

**City of Locust Grove  
Council Meeting Minutes/Draft  
Public Safety Building – Courtroom Chamber  
3640 Highway 42 S. – Locust Grove, GA 30248  
Tuesday, September 5, 2023  
6:00 PM**

<b>Members Present:</b>	<b>Staff Present:</b>
Robert Price – Mayor	Tim Young – City Manager
Carlos Greer – Councilman	Bert Foster – Assistant City Manager
Willie Taylor – Councilman	Misty Spurling – City Clerk
Keith Boone – Councilman/Pro Tem	Anna Williams – Community Development/Planner
Vincent Williams – Councilman	Jack Rose – Public Works Director
Rod Shearouse – Councilman	Derrick Austin - Police Chief
Rudy Breedlove – Councilman	Andy Welch – Attorney
	<b>Staff not present:</b>
	Daunté Gibbs – Community Development Director
	Colleen Cook – Main Street Director

Mayor Price called the meeting to order at 6:00 PM

Invocation given by City Manager Tim Young

Councilman Breedlove led the Pledge of Allegiance.

**APPROVAL OF AGENDA** –

Mayor Price asked for a motion. Councilman Greer made the motion to approve the agenda.

RESULT	APPROVED
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN WILLIAMS
VOTE	MOTION CARRIED - ALL IN FAVOR

**PUBLIC COMMENTS** –

Ms. Donna Deas stepped forward to comment on item number five. Ms. Deas said she had the opportunity to prepare according to her previous comments at the last meeting. Ms. Deas said she does not have any issues with the property owner/applicant and said she understands the need and purpose for trucks; however, her issue is long-term parking, in this case, (allowed for up to 30 days). Ms. Deas said she understands the guidelines in place (no overnight sleeping, and video surveillance has been suggested); however, she feels this is not possible to enforce. Also, a concern for infrastructure damage because of the wear and tear that will increase from this type of use and the increase in crime that will be drawn to this parking area. Discussion took place about requiring [show of a photo ID] and fines if the policies are not followed. Nothing further.

**PUBLIC HEARING ITEMS** – NONE

**APPROVAL OF THE MINUTES** –

1. AUGUST 7, 2023- REGULAR MEETING MINUTES –

Mayor Price asked for a motion. Councilman Greer made the motion to approve the August 7, 2023, regular meeting minutes.

RESULT	APPROVED AUGUST 7, 2023, REGULAR MEETING MINUTES
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN BOONE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**2. AUGUST 7, 2023- EXECUTIVE SESSION MEETING MINUTES –**

Mayor Price asked for a motion. Councilman Williams made the motion to approve the August 7, 2023, executive session meeting minutes.

RESULT	APPROVED AUGUST 7, 2023, EXECUTIVE SESSION MEETING MINUTES
MADE MOTION	COUNCILMAN WILLIAMS
2 <sup>ND</sup> MOTION	COUNCILMAN SHEAROUSE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**3. AUGUST 21, 2023- WORKSHOP MEETING MINUTES –**

Mayor Price asked for a motion. Councilman Williams made the motion to approve the August 21, 2023, workshop meeting minutes.

RESULT	APPROVED AUGUST 21, 2023, WORKSHOP MEETING MINUTES
MADE MOTION	COUNCILMAN WILLIAMS
2 <sup>ND</sup> MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**ACCEPTANCE OF THE FINANCIAL STATEMENT –**

**4. JULY 2023 FINANCIAL STATEMENT**

Mayor Price asked for a motion. Councilman Williams made the motion to approve the May 2023 financial statement.

RESULT	APPROVED JULY 2023 FINANCIAL STATEMENT
MADE MOTION	COUNCILMAN WILLIAMS
2 <sup>ND</sup> MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**UNFINISHED BUSINESS/ACTION ITEMS –**

**5. Ordinance to approve a Conditional Use to allow gravel-surfaced truck/tractor-trailer parking on Highway 42 north of County Line Road (Parcel IDs: 162-01004003 and 162-01004001)**

Mayor Price asked for a motion. Councilman Shearouse made the motion to approve the request and seconded by Councilman Taylor.

Councilman Greer made a comment he was wanting to table the item because of concerns that will have potential effect on future decisions.

Councilman Breedlove said he would also like to table the request to have the opportunity to review the tentative uses for the other property.

Attorney Andy Welch said the current motion will have to be amended if the council wants to make a change to the original motion. Andy said the council can make a substitute motion or Councilman Shearouse can alter his motion with agreement from the initial person (Councilman Taylor) who seconded.

Councilman Breedlove made the motion to amend the original motion with a motion to table the request until the applicant provides further details.

RESULT	REQUEST TABLED
MADE MOTION	COUNCILMAN BREEDLOVE
2 <sup>ND</sup> MOTION	COUNCILMAN WILLIAMS
FAVOR	MOTION CARRIED – ALL IN FAVOR

Andy said since Councilman Shearouse made the original motion to approve, Councilman Shearouse will have to make the motion to lift from table.

Tim said there will be an annexation that trails with this request for public hearing at the next meeting.

Councilman Greer said his concern has nothing to do with this property. Nothing further.

**6. Request to declare city vehicles as Surplus Property –**

Mayor Price asked for a motion. Councilman Williams made the motion to approve the request.

RESULT	APPROVED
MADE MOTION	COUNCILMAN WILLIAMS
2 <sup>ND</sup> MOTION	COUNCILMAN BOONE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**7. Special Event permit request from the LGPD for a 5K fundraiser to benefit breast cancer research –**

Mayor Price asked for a motion. Councilman Breedlove made the motion to approve the request.

RESULT	APPROVED SPECIAL EVENT
MADE MOTION	COUNCILMAN BREEDLOVE
2 <sup>ND</sup> MOTION	COUNCILMAN SHEAROUSE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**8. Resolution approving the architectural plans submitted for Springs Apartment, located on Price Drive -**

Mayor Price asked for a motion. Councilman Williams made the motion to approve the request by approving resolution # 23-09-076.

RESULT	APPROVED RESOLUTION #23-09-076
MADE MOTION	COUNCILMAN WILLAMS
2 <sup>ND</sup> MOTION	COUNCILMAN TAYLOR
FAVOR	MOTION CARRIED – ALL IN FAVOR

**9. Resolution approving the architectural plans submitted for a dual-branded Townplace/Springhill Suites Hotel to be located on Bandy Parkway –**

Mayor Price asked for a motion. Councilman Shearouse made the motion to approve the request by approving resolution # 23-09-077.

RESULT	APPROVED RESOLUTION #23-09-077
MADE MOTION	COUNCILMAN SHEAROUSE
2 <sup>ND</sup> MOTION	COUNCILMAN WILLIAMS
FAVOR	MOTION CARRIED – ALL IN FAVOR

**10. Ordinance to amend the FY 2023 Operating and Capital Improvements Budget for the half-year of 2023 –**

Mayor Price asked for a motion. Councilman Shearouse made the motion to approve the request by approving ordinance # 23-09-078.

RESULT	APPROVED ORDINANCE #23-09-078
MADE MOTION	COUNCILMAN SHEAROUSE
2 <sup>ND</sup> MOTION	COUNCILMAN GREER
FAVOR	MOTION CARRIED – ALL IN FAVOR

**NEW BUSINESS/ACTION/DISCUSSION ITEMS –**

**CITY MANAGER’S COMMENTS –**

Mr. Young said the City Hall renovations are 75 percent complete and reviewed the progress being made. GDOT has agreed to fund [up to] 70 percent of the additional lane on Highway 42 between Market Place and Bill Gardner Parkway project (or up to \$2.8 million). Tim said he attended Daunté’s mother-in-law’s funeral on Saturday and asked everyone to please remember them during this time. He also added her service in the military and other achievements.

**COUNCIL COMMENTS –**

Councilman Boone said he would like to make a note for the council to discuss the food truck ordinance, peddler license, and special event items at the next council meeting.

Councilman Williams made a comment to encourage everyone to go to the city’s website to complete the form for reservation of a veteran stone for a family member or loved one. We are now taking pre-orders. Tim said we will also do a press release and share the information on social media as well.

**MAYOR’S COMMENTS – NONE**

**EXECUTIVE SESSION – LITIGATION**

Motion to go into executive session to discuss potential and/or threatened litigation matters by Councilman Breedlove and seconded by Councilman Shearouse. Motion Carried All in favor 6:29 PM.

At 6:46 PM, motion to come back into regular session made by Councilman Greer and seconded by Councilman Boone.

**ADJOURNMENT –**

Mayor Price asked for a motion to adjourn. Councilman Taylor made the motion to adjourn.

RESULT	APPROVED – ADJOURN MEETING
MADE MOTION	COUNCILMAN TAYLOR
2 <sup>ND</sup> MOTION	COUNCILMAN BOONE
FAVOR	MOTION CARRIED MEETING ADJOURNED @ 6:46 PM.

Notes taken by:

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Misty Spurling  
City Clerk

**City of Locust Grove  
 Council Workshop Meeting Minutes  
 Public Safety Building – 3640 Highway 42 S.  
 Locust Grove, GA 30248  
 Monday, September 18, 2023  
 6:00 PM**

<b>Members Present:</b>	<b>Staff Present:</b>
Robert Price – Mayor	Tim Young – City Manager
Keith Boone – Councilman/Pro Tem	Bert Foster – Assistant City Manager
Carlos Greer – Councilman	Misty Spurling – City Clerk
Vincent Williams – Councilman	Jack Rose – Public Works Director
Willie Taylor – Councilman	Daunté Gibbs – Community Development Director
Rod Shearouse - Councilman	Colleen Cook – Main Street Manager
	Derrick Austin – Police Chief
	Andy Welch –Attorney
<b>Members not present:</b>	
Rudy Breedlove - Councilman	

Mayor Price called the meeting to order at 6:00 PM.

Invocation given by Assistant City Manager Bert Foster

Councilman Breedlove led the Pledge of Allegiance for Councilman Greer

**APPROVAL OF AGENDA –**

Mayor Price asked for a motion. Councilman Williams made the motion to amend to add item Number Seven (7) for a Special Event request to the agenda.

RESULT	APPROVED ADD ITEM SEVEN
MADE MOTION	COUNCILMAN WILLIAMS
2 <sup>ND</sup> MOTION	COUNCILMAN GREER
VOTE	MOTION CARRIED - ALL IN FAVOR

Mayor Price asked for a motion. Councilman Greer made the motion to approve the agenda as amended.

RESULT	APPROVED AGENDA AS AMENDED
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN SHEAROUSE
VOTE	MOTION CARRIED - ALL IN FAVOR

**PUBLIC COMMENTS –**

**1. Proclamation – National Bullying Prevention Month (October 2023) – The PACERS Organization –**

Mayor Price asked the group accepting the proclamation to step forward. City Clerk, Misty Spurling read aloud the proclamation and Mayor Price presented to the Cordero’s. Mr. Cordero asked if the citizens of Locust Grove would join them in October to help prevent bullying.

**PUBLIC HEARING ITEMS –**

**2. Ordinance for annexation of 6.29 +/- acres located on Highway 42 and Canup Road Parcel ID: (147-01003009 and 163-01001001) in LL 130 of the 2<sup>nd</sup> district-**

Daunté Gibbs, Community Development Director, stepped forward to comment. Daunté said the council wanted to know the use of the property in previous discussion [from the regular meeting on September 5, 2023] and stated the applicant decided to not add this portion of acreage to the conditional use. The applicant does, however, still want to proceed with this annexation. The property is currently zoned M-1 and staff recommends approval.

Mayor Price said this is a public hearing and asked the public for comments from anyone in favor of the request. There were no comments.

Mayor Price asked for comments from anyone opposed to the request and there were no comments.

Mayor Price closed the public hearing and asked for comments from the Council.

Councilman Shearouse asked if the applicant has an intended use for this property? Daunté said the applicant mentioned self-storage; however, that has not been confirmed. The applicant did confirm the use will not be for truck parking.

Councilman Taylor asked if the applicant could change the use to truck parking later and Daunté said yes; however, it would have to be presented to the council for review.

Councilman Shearouse said he noticed the plan includes a detention pond now and asked if that being added will reduce the number of parking spaces. Daunté said yes, but the engineers would have to provide an update on how many.

Andy said unless conditions are added the annexation would include the same privileges as what the city allows for M-1.

Councilman Greer asked how this would affect future development. Andy said if the council approves the annexation and rezoning, it will allow for industrial use on the subject property.

Councilman Boone asked if stipulations can be added that the 6.29 acres not be included in the truck parking. Andy said a condition can be added and voted at the next meeting.

