

BOARD MEMBERS

John H. Culbreth, Sr., Chairman
John Kruzan, Vice-Chairman
Danny England
Jim Oliver
Boris Thomas

STAFF

Deborah L. Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Maria Binns, Planning and Zoning Coordinator
E. Allison Ivey Cox, County Attorney

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
January 16, 2025
7:00 pm

***Please turn off or turn to mute all electronic devices during the
Planning Commission Meetings**

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the meeting held on December 05, 2024
5. Plats

PUBLIC HEARING

6. Consideration of Petition 1359-24, Applicant proposes to rezone 31.144 acres from R-45 Conditional to A-R Agricultural Residential for the purposes of developing a residential neighborhood of single-family detached homes. Property is located in Land Lots 73 & 88 of the 5th District and fronts S Jeff Davis Drive and Dixon Circle.
7. Consideration of Revised Development Plan RDP-021-24 Brechin Park, request approval of a Revised Development Plan to allow the subdivision of Parcel 0604 011 into 2 parcels, within the Brechin Park Subdivision. Property is located in Land Lot 16 & 17 of the 6th District and fronts Brechin Drive.

Meeting Minutes 12/05/2024

THE FAYETTE COUNTY PLANNING COMMISSION met on December 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
Danny England
Jim Oliver
Boris Thomas

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

NEW BUSINESS

1. Call to Order. *Chairman John H. Culbreth, Sr. called the December 5, 2024, meeting to order at 7:00 pm.*
2. Pledge of Allegiance. *Chairman John H. Culbreth, Sr. offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Danny England made a motion to approve the agenda. John Kruzan seconded the motion. The motion carried 5-0.*
4. Consideration of the Minutes of the meeting held on November 7, 2024. *Danny England made a motion to approve the minutes of the meeting held on November 7, 2024. John Kruzan seconded the motion. The motion carried 5-0.*
5. Plats
 - a. Minor Final Plat of Bakersfield Farms, Lot 11A and 11B (Fronts on Old Farm Road).

Ms. Bell presented this plat and explained that it was to create two lots from a 20 acre parcel, they went through the revised development process and the plat has been reviewed and approved by staff.

Chairman John H. Culbreth asked if there were any questions from the commissioners.? No one responded.

Danny England made the motion to approve the Minor Final Plat of Bakersfield Farms, Lot 11A and 11B (Fronts on Old Farm Road). Jim Oliver seconded the motion. The motion passed 5-0.

- b. Minor Final Plat of Diamond Ridge (Fronts on Ebenezer Road).

Ms. Bell explained the Minor Final Plat of Diamond Ridge created seven tracts as she has shown on the screen, and this has been reviewed and approved by staff.

Chairman John H. Culbreth asked if there were any questions from the commissioners.? No one responded.

John Kruzan made the motion to approve the Minor Final Plat of Diamond Ridge (Fronts on Ebenezer Road). Jim Oliver seconded the motion. The motion passed 5-0.

PUBLIC HEARING

6. Consideration of Petition 1360-24, Applicant proposes to rezone 55.8+/- acres from C-H (Highway Commercial) Conditional to M-1 (Light Industrial) for the purposes of constructing a Distributing Warehouse. Property is located in Land Lots 233 of the 5th District and fronts N. Highway 85, Corinth Road, and Carter Road.

Ms. Bell explained that petition 1360-24 must be readvertised and reposted for March 6, 2025, meeting.

Danny England moved to table Petition 1360-24 to be readvertised for the hearing to be held before the Planning Commission on Thursday, March 6, 2025, at 7:00 PM and before the Board of Commissioners on Thursday, March 27, 2025, at 5:00 PM. Boris Thomas seconded the motion. The motion passed 5-0.

7. Consideration of the Fayette County Planning Commission 2025 Calendar Schedule.

Ms. Bell presented the official 2025 calendar as shown, she explained the first column shows the application filing deadline to allow staff time to properly prepare for advertisements, the center column is the planning commission hearing dates, and the third column is the board of commissioners meeting dates.

Chairman Culbreth pointed out that the board would like to change the January 2 meeting to January 16.

Ms. Bell responded we thought the discussion was to keep it for the second, but this will be our opportunity to make changes.

Mr. Danny England responded it would be a good idea to change it to next week's meeting.

Ms. Bell responded to confirm, that we cannot move it to the 9th because it is a board commissioner meeting, but we can move it to January 16th. Everyone agreed to it.

Danny England made a motion to approve as amended to change January 2, 2025, to January 16, 2025, for the 2025 Planning Commission Calendar. John Kruzan seconded the motion. The motion carried 5-0.

ADJOURNMENT:

Danny England moved to adjourn the meeting. John Kruzan seconded. The motion passed 5-0.

The meeting adjourned at 7:09 p.m.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:

JOHN H. CULBRETH, SR., CHAIRMAN

**DEBORAH BELL
DIRECTOR, PLANNING & ZONING**

PETITION No. 1359-24

REQUESTED ACTION: Rezone 31.144 acres from R-45 Conditional to A-R

PARCEL NUMBER: 0519 002

EXISTING ZONING: R-45 Conditional

PROPOSED ZONING: A-R

EXISTING USE: Residential

PROPOSED USE: Agricultural-Residential

LOCATION: 865 S Jeff Davis Drive and Dixon Circle

LOT SIZE: 31.144 Acres

DISTRICT/LAND LOT(S): 5th District, Land Lots 88, 73

OWNER(S): Jerry M. Gable

AGENTS: Christine Flanigan

PLANNING COMMISSION PUBLIC HEARING: January 16, 2025, at 7:00 PM

BOARD OF COMMISSIONERS PUBLIC HEARING: February 27, 2025, at 5:00 PM

REQUEST

The applicant is requesting to rezone the property from R-45 Conditional to A-R.

STAFF ASSESSMENT & RECOMMENDATION

The lot is a legal lot of record and meets or exceeds all the requirements of the A-R zoning district. The Future Land Use Map designates this area as Low-Density Residential, which has a 1-acre minimum parcel size. A-R has a 5-acre minimum parcel size so it will be a less intensive zoning than R-45. Therefore, staff recommends **CONDITIONAL APPROVAL** of the request to rezone from R-45, Conditional to A-R, subject to the following conditions:

1. The existing house on the parcel does not meet the building setback requirements for A-R and shall be demolished within 90 days of approval of the rezoning or prior to application

for any future rezonings or minor final plats, whichever comes first.

2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 50-ft of right of way as measured from the existing centerline of South Jeff Davis Road for the full width of the parcel.
3. No new parcels may be created unless and until a paved road, constructed to County Standards and with a 60' dedicated right-of-way, is constructed at the present end of Dixon Circle as shown on the survey provided with the application.

Staff has discussed these conditions with the applicant's agent, and they accept these conditions.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The subject property was rezoned from A-R to R-45, Conditional, on April 23, 1987.

The conditions of zoning for Petition No. 619-87 were as follows:

1. To the owner's agreement to the following site development considerations:
 - a. To limit the exit/entrance on Jeff Davis Drive to no more than two (2) which will be separated by at least 700 feet.
 - b. That no lot shall have direct (driveway) access to Jeff Davis Drive.
 - c. That Dixon Circle shall not tie-in to Jeff Davis Drive or any proposed street that will tie-in to Jeff Davis Drive.
 - d. That the zoning shall be upgraded to R-45.

Staff notes regarding the relationship of the prior conditions, the property configuration, and the current rezoning request:

- Regarding the number of curb cuts that could be developed on this property, the property has 800' of road frontage on South Jeff Davis. If it is zoned A-R, due to the shape of the property no more than 2 lots can be developed with frontage on South Jeff Davis. At the narrowest portion of the lot, about halfway between the north and south edges, the property is only 60' wide; a new parcel must have 100' of width all the way to the buildable portion of the lot. Therefore, no new 'flag lot' leading to the south portion of the property could be created here since it is less than 100'.

The area between this narrow point and South Jeff Davis contains about 11 acres, which would yield only 2 lots with frontage and access on South Jeff Davis. The net result will be fewer vehicle trips per day than there would have been if this area were developed according to the original Woodlands Preliminary Plat, which would have allowed 4 lots in addition to the Tract F parcel, which also had a house.

- Regarding the frontage on Dixon Circle, the applicant is aware that all required road frontages must be satisfied before the parcel can be subdivided. This includes providing the required frontage on Dixon Circle, as specified in Sec. 110-67. – Street frontage for access. No subdivision of property can take place unless proper road frontage is available for all parcels that might be created here. This will require the construction of a road meeting County standards, and the dedication of a full-width right-of-way for said road.

This southern portion of the property is approximately 20 acres, which will allow at most 4 lots if additional road frontage is provided. The net result will be fewer vehicle trips per day than there would have been if this area were developed according to the original Woodlands Preliminary Plat, which would have allowed 13 lots in this area. Please refer to the Master Plan on page 14 of this report for an illustration of the area.

B. ADJACENT ZONING AND FUTURE LAND USE

Most parcels surrounding the subject property are zoned A-R; a few are R-40 and R-70. The Future Land Use Map for this property and all the surrounding properties is Rural Residential-2, 1 Unit/2 Acres. See the attached Zoning Map and Future Land Use Map.

