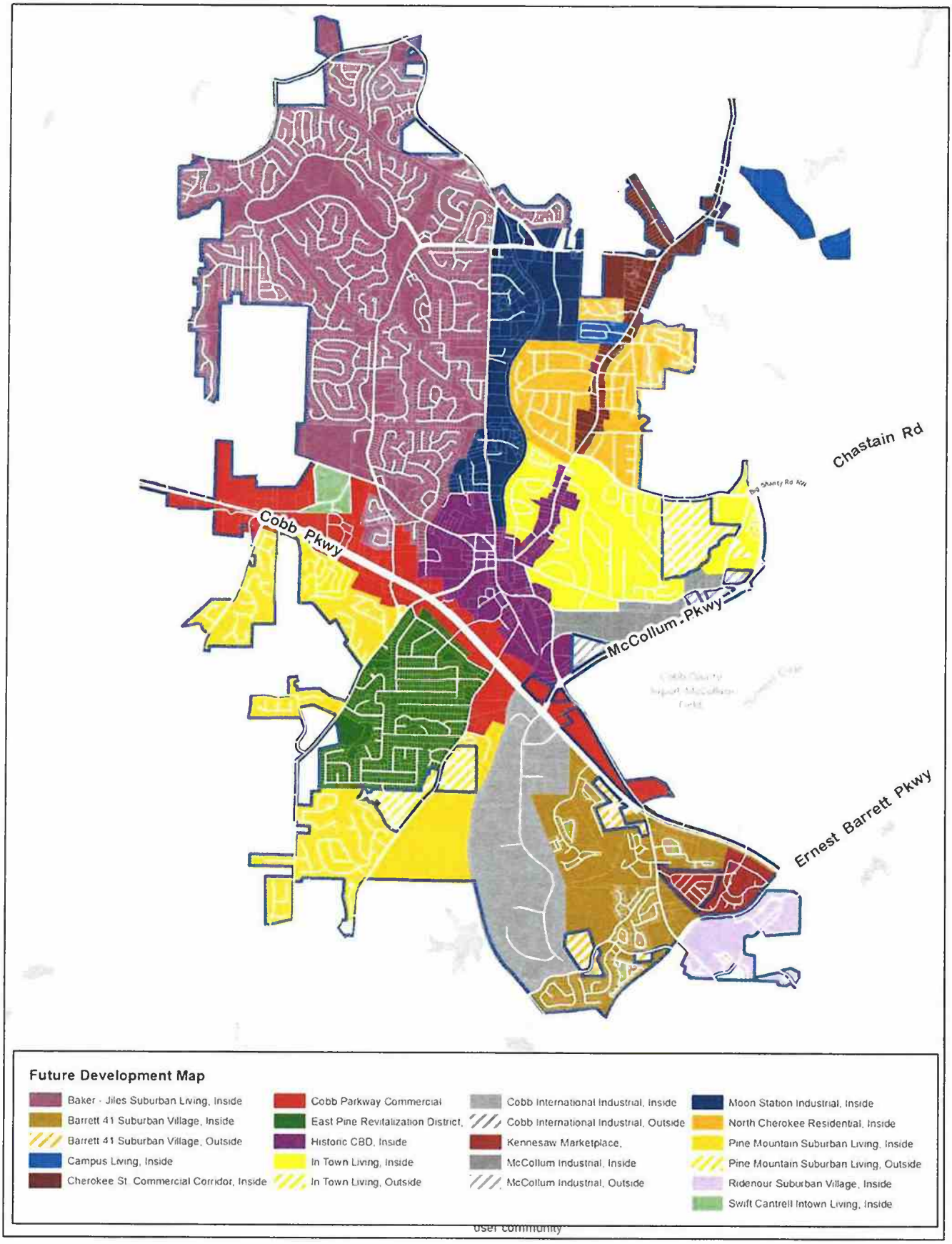
Cobb International Industrial

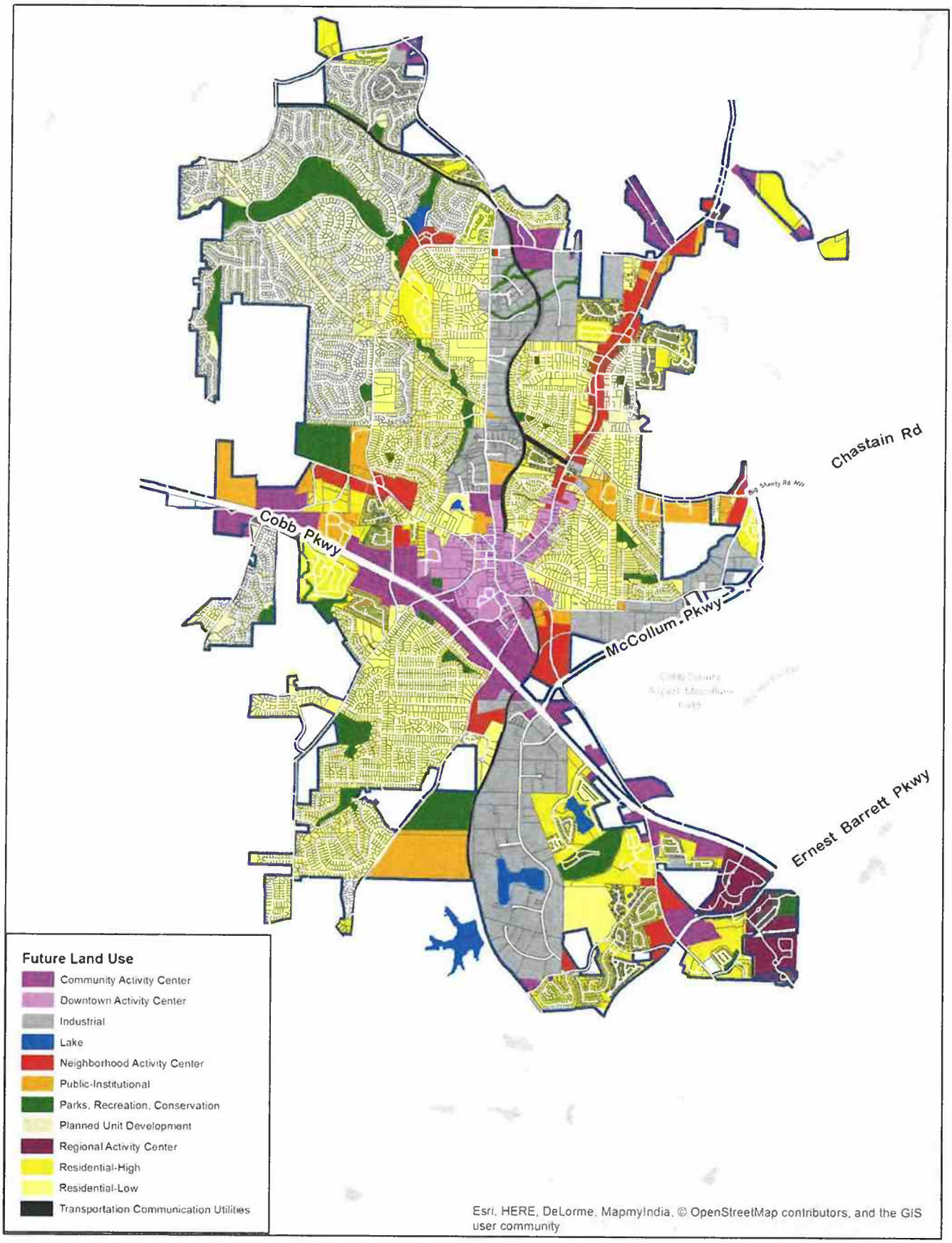
The Cobb International Industrial area is located across from the McCollum Parkway and Cobb Parkway intersection. In general, this area is characterized by large manufacturing and distribution warehouses, as well as smaller, retail and office warehouse operations.

The overall area is strategically located near McCollum Airport and the CSX rail line. It also has direct access to Cobb parkway and I-75 via McCollum Parkway. Structures are generally metal buildings with brick or stone facades on the front. Many structures have stone or brick facades on at least two or more sides. Pedestrian access is limited due to the heavy traffic volume of the area. No sidewalk access is provided along this segment of Cobb Parkway or in the industrial park.

Future Land Use Categories

- CAC Community Activity Center
- I Industrial


Chastain Rd
Cobb Pkwy
McCollum Pkwy
Ernest Barrett Pkwy
Future Development Map
Baker - Jiles Suburban Living, Inside
Barrett 41 Suburban Village, Inside
Barrett 41 Suburban Village, Outside
Campus Living, Inside
Cherokee St. Commercial Corridor, Inside
Cobb Parkway Commercial
East Pine Revitalization District,
Historic CBD, Inside
In Town Living, Inside
In Town Living, Outside
Cobb International Industrial, Inside
Cobb International Industrial, Outside
Kennesaw Marketplace,
McCollum Industrial, Inside
McCollum Industrial, Outside
Moon Station Industrial, Inside
North Cherokee Residential, Inside
Pine Mountain Suburban Living, Inside
Pine Mountain Suburban Living, Outside
Ridenour Suburban Village, Inside
Swift Cantrell Intown Living, Inside


Chastain Rd
Cobb Pkwy
McCollum Pkwy
Ernest Barrett Pkwy
Future Land Use
Community Activity Center
Downtown Activity Center
Industrial
Lake
Neighborhood Activity Center
Public-Institutional
Parks, Recreation, Conservation
Planned Unit Development
Regional Activity Center
Residential-High
Residential-Low
Transportation Communication Utilities
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

Our Future Land Use

As a built-out city, any new growth within the City of Kennesaw will be redevelopment. Currently within the city, 86% of the city's parcels are residential which is a challenge for any new development. The Future Land Use Map is a general guide for character of development within the city. A description of each category is provided below. Sample photos on the following pages, show options of what may be appropriate in each category. New development should be monitored for its impact on water quality within the city and region.

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Activity Centers are areas of commercial, office, and residential land uses. These are located along major transportation corridors. New development should reflect the character of the existing development within these areas.

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These are areas of large developments and serve as regional destinations for employment and retail.
Downtown Activity Center
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Public/Institutional
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Bodies of Water

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Planned Unit Development
Areas planned under a separate master plan

Residential High
Residential Medium
Residential Low
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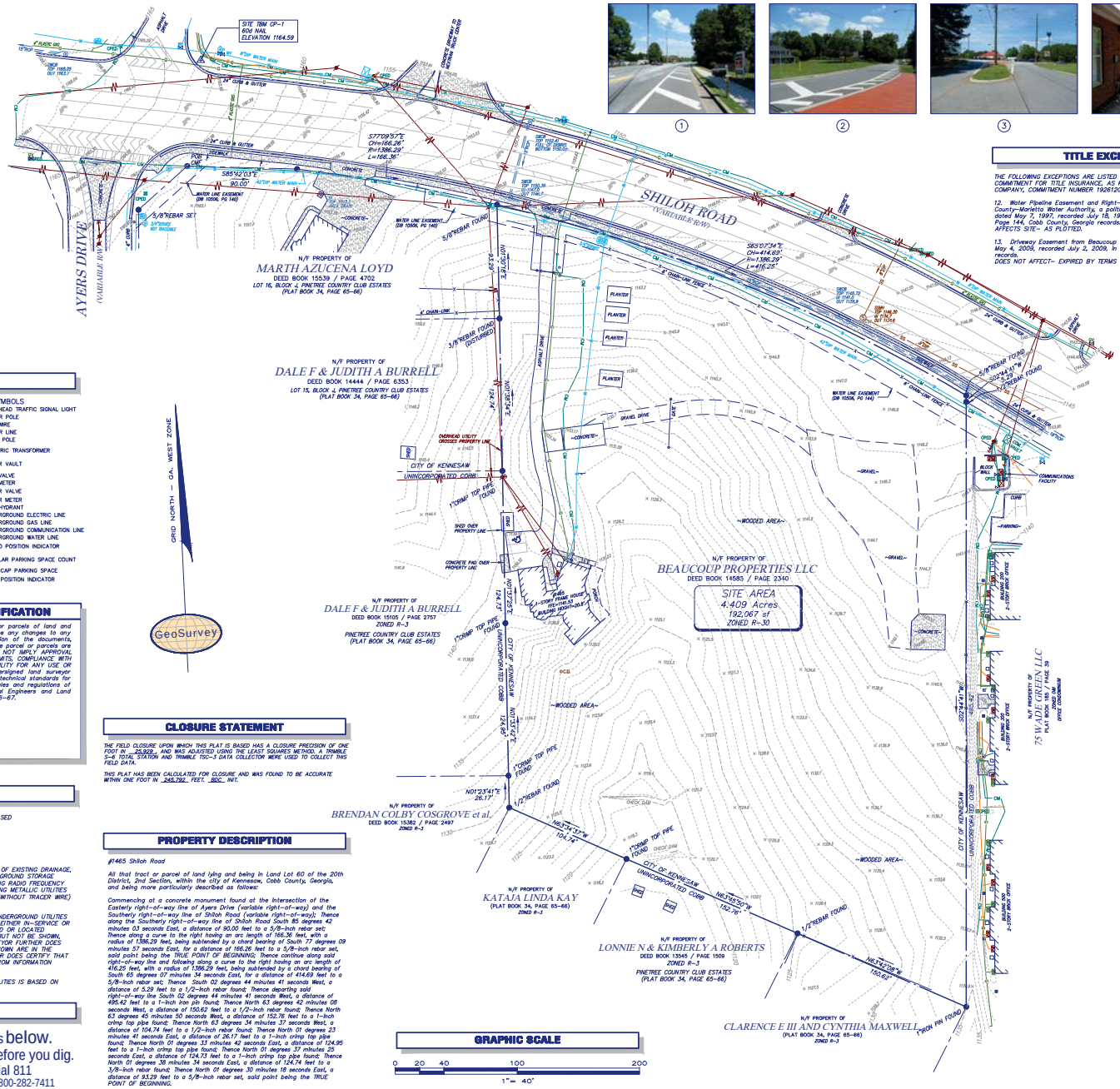
- Low/Medium 1-4 units per acre
- High 4-16 units per acre

RESERVED FOR CLERK OF COURTS RECORDING INFORMATION



1

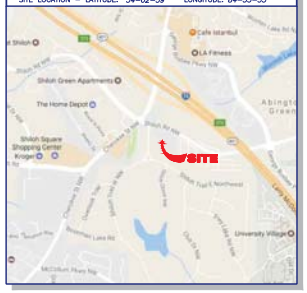
2

3

4

VICINITY MAP

SITE LOCATION – LATITUDE: 34-02-59 LONGITUDE: 84-35-33



TITLE EXCEPTIONS

THE FOLLOWING EXCEPTIONS ARE LISTED IN SCHEDULE B, PART II, OF A COMMITMENT FOR TITLE INSURANCE, AS PREPARED BY CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NUMBER 1926120A, EFFECTIVE DATE NOVEMBER 11, 2019.

12. Water Pipeline Easement and Right-of-Way from Ken B. Smathers to Cobb County-Marietta Water Authority, a political subdivision of the State of Georgia, dated May 7, 1997, recorded July 18, 1997, in Deed Book 10506, Page 144, Cobb County, Georgia records.
AFFECTS SITE- AS PLOTTED.

13. Driveway Easement from Beaucoup Properties, LLC, to Cobb County, gated May 4, 2009, recorded July 2, 2009, in Deed Book 14708, Page 1004, aforesaid records.
DOES NOT AFFECT- EXPIRED BY TERMS OF AGREEMENT.

GENERAL NOTES

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON, NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 13067C0036G AND 13067C0037G, AND THE DATE OF SAID MAP IS 12/16/2008. THE PROPERTY LIES IN AN AREA WITH DESIGNATION OF "ZONE X". THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS, AND BASED ON POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY eGPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983(NAR0)-STATE PLANE COORDINATE SYSTEM OF GEORGIA-WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

NO ZONING REPORT OR ZONING LETTER WAS PROVIDED TO THE SURVEYOR.

SITE IS ZONED "R-30" (SINGLE FAMILY RESIDENTIAL DISTRICT) AS SHOWN ON THE ZONING MAP OF THE CITY OF KENNESAW.
THE MINIMUM YARD SETBACKS ARE: FRONT – 50 FEET FOR ARTERIAL & COLLECTOR ROADS AND 40 FOR LOCAL ROADS;
SIDE – 10 FEET; MAJOR SIDE 25 FEET AND REAR – 40 FEET.

PLEASE NOTE: ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES.

SURVEY REFERENCES

1> SURVEY FOR 75-WADE GREEN BUSINESS CENTER, BLOCK A, PREPARED BY CENTERLINE SURVEYING SYSTEMS, INC., DATED 11/01/1999, RECORDED IN PLAT BOOK 185, PAGE 39.

2> PLAT OF PINETREE COUNTRY CLUB RECORDED IN PLAT BOOK 34, PAGE 65-66. (TRACT 1 AND TRACT 2 ARE A PART OF PINETREE COUNTRY CLUB ESTATES SUBDIVISION)

3> SURVEY OF PROPERTY OF GEORGE GOLD, DATED FEBRUARY 1964, AS PREPARED BY ALAN PAUL WELKER, RECORDED IN PLAT BOOK 33, PAGE 41.

4> ALT/NSPS LAND TITLE SURVEY FOR FOUNTAIN RESIDENTIAL PARTNERS, LLC, PREPARED BY GEOSURVEY, LTD., DATED 05/22/2017.

LEGEND

STANDARD ABBREVIATIONS

AC	AIR CONDITIONER
BH	BORE HOLE
BSL	BUILDING SETBACK LINE
CI	CURB INLET
CMP	CORRUGA TED METAL PIPE
CMF	CONCRETE MONUMENT FND
CO	SANITARY CLEANOUT
CPED	COMMUNICATION PEDESTAL
CTP	CRIMPED TOP PIPE
DI	DROP INLET
DIP	DUCTILE IRON PIPE
DWCB	DOUBLE WING CATCH BASIN
FNC	FENCE
FND	FOUND
GM	GAS METER
INV	INVERT
JB	JUNCTION BOX
MH	MANHOLE
OHP	OVERHEAD POWER
OTP	OPEN TOP PIPE
PM	POWER METER
PKS	PK NAIL SET
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
RCP	REINFORCED CONCRETE PIPE
RBR	IRON REINFORCING BAR
RBS	5/8"RBR SET CAPPED LSF 621
SS	SANITARY SEWER
SWCB	SINGLE WING CATCH BASIN
TRANS	ELECTRIC TRANSFORMER

STANDARD SYMBOLS

	OVERHEAD TRAFFIC SIGNAL LIGHT
	POWER POLE
	GUY WIRE
	POWER LINE
LP	LIGHT POLE
	ELECTRIC TRANSFORMER
	WATER VAULT
GV	GAS VALVE
GM	GAS METER
WV	WATER VALVE
WM	WATER METER
	FIRE HYDRANT
E	UNDERGROUND ELECTRIC LINE
G	UNDERGROUND GAS LINE
CM	UNDERGROUND COMMUNICATION LINE
W	UNDERGROUND WATER LINE
1	PHOTO POSITION INDICATOR
XX	REGULAR PARKING SPACE COUNT
	HANDICAP PARKING SPACE
	TREE POSITION INDICATOR
	SIGN

GEORGIA SURVEYOR CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Bradley D. Cash
Georgia Registered
Land Surveyor # 2840

UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON LOCATION OF MARKINGS PROVIDED BY:
DATE OF UTILITY SURVEY: 05/17/2017
UTILISURVEY, LLC
154 GRANT ROAD
FAYETTEVILLE, GA 30215

THE UNDERGROUND UTILITIES (EXCEPT THE LOCATION OF EXISTING DRAINAGE, SEWER AND IRRIGATION UTILITIES AS WELL AS UNDERGROUND STORAGE TANKS) WERE LOCATED BY UTILISURVEY, LLC. UTILIZING RADIO FREQUENCY TECHNIQUE. THIS TECHNIQUE IS CAPABLE OF LOCATING METALLIC UTILITIES AND TRACER WIRES. ANY NON-METALLIC UTILITIES (WITHOUT TRACER WIRE) ARE NOT LOCATED.

THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. UNDERGROUND UTILITIES NOT OBSERVED OR LOCATED UTILIZING THIS TECHNIQUE MAY EXIST ON THIS SITE BUT NOT BE SHOWN, AND MAY BE FOUND UPON EXCAVATION. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

INFORMATION REGARDING MATERIAL AND SIZE OF UTILITIES IS BASED ON RECORDS ACQUIRED FROM THE UTILITY OWNERS.

IF YOU DIG

Know what's below.
Call before you dig.
Dial 811
Or Call 800-282-7411

CLOSURE STATEMENT

THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 26,929 , AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. A TRIMBLE S-6 TOTAL STATION AND TRIMBLE TSC-3 DATA COLLECTOR WERE USED TO COLLECT THIS FIELD DATA.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 245,792 FEET. BDC INT.

PROPERTY DESCRIPTION

#1465 Shiloh Road

All that tract or parcel of land lying and being in Land Lot 60 of the 20th District, 2nd Section, within the city of Kennesaw, Cobb County, Georgia, and being more particularly described as follows:

Commencing at a concrete monument found at the intersection of the Easterly right-of-way line of Ayers Drive (variable right-of-way) and the Southerly right-of-way line of Shiloh Road (variable right-of-way); Thence along the Southerly right-of-way line of Shiloh Road South 85 degrees 42 minutes 03 seconds East, a distance of 90.00 feet to a 5/8-inch rebar set; Thence along a curve to the right having an arc length of 166.36 feet, with a radius of 1386.29 feet, being subtended by a chord bearing of South 77 degrees 09 minutes 57 seconds East, for a distance of 166.26 feet to a 5/8-inch rebar set, said point being the TRUE POINT OF BEGINNING; Thence continue along said right-of-way line and following along a curve to the right having an arc length of 416.25 feet, with a radius of 1386.29 feet, being subtended by a chord bearing of South 65 degrees 07 minutes 34 seconds East, for a distance of 414.69 feet to a 5/8-inch rebar set; Thence South 02 degrees 44 minutes 41 seconds West, a distance of 5.29 feet to a 1/2-inch rebar found; Thence departing said right-of-way line South 02 degrees 44 minutes 41 seconds West, a distance of 495.42 feet to a 1-inch iron pin found; Thence North 63 degrees 42 minutes 08 seconds West, a distance of 150.62 feet to a 1/2-inch rebar found; Thence North 63 degrees 45 minutes 50 seconds West, a distance of 152.76 feet to a 1-inch crimp top pipe found; Thence North 63 degrees 34 minutes 37 seconds West, a distance of 104.74 feet to a 1/2-inch rebar found; Thence North 01 degrees 23 minutes 41 seconds East, a distance of 26.17 feet to a 1-inch crimp top pipe found; Thence North 01 degrees 33 minutes 42 seconds East, a distance of 124.95 feet to a 1-inch crimp top pipe found; Thence North 01 degrees 37 minutes 25 seconds East, a distance of 124.73 feet to a 1-inch crimp top pipe found; Thence North 01 degrees 38 minutes 34 seconds East, a distance of 124.74 feet to a 3/8-inch rebar found; Thence North 01 degrees 30 minutes 18 seconds East, a distance of 93.29 feet to a 5/8-inch rebar set, said point being the TRUE POINT OF BEGINNING.

Said tract of land contains 4.409 Acres.

GRAPHIC SCALE

0 20 40 100 200
1" = 40'

ALTA SURVEYOR CERTIFICATION

To: BEAUCOUP PROPERTIES, LLC
CHICAGO TITLE INSURANCE COMPANY

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 7(a), 7(b-1), 8, 9, 10(a), 11 and 13of Table A thereof. The original fieldwork was completed May 22, 2017 and updated by inspection on January 7, 2020.

Date: January 7, 2020

GEORGIA REGISTERED LAND SURVEYOR NO. 2840 BRADLEY D. CASH

Bradley D. Cash
Georgia Registered
Land Surveyor # 2840

ALTA/NSPS LAND TITLE SURVEY FOR

BEAUCOUP PROPERTIES, LLC
CHICAGO TITLE INSURANCE COMPANY

GS JOB NO:	20175500	DRAWING SCALE:	1"= 40'	SURVEY DATE:	01/07/2020
FIELD WORK:	CL	CITY: KENNESAW	STATE: GA	REVISIONS	
PROJ MGR:	BDC	COUNTY:	COBB	No. / Date / Description	
REVIEWED:	JRC	LAND LOT:	60		
DWG FILE: 20175500-04.dwg		DISTRICT: 20TH	SECTION: 2ND		

SITE PLAN 10C

UNIT TYPE	UNIT COUNT	BED CNT
EFF. 1	2	2
EFF. 2	3	3
1 BED 1 BATH	3	3
2 BED 2 BATH	2	4
2 BED 2 BATH	6	12
3 BED 3 BATH	7	21
4 BED 4 BATH	22	88
5 BED 5 BATH	23	115
	68	248

262 SURFACE SPACES 81 COMPACT 181 FULL SIZE
268.4 SPACES REQUIRED

SITE SURFACE 10C COVERAGE CALCS	
LAND AREA	192,025.00
SURFACE PAVEMENT	96,012.50
APARTMENTS	37,578.68
BLDG. COV. AREA	37,578.00
COVERAGE	130,976.00
PAVEMENT COV. %	50.00
BLDG COVERAGE %	19.57
IMPERVIOUS %	69.57

1 SITEPLAN 10C

SCALE: 1" = 40.0'

Recd 3.4.2020

GDCR ATTORNEYS AT LAW

Richard W. Calhoun
rcalhoun@gdcrlaw.com

March 4, 2020

City of Kennesaw Planning Commission Members and
Mayor and City Council
2529 J. O. Stephens Avenue
Kennesaw, GA 30144

Re: Rezoning and Variance Request Z 2020-01; 1465 Shiloh Road

Dear Planning Commission Members and Mayor and Council:

This firm represents 75 Wade Green Business Center Association, Inc. (the "Association") with reference to the above rezoning and variance applications.

Our client is opposed to these applications for the following reasons:

1.) There have been several successful prior rezonings of this same property (from R-20 to CRC, CRC to O&I, and O&I to R-30) which suggest this property is suitable for a multitude of other uses less intrusive to the surrounding area than what amounts to a college dormitory.

The Mayor and Council's *unanimous* 2017 decision to deny a similar application was correct.[1] There is little in the present application which distinguishes it from the last application. In addition, the buffer previously shown adjacent to the Association's property has been removed from the present plan.

2.) The proposed multifamily use *conflicts* with the City's future land use plan, which shows the subject property as being located in a Community Activity Center on the City's future land use map. Recommended zoning classifications under the CAC designation do not include multifamily housing projects, whether labeled "student housing" or not. (See Exhibit "B")

[1] An appeal of the Council's decision was without merit and was later dismissed by the property owner. (See Exhibit "A")

49 Atlanta Street
Marietta, Georgia 30060

2951 Flowers Road South, Suite 220
Atlanta, Georgia 30341

Gregory, Doyle, Calhoun & Rogers, LLC

3.) The applicant's requested "density variance" is an attempt to do indirectly what cannot be done directly, i.e., to allow a higher density than permitted under the City's zoning ordinance.

§ 9.02.02 of the City's UDC *specifically limits* variances to dimensional standards of building height, lot width, driveway spacing, yard setbacks and parking space dimensions. Density variances are simply *not* among the enumerated types of variances that the City can grant. (See Exhibit "C")

4.) A desire for greater density and therefore greater profit is *not a hardship* which will support a variance under the City's zoning ordinance. Local zoning authorities are not required to grant variances to eliminate hardships which are not inherent in the property or to allow expansion or correct planning errors of the property owner. Matheson v. Dekalb County 257 Ga. 48 (1987)

5.) The applicant's plans include four and five-bedroom units, some of which presumably may be occupied by four unrelated students. To the extent any of the 68 proposed dwelling units are occupied by more than three unrelated persons, such occupancy would constitute a violation of the City's RM-12 zoning district regulations. (See Exhibit "D")

6.) The proposed housing project is starkly out of character for this area, and will devalue surrounding properties with no corresponding benefit to anyone but the developer of this project.

The grant of the proposed rezoning and/or variances would amount to a manifest abuse of the City's zoning authority to the detriment of our client and other property owners in the 75 Wade Green Office Park, and would effect an uncompensated taking and damaging of their property without due process of law, as well as a denial of equal protection in violation of Ga. Const. Article 1, § 1, Paragraphs 1 and 2 and Article 1 § 3, Paragraph 1, and corresponding provisions of the U.S. Constitution.

For the foregoing reasons we respectfully submit that the requested rezoning and variance applications should be denied.

Sincerely yours,
GDCR ATTORNEYS AT LAW

Richard W. Calhoun
For the Firm

RWC/sws

cc: Derek Easterling, Mayor
James "Doc" Eaton, Council Post 1
Tracey Viars, Council Post 2
Pat Ferris, Council Post 3
Chris Henderson, Council Post 4
David Blinkhorn, Council Post 5
Doug Rhodes, Planning Commission Chairman
Cindi Michael, Planning Commission Vice-Chair
Dan Harrison, Planning Commission
Don Bergwell, Planning Commission
Phillip Jackson, Planning Commission
SaVaughn Irons, Planning Commission
Darryl Simmons, Planning and Zoning Administrator
Doug Dillard, Esq.
75 Wade Green Business Center Association, Inc.

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ID# 2018-0029176-CV
EFILED IN OFFICE
CLERK OF SUPERIOR COURT
COBB COUNTY, GEORGIA
17108684
FEB 28, 2018 03:51 PM
Rebecca Keaton, Clerk of Superior Court
Cobb County, Georgia

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

BEAUCOUP PROPERTIES, LLC, Petitioner/Plaintiff,	)	
v.	)	
CITY OF KENNESAW, GEORGIA, Defendant,	)	CIVIL ACTION
	)	FILE NO. 17-1-8684-40
and	)	
MAYOR OF KENNESAW and KENNESAW CITY COUNCIL, Respondents	)	

VOLUNTARY DISMISSAL WITHOUT PREJUDICE

COMES NOW Petitioner/Plaintiff Beaucoup Properties, LLC, by and through its attorney of record, and dismisses all claims in the above-referenced suit, without prejudice. The Clerk is directed to close the file.

This 28th day of February, 2018.

JENKINS & BOWEN, P.C.

/s/ Sarah MacKimm
Brandon L. Bowen
Georgia Bar No. 071107
Sarah MacKimm
Georgia Bar No.: 299849
Attorneys for Beaucoup Properties, LLC

15 South Public Square
Cartersville, Georgia 30120
(770) 387-1373 – Tel
(770) 387-2396 – Fax
bbowen@ga-lawyers.pro
smackimm@ga-lawyers.pro

EXHIBIT
A

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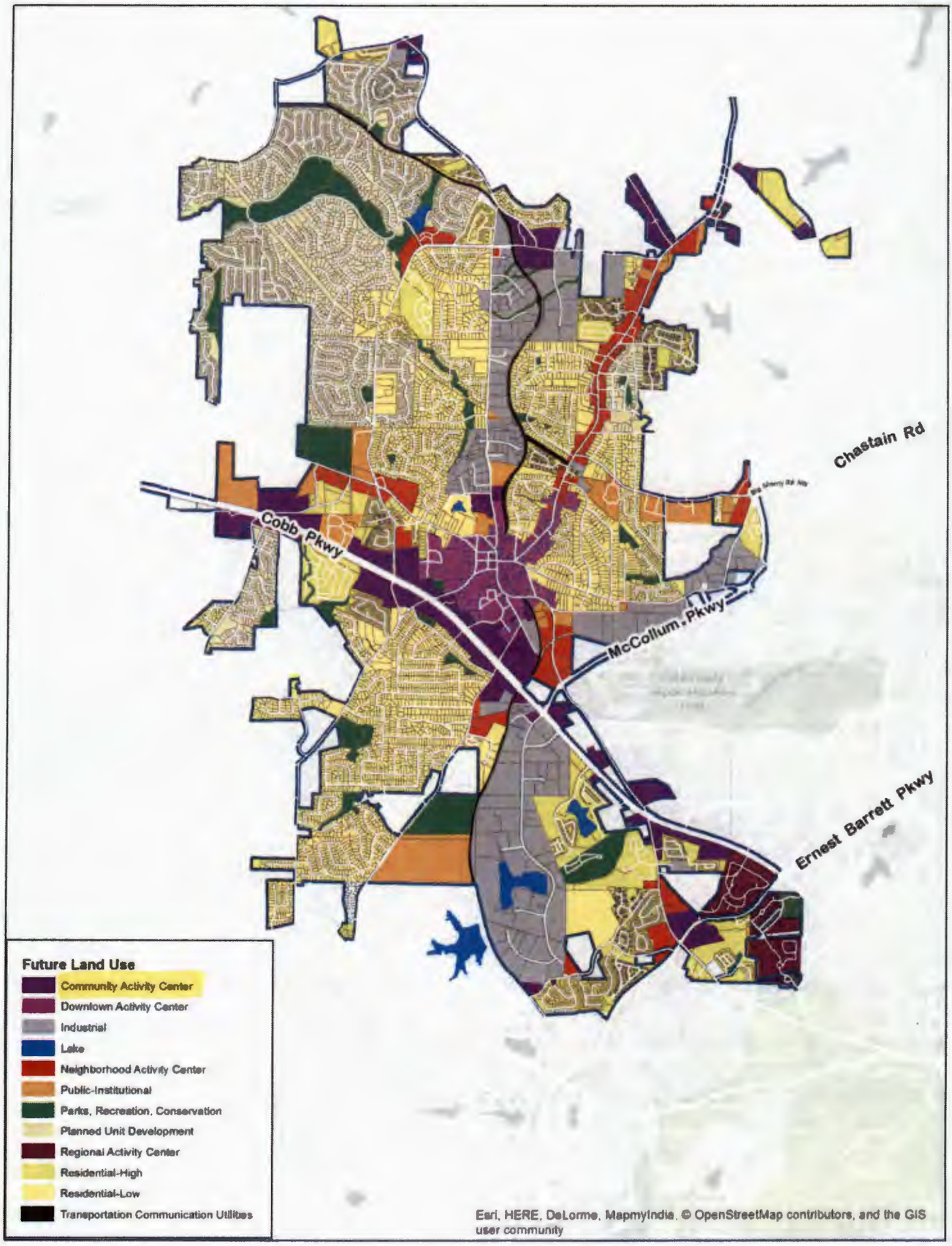
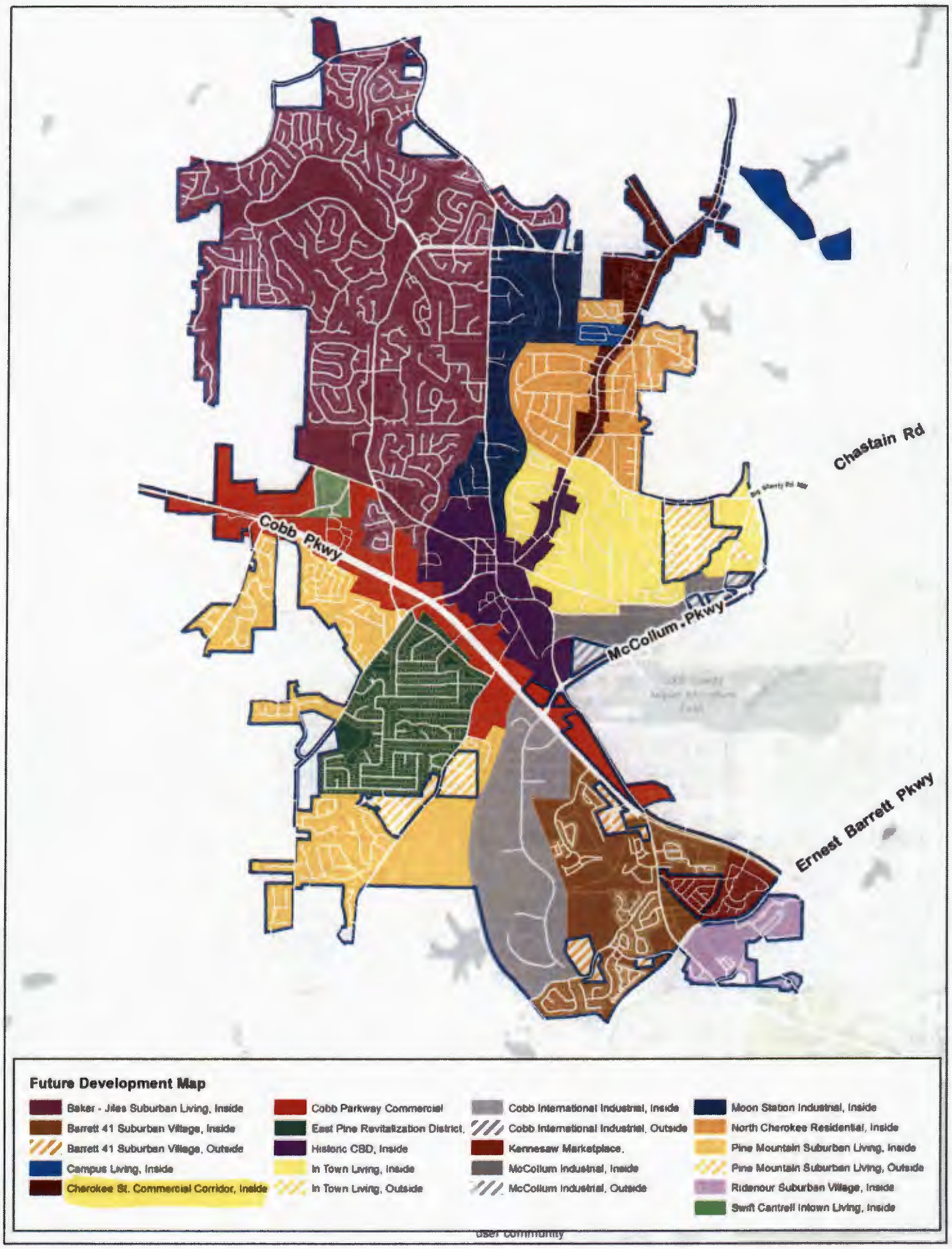
EXHIBIT
B


Chastain Rd
Cobb Pkwy
McCollum Pkwy
Ernest Barrett Pkwy
Future Land Use
Community Activity Center
Downtown Activity Center
Industrial
Lake
Neighborhood Activity Center
Public-Institutional
Parks, Recreation, Conservation
Planned Unit Development
Regional Activity Center
Residential-High
Residential-Low
Transportation Communication Utilities
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community


Chastain Rd
Cobb Pkwy
McCollum Pkwy
Ernest Barrett Pkwy
Future Development Map
Baker - Jiles Suburban Living, Inside
Barrett 41 Suburban Village, Inside
Barrett 41 Suburban Village, Outside
Campus Living, Inside
Cherokee St. Commercial Corridor, Inside
Cobb Parkway Commercial
East Pine Revitalization District,
Historic CBD, Inside
In Town Living, Inside
In Town Living, Outside
Cobb International Industrial, Inside
Cobb International Industrial, Outside
Kennesaw Marketplace,
McCollum Industrial, Inside
McCollum Industrial, Outside
Moon Station Industrial, Inside
North Cherokee Residential, Inside
Pine Mountain Suburban Living, Inside
Pine Mountain Suburban Living, Outside
Ridenour Suburban Village, Inside
Swift Cantrell Intown Living, Inside

Cherokee Street Commercial Corridor

The Cherokee Street Commercial Corridor is an approximately 1 mile section of Wade Green Road and Cherokee Street extending from the Wade Green and I-75 Interchange south to Ben King Road. This corridor is comprised of neighborhood compatible retail and office developments intermixed with residential and institutional land uses. South of the McCollum Parkway intersection, many of the office and retail uses occur in older homes that have been rezoned to allow commercial use. North of McCollum Parkway to the I-75 interchange are several strip malls and free standing office developments. Sidewalks are frequently used by residents, but are possibly undersized as Cherokee Street and its right-of-way narrows approaching Ben King Road. Parking is often limited to the front or driveway side of the structure. Signage is generally more attractive and visible in the more recent strip developments north of McCollum Parkway.

Future Land Use Categories

- CAC Community Activity Center
- NAC Neighborhood Activity Center
- PI Public Service/Institutional

Cherokee Street Commercial Corridor

Cobb Parkway Industrial

Cobb International Industrial

The Cobb International Industrial area is located across from the McCollum Parkway and Cobb Parkway intersection. In general, this area is characterized by large manufacturing and distribution warehouses, as well as smaller, retail and office warehouse operations.

The overall area is strategically located near McCollum Airport and the CSX rail line. It also has direct access to Cobb parkway and I-75 via McCollum Parkway. Structures are generally metal buildings with brick or stone facades on the front. Many structures have stone or brick facades on at least two or more sides. Pedestrian access is limited due to the heavy traffic volume of the area. No sidewalk access is provided along this segment of Cobb Parkway or in the industrial park.

Future Land Use Categories

- CAC Community Activity Center
- I Industrial

9.02.01 - Generally

A. The Mayor and City Council may authorize upon appeal in specific cases such variance from the terms of this UDC as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in an individual case, result in unnecessary hardship.

B. A variance shall be authorized only so that the spirit of this UDC shall be observed, public safety and welfare secured, and substantial justice done.

C. A variance shall not be granted to allow a use of land that is otherwise prohibited in the zoning district applicable to the property.

D. The existence of a nonconforming use on adjacent land, buildings, or structures in the same or in other districts shall not constitute a reason for a variance.

E. The Mayor and City Council shall be responsible for consideration and a decision regarding requests for variances, pursuant to the notice and hearing requirements set forth in Chapter 10.

(Ord. No. 2018-23, § 2(Exh. B), 10-15-18)

9.02.02 - Types of Variances

A request for a variance shall be limited to vary the following : 1) maximum building height; 2) minimum lot width; 3) required spacing for driveways; 4) minimum front, side, or rear yard setbacks; or 5) dimensional standards for parking or loading spaces.

(Ord. No. 2018-23, § 2(Exh. B), 10-15-18)

9.02.03 - Requirements for Variances

Variances may be granted using the following criteria:

A. There is extraordinary and exceptional conditions pertaining to the property because of its size, shape or topography;

B. The application of the UDC standards to property creates practical difficulty or unnecessary hardship;

C. The practical difficulty and/or unnecessary hardship are conditions which are peculiar to the property involved; and

D. Relief, if granted, would not cause substantial detriment to the public good or impede the purposes and intent of the UDC .

(Ord. No. 2018-23, § 2(Exh. B), 10-15-18)

EXHIBIT

tabbies

C

2.01.03 - Residential Zoning Districts

The following residential zoning districts are established:

A. *R-30, Single-Family residential district (30,000 square feet).* The R-30 single-family residential district is established to provide locations for single-family detached dwellings or residentially compatible institutional and recreational uses at low to moderate densities, with access both to public water and sewerage.

B. *R-20 Single-Family residential district (20,000 square feet).* The R-20 single-family residential district is intended to provide suitable areas for single-family, detached dwellings at medium densities as defined under the City of Kennesaw Comprehensive Land Use Plan, and as may be amended from time to time, with access to both public water and sewerage.

C. *R-15, Single-Family residential district (15,000 square feet).* The R-15 single-family residential district is intended to provide suitable areas for single-family, detached dwellings at medium densities as defined by the City of Kennesaw Comprehensive Land Use Plan, with access to both public water and sewerage.

D. *R-12, Single-Family residential district (12,000 square feet).* The R-12 single-family residential district is intended to provide suitable areas for single-family, detached dwellings at medium densities as defined by the City of Kennesaw Comprehensive Land Use Plan, with access to both public water and sewerage.

E. *R-10, Single-Family residential district (10,000 square feet).* The R-10 single-family residential district is intended to provide suitable areas for single-family, detached dwellings at medium densities, with access to both public water and sewerage within designated medium density areas on the comprehensive land use plan and future land use map.

F. *PUD-R, Planned Unit Development-residential district.* The PUD-R planned unit development-residential district is established to encourage and provide flexible site plan and building arrangements under a unified plan of development rather than by lot-by-lot regulation. The PUD-R district is not intended to encourage greater density of development, but rather to encourage ingenuity and resourcefulness in land planning to assure the provision of park and recreation land and facilities for the use of the occupants of the development in order to obtain a more desirable environment. The density should be consistent with the surrounding development.

G. *RA-4, Residential District (Four [4] units per acre).* The RA-4 residential district is established to provide locations for the development of affordable single-family detached or attached residential dwelling units including the combination of duplexes, triplexes, and quadraplexes, with access to bath public water and sewerage for medium to high density residential classifications as defined under the City of Kennesaw Comprehensive Land Use Plan, and as may be amended from time to time. The dwelling units are to be designed for placement on an individual lot attached to another dwelling unit or on an adjoining lot where the units will be attached by a common party wall.

H. *RM-8, Multiple-Family district (Eight [8] units per acre).* The RM-8 multiple-family residential district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses at high densities as defined under the City of Kennesaw Comprehensive Land Use Plan, and as may be amended from time to time, with access to both public water and sewer.

I. *RM-12, Multiple-Family district (Twelve [12] units per acre).* The RM-12 multiple-family residential district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses at high densities as defined under the City of Kennesaw Comprehensive Land Use Plan, and as may be amended from time to time, with access to both public water and sewerage.

EXHIBIT

D

Extreme Flood Protection: Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

Façade: That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

False Front: A front wall which extends beyond the sidewalls of a building to create a more imposing façade.

Family: One or more related persons by blood, legal adoption, or marriage or not more than three (3) persons not related, occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boardinghouse, rooming house or hotel, as herein defined. Maximum residential occupancy for a residential dwelling unit will be calculated by the number of residents per square foot of floor space as per the currently adopted International Property Maintenance Code.

Fanlight: A window, often semi-circular, over a door, with radiating muntins suggestive of a fan.

Farm Winery: A domestic manufacturer of wine in quantities of less than 100,000 gallons of wine per year, that is licensed by the state pursuant to O.C.G.A. 3-6-21.1, or as may be amended from time to time. Provided a license is issued as required by this chapter, a farm winery is authorized to sell wine by the package, by the drink and operate a wine tasting facility on the premises of the farm winery without additional license requirements, except as is required in the city zoning ordinance.

Fast food restaurant: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in cars, on the premises, or off the premises.

Fee Simple: The owner is entitled to the entire property with unconditional power of disposition during his life and which descends to his heirs and legal representatives upon his death intestate.

Fenestration: The arrangement and design of windows in a building.

Fill (as pertaining to earthwork): A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

Final Plat: A finished drawing or drawings of the subdivision showing completely and accurately all legal and engineering information and certification necessary for recording. The finished drawing or drawings may consist of one or more drawings of the subdivision which together form the final plat, all of which must comply with the requirements of this chapter.

Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

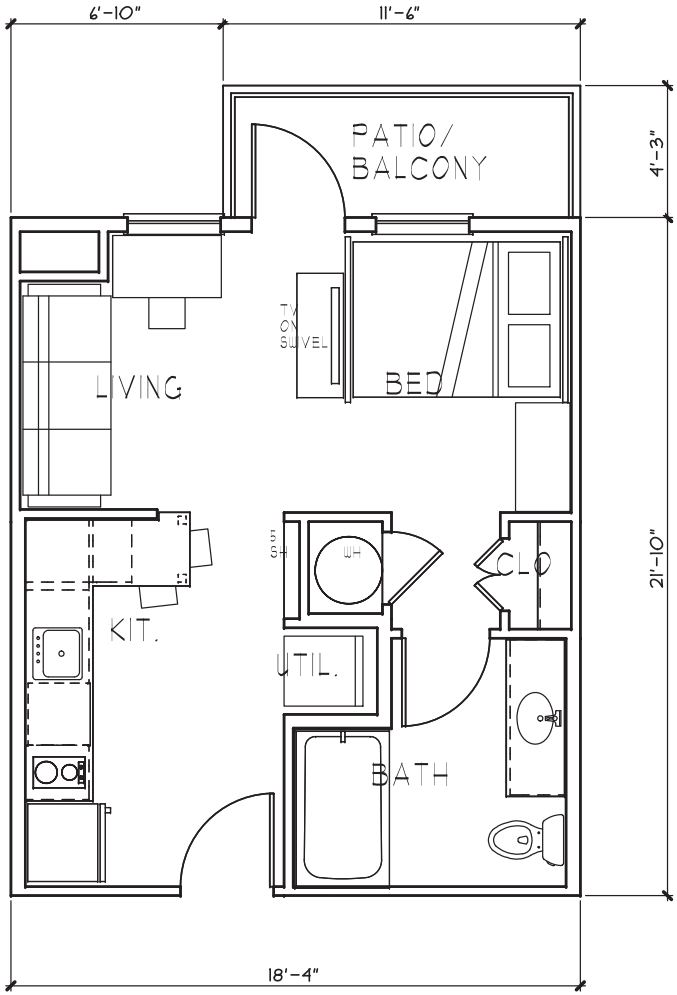
Flag: A piece of fabric or other flexible material solely containing distinctive colors, patterns, standards, words or emblems used as the symbol of an organization or entity.

Flashing (as pertains to lighting): Illumination which is not kept constant in intensity at all times when in use and which exhibits sudden or marked changes in lighting effects. The term "flashing" excludes illuminated signs which indicate only time and/or temperature, provided that such time/temperature signs do not change or alternate messages more than 12 times a minute.

Floatable Oil: Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

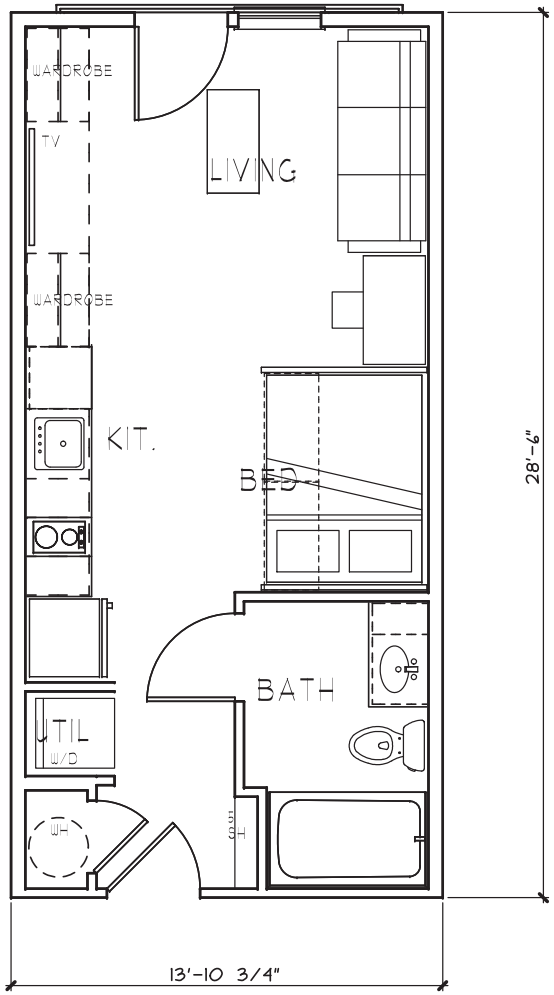
Flood or *Flooding:* A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; or
2. The unusual and rapid accumulation or runoff of surface waters from any source.



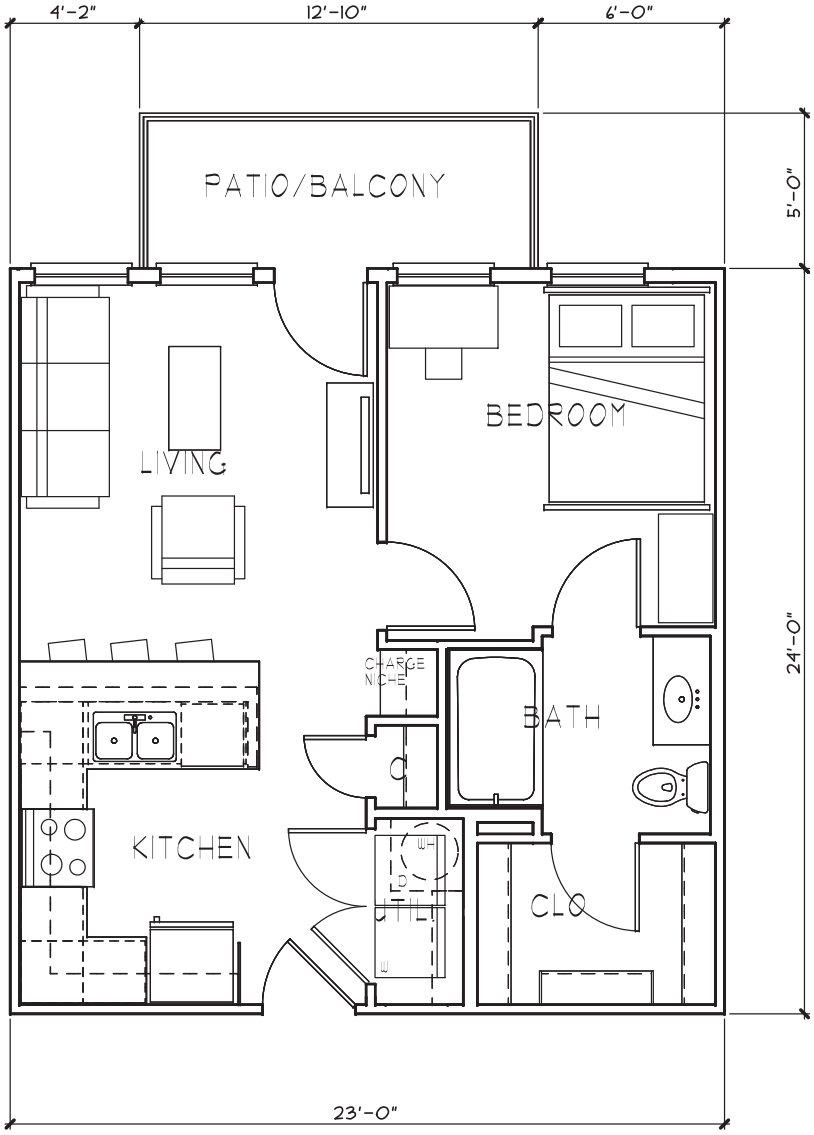
S2 EFFICIENCY

SCALE: 1/4" = 1'-0" NET 371 SF GROSS 449 SF



S3 EFFICIENCY

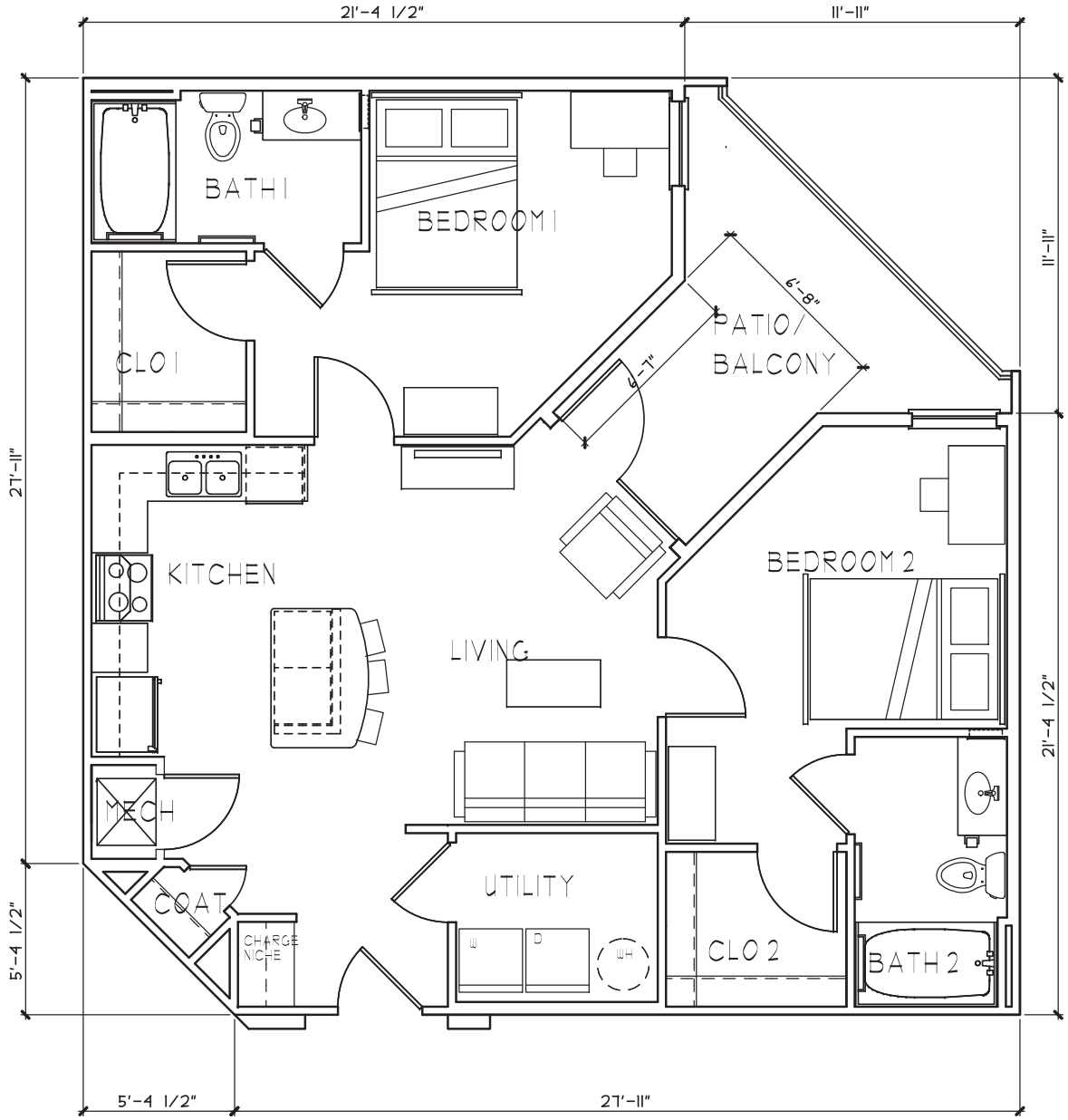
SCALE: 1/4" = 1'-0" NET 360 SF GROSS 396 SF



A1 ONE BEDROOM ONE BATH

SCALE: 1/4" = 1'-0"

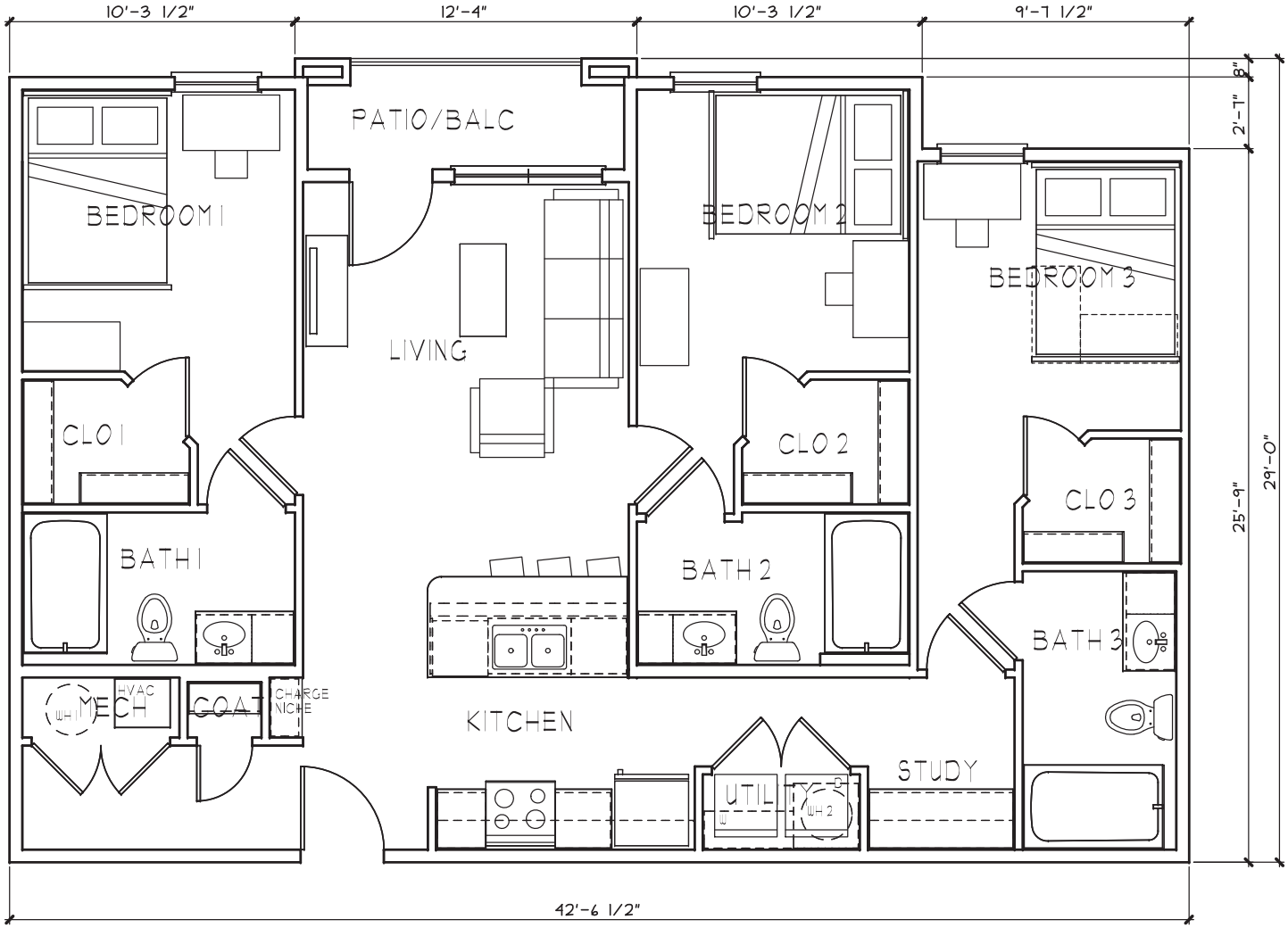
NET AREA 520 SF GROSS AREA 616 SF



B2 TWO BEDROOM TWO BATH

SCALE: 1/4" = 1'-0"

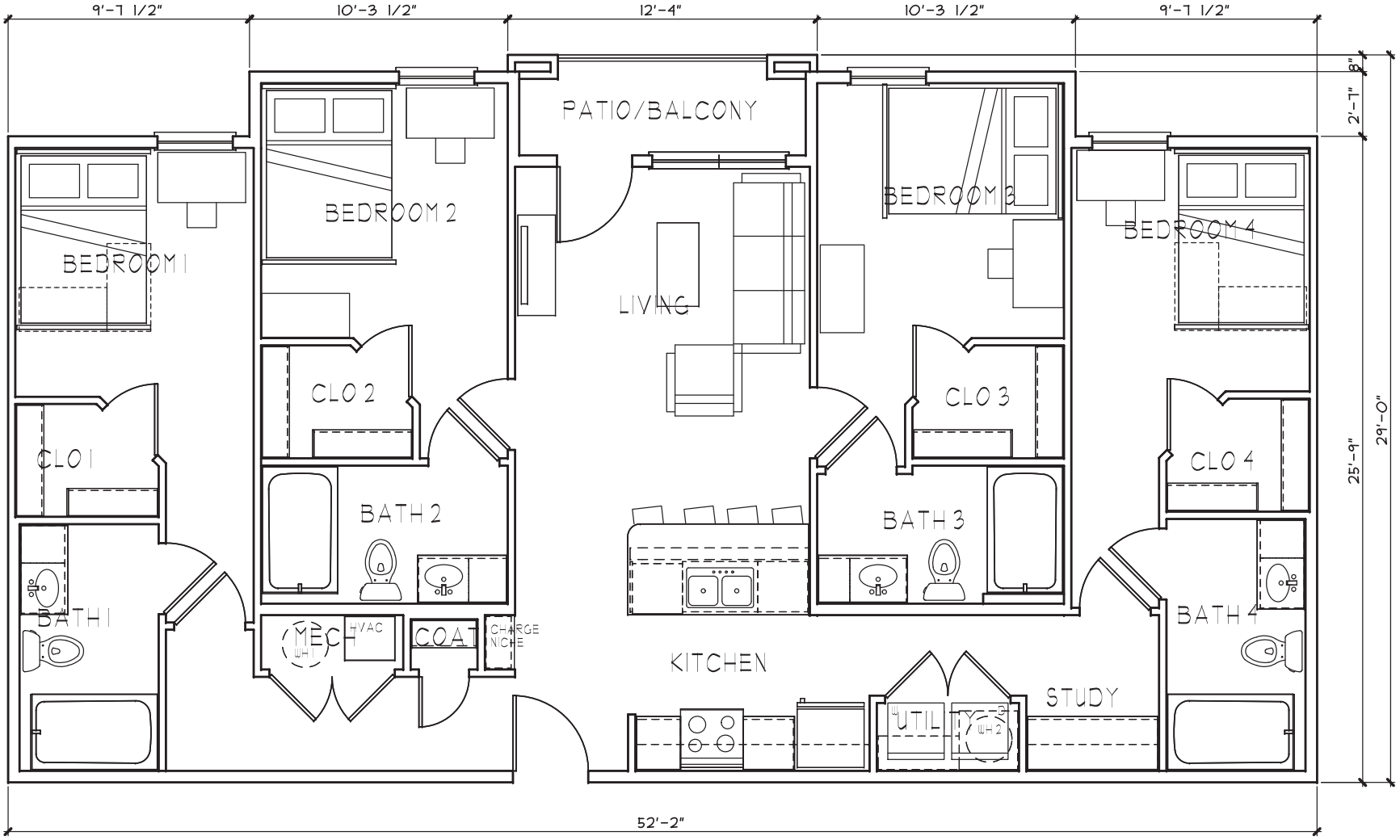
NET AREA 862 SF GROSS AREA 1,033 SF



C1 THREE BEDROOM THREE BATH

SCALE: 1/4" = 1'-0"

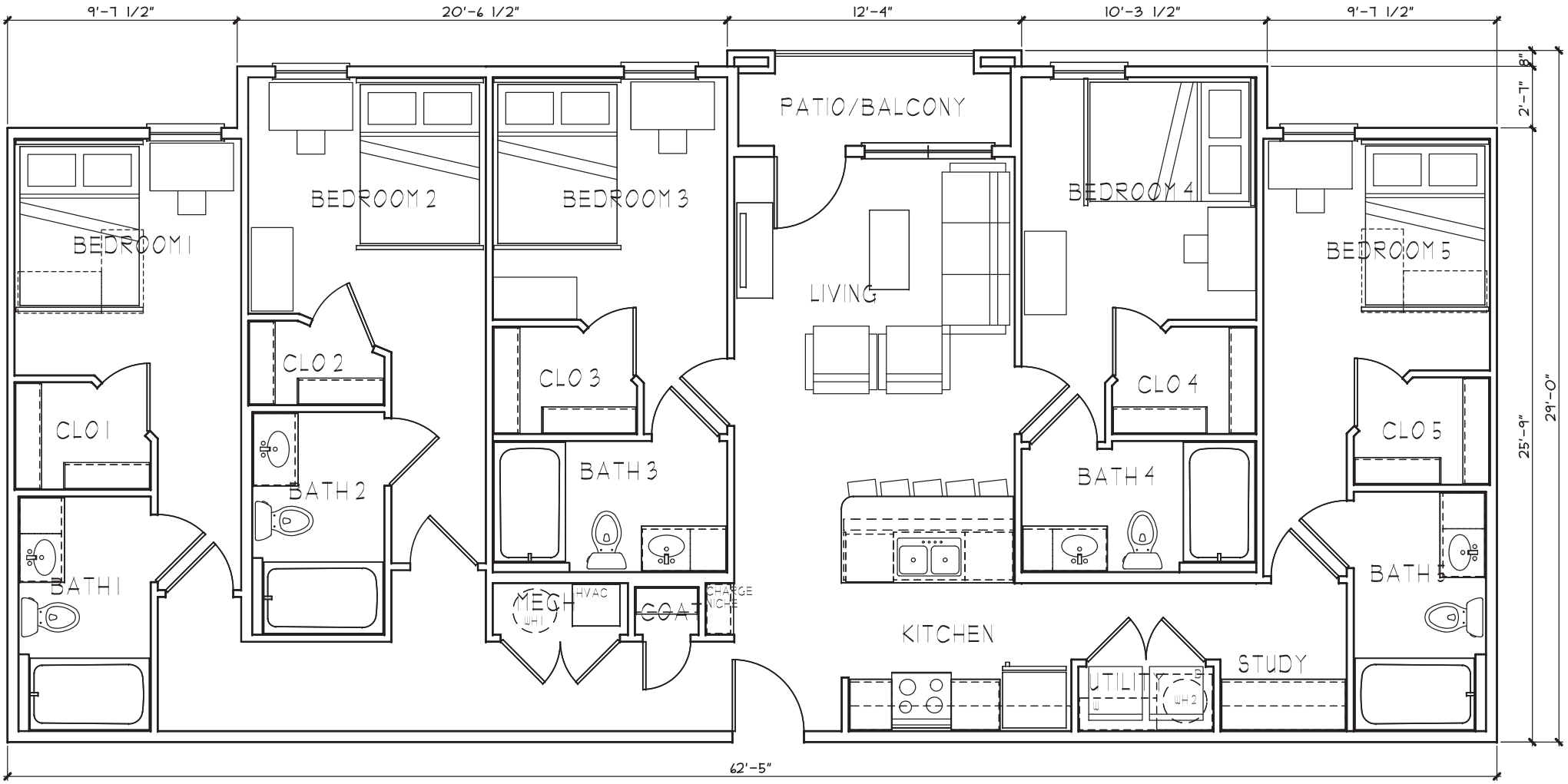
NET AREA 1,078 SF GROSS AREA 1,189 SF



D1 FOUR BEDROOM FOUR BATH

SCALE: 1/4" = 1'-0"

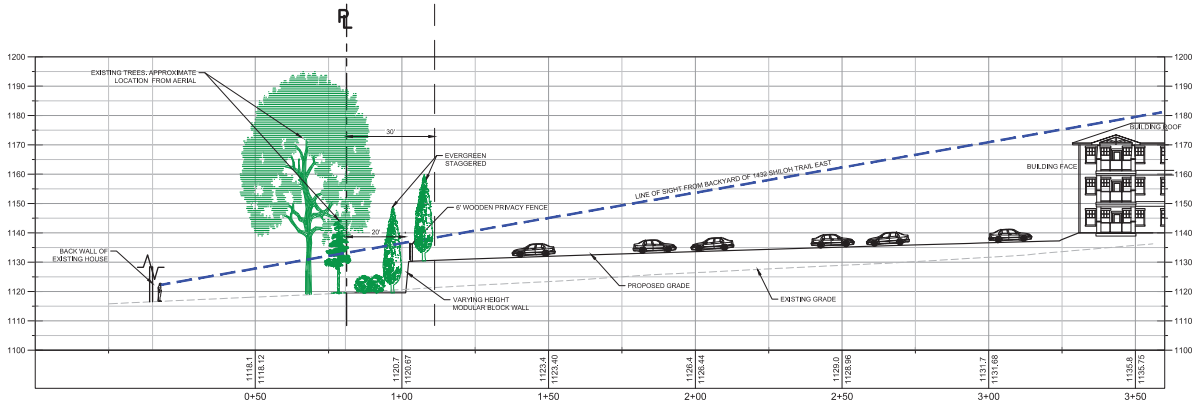
NET AREA 1,319 SF GROSS AREA 1,437 SF



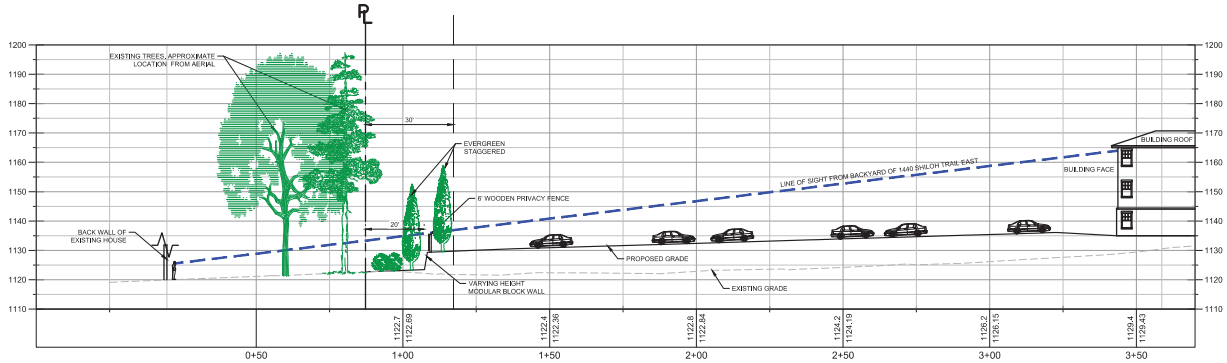
E1 FIVE BEDROOM FIVE BATH

SCALE: 1/4" = 1'-0"

NET AREA 1,600 SF GROSS AREA 1,727 SF



PROFILE VIEW
VIEW FROM 1432 SHILOH TRAIL EAST
1" = 20' HORZ.
1" = 20' VERT.



