

From: Todd Shein abeautifulmind59@hotmail.com

Subject: Fw: Rockdale County Planning Commission rezoning case # REZ2024-12, 2037 Old Salem Rd, SE Conyers GA

Date: December 13, 2024 at 11:29 AM

To: linda.shein@yahoo.com

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To the Homeowners of Lambeth Estates:

Firstly, on behalf of myself, the Board of Directors, and the Officers of Lambeth Estates Homeowners Association, I send heartfelt holiday season greetings to you and your families, and wish you all a healthy and loving celebratory time and approaching new year!

I previously forwarded to your attention an explanation of those current events associated with the attempt being made by the owner of 2037 Old Salem Road to rezone, subdivide, and build up to three homes on that site. That property sits just on the opposite side of the entryway hedgerow and community monument at the Old Salem Road entrance to our community, and therefore is a matter of concern to us all.

My previous notice to you is supplemented by this urgent update since the Rockdale County Planning and Development Office has improperly, albeit potentially, compromised our rights! I indicate potentially, because such compromise has not yet occurred, but now **REQUIRES** preventative action.

After the Rockdale Planning Board meeting had some months ago when the matter of rezoning the parcel was first considered, the then Interim Director of the Planning and Development Department, Christopher Wheeler, made a foolish and legally mistaken statement to the Old Salem Road property owner, that they could expect to enter and exit any homes built via Lambeth Way. Obviously, this was a suggestion that alarmed me. Allowing such an outcome would compromise our community in a number of ways. Firstly, allowing driveways so close to the entranceway would create safety issues. Secondly, the integrity and cohesion of our community and the enforcement of our covenants, rules and regulations upon those homes would not be assured. Effectively, we would have no certainty that the newly built homes would adhere to the standards long ago established to guide the management of our community.

Over the past month, I have had the necessary land title work and legal research completed to transmit to the Planning Department for communication to the Board Of Commissioners of Rockdale County, to be considered as this matter proceeds. The memorandum I forwarded to the Planning Department is attached to this notice for your review. While the Board of Commissioners is currently at the stage to only determine whether to allow rezoning of the property, and any conditions to allow that result, there are more steps to follow, including public

to allow that result, there are more steps to follow, including public hearings on how many homes to permit. Our priority objective MUST be to prevent ingress egress via Lambeth Way. This objective MAY require LEGAL PROCEEDINGS, to prevent that outcome should the Board Of Commissioners disregard the law and allow the Planning Department to permit that outrageous, and illegal outcome. My memo to the Planning Department explains the legal reasons that should prevent that result, however, mistakes may be made. The Board Of Commissioners met this past Tuesday, and I am awaiting the minutes of that meeting to see whether their decision on rezoning considers our rights, or disregards them. Those minutes may not be published very soon, a County Clerk explained to me Wednesday morning after the Board executive session, due to the holidays, Board Of Commissioners electoral transitioning, and a congested calendar of competing obligations.

In order to maximize our ability to prevent the illegal taking of our property, we need to prepare the required legal pleadings for filing in the case that our rights are disregarded. We would need to prepare to seek an injunction, and to quiet the title to our property. Such an effort can be expensive, and would require funding from the Community members. I will be meeting with the Board Of Directors to debate the need for a Special assessment to raise the needed funds. Such an assessment would likely be a \$50/household requirement, that in the case the County reflects our rights properly in its decisions, would be credited to each homeowner as a dues payment for 2025-2026.

I'll keep you all posted, and welcome your input and suggestions.

Faithfully submitted, Todd Shein, President, Board Chairman, Lambeth Estates HOA

From: Todd Shein <abeautifulmind59@hotmail.com>

Sent: Tuesday, December 3, 2024 2:20 PM

To: Christopher Wheeler <Christopher.Wheeler@RockdaleCountyGA.gov>

Subject: Rockdale County Planning Commission rezoning case # REZ2024-12, 2037 Old Salem Rd, SE Conyers GA

Mr. Wheeler,

In response to your request for further information related to the efforts of the homeowner of 2307 Old Salem Rd, SE, to rezone and subdivide that property into three single family homes, as the Chairman of the Board of the Lambeth Estates Homeowners Association, as the President of the same organization, and as a concerned resident of the Lambeth Estates Community, I provide the following details for your consideration:

CONSIDERATION:

