

BOARD OF COUNTY COMMISSIONERS

Lee Hearn, Chairman
Edward Gibbons, Vice Chairman
Eric K. Maxwell
Charles D. Rousseau
Charles W. Oddo



FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Tameca P. Smith, County Clerk
Marlena Edwards, Chief Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

AGENDA

January 23, 2025
5:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 5:00 p.m.

OFFICIAL SESSION:

Call to Order
Invocation and Pledge of Allegiance by Commissioner Eric Maxwell
Acceptance of Agenda

PROCLAMATION/RECOGNITION:

1. Presentation by Fayette County's auditing firm, Nichols, Cauley & Associates, LLC, of the results of the Fiscal Year 2024 annual audit. (page 5)

PUBLIC HEARING:

2. Consideration of Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; request to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purpose of constructing a convenience store w/fuel pumps; property located in Land Lot 151 of the 5th District, fronts on Banks Rd and Hwy 54. This petition was tabled at the October 24, 2024 meeting. (pages 6-97)
3. Consideration of Petition No. 1355-24, Andrea Pope Camp and Jordan Camp, Owners; Randy Board, Agent, request to rezone 41.78 acres from A-R to R-75 for the purpose of creating additional lots without any new infrastructure; property located in Land Lot 28 of the 7th District and fronts on Davis Road and Huie Drive. This petition was tabled at the October 24, 2024 meeting. (pages 98-158)

PUBLIC COMMENT:

Speakers will be given a five (5) minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Speakers must direct comments to the Board. Responses are reserved at the discretion of the Board.

CONSENT AGENDA:

4. Acceptance of Sheriff Babb's decision to accept eight vehicles from the Town of Tyrone (Tyrone Police Department). (pages 159-164)

5. Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by James M. Ivey, in the amount of \$77.22 for tax year(s) 2022 and 2023. (pages 165-166)
6. Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by Randy Johnson, in the amount of \$4,860.05 for tax year(s) 2022, 2023, and 2024. (pages 167-168)
7. Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by Glendae Tuthill, in the amount of \$773.12 for tax year 2023. (pages 169-170)
8. Approval to accept the right-of-way dedication known as "Right-of -Way Dedication 2, 0.032 Acres" as shown on the Minor Final Plat of The Alvarez Estate, recorded in Plat Book 101, Pages 482-483, and the Quitclaim Deed dated June 26, 2023 per Fayette County Code requirements. (pages 171-176)
9. Approval to accept the right-of-way dedication known as "R/W Dedication Tract, 0.536 Acres" shown on the Minor Final Plat for Atha Acres, recorded in Plat Book 101, Page 335, and the Warranty Deed dated March 2, 2023 per Fayette County Code requirements. (pages 177-181)
10. Approval to accept the right-of-way dedication known as "R/W Next to 044701002," 0.08 Acres, shown on the Minor Final Plat for Brandon Harp, recorded in Plat Book 52, Page 106, and the Warranty Deed dated March 9, 2023 per Fayette County Code requirements. (pages 182-185)
11. Approval to accept the right-of-way dedication known as "Tract Two Right of Way dedication to Fayette County, 0.419 Acres" shown on the Minor Final Plat, DG Fayetteville, as recorded in Plat Book 101, Page 564, and the Warranty Deed dated October 11, 2023 per Fayette County Code requirements. (pages 186-190)
12. Approval to accept the right-of-way dedication known as "Tract B, 0.08 Acres" shown on the Plat for Javier Torres Fernandez, dated February 6, 2024, and the Quitclaim Deed dated November 26, 2024 per Fayette County Code requirements. (pages 191-194)
13. Approval to accept the right-of-way dedication known as "New R/W dedication, 0.114 Acres" shown on the Minor Final Plat for County Line Estates, recorded in Plat Book 101, Pages 315-316, and the Quitclaim Deed dated November 11, 2023 per Fayette County Code requirements. (pages 195-199)
14. Approval to accept the right-of-way dedication known as "New R/W dedication, 0.068 Acres" shown on the Minor Final Plat for County Line Estates South, recorded in Plat Book 101, Pages 408-409, and the Quitclaim Deed dated January 23, 2023 per Fayette County Code requirements. (pages 200-203)
15. Approval to accept the right-of-way dedication known as "Right of Way Dedication, 0.101 Acres" shown on the Minor Final Plat for The Golden Rule Farm, recorded in Plat Book 101, Pages 392-393, and the Right-of-Way Deed dated January 25, 2023 per Fayette County Code requirements. (pages 204-208)
16. Approval to accept the right-of-way dedication known as "Right-of-Way Dedication, 0.271 Acres", as shown on the Minor Final Plat of The Johnnie K. Holland Estate, recorded in Plat Book 101, Pages 463-464, and the Quitclaim Deed dated April 28, 2023, per Fayette County Code requirements. (pages 209-214)

17. Approval to accept the right-of-way dedication known as "R/W Dedication: 0.57 Acres" shown on the Plat for Mark Anderson, recorded in Plat Book 101, Page 437, and the Quitclaim Deed dated March 29, 2023 per Fayette County Code requirements. (pages 215-218)
18. Approval to accept the right-of-way dedication known as "R/W Lot 1A 0.023 Acres" and "R/W Lot 2A 0.025 acres" as shown on the Minor Final Plat of Phillips & Suren Property, recorded in Plat Book 52, Pages 128-129, and the Right-of-Way Deed dated June 15, 2023 per Fayette County Code requirements. (pages 219-225)
19. Approval to accept the right-of-way dedication known as "R/W Lot 3A 0.022 Acres" and "R/W Lot 3B 0.024 acres" as shown on the Minor Final Plat of Phillips & Suren Property, recorded in Plat Book 52, Pages 128-129, and the Right-of-Way Deed dated June 20, 2023 per Fayette County Code requirements. (pages 226-232)
20. Approval to accept the right-of-way dedication known as "10' Additional R/W Strip to Fayette County, Area 0.70 Acres" shown on the Riverbend Overlook Phase I Plat dated August 27, 2020 and the Warranty Deed dated December 16, 2024 per Fayette County Code requirements. (pages 233-236)
21. Approval to accept the right-of-way dedication known as "R/W Tract 8 sq. ft." as shown on the Minor Final Plat of 385 Snead Road, recorded in Plat Book 102, Pages 23-24, and the Quitclaim Deed dated August 21, 2024 per Fayette County Code requirements. (pages 237-241)
22. Approval to accept the right-of-way dedication known as "R/W Tract, 0.063 Acres" as shown on the Plat Prepared for Colunteya & Oliver Weems & Geraldine Johnson, dated March 29, 2023, and the Warranty Deed dated October 9, 2023 per Fayette County Code requirements. (pages 242-246)
23. Approval to accept the right-of-way dedication known as "Right of Way Dedication 1, 0.23 Acres" as shown on the Minor Final Plat of The Alvarez Estate, recorded in Plat Book 101, Pages 482-483, and the Quitclaim Deed dated June 24, 2023 per Fayette County Code requirements. (pages 247-252)
24. Approval of the January 09, 2025, Board of Commissioners Meeting Minutes. (pages 253-262)

OLD BUSINESS:

NEW BUSINESS:

25. Request to amend Fayette County Code, Chapter 104 – Development Regulations, Article VII. Watershed Protection. (pages 263-264)
26. Request to approve staff's recommendation to approve Contract #2000-P, Badger Meter, Change Order No. 07 Meters, Endpoints and Additional Components, with a not-to-exceed amount of \$250,790.50, to provide additional adjustments for meters, endpoints and retrofit components. (pages 265-271)

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

In accordance with the Americans with Disabilities Act, accommodations are available for those who are hearing impaired. The Board of Commissioners Agenda and supporting material for each item is available on-line through the County's website at www.fayettecountyga.gov. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at <https://vimeo.com/user133262656>.

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

COUNTY AGENDA REQUEST

Page 5 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Presentation by Fayette County's auditing firm, Nichols, Cauley & Associates, LLC, of the results of the Fiscal Year 2024 annual audit.

Background/History/Details:

Nichols, Cauley & Associates, LLC has completed the independent audit of the County's accounting records for the 2024 fiscal year. The firm will be presenting the results of the audit to the Board of Commissioners.

The firm will present their findings, via PowerPoint, during the meeting.

What action are you seeking from the Board of Commissioners?

No action is requested from the Board. This presentation is for informational purposes.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

Page 6 of 271

Department: Planning & Zoning

Presenter(s): Debbie Bell, Director

Meeting Date: Thursday, January 23, 2025

Type of Request: Public Hearing #2

Wording for the Agenda:

Consideration of Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; request to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purposes of constructing a convenience store w/fuel pumps. Property is located in Land Lot 151 of the 5th District, fronts on Banks Rd and Hwy 54. Tabled at the October 24, 2024 meeting.

Background/History/Details:

The property is a legal, nonconforming lot. It does not contain the minimum required acreage for the A-R zoning district, but it is a lot of record based on the ordinance criteria. The reduction in lot area was a result of right-of-way acquisitions for road improvements. The property was the subject of a request to rezone from A-R to C-H in 2003. On June 26, 2003, the BOC voted 5-0 to deny that request.

The Future Land Use Plan in the Comp. Plan indicates Low-Density Residential (1 unit / 1 acre) as the planned use for this area.

On September 5, 2024, the Planning Commission voted 4-0 to recommend DENIAL of the request to rezone from A-R to C-C.

Note: At the September 26, 2024, Board of Commissioners meeting, petitioner was granted a request to table because a full board was not present. The request was tabled until October 24, 2024. Prior to the October meeting, the petitioner requested to table to the November 14, 2024, due to a scheduling conflict. Due to resident concerns regarding the 2:00 PM November meeting time, the Board tabled the petition until January 23, 2025, at 5:00 PM.

Staff recommends DENIAL of the request because it is not in conformance with the Future Land Use Plan.

What action are you seeking from the Board of Commissioners?

Staff recommends DENIAL of the request to rezone from A-R to C-C because the C-C zoning does not conform with the Future Land Use plan. Should the Board approve this petition, there are 4 (four) conditions recommended by staff. Please refer to the staff report for the recommended conditions, which are related to right of way dedication and sidewalks.

If this item requires funding, please describe:

Not Applicable

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request?* No

Backup Provided with Request? Yes

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance Not Applicable

Reviewed by Legal Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

Staff has received a number of letters and emails from residents in the area who are opposed to the request. These letters are included in the agenda package.

COUNTY AGENDA REQUEST

Page 7 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda: **Tabled to the January 23, 2025 BOC Meeting**

Consideration of Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; request to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purpose of constructing a convenience store w/fuel pumps; property located in Land Lot 151 of the 5th District, fronts on Banks Rd and Hwy 54. Tabled at the September 26, 2024 meeting.

Background/History/Details:

The property is a legal, nonconforming lot. It does not contain the minimum required acreage for the A-R zoning district, but it is a lot of record based on the ordinance criteria. The reduction in lot area was a result of right-of-way acquisitions for road improvements. The property was the subject of a request to rezone from A-R to C-H in 2009. On June 26, 2003, the Board voted, 5-0, to deny that request.

The Future Land Use Plan in the Comprehensive Plan indicates Low-Density Residential (1 unit / 1 acre) as the planned use for this area.

On September 5, 2024, the Planning Commission voted, 4-0, to recommend DENIAL of the request to rezone from A-R to C-C.

At the September 26, 2024, Board of Commissioners meeting, pursuant to Sec. 110-298, the petitioner was granted a request to table because a full board was not present.

Staff recommends DENIAL of the request because it is not in conformance with the Future Land Use Plan.

Should the Board approve this petition, there are 4 (four) conditions recommended by staff. Please refer to the staff report for the recommended conditions, which are related to right of way dedication and sidewalks.

What action are you seeking from the Board of Commissioners?

Staff recommends DENIAL of the request to rezone form A-R to C-C because the C-C zoning does not conform with the Future Land Use plan.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Staff has received a number of letters and emails from residents in the area who are opposed to the request. These letters are included in the agenda package.

PETITION NO: 1353-24**REQUESTED ACTION:** Rezone from A-R to C-C**PARCEL NUMBER:** 0532 023**PROPOSED USE:** Convenience Store with fuel pumps**EXISTING USE:** Vacant land**LOCATION:** Banks Road and SR 54 East**DISTRICT/LAND LOT(S):** 5th District, Land Lot 151**ACREAGE:** 4.86 acres**OWNER(S):** The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix**APPLICANT(S):** Sudesh Dhingra**AGENT(S):** Jim Kelly, Agent; Newton Galloway, Attorney**PLANNING COMMISSION PUBLIC HEARING:** September 5, 2024**BOARD OF COMMISSIONERS PUBLIC HEARING:** October 24, 2024

Note: At the September 26, 2024, Board of Commissioners meeting, pursuant to Sec. 110-298, the petitioner was granted a request to table because a full board was not present.

APPLICANT'S INTENT

Applicant proposes to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purposes of constructing a convenience store with fuel pumps.

PLANNING COMMISSION RECOMMENDATION

On September 5, 2024, the Planning Commission voted 4-0 to recommend **DENIAL** of the request to rezone from A-R to C-C.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Low Density Residential (1 unit/1 acre) is designated for this area, so the request for C-C zoning is not appropriate. Based on the Investigation and Staff Analysis, Planning & Zoning Staff recommends **DENIAL** of the request for a zoning of C-C, Community Commercial District.

If the rezoning is approved, staff recommends the following **CONDITIONS**:

1. Applicant to provide a minimum of 40 feet of ROW as measured from the existing road

centerline or at least 10 feet beyond edge of pavement for acceleration / deceleration lanes, whichever is greater.

2. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.
3. Entrance location on Banks Road shall be limited to a right in right out and as recommended by GDOT the driveway shall be a minimum of 200ft from the return radius of Banks Road and SR 54.
4. Applicant shall extend existing sidewalk along Banks Road for the length of the property.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The property is a legal, nonconforming lot. It does not contain the minimum required acreage for the A-R zoning district, but it is a legal lot of record based on the ordinance criteria. The reduction in lot area was a result of right-of-way acquisitions for road improvements.

The property has access on Banks Road and SR 54 East. Georgia DOT will review and approve access engineering & construction plans within their jurisdiction. Please refer to GDOT comments in the Departmental Comments section.

This property is located in the General State Route Overlay Zone. All developments are required to meet the Overlay criteria.

B. REZONING HISTORY:

The property was the subject of a rezoning application in 2003 (Petition No. 1109-03). The owner(s) requested to rezone from A-R to C-H. The Planning Commission recommended a rezoning to R-40 rather than C-H, as that was in alignment with the Future Land Use Plan. The Board of Commissioners heard the request to rezone to C-H on June 26, 2003, and voted 5-0 to deny the request.

C. CURRENT DEVELOPMENT HISTORY:

The property is currently vacant land.

D. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned A-R, R-20, and R-40. See the following table and the attached Zoning Map.

The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
Northwest	7.6	R-40	Single Family Residential	Low Density Residential (1 Unit /1 acre)
East (across Hwy 54)	2.0 3.75	R-40 A-R	Single Family Residential	Low Density Residential (1 Unit /1 acre)
Southwest (across Banks Rd)	2.8	R-45	Single Family Residential	Low Density Residential (1 Unit /1 acre)
South (across intersection)	1.1	R-40	Single-Family Residential	Low Density Residential (1 Unit /1 acre)

E. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Low Density Residential on the Future Land Use Plan map. This request **DOES NOT** conform to the Fayette County Comprehensive Plan.

F. DEPARTMENTAL COMMENTS

- ☐ **Water System** – FCWS has no objections to the rezoning.
- ☐ **Public Works**
 - **Road Frontage Right of Way Dedication** -- Banks Road is a **collector road**. Applicant to provide a minimum of 40 feet of ROW as measured from the existing road centerline or at least 10 feet beyond edge of payment for acceleration / deceleration lanes, whichever is greater. Please refer to the Fayette County detail "Typical Decel Lane". SR 54 is a state route and GDOT controls right of way along the existing frontage.
 - **Traffic Data** -- According to the GDOT on-line traffic data, the annual average daily traffic for SR 54 is **16,660 vehicles per day (2023)**. Banks Road traffic data by Fayette County Public Works was **12,751 vehicles per day (2022)**.
 - **Sight Distance and access** -- Minimum sight distances will have to be satisfied for the proposed new road intersection on Banks Road. GDOT will provide access to SR 54 and sight distance requirements.
 - **GDOT Comments** -- The GDOT right way stops just beyond the radius of Banks Road; however, an access on Banks Road should be a minimum of 200' from the radius return of SR 54 and an access on SR 54 should be a minimum of 350' from the radius return of Banks Road. *Stanford Taylor*
- ☐ **Environmental Management**
 - **Floodplain Management** -- The site **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0108E dated September 26, 2008, or in the FC Flood Study.
 - **Wetlands** -- The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
 - **Watershed Protection** -- There **ARE NO** state waters located on the subject property per Fayette County GIS.
 - **Groundwater** -- The property **IS NOT** within a groundwater recharge area.
 - **Post Construction Stormwater Management** -- This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surface and be classified as a hotspot per the stormwater ordinances.
 - **Landscape and Tree Replacement Plan** -- This development **WILL BE** subject to the Nonresidential Development Landscape Requirements and Tree Retention, Protection and Replacement Ordinances.
- ☐ **Environmental Health Department** – This office has no objection to the rezoning. This does not constitute approval or agreeance of usable soils for septic purposes.
- ☐ **Fire** – No objections to the requested rezoning.

STANDARDS

Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing a request for rezoning:

- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;
- (4) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

STAFF ANALYSIS

1. The subject property lies within an area designated for Low Density Residential Uses. This request does not conform to the Fayette County Comprehensive Plan in terms of the use.
2. The area around the subject property is an area that already has various residential uses. It is staff's opinion that the zoning proposal might adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that a commercial use would generate a greater number of daily vehicle trips than would a residential use situated on this same parcel. Staff does not think this development will have an adverse impact on utilities or schools.
4. The proposal is not consistent in character and use with the surrounding uses as low density residential.

ZONING DISTRICT STANDARDS

Sec. 110-143. C-C, Community Commercial District.

- (a) *Description of district.* This district is composed of certain lands and structures providing for convenient community shopping facilities having a broad variety of sales and services.
- (b) *Permitted uses.* The following uses shall be permitted in the C-C zoning district:
 - (1) Amusement or recreational facility, indoor or outdoor (see chapter 18);
 - (2) Appliance sales and incidental repair;
 - (3) Art studio;
 - (4) Auto parts and/or tire sales and installation;
 - (5) Bakery;
 - (6) Bank and/or financial institution;
 - (7) Banquet hall/event facility;
 - (8) Catering service;

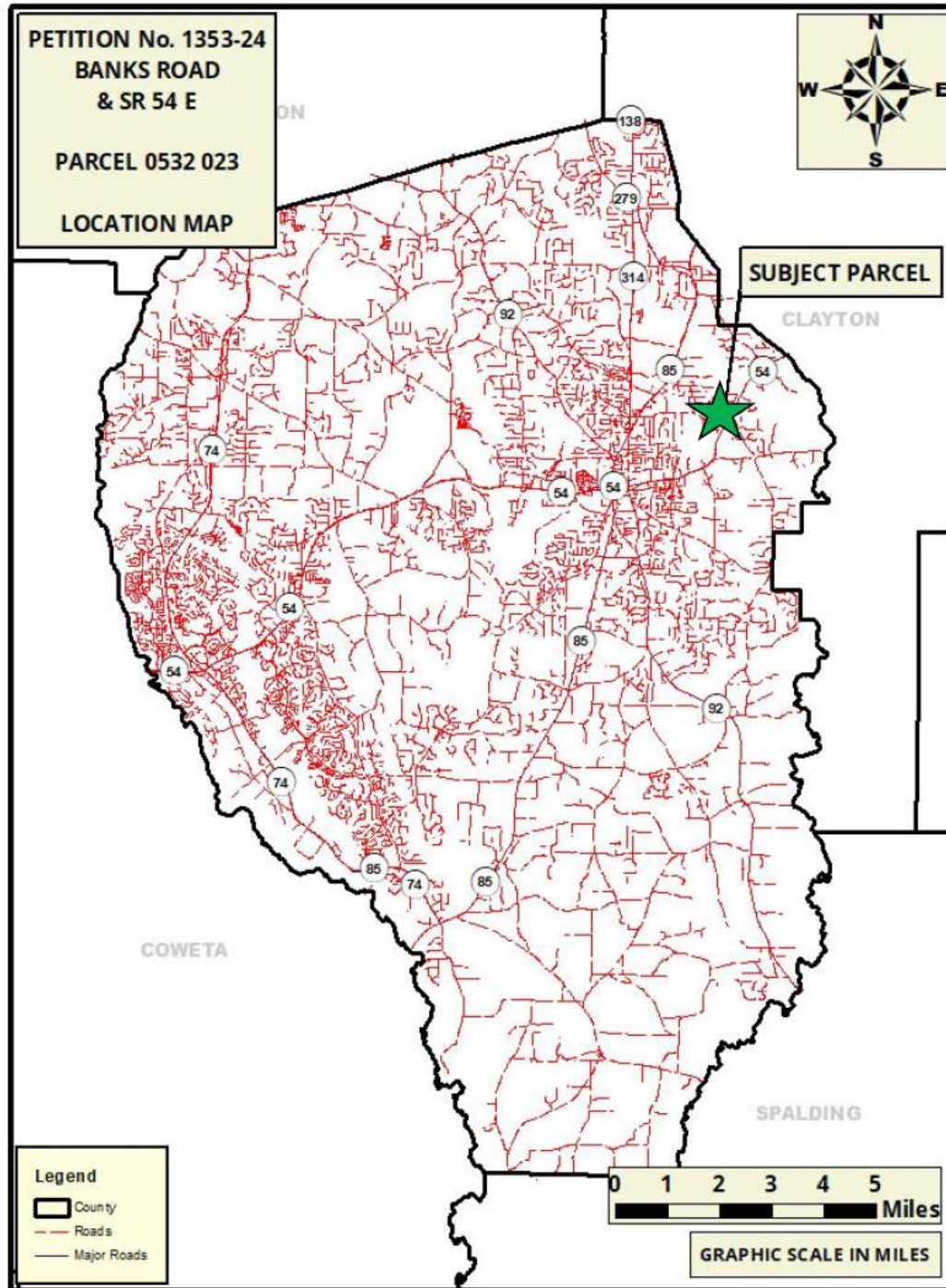
- (9) Church and/or other place of worship, excluding outdoor recreation, parsonage, and cemetery or mausoleum;
- (10) College and/or university, including classrooms and/or administration only;
- (11) Copy shop;
- (12) Cultural facility;
- (13) Day spa;
- (14) Department store, variety store, and/or clothing store;
- (15) Drug store;
- (16) Educational/instructional/tutoring facilities, including, but not limited to: academic, art, computer, dance, driving and/or DUI school, martial arts, music, professional/business/trade, and similar facilities;
- (17) Electronic sales and incidental repair;
- (18) Emission testing facility (inside only);
- (19) Firearm sales and/or gunsmith;
- (20) Florist;
- (21) Gift shop;
- (22) Grocery store;
- (23) Hardware store;
- (24) Health club and/or fitness center;
- (25) Jewelry shop;
- (26) Laboratory serving professional requirements, (e.g., medical, dental, etc.);
- (27) Library;
- (28) Medical/dental office (human treatment);
- (29) Messenger/courier service;
- (30) Military recruiting office;
- (31) Movie theatre (excluding drive-in);
- (32) Museum;
- (33) Office;
- (34) Office equipment sales and/or service;
- (35) Parking garage/lot;
- (36) Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; counseling services; electrolysis and/or hair removal; fitness center; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon.
- (37) Plant nursery, growing crops/garden, and related sales;
- (38) Printing, graphics, and/or reproductions;
- (39) Private clubs and/or lodges;

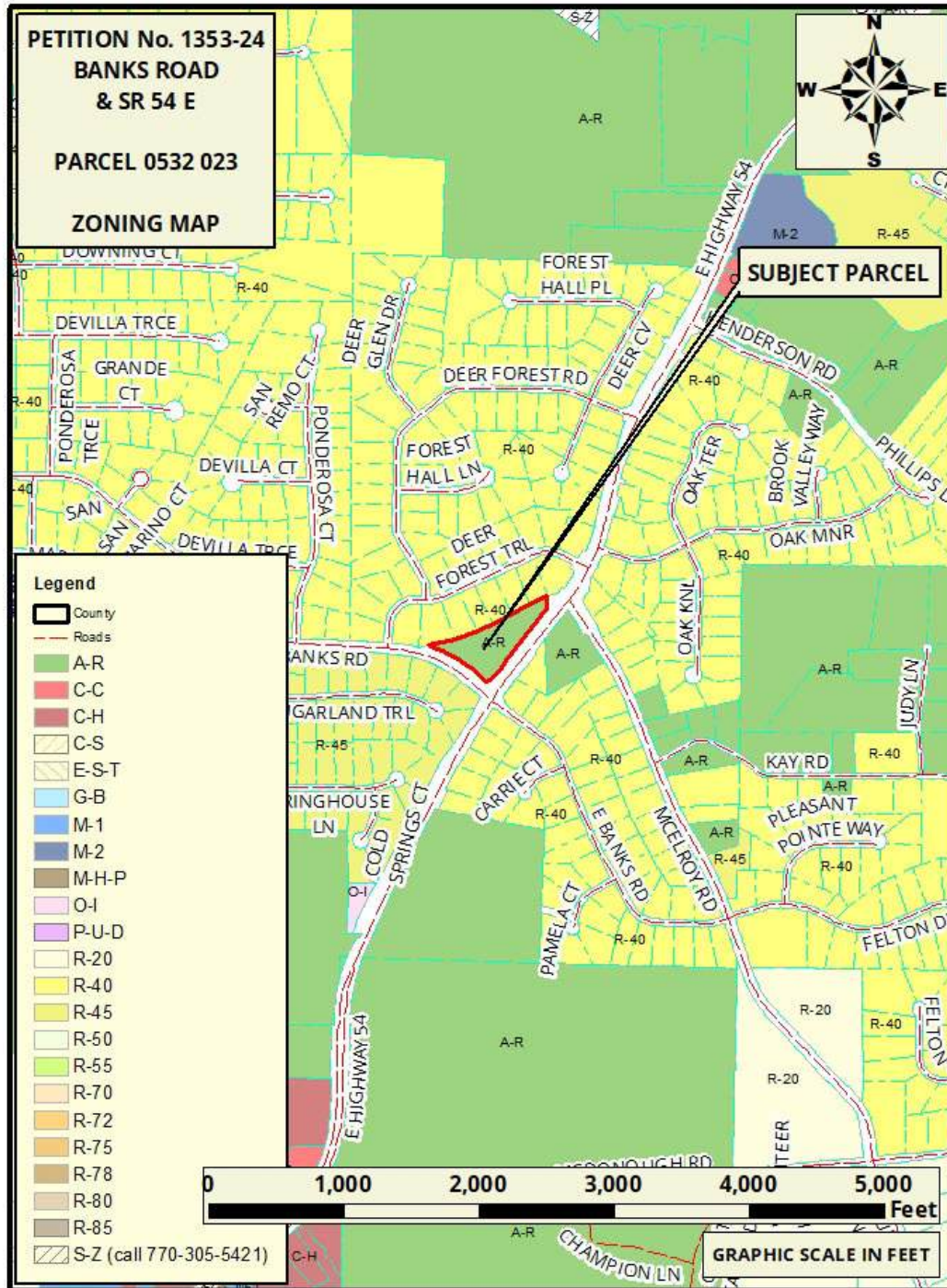
- (40) Private school, including, classrooms and/or administration only;
 - (41) Radio studio;
 - (42) Recording studio (audio and video);
 - (43) Restaurant, (including drive-in and/or drive-through);
 - (44) Retail establishment;
 - (45) Smoking lounge (subject to state and local tobacco sales and smoking laws);
 - (46) Taxidermist; and
 - (47) Television/movie studio.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the C-C zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
 - (2) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
 - (3) Automobile service station, including, gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store;
 - (4) Care home, convalescent center, and/or nursing home;
 - (5) Church and/or other place of worship;
 - (6) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
 - (7) Commercial driving range and related accessories;
 - (8) Child care facility;
 - (9) Dry cleaning plant;
 - (10) Golf course (minimum 18-hole regulation) and related accessories;
 - (11) Home occupation;
 - (12) Hospital;
 - (13) Kennel (see animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic);
 - (14) Laundromat, self-service or otherwise;
 - (15) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;
 - (16) Religious tent meeting;
 - (17) Seasonal sales, outdoor;
 - (18) Single-family residence and residential accessory structures and/or uses (see article III of this chapter); and
 - (19) Temporary tent sales.
 - (20) Vehicle/boat sales.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the C-C zoning district shall be as follows:

- (1) Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).
 - (2) Lot width: 125 feet.
 - (3) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 75 feet.
 - 2. Collector: 70 feet.
 - b. Minor thoroughfare: 65 feet.
 - (4) Rear yard setback: 15 feet.
 - (5) Side yard setback: 15 feet.
 - (6) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.
 - (7) Height limit: 35 feet.
 - (8) Screening dimensions for parking and service areas as provided in article III of this chapter and chapter 104.
 - (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.
- (Code 1992, § 20-6-19; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2018-03, § 13, 9-22-2018; Ord. No. 2018-11, § 4, 10-25-2018; Ord. No. 2021-09, § 2, 5-27-2021)

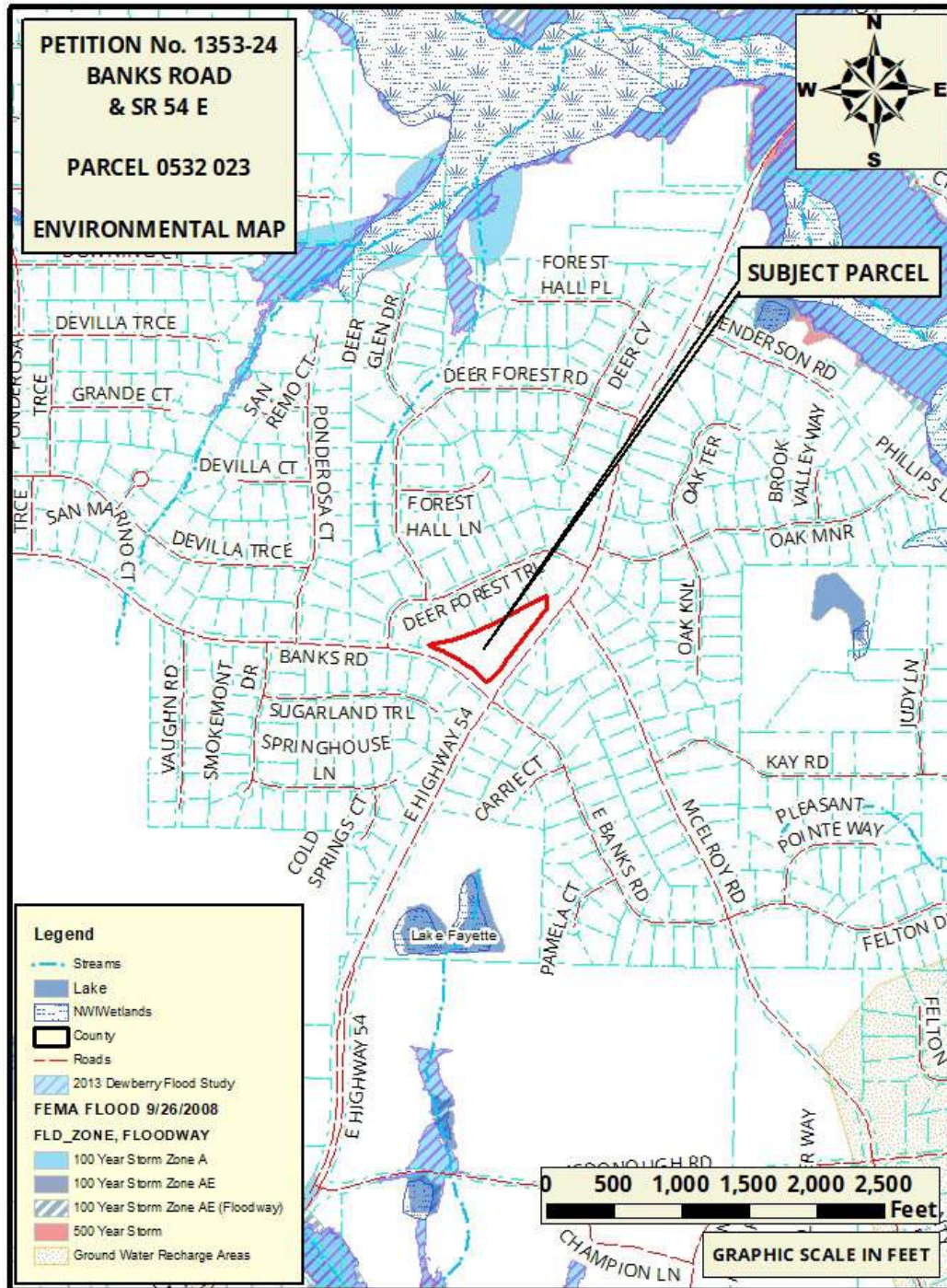
Sec. 110-169. Conditional use approval.

- h. *Automobile service station, including gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store.* Allowed in C-C and C-H zoning districts.
 - 1. Service areas, facilities, and gasoline pump islands shall not be located closer than 75 feet from a residential or A-R zoning district.
 - 2. Underground storage tanks shall be set back no closer than 20 feet from all property lines.
 - 3. A dynamometer shall not be utilized in conjunction with outside emission testing.















SITE CONCEPT

Meeting Minutes 9/05/2024

THE FAYETTE COUNTY PLANNING COMMISSION met on September 5th, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John H. Culbreth Sr., Chairman
John Kruzan, Vice-Chairman *[absent]*
Danny England
Jim Oliver
Boris Thomas

STAFF PRESENT: Debbie Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Maria Binns, Zoning Secretary
E. Allison Ivey Cox, County Attorney

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda. *Ms. Deborah Sims requested the board to amend the agenda to add item (d) Minor Final Plat for Liberty North. Danny England made a motion to approve the agenda with the addition of item (d) Minor Final Plat for Liberty North on the September 5th Agenda. Jim Oliver seconded the motion. The motion passed 4-0 John Kruzan was absent.*
4. Consideration of the Minutes of the meeting held on August 1, 2024. *Jim Oliver made a motion to approve the minutes of the meeting held on August 1, 2024. Boris Thomas seconded the motion. The motion carried 4-0.*
5. Plats
 - a. Final Plat for Wright Chancey McBride LLC. Approval of the Final Plat for Wright Chancey McBride LLC. Ms. Sims explained the first final plat is McBride Estates, Mr. Rod Wright is subdividing these lots on McBride Road. It has been reviewed and approved by staff, she showed the plat and explained he is making 5 lots and I think the board approved the rezoning so he could do the neighborhood in that area. Mr. John Culbreth asked the board if they had any questions.? Jim Oliver asked if staff had approved it.? Ms. Sims replied staff had reviewed and approved it. The plat shown on display was not the correct one, she apologized to the board, and they showed the plat before. Mr. Thomas asked if there were any conditions.? Ms. Sims responded no, there were no conditions on the final plat. *Jim Oliver made a motion to APPROVE the Final Plat for Wright Chancey McBride LLC. Boris Thomas*

seconded the motion. The motion carried 4-0.

- b. Minor Final Plat for 385 Snead Road. Approval of the Minor Final Plat for 385 Snead Road. Ms. Sims states the board also reviewed when we had the rezoning and these were discussed before, they had subdivided it into three lots, so you don't have the strangely configured lot, each lot is still the 5-acre. Mr. Culbreth asked what changes were made.? Ms. Sims responded this was one lot and subdivided into three, they just rezoned it, so they have weird lots so the line lots were way back. Mr. Culbreth asked the board for a motion. ***Danny England made a motion to APPROVE the Final Plat for 385 Snead Road. Jim Oliver seconded the motion. The motion carried 4-0.***
- c. Minor Final Plat for Riverbend Overlook Phase III. Ms. Sims commented to the board they already approved Phase I & Phase II; this is Phase III, and it has been reviewed and approved by staff. Mr. Culbreth asked the board if they had any questions.? No one responded. ***Jim Oliver made a motion to APPROVE the Minor Final Plat for Riverbend Overlook Phase III. Danny England seconded the motion. The motion carried 4-0.***
- d. Final Plat for Liberty North. Ms. Sims explained to the board they had seen this plat several times since 2006 with preliminary plats and staff had approved it. Mr. Culbreth asked the board if they had any questions.? No one responded. Then he asked for a motion. ***Danny England made a motion to APPROVE the Final Plat for Liberty North. Jim Oliver seconded the motion. The motion carried 4-0.***

PUBLIC HEARING

- 6. Consideration of Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; request to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purposes of constructing a convenience store with fuel pumps. Property is located in Land Lot 151 of the 5th District and fronts on Banks Road and Highway 54. Ms. Sims asked the petitioner would like to proceed without a full board present, the petitioner said yes.

Ms. Sims stated that the property is located at the corner of Banks Road and Highway 54 staff is recommended denial. However, should the planning commission decide they would like to approve that, staff recommends the following CONDITIONS:

- 1. The applicant provides a minimum of 40 feet of ROW as measured from the existing road centerline or at least 10 feet beyond payment for acceleration/deceleration lanes whichever is greater.
- 2. Submit all Warranty deeds and Legal descriptions for ROW dedications shall be provided to the county within 90 days of the approval of the rezoning request or prior to the final plat approval whichever comes first.
- 3. Entrance location on Banks Road shall be limited to a right in right out and as recommended by GDOT the driveway shall be a minimum of 200ft from the return radius of Banks Road and SR 54.
- 4. Applicant shall extend the existing sidewalk along Banks Road for

the length of the property.

This is surrounded by residentially zoned properties there is not any floodplain or that concerned, they are asking to go to C-C (Community Commercial) so they can have a convenience store, the lot is located in the eastern part of the county. This is an A-R (Agricultural-Residential) is a legal lot of record, there are no rezonings that have been approved for this property.

Mr. Culbreth asked the petitioner to proceed with his presentation. Mr. Newton Galloway- Attorney, stated he was representing The Estate of Richard N Cates/Denise Mercer's daughter, Owner; Mr. Sudesh Dhingra is the applicant who desires to do the convenience store, and Mr. Jim Kelly, who is a real estate professional. They provided a printed PowerPoint presentation that staff distributed to the board, he said he worked with Ms. Bell in Spalding County with her before she came to work for Fayette County, but Ms. Bell was not present at tonight's meeting.

He explained in the presentation that the first page shows where the proposed store will be; the next page is a picture shown on qpublic.net lot diagram this is a request to go to Community Commercial from A-R on 4.6 acres and at its corner on Highway 54 and Banks Rd., which is a key element in this zoning. He explained how and where the building would be located, this is a triangular piece of property. Mr. Galloway said it is surrounded by residential zonings and it's been sitting there ever since Fayette County had a zoning ordinance. You condemn property, and the state condemns property, for the expansion of Highway 54 and also improvements on Banks Rd., so what started as a 5 acres tract it's now a 4.8 acre tract, a significant reduction.

He stated a real problem with this property is the traffic, it is at the corner of a thoroughfare. Traffic is a problem for a piece of property that has a funny shape and is sitting undeveloped in the middle of a residential developments around it. He stated another problem is the A-R zoning; everything else around changed except for that lot. He doesn't think you will be allowed to build since the lot doesn't have the A-R zoning acreage. You might be able to rezone to R-20 or R-40 one-acre lots, but people will not buy houses on a busy intersection. He states that the property in 2003 requesting a change in zoning to an R-20 or R-40; it went up to the BOC and they said no, they keep it as A-R. How long it has been zoned undeveloped? 21 years. Ms. Bell has covered some conditions if approved but there are other things you can do such as lighting, and the rear buffer and we will be open to discussion with staff in order to get this property functional and useful.

Mr. Jim Kelly has been with TrueMark Realty, the listing broker for the property since 2023 spoke. He stated when they listed the property over 300 prospects contacted them for commercial and were able to narrow it down to two offers. Both were convenience store operators and chose the lower offer amount. They chose someone local, Sam, owner of BP station west of town on Veterans Highway and Highway 54. We want to present this to the community and the neighbors to make the best attempt and best effort. He explained how they contracted to present the plans for this meeting and went to the neighbors on that street offering a copy of the plans and letting them know if they had any questions regarding the plans to contact him or the owners, they were very approachable.

Ms. Denise Mercer states she is the oldest daughter of Richard Cates, and she was born and raised in this county. She spoke about the property expansions, and they are left with a little bit over 4 acres, she said they will secure a 60-foot natural wooded buffer for the adjacent

homeowners, a buffer that will be lost if they do not develop this property and will be forced to sell off the timber in order to do so, that will eliminate that natural buffer.

Mr. Culbreth asked if anyone was in opposition.?

Arnold Martin has lived in the Deer Glen subdivision for over 20 years. He states he sent opposition letters, and that this convenience store will be very disruptive, this proposed zoning is not in the comprehensive plan, and the future land use plan and it's surrounded by residential zones. He spoke about traffic in the area and it's very dangerous for the community if they allow this convenience store.

Mr. Darryl Hicks lives at Oak Manor and he represents The Oaks HOA. He spoke about the environmental harm through soil, groundwater contamination, and air pollution given the proximity of the site to residential homes. He stated they are deeply concerned about the long-term impact on our community.

Mr. Griffin Root he is the secretary and treasurer for Wellington Place HOA. He has resided here for about 13 years, and he states they have 45 families in the subdivision. He has two concerns about this rezoning request. The first is the noise and light pollution we know if we put a gas station in that corner will be a lot more traffic, making it a lot noisier and a lot of light pollution in the evenings, especially for the neighbors across the street from where this property supposed to be built. Mr. Root added that if you look around there are already gas stations near our residential neighborhoods. It doesn't make any sense to add another one.

Ms. Sandra Lee Quiry lives 500 or 600 feet from the subject property. She talked about health concerns about living near a gas station. Ethanol is a compound in petroleum which is a solvent used to turn petroleum into something to use in your car to use gasoline and another associated with it and is carcinogenic. She explained different types of substances that will harm your health and the air. She asked the board to deny the petition to the danger to the people to reside in these homes.

Mr. Leroy Brown lives in Deer Glen Forrest subdivision, they own two of the 7 lots in the neighborhood, he states the value of the properties will devalue and the pace they have now will not be there anymore, and there will be a lot more foot traffic and crime concerns the neighbors.

Mr. Culbreth asked Mr. Galloway if he wanted to say anything in rebuttal. He said the owner has to be able to have that opportunity to use the property and have the use and have a reasonable economic return and there are no uses on that property that has developed as zoned in 21 years, which sends the signal that the zoning isn't appropriate. This is a difficult piece of property because of its size and location..

Anonymous opposition speaker stated that he has lived in Deer Forest Road since 2011 and explained if this petition is granted it will destroy this person's driveway. There is water that flows down the area where this will be located.

Mr. Culbreth stated to the public present that the planning commission's vote is a recommendation to the Board of Commissioners for final adoption, and they will need to follow up with the next meeting. Mr. Culbreth asked the board for any questions.

Mr. Jim Oliver asked Mr. Galloway how he would address the fact that the property presently doesn't comply with the comprehensive land use plan? Mr. Galloway responded that the comp plan is used as a guide and that there are sometimes oversights between what the comp plan should provide for a piece of property and what it does provide. The comp plan is not subject to constitutional standards; they apply to zoning because it is an action of the local government to affect land uses.

Mr. Oliver responded he did think no one is denying the use of the property and I have been on both sides, of the commissioners and attorneys. The comprehensive plan many times has been used as a sword both ways, “don’t come here and ask us to rezone this because it doesn’t apply” or “it’s only a guide.” There are, perhaps, other reasonable uses for the property, not necessarily C-C; O-I it comes to mind, some other less invasive less disrupted use. Mr. Galloway I will go back to what Mr. Kelley said the people who called all wanted a commercial property, that tells you what the market is. Since COVID, the Office uses have about died.

Mr. Boris Thomas added, referring to Mr. Galloway’s comments that the property wasn’t necessarily functional on certain returns but just depended upon the profit the owners wanted to make, it has over 47 uses other than a gas station and that can be quite commercial. We are not obstructing the ownership of the property from making a profit by selling the property, that will not stop them from selling the property.

Mr. Galloway responded he acknowledged there are 47 listed permitted uses and 20 conditional uses that are allowed but to get to those what do we have to do?

Mr. Thomas responded that is not our responsibility to make the property okay, but the owner’s responsibility to get the property set up.

Mr. Galloway explained that each one of those uses would require rezoning.

Mr. Danny England commented that they had more convenience store/gas station rezoning in the past 18 months, we approved all of them except for one, which was located at GA 85 S and a lot of the discussion was the same as this one. We voted to reject that proposal because it was surrounded by residential uses. We looked at the character of the area and the surrounding uses. The fact that this is located at a signalized intersection does not mean that a gas station is automatically the best use.

Mr. Culbreth asked for a motion after no further comments. ***Boris Thomas made the motion to deny Petition 1353-24. Danny England seconded the motion. The motion to DENY carried 4-0. Mr. England asked Ms. Sims for the BOC date meeting for follow-up on this petition, Ms. Sims responded on September 26th at 5 O’clock in this room.***

7. Consideration of Petition No. 1354-24, Marion L. Holt, owner; requests to rezone from A-R to R-45 for the purposes of creating additional lots without any new infrastructure. Property is located in Land Lot 148 of the 7th District and fronts on Palmetto Road. Ms. Sims explained the petition is located at 285 Palmetto Road, staff found a problem with this, and staff is recommending being withdrawn, we need the planning commission approval to withdraw so we can refund the applicant's money, it wasn’t going to meet all the requirements needed. Mr. Boris asked staff if the petitioner was aware of the withdrawal? Ms. Sims responded yes; we told them we were going to request withdrawal. ***WITHDRAWN BY PETITIONER, Danny England made a motion to allow the WITHDRAWAL of Petition 1354-24, Jim Oliver seconded the motion. The motion carried 4-0.***

8. Consideration of Petition No. 1355-24, Andrea Pope Camp & Jordan Camp, owners; request to rezone 41.78 acres from A-R to R-75 for the purposes of creating additional lots without any new infrastructure. Property is located in Land Lot 28 of the 7th District and fronts on Davis Road and Huie Drive.

Ms. Sims explained the petition and said staff recommends conditional approval of this

request that does fit with the future land use plan. The recommended conditions are:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40 ft of right of way as measured from the existing centerline of Davis Road. 2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive. 3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.

4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County's Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval.

5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.

6. Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto, the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in the subdivision. The water line extension shall be constructed to the standards outlined in, "Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants."

7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

Ms. Sims explained on the map this is located by one side Canoe Club and on the other side they are constructing the new development Hunt Cliff Manor, Davis Road is a gravel, Road. Mr. Culbreth asked if the petitioner was present.

Mr. Randy Boyd, he represented Andrea Pope Camp that is the owner of this property, and her son Jordan Camp is the attorney in fact, Ms. Pope inherited this property back in 2011 her dad originally purchased 40 years ago and my request tonight to have rezoned to R-75 which consist in 2 acre lot with a minimum house size of 2,500 sq ft. To the north and east is a borderline subdivision of an R-40 zoning minimum house size of 1,500 sq ft. To the west and south is A-R and to the southeast is a piece of property that was zoned PUD back in 2016 it ended up going to litigation, there are 212 acres and 91 lots, and I request tonight's for R-75, I read over the recommended conditions, and I have been doing this for 41 years and I was shocked when I saw condition number "4", we agree with condition number 1,2 and 3, we will dedicate the appropriate ROW's for both of those streets, I don't even know where to start with that deal about donating \$1,105,000 million dollars to do what the county should be doing and also punishing this land owner by saying you going to go north 300 feet tying into a subdivision they should it brought down to that point back into 2007 that would it adequate

\$1,105,000 million dollars to it cost addition in our property \$69,000 dollars per lot if this zoning goes through we will put the water line in, I got different prices \$300,000 divided by 16 lots is another \$18,750 dollars if you add it the cost of the land in what their asking for the property it will be about \$10,000 dollars more than you can possible get for, under a current market analysis, it's just surrender that property absolutely where you can't do anything about it.

He explained another case from last month from Davis Road it should have been at right at 69-70K, I don't believe is legal, we'll consult it with an attorney on that, but I think is very improper to ask us one week later to donate over a million dollars for what the county should be doing, staff didn't even suggest that a month ago, they suggested donate ROW on Lester Road and Davis and will have 90 days to turn the deeds in.

We will agree with every bit of that in our street also, so will accept condition 1,2,3 and absolutely ask you to not impose number 4 and number 6 on the extension of the water line I be happy to do that, and we will dedicate ROW or easement whatever is the case but in the second sentence "Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto" I will ask that you eliminate that with the number of lots. He requested that on section 12-90 mandatory connection to the public water system, "is you have 5 lots you don't have to tie to the county water system" I will ask that be taken out to the number of lots and put in if they are "6 or more lots" and be more in compliance of section 12-90 of the existing ordinance. He asked the board to grant the petition without condition 4 and as per his request.

No one else spoke in support or opposition.

Mr. Culbreth brought the petition to the Board.

Mr. Boris Thomas made a comment saying I was going to say in addition to the million dollars there needs to be an extra 10% contingency because all oil prices and vendors changes. The impact in the county to have a paved road there is strong and wide enough for emergency vehicles, that location is going to cost even more at that intersection area and probably will need a traffic light.

Mr. Boyd responded that the staff is asking to go there 300 feet about our site and bring it down to the intersection and go over to the east about 1,500 feet so we wouldn't be paving the entire road we just are paving that section in front of this property, which to me is very demanding.

Mr. Culbreth asked staff if we have a president where we ask for a million dollars.?

Ms. Sims responded this was the first time I am aware that we have requested such funding to pave a road, is it an issue because Davis Road is a gravel road, and I don't believe the county owns enough ROW and this was the recommendation from the public works director to facilitate having this many homes, even though this goes along with the future land use plan it will put a lot more on Davis Road.

Mr. Culbreth asked Ms. Sims, is the county asking the developer to pave its road.? Ms. Sims responded, I am not sure the county owns all of the ROW, so part of is going to be to acquire all of that ROW so it could be paved and that's why they gave the alternative that they could pay the county and the county would do that they wouldn't have all their responsibility were they were offering those options.

Mr. Culbreth added he opposed to that, and Mr. Oliver asked why are you paying taxes for.? This is the responsibility of the county.

Ms. Allison Cox responded currently the county is not require paving or upgrade this

road at all and it's been asked in other to go through requires an upgrade and we just don't have in the county's budget. Mr. Oliver asked Ms. Cox why wasn't asked to Canoe Club.? I don't think I was here for the Canoe Club.

Mr. Boyd responded the Canoe Club is on the north side but even closer than that why wasn't even asked to the PUD that was taken to court, last month the same road at another intersection they didn't ask a penny for that, their assessment based on these values should be \$69,000 dollars for that one lot exactly what our is, so there is consistency here.

Ms. Cox responded that single lot doesn't cost the same impact than 16.

Mr. Boyd responded but if you take one lot at the time it does cost the same impact that a ridiculous argument.

Mr. Oliver said I was just trying to figure it out about the consistency.

Ms. Cox replied that with a single lot we have a house full of people who came in to tell you about the problems when they disrupt, that gravel road barely supports what's there so the single lot that was being to be put in is not going to add but one more car, 16 lots significantly increases the traffic and the area in front of the subdivision to be paved to support that sort of road where the county is not currently planning to invest in that infrastructure, so if this is the plan and the county is not planning to invest can't be developed until there is an infrastructure to support it.

Mr. Danny England state it that the rest of us has seen where that development has occurred without that infrastructure or investment, so is this going to be the policy coming forward? Every time someone develops something on a dirt road will have to pull out the checkbook?

Ms. Cox responded she thinks that is probably where you are as far as supporting something of this size.

Mr. England responded you can incrementally develop more than 16 lots on this road and be on the same boat that we ran last month where we didn't require funds, so 16 lots isn't a lot we have seen way more than that.

Mr. Thomas added that his neighborhood is considered private and got to pay \$3,000,000 dollars to get the road pave and we paid the millage rate as the sounding areas, but we are told that we use the main road so that why your millage will stay the same. We can't get any help from the county in repaving the roads or doing any of the infrastructure underneath sewage or anything like that.

Mr. Oliver asked Mr. Boyd about the other conditions, you said number 1,2,3...we are good, what about number 5.? Mr. Boyd responded that 5 is good, the only thing I would like to be more in line with the ordinance that exists and change it to prior to submission of any final plat(s) the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in exits in six lots in the subdivision.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1355-24 subject to amended conditions. The conditions are as follows:

Recommended the following AMENDED CONDITIONS:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Davis Road.

2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive.

3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.

4. OMIT NUMBER 4 - “~~4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County’s Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval.~~”

5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.

6. [Amended Condition #6] Prior to submission of any final plat(s) the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in excess of six lots in the subdivision. The water line extension shall be constructed to the standards outlined in, “Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants.”

7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

Danny England seconded the motion for conditional approval, subject to amended conditions. The motion for CONDITIONAL APPROVAL, subject to amended conditions, carried 3-1. Boris Thomas abstained.

9. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-175.- Special Use of Property.

Ms. Cox explained that the next item three items kind of go together but we need three separate votes, did you remember Detox facility, not long ago in the last legislative session there was a new law passed it removed detox facilities from those items that require special use permit, we just need to amend our code to follow state law. And what we are doing here in number one, is removing it from the special use section entirely and replacing it with a small section that says reserved because we might have special uses in the future, that’s number 9.

Danny England made the motion to recommend approval of Consideration of Amendments

to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-175.- Special Use of Property. Jim Oliver seconded the motion. The motion to APPROVE carried 4-0.

10. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-169.- Conditional use approval. Number 10 - is to be as going taking those detox facilities and making them conditional uses in the O-I section on our zoning ordinance.

Danny England made the motion to recommend approval of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-169.- Conditional use approval Jim Oliver seconded the motion. The motion to APPROVE carried 4-0.

11. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article IV.- District use requirements. - Sec.110-142.- Office institutional district. Number 11- We will remove them from our special use section and our O-I zoning ordinance.

Danny England made the motion to recommend approval of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article IV.- District use requirements. - Sec.110-142.- Office institutional district. Boris Thomas seconded the motion. The motion to APPROVE carried 4-0.

ADJOURNMENT:

Danny England moved to adjourn the meeting. Boris Thomas seconded. The motion passed 4-0.

The meeting adjourned at 8:37 p.m.

ATTEST:

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

JOHN H. CULBRETH, SR., CHAIRMAN

**DEBORAH BELL
DIRECTOR, PLANNING & ZONING**

PETITION No (s): _____

STAFF USE ONLY

APPLICANT INFORMATION

Name Sudesh Dhingra

Address 535 Birkdale Dr.

City Fayetteville

State GA Zip 30215

Email [REDACTED]

Phone (678) 381-4131

AGENT(S) (if applicable)

Name Newton Galloway - Attorney

Address 406 N Hill St

City Griffin

State GA Zip 30223

Email ngalloway@gallyn-law.com

Phone (770) 233-6230

PROPERTY OWNER INFORMATION

Name The Estate of Richard N Cates / Denise Mercer

Address 25 Pineview Dr.

City Sharpsburg

State GA Zip 30277

Email dmrn64@gmail.com

Phone (404) 597-2793

Name Jim Kelly - TrueMark Realty

Address 106 Brookgrove LN

City Peachtree City

State GA Zip 30269

Email jkelly@TrueMarkRealty.com

Phone (404) 380-1289

(THIS AREA TO BE COMPLETED BY STAFF)

☐ Application Insufficient due to lack of:

Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

Staff: _____ Date: _____

DATE OF PLANNING COMMISSION HEARING: _____

DATE OF COUNTY COMMISSIONERS HEARING: _____

Received from _____ a check in the amount of \$ _____ for application filing fee, and \$ _____ for deposit on frame for public hearing sign(s).

