

Planning & Zoning Board

AGENDA

August 19, 2025, 7:00 PM
736 Park North Blvd, Ste 120

A. CALL TO ORDER

B. Roll Call

C. Approval of the Agenda

D. Meeting Minutes

1. July 15, 2025 Meeting Minutes

PUBLIC HEARING:

Any member of the public may address the Planning and Zoning Board, during the time allotted for public hearing. Each attendee will be allowed 3 minutes. If your public comment contains a series of questions, please provide those questions to staff in writing on the Public Comment Card (Staff) prior to the meeting. This will facilitate follow-up by the Board or Staff. The Planning and Zoning Board desires to allow an opportunity for public comment; however, the business of the Board must proceed in an orderly and timely manner.

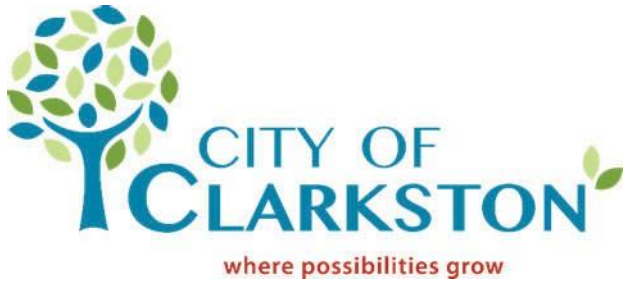
E. Presentations

F. Old Business

G. New Business

1. REZ2025-01: Applicant, Densie Rainey, request a rezoning from NC-1 to NR-3 at 905 Mell Avenue (Parcel ID: 18 097 10 048).

H. Adjournment



Meeting Minutes

Planning & Zoning Board
July 15, 2025 at 7:00P.M.
3921 Church Street, Clarkston, GA 30021

CALL TO ORDER

Meeting called to order at 7:06pm by Chairman Chuck McFarland.

DETERMINATION OF QUORUM

Present: Chuck McFarland, Felicia Weinert, Birendra Dhakal, Lisa Williams, and Amy Medford
Absent: None.

APPROVAL OF THE AGENDA

Chuck McFarland moved to approve the agenda; seconded by Felicia Weinert. Vote: Approved Unanimously 5-0.

APPROVAL OF MEETING MINUTES

1. June 17, 2025 Meeting Minutes

Chuck McFarland moved to approve the meeting minutes from June 17, 2025; seconded by Felicia Weinert. Vote: Approved Unanimously 5-0.

PRESENTATIONS – None.

OLD BUSINESS

NEW BUSINESS

1. **Clemsil Overlay development review for a new one-story, single-family home at 3637 Lincoln Street (parcel ID: 18 119 02 004).**

Richard Edwards presented the case to the board.

Martha Brown spoke in favor of the request.

Dean Moore spoke in favor of the request.

Chuck McFarland stated that he thought the home would fit well within the neighborhood and the intent of the Clemsil Overlay.

Chuck McFarland moved to recommend approval of the development review with staff conditions; seconded by Felicia Weinert. Vote: Approved Unanimously 5-0.

2. **Variance request from Sec. 305 to reduce the minimum lot width from 50' to 36' for 10 lots and 30' for 3 lots and a variance request from Sec. 540(a) to not require a 5' sidewalk along a local street at 905, 911, 917, 929, and 935 Mell Avenue (parcel IDs: 18 097 10 048, 047, 046, 059, and 050).**

Richard Edwards presented the case to the board.

Megha Ramani from Altair Developments presented to the board.

Amy Medford asked for clarification on why the applicant chose single-family homes instead of the allowed townhomes. Further, she stated that she believed that the single-family development created a self-made hardship being that townhomes are allowed by right.

Lisa Williams asked how a vote on this development would affect 905 Mell Avenue.

Debbie Gathmann spoke in favor of the request.

Martha Brown spoke in favor of the request but asked for clarification on the architectural elevation differences.

Dean Moore spoke in favor of the lot width variance but spoke in opposition of the sidewalk variance.

Lisa Williams stated that she agreed with the applicant that single-family homes would fit the neighborhood better than townhomes. She expressed concerns because the applicant's hardship did not meet the requirements of the zoning ordinance.

Chuck McFarland stated that he understood that the neighboring properties were upset about the idea of townhomes from when the rezoning took place in 2024.

Birendra Dhakal asked for clarification on the decision to have 30' and 36' wide lot widths.

Felicia Weinert asked for clarification from staff on how they came to their denial recommendation.

Felicia Weinert asked the applicant if they would consider installing the sidewalk, if lot width variances were to be approved.

Lisa Williams asked if an HOA would be required.

Amy Medford moved to defer the case for one month for the applicant to submit for a Planned Unit Development; no second. Motion Failed.

Chuck McFarland moved to recommend approval of the variance from Sec. 305 to reduce the lot width requirements with the following conditions:

1. **The development shall be substantially in compliance with the site plan dated April 10, 2025.**
2. **905 Mell Avenue shall be rezoned to NR-3 and a concurrent variance from Sec. 305 to reduce the minimum lot widths shall be obtained by the applicant prior to any development of these parcels. This approval shall be null and void if the rezoning and variance are not granted.**

seconded by Lisa Williams. Vote: Passed 4-1 (Amy Medford voting in opposition).