Direction	Acreage	Zoning	Use	Future Land Use Plan
North (across S. Jeff Davis Rd.)	5.0; 3.5	A-R; R-45	Single-Family Residential	Low Density Residential (1 unit /1 acre)
East	100+	R-45	Single Family Residential	Low Density Residential (1 unit /1 acre)
South	100+	R-45	Single Family Residential & Agricultural	Low Density Residential (1 unit /1 acre)
West	15; 43	R-45; A-R	Single Family Residential & Agricultural	Low Density Residential (1 unit /1 acre)

C. DEPARTMENTAL COMMENTS

- Water System** – No objections.
- Public Works/Environmental Management** – Any improvements on the site must meet all regulations, including but not limited to MFFE (Minimum Finished Floor Elevations).
- Fire** – No comments.
- Environmental Health** - This office has no objection to the proposed rezoning.
- GDOT** – Not applicable, not on State Route.

ZONING DISTRICT STANDARDS

Sec. 110-125. A-R, Agricultural-Residential District.

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

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

- (1) Single-family dwelling;
- (2) Residential accessory structures and uses (see article III of this chapter);
- (3) 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;
- (4) Plant nurseries and greenhouses (no sales of related garden supplies);
- (5) Raising of livestock; aquaculture, including pay fishing; apiary (all beehives shall comply with the required setbacks); and the sale thereof; and
- (6) One semi-trailer/box truck utilized as a farm outbuilding, provided the property is a minimum of five acres and the semi-trailer/box truck is only used to store agricultural items.

(c) *Conditional uses.* The following conditional uses shall be allowed in the A-R zoning district provided that all conditions specified in article VII of this chapter. Conditional uses, nonconformances, transportation corridor overlay zone, and commercial development standards are met:

- (1) Aircraft landing area;
- (2) Animal hospital, kennel or veterinary clinic;
- (3) A-R bed and breakfast inn;
- (4) A-R wedding/event facility;
- (5) Cemetery;
- (6) Church and/or other place of worship;
- (7) Colleges and university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
- (8) Commercial driving range and related accessories;
- (9) Child care facility;
- (10) Deer processing facility.
- (11) Developed residential recreational/amenity areas;
- (12) Farm outbuildings, including horse stables, auxiliary structures, and greenhouses (permanent or temporary);
- (13) Golf course (minimum 18-hole regulation) and related accessories;

- (14) Home occupation;
- (15) Horse show, rodeo, carnival, and/or community fair;
- (16) Hospital;
- (17) Kennel (see animal hospital, kennel, and/or veterinary clinic);
- (18) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;
- (19) Processing, packaging, or handling of perishable agricultural products (i.e. fruits and vegetables) which are grown on premises;
- (20) Recreation centers and similar institutions owned by nonprofit organizations as so registered with the state secretary of state office;
- (21) Religious tent meeting; and
- (22) Shooting range, outdoor.

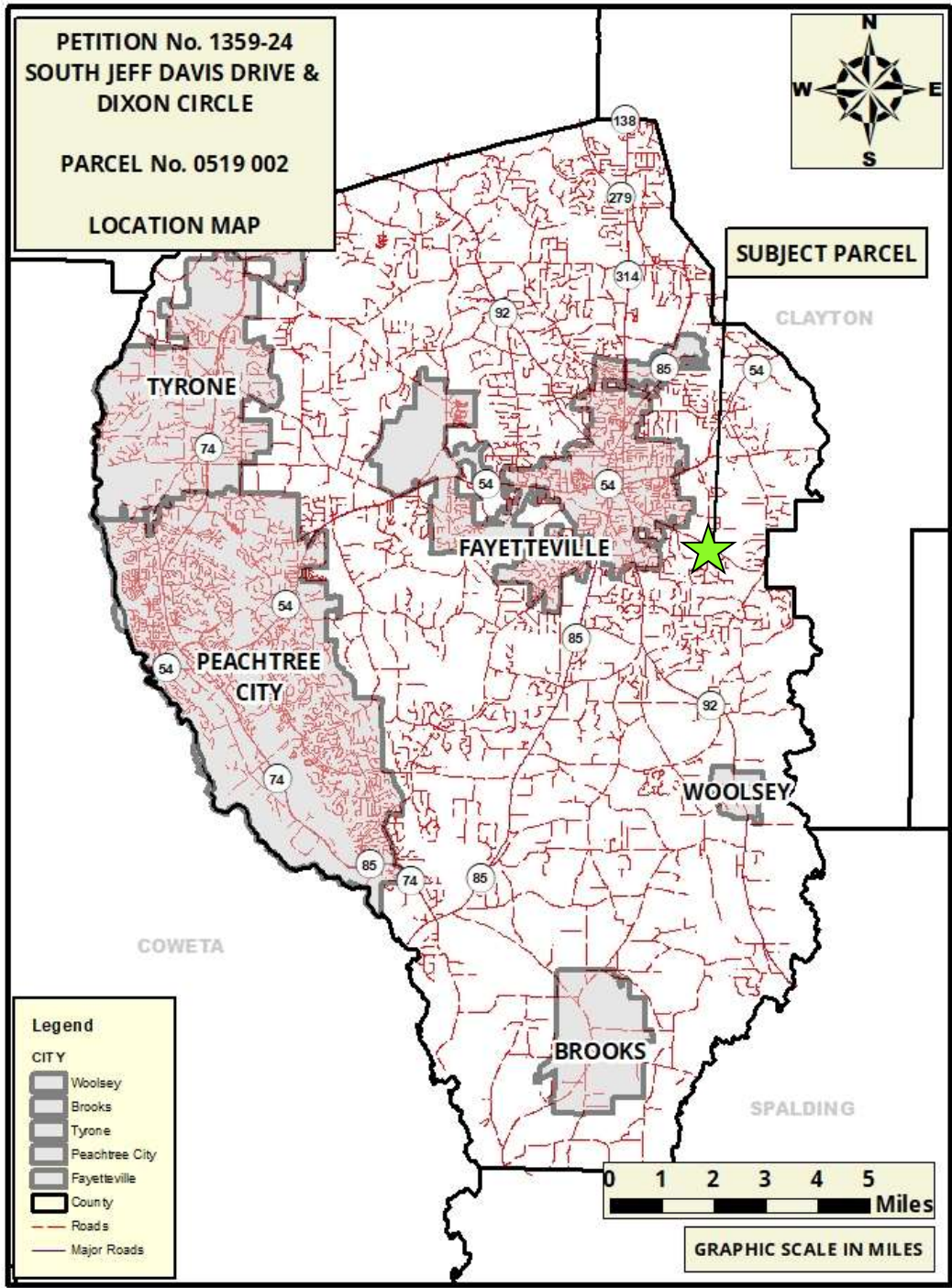
(d) *Dimensional requirements.* The minimum dimensional requirements in the A-R zoning district shall be as follows:

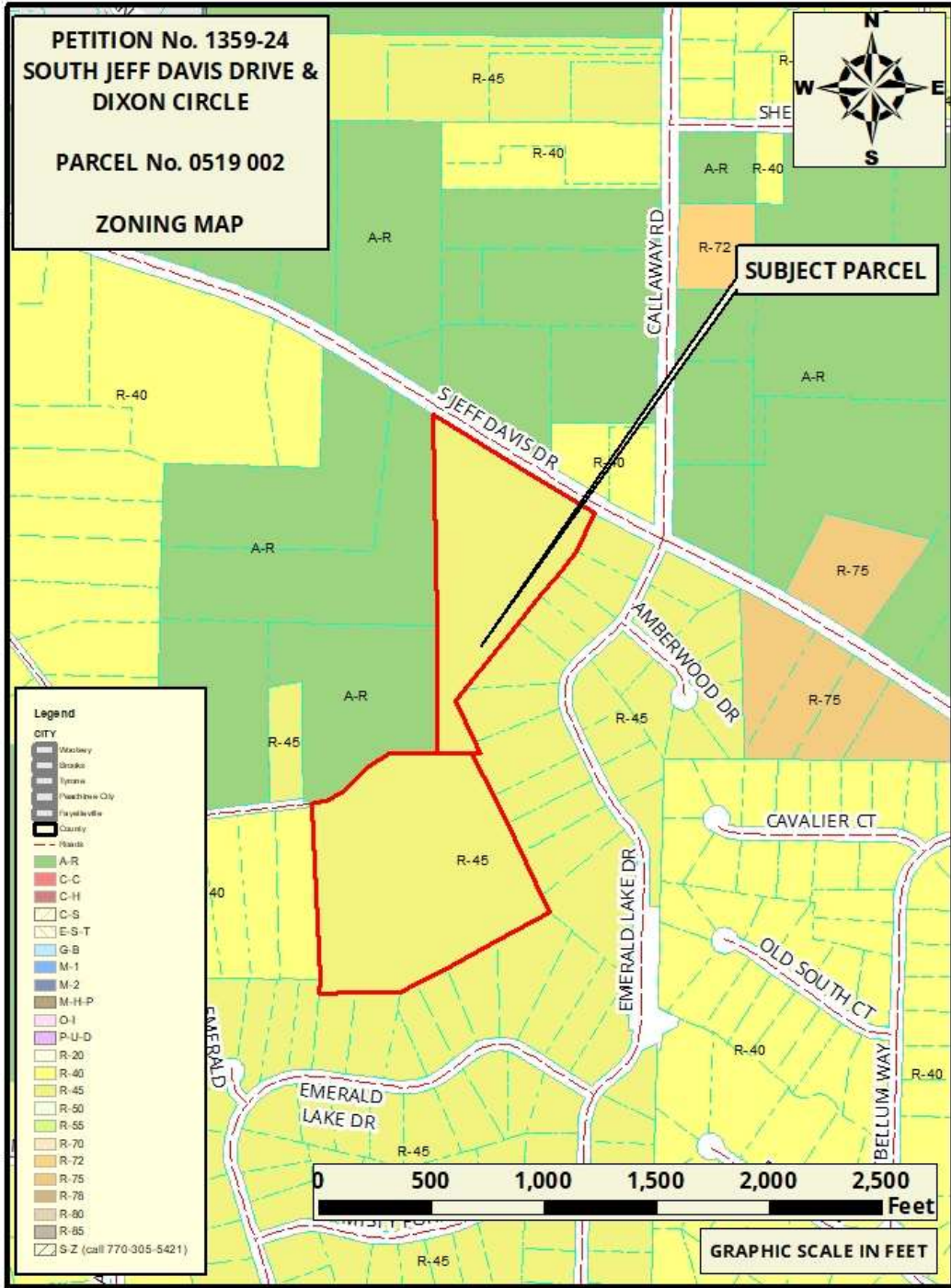
- (1) Lot area: 217,800 square feet (five acres).
- (2) Lot width: 250 feet.
- (3) Floor area: 1,200 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 100 feet.
 - 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
- (5) Rear yard setback: 75 feet.
- (6) Side yard setback: 50 feet.
- (7) Building height.
 - a. 35 feet as defined in article III of this chapter.
 - b. The limitation on height shall not apply to agricultural structures such as storage barns, silos, or other types of structure not normally designed for human occupation except that when an agricultural structure exceeds the maximum building height the minimum distance from property lines to any building shall be increased one foot for every two feet or part thereof of building height over 35 feet.

