

Proposed Ordinance: #0-14-22
Subject Matter: Annexation Request - West Fayetteville tracts
Parcel Numbers: 0705 003, 0712 015, 0712 074 and 0713 020
Date of Published Notice of Public Hearing: June 2, 2022
Date of Planning Commission Public Hearing: April 24, 2022
Date of City Council Public Hearing and Adoption: June 30, 2022

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER #0-14-22

CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS OF FACT

The City of Fayetteville (the "City"), has received an application for annexation pursuant to O.C.G.A. § 36-36-21 from the Fayette County Development Authority ("FCDA") for the properties described in **EXHIBIT "A"** (hereinafter referred to as "the subject parcels"). The subject parcels are contiguous with the city limits of the City of Fayetteville as defined by O.C.G.A. § 36-36-20. The City has given notice of this proposed annexation to the Fayette County Board of Commissioners as required by O.C.G.A. § 36-36-6; and said annexation request has been advertised in the *FAYETTE COUNTY NEWS* as shown above.

ORDINANCE

IT IS HEREBY ADOPTED AND ORDAINED BY THE CITY OF FAYETTEVILLE AS FOLLOWS:

ARTICLE I

Pursuant to the authority granted to the City of Fayetteville by the Georgia Legislature by O.C.G.A. § 36-36-21, the City of Fayetteville does hereby annex Parcel Numbers 0705 003, 0712 015, 0712 074 and 0713 020 of real estate into the city limits of the City of Fayetteville, and said lands and property shall, pursuant to the terms of this ordinance, become a part of and be within the jurisdictional limits of the City of Fayetteville as if originally a part of the City's Charter. The Legal Description of the subject parcels is attached hereto as **EXHIBIT "A"** and incorporated herein by reference.

ARTICLE II

All annexations shall become effective for ad valorem tax purposes on December 31 of the year during which such annexation occurred and for all other purposes shall become effective on the first day of the month following the month during which the requirements of Articles 1 and 2 of Chapter 36, of Title 36 of the Official Code of Georgia Annotated have been met.

ARTICLE III

After the adoption of this annexation ordinance, the City Clerk shall file with the Department of Community Affairs and with the Fayette County governing authority an identification of the property hereby annexed, pursuant to the requirements of O.C.G.A. § 36-36-3.

ARTICLE IV

Any ordinance or part of any ordinance in conflict herewith is hereby repealed.

ARTICLE V

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

ARTICLE VI

Understandings and conditions related to this annexation are identified in **EXHIBIT "B"** and include those contained in the minutes of the City Council meeting, which are part of this ordinance, and any representations submitted by the applicant to the City Council, and accepted by the City Council, and reflected in the minutes of the City Council, which representations shall be an amendment to the rezoning application and a part of this ordinance.

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE at a regular meeting of the Mayor and Council on the 30th day of June, 2022, by the following voting for adoption:

ATTEST:

Edward J. Johnson, Jr., Mayor

T. Joe Clark, Mayor Pro Tem

Attest:

Niyah Glover, Councilmember

Anne Barksdale, City Clerk

Richard J. Hoffman, Councilmember

Darryl Langford, Councilmember

Scott Stacy, Councilmember

Exhibit "A"
Legal Descriptions

PARCEL NO. 0705 003

TRACT A:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 41 OF THE 7TH LAND DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING 30.115 ACRES, MORE OR LESS, AS PER PLAT DATED SEPTEMBER 18, 1984, AND PREPARED BY KENNETH EDWARD PRESLEY, REGISTERED LAND SURVEYOR, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE EASTERLY LAND LOT LINE OF LAND LOT 41, SAID POINT BEING A DISTANCE OF 25 FEET SOUTH 0 DEGREES 48 MINUTES 40 SECONDS WEST FROM THE NORTHEASTERLY CORNER OF SAID LAND LOT, AND SAID POINT FURTHER BEING LOCATED ON THE SOUTHERLY RIGHT-OF-WAY OF FIELD ROAD; FROM SAID POINT OF BEGINNING, RUNNING THENCE SOUTH 0 DEGREES 48 MINUTES 40 SECONDS WEST, AND FOLLOWING ALONG THE EASTERLY LAND LOT LINE OF LAND LOT 41, A DISTANCE OF 1381.33 FEET TO A POINT; RUNNING THENCE IN A DUE WESTERLY DIRECTION A DISTANCE OF 1382.72 FEET TO A POINT, WHICH POINT IS LOCATED ON THE SOUTHEASTERLY RIGHT-OF-WAY OF FLAT CREEK TRAIL (60 FOOT RIGHT-OF-WAY); RUNNING THENCE IN A NORTHEASTERLY DIRECTION, AND FOLLOWING ALONG THE SOUTHEASTERLY RIGHT-OF-WAY OF FLAT CREEK TRAIL; THE FOLLOWING COURSES AND DISTANCES, TO-WIT: NORTH 40 DEGREES 46 MINUTES 21 SECONDS EAST A DISTANCE OF 270.36 FEET, NORTH 39 DEGREES 24 MINUTES 14 SECONDS EAST A DISTANCE OF 264.70 FEET, NORTH 35 DEGREES 43 MINUTES 12 SECONDS EAST A DISTANCE OF 99.37 FEET, NORTH 26 DEGREES 05 MINUTES 47 SECONDS EAST A DISTANCE OF 103.63 FEET, NORTH 21 DEGREES 36 MINUTES 17 SECONDS EAST A DISTANCE OF 436.56 FEET, AND NORTH 19 DEGREES 05 MINUTES 55 SECONDS EAST A DISTANCE OF 410.18 FEET TO A POINT LOCATED AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY OF FLAT CREEK TRAIL WITH THE SOUTHEASTERLY RIGHT-OF-WAY OF FIELD ROAD; RUNNING THENCE IN A NORTHEASTERLY AND SOUTHEASTERLY DIRECTION AND FOLLOWING ALONG THE RIGHT-OF-WAY OF FIELD ROAD, THE FOLLOWING COURSES AND DISTANCES, TO-WIT: NORTH 70 DEGREES 16 MINUTES 38 SECONDS EAST A DISTANCE OF 82.55 FEET, SOUTH 88 DEGREES 51 MINUTES 26 SECONDS EAST A DISTANCE OF 377.81 FEET, AND SOUTH 85 DEGREES 36 MINUTES 26 SECONDS EAST A DISTANCE OF 204.30 FEET TO A POINT AND, THE POINT OF BEGINNING.

TRACT B:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE 7TH LAND DISTRICT OF FAYETTE COUNTY, GEORGIA, CONTAINING 250 ACRES, MORE OR LESS, AND BEING 150 ACRES, MORE OR LESS, OF LAND LOT NO. 23 AND THE NORTH HALF OF LOT OF LAND NO. 24, CONTAINING 100 ACRES, MORE OR LESS, ALL IN SAID DISTRICT AND COUNTY, LYING IN A BODY AND BOUNDED AS FOLLOWS: ON THE NORTH BY LANDS OF KIRBY AND LANDS NOW OR FORMERLY OWNED BY B. W. ADAMS ESTATE, EAST BY LANDS NOW OR FORMERLY OF THE ESTATE OF B. W. ADAMS, SOUTH BY LANDS NOW OR FORMERLY OF B. W. ADAMS ESTATE AND WEST BY LANDS OF ESTESE ADAMS ESTATE, FORMERLY AIKEN LANDS, SAID TRACT OF LAND BEING KNOWN AS THE HARDAWAY SMITH PLACE. THIS BEING THE SAME LANDS CONVEYED BY WARRANTY DEED FROM MRS. J. A. LESTER, ET AL TO ESTESE ADAMS, DATED DECEMBER 31, 1947, AND RECORDED IN DEED BOOK 31, PAGE 547-48, FAYETTE COUNTY DEED RECORDS.

TRACT C:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE 7TH LAND DISTRICT AND IN THE 49TH DISTRICT G.M., OF FAYETTE COUNTY, GEORGIA, AND CONTAINING THIRTY-SEVEN AND ONE-FOURTH ACRE, MORE OR LESS, ON THE WEST SIDE OF LAND LOT NUMBER 23, AND BEING BOUNDED AS FOLLOWS: ON THE NORTH BY LANDS OF D. F. KIRBY, AND ON THE EAST, SOUTH AND WEST BY LANDS OF THE ESTESE ADAMS ESTATE. THIS BEING THE SAME PROPERTY THAT MRS. CORA LEE DAVIS CONVEYED TO LOY D. FARR AND JOHN A. THOMPSON, BY WARRANTY DEED, APPEARING IN DEED BOOK 37, AT PAGE 465, FAYETTE COUNTY RECORDS.