PROFILE VIEW
VIEW FROM 1440 SHILOH TRAIL EAST
1" = 20' HORZ.
1" = 20' VERT.

GRAPHIC SCALE IN FEET
0 10 20 40
HORIZONTAL

0 10 20 40
VERTICAL

02-27-2020

EX-4

SECTION VIEWS FROM 1432 AND 1440 SHILOH TRAIL EAST

Kimley»Horn

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC. COPYRIGHT KIMLEY-HORN AND ASSOCIATES, INC., 2016

K:\ALP_PRJ\019818014 - Fountain Shiloh Road 2\CAD\References\oSurf-FG-019818006-OLD.dwg EX-4 - SECTION VIEWS FROM 1432 AND 1440 SHILOH TRAIL EAST Feb 27, 2020 8:21am by: jay.maddox

APPLICANT: Fountain Residential Partners CASE NO: ZV2020-01/RZ2020-01
PRESENT ZONING: R-30 (4.4+/- acres)

Land Lot 60 Tax Parcel 31
1465 Shiloh Road

****

ZV2020-01 Consideration to approve the requested rezoning to RM-12 and variances: (1) Increase the RM-12 zoning district max, density from 12 units/acre to 19.55 units/acre (86 units total); (2) Reduce the front yard setback along Shiloh Road from 40 ft. to 20 ft; (3) Reduce required parking from 172 spaces (2 spaces/unit) to 152 spaces (1.76 spaces/unit). (Mayor and Council 03-16-2020)

SCHOOL COMMENTS

***School attendance zones are subject to revision at anytime**

NAME OF SCHOOL	ENROLLMENT	CAPACITY STATUS	NUMBER OF PORTABLE CLASSROOMS

Additional Comment

****

TRANSPORTATION COMMENTS

Site Visitation: No____ Yes _____(date_____) Signature_____

ROADWAY	ROADWAY CLASSSIFICATION	SPEED LIMIT	JURISDICATIONAL CONTROL	MINIMUM RIGHT OF WAY REQUIRMENT
SHILOH ROAD	arterial	35 mph	cobb	100

Comments and Observation:

The road is under Cobb County Jurisdiction moreover, reducing front set back to 20 feet will not recommended. In this issue, it is prefer to get Cobb County's comment.

Recommendations

APPLICANT: Fountain Residential Partners CASE NO: ZV2020-01/RZ2020-01
PRESENT ZONING: R-30 (4.4+/- acres)

Land Lot 60 Tax Parcel 31
1465 Shiloh Road

DRAINAGE COMMENTS

Site Visitation : No___ Yes ____(date_____) Signature_____

(A) FLOOD HAZARD: **YES** **NO** **POSSIBLY, NOT VERIFIED**

(B) DRAINAGE BASIN: _____FLOOD HAZARD INFORMATION

1._____ FEMA Designated 100 year Floodplain Flood

2._____Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD

3._____Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements

4._____Dam Breach Zone from (upstream) (onsite) lake – need to keep residential buildings out of hazard

(C) WETLANDS: **YES** **NO** **POSSIBLY, NOT VERIFIED**

Location: _____

The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

(D) STREAMBANK BUFFER ZONE: **YES** **NO** **APPLICABLE** **YES** **NO**

1._____Metropolitan River Protection Area (within 2000' of Chattahoochee River) Arc (review 35' undisturbed buffer each side of waterway).

2._____Chattahoochee River Corridor Tributary Area – County review (_____undisturbed buffer each side).

3._____Georgia Erosion-Sediment Control Law and County Ordinance-County review/State review.

4._____Georgia DNR Variance may be required to work in 25-foot stream bank buffers.

5._____City Buffer Ordinance: 75' each side of creek measure from the point of wrested vegetation.

SPECIAL SITE CONDITIONS

ADDITIONAL COMMENTS/SUGGESTIONS

APPLICANT: Fountain Residential Partners CASE NO: ZV2020-01/RZ2020-01
PRESENT ZONING: R-30 (4.4+/- acres)

Land Lot 60 Tax Parcel 31
1465 Shiloh Road

Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

****

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains and obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

****

Applicant will be responsible to meet all City of Kennesaw Development & Zoning Ordinance Standards, State, County and applicable Federal regulations as part of the plan review approval process. All conceptual representations submitted with the application and acted on by Mayor and Council does not relieve applicant and property owners from meeting all development standards.

****

PLANNING/ZONING COMMENTS
Property History

ZV2020-01 Consideration to approve the requested variances as noted for the proposed use for Purposed Student Housing construction of 68 units. (Mayor and Council 03-16-2020)
Variances requested:
1. Increase in density from 12 units per acre to 15.55 units per acre
2.Reduce front yard setback from 40 feet to 30 feet

The property was annexed into the City in 2000. There were a number of rezoning requests and approvals to the current zoning of R-30 with the request to RM-12. Past rezoning requests included UVC (Urban Village Commercial); O&I (Office & Intuitional); CRC (Community Retail Commercial).
2017 same applicant requested rezoning of three properties (1465 Shiloh Rd., 4058 & 4068 Ayers Dr.) to proposed student housing that would be located on 6.02 acres and incorporate 125 units. Request for rezoning and associated variances was denied. Traffic implications to the entrance to Pinetree subdivision was cited.

Site Visitation : No____ Yes _____(date_____) Signature_____

STAFF MEMBER RESPONSIBLE: Darryl Simmons

APPLICANT: Fountain Residential Partners CASE NO: ZV2020-01/RZ2020-01
PRESENT ZONING: R-30 (4.4+/- acres)

Land Lot 60 Tax Parcel 31
1465 Shiloh Road

PROPOSED NUMBER OF UNITS___52_____OVERALL DENSITY:____12____Units/Acre

PRESENT ZONING WOULD ALLOW_____UNITS INCREASE OF:_____Units/Lots

HISTORIC PRESERVATION: Not applicable

CEMETERY PRESERVATION No cemeteries on site

Land Use/development proposal Information:

- Subject property located in Future land Use category for CAC (Community Activity Center)
- The Character are as designated in the adopted comprehensive plan- Cherokee Street Commercial Corridor
- Purpose built student housing does not have an adopted zoning standard
- Similar approved developments within city limits were rezoned to RM-12 with variances and conditions
- Character area for university programming was included in the 2017 comprehensive plan update. University Living was included as a character area for both existing student housing developments- West 22 and UClub @Frey.
- Shiloh Rd contains Industrial, residential and retail uses.
- Proposing 52 units=2481 beds an increase in density from
- Three story building
- 262 parking spaces provided which allows one space per bedroom plus guest parking
- Building placement will be closer to Shiloh Road to allow adequate parking in rear yard area
- No variances required based on revised site plan that illustrates a 40 foot front setback from Shiloh Road

ZONING ADMINISTRATOR'S RECOMMENDATIONS/BASIS FOR RECOMMENDATION

The Zoning Administrator recommends approval of the rezoning request to RM-12 with the following conditions:

1. *Reversionary clause that requires that construction permits and activity be initiated withing 24 months of the date of the rezoning and variance approval. Failure to obtain permits and start construction activity within the 24 month period will result in the reversion of the rezoning and variances and the property will revert back to the prior zoning of R-30.*
2. *Submission of a traffic impact study that demonstrates either the development will not have a negative impact on existing traffic conditions or that the negative impacts of the development can be mitigated through traffic improvements that will be incorporated as part of the development plan. Traffic counts shall be no more than three years old from date of the study and shall be taken during a time of year when the academic calendar is in session for nearby universities and schools.*

APPLICANT: Fountain Residential Partners CASE NO: ZV2020-01/RZ2020-01
PRESENT ZONING: R-30 (4.4+/- acres)

Land Lot 60 Tax Parcel 31
1465 Shiloh Road

3. *All access for the development shall be an arterial or major collector roadway, as identified in the City of Kennesaw Unified Development Code or similar classification document.*
4. *Parking requirements: Sites shall be designed to accommodate on-site parking for at least one (1) vehicle per bedroom with additional parking for visitors total equals 263 parking spaces to be provided*

5 *Security requirements:*

a. *The property management company shall submit a security plan in accordance with the standards of Crime Prevention through Environmental Design (CPTED). The security plan shall be submitted to the City of Kennesaw Police Department for review and safe-keeping and shall be updated annually at the beginning of each calendar year, no later than January 31. Any such security plan shall require that on-site management shall be required 24 hours per day, seven days per week.*
b. *All access points on the property shall be secured with gated entry and shall be self-closing;*
c. *The development shall be enclosed with a minimum eight (8)-foot high privacy fence along the entire property line.*
d. *The property shall be equipped with a security camera system that shall be monitored by the property management company on-site. Any such system shall record and store video images located throughout the common areas, including the parking areas, and signs shall be posted throughout the development notifying residents and visitors of the security camera system;*
e. *All common area doors and access gates shall be secured with electronic locks;*
f. *All apartment units shall be equipped with a door that features a 180-degree peep hole;*
g. *For every 200 parking spaces, the development shall feature at least one Emergency Blue Light Phone that is connected to the Cobb County Public Safety's 24-hour communications center and identify the phone location if the caller is unable to talk.*

*Lighting: In order to ensure adequate illumination of the development and promote safety and security, the Parking Lot Design Guide standards set forth for Basic Enhanced Security, Security, and High Security as set forth in the Illuminating Engineering Society Lighting Handbook (IESNA), latest edition, as amended, is adopted as the standard for the installation and operating of lighting in parking lots.***No over flow of light onto/into the adjacent property.**

6 All façade materials to be installed similar to the elevations provided by the applicant and be in compliance with the City of Kennesaw architectural Standards

7 Maximum height of building will be 35 feet as defined in our zoning ordinance chapter one that defines how building height is measured.

8. Maximum number of units allowed will be 52 units with a maximum of 241 beds

9. Right side of property - minimum 5 foot buffer be installed

MDJ-5413
GPN-13
City of Kennesaw
Variance Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a variance request submitted by Fountain Residential Partners. Said request seeking waivers/variance from 1) to increase the RM-12 zoning district max. density from 12 units/acre to 19.55 units/acre (86 units total); 2) Reduce the front yard setback along Shiloh Road from 40 ft. to 20 ft.; and 3) Reduce required parking from 172 spaces (2 spaces/unit) to 152 spaces (1.76 spaces/unit). Property located at 1465 Shiloh Road, total acreage consisting 4.4+/- acres. Lying in Land Lot 60, Tax Parcel 31, of the 20th District, 2nd Section, Cobb County Georgia.

Said meetings shall be held before the Planning Commission on March 04, 2020 at 7:00PM and the Mayor and Council will hold a public hearing on March 16, 2020, at 6:30PM both meetings to be held at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.

2:14,21-2020

MDJ-5414
GPN-13
City of Kennesaw
Rezoning Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for rezoning request submitted by Fountain Residential Partners. Said request to rezone property located at 1465 Shiloh Road (currently zoned R-30), total acreage consisting of 4.4+/- acres. Property to be rezoned from City R-30 to City RM-12. Lying in Land Lot 60, Tax Parcel 31, of the 20th District, 2nd Section, Cobb County Georgia.

Said meetings shall be held before the Planning Commission on March 04, 2020 at 7:00PM and the Mayor and Council will hold a public hearing on March 16, 2020, at 6:30PM both meetings to be held at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.

2:14,21-2020

MDJ-5416
GPN-13
COBB COUNTY-
ZONING HEARING AGENDA
Planning CommissionMarch 3, 2020

NOTE:The applicant/property owner (s), prior to hearing date, may withdraw petitions contained in this agenda; therefore, the Planning Commission will not consider those cases.

(Anthony Jerome McConkey and Carissa McConkey, owners) requesting a Land Use Permit for the purpose of backyard chickens in Land Lot 110 of the 20th District. Located on the Northeast corner of Ivey Lane and Summit Drive (5080 Ivey Lane). (Previously continued by Staff from the February 5, 2020 Planning Commission hearing until the March 3, 2020 Planning Commission hearing).

REGULAR CASES --- NEW BUSINESS

Rezonings

Z-21 JOB D. BELLO-SEBASTIAN (Job Daniel Bello Sebastian, owner) requesting rezoning from GC to NRC for the purpose of a professional office in Land Lot 706 of the 19th District. Located at the west side of Austell Road, south of Pair Road (3206 Austell Road).

Z-22 MARCOS VINICIUS OLIVEIRA (Marcos Oliveira, owner) requesting rezoning from NS and R-30 to R-30 for the purpose of single-family dwelling units (detached) in Land Lot 160 of the 20th District. Located on the west side of Acworth Due West Road, north of Mars Hill Church Road/Jim Owens Road (no address).

SPECIAL LAND USE PERMIT

SLUP-3 CHRISTIAN CRAWFORD (Christian Crawford, owner) requesting a Special Land Use Permit for the purpose of chipping, grinding or reduction of tree debris and vegetation waste transfer in Land Lots 131 and 132 of the 16th District. Located at the East side of Fowler Circle, north of Winfrod Drive (no address).

NOTE: "Pursuant to the Official Code of Cobb County, Zoning Section 134-124 (b) the Cobb County Board of Commissioners is authorized to consider and may consider all constitutionally permissible zoning classification(s), including, but not limited to, intervening classification(s) and/or the classification(s) sought by the applicant".

The exact description of the property sought to be rezoned is on file in the office of the Cobb County Community Development, Zoning Division, 1150 Powder Springs Street, Suite 400, Marietta, Georgia 30064 and available for inspection by interested citizens between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

Hearing on said petitions will be heard by the Cobb County Planning Commission at 9:00 a.m. on the prescribed hearing date. The public hearing will be held in the Second Floor Commissioners Meeting Room, Cobb County Building, 100 Cherokee Street, Marietta, Georgia, 30090.

Anyone wishing to attend this public hearing may do so and be heard relative thereto. Any person wishing to speak before the Planning Commission

objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Tara C. Riddle,
Associate Judge of the Probate Court
By: Jennifer P. Ritchey,
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770) 528-1900
1:24,31; 2:7,14-2020

MDJ-4983
GPN-18
IN THE PROBATE COURT OF
COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
JUDITH ROSE MCLEOD,
DECEASED
ESTATE NO. 20-0066
PETITION FOR LETTERS OF
ADMINISTRATION
NOTICE

TO: Whom it may concern:

JUSTIN ADAM MCLEOD has petitioned to be appointed Administrator of the estate of JUDITH ROSE MCLEOD deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before February 17, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Kelli L. Wolk,
Judge of the Probate Court
By: Jennifer P. Ritchey,
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770) 528-1900

setting forth the grounds of any such objections, and must be filed with the Court on or before February 17, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Kelli L. Wolk,
Judge of the Probate Court
By: Jennifer P. Ritchey,
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770) 528-1900
1:24,31; 2:7,14-2020

MDJ-4988
GPN-18
IN THE PROBATE COURT OF
COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
RAYMOND ARTHUR WHITE,
DECEASED
ESTATE NO. 20-0013
NOTICE

IN RE: The Petition to Probate Will in Solemn Form in the above-referenced estate having been duly filed,

To whom it may concern:

The Petitioner, JACQUELYN JEANNE NUNNELEY a/k/a JACQUELYN W. NUNNELEY has applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261. All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before FEBRUARY 17, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Tara C. Riddle

notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before February 17, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Tara C. Riddle,
Associate Judge of the Probate Court
By: Jennifer P. Ritchey,
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770) 528-1900
1:24,31; 2:7,14-2020

MDJ-4993
GPN-18
IN THE PROBATE COURT OF
COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
MARIO WILLIAM MESSA,
DECEASED
ESTATE NO. 20-0098
PETITION FOR LETTERS OF
ADMINISTRATION
NOTICE

To whom it may concern:

BRENDA YVETTE MESSA has petitioned to be appointed Administrator of the estate of MARIO WILLIAM MESSA deceased, of said County. The Petitioner has also applied for waiver of bond and grant of certain powers contained in O.C.G.A. § 53-12-261. All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before FEBRUARY 17, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later

terested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before FEBRUARY 24, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Tara C. Riddle
Associate Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770)528-1900
1:31;2:7,14,21-2020

MDJ-5176
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
MICHAEL KENNETH STEPHENS,
DECEASED
ESTATE NO. 20-0117
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE

To whom it may concern:

CHRISTOPHER S. WARD has petitioned to be appointed Administrator of the estate of MICHAEL KENNETH STEPHENS deceased, of said County. The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261. All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before FEBRUARY 24, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount

heard relative thereto.
2:14,21-2020

MDJ-5414
GPN-13
City of Kennesaw
Rezoning Request
Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for rezoning request submitted by Fountain Residential Partners. Said request to rezone property located at 1465 Shiloh Road (currently zoned R-30), total acreage consisting of 4.4+/- acres. Property to be rezoned from City R-30 to City RM-12. Lying in Land Lot 60, Tax Parcel 31, of the 20th District, 2nd Section, Cobb County Georgia.
Said meetings shall be held before the Planning Commission on March 04, 2020 at 7:00PM and the Mayor and Council will hold a public hearing on March 16, 2020, at 6:30PM both meetings to be held at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.
2:14,21-2020

MDJ-5471
GPN-13
NOTICE OF PUBLIC HEARING
CITY OF KENNESAW
Notice is hereby given the Mayor and Council of the City of Kennesaw, Georgia will conduct a public hearing on February 17, 2020 and March 2, 2020 at 6:30 p.m. in the City Council Chambers, Kennesaw City Hall at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia 30144 to consider an Ordinance to amend Ch. 6 "Alcoholic Beverages", of the Code of Ordinances of the City of Kennesaw, Georgia, so as to amend Sec. 6-70(b) of said chapter regarding exemptions to requirement of permit to serve alcohol within the City limits. A copy of the proposed Ordinance is on file in the Office of the City Clerk during normal business hours, Monday-Friday, 8:00 a.m. to 5:00 p.m. for public viewing.
2:14,21-2020

MDJ-5583
GPN-13
COBB COUNTY BOARD
OF ZONING APPEALS
VARIANCE HEARING AGENDA
March 11, 2020
REGULAR CASES-NEW BUSINESS
V-26 ENEMIAS ERAZO (Enemias Erazo, owner) requesting a variance to 1) reduce the side setback for an accessory structure under 650 square feet (408 square foot out building) from the required 10 feet to two (2') feet (existing); and 2) reduce the rear setback for an accessory structure under 650 square feet (408 square foot out building) from the required 35 feet to seven (7') feet (existing) in Land Lot 158 of the 17th District. Located on the south side of Zelma Street, west of Sandtown Road (165 Zelma Street).
V-27 MATTHEW JOHNSON (Matthew J. Johnson and Sherityn H. Johnson, owners) requesting a variance to 1) reduce the required setbacks for an accessory structure over 1,000 square feet (approximately 1,180 square foot ADA Coordinator at 770-794-5558 no later than 48 hours before the date of the above meeting.
City of Marietta
205 Lawrence Street
Marietta, Georgia 30060
2:21-2020

8070 Probate

MDJ-5174
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE:
ANGELO SAHLZGHI GEBREHIWET,
DECEASED
ESTATE NO. 20-0129
NOTICE OF PETITION TO FILE
FOR YEARS SUPPORT
The Petition of SARA AYNALEM GEBREHIWET, for a years support from the estate of ANGELO SAHLZGHI GEBREHIWET, Deceased, for Decedents Surviving Spouse, having been duly filed, all interested persons are hereby notified to show cause, if any they have, on or before FEBRUARY 24, 2020, why said Petition should not be granted.
All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed on or before the time stated in the preceding sentence. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.
Tara C. Riddle
Associate Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770)528-1900
1:31;2:7,14,21-2020

MDJ-5175
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
GERARD CLIFTON GOLD,
DECEASED
ESTATE NO. 20-0123
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE
TO: whom it may concern:
TINA MARIE GOLD has petitioned to be appointed Administrator of the estate of GERARD CLIFTON GOLD deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed on or before the time stated in the preceding sentence. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.
Tara C. Riddle
Associate Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
1:31;2:7,14,21-2020

MDJ-5179
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
ROY R. BUEHLER,
DECEASED
ESTATE NO. 19-2016
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE
TO: to whom it may concern:
CATHERINE A. LUCAS AND CHRISTOPHER L. BUEHLER has petitioned to be appointed Administrators of the estate of ROY R. BUEHLER deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before FEBRUARY 24, 2020.
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.
Kelli L. Wolk,
Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
1:31;2:7,14,21-2020

MDJ-5180
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
JONATHAN W. SCOTT, JR.,
DECEASED
ESTATE NO. 20-0147
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE
TO: to whom it may concern:
WANDA W. SCOTT has petitioned to be appointed Administrator of the estate of JONATHAN W. SCOTT, JR. deceased, of said County. (The Petition-

fore a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.
Kelli L. Wolk,
Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770)528-1900
1:31;2:7,14,21-2020

MDJ-5184
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
ROBERT ELDRIDGE THORN
DECEASED
ESTATE NO. 20-0090
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE
TO: WHOM IT MAY CONCERN
KERRY LYNNE THORN SANDERS has petitioned to be appointed Administrator of the estate of ROBERT ELDRIDGE THORN deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before FEBRUARY 24, 2020.
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.
Kelli L. Wolk,
Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
1:31;2:7,14,21-2020

MDJ-5185
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
DOUGLAS PATRICK DUFF, JR.,
DECEASED
ESTATE NO. 20-0158

fore a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.
Kelli L. Wolk
Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
1:31;2:7,14,21-2020

MDJ-5189
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
PROMISE ISAAC,
DECEASED
ESTATE NO. 19-1966
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE
To Isaac Isaac, Jones Isaac, and Michelle Isaac by and through their Guardian Ad Litem Patricia Ammari and to whom it may concern:
KATE ONIFOME ISAAC has petitioned to be appointed Administrator of the estate of PROMISE ISAAC deceased, of said County. The Petitioner has also applied for waiver of bond and grant of certain powers contained in O.C.G.A. § 53-12-261. All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before FEBRUARY 24, 2020.
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.
Kelli L. Wolk
Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
1:31;2:7,14,21-2020

MDJ-5190
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
ANNA MARY BELL BLAKE,

not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before FEBRUARY 24, 2020.
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.
Kelli L. Wolk,
Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770)528-1900
1:31;2:7,14,21-2020

MDJ-5327
GPN-18
IN THE PROBATE COURT OF
COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
LINDA ELIZABETH CUMMING,
ESTATE NO. 19-1078
DECEASED
PETITION BY PERSONAL
REPRESENTATIVE FOR WAIVER
OF BOND AND/OR GRANT OF
CERTAIN POWERS
NOTICE
LINDA L. ALTON has petitioned for waiver of bond and/or for the grant of certain powers contained in O.C.G.A. § 53-12-261 in regard to the above estate. All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before MARCH 2, 2020.
BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.
Kelli L. Wolk,
Judge of the Probate Court
By: Jennifer P. Ritchey,
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770) 528-1900
2:7,14,21,28-2020

2055

MDJ-5413
GPN-13
City of Kennesaw
Variance Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a variance request submitted by Fountain Residential Partners. Said request seeking waivers/variance from 1) to increase the RM-12 zoning district max. density from 12 units/acre to 19.55 units/acre (86 units total); 2) Reduce the front yard setback along Shiloh Road from 40 ft. to 20 ft.; and 3) Reduce required parking from 172 spaces (2 spaces/unit) to 152 spaces (1.76 spaces/unit). Property located at 1465 Shiloh Road, total acreage consisting 4.4+/- acres. Lying in Land Lot 60, Tax Parcel 31, of the 20th District, 2nd Section, Cobb County Georgia.

Said meetings shall be held before the Planning Commission on March 04, 2020 at 7:00PM and the Mayor and Council will hold a public hearing on March 16, 2020, at 6:30PM both meetings to be held at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.

2:14,21-2020

MDJ-5414
GPN-13
City of Kennesaw
Rezoning Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for rezoning request submitted by Fountain Residential Partners. Said request to rezone property located at 1465 Shiloh Road (currently zoned R-30), total acreage consisting of 4.4+/- acres. Property to be rezoned from City R-30 to City RM-12. Lying in Land Lot 60, Tax Parcel 31, of the 20th District, 2nd Section, Cobb County Georgia.

Said meetings shall be held before the Planning Commission on March 04, 2020 at 7:00PM and the Mayor and Council will hold a public hearing on March 16, 2020, at 6:30PM both meetings to be held at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.

2:14,21-2020

MDJ-5416
GPN-13
COBB COUNTY-
ZONING HEARING AGENDA
Planning CommissionMarch 3, 2020

NOTE:The applicant/property owner (s), prior to hearing date, may withdraw petitions contained in this agenda; therefore, the Planning Commission will not consider those cases.

CONTINUED CASES

Anmony Jerome McConkey and Carissa McConkey, owners) requesting a Land Use Permit for the purpose of backyard chickens in Land Lot 110 of the 20th District. Located on the Northeast corner of Ivey Lane and Summit Drive (5080 Ivey Lane). (Previously continued by Staff from the February 5, 2020 Planning Commission hearing until the March 3, 2020 Planning Commission hearing).

REGULAR CASES --- NEW BUSINESS

Rezonings

Z-21 JOB D. BELLO-SEBASTIAN (Job Daniel Bello Sebastian, owner) requesting rezoning from GC to NRC for the purpose of a professional office in Land Lot 706 of the 19th District. Located at the west side of Austell Road, south of Pair Road (3206 Austell Road).

Z-22 MARCOS VINICIUS OLIVEIRA (Marcos Oliveira, owner) requesting rezoning from NS and R-30 to R-30 for the purpose of single-family dwelling units (detached) in Land Lot 160 of the 20th District. Located on the west side of Acworth Due West Road, north of Mars Hill Church Road/Jim Owens Road (no address).

SPECIAL LAND USE PERMIT

SLUP-3 CHRISTIAN CRAWFORD (Christian Crawford, owner) requesting a Special Land Use Permit for the purpose of chipping, grinding or reduction of tree debris and vegetation waste transfer in Land Lots 131 and 132 of the 16th District. Located at the East side of Fowler Circle, north of Winfrod Drive (no address).

NOTE: "Pursuant to the Official Code of Cobb County, Zoning Section 134-124 (b) the Cobb County Board of Commissioners is authorized to consider and may consider all constitutionally permissible zoning classification(s), including, but not limited to, intervening classification(s) and/or the classification(s) sought by the applicant".

The exact description of the property sought to be rezoned is on file in the office of the Cobb County Community Development, Zoning Division, 1150 Powder Springs Street, Suite 400, Marietta, Georgia 30064 and available for inspection by interested citizens between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

Hearing on said petitions will be heard by the Cobb County Planning Commission at 9:00 a.m. on the prescribed hearing date. The public hearing will be held in the Second Floor Commissioners Meeting Room, Cobb County Building, 100 Cherokee Street, Marietta, Georgia, 30090.

Anyone wishing to attend this public hearing may do so and be heard relative thereto. Any person wishing to speak before the Planning Commission must file

objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Tara C. Riddle,
Associate Judge of the Probate Court
By: Jennifer P. Ritchey,
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770) 528-1900
1:24,31; 2:7,14-2020

MDJ-4983
GPN-18
IN THE PROBATE COURT OF
COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
JUDITH ROSE MCLEOD,
DECEASED
ESTATE NO. 20-0066
PETITION FOR LETTERS OF
ADMINISTRATION
NOTICE

TO: Whom it may concern:

JUSTIN ADAM MCLEOD has petitioned to be appointed Administrator of the estate of JUDITH ROSE MCLEOD deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before February 17, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Kelli L. Wolk,
Judge of the Probate Court
By: Jennifer P. Ritchey,
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770) 528-1900

setting forth the grounds of any such objections, and must be filed with the Court on or before February 17, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Kelli L. Wolk,
Judge of the Probate Court
By: Jennifer P. Ritchey,
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770) 528-1900
1:24,31; 2:7,14-2020

MDJ-4988
GPN-18
IN THE PROBATE COURT OF
COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
RAYMOND ARTHUR WHITE,
DECEASED
ESTATE NO. 20-0013
NOTICE

IN RE: The Petition to Probate Will in Solemn Form in the above-referenced estate having been duly filed,

To whom it may concern:

The Petitioner, JACQUELYN JEANNE NUNNELEY a/k/a JACQUELYN W. NUNNELEY has applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261. All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before FEBRUARY 17, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Tara C. Riddle

notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before February 17, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Tara C. Riddle,
Associate Judge of the Probate Court
By: Jennifer P. Ritchey,
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770) 528-1900
1:24,31; 2:7,14-2020

MDJ-4993
GPN-18
IN THE PROBATE COURT OF
COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
MARIO WILLIAM MESSA,
DECEASED
ESTATE NO. 20-0098
PETITION FOR LETTERS OF
ADMINISTRATION
NOTICE

To whom it may concern:

BRENDA YVETTE MESSA has petitioned to be appointed Administrator of the estate of MARIO WILLIAM MESSA deceased, of said County. The Petitioner has also applied for waiver of bond and grant of certain powers contained in O.C.G.A. § 53-12-261. All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before FEBRUARY 17, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later

terested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before FEBRUARY 24, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Tara C. Riddle
Associate Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770)528-1900
1:31;2:7,14,21-2020

MDJ-5176
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
MICHAEL KENNETH STEPHENS,
DECEASED
ESTATE NO. 20-0117
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE

To whom it may concern:

CHRISTOPHER S. WARD has petitioned to be appointed Administrator of the estate of MICHAEL KENNETH STEPHENS deceased, of said County. The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261. All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before FEBRUARY 24, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount

8055 Incorporation

2451 Cumberland Parkway SE Unit 3855 Atlanta, Cobb County, Georgia 30339-6157 and its initial registered agent at such address is BILLY OGILVIE, JR.

2:21,28-2020

8065 Planning Commission

MDJ-5413
GPN-13
City of Kennesaw
Variance Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a variance request submitted by Fountain Residential Partners. Said request seeking waivers/variance from 1) to increase the RM-12 zoning district max. density from 12 units/acre to 19.55 units/acre (86 units total); 2) Reduce the front yard setback along Shiloh Road from 40 ft. to 20 ft.; and 3) Reduce required parking from 172 spaces (2 spaces/unit) to 152 spaces (1.76 spaces/unit). Property located at 1465 Shiloh Road, total acreage consisting 4.4+/- acres. Lying in Land Lot 60, Tax Parcel 31, of the 20th District, 2nd Section, Cobb County Georgia.

Said meetings shall be held before the Planning Commission on March 04, 2020 at 7:00PM and the Mayor and Council will hold a public hearing on March 16, 2020, at 6:30PM both meetings to be held at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.

2:14,21-2020

MDJ-5414
GPN-13
City of Kennesaw
Rezoning Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for rezoning request submitted by Fountain Residential Partners. Said request to rezone property located at 1465 Shiloh Road (currently zoned R-30), total acreage consisting of 4.4+/- acres. Property to be rezoned from City R-30 to City RM-12. Lying in Land Lot 60, Tax Parcel 31, of the 20th District, 2nd Section, Cobb County Georgia.

Said meetings shall be held before the Planning Commission on March 04, 2020 at 7:00PM and the Mayor and Council will hold a public hearing on March 16, 2020, at 6:30PM both meetings to be held at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.

8065 Planning Commission

ances for property located in Land Lot 214, District 17, Parcels 0710 & 0220, 2nd Section of Cobb County, Marietta, Georgia and being known as 695 Powder Springs Street and 701 Sandtown Road. Variance to waive the 75-foot maximum front yard setback from any public street; variance to increase the sign face area for a monument sign on a collector road from 50 sq. ft. to 100 sq. ft.; variance to increase the sign face area for a monument sign on an arterial road from 90 sq. ft. to 100 sq. ft.; variance to increase the sign height for a monument sign on a collector road from 10 feet to 15 feet; variance to allow the digital sign area to exceed 50% of the total sign face; variance to allow digital signs within 200 feet of residential property. Ward 1A.

A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the property file at www.mariettaga.gov and enter the case # in the search box.

For additional information please call the Planning and Zoning Office (770) 794-5669.

Accessibility to Meetings: If you believe you may need the City/BLW to provide special accommodations in order to attend/or participate in any of the above meetings, please call the ADA Coordinator at 770-794-5558 no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

2:21-2020

8070 Probate

MDJ-5174
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE:
ANGELO SAHLZGHI GEBREHIWET,
DECEASED
ESTATE NO. 20-0129
NOTICE OF PETITION TO FILE
FOR YEARS SUPPORT

The Petition of SARA AYNALEM GEBREHIWET, for a years support from the estate of ANGELO SAHLZGHI GEBREHIWET, Deceased, for Decedents Surviving Spouse, having been duly

8070 Probate

GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
PATRICIA HELEN KELLEHER,
DECEASED
ESTATE NO. 20-0121
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE

TO WHOM IT MAY CONCERN:
GEORGIA ETHEL KELLEHER has petitioned to be appointed Administrator of the estate of PATRICIA HELEN KELLEHER deceased, of said County. The Petitioner has also applied for waiver of bond and grant of certain powers contained in O.C.G.A. § 53-12-261. All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before FEBRUARY 24, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Tara C. Riddle
Associate Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
1:31;2:7,14,21-2020

MDJ-5179
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
ROY R. BUEHLER,
DECEASED
ESTATE NO. 19-2016
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE

TO: to whom it may concern:
CATHERINE A. LUCAS AND CHRISTOPHER L. BUEHLER has pe-

8070 Probate

By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770)528-1900
1:31;2:7,14,21-2020

MDJ-5183
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
STARLING HUGH JONES, JR.,
DECEASED
ESTATE NO. 20-0154
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE

To whom it may concern:
ANTHONY KENYON JONES has petitioned to be appointed Administrator of the estate of STARLING HUGH JONES, JR. deceased, of said County. The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261. All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before FEBRUARY 24, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Kelli L. Wolk,
Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770)528-1900
1:31;2:7,14,21-2020

MDJ-5184
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
ROBERT ELDRIDGE THORN

8070 Probate

By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
1:31;2:7,14,21-2020

MDJ-5188
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
RONALD STEVEN NICKERSON,
DECEASED
ESTATE NO. 20-0166
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE

To whom it may concern:
MARGARET ANN NICKERSON has petitioned to be appointed Administrator of the estate of RONALD STEVEN NICKERSON deceased, of said County. The Petitioner has also applied for waiver of bond and grant of certain powers contained in O.C.G.A. § 53-12-261. All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before FEBRUARY 24, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Kelli L. Wolk
Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
1:31;2:7,14,21-2020

MDJ-5189
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
PROMISE ISAAC

8070 Probate

sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Tara C. Riddle,
Associate Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
1:31;2:7,14,21-2020

MDJ-5193
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
MARY BETH RISK,
DECEASED
ESTATE NO. 19-2244
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE

TO: to whom it may concern:
JAMIE ELIZABETH HUENECKE has petitioned to be appointed Administrator of the estate of MARY BETH RISK deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before FEBRUARY 24, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Kelli L. Wolk,
Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court

Regular Meeting Agenda
3/16/2020 6:30 PM
Council Chambers

Title of Item:	Authorization for approval of variance requests submitted by Fountain Residential Partners, LLC. for property located at 1465 Shiloh Road.
Agenda Comments:	Property located at 1465 Shiloh Road being identified as Land Lot 60, Tax Parcel 31, 2nd Section, Cobb County. Said proposal is for purpose built student housing. Said variance requests for the following: (1) Increase the RM-12 zoning district max. density from 12 unites/acre to 15.55 units/acre (68 units total); (2) Reduce the front yard setback along Shiloh Road from 40 ft. to 30 ft. on property consisting of 4.4+/- acres. Application was advertised in the Marietta Daily Journal on February 14, 2020 and February 21, 2020 with property posting on February 18, 2020. The Planning Commission, at a meeting held on March 04, 2020, vote 2-1, made recommendation to deny the requested variances for density and front setback reduction. Staff recommendation: Darryl Simmons, Zoning Adminstrator, recommends the approval of the density and setback variances, as requested.
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
application data	3/5/2020	Backup Material
Variance Application - 1465 Shiloh Road	1/22/2020	Backup Material
Site Plan - 1465 Shiloh Road	3/5/2020	Backup Material

staff analysis	3/5/2020	Backup Material
Survey plat - 1465 Shiloh Road	1/22/2020	Backup Material
planning commission meeting summary 3-4-20	3/5/2020	Backup Material

LAND CASES		LAND USE OR ZONING FROM	TO
AV	LU		
AX	RZ2020-01	R-30	RM-12
DX			
HBR			
SLUP			
ZV2020-01			

AV – Administrative Variance
AX – Annexation
DX – De-annexation
HBR – Historic Board Review
LU – Land Use
RZ – Re-zoning
SLUP – Special Land Use
ZV – Variance

R-10 ZONING
KENNESAW CITY LIMITS
COBB COUNTY
99 LAND LOT

1465 Shiloh Rd
Land Lot 60, Tax Parcel 31
Subject Properties

CITY OF KENNESAW
PLANNING & ZONING DEPT.
770-590-8268

Derek Easterling MAYOR
Debra Taylor CITY CLERK

Scale: 1 " = 200 '
Print Date: 1/31/2020
RZ2020_01_Aerial_ap

G. Douglas Dillard
404-665-1241

DILLARD Sellers
ATTORNEYS AT LAW

E-Mail
ddillard@dillardsellers.com

February 18, 2020

Via E-mail (dwrobleski@kennesaw-ga.gov)

Diane Wrobleski
Zoning Coordinator
Planning and Zoning
City of Kennesaw
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

Re: 1465 Shiloh Road, Revised Site Plan Submission (RZ2020-001)

Dear Diane,

Please find enclosed the revised site plan for the above-referenced RM-12 rezoning application with concurrent variances. This updated site plan replaces the original site plan submitted with the complete application packet on January 21, 2020.

In submitting this revised plan, the Applicant reduces the density of the proposed development from 19.55 units/acre (86 units) to 15.55 units/acre (68 units total). Also, the Applicant increases on-site parking from 152 spaces to 262 spaces and provides additional front yard setback allowance. Based on these site plan modifications, the Applicant's rezoning and variance requests are now summarized as follows:

Rezone the subject property from R-30 to RM-12, with two (2) concurrent variance requests:

1) **Variance from Sec. 4.01.02, to increase the maximum density from 12 units/acre to ~~19.55 units/acre (86 units total)~~ 15.55 units/acre (68 units total).**
2) **Variance from Sec. 4.01.02, to reduce the front yard setback along Shiloh Road from 40 ft. to ~~20 ft~~ 30 ft.**
3) ~~**Variance from Sec. 6.06.09, to reduce the required parking from 172 spaces (2 spaces/unit) to 152 spaces (1.76 spaces/unit).**~~ **[Omit Variance Request]**

This revised site plan and updated application requests satisfy the standards governing the exercise of zoning power and the variance criteria, as set forth in the City's Unified Development Code. Additionally, the proposed student housing development is also consistent with the goals and objectives of the 2017 Kennesaw Comprehensive Plan Update. In order to reasonably develop the Property as shown on revised and updated site plan submission, the Applicant continues to seek approval of this rezoning request to RM-12 and the concurrent variance application as updated herein.

Thank you for your consideration, and please let us know if you have any additional questions. We will include this revised site plan submission with required property owner notifications.

Sincerely,

DILLARD SELLERS

G. Douglas Dillard
R. Baxter Russell

Enclosure

cc: Darryl Simmons (dsimmons@kennesaw-ga.gov)

Letter of Intent and Impact Analysis

City of Kennesaw

Rezoning Application
Concurrent Variance Application

Applicant:

Fountain Residential Partners
c/o G. Douglas Dillard, Esq.

Property:
1465 Shiloh Road
Parcel ID 20006000310

Submitted for Applicant by:

G. Douglas Dillard
R. Baxter Russell
DILLARD SELLERS
1776 Peachtree Street, Suite 390N
Atlanta, Georgia 30309
(404) 665-1241
ddillard@dillardsellers.com

I. INTRODUCTION

Fountain Residential Partners (the "Applicant") respectfully submits these rezoning and concurrent variance applications for property located at 1465 Shiloh Road consisting of approximately 4.4 acres, Parcel No. 20006000310 (the "Property"). Applicant requests approval of the requests in order to develop an upscale student housing community for the Kennesaw State University student population. In 2017, the Property was included in a similar rezoning request for a student housing development (the "2017 Application"). As described in the application materials now submitted, this current application presents significant modifications to the 2017 Application. The zoning requests and student housing community have been redesigned to reduce traffic and land use impacts upon the surrounding residences. Furthermore, the current application proposes a significant density reduction from the 2017 Application. Through these new applications and proposed development, the Applicant seeks to establish a high-quality student housing community that will positively impact the City of Kennesaw, including the City's Kennesaw State community partners, Kennesaw State students, and surrounding residential neighbors.

The Applicant seeks to construct an upscale student housing community, including one apartment style building, additional manor style housing buildings, and amenity features such as a pool, fitness facility, and student common area with study rooms. The development's design includes craftsman style architecture, ample parking for students and visitors, and extensive landscape screening and buffering from surrounding properties. The Applicant is coordinating with city officials to implement a detailed security program for development. Additionally, the Applicant is working with Kennesaw State representatives to provide shuttle bus service for students to the university campus.

In order to accomplish the proposed development, the Applicant submits a rezoning application to the City of Kennesaw, seeking to rezone the currently undeveloped Property from R-30 (Single Family Residential) to RM-12 (Multiple-Family District). The Applicant also submits a concurrent variance application, requesting the following three (3) variances from the Kennesaw Unified Development Code (the "UDC"):

1) Variance from Sec. 4.01.02, to increase the maximum density from 12 units/acre to 19.55 units/acre (86 units total).
2) Variance from Sec. 4.01.02, to reduce the front yard setback along Shiloh Road from 50 ft. to 20 ft.
3) Variance from Sec. 6.06.09, to reduce the required parking from 172 spaces (2 spaces/unit) to 152 spaces (1.76 spaces/unit).

This application satisfies the standards governing the exercise of zoning power and the variance criteria, as set forth in the UDC and discussed below. The proposed student housing development is also consistent with the goals and objectives of the 2017 Kennesaw Comprehensive Plan Update. In order to reasonably develop the Property as shown on proposed

Zoning Site Plan, the Applicant seeks approval of this rezoning request to RM-12 and the concurrent variance application.

II. REZONING & VARIANCE ANALYSIS

As demonstrated below, the Applicant satisfies all standards for rezoning as described in the UDC, Sec. 10.01.02:

1) **Would the proposed amendment be consistent and compatible with the city's land use and development plans, goals and objectives?**

   The proposed rezoning and student housing community are consistent with the goals and objectives of the City's Comprehensive Plan. As discussed on pg. 27, the City recognizes the importance of Kennesaw State University and its student population to the City's growth and future development. The Comprehensive Plan also includes the evaluation of the City's student housing needs in the Short Term Work Program (pg. 57).

2) **Would the proposed amendment tend to increase, decrease, or have no impact on traffic safety and congestion in the streets?**

   The proposed rezoning and student housing development will minimally impact traffic along Shiloh Road and in the surrounding area. As demonstrated on the proposed site plan, the development is designed for safe ingress and egress with only one full access driveway and a right-out exit only driveway. The proposed site access has been evaluated by Cobb County traffic officials to insure compliance with county regulations and standards. With modifications to the site design from the 2017 Application, the development will not feature access to Ayers Drive, thus limiting traffic and congestion issues in the adjacent residential neighborhood.

3) **Would the proposed amendment tend to increase, decrease, or have no relationship to safety from fire and other dangers?**

   The proposed rezoning and student housing development will increase safety on the currently undeveloped Property. The proposal includes all appropriate fire and public safety features. Additionally, the Applicant is coordinating with city officials to implement a detailed security program for the community, including but not limited to, enhanced on-site security, cameras, and gated community access.

4) **Would the proposed amendment tend to promote, diminish, or have no influence on the public health and general welfare of the city?**

The proposed rezoning and student housing development will promote the public health and general welfare of the City and Kennesaw residents. Applicant's student housing community will provide high-quality housing for university students in a prime location situated near campus and adjacent to primary campus access routes. The proposed development will reduce and alleviate the burden on existing single-family neighborhoods to provide off-campus housing for students.

5) **Would the proposed amendment tend to increase, decrease, or have no influence on the adequate [provision] of light and air?**

The proposed rezoning and student housing development will have no burden or negative effect on the adequate provision of light and air. The Property and proposed development site are located on a major road within the City, closely located to other high-traffic uses and the overall intensity of the university.

6) **Would the proposed amendment tend to cause, prevent, or have no influence on the overcrowding of land?**

The proposed rezoning and student housing development will have no influence on the overcrowding of land. The Property is situated in a prime location for student housing, near the university as well as other student housing developments.

7) **Would the proposed amendment tend to cause, prevent, or have no relationship on the population distribution within the city, thus creating any area so dense in population as to adversely affect the health, safety, and general welfare of the city?**

The proposed rezoning and student housing development will help prevent overcrowding and unbalanced population distribution within the City. The Applicant seeks to address and meet the City's demand for purpose-built student housing by providing a student housing community in close proximity to the university.

8) **Would the proposed amendment tend to impede, facilitate, or have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities or facilities?**

The proposed rezoning and student housing development will not burden existing city or county utilities, facilities, or other public services. The City's current infrastructure will adequately provide the necessary services needed by the development. With the Property's location near a university transit shuttle line, the Applicant is working with Kennesaw State representatives to provide shuttle bus service for students to the university campus.

9) **Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?**

The proposed rezoning and student housing development are compatible with current environmental conditions in light of development on surrounding properties. The Applicant's proposed student housing community will increase the value, use and enjoyment of surrounding properties by providing much needed, additional stormwater infrastructure at the Property.

10) **Would the proposed amendment tend to require only reasonable expenditures of public funds, or would the amendment tend to require an excessive or premature expenditure of public funds?**

The proposed rezoning and student housing development will not require the expenditures of public funds, beyond the reasonable use and enjoyment of currently available public utilities, facilities, and services.

11) **Would the proposed amendment tend to promote, diminish, or have no influence upon the aesthetic effect of existing and future uses of the property and the surrounding area?**

The proposed rezoning and student housing development will promote the aesthetic effect of current and future development on the property and in the surrounding area. The Applicant will develop the community as high-quality, purpose-built student housing with craftsman style architecture and design features.

12) Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?

The proposed rezoning and student housing development will not have an adverse economic effect on the value of surrounding or adjacent properties. Applicant's proposed development will provide extensive landscape buffering and setbacks from surrounding properties. Furthermore, the proposed student housing development will deliver great benefit to surrounding properties and nearby single-family residential community by providing much needed student housing for university students and alleviating the burden to host student housing in dedicated single-family neighborhoods.

13) Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?

The proposed rezoning and student housing development will not create an isolated zoning district unrelated to nearby districts. The Property is located on a major road with direct access and in close proximity to the university campus. Additionally, the Property is located nearby other student housing developments and properties zoned RM-12.

Furthermore, the Applicant also satisfies all criteria for variance requests as described in the UDC, Sec. 9.02.03:

A) There is extraordinary and exceptional conditions pertaining to the property because of its size, shape or topography;

Due to the size and depth of the Property, the Applicant requests only those front yard setback, parking and density variances required to develop the site as a high-quality student housing community and to provide the necessary landscape buffers and building setbacks from adjacent properties. The Applicant requests the minimum variances necessary to develop the Property for a reasonable economic use under the requested RM-12 zoning district.

B) The application of the UDC standards to property creates practical difficulty or unnecessary hardship;

A strict application of the front yard setback, parking and density requirements creates an unnecessary hardship, such that the Applicant is unable to develop the property under the requested RM-12 zoning district regulations. The Applicant submits these variance request in order to overcome this difficulty and develop the proposed student housing community.

C) The practical difficulty and/or unnecessary hardship are conditions which are peculiar to the property involved; and

The Property's size and depth require that the proposed student housing development be designed and located as shown on the submitted Zoning Site Plan in order to accommodate landscape buffering and building setbacks adjacent to surrounding properties. These conditions are peculiar to the Property, and the Applicant requests the minimum variances required to overcome these conditions and the hardship which they impose upon the Property.

D) Relief, if granted, would not cause substantial detriment to the public good or impede the purposes and intent of the UDC.

The requested variances will not cause any detriment to the public or impede the purposes and intent of the UDC. As requested and shown on the Zoning Site Plan, the variances will allow development of a high quality student housing community and provide buffer and setback relief to surrounding property owners. Strict application of the subject regulations imposes an unnecessary hardship upon the Applicant. The Applicant has requested the minimum relief necessary to develop the Property for a reasonable economic use under the requested RM-12 zoning district.

III. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the City of Kennesaw approve the rezoning and grant the variances as requested by the Applicant. If there are any questions about this application, you may contact me at 404-665-1241 or ddillard@dillardsellers.com.

Sincerely,

DILLARD SELLERS

G. Douglas Dillard
R. Baxter Russell

Exhibit A

REQUIRED CONSTITUTIONAL AND ANTE LITEM NOTICE

Georgia law and the procedures of the City of Kennesaw require us to raise Federal and State constitutional objections during the public hearing application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Kennesaw Unified Development Code (the "UDC"), facially and as applied to the Property, which restrict the Property to any uses, land use designations, conditions, development standards, or to any zoning districts other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the UDC, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning classifications other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking and inverse condemnation of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the City of Kennesaw to grant the application as requested would constitute a taking of the Applicant's property and inverse condemnation. Because of this unconstitutional taking, the City of Kennesaw would be required to pay just compensation to the Applicant.

A denial of this Application would constitute an arbitrary and capricious act by the Kennesaw Mayor and City Council, without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the requested rezoning and/or variances would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

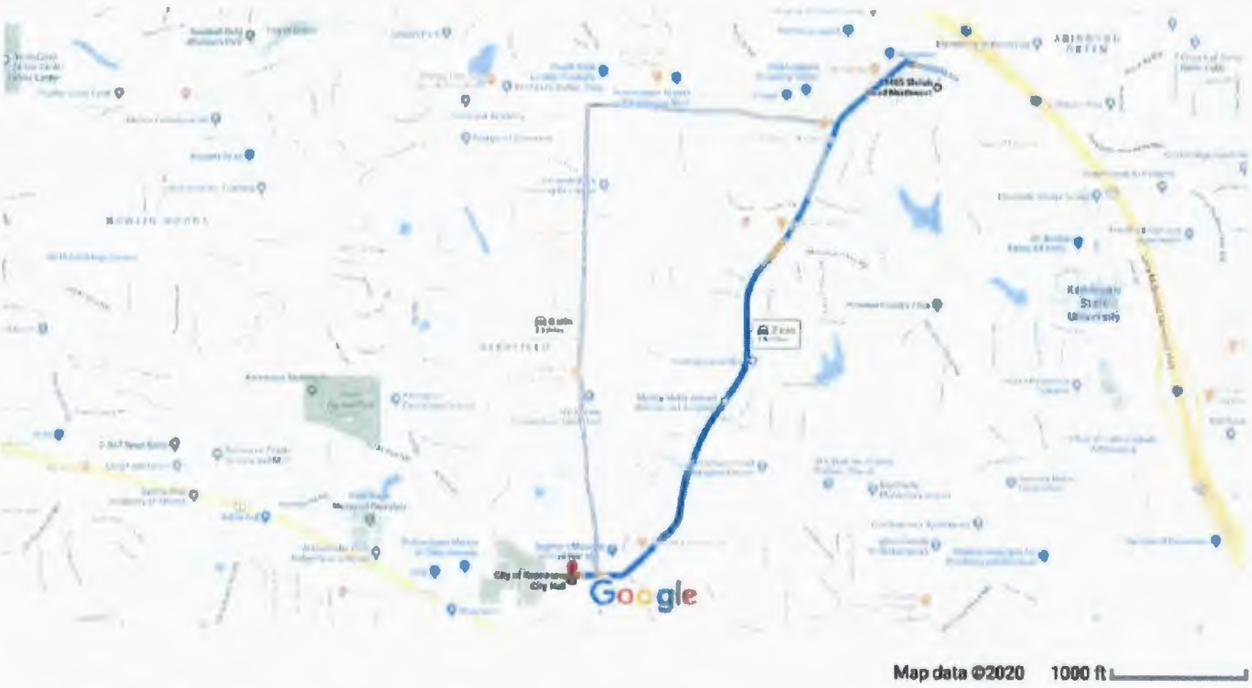
A refusal by Kennesaw Mayor and City Council, to grant the requested rezoning and/or variances in accordance with the criteria requirements as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the Application, subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A denial of the requested rezoning and/or variances would be unconstitutional. This notice is being given to comply with the provisions of O.C.G.A. § 36-33-5 to afford the City an opportunity to approve the applications as requested by the Applicant. If action is not taken by the City to approve the rezoning and/or variances within a reasonable time, a claim will be filed in the Superior Court of Cobb County demanding just and adequate compensation under Georgia law for the taking of the Property, inverse condemnation, diminution of value of the Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

Google Maps

1465 Shiloh Road Northwest, Kennesaw, GA to City of Kennesaw City Hall

Drive 2.6 miles, 7 min



1465 Shiloh Rd NW

Kennesaw, GA 30144

1. Head northwest on Shiloh Rd NW toward Ayers Dr

0.1 mi

2. Use the left 2 lanes to turn left onto Cherokee St NW

Pass by Bojangles' Famous Chicken 'n Biscuits (on the right)

1.0 mi

3. Continue straight to stay on Cherokee St NW

1.4 mi

4. Continue straight onto J.O. Stephenson Ave

0.1 mi

5. Turn left

Destination will be on the left

89 ft

City of Kennesaw City Hall

2529 J.O. Stephenson Ave, Kennesaw, GA 30144

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to

Deed Book 14585 Pg 2340
Filed and Recorded Mar-03-2008 03:21pm
2008-0027429
Real Estate Transfer Tax $1,425.00

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

14-pt

(Space Above This Line For Recording Data)

RETURN TO:
Joel L. Larkin, Esq.
Sams, Larkin & Huff, LLP
376 Powder Springs Street, Suite 100
MARIETTA GA 30064

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF Cobb

THIS INDENTURE, made the 29th day of February, in the year Two Thousand Eight, between

KEN B. SMATHERS

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

BEAUCOUP PROPERTIES, 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 CONSIDERATION 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 THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 60 OF THE 20TH DISTRICT, 2ND SECTION OF COBB COUNTY, GEORGIA, AS SHOWN BY PLAT OF SURVEY FOR PREPARED BY MERRITT & WELKER, ENGINEERS, DATED FEBRUARY, 1964, A COPY OF WHICH IS RECORDED IN PLAT BOOK 33, PAGE 41, COBB COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY 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.

THIS CONVEYANCE IS MADE subject only to those matters set out on Exhibit "B" attached hereto and incorporated herein by this reference. Other than as to those matters set out on Exhibit "B" hereto, the Said Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever claiming by or through Grantor.

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

Sworn to and subscribed
before me this 29th day of
February, 2008.

Notary Public

My Commission Expires

(NOTARIAL SEAL)

JOEL L. LARKIN
NOTARY
GEORGIA
PUBLIC
COBB COUNTY
FEBRUARY 27, 2012

Ken B. Smathers
Ken B. Smathers

145

EXHIBIT "A"
Legal Description

BEGINNING AT A POINT ON THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD 296 FEET EAST OF THE INTERSECTION FORMED BY THE EAST RIGHT OF WAY OF AYERS DRIVE WITH THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD; THENCE RUNNING SOUTH 71 DEGREES 05 MINUTES EAST, FOR A DISTANCE OF 207.5 FEET TO A POINT; THENCE RUNNING SOUTH 62 DEGREES, 58 MINUTES EAST, FOR A DISTANCE OF 207.5 FEET TO A POINT AND CORNER; THENCE RUNNING SOUTH 03 DEGREES, 09 MINUTES WEST, FOR A DISTANCE OF 515.1 FEET TO A POINT AND CORNER; THENCE RUNNING NORTH 63 DEGREES, 40 MINUTES WEST, FOR A DISTANCE OF 408.7 FEET TO A POINT AND CORNER; THENCE RUNNING NORTH 1 DEGREE, 34 MINUTES EAST, FOR A DISTANCE OF 495 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD AND THE POINT OF BEGINNING.

EXHIBIT "B"
Permitted Exceptions

1. All taxes for the year 2008 and subsequent years, not yet due and payable, and any additional taxes which may result from a reassessment of the subject property or re-billing of the taxes.

2. Right of way deed in favor of Cobb County, dated May 28, 1997, and recorded in Deed Book 10429, Page 382, Cobb County, Georgia Records.

3. Right of way easement in favor of Cobb County Marietta Water Authority, dated May 7, 1997, and recorded in Deed Book 10506, Page 144, Cobb County, Georgia Records.

4. All matters as shown on Plat of survey recorded in Plat Book 33, Page 41, Cobb County, Georgia Records.

5. All matters which are shown on that certain plat of survey for Beaucoup Properties, LLC dated January 10, 2008 by Centerline Surveying Systems, Inc., Charles C. Franklin, Georgia Registered Land Surveyor No. 2143.

Deed Book 14585 Pg 2343
Filed and Recorded Mar-03-2008 03:21pm
2008-0027430
Real Estate Transfer Tax $0.00

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

12-pm

After recording please return to:
Joel L. Larkin
Sams, Larkin & Huff, LLP
Suite 100, 376 Powder Springs Street
Marietta, GA 30064

STATE OF GEORGIA

COUNTY OF COBB

QUITCLAIM DEED

THIS INDENTURE, made as of the 29th day of February, 2008, between **KEN B. SMATHERS ("Grantor")**, and **BEAUCOUP PROPERTIES, LLC**, a Georgia limited liability company **("Grantee")** (the words "Grantor" and "Grantee" to include their respective heirs, legal representatives, successors and assigns where the context requires or permits);

WITNESSETH, THAT:

GRANTOR, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof are hereby acknowledged, has remised, conveyed and quitclaimed, and by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee, all of Grantor's right, title and interest in and to that certain tract or parcel of land lying and being in Cobb County, Georgia, which is described as follows:

All that tract or parcel of land lying and being in Land Lot 60 of the 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia, and being more particularly described as follows:

Beginning at an iron pin located on the southern right of way of Shiloh Road (right of way varies), said point being located 1671.07 feet from the intersection of the southeasterly right of way of Shiloh Road and the southwesterly right of way of Interstate 75 (right of way varies), said point being the POINT OF BEGINNING; thence proceeding north 03 Degrees, 18 Minutes, 47 Seconds East 5.50 feet to a point on the southerly right of way of Shiloh Road; thence proceeding along said right of way along a curve to the left an arc distance of 416.26 feet, said curve having a radius of 1386.29 feet and being subtended by a chord of 414.70 feet having a bearing of North 64 Degrees 31 Minutes 46 Seconds West to an iron pin on said right of way; thence

2 of 5

leaving said right of way and proceeding South 02 Degrees 09 Minutes 28 Seconds West, 93.34 feet to an iron pin; thence proceeding South 02 Degrees 11 Minutes 55 Seconds West, 124.83 feet to an iron pin; thence proceeding South 02 Degrees, 11 Minutes, 24 Seconds West, 249.54 feet to an iron pin; thence proceeding South 02 Degrees, 02 Minutes, 09 Seconds West, 26.30 feet to an iron pin and corner; thence proceeding South 63 Degrees 02 Minutes 32 Seconds East, 104.72 feet to an iron pin; thence proceeding South 63 Degrees, 05 Minutes, 12 Seconds East, 152.84 feet to an iron pin; thence proceeding South 63 Degrees, 13 Minutes, 59 Seconds East, 150.77 feet to an iron pin and corner; thence proceeding North, 03 Degrees, 18 Minutes, 47 Seconds East, 500.71 feet to a point located on the southerly right of way of Shiloh Road, said point being the POINT OF BEGINNING.

Said tract or parcel of land contains approximately 4.41 acres and is shown on that certain Survey for Beaucoup Properties, LLC dated January 10, 2008 by Centerline Surveying Systems, Inc., Charles C. Franklin, Georgia Registered Land Surveyor No. 2143. Further, said property (the "Property") is conveyed together with all of the right, title and interest of Grantor, if any, in and to (a) any gaps and gores between the Property and tracts of land adjacent to the Property, and (b) any appurtenant easements and/or rights-of-way adjacent to the Property.

TO HAVE AND TO HOLD the said described property to the said Grantee, so that said Grantor shall not at any time, by any means or ways, have, claim or demand any right or title to the said described property.

IN WITNESS WHEREOF, the Grantor has duly signed and sealed this Quitclaim Deed on the day and year first above written.

Signed, sealed and delivered
in the presence of:

Witness

Notary Public

My Commission Expires

JOEL L. CARKIN NOTARY PUBLIC GEORGIA COBB COUNTY EXPIRES FEBRUARY 27, 2012

(NOTARIAL SEAL)

GRANTOR:

Ken B. Smathers [SEAL]
Ken B. Smathers

Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 60 OF THE 20TH DISTRICT, 2ND SECTION OF COBB COUNTY, GEORGIA, AS SHOWN BY PLAT OF SURVEY FOR PREPARED BY MERRITT & WELKER, ENGINEERS, DATED FEBRUARY, 1964, A COPY OF WHICH IS RECORDED IN PLAT BOOK 33, PAGE 41, COBB COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE:

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REZONING APPLICATION

Required Fee $375.00

Date Received 1.21.2020
Staff's Initials DLW

Is this property located within the Kennesaw Historic District (yes) _____ (no) _____

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUESTED APPLICATION IS MANDATORY.

REZONING PROPERTY ADDRESS 1465 Shiloh Road

Land Lot 60 Tax Parcel 31 Lot Size 4.4 acres

Resident Population 0 Housing Units 1 Other Buildings 0

Zoning Request from:

Present Zoning R-30 To: RM-12

For the purpose of: Student Housing

APPLICANT Fountain Residential Partners

APPLICANT EMAIL blittle@fountainresidential.com

Applicant address 2626 Cole Ave., Suite 620, Dallas TX 75204

(Home#)_____ (Fax#) _____ (Work#) 972-861-5080

(Cell#) _____

Applicant Signature _____ Date_____

Signed, sealed and delivered in presence of: Michelle James 01.15.20
Notary **Date**

REPRESENTIVE G.Douglas Dillard, Dillard Sellers

(Fax #)_____ (Work#) 404-665-1241 (Cell#) _____

Representative Signature _____ Date_____

Signed, sealed and delivered in presence of: _____ 1-20-2020
Notary **Date**

TITLEHOLDER: Beaucoup Properties LLC **Telephone:**_____

Signature: _____ **Address:**_____

Signed, sealed and delivered in presence of: _____
Notary **Date**

REZONING APPLICATION

Required Fee $375.00

Date Received 1.21.2020
Staff's Initials DLW

Is this property located within the Kennesaw Historic District (yes) _____ (no) _____

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUESTED APPLICATION IS MANDATORY.

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Resident Population 0 Housing Units 1 Other Buildings 0

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Present Zoning R-30 To: RM-12

For the purpose of: Student Housing

APPLICANT Fountain Residential Partners

APPLICANT EMAIL blittle@fountainresidential.com

Applicant address 2626 Cole Ave., Suite 620, Dallas TX 75204

(Home#) _____ (Fax#) _____ (Work#) 972-861-5080

(Cell#) _____

Applicant Signature _____ Date _____

Signed, sealed and delivered in presence of: _____
Notary Date

REPRESENTIVE G.Douglas Dillard, Dillard Sellers

(Fax #) _____ (Work#) 404-665-1241 (Cell#) _____

Representative Signature _____ Date _____

Signed, sealed and delivered in presence of: _____
Notary Date

TITLEHOLDER: Beaucoup Properties LLC Telephone: 678 410 7420

Signature: Charles Nasr Address: 137 Olivers Pond Acworth Log. GA. 30522

Signed, sealed and delivered in presence of: _____ 1/15/2020
Notary Date

SOMMERSETT BRASER NOTARY PUBLIC My Commission Expires 07-26-2022 COBB COUNTY, GEORGIA

Community Development Department
2529 J. O. Stephenson Avenue
Kennesaw, GA 30144
770-590-8268

CAMPAIGN CONTRIBUTIONS

The undersigned Applicant herein certifies that they **have** ☐ **have not** ☒ made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars ($250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

FINANCIAL INTEREST

The undersigned Petitioner herein certifies that, to the best of its knowledge, information, and belief, the Mayor, any member of the Planning Commission **does** ☐ **does not** ☒:

1) Have a property interest (direct or indirect ownership, including any percentage of ownership less that total) in the subject property;
2) Have a financial interest (direct ownership interest of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property; and
3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner:

CERTIFY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT, THIS 15th DAY OF January, 20 20

APPLICANT'S SIGNATURE

Applicant means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

Meredith James 01.15.20
Notary Date

Commission expires: 02.04.20

MEREDITH JAMES
Notary Public, State of Texas
Comm. Expires 02-04-2020
Notary ID 130525207

Community Development Department
2529 J. O. Stephenson Avenue
Kennesaw, GA 30144
770-590-8268

CAMPAIGN CONTRIBUTIONS

The undersigned Applicant herein certifies that they **have** ☐ **have not** ☒ made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars ($250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

FINANCIAL INTEREST

The undersigned Petitioner herein certifies that, to the best of its knowledge, information, and belief, the Mayor, any member of the Planning Commission **does** ☐ **does not** ☒:

1) Have a property interest (direct or indirect ownership, including any percentage of ownership less that total) in the subject property;
2) Have a financial interest (direct ownership interest of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property; and
3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner:

CERTIFY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT, THIS 20 DAY OF January, 20 20

G. Douglas Dillard, attorney and representative

APPLICANT'S SIGNATURE

Applicant means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

Notary

1-20-2020
Date

Commission expires: 4-25-2021

Community Development Department
2529 J. O. Stephenson Avenue
Kennesaw, GA 30144
770-590-8268

CAMPAIGN CONTRIBUTIONS

The undersigned Applicant herein certifies that they have ☐ have not ☒ made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars ($250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

FINANCIAL INTEREST

The undersigned Petitioner herein certifies that, to the best of its knowledge, information, and belief, the Mayor, any member of the Planning Commission does ☐ does not ☒:

1) Have a property interest (direct or indirect ownership, including any percentage of ownership less that total) in the subject property;
2) Have a financial interest (direct ownership interest of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property; and
3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner:

CERTIFY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT, THIS 15TH DAY OF JANUARY, 2020

Charles Mason

APPLICANT'S SIGNATURE

Applicant means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

SOMMERSETT R NASH JR
My Commission Expires
NOTARY PUBLIC
07-26-2022
COBB COUNTY, GEORGIA

Notary 1/15/2020 Date

Commission expires: 7/26/2022

Beaucoup Properties, LLC
1731 Dixie Avenue, S.E.
Smyrna, Georgia 30080

RE: Property located at 1465 Shiloh Road, more specifically described as Tax Parcel No. 20006000310, Land Lot 60, 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia

To Whom It May Concern:

The undersigned is the owner of the above-referenced property. Pursuant to the signature below, Fountain Residential Partners and its representative, G. Douglas Dillard of Dillard Sellers, are authorized to file a Rezoning Application and a Variance Application with the City of Kennesaw, Georgia, for the subject property.