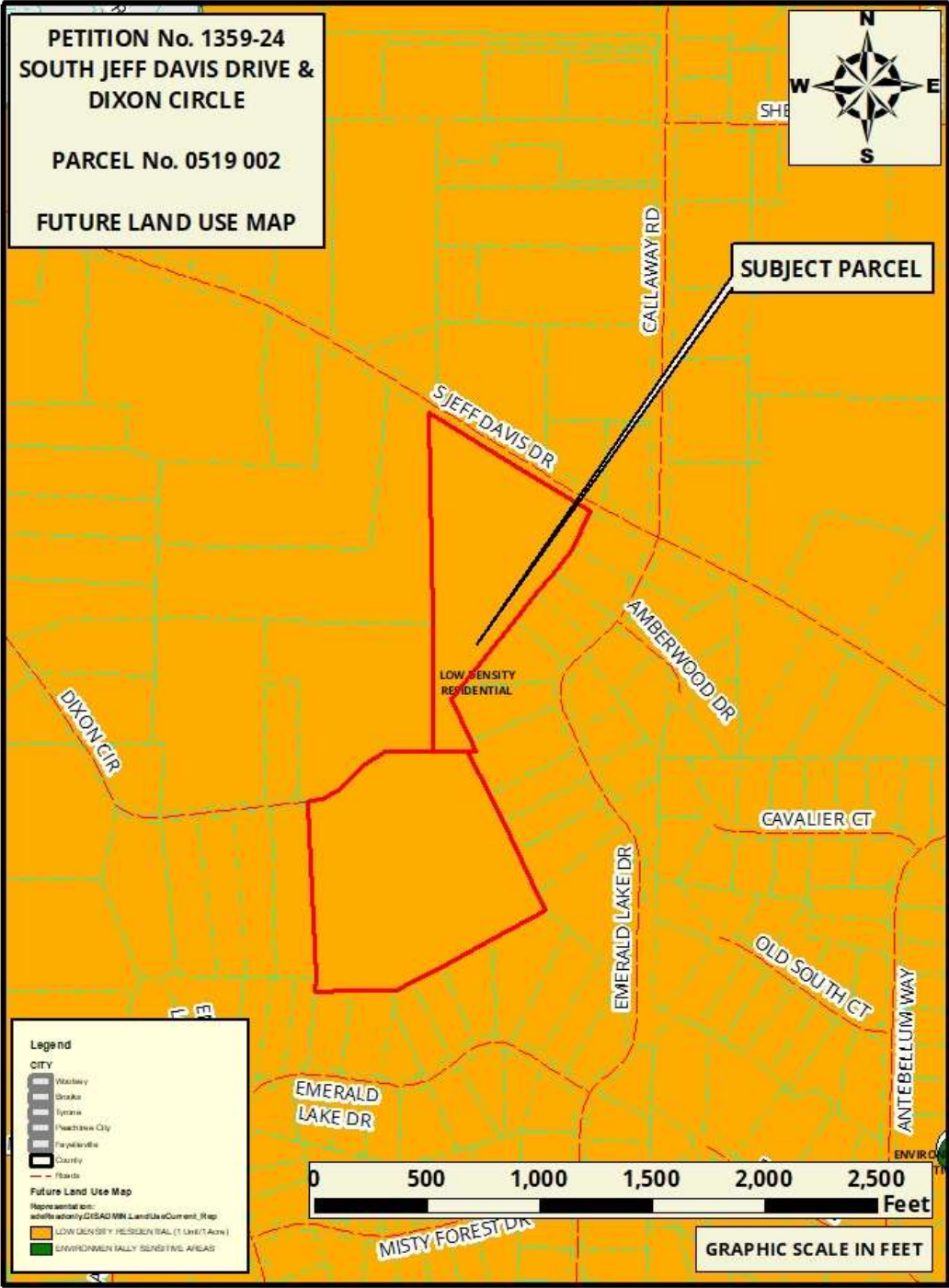
(e) *Special regulations.* Prior to the issuance of development and/or building permits, a site plan, as applicable, shall be submitted to the zoning administrator and approved by the appropriate county officials. This requirement shall apply to all permitted uses and conditional uses allowed in the AR zoning district except single-family dwellings; residential

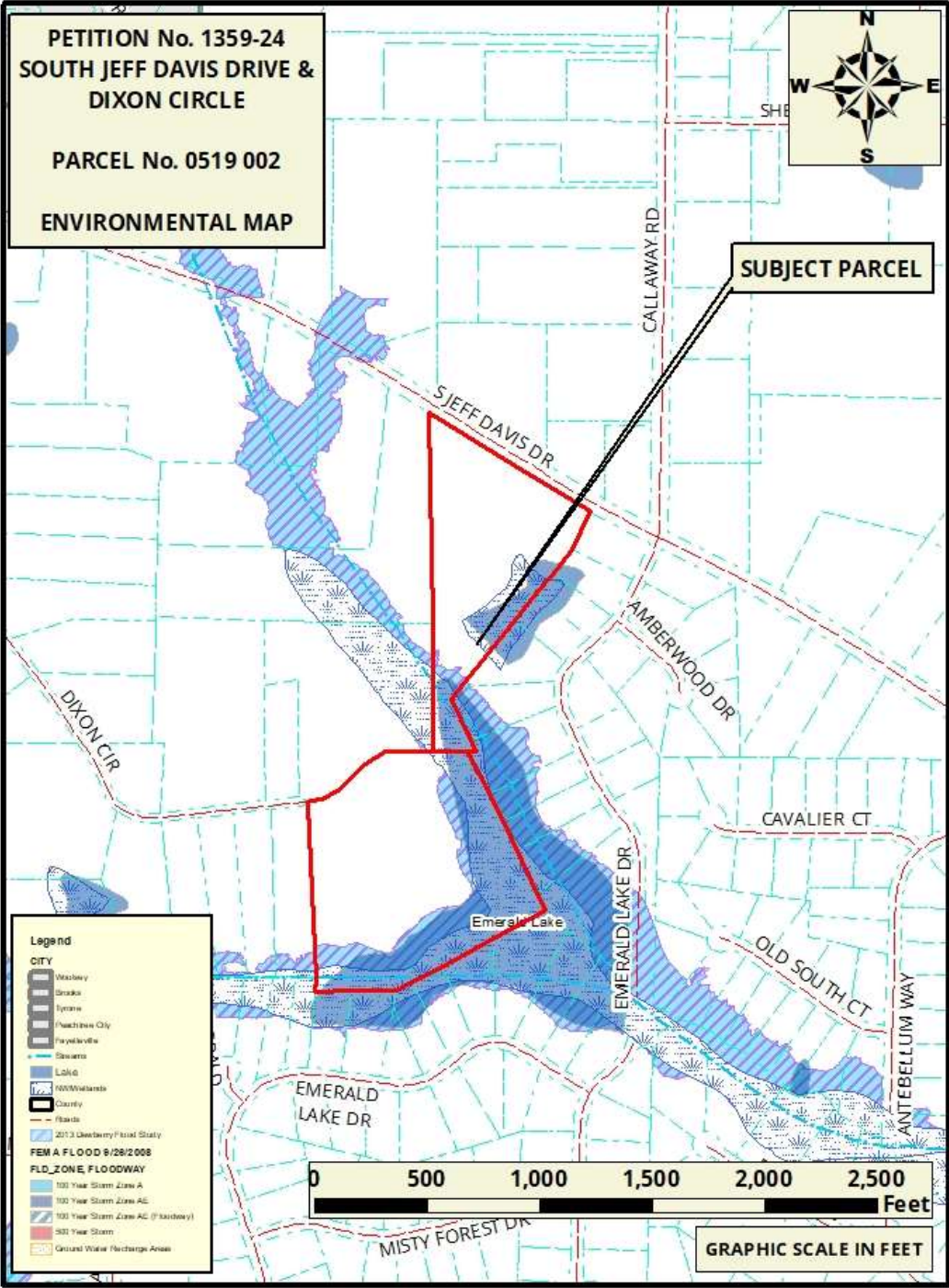
accessory structures; growing crops and the on-premises sale of produce at agricultural stands of 100 square feet or less of floor area; growing and seasonal sale of Christmas trees; plant nursery, landscape tree farm, or greenhouse operations existing prior to the effective date of June 26, 2003; and the raising and/or selling of livestock.

