Authority Members
Mark Allen
Ian Coats
Lexie Newhouse
Nimesh Patel
Mary Jo Groeneveld
David Lyons
Leslie Patton

Kennesaw Downtown Development Authority
Meeting Agenda
January 10, 2025 7:30 AM
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)

CANCELED

1. **Call to Order / Roll Call**
2. **Approval of the Meeting Minutes**
   A. Draft minutes 12.13.24 meeting
3. **Financial Report**
   A. Financial Report as of 12.31.24
   B. Review of open invoices
4. **Old Business**
5. **New Business**
   A. CBD Application: 2615 & 2681 S. Main Street
6. **Main Street Program Updates**
   A. 2025 Downtown Events
   B. Discussion of possible beautification/other projects
7. **Public Comments**
8. **Board Comments**
9. **Economic Development Director Comments**
10. **Executive Session**
    A. Pursuant to the provisions of O.C.G.A. 50-14-3, the KDDA 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 as provided under O.C.G.A. 50-14-2(1); and/or personnel matters as provided under O.C.G.A. 50-14-3 (4) and/or real estate matters as

provided under O.C.G.A 50-14-3(6).

11. Adjourn

A. NOTICE: Any person who desires to appeal any decision from this meeting will need a record of the proceedings, and for the purpose may need to insure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based. The Agenda is designed to make more efficient use of the KDDA's time. It is not designed to curtail discussion or input. If you need special accommodations to attend or participate in our meetings, please contact City Hall at least 24 hours in advance of the specific meeting you are planning to attend.

CANCELED

MINUTES OF KENNESAW DOWNTOWN DEVELOPMENT AUTHORITY MEETING
CITY OF KENNESAW
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)
December 13, 2024
7:30 AM

Present	Chair Mark Allen Vice Chair David Lyons Treasurer Leslie Patton Secretary Mary Jo Groeneveld Lexie Newhouse Ian Coats Nimesh Patel Leslie Patton

CANCELED

1. Call to Order / Roll Call

The meeting was called to order at 7:30 am by Chair Mark Allen.
Members present: Mark Allen, David Lyons, Mary Jo Groeneveld, Lexie Newhouse, Ian Coats, Leslie Patton, Nimesh Patel
Staff present: Luke Howe, Miranda Taylor

2. Approval of the Meeting Minutes

A. Draft minutes 11.8.24

The board reviewed draft minutes from the 11.8.24 meeting. David Lyons made a motion to approve the minutes as presented. Leslie Patton seconded the motion. Motion passed with a vote of 7-0.

3. Financial Report

A. Financial Report as of 11.30.24

Leslie Patton presented the financial report as of 11.30.24 with an ending cash balance of $100,602.29. David Lyons made a motion to approve the financial report as presented and the motion was seconded by Lexie Newhouse. Motion passed unanimously.

B. Review of open invoices (legal)

The board reviewed invoices for legal services, and David Lyons made a motion to approve payment of the invoices as presented. Leslie Patton seconded the motion. Motion passed with a vote of 7-0.

4. Old Business

A. Event Management Services RFP

The board reviewed the draft RFP for event management services.

Nimesh Patel recommended changes as follows:
to Section 3.4.1

- Section 3.4.1: In the selection process section, change the sentence "The rank order will be submitted to the KDDA Board of Directors for approval" to "for consideration and evaluation";
- Section 3.4.1: In the selection process section, change the first sentence of the last paragraph to "Negotiations will be undertaken with the finalist", and strike the remainder of the paragraph.
- Section 5.1: verbiage updates (change the word "addend" and "addenda" to "amend" and "amendment"

The board requested the RFP Deadline to be updated to January 15, 2025. The target date for the event will be May 17, but the board will consider other dates if necessary based on the RFP responses and the City events calendar.

David Lyons made a motion to approve the RFP with the edits stated and to direct staff to officially post the RFP. Ian Coats seconded the motion. Motion passed with a vote of 7-0.

5. New Business

A. CBD Project Application: 3059 Cherokee Street

This item was taken out of order (following the call to order) in respect of the applicant's time. Applicant Jason Scheidt presented the CBD application and business plan for 3059 Cherokee Street. This project is a Phase 2 continuation of the previously approved CBD project at 3033 and 3045 Cherokee Street. Adding the parcel at 3059 Cherokee Street will allow the developers to implement their full vision for the project and create a strong gateway for downtown Kennesaw. The greenspace footprint aligns with the neighboring greenspace at Galt Commons to allow for connectivity (if desired). They will rehab the historic home on this parcel and incorporate it into the site for commercial use.

David Lyons inquired about the range of square footage available in the residential units; the applicant advised that the smaller units will be between 100-1250 SF, with larger units up to 1600 SF. David also inquired about whether the streets would be public or private; the applicant and staff confirmed they will be private streets.
Ian Coats asked if there has been any consideration for installation of EV chargers in the development; the applicant stated that presently there are no plans for EV charging stations.

Applicant Jason Kisz shared information on the development's timeline. The engineering is almost completed for Phase 1. Once the CBD application for Phase 2 has been completed, they will begin engineering for this phase and expect engineering for the full project to be completed by the end of Q1 2025, with building and site plan

CANCELED

approvals to follow. Jason Kisz also shared that they are working to incorporate affordability into the development of the smaller units, with prices anticipated to start in the $300's.

David Lyons made a motion to approve the CBD application as presented. Ian Coats seconded the motion. The motion passed unanimously.

6. Main Street Program Updates

A. Year-end assessment updates

Miranda Taylor provided an update on Main Street assessment activities. All assessment reports and documentation are due to DCA by January 15, and she is working on submitting all required information.

The plaza lighting project is still underway; we are working on trimming some tree branches and adding the necessary power outlets near the tunnel. Lights will be installed as soon as these items are completed.

Miranda reminded the board that the revenue received from Scarecrows on Main and the Holiday Extravaganza Trees is to be used for downtown beautification and/or event support, and encouraged the board to brainstorm ideas to discuss at the January meeting.

7. Public Comments

No public comment.

8. Board Comments

Mary Jo Groeneveld stated that there are no seating areas/options in the space where the Farmers Market is held. The board may want to consider purchasing some tables/chairs that could be used during the season for market patrons.