PARCEL NO. 0712 015

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 41 AND 42 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, CONTAINING 241.45 ACRES, MORE OR LESS, AND BEING BOUNDED NOW OR FORMERLY AS FOLLOWS:

ON THE NORTH BY LANDS OF WILLIARD NEAL; EAST BY LANDS OF MRS. JAN ADAMS TRAMMELL; SOUTH BY LANDS OF MRS. JAN ADAMS TRAMMELL, LANDS OF MRS. D.W. MCEACHERN, LANDS OF A.B. HOOPER AND LANDS OF RALPH C. DANIELL AND ON THE WEST BY LANDS OF RALPH C. DANIELL, LANDS OF SAMUEL J. WHITE AND LANDS OF J.H. RUTLEDGE; SAID TRACT BEING ALL OF THE LANDS ASSIGNED BATTY ADAMS THOMAS (NEE: BETTY ADAMS AND A/K/A BETTY ADAMS MASK) BY ORDER OF THE FAYETTE COUNTY COURT OF ORDINARY ALLOWING A DIVISION IN KIND AMONG THE HEIRS-AT-LAW OF ESTESE ADAMS, AS RENDERED MARCH 5, 1956 AND RECORDED IN 1937 MINUTES AT PAGE 539, RECORDS OF SAID COURT, EXCEPTING THOSE LANDS CONVEYED A.B. HOOPER BY DEED DATED JUNE 15, 1957 AND RECORDED IN DEED BOOK 40 AT PAGE 494, RECORDS OF FAYETTE COUNTY, GEORGIA AND ALSO EXCEPTING SUCH LANDS IN LAND LOT 41 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA AS WERE CONVEYED RALPH C. DANIEL BY DEED DATED APRIL 21, 1964 AND RECORDED IN DEED BOOK 52 AT PAGE 954, SAID RECORDS, VALUED AT 8225.00 PER ACRE.

PARCEL NO. 0712 074

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 41 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING 13.207 ACRES OF LAND AS PER PLAT OF SURVEY PREPARED FOR JAN TRAMMELL BY FOUR CORNERS SURVEYING, R.L.S., DATED MAY 9, 2012, WHICH PROPERTY IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO ARRIVE AT THE TRUE POINT OF BEGINNING PROCEED FROM THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF TYRONE ROAD WITH THE EASTERLY RIGHT-OF-WAY OF FLAT CREEK TRAIL (60 FOOT RIGHT-OF-WAY), AND RUNNING THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY OF TYRONE ROAD IN AN EASTERLY DIRECTION, A DISTANCE OF 495.37 FEET TO A POINT; RUNNING THENCE NORTH 00 DEGREES 45 MINUTES 05 SECONDS EAST, AND DEPARTING FROM SAID RIGHT-OF-WAY, A DISTANCE OF 302.70 FEET TO A POINT; RUNNING THENCE SOUTH 88 DEGREES 34 MINUTES 30 SECONDS EAST A DISTANCE OF 384.27 FEET TO A POINT; RUNNING THENCE NORTH 02 DEGREES 12 MINUTES 00 SECONDS EAST A DISTANCE OF 1243.77 FEET TO A POINT, WHICH POINT IS LOCATED ON THE SOUTHERLY LAND LOT LINE OF LAND LOT 41; RUNNING THENCE NORTH 89 DEGREES 31 MINUTES 55 SECONDS EAST A DISTANCE OF 474.94 FEET TO A POINT AND ME TRUE POINT OF BEGINNING; FROM SAID TRUE POINT OF BEGINNING BEING THUS DETERMINED, RUNNING THENCE NORTH 00 DEGREES 40 MINUTES 56 SECONDS WEST A DISTANCE OF 260.11 FEET TO A POINT; RUNNING THENCE NORTH 00 DEGREES 15 MINUTES 17 SECONDS EAST A DISTANCE OF 414.17 FEET TO A POINT; RUNNING THENCE SOUTH 89 DEGREES 45 MINUTES 58 SECONDS EAST A DISTANCE OF 862.95 FEET TO A POINT; THENCE SOUTH 01 DEGREE 55 MINUTES 36 SECONDS WEST A DISTANCE OF 676.16 FEET TO A POINT, WHICH POINT IS LOCATED ON THE SOUTHERLY LAND LOT LINE OF SAID LAND LOT 41; RUNNING THENCE NORTH 89 DEGREES 38 MINUTES 59 SECONDS WEST, AND FOLLOWING ALONG SAID LAND LOT LINE, A DISTANCE OF 747.36 FEET TO A POINT; RUNNING THENCE NORTH 89 DEGREES 42 MINUTES 17 SECONDS WEST, AND FOLLOWING ALONG SAID LAND LOT LINE, A DISTANCE OF 91.60 FEET TO A POINT AND BEING THE TRUE POINT OF BEGINNING.

