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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2016-23                      **LEGISTAR:** 20160676

**LANDOWNERS:**    **F & L Investments, L.P.**  
                              **3660 Lower Roswell Road**  
                              **Marietta, GA 30068**

**AGENT:**                      **John H. Moore, Esq.**  
                                      **Moore, Ingram, Johnson, & Steele, LLP**  
                                      **326 Roswell Street**  
                                      **Marietta, GA 30060**

**PROPERTY ADDRESS:**    **2253 Northwest Parkway**

**PARCEL DESCRIPTION:** **17 07280 0050**

**AREA:**                      **±5.674 acres**                      **COUNCIL WARD:** 7A

**EXISTING ZONING:**            **Light Industrial (Cobb County)**

**REQUEST:**                      **Light Industrial (City)**

**FUTURE LAND USE MAP**  
**RECOMMENDATION:**    **IW (Industrial Warehousing)**

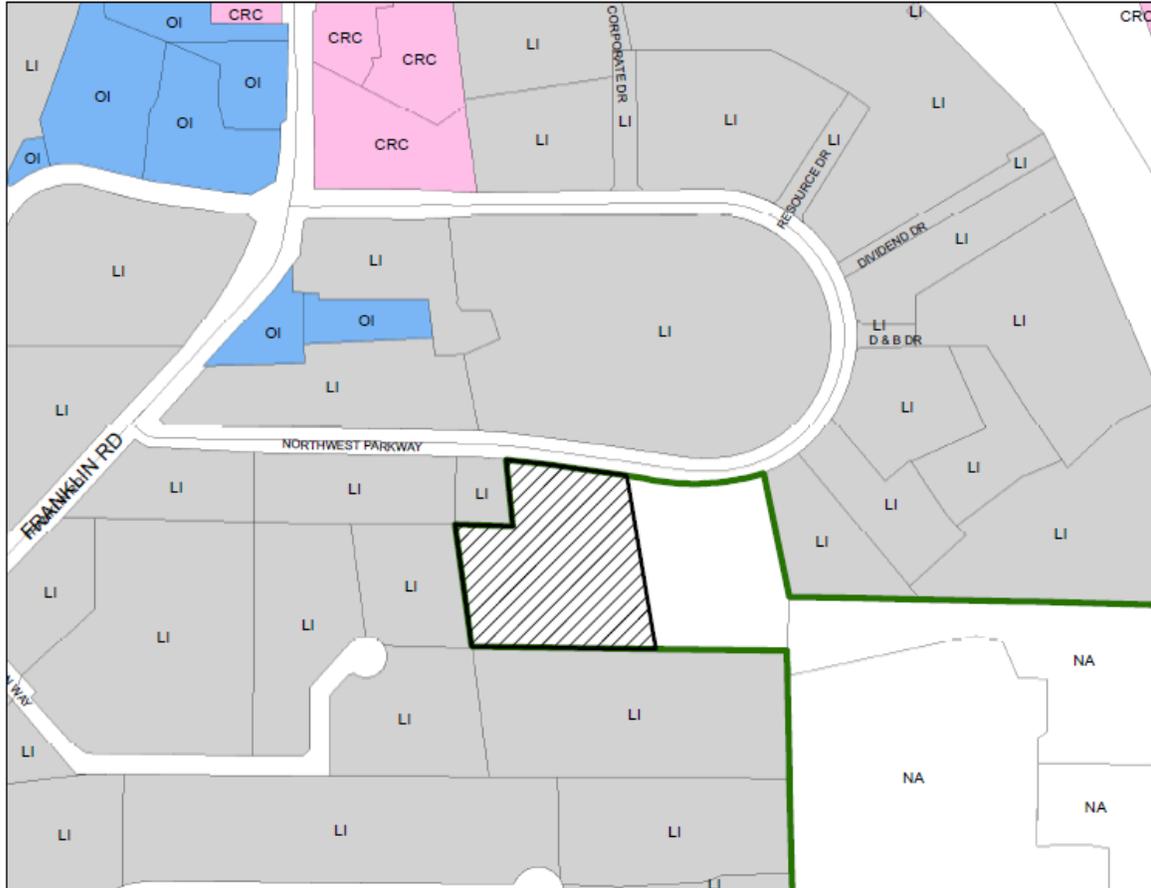
**REASON FOR REQUEST:**

**PLANNING COMMISSION HEARING:**    **Tuesday, August 2, 2016 – 6:00 p.m.**

**CITY COUNCIL HEARING:**            **Wednesday, August 10, 2016 – 7:00 p.m.**

**MAP**

**City of Marietta Area Zoning Map**

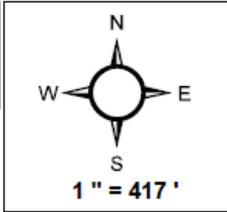


Zoning		District	Land Lot	Parcel	Current Zoning	Proposed Zoning