Mark Allen expressed his appreciation to the board members for their presence each month and their involvement in KDDA activities.

9. Economic Development Director Comments

Luke Howe advised the board that work on the commercial outparcels at The Lacy on South Main was continuing. The developer has submitted an updated plat to the Mayor & Council to subdivide the lots. The board should see more activity on this project in January.

10. Executive Session

A. Pursuant to the provisions of O.C.G.A. 50-14-3, the KDDA 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 as provided under O.C.G.A. 50-14-2(1); and/or personnel matters as provided under O.C.G.A. 50-14-3 (4) and/or real estate matters as provided under O.C.G.A 50-14-3(6).

11. Adjourn

CANCELED

With no further business, the meeting was adjoured at 8:09 am.

A. NOTICE: Any person who desires to appeal any decision from this meeting will need a record of the proceedings, and for the purpose may need to insure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based. The Agenda is designed to make more efficient use of the KDDA's time. It is not designed to curtail discussion or input. If you need special accommodations to attend or participate in our meetings, please contact City Hall at least 24 hours in advance of the specific meeting you are planning to attend.

CANCELED

Kennesaw Downtown Development Authority
Operating Cash Activity
For the Month Ended December 31, 2024

Beginning Cash	$ 100,602.29
Cash Receipts:	
Interest Earned	87.70
Main Street Burger	2,388.67
Misc Revenue - collected through Civic Rec	330.00
L&B Brands Bernies LLC	1,263.00
Total Cash Receipts	4,069.37
Cash Disbursements:	
Bentley, Bentley, & Bentley	1,353.98
Republic Services of GA	635.39
Kathryn Collier	742.63
Total Cash Disbursements	2,732.00
Ending Cash	$ 101,939.66

CANCELED

City of Kennesaw

Balance Sheet
Account Summary
As Of 12/31/2024

Account	Name	Balance	
Fund: 760 - KDDA FUND			
Assets			
760-0000-11-111200-00000	OPERATING ACCOUNT	101,939.66	
760-0000-11-112100-00000	KDDA FACADE	3,673.84	
760-0000-11-311100-00000	DUE FROM/TO GENERAL FUND	1,129.68	
	Total Assets:	**106,743.18**	**106,743.18**
Liability			
760-0000-12-260000-00000	DEPOSITS PAYABLE	3,000.00	
	Total Liability:	**3,000.00**	
Equity			
760-0000-13-120000-00000	ENCUMBRANCE	-7,865.28	
760-0000-13-230000-00000	CONTRIB CAP-DEVELOPERS	2,500.00	
760-0000-13-411500-00000	F/B RES FOR ENCUMBRANCES	7,865.28	
760-0000-13-422000-00000	F/B UNRES-UNDESIGNATED	94,259.41	
	Total Beginning Equity:	**96,759.41**	
Total Revenue		12,437.65	
Total Expense		5,453.88	
Revenues Over/Under Expenses		**6,983.77**	
	Total Equity and Current Surplus (Deficit):	**103,743.18**	
	Total Liabilities, Equity and Current Surplus (Deficit):		**106,743.18**

CANCELED

City of Kennesaw

Income Statement

Account Summary

For Fiscal: 2024-2025 Period Ending: 12/31/2024

		Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
Fund: 760 - KDDA FUND						
Revenue						
760-0000-34-756500-00000	FARMERS MARKET	3,000.00	3,000.00	0.00	0.00	3,000.00
760-0000-34-756600-00000	DOWNTOWN MERCH SHOP	1,500.00	1,500.00	0.00	0.00	1,500.00
760-0000-34-758000-00000	HOLIDAY MARKET	2,500.00	2,500.00	0.00	1,391.75	1,108.25
760-0000-34-758500-00000	BEER FESTIVAL REVENUE	2,500.00	2,500.00	0.00	0.00	2,500.00
760-0000-36-100000-00000	INTEREST REVENUES	1,200.00	1,200.00	90.81	266.19	933.81
760-0000-38-100700-00000	RENTS&ROYALTIES(BURGERFI) 2844 S. MAIN	40,518.00	40,518.00	2,388.67	8,275.79	32,242.21
760-0000-38-900000-00000	OTHER (MISCELLANEOUS REV)	25.00	25.00	1,263.00	2,503.92	-2,478.92
	Revenue Total:	**51,243.00**	**51,243.00**	**3,742.48**	**12,437.65**	**38,805.35**
Expense						
760-7550-52-121000-00000	LEGAL SERVICES	15,000.00	15,000.00	1,353.98	1,353.98	13,646.02
760-7550-52-125000-00000	OTHER PROFESSIONAL SERV	1,500.00	1,500.00	635.39	1,393.64	106.36
760-7550-52-127000-00000	DESIGN & GRAPHIC DESIGN	250.00	250.00	0.00	0.00	250.00
760-7550-52-231000-00000	RENTAL OF LAND & BUILDNG	8,400.00	8,400.00	742.63	2,206.26	6,193.74
760-7550-52-325000-00000	POSTAGE	100.00	100.00	0.00	0.00	100.00
760-7550-52-330000-00000	ADVERTISING	500.00	500.00	0.00	0.00	500.00
760-7550-52-350000-00000	TRAVEL	500.00	500.00	0.00	0.00	500.00
760-7550-52-363000-00000	MEETING EXPENSES	100.00	100.00	0.00	0.00	100.00
760-7550-52-371000-00000	PROFESSIONAL DEVELOPMENT	600.00	600.00	0.00	0.00	600.00
760-7550-52-395000-00000	MILEAGE REIMBURSEMENT	250.00	250.00	0.00	0.00	250.00
760-7550-52-550000-00000	DEVELOPMENT AUTH EXPENSES	15,000.00	15,000.00	0.00	0.00	15,000.00
760-7550-52-615000-00000	FARMERS MARKET	1,560.00	1,560.00	0.00	0.00	1,560.00
760-7550-52-615500-00000	HOLIDAY MARKET	2,500.00	2,500.00	0.00	500.00	2,000.00
760-7550-52-616600-00000	DOWNTOWN MERCH SHOP	1,500.00	1,500.00	0.00	0.00	1,500.00
760-9000-61-611000-00000	WORKING CAPITAL RESERVE	3,483.00	3,483.00	0.00	0.00	3,483.00
	Expense Total:	**51,243.00**	**51,243.00**	**2,732.00**	**5,453.88**	**45,789.12**
	Fund: 760 - KDDA FUND Surplus (Deficit):	**0.00**	**0.00**	**1,010.48**	**6,983.77**	
	Total Surplus (Deficit):	**0.00**	**0.00**	**1,010.48**	**6,983.77**	