BEAUCOUP PROPERTIES, LLC

BY: Charles Naser

Title: Managing Partner

Printed Name: Charles Naser

Date: 01 02 20

Section 1908 Standards for Decisions- Rezoning

Section 1908 of the Kennesaw Zoning Code details thirteen zoning review factors which must be evaluated by the Planning and Zoning Board and the Mayor and Council when considering a rezoning request. Please provide responses to the following using additional pages if necessary

	Comments
(1) Would the proposed amendment be consistent and compatible with the City's land use and development, plans, goals and objective?	Please see attached.
(2) Would the proposed amendment tend to increase, decrease, or have no impact on traffic safety and congestion in the streets?	Please see attached.
(3) Would the proposed amendment tend to increase, decrease, or have no relationship to safety from fire and other dangers?	Please see attached.
(4) Would the proposed amendment tend to promote, diminish, or have no influence on the public health and general welfare of the city?	Please see attached.
(5) Would the proposed amendment tend to increase, decrease, or have no influence on the adequate (provisions) of light or air?	Please see attached.
(6) Would the proposed amendment tend to cause, prevent, or have no influence on the overcrowding of land?	Please see attached.
(7) Would the proposed amendment tend to cause, prevent, or have no relationship on the population distribution within the city-creating any area so dense in population as to adversely affect the health, safety, and general welfare of the city?	Please see attached.
(8) Would the proposed amendment tend to impede, facilitate, or have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities or facilities?	Please see attached.
(9) Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?	Please see attached.
(10) Would the proposed amendment tend to require only reasonable expenditures of public funds, or would the amendment tend to require an excessive or premature expenditure of public funds?	Please see attached.
(11) Would the proposed amendment tend to promote, diminish or have no influence upon the aesthetic effect of existing and future uses of property and the surrounding area?	Please see attached.
(12) Would the proposed amendment have measurable adverse economic effect on the value of the surrounding or adjacent property?	Please see attached.
13) Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?	Please see attached.

Community Development

Planning & Zoning Department

2529 J.O. Stephenson Ave., Kennesaw, GA 30144

Date Received 1-21-2020
Staff Initials dlw

VARIANCE

Required Fee $375.00

Is this property located within the Kennesaw Historic District (yes) _____ (no) _____

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUESTED APPLICATION IS MANDATORY.

(Applicant or agent must be present at all public hearings)

PURPOSE OF VARIANCE REQUEST Variance application is submitted with a rezoning application, requesting a rezoning from R-30 to RM-12 for the subject 4.4 ac. parcel.

(i) Increase the RM-12 zoning district max. density from 12 units/acre to 19.55 units/acre (86 units total)

(ii) Reduce the front yard setback along Shiloh Road from 40 ft. to 20 ft. (iii) Reduce required parking from 172 spaces (2 spaces/unit) to 152 spaces (1.76 spaces/unit

VARIANCE PROPERTY ADDRESS 1465 Shiloh Road

Land Lot 60 Tax Parcel 31 Lot Size 4.4 acres Present Zoning R-30

APPLICANT Fountain Residential Partners

APPLICANT EMAIL blittle@fountainresidential.com

Applicant address 2626 Cole Ave., Suite 620, Dallas TX 75204

(Home#) _____ (Fax#) _____ (Work#) 972-861-5080

(Cell#) _____

Applicant Signature _____

Signed, sealed and delivered in presence of: Michelle H. James 01.15.20
Notary Date

REPRESENTIVE G. Douglas Dillard, Dillard Sellers

(Fax #) _____ (Work#) 404-665-1241 (Cell#) _____

Representative Signature _____

Signed, sealed and delivered in presence of: Jennifer R. Tuggle 1-20-2020
Notary

TITLEHOLDER: Beaucoup Properties LLC **Telephone:** _____

Signature: _____ **Address:** _____

Signed, sealed and delivered in presence of: _____
Notary Date

Community Development

Planning & Zoning Department

2529 J.O. Stephenson Ave., Kennesaw, GA 30144

Date Received 1.21.2020
Staff Initials DLW

VARIANCE

Required Fee $375.00

Is this property located within the Kennesaw Historic District (yes) _____ (no) _____

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUESTED APPLICATION IS MANDATORY.

(Applicant or agent must be present at all public hearings)

Variance application is submitted with a rezoning application.

PURPOSE OF VARIANCE REQUEST requesting a rezoning from R-30 to RM-12 for the subject 4.4 ac. parcel

(i) Increase the RM-12 zoning district max. density from 12 units/acre to 19.55 units/acre (86 units total)

(ii) Reduce the front yard setback along Shiloh Road from 40 ft. to 20 ft. (iii) Reduce required parking from 172 spaces (2 spaces/unit) to 152 spaces (1.76 spaces/unit)

VARIANCE PROPERTY ADDRESS 1465 Shiloh Road

Land Lot 60 Tax Parcel 31 Lot Size 4.4 acres Present Zoning R-30

APPLICANT Fountain Residential Partners

APPLICANT EMAIL blittle@fountainresidential.com

Applicant address 2626 Cole Ave., Suite 620, Dallas TX 75204

(Home#) _____ (Fax#) _____ (Work#) 972-861-5080

(Cell#) _____

Applicant Signature _____

Signed, sealed and delivered in presence of: _____

Notary Date

REPRESENTIVE G. Douglas Dillard, Dillard Sellers

(Fax #) _____ (Work#) 404-665-1241 (Cell#) _____

Representative Signature _____

Signed, sealed and delivered in presence of: _____

Notary

TITLEHOLDER: Beaucoup Properties LLC **Telephone:** 678-410 7420

Signature: Charles Nasser **Address:** 1500 Chastain Pond Rd, Kennesaw, GA 30152

Signed, sealed and delivered in presence of: _____ 1/15/2020

Notary Date

COMMISSIONED NOTARY PUBLIC COBB COUNTY, GEORGIA 07-26-2022

CAMPAIGN CONTRIBUTIONS

The Owner and Petitioner herein certify that they **have** ☐ **have not** ☒ made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars ($250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

FINANCIAL INTEREST

The undersigned Petitioner herein certifies that, to the best of their knowledge, information, and belief, the Mayor, any member of the Planning Commission **does** ☐ **does not** ☒:

1) Have a property interest (direct or indirect ownership, including any percentage of ownership less that total) in the subject property;

2) Have a financial interest (direct ownership interest of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property; and

3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner: Brent Little

Applicant/Petitioner means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

Owner/Applicant Certification

- The Owner/Petitioner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Petitioner's knowledge and belief. Should any portion not be true then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner/Petitioner hereby grants permission to enter on the property for inspection during the time application is pending.

Applicants Signature

Signed, sealed and delivered in presence of: Meredith James

CAMPAIGN CONTRIBUTIONS

The Owner and Petitioner herein certify that they **have** ☐ **have not** ☒ made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars ($250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

FINANCIAL INTEREST

The undersigned Petitioner herein certifies that, to the best of their knowledge, information, and belief, the Mayor, any member of the Planning Commission **does** ☐ **does not** ☒:

1) Have a property interest (direct or indirect ownership, including any percentage of ownership less that total) in the subject property;

2) Have a financial interest (direct ownership interest of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property; and

3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner: _____ G. Douglas Dillard, attorney and representative

Applicant/Petitioner means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

Owner/Applicant Certification

- The Owner/Petitioner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Petitioner's knowledge and belief. Should any portion not be true then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner/Petitioner hereby grants permission to enter on the property for inspection during the time application is pending.

_____ G. Douglas Dillard,
Applicants Signature attorney and representative

Signed, sealed and delivered in presence of:

CAMPAIGN CONTRIBUTIONS

The Owner and Petitioner herein certify that they **have** ___ **have not** Y made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars ($250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

FINANCIAL INTEREST

The undersigned Petitioner herein certifies that, to the best of their knowledge, information, and belief, the Mayor, any member of the Planning Commission **does** ___ **does not** X:

1) Have a property interest (direct or indirect ownership, including any percentage of ownership less that total) in the subject property;

2) Have a financial interest (direct ownership interest of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property; and

3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner: Charly Nash

Applicant/Petitioner means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

Owner/Applicant Certification

- The Owner/Petitioner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Petitioner's knowledge and belief. Should any portion not be true then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner/Petitioner hereby grants permission to enter on the property for inspection during the time application is pending.

Charly Nash
Applicant's Signature

Signed, sealed and delivered in presence of:

SOMMER PATRICIA BRAGG NOTARY PUBLIC COBB COUNTY, GEORGIA My Commission Expires 07-26-2021

Beaucoup Properties, LLC
1731 Dixie Avenue, S.E.
Smyrna, Georgia 30080

RE: Property located at 1465 Shiloh Road, more specifically described as Tax Parcel No. 20006000310, Land Lot 60, 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia

To Whom It May Concern:

The undersigned is the owner of the above-referenced property. Pursuant to the signature below, Fountain Residential Partners and its representative, G. Douglas Dillard of Dillard Sellers, are authorized to file a Rezoning Application and a Variance Application with the City of Kennesaw, Georgia, for the subject property.

BEAUCOUP PROPERTIES, LLC

BY: Charles Naser

Title: Managing Partner

Printed Name: Charles Naser

Date: 01 02 20

Attach to this document a copy of the property/s that have been served notification along with the documentation supplied in the certified mailing.

Section 1909, Part 4 Standards for Decisions – Variances

Zoning Variances may be granted in such individual cases of practical difficulty or unnecessary hardships as follows:

	COMMENTS
There is extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.	Please see attached.
The application of this chapter to this particular piece of property would create practical difficulty or unnecessary hardship.	Please see attached.
Such conditions are peculiar to the particular piece of property involved.	Please see attached.
Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter.	Please see attached.

City of Kennesaw, GA
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144-2780

(770) 424-8274

2019
Property Tax Bill

Parcel ID	Tax District	Bill #
20006000310	3/3-BOND - KENNESAW CITY	911784

Property Owner/Location/Description	Fair Market Value	Taxable Value
BEAUCOUP PROPERTIES LLC 1465 SHILOH RD	239,330	95,732

Levies	Taxable Value	-	Exemptions	=	Net Assessment	X	Tax Rate	=	Net Tax
KENNESAW CITY	95,732		0		95,732		8.0000000		$765.85
BOND	95,732		0		95,732		1.5000000		$143.60

Exemptions:

Current Year Tax	$909.45
Interest	$0.00
Penalty	$0.00
Other Fees	$0.00
Payments Received	$909.45
Other Amounts Due	$0.00
Total Due	$0.00
Due Date	12/02/2019

Interest will accrue monthly at a rate of .64% per month, based on an annual calculation of Federal Prime Rate (4.75) plus 3%. To arrive at the new monthly interest rate divide the 7.75% by 12. This annual interest rate will change when the Federal Reserve announces the new bank prime loan rate each January (House Bill 960).

Penalty will accrue at 5% after 120 days with an additional 5% assessed after each successive 120 days to a maximum of 20% of the principle amount due (House Bill 960).

Online payments are accepted at www.municipalonlinepayments.com/kennesawga

Any questions concerning ownership changes or change of address should be directed to Cobb County Tax Commissioner's Office at (770) 528-8600.

City of Kennesaw, GA
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144-2780

Please make check or Money Order Payable to City of Kennesaw Property Tax Division and include the Parcel ID on your check.

For your convenience, you may pay by check, money order, Discover, Mastercard, AMEX, VISA. $15.50 fee per transaction for online payments. 3% fee added to credit and debit card payments processed at City Hall office.

Parcel ID:	20006000310
Amount Due:	$0.00
Bill#:	911784
Due Date:	12/02/2019
	AMOUNT PAID

BEAUCOUP PROPERTIES LLC
1731 DIXIE AVE SE
SMYRNA, GA 30080 -

City of Kennesaw, GA
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144-2780

Printed: 1/20/2020

Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer:
Charles Naser

BEAUCOUP PROPERTIES LLC

Payment Date: 10/11/2019

Tax Year	Parcel ID	Due Date		Appeal Amount		Taxes Due
2019	20006000310	10/15/2019	**Pay:**	N/A	or	$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
$0.00	$0.00	$0.00	$0.00	$2,905.46	**$0.00**

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

Community Development

Planning & Zoning Department

2529 J.O. Stephenson Ave., Kennesaw, GA 30144

Date Received_____

Staff Initials _____

VARIANCE

Required Fee $375.00

Is this property located within the Kennesaw Historic District (yes) _____ (no) _____

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUESTED APPLICATION IS MANDATORY.

(Applicant or agent must be present at all public hearings)

PURPOSE OF VARIANCE REQUEST Variance application is submitted with a rezoning application, requesting a rezoning from R-30 to RM-12 for the subject 4.4 ac. parcel.

(i) Increase the RM-12 zoning district max. density from 12 units/acre to 19.55 units/acre (86 units total)

(ii) Reduce the front yard setback along Shiloh Road from 40 ft. to 20 ft. (iii) Reduce required parking from 172 spaces (2 spaces/unit) to 152 spaces (1.76 spaces/unit)

VARIANCE PROPERTY ADDRESS 1465 Shiloh Road

Land Lot 60 Tax Parcel 31 Lot Size 4.4 acres Present Zoning R-30

APPLICANT Fountain Residential Partners

APPLICANT EMAIL blittle@fountainresidential.com

Applicant address 2626 Cole Ave., Suite 620, Dallas TX 75204

(Home#)_____ (Fax#) _____ (Work#) 972-861-5080

(Cell#) _____

Applicant Signature _____

Signed, sealed and delivered in presence of: Michelle H. James 01.15.20

Notary **Date**

REPRESENTIVE G. Douglas Dillard, Dillard Sellers

(Fax #)_____ (Work#) 404-665-1241 (Cell#) _____

Representative Signature _____

Signed, sealed and delivered in presence of: Jennifer R Taylor 1-20-2020

Notary

JENNIFER R TAYLOR NOTARY PUBLIC APRIL 25, 2021 COBB COUNTY, GEORGIA

TITLEHOLDER: Beaucoup Properties LLC **Telephone:** _____

Signature: _____ **Address:** _____

Signed, sealed and delivered in presence of: _____

Notary Date

Community Development

Planning & Zoning Department

2529 J.O. Stephenson Ave., Kennesaw, GA 30144

Date Received_____

Staff Initials _____

VARIANCE

Required Fee $375.00

Is this property located within the Kennesaw Historic District (yes) _____ (no) _____

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUESTED APPLICATION IS MANDATORY.

(Applicant or agent must be present at all public hearings)

PURPOSE OF VARIANCE REQUEST Variance application is submitted with a rezoning application, requesting a rezoning from R-30 to RM-12 for the subject 4.4 ac. parcel.

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VARIANCE PROPERTY ADDRESS 1465 Shiloh Road

Land Lot 60 Tax Parcel 31 Lot Size 4.4 acres Present Zoning R-30

APPLICANT Fountain Residential Partners

APPLICANT EMAIL blittle@fountainresidential.com

Applicant address 2626 Cole Ave., Suite 620, Dallas TX 75204

(Home#)_____ (Fax#) _____ (Work#) 972-861-5080

(Cell#) _____

Applicant Signature _____

Signed, sealed and delivered in presence of: _____

Notary **Date**

REPRESENTIVE G. Douglas Dillard, Dillard Sellers

(Fax #)_____ (Work#) 404-665-1241 (Cell#) _____

Representative Signature _____

Signed, sealed and delivered in presence of: _____

Notary

TITLEHOLDER: Beaucoup Properties LLC **Telephone:** 678 410 7420

Signature: Charles Nasser **Address:** 1500 Stevens Pond Rd. Canton, GA 30527

Signed, sealed and delivered in presence of: _____ 1/15/2020

Notary **Date**

COMMERSETT R NAPIER Commission Expires NOTARY PUBLIC 07-26-2022 COBB COUNTY, GEORGIA

CAMPAIGN CONTRIBUTIONS

The Owner and Petitioner herein certify that they **have** ☐ **have not** ☒ made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars ($250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

FINANCIAL INTEREST

The undersigned Petitioner herein certifies that, to the best of their knowledge, information, and belief, the Mayor, any member of the Planning Commission **does** ☐ **does not** ☒**:**

1) Have a property interest (direct or indirect ownership, including any percentage of ownership less that total) in the subject property;

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3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner: Brent Little

Applicant/Petitioner means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

Owner/Applicant Certification

- The Owner/Petitioner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Petitioner's knowledge and belief. Should any portion not be true then the application may be rejected.
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- The Owner/Petitioner hereby grants permission to enter on the property for inspection during the time application is pending.

Applicants Signature

Signed, sealed and delivered in presence of: Meredith James

CAMPAIGN CONTRIBUTIONS

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FINANCIAL INTEREST

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3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner: _____ G. Douglas Dillard, attorney and representative

Applicant/Petitioner means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

Owner/Applicant Certification

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_____ G. Douglas Dillard,
Applicants Signature attorney and representative

Signed, sealed and delivered in presence of:

NOTARY PUBLIC COBB COUNTY, GEORGIA

CAMPAIGN CONTRIBUTIONS

The Owner and Petitioner herein certify that they **have** ☐ **have not** ☒ made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars ($250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

FINANCIAL INTEREST

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3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner: Charles Mason

Applicant/Petitioner means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

Owner/Applicant Certification

- The Owner/Petitioner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Petitioner's knowledge and belief. Should any portion not be true then the application may be rejected.
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- The Owner/Petitioner hereby grants permission to enter on the property for inspection during the time application is pending.

Charles Mason
Applicant's Signature

Signed, sealed and delivered in presence of:

SOMMERSETT R. LENTZ
NOTARY PUBLIC
My Commission Expires
07-26-2022
COBB COUNTY, GEORGIA

Beaucoup Properties, LLC
1731 Dixie Avenue, S.E.
Smyrna, Georgia 30080

RE: Property located at 1465 Shiloh Road, more specifically described as Tax Parcel No. 20006000310, Land Lot 60, 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia

To Whom It May Concern:

The undersigned is the owner of the above-referenced property. Pursuant to the signature below, Fountain Residential Partners and its representative, G. Douglas Dillard of Dillard Sellers, are authorized to file a Rezoning Application and a Variance Application with the City of Kennesaw, Georgia, for the subject property.

BEAUCOUP PROPERTIES, LLC

BY: Charles Naser

Title: Managing Partner

Printed Name: Charles Naser

Date: 01 02 20

Attach to this document a copy of the property/s that have been served notification along with the documentation supplied in the certified mailing.

Section 1909, Part 4 Standards for Decisions – Variances

Zoning Variances may be granted in such individual cases of practical difficulty or unnecessary hardships as follows:

	COMMENTS
There is extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.	Please see attached.
The application of this chapter to this particular piece of property would create practical difficulty or unnecessary hardship.	Please see attached.
Such conditions are peculiar to the particular piece of property involved.	Please see attached.
Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter.	Please see attached.

Letter of Intent and Impact Analysis

City of Kennesaw

Rezoning Application
Concurrent Variance Application

Applicant:

Fountain Residential Partners
c/o G. Douglas Dillard, Esq.

Property:
1465 Shiloh Road
Parcel ID 20006000310

Submitted for Applicant by:

G. Douglas Dillard
R. Baxter Russell
DILLARD SELLERS
1776 Peachtree Street, Suite 390N
Atlanta, Georgia 30309
(404) 665-1241
ddillard@dillardsellers.com

I. INTRODUCTION

Fountain Residential Partners (the "Applicant") respectfully submits these rezoning and concurrent variance applications for property located at 1465 Shiloh Road consisting of approximately 4.4 acres, Parcel No. 20006000310 (the "Property"). Applicant requests approval of the requests in order to develop an upscale student housing community for the Kennesaw State University student population. In 2017, the Property was included in a similar rezoning request for a student housing development (the "2017 Application"). As described in the application materials now submitted, this current application presents significant modifications to the 2017 Application. The zoning requests and student housing community have been redesigned to reduce traffic and land use impacts upon the surrounding residences. Furthermore, the current application proposes a significant density reduction from the 2017 Application. Through these new applications and proposed development, the Applicant seeks to establish a high-quality student housing community that will positively impact the City of Kennesaw, including the City's Kennesaw State community partners, Kennesaw State students, and surrounding residential neighbors.

The Applicant seeks to construct an upscale student housing community, including one apartment style building, additional manor style housing buildings, and amenity features such as a pool, fitness facility, and student common area with study rooms. The development's design includes craftsman style architecture, ample parking for students and visitors, and extensive landscape screening and buffering from surrounding properties. The Applicant is coordinating with city officials to implement a detailed security program for development. Additionally, the Applicant is working with Kennesaw State representatives to provide shuttle bus service for students to the university campus.

In order to accomplish the proposed development, the Applicant submits a rezoning application to the City of Kennesaw, seeking to rezone the currently undeveloped Property from R-30 (Single Family Residential) to RM-12 (Multiple-Family District). The Applicant also submits a concurrent variance application, requesting the following three (3) variances from the Kennesaw Unified Development Code (the "UDC"):

1) Variance from Sec. 4.01.02, to increase the maximum density from 12 units/acre to 19.55 units/acre (86 units total).
2) Variance from Sec. 4.01.02, to reduce the front yard setback along Shiloh Road from 50 ft. to 20 ft.
3) Variance from Sec. 6.06.09, to reduce the required parking from 172 spaces (2 spaces/unit) to 152 spaces (1.76 spaces/unit).

This application satisfies the standards governing the exercise of zoning power and the variance criteria, as set forth in the UDC and discussed below. The proposed student housing development is also consistent with the goals and objectives of the 2017 Kennesaw Comprehensive Plan Update. In order to reasonably develop the Property as shown on proposed

Zoning Site Plan, the Applicant seeks approval of this rezoning request to RM-12 and the concurrent variance application.

II. REZONING & VARIANCE ANALYSIS

As demonstrated below, the Applicant satisfies all standards for rezoning as described in the UDC, Sec. 10.01.02:

1) Would the proposed amendment be consistent and compatible with the city's land use and development plans, goals and objectives?

The proposed rezoning and student housing community are consistent with the goals and objectives of the City's Comprehensive Plan. As discussed on pg. 27, the City recognizes the importance of Kennesaw State University and its student population to the City's growth and future development. The Comprehensive Plan also includes the evaluation of the City's student housing needs in the Short Term Work Program (pg. 57).

2) Would the proposed amendment tend to increase, decrease, or have no impact on traffic safety and congestion in the streets?

The proposed rezoning and student housing development will minimally impact traffic along Shiloh Road and in the surrounding area. As demonstrated on the proposed site plan, the development is designed for safe ingress and egress with only one full access driveway and a right-out exit only driveway. The proposed site access has been evaluated by Cobb County traffic officials to insure compliance with county regulations and standards. With modifications to the site design from the 2017 Application, the development will not feature access to Ayers Drive, thus limiting traffic and congestion issues in the adjacent residential neighborhood.

3) Would the proposed amendment tend to increase, decrease, or have no relationship to safety from fire and other dangers?

The proposed rezoning and student housing development will increase safety on the currently undeveloped Property. The proposal includes all appropriate fire and public safety features. Additionally, the Applicant is coordinating with city officials to implement a detailed security program for the community, including but not limited to, enhanced on-site security, cameras, and gated community access.

4) **Would the proposed amendment tend to promote, diminish, or have no influence on the public health and general welfare of the city?**

The proposed rezoning and student housing development will promote the public health and general welfare of the City and Kennesaw residents. Applicant's student housing community will provide high-quality housing for university students in a prime location situated near campus and adjacent to primary campus access routes. The proposed development will reduce and alleviate the burden on existing single-family neighborhoods to provide off-campus housing for students.

5) **Would the proposed amendment tend to increase, decrease, or have no influence on the adequate [provision] of light and air?**

The proposed rezoning and student housing development will have no burden or negative effect on the adequate provision of light and air. The Property and proposed development site are located on a major road within the City, closely located to other high-traffic uses and the overall intensity of the university.

6) **Would the proposed amendment tend to cause, prevent, or have no influence on the overcrowding of land?**

The proposed rezoning and student housing development will have no influence on the overcrowding of land. The Property is situated in a prime location for student housing, near the university as well as other student housing developments.

7) **Would the proposed amendment tend to cause, prevent, or have no relationship on the population distribution within the city, thus creating any area so dense in population as to adversely affect the health, safety, and general welfare of the city?**

The proposed rezoning and student housing development will help prevent overcrowding and unbalanced population distribution within the City. The Applicant seeks to address and meet the City's demand for purpose-built student housing by providing a student housing community in close proximity to the university.

8) **Would the proposed amendment tend to impede, facilitate, or have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities or facilities?**

The proposed rezoning and student housing development will not burden existing city or county utilities, facilities, or other public services. The City's current infrastructure will adequately provide the necessary services needed by the development. With the Property's location near a university transit shuttle line, the Applicant is working with Kennesaw State representatives to provide shuttle bus service for students to the university campus.

9) **Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?**

The proposed rezoning and student housing development are compatible with current environmental conditions in light of development on surrounding properties. The Applicant's proposed student housing community will increase the value, use and enjoyment of surrounding properties by providing much needed, additional stormwater infrastructure at the Property.

10) **Would the proposed amendment tend to require only reasonable expenditures of public funds, or would the amendment tend to require an excessive or premature expenditure of public funds?**

The proposed rezoning and student housing development will not require the expenditures of public funds, beyond the reasonable use and enjoyment of currently available public utilities, facilities, and services.

11) **Would the proposed amendment tend to promote, diminish, or have no influence upon the aesthetic effect of existing and future uses of the property and the surrounding area?**

The proposed rezoning and student housing development will promote the aesthetic effect of current and future development on the property and in the surrounding area. The Applicant will develop the community as high-quality, purpose-built student housing with craftsman style architecture and design features.

12) Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?

The proposed rezoning and student housing development will not have an adverse economic effect on the value of surrounding or adjacent properties. Applicant's proposed development will provide extensive landscape buffering and setbacks from surrounding properties. Furthermore, the proposed student housing development will deliver great benefit to surrounding properties and nearby single-family residential community by providing much needed student housing for university students and alleviating the burden to host student housing in dedicated single-family neighborhoods.

13) Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?

The proposed rezoning and student housing development will not create an isolated zoning district unrelated to nearby districts. The Property is located on a major road with direct access and in close proximity to the university campus. Additionally, the Property is located nearby other student housing developments and properties zoned RM-12.

Furthermore, the Applicant also satisfies all criteria for variance requests as described in the UDC, Sec. 9.02.03:

A) There is extraordinary and exceptional conditions pertaining to the property because of its size, shape or topography;

Due to the size and depth of the Property, the Applicant requests only those front yard setback, parking and density variances required to develop the site as a high-quality student housing community and to provide the necessary landscape buffers and building setbacks from adjacent properties. The Applicant requests the minimum variances necessary to develop the Property for a reasonable economic use under the requested RM-12 zoning district.

B) The application of the UDC standards to property creates practical difficulty or unnecessary hardship;

A strict application of the front yard setback, parking and density requirements creates an unnecessary hardship, such that the Applicant is unable to develop the property under the requested RM-12 zoning district regulations. The Applicant submits these variance request in order to overcome this difficulty and develop the proposed student housing community.

C) The practical difficulty and/or unnecessary hardship are conditions which are peculiar to the property involved; and

The Property's size and depth require that the proposed student housing development be designed and located as shown on the submitted Zoning Site Plan in order to accommodate landscape buffering and building setbacks adjacent to surrounding properties. These conditions are peculiar to the Property, and the Applicant requests the minimum variances required to overcome these conditions and the hardship which they impose upon the Property.

D) Relief, if granted, would not cause substantial detriment to the public good or impede the purposes and intent of the UDC.

The requested variances will not cause any detriment to the public or impede the purposes and intent of the UDC. As requested and shown on the Zoning Site Plan, the variances will allow development of a high quality student housing community and provide buffer and setback relief to surrounding property owners. Strict application of the subject regulations imposes an unnecessary hardship upon the Applicant. The Applicant has requested the minimum relief necessary to develop the Property for a reasonable economic use under the requested RM-12 zoning district.

III. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the City of Kennesaw approve the rezoning and grant the variances as requested by the Applicant. If there are any questions about this application, you may contact me at 404-665-1241 or ddillard@dillardsellers.com.

Sincerely,

DILLARD SELLERS

G. Douglas Dillard
R. Baxter Russell

Exhibit A

REQUIRED CONSTITUTIONAL AND ANTE LITEM NOTICE

Georgia law and the procedures of the City of Kennesaw require us to raise Federal and State constitutional objections during the public hearing application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Kennesaw Unified Development Code (the "UDC"), facially and as applied to the Property, which restrict the Property to any uses, land use designations, conditions, development standards, or to any zoning districts other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the UDC, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning classifications other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking and inverse condemnation of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the City of Kennesaw to grant the application as requested would constitute a taking of the Applicant's property and inverse condemnation. Because of this unconstitutional taking, the City of Kennesaw would be required to pay just compensation to the Applicant.

A denial of this Application would constitute an arbitrary and capricious act by the Kennesaw Mayor and City Council, without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the requested rezoning and/or variances would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

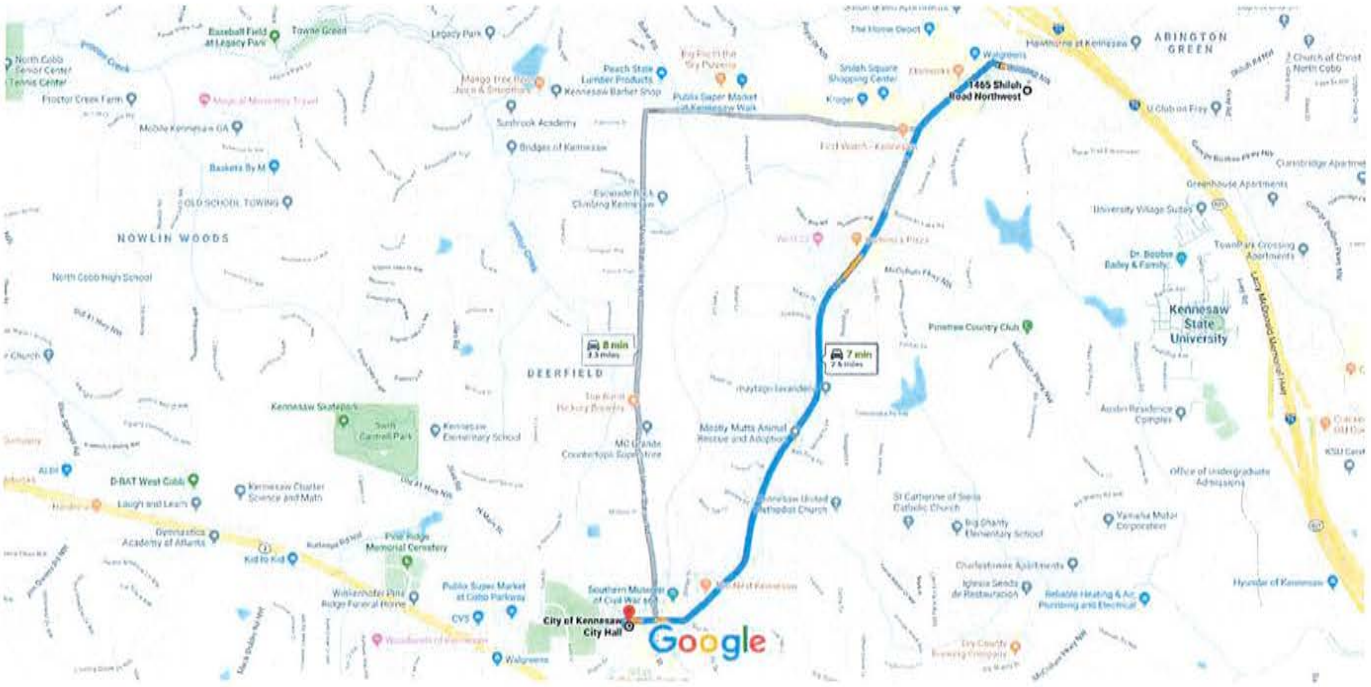
A refusal by Kennesaw Mayor and City Council, to grant the requested rezoning and/or variances in accordance with the criteria requirements as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the Application, subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A denial of the requested rezoning and/or variances would be unconstitutional. This notice is being given to comply with the provisions of O.C.G.A. § 36-33-5 to afford the City an opportunity to approve the applications as requested by the Applicant. If action is not taken by the City to approve the rezoning and/or variances within a reasonable time, a claim will be filed in the Superior Court of Cobb County demanding just and adequate compensation under Georgia law for the taking of the Property, inverse condemnation, diminution of value of the Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

Google Maps

1465 Shiloh Road Northwest, Kennesaw, GA to City of Kennesaw City Hall

Drive 2.6 miles, 7 min



Map data ©2020 1000 ft

1465 Shiloh Rd NW

Kennesaw, GA 30144

1. Head northwest on Shiloh Rd NW toward Ayers Dr

   0.1 mi

2. Use the left 2 lanes to turn left onto Cherokee St NW

   Pass by Bojangles' Famous Chicken 'n Biscuits (on the right)

   1.0 mi

3. Continue straight to stay on Cherokee St NW

   1.4 mi

4. Continue straight onto J.O. Stephenson Ave

   0.1 mi

5. Turn left

   Destination will be on the left

   89 ft

City of Kennesaw City Hall

2529 J.O. Stephenson Ave, Kennesaw, GA 30144

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to

Deed Book 14585 Pg 2340
Filed and Recorded Mar-03-2008 03:21pm
2008-0027429
Real Estate Transfer Tax $1,425.00

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

14-pr

[Space Above This Line For Recording Data]

RETURN TO:
Joel L. Larkin, Esq.
Sams, Larkin & Huff,, LLP
376 Powder Springs Street, Suite 100
MARIETTA GA 30064

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF Cobb

THIS INDENTURE, made the 29th day of February, in the year Two Thousand Eight, between

KEN B. SMATHERS

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

BEAUCOUP PROPERTIES, 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 CONSIDERATION 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 THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 60 OF THE 20TH DISTRICT, 2ND SECTION OF COBB COUNTY, GEORGIA, AS SHOWN BY PLAT OF SURVEY FOR PREPARED BY MERRITT & WELKER, ENGINEERS, DATED FEBRUARY, 1964, A COPY OF WHICH IS RECORDED IN PLAT BOOK 33, PAGE 41, COBB COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY 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.

THIS CONVEYANCE IS MADE subject only to those matters set out on Exhibit "B" attached hereto and incorporated herein by this reference. Other than as to those matters set out on Exhibit "B" hereto, the Said Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever claiming by or through Grantor.

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

Sworn to and subscribed
before me this 29th day of
February, 2008.

Notary Public

My Commission Expires

(NOTARIAL SEAL)

JOEL L. LARKIN
NOTARY PUBLIC
GEORGIA
COBB COUNTY
FEBRUARY 27, 2012

Ken B. Smathers
Ken B. Smathers

1 of 5

EXHIBIT "A"
Legal Description

BEGINNING AT A POINT ON THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD 296 FEET EAST OF THE INTERSECTION FORMED BY THE EAST RIGHT OF WAY OF AYERS DRIVE WITH THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD; THENCE RUNNING SOUTH 71 DEGREES 05 MINUTES EAST, FOR A DISTANCE OF 207.5 FEET TO A POINT; THENCE RUNNING SOUTH 62 DEGREES, 58 MINUTES EAST, FOR A DISTANCE OF 207.5 FEET TO A POINT AND CORNER; THENCE RUNNING SOUTH 03 DEGREES, 09 MINUTES WEST, FOR A DISTANCE OF 515.1 FEET TO A POINT AND CORNER; THENCE RUNNING NORTH 63 DEGREES, 40 MINUTES WEST, FOR A DISTANCE OF 408.7 FEET TO A POINT AND CORNER; THENCE RUNNING NORTH 1 DEGREE, 34 MINUTES EAST, FOR A DISTANCE OF 495 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF SHILOH ROAD AND THE POINT OF BEGINNING.

EXHIBIT "B"
Permitted Exceptions

1. All taxes for the year 2008 and subsequent years, not yet due and payable, and any additional taxes which may result from a reassessment of the subject property or re-billing of the taxes.

2. Right of way deed in favor of Cobb County, dated May 28, 1997, and recorded in Deed Book 10429, Page 382, Cobb County, Georgia Records.

3. Right of way easement in favor of Cobb County Marietta Water Authority, dated May 7, 1997, and recorded in Deed Book 10506, Page 144, Cobb County, Georgia Records.

4. All matters as shown on Plat of survey recorded in Plat Book 33, Page 41, Cobb County, Georgia Records.

5. All matters which are shown on that certain plat of survey for Beaucoup Properties, LLC dated January 10, 2008 by Centerline Surveying Systems, Inc., Charles C. Franklin, Georgia Registered Land Surveyor No. 2143.

Deed Book 14585 Pg 2343
Filed and Recorded Mar-03-2008 03:21pm
2008-0027430
Real Estate Transfer Tax $0.00

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

After recording please return to:
Joel L. Larkin
Sams, Larkin & Huff, LLP
Suite 100, 376 Powder Springs Street
Marietta, GA 30064

STATE OF GEORGIA

COUNTY OF COBB

QUITCLAIM DEED

THIS INDENTURE, made as of the 29th day of February, 2008, between **KEN B. SMATHERS** (**"Grantor"**), and **BEAUCOUP PROPERTIES, LLC,** a Georgia limited liability company (**"Grantee"**) (the words "Grantor" and "Grantee" to include their respective heirs, legal representatives, successors and assigns where the context requires or permits);

WITNESSETH, THAT:

GRANTOR, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof are hereby acknowledged, has remised, conveyed and quitclaimed, and by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee, all of Grantor's right, title and interest in and to that certain tract or parcel of land lying and being in Cobb County, Georgia, which is described as follows:

All that tract or parcel of land lying and being in Land Lot 60 of the 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia, and being more particularly described as follows:

> Beginning at an iron pin located on the southern right of way of Shiloh Road (right of way varies), said point being located 1671.07 feet from the intersection of the southeasterly right of way of Shiloh Road and the southwesterly right of way of Interstate 75 (right of way varies), said point being the POINT OF BEGINNING; thence proceeding north 03 Degrees, 18 Minutes, 47 Seconds East 5.50 feet to a point on the southerly right of way of Shiloh Road; thence proceeding along said right of way along a curve to the left an arc distance of 416.26 feet, said curve having a radius of 1386.29 feet and being subtended by a chord of 414.70 feet having a bearing of North 64 Degrees 31 Minutes 46 Seconds West to an iron pin on said right of way; thence

2 of 5

leaving said right of way and proceeding South 02 Degrees 09 Minutes 28 Seconds West, 93.34 feet to an iron pin; thence proceeding South 02 Degrees 11 Minutes 55 Seconds West, 124.83 feet to an iron pin; thence proceeding South 02 Degrees, 11 Minutes, 24 Seconds West, 249.54 feet to an iron pin; thence proceeding South 02 Degrees, 02 Minutes, 09 Seconds West, 26.30 feet to an iron pin and corner; thence proceeding South 63 Degrees 02 Minutes 32 Seconds East, 104.72 feet to an iron pin; thence proceeding South 63 Degrees, 05 Minutes, 12 Seconds East, 152.84 feet to an iron pin; thence proceeding South 63 Degrees, 13 Minutes, 59 Seconds East, 150.77 feet to an iron pin and corner; thence proceeding North, 03 Degrees, 18 Minutes, 47 Seconds East, 500.71 feet to a point located on the southerly right of way of Shiloh Road, said point being the POINT OF BEGINNING.

Said tract or parcel of land contains approximately 4.41 acres and is shown on that certain Survey for Beaucoup Properties, LLC dated January 10, 2008 by Centerline Surveying Systems, Inc., Charles C. Franklin, Georgia Registered Land Surveyor No. 2143. Further, said property (the "Property") is conveyed together with all of the right, title and interest of Grantor, if any, in and to (a) any gaps and gores between the Property and tracts of land adjacent to the Property, and (b) any appurtenant easements and/or rights-of-way adjacent to the Property.

TO HAVE AND TO HOLD the said described property to the said Grantee, so that said Grantor shall not at any time, by any means or ways, have, claim or demand any right or title to the said described property.

IN WITNESS WHEREOF, the Grantor has duly signed and sealed this Quitclaim Deed on the day and year first above written.

Signed, sealed and delivered
in the presence of:

Witness

Notary Public

My Commission Expires:

JOEL L. LARKIN
NOTARY
GEORGIA
EXPIRES
FEBRUARY 27, 2012
PUBLIC
COBB COUNTY

(NOTARIAL SEAL)

GRANTOR:

Ken B. Smathers [SEAL]
Ken B. Smathers

Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 60 OF THE 20TH DISTRICT, 2ND SECTION OF COBB COUNTY, GEORGIA, AS SHOWN BY PLAT OF SURVEY FOR PREPARED BY MERRITT & WELKER, ENGINEERS, DATED FEBRUARY, 1964, A COPY OF WHICH IS RECORDED IN PLAT BOOK 33, PAGE 41, COBB COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE:

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Printed: 1/20/2020

Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer:
Charles Naser

BEAUCOUP PROPERTIES LLC

Payment Date: 10/11/2019

Tax Year	Parcel ID	Due Date		Appeal Amount		Taxes Due
2019	20006000310	10/15/2019	**Pay:**	N/A	or	$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
$0.00	$0.00	$0.00	$0.00	$2,905.46	**$0.00**

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

City of Kennesaw, GA
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144-2780

(770) 424-8274

2019
Property Tax Bill

Parcel ID	Tax District	Bill #
20006000310	3/3-BOND - KENNESAW CITY	911784

Property Owner/Location/Description	Fair Market Value	Taxable Value
BEAUCOUP PROPERTIES LLC 1465 SHILOH RD	239,330	95,732

Levies	Taxable Value	-	Exemptions	=	Net Assessment	X	Tax Rate	=	Net Tax
KENNESAW CITY	95,732		0		95,732		8.0000000		$765.85
BOND	95,732		0		95,732		1.5000000		$143.60

Exemptions:

Current Year Tax	$909.45
Interest	$0.00
Penalty	$0.00
Other Fees	$0.00
Payments Received	$909.45
Other Amounts Due	$0.00
Total Due	$0.00
Due Date	12/02/2019

Interest will accrue monthly at a rate of .64% per month, based on an annual calculation of Federal Prime Rate (4.75) plus 3%. To arrive at the new monthly interest rate divide the 7.75% by 12. This annual interest rate will change when the Federal Reserve announces the new bank prime loan rate each January (House Bill 960).

Penalty will accrue at 5% after 120 days with an additional 5% assessed after each successive 120 days to a maximum of 20% of the principle amount due (House Bill 960).

Online payments are accepted at www.municipalonlinepayments.com/kennesawga

Any questions concerning ownership changes or change of address should be directed to Cobb County Tax Commissioner's Office at (770) 528-8600.

City of Kennesaw, GA
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144-2780

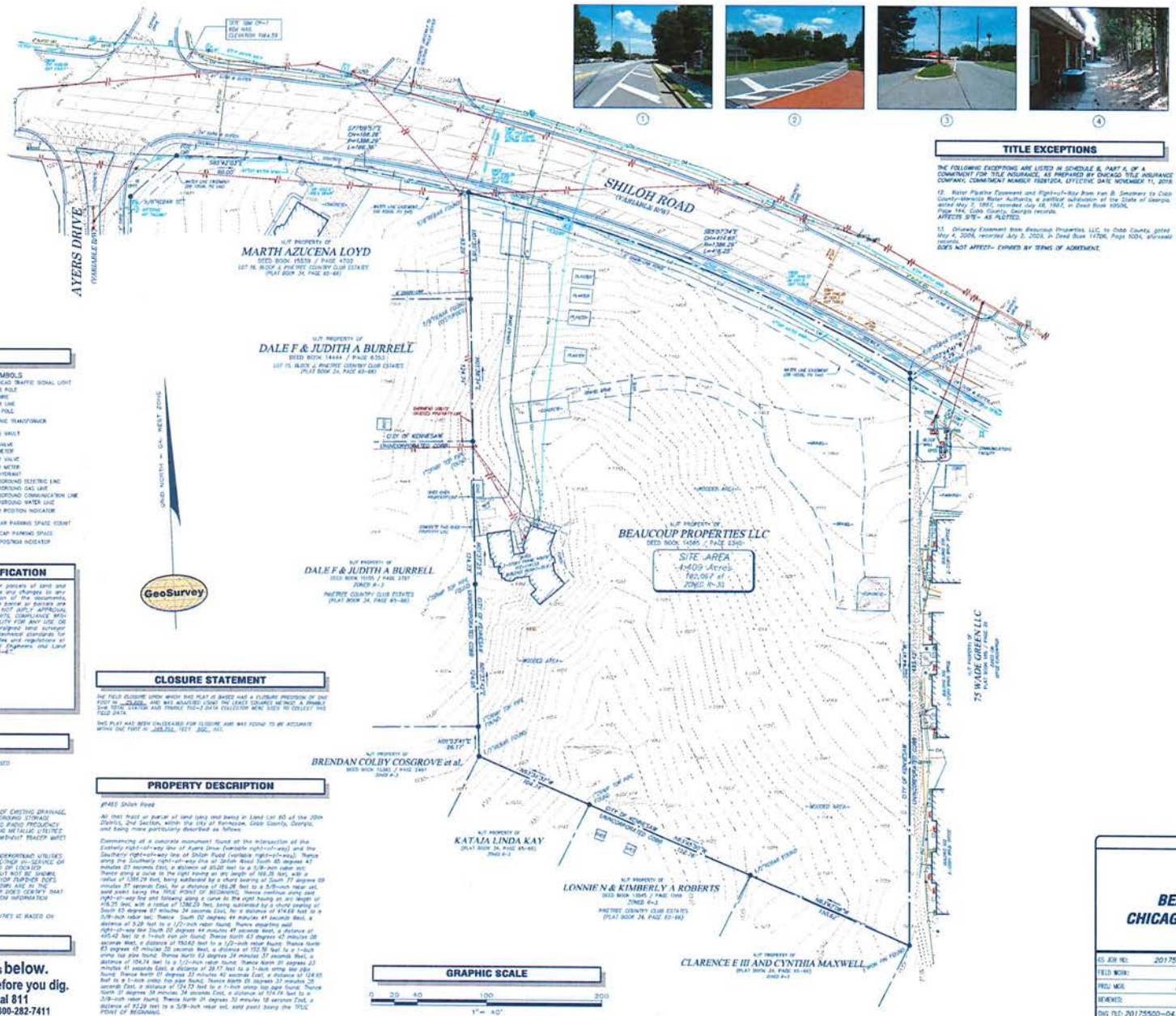
Please make check or Money Order Payable to : City of Kennesaw Property Tax Division and include the Parcel ID on your check.

For your convenience, you may pay by check, money order, Discover, Mastercard, AMEX, VISA. $15.50 fee per transaction for online payments. 3% fee added to credit and debit card payments processed at City Hall office.

Parcel ID:	20006000310
Amount Due:	$0.00
Bill#:	911784
Due Date:	12/02/2019
	AMOUNT PAID

BEAUCOUP PROPERTIES LLC
1731 DIXIE AVE SE
SMYRNA, GA 30080 -

City of Kennesaw, GA
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144-2780



VICINITY MAP

SITE LOCATION – LATITUDE: 34-02-26 LONGITUDE: 84-35-32

TITLE EXCEPTIONS

THE FOLLOWING EXCEPTIONS ARE LISTED IN SCHEDULE B, PART A, OF A COMMITMENT FOR TITLE INSURANCE, AS PREPARED BY CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NUMBER 1520120A, EFFECTIVE DATE NOVEMBER 11, 2019:

12. Water Pipeline Easement and Right-of-Way from Ken B. Smalters to Cobb County-Marietta Water Authority, a political subdivision of the State of Georgia, dated May 7, 1997, recorded July 18, 1997, in Deed Book 10506, Page 144, Cobb County, Georgia records.
AFFECTS SITE– AS PLOTTED.

13. Driveway Easement from Beaucoup Properties, LLC, to Cobb County, dated May 4, 2004, recorded July 2, 2004, in Deed Book 14706, Page 1004, aforesaid records.
DOES NOT AFFECT– EXPIRED BY TERMS OF AGREEMENT.

GENERAL NOTES

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 13067C0093G AND 13067C0097G, AND THE DATE OF SAID MAP IS 12/16/2008. THE PROPERTY LIES IN AN AREA WITH DESIGNATION OF "ZONE X". THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS, AND BASED ON POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY eGPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983(NAD83)–STATE PLANE COORDINATE SYSTEM OF GEORGIA–WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

NO ZONING REPORT OR ZONING LETTER WAS PROVIDED TO THE SURVEYOR.

SITE IS ZONED "R-30" (SINGLE FAMILY RESIDENTIAL DISTRICT) AS SHOWN ON THE ZONING MAP OF THE CITY OF KENNESAW.
THE MINIMUM YARD SETBACKS ARE: FRONT – 50 FEET FOR ARTERIAL & COLLECTOR ROADS AND 40 FOR LOCAL ROADS; SIDE – 10 FEET; MAJOR SIDE 25 FEET AND REAR – 40 FEET.

PLEASE NOTE: ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES.

SURVEY REFERENCES

1) SURVEY FOR 75–WADE GREEN BUSINESS CENTER, BLOCK A, PREPARED BY CENTERLINE SURVEYING SYSTEMS, INC., DATED 11/01/1984, RECORDED IN PLAT BOOK 189, PAGE 39.

2) PLAT OF PINETREE COUNTRY CLUB RECORDED IN PLAT BOOK 34, PAGE 65–66. (TRACT 1 AND TRACT 3 ARE A PART OF PINETREE COUNTRY CLUB ESTATES SUBDIVISION)

3) SURVEY OF PROPERTY OF GEORGE GOLD, DATED FEBRUARY 1964, AS PREPARED BY ALAN PAUL MELAKER, RECORDED IN PLAT BOOK 23, PAGE 41.

4) ALTA/NSPS LAND TITLE SURVEY FOR FOUNTAIN RESIDENTIAL PARTNERS, LLC, PREPARED BY GEOSHAPES, LTD., DATED 05/22/2017.

LEGEND

STANDARD ABBREVIATIONS		STANDARD SYMBOLS
AC	AIR CONDITIONER	OVERHEAD TRAFFIC SIGNAL LIGHT
BH	BORE HOLE	POWER POLE
BSL	BUILDING SETBACK LINE	GUY WIRE
CI	CURB INLET	POWER LINE
CMP	CORRUGATED METAL PIPE	LIGHT POLE
CNP	CONCRETE MONUMENT FND.	
CO	SANITARY CLEANOUT	ELECTRIC TRANSFORMER
CPED	COMMUNICATION PEDESTAL	
CTP	CORUGED TOP PIPE	WATER VAULT
DI	DROP INLET	
DIP	DUCTILE IRON PIPE	GAS VALVE
EWCB	EQUINE WING CATCH BASIN	GAS METER
FNC	FENCE	WATER VALVE
FND	FOUND	WATER METER
GM	GAS METER	FIRE HYDRANT
IRV	INLETT	UNDERGROUND ELECTRIC LINE
JB	JUNCTION BOX	UNDERGROUND GAS LINE
MH	MANHOLE	UNDERGROUND COMMUNICATION LINE
OHP	OVERHEAD POWER	UNDERGROUND WATER LINE
OTP	OPEN TOP PIPE	PHOTO POSITION INDICATOR
PM	POWER METER	REGULAR PARKING SPACE COUNT
PKE	PK NAIL SET	HANDICAP PARKING SPACE
POB	POINT OF BEGINNING	TREE POSITION INDICATOR
POC	POINT OF COMMENCEMENT	SIGN
RCP	REINFORCED CONCRETE PIPE	
RBR	IRON REINFORCING BAR	
RBS	ELECTRIC SEE CAPPED LSF 621	
SS	SANITARY SEWER	
SWCB	SINGLE WING CATCH BASIN	
TRANS	ELECTRIC TRANSFORMER	

GEORGIA SURVEYOR CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Bradley D. Cash
Georgia Registered
Land Surveyor # 2840

UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON LOCATION OF MARKINGS PROVIDED BY:
DATE OF UTILITY SURVEY: 05/17/2017
UTILISURVEY, LLC
154 GRANT ROAD
FAYETTEVILLE, GA 30215

THE UNDERGROUND UTILITIES (EXCEPT THE LOCATION OF EXISTING DRAINAGE, SEWER AND IRRIGATION UTILITIES AS WELL AS UNDERGROUND STORAGE TANKS) WERE LOCATED BY UTILISURVEY, LLC. UTILIZING RADIO FREQUENCY TECHNIQUE. THIS TECHNIQUE IS CAPABLE OF LOCATING METALLIC UTILITIES AND TRACER WIRES. ANY NON-METALLIC UTILITIES (WITHOUT TRACER WIRE) ARE NOT LOCATED.

THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. UNDERGROUND UTILITIES NOT OBSERVED OR LOCATED UTILIZING THIS TECHNIQUE MAY EXIST ON THIS SITE BUT NOT BE SHOWN, AND MAY BE FOUND UPON EXCAVATION. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

INFORMATION REGARDING MATERIAL AND SIZE OF UTILITIES IS BASED ON RECORDS ACQUIRED FROM THE UTILITY OWNERS.

IF YOU DIG

811 Know what's below. Call before you dig.
Dial 811
Or Call 800-282-7411

CLOSURE STATEMENT

THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 100,000+ FEET, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. A TRIMBLE S-VX TOTAL STATION AND TRIMBLE TSC-3 DATA COLLECTION HEAD WERE TO COLLECT THIS FIELD DATA.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET. YES / NO.

PROPERTY DESCRIPTION

#1415 Shiloh Road

All that tract or parcel of land lying and being in Land Lot 60 of the 20th District, 2nd Section, within the city of Kennesaw, Cobb County, Georgia, and being more particularly described as follows:

Commencing at a concrete monument found at the intersection of the Easterly right-of-way line of Ayers Drive (variable right-of-way) and the Southerly right-of-way line of Shiloh Road (variable right-of-way). Thence along the Southerly right-of-way line of Shiloh Road South 85 degrees 42 minutes 07 seconds East, a distance of 80.00 feet to a 5/8-inch rebar set. Thence along a curve to the right having an arc length of 166.26 feet, with a radius of 1,386.29 feet, being subtended by a chord bearing of South 77 degrees 09 minutes 57 seconds East, for a distance of 166.26 feet to a 5/8-inch rebar set, said point being the TRUE POINT OF BEGINNING. Thence continue along said right-of-way line and following along a curve to the right having an arc length of 416.25 feet, with a radius of 1,386.29 feet, being subtended by a chord bearing of South 65 degrees 07 minutes 34 seconds East, for a distance of 414.68 feet to a 5/8-inch rebar set. Thence South 02 degrees 44 minutes 41 seconds West, a distance of 3.28 feet to a 1/2-inch rebar found. Thence departing said right-of-way line South 02 degrees 44 minutes 41 seconds West, a distance of 405.42 feet to a 1-inch iron pin found. Thence North 63 degrees 45 minutes 28 seconds West, a distance of 150.62 feet to a 1/2-inch rebar found. Thence North 63 degrees 45 minutes 28 seconds West, a distance of 152.16 feet to a 1-inch crimp top pipe found. Thence North 63 degrees 34 minutes 37 seconds West, a distance of 154.74 feet to a 1/2-inch rebar found. Thence North 01 degrees 23 minutes 41 seconds East, a distance of 28.17 feet to a 1-inch crimp top pipe found. Thence North 01 degrees 33 minutes 42 seconds East, a distance of 124.65 feet to a 1-inch crimp top pipe found. Thence North 01 degrees 37 minutes 25 seconds East, a distance of 124.73 feet to a 1-inch crimp top pipe found. Thence North 01 degrees 38 minutes 34 seconds East, a distance of 124.74 feet to a 5/8-inch rebar found. Thence North 01 degrees 33 minutes 18 seconds East, a distance of 92.29 feet to a 5/8-inch rebar set, said point being the TRUE POINT OF BEGINNING.

Said tract of land contains 4.409 Acres.

GRAPHIC SCALE

0 20 40 100 200
1" = 40'

ALTA SURVEYOR CERTIFICATION

To: BEAUCOUP PROPERTIES, LLC
CHICAGO TITLE INSURANCE COMPANY

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 7(a), 7(b-1), 8, 9, 10(a), 11 and 13(c) Table A thereof. The original fieldwork was completed: May 25, 2017 and updated by inspection on January 3, 2020.

Date: January 7, 2020

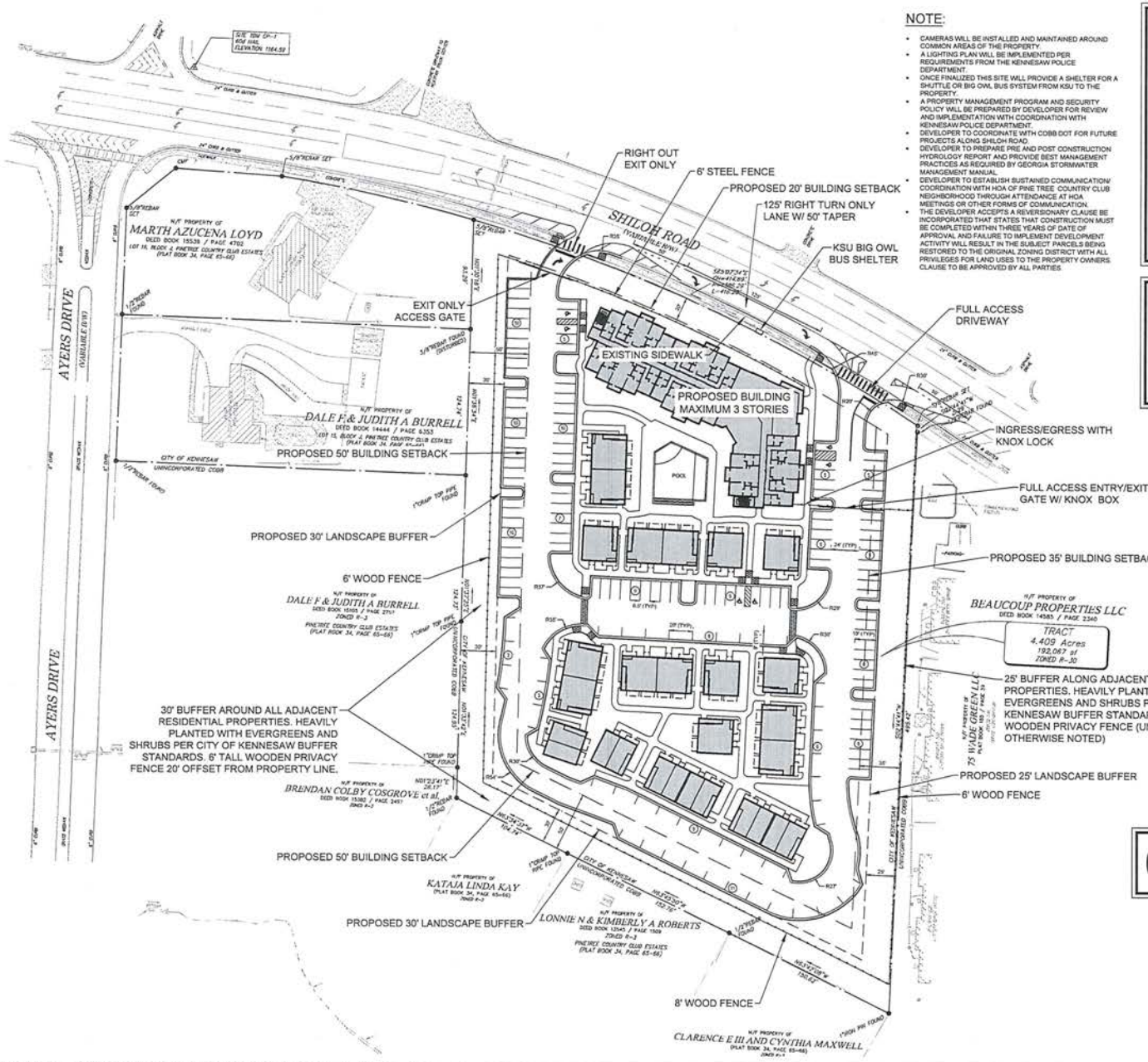
GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR No. 2840 BRADLEY D. CASH

Bradley D. Cash
Georgia Registered
Land Surveyor # 2840

ALTA/NSPS LAND TITLE SURVEY FOR

BEAUCOUP PROPERTIES, LLC
CHICAGO TITLE INSURANCE COMPANY

GS JOB NO:	20175500	DRAWING SCALE:	1"= 40'	SURVEY DATE:	01/07/2020
FIELD WORK:	CL	CITY: KENNESAW	STATE: GA	REVISIONS	
PROJ MGR:	BDC	COUNTY: COBB		No. Date	Description
REVIEWED:	JRC	LAND LOT: 60			
DWG FILE: 20175500-04.dwg		DISTRICT: 20TH	SECTION: 2ND		



NOTE:

- CAMERAS WILL BE INSTALLED AND MAINTAINED AROUND COMMON AREAS OF THE PROPERTY.
- A LIGHTING PLAN WILL BE IMPLEMENTED PER REQUIREMENTS FROM THE KENNESAW POLICE DEPARTMENT.
- ONCE FINALIZED THIS SITE WILL PROVIDE A SHELTER FOR A SHUTTLE OR BIG OWL BUS SYSTEM FROM KSU TO THE PROPERTY.
- A PROPERTY MANAGEMENT PROGRAM AND SECURITY POLICY WILL BE PREPARED BY DEVELOPER FOR REVIEW AND IMPLEMENTATION WITH COORDINATION WITH KENNESAW POLICE DEPARTMENT.
- DEVELOPER TO COORDINATE WITH COBB DOT FOR FUTURE PROJECTS ALONG SHILOH ROAD.
- DEVELOPER TO PREPARE PRE AND POST CONSTRUCTION HYDROLOGY REPORT AND PROVIDE BEST MANAGEMENT PRACTICES AS REQUIRED BY GEORGIA STORMWATER MANAGEMENT MANUAL.
- DEVELOPER TO ESTABLISH SUSTAINED COMMUNICATION/ COORDINATION WITH HOA OF PINE TREE COUNTRY CLUB NEIGHBORHOOD THROUGH ATTENDANCE AT HOA MEETINGS OR OTHER FORMS OF COMMUNICATION.
- THE DEVELOPER ACCEPTS A REVERSIONARY CLAUSE BE INCORPORATED THAT STATES THAT CONSTRUCTION MUST BE COMPLETED WITHIN THREE YEARS OF DATE OF APPROVAL AND FAILURE TO IMPLEMENT DEVELOPMENT ACTIVITY WILL RESULT IN THE SUBJECT PARCELS BEING RESTORED TO THE ORIGINAL ZONING DISTRICT WITH ALL PRIVILEGES FOR LAND USES TO THE PROPERTY OWNERS. CLAUSE TO BE APPROVED BY ALL PARTIES

SITE NOTES:

CURRENT ZONING:	R-30
PROPOSED ZONING:	RM-12
TOTAL SITE AREA:	4.40 ACRES
PROPOSED COVERAGES:	
BUILDING:	30 %
IMPERVIOUS SURFACE:	70 %
STANDARD RM-12 BUILDING SETBACKS:	
FRONT YARD (SHILOH):	50 FT
SIDE YARD:	10 FT
REAR YARD:	30 FT
REQUIRED LANDSCAPE BUFFER: (ADJACENT TO RESIDENTIAL PROPERTIES)	25 FT
PROPOSED BUILDING SETBACKS:	
FRONT YARD (SHILOH):	20 FT
ADJ. COMMERCIAL:	35 FT
ADJ. RESIDENTIAL:	50 FT
PROPOSED LANDSCAPE BUFFER:	
ADJ. COMMERCIAL:	25 FT
ADJ. RESIDENTIAL:	30 FT

THE PROPOSED BUILDING INFORMATION SHOWN HEREON IS FROM AN ELECTRONIC FILE PROVIDED BY ROOSTH ARCHITECT DATED 12/31/2019 AND IS FOR ILLUSTRATIVE PURPOSES ONLY.

PARKING SUMMARY:

PROPOSED USE:	88 HOUSING UNITS (226 BEDROOMS)
REQUIRED PARKING:	172 SPACES (2 / UNIT * 88 UNITS)
PARKING PROVIDED	152 SPACES
ADA SPACES REQUIRED:	6 SPACES (INCLUDING 1 VAN)
ADA SPACES PROVIDED:	6 SPACES (INCLUDING 1 VAN)

NOTE:

SAFLOCK COMPUTERIZED ENTRYSYSTEMS WILL BE UTILIZED AT ALL PUBLIC ENTRY POINTS TO THE BUILDING AND UNIT ENTRIES. THE COMPLETE PERIMETER FENCE WILL HAVE ACCESS GATES AND WITH A KNOX BOX AT THE MAIN ACCESS GATE.

01/20/2020

PREPARED BY
Kimley»Horn
1170 KENNESTONE PARK CIRCLE, N.E.
SUITE 100 / PO BOX 1299 / SUITE 600
ALPHARETTA, GEORGIA 30009
PHONE: (770) 475-1900
WWW.KIMLEY-HORN.COM

PREPARED FOR
FOUNTAIN RESIDENTIAL PARTNERS
2828 ROUTH STREET, SUITE 600
DALLAS, TX 75201
PHONE: 972-661-5050

No.	ISSUANCE AND REVISION DESCRIPTIONS	DATE	BY

PROJECT
FOUNTAIN SHILOH ROAD
1465 SHILOH ROAD

GEORGIA REGISTERED PROFESSIONAL ENGINEER No. PE042335 DANIEL KEITH

GSWCC NO. (LEVEL II)	
DRAWN BY	JBM
DESIGNED BY	JBM
REVIEWED BY	BV
DATE	01/20/2020
PROJECT NO.	019818014
TITLE	ZONING SITE PLAN
SHEET NUMBER	CSP1

Drawing name: K:\ALP_PR\019818014 - Fountain Shiloh Road 3\CAD\PlanSheets\ZONING SITE PLAN.dwg CSP1-ZONING SITE PLAN Jan 20, 2020 3:26pm by: Jon Jones

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

SITE PLAN 10C

UNIT TYPE	UNIT COUNT	BED CNT
EFF. 1	2	2
EFF. 2	3	3
1 BED 1 BATH	3	3
2 BED 2 BATH	2	4
2 BED 2 BATH	6	12
3 BED 3 BATH	7	21
4 BED 4 BATH	22	88
5 BED 5 BATH	23	115
	68	248

262 SURFACE SPACES 81 COMPACT 181 FULL SIZE
268.4 SPACES REQUIRED

SITE SURFACE 10C COVERAGE CALCS	
LAND AREA	192,025.00
SURFACE PAVEMENT	96,012.50
APARTMENTS	37,578.68
BLDG. COV. AREA	37,578.00
COVERAGE	130,976.00
PAVEMENT COV. %	50.00
BLDG COVERAGE %	19.57
IMPERVIOUS %	69.57

1 SITEPLAN 10C

SCALE: 1" = 40.0'

APPLICANT: Fountain Residential Partners CASE NO: ZV2020-01/RZ2020-01
PRESENT ZONING: R-30 (4.4+/- acres)

Land Lot 60 Tax Parcel 31
1465 Shiloh Road

****

ZV2020-01 Consideration to approve the requested rezoning to RM-12 and variances: (1) Increase the RM-12 zoning district max, density from 12 units/acre to 19.55 units/acre (86 units total); (2) Reduce the front yard setback along Shiloh Road from 40 ft. to 20 ft; (3) Reduce required parking from 172 spaces (2 spaces/unit) to 152 spaces (1.76 spaces/unit). (Mayor and Council 03-16-2020)

SCHOOL COMMENTS

***School attendance zones are subject to revision at anytime**

NAME OF SCHOOL	ENROLLMENT	CAPACITY STATUS	NUMBER OF PORTABLE CLASSROOMS

Additional Comment

****

TRANSPORTATION COMMENTS

Site Visitation: No____ Yes _____(date_____) Signature_____

ROADWAY	ROADWAY CLASSSIFICATION	SPEED LIMIT	JURISDICATIONAL CONTROL	MINIMUM RIGHT OF WAY REQUIRMENT
SHILOH ROAD	arterial	35 mph	cobb	100

Comments and Observation:

The road is under Cobb County Jurisdiction moreover, reducing front set back to 20 feet will not recommended. In this issue, it is prefer to get Cobb County's comment.

Recommendations

APPLICANT: Fountain Residential Partners CASE NO: ZV2020-01/RZ2020-01
PRESENT ZONING: R-30 (4.4+/- acres)

Land Lot 60 Tax Parcel 31
1465 Shiloh Road

DRAINAGE COMMENTS

Site Visitation : No___ Yes ____(date_____) Signature_____

(A) FLOOD HAZARD: ☐ **YES** ☐ **NO** ☐ **POSSIBLY, NOT VERIFIED**

(B) DRAINAGE BASIN: _____FLOOD HAZARD INFORMATION

1._____ FEMA Designated 100 year Floodplain Flood

2._____Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD

3._____Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements

4._____Dam Breach Zone from (upstream) (onsite) lake – need to keep residential buildings out of hazard

(C) WETLANDS: ☐ **YES** ☐ **NO** ☐ **POSSIBLY, NOT VERIFIED**

Location: _____

☐ The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

(D) STREAMBANK BUFFER ZONE: ☐ **YES** ☐ **NO** **APPLICABLE** ☐ **YES** ☐ **NO**

1._____Metropolitan River Protection Area (within 2000' of Chattahoochee River) Arc (review 35' undisturbed buffer each side of waterway).

2._____Chattahoochee River Corridor Tributary Area – County review (_____undisturbed buffer each side).

3._____Georgia Erosion-Sediment Control Law and County Ordinance-County review/State review.

4._____Georgia DNR Variance may be required to work in 25-foot stream bank buffers.

5._____City Buffer Ordinance: 75' each side of creek measure from the point of wrested vegetation.

SPECIAL SITE CONDITIONS

ADDITIONAL COMMENTS/SUGGESTIONS

APPLICANT: Fountain Residential Partners CASE NO: ZV2020-01/RZ2020-01
PRESENT ZONING: R-30 (4.4+/- acres)

Land Lot 60 Tax Parcel 31
1465 Shiloh Road

Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

****

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains and obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

****

Applicant will be responsible to meet all City of Kennesaw Development & Zoning Ordinance Standards, State, County and applicable Federal regulations as part of the plan review approval process. All conceptual representations submitted with the application and acted on by Mayor and Council does not relieve applicant and property owners from meeting all development standards.

****

PLANNING/ZONING COMMENTS
Property History

ZV2020-01 Consideration to approve the requested variances as noted for the proposed use for Purposed Student Housing construction of 68 units. (Mayor and Council 03-16-2020)
Variances requested:
1. Increase in density from 12 units per acre to 15.55 units per acre
2.Reduce front yard setback from 40 feet to 30 feet

The property was annexed into the City in 2000. There were a number of rezoning requests and approvals to the current zoning of R-30 with the request to RM-12. Past rezoning requests included UVC (Urban Village Commercial); O&I (Office & Intuitional); CRC (Community Retail Commercial).
2017 same applicant requested rezoning of three properties (1465 Shiloh Rd., 4058 & 4068 Ayers Dr.) to proposed student housing that would be located on 6.02 acres and incorporate 125 units. Request for rezoning and associated variances was denied. Traffic implications to the entrance to Pinetree subdivision was cited.

