

Exhibit "A"

APPROPRIATENESS OF APPLICATION

AND

CONSTITUTIONAL ASSERTIONS

The portions of the Zoning Resolution of the City of Roswell as applied to the subject Property which classify or may classify the Property so as to prohibit its development as proposed by the Applicant are ~~or would be~~ unconstitutional in that they would destroy the Applicant'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 of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Resolution of the City of Roswell to the Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant'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 of 1983 and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Roswell City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Roswell City Council to rezone the Property as proposed by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the subject Property would also constitute an arbitrary, capricious and discriminatory act in zoning of the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Any rezoning of the Property without the simultaneous approval of the Concurrent Variance requested would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.



Don Hoyt Spruill Revocable Trust  
Dated December 28, 2006

By Dudley Wayne Spruill  
Dudley Wayne Spruill  
as Trustee

ADDRESS:  
c/o Mr. Jim Wright  
Prudential Georgia Realty  
925 Sanders Road  
Cumming, Georgia 30341  
(770) 205-3577

NOTARY

Personally appeared before me the above Owner named Don Hoyt Spruill  
Revocable Trust dated December 28, 2006 who by and through Dudley Wayne  
Sпруill as Trustee on oath says that said Trust is an Owner and that  
all the above statements are true to the best of my knowledge.

Cynthia M. Parham  
NOTARY PUBLIC

My Commission Expires: 10-1-2012

Date: 10/1/2011  
2011

Date: 6-3-11

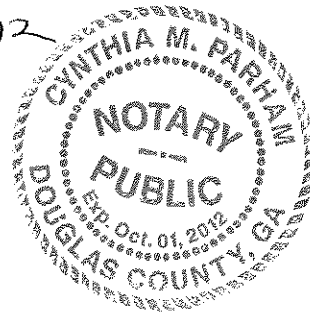


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