Lisa Williams moved to recommend denial of the variance from Sec. 540(a) to not require a sidewalk; seconded by Amy Medford. Vote: Approved Unanimously 5-0.

3. **Update Modifications to zoning conditions to allow for a full-service auto repair shop, a maximum of 10 vehicles for sale, and a maximum of 25 total vehicles on site at 1352 Brockett Road (parcel ID: 18 143 08 011).**

Richard Edwards presented the case to the board.

Chuck McFarland asked for clarification on the parking agreement with the neighboring Subway.

Lisa Williams stated that she agreed with staff's recommendation.

Amy Medford expressed concerns over the existing code violations with the existing CUP zoning conditions. Further, she expressed concerns over the intensity of uses on such a small lot.

Lisa Williams expressed concerns over the lack of buffers between the Subway and neighboring multi-family residential.

Chuck McFarland asked for clarification on the parking agreement with the neighboring Subway.

Felicia Weinert asked for clarification on the number of parking spaces on the property.

Dean Moore spoke in favor of the request.

Martha Brown spoke in favor of the request.

Mohammed Dine spoke in favor of the request.

Amy Medford recommended adding a condition for annual approval of the parking agreement when the applicant submits for their business license.

Birendra Dhakal asked if staff could share any information on the code violations that the applicant has received.

Chuck McFarland moved to recommend denial of the request to allow a full service auto shop; denial of the request to increase the number of cars for sale; and approval of an increase to 19 cars to be allowed on the property with the added condition that the shared parking agreement be renewed annually and submitted with the business license renewal; seconded by Amy Medford. Vote: Approved Unanimously 5-0.

ADJOURNMENT

**Amy Medford moved to adjourn the meeting at 8:51 p.m.; seconded by Lisa Williams.
Vote: Approved Unanimously 5-0.**

Chuck McFarland , Chairman

Richard Edwards, Secretary



STAFF ANALYSIS AND REPORT

APPLICANT: Denise Rainey

CASE: REZ2025-01

LOCATION: 905 Mell Avenue (Parcel ID: 18 097 10 048)

ZONING: NC-1: Low Density Neighborhood Commercial

REQUEST: Rezoning from NC-1 to NR-3 to allow for residential development.

ZONING/ADJACENT LAND USE:

North	NR-3: Vacant Residential
South	NC-1: Vacant Residential Structure
West	NR-1: Single-family Residential
East	NR-1: Single-family Residential

MEETING INFORMATION:

Planning & Zoning Commission:	08/19/2025 – 7:00 P.M
Mayor & City Council Public Hearing:	08/26/2025 – 7:00 P.M.
Mayor & City Council Regular Meeting:	09/02/2025 – 7:00 P.M.

RECOMMENDATION:

Staff recommends **APPROVAL** of the rezoning from NC-1 to NR-3.

BACKGROUND:

On November 7, 2024, the City Council approved a rezoning from NR-1 to NR-3 for 911, 917, 929, and 935 Mell Avenue. Four (4) of the five (5) lots are currently vacant, undeveloped lots and the remaining lot at 929 Mell Avenue would require a demolition of an existing single-family home.

905 Mell Avenue is zoned NC-1 and would require a rezoning to NR-3 before a residential development plan encompassing all five (5) lots could be accepted by the city.

The applicant is under contract for the sale of this property and four others with Altair Home ATL, LLC. They have expressed interest in developing single-family homes along these five (5) lots. However, they are waiting for a determination on the rezoning of this property to submit development plans.

The applicant held a community open house meeting on August 10, 2025 at 905 Mell Avenue. Letters were delivered to all properties within 300 feet of 905 Mell Avenue, based on the list received from staff. Further, they delivered letters to approximately 30 residents outside of the 300 feet radius but within the neighborhood.

The applicant provided a sign-in sheet from the meeting that showed that four (4) people attended the meeting. The meeting summary stated that all attendees were in favor of single-family homes over townhomes and that no opposition was received from the attendees.

Analysis: Pursuant to Article II of the City of Clarkston Zoning Ordinance, Staff has reviewed the conditional use permit request in accordance with the required review criteria.

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The adjacent properties are all residential in nature and this rezoning would permit new residential development.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

This proposed rezoning would increase traffic along Mell Avenue but the proposed rezoning is a lower density than the existing NC-1 zoning. It is not anticipated that this proposal would adversely affect the existing use or usability of adjacent or nearby properties.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The property as currently zoned has a higher economic value as a commercial property than the proposed residential zoning.

4. Whether the zoning proposal will result in a use that may cause an excessive or burdensome use of existing transportation facilities and other infrastructure, such as schools, water, and sewer

It is not anticipated that the proposed rezoning would cause excessive or burdensome use of existing transportation facilities nor other infrastructure, such as schools, water, and sewer.

5. 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 proposal.