**3. Ordinance for rezoning of 6.29 +/- acres located on Highway 42 and Canup Road Parcel ID: (147-01003009 and 163-01001001) in LL 130 of the 2<sup>nd</sup> district from M-1 (light manufacturing) unincorporated Henry County to M-1 (light manufacturing) City of Locust Grove -**

Mr. Gibbs said this is the rezoning request that follows the annexation request previously discussed. Andy asked if the county had any objections to the annexation. Daunté said no, the county has no objections, the M-1 zoning is consistent with the county; however, not consistent with the county FLUM.

Mayor Price said this is a public hearing and asked for comments from anyone in favor of the request and there were no comments.

Mayor Price asked for comments from anyone opposed to the request and there were no comments.

Mayor Price closed the public hearing and asked for comments from the Council.

Councilman Shearouse brought up a previous item where the council voted to table the Conditional Use [for truck parking adjacent to the properties in Items 1 and 2 above] at the *September 5, 2023*

*regular meeting* to allow further discussion of the current items just discussed. Councilman Shearouse then asked for a motion to lift the request for Conditional Use request from the table.

RESULT	APPROVED REMOVE FROM TABLE
MADE MOTION	COUNCILMAN SHEAROUSE
2 <sup>ND</sup> MOTION	COUNCILMAN TAYLOR
VOTE	MOTION CARRIED – THREE IN FAVOR (SHEAROUSE, TAYLOR, BOONE) AND TWO OPPOSED (WILLIAMS, GREER)

Councilman Shearouse asked for a motion to amend the agenda to add Item Five (5) under old business.

RESULT	APPROVED ADD ITEM FIVE
MADE MOTION	COUNCILMAN SHEAROUSE
2 <sup>ND</sup> MOTION	COUNCILMAN TAYLOR
VOTE	MOTION CARRIED – THREE IN FAVOR (SHEAROUSE, TAYLOR, BOONE) AND TWO OPPOSED (WILLIAMS, GREER)

**4. Conditional Use request to allow gravel-surfaced truck/tractor-trailer parking on Walker Crossing, Parcel ID: 147-01003011 –**

Daunté said this is a request from Hummingbird trucking, Atlanta, GA to develop a gravel truck parking lot at Walker Crossing. Daunté said staff recommends approval with six conditions read aloud.

Mayor Price said this is a public hearing and asked for comments from anyone in favor of the request.

Mr. Alex McCart of MooreBass Consulting, stepped forward to comment. Alex provided a trip generation report to the council for review and said this report is based on a similar facility in Hiram. Alex reviewed the report [225 trips] and then mentioned the counts from the GDOT traffic counter near the project area. Mr. McCart stated this site would generate less than two percent of the total trips [in comparison to the GDOT figures]. Alex said he and the applicant agree with staff conditions. Councilman Greer asked for more details on the traffic numbers. Alex said the area is estimated to have 225 trips and the GDOT traffic counter is 11,800 daily trips on Highway 42 (per GDOT website).

Mayor Price made a comment to the council to hold off any council comments until after public comments. Andy clarified since we are still in the portion of public comments, Mayor Price is requesting public comments be heard and then proceed with the council comments after public hearing closed.

Mayor Price asked for any comments from anyone opposed to the request and there were no comments. Mayor Price asked for comments from the Council.

Councilman Greer asked Mr. McCart how many of the [225] trips are anticipated to come from this development? Alex said the development will have 155 spaces which could generate 1.4 total trips per truck [Trips per truck space = 225/155].



Councilman Williams asked if the applicant is aware of the truck parking that Mr. Singh will be developing. Alex said his client and Mr. Singh are not working together but he is aware of Mr. Singh's intention.

**OLD BUSINESS/ACTION ITEMS –**

**ADDED ITEM (lifted from the table from September 5, 2023) –**

- 5. Ordinance to approve a Conditional Use for approximately 15.19 +/- acres located on Highway 42 (Parcel ID: #162-01004003 & 162-01004001) in LL 130 of the 2<sup>nd</sup> district – (Tabled from September 5, 2023)**

Daunté said this request was tabled by the council at the September 5, 2023, meeting. Mr. Singh is requesting Conditional Use on Highway 42 and staff recommends approval with seven conditions read aloud.

Mayor Price asked for a motion. Andy made a comment for Daunté to add additional language to condition number five that no tractor trailer or any other vehicle or trailer to be occupied overnight. Councilman Shearouse made the motion as specified by Andy to approve the request by approving ordinance #**23-09-079**.

RESULT	APPROVED ORDINANCE #23-09-079
MADE MOTION	COUNCILMAN SHEAROUSE
2 <sup>ND</sup> MOTION	COUNCILMAN TAYLOR
VOTE	MOTION CARRIED – THREE IN FAVOR (SHEAROUSE, TAYLOR, BOONE) AND TWO OPPOSED (GREER, WILLIAMS)

**NEW BUSINESS/ACTION ITEMS –**

- 6. Ordinance to approve the final plat for Peeksville Landing Subdivision located on Peeksville Road –**

Mayor Price asked for a motion. Councilman Greer made the motion to approve the request by approving ordinance #**23-09-080**.

RESULT	APPROVED ORDINANCE # 23-09-080
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN TAYLOR
VOTE	MOTION CARRIED - ALL IN FAVOR

- 7. Ordinance to approve the final plat for River Oaks subdivision located on LG-Griffin Road**

Mayor Price asked for a motion. Councilman Shearouse made the motion to approve the request by approving ordinance #**23-09-081**.

RESULT	APPROVED ORDINANCE #23-09-081
MADE MOTION	COUNCILMAN SHEAROUSE
2 <sup>ND</sup> MOTION	COUNCILMAN BOONE
VOTE	MOTION CARRIED – ALL IN FAVOR

**ADDED ITEM -**

**8. Special Event permit request from Sharon Dewberry on behalf of Shorty’s BBQ & Corley’s Barber Shop for a fundraiser event for Community Bible Fellowship –**

Daunté said this is a fundraiser event for a cornhole tournament at the downtown park on October 7, 2023.

Mayor Price asked for a motion. Councilman Williams made the motion to approve the request.

RESULT	APPROVED SPECIAL EVENT
MADE MOTION	COUNCILMAN WILLIAMS
2 <sup>ND</sup> MOTION	COUNCILMAN GREER
VOTE	MOTION CARRIED – ALL IN FAVOR

Councilman Boone made a comment on the truck parking discussion and said he would like the council to consider a moratorium be placed on truck parking. Boone said he agrees with the need for parking; however not more than the demand, and Boone suggested maybe limiting by population.

Andy said if a moratorium is considered, Andy recommended the council [motion to add item] tonight and said typically the maximum term would be six or nine months. The council will need to decide the details [what type and terms]. This will take some time to investigate whether to regulate the amount of truck parking by population or other measure. Andy said this will need to be added to the agenda.

Mayor Price asked for a motion. Councilman Boone made the motion to add item nine (new business) for a moratorium on truck parking.

RESULT	APPROVED ADD ITEM NINE
MADE MOTION	COUNCILMAN BOONE
2 <sup>ND</sup> MOTION	COUNCILMAN SHEAROUSE
VOTE	MOTION CARRIED – THREE IN FAVOR (BOONE, SHEAROUSE, TAYLOR) AND TWO OPPOSED (GREER, WILLIAMS)

Councilman Greer asked what the moratorium is being placed on. Andy said right now the motion is to amend the agenda to add item nine.

**ADD ITEM –**

**9. Request for a moratorium on truck parking -**

Councilman Boone said he would like to get the council’s opinion on the idea. Andy suggested doing a blanket motion to get an idea on how many (truck parking ordinances) are allowed in the future. Someone will need to put forth a motion on what type of moratorium. Andy suggests a comprehensive moratorium whether gravel or paved parking. A time limit would be set and if an application has already been submitted, the council would have to hear it. Andy said he would include a vested rights provision and if an application is pending, the provision is excluded.

Mayor Price asked for a motion. Councilman Boone made a motion to do a moratorium for one-year.

RESULT	APPROVED
MADE MOTION	COUNCILMAN BOONE
2 <sup>ND</sup> MOTION	COUNCILMAN WILLIAMS
VOTE	MOTION CARRIED - ALL IN FAVOR

Tim said we would have to review how we can index or drop the conditional use in the future altogether. Andy said a moratorium is placed to allow for discussion more thoroughly and Andy said he is only suggesting a standard moratorium ordinance.

Tim made a comment the cold storage development at Kings Mill Road is adding an additional phase which will be 1 ¼ times larger than the existing phase. This will impact the traffic in that area as well.

## **CITY OPERATION REPORTS / WORKSHOP DISCUSSION ITEMS -**

### **MAIN STREET OPERATIONS – COLLEEN COOK**

Ms. Cook gave an update she and members of the DDA and HPC attended and completed training. A façade grant was awarded to T&T Meats and Trunk or Treat will be October 27, 2023, at 5:00pm. Nothing further.

### **PUBLIC SAFETY OPERATIONS – CHIEF AUSTIN**

Chief Austin reviewed the monthly report and gave an update total collected in August 2023 was \$62,617.00. The department completed 97 training hours in August, and we had 35 new cases for investigation and cleared 28 of those cases. Chief Austin reviewed the crime analysis report and discussion took place there was a drowning in Skyland and one Fentanyl overdose.

Councilman Boone asked if there are statistics on where drug overdoses are occurring the most. Chief Austin said mainly hotels and Skyland community. Boone also asked about the miles patrolled and the decrease in mileage over the past months. The Chief said the mileage now reflects a true and accurate recording of mileage only inside the city [minus travel to/from work by the officers]. Nothing further.

### **PUBLIC WORKS – JACK ROSE**

Mr. Rose gave an update and we have been having blower and electrical issues at the wastewater plant. We are continuing with a regular schedule including cutting grass and normal maintenance. We have new locate equipment in use, and it is working well. Nothing further.

### **ADMINISTRATION – BERT FOSTER**

Bert gave an update the concept has been approved for the Peeksville Road Extension and the attorney and engineers are working on right-of-way acquisition. All the utilities have been moved for the current project to add an additional lane along SR 42 to Peeksville and will have a GDOT conference call tomorrow for more updates. C.W. Matthews Contracting will give an update next week on their progress as well. A change order for the Bill Gardner Parkway project was approved to install a small retaining wall in front of QT to provide more stability. Hopefully, the paving on the new extended will begin next week. The Scatter Garden/Veteran's Memorial grading is almost complete, and the pad for the canon will be next. Bert gave an update on the Downtown Corridor Study, the signal at Bethlehem Road and Highway 42, and the City Hall repairs. The signal at MLK and Tanger flashes when raining and has become very costly to repair, we are asking the on-call engineer to produce a signal plan for upgrading the signal.

Councilman Greer asked about reimbursement through FEMA. Tim said for roads there must be up to \$700,000 worth of damages for reimbursement. The federal highway would reimburse, not FEMA, which declares just maintenance. We are asking for the on-call engineers to investigate whether we can get the new signal equipment from GDOT under a grant.

Councilman Williams asked what the estimated completion time for Bill Gardner Parkway repairs is. Bert said the end of November. Bert clarified the paving will be done at night which will begin after the initial repairs. Andy said it is [best] safe to say should be complete by the end of December.

### **COMMUNITY DEVELOPMENT OPERATIONS –DAUNTÉ GIBBS**

Mr. Gibbs gave an update that the department has issued a total of eight 1,129 permits (including 157 new house permits) for 2023. We have issued 158 COs [100 residential, and 58 commercials] and 372 business licenses issued so far for 2023.

**ARCHITECTURAL REVIEW BOARD (ARB) – NONE**

**CITY MANAGER’S COMMENTS –TIM YOUNG**

Tim stepped forward to comment. Tim gave an update that we are continuing with the ERP 10 upgrade (formerly known as Incode). We will begin training later in the month and into October. The On® Cloud facility at Colvin Drive and Iris Lake will offer tours and will provide dates soon. Renewal by Andersen groundbreaking will be November 15, 2023, and we will have further details soon. We are wrapping up the budget items this year and items for next year. Nothing further.

**COUNCIL COMMENTS –**

**Councilman Boone – Discussion on special events, peddler licenses, and food truck ordinance –**

Councilman Boone said the ordinance for yard sales specifies that five (5) yard sales per year are allowed and each additional is \$25.00 [above the five allowed]. Boone said he would like to suggest changing the number of yard sales allowed per year to three.