PARCEL 0713 020

ALL THAT TRACT OR PARCEL OF LAND LYING AN BEING IN LAND LOT 40 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AS PER PLAT OF SURVEY DATED FEBRUARY 26, 1985, PREPARED BY J. R. WOOD, REGISTERED LAND SURVEYOR, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED IN THE NORTHEASTERLY ORIGINAL CORNER OF LAND LOT 40 OF THE AFORESAID DISTRICT AND RUN THENCE SOUTH 01 DEGREES 36 MINUTES 01 SECONDS EAST, AND FOLLOWING ALONG THE EASTERLY LAND LOT LINE OF SAID LAND LOT, A DISTANCE OF 248.68 FEET TO A POINT LOCATED AT THE INTERSECTION OF SAID LAND LOT LINE WITH THE NORTHERLY BANK OF A BRANCH; RUNNING THENCE IN A SOUTHWESTERLY, NORTHWESTERLY, AND SOUTHWESTERLY DIRECTION, AND FOLLOWING THE MEANDERING NORTHERLY BORDER OF SAID BRANCH A DISTANCE OF 312.80 FEET TO A POINT; RUNNING THENCE SOUTH 01 DEGREES 24 MINUTES 24 SECONDS EAST A DISTANCE OF 475.0 FEET TO A POINT, WHICH POINT IS LOCATED AT THE NORTHERLY END OF A ROCK WALL; RUNNING THENCE IN A SOUTHERLY, SOUTHEASTERLY, SOUTHERLY AND SOUTHWESTERLY DIRECTION, AND FOLLOWING ALONG SAID ROCK WALL, A TOTAL DISTANCE OF 399.02 FEET TO A POINT LOCATED AT THE SOUTHERLY END OF SAID ROCK WALL; RUNNING THENCE SOUTH 88 DEGREES 45 MINUTES 28 SECONDS WEST A DISTANCE OF 497.33 FEET TO A POINT; RUNNING THENCE SOUTH 01 DEGREES 08 MINUTES 05 SECONDS EAST A DISTANCE OF 992.69 FEET TO A POINT, WHICH POINT IS LOCATED ON THE NORTHEASTERLY RIGHT-OF-WAY OF TYRONE ROAD (80-FOOT RIGHT-OF-WAY); RUNNING THENCE NORTH 74 DEGREES 12 MINUTES 40 SECONDS WEST, AND FOLLOWING ALONG SAID ROAD, A DISTANCE OF 62.72 FEET TO A POINT; RUNNING THENCE, NORTH 01 DEGREES 08 MINUTES 05 SECONDS WEST A DISTANCE OF 974.32 FEET TO A POINT; RUNNING THENCE NORTH 01 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 1243.46 FEET TO A POINT, WHICH POINT IS LOCATED ON THE NORTHERLY LAND LOT LINE OF LAND LOT 40; RUNNING THENCE NORTH 88 DEGREES 58 MINUTES 16 SECONDS EAST, AND FOLLOWING ALONG THE NORTHERLY LAND LOT LINE OF SAID LAND LOT, A DISTANCE OF 734.34 FEET TO A POINT AND THE POINT OF BEGINNING.

Exhibit "B"

Understandings and Conditions of Approval