1. The Lambeth Estates Community was established by Charles E. Nelson, and his corporate entity, known as the Lambeth Land Development Co, Inc., pursuant to a Plat of Subdivision, approved by the Rockdale County Planning Commission, and first recorded on 8/6/1986, among the Land Records of Rockdale County at Plat Book U, page 36. That Subdivision Plat was finalized, approved again by the Planning Commission, and recorded among the Land Records at Plat Book U, page 99, on January 29, 1987. Of important note is that those plats were prepared by the engineering firm of Patrick & Associates;
2. I have previously provided a copy of that Plat for your review, and another is provided with this message. The Plat clearly shows a portion of land, dedicated by the Plat to the Lambeth Estates subdivision, between the Lambeth Way right of way and the lot boundary line for the property known as 2307 Old Salem Road. Consistent with the clear demonstration of the Plat, the owner of 2307 Old Salem Rd has submitted to your offices' attention a Retracement Survey, also performed by Patrick & Associates, that clearly shows the portion of land that exists between their property and the Lambeth Way right of way. There is NO CONTEST to the fact that the 2307 Old Salem Rd property is NON-ADJOINING to the Lambeth Way right of way.
3. As part of his effort to develop the Lambeth Estates Community in 1986, Charles Nelson paid consideration to, and received from, Jess B. Johnson, the deed owner of Record to 2307 Old Salem Rd at that time, two perpetual easements for certain land use rights. The first was a 10-foot x 157-foot easement along the Old Salem Rd right of way for maintaining and improving the slope to accommodate Lambeth Way improvements. That document, dated 5/3/86, and Recorded in the Land Records 5/6/86 at Book 316 page 403 is herewith provided. The second is a 20-foot x 20-foot easement at the southeast corner of 2307 Old Salem Rd, to be used for the construction, installation, and maintenance of an entrance monument with sign naming the subdivision. That document, dated 12/13/86, and recorded in the Land Records 12/16/86 at Book 345 page 186 is provided herewith. Of note is the clear indication on the Survey made part of the Book 316 page 403 first recorded easement, also drawn by the Patrick firm, that the lot line for 2307 Old Salem does not adjoin the Lambeth Way right of way being separated from such by a clear portion of land;
4. In furtherance of his effort to develop the Lambeth Estates Community, Mr. Nelson had recorded among the Land Records certain Covenants related to the construction of the homes to be

- placed on the approved lots, and for the general management of the community. Those covenants, as related to the Subdivision Plat at book U page 99, were recorded among the Land Records at Plat Book 337 page 442 (1986), and at Plat Book 382 page 129(1987);
5. During the years 1987-1992, Mr. Nelson, through his authority as detailed in the recorded covenants, managed the early stages of the Lambeth Estates Community development. During the year 1992, as most of the lots in the first subdivision Unit (plat U/99) and the second Unit (plat V/12-1987) had been both sold and homes thereupon constructed, Mr. Nelson approached numerous homeowners to declare his intent to wind up his efforts of development, building, and managing the community. Consequently, a number of the then homeowners, concerned about the future management of the community, hired a local Conyers based attorney, who prepared Articles of Incorporation, and By Laws, for the establishment of the Lambeth Estates Homeowners Association, Inc., for the specific purpose of managing all common interests of the homeowners residing in Unit 1 and Unit 2 of the Subdivision. Simultaneously with the recording of the Articles of Incorporation with the Secretary Of State of Georgia, dated 11/16/1992, Mr. Nelson, in his capacity as President of Lambeth Land Development Co., Inc., transferred all authority, present and future, for the administration of all covenants and common community concerns, to the Lambeth Estates Homeowners Association. That Resolution was signed and delivered to the Secretary of the Association on 11/16/1992, and has been maintained among the business record archives of the Association since that date (copy attached hereto). There are a number of the original homeowners still residing here in Lambeth Estates who I have interviewed, who are quite competent to testify about these events, having served as named Incorporators and initial Board Members. One individual original owner specifically whom I have had the opportunity to interview about this matter, Dr. Steven Weinstein, was a long time member of the Rockdale County Planning Commission, and he would be glad to speak with you about these details if helpful;
 6. The small parcel of land located between the boundary line of 2307 Old Salem Rd and the Lambeth Way right of way was cultivated, and improved with the Community Monument, sign, garden and nearly 300-foot long entryway hedgerow going back all the way to the beginning of the subdivision's development. Annual dues have been collected from all community homeowners for more than 30 years for the purpose of the daily maintaining, and at times improving, the entryway monument, sign, garden and hedgerow. The Homeowners Association has exercised FULL DOMINION and

management of the entryway parcel for more than thirty years for the COMMON USE and ENJOYMENT of our Community Members, to the exclusion of all others;

7. A review of all Statutes of the State of Georgia and any current written and published Official Opinion of any Georgia Court of competent jurisdiction reveals no authority for the Department of Planning and Development to permit the owner of 2307 to cross our Community's land to bring any proposed subdivided lot driveway onto Lambeth Way. All such applicable statutes and relevant Court precedent, including long established Constitutional principles, prevent the taking of private property without due process. Even in the case where it might be held that a land owner creates an undedicated strip while subdividing, i.e. a gore, in such case, NO TITLE passes to an adjoining landowner;
8. I have spoken with local Counsel, and they advised that the Association would have every right to enjoin any attempt to permit the owner of 2307 Old Salem Rd from entering anywhere upon our community property, and to seek damages for any ILLEGAL attempt to so permit;
9. Immediately after the Planning Commission hearing of 8/8/2024 related to the relevant rezoning effort, you personally made bold statements in my company to the owner (actually owner's son/agent) of 2307 Old Salem Rd that they would have right of way access to Lambeth Way. Before returning to the ongoing Commission meeting you left me in the presence of Deputy Director Douglas Chandler to have him collect my contact info after promising to provide me the legal details of your contention. Despite that promise you never provided any such information. You made an additional promise to provide me with Department of Transportation opinions related to this matter, which after my initial and follow-up requests have never been provided. Your improper suggestions to the owner of 2307 Old Salem Rd. has unnecessarily compromised our community's position for negotiating any cooperative arrangement with them that may have been mutually beneficial, and given rise to the demonstrated and declared belligerence of that owner;
10. The present position of our Community is to oppose any rezoning effort allowing more than one home to be built upon 2307 Old Salem, and that in any case, whether rezoned or not, that the ingress/egress to any homesite thereupon built be to the Old Salem Road right of way, OUTSIDE of the location of any of our beneficial easements.

Faithfully submitted,

Todd Shein, Lambeth Estates HOA, Pres. and Chairman of the Board