Councilman Boone asked for clarity on how many special events are allowed per year because he didn’t see that specified in the ordinance. Daunté said the ordinance allows 14 special events days per calendar year. Andy referenced Section 5.36.060; Subsection D. Councilman Boone suggested that number being decreased from 14.

Councilman Boone said the food truck vendor located at the County Line BP was given a peddler’s license. Boone asked why a peddler’s license was issued instead of applying for a business license. Daunté said the vendor went through the process and based on his request, staff deemed the peddlers license appropriate. Daunté said the owner has a portable eating establishment and staff reviewed his request. If the establishment is going against what was issued, staff can revisit and address with the owner.

Councilman Williams said he was permitted from his home-based business and authorized to operate as a food truck.

Councilman Greer asked what is the issue with the ordinance as related to this establishment? Tim said the issue that Councilman Boone has is longevity of the establishment on-site from historical aspects of food and other vendors along with the possible competition with brick-and-mortar food establishments.

Councilman Boone said he doesn’t agree with allowing someone to permanently park a food truck because the idea of a food truck is to move around. Nothing further.

**MAYOR’S COMMENTS – NONE**

**EXECUTIVE SESSION – NONE**

**ADJOURNMENT-**

Mayor Price asked for a motion to adjourn. Councilman Williams made the motion to adjourn.

RESULT	ADOPTED
MADE MOTION	COUNCILMAN WILLIAMS
2 <sup>ND</sup> MOTION	COUNCILMAN BOONE

VOTE	MOTION CARRIED - ALL IN-FAVOR MEETING ADJOURNED @ 8:14PM.
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Notes taken by:

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Misty Spurling, City Clerk

DRAFT



## Community Development Department

P. O. Box 900  
Locust Grove, Georgia 30248  
Phone: (770) 957-5043  
Facsimile (770) 954-1223

### Item Coversheet

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**Item:** An ordinance for annexation of 6.29 +/- acres located on Highway 42 and Canup Road (Parcel ID: 147-01003009 and 163-01001001) in Land Lot 130 of the 2<sup>nd</sup> District.

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Advertised Date:** August 30, 2023

**Budget Item:** No

**Date Received:** July 3, 2023

**Workshop Date:** September 18, 2023

**Regular Meeting Date:** October 2, 2023

### Discussion:

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Five Rivers North, LLC has submitted an application requesting annexation of a 6.29 +/- acre tract (Parcel IDs 147-01003009 and 163-01001000) in Land Lot 130 of the 2nd District, located on Highway 42 and Canup Road. The zoning of the subject property will remain M-1 (Light Manufacturing) the City of Locust Grove's equivalent to unincorporated Henry County's M-1 (Light Manufacturing) zoning district. The future land use designation will remain Low-Density Residential within the incorporated boundaries of Locust Grove. The Applicant is utilizing the 100% method per O.C.G.A. §36-36-20. The Henry County Board of Commissioners raised no objections to this annexation during their August 1, 2023 meeting.

**Recommendation:**

The annexation request meets the legal requirements per Georgia Annexation Law O.C.G.A. 36-36-11 and received no objection from the Henry County Board of Commissioners at their August 1, 2023 meeting. Therefore, staff recommends APPROVAL of the applicants request to annex the subject property into the City of Locust Grove with the City of Locust Grove equivalent zoning district of M-1 (Light Manufacturing) and Future Land Use designation of LD (Low Density Residential).



## Community Development Department

P. O. Box 900  
Locust Grove, Georgia 30248  
Phone: (770) 957-5043  
Facsimile (770) 954-1223

# Item Coversheet

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**Item:** An ordinance for annexation of 6.29 +/- acres located on Highway 42 and Canup Road (Parcel ID: 147-01003009 and 163-01001001) in Land Lot 130 of the 2<sup>nd</sup> District.

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Advertised Date:** August 30, 2023

**Budget Item:** No

**Date Received:** July 3, 2023

**Workshop Date:** September 18, 2023

**Regular Meeting Date:** October 2, 2023

### Discussion:

---

Five Rivers North, LLC has submitted an application requesting annexation of a 6.29 +/- acre tract (Parcel IDs 147-01003009 and 163-0100100) in Land Lot 130 of the 2<sup>nd</sup> District, located on Highway 42 and Canup Road. The zoning of the subject property will remain M-1 (Light Manufacturing) the City of Locust Grove's equivalent to unincorporated Henry County's M-1 (Light Manufacturing) zoning district. The future land use designation will remain Low-Density Residential within the incorporated boundaries of Locust Grove. The Applicant is utilizing the 100% method per O.C.G.A. §36-36-20. The Henry County Board of Commissioners raised no objections to this annexation during their August 1, 2023 meeting.



**Recommendation:**

The annexation request meets the legal requirements per Georgia Annexation Law O.C.G.A. 36-36-11 and received no objection from the Henry County Board of Commissioners at their August 1, 2023 meeting. Therefore, staff recommends APPROVAL of the applicants request to annex the subject property into the City of Locust Grove with the City of Locust Grove equivalent zoning district of M-1 (Light Manufacturing) and Future Land Use designation of LD (Low Density Residential).

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO ANNEX APPROXIMATELY 6.29+/- ACRES LOCATED ON HIGHWAY 42 AND CANUP ROAD IN LAND LOT 130 OF THE 2<sup>ND</sup> DISTRICT WITHIN THE CITY OF LOCUST GROVE, GEORGIA; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**WHEREAS**, the City of Locust Grove (“City”) is a municipal corporation, duly organized and existing under the laws of the State of Georgia; and,

**WHEREAS**, Five Rivers North, LLC, of Stockbridge, GA, (the “Applicant”) petitioned the City to annex and rezone property located on Highway 42 and Canup Road consisting of 6.29+/- acres (Parcel ID: 147-01003009 and 163-01001001) located in Land Lot 130 of the 2nd District (the “Property”) attached hereto as **Exhibit A**; and,

**WHEREAS**, the Applicant filed a request to annex and rezone the subject Property into the City of Locust Grove on July 3, 2023, as shown in the staff report attached hereto and incorporated herein by reference as **Exhibit B**; and,

**WHEREAS**, the City of Locust Grove provided notice of the annexation to the Henry County Board of Commissioners on July 6, 2023 by certified mail; and,

**WHEREAS**, the Henry County Board of Commissioners reviewed the Applicant’s request during their August 1, 2023 meeting and raised no objections to said request; and,

**WHEREAS**, said request has been reviewed by the Mayor and City Council at a Public Hearing held on September 18, 2023 as well as by the City Community Development Director; and,

**WHEREAS**, the Applicant requested that the Property retain the same zoning in the City (M-1 Light Manufacturing) that they had in the County (M-1 Light Manufacturing), addressed under a separate action; and,

**WHEREAS**, notice of this matter (as attached hereto and incorporated herein as **Exhibit C**) has been provided in accordance with applicable state law and local ordinances; and,

**WHEREAS**, the Mayor and City Council have reviewed and considered the Applicant's request and both the recommendations of the public hearing and City staff as presented in the Report.

**THEREFORE, THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS:**

1.

- That the request for annexation is hereby **APPROVED**.
- That the request for annexation is hereby **DENIED**.

2.

That the use of the Property is subject to:

- The condition(s) set forth on **Exhibit D** attached hereto and incorporated herein by reference.
- The terms of the Development Agreement attached hereto as **Exhibit D** and incorporated herein by reference.
- If no **Exhibit D** is attached hereto, then the property is zoned without conditions.

3.

That, if the request is granted, the official zoning map for the City is hereby amended to reflect such zoning classification for the property.

4.

That, if granted, this Ordinance shall become effective immediately subject to the corresponding annexation ordinance under consideration.

**SO ORDAINED** by the Council of this City this 2<sup>nd</sup> day of October 2023.

---

ROBERT S. PRICE, Mayor

ATTEST:

---

MISTY SPURLING, City Clerk

(Seal)

APPROVED AS TO FORM:

---

City Attorney

**EXHIBIT A**

**APPLICATION FOR ANNEXATION UNDER  
THE ONE HUNDRED PERCENT (100%) METHOD**

Date of Submission: 07/03/2023

To the Mayor and City Council of the City of Locust Grove, Henry County, Georgia.

1. We, the undersigned, all of the owners of all real property of the territory described herein respectfully request that the City Council annex this territory to the City of Locust Grove, Georgia, and extend the City boundaries to include the same.
  
2. The territory to be annexed is unincorporated an contiguous (as described in O.C.G.A. 36-36-20) to the existing corporate limits of Locust Grove, Georgia, and the description of such territory is hereto attached as **Exhibit A**.

OWNERS NAME(S) FIVE RIVERS NORTH, LLC

PROPERTY LOCATION CANUP DRIVE @ Hwy 42/23

PHONE NUMBER 404-210-6017 - CJ

ALTERNATE PHONE 404-429-6046 - Balinar

LAND LOT/DISTRICT 130/2nd

ACREAGE 6.14

MAP CODE NO. 163-01001001 + 147-01003009

ZONING CLASSIFICATION M-1

SIGNATURE(S) *Cherish Smith* Date 7-3-2023

\_\_\_\_\_ Date \_\_\_\_\_

All property owners must sign as their name appears on the Deed.

FORM 1

**RECEIVED**  
**JUL 03 2023**  
City of Locust Grove  
Community Development  
*Regina [Signature]*



# ANNEXATION APPLICATION

The enclosed forms have been compiled for your convenience in cases where land owners desire to annex property into the incorporated city limits of the City of Locust Grove.

All applicants for annexation must complete FORM 1 in its entirety.

--ALSO--

- If you and/or anyone else reside(s) on the property for which you are seeking annexation, please complete FORM 2.
- If no one resides on the property for which you are seeking annexation, please complete FORM 3.

Additional required information:

- A copy of the recorded deed for the subject property.
- A legal description of the subject property.
- A plat of the subject property, prepared by a professional surveyor, licensed in Georgia.

Please submit the above-noted information to the following location:

Office of the City Manager  
City of Locust Grove  
3644 Highway 42  
Locust Grove, GA 30248

**For questions regarding the annexation process, please call 770-957-5043**

NIA

**APPLICATION FOR ANNEXATION UNDER  
THE SIXTY PERCENT (60%) METHOD  
LAND OWNERS AND ELECTORS**

Date of Submission: \_\_\_\_\_

To the Mayor and City Council of Locust Grove, Georgia:

1. We, the undersigned, representing not less than 60 percent of the electors resident in the territory described herein and the owners of not less than 60 percent of the real property within the territory described herein, do respectfully request that the City of Locust Grove, Georgia, said City having a population of 200 or more persons, and extend the city boundaries to include the same.
2. The territory to be annexed is unincorporated and contiguous (as described in O.C.G.A. 36-36-31) to the existing corporate limits of Locust Grove, Georgia, and description of such territory is attached as **Exhibit A**.

**OWNERS NAME(S)**

\_\_\_\_\_  
\_\_\_\_\_

**PROPERTY LOCATION**

\_\_\_\_\_  
\_\_\_\_\_

**PHONE NUMBER**

\_\_\_\_\_

**ALTERNATE PHONE**

\_\_\_\_\_

**LAND LOT/DISTRICT**

\_\_\_\_\_

**ACREAGE**

\_\_\_\_\_

**MAP CODE NO.**

\_\_\_\_\_

**ZONING CLASSIFICATION**

\_\_\_\_\_

**SIGNATURE(S)**

\_\_\_\_\_ **Date** \_\_\_\_\_

\_\_\_\_\_ **Date** \_\_\_\_\_

All property owners must sign as their name appears on the Deed.

FORM 2



**APPLICATION FOR ANNEXATION UNDER THE  
SIXTY PERCENT (60%) METHOD  
LAND OWNERS ONLY**

Date of Submission : 07/03/2023

To the Mayor and City Council of Locust Grove, Georgia

1. We, the undersigned, representing not less than 60 percent of the electors resident in the territory described herein and the owners of not less than 60 percent of the real property within the territory described herein, do respectfully request that the City Council of Locust Grove, Georgia, annex the territory described below to the City of Locust Grove, Georgia, said City having a population of 200 or more persons, and extend the city boundaries to include the same.
  
2. The territory to be annexed is unincorporated and contiguous (as described in O.C. G. A. 36-36-31) to the existing corporate limits of Locust Grove, Georgia, and the description of such territory is attached as **Exhibit A**.