Date Paid: _____ Receipt Number: _____

PETITION No.: _____ **Fees Due:** _____ **Sign Deposit Due:** _____

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0532 023 Acreage: 4.86
 Land District(s): 5th Land Lot(s): 151
 Road Name/Frontage L.F.: GA Hwy 54 / 486.75' Road Classification: Median State Highway
 Existing Use: Vacant Land Proposed Use: Convenience Store
 Structure(s): None Type: N/A Size in SF: N/A
 Existing Zoning: A-R Proposed Zoning: C-C
 Existing Land Use: Vacant Land Proposed Land Use: Retail/C-Store
 Water Availability: Yes Distance to Water Line: 0' Distance to Hydrant: 0'

PETITION No.: _____ **Fees Due:** _____ **Sign Deposit Due:** _____

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): _____ Acreage: _____
 Land District(s): _____ Land Lot(s): _____
 Road Name/Frontage L.F.: _____ Road Classification: _____
 Existing Use: _____ Proposed Use: _____
 Structure(s): _____ Type: _____ Size in SF: _____
 Existing Zoning: _____ Proposed Zoning: _____
 Existing Land Use: _____ Proposed Land Use: _____
 Water Availability: _____ Distance to Water Line: _____ Distance to Hydrant: _____

PETITION No.: _____ **Fees Due:** _____ **Sign Deposit Due:** _____

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): _____ Acreage: _____
 Land District(s): _____ Land Lot(s): _____
 Road Name/Frontage L.F.: _____ Road Classification: _____
 Existing Use: _____ Proposed Use: _____
 Structure(s): _____ Type: _____ Size in SF: _____
 Existing Zoning: _____ Proposed Zoning: _____
 Existing Land Use: _____ Proposed Land Use: _____
 Water Availability: _____ Distance to Water Line: _____ Distance to Hydrant: _____

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM
(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

The Estate of Richard N Cates / Denise Mercer (Executrix)

(Please Print)

Property Tax Identification Number(s) of Subject Property: 05-32-023

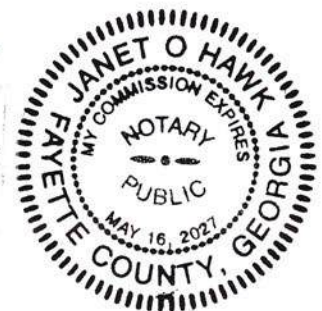
(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 151 of the 5th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 4.86 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Newton Galloway to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

- (I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

(I) Carol Denise Cates Mercer
 Signature of Property Owner 1
25 Pineview Dr., Sharpsburg, GA 30277
 Address

Janet O Hawk
 Signature of Notary Public
July 8th, 2024
 Date



Signature of Property Owner 2
 Address

Signature of Notary Public
 Date

Signature of Property Owner 3
 Address

Signature of Notary Public
 Date

[Signature]
 Signature of Authorized Agent
106 Bridgeville Ln, Peachtree City
 Address GA 30269

Maria T. B.
 Signature of Notary Public
07/08/2024
 Date



PETITION No.: _____

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned)

NAME: The Estate of Richard N Cates / Denise Mercer (Executrix)ADDRESS: 25 Pineview Dr., Sharpsburg, GA 30277

PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.

Denise Mercer (Executrix) affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 250.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to C-C.

This property includes: (check one of the following)

☒ See attached legal description on recorded deed for subject property or☐ Legal description for subject property is as follows:PUBLIC HEARING to be held by the Planning Commission of Fayette County on the day of Thursday, September 5th, 20 24 at 7:00 P.M.PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of Thursday, September 26th, 20 24 at 7:00 P.M.SWORN TO AND SUBSCRIBED BEFORE ME THIS 8th DAY OF July, 20 24Carol Denise Cates Mercer

SIGNATURE OF PROPERTY OWNER SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC

Janet Hawk

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, The Estate of Richard N Cates, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, feet of right-of-way along Hwy 54 & Banks RD as measured from the centerline of the road.

Based on the Future Thoroughfare Plan Map, streets have one of the following designations and the Fayette County Development Regulations require a minimum street width as specified below:

- Local Street (Minor Thoroughfare) 60-foot right-of-way (30' measured from each side of road centerline)
- Collector Street (Major Thoroughfare) 80-foot right-of-way (40' measured from each side of road centerline)
- Arterial Street (Major Thoroughfare) 100-foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 8th day of July, 2024.

Carol Denise Cates Mercer

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC




Janet O Hawk

DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

- A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.
- B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: www.dca.state.ga.us/DRI/.
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".
- ☒ The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds.
- ☐ The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this 8th day of July, 2024.


APPLICANT'S SIGNATURE



Developments of Regional Impact - Tiers and Development Thresholds

Type of Development	Metropolitan Regions	Non-metropolitan Regions
(1) Office	Greater than 400,000 gross square feet	Greater than 125,000 gross square feet
(2) Commercial	Greater than 300 000 gross square feet	Greater than 175,000 gross square feet
(3) Wholesale & Distribution	Greater than 500 000 gross square feet	Greater than 175,000 gross square feet
(4) Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 200 new beds; or generating more than 250 peak hour vehicle trips per day
(5) Housing	Greater than 400 new lots or units	Greater than 125 new lots or units
(6) Industrial	Greater than 500,000 gross square feet; or employing more than 1, 600 workers; or covering more than 400 acres	Greater than 175,000 gross square feet; or employing more than 500 workers; or covering more than 125 acres
(7) Hotels	Greater than 400 rooms	Greater than 250 rooms
(8) Mixed Use	Gross square feet greater than 400,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 120 acres; or if any of the individual uses meets or exceeds a threshold as identified herein	Gross square feet greater than 125,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 40 acres; or if any of the individual uses meets or exceeds a threshold as identified herein
(9) Airports	All new airports runways and runway extensions	Any new airport with a paved runway; or runway additions of more than 25% of existing runway length
(10) Attractions & Recreational Facilities	Greater than 1, 500 parking spaces or a seating capacity of more than 6, 000	Greater than 1, 500 parking spaces or a seating capacity of more than 6, 000
(11) Post-Secondary School	New school with a capacity of more than 2,400 students or expansion by at least 25 percent of capacity	New school with a capacity of more than 750 students or expansion by at least 25 percent of capacity
(12) Waste Handling Facilities	New facility or expansion of use of an existing facility by 50 percent or more	New facility or expansion of use of an existing facility by 50 percent or more
(13) Quarries, Asphalt &, Cement Plants	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(14) Wastewater Treatment Facilities	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(15) Petroleum Storage Facilities	Storage greater than 50, 000 barrels if within 1, 000 feet of any water supply; otherwise storage capacity greater than 200, 000 barrels	Storage greater than 50, 000 barrels if within 1, 000 feet of any water supply; otherwise storage capacity greater than 200, 000 barrels
(16) Water Supply, Intakes/Reservoirs	New Facilities	New Facilities
(17) Intermodal Terminals	New Facilities	New Facilities
(18) Truck Stops	A new facility with more than three diesel fuel pumps; or spaces.	A new facility with more than three diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces.
(19) Any other development types not identified above (includes parking facilities)	1000 parking spaces	1000 parking spaces

Copyright © 2007 The Georgia Department of Community Affairs. All Rights Reserved.

DISCLOSURE STATEMENT

(Please check one)

Campaign contributions: X No Yes (see attached disclosure report)

TITLE 36. LOCAL GOVERNMENT

PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS

CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

O.C.G.A. § 36-67A-3 (2011)

§ 36-67A-3. Disclosure of campaign contributions

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

HISTORY: Code 1981, § 36-67A-3, enacted by Ga. L. 1986, p. 1269, § 1; Ga. L. 1991, p. 1365, § 1; Ga. L. 1993, p. 91, § 36.

CHECKLIST OF ITEMS REQUIRED FOR REZONING REQUEST

(All applications/documentation must be complete at the time of application submittal or the application will not be accepted)

- ☒ Application form and all required attachments completed, signed, and notarized, as applicable.
- ☒ Copy of latest recorded deed, including legal description of the boundaries of the subject property to be rezoned.
- ☒ Boundary Survey (Separate from Conceptual Plan; 1 paper copy and 1 electronic copy in .pdf format), drawn to scale, showing north arrow, land lot and district, dimensions, and street location of the property, prepared (signed & sealed) by a land surveyor.
- ☒ Legal Description (must have metes and bounds) – 1 paper copy and 1 electronic copy in Microsoft Word .docx format
- ☒ Conceptual Plan (1 paper copy and 1 electronic file in .pdf format). The Conceptual Plan is not required to be signed and sealed by a registered surveyor, engineer or architect. The Conceptual Plan may be prepared on the boundary line survey; however it is required to be drawn to scale, and include all applicable items below:
 - X a. The total area of the subject property to be rezoned (to the nearest one-hundredth of an acre), the existing zoning district(s) of the subject property, and the area within each zoning district if more than one district.
 - X b. Approximate location and size of proposed structures, use areas and improvements (parking spaces, and aisles, drives, etc.) on the subject property for non-residential rezoning requests, including labeling the proposed use of each proposed structure/use area.
 - X c. General layout of a proposed subdivision (residential or non-residential) including the delineation of streets and lots. The items of b. above are not required in this instance but may be included if known.
 - N/A d. Approximate location and size of existing structures and improvements on the parcel, if such are to remain. Structures to be removed must be indicated and labeled as such.
 - X e. Minimum zoning setbacks and buffers, as applicable.
 - X f. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating type and width of existing and proposed easements and centerline of streets including width of right-of-way.
 - X g. Location and dimensions of exits/entrances to the subject property.
 - X h. Approximate location and elevation of the 100-year flood plain and Watershed Protection Ordinance requirements, as applicable.
 - X i. Approximate location of proposed on-site stormwater facilities, including detention or retention facilities.
- ☒ A letter of intent for a non-residential rezoning request, including the proposed use(s).

BANKS ROAD & HIGHWAY 54

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 151 OF THE 5TH LAND DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE RIGHT OF WAY MARKER FOUND AT THE SOUTHERN MOST MITERED CORNER OF THE NORTHEASTERLY RIGHT OF WAY OF BANKS ROAD (R/W VARIES) AND THE NORTHWESTERLY RIGHT OF WAY OF STATE HIGHWAY 54 (R/W VARIES); THENCE ALONG THE NORTHEASTERLY RIGHT OF WAY OF BANKS ROAD THE FOLLOWING CALLS: N 47°18'17" W 49.47' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 316.22', WITH A RADIUS OF 1164.94', WITH A CHORD BEARING OF N 55°04'52" W , WITH A CHORD LENGTH OF 315.25' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 127.23', WITH A RADIUS OF 861.08', WITH A CHORD BEARING OF N 67°05'25" W , WITH A CHORD LENGTH OF 127.11' TO A POINT; THENCE S 18°59'40" W 10.00' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 118.28', WITH A RADIUS OF 920.85', WITH A CHORD BEARING OF N 74°41'07" W , WITH A CHORD LENGTH OF 118.20' TO A 1/2" REBAR FOUND; THENCE LEAVING SAID RIGHT OF WAY N 79°00'41" E 53.99' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 79°07'20" E 239.86' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 71°22'23" E 180.00' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 67°03'28" E 150.11' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 64°19'36" E 160.03' TO A 5/8" REBAR FOUND; THENCE N 62°58'25" E 150.14' TO A 5/8" REBAR FOUND; THENCE N 62°57'59" E 50.17' TO A 5/8" REBAR FOUND; THENCE N 69°40'15" E 56.90' TO A 1/2" REBAR FOUND; THENCE S 00°40'56" E 95.05' TO A 1/2" REBAR FOUND ON THE NORTHWESTERLY RIGHT OF WAY OF STATE HIGHWAY 54; THENCE ALONG SAID RIGHT OF WAY S 37°35'41" W 486.75' TO A CONCRETE RIGHT OF WAY MARKER FOUND; THENCE CONTINUING ALONG SAID RIGHT OF WAY WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 175.69', WITH A RADIUS OF 8662.72', WITH A CHORD BEARING OF S 37°00'49" W , WITH A CHORD LENGTH OF 175.68' TO A CONCRETE RIGHT OF WAY MARKER FOUND AT THE NORTHERN MITERED CORNER OF THE NORTHEASTERLY RIGHT OF WAY OF BANKS ROAD AND THE NORTHWESTERLY RIGHT OF WAY OF STATE HIGHWAY 54; THENCE ALONG SAID MITER S 69°29'50" W 45.47' TO A CONCRETE RIGHT OF WAY MARKER FOUND, WHICH IS THE POINT OF BEGINNING.

HAVING AN AREA OF 211591.08 SQUARE FEET, OR 4.86 ACRES.

IN THE PROBATE COURT
COUNTY OF COWETA
STATE OF GEORGIA

Doc ID: 009604670001 Type: CERT
Recorded: 03/12/2015 at 10:00:00 AM
Fee Amt: \$10.00 Page 1 of 1
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK **4290** Pg **736**

IN RE: ESTATE OF)

DIANA COUTU CATES,)

DECEASED)

ESTATE NO. 2014-4306

CERTIFICATE OF ORDER OF YEAR'S SUPPORT
(Pursuant to O.C.G.A. §53-3-11)

DATE ORDER GRANTED: February 20, 2015

GRANTOR: (NAME OF DECEDENT) Diana Coutu Cates

GRANTEE: (FULL NAME OF EACH PERSON AWARDED YEAR'S SUPPORT. The surviving spouse and/or minor children)
Spouse only, Richard Cates

ADDRESS OF GRANTEE: 190 Mapledale Trail, Sharpsburg GA 30277

LEGAL DESCRIPTION OF REAL PROPERTY AND INTEREST THEREIN Fayette County, State of Georgia lying and being in **Land Lot 151 of the Fifth Land District of Fayette County**, Georgia, being approximately 5.199 acres more or less located at the northwesterly corner of Highway 54 East and Banks Road being part and parcel of that same tract and parcel described by deed in Deed Book 1106 at Page 411 as recorded in the Office Clerk of Superior Court for Fayette County, Georgia. Said tract is also identified by the Tax Assessor for Fayette County as Tax parcel ID 0532 023

Also land in Coweta County

Original Certificate delivered or mailed to Clerk of Superior Court of Fayette County on February 20, 2015.

Certificate prepared by:

[Signature]
SIGNATURE OF ATTORNEY

State Bar # 683120

I do hereby certify that the above information is based on the order of the Probate Court issued on the date set out above and that the above information is true and correct.

By: [Signature] Clerk/Deputy Clerk of the Probate Court
Court Square, Newnan, GA 30263
Probate Court Return Mailing Address

GPCSF 10

Eff. July 2013

REZONING APPLICATION _____

Estate of Richard N. Cates, Deceased, Owner
Sudesh Dhingra, Applicant
A-R to C-C
4.86 acres
Tracts 0532 023
Georgia Highway 54/Banks Road

LETTER OF INTENT

Mr. Sudesh Dhingra ("Applicant") submits this Letter of Intent in support of the above-styled Rezoning Application (the "Application") in compliance with the Fayette County, Georgia Zoning Ordinance (the "Zoning Ordinance"), Section 110-296 seeking rezoning of certain real property located at the northeast corner of the intersection of Georgia Highway 54 and Banks Road, consisting of 4.86 acres located in the 5th Land District, Land Lot 151, and identified as parcel number: 0532 023, according to the current system of numbering used by the Fayette County Tax Assessor (the "Subject Property") from Agricultural-Residential District (A-R) to Community-Commercial District (C-C).

The proposed development will consist of an approximate 6,600 square feet retail building located on a 2-acre portion of the Subject Property for the operation of a convenience store with gasoline service.

The proposed development on the Subject Property is not permitted in A-R zoning. C-C zoning, as requested, is intended for convenient community shopping and allows a wide variety of stores and services. This includes most retail stores expected in a community based shopping center like grocery stores, restaurants, and clothing stores. There are also a number of professional service uses allowed such as banks, medical and dental offices, and dry cleaners. The zoning district allows for some other uses with a conditional permit process, such car washes, gas stations, and childcare facilities. A site plan showing the proposed improvements on the Subject Property and concept buildings renderings are included with the Application and show the compatibility of the development with the surrounding community.

Pursuant to Zoning Ordinance, Section 110-143(C)(3), the proposed development is permitted in the C-C zoning district as a conditional use. Upon rezoning, conditional use approval is governed by Zoning Ordinance, Section 110-169(2)(h), subject to approval of the zoning administrator upon compliance with the requirements of the conditional use.

REZONING APPLICATION _____

Estate of Richard N. Cates, Deceased, Owner
Sudesh Dhingra, Contract Purchaser/Applicant
A-R to C-C
4.86 acres
Tracts 0532 023
Georgia Highway 54/Banks Road

CONSTITUTIONAL OBJECTION TO RESTRICTIONS IN THE
ZONING ORDINANCE OF FAYETTE COUNTY, GEORGIA

As applied to the following property:

Tax Parcel No.: 0532 023; 4.86 acres
Estate of Richard N. Cates, Owner
Sudesh Dhingra, Contract Purchaser/Applicant

located in unincorporated Fayette County, Georgia and as identified pursuant to the current parcel number assigned by the Fayette County Tax Assessor (the "Subject Property"), being zoned Agricultural-Residential (A-R), subject of the above-referenced Rezoning Application, the Fayette County, Georgia Zoning Ordinance ("Zoning Ordinance") is unconstitutional in that the Owner's and Contract Purchaser's (cumulatively, "Applicants") 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 deprives the Applicants 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 to the Subject Property is unconstitutional, illegal, arbitrary, capricious, null and void, constituting a taking of the Subject Property in violation of the

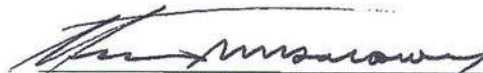
Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph 1, and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause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

Inasmuch as it is impossible for the Applicants to use the Subject Property and simultaneously comply with the Zoning Ordinance, the Zoning Ordinance constitutes an arbitrary, capricious, and unreasonable act by Fayette 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 to the Subject Property is unconstitutional and discriminates against the Applicants in an arbitrary, capricious, and unreasonable manner between the Applicants 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, Applicants request that Fayette County, Georgia approve this Rezoning Application and rezone the Subject Property to Community Commercial (C-C) as specified and requested herein.

GALLOWAY & LYNDALL, LLP
Counsel for Applicants

A handwritten signature in black ink, appearing to read "Newton M. Galloway", written over a horizontal line.

Newton M. Galloway
Georgia Bar No.: 283069

The Lewis-Mills House
406 North Hill Street
Griffin, Georgia 30223
(770) 233-6230
ngalloway@gallyn-law.com

REZONING APPLICATION _____

Estate of Richard N. Cates, Deceased, Owner
Sudesh Dhingra, Applicant
A-R to C-C
4.86 acres
Tracts 0532 023
Georgia Highway 54/Banks Road

EVIDENTIARY OBJECTIONS TO ZONING HEARING BASED ON
YORK V. ATHENS COLLEGE OF MINISTRY, INC.

As applied to the following property:

Tax Parcel No.: 0532 023; 4.86 acres
Estate of Richard N. Cates, Owner
Sudesh Dhingra, Contract Purchaser/Applicant

located in unincorporated Fayette County, Georgia and as identified pursuant to the current parcel number assigned by the Fayette County Tax Assessor (the "Subject Property"), being zoned Agricultural-Residential (A-R), subject of the above-referenced Rezoning Application, Applicants give notice of the following evidentiary objections based on *York v. Athens College of Ministry, Inc.*, 348 Ga. App. 58, 632, 821 S.E.2d 120 (2018):

Simultaneously herewith, Applicants filed a Constitutional Objection to the denial of the above referenced Application which is incorporated herein by reference as if fully set forth.

Applicants object to comments provided by any and all members of the public presented before the Board of Commissioners of Fayette County, Georgia ("BOC") in opposition to the Rezoning Application to the extent that (but not limited to) such individuals lack standing to challenge the Rezoning Application because they: (a) do not satisfy the substantial interest-aggrieved citizen test; (b) are not under oath; (c) are not subject to cross-examination; (d) lack sufficient training or expertise to present evidence on and/or make statements that would otherwise require presentation by witness(es) constituting expert opinion without such individuals being

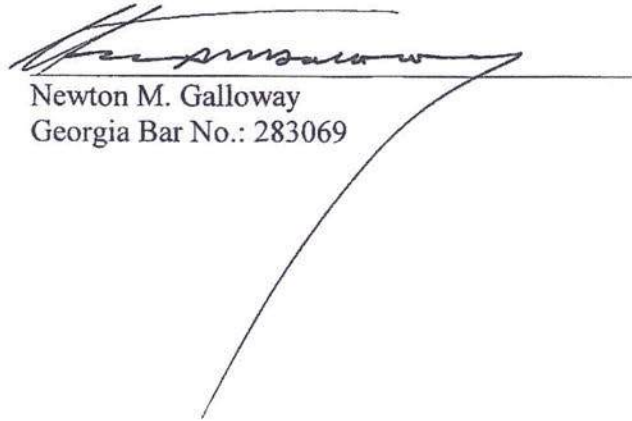
qualified as experts; (e) present evidence on and/or make statements that are irrelevant and/or immaterial to the factors for approval of rezoning under the Zoning Ordinance; and/or (f) present evidence and/or make statements that are founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial and/or lay, nonexpert opinion and hearsay evidence.

Additionally, Applicants object to any action of the BOC that does not approve the Rezoning Application or approves rezoning subject to unreasonable conditions to the extent that (but not limited to) the same are: (a) in violation of O.C.G.A. § 50-13-19(h); (b) in violation of constitutional, statutory or ordinance provisions; (c) in excess of the statutory or constitutional authority of either the BOC; (d) made upon unlawful procedure; (e) affected by other error of law; (f) clearly erroneous in view of the reliable probative, and substantial evidence on the whole record; or (g) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; (h) founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, unsubstantiated and/or lay, nonexpert opinion evidence; and/or (i) contrary to the exclusive factors for approval of a variance set forth in the Zoning Ordinance.

By and through this *York* Objection, Applicants preserve all the above and incorporated Objections and assert them on and within the record before, and for consideration and resolution by, the BOC of Fayette County, Georgia.

WHEREFORE, Applicants request that Fayette County, Georgia approve the Rezoning Application set forth above.

GALLOWAY & LYNDALL, LLP.
Counsel for Applicants



Newton M. Galloway
Georgia Bar No.: 283069

The Lewis-Mills House
406 North Hill St.
Griffin, GA 30223
(770) 233-6230
ngalloway@gallyn-law.com

Wednesday, August 14, 2024

Fayette County News B3

FAYETTE COUNTY**PETITION FOR REZONING CERTAIN PROPERTIES
IN UNINCORPORATED AREAS
OF FAYETTE COUNTY,
GEORGIA**

PUBLIC HEARING to be held before the Fayette County Planning Commission on Thursday, September 5, 2024, at 7:00 P.M., and before the Fayette County Board of Commissioners on Thursday, September 26, 2024, at 5:00 P.M., in the Fayette County Administrative Complex, 140, Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

Petition No.: 1353-24

Owner/Agent: The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; Jim Kelly, Agent; Newton Galloway - Attorney
Existing Zoning District: A-R
Proposed Zoning District: C-C

Parcel Number: 0532 023

Area of Property: 4.86 acres

Proposed Use: Commercial

Land Lot(s)/District: Land lot 151 of the 5th District

Fronts on: Banks Road and Highway 54

Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 151 OF THE 5TH LAND DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A CONCRETE RIGHT OF WAY MARKER FOUND AT THE SOUTHERN MOST MITERED CORNER OF THE NORTHEASTERLY RIGHT OF WAY OF BANKS ROAD (R/W VARIES) AND THE NORTHWESTERLY RIGHT OF WAY OF STATE HIGHWAY 54 (R/W VARIES); THENCE ALONG THE NORTHEASTERLY RIGHT OF WAY OF BANKS ROAD THE FOLLOWING CALLS: N 47° 0' 18" 17" W 49.47' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 316.22', WITH A RADIUS OF 1164.94', WITH A CHORD BEARING OF N 55° 00' 45" 52" W, WITH A CHORD LENGTH OF 315.25' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 127.23', WITH A RADIUS OF 861.08', WITH A CHORD BEARING OF N 67° 00' 52" 25" W, WITH A CHORD LENGTH OF 127.11' TO A POINT; THENCE S 180° 59' 40" W 10.00' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 118.28', WITH A RADIUS OF 920.85', WITH A CHORD BEARING OF N 74° 04' 10" 07" W, WITH A CHORD LENGTH

OF 118.20' TO A 1/2" REBAR FOUND; THENCE LEAVING SAID RIGHT OF WAY N 79° 00' 41" 1' E 53.99' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 79° 00' 7" 20" E 239.86' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 71° 02' 23" 1' E 180.00' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 67° 00' 3' 28" E 150.11' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 64° 19' 1' 36" E 160.03' TO A 5/8" REBAR FOUND; THENCE N 62° 05' 58" 25" E 150.14' TO A 5/8" REBAR FOUND; THENCE N 62° 05' 59" E 50.17' TO A 5/8" REBAR FOUND; THENCE N 69° 04' 15" 1' E 56.90' TO A 1/2" REBAR FOUND; THENCE S 00° 40' 56" E 95.05' TO A 1/2" REBAR FOUND ON THE NORTHWESTERLY RIGHT OF WAY OF STATE HIGHWAY 54; THENCE ALONG SAID RIGHT OF WAY S 37° 03' 41" 1' W 486.75' TO A CONCRETE RIGHT OF WAY MARKER FOUND; THENCE CONTINUING ALONG SAID RIGHT OF WAY WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 175.69', WITH A RADIUS OF 8662.72', WITH A CHORD BEARING OF S 37° 00' 49" W, WITH A CHORD LENGTH OF 175.68' TO A CONCRETE RIGHT OF WAY MARKER FOUND AT THE NORTHERN MITERED CORNER OF THE

NORTHEASTERLY RIGHT OF WAY OF BANKS ROAD AND THE NORTHWESTERLY RIGHT OF WAY OF STATE HIGHWAY 54; THENCE ALONG SAID MITER S 69° 02' 50" W 45.47' TO A CONCRETE RIGHT OF WAY MARKER FOUND, WHICH IS THE POINT OF BEGINNING.

HAVING AN AREA OF 211,591.08 SQUARE FEET, OR 4.86 ACRES.
08/14

PETITION FOR REZONING
CERTAIN PROPERTIES IN
UNINCORPORATED AREAS OF
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING to be held be-
fore the Fayette County Board of
Commissioners on Thursday, Oc-
tober 24, 2024, at 5:00 P.M., in
the Fayette County Administrative
Complex, 140 Stonewall Avenue
West, Public Meeting Room, First
Floor, Fayetteville, Georgia.

Petition No.: 1353-24
Owner/Agent: The Estate of Rich-
ard N. Cates/Carol Denise Cates
Mercer, Executrix; Jim Kelly,
Agent; Newton Galloway - Attorney
Existing Zoning District:

A-R
Proposed Zoning District:
C-C

Parcel Number: 0532 023
Area of Property: 4.86 acres
Proposed Use: Commercial
Land Lot(s)/District: Land lot 151
of the 5th District
Fronts on: Banks Road and High-
way 54
Legal Description
ALL THAT TRACT OR PARCEL

OF LAND LYING AND BEING IN
LAND LOT 151 OF THE 5TH LAND
DISTRICT OF FAYETTE COUN-
TY, GEORGIA AND BEING MORE
PARTICULARLY DESCRIBED
AS FOLLOWS: BEGINNING
AT A CONCRETE RIGHT OF
WAY MARKER FOUND AT THE
SOUTHERN MOST MITERED
CORNER OF THE NORTHEAST-
ERLY RIGHT OF WAY OF BANKS
ROAD (R/W VARIES) AND THE
NORTHWESTERLY RIGHT OF
WAY OF STATE HIGHWAY 54
(R/W VARIES); THENCE ALONG
THE NORTHEASTERLY RIGHT
OF WAY OF BANKS ROAD THE
FOLLOWING CALLS: N 47° 0
18'17" W 49.47'
TO A POINT; THENCE WITH A
CURVE TURNING TO THE LEFT
WITH AN ARC LENGTH OF
316.22',
WITH A RADIUS OF 1164.94',
WITH A CHORD BEARING OF N
55° 00'45.2" W, WITH A CHORD
LENGTH OF 315.25' TO A POINT;
THENCE WITH A CURVE TURN-
ING TO THE LEFT WITH AN ARC
LENGTH OF 127.23', WITH A RA-
DIUS OF 861.08', WITH A CHORD
BEARING OF N 67° 00'52.5" W,
WITH A CHORD LENGTH OF
127.11' TO A POINT; THENCE S
180° 59'40" W 10.00' TO A POINT;
THENCE WITH A CURVE TURN-
ING TO THE LEFT WITH AN ARC
LENGTH OF 118.28', WITH A

RADIUS OF 920.85', WITH A
CHORD BEARING OF N 74° 04'10.7
1" W, WITH A CHORD LENGTH
OF 118.20' TO A 1/2" REBAR
FOUND; THENCE LEAVING SAID
RIGHT OF WAY N 79° 00'41.1" E
53.99' TO A 1" CRIMP TOP PIPE
FOUND; THENCE N 79° 00'7.20" E
239.86' TO A 1" CRIMP TOP PIPE
FOUND; THENCE N 71° 02'23.1" E
180.00' TO A 1" CRIMP TOP PIPE
FOUND; THENCE N 67° 00'3'28" E
150.11' TO A 1" CRIMP TOP PIPE
FOUND; THENCE N 64° 19'13.6"
E 160.03' TO A 5/8" REBAR
FOUND; THENCE N 62° 05'58.25" E
150.14' TO A 5/8" REBAR FOUND;
THENCE N 62° 05'59.5" E 50.17'
TO A 5/8" REBAR FOUND;
THENCE N 69° 04'15.1" E 56.90'
TO A 1/2" REBAR FOUND;
THENCE S 00° 40'56" E 95.05' TO
A 1/2" REBAR FOUND ON THE
NORTHWESTERLY RIGHT OF
WAY OF STATE
HIGHWAY 54; THENCE ALONG
SAID RIGHT OF WAY S 37° 35'41
1" W 486.75' TO A CONCRETE
RIGHT OF WAY MARKER
FOUND; THENCE CONTINUING
ALONG SAID RIGHT OF WAY
WITH A
CURVE TURNING TO THE
LEFT WITH AN ARC LENGTH
OF 175.69', WITH A RADIUS OF
8662.72',
WITH A CHORD BEARING OF S
37° 00'49" W, WITH A CHORD
LENGTH OF 175.68' TO A CON-
CRETE RIGHT OF WAY MARKER
FOUND AT THE NORTHERN MI-
TERED CORNER OF THE
NORTHEASTERLY RIGHT OF
WAY OF BANKS ROAD AND THE
NORTHWESTERLY RIGHT OF
WAY OF STATE HIGHWAY 54;
THENCE ALONG SAID MITER S
69° 02'50" W 45.47' TO A CON-
CRETE RIGHT OF WAY MARKER
FOUND, WHICH IS THE POINT
OF BEGINNING. HAVING AN
AREA OF 211591.08 SQUARE
FEET, OR 4.86 ACRES.
10/02

Wednesday, October 2, 2024
Deadline: Each Friday by 10 a.m.
770-461-6311
legals@fayette-news.net

OPPOSITION LETTER TO RE-ZONING REQUEST, PETITION 1353-24 HWY 54 & BANKS RD

Arnold L. Martin, III
130 Deer Glen Drive
Fayetteville, GA 30214

August 29, 2024,

Dear Planning Commissioners;

My name is Arnold Martin and my family has resided on Deer Glen Drive, within the Deer Glen Forest subdivision for 26 years. Our community is filled with almost one hundred families, ranging from being brand new residents to those who have resided for over 40 years. Our community shares the border at the back of this land.

This letter is to represent the Deer Glen Forest residents' opposition to the re-zoning request of the 4.86 acres from A-R to C-C , for the development of a convenience store at the corner of Banks Rd and Hwy 54 in Fayetteville.

We oppose this request, because a convenience store, at this location, among many reasons would be harmful and completely disruptive to this residential area and neighborhoods. These additional reasons below are further reasons why we feel that this request should be denied.

- This property has always been zoned A-R and all owners who purchased this land were quite aware of the zoning.
- This request does not meet the Comprehensive and Future Land Use Plan of Fayette County.
- All of the surrounding neighborhoods are zoned for Residential R-40 or R-45
- The Comprehensive Plan/ Land Use Element on page L-11 states the following

Commercial

This category identifies all property where business and trade are conducted, both retail and wholesale, and accessory use areas, such as parking. The Land Use Plan Map seeks to provide necessary commercial activity within a reasonable distance to unincorporated county residents. However, county policy recognizes that major commercial facilities should be located within incorporated areas where infrastructure is available and population densities are most concentrated. The county should attempt to discourage additional commercial development along major roadways, as strip commercial development is neither desirable from a safety standpoint nor attractive.

- The issues of Traffic and Safety- The traffic light at the corner of Hwy 54 and Banks Road is a continual bottleneck of traffic especially in the morning and evening traffic

- This bottleneck has caused cars to cut through Deer Glen Forest, usually at high rates of speed, of which we have complained to county officials.
- Daily traffic on Hwy 54 is 16,660 and on Banks Road it is 12,751. A convenience store and gas station, trying to handle the traffic of almost 30,000 cars would be an absolute nightmare and total disruption to the quality of life of all neighboring residents
- Crime- We are highly concerned of crime coming to our very safe neighborhoods that has never been there. Convenience Stores and Gas Stations attract crime and criminal element. A recent example is the Circle K being held up at gun point . See the attached article. We don't want this crime coming to our neighborhoods.

In summary, we are asking that you deny this change of zoning request, for all of the reasons I have identified and that this is a residential area that must remain this way. A similar request occurred in 2003 and it was denied 5-0 by the Commissioners. We ask that you do the same.

PLEASE SEE THE ARTICLE ON THE NEXT PAGE

Man demands convenience store's money, walks away with roll of bills, is arrested for robbery

By Ben Nelms - March 21, 2022



Mark F. Miller. Photo/Fayette County Jail.

A Morrow man has been charged with robbery after demanding money from the store clerk at a gas station on Fayetteville's west side. He was detained by officers a short distance from the store while walking along Ga. Highway 54 West.

Fayetteville officers on March 12 were dispatched to a reported robbery at the Circle K gas station on Hwy. 54 West at Ginger Cake Road.

The dispatcher described the alleged suspect as an older white male wearing a blue coat, according to Fayetteville Police Department spokesperson Ann Marie Burdett.

Burdett said a Fayetteville police officer patrolling in the area observed a subject walking eastbound on Hwy. 54 West near Marquis Drive, fitting the description of the alleged suspect.

The officer stopped and detained the subject to conduct a brief investigation. The officer confirmed the subject he detained fit the description of the subject that robbed the Circle K gas station, Burdett added.

"The officer obtained the subject's name and date of birth, a search was conducted and a roll of U.S. currency was found on his person. The subject was identified as Mark F. Miller, 59, of Morrow," Burdett said.

Though Miller said the money was his, the complainant/store clerk told police that Miller demanded money from her, and she gave it to him, Burdett noted.

"Miller was returned to Circle K gas station, and the store clerk identified that he was the offender that robbed Circle K gas station," Burdett said.

Ben Nelms

September 1, 2024

RE: Concerns regarding the rezoning request at the Banks Road/GA Hwy 54 intersection.

Dear Fayette County Planning Commissioners,

My name is Susan Prosser and my husband and I reside in the subdivision/area known as "Ponderosa" located on the north side of Banks Road near the proposed rezoning request. We do not have an HOA, so I am writing on behalf of my family and my neighbors with whom I have spoken, and those that signed the petition (also attached). We all oppose the proposed rezoning of the property located in Land Lot 151 of the 5th District and fronts on Banks Road and GA Hwy 54; (Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix) and the request to rezone the 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purposes of constructing a convenience store with fuel pumps.

Although our subdivision/neighborhood is not physically adjacent to this property, our neighborhood will be impacted. I know that several neighborhood HOA representatives have reached out and provided, with detailed accounts, their concerns regarding this rezoning. To save time, I will not duplicate/reiterate those concerns here, but will just say, that we, too, agree with those concerns that have been stated/discussed:

- environmental impact;
- noise/light pollution;
- health concerns;
- property values;
- traffic and safety. I will add additional information regarding traffic. Regarding our subdivision, the first entrance (Ponderosa Court) is 3/10 of a mile from the intersection and the second entrance (Ponderosa Trace) is 7/10 of a mile. Traffic along Banks is already heavy and people tend to speed. (I have had cars pass me ignoring the double lines.) When you exit Ponderosa Trace there are "blind spots" which include a curve east of the subdivision entrance and a hill west of the entrance both impacting your sight as you try and get onto Banks Road. This is definitely a safety issue.

Finally, in reading the current Fayette County Land Use Plan, this rezoning would totally go against it. We in the Ponderosa Neighborhood respectfully urge the Commission to adhere to our county's existing land use plan and reject this proposed rezoning.

Thank you for your time,



Susan Prosser
297 DeVilla Trace
Fayetteville, GA 30214

From: [BUTCH PROSSER](#)
To: [Deborah L Bell](#); [Deborah Sims](#)
Subject: Opposition Letter and Signatures Regarding Rezoning of Land at Banks Road and GA Hwy 54 Intersection
Date: Sunday, September 1, 2024 6:47:07 PM
Attachments: [Letter to FC Planning Commission.pdf](#)
[Petition Signatures Ponderosa .pdf](#)

You don't often get email from [REDACTED]. [Learn why this is important](#)

External Email Be cautious of sender, content, and links

Dear Ms. Bell and Ms. Sims,

My name is Susan Prosser and my husband and I reside in the subdivision/area known as "Ponderosa" located on the north side of Banks Road. Our neighborhood does not have an HOA, so I am writing on behalf of my family and neighbors with whom I have spoken, and those that signed the petition against the rezoning for the Banks Road/GA Hwy 54 parcel of land.

Attached to this email, please find a letter to the Fayette County Planning Commission explaining our concerns and opposition to the rezoning request for the above mentioned parcel of land. Also attached are signatures of neighbors/residents that signed our petition to oppose this rezoning. Please share this information with the Planning Commission and allow it to be entered into the official record.

Thank you so much,

Susan Prosser

297 DeVilla Trace

Fayetteville, Ga 30214

By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

Name	Address
(2) Kimberly Harris	370 Devilla Trce Fayetteville GA 30214
Deborah Hughes	260 Huntcliff Ct Fayetteville GA 30214
Al Haly	275 Huntcliff Ct Fayetteville GA
Elica Sjeda	215 Devilla Trce Fayetteville GA 30214
CAROLYN JACKSON	200 Oak Manor Fayetteville GA 30214
Slater L. Jackson, 1 st	200 Oak Manor Fayetteville, GA 30214
Patrick Hall	370 Devilla Trce Fayetteville - 30214
Danna Martinez	370 Devilla Trce Fayetteville, GA 30214
Darryl Beere	115 Hunters Crk Fayetteville GA
(2) Jose & Mila Gros	105 Grande Ct
Laken Hurst	165 Huntington Ct, Fayetteville, GA 30214
HEXANDRA TRAXLER	160 Downing Ct. 30214
Jake Acevedo	170 Downing Ct. Fayetteville, GA 30214
Halee Pokosz	170 Downing Ct. Fayetteville, GA 30214
Bob Beasley	155 Downing Ct Fayetteville 30214
Shirley Beasley	155 Downing Ct Fayetteville 30214
Victor A. Ortega	215 Devilla Trce Fayetteville GA 30214
Maria I. Perdomo	215 Devilla Trce Fayetteville GA 30214
Elica S. Ortega	100 San Marino Ct Fayetteville GA 30214
Denzel Felder	100 San Marino Ct Fayetteville GA 30214
DeMun Lewis	130 Hill Chase Ct Fayetteville GA 30214
Charlotte Rodriguez	315 Devilla Trce Fayetteville GA 30214
Jim Pible	295 Devilla Trce "
Diane Pible	295 Devilla Trce "

By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

Name	Address
1 Kyle Howser	105 TAHOE DR. Fayetteville Ga
2 Helen Hickman	115 Hill Chase Ct. Fayetteville
3 Dean Nelson	108 Hill Chase Ct
4 Mary Murdaugh	150 HUNTCIFF Ct, Fayetteville GA
5 NEAL MURDAUGH	150 Huntcliff Ct "
6 Alfred Collins	184 Dawns Ct Fay.
7 Zakiyah Lewis	130 Hill Chase Ct
8 Maryellen Hendrick	110 HILL CHASE CT
9 Stacie Huber	100 Hillchase ct.
10 Billy Huber	100 Hill chase Ct.
11 Oscar Ortiz	105 hill chase Ct
12 Kelly Ortiz	105 hill chase CT
13 Alexandra Bergrin - Pino	110 Huntcliff ct. Fayetteville GA
14 Brandon Bergrin	110 Huntcliff Ct " "
15 Denise Langley	225 Oxford Lane " "
Jim Salvador	155 KAYLA RR
Faye SALVADOR	155 KAYLA, RR
Chris Davis	125 Chandler Way
Donny Murdaugh	150 Huntcliff Ct. Fay.

By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

[illegible]

SANDRA LEE QUIRY
140 Sugarland Trail
Fayetteville, GA 30214
(770)460-7690

Fayette County Planning Commission
140 Stonewall Avenue West
Fayetteville, GA
30214

Re: Formal objection to rezoning Petition No. 1353-24 Banks Road and GA 54

August 31, 2024

Dear Commission Members and Staff:

As residents of Smokemont Subdivision we feel compelled to reach out to you. The Banks Road/GA 54 corridor is and has always been agricultural/residential, in accordance with the Comprehensive and Future Land Use Plan of Fayette County. It is comprised of five subdivisions with homes numbering in the hundreds, and custom built homes numbering in the dozens.

We strongly object to a proposal to rezone less than five acres at the corner of Banks Road and GA 54 to allow for a gasoline station and convenience store. Smokemont is the smallest and most humble of the neighborhoods in the corridor, but we are in very close proximity to this parcel. While there are many problems with this petition the related health concerns come top of mind.

Gasoline stations are documented producers of volatile organic compounds that attack by air and runoff. Some of them are heavier than air and would collect in the low lying area of the parcel which abuts homes in Deer Glen Forest. One, benzene, is a known carcinogen which attacks our cells and then our blood. The NIH has determined that there is no safe level of exposure to it. Naturally occurring ethyl benzene is a suspected carcinogen. Tuolene has not been linked to cancer but can damage the brain, heart, muscles and kidneys with repeated exposure. And of course there is carbon monoxide which is a pulmonary threat to us all, and particularly so to sensitive groups.

While the government and industry have tried to mitigate gaseous emissions there is evidence that Stage I vapor recovery systems and automobile onboard vapor recovery systems are less than ideal. Stage I systems are NOT effective the 99% of the time that the underground tanks are NOT being filled. And automobile OVRs have been shown in recent testing to leak around 88% of the time. Moreover, the virtual certainty of runoffs from refueling assures that these compounds, which dissolve only slightly in water, will be in the ditches, soil, grass and waterways of the surrounding area.

Ladies and gentlemen, I am not a pioneer resident of Smokemont. But in my 34 years here I have enjoyed watching two generations of kids at the bus stops. Won't you help us

SANDRA LEE QUIRY
140 Sugarland Trail
Fayetteville, GA 30214
(770)460-7690

keep this area safe for them and us? We don't need another gas station here. We need peaceful enjoyment of our homes. Please stick to the Comprehensive Plan and vote AGAINST this petition.

Thank you for your consideration.

A handwritten signature in blue ink that reads "Sandra Lee Quiry". The signature is written in a cursive, flowing style.

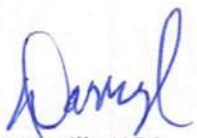
Sandra Lee Quiry

By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

Name	Address
Andrea De Luna Sandra Quire	140 Sugarland Trail Fayetteville
Shanna S. Wood Shannon Wood	130 Hillsdale Dr. Fayetteville
Jan Couch	310 Woodgate Dr Fayetteville
Laura G. Perry	100 GRANDE CT, FAYETTEVILLE.
David W. Brown	150 Sugarland Trail, Fayetteville
Jay Little	155 SUGARLAND TR FAYETTEVILLE
Fancy Little	155 Sugarland Tr. Fayetteville
Remigia Norde	180 Sugarland Tr Fayetteville
Roger Norde	180 Sugarland Tr. Fayetteville
Berneen Abbott	160 Springhouse Lane Fayetteville
Susan Proun	297 DeVill Tr Fayetteville
Butt Proun	297 DEVILCA TR FAYETTEVILLE
Barbara Howard	115 Sugarland Tr Fayetteville
Recky Lewis	105 Cold Springs Ct Fayetteville Ga
Kenia Armstrong	130 Pamela Court - Fayetteville, GA 30214
MATT & DEBORAH DUNFEE	120 SPRINGHOUSE LN, FAYETTEVILLE, GA 30214
Claire Barge	130 Springhouse Ln., Fayetteville, GA
Kristin Rust	115 Pamela Ct Fayetteville GA 30214
Brian A. & Janica Korfman	SR Banks Rd east Fayetteville GA
Hector F. PALACIOS	165 FOREST HALL PL Fayetteville, GA
Tom Dodd + Terry Dodd	175 Oak Forest TRL Fayetteville, GA
JANET SPECK	155 FOREST HALL LN, FWL
Katrina + Bobby Dean	140 Smokemont Dr Fayetteville, Ga
FRANK & Angelia Blackwell	810 SAN Remo CT. Fayetteville, GA 30214
Frank Blackwell	

By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

[illegible]


Darryl A. Hicks, Sr
President – The Oaks of Fayetteville HOA
245 Oak Manor
Fayetteville, GA 30214

Re: Rezoning Request
Banks Road & Highway 54

August 30, 2024

Dear Planning Commissioners,

I am reaching out to you on behalf of the members of our Homeowners Association for The Oaks of Fayetteville. We oppose the rezoning of the property at Banks Road & Highway 54 from A-R to C-C. This property has always been zoned residential, and allowing commercial development, such as a gas station, would have a detrimental impact on our community in the following ways:

- **Traffic and safety:** The addition of a gas station at this location will increase traffic congestion in an already very dangerous intersection. There are many automobile accidents happening there already.
- **Environmental impact:** Gas stations have the potential to cause environmental harm through soil and groundwater contamination, air pollution, and hazardous waste. Given the proposed site's proximity to residential homes and parks, we are deeply concerned about the long-term environmental impact on our community.
- **Property values:** The presence of a gas station can negatively affect property values in the surrounding area. As homeowners, we are concerned about the potential devaluation of our homes, which represents a significant investment for many of us.
- **Noise and Light Pollution:** Gas stations typically operate late into the night or even 24/7, which can introduce unwanted noise and light pollution into the neighborhood, disrupting the quiet residential character of our community.
- **Health Concerns:** The emission of volatile organic compounds (VOCs) and other pollutants associated with gas stations can pose health risks to nearby residents, particularly children, the elderly, and those with pre-existing health conditions.
- **Land Use Plan:** The current land use plan states that this parcel has been designated as residential even back in 2003 when the last request was made by the landowners.

For these reasons, we oppose the rezoning request along with our neighboring HOAs and respectfully urge the Commission to reject it and adhere to the existing Land Use Plan.

Sincerely,

The Oaks for Fayetteville Homeowners Association

The Oaks of Fayette HOA

Rezoning Application Petition: GA Highway 54/Banks Rd for A-R to C-C

By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

Printed Name	Address	Signature
Darryl Hicks	245 OAK MANOR, FAYETTEVILLE GA	Darryl Hicks
Shirelle Hicks	200 Oak Terrace, Fayetteville	Shirelle Hicks
C. Ann Banks	185 Oak Manor Fayetteville	C. Ann Banks
Slater L. Jackson	200 Oak Manor, Fayetteville GA 30214	Slater L. Jackson
Carolyn P. Jackson	200 Oak Manor Fayetteville GA 30214	Carolyn P. Jackson
Hung Nguyen	106 Oak Manor 30214 Fayetteville	Hung Nguyen
OSBOURNE WALKER	101 OAK MANOR 30214	Osborne Walker
ALTHEA WALKER	101 OAK MANOR 30214	Althea Walker
Brian Picone	105 OAK MANOR	Brian Picone
Tony Olive	140 OAK MANOR	Tony Olive
JOSEPH BROWN III	325 PHILLIPS	Joseph Brown III
FRANCIS & EMMA HALE	305 PHILLIPS DR	Francis & Emma Hale
Meloni Carter	315 Phillips Drive	Meloni Carter
Gregory Cordier	315 Ph. Hill Drive	Gregory Cordier
Vincent Hicks	125 Brook Valley way	Vincent Hicks
Linda Hicks	185 OAK TER	Linda Hicks
CLIFF BELL	220 OAK MANOR	Cliff Bell

The Oaks of Fayette HOA

Rezoning Application Petition: GA Highway 54/Banks Rd for A-R to C-C

By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

Printed Name	Address	Signature
Cynthia Guess	155 oak knl, Fayetteville, GA 30214	Cynthia Guess
Julian Guess	155 oak knl, Fayetteville, GA	Julian Guess
Tom Ruff	165 Oak Knoll	Tom Ruff
Edward McNease	140 Oak Knoll	Edward McNease
Theresa Stevens	120 Oak Knoll	Theresa Stevens
Sandra Middleton	110 OAK Knoll	Sandra Middleton
Willie Middleton	110 Oak Knoll	Willie Middleton
Olayinka Adewusi	125 Oak Manor	Olayinka Adewusi
Wilbert Warren	240 oak Manor	Wilbert Warren
Peter Coen	335 Phillips Dr.	Peter Coen
Helin Daniels	120 Brook Valley Way	Helin Daniels
Theophilus Bean	190 Oak Manor	Theophilus Bean
Johnny Phillips	165 Oak Manor	Johnny Phillips
Angela W Davis	230 Oak Manor	Angela W. Davis

From: [Planning & Zoning](#)
To: [Deborah L Bell](#)
Subject: FW: rezoning
Date: Wednesday, August 28, 2024 12:36:16 PM

From: [REDACTED] >
Sent: Wednesday, August 28, 2024 8:32 AM
To: Lee Hearn <lhearn@fayettecountyga.gov>; Planning & Zoning <zoning@fayettecountyga.gov>
Subject: rezoning

You don't often get email from [REDACTED] [Learn why this is important](#)

External Email Be cautious of sender, content, and links

Good morning. My name is Kimberly Hearn and I live at 589 Banks Road East. It is my understanding there will be a meeting on September 5, 2024 regarding rezoning property at the intersection of Hwy 54 and Banks Road East.

I want to express my opposition to the construction of a gas station at the above intersection. My son was hit by a car on this street several years ago. The driver was cutting through the neighborhood. I live half-way down Banks Road East and I can see when people are just cutting through or live here. We've had speed bumps put in place (one was gone for a year, replaced about 2 months ago, and already torn up) and my next-door-neighbor's mailbox has been hit 3 times in the last few months.

I have to pick up trash out of my yard nearly every day.

A gas station will likely lead to congestion at an intersection that already has a long line of traffic at times.

I urge you to not allow the zoning for a gas station.

Thank you.

Kimberly B. Hearn
678-548-1510

From: [Planning & Zoning](#)
To: [Deborah L Bell](#)
Subject: FW: Rezoning of Highway 54 and Banks road.
Date: Tuesday, August 27, 2024 12:43:22 PM

-----Original Message-----

From: Charles Wicker <[REDACTED]>
Sent: Tuesday, August 27, 2024 11:58 AM
To: Planning & Zoning <zoning@fayettecountyga.gov>
Subject: Rezoning of Highway 54 and Banks road.

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

External Email Be cautious of sender, content, and links

Good morning Ms. Bell.

My name is Charles Wicker and I am a member and resident of the Wellington Place neighborhood.

I want to start by thanking you for serving as Fayette County's Planning and Zoning Director and also that I am praying for you as well as all of our other elected officials.

I am contacting you today to express my concern and strong objection to the proposed plan to rezone the property on the corner of Highway 54 and Banks Road from Agricultural/Residential to Commercial with the purpose of constructing a gas station.

As a Father of 4 very young children I am very concerned for the safety of my family and absolutely do not want the extra traffic, auto accidents, light and noise pollution or potential crime to jeopardize my young family.

We also have 2 gas station's within 2 miles in either direction from my home, simply put we do not need another gas station in this location.

Thank you for your time and consideration Ms. Bell.

Charles Wicker.

From: [Griffin Root](#)
To: [Deborah L Bell](#); [Deborah Sims](#)
Subject: Opposition Letter to Zoning Request at Hwy 54 and Banks Road in Fayetteville - WPHOA
Date: Friday, August 30, 2024 2:22:04 PM
Attachments: [WPHOA - Planning commission letter 30AUG24.pdf](#)

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

External Email Be cautious of sender, content, and links

Good afternoon Ms. Bell and Ms. Sims;

Attached is our letter, from the residents of the Wellington Place HOA subdivision, in opposition to the re-zoning request for the Hwy 54 and Banks Rd parcel of land to be reviewed by the Planning Commissioners on September 5th. We have also included images of the current petition we have circulated amongst our residents opposing same, and expect to have additional signatures prior to the BOC meeting on 26SEP24.

We respectfully request you please share the attached with the Planning Commissioners, for it also to be entered into the official record.

Should you have any questions or concerns, please do not hesitate to reach out.

Thank you for your assistance and consideration and we appreciate your attention to this matter.

Griffin Root

Treasury/Secretary - Wellington Place Homeowners Association

[REDACTED]

Griffin Root

Treasurer/Secretary – Wellington Place HOA

115 Pamela Court

Fayetteville, GA 30214

Re: Rezoning Request

Banks Road & Highway 54

August 30, 2024

My name is Griffin Root, my family resides on Banks Rd East, and we have been part of the Wellington Place subdivision for 13 years. Our community is filled with almost 45 families, ranging from some being brand new residents, to others who have lived here for over 35 years.

This letter is to represent the Wellington Place HOA residents' concern to the re-zoning request of the 4.86 acres at the corner of Banks Rd. and HWY 54 in Fayetteville from A-R to C-C , for the development of a gas station/convenience store. This property has a long history of being consistently zoned as residential, and in so being greatly assists in the promotion of the peaceful quality of life within our neighborhoods, which is precious to all of the members within the WPHOA.

We strongly oppose the request to rezone this property to C-C as a gas station/convenience store, at this location, would be undoubtably both physically/psychologically harmful and completely disruptive to this residential area and our associated neighborhoods. While there are many specific reasons, we would like to express our concerns based on:

- **Noise and Light Pollution:** Gas stations typically operate late into the night or even 24/7, which will introduce unwanted noise and light pollution into the neighborhood, disrupting the quiet residential qualities of our community. These aspects of pollution are a virtual certainty, and will have a significant negative impact on the tranquility that we hold dear to us here in the WPHOA. This would be most impactful on evenings and weekends, when our residents are working to unwind after that long day at work, or spending the weekend with family and friends. A loud brightly lit gas station adjacent to our development is not supportive to these aspects of our lives.
- **Quality of life:** The petitioner has stated that the creation of a convenience store would "bring much needed fuel and food options to a residential community." We here at WPHOA disagree with that reasoning, given the fact that there is a gas station with attached convenience store food options within 1 mile on either side of Hwy 54 from the proposed development location. To build a third fuel/convenience store location between the two

existing gas stations ***does not make sense***, and would seriously degrade the peaceful quality of life we hold most dear in our neighborhoods.

For these reasons, we strongly oppose the rezoning request along with our neighboring HOAs and respectfully urge the Commission to reject the rezone request, adhere to the existing Land Use Plan, and protect the quality of life in our neighborhood that makes Fayette County the desirable place to live that it is. We thank the planning commission for taking our perspective into consideration, and hope for your support at the meeting on 05SEP24.

Sincerely,

A handwritten signature in cursive script that reads "Griffin Root".

Wellington Place Homeowners Association, Fayetteville GA

cc. Tim O'Rourke – President WPHOA

By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

Name	Address
Marion J. Jeter	556 Banks Rd S.
Robert Jeter	556 Banks Rd S.
Carol Jeter	116 Currie Court
Charles Dyer	512 Banks Rd
Jannica Kartchner	519 Banks Rd E
Fredrick Concepcion	527 Banks Rd E
N Kirk Erenstein	531 Banks Rd E
Jack Tilton	532 Banks Rd E
Rhonda Tilton	532 Banks Rd E
Griffin Root	115 Pamela Court
Jasmine Arnold	528 Banks Rd E
Jarrett Arnold	528 Banks Rd E
CD & Nancy Turner	591 Banks Rd EAST
Jessie	534 Banks Rd E
Carley Copeland	559 Banks Rd E
Harry H. Cuevas	576 Banks Rd E
Bobby Martin	578 Banks Rd E
Bruce Christie	578 Banks Rd E.
Chae Vidal	105 Pamela Court
Kimberly Hearn	589 Banks Rd East

By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

[illegible]

From: [Planning & Zoning](#)
To: [Deborah L Bell](#)
Subject: FW: HWY 54 & Banks Rd
Date: Thursday, August 29, 2024 8:10:00 AM

From: Vicky Veasey [REDACTED]
Sent: Wednesday, August 28, 2024 2:35 PM
To: Planning & Zoning <zoning@fayettecountyga.gov>
Subject: HWY 54 & Banks Rd

You don't often get email from mrs.vickyv@gmail.com. [Learn why this is important](#)

External Email Be cautious of sender, content, and links

Hi

I am sending you this email as a resident of Fayette County who strongly opposes the rezoning of this area. This intersection has enough traffic, in addition and even more importantly there are accidents that take place there often. Adding a gas station to an area like this will only cause more issues. Travelers including myself have two very close options for gas. One at the intersection of Corinth and Hwy 54 and another going in the other direction at the intersection of Hwy 54 and McDonough Rd. This seems to be a bit overkill in regards to adding another gas station in the area.

Please leave this area residential

Thank you

Vicky Veasey

From: [Great Gifts of Heritage The Tuckers](#)
To: [Lee Hearn](#); [Planning & Zoning](#)
Subject: I Say No To Gas
Date: Thursday, September 5, 2024 6:03:50 PM

Some people who received this message don't often get email from music90.9@gmail.com. [Learn why this is important](#)

***External Email* Be cautious of sender, content, and links**

In our neighborhood (Felton Drive and McElroy Road), we are opposed to the zoning change. We have enough gas stations and CONVENIENCE stores within a 5 mile radius.

There is nothing good to be gained by adding a gas station.

I oppose the added traffic congestion at the Banks Road intersection with state route 54, as well as the congested complex of lanes at the end of McElroy Road.

Residents of the neighborhood, sports participants, and folks passing through have numerous stations to select from.