CANCELED

Group Summary

Account Type	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
Fund: 760 - KDDA FUND					
Revenue	51,243.00	51,243.00	3,742.48	12,437.65	38,805.35
Expense	51,243.00	51,243.00	2,732.00	5,453.88	45,789.12
Fund: 760 - KDDA FUND Surplus (Deficit):	**0.00**	**0.00**	**1,010.48**	**6,983.77**	**-6,983.77**
Total Surplus (Deficit):	**0.00**	**0.00**	**1,010.48**	**6,983.77**	

CANCELED

Fund Summary

Fund	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
760 - KDDA FUND	0.00	0.00	1,010.48	6,983.77	-6,983.77
Total Surplus (Deficit):	**0.00**	**0.00**	**1,010.48**	**6,983.77**	

CANCELED

Item Report

TO: The Kennesaw Downtown Development Authority

FROM:

DATE: January 10, 2025

TITLE: CBD Application: 2615 & 2681 S. Main Street

Summary:
CBD project application for 2615 & 2681 S. Main Street is a mixed-used development combining the two referenced parcels. This will become a Phase II of the applicant's development across South Main Street (The Lacy). A completed CBD project application and business plan is attached to the agenda item.

Recommendation:

Fiscal Impact:

Attachments:
1. CBD2025-01_2615 & 2681 S. Main St_CBD Application Packet_Redacted

CANCELED

GARVIS L. SAMS, JR.
(RETIRED)
JOEL L. LARKIN
PARKS F. HUFF

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

October 28, 2024

VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator
City of Kennesaw
2529 J. O. Stephenson Avenue
Kennesaw, GA 30144

Re: Central Business District Project Approval Application of Highpoint Acquisitions, LLC - a 7.096-Acre Tract located in Land Lots 167, 20th District, 2nd Section

Dear Darryl:

As you know, this firm has been engaged by and represents Highpoint Acquisitions, LLC ("Highpoint") concerning the above-captioned Central Business District Project ("CBD") Approval Application. In that regard, attached please find the completed application and the following supporting documentation:

1. A copy of the Warranty Deed that reflects the current property owner.

2. A copy of the South Main Street Mixed-Use Phase II Development Business Plan.

3. One (1) copy of the site plan for the proposed project which was submitted at the time of filing the Rezoning and Variance Applications.

Please do not hesitate to contact me should you have any questions or need any additional information or documentation.

Sincerely,

SAMS, LARKIN & HUFF, LLP

Parks F. Huff
phuff@samslarkinhuff.com

PFH/jac
Attachments

CANCELED

VIA HAND DELIVERY & EMAIL

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cc: Dr. Jeff Drobney, City Manager (via email w/attachments)
Mr. Luke Howe, Economic Development Director (via email w/attachments)
Ms. Rashida Williamson, Zoning Clerk (via email w/attachment)
Mr. Ricky Stewart, Public Works Director (via email w/attachments)
Mr. Elliot Van Dyke, Highpoint (via email w/attachments)
Mr. Robert Jordan, III, Highpoint (via email w/attachments)

CANCELED

City of Kennesaw, GA

CENTRAL BUSINESS DISTRICT PROJECT APPROVAL

Date Received 10/29/24
Staff's Initials CMC

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

A minimum of one consultation to review project concept and factors to consider in the planning & design phase prior to initial site plan and architectural review, submission and hearing before the Mayor and Council is mandatory.

Date Received _____ Staff's Initials _____

Procedures for filing for CBD Approval:

1. **Original application completed, signed and notarized**
2. **Application must be filled out completely, signed and returned to the Zoning Administrator**
3. **Copy of Business Plan**
4. **Copy of warranty deed that reflects the current property owner**
5. **Copy of site plan with proposed project consistent with the Kennesaw Design Guidelines**
6. **Completed application and supporting documents listed on one Flash Drive or email to dsimmons@kennesaw-ga.gov in PDF format**

CBD Approval Process:

1. **Submittal to KDDA for review and comment**
2. **Submittal to HPC for Certificate of Appropriateness (if in HPC district) not in HPC district comments only required from HPC**
3. **Review/ Approval by Mayor and Council**

PROPERTY ADDRESS 2615 and 2681 South Main Street

Land Lot 167 Tax Parcel 20016700140 (2765 South Main Street/ CBD) and 20016700990 (2615 South Main Street/LI) Present Zoning CBD & LI - CBD is requested for PIN 20016700990-2615 South Main Street

Proposed Project for Property
Mixed-Use Development consisting of 300 multi-family apartments and 2,500 square feet of retail. The Development will be a combination of two parcels and will become Phase II of the applicant's development across South Main Street.
Add additional sheet if necessary

APPLICANT Highpoint Acquisitions, LLC

APPLICANT EMAIL [redacted]

Applicant address [redacted]

(Fax #) _____ (Work #) [redacted] (Cell #) _____

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

Applicant Signature _____

Signed, sealed and delivered in presence of: Hannah Hurley 10/28/2024
Notary **Date**

TITLEHOLDER: PIN 20016700140 (2765 South Main Street) Old South Village, LLC PIN 20016700990 (2615 South Main Street) Richards-Gilstrap Holdings, LLC **Telephone:** _____

Address: _____

Signature SEE ATTACHED SIGNATURE PAGES

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

Z\P&Z FORMS\Applications 2020

CANCELED

ATTACHMENT TO APPLICATION FOR CENTRAL BUSINESS DISTRICT PROJECT APPROVAL

Application Nos.: _____

PC Meeting Date: _____

Mayor and Council Meeting Date: _____

Applicant: Highpoint Acquisitions, LLC

Titleholder: OLD SOUTH VILLAGE, LLC

Parcel: 20016700140 (2765 South Main Street)

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

OLD SOUTH VILLAGE, LLC

Gordon Matthew Olson

Managing Member

Printed Name: Gordon Matthew Olson

Date: 10/28/24

Address: [redacted]

Telephone [redacted]

10/28/2024

Signature of Notary Public Date

(Notary Seal)

AVERY USHER NOTARY EXPIRES GEORGIA November 23, 2025 PUBLIC CHATHAM COUNTY

CANCELED

CERTIFICATE REGARDING AUTHORITY TO PURSUE CENTRAL BUSINESS DISTRICT PROJECT APPROVAL

1.