Site Visitation : No____ Yes _____(date_____) Signature_____

STAFF MEMBER RESPONSIBLE: Darryl Simmons

APPLICANT: Fountain Residential Partners CASE NO: ZV2020-01/RZ2020-01
PRESENT ZONING: R-30 (4.4+/- acres)

Land Lot 60 Tax Parcel 31
1465 Shiloh Road

PROPOSED NUMBER OF UNITS___68_____OVERALL DENSITY:____15.55____Units/Acre

PRESENT ZONING WOULD ALLOW_____UNITS INCREASE OF:_____Units/Lots

HISTORIC PRESERVATION: Not applicable

CEMETERY PRESERVATION No cemeteries on site

Land Use/development proposal Information:

- Subject property located in Future land Use category for CAC (Community Activity Center)
- The Character are as designated in the adopted comprehensive plan- Cherokee Street Commercial Corridor
- Purpose built student housing does not have an adopted zoning standard
- Similar approved developments within city limits were rezoned to RM-12 with variances and conditions
- Character area for university programming was included in the 2017 comprehensive plan update. University Living was included as a character area for both existing student housing developments- West 22 and UClub @Frey.
- Shiloh Rd contains Industrial, residential and retail uses.
- Proposing 68 units=248 beds an increase in density from 12 units per acre to 15.55 units per acre
- Three story building
- 262 parking spaces provided which allows one space per bedroom plus guest parking
- Building placement will be closer to Shiloh Road to allow adequate parking in rear yard area

ZONING ADMINISTRATOR'S RECOMMENDATIONS/BASIS FOR RECOMMENDATION

The Zoning Administrator recommends approval of the rezoning request to RM-12 with associated variances to reduce front setback and increase density with the following conditions:

1. *Reversionary clause that requires that construction permits and activity be initiated withing 24 months of the date of the rezoning and variance approval. Failure to obtain permits and start construction activity within the 24 month period will result in the reversion of the rezoning and variances and the property will revert back to the prior zoning of R-30.*
2. *Submission of a traffic impact study that demonstrates either the development will not have a negative impact on existing traffic conditions or that the negative impacts of the development can be mitigated through traffic improvements that will be incorporated as part of the development plan. Traffic counts shall be no more than three years old from date of the study and shall be taken during a time of year when the academic calendar is in session for nearby universities and schools.*
3. *The principal access for the development shall be an arterial or major collector roadway, as identified in the City of Kennesaw Unified Development Code or similar classification document.*
4. *Parking requirements: Sites shall be designed to accommodate on-site parking for at least one (1) vehicle per bedroom with additional parking for visitors*

APPLICANT: Fountain Residential Partners CASE NO: ZV2020-01/RZ2020-01
PRESENT ZONING: R-30 (4.4+/- acres)

Land Lot 60 Tax Parcel 31
1465 Shiloh Road

5 Security requirements:

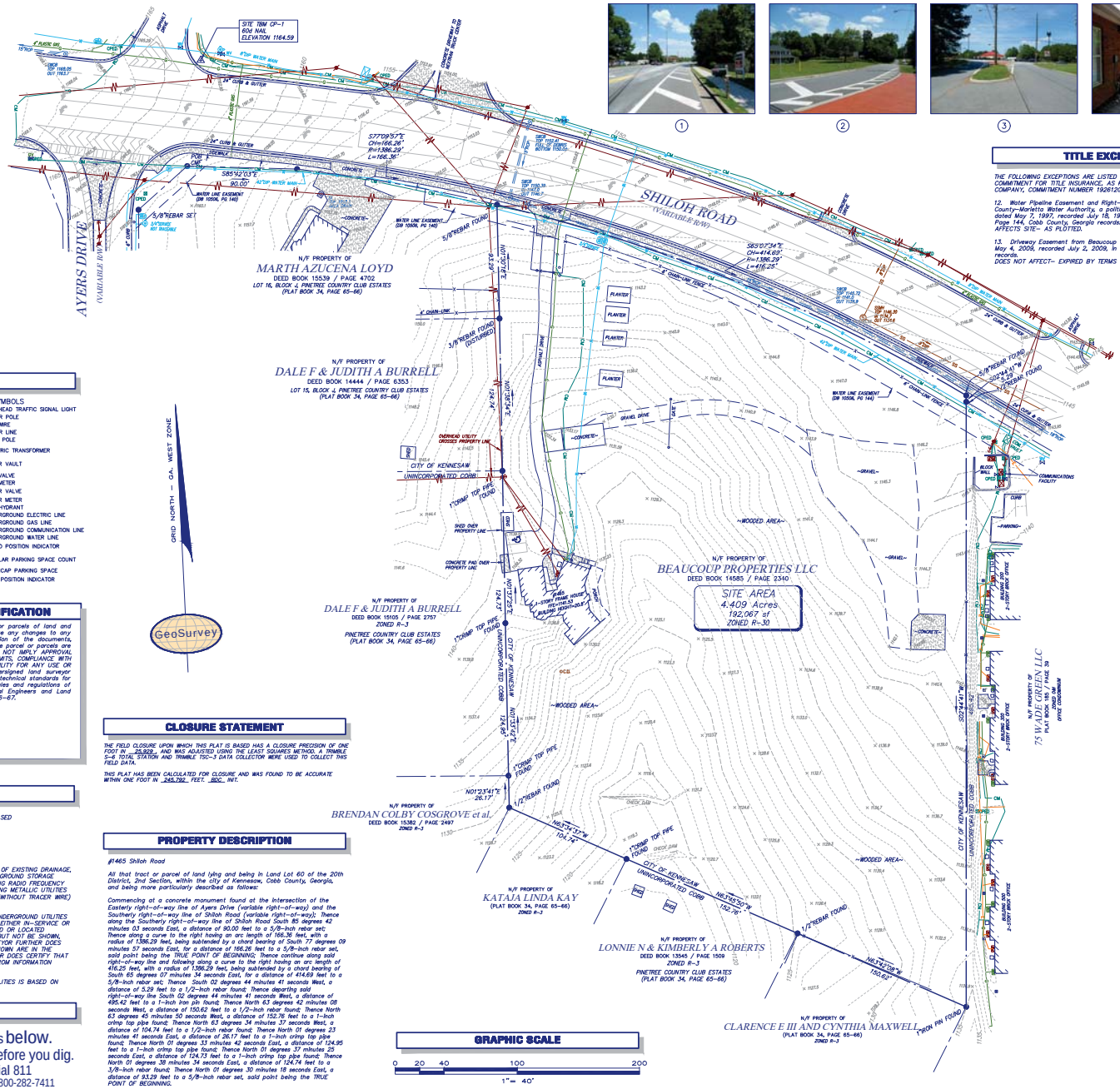
a. *The property management company shall submit a security plan in accordance with the standards of Crime Prevention through Environmental Design (CPTED). The security plan shall be submitted to the City of Kennesaw Police Department for review and safe-keeping and shall be updated annually at the beginning of each calendar year, no later than January 31. Any such security plan shall require that on-site management shall be required 24 hours per day, seven days per week.*
b. *All access points on the property shall be secured with gated entry and shall be self-closing;*
c. *The development shall be enclosed with a minimum six-foot high privacy fence along the entire property line.*
d. *The property shall be equipped with a security camera system that shall be monitored by the property management company on-site. Any such system shall record and store video images located throughout the common areas, including the parking areas, and signs shall be posted throughout the development notifying residents and visitors of the security camera system;*
e. *All common area doors and access gates shall be secured with electronic locks;*
f. *All apartment units shall be equipped with a door that features a 180-degree peep hole;*
g. *For every 200 parking spaces, the development shall feature at least one Emergency Blue Light Phone that is connected to the Cobb County Public Safety's 24-hour communications center and identify the phone location if the caller is unable to talk.*
h. *Lighting: In order to ensure adequate illumination of the development and promote safety and security, the Parking Lot Design Guide standards set forth for Basic Enhanced Security, Security, and High Security as set forth in the Illuminating Engineering Society Lighting Handbook (IESNA), latest edition, as amended, is adopted as the standard for the installation and operating of lighting in parking lots.*

6 All façade materials to be installed similar to the elevations provided by the applicant and be in compliance with the City of Kennesaw architectural Standards

7 Maximum height of building will be 35 feet as defined in our zoning ordinance chapter one that defines how building height is measured.

8. Maximum number of units allowed will be 68 units with a maximum of 248 beds

RESERVED FOR CLERK OF COURTS RECORDING INFORMATION



1

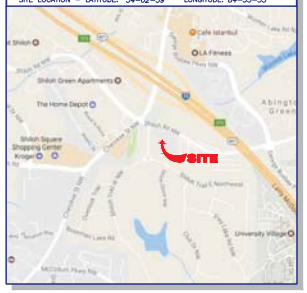
2

3

4

VICINITY MAP

SITE LOCATION – LATITUDE: 34-02-59 LONGITUDE: 84-35-33



TITLE EXCEPTIONS

THE FOLLOWING EXCEPTIONS ARE LISTED IN SCHEDULE B, PART II, OF A COMMITMENT FOR TITLE INSURANCE, AS PREPARED BY CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NUMBER 1926120A, EFFECTIVE DATE NOVEMBER 11, 2019.

12. Water Pipeline Easement and Right-of-Way from Ken B. Smathers to Cobb County-Marietta Water Authority, a political subdivision of the State of Georgia, dated May 7, 1997, recorded July 18, 1997, in Deed Book 10506, Page 144, Cobb County, Georgia records.
AFFECTS SITE- AS PLOTTED.

13. Driveway Easement from Beaucoup Properties, LLC, to Cobb County, gated May 4, 2009, recorded July 2, 2009, in Deed Book 14708, Page 1004, aforesaid records.
DOES NOT AFFECT- EXPIRED BY TERMS OF AGREEMENT.

GENERAL NOTES

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON, NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 13067C0036G AND 13067C0037G, AND THE DATE OF SAID MAP IS 12/16/2008. THE PROPERTY LIES IN AN AREA WITH DESIGNATION OF "ZONE X". THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS, AND BASED ON POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY eGPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983(NAR0)-STATE PLANE COORDINATE SYSTEM OF GEORGIA-WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

NO ZONING REPORT OR ZONING LETTER WAS PROVIDED TO THE SURVEYOR.

SITE IS ZONED "R-30" (SINGLE FAMILY RESIDENTIAL DISTRICT) AS SHOWN ON THE ZONING MAP OF THE CITY OF KENNESAW.
THE MINIMUM YARD SETBACKS ARE: FRONT – 50 FEET FOR ARTERIAL & COLLECTOR ROADS AND 40 FOR LOCAL ROADS;
SIDE – 10 FEET; MAJOR SIDE 25 FEET AND REAR – 40 FEET.

PLEASE NOTE: ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES.

SURVEY REFERENCES

1> SURVEY FOR 75-WADE GREEN BUSINESS CENTER, BLOCK A, PREPARED BY CENTERLINE SURVEYING SYSTEMS, INC., DATED 11/01/1999, RECORDED IN PLAT BOOK 185, PAGE 39.

2> PLAT OF PINETREE COUNTRY CLUB RECORDED IN PLAT BOOK 34, PAGE 65-66. (TRACT 1 AND TRACT 2 ARE A PART OF PINETREE COUNTRY CLUB ESTATES SUBDIVISION)

3> SURVEY OF PROPERTY OF GEORGE GOLD, DATED FEBRUARY 1964, AS PREPARED BY ALAN PAUL WELKER, RECORDED IN PLAT BOOK 33, PAGE 41.

4> ALT/NSPS LAND TITLE SURVEY FOR FOUNTAIN RESIDENTIAL PARTNERS, LLC, PREPARED BY GEOSURVEY, LTD., DATED 05/22/2017.

LEGEND

STANDARD ABBREVIATIONS

AC	AIR CONDITIONER
BH	BORE HOLE
BSL	BUILDING SETBACK LINE
CI	CURB INLET
CMP	CORRUGA TED METAL PIPE
CMF	CONCRETE MONUMENT FND
CO	SANITARY CLEANOUT
CPED	COMMUNICATION PEDESTAL
CTP	CRIMPED TOP PIPE
DI	DROP INLET
DIP	DUCTILE IRON PIPE
DWCB	DOUBLE WING CATCH BASIN
FNC	FENCE
FND	FOUND
GM	GAS METER
INV	INVERT
JB	JUNCTION BOX
MH	MANHOLE
OHP	OVERHEAD POWER
OTP	OPEN TOP PIPE
PM	POWER METER
PKS	PK NAIL SET
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
RCP	REINFORCED CONCRETE PIPE
RBR	IRON REINFORCING BAR
RBS	5/8"RBR SET CAPPED LSF 621
SS	SANITARY SEWER
SWCB	SINGLE WING CATCH BASIN
TRANS	ELECTRIC TRANSFORMER

STANDARD SYMBOLS

	OVERHEAD TRAFFIC SIGNAL LIGHT
	POWER POLE
	GUY WIRE
	POWER LINE
LP	LIGHT POLE
	ELECTRIC TRANSFORMER
	WATER VAULT
GV	GAS VALVE
GM	GAS METER
WV	WATER VALVE
WM	WATER METER
	FIRE HYDRANT
E	UNDERGROUND ELECTRIC LINE
G	UNDERGROUND GAS LINE
CM	UNDERGROUND COMMUNICATION LINE
W	UNDERGROUND WATER LINE
1	PHOTO POSITION INDICATOR
XX	REGULAR PARKING SPACE COUNT
	HANDICAP PARKING SPACE
	TREE POSITION INDICATOR
	SIGN

GEORGIA SURVEYOR CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Bradley D. Cash
Georgia Registered
Land Surveyor # 2840

UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON LOCATION OF MARKINGS PROVIDED BY:
DATE OF UTILITY SURVEY: 05/17/2017
UTILISURVEY, LLC
154 GRANT ROAD
FAYETTEVILLE, GA 30215

THE UNDERGROUND UTILITIES (EXCEPT THE LOCATION OF EXISTING DRAINAGE, SEWER AND IRRIGATION UTILITIES AS WELL AS UNDERGROUND STORAGE TANKS) WERE LOCATED BY UTILISURVEY, LLC. UTILIZING RADIO FREQUENCY TECHNIQUE. THIS TECHNIQUE IS CAPABLE OF LOCATING METALLIC UTILITIES AND TRACER WIRES. ANY NON-METALLIC UTILITIES (WITHOUT TRACER WIRE) ARE NOT LOCATED.

THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. UNDERGROUND UTILITIES NOT OBSERVED OR LOCATED UTILIZING THIS TECHNIQUE MAY EXIST ON THIS SITE BUT NOT BE SHOWN, AND MAY BE FOUND UPON EXCAVATION. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

INFORMATION REGARDING MATERIAL AND SIZE OF UTILITIES IS BASED ON RECORDS ACQUIRED FROM THE UTILITY OWNERS.

IF YOU DIG

Know what's below.
Call before you dig.
Dial 811
Or Call 800-282-7411

CLOSURE STATEMENT

THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 26,929 , AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. A TRIMBLE S-6 TOTAL STATION AND TRIMBLE TSC-3 DATA COLLECTOR WERE USED TO COLLECT THIS FIELD DATA.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 245,792 FEET. BDC INT.

PROPERTY DESCRIPTION

#1465 Shiloh Road

All that tract or parcel of land lying and being in Land Lot 60 of the 20th District, 2nd Section, within the city of Kennesaw, Cobb County, Georgia, and being more particularly described as follows:

Commencing at a concrete monument found at the intersection of the Easterly right-of-way line of Ayers Drive (variable right-of-way) and the Southerly right-of-way line of Shiloh Road (variable right-of-way); Thence along the Southerly right-of-way line of Shiloh Road South 85 degrees 42 minutes 03 seconds East, a distance of 90.00 feet to a 5/8-inch rebar set; Thence along a curve to the right having an arc length of 166.36 feet, with a radius of 1386.29 feet, being subtended by a chord bearing of South 77 degrees 09 minutes 57 seconds East, for a distance of 166.26 feet to a 5/8-inch rebar set, said point being the TRUE POINT OF BEGINNING; Thence continue along said right-of-way line and following along a curve to the right having an arc length of 416.25 feet, with a radius of 1386.29 feet, being subtended by a chord bearing of South 65 degrees 07 minutes 34 seconds East, for a distance of 414.69 feet to a 5/8-inch rebar set; Thence South 02 degrees 44 minutes 41 seconds West, a distance of 5.29 feet to a 1/2-inch rebar found; Thence departing said right-of-way line South 02 degrees 44 minutes 41 seconds West, a distance of 495.42 feet to a 1-inch iron pin found; Thence North 63 degrees 42 minutes 08 seconds West, a distance of 150.62 feet to a 1/2-inch rebar found; Thence North 63 degrees 45 minutes 50 seconds West, a distance of 152.76 feet to a 1-inch crimp top pipe found; Thence North 63 degrees 34 minutes 37 seconds West, a distance of 104.74 feet to a 1/2-inch rebar found; Thence North 01 degrees 23 minutes 41 seconds East, a distance of 26.17 feet to a 1-inch crimp top pipe found; Thence North 01 degrees 33 minutes 42 seconds East, a distance of 124.95 feet to a 1-inch crimp top pipe found; Thence North 01 degrees 37 minutes 25 seconds East, a distance of 124.73 feet to a 1-inch crimp top pipe found; Thence North 01 degrees 38 minutes 34 seconds East, a distance of 124.74 feet to a 3/8-inch rebar found; Thence North 01 degrees 30 minutes 18 seconds East, a distance of 93.29 feet to a 5/8-inch rebar set, said point being the TRUE POINT OF BEGINNING.

Said tract of land contains 4.409 Acres.

GRAPHIC SCALE

0 20 40 100 200
1" = 40'

ALTA SURVEYOR CERTIFICATION

To: BEAUCOUP PROPERTIES, LLC
CHICAGO TITLE INSURANCE COMPANY

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 7(a), 7(b-1), 8, 9, 10(a), 11 and 13of Table A thereof. The original fieldwork was completed May 22, 2017 and updated by inspection on January 7, 2020.

Date: January 7, 2020

GEORGIA REGISTERED LAND SURVEYOR NO. 2840 BRADLEY D. CASH

Bradley D. Cash
Georgia Registered
Land Surveyor # 2840

ALTA/NSPS LAND TITLE SURVEY FOR

BEAUCOUP PROPERTIES, LLC
CHICAGO TITLE INSURANCE COMPANY

GS JOB NO:	20175500	DRAWING SCALE:	1"= 40'	SURVEY DATE:	01/07/2020
FIELD WORK:	CL	CITY: KENNESAW	STATE: GA	REVISIONS	
PROJ MGR:	BDC	COUNTY:	COBB	No. / Date / Description	
REVIEWED:	JRC	LAND LOT:	60		
DWG FILE: 20175500-04.dwg		DISTRICT: 20TH	SECTION: 2ND		

Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall
Phillip Jackson

March 04, 2020 | **Planning Commission Summary** 7:00PM | City Hall Council Chambers

NOTE: Planning Commission serves as an Advisory Board that makes recommendations to the Mayor and Council, which will be heard on January 21, 2020, 6:30p.m

I. **Call Meeting to Order/Roll Call:** ***Cindi Michael, Don Bergwall, Phillip Jackson and SaVaughn Irons. Absent: Doug Rhodes, Dan Harrison.***

II. **Approval of minutes:** ***February 05, 2020. Approved Vote: 3-0***

- Public Hearing: **RZ2020-01 Rezoning Request** Consideration to approve a rezoning request submitted Fountain Residential Partners for property located at 1465 Shiloh Road. Said request to rezone from City R-30 to City RM-12 for property containing 4.4+/- acres for purpose of proposed student housing development. Property identified as Land Lot 60, Tax Parcel 31. **(Mayor and Council 3.16.2020)**

Motion made and seconded to approve the rezoning request Vote: 3-0 to approve the subject to staff's recommendation with the following item #9 added by the Commissioners:

1. *Reversionary clause that requires that construction permits and activity be initiated withing 24 months of the date of the rezoning and variance approval. Failure to obtain permits and start construction activity within the 24 month period will result in the reversion of the rezoning and variances and the property will revert back to the prior zoning of R-30.*
2. *Submission of a traffic impact study that demonstrates either the development will not have a negative impact on existing traffic conditions or that the negative impacts of the development can be mitigated through traffic improvements that will be incorporated as part of the development plan. Traffic counts shall be no more than three years old from date of the study and shall be taken during a time of year when the academic calendar is in session for nearby universities and schools.*
3. *The principal access for the development shall be an arterial or major collector roadway, as identified in the City of Kennesaw Unified Development Code or similar classification document.* ***Commissioner recommended and noted that all access for the development should be off Shiloh Road***
4. *Parking requirements: Sites shall be designed to accommodate on-site parking for at least one (1) vehicle per bedroom with additional parking for visitors*

5 Security requirements:

a. *The property management company shall submit a security plan in accordance with the standards of Crime Prevention through Environmental Design (CPTED). The security plan shall be submitted to the City of Kennesaw Police Department for review and safe-keeping and shall be updated annually at the beginning of each calendar*

year, no later than January 31. Any such security plan shall require that on-site management shall be required 24 hours per day, seven days per week.

b. *All access points on the property shall be secured with gated entry and shall be self-closing;*

c. *The development shall be enclosed with a minimum six-foot high privacy fence along the entire property line.* ***Commissioner recommended and requested that an eight-foot privacy fence run along the entire property line of the proposed project.***

d. *The property shall be equipped with a security camera system that shall be monitored by the property management company on-site. Any such system shall record and store video images located throughout the common areas, including the parking areas, and signs shall be posted throughout the development notifying residents and visitors of the security camera system;*

e. *All common area doors and access gates shall be secured with electronic locks;*

f. *All apartment units shall be equipped with a door that features a 180-degree peep hole;*

g. *For every 200 parking spaces, the development shall feature at least one Emergency Blue Light Phone that is connected to the Cobb County Public Safety's 24-hour communications center and identify the phone location if the caller is unable to talk.*

h. *Lighting: In order to ensure adequate illumination of the development and promote safety and security, the Parking Lot Design Guide standards set forth for Basic Enhanced Security, Security, and High Security as set forth in the Illuminating Engineering Society Lighting Handbook (IESNA), latest edition, as amended, is adopted as the standard for the installation and operating of lighting in parking lots.* ***Commissioner recommended and commented that no overflow lighting to be allowed onto the adjacent residential area***

6 All façade materials to be installed similar to the elevations provided by the applicant and be in compliance with the City of Kennesaw architectural Standards

7 Maximum height of building will be 35 feet as defined in our zoning ordinance chapter one that defines how building height is measured.

8. Maximum number of units allowed will be 68 units with a maximum of 248 beds

9. Commissioner recommended and added item # 9 Along the right side of property a 5- Foot buffer be pursued further

Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Don Bergwall
Phillip Jackson

- **<u>ZV2020-01 Variance Request</u>** Consideration to approve a zoning variance request submitted by Fountain Residential Partners for property located at 1465 Shiloh Road. Said request to seek variance to 1) Increase the RM-12 zoning district max. density from 12 units/acre to 15.55 units/acre and; 2) Reduce the front yard setback along Shiloh Road from 40 ft. to 30 ft. Property identified as Land Lot 60, Tax Parcel 31, containing 4.4+/- acres. **(Mayor and Council 3.16.2020)**

  Motion made and seconded to deny the variance request for density and setback. Vote: 2-1.

The next scheduled meeting of the Kennesaw Planning Commission
April 01, 2020 at 7:00pm

Regular Meeting Agenda
3/16/2020 6:30 PM
Council Chambers

Title of Item:	Approval of a RESOLUTION and transmittal of the updated Capital Improvement Element (CIE) and Short-Term Work Program (STWP) report.
Agenda Comments:	Transmittal of report and approved resolution, this CIE-STWP report will reflect Fiscal Years 2020-2024. Request is for approval of transmittal Resolution to Atlanta Regional Commission (ARC) and Georgia Department of Community Affairs (DCA) for review and comments prior to final adoption by Mayor and Council later in 2020 at a scheduled hearing following proper public notice. Department of Community Affairs requires participating local governments to submit an update to these project reports as required for the City of Kennesaw to maintain Qualified Local Government status. This report identifies short-term goals and projects over a five-year period. The public hearing was advertised in the Marietta Daily Journal on February 28, 2020 and March 6, 2020. Staff Recommendation: Darryl Simmons, Planning and Zoning Administrator, recommends transmitting the proposed draft for regional review by the Atlanta Regional Commission and Department of Community Affairs.
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Transmittal Resolution - CIE-STWP	3/4/2020	Resolution
Capital Improvement Summary	3/6/2020	Backup Material
Capital improvement 2019-2020	3/6/2020	Backup Material

Capital Improvment 2020-2021	3/6/2020	Backup Material
Capital Improvement 2021-2022	3/6/2020	Backup Material
Capital Improvement 2022-2023	3/6/2020	Backup Material
Capital Improvement 2023-2024	3/6/2020	Backup Material
Annual Financial Statement 2018-2019	3/6/2020	Backup Material
Short Term Work Project Report 2020-2024	3/6/2020	Backup Material
03-06-20 Legal Ad	3/6/2020	Legal Ad
02-28-20 Legal Ad	3/5/2020	Legal Ad

CITY OF KENNESAW
GEORGIA

RESOLUTION NO. 2020-

RESOLUTION ADOPTING THE TRANSMITTAL OF UPDATES TO THE CAPITAL IMPROVEMENT ELEMENT AND THE SHORT-TERM WORK PROGRAM COVERING THE FIVE-YEAR PERIOD 2020-2024

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA AS FOLLOWS:

WHEREAS, the City of Kennesaw has prepared an annual update to the Capital Improvements Element and Short Term Work Program; and

WHEREAS, the annual update of the Capital Improvements Element and Short-Term Work Program was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held on March 16, 2020 6:30p.m. in the City Hall.

BE IT THEREFORE RESOLVED, which the Mayor and the Council of the City of Kennesaw does hereby submit for transmittal the annual update of the Capital Improvements Element and Short Term Work Program covering the five-year period 2020-2024 to the Atlanta Regional Commission for Regional review, as per the requirements of the Georgia Planning Act of 1989.

Approved at the regular meeting of the Kennesaw Mayor and Council on this _____day of March, 2020

Attest: CITY OF KENNESAW

_____ _____

Debra Taylor, City Clerk Derek Easterling, Mayor

CITY OF KENNESAW

SUMMARY OF FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM

	FY2019-2020	FY2020-2021	FY2021-2022	FY2022-2023	FY2023-2024	TOTAL
Police vehicles	390,000	200,000	200,000	250,000	200,000	$ 1,240,000
Parks & Recreation Vehicles	20,000	35,000	30,000	45,000	30,000	$ 160,000
Street Vehicles	47,000	100,000	100,000	65,000	100,000	$ 412,000
Stormwater utility CIP Project	200,000	250,000	250,000	200,000	500,000	$ 1,400,000
Street Improvements	400,000	300,000	300,000	350,000	300,000	$ 1,650,000
Drainage Improvements	200,000	250,000	300,000	300,000	250,000	$ 1,300,000
Neighborhood Park Improvements	25,000	30,000	30,000	35,000	20,000	$ 140,000
Smith-Gilbert Gardens Improvements	1,000,000	1,000,000	200,000	100,000	100,000	$ 2,400,000
Computer System Upgrades	64,000	65,000	70,000	70,000	70,000	$ 339,000
Trail System Development	15,000	30,000	20,000	15,000	NA	$ 80,000
Traffic Improvements	5,000,000	8,000,000	12,000,000	12,000,000	10,000,000	$ 47,000,000
Depot Park Expansion	1,000,000	900,000	100,000	NA	NA	$ 2,000,000
Recreation Center Phase 1	1,000,000	3,600,000	NA	NA	NA	$ 4,600,000
Community Center Improvements	30,000	30,000	45,000	100,000	50,000	$ 255,000
Swift-Cantrell Park Improvement	400,000	100,000	100,000	100,000	100,000	$ 800,000
Public Safety Building (NEW)	NA	NA	NA	2,000,000	8,000,000	$ 10,000,000
Recreation Center Phase 2 (NEW)	NA	NA	NA	2,000,000	4,000,000	$ 6,000,000
Depot Park Amphitheatre (NEW)	NA	NA	NA	3,000,000	3,000,000	$ 6,000,000
Totals	$ 9,791,000	14,890,000	$ 13,745,000	$ 20,630,000	$ 26,720,000	$ 85,776,000

CITY OF KENNESAW, GEORGIA **CAPITAL IMPROVEMENTS PROJECT UPDATE**

				2019-2020				
PROJECT DESCRIPTION	PROJECT START DATE	PROJECT END DATE	EST. COST OF PROJECT	% FUNDING FROM IMPACT FEES	OTHER FINANCE SOURCES	EXPENDITURES FOR YEAR	IMPACT FEES ENCUMBERED THROUGH YEAR	STATUS/REMARKS
Police vehicles	10/1/19	9/30/20	$1,240,000.00	10%	GF/CPF/CSIF	390,000		Programmed for FY 2020
Parks & Recreation Vehicles	10/1/19	9/30/20	$160,000.00	0%	General Fund	20,000		Programmed for FY 2020
Street Vehicles	10/1/19	9/30/20	$412,000.00	0%	General Fund	47,000		Programmed for FY 2020
Stormwater utility CIP Project	10/1/19	9/30/20	$1,400,000.00	0%	Stormwater	200,000		Programmed for FY 2020
Street Improvements	10/1/19	9/30/20	$1,650,000.00	0%	SPLOST	400,000		Programmed for FY 2020
Drainage Improvements	10/1/19	9/30/20	$1,300,000.00	0%	CDBG/SPLOST	200,000		Programmed for FY 2020
Neighborhood Park Improvements	10/1/19	9/30/20	$140,000.00	50%	General Fund	25,000	25,000	Programmed for FY 2020
Smith-Gilbert Gardens Improvements	10/1/19	9/30/20	$2,400,000.00	0%	SPLOST	1,000,000		Programmed for FY 2020
Computer System Upgrades	10/1/19	9/30/20	$339,000.00	0%	General Fund	64,000		Programmed for FY 2020
Trail System Development	10/1/19	9/30/20	$80,000.00	15%	Grants	15,000		Programmed for FY 2020
Traffic Improvements	10/1/19	9/30/20	$47,000,000.00	0%	SPLOST	5,000,000		Programmed for FY 2020
Depot Park Expansion	10/1/19	9/30/20	$2,000,000.00	10%	SPLOST	1,000,000		Programmed for FY 2020
Recreation Center Phase 1	10/1/19	9/30/20	$4,600,000.00	0%	SPLOST	1,000,000		Programmed for FY 2020
Community Center Improvements	10/1/19	9/30/20	$255,000.00	0%	SPLOST/GF	30,000		Programmed for FY 2020
Swift-Cantrell Park Improvement	10/1/19	9/30/20	$800,000.00	25%	SPLOST	400,000	50,000	Programmed for FY 2020
TOTAL			$63,776,000.00			9,791,000		

CITY OF KENNESAW, GEORGIA **CAPITAL IMPROVEMENTS PROJECT UPDATE**

				2020-2021				
PROJECT DESCRIPTION	PROJECT START DATE	PROJECT END DATE	EST. COST OF PROJECT	% FUNDING FROM IMPACT FEES	OTHER FINANCE SOURCES	EXPENDITURES FOR YEAR	IMPACT FEES ENCUMBERED THROUGH YEAR	STATUS/REMARKS
Police vehicles	10/1/20	9/30/21	$1,240,000.00	10%	GF/CPF/CSIF	200,000	35,000	Programmed for FY 2021
Parks & Recreation Vehicles	10/1/20	9/30/21	$160,000.00	0%	General Fund	35,000		Programmed for FY 2021
Street Vehicles	10/1/20	9/30/21	$412,000.00	0%	General Fund	100,000		Programmed for FY 2021
Stormwater utility CIP Project	10/1/20	9/30/21	$1,400,000.00	0%	Stormwater	250,000		Programmed for FY 2021
Street Improvements	10/1/20	9/30/21	$1,650,000.00	0%	SPLOST	300,000		Programmed for FY 2021
Drainage Improvements	10/1/20	9/30/21	$1,300,000.00	0%	CDBG/SPLOST	250,000		Programmed for FY 2021
Neighborhood Park Improvements	10/1/20	9/30/21	$140,000.00	50%	General Fund	30,000	20,000	Programmed for FY 2021
Smith-Gilbert Gardens Improvements	10/1/20	9/30/21	$2,400,000.00	0%	SPLOST	1,000,000		Programmed for FY 2021
Computer System Upgrades	10/1/20	9/30/21	$339,000.00	0%	General Fund	65,000		Programmed for FY 2021
Trail System Development	10/1/20	9/30/21	$80,000.00	15%	Grants	30,000		Programmed for FY 2021
Traffic Improvements	10/1/20	9/30/21	$47,000,000.00	0%	SPLOST	8,000,000		Programmed for FY 2021
Depot Park Expansion	10/1/20	9/30/21	$2,000,000.00	10%	SPLOST	900,000	200,000	Programmed for FY 2021
Recreation Center Phase 1	10/1/20	9/30/21	$4,600,000.00	0%	SPLOST	3,600,000		Programmed for FY 2021
Community Center Improvements	10/1/20	9/30/21	$255,000.00	0%	SPLOST/GF	30,000		Programmed for FY 2021
Swift-Cantrell Park Improvement	10/1/20	9/30/21	$800,000.00	25%	SPLOST	100,000	50,000	Programmed for FY 2021
TOTAL			$63,776,000.00			14,890,000		

CITY OF KENNESAW, GEORGIA **CAPITAL IMPROVEMENTS PROJECT UPDATE**

				2021-2022				
PROJECT DESCRIPTION	PROJECT START DATE	PROJECT END DATE	EST. COST OF PROJECT	% FUNDING FROM IMPACT FEES	OTHER FINANCE SOURCES	EXPENDITURES FOR YEAR	IMPACT FEES ENCUMBERED THROUGH YEAR	STATUS/REMARKS
Police vehicles	10/1/21	9/30/22	$1,240,000.00	10%	GF/CPF/CSIF	200,000	35,000	Programmed for FY 2022
Parks & Recreation Vehicles	10/1/21	9/30/22	$160,000.00	0%	General Fund	30,000		Programmed for FY 2022
Street Vehicles	10/1/21	9/30/22	$412,000.00	0%	General Fund	100,000		Programmed for FY 2022
Stormwater utility CIP Project	10/1/21	9/30/22	$1,400,000.00	0%	Stormwater	250,000		Programmed for FY 2022
Street Improvements	10/1/21	9/30/22	$1,650,000.00	0%	SPLOST	300,000		Programmed for FY 2022
Drainage Improvements	10/1/21	9/30/22	$1,300,000.00	0%	CDBG/SPLOST	300,000		Programmed for FY 2022
Neighborhood Park Improvements	10/1/21	9/30/22	$140,000.00	50%	General Fund	30,000	15,000	Programmed for FY 2022
Smith-Gilbert Gardens Improvements	10/1/21	9/30/22	$2,400,000.00	0%	SPLOST	200,000		Programmed for FY 2022
Computer System Upgrades	10/1/21	9/30/22	$339,000.00	0%	General Fund	70,000		Programmed for FY 2022
Trail System Development	10/1/21	9/30/22	$80,000.00	15%	Grants	20,000		Programmed for FY 2022
Traffic Improvements	10/1/21	9/30/22	$47,000,000.00	0%	SPLOST	12,000,000		Programmed for FY 2022
Depot Park Expansion	10/1/21	9/30/22	$2,000,000.00	10%	SPLOST	100,000		Programmed for FY 2022
Recreation Center Phase 1	10/1/21	9/30/22	$4,600,000.00	0%	SPLOST	0		Programmed for FY 2022
Community Center Improvements	10/1/21	9/30/22	$255,000.00	0%	SPLOST/GF	45,000		Programmed for FY 2022
Swift-Cantrell Park Improvement	10/1/21	9/30/22	$800,000.00	25%	SPLOST	100,000	30,000	Programmed for FY 2022
TOTAL			$63,776,000.00			13,745,000		

CITY OF KENNESAW, GEORGIA **CAPITAL IMPROVEMENTS PROJECT UPDATE**

				2022-2023				
PROJECT DESCRIPTION	PROJECT START DATE	PROJECT END DATE	EST. COST OF PROJECT	% FUNDING FROM IMPACT FEES	OTHER FINANCE SOURCES	EXPENDITURES FOR YEAR	IMPACT FEES ENCUMBERED THROUGH YEAR	STATUS/REMARKS
Police vehicles	10/1/22	9/30/23	$1,240,000.00	10%	GF/CPF/CSIF	250,000	25,000	Programmed for FY 2023
Parks & Recreation Vehicles	10/1/22	9/30/23	$160,000.00	0%	General Fund	45,000		Programmed for FY 2023
Street Vehicles	10/1/22	9/30/23	$412,000.00	0%	General Fund	65,000		Programmed for FY 2023
Stormwater utility CIP Project	10/1/22	9/30/23	$1,400,000.00	0%	Stormwater	200,000		Programmed for FY 2023
Street Improvements	10/1/22	9/30/23	$1,650,000.00	0%	SPLOST	350,000		Programmed for FY 2023
Drainage Improvements	10/1/22	9/30/23	$1,300,000.00	0%	CDBG/SPLOST	300,000		Programmed for FY 2023
Neighborhood Park Improvements	10/1/22	9/30/23	$140,000.00	50%	General Fund	35,000		Programmed for FY 2023
Smith-Gilbert Gardens Improvements	10/1/22	9/30/23	$2,400,000.00	0%	SPLOST	100,000		Programmed for FY 2023
Computer System Upgrades	10/1/22	9/30/23	$339,000.00	0%	General Fund	70,000		Programmed for FY 2023
Trail System Development	10/1/22	9/30/23	$80,000.00	15%	Grants	15,000	10,000	Programmed for FY 2023
Traffic Improvements	10/1/22	9/30/23	$47,000,000.00	0%	SPLOST	12,000,000		Programmed for FY 2023
Depot Park - Amphitheatre (new)	10/1/22	9/30/23	$6,000,000.00	0%	SPLOST	3,000,000		Programmed for FY 2023
Recreation Center Phase 2 (new)	10/1/22	9/30/23	$6,000,000.00	0%	SPLOST	2,000,000		Programmed for FY 2023
Community Center Improvements	10/1/22	9/30/23	$255,000.00	0%	SPLOST	100,000		Programmed for FY 2023
Swift-Cantrell Park Improvement	10/1/22	9/30/23	$800,000.00	25%	SPLOST	100,000	50,000	Programmed for FY 2023
Public Safety Building (new)	10/1/22	9/30/23	$10,000,000.00	0%	SPLOST	2,000,000		Programmed for FY 2023
TOTAL			$79,176,000.00			20,630,000		

CITY OF KENNESAW, GEORGIA **CAPITAL IMPROVEMENTS PROJECT UPDATE**

				2023-2024				
PROJECT DESCRIPTION	PROJECT START DATE	PROJECT END DATE	EST. COST OF PROJECT	% FUNDING FROM IMPACT FEES	OTHER FINANCE SOURCES	EXPENDITURES FOR YEAR	IMPACT FEES ENCUMBERED THROUGH YEAR	STATUS/REMARKS
Police vehicles	10/1/23	9/30/24	$1,240,000.00	10%	GF/CPF/CSIF	200,000	30,000	Programmed for 2024
Parks & Recreation Vehicles	10/1/23	9/30/24	$160,000.00	0%	General Fund	30,000		Programmed for 2024
Street Vehicles	10/1/23	9/30/24	$412,000.00	0%	General Fund	100,000		Programmed for 2024
Stormwater utility CIP Project	10/1/23	9/30/24	$1,400,000.00	0%	Stormwater	500,000		Programmed for 2024
Street Improvements	10/1/23	9/30/24	$1,650,000.00	0%	SPLOST	300,000		Programmed for 2024
Drainage Improvements	10/1/23	9/30/24	$1,300,000.00	0%	CDBG/SPLOST	250,000		Programmed for 2024
Neighborhood Park Improvements	10/1/23	9/30/24	$140,000.00	50%	General Fund	20,000	10,000	Programmed for 2024
Smith-Gilbert Gardens Improvements	10/1/23	9/30/24	$2,400,000.00	0%	SPLOST	100,000		Programmed for 2024
Computer System Upgrades	10/1/23	9/30/24	$339,000.00	0%	General Fund	70,000		Programmed for 2024
Trail System Development	10/1/23	9/30/24	$80,000.00	15%	Grants	NA	7,000	Programmed for 2024
Traffic Improvements	10/1/23	9/30/24	$47,000,000.00	0%	SPLOST	10,000,000		Programmed for 2024
Depot Park Ampitheatre (new)	10/1/23	9/30/24	$6,000,000.00	0%	SPLOST	3,000,000		Programmed for 2024
Recreation Center Phase 2 (new)	10/1/23	9/30/24	$6,000,000.00	0%	SPLOST	4,000,000		Programmed for 2024
Community Center Improvements	10/1/23	9/30/24	$255,000.00	0%	SPLOST	50,000		Programmed for 2024
Swift-Cantrell Park Improvement	10/1/23	9/30/24	$800,000.00	25%	SPLOST	100,000	20,000	Programmed for 2024
Public Safety Building (new)	10/1/23	9/30/24	$10,000,000.00	0%	SPLOST	8,000,000		Programmed for 2024
TOTAL			$79,176,000.00			26,720,000		

ANNUAL FEE FINANCIAL REPORT - FY 2018-2019
CITY OF KENNESAW, GEORGIA

	PARKS/REC	Police	Total
IMPACT FEE FUND BALANCE FROM FY 2017/2018 (ENDING 09/30/2018)	$ 191,267.08	$ 139,714.96	$ 330,982.04
PRIOR PERIOD ADJUSTMENT	$ -	$ -	$ -
IMPACT FEES COLLECTED IN FY 2018/2019	$ 167,649.98	$ 17,165.48	$ 184,815.46
INTEREST EARNED	$ 3,452.05	$ 353.54	$ 3,805.59
ADMINISTRATIVE/OTHER COST	$ -	$ -	$ -
(IMPACT FEE REFUNDS)	$ -	$ -	$ -
(PROJECT EXPENDITURES)	$ 106,415.20	$ 76,043.00	$ 182,458.20
IMPACT FEE FUND BALANCE ENDING FY 2018/2019 (9/30/19)	$ 255,953.91	$ 81,190.98	$ 337,144.89
IMPACT EXPENDITURES ENCUMBERED	$ -	$ -	$ -

City of Kennesaw Annual Short Term Work Program Update FY2022/2023							
Project Number	**Plan Element**		**Start Date**	**End Date**	**Estimated Cost**	**Funding Source**	**Responsible Party**
1	Land Use	Implement next phase of annexation plan city wide	2022	2023	N/A	N/A	Economic Dev. & Planning
2	Public Facilities	Storm Water Utility CIP Project	2022	2023	$200,000	SPLOST	Public Works
3	Public Safety	police vehicles	2022	2023	$250,000	Court Services/GF	Economic Development
4	Economic Development	Apply for grants for development projects	2022	2023	$5,000	N/A	Economic Development & Planning
5	Land Use	LCI supplemental studies with Town Center CID	2022	2023	$5,000	GF	Planning and Zoning
6	Land Use	Review of comprehensive plan	2022	2023	N/A	NA	Community Development
7	Land Use	Review of Historic District Guidelines	2022	2023	N/A	NA	Planning
8	Community Development	Revision of Unified Development Code	2022	2023	N/A	NA	Community Development
9	Community Facilities	Trail System expansion with Cobb County	2022	2023	$15,000	N/A	Park and Recreation
10	Community Facilities	Continued marketing of Downtown venues in cooperation with Downtown Merchants	2022	2023	N/A	KDDA	Economic Development
11	Information Technology	City Wide Software Upgrades/purchases City Wide Computer upgrade and integration WI-FI integration in parks	2022	2023	$70,000	GF	Information Technology
12	Information Technology	GIS upgrades for land use analysis and public safety	2022	2023	$10,000	GF	Community Development
13	Communinty Facilities	Drainage Improvements	2022	2023	$300,000	CDBG	Public Works
14	Community Facilities	Smith-Gilbert Gardens Improvements	2022	2023	$100,000	SPLOST	Parks and Recreation
15	Community Facilities	Street Improvements	2022	2023	$350,000	SPLOST	Public Works
16	Community Facilities	Sustainability training and workshops with developers and staff	2022	2023	$2,000	GF	Planning
18	Land Use	Increase training of Traditional Neighborhood Districts and Smart Growth techniques for the Planning Commission	2022	2023	$3,000	GF	Planning
19	Community facilities	Swift Cantrell park improvements	2022	2023	$100,000	SPLOST	Parks and Recreation

FY 2023/2024							
Project Number	**Plan Element**	**Project Description**	**Start Date**	**End Date**	**Estimated Cost**	**Funding Source**	**Responsible Party**
1	Community Facilities	LCI plan project evaluation	2023	2024	N/A	NA	Planning and Zoning
2	Community Facilities	review sustainability policies for city facilities	2023	2024	N/A	N/A	Public Works
3	Economic Development	Continue business recruitment, expansion and retention efforts	2023	2024	$5,000	GF, KDA & KDDA	Economic Development
4	Economic Development	Apply for grants for development projects	2023	2024	N/A	N/A	Economic Development & Planning
5	Community Facilities	Evaluate effectiveness of Museum marketing strategies and make adjustments as needed	2023	2024	N/A	N/A	Museum & Economic Dev
6	Community Facilities	Upgrade neighborhood parks	2023	2024	$20,000	GF	Parks and Recreation
7	Land Use	Initiate study for sustainability initiatives and incentive program for new development	2023	2024	N/A	N/A	Planning and Zoning
8	Community facilities	Reevaluating Trail Master plan	2023	2024	N/A	N/A	Parks and Recreation
9	Housing	Continue strategies (through zoning) aimed at the identification and preservation of existing sound housing and stable residential neighborhoods including preservation of historic properties	2023	2024	N/A	N/A	Community Development
10	Land Use	Re evaluate green city objectives	2023	2024	N/A	N/A	Planning and Zoning
11	Information Technology	City Wide Computer upgrade and integration	2023	2024	$70,000	GF	Information Technology
12	Community Facilities	Traffic Improvements	2023	2024	$10,000,000	SPLOST	Public Works
13	Economic Development	Continue implementation of downtown master plan	2023	2024	N/A	SPLOST	Community Development
14	Public Safety	Upgrad police department equipment	2023	2024	$5,000	GF	Police Department
15	Community Facilities	Storm Water Utility assesment and system analysis	2023	2024	N/A	GF	Public Works
16	Community Facilities	Street Improvements	2023	2024	$300,000	SPLOST	Parks and Recreation
17	Community Facilities	Drainage Improvements	2023	2024	$250,000	SPLOST	Public Works
18	Community facilities	adding new playground facilities	2023	2024	$20,000	General Fund	Parks and Recreation
19	Community Facilities	Depot master plan review of projects	2023	2024	N/A	N/A	Parks and Recreation
20	Community Facilities	Smith-Gilbert Gardens facility improvements	2023	2024	$100,000	SPLOST	Parks and Recreation
21	Land Use	Historic District Standards reevaluation	2023	2024	N/A	N/A	Planning and Zoning

City of Kennesaw Annual STWP Update 2019/2020							
Project Number	**Plan Element**	**Project Description**	**Start Date**	**End Date**	**Estimated Cost**	**Funding Source**	**Responsible Party**
1	Economic Development	Continue business recruitment, expansion and retension efforts	2019	2020	$8,000	KDA & KDDA	Economic Development
2	Community Facilities	Evaluate master trail system tie-in to Cobb County System	2019	2020	N/A	N/A	Planning and Zoning/parks and recreation
3	Land Use	Additional amendments to sustainability policy	2019	2020	N/A	N/A	Community Development
4	Housing	Continue strategies (through zoning) aimed at the identification and preservation of existing sound housing and stable residential neighborhoods including preservation of historic properties	2019	2020	N/A	N/A	Planning and Zoning
5	Community Facilities	Storm Water Utility CIP Project	2019	2020	$200,000	SPLOST	Public Works
6	Community Facilities	Traffic Improvements	2019	2020	$5,000,000	SPLOST	Public Works
7	Land Use	Annual review of Unified Development code	2019	2020	NA	NA	Planning and Zoning
8	Community Facilities	Smith Gilbert Gardens facility improvements	2019	2020	$1,000,000	SPLOST	Parks and Recreation
9	Community Facilities	Street Improvements	2019	2020	$400,000	SPLOST	Public Works
10	Economic Development	Economic Development multi-year strategic plan	2019	2020	$30,000	Economic Development	Economic Development
11	Land Use	Strengthen enforcement of housing codes in order to revitialize neighborhoods	2019	2020	N/A	N/A	Community Development
12	Community Facilities	Reevaluate Future land use maps and character areas as identified in the comprehensive plan	2019	2020	N/A	N/A	Community Development
13	Information Technology	City Wide Computer upgrade and integration	2019	2020	$64,000	GF	Information Technology
14	Housing	Reevaluate housing inventory city wide and occupancy rate	2019	2020	N/A	N/A	Planning and Zoning
15	Community Facilities	Community Center Improvements	2019	2020	$30,000	GF	Parks and Recreation
16	Community Facilities	Review status of adopted redevelopment areas	2019	2020	NA	NA	Economic Development/Planning

City of Kennesaw Annual STWP Update FY2020/2021							
Project Number	**Plan Element**	**Project Description**	**Start Date**	**End Date**	**Estimated Cost**	**Funding Source**	**Responsible Party**
1	Economic Development	Continue implementation of Kennesaw LCI downtown master plan	2020	2021	N/A	N/A	Mayor and Council & City Manager
2	Land Use	review downtown master plan	2020	2021	N/A	N/A	Community Development
3	Economic Development	Continue business recruitment, expansion and retention efforts	2020	2021	$5,000	GF, KDA, KDDA	Economic Development
4	Community Facilities	re-evaluate storm water management plan	2020	2021	N/A	N/A	Public Works
5	Land Use	Continued review of comprehensive plans and objectives	2020	2021	N/A	N/A	Community Development
6	Land Use	Evaluate existing development regulations for provisions that may limit diversity in housing types and barriers to revitalization and infill development and recommend changes where appropriate	2020	2021	$5,000	KDDA, GF,and DCA Grants	Community Development
7	Community Facilities	Traffic Improvements	2020	2021	$8,000,000	SPLOST	Public Works
8	Land Use	Analyze Senior Housing inventory	2020	2021	N/A	N/A	Planning and Zoning
9	Land Use	Annual review of Unified Development code	2020	2021	N/A	N/A	Community Development, Public Works
10	Land Use	Develop additional development standards for the provision and location of pedestrian and bicycle facilities in connection with private development projects.	2020	2021	N/A	N/A	Community Development
11	Community Facilities	Upgrade neighborhood parks	2020	2021	$30,000	GF	Parks and Recreation
12	Land Use	Review Comprehensive plan and 2040 Plan	2020	2021	N/A	N/A	Planning and Zoning
13	Community Facilities	Establish strategies and priorities for funding road improvements needed in the city in conjunction with county, state, regional and federal agencies.	2020	2021	N/A	N/A	Public Works/Economic Development
14	Land Use	evaluate needs for student housing	2020	2021	NA	NA	Planning and Zoning
15	Community Facilities	Promote the expansion of local public transit alternatives in conjunction with Cobb County, DOT, GRTA, CCT, ARC and other state/regional agencies.	2020	2021	N/A	N/A	Community Development
16	Community Facilities	Storm Water Utility CIP Project	2020	2021	$250,000	SPLOST	Public Works
17	Information Technology	City Wide Computer upgrade and integration	2020	2021	$65,000	GF	Information Technology
18	Environmental	Evaluate environmentally sensitive areas affected by development	2020	2021	N/A	N/A	Public Works/Community development
19	Land Use	Participate in regional and local transportation studies and initiatives to promote rail connectivity to cities and county	2020	2021	N/A	N/A	Community Development
20	Land Use	Work with Cobb County to implement a greenbelt system for flood plains that can also be used as a passive recreation resource.	2020	2021	N/A	N/A	Community Development
21	Economic Development	Evaluate Economic Development Incentive program	2020	2021	N/A	N/A	Community Development
22	Community Facilities	Review trail network program	2020	2021	N/A	N/A	Parks and Recreation

City of Kennesaw Annual STWP Update FY2021-2022							
Project Number	**Plan Element**	**Project Description**	**Start Date**	**End Date**	**Estimated Cost**	**Funding Source**	**Responsible Party**
1	Land Use	Create housing audit report	2021	2022	N/A	N/A	Mayor and Council & City Manager
2	Public Facilities	Revisions to Zoning ordinance and development standards	2021	2022	N/A	N/A	Community Development
3	Public Facilities	Continue business recruitment, expansion and retention efforts	2021	2022	$5,000	GF, KDA & KDDA	Economic Development
4	Public Facilities	Swift Cantrell Park improvements	2021	2022	$100,000	SPLOST	Public Works
5	Land Use	Review of implementation of Plan 2040	2021	2022	N/A	N/A	Community Development
6	Economic Development	Evaluate annexation action plan for all commercial and industrial corridors	2021	2022	N/A	NA	Community Development
7	Public Facilities	Transportation study on existing roadways and gateways into the City in association with GRTA and ARC consistent with the LCI Plan.	2021	2022	NA	NA	Community Development, Public Works
8	Land Use	Review master trails plan	2021	2022	N/A	N/A	Community Development,Parks and Recreation
9	Economic Development	Revise Annexation action plan	2021	2022	N/A	N/A	Economic Development
10	Economic Development	Review strategic growth plan with Planniong and Zoning Department	2021	2022	N/A	N/A	Museum & Economic Dev
11	Community Facilities	Upgrade Neighborhood Parks	2021	2022	$30,000	GF	Parks and Recreation
12	Information Technology	implement electronic submittal programs for all departments	2021	2022	N/A	N/A	Information Technology
13	Community Facilities	Street Improvements	2021	2022	$300,000	SPLOST	Public Works
14	Transportation Element	Promote the expansion of local public transit alternatives in conjunction with Cobb County, ARC and other state/regional agencies.	2021	2022	N/A	N/A	Community Development
15	Community Facilities	City Wide Computer upgrade and integration	2021	2022	$70,000	GF	Information Technology
16	Economic Development	Review Downtown Development authority business recruitment strategy	2021	2022	N/A	N/A	Community Development
17	Community Facilities	Review greenspace requirement for population	2021	2022	N/A	N/A	Parks and Recreation
18	Economic Development	Analyze the downtown business retention plan	2021	2022	N/A	N/A	Economic Development
19	Land Use	City to expand network with local school board system in order to improve input regarding future development	2021	2022	N/A	N/A	Commuinty Dev
20	Land Use	Depot master plan review of projects	2021	2022	N/A	N/A	Community Development
21	Community Facilities	Annual comprehensive plan updates	2021	2022	N/A	NA	Planning and Zoning
22	land use	analyze Senior Housing inventory for lifelong community initiative	2021	2022	N/A	N/A	Planning and Zoning
23	Community Facilities	Storm Water Utility assessment of projects	2021	2022	N/A	NA	Public Works
24	Community Facilities	Drainage system improvements	2021	2022	$300,000	SPLOST	Public Works
25	Community Facilities	review city transportation plan	2021	2022	N/A	GF	Public Works

MDJ Coordinator at 770-794-5550 no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060
2:28;3:6-2020

MDJ-5841
GPN-13
CITY OF KENNESAW
PUBLIC NOTICE

Notice is hereby given that the City of Kennesaw shall hold a public hearing to give consideration to transmitting the updated draft of the required Capital Improvement Element and Short-term work program report for 2020-2024 to the Atlanta Regional Commission and Department of Community Affairs for review. These updates are necessary for the City of Kennesaw to maintain qualified local government status.

A copy of the draft is on file in the City Hall in the Planning and Zoning Office for viewing during normal business hours of 8:00am to 5:00pm Monday through Friday. City of Kennesaw is soliciting input from the public on these updates. Mayor and Council will consider adoption of these updates later in 2020 at a scheduled public hearing following public notice.

The Mayor and Council shall hold a public hearing on this matter on March 16, 2020 at 6:30pm meeting to be held at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.

Darryl Simmons
Planning and Zoning Administrator
2:28;3:6-2020

MDJ-5842
GPN-13
City of Kennesaw
Public Notice

Notice is hereby given that the City of Kennesaw shall hold public hearings to amend the Unified Development Code. The proposed amendment is to amend APPENDIX A "UNIFIED DEVELOPMENT CODE", CHAPTER 1 "GENERAL PROVISIONS", SECTION 1.09.02 "DEFINITIONS", and CREATING A NEW SECTION UNDER CHAPTER 4 SECTION 4.06.00 "UNIVERSITY LIVING-PBSH" (purpose built student housing).

Copy of the amendment to the Unified Development Code is on file in the Office of Planning and Zoning during normal business hours, Monday-Friday from 8am to 5pm for public viewing. The Planning Commission held their first public hearing on February 05, 2020 at 7:00pm and the scheduled hearing and adoption by the Mayor and Council will be continued to the March 16, 2020 meeting at 6:30pm. The meeting will be held in the Kennesaw City Council Chambers, 2529 J.O. Stephenson Avenue, Kennesaw, GA. All interested persons may attend and be heard relative there to.

Darryl Simmons
Zoning Administrator
2:28;3:6-2020

MDJ-5980
GPN-13

City of Acworth
Public Hearing

The City of Acworth hereby gives notice that a Public Hearing will be held to give consideration to a variance request by Ricos Mex Mex Restaurant for property located in Land Lot 30, Parcel 309 of the 20th District, 2nd Section of Cobb County, Georgia (3770 Southside Drive). This request to reduce the side building setback for a patio addition.

The Planning and Zoning Commission will hold a Public Hearing on this matter on Tuesday, March 24, 2020 at 7:30 pm in the Board Room at City Hall located at 4415 Senator Richard Russell Avenue.

The Mayor and Board of Alderman will hold a Public Hearing on this matter on Monday, March 30, 2020 at 6:30 p.m. and give final consideration on this matter on Thursday, April 2, 2020 at 7:00 p.m. in the Board Room at City Hall located at 4415 Senator Richard Russell Avenue.

Anyone wishing to attend the public hearings may do so and be heard relative thereto.

3:6,13-2020

MDJ-6010
GPN-13
City of Acworth
Public Hearing

The City of Acworth hereby gives notice that a Public Hearing will be held to give consideration to a variance request by Bruce Wertz for property located in Land Lot 108, Parcel 32 of the 20th District, 2nd Section of Cobb County, Georgia (4332 Austin Farm Trail). This request to allow for solar panel devices on a street facing rooftop.

The Planning and Zoning Commission will hold a Public Hearing on this matter on Tuesday, March 24, 2020 at 7:30 pm in the Board Room of City Hall located at 4415 Senator Richard Russell Avenue.

The Mayor and Board of Aldermon will hold a Public Hearing on this matter on Monday, March 30, 2020 at 6:30 p.m. and give final consideration on this matter on Thursday, April 2, 2020 at 7:00 p.m. in the Board Room at City Hall located at 4415 Senator Richard Russell Avenue.

Anyone wishing to attend the public hearings may do so and be heard relative thereto.

3:6,13-2020

MDJ-6016
GPN-13
NOTICE OF PUBLIC HEARING
City of Powder Springs
VARIANCE

Notice is hereby given that meetings shall be held at the City of Powder Springs City Council Chambers on Thursday, March 12, 2020 (agenda meeting) at 7:00 pm and Monday, March 30, 2020 (public hearing) at 7:30 pm before the Planning and Zoning Commission; Wednesday, April 1, 2020 (agenda meeting) at 5:00 pm and Monday, April 6, 2020 (public meeting) at 7:00 pm before the Mayor and City Council to consider a variance to comply with Section 12-12-(c) Removal of

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Probate

MDJ-5507
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE:
CYNTHIA ROSETTA WASHINGTON,
DECEASED
ESTATE NO. 20-0228
NOTICE OF PETITION TO FILE
FOR YEARS SUPPORT

The Petition of WAYNE WASHINGTON, for a years support from the estate of CYNTHIA ROSETTA WASHINGTON, Deceased, for Decedents Surviving Spouse, having been duly filed, all interested persons are hereby notified to show cause, if any they have, on or before MARCH 9, 2020, why said Petition should not be granted.

All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed on or before the time stated in the preceding sentence. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Kelli L. Wolk,
Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770)528-1900
2:14,21,28;3:6-2020

MDJ-5508
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
TERESA ANNE BOWERS,
DECEASED
ESTATE NO. 20-0233
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE

TO: whom it may concern:
CHRISTOPHER SCOTT WILLIAMS has petitioned to be appointed Administrator of the estate of TERESA ANNE BOWERS, deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before MARCH 9, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing

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IN RE:
ANDREW HOWARD,
DECEASED
ESTATE NO. 18-2242
NOTICE OF PETITION FOR
YEARS SUPPORT

The Petition of SHERYL D. HOWARD, for a years support from the estate of ANDREW HOWARD, Deceased, for Decedents Surviving Spouse, having been duly filed.

TO:MELODY EDWARDS

This is to notify you to file objection, if there is any, to the Petition for Years Support, in this Court on or before MARCH 9, 2020.

All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed on or before the time stated in the preceding sentence. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed the Petition may be granted without a hearing.

Kelli L. Wolk
Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
2:14,21,28;3:6-2020

MDJ-5513
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
BEVERLY M. LUDWICK,
DECEASED
ESTATE NO. 19-2371
PETITION BY PERSONAL
REPRESENTATIVE FOR WAIVER
OF BOND AND/OR GRANT
OF CERTAIN POWERS
NOTICE

THOMAS M. LUDWICK has petitioned for waiver of bond and/or for the grant of certain powers contained in O.C.G.A. § 53-12-261 in regard to the above estate. All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before MARCH 9, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Kelli L. Wolk,
Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court

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of the estate of ZACHARY STUART COWAN, III deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before MARCH 9, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Kelli L. Wolk,
Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770)528-1900
2:14,21,28;3:6-2020

MDJ-5518
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
LARRY LABRON BENNETT,
DECEASED
ESTATE NO. 20-0250
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE

TO: to whom it may concern:
LARRY ARLOS BENNETT has petitioned to be appointed Administrator of the estate of LARRY LABRON BENNETT deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before MARCH 9, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Kelli L. Wolk,
Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court

OF BOND AND/OR GRANT OF
CERTAIN POWERS
NOTICE

BARRY GLEN STOVER has petitioned for waiver of bond and/or for the grant of certain powers contained in O.C.G.A. § 53-12-261 in regard to the above estate. All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before MARCH 9, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Kelli L. Wolk,
Judge of the Probate Court
By:Jennifer P. Ritchey
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
(770)528-1900
2:14,21,28;3:6-2020

MDJ-5523
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
MARGARET E. BRADY,
DECEASED
ESTATE NO. 18-0906
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE

TO: whom it may concern:
RICHARD DEAN BRADY has petitioned to be appointed Administrator of the estate of MARGARET E. BRADY deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested parties are hereby notified to show cause why said Petition should not be granted. All objections to the Petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before MARCH 9, 2020.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a Probate Court Clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the Petition may be granted without a hearing.

Kelli L. Wolk,

your Parental Rights respecting the above-named children has been filed in this Court by the Georgia Department of Human Services acting by and through the Cherokee County Department of Family and Children Services (hereinafter Department). The Petition for Termination of Parental Rights to the above-named children was filed on July 18, 2019. You may obtain a copy of the Petition and any Amendment(s) from the Clerk of this Court, Cherokee County Juvenile Court, 90 North Street, Canton, Georgia 30114, during regular business hours. If you have any questions concerning this notice, you may call the telephone number of the Cherokee County Juvenile Court Clerks office, which is (678) 493-6560. This is a summons requiring you to appear in Court. If you fail to come to Court as required you may be held in contempt of Court and punished accordingly.

You are hereby notified that a hearing for the purpose of terminating your parental rights of the above named minor children, will be held by the Cherokee County Juvenile Court on **MAY 14, 2020, at 8:30 a.m.** at the Cherokee County Juvenile Court, courtroom 3A, located at 90 North Street, Canton, Georgia 30114, at which time you should make your objections known. You are ordered to appear and make a defense thereto and to show cause why the children should not be dealt with according to the law.

If the court at the trial finds that the facts set out in the petition to terminate your parental rights are true and that termination of your rights will serve the best interests of your child (ren), the court can enter a judgment ending your rights to your child(ren). A parent is not thereafter entitled to notice of proceedings for the adoption of the child(ren) by another nor has he or she any right to object to the adoption or otherwise to participate in the proceedings. If the judgment terminates your parental rights, you will no longer have any rights to your child (ren) or make any decisions affecting your child(ren) or your child(ren)s earnings or property. Your child(ren) will be legally freed to be adopted by someone else. Even if your parental rights are terminated: (1) You will still be responsible for providing financial support (child support payments) for your child(ren)s care unless and until your child(ren) is/are adopted; and (2) Your child(ren) can still inherit from you unless and until your child (ren) is/are adopted.

