



**ZONING / REZONING APPLICATION**  
City of Dallas, Georgia

Application # \_\_\_\_\_ - \_\_\_\_\_  
Hearing Dates: PC: \_\_\_\_\_ CC: \_\_\_\_\_

DATE FILED  
TIME OF DAY

(PLEASE PRINT OR TYPE ALL INFORMATION)

**Applicant:** Blue River Development Acquisitions, LLC Business phone: 678-618-2695 Cell: 678-618-2695

Address: 3810 Windermere Parkway, Suite 504 Home phone: N/A

City: Cumming State: GA Zip: 30041 Fax phone: N/A

E-mail address: bcooper@blueriverdevelopment.com

Applicant's Signature

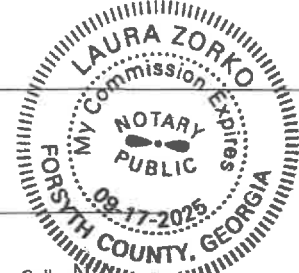
Brad Cooper

Printed Name of Signatory

Signed, sealed and delivered in the presence of:

[Signature]  
Notary Public

9-17-25  
Date Notary Commission Expires



**Representative:** Bloom Parham, LLP Phone: 404-577-7710 Cell: N/A

Address: 977 Ponce de Leon Ave., NE City: Atlanta State: GA Zip: 30306

E-mail address: apearson@bloom-law.com Fax phone: 404-577-7715

Representative's Signature

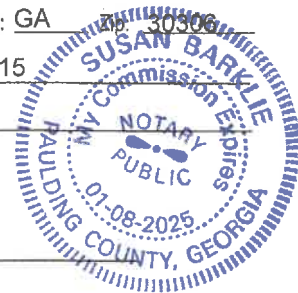
Andrea Pearson

Printed Name of Signatory

Signed, sealed and delivered in the presence of:

[Signature]  
Notary Public

01-08-2025  
Date Notary Commission Expires



**Titleholder:** Sharon B. Daniels f/k/a Sharron Bullock Business phone: N/A Home phone: N/A

(Each Titleholder must have a separate, complete form with notarized signatures)

Address: 225 Hart Circle City: Dallas State: GA Zip: 30132

Signature

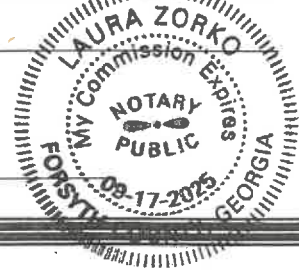
Sharon B. Daniels

Printed Name of Signatory

Signed, sealed and delivered in the presence of:

[Signature]  
Notary Public

9-17-25  
Date Notary Commission Expires



**Property Information**

Present Zoning Classification: R-1 Requested Zoning Classification: R-2C

Total Acreage of Zoning/Rezoning Application: 9.23 Acreage of Titleholder: 9.23

Land Lot(s): 205 & 206 District(s): 2 Section(s): 3 Tax Parcel I.D. Number(s): 116.4.1.070.0000

Location of Property: 250 Polk Ave., Dallas, GA 30132  
Physical address, if available, and nearest intersections (i.e. east/west side of given road, and north/south of given road)

Detailed description of proposed development (including maximum number of lots, if residential, or number of units):  
Single Family Detached Residential, 2.92 UPA, 27 Units

Filed with City: \_\_\_\_\_ (Date) \_\_\_\_\_ (Signature)

City of Dallas Planning Commission Recommendation:  Approve  Disapprove  No recommendation

Conditions, reasons, stipulations: \_\_\_\_\_

City Council Decision:  Approve  Approve as different classification  Disapprove

Conditions, reasons, stipulations: \_\_\_\_\_

For City Use

# CITY OF DALLAS ZONING/ REZONING REQUEST DISPOSITION FORM



A PUBLIC HEARING WAS HELD ON AN APPLICATION FOR ZONING/REZONING REQUESTED BY \_\_\_\_\_ AT THE DALLAS COUNCIL ROOM. SAID HEARING WAS HELD ON \_\_\_\_\_.

THE CITY OF DALLAS PLANNING COMMISSION RECOMMENDS TO THE DALLAS CITY COUNCIL THAT THE ABOVE APPLICATION BE:

- APPROVED
- DISAPPROVED

PLEASE INDICATE BELOW ANY COMMENTS, REASONS FOR DISAPPROVAL, OPPOSITION TO THE REQUEST AND/OR ANY CONDITIONS THAT SHOULD BE MADE A PART OF THE ZONING AMENDMENT.

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\_\_\_\_\_  
DATE

\_\_\_\_\_  
SECRETARY TO THE PLANNING  
COMMISSION

\_\_\_\_\_  
PRINTED NAME



### Applicant / Representative Attendance Required

**Applicant or representative must be present at the public hearings before the Dallas Planning Commission and the Mayor and City Council. Failure to attend may result in dismissal with prejudice, rejection of the application, or continuance of the hearing at the Commission or Council's sole discretion.**

~~+/ We~~ (Cross Out One) have investigated the site as to the existence of archeological and/or architectural landmarks.  
~~+/ We~~ (Cross Out One) hereby certify there ~~are~~ / are not (Cross Out One) any such assets. If any exist, documentation must be provided with the application.

~~+/ We~~ (Cross Out One) have investigated the site as to the existence of any cemetery located on the property. ~~+/ We~~ (Cross Out One) hereby certify there ~~is~~ / is not (Cross Out One) such a cemetery. If any exist, documentation must be provided with the application, including notice to the Paulding County Cemetery Commission.