Staff is unaware of other existing or changing conditions affecting the use and development of this property, which may give supporting grounds for disapproval. The applicant is down zoning the property and citizens in the community have spoken more in favor of residential development here rather than commercial development.

6. Whether the zoning proposal is compatible with the principles of the city's comprehensive plan.

The 2040 Comprehensive Plan proposed a Mixed Use designation for future land use. This designation calls for multi-family housing, commercial, office, and compatible industrial uses. The NR-3 zoning district allows for triplexes, quadplexes, and townhomes. This zoning designation would also allow

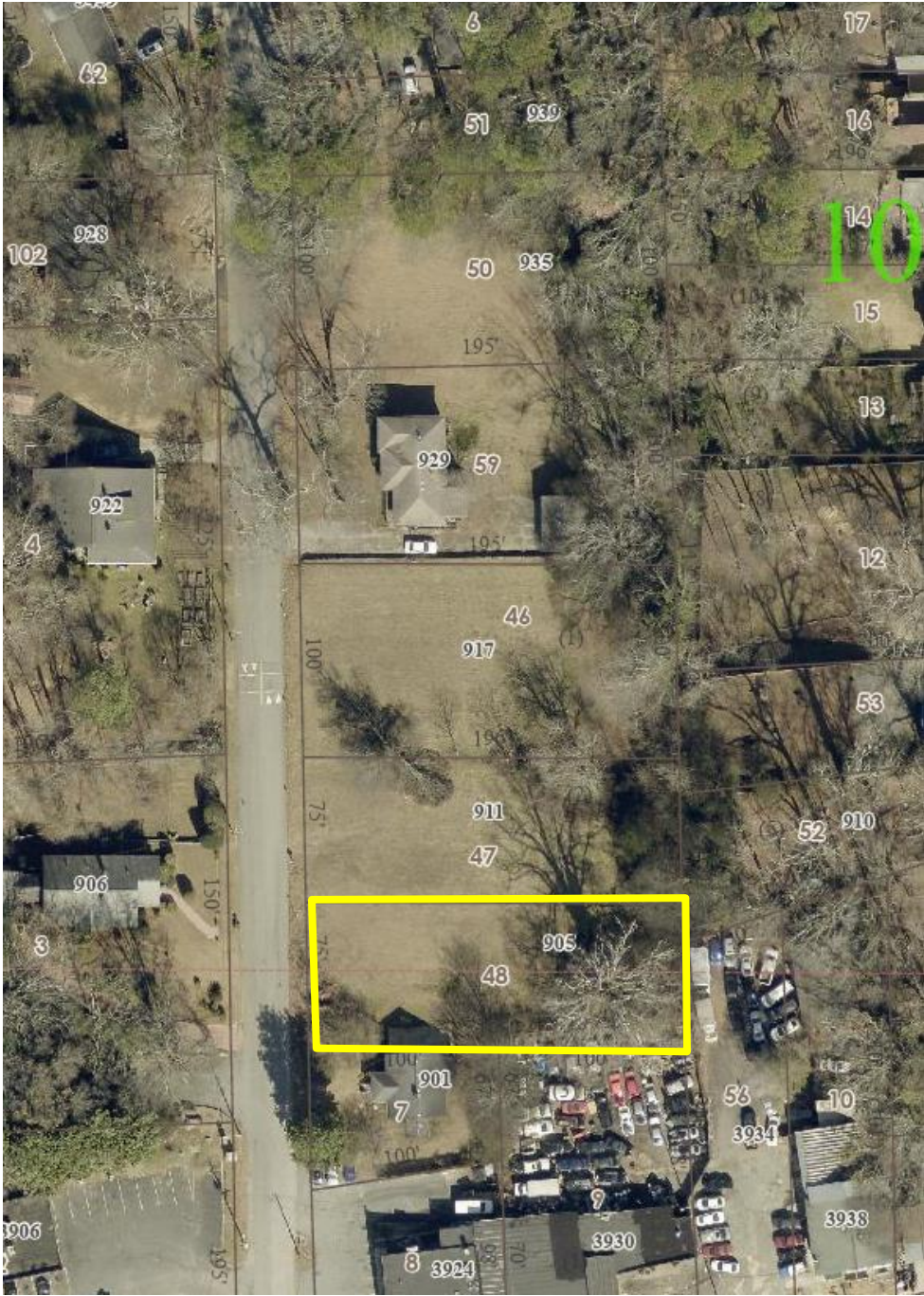
for Planned Unit Development (PUD) submittals for Cottage Housing Developments and Planned Residential Development, which require an additional review and approval from City Council.

This request is compatible with the Comprehensive Plan, as it is the densest residential development and allows for PUD submittals that provide benefits from better land utilization, economy in the provision of roads and utilities and flexibility in design. The city gains the advantages of variety in building types, compatibility of uses and optimum community development.

Recommendation:

Pursuant to Article II of the City of Clarkston Zoning Ordinance, Staff has reviewed the request in accordance with the required review criteria and recommends **APPROVAL** of the rezoning request from NC-1 to NR-3 for 905 Mell Avenue.

Aerial of the site





REZONING APPLICATION

Form # 200-RZ

This page must be completed by the Applicant. Please see Applicant Instructions for full requirements.