This is a very serious matter. The child(ren) and other parties involved may be represented by an attorney at all stages of these proceedings. You should contact an attorney immediately so that you can be prepared for the court hearing. You have the right to hire an attorney and to have him or her represent you. If you cannot afford to hire an attorney, the court will appoint an attorney if the court finds that you are an indigent person. Whether or not you decide to hire an attorney, you have the right to attend

goods/view items storagetreasures.com
Quenne El 371 Household goods/view items storagetreasures.com
James Pope 377 Household goods/view items storagetreasures.com
Tommie Dixon 387 Household goods/view items storagetreasures.com
Either Wilkes 408 Household goods/view items storagetreasures.com
Major Miller 422 Household goods/view items storagetreasures.com
Ericka Cuffie 437 Household goods/view items storagetreasures.com
Gary Vanputten 441 Household goods/view items storagetreasures.com
Darrell Stephens 438 Household goods/view items storagetreasures.com
Jerod Jordan 482 Household goods/view items storagetreasures.com
Tameika Robertson 623 Household goods/view items storagetreasures.com
Chester Taylor, Sr. 625 Household goods/view items storagetreasures.com
Dequan Jackson 658 Household goods/view items storagetreasures.com
Margaret Swan 718 Household goods/view items storagetreasures.com
DAnthony Davis 721 Household goods/view items storagetreasures.com
Anetra Christian 744 Household goods/view items storagetreasures.com
Anesso Burton 755 Household goods/view items storagetreasures.com
Charita Lawrence 802 Household goods/view items storagetreasures.com
Kawanna McClendon 821 Household goods/view items storagetreasures.com
Taylor Savage 831 Household goods/view items storagetreasures.com
Karletta Jones 843 Household goods/view items storagetreasures.com
Charlotte Brown 851 Household goods/view items storagetreasures.com
Wendell Brown 920 Household goods/view items storagetreasures.com
Winsome Carter 922 Household goods/view items storagetreasures.com
Crystal Taylor 1002 Household goods/view items storagetreasures.com
Janice Branch 1004 Household goods/view items storagetreasures.com
Laresa Holmes 1006 Household goods/view items storagetreasures.com
Allante Green 1007 Household goods/view items storagetreasures.com
Destinee Spears 1227 Household

1FMZK02TX3GA02941 TAG # KKX2816 GA
You are hereby notified, in accordance with OCGA § 40-11-19(a) (2), that the above-referenced vehicle is subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.
The vehicle is currently located at 2481 Old Covington Hwy Sw Conyers, GA 30012
Anyone with an ownership interest in this vehicle should contact the following business immediately:
Quick Drop Impounding, Towing, and Recovery
2481 Old Covington Hwy Sw
Conyers GA 30012
678-210-0245
3:6,13-2020

MDJ-5944
GPN-14
MONTHLY MEETING
The Governing Board of The International Academy of Smyrna will be conducting their monthly meeting Monday March 16, 2020 at 6:00pm in the schools conference room. During the meeting the board will be reviewing the proposed revised FY20 budget. The public is invited to attend.
3:6-2020

MDJ-5954
GPN-14
FINAL PUBLIC NOTICE
Cobb County has applied for Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) funding through the Georgia Emergency Management and Homeland Security Agency (GEMA/HS) as a sub-recipient.
Under the National Environmental Policy Act (NEPA), federal actions must be reviewed and evaluated for feasible alternatives and for social, economic, historic, environmental, legal, and safety considerations. Under Executive Order (EO) 11988 and EO 11990, FEMA is required to consider alternatives to and to provide a public notice of any proposed actions in or affecting floodplains or wetlands. EO 12898 also requires FEMA to provide the opportunity for public participation in the planning process and to consider potential impacts to minority and low-income populations. This notice may also fulfill requirements under Section 106 of the National Historic Preservation Act (NHPA).
Funding for the proposed project will be conditional upon compliance with all applicable federal, tribal, state, and local laws, regulations, floodplain standards, permit requirements and conditions.
Applicant: Cobb County
Project Title: DR-4400 Cobb County Acquisition Project
Location of Proposed Work:
Name of Structure: See Table
Address of Structure: See Table, Cobb County
A map showing the location of all properties is available by contacting, William Higgins, (770) 419-6434,

Darlene Cox 1215 HHG, Furn, Bxs
Evelyn S Snipe 2216 HHG, Furn, Boxes
DOMINIK GREENBERRY 2219 HHG, Furn., Boxes
Martine Berger 2227 HHG, Furn., Boxes
Nicole Palmer 2301 HHG, Furn., Boxes
Mariana Luna 2405 HHG, Furn., Boxes
Martine Berger 2414 HHG, Furn., Boxes
Chantay White A106 HHG, Furn, Boxes
Tammie Laviscount B104 HHG, Furn., Boxes
Tammie Laviscount B105 HHG, Furn., Boxes
Somonia Whitlow D108 HHG, Furn., Boxes
Gerald M Kluck D112 HHG, Furn, Boxes
Gerald M Kluck E118 HHG, Furn, Boxes
Deborah Joffre E123A HHG, Furn., Boxes
Lee Murdock E129 HHG, Furn., Boxes
Nwamaka Madubuike E138 HHG, Furn., Boxes
Crystal D Turner E141 HHG, Furn., Boxes
Arnesse Morris G107 Motor Vehicle
Korlue Kpor G115 HHG, Furn., Boxes
3:6,13-2020

MDJ-6001
GPN-17
ABANDONED VEHICLES
You are hereby notified, in accordance with OCGA 40-11-19 (a) (2), that each of the below-referenced vehicles are subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt. The vehicles are currently located at 2261 Dixie Ave, Smyrna Ga 30080. The vehicles subject to liens as stated above are identified as:
BUICK 2016 REGAL 2G4GK5EXXG9152844 RRR7811 GA
CHRYSLER 2006 TOWN & COUNTRY 2A4GP44R36R785049 RQG4348 GA
DODGE 2003 CARAVAN 1D4GP25323B140300 RQS3459 GA
FREIGHTLINER 2015 CASCADIA 125 1FUJGLD52FLGE8316 NE73386 NC
FORD 1993 TEMPO 2FAPP36X4PB109351 RIM0302 GA
FORD 2007 RANGER 1FTYR14UX7PA27199 ABY9704 GA
FORD 2017 F150 1FTEX1C87HFB23635 GV1924J GA
FORD 1997 F150 1FTDX1769VNA79899 RCQ1294 GA
FORD 2002 FOCUS 1FAFP33P02W113145 NO TAG
HYUNDAI 2012 SONATA 5NPEC4AC7CH412002 CKC2639 GA
HYUNDAI 2013 ELANTRA KMHDH4AE0DU926842 CFR5074 GA
HONDA 2010 ACCORD 1HGCP2F40AA056855 CCN8396 GA
INFINITI 2005 G35 JNKCV51E45M204028 EKQ567 GA
INFINITI 2004 I35 JNKDA31A34T200087 RNU8085 GA
INFINITI 2008 EX35 JNKAJ09F68M356030 NO TAG
LAND ROVER 2013 RANGE ROVER SPORT SALSK2D45DA805366 QFG6436 GA
LINCOLN 2002 LS 1LNHM86S52Y705505

1FMHK07DG8GKA67945 Vehicle License#: U338IM State: TN Magistrate Court Case No.: 20-L-00655
Vehicle Make: FORD YEAR: 2004 Model: EXPLORER Vehicle ID#: 1FMDU73K54UA86069 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00663
Vehicle Make: FORD YEAR: 2003 Model: F150 Vehicle ID#: 1FTRX17L03NA02122 Vehicle License#: ACF8706 State: GA Magistrate Court Case No.: 20-L-00656
Vehicle Make: FORD YEAR: 1998 Model: F150 Vehicle ID#: 1FTZX17W1WNB71032 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L00647
Vehicle Make: FORD YEAR: 2004 Model: F650 Vehicle ID#: 3FRNF65N54V668825 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00650
Vehicle Make: FORD YEAR: 2015 Model: FOCUS Vehicle ID#: 1FADP3F29FL279484 Vehicle License#: PZM1638 State: GA Magistrate Court Case No.: 20-L-00658
Vehicle Make: FORD YEAR: 2001 Model: FOCUS ZX3 Vehicle ID#: 3FAFP31381R190380 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00644
Vehicle Make: FORD YEAR: 2011 Model: FUSION Vehicle ID#: 3FAHP0HA9BR214036 Vehicle License#: PRF2869 State: GA Magistrate Court Case No.: 20-L-00636
Vehicle Make: GEO YEAR: 1995 Model: PRIZM Vehicle ID#: 1Y1SK5268SZ064492 Vehicle License#: RKW0102 State: GA Magistrate Court Case No.: 20-L-00640
Vehicle Make: JAGUAR YEAR: 2000 Model: XJB Vehicle ID#: SAJDA23C4YLF06087 Vehicle License#: DR1823 State: GA Magistrate Court Case No.: 20-L-00654
Vehicle Make: JEEP YEAR: 2001 Model: GRAND CHEROKEE Vehicle ID#: 1J4GX48S11C583518 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00662
Vehicle Make: MITSUBISHI YEAR: 2007 Model: OUTLANDER Vehicle ID#: JA4MT41X87U002085 Vehicle License#: RNL1566 State: GA Magistrate Court Case No.: 20-L-00666
Vehicle Make: NISSAN YEAR: 2002 Model: ALTIMA Vehicle ID#: 1N4AL11D52C201273 Vehicle License#: RSE5981 State: GA Magistrate Court Case No.: 20-L-00665
Vehicle Make: NISSAN YEAR: 2006 Model: MURANO Vehicle ID#: JN8AZ08T16W400443 Vehicle License#: RMJ535B State: GA Magistrate Court Case No.: 20-L-00633
Vehicle Make: PONTIAC YEAR: 2004 Model: SUNFIRE Vehicle ID#: 1G2JB12F847263585 Vehicle License#: PKY6507 State: GA Magistrate Court Case No.: 20-L-00638
Vehicle Make: TOYOTA YEAR: 2004 Model: 4RUNNER Vehicle ID#: JTEZU14R640039607 Vehicle License#: RFF1667 State: GA Magistrate Court Case No.: 20-L-00664
Vehicle Make: TOYOTA YEAR: 1998 Model: CAMRY Vehicle ID#: 4T1BF22K8WU060820 Vehicle

Anyone with an ownership interest in any of these vehicles should contact the following business immediately :
K.O. Towing, 344 Kathleen Dr Se, Marietta, Ga 30067. 770-650-1413
3:6,13-2020

MDJ-6024
GPN-17
NOTICE OF SURPLUS
CITY OF KENNESAW
EQUIPMENT FOR SALE
Notice is hereby given that surplus City equipment will be sold on www.govdeals.com between March 4-18, 2020. Specific item is a 2013 Chevy Caprice.
GovDeals provides services to various governmental agencies that allow them to sell surplus and confiscated items via the Internet and is open to the public for bids. Registration is not necessary to browse this site. To place a bid, you must first register on the GovDeals site. Call the Kennesaw City Clerk at (770) 424-8274 if you have any questions.
3:6,13-2020

MDJ-6025
GPN-16
NOTICE OF PUBLIC HEARING
CITY OF KENNESAW
Notice is hereby given the Mayor and Council of the City of Kennesaw, Georgia will conduct public hearings on March 16 and April 6, 2020 at 6:30 p.m. in the City Council Chambers, Kennesaw City Hall at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia 30144 to consider an Ordinance to repeal the Mediaone of Colorado Inc. franchise agreement, Appendix F of the Municipal Code of Ordinances. A copy of the proposed Ordinance is on file in the Office of the City Clerk during normal business hours, Monday-Friday, 8:00 a.m. to 5:00 p.m. for public viewing.
3:6,13-2020

MDJ-6051
GPN-14
NOTICE OF HEARING
YOU ARE HEREBY NOTIFIED that on March 20, 2020, at 10:30 A.M., at the Cobb County Courthouse, 70 Haynes Street, Marietta, Georgia 30090, Judge Michael Stoddard of the Superior Court of Cobb County will hear the case of STATE OF GEORGIA vs. DEVELOPMENT AUTHORITY OF COBB COUNTY and KSU SPORTS AND RECREATION PARK REAL ESTATE FOUNDATION, LLC, Civil Action File No. 20101573, in the Superior Court of Cobb County, the same being a proceeding to confirm and validate the revenue bonds designated "Development Authority of Cobb County Lease Revenue Refunding Bonds (KSU Sports and Recreation Park Real Estate Foundation, LLC Project) Series 2020A" and "Development Authority of Cobb County Lease Revenue Refunding Bonds (KSU Sports and Recreation Park Real Estate Foundation, LLC Project) Federally Taxable Series 2020B" (collectively, the "Series 2020 Bonds"), in the original aggregate principal amount not to exceed $20,000,000. The Series 2020 Bonds are to be issued by the De-

8055 Incorporation

MDJ-5560
GPN-6
NOTICE OF INTENT TO VOLUNTARILY DISSOLVE A CORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is given that a Notice of Intent to Dissolve Schoen Family, LLC a Georgia Business Corporation, with its registered office at 3804 Bluffview Trace, Marietta, Cobb County Georgia 30062 have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code.

2:21,28-2020

MDJ-5561
GPN-06
NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is given that articles of incorporation that will incorporate COURTNEY HILL, CRNA, PC have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The initial registered office of the corporation is located at 1671 HAMMOCK DRIVE, SMYRNA, GA, 30080 and its initial registered agent at such address is COURTNEY HILL.

2:21,28-2020

MDJ-5577
GPN-06
BUSINESS TO BE CONDUCTED UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB

The undersigned hereby certifies that they are conducting a business in the City of Marietta, County of Cobb, in the State of Georgia under the trade name:La Michoacana Helados and that the nature of said business is:ice cream shop and that said business is composed of the following:Leticia Cortes 656 Walnut Cir SW Marietta, GA 30060.
This 11th day of February, 2020.
Rebecca Keaton
Clerk of Superior Court
Cobb County
2:21,28-2020

MDJ-5578
GPN-06
BUSINESS TO BE CONDUCTED UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB

The undersigned hereby certifies that they are conducting a business in the City of Marietta, County of Cobb, in the State of Georgia under the trade name:Sandy Plains Dental Group and that the nature of said business is:denistry and related dental services and that said business is composed of the following:Sandy Plains Dental Group, PC 17000 Red Hill Avenue, Irvinee, CA 92614.
This 12th day of February, 2020.
Rebecca Keaton
Clerk of Superior Court
Cobb County
2:21,28-2020

8055 Incorporation

office of the corporation is located at 2451 Cumberland Parkway SE Unit 3855 Atlanta, Cobb County, Georgia 30339-6157 and its initial registered agent at such address is BILLY OGILVIE, JR.

2:21,28-2020

MDJ-5719
GPN-06
NOTICE OF INTENT TO INCORPORATE

Notice is given that Articles of Incorporation, which will incorporate Guided by Verses, Inc., have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The initial registered office of the corporation will be located at 4981 Colchester Court SE, Atlanta, GA 30339, and its initial registered agent at such address is Robert A. Rodden.

2:28;3:6-2020

MDJ-5722
GPN-6
NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is given that Articles of Incorporation which incorporate K.O. Towing Acquisition, Inc. have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The initial registered office of the corporation is located at 3225 Shallowford Road, Suite 1200, Marietta, Cobb County, Georgia 30062 and its initial registered agent at such address is Lawrence Brannen Damenico.

2:28; 3:6-2020

MDJ-5724
GPN-06
BUSINESS TO BE CONDUCTED UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB

The undersigned hereby certifies that they are conducting a business in the City of Kennesaw, County of Cobb, in the State of Georgia under the trade name:Motto Mortgage Outlet and that the nature of said business is:mortgage brokerage and that said business is composed of the following:Rich Spaulding LLC 813 Omaha Place Kennesaw, GA 30152.
This 18th day of February, 2020.
Rebecca Keaton
Clerk of Superior Court
Cobb County
2:28;3:6-2020

MDJ-5725
GPN-06
BUSINESS TO BE CONDUCTED UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB

The undersigned hereby certifies that they are conducting a business in the City of Marietta, County of Cobb, in the State of Georgia under the trade name:HANDYMAN CONNECTION of Marietta and that the nature of said business is:handyman services and that said business is composed of the following:JAKS Creative Ventures,

8055 Incorporation

MDJ-5807
GPN-6
NOTICE OF INTENT TO VOLUNTARILY DISSOLVE A CORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is given that a Notice of Intent to Dissolve Thru-Way Management, Inc. a Georgia Business Corporation, with its registered office at 707 Whitlock Avenue Marietta Cobb County Georgia 30064 have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code.

2:28; 3:6-2020

MDJ-5825
GPN-06
NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is hereby given that the Articles of Incorporation which incorporate North American Bath Company, Inc. (the "Corporation") have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The initial registered office of the Corporation is located at 148 Golf Crest Drive, Acworth, Georgia 30101, and its initial registered agent at such address is Brian Valente.

2:28;3:6-2020

MDJ-5829
GPN-06
NOTICE OF INCORPORATION
STATE OF GEORGIA
COBB COUNTY

Notice is given that articles of incorporation that will incorporate Max Graphics Inc have been delivered to the Secretary of State for filing in accordance with the Georgia Business Corporation Code. The initial registered office of the corporation is located at 4530 Moon Station Lane NW, Acworth, GA, 30101 and its initial registered agent at such address is Chris Gross.

2:28;3:6-2020

MDJ-5849
GPN-06
BUSINESS TO BE CONDUCTED UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB

The undersigned hereby certifies that they are conducting a business in the City of Powder Springs, County of Cobb, in the State of Georgia under the trade name:Lucky Couture Boutique and that the nature of said business is:online women clothing boutique and that said business is composed of the following:Nicole Owens 5502 Jamestowne Ct Powder Springs, GA 30127.
This 24th day of February, 2020.
Rebecca Keaton
Clerk of Superior Court
Cobb County
2:28;3:6-2020

MDJ-5850
GPN-06
BUSINESS TO BE CONDUCTED

8065 Planning Commission

Daniel Street (2235 Cooper Lake Rd; 2001 Daniel Street). (Continued by the Planning Commission from the December 3, 2019 Planning Commission hearing until the February 5, 2020 Planning Commission hearing; Continued by Staff from the February 5, 2020 Planning Commission hearing until the March 3, 2020 Planning Commission hearing).

SLUP-4(2019) A-1 AUTO CORES, LLC (A1 Machine and Mold Incorporated, owner) requesting a Special Land Use Permit for the purpose of an auto salvage in Land Lot 292 of the 17th District. Located on the north side of Pearl Street and on the west side of West Atlanta Street (778 West Atlanta Street). (Continued by Staff from the March 5, 2019 through February 5, 2020 Planning Commission hearings until the March 3, 2020 Planning Commission hearing).

SLUP-17(2019) ST. BENEDICTS EPISCOPAL DAY SCHOOL, INC. (Cooper Lake-Daniel, LLC, owner) requesting a Special Land Use Permit for the purpose of a private school (expansion of grades 5-8) in Land Lot 695 of the 17th District. Located on the intersection of the northwest side of Cooper Lake Road and the north side of Daniel Street; northeasterly side of Daniel Street (2235 Cooper Lake Road and 2001 Daniel Street). (Continued by the Planning Commission from the December 3, 2019 Planning Commission hearing and the February 5, 2020 Planning Commission hearings until the March 3, 2020 Planning Commission hearing).

Z-1(2020) KNOLL CONSTRUCTION, LLC (Blackstock Properties, LLC, owner) requesting rezoning from R-20 to NRC for the purpose of an office/retail building in Land Lot 789 of the 19th District, Located at the northwest corner of Ernest Barrett Parkway and Powder Springs Road and on the western side of Crane Drive (2650 Powder Springs Road). (Previously continued by the Planning Commission from the February 5, 2020 Planning Commission hearing until the March 3, 2020 Planning Commission hearing).

Z-3(2020) DAVID MENNA (David C. Menna, owner) requesting rezoning from R-20 to R-15 for the purpose of residential subdivision in Land Lot 12 of the 20th District. Located at the southeast corner of Baker Road and Woodstock Road (2930 Baker Road). (Previously continued by Staff from the February 5, 2020 Planning Commission hearing until the March 3, 2020 Planning Commission hearing).

Z-7(2020) SEVEN SPRINGS DEVELOPMENT CO., INC. (Estate of Berma Beatrice Brumbelow, owner) requesting rezoning from R-30 to RSL for the purpose of a senior living subdivision in Land Lot 586 of the 19th District. Located on the north side of Moon Road, west of Florence Road. (Previously continued by the Planning Commission from the February 5, 2020 Planning Commission hearing until the March 3, 2020 Planning Commission hearing).

Z-11(2020) CAMERON GENERAL CONTRACTORS, INC. (Patricia B.

8065 Planning Commission

To consider a stipulation and site plan amendment for Shallowford Wash Leasing, LLC regarding case Z-12 of 1995 for property located on the south side of Shallowford Road, east of Lassiter Road, in Land Lot 400 of the 16th District (3950 Shallowford Road).

ITEM OB-11-2020
To consider a stipulation and site plan amendment for TRG Construction regarding case Z-104 of 1997 for property located on the north side of the East West Connector, east of Powder Springs Road, in Land Lot 788 of the 19th District (2760 East West Connector).

ITEM OB-12-2020
To consider a request for a gated community for Abbas Heidari regarding property located on the southeast side of Paper Mill Road, east of Gateside Place in Land Lots 5, 6 and 74 of the 1st District.

ITEM OB-13-2020
To consider a stipulation amendment for Pulte Home Company, LLC regarding case Z-5 of 2018 for property located on the southwest side of Olde Towne Parkway, east of Johnson Ferry Road, in Land Lot 86 of the 1st District (Olde Towne Parkway).

ITEM OB-14-2020
To consider a stipulation and site plan amendment for John and Nino Soricelli regarding case Z-11 of 1993 for property located on the north side of Chartley Lane, north of Chartley Circle, in Land Lot 102 of the 1st District (3433 Chartley Lane).

ITEM OB-15-2020
To consider a stipulation and site plan amendment for Annabek, LLC regarding case Z-72 of 2019 for property located on the north, south and west sides of Lake Careca Road, west of Hartman Road, in Land Lots 699 and 700 of the 18th District (Lake Careca Road).

NOTE:"Pursuant to the Official Code of Cobb County, Zoning Section 134-124 (b) the Cobb County Board of Commissioners is authorized to consider and may consider all constitutionally permissible zoning classification(s), including, but not limited to, intervening classification(s) and/or the classification(s) sought by the applicant".

The exact description of the property sought to be rezoned is on file in the office of the Cobb County Community Development, Zoning Division, 1150 Powder Springs Street, Suite 400, Marietta, Georgia 30064 and available for inspection by interested citizens between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

Hearing on said petitions will be heard by the Commission at 9:00 a.m. on the prescribed hearing date. The public hearing will be held in the Second Floor Commissioners Meeting Room, Cobb County Building, 100 Cherokee Street, Marietta, Georgia, 30090.

Anyone wishing to attend this public hearing may do so and be heard relative thereto. Any person wishing to speak before the Planning Commission must file a contribution disclosure statement if, and only if, the monetary contribution was made within

8065 Planning Commission

MDJ-5841
GPN-13
CITY OF KENNESAW
PUBLIC NOTICE

Notice is hereby given that the City of Kennesaw shall hold a public hearing to give consideration to transmitting the updated draft of the required Capital Improvement Element and Short-term work program report for 2020-2024 to the Atlanta Regional Commission and Department of Community Affairs for review. These updates are necessary for the City of Kennesaw to maintain qualified local government status.

A copy of the draft is on file in the City Hall in the Planning and Zoning Office for viewing during normal business hours of 8:00am to 5:00pm Monday through Friday. City of Kennesaw is soliciting input from the public on these updates. Mayor and Council will consider adoption of these updates later in 2020 at a scheduled public hearing following public notice.

The Mayor and Council shall hold a public hearing on this matter on March 16, 2020 at 6:30pm meeting to be held at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.

Darryl Simmons
Planning and Zoning Administrator
2:28;3:6-2020

MDJ-5842
GPN-13
City of Kennesaw
Public Notice

Notice is hereby given that the City of Kennesaw shall hold public hearings to amend the Unified Development Code. The proposed amendment is to amend APPENDIX A "UNIFIED DEVELOPMENT CODE", CHAPTER 1 "GENERAL PROVISIONS", SECTION 1.09.02 "DEFINITIONS", and CREATING A NEW SECTION UNDER CHAPTER 4 SECTION 4.06.00 "UNIVERSITY LIVING-PBSH" (purpose built student housing).

Copy of the amendment to the Unified Development Code is on file in the Office of Planning and Zoning during normal business hours, Monday-Friday from 8am to 5pm for public viewing. The Planning Commission held their first public hearing on February 05, 2020 at 7:00pm and the scheduled hearing and adoption by the Mayor and Council will be continued to the March 16, 2020 meeting of 6:30pm. The meeting will be held in the Kennesaw City Council Chambers, 2529 J.O. Stephenson Avenue, Kennesaw, GA. All interested persons may attend and be heard relative there to.

Darryl Simmons
Zoning Administrator
2:28;3:6-2020

8070 Probate

MDJ-5327
GPN-18
IN THE PROBATE COURT OF COBB COUNTY

Regular Meeting Agenda
3/16/2020 6:30 PM
Council Chambers

Title of Item:	FIRST PUBLIC HEARING: Approval of an ORDINANCE to repeal Metricom Franchise Agreement, Appendix E of the City of Kennesaw Code of Ordinances.
Agenda Comments:	On June 20, 2000, the Mayor and City Council adopted Ordinance #2000-12 wherein the City entered into an agreement with Metricom Inc. to grant a franchise to construct, operate and maintain wireless communication systems within the City of Kennesaw right of way. Upon information and belief, Metricom and its successor are no longer in business, the City is not receiving franchise fees from Metricom or any of its successors, and there are no wireless communication system facilities owned by Metricom or its successors in the City right of way. The Metricom Franchise expired by its own terms on June 20, 2016 and the City sent notice to Metricom of its expiration on February 12, 2020. The public hearings were duly advertised in the Marietta Daily Journal March 6, 2020 and March 13, 2020 editions. The final public hearing will be held on April 6, 2020 at the Mayor and Council regular meeting. The City Clerk and legal recommends approval.
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	2/28/2020	Ordinance
Exhibit A	2/28/2020	Exhibit
Exhibit B	2/28/2020	Exhibit
03-13-20 Legal Ad	3/13/2020	Legal Ad

03-06-20 Legal Ad 3/6/2020 Legal Ad

CITY OF KENNESAW, GEORGIA

ORDINANCE NO. 2020-_____, 2020

AN ORDINANCE TO REPEAL
THE METRICOM, INC. FRANCHISE AGREEMENT,
APPENDIX E OF THE MUNICIPAL CODE OF ORDINANCES

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS:

WHEREAS, on June 20, 2000, the Mayor and City Council of the City of Kennesaw adopted Ordinance 2000-12 wherein the City entered into an agreement with Metricom, Inc. (hereinafter "Metricom") to grant a franchise to construct, operate and maintain wireless communication systems within the City of Kennesaw right of way (hereinafter the "Metricom Franchise), a copy of which is attached hereto and incorporated herein by express reference as **Exhibit "A"**;

WHEREAS, upon information and belief, Metricom filed for Chapter 11 bankruptcy shortly after the Metricom Franchise was granted by the City; and

WHEREAS, upon information and belief, following bankruptcy, Metricom sold all of its assets to Civitas Wireless Solutions, LLC; and

WHEREAS, upon information and belief, Civitas Wireless Solutions, LLC liquidated all of its assets in 2009 and is no longer in business; and

WHEREAS, the City is not receiving franchise fees from Metricom or any of its successors; and

WHEREAS, upon information and belief, there are no wireless communication system facilities owned by Metricom or its successors in the City right of way; and

WHEREAS, the Metricom Franchise expired by its own terms on June 20, 2016; and

WHEREAS, on February 12, 2020, the City sent notice to Metricom to notify it that the Metricom Franchise had expired; and

WHEREAS, said notice was sent via Federal Express (signature required tracking number 8115 9769 1647) to Metricom to the department and address provided for in the Metricom Franchise, the same being: Network Real Estate, 980 University Avenue, Los Gatos, CA 95032 and same was returned as being undeliverable. A full and complete copy of said notice is attached hereto and incorporated herein by express reference as **Exhibit "B"**; and

WHEREAS, the City would like to repeal the Metricom Franchise.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF KENNESAW, GEORGIA, AS FOLLOWS:

SECTION 1.

Appendix E of the City Code (Ordinance #2000-12, Sections I through XXIV of the Metricom, Inc. Franchise Agreement) and any amendments thereto are hereby repealed.

SECTION 2.

BE IT FURTHER ORDAINED THAT this ordinance shall become effective immediately from and after its adoption and execution by the Mayor, pursuant to Section 2.11 of the City Charter of the City of Kennesaw.

ORDAINED, PASSED AND ADOPTED by the Kennesaw City Council on this ___ day of , 2020.

CITY OF KENNESAW

By: _____
Derek Easterling, Mayor

ATTEST:

_____
Lea Addington, City Clerk

(SEAL)

APPENDIX E - METRICOM FRANCHISE[1]

ORDINANCE # 2000-12

AN ORDINANCE ESTABLISHING THE CONDITIONS FOR AWARDING A FOUR-YEAR NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A WIRELESS COMMUNICATIONS SYSTEM WITHIN THE CITY OF KENNESAW; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANTING OF SAID FRANCHISE; PROVIDING THE CITY REGULATIONS AND USE OF THE WIRELESS COMMUNICATIONS SYSTEM; PRESCRIBING PENALTIES FOR VIOLATIONS OF THE PROVISIONS THEREFOR.

BE IT ORDAINED BY THE CITY AND COUNCIL OF THE CITY OF KENNESAW:

Footnotes:

--- **(1)** ---

Editor's note— Printed herein is the ordinance granting a franchise to Metricom, Inc., as adopted by the mayor and council on June 20, 2000. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings have been made uniform, catchlines have been added to facilitate usage and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Section 1. - Definitions.

For the purposes of this Ordinance, the following terms, phrases, words, abbreviations and their derivations shall have the same meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

Affiliate means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person.

Applicant shall mean any person submitting an application to the City of Kennesaw for a franchise to operate a fiber-optics telecommunication system and/or wireless communications system under the terms and conditions set forth by the city council.

Cable Act shall mean the Cable Communications Policy Act of 1984, 47 U.S.C. Sec. 532, et seq., as now and hereafter amended.

Cable operator means a telecommunications carrier providing or offering to provide "cable service" within the city as that term is defined in the Cable Act.

Cable service, for the purpose of this ordinance, shall have the same meaning provided by the Cable Act.

Certificate of compliance shall mean that approval required by the FCC in order for a Grantee of [a] fiber-optics telecommunication franchise to begin operation within the city.

Channel shall mean a band of frequencies, six megahertz wide in the electromagnetic spectrum, which is capable of carrying either one audio-video television signal and a number of non-video signals or several thousand non-video signals.

City shall mean the City of Kennesaw, a municipal corporation in the State of Georgia.

City property means and includes all real property owned by the city, other than public streets and utility easements as those terms are defined herein, and all property held in a proprietary capacity by the city, which are not subject to right-of-way licensing and franchising as provided in this ordinance, such telecommunications property owned or controlled by the city being subject to and in compliance with Section 253 of the Telecommunications Act of 1996.

Commercial subscriber shall mean a purchaser of any service delivered over the system who or which is not a residential subscriber.

Council shall mean the present governing body of the city or any successor to the legislative powers of the present city council.

Effective date means the day this agreement has been duly approved by the municipal authorities of the City of Kennesaw.

FCC or Federal Communications Commission means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

Fee means any assessment, license, charge, fee, imposition, tax, or levy of general application to entities doing business in the city lawfully imposed by any governmental body (but excluding any utility users' tax, franchise fees, communications tax, or similar tax or fee).

Grantee shall mean the person to whom or to which a franchise is granted by the city council under this ordinance or anyone who succeeds the person in accordance with the provisions of the franchise.

Gross subscriber revenues shall mean all revenue derived from the monthly charges from all subscribers and received by Grantee.

Installation date shall mean the date that the first system is installed by Grantee pursuant to this agreement.

Laws means any and all statutes, constitutions, ordinances, resolutions, regulations, judicial decisions, rules, tariffs, administrative orders, certificates, orders, or other requirements of the city or other governmental agency having joint or several jurisdiction over the parties to this agreement.

Mayor shall mean the existing or succeeding chief administrative officer of the city, or his designate.

Municipal facilities means city-owned street light poles, lighting fixtures, electroliers, or other city-owned structures and may refer to such facilities in the singular or plural, as appropriate to the context in which used.

Overhead facilities shall mean utility poles, utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities.

Person shall mean any person, firm, partnership, association, corporation, company, joint stock company, limited liability company or organization of any kind including their lessors, trustees and receivers.

Radio means the radio equipment, whether referred to singly or collectively, to be installed and operated by Grantee hereunder.

Residential subscriber shall mean a purchaser of any service delivered over the system to an individual dwelling unit where the service is not to be utilized in connection with a business, trade, or profession.

Services means the mobile digital communications services provided through Ricochet;reg; by Grantee.

State means the State of Georgia.

Street shall mean the surface of and the space in, upon, along, across, and above and below any public street, road, highway, freeway, lane, path, public way, or place, alleycourt, boulevard, parkway, drive or other easement now or hereafter held by the city for the purpose of public travel and shall include

other easements or rights of way as shall be now held or hereafter held by the city which shall, within their proper use and meaning, entitle the city and its Grantee to the use thereof for the purposes of installing or transmitting fiber optics system and/or wireless communications transmissions over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to a wireless communications system.

Telecommunications carrier means and includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the city, used or to be used for the purpose of offering telecommunications service.

Telecommunication facilities means the plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennae, electronics and other appurtenances placed within the public right of way used or to be used to transmit, receive, distribute, provide or offer telecommunications services.

Telecommunications provider means and includes every person who provides telecommunications service over telecommunications facilities without any ownership or management control of the facilities.

Telecommunications service means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

Telecommunications system. See *Telecommunications facilities.*

Underground facilities means utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for overhead facilities.

Usable space means the total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified in the orders and regulations of the Georgia Commerce Commission.

Utility easement means any easement owned by the city and acquired, established, dedicated or devoted for public utility purposes not inconsistent with telecommunications facilities.

Utility facilities means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cables, wires, plant and equipment located under on or above the surface of the ground within the public ways of the city and used or to be used for the purpose of providing utility or telecommunications services.

Section II. - Grant of authority.

The city council of the City of Kennesaw is hereby authorized to grant the right, privilege and franchise to construct, operate and maintain a wireless communications system in the streets of the city for a period of four years from and after the passage, acceptance and effective date of this ordinance, subject to the conditions and restrictions as hereinafter provided; and said right, privilege and franchise may be offered for bid as a franchise agreement ordinance, hereinafter called the agreement, and let to the best bidder after bids have been examined by the city council. However, such agreement shall not affect this franchise agreement between Grantee and the city. The agreement shall contain all standards for performance, engineering and other parameters of public interest and shall be in ordinance form.

Section III. - Franchise term.

The franchise, authority, permit granted Grantee herein shall terminate four years from date of grant. The term of this agreement shall be renewed automatically for three successive terms of four years each on the same terms and conditions as set forth herein, unless Grantee notifies the of its intention not to renew not less than 30 calendar days prior to commencement of the relevant renewal term.

Section IV. - Application for wireless communications system franchise.

(a) No wireless communications system franchise shall be issued except on a written application and upon a form approved by the city council.

(b) The form shall set forth such facts in detail as the city council may deem appropriate including:

(1) If the applicant is an individual, partnership, or unincorporated association, its statement shall contain the names and addresses of all persons (including corporations) having a proprietary or equitable interest in and to the prospective franchisee's business operation, and in and to the prospective franchise if awarded to the proposer. The term "equitable interest" shall include all assignment for value, as well as all contingent assignments of any right or privilege under the prospective franchise, and shall also include any benefit, payment, or emolument whatsoever resulting from the grant of a franchise under this ordinance.

(2) If the applicant is a non-public corporation, the statement shall furnish, additionally, the names and addresses of the officers, directors, and shareholders of the said corporation, together with the number of shares held by each shareholder.

(3) If the applicant is a publicly held corporation, as defined by the rules and regulations of the Securities and Exchange Commission, the statement shall contain the states in which incorporated and/or qualified to do business and the names and addresses of the officers and directors of the corporation.

(4) A full disclosure of the ownership of the facilities to be used in rendering the service;

(5) The source of funds for operation of the system respecting the installation and maintenance of all wireless communications facilities; and shall demonstrate the financial ability to provide and extend service to proposed subscribers at a reasonable cost;

(6) A detailed schedule of the facilities to be employed and the location of the radios used in distributing signals, the service area or areas, the commencement and completion dates of construction of the system and the proposed dates the service will be available to the area or areas named.

(7) A description of applicant's radios within the city.

(8) Information sufficient to determine whether applicant is subject to public way licensing or franchising under this ordinance.

(9) Information sufficient to determine whether the applicant is required to apply for and receive any certificate of authority from the Georgia Public Service Commission to provide wireless communications services or facilities within the city, and, if required, has applied for and received such certification.

(10) Information sufficient to determine that the applicant has applied for and received any construction permit, operating license or other approvals required by the Federal Communications Commission to provide wireless communications services or facilities within the city.

(11) Preliminary engineering plans, specifications and a network map of the facilities to be located within the city, all in sufficient detail to identify:

a. The location and route requested for applicant's proposed facilities.

b. The location of all overhead and underground public utility, telecommunication, cable, water, sewer drainage and other facilities in the public way along the proposed route.

c. The location(s), if any, for interconnection with the telecommunications facilities of other telecommunications carriers.

d. The specific trees, structures, improvements, facilities and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate.

e. The damage or disruption, if any, of public or private facilities, improvements, service, travel or landscaping if the franchise is granted.

f. The proposed locations of Grantee's planned initial installation of radios, which shall be provided to the city promptly after Grantee's review of available street light maps and prior to deployment of the radios. Upon the completion of installation, Grantee promptly shall furnish to the city a list showing the exact location of the radios.

(c) The council may request such other information as it may deem reasonably appropriate.

(d) All applications shall be open to public inspection, shall be kept on file a reasonable length of time at the discretion of the council, and any intentional misrepresentation in an application shall be grounds for its rejection or for termination of the franchise.

(e) All applications shall be considered firm offers to the city, shall be signed and verified by the applicants whose relationship to the applicant shall be set forth and shall bind the applicant to the provisions thereof.

(f) An application for the privilege of a franchise shall be submitted to the city with an initial nonrefundable application fee of $2,500.00. This article shall not apply to renewals of existing franchises.

(g) Performance bond requirements, applicable to applications for new franchises, but not applications for renewals of existing franchises, include:

(1) Each Grantee shall file with its application for a franchise, and at all time thereafter until the completion of construction in accordance with section XII of this ordinance, Grantee shall maintain in full force and effect, an acceptable corporate surety bond, in a form satisfactory to the city council, issued by a surety licensed therefore by the State of Georgia, in the amount of $5000.00, conditioned that a Grantee shall well and truly observe, fulfill and perform all terms and conditions of section XII of this ordinance and that, in case of any breach of a condition of the bond, the amount thereof shall be recoverable from the principal thereof for all damages resulting from the failure of a Grantee to well and faithfully observe, and perform under, section XII of this ordinance (including but not limited to compensation and costs of removal or abandonment of property and repair of streets and other public or private improvements) up to the full amount of the bond.

Section V. - Franchise payments.

(a) The Grantee shall pay to the city, quarterly beginning on or before March 31 of each year, a three percent franchise fee based on gross subscriber revenues received for services to subscribers with billing addresses in the city for the preceding calendar year. No other fee, charge or consideration shall be imposed. A Grantee shall file with the city within 45 days after the expiration of each calendar quarter during the period the franchise shall be in force a financial statement showing in detail the gross subscriber revenues as defined herein of Grantee during the preceding quarter . It shall be the duty of a Grantee to pay to the city at the time for filing such statement the sum hereinabove prescribed. A Grantee shall also file within 90 days following the conclusion of each fiscal year of a Grantee an annual report prepared in accordance with generally accepted accounting standards showing the yearly total gross subscriber revenues and payments to the city and any further relevant financial information in regard to the company as may be reasonably required by the mayor.

(b) In the event the franchise should be terminated or forfeited prior to the end of the initial term, a Grantee shall immediately submit to the city a financial statement prepared as before required, showing the gross subscriber revenues of a Grantee for the time elapsed since the last period for which a Grantee has paid to the city the required percentage of gross subscriber revenues, and a Grantee shall pay to the city not later than 30 days following the termination of the franchise, a like percentage of such revenues and any other sums legally due and owing to the city.

(c) In the event that any payment is not made on or before the applicable date fixed in subsections (a) and (b) hereof, interest on such payments shall apply from such date at the yearly rate of eight percent.

(d) The city shall have the right to inspect a Grantee's records showing the gross subscriber revenues from which its franchise payments are computed and shall have the right of audit and recomputation of any and all amounts paid under the franchise. No acceptance of any payment by the city shall be construed as a release of or an accord or satisfaction of any claim the city might have for further or additional sums payable under the terms of this ordinance or for any other performance or obligation of Grantee hereunder.

(e) Payments of compensation made by a Grantee to the city pursuant to the provisions of this ordinance shall not be considered in the nature of a tax but shall be in addition to any and all taxes which are now or hereafter required to be paid by any law of the United States, the State of Georgia, or the city.

(f) Notwithstanding anything to the contrary in this agreement, if the services are subject to a utility users tax, communications tax, or other similar tax or fee which accrues to the by operation of this Code or other applicable law, then the amount of the franchise fee shall be reduced by the amount of the applicable utility users tax, communications tax, or such other similar tax or fee.

(g) In consideration of the city's execution and delivery of this agreement, the city shall have the right throughout the term of this franchise to receive up to three free Ricochet Internet Access subscriptions. These subscriptions allow for Internet access and e-mail only. Service such as newsgroups, LAN access, and dial-in Internet access will not be provided by Grantee, but may be obtained through an authorized Ricochet;reg; service provider, at the city's expense. City shall designate one person who shall be responsible for ordering and receiving any subscriptions. To take advantage of this program, the designated individual should contact Grantee's local office (typically the local market manager). City's right to use the subscriptions shall commence at the time the Ricochet;reg; service is commercially available in the city and shall extend until the expiration of the term of this franchise or through the length of time that radios are deployed in, on or over the streets, whichever is shorter. City's use of the subscriptions shall be subject to the standard Ricochet;reg; terms and conditions of use together with those of the authorized Ricochet;reg; service provider from which the city obtains service. City understands and agrees that modems and equipment required to utilize the subscriptions and any additional service subscriptions or service options the city may desire will need to be obtained from an authorized retailer at market rates current from time to time. City shall use all subscriptions provided pursuant to this section solely for its own use and shall not be entitled to resell, distribute, or otherwise permit the use of same by any other person, excepting a local public entity that provides public service within the corporate boundaries of the city (e.g., municipal schools, public safety, or fire departments, etc.).

Section VI. - Insurance.

(a) At all times during the term of the franchise, Grantee shall obtain, pay all premiums for and file with the city executed duplicate copies and receipts evidencing the payment of premiums for the following:

(1) A general public liability insurance policy covering any and all claims by any person whatsoever on account of injury to or death of a person or persons occasioned by the operations of a Grantee under franchise herein granted or alleged to have been so caused or occurred with a minimum liability of $500,000.00 per personal injury or death of any one person and $1,000,000.00 for personal injury or death of any two or more persons in any one occurrence.

(2) Property damage insurance for property damage occasioned by the operation of Grantee under the franchise herein granted or alleged to have been so caused or occurred with a minimum liability of $500,000.00 for property damage to any one person and $1,000,000.00 for property damage to two or more persons in any one occurrence.

(3) $2,000,000.00 for all other types of liability. Such insurance shall be kept in full force and effect by a Grantee during the existence of and until after the removal of all poles, wires, cables, underground conduits, manholes, and other conductors and fixtures incident to the maintenance and operation of the wireless communications system as defined in the franchise.

(b) All of the foregoing insurance contracts shall be in form, satisfactory to the city and shall be issued and maintained by companies authorized to do business in the State of Georgia and acceptable to the city and they shall require 30 days written notice of any cancellation to both the city and a Grantee herein, and a copy of said policy shall be filed with the city.

(c) Within 30 days after receipt by the city of said notice the Grantee shall obtain and furnish to the city replacement insurance policies meeting the requirements of this section.

Section VII. - Surety bond.

(a) A Grantee shall maintain and by its acceptance of the franchise specifically agrees that it will maintain throughout the term of the franchise a faithful performance, license and franchise bond running in favor of the city, written by an approved corporate surety in the penal sum of $5000.00, conditioned that the Grantee shall well and truly observe, fulfill and perform each term and condition of the franchise and that in case of any breach of condition of the bond, the amount thereof shall be recoverable from the principal and surety thereof for all damages resulting from the failure of a Grantee to well and faithfully observe and perform any provision of the franchise.

(b) A Grantee shall pay all premiums chargeable for the bond and shall keep the same in force and effect at all times throughout the term of the franchise including the removal of all poles, wires, cables, underground conduits, manholes, and other conductors and fixtures incident to the maintenance and operation of the wireless communications system in the franchise.

(c) The bond shall contain a provision that it shall not be terminated or otherwise allowed to expire prior to 30 days after written notice to that effect is given to the city and a Grantee herein.

(d) The bond shall be in a form satisfactory to the city and a duplicate copy of it, along with written evidence of payment of the required premiums shall be filed with the city during the term of the franchise.

Section VIII. - Indemnity.

(a) Grantee shall at its sole cost and expense fully indemnify, defend, and save harmless the city, its officers, boards, commissions, and employees against any and all claims, suits, actions, liability, and judgements for damages directly or proximately resulting from the installation, operation or maintenance of Grantee's wireless communications system authorized herein, except to the extent arising from or caused by the negligence or willful misconduct of the city, its officers, boards, commissions and employees. The city shall give the Grantee immediate written notice of any such claims, suits or actions and the Grantee shall, at its option, have the right at its expense to assume the defense, including settlement, on behalf of the city or other aforementioned parties with regard to such claims, suits or actions.

(b) These damages or penalties shall include, but shall not be limited to, damages arising out of the installation, operation, or maintenance of the wireless communications system authorized herein, except to the extent arising from or caused by the negligence or willful misconduct of the city, its officers, boards, commissions and employees.

(c) If the Grantee does not assume the defense of the city, Grantee shall pay and by its acceptance of the franchise, specifically agrees that it will pay all reasonable expenses incurred by the city in defending itself with regard to all damages and penalties mentioned above. These expenses shall include but not be limited to all out of pocket expenses such as attorney fees and all other cost of litigation.

Section IX. - Books and records of Grantee.

(a) A Grantee shall, upon request, file with the city engineer a copy, true and accurate, of maps and/or plats of all existing and proposed installations upon the streets. Those maps and plats shall conform to the requirements of the city engineer and shall be kept continuously up-to-date.

(b) A Grantee shall continually keep on file with the city a current list of its shareholders holding over three percent of the outstanding stock and officers with their current addresses.

(c) All books and records of a Grantee concerning its operations within the city shall be made available for inspection and audit during normal business hours by the mayor or his designate within 30 days after any request for such inspection or audit shall be made.

(d) Copies of all rules, regulations, terms and conditions established by a Grantee for the operation of its wireless communications system under the franchise shall be filed with the city, upon request, and at the nearest local office of a Grantee.

Section X. - Conditions of street occupancy.

(a) All transmission and distribution structures, lines and equipment erected by a Grantee within the city shall be so located as to cause minimum interference with the proper use of public streets, and to cause minimum interference with the rights and reasonable convenience of property owners who join any of said streets. Grantee's system shall be constructed and operated in compliance with all adopted city and national construction and electrical codes and shall be kept current with new codes.

(b) Except when expressly permitted in writing by the city engineer, a Grantee shall not erect or authorize or permit others to erect any poles or facilities within the public streets of the city for the conduct of its system but shall use the existing poles and other equipment of the appropriate electrical power and telephone and other utility companies under such terms and agreements as a Grantee negotiates with those companies. The city shall cooperate with a Grantee in negotiating and obtaining permission to use such facilities.

(c) No poles, cables, equipment or wires for the construction, maintenance and operation of the wireless system shall be installed or the installation thereof commenced on any existing pole within the City of Kennesaw until the proposed location, specifications and manner of installation of such cables, equipment and wires shall have been set forth upon a plat or map showing the existing poles, streets, alleys or highways within the City of Kennesaw where such installations are proposed and submitted in writing by a Grantee to the city engineer and approved by that department in writing.

(d) Should a Grantee be required in the conduct of its business to locate property within the streets of the city other than property which may be attached to utility poles, then in that event, before a Grantee shall install or shall permit any other person to install for Grantee any of such property in the street, the nature of such property shall be disclosed to the city engineer for his approval as to the need thereof and as to the location within the street and only installed under such conditions as he shall prescribe concerning such location or installation. The poles shall be of like design and consistency, and aesthetically compatible with the surrounding area.

(e) Whenever the city or state shall require the relocation or re-installation of any property of a Grantee in any of the streets of the city, it shall be the obligation of a Grantee upon notice of such requirement to immediately remove and relocate or reinstall such property as may be reasonably necessary to meet the requirements of the city or state. Such relocation, removal or reinstallation by a Grantee shall be at the sole cost of a Grantee.

(f) Whenever in any place within the city, all the electric and telephone utilities shall be located underground, it shall be the obligation of a Grantee to locate or to cause its property to be located underground within such places. If the electric utilities or telephone utilities shall be located underground in any place within the city after a Grantee shall have previously installed its property, nevertheless, a Grantee shall at the same time or immediately thereafter remove and relocate its property also underground in such places. Facilities of a Grantee placed underground at the property owner's request in an area where electric utilities or telephone utilities are aerial shall be installed with the additional expenses paid by the property owner.

(g) Grantee shall have the authority to trim trees overhanging the streets of the city so as to prevent the branches of such trees from coming in contact with a Grantee's wires and cables. All trimming shall be done under the supervision and direction of the city and at the expense of a Grantee.

(h) In case of disturbance of any street caused by a Grantee, a Grantee shall at its own cost and expense and in a manner approved by the city engineer replace and restore such street in as good condition as before the work involving such disturbance was done. Provided, that where a cut or disturbance is made in a section of sidewalk paving, rather than replacing only the area cut a Grantee shall replace the full width of the existing walk and length of the section or sections cut. A section being determined as that area marked by expansion joints or scoring.

(i) A Grantee shall maintain, repair, and keep in good condition for a period of one year following such disturbance all portions of a sidewalk or street disturbed by it or its agents provided such maintenance and repairs shall be made necessary because of defective workmanship or materials supplied by Grantee.

(j) If at any time in case of emergency or disaster in the city it shall become necessary in the judgment of the mayor and the chief of the police department to cut or move any of the wire cables, amplifiers, appliances or other fixtures of a Grantee, this may be done and the repairs thereby rendered necessary shall be made by a Grantee, at its own costs and expense and without charge against the city. The city shall attempt to notify Grantee in advance of such action, and if not practicable, then as soon thereafter as practicable.

(k) Grantee's work, while in progress, shall be properly executed at all times with suitable barricades, flags, lights, flares, or other devices as are reasonably required to protect all members of the public having occasion to use the portion of the streets involved, or adjacent property.

(l) Attachment to municipal facilities. The city hereby authorizes and permits Grantee to enter upon city streets and to locate, place, attach, install, operate, maintain, remove, reattach, reinstall, relocate, and replace radios in or on municipal facilities for the purposes of operating Ricochet;reg; and providing services. In addition, as provided herein, Grantee shall have the right to draw electricity for the operation of the radios from the power source associated with each such attachment to municipal facilities.

(m) Attachment to third-party property. Subject to obtaining the permission of the owner(s) of the affected property, the city hereby authorizes and permits Grantee to enter upon city streets and to attach, install, operate, maintain, remove, reattach, reinstall, relocate, and replace such number of radios in or on poles or other structures owned by public utility companies or other property owners located within city streets as may be permitted by the public utility company or property owner, as the case may be. Upon request, Grantee shall furnish to the documentation of such permission from the individual utility or property owner responsible. City agrees to cooperate with Grantee, at no cost or expense to city, in obtaining, where necessary, the consents of such third-party owners of property.

(n) Annual fee. As compensation for the use of municipal facilities, Grantee shall pay to the city an annual fee (the "annual fee") in the amount of $60.00 for the use of each municipal facility, if any, upon which a radio has been installed pursuant to this agreement. The aggregate annual fee with respect to each year of the term shall be an amount equal to the number of radios installed on municipal facilities during the preceding 12 months multiplied by the annual fee, prorated as appropriate, and shall be due and payable not later than 45 days after each anniversary of the installation date. City represents and covenants that city owns all municipal facilities for the use of which it is collecting from Grantee the annual fee pursuant to this section.

(o) Electricity charges. Grantee shall be solely responsible for the payment of all electrical utility charges to the applicable utility company based upon the radios' usage of electricity and applicable tariffs.

Section XI. - Initial system installation schedule.

(a) Within 30 days after the acceptance of the franchise, a Grantee shall proceed with due diligence to obtain all necessary permits and authorizations which are required in the conduct of its business, including but not limited to any utility joint use attachment agreements, microwave carrier licenses and any other permits, licenses, and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of Grantee's system.

Section XII. - Type and capacity of equipment to be installed.

The applicant shall specify in its proposal the type and capacity of the equipment to be installed and a Grantee shall be required by the city engineer to update this section of its proposal upon reasonable request.

Section XIII. - Operational standards.

(a) Grantee's system shall be installed and maintained in accordance with generally accepted standards of the industry.

(b) In determining satisfactory compliance with the provisions of this article, the following, among other things, shall be considered:

(1) That the system is installed and remains fully operational and capable of using all equipment.

(2) That the system as installed is capable of transmitting and receiving signals without material degradation.

(3) That the system is designed and capable of 24-hours-a-day continuous operation.

(4) That the system is capable of and will produce a signal upon any subscriber's system that is undistorted and accompanied by proper technical transmission.

(5) The system shall transmit or distribute signals of adequate strength in all systems without cross modulation or interference with other systems.

(6) A Grantee shall render efficient service, make repairs promptly and interrupt service only for such good cause and for the shortest time possible. Such interruptions insofar as possible shall be preceded by notice and shall occur during periods of minimum use of the system.

Section XIV. - Supervision by the city.

(a) A Grantee shall construct, operate and maintain its system subject to the supervision of all of the authorities of the city who have jurisdiction in such matters and in strict compliance with all laws, ordinances and departmental rules and regulations.

(b) Grantee's system and all parts thereof shall be subject to the right of periodic inspection by the city.

(c) The city engineer may from time to time issue such reasonable rules and regulations concerning the construction, operation and maintenance of the system as are consistent with the provisions of this ordinance and all applicable laws, rules and regulations.

(d) If at any time the powers of the city council or any agency or official of the city are transferred by law to any other board, authority, agency or official the transferee shall have the powers, rights and duties previously vested under this ordinance or by law in the council or any agency or official of the city.

Section XV. - Grantee's duty to remove its properties from the public streets.

(a) Following a Grantee's commencement of service through and over its system, a Grantee shall promptly remove from the public streets where its properties are located all or any part of the facilities so located when one or more of the following enumerated conditions occur:

(1) A Grantee ceases to operate the system for a continuous period of six months from the date of said occurrence.

(2) A Grantee fails to construct said system as hereinabove and hereafter provided.

(3) A franchise is terminated or revoked pursuant to notice as provided herein.

(b) A Grantee shall be entitled to receive notice in writing from the city setting forth one or more of the occurrences hereinabove enumerated or such other occurrence hereinbefore or hereinafter provided

and shall have 90 days from the date upon which said notice is received to remove such properties as hereinabove required.

Section XVI. - Operational reports.

(a) Within six months from the acceptance date of the franchise, a Grantee shall submit to the city engineer and the mayor an installation plan for the entire city, indicating the date on which a Grantee expects the installation of the system to be completed and available for service to subscribers in the various areas of the city.

(b) A Grantee shall furnish the city engineer with detailed progress reports at three-month intervals. The first report is to be made three months after the construction commencement date.

Section XVII. - Emergency use of the facilities.

In the event of an emergency or disaster, a Grantee shall, upon request of the mayor, make available its facilities to the city at no cost for emergency use during the period of such emergency or disaster and shall provide such personnel as necessary to properly operate under the circumstances.

Section XVIII. - Compliance with state and federal laws.

(a) A Grantee shall at all times comply with all applicable laws and regulations of the state and federal governments or any administrative agency thereof. In the event technological or regulatory conditions change so as to materially alter the terms and conditions of this agreement, the city or Grantee may, upon six months' written notice, request renegotiation of the terms altered by technological or regulatory changes since the effective date. The party requesting renegotiation, shall include in its notice a description of the technological or regulatory change giving rise to such request and the terms altered thereby. Upon receipt of such notice, the parties shall be required to meet and confer in good faith to negotiate new terms and such negotiations shall be completed within 90 days after receipt of the notice to request renegotiation. Such negotiations may be extended beyond 90 days upon written agreement by the parties. The terms and conditions of this agreement shall remain in full force and effect until an amendment is signed by both parties.

(b) Grantee shall be subject to all city ordinances as set forth herein and Grantee shall also be subject to all applicable rules and regulations which, from time to time, may be promulgated by the Federal Communications Commission.

(c) If the council determines that a material provision of this ordinance is affected by such subsequent action, the council shall have the right to modify any of the provisions herein to such reasonable extent as may be necessary to carry out the full intent and purpose of this ordinance.

Section XIX. - Filing communications with regulatory agencies.

Copies of all petitions, applications and communications submitted by Grantee to the Federal Communications Commission, Securities and Exchange Commission, or any other federal or state regulatory commission or agency having jurisdiction in respect to any matter pertinent to this franchise, shall also be submitted to the city, upon request.

Section XX. - Restrictions against assignment.

(a) The franchise shall not be assigned or transferred either in whole or in part, or leased, sublet or mortgaged in any manner, nor shall title thereto, either legal or equitable, or any right, interest, or property therein, pass to or vest in any person either by the act of a Grantee or by operation of law without the consent of the city council. The granting, giving or waiving of any one or more of such consents shall not render unnecessary any subsequent consent or consents. Notwithstanding the foregoing, the transfer of the rights and obligations of Grantee hereunder to a parent, subsidiary, successor, or affiliate shall not be deemed an assignment for the purposes of this agreement.

(b) The consent or approval of the council to any assignment, lease, transfer, sub-lease, or mortgage of the franchise shall not be unreasonably withheld, conditioned or delayed and shall not constitute a waiver or release of the rights of the city in and to the streets.

(c) No change in control of Grantee, the radios or this agreement shall occur nor shall any of Grantee's rights or obligations in or regarding the radios or this agreement be assigned after the effective date without the express written consent of the city, which consent shall not be unreasonably withheld, conditioned, or delayed. Notwithstanding the foregoing, the prior consent of the city shall not be required with respect to intracorporate reorganizations between or among entities wholly owned or wholly controlled by or in control of Grantee to the extent such transaction does not involve a material change in the management, day to day operations, or negatively change the financial condition of Grantee; provided the city shall receive 30 days advance written notice of such intracorporate reorganization and any additional information as may be required to confirm that the transfer is an intracorporate reorganization and not subject to the city's consent. For purposes of this section, "control" means actual working control in whatever manner exercised, but such that such person may determine corporate policies and operations, including, without limitation, working control through ownership, management, debt instruments or negative control, as the case may be, of the Grantee or its communications system. A rebuttable presumption of the existence of control shall arise from the beneficial ownership, directly or indirectly, by any person, or group of persons acting in concert, of more than 50 percent of any person (which person or group of persons is hereinafter referred to as "controlling person").

(d) Nothing in this section shall be deemed to prohibit a mortgage or pledge of the system equipment or any part thereof or a leasing by a Grantee from another person of said system equipment or part thereof for financing purposes or otherwise. Any such mortgage, pledge, or lease shall be made only with the prior approval of the council and shall be subject and subordinate to the rights of the city under this contract or applicable law.

(e) Upon receipt from the Grantee of a written request for approval of any transaction subject to this section, the city shall have 30 days within which to approve or disapprove such transaction and, if no such action is taken within said 30-day period, the transaction shall be deemed to be approved by the city.

Section XXI. - Preferential or discriminatory practices prohibited.

A Grantee shall not make or grant any undue preference or advantage to any person or subject any person to any undue prejudice or disadvantage. Nothing in this section shall prevent Grantee from taking reasonable business actions.

Section XXII. - Revocation of franchise.

(a) In addition to all of the rights and powers reserved or pertaining to the city, the city reserves as an additional and as a separate and distinct power the right to terminate the franchise and all rights and privileges of a Grantee hereunder in any of the following events or for any of the following reasons:

(1) A Grantee shall by act or omission violate in a substantial fashion any material term or condition of this ordinance, and, within 45 days following written demand by the city, shall fail to effect compliance.

(2) A Grantee becomes insolvent, or is adjudged a [to be] bankrupt, or all or part of Grantee's facilities should be sold under an instrument to secure a debt and are not redeemable by Grantee within 45 days from said sale.

(3) A Grantee attempts to or does practice any fraud or deceit in its conduct or relations under the franchise with the city.

(b) A Grantee shall not be declared in default or be subject to any sanction under any provision of this ordinance in any case in which performance of any such provision is prevented for reasons beyond its control.

Section XXIII. - Procedures.

(a) Any inquiry, proceeding, investigation or other action to be taken or proposed to be taken by the city council in regard to the operations of Grantee's system other than as provided in subparagraph (c) of this section shall be taken only after 30 days public notice of such action or proposed action is published in a local daily or weekly newspaper having general circulation in the city; a copy of such action or proposed action is served directly on Grantee; and, the Grantee has been given an opportunity to respond in writing and/or at hearing as may be specified by the city council, and general members of the public have been given an opportunity to respond or comment in writing on the action or proposed action.

(b) The public notice required by this section shall state clearly the action or proposed action to be taken, the time provided for response and the person or persons in authority to whom such responses should be addressed, and such other procedure as may be specified by the city council. If a hearing is to be held, the pubic notice shall give the date and time of such hearing, whether public participation will be allowed and the procedures by which such participation may be obtained. The Grantee is a necessary party to any hearing conducted in regard to its operations.

(c) An informal complaint shall be submitted to the city manager in writing and shall contain: (1) the name and address of the complainant; (2) the name of the system against which the complaint is made; and (3) complete statement of facts upon which the complaint is based.

(1) Upon receipt of any informal complaint, the city manager will forward a copy to the system complained of or may take the question up by correspondence with the system. Within such time as may be prescribed by the city manager, the system will be called upon to satisfy the complaint or advise the city manager of its refusal or inability to do so. If the system satisfies the complaint, it shall so notify the city manager in accordance with the provisions of subparagraph (c) hereof. The city manager will forward a copy of the system's notice of satisfaction to the complainant. If the system refuses or is unable to satisfy the complaint, it shall so notify the city manager, and the city manager will forward a copy of such notice to the complainant, with a statement of the procedure to be followed to further prosecute the complaint.

(2) If a system satisfies any complaint brought to its attention by the city manager, a statement must be filed with the city manager setting forth when and how the complainant has been satisfied.

(3) When a complainant has not been satisfied pursuant to subparagraph (b) hereof, the complainant may file a formal complaint with the city council in the form and manner to be specified thereby. The complaint to the city council must be filed within six months from the date of the city manager's statement accompanying a copy of the system's notice of refusal or inability to satisfy the complaint, and the complaint to the city council must make reference to the date of the complaint filed with the city manager and that it is based on the same facts as the complaint filed with the city manager. If no complaint is filed with the city council within the six-month period, the complainant will be deemed to have abandoned his complaint, and such complaint will be deemed dismissed.

Section XXIV. - Grantee's remedies.

(a) Except as expressly provided in the franchise, a Grantee herein shall have no recourse whatsoever against the city for any loss, cost, or expenses or damage arising out of the provisions or requirements of the franchise or because of the enforcement thereof by the city nor for the failure of the city to have the authority to grant all or any part of the franchise, unless arising from or the result of the city's negligence or willful misconduct.

(b) A Grantee expressly acknowledges that upon accepting a franchise, it does so relying upon its own investigation and understanding of the power and authority of the city to grant the franchise.

(c) A Grantee by acceptance of the franchise acknowledges that it has not been induced to enter into the franchise by any understanding or promise or other statement whether verbal or written by or on

behalf of the city or by any other third person concerning any term or condition on the franchise not expressed herein.

(d) A Grantee further acknowledges by acceptance of the franchise that it has carefully read the terms and conditions hereof and is willing to and does accept all of the risks of the meaning of such terms and conditions.

Section XXV. - Failure to enforce this franchise no waiver of the terms thereof.

Neither party shall be excused from complying with any of the terms and conditions of the franchise by any failure of the other party upon any one or more occasions to insist upon or to seek compliance with any such terms or conditions.

Section XXVI. - Time is of the essence of this agreement.

Whenever the franchise shall set forth any time for any act to be performed by or on behalf of either party, such time shall be deemed of the essence.

Section XXVII. - Grantee will not contest validity of franchise.

A Grantee agrees by the acceptance of the franchise that it will not at any time set up against the city in any claim or proceeding any condition or term of the franchise as unreasonable, arbitrary or void or that the city had not power or authority to make such term or condition under applicable laws and regulations as they exist at the time of the adoption of this ordinance.

Section XXVIII. - Rights reserved to the city.

(a) Without limitation upon the rights which the city might otherwise have, the city does hereby expressly reserve the following rights, powers and authorities:

(1) To exercise its governmental powers now or hereafter to the full extent that such powers may be vested in or granted to the said city.

(2) To determine through the council any question of fact relating to the meaning, terms, obligations or other factors of the franchise.

(3) To grant additional franchises within the city to other persons for the conduct of fiber optics telecommunication and/or wireless communications under the terms and conditions of this ordinance.

Section XXIX. - Acceptance.

(a) This ordinance and its terms and provisions shall be accepted by a Grantee by a written franchise agreement executed and acknowledged by Grantee and filed with the clerk of the city council. Said agreement shall incorporate Grantee's written application to the city for the franchise and shall bind Grantee to the provisions of said application. The council may require a Grantee to clarify any portion of its written application prior to final acceptance.

Section XXX. - Extension of city limits.

Upon the annexation of any territory to the city (other than through a governmental consolidation process, as to which the city makes no agreement), the right and franchise hereby granted shall extend to the territory so annexed to the extent the city has authority; and all facilities owned, maintained or operated by Grantee, located within, under, or over streets of the territory so annexed shall thereafter be subject to all terms hereof. The city shall provide Grantee written notice describing the annexed areas and reflecting the effective date of such annexation. Under all events, this shall be expressly subject to the provisions of any intergovernmental agreement with surrounding jurisdictions.

Section XXXI. - Local office.

During the term of this franchise, and any renewal thereof, the Grantee shall maintain within the city a local business office or agent. The provisions of this section shall be complied with if Grantee maintains a local business headquarters office within __ airline miles of the center of the city; and provides the city manager's office with the name, address and phone number of an individual who will act as Grantee's agent to receive complaints regarding quality of service, equipment malfunctions and similar matters.

Section XXXII. - Employment regulations.

A Grantee shall not refuse to hire or employ, nor bar or discharge from employment, nor discriminate against any person in compensation or in terms, conditions or privileges of employment because of sex, race, creed, color or national origin. A Grantee shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their sex, race, creed, color or national origin. This requirement shall apply to, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training.

Section XXXIII. - Severability.

If any section, sentence, clause, phrase or part of this ordinance is for any reason held to be illegal, invalid, unconstitutional or void, all other sections, sentences, clauses, phrases or parts not so held shall be and remain in full force and effect.

Section XXXIV. - Notices.

All notices which shall or may be given pursuant to this agreement shall be in writing and delivered personally or transmitted (a) through the United States mail, by registered or certified mail, postage prepaid; (b) by means of prepaid overnight delivery service; or (c) by facsimile or email transmission, if a hard copy of the same is followed by delivery through the U.S. mail or by overnight delivery service as just described, addressed as follows:

If to the City of Kennesaw:

City Manager
City of Kennesaw
2529 J.O. Stephenson Avenue
Kennesaw, Georgia 30144-2797

If to Grantee:

Metricom, Inc.
Attn: Network Real Estate
980 University Avenue
Los Gatos, CA 95032

Notices shall be deemed given upon receipt in the case of personal delivery, three days after deposit in the mail, or the next business day in the case of facsimile, email, or overnight delivery. Either party may from time to time designate any other address for this purpose by written notice to the other party delivered in the manner set forth above.

BENTLEY, BENTLEY & BENTLEY

Attorneys at Law

241 WASHINGTON AVENUE
MARIETTA, GEORGIA 30060
(770) 422-2300
THEBENTLEYFIRM.COM

FRED D. BENTLEY, SR.
FRED D. BENTLEY, JR.*
R. RANDALL BENTLEY, SR.

ESTABLISHED 1948

FACSIMILE NO.:
(770) 424-5820

*ADMITTED TO PRACTICE IN LOUISIANA AND TEXAS

OF COUNSEL

SAM P. HENSLEY, JR.
JAMIE S. WINGLER
LAUREN L. MCKENZIE
STAN D. BABB
COLEEN D. HOSACK
LINDA W. BRUNT
J. MATTHEW BENTLEY

Delivered:
FED EX OVERNIGHT (signature required tracking number: 8115 9769 1647)
USPS CERTIFIED MAIL RETURN RECEIPT REQUESTED (number: 7017 1000 0000 7238 7975)

February 12, 2020

Metricom, Inc.
Attn: Network Real Estate
980 University Avenue
Los Gatos, CA 95032

Re: Notice of termination of June 20, 2000 Franchise agreement between Metricom, Inc. and City of Kennesaw, Georgia

Dear Sir or Madam:

The purpose of this letter is to notify Metricom, Inc. that the referenced Franchise Agreement expired on its own terms on June 20, 2016. Pursuant to Section XV of the agreement, the City is requesting that Metricom, Inc. promptly remove from the public streets all or any part of the facilities so located within 90 days from the date of this letter.

In the alternative, to the extent that Metricom, Inc. or its successors and assigns would like to continue to occupy the City right of way under O.C.G.A. § 46-5-1 as a "telephone company", please make application with the City of Kennesaw for a Utility Accommodation Permit. To the extent that Metricom, Inc. is a telephone company seeking to occupy the right of way in the City of Kennesaw, the City is entitled to compensation from Metricom, Inc. under that statute.

Please respond to my letter no later than February 26, 2020.