**OWNER NAME(S)** FIVE RIVERS NORTH, LLC

**PROPERTY LOCATION** CANUD DRIVE @ Hwy 42/23

**PHONE NUMBER** 404-210-6017-CJ

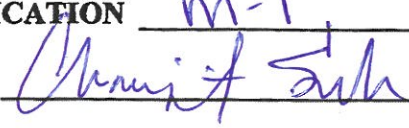
**ALTERNATE PHONE** 404-429-6846-Balihar

**LAND LOT/DISTRICT** 130/2nd

**ACREAGE** 6.14

**MAP CODE NO.** 163-01001001 + 147-01003009

**ZONING CLASSIFICATION** M-1

**SIGNATURE(S)**  **Date** 7-3-2023

**Date** \_\_\_\_\_

All property owners must sign as their name appears on the Deed.

FORM 3

BK: 19262 PG: 757-760  
Filed and Recorded  
May-17-2023 09:34:46AM  
DOC#: D2023-011273  
Real Estate Transfer Tax Paid \$1,723.00  
0752023003304  
SABRIYA HILL  
CLERK OF SUPERIOR COURT Henry County GA.

Deed Doc: WD  
Recorded 05/09/2023 02:21PM  
Georgia Transfer Tax Paid : \$53.30  
Morgan Ward  
Clerk Superior Court, BUTTS County, Ga.  
Bk 00991 Pg 0384-0387

PT-61-018-2023-000416

SWWW-J FILE NO.: 712023.0318

Return To: SMITH, WELCH, WEBB & WHITE, LLC  
ATTORNEYS AT LAW  
117 BROOKWOOD AVENUE  
JACKSON, GA 30233  
(770)775-3188

RECEIVED IN OFFICE  
HENRY COUNTY  
CLERK OF SUPERIOR COURT  
2023 MAY 16 PM 2:34

### WARRANTY DEED

STATE OF GEORGIA, BUTTS COUNTY

IN CONSIDERATION OF THE SUM OF ONE DOLLAR AND OTHER CONSIDERATIONS DOLLARS to us paid We, ROBERT HOUSE and CORNER LOT, INC., as their interests may appear, of the County of Butts, do hereby sell and convey unto FIVE RIVERS NORTH, LLC, of the County of Henry, its heirs and assigns, a tract or parcel of land, which is described as follows:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

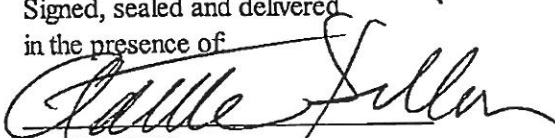
THE ABOVE DESCRIBED PROPERTY IS CONVEYED SUBJECT TO ALL EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD, IF ANY.


TO HAVE AND TO HOLD said land and appurtenances unto said FIVE RIVERS NORTH, LLC, its heirs, executors, administrators, and assigns, in fee simple.

We warrant the title to said land against the lawful claims of all persons.

In Witness Whereof, We have hereunto set our hands and affixed our seals this the 8th day of May, 2023.

Signed, sealed and delivered  
in the presence of


  
Unofficial Witness

 (SEAL)  
ROBERT HOUSE

 (SEAL)  
Notary Public

CORNER LOT, INC.

My commission expires

BY:  (SEAL)  
ROBERT S. HOUSE, PRESIDENT



292

EXHIBIT "A"

~~TRACT ONE: 435 COUNTY LINE ROAD, CONTAINING 2.514 ACRES~~

~~THE CERTAIN IMPROVED REALTY LOCATED IN LAND LOT 127 OF THE 2ND LAND DISTRICT OF BUTTS COUNTY, GEORGIA CONTAINING 2.514 ACRES AS SHOWN ON PLAT OF SURVEY OF SAME PREPARED BY JOE ROWAN, DATED 3/16/1995 AND RECORDED IN PLAT BOOK 12, PAGE 805, BUTTS COUNTY, GEORGIA RECORDS. MAP/PARCEL #00080 040 A00.~~

~~ALSO CONVEYED HEREWITH IS A 1980 REDMAN BOANZA MANUFACTURED HOME, VIN #11510965, WHICH IS PERMANENTLY AFFIXED TO THE ABOVE DESCRIBED PROPERTY.~~

\* **TRACT TWO: HWY 42 & CANUP ROAD, CONTAINING 5 ACRES**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 130 OF HENRY COUNTY, GEORGIA, CONTAINING 5 ACRES AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHERE THE EASTERN MARGIN OF DEAN PATRICK ROAD CONVERGES WITH THE SOUTHERN MARGIN OF U.S. 23 AND GEORGIA HIGHWAY 42 AND TRAVELING THENCE SOUTH 67 DEGREES 31 MINUTES EAST A DISTANCE OF 200 FEET TO A POINT; THENCE SOUTH 4 DEGREES 35 MINUTES WEST A DISTANCE OF 839.1 FEET TO A POINT; THENCE NORTH 88 DEGREES 18 MINUTES WEST 246.2 FEET TO A POINT; THENCE NORTH 2 DEGREES 38 MINUTES EAST 605.0 FEET TO AN IRON PIN; THENCE NORTH 18 DEGREES 17 MINUTES EAST 318.1 FEET ALONG THE EASTERN MARGIN OF DEAN PATRICK ROAD TO THE POINT OF BEGINNING.

SAID TRACT OF PROPERTY IS SHOWN AS "TRACT 2" ON A PLAT OF SURVEY PREPARED BY T. A. CARMICHAEL, JR., DATED JANUARY 16, 1978, AND RECORDED IN PLAT BOOK 7, PAGE 70, HENRY COUNTY, GEORGIA RECORDS. MAP/PARCEL #163-01001001.

\* **TRACT THREE: 1.4 ACRES**

ALL THAT TRACT OR PARCEL OF LAND LYING, SITUATE AND BEING IN LAND LOT 130 OF THE 2ND LAND DISTRICT OF HENRY COUNTY, GEORGIA, CONTAINING 1.4 ACRES, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHERE THE EASTERN MARGIN OF DEAN PATRICK ROAD, A/K/A CANUP ROAD, CONVERGES WITH THE SOUTHERN MARGIN OF U.S. 23 AND GEORGIA HIGHWAY 42, THENCE SOUTH 18 DEGREES 17 MINUTES WEST 318.1 FEET ALONG THE EASTERN MARGIN OF THE DEAN PATRICK (CANUP) ROAD TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 2 DEGREES 38 MINUTES WEST 605.0 FEET TO AN IRON PIN WHICH IS LOCATED ON THE SOUTHERN LAND LOT LINE OF LAND LOT 130; THENCE IN A WESTERLY DIRECTION ALONG THE SOUTHERN LAND LOT LINE OF LAND LOT 130 192.6 FEET, MORE OR LESS, TO THE EASTERN RIGHT OF WAY OF DEAN PATRICK (CANUP) ROAD; THENCE NORTHEASTERLY ALONG THE EASTERN RIGHT OF WAY OF SAID ROAD TO THE POINT OF BEGINNING. SAID PROPERTY IS FURTHER DESCRIBED IN ACCORDANCE WITH A PLAT OF SURVEY DATED JANUARY 16, 1978, PREPARED BY T. A. CARMICHAEL, JR., AND RECORDED IN PLAT BOOK 7, PAGE 70, OFFICE OF CLERK, HENRY SUPERIOR COURT. SAID TRACT IS DESCRIBED ON SAID PLAT AS THE WILSON PROPERTY AND IS LOCATED ADJACENT TO AND WEST OF TRACT 2 DESCRIBED ON SAID SURVEY. SAID

EXHIBIT "A" – CONTINUED

PROPERTY IS TRIANGULAR IN SHAPE AND IS A PORTION OF THAT PROPERTY DEEDED TO GEORGE L. WILSON FROM C. S. ROGERS AND V. B. PRATER BY WARRANTY DEED DATED AUGUST 24, 1953, RECORDED IN DEED BOOK 48, PAGE 145, OFFICE OF CLERK, HENRY SUPERIOR COURT, GEORGIA RECORDS. MAP/PARCEL #147-01003009.

~~TRACT FOUR: COUNTY LINE ROAD, CONTAINING 3.00 ACRES~~

~~ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 130 OF THE 2ND LAND DISTRICT OF HENRY COUNTY, GEORGIA, AND BEING 3.00 ACRES AS SHOWN ON A PLAT OF SURVEY PREPARED FOR GLEN GLADIS AND PREPARED BY WALTER F. PRINCE, GA. R.L.S. #2808, DATED JULY 12, 2005, AND RECORDED AT PLAT BOOK 43, PAGE 300A, HENRY COUNTY, GEORGIA RECORDS. MAP/PARCEL #162-01004-003.~~

~~TRACT FIVE: HWY 42 SOUTH, CONTAINING 12.205 ACRES~~

~~ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 130, OF THE 2ND LAND DISTRICT, OF HENRY COUNTY, GEORGIA, AND BEING 12.205 ACRES, AS SHOWN ON A PLAT OF SURVEY PREPARED FOR PHILLIP CORBIN, PREPARED BY WALTER F. PRINCE, G.R.L.S. #2808, DATED APRIL 24, 2006, WHICH SAID PLAT OF SURVEY IS INCORPORATED HEREIN AND BY REFERENCE THERETO BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO. MAP/PARCEL #162-01004001.~~

**EXHIBIT "A" - CONTINUED**

All that tract or parcel of land lying and being in Land Lot 130, of the 2nd District, of Henry County, Georgia, and being 12.205 Acres, as shown on a plat of survey prepared for Philip Corbin, prepared by Walter F. Prince, G.R.L.S. #2806, dated April 24, 2006, which said plat of survey is incorporated herein and by reference thereto being more particularly described as follows:

Beginning at an iron pin placed on the Southern right-of-way line of U.S. Highway 23/Ga. Highway 42 (an 80-foot right-of-way), said iron pin being 263.38 feet Westerly, as measured along said right-of-way line, from its intersection with the Western right-of-way line of County Line Road (a 60-foot right-of-way); thence, and leaving the Southern right-of-way line of U.S. Highway 23/Ga. Highway 42, South 10 degrees 09 minutes 28 seconds West, 52.23 feet to an iron pin placed; thence proceeding South 10 degrees 14 minutes 40 seconds East, 88.53 feet to an iron pin placed; thence proceeding South 05 degrees 47 minutes 12 seconds West, 171.83 feet to an iron pin found; thence proceeding North 88 degrees 19 minutes 47 seconds West, 298.59 feet to an iron pin found; thence proceeding South 01 degree 31 minutes 34 seconds West, 235.91 feet to an iron pin found on the common land lot line of Land Lots 130 and 127 and dividing line between Henry and Butts Counties; thence proceeding, along said common land lot and county line, North 89 degrees 06 minutes 15 seconds West, 596.59 feet to an iron pin found; thence, and leaving said common land lot and county line, North 03 degrees 50 minute 41 seconds East, 845.50 feet to an iron pin found on the Southwestern right-of-way line of U.S. Highway 23/Ga. Highway 42; thence proceeding, along said right-of-way line, South 67 degrees 37 minutes 57 seconds East, 345.56 feet to a point; thence, and continuing along said right-of-way line, South 67 degrees 58 minutes 58 seconds East, 247.31 feet to a point; thence, and continuing along said right-of-way line, in a Southeasterly direction and following the curvature thereof to the left along the arc of a curve to the right of a chord having been subtended, an arc distance of 320.77 feet to an iron pin placed, (said arc having a radius of 1,404.33 feet and said chord having a bearing of South 73 degrees 16 minutes 32 seconds East, a chord distance of 320.07 feet), and said iron pin being the Point of Beginning.