SUBMITTAL CHECKLIST

- Letter of Intent to Re-zone
- Your application must include the following items, or it will not be considered complete:
 - Conceptual Site Plans to scale (see checklist for requirements) (survey boundary required component of conceptual plans)
 - Written Legal Description of Property
 - Property Deed
 - Recorded Plat of Property (seven (7) copies)
 - Campaign Contribution Disclosure Form
 - Filing Fee (payable to The City of Clarkston)
 - Check here if applicant seeks to annex the listed property into the City limits

N/A

N/A

FOR OFFICE USE/DETERMINATION

Review determination and fee: Review fee (payable to *The City of Clarkston*) depends on type of review(s). (See Fee Schedule):

____ Rezoning (type(s)) _____ (Fee) _____

APPLICANT INFORMATION

Applicant Name: Garry Rainey Company: N/A

Mailing Address: 299 Sixth St. Suite/Apt. #: NE City, State: Atlanta, Ga. Zip Code: 30308

Primary Phone #: 404-597-7757 Alternate Phone #: 404-317-0582 Fax #: (Denise Rainey - ORR)

Email Address: garry.garryrainey@32@gmail.com

PROJECT SUMMARY

Name of Project: Rainey Property - Mell Ave Clarkston, Ga. 30021

Detailed Project Description (Include proposed use(s) and square footage of floor area for each use):

We are just Rezoning From C-3 -to NR-3

To Align with 935, 929, 917, 911 Mell Avenue these 4 lots were Rezoned in 2024.

Total Number of Parcels Involved: _____ Total Project Acreage: _____
Total Number of Buildings: _____ Total Estimated Cost of Planned Improvements: _____

- Development of Regional Impact (see table for thresholds that trigger DRI review)
- Project Submittal Checklist and all documents, plans, written analysis, and fees required therein accompany this application form.

I hereby certify that all information provided herein and in the accompanying documents is true and correct.