Sincerely,

Coleen Hosack

Coleen D. Hosack, Esq.
Attorney for the City of Kennesaw, Georgia

Enclosure: June 20, 2000 Franchise Agreement

cc: Jeff Drobney, City Manager (via email to jdrobney@kennesaw-ga.gov)
R. Randall Bentley, Sr., City Attorney (via email to randall@thebentleyfirm.com)
Debra Taylor, City Clerk (via email to dctaylor@kennesaw-ga.gov)
Ricky Stewart, Public Works Director (via email to rstewart@kennesaw-ga.gov)

8000 Legals

filing of said Declaration of Taking.
That in accordance with the Official Code of Georgia Annotated Section 32-3-13 through 32-3-19, if the owner, or any of the owners, or any person having a claim against or interest in said property, shall be dissatisfied with the compensation, as estimated in the Declaration of Taking and deposited in Court, such person or persons, or any of them, shall have the right, at any time subsequent to the filing of the Declaration and the deposit of the fund into Court but not later than thirty (30) days following the date of service as provided for in the Official Code of Georgia Sections 32-3-8 through 32-3-10, to file with the Court a Notice to Appeal, the same to be in writing and made a part of the record in the proceedings.
The said property, as thus affected, is described as follows: the title, estate, or interest in lands, required by Condemnor and now taken by Condemnor for public road use and land necessary for construction, maintenance and improvements of part of the public transportation system within said county is the land and rights in land shown on a plat attached to the petition and easements as may be indicated upon said plats, together with the right to construct, including the rights of ingress and egress in order to operate, install, maintain, inspect, repair, replace and improve a public road system, together with all fixtures and equipment necessarily incident thereto, together with all rights of access to, from, into and upon said described property, and the right to enter upon any adjacent land of Condemnee(s) herein not taken, for the purpose of removing or dismantling any structures or encroachments, if any, of any type, lying wholly or partially within the boundaries of the property sought to be taken, all of which is included in the estimate of just compensation. Said right-of-way and other interests in land are for public road purposes forming a part of the public road system within Cobb County and are more particularly described in the legal description attached hereto as Exhibit "A."
This 25th day of February, 2020.
s/Rebecca Keaton, CLERK,
COBB SUPERIOR COURT

EXHIBIT "A"

Fee Simple Right-of-Way:
All that tract or parcel of land lying and being in Land Lots 189 and 190, 18th District, Second Section of Cobb County, Georgia, being more particularly described as follows:
BEGINNING at Point DE30015, said point being located 60.88 feet left of and opposite station 61+56.45 on the construction centerline laid out for MABLETON PKWY; thence N 17° 14'18.2" W a distance of 28.23 feet to Point DE30016, said point being located 57.81 feet left of and opposite station 61+84.00 on the construction centerline laid out for MABLETON PKWY;

8000 Legals

R. COHEN; MICHAEL J. D'AURIA; JAMES B. ELSER; MELVIN LOUIS FINKEL; ALLAN R. FLAMM; STEVEN A. FRALEY; STEPHEN FARRAR AND MARGARET FARRAR; KEVIN KESTER; NA MANAGEMENT PROPERTIES, LLC; ANITA LEVY; LESLIE A. LEVY; SIDNEY H. NEWBURGER; DOROTHY POMERANCE; ARNOLD B. RUBENSTEIN, MD; JOHN A. TAYLOR AKA JOHN A. TAILOR; JERRY TILLEM; CARNICERIA LA MEXICANA, INC.; HMS BEAUTY, LLC D/B/A BEAUTY MART; FAMILY DOLLAR STORES OF MABLETON, GA, INC.; PLAZA LIQUOR, LLC; I COMMUNICATIONS MABLETON, LLC; JANE DOE d/b/a RON HAIR BRAIDING & ACCESSORIES; JOHN DOE d/b/a PRESTIGE TAX SERVICES & INSURANCE; AKP INTERNATIONAL, LLC; NAILS BY SALLY, LLC; and Carla Jackson, as Tax Commissioner, Kelli Wolk, as Probate Judge, and any and all others having or claiming any interest in the described lands,
Condemnees.
CASE NO.: 20-1-01429-49
(PARCEL 14)
TO: ALL OF THE ABOVE-NAMED CONDEMNEES, INCLUDING CARLA JACKSON, AS TAX COMMISSIONER, KELLI WOLK, PROBATE JUDGE,
and to all other person(s) in possession of or having claims against, the property described in the petition for condemnation and declaration of taking in the above stated case; and to all and singular the sheriffs of the state and county and their lawful deputies:

CITATION

The said named persons and any and all other persons, either known or unknown, claiming any right, title, power, interest, ownership, equity, claim or demand in and to the lands hereinafter described, and all occupants, tenants, lessees, licensees, and all holders, owners and users of ways and easements in, across, over and under said land are hereby notified, under the provisions of the Official Code of Georgia Sections 32-3-1 through 32-3-19, providing for the exercise of the power of eminent domain by Cobb County, as follows: That the above-stated case, being a condemnation in Rem against the property hereinafter described, was filed in said County on the 25th day of February, 2020.
That, in accordance with provisions of the aforesaid Official Code, a Declaration of Taking, duly authorized and properly executed as provided by the official Code, has been made and filed in said case, declaring the necessity for and exercising the power of taking the said described lands for public transportation purposes, thereby vesting the title to same in Cobb County. In pursuance of said authority, Cobb County has deposited with the Clerk of the Superior Court of Cobb County, the sum of $31,700.00 as the estimated just compensation for the lands described;

8000 Legals

10.30 feet to Point DE30012, said point being located 50.80 feet left of and opposite station 63+78.93 on the construction centerline laid out for MABLETON PKWY; thence S 19°40'11.5" E a distance of 22.96 feet to Point DE30000, said point being located 51.74 feet left of and opposite station 63+55.99 on the construction centerline laid out for MABLETON PKWY; thence S 12° 48'05.1" E a distance of 67.93 feet to Point DE30009, said point being located 62.60 feet left of and opposite station 62+88.94 on the construction centerline laid out for MABLETON PKWY; thence S 17°48'49.7" E a distance of 20.53 feet to Point DE30010, said point being located 64.10 feet left of and opposite station 62+68.47 on the construction centerline laid out for MABLETON PKWY; thence S 49°46'06.6" W a distance of 11.79 feet back to the POINT OF BEGINNING.
Said tract containing 1,226.62 square feet (0.028 acre) more or less.
Said easement will expire twenty-four (24) months from date of taking.
Limits of Access from station 62+71.89 on the construction centerline laid out for MABLETON PKWY to station 63+78.93 on the construction centerline laid out for MABLETON PKWY being 107.04 linear feet more or less.
3:6,13-2020

MDJ-5872
GPN-17
ARK SELF STORAGE
Pursuant to the Georgia Self Storage Facilities Act, shall conduct a public Auction of the contents of the following units to the highest bidder, at 1744 Cobb Parkway S, Marietta, GA. 30060, (770) 955-5128. The sale will be on **THURSDAY, MARCH 26, 2020 at 1:00 P.M.**, in front of each unit. Management reserves the right to withdraw units, items, and reject bids. All sales are final and must be paid for with cash or certified funds. All units must be emptied and swept clean within 48 hours. Contents of each unit will be available for inspection at the time of the auction. If for any reason any unit is not sold on the above date, it will be sold at the next scheduled auction.
Units contain household goods, furniture, tools and miscellaneous other items, unless noted otherwise. Any vehicles that are auctioned will be sold as parts only, no titles are involved.
SHARON WILLIAMS UNIT #C47
CHRIS YEATER UNIT #D06
MAGGIE SWEENEY UNIT #D62
MELINDA BURNETTE UNIT #E30
AHMADOU NGOM UNIT #E48
JULIA BAKER . /CHERYL BUTLER UNIT #DC18
WAYNE MORGAN, JR UNIT #DE10
MAGGIE SWEENEY UNIT #DF18
CHARLENE BENJAMIN UNIT #FC01
ROBERT WOOD UNIT #DC09
3:6,13-2020

MDJ-5894
GPN-10
IN THE JUVENILE COURT OF

8000 Legals

you. A copy of the petition for termination of parental rights may be obtained from the clerk of the Juvenile Court of Cobb County, Georgia, which is located at 32 Waddell Street, Marietta, Cobb County, Georgia 30090, during regular business hours, Monday through Friday, 8:00 a.m. until 5:00 p.m., exclusive of holidays. A free copy shall be available to you. Upon request to the clerk, the copy will be mailed to you. The child is in the present temporary custody of the department of family and children services of Cobb County, Georgia.
The general nature of the allegations are that parental responsibilities and obligations owed to said child have been effectively abandoned.
YOU ARE FURTHER NOTIFIED that while responsive pleadings are not mandatory they are permissible and you are encouraged to file with the clerk of this court and serve upon petitioner's attorney, Lori A. Cheatham, 272 Washington Avenue, Marietta, Georgia 30060, an answer or other responsive pleading within sixty (60) days of the date of the order for service by publication.
All concerned parties are informed that they are entitled to have an attorney represent them and if a party requests appointed counsel and qualifies for such appointment, then the court will appoint counsel at no cost if the party is unable, without financial hardship, to employ counsel.
Witness the Honorable
Wayne E. Grannis,
Judge of said court.
This 26th day of February, 2020.
SHONELL SFREDDO, CLERK
JUVENILE COURT OF
COBB COUNTY
3:6,13,20,27-2020

MDJ-5900
GPN-10
IN THE JUVENILE COURT OF
CHEROKEE COUNTY
STATE OF GEORGIA
IN THE INTEREST OF:
F. F. DOB: 03/24/2016; AGE: 3;
SEX: F; CASE NO.: 028-18J-1197
Minor Child under the age of
eighteen (18) years.
NOTICE OF SUMMONS
TO: JOSE NEPTALY FIGUEROA FUENTES A.K.A. CHOLIN FIGUEROA, the alleged putative father of the above-named minor child whose last known location in Georgia was Cobb County and he was deported to Honduras on or about July 22, 2016; and JOHN DOE, and any unknown, unnamed biological and/or legal father(s) of the above-named minor child born to FELICITA FUNEZ on the date of birth listed above.
In accordance with O.C.G.A. 15-11-284 you are hereby notified that this proceeding and the hearing specified herein is for the purposes of terminating parental rights. You are hereby notified that a Petition for Termination of

8000 Legals

items storagetreasures.com
Yinka Olajide 602 Household goods/view items storagetreasures.com
Spencer Ross 604 Household goods/view items storagetreasures.com
Kenny Saroy 716 Household goods/view items storagetreasures.com
Marshall Hoots 755 Household goods/view items storagetreasures.com
Jennifer Reyes 761 Household goods/view items storagetreasures.com
Rico Lee 844 Household goods/view items storagetreasures.com
Nisha Marshall 852 Household goods/view items storagetreasures.com
Maria Valdez Ruiz 912 Household goods/view items storagetreasures.com
Maria Valdez Ruiz 916 Household goods/view items storagetreasures.com
Yutang B. Chaney 971 Household goods/view items storagetreasures.com
3:6,13-2020

MDJ-5903
GPN-17
PUBLIC SALE/ONLINE AUCTION
This is an Online Auction only, to view content inventory, please go to www.storagetreasures.com
Notice of auction at A-1 Mini Storage/Six Flags 361 Riverside Parkway, Austell, GA 30168. Action runs online from **noon Friday, March 13, 2020 thru 11:00am Saturday, March 28, 2020**
All items must be paid and removed from facility within 48 hours after auction bidding closes out. We only accept CASH at facility as payment on your winning bids. Buyers must secure space with own lock. We reserve the right to withdraw any units from this notice.
NAME UNIT DESCRIPTION
Tiara Marsh 104 Household goods/view items storagetreasures.com
Donald Harper 214 Household goods/view items storagetreasures.com
Michelle Smith 220 Household goods/view items storagetreasures.com
Jovaughn Stanley 305 Household goods/view items storagetreasures.com
Winsome Carter 311 Household goods/view items storagetreasures.com
Patience Gbolo 326 Household goods/view items storagetreasures.com
Bonus Unit 344 Household goods/view items storagetreasures.com
Sade Kinmon 358 Household goods/view items storagetreasures.com
Brian Williams 363 Household goods/view items storagetreasures.com

8000 Legals

04 JEEP LIBERTY 1J4GL48K14W245938
08 KIA SPECTRA KNAFE121785549908
14 KIA SPORTAGE KNDPB3AC9E7556227
06 LEXUS GX470 JTJBT20X360123399
97 MERCEDES C280 WDBHA28E8VF585506
01 MERCURY GR.MARQUIS 2MEFM75W41X602342
00 MERCURY MTNEEER 4M2DU86P3YUJ32547
04 MITSUBISHI ENDEAVOR 4A4MM21S04E006450
99 NISSAN ALTIMA 1N4DL01D3XC171026
05 NISSAN ALTIMA 1N4AL11D15C350199
07 NISSAN MURANO JN8AZ08T17W512712
11 NISSAN VERSA 3N1BC1CP1BL424973
08 SATURN AURA 1G8ZS57B78F236685
97 TOYOTA CAMRY 4T1BG22K5VU818530
99 TOYOTA CAMRY 4T1BG28K6XU448313
00 TOYOTA CAMRY JT2BG22K2Y0410902
03 TOYOTA CAMRY 4T1BF30K53U548739
3:6,13-2020

MDJ-5924
GPN-16
NOTICE OF PUBLIC HEARING
CITY OF KENNESAW
Notice is hereby given the Mayor and Council of the City of Kennesaw, Georgia will conduct public hearings on March 16 and April 6, 2020 at 6:30 p.m. in the City Council Chambers, Kennesaw City Hall at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia 30144 to consider an Ordinance to repeal the Metricom, Inc. franchise agreement, Appendix E of the Municipal Code of Ordinances. A copy of the proposed Ordinance is on file in the Office of the City Clerk during normal business hours, Monday-Friday, 8:00 a.m. to 5:00 p.m. for public viewing.
3:6,13-2020

MDJ-5929
GPN-17
NOTICE OF PUBLIC SALE
The following self-storage Cube contents containing household and other goods will be sold for cash by CubeSmart 4771 S. Atlanta Rd SE Atlanta, GA 30339 to satisfy a lien on March 4, 2020 at approx. 11:30 am at www.storagetreasures.com
Name Unit #
General Description of Property
Keith Braswell 1045
Rhonda Robinson 2109
Julia Gray 3079
Shanteria Morris 3089
Tseleng Molton 4054
3:13,20-2020

MDJ-5940
GPN-17
ABANDONED VEHICLES
Ford 2005 Freestyle

8000 Legals

Georgia.
The general nature of the allegations are that parental responsibilities and obligations owed to said child have been effectively abandoned.
YOU ARE FURTHER NOTIFIED that while responsive pleadings are not mandatory they are permissible and you are encouraged to file with the clerk of this court and serve upon petitioner's attorney, Lori A. Cheatham, 272 Washington Avenue, Marietta, Georgia 30060, an answer or other responsive pleading within sixty (60) days of the date of the order for service by publication.
All concerned parties are informed that they are entitled to have an attorney represent them and if a party requests appointed counsel and qualifies for such appointment, then the court will appoint counsel at no cost if the party is unable, without financial hardship, to employ counsel.

Witness the Honorable
Wayne E. Grannis,
Judge of said court.
This 26th day of February, 2020.
SHONELL SFREDDO, CLERK
JUVENILE COURT OF
COBB COUNTY
3:6,13,20,27-2020

MDJ-5900
GPN-10
IN THE JUVENILE COURT OF
CHEROKEE COUNTY
STATE OF GEORGIA
IN THE INTEREST OF:
F. F. DOB: 03/24/2016; AGE: 3;
SEX: F; CASE NO.: 028-18J-1197
Minor Child under the age of
eighteen (18) years.
NOTICE OF SUMMONS
TO: JOSE NEPTALY FIGUEROA FUENTES A.K.A. CHOLIN FIGUEROA, the alleged putative father of the above-named minor child whose last known location in Georgia was Cobb County and he was deported to Honduras on or about July 22, 2016; and JOHN DOE, and any unknown, unnamed biological and/or legal father(s) of the above-named minor child born to FELICITA FUNEZ on the date of birth listed above.
In accordance with O.C.G.A. 15-11-284 you are hereby notified that this proceeding and the hearing specified herein is for the purposes of terminating parental rights. You are hereby notified that a Petition for Termination of

8000 Legals

Rico Lee 844 Household goods/view items storagetreasures.com
Nisha Marshall 852 Household goods/view items storagetreasures.com
Maria Valdez Ruiz 912 Household goods/view items storagetreasures.com
Maria Valdez Ruiz 916 Household goods/view items storagetreasures.com
Yulang B. Chaney 971 Household goods/view items storagetreasures.com

3:6,13-2020

MDJ-5903
GPN-17
PUBLIC SALE/ONLINE AUCTION
This is an Online Auction only, to view content inventory, please go to www.storagetreasures.com
Notice of auction at A-1 Mini Storage/Six Flags 361 Riverside Parkway, Austell, GA 30168. Action runs online from noon Friday, March 13, 2020 thru 11:00am Saturday, March 28, 2020
All items must be paid and removed from facility within 48 hours after auction bidding closes out. We only accept CASH at facility as payment on your winning bids. Buyers must secure space with own lock. We reserve the right to withdraw any units from this notice.

NAME	UNIT	DESCRIPTION
Tiara Marsh	104	Household goods/view items storagetreasures.com
Donald Harper	214	Household goods/view items storagetreasures.com
Michelle Smith	220	Household goods/view items storagetreasures.com
Jovaughn Stanley	305	Household goods/view items storagetreasures.com
Winsome Carter	311	Household goods/view items storagetreasures.com
Patience Gbolo	326	Household goods/view items storagetreasures.com
Bonus Unit	344	Household goods/view items storagetreasures.com
Sade Kinmon	358	Household goods/view items storagetreasures.com
Brian Williams	363	Household goods/view items storagetreasures.com
Winsome Carter	366	Household

8000 Legals

C171026
05 NISSAN ALTIMA
1N4AL11D15C350199
07 NISSAN MURANO
JN8AZ08T17W512712
11 NISSAN VERSA
3N1BC1CP1BL424973
08 SATURN AURA 1G8ZS57B78F236685
97 TOYOTA CAMRY
4T1BG22K5VU818530
99 TOYOTA CAMRY 4T1BG28K6X-U448313
00 TOYOTA CAMRY
JT2BG22K2Y0410902
03 TOYOTA CAMRY
4T1BF30K53U548739

3:6,13-2020

MDJ-5915
GPN-14
Notice
This notice is given pursuant to IRS requirements to private foundations. The annual report for the Styles Memorial Scholarship Fund for CY2019 is available for public inspection at its principal office during regular business hours by any citizen who requests inspection within 180 days after this notice is published.

Anne L. Styles
Trustee and Principal Manager
3589 Bozeman Lake Road
Kennesaw, Ga. 30144
Telephone: 404-625-2504

3:6-2020

MDJ-5924
GPN-16
NOTICE OF PUBLIC HEARING
CITY OF KENNESAW
Notice is hereby given the Mayor and Council of the City of Kennesaw, Georgia will conduct public hearings on March 16 and April 6, 2020 at 6:30 p.m. in the City Council Chambers, Kennesaw City Hall at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia 30144 to consider an Ordinance to repeal the Metricom, Inc. franchise agreement, Appendix E of the Municipal Code of Ordinances. A copy of the proposed Ordinance is on file in the Office of the City Clerk during normal business hours, Monday-Friday, 8:00 a.m. to 5:00 p.m. for public viewing.

3:6,13-2020

MDJ-5940
GPN-17
ABANDONED VEHICLES
Ford 2005 Freestyle
1FMZK021X5GA02341 TAG # RKX2816

8000 Legals

gia or of the U. S., and the subject premises are free from all liens and encumbrances. No proceedings in bankruptcy have been brought by or against me in any court, nor have I made an assignment for the benefit of creditors, nor have I made any other type of creditor arrangements.
Purpose
This affidavit is being made As proof to Santander Consumer USA that I am the rightful owner of the property described in this affidavit.
Oath or Affirmation
I certify under penalty of periury under Georgia law that I know the contents of this Affidavit signed by me and that the statements are true and correct.
Victoria Hayes
March 2, 2020
STATE OF GEORGIA,
COUNTY OF COBB, ss:
On this 2nd day of March, 2020, before me, personally appeared Victoria Hayes, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within Affidavit, and, being first duly sworn on oath according to law, deposes and says that he/she has read the foregoing Affidavit subscribed by him/her, and that the matters stated herein are true to the best of his/her information, knowledge and belief.
In witness whereof I hereunto set my hand and official seal.
Notary Public
Title (and Rank)

3:6-2020

MDJ-6000
GPN-17
NOTICE OF PUBLIC SALE
StorMaster Self Storage located at 1401 Powder Springs Street, Marietta, GA 30064 will hold an online public sale to enforce a lien imposed on said property, as described below, pursuant to the Georgia Self Storage Facility Act, Georgia Code 10-4-210 to 10-4-215. The auction will be held on website www.storageauctions.com (http://www.storageauctions.com) and will end at 1:00 PM on Thursday, March 26, 2020. Management reserves the right to withdraw any unit from sale. Registered or motor vehicles are sold "As Is / Parts Only," no titles or registration.

Tenant Name	Unit #	Stored Items
Carla Cross	1100	HHG, Furn. Boxes
Darlene Cox	1215	HHG, Furn. Boxes

8000 Legals

petitions were filed in the Magistrate Court of COBB County to foreclose liens against the vehicles listed below for all amounts owed. If a lien is foreclosed, the Court shall order the sale of the vehicle to satisfy the debt. The present location ofthe vehicles is: 1260 SANDTOWN RD SW, MARIETTA, GA 30008
Anyone with an ownership interest in a vehicle listed herein may file an answer to the petition on or before: 3/27/2020
Answer forms may be found in the Magistrate Court Clerk's office located at: 32 WADDELL ST SE, MARIETTA, GA 30090
Forms may also be obtained online at www.georgiamagistratecouncil.com.
Vehicle Make: CHEVROLET YEAR: 2010 Model: IMPALA Vehicle ID#: 2G1WA5EK1A1239909 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00657
Vehicle Make: CHEVROLET YEAR: 2005 Model: MALIBU Vehicle ID#: 1G1ZS54F85F174019 Vehicle License#: PRJ6634 State:GA Magistrate Court Case No.: 20-L-00631
Vehicle Make: CHEVROLET YEAR: 1998 Model: S-10 Vehicle ID#: 1GCCS1949WK150379 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00642
Vehicle Make: CHRYSLER YEAR: 2007 Model: PT CRUISER Vehicle ID#: 3A8FY68B67T528689 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00651
Vehicle Make: DODGE YEAR: 2007 Model: CALIBER Vehicle ID#: 1B3HB48B47D347877 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00646
Vehicle Make: DODGE YEAR: 2009 Model: CHARGER Vehicle ID#: 2B3KA43D19H534128 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00648
Vehicle Make: DODGE YEAR: 2005 Model: NEON Vehicle ID#: 1B3ES56C75D234989 Vehicle License#: RIE9630 State: GA Magistrate Court Case No.: 20-L-00652
Vehicle Make: DODGE YEAR: 2011 Model: NITRO Vehicle ID#: 1D4PU2GK4BW520338 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00655
Vehicle Make: FORD YEAR: 2011 Model: ESCAPE Vehicle ID#: 1FMJFMCU9DGBBKA69325 Vehicle Li-

8000 Legals

lient; and (iii) such other relief as the Court may deem just and appropriate.
YOU ARE NOTIFIED that JVK CONSULTANT GROUP LLC must file an answer in the above Court located at 1200 N. Telegraph Rd., Pontiac, MI 48341-0404, 248-858-0345 and serve a copy upon Plaintiffs attorney as designated and addressed above, or take other action permitted by law or court rule, on or before the expiration of 28 days after the last publication of this Notice and Order as required by Michigan Court Rule 2.108(A)(3). If JVK CONSULTANT GROUP LLC fails to do so, a default and default judgment may be entered against it for the relief demanded in the Complaint filed in this proceeding.

3:6,13,20-2020

MDJ-6023
GPN-17
ABANDONED MOTOR VEHICLE
ADVERTISEMENT NOTICE
(TOWING OR STORAGE COMPANY)
You are hereby notified, in accordance with OCGA 40-11-19(a)(2), that each of the below--referenced vehicles are subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt. The vehicles are currently located at 344 Kathleen Dr SE, Marietta,GA.30067. The vehicles subject to liens as stated above are identified as:
Vehicle make: TOYOTA Year: 1998 Model: CAMRY
Vehicle ID#: JT2BG22K5W0188028 Vehicle License: 499BJE State: GA
Vehicle make: BMW Year: 2006 Model: 330I
Vehicle ID#:WBAVB33556PS17792 Vehicle License: CLI9002 State: GA
Vehicle make: FORD Year: 2012 Model: FUSION
Vehicle ID#:3FAHP0HA3CR173940 Vehicle License: CJW6695 State: GA
Vehicle make: HONDA Year: 1999 Model: ACCORD
Vehicle ID#:JHMCG5655XC057049 Vehicle License: RDV4482 State: GA
Vehicle make: VOLKSWAGEN Year: 2004 Model: NEW BEETLE
Vehicle ID#:3VWBK21C34M400903 Vehicle License: PSL3888 State: GA
Vehicle make: MERCEDES BENZ Year: 2000 Model: C230
Vehicle ID#:WDBHA24G2YF933229 Vehicle License: NONE State:
Anyone with an ownership interest in

Regular Meeting Agenda
3/16/2020 6:30 PM
Council Chambers

Title of Item:	FIRST PUBLIC HEARING: Approval of an ORDINANCE to repeal MediaOne Franchise Agreement, Appendix F of the City of Kennesaw Code of Ordinances.
Agenda Comments:	On November 19, 2001 the Mayor and City Council of the City of Kennesaw adopted Ordinance 2001-33 wherein the City entered into an agreement with Mediaone of Colorado, Inc. (hereinafter "Mediaone") to grant a franchise to construct, operate, upgrade and maintain a cable system along the public right of way within the franchise area, for the purpose of providing cable services (hereinafter the Mediaone Franchise). The Mediaone franchise expired by its own terms on November 19, 2011. While the City may be receiving franchise fees from Comcast pursuant to its state issued franchise agreement in the City, the City is not receiving franchise fees from Mediaone or any of its successors pursuant to the Mediaone franchise. The public hearings were duly advertised in the Marietta Daily Journal March 6, 2020 and March 13, 2020 editions. The final public hearing will be held on April 6, 2020 at the Mayor and Council regular meeting. The City Clerk and legal recommends approval.
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	3/3/2020	Ordinance
Exhibit A	3/3/2020	Exhibit

Exhibit B	3/3/2020	Exhibit
Exhibit C	3/3/2020	Exhibit
03-13-20 Legal Ad	3/13/2020	Legal Ad
03-06-20 Legal Ad	3/6/2020	Legal Ad

CITY OF KENNESAW, GEORGIA

ORDINANCE NO. 2020-___, 2020

AN ORDINANCE TO REPEAL
THE MEDIAONE OF COLORADO, INC. FRANCHISE AGREEMENT,
APPENDIX F OF THE MUNICIPAL CODE OF ORDINANCES

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS:

WHEREAS, on November 19, 2001 the Mayor and City Council of the City of Kennesaw adopted Ordinance 2001-33 wherein the City entered into an agreement with Mediaone of Colorado, Inc. (hereinafter "Mediaone") to grant a franchise to construct, operate, upgrade and maintain a cable system along the public right of way within the franchise area, for the purpose of providing cable services (hereinafter the "Mediaone Franchise), a copy of which is attached hereto and incorporated herein by express reference as **Exhibit "A"**; and

WHEREAS, when the City granted the Mediaone Franchise, upon information and belief, Mediaone was a subsidiary of AT&T; and

WHEREAS, Comcast purchased AT&T in 2002 (copy of Consent to change of control and internal restructuring for cable television franchise attached hereto and incorporated herein by express reference as **Exhibit "B")**; and

WHEREAS, the Mediaone Franchise expired by its own terms on November 19, 2011; and

WHEREAS, while the City may be receiving franchise fees from Comcast pursuant to its state issued franchise agreement in the City, the City is not receiving franchise fees from Mediaone or any of its successors pursuant to the Mediaone Franchise; and

WHEREAS, Mediaone changed its name to Comcast of Georgia/Virginia, Inc. on November 19, 2002, a copy of such name change being attached hereto and incorporated herein by reference as **Exhibit "C"**; and

WHEREAS, upon information and belief, Comcast of Georgia, Inc. (aka Comcast) has a franchise agreement with the State of Georgia to construct, operate, upgrade and maintain cable in the State of Georgia, including the City right of way pursuant to O.C.G.A. § 36-76-1 *et. seq.* known as the Consumer Choice for Television Act of 2007; and

WHEREAS, the City would like to repeal the Mediaone Franchise.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF KENNESAW, GEORGIA, AS FOLLOWS:

SECTION 1.

Appendix F of the City Code (Ordinance #2001-33, Sections 1 through 10 of the Mediaone of Colorado, Inc. Franchise Agreement) and any amendments thereto are hereby repealed.

SECTION 2.

BE IT FURTHER ORDAINED THAT this ordinance shall become effective immediately from and after its adoption and execution by the Mayor, pursuant to Section 2.11 of the City Charter of the City of Kennesaw.

SECTION 3

BE IT FURTHER ORDAINED THAT nothing in this ordinance shall affect or impact the City's right to collect franchise fees from the State of Georgia for state issued cable or video franchises in the City.

ORDAINED, PASSED AND ADOPTED by the Kennesaw City Council on this day of , 2020.

CITY OF KENNESAW

By: _____
Derek Easterling, Mayor

ATTEST:

_____
Lea Addington, City Clerk

(SEAL)

APPENDIX F - MEDIAONE OF COLORADO, INC. FRANCHISE[1]

AN ORDINANCE OF THE CITY OF KENNESAW, GEORGIA, RENEWING THE NON-EXCLUSIVE CABLE TELEVISION FRANCHISE FO MEDIAONE OF COLORADO, INC.

THE SIGNATORIES DO HEREBY AGREE AS FOLLOWS:

Footnotes:

--- (**1**) ---

Editor's note— Printed herein is the ordinance adopted November 19, 2001, which granted a franchise to MediaOne of Colorado, Inc. for the construction, operation, and maintenance of a cable television system in the city. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provisions remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings have been made uniform, catchlines have been added to facilitate usage and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

[Section] 1. - Definitions.

For the purposes of this agreement, the following terms, phrases, words, and abbreviations shall have the meanings given herein, unless otherwise expressly stated. When not inconsistent with the context, words used in the present tense include the future tense and vice versa, words in the plural number include the singular number, and vice versa, and the masculine gender includes the feminine gender and vice versa. The words "shall" and "will" are mandatory, and "may" is permissive. Unless otherwise expressly stated or clearly contrary to the context, terms, phrases, words, and abbreviations not defined herein shall be given the meaning set forth in Title 47 of the United States Code, Chapter 5, Subchapter V-A, 47 U.S.C. §§ 521 et seq., as amended, and regulations issued pursuant thereto, and, if not defined therein, their common and ordinary meaning. For convenience, federal definitions are set forth in the glossary to this agreement. For further convenience, the first letter of terms, phrases, words, and abbreviations defined in this agreement or by federal law have been capitalized, but an inadvertent failure to capitalize such letter shall not affect meaning.

Cable act shall mean Title 47 of the United States Code, Chapter 5, Subchapter V-A, 47 U.S.C. §§ 521 et seq., as amended from time to time.

City shall mean the City of Kennesaw, Georgia, and its its officials, boards, board members, commissions, commissioners and employees acting within their respective areas of authority.

Mayor and council or *council* shall mean the governing body of the city.

FCC shall mean the Federal Communications Commission, its designee, or any successor governmental entity thereto.

Franchise agreement shall mean a contract entered into in accordance with the provisions of the city Code of Ordinances between the city and MediaOne that sets forth the terms and conditions under which a franchise will be exercised.

Franchise area shall mean the city limits of Kennesaw, Georgia including any areas annexed by city during the term of the franchise.

Franchise transfer shall mean any transaction in which: (a) any ownership or other right, title, or interest of more than 50 percent in a franchisee or its cable system is transferred, sold, assigned, leased, sublet, mortgaged, or otherwise disposed of or encumbered directly or indirectly, voluntarily or by foreclosure or other involuntary means, in whole or in part; or (b) there is any change in or substitution of,

or acquisition or transfer of control of, the franchisee or any person which has more than a 50 percent interest in a franchisee or has responsibility for or control over a franchisee's operations or over the system; or (c) the rights or obligations held by the franchisee under the franchise are transferred, directly or indirectly, to another person.

(1) *Control* means actual working control in whatever manner exercised, including, without limitation, working control through ownership, management, debt instruments, or negative control, as the case may be, of the cable system, the franchise or the company.

(2) Notwithstanding the foregoing, "franchise transfer" does not include:

a. Disposition or replacement of worn out or obsolete equipment, property or facilities in the normal course of operating a cable system, including the renewal or extension of equipment or property leases and contracts; or

b. Acquisition, transfer, sale or other disposition of leases, licenses, easements, and other interests in real property in the normal course of operating a cable system and not involving the relinquishment of any right or power affecting the franchisee's ability to provide services in whole or in part; or

c. Acquisition, transfer, sale or assign of the franchisee's right, title, or interest in the franchise to an entity controlling, controlled by, or under common control with the franchisee; or

d. Transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title,

Franchisee shall mean MediaOne of Colorado, Inc.

Gross revenues shall mean all revenue, including local advertising revenue, received, directly or indirectly, by the franchisee, by any affiliated person, and any other person from, or in connection with, the operation of the cable system to provide cable services. Gross revenue shall include revenue from received from the provision of cable modem service to the extent such is deemed to be a cable service under applicable federal law. Gross revenue shall exclude taxes or fees collected by the franchisee on behalf of the city or other local, state or federal government entities. Gross revenue shall also exclude revenue generated from the provision of non-cable services over the cable system, which may be subject to other authorizations as may be required under applicable federal, state or local laws.

Normal business hours means 8 a.m. to 5 p.m. Monday through Friday.

Normal operating conditions means those service conditions that are within the control of a franchisee. Conditions that are not within the control of a franchisee include, but are not limited to, natural disasters, acts of war, strikes, civil disturbances, telephone network outages, and severe or unusual weather conditions. Conditions that are within the control of a franchisee include, but are not limited to, special promotions, rate increases, regular peak or seasonal demand periods, maintenance or upgrade of the cable system, and power outages of two hours or less in length.

Person shall mean an individual, partnership, limited liability corporation or partnership, association, joint stock company, trust, organization, corporation, or other entity, or any lawful successor thereto or transferee thereof, but such term does not include the city.

Public right-of-ways shall mean the surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, park, parkway, waterway, easement, or similar property in which the city now or hereafter holds any property interest, which, consistent with the purposes for which it was dedicated, may be used for the purpose of installing and maintaining a cable system. No reference herein, or in any franchise agreement, to a "public right-of-way" shall be deemed to be a representation or guarantee by the city that its interest or other right to control the use of such property is sufficient to permit its use for such purposes, and a franchisee shall be deemed to gain only those rights to use as are properly in the city and as the city may have the undisputed right and power to give.

RFP stands for request for proposal.

Sale shall mean any sale, exchange, or barter transaction.

Service interruption means the loss of picture or sound on one or more cable channels.

Subscriber shall mean any person who legally receives any cable service delivered over a cable system and the city in its capacity as a recipient of such service.

[Section] 2. - Grant of authority; limits and reservations.

(a) *Grant of authority:* The franchise issued to the franchisee is subject to the terms and conditions of this franchise agreement, the provisions of city Code of Ordinances, federal and state law. The franchise grants the franchisee the right to construct, operate, upgrade and maintain a cable system along the public rights-of-way within the franchise area, for the purpose of providing cable services. No privilege or power of eminent domain is bestowed by this grant; nor is such a privilege or power bestowed by this agreement. This agreement does not confer any rights other than as expressly provided herein or as mandated by federal, state or local law. To the extent the franchisee provides non-cable services, including telephony services, over the cable system, the city reserves its rights under applicable federal, state or local law to require a franchise for such services.

(b) *Franchise area:* The franchise is issued for the entire present territorial limits of the city. In the event the city annexes territory in which franchisee provides cable services, such annexed territory shall be incorporated into the franchise area and made subject to this franchise agreement upon the city's notifying the franchisee. The city shall on written request from franchisee make reasonable allowances for any technical differences if the annexed territory is served by a distinct and different set of facilities. Franchisee shall not be required to apply for or pay fees regarding modification of the franchise to accommodate such an annexation.

(c) *Term:* The franchise and this franchise agreement shall expire at 12:01 a.m. on November 19, 2011, unless the franchise is earlier revoked or its term extended as provided herein.

(d) *Grant not exclusive:* The franchise and the right it grants to use and occupy the public rights-of-way are not exclusive and do not explicitly or implicitly preclude the issuance of other franchises to operate cable systems or other communications systems within the city, affect the city's right to authorize use of public rights-of-way by other persons to operate cable systems or other communications systems or for other purposes as it determines appropriate, or affect the city's right to itself construct, operate or maintain a cable system or other communications system, with or without a franchise.

(e) *Franchisee subject to other laws, police power.*

(1) The franchisee shall at all times be subject to and shall comply with all applicable federal, state, and local laws, including this agreement. The franchisee shall at all times be subject to all lawful exercises of the police power of the city, including but not limited to all rights the city may have under 47 U.S.C. § 552, all powers regarding zoning, supervision of construction, assurance of equal employment opportunities, control of public right-of-ways, and consumer protection and the ability to adopt and enforce regulations or ordinances of general applicability pursuant thereto.

(2) No course of dealing between a franchisee and the city, or any delay on the part of the city in exercising any rights hereunder, shall operate as a waiver of any such rights of the city or acquiescence in the actions of a franchisee in contravention of such rights except to the extent expressly waived in writing or expressly provided for in this agreement.

(3) The city shall have full authority to regulate cable systems, franchisees, and franchises as may now or hereafter be lawfully permissible. Except where rights are expressly waived by a franchise agreement, they are reserved, whether or not expressly enumerated.

(f) *Interpretation of franchise terms.* The provisions of this franchise agreement shall be liberally construed in accordance with generally accepted rules of contract construction and to promote the public interest, while preserving the intent of the parties when entering this agreement. The express provisions of the franchise agreement constitute a valid and enforceable contract between the parties. In the event of a clear conflict between the Code of Ordinances and this agreement, the

agreement shall prevail, except where the conflict arises from the lawful exercise of the city's police power.

(g) *Approval and effective date:* This franchise agreement shall be effective upon its approval by the mayor and council and execution by the city and MediaOne of Colorado, Inc.

(h) *Effect of acceptance:* By accepting the franchise and executing this franchise agreement, the franchisee: (1) acknowledges and accepts the city's legal right to grant the franchise, to enter into this franchise agreement, and to enact and enforce ordinances and regulations related to the franchise; (2) agrees that it will not oppose participation by the city in any proceeding affecting the franchisee's cable system; (3) accepts and agrees to comply with each provision of this agreement; and (4) agrees that the franchise was granted pursuant to processes and procedures consistent with applicable law, and that it will not raise any claim to the contrary.

(i) *Claims related to prior franchise:* The prior franchise is terminated as of the effective date of this franchise and superseded prospectively.

(j) *No waiver:*

(1) The failure of the city on one or more occasions to exercise a right or to require compliance or performance under this franchise agreement, city Code of Ordinances or any other applicable law shall not be deemed to constitute a waiver of such right or a waiver of compliance or performance by the franchisee, unless such right or such compliance or performance has been specifically waived in writing.

(2) Waiver of a breach of this agreement shall not be construed as a waiver of any other breach, whether similar to or different from that waived. Neither the granting of the franchise, nor any provision herein, nor any action by the city hereunder shall constitute a waiver of, or a bar to, the exercise of any governmental right or power of the city, including the right of eminent domain.

(k) *No recourse:* The franchisee shall have no recourse against the city for any loss, cost, expense, claim, liability or damage arising out of any action undertaken or not undertaken by franchisee pursuant to the franchise, this franchise agreement or the city Code of Ordinances, whether or not such action or non-action was required by the franchise, the agreement or the city Code of Ordinances, arising out of the enforcement or non-enforcement by the city of any provision or requirement of this agreement or the city Code of Ordinances, or otherwise arising out of the franchise, the agreement or the city Code of Ordinances, except as otherwise expressly permitted by federal law or this agreement.

(l) *Amendment of franchise agreement:* The city shall liberally amend this franchise agreement upon the application of the franchisee whenever necessary to enable the franchisee to take advantage of developments in the field of cable communications which, in the city's opinion, will afford the franchisee an opportunity to serve its subscribers and potential subscribers more efficiently, effectively and economically. Such amendments shall be subject to such conditions as the city determines are reasonably necessary to protect the public interest and consistent with applicable law.

(m) *Regional equity:* In the event franchisee or any of its affiliates shall enter into any other cable television franchise with any political subdivision in Cobb County, Georgia, in which franchisee or its affiliate commits to make technological improvements or upgrade not currently available in the city, or otherwise provide such improvements or upgrade in any such other political subdivision, franchisee shall notify the city of same within 30 days of the effective date of the other franchise, or if such improvements or upgrade are not required by a franchise then within 90 days prior to the commencement of such improvements or upgrade. In the notification, franchisee shall submit a schedule for providing these system enhancements in the city; provided, however, that franchisee is able to recoup its costs in a manner consistent with the terms in the other community(ies).

(n) *Level playing field:* The city shall not authorize or permit any person, including the city itself, to provide video programming service and/or cable service using the public rights-of-way on terms, which on balance, are more favorable or less burdensome to such person than those applied to the

franchisee pursuant to this agreement, in order that one operator not be granted an unfair advantage over another, and to provide all parties equal protection under the law.

(o) *Franchise transfers.*

(1) *City approval required.* No franchise transfer, as such is defined in this agreement, shall occur without prior written application to and written approval of the city council by an ordinance or resolution enacted after a public hearing, and only then upon such terms and conditions as the city council reasonably deems necessary and proper. Approval shall not be unreasonably withheld. Any purported franchise transfer made without such prior approval shall be void and shall be cause for the city to revoke the franchise agreement. A grant of a franchise involves personal credit, trust, and confidence in the franchisee, and franchise transfer without the prior written approval of the city council shall be considered to impair the city's assurance of due performance. The granting of approval for a franchise transfer in one instance shall not render unnecessary approval of any subsequent franchise transfer. In the event of an acquisition, transfer, sale or assign of the franchisee's right, title, or interest in the franchise to an entity controlling, controlled by, or under common control with the franchisee, the franchisee shall provide written notification of the transaction and any supporting documentation the city may reasonably require to verify that the transaction does not constitute a franchise transfer as defined in this agreement.

(2) *Application.*

a. The franchisee shall promptly notify the city clerk in writing of any proposed franchise transfer. If any franchise transfer should take place without prior notice to the city, the franchisee will promptly notify the city clerk in writing that such a franchise transfer has occurred.

b. At least 120 calendar days prior to the contemplated effective date of a franchise transfer, the franchisee shall submit to the city clerk an application for approval of the franchise transfer. Such an application shall provide information on the proposed transaction, including details on the legal, financial, technical, and other qualifications of the transferee.

c. Within 30 days of receiving a franchise transfer request, the city shall notify the franchisee in writing of any additional information it reasonably requires to determine the legal, financial, and technical qualification of the transferee.

(3) *Determination by city.*

a. In making a determination as to whether to grant, deny, or grant subject to conditions an application for approval of a franchise transfer, the city council shall consider the legal, financial, and technical qualifications of the transferee to operate the system and any other considerations allowable under federal law.

b. The city shall make its determination in accordance with any time limits imposed by federal law, including under 47 U.S.C. § 537.

(4) *Transferee's agreement.* No application for approval of a franchise transfer shall be granted unless and until the proposed transferee submits an agreement in writing that it will abide by and accept all terms of this franchise agreement, and that it will assume the obligations and liabilities, known and unknown, of the previous franchisee under this franchise agreement for all purposes, including renewal, unless the city council approves a modification of the franchise agreement in conjunction with its approval of the franchise transfer, in which case the proposed transferee's agreement shall refer to the franchise agreement as so modified.

(5) *Approval does not constitute waiver.* Approval by the city council of a franchise transfer does not constitute a waiver or release of any of the rights of the city under this franchise agreement, whether arising before or after the date of the franchise transfer; however, upon approval of a franchise transfer, the former franchisee shall be released from prospective liability under the franchise.

[Section] 3. - Regulation and oversight.

(a) *Inspection of records:* The city shall have the right to inspect and copy at any time during normal business hours at an office of the franchisee located in the metropolitan Atlanta area, all books, receipts, maps, plans, financial statements, contracts, service complaint logs, performance test results, records of requests for service, computer records, codes, programs, and disks or other storage media and other like material which are reasonably necessary to monitor compliance with the terms of this franchise agreement, or applicable law, except such records as are privileged or protected from disclosure under applicable law. The franchisee shall be required to maintain such books and records for a period of three years.

(b) *Files for public inspection:* The franchisee shall maintain a file of records open to public inspection in accordance with applicable FCC rules and regulations.

(c) *Performance evaluation:* The city may, at its discretion, hold performance evaluation sessions, but not more frequently than once every three years except as otherwise agreed to by franchisee. All such evaluation sessions shall be open to the public, and announced in a newspaper of general circulation. Franchisee shall be notified by mail. Topics that may be discussed at such evaluation session may include, but are not limited to: System performance and construction, franchisee compliance with this franchise agreement, customer service and complaint response, Subscriber privacy, services provided, programming offered, service rate structures, franchise fees, penalties, free or discounted services, applications of new technologies, judicial and FCC filings, and line extensions.

(d) *Confidential and proprietary information:* The city agrees to protect any information disclosed by the franchisee pursuant to this agreement and designated as "confidential and proprietary" to the fullest extent permitted by the Georgia Open Meetings Law, Georgia Open Records Law and other applicable state and federal laws.

(e) *Franchisee to comply:* The franchisee shall take all reasonable steps required, if any, to ensure that it is able to provide the city all information which must be provided or may be reasonably requested under this franchise agreement. Notwithstanding the above, nothing in this franchise agreement shall be read to require the franchisee to violate 47 U.S.C. § 551.

(f) *Customer complaints:* Within seven business days of receiving a customer complaint from the city, the franchisee shall provide the city with a report on the status of its resolution and the corrective steps, if any, being taken by the franchisee.

(g) *Customer service standards:* The franchisee shall at all times comply with the FCC customer service standards.

[Section] 4. - Provision of cable service.

(a) *Service availability:* The franchisee shall make cable service available to all persons requesting service located within 150 feet from the termination of the cable system, or the number of potential subscribers to be passed by such extension is equal to or greater than six potential households per quarter mile measured from any point on the system. Plant extensions of 150 feet or less shall be completed within 90 days from the franchisee's receipt of the request from a potential subscriber.

(b) *Extended service availability:* In the event that the requirements set forth in the foregoing paragraph (a) are not met, the franchisee shall upon the agreement of the potential subscriber extend its cable system based upon the following cost-sharing formula. The franchisee shall contribute an amount equal to the construction costs per mile multiplied by the length of the extension in miles, multiplied by a fraction where the numerator equals the number of households per quarter mile at the time of the request and the denominator equals six. Households requesting service as of the completion of construction can be required to bear the remainder of the total construction costs on a pro rata basis. The "construction costs" are defined as the actual turnkey cost to construct the entire extension including lines, materials, electronics, pole make-ready charges, and labor, but not the cost of drops.

Plant extensions greater than 150 feet shall be completed within six months of the franchisee's receipt of payment of at least 50 percent of the requesting subscriber's cost.

(c) *Service to government facilities:*

(1) The franchisee shall, upon written request of the city, install, at no charge, at least one service outlet at all city buildings and all primary and secondary education public and private schools within the franchise area and shall install and charge only its reasonable costs for any additional service outlets requested for such locations, so long as such additional installations will not interfere with the quality and operation of the franchisee's system or signal thereon, and the quality and manner of installation of such additional outlets shall have been approved by the franchisee (which approval shall not be unreasonably withheld) and shall comply with all city, state and federal laws and regulations. The city agrees to pay for the costs to extend plant to any city buildings, public or private schools to the extent they are located more than 150 feet from the existing feeder cable. The franchisee shall provide basic cable service and expanded basic cable service to all outlets in such buildings free of charge. The cable service provided hereunder shall not be used for commercial purposes and shall not be located in areas open to the public.

(2) Cable modem service: Franchisee will install one cable modem and provide free internet access service to city hall, the city police station, the city public works department, the city parks and recreation department, and the Southern Museum of Civil War and Locomotive History and at each consenting public library and public and private elementary and secondary school within the franchise area at no charge. The city agrees to pay for the costs to extend plant to the facilities listed above to the extent they are located more than 150 feet from the existing feeder cable. Franchisee will provide initial training in conjunction with such additional equipment and services at no charge. The city hereby agrees that such service shall be subject to the franchisee's standard residential service agreement as such may be amended from time to time.

(3) Franchisee held harmless: The city shall hold the franchisee harmless from any and all liability or claims arising out of the provision and use of cable modem service and cable service required by this agreement.

[Section] 5. - System facilities, equipment and services.

(a) *System:* The franchisee's cable system shall at all times meet or exceed its capacity and quality as of the last day of the prior franchise. Upon completion of the upgrade pursuant to section 5(c) of this agreement:

(1) The system shall have a rating of at least 750 MHz on all active components and a capacity of at least 80 6-Mhz analog channels downstream to all subscribers.

(2) The system shall at a minimum utilize a fiber-optic backbone trunk configuration and an active two-way, status-monitored hybrid fiber/coaxial (HFC) network. A single fiber node will serve no greater than 2,000 households. The system shall include a fiber management distribution system, with fiber transmission panels, fiber distribution frames and fiber terminating connection modules. It shall be sized to accommodate migration to smaller node sizes of 500 to 1,000 homes passed and the dedication of a laser per two nodes.

(3) There shall be no more than ten active components in a cascade as measured from the headend to the subscriber.

(4) The franchisee shall provide, install, maintain the equipment necessary for the downstream delivery of PEG access programming. The city shall be responsible for the quality of any upstream PEG access signals.

(5) The system shall be capable of continuous 24-hour daily operation without severe material degradation of signal except during extremely inclement weather or immediately following extraordinary storms that adversely affect utility services or damage major system components.

(6) The system shall be capable of operating over an outdoor temperature range of -20 degrees F to +120 degrees F and over variation in supply voltages from 105 to 130 volts AC without catastrophic failure or irreversible performance changes.

(7) The system shall meet all specifications as set forth herein over an outdoor temperature range of 0 degrees F to 100 degrees F and over variation in supply voltages from 105 to 130 volts AC.

(8) The system shall be operated in such a manner as to avoid causing interference with the reception of off-the-air signals by a subscriber.

(9) Except to the extent the city may construct and maintain the upstream connection for PEG access signals, the franchisee shall maintain the upstream and downstream capacity of the system at a level commensurate with the applicable FCC technical standards.

(10) The system shall use equipment generally used in high-quality, reliable, modern systems of similar design, including but not limited to back-up power supplies capable of providing power for two hours in the event of an electrical outage. The obligation to provide back-up power supplies requires franchisee to provide back-up power supplies at each fiber optic node and the headend. The obligation to provide backup power supplies requires the franchisee to install equipment that will (a) cut in automatically on failure of commercial utility AC power, (b) revert automatically to commercial power when it is restored, and (c) prevent the standby power source from powering a "dead" utility line. In addition, the design and construction of the system shall include modulators, antennae, amplifiers and other electronics that permit and are capable of passing through the signals received at the headend without substantial alteration or deterioration.

(11) The headend shall be capable of providing at least 200 channels using a mix of analog, digital, or other transmission technologies and generate signals of high quality throughout the franchise area (including on channels retransmitting upstream signals received through the headend), and the headend shall have adequate ventilation and space to be able to meet or exceed applicable design and technical requirements. It shall be a master headend capable of delivering similar services throughout the areas of Cobb County served by franchisee and its affiliates as of the completion of the cable system upgrade required herein in all such areas. The headend shall be interconnected with hub sites by means of a high speed transport network, on a redundant basis.

(12) The cable system shall allow all analog channels on the basic broadcast service tier to be received by cable-ready television sets without the aid of a converter, and shall minimize to the maximum extent feasible, interference with consumer electronic equipment. This section 5(a)(12) shall not apply to premium, pay-per-view or ala carte service offerings by the franchisee.

(13) The capability must exist for subscribers to be able to block out audio and video at least on all premium and pay-per-view channels, and video on all channels.

(14) All closed-caption programming retransmitted by the system shall include the closed-caption signal.

(15) All system connectors shall have waterproofing, all system expansion loops shall be properly formed, all components including drops shall be properly grounded, and adequate spacing shall be maintained from power conductors.

Notwithstanding this paragraph 5(a) and the subsections therein, the transmission technology and design of the system may be subject to change at the discretion of the franchisee so long as the system remains in compliance with FCC technical standards.

(b) *System upgrade process and term adjustment:* The franchisee commits to completing an upgrade that meets the technical requirements of this section 5. The franchisee will provide the city with a construction schedule for the upgrade as soon as such a schedule is available, and will provide the city with any updates necessary to keep the schedule accurate. Franchisee will stage its construction in accordance with sound and reasonable engineering practices and non-discriminatory business

practices. In the event franchisee substantially completes the upgrade in the city within 12 months from the effective date of this franchise, the term of this franchise shall be automatically increased by five years. In the event franchisee substantially completes the upgrade in the city within 24 months from the effective date of this franchise, the term shall be automatically increased by two years.

(c) *Interconnection:* The franchisee's cable system shall remain interconnected with other systems operated in Cobb County and the greater Atlanta Metropolitan area, at least to the extent such interconnection was in place on the last day of the prior franchise, and to the extent other cable operators agree to continue interconnection on such terms as were in place on the last day of the prior franchise. The upgraded system shall be designed so that it may be interconnected with any or all other systems or similar communications systems in the area. Interconnection of systems may be made by direct cable connection, microwave link, satellite or other appropriate methods.

(d) *Basic tier:* Franchisee shall comply with federal law pertaining to the availability of local broadcast and PEG access channels on the basic programming tier.

(e) *Emergency alert systems:* The franchisee shall comply with federal rules and regulations pertaining to emergency alert systems.

[Section] 6. - Channels and facilities for public, educational and governmental use.

(a) *Access channels:*

(1) The franchisee shall continue to provide and maintain channels, facilities, personnel, and financial support for public, educational, and governmental (PEG) use at least to the same extent as was being provided on the last day of the prior franchise, including but not limited to TV23 as such is produced by Cobb County. The franchisee shall provide for the timely repair and replacement of all of its access equipment being used by the city, schools, other public institutions, or any of their designated providers, in producing or providing public, educational, or governmental programming, including equipment provided under or used during the prior franchise. Franchisee will not be responsible for repairing or replacing equipment owned by the city or other entities not affiliated with franchisee.

(2) Once the franchisee has increased the channel capacity of its system pursuant to the upgrade required in section 5, in addition to the requirements of subsection 6(a)(1), the city may require the franchisee to make available one additional standard (6 MHz) video channel for public, educational or governmental programming. The city shall provide the franchisee at least six months advance written notice of its decision to exercise the authority under this section 6(a)(2).

(3) Upon six months advance written notice from the city, the franchisee shall provide local audio/video insertion capability (including hybrid fiber/coax connection to headend, splice panel, modulator, reverse laser transmitter, and headend switching hardware), at a site in the franchise area as designated by the city, for purposes of PEG programming so that such programming may be delivered to subscribers within the franchise area. Within 60 days of receipt of such notice from the city, the franchisee and the city shall enter into good faith negotiations to determine the responsibility for the costs associated with such insertion capability.

(4) The dedicated access channels to be provided under this franchise agreement shall be in use and programmed with qualified PEG access programming during at least 80 percent of the cumulative time between the test hours of 5:00 p.m. and midnight, Monday through Friday, for a period of ten consecutive weeks. All qualified programming shall count in this measurement for actual running time shown. Repeat programs are qualified programming only to a maximum of 25 percent of total qualified programming. Programs that are neither locally produced nor programming related to the franchise area are qualified programming only to a maximum of 50 percent of total qualified programming. Any program broadcast locally within three years of the measurement period is not qualified programming.

For purposes of this section:

Broadcast locally means transmitted on the signal of a local commercial television station or a qualified local noncommercial educational television station with signal carriage rights on the franchisee's system pursuant to 4 U.S.C. § 535, as in effect on the effective date of this agreement.

Repeat program means the running time of any program only to the extent it is shown more than two times during the test hours over the ten week measurement period.

Locally produced programming means programming produced within the franchise area or produced by a resident or local business, or any agency, public or private, which provides services to businesses or residents within the franchise area regardless of the location at which the programming was produced.

Programming related to the franchise area means programming which addresses the educational, political, social or cultural interests of any segment of the businesses or residents of the franchise area.

Qualified PEG access programming includes video bulletin board material only if the material consists of multiple and different text (or video and text) screens transmitted to different subscribers simultaneously. The term does not include video bulletin board material such as character generated or similar material to the extent the same text (or video and text) screen is sent simultaneously without variation to all system subscribers; or non-video, data uses of the system by subscribers.

To avoid under-utilization of PEG access channels other than the first channel dedicated, upon 30 days notice to city, franchisee may make use of any access channel for its own purposes if, for a period of ten consecutive weeks, said channel no longer fits the above criteria. Upon 180 days notice, the city may reclaim use of such channel(s) for transmission of access programming.

(b) *Access and program support:* Upon the request of the city, the franchisee shall provide up to 20 hours of training in the use of PEG access equipment and assistance in the production of PEG programming.

(c) *Management of channels:* The city and other franchising authorities using PEG access channels may designate one or more entities, including a nonprofit access management corporation, to manage the use of all or part of the public, educational, and governmental access channels.

(d) *Capital equipment grants:* Upon 90 days advance written notice by the city, franchisee shall provide the city with grants not to exceed an amount equal to ten cents ($.10) per month per subscriber within the franchise area, to be used in the city's discretion but solely for government and educational access equipment. Such grants shall be payable quarterly on the same schedule as the franchisee's franchise fee payments. Franchisee's obligation to make such grants shall be contingent upon the city committing to match such grants with equal funds to be used for the same purposes and to hold such funds in a special account for such purposes and representing that all previous grants and matching funds shall have been expended for government and/or educational access purposes no later than 60 days following each calendar year. The city shall make such documentation available upon request.

(e) *Costs and payments not franchise fees:* For the purposes of this agreement, the parties agree that any costs to the franchisee associated with the provision of support for public, educational or governmental access pursuant to this franchise agreement, including but not limited to the grants described in Section 6(d), do not constitute and are not part of a franchise fee, and fall within one or more of the exceptions to 47 U.S.C. § 542.

(f) *Editorial control:* Except as expressly permitted by federal law, the franchisee shall not exercise any editorial control over the content of programming on the designated access channels (except for franchisee's own programming cablecast on those channels).

(g) *Hold harmless:* The city agrees to hold the franchisee harmless from and against any and all liability resulting from the use of the city's designated channel for PEG by the city or its designee.

[Section] 7. - Franchise fee.

(a) *Franchise fee payments:* Each year during the franchise term, as compensation for use of public rights-of-way, the franchisee shall pay to the city, on a quarterly basis, franchise fees in the amount

of five percent of the franchisee's gross revenues. Revenue from the provision of non-cable services over the cable system shall not be subject to the franchise fee required hereunder but may be subject to fees or taxes under a separate franchise or authorization as may be required under applicable federal, state, or local law.

(b) *Franchise fee report:* The city shall be furnished at the time of each payment with a statement certifying the franchisee's gross revenues for the payment period. Payments shall be made to the city no later than 30 days following the end of each calendar quarter.

(c) *Interest on late payments:* In the event any franchise fee or other payment is not made on or before the date specified herein, the franchisee shall pay interest charges computed from such due date, at an annual rate equal to one percent per month.

(d) *No accord or satisfaction:* No acceptance of any payment by the city shall be construed as a release or an accord and satisfaction of any claim the city may have for further or additional sums payable as franchise fees under this agreement or for the performance of any other obligation of the franchisee.

(e) *Franchise fees subject to audit:* The city shall have the right to inspect all reasonably necessary records and the right to audit and to recompute any amounts determined to be payable under this franchise agreement up to two years from the date the payment is received by the city. The franchisee shall be responsible for providing the records to the city at an office located within the metropolitan Atlanta area. Such records shall be maintained for at least two years. Should the audit reveal underpayments in excess of ten percent of the total franchise fees paid by the franchisee for the audit period, the franchisee shall reimburse the city for all reasonable audit costs, such costs not to exceed $5,000.00. Any additional amounts due to the city as a result of the audit shall be paid within 30 days following written notice to the franchisee by the city of the underpayment, which notice shall include a copy of the audit report. If recomputation results in additional revenue to be paid to the city, such amount shall be subject to interest as specified in section 10(d)(2).

(f) *Franchise fees not a tax:* The franchise fee is not a tax, license or fee subject to any requirement of voter approval, but rather is a rental charge for special and individualized use of public property and the administrative costs of such use and the franchise under which such use is granted. The franchise fee is in addition to all other fees and all taxes and payments that a franchisee or other person may be required to pay under any federal, state, or local law, including any applicable property and amusement taxes, except to the extent that such fees, taxes, or assessments are a franchise fee under 47 U.S.C. § 542.

[Section] 8. - Insurance and indemnification.

(a) *Insurance required:* Franchisee shall maintain throughout the entire length of the franchise period, at least the following liability insurance coverage insuring the city and the franchisee: worker's compensation and employer liability insurance to meet all requirements of Georgia law and comprehensive general liability insurance with respect to the construction, operation, and maintenance of the cable system, and the conduct of the franchisee's business in the city, in the minimum amounts of:

(1) $1,000,000.00 for property damage resulting from any one accident;

(2) $2,000,000.00 for personal bodily injury or death resulting from any one accident; and

(3) $2,000,000.00 for all other types of liability.

Neither the provisions of this section nor any damages recovered by the city shall be construed to limit the liability of franchisee for damages under the franchise.

(b) *Qualifications of sureties:* All insurance policies shall be with sureties qualified to do business in the State of Georgia, with an B+7 or better rating of insurance by Best's Key Rating Guide, Property/Casualty Edition, and in a form approved by the city, such approval shall not be unreasonably withheld.

(c) *Policies available for review:* The franchisee shall keep on file with the city certificates of insurance.

(d) *Additional insureds; prior notice of policy cancellation:* The franchisee's general liability insurance policies shall list the city, its officials, boards, board members, commissions, commissioners and employees as additional insureds and shall further provide that any cancellation or reduction in coverage shall not be effective unless 30 days' prior written notice thereof has been given to the city clerk. Franchisee shall not cancel any required insurance policy without submission of proof that the franchisee has obtained alternative insurance reasonably satisfactory to the mayor and council which complies this franchise agreement.

(e) *Failure constitutes material violation:* Failure to comply with the insurance requirements set forth in this section shall constitute a material violation of the franchise.

(f) *Indemnification:*

(1) Franchisee shall, at its sole cost and expense, indemnify, hold harmless, and defend the city, its officials, boards, board members, commissions, commissioners and employees, against any and all claims, suits, causes of action, proceedings, and judgments for damages or equitable relief arising out of the construction, maintenance, or operation of its cable system; copyright infringements or a failure by the franchisee to secure consents from the owners, authorized distributors, or licensees of programs to be delivered by the cable system; the conduct of the franchisee's business in the city; or in any way arising out of the granting of the franchise or franchisee's enjoyment or exercise of this franchise, regardless of whether the act or omission complained of is authorized, allowed, or prohibited by this franchise agreement.

(2) Specifically, but not by way of limitation on the scope of (1) above, franchisee shall, at its sole cost and expense, fully indemnify, defend, and hold harmless the city, and in their capacity as such, the officers, and employees thereof, from and against any and all claims, suits, actions, liability, and judgments for damages or otherwise subject to Section 638 of the Cable Act, 47 U.S.C. § 558, arising out of or alleged to arise out of the installation, construction, operation, or maintenance of its system, including but not limited to any claim against the franchisee for invasion of the right of privacy, defamation of any person, or the violation or infringement of any copyright, trade mark, trade name, service mark, or patent, or of any other similar right of any person. This indemnity does not apply to programming carried on any channel set aside for public, educational, or government use, or channels leased pursuant to 47 U.S.C. § 532, unless the franchisee was in any respect engaged in determining the editorial content of the program, or prescreened the programming for the purported purpose of banning or regulating indecent or obscene programming.

(3) The aforesaid indemnification provisions include, but are not limited to, the city's reasonable attorneys' fees incurred in defending against any such claim, suit, or proceeding prior to franchisee assuming such defense. The city shall notify franchisee of claims and suits as soon as practicable, but failure to give such notice shall not relieve franchisee of its obligations hereunder. Once franchisee assumes such defense, the city may at its option continue to participate in the defense at its own expense.

(4) Notwithstanding anything to the contrary contained in this agreement, the city shall not be so indemnified or reimbursed in relation to any amounts attributable to the city's own comparable or proportionate negligence, willful misconduct, intentional or criminal acts, including in the performance of its obligations under this franchise agreement.

(g) *Performance bond:*

(1) Prior to the cable system upgrade, the franchisee shall establish in the city's favor a performance bond to ensure the franchisee's faithful performance of the upgrade. The amount of such performance bond shall be equal $50,000.00.

(2) In the event a franchisee subject to such a performance bond fails to complete the cable system upgrade in the public right-of-ways in a safe, and competent manner, after notice and a reasonable opportunity to cure, there shall be recoverable, jointly and severally from the principal and surety of the bond, any damages or loss suffered by the city as a result, including

the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the franchisee, or the cost of restoring or repairing the public right-of-ways.

(3) Upon receipt of written certification of the completion of the system upgrade and any further information the city may reasonably require to verify such, the franchisee shall replace the $50,000.00 bond with a performance bond in the amount of $10,000.00. Such $10,000.00 shall remain in place for the remainder of the franchise term or such time as the city provides written notice releasing the franchisee from the bond obligation.

(4) The performance bond shall be issued by a surety with an B+7 or better rating of insurance in Best's Key Rating Guide, Property/Casualty Edition; shall be subject to the approval of the city attorney, which approval shall not be unreasonably withheld.

(5) Failure to maintain the performance bond shall constitute a material violation of a franchise.

[Section] 9. - Enforcement and termination of franchise.

(a) *Notice of violation:* In the event that the city believes that the franchisee has not complied with the terms of the franchise agreement, the city shall informally discuss the matter with franchisee. If these discussions do not lead to resolution of the problem, the city shall notify the franchisee in writing of the exact nature of the alleged noncompliance.

(b) *The franchisee's right to cure or respond:* The franchisee shall have 30 days from receipt of the notice described in section 9(a): (1) to respond to the city, contesting the assertion of noncompliance, or (2) to cure such default, or (3) in the event that, by the nature of default, such default cannot be cured within the 30-day period, initiate reasonable steps to remedy such default and notify the city of the steps being taken and the projected date that they will be completed.

(c) *Public hearing:* In the event that the franchisee fails to respond to the notice described in subsection 9(a) pursuant to the procedures set forth in subsection 9(b), or in the event that the alleged default is not remedied within 30 days or the date projected pursuant to 9(b)(3) above, if it intends to continue its investigation into the default, then the city shall schedule a public hearing. The city shall provide the franchisee at least ten days prior written notice of such hearing, which specifies the time, place and purpose of such hearing, and provide the franchisee the opportunity to be heard.

(d) *Enforcement:* Subject to applicable federal and state law, in the event the city, after the hearing set forth in subsection 9(c), determines that the franchisee is in default of any provision of the franchise, the city may:

(1) Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages; or

(2) Commence an action at law for monetary damages or seek other equitable relief; or

(3) In the case of a substantial default of a material provision of the franchise, seek to revoke the franchise in accordance with subsection 9(e).

(e) *Revocation:* Should the city seek to revoke the franchise after following the procedures set forth in subsections 9(a)-(d) above, the city shall give written notice to the franchisee of its intent. The notice shall set forth the exact nature of the noncompliance. The franchisee shall have 90 days from such notice to object in writing and to state its reasons for such objection. In the event the city has not received a satisfactory response from the franchisee, it may then seek termination of the franchise at a public hearing. The city shall cause to be served upon the franchisee, at least 30 days prior to such public hearing, a written notice specifying the time and place of such hearing and stating its intent to revoke the franchise.

At the designated hearing, the city shall give the franchisee an opportunity to state its position on the matter, after which it shall determine whether or not the franchise shall be revoked. The franchisee may appeal such determination to an appropriate court, which shall have the power to review the decision of the city de novo. Such appeal to the appropriate court must be taken within 60 days of the issuance of the determination of the city.

The city may, at its sole discretion, take any lawful action which it deems appropriate to enforce the city's rights under the franchise in lieu of revocation of the franchise.

[Section] 10. - Miscellaneous provisions.

(a) *Governing law:* This franchise agreement was made in and shall be governed in all respects by the law of the State of Georgia.

(b) *Notices:* Unless otherwise expressly stated herein, notices required under this franchise agreement shall be mailed first class, postage prepaid, to the addressees below. Each party may change its designee by providing written notice to the other party, but each party may only designate one entity to receive notice.

(1) Notices to the franchisee shall be mailed to:

AT&T Broadband
2925 Courtyards Drive
Norcross, Georgia 30071
Attention: Legal Department

(2) Notices to the city shall be mailed to:

City Clerk
City of Kennesaw
2529 J. O. Stephenson Ave.
Kennesaw, Georgia 30144

(c) *Time of essence:* In determining whether the franchisee has substantially complied with this franchise agreement, the parties agree that time is of the essence.

(d) *Captions:* The captions and headings of this agreement are for convenience and reference purposes only, and shall not affect in any way the meaning and interpretation of any provisions of this agreement.

(e) *Integration:* This agreement sets forth the entire agreement between the parties respecting the subject matter hereof. No other agreements, covenants, representations or warranties, express or implied, oral or written, have been made by any party to another with respect to the subject matter of this agreement. All prior and contemporaneous conversations, negotiations, possible and alleged agreements, representations, covenants and warranties with respect to the subject matter hereof are waived, merged herein and therein and superseded hereby and thereby.

(f) *Severability:* In the event that a court or agency of competent jurisdiction declares by final decision that any provision of this franchise agreement is unenforceable according to its terms or is otherwise void, said provision shall be considered a separate, distinct and independent part of this agreement, and such declaration shall not affect the validity and enforceability of all other provisions of this agreement. Alternatively, the city and the franchisee may agree to modify any such provisions to the reasonable extent necessary to make such provision enforceable in light of any ruling of a court of competent jurisdiction if such modifications are consistent with the full intent and purposes of this agreement.

(g) *Preemption:* In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of this agreement, then, subject to the city's rights under the foregoing subsection, the provision shall be read to be preempted to the extent and for the time, but only to the extent and for the time, required by law. In the event such federal or state law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding on the parties hereto, without the requirement of further action on the part of the city.

(h) *Notification of conflict:* As soon as reasonably practicable following knowledge thereof, the franchisee shall notify the city of any point of conflict believed to exist between this agreement and

any other provisions of law. By executing this agreement, franchisee represents that they are not aware of any such conflict at the time of such execution.

(i) *Force majeure:* The franchisee shall not be deemed in default of provisions of this franchise agreement where performance was hindered by war or riots, civil disturbances, floods, strikes or natural catastrophes beyond the franchisee's control, and a franchise shall not be revoked or a franchisee penalized for such noncompliance, provided that the franchisee takes prompt and diligent steps to bring itself back into compliance and to comply as soon as reasonably possible under the circumstances with its franchise without unduly endangering the health, safety, and integrity of the franchisee's employees or property, or the health, safety, and integrity of the public, public right-of-ways, public property, or private property.

(Ord. No. 2001-33, § 1, 11-19-01)

RESOLUTION NO. 2002-07

CONSENT TO CHANGE OF CONTROL AND INTERNAL RESTRUCTURING FOR CABLE TELEVISION FRANCHISE

WHEREAS, the cable franchise holder ("Franchisee") in Kennesaw, Georgia ("Franchise Authority") is an indirect subsidiary of AT & T Corp. ("AT & T"), and AT & T intends to merge with Comcast Corporation ("Comcast") to create a new company to be known as AT & T Comcast Corporation ("AT & T Comcast") pursuant to the terms of an Agreement and Plan of Merger dated December 19, 2001 by and among AT & T Corp., AT & T Broadband Corp., Comcast Corporation and certain of their respective affiliates, and a Separation and Distribution Agreement dated December 19, 2001 by and between AT & T Corp. and AT & T Broadband Corp. (the "Merger"); and

WHEREAS, prior to the Merger, pursuant to an internal corporate restructuring, the cable franchise or stock of the Franchisee, or indirect ownership of the Franchisee, may be transferred through one or more internal transfer or mergers to another direct or indirect subsidiary of AT & T, or Franchisee may elect as permitted by law to convert or reorganize its legal form to a limited liability company (together with the Merger, the "Transactions"); and

WHEREAS, following the Transactions, the resulting entity will be controlled by AT & T Comcast but will continue to operate the System and continue to hold and be responsible for performance of the cable franchise; and

WHEREAS, Franchisee and AT & T Comcast have requested that Franchise Authority consent to the Transactions in accordance with the requirements of the cable franchise and have filed an FCC Form 394 ("Transfer Application") with the Franchise Authority requesting such consent Transactions; and

WHEREAS, the Franchise Authority has reviewed the Transfer Application, examined the legal, financial and technical qualifications of AT & T Comcast, followed all required procedures in order to consider and act upon the Transfer Application, and considered the comments of all interested parties.

WHEREAS, the Franchise Authority is willing to consent to the Transactions.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The Franchise Authority hereby consents to the Transaction in accordance with the terms of the cable franchise and applicable law.

SECTION 2. This Resolution shall be deemed effective upon adoption.

SECTION 3. This Resolution shall have the force of a continuing agreement with Franchisee and AT & T Comcast, and Franchise Authority shall not amend or otherwise alter this Resolution without the consent of Franchisee and AT & T Comcast.

PASSED, ADOPTED AND APPROVED This 18th day of March 2002.

By: Leonard L. Church
Leonard L. Church, Mayor

Name of Community: Kennesaw (Cobb), Georgia

ATTEST:

Diane H. Coker
Title: Diane H. Coker, City Clerk

CITY COUNCIL AGENDA SUBMISSION FORM

CITY COUNCIL MEETING OF March 18, 2002

SUBMITTING DEPARTMENT City Manager's Office

SPONSORED BY COUNCILMAN Bob Baker

TITLE OF ITEM: RESOLUTION #2002-07 TO CONSENT TO CHANGE OF C0NTROL AND INTERNAL RESTRUCTURING FOR CABLE TELEVISION FRANCHISE FOR THE CITY OF KENNESAW

AGENDA COMMENTS: ATT Broadband, the current franchise holder of a cable television franchise for the City of Kennesaw has applied for approval of a transfer of its cable television franchise to the ATT Comcast Corporation. The new company will be bound by all provisions of the cable television franchise approved by the City in November, 2001. ATT Broadband has filed the federally mandated Form FCC 394 with the City to initiate this franchise transfer and the Form 394 and the accompanying supporting information regarding the capacity of ATT Comcast Corporation to operate the franchise according to the City's established standards appears to be in order.

The franchise ordinance with ATT Broadband requires the City's approval in order to proceed with this transfer. The attached resolution is the prescribed instrument to accomplish the transfer.

Recommend approval.

