

In re:

U.S. TIMBER HOLDINGS, LLC
MADDEN SOLAR CENTER, LLC
Modification of Special Exception SE-17-03
(MOD SE-17-03)

CONSTITUTIONAL OBJECTION TO RESTRICTION IN THE PIKE COUNTY ZONING
ORDINANCE FOR A SOLAR FARM IN THE AGRICULTURAL-RESIDENTIAL ZONING
DISTRICT

As applied to the property of U.S. TIMBER HOLDINGS, LLC (Owner), MADDEN SOLAR CENTER, LLC (Agent/Developer), specifically 1,050 acres of land, more or less, the same being a portion of a tract consisting of 1671 acres designated as Pike County, Georgia Tax Parcel Numbers 031-003A, 031-004 and 032-112 (the "Subject Property") zoned Agricultural-Residential (A-R), subject of the attached Application for Modification of Special Exception SE-17-03, the Zoning Ordinance of Pike County, Georgia is unconstitutional in that the Owner's property rights in and to the Subject Property have been destroyed without first receiving fair, adequate and just compensation for such property rights. As applied to the Subject Property, the Zoning Ordinance of Pike County, Georgia County deprives the owner of constitutionally protected rights in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph 1 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.

Application of the Zoning Ordinance of Pike County, Georgia to the Subject Property is unconstitutional, illegal, arbitrary, capricious, null and void, constituting a taking of the subject property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I,

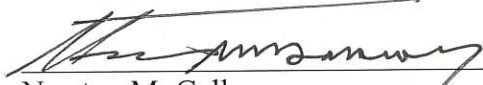
Paragraph 1, and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States thereby denying the Owner an economically viable use of the Subject Property while not substantially advancing legitimate state interests.

Inasmuch as it is impossible for the Owner to use the Subject Property and simultaneously comply with the Zoning Ordinance of Pike County, Georgia, the Zoning Ordinance constitutes an arbitrary, capricious, and unreasonable act by Pike County, Georgia without any rational basis therefore and constitutes an abuse of discretion in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph 1 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.

Application of the Zoning Ordinance of Pike County, Georgia to the Subject Property is unconstitutional and discriminates against the Owner in an arbitrary, capricious, and unreasonable manner between the Owner and others similarly situated in violation of Article I, Section I, Paragraph 2 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.;

WHEREFORE, U.S. TIMBER HOLDINGS, LLC and MADDEN SOLAR CENTER, LLC request that Pike County, Georgia approve the Modification of Special Exception 17-03 as specified and designated in this Application.

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