I strongly oppose the developers' request to rezone.

J.B. Tucker

From: [Scott Barber](#)
To: [Planning & Zoning](#)
Subject: No to proposed gas station at intersection of 54 and Banks Rd
Date: Thursday, September 19, 2024 1:17:44 PM

You don't often get email from [REDACTED]. [Learn why this is important](#)

External Email Be cautious of sender, content, and links

Fayette County Zoning and Planning Director,

I strongly disagree with the development of a proposed gas station at the corner of Hwy 54 and Banks Rd. Here are a few reasons why.

- This is a residential area
- From the location there is already a gas station at the intersection of McDonough Rd, less than a mile away
- In the other direction there is a gas station about a mile away
- This is already a busy intersection
- It will greatly affect property value in this residential area
- There are already enough gas stations in Fayetteville w/o the others mentioned

--

Scott S Barber
678-603-5909
[REDACTED]

The Estate of Richard N. Cates/Carol Denise
Cates Mercer, Executrix
Rezoning Petition No. 1353-24



FAYETTE COUNTY
BOARD OF COMMISSIONERS

January 23, 2025

5:00 pm

FAYETTE COUNTY
PLANNING COMMISSION MEETING

September 5, 2024

7:00 pm

GALLOWAY & LYNDALL, LLP
ATTORNEYS AT LAW



Overview



Legend

- Parcels
- Roads
- City Limits
 - BROOKS
 - FAYETTEVILLE
 - PEACHTREE CITY
 - TYRONE
 - WOOLSEY

Parcel ID	0532 023	Alternate ID	n/a	Owner Address	CATES RICHARD
Sec/Twp/Rng	--	Class	R4		60 HARWICH WAY
Property Address	BANKS RD	Acreage	4.86		SHARPSBURG, GA 30277
District	01				
Brief Tax Description	5.27 ACS HWY 54/BANKS RD				
	(Note: Not to be used on legal documents)				

Date created: 9/5/2024

Last Data Uploaded: 9/5/2024 5:06:24 AM

Developed by  Schneider
GEOSPATIAL

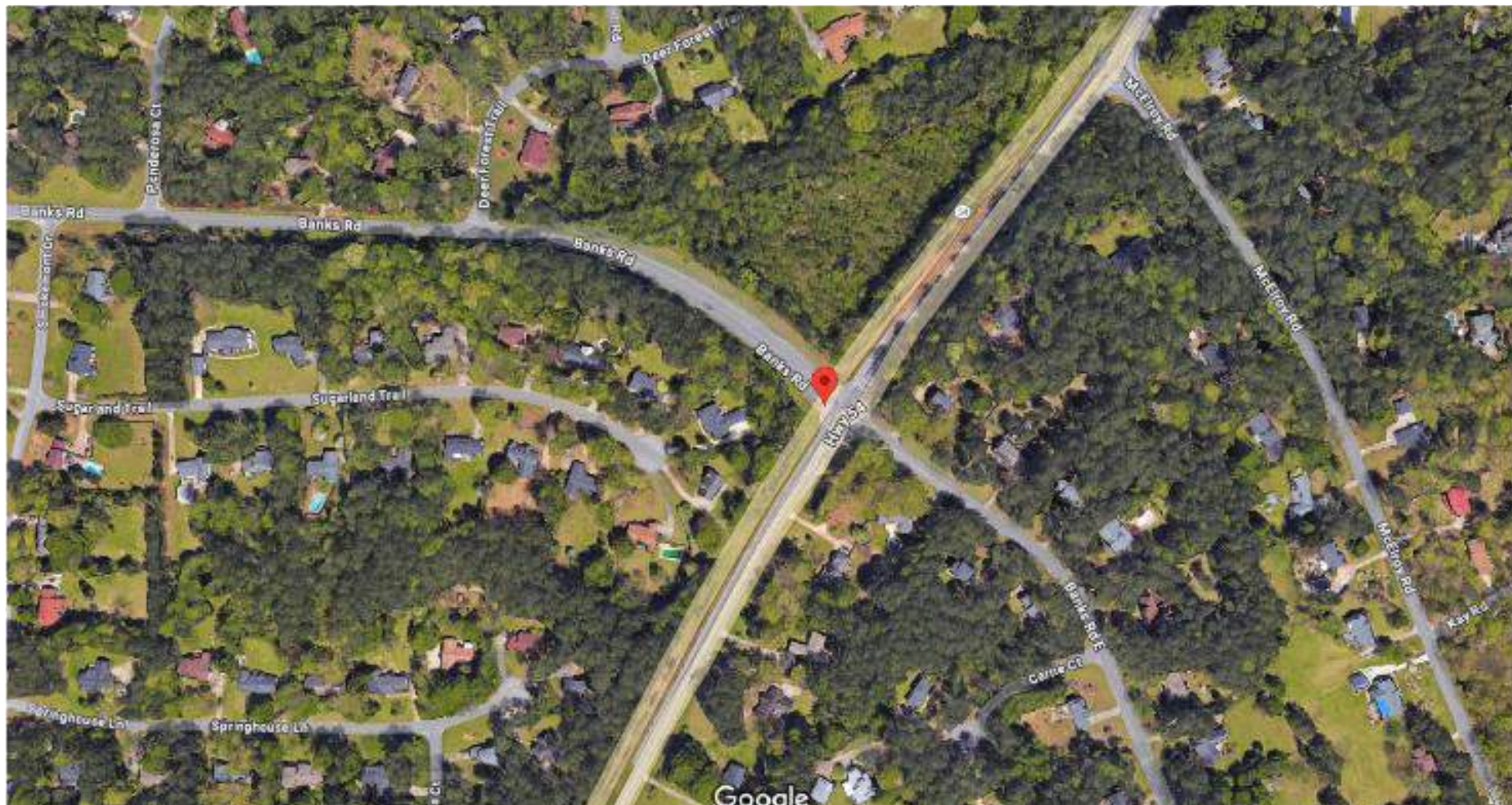
Existing Zoning/Proposed Use

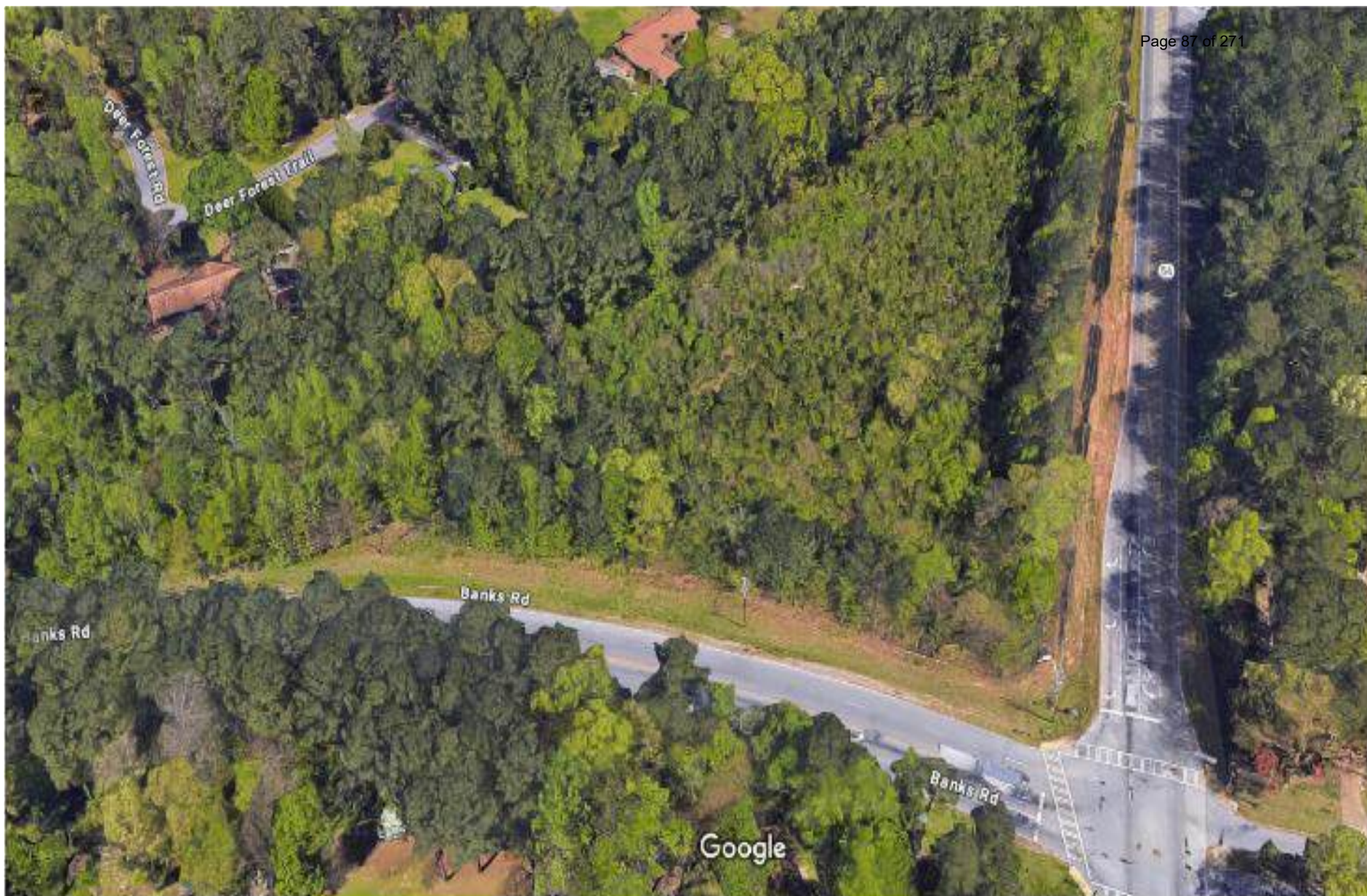
- Convenience Store with gas pumps
- AR to CC Zoning
- Vacant Tract
- 4.86 acres
- Banks Road/Ga. Highway 54 East

Site Concept



Google Maps GA-54 & Banks Rd





Fayette County Thoroughfare Plan: Definition

Section 110-3

Thoroughfare, major, means a street designated on the thoroughfare plan as a major arterial, minor arterial, proposed minor arterial, collector, and proposed collector.

Fayette County Thoroughfare Plan – Road Designations

Georgia Highway 54 – Major Thoroughfare

16,660 vehicles/day (DOT online traffic data)

694 vehicles/hour; 12 vehicles/minute

Banks Road – Collector (collects traffic into SR 54, SR 85)

12,751 vehicles/day (Fayette County Public Works

Current Zoning: A-R



Single-family dwelling;

Residential accessory structures and uses (see article III of this chapter);

Growing of crops and the on-premises sale of produce and agricultural products, provided 50 percent of the produce/products sold shall be grown on-premises;

Plant nurseries and greenhouses (no sales of related garden supplies);

Raising of livestock; aquaculture, including pay fishing; apiary (all beehives shall comply with the required setbacks); and the sale thereof;

A-R Development Requirements - Section 110-125(d)

Page 97 of 271

Dimensional requirements. The minimum dimensional requirements in the A-R zoning district shall be as follows:

1. Lot area: 217,800 square feet (five acres).
2. Lot width: 250 feet.
3. Floor area: 1,200 square feet.
4. Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 100 feet.
 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
5. Rear yard setback: 75 feet.
6. Side yard setback: 50 feet.

Future Land Use Map



Future Land Use Map: Low Density Residential Districts

Page 94 of 271

Residential Density of 1 dwelling / acre

R-20 1 unit/acre (with sewer)
 1 unit/1.5 acres (without sewer)
 1200 minimum
 150 feet lot width
 Effective yield: 2 residential lots

R-40 Same lot dimensions as R-20
 1500 square foot minimum
 150 lot width

No current market

State Route Overlay Zone - Section 110-173(1)

General state route overlay zone. All property and/or development which have road frontage and/or access on state routes with nonresidential use or zoning shall be subject to the following regulations, in addition to the zoning district requirements and other development regulations which apply.

Access. Access to each nonresidential property and/or development shall be from a state route or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points shall be required to comply with [chapter 104](#).

c. Dimensional requirements.

1. All parking areas: at least 50 feet from any state route ROW.
2. Front yard setbacks: 1,000 feet on all other state routes for all structures, including gasoline canopies, shall be 100 feet.
3. Berms for nonresidential zoning districts: (as a condition of zoning) a minimum of four feet in height, placed to the inside of the buffer.

d. Architectural standards.

1. Structures shall maintain a residential character.
2. All buildings shall be constructed in a residential character of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco) and/or finished baked enamel metal siding which established a horizontal pattern.
3. Framed doors and windows of a residential character.

Compatibility with the Neighborhood: Conditions

Page 97 of 271

Traffic – covered in the Staff report/recommendation

Lighting – directed away from residential structures

Rear Buffer – adjoining residential property (50 feet + required setback)

Limitation of Use

Require Site Plan

COUNTY AGENDA REQUEST

Page 98 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. 1355-24, Andrea Pope Camp & Jordan Camp, owners; request to rezone 41.78 acres from A-R to R-75 for the purposes of creating additional lots without any new infrastructure; property located in Land Lot 28 of the 7th District and fronts on Davis Road and Huiet Drive. Tabled at the October 24, 2024 Meeting.

Background/History/Details:

Applicant proposes to rezone 41.78 acres from A-R (Agricultural-Residential) to R-75 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes. As defined in the Fayette County Comprehensive Plan, Rural Residential – 2 (1 unit/2 acres) is designated for this area, so the request for R-75 zoning is appropriate.

On September 5, 2024 the Planning Commission voted 4-0 to recommend CONDITIONAL APPROVAL, with AMENDED CONDITIONS. Please refer to the Staff Report for full set of recommended and PC Amended Conditions.

Note: At the September 26, 2024, Board of Commissioners meeting, petitioner was granted a request to table b/c a full board was not present. The request was tabled until October 24, 2024. Prior to the Oct. meeting, the petitioner requested to table to the November 14, 2024, due to a scheduling conflict. Due to resident concerns regarding the 2:00 PM November meeting time, the Board tabled the petition until January 23, 2025, at 5:00 PM.

Staff recommends CONDITIONAL APPROVAL of the request to rezone from A-R to R-75, with the five(5) amended conditions as listed in the staff report.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1355-24, Andrea Pope Camp & Jordan Camp, owners; request to rezone 41.78 acres from A-R to R-75 for the purposes of creating additional lots without any new infrastructure; property located in Land Lot 28 of the 7th District and fronts on Davis Road and Huiet Drive, with five (5) amended conditions.

If this item requires funding, please describe:

Not applicable

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

Page 99 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda: **Tabled to the January 23, 2025 Meeting**

Consideration of Petition No. 1355-24, Andrea Pope Camp and Jordan Camp, Owners; Randy Board, Agent, request to rezone 41.78 acres from A-R to R-75 for the purpose of creating additional lots without any new infrastructure; property located in Land Lot 28 of the 7th District and fronts on Davis Road and Huiet Drive. This petition was tabled at the September 26, 2024 meeting.

Background/History/Details:

Applicant proposes to rezone 41.78 acres from A-R (Agricultural-Residential) to R-75 (Single-Family Residential) for the purpose of developing a residential neighborhood of single-family detached homes. As defined in the Fayette County Comprehensive Plan, Rural Residential – 2 (1 unit/2 acres) is designated for this area, so the request for R-75 zoning is appropriate.

On September 5, 2024, the Planning Commission voted, 4-0, to recommend CONDITIONAL APPROVAL, with AMENDED CONDITIONS. Please refer to the Staff Report for Amended Conditions, as recommended by the Planning Commission, and for the original staff recommendation for conditions.

At the September 26, 2024, Board of Commissioners meeting, pursuant to Sec. 110-298, the petitioner was granted a request to table because a full board was not present.

Staff recommends CONDITIONAL APPROVAL of the request to rezone from A-R to R-75.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1355-24, Andrea Pope Camp & Jordan Camp, owners; request to rezone 41.78 acres from A-R to R-75 for the purpose of creating additional lots without any new infrastructure; property located in Land Lot 28 of the 7th District and fronts on Davis Road and Huiet Drive with seven (7) conditions.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

PETITION NO: 1355-24

REQUESTED ACTION: Rezone from A-R to R-75

PARCEL NUMBER: 0703 012

PROPOSED USE: Single-Family Residential Subdivision with No New Infrastructure

EXISTING USE: Agricultural/Residential

LOCATION: Davis Road & Huiet Drive

DISTRICT/LAND LOT(S): 7th District, Land Lot 28

ACREAGE: 41.78

OWNER(S): Andrea Pope Camp; Jordan Camp, Attorney-in-Fact

APPLICANT: Jordan Camp, Attorney-in-Fact

AGENT: Randy M. Boyd

PLANNING COMMISSION PUBLIC HEARING: September 5, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: January 23, 2025

Note: At the September 26, 2024, Board of Commissioners meeting, pursuant to Sec. 110-298, the petitioner was granted a request to table because a full board was not present. The request was tabled until October 24, 2024. Prior to the October meeting, the petitioner presented a request to table to the November 14, 2024, due to a scheduling conflict. Due to resident concerns regarding the 2:00 PM November meeting time, the Board tabled the petition until January 23, 2025, at 5:00 PM.

APPLICANT'S INTENT

Applicant proposes to rezone 41.78 acres from A-R (Agricultural-Residential) to R-75 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes.

PLANNING COMMISSION RECOMMENDATION

On September 5, 2024, the Planning Commission voted 4-0 to recommend **CONDITIONAL APPROVAL, with the following AMENDED CONDITIONS:**

[Notes: Condition #4 was omitted altogether. Condition #6 was amended to only follow Sec. 12-90., which removes the need for a condition related to installation of water lines. For clarity, staff has

removed this condition, and the County Ordinance Sec. 12-90 shall be applied here.]

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Davis Road.
2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive.
3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.
4. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.
5. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

[Original Staff-Recommended Conditions as presented to the Planning Commission]

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Rural Residential – 2 (1 unit/2 acres) is designated for this area, so the request for R-75 zoning is appropriate. Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of R-75, Single-Family Residential District.

STAFF RECOMMENDED CONDITIONS FOR PETITION No. 1355-24

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Davis Road.
2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive.
3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.
4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County's Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the

payment made, prior to Final Plat approval.

5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.
6. Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto, the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in the subdivision. The water line extension shall be constructed to the standards outlined in, "Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants."
7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

Staff Note from Public Works regarding Condition #4:

The potential traffic load from the parcel under the existing A-R zoning is approximately 72 trips per day. The trip estimate for the proposed zoning is 144 trip per day or greater if an internal local road is provided to increase lot yield beyond 16. This is a 100% increase, or greater. Although there are larger residential developments in the area, they have alternative access points so drivers can avoid travel on a gravel road. Conversely, all traffic for this development would be on one or both gravel roads and the start/destination points concentrated across the Davis Road and Huiet Drive frontages.

The design standard and level-of-service for these existing roads is low. They are gravel, narrow, and often with limited or no right-of-way. This limits Fayette County's ability to clear vegetation for sight distance, remove obstructions, and provide adequate ditches and cross-drains for drainage. In addition, some areas have substandard horizontal and vertical geometries. For these reasons, maintaining gravel roads is on-going challenge even at existing traffic volumes. The increased traffic and curb cuts would exceed what the roads are able to support. Improvements are needed to provide an adequate level-of-service for the proposed change in density.

The recommended dollar value payment is based on Fayette County's cost estimate to design and construct road improvements along the portion of Davis Road (1,403 ft +/-), Huiet Drive (1,495 ft +/-) fronting the parcel, plus an extension north along Huiet Drive to tie in with existing pavement (300 ft +/-). The scope of work includes the design, right-of-way acquisition, utility relocations, and construction work necessary to improve the road from its current condition to a paved Collector Road, that meets Fayette County's Development Regulations.

The cost estimate to improve 2,898 ft of existing gravel road to County Collector Standards is

\$1,105,000.

This estimate includes design, surveying, right-of-way acquisition, and construction. It assumes all the work is outsourced and is based on today dollars (no inflation). It also assumes no stormwater management features beyond culverts and ditches and no grading easements beyond the 80-ft ROW.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The property is a legal lot of record in the A-R zoning district. There is a single-family home and barn on the property. This property is not located in an overlay zone.

B. REZONING HISTORY:

There is no record of a prior rezoning.

C. CURRENT DEVELOPMENT HISTORY:

The property has a single-family home and a barn on it. The house does not meet the minimum requirements for R-75, so staff is recommending a condition for removal. The barn will not meet the minimum requirements for an accessory structure in R-75, so staff is recommending a condition for removal.

D. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned A-R and R-40. See the following table and the attached Zoning Map.

The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Future Land Use Plan
North	11	R-40	Single-Family Residential	Rural Residential – 2 (1 unit/2 acres)
East	10	R-40	Single Family Residential	Rural Residential – 2 (1 unit/2 acres)
South (across Davis Road)	48	A-R	Single Family Residential & Agricultural	Rural Residential – 3 (1 unit/3 acres)
West (across Huiet Drive)	60	A-R	Single Family Residential & Agricultural	Rural Residential – 3 (1 unit/3 acres)

E. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Rural Residential - 3 on the Future Land Use Plan map. This request **DOES CONFORM** to the Fayette County Comprehensive Plan/Future Land Use Map.

F. ZONING/REGULATORY REVIEW

Access & Right-of Way: The property has existing access on Huiet Drive and Davis Road.

Site Plan: The applicant submitted a survey with concept plan for the property. A full site plan review (minor final plat) will be conducted when an application for development is submitted.

G. DEPARTMENTAL COMMENTS

- ☐ **Fayette County Public Schools** -- This rezoning will not be an issue for the school system.
- ☐ **Water System** -- No objections.
- ☐ **Public Works & Environmental Management**
 - **Access Management**
 - Huiet Drive is a County Collector. There is no traffic data for Huiet Drive.
 - Davis Road is a County Collector. There is no traffic data for Davis Drive.
 - **Sight Distance** -- The speed limit on Huiet Drive and Davis Road is 25 MPH, requiring 280 ft. of sight distance. Sight distance has not been verified.
 - **Floodplain Management** -- The property **DOES NOT** contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study. The property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0092E dated September 26, 2008.
 - **Wetlands** -- The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. The owner or developer will be responsible for submitting proper documentation during the development process as to the existence or non-existence of wetlands.
 - **Watershed Protection** -- There **ARE NOT** state waters located on the subject property and the site **WILL NOT BE** subject to the Fayette County Watershed Protection Ordinance upon subdivision.
 - **Groundwater** -- The property **IS** within a groundwater recharge area.
 - **Post Construction Stormwater Management** -- This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if rezoned and developed with more than 5,000 square feet of impervious surfaces for a major subdivision or commercial site plan.

- ☐ **Environmental Health Department** – This office has no objection to the rezoning of this parcel. This approval is only for rezoning and no other future requirements of this office.
 - ☐ **Fire** – Due to the number of lots proposed and distance to the adjacent water line in Canoe Club S/D, water will be required to be ran to all proposed lots in this S/D, including installation of fire hydrants as stated below.
 - Sec. 12-90. - Mandatory connection to public water system.
 - (a) Every lot of a proposed subdivision shall be supplied with adequate water and waste water facilities which shall be approved by the state commissioner of health. Septic tank drain field approval shall be on an individual lot basis. Where public water or waste water facilities are available within the distance specified below, the subdivider shall assure that every lot of the subdivision shall be provided with public water.
 - Number of Lots: 6 or more. Minimum Distance from Water Line: 2,500 feet.
 - For each additional lot after six, an additional 150 feet shall be added per lot to the minimum distance from a water line requiring connection thereto.
 - *Measured along public right-of-way to closest point on property. Cost differentials based on line sizes and fire hydrants needed to serve a subdivision versus that needed as part of the overall system will be determined by the water system.
 - (b) Standard fire hydrants will be provided at the spacing defined under section 12-91. Design standards shall be as specified by the American Water Works Association.
- (Code 1992, § 9-82; Ord. of 9-24-1987, § 5-2; Ord. No. 90-15, § 9-82, 9-27-1990; Ord. No. 2000-14A, § 1, 9-28-2000)
- ☐ **GDOT** – n/a

STANDARDS

Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing a request for rezoning:

- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;
- (4) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

STAFF ANALYSIS

1. The subject property lies within an area designated for Rural Residential Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use and the minimum lot size.
2. The area around the subject property is an area that already has various residential uses. It is staff's opinion that the zoning proposal is not likely to adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on schools. The project does meet criteria that require extension of public water lines to serve the property. Staff has determined that the development would have an adverse impact on local roads.
4. The proposal is consistent in character and land use with the surrounding uses as low density residential.

ZONING DISTRICT STANDARDS**Sec. 110-131. R-75, Single-Family Residential District.**

(a) *Description of district.* This district is composed of certain lands and structures, having a low density single-family character and is designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

(b) *Permitted uses.* The following uses shall be permitted in the R-75 zoning district:

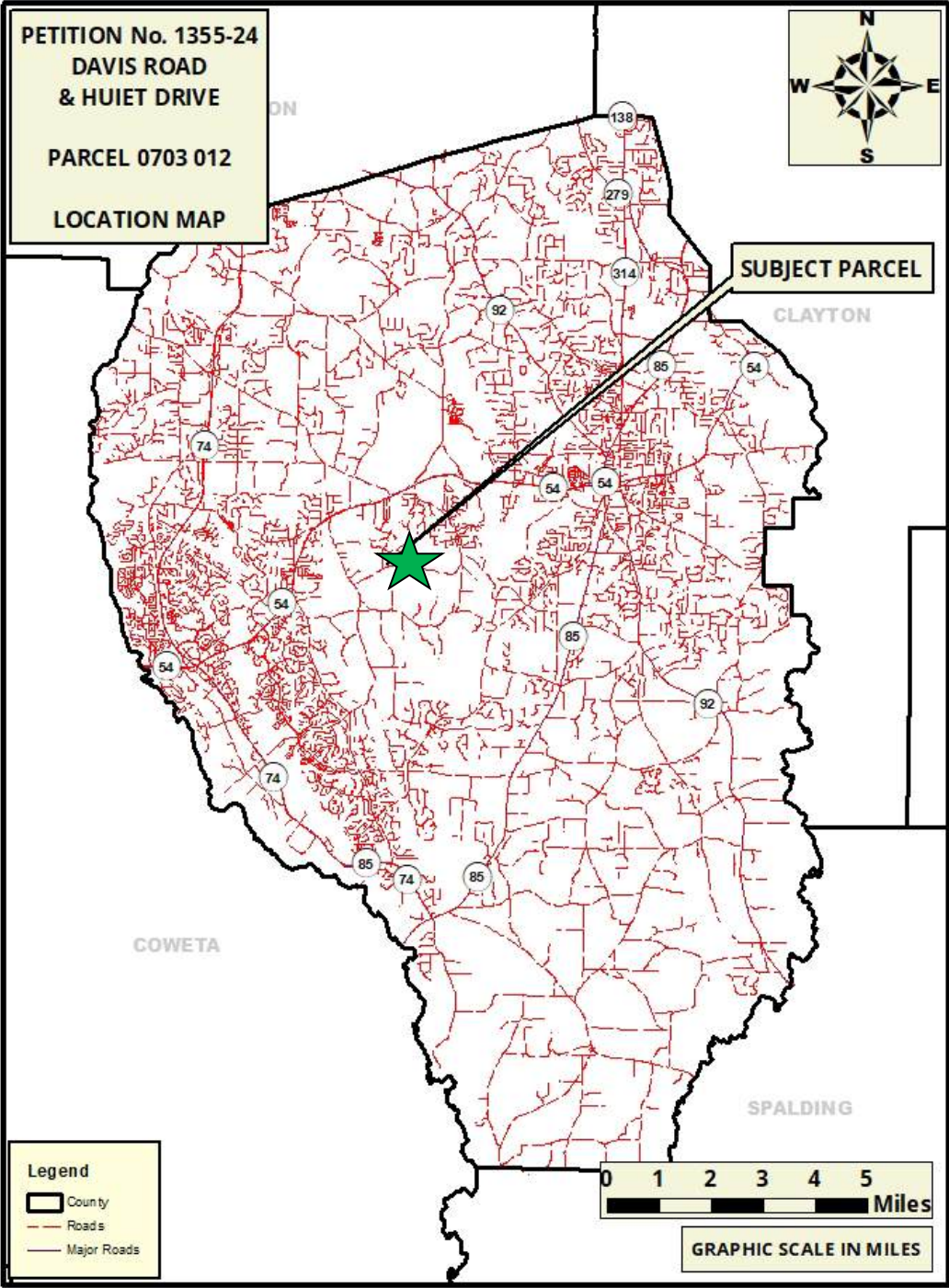
- (1) Single-family dwelling;
- (2) Residential accessory structures and uses (see article III of this chapter); and
- (3) Growing crops, gardens.

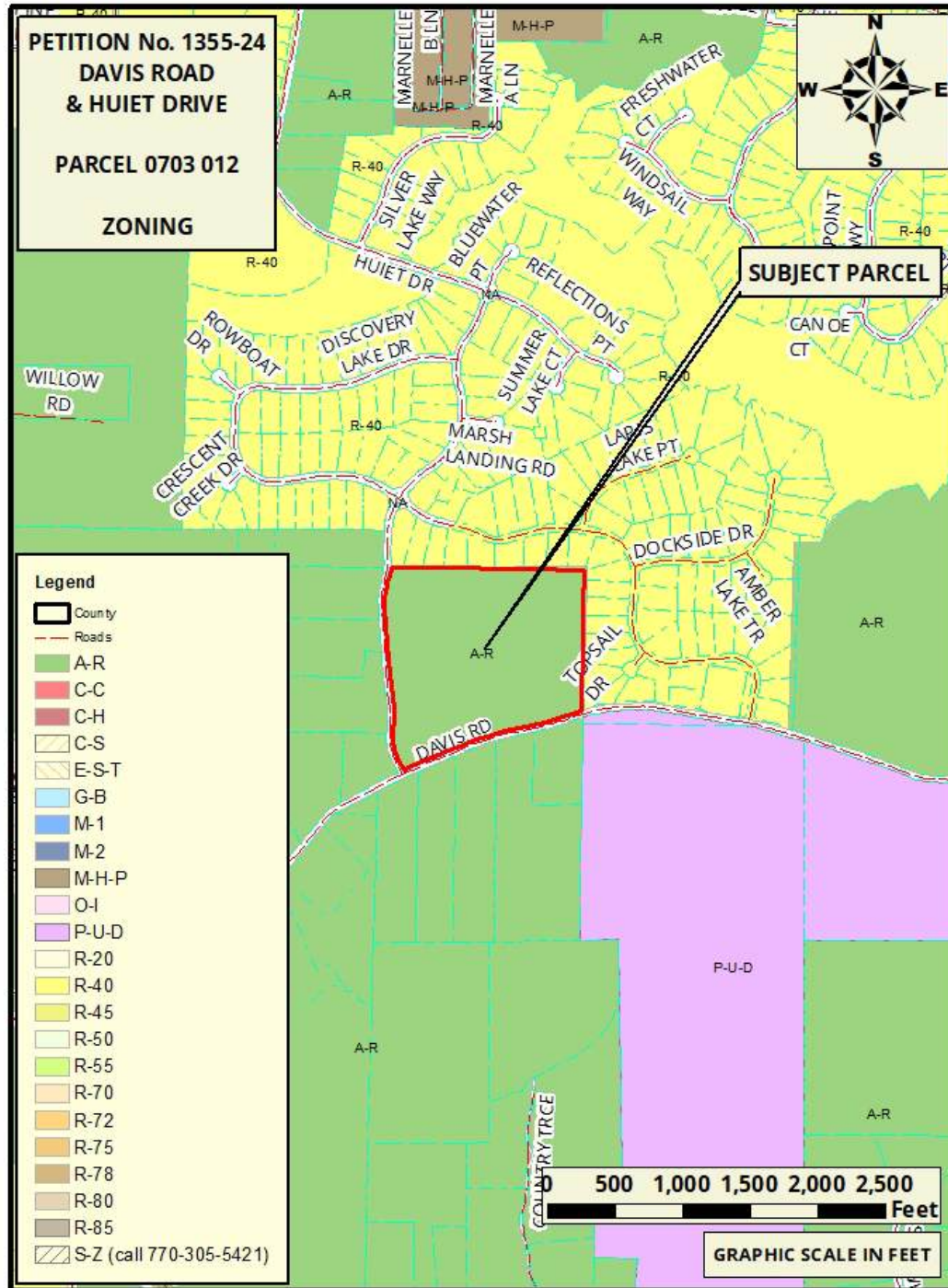
(c) *Conditional uses.* The following conditional uses shall be allowed in the R-75 zoning district provided that all conditions specified in article V of this chapter are met:

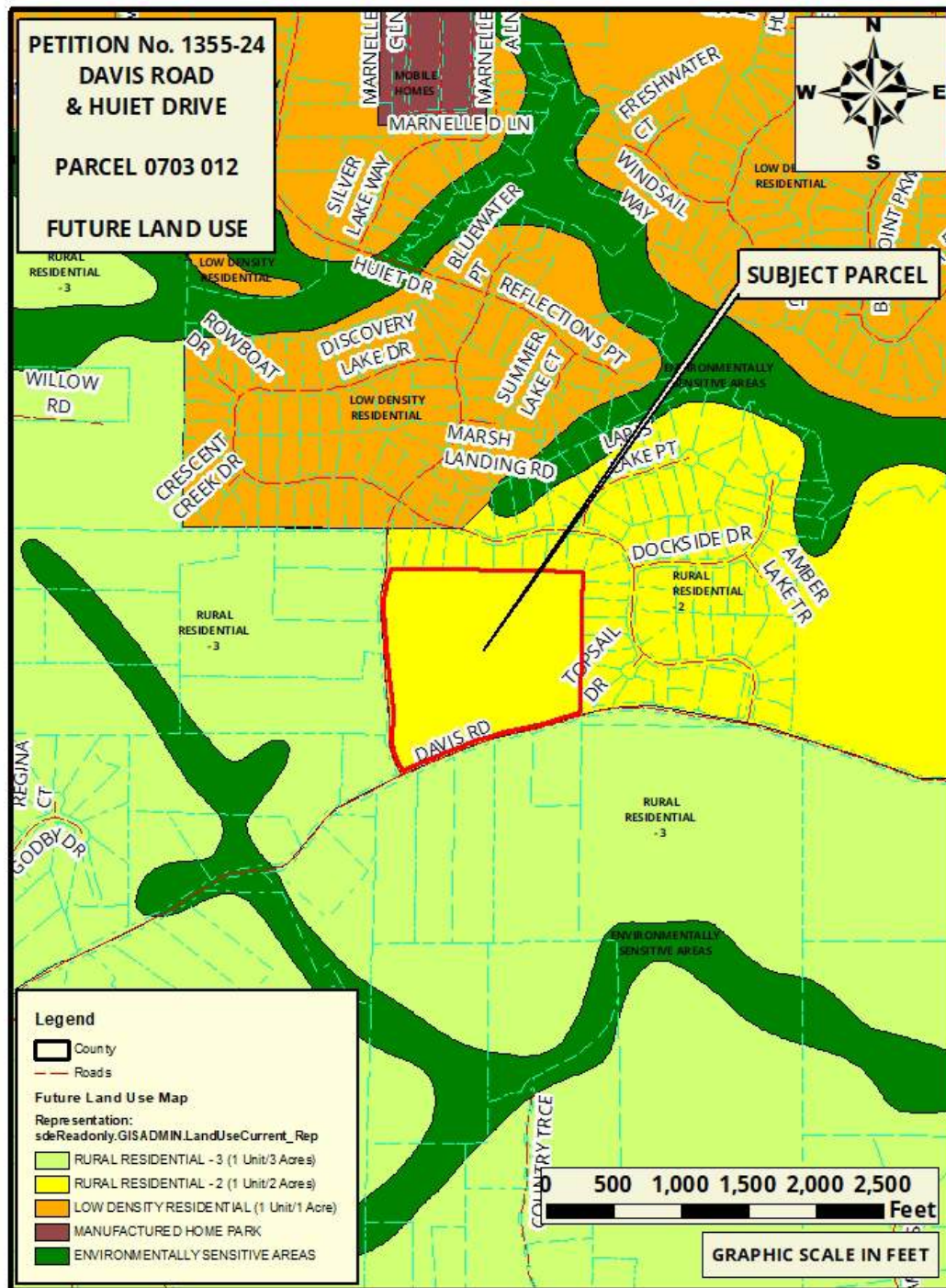
- (1) Church and/or other place of worship;
- (2) Developed residential recreational/amenity areas;
- (3) Home occupation;
- (4) Horse quarters; and
- (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

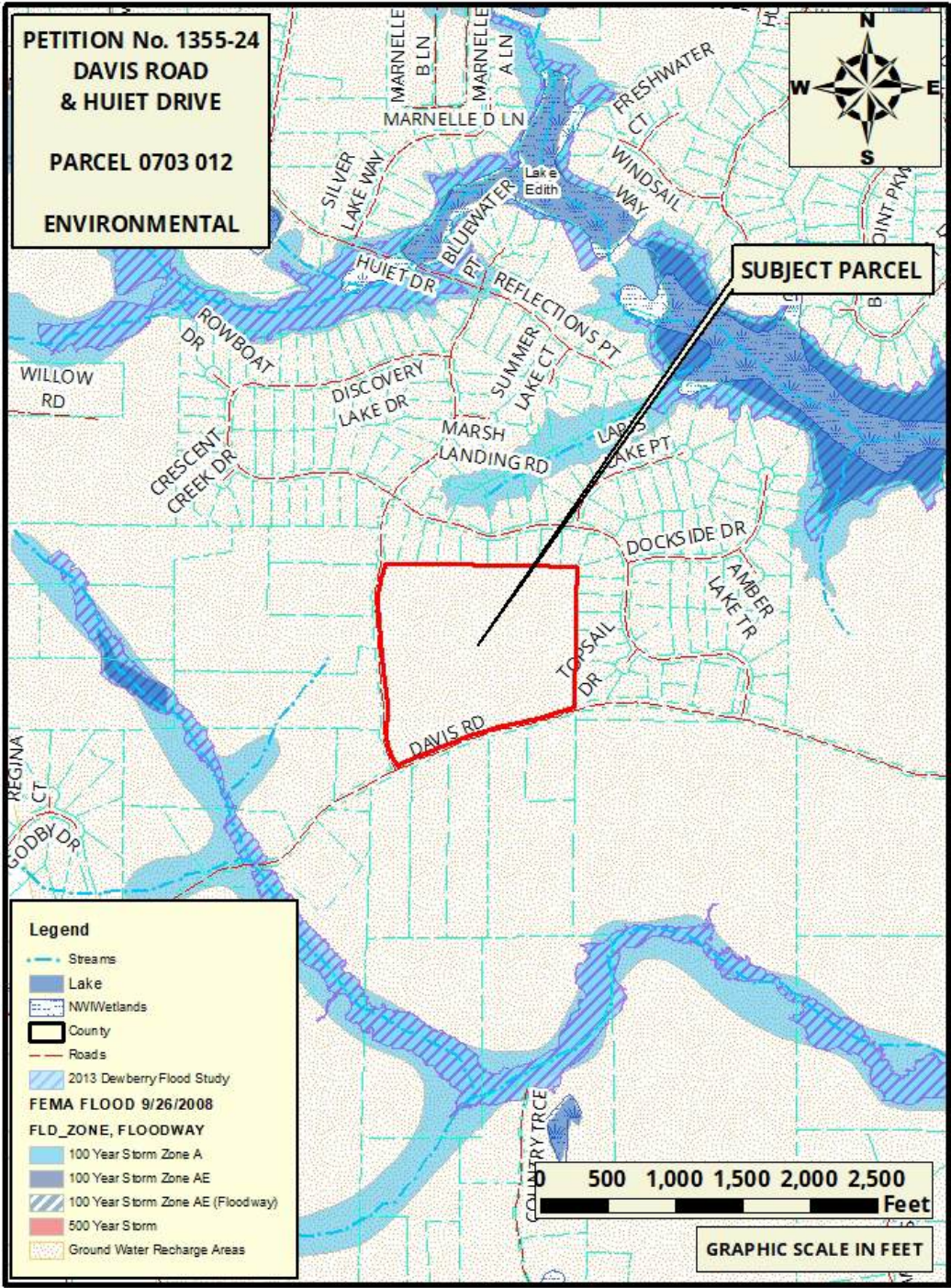
(d) *Dimensional requirements.* The minimum dimensional requirements in the R-75 zoning district shall be as follows:

- (1) Lot area per dwelling unit: 87,120 square feet (two acres).
- (2) Lot width: 125 feet.
- (3) Floor area: 2,500 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 100 feet.
 2. Collector: 75 feet.
 - b. Minor thoroughfare: 50 feet.
- (5) Rear yard setback: 50 feet.
- (6) Side yard setback: 25 feet.
- (7) Height limit: 35 feet.

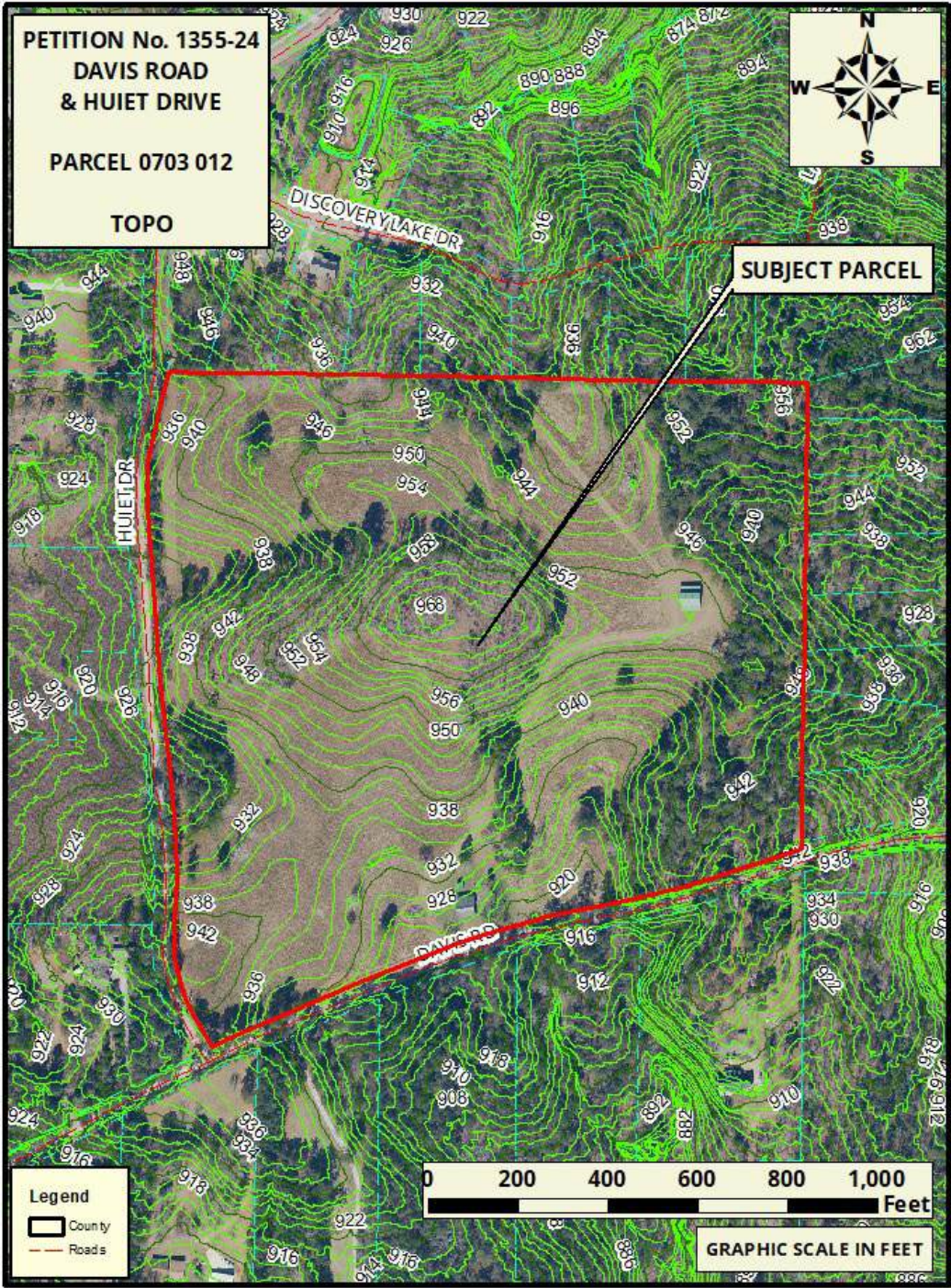












Meeting Minutes 9/05/2024

THE FAYETTE COUNTY PLANNING COMMISSION met on September 5th, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John H. Culbreth Sr., Chairman
John Kruzan, Vice-Chairman *[absent]*
Danny England
Jim Oliver
Boris Thomas

STAFF PRESENT: Debbie Bell, Planning and Zoning Director *[absent]*
Deborah Sims, Zoning Administrator
Maria Binns, Zoning Secretary
E. Allison Ivey Cox, County Attorney

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda. *Ms. Deborah Sims requested the board to amend the agenda to add item (d) Minor Final Plat for Liberty North. Danny England made a motion to approve the agenda with the addition of item (d) Minor Final Plat for Liberty North on the September 5th Agenda. Jim Oliver seconded the motion. The motion passed 4-0 John Kruzan was absent.*
4. Consideration of the Minutes of the meeting held on August 1, 2024. *Jim Oliver made a motion to approve the minutes of the meeting held on August 1, 2024. Boris Thomas seconded the motion. The motion carried 4-0.*
5. Plats
 - a. Final Plat for Wright Chancey McBride LLC. Approval of the Final Plat for Wright Chancey McBride LLC. Ms. Sims explained the first final plat is McBride Estates, Mr. Rod Wright is subdividing these lots on McBride Road. It has been reviewed and approved by staff, she showed the plat and explained he is making 5 lots and I think the board approved the rezoning so he could do the neighborhood in that area. Mr. John Culbreth asked the board if they had any questions.? Jim Oliver asked if staff had approved it.? Ms. Sims replied staff had reviewed and approved it. The plat shown on display was not the correct one, she apologized to the board, and they showed the plat before. Mr. Thomas asked if there were any conditions.? Ms. Sims responded no, there were no conditions on the final plat. *Jim Oliver made a motion to APPROVE the Final Plat for Wright Chancey McBride LLC. Boris Thomas*

seconded the motion. The motion carried 4-0.

- b. Minor Final Plat for 385 Snead Road. Approval of the Minor Final Plat for 385 Snead Road. Ms. Sims states the board also reviewed when we had the rezoning and these were discussed before, they had subdivided it into three lots, so you don't have the strangely configured lot, each lot is still the 5-acre. Mr. Culbreth asked what changes were made.? Ms. Sims responded this was one lot and subdivided into three, they just rezoned it, so they have weird lots so the line lots were way back. Mr. Culbreth asked the board for a motion. ***Danny England made a motion to APPROVE the Final Plat for 385 Snead Road. Jim Oliver seconded the motion. The motion carried 4-0.***
- c. Minor Final Plat for Riverbend Overlook Phase III. Ms. Sims commented to the board they already approved Phase I & Phase II; this is Phase III, and it has been reviewed and approved by staff. Mr. Culbreth asked the board if they had any questions.? No one responded. ***Jim Oliver made a motion to APPROVE the Minor Final Plat for Riverbend Overlook Phase III. Danny England seconded the motion. The motion carried 4-0.***
- d. Final Plat for Liberty North. Ms. Sims explained to the board they had seen this plat several times since 2006 with preliminary plats and staff had approved it. Mr. Culbreth asked the board if they had any questions.? No one responded. Then he asked for a motion. ***Danny England made a motion to APPROVE the Final Plat for Liberty North. Jim Oliver seconded the motion. The motion carried 4-0.***

PUBLIC HEARING

- 6. Consideration of Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; request to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purposes of constructing a convenience store with fuel pumps. Property is located in Land Lot 151 of the 5th District and fronts on Banks Road and Highway 54. Ms. Sims asked the petitioner would like to proceed without a full board present, the petitioner said yes.

Ms. Sims stated that the property is located at the corner of Banks Road and Highway 54 staff is recommended denial. However, should the planning commission decide they would like to approve that, staff recommends the following CONDITIONS:

- 1. The applicant provides a minimum of 40 feet of ROW as measured from the existing road centerline or at least 10 feet beyond payment for acceleration/deceleration lanes whichever is greater.
- 2. Submit all Warranty deeds and Legal descriptions for ROW dedications shall be provided to the county within 90 days of the approval of the rezoning request or prior to the final plat approval whichever comes first.
- 3. Entrance location on Banks Road shall be limited to a right in right out and as recommended by GDOT the driveway shall be a minimum of 200ft from the return radius of Banks Road and SR 54.
- 4. Applicant shall extend the existing sidewalk along Banks Road for

the length of the property.

This is surrounded by residentially zoned properties there is not any floodplain or that concerned, they are asking to go to C-C (Community Commercial) so they can have a convenience store, the lot is located in the eastern part of the county. This is an A-R (Agricultural-Residential) is a legal lot of record, there are no rezonings that have been approved for this property.

Mr. Culbreth asked the petitioner to proceed with his presentation. Mr. Newton Galloway- Attorney, stated he was representing The Estate of Richard N Cates/Denise Mercer's daughter, Owner; Mr. Sudesh Dhingra is the applicant who desires to do the convenience store, and Mr. Jim Kelly, who is a real estate professional. They provided a printed PowerPoint presentation that staff distributed to the board, he said he worked with Ms. Bell in Spalding County with her before she came to work for Fayette County, but Ms. Bell was not present at tonight's meeting.

He explained in the presentation that the first page shows where the proposed store will be; the next page is a picture shown on qpublic.net lot diagram this is a request to go to Community Commercial from A-R on 4.6 acres and at its corner on Highway 54 and Banks Rd., which is a key element in this zoning. He explained how and where the building would be located, this is a triangular piece of property. Mr. Galloway said it is surrounded by residential zonings and it's been sitting there ever since Fayette County had a zoning ordinance. You condemn property, and the state condemns property, for the expansion of Highway 54 and also improvements on Banks Rd., so what started as a 5 acres tract it's now a 4.8 acre tract, a significant reduction.

He stated a real problem with this property is the traffic, it is at the corner of a thoroughfare. Traffic is a problem for a piece of property that has a funny shape and is sitting undeveloped in the middle of a residential developments around it. He stated another problem is the A-R zoning; everything else around changed except for that lot. He doesn't think you will be allowed to build since the lot doesn't have the A-R zoning acreage. You might be able to rezone to R-20 or R-40 one-acre lots, but people will not buy houses on a busy intersection. He states that the property in 2003 requesting a change in zoning to an R-20 or R-40; it went up to the BOC and they said no, they keep it as A-R. How long it has been zoned undeveloped? 21 years. Ms. Bell has covered some conditions if approved but there are other things you can do such as lighting, and the rear buffer and we will be open to discussion with staff in order to get this property functional and useful.

Mr. Jim Kelly has been with TrueMark Realty, the listing broker for the property since 2023 spoke. He stated when they listed the property over 300 prospects contacted them for commercial and were able to narrow it down to two offers. Both were convenience store operators and chose the lower offer amount. They chose someone local, Sam, owner of BP station west of town on Veterans Highway and Highway 54. We want to present this to the community and the neighbors to make the best attempt and best effort. He explained how they contracted to present the plans for this meeting and went to the neighbors on that street offering a copy of the plans and letting them know if they had any questions regarding the plans to contact him or the owners, they were very approachable.

Ms. Denise Mercer states she is the oldest daughter of Richard Cates, and she was born and raised in this county. She spoke about the property expansions, and they are left with a little bit over 4 acres, she said they will secure a 60-foot natural wooded buffer for the adjacent

homeowners, a buffer that will be lost if they do not develop this property and will be forced to sell off the timber in order to do so, that will eliminate that natural buffer.

Mr. Culbreth asked if anyone was in opposition?

Arnold Martin has lived in the Deer Glen subdivision for over 20 years. He states he sent opposition letters, and that this convenience store will be very disruptive, this proposed zoning is not in the comprehensive plan, and the future land use plan and it's surrounded by residential zones. He spoke about traffic in the area and it's very dangerous for the community if they allow this convenience store.

Mr. Darryl Hicks lives at Oak Manor and he represents The Oaks HOA. He spoke about the environmental harm through soil, groundwater contamination, and air pollution given the proximity of the site to residential homes. He stated they are deeply concerned about the long-term impact on our community.

Mr. Griffin Root he is the secretary and treasurer for Wellington Place HOA. He has resided here for about 13 years, and he states they have 45 families in the subdivision. He has two concerns about this rezoning request. The first is the noise and light pollution we know if we put a gas station in that corner will be a lot more traffic, making it a lot noisier and a lot of light pollution in the evenings, especially for the neighbors across the street from where this property supposed to be built. Mr. Root added that if you look around there are already gas stations near our residential neighborhoods. It doesn't make any sense to add another one.

Ms. Sandra Lee Quiry lives 500 or 600 feet from the subject property. She talked about health concerns about living near a gas station. Ethanol is a compound in petroleum which is a solvent used to turn petroleum into something to use in your car to use gasoline and another associated with it and is carcinogenic. She explained different types of substances that will harm your health and the air. She asked the board to deny the petition to the danger to the people to reside in these homes.

Mr. Leroy Brown lives in Deer Glen Forrest subdivision, they own two of the 7 lots in the neighborhood, he states the value of the properties will devalue and the pace they have now will not be there anymore, and there will be a lot more foot traffic and crime concerns the neighbors.

Mr. Culbreth asked Mr. Galloway if he wanted to say anything in rebuttal. He said the owner has to be able to have that opportunity to use the property and have the use and have a reasonable economic return and there are no uses on that property that has developed as zoned in 21 years, which sends the signal that the zoning isn't appropriate. This is a difficult piece of property because of its size and location.

Anonymous opposition speaker stated that he has lived in Deer Forest Road since 2011 and explained if this petition is granted it will destroy this person's driveway. There is water that flows down the area where this will be located.

Mr. Culbreth stated to the public present that the planning commission's vote is a recommendation to the Board of Commissioners for final adoption, and they will need to follow up with the next meeting. Mr. Culbreth asked the board for any questions.

Mr. Jim Oliver asked Mr. Galloway how he would address the fact that the property presently doesn't comply with the comprehensive land use plan? Mr. Galloway responded that the comp plan is used as a guide and that there are sometimes oversights between what the comp plan should provide for a piece of property and what it does provide. The comp plan is not subject to constitutional standards; they apply to zoning because it is an action of the local government to affect land uses.

Mr. Oliver responded he did think no one is denying the use of the property and I have been on both sides, of the commissioners and attorneys. The comprehensive plan many times has been used as a sword both ways, "don't come here and ask us to rezone this because it doesn't apply" or "it's only a guide." There are, perhaps, other reasonable uses for the property, not necessarily C-C; O-I it comes to mind, some other less invasive less disrupted use. Mr. Galloway I will go back to what Mr. Kelley said the people who called all wanted a commercial property, that tells you what the market is. Since COVID, the Office uses have about died.

Mr. Boris Thomas added, referring to Mr. Galloway's comments that the property wasn't necessarily functional on certain returns but just depended upon the profit the owners wanted to make, it has over 47 uses other than a gas station and that can be quite commercial. We are not obstructing the ownership of the property from making a profit by selling the property, that will not stop them from selling the property.

Mr. Galloway responded he acknowledged there are 47 listed permitted uses and 20 conditional uses that are allowed but to get to those what do we have to do?

Mr. Thomas responded that is not our responsibility to make the property okay, but the owner's responsibility to get the property set up.

Mr. Galloway explained that each one of those uses would require rezoning.

Mr. Danny England commented that they had more convenience store/gas station rezoning in the past 18 months, we approved all of them except for one, which was located at GA 85 S and a lot of the discussion was the same as this one. We voted to reject that proposal because it was surrounded by residential uses. We looked at the character of the area and the surrounding uses. The fact that this is located at a signalized intersection does not mean that a gas station is automatically the best use.

Mr. Culbreth asked for a motion after no further comments. ***Boris Thomas made the motion to deny Petition 1353-24. Danny England seconded the motion. The motion to DENY carried 4-0. Mr. England asked Ms. Sims for the BOC date meeting for follow-up on this petition, Ms. Sims responded on September 26th at 5 O'clock in this room.***

7. Consideration of Petition No. 1354-24, Marion L. Holt, owner; requests to rezone from A-R to R-45 for the purposes of creating additional lots without any new infrastructure. Property is located in Land Lot 148 of the 7th District and fronts on Palmetto Road. Ms. Sims explained the petition is located at 285 Palmetto Road, staff found a problem with this, and staff is recommending being withdrawn, we need the planning commission approval to withdraw so we can refund the applicant's money, it wasn't going to meet all the requirements needed. Mr. Boris asked staff if the petitioner was aware of the withdrawal? Ms. Sims responded yes; we told them we were going to request withdrawal. ***WITHDRAWN BY PETITIONER, Danny England made a motion to allow the WITHDRAWAL of Petition 1354-24, Jim Oliver seconded the motion. The motion carried 4-0.***
8. Consideration of Petition No. 1355-24, Andrea Pope Camp & Jordan Camp, owners; request to rezone 41.78 acres from A-R to R-75 for the purposes of creating additional lots without any new infrastructure. Property is located in Land Lot 28 of the 7th District and fronts on Davis Road and Huie Drive.

