

**Subject Matter: Annexation – Highway 85 South & Price Road**

**Date of Public Hearing Before City Council: 3-21-19**

**Date of Adoption: 3-21-19**

**Date of Public Notice Published in Fayette News: 3-6-2019**

**CITY OF FAYETTEVILLE  
COUNTY OF FAYETTE  
STATE OF GEORGIA**

**ORDINANCE NUMBER #0-4 -19**

**CITY OF FAYETTEVILLE, GEORGIA**

**PREAMBLE AND FINDINGS OF FACT**

The City of Fayetteville (the “City”), has received application for annexation pursuant to O.C.G.A. § 36-36-21 by **Fayetteville Ventures, LLLP** for property described in **EXHIBIT "A"** (hereinafter referred to as “the subject property”). The subject property is 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 to the County Commissioners of Fayette County of this proposed annexation as required by O.C.G.A. § 36-36-6; and 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 the following parcel #0517 025 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: Legal description of subject property 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Any ordinance or part of any ordinance in conflict herewith is hereby repealed.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**

This ordinance shall become immediately effective upon its adoption, subject to the following conditions:

1. The proposed development shall not exceed 129 lots, with a minimum of 26 lots being 70 feet wide and the remainder a minimum of 60 feet wide.
2. The dwelling units shall have a minimum heated floor space of 1,800 square feet, and shall exclude any garage areas.
3. The open space and common areas throughout the development shall be connected by a trail system approved by the Planning & Zoning Department.
4. The Applicant shall complete a traffic impact study during the plan development stage.
5. The Applicant shall provide a planted buffer of 25 feet along the Hwy. 92 Connector (Helen Sams Pkwy.), and a planted buffer of 50 feet along Highway 92 (Jimmy Mayfield) as shown on the conceptual site plan Minimum 1,800 square feet houses.
6. The proposed development shall not be connected to the Kingswood Subdivision, located to the south and east of the subject property.
7. The architectural elevations of the houses shall be consistent with the vision book presented by the Applicant as part of the application.
8. An HOA shall be formed for the subdivision.
9. The triangular piece of property as illustrated on the survey plat shall be incorporated with the other parcels being rezoned and shown as one lot when the preliminary plat is submitted

Conditions include those contained in the minutes of the City Council, 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 21st day of March 2019, by the following voting for adoption:

ATTEST:

\_\_\_\_\_  
Edward J. Johnson, Jr. Mayor

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Anne Barksdale, City Clerk

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Richard J. Hoffman, Mayor Pro Tem

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Kathaleen Brewer, Council Member

\_\_\_\_\_  
Paul C. Oddo, Jr., Council Member

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Harlan Shirley, Council Member

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Scott Stacy, Council Member

Exhibit A  
Insert Legal Description