[Signature]  
Signature of Applicant/Representative

4/27/23  
Date

Brad Cooper  
Printed Name of Applicant/Representative



Signed, sealed and delivered in the presence of:

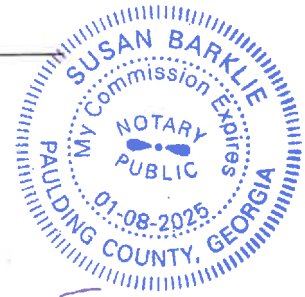
[Signature]  
Notary Public Signature

9-17-25  
Commission Expiration

[Signature]  
Signature of Applicant/Representative

4/27/23  
Date

Andrea Pearson  
Printed Name of Applicant/Representative



Signed, sealed and delivered in the presence of:

[Signature]  
Notary Public Signature

01-08-2025  
Commission Expiration

**Disclosure Statement  
(Required by O.C.G.A. 36-67A)**



I (we), Bloom Parham, LLP, do hereby certify that, to the best of my (our) knowledge, no elected official of the City of Dallas, Georgia has a property interest, a financial interest nor does any family member of an elected official of the City of Dallas, Georgia have a property interest or financial interest in this property or in this application for rezoning except as follows:

N/A

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I (we), Bloom Parham, LLP, do further certify that we, nor the property owner, have not contributed any monies and/or gifts totaling over \$250.00 within the last two years to any elected official of the City of Dallas, Georgia except for the following (Give the names of officials, dates and amounts of contribution):

N/A

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4/27/23

Date

Audrey Pearson  
Applicant Representative

# Disclosure Statement

(Required by O.C.G.A. 36-67A)



I (we), Brad Cooper, Blue River Development Acquisitions, LLC, do hereby certify that, to the best of my (our) knowledge, no elected official of the City of Dallas, Georgia has a property interest, a financial interest nor does any family member of an elected official of the City of Dallas, Georgia have a property interest or financial interest in this property or in this application for rezoning except as follows:

N/A

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N/A

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5/1/2023  
Date

  
Applicant

# Disclosure Statement

(Required by O.C.G.A. 36-67A)



I (we), Sharon B. Daniels f/k/a Sharron Bullock, do hereby certify that, to the best of my (our) knowledge, no elected official of the City of Dallas, Georgia has a property interest, a financial interest nor does any family member of an elected official of the City of Dallas, Georgia have a property interest or financial interest in this property or in this application for rezoning except as follows:

N/A

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N/A

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5/1/2023  
Date

  
Applicant

**CITY OF DALLAS  
LEGAL NOTICE  
ZONING / REZONING**



I / ~~WE~~ (Choose one), Blue River Development Acquisitions, LLC  
HAVE APPLIED TO ZONE/REZONE A PORTION OF LAND LOT(S) 205 & 206  
IN THE 2 DISTRICT AND 3 SECTION OF PAULDING COUNTY, LOCATED  
AT 250 Polk Ave., Dallas, GA 30132 WITHIN THE CITY OF DALLAS, GEORGIA,  
FROM A ZONING DISTRICT OF R-1 TO A ZONING DISTRICT OF  
R-2C SUBJECT TO PUBLIC HEARING TO BE HELD AT  
7:00 PM AT THE DALLAS CITY COUNCIL ROOM, 129 EAST MEMORIAL DRIVE, DALLAS, GEORGIA.

SAID PUBLIC HEARING WILL BE HELD ON June 1, 2023 BEFORE THE  
CITY OF DALLAS PLANNING COMMISSION AND ON June 5, 2023 BEFORE THE  
MAYOR AND COUNCIL OF THE CITY OF DALLAS.

THIS, THE 1<sup>st</sup> DAY OF May, 2023.