Ms. Sims explained the petition and said staff recommends conditional approval of this

request that does fit with the future land use plan. The recommended conditions are:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40 ft of right of way as measured from the existing centerline of Davis Road. 2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive. 3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.

4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County's Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval.

5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.

6. Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto, the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in the subdivision. The water line extension shall be constructed to the standards outlined in, "Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants."

7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

Ms. Sims explained on the map this is located by one side Canoe Club and on the other side they are constructing the new development Hunt Cliff Manor, Davis Road is a gravel, Road. Mr. Culbreth asked if the petitioner was present.

Mr. Randy Boyd, he represented Andrea Pope Camp that is the owner of this property, and her son Jordan Camp is the attorney in fact, Ms. Pope inherited this property back in 2011 her dad originally purchased 40 years ago and my request tonight to have rezoned to R-75 which consist in 2 acre lot with a minimum house size of 2,500 sq ft. To the north and east is a borderline subdivision of an R-40 zoning minimum house size of 1,500 sq ft. To the west and south is A-R and to the southeast is a piece of property that was zoned PUD back in 2016 it ended up going to litigation, there are 212 acres and 91 lots, and I request tonight's for R-75, I read over the recommended conditions, and I have been doing this for 41 years and I was shocked when I saw condition number "4", we agree with condition number 1,2 and 3, we will dedicate the appropriate ROW's for both of those streets, I don't even know where to start with that deal about donating \$1,105,000 million dollars to do what the county should be doing and also punishing this land owner by saying you going to go north 300 feet tying into a subdivision they should it brought down to that point back into 2007 that would it adequate

\$1,105,000 million dollars to it cost addition in our property \$69,000 dollars per lot if this zoning goes through we will put the water line in, I got different prices \$300,000 divided by 16 lots is another \$18,750 dollars if you add it the cost of the land in what their asking for the property it will be about \$10,000 dollars more than you can possible get for, under a current market analysis, it's just surrender that property absolutely where you can't do anything about it.

He explained another case from last month from Davis Road it should have been at right at 69-70K, I don't believe is legal, we'll consult it with an attorney on that, but I think is very improper to ask us one week later to donate over a million dollars for what the county should be doing, staff didn't even suggest that a month ago, they suggested donate ROW on Lester Road and Davis and will have 90 days to turn the deeds in.

We will agree with every bit of that in our street also, so will accept condition 1,2,3 and absolutely ask you to not impose number 4 and number 6 on the extension of the water line I be happy to do that, and we will dedicate ROW or easement whatever is the case but in the second sentence "Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto" I will ask that you eliminate that with the number of lots. He requested that on section 12-90 mandatory connection to the public water system, "is you have 5 lots you don't have to tie to the county water system" I will ask that be taken out to the number of lots and put in if they are "6 or more lots" and be more in compliance of section 12-90 of the existing ordinance. He asked the board to grant the petition without condition 4 and as per his request.

No one else spoke in support or opposition.

Mr. Culbreth brought the petition to the Board.

Mr. Boris Thomas made a comment saying I was going to say in addition to the million dollars there needs to be an extra 10% contingency because all oil prices and vendors changes. The impact in the county to have a paved road there is strong and wide enough for emergency vehicles, that location is going to cost even more at that intersection area and probably will need a traffic light.

Mr. Boyd responded that the staff is asking to go there 300 feet about our site and bring it down to the intersection and go over to the east about 1,500 feet so we wouldn't be paving the entire road we just are paving that section in front of this property, which to me is very demanding.

Mr. Culbreth asked staff if we have a president where we ask for a million dollars.?

Ms. Sims responded this was the first time I am aware that we have requested such funding to pave a road, is it an issue because Davis Road is a gravel road, and I don't believe the county owns enough ROW and this was the recommendation from the public works director to facilitate having this many homes, even though this goes along with the future land use plan it will put a lot more on Davis Road.

Mr. Culbreth asked Ms. Sims, is the county asking the developer to pave its road.? Ms. Sims responded, I am not sure the county owns all of the ROW, so part of is going to be to acquire all of that ROW so it could be paved and that's why they gave the alternative that they could pay the county and the county would do that they wouldn't have all their responsibility were they were offering those options.

Mr. Culbreth added he opposed to that, and Mr. Oliver asked why are you paying taxes for.? This is the responsibility of the county.

Ms. Allison Cox responded currently the county is not require paving or upgrade this

road at all and it's been asked in other to go through requires an upgrade and we just don't have in the county's budget. Mr. Oliver asked Ms. Cox why wasn't asked to Canoe Club.? I don't think I was here for the Canoe Club.

Mr. Boyd responded the Canoe Club is on the north side but even closer than that why wasn't even asked to the PUD that was taken to court, last month the same road at another intersection they didn't ask a penny for that, their assessment based on these values should be \$69,000 dollars for that one lot exactly what our is, so there is consistency here.

Ms. Cox responded that single lot doesn't cost the same impact than 16.

Mr. Boyd responded but if you take one lot at the time it does cost the same impact that a ridiculous argument.

Mr. Oliver said I was just trying to figure it out about the consistency.

Ms. Cox replied that with a single lot we have a house full of people who came in to tell you about the problems when they disrupt, that gravel road barely supports what's there so the single lot that was being to be put in is not going to add but one more car, 16 lots significantly increases the traffic and the area in front of the subdivision to be paved to support that sort of road where the county is not currently planning to invest in that infrastructure, so if this is the plan and the county is not planning to invest can't be developed until there is an infrastructure to support it.

Mr. Danny England state it that the rest of us has seen where that development has occurred without that infrastructure or investment, so is this going to be the policy coming forward? Every time someone develops something on a dirt road will have to pull out the checkbook?

Ms. Cox responded she thinks that is probably where you are as far as supporting something of this size.

Mr. England responded you can incrementally develop more than 16 lots on this road and be on the same boat that we ran last month where we didn't require funds, so 16 lots isn't a lot we have seen way more than that.

Mr. Thomas added that his neighborhood is considered private and got to pay \$3,000,000 dollars to get the road pave and we paid the millage rate as the sounding areas, but we are told that we use the main road so that why your millage will stay the same. We can't get any help from the county in repaving the roads or doing any of the infrastructure underneath sewage or anything like that.

Mr. Oliver asked Mr. Boyd about the other conditions, you said number 1,2,3... we are good, what about number 5.? Mr. Boyd responded that 5 is good, the only thing I would like to be more in line with the ordinance that exists and change it to prior to submission of any final plat(s) the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in exits in six lots in the subdivision.

Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1355-24 subject to amended conditions. The conditions are as follows:

Recommended the following AMENDED CONDITIONS:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Davis Road.

2. *The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive.*

3. *Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.*

4. ~~OMIT NUMBER 4 - "4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County's Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval."~~

5. *The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.*

6. *[Amended Condition #6] Prior to submission of any final plat(s) the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in excess of six lots in the subdivision. The water line extension shall be constructed to the standards outlined in, "Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants."*

7. *The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.*

Danny England seconded the motion for conditional approval, subject to amended conditions. The motion for CONDITIONAL APPROVAL, subject to amended conditions, carried 3-1. Boris Thomas abstained.

9. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-175.- Special Use of Property.

Ms. Cox explained that the next item three items kind of go together but we need three separate votes, did you remember Detox facility, not long ago in the last legislative session there was a new law passed it removed detox facilities from those items that require special use permit, we just need to amend our code to follow state law. And what we are doing here in number one, is removing it from the special use section entirely and replacing it with a small section that says reserved because we might have special uses in the future, that's number 9.

Danny England made the motion to recommend approval of Consideration of Amendments

to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-175.- Special Use of Property. Jim Oliver seconded the motion. The motion to APPROVE carried 4-0.

10. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-169.- Conditional use approval. Number 10 - is to be as going taking those detox facilities and making them conditional uses in the O-I section on our zoning ordinance.

Danny England made the motion to recommend approval of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-169.- Conditional use approval Jim Oliver seconded the motion. The motion to APPROVE carried 4-0.

11. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article IV.- District use requirements. - Sec.110-142.- Office institutional district. Number 11- We will remove them from our special use section and our O-I zoning ordinance.

Danny England made the motion to recommend approval of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article IV.- District use requirements. - Sec.110-142.- Office institutional district. Boris Thomas seconded the motion. The motion to APPROVE carried 4-0.

ADJOURNMENT:

Danny England moved to adjourn the meeting. Boris Thomas seconded. The motion passed 4-0.

The meeting adjourned at 8:37 p.m.

ATTEST:

PLANNING COMMISSION
OF
FAYETTE COUNTY


DEBORAH BELL
DIRECTOR, PLANNING & ZONING


JOHN H. CULBRETH, SR., CHAIRMAN

PETITION No.: 1355-24 Fees Due: _____ Sign Deposit Due: _____

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0703-012 Acreage: 41.78 ACRES
 Land District(s): 7th Land Lot(s): 28
 Road Name/Frontage L.F.: DAVIS RD. - 1387.5' Road Classification: DAVIS RD. & AVIET DR.
 Existing Use: AGRICULTURAL - HUIET DR. 1354.4' Proposed Use: RESIDENTIAL SUBDIVISION (COLLECTOR)
 Structure(s): 2 Type: HOUSE & BARN (TO BE REMOVED) Size in SF: HOUSE - 864 SQ. FT.
 Existing Zoning: AR Proposed Zoning: R-75 BARN - 2400 SQ. FT.
 Existing Land Use: AGRICULTURAL Proposed Land Use: RESIDENTIAL SUBDIVISION
 Water Availability: YES Distance to Water Line: AT NORTHWEST PROPERTY CORNER Distance to Hydrant: SAME

PETITION No.: _____ Fees Due: _____ Sign Deposit Due: _____

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): _____ Acreage: _____
 Land District(s): _____ Land Lot(s): _____
 Road Name/Frontage L.F.: _____ Road Classification: _____
 Existing Use: _____ Proposed Use: _____
 Structure(s): _____ Type: _____ Size in SF: _____
 Existing Zoning: _____ Proposed Zoning: _____
 Existing Land Use: _____ Proposed Land Use: _____
 Water Availability: _____ Distance to Water Line: _____ Distance to Hydrant: _____

PETITION No.: _____ Fees Due: _____ Sign Deposit Due: _____

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): _____ Acreage: _____
 Land District(s): _____ Land Lot(s): _____
 Road Name/Frontage L.F.: _____ Road Classification: _____
 Existing Use: _____ Proposed Use: _____
 Structure(s): _____ Type: _____ Size in SF: _____
 Existing Zoning: _____ Proposed Zoning: _____
 Existing Land Use: _____ Proposed Land Use: _____
 Water Availability: _____ Distance to Water Line: _____ Distance to Hydrant: _____

PETITION No (s): 1355-24

STAFF USE ONLY

POWER OF ATTORNEY FOR ANDREA CAMP
APPLICANT INFORMATION

Name JORDAN CAMP
 Address 1823 RIVER FOREST DR, N.W.
 City ATLANTA
 State GA. Zip 30327
 Email JORDAN.CAMP@ATTORNEYREP.COM
 Phone 404-969-9487

PROPERTY OWNER INFORMATION

Name ANDREA POPE CAMP
 Address 341 PLANTATION CIRCLE
 City FAYETTEVILLE, GA.
 State GA. Zip 30214
 Email boyd2227@gmail.com
 Phone 404-275-1677

AGENT(S) (if applicable)

Name RANDY M. BOYD
 Address P.O. Box 64
 City ZEBULON
 State GA. Zip 30295
 Email boyd2227@gmail.com
 Phone 404-275-1677

Name _____
 Address _____
 City _____
 State _____ Zip _____
 Email _____
 Phone _____

(THIS AREA TO BE COMPLETED BY STAFF)

[] Application Insufficient due to lack of:

Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

Staff: Heborah Y Bell Date: 07/10/2024

DATE OF PLANNING COMMISSION HEARING: Sept 5, 2024

DATE OF COUNTY COMMISSIONERS HEARING: Sept. 26, 2024

Received from Southeastern Sand & Gravel LLC a check in the amount of \$ 490.00 for application filing fee, and \$ 40.00 ^{incl.} for deposit on frame for public hearing sign(s).

Date Paid: 07/10/2024 Receipt Number: 21419

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM
(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

ANDREA POPE CAMP

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0703 012

(I am) (we ~~are~~) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 28 of the 7th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 4.78 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (we ~~are~~) hereby delegate authority to RANDY M. BOYD to act as (my) (our ~~is~~) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

- (I) (we ~~are~~) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (we ~~are~~) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (we ~~are~~) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (we ~~are~~) further acknowledge that additional information may be required by Fayette County in order to process this application.

(II)

Signature of Property Owner, P.O.A.
1823 RIVER FOREST RD. N.W.
 Address ATLANTA, GA. 30327

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

P.O. Box 64

Address ZEBULON, GA.
30295

Signature of Notary Public

07/08/2021

Date

Signature of Notary Public

Date

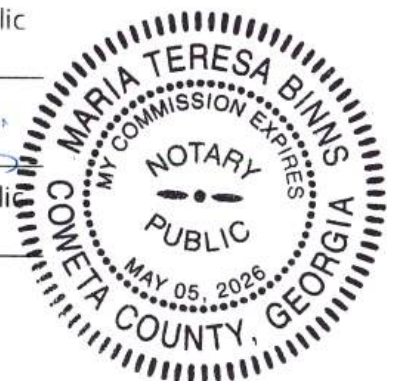
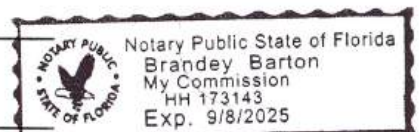
Signature of Notary Public

Date

Signature of Notary Public

07/10/24

Date



PETITION No.: _____

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned)

NAME: ANDREA POPE CAMPADDRESS: 341 PLANTATION CIRCLE, FAYETTEVILLE, GA. 30214

PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.

ANDREA POPE CAMP affirms that she is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) AR Zoning District. ~~He~~/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 490.00 to cover all expenses of public hearing. ~~He~~/She petitions the above named to change its classification to R-75.

This property includes: (check one of the following)

- ☒ See attached legal description on recorded deed for subject property or
☐ Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the day of SEPTEMBER 5, 20 24 at 7:00 P.M.

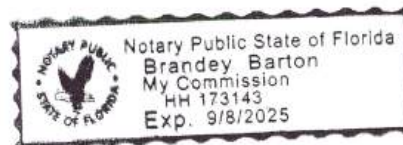
PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of SEPTEMBER 26, 20 24 at 500 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 8th DAY OF July, 20 24

[Signature]
 SIGNATURE OF PROPERTY OWNER, P.O.A.

[Signature]
 SIGNATURE OF PROPERTY OWNER

[Signature]
 NOTARY PUBLIC



AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, AUDREA POPE CAMP, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, 40 feet of right-of-way along HUIET ROAD AND DAVIS ROAD as measured from the centerline of the road.

Based on the Future Thoroughfare Plan Map, streets have one of the following designations and the Fayette County Development Regulations require a minimum street width as specified below:

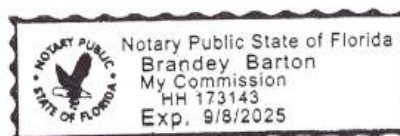
- Local Street (Minor Thoroughfare) 60-foot right-of-way (30' measured from each side of road centerline)
- Collector Street (Major Thoroughfare) 80-foot right-of-way (40' measured from each side of road centerline)
- Arterial Street (Major Thoroughfare) 100-foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 8th day of July, 2021.

[Signature]
SIGNATURE OF PROPERTY OWNER, P.O.A.

[Signature]
SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC [Signature]



DEVELOPMENTS OF REGIONAL IMPACT (DRI)**Rezoning Applicant:**

- A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.
- B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: www.dca.state.ga.us/DRI/.
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".
- ☒ The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .
- ☐ The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this 8th day of July, 2024.


APPLICANT'S SIGNATURE

Developments of Regional Impact - Tiers and Development Thresholds

Type of Development	Metropolitan Regions	Non-metropolitan Regions
(1) Office	Greater than 400,000 gross square feet	Greater than 125,000 gross square feet
(2) Commercial	Greater than 300 000 gross square feet	Greater than 175,000 gross square feet
(3) Wholesale & Distribution	Greater than 500 000 gross square feet	Greater than 175,000 gross square feet
(4) Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 200 new beds; or generating more than 250 peak hour vehicle trips per day
(5) Housing	Greater than 400 new lots or units	Greater than 125 new lots or units
(6) Industrial	Greater than 500,000 gross square feet; or employing more than 1, 600 workers; or covering more than 400 acres	Greater than 175,000 gross square feet; or employing more than 500 workers; or covering more than 125 acres
(7) Hotels	Greater than 400 rooms	Greater than 250 rooms
(8) Mixed Use	Gross square feet greater than 400,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 120 acres; or if any of the individual uses meets or exceeds a threshold as identified herein	Gross square feet greater than 125,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 40 acres; or if any of the individual uses meets or exceeds a threshold as identified herein
(9) Airports	All new airports runways and runway extensions	Any new airport with a paved runway; or runway additions of more than 25% of existing runway length
(10) Attractions & Recreational Facilities	Greater than 1, 500 parking spaces or a seating capacity of more than 6, 000	Greater than 1, 500 parking spaces or a seating capacity of more than 6, 000
(11) Post-Secondary School	New school with a capacity of more than 2,400 students or expansion by at least 25 percent of capacity	New school with a capacity of more than 750 students or expansion by at least 25 percent of capacity
(12) Waste Handling Facilities	New facility or expansion of use of an existing facility by 50 percent or more	New facility or expansion of use of an existing facility by 50 percent or more
(13) Quarries, Asphalt &, Cement Plants	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(14) Wastewater Treatment Facilities	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(15) Petroleum Storage Facilities	Storage greater than 50, 000 barrels if within 1, 000 feet of any water supply; otherwise storage capacity greater than 200, 000 barrels	Storage greater than 50, 000 barrels if within 1, 000 feet of any water supply; otherwise storage capacity greater than 200, 000 barrels
(16) Water Supply, Intakes/Reservoirs	New Facilities	New Facilities
(17) Intermodal Terminals	New Facilities	New Facilities
(18) Truck Stops	A new facility with more than three diesel fuel pumps; or spaces.	A new facility with more than three diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces.
(19) Any other development types not identified above (includes parking facilities)	1000 parking spaces	1000 parking spaces

Copyright © 2007 The Georgia Department of Community Affairs. All Rights Reserved.

DISCLOSURE STATEMENT

(Please check one)

Campaign contributions:~~☒~~ No☐ Yes (see attached disclosure report)

TITLE 36. LOCAL GOVERNMENT

PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS

CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

O.C.G.A. § 36-67A-3 (2011)

§ 36-67A-3. Disclosure of campaign contributions

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

HISTORY: Code 1981, § 36-67A-3, enacted by Ga. L. 1986, p. 1269, § 1; Ga. L. 1991, p. 1365, § 1; Ga. L. 1993, p. 91, § 36.

CHECKLIST OF ITEMS REQUIRED FOR REZONING REQUEST

(All applications/documentation must be complete at the time of application submittal or the application will not be accepted)

- ☒ Application form and all required attachments completed, signed, and notarized, as applicable.
- ☒ Copy of latest recorded deed, including legal description of the boundaries of the subject property to be rezoned.
- ☒ Boundary Survey (Separate from Conceptual Plan; 1 paper copy and 1 electronic copy in .pdf format), drawn to scale, showing north arrow, land lot and district, dimensions, and street location of the property, prepared (signed & sealed) by a land surveyor.
- ☒ Legal Description (must have metes and bounds) – 1 paper copy and 1 electronic copy in Microsoft Word .docx format
- ☒ Conceptual Plan (1 paper copy and 1 electronic file in .pdf format). The Conceptual Plan is not required to be signed and sealed by a registered surveyor, engineer or architect. The Conceptual Plan may be prepared on the boundary line survey; however it is required to be drawn to scale, and include all applicable items below:

✓

a. The total area of the subject property to be rezoned (to the nearest one-hundredth of an acre), the existing zoning district(s) of the subject property, and the area within each zoning district if more than one district.

N/A

b. Approximate location and size of proposed structures, use areas and improvements (parking spaces, and aisles, drives, etc.) on the subject property for non-residential rezoning requests, including labeling the proposed use of each proposed structure/use area.

✓

c. General layout of a proposed subdivision (residential or non-residential) including the delineation of streets and lots. The items of b. above are not required in this instance but may be included if known.

✓

d. Approximate location and size of existing structures and improvements on the parcel, if such are to remain. Structures to be removed must be indicated and labeled as such.

✓

e. Minimum zoning setbacks and buffers, as applicable.

✓

f. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating type and width of existing and proposed easements and centerline of streets including width of right-of-way.

N/A

g. Location and dimensions of exits/entrances to the subject property.

N/A

h. Approximate location and elevation of the 100-year flood plain and Watershed Protection Ordinance requirements, as applicable.

N/A

i. Approximate location of proposed on-site stormwater facilities, including detention or retention facilities.

- ☐ A letter of intent for a non-residential rezoning request, including the proposed use(s).

DURABLE POWER OF ATTORNEY
FOR
FINANCIAL MATTERS FOR
ANDREA CAMP

State of Georgia
County of Fulton

DURABLE POWER OF ATTORNEY FOR FINANCIAL MATTERS

IMPORTANT INFORMATION REGARDING THIS DOCUMENT:

This power of attorney is consistent with and in compliance with the Georgia Standard form provided in O.C.G.A. §10-6B, the "Georgia Power of Attorney Act".

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in O.C.G.A. §10-6B.

This power of attorney does not authorize the agent to make health care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke this power of attorney or the agent resigns or is unable to act for you.

Your agent is not entitled to any compensation unless you state otherwise in the Special Instructions. Your agent shall be entitled to reimbursement of reasonable expenses incurred in performing the acts required by you in your power of attorney.

This form provides for designation of one agent. If you wish to name more than one agent, you may name a successor agent or name a co-agent in the Special Instructions. Co-agents will not be required to act together unless you include that requirement in the Special Instructions.

If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney shall be durable unless you state otherwise in the Special Instructions.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

If you have questions about this power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

PART ONE

DESIGNATION OF AGENT(S)

I, ANDREA CAMP, name the following person as my agent:

My son, JORDAN CAMP

If my agent is unable or unwilling to act for me, I name as my successor-agent:

N/A

PART TWO

GRANT OF GENERAL AUTHORITY

I, ANDREA CAMP, grant my agent and any successor agent general authority, including but not limited to such authority described in O.C.G.A. §10-6B-40(c), to act for me with respect to the following subjects as defined in O.C.G.A. §10-6B:

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects you may initial "All preceding subjects" instead of initialing each subject.)

____ (Initials) 1. **Real Property.** To demand, buy, lease, receive, accept as a gift or as security for an extension of credit or otherwise acquire or reject an interest in real property or a right incident to real property. To sell; exchange; convey with or without covenants, representations or warranties; quitclaim; release; surrender; retain title for security; encumber; partition; consent to partitioning; subject to an easement or covenant; subdivide; apply for zoning or other governmental permits; plat or consent to platting; develop; grant an option concerning; lease; sublease; contribute to an entity in exchange for interest in that entity; or otherwise grant or dispose of an interest in real property or a right incident to real property. To pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of mine or a debt guaranteed by me. To release, assign, satisfy or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien or other claim to real property which exists or is asserted. To manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by me, including: insuring against liability or casualty or other loss; obtaining or regaining possession of or protecting the interest or right by litigation or otherwise; paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with such taxes or assessments; and purchasing supplies, hiring assistance or labor, and making repairs or alterations to the

real property. To use, develop, alter, replace, remove, erect, or install structures or other improvements upon real property in or incident to which I have, or claim to have, an interest or right. To participate in a reorganization with respect to real property or an entity that owns an interest in or right incident to real property and receive, and hold, and act with respect to stocks and bonds or other property received in a plan of reorganization, including: selling or otherwise disposing of them; exercising or selling an option, right of conversion, or similar right with respect to them. To change the form of title of an interest in or right incident to real property, and to dedicate to public use, with or without consideration, easements or other real property in which I have, or claim to have, an interest. To record a power of attorney in connection with a conveyance involving real property pursuant to the authority described in O.C.G.A. §10-6B-19.

____ (Initials) **2. Tangible Personal Property.** To demand, buy, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject ownership or possession of tangible personal property or an interest in tangible personal property. To sell; exchange; convey with or without covenants, representations, or warranties; quitclaim; release; surrender; create a security interest in; grant options concerning; lease; sublease; or otherwise dispose of tangible personal property or an interest in tangible personal property. To grant a security interest in tangible personal property or an interest in tangible personal property as security to borrow money or pay, renew, or extend the time of payment of a debt of mine or a debt guaranteed by me. To release, assign, satisfy, or enforce by litigation or otherwise, a security interest, lien, or other claim on behalf of me, with respect to tangible personal property or an interest in tangible personal property. To manage or conserve tangible personal property or an interest in tangible personal property on behalf of me, including: insuring against liability or casualty or other loss; obtaining or regaining possession of or protecting the property or interest by litigation or otherwise; paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with such taxes or assessments; moving the property from place to place; storing the property for hire or on a gratuitous bailment; and using and making repairs, alterations, or improvements to the property. To change the form of title of an interest in tangible personal property.

____ (Initials) **3. Stocks and Bonds.** To buy, sell, and exchange stocks and bonds. To establish, continue, modify, or terminate an account with respect to stocks and bonds. To pledge stocks and bonds as security to borrow, pay, renew or extend the time of payment of a debt of mine. To receive certificates and other evidences of ownership with respect to stocks and bonds.

____ (Initials) **4. Commodities and Options.** To buy, sell, exchange, assign, settle and exercise commodity futures contracts and call or put options on stocks or stock indexes traded on a regulated option exchange. To establish, continue, modify and terminate option accounts.

____ (Initials) **5. Banks and Other Financial Institutions.** To continue, modify, and terminate an account or other banking arrangement made by or on behalf of me. To establish, modify, and terminate an account or other banking arrangement with a bank,

trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by my agent. To contract for services available from a financial institution, including renting a safe deposit box or space in a vault. To withdraw, by check, order, electronic funds transfer, or otherwise, money or property of mine deposited with or left in the custody of a financial institution. To receive statements of account, vouchers, notices, and similar documents from a financial institution and act with respect to them. To enter a safe deposit box or vault and withdraw or add to the contents. To borrow money and pledge as security personal property of mine necessary to borrow money or pay, renew, or extend the time of payment of a debt of mine or a debt guaranteed by me. To make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts and other negotiable or nonnegotiable paper of mine or payable to me or my order, transfer money, receive the cash or other proceeds of those transactions, and accept a draft drawn by a person upon me and pay it when due. To receive for me and act upon a sight draft, warehouse receipt, or other document of title whether tangible or electronic, or other negotiable or nonnegotiable instrument. To apply for, receive, and use letters of credit, credit and debit cards, electronic transaction authorizations, and traveler's checks from a financial institution and give an indemnity or other agreement in connection with letters of credit. To consent to an extension of the time of payment with respect to commercial paper or a financial transaction with a financial institution.

____ (Initials) **6. Operation of Entity or Business.** To operate, buy, sell, enlarge, reduce, or terminate an ownership interest. To perform a duty or discharge a liability and exercise in person or by proxy a right, power, privilege, or option that I have, may have or claim to have. To enforce the terms of an ownership agreement. To initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which I am a party because of an ownership interest. To exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege, or option I have or claim to have as the holder of stocks and bonds. To initiate, participate in, submit to alternative dispute resolution, settle, oppose or propose or accept a compromise with respect to litigation to which I am a party concerning stocks and bonds. With respect to an entity or business owned solely by me, to continue, modify, renegotiate, extend and terminate a contract made by or on behalf of me with respect to the entity or business before execution of this power of attorney; to determine the location of its operation, the nature and extent of its business, the methods of manufacturing, selling, merchandising, financing, accounting and advertising employed in its operation, the amount and types of insurance carried, and the mode of engaging, compensating and dealing with its employees and accountants, attorneys or other advisors; to change the name or form of organization under which the entity or business is operated and enter into an ownership agreement with other persons to take over all or part of the operation of the entity or business; and to demand and receive money due or claimed by me or on my behalf in the operation of the entity or business and control and disburse the money in the operation of the entity or business. To put additional capital into an entity or business in which I have an interest. To join in a plan of reorganization, consolidation, conversion, domestication or merger of the entity or business. To sell or liquidate all or part of an entity or business. To establish the value of an entity or

business under a buy-out agreement to which I am a party. To prepare, sign, file and deliver reports, compilations of information, returns or other papers with respect to an entity or business and make related payments. To pay, compromise or contest taxes, assessments, fines or penalties and perform any other act to protect me from illegal or unnecessary taxation, assessments, fines or penalties, with respect to an entity or business, including attempts to recover, in any manner permitted by law, money paid before or after the execution of this power of attorney. To exercise any fiduciary powers granted to me as they relate to any associated ownership interest, provided those powers are expressly and clearly identified in the Special Instructions herein and provided I specifically identify the individual(s), estate(s), trusts(s), or other legal or commercial entity or entities for whom I act as a fiduciary.

____ (Initials) 7. **Insurance and Annuities.** To continue, pay the premium or make a contribution on, modify, exchange, rescind, release or terminate a contract procured by me, or on behalf of me, which insures or provides an annuity to either me or another person, whether or not I am a beneficiary under the contract. To procure new, different and additional contracts of insurance and annuities for me and my spouse, children and other dependents, and select the amount, type of insurance or annuity, and mode of payment. To pay the premium or make a contribution on, modify, exchange, rescind, release or terminate a contract of insurance or annuity procured by my agent. To apply for and receive a loan secured by a contract of insurance or annuity. To surrender and receive the cash surrender value on a contract of insurance or annuity. To exercise an election. To exercise investment powers available under a contract of insurance or annuity. To change the manner of paying premiums on a contract of insurance or annuity. To change or convert the type of insurance or annuity with respect to which I have or claim to have authority described in O.C.G.A. §10-6B-49. To apply for and procure a benefit or assistance under a law or regulation to guarantee or pay premiums of a contract of insurance on my life. To collect, sell, assign, hypothecate, borrow against or pledge my interest in a contract of insurance or annuity. To select the form and timing of the payment of proceeds from a contract of insurance or annuity. To pay, from proceeds or otherwise, compromise or contest, and apply for refunds in connection with, a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity or its proceeds or liability accruing by reason of such tax or assessment.

____ (Initials) 8. **Estates, Trusts and Other Beneficial Interests.** To accept, receive, receipt for, sell, assign, pledge or exchange a share in or payment from an estate, trust, or other beneficial interest. To demand or obtain money or any other thing of value to which I am, may become or claim to be, entitled by reason of an estate, trust or other beneficial interest, by litigation or otherwise. To exercise for my benefit a presently exercisable general power of appointment held by me. To initiate, participate in, submit to alternative dispute resolution, settle, oppose or propose or accept a compromise with respect to litigation to ascertain the meaning, validity or effect of a deed, will, declaration of trust or other instrument or transaction affecting my interest. To initiate, participate in, submit to alternative dispute resolution, settle, oppose or propose or accept a compromise with respect to litigation to remove, substitute, or surcharge a fiduciary. To conserve, invest, disburse or use anything received for an authorized purpose. To create, amend, and/or

revoke a revocable trust so long as the terms of the trust only authorize distributions that would be allowable under a power of attorney if I held the trust assets outright and so long as the terms of the trust provide for the distribution of all trust assets to my estate upon my death. To transfer an interest of mine in real property, stocks and bonds, accounts with financial institutions or securities intermediaries, insurance, annuities and other property to the trustee of a revocable trust created by me as grantor or settlor. With respect to a bona fide dispute, to consent to a reduction in or modification of a share in or payment for an estate, trust or other beneficial interest.

____ (Initials) **9. Claims and Litigation.** To assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment or defense, including an action to recover property or any other thing of value, recover damages sustained by me, eliminate or modify tax liability, or seek an injunction, specific performance, or other relief. To bring an action to determine adverse claims or intervene or otherwise participate in litigation. To seek an attachment, garnishment, order of arrest or other preliminary, provisional or intermediate relief and use an available procedure to effect or satisfy a judgment, order or decree. To make or accept a tender, offer of judgment or admission of facts; submit a controversy on an agreed statement of facts; consent to examination; and bind me in litigation. To submit to alternative dispute resolution, settle and propose or accept a compromise. To waive the issuance and service of process upon me; accept service of process; appear for me; designate persons upon which process directed to me may be served; execute and file or deliver stipulations on my behalf; verify pleadings; seek appellate review; procure and give surety and indemnity bonds; contract and pay for the preparation and printing of records and briefs; receive, execute and file or deliver a consent, waiver, release, confession of judgment, satisfaction of judgment, notice, agreement or other instrument in connection with the prosecution, settlement, or defense of a claim or litigation. To act for me with respect to bankruptcy or insolvency, whether voluntary or involuntary, concerning me or some other person, or with respect to a reorganization, receivership or application for the appointment of a receiver or trustee which affects an interest of mine in property or any other thing of value. To pay a judgment, award or order against me or a settlement made in connection with a claim or litigation. To receive money or any other thing of value paid in settlement of or as proceeds of a claim or litigation.

____ (Initials) **10. Personal and Family Maintenance.** To perform the acts necessary to maintain my customary standard of living and the customary standard of living of my spouse and the following individuals, whether living when this power of attorney is executed or later born: my minor children, my adult children who are pursuing a postsecondary school education and are under twenty-five (25) years of age, my parents or my spouse's parents or my minor dependents who are not also my children, if I had established a pattern of such payments, my adult descendants who are not also my children who are pursuing a postsecondary school education and are under twenty-five (25) years of age provided I had established a pattern of such payments, and any other individuals legally entitled to be supported by me. To make periodic payments of child support and other family maintenance required by a court or governmental agency or an agreement to which I am a party. To provide living quarters for the individuals described

in this paragraph by purchase, lease or other contract; or paying the operating costs, including interest, amortization payments, repairs, improvements and taxes, for premises owned by me or occupied by those individuals. To provide normal domestic help, usual vacations and travel expenses, and funds for shelter, clothing, food, appropriate education, including postsecondary and vocational education, and other current living costs for individuals described in this paragraph to enable such individuals to maintain their customary standard of living. To pay expenses for necessary health care and custodial care on behalf of the individuals described in this paragraph. To act as my personal representative pursuant to the Health Insurance Portability and Accountability Act, §§1171-1179 of the Social Security Act, 42 U.S.C. §1320d, in effect on February 1, 2018, and applicable regulations in effect on February 1, 2018 (the "Act"), in making decisions related to the past, present or future payment for the provision of health care consented to by me or anyone authorized under the laws of this state to consent to health care on my behalf. To continue any provision made by me for automobiles or other means of transportation, including registering, licensing, insuring and replacing them, for the individuals described in this paragraph. To maintain credit and debit accounts for the convenience of the individuals described in this paragraph and open new accounts. To continue payments incidental to my membership or affiliation in a religious institution, club, society, order or other organization or to continue contributions to those organizations. Authority with respect to personal and family maintenance shall be neither dependent upon, nor limited by, authority that the agent may or may not have with respect to gifts under O.C.G.A. §10-6B-56.

____ **(Initials) 11. Benefits from Governmental Programs or Civil or Military Service.**

To execute vouchers in my name for allowances and reimbursements payable by the United States or a foreign government or by a state or political subdivision of a state to me, including allowances and reimbursements for transportation of the individuals described in paragraph (1) of subsection (a) of O.C.G.A. §10-6B-52, and for shipment of their household effects. To take possession and order the removal and shipment of property of mine from a post, warehouse, depot, dock or other place of storage or safekeeping, either governmental or private, and execute and deliver a release, voucher, receipt, bill of lading, shipping ticket, certificate or other instrument for such purpose. To enroll in, apply for, select, reject, change, amend or discontinue, on my behalf, a benefit or program. To prepare, file, and maintain a claim of mine for a benefit or assistance, financial or otherwise, to which I may be entitled under a law or regulation. To initiate, participate in, submit to alternative dispute resolution, settle, oppose or propose or accept a compromise with respect to litigation concerning any benefit or assistance I may be entitled to receive under a law or regulation. To receive the financial proceeds of a claim described in paragraph (4) of O.C.G.A. §10-6B-53 and conserve, invest, disburse or use for a lawful purpose anything so received.

____ **(Initials) 12. Retirement Plans.** To select the form and timing of payments under a retirement plan and withdraw benefits from a plan. To make a rollover, including a direct trustee-to-trustee rollover, of benefits from one retirement plan to another. To establish a retirement plan in my name. To make contributions to a retirement plan. To exercise

investment powers available under a retirement plan. To borrow from, sell assets to, or purchase assets from a retirement plan.

____ (Initials) 13. **Taxes.** To prepare, sign and file federal, state, local, and foreign income, gift, payroll, property, Federal Insurance Contributions Act and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters and any other tax-related documents, including receipts, offers, waivers and consents, including consents and agreements under I.R.C. §2032A, 26 U.S.C. §2032A, in effect on February 1, 2018, closing agreements, and any power of attorney required by the Internal Revenue Service (the "IRS") or other taxing authority with respect to a tax year upon which the statute of limitations has not run and the following twenty-five (25) tax years. To pay taxes due, collect refunds, post bonds, receive confidential information and contest deficiencies determined by the IRS or other taxing authority. To exercise any election available to me under federal, state, local or foreign tax law. To act for me in all tax matters for all periods before the IRS, or other taxing authority.

____ (Initials) 14. **All Preceding Subjects.**

PART THREE

GRANT OF SPECIFIC AUTHORITY

My agent SHALL NOT have the power to do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following powers will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent. You may give your agent specific instructions in the Special Instructions when you authorize your agent to make gifts.)

____ (Initials) 1. **Inter Vivos Trust.** To create, fund, amend, revoke, or terminate an inter vivos trust.

____ (Initials) 2. **Gifts.** To make a gift, subject to the limitations of O.C.G.A. §10-6B-56 and any Special Instructions in this power of attorney. To make outright to, or for the benefit of, a person, a gift of any of my property, including by the exercise of a presently exercisable general power of appointment held by me, (a) in an amount per donee not to exceed the annual dollar limits of the federal gift tax exclusion under I.R.C. §2503(b), 26 U.S.C. §2503(b), in effect on February 1, 2018, without regard to whether the federal gift tax exclusion applies to the gift, or (b) in the event that my spouse agrees to consent to a split gift pursuant to I.R.C. §2513, 26 U.S.C. §2513, in effect on February 1, 2018, in an amount per donee not to exceed twice the annual federal gift tax exclusion limit; and to consent, pursuant to I.R.C. §2513, 26 U.S.C. §2513, in effect on February 1, 2018, to the

splitting of a gift made by my spouse in an amount per donee not to exceed the aggregate annual gift tax exclusions for both spouses.

- ____ (Initials) 3. **Rights of Survivorship.** To create or change rights of survivorship.
- ____ (Initials) 4. **Beneficiary Designation.** To create or change a beneficiary designation.
- ____ (Initials) 5. **Authorization to Another Person.** To authorize another person to exercise the authority granted under this power of attorney.
- ____ (Initials) 6. **Beneficiary Waiver.** To waive my right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan.
- ____ (Initials) 7. **Electronic Communications.** To access the content of electronic communications.
- ____ (Initials) 8. **Fiduciary Powers.** To exercise fiduciary powers that I have authority to delegate and that are expressly and clearly identified (including the identity of the each person for whom I act as a fiduciary) in the Special Instructions herein.
- ____ (Initials) 9. **Interest in Property.** To disclaim or refuse an interest in property, including a power of appointment.

PART FOUR

LIMITATION ON AGENT'S AUTHORITY

An agent who is not my ancestor, spouse or descendant SHALL NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

PART FIVE

SPECIAL INSTRUCTIONS

(You may give special instructions on the following lines. You may add lines or place your special instructions in a separate document and attach it to this power of attorney):

Certain Policies of Life Insurance. Notwithstanding any other provision herein, no powers stated or granted herein and conferred on my agent shall be construed to grant or transfer to said attorney any "incidents of ownership" within the meaning of that phrase under I.R.C. §2042 in a policy or policies of life insurance owned by me on said agent's life.

Additional Powers. In addition to the special instructions and powers granted in the preceding paragraphs of this page and in the preceding pages of this Durable Power of Attorney for Financial Matters, I expressly and specifically grant my agent the following powers. These powers are granted in addition to any powers conferred by the provisions of this Durable Power of Attorney for Financial Matters, by Georgia statutes and/or by general rules of law, and with the direction that a grant of a specific power shall not be construed as a limitation of any general power granted herein, by statute or by law, all of which may be exercised by my agent.

1. **Lend or borrow money.** To loan or borrow money and to give or take collateral therefor on such terms as my attorney may deem best, and to evidence the same by notes or other agreements containing such terms and conditions as my attorney may think fit.

2. **Exercise Limited Powers of Appointment.** To exercise any and all limited powers of appointment granted to me under any trust or trusts, without regard to whether the trust agreement or other governing instrument for such trust was executed before or after the date of this Durable Power of Attorney for Financial Matters, and to exercise any powers exercisable by me as the grantor of any trust, including, but not limited to, powers pursuant to I.R.C. §675(4)(C).

3. **Waiver of attorney-client privilege.** For me and in my name, place and stead, to seek and compel any attorney retained by me at anytime and on any matter whatsoever to release any information prepared for me or on my behalf or to divulge any communications by and between myself and said attorney which are protected by the attorney-client privilege, and to receive, retain and protect said information or communications under the attorney-client privilege.

4. **Waiver of physician-patient privilege.** For me and in my place and stead, to seek and compel any physician retained by me at anytime or on any matter whatsoever to release any information prepared for me or on my behalf or to divulge any communications by and between myself and said physician which are protected by the physician-client privilege, and to receive, retain and protect such information under the physician-client privilege. It is my intent that my attorney be treated as if said attorney were me with respect to my rights regarding the access, use and disclosure of my medical records or other health information. Specifically, my attorney shall be considered my personal representative to access, use and disclose any information governed by the Act. I authorize all medical personnel, health care providers, insurance companies and health care information clearing houses covered by the Act to release and disclose to my attorney without any restriction and without limitation all of my health information and medical records.

PART SIX

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the special instructions.

PART SEVEN

NOMINATION OF CONSERVATOR

If it becomes necessary for a court to appoint a conservator of my estate, I nominate my agent, as named herein, to be appointed as conservator.

PART EIGHT

RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person has actual knowledge it has terminated or is invalid.

[SIGNATURES AND ACKNOWLEDGEMENTS ARE CONTAINED ON THE FOLLOWING PAGE.]

IN WITNESS WHEREOF, this Durable Power of Attorney for Financial Matters is executed under seal this 30 day of October, 2023.



ANDREA CAMP (SEAL)

This document was signed, sealed
and delivered in the presence of:



Witness Name:

State of Georgia
County of Fulton

This document was signed, sealed and delivered in my presence on the date written above
by ANDREA CAMP.



Notary Public
[NOTARY SEAL]



This document was prepared by the firm of Smith, Gambrell & Russell, LLP.

SGR/43032575.1

WARRANTY DEED - FORM 4 (2/67)



STATE OF GEORGIA

FULTON

County

THIS INDENTURE, made this 23rd day of November in the year of our Lord One Thousand Nine Hundred and ~~Seventy~~ Seventy between NED E. WALKER of the State of Georgia and County of Fayette of the first part and STARR REALTY CORPORATION of the State of Georgia and County of Fayette of the second part, WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS AND OTHER VALUABLE CONSIDERATIONS DOLLARS, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged ha S granted, bargained, sold and conveyed and by these presents do ES grant, bargain, sell and convey unto the said part Y of the second part, itself, its successors ~~heirs~~ and assigns, all that tract or parcel of land lying and being in Land Lot 28 of the 7th District of Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin found marking the Northeast intersection of Davis Road and Huie Road; running thence Northerly along the Easterly side of Huie Road and following the curvature thereof, 1554.4 feet to an iron pin found; thence North 89° 16' East, 1432 feet to an iron pin found; thence South 0° 59' East, 1045.7 feet to an iron pin found on the Northerly side of Davis Road; thence Southwesterly along the right of way of Davis Road, 1387.5 feet to Huie Road and the point of beginning; containing 41.78 acres as per survey of Richard T. Conner, dated November 3, 1970.

Fayette County, Georgia
Real Estate Transfer Tax
Paid 36.60 Date 11-30-70
Clerk of Superior Court

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of the said part Y of the second part, itself, its successors ~~heirs~~ and assigns, forever, IN FEE SIMPLE.

And the said part Y of the first part, for himself, his heirs, executors and administrators will warrant and forever defend the right to the above described property unto the said part Y of the second part, itself, its successors ~~heirs~~ and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said part Y of the first part ha S hereunto set his hand and affixed his seal, the day and year above written.

Signed, sealed and delivered in the presence of:

Jean D. Lippert
Witness
Richard T. Conner
Notary Public, Georgia State at Large
My Commission Expires: Dec. 27, 1970.

(SEAL)

Ned E. Walker (SEAL)
Ned E. Walker

(SEAL)

FILED Nov 30 1970
RECORDED 12-1 1970
W. A. Ballard
CLERK SUPERIOR COURT

WARRANTY DEED - FORM 4 (2/71)



STATE OF GEORGIA

FULTON

County

THIS INDENTURE, made this 27th day of May
 in the year of our Lord One Thousand Nine Hundred and Seventy One
 between STARR REALTY CORPORATION
 of the State of Georgia and County of _____ of the first part
 and SHIRLEY ANNE STARR
 of the State of Georgia and County of Fayette of the second part,
 WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of
TEN (\$10.00) DOLLARS AND OTHER VALUABLE CONSIDERATIONS DOLLARS,

in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged
 has granted, bargained, sold and conveyed and by these presents do es grant, bargain, sell and convey unto
 the said part Y of the second part, herself, her heirs and assigns,
 all that tract or parcel of land lying and being in Land Lot 28 of the 7th District of Fayette
 County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin found marking the Northeast intersection of Davis Road and
 Huie Road; running thence Northerly along the Easterly side of Huie Road and
 following the curvature thereof, 1554.4 feet to an iron pin found; thence North 89°
 16' East, 1432 feet to an iron pin found; thence South 0° 59' East, 1045.7 feet to
 an iron pin found on the Northerly side of Davis Road; thence Southwesterly along
 the right of way of Davis Road, 1387.5 feet to Huie Road and the point of beginning;
 containing 41.78 acres as per survey of Richard T. Conner, dated November 3, 1970.

Fayette County, Georgia
 New Estate Transfer Tax
 Paid 37.00 Date 5-29-71
 Clerk of Superior Court

FILED May 29 1971
 RECORDED 16-1 1971
W. B. Ballard 10 30
 AM
 CLERK SUPERIOR COURT

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and ap-
 purtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof
 of the said part Y of the second part, herself, her heirs and assigns, forever,
 IN FEE SIMPLE.

And the said part Y of the first part, for itself, its successors and assigns their
 executors and administrators will warrant and forever defend the right to the above described property unto the said
 part Y of the second part, herself, her heirs and assigns, against the
 lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said part Y of the first part has hereunto set its hand
 and affixed its seal, the day and year above written.

Signed, sealed and delivered in the
 presence of:

Jean D. Luperotte
 Witness

Notary Public, Georgia State at Large
 My Commission Expires Dec. 28, 1974.

(SEAL)

STARR REALTY CORPORATION

By: Shirley Starr (SEAL)
President

(SEAL)

QUIT-CLAIM DEED - Form 7 (11/70)

STATE OF GEORGIA, _____ County.

THIS INDENTURE, made this _____ day of _____ in the year of our
Lord One Thousand Nine Hundred and Seventy _____ Fourbetween SHIRLEY ANNE STARR of the first part,
and THOMAS T. POPE of the second part,WITNESSETH: That the said part Y of the first part for and in consideration of the sum
of ONE AND NO/100 - - - Dollars,cash in hand paid, the receipt of which is hereby acknowledged, has _____ bargained, sold and done as
by these presents bargain, sell, remise, release, and forever quit-claim to the said part Y of the
second part, himself, his _____ heirs and assigns, all the right, title, interest, claim or
demand which the said part Y of the first part has or may have had in and to all that tract or
parcel of land lying and being in Land Lot 28 of the 7th District of Fayette County, Georgia,
and being more particularly described as follows:

BEGINNING at an iron pin placed on the East side of Huiet Road, said pin being located
1045.7 feet North of the Northeast intersection of Huiet Road and Davis Road as
measured along the East side of Huiet Road; running thence Northerly along the East
side of Huiet Road, Four Hundred Ninety Eight and Five-tenths (498.5) feet to an iron
pin placed; thence North 89° 16' East, One Thousand Four Hundred Thirty Two (1432) feet
to an iron pin found; thence South 00° 59' East, Four Hundred Ninety One and Eight-
tenths (491.8) feet to an iron pin placed; thence South 89° 16' West, One Thousand Four
Hundred Fifty Four and Four-tenths (1454.4) feet to an iron pin placed on the East
side of Huiet Road and the Point of beginning.

with all the rights, members and appurtenances to the said described premises in anywise appertaining
or belonging.TO HAVE AND TO HOLD the said described premises unto the said part Y of the second
part himself, his _____ heirs and assigns, so that neither the said part Y of the first part
nor herself, her _____ heirs, nor any other person or persons claiming under her
shall at any time, claim or demand any right, title or interest to the aforesaid described premises or
its appurtenances.IN WITNESS WHEREOF, the said part Y of the first part has hereunto set her
hand and affixed her seal the day and year above written.

Signed, sealed and delivered in presence of

Public

Commission Expires: 11/1/75

Shirley Anne Starr

Shirley Anne Starr

12-4-74
12-7-74
(Seal) 30
10 PM

AFTER RECORDING RETURN TO:
 JOHN M. McCARTER
 Attorney at Law
 P. O. Box 45402-Airport Branch
 Atlanta, GA 30320-0402

FILED & RECORDED
 FAYETTE COUNTY, GA.
 '99 DEC 22 AM 10 59
 W.A. BALLARD, CLERK

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF CLAYTON

THIS INDENTURE, Made the 10th day of December, in the year one thousand nine hundred and ninety nine between

THOMAS T. POPE

of the County of Fayette, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

MILDRED M. POPE & THOMAS T. POPE, as "Joint Tenants"

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN (\$10.00) DOLLARS AND OTHER VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land described on Exhibit "A" attached hereto and made a part hereof.

FAYETTE COUNTY, GEORGIA
 REAL ESTATE TRANSFER TAX PAID 10-
 DATE 12-22-99
 W.A. Ballard
 CLERK OF SUPERIOR COURT

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered
 in the presence of:

John D. Leinhardt
 Witness

Thomas T. Pope (Seal)
 Thomas T. Pope

[Signature]
 Notary Public, Lamar County, Georgia
 My Commission expires: Jan. 16, 2003.
 (Seal)

BOOK 1458 PAGE 439

Book: 1458 Page: 439 Seq: 1

BOOK 1458 PAGE 440

EXHIBIT "A"

ALL THAT TRACT or parcel of land with all buildings and improvements thereon lying and being in Land Lot No. 218 of the 13th Land District of Fayette County, Georgia and being Lot No. 26, Block 201, Section Two of Newton Plantation as described upon a certain map or plat by C. E. Lee, Surveyor, recorded in Plat Book 4, page 43, Fayette County Deed Records and being more particularly described as follows:

BEGINNING at a point at the intersection of the South right of way line of Plantation Drive and the West right of way line of Plantation Circle as shown on the above described plat and from said point of beginning, running thence South along the West right of way line of said Plantation Circle a distance of 1482 feet to the line separating Lot No. 13 and Lot No. 14 of said block, section and subdivision; continuing along the same side of said right of way of Plantation Circle but in an Easternly direction at a right angle to the preceding course, 1625 feet to an iron pin at the Northeast corner of Lot No. 25 of said block, section and subdivision from the point of beginning thus determined; running thence South 265 feet along the East side of Lot No. 25 to an iron pin; thence East a distance of 200 feet to the West corner of Lot No. 27; thence Northwesterly 269.5 feet along the West side of Lot No. 27 to Plantation Circle; thence West along Plantation Circle a distance of 150 feet to the point of beginning.

ALL THAT TRACT or parcel of land lying and being in Land Lot 28 of the 7th District of Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin found marking the Northeast intersection of Davis Road and Huiet Road; running thence Northerly along the Easterly side of Huiet Road and following the curvature thereof, 1554.4 feet to an iron pin found; thence North 89° 16' East, 1432 feet to an iron pin found; thence South 0° 59' East, 1045.7 feet to an iron pin found on the Northerly side of Davis Road; thence Southwesterly along the right of way of Davis Road, 1387.5 feet to Huiet Road and the point of beginning; containing 41.78 acres as per survey of Richard T. Conner, dated November 3, 1970.

Doc ID: 008642670001 Type: ESTD
 Recorded: 08/29/2011 at 08:00:00 AM
 Fee Amt: \$10.00 Page 1 of 1
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 3788 PG 453

EXECUTOR'S DEED OF ASSENT

James F. Biles
 245 Mimosa Drive
 Fayetteville, GA 30214

STATE OF GEORGIA
 COUNTY OF FAYETTE

THIS INDENTURE, made this 27th day August, 2011, between **ANDREA POPE CAMP** as Executor of the Estate of **MILDRED MERONEY POPE**, deceased, of Fayette County, Georgia, Party of the First Part, and **ANDREA POPE CAMP**, hereinafter called Party of the Second Part.

WITNESSETH:

The First Party is the duly qualified and acting Executor of the Estate of **MILDRED MERONEY POPE**, who died seized and possessed of the property hereunder described. Said executor was appointed in the Probate Court of Fayette County, Georgia. The Order of the Probate Court admitted the Will to record in solemn form on July 19, 2011. Under the terms of the appointment the Executor is authorized to transfer said property to Party of the Second Part.

NOW THEREFORE, under and pursuant to the authority conferred upon her, and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the First Party hereby grants, bargains, sells and conveys unto the Second Party, her heirs and assigns, the deceased's interest in the following described real property situated in Fayette County, Georgia:

ALL THAT TRACT or parcel of land lying and being in Land Lot 28 of the 7th District of Fayette County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin found marking the Northeast intersection of Davis Road and Huiet Road; running thence Northerly along the Easterly side of Huiet Road and following the curvature thereof, 1554.4 feet to an iron pin found; thence North 89 degrees 16 minutes East, 1432 feet to an iron pin found; thence 0 degrees 59 Minutes East, 1045.7 feet to an iron pin found on the Northerly side of Davis Road; thence Southwesterly along the right of way of Davis Road, 1387.5 feet to Huiet Road and the point of beginning; containing 41.78 acres as per survey of Richard T. Conner, dated November 3, 1970.

TO HAVE AND TO HOLD the same unto the Party of the Second Part, her heirs and assigns.

And the Party of the First Part does warrant that the deceased had good title to said property and does hereby warrant the title unto the Party of the Second Part, and will defend the same against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the said Party of the First Part has caused these presents to be executed and has hereunto set her hand and seal, the day and year first above-written.

Signed, sealed and delivered
 In the presence of:

James F. Biles
 Notary Public
 CHARLES S. BALLARD
 NOTARY PUBLIC
 FAYETTE COUNTY, GEORGIA
 NOVEMBER 1, 2011

Andrea Pope Camp
 ANDREA POPE CAMP, Executor of the
 Estate of MILDRED MERONEY POPE,
 Deceased



REZONING APPLICATION

TO AMEND THE OFFICIAL ZONING MAP OF FAYETTE COUNTY, GA

A COMPLETE REZONING APPLICATION MUST BE SUBMITTED TO THE PLANNING AND ZONING DEPARTMENT BY 12:00 NOON ON THE TENTH (10th) DAY OF THE MONTH 2 MONTHS PRIOR TO HEARING DATE.

If the tenth day of the month is on a weekend or holiday, the application filing deadline is extended to the next business day (see Hearing Schedule on page 2).

Yield Plan: The Conservation Subdivision (C-S) and Estate Residential District (EST) zoning districts require a Yield Plan to be submitted prior to the Rezoning Application. The Yield Plan must be submitted via the County's online plan review program by 12:00 noon on the tenth day of the month. If the tenth day of the month is on a weekend or holiday, the application filing deadline is extended to the next business day. If a Yield Plan is in review and all departmental comments have not been addressed and approved by the advertising deadline, the application will be delayed until the next month for which it can be properly advertised. Please request a Yield Plan checklist.

Fayette County Planning and Zoning Department
140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214
Phone: 770- 305-5421
E-mail: zoning@fayettecountyga.gov

REZONING APPLICATION FILING FEES (per parcel being rezoned)

(based on number of acres to be rezoned)

0 to 5 Acres	\$250.00*
6 to 20 Acres	\$350.00*
21 to 100 Acres	\$450.00*
101 or more Acres	\$550.00*

\$450
\$40 (2x20)
\$490

***An additional \$20.00 deposit is required (per public hearing sign posted on property).** If the sign frame(s) is returned to the Planning and Zoning Department within five (5) working days of the last applicable public hearing, the sign deposit will be reimbursed to the applicant. **The application filing fee and sign deposit may be combined on one (1) check made payable to Fayette County.** Application filing fees may be refunded ONLY when an application request is withdrawn in writing by the applicant PRIOR TO placement of the legal advertisement for said public hearing request (at least 30 days before scheduled Planning Commission public hearing).