My name is G. Matthew Olsen. I am the officer who is delegated the responsibility for authenticating records of ***Old South Village, LLC,*** a Domestic Limited Liability Company ("Titleholder"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Applicant's Central Business District Project Approval regarding certain real property owned by the Titleholder Company located in Kennesaw, Cobb County, Georgia.

2.

In accordance with the Requirements for completing a Central Business District Project Approval, I hereby attest on behalf of the Titleholder Company that I have reviewed the Central Business District Project Approval Application and related documents which are being filed simultaneously therewith on behalf of the Applicant and Titleholder (collectively, the "Application") to which this Certificate is attached and hereby certify:

(a) That corporate seal or facsimile affixed to the Application is in fact the seal of the Titleholder Company or a true facsimile thereof; and

(b) That the officer or other representative of the Titleholder Company who executed the Application does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Application on behalf of the Titleholder Company, and that the signature of said officer or other representative is genuine; and

(c) That the execution of the Application and the filing of the Application on behalf of the Titleholder Company by the officer or other representative of the Applicant Company has been duly authorized by the Titleholder Company.

Old South Village, LLC

By: _____ (CORPORATE SEAL)

Print Name G. Matthew Olsen

Its: Manager Member
Title

Signature of Notary Public

10/28/2024
Date

NOTARY SEAL

AVERY USHER
NOTARY
EXPIRES
GEORGIA
November 23, 2025
PUBLIC
CHATHAM COUNTY

CANCELED

Mail

XR 2

After recording please return to:

The Katz Law Firm PC
5887 Glenridge Drive Suite 280
Atlanta, Georgia 30328

Cross Reference Plat Book 47 Page 166
Cross Reference Deed Book 14746 Page 95

18/44

Quit Claim Deed

STATE OF GEORGIA
COUNTY OF COBB

THIS INDENTURE, made the **23rd** day of **January**, in the year Two Thousand Fifteen **2015**, between **Old South Investors, LLC**, located at P.O. Box 725249 Atlanta, GA 31139, as party or parties of the first part, hereinafter called ("Grantor"), and **Old South Village, LLC**, located at P.O. Box 725249 Atlanta, GA 31139, 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 ($10.00) TEN DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, and since Grantee was to be the original person on the Deed, not the Grantor, the Grantor has granted, bargained, sold, aliened, conveyed, and by these presents does grant bargain, sell, alien, convey and forever **Quit Claim** unto the said Grantee, the below described tract or parcel of land on Exhibit "A" the Legal Description, Subject to the Permitted Exceptions on Exhibit "B", and subject to the Security Deed and Assignment of Rents to Touchmark National Bank, herein, more fully and completely described as follows:

Real Property Address / Commonly Known as:

2681 South Main Street, Kennesaw, Georgia 30144

All that tract or parcel of land lying and being in Land Lot 167 of the 20th District of Cobb County, Georgia (hereinafter referred to as the "Land"), and being more particularly described in Exhibit "A" attached hereto and incorporated herein.

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 behalf of said Grantee, and not to the Grantor or anyone else.

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

Signed, sealed and delivered in the presence of:

(Seal)
Grantor Name

Witness

Notary Public (signature, stamp, and expiration)

Farrah Wilson Olsen
NOTARY PUBLIC
Fulton County, GEORGIA
My Commission Expires November 11, 2017

BK: 15214 PG: 5479-5496
Filed and Recorded Jan-30-2015 11:44:40AM
DOC#: D2015-006485
Real Estate Transfer Tax $0.00
0332015001394

REBECCA KEATON
CLERK OF SUPERIOR COURT Cobb Cty. GA.

CANCELLED

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 167 of the 20th District, 2nd Section, Cobb County, Georgia, and being the property of Mrs. Elizabeth C. Grogan, as per plat recorded at Plat Book 47, Page 166, Cobb County, Georgia Records, and being more particularly described as follows:

BEGINNING at a point on the West side of Old U.S. Highway 41, 431.4 feet North, as measured along the West side of Old U.S. Highway 41 from the intersection of the West side of Old U.S. Highway 41 and the centerline of a railway spur track; running thence Northerly along the Westerly side of Old U.S. Highway 41 and following the curvature thereof 375.76 feet to an iron pin at the Southeast corner of property of B.O. Hood; thence South 73 degrees 19 minutes 29 seconds West 471.34 feet to an iron pin onthe Northeasterly right-of-way of W & A Railroad; thence South 16 degrees 37 minutes 40 seconds East 318.10 feet to an iron pin; thence North 80 degrees 9 minutes 36 seconds East along the North line of property of E.R. Wilbur 395.35 feet to a point on the Westerly right-of-way of Old U.S. Highway 41, being the point of beginning.