Blue River Development Acquisitions, LLC  
APPLICANT(S) NAME

For City Use

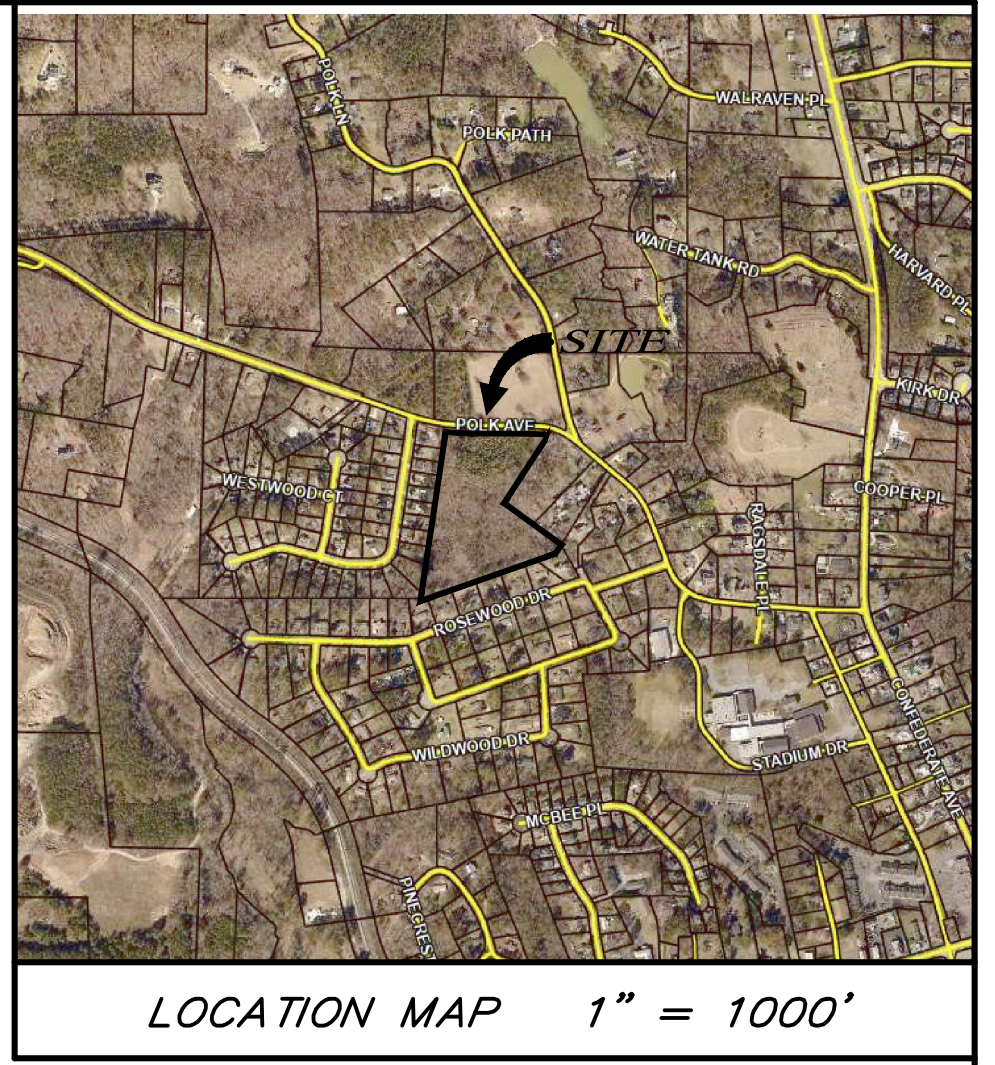
NOTICE WILL RUN WEEKS OF: \_\_\_\_\_

AND THE WEEK OF: \_\_\_\_\_

AND THE WEEK OF: \_\_\_\_\_



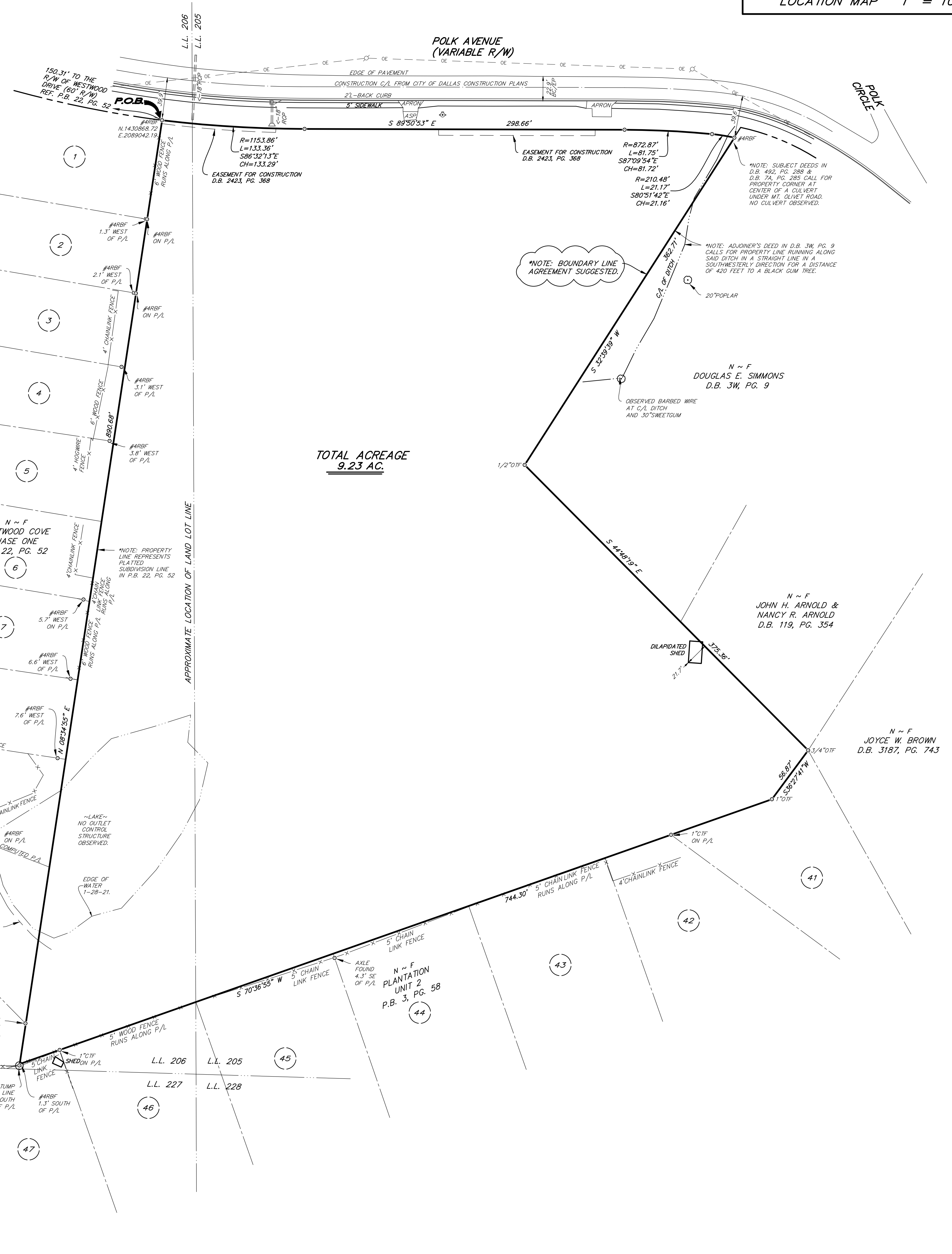




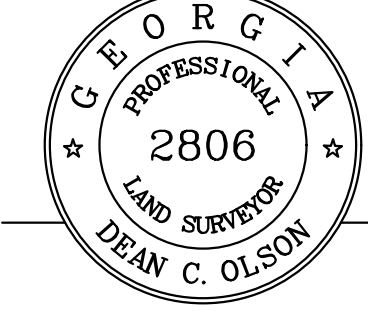
CLERK OF THE SUPERIOR COURT  
RECORDING INFORMATION

**LEGEND**

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



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.



**Dean C. Olson** 10-24-22  
 DEAN C. OLSON, RLS  
 GA RLS NO. 2806  
 email: dolsan@gsurvey.com

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE X ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY NUMBER # 130372 MAP NUMBER # 13223 C 0136 D DATED JUNE 7, 2019

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER. LINEAR PRECISION OF TRAVERSE: 1/18,680. ANGULAR ERROR: 2" PER POINT. THE TRAVERSE WAS ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAT: 1/589,414. MATTERS OF TITLE ARE EXCEPTED. THE 95% CONFIDENCE LEVEL.