A submittal that is missing any required documents, or that has inaccurate or out-of-date documents, is not considered a complete application, and may be moved to a later meeting date. Please refer to the checklist on page 10 for a list of required documents.

S.A. GASKINS & ASSOCIATES, LLC
surveyors planners development consultants
P.O. BOX 303 BROOKS, GA 30205
678-571-3054
rdgaskins79@gmail.com

CONCEPT PLAN
Land Lot 28 Of The 7th Land District
Fayette County, Georgia



- LEGEND**
- RRF=REBAR FOUND
 - CTP=CRIMP TOP PIPE
 - LL=LAND LOT LINE
 - PL=PROPOSED LINE
 - CO=CONSTRUCTION ENTRANCE
 - EP=EDGE OF PAVEMENT
 - P.O.B.=POINT OF BEGINNING
 - DE=DEED EASEMENT
 - DE=DEED EASEMENT
 - NF=NOW OR FORMERLY
 - F.W.P.D.=FIELD WORK
 - PERFORMED DATE
 - CH=CHANGING
 - DB=DEED BOOK
 - PG=PAGE
 - REPLAT BOOK
 - (H)=HOUSE NUMBER

HUIET DRIVE
20± WIDE DIRT/GRAVEL

OWNER: ANDREA POPE CAMP - DEED BOOK 378& PAGE 433
SITE AREA = 41.78 ACRES
TAX PARCEL NO. 0703 012
EXISTING ZONING: AR - AGRICULTURAL RESIDENTIAL
LAND USE PLAN DESIGNATION: RURAL RESIDENTIAL - 2 (1 UNIT/2 ACRES)
PROPOSED ZONING: R-75 SINGLE-FAMILY RESIDENTIAL
MINIMUM LOT SIZE = 2.00 ACRES
SETBACKS: FRONT - 300' ARTERIAL
FRONT - 75' COLLECTOR
SIDE - 25'
REAR - 50'
MINIMUM HOUSE SIZE 2500 SQ. FT.
MINIMUM LOT WIDTH AT BUILDING LINE 125'
EXISTING WATERLINE LOCATED AT THE NORTHWEST CORNER
BOUNDARY SURVEY INFORMATION TAKEN FROM DEED BOOK 378& PAGE 433 AND FROM QUBIC.NET, FAYETTE COUNTY, GA. WEBSITE.
DAVIS ROAD AND HUIET ROAD ARE CLASSIFIED AS A COLLECTOR ROAD ON THE FAYETTE COUNTY THOROUGHFARE PLAN. PURSUANT TO CHAPTER 104, ARTICLE III, SECTION 104-5(B) OF THE CODE OF FAYETTE COUNTY, GA. A 100' WIDE RIGHT-OF-WAY OF 80' LET IS REQUIRED FOR A COLLECTOR ROAD.
THE FINAL DESIGN WILL BE BASED ON A CURRENT BOUNDARY SURVEY, A LEVEL III SOILS ANALYSIS AND A 2 FOOT CONTOUR TOPOGRAPHICAL SURVEY.

Job No. 19-047

Drawn By:	Reviewed By:
RLS	RLS
Issue Date: 07/08/24	
F.W.P.D.: N/A	Date
Revisions	

B4 Fayette County News

Continued from page B3

Wednesday, December 18, 2024

**PETITION FOR REZONING
CERTAIN PROPERTIES IN
UNINCORPORATED AREAS OF
FAYETTE COUNTY, GEORGIA**

PUBLIC HEARING to be held before the Fayette County Board of Commissioners on Thursday, January 23, 2025, at 5:00 P.M., in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

Petition No.: 1355-24

Owner/Agent: Andrea Pope Camp & Jordan Camp/

Randy M. Boyd, Agent

Existing Zoning District: A-R

Proposed Zoning District: R-75

Parcel Number: 0703 012

Area of Property: 41.78 acres

Proposed Use: Residential

Land Lot(s)/District: Land lot 28 of the 7th District

Fronts on: Davis Road and Huiet Drive

Request: Rezone from A-R to R-75 for the purposes of creating additional lots without any new infrastructure.

PROPERTY DESCRIPTION

EXHIBIT "A"

ALL THAT TRACT or parcel of land lying and being in Land Lot 28 of the 7th District of Fayette County, Georgia, and being more particularly described as follows: BEGINNING at an iron pin found marking the Northeast intersection of Davis Road and Huiet Road; running thence Northerly along the Easterly side of Huiet Road and following the curvature thereof, 1554.4 feet to an iron pin found; thence North 89° 06' 16" East, 1432 feet to an iron pin found; thence South 00° 59' East, 1045.7 feet to an iron pin found on the Northerly side of Davis Road; thence Southwesterly along the right of way of Davis Road, 1387.5 feet to Huiet Road and the point of beginning; containing 41.78 acres as per survey of Richard T. Conner, dated November 3, 1970.

12/18



**PUBLIC HEARING
REZONING**
No. 1395-24, A-1-G-8-75
JASPER COUNTY
BOARD OF COMMISSIONERS
JANUARY 13, 2025 6:00 PM
145 FLORENCE AVENUE, SUITE 100
FLORENCE, AL 36601
CONTACT: JAC AT 770-381-1211



COUNTY AGENDA REQUEST

Page 159 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Acceptance of Sheriff Babb's decision to accept eight vehicles from the Town of Tyrone (Tyrone Police Department).

Background/History/Details:

Some local law enforcement agencies, with the implementation of the Fayette County Sheriff's Office Regional Training, have agreed to donate vehicles for training at the Driver's Training Course. The following vehicles with Kelly Blue Book values listed have been donated by the Town of Tyrone (Tyrone Police Department):

2014 Dodge Charger bearing VIN# 2C3CDXAT1EH290131 valued at \$6,487.00.
2016 Ford Explorer bearing VIN# 1FM5K8AR1GGC67463 valued at \$10,155.00.
2014 Dodge Charger bearing VIN# 2C3CDXAT3EH290132 valued at \$6,421.00.
2018 Ford Explorer bearing VIN# 1FM5K8AR9KGA12607 valued at \$13,922.00.
2005 Dodge Charger bearing VIN# 283KA43G56H245386 valued at \$2,820.00.
2011 Chevrolet Tahoe bearing VIN# 1GNSK2E07BR318422 valued at \$9,640.00.
2011 Ford Taurus bearing VIN# 1FAHP2L890G143687 valued at \$3,806.00.
2012 Dodge Charger bearing VIN# 2C3CDXAT0CH282647 valued at \$6,508.00.

These vehicles are accepted by the Sheriff's Office for training and should be placed on the master asset list and insurance.

What action are you seeking from the Board of Commissioners?

Acceptance of Sheriff Babb's decision to accept eight vehicles from the Town of Tyrone (Tyrone Police Department).

If this item requires funding, please describe:

Not Applicable

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Vehicles will be added to asset listing.

**COUNCIL AGENDA ITEM COVER SHEET****Meeting Type:** Council - Regular**Meeting Date:** December 19, 2024**Agenda Item Type:** Consent Agenda**Staff Contact:** Chief Randy Mundy

STAFF REPORT**AGENDA ITEM:**

Surplussing of Patrol Vehicles

BACKGROUND:

Currently the Police Department is in possession of eight police vehicles that need to be surplussed (See attached for vehicle descriptions). The newly formed Fayette County Police Academy is in need of patrol vehicles to be used for training.

FUNDING:

Click or tap here to enter text.

STAFF RECOMMENDATION:

Staff recommends that Council approve the request to surplus these vehicles and allow them to be donated to the Fayette County Police Academy to be used for training.

ATTACHMENTS:

Yes

PREVIOUS DISCUSSIONS:

This item was introduced to Council during the Staff Comments portion of the December 5, 2024 Town Council Meeting

1. 2014 Dodge Charger 2C3CDXAT16H290131
2. 2016 Ford Explorer 1FM5K8AR1GGC67463
3. 2014 Dodge Charger 2C3CDXAT3EH290132
4. 2018 Ford Explorer 1FM5K8AR9KGA12607
5. 2005 Dodge Charger 283KA43G56H245856-386
6. 2011 Chevy Tahoe 1GNSK2E07BR318422
7. 2011 Ford Taurus 1FAHP2L890G143687
8. 2012 Dodge Charger 2C3CDXAT0CH282647

**TYRONE TOWN COUNCIL
MEETING**

Page 162 of 271

**ACTION AGENDA
December 19, 2024 at 7:00 PM**

Eric Dial, Mayor
Gloria Furr, Mayor Pro Tem, Post 4

Jessica Whelan, Post 1
Dia Hunter, Post 2
Billy Campbell, Post 3

Brandon Perkins, Town Manager
Dee Baker, Town Clerk
Dennis Davenport, Town Attorney

Also present:

April Spradlin, Court Clerk

I. CALL TO ORDER

Mayor Dial noted that the AV system was inoperable.

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC COMMENTS: *Comments are limited to three (3) minutes. Please state your name & address. Comments that require a response may not be answered during this time. The Council or staff may respond at a later date.*

V. APPROVAL OF AGENDA

A motion was made to approve the agenda.

Motion made by Council Member Campbell, Seconded by Council Member Furr.
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan,
Council Member Hunter.

VI. CONSENT AGENDA: *All matters listed under this item are considered to be routine by the Town Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.*

1. Approval of minutes from December 5, 2024.
2. Approval of the 2025 Holiday Schedule for office closures.
3. Approval to reappoint McNally, Fox, Grant & Davenport, P.C. as the Town's Legal Counsel.
4. Approval of Fayette County News as the Town's Legal Organ.

5. Re-Appointment of Alisha Thompson as Judge for Tyrone Municipal Court.
6. Re-Appointment of Judge Tonya Shy as Judge Pro-Tem for Tyrone Municipal Court.
7. Re-Appointment of Alaina Granade as Solicitor for Tyrone Municipal Court.
8. Approval for the Police Department to surplus eight patrol vehicles and to donate them to the Fayette County Police Academy to be used for training (vehicle list attached).

A motion was made to approve the consent agenda.

Motion made by Council Member Hunter, Seconded by Council Member Furr.
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan,
Council Member Hunter.

VII. PRESENTATIONS

VIII. PUBLIC HEARINGS

IX. OLD BUSINESS

X. NEW BUSINESS

9. Approval of the Fiscal Year 2023/2024 Founders Day budget amendment for an additional \$17,500 which also increases the General Fund budget by the same amount.
Phillip Trocquet, Assistant Town Manager

A motion was made to approve the Fiscal Year 2023/2024 Founders Day budget amendment for an additional \$17,500 which increases the General Fund budget by the same amount.

Motion made by Council Member Hunter, Seconded by Council Member Whelan.
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan,
Council Member Hunter.

- XI. PUBLIC COMMENTS:** *The second public comment period is for any issue. Comments are limited to three (3) minutes. Please state your name & address. Comments that require a response may not be answered during this time. The Council or staff may respond at a later date.*

XII. STAFF COMMENTS

XIII. COUNCIL COMMENTS

Council Member Hunter wished everyone a Merry Christmas and a Happy New Year.

Mayor Dial shared that Town offices would be closed next week and January 1st for the holidays. He wished Council Member Furr a early Happy Birthday.

Mayor Dial briefed everyone regarding the recently approved House Bill 581.

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT

A motion was made to adjourn.

Motion made by Council Member Campbell.

Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan,
Council Member Hunter.

The meeting adjourned at 7:24 p.m.

By: _____
Eric Dial, Mayor

Attest: _____
Dee Baker, Town Clerk

COUNTY AGENDA REQUEST

Page 165 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by James M. Ivey, in the amount of \$77.22 for tax year(s) 2022 and 2023.

Background/History/Details:

When a taxpayer believes that an error has occurred, with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a refund under O.G.G.A. 48-5-380. This request is given to the Assessors' Office for review of the details. Appropriate recommendation(s) are then forwarded to the Board of Commissioners' for final consideration of said requests.

Request made by James M. Ivey for residential property parcel 07-11-016. On November 8, 2024, a request for a partial refund of taxes was received. The request was based upon the taxpayer stating his pool was filled in approximately 10 years ago. Staff verified via aerial photography that the pool was in fact filled in for tax year(s) 2022, 2023, and 2024. The 2024 tax bill was corrected before payment. Taxpayer is eligible under the refund statute for a refund for tax year(s) 2022 and 2023.

Board of Assessors recommend approval.

What action are you seeking from the Board of Commissioners?

Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by James M. Ivey, in the amount of \$77.22 for tax year(s) 2022 and 2023.

If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

11-8-24

Page 166 of 271
RECEIVED

NOV 08 2024

FAYETTE COUNTY
Board of Assessors

Jamie m Dwyer

my Swimming Pool has been
filled in for about 10 yrs

I request a refund for year ²⁰²²⁺ 2023 + 2024

COUNTY AGENDA REQUEST

Page 167 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by Randy Johnson, in the amount of \$4,860.05 for tax year(s) 2022, 2023, and 2024.

Background/History/Details:

When a taxpayer believes that an error has occurred, with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a refund under O.G.G.A. 48-5-380. This request is given to the Assessors' Office for review of the details. Appropriate recommendation(s) are then forwarded to the Board of Commissioners' for final consideration of said requests.

Request made by Randy Johnson for residential property parcel 06-0202-030. On December 3, 2024, a request for partial refund of taxes was received. The request is based upon the erroneous removal of the taxpayer's homestead exemption. Taxpayer is requesting refund for tax year(s) 2011 through 2024. Taxpayer is eligible under the refund statute for a refund for tax year(s) 2022, 2023, and 2024.

2011 \$ 69.77	2014 \$ 69.26	2017 \$ 62.60	2020 \$ 60.74	2023 \$1,315.51
2012 \$ 69.67	2015 \$ 67.01	2018 \$ 62.01	2021 \$ 308.08	2024 \$2,833.34
2013 \$ 69.93	2016 \$ 65.13	2019 \$ 61.51	2022 \$ 711.20	

Board of Assessors recommend denial of refund for tax year(s) 2011 through 2021; recommend approval of refund for tax year(s) 2022, 2023, and 2024.

What action are you seeking from the Board of Commissioners?

Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by Randy Johnson, in the amount of \$4,860.05 for tax year(s) 2022, 2023, and 2024.

If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Randy Johnson
504 Charleston Close
Peachtree City, GA 30269
770-508-8050



12/03/2024

Sonya B. Kennedy
Fayette County Board of Assessors
Deputy Chief Appraiser/Commercial
Phone: (770) 305-5268

Dear Sonya,

This letter is with reference to my property taxes at 504 Charleston Close. Due to my taxes being paid by escrow, I recently noticed on my 2024 tax statement where the homestead exemption was not being applied.

I applied for the homestead exemption upon purchase of the home in 2009 and obtained reduced taxes at that time. After 2010, the property taxes were incorrectly changed back into the previous owner's name for the years 2011-2014 then back to me in 2015. All of which resulted in me losing my homestead exemption.

I am requesting a full refund for the exemption amount for the years 2011 through 2024 due to this issue brought on by the county office. If there are any issues with this claim and refund desired, I request a conference or hearing before the governing authority in connection with my claim for refund.

Sincerely,

Randy Johnson



COUNTY AGENDA REQUEST

Page 169 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by Glendae Tuthill, in the amount of \$773.12 for tax year 2023.

Background/History/Details:

When a taxpayer believes that an error has occurred, with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a refund under O.G.G.A. 48-5-380. This request is given to the Assessors' Office for review of the details. Appropriate recommendation(s) are then forwarded to the Board of Commissioners' for final consideration of said requests.

Request made by Glendae Tuthill for personal property account #140235. On October 17, 2024, a request for refund of taxes was received. The boat owned by Ms.Tuthill was sold on March 24, 2022 and 2023 taxes were erroneously paid on November 15, 2023. Taxpayer is eligible for refund under the statute for tax year 2023.

Board of Assessors recommend approval.

What action are you seeking from the Board of Commissioners?

Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by Glendae Tuthill, in the amount of \$773.12 for tax year 2023.

If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Andrea Cox

From: Glendae Tuthill <[REDACTED]@[REDACTED].com>
Sent: Wednesday, October 30, 2024 5:32 PM
To: Andrea Cox
Subject: Fwd: Glendae Tuthill Boat Tax Bill 2022 & 2023 Bill # 55171
Attachments: WIRE CONFIRMATION CROWDEN.pdf; SELLERS SIGNED DOCUMENTS 2.pdf

***External Email* Be cautious of sender, content, and links**

Good afternoon, Andrea...

Thank you for taking my call this morning - please see below revised request...

You were so kind to talk to me on Monday. I had reached out because I realized we had paid the 2023 property taxes on a boat we sold in March of 2022. Please see attached bill of sale proving that we did not own the boat (a 2012 SeaRay 360) after March of 2022. If there is anything you can do to get us our money back, we would be most grateful. We would even be willing to accept the overpayment as a prepayment towards our property taxes coming due for our home at 736 Old Greenville Rd, Fayetteville, GA 30215. Any help is much appreciated. Thank you and if I can help petition the Board of Commissioners - please let me know. Thank you again. My cell is [REDACTED].

Please excuse the brevity - this message was sent from my cell phone.

Have a blessed day!

Glendae Tuthill
 [REDACTED]

----- Forwarded message -----

From: Glendae Tuthill <[REDACTED]@[REDACTED]>
Date: Thu, Oct 17, 2024 at 6:49 PM
Subject: Glendae Tuthill Boat Tax Bill 2022 & 2023 Bill # 55171
To: <acox@fayettecountyga.gov>
Cc: James Tuthill II <jim@groundhogdrills.com>

Hi!

You were so kind to talk to me on Monday. I had reached out because I realized we had paid the taxes on a boat we sold in March of 2022. ! and ;'(Sorry for my delay it took me a few days for my husband to track down the bill of sale for the documentation reflecting we had sold the property (a 2012 SeaRay Sundancer 360 boat). Therefore, please see attached bill of sale proving that we did not own the boat (a 2012 SeaRay 360) after March of 2022. If there is anything you can do to get us our money back, we would be most grateful. We would even be willing to accept the overpayment as a prepayment towards our property taxes coming due for our home at 736 Old Greenville Rd,

COUNTY AGENDA REQUEST

Page 171 of 271

Department: Environmental Management

Presenter(s): Bryan Keller, Director EMD

Meeting Date: Thursday, January 23, 2025

Type of Request: Consent #8

Wording for the Agenda:

Approval to accept the right-of-way dedication known as "Right-of -Way Dedication 2, 0.032 Acres" as shown on the Minor Final Plat of The Alvarez Estate, recorded in Plat Book 101, Pages 482-483, and the Quitclaim Deed dated June 26, 2023 per Fayette County Code requirements.

Background/History/Details:

The applicant, Alicia D. Alvarez, created a new Minor Final Plat with Ricky L. Warr and Ariadna A. Warr for properties fronting Lester Road and Ebenezer Church Road, Fayetteville GA.

The applicant prepared the Quitclaim Deed for "Right-of-Way Dedication 2, 0.032 Acres" as shown on the Minor Final Plat of The Alvarez Estate, recorded in Plat Book 101, Pages 482-483, dedicated to Fayette County to increase the right-of-way along the parcel frontage of Lester Road to 50 ft. from centerline.

What action are you seeking from the Board of Commissioners?

Approval to accept the right-of-way dedication known as "Right-of -Way Dedication 2, 0.032 Acres" as shown on the Minor Final Plat of The Alvarez Estate, recorded in Plat Book 101, Pages 482-483, and the Quitclaim Deed dated June 26, 2023 per Fayette County Code requirements.

If this item requires funding, please describe:

No funding is required.

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request?* No

Backup Provided with Request? Yes

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance Yes

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

AFTER RECORDING RETURN TO:

ALICIA D. ALVAREZ

299 EBENEZER CHURCH ROAD

FAYETTEVILLE, GEORGIA 30215

Parcel number
0508 090
aa

Space above to be used for recording purposes.

QUITCLAIM DEED

Draw Deed Only

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made this 26 day of June, 2023, by, between, and among **ALICIA D. ALVEREZ**, an individual resident of the State of Georgia, as party of the first part (hereinafter referred to as the "Grantor"), and **FAYETTE COUNTY, GEORGIA**, a political subdivision of the State of Georgia, as party of the second part (hereinafter referred to as the "Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, successors, and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00), and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the adequacy, receipt, and sufficiency of which is hereby acknowledged, by these presents does hereby remise, convey, and forever **QUITCLAIM** unto the said Grantee the following described property, to wit:

See Exhibit "A" attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

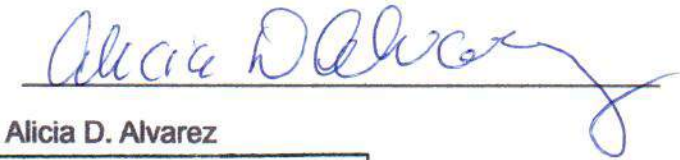
Signed, sealed, and delivered in the presence of:

A blue ink signature, appearing to be "Dan", written over a horizontal line.

Unofficial Witness

A blue ink signature, appearing to be "Scott H. Edmondson", written over a horizontal line.

Notary Public

A blue ink signature, appearing to be "Alicia D. Alvarez", written over a horizontal line.

Alicia D. Alvarez

SCOTT H EDMONDSON
NOTARY PUBLIC
Henry County
State of Georgia
My Comm. Expires Oct. 17, 2026

Exhibit "A"**LEGAL DESCRIPTION**

All that tract or parcel of land lying and being in Land Lot 64 of the 5th District of Fayette County, Georgia and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, begin at the Southwest corner of Land Lot 64, proceed **THENCE** along the Western Line of Land Lot 64, N 02° 33' 02" E 270.82 feet, proceed **THENCE** N 03° 00' 12" E 334.48 feet, proceed **THENCE** N 03° 01' 42" E 565.46 feet, proceed **THENCE** S 87° 37' 47" E 554.80 feet, proceed **THENCE** S 87° 31' 05" E 351.71 feet, proceed **THENCE** S 87° 53' 24" E 433.75 feet, proceed **THENCE** S 87° 39' 42" E 1.17 feet, proceed **THENCE** S 87° 39' 42" E 595.08 feet to a point on the Western Right-of-Way of Lester Road (60' Right-of-Way), proceed **THENCE** along the Western Right-of-Way of Lester Road S 00° 12' 14" W 217.23 feet, proceed **THENCE** S 01° 37' 22" W 52.20 feet, proceed **THENCE** along a curve to the right 154.35 feet, said curve having a radius of 591.40 feet, a chord length of 153.91 feet and a chord bearing of S 07° 48' 56" W, proceed **THENCE** along a curve to the right 77.62 feet, said curve having a radius of 610.19 feet, a chord length of 77.57 feet and a chord bearing of S 23° 57' 49" W and the **POINT OF BEGINNING**, proceed **THENCE** along a curve to the right 54.06 feet, said curve having a radius of 610.19 feet, a chord length of 54.04 feet and a chord bearing of S 30° 08' 45" W, proceed **THENCE** S 57° 37' 51" W 21.68 feet, proceed **THENCE** along a curve to the left 89.46 feet, said curve having a radius of 590.25 feet, a chord length of 89.38 feet and a chord bearing of N 32° 53' 43" W, proceed **THENCE** S 88° 20' 07" E 22.26 feet to the **POINT OF BEGINNING**.

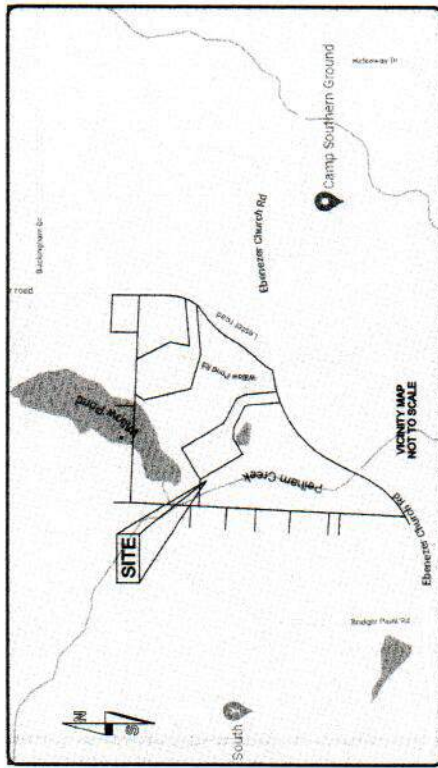
Said tract containing 0.032 Acres

MINOR FINAL PLAT OF THE
ALVAREZ ESTATE

LEGEND

RSB-REBAR FOUND
RBS-REBAR SET
L1-REBAR PIPE
L1-LAND LOT
L1-LAND LOT LINE
P-PROPERTY LINE
CO-CONSTRUCTION ENTRANCE
EDGE OF BEGINNING
BL-BUILDING SETBACK LINE
DE-DRAINAGE EASEMENT
NF-NOW OR FORMERLY
M-MAJOR HIGHWAY
PERFORMED DATE
M.F.F.-MINIMUM FINISHED FLOOR ELEVATION
DB-DEED BOOK
PG-PAGE
C-CONTRACT
H-HOUSE NUMBER
UT-UTILITY POLE
SW-RIGHT OF WAY
TM-TEMPORARY BENCHMARK
●-PROPERTY CORNER

RSB-REBAR FOUND
RBS-REBAR SET
L1-REBAR PIPE
L1-LAND LOT
L1-LAND LOT LINE
P-PROPERTY LINE
CO-CONSTRUCTION ENTRANCE
EDGE OF BEGINNING
BL-BUILDING SETBACK LINE
DE-DRAINAGE EASEMENT
NF-NOW OR FORMERLY
M-MAJOR HIGHWAY
PERFORMED DATE
M.F.F.-MINIMUM FINISHED FLOOR ELEVATION
DB-DEED BOOK
PG-PAGE
C-CONTRACT
H-HOUSE NUMBER
UT-UTILITY POLE
SW-RIGHT OF WAY
TM-TEMPORARY BENCHMARK
●-PROPERTY CORNER



SURVEYORS CERTIFICATION

AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION 15-6-67, THE REGISTERED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP, PLAT, OR PLAN HAS BEEN APPROVED FOR FILING IN WRITING BY ANY AND ALL APPLICABLE MUNICIPAL, COUNTY, OR MUNICIPAL-COUNTY PLANNING COMMISSIONS OR MUNICIPAL OR COUNTY GOVERNING AUTHORITIES OR THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING THAT APPROVAL IS NOT REQUIRED.

FINAL SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (OC.G.A. SECTION 15-6-67).

DATE 07/19/22
BY: SWINSON A. GASKINS, Sr. GEORGIA REGISTERED LAND SURVEYOR NO. 1620

OWNER'S CERTIFICATION

WE, THE UNDERSIGNED OWNERS AND/OR MORTGAGEES OF THE ALVAREZ ESTATE SUBDIVISION, HEREBY OFFER TO DEDICATE, DEDICATE AND/OR RESERVE FOR PUBLIC USE THE RIGHTS-OF-WAY, ALLEYS AND OTHER GRADING SHOWN ON THIS PLAT, ALL EXISTING CONDUITS AND UTILITIES SHOWN ON THIS PLAT, AND ALL ADJACENT STREETS ADJACENT TO THE SUBDIVISION AS INDICATED HEREON. SHALL BE A POLITICAL SUBDIVISION OF THE STATE OF GEORGIA, UPON RECONSTRUCTION OF SAID FINAL PLAT WITH THE FAYETTE COUNTY CLERK OF SUPERIOR COURT.

Alexia Charney 6/26/2023

OWNER M.L.W.P. DATE 7/6/93

OWNER Charmelle Murray DATE 11/23

OWNER Kiraly DATE 1/7/23

Reading 6/9/23

OWNER: *Franklin L. Ward* DATE: *7/7/2*

OWNER	DATE

WE, THE UNDERSIGNED, CERTIFY THAT AS THE LEGAL OWNER OF THE SUBJECT PROPERTY, WE HEREBY AUTHORIZE THE SUBMISSION OF THIS FILING ON BEHALF OF THE SUBMISSION OF CREDIT

Olivia Alvarez 10/26/2023

OWNER: WILLIAM DATE: 1/2/20

DATE 11/23

OWNER Wagon DATE 7/7/23

Quadrant 7/7/23

OWNER: Richard L. Ward DATE: 7/7/33

OWNER _____ DATE _____

FINAL PLAT APPROVAL CERTIFICATION

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

DATE 6/23/23

SIGNED *[Signature]*

EMERSON MENTAL HEALTH
SPECIALTIES

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT

DATE 6/1/83

SIGNED [Signature]
ENVIRONMENTAL MANAGEMENT DIRECTOR

APPROVED BY FAYETTE COUNTY ENGINEER:

DATE 6/21/25

APPROVED BY THE FAYETTE COUNTY PLANNING COMMISSION

DATE 7/6/25

SIGNED Julien Bapst
SECRETARY/DESIGNER

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR.

DATE 7/10/23 SIGNED Debra Sims
ZONING ADMINISTRATOR/DESIGNEE

APPROVED BY FAYETTE COUNTY FIRE MARSHAL

DATE 6/28/23
SIGNED [Signature] FIRE MARSHAL/DESIGNEE

Prepared For:

ALICIA D. ALVAREZ
FELIPE ALVAREZ
MAIDA ALVAREZ
RICKY L. WARR
ARIADNA A. WARR

PROPERTY LOCATION
Land Lot 33 & 64 Of The 5th Land District
Fayette County, Georgia

PROPERTY LOCATION
Land Lot 33 & 64 Of The 5th Land District
Fayette County, Georgia

**S.A. GASKINS &
ASSOCIATES, LLC**
surveyors planners development consultants
P.O. BOX 321 BROOKS, GA 30205
678-571-3054
rdgaskins79@gmail.com

Job No. 20-033	
Drawn By: R.D.G.	Reviewed By: R.M.B.
Issue Date: 07/19/22	
F.W.P.D.: 06/25/20	
Revisions	Date
County Comments	11/22/22
County Comments	05/24/23
PAGE 1 OF 2	

Prepared For:

ALICIA ALVAREZ
FELIPE ALVAREZ
MAIDA ALVAREZ
RICKY L. WARR
ARIADNA A. WARR



Job No. 20-033

Drawn By: D.C.	Reviewed By: D.M.
-------------------	----------------------

Issue Date: 07/19/22

FWPD-062520

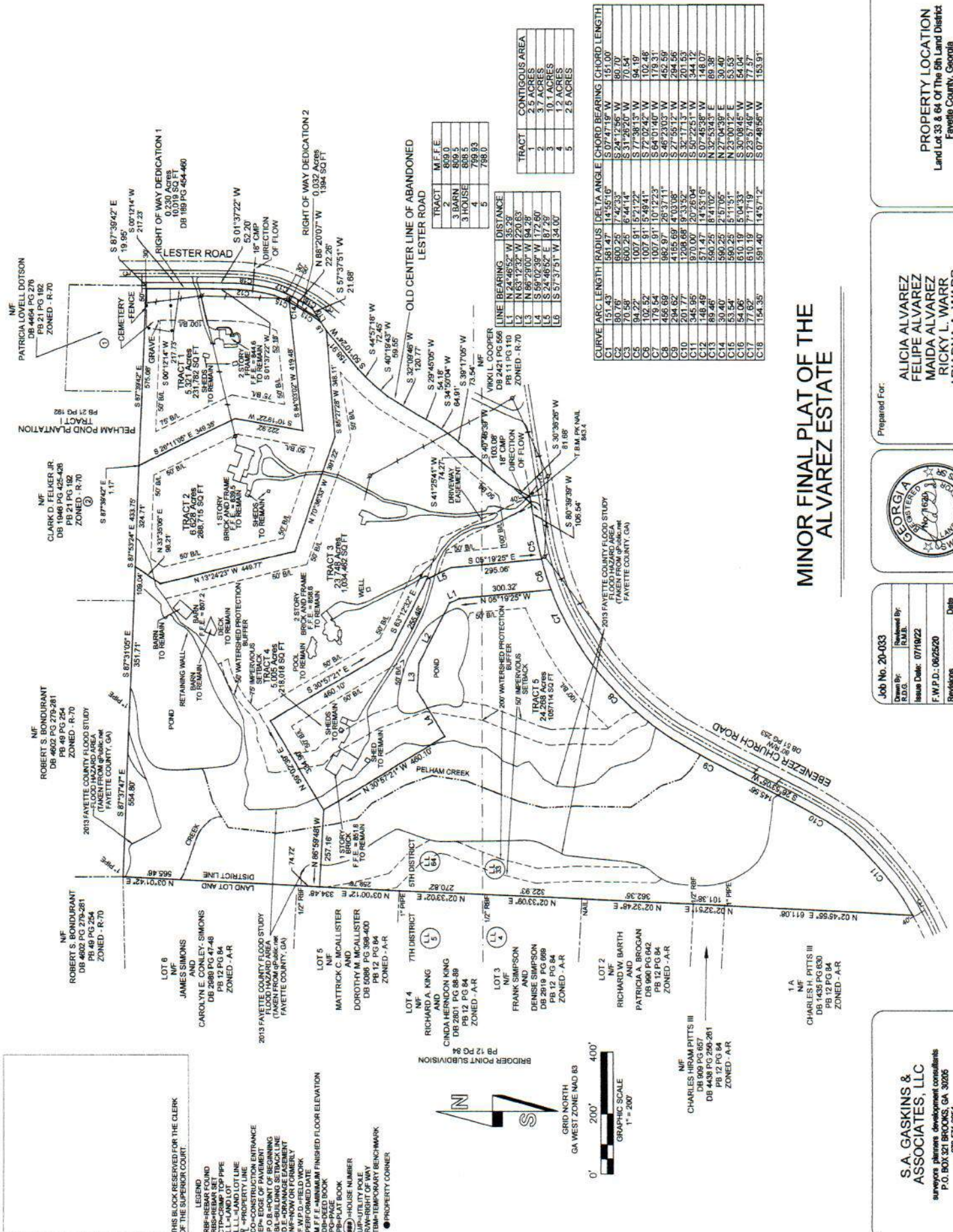
Revisions	Datum

County Comments	12/22/2023

PAGE 2 OF 2

S.A. GASKINS &
ASSOCIATES, LLC

surveyors planners development consultants
P.O. BOX 321 BROOKS, GA 30205
678-571-3064
rdgaskins79@gmail.com



COUNTY AGENDA REQUEST

Page 177 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval to accept the right-of-way dedication known as "R/W Dedication Tract, 0.536 Acres" shown on the Minor Final Plat for Atha Acres, recorded in Plat Book 101, Page 335, and the Warranty Deed dated March 2, 2023 per Fayette County Code requirements.

Background/History/Details:

The applicant, Allan Atha, created a new Minor Final Plat located on Hwy 85 Connector, Brooks GA.

The applicant prepared the Warranty Deed for "R/W Dedication Tract, 0.536 Acres" as per the Minor Final Plat for Atha Acres, recorded in Plat Book 101, Pages 335, dedicated to Fayette County to increase the right of way along the parcel frontage of Hwy 85 connector to 50 ft. from centerline.

What action are you seeking from the Board of Commissioners?

Approval to accept the right-of-way dedication known as "R/W Dedication Tract, 0.536 Acres" shown on the Minor Final Plat for Atha Acres, recorded in Plat Book 101, Page 335, and the Warranty Deed dated March 2, 2023 per Fayette County Code requirements.

If this item requires funding, please describe:

No funding is required.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Return Recorded Document to:

Allan Atha
617 Brooks Woolsey Road
Fayetteville, GA 30215

STATE OF GEORGIA**COUNTY OF FAYETTE****WARRANTY DEED**

THIS INDENTURE, made this 2 day of March 2023, by and between Allan Atha, hereinafter referred to as "GRANTOR", as property owners of certain land in the County of Fayette (Deed Book 5539, Page 522, in the Deed Records of Fayette County); and FAYETTE COUNTY, a political subdivision of the State of Georgia, hereinafter referred to as "GRANTEE" (GRANTOR and GRANTEE to include their respective heirs, successors and assigns where the context requires or permits).

WITNESS THAT: Grantor, for and in consideration of the sum of **TEN (\$10.00) DOLLARS** and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, alienated, conveyed, and confirmed, and by these presents does hereby grant, bargain, sell, alienate, convey and confirm unto the said Grantee the following Right of Way:

ALL that tract or parcel of land lying and being in Land Lots 125 & 126 of the 4th Land District of Fayette County, Georgia within the 50 acre tract near the intersection of Georgia Highway 85 Connector and Haddock Road, more particularly depicted and described in Exhibit "A" attached hereto.

Said Exhibit "A" is, by this reference incorporated herein and made a part hereof. This instrument shall be binding upon the heirs, successors and assigns of the GRANTOR herein, and shall inure to the benefit of the successors in interest of the GRANTEE herein.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the proper use, benefit and behoof of the said Grantees in Fee Simple.


AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whatsoever.

IN **WITNESS, WHEREOF**, the GRANTOR has signed and sealed this Deed of Temporary Construction Easement, the day and year first above written.

By: 
Grantor

Signed, sealed and
delivered in the
presence of:


Witness


Notary Public Sharon Robinson (SEAL)
NOTARY PUBLIC
Fayette County, GEORGIA
My Commission Expires 06/30/2025

By: _____
Grantor

Signed, sealed and
delivered in the
presence of:

Witness

Notary Public (SEAL)

EXHIBIT A

RIGHT-OF-WAY DEDICATION
 ALONG GEORGIA HIGHWAY 85 CONNECTOR
 ATHA ACRES

All that tract or parcel of land lying and being in Land Lots 125 & 126 of the 4th District, Fayette County, Georgia, and being more particularly described as follows:

Commencing at a 2 inch open top pipe at the Land Lot Corner common to Land Lots 99, 100, 125 & 126; thence along the Land Lot Line common to Land Lots 100 & 125 South 88°36'02" East, a distance of 1619.77 feet to an axle found; thence leaving said Land Lot Line North 01°07'42" East, a distance of 334.59 feet to a point, being the POINT OF BEGINNING; thence North 53°04'23" West, a distance of 95.58 feet to a point; thence 251.00 feet along a curve to the right, said curve having a chord of North 51°14'15" West 250.98 feet and a radius of 5501.88 feet to a point; thence 404.63 feet along a curve to the right, said curve having a chord of North 44°21'09" West 404.15 feet and a radius of 2380.41 feet to a point; thence North 39°28'58" West, a distance of 522.61 feet to a point; thence 188.28 feet along a curve to the left, said curve having a chord of North 41°49'24" West 188.24 feet and a radius of 2684.20 feet to a point; thence North 44°47'56" West, a distance of 137.00 feet to a point; thence 361.64 feet along a curve to the left, said curve having a chord of North 50°30'27" West 361.38 feet and a radius of 2735.73 feet to a point; thence North 54°17'40" West, a distance of 378.83 feet to a point in the centerline of Haddock Creek; thence along said creek centerline North 51°04'57" East, a distance of 10.37 feet to a point on the existing right-of-way of Georgia Highway 85 Connector (80' R/W); thence along said right-of-way the following calls: South 54°17'40" East, a distance of 376.08 feet to a point; thence 363.13 feet along a curve to the right, said curve having a chord of South 50°30'21" East 362.86 feet and a radius of 2745.73 feet to a point; thence South 44°47'56" East, a distance of 137.26 feet to a point; thence 189.10 feet along a curve to the right to the left, said curve having a chord of South 41°49'26" East 189.06 feet and a radius of 2694.20 feet to a point; thence South 39°28'58" East, a distance of 522.63 feet to a point; thence 402.87 feet along a curve to the left, said curve having a chord of South 44°21'06" East 402.39 feet and a radius of 2370.41 feet to a point; thence 250.44 feet along a curve to the left, said curve having a chord of South 51°14'15" East 250.42 feet and a radius of 5491.88 feet to a point; thence South 53°04'23" East, a distance of 88.33 feet to a point; thence leaving said right-of-way South 01°07'42" West, a distance of 12.33 feet to a point, being the POINT OF BEGINNING.

Said tract contains 0.536 acres as shown on Minor Final Plat for Atha Acres by Scanlon Engineering Services, Inc. dated 04/02/2022 recorded in Plat Book 101 Page 335, Fayette County, Georgia records.

COUNTY AGENDA REQUEST

Page 182 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval to accept the right-of-way dedication known as "R/W Next to 044701002," 0.08 Acres, shown on the Minor Final Plat for Brandon Harp, recorded in Plat Book 52, Page 106, and the Warranty Deed dated March 9, 2023 per Fayette County Code requirements.

Background/History/Details:

The applicant, Brandon Harp, created a new Minor Final Plat located on S.R. 92 and Hills Bridge Road, Fayetteville, GA.

The applicant prepared the Quitclaim Deed for "R/W Next to 044701002," 0.08 Acres, as per the Minor Final Plat for Atha Acres, recorded in Plat Book 101, Pages 335, dedicated to Fayette County to increase the right of way along the parcel frontage of Hills Bridge Road to 30 ft. from centerline.

What action are you seeking from the Board of Commissioners?

Approval to accept the right-of-way dedication known as "R/W Next to 044701002," 0.08 Acres, shown on the Minor Final Plat for Brandon Harp, recorded in Plat Book 52, Page 106, and the Warranty Deed dated March 9, 2023 per Fayette County Code requirements.

If this item requires funding, please describe:

No funding is required.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

After recording, return to:
 Slepian, Schwartz & Landgaard
 42 Eastbrook Bend
 Peachtree City, GA. 30269

STATE OF GEORGIA
 COUNTY OF FAYETTE

DRAW DEED ONLY
QUITCLAIM DEED

THIS INDENTURE, made the 9 day of March, 2023, between BRANDON HARP, as party or parties of the first part, hereinafter called "Grantor", and FAYETTE COUNTY, a political subdivision of the State of Georgia, as party or parties of the second part, hereinafter called "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH, Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto said Grantee the following property to wit:

SEE EXHIBIT "A" (LEGAL DESCRIPTION) ATTACHED HERETO AND MADE A PART HEREOF

Map Parcel #: RIGHT OF WAY NEXT TO 044701002

This conveyance is made subject to all zoning ordinances, easements and restrictions of record affecting subject property.

TO HAVE AND TO HOLD the said described property to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said property or appurtenances, or any rights thereto.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Signed this 9 day of March, 2023 in the presence of:

Munk Slepian
 Unofficial Witness

Brandon Harp
 BRANDON HARP

Amanda R. Herzog
 Notary Public (SEAL)
 My Commission Expires:



EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 247 OF THE 4th LAND DISTRICT OF FAYETTE COUNTY, IN THE TOWN OF INMAN, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE IRON PIN SET SHOWING AS "POB TRACT III" ON THAT CERTAIN PLAT RECORDED AT PLAT BOOK 52, PAGE 106, FAYETTE COUNTY, GEORGIA RECORDS (AND ATTACHED HERETO AS EXHIBIT "B"); RUN THENCE SOUTH 36 DEGREES 29 MINUTES 29 SECONDS EAST, A DISTANCE OF 28.80 FEET TO A POINT; RUN THENCE NORTH 75 DEGREES 57 MINUTES 30 SECONDS EAST, A DISTANCE OF 301.17 FEET TO A ½-INCH CAPPED REBAR; RUN THENCE NORTH 05 DEGREES 06 MINUTES 17 SECONDS EAST, A DISTANCE OF 13.17 FEET TO AN IRON PIN SET; RUN THENCE SOUTH 75 DEGREES 09 MINUTES 54 SECONDS WEST, A DISTANCE OF 288.81 FEET TO A POINT; RUN THENCE NORTH 70 DEGREES 45 MINUTES 52 SECONDS WEST, A DISTANCE OF 33.13 FEET TO THE **TRUE POINT OF BEGINNING**.

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

SAID TRACT IS DESIGNATED AS THE CROSS-HATCH AREA ON THAT CERTAIN PLAT RECORDED AT PLAT BOOK 52, PAGE 106, ON THAT CERTAIN SURVEY PREPARED BY W.S. BODKIN, OF W.S. BODKIN SURVEYING L.L.C, DATED OCTOBER 29, 2021, AND ATTACHED HERETO AS **EXHIBIT "B"**.

COUNTY AGENDA REQUEST

Page 186 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval to accept the right-of-way dedication known as "Tract Two Right of Way dedication to Fayette County, 0.419 Acres" shown on the Minor Final Plat, DG Fayetteville, as recorded in Plat Book 101, Page 564, and the Warranty Deed dated October 11, 2023 per Fayette County Code requirements.

Background/History/Details:

The applicant, DG Fayetteville, LLC, created a new Minor Final Plat located at Tyrone Road and S.R. 54, Fayetteville, GA.

The applicant prepared the Warranty Deed for "Tract Two Right of Way dedication to Fayette County, 0.419 Acres" as per the Minor Final Plat of DG Fayetteville, recorded in Plat Book 101, Page 564, dedicated to Fayette County to increase the right of way along the parcel frontage of Tyrone Road to 50 ft. from centerline.

What action are you seeking from the Board of Commissioners?

Approval to accept the right-of-way dedication known as "Tract Two Right of Way dedication to Fayette County, 0.419 Acres" shown on the Minor Final Plat, DG Fayetteville, as recorded in Plat Book 101, Page 564, and the Warranty Deed dated October 11, 2023 per Fayette County Code requirements.

If this item requires funding, please describe:

No funding is required.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Please return to:

Parcel Id No(s).:

0704 028, 0704 018, 0704 007, 0704 001

STATE OF GEORGIA
COUNTY OF FAYETTE

RIGHT OF WAY WARRANTY DEED

THIS INDENTURE, made this 11th day of October, 2023 between **DG FAYETTEVILLE, LLC**, a Delaware limited liability company hereinafter called "Grantor", and **FAYETTE COUNTY**, a political subdivision of the state of Georgia, hereafter called "Grantee".

WITNESSETH, That, Grantor, for and in consideration of **TEN DOLLAR (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION**, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell and convey unto Grantees, all that tract or parcel of land more particularly described as follows:

All that tract or parcel of land, lying and being in land Lots 25 and 26 of the 7th District, of Fayette County, Georgia, being more particularly described on **Exhibit "A"** attached hereto and made a part hereto by this reference.

Said right of way is hereby conveyed, consisting of 0.419 acres, more or less, as shown on the plat of the property; said plat attached hereto and made a part of this deed as **Exhibit "B"**.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of Grantee, forever, in fee simple. Grantor shall warrant and forever defend the right, title and interest in and to said property unto Grantee, its successors and assigns, against the claims of all persons whomsoever. Where the context requires or permits, "Grantor" and "Grantee" shall include their respective heirs, successors and assigns.

(signature on next page)

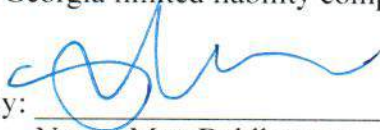
IN WITNESS WHEREOF, Grantor has executed this Deed under Seal on the date above written.

Signed, sealed and delivered in the presence of:


GRANTOR:

DG FAYETTEVILLE, LLC,
a Delaware limited liability company

By: DG Real Estate Partners LLC,
a Georgia limited liability company

By:  [SEAL]
Name: Matt Dahlhauser
Title: Manager


Unofficial Witness


Notary Public

Commission Expiration Date: 07/24/2027
[NOTARIAL SEAL]



EXHIBIT "A"

All that tract or parcel of land lying in and being in Land Lots 25 and 26 of the 7th District, Fayette County, Georgia and being more particularly described as follows:

Commencing at a 1 inch open top pipe found at the common corner to Land Lots 25, 26, 40 and 39, thence leaving said corner and continuing along the common line to Land Lots 25 and 40 North 01 degrees 15 minutes 12 seconds East a distance of 459.77 feet to a point at the intersection of said land lot line and the proposed southerly right of way of Tyrone Road (having a variable width, publicly dedicated right of way), said point being the TRUE POINT OF BEGINNING.

Thence North 01 degrees 15 minutes 12 seconds East a distance of 20.88 feet to an axle found at the intersection of said land lot line with the existing southerly right of way of Tyrone Road; Thence continuing along said right of way the following courses and distances: along a curve to the right, said curve having a radius of 916.28 feet, with an arc distance of 633.36 feet, with a chord bearing of South 52 degrees 27 minutes 26 seconds East and a chord length of 620.82 feet to a point; South 33 degrees 47 minutes 29 seconds East a distance of 124.20 feet to a 1/2-inch rebar found; South 28 degrees 21 minutes 00 seconds East a distance of 85.38 feet to a point; South 31 degrees 12 minutes 34 seconds East a distance of 117.19 feet to a 5/8-inch capped rebar found at the northerly corner of the mitered intersection of said right of way of Tyrone Road and the northwesterly right of way of Floy Farr Parkway (having a variable width publicly dedicated right of way); Thence continuing along said mitered intersection South 07 degrees 36 minutes 53 seconds West a distance of 17.47 feet to a point on the proposed southerly right of way of Tyrone Road; Thence leaving said mitered intersection and continuing along said proposed right of way the following courses and distances: North 32 degrees 57 minutes 35 seconds West a distance of 339.61 feet to a point; along a curve to the left, said curve having a radius of 896.28 feet, with an arc distance of 613.81 feet, with a chord bearing of North 52 degrees 15 minutes 41 seconds West and a chord length of 601.88 feet to a point, said point being the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 0.419 acres (18,246 square feet).

COUNTY AGENDA REQUEST

Page 191 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval to accept the right-of-way dedication known as "Tract B, 0.08 Acres" shown on the Plat for Javier Torres Fernandez, dated February 6, 2024, and the Quitclaim Deed dated November 26, 2024 per Fayette County Code requirements.

Background/History/Details:

The applicants, Javier Fernandez and Gabriela Avila, rezoned parcel 0512 059a located at 482 Hilo Road, Fayetteville, GA.

The applicant prepared the Quitclaim Deed for "Tract B" as per the Plat for Javier Torres Fernandez, dated February 6, 2024, dedicated to Fayette County to increase the right of way along the parcel frontage of Hilo Road to 50 ft. from centerline.

What action are you seeking from the Board of Commissioners?

Approval to accept the right-of-way dedication known as "Tract B, 0.08 Acres" shown on the Plat for Javier Torres Fernandez, dated February 6, 2024, and the Quitclaim Deed dated November 26, 2024 per Fayette County Code requirements.

If this item requires funding, please describe:

No funding is required.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

RETURN TO:
 Javier Antonio Torres Fernandez
 148 Tyler Drive
 Forsyth, GA 31029

QUITCLAIM DEED

DRAW DEED ONLY – SCRIVENER DID NOT EXAMINE TITLE

STATE OF GEORGIA
 COUNTY OF Fayette

THIS INDENTURE, made this 26th day of November, in the year of our Lord Two Thousand Twenty-Four between **Javier Antonio Torres Fernandez and Gabriela Saldana Avila** of the State of Georgia and County of Fayette of the first part and **Fayette County, Georgia, a political subdivision of the State of Georgia** of the State of Georgia of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other goods and valuable considerations, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, conveyed, and quitclaimed and by these presents does grant, convey, and quitclaim unto the said party of the second part, their heirs and assigns:

All that tract or parcel of land lying and being in Land Lot 55 of the 5th Land District of Fayette County, Georgia, and being more particularly described in Exhibit "A", attached hereto and incorporated herein by reference and as more particularly shown as "Tract B", containing 0.08 acres on that plat of survey prepared for Javier Torres Fernandez by William E. Burton, GLS No. 2567, dated February 6, 2024, which plat is hereby incorporated herein as Exhibit "B" and made a part hereof by reference.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being belonging or in any wise appertaining to the only proper use, benefit and behoof of the said party of the second part heirs, successors and assigns, forever, IN FEE SIMPLE,

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and affixed his seal, the said date and year above written.

Signed, sealed and delivered in
 the presence of:

R. Christopher Stanley
 Unofficial Witness

Maria T. Binns
 Notary Public

Javier Antonio Torres Fernandez (SEAL)

Gabriela Saldana Avila (SEAL)



EXHIBIT "A"
LEGAL DESCRIPTION
PROPOSED RIGHT-OF-WAY
482 HILO ROAD
PID# 0512 059

ALL THAT TRACT OR PARCEL OF LAND LYING OR BEING IN LAND LOT 55 OF THE 5th DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN 1/2 INCH IRON PIN AT THE COMMON OF CORNER OF LAND LOTS 42, 43, 54 & 55 OF THE 5TH DISTRICT OF FAYETTE COUNTY GEORGIA, THENCE NORTH 89 DEGREES 24 MINUTES 46 SECONDS WEST ALONG THE SOUTH LINE OF LAND LOT 55 A DISTANCE OF 54.93 FEET TO A POINT ON THE PROPOSED 50 FOOT RIGHT-OF-WAY OF HILO ROAD, SAID POINT BEING THE POINT OF BEGINNING;

THENCE, CONTINUING ALONG SAID LAND LOT LINE, NORTH 89 DEGREES 24 MINUTES 46 SECONDS WEST, A DISTANCE OF 16.80 FEET TO A POINT ON THE ORIGINAL 40 FOOT RIGHT-OF-WAY LINE;

THENCE, ALONG SAID RIGHT-OF-WAY LINE NORTH 52 DEGREES 52 MINUTES 35 SECONDS WEST, A DISTANCE OF 191.93 FEET TO A POINT;

THENCE, 143.84 FEET ALONG THE ARC OF A CURVE TO THE LEFT SAID CURVE HAVING A RADIUS OF 1342.85 FEET AND BEING SUBTENDED BY A CHORD BEARING NORTH 55 DEGREES 32 MINUTES 45 SECONDS WEST, A DISTANCE OF 143.77 FEET TO A POINT;

THENCE, LEAVING SAID RIGHT-OF-WAY LINE NORTH 30 DEGREES 55 MINUTES 10 SECONDS EAST, A DISTANCE OF 10.00 FEET TO A POINT ON THE PROPOSED 50 FOOT RIGHT-OF-WAY LINE;

THENCE, ALONG SAID RIGHT-OF-WAY LINE 144.96 FEET ALONG THE ARC OF A CURVE TO THE RIGHT SAID CURVE HAVING A RADIUS OF 1352.85 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 55 DEGREES 32 MINUTES 54 SECONDS EAST, A DISTANCE OF 144.897 FEET TO A POINT;

THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, SOUTH 52 DEGREES 52 MINUTES 35 SECONDS EAST, A DISTANCE OF 205.39 FEET TO A POINT ON THE SAID SOUTH LAND LOT LINE OF LAND LOT 55 AND THE POINT OF BEGINNING

CONTAINING 0.08 ACRES (3,431 SQUARE FEET), AS SHOWN ON THE PLAT OF SURVEY PREPARED BY BURTON AND ASSOCIATES, LLC, BEARING THE SEAL OF WILLIAM E. BURTON, GA RLS 2567.

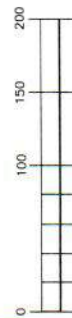
		BOUNDARY SURVEY 482 HILO ROAD PID# 0512 059 FOR		DATE 2-06-2024 JOB NO. 52323MC	
BURTON & ASSOCIATES 1740 Hudson Bridge Rd Box 1226 Stockbridge, GA. 30281 TEL (404)867-8332 bdainc@ellsouth.net		JAVIER TORRES FERNANDEZ		COUNTY 55 SCALE 1"=100' DISTRICT 5	

BOUNDARY SURVEY
482 HILO ROAD
PID# 0512 059
FOR
JAVIER TORRES FERNANDEZ

THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFORMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GSWCC LEVEL II - 0000011202



GRAPHIC SCALE (IN FEET)

TRACT B IS TO BE DEDICATED R/W TO THE COUNTY

AS PER FLOOD INSURANCE RATE MAP OF FAYETTE
COUNTY, GA. COMMUNITY PANEL NO. 13113C0116E
THIS PROPERTY IS NOT LOCATED IN A FLOOD
HAZARD ZONE, DATED 9-26-2008

SURVEY REVISION:
TO REFLECT NEW
NEW REQUIRED R

SUBJECT TO ALL EASEMENTS AND RESTRICTIONS
OF RECORD BOTH WRITTEN AND UNWRITTEN.

PLAT ERROR OF CLOSURE =	1' IN 131,868'
FIELD ERROR OF CLOSURE =	N/A - OPEN END
EQUIPMENT USED	TOPCON-GTS
FIELD WORK COMPLETED	5-23-2023

LEGEND

IPF
 IPS
 N/F
 DB
 PB
 PG
 R/W
 OTP
 SBL
 FH
 JP

Page 194 of 271

COUNTY AGENDA REQUEST

Page 195 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval to accept the right-of-way dedication known as "New R/W dedication, 0.114 Acres" shown on the Minor Final Plat for County Line Estates, recorded in Plat Book 101, Pages 315-316, and the Quitclaim Deed dated November 11, 2023 per Fayette County Code requirements.

Background/History/Details:

The applicant, Max Hugh Fuller, Jr., created a new Minor Final Plat located at Countyline Road and Vickery Lane, Fayetteville, GA.

The applicant prepared the Quitclaim Deed for "New R/W dedication, 0.114 Acres" as per the Minor Final Plat for County Line Estates, recorded in Plat Book 101, Pages 315-316, dedicated to Fayette County to increase the right of way along the parcel frontage of Countyline Road to 50 ft. from centerline.

What action are you seeking from the Board of Commissioners?

Approval to accept the right-of-way dedication known as "New R/W dedication, 0.114 Acres" shown on the Minor Final Plat for County Line Estates, recorded in Plat Book 101, Pages 315-316, and the Quitclaim Deed dated November 11, 2023 per Fayette County Code requirements.