EXHIBIT "A"

DESCRIPTION OF PROPERTY

All that tract or parcel of land lying and being in Land Lot 1167 of the 20th District, 2nd Section, Cobb County, Georgia being more particularly described as follows:

Commencing at the point of intersection of the centerline of a railway spur track and the westerly right-of-way of South Main Street also known as Old Highway 41 (60' R/W);
Thence northerly along said westerly right-of-way, 431.40 feet to a #5 rebar set at the northeasterly corner of the lands of Richards-Gilstrap Holdings, LLC (Deed Book 14746, Page 95), said point being the TRUE POINT OF BEGINNING;

Thence leaving said westerly right-of way along the northerly boundary of the lands of Richards-Gilstrap Holdings, LLC South 81 degrees 24 minutes 04 seconds West, 391.54 feet to a #4 rebar found on the easterly right-of-way of the Western & Atlantic Railroad (66' R/W);
Thence along said easterly right-of-way North 16 degrees 49 minutes 30 seconds West, 318.10 feet to a #5 rebar set at the southwesterly corner of the lands of Fred H. Chalker;
Thence along the southerly boundary of Fred H. Chalker North 74 degrees 21 minutes 22 seconds East, 244.66 feet to a #4 rebar found at the southwesterly corner of the lands of Misuni C. Edwards and Doug L. Edwards (Deed Book 14380, Page 4165);
Thence along the southerly boundary of the lands of Misuni C. Edwards and Doug L. Edwards North 74 degrees 32 minutes 07 seconds East, 226.68 feet to a #4 rebar found on the westerly right-of-way of South Main Street (60' R/W);
Thence along said westerly right-of-way the following courses and distances:
Along a curve to the right, an arc distance of 244.36 feet, said curve having a radius of 590.76 feet and being subtended by a chord of 243.09 feet, at South 07 degrees 24 minutes 58 seconds East, to a point;
South 02 degrees 43 minutes 06 seconds West, 131.45 feet to a #5 rebar set, said point being the TRUE POINT OF BEGINNING;

Said tract or parcel of land contains 3.499 acres and is more accurately depicted on a plat of survey prepared by Surveys Plus, Inc., dated September 7, 2011, job number 4498.

CANCELLED

EXHIBIT "B"
PERMITTED EXCEPTIONS

1) All matters as shown on that certain ALTA/ACSM Land Title Survey prepared for Touchmark National Bank, North Atlanta Law Group, P.C., First American Title Insurance Company, Law Firm of Hodges and Broadaway and Virginia A. Brown prepared by Surveys Plus, Inc., bearing the seal of Joseph T. Baker, GRLS No. 2674 dated September 7, 2011, as last revised October 3, 2011, including the following:

   (A) Block & Wood Wall encroaches into right-of-way of South Main Street (Old Highway 41);

   (B) Brick Wall located in the following areas:

      (i) Along the eastern boundary;
      (ii) In the northeast corner around Mobile Home #21;
      (iii) Around the Dumpster pad in the Northeast corner;
      (iv) Around the 2-story Brick Building in the Southeast corner.

   (C) The following utilities/lines running throughout the property:

      (i) Sanitary sewer;
      (ii) CATV;
      (iii) Power/Electrical lines (both overhead and underground);
      (iv) Gas lines;
      (v) Water lines; and
      (vi) Pump Station.

2) Boundary Line Agreement by and between Elizabeth C. Grogan and E. R. Wilbur, dated _____, 1969, filed June 24, 1969 and recorded in Deed Book 1104, Page 690, records of the Superior Court of Cobb County, Georgia.

3) Boundary Line Agreement by and between Elizabeth C. Grogan and B. D. Hood, dated _____, 1969, filed June 24, 1969 and recorded in Deed Book 1104, Page 696, aforesaid records.

4) Easement from Cecil N. Brown to Georgia Power Company, dated July 31, 1969, filed October 13, 1969 and recorded in Deed Book 1123, Page 93, aforesaid records.

5) All matters affecting subject property as shown on plat recorded in Plat Book 47, Page 186, aforesaid records.

6) Rights of any railroad(s), its successors and/or assigns, in and to any railroad track or spurs, including appurtenances thereto and easements thereof, located within the boundaries of the subject property.

7) All taxes for the year 2012 and subsequent years which are liens but which are not yet due and payable.

CANCELED

ATTACHMENT TO APPLICATION FOR CENTRAL BUSINESS DISTRICT PROJECT APPROVAL

Application Nos.: _____

PC Meeting Date: _____

Mayor and Council Meeting Date: _____

Applicant: Highpoint Acquisitions, LLC

Titleholder: RICHARDS-GILSTRAP HOLDINGS, LLC

Parcel: 20016700990 (2615 South Main Street)

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

RICHARDS-GILSTRAP HOLDINGS, LLC

Ruth Diane Richards

_____

Printed Name: Ruth Diane Richards

_____

Date: 10-28-24

Address: [redacted]

Telephon

Hannah Hurley 10/28/2024

Signature of Notary Public Date

(Notary Seal)

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

CANCELED

CERTIFICATE REGARDING AUTHORITY TO PURSUE CBD PROJECT APPROVAL

1.

My name is Ruth Diane Richards. I am the officer who is delegated the responsibility for authenticating records of ***Richards-Gilstrap Holdings, LLC***, a Domestic Limited Liability Company ("Titleholder"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Applicant's Kennesaw Rezoning and Variance Applications regarding certain real property owned by the Titleholder Company located in Kennesaw, Cobb County, Georgia.

2.

In accordance with the Requirements for completing a Kennesaw Rezoning and Variance Applications, I hereby attest on behalf of the Titleholder Company that I have reviewed the Rezoning and Variance Applications and related documents which are being filed simultaneously therewith on behalf of the Applicant and Titleholder (collectively, the "Applications") to which this Certificate is attached and hereby certify:

(a) That corporate seal or facsimile affixed to the Applications is in fact the seal of the Titleholder Company or a true facsimile thereof; and

(b) That the officer or other representative of the Titleholder Company who executed the Applications does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Applications on behalf of the Titleholder Company, and that the signature of said officer or other representative is genuine; and

(c) That the execution of the Applications and the filing of the Applications on behalf of the Titleholder Company by the officer or other representative of the Applicant Company has been duly authorized by the Titleholder Company.

RICHARDS-GILSTRAP HOLDINGS, LLC

By Ruth Diane Richards (CORPORATE SEAL)

Print Name Ruth Diane Richards

Its: Owner
Title

Hannah Hurley
Signature of Notary Public

10/28/2024
Date

NOTARY SEAL

HANNAH HURLEY
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Mar 14, 2028

CANCELED

AFTER RECORDING RETURN TO:
J. Christopher Geiger, PC
157 Reinhardt College Parkway, Suite 400
Canton, GA 30114

FILE NO. 09110344

...