Together With all of Grantor's right, title and interest in and to that certain perpetual 30-foot exclusive easement for the purpose of ingress and egress conveyed to Grantor by Limited Warranty Deed from Walter Concrete Company, Inc. filed for record in the Office of the Clerk of Superior Court, Henry County, Georgia, and more particularly described as a 30-foot Exclusive Egress/Ingress Easement on a plat of survey of record at Plat Book 43, Page 300-A, of the Henry County, Georgia Records. The description of said easement as set forth under said recorded plat of survey is incorporated herein by reference and made a part hereof, with all the rights, members and appurtenances to the said described premises in anywise appertaining or belonging. Parcel 162-1004001



## **EXHIBIT B**



# ANNEXATION EVALUATION REPORT September 18, 2023

FILE: AX-23-07-03

ANNEXATION

## Property Information

Tax ID	147-01003009 & 163-01001001
Location/address	Land Lot 130 of the 2 <sup>nd</sup> district/ Highway 42 and Canup Road
Parcel Size	6.29+/- acres
Current Zoning	County M-1 (Light Manufacturing)
Request	Annex M-1 (Light Manufacturing) zoned property from unincorporated Henry County into the City of Locust Grove with an equivalent M-1 (Light Manufacturing) zoning
Proposed Use	Gravel Truck Parking
Existing Land Use	Vacant/undeveloped
Future Land Use	County Low-Density Residential (unincorporated Henry County)
Recommendation	Approval

## Summary

Five Rivers North, LLC has submitted an application requesting annexation of a 6.29 +/- acre tract located on Highway 42 and Canup Road (Parcel ID # 147-01003009 and 163-01001001). The zoning of the subject property will remain M-1 (Light Manufacturing) which is the City of Locust Grove's equivalent to unincorporated Henry County's M-1 (Light Manufacturing) zoning district. The future land use designation will remain the equivalent Low Density Residential designation within the incorporated boundaries of Locust Grove. The Applicant is utilizing the 100% method per O.C.G.A. §36-36-20. The Henry County Board of Commissioners raised no objections to this annexation during their August 1, 2023 meeting.

## Service Delivery / Infrastructure

**Water and Sewer:** According to the City of Locust Grove Public Works Department, the subject property is not currently located within the City's water and sanitary sewer service areas. No facilities requiring water or sewer services are shown on the proposed site plan.





# ANNEXATION EVALUATION REPORT September 18, 2023

FILE: AX-23-07-03

ANNEXATION

**Police Services:** If the Subject Property is annexed into the city limits, it will be placed on a regular patrol route.

**Fire:** Fire and emergency services will be performed by Henry County as is the case in other areas of the City.

**Transportation Impacts:** There are no discernible increases or changes to transportation patterns in the vicinity because of this annexation request. The applicant intends to develop the subject property in the future as part of a gravel truck parking lot. The subject property is located within an area of existing industrial and commercial development and will likely serve existing truck traffic. The truck and oversized vehicle entrance/exit location shall be located on Highway 42, with emergency and passenger vehicle access only on County Line Road.

## Criteria for Evaluation of Annexation Request

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### Section 17.04.315 Procedure for Hearing before City Council.

- (a) **All proposed amendments to this chapter or to the official zoning map with required site plans shall be considered at public hearing. The City Council shall consider the following:**
- (1) **The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community.** No impacts on the character of the area are anticipated as a result of this request given the zoning on the Subject Property is going from M-1 County to M-1 City as part of an annexation request. The surrounding properties are primarily industrial/commercial in use and character, with some County RA (Residential Agricultural) properties located to the south and west.
  - (2) **The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of this Chapter.** The request will continue the current Industrial uses of the subject property as it transitions from the unincorporated area of Henry County into the city limits of Locust Grove,
  - (3) **Consistency with the Land Use Plan.** If the annexation is approved, the Subject Property would maintain the Future Land Use designation of Low Density Residential matching the current County Future Land Use Designation and rural/ low density character of County properties to the south and west of the subject property. The current zoning designation of the Subject Property (M-1 Light Manufacturing) will determine permitted uses.



# ANNEXATION EVALUATION REPORT September 18, 2023

FILE: AX-23-07-03

ANNEXATION

- (4) **The potential impact of the proposed amendment on City infrastructure including water and sewerage systems.** No water/sewer is shown on the proposed site plan and the subject parcels do not have access to City water/sanitary sewer service. No impact is anticipated at this time.
- (5) **The impact of the proposed amendment on adjacent thoroughfares and pedestrian vehicular circulation and traffic volumes.** No immediate impacts are anticipated from granting this annexation request. The proposed use as a gravel parking lot will likely serve existing truck traffic traveling to and from nearby industrial developments. The proposed truck parking facility may improve circulation in extant private parking lots within the City by providing drivers with an alternative option.
- (6) **The impact upon adjacent property owners should the request be approved.** Should the annexation request be approved, there will be no change to how the Subject Property can be developed as it is being rezoned from County M-1 (Light Manufacturing) to City M-1 (Light Manufacturing). Much of the surrounding area has already been developed for industrial use or is designated for future industrial use. Any impact to the adjoining County RA (Residential Agricultural) parcels can be mitigated by buffering, lighting, and security as required by the M-1 zoning ordinance.
- (7) **The ability of the subject land to be developed as it is presently zoned.** Currently, the subject property may be developed into permitted uses granted by the M-1 (Light Manufacturing) zoning district both in the City and unincorporated County.
- (8) **The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.** There are no known physical conditions or limitations that could preclude the use of the subject property.
- (9) **The merits of the requested change in zoning relative to any other guidelines and policies for development which the Community Development Commission and City Council may use in furthering the objectives of the Land Use Plan.** The merits are consistent with both the City's zoning ordinance, future and existing development patterns in the area.

## Recommendation

The annexation request meets the legal requirements per Georgia Annexation Law O.C.G.A. 36-36-11 and received no objection from the Henry County Board of Commissioners at their August 1, 2023 meeting. Therefore, staff recommends APPROVAL of the applicant's request to annex the subject property into the City of Locust Grove with the City of Locust Grove equivalent zoning district of M-1 (Light Manufacturing) and Future Land Use designation of Low Density Residential.



# City of Locust Grove

P.O. Box 900 Locust Grove, Georgia 30248-0900

Telephone (770) 957-5043 Fax: 1-866-364-0996

**MAYOR**

Robert Price

**COUNCIL**

Keith Boone

Rudy Breedlove

Carlos Greer

Rod Shearouse

Willie J. Taylor

Vincent Williams

**CITY MANAGER**

Tim Young

**CITY CLERK**

Misty Spurling

July 6, 2023

Henry County Board of Commissioners  
Attention: Carlotta Harrell, Chair  
140 Henry Parkway  
McDonough, GA 30253

RE: Annexation of 6.14 +/- acres (Parcel ID's: 163-01001001 & 147-01003009) located at Canup Drive at Highway 42.

Dear Chair Harrell:

The City of Locust Grove has accepted an application on July 6, 2023, for annexation of the following property:

6.14 +/- acres (Parcel ID's: 163-01001001 & 147-01003009) located at Canup Drive at Highway 42. The annexation request comes from Five Rivers North, LLC.

The subject property will be contiguous to the existing City Limits and is being annexed by the 100% Method with no planned change in zoning other than a classification of the same M-1 (Light Manufacturing) zoning district and Future Land Use designation of Low Density Residential in the City of Locust Grove as is equivalent in Henry County.

Utilities will be provided by the Henry County Water Authority per the most recent Service Delivery Strategy agreement with the Henry County Water Authority or the City of Locust Grove.

This notice is being provided to you in accordance with Agreement Section 4. H. 4 and O.C.G.A. § 36-36-111 of the acceptance of the application for your consideration and comment.

Should you need any further information on this matter, please feel free to contact me at (770) 957-5043.

Respectfully,

Tim Young, City Manager

Cc: Cheri Hobson-Matthews, County Manager  
Nancy Rowan, Henry County Attorney  
Andy Welch, City Attorney  
Locust Grove City Council  
Henry County Water Authority  
Henry County Tax Assessors

## **EXHIBIT C**

**AFFIDAVIT OF SIGN POSTING**

Personally appeared, before the undersigned officer duly authorized to administer oaths, Mr. Brian Fornal who, after being duly sworn, testifies as follows:

1.

My name is Brian Fornal. I am over twenty-one years of age and competent to give this, my affidavit, based upon my personal knowledge.

2.

Five Rivers North, LLC, of Stockbridge, GA has submitted an application for annexation and rezoning of 6.29+/- acres into the City of Locust Grove; Parcels 147-01003009 and 163-01001001; in Land Lot 130 of the 2<sup>nd</sup> District.

3.

On the 31<sup>st</sup> day of August 2023, I, Brian Fornal, posted double-sided sign notifications on the subject parcel advertising a public hearing on the above requests to be heard by the Locust Grove City Council on the 18<sup>th</sup> day of September at 6:00 p.m. at the Locust Grove Public Safety Building, 3640 Highway 42, Locust Grove, Georgia 30248. Photographs of same are attached hereto as Exhibits "A" and "B" respectively and incorporated herein by reference. The public hearing signs were posted at the following locations:

1. One double-sided sign posted at 3:15 PM on the east side of Canup Road, on 8/31/23.
2. One double-sided sign posted at 3:20 PM on the south side of Highway 42, east of Canup Road, on 8/31/23.

FURTHER AFFIANT SAYETH NOT.

This 11<sup>th</sup> day of September 2023.



Affiant

Sworn and subscribed before me  
this 11<sup>th</sup> day of September, 2023

*Markeya Moore*  
\_\_\_\_\_  
Notary Public



Exhibit "A"



Exhibit "B"





# Henry Herald

38 Sloan Street  
McDonough, Georgia 30253

Phone (770) 951-9161  
Fax (770) 339-5869

## PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA  
COUNTY OF HENRY

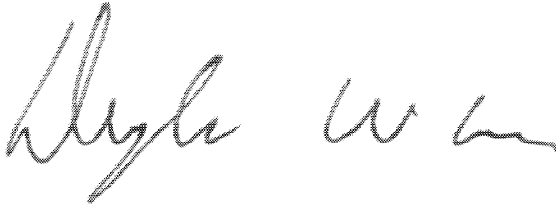
Personally appeared before the undersigned, a notary public within and for said county and state, Douglas W. Crow, Vice President of Operations, Times Journal Inc., which published the Henry Herald, Published at McDonough, County of Henry, State of Georgia, and being the official organ for the publication of legal advertisements for said county, who being duly sworn, states on oath that the report of

Ad No.: **362375**

Name and File No.: **PUBLIC HEARING 9/18/2023**

a true copy of which is hereto attached, was published in said newspaper on the following date(s):

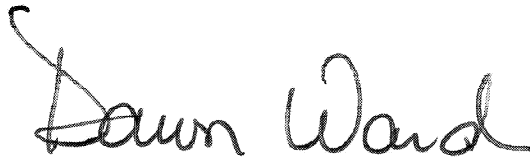
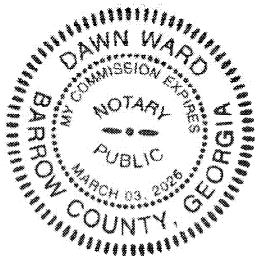
**08/30/2023**



---

Douglas W. Crow, Vice President of Operations, Times Journal Inc.

Sworn and subscribed to me 08/30/2023



---

Notary Public  
My commission expires 03/03/2026

Ad text :  
Hdh2186  
gpn16

Public Hearing Notice  
City of Locust Grove  
September 18, 2023  
6:00 PM  
Locust Grove Public Safety Building  
3640 Highway 42 South  
Locust Grove, GA 30248

Notice is hereby given as required by Chapter 66 of Title 36 of the Official Code of Georgia Annotated (?Zoning Procedures Law?) and Section 17.04 of the Code of Ordinances, City of Locust Grove, Georgia, that the Locust Grove City Council, on Monday September 18, 2023, at 6:00 PM, will conduct public hearings for the purpose of the following:

#### ANNEXATION

AX 23-07-03 Five Rivers North, LLC has submitted an application requesting annexation of a 6.29 +/- acre tract (Parcel IDs 147-01003009 and 163-01001001 in Land Lot 130 of the 2nd District, located on Highway 42 and Canup Road. The zoning of the subject property will remain M-1 (Light Manufacturing) the City of Locust Grove's equivalent to unincorporated Henry County's M-1 (Light Manufacturing) zoning district. The future land use designation will remain Low-Density Residential within the incorporated boundaries of Locust Grove.

#### CONDITIONAL USE

CU-23-08-01 Hummingbird Trucking of Atlanta, GA requests a Conditional Use for 10 +/- acres located on Walker Crossing (Parcel ID # 147-01003011) in Land Lot 130 of the 2nd District for the purpose of developing a gravel truck parking lot.

The public hearing will be held in the Locust Grove Public Safety Building, located at 3640 Highway 42 South.

Daunt? Gibbs  
Community Development  
Director -  
City of Locust Grove  
8:30, 2023

## **EXHIBIT D**



## Community Development Department

P. O. Box 900  
Locust Grove, Georgia 30248  
Phone: (770) 957-5043  
Facsimile (770) 954-1223

# Item Coversheet

---

**Item:** An ordinance to rezone 6.29 +/- acres located on Highway 42 and Canup Road (Parcel ID: 147-01003009 and 163-01001001) in Land Lot 130 of the 2<sup>nd</sup> District from M-1 (Light Manufacturing) unincorporated Henry County to M-1 (Light Manufacturing) City of Locust Grove.