<b>SINGLE FAMILY RESIDENTIAL</b> R-1 One Unit/Acre R-2 Two Unit/Acre R-3 Three Unit/Acre R-4 Four Unit/Acre <b>ATTACHED FAMILY RESIDENTIAL</b> RA-4 Four Unit/Acre RA-6 Six Unit/Acre RA-8 Eight Unit/Acre PRD(SF) Planned Residential Dev. MHP Mobile Home Park <b>MULTI FAMILY RESIDENTIAL</b> RM-8 Eight Unit/Acre RM-10 Ten Unit/Acre RM-12 Twelve Unit/Acre RHR Residential High Rise PRD(MF) Planned Residential Dev.	<b>COMMERCIAL</b> NRC Neighborhood Retail CRC Community Retail RRC Regional Retail CBD Central Business District PCD Planned Commercial Dev. MKD Mixed-Use Dev. OIT Office Institutional Trans. LRD Low-Rise Office OI Office Institutional OS Office Services OHR Office High-Rise <b>INDUSTRIAL</b> LI Light Industrial HI Heavy Industrial PID Planned Industrial Dev.	17	07280	0050	LI (County)	LI (City)

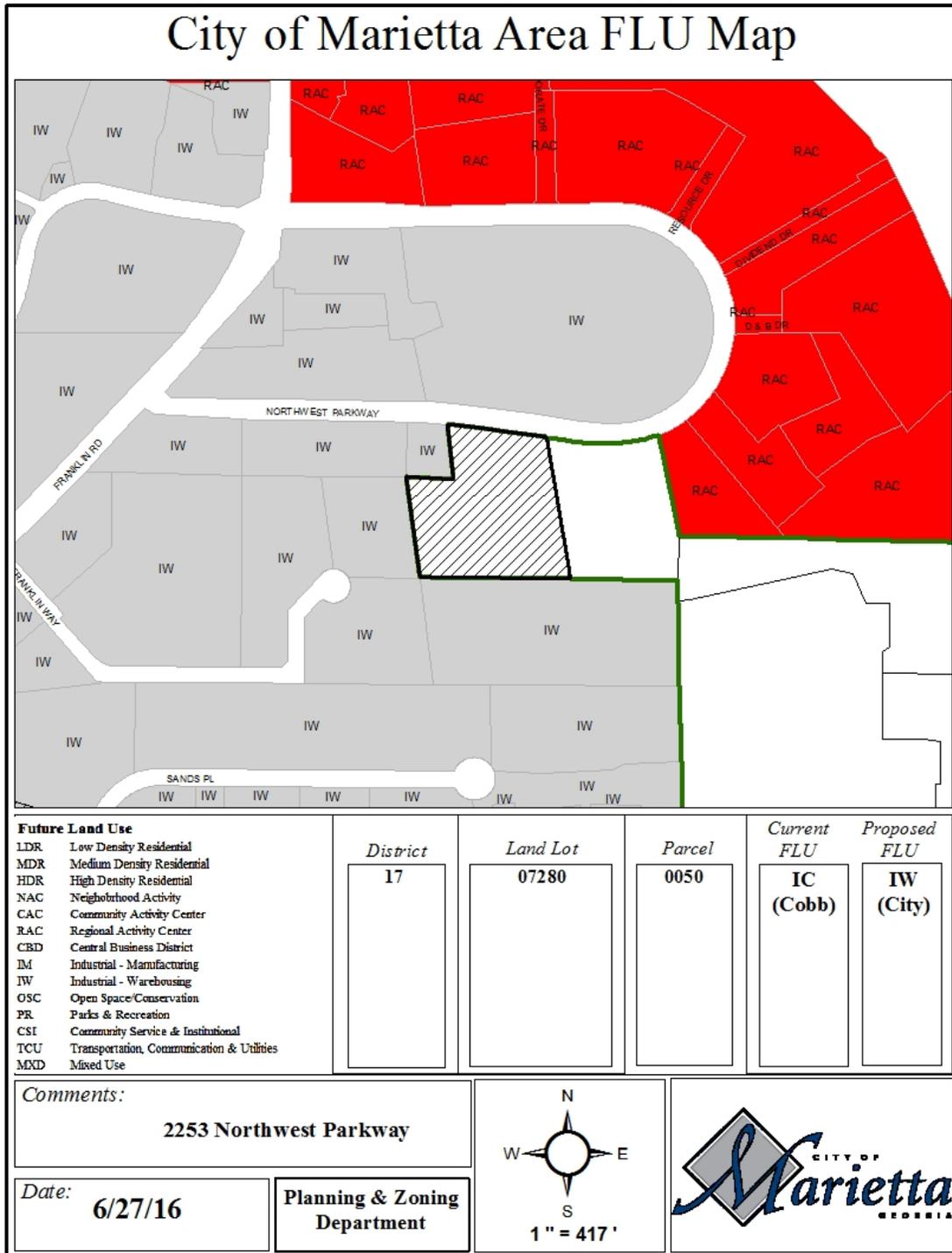
Comments:  
 2253 Northwest Parkway

Date: 6/27/2016

Planning & Zoning  
 Department



## FLU MAP



**PICTURES OF PROPERTY**



**2253 Northwest Parkway**



**2253 Northwest Parkway**

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## STAFF ANALYSIS

### *Location Compatibility*

The applicant, John Moore, representing the property owner, F & L Investments, L.P., is requesting to annex and rezone a 5.674 acre parcel of property located at 2253 Northwest Parkway from LI (Light Industrial) in Cobb County to LI (Light Industrial) in City of Marietta. There is an existing office/warehouse building on the property that is currently vacant, and the property owner intends to market the property and attract a new tenant.