Deed Book 14746 Pg 95
Filed and Recorded Dec-30-2009 01:29pm
2009-0162219
Real Estate Transfer Tax $0.00

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

WARRANTY DEED

STATE OF GEORGIA, CHEROKEE COUNTY

THIS INDENTURE, Made this 23 day of December in the year of our Lord Two Thousand and Nine between

JAMES C. RICHARDS

("Grantor") of the State of Georgia, and

RICHARDS-GILSTRAP HOLDINGS, LLC

("Grantee") of the State of Georgia, (the terms "Grantor" and "Grantee" to include the singular and the plural, and shall be deemed to refer equally to each of said person, firms or entities, their respective heirs, successors and assigns where the context hereof requires or permits),

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten ($10.00) Dollars and other valuable considerations, in hand paid at and before the sealing and delivery of these presents, the receipt, adequacy and sufficiency of which being hereby acknowledge by Grantor, has granted, bargained, sold and conveyed, and by these presents does hereby grant, bargain, sell and convey unto Grantee, the following described real property, to wit:

All that tract or parcel of land lying and being in Land Lot 167 of the 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia, and being more particularly described on Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the above-described tract or parcel of land, together 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 Grantee, forever, in **FEE SIMPLE.**

AND, SUBJECT TO the title matters expressly set forth hereinabove, if any, Grantor will warrant and forever defend the right and title to the above described property unto the Grantee against the claims of all person whomsoever.

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

Signed, sealed and delivered in the presence of:

Unofficial Witness

(Seal)
JAMES C. RICHARDS

Notary Public
My Commission Expires:

CANCELED

CANCELLED

EXHIBIT A

TRACT ONE:

All that tract or parcel of land lying and being in Land Lot 167 of the 20th District, 2nd Section of Cobb County, Georgia, in the City of Kennesaw, having an area of 1.16 acres, as shown on that certain plat of survey for Vincent Lee Rieke, prepared by W. E. Clonts, Ga. Registered Land Surveyor No. 2166, Tru-Line Surveying, Inc., dated 3-9-00, and more particularly described as follows:

BEGINNING at an iron pin located at the intersection of the new west right of way of State Route 293 – Old Highway 41 (aka South Main Street) and the northwest right of way of the Vulcan Materials Railroad Spur (50 foot right of way) and running thence along said railroad spur south 58 degrees, 17 minutes, 08 seconds west, a distance of 86.59 feet to an iron pin; continuing thence along said right of way and corner; along a curve to the left, an arc distance of 344.19 feet, (said arc subtended by a chord bearing of south 42 degrees, 28 minutes, 10 seconds west, a chord distance of 339.83 feet, and a radius of 623.43 feet) to an iron pin found on the east right of way of the CSX Railroad (66 foot right of way); running thence along said CSX Railroad right of way along a curve to the left, an arc distance of 371.04 feet, (said arc subtended by a chord bearing of north 0 degrees, 16 minutes, 37 seconds west, a chord distance of 370.05 feet, and a radius of 1465.40 feet) to a point and corner; running thence south 84 degrees, 04 minutes, 09 seconds east, a distance of 308.83 feet to an iron pin and corner on the new west right of way of State Route 293; running thence south 03 degrees, 05 minutes, 24 seconds west, a distance of 42.01 feet to an iron pin and the point of beginning.

TRACT TWO:

All that tract or parcel of land lying and being in Land Lot 167 of the 20th District, 2nd Section, Cobb County, Georgia, being 2.4721 acres as per plat of survey dated June 26, 2002, and prepared for Jeanee E. Ricky (sic) and Vincent L. Ricky (sic) by J.A. Evans Surveying Co., Inc., James A. Evans, Jr., G.R.L.S. No. 2167, and being more particularly described as follows:

Beginning at an iron pin located on the westerly side of the right of way of South Main Street, a/k/a Old Dixie Highway, a/k/a Old Highway 41, a/k/a State Route 293 (being a 60 foot right of way), which point is 72.63 feet north of the intersection of the westerly side of the right of way of South Main Street and the centerline of the Vulcan Materials Railroad Spur right of way, as measured along the westerly side of the right of way of South Main Street; from said beginning point, running thence North 84 degrees 04 minutes 09 seconds West for a distance of 312.17 feet to an iron pin and corner located on the easterly side of the right of way of CSX Railroad (being a right of way which is 66 feet in width); running thence along the arc of a curve to the left, in a counterclockwise direction along the easterly side of the right of way of CSX Railroad, having a radius of 1462.20 feet (said arc being subtended by a chord bearing North 11 degrees 43 minutes 28 seconds West a chord distance of 213.59 feet) for an arc distance of 213.78 feet to a point; running thence North 15 degrees 56 minutes 23 seconds West along the easterly side of the right of way of CSX Railroad for a distance of 54.98 feet to an iron pin and corner; running thence North 80 degrees 38 minutes 33 seconds East for a distance of 393.58 feet to an iron pin and corner located on the westerly side of the right of way of South Main Street; running thence South 03 degrees 05 minutes 24 seconds West along the westerly side of the right of way of South Main Street for a distance of 358.77 feet to an iron pin at the point of beginning.

CENTRAL BUSINESS DISTRICT PROJECT

CBD Project Administratively approved by:

_____
Darryl Simmons, Planning & Zoning Administrator

Date: _____

☐ APPROVED

☐ REQUIRES KDDA APPROVAL

☐ REQUIRES HPC APPROVAL

☐ MAYOR AND COUNCIL

KENNESAW DOWNTOWN DEVELOPMENT AUTHORITY:

Hearing Date: _____

Recommendation: see attached minutes

_____
Signature Kennesaw Downtown Development Authority:

HISTORIC PRESERVATION COMMISSION:

Hearing Date: _____

Recommendation: see attached minutes

_____
Signature Historic Preservation Commission

KENNESAW MAYOR AND COUNCIL:

Hearing Date: _____ see attached minutes

CANCELED

CAMPAIGN DISCLOSURE REPORT[1] BY APPLICANT[2]

Each applicant must complete a separate form

Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars ($250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars ($250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application? No

If "Yes," the applicant and the attorney representing the applicant must file a disclosure report with the Mayor and Council of the City of Kennesaw within ten (10) days after this application is first filed.