REZONING APPLICATION

Form # 200-RZ

Applicant Signature

Property Owner

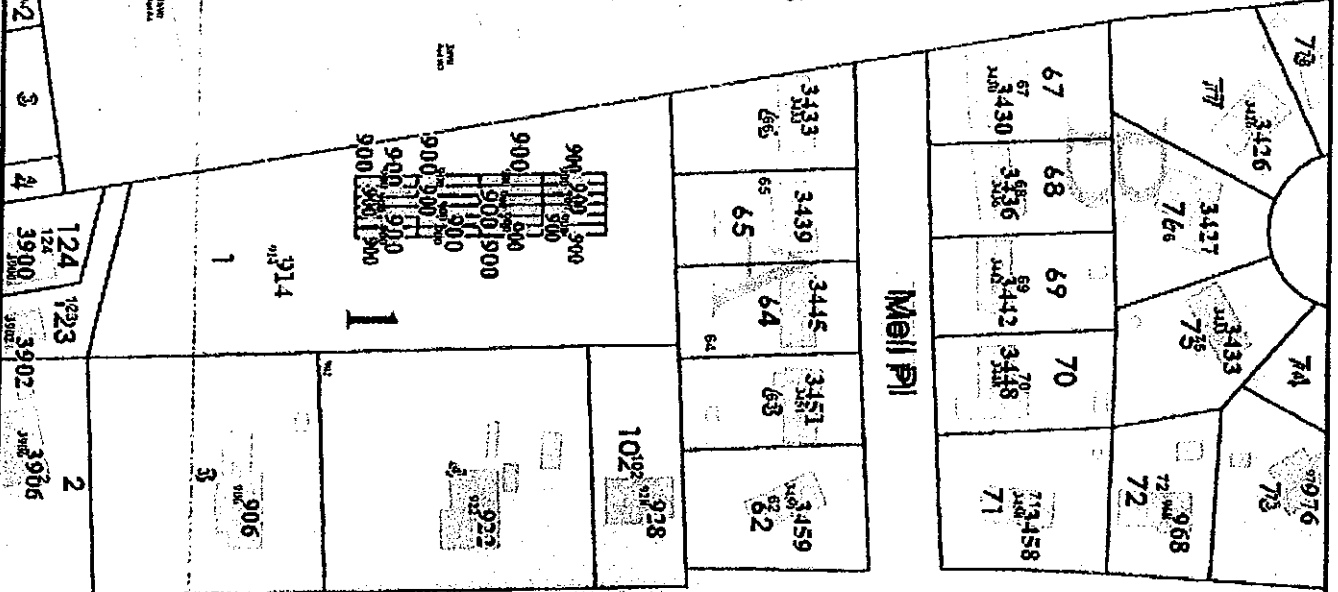
Owner's Agent

Date

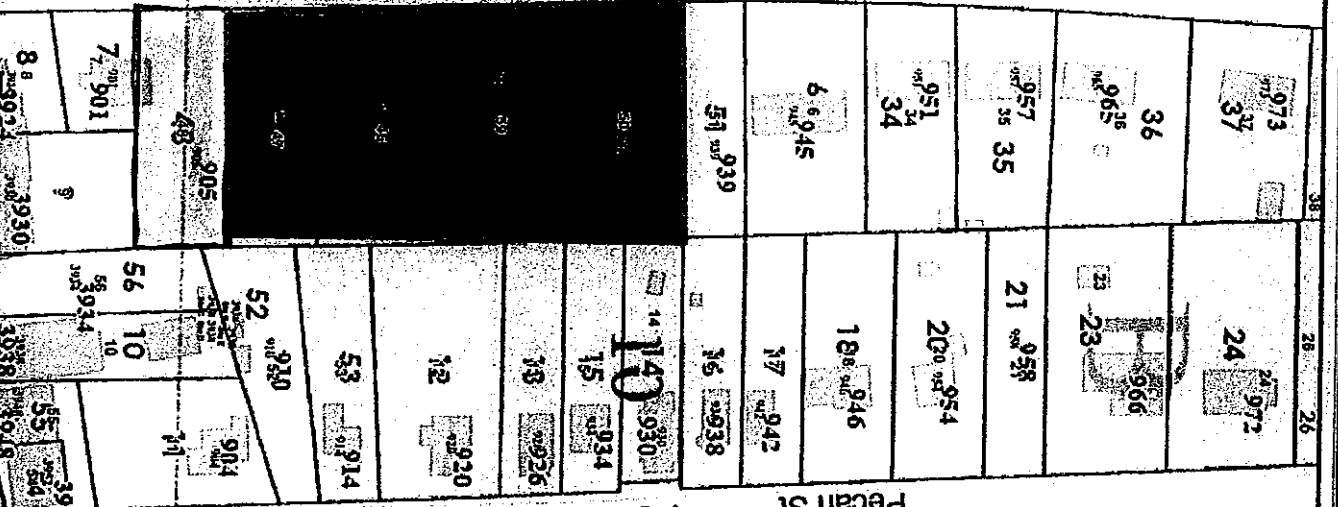
7/17/25



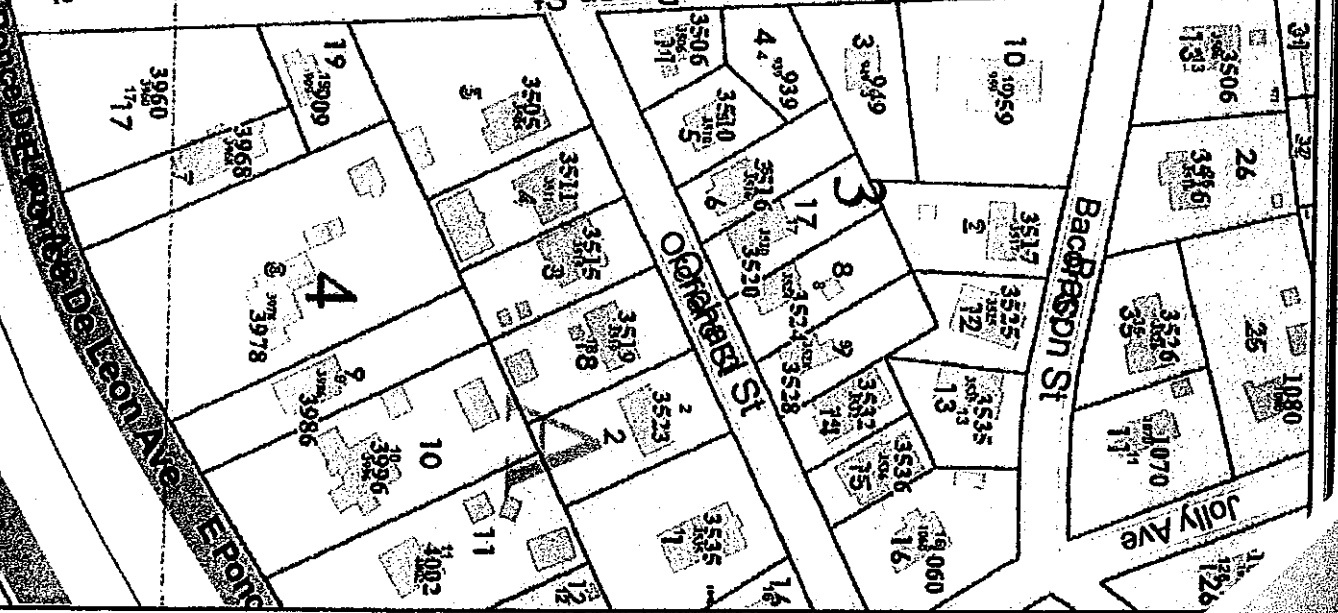
DATE PRINTED
JUN 18 2024
8990



Mell Ave



Pecan St



Backroad St

De Leon Ave

DeKalb County Parcel Map

Date Printed: 10/18/2024

LETTER OF INTENT TO REZONE

This letter of intent to rezone 905 Mell Avenue for purpose of Rezoning 1 lot currently zoned C-3 Commercial.

Our Family is requesting to Rezone to NR-3 Residential High to match zoning of 935,929,917,911.