Properties to the north, south and west are located in the City of Marietta and are zoned LI (Light Industrial). The adjacent property to the east is located in Cobb County and is zoned LI (Light Industrial); and is also requesting to be annexed into the City of Marietta.

### *Use Potential and Impacts*

The building on the subject property was formerly occupied by a law firm whose principal is in the process of retiring, and the applicant does not currently have any prospective purchasers or tenants. Although the annexation and rezoning request is for LI (Light Industrial) - the same zoning category that it is currently zoned in the City - the list of permitted uses is slightly different in the City of Marietta, as compared to those allowed in the County under the LI (Light Industrial) category, and that is the primary reason for the requested annexation.

Further, because the zoning request is for the same classification as the property's current zoning in the County, there should be no change in the existing or proposed use potential. As a result, there should be no adverse impacts on the surrounding area as a whole as a result of this rezoning.

The Cobb County Future Land Use Map designates this area as Industrial Compatible (IC), an appropriate category for light industrial uses. The City of Marietta Comprehensive Plan and the Future Land Use map designates the adjacent areas that are within the city limits as Industrial Warehousing (IW). The IW category is similar in nature to the IC category in Cobb County. The purpose of the Industrial Warehousing category is to provide for areas that can support light industrial, office/warehouse and distribution uses, and the vehicular traffic associated with those uses. The LI zoning category is compatible with the future land use designations both Cobb County and the City of Marietta.

### *Environmental Impacts*

There are no indications of flood plain, wetlands, streams or endangered species on the property. The property is located within the Rottenwood Creek drainage basin.



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## STAFF ANALYSIS CONTINUED

### *Economic Functionality*

The applicants request to rezone from LI in the County to LI in the City does not in any way constitute a request to change the use associated with the property, only a change in jurisdiction in which it is located.

### *Infrastructure*

Since this property is currently developed as an office/warehouse, this annexation and rezoning request will not increase demand for the City's water, school, electrical, or sewer infrastructure.

### *History of Property*

Because the subject property is currently located in Cobb County, there is no history of variances, rezoning, or special land use permits on file in City records.



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## ANALYSIS & CONCLUSION

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Prepared by:           Rusty Roth          

Approved by: \_\_\_\_\_



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## DATA APPENDIX

### *CITY OF MARIETTA - WATER*

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Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	N/A
Size of the water line?	8 inch
Capacity of the water line?	Fire flow test may be needed
Approximate water usage by proposed use?	Not provided

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### *CITY OF MARIETTA - SEWER*

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Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	N/A
Size of the sewer line?	8 inch
Capacity of the sewer line?	A.D.F. Capacity Available
Estimated waste generated by proposed development?	Peak
Treatment Plant Name?	Not Provided
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

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## DATA APPENDIX CONTINUED

### ***DRAINAGE AND ENVIRONMENTAL CONCERNS***

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Does flood plain exist on the property:	No
What percentage of the property is in the flood plain?	N/A
What is the drainage basin for the property?	Rottenwood Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	N/A
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

### ***TRANSPORTATION***

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What is the road effected by the proposed change?	Northwest Pkwy
What is the classification of the road?	Local
What is the traffic count for the road?	N/A
Estimated # of trips generated by the proposed development?	N/A
Estimated # of pass-by cars entering proposed development?	N/A
Do sidewalks exist in the area?	No
Transportation improvements in the area?	No
If yes, what are they?	N/A



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## DATA APPENDIX CONTINUED

### *EMERGENCY SERVICES*

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Nearest city or county fire station from the development?	Marietta Station 55 1160 Franklin Gateway
Distance of the nearest station?	1 mile
Most likely station for 1 <sup>st</sup> response?	Marietta Station 55 1160 Franklin Gateway
Service burdens at the nearest city fire station (under, at, or above capacity)?	No service burdens

The fire department has no objection to the zoning requested by F&L Investments (John Moore) for 2253 Northwest Parkway

### *MARIETTA POWER - ELECTRICAL*

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Does Marietta Power serve this site?      Yes \_\_\_\_\_      No   x  

If not, can this site be served?            Yes \_\_\_\_\_      No   x  

What special conditions would be involved in serving this site?