Please supply the following information that will be considered as the required disclosure:

The name of the member(s) of the Mayor and Council or Planning Commission to whom the campaign contribution or gift was made:

_____

_____

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution:

_____

_____

An enumeration and description of each gift having a value of two hundred fifty dollars ($250.00) or more made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application:

I certify that the foregoing information is true and correct, this 25 day of October, 2024

_____

Applicants Signature

HIGHPOINT ACQUISITIONS, LLC

_____

[1] If the answer to any of the above is "Yes," then the member of the Mayor and Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Mayor and Council of the City of Kennesaw, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

[2] Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

CANCELED

City of Kennesaw, GA

CAMPAIGN DISCLOSURE REPORT[1] BY APPLICANT[2]

A separate form must be completed by each applicant

Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars ($250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars ($250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application?

_____

If "Yes," the applicant and the attorney representing the applicant must file a disclosure report with the Mayor and Council of the City of Kennesaw within ten (10) days after this application is first filed.

Please supply the following information that will be considered as the required disclosure:

The name of the member(s) of the Mayor and Council or Planning Commission to whom the campaign contribution or gift was made:

_____

_____

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution:

_____

_____

An enumeration and description of each gift having a value of two hundred fifty dollars ($250.00) or more made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application:

I certify that the foregoing information is true and correct, this 28th day of October, 2024

_____

Parks F. Huff/Attorney for Applicant

[1] If the answer to any of the above is "'Yes," then the member of the Mayor and Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Mayor and Council of the City of Kennesaw, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

[2] Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

Z\P&Z FORMS\Applications 2020

CANCELED

CENTRAL BUSINESS DISTRICT PROJECT

CONSISTENT WITH THE UNITED STATES CONSTITUTION AND THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000, THE CITY OF KENNESAW DOES NOT DISCRIMINATE ON THE BASIS OF RELIGION IN THE APPLICATION OF ITS LAWS, POLICIES, OR PROCEDURES, INCLUDING THE APPLICATION OF ITS LAND USE REGULATIONS AND ZONING LAWS.

Under the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), no government, including the City of Kennesaw, may apply its zoning or land use laws in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution. RLUIPA also provides that no government, including the City of Kennesaw, may apply a land use regulation in a manner that treats a religious assembly or institution (a church, for example) on less than equal terms than a nonreligious institution or assembly (a day care center or movie theater, for example). Finally, RLUIPA provides that no government, including the City of Kennesaw, may impose or implement a land use regulation in a manner that discriminates against a religious assembly or institution.

If you believe that the City of Kennesaw, or any other local government or municipality, has discriminated against you in the implementation of its zoning or land use laws, please contact the United States Department of Justice.

United States Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section
950 Pennsylvania Ave. N.W. –G St.
Washington, DC 20530

CANCELED

South Main Mixed-Use Phase II Development

Business Plan

CANCELED

Project Summary

Redevelopment of approximately 7.10 acres located at 2615 and 2681 S Main St, Kennesaw, GA 30144 into a walkable, mixed-use project that includes retail and multifamily, in addition to extending the city's Gateway Park along South Main Street. This project will be the second phase of the Lacy at South Main, that will serve as a complement to the Lacy's retail, commercial, shared parking, and multifamily. Developer currently has approximately $2 billion in residential and mixed-use real estate investments, primarily concentrated in the greater Atlanta area, in addition to a multitude of other office and industrial real estate investments.

The subject property is located within an area denominated as Downtown Activity Center on the City's Future Land Use Map. This mixed-use proposal will provide stimulation and will enhance the vitality and economic growth of this sub-area. The project will transform the immediate area, providing a clean shift from the industrial node to the south and the Downtown Activity Center to the north. The property is better developed in conformity to the Main Street/Downtown standards as an entrance to downtown once drivers cross the railroad tracks.

The project will include 300 class A multifamily units and 2,500 of retail (restaurant/brewery) along South Main Street. The extension of the city's Gateway Park will front South Main Street, providing greenspace and connectivity to downtown Kennesaw. Multifamily amenities will include a clubhouse with a coffee bar, state of the art fitness facilities, a modern pool and outdoor grilling stations, and community courtyards, gathering places, and a dog park. Units will carry top of the line finishes and appliances, which include hard surface countertops (granite/quartz), stainless-steel appliances, in-unit washer and dryers, and contemporary cabinets. The project will likely begin in late-2025 with an estimated completion date of late-2028.