These 5 lots are currently under contract with ALTAIR HOME ATL. LLC.

Your committee has approved their building plan pending rezoning of 905 Mell Avenue from Commercial C3 to again NR-3 Residential High.

Equal Owners:

Grace Denise Rainey-Orr

Brunson Garry Rainey

John Barry Rainey

Victor Dwight Rainey

All owners are in agreement.

Again This one lot is currently zoned commercial C-3.

Our request is to rezone from Commercial C-3 to NR-3 to align with 935,929,917,911 Mell Avenue.

Thank you in advance.

Denise Rainey-Orr

Symbols & Abbreviations

- IRON PIN FOUND
- IRON PIN SET
- P.K. NAIL FOUND
- P.K. NAIL SET
- ✕ SET MARK / SCRIBE
- △ R.R. SPIKE FOUND
- ▲ R.R. SPIKE SET
- ⊕ BENCHMARK
- ⊙ CONC. N/W MARKER
- (R) RECORD DATA
- (M) MEASURED DATA
- (C) CALCULATED DATA
- ↖ NW RIGHT OF WAY
- ↗ SE RIGHT OF WAY
- BSL BLOODSTAIN/LINE
- CP CORRUGATED METAL PIPE
- PVC PLASTIC PIPE
- M/L METAL
- L/S LANDSCAPING
- ⊕ TREE
- ⊕ EXCEPTIONS
- PS IRON PIN SET
- RF REBAR FOUND
- CP CRMP TOP PIPE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- TEL. TEMPORARY BENCHMARK
- SANITARY SEWER PIPING
- SEWER MANHOLE
- CLEAN OUT
- STREET LIGHT POLE
- STORM DRAIN PIPING
- STORM DRAIN MANHOLE
- AIR CONDITIONER
- BURIED ELECTRIC
- USE-UNDERGROUND ELECTRIC
- ELEC. MANHOLE
- ELEC. METER
- WATER LINE
- WATER MANHOLE
- WATER VALVE
- FIRE HYDRANT
- GAS VALVE
- GAS METER
- GAS MANHOLE
- GAS LINE
- MAIL BOX
- UNKNOWN MANHOLE
- POWER BOX
- BOLLARD
- SW SIDEWALK
- TV TRAVERSE POINT
- PIPE LINE A
- TELE. TEMPORARY BENCHMARK

Field Observation Notes

- THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED IS CLASSIFIED AS A "BOUNDARY SURVEY" AND COMPLETED ON 05/13/2018 UTILIZING A TOPCON GS ROBOTIC TOTAL STATION WITH A REAL TIME KINEMATIC GPS NETWORK (RTK) GPS NETWORK.
- THE FIELD DATA UPON WHICH THIS SURVEY, MAP OR PLAT IS BASED WAS ACQUIRED ON 05/13/2018 AT APPROXIMATELY 10:00 AM. THE SURVEY ON WHICH IT IS BASED EXCEEDED THE 35% CONFIDENCE LEVEL REQUIREMENT FOR THIS AREA AS DETERMINED BY THE NATIONAL ACCURACY AS SET FORTH BY THE ANTI-SURVEY STANDARDS, SPECIFICATION AND REQUIREMENTS OF 02/01-50 PPM.
- THE FIELD CLOSURE UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 59,950 FEET, AND WAS NOT ADJUSTED.
- THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 1308000G1, CONTAINING A LATEST REVISION OF THE FLOOD INSURANCE RATE MAP. THE POSITION OF THE GRAPHICALLY DETERMINING THE POSITION OF THE SITE ON SAID FIRM (FEDERAL INSURANCE RATE MAP) MAP UNLESS OTHERWISE NOTED.

Map or Plat Certification

This plat is a restatement 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 herein. THE SURVEYOR HAS NO KNOWLEDGE OF ANY OTHER INSTRUMENTS OR LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND.

In witness whereof, the undersigned surveyor, certifies that: IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACT OF 1907, THIS SURVEYING WAS PREPARED IN CONFORMITY 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. 15-6-67.



John H. Sheppard, Jr.
 SEASON G. SHEPHERD, JR., GABLES NO. 2136

Map or Plat Closure Statement & Notes

- THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 59,950 FEET.
- ALL DISTANCES SHOWN HEREIN ARE HORIZONTAL GROUND DISTANCES.
- UNLESS OTHERWISE NOTED ON THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED, ALL PROPERTY CORNERS IDENTIFIED AS SET, ARE SET WITH A 1/2" REBAR (1/4" REBAR) BEARING A PLASTIC CAP STAMPED WITH THE SURVEYORS REGISTRATION / LICENSE NUMBER.
- THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED HAS A HORIZONTAL DATUM OF GEORGIA STATE PLANES, WEST ZONE NAD83.
- THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS IN GEORGIA. THE SURVEYOR MAKES NO WARRANTIES, EITHER EXPRESSED OR IMPLIED, WITH RESPECT TO THE INFORMATION SHOWN HEREIN, EXTENDED BEYOND THOSE NAMED DIRECTLY.
- THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED HAS BEEN PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. ITEMS PERTAINING TO TITLE SUCH AS EASEMENTS, ZONING, ZONING CONDITIONS AND OTHER ENCUMBRANCES MAY EXIST ON PUBLIC RECORD. HOWEVER MAY NOT BE SHOWN OR DEPICTED HEREIN.