Additional comments:



**ATTACHMENT TO APPLICATION FOR REZONING**

**Application No.:** \_\_\_\_\_  
**Legistar No.:** \_\_\_\_\_  
**Hearing Dates:** **August 2, 2016**  
**August 10, 2016**

**Applicant/Property Owner:            F & L Investments, L.P.**

**DESCRIPTION OF PROPOSED DEVELOPMENT/PROJECT**

The property which is the subject of the Application for Rezoning by F & L Investments, L.P., as Applicant and Property Owner (hereinafter collectively "Applicant") consists of a total tract of 5.674 acres, more or less, and is located on the southerly side of Northwest Parkway, easterly of Franklin Road, at 2253 Northwest Parkway, Land Lot 728, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). Contemporaneously with the filing of the Application for Rezoning, the Applicant applied for annexation of the Property into the City of Marietta, which necessitates rezoning of the Property to a comparable zoning category. The Rezoning Application seeks approval of a request to rezone the Subject Property from its existing Light Industrial zoning category, as designated by Cobb County, Georgia, to the Light Industrial ("LI") category within the City of Marietta, Georgia. The Subject Property was formerly used for offices; and, Applicant is currently marketing the Property. The Property is currently vacant, with the exception of office furniture, fixtures, and files from its former tenant, a law firm whose principal is in the process of retiring. At this time, there are no prospective purchasers or tenants for the Property; and, therefore, Applicant cannot provide a detailed description of any renovations and upgrades to the structure or the Property. At such time as a determination is made for the use of the Property, Applicant will ensure the proposed use meets the criteria for the LI zoning classification as set forth within the City of Marietta Zoning Ordinance.

Applicant is excited with the opportunity of the Property being annexed into the City of Marietta and the opportunities which it will bring. Applicant anticipates the successful marketing of the Property for a use which will be beneficial to the surrounding area and to the City of Marietta.

**TO: Marietta Daily Journal**

**FROM: City of Marietta**

**RUN AD DATE: July 15, 2016**

**PUBLIC NOTICE OF REZONINGS, SPECIAL LAND USE PERMITS, AND VARIANCES**

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, August 2, 2016, 6:00 P.M.**, City Hall, for a recommendation to the City Council at their meeting on **Wednesday, August 10, 2016, 7:00 p.m.**, City Hall, for a final decision to be made.

**Z2016-23 [REZONING] F & L INVESTMENTS, L.P.** is requesting the rezoning of 5.674 acres located in Land Lots 728, District 17, Parcel 0050, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia, and being known as 2253 Northwest Parkway from LI (Cobb County) to LI (City). Ward 7A.

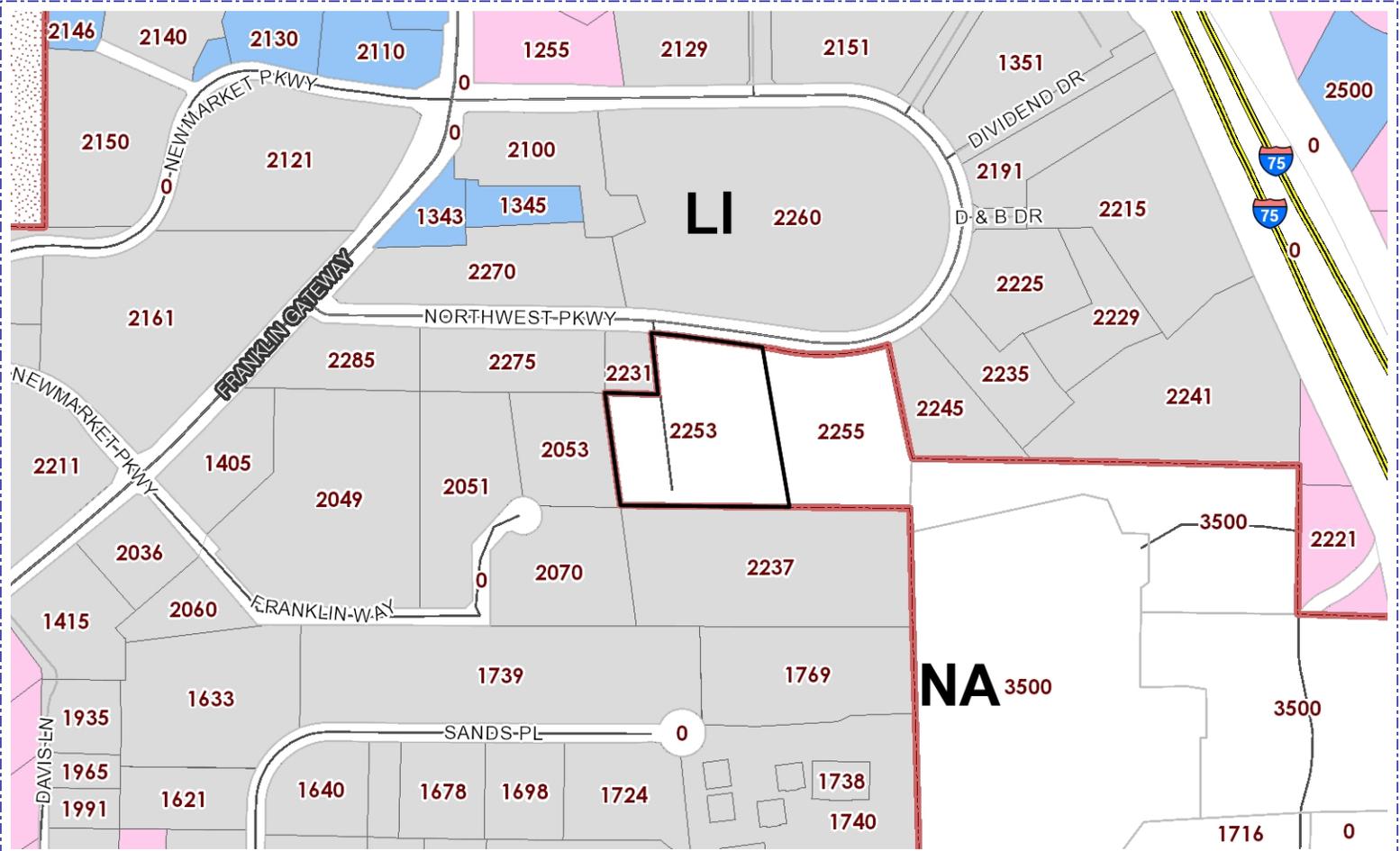
A description and plat of the property sought for the rezoning and future land use assignment are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