GPS NOTES:  
 1.) HORIZONTAL DATUM IS NAD 83. VERTICAL DATUM IS NAVD 88.  
 2.) THE NORTHING, EASTING, AND ELEVATION OF THE STARTING POINTS FOR THIS SURVEY WERE OBTAINED UTILIZING A TRIMBLE 5800 GPS RECEIVER WITH A TRIMBLE TSC2 DATA COLLECTOR RECEIVING RTK CORRECTIONS VIA A CELL PHONE FROM THE EGPS SOLUTIONS REAL TIME NETWORK. THE TECHNIQUE USED WAS RTK CORRECTED MEASUREMENTS FROM THE TRIMBLE VRS REAL TIME NETWORK OPERATED BY EGPS SOLUTIONS, INC. THE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POINTS UTILIZED IN THIS SURVEY WERE 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL AT THE 95% CONFIDENCE LEVEL.

CURRENT OWNER:  
 SHARON B. DANIELS  
 D.B. 492, PG. 288  
 D.B. 7A, PG. 285  
 D.B. 791, PG. 207  
 P.B. 20, PG. 6  
 (TRACT TWO)

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



DRAWN BY: MAN  
 CHECKED BY: DCO  
 FILE: POLK AVE BND  
 FIELD DATE: 1-28-21  
 OFFICE DATE: 2-1-21  
 SCALE: 1"=50'

**Gaskins**  
 ENGINEERING • SURVEYING • PLANNING • CONSULTING • CONSTRUCTION MGMT

Lawrenceville Office  
 558 Old Norcross Rd. Ste. 204  
 Lawrenceville, GA 30046  
 Phone: (770) 299-1003

Canton Office  
 147 Reinhardt College Pkwy  
 Ste. 3 Canton, GA 30114  
 Phone: (770) 479-9698

Newnan Office  
 4046 Ga. Hwy. 154, Ste. 109  
 Newnan, GA 30265  
 Phone: (770) 423-7168

BOUNDARY RETRACEMENT SURVEY FOR:  
**BLUE RIVER DEVELOPMENT**  
 "250 POLK AVENUE"  
 LOCATED IN L.L. 205 & 206  
 2nd DISTRICT, 3rd SECTION  
 CITY OF DALLAS  
 PAULDING COUNTY, GA.

## LEGAL DESCRIPTION

### PROPERTY LINE DESCRIPTION FOR 250 POLK AVENUE

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 205 & 206 OF THE 2ND DISTRICT, 3RD SECTION, PAULDING COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A #4 REBAR FOUND ON THE SOUTHERLY RIGHT OF WAY LINE OF POLK AVENUE (VARIABLE R/W) HAVING GEORGIA STATE PLAIN COORDINATES OF (NAD83, GEORGIA WEST ZONE) N.1430868.72 & E.2089042.19, SAID POINT 150.31' ALONG THE RIGHT OF WAY LINE OF POLK AVENUE IN A SOUTHEASTERLY DIRECTION FROM THE RIGHT OF WAY LINE OF WESTWOOD DRIVE (60' R/W, PLAT BOOK 22, PAGE 52) AND BEING THE POINT OF BEGINNING.

THENCE FOLLOWING ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF POLK AVENUE THE FOLLOWING COURSES AND DISTANCES:

ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 133.36 FEET, SAID CURVE HAVING A RADIUS OF 1153.86 FEET, AND BEING SUBTENDED BY A CHORD OF 133.29 FEET, AT SOUTH 86 DEGREES 32 MINUTES 13 SECONDS EAST TO A POINT;

THENCE SOUTH 89 DEGREES 50 MINUTES 53 SECONDS EAST 298.66 FEET TO A POINT;

THENCE ALONG A CURVE TO THE RIGHT AN ARC LENGTH OF 81.75 FEET, SAID CURVE HAVING A RADIUS OF 872.87 FEET, AND BEING SUBTENDED BY A CHORD OF 81.72 FEET, AT SOUTH 87 DEGREES 09 MINUTES 54 SECONDS EAST TO A POINT;

THENCE WITH A COMPOUND CURVE TO THE RIGHT AN ARC LENGTH OF 21.17 FEET, SAID CURVE HAVING A RADIUS OF 210.48 FEET, AND BEING SUBTENDED BY A CHORD OF 21.16 FEET, AT SOUTH 80 DEGREES 51 MINUTES 42 SECONDS EAST TO A #4 REBAR FOUND;

THENCE LEAVNG SAID SOUTHERLY RIGHT OF WAY LINE OF POLK STREET AND ALONG THE PROPERTY OF DOUGLAS E. SIMMONS SOUTH 32 DEGREES 39 MINUTES 39 SECONDS WEST 362.71 FEET TO A 1/2" OPEN TOP PIPE FOUND;

THENCE CONTINUING ALONG THE PROPERTY OF DOUGLAS E. SIMMONS AND ALONG THE PROPERTY OF JOHN H. ARNOLD & NANCY R. ARNOLD SOUTH 44 DEGREES 48 MINUTES 19 SECONDS EAST 375.36 FEET TO A 3/4" OPEN TOP PIPE FOUND;

THENCE ALONG THE PROPERTY OF PLANTATION SUBDIVISION, UNIT 2, LOT 41 SOUTH 36 DEGREES 27 MINUTES 41 SECONDS WEST 56.87 FEET TO A 1" OPEN TOP PIPE FOUND;

THENCE ALONG THE PROPERTY OF PLANTATION SUBDIVISION, UNIT 2, LOTS 41-47 SOUTH 70 DEGREES 36 MINUTES 55 SECONDS WEST 744.30 FEET TO A POINT (STUMP FOUND 1.62 FEET SOUTH);

THENCE ALONG THE PROPERTY OF WESTWOOD COVE SUBDIVISION, PHASE ONE, LOTS 1-11 NORTH 08 DEGREES 34 MINUTES 55 SECONDS EAST 890.68 FEET TO A #4 REBAR FOUND ON THE SOUTHERLY RIGHT OF WAY LINE OF POLK AVENUE, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 9.23 ACRES MORE OR LESS.