(Code 1992, § 20-6-1; Ord. of 7-28-2011; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-13, § 4, 12-13-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2014-19, § 6,7, 12-11-2014; Ord. No. 2015-05, § 2, 3-26-2015; Ord. No. 2016-12, § 3, 7-28-2016; Ord. No. 2017-04, § 2, 3-23-2017; Ord. No. 2018-03, §§ 11, 12, 9-22-2018)

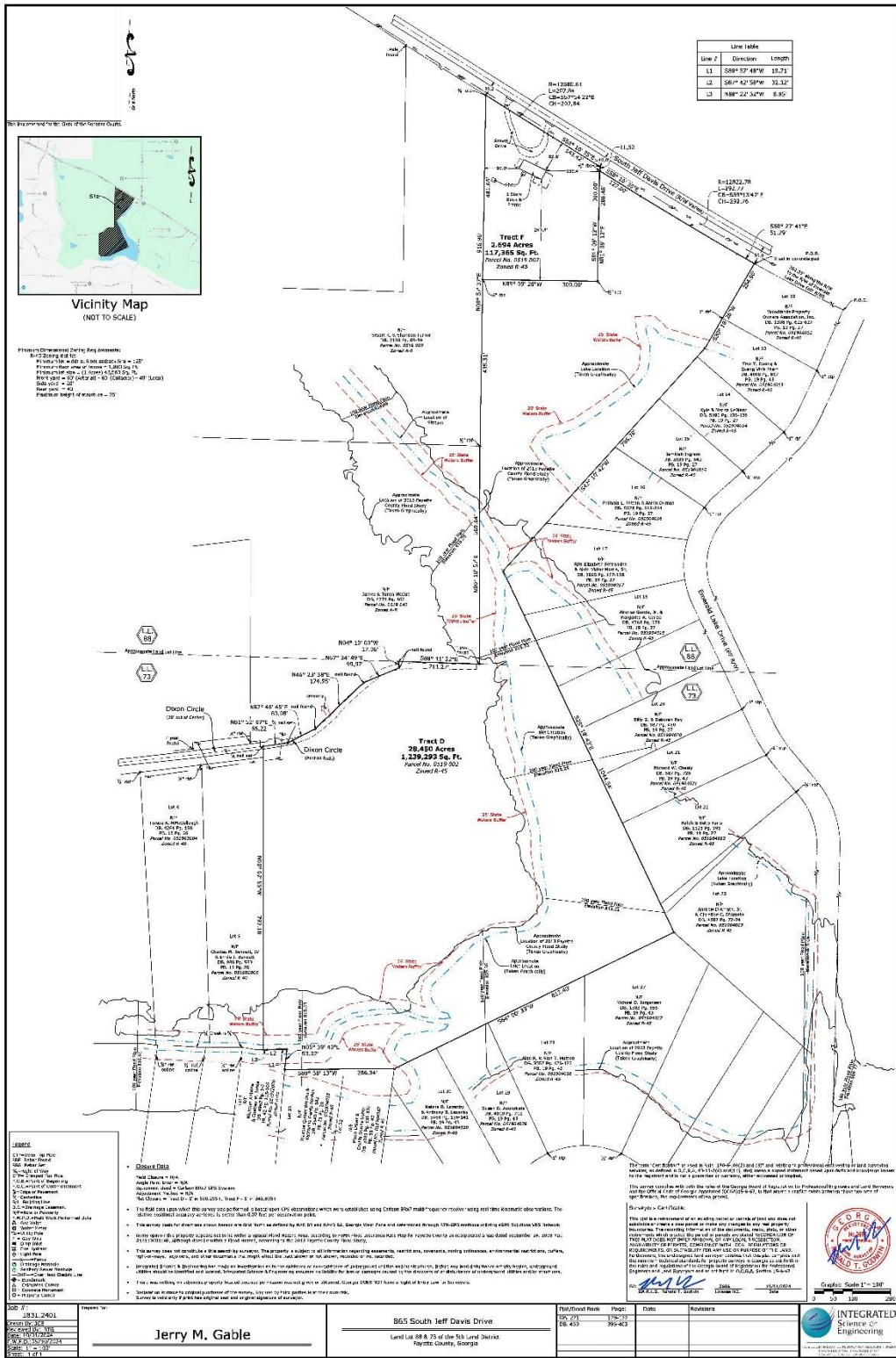




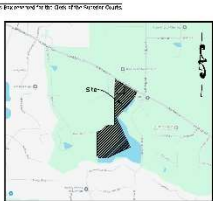








Line	Bearing	Length
Line 1	S89°32'48"W	52.21
Line 2	S68°42'58"W	32.32
Line 3	N88°22'34"W	8.95



Platting Commission Survey Requirements
 1. All bearings to be true North unless otherwise noted.
 2. All distances to be in feet and decimals thereof.
 3. All bearings and distances to be rounded to the nearest 0.01 feet.
 4. All bearings to be rounded to the nearest 0.1 minutes.
 5. All distances to be rounded to the nearest 0.01 feet.
 6. All bearings and distances to be rounded to the nearest 0.01 feet.
 7. All bearings and distances to be rounded to the nearest 0.01 feet.
 8. All bearings and distances to be rounded to the nearest 0.01 feet.
 9. All bearings and distances to be rounded to the nearest 0.01 feet.
 10. All bearings and distances to be rounded to the nearest 0.01 feet.

- 1. The platting commission shall have the right to require the surveyor to re-survey any part of the plat if it is found to be incorrect.
- 2. The surveyor shall be responsible for the accuracy of the survey and for the payment of all taxes and fees.
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- 10. The surveyor shall be responsible for the accuracy of the survey and for the payment of all taxes and fees.

865 South Jeff Davis Drive
 Land Lot 88 & 75 of the 5th Land District
 BAYVIEW COUNTY, GEORGIA

Jerry M. Gable

Professional Seal: JERRY M. GABLE, Surveyor, No. 12345, State of Georgia

Scale: 1" = 100'

1359-24

PETITION No (s):

STAFF USE ONLY

APPLICANT INFORMATION

Name Jerry M. Gable

Address 663 Clear Creek Valley Dr

City Ellijay

State GA Zip 30536

Email _____

Phone _____

PROPERTY OWNER INFORMATION

Name Jerry M. Gable

Address 663 Clear Creek Valley Dr.

City Ellijay

State GA Zip 30536

Email jmgable4982@hotmail.com

Phone 770-993-9392

AGENT(S) (if applicable)

Name Christine Flanigan

Address 665 Hwy 74S, Suite 110

City Peachtree City

State GA Zip 30269

Email chris.flanigan@harrynorman.com

Phone 404-307-1654

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: _____ Date: _____

DATE OF PLANNING COMMISSION HEARING: October 3, 2024

DATE OF COUNTY COMMISSIONERS HEARING: October 24, 2024

Received from Christine Flanigan a check in the amount of \$ 450.00 for application filing fee, and \$ 40.00 for deposit on frame for public hearing sign(s).

Date Paid: 8/9/2024 Receipt Number: _____

✓ getting owner
OK 8/27
affidavit notarized

1359-24

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

PROPERTY INFORMATION (please provide information for each parcel)

STAFF USE ONLY
Tract A = 19.647
Tract B = 11.74

Parcel # (Tax ID): 0519 002 Acreage: 31.421
Land District(s): 5 Land Lot(s): 88, 73
Road Name/Frontage L.F.: S Jeff Davis/Dixon Rd Road Classification: _____
Existing Use: Vacant Land Proposed Use: Single Family Residential Home
Structure(s): 1 Type: House Size in SF: 2826
Existing Zoning: R-45 Conditional 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.: _____ 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:

Jerry M. Gable

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0519 002

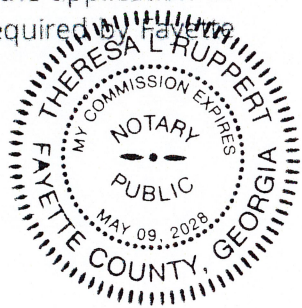
(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 73 of the 5th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of _____ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Christine Flanigan 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.

(II) Jerry M. Gable
 Signature of Property Owner 1
663 Clear reek Valley Dr, Ellijay, GA 30536
 Address

Theresa L. Ruppert
 Signature of Notary Public
8-9-2024
 Date



 Signature of Property Owner 2

 Address

 Signature of Notary Public

 Date

 Signature of Property Owner 3

 Address

 Signature of Notary Public

 Date

 Signature of Authorized Agent

 Address

 Signature of Notary Public

 Date

PETITION No.: _____

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned)

NAME: Jerry M. Gable

ADDRESS: 663 Clear Creek Valley Dr., Ellijay, GA 30536

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

Jerry M. Gable 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 \$ 450.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to _____.