Action Item:  Yes  No

Public Hearing Item:  Yes  No

Executive Session Item:  Yes  No

Advertised Date: August 30, 2023

Budget Item: No

Date Received: July 3, 2023

Workshop Date: September 18, 2023

Regular Meeting Date: October 2, 2023

### Discussion:

Five Rivers North, LLC has submitted an application requesting annexation of a 6.29 +/- acre tract (Parcel IDs 147-01003009 and 163-01001001) in Land Lot 130 of the 2<sup>nd</sup> District, located on Highway 42 and Canup Road. The zoning of the subject property will remain M-1 (Light Manufacturing) the City of Locust Grove's equivalent to unincorporated Henry County's M-1 (Light Manufacturing) zoning district. The future land use designation will remain Low-Density Residential within the incorporated boundaries of Locust Grove. The Applicant is utilizing the 100% method per O.C.G.A.

**§36-36-20. The Henry County Board of Commissioners raised no objections to this annexation during their August 1, 2023 meeting.**

**Recommendation:**

**The annexation request meets the legal requirements per Georgia Annexation Law O.C.G.A. 36-36-11 and received no objection from the Henry County Board of Commissioners at their August 1, 2023 meeting. Therefore, staff recommends APPROVAL of the applicant's request to annex and rezone the subject property into the City of Locust Grove with the City of Locust Grove equivalent zoning district of M-1 (Light Manufacturing) and Future Land Use designation of LD (Low Density Residential).**



## Community Development Department

P. O. Box 900  
Locust Grove, Georgia 30248  
Phone: (770) 957-5043  
Facsimile (770) 954-1223

# Item Coversheet

---

**Item:** An ordinance to rezone 6.29 +/- acres located on Highway 42 and Canup Road (Parcel ID: 147-01003009 and 163-01001001) in Land Lot 130 of the 2<sup>nd</sup> District from M-1 (Light Manufacturing) unincorporated Henry County to M-1 (Light Manufacturing) City of Locust Grove.

Action Item:  Yes  No

Public Hearing Item:  Yes  No

Executive Session Item:  Yes  No

Advertised Date: August 30, 2023

Budget Item: No

Date Received: July 3, 2023

Workshop Date: September 18, 2023

Regular Meeting Date: October 2, 2023

### Discussion:

Five Rivers North, LLC has submitted an application requesting annexation of a 6.29 +/- acre tract (Parcel IDs 147-01003009 and 163-01001001) in Land Lot 130 of the 2<sup>nd</sup> District, located on Highway 42 and Canup Road. The zoning of the subject property will remain M-1 (Light Manufacturing) the City of Locust Grove's equivalent to unincorporated Henry County's M-1 (Light Manufacturing) zoning district. The future land use designation will remain Low-Density Residential within the incorporated boundaries of Locust Grove. The Applicant is utilizing the 100% method per O.C.G.A.

**§36-36-20. The Henry County Board of Commissioners raised no objections to this annexation during their August 1, 2023 meeting.**

**Recommendation:**

The annexation request meets the legal requirements per Georgia Annexation Law O.C.G.A. 36-36-11 and received no objection from the Henry County Board of Commissioners at their August 1, 2023 meeting. Therefore, staff recommends **APPROVAL** of the applicant's request to annex and rezone the subject property into the City of Locust Grove with the City of Locust Grove equivalent zoning district of M-1 (Light Manufacturing) and Future Land Use designation of LD (Low Density Residential).

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO REZONE APPROXIMATELY 6.29+/- ACRES LOCATED ON HIGHWAY 42 AND CANUP ROAD IN LAND LOT 130 OF THE 2<sup>ND</sup> DISTRICT WITHIN THE CITY OF LOCUST GROVE, GEORGIA; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**WHEREAS**, the City of Locust Grove (“City”) is a municipal corporation, duly organized and existing under the laws of the State of Georgia; and,

**WHEREAS**, Five Rivers North, LLC, of Stockbridge, GA, (the “Applicant”) petitioned the City to annex and rezone property located on highway 42 and Canup Road consisting of 6.29 +/- acres (Parcel ID: 147-01003009 and 163-01001001) located in Land Lot 130 of the 2nd District (the “Property”) attached hereto as **Exhibit A**; and,

**WHEREAS**, the Applicant filed a request to annex and rezone the subject Property into the City of Locust Grove on July 3, 2023, as shown in the staff report attached hereto and incorporated herein by reference as **Exhibit B**; and,

**WHEREAS**, THE City of Locust Grove provided notice of the annexation to the Henry County Board of Commissioners on July 6, 2023 by certified mail; and,

**WHEREAS**, the Henry County Board of Commissioners reviewed the Applicant’s request during their August 1, 2023 meeting and raised no objections to said request; and,

**WHEREAS**, said request has been reviewed by the Mayor and City Council at a Public Hearing held on September 18, 2023 as well as by the City Community Development Director; and,

**WHEREAS**, the Applicant requested that the Property retain the same zoning in the City (M-1 Light Manufacturing) that they had in the County (M-1 Light Manufacturing); and,



**WHEREAS**, notice of this matter (as attached hereto and incorporated herein as **Exhibit C**) has been provided in accordance with applicable state law and local ordinances; and,

**WHEREAS**, the Mayor and City Council have reviewed and considered the Applicant's request and both the recommendations of the public hearing and City staff as presented in the Report.

**THEREFORE, THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS:**

1.

- That the request for rezoning is hereby **APPROVED**.
- That the request for rezoning is hereby **DENIED**.

2.

That the use of the Property is subject to:

- The condition(s) set forth on **Exhibit D** attached hereto and incorporated herein by reference.
- The terms of the Development Agreement attached hereto as **Exhibit D** and incorporated herein by reference.
- If no **Exhibit D** is attached hereto, then the property is zoned without conditions.

3.

That, if the request is granted, the official zoning map for the City is hereby amended to reflect such zoning classification for the property.

4.

That, if granted, this Ordinance shall become effective immediately subject to the corresponding annexation ordinance under consideration.

**SO ORDAINED** by the Council of this City this 2<sup>nd</sup> day of October 2023.

---

ROBERT S. PRICE, Mayor

ATTEST:

---

MISTY SPURLING, City Clerk

(Seal)

APPROVED AS TO FORM:

---

City Attorney

**EXHIBIT A**

**APPLICATION FOR ANNEXATION UNDER  
THE ONE HUNDRED PERCENT (100%) METHOD**

Date of Submission: 07/03/2023

To the Mayor and City Council of the City of Locust Grove, Henry County, Georgia.

1. We, the undersigned, all of the owners of all real property of the territory described herein respectfully request that the City Council annex this territory to the City of Locust Grove, Georgia, and extend the City boundaries to include the same.
  
2. The territory to be annexed is unincorporated an contiguous (as described in O.C.G.A. 36-36-20) to the existing corporate limits of Locust Grove, Georgia, and the description of such territory is hereto attached as **Exhibit A**.

OWNERS NAME(S) FIVE RIVERS NORTH, LLC

PROPERTY LOCATION CANUP DRIVE @ Hwy 42/23

PHONE NUMBER 404-210-6017 - CJ

ALTERNATE PHONE 404-429-6046 - Balinar

LAND LOT/DISTRICT 130/2nd

ACREAGE 6.14

MAP CODE NO. 163-01001001 + 147-01003009

ZONING CLASSIFICATION M-1

SIGNATURE(S) *Christina Smith* Date 7-3-2023

\_\_\_\_\_ Date \_\_\_\_\_

All property owners must sign as their name appears on the Deed.

FORM 1

**RECEIVED**  
**JUL 03 2023**  
City of Locust Grove  
Community Development  
*Regina Smith*



# ANNEXATION APPLICATION

The enclosed forms have been compiled for your convenience in cases where land owners desire to annex property into the incorporated city limits of the City of Locust Grove.

All applicants for annexation must complete FORM 1 in its entirety.

--ALSO--

- If you and/or anyone else reside(s) on the property for which you are seeking annexation, please complete FORM 2.
- If no one resides on the property for which you are seeking annexation, please complete FORM 3.

Additional required information:

- A copy of the recorded deed for the subject property.
- A legal description of the subject property.
- A plat of the subject property, prepared by a professional surveyor, licensed in Georgia.

Please submit the above-noted information to the following location:

Office of the City Manager  
City of Locust Grove  
3644 Highway 42  
Locust Grove, GA 30248

**For questions regarding the annexation process, please call 770-957-5043**

NIA

**APPLICATION FOR ANNEXATION UNDER  
THE SIXTY PERCENT (60%) METHOD  
LAND OWNERS AND ELECTORS**

Date of Submission: \_\_\_\_\_

To the Mayor and City Council of Locust Grove, Georgia:

1. We, the undersigned, representing not less than 60 percent of the electors resident in the territory described herein and the owners of not less than 60 percent of the real property within the territory described herein, do respectfully request that the City of Locust Grove, Georgia, said City having a population of 200 or more persons, and extend the city boundaries to include the same.
2. The territory to be annexed is unincorporated and contiguous (as described in O.C.G.A. 36-36-31) to the existing corporate limits of Locust Grove, Georgia, and description of such territory is attached as **Exhibit A**.

**OWNERS NAME(S)**

\_\_\_\_\_  
\_\_\_\_\_

**PROPERTY LOCATION**

\_\_\_\_\_  
\_\_\_\_\_

**PHONE NUMBER**

\_\_\_\_\_

**ALTERNATE PHONE**

\_\_\_\_\_

**LAND LOT/DISTRICT**

\_\_\_\_\_

**ACREAGE**

\_\_\_\_\_

**MAP CODE NO.**

\_\_\_\_\_

**ZONING CLASSIFICATION**

\_\_\_\_\_

**SIGNATURE(S)**

\_\_\_\_\_ **Date** \_\_\_\_\_

\_\_\_\_\_ **Date** \_\_\_\_\_

All property owners must sign as their name appears on the Deed.

FORM 2

**APPLICATION FOR ANNEXATION UNDER THE  
SIXTY PERCENT (60%) METHOD  
LAND OWNERS ONLY**

Date of Submission : 07/03/2023

To the Mayor and City Council of Locust Grove, Georgia

1. We, the undersigned, representing not less than 60 percent of the electors resident in the territory described herein and the owners of not less than 60 percent of the real property within the territory described herein, do respectfully request that the City Council of Locust Grove, Georgia, annex the territory described below to the City of Locust Grove, Georgia, said City having a population of 200 or more persons, and extend the city boundaries to include the same.
  
2. The territory to be annexed is unincorporated and contiguous (as described in O.C. G. A. 36-36-31) to the existing corporate limits of Locust Grove, Georgia, and the description of such territory is attached as **Exhibit A**.

**OWNER NAME(S)** FIVE RIVERS NORTH, LLC

**PROPERTY LOCATION** CANUD DRIVE @ Hwy 42/23

**PHONE NUMBER** 404-210-6017-CJ

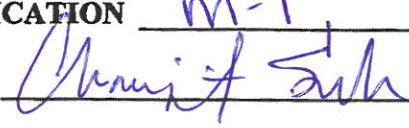
**ALTERNATE PHONE** 404-429-6846-Balihar

**LAND LOT/DISTRICT** 130/2nd

**ACREAGE** 6.14

**MAP CODE NO.** 163-01001001 + 147-01003009

**ZONING CLASSIFICATION** M-1

**SIGNATURE(S)**  **Date** 7-3-2023

\_\_\_\_\_ **Date** \_\_\_\_\_

All property owners must sign as their name appears on the Deed.

FORM 3

BK: 19262 PG: 757-760  
Filed and Recorded  
May-17-2023 09:34:46AM  
DOC#: D2023-011273  
Real Estate Transfer Tax Paid \$1,723.00  
0752023003304  
SABRIYA HILL  
CLERK OF SUPERIOR COURT Henry County GA.

