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Kevin J. Tallant
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July 14, 2023

VIA CERTIFIED MAIL: 9314 7699 0430 0109 9279 15
and U.S. MAIL
Commission Chairman Alfred John
Forsyth County Commission District 2
Forsyth County Board of Commissioners
110 East Main Street, Suite 210
Cumming, Georgia 30040

Re: Annexation of Property by SD Reality, LLC, Tax Map Parcel C37 003 (+/- 9.306 acres of land)

Dear Chairman John:

Please be advised that the City of Cumming, Georgia, pursuant to authority vested in the Mayor and Council of the City of Cumming by Article 2, Chapter 36, Title 36 of the Official Code of Georgia Annotated, received the attached petition to annex the property referenced above. As you are aware, this annexation request has already completed the process agreed to in the 2022 LOST IGA between the City of Cumming and Forsyth County.[1] This annexation petition will be heard during a public hearing before the City of Cumming Planning Commission August 15, 2023, at 5:00 PM in the Chambers of the City Council of the City of Cumming, located on the third floor of Cumming City Hall, 100 Main Street, Cumming, Georgia 30040. After receiving a recommendation from the Planning Commission, it will then be considered by the governing authority of the City of Cumming, which is at present scheduled for September 19, 2023, at 6:00 PM in the Chambers of the City Council of the City of Cumming, located on the third floor of Cumming City Hall, 100 Main Street, Cumming, Georgia 30040.

This application proceeds under the 100% method authorized by O.C.G.A. § 36-36-20, *et. seq*. The property owner represents 100% of the ownership interest in the subject land. The aggregate external boundary of the subject tract which is contiguous with the current City of Cumming political boundary satisfies the 1/8 total or 50 feet contiguity requirement of O.C.G.A. § 36-36-20.

This letter has been sent to you by certified mail. Please see the attached copy of the Annexation Petition identifying the parcel proposed for annexation, Based upon the understanding

[1] The City of Cumming's ordinances require a pre-application meeting before an annexation petition can be accepted. That meeting was held on April 4, 2023. The meeting between the City and the County and the Applicant occurred on April 13, 2023. Based upon an earliest possible "acceptance" date for the application of May 4, 2023, this notice is being sent within thirty (30) days pursuant to O.C.G.A. § 36-36-6 and § 36-36-113.

of the City of Cumming, the applicant intends to develop the property for commercial uses consistent with what is represented in the attached materials. These materials are included to allow you to identify the subject area as well as the intended use of the property. *According to the Applicant*, the property to be annexed is zoned LR (Lake Residential) under the Forsyth County Zoning ordinance. The Applicant has requested, if annexed, to be zoned "Highway Business" under the City's Zoning Ordinance.

Pursuant to O.C.G.A. § 36-36-113, upon receipt of this notice Forsyth County has until the end of the forty-fifth (45th) calendar day from said receipt to raise an objection to the proposed annexation based upon a material increase in burden upon the county as defined by law.

In accord with O.C.G.A. § 36-36-7, Forsyth County has five (5) business days from the receipt of this notice to notify the City that there are County-owned public facilities within the area proposed for annexation.

Finally, the submission of this notice and the information contained herein is made in an effort to comply with Georgia law, as the City of Cumming is required to provide the County notice when someone seeks to annex into the City's corporate limits. This notice is expressly not to be taken as any indication that the City of Cumming has, at this time, considered anything with respect to this Annexation Petition, and is not an indication that the City's governing authority will vote in favor of or against the Petition. The public has a right to petition the government, which in this case was done in the form of an Annexation Petition. As such, the City of Cumming is at this time moving through the process required by law to consider such a Petition.

Thank you for your time and attention to this matter, and I look forward to hearing from you regarding this issue. If I may be of any assistance in this regard or any other, please do not hesitate to contact me.

Sincerely,

Kevin J. Tallant

KJT/rm
enclosures

cc: Mr. Phil Higgins *(via email)*
Mr. Scott Morgan *(via email)*
Mr. David McKee *(via U.S. Mail, w/encl.)*
Mr. Ken Jarrard *(via hand delivery, w/encl.)*
Dr. Jeff Bearden, Forsyth County schools *(via U.S. Mail, w/encl.)*

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July 21, 2023

VIA EMAIL and OVERNIGHT DELIVERY

The Honorable Troy Brumbalow
Mayor, City of Cumming
100 Main Street
Cumming, GA 30040

Kevin J. Tallant, Esq.
Tallant and Howell, LLC
202 Tribble Gap Rd., Suite 302
Cumming, GA 30040

Re: Annexation of Property by SD Reality, LLC
Tax Map Parcel C37-003 (+/- 9.306 Acres of Land)

Dear Mayor Brumbalow & Mr. Tallant:

Forsyth County ("County") is in receipt of your July 14, 2023 letter, received by the County via hand delivery on July 17, 2023, providing notice of the above-referenced proposed annexation. Please accept this correspondence as notice within five (5) business days of the County's receipt of your letter, pursuant to O.C.G.A. § 36-36-7(a), that the County is unaware of any County-owned public facilities being located within the parcel proposed to be annexed. However, please be advised that the proposed annexation will result in the portion of County right of way, specifically that section of Market Place Boulevard running between parcel C37-003 and parcels C37 005 and C37 024 becoming City of Cumming right of way under O.C.G.A. § 36-36-7(c).

Please do not hesitate to contact me with any questions regarding this matter.

Sincerely,

JARRARD & DAVIS, LLP

Molly Esswein

Molly N. Esswein

MNE:art
cc: David McKee, County Manager
Tony Tarnacki, Assistant County Manager
Barry Lucas, Assistant County Manager

CITY OF CUMMING
(CHARTERED 1845)
DEPARTMENT OF PLANNING AND ZONING

MAYOR
Troy Brumbalow

COUNCIL MEMBERS
Joey Cochran
Chad Crane
Jason Evans
Linda Ledbetter
Christopher Light

CITY ADMINISTRATOR
Phil Higgins

CITY ATTORNEY
Kevin Tallant

CITY CLERK
Jeffery Honea

DIRECTOR OF PLANNING AND ZONING
Scott Morgan

To: Planning Commissioners

From: Scott Morgan, Planning Director

Date: August 14, 2023

Re: SD Reality, LLC Annexation # 2023161

The applicant has made application, on behalf of the property owners, to annex and rezone 9.306 acres, more or less, and rezone from County Lake Residential (LR) to City Highway Business (HB), in order to construct a commercial development.

We have notified Forsyth County of the proposed annexation The County has received the proposed annexation, however; they have not provided a response, as to whether or not they will object to the proposed annexation (attachments).

Therefore, the public hearing before this Board will be postponed until your September 19, 2023 meeting.

Please let me know if you have questions.

Thank you.