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:

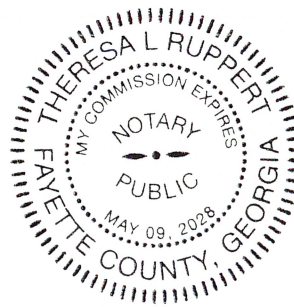
PUBLIC HEARING to be held by the Planning Commission of Fayette County on the day of October 3, 20 24 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of October 24, 20 24 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 9 DAY OF August, 20 24

Jerry M. Gable
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER
Theresa L. Ruppert
NOTARY PUBLIC



REZONING

PETITION No.: _____

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned)

NAME: Jerry M. Gable

ADDRESS: 663 Clear Creek Valley Dr., Ellijay, GA 30536

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

Jerry M. Gable 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 \$ 450.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to _____.

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- See attached legal description on recorded deed for subject property or
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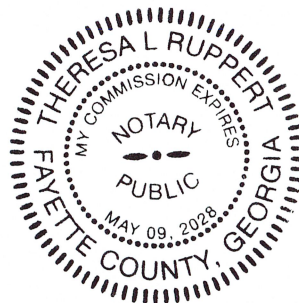
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SWORN TO AND SUBSCRIBED BEFORE ME THIS 9 DAY OF August, 20 24

Jerry M. Gable
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER
Theresa L. Ruppert
NOTARY PUBLIC



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.

From: [Chris Flanigan](#)
To: [Deborah L Bell](#); [Deborah Sims](#)
Subject: Rezoning of S. Jeff Davis Parcel for Jerry Gable
Date: Wednesday, November 27, 2024 4:03:57 PM

External Email Be cautious of sender, content, and links

Good afternoon Ladies.

This is a formal request of the council for the January Board meeting to review the rezoning of Mr. Gables Land. Currently it is zoned R-45 Conditional. Mr. Gable would like it to be rezoned AR.

Thank you for your assistance.

Chris Flanigan

Representative for Mr. Jerry Gable

Chris Flanigan, Realtor®

Results that move you!

Your Trusted Ramsey Professional

ABR, ePro, SRES, ASR, SFR, CMRS, QSC, RENE, GRI, CRS

Senior Success Circle

2010-2023 Circle of Achievement Recipient

2019 Phoenix Award Recipient

Chris.Flanigan@HarryNorman.com

Harry Norman, REALTORS® Peachtree City Office

665 Hwy 74 S | Peachtree City, GA 30269

HarryNorman.com

C: 404-307-1654 |

O: 770-632-8526 | F: 770-486-8860

Search for your next home at: ChrisFlanigan.HarryNorman.com

Check out My Mobile App at: <http://app.harrynorman.com/chrisflanigan>

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original message (including any attachments).



STATE OF GEORGIA,

FAYETTE County.

THIS INDENTURE, made this 9th day of February in the year of our Lord One Thousand Nine Hundred and eighty-three

between EARL GABLE of the State of Georgia and County of Coweta of the first part and JERRY M. GABLE of the State of Georgia and County of Cobb of the second part

WITNESSETH; That the said part... of the first part, for and in consideration of the sum of Other valuable consideration and Ten (\$10.00) 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 grant, bargain, sell and convey unto the said part of the second part, himself, his heirs and assigns, all that tract or parcel of

land lying and being in LL 87, 88, & 105 in the 5th Land District & 496 District G.M. Fayette County, Georgia about 2 1/2 miles east from Fayetteville, Georgia, containing one hundred four and twenty three one hundredths (104.23) acres, more or less, according to plat thereof made by J. O. Lee, County Surveyor, in June, 1952, and recorded in Deed Book 35, at page 379, in office of Clerk Superior Court of Fayette County, Georgia which plat and the record thereof are by reference incorporated herein. Said land is bounded as follows: On north by lands of C. B. Callaway and H. A. Mayfield, on east by Public Road; H. S. Mayfield, W. W. Betsill & E. B. Welden Estate; on south by Dickson lands and tract no. 2 below; and on west by Dickson lands and Mrs. Jennie Farrer lands.

TRACT NO. 2

All that tract or parcel of land lying and being in the 5th District of Fayette County, Georgia about 2 1/2 miles east from Fayetteville, Georgia, the eastern part of LL 73 as shown on plat of same prepared by Lee Engineering Company dated June 29, 1959, and recorded in Plat Book 1, page 121, Fayette County records, which plat and the record thereof are by reference incorporated herein; which land is more particularly described as follows: BEGINNING at the northeast corner of LL 73, running west along the north boundary of said lot a distance of 1565 feet to a corner; thence south 30 minutes east 1016 feet to a corner in a stream; thence westerly along the stream 730 feet to a road, formerly public; thence southerly along the center of the roadway 2230 feet to the south boundary of Land Lot 73; thence east 1756 feet to the southeast corner of said Land Lot; thence north along the east boundary of the lot 2950 feet to the point of beginning; containing one hundred twenty-two (122) acres, more or less according to the Lee Engineering Company Survey.

EXCLUDED FROM the herein described property are conveyance made by the Grantor, Earl Gable as follows:

- 1. Warranty to Jack L. Dickson dated March 1, 1978 and recorded in Deed Book 176, page 158, Fayette County Records.
2. Warranty Deed to Evelyn N. Pruitt dated March 31, 1978, recorded in Deed Book 177, page 560, Fayette County Records.
3. Warranty Deed to Phillip and Jane Anderson dated November 18, 1977, recorded in Deed Book 172, page 407, Fayette County Records.
4. Warranty Deed to Doug Cole dated October 7, 1977, recorded in Deed Book 169, page 760, Fayette County Records.
5. Warranty Deed to Charles C. Kilpatrick, Jr., recorded in Deed Book 169, page 762, Fayette County Records.
6. Warranty Deed to A. C. and Flora M. Garrison dated October 3, 1977, recorded in Deed Book 169, page 766, Fayette County Records.
7. Warranty Deed to C. W. Ferguson and Edgar C. Wendling, dated October 7, 1977, recorded in Deed Book 169, page 769, Fayette County Records.
8. Warranty Deed to Jerry Dickson, dated 10-27-77, recorded (Cont. back)

BOOK 211 PAGE 177

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 Jerry M. Gable the said part Y of the second part, his 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 and title to the above described property unto the said part Y of the second part, his heirs and assigns, against the lawful claims of all persons whomsoever.

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

Signed, sealed and delivered in the presence of
Thomas J. Jones
W. A. Ballard
Notary Public, Georgia, State at Large
My Commission Expires Feb. 20, 1983

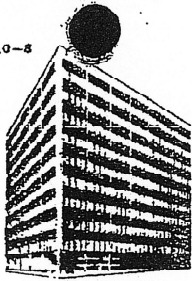
Earl Gable (Seal)
Earl Gable (Seal)
(Seal)
(Seal)
(Seal)

Fayette County Superior Court
Paid 61.60 on 2-10-83
Clerk of Superior Court

FILED 2-10- 1983
RECORDED 2-11- 1983
W.A. Ballard
CLERK SUPERIOR COURT
400
for

WARRANTY DEED
FROM
TO
Georgia, Fayette County
Clerk's Office, Superior Court.
Filed for Record at 4:00 o'clock P. M.
Feb 10th, 1983
Recorded in Book 271 Folio 177
Feb 11th, 1983
W.A. Ballard, Clerk

Form 10-5



GEORGIA STATE OFFICE
TITLE BUILDING
ATLANTA, GEORGIA 30303

Lawyers Title Insurance Corporation

ATLANTA BRANCH OFFICE

WARRANTY DEED

STATE OF GEORGIA COUNTY OF

THIS INDENTURE, Made the _____ day of June, in the year one thousand nine hundred eighty-seven, between

JERRY M. GABLE

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

JOHN E. RYCKELEY

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 AND NO/100 (\$10.00) DOLLARS 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 lying and being in Land Lots 73, 87, and 88 of the 5th District of Fayette County, Georgia, being shown as Tract "A" on the property survey for Jerry M. Gable, dated June 8, 1987, prepared by Kenneth Edward Presley, RLS, and being more particularly described in Exhibit "A" attached hereto and made a part hereof.

Affidavit - BK. 1238-751
att. 1243-298

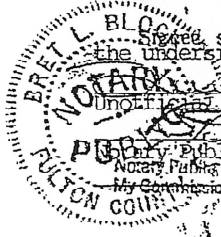
GEORGIA, Fayette County
Clerk's Office Superior Court
Filed for record June 22 1987
10:00 A. M.
Recorded in Book 453 Page 385
This 22 day of June 19 87
W. A. Ballard
Clerk

Fayette County, Georgia
Real Estate Transfer Tax
Paid 45.20 Date _____
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.



Sealed, sealed and delivered in presence of:
the undersigned this 13 day of June 1987.

Unofficial Witness

Jerry M. Gable (Seal)

(Seal)

BOOK 453 PAGE 385 (Seal)

Book: 453 Page: 385 Seq: 1

FILED & RECORDED
FAYETTE COUNTY, GA.