Deed Doc: WD  
Recorded 05/09/2023 02:21PM  
Georgia Transfer Tax Paid : \$53.30  
Morgan Ward  
Clerk Superior Court, BUTTS County, Ga.  
Bk 00991 Pg 0384-0387

PT-61-018-2023-000416

SWWW-J FILE NO.: 712023.0318

Return To: SMITH, WELCH, WEBB & WHITE, LLC  
ATTORNEYS AT LAW  
117 BROOKWOOD AVENUE  
JACKSON, GA 30233  
(770)775-3188

RECEIVED IN OFFICE  
HENRY COUNTY  
CLERK OF SUPERIOR COURT  
2023 MAY 16 PM 2:34

### WARRANTY DEED

STATE OF GEORGIA, BUTTS COUNTY

IN CONSIDERATION OF THE SUM OF ONE DOLLAR AND OTHER CONSIDERATIONS DOLLARS to us paid We, ROBERT HOUSE and CORNER LOT, INC., as their interests may appear, of the County of Butts, do hereby sell and convey unto FIVE RIVERS NORTH, LLC, of the County of Henry, its heirs and assigns, a tract or parcel of land, which is described as follows:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

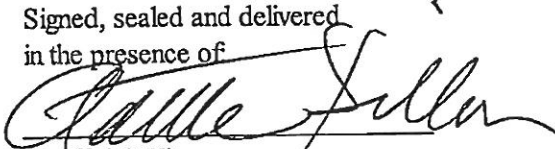
THE ABOVE DESCRIBED PROPERTY IS CONVEYED SUBJECT TO ALL EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD, IF ANY.


TO HAVE AND TO HOLD said land and appurtenances unto said FIVE RIVERS NORTH, LLC, its heirs, executors, administrators, and assigns, in fee simple.

We warrant the title to said land against the lawful claims of all persons.

In Witness Whereof, We have hereunto set our hands and affixed our seals this the 8th day of May, 2023.

Signed, sealed and delivered  
in the presence of

  
Unofficial Witness

 (SEAL)  
ROBERT HOUSE

 (SEAL)  
Notary Public

CORNER LOT, INC.

My commission expires

BY:  (SEAL)  
ROBERT S. HOUSE, PRESIDENT



292



EXHIBIT "A"

~~TRACT ONE: 435 COUNTY LINE ROAD, CONTAINING 2.514 ACRES~~

~~THE CERTAIN IMPROVED REALTY LOCATED IN LAND LOT 127 OF THE 2ND LAND DISTRICT OF BUTTS COUNTY, GEORGIA CONTAINING 2.514 ACRES AS SHOWN ON PLAT OF SURVEY OF SAME PREPARED BY JOE ROWAN, DATED 3/16/1995 AND RECORDED IN PLAT BOOK 12, PAGE 805, BUTTS COUNTY, GEORGIA RECORDS. MAP/PARCEL #00080 040 A00.~~

~~ALSO CONVEYED HEREWITH IS A 1980 REDMAN BOANZA MANUFACTURED HOME, VIN #11510965, WHICH IS PERMANENTLY AFFIXED TO THE ABOVE DESCRIBED PROPERTY.~~

\* **TRACT TWO: HWY 42 & CANUP ROAD, CONTAINING 5 ACRES**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 130 OF HENRY COUNTY, GEORGIA, CONTAINING 5 ACRES AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHERE THE EASTERN MARGIN OF DEAN PATRICK ROAD CONVERGES WITH THE SOUTHERN MARGIN OF U.S. 23 AND GEORGIA HIGHWAY 42 AND TRAVELING THENCE SOUTH 67 DEGREES 31 MINUTES EAST A DISTANCE OF 200 FEET TO A POINT; THENCE SOUTH 4 DEGREES 35 MINUTES WEST A DISTANCE OF 839.1 FEET TO A POINT; THENCE NORTH 88 DEGREES 18 MINUTES WEST 246.2 FEET TO A POINT; THENCE NORTH 2 DEGREES 38 MINUTES EAST 605.0 FEET TO AN IRON PIN; THENCE NORTH 18 DEGREES 17 MINUTES EAST 318.1 FEET ALONG THE EASTERN MARGIN OF DEAN PATRICK ROAD TO THE POINT OF BEGINNING.

SAID TRACT OF PROPERTY IS SHOWN AS "TRACT 2" ON A PLAT OF SURVEY PREPARED BY T. A. CARMICHAEL, JR., DATED JANUARY 16, 1978, AND RECORDED IN PLAT BOOK 7, PAGE 70, HENRY COUNTY, GEORGIA RECORDS. MAP/PARCEL #163-01001001.

\* **TRACT THREE: 1.4 ACRES**

ALL THAT TRACT OR PARCEL OF LAND LYING, SITUATE AND BEING IN LAND LOT 130 OF THE 2ND LAND DISTRICT OF HENRY COUNTY, GEORGIA, CONTAINING 1.4 ACRES, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHERE THE EASTERN MARGIN OF DEAN PATRICK ROAD, A/K/A CANUP ROAD, CONVERGES WITH THE SOUTHERN MARGIN OF U.S. 23 AND GEORGIA HIGHWAY 42, THENCE SOUTH 18 DEGREES 17 MINUTES WEST 318.1 FEET ALONG THE EASTERN MARGIN OF THE DEAN PATRICK (CANUP) ROAD TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 2 DEGREES 38 MINUTES WEST 605.0 FEET TO AN IRON PIN WHICH IS LOCATED ON THE SOUTHERN LAND LOT LINE OF LAND LOT 130; THENCE IN A WESTERLY DIRECTION ALONG THE SOUTHERN LAND LOT LINE OF LAND LOT 130 192.6 FEET, MORE OR LESS, TO THE EASTERN RIGHT OF WAY OF DEAN PATRICK (CANUP) ROAD; THENCE NORTHEASTERLY ALONG THE EASTERN RIGHT OF WAY OF SAID ROAD TO THE POINT OF BEGINNING. SAID PROPERTY IS FURTHER DESCRIBED IN ACCORDANCE WITH A PLAT OF SURVEY DATED JANUARY 16, 1978, PREPARED BY T. A. CARMICHAEL, JR., AND RECORDED IN PLAT BOOK 7, PAGE 70, OFFICE OF CLERK, HENRY SUPERIOR COURT. SAID TRACT IS DESCRIBED ON SAID PLAT AS THE WILSON PROPERTY AND IS LOCATED ADJACENT TO AND WEST OF TRACT 2 DESCRIBED ON SAID SURVEY. SAID

EXHIBIT "A" – CONTINUED

PROPERTY IS TRIANGULAR IN SHAPE AND IS A PORTION OF THAT PROPERTY DEEDED TO GEORGE L. WILSON FROM C. S. ROGERS AND V. B. PRATER BY WARRANTY DEED DATED AUGUST 24, 1953, RECORDED IN DEED BOOK 48, PAGE 145, OFFICE OF CLERK, HENRY SUPERIOR COURT, GEORGIA RECORDS. MAP/PARCEL #147-01003009.

~~TRACT FOUR: COUNTY LINE ROAD, CONTAINING 3.00 ACRES~~

~~ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 130 OF THE 2ND LAND DISTRICT OF HENRY COUNTY, GEORGIA, AND BEING 3.00 ACRES AS SHOWN ON A PLAT OF SURVEY PREPARED FOR GLEN GLADIS AND PREPARED BY WALTER F. PRINCE, GA. R.L.S. #2808, DATED JULY 12, 2005, AND RECORDED AT PLAT BOOK 43, PAGE 300A, HENRY COUNTY, GEORGIA RECORDS. MAP/PARCEL #162-01004-003.~~

~~TRACT FIVE: HWY 42 SOUTH, CONTAINING 12.205 ACRES~~

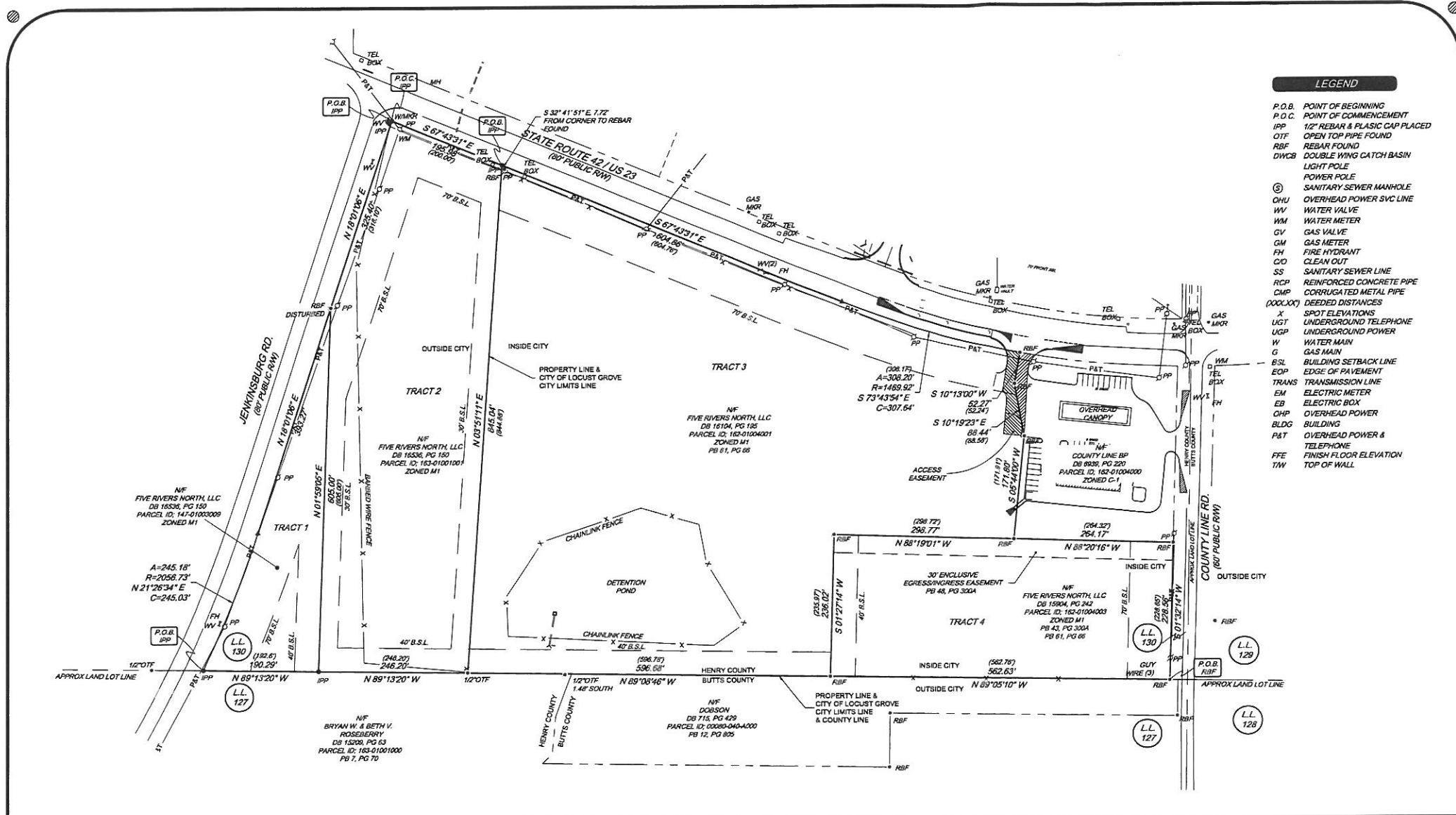
~~ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 130, OF THE 2ND LAND DISTRICT, OF HENRY COUNTY, GEORGIA, AND BEING 12.205 ACRES, AS SHOWN ON A PLAT OF SURVEY PREPARED FOR PHILLIP CORBIN, PREPARED BY WALTER F. PRINCE, G.R.L.S. #2808, DATED APRIL 24, 2006, WHICH SAID PLAT OF SURVEY IS INCORPORATED HEREIN AND BY REFERENCE THERETO BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO. MAP/PARCEL #162-01004001.~~

**EXHIBIT "A" - CONTINUED**

All that tract or parcel of land lying and being in Land Lot 130, of the 2nd District, of Henry County, Georgia, and being 12.205 Acres, as shown on a plat of survey prepared for Philip Corbin, prepared by Walter F. Prince, G.R.L.S. #2806, dated April 24, 2006, which said plat of survey is incorporated herein and by reference thereto being more particularly described as follows:

Beginning at an iron pin placed on the Southern right-of-way line of U.S. Highway 23/Ga. Highway 42 (an 80-foot right-of-way), said iron pin being 263.38 feet Westerly, as measured along said right-of-way line, from its intersection with the Western right-of-way line of County Line Road (a 60-foot right-of-way); thence, and leaving the Southern right-of-way line of U.S. Highway 23/Ga. Highway 42, South 10 degrees 09 minutes 28 seconds West, 52.23 feet to an iron pin placed; thence proceeding South 10 degrees 14 minutes 40 seconds East, 88.53 feet to an iron pin placed; thence proceeding South 05 degrees 47 minutes 12 seconds West, 171.83 feet to an iron pin found; thence proceeding North 88 degrees 19 minutes 47 seconds West, 298.59 feet to an iron pin found; thence proceeding South 01 degree 31 minutes 34 seconds West, 235.91 feet to an iron pin found on the common land lot line of Land Lots 130 and 127 and dividing line between Henry and Butts Counties; thence proceeding, along said common land lot and county line, North 89 degrees 06 minutes 15 seconds West, 596.59 feet to an iron pin found; thence, and leaving said common land lot and county line, North 03 degrees 50 minute 41 seconds East, 845.50 feet to an iron pin found on the Southwestern right-of-way line of U.S. Highway 23/Ga. Highway 42; thence proceeding, along said right-of-way line, South 67 degrees 37 minutes 57 seconds East, 345.56 feet to a point; thence, and continuing along said right-of-way line, South 67 degrees 58 minutes 58 seconds East, 247.31 feet to a point; thence, and continuing along said right-of-way line, in a Southeasterly direction and following the curvature thereof to the left along the arc of a curve to the right of a chord having been subtended, an arc distance of 320.77 feet to an iron pin placed, (said arc having a radius of 1,404.33 feet and said chord having a bearing of South 73 degrees 16 minutes 32 seconds East, a chord distance of 320.07 feet), and said iron pin being the Point of Beginning.