FUNDING LINE: N/A

APPROVED BY:

Department Head N/A

City Manager **T. Michael McDowell**

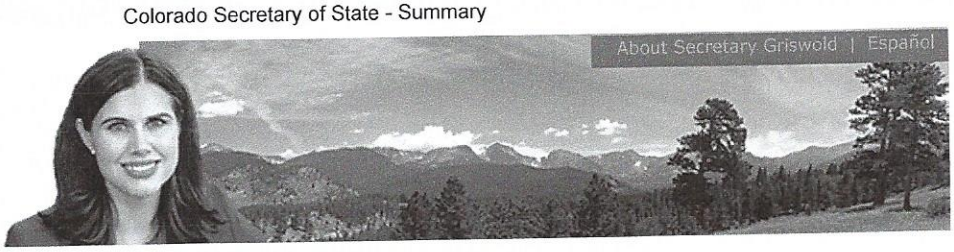
City Clerk **Diane Coker**

DATE OF CITY COUNCIL FINAL ACTION_____

ACTION BY CITY COUNCIL:

AT&T Comcast Corporation

Form 394
Application



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FAQs, Glossary and Information

Summary

Details			
Name	Comcast of Georgia/Virginia, Inc.		
Status	Merged	**Formation date**	05/10/1993
ID number	19931048968	**Form**	Corporation
Periodic report month	January	**Jurisdiction**	Colorado
Principal office street address	1701 JOHN F. KENNEDY BLVD., PHILADELPHIA, PA 19103-2838, United States		
Principal office mailing address	n/a		

Registered Agent	
Name	C T CORPORATION SYSTEM
Street address	1675 Broadway Ste 1200, Denver, CO 80202, United States
Mailing address	n/a

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03/02/2020 10:49

Name: Comcast of Georgia/Virginia, Inc.

ID number: 19931048968

Found 51 matching record(s). Viewing page 1 of 1.

#	Event	Date Filed	Date Posted	EffectiveDate	Document # (click to view)	Comment
1	Articles of Incorporation	05/10/1993	05/10/1993	05/10/1993 12:00 AM	19931048968	U S WEST CABLE CORPORATION
2	Entity Name Change	09/16/1993	09/16/1993	09/16/1993 12:00 AM	19931098729	U S WEST CABLE CORPORATION
3	Report Printed	04/17/1995	04/17/1995	04/17/1995 12:00 AM		CR - 05/01/95 - 07/31/95
4	Amendment	06/16/1995	06/16/1995	06/16/1995 12:00 AM	19951078814	CHANGE RORA
5	Report	07/24/1995	07/24/1995	07/24/1995 12:00 AM	19951093613	CORP REPORT
6	Report Printed	04/18/1997	04/18/1997	04/18/1997 12:00 AM		CR - 05/01/1997 - 07/31/1997
7	Report	07/29/1997	07/29/1997	07/29/1997 12:00 AM	19971119737	PERIODIC REPORT
8	Entity Name Change	04/13/1998	04/13/1998	04/13/1998 12:00 AM	19981068399	U S WEST MULTIMEDIA COMMUNICATIONS, INC.
9	Surviving Entity In Merger	06/11/1998	06/11/1998	06/11/1998 12:00 AM	19981108118	MEDIAONE, INC. (NONSURVIVOR/NOT QUALIFIED)
10	Entity Name Change	09/16/1998	09/16/1998	09/16/1998 12:00 AM	19981167411	MEDIAONE GROUP, INC.
11	Report Printed	04/15/1999	04/15/1999	04/15/1999 12:00 AM		CR - 05/01/1999 - 07/31/1999
12	Report	06/14/1999	06/14/1999	06/14/1999 12:00 AM	19991112412	PERIODIC REPORT
13	Report Printed	04/20/2001	04/20/2001	04/20/2001 12:00 AM		PR - 05/01/2001 - 07/31/2001
14	Amendment	05/31/2001	05/31/2001	05/31/2001 12:00 AM	20011109836	CHANGE RORA
15	Report	05/31/2001	05/31/2001	05/31/2001 12:00 AM	20011109836	CORP REPORT
16	Report Printed	04/19/2002	04/19/2002	04/19/2002 12:00 AM		PR - 05/01/2002 - 07/31/2002
17	Report	04/26/2002	04/26/2002	04/26/2002 12:00 AM	20021110330	CORP REPORT
18	Entity Name Change	11/19/2002	11/19/2002	11/19/2002 12:00 AM	20021320959	MEDIAONE OF COLORADO, INC.
19	Report Printed	04/16/2003	04/16/2003	04/16/2003 12:00 AM		PR - 05/01/2003 - 07/31/2003
20	Report	07/03/2003	07/03/2003	07/03/2003 12:00 AM	20031214884	CORP REPORT
21	Surviving Entity In Merger	02/10/2004	02/10/2004	02/10/2004 12:00 AM	20041049207	COMCAST MO INVESTMENTS HOLDINGS, INC. (QUAL SURV)
22	Report Printed	04/15/2004	04/15/2004	04/15/2004 12:00 AM		PR - 05/01/2004 - 07/31/2004
23	Report	07/09/2004	07/09/2004	07/09/2004 09:33 AM	20041236422	/ Change of Entity Address
24	postcard notification printed 04/21/2005 to be mailed 05/01/2005	04/21/2005	04/21/2005	04/21/2005 10:18 AM		annual report due: 07/31/2005
25	Report	06/21/2005	06/21/2005	06/21/2005 09:47 AM	20051239942	
26	postcard notification printed	04/21/2006	04/21/2006	04/21/2006 02:20 AM		annual report due:

	04/21/2006 to be mailed 05/01/2006					07/31/2006
27	Report	07/17/2006	07/17/2006	07/17/2006 09:02 AM	20061290028	
28	Statement of Reservation of Name	07/27/2006	07/27/2006	07/27/2006 10:38 AM	20061306374	
29	Articles of Amendment	08/01/2006	08/01/2006	08/01/2006 05:47 PM	20061314593	Change of Entity Name; Name changed;
30	Filing Officer Correction	11/17/2006	11/17/2006	11/17/2006 05:58 PM		Registered agent's street address augmented to include the suite number
31	postcard notification printed 04/23/2007 to be mailed 05/01/2007	04/23/2007	04/23/2007	04/23/2007 03:40 AM		annual report due: 07/31/2007
32	Report	07/11/2007	07/11/2007	07/11/2007 09:13 AM	20071319417	
33	postcard notification printed 04/24/2008 to be mailed 05/01/2008	04/24/2008	04/24/2008	04/24/2008 03:55 AM		annual report due: 07/31/2008
34	Report	07/11/2008	07/11/2008	07/11/2008 02:15 PM	20081371922	Change of Entity Address
35	postcard notification printed 04/23/2009 to be mailed 05/01/2009	04/23/2009	04/23/2009	04/23/2009 02:55 AM		annual report due: 07/31/2009
36	Report	07/16/2009	07/16/2009	07/16/2009 02:56 PM	20091378982	
37	postcard notification printed 04/23/2010 to be mailed 05/01/2010	04/23/2010	04/23/2010	04/23/2010 02:53 AM		annual report due: 07/31/2010
38	Report	07/07/2010	07/07/2010	07/07/2010 01:57 PM	20101380513	
39	Combined Conversion	01/21/2011	01/21/2011	01/24/2011 08:00 AM	20111042134	Converted from Domestic Profit Corporation to Domestic Limited Liability Company. Other information may have changed; review document.
40	Combined Conversion	01/28/2011	01/28/2011	01/28/2011 09:59 PM	20111057520	Converted from Domestic Limited Liability Company to Domestic Profit Corporation. Other information may have changed; review document.
41	postcard notification printed 12/23/2011 to be mailed 01/01/2012	12/23/2011	12/23/2011	12/23/2011 03:29 AM		periodic report due: 03/31/2012
42	Report	03/12/2012	03/12/2012	03/12/2012 11:18 AM	20121151626	
43	Periodic Report due	12/23/2012	12/23/2012	12/23/2012 02:51 AM		Periodic report due by: 03/31/2013
44	Report	03/19/2013	03/19/2013	03/19/2013 01:12 PM	20131173216	
45	Statement of Merger	08/06/2013	08/06/2013	08/06/2013 03:11 PM	20131457865	
46	Statement of Merger	08/06/2013	08/06/2013	08/06/2013 03:11 PM	20131457865	Entity Id: 19981146660, COMCAST MO CABLE ADVERTISING OF METROPOLITAN ATLANTA, LLC merged
47	Periodic Report due	12/23/2013	12/23/2013	12/23/2013 02:59 AM		Periodic report due by: 03/31/2014
48	Report	03/13/2014	03/13/2014	03/13/2014 08:10 AM	20141165719	
49	Periodic Report due	12/23/2014	12/23/2014	12/23/2014 03:40 AM		Periodic report due by: 03/31/2015
50	Report	03/13/2015	03/13/2015	03/13/2015 10:42 AM	20151177723	
51	Statement of Merger	09/30/2015	09/30/2015	10/01/2015 11:59 PM	20151635824	Merged to Comcast Cable Communications, LLC

8000 Legals

Boxes
Gerald M Kluck D112 HHG, Furn, Boxes
Gerald M Kluck E118 HHG, Furn, Boxes
Deborah Joffre E123A HHG, Furn., Boxes
Lee Murdock E129 HHG, Furn., Boxes
Nwamaka Madubuike E138 HHG,

2G1WA5EK1A1239909 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00657
Vehicle Make: CHEVROLET YEAR: 2005 Model: MALIBU Vehicle ID#: 1G1ZS54F85F174019 Vehicle License#: PRJ6634 State:GA Magistrate Court Case No.: 20-L-00631
Vehicle Make: CHEVROLET YEAR: 1998 Model: S-10 Vehicle ID#: 1GCCS1949WK150379 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00642
Vehicle Make: CHRYSLER YEAR: 2007 Model: PT CRUISER Vehicle ID#: 3A8FY68B67T528689 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00651
Vehicle Make: DODGE YEAR: 2007 Model: CALIBER Vehicle ID#: 1B3HB48B47D347877 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00646
Vehicle Make: DODGE YEAR: 2009 Model: CHARGER Vehicle ID#: 2B3KA43D19H534128 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00648
Vehicle Make: DODGE YEAR: 2005 Model: NEON Vehicle ID#: 1B3ES56C75D234989 Vehicle License#: R1E9630 State: GA Magistrate Court Case No.: 20-L-00652
Vehicle Make: DODGE YEAR: 2011 Model: NITRO Vehicle ID#: 1D4PU2GK4BW520338 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00655
Vehicle Make: FORD YEAR: 2011 Model: ESCAPE Vehicle ID#: 1FM1FMCU9DGBBKA69325 Vehicle License#: U338IM State: TN Magistrate Court Case No.: 20-L-00655
Vehicle Make: FORD YEAR: 2004 Model: EXPLORER Vehicle ID#: 1FMDU73K54UA86069 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00663
Vehicle Make: FORD YEAR: 2003 Model: F150 Vehicle ID#: 1FTRX17L03NA02122 Vehicle License#: ACF8706 State: GA Magistrate Court Case No.: 20-L-00656
Vehicle Make: FORD YEAR: 1998 Model: F150 Vehicle ID#: 1FTZX17W1WNB71032 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L00647
Vehicle Make: FORD YEAR: 2004 Model: F650 Vehicle ID#: 3FRNF65N54V668825 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00650
Vehicle Make: FORD YEAR: 2015 Model: FOCUS Vehicle ID#: 1FADP3F29EL279484 Vehicle License#: Vehicle License: CJW6695 State: GA
Vehicle make: HONDA Year: 1999 Model: ACCORD
Vehicle ID#:JHMCG5655XC057049 Vehicle License: RDV4482 State: GA
Vehicle make: VOLKSWAGEN Year: 2004 Model: NEW BEETLE
Vehicle ID#:3VWBK21C34M400903 Vehicle License: PSL3888 State: GA
Vehicle make: MERCEDES BENZ Year: 2000 Model: C230
Vehicle ID#:WDBHA24G2YF933229 Vehicle License: NONE State:
Anyone with an ownership interest in any of these vehicles should contact the following business immediately :
K.O. Towing, 344 Kathleen Dr Se, Marietta, Ga 30067. 770-650-1413
3:6,13-2020

MDJ-6024
GPN-17
NOTICE OF SURPLUS
CITY OF KENNESAW
EQUIPMENT FOR SALE
Notice is hereby given that surplus City equipment will be sold on www.govdeals.com between March 4-18, 2020. Specific item is a 2013 Chevy Caprice.
GovDeals provides services to various governmental agencies that allow them to sell surplus and confiscated items via the Internet and is open to the public for bids. Registration is not necessary to browse this site. To place a bid, you must first register on the GovDeals site. Call the Kennesow City Clerk at (770) 424-8274 if you have any questions.
3:6,13-2020

MDJ-6025
GPN-16
NOTICE OF PUBLIC HEARING
CITY OF KENNESAW
Notice is hereby given the Mayor and Council of the City of Kennesaw, Georgia will conduct public hearings on March 16 and April 6, 2020 at 6:30 p.m. in the City Council Chambers, Kennesaw City Hall at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia 30144 to consider an Ordinance to repeal the Medioone of Colorado Inc. franchise agreement, Appendix F of the Municipal Code of Ordinances. A copy of the proposed Ordinance is on file in the Office of the City Clerk during normal business hours, Monday-Friday, 8:00 a.m. to 5:00 p.m. for public viewing.
3:6,13-2020

MDJ-6051
GPN-14
A043- Lewis Dickerson Bicycle, Tv Stand, Laundry Basket, Clothing, Electronics, Drawers, Boxes, and Suitcase.
1014- Celia Denatata Arts and crafts supplies, dressers, drawers, cahirs, boxes, couch, pictures, bins, bags, clothing, lamps.
3:6,13-2020

MDJ-6054
GPN-17
ABANDONED MOTOR VEHICLE
PETTITION ADVERTISEMENT
You are hereby notified, in accordance with O.C.G.A. Section 40-11-19.1, that petitions were filed in the Magistrate Court of Cobb County to foreclose liens against the vehicles listed below for all amounts owed. If a lien is foreclosed, the Court shall order the sale of the vehicle to satisfy the debt. The present location of the vehicles is: 950 Allgood Rd, Marietta GA 30062. Anyone with an ownership interest in a vehicle listed herein may file an answer to the petition on or before: 03/23/2020. Answer forms may be found in the Magistrate Court Clerks office located at:
32 Waddell St SE, Marietta GA 30090.
Forms may also be obtained online at www.georgiamagistratecouncil.com.
VEHICLE MAKE: CHEVROLET VEHICLE YEAR: 1994 VEHICLE MODEL: SILVERADO
VEHICLE ID# 1GCDC14K0RZ192247
TAG: PYB4229 STATE: GA
MAGISTRATE COURT CASE NO: 20-L-00737
VEHICLE MAKE: ACURA VEHICLE YEAR: 1999 VEHICLE MODEL: CL
VEHICLE ID# 19UYA2252XL000189
TAG: RPX5386 STATE: GA
MAGISTRATE COURT CASE NO: 20-L-00729
VEHICLE MAKE: BMW VEHICLE YEAR: 2004 VEHICLE MODEL: 325I
VEHICLE ID# WBAAZ33434KP91030
TAG: GSEA24 STATE: FL
MAGISTRATE COURT CASE NO: 20-L-00732
VEHICLE MAKE: CHEVROLET VEHICLE YEAR: 2003 VEHICLE MODEL: IMPALA
VEHICLE ID# 2G1WF52EX39151509
TAG: PZC8755: GA
MAGISTRATE COURT CASE NO: 20-L-00743
VEHICLE MAKE: CADILLAC VEHICLE YEAR: 2007 VEHICLE MODEL: CTS
VEHICLE ID# 1G6DP577370191732
TAG: NO TAG STATE: GA
MAGISTRATE COURT CASE NO: 20-L-00734
VEHICLE MAKE: CHEVROLET VEHICLE YEAR: 2012 VEHICLE MOD-

2001 TOYOTA CAMRY 4T1BG22KX1U793988
2002 NISSAN ALTIMA 1N4AL11D92C706877
2003 GMC ENVOY 1GKET165936180953
2004 FORD EXPEDITION 1FMRU13W44LA58484
2004 KIA SORENTO KNDJD733145275747
2005 HONDA PILOT 2HKYF18595H544773
2005 FORD FREESTER 2FMDA522X5BA88891
2006 NISSAN MAXIMA 1N4BA41E46C858415
2007 TOYOTA CAMRY 4TY1BE46K27U696644
3:6,13-2020

MDJ-6056
GPN-17
ABANDONED MOTOR VEHICLE
ADVERTISEMENT NOTICE
(TOWING OR STORAGE COMPANY)
You are hereby notified, in accordance with OCGA 40-11-19 (a) (2), that each of the below-referenced vehicles are subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt. The vehicles are currently located at 1818 AUSTELL RD MARIETTA, GA. 30008.
The vehicles subject to liens as stated above are identified as:
Make: Homemade Year: 1985 Model: Boat Trailer ID#: T790053 License: TR36892 State: GA
Make: Nissan Year: Model: Sentra ID#: 3N1AB7AP6HY363622 License: AB4-2290 State: IL
Make: Honda Year: 1998 Model: BTM ID#: 1HGCG5548WA178695 License: 4CJM663 State: CA
Make: Chevrolet Year: 2006 Model: Uplander ID#: 1GNDV23176D148238 License: N/A State:
Make: Motorcycle Year: Model: ID#: PC0809FM204539 License: State:
Make: Hyundai Year: 2018 Model: Elantra ID#: 5NPD84LF7JH267643 License: RSN151 State: GA
Make: BMW Year: 2004 Model: 745i ID#: WBAGL63504DP73837 License: 7POG992 State: CA
Anyone with an ownership interest in any of these vehicles should contact the following business immediately.
American Eagle Towing
1818 Austell Road
Marietta, GA 30008
404-409-1795
3:6,13-2020

MDJ-6057
Baldwin Pkwy., Suit 100 an ANSWER to the complaint within sixty (60) days of the date of the first publication of notice.
WITNESS: the Honorable Susan Edlein, Judge of this Court.
This the 26th day of February, 2020
CATHELENE "Tina" ROBINSON
Clerk of State Court
3:13,20,27; 4:3-2020

MDJ-6123
GPN-17
MAG 40-10
ABANDONED MOTOR VEHICLE
PETITION ADVERTISEMENT
Vehicle Make: Honda Year: 1997 Model: Accord Vehicle ID#: 1HGCD5658VA051640 Vehicle License#: JGSA31 State: FL Present location of vehicle: 2050 Veterans Memorial Hwy, Austell, GA. You are hereby notified that a petition was filed in the Magistrate Court of Cobb County to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt. Anyone with an ownership interest in this vehicle may file an answer to this petition on or before 03/19/2020. Answer forms may be found in the Magistrate Court Clerks office located at 32 Waddell St SE, Marietta, GA 30090. Forms may also be obtained online at www.georgiamagistratecouncil.com
3:13,20-2020

MDJ-6124
GPN-17
MAG 40-10
ABANDONED MOTOR VEHICLE
PETITION ADVERTISEMENT
Vehicle Make: MERCEDES Year: 2001 Model: S CLASS Vehicle ID #: WDBNG73J81A194575 Vehicle License #: PFZ7366 State: GA Present location of vehicle: 1155-S. Cobb Dr. Marietta, GA. You are hereby notified that a petition was filed in the Magistrate Court of County to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt. Anyone with an ownership interest in this vehicle may file an answer to this petition on or before 03/20/2020 Answer forms may be found in the Magistrate Court Clerks office located at 32 Waddell St SE, Marietta, GA 30090. Forms may also be obtained online at www.georgiamagistratecouncil.com
3:13,20-2020

MDJ-6136
GPN-14
PUBLIC NOTICE
CHEVROLET 2002 VENTURE 1GNDX13E42D118386 RNA7079 GA 20-L-00775
DODGE 2014 CHALLENGER 2C3CDYAG9EH111696 RNC5128 GA 20-L-00780
DODGE 2001 DURANGO 1B4HS28N91F588906 NO TAG 20-L-00782
GEO 1996 METRO 2C1MR2292T6715207 RUD0605 GA 20-L-00781
HONDA 1996 ACCORD 1HGCD5633TA168389 RTQ0971 GA 20-L-00777
JEEP 2008 COMMANDER 1J8HH48N48C125671 RUU1466 GA 20-L-00776
NISSAN 2007 ALTIMA 1N4AL21E77N414154 RSI2077 GA 20-L-00773
NISSAN 2005 ALTIMA 1N4AL11D85C345775 PTB2981 GA 20-L-00772
NISSAN 2010 ALTIMA 1N4AL2AP5AN404540 CKN9406 GA 20-L-00778
SATURN 2008 AURA 1G8ZV57758F138144 CJC3179 GA 20-L-00774
3:13,20-2020

MDJ-6181
GPN-17
NOTICE OF SALE
NOTICE IS HEREBY GIVEN that the undersigned intends to sell the personal property described below to enforce a lien imposed on said property under The Georgia Storage Facility Act. The undersigned will sell at public sale by competitive bidding on **Saturday the 4th day of April, 2020 at 10:00 AM** with bidding to take place on Lockerfox.com. Said property is **SecurCare Self Storage, 1185 South Cobb Drive, Marietta, GA, 30060 Cobb County** Evans, Kia 3010 Flat Screen TV, Clothes, Shoes. Leane, Lawrence 7007 Microwave, Toaster, Clothes. Vogel, Eric 3034 Bicycle, Microwave, Bed Frame. Acuna, Ramiro 2003 Table Saw, Washer, Dryer. Mingo, Terrance 2008 Flat Screen TVs, Microwave, Couch. Willingham, Donald 4008 Car Parts, Weights, Speaker. Stewart, Travis 5056 Kayaks, Skateboards, Household

your Parental Rights respecting the above-named children has been filed in this Court by the Georgia Department of Human Services acting by and through the Cherokee County Department of Family and Children Services (hereinafter Department). The Petition for Termination of Parental Rights to the above-named children was filed on July 18, 2019. You may obtain a copy of the Petition and any Amendment(s) from the Clerk of this Court, Cherokee County Juvenile Court, 90 North Street, Canton, Georgia 30114, during regular business hours. If you have any questions concerning this notice, you may call the telephone number of the Cherokee County Juvenile Court Clerks office, which is (678) 493-6560. This is a summons requiring you to appear in Court. If you fail to come to Court as required you may be held in contempt of Court and punished accordingly.

You are hereby notified that a hearing for the purpose of terminating your parental rights of the above named minor children, will be held by the Cherokee County Juvenile Court on MAY 14, 2020, at 8:30 a.m. at the Cherokee County Juvenile Court, courtroom 3A, located at 90 North Street, Canton, Georgia 30114, at which time you should make your objections known. You are ordered to appear and make a defense thereto and to show cause why the children should not be dealt with according to the law.

If the court at the trial finds that the facts set out in the petition to terminate your parental rights are true and that termination of your rights will serve the best interests of your child (ren), the court can enter a judgment ending your rights to your child(ren). A parent is not thereafter entitled to notice of proceedings for the adoption of the child(ren) by another nor has he or she any right to object to the adoption or otherwise to participate in the proceedings. If the judgment terminates your parental rights, you will no longer have any rights to your child (ren) or make any decisions affecting your child(ren) or your child(ren)s earnings or property. Your child(ren) will be legally freed to be adopted by someone else. Even if your parental rights are terminated: (1) You will still be responsible for providing financial support (child support payments) for your child(ren)s care unless and until your child(ren) is/are adopted; and (2) Your child(ren) can still inherit from you unless and until your child (ren) is/are adopted.

This is a very serious matter. The child(ren) and other parties involved may be represented by an attorney at all stages of these proceedings. You should contact an attorney immediately so that you can be prepared for the court hearing. You have the right to hire an attorney and to have him or her represent you. If you cannot afford to hire an attorney, the court will appoint an attorney if the court finds that you are an indigent person. Whether or not you decide to hire an attorney, you have the right to attend

goods/view items storagetreasures.com
Quenne El 371 Household goods/view items storagetreasures.com
James Pope 377 Household goods/view items storagetreasures.com
Tommie Dixon 387 Household goods/view items storagetreasures.com
Either Wilkes 408 Household goods/view items storagetreasures.com
Maior Miller 422 Household goods/view items storagetreasures.com
Ericka Cuffie 437 Household goods/view items storagetreasures.com
Gary Vanputten 441 Household goods/view items storagetreasures.com
Darrell Stephens 438 Household goods/view items storagetreasures.com
Jerad Jordan 482 Household goods/view items storagetreasures.com
Tameika Robertson 623 Household goods/view items storagetreasures.com
Chester Taylor, Sr. 625 Household goods/view items storagetreasures.com
Dequan Jackson 658 Household goods/view items storagetreasures.com
Margaret Swan 718 Household goods/view items storagetreasures.com
DAnthony Davis 721 Household goods/view items storagetreasures.com
Anetra Christian 744 Household goods/view items storagetreasures.com
Anessa Burton 755 Household goods/view items storagetreasures.com
Charita Lawrence 802 Household goods/view items storagetreasures.com
Kawanna McClendon 821 Household goods/view items storagetreasures.com
Taylor Savage 831 Household goods/view items storagetreasures.com
Karletta Jones 843 Household goods/view items storagetreasures.com
Charlotte Brown 851 Household goods/view items storagetreasures.com
Wendell Brown 920 Household goods/view items storagetreasures.com
Winsome Carter 922 Household goods/view items storagetreasures.com
Crystal Taylor 1002 Household goods/view items storagetreasures.com
Janice Branch 1004 Household goods/view items storagetreasures.com
Laresa Holmes 1006 Household goods/view items storagetreasures.com
Allante Green 1007 Household goods/view items storagetreasures.com
Destinee Spears 1227 Household

1FMZK02TX5GA02941 TAG # KKX2816 GA
You are hereby notified, in accordance with OCGA § 40-11-19(a) (2), that the above-referenced vehicle is subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.
The vehicle is currently located at 2481 Old Covington Hwy Sw Conyers, GA 30012
Anyone with an ownership interest in this vehicle should contact the following business immediately:
Quick Drop Impounding, Towing, and Recovery
2481 Old Covington Hwy Sw
Conyers GA 30012
678-210-0245
3:6,13-2020

MDJ-5944
GPN-14
MONTHLY MEETING
The Governing Board of The International Academy of Smyrna will be conducting their monthly meeting Monday March 16, 2020 at 6:00pm in the schools conference room. During the meeting the board will be reviewing the proposed revised FY20 budget. The public is invited to attend.
3:6-2020

MDJ-5954
GPN-14
FINAL PUBLIC NOTICE
Cobb County has applied for Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) funding through the Georgia Emergency Management and Homeland Security Agency (GEMA/HS) as a sub-recipient.
Under the National Environmental Policy Act (NEPA), federal actions must be reviewed and evaluated for feasible alternatives and for social, economic, historic, environmental, legal, and safety considerations. Under Executive Order (EO) 11988 and EO 11990, FEMA is required to consider alternatives to and to provide a public notice of any proposed actions in or affecting floodplains or wetlands. EO 12898 also requires FEMA to provide the opportunity for public participation in the planning process and to consider potential impacts to minority and low-income populations. This notice may also fulfill requirements under Section 106 of the National Historic Preservation Act (NHPA).
Funding for the proposed project will be conditional upon compliance with all applicable federal, tribal, state, and local laws, regulations, floodplain standards, permit requirements and conditions.
Applicant: Cobb County
Project Title: DR-4400 Cobb County Acquisition Project
Location of Proposed Work:
Name of Structure: See Table
Address of Structure: See Table, Cobb County
A map showing the location of all properties is available by contacting, William Higgins, (770) 419-6434,

Darlene Cox 1215 HHG, Furn, Boxes
Evelyn S Snipe 2216 HHG, Furn, Boxes
DOMINIK GREENBERRY 2219 HHG, Furn., Boxes
Martine Berger 2227 HHG, Furn., Boxes
Nicole Palmer 2301 HHG, Furn., Boxes
Mariana Luna 2405 HHG, Furn., Boxes
Martine Berger 2414 HHG, Furn., Boxes
Chantay White A106 HHG, Furn, Boxes
Tammie Laviscount B104 HHG, Furn., Boxes
Tammie Laviscount B105 HHG, Furn., Boxes
Somonia Whittow D108 HHG, Furn., Boxes
Gerald M Kluck D112 HHG, Furn, Boxes
Gerald M Kluck E118 HHG, Furn, Boxes
Deborah Jaffre E123A HHG, Furn., Boxes
Lee Murdock E129 HHG, Furn., Boxes
Nwamaka Madubuike E138 HHG, Furn., Boxes
Crystal D Turner E141 HHG, Furn., Boxes
Arnesse Morris G107 Motor Vehicle
Korlue Kpor G115 HHG, Furn., Boxes
3:6,13-2020

MDJ-6001
GPN-17
ABANDONED VEHICLES
You are hereby notified, in accordance with OCGA 40-11-19 (a) (2), that each of the below-referenced vehicles are subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt. The vehicles are currently located at 2261 Dixie Ave, Smyrna Ga 30080. The vehicles subject to liens as stated above are identified as:
BUICK 2016 REGAL 2G4GK5EXXG9152844 RRR7811 GA
CHRYSLER 2006 TOWN & COUNTRY 2A4GP44R36R785049 RQG4348 GA
DODGE 2003 CARAVAN 1D4GP25323B140300 RQS3459 GA
FREIGHTLINER 2015 CASCADIA 125 1FUJGLD52FLGE8316 NE73386 NC
FORD 1993 TEMPO 2FAPP36X4PB109351 RIM0302 GA
FORD 2007 RANGER 1FTYR14UX7PA27199 ABY9704 GA
FORD 2017 F150 1FTEX1C87HFB23635 GV1924J GA
FORD 1997 F150 1FTDX1769VNA79899 RCQ1294 GA
FORD 2002 FOCUS 1FAFP33P02W113145 NO TAG
HYUNDAI 2012 SONATA 5NPEC4AC7CH412002 CKC2639 GA
HYUNDAI 2013 ELANTRA KMHDH4AE0DU926842 CFR5074 GA
HONDA 2010 ACCORD 1HGCP2F40AA056855 CCN8396 GA
INFINITI 2005 G35 JNKCV51E45M204028 EKQ567 GA
INFINITI 2004 I35 JNKDA31A34T200087 RNU8085 GA
INFINITI 2008 EX35 JNKAJ09F68M356030 NO TAG
LAND ROVER 2013 RANGE ROVER SPORT SALSK2D45DA805366 QFG6436 GA
LINCOLN 2002 LS 1LNHM86S52Y705505

1FMRK02G96GA68KR693629 Vehicle License#: U338IM State: TN Magistrate Court Case No.: 20-L-00655
Vehicle Make: FORD YEAR: 2004 Model: EXPLORER Vehicle ID#: 1FMDU73K54UA86069 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00663
Vehicle Make: FORD YEAR: 2003 Model: F150 Vehicle ID#: 1FTRX17L03NA02122 Vehicle License#: ACF8706 State: GA Magistrate Court Case No.: 20-L-00656
Vehicle Make: FORD YEAR: 1998 Model: F150 Vehicle ID#: 1FTZX17W1WNB71032 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L00647
Vehicle Make: FORD YEAR: 2004 Model: F650 Vehicle ID#: 3FRNF65N54V668825 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00650
Vehicle Make: FORD YEAR: 2015 Model: FOCUS Vehicle ID#: 1FADP3F29FL279484 Vehicle License#: PZM1638 State: GA Magistrate Court Case No.: 20-L-00658
Vehicle Make: FORD YEAR: 2001 Model: FOCUS ZX3 Vehicle ID#: 3FAFP31381R190380 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00644
Vehicle Make: FORD YEAR: 2011 Model: FUSION Vehicle ID#: 3FAHP0HA9BR214036 Vehicle License#: PRF2869 State: GA Magistrate Court Case No.: 20-L-00636
Vehicle Make: GEO YEAR: 1995 Model: PRIZM Vehicle ID#: 1Y1SK5268SZ064492 Vehicle License#: RKW0102 State: GA Magistrate Court Case No.: 20-L-00640
Vehicle Make: JAGUAR YEAR: 2000 Model: XJB Vehicle ID#: SAJDA23C4YLF06087 Vehicle License#: DR1823 State: GA Magistrate Court Case No.: 20-L-00654
Vehicle Make: JEEP YEAR: 2001 Model: GRAND CHEROKEE Vehicle ID#: 1J4GX48S11C583518 Vehicle License#: N/A State: N/A Magistrate Court Case No.: 20-L-00662
Vehicle Make: MITSUBISHI YEAR: 2007 Model: OUTLANDER Vehicle ID#: JA4MT41X87U002085 Vehicle License#: RNL1566 State: GA Magistrate Court Case No.: 20-L-00666
Vehicle Make: NISSAN YEAR: 2002 Model: ALTIMA Vehicle ID#: 1N4AL11D52C201273 Vehicle License#: RSE5981 State: GA Magistrate Court Case No.: 20-L-00665
Vehicle Make: NISSAN YEAR: 2006 Model: MURANO Vehicle ID#: JN8AZ08T16W400443 Vehicle License#: RMJ535B State: GA Magistrate Court Case No.: 20-L-00633
Vehicle Make: PONTIAC YEAR: 2004 Model: SUNFIRE Vehicle ID#: 1G2JB12F847263585 Vehicle License#: PKY6507 State: GA Magistrate Court Case No.: 20-L-00638
Vehicle Make: TOYOTA YEAR: 2004 Model: 4RUNNER Vehicle ID#: JTEZU14R640039607 Vehicle License#: RFF1667 State: GA Magistrate Court Case No.: 20-L-00664
Vehicle Make: TOYOTA YEAR: 1998 Model: CAMRY Vehicle ID#: 4T1BF22K8WU060820 Vehicle

Anyone with an ownership interest in any of these vehicles should contact the following business immediately :
K.O. Towing, 344 Kathleen Dr Se, Marietta, Ga 30067. 770-650-1413
3:6,13-2020

MDJ-6024
GPN-17
NOTICE OF SURPLUS
CITY OF KENNESAW
EQUIPMENT FOR SALE
Notice is hereby given that surplus City equipment will be sold on www.govdeals.com between March 4-18, 2020. Specific item is a 2013 Chevy Caprice.
GovDeals provides services to various governmental agencies that allow them to sell surplus and confiscated items via the Internet and is open to the public for bids. Registration is not necessary to browse this site. To place a bid, you must first register on the GovDeals site. Call the Kennesaw City Clerk at (770) 424-8274 if you have any questions.
3:6,13-2020

MDJ-6025
GPN-16
NOTICE OF PUBLIC HEARING
CITY OF KENNESAW
Notice is hereby given the Mayor and Council of the City of Kennesaw, Georgia will conduct public hearings on March 16 and April 6, 2020 at 6:30 p.m. in the City Council Chambers, Kennesaw City Hall at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia 30144 to consider an Ordinance to repeal the Mediacne of Colorado Inc. franchise agreement, Appendix F of the Municipal Code of Ordinances. A copy of the proposed Ordinance is on file in the Office of the City Clerk during normal business hours, Monday-Friday, 8:00 a.m. to 5:00 p.m. for public viewing.
3:6,13-2020

MDJ-6051
GPN-14
NOTICE OF HEARING
YOU ARE HEREBY NOTIFIED that on March 20, 2020, at 10:30 A.M., at the Cobb County Courthouse, 70 Haynes Street, Marietta, Georgia 30090, Judge Michael Stoddard of the Superior Court of Cobb County will hear the case of STATE OF GEORGIA vs. DEVELOPMENT AUTHORITY OF COBB COUNTY and KSU SPORTS AND RECREATION PARK REAL ESTATE FOUNDATION, LLC, Civil Action File No. 20101573, in the Superior Court of Cobb County, the same being a proceeding to confirm and validate the revenue bonds designated "Development Authority of Cobb County Lease Revenue Refunding Bonds (KSU Sports and Recreation Park Real Estate Foundation, LLC Project) Series 2020A" and "Development Authority of Cobb County Lease Revenue Refunding Bonds (KSU Sports and Recreation Park Real Estate Foundation, LLC Project) Federally Taxable Series 2020B" (collectively, the "Series 2020 Bonds"), in the original aggregate principal amount not to exceed $20,000,000. The Series 2020 Bonds are to be issued by the De-

Regular Meeting Agenda
3/16/2020 6:30 PM
Council Chambers

Title of Item:	Approval of the February 24, 2020 Executive Session minutes and March 2, 2020 Mayor and City Council meeting minutes.
Agenda Comments:	
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Minutes	3/5/2020	Minutes
Affidavit	3/5/2020	Minutes

MINUTES OF MAYOR & CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
Monday, March 2, 2020
6:30 p.m.

Present: Mayor Derek Easterling
Mayor Pro Tem Pat Ferris
Councilmember James Eaton
Councilmember Tracey Viars
Councilmember Chris Henderson
Councilmember David Blinkhorn
City Manager Jeff Drobney
City Clerk Debra Taylor
City Attorney Randall Bentley, Jr.

I. INVOCATION

City Attorney Randall Bentley led the invocation.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Lt. Joy Policarpio, as introduced by Mayor Easterling.

III. CALL TO ORDER

IV. ANNOUNCEMENTS

Trina Griffiths, candidate for Cobb State Court Judge, introduced herself and gave a synopsis of her background. She encouraged the public to vote.

V. PRESENTATIONS

A. Promotional Announcement: Introduction of newly promoted Police Lieutenant, Joy Policarpio. Lt. Policarpio was formally promoted on February 22, 2020. Congratulations to Lieutenant Policarpio!

Police Chief Bill Westenberger presented newly promoted Police Lieutenant, Joy Policarpio. Lt. Joy Policarpio was formally promoted on February 22, 2020. Joy said she has worked at the City for 12 years, appreciates being able to make a difference and hopes to stay with the Kennesaw Police Department for many more years. Lt. Policarpio received a round of applause from the Mayor, City Council, staff and public.

[The City Attorney swore-in any witnesses or individuals offering comments on the agenda.]

VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

6:36 PM Floor Open for Public Comments on agenda items

No comments.

6:37 PM Floor Closed to Public Comments on agenda items

VII. OLD BUSINESS

No items.

VIII. NEW BUSINESS

A. Appointment of Lea Addington as City Clerk, effective April 1, 2020 to replace Debra Taylor, the retiring City Clerk. Congratulations Lea!

Motion by Councilmember Henderson to appoint Lea Addington as City Clerk, effective April 1, 2020, seconded by Councilmember Blinkhorn. Vote taken, approved unanimously, 5-0. Motion carried.

IX. COMMITTEE AND BOARD REPORTS

No items.

X. PUBLIC HEARING(S)

A. FINAL PUBLIC HEARING: Approval of an **ORDINANCE NO. 2020-03, 2020** to amend Chapter 6, entitled "Alcoholic Beverages," to amend Section 6-70(b) of said chapter regarding exemptions to requirement of permit to serve alcohol within the City Limits of Kennesaw, GA. This is an update to the alcohol ordinance related to exemptions to the requirement of a permit to serve alcohol is being requested to increase efficiency in using volunteers at temporary city-sponsored or non-profit fundraising events where non-compensated persons are authorized to serve alcohol. The ordinance amendment outlines an exemption for such volunteers. Legal ads ran on February 14, 2020 and February 21, 2020 to advertise the ordinance change. The first public hearing was held on the February 17, 2020 Mayor and Council regular meeting. The Economic Development Director recommends approval.

Economic Development Specialist Miranda Taylor presented an amendment to municipal code Chapter 6 regarding exemptions to requirement of permits to serve alcohol within City of Kennesaw limits. This amendment is being requested to increase efficiency in using volunteers at temporary city-sponsored or non-profit fundraising events where non-compensated persons are authorized to serve alcohol. The public hearings were duly advertised in the Marietta Daily Journal. The first public hearing was held at the February 17, 2020 Mayor and Council regular meeting.

Motion by Councilmember Viars to approve the Ordinance as presented, seconded by Councilmember Henderson.

6:40 PM Floor Open for Public Comments

No comments.

6:41 PM Floor Closed to Public Comments

Vote taken, approved unanimously 5-0. Motion carried.

B. FINAL PUBLIC HEARING: Approval of an ORDINANCE to amend Appendix A "Unified Development Code," Chapter 1 "General Provisions," Section 1.09.02 "Definitions," and adding a new section under Chapter 4 "Site Design Standards," Section 4.06.00 "University Living-PBSH" (Purpose Built Student Housing). The proposed code amendments address the housing use that deals directly with purpose built student housing located within city limits. The proposed zoning district to be added to Chapter 4, along with the associated definitions, was presented to the Planning Commission at their regular scheduled meeting February 5, 2020. Don Bergwall motioned to adopt the code amendments and new zoning district as submitted, seconded by SaVaughn Irons. Vote 3-0. Legal reviewed and helped develop. This public hearing item was postponed from the February 17, 2020 Mayor and Council meeting. Upon further discussion and review of the new definitions in Chapter 1 and zoning district in Chapter 4, City staff and legal are reviewing possible additions and or revisions for discussion at the February 24th work session and possible adoption at the March 16th Mayor and Council meeting. Legal is reviewing and researching, handouts and supporting documents will be distributed at the work session.

Zoning Administrator Darryl Simmons said to meet Mayor and Council's input from the Work Session, he is requesting to postpone this item to the March 16th regular meeting. New legal ads were placed in the Marietta Daily Journal.

6:43 PM Floor Open to Public Comments

No public comments.

6:44 PM Floor Closed to Public Comments

Motion by Councilmember Eaton to postpone this public hearing to the March 16, 2020 regular meeting, seconded by Mayor Protem Ferris. Vote taken, approved unanimously, 5-0. Motion carried.

XI. CONSENT AGENDA

A. Approval of the February 17, 2020 Mayor and City Council meeting minutes.

B. Approval of **RESOLUTION NO. 2020-05, 2020** authorizing a polling location change for precinct KE2A from Kennesaw Mountain High School, 1898 Kennesaw Due West Road to New Beginnings United Methodist Church, 2975 Cobb Parkway. Due to escalating security concerns and associated costs, as well as difficulty securing polling rooms with suitable voter access when students are on site, Cobb County Board of Elections & Registration recommend polling locations be moved out of schools wherever possible. Precinct KE2A at Kennesaw Mountain High School will be relocated to New Beginnings United Methodist Church which is 3.1 miles from the existing polling place, and will adequately serve

the 3,682 active registered voters. This precinct change was approved by Cobb County and was effective January 14, 2020. The City Clerk recommends approval in accordance with Kennesaw Charter §5.06 and O.C.G.A. §21-2-260.

C. Approval of a **RESOLUTION NO. 2020-06, 2020** authorizing a two-year contract with newly appointed City Clerk Lea Addington, effective April 1, 2020. This contract will be for a term of two years. The Mayor recommends approval.

D. Approval of **RESOLUTION NO. 2020-07, 2020** authorizing Program Year 2020 Community Development Block Grant (CDBG) Subrecipient Agreement between Cobb County and City of Kennesaw. The Cobb County Board of Commissioners has appropriated $128,977 for the City of Kennesaw's continuation of the Community Development Block Grant (CDBG) program. This grant will be used for curb and gutter replacement and stormwater improvements in Woodland Acres infrastructure improvements. Before the funds can be awarded, the City must execute a Subrecipient Agreement with Cobb County that stipulates the City will comply with the responsibilities outlined for the CDBG program. Agreement has been reviewed by legal. Request is for Council to authorize the Mayor to sign the 2020 CDBG Subrecipient Agreement. The Public Works Director recommends approval.

D. Approval of a **RESOLUTION NO. 2020-08, 2020** to authorize bid award and contract with J.G. Leone Enterprises, INC. for Smith Gilbert Gardens Visitor Center – Phase 1 and Depot Park – Phase 6 & 7. The City issued a Request for Bids (RFB) for the furnishing of all materials, labor, tools, skills, equipment and incidentals necessary for the construction of the Smith Gilbert Gardens Visitor Center – Phase 1 and Depot Park – Phase 6 & 7. The request was duly advertised in the Marietta Daily Journal. The City received and opened five bids for the above referenced project on February 06, 2020. The low bid was submitted by J.G. Leone Enterprises, Inc for $3,849,013.87. Croy Engineering recommends approval and to authorize the Mayor to sign contract, pending legal review. Funding Lines: SPLOST 2011 SGG Event Building - 310.4228.54.1480; SPLOST 2016 Smith Gilbert Gardens - 310.4228.54.1498; SPLOST 2011 Depot Park - 310.4228.54.1481; and SPLOST 2016 Economic Development - 310.4228.541497.

E. Final plat for one parcel splitting into two parcels as submitted by Parke Lammerts/Core Property Capital. Property identified as 2601 Summers Street. Property identified as Land Lot 167, Tax Parcel 40 within the Central Business District. This final plat is being submitted for purpose of subdividing one parcel into two separate parcels (tracts 1 & 2) for future mixed-use development to be known as Kennesaw Town Center. Plan Review Committee has reviewed the submitted plat, which is in compliance, and recommends approval of the plat creating two separate tracts.

Motion by Councilmember Blinkhorn to approve the Consent Agenda engross, seconded by Councilmember Eaton. Vote taken, approved unanimously, 5-0. Motion carried.

XII. FINANCE AND ADMINISTRATION
GINA AULD, Finance Director

A. Consideration for approval of an Alcohol License for Beer, Wine and Sunday Sales for Gigi & Oghy LLC d/b/a Italia Mediterranean Grill located at 2655 Cobb Parkway, Suite 201, Kennesaw, GA 30152. Applicant: Ogechi Tartaglione. The applicant has completed the required alcohol workshop per Sec. 6-69. Signs have been posted and it has been properly advertised per Sec. 6-36. Current application and background check are on file. Sec. 6-42 refers to all locations within 300 feet of a private residence. This location is within 300 feet of a private residence. Sec. 6-42 states the Mayor and Council may waive the distance requirement if the quite enjoyment of the premises by the residents thereof shall not be adversely affected and the granting of such license shall not have any adverse effect on the private residence. Sec. 6-43 refers to all locations within 600 of a religious assembly. This location is within 600 feet of a church. Sec 6-43 states the mayor and city council may waive the distance requirement of this section if satisfactory evidence shall be produced that no adverse effect to property values or the use of the facilities for the aforesaid purposes would occur if a license was granted. Finance Director recommends approval. Funding Line: 100.0000.32.1100 Application Fee $350.00.

Finance Director Gina Auld presented the request for an Alcohol License for Beer, Wine and Sunday Sales for Gigi & Oghy LLC d/b/a Italia Mediterranean Grill located at 2655 Cobb Parkway, Suite 201, by applicant Ogechi Tartaglione. The applicant has completed the required alcohol workshop per Sec. 6-69, signs have been posted and it has been properly advertised per Sec. 6-36. Current application and background check are on file. Sec. 6-42 refers to all locations within 300 feet of a private residence and this location is within 300 feet of a private residence. Sec. 6-42 states the Mayor and Council may waive the distance requirement if the quite enjoyment of the premises by the residents thereof shall not be adversely affected and the granting of such license shall not have any adverse effect on the private residence. Sec. 6-43 refers to all locations within 600 of a religious assembly and this location is within 600 feet of a church. Sec 6-43 states the mayor and city council may waive the distance requirement of this section if satisfactory evidence shall be produced that no adverse effect to property values or the use of the facilities for the aforesaid purposes would occur if a license was granted. Based on the history of the location, staff recommends approval. The applicant was present this evening.

Motion by Councilmember Viars to approve the request by applicant Ogechi Tartaglione, seconded by Councilmember Blinkhorn. Vote taken, approved unanimously, 5-0. Motion carried.

B. Consideration for approval for a Massage Therapist license for Xiaohong Wang. Ms. Wang is the owner of Hong Therapy LLC, d/b/a Sunshine Massage to be located at 2839 Cherokee Street, Kennesaw, GA 30144. The applicant has submitted the complete application with the required documentation per Ordinance Sec 22-218 and 22-219: employment history, current health certificate and three character references. Background check investigation results are on file. Finance Director recommends approval.

Finance Director Gina Auld presented the request for a Massage Therapist license for Xiaohong Wang. Ms. Wang is the owner of Hong Therapy LLC, d/b/a Sunshine Massage to be located at 2839 Cherokee Street. The applicant has submitted the complete application with the required documentation per Ordinance Sec 22-218 and 22-219: employment history, current health certificate and three character references. Background check investigation results are on file. The applicant was present this evening.

Motion by Councilmember Blinkhorn to approve the request by applicant Xiaohong Wang, seconded by Councilmember Henderson. Vote taken, approved unanimously, 5-0. Motion carried.

XIII. PUBLIC SAFETY
BILL WESTENBERGER, Police Chief
LINDA DAVIS, 911 Communications Director

No items.

XIV. INFORMATION TECHNOLOGY
RICK ARNOLD, Co-Director
JOSHUA GUERRERO, Co-Director

No items.

XV. PUBLIC WORKS
RICKY STEWART, Director
ROBBIE BALENGER, Building & Facilities Manager

No items.

XVI. RECREATION AND CULTURE
RICHARD BANZ, Museum and Agency Director
STEVE ROBERTS, Parks and Recreation Director
ANN PARSONS, Smith-Gilbert Gardens Director

A. Approval of a **RESOLUTION NO. 2020-09, 2020** to authorize bid award and contract with J.G. Leone Enterprises, Inc. for Smith Gilbert Gardens Visitor Center – Phase 1 and Depot Park – Phase 6 & 7. The City issued a Request for Bids (RFB) for the furnishing of all materials, labor, tools, skills, equipment and incidentals necessary for the construction of the Smith Gilbert Gardens Visitor Center – Phase 1 and Depot Park – Phase 6 & 7. The request was duly advertised in the Marietta Daily Journal. The City received and opened five bids for the above referenced project on February 06, 2020. The low bid was submitted by J.G. Leone Enterprises, Inc for $3,849,013.87. Croy Engineering recommends approval and to authorize the Mayor to sign contract, pending legal review. Funding Lines:
SPLOST 2011 SGG Event Building - 310.4228.54.1480;
SPLOST 2016 Smith Gilbert Gardens - 310.4228.54.1498;
SPLOST 2011 Depot Park - 310.4228.54.1481; and
SPLOST 2016 Economic Development - 310.4228.541497.

Smith-Gilbert Gardens Director Ann Parsons presented the resolution to authorize bid award and contract with J.G. Leone Enterprises, Inc. for the Smith Gilbert Gardens Visitor Center Phase 1 and Depot Park Phases 6 & 7, subject to legal review.

Motion by Councilmember Eaton to approve the Resolution to authorize bid award and contract with J.G. Leone Enterprises, INC. for Smith Gilbert Gardens Visitor Center – Phase 1 and Depot Park – Phase 6 & 7 pending legal review, seconded by Councilmember Viars. Vote taken, approved unanimously 5-0. Motion carried.

XVII. COMMUNITY DEVELOPMENT
ROBERT FOX, Economic Development Director
DARRYL SIMMONS, Zoning Administrator
SCOTT BANKS, Building Official

No items.

XVIII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

6:51 PM Floor Open for Public Comments

No public comments.

6:52 PM Floor Closed for Public Comments

XIX. CITY MANAGERS REPORT – Jeff Drobney

City Manager Jeff Drobney reported the City is paying attention to the corona virus issue and staff attended a Cobb Emergency Management meeting today. Best advice is to wash hands frequently and for at least 20 seconds. Staff is monitoring the situation with contingencies in mind.

XX. MAYOR'S REPORT

A. Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committees, Authority or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve committees, as deemed necessary.

No items.

XXI. COUNCIL COMMENTS

Councilmember James Eaton announced the Optimist Club, Parks & Recreation and Eaton Chiropractic will host "go fly a kite" day on March 21st, 12:00-4:00 PM at Swift-Cantrell Park. He encouraged the public to attend!

Councilmember David Blinkhorn reported he and City Manager Jeff Drobney hosted Powder Springs elected officials and staff while they viewed our skatepark. It wasn't the warmest day, but there were still at least a dozen people actively using the skatepark. Powder Springs is considering building one of their own. If only they had come on

Saturday when he and his wife Karen were in the park – with the better weather, it was packed!

Councilmember Chris Henderson said Swift Kids are starting soon and they are sold out! Everyone is getting geared up for spring.

Mayor Protem Pat Ferris noted it has only rained twice this year – once for 20 days and the second time for 15 days!

Mayor Derek Easterling thanked Ray and Carlene Fregeolle for the invitation to the men's group at the church. He, Dr. Drobney and Councilmember David Blinkhorn attended the event. It was a great day of fellowship.

The meeting tonight started with the appointment of a new City Clerk, and will end with the last meeting of the retiring City Clerk. The changeover will be April 1st. Outgoing City Clerk expressed appreciation for the years of service to the Mayor, City Council, staff and the public. It has been a pleasure to see the public being actively involved in their community – it makes all the difference.

XXII. EXECUTIVE SESSION –Land, Legal, Personnel

A. Pursuant to the provisions of O.C.G.A. §50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney; and/or personnel matters; and/or real estate matters.

No items.

XXIII. ADJOURN

Mayor Easterling adjourned at 6:59 P.M. The next regularly scheduled meeting will be held Monday, March 16, 2020 at 6:30 p.m. in the Council Chambers. The public is encouraged to attend.

_____

Debra Taylor, City Clerk

MAYOR
Derek Easterling

City Manager
Jeff Drobney

City Clerk, MMC
Debra Taylor

Honoring Our Heritage - Forging Our Future

City of Kennesaw, GA

COUNCIL
Mayor Pro Tem Pat Ferris
James Eaton
Tracey Viars
Chris Henderson
David Blinkhorn

Verification the Mayor and City Council have reviewed Minutes from the

February 24, 2020 Executive Session.

(please initial next to your name)

Mayor Derek Easterling _____ Date: _____

Mayor Pro Tem Pat Ferris Pat M. Ferris Date: 3/2/2020

Councilmember James Eaton _____ Date: 3/2/2020

Councilmember Tracey Viars _____ Date: 3/2/2020

Councilmember Chris Henderson _____ Date: 3/2/2020

Councilmember David Blinkhorn _____ Date: 3/2/2020

These Minutes were approved at the _____ Mayor and City Council meeting.

ATTEST:

_____
Debra Taylor, City Clerk

Regular Meeting Agenda
3/16/2020 6:30 PM
Council Chambers

Title of Item:	On March 2, 2020, Jennifer Henderson purchased one (1) cemetery lot in the Kennesaw City Cemetery. The lot is located in Section III, Plot 34, Lot H for the burial of her mother Patricia White. City Clerk recommends authorizing the Mayor to sign the supporting deed for purchase of the lot.
Agenda Comments:	
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Deed	3/6/2020	Exhibit

Deed Number: 2020-~~63~~ 20

City of Kennesaw
Cemetery Deed
Cobb County, Georgia

This Indenture, made the 02 day of March, 2020 between the City of Kennesaw, a political subdivision of Cobb County existing under the Laws of the Sate of Georgia, hereinafter called Grantor, and:

Name	Address	City, ST ZipCode
HENDERSON, JENNIFER	209 North Brawner Street	Griffin, GA 30223

Hereinafter called Grantee.

WITNESSETH that: Grantor, for and in consideration of the sum of
ONE THOUSAND FIVE HUNDRED DOLLARS AND 0 CENTS **($1,500.00)**
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 transfer remise and convey unto the said grantee that certain lot or tract located in the Kennesaw City Cemetery in Land Plot 74 of the 20th District, Cobb County, Georgia, said cemetery lot being more particularly described as follows:

SECTION	PLOT	LOT	PRICE
III	34	H	$1,500.00

To have and to hold the said premised to grantee. By acceptance of this Deed the grantee herein, his heirs, administrators, successor, and assigns acknowledge that said coneyance is for the purpose of interment of human remains, and for no other purpose; and the grantee herein further does hereby agree to maintain the above demised premises in a neat and orderly condition and abide by the rules and regulations concerning said cemetery as they may from time to time by promulgated by the grantor herein.

Chapter 30- CEMETERIES Code of Ordinance, Kennesaw, Georgia
Regulations and Non-Liability of City:
Section 30-8 states:

(a) The Mayor and Council reserve to themselves and their successor in the office the right to alter, amend, modify or add to the rules, regulations, conditions, and restrictions set for in this chapter and any time it is deemed advisable to do so in order to carry out the purpose of this chapter.

(b) There shall be no liability whatsoever, either tort or contractual, on the part of the city, or its officials or officers, or their successors in office, or its agents or employees, to any purchasers of any lots in the cemetery, or to any person holding under then, or to the family or relatives of any person buried in the cemetery, or to any person or the family of such person who has erected any monument, marker, or mausoleum therein, by reason of any act, thing, omission, negligence, or otherwise relating to the cemetery. In accepting any conveyance of any burial lot, each purchaser agrees that all provisions of this chapter are valid and that he and his heirs and assigns shall hold such lot subject to all provisions of this chapter and subject to all amendments to this chapter made by the Mayor and Council.

This deed is given by virtue of and under authority granted by the City Council of the City of Kennesaw at its regular meeting on the 02 day of March, 2020.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed the day and year first above written.

This deed hereby accepted subject to the conditions herein set forth.

Jennifer R Henderson
Purchaser

Mayor

Purchaser

City Clerk

Regular Meeting Agenda
3/16/2020 6:30 PM
Council Chambers

Title of Item:	Approval of RESOLUTION and authorization for the Mayor to execute the Lease Supplement with Georgia Municipal Association (GMA) for the direct leasing program for one (1) 2020 F250 Truck. The total amount of the loan is $22,554.
Agenda Comments:	Through GMA the City will finance the truck for a four year period with annual payments of $5,086.26 at an annual interest rate of 4.14%. Funding will be through Magnolia Bank via GMA. Finance Director recommends approval.
Funding Line(s)	100.8000.58.1200 Total principal $22,554.00 over lease term 100.8000.58.2200 Total interest $2,877.30 over lease term

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ATTACHMENTS:

Description	Upload Date	Type
Resolution	3/4/2020	Resolution
Lease Supplement	3/4/2020	Backup Material

CITY OF KENNESAW
GEORGIA

RESOLUTION NO. 2020- ___, 2020

RESOLUTION OF THE KENNESAW CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ONE OR MORE LEASE SUPPLEMENTS FOR A LEASE OR LEASES UNDER THE GEORGIA MUNICIPAL ASSOCIATION (GMA) DIRECT LEASING PROGRAM; TO DESIGNATE SUCH LEASES AS QUALIFIED TAX EXEMPT OBLIGATIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS:

WHEREAS, the City has entered into a Master Lease (the "Master Lease") dated as of February 21, 2001, with Georgia Municipal Association, Inc. (GMA) for the leasing from time to time of certain equipment, machinery or other personal property pursuant to Supplemental Leases.

NOW, THEREFORE, BE IT RESOLVED that the Kennesaw City Council:

1. The Mayor of the City of Kennesaw is hereby authorized and directed to execute and deliver a Lease Supplement pursuant to the Master Lease to put into effect one or more leases for one (1) 2020 Ford F250 Truck (the "Leased Property"); said officer of the City is authorized and directed in the name and on behalf of the City to execute and deliver (i) one or more Lease Supplements for items of the Leased Property in substantially the form attached to the Master Lease, with such changes and additions as may be approved by said officer, and (ii) such other documents as may be deemed by such officer to be necessary or desirable to effect the purposes hereof or of the Master Lease, and such execution shall constitute conclusive evidence that the executed document has been authorized and approved hereby; the aforesaid officer is further authorized to do all things necessary or appropriate to effectuate the purposes hereof.

2. An appropriation in the City's current operating budget has previously been made in the amount of $5,086.26 which shall be sufficient to pay the "rentals" and the "termination payment" during the "starting term" under such Lease Supplements.

3. The lease or leases contemplated by the said Lease Supplements are hereby designated "Qualified Tax Exempt Obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, and said officer shall be authorized to confirm such designation by execution of appropriate documents in connection therewith.

4. This authorization shall be effective immediately.

PASSED AND ADOPTED by the Kennesaw City Council on this __ day of March, 2020.

ATTEST:

CITY OF KENNESAW

_____
Debra Taylor, City Clerk

_____
Derek Easterling, Mayor

GEORGIA MUNICIPAL ASSOCIATION

President
Phil Best
Mayor, Dublin

First Vice President
Vince Williams
Mayor, Union City

Second Vice President
Jim Thornton
Mayor, LaGrange

Third Vice President
Julie Smith
Mayor, Tifton

Immediate Past President
Linda Blechinger
Mayor, Auburn

Executive Director
Larry H. Hanson

February 21, 2020

Ms. Gina Auld
Finance Director
City of Kennesaw
2529 J. O. Stephenson Avenue
Kennesaw, Georgia 30144

RE: Direct Installment Program

Dear Ms. Auld:

Please find enclosed the proposed lease supplement between your city and the Georgia Municipal Association. GMA will file all necessary forms including the state UCC-1 and federal 8038. **Please keep in mind the payment schedule (Schedule B) may change slightly depending on the closing date.**

Please return the documents and invoice to GMA by March 31, 2020 to guarantee the 4.14% interest rate. You may wish to send the documents by overnight courier to assure prompt delivery.

PLEASE PAY CAREFUL ATTENTION TO SIGNATURES AND SEALS. OUR LENDERS WILL NOT PROCESS INCOMPLETE PAPERWORK. IF YOU ARE UNSURE ABOUT A DATE FIELD, LEAVE IT BLANK.

If you have any questions, please contact me at (678) 686-6264.

Sincerely,

Darin Jenkins
Director of Financial Services

/DJ
Enclosures

The Burgess Building • 201 Pryor Street, SW • Atlanta, GA 30303-3606 • Tel 404.688.0472 • Toll Free 888.488.4462 • Fax 678.686.6289 • www.gmanet.com
Mailing Address: PO Box 105377 · Atlanta, GA 30348

DOCUMENT NOTES

LEASE SUPPLEMENT

NOTE: ON ALL PROPERTIES REQUIRING TITLE, A COPY OF THE MV - 1 APPLICATION LISTING GMA AS LIENHOLDER MUST ACCOMPANY LEASE DOCUMENTS.

Exhibit E - Lease Supplement: Please complete requested information. Please also sign on the Lessee position, which is marked with the City's name. The City Clerk should attest this document.

Exhibit E - Schedule A: Please insert appropriate information as requested (i.e., add serial number, amount, or model number).

Exhibit E- Schedule B: No action is required for this schedule.

Exhibit E- Schedule C: Please date, sign, and have the City Clerk attest this document.

Exhibit E- Schedule D: IRS Form 8038: Please add the city's Tax I.D. number and sign at the bottom. The lender will complete this document at closing.

Exhibit E- Schedule F: *Resolution/Ordinance for Supplemental Lease*: Please add necessary information, date, and sign this document. The Resolution/Ordinance must be adopted at a regular council meeting at which the Mayor may designate the appropriate city officials to enter into subsequent leases for the appropriate amount. The City Clerk should sign and seal at the bottom of the page.

Please return the enclosed document and all attachments (i.e., clips, etc.) to:

Georgia Municipal Association
Attention: Financial Services Program Manager
P.O. Box 105377
Atlanta, Georgia 30348

IF YOU HAVE ANY QUESTIONS OR SHOULD NEED ANY ASSISTANCE, PLEASE DO NOT HESITATE TO CALL THE FINANCIAL SERVICES PROGRAM MANAGER AT (888) 488-4462. LEASE DOCUMENTS MUST BE EXECUTED COMPLETELY AND CORRECTLY BEFORE ANY CHECKS WILL BE ISSUED BY THE SERVICING BANK.

Note: GMA's Lienholder Code is 10288896

EXHIBIT "E"
LEASE SUPPLEMENT

THIS LEASE SUPPLEMENT (this "Lease Supplement") by and between GEORGIA MUNICIPAL ASSOCIATION, INC., a Georgia non-profit corporation ("Lessor") and the municipal corporation of the State of Georgia signing below ("Lessee"), is made and entered into the date of its execution by the Lessor.

RECITALS:

Lessor and Lessee have entered into a Master Lease (the "Master Lease") dated February 21, 2001, which provides for Lessor to lease to Lessee certain property (the "Property") to be specified in Lease Supplements to be executed and delivered by Lessor and Lessee from time to time; and

Lessor and Lessee are entering into this Lease Supplement pursuant to the Master Lease to specify the terms for the lease of certain Property.

LESSOR AND LESSEE HEREBY AGREE AS FOLLOWS:

1. Definitions. Unless a different meaning or intent is required by this Lease Supplement, the capitalized terms used in this Lease Supplement shall have the meanings set forth in the Master Lease.

2. Property. The Property described on the Property Schedule incorporated as Schedule A to this Lease Supplement is specified as the Property that initially is the subject hereof.

3. Lease Payments. The Rental Schedule, incorporated as Schedule B to this Lease Supplement describes the initial amounts and payment dates of the Rentals for the Lease, and the Purchase Price for the Property. The Termination Payment may become due and payable upon the circumstances described in Section 4.2 of the Master Lease.

4. Term of Lease. The Starting Term of the Lease of the Property shall begin on the date hereof (the "Starting Date") and end on December 31 of the same year. The Lease will be renewed for successive calendar year Renewal Terms (the "Renewal Terms"), and an Ending Term (the "Ending Term") commencing January 1 of the last calendar year appearing on the Rental Schedule, and ending on the date of the final payment shown on the Rental Schedule (the "Ending Date"), unless Lessee gives a Nonrenewal Notice or there occurs an Event of Nonappropriation, as provided in the Master Lease. The "Lease Term" is the period from the Starting Date to the Ending Date, subject to the earlier expiration or termination of the Lease as provided in the Master Lease.

5. Agreements, Representations and Warranties. Lessee represents, warrants and agrees as follows:

(a) Lessee's representations, warranties and agreements contained in the Master Lease are true, accurate, complete and effective as of the date hereof;

(b) *(this clause (b) applies only if this Lease is designated as a Bank-Qualified Lease below)* in order to enable Lessor to offer the interest rate contained in this Lease, Lessee represents and warrants that it has not issued, nor does it (taken together with the entities with which it must be aggregate pursuant to Section 265(b)(3)(E) of the Code) reasonably expect to issue (taking into account the Leases) more than $10 million of tax-exempt obligations (other than private activity bonds) for the calendar year during which the Lease becomes effective; as provided in Code Section 265(b)(3)(B)(II), Lessee specifically designates the Lease as a "qualified tax-exempt obligation" as provided by Code Section 265(b)(3);

(c) Lessee will take no action that will directly or indirectly affects the deductibility of that portion of Lessor's interest expense allocable to this Lease;

(d) Lessee has made an available appropriation of and included in its current operating budget all Rentals for the Starting Term and the Termination Payment applicable to this Lease;

(e) Lessee has received, tested, and finally accepted the Property;

(f) The portion of the Rentals representing principal, when taken together with the principal portion outstanding under any other contract entered into by Lessee pursuant to the authority of O.C.G.A. § 36-60-13, together with the amount of debt outstanding incurred by Lessee pursuant to Article IX, Section V, Paragraph I of the Constitution of Georgia of 1983, as amended, does not exceed 10% of the assessed value of all taxable property within the jurisdictional limits of Lessee;

(g) The Property that is the subject hereof has not been the subject of a referendum that failed to receive the approval of the voters of Lessee within the calendar year in which this Lease is entered into for any of the four immediately preceding calendar years;

(h) If the Property subject to this Lease is real property: and unless the Property has been approved in the most recent referendum calling for the levy of a special county 1% sales and use tax pursuant to O.C.G.A. Tit. 48, Chapt. 8, Art. 3, Pt. 1, neither of the following has occurred:

(i) the average annual payments on the aggregate of all outstanding contracts entered into by Lessee for real property pursuant to the authority of O.C.G.A. § 36-60-13, including this Lease, do not exceed 7.5% of the governmental fund revenues of Lessee for the last calendar year preceding the date of delivery of this Lease (provided, however, that there may be added to such governmental fund revenues any special county 1% sales and use tax proceeds collected pursuant to O.C.G.A. § 48-8-111 legally available to pay amounts on this Lease or such other contracts); and

(ii) the outstanding principal balance on the aggregate of all outstanding contracts entered into by Lessee for real property pursuant to the authority of O.C.G.A. § 36-60-13, including this Lease does not exceed $25,000,000.00

(i) If the property subject to this Lease is real property, Lessee held a public hearing with respect to this Lease prior to the delivery of this Lease, notice of which hearing was published at least once in each of the two weeks preceding the week of the hearing in a newspaper of general circulation in the jurisdiction of Lessee.

(j) No Event of Default or Event of Nonappropriation has occurred with respect to any Lease entered into under the Master Lease.

6. Non-Arbitrage Certificate. The Property that is subject to the Lease has not been and is not expected to be sold or otherwise disposed of in whole or in part prior to the Ending Date. Monies appropriated for the payment of amounts under the Lease will be paid from Lessee's general fund and will not be pledged for the Lease or be otherwise separately identified or accounted for (unless the Lease is to be paid from sales tax receipts). Lessee has not been notified of any listing of it by the Internal Revenue Service as an issuer that may not certify its obligations. No proceeds or "gross proceeds" of the Lease are expected to be invested prior to an allocation for governmental use, unless an Escrow Agreement has been entered into in connection with this Lease. The proceeds of the Lease will not be used in a manner and no other action will be taken or omitted that would cause the Lease to be an "arbitrage bond" under Section 148 or a "private activity bond" under Section 141 of the Internal Revenue Code of 1986, as amended and the regulations promulgated under that Section.

7. Quitclaim. At the outset of this Lease, the Lessee does hereby assign, transfer, convey and quitclaim to Georgia Municipal Association, Inc. ("Lessor") such ownership interests as it may possess, if any, in and to the "Property," as is necessary to permit the Property to be leased by Lessor to Lessee pursuant to the terms of this Lease Supplement and the Master Lease in accordance with their terms. Pursuant to Section 2.2 of the Master Lease, Lessor further transfers title to Lessee to the extent provided therein, and Lessee accepts such transfer in accordance with such Section 2.2. This quitclaim is given in consideration of the advance by or on behalf of the Lessor of the purchase price of the Property and the undertaking of the Lessor represented by this Lease Supplement.

8. Active Municipality. The Lessee certifies that it does, and expects to continue (a) providing at least three of the following services, either directly or by contract: law enforcement; fire protection (which may be furnished by a volunteer fire force) and fire safety; road and street construction or maintenance; solid waste management; water supply or distribution or both; waste-water treatment; storm-water collection and disposal; electric or gas utility services; enforcement of building, housing, plumbing, and electrical codes and other similar codes; planning and zoning; recreational facilities; (b) holding at least six regular,

monthly or bimonthly, officially recorded public meetings each year; and (c) qualifying for and holds a regular municipal election as provided by law.