If this item requires funding, please describe:

No funding is required.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Prepared by and return to:
H. Matthew Horne
Horne & Griffis, P.C.
32 South Court Square
Newnan, GA 30263

**QUIT CLAIM DEED
(DRAW DEED ONLY – NO TITLE EXAMINATION PERFORMED)**

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, made the 11th day of January, 2023, by and between **MAX HUGH FULLER, JR.**, hereinafter called "Grantor", as property owner of certain land in the County of Fayette (Deed Book 5327, Page 357 in the Deed Records of Fayette County) and **FAYETTE COUNTY, a political subdivision of the State of Georgia**, hereinafter called "Grantee", (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESS THAT: Grantor, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted bargained, sold alienated, conveyed, and confirmed, and by these presents does hereby remise, release and forever quit-claim unto the said Grantee the following Right of Way:

ALL THAT TRACT OR PARCEL OF LAND SITUATED, LYING AND BEING LOCATED IN LAND LOT 108 OF THE 5TH LAND DISTRICT, FAYETTE COUNTY GEORGIA, THE SAME AND BEING MORE PARTICULARLY DEPICTED AND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

TO HAVE AND TO HOLD said property, so that neither first party, nor successors or assigns, nor any other person holding under Grantor, shall have any right, title, interest or equity in same.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Quit Claim Deed, the day and year above written.

Signed, sealed and delivered this
17th day of January, 2023
in the presence of:

Sabell Whit
Witness

Max Hugh Fuller, Jr. (SEAL)
Max Hugh Fuller, Jr.

Mallie D. Potter
Notary Public, Coweta County
State of Georgia
My Commission Expires:



Exhibit A

ALL THAT TRACT OR PARCEL OF LAND SITUATED, LYING AND BEING LOCATED IN LAND LOT 108 OF THE 5TH LAND DISTRICT, FAYETTE COUNTY GEORGIA, THE SAME AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT MARKING THE INTERSECTION FORMED BY THE EASTERLY 80' RIGHT-OF-WAY OF COUNTY LINE ROAD AND THE NORTHERLY VARIABLE RIGHT-OF-WAY OF VICKERY LANE AND ALSO BEING THE TRUE POINT OF BEGINNING.

THENCE N 04°21'34" E ALONG EASTERLY 80' RIGHT-OF WAY OF COUNTY LINE ROAD A DISTANCE OF 19.70' TO A POINT;

THENCE N 04°21'34" E ALONG EASTERLY 80' RIGHT-OF WAY OF COUNTY LINE ROAD A DISTANCE OF 37.46' TO A POINT;

THENCE N 04°51'04" E ALONG EASTERLY 80' RIGHT-OF WAY OF COUNTY LINE ROAD A DISTANCE OF 138.79' TO A POINT;

THENCE N 04°41'41" E ALONG EASTERLY 80' RIGHT-OF WAY OF COUNTY LINE ROAD A DISTANCE OF 23.85' TO A POINT;

THENCE N 04°41'41" E ALONG EASTERLY 80' RIGHT-OF WAY OF COUNTY LINE ROAD A DISTANCE OF 27.24' TO A POINT;

THENCE N 06°03'32" E ALONG EASTERLY 80' RIGHT-OF WAY OF COUNTY LINE ROAD A DISTANCE OF 85.75' TO A POINT;

THENCE N 06°13'03" E ALONG EASTERLY 80' RIGHT-OF WAY OF COUNTY LINE ROAD A DISTANCE OF 137.92' TO A POINT;

THENCE N 05°49'21" E ALONG EASTERLY 80' RIGHT-OF WAY OF COUNTY LINE ROAD A DISTANCE OF 24.29' TO A 1/2" IRON PIN FOUND;

THENCE LEAVING EASTERLY 80' RIGHT-OF-WAY OF COUNTY LINE ROAD S 82°34'02" E ALONG THE NORTHERLY LINE OF LOT 2 A DISTANCE OF 10.00' TO A 1/2 IRON PIN SET;

THENCE LEAVING NORTHERLY LINE OF LOT 2 S 05°49'21" W ALONG THE EASTERLY RIGHT-OF-WAY DEDICATION OF COUNTY LINE ROAD A DISTANCE OF 24.04' TO A POINT;

THENCE S 06°13'03" W ALONG THE EASTERLY RIGHT-OF-WAY DEDICATION OF COUNTY LINE ROAD A DISTANCE OF 137.94' TO A POINT;

THENCE S 06°03'32" W ALONG THE EASTERLY RIGHT-OF-WAY DEDICATION OF COUNTY LINE ROAD A DISTANCE OF 85.61' TO A POINT;

THENCE S 04°41'41" W ALONG THE EASTERLY RIGHT-OF-WAY DEDICATION OF COUNTY LINE ROAD A DISTANCE OF 24.71' TO A 1/2" IRON PIN SET AT THE COMMON LOT CORNER OF LOT 1 AND LOT 2;

THENCE S 04°41'41" W ALONG THE EASTERLY RIGHT-OF-WAY DEDICATION OF COUNTY LINE ROAD A DISTANCE OF 26.28' TO A POINT;

THENCE S 04°51'04" W ALONG THE EASTERLY RIGHT-OF-WAY DEDICATION OF COUNTY LINE ROAD A DISTANCE OF 138.76' TO A POINT;

THENCE S 04°21'34" W ALONG THE EASTERLY RIGHT-OF-WAY DEDICATION OF COUNTY LINE ROAD A DISTANCE OF 54.74' TO A POINT;

THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 10.17', WITH A RADIUS OF 20.00', WITH A CHORD BEARING OF S 70°12'12" E, WITH A CHORD LENGTH OF 10.06', TO A POINT ON THE NORTHERLY VARIABLE RIGHT-OF-WAY OF VICKERY LANE;

THENCE N 84°45'57" W ALONG NORTHERLY VARIABLE RIGHT-OF-WAY OF VICKERY LANE A DISTANCE OF 19.70' TO A POINT; WHICH POINT IS THE TRUE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED,

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS AND RESTRICTIONS OF RECORD.

SAID AREA OF THE COUNTY LINE ROAD RIGHT-OF-WAY DEDICATION CONTAINS 0.114 ACRES

AS SHOWN ON MINOR FINAL PLAT OF: COUNTY LINE ESTATES – MINOR SUBDIVISION

RECORDED IN FAYETTE COUNTY RECORDS PLAT BOOK: 101, PAGE: 315-316

PREPARED IN THE OFFICE OF GASKINS + CHRISTOPHER BROTHERS LAND SURVEYING, 24 JACKSON STREET, NEWNAN, GEORGIA 30263

COUNTY AGENDA REQUEST

Page 200 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval to accept the right-of-way dedication known as "New R/W dedication, 0.068 Acres" shown on the Minor Final Plat for County Line Estates South, recorded in Plat Book 101, Pages 408-409, and the Quitclaim Deed dated January 23, 2023 per Fayette County Code requirements.

Background/History/Details:

The applicant, Max Hugh Fuller, Jr., created a new Minor Final Plat located at Countyline Road and Vickery Lane, Fayetteville, GA.

The applicant prepared the Quitclaim Deed for "New R/W dedication, 0.068 Acres" as per the Minor Final Plat for County Line Estates South, recorded in Plat Book 101, Pages 408-409, dedicated to Fayette County to increase the right of way along the parcel frontage of Countyline Road to 50 ft. from centerline.

What action are you seeking from the Board of Commissioners?

Approval to accept the right-of-way dedication known as "New R/W dedication, 0.068 Acres" shown on the Minor Final Plat for County Line Estates South, recorded in Plat Book 101, Pages 408-409, and the Quitclaim Deed dated January 23, 2023 per Fayette County Code requirements.

If this item requires funding, please describe:

No funding is required.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Prepared by and return to:
H. Matthew Horne
Horne & Griffis, P.C.
32 South Court Square
Newnan, GA 30263

**QUIT CLAIM DEED
(DRAW DEED ONLY – NO TITLE EXAMINATION PERFORMED)**

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, made the 23 day of January, 2023, by and between **MAX HUGH FULLER, JR.**, hereinafter called "Grantor", as property owner of certain land in the County of Fayette (Deed Book 5327, Page 357 in the Deed Records of Fayette County) and **FAYETTE COUNTY, a political subdivision of the State of Georgia**, hereinafter called "Grantee", (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESS THAT: Grantor, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted bargained, sold alienated, conveyed, and confirmed, and by these presents does hereby remise, release and forever quit-claim unto the said Grantee the following Right of Way:

ALL THAT TRACT OR PARCEL OF LAND SITUATED, LYING AND BEING LOCATED IN LAND LOT 108 OF THE 5TH LAND DISTRICT, FAYETTE COUNTY GEORGIA, THE SAME AND BEING MORE PARTICULARLY DEPICTED AND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

TO HAVE AND TO HOLD said property, so that neither first party, nor successors or assigns, nor any other person holding under Grantor, shall have any right, title, interest or equity in same.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Quit Claim Deed, the day and year above written.

Signed, sealed and delivered this
23 day of January, 2023
in the presence of:

Labell Whit
Witness

Max Hugh Fuller, Jr. (SEAL)
Max Hugh Fuller, Jr.

Mallie Dawn Potter
Notary Public, Coweta County
State of Georgia
My Commission Expires:



Exhibit A

ALL THAT TRACT OR PARCEL OF LAND situated, lying and being located in Land Lot 108 of the 5th Land District, Fayette County Georgia, the same and being more particularly described as follows:

BEGINNING, at a 1/2" Iron Pin Found marking the intersection formed by the Southerly Variable Right-Of-Way of Vickery Lane and the Easterly 80' Right-Of-Way of County Line Road with Georgia State Plane, West Zone Coordinates, NORTHING: 1251673.76656, EASTING: 2224787.76370, and also being the TRUE POINT OF BEGINNING Of The Property Herein Described;

Thence S 01°27'54" W along Easterly 80' Right-Of-Way of County Line Road a distance of 86.95' to a Computed Point;

Thence S 01°23'37" W along Easterly 80' Right-Of- Way of County Line Road a distance of 111.59' to a Computed Point;

Thence S 01°08'10" W along Easterly 80' Right-Of- Way of County Line Road a distance of 71.54' to a 1/2" Iron Pin Found;

Thence leaving Easterly 80' Right-Of-Way of County Line Road S 87°48'38" E a distance of 10.00' to a Iron Pin Set at the intersection of Easterly Right-Of-Way Dedication of County Line Road and the Southerly Lot Line of Lot B of County Line Estates South - Subdivision;

Thence leaving Southerly Lot Line of Lot B N 01°20'53" E along Easterly Right-Of-Way Dedication of County Line Road a distance of 150.02' to a Iron Pin Set at the common Lot Corner of Lot A and Lot B of County Lines Estates South - Subdivision;

Thence N 01°20'53" E along Easterly Right-Of-Way Dedication of County Line Road a distance of 100.05' to a Computed Point at mitered corner located on Easterly Right-Of-Way Dedication of County Line Road and said Lot A;

Thence N 46°46'52" E along mitered Easterly Right-Of-Way Dedication of County Line Road a distance of 28.07' to a Computed Corner located at the intersection of the said proposed mitered Right-Of-Way and the Southerly Variable Right-Of-Way of Vickery Lane;

Thence leaving mitered Easterly Right-Of-Way Dedication of County Line Road N 87°47'10" W along Southerly Variable Right-Of-Way of Vickery Lane a distance of 30.00' to a 1/2" Iron Pin Found on the Easterly 80' Right-Of-Way of County Line Road and the TRUE POINT OF BEGINNING of The Property Herein Described;

Together with and Subject to Covenants, Easements and Restrictions of Record.

Said Area of County Line Road Right-Of-Way Dedication Contains 0.068 ACRES

As shown on Minor Final Plat Of: COUNTY LINE ESTATES SOUTH – SUBDIVISION

Recorded in Fayette County Records Plat Book: 101, PAGE: 408

Prepared in the Office of GASKINS + LECRAW, 24 Jackson Street, Newnan, Georgia 30263

COUNTY AGENDA REQUEST

Page 204 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval to accept the right-of-way dedication known as "Right of Way Dedication, 0.101 Acres" shown on the Minor Final Plat for The Golden Rule Farm, recorded in Plat Book 101, Pages 392-393, and the Right-of-Way Deed dated January 25, 2023 per Fayette County Code requirements.

Background/History/Details:

The applicant, Eric K. Maxwell, created a new Minor Final Plat located on Redwine Road, Fayetteville, GA.

The applicant prepared the Right-of-Way Deed for "Right of Way Dedication, 0.101 Acres" as per the Minor Final Plat for The Golden Rule Farm, recorded in Plat Book 101, Pages 392-393, dedicated to Fayette County to increase the right of way along the parcel frontage of Redwine Road to 50 ft. from centerline.

What action are you seeking from the Board of Commissioners?

Approval to accept the right-of-way dedication known as "Right of Way Dedication, 0.101 Acres" shown on the Minor Final Plat for The Golden Rule Farm, recorded in Plat Book 101, Pages 392-393, and the Right-of-Way Deed dated January 25, 2023 per Fayette County Code requirements.

If this item requires funding, please describe:

No funding is required.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

AFTER RECORDING RETURN TO:

LAWSON, BECK & SANDLIN, LLC
 1125 COMMERCE DRIVE, SUITE 300
 PEACHTREE CITY, GEORGIA 30269

Space above to be used for recording purposes.

RIGHT-OF-WAY DEED

~~Draw Deed Only~~—No Title Examination Performed

EKM

STATE OF GEORGIA
 COUNTY OF FAYETTE

As an express dedication into the public road system, this indenture is made as of the 25th day of January, 2023, by, between, and among **ERIC K. MAXWELL**, an individual resident of the State of Georgia (hereinafter referred to as the "Grantor"), and **FAYETTE COUNTY, GEORGIA, a political subdivision of the State of Georgia** (hereinafter referred to as the "Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has dedicated, granted, bargained, sold, aliened, conveyed and confirmed, and does hereby dedicate, grant, bargain, sell, alien, convey and confirm unto Grantee the following property for the purpose of a public road (hereinafter referred to as the "Rights-of-Way"), to wit:

See Exhibit "A" attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the Right-of-Way, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever in FEE SIMPLE.

AND GRANTOR WILL WARRANT and forever defend the right and title to the Right-of-Way unto Grantee against the claims of all persons whomsoever.

EXECUTED under seal on the day and year set forth hereinabove.

Signed, sealed and delivered in
 the presence of:

GRANTOR:

Unofficial Witness

Notary Public

Eric K. Maxwell



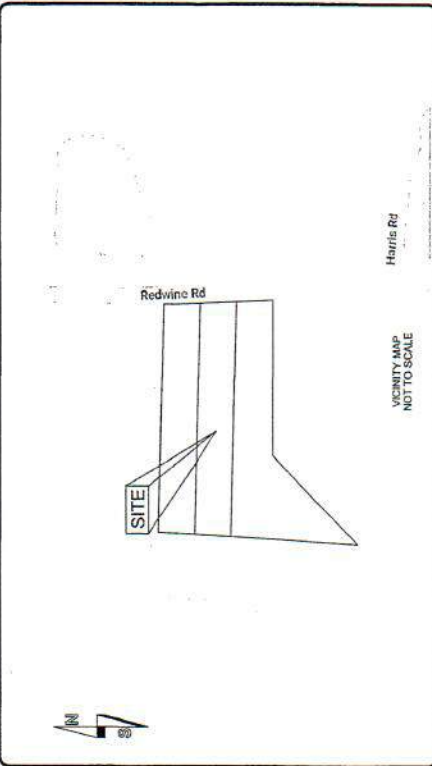
EXHIBIT "A"**Legal Description**

All that tract or parcel of land lying and being in Land Lot 2 of the 5th District of Fayette County, Georgia, and being shown as a "Right-of-Way Dedication" on a Minor Final Plat of the Golden Rule Farm and being more particularly described as follows:

Beginning at a point on the Western right-of-way of Redwine Road (an 80 foot right-of-way), which point is 699.99 feet North, along said right-of-way, of the South line of Land Lot 2; run thence North 89 degrees 56 minutes 31 seconds West a distance of 11.54 feet to a point, which point is located on the proposed Westerly right-of-way of Redwine Road (50 feet from existing centerline); run thence North 02 degrees 23 minutes 43 seconds West following along said proposed right-of-way a distance of 382.81 feet to a point; run thence South 88 degrees 36 minutes 44 seconds East a distance of 11.38 feet to a point on the Western right-of-way of Redwine Road (an 80 foot right-of-way); run thence South 02 degrees 25 minutes 15 seconds East following along said right-of-way a distance of 382.55 feet to the Point of Beginning.

Said tract containing 0.101 acres.

MINOR FINAL PLAT OF THE GOLDEN RULE FARM



OWNER'S CERTIFICATION

I, THE UNDERSIGNED OWNER AND/OR MORTGAGEE OF THE GOLDEN RULE FARM SUBDIVISION, HEREBY OFFER TO DEDICATE, DEED AND/OR RESERVE FOR PUBLIC USE THE RIGHTS-OF-WAY, EASEMENTS, AND/OR OTHER INTERESTS IN ALL THE PROPERTY CONTAINED WITHIN THE REQUIRED RIGHT-OF-WAY OF ALL EXISTING STREETS ADJACENT TO THE SUBDIVISION AS INDICATED HEREON, SHALL BE DEDICATED AND CONVEYED AT NO COST TO FAYETTE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF GEORGIA, FOR THE PURPOSES OF THE PLAT HEREON. I, THE UNDERSIGNED, CERTIFY THAT I AM THE LEGAL OWNER OF THIS PROPERTY AND I HEREBY AUTHORIZE THE SUBMITTAL OF THIS FINAL PLAT FOR THE SUBDIVISION OF MY PROPERTY.

SIGNED: [Signature] DATE: 1/10/23
OWNER

I, THE UNDERSIGNED, CERTIFY THAT AS THE LEGAL OWNER OF THE SUBJECT PROPERTY, I HEREBY AUTHORIZE THE SUBMITTAL OF THIS FINAL PLAT FOR THE SUBDIVISION OF MY PROPERTY.

SIGNED: [Signature] DATE: 1/10/23
OWNER

SURVEYORS CERTIFICATION

AS REQUIRED BY SUBSECTION (K) OF O.C.G.A. SECTION 15-4-67, THE REGISTERED LAND SURVEYOR HAS REVIEWED THE PLAT, MAP, PLAT, OR PLAN HAS BEEN PROVIDED FOR FILING IN WRITING BY ANY AND ALL APPLICABLE MUNICIPAL, COUNTY, OR MUNICIPAL COUNTY PLANNING COMMISSIONS AND/OR ANY OTHER GOVERNMENTAL AUTHORITIES OR THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING THAT APPROVAL IS NOT REQUIRED.

FINAL SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS AND INFRASTRUCTURE SHOWN ON THE PLAT ARE CORRECTLY LOCATED, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN; THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-4-67).

BY: [Signature]
REGISTERED LAND SURVEYOR NO. 1620
DATE: 1/11/23

S.A. GASKINS &
ASSOCIATES, LLC

surveyors, planners, development consultants
9811 CAMP GROUND ROAD GRIFFIN, GA 30223
678-571-3054
rgaskins19@gmail.com

Property Location
Land Lot 2 of The 5th Land District
Fayette County, Georgia

ERIC K. MAXWELL

Prepared For:



Job No. 22-045	Drawn By: R.O.G.	Reviewed By: R.A.S.
Issue Date: 1/11/23	F.W.P.D.: 10/25/22	Revisions: 12/21/22
County Comments:	Date:	Page 1 of 2

Type: PLAT FILED
Recorded: 2/6/2023 11:21:00 AM
Fee Amt: \$20.00 Page 1 of 2
Fayette County Superior Court
Shelia Stubbins Clerk of Court
Participant ID: 7257735799

BK 101 PG 392 - 393

THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT.

FINAL PLAT APPROVAL CERTIFICATION

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

SIGNED: [Signature]
DATE: 1/10/23

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT

SIGNED: [Signature]
DATE: 1/30/23

APPROVED BY FAYETTE COUNTY ENGINEER

SIGNED: [Signature]
DATE: 1/11/23

APPROVED BY THE FAYETTE COUNTY PLANNING COMMISSION 2.2.23

SIGNED: [Signature]
DATE: 2/6/23

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR

SIGNED: [Signature]
DATE: 1/25/2023

APPROVED BY FAYETTE COUNTY FIRE MARSHAL

SIGNED: [Signature]
DATE: 1/10/23

GENERAL NOTES

- OWNER: ERIC K. MAXWELL
315 PRIME POINT
FAYETTE COUNTY, GA 30206
678-572-7699
eric@ericmaxwell.com
- SURVEYOR: S.A. GASKINS & ASSOCIATES, LLC
P.O. BOX 321
BROOKS, GA 30205
678-571-3054
rgaskins19@gmail.com
- TOTAL ACRES: 8.482 ACRES
3 LOTS - ZONED R-75 (REZONING PETITION NO. 1325-22)
APPROVED BY FAYETTE COUNTY BCC ON OCTOBER 27, 2022
MINIMUM DIMENSIONAL REQUIREMENTS FOR R-75 ZONING DISTRICT:
LOT AREA: 2 ACRES (87,120 SQ FT)
LOT WIDTH: 150 FT
LOT DEPTH: 220 SQ FT
FRONT YARD SETBACK: 25 FT
MAJOR THOROUGHFARE
ARTERIAL: 100 FT
SIDE YARD SETBACK: 40 FT
SIDE YARD SETBACK: 25 FT
- SEWER TO BE PROVIDED BY AN ON-SITE SEWAGE DISPOSAL SYSTEMS.
- WATER TO BE PROVIDED BY THE FAYETTE COUNTY WATER SYSTEM.
- FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE, OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN OR THE LACK OF ONE INDICATED ON THIS PLAT.
- THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.
- THERE ARE NO RECORDED EASEMENTS FOUND ASSOCIATED WITH THIS PROPERTY.
- THERE IS NO GROUNDWATER RECHARGE AREA ON THIS PROPERTY.
- 127' REMAINING RODS SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.
11. ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 131130H13E, DATED SEPTEMBER 26, 2006, A PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA. 100 YEAR FLOOD ELEVATION: 179.0.
12. EACH RESIDENTIAL LOT HAS A CONTIGUOUS AREA OF MORE THAN 0.3 ACRES THAT IS FREE AND CLEAR OF ZONING BUFFERS AND SETBACKS, ADJACENT TO THE LOT LINE, AND SETBACKS, JURISDICTIONAL WETLANDS, AND EASEMENTS OF ANY KIND.
13. THERE ARE NO VISIBLE CEMETERIES OR BURIAL GROUNDS ON THIS PROPERTY.
14. THERE ARE STATE WATERS ON THIS PROPERTY.
15. THERE ARE EXISTING STRUCTURES AND FEATURES ON THE PROPERTY.
16. ANY AND ALL PROPERTIES SUBDIVIDED INTO INDIVIDUAL LOTS WHERE THERE IS AN EXISTING WATER MAIN AND IF CHOOSING FAYETTE COUNTY WATER, SHALL BE REQUIRED TO PROVIDE TAPS AND SERVICES FOR THE SUBDIVIDED PROPERTIES AT THE DEVELOPER'S/OWNER'S EXPENSE. ALL LOCABLE METER AND AVAILABILITY FEES SHALL ALSO BE APPLIED. WATER MAINS SHALL BE INSTALLED TO THE PROPERTY AND SHALL BE INSTALLED WITH A 48 HOUR LEAD TIME - 770-461-1146 (OPTION 5).
17. LOTS 1-3 EITHER CONTAIN OR ARE ADJACENT TO A SPECIAL FLOOD HAZARD AREA. THE DEVELOPER/OWNER SHALL BE REQUIRED TO CONDUCT A STUDY OR BLOW-UP FROM PANEL NUMBER 131130H13E DATED SEPTEMBER 26, 2006, AS REQUIRED BY ART. IV OF THE DEVELOPMENT REGULATIONS A MINIMUM FINISHED FLOOR ELEVATION IS ESTABLISHED FOR THE LOWEST FLOOR ELEVATION INCLUDING A BASEMENT BY THIS STUDY.
18. PER THE NATIONAL WETLANDS INVENTORY THE SITE DOES CONTAIN JURISDICTIONAL WETLANDS. ANY JURISDICTIONAL WETLANDS ON THE SITE ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS. PROPERTY OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE OF JURISDICTIONAL WETLAND AREAS WITHOUT PROPER AUTHORIZATION.
19. ON ANY NEW RESIDENTIAL LOTS CREATED ON EXISTING ROADWAYS, DRIVEWAYS MUST BE RELOCATED TO THE RIGHT-OF-WAY PRIOR TO PLAT. THE RELOCATED DRIVEWAY OR SIDEWALK MUST BE LOCATED TO THE DISTANCE ASSESSMENT FORM AVAILABLE FROM FAYETTE COUNTY (END) TO THE FAYETTE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT FOR EACH PROPOSED LOT FRONTING AN EXISTING ROAD. FAYETTE COUNTY WILL BE RESPONSIBLE FOR THE RELOCATION OF THE DRIVEWAY OR SIDEWALK TO MEET DISTANCE REQUIREMENTS.

CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED BY MEASUREMENT OF 00' 00" 02" FEET ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET. ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LEICA 403 TCR TOTAL STATION.

COUNTY AGENDA REQUEST

Page 209 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval to accept the right-of-way dedication known as "Right-of-Way Dedication, 0.271 Acres", as shown on the Minor Final Plat of The Johnnie K. Holland Estate, recorded in Plat Book 101, Pages 463-464, and the Quitclaim Deed dated April 28, 2023, per Fayette County Code requirements.

Background/History/Details:

The applicant, Gregory William Holland, as the Administrator of the Estate, created a new Minor Final Plat for the property located on northeast corner of South Kite Lake Road and Kenwood Road, Fayetteville, GA.

As per the conditions of rezoning the parcel(s), the applicant prepared the Quitclaim Deed for "Right-of-Way Dedication, 0.271 Acres," the Minor Final Plat of The Johnnie K. Holland Estate, recorded in Plat Book 101, Pages 463-464, dedicated to Fayette County to increase the right of way along the parcel frontage of South Kite Lake Road to 40 ft. from centerline and Kenwood Road to 50 ft. from centerline.

What action are you seeking from the Board of Commissioners?

Approval to accept the right-of-way dedication known as "Right-of-Way Dedication, 0.271 Acres", as shown on the Minor Final Plat of The Johnnie K. Holland Estate, recorded in Plat Book 101, Pages 463-464, and the Quitclaim Deed dated April 28, 2023, per Fayette County Code requirements.

If this item requires funding, please describe:

No funding is required.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Gregory William Holland
125 Whippoorwill Way
Fayetteville, Ga. 30215

Space above to be used for recording purposes.

QUITCLAIM DEED

Draw Deed Only

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made this 28 day of April, 2023, by, between, and among **Gregory William Holland**, an individual resident of the State of Georgia, as **ADMINISTRATOR UNDER THE LAST WILL AND TESTAMENT OF JOHNNIE VEE KNIGHT HOLLAND**, late of the State of Georgia and County of Fayette, deceased, as party of the first part (hereinafter referred to as the "Grantor"), and **FAYETTE COUNTY, GEORGIA**, a political subdivision of the State of Georgia, as party of the second part (hereinafter referred to as the "Grantee")(the words "Grantor" and "Grantee" to include their respective heirs, successors, and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00), and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the adequacy, receipt, and sufficiency of which is hereby acknowledged, by these presents does hereby remise, convey, and forever QUITCLAIM unto the said Grantee the following described property, to wit:

See Exhibit "A" attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed, and delivered in the presence of:

Chelbi Bayston

Unofficial Witness

Gregory William Holland Sr.

**Gregory William Holland, ADMINISTRATOR
UNDER THE LAST WILL AND TESTAMENT OF
JOHNNIE VEE KNIGHT HOLLAND**

Deborah M Sims

Notary Public

Deborah M Sims
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 01/05/2027

Exhibit "A"**Legal description**

All that tract or parcel of land lying and being in Land Lot 254 of the 5th District of Fayette County, Georgia, and being shown as a "Right-of-Way Dedication" on a Minor Final Plat of the Johnnie K. Holland Estate and being more particularly described as follows:

Beginning at the intersection of the Northern Right-of-Way of Kenwood Road (80' Right-of-Way) and the Eastern line of Land Lot 254; proceed THENCE along the Northern Right-of-Way of Kenwood Road; N 88° 15' 56" W 655.80 feet; THENCE along a curve to the left 152.58 feet, said curve having a radius of 9024.90 feet, a chord length of 152.58 feet and a chord bearing of N 89° 41' 41" W to the intersection of the Northern Right-of-Way of Kenwood Road (80' Right-of-Way) and the Eastern Right-of-Way of South Kite Lake Road (60' Right-of-Way); N 14° 00' 58" E 144.58 feet; proceed THENCE along a curve to the left 136.60 feet, said curve having a radius of 701.18 feet, a chord length of 136.39 feet and a chord bearing of S 11° 02' 00" W; proceed THENCE N 05° 08' 36" E 79.48 feet; proceed THENCE S 84° 12' 48" E 10.00 feet; proceed THENCE S 05° 08' 36" W 79.39 feet; proceed THENCE along a curve to the right 138.35 feet, said curve having a radius of 711.18 feet, a chord length of 138.13 feet and a chord bearing of S 11° 01' 23" W; proceed THENCE S 14° 00' 58" W 99.51 feet; proceed THENCE along a curve to the left 45.34 feet, said curve having a radius of 25.00 feet, a chord length of 39.38 feet and a chord bearing of S 37° 56' 22" E; proceed THENCE along a curve to the right 108.03 feet, said curve having a radius of 9034.90 feet, a chord length of 108.03 feet and a chord bearing of S 89° 33' 08" E; proceed THENCE S 88° 15' 56" E 655.77 feet; proceed THENCE S 01° 10' 50" W 10 feet to the Point of Beginning.

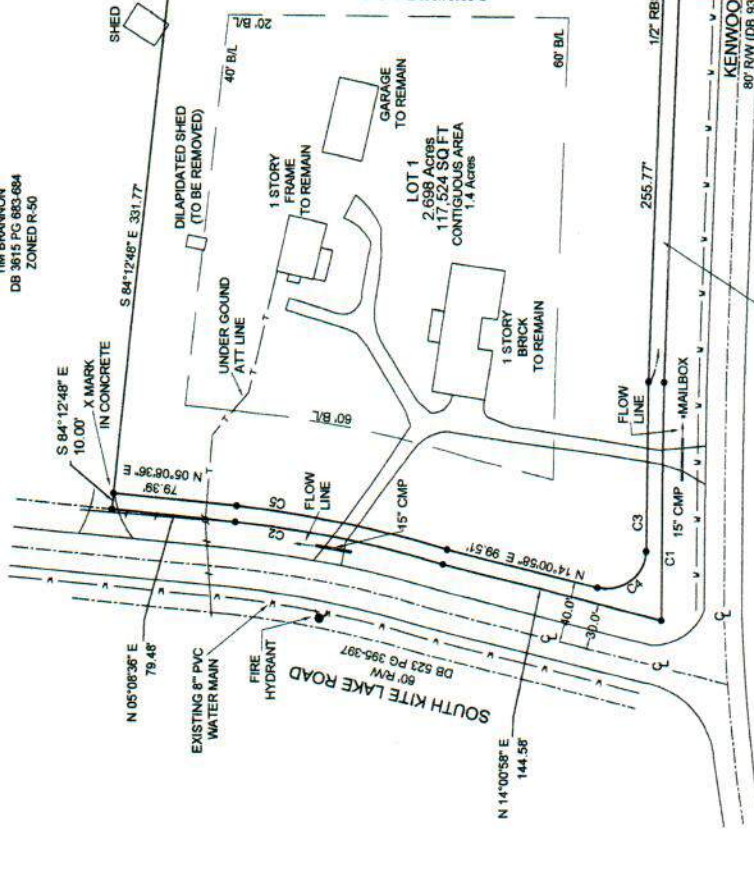
Said tract containing 0.271 acres.

MINOR FINAL PLAT OF THE JOHNNIE K. HOLLANDESTATE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	152.58'	9024.30'	0°58'07"	N 88°41'41" W	152.58'
C2	136.80'	701.18'	11°09'44"	N 11°02'00" E	136.39'
C3	108.03'	9034.90'	0°41'06"	N 89°33'06" W	108.03'
C4	45.34'	25.00'	103°54'40"	N 37°56'22" W	36.38'
C5	138.35'	711.18'	11°08'46"	N 11°01'23" E	138.13'

LEGEND
RFB=REBAR FOUND
CTP=CRIMP TOP PIPE
LL=LAND LOT
R=PROPERTY LINE
CO=CONSTRUCTION ENTRANCE
EP=EDGE OF PAVEMENT
O.B.=POINT OF BEGINNING
B.E.=DRAINAGE EASEMENT
NF=NOW OR FORMERLY
PERFORMED WORK
OF=OUT OF FLOOD PLAIN
DB=DEED BOOK
PP=PRELIMINARY
#=HOUSE NUMBER

NF
TIM BRANNON
DB 3515 PG 853-684
ZONED R-50



FLOOD STATEMENT
ACCORDING TO FEMA FLOOD
INSURANCE RATE MAP NUMBER
131120000E, THE PROPERTY DOES NOT LIE
WITHIN A SPECIAL FLOOD HAZARD
AREA.

Job No. 22-043
Drawn By: R.D.G.
Reviewed By: R.M.B.
Issue Date: 01/25/23
F.W.P.D.: 01/10/23
Residence: County Commission
Date: 03/21/23
Page 2 of 2



Prepared For:
JOHNNIE K. HOLLAND

Property Location
Land Lot 254 of The 5th Land District
Fayette County, Georgia

S.A. GASKINS &
ASSOCIATES, LLC
surveyors planners development consultants
981 CAMPBELL ROAD GRIFFIN, GA 30223
770-575-3854
ngaskins@aigmail.com

CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAT IS
BASED HAS A CLOSURE PRECISION OF ONE
PART IN 100,000. THE FIELD DATA HAS BEEN
ADJUSTED USING THE COMPASS RULE
METHOD.
THIS PLAT HAS BEEN CALIBRATED FOR
CLOSURE AND IS FOUND TO BE ACCURATE
WITHIN ONE FOOT IN 100,000 FEET.
ANGULAR AND LINEAR MEASUREMENTS WERE
OBTAINED USING A LEICA #3 TOTAL
STATION.

COUNTY AGENDA REQUEST

Page 215 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval to accept the right-of-way dedication known as "R/W Dedication: 0.57 Acres" shown on the Plat for Mark Anderson, recorded in Plat Book 101, Page 437, and the Quitclaim Deed dated March 29, 2023 per Fayette County Code requirements.

Background/History/Details:

The applicant, Mark Anderson, wishes to dedicate sufficient land to create a 30 foot from centerline right-of-way at 174 Sims Road, Tyrone, GA.

The applicant prepared the Quitclaim Deed for "R/W Dedication: 0.57 Acres" as per the Plat for Mark Anderson, recorded in Plat Book 101, Page 437, dedicated to Fayette County to increase the right of way along the parcel frontage of Sims Road to 30 ft. from centerline.

What action are you seeking from the Board of Commissioners?

Approval to accept the right-of-way dedication known as "R/W Dedication: 0.57 Acres" shown on the Plat for Mark Anderson, recorded in Plat Book 101, Page 437, and the Quitclaim Deed dated March 29, 2023 per Fayette County Code requirements.

If this item requires funding, please describe:

No funding is required.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

J. SAMUEL BECK
LAWSON, BECK & SANDLIN, LLC
1125 COMMERCE DRIVE, SUITE 300
PEACHTREE CITY, GEORGIA 30269

Map/Parcel No. 0720 051

Space above to be used for recording purposes.

QUITCLAIM DEED

Draw Deed Only – No Title Examination Performed

STATE OF GEORGIA
COUNTY OF FAYETTE

As an express dedication into the public road system, this indenture is made as of the 29th day of March, 2023, by, between, and among **MARK ANDERSON**, an individual resident of the State of Georgia (hereinafter referred to as the “Grantor”), and **FAYETTE COUNTY, GEORGIA**, a political subdivision of the State of Georgia (hereinafter referred to as the “Grantee”) (the words “Grantor” and “Grantee” to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has dedicated, granted, bargained, sold, aliened, conveyed and confirmed, and does hereby dedicate, grant, bargain, sell, alien, convey and confirm unto Grantee the following property, to wit:

See Exhibit “A” attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

EXECUTED under seal on the day and year set forth hereinabove.

Signed, sealed and delivered in
the presence of:

GRANTOR:



Witness



Mark Anderson



Notary Public



EXHIBIT "A"**Legal Description**

All that tract or parcel of land lying and being in Land Lot 89 of the 7th District of Fayette County, Georgia, and being more particularly described as follows:

To find the True Point of Beginning, begin at a magnetic nail found at the centerline intersection of Dogwood Trail and Sims Road; run thence South 9 degrees 50 minutes 46 seconds West a distance of 1,092.76 feet to a 1/2 inch rebar found and the True Point of Beginning.

From the True Point of Beginning thus established, run thence South 3 degrees 25 minutes 27 seconds East a distance of 155.73 feet to a point; run thence along the arc of a curve to the right an arc distance of 60.03 feet to a point, said arc being subtended by a chord bearing South 1 degree 52 minutes 39 seconds West a chord distance of 60.02 feet and having a radius of 1,390.32 feet; run thence along the arc of a curve to the right an arc distance of 85.06 feet to a point, said arc being subtended by a chord bearing South 21 degrees 44 minutes 24 seconds West a chord distance of 84.00 feet and having a radius of 154.65 feet; run thence South 38 degrees 7 minutes 14 seconds West a distance of 65.46 feet to a point; run thence along the arc of a curve to the left an arc distance of 181.22 feet to a point, said arc being subtended by a chord bearing South 29 degrees 36 minutes 6 seconds West a chord distance of 180.55 feet and having a radius of 609.42 feet; run thence South 21 degrees 4 minutes 58 seconds West a distance of 144.87 feet to a point; run thence South 26 degrees 22 minutes 45 seconds West a distance of 94.96 feet to a point; run thence North 89 degrees 23 minutes 32 seconds West a distance of 35.45 feet to a point; run thence North 26 degrees 32 minutes 11 seconds East a distance of 209.20 feet to a point; run thence North 18 degrees 10 minutes 14 seconds East a distance of 127.86 feet to a point; run thence North 33 degrees 9 minutes 54 seconds East a distance of 117.30 feet to a point; run thence North 29 degrees 2 minutes 27 seconds East a distance of 138.38 feet to a point; run thence North 3 degrees 25 minutes 27 seconds West a distance of 194.40 feet to a point; run thence South 89 degrees 53 minutes 51 seconds East a distance of 30.06 feet to a 1/2 inch rebar found and the True Point of Beginning.

Said tract or parcel of land containing 0.57 acres, more or less, and being depicted on that certain plat of survey prepared for Mark Anderson by W. D. Gray and Associates, Inc. dated June 27, 2021, reference to which plat is hereby made for a more complete and accurate description.

TYPE: PLAT - EASEMENT
 REVISION: 08-01-22 TO 08-01-22
 FOR AVE. 810.00 Page 1 of 1
 FAYETTE, GA. Clerk Superior Court
 Show Cause Clerk of Court
 PARCELS: 10-108911226
 BK 101 PG 437

RESERVED FOR CLERK OF SUPERIOR COURT

LEGEND
 B.S. = BOUNDARY LINE
 C.M.P. = CORRODED METAL PIPE
 C.S. = CROWN UTILITY
 C.U. = CROWN UTILITY
 C.T.P. = CROWN TOP PIPE
 P.S. = PROPERTY LINE
 P.O.B. = POINT OF BEGINNING
 L.P. = LOT LINE
 R.W. = RIGHT-OF-WAY

NOTES

1. THIS IS A RETRACEMENT SURVEY OF AN EXISTING TRACT AS RECORDED IN DEED BOOK 4815, PAGE 453 AND PLAT BOOK 26, PAGE 60, FAYETTE COUNTY, GEORGIA RECORDS.
2. CURRENT OWNER: MARK ANDERSON PER DEED BOOK 4815, PAGE 453 (FAYETTE COUNTY, GEORGIA RECORDS AS OF 10-10-2016).
3. THIS SURVEY WAS AUTHORIZED BY MARK ANDERSON.
4. ALL DISTANCES ARE HORIZONTAL DISTANCES.
5. RECORD BEARING APPLIED TO EAST PROPERTY LINE.

PER THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL SURVEYORS AND LAND SURVEYORS, ALL SURVEYS MUST BE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF REGISTRATION FOR PROFESSIONAL SURVEYORS AND LAND SURVEYORS, FAYETTE COUNTY, GEORGIA RECORDS AS OF 10-10-2016.

THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS, ZONING ORDINANCES, ENVIRONMENTAL RESTRICTIONS, EASEMENTS AND RIGHTS-OF-WAY SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.

W.D. GRAY AND ASSOCIATES, INC. HAS MADE NO INVESTIGATION AS TO THE EXISTENCE OF NON-EXISTENT OR UNDERGROUND UTILITIES (ELECTRIC, GAS, WATER, SEWER, ETC.) LOCATED WITHIN THE SURVEYED AREA. THE SURVEYOR ASSUMES NO LIABILITY FOR LOSS OR DAMAGE CAUSED BY THE DISCOVERY OF OR INTERFERENCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES.

THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE, THE SURVEYOR DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION SHOWN HEREIN RELATIVE TO RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, COVENANTS, ZONING ORDINANCES, ENVIRONMENTAL RESTRICTIONS, EASEMENTS AND RIGHTS-OF-WAY SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.

COURSE	BEARING	DISTANCE
1	N 89°52'38" E	432.25'
2	N 89°52'38" E	432.25'
3	N 89°52'38" E	432.25'
4	N 89°52'38" E	432.25'
5	N 89°52'38" E	432.25'
6	N 89°52'38" E	432.25'
7	N 89°52'38" E	432.25'
8	N 89°52'38" E	432.25'
9	N 89°52'38" E	432.25'
10	N 89°52'38" E	432.25'
11	N 89°52'38" E	432.25'
12	N 89°52'38" E	432.25'
13	N 89°52'38" E	432.25'
14	N 89°52'38" E	432.25'
15	N 89°52'38" E	432.25'
16	N 89°52'38" E	432.25'
17	N 89°52'38" E	432.25'
18	N 89°52'38" E	432.25'
19	N 89°52'38" E	432.25'
20	N 89°52'38" E	432.25'
21	N 89°52'38" E	432.25'
22	N 89°52'38" E	432.25'
23	N 89°52'38" E	432.25'
24	N 89°52'38" E	432.25'
25	N 89°52'38" E	432.25'
26	N 89°52'38" E	432.25'
27	N 89°52'38" E	432.25'
28	N 89°52'38" E	432.25'
29	N 89°52'38" E	432.25'
30	N 89°52'38" E	432.25'
31	N 89°52'38" E	432.25'
32	N 89°52'38" E	432.25'
33	N 89°52'38" E	432.25'
34	N 89°52'38" E	432.25'
35	N 89°52'38" E	432.25'
36	N 89°52'38" E	432.25'
37	N 89°52'38" E	432.25'
38	N 89°52'38" E	432.25'
39	N 89°52'38" E	432.25'
40	N 89°52'38" E	432.25'
41	N 89°52'38" E	432.25'
42	N 89°52'38" E	432.25'
43	N 89°52'38" E	432.25'
44	N 89°52'38" E	432.25'
45	N 89°52'38" E	432.25'
46	N 89°52'38" E	432.25'
47	N 89°52'38" E	432.25'
48	N 89°52'38" E	432.25'
49	N 89°52'38" E	432.25'
50	N 89°52'38" E	432.25'
51	N 89°52'38" E	432.25'
52	N 89°52'38" E	432.25'
53	N 89°52'38" E	432.25'
54	N 89°52'38" E	432.25'
55	N 89°52'38" E	432.25'
56	N 89°52'38" E	432.25'
57	N 89°52'38" E	432.25'
58	N 89°52'38" E	432.25'
59	N 89°52'38" E	432.25'
60	N 89°52'38" E	432.25'
61	N 89°52'38" E	432.25'
62	N 89°52'38" E	432.25'
63	N 89°52'38" E	432.25'
64	N 89°52'38" E	432.25'
65	N 89°52'38" E	432.25'
66	N 89°52'38" E	432.25'
67	N 89°52'38" E	432.25'
68	N 89°52'38" E	432.25'
69	N 89°52'38" E	432.25'
70	N 89°52'38" E	432.25'
71	N 89°52'38" E	432.25'
72	N 89°52'38" E	432.25'
73	N 89°52'38" E	432.25'
74	N 89°52'38" E	432.25'
75	N 89°52'38" E	432.25'
76	N 89°52'38" E	432.25'
77	N 89°52'38" E	432.25'
78	N 89°52'38" E	432.25'
79	N 89°52'38" E	432.25'
80	N 89°52'38" E	432.25'
81	N 89°52'38" E	432.25'
82	N 89°52'38" E	432.25'
83	N 89°52'38" E	432.25'
84	N 89°52'38" E	432.25'
85	N 89°52'38" E	432.25'
86	N 89°52'38" E	432.25'
87	N 89°52'38" E	432.25'
88	N 89°52'38" E	432.25'
89	N 89°52'38" E	432.25'
90	N 89°52'38" E	432.25'
91	N 89°52'38" E	432.25'
92	N 89°52'38" E	432.25'
93	N 89°52'38" E	432.25'
94	N 89°52'38" E	432.25'
95	N 89°52'38" E	432.25'
96	N 89°52'38" E	432.25'
97	N 89°52'38" E	432.25'
98	N 89°52'38" E	432.25'
99	N 89°52'38" E	432.25'
100	N 89°52'38" E	432.25'

COURSE	BEARING	ARC LENGTH
1	N 89°52'38" E	432.25'
2	N 89°52'38" E	432.25'
3	N 89°52'38" E	432.25'
4	N 89°52'38" E	432.25'
5	N 89°52'38" E	432.25'
6	N 89°52'38" E	432.25'
7	N 89°52'38" E	432.25'
8	N 89°52'38" E	432.25'
9	N 89°52'38" E	432.25'
10	N 89°52'38" E	432.25'
11	N 89°52'38" E	432.25'
12	N 89°52'38" E	432.25'
13	N 89°52'38" E	432.25'
14	N 89°52'38" E	432.25'
15	N 89°52'38" E	432.25'
16	N 89°52'38" E	432.25'
17	N 89°52'38" E	432.25'
18	N 89°52'38" E	432.25'
19	N 89°52'38" E	432.25'
20	N 89°52'38" E	432.25'
21	N 89°52'38" E	432.25'
22	N 89°52'38" E	432.25'
23	N 89°52'38" E	432.25'
24	N 89°52'38" E	432.25'
25	N 89°52'38" E	432.25'
26	N 89°52'38" E	432.25'
27	N 89°52'38" E	432.25'
28	N 89°52'38" E	432.25'
29	N 89°52'38" E	432.25'
30	N 89°52'38" E	432.25'
31	N 89°52'38" E	432.25'
32	N 89°52'38" E	432.25'
33	N 89°52'38" E	432.25'
34	N 89°52'38" E	432.25'
35	N 89°52'38" E	432.25'
36	N 89°52'38" E	432.25'
37	N 89°52'38" E	432.25'
38	N 89°52'38" E	432.25'
39	N 89°52'38" E	432.25'
40	N 89°52'38" E	432.25'
41	N 89°52'38" E	432.25'
42	N 89°52'38" E	432.25'
43	N 89°52'38" E	432.25'
44	N 89°52'38" E	432.25'
45	N 89°52'38" E	432.25'
46	N 89°52'38" E	432.25'
47	N 89°52'38" E	432.25'
48	N 89°52'38" E	432.25'
49	N 89°52'38" E	432.25'
50	N 89°52'38" E	432.25'
51	N 89°52'38" E	432.25'
52	N 89°52'38" E	432.25'
53	N 89°52'38" E	432.25'
54	N 89°52'38" E	432.25'
55	N 89°52'38" E	432.25'
56	N 89°52'38" E	432.25'
57	N 89°52'38" E	432.25'
58	N 89°52'38" E	432.25'
59	N 89°52'38" E	432.25'
60	N 89°52'38" E	432.25'
61	N 89°52'38" E	432.25'
62	N 89°52'38" E	432.25'
63	N 89°52'38" E	432.25'
64	N 89°52'38" E	432.25'
65	N 89°52'38" E	432.25'
66	N 89°52'38" E	432.25'
67	N 89°52'38" E	432.25'
68	N 89°52'38" E	432.25'
69	N 89°52'38" E	432.25'
70	N 89°52'38" E	432.25'
71	N 89°52'38" E	432.25'
72	N 89°52'38" E	432.25'
73	N 89°52'38" E	432.25'
74	N 89°52'38" E	432.25'
75	N 89°52'38" E	432.25'
76	N 89°52'38" E	432.25'
77	N 89°52'38" E	432.25'
78	N 89°52'38" E	432.25'
79	N 89°52'38" E	432.25'
80	N 89°52'38" E	432.25'
81	N 89°52'38" E	432.25'
82	N 89°52'38" E	432.25'
83	N 89°52'38" E	432.25'
84	N 89°52'38" E	432.25'
85	N 89°52'38" E	432.25'
86	N 89°52'38" E	432.25'
87	N 89°52'38" E	432.25'
88	N 89°52'38" E	432.25'
89	N 89°52'38" E	432.25'
90	N 89°52'38" E	432.25'
91	N 89°52'38" E	432.25'
92	N 89°52'38" E	432.25'
93	N 89°52'38" E	432.25'
94	N 89°52'38" E	432.25'
95	N 89°52'38" E	432.25'
96	N 89°52'38" E	432.25'
97	N 89°52'38" E	432.25'
98	N 89°52'38" E	432.25'
99	N 89°52'38" E	432.25'
100	N 89°52'38" E	432.25'

This plat is a retrace of an existing parcel or parcels of land and does not constitute or create a new parcel or make any change to any property boundaries. The recording of this plat does not constitute a warranty of the accuracy of the information or the accuracy of the survey. The recording of this plat does not constitute a warranty of the accuracy of the information or the accuracy of the survey. The recording of this plat does not constitute a warranty of the accuracy of the information or the accuracy of the survey.

W.D. Gray and Associates, Inc.
 LSP000701

land surveyors - planners
 160 GREENCASTLE ROAD SUITE B TYRONE
 GEORGIA 30290
 PH. 770-486-7552 FAX 770-486-0486

PREPARED FOR

MARK ANDERSON

LAND LOT: 89

7th DISTRICT

FAYETTE COUNTY, GA.

SCALE: 1" = 30'

DATE OF ORIGINAL SURVEY: 06-28-2021

DATE OF REVISION: 08-01-22 TO 08-01-22

LAST DATE OF FIELD WORK: 07-29-2022

JOB NO. 2105019

COUNTY AGENDA REQUEST

Page 219 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval to accept the right-of-way dedication known as "R/W Lot 1A 0.023 Acres" and "R/W Lot 2A 0.025 acres" as shown on the Minor Final Plat of Phillips & Suren Property, recorded in Plat Book 52, Pages 128-129, and the Right-of-Way Deed dated June 15, 2023 per Fayette County Code requirements.

Background/History/Details:

The applicant, The Estate of Betti Carolyn Phillips, created a new Minor Final Plat for properties fronting Longview Road, Fayetteville, GA.

The applicant prepared the Quitclaim Deed for "R/W Lot 1A 0.023 Acres" and "R/W Lot 2A 0.025 acres" as shown on the Minor Final Plat of Phillips & Suren Property, recorded in Plat Book 52, Pages 128-129, dedicated to Fayette County to increase the right of way along the parcel frontage of Longview Road to 30 ft. from centerline.

What action are you seeking from the Board of Commissioners?

Approval to accept the right-of-way dedication known as "R/W Lot 1A 0.023 Acres" and "R/W Lot 2A 0.025 acres" as shown on the Minor Final Plat of Phillips & Suren Property, recorded in Plat Book 52, Pages 128-129, and the Right-of-Way Deed dated June 15, 2023 per Fayette County Code requirements.

If this item requires funding, please describe:

No funding is required.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Return Recorded Document to:
McNally, Fox, Grant & Davenport, P.C.
100 Habersham Drive
Fayetteville, Georgia 30214

STATE OF GEORGIA

TAX ID NUMBER

COUNTY OF FAYETTE

0544 008A

DEED OF RIGHT-OF-WAY


THIS INDENTURE, made this 15th day of JUNE, 2023, between Justin C. Gossett, as the executor of the Estate of Betti Carolyn Phillips under estate No. 21-16574 in the Probate Court of Fayette County, as party of the first part, hereinafter referred to as "GRANTOR", being the property owner of certain land in the Fayette County; and FAYETTE COUNTY, a political subdivision of the State of Georgia, as party of the second part, hereinafter referred to as "GRANTEE" (GRANTOR and GRANTEE to include their respective heirs, successors and assigns where the context requires or permits).

WITNESS THAT: Grantor, for and in consideration of the sum of **TEN (\$10.00) DOLLARS** and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does hereby grant, bargain, sell, alien, convey and confirm unto the said Grantee the following Fee Simple Right-of-Way:

A Right-of-Way in Fee Simple lying in Land Lot 219 of the 5th District of Fayette County, Georgia, hereinafter referred to as "Right-of-Way", totaling 0.514 acres. Said Right-of-Way being more particularly described in Exhibit "A" attached hereto and hereby incorporated herein.

This instrument shall be binding upon the heirs, successors and assigns of the GRANTOR herein, and shall inure to the benefit of the successors in interest of the GRANTEE herein.

IN WITNESS, WHEREOF, the GRANTOR has signed and sealed this Deed of Right-of-Way, the day and year first above written.

By: 
JUSTIN C. GOSSETT, as the Executor of the
ESTATE OF BETTI CAROLYN PHILLIPS

Signed, sealed and delivered
in the presence of:



Witness



Notary Public (SEAL)



Exhibit "A"
Dedicated Right of Way
Tax Parcel I.D. 0544 008A
Lands of the Estate of Betti Carolyn Phillips

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 219 , 5th District, Fayette County, Georgia and being more particularly described as follows:

Beginning at a ½" rebar found on the easterly right-of-way of Longview Road (50-foot right-of-way), said rebar being located 398.90 feet north along said right-of-way from its intersection with the south line of Land Lot 219, and being the TRUE POINT OF BEGINNING;

Thence along a curve 209.84 feet, curving to the right, said curve having a radius of 847.44 feet, and a chord bearing North 10° 13' 30" East for a distance of 209.31 feet to a point;

Thence South 74° 34' 11" East, a distance of 5.01 feet to a ½" rebar set on the new required 60 foot right-of-way;

Thence along a curve 33.28 feet, curving to the right, said curve having a radius of 842.44 feet, and a chord bearing North 18° 26' 35" East for a distance of 33.28 feet to a point;

Thence North 18° 37' 58" East for a distance of 268.35 feet to a point;

Thence along a curve 115.17 feet, curving to the left, said curve having a radius of 451.65 feet, and a chord bearing North 10° 15' 00" East for a distance of 114.86 feet to a ½" rebar set on the new required 60-foot right-of-way;

Thence North 87° 00' 29" West for a distance of 5.05 feet to a point;

Thence along a curve 130.04 feet, curving to the left, said curve having a radius of 448.02 feet, and a chord bearing North 05° 22' 26" West for a distance of 129.58 feet to a point;

Thence North 13° 36' 17" West for a distance of 58.71 feet to a 1" rod found;

Thence South 84° 12' 13" West for a distance of 25.23 feet to a point on the centerline of Longview road;

Thence along said centerline, South 13° 36' 17" East for a distance of 62.17 feet to a point;

Thence continuing along said centerline, along a curve 230.04 feet, curving to the right, said curve having a radius of 421.65 feet, and a chord bearing South $01^{\circ} 53' 17''$ West for a distance of 227.20 feet to a point;

Thence continuing along said centerline, South $18^{\circ} 37' 58''$ West for a distance of 267.83 feet to a point;

Thence continuing along said centerline, along a curve 251.45 feet, curving to the left, said curve having a radius of 872.44 feet, and a chord bearing South $11^{\circ} 18' 07''$ West for a distance of 250.58 feet to a point;

Thence Leaving said centerline, South $89^{\circ} 12' 13''$ East for a distance of 24.94 feet to a $\frac{1}{2}$ " rebar found and being the TRUE POINT OF BEGINNING.

Said tract containing 0.514 acres and being subject to all easements and Rights of Way recorded and unrecorded.

Doc ID: 01181572003 Title: PLAT
Recorded: 07/07/2023 11:23:25:00 PM
Fayette, Ga. Clerk Superior Court
Book 52 Page 128-129

COPY

This Box reserved for the Clerk of the Superior Court.

General Notes:

1. Owner/Developer:

Ben J. Phillips Estate
P.O. Box 1509
Tyrone, Georgia 30714
Representation Justin Gossett
Phone (770)560-1210

Marshall Suren
572 Highway 31 N
Tyrone, Georgia 30714
Phone (917)961-466

2. Surveyor:

Four Corners Surveying, L.L.C.
P.O. Box 15
Tyrone, Georgia 30714
770-560-1210
four_corners@bellsouth.net

3. Closure Date:

Plat Closure - 12/10/2023
Average Point Error = < .20' 3035N, 3034N, 3034N, 3034N
Adjustment Method = Composite
Plat Closure: 1' IN 100,000'

4. Site Development Data:

Location: Land Lot 219 of the 5th District, Fayette County, Georgia
Site Data = 3 Acre
Total area of project = 9,410 Acres 41,250 Sq. Ft.