COMMUNITY TRUST BANK  
ATTN: AMANDA SWEATMAN  
P.O. BOX 1700  
HIRAM, GEORGIA 30141

RETURN TO:  
JUDITH F. BAGBY  
BAGBY LAW OFFICE, P.C.  
ATTORNEYS AT LAW  
P.O. BOX 85, 100 W. GRIFFIN ST.  
DALLAS, GA 30132

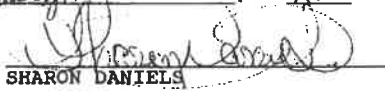
STATE OF GEORGIA  
COUNTY OF PAULDING

IN RE: Property of SHARON  
BULLOCK  
Deed Book 7-A, Page 285,  
Paulding County, GA Deed  
Records

NAME AFFIDAVIT

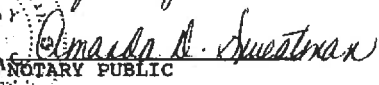
Personally appeared before me, the undersigned officer  
duly authorized to administer oaths, SHARON DANIELS, who  
having first been duly sworn, deposes and says that she is the  
same person as SHARON VAUGHN AND SHARON BULLOCK.

This 17<sup>th</sup> day of January, 1996.

  
SHARON DANIELS

Sworn to and subscribed  
before me this 17<sup>th</sup> day  
of January, 1996.



  
NOTARY PUBLIC

Notary Public, Paulding County, Georgia  
My Commission Expires April 16, 1998

AMANDA D. SWEATMAN,  
N.P.

BAGBY  
LAW OFFICE, P.C.  
ATTORNEYS AT LAW  
100 W. GRIFFIN ST.  
P.O. BOX 85  
DALLAS, GEORGIA 30132  
(404) 445-2727  
FAX: (404) 443-9203

RECORDED 1-23 1996  
SYLVIA G. STRICKLAND, CLERK  
SUPERIOR COURT, PAULDING CO.

RECORDED  
CLERK  
09:15 AM 01/23/96

BOOK 492 PAGE 288

PAULDING COUNTY, GA.  
REAL ESTATE TRANSFER TAX  
PAID \$ 10.00  
DATE 6-15-99  
Sylvia G. Strickland  
CLERK SUPERIOR COURT

FILED IN OFFICE  
PAULDING COUNTY, GA.  
99 JUN 15 AM 9:51  
SYLVIA G. STRICKLAND  
CLERK  
PAULDING COUNTY COURTS

**WARRANTY DEED**

VINSON, TALLEY RICHARDSON & CABLE, P.A.  
P.O. BOX 197  
DALLAS, GEORGIA 30132

**STATE OF GEORGIA, Paulding County**

THIS INDENTURE, made this 10th day of JUNE in the year of our Lord One Thousand Nine Hundred and ninety nine between E. PHIL DANIELL and KENNETH F DANIELL as co-executors of the last will and testament of L F DANIELL of the State of GEORGIA and County of COBB of the first part and SHARON B DANIELS of the State of GEORGIA and County of PAULDING of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Ten and NO/100 (\$10.00) DOLLARS, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said party of the second part, her heirs and assigns, all that tract or parcel of land lying and being in land lot 206 of the 2nd District, 3rd Section of Paulding County Georgia and being more particularly described in Exhibit "A" attached hereto. TO HAVE AND TO HOLD the said bargained premises, together with all and singular the right, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of her the said party of the second part, her heirs and assigns forever, IN FEE SIMPLE.

And, the said parties of the first part, for their heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said party of the second part, her heirs and assigns, against the lawful claims of all persons whomsoever.

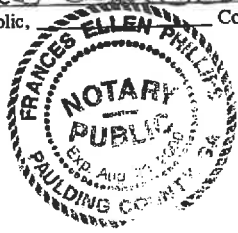
IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hand and affixed their seal, the day and year above written.

Signed, sealed and delivered in the presence of:

[Signature]  
Witness

E. Phil Daniell (Seal)  
E PHIL DANIELL, as executor of the last will and testament of L F DANIELL  
Kenneth F Daniell (Seal)  
KENNETH F DANIELL, as executor of the last will and testament of L F DANIELL

Frances Egan  
Notary Public, Paulding County, Georgia



BOOK 791 PAGE 207

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 206 of the 2<sup>nd</sup> District, 3<sup>rd</sup> Section of Paulding County, Georgia and being Tract Two (1.953 acres) and being more particularly described on a plat of survey for Gordon McTyre by Etowah Engineering and Surveying, RLS #1781, dated January 30, 1990 and recorded in Plat Book 20, Page 6 of the Paulding County Plat Records.

BOOK 791 PAGE 208

State of Georgia, PAULDING County

This Indenture, Made and entered into on the 10th day of Sept, 1973, between

R. J. BULLOCK, SR. ----- of the County of Paulding and State of Georgia, of the one part, and

SHARON BULLOCK -- of the County of Paulding and State of Georgia, of the other part,

WITNESSETH: That for and in consideration of the sum of ONE (\$1.00) and other valuable considerations -- and division of property of Dollars, paid by the part Y of the second part to the party of the first part, the receipt whereof is hereby acknowledged, the said part of the first part do hereby give, grant, remise, release, and forever quitclaim unto the said part Y of the second part, her heirs, executors, administrators, and assigns, the following described lands, situate in the 2nd District of Paulding County, in the State of Georgia to wit:

All that tract or parcel of land lying and being in the Second District and Third Section of Paulding County, Georgia, and being a part of original Land Lot No. 205, described as follows:

BEGINNING at a point where the South side of the right of way of Mt. Olivet Road intersects with the West original line of Land Lot No. 205; thence running East along the South side of the right of way of Mt. Olivet Road a distance of 554 feet to the center of a culvert under the said road; thence South 12 degrees, 30 minutes West 133 feet; thence South 18 degrees, 30 minutes West 44 feet; thence South 32 degrees West 100 feet; thence South 74 degrees West 44 feet; thence South 37 degrees, 30 minutes West 102 feet to an iron pin; thence South 46 degrees East a distance of 378 feet to an iron pin; thence South 32 degrees 30 minutes West 59 feet to an iron pin; thence South 70 degrees West along a fence 627 feet to the West original line of Land Lot No. 205; thence North 1 degree, 30 minutes East along the West original line of Land Lot No. 205 a distance of 865 feet to the point of beginning.