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 Mr. Patrick Henley, ADA Coordinator, at 770-794-5558 (voice) or 770-794-5560 (TDD) no later than 48 hours before the date of the above meeting.

City of Marietta  
205 Lawrence Street  
Marietta, Georgia 30060

# Rezoning



Address	Parcel Number	Acreage	Ward	Zoning	FLU
2253 NORTHWEST PKWY	C	5.588			

Property Owner:	F & L Investments, L.P.	
Applicant:	John H. Moore/Moore, Ingram, Johnson & Steele, LLP	
Proposed Zoning:	LI (Cty) to LI (City)	
Agent:		
Proposed Use:		
Planning Commission Date:	08/02/2016	
City Council Hearing Date:	08/10/2016	Case Number: Z2016-23
City of Marietta Planning & Zoning		

**Zoning Symbols**

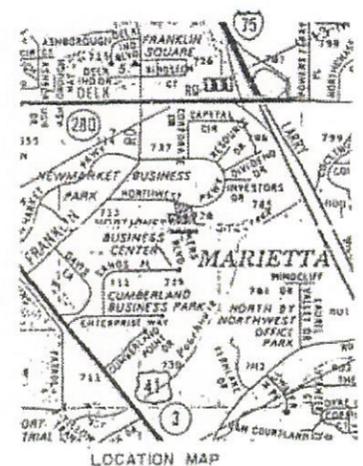
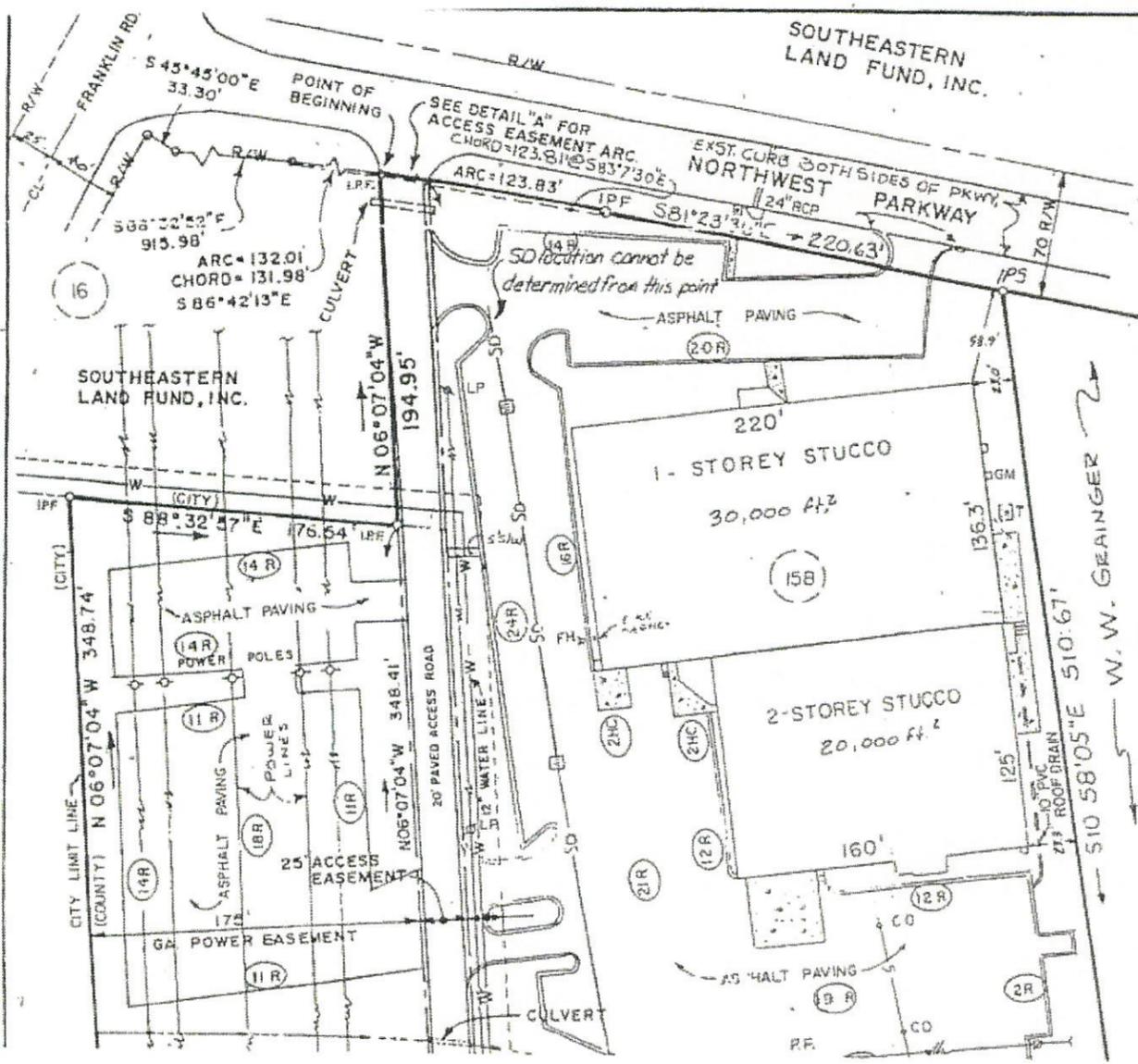
- Railroads
- City Limits
- Cobb County Pockets
- NA
- R1 - Single Family Residential (1 unit/acre)
- R2 - Single Family Residential (2 units/acre)
- R3 - Single Family Residential (3 units/acre)
- R4 - Single Family Residential (4 units/acre)
- RA4 - Single Family Residential - Attached
- RA6 - Single Family Residential - Attached
- RA8 - Single Family Residential - Attached
- MHP - Mobile Home Park
- PRD-SF - Planned Residential Dev. Single Family
- RM8 - Multi Family Residential (8 units/acre)
- RM10 - Multi Family Residential (10 units/acre)
- RM12 - Multi Family Residential (12 units/acre)
- RHR - Residential High Rise
- PRD-MF - Planned Residential Dev Multi Family
- NRC - Neighborhood Retail Commercial
- CRC - Community Retail Commercial
- RRC - Regional Retail Commercial
- PCD - Planned Commercial Development
- LI - Light Industrial
- HI - Heavy Industrial
- PID - Planned Industrial Development
- MXD - Mixed Use Development
- CBD - Central Business District
- OIT - Office Institutional Transitional
- LRO - Low Rise Office
- OI - Office Institutional
- OS - Office Services
- OHR - Office High Rise