5. Minimum Encroachment Zoning Requirements:

Minimum lot width at front setback line = 150'
Minimum floor area of house = 1,200 Sq. Ft.
Minimum lot area = 1.25 Acres
Front yard = 60' (Setback) - 60' (Collection) - 40' (Local)
Side yard = 15'
Rear yard = 15'
Minimum height of structure = 35'

6. All deed book references shown herein are recorded in the Clerk of Superior Court's office of Fayette County, Georgia.

7. Capped 1/2" rebar to be set at all lot corners unless otherwise noted.

8. In any option a portion of the property appears to be within a Special Flood Hazard Area, according to the 2013 Fayette County Flood Study. (FEMA Flood Insurance Rate Map #1315C0102E for Fayette County unincorporated areas dated September 26, 2008.)

9. All of the Lot either contains or is adjacent to a Special Flood Hazard Area identified in the Fayette County 2013 Limited Detail Flood Study. As required by Act IV of the development regulations a minimum finished floor elevation is established for the lowest floor elevation including basement.

10. There are no groundwater recharge areas on the property.

11. There are no state waters on this property.

12. In any option there are no jurisdictional wetlands on this property as per The U.S. Fish & Wildlife Service National Wetlands Inventory Wetlands Mapper. All jurisdictional wetlands are under the jurisdiction of the U.S. Army Corps of Engineers and/or the state of Georgia Department of Natural Resources. Property owners may be subject to penalty by law for disturbance to these protected areas without the proper permit application and approval.

13. There were no recorded easements found associated with the property. This survey as performed without the benefit of a current and accurate title search, therefore any covenants, easements, and restrictions of record are to be incorporated with this plat.

14. This survey does not constitute a title search by surveyor. The property is subject to all information regarding easements, restrictions, covenants, zoning ordinances, environmental restrictions, buffers, right-of-way, adjoiners, and other documents that might affect the tract shown or not shown, recorded or not recorded.

15. Sewer service is provided by individual septic systems on each lot.

16. Lot water service is provided by Fayette County Water System. Any and all prospective subdividers into individual lots where there is an existing water main, and if existing Fayette County Water, shall be required to provide pipe and service for the subdivided properties at the developer's/subdividers expense. All applicable meter and wastewater fees shall also be applied. Water main taps shall be observed by Water System personnel within a 40' radius and time - 7:30-4:15 (option 3)

17. All distances shown are horizontal ground distance. No conversion factor used.

18. There are no existing structures, buildings, or improvements on the property to remain.

19. Fayette County does not accept the ownership maintenance or responsibility for any damage assessment or overall drainage plan or the lack of one indicated by this plat.

20. Declaration is made to original purchaser of the survey. Any use by third parties is at their own risk. Survey is valid only if plat has original seal and original signature of Surveyor.

21. No new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required.

22. Flood Hazard data shown on plat was taken graphically from Fayette County GIS site.

23. Each residential building lot has a minimum contiguous area of 0.3 Acres that is free and clear of zoning buffers setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind.

24. There was nothing on adjoining property located because permission was not given or obtained. Georgia DNRs NOT have a Right of Entry Law for Surveyors.

25. Four Corners Surveying, L.L.C. has made no investigation as to the existence or non-existence of covenants, easements and/or restrictions. Before any and disturbance of or disturbance of underground utilities and/or structures.

26. Section 110-05. - Violations of this rule. No plat shall be reduced in size so that the lot area, width, depth, setback, or any other requirement of this chapter is not maintained. This restriction shall not apply when a portion of a lot is required for a public purpose.

27. Section 110-05. - Violations of this rule. No plat shall be reduced in size so that the lot area, width, depth, setback, or any other requirement of this chapter is not maintained. This restriction shall not apply when a portion of a lot is required for a public purpose.

Minor Final Plat of Phillips & Suren Property (Parent Tract Recorded in Plat Book 25 Pages 191) Land Lot 219 of the 5th District Fayette County, Georgia

Sheet Index
Sheet 1 Cove & Nees
Sheet 2 Lot Layer

Vicinity Map
(Not to Scale)



Approved by Fayette County Environmental Health Department

6/30/23
Approved by Fayette County Stormwater Management Department

6/30/23
Approved by Fayette County Planning Commission

6/30/23
Approved by Fayette County Zoning Administrator

6/30/23
Approved by Fayette County Fire Marshal

6/30/23
Approved by Fayette County Clerk of Superior Court

6/30/23
Approved by Fayette County Sheriff's Office

Owner's Acknowledgment:

We, the undersigned owner(s) and/or mortgagee(s) of this Subdivision, hereby offer to dedicate, deed and/or reserve for public use the right-of-way, easements and other ground shown on this plat. All property contained within the boundaries of this plat is hereby dedicated to the public use of the State of Georgia, upon the dedication and conveyed at no cost to Fayette County, a political subdivision of the State of Georgia, upon the recordation of said Final Plat with the Fayette County Clerk of Superior Court.

The owner of the land shown on this plat and whose name is subscribed hereon, and in person or through a duly authorized agent, acknowledges that this plat was made from an actual survey, and that he or she is aware and acknowledges the changes shown on this plat.

Owner/Agent

Date

Owner/Agent

Date

Level III Soil Survey

I, do hereby certify that the Level III Soil Survey information provided on this plat was prepared by a professional engineer in accordance with the procedures specified in the Georgia Department of Natural Resources' current Manual for On-Site Stormwater Management Systems.

Soil Classifier/Professional Engineer
Registration No. _____
Registration Number/License Numbers _____

Georgia DNR Soil Classifier

This term "Certification" as used in Rule 110-6-.02(2) and (3) and relating to professional engineering or land surveying services, as defined in O.C.G.A. 43-15-2(6) and (11), shall mean: signed statement based on facts and knowledge known to the registrant and is not a guarantee or warranty, either expressed or implied. This survey complies with both the rules of the Georgia Board of Registration for Professional Engineers and between those two sets of specifications, the requirements of law prevail.

Surveyor's Certificate:

As required by subsection (6) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements of government bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

By: *Justin Gossett*

2896

04/14/2023

Date



Job #: 23-040

Drawn By: JCB
Reviewed By: JCB
Date: 04/14/2023
F.A.M. No. 03/01/23
Sheet: 1 of 2

Justin Gossett

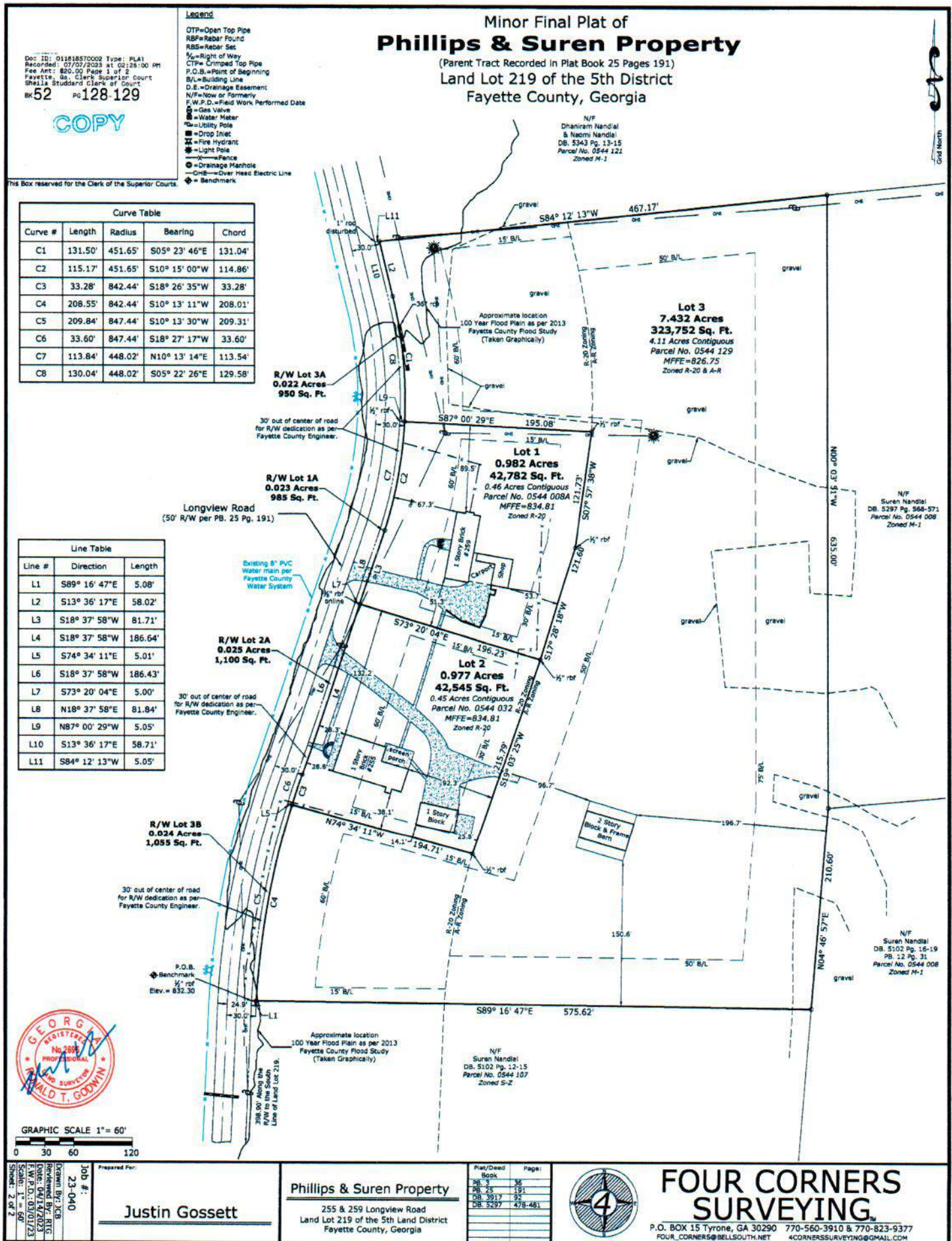
Phillips & Suren Property

255 & 259 Longview Road
Land Lot 219 of the 5th Land District
Fayette County, Georgia



FOUR CORNERS SURVEYING

P.O. BOX 15 Tyrone, GA 30790 770-560-3910 & 770-823-9377
FOUR_CORNERS@BELL.SOUTH.NET 4CDNERSSURVEYING@GMAIL.COM



COUNTY AGENDA REQUEST

Page 226 of 271

Department: Environmental Management

Presenter(s): Bryan Keller, Director EMD

Meeting Date: Thursday, January 23, 2025

Type of Request: Consent #19

Wording for the Agenda:

Approval to accept the right-of-way dedication known as "R/W Lot 3A 0.022 Acres" and "R/W Lot 3B 0.024 acres" as shown on the Minor Final Plat of Phillips & Suren Property, recorded in Plat Book 52, Pages 128-129, and the Right-of-Way Deed dated June 20, 2023 per Fayette County Code requirements.

Background/History/Details:

The applicant, The Estate of Betti Carolyn Phillips, created a new Minor Final Plat for properties fronting Longview Road, Fayetteville, GA.

The applicant prepared the Quitclaim Deed for "R/W Lot 3A 0.022 Acres" and "R/W Lot 3B 0.024 acres" as shown on the Minor Final Plat of Phillips & Suren Property, recorded in Plat Book 52, Pages 128-129, dedicated to Fayette County to increase the right of way along the parcel frontage of Longview Road to 30 ft. from centerline.

What action are you seeking from the Board of Commissioners?

Approval to accept the right-of-way dedication known as "R/W Lot 3A 0.022 Acres" and "R/W Lot 3B 0.024 acres" as shown on the Minor Final Plat of Phillips & Suren Property, recorded in Plat Book 52, Pages 128-129, and the Right-of-Way Deed dated June 20, 2023 per Fayette County Code requirements.

If this item requires funding, please describe:

No funding is required.

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request?* No

Backup Provided with Request? Yes

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance Yes

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

Return Recorded Document to:
McNally, Fox, Grant & Davenport, P.C.
100 Habersham Drive
Fayetteville, Georgia 30214

STATE OF GEORGIA

COUNTY OF FAYETTE

TAX ID NUMBER
0544 032

DEED OF RIGHT-OF-WAY

THIS INDENTURE, made this 20th day of JUNE, 2023, between JUSTIN C. GOSSETT, as the Executor of the ESTATE OF BETTI CAROLYN PHILLIPS, as party of the first part, hereinafter referred to as "GRANTOR", being the property owner of certain land in the Fayette County (Deed Book 5297 Page 478 in the Deed Records of Fayette County); and FAYETTE COUNTY, a political subdivision of the State of Georgia, as party of the second part, hereinafter referred to as "GRANTEE" (GRANTOR and GRANTEE to include their respective heirs, successors and assigns where the context requires or permits).

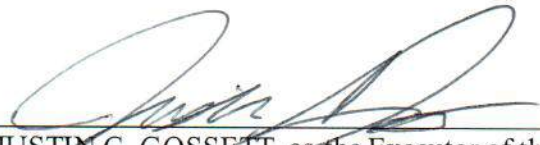
WITNESS THAT: Grantor, for and in consideration of the sum of **TEN (\$10.00) DOLLARS** and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does hereby grant, bargain, sell, alien, convey and confirm unto the said Grantee the following Fee Simple Right-of-Way:

A Right-of-Way in Fee Simple lying in Land Lot 219 of the 5th District of Fayette County, Georgia, hereinafter referred to as "Right-of-Way", totaling 0.046 acres. Said Right-of-Way being more particularly described in Exhibit "A" attached hereto and hereby incorporated herein.

This instrument shall be binding upon the heirs, successors and assigns of the GRANTOR herein, and shall inure to the benefit of the successors in interest of the GRANTEE herein.

IN WITNESS, WHEREOF, the GRANTOR has signed and sealed this Deed of Right-of-Way, the day and year first above written.

By:


JUSTIN C. GOSSETT, as the Executor of the
ESTATE OF BETTI CAROLYN PHILLIPS

Signed, sealed and delivered
in the presence of:



Witness



Notary Public (SEAL)



Exhibit "A"
Right of Way Dedication
Tax Parcel I.D. 0544 032
Lands of Suren Nandlal

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 219 , 5th District, Fayette County, Georgia and being more particularly described as follows:

Beginning at a 12" rebar found on the easterly right-of-way of Longview Road (50 foot right-of-way), said rebar being located 398.90 feet north along said right-of-way from its intersection with the south line of Land Lot 219, and being the TRUE POINT OF BEGINNING;

Thence South 89° 16' 47" East, a distance of 5.08 feet to a 12" rebar set on the new required 60 foot right-of-way;

Thence along a curve 208.55 feet, curving to the right, said curve having a radius of 842.44 feet, and a chord bearing North 10° 13' 11" East for a distance of 208.01 feet to a 12" rebar set on the new required 60 foot right-of-way;

Thence North 74° 34' 11" West, a distance of 5.01 feet to a point;

Thence along a curve 209.84 feet, curving to the left, said curve having a radius of 847.44 feet, and a chord bearing South 10° 13' 30" West for a distance of 209.31 feet to a 12" rebar found, and the TRUE POINT OF BEGINNING.

Said tract containing 0.024 acres and being subject to all easements and rights of way recorded and unrecorded.

Together with

That parcel Commencing at a 12" rebar found on the easterly right-of-way of Longview Road (50 foot right-of-way), said rebar being located 398.90 feet north along said right-of-way from its intersection with the south line of Land Lot 219, 12" rebar set on the new required 60 foot right-of-way; Thence along a curve 208.55 feet, curving to the right, said curve having a radius of 842.44 feet, and a chord bearing North 10° 13' 11" East for a distance of 208.01 feet to a 12" rebar set on the new required 60 foot right-of-way; Thence South 74° 34' 11" East for a distance of 194.71 feet to a 12" rebar found; Thence North 19° 03' 25" East for a distance of 215.79 feet to a 12" rebar found; Thence North 17° 28' 18" East for a distance of 121.60 feet to a 12" rebar found; Thence North 07° 57' 38" East for a distance of 121.73 feet to a 12" rebar found; Thence North 87° 00' 29" West for a distance of 195.08 feet to a 12" rebar set on the new required 60 foot right-of-way, and being the TRUE POINT OF BEGINNING;

Thence along a curve 131.50 feet, curving to the left, said curve having a radius of 451.65 feet, and a chord bearing North 05° 23' 46" West for a distance of 131.04 feet to a point;

Thence North 13° 36' 17" West, a distance of 58.02 feet to a 12" rebar set on the new required

60 foot right-of-way; Thence South $84^{\circ} 12' 13''$ West for a distance of 5.05 feet to a 1" rod found;

Thence South $13^{\circ} 36' 17''$ East, a distance of 58.71 feet to a point;

Thence along a curve 130.04 feet, curving to the right, said curve having a radius of 448.02 feet, and a chord bearing South $05^{\circ} 22' 26''$ East for a distance of 129.58 feet to a point;

Thence South $87^{\circ} 00' 29''$ East for a distance of 5.05 feet to a 12" rebar set on the new required 60 foot right-of-way, and being the TRUE POINT OF BEGINNING.

Said tract containing 0.022 acres and being subject to all easements and rights of way recorded and unrecorded..

COPY

(Parent Tract Recorded in Plat Book 25 Pages 191)
Land Lot 219 of the 5th District
Fayette County, Georgia

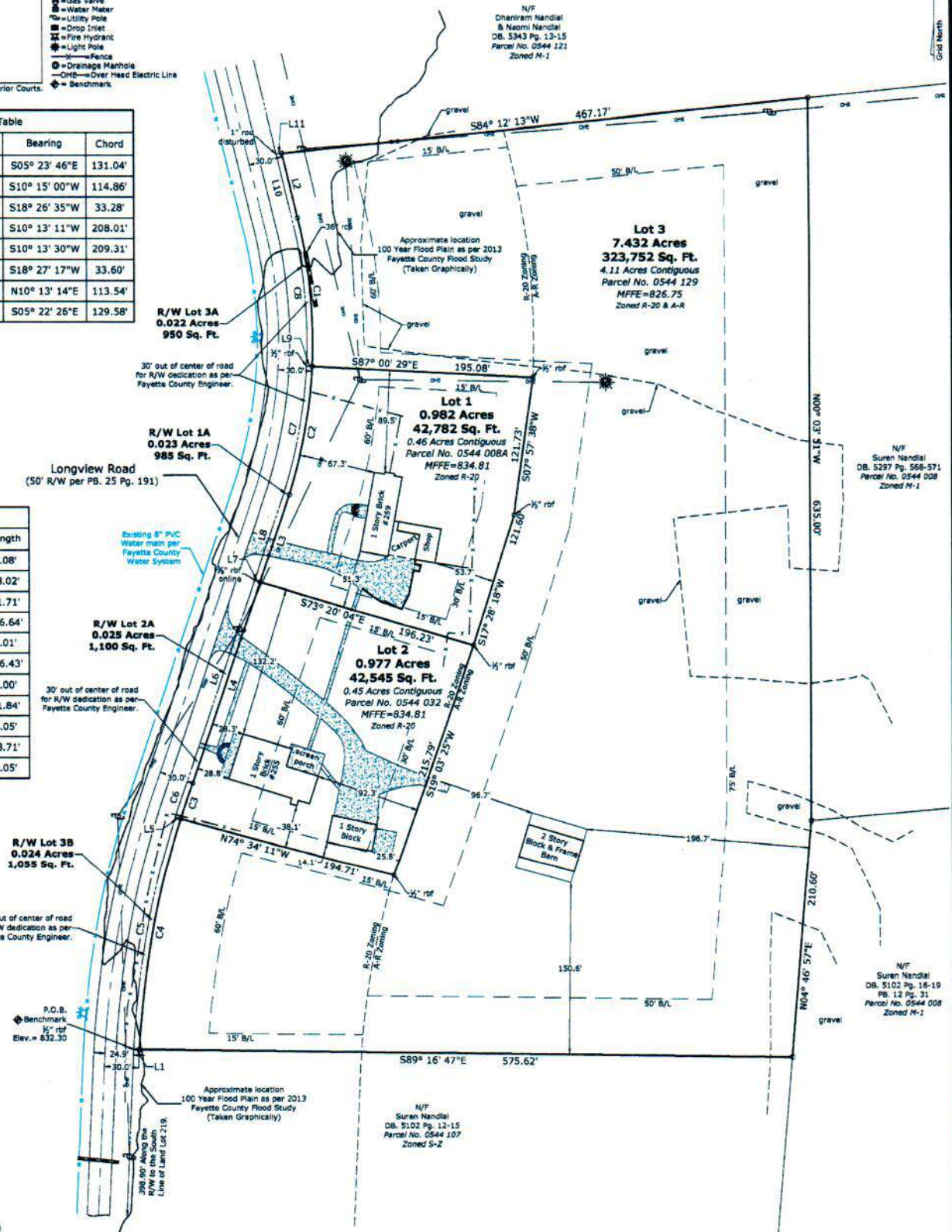
Legend

OTP=Open Top Pipe
RBF=Rebar Found
RBS=Rebar Set
N/2=Right of Way
T/P=Trimmed Top Pipe
P.O.B.=Point of Beginning
B/L=Building Line
D/E=Drainage Easement
N/F=Now or Formerly
F.W.P.D.=Field Work Performed Date
G=Gas Valve
W=Water Meter
U=Utility Pole
D=Drop Inlet
F=Fire Hydrant
L=Light Pole
X=Fence
D=Drainage Manhole
OHE=Over Head Electric Line
B=Benchmark


This Box reserved for the Clerk of the Superior Courts

Curve Table				
Curve #	Length	Radius	Bearing	Chord
C1	131.50'	451.65'	S05° 23' 46"E	131.04'
C2	115.17'	451.65'	S10° 15' 00"W	114.86'
C3	33.28'	842.44'	S18° 26' 35"W	33.28'
C4	208.55'	842.44'	S10° 13' 11"W	208.01'
C5	209.84'	847.44'	S10° 13' 30"W	209.31'
C6	33.60'	847.44'	S18° 27' 17"W	33.60'
C7	113.84'	448.02'	N10° 13' 14"E	113.54'
C8	130.04'	448.02'	S05° 22' 26"E	129.58'

Line Table		
Line #	Direction	Length
L1	S89° 16' 47"E	5.08'
L2	S13° 36' 17"E	58.02'
L3	S18° 37' 58"W	81.71'
L4	S18° 37' 58"W	186.64'
L5	S74° 34' 11"E	5.01'
L6	S18° 37' 58"W	186.43'
L7	S73° 20' 04"E	5.00'
L8	N18° 37' 58"E	81.84'
L9	N87° 00' 29"W	5.05'
L10	S13° 36' 17"E	58.71'
L11	S84° 12' 13"W	5.05'



GRAPHIC SCALE 1" = 60'



A horizontal graphic scale bar with alternating black and white segments. It is marked with the numbers 0, 30, 60, and 120, representing feet. The total length of the bar is 120 feet.

Job #:	Prepared For:
--------	---------------

Justin Gossett

255 & 259 Longview Road
Land Lot 219 of the 5th Land District
Fayette County, Georgia

Flat/Deed Book	Page:
DB. 3	36
DB. 25	191
DB. 3917	92
DB. 5297	478-481



**FOUR CORNERS
SURVEYING™**

P.O. BOX 15 Tyrone, GA 30290 770-560-3910 & 770-823-9377
FOUR_CORNERS@BELLSOUTH.NET 4CORNERSSURVEYING@GMAIL.COM

COUNTY AGENDA REQUEST

Page 233 of 271

Department: Environmental Management

Presenter(s): Bryan Keller, Director EMD

Meeting Date: Thursday, January 23, 2025

Type of Request: Consent #20

Wording for the Agenda:

Approval to accept the right-of-way dedication known as "10' Additional R/W Strip to Fayette County, Area 0.70 Acres" shown on the Riverbend Overlook Phase I Plat dated August 27, 2020 and the Warranty Deed dated December 16, 2024 per Fayette County Code requirements.

Background/History/Details:

The applicant, MBT Investments, LLC, created a new subdivision on the Riverbend Overlook Phase I Plat located at McDonough Road, Fayetteville, GA.

The applicant prepared the Warranty Deed for "10' Additional R/W Strip to Fayette County, Area 0.70 Acres" as per the Final Plat of Riverbend Phase I recorded in Plat Book 100, Pages 430-433, dedicated to Fayette County to increase the right of way along the parcel frontage of McDonough Road.

What action are you seeking from the Board of Commissioners?

Approval to accept the right-of-way dedication known as "10' Additional R/W Strip to Fayette County, Area 0.70 Acres" shown on the Riverbend Overlook Phase I Plat dated August 27, 2020 and the Warranty Deed dated December 16, 2024 per Fayette County Code requirements.

If this item requires funding, please describe:

No funding is required.

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request?* No

Backup Provided with Request? Yes

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance Yes

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

Return Recorded Document to:
Christian Smith
Transportation Engineer
Fayette County Environmental Management
140 Stonewall Avenue West, Suite 203
Fayetteville, GA 30214

STATE OF

GEORGIA

COUNTY OF

HENRY

WARRANTY DEED

THIS INDENTURE, made this 16th day of December 2024, by and between MBT INVESTMENTS, LLC, a Georgia limited liability company, hereinafter referred to as "GRANTOR", as property owners of certain land in the County of Fayette, and was intended to be executed and recorded on or about December 20, 2020, the recording of Riverbend Overlook, Phase I; and FAYETTE COUNTY, a political subdivision of the State of Georgia, hereinafter referred to as "GRANTEE" (GRANTOR and GRANTEE to include their respective heirs, successors and assigns where the context requires or permits).

WITNESS THAT: Grantor, for and in consideration of the sum of **TEN (\$10.00) DOLLARS** and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, alienated, conveyed, and confirmed, and by these presents does hereby grant, bargain, sell, alienate, convey and confirm unto the said Grantee the following streets and roadways:

All that tract or parcel of land, lying and being situate in Land Lots 140 & 141 of the 5th Land District of Fayette County, Georgia, being more particularly described as follows;

Commencing at a 5/8-inch rebar found at the corner common to Land Lots 117, 118, 139 & 140 of said 5th Land District, said rebar having Georgia State Plane Grid coordinates (West Zone, NAD83) of 1,256,040.13 (northing) and 2,224,832.88 (easting); thence southerly line of a proposed 100' r/w widening (currently 80'); the **POINT OF BEGINNING** for this tract of land; From said **POINT OF BEGINNING**, thence proceeding along proposed right of way of McDonough Road N 81°48'51" E, a distance of 405.03 feet, along a curve to the right a length of 574.28 feet, a radius of 4459.86 feet, being subtended by a chord bearing N85°30'11"E for a distance of 573.88 feet to a point; thence N89°11'31"E a distance of 1014.85 feet to a point; thence proceeding along said right-of-way of McDonough Road, along a curve to the right a length of 300.65 feet, a radius of 4040.13 feet, being subtended by a chord bearing N87°03'37"E for a distance of 300.58 feet to a point; thence N84°55'42"E for a distance of 323.01 feet to a point; thence proceeding along the above referenced right-of-way, along a curve to the right a length of 75.88 feet, a radius of 2040.21 feet, being subtended by a chord bearing N83°51'47"E for a distance of 75.87 feet to a point; thence N82°47'51"E for a distance of 368.16 feet to a point; thence S00°45'48"E a distance of 10.06 feet, to a point; thence S 8°13'9"W, a distance of 150.63 feet; thence S 8°13'9"W, a distance of 150.00 feet; thence S8°13'9"W a distance of 66.40 feet to a point; thence along a curve to the left a distance of 76.25 feet, thence S 6°5'18" W, a distance of 7.37 feet; thence S6°5'18"W a distance of 150.43 feet; thence S6°5'18"W a distance of 150.00 feet; thence S 6°5'18" W a distance of 15.21 feet; thence S6°5'18"W a curve to the left, a distance of 134.79 feet, a radius of 4069.93 feet, being subtended by a chord bearing S5°8'4"W for a distance of 134.78 feet to a point; thence along a curve to the left a distance of 164.00 feet, a radius of 4069.93 feet, being subtended by a chord bearing S3°1'53"W a distance of 163.99 feet, thence along a curve to the left a distance of 2.60 feet, a radius of 78.45 feet, being subtended by a chord bearing S1°15'6"W a distance of 2.60 feet; thence S89°11'31"W a distance of 842.78 feet; thence S1°49'29"W, a distance of 150.00 feet; thence S1°49'29"W, a distance of 22.08 feet, thence along a curve to the left a distance of 128.04, a radius of 4449.86 feet, being subtended by a chord bearing S2°38'56"W, a distance of 128.03 feet to a point; thence along a curve to the left, a distance of 104.59 feet, a radius of 4449.86 feet, being subtended by a chord bearing S4°8'48"W, a distance of 104.58 feet, thence along a curve to the left a distance of 167.47 feet, a radius of 4449.86 feet, being subtended by a chord bearing S15°53'53" a distance of 167.46 feet; thence along a curve to the left a distance of 150.06 feet, a radius of 4449.86 feet, being subtended by a chord bearing S7°56'32"W a distance of 150.05 feet, thence along a curve to the left a distance of 22.84 feet, a radius of 4449.86 feet, being subtended by a chord bearing S9°3'20"W, a distance of 22.84 feet; thence S9°12'9"W, a distance of 101.93 feet; thence S9°12'9"W a distance of 405.03 feet; thence N7°23'26"W a distance of 10.86 feet to the POINT OF BEGINNING.

Said tract of land is as set forth in the Plat for Riverbend Overlook, Phase One, recorded in Plat Book 100, Pages 430-433, records of the Clerk of Court, Sheila Studdard, Fayette County, Georgia.

This instrument shall be binding upon the heirs, successors and assigns of the GRANTOR herein, and shall inure to the benefit of the successors in interest of the GRANTEE herein.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the proper use, benefit and behoof of the said Grantees in Fee Simple.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee, and said Grantee only, against the claims of all persons whatsoever.

IN WITNESS, WHEREOF, the GRANTOR has signed and sealed this Limited Warranty Deed; the day and year first above written.

By: *Robert E. Maly, Dan Myn*
MBT INVESTMENTS, LLC

Signed,
sealed and
delivered in
the presence
of:

[Signature]

Witness

Johanna G. Biles
Notary Public (SEAL)



COUNTY AGENDA REQUEST

Page 237 of 271

Department: Environmental Management

Presenter(s): Bryan Keller, Director EMD

Meeting Date: Thursday, January 23, 2025

Type of Request: Consent #21

Wording for the Agenda:

Approval to accept the right-of-way dedication known as "R/W Tract 8 sq. ft." as shown on the Minor Final Plat of 385 Snead Road, recorded in Plat Book 102, Pages 23-24, and the Quitclaim Deed dated August 21, 2024 per Fayette County Code requirements.

Background/History/Details:

The applicant, Allegiance Homes, LLC, created a new Minor Final Plat for a property fronting Snead Road, Fayetteville, GA.

Per the rezoning conditions, the applicant prepared the Quitclaim Deed for "R/W Tract 8 sq. ft." as shown on the Minor Final Plat of 385 Snead Road, recorded in Plat Book 102, Pages 23-24, dedicated to Fayette County to increase the right of way along the parcel frontage of Snead Road to 30 ft. from centerline.

What action are you seeking from the Board of Commissioners?

Approval to accept the right-of-way dedication known as "R/W Tract 8 sq. ft." as shown on the Minor Final Plat of 385 Snead Road, recorded in Plat Book 102, Pages 23-24, and the Quitclaim Deed dated August 21, 2024 per Fayette County Code requirements.

If this item requires funding, please describe:

No funding is required.

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request?* No

Backup Provided with Request? Yes

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance Yes

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

J. SAMUEL BECK
LAWSON, BECK & SANDLIN, LLC
1125 COMMERCE DRIVE, SUITE 300
PEACHTREE CITY, GEORGIA 30269

Space above to be used for recording purposes.

QUITCLAIM DEED

Draw Deed Only – No Title Examination Performed

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, made this 21 day of August, 2024, by, between, and among **ALLEGIANCE HOMES, LLC**, a limited liability company organized and existing, in good standing, under and by virtue of the laws of the State of Georgia, as party of the first part (hereinafter referred to as the "Grantor"), and **FAYETTE COUNTY, GEORGIA**, a political subdivision of the State of Georgia, as party of the second part (hereinafter referred to as the "Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, successors, and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00), and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the adequacy, receipt, and sufficiency of which is hereby acknowledged, by these presents does hereby remise, convey, and forever QUITCLAIM unto the said Grantee the following described property, to wit:

See Exhibits "A" and "B" attached hereto and incorporated herein by this reference for a more complete and accurate description of the property.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

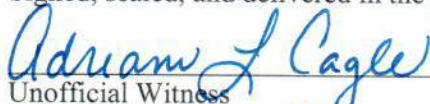
IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Allegiance Homes, LLC



By: Trent Foster, Managing Member

Signed, sealed, and delivered in the presence of:


Unofficial Witness


Notary Public



EXHIBIT "A"**Legal Description**

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 199, 4th District, Fayette County, Georgia and being more particularly described as follows:

Beginning at a $\frac{1}{2}$ " re-bar set on the westerly right-of-way of Snead Road (50' R/W), said re-bar being located at the intersection of the west line of Land Lot 199 and northern right-of-way of Snead Road, and being the TRUE POINT OF BEGINNING; Thence North $01^{\circ} 29' 23''$ East, a distance of 0.76 feet to a $\frac{1}{2}$ " re-bar set; Thence South $83^{\circ} 15' 42''$ East, a distance of 6.19 feet to a point; Thence along a curve 14.72 feet, curving to the left, said curve having a radius of 1285.30 feet, and a chord bearing South $83^{\circ} 35' 23''$ East for a distance of 14.72 feet to a point on the right-of-way of Snead Road; Thence continuing along said right-of-way of a curve for 20.85 feet, curving to the right, said curve having a radius of 2501.99 feet, and a chord bearing North $85^{\circ} 33' 40''$ West for a distance of 20.85 feet to a $\frac{1}{2}$ " re-bar set on the right-of-way of Snead Road and being the TRUE POINT OF BEGINNING.

Said tract containing 0.000 acres, 8 Sq. Ft.

Type: PLAT EFILED
Recorded: 9/9/2024 8:13:00 AM
Fee Amt: \$20.00 Page 1 of 2
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID: 9039346208

BK 102 PG 23 - 24

Legend

OTP=Open Top Pipe
RBF=Rebar Found
RBS=Rebar Set
R/W=Right of Way
CTP= Crimped Top Pipe
P.O.B.=Point of Beginning
B/L=Building Line
D.E.=Drainage Easement
CA=Contiguous Area
N/F=Now or Formerly
F.W.P.D.=Field Work Performed Date
G=Gas Valve
W=Water Meter
U=Utility Pole
D=Drop Inlet
F=Fire Hydrant
L=Light Pole
X=Fence
M=Drainage Manhole
OHE=Over Head Electric Line
B=Benchmark

Minor Final Plat of 385 Snead Road (Previously Recorded in Plat Book 13 Pg. 16 & PB. 38 Pg. 79) Land Lot 199 of the 4th District Fayette County, Georgia

Approved by Fayette County Environmental Health Department

8/19/24
Date

Bonnie Lerner
Environmental Health Specialist

Approved by Fayette County Stormwater Management Department

8/22/24
Date

B. L. Lerner
Environmental Management Director

Approved by Fayette County Engineer

8/22/24
Date

P. Mallo
County Engineer

Approved by Fayette County Planning Commission

09/06/24
Date

Maria T. Bin
Secretary

Approved by Fayette County Zoning Administrator

8/22/2024
Date

Debra M. Smith
Zoning Administrator/Designee

Approved by Fayette County Fire Marshal

8/22/2024
Date

V. J. Smith
Fire Marshal

Owner's Certificate:

I/we, the undersigned, certify that as the legal owner/owners of the subject property, I/we hereby authorize the submittal of this Final Plat for the subdivision of my/our property.

Eric A. Hamilton
Owner/Mortgagee

8-15-24
Date

Owner/Mortgagee

Date

(If property dedication is required provide the following statements on the face of the plat.)
We, the undersigned owner(s) and/or mortgagee(s) of the _____ Subdivision, hereby offer to dedicate and/or reserve for public use the rights-of-way, easements and other ground shown on this plat.

Eric A. Hamilton
Owner/Agent

8-15-24
Date

Owner/Agent

Date

All property contained within the right-of-way of all new streets and all existing streets adjacent to the subdivision as indicated hereon, are hereby deeded to Fayette County, a political subdivision of the State of Georgia, at no costs to Fayette County upon recordation of said Minor Final Plat with the Fayette County Clerk of Superior Court.

LEVEL III SOIL SURVEY

I, Eric A. Hamilton do hereby certify that the Level III Soil Survey information provided on this plat was performed by AEG in accordance with the procedures specified in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems.

Eric A. Hamilton
Soil Classifier Professional
Professional Engineer
Registration No. _____
Registration Number/License Number of Georgia DHR Soil Classifier, #224
Applied Environmental Sciences
90F Glenda Trace #327
Newnan, Georgia 30265
(678) 262-4020

The term "Certification" as used in Rule "180-6-.09(2) and (3)" and relating to professional engineering or land surveying services, as defined in O.C.G.A. 43-15-2(6) and (11), shall mean a signed statement based upon facts and knowledge known to the registrant and is not a guarantee or warranty, either expressed or implied.

This survey complies with both the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and the Official Code of Georgia Annotated (OCGA) 15-6-67, in that where a conflict exists between those two sets of specifications, the requirements of law prevail.

Surveyor's Certificate:

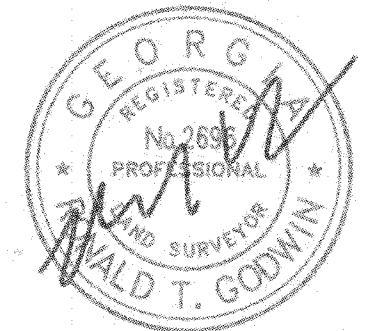
As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

BY: *Ronald T. Godwin*
GA R.L.S. Ronald T. Godwin

2696
License NO.

06/26/2024
Date

GRAPHIC SCALE 1"= 100'
0 50 100 200



GENERAL NOTES:

1. OWNER/DEVELOPER:
Trent Foster
Allegiance Development Group, LLC
P.O. Box 3852
Peachtree City, GA 30269
Phone (678)633-9928

2. SURVEYOR:
Integrated Science & Engineering
1039 Sullivan Road Suite 200
Newnan, GA 30265
678-552-2106
rgodwin@intse.com

3. CLOSURE DATA:
Field Closure = N/A
Angle Point Error = N/A
Equipment Used= Carlson BRx7 GPS System
Adjustment Method = N/A
Plat Closure = Lot 1 = 1' in 255,076 - Lot 2 = 1' in 1,228,845 - Lot 3 = 1' in 344,081

4. SITE DEVELOPMENT DATA:
Location: Land Lot 199 of the 4th District, Fayette County, Georgia
Site Data = 3 Lot
Total area of project = 15.887 Acres 692,031 Sq. Ft.

5. Tax Parcel ID: #0441 002

6. MINIMUM DIMENSIONAL ZONING REQUIREMENTS:
Rezoning Petition Number: 1346-24 A-R to R-80 (05/23/2024)
R-80 Zoning district
Minimum lot width at front setback line = 175'
Minimum floor area of house = 2,500 Sq. Ft.
Minimum lot size = (3 Acres) 130,680 Sq. Ft.
Front yard = 75' (Arterial) - 75' (Collector) - 50' (Local)
Side yard = 30'
Rear yard = 50'
Maximum height of structure = 35'

Recommended Conditions for Petition No. 1346-24

- Snead Road is a County Local on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 30 feet of right-of-way as measured from the existing centerline of Snead Road.
- Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 60 days of the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.

7. All deed book references shown hereon are recorded in the Clerk of Superior Court's office of Fayette County, Georgia.

8. Capped 1/2" re-bar to be set at all lot corners unless otherwise noted.

9. In my opinion this property appears not to lie within a Special Flood Hazard Area, according to FEMA Flood Insurance Rate Map for Fayette County unincorporated areas dated September 26, 2008 Map #13113C0155E.

10. There are no groundwater recharge areas on the property.

11. There are state waters on this property.

12. In my opinion there are no jurisdictional wetlands on this property as per The U.S. Fish & Wildlife Service National Wetlands Inventory Wetlands Mapper. All jurisdictional wetlands are under the jurisdiction of the U.S. Army Corps of Engineers and/or the state of Georgia Department of Natural Resources. Property owners may be subject to penalty by law for disturbance to these protected areas without the proper permit application and approval.

13. There were no recorded easements found associated with the property. This survey as performed without the benefit of a current and accurate title search, therefore any covenants, easements, and restrictions of record are to be incorporated with this plat.

14. Sewer service is provided by individual septic systems on each lot.

15. Lot water service is provided individual water system on each lot.

16. All distances shown are horizontal ground distance. No conversion factor used.

17. All existing structures, buildings, or improvements on the property were removed.

18. Fayette county does not accept the ownership maintenance or responsibility for any drainage easement or overall drainage plan or the lack of one indicated by this plat.

19. Declaration is made to original purchaser of the survey. Any use by third parties is at their own risk. Survey is valid only if print has original seal and original signature of surveyor.

20. Each residential building lot has a minimum contiguous area of 0.3 Acres that is free and clear of zoning buffers setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind.

21. There was nothing on adjoining property located because permission was not given or obtained. Georgia DOES NOT have a Right of Entry Law for Surveyors.

22. This survey does not constitute a title search by surveyor. The property is subject to all information regarding easements, restrictions, covenants, zoning ordinances, environmental restrictions, buffers, right-of-ways, adjoining, and other documents that might affect the tract shown or not shown, recorded or not recorded.

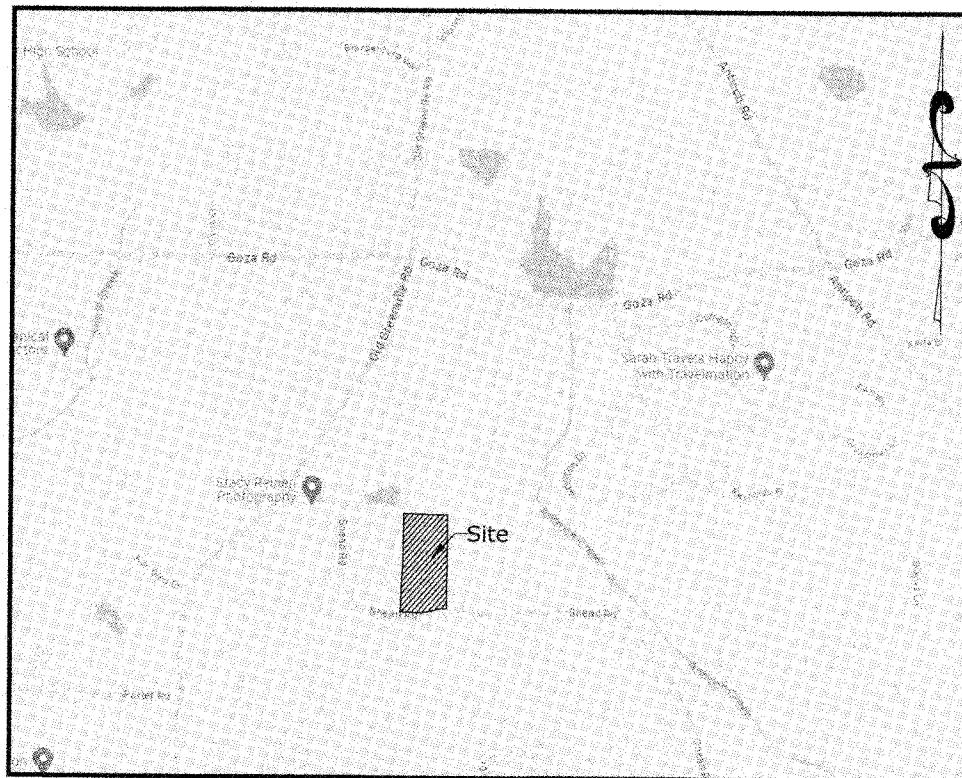
23. Integrated Science & Engineering has made no investigation as to the existence or non-existence of underground utilities and/or structures. Before any land disturbance activity begins, underground utilities should be identified and located. Integrated Science & Engineering assumes no liability for loss or damages caused by the discovery of or disturbance of underground utilities and/or structures.

24. The field data upon which this survey was performed is based upon GPS observations which were established using Carlson BRx7 multi-frequency receiver using real time kinematic observations. The relative positional accuracy achieved is better than 0.07 feet per observation point.

25. This survey basis for directions shown hereon are Grid North as defined by NAD 83 and NAVD 88, Georgia West Zone and determined through RTK-GPS methods utilizing eGPS Solutions VRS Network

26. No known or observed cemetery on property.

27. Builder to lay back the existing slope at 4' H/1' V for distance of at least 25 feet from the edge of pavement to achieve 390' of required site distance in this area. Existing vegetation within the right-of-way to also be removed. Engineer to verify site distance once this work has been accomplished.



Vicinity Map
(NOT TO SCALE)

Job #:
1752.24-040

Drawn By: JCB
Reviewed By: RTG
Date: 06/26/2024
F.W.P.D.: 03/13/2024
Sheet: 1 of 2

Prepared For:

Allegiance Development Group

Plat/Deed Book	Page:
DB. 3176	108-109
PB. 13	16
PB. 38	79
DB. 3480	10
PB. 45	156-180
DB. 5707	301-302

385 Snead Road

Parcel No. 0441 002
Land Lot 199 of the 4th Land District
Fayette County, Georgia

INTEGRATED
Science & Engineering

1039 SULLIVAN ROAD, SUITE 200, NEWNAN, GEORGIA 30265
(978) 552-2106 | (978) 552-2107
COA No. LSP000138 | Exp. 06/30/2026

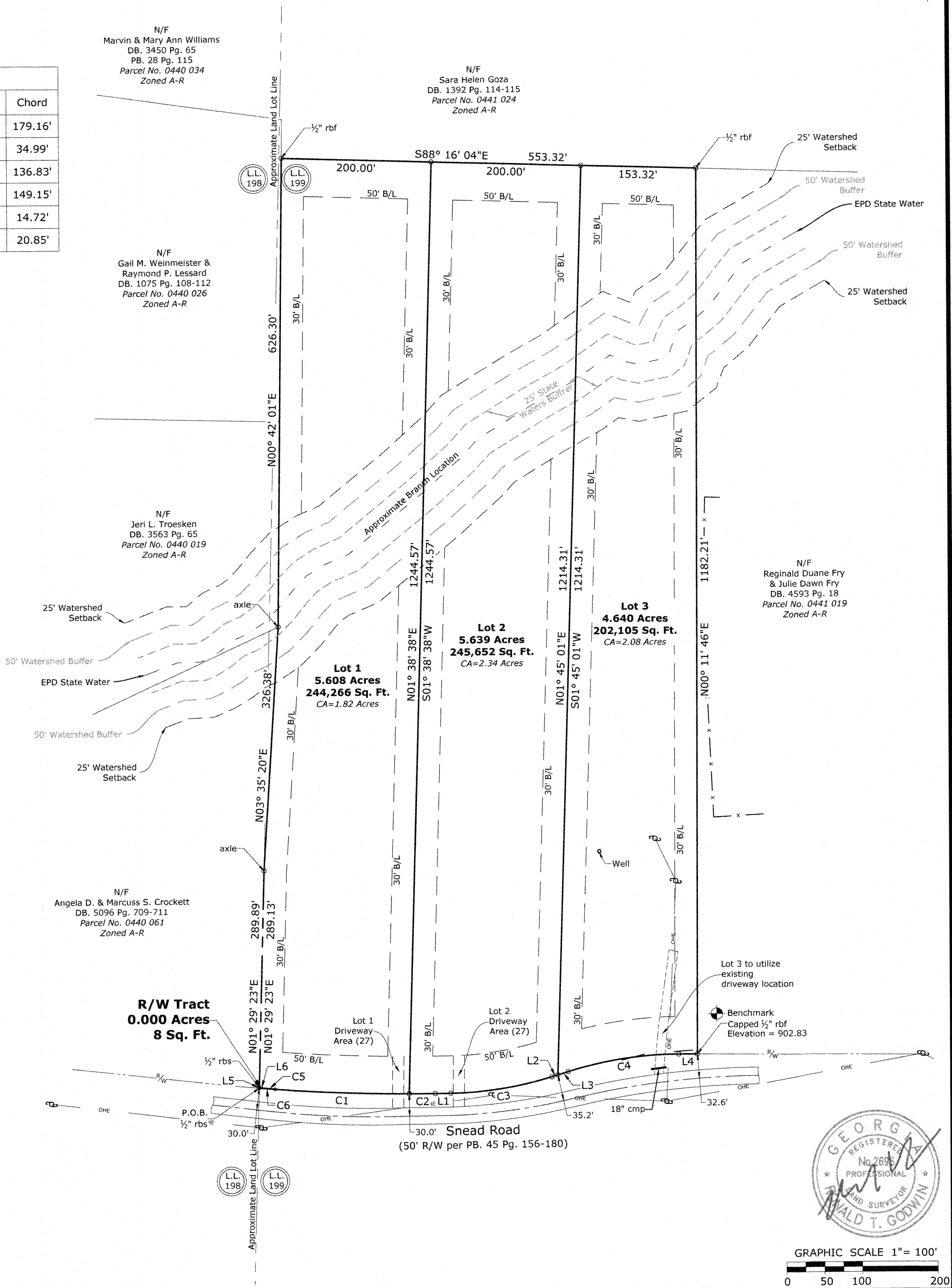
Minor Final Plat of
385 Snead Road
(Previously Recorded in Plat Book 13 Pg. 16 & PB. 38 Pg. 79)
Land Lot 199 of the 4th District
Fayette County, Georgia



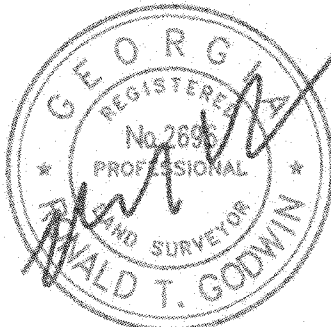
This Box reserved for the Clerk of the Superior Courts.

Curve Table				
Curve #	Length	Radius	Bearing	Chord
C1	179.20'	2501.99'	S87° 51' 07"E	179.16'
C2	34.99'	2501.99'	N89° 41' 44"E	34.99'
C3	137.31'	475.00'	N81° 00' 49"E	136.83'
C4	149.70'	500.07'	N81° 18' 34"E	149.15'
C5	14.72'	1285.30'	S83° 35' 23"E	14.72'
C6	20.85'	2501.99'	N85° 33' 40"W	20.85'

Line Table		
Line #	Direction	Length
L1	N89° 17' 42"E	20.48'
L2	N72° 43' 55"E	8.28'
L3	N72° 43' 55"E	14.58'
L4	N89° 53' 13"E	24.93'
L5	N01° 29' 23"E	0.76'
L6	S83° 15' 42"E	6.19'



- Legend**
- OTP=Open Top Pipe
 - RBF=Rebar Found
 - RBS=Rebar Set
 - R/W=Right of Way
 - CTP= Crimped Top Pipe
 - P.O.B.=Point of Beginning
 - B/L=Building Line
 - D.E.=Drainage Easement
 - CA=Contiguous Area
 - N/F=Now or Formerly
 - F.W.P.D.=Field Work Performed Date
 - ⊗=Gas Valve
 - ⊗=Water Meter
 - ⊗=Utility Pole
 - ⊗=Drop Inlet
 - ⊗=Fire Hydrant
 - ⊗=Light Pole
 - ⊗=Fence
 - ⊗=Drainage Manhole
 - ⊗=Over Head Electric Line
 - ⊗=Benchmark



GRAPHIC SCALE 1"= 100'

0 50 100 200

Job #:
1752.24-040
Drawn By: JCB
Reviewed By: RTG
Date: 06/26/2024
F.W.P.D.: 03/13/2024
Sheet: 2 of 2

Prepared For:

**Allegiance
Development Group**

Plat/Deed Book	Page:
DB. 3176	108-109
PB. 13	16
PB. 38	79
DB. 3480	10
PB. 45	156-180

385 Snead Road
Parcel No. 0441 002
Land Lot 199 of the 4th Land District
Fayette County, Georgia

**INTEGRATED
Science & Engineering**
1039 SULLIVAN ROAD, SUITE 200, NEWNAN, GEORGIA 30265
(P) 678.552.2106 | (F) 678.552.2107
COA No. LSP000136 | Exp. 06/30/2026

COUNTY AGENDA REQUEST

Page 242 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval to accept the right-of-way dedication known as "R/W Tract, 0.063 Acres" as shown on the Plat Prepared for Colunteya & Oliver Weems & Geraldine Johnson, dated March 29, 2023, and the Warranty Deed dated October 9, 2023 per Fayette County Code requirements.

Background/History/Details:

Parcel 1301 092 was approved for rezoning in 2006 with the condition that right-of-way, 30 ft. from centerline, be dedicated to Fayette County. The applicants, Colunteya Weems, and Oliver Weems, and Geraldine Johnson, created a new Plat for the property fronting Wagon Wheel Trail, Fayetteville, GA., with the new "R/W Tract" to satisfy that condition.

Per the rezoning conditions, the applicant prepared the Warranty Deed for "R/W Tract, 0.063 Acres" as shown on the Plat Prepared for Colunteya & Oliver Weems & Geraldine Johnson, dated March 29, 2023, dedicated to Fayette County to increase the right of way along the parcel frontage of Wagon Wheel Trail to 30 ft. from centerline.

What action are you seeking from the Board of Commissioners?

Approval to accept the right-of-way dedication known as "R/W Tract, 0.063 Acres" as shown on the Plat Prepared for Colunteya & Oliver Weems & Geraldine Johnson, dated March 29, 2023, and the Warranty Deed dated October 9, 2023 per Fayette County Code requirements.

If this item requires funding, please describe:

No funding is required.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Return Recorded Document to:
Colunteya Weems
310 Wagon Wheel Trail
Fayetteville, GA 30214

STATE OF GEORGIA
COUNTY OF FAYETTE

Parcel: 1301092

WARRANTY DEED

THIS INDENTURE, made this 9th day of October 2023, by and between Colunteya Weems, and Oliver Weems and Geraldine Johnson, hereinafter referred to as "GRANTOR", as property owners of certain land in the County of Fayette (Plat Book 101, Pages 72, in the Deed Records of Fayette County); and FAYETTE COUNTY, a political subdivision of the State of Georgia, hereinafter referred to as "GRANTEE" (GRANTOR and GRANTEE to include their respective heirs, successors and assigns where the context requires or permits).

WITNESS THAT: Grantor, for and in consideration of the sum of **TEN (\$10.00) DOLLARS** and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, alienated, conveyed, and confirmed, and by these presents does hereby grant, bargain, sell, alienate, convey and confirm unto the said Grantee the following Right of Way:

ALL that tract or parcel of land lying and being in Land Lots 225 of the 13th Land District of Fayette County, Georgia along the right of way of the 5.09-acre tract on Wagon Wheel Trail, more particularly depicted as right of way dedicated to Fayette County and described in Exhibit "A" attached hereto.

Said Exhibit "A" is, by this reference incorporated herein and made a part hereof. This instrument shall be binding upon the heirs, successors and assigns of the GRANTOR herein, and shall inure to the benefit of the successors in interest of the GRANTEE herein.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the proper use, benefit and behoof of the said Grantees in Fee Simple.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whatsoever.

IN WITNESS, WHEREOF, the GRANTOR has signed and sealed this Deed of Temporary Construction Easement, the day and year first above written.

By: Columbiana Williams
Grantor

Signed, sealed and
delivered in the presence
of:

D.S. Hens -
Witness

Deirdre P Milton
Notary Public (SEAL)



By: Wendy Parker
Grantor

Signed, sealed and
delivered in the presence
of:

D.S. Hens -
Witness

Deirdre P Milton
Notary Public (SEAL)



By: Emmanuel Johnson
Grantor

Signed, sealed and
delivered in the presence
of:

D.S. Hens -
Witness

Deirdre P Milton
Notary Public (SEAL)



EXHIBIT A

TRACT "A"
RIGHT-OF-WAY DEDICATION
ALONG Wagon Wheel Trail

All that tract or parcel of land lying and being in Land Lots 225 of the 13th Land District, Fayette County, Georgia and being more particularly described as follows:

Beginning at a 1/2" rebar found and being the northwest corner of Tract 1 per Plat Book 41 Page 146 Fayette County records and revised plat recorded in Plat Book 101, Page 72; Deed Book 5495 Pages 96-117, and being the **TRUE POINT OF BEGINNING**; Thence continuing along the southern side of said road North 53° 41' 44" East for a distance of 3.03 feet to a point; Thence continuing along the southern side of said road North 58° 31' 55" East for a distance of 36.28 feet to a point; Thence continuing along the southern side of said road North 70° 28' 36" East for a distance of 50.01 feet to a point; Thence continuing along the southern side of said North 82° 27' 45" East for a distance of 51.43 feet to a point; Thence continuing along the southern side of said road North 89° 23' 59" East for a distance of 35.64 feet to a point; Thence continuing along the southern side of said road North 84° 40' 47" East for a distance of 83.52 feet to a 1/2" rebar found; Thence leaving said road South 00° 28' 23" West for a distance of 12.01 feet to a 1/2" rebar set; Thence along a curve 87.95 feet, curving to the left, said curve having a radius of 856.05 feet, and a chord bearing North 85° 07' 39" West for a distance of 87.91 feet to a point; Thence North 89° 38' 44" West for a distance of 48.24 feet to a point; Thence along a curve 108.47 feet, curving to the left, said curve having a radius of 145.98 feet, and a chord bearing South 70° 06' 11" West for a distance of 105.99 feet to a point; Thence South 49° 42' 58" West for a distance of 19.48 feet to 1/2 " rebar set; Thence North 00° 28' 23' East for a distance of 16.84 feet to a 1/2" rebar found and being the **TRUE POINT OF BEGINNING**.