'01 MAY 8 PM 12 26

SHEILA STUDDARD, CLERK

2

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

B. D. Murphy, III, P.C.
370 West Stonewall Ave
Fayetteville, GA 30214
(770) 461-4226

This Indenture made this 26th day of April, in the year 2001, between JERRY M. GABLE, of the County of FAYETTE, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and CHARLES D. DEWBERRY 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 AND 00/100'S (\$10.00) Dollars and other good and 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,

FOR A FULL AND COMPLETE LEGAL DESCRIPTION OF THE PROPERTY HEREIN CONVEYED, SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

This Deed is given subject to all easements and restrictions of record, if any.

FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
PAID 350.00
DATE 5-8-01
S. J. [Signature]
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, Grantor has hereunto set grantor's hand and seal this day and year first above written.

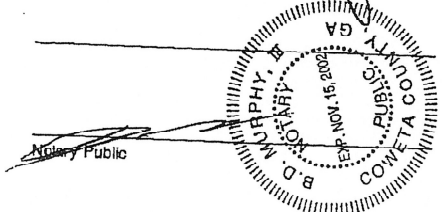
Signed, sealed and delivered in the presence of:

Witness [Signature]

JERRY M. GABLE [Signature] (Seal)

BOOK 1629 PAGE 729 (Seal)

(Seal)



Legal Description Tract D

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 73 & 88, 5th District, Fayette County, Georgia, and being Parcel No. 0519 002, Tract D containing 28.450 acres more or less, as per plat of survey prepared by Ronald T. Godwin, Registered Land Surveyor, dated 10/01/2024 and being more particularly described as follows:

Beginning at a X scribed in concrete pad, on the right-of-way of South Jeff Davis Drive, 262.21 feet from the intersection of the Western right-of-way of Emerald Lake Drive (60' R/W) with the Southern right-of-way of South Jeff Davis Drive (R/W Varies) and being the **TRUE POINT OF BEGINNING**;

Thence leaving said right-of-way, South 30° 18' 26" West for a distance of 254.96 feet to a point; Thence South 42° 10' 42" West for a distance of 786.78 feet to a point; Thence South 25° 18' 43" East for a distance of 1044.54 feet to a point; Thence South 64° 00' 33" West for a distance of 813.40 feet to a point; Thence South 89° 38' 13" West for a distance of 286.34 feet to a point; Thence North 05° 39' 40" East for a distance of 53.32 feet to a point in the center of a creek; Thence continuing along the center of said creek, South 89° 37' 48" West for a distance of 19.71 feet to a point; Thence South 87° 42' 58" for a distance of 32.32 feet to a point; Thence North 88° 22' 32" West for a distance of 8.95 feet to a point; Thence leaving the center of said creek, North 00° 02' 55" West for a distance of 792.18 feet to a $\frac{P}{K}$ nail set, in the centerline of an abandoned road known as old Dixon Circle; Thence continuing along the centerline of said road North 81° 52' 07" East for a distance of 65.22 feet to a $\frac{P}{K}$ nail set; Thence continuing along the centerline of said road North 62° 46' 45" East for a distance 80.08 feet to a nail found; Thence continuing along the centerline of said road North 46° 23' 38" East for a distance 174.95 feet to a nail found; Thence continuing along the centerline of said road North 67° 34' 49" East for a distance 99.97 feet to a nail found; Thence leaving said centerline, North 04° 10' 03" East for a distance 17.06 feet to a nail found on southern line of Land Lot 88; Thence continuing along said Land Lot Line, South 88° 11' 22" East for a distance of 211.27 feet to a t-post found; Thence leaving said Land Lot Line, North 00° 10' 57" East for a distance of 569.64 feet to a $\frac{1}{2}$ " re-bar found; Thence North 00° 57' 37" East for a distance of 435.31 feet to a $\frac{1}{2}$ " re-bar set; Thence North 89° 09' 28" West for a distance of 300.00 feet to a $\frac{1}{2}$ " re-bar set; Thence North 01° 09' 12" East for a distance of 288.48 feet to a $\frac{1}{2}$ " re-bar set on the right-of-way of South Jeff Davis Drive; Thence continuing along the right-of-way of said road, South 58° 10' 35" East for a distance of 127.00 feet to a point; Thence continuing along a curve of said right-of-way 292.77 feet, curving to the left, said curve having a radius of 12,822.78 feet, and a chord bearing South 59° 13' 47" East for a distance of 292.76 feet to a point; Thence continuing along the right-of-way of said road, South 60° 27' 41" East for a distance of 51.79 feet to a $\frac{1}{2}$ " re-bar set and being the **TRUE POINT OF BEGINNING**.

Legal Description Tract F

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 88, 5th District, Fayette County, Georgia, and being Parcel No. 0519 002, Tract D containing 2.694 acres more or less, as per plat of survey prepared by Ronald T. Godwin, Registered Land Surveyor, dated 10/01/2024 and being more particularly described as follows:

Beginning at a $\frac{1}{2}$ " re-bar set on the right-of-way of South Jeff Davis Drive, 745.29 feet from the intersection of the Western right-of-way of Emerald Lake Drive (60' R/W) with the Southern right-of-way of South Jeff Davis Drive (R/W Varies) and being the **TRUE POINT OF BEGINNING**;

Thence leaving said right-of-way, South $01^{\circ} 09' 12''$ West for a distance of 300.00 feet to a $\frac{1}{2}$ " re-bar set; Thence North $89^{\circ} 09' 28''$ West for a distance of 300.00 feet to a $\frac{1}{2}$ " re-bar set; Thence North $00^{\circ} 57' 37''$ East for a distance of 481.65 feet to a $\frac{3}{4}$ " open top pipe found on the right-of-way of South Jeff Davis Drive; Thence continuing along a curve of said right-of-way 207.84 feet, curving to the left, said curve having a radius of 13,580.61 feet, and a chord bearing South $57^{\circ} 54' 22''$ East for a distance of 207.84 feet to a point; Thence continuing along the right-of-way of said road, South $58^{\circ} 10' 35''$ East for a distance of 143.42 feet to a $\frac{1}{2}$ " re-bar set and being the **TRUE POINT OF BEGINNING**.

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, January 16, 2025, at 7:00 P.M., and before the Fayette County Board of Commissioners on Thursday, February 27, 2025, at 5:00 P.M., in the Fay-

ette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia. Petition No.: 1359-24 Parcel No: 0519 002 Applicant Jerry M. Gable Agent(s): Christine Flanigan Existing Zoning District: R-45 Conditional

Proposed Zoning District: A-R Area of Property: 31.144 acres Land Lot(s)/District: Land Lot 88 & 73 of the 5th District Fronts on: Dixon Circle and S. Jeff Davis Drive

A copy of the above is available in the office of the Fayette County Planning and Zoning Department, 140 Stonewall Avenue West, Suite 202, Fayetteville, Georgia.

Legal Description

Tract D

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 73 & 88, 5th District, Fayette County, Georgia, and being Parcel No. 0519 002, Tract D containing 28.450 acres more or less, as per plat of survey prepared by Ronald T. Godwin, Registered Land Surveyor, dated 10/01/2024 and being more particularly described as follows: Beginning at a X scribed in concrete pad, on the right-of-way of South Jeff Davis Drive, 262.21 feet from the intersection of the Western right-of-way of Emerald Lake Drive (60' R/W) with the Southern right-of-way of South Jeff Davis Drive (R/W Varies) and being the TRUE POINT OF BEGINNING; Thence leaving said right-of-way, South 30° 18' 26" West for a distance of 254.96 feet to a point; Thence South 42° 10' 42" West for a distance of 786.78 feet to a point; Thence South 25° 18' 43" East for a distance of 1044.54 feet to a point; Thence South 64° 00' 33" West for a distance of 813.40 feet to a point; Thence South 89° 38' 13" West for a distance of 286.34 feet to a point; Thence North 05° 39' 40" East for a distance of 53.32 feet to a point in the center of a creek; Thence continuing along the center of said creek, South 89° 37' 48" West for a distance of 19.71 feet to a point; Thence South 87° 42' 58" for a distance of 32.32 feet to a point; Thence North 88° 22' 32" West for a distance of 8.95 feet to a point;

Thence leaving the center of said creek, North 00° 02' 55" West for a distance of 792.18 feet to a P/K nail set, in the centerline of an abandoned road known as old Dixon Circle; Thence continuing along the centerline of said road North 81° 52' 07" East for a distance of 65.22 feet to a P/K nail set; Thence continuing along the centerline of said road North 62° 46' 45" East for a distance 80.08 feet to a nail found; Thence continuing along the centerline of said road North 46° 23' 38" East for a distance 174.95 feet to a nail found; Thence continuing along the centerline of said road North 67° 34' 49" East for a distance 99.97 feet to a nail found; Thence leaving said centerline, North 04° 10' 03" East for a distance 17.06 feet to a nail found on southern line of Land Lot 88; Thence continuing along said Land Lot Line, South 88° 11' 22" East for a distance of 211.27 feet to a t-post found; Thence leaving said Land Lot Line, North 00° 10' 57" East for a distance of 569.64 feet to a 1/2" re-bar found; Thence North 00° 57' 37" East for a distance of 435.31 feet to a 1/2" re-bar set; Thence North 89° 09' 28" West for a distance of 300.00 feet to a 1/2" re-bar set; Thence North 01° 09' 12" East for a distance of 288.48 feet to a 1/2" re-bar set on the right-of-way of South Jeff Davis Drive; Thence continuing along the right-of-way of said road, South 58° 10' 35" East for a distance of 127.00 feet to a point; Thence continuing along a curve of said right-of-way 292.77 feet, curving to the left, said curve having a radius of 12,822.78 feet, and a chord bearing South 59° 13' 47" East for a distance of 292.76 feet to a point; Thence continuing along the right-of-way of said road, South 60° 27' 41" East for a distance of 51.79 feet to a 1/2" re-bar set and being the TRUE POINT OF BEGINNING.