Said tract of land containing 10 acres with a frame dwelling house located thereon.

Paulding Co. unty, Georgia
Real Estate Transfer Tax
Paid \$ None
Date 9-14-73
C.M. Turner
Clerk of Superior Court

See Name Affidavit, Book 86 492, pg. 288

together with all the rights, members, and appurtenances thereto in any manner belonging, in Fee Simple. The said part Y of the first part do ES not warrant the title to said premises herein conveyed, except against himself and against those claiming under him In Testimony Whereof the said part Y of the first part ha herunto set his hand and affixed his seal the day and year first above written.

Signed, sealed and delivered in the presence of: R.J. Bullock, Sr. (Seal.)
Witness Donald B. ... (Seal.)
Notary Public Marian J. Heath, N.P. (Seal.)
No Seal Affixed (Seal.)

Filed Sept. 14, 1973, 8:40 a.m.

Recorded Sept. 14, 1973
C.M. Turner, Clerk

7,000.00

WARRANTY DEED

NEW ERA PRINT, DALLAS, GA.

STATE OF GEORGIA, PAULDING County.

THIS INDENTURE, made this 31st day of December in the year of our Lord One Thousand Nine Hundred and Sixty Eight between Tom Strickland

of the State of Georgia and County of Paulding of the first part and R. J. Bullock, Sr. and Sharon Bullock

of the State of Georgia and County of Paulding of the second part.

WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of Seven Thousand DOLLARS

in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said part Yes of the second part, Their heirs and assigns, all that tract or parcel of land lying and being in The Second District and Third Section of Paulding County, Georgia, and being a part of Original Land Lot No. 205, described as follows:

BEGINNING at a point where the South side of the right-of-way of Mt. Olivet Road intersects with the West original line of Land Lot No. 205; thence running East along the South side of the right of way of Mt. Olivet Road a distance of 554 feet to the center of a culvert under the said road; Thence South 12 degrees, 30 minutes west 133 feet; thence South 18 degrees, 30 minutes west 44 feet; thence South 32 degrees west 100 feet; thence South 74 degrees west 44 feet; thence South 37 degrees, 30 minutes west 102 feet to an Iron Pin; thence South 46 degrees east a distance of 378 feet to an Iron Pin; thence South 32 degrees, 30 minutes west 59 feet to an Iron Pin; thence South 70 degrees west along a fence 627 feet to the west original line of Land Lot No. 205; thence North 1 degree, 30 minutes east along the west original line of Land Lot No. 205 a distance of 865 feet to the point of beginning.

Said tract of land containing 10 acres with a frame dwelling house located thereon.

Paulding County, Georgia
Real Estate Transfer Tax
Paid \$ 700
Date April 2, 1969
Clerk of Superior Court

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of them the said parties of the second part, their heirs and assigns forever, IN FEE SIMPLE.

And the said part Y of the first part, for himself, his heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said parties of the second part, their heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and affixed his seal, the day and year above written.

Signed, sealed and delivered in the presence of
Thomas C. Sanders
John T. Perren, N.P.
Seal Affixed

Tom Strickland (Seal)
Tom Strickland (Seal)
(Seal)
(Seal)
(Seal)

Form No. 23

Filed April 2, 1969, 9:20AM, Recorded April 2, 1969, W.O. Green Clerk

## 250 POLK AVE REZONING: LIST OF ADJOINING PROPERTY OWNERS

Tax Parcel ID Number	Name	Mailing Address
116.1.4.007.0000	Jason J. Betti, Dana Cable	67 Polk Ln, Dallas, GA 30132
116.4.1.001.0000	Daniel R. Alvarada	115 Westwood Dr, Dallas, GA 30132
116.4.1.004.0000	Wayne D. Howell, Heris of Patricia Ann Howell	113 Westwood Dr, Dallas, GA 30132
116.4.1.010.0000	Elmont White, Geraldine M. White	3410 MT Olivet Rd, Dallas, GA 30132
116.4.1.017.0000	Jessica J. Thompson, Timothy S. Thompson	111 Westwood Dr, Dallas, GA 30132
116.4.1.020.0000	Michael H. Mack, Maureen Mack	109 Wetswood Dr, Dallas, GA 30132
116.4.1.027.0000	Carol Giammarco	107 Westwood Dr, Dallas, GA 30132
116.4.1.028.0000	Deidra Greer	105 Westwood Dr, Dallas, GA 30132
116.4.1.030.0000	Frances Elizabeth Sexton	103 Westwood Dr, Dallas, GA 30132
116.4.1.035.0000	Kristopher R. Anderson	119 Westwood Dr, Dallas, GA 30132
116.4.1.037.0000	Sunfire 3 LLC	5001 Plaza On The Lake, Ste 200, Austin, TX 78746
116.4.1.055.0000	Alexander G. Carmona, Danay Lasoncel	126 Rosewood Dr, Dallas, GA 30132
116.4.1.073.0000	Clifford Hatcher	101 Westwood Dr, Dallas, GA 30132
116.4.1.087.0000	Lehner Family Trust c/o Melvin E and Ruth A Lehner	1100 W Chadwick Rd, Dewitt, MI 48820
116.4.1.087.0000	Mary Kate Burt	1193 Cartersville Hwy, Dallas, GA 30132
116.4.1.087.0000	William Chase Anderson	124 Rosewood Dr, Dallas, GA 30132
116.4.1.092.0000	Alba Lucia Kanwisher	121 Westwood Dr, Dallas, GA 30132
116.4.2.005.0000	SFR XII ATL Owner 5 LP	9200 Hampton Dr, Capitol Heights, MD 20743
116.4.2.009.0000	Joyve W. Brown	105 Rosewood Dr, Dallas, GA 30132
116.4.2.013.0000	Ceneva Bullard, Robert Bullard	114 Rosewood Dr, Dallas, GA 30132
116.4.2.033.0000	John H. Arnold, Nancy R. Arnold	PO Box 345, Dallas, GA 30132
116.4.2.035.0000	Douglas E. Simmons	34 Rovings Hills, Cartersville, GA 30121