9. Effect of Lease Supplement. This Lease Supplement is intended as a separate Lease of the items of Property described in this Lease Supplement pursuant to the Master Lease. The terms, conditions and provisions of the Master Lease are hereby incorporated in this Lease Supplement to the same extent as if fully set forth in this Lease Supplement in this place, except to the extent expressly amended or modified by this Lease Supplement. The owner of Lessor's interest in this Lease shall have all rights, powers and remedies of Lessor with respect to this Lease under the Master Lease. This Lease Supplement may be executed in multiple counterparts, each of which shall constitute an original. This Lease Supplement shall be effective only upon the due completion and execution of the Schedules listed below and the delivery thereof to the Servicer.

10. Bank-Qualified or Non-Bank-Qualified.

☐ The Lease under this Lease Supplement is a Non-Bank-Qualified Lease;

OR: (Check 1 box)

☒ The Lease under this Lease Supplement is a Bank-Qualified Lease and Lessee has designated the Lease under the Lease Supplement as a "qualified tax-exempt obligation" under Section 265(b)(3) of the Code. The Lessee and its subordinate entities, and the entities that issue obligations on behalf of Lessee have not issued other tax-exempt obligations (other than private activity bonds, except Qualified 501(c)(3) Bonds) in the current calendar year, and Lessee does not expect that it and such other entities will issue such tax-exempt obligations such that all of such obligations, taken together with the Lease Amount under the Lease Supplement, would exceed $10,000,000 in such calendar year. The only tax-exempt obligations issued or expected to be issued in the current calendar year by such parties are as follows (type title, date and amount):

	TITLE	DATE	AMOUNT
(1)	_____	_____	_____
(2)	_____	_____	_____

11. Payments Direction. Lessee authorizes and directs the Servicer under this Lease Supplement to pay the vendors of the Property as indicated below:

NAME AND ADDRESS OF VENDOR	INVOICE # (attach invoices)	AMOUNT
City of Kennesaw 2529 J. O. Stephenson Avenue Kennesaw GA 30144 Attn: Finance Director (770) 424-8274	Enclosed	$22,554.00

(Should Lessee have previously paid vendor, or require another means of payment to the Vendor, it should attach a request for an alternate payment method with a full explanation and, if applicable, proof of payment to the vendor.)

12. Assignee and Servicer. Lessor has assigned its rights and interests in the Lease to Magnolia Bank, which shall serve as Servicer for the Lease, and Lessee shall make payments to such Servicer.

13. Schedules. Lessee hereby delivers to Lessor and its assigns the completed, executed and effective Schedules C, D, and F, described below.

This Lease Supplement is dated: _____

IN WITNESS WHEREOF, Lessor and Lessee have caused this Lease Supplement to be duly executed.

LESSEE: **City of Kennesaw**
(SEAL)

Signed By: _____
City Manager or Mayor

Print Name: _____

Attested By: _____
City Clerk

Print Name: _____

Date: _____

LESSOR: **GEORGIA MUNICIPAL ASSOCIATION, INC.**
(SEAL)

Signed By: _____
Executive Director

Attested By: _____
Financial Services Program Manager

Date of Execution: _____

Schedules Hereto:

A. Property Schedule
B. Rental Schedule
C. Appropriation Certificate Form
D. Form 8038G or 8038GC
E. Form UCC-1 (If included)
F. Ordinance/Resolution for Lease Supplement
G. Assignment and Transfer of Lease Supplement
(Schedule G will be completed by GMA)

SCHEDULE A

PROPERTY SCHEDULE

DESCRIPTION OF PROPERTY	IDENTIFICATION OR VIN NUMBER	AMOUNT FINANCED
Ford F250	1FTBF2A68LEC48753	$22,554

Payment Amortization Report

SAMPLE

Customer: City of Kennesaw #7

Interest Rate:

4.14%

Per	Date	Payment	Principal	Interest	Principal Balance	Accrued Interest	Accrued Int Bal	Net Balance
0	3/20	0.00	0.00	0.00	22,554.00	0.00	0.00	22,554.00
12	3/21	5,086.26	4,152.52	933.74	18,401.48	933.74	0.00	18,401.48
24	3/22	5,086.26	4,324.44	761.82	14,077.04	761.82	0.00	14,077.04
36	3/23	5,086.26	4,503.47	582.79	9,573.57	582.79	0.00	9,573.57
48	3/24	5,086.26	4,689.91	396.35	4,883.66	396.35	0.00	4,883.66
60	3/25	5,086.26	4,883.66	202.60	0.00	202.60	0.00	0.00
	Totals:	25,431.30	22,554.00	2,877.30		2,877.30		

SCHEDULE C

APPROPRIATION CERTIFICATE

Re: Master Lease dated February, 21, 2001 and Lease Supplement (the "Lease Supplement") dated _____, between Lessee and Georgia Municipal Association, Inc.

The undersigned officers of the City of Kennesaw (the "Lessee") hereby certify that all Rentals and the Termination Payment under the referenced Lease Supplement, for the current fiscal year are within such Lessee's operating budget or budgets for such year and an appropriation of funds for such year has been made for such purpose and is available therefore.

Dated: _____

City of Kennesaw

Signed by: _____

Print Name: _____

Title: _____

Attested By: _____

Print Name: _____

Title: _____

(SEAL)

INSTRUCTIONS:

1. To be given at the time of signing a Lease Supplement and within 30 days of the adoption of each annual budget.

2. Complete a separate certificate for each Lease Supplement in effect.

SCHEDULE D

Form **8038-GC**
(Rev. January 2012)
Department of the Treasury
Internal Revenue Service

Information Return for Small Tax-Exempt Governmental Bond Issues, Leases, and Installment Sales

▶ Under Internal Revenue Code section 149(e)

Caution: *If the issue price of the issue is $100,000 or more, use Form 8038-G.*

OMB No. 1545-0720

Part I Reporting Authority Check box if **Amended Return** ▶ ☐

1 Issuer's name: City of Kennesaw
2 Issuer's employer identification number (EIN): 58-6010582
3 Number and street (or P.O. box if mail is not delivered to street address): 2529 J. O. Stephenson Avenue — Room/suite
4 City, town, or post office, state, and ZIP code: Kennesaw, GA 30144
5 Report number (*For IRS Use Only*)
6 Name and title of officer or other employee of issuer or designated contact person whom the IRS may call for more information: Ms. Gina Auld, Finance Director
7 Telephone number of officer or legal representative: (770) 424-8274

Part II Description of Obligations Check one: a single issue [X] **or** a consolidated return ☐.

8a	Issue price of obligation(s) (see instructions)	8a	$22,554
b	Issue date (single issue) **or** calendar date (consolidated). Enter date in mm/dd/yyyy format (for example, 01/01/2009) (see instructions) ▶		
9	Amount of the reported obligation(s) on line 8a that is:		
a	For leases for vehicles	9a	$22,554
b	For leases for office equipment	9b	
c	For leases for real property	9c	
d	For leases for other (see instructions) Ford F250	9d	
e	For bank loans for vehicles	9e	
f	For bank loans for office equipment	9f	
g	For bank loans for real property	9g	
h	For bank loans for other (see instructions)	9h	
i	Used to refund prior issue(s)	9i	
j	Representing a loan from the proceeds of another tax-exempt obligation (for example, bond bank)	9j	
k	Other	9k	

10 If the issuer has designated any issue under section 265(b)(3)(B)(i)(III) (small issuer exception), check this box ▶ ☑
11 If the issuer has elected to pay a penalty in lieu of arbitrage rebate, check this box (see instructions) ▶ ☐
12 Vendor's or bank's name: Magnolia Bank
13 Vendor's or bank's employer identification number:

Signature and Consent

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that I consent to the IRS's disclosure of the issuer's return information, as necessary to process this return, to the person(s) that I have authorized above.

▶ Signature of issuer's authorized representative — Date ▶ Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name	Preparer's signature	Date	Check ☐ if self-employed	PTIN
Firm's name ▶			Firm's EIN ▶	
Firm's address ▶			Phone no.	

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

What's New

The IRS has created a page on IRS.gov for information about the Form 8038 series and its instructions, at *www.irs.gov/form8038*. Information about any future developments affecting the Form 8038 series (such as legislation enacted after we release it) will be posted on that page.

Purpose of Form

Form 8038-GC is used by the issuers of tax-exempt governmental obligations to provide the IRS with the information required by section 149(e) and to monitor the requirements of sections 141 through 150.

Who Must File

Issuers of tax-exempt governmental obligations with issue prices of less than $100,000 must file Form 8038-GC.

Issuers of a tax-exempt governmental obligation with an issue price of $100,000 or more must file Form 8038-G, Information Return for Tax-Exempt Governmental Obligations.

Filing a separate return for a single issue. Issuers have the option to file a separate Form 8038-GC for any tax-exempt governmental obligation with an issue price of less than $100,000.

An issuer of a tax-exempt bond used to finance construction expenditures must file a separate Form 8038-GC for each issue to give notice to the IRS that an election was made to pay a penalty in lieu of arbitrage rebate (see the line 11 instructions).

Filing a consolidated return for multiple issues. For all tax-exempt governmental obligations with issue prices of less than $100,000 that are not reported on a separate Form 8038-GC, an issuer must file a consolidated information return including all such issues issued within the calendar year.

Thus, an issuer may file a separate Form 8038-GC for each of a number of small issues and report the remainder of small issues issued during the calendar year on one consolidated Form 8038-GC. However, if the issue is a construction issue, a separate Form 8038-GC must be filed to give the IRS notice of the election to pay a penalty in lieu of arbitrage rebate.

SCHEDULE F

ORDINANCE/RESOLUTION FOR SUPPLEMENTAL LEASES

A RESOLUTION OR ORDINANCE TO AUTHORIZE AND
DIRECT AN OFFICER OF THE CITY
TO EXECUTE ONE OR MORE LEASE SUPPLEMENTS FOR A LEASE
OR LEASES UNDER THE GMA DIRECT LEASING PROGRAM; TO DESIGNATE
SUCH LEASES AS QUALIFIED TAX-EXEMPT OBLIGATIONS;
TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City has entered into a Master Lease (the "Master Lease") dated as of February 21, 2001, with Georgia Municipal Association, Inc. for the leasing from time to time of certain equipment, machinery or other personal property pursuant to Supplemental Leases;

NOW THEREFORE, BE IT RESOLVED OR ORDAINED AS FOLLOWS BY THE GOVERNING BODY OF THE CITY:

1. The _____ of the City is hereby authorized and directed to execute and deliver a Lease Supplement pursuant to the Master Lease to put into effect one or more leases for Ford F250 (the "Leased Property"); said officer of the City is authorized and directed in the name and on behalf of the City to execute and deliver (i) one or more Lease Supplements for items of the Leased Property in substantially the form attached to the Master Lease, with such changes and additions as may be approved by said officer, and (ii) such other documents as may be deemed by such officer to be necessary or desirable to effect the purposes hereof or of the Master Lease, and such execution shall constitute conclusive evidence that the executed document has been authorized and approved hereby; the aforesaid officer is further authorized to do all things necessary or appropriate to effectuate the purposes hereof.

2. ☐ An appropriation in the City's current operating budget has previously been made, which shall be sufficient to pay the "Rentals" and the "Termination Payment" during the "Starting Term" under such Lease Supplements; or

(check applicable box)

☐ An appropriation from unappropriated and unreserved funds in the City's current operating budget is hereby made for the "Rentals" and the "Termination Payment" during the "Starting Term" under such Lease Supplements, and the budget of the City is hereby amended to reflect such appropriation to the extent necessary.

3. The lease or leases contemplated by the said Lease Supplements are hereby designated "Qualified Tax-Exempt Obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, and said officer shall be authorized to confirm such designation by execution of appropriate documents in connection therewith.

4. This authorization shall be effective immediately.

CLERK'S CERTIFICATE

The undersigned hereby certifies that he or she is the Clerk of the City of Kennesaw, Georgia (the "City"), and that the foregoing is a true copy of the ☐ Resolution or, ☐ Ordinance [Check One] adopted by the governing body of the City at a meeting duly held on the _____, 20___, at which a quorum was present and acting throughout, and that the same has not been rescinded or modified and is now is in full force and effect. Given under the seal of the City, this _____, 20___.

(SEAL)

_____
City Clerk

Regular Meeting Agenda
3/16/2020 6:30 PM
Council Chambers

Title of Item:	Approval of a RESOLUTION to amend the Cobb Framework Agreement for McCollum Pkwy @ Ben King Road.
Agenda Comments:	The City of Kennesaw entered into a Cobb Framework Agreement with Cobb County, Georgia on January 26, 2016, for services associated with McCollum Parkway @ Ben King Road Intersection Improvements (PROJECT), Project No. X2309. At the time the parties anticipated the total project costs to be Two Million and No/100 Dollars ($2,000,000.00) and agreed on a funding split of 70% COUNTY ($1,400,000.00) and 30% CITY ($600,000.00). The project design has been completed, the ROW acquisition completed and the project was advertised for construction on October 10, 2019. The total project costs are now anticipated to be $3,720,000 and increasing the maximum financial contributions of each party as follows: County 70% $2,604,000 City 30% $1,116,000. Cobb County is asking the City to allow it's portion of the increased cost to be advanced from the Mack Dobbs project (also a joint County/City 2016 SPLOST project) while County and City staff work on the scope and budget for Mack Dobbs. Cobb County believes potential savings can be found in the McCollum @ Ben King Road project after plan set/quantities review and closely managing construction allowances thereby reducing the City's portion of the overall project cost. Recommendation is for the Council to authorize the Mayor to sign to allow this much needed road and traffic safety project to proceed.
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Resolution	2/28/2020	Resolution
Cobb County Amendment to Cobb Framework Agreement for McCollum @ Ben King Road	2/26/2020	Contract/Agreement

CITY OF KENNESAW, GEORGIA

RESOLUTION NO. 2020-_____, 2020

RESOLUTION TO APPROVE AN AMENDED AGREEMENT WITH COBB COUNTY ON THE COBB FRAMEWORK AGREEMENT FOR SERVICES ASSOCIATED WITH THE 2016 SPLOST PROJECT ROADWAY IMPROVEMENTS - MCCOLLUM PARKWAY AT BEN KING ROAD INTERSECTION IMPROVEMENT PROJECT

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS:

WHEREAS, the parties anticipated the total 2016 Special Purpose Local Option Sales Tax (SLOST) project costs to be two million and no/100 dollars ($2,000,000) and agreed on a funding split of 70% County ($1,400,000) and 30% City ($600,000) as approved by Resolution No. 2016-14, 2016; and

WHEREAS, the project design has been completed and the rights-of-way acquisition is nearing completion. The project has been advertised and let for construction on October 10, 2019; and

WHEREAS, the total project costs are now anticipated to be $3,720,000; and

WHEREAS, for and in consideration of the mutual benefits and obligations flowing each to the other, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree to amend the agreement as follows:

> Section 14 is hereby amended by increasing the maximum financial contributions of each party as follows:

COUNTY	70%	$2,604,000
CITY	30%	$1,116,000

This agreement in no way modifies or changes the original agreement of which it becomes a part, except as specifically stated herein.

NOW, THEREFORE, BE IT RESOLVED the Kennesaw City Council authorizes the Mayor to execute the amended Cobb Framework Agreement for services associated with McCollum Parkway at Ben King Road Intersection Improvement Project.

PASSED AND ADOPTED by the Kennesaw City Council on this ____ day of _____, 2020.

ATTEST: CITY OF KENNESAW

_____ _____

Lea Addington, City Clerk Derek Easterling, Mayor

COBB COUNTY
DEPARTMENT OF TRANSPORTATION
AMENDMENT TO
COBB FRAMEWORK AGREEMENT

Project No. X2309
AMENDMENT NO. 1

WHEREAS, We, **City of Kennesaw** (CITY) entered into a Cobb Framework Agreement with Cobb County, Georgia (COUNTY) on January 26, 2016, for services associated with McCollum Parkway @ Ben King Road Intersection Improvements (PROJECT), Project No. X2309.

WHEREAS, the parties anticipated the total PROJECT costs to be Two Million and No/100 Dollars ($2,000,000.00) and agreed on a funding split of 70% COUNTY ($1,400,000.00) and 30% CITY ($600,000.00).

WHEREAS, the PROJECT design has been completed, and the ROW acquisition is nearing completion. The PROJECT has been advertised and let for construction on October 10, 2019.

WHEREAS, the total PROJECT costs are now anticipated to be $3,720,000.

NOW THEREFORE, for and in consideration of the mutual benefits and obligations flowing each to the other, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree to amend agreement as follows:

Section 14 is hereby amended by increasing the maximum financial contributions of each party as follows:

COUNTY	**70%**	**$2,604,000**
CITY	**30%**	**$1,116,000**

This agreement in no way modifies or changes the original Agreement of which it becomes a part, except as specifically stated herein.

This _____ day of _____, 20____

RECOMMEND FOR APPROVAL:

CITY OF KENNESAW

By:_____

Printed Name: _____

Title:_____

Date _____
[ATTACH CORPORATE SEAL]

COBB COUNTY, GEORGIA

By: _____

Printed Name: Michael H. Boyce

Title: Chairman, Board of Commission

Date _____
[ATTACH CORPORATE SEAL]

APPROVED TO FORM BY:

_____
County Attorney's Office

Regular Meeting Agenda
3/16/2020 6:30 PM
Council Chambers

Title of Item:	Request to sell or surplus eight Police Vehicles.
Agenda Comments:	The Chief of Police requests permission to sell or surplus 8 older vehicles in the fleet. The vehicle information is as follows: 2005 GMC Yukon VIN:3GKEC16Z05G228967; 2006 Ford Crown Victoria VIN: 2FAFP71W76X130780; 2007 Ford Crown Victoria VIN: 2FAFP71W07X145090; 2007 Ford Crown Victoria VIN: 2FAFP71W07X145089; 2007 Ford Crown Victoria VIN: 2FAFP71W07X130694; 2008 Ford Crown Victoria VIN: 2FAFP71V68X128500; 2011 Ford Crown Victoria VIN: 2FABP7BV1BX110927; and a 2011 Dodge Ram 1500 VIN: 1D7RV1CT0BS539607 (purchased with forfeited funds). The Chief of Police and the City Fleet Manager recommend removing the aforementioned vehicles from the fleet.
Funding Line(s)	

Regular Meeting Agenda
3/16/2020 6:30 PM
Council Chambers

Title of Item:	Request to surplus and dispose of Public Works vehicle.
Agenda Comments:	With Council's approval to purchase a new vehicle in the FY 2020 budget, Public Works now has a surplus truck that needs to be disposed. Staff will attempt to sell the surplus item in the open market; however, if no bids are received then the items will be sold as scrap metal. The surplus vehicle is a 2001 Chevrolet 3500, VIN #3GBKC34FO1M102983. The Public Works Director recommends declaring the aforementioned vehicle as surplus.
Funding Line(s)	

Regular Meeting Agenda
3/16/2020 6:30 PM
Council Chambers

Title of Item:	Road Closures for July 3rd and Day with Santa.

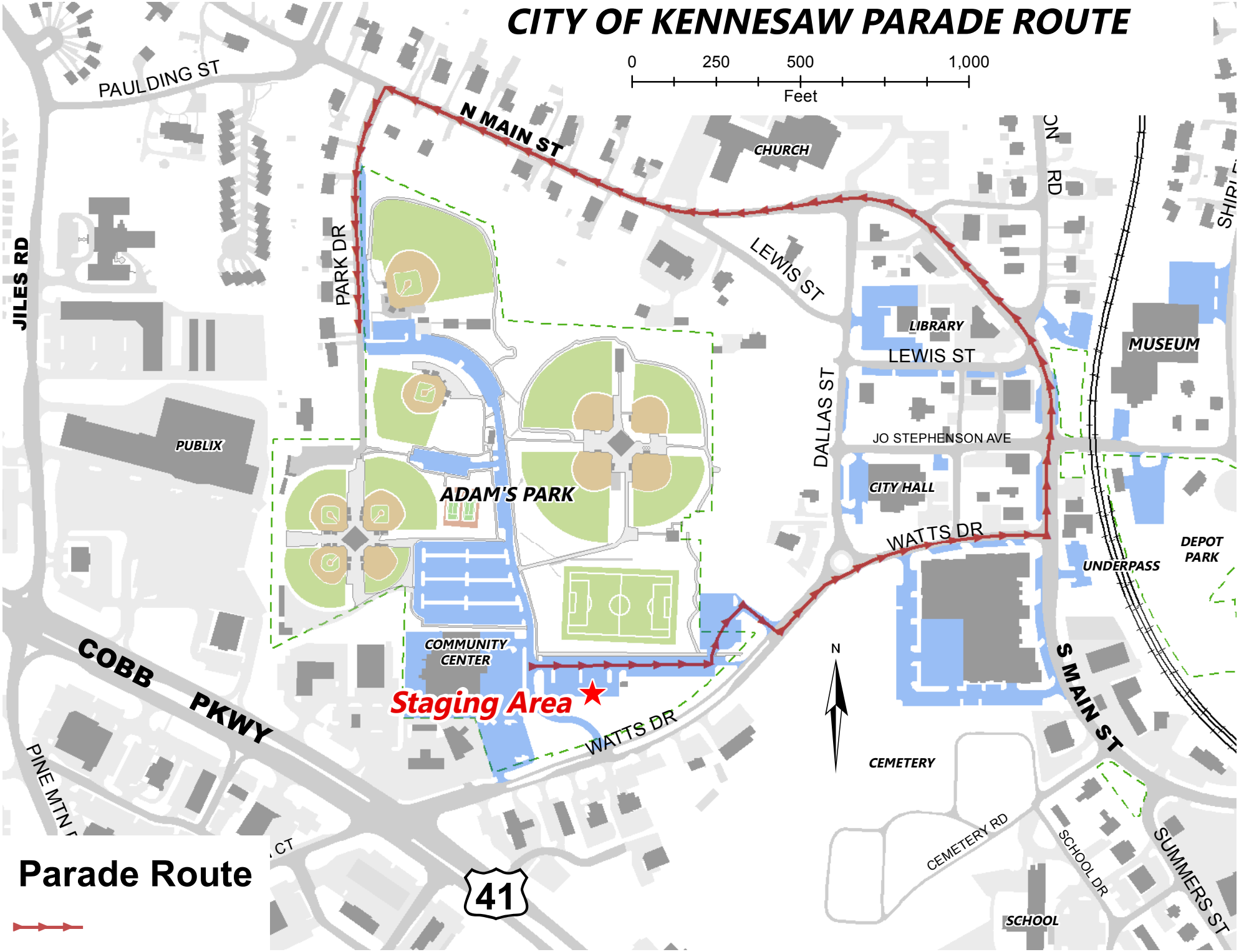
Agenda Comments:	The following road closures support the Salute to America, July 3rd event on Friday, July 3rd.
	• Main Street will be closed from Moon Station Rd to Summers St: 8:00 AM – 12:00 Midnight
	• Cherokee Street will be closed from Big Shanty to Main Street 8:00 AM – 12:00 Midnight
	• Lewis Street will be closed from Dallas St to Main St from 12:00 Noon – 12:00 Midnight
	• J.O. Stephenson Avenue will be closed from Little General Cloggers Lane to Main Street from 12:00 Noon – 12:00 Midnight
	• Watts Drive will be closed from Little General Cloggers Lane to Main Street from 12:00 Noon – 12:00 Midnight
	• The City parking lot at Tunnel Plaza will be closed 8:00 AM – 12:00 Midnight
	• Shirley Drive will be closed Cherokee St to Carruth St 9:00 PM until 10:30PM.
	The following road closures support the Day with Santa event on Saturday, December 5th:
	• Main Street will be closed from Lewis St to Summers St 12:00 Noon – 10:00 PM;
	  ◦ To accommodate the parade Main Street will also be closed from Park Dr to Lewis St: 1:45 PM – 3:15 PM.
	• The following roads will be closed at Main St 12:00 Noon – 10:00 PM: J.O. Stephenson Ave., Cherokee St., Watts Dr.
	  ◦ To accommodate the parade the following roads will be closed at Main St 1:45 PM - 3:15 PM: Park Dr., Lewis St., Dallas St., Whitfield Pl., Moon

	Station Rd., • Watts Dr. will be closed just west of the new parking lot entrance at 1:45 PM for approx. 30mins. Dallas St. will be closed at Watts Dr. for approx. the same 30mins. • Cherokee St will be closed from Big Shanty Dr. to Main St: 12:00 Noon – 10:00 PM • Watts Dr. will be closed from Little General Cloggers Lane to Main Street from 12:00 Noon – 10:00 PM. The Events Committee recommends approval.
Funding Line(s)	

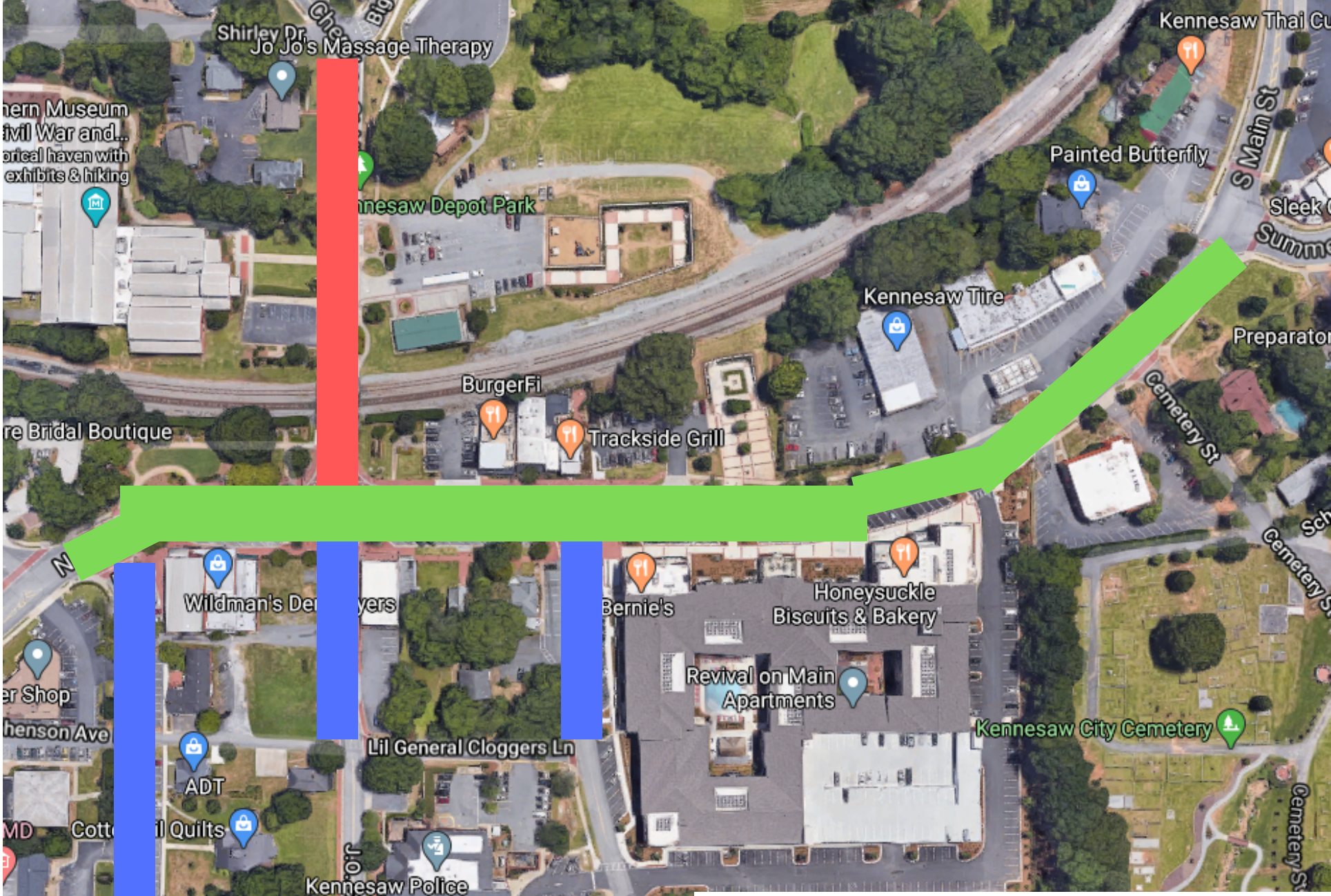
ATTACHMENTS:

Description	Upload Date	Type
Parade route	3/5/2020	Maps
Road Closures	3/5/2020	Maps
Kennesaw Site Diagram	3/6/2020	Maps

CITY OF KENNESAW PARADE ROUTE



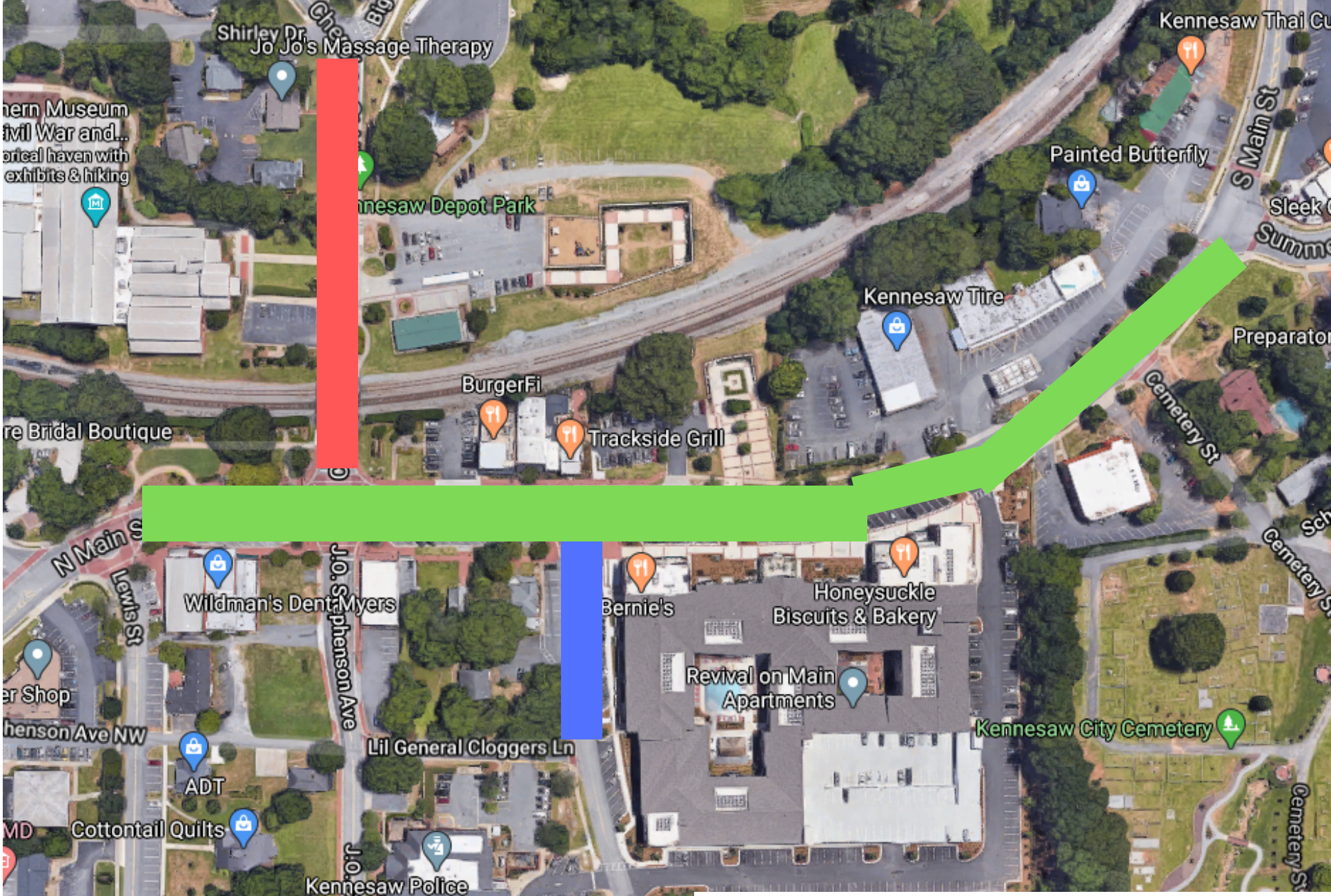
11/12/2018



2020 Salute to America Road Closures

The following road closures support the Salute to America, July 3rd event on Friday, July 3rd.

- **Main Street will be closed from Moon Station Rd to Summers St: 8:00 AM – 12:00 Midnight**
- **Cherokee Street will be closed from Big Shanty to Main Street 8:00 AM – 12:00 Midnight**
- **Lewis Street will be closed from Dallas St to Main St from 12:00 Noon – 12:00Midnight**
- **J.O. Stephenson Avenue will be closed from Little General Cloggers Lane to Main Street from 12:00 Noon – 12:00 Midnight**
- **Watts Drive will be closed from Little General Cloggers Lane to Main Street from 12:00 Noon – 12:00 Midnight**
- **The City parking lot at Tunnel Plaza will be closed 8:00 AM – 12:00 Midnight**
- **Shirley Drive will be closed Cherokee Street to Carruth Street from 9:00 PM - 10:30 PM**



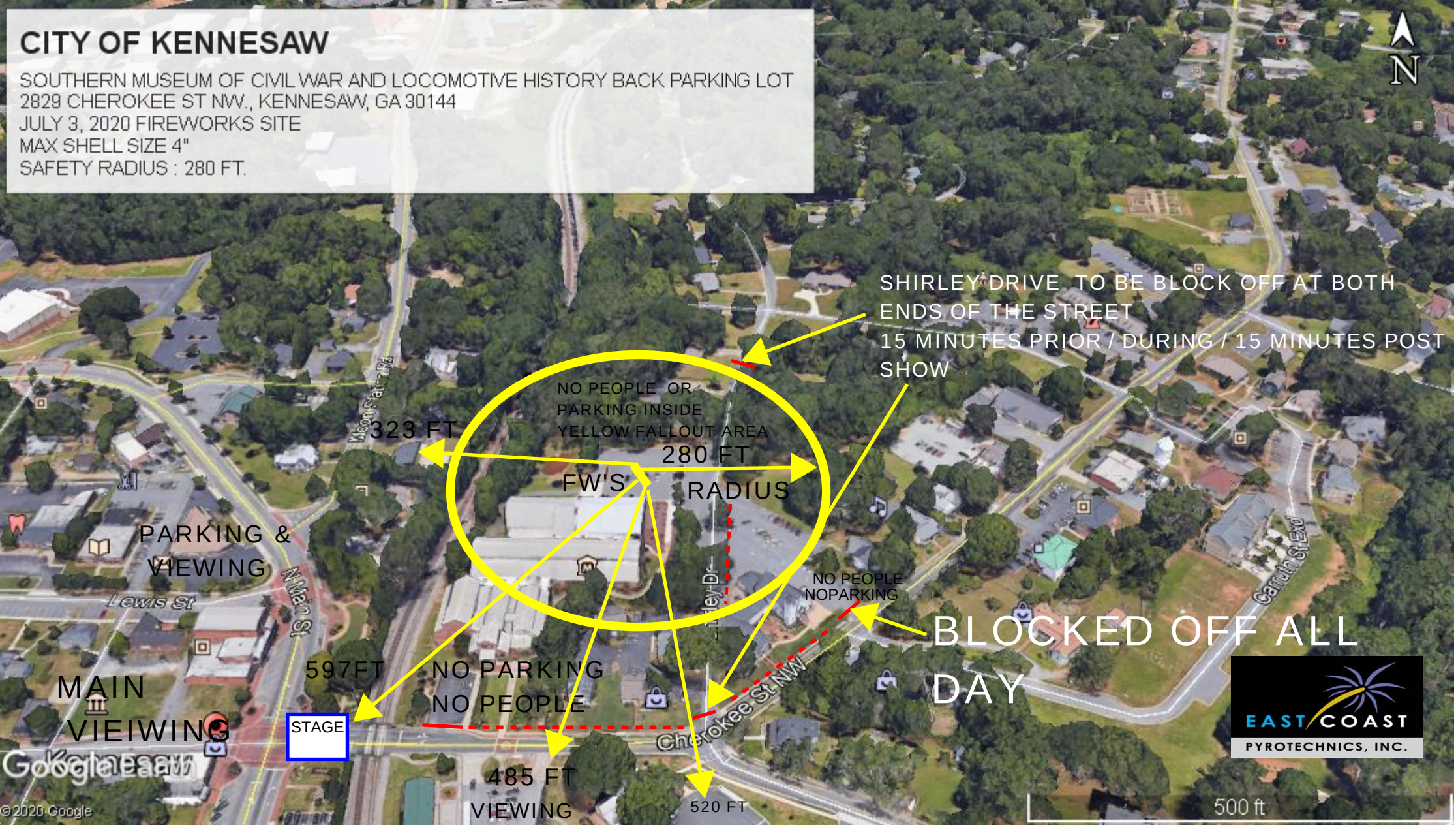
2020 Day with Santa Road Closures

The following road closures support the Day with Santa event on Saturday, December 5th:

- **Main Street will be closed from Lewis St to Summers St 12:00 Noon – 10:00 PM;**
  - **To accommodate the parade Main Street will also be closed from Park Dr to Lewis St: 1:45 PM – 3:15 PM.**
- **The following roads will be closed at Main St 12:00 Noon – 10:00 PM: J.O. Stephenson Ave., Cherokee St., Watts Dr.**
  - **To accommodate the parade the following roads will be closed at Main St 1:45 PM - 3:15 PM: Park Dr., Lewis St., Dallas St., Whitfield Pl., Moon Station Rd.,**
- **Watts Dr. will be closed just west of the new parking lot entrance at 1:45 PM for approx. 30mins. Dallas St. will be closed at Watts Dr. for approx. the same 30mins.**
- **Cherokee St will be closed from Big Shanty Dr. to Main St: 12:00 Noon – 10:00 PM**
- **Watts Dr. will be closed from Little General Cloggers Lane to Main Street from 12:00 Noon – 10:00 PM**

CITY OF KENNESAW

SOUTHERN MUSEUM OF CIVIL WAR AND LOCOMOTIVE HISTORY BACK PARKING LOT
2829 CHEROKEE ST NW., KENNESAW, GA 30144
JULY 3, 2020 FIREWORKS SITE
MAX SHELL SIZE 4"
SAFETY RADIUS : 280 FT.



Regular Meeting Agenda
3/16/2020 6:30 PM
Council Chambers

Title of Item:	Receipt of 2020 January and February Crime Statistics
Agenda Comments:	
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
2020 January Crime Statistics	3/6/2020	Backup Material
2020 February Crime Statistics	3/6/2020	Backup Material

To: Chief Westenberger

Re: January 2020 Crime Statistics

January 2020 Crime Statistics

Monthly Report	January 2020	December 2019 + -	YTD (01/01/2020-01/31/2020)	Prev. Year + - (01/01/2019-01/31/2019)
Calls for Service	1091	-25	1091	-37
Traffic Citations	497	+4	497	-341
Traffic Warnings	612	+ 94	612	-353
Arrests	44	-25	44	-25

- Warnings does not include verbal warnings.
- Arrest statistics does not include juveniles.

Part I Crimes	Jan 2020	December 2019	YTD (as of 01/31/2020)	Prev. Year
Homicide	0	0	0	0
Rape	1	2	1	1
Robbery	0	0	0	1
Aggravated Assault	2	0	2	2
Larceny	16	31	16	18
Burglary	2	4	2	2
Auto Theft	5	1	5	3
Total	**26**	**38**	**26**	**27**

Part 1 Crime Statistics:

- January 2020 compared to the previous month: 26 (-12)
- YTD compared to the previous year: 26 (-1)

2539 J. O. Stephenson Avenue, Kennesaw, Georgia 30144
770-422-2505 * Fax 770-429-4537

To: Chief Westenberger

Re: February 2020 Crime Statistics

February 2020 Crime Statistics

Monthly Report	February 2020	January 2020 + -	YTD (01/01/2020-02/29/2020)	Prev. Year + - (01/01/2019-02/28/2019)
Calls for Service	1049	-42	2173	-13
Traffic Citations	516	+19	1,014	-481
Traffic Warnings	567	-51	1,180	-472
Arrests	34	-10	78	-24

- Warnings does not include verbal warnings.
- Arrest statistics does not include juveniles.

Part I Crimes	February 2020	January 2020	YTD (01/01/2020-02/29/2020)	Prev. Year (01/01/2019-02/28/2019)
Homicide	0	0	0	0
Rape	-1	1	0	1
Robbery	0	0	0	2
Aggravated Assault	2	2	4	6
Larceny	19	16	35	47
Burglary	3	2	5	7
Auto Theft	0	5	5	7
Total	**23**	**26**	**49**	**70**

Part 1 Crime Statistics:

- February 2020 compared to the previous month: 23 (-3)
- YTD compared to the previous year: 49 (-21)

2539 J. O. Stephenson Avenue, Kennesaw, Georgia 30144
770-422-2505 * Fax 770-429-4537

Regular Meeting Agenda
3/16/2020 6:30 PM
Council Chambers

Title of Item:	City Manager reports, discussions and updates.
Agenda Comments:	
Funding Line(s)	

Regular Meeting Agenda
3/16/2020 6:30 PM
Council Chambers

Title of Item:	Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committees, Authority or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve committees, as deemed necessary.
Agenda Comments:	
Funding Line(s)	

ATTACHMENTS:

Description	Upload Date	Type
Board Liaisons	1/7/2020	Backup Material
911 Advisory Board	3/6/2020	Backup Material
Art & Culture	1/7/2020	Backup Material
Cemetery Preservation	1/10/2020	Backup Material
City Sports Association	1/7/2020	Backup Material
Construction Board of Appeals	1/7/2020	Backup Material
Depot Park Amphitheatre	1/7/2020	Backup Material
Ethics Committee	1/7/2020	Backup Material
Historic Preservation Commission	1/23/2020	Backup Material
KCAC/KKB	1/28/2020	Backup Material
Kennesaw Development Authority	1/7/2020	Backup Material
Kennesaw Downtown Development Authority	1/7/2020	Backup Material
License Review Board	1/28/2020	Backup Material
Planning Commission	2/21/2020	Backup Material

Public Art Commission	1/7/2020	Backup Material
Recreation Center Development	1/7/2020	Backup Material
Urban Redevelopment Agency	1/7/2020	Backup Material

2020 Mayor's Appointments

COUNCIL LIAISON TO BOARDS
ART & CULTURE COMMISSION
James Eaton
CITY SPORTS EXECUTIVE
Chris Henderson
Tracey Viars
CEMETERY PRESERVATION
David Blinkhorn
Pat Ferris
HPC
Pat Ferris
KDA
David Blinkhorn
KDDA
Tracey Viars
PLANNING COMMISSION
Chris Henderson
YOUTH COUNCIL
Nimesh Patel
Chris Henderson
COUNCIL APPT OF MAYOR PRO TEM

COURTS (term indefinite):
H. LUKE MAYES, Chief Judge/Probably Cause Judge
CHARLES CHESBRO, Associate Judge
RICHARD BLEVINS, Associate Judge

BENTLEY, BENTLEY & BENTLEY, Law Firm and Solicitor

MAULDIN & JENKINS, LLC, Auditor

CROY ENGINEERING, City Engineer

JEFF DROBNEY, City Manager
DEBRA TAYLOR, City Clerk

2020 KENNESAW/ACWORTH 9-1-1 ADVISORY BOARD

Members ratified by the City Council
Meet as needed

MEMBERS	PHONE, FAX, EMAIL
Jeff Drobney Kennesaw City Manager	770-424-8274(w) jdrobney@kennesaw-ga.gov
Brian Bulthuis Acworth City Manager	770-974-3112 (w) bbulthuis@acworth.org
Bill Westenberger Kennesaw Chief of Police	770-422-2505 (w) 678-414-9651 (c) wwestenberger@kennesaw-ga.gov
Wayne Dennard Acworth Chief of Police	770-974-1232 (w) 770-652-9948 (c) wdennard@acworth.org
Pat Ferris, Primary Kennesaw Councilmember Chris Henderson, Alternate Kennesaw Councilmember	404-599-5761 (c) pferris@kennesaw-ga.gov 404-599-6189 (c) chenderson@kennesaw-ga.gov
Tim Richardson Acworth Alderman Brent North Acworth Alderman	770-974-3112 (City Hall) trichardson@acworth.org 770-974-3112 (City Hall) bnorth@acworth.org
Linda Davis Kennesaw 911 Director	404-664-3665 (c) ldavis@kennesaw-ga.gov
Randy Crider Cobb County Fire	770-528-8000 (w) randal.crider@cobbcounty.org
Destiny Davidson Cobb 911	770-499-4105 Destiny.davidson@cobbcounty.org
Metro Ambulance	Devan Seabaugh 770-693-8402 (w) Devan.Seabaugh@MAAS911.com

2020 ART AND CULTURE COMMISSION

Est. by Ordinance 2013-15; 7 members (1 architect, 1 art council or foundation member, 2 residents, 1 college/university professor or student, 1 City business owner, 1 KDA member); staggered 2-year and 3-year terms; Commission meets 3rd Thursday of each month at 6:30 PM in the Council/Court Chambers.

MEMBERS	PHONE, FAX, EMAIL	TERM EXPIRES
Karen Backus	2985 Downing Ln, NW Kennesaw 30144 backuskaren@gmail.com 404-229-7592	2021 [2 yr term]
Clemens Bak	13 Boones Ridge Parkway Acworth 30102 crbakdesign@yahoo.com 770-676-4156	2022 [3 yr term]
Daniel Barnard	3365 Fawn Trail Marietta, GA 30066 Danielbarnard68@att.net (c) 678-551-3823	2022 [3 yr term]
Valerie Dibble	3000 N. Main Street Kennesaw 30144 vdibble@kennesaw.edu 404-702 2960 (cell)	2021 [2 yr term]
Madelyn Orochena	2981 N. Main Street Kennesaw 30144 madelynorochena90@gmail.com 770-851-7099	2022 [3 yr term]
Carol Sills	1514 Barksdale Court NW Kennesaw 30152 csills2859@att.net 678-290-9199	2022 [3 yr term]
Vacant		2021 [2 yr term]
Staff Liaison: Darryl Simmons	(770) 424-8274 ext 3121 dsimmons@kennesaw-ga.gov	---
Council Liaison: James Eaton	jeaton@kennesaw-ga.gov 404-496-2565	---
P&R Staff Liaison: Amanda Glass	aglass@kennesaw-ga.gov 770-424-8274 ext 3205	

Kennesaw Council Chambers
2529 J. O. Stephenson Avenue, Kennesaw 30144

2020 CEMETERY PRESERVATION COMMISSION

Cemetery Preservation Commission Members – 7 members - 4 year staggered terms. Created by Ordinance No. 2001-03, updated by Ord. No. 2002-33, 2007-28 and 2014-06. Meets every 2nd Thursday at 4:00 p.m. in City Hall Training Room.

MEMBERS	PHONE, FAX, EMAIL	TERM EXPIRES
Joe Bozeman, Jr.	Jboz807349@aol.com 1510 Wimbledon Dr., NW Kennesaw, GA 30144 (c) 404-444-2018 (h) 770-428-1607	Dec. 2021
Mickey Bozeman	3359 Kimberly Road Kennesaw 30144 charlesbozeman@comcast.net (c) 770-315-7505	Dec. 2020
Andrew Bramlett	Honorary Commission Member ajbramlett@outlook.com	
Lewis P. Bramlett	2990 Summerfield Court Kennesaw 30152 lpbramlett@hotmail.com (c) 770-235-5888 (h) 770-794-1622	Dec. 2020
Linda Davis	ldavis@kennesaw-ga.gov 779-4248274 ext 3051	Dec. 2020
Mary Helyn Hagin	mhhagin@gmail.com (h) 770-427-5563 (c) 404-316-2154 1459 Ridgeway Drive Acworth, GA 30102	Dec. 2020
Loriann White	5355 Orchard Place Douglasville, GA 30135-2525 (404) 406-0617 loriannwhite83@gmail.com	Dec. 2021
Vacant		Dec. 2017
Vacant		Dec 2021
Council Liaison: David Blinkhorn, Primary	(c) 404 599-6185 dblinkhorn@kennesaw-ga.gov	---
Council Alternate: Pat Ferris	(c) 404 599-5761 pferris@kennesaw-ga.gov	

Staff Liaison: Jeff Drobney City Manager	jdrobney@kennesaw-ga.gov	---
Staff Liaison: Lea Addington, Deputy City Clerk	laddington@kennesaw-ga.gov	---
Staff Liaison: Ricky Stewart Public Works Director	rstewart@kennesaw-ga.gov	---
Staff Liaison: Rod Bowman, Public Works Sexton	rbowman@kennesaw-ga.gov	

2020
CITY/SPORTS ASSOCIATION EXECUTIVE COMMITTEE

Committee meets the 3rd Tuesday of January, April, July and October @ 7:30 AM
at the Ben Robertson Community Center, Administrative Conference Room.
Ordinance No. 2007-07 Establishing.

MEMBERS	PHONE, FAX, EMAIL
Jeff Drobney	jdrobney@kennesaw-ga.gov
Steve Roberts, Parks & Recreation Director	sroberts@kennesaw-ga.gov 770 422-9714 ext 3210
Deann Aldridge (President, Kennesaw Futbol Club)	Ahight15@gmail.com cell: 678 428-2636
Brandi Miller (President, Kennesaw Girls Softball)	bmiller.masondev@gmail.com cell: 770 329-8741
Zack Typher (Kennesaw Baseball), Chair	presidentofkba@gmail.com cell: 678 749-8018 home:
Kenny Phillips (President, Kennesaw Youth Football Association)	phillipskenn@gmail.com Cell: 404 396-9181
Bill McNair P&R Assistant Director	bmcnair@kennesaw-ga.gov 770 422-9714 ext 3013
Chris Henderson, Council Liaison	chenderson@kennesaw-ga.gov 404 599-6189
Tracey Viars, Alternate Council Liaison	chenderson@kennesaw-ga.gov 404-599-6189
Trici Styles, P&R, Program Coordinator/Committee Secretary	tstyles@kennesaw-ga.gov 770 422-9714 ext 3211

2020 CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

Board formed by Ordinance No. 2006-06 and Resolution No. 2006-31, 2006. 7 members, will include an architect/engineer, building contractor, electrical contractor, mechanical contractor, plumbing contractor, and two (2) at-large positions. 4-year terms. Board meets on an as-needed basis. Bylaws adopted by Resolution 2006-51.

MEMBERS	PHONE, FAX, EMAIL	TERM EXPIRES
Mike Graham	Mike Graham Construction Inc. 3481 Canton Road Marietta, GA 30066 mgci89@yahoo.com Phone: 770-928-6036	Dec. 2022
Don Massaro	Integrity Fire Extinguisher LLC 1606 Donovans Ridge Kennesaw, GA 30152 integrityextg@gmail.com Phone: 404-680-3328	Dec. 2022
Keith McCowen		
Dennis McKeon, Sr. Vice-Chairman	D. McKeon Heating & Air Conditioning Inc. 2260 Moon Station Court Bldg 300 Kennesaw, GA 30144 dennis@dmckeon.com Phone: 770-425-8779	Dec. 2022
Jim Quigley Chairman	North Cobb Electrical Services, Inc. P.O. Box 613 Kennesaw, GA 30156 jquigley@ncobbelectrical.com Phone: 678-449-6028	Dec. 2022
Greg Teague	Croy Engineering 200 Cobb Parkway North #413 Marietta, GA 30062 gteague@croyengineering.com Phone: 770-971-5407	Dec. 2022
Jason Willis		Dec. 2022
Scott Banks, Building Official	City of Kennesaw 2529 J.O. Stephenson Avenue Kennesaw 30144 sbanks@kennesaw-ga.gov 404-964-3298	---

S:/committees/2020/Construction Board of Appeals Members

2020 DEPOT PARK AMPHITHEATRE COMMITTEE

Meets as needed. Established April 15, 2019

MEMBERS	PHONE, FAX, EMAIL
Mike Everhart	michael@greatgigdance.com 678-793-8435
Bob Fox	rfox@kennesaw-ga.gov 770-424-8274 ext.3101
Gary Hasty, KDDA rep.	ghasty@kennesaw-ga.gov (c) 404-219-1801
Dale Hughes	dale@jeremiah360.com 678-575-4396
Marty Hughes	mhughes@kennesaw-ga.gov 770-424-8274 ext. 3017
Keith Perissi	keithperissi@mindspring.com 678-575-4396
Steve Roberts	sroberts@kennesaw-ga.gov 770-424-8274 ext 3210
Tracey Viars	tviars@kennesaw-ga.gov 404-822-8589
Candice Wharton	candicewharton@gmail.com 770-596-2594
Joyce Yung	joycekyung@bellsouth.com 404-987-9181

2020 ETHICS BOARD MEMBERS

5 members, 2-year terms - Board meets 3rd Tuesday of April & October, 6:30 p.m. in the Ben Robertson Community Center. Qualifications: City resident with residency of 12 months prior to serving as a member. Shall not be a member of any other board or commission. Established by Ordinance dated December 19, 1994.

MEMBERS	PHONE, FAX, E-MAIL	TERM EXPIRES
Brian Boughner	3150 Kirkwood Drive, Kennesaw 30144 bkboughner@bellsouth.net 678 595-5759	Dec. 2021
Ron Davis	2619 Winterthur Main NW Kennesaw, GA 30144 Rodavis57@gmail.com 404 909-9157	Dec. 2020
Chelsey Kinsinger, Chair	3153 Kirkwood Drive NW Kennesaw, GA chelsey.kinsinger@gmail.com 404 543-4970	Dec. 2021
Shannon Ortiz	2803 Fullers Alley Kennesaw, GA 30144 s.ortiz7078@gmail.com 678 576-7898	Dec. 2020
Karen Whipple, Secretary	3748 Park Trace, Kennesaw Ga 30144 kwhipple@bellsouth.net 404 538-8085	Dec. 2021

2020 HISTORIC PRESERVATION COMMISSION

7 members, 2-year terms - Board meets 3rd Tuesday @ 8:00 a.m. in Council Chambers. Qualifications: City and County residents with a majority being City residents. Members serve 2 year terms.

MEMBERS	PHONE, FAX, EMAIL	TERM EXPIRES
Mary Baldwin	3846 Maybreeze Road Kennesaw 30144 marykb@gmail.com (c) 770-401-2121	Dec 2020
Rachel Butler Secretary	4192 Gramercy Main Kennesaw 30144 rachelzmadrid@gmail.com 770-842-9902	Dec 2021
Mike Ferguson Treasurer	3939 Jim Owens Road Kennesaw 30152 Mferguson3939@gmail.com (c) 770-235-2302	Dec. 2020
Patrick Gallagher	2575 Fairlawn Downs NW Kennesaw 30144 pgallagher@partneresi.com patgallagher2019@gmail.com 404-661-2420	Dec. 2020
Brandi May Chair	4318 Brighton Way Kennesaw, GA 30144 (c) 770-500-0598 maybrandi@att.net	Dec. 2021
Robert Sterling	3843 Nowlin Road Kennesaw 30144 bsterling@dot.ga.gov (c) 770-885-5669	Dec 2020
Kevin Whipple Vice Chair	1261 Wynford Colony NW Marietta 30064 whipple.kevin@gmail.com (c) 404-309-4988	Dec. 2021
Council Liaison: Pat Ferris	404-599-5761 pferris@kennesaw-ga.gov	---
Staff Liaison: Darryl Simmons	(w) (770) 424-8274 dsimmons@kennesaw-ga.gov	
Staff Liaison: Jeff Drobney	(w) (770) 424-8274 jdrobney@kennesaw-ga.gov	---

2020 KENNESAW CITIZENS ADVISORY COMMITTEE &
KEEP KENNESAW BEAUTIFUL SUBCOMMITTEE

Meets the 4th Thursday of each month (except Nov. & Dec. then they meet on 3rd Thursday) at 6:30 p.m. in the Council Chambers, established March 30, 2011. An advisory committee to the City Manager; 2-year terms. Merged with Keep Kennesaw Beautiful January 2020.

MEMBERS	PHONE, EMAIL, ADDRESS	TERM EXPIRES
Aaron Budsock (+ KKB)	3214 Shirley Drive NW Kennesaw 30144 aaron.m.budsock@gmail.com (c) 404-987-3783	Dec. 31, 2020
Annette Clark (+ KKB)	2931 Stilesboro Ridge Court Kennesaw 30152 annetteclark4116@att.net (c) 770-597-4116	Dec. 31, 2020
Jacque Cullins	P. O. Box 475, Kennesaw 30156-0475 770-422-7667 Jc7667@aol.com	Dec. 31, 2020
Glenn Dawkins	2641 Ives Way NW Kennesaw 30152 dawkinsg@gmail.com (c) 954-247-8573	Dec. 31, 2020
Carlene Fregeolle	2549 Park Drive NW Kennesaw 30144 carlenefregeolle@yahoo.com 678-464-4146	Dec. 31, 2021
Antonio Jones	1870 Grant Court NW Kennesaw 30144 Antoniojones89@gmail.com 267-625-3379 (c)	Dec. 31, 2021
Bill Maxson	2500 S. Main Street Kennesaw, GA 30144 (c) 404-823-3177 (w) 770-423-1969 wamaxson@aol.com	Dec. 31, 2021
Doug McMichen (+ KKB)	2652 Allyn Way NW Kennesaw 30152 Springcleanpowerwashing@gmail.com 706-587-3993	Dec. 31, 2020
Dave Peeples	4010 Palisades Main Kennesaw 30144 pdpeeples@gmail.com (c) 706 537 7005	Dec. 31, 2021
Kathy Rechsteiner	3291 McGarity Lane Kennesaw 770-330-3297 (c) chlorinemom@yahoo.com	Dec. 31, 2020
David Shock	2010 Jebs Ct. NW Kennesaw 30144 Davidshock30144@outlook.com 770-425-0590	Dec. 31, 2020
Trent Trees (+ KKB)	3423 Owens Pass Kennesaw, GA 30152 (h & w) 770-917-8699 trenttrees@aol.com	Dec. 31, 2020

Candice Wharton	1957 Barrett Knoll Circle Kennesaw 30152 candicewharton@gmail.com (c) 770-596-2594	Dec. 31, 2020
Grey Won, Public Works Staff Liaison	(c) 470-651-8610 gwon@kennesaw-ga.gov	
Marty Hughes, Assistant City Manager Staff Liaison	770-424-8274 ext. 3017 mhughes@kennesaw-ga.gov	

2020 KENNESAW DEVELOPMENT AUTHORITY

7 members 4-year terms created by Resolution 1995-15 - Board meets the 3rd Wednesday of each month at 6:00 p.m. in Council Chambers. Qualifications: The directors shall be taxpayers residing in the county or municipal corporation for which the authority is created, and their successors shall be appointed as provided by the resolution provided for in Code Section 36-62-4. The governing authority of a county or municipality may appoint no more than one member of the governing authority as a director.

MEMBERS	PHONE, FAX, EMAIL	TERM EXP.
Richard Blevins, Jr.	3895 Collier Trace Kennesaw 30144 richardblevins@cobbcountylaw.com (w) 678-354-2290 (c) 678-428-2264	Dec. 2021
Jay Brimberry	4225 Highcroft Main NW Kennesaw 30144 jbrimberry@kennesaw-ga.gov (c) 678-794-5332	Dec. 2023
Lisa Neff	3843 Princeton Oaks Kennesaw 30144 Lneff@kennesaw-ga.gov (c) 678-491-9179	Dec. 2023
Keith Palmer	2318 Holden Way Kennesaw 30144 kpalmer@kennesaw-ga.gov 404-983-4099	Dec. 2021
Nimesh Patel	4154 Havenwood Court Kennesaw, GA 30144 npatel@kennesaw-ga.gov (H & cell) 404-597-1063	Dec. 2021
Matt Riedemann	4111 Kentmere Main NW Kennesaw 30144 mriedemann@kennesaw-ga.gov (c) 678-231-4579	Dec. 2021
Kevin Tidwell		Dec. 2023
Miranda Jones Taylor (Staff)	(w) 770-424-8274 ext 3147 mjones@kennesaw-ga.gov	
Council Liaison: David Blinkhorn	(c) 404-599-6185 dblinkhorn@kennesaw-ga.gov	
Staff Liaison: Bob Fox	(w) 770-424-8274 rfox@kennesaw-ga.gov	---

2020 KENNESAW DOWNTOWN DEVELOPMENT AUTHORITY

7 members, 4-year terms - Board meets 2nd Tuesday at 7:30 am in the Council/Court Chambers. Qualifications are: (a) City resident, and/or (b) Owner/Operator of business in Downtown Development Area and resident of County, or (c) Owner/Operator of a business in the Downtown Development Area and a resident of the State of Georgia (1 member only); 8 hours of training in downtown development and redevelopment programs within 12 months. Created by Resolution 1995-16, OCGA 36-42-7

MEMBERS	PHONE, FAX, EMAIL	TERM EXPIRES
Mark Allen	2950 Moon Station Road NW Kennesaw 30144 mallen@kennesaw-ga.gov (w) 770-485-0081 (c) 678-480-9740	Dec. 2021
		Dec. 2021
Gary Hasty	2887 Boone Dr., NW Kennesaw, GA 30144 (w) 404 216-7299 (c) 404-219-1801 ghasty@kennesaw-ga.gov	Dec. 2023
		Dec 2023
Chad Howie	3008 Cherokee Street NW Kennesaw 30144 chowie@kennesaw-ga.gov (w) 770-702-1223 (c) 770-789-3350	Dec. 2021
David Lyons	3573 Bramwell Crossing Kennesaw, GA 30144 (cell) 678-300-6302 dlyons@kennesaw-ga.gov	Dec. 2023
Leslie Steinle	3895 Greensward View NW Kennesaw 30144 lsteinle@kennesaw-ga.gov (w) 678-581-6567 (c) 205-706-7999	Dec 2021
Council Liaison: Tracey Viars	(c) 404-822-8589 tviars@kennesaw-ga.gov	
Staff Liaison: Bob Fox	(w) 770-424-8274 ext 3101 rfox@kennesaw-ga.gov	
Staff: Miranda Jones-Taylor (recording secty)	(w) 770-424-8274 mjones@kennesaw-ga.gov	

2020 LICENSE REVIEW BOARD

Effective October 1, 2002. 3 members. Board meets as necessary to consider Due Cause Hearings. Qualifications: Either a resident of the City or have an ownership interest as principal shareholder, general partner or sole proprietor in at least one business located in the City of Kennesaw. A maximum of 1 alcoholic beverage license holder, if any, may serve on the Board. Post 1 and 2 serve 2-year terms, Post 3 serves 1 year terms. No term limits.

MEMBERS	PHONE, FAX, E-MAIL	TERM EXPIRES
Post 1 Nimesh Patel, Chair	3951 Bellingrath Main NW Kennesaw, GA 30144 nimeshrpatel@hotmail.com (404) 597-1063	Dec. 2021
Post 2 Trey Sinclair	1500 Lockhart Drive Kennesaw 30144 trey@drycountybrewco.com (678) 910-0113	Dec. 2021
Post 3 Jim Watts	3984 Palisades Main Kennesaw 30144 jim.watts@shawinc.com (770) 655-9794	Dec. 2020

For hearings, also contact:		
Attorney Jamie Wingler	Bentley, Bentley & Bentley 272 Washington Avenue Marietta, GA 30060 jamie.wingler@bbandblaw.com	770-422-2300 770-424-5820 (fax)
Attorney Sam Hensley	Bentley, Bentley & Bentley 241 Washington Avenue, NE Marietta, GA 30060 sphensleyjr@hotmail.com	770-422-2300 770-424-5820 (fax)

2020 PLANNING COMMISSION MEMBERS

7 members, 3-year terms - Board meets 1st Wednesday at 7:00pm in Council Chambers.
Qualifications: City resident, registered voter.

MEMBERS	PHONE, FAX, EMAIL	TERMS EXPIRES
Donald Bergwall	3140 Brookeview Lane NW Kennesaw dbergwall@kennesaw-ga.gov (c) 937-243-2673	Dec. 2020
SaVaughn Irons	2167 Del Lago Cir NW Kennesaw 30152 sirons@kennesaw-ga.gov (c) 678-558-0089	Dec. 2022
Dan Harrison, III	1487 Shoup Court NW Kennesaw 30152 (h + cell) 954-560-6924 dharrison@kennesaw-ga.gov	Dec. 2022
Phillip Jackson	4260 Revere Walk Kennesaw pjackson@kennesaw-ga.gov (c) 404-219-3578	Dec. 2022
Cindi Michael Vice Chair	2998 North Main Street Kennesaw 30144 (c) 770-422-0463 cmichael@kennesaw-ga.gov	Dec. 2020
Vacancy		Dec. 2022
Doug Rhodes Chair	5670 Deerfield Place Kennesaw, GA 30144 (w) 770-684-0102 (cell) 770-362-5181 drhodes@kennesaw-ga.gov	Dec. 2020
Council Liaison: Chris Henderson	404-599-6189 chenderson@kennesaw-ga.gov	
Staff Liaison: Darryl Simmons, Zoning Administrator	(w) 770-590-8268 ext 3121 (cell) 404-392-0870 dsimmons@kennesaw-ga.gov	
Diane Wrobleski, Staff/Secretary	(w) 770-590-8268 ext 3120 dwrobleski@kennesaw-ga.gov	

2020 PUBLIC ART COMMISSION

Est. April 17, 2017; 5 members (1 KDDA, 2 Art & Culture Commissioners, Zoning Administrator, 1 Downtown Development Coordinator); 2-year terms; Commission meets as needed.

MEMBERS	PHONE, FAX, EMAIL	TERM EXPIRES
Art & Culture: Karen Backus	2705 Windsor Ct NW Kennesaw 30144 backuskaren@gmail.com 404-229-7529	Dec 2021
Art & Culture: Madelyn Orochena	2981 N. Main Street Kennesaw 30144 madelynorochena90@gmail.com 404-229-7529	Dec 2021
KDDA: Gary Hasty	2887 Boone Dr., NW Kennesaw, GA 30144 ghasty@kennesaw-ga.gov (w) 404 216-7299 (c) 404-219-1801	Dec 2021
Zoning Administrator Darryl Simmons	dsimmons@kennesaw-ga.gov 770-424-8274 ext. 3121	
Downtown Development Coordinator Miranda Jones-Taylor	mjones@kennesaw-ga.gov 770-424-8274	

Kennesaw Council Chambers
2529 J.O. Stephenson Avenue, Kennesaw 30144

2020 RECREATION CENTER DEVELOPMENT COMMITTEE

Temporary Committee – Committee meets as-needed in the Ben Robertson Community Center, 2753 Watts Drive, Kennesaw
Established April 16, 2018

MEMBERS	PHONE, FAX, E-MAIL
Tom Bills	Cobb County Parks & Recreation Tom.Bills@cobbcountry.org
Mike Dixon	Michaeldixon6560@gmail.com
Jeff Drobney, Chair	City Manager, City of Kennesaw jdrobney@kennesaw-ga.gov
Jacee Garrett	jaceegarrett@gmail.com
Jimmy Gisi	Parks & Recreation Director, Cobb County jgisi@cobbcounty.org
Chris Henderson	Councilmember, City of Kennesaw chenderson@kennesaw-ga.gov
Brianca Louis	Student, Kennesaw Mountain High Sch. briancamlouis17@gmail.com
Samuel McGlashan	samuelmcglashan@gmail.com
Catherine Mockalis	catherinemockalis@gmail.com
Cindi Michaels	Vice Chair, Planning Commission cmichaels@kennesaw-ga.gov
David Shock	Secretary, Kennesaw Citizens Advisory Committee dshock@kennesaw.edu

Steve Roberts	Parks & Recreation Director, Kennesaw sroberts@kennesaw-ga.gov
Robbie Ballinger	Building Facilities Manager, Kennesaw rballinger@kennesaw-ga.gov
Halli Watson	

2020 URBAN REDEVELOPMENT AGENCY

Appointed August 18, 2003. Urban Redevelopment Agency shall consist of three members who shall serve terms of office of three years.
Activated through Resolution #2003-13 (9/02/03)

Board meets on an as-needed basis.

MEMBERS	PHONE, FAX, E-MAIL	TERM ENDS
Sharon Pell	2807 Amhurst Way Kennesaw, GA 30144 PellSharon0@gmail.com	09/03/22
Arthur Hunt, Chair	770-423-0137 (w) 770-423-0020 (h) 6065 Woodland Court, 30152 huntrube@bellsouth.net	09/01/20
Herb Richardson, Secretary	2025 Dobbins Drive Kennesaw 30144 68herb@gmail.com 770-265-9734 (cell)	09/01/21

11/15/04: Mayor Church appointed Arthur Hunt to complete the term of Charles Respert who moved out of the area.
11/15/04 Mayor Church reappointed Steve Zimba for another 3 year term.
01/18/05 M+C appointed Tom Headlee to replace Steve Shelton for term ending 9/01/06
07/18/06: Accepted letter of resignation from Steve Zimba
10/02/06: Appointed Mike Sesan and Theresa Ledford
10/11/06: Accepted resignation from Tom Headlee Jr.
11/05/07: Reappointed Mike Sesan to another 3 year term ending 9/1/10
01/05/09: Reappointed Arthur Hunt to another 3 year term ending 9/1/11
01/20/09: Accepted resignation from Theresa Ledford
03/02/09: Appointed Herb Richardson to fill term of Theresa Ledford ending 9/1/09
09/08/09: Reappointed Herb Richardson for another 3 year term ending 9/1/12
09/30/10: Mike Sesan did not want to be reelected to the URA committee
09/07/10: Tim Evans appointed by M&C to replace Mike Sesan for 3 year term ending 9/1/13
11/07/11: Arthur Hunt reappointed with term ending 2014
02/20/12: Tim Evans resigned and moved out of state
08/20/12: Herb Richardson reappointed with term ending 2015
01/07/13: Cindy Giles appointed to complete the term of Tim Evans
09/08/15: Herb Richardson reappointed with term ending 2018
09/06/16: Cindy Giles reappointed with term ending 2019
09/05/17: Arthur Hunt reappointed with term ending 2020
08/20/18 Herb Richardson reappointed with term ending 2021
2019: City Giles left URA
09/16/19 Sharon Pell appointed to fulfill vacancy with term ending 2022