Tract F

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 88, 5th District, Fayette County, Georgia, and being Parcel No. 0519 002, Tract D containing 2.694 acres more or less, as per plat of survey prepared by Ronald T. Godwin, Registered Land Surveyor, dated 10/01/2024 and being more particularly described as follows: Beginning at a 12" re-bar set on the right-of-way of South Jeff Davis Drive, 745.29 feet from the intersection of the Western right-of-way of Emerald Lake Drive (60' R/W) with the Southern right-of-way of South Jeff Davis Drive (R/W Varies) and being the TRUE POINT OF BEGINNING; Thence leaving said right-of-way, South 01° 09' 12" West for a distance of 300.00 feet to a 12" re-bar set; Thence North 89° 09' 28" West for a distance of 300.00 feet to a 12" re-bar set; Thence North 00° 57' 37" East for a distance of 481.65 feet to a 34" open top pipe found on the right-of-way of South Jeff Davis Drive; Thence continuing along a curve of said right-of-way 207.84 feet, curving to the left, said curve having a radius of 13,580.61 feet, and a chord bearing South 57° 54' 22" East for a distance of 207.84 feet to a point; Thence continuing along the right-of-way of said road, South 58° 10' 35" East for a distance of 143.42 feet to a 12" re-bar set and being the TRUE POINT OF BEGINNING.

12/18

B4 Fayette County News

Continued from page B3

RDP-021-24

REQUESTED ACTION: Revise the Development Plan for Brechin Park Subdivision

PARCEL NUMBER: 0604 011

ZONING: PUD-PRD

EXISTING USE: Single-Family Residential

PROPOSED USE: Single-Family Residential

LOCATION: 195 Brechin Drive

LOT SIZE: 95.27 Acres

DISTRICT/LAND LOT(S): 6th District, Land Lots 16, 17

OWNER(S): Michael P. Pompeo & Karen L. Pompeo

AGENTS: N/A

PLANNING COMMISSION PUBLIC HEARING: January 16, 2025, at 7:00 PM

BOARD OF COMMISSIONERS PUBLIC HEARING: N/A

REQUEST

The applicant has withdrawn the request for the Revised Development Plan.

Revised Development Plan

PETITION No (s): RDP-021-24

STAFF USE ONLY

APPLICANT INFORMATION

Name MICHAEL P. POMPEO
Address 195 BRECHIN DRIVE
City SENDIA
State GA Zip 30276
Email cuhead14@gmail.com
Phone 404-754-2253

PROPERTY OWNER INFORMATION

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

AGENT(S) (if applicable)

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

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: Deborah Y Bell Date: 11/04/2024

DATE OF PLANNING COMMISSION HEARING: Jan. 16, 2025 (to be confirmed)

DATE OF COUNTY COMMISSIONERS HEARING: Feb. 27, 2025

Jan 2 / Jan 23

Received from Michael Pompeo a check in the amount of \$ 450- for application filing fee, and \$ 20- for deposit on frame for public hearing sign(s).

Date Paid: 11/04/2024

Receipt Number: 022333

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

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0604011 Acreage: 95.27

Land District(s): (01) COUNTY UNINC Land Lot(s): _____

Road Name/Frontage L.F.: BRECHIN DRIVE Road Classification: _____

Existing Use: _____ Proposed Use: _____

Structure(s): _____ Type: BRICK RANCH Size in SF: 4282

Existing Zoning: PUD-PRL Proposed Zoning: PUD-PRL

Existing Land Use: _____ Proposed Land Use: _____

Water Availability: CITY Distance to Water Line: 1,000 FT Distance to Hydrant: 1,000 FT

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:

MICHAEL P. AND KAREN L. POMPEO

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0604 011

(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) _____ of the 01 District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of _____ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to _____ 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.

(II) [Signature]

Signature of Property Owner 1

195 BRECHIN DR SENOLA, GA

Address

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

[Signature]

Signature of Notary

11/4/2024

Date

Signature of Notary Public

Date

Signature of Notary Public

Date

Signature of Notary Public

Date

Deborah M Sims
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 01/05/2027

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:
MICHAEL P. POMPEO & KAREN L. POMPEO

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0604 011

(I am) (we are) the sole owner(s) of the above-referenced property that is the subject of the request. Subject property is located in Land Lot(s) _____ of the 01 District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 95.27 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to _____ to act as (my) (our) Agent in this application. 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.

(II) [Signature]

Signature of Property Owner 1

195 BRECHIN DR SENOIA GA 30276

Address

[Signature]

Signature of Property Owner 2

195 Brechin Dr. Senoia GA 30276

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

Signature of Notary Public

Date

[Signature]

Signature of Notary Public

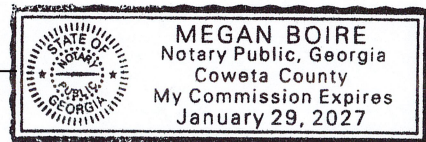
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



PETITION No.: _____

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned)

NAME: MICHAEL P. POMPEO

ADDRESS: 195 BRECHIN DRIVE SENOIA, GA 30276

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

MICHAEL AND KAREN POMPEO 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 \$ 450.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to _____.

This property includes: (check one of the following)

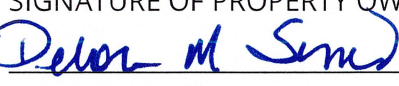
- See attached legal description on recorded deed for subject property or
- Legal description for subject property is as follows:

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

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of _____, 20____ at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 4th DAY OF NOVEMBER, 2024


SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC

Deborah M Sims
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 01/05/2027

PETITION No.: _____

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned)

NAME: MICHAEL P. POMPEO

ADDRESS: 195 BRECHIN DRIVE SENDIA, GA 30276

PETITION FOR REVISED DEVELOPMENT PLAN FOR CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.

MICHAEL AND KAREN POMPEO 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 \$ 450.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to _____.

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 _____, 20____ at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of _____, 20____ at 7:00 P.M.

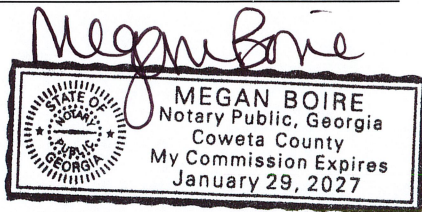
SWORN TO AND SUBSCRIBED BEFORE ME THIS 30th DAY OF OCTOBER, 2024.

[Signature]

SIGNATURE OF PROPERTY OWNER
Karen Pompeo

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC



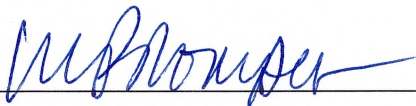
AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, MICHAEL AND KAREN POMPEO, 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 _____ 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 4th day of NOVEMBER, 2024.



SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER



NOTARY PUBLIC

Deborah M Sims
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 01/05/2027

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, MICHAEL AND KAREN POMPEO, 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 DRIVEWAY 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 30th day of OCTOBER, 2024.

[Signature]

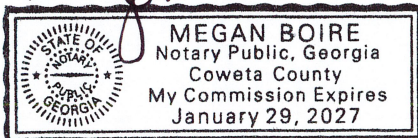
SIGNATURE OF PROPERTY OWNER

[Signature]

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC

[Signature]



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.

Revised Development Plan- Letter of Intent

195 Brechin Drive

Senoia, GA 30276

November 4, 2024

To whom it may concern,

The purpose for revising the development plan for the Brechin Park neighborhood is to allow for the development of lot #17 (95 acres). Specifically, to remove the following current conditions of the restrictive covenants:

- 1) that the development be limited to one 17 acre estate lot
- 2) that the 17 acre estate lot not be subdivided

This will allow for the rezoning and future subdivision of the property into two separate lots for the benefit of our family or any future owner.

Sincerely,

Michael P. Pompeo and Karen L. Pompeo



Doc ID: 009769340002 Type: WD
Recorded: 11/02/2015 at 08:50:00 AM
Fee Amt: \$812.00 Page 1 of 2
Transfer Tax: \$800.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK 4383 PG 719-720

SLEPIAN SCHWARTZ & LANDGAARD
42 EASTBROOK BEND
PEACHTREE CITY, GEORGIA 30269
(770) 486-1220
15-05281K/SHEKETA

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this **28th day of October, 2015**, by and between **WILLIAM L. ALLEN and BARBARA J. ALLEN**, as party or parties of the first part, hereinafter referred to as "Grantor," and **MICHAEL P. POMPEO and KAREN L. POMPEO as Joint Tenants with Right of Survivorship**, as party or parties of the second part, hereinafter referred to as "Grantee";

WITNESSETH:

That Grantor for and in consideration of the sum of TEN DOLLARS, in hand paid, at or before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, and conveyed, and by these presents does hereby grant, bargain, and convey unto Grantee, their heirs, successors and assigns, the following described property:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR LEGAL DESCRIPTION.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

TO HAVE AND TO HOLD the Property, 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, their heirs, successors and assigns forever, in Fee Simple.