April 27, 2023

**VIA HAND DELIVERY**

City Council  
129 East Memorial Drive  
Dallas, Georgia 30132

Re: Statement of Intent for Rezoning Application of Blue River Development Acquisitions, LLC for +/- 9.23 Acres of Land located at 250 Polk Avenue, Land Lots 205 and 206, 2nd District, City of Dallas, Paulding County, Georgia (the "Property") from R-1 to R-2C Single-Family Residential District - Conservation (the "Application")

Dear City Council:

This firm represents Blue River Development Acquisitions, LLC ("Blue River") with respect to the above-referenced rezoning Application. As City Council is aware, Blue River previously requested that the Property be rezoned from R-1 to R-3, for 61 attached single-family units, at 6.6 units per acre. City Council denied that request. That denial was subject to litigation in the Superior Court of Paulding County, resulting in an Order from the Court requiring that the application be reheard. Following that decision, Blue River has worked diligently with the City to find a compromise plan.<sup>1</sup>

**I. Background**

The Application seeks to rezone the Property from R-1 to R-2C to develop 27 single-family detached residences, for a density of 2.925 units per acre. The proposed development includes 1.37 acres of open space, as well as a 20-foot landscaped buffer along all exterior property lines. The open space and buffers will serve to screen the development from adjacent properties, which are used as residential properties having single-family detached homes. The single-family homes to be built as part of this development will be detached and include a two-car garage for each unit.

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<sup>1</sup> This Application is submitted for purposes of trying to reach a compromise and is not intended to, and does not, waive Blue River's rights under the Court's Order to have the original application reheard. Blue River expressly reserves all rights to pursue the original application in the event this Application is denied.

## **II. The Rezoning Standards Support Approval of the Application**

When reviewing the Application, City Council must consider the following factors:

- (1) Existing land use and zoning classification of nearby and adjacent properties;
- (2) Whether the zoning proposed will permit a use that is suitable in view of the use and development of nearby and adjacent properties;
- (3) Whether the zoning proposed will adversely affect the existing use or usability of nearby or adjacent properties;
- (4) Whether the property to be affected by the zoning proposed has a reasonable economic use as currently zoned;
- (5) Whether the zoning proposed will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;
- (6) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposed;
- (7) The relative gain to the public, as compared to the hardship imposed upon individual property owners;
- (8) The extent to which property values are diminished by existing zoning classification, as compared to the health, safety, morals or general welfare of the public; and
- (9) Whether the zoning proposed conforms with the policy and intent of an adopted land use plan.

(Zoning Ordinance § 44-93). The following analysis demonstrates that each of these standards supports the rezoning.

A. Existing Land Use and Zoning Classification of Nearby and Adjacent Properties

The proposed zoning and use of R-2C for single-family detached residences is entirely consistent with the zoning and use of nearby and adjacent properties. The Property is bordered on the west by the R-2 zoned Westwood Cove subdivision. To the east and south, the properties are zoned R-1 and used for single family residences. Rezoning the Property for R-2C will be a harmonious use and density with the surrounding land uses.

B. Whether the Zoning Proposed will Permit a Use that is Suitable in View of the Use and Development of Nearby and Adjacent Properties

The R-2C use is suitable in view of the surrounding land uses of R-2 and R-1 zoning. The City has already permitted R-2 zoning for the Westwood Cove subdivision immediately adjacent to the Property. In addition, R-2C is consistent with the R-1 adjacent parcels, particularly in light of the buffering and open spaces provided by the proposed site plan. The surrounding properties are used for single-family detached residences, which is exactly what is proposed by the Application.

C. Whether the Zoning Proposed will Adversely Affect the Existing Use or Usability of the Nearby or Adjacent Properties

The proposed use of single-family detached homes will not adversely affect the existing use or usability of the nearby or adjacent properties. The use proposed here as single-family detached homes is the same use as adjacent parcels, so the rezoning will not have a negative impact on the values of neighboring properties. The rezoning will have no negative impact on the ability of neighbors to continue to use and enjoy their homes. In fact, providing for new development of attractive, single-family homes could boost property values of the surrounding single-family homes.

D. Whether the Property to be Affected by the Zoning Proposed has a Reasonable Economic Use as Currently Zoned

The Property does not have a reasonable economic use as currently zoned. The Property has been marketed for seven years, since April 2016, and the only offers for purchase have been contingent upon the rezoning of the Property. Given the current economic climate with construction costs, interest rates, etc., it is not economically feasible to develop the Property for R-1 zoning. The current R-1 zoning is a substantial detriment to the Property. R-1 zoning requires 15,000 square foot lots, which is not suitable given the shape and layout of the Property. The Property's eastern boundary has an oddly shaped jog that prevents the efficient layout of larger single-family residential lots.

E. Whether the Zoning Proposed will Result in a Use Which Will or Could Cause an Excessive or Burdensome Use of Existing Streets, Transportation Facilities, Utilities or Schools

Blue River does not anticipate any significant impact to vehicular traffic from the minor amount of trips the development will generate. The Institute of Traffic Engineers (ITE) Trip Generation Manual (9<sup>th</sup> Edition), calculates the proposed development will generate a modest +/- 257 weekday trips, +/- 21 trips in the morning and +/- 28 trips in the evenings. This minor amount of traffic will not negatively impact adjacent roadways. According to the Paulding County School District Capital Improvements Update from April 26, 2022, for 2025, Northside Elementary and Hershel Jones Middle School are anticipated to be under capacity, with Paulding County High School at capacity. The proposed development is not anticipated to create an undue burden on these schools, given its scale of only 27 homes. For utilities, the Property will have access to water and sewer services from Paulding County.