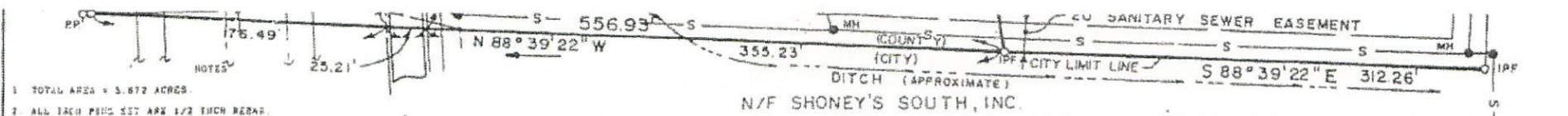
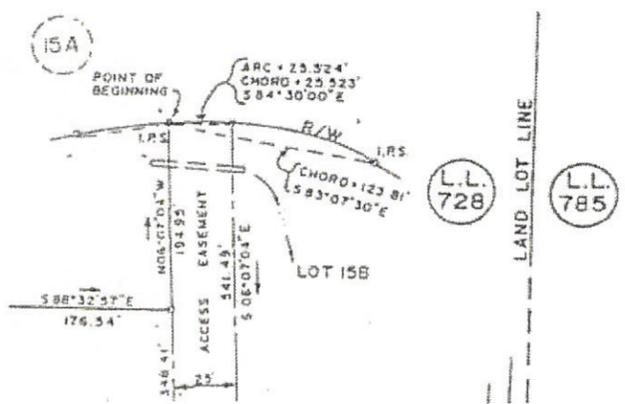
Address	Parcel Number	Acreage	Ward	Zoning	FLU
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2253 NORTHWEST PKWY	C	5.588			
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Property Owner:	F & L Investments, L.P.	<b>Legend</b> 
Applicant:	John H. Moore/Moore, Ingram, Johnson & Steele, LLP	
City Council Hearing Date:	08/10/2016	
Planning Commission Hearing Date:	08/02/2016	
BZA Hearing Date:	Case Number: Z2016-23	
Comments:		



- LEGEND**
- S- SANITARY SEWER
  - MH SANITARY SEWER MANHOLE
  - PP POWER POLE
  - IPF IRON PIN FOUND
  - IPS IRON PIN SET
  - SD STORM DRAIN
  - (R) REGULAR PARKING
  - (HC) HANDICAP PARKING