Said Tract containing 0.063 acres, as shown on Final Plat prepared by 4 Corners Surveying, Inc.

Legend

OTP=Open Top Pipe
 RBF=Rebar Found
 RBS=Rebar Set
 R/W=Right of Way
 IPF=Iron Pin Found
 P.O.B.=Point of Beginning
 B/L=Building Line
 D.E.=Drainage Easement
 N/F=Now or Formerly
 F.W.P.D.=Field Work Performed Date
 G=Gas Valve
 W=Water Meter
 U=Utility Pole
 D=Drop Inlet
 F=Fire Hydrant
 L=Light Pole
 F= Fence
 M=Drainage Manhole
 OHE=Over Head Electric Line

This Box reserved for the Clerk of the Superior Courts.



Vicinity Map
(NOT TO SCALE)

Building Lines Fr. R-75 Zoning District
 Front yard = 100' (Arterial) - 75' (Collector) - 50' (Local)
 Side yard = 25'
 Rear yard = 50'

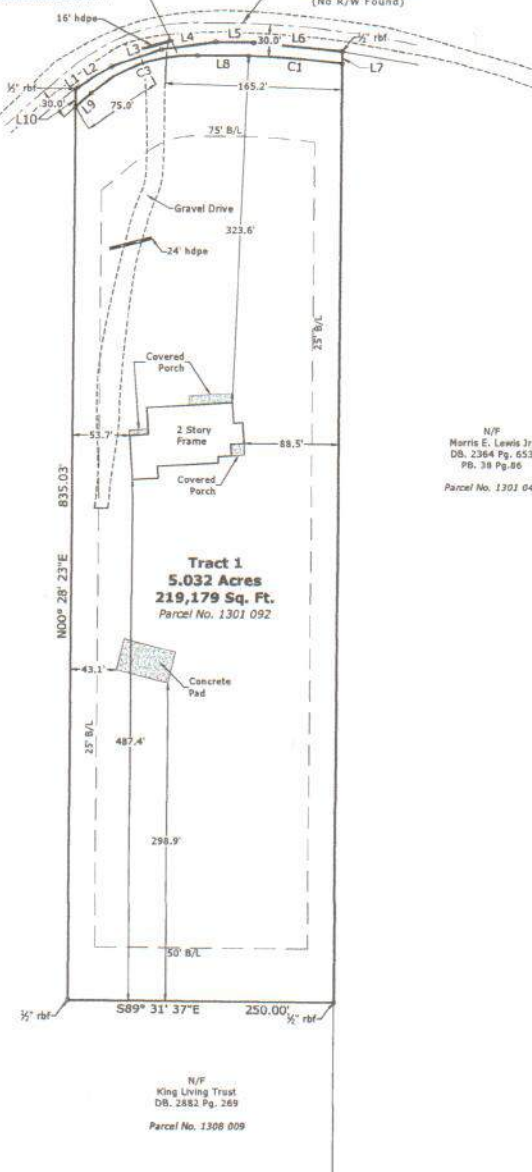
Line Table		
Line #	Direction	Length
L1	N53° 41' 44"E	3.03'
L2	N58° 31' 55"E	36.28'
L3	N70° 28' 36"E	50.01'
L4	N82° 27' 45"E	51.43'
L5	S89° 23' 59"E	35.64'
L6	S84° 40' 47"E	83.52'

R/W Tract
 0.063 Acres
 2,734 Sq. Ft.
 (For County R/W Dedication)

30' out of center of road for R/W
 dedication as per Fayette County
 Engineering Department.

Wagon Wheel Trail
 (Gravel Road)
 (Prescriptive Easement)
 (No R/W Found)

N/F
 King Living Trust
 DB, 2882 Pg. 269
 Parcel No. 1308 009



N/F
 Morris E. Lewis Jr.
 DB, 2364 Pg. 653
 PB, 38 Pg. 46
 Parcel No. 1301 044

N/F
 King Living Trust
 DB, 2882 Pg. 269
 Parcel No. 1308 009

Closure Data

Field closure=1" IN 10,000+
 Angle point error=< 20"
 Equipment used=Topcon 3005W,
 Sokkia SX, & Topcon hyper GA GPS System
 adjustment method=Compass rule
 Plat closure=1" IN 100,000+

- In my opinion this property appears not to lie within a Special Flood Hazard Area, according to FEMA Flood Insurance Rate Map for Fayette County unincorporated areas dated September 26, 2008 Map #13113C0017E.
- This survey does not constitute a title search by surveyor. The property is subject to all information regarding easements, restrictions, covenants, zoning ordinances, environmental restrictions, buffers, right-of-ways, adjunctions, and other documents that might affect the tract shown or not shown, recorded or not recorded.
- Four Corners Surveying, LLC has made no investigation as to the existence or non-existence of underground utilities and/or structures. Before any land disturbance activity begins, underground utilities should be identified and located. Four Corners Surveying, LLC assumes no liability for loss or damages caused by the discovery of or disturbance of underground utilities and/or structures.
- Declaration is made to original purchaser of the survey. Any use by third parties is at their own risk. Survey is valid only if print has original seal and original signature of surveyor.
- There was nothing on adjoining property located because permission was not given or obtained. Georgia DOES NOT have a Right of Entry Law for Surveyors.

The term "Certification" as used in Rule "180-6-.05(2) and (3)" and relating to professional engineering or land surveying services, as defined in O.C.G.A. 43-15-2(6) and (11), shall mean a signed statement based upon facts and knowledge known to the registrant and is not a guarantee or warranty, either expressed or implied.

This survey complies with both the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and the Official Code of Georgia Annotated (OCGA) 15-6-67, in that where a conflict exists between those two sets of specifications, the requirements of law prevail.

Surveyor's Certificate:

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

BY: *[Signature]*
 GA R.L.S. Ronald T. Godwin

2696
 License No.

03/29/2023
 Date

GRAPHIC SCALE 1"= 80'
 0 40 80 160



Prepared For:
**Coluneya & Oliver Weems
 & Geraldine Johnson**

310 Wagon Wheel Trail
 Parcel No. 1301 092
 Land Lot 225 of the 13th Land District
 Fayette County, Georgia

Plat/Deed Book	Page
PB. 41	146



FOUR CORNERS SURVEYING
 P.O. BOX 15 Tyrone, GA 30290 770-560-3910 & 770-823-9377
 FOUR_CORNERS@BELLSOUTH.NET 4CORNERSURVEYING@GMAIL.COM

22-034
 JOB #:
 03/29/2023
 DATE:
 03/29/2023
 F.W.P.D.:
 03/29/2023
 Scale: 1"= 80'
 Sheet: 1 of 1

COUNTY AGENDA REQUEST

Page 247 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration to accept the right-of-way dedication known as "Right of Way Dedication 1, 0.23 Acres" as shown on the Minor Final Plat of The Alvarez Estate, recorded in Plat Book 101, Pages 482-483, and the Quitclaim Deed dated June 24, 2023 per Fayette County Code requirements.

Background/History/Details:

The applicant, Ricky L. Warr and Ariadna A. Warr, created a new Minor Final Plat with Alicia D. Alvarez for properties fronting Lester Road and Ebenezer Church Road, Fayetteville, GA.

The applicant prepared the Quitclaim Deed for "Right of Way Dedication 1, 0.23 Acres" as shown on the Minor Final Plat of The Alvarez Estate, recorded in Plat Book 101, Pages 482-483, dedicated to Fayette County to increase the right of way along the parcel frontage of Lester Road to 50 ft. from centerline.

What action are you seeking from the Board of Commissioners?

Consideration to accept the right-of-way dedication known as "Right of Way Dedication 1, 0.23 Acres" as shown on the Minor Final Plat of The Alvarez Estate, recorded in Plat Book 101, Pages 482-483, and the Quitclaim Deed dated June 24, 2023 per Fayette County Code requirements.

If this item requires funding, please describe:

No funding is required.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

AFTER RECORDING RETURN TO:

RICKY L. WARR AND ARIADNA A. WARR

619 LESTER ROAD

FAYETTEVILLE, GEORGIA 30215

Parcel # 0508 093

AW
RW

Space above to be used for recording purposes.

QUITCLAIM DEED

Draw Deed Only

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made this 24 day of June, 2023, by, between, and among **RICKY L. WARR AND ARIADNA A. WARR**, individual residents of the State of Georgia, as party of the first part (hereinafter referred to as the "Grantors"), and **FAYETTE COUNTY, GEORGIA**, a political subdivision of the State of Georgia, as party of the second part (hereinafter referred to as the "Grantee")(the words "Grantors" and "Grantee" to include their respective heirs, successors, and assigns where the context requires or permits).

WITNESSETH that: Grantors, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00), and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the adequacy, receipt, and sufficiency of which is hereby acknowledged, by these presents does hereby remise, convey, and forever QUITCLAIM unto the said Grantee the following described property, to wit:

See Exhibit "A" attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantors nor any person or persons claiming under Grantors shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.



Unofficial Witness



Ricky L. Warr



Notary Public



Ariadna A. Warr



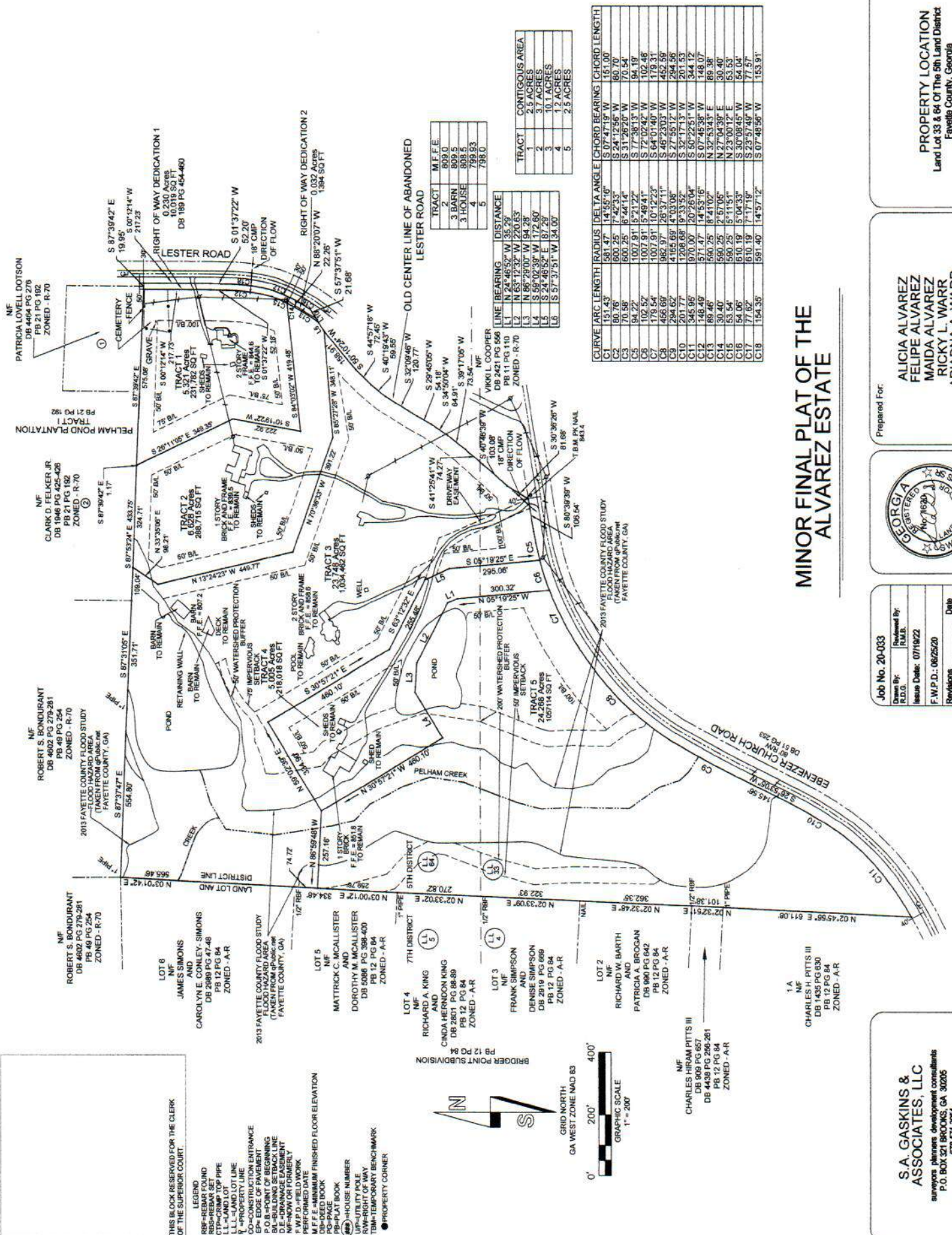
Exhibit "A"

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 64 of the 5th District of Fayette County, Georgia and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, begin at the Southwest corner of Land Lot 64, proceed THENCE along the Western Line of Land Lot 64, N 02° 33' 02" E 270.82 feet, proceed THENCE N 03° 00' 12" E 334.48 feet, proceed THENCE N 03° 01' 42" E 565.46 feet, proceed THENCE S 87° 37' 47" E 554.80 feet, proceed THENCE S 87° 31' 05" E 351.71 feet, proceed THENCE S 87° 53' 24" E 433.75 feet, proceed THENCE S 87° 39' 42" E 1.17 feet, proceed THENCE S 87° 39' 42" E 595.08 feet to a point on the Western Right-of-Way of Lester Road (60' Right-of-Way) and the POINT OF BEGINNING, proceed THENCE along the Western Right-of-Way of Lester Road S 00° 12' 14" W 217.23 feet, proceed THENCE S 01° 37' 22" W 52.20 feet, proceed THENCE along a curve to the right 154.35 feet, said curve having a radius of 591.40 feet, a chord length of 153.91 feet and a chord bearing of S 07° 48' 56" W, proceed THENCE along a curve to the right 77.62 feet, said curve having a radius of 610.19 feet, a chord length of 77.57 feet and a chord bearing of S 23° 57' 49" W, proceed THENCE N 88° 20' 07" W 22.26 feet, proceed THENCE along a curve to the left 30.40 feet, said curve having a radius of 590.25 feet, a chord length of 30.40 feet and a chord bearing of N 27° 04' 39" E, proceed THENCE along a curve to the left 53.54 feet, said curve having a radius of 590.25 feet, a chord length of 53.53 feet and a chord bearing of N 23° 00' 12" E, proceed THENCE along a curve to the left 148.49 feet, said curve having a radius of 571.47 feet, a chord length of 148.07 feet and a chord bearing of N 07° 45' 38" E, proceed THENCE N 01° 37' 22" E 52.18 feet, proceed THENCE N 00° 12' 14" E 217.73 feet, proceed THENCE S 87° 39' 42" E 19.95 feet to the POINT OF BEGINNING.

Said tract containing 0.230 Acres



MINOR FINAL PLAT OF THE ALVAREZ ESTATE

Prepared For:

ALICIA ALVAREZ
FELIPE ALVAREZ
MAIDA ALVAREZ
RICKY L. WARR
ARIADNA A. WARR



Job No. 20-033

Drawn By: R.D.G.
Reviewed By: R.D.G.
Issue Date: 07/19/22
F.W.P.D.: 06/25/20
Revisions: 12/22/22
County Comments: 06/24/23
PAGE 2 OF 2

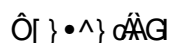
**S.A. GASKINS &
ASSOCIATES, LLC**
surveyors planners development consultants
P.O. BOX 321 BROOKS, GA 30205
678-571-3054
rdgaskins17@gmail.com

PROPERTY LOCATION
Land Lot 33 & 64 of The 5th Land District
Fayette County, Georgia

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	151.43	581.47	14°55'16"	S 07°47'19" W	151.00
C2	80.76	600.25	7°42'33"	S 24°12'56" W	60.70
C3	70.58	600.25	6°44'14"	S 31°26'20" W	70.54
C4	94.22	1007.91	5°21'22"	S 77°38'13" W	94.19
C5	102.54	1007.91	10°12'23"	S 44°04'46" W	102.46
C6	456.69	982.97	28°33'11"	S 46°23'03" W	452.59
C7	294.62	4165.69	4°03'08"	S 27°56'12" W	294.56
C8	201.77	1208.68	9°33'52"	S 32°17'13" W	201.53
C9	345.95	970.00	20°26'04"	S 50°22'51" W	344.12
C10	148.49	571.47	14°53'15"	S 07°46'38" W	148.07
C11	89.46	560.25	8°41'02"	N 32°53'43" E	89.38
C12	30.40	550.25	2°57'05"	N 27°04'39" E	30.40
C13	53.54	550.25	5°11'51"	N 23°00'12" E	53.53
C14	61.19	550.25	6°14'13"	N 19°54'48" W	61.17
C15	77.92	550.25	7°49'12"	S 07°46'56" W	77.97
C16	154.35	591.40	14°57'12"	S 07°46'56" W	153.91

TRACT	M.F.F.E.
1	809.0
2	809.0
3	809.0
4	799.93
5	799.0

LINE BEARING	DISTANCE
L1	N 23°45'52" W 35.73
L2	N 23°45'52" W 35.73
L3	N 88°29'00" W 54.38
L4	S 59°10'38" W 172.60
L5	S 24°46'52" E 87.29
L6	S 57°37'51" W 34.00



BOARD OF COUNTY COMMISSIONERS

Lee Hearn
Edward Gibbons
Eric K. Maxwell
Charles D. Rousseau
Charles W. Oddo

FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Tameca P. Smith, County Clerk
Marlena Edwards, Chief Deputy County Clerk



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES

January 9, 2025
5:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 5:00 p.m.

OATH OF OFFICE:

Probate Court Judge Angela Landgaard to administer the Loyalty Oath and Official Oath of County Commissioner of the State of Georgia to Commissioner-Elect Lee Hearn.

Judge Angela Landgaard administered the Loyalty Oath and Official Oath of County Commissioner of the State of Georgia to Commissioner-Elect Lee Hearn.

Probate Court Judge Angela Landgaard to administer the Loyalty Oath and Official Oath of County Commissioner of the State of Georgia to Commissioner-Elect Charles Oddo.

Judge Angela Landgaard administered the Loyalty Oath and Official Oath of County Commissioner of the State of Georgia to Commissioner-Elect Charles Oddo.

ORGANIZATIONAL SESSION:

Call to Order by County Attorney Dennis Davenport

County Attorney Dennis Davenport called the January 9, 2025, Board of Commissioners meeting to order. He stated that in accordance with Section 252 of the Fayette County Code of Ordinance, he had the duty and responsibility to open the first meeting of the year.

Election of Board Chairman for the year 2025

Mr. Davenport stated the process for election of the Chair of the Board. He opened the floor for nominations.

Commissioner Edward Gibbons nominated Commissioner Lee Hearn as Chairman.

Commissioner Eric Maxwell moved to close the nominations for Chair. Commissioner Gibbons seconded. The motion passed 5-0.

Commissioner Gibbons moved to elect Lee Hearn as Chairman. Commissioner Maxwell seconded. The motion passed 5-0.

Mr. Davenport turned the meeting over to Chairman Hearn.

Election of Board Vice Chairman for the year 2025

Commissioner Hearn opened the floor for nominations for Vice Chairman.

Commissioner Maxwell nominated Edward Gibbons as Vice Chair.

Commissioner Charles Oddo moved to close the nominations for Vice Chair. Commissioner Maxwell seconded. The motion passed 5-0.

Commissioner Oddo moved to elect Edward Gibbons as Vice Chairman. Commissioner Maxwell seconded. The motion passed 5-0.

OFFICIAL SESSION:

Invocation and Pledge of Allegiance by Commissioner Charles Rousseau

Commissioner Charles Rousseau offered the Invocation and led the audience in the Pledge.

Acceptance of Agenda

Chairman Hearn moved to add, to the Consent Agenda, the following:

Approval of authorization to sign checks combining any of the following two signatures for transactions at or above \$5,000.00: Chairman, Vice-Chairman, County Administrator.

Approval of authorization to sign checks for transactions in the amount of \$4,999.99 or less: Chairman, Vice-Chairman, County Administrator.

Approval of the Chairman, Vice-Chairman, and the County Administrator to execute contracts, resolutions, agreements, or other documents approved by and on behalf of the Board of Commissioners.

Commissioner Oddo moved to accept the agenda with the added items as read. Vice Chairman Gibbons seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. Recognition of the Fayette County Merry Wreath Decorating Contest winners.

County Administrator Steve Rapson recognized the winners of the 2024 Merry Wreath Decorating Contest. Third Place - Assessor's Office; Second Place – Information Technology; First Place – Public Works Department.

Public Works Director Phil Mallon accepted on behalf of Public Works. He thanked Mr. Rapson and the Board, stating that it was a fun activity, and it brought different people within the departments, that did not get to work together, a chance to work together and show their creativity. He thanked Leslie, Paola, the Sign Department, Fleet and the Road department.

2. Presentation for discussion related to HB 581, Statewide Floating Homestead Exemption and Floating Local Option Sales Tax (FLOST), and the impacts to Fayette County.

Finance Officer Sheryl Weinmann gave a presentation regarding House Bill 581. She stated that in 2024 the legislative session decided there were issues in rising property values, assessments and increase in property taxes. The legislators wanted to control the increases in property taxes and to expand sales tax options. Ms. Weinmann stated that the Bill was signed on April 18, 2024, however, it was contingent on the November 5 referendum that added the section for local government to opt out of the exemption and to give the option of a floating local option sales tax (FLOST). The voters voted and the law passed and became effective on January 1, 2025. There are some portions of the Bill that did not directly impact Fayette County. Ms. Weinmann presented the portions pertaining to Fayette County.

In accordance with the Americans with Disabilities Act, accommodations are available for those who are hearing impaired. The Board of Commissioners Agenda and supporting material for each item is available on-line through the County's website at www.fayettecountyga.gov. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at <https://vimeo.com/user133262656>.

included after the floating homestead was completed. Note: Homestead exemptions are not transferable unless it is a surviving spouse.

Ms. Weinmann continued the presentation. She stated that if the government elected to opt-out they must advertise and conduct three public hearings between January 1 and February 28, a resolution must be submitted to the Secretary of State by March 1, and if a government opted-out, there was no future opportunity to opt back in. However, there was an opportunity to come up with a different exemption. The local delegation can pass a local act of the General Assembly to implement its own local floating homestead, and each municipality and school board can decide to opt in or out separately. She stated that if the city opted-out, then the resident would have a different set of values. One for the county and one for the city.

Ms. Weinmann explained there were two changes. One revised the increased percentage of the local sales tax that a jurisdiction may levy and the other created the possibility of a new local options sales tax, contingent on the jurisdiction having a base year homestead value. She stated that the jurisdiction would have to "stay in" to take advantage of the next part.

Vice Chairman Gibbons stated that the legislators have imposed a cap on property tax assessments by local governments.

Ms. Weinmann stated that the cap was on the taxable value. This meant the Assessors were not limited to assessing a real market value. She did not want anyone to think that it capped the market value because it did not.

Vice Chairman Gibbons stated that essentially local governments were no longer relying on cost-of-living increases that go up or assessment values that go up because of good things happening in the community. The legislators have left the County with the option to levy a 1% sales tax on the citizens which was "absolutely regressive".

Ms. Weinmann stated yes, however, in this instance the 1% sales tax was not to make up for the money the County would lose. If the County decided to opt-in and do the FLOST (the 1% sales tax), then the money would go toward reducing the millage rate on the bill. The citizen would be getting an even lower tax bill. For example, the County would collect \$10M but would have to adjust the millage rate to reduce the property tax bill by \$10M.

Vice Chairman Gibbons stated, so the County would tell the voters we are lowering the property tax a little but implement a 1% sales tax. He sarcastically stated, "Oh, ok. Great. Thanks."

Ms. Weinmann stated that the FLOST could be a-half-percent or a full one percent and in order to move forward with the FLOST, the County and all the cities within the county must agree to have the floating homestead exemption and must have a property tax millage rate. The School Board's choice to opt-out would not matter because they would not be part of the FLOST collections. She stated that the Cities and County must enter into an Intergovernmental Agreement (IGA) which would be distributed with the same percentages as the SPLOST (Special Local Option Sales Tax) and LOST (Local Option Sales Tax), the duration would be five years, and the IGA would include how it would be allocated. It would also have to go on a ballot. She reiterated that FLOST proceeds were not to be used to make up loss revenues for local governments. This, in no way, would be used to make up for loss due to the floating homestead.

The estimated rollback rate was new. Ms. Weinmann stated that it would have to be on the assessment bills that went out to residents in May. She stated that the calculation would be the estimated rollback rate, less (-) the millage rate equivalent of the total net assessed value and added (+) by reassessments. She stated that this was asking the County to make a "guesstimate" in May. If the adopted millage rate, approved in August, exceeded what was placed on the assessment, then the County would have to include a disclaimer on the tax bill of the increase in the taxes owed, because the County had a millage rate that was lower than what was approved. It also removed the provision that the sale prices were the maximum allowable fair market value in the next taxable year because the tax was the CPI. It also made changes to the appeal process, modified the three-year lock

statue so taxpayers can only receive an appeal benefit if they received a value reduction. This was designed to prevent frivolous appeals. It would remove the tax estimate from the assessment notice, require every parcel in the county be appraised every three years, which the County's appraisals take place every year, and if the taxpayer did not participate in good faith, then the taxpayer would not get the 15% temporary reduction in millage rate.

Ms. Weinmann showed a sample assessment notice for informational purposes. She stated that HB 581 rewarded homeowners that resided in the community for a long period after implementation. The taxable value, multiplied by the millage rate, provided the property tax revenue to meet local budgets and service delivery to citizens. She stated that with these changes it may not. Since the floating homestead exemption showed the growth and value for residential homestead properties, it would create upward pressure on the millage rate due to loss revenue. FLOST was an option and not required, it was not available if the County or any municipalities opt-out and it would affect all millage rates.

Commissioner Oddo stated that this applied mainly to residential properties and not the commercial or industrial properties. He asked if the County could only have one millage rate.

Ms. Weinmann stated that there are different millage rates for Fire, EMS, 911.

Commissioner Oddo stated excluding those.

Ms. Weinmann stated that the millage rate would be the same for everyone. The residential had the floating homestead so the taxable value would be less so commercial would not be reduced. She stated that however, if the County did the FLOST there would be a reduction in the millage rate and the commercial properties would be included and receive the benefits of the FLOST collections.

Commissioner Rousseau asked why we did not change the millage rate in 2021, 2022 and 2023.

Ms. Weinmann stated that the Board did not change the millage rate because of the demand for public safety and public safety salary increases.

Commissioner Oddo stated that there could be a situation where the residential values could not be adjusted more than 3%, but commercial could go up. He stated that the millage rate could affect businesses and commercial and create a situation where there was a lot of animosity between the commercial establishments and residential. He stated that the Board had to find a balance.

Mr. Rapson stated that if there was a 10% increase, then the commercial / industrial properties would fill that increase associated with a higher millage rate if there was an adjustment for residential because it would impact everyone the same.

Ms. Weinmann stated that it did not make up for the loss revenue. She stated that if the House Bill did not exist, the County would receive the additional money from residential and commercial.

Vice Chairman Gibbons stated that he wanted to echo the point, he believed Commissioner Rousseau was making about 2020, 2021 and 2022. The potential increase in property taxes was governed by the CPI. He stated that there are other inflationary pressures that are placed on local governments, like recruitment and retention of public safety, that could also drive-up cost, not associated with CPI.

Commissioner Rousseau stated service delivery strategies. How will local government serve the citizens?

Vice Chairman Gibbons stated absolutely. The inflationary pressures exist outside of what the government says are the CPI and the County must provide funds to recruit and retain employees for services our citizens expect.

Mr. Rapson stated that the Bill was pushing the County back to the 2024 digest. When it was first released it was going to be pushed back two or three years before 2024. He stated that it would have immediately created a situation for the County that the School Board was in, which was an inflationary reduction in what they can do, and the solution to let teachers go, for the County it would have been letting employees go.

Commissioner Rousseau stated that our children are getting ready to suffer and have teachers dealing with larger classroom sizes. For a \$40 savings. Five Starbucks coffees.

Commissioner Oddo stated that the County would be manipulating how revenues would come in, but it would not change how the expenses come. He stated that there will be a lot of counties that will have to raise millage rates, and the taxpayers will be upset, when in reality, the expense had to be covered one way or another.

Mr. Rapson stated that this was taking something that had been complicated and made it extremely complicated. The Assessor's Office will have to track individual sales as well as timings. He stated that now residents, at homeowner's association meetings, can no longer talk about their property tax bills because they may be radically different from their neighbors if they have been in their home for a while.

He stated that staff was not recommending to opt-out, but if the Board wanted to do something there was a very limited timeframe to do so. He stated that if there was something the Board wanted to do it needed to happen quickly.

Commissioner Rousseau stated that he heard it two ways. The will of the voters have spoken, and the Board needed to respect it. He stated that he was not sure that the voters were properly educated about the vote. He stated that the Board had the opportunity to have three public hearings to evaluate what the Board wanted to do as a body. He stated that a decision needed to be made because of the short window. He stated that he did not hear any projections. He did not know if the Board wanted to entertain a motion for public hearings.

Commissioner Oddo stated that the legislators can make the County do this. If there was a reasonable situation where the Board decided to opt-out and stay opted-out, he would entertain it.

Chairman Hearn stated that he would like some time to digest this information and reach out to some of his colleagues in other counties and then direct staff on what direction to take.

No vote was taken.

PUBLIC HEARING: None.

PUBLIC COMMENT:

Speakers will be given a five (5) minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Speakers must direct comments to the Board. Responses are reserved at the discretion of the Board.

Lotta Commerford, Alexa St. Julien, Alice Jones, State Representative Derrick Jackson, Steve Sappington, Laura Line, Elaine Kilgore, Mariam, and Paul made comments of various topics to include, conditions at the Fayette County Animal Shelter, working together as a community, the passing of Charles Persons, taxes, the impact HB 581, zoning code changes, changing the Board meeting time, and increasing the number of members on the Election Board.

In accordance with the Americans with Disabilities Act, accommodations are available for those who are hearing impaired. The Board of Commissioners Agenda and supporting material for each item is available on-line through the County's website at www.fayettecountyga.gov. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at <https://vimeo.com/user133262656>.

Commissioner Maxwell stated he wanted to make a few comments. He apologized that Representative Jackson was not recognized in the previous comments. He stated that he happened to see him, but he did not jump in to say anything to Chairman Hearn, and he should have. He stated that he did not think the Chairman intended to exclude Representative Jackson.

He addressed Steve Sappington, who made comments. He stated that he received his email and spoke to the County Administrator. He stated that he thought it was an awful position he was in, and he wished there was an administrative way to fix the problem. He continued that he thought the amendment was creating a huge problem and that it would impact all five acre lots that would turn into nonconforming lots. He questioned why the Board was not informed that Mr. Sappington was so far along in the project. He stated that he did not have a clue and next time he would ask questions. He liked the suggestion to have projects this far along, grandfathered in. He stated that next time he would ask the county attorney about grandfathering the project in. He stated that he could make a motion that the start date would not go into effect until a certain number of days. He stated that he thought the Board put Mr. Sappington in a horrible position. He stated that he would support a motion to help Mr. Sappington out.

Vice Chairman Gibbons stated that he did not think that everyone understood the ramifications of what Commissioner Maxwell was asking the Board to do. The unintended consequences.

Commissioner Maxwell stated that Mr. Sappington had maps drawn and he did not know how much money had been placed in the project and this Board changed the ordinance that had a dramatic impact to his project. He stated that he did not think that was the intent of the Board.

Vice Chairman Gibbons stated that it was not, and he did not appreciate being put on the spot particularly. He stated that Commissioner Maxwell was asking the Board to consider this without any staff analysis on what the impact might be. He stated that he would love to help Mr. Sappington but he did not appreciate being put on the spot.

Commissioner Maxwell stated that it was easy to fix for Mr. Sappington.

Commissioner Rousseau stated that he did not agree. He stated that was "singular" and he did not operate on singular issues such as this.

Commissioner Maxwell stated that he did what he could, and he thought Mr. Sappington was in a terrible position.

The Board agreed.

Commissioner Rousseau stated that the decision of the Board was made based on staff recommendations. He stated that the Board only voted on the information that was before the Board. He stated that it was unfair to suggest that the Board put staff in a predicament.

Chairman Hearn asked Mr. Rapson and the County Attorney Davenport if there was an alternate way to handle this. He stated that he was not asking for an answer at this moment.

Mr. Davenport stated that there was nothing the Board could do prior to the meeting date of the Zoning Board of Appeals on February 24.

Mr. Rapson stated that staff did look at alternatives to see if he could be grandfathered in and it was not.

Commissioner Rousseau stated that was what his email response suggested. "Where was this in the process?" He stated that he was open to the conversation that when there are these type changes, to have a window of when it would take effect.

Commissioner Oddo reminded the Board that the amendment came about to help. He stated that unless the Board could really study a situation and understand what was being done, it needed to wait. He stated that if the Board started to become a compulsive Board and get caught up, that the Board would be trying to help a different situation and create another problem. He stated that the Board needed to be careful.

CONSENT AGENDA:

3. **Approval of authorization to sign checks combining any of the following two signatures for transactions at or above \$5,000.00: Chairman, Vice-Chairman, County Administrator.**
4. **Approval of authorization to sign checks for transactions in the amount of \$4,999.99 or less: Chairman, Vice-Chairman, County Administrator.**
5. **Approval of the Chairman, Vice-Chairman, and the County Administrator to execute contracts, resolutions, agreements, or other documents approved by and on behalf of the Board of Commissioners.**
6. **Approval to authorize the Fayette County Solicitor's Office to accept a continuing grant award from the Criminal Justice Coordinating Council in the amount of \$57,752.00 with the continuing grant award period beginning October 1, 2024 and expiring September 30, 2025.**
7. **Approval for Fayette County Fire and Emergency Services to accept the FY2025 Trauma Equipment Reimbursement Grant from the Georgia Trauma Commission in the amount of \$10,679.90.**
8. **Approval of the Fayette County Parks and Recreation Department to accept the Georgia Recreation and Park Association (GRPA) - Hawks Grant in the amount of \$2,380.00.**
9. **Approval of a supplemental grant award for the DUI Accountability Court for Law Enforcement in the amount of \$10,000.**
10. **Approval of the proposed South Sandy Creek Road Resurfacing Project Agreement between the City of Fayetteville and Fayette County.**
11. **Approval of the December 12, 2024, Board of Commissioners Meeting Minutes.**

Vice Chairman Gibbons moved to approve the Consent Agenda as amended. Commissioner Oddo seconded. The motion passed 5-0.

OLD BUSINESS:

12. **Request to accept the 2019 Transportation Improvement Program (TIP) grant award for the construction phase of the FY 2022 Fayette County Resurfacing SPLOST project 21TAC (GDOT PI 0017812) in the amount of \$3,742,256.30, to digitally execute the Construction Agreement with Georgia Department of Transportation (GDOT), and to issue a check payment for GDOT Construction Oversight. This item was tabled at the December 12, 2024 Board of Commissioners Meeting.**

Public Works Director Phil Mallon stated that this was an administrative item dealing with federal aid and a multi-jurisdiction resurfacing contract. He stated that the design was complete, and the construction contract awarded. He stated that this item was

In accordance with the Americans with Disabilities Act, accommodations are available for those who are hearing impaired. The Board of Commissioners Agenda and supporting material for each item is available on-line through the County's website at www.fayettecountyga.gov. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at <https://vimeo.com/user133262656>.

requesting the Board to accept the grant through Atlanta Regional Commission (ARC) and Georgia Department of Transportation (GDOT) for the construction funds, approval of the construction agreement with GDOT, and the approval of payment to GDOT for construction oversight.

Attorney Dennis Davenport stated that this was a tabled item and that a motion was on the floor.

Vice Chairman Gibbons moved to approve the 2019 Transportation Improvement Program (TIP) grant award for the construction phase of the FY 2022 Fayette County Resurfacing SPLOST project 21TAC (GDOT PI 0017812) in the amount of \$3,742,256.30, to digitally execute the Construction Agreement with Georgia Department of Transportation (GDOT), and to issue a check payment for GDOT Construction Oversight. Commissioner Rousseau seconded. The motion passed 5-0.

13. Consideration of Option #1, to have the Fayette County Marshal's Office to occupy the Old Courthouse or Option #2, to enter an agreement to have the Fayette County Historical Society occupy the additional space on the 2nd and 3rd floors. This item was tabled at the December 12, 2024 Board of Commissioners Meeting.

Vice Chairman Gibbons moved to withdraw his original motion to allow Commissioner Maxwell to make a motion for the purpose of discussion. Commissioner Rousseau withdrew the second.

Commissioner Maxwell moved to grant the Historical Society to occupy the additional space in the Old Courthouse, 2nd and 3rd floors. Motion died for lack of second.

Vice Chairman Gibbons moved to approve Option #1, to have the Fayette County Marshal's Office to occupy the Old Courthouse. Commissioner Rousseau seconded.

Commissioner Oddo stated that there was more to this decision than it seemed. There are ramifications for changing policies. When a policy was changed for one, it changed for all. He stated that the Board had to be careful in situations such as this one. He stated that both options were good, but the Board had to choose the one with the least potential harm.

Commissioner Rousseau stated that this discussion gave the Board the unique opportunity to revisit something he offered some years ago to have an evaluation completed on how the County supported the non-profit service providers that fill the gap and void where the County did not offer that service delivery. He stated that while the Historical Society found itself as a non-profit because of their status, there are others working on behalf of the community with food insecurities, lack of healthcare options, as examples, and to not have a process for those non-profit organizations that might want to use the space, and selection one over the other, presented the current challenges. He stated that he was disappointed that when the decision was made to not take on non-profits, there was still an entity using space with no fees and without giving others the opportunity to say they would like to use the space. He stated that he had serious issues with that. He expected staff, that when the Board said that was the position to take, that staff would take that position fully to avoid ambiguity and possible tension with other service providers. He stated that he would like staff to revisit looking at a process or policy because the space was taxpayer space and if a dollar amount was assigned per square foot, this organization would be getting it when others would not. He stated that as a history major, he valued the Historical Society and understood their importance, however, he wanted the County's process and procedures to be fair and clear when making decisions. He stated that the Historical Society currently occupied the first floor, Starr's Mill, and the Lee Street building. He stated that his final point was that he would like to revisit putting something in place to safeguard the Board the next time something like this happened.

Vice Chairman Gibbons moved to approve Option #1, to have the Fayette County Marshal's Office to occupy the Old Courthouse. Commissioner Rousseau seconded. The motion passed 5-0.

NEW BUSINESS:

- 14. Request to approve a recommendation from the Selection Committee comprised of Fayette County Staff, to reappoint Dr. William Yarde to the Fayette County Water Committee for a term beginning January 1, 2025 and expiring December 31, 2028.**

Dr. Yarde thanked the Board for the reappointment. He also thanked the Water Committee for their support.

Commissioner Oddo moved to approve to reappoint Dr. William Yarde to the Fayette County Water Committee for a term beginning January 1, 2025 and expiring December 31, 2028. Vice Chairman Gibbons seconded. The motion passed 5-0.

- 15. Request to award Bid #2475-B Justice Center HVAC Roof Top Units (RTU) Replacements in the amount of \$676,477.00 to Wright Brothers, Inc.**

Mr. Rapson stated that there was an award for the roof top replacement at the Justice Center. The funds from the Special Purpose Local Option Sales Tax (SPLOST) were budgeted for this purpose.

Vice Chairman Gibbons moved to approve to award Bid #2475-B Justice Center HVAC Roof Top Units (RTU) Replacements in the amount of \$676,477.00 to Wright Brothers, Inc. Commissioner Oddo seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

Mr. Rapson updated the Board on the projects including the Parks and Recreation Multi-Use Facility, Starr's Mill tunnel, Coastline Bridge Improvements, Cedar Trail Culvert Replacement, Public Health building, and Water System Update on the AMI project.

He stated that he would make a decision about closing due to the threat of inclement weather at 10 p.m. tonight or by morning. He mentioned that he sent the Board information on staffing during inclement weather and about warming stations.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Dennis Davenport stated that there were eight items for Executive Session. Seven items involving threatened litigation, and the review of the December 12, 2024, Executive Session Minutes.

COMMISSIONERS' REPORTS:

Commissioner Rousseau extended the invitation to attend the King Day Parade on Monday, January 20.

He stated that he wanted to salute the library on including books with the Meals-On-Wheel program. He stated that he really liked that and to keep up the good work.

He stated that the article in the newspaper may have caused confusion on when the health building will be open and operational. He stated that he wanted to have the ribbon cutting in February.

He sent condolences to the family and friends of Mr. Charles Persons, who was one of the youngest members of the Freedom Riders. He thanked Mr. Persons for standing in the gap, for him, someone he did not know, so many years ago.

He offered prayers for those in California dealing with the wildfires. He mentioned that he had family there and all were safe. He stated that so many lost so much.

He stated that he was open to changing the meeting times back to 6:00 p.m. He stated that he was open to entertaining that. He stated that it was true that some residents did not have time to get to the meetings in the evenings. He stated that he would speak to the Board, if open to discuss.

He congratulated Chair and Vice Chair on the appointments and stated that he looked forward to continuing to work with them.

Commissioner Oddo stated that he did his swearing-in, and he wanted to say he appreciated the privilege of serving. He stated that this was not a job he did for the fun of it, because some of the decisions take a lot of thought and he did not make them lightly or could make everyone happy. He stated that he appreciated being elected for another term.

He stated that this was the 22nd anniversary of his wife, Pily, coming from Columbia to the United States to marry him.

Chairman Lee Hearn thanked the Board for reappointing him as Chairman and he promised to continue to be fair in all his dealings. He stated that it was an honor to be the Chairman, and he did not take it lightly, but with humbleness.

Regarding public comments, he stated that he and Mr. Rapson spoke about the commercial washing machines at the Animal Shelter.

Chairman Hearn apologized for not recognizing Representative Jackson during the meeting. He stated that he did not mean to omit him.

Commissioner Rousseau also wanted to recognize Phil Frieder on his retirement.

EXECUTIVE SESSION:

Seven items involving threatened litigation, and the review of the December 12, 2024, Executive Session Minutes.

Commissioner Oddo moved to go into Executive Session. Vice Chairman Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 6:59 p.m. and returned to Official Session at 7:20 p.m.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Commissioner Oddo moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Vice Chairman Gibbons seconded. The motion passed 5-0.

Approval of the December 12, 2024 Executive Session Minutes: Commissioner Oddo moved to approve December 12, 2024, Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Vice Chairman Gibbons moved to adjourn the December 12, 2024, Board of Commissioners meeting. Commissioner Oddo seconded. The motion passed 5-0.

The January 9, 2025, Board of Commissioners meeting adjourned at 7:21 p.m.

Tameca P. Smith, County Clerk

Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 23rd day of January 2025. Attachments are available upon request at the County Clerk's Office.

In accordance with the Americans with Disabilities Act, accommodations are available for those who are hearing impaired. The Board of Commissioners Agenda and supporting material for each item is available on-line through the County's website at www.fayettecountyga.gov. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at <https://vimeo.com/user133262656>.

Tameca P. Smith, County Clerk

COUNTY AGENDA REQUEST

Page 263 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to amend Fayette County Code, Chapter 104 - Development Regulations, Article VII. Watershed Protection.

Background/History/Details:

The Fayette County Watershed Protection Ordinance, first adopted in 1987, was established to meet the Georgia Environmental Protection Division's prerequisites for developing water supply reservoirs in Fayette County. This ordinance safeguards both streams and floodplains while complying with Georgia's Environmental Planning Criteria for the protection of publicly owned large and small water supply watersheds. In 2010, the ordinance was updated to align with the buffer model ordinance requirements of the Metropolitan North Georgia Watershed Planning District.

These amendments update the definition of a utility to include path and trails which are publicly utilized with access from county right-of-way and to update the requirements for utilities to be located outside the buffers unless they will not adversely affect the water quality.

What action are you seeking from the Board of Commissioners?

Request to amend Fayette County Code, Chapter 104 - Development Regulations, Article VII. Watershed Protection.

If this item requires funding, please describe:

No funding is required for this request.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Sec. 104-180. - Definitions.

Existing:

Utility means a public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems and railroads or other utilities identified by a local government.

Proposed:

Utility Any public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems, trails/paths for public use with access from the county right-of-way, railroads or other utilities identified by a local government.

Sec. 104-182. - Minimum watershed protection requirements. (a) The following watershed buffer and setback requirements shall be required on all state waters requiring a buffer within the unincorporated county:

- (1) No sewage treatment facility, dumping, discharging, releasing, spraying, distributing of any toxic or other pollutant is allowed onto the watershed buffer and setback.
- (2) Watershed buffer areas may be hand thinned or hand trimmed of vegetation in accordance with the county's soil erosion and sedimentation control ordinance (article IX of this chapter).
- (3) Pervious hiking trails, four feet wide or less, and pervious picnic areas, 100 square feet or less and with standard-size picnic tables, will be allowed within the watershed buffer and setback, but not within the 25 foot state water buffer unless all federal permits and state variances have been granted. Any land disturbance activities are subject to articles IV and IX of this chapter.
- (4) The watershed buffer shall only constitute 50 percent of a livestock containment area.
- (5) The watershed buffer shall only extend for 1,000 feet from the wrested vegetation of state waters requiring a buffer. If the watershed buffer exceeds the said 1,000 feet then the 1,000 feet will become the watershed buffer and watershed setback will not be applied.
- (6) For subsections (c), (d) and (e) of this section only the watershed buffer may be reduced to 100 feet for activities that do not require grubbing or tilling, such as tree harvesting without stump removal, if and only if, a copy of documentation submitted to the Georgia Forestry Commission is submitted to the environmental management department prior to requesting a reduction in the watershed buffer.

ADD

- (7) With the exception of trails/paths for public use with access from the county right-of-way, utilities shall not be located within these buffers if they can feasibly be located outside these areas. All disturbances to these buffers shall require prior approval by the County and such approval shall be based on a determination that the disturbance will not adversely affect water quality

COUNTY AGENDA REQUEST

Page 265 of 271

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to approve Contract #2000-P, Badger Meter, Change Order No. 07 Meters, Endpoints and Additional Components, with a not-to-exceed amount of \$250,790.50, to provide additional adjustments for meters, endpoints and retrofit components.

Background/History/Details:

The Badger Advanced Metering Infrastructure project began full deployment mid-January 2024. FCWS has surpassed the 50% complete milestone. As a result of identified conditions and usage trends, various changes have been identified as necessary to support continued project operations.

1) The original contract prescribed 29,340 meters and 31,000 endpoints to be replaced during this project. Based on identified conditions in the field and usage trends, an additional 1,499 meters are needed, 2 retrofit components and a reduction of 100 endpoints totaling \$250,790.50.

What action are you seeking from the Board of Commissioners?

Approval of Contract #2000-P, Badger Meter, Change Order No. 07 Meters, Endpoints and Additional Components, with a not-to-exceed amount of \$250,790.50, to provide additional adjustments for meters, endpoints and retrofit components.

If this item requires funding, please describe:

The funding is available in 50740400-541210-214BA. The available balance is \$416,330.44.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



Purchasing Department
 140 Stonewall Avenue West, Ste 204
 Fayetteville, GA 30214
 Phone: 770-305-5420
 www.fayettecountyga.gov

To: Steve Rapson
 Through: Ted L. Burgess *TB*
 From: Colette Cobb *CC*
 Date: January 23, 2025
 Subject: **Contract 2000-P: Advanced Metering Infrastructure
 Change Order 7: Meters, End Points, and Additional Components**

On March 9, 2023, the Board of Commissioners awarded contract 2000-P to Badger Meter, Inc. for Advanced Metering Infrastructure (AMI). Change Orders 1 through 6 approved the addition of 1.5" and 2" E-Series meters to the project Schedule of Values, the addition of spool charges and 4: flange adapter kits for large meters to the project Schedule of Values, additional spool charges and flange adapters, rate tables and scope of work standardized solutions, meters, lids, and additional parts, and the use of extra boxes and labor.

Change Order 7 requests the addition of \$250,790.50 for meters, end points, and additional components. The project has surpassed the 50% complete progress milestone and existing conditions were identified. As a result of identified conditions, changing the quantities better reflects the scope of the infrastructure based on what is known at this stage of the project.

This Change Order displays the quantity changes in meters, end points, and additional components (Attachment 1).

Specifics of the proposed contract change order are as follows:

Contract Name	2000-P: Advanced Metering Infrastructure
Contractor	Badger Meter, Inc.
Change Order 7	Meters, End Points, and Additional Components
Not to Exceed Amount	\$12,712,905.00
Change Order 1:	
1.5" & 2" Meters	59,723.50
Allowance	(59,723.50)
Change Order 2:	
Spool Charges/4" Flange	1,091.06
Allowance	(1,091.06)
Change Order 3:	
SOV Adjustment	355,850.00
Allowance	(355,850.00)
Change Order 4:	
Work Standardization	83,335.44
Allowance	(83,335.44)

Place on County Administrator's Report? Yes No

On Agenda Dated: _____

Change Order 5:		
Meters, Lids, and Additional Parts	(5,170.44)	
Allowance	<u>5,170.44</u>	
Change Order 6:		
Extra Boxes and Labor	174,840.00	
Allowance	<u>(5,170.44)</u>	
Change Order 7:		
Meters, End Points, and etc.	<u>250,790.50</u>	
Not to Exceed Amount	\$13,133,365.06	

Budget:

Fund	507	Water CIP
Org Code	50740400	Water System CYP
Object	541210	Other Improvements
Project	214BA	AMI Water Meters
Available	\$416,330.44	As of 01/09/2025



Change Order Request Form

Utility Name	Fayette County Water Systems		
Project Name	FCWS AMI Project		
Contract No.	2000-P	Purchase Order No.	
Change Requested By:	Erin Pinch PMP	Date of Request	12/09/24
		Change Order No.	07

Description of Change Requested	The AMI project for the Fayette County Water System (FCWS) has surpassed the 50% complete progress milestone and variable or existing conditions are being identified during that process. As a result of identified conditions and usage trends, Badger Meter is proposing a change to quantities referenced in Exhibit 1 (Schedule of Values) to the contract between Badger Meter and FCWS in order to better reflect the scope of the infrastructure based on what is known at this stage of the project. Once accepted, the quantities represented in Exhibit B will be applied to the project scope documents, including the monthly pay application. Quantities will be represented as a stand-alone column on the pay app for change management purposes.
Reason Change is Required	The year-to-date <u>total</u> account service quantities provided from FCWS exceed <u>total</u> account service quantities outlined in the original contract. FCWS has acknowledged some account data duplicity and has indicated that Badger Meter should continue to assume that final account totals will be congruent with the original contract.
Support and Justification Documents Provided	Exhibit A and Exhibit B are attached

Change in Contract Price	
Original Price	\$12,212,905.00
Net Previous Change Orders	\$669,669.56
Delta this Change Order	\$250,790.50
Revised Contract Price	\$13,133,365.06

Change in Contract Time (Days)	
Original Time	912 Days
Net Previous Change Orders	0
Delta this Change Order	45 Days
Revised Contract Time	957 Days

Approver's Signature	Approver's Name	Approver's Title	Date of Approval
	Jessica O'Malley	Director Turnkey Operations	



Badger Meter

	Vanessa Tigert	Director, FCWS	
--	----------------	----------------	--



Fayette County Water System

Advanced Metering Infrastructure Project




Change Order #07

Exhibit A

Change Order #07 Summary

Item	Description (Category Adjustments)	Net Change	Notes
A1	Meters & End Points	\$ 186,440.00	See CO#07 for Qty Changes
B1	Additional Components	\$ 116.00	See CO#07 for Qty Changes
C1	Labor	\$ 64,234.50	See CO#07 for Qty Changes
Change Order Total		\$ 250,790.50	



<div>    </div>								
Fayette County Water System Advanced Metering Infrastructure Project Change Order #07 Exhibit B								
Meters & End Points			Original Scope		Proposed Adjustment		Net Change	
SOV Item #	Description	Unit Price	Original Quantity	Original Value Extended	Revised Quantity	Revised Value Extended	Net Qty Change	Net Total \$ Change
1	E-SERIES 5/8"x3/4" (7-1/2") Meter	\$ 152.00	27,997	\$ 4,255,544.00	29,468	\$ 4,479,136.00	1,471	\$ 223,592.00
2	E-SERIES SS 1" (10-3/4") Meter	\$ 184.00	548	\$ 100,832.00	605	\$ 111,320.00	57	\$ 10,488.00
3	E-Series SS, 1.5" (13")	\$ 425.00	282	\$ 119,850.00	275	\$ 116,875.00	-7	\$ (2,975.00)
4	E-Series SS, 2" ELLIPTICAL, (17")	\$ 480.00	397	\$ 190,560.00	382	\$ 183,360.00	-15	\$ (7,200.00)
6	E-SERIES BRZ 4" RND (20") Meter	\$ 2,420.00	42	\$ 101,640.00	41	\$ 99,220.00	-1	\$ (2,420.00)
7	E-SERIES BRZ 6"x18" Meter	\$ 3,600.00	27	\$ 97,200.00	28	\$ 100,800.00	1	\$ 3,600.00
8	E-SERIES BRZ 6"x24" Meter	\$ 3,800.00	7	\$ 26,600.00	3	\$ 11,400.00	-4	\$ (15,200.00)
9	E-SERIES BRZ 8"x20" Meter	\$ 4,565.00	40	\$ 182,600.00	37	\$ 168,905.00	-3	\$ (13,695.00)
11	ORION Cellular C - Endpoint Only, TT-8"	\$ 97.50	31,000	\$ 3,022,500.00	30,900	\$ 3,012,750.00	-100	\$ (9,750.00)
A1	Subtotal for Meter Adjustment		60,340	\$ 8,097,326.00	61,739	\$ 8,283,766.00		\$ 186,440.00
Additional Components			Original Scope		Proposed Adjustment		Net Change	
SOV Item #	Description	Unit Price	Original Quantity	Original Value Extended	Revised Quantity	Revised Value Extended	Net Qty Change	Net Total \$ Change
New	Registers for Badger Meter Retrofits	\$ 58.00	0	\$ -	2	\$ 116.00	2	\$ 116.00
B1	Subtotal for Additional Components Adjustment		0	\$ -	2	\$ 116.00		\$ 116.00
Labor			Original Scope		Proposed Adjustment		Net Change	
SOV Item #	Description	Unit Price	Original Quantity	Original Value Extended	Revised Quantity	Revised Value Extended	Net Qty Change	Net Total \$ Change
27	Replace 3/4" Meter - Badger	\$ 60.50	27,997	\$ 1,693,818.50	29,468	\$ 1,782,814.00	1,471	\$ 88,995.50
28	Replace 1" Meter - Badger	\$ 60.50	548	\$ 33,154.00	605	\$ 36,602.50	57	\$ 3,448.50
29.1	Replace 1.5" Meter - Badger (Revised)	\$ 225.00	282	\$ 63,450.00	275	\$ 61,875.00	(7)	\$ (1,575.00)
30.1	Replace 2" Meter - Badger (Revised)	\$ 225.00	397	\$ 89,325.00	382	\$ 85,950.00	(15)	\$ (3,375.00)
31	Retrofit 3/4" Meter - Badger	\$ 27.50	500	\$ 13,750.00	0	\$ -	(500)	\$ (13,750.00)
32	Retrofit 1" Meter - Badger	\$ 27.50	17	\$ 467.50	0	\$ -	(17)	\$ (467.50)
34	Replace 4" Meter - Badger	\$ 957.00	42	\$ 40,194.00	41	\$ 39,237.00	(1)	\$ (957.00)
35	Replace 6" Meter - Badger	\$ 1,155.00	27	\$ 31,185.00	25	\$ 28,875.00	(2)	\$ (2,310.00)
36	Replace 6" Meter - Hersey	\$ 1,155.00	7	\$ 8,085.00	6	\$ 6,930.00	(1)	\$ (1,155.00)
38	Replace 8" Meter - Hersey	\$ 1,540.00	39	\$ 60,060.00	37	\$ 56,980.00	(2)	\$ (3,080.00)
39	Replace 8" Meter - Badger	\$ 1,540.00	1	\$ 1,540.00	0	\$ -	(1)	\$ (1,540.00)
C1	Subtotal for Labor Adjustment		27,997	\$ 2,035,029.00	29,468	\$ 2,099,263.50		\$ 64,234.50