F. Whether There are Other Existing Or Changing Conditions Affecting the Use and Development of The Property Which Give Supporting Grounds for Either Approval or Disapproval of The Zoning Proposed

As set forth above, the current economic climate makes development of this Property as R-1 unfeasible, and supports approval of the rezoning. Moreover, this Application counsels towards approval as a compromise position of the parties in pending litigation.

G. The Relative Gain to the Public, as Compared to the Hardship Imposed Upon Individual Property Owners

The public will be well served by approval of the Application, as the development will provide needed single-family housing in the area, as well as boost neighboring home values. In addition, the current zoning of the Property as R-1 imposes a hardship on the current owner of the Property. Rezoning the Property to R-2C will not create a hardship on adjoining property owners, as the proposed use of single-family residences is consistent with the current zoning and uses of surrounding properties.

H. The Extent to Which Property Values are Diminished by Existing Zoning Classification, as Compared to the Health, Safety, Morals or General Welfare of The Public

As set forth above, the current R-1 zoning is a significant detriment to the Property, and if the R-1 zoning is not changed, the Property is likely to remain vacant. The proposed development will not harm the health, safety, morals, or general welfare

of the public, as it is consistent with the neighboring properties and infrastructure supporting same.

I. Whether the Zoning Proposed Conforms With the Policy and Intent of an Adopted Land Use Plan

The proposed use fits squarely within the uses designated by the Paulding County 2017 Comprehensive Plan.<sup>2</sup> The Future Land Use Map for the City designates the Property as “Residential” in the Comprehensive Plan.<sup>3</sup> The Residential category provides that “[t]he predominant use of land within the residential category is for single-family and multi-family dwelling units organized into general categories of net densities,” which is exactly what is proposed by the Application.

**III. Constitutional Notice**

Failure to grant the Application would unreasonably impair and destroy the Property owner’s property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia, Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Failure to grant the Application would be unconstitutional, illegal, null and void, constituting a taking of the Property owner’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 Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States.

Failure to grant the Application would unconstitutionally discriminate, in an arbitrary, capricious, and unreasonable manner, between Blue River and the Property owner and other similarly situated entities and property owners in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Failure to grant the Application would also constitute an unreasonable and extreme hardship upon Blue River and the Property owner without remotely advancing the public health, safety and welfare and would constitute an arbitrary and capricious act without any rational basis therefore, constituting an abuse of discretion in violation

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<sup>2</sup> 2017 Paulding County Comprehensive Plan, available at [https://www.paulding.gov/DocumentCenter/View/5657/2022-Comp-Plan---Book-1\\_101122?bidId=](https://www.paulding.gov/DocumentCenter/View/5657/2022-Comp-Plan---Book-1_101122?bidId=)

<sup>3</sup> Id. at 99.

of Article I, Section I, Paragraph I of the Constitution of the State of Georgia, Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Failure to grant Application would violate Article I, Section I, Paragraph X of the Constitution of the State of Georgia.

Sincerely,

BLOOM PARHAM, LLP

A handwritten signature in black ink, appearing to read "Andrea J. Pearson". The signature is written in a cursive style with a large, looping initial "A".

Simon H. Bloom  
Andrea J. Pearson  
Jacob W. Loken

Enclosures

cc: Kelley Reilly  
Brad Cooper



City of Dallas, GA  
 200 Main St  
 Dallas, GA 30132  
 (770) 443-8108

Tax ID #:2079

**2022**  
**Property Tax Bill**

Parcel ID	Tax District		Bill #						
116410700000	02 - CITY OF DALLAS		000094						
Property Owner/Location/Description			Fair Market Value	Taxable Value					
DANIELS SHARON B 250 POLK AVE			97,100	38,840					
Levies	Taxable Value	-	Exemptions	=	Net Assessment	×	Tax Rate	=	Net Tax
CITY TAX	38,840		0		38,840		9.9400000000		\$386.07
Sales Tax Rollback	38,840		0		38,840		(5.7700000000)		(\$224.11)

Exemptions:

Current Year Tax	\$161.96
Interest	\$0.00
Penalty	\$0.00
Other Fees	\$0.00
Payments Received	\$161.96
Other Amounts Due	\$0.00
<b>Total Due</b>	<b>\$0.00</b>
Due Date	12/20/2022

City of Dallas GA- The law requires payment in full by December 20, 2022.  
 If your bill is to be paid by you mortgage company through an escrow account please forward a copy of this bill to them.

Bills are sent to the owner of a property as of January 1st. If you sold a property listed on this notice please send a copy to the new owner and call the County Tax Assessor.

All monies will be applied to past due taxes first if applicable.

Your check will be used as your paid receipt. If you desire a paid receipt, please enclose a self addressed stamped envelope.

Failure to receive a bill does not exempt penalties or interest.  
 Penalty and interest will apply as stated by state law and City of Dallas ordinance.



**City of Dallas, GA**  
 200 Main St  
 Dallas, GA 30132

*We accept Cash, Checks, Visa, MasterCard and Discover. For cash payments please see us in person.*

Parcel ID: 116410700000  
 Amount Due: \$0.00  
 Bill#: 000094  
 Due Date: 12/20/2022

AMOUNT PAID

DANIELS SHARON B  
 225 HART CIR  
 DALLAS, GA 30132

**City of Dallas, GA**  
 200 Main St  
 Dallas, GA 30132



Official Tax Receipt  
Paulding County, GA  
240 Constitution Blvd  
Dallas, 30132  
--Online Receipt--

Phone: 770-443-7581

Trans No	Map Code	Property ID & District Description	Original Due	Interest & Penalty	Amount Due	Amount Paid	Transaction Balance
2022-016347	R0020 79	250 POLK AVE	\$1,012.55	\$0.00 Fees: \$0.00	\$0.00	\$1,012.55	\$0.00
<b>Totals:</b>			<b>\$1,012.55</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,012.55</b>	<b>\$0.00</b>

Paid Date: 09/16/2022

Charge Amount: \$1,012.55

DANIELS SHARON B  
225 HART CIR  
DALLAS, GA 30132



Scan this code with your mobile phone to view this bill