CANCELED

Project Details

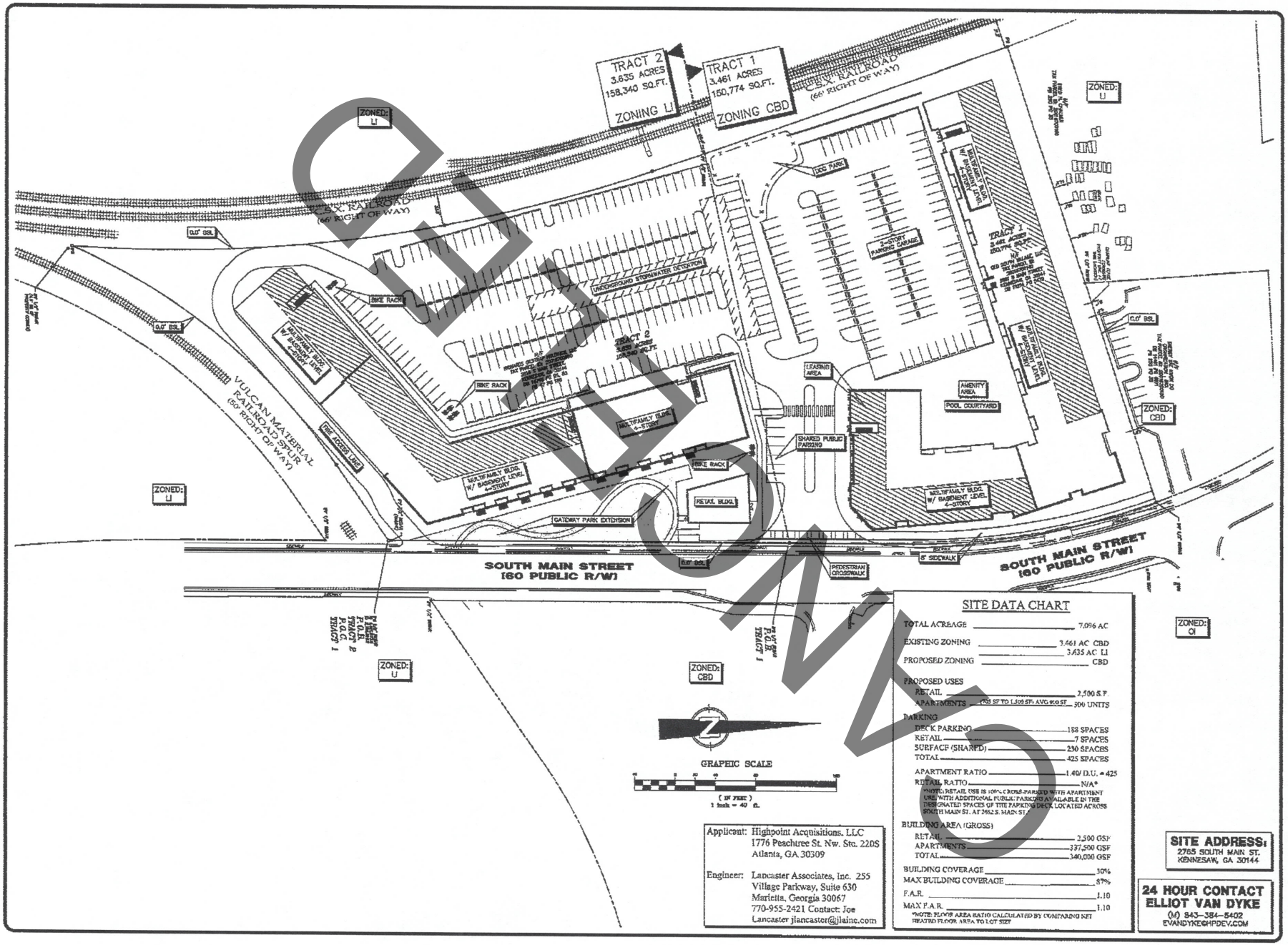
Residential:

- 300 class A multifamily units
- Market rents
- 4/5 stories with elevators, interior corridors, surface and slip-deck parking
- Mix of 1-, 2-, and 3-bedroom units with the final unit mix still being contemplated
- Target demographics are young professionals and active adults / empty nesters
- Developer has strong relationships with top-tier institutional property management companies and plans to select a property manager as the project nears first unit deliveries
- Since 2010, Cobb County has grown 14%, keeping in line with the Metro-Atlanta's growth rate of 15%
- Atlanta's core-suburban submarkets, including Kennesaw, benefit from the region's fast-growing base of highly educated workers spanning numerous sectors
- The greater Atlanta region is the top destination in the South for recent US college graduates

Retail:

- 2,500 SF
- Surface parking with additional public parking in the Lacy's deck
- Retail use likely to be a restaurant
- Fronting on South Main Street directly across from the Lacy at South Main
- Exact square footage and usage to be determined through leasing efforts
- Leasing efforts to begin immediately

CANCELED



SITE DATA CHART

TOTAL ACREAGE	7.096 AC
EXISTING ZONING	3.461 AC CBD 3.635 AC LI
PROPOSED ZONING	CBD
PROPOSED USES	
RETAIL	2,500 S.F.
APARTMENTS	705 SF TO 1,505 SF; AVG 950 SF — 300 UNITS
PARKING	
DECK PARKING	188 SPACES
RETAIL	7 SPACES
SURFACE (SHARED)	230 SPACES
TOTAL	425 SPACES
APARTMENT RATIO	1.40/ D.U. = 425
RETAIL RATIO	N/A*

*NOTE: RETAIL USE IS 100% CROSS-PARKED WITH APARTMENT USE WITH ADDITIONAL PUBLIC PARKING AVAILABLE IN THE DESIGNATED SPACES OF THE PARKING DECK LOCATED ACROSS SOUTH MAIN ST. AT 2662 S. MAIN ST.

BUILDING AREA (GROSS)	
RETAIL	2,500 GSF
APARTMENTS	337,500 GSF
TOTAL	340,000 GSF
BUILDING COVERAGE	30%
MAX BUILDING COVERAGE	87%
F.A.R.	1.10
MAX F.A.R.	1.10

*NOTE: FLOOR AREA RATIO CALCULATED BY COMPARING NET HEATED FLOOR AREA TO LOT SIZE

Applicant: Highpoint Acquisitions, LLC
1776 Peachtree St. Nw. Ste. 220S
Atlanta, GA 30309

Engineer: Lancaster Associates, Inc. 255
Village Parkway, Suite 630
Marietta, Georgia 30067
770-955-2421 Contact: Joe
Lancaster jlancaster@jlainc.com

SITE ADDRESS:
2765 SOUTH MAIN ST.
KENNESAW, GA 30144

24 HOUR CONTACT
ELLIOT VAN DYKE
(M) 843-384-5402
EVANDYKE@HPDEV.COM

REVISIONS	BY

THIS DRAWING IS THE PROPERTY OF THE ENGINEER AND MAY NOT BE USED OR REPRODUCED WITHOUT HIS WRITTEN PERMISSION

GEORGIA REGISTERED PROFESSIONAL ENGINEER
JOSEPH L. LANCASTER

Lancaster Associates, Inc.
CIVIL ENGINEERS
255 VILLAGE PARKWAY, SUITE 630
MARIETTA, GA 30067

KENNESAW APARTMENTS OWNER, LLC
1776 PEACHTREE ST. NW, STE. 220S
ATLANTA, GA 30309
404-304-7402

ZONING SITE PLAN

SOUTH MAIN ST. MIXED-USE PHASE 2

LL 187, 20TH DISTRICT, COBB COUNTY, GEORGIA

DRAWN BY: X
CHECKED BY: X
DATE: 10-10-24
SCALE: 1" = 40'
JOB NO.: 24-010
CAD FILE: 24010-ZONING.dwg
SHEET: Z-1

DRAFT