AND THE GRANTOR will warrant and forever defend the right and title to the above-described property unto the Grantee, their heirs, successors and assigns, against the claims of all persons claiming by, through or under Grantor, subject only to the Permitted Exceptions.

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

Signed this 28th day of October, 2015 in the presence of:

WILLIAM L. ALLEN

BARBARA J. ALLEN

Unofficial Witness

Notary Public
My Commission Expires: May 12, 2018

[Notary Seal]



Exhibit "A"

All that tract or parcel of land lying and being in Land Lots 16 and 17 of the 6th District of Fayette County, Georgia, being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, start at the common corner of Land Lots 7, 8, 16 and 17, thence South 00 degrees 22 minutes 06 seconds West 584.74 feet to a point; thence North 89 degrees 45 minutes 18 seconds West 1,196.30 feet to an iron pin set, being the TRUE POINT OF BEGINNING: FROM THE TRUE POINT OF BEGINNING, thence North 89 degrees 45 minutes 18 seconds West 525.00 feet to an iron pin; thence South 34 degrees 46 minutes 56 seconds West 700.25 feet to an iron pin; thence South 10 degrees 07 minutes 30 seconds West 334.13 feet to a point (said point being the center line of Line Creek); thence South following the center line of Line Creek South 60 degrees 05 minutes 47 seconds West 160.88 feet to a point; thence North 43 degrees 36 minutes 08 seconds West 117.40 feet to a point on the center line of the creek; thence North 64 degrees 38 minutes 41 seconds West 92.86 feet to a point on the center line of the creek; thence North 32 degrees 03 minutes 36 seconds West 54.31 feet to a point on the center line of the creek; thence North 88 degrees 30 minutes 32 seconds West 101.44 feet to a point on the center line of the creek; thence North 50 degrees 56 minutes 14 seconds West 113.18 feet to a point on the center line of the creek; thence North 53 degrees 41 minutes 14 seconds West 110.49 feet to a point on the center line of the creek; thence North 44 degrees 44 minutes 17 seconds West 202.59 feet to a point (said point being the center line of Line Creek at its intersection with the West line of Land Lot 16); thence North 00 degrees 01 minutes 35 seconds along the West line of Land Lots 16 and 17 a distance of 2,607.21 feet to an iron pin set; thence South 28 degrees 11 minutes 06 seconds East 261.95 feet to an iron pin set; thence South 56 degrees 31 minutes 06 seconds East 520.81 feet to an iron pin set; thence South 55 degrees 25 minutes 49 seconds East 305.67 feet to an iron pin set; thence North 73 degrees 17 minutes 33 seconds East 498.58 feet to an iron pin set; thence North 50 degrees 59 minutes 11 seconds East 376.07 feet to an iron pin set; thence South 44 degrees 28 minutes 33 seconds East 443.39 feet to an iron pin set; thence North 86 degrees 20 minutes 55 seconds East 104.28 feet to an iron pin set; thence North 55 degrees 00 minutes 00 seconds East 196.62 feet to an iron pin set; thence North 87 degree 40 minutes 21 seconds East 369.56 feet to an iron pin set; thence South 02 degree 19 minutes 39 seconds East 205.00 feet to an iron pin set; thence South 87 degrees 40 minutes 21 seconds West 226.96 feet to an iron pin set; thence south 10 degrees 00 minutes 24 seconds West 275.52 feet to an iron pin set; thence South 08 degree 42 minutes 23 seconds West 449.46 feet to an iron pin set; thence South 41 degrees 23 minutes 53 seconds West 300.89 feet to an iron pin set; thence South 50 degrees 37 minutes 33 seconds West 275.90 feet to an iron pin set; thence South 08 degrees 37 minutes 33 seconds West 258.83 feet to an iron pin set and the POINT OF BEGINNING, being 95.625 acres as set forth on plat of survey for William Allen dated January 15, 1998 by Larry Sibley Surveying, Inc., recorded at Plat Book 30, Page 65, Fayette County, Georgia Records.

ALSO:

An Easement of ingress and egress over, through and across the strip of land in Land Lot 17 of the 6th District of Fayette County, Georgia designated as a Ten (10') foot Asphalt Drive on the plat of survey showing 115.659 acres and 95.625 acres (said drive traversing the 115.659 acres) for Janet M. Wallace date September 8, 1997 by Larry Sibley Surveying, Inc., registered land surveyor, said plat incorporated herein by reference.

PETITION FOR REVISION TO DEVELOPMENT PLAN OF BRECHIN PARK SUBDIVISION IN UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA

PUBLIC HEARING to be held before the Fayette County Planning Commission on Thursday, January

16, 2025, at 7:00 P.M., and before the Fayette County Board of Commissioners on Thursday, February 27, 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.: RDP-021-24
Owner/Agent: Michael P. Pompeo and Karen L. Pompeo
Zoning District: PUD-PRL Conditional

Parcel Number: 0604 011
Area of Property: 95.27 acres
Land Lot(s)/District: Land Lot 16 & 17 of the 6th District
Fronts on: Brechin Drive

Proposed: Request approval of a Revised Development Plan to allow the subdivision of Parcel 0604 011 into 2 parcels, within the Brechin Park Subdivision.

PROPERTY DESCRIPTION
Exhibit "A"

All that tract or parcel of land lying and being in Land Lots 16 and 17 of the 6th District of Fayette County, Georgia, being more particularly described as follows; TO THE POINT OF BEGINNING, start at the common corner of Land Lots 7, 8, 16 and 17, thence South 00 degrees 22 minutes 06 seconds West 584.74 feet to a point; thence North 89 degrees 45 minutes 18 seconds West 1,196.30 feet to an iron pin set, being the TRUE POINT OF BEGINNING: FROM THE TRUE POINT OF BEGINNING, thence North 89 degrees 45 minutes 18 seconds West 525.00 feet to an iron pin; thence South 34 degrees 46 minutes 56 seconds West 700.25 feet to an iron pin; thence South 10 degrees 07 minutes 30 seconds West 334.13 feet to a point (said point being the center line of Line Creek); thence South following the center line of Line Creek South 60 degrees 05 minutes 47 seconds West 160.88 feet to a point; thence North 43 degrees 36 minutes 08 seconds West 117.40 feet to a point on the center line of the creek; thence North 64 degrees 38 minutes 41 seconds West 92.86 feet to a point on the center line of the creek; thence North 32 degrees 03 minutes 36 seconds West 54.31 feet to a point on the center line of the creek; thence North 88 degrees 30 minutes 32 seconds West 101.44 feet to a point on the center line of the creek; thence North 50 degrees 56 minutes 14 seconds West 113.18 feet to a point on the center line of the creek; thence North 53 degrees 41 minutes 14 seconds West 110.49 feet to a point on the center line of the creek; thence North 44 degrees

44 minutes 17 seconds West 202.59 feet to a point (said point being the center line of Line Creek at its intersection with the West line of Land Lot 16); thence North 00 degrees 01 minutes 35 seconds along the West line of Land Lots 16 and a distance of 2,607.21 feet to an iron pin set; thence South 28 degrees 11 minutes 06 seconds East 261.95 feet to an iron pin set; thence South 56 degrees 31 minutes 06 seconds East 520.81 feet to an iron pin set; thence South 55 degrees 25 minutes 49 seconds East 305.67 feet to an iron pin set; thence North 73 degrees 17 minutes 33 seconds East 498.58 feet to an iron pin set; thence North 50 degrees 59 minutes 11 seconds East 376.07 feet to an iron pin set; thence South 44 degrees 28 minutes 33 seconds East 443.39 feet to an iron pin set; thence North 86 degrees 20 minutes 55 seconds East 104.28 feet to an iron pin set; thence North 55 degrees 00 minutes 00 seconds 196.62 feet to an iron pin set; thence North 87 degree 40 minutes 21 seconds East 369.56 feet to an iron pin set; thence South 02 degree 19 minutes 39 seconds East 205.00 feet to an Iron pin set; thence South 87 degrees 40 minutes 21 seconds West 226.96 feet to an iron pin set; thence south 10 degrees 00 minutes 24 seconds West 275.52 East to an iron pin set; thence South 08 degree 42 minutes 23 seconds West 449.46 feet to an iron pin set; thence South 41 degrees 23 minutes 53 seconds West 300.89 feet to an iron pin set; thence South 50 degrees 37 minutes 33 seconds West 275.90 feet to an iron pin set; thence South 08 degrees 37 minutes 33 seconds West 258.83 feet to an iron pin set and the POINT OF BEGINNING, being 95.625 acres as set forth on plat of survey for William Allen dated January 15, 1998 by Larry Sibley Surveying, Inc, recorded at Plat Book 30 Page 65, Fayette County, Georgia Records.

ALSO:
An Easement of ingress and egress over, through and accross the strip of land in Land Lot 17 of the 6th District of Fayette County, Georgia designated as a Ten (10') foot Asphalt Drive on the plat of survey showing 115.659 acres and 95.625 acres (said drive traversing the 115.659 acres) for Janet M. Wallace date September 8, 1997 by Larry Sibley Surveying, Inc. registered land surveyor, said plat Incorporated herein by reference.

B4 Fayette County News

Continued from page B3