1. TOTAL AREA = 5.672 ACRES.  
 2. ALL LOTS SHOWN ARE 1/2 ACRE EACH.  
 3. THIS PLAN IS A CORRECT REPRESENTATION OF THE LANDS PLATTED AND HAS BEEN PREPARED IN CONFORMANCE WITH THE HEIGHTS STANDARDS AND REQUIREMENTS OF LAW TITLE INFORMATION SHOWN HEREON WAS FURNISHED BY:  
 THOUTAUX, SANDERS, LOCKERMAN & ASHPORE  
 CANTON BUILDING, SUITE 1400  
 129 PLEASANT STREET, N.E.  
 ATLANTA, GEORGIA, 30309-1910  
 PHONE: (404) 525-3000

**SURVEY CERTIFICATE**  
 Certificate attached to form of survey made by the undersigned last date Feb 27  
 19 90 of premises described as follows (See Legal Description):  
 (SEE Legal Description)

The undersigned hereby CERTIFIES to Meritor Savings Bank, Frank J. Hanna, Jr. and Chicago Title Company, as of the above date, that the attached plan of survey correctly shows: (i) the location of all buildings, structures and other visible improvements situated on the above premises; and that, except as shown, there are no visible or recorded encroachments or rights-of-way across said premises or any other easements or rights-of-way which the undersigned has been advised, no building set back lines, no party walls, no encroachments or adjoining premises, easements, streets or alleys by any of said buildings, structures or other improvements situated on the adjoining premises; (ii) the courses and measured distances of the exterior property lines of the premises and any easements located on or affecting the said premises; (iii) the location and number of parking spaces and the total square foot area of the said premises; (iv) the dimensions of all improvements on the said premises as ground surface level and the distance therefrom to the nearest facing exterior property lines of the said premises; and (v) the area, the north direction, the beginning point, the distance to the nearest intersection street and point of reference from which the premises are measured, the width of the street or streets on which the premises sit, the lot and block number shown on any field map in which reference is made in the legal description of the premises together with filing date of such map, and an accurate reference to the real estate records of the county of Cobb, Georgia, identifying all easements of record crossing or affecting the said premises. The undersigned further certifies that all street abutting the said premises and all means of ingress and egress for the said premises have been completed, defined and accepted for public maintenance by the said County of Cobb, Georgia. No part of the premises lies within a 100-year flood plain or in an identified "flood prone area" or which is subject to "special flood hazard", as defined by the U.S. Department of Housing and Urban Development, pursuant to the Flood Disaster Act of 1973, as amended. There is no fault line on any portion of the premises as disclosed by visual inspection of the premises or as indicated by the most recent map of fault lines in the county in which the premises are located, prepared by the Department of Geological Survey, in cooperation with The National Aeronautics and Space Administration.

All singular that certain tract or parcel of land situated, lying, or being in Land Lot 725 of the 17th District, 2nd Section of Cobb County, Georgia, and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING commence at the intersection of the southeast side of Franklin Road (60-foot right-of-way) and the south side of Northwest Parkway (70-foot right-of-way); and run thence south 45 degrees 45 minutes east along the south side of Northwest Parkway 333 feet; thence south 84 degrees 32 minutes 50 seconds east along the south side of Northwest Parkway 945.08 feet; thence east along the south side of Northwest Parkway with the arc of a circle to the right (Chord: south 30 degrees 07 minutes 30 seconds east 123.81 feet) 123.81 feet to an iron pin; thence south 81 degrees 23 minutes 36 seconds east along the south side of Northwest Parkway 220.63 feet to an iron pin; thence south 10 degrees 58 minutes 05 seconds east 510.67 feet to an iron pin; thence North 53 degrees 39 minutes 22 seconds west 556.93 feet to an iron pin; thence North 05 degrees 07 minutes 04 seconds West 348.74 feet to an iron pin; thence south 85 degrees 34 minutes 57 seconds east 176.54 feet to an iron pin; thence north 06 degrees 02 minutes 04 seconds west 194.95 feet to the point of beginning; being designated "Lot B" containing 3.674 acres.



4. THE FOLLOWING EASEMENTS, VARIANCES OR RESTRICTIONS EXIST AND ARE SHOWN HEREON IF LOCATABLE:
- A. DECLARATION OF PROTECTIVE COVENANTS FOR NORTHWEST BUSINESS CENTER MADE BY SOUTHEASTERN LAND FUND, INC. BY PARTS DATED JULY 5, 1974, RECORDED IN DEED BOOK 1241, PAGE 159, AFORESAID RECORDS; THE RIGHTS AND OBLIGATIONS OF SOUTHEASTERN LAND FUND, INC. HAVING BEEN ASSIGNED TO BILK ROAD INVESTORS, LTD. BY ASSIGNMENT DATED DECEMBER 17, 1980, RECORDED IN DEED BOOK 2291, PAGE 23, AFORESAID RECORDS.
  - B. EASEMENT FOR RIGHT OF WAY FROM J.J. THOMAS TO GEORGIA POWER COMPANY, DATED JULY 18, 1942, RECORDED IN DEED BOOK 146, PAGE 177, AFORESAID RECORDS.
  - C. DECLARATION OF EASEMENT MADE BY SOUTHEASTERN LAND FUND, INC. BY PARTS, DATED SEPTEMBER 20, 1974, RECORDED IN DEED BOOK 1259, PAGE 210, AFORESAID RECORDS, AS MODIFIED BY FIRST AMENDMENT TO DECLARATION OF EASEMENT BY AND AMONG SOUTHEASTERN LAND FUND, INC., HEALTHDYNE, INC., SHONEY'S SOUTH, INC. AND W.W. GRAINGER, INC. DATED AS OF DECEMBER 17, 1980, RECORDED IN DEED BOOK 2222, PAGE 151, AFORESAID RECORDS.
  - D. EASEMENT FROM SOUTHEASTERN LAND FUND, INC. TO BOARD OF LIGHTS AND WATER WORKS, DATED JANUARY 23, 1975, RECORDED IN DEED BOOK 1586, PAGE 171, AFORESAID RECORDS FOR WATER LINE.
  - E. EASEMENT FROM HEALTHDYNE, INC. TO COBB ELECTRIC MEMBERSHIP CORPORATION, DATED DECEMBER 30, 1980, RECORDED IN DEED BOOK 2317, PAGE 43, AFORESAID RECORDS.