Utility Notes

- THE UTILITIES SHOWN HEREIN ARE BASED ON VISIBLE OBSERVATIONS.
- THE SURVEYOR DOES NOT WARRANT, GUARANTEE OR CERTIFY THAT THE UNDERGROUND OR ABOVE GROUND UTILITIES SHOWN COMPRISE ALL UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. UNDERGROUND UTILITIES OBSERVED OR LOCATED MAY EXIST ON THIS SURVEY. THE SURVEYOR MAKES NO WARRANTIES, EITHER EXPRESSED OR IMPLIED, WITH RESPECT TO THE INFORMATION SHOWN HEREIN, EXTENDED BEYOND THOSE NAMED DIRECTLY.
- THE SURVEYOR DOES NOT WARRANT, GUARANTEE OR CERTIFY THAT THE UNDERGROUND UTILITIES SHOWN OR DEPICTED ARE IN THE EXACT LOCATION AS INDICATED HOWEVER THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE AND TO THE BEST OF THE SURVEYORS ABILITY.

AT VARIOUS SANITARY OR STORM SEWER STRUCTURES SHOWN HEREIN, THERE MAY BE ADDITIONAL LINES (PUBLIC OR PRIVATE) ENTERING OR EXISTING THE STRUCTURE THAT MAY NOT BE IDENTIFIED.



Parcel Area Table

Parcel #	Area (SQ FT)	Area (ACRES)
#905, #911, #917	48982	1.1477
#929	19897	0.4591
#935	19897	0.4591
TOTAL AREA	88985	2.0658

DATE OF PRINT/PDF:
 No. # DATE BY DESCRIPTION
 No. 1 6/25/18 - MRS FINAL SURVEY

WEST ZONE (NAD83)
 GEORGIA STATE PLANE -



John B. Rainey & Branson G. Rainey

Survey For Denise Rainey Orr and B. Dwight Rainey,
 #905, #911, #917, #929, & #935 Well Avenue, Clarkston, GA 30021
 Lots: 4, 5, 6, 7, 8, 9, 10, 11, 12 of the Jolly Station Subdivision,
 Plat Book 2 Page 78
 Land Lot(s) 97 & 66 of the 18 Land District
 Dekalb County

Sheet / Drawing Scale
 1" = 40'
 Unless Otherwise Noted
 GSA Project No. 18-05-470
 Drawn By / Field Crew MRS Crew No. 1
 6/11/2018
 Sheet No. 01 OF 01

G.A. SHEPHERD & ASSOCIATES, INC.
 735 LONGLEAF BOULEVARD, SUITE A LAWRENCEVILLE, GA 30046
 PHONE: 770.418.9223 FAX: 770.418.9289
 WWW.GASHEPHERD.COM

After Recording, Return To:
Matthew Bottoms
Boling Rice LLC
207 Pirkle Ferry Road
Cumming, GA 30040
#82774

Parcel ID: 1809710046; 1809710046; 1809710048; 1809710050; and 1809710059
Address: 905, 911, 917, 929, and 935 Mell Avenue

STATE OF GEORGIA
COUNTY OF FORSYTH

TRUSTEE'S DEED

THIS INDENTURE is made as of the 28 day of April, 2023, between G. Denise Rainey and V. Dwight Rainey, as Co-Trustees of the B.E. Rainey Trust Dated April 16, 2008 (hereinafter referred to as "Grantor") and Grace Denise Rainey, John Barry Rainey, Victor Dwight Rainey, and Brunson Gary Rainey (hereinafter referred to as "Grantee"), ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH:

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10. 00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee the following:

See Exhibit "A" attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD, the Land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee, forever in FEE SIMPLE.

AND GRANTOR WILL WARRANT and forever defend the right and title of the above described property unto Grantee and Grantee's heirs and assigns against the claims of all persons whomsoever.

EXECUTED under seal as of the date above.

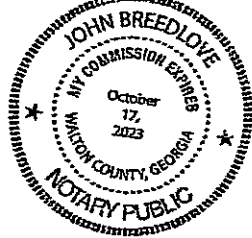
Signed, sealed and delivered in the presence of:

[Signature]
Witness

[Signature] (SEAL)
G. Denise Rainey, as Co-Trustee

[Signature]
Notary Public

(SEAL)



Signed, sealed and delivered in the presence of:

[Signature]
Witness

[Signature] (SEAL)
V. Dwight Rainey, as Co-Trustee

[Signature]
Notary Public

(SEAL)

EXHIBIT "A"**Tract 1:**

All that tract or parcel of land lying and being in Land Lot 66 and Land Lot 97 of the 18th District of DeKalb County, Georgia, and being Lots 4, 5, 6, 7, and 8, according to plat of Jolly Station Subdivision, recorded in Plat Book 2, Page 78, DeKalb County Records, and being more particularly described as follows:

Beginning on the East side of Mell Avenue, formerly Boulevard, at a point located one hundred eighty-five (185) feet north, as measured along the east side of Mell Avenue, from the northern right-of-way line of Georgia Railroad, which point of beginning is at the northwest corner of Lot 3, said plat; thence running north two hundred fifty (250) feet along the east line of Mell Avenue to the south line of Lot 9, said plat; thence running easterly two hundred (200) feet to the southeast corner of said Lot 9; thence running southerly two hundred fifty (250) feet to the northeast corner of said Lot 3; thence running westerly two hundred (200) feet along the northern line of Lot 3 to the eastern side of Mell Avenue and the point of beginning.

Tract 2:

All that tract or parcel of land lying and being in Land Lot 97 of the 18th District of DeKalb County, Georgia, as shown on Site Plan made for B. E. Rainey, dated September 12, 2000 by Robert M. Buhler, R.L.S. 1403. Beginning at the centerline intersection of East Ponce de Leon with the east right-of-way of Mell Avenue following along the east right-of-way in a northerly direction an approximate distance of 440 feet to a point and the TRUE POINT OF BEGINNING. THENCE in a northerly direction along the east right-of-way of Mell Avenue a distance of 100 feet to a point; THENCE in a easterly direction a distance of 195 feet to a point; thence in a southerly direction a distance of 100 feet to a point; THENCE in a westerly direction a distance of 195 feet to a point being the TRUE POINT OF BEGINNING. SAID PROPERTY CONTAINS 0.45 Acre. Being known as 929 Mell Avenue, Clarkston, Georgia 30021 according to the DeKalb County residential numbering system.

Tract 3:

All that tract and parcel of land lying and being in land lot 97 of the 18th District in DeKalb County as shown on Site Plan made for B. E. Rainey, dated September 12, 2000, by Robert M. Buhler, R.L.S. 1403.

Beginning at the centerline intersection of East Ponce de Leon with the east right-of-way of Mell Avenue following along the east right-of-way in northerly direction an approximate distance of 540 feet to a point and the TRUE POINT OF BEGINNING.

THENCE in a northerly direction along the east right-of-way of Mell Avenue a distance of 100 feet to a point; THENCE in a easterly direction a distance of 195 feet to a point; THENCE in a southerly direction a distance of 100 feet to a point; THENCE in a westerly direction a distance of 195 feet to a point; being the TRUE POINT OF BEGINNING.

SAID PROPERTY CONTAINS 0.45 acre.

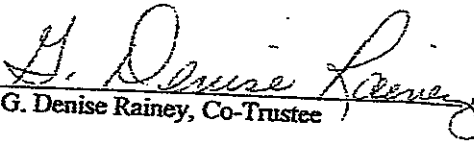
CERTIFICATE OF TRUST

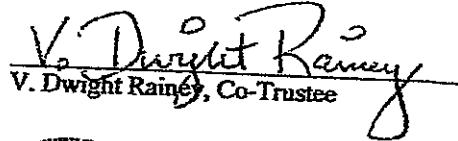
The undersigned Trustee hereby certifies the following:

1. This Certificate of Trust relates to the B.E. Rainey Trust Dated April 16, 2008, and any amendments thereto (the "Trust") created by trust agreement (the "Trust Agreement") executed by B.E. Rainey as Grantor, and G. Denise Rainey and V. Dwight Rainey, as Co-Trustees.
2. The name of the Grantor is B.E. Rainey.
3. The name of the original trustees are G. Denise Rainey and V. Dwight Rainey.
4. The name of each trustee empowered to act under the Trust Agreement at the time of execution of this Certificate of Trust is:

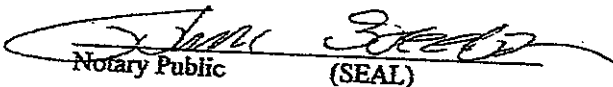
Primary Co-Trustees: G. Denise Rainey and V. Dwight Rainey
5. Pursuant to Article IV of the Trust, the Trustees have the power to convey real property owned by the Trust.
6. The undersigned hereby represents that the statements contained in this Certificate of Trust are true and correct, and that there are no other provisions in the Trust Agreement or amendments to it that limit the powers of the Trustees to sell, convey, pledge, mortgage, lease, manage, operate, control, transfer title, divide, convert or allot the trust property, including real and personal property, including but not limited to securities of all kinds.
7. The Trustees have not been removed from the office of Trustee, and at the current time is the only person who have the authority to act as Trustees on behalf of the Trust.
8. This trust has not been revoked, modified, or amended in any manner which would cause the representations in this certification of trust to be incorrect.
9. THIS CERTIFICATION made in accordance with and persons relying upon same are entitled to the protections, rights and immunities contained in OCGA § 53-12-280.

So sworn this 23 day of April, 2023.


G. Denise Rainey, Co-Trustee


V. Dwight Rainey, Co-Trustee

State of Georgia
County of Forsyth
Signed, sealed, and delivered
in the presence of:


Notary Public (SEAL)