7. ITEMS SHOWN HEREON FOLLOW:
1. A 175-FOOT GEORGIA POWER COMPANY RIGHT-OF-WAY;
  2. A SANITARY SEWER LINE IN A 20-FOOT EASEMENT ALONG THE SOUTH LINE OF SUBJECT PROPERTY;
  3. A 25-FOOT ACCESS ROAD THROUGH THE WEST PORTION OF SUBJECT PROPERTY;
  4. A 12-INCH WATER LINE ON THE EAST SIDE OF AND PARALLEL TO SAID ACCESS ROAD;
  5. A POWER LINE, WITH ONE POLE, ACROSS THE SOUTH PORTION OF SUBJECT PROPERTY; AND
  6. STORM DRAIN FACILITIES, INCLUDING DROP INLETS, A HEADWALL, CONCRETE APRON AND A CULVERT EXTENDING FROM SUBJECT PROPERTY UNDER THE ACCESS ROAD, INTO THE PROPERTY ADJOINING ON THE WEST.
  7. ANCHOR FOR POWER POLE CROSSING THE SOUTHERLY PROPERTY LINE TO THE WEST OF THE 20-FOOT PAVED ACCESS ROAD.

*Sam P. Hensley*  
 Surveyor or Engineer  
 Registration No. 2377



*Sam P. Hensley*  
 Surveyor or Engineer  
 Registration No. 1163



1. THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD BOTH WRITTEN AND UNWRITTEN;
2. THE PURPOSE OF THIS DRAWING IS TO SHOW ALL VISIBLE IMPROVEMENTS AND UTILITIES, ALL RECORD EASEMENTS, AND ALL STRIKE LINES ON THE SUBJECT PROPERTY;
3. ALL VISIBLE IMPROVEMENTS AND UTILITIES ON THE SUBJECT PROPERTY ARE SHOWN HEREON;
4. THE LOCATIONS OF THE UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON ABOVE GROUND MARKERS AND/OR UTILITY COMPANY TAPS AND ARE APPROXIMATE ONLY; THE PROPERTY SHOWN HEREON MAY BE SERVED BY UNDERGROUND UTILITIES WHICH ARE NOT SHOWN HEREON. ALL UTILITY COMPANIES SHOULD BE CONTACTED BEFORE BEGINNING ANY DESIGN OR CONSTRUCTION;
5. THE SUBJECT PROPERTY SHOWN HEREON IS NOT LOCATED WITHIN A FLOOD HAZARD ZONE PER THE FEDERAL ENGINEERING CONSULTANTS SURVEY FLOOD INSURANCE RATE MAP; COMMUNITY PANEL NUMBER 530002-D-010-D, EFFECTIVE JANUARY 3, 1979, LAST REVISED DECEMBER 4, 1980;
6. THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET;
7. THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSE APPROXIMATION OF 1 FOOT IN 10,000 FEET; AND AN APPROXIMATE TOLERANCE OF 0.01 FEET PER 100 FEET; AND AN APPROXIMATE TOLERANCE OF 0.01 FEET PER 100 FEET; AND AN APPROXIMATE TOLERANCE OF 0.01 FEET PER 100 FEET.

REV	DATE	DESCRIPTION
4	2/23/90	SURVEY UPDATE (OKB)
3	3/30/83	ADD EASEMENT & CERT.
2	1/22/82	ADD BUILDING ADDITION
1	2/9/83	GENERAL REVISIONS

**NORTHWEST BUSINESS CENTER**

**"AS BUILT SURVEY"**  
**LOT 15B**  
 L.L. 728, 17th DISTRICT, 2nd SECTION, COBB CO., GA.

**MERITOR SAVINGS BANK**  
**FRANK J. HANNA JR.**  
**CHICAGO TITLE COMPANY**

DESIGNED	—	HENSLEY-SCHMIDT, INC.	DWG. NO.
DRAWN	RL	CONSULTANTS	6846.02-2.1
CHECKED	PHG	ATLANTA CHATTAHOOGA	
APPROVED	SCH		