Together With all of Grantor's right, title and interest in and to that certain perpetual 30-foot exclusive easement for the purpose of ingress and egress conveyed to Grantor by Limited Warranty Deed from Walter Concrete Company, Inc. filed for record in the Office of the Clerk of Superior Court, Henry County, Georgia, and more particularly described as a 30-foot Exclusive Egress/Ingress Easement on a plat of survey of record at Plat Book 43, Page 300-A, of the Henry County, Georgia Records. The description of said easement as set forth under said recorded plat of survey is incorporated herein by reference and made a part hereof, with all the rights, members and appurtenances to the said described premises in anywise appertaining or belonging. Parcel 162-1004001



**LEGEND**

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- PP 12" REBAR & PLASTIC CAP PLACED
- OTF OPEN TOP PIPE FOUND
- RBF REBAR FOUND
- DWCB DOUBLE WING CATCH BASIN
- LIGHT POLE
- POWER POLE
- SS SANITARY SEWER MANHOLE
- OHV OVERHEAD POWER SVC LINE
- WV WATER VALVE
- WM WATER METER
- GV GAS VALVE
- GM GAS METER
- FH FIRE HYDRANT
- CO CLEAN OUT
- SS SANITARY SEWER LINE
- RCP REINFORCED CONCRETE PIPE
- CMP CORRUGATED METAL PIPE
- (XXX)X DEEDED DISTANCES
- X SPOT ELEVATIONS
- UGT UNDERGROUND TELEPHONE
- UGP UNDERGROUND POWER
- W WATER MAIN
- G GAS MAIN
- BL BUILDING SETBACK LINE
- EOP EDGE OF PAVEMENT
- TRANS TRANSMISSION LINE
- EM ELECTRIC METER
- EB ELECTRIC BOX
- OMP OVERHEAD POWER
- BLDG BUILDING
- OMP OVERHEAD POWER & TELEPHONE
- FFE FINISH FLOOR ELEVATION
- TW TOP OF WALL

PREPARED FOR

**SURVEYOR'S CERTIFICATION**

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. 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.

04-10-2023  
James R. Green P.L.S. #2543 DATE

**RETRACEMENT SURVEY**

PROPERTY INFORMATION		DRAWING INFORMATION	
LAND LOTS:		DATE:	REVISIONS:
DISTRICT:		SCALE:	
SECTION:		DWN:	
COUNTY:		CHKD:	
STATE:		JOB No.:	
CITY:		FILE:	

**AREA SUMMARY**

TRACT 1	1.24 ACRES (54,074 S.F.)
TRACT 2	5.01 ACRES (218,466 S.F.)
TRACT 3	12.19 ACRES (531,094 S.F.)
TRACT 4	3.00 ACRES (130,712 S.F.)
<b>TOTAL AREA</b>	<b>21.44 ACRES (934,346 S.F.)</b>

**SURVEYORS NOTES**

- CLOSURE STATEMENT**
- THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 21,693 FEET AND AN ANGULAR ERROR OF 1.9 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.
  - THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND ITS ACCURACY IS 1 FOOT IN 262,328 FEET.
- EQUIPMENT AND FIELD SURVEY STATEMENT**
- LINEAR MEASUREMENTS AND ANGULAR MEASUREMENTS OBTAINED USING A LEICA TS16 TOTAL STATION
  - FIELD SURVEY PERFORMED ON 08/16/2023.
- FLOOD ZONE**
- BASED ON GRAPHICAL INTERPRETATION, THIS PROPERTY IS SITUATED IN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOODPLAIN) AS DEPICTED BY THE NFIP FLOOD INSURANCE RATE MAP NO. 13151020250, HAVING AN EFFECTIVE DATE OF OCTOBER 08, 2013. USER OF THIS INFORMATION IS CAUTIONED THAT A MORE PRECISE FLOOD DELINEATION MAY BE NECESSARY.
- ZONING**
- PROPERTY IS ZONED M-1 (LIGHT MANUFACTURING DISTRICT), FOR THE CITY OF LOCUST GROVE AND HENRY COUNTY.
- BUILDING SETBACKS:  
FRONT = 70 FEET RIGHT OF WAY LINE  
SIDE = NONE, EXCEPT 30 FEET ON CORNER LOTS  
REAR = 40 FEET
  - MAXIMUM BUILDING HEIGHT: 75 FEET (CITY OF LOCUST GROVE)
  - MAXIMUM BUILDING HEIGHT: UNLIMITED FOR NEW DEVELOPMENT, 75 FEET FOR ALL OTHER SITUATIONS (HENRY COUNTY)
  - SEWAGE SYSTEM: SEPTIC TANK PERMITTED OR PUBLIC SEWER SYSTEM
  - WATER SYSTEM: COUNTY WATER SYSTEM
  - SURVEYOR MAKES NO WARRANTY AS TO THE EFFECT OF ZONING TO THE CURRENT OR FUTURE USE OF THE SUBJECT PROPERTY. USER OF THIS MAP IS HEREBY CAUTIONED TO CONSULT THE APPROPRIATE GOVERNING BODY FOR FINAL INTERPRETATION CONCERNING ZONING.

- UTILITIES**
- OVERHEAD AND UNDERGROUND UTILITIES THAT ARE SHOWN HEREON ARE BASED UPON FIELD SURFACE OBSERVATIONS AND AVAILABLE INFORMATION ON HAND AT THE TIME OF THE SURVEY. ONLY UTILITIES THAT WERE VISIBLE AND ACCESSIBLE WERE MEASURED. SITE EXCAVATION WAS NOT PERFORMED IN ANY WAY TO MEASURE ANY SUBSURFACE UTILITY OR FEATURE OF ANY TYPE. NOTICE IS HEREBY GIVEN THAT "KNOW WHATS BELOW" CALL BEFORE YOU DIG, UTILITY LOCATION SERVICE (811) SHOULD BE NOTIFIED PRIOR TO ANY EXCAVATION OF THE SITE.
- STREAMS, BODIES OF WATER, & WETLANDS**
- ALL STREAMS, BODIES OF WATER, AND WETLANDS MAY BE SUBJECT TO STATE, COUNTY, AND LOCAL BUFFERS OR RESTRICTIONS. SURVEYOR MAKES NO INTERPRETATION REGARDING THESE BUFFERS OR RESTRICTIONS. USER OF THIS MAP IS CAUTIONED TO CONSULT WITH THE APPROPRIATE GOVERNING AUTHORITIES CONCERNING POSSIBLE BUFFERS OR RESTRICTIONS.
- ARCHAEOLOGICAL & HISTORIC**
- UNLESS SHOWN HEREON, NO CEMETERIES, ARCHAEOLOGICAL, OR ARCHITECTURAL LANDMARKS ARE KNOWN TO EXIST ON THIS SITE. HOWEVER, SURVEYOR HAS NOT EXCAVATED THE SITE OR CONSULTED WITH A QUALIFIED PROFESSIONAL IN THIS FIELD FOR ABSOLUTE CONFORMATION.
- CERTIFICATION**
- THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE FOR THE CLIENT NAMED HEREON AND REPRESENTS A SPECIFIC SCOPE OF SERVICES.
- REFERENCES**
- DEED BOOK 0938, PAGE 221
  - PLAT BOOK 7, PAGE 70
  - PLAT BOOK 12, PAGE 808
  - PLAT BOOK 43, PAGE 300A
  - PLAT BOOK 61, PAGE 66
  - OTHER REFERENCES SHOWN HEREON.
- HORIZONTAL DATUM**
- HORIZONTAL AND VERTICAL DATUM WAS ESTABLISHED USING RTK GPS METHODS WITH CORRECTIONS FROM THE LEICA "SMARTNET" GPS REFERENCE NETWORK. HORIZONTAL DATUM IS GEORGIA STATE PLANE, WEST ZONE, NAD83.

**LEGAL DESCRIPTION**

**TRACT 1**

ALL OF THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 130, 2ND DISTRICT, HENRY COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A REBAR & PLASTIC CAP PLACED AT THE EASTERN RIGHT OF WAY INTERSECTION OF JENKINSBURG ROAD (HAVING A 60' RIGHT OF WAY) WITH THE SOUTHERN RIGHT OF WAY LINE OF STATE ROUTE 42 US 23 (HAVING A 60' RIGHT OF WAY); THENCE RUNNING ALONG SAID RIGHT OF WAY LINE S 67°43'11" E FOR A DISTANCE OF 195.88 FEET TO A REBAR & PLASTIC CAP PLACED AND THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID RIGHT OF WAY THE FOLLOWING METES AND BOUNDS, WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 245.16', WITH A RADIUS OF 3068.77', WITH A CHORD BEARING OF N 21°29'34" E, WITH A CHORD LENGTH OF 245.03', THENCE N 18°10'18" E FOR A DISTANCE OF 383.27 FEET TO A REBAR FOUND; THENCE LEAVING SAID RIGHT OF WAY S 01°59'05" W FOR A DISTANCE OF 606.00 FEET REBAR & PLASTIC CAP PLACED; THENCE N 89°13'20" W FOR A DISTANCE OF 190.29 FEET REBAR & PLASTIC CAP PLACED; AND THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PROPERTY CONTAINS 1.24 ACRES (54,074 SQ. FT.)

**TRACT 2**

ALL OF THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 130, 2ND DISTRICT, HENRY COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A REBAR & PLASTIC CAP PLACED AT THE RIGHT OF WAY INTERSECTION OF THE EASTERN RIGHT OF WAY LINE OF JENKINSBURG ROAD (HAVING A 60' RIGHT OF WAY) WITH THE SOUTHERN RIGHT OF WAY LINE OF STATE ROUTE 42 US 23 (HAVING A 60' RIGHT OF WAY); THENCE RUNNING ALONG SAID RIGHT OF WAY LINE S 67°43'11" E FOR A DISTANCE OF 195.88 FEET TO A REBAR & PLASTIC CAP PLACED; THENCE LEAVING SAID RIGHT OF WAY S 01°59'05" W FOR A DISTANCE OF 606.00 FEET TO A REBAR FOUND ON THE EASTERN RIGHT OF WAY LINE OF JENKINSBURG ROAD (HAVING A 60' RIGHT OF WAY); THENCE FOLLOWING SAID RIGHT OF WAY N 18°10'18" E FOR A DISTANCE OF 383.40 FEET TO A REBAR & PLASTIC CAP PLACED, AND THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PROPERTY CONTAINS 5.01 ACRES (218,466 SQ. FT.)

**TRACT 3**

ALL OF THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 130, 2ND DISTRICT, HENRY COUNTY, CITY OF LOCUST GROVE, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A REBAR & PLASTIC CAP PLACED AT THE RIGHT OF WAY INTERSECTION OF THE EASTERN RIGHT OF WAY LINE OF JENKINSBURG ROAD (HAVING A 60' RIGHT OF WAY) WITH THE SOUTHERN RIGHT OF WAY LINE OF STATE ROUTE 42 US 23 (HAVING A 60' RIGHT OF WAY); THENCE RUNNING ALONG SAID RIGHT OF WAY LINE S 67°43'11" E FOR A DISTANCE OF 195.88 FEET TO A REBAR & PLASTIC CAP PLACED AND THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID RIGHT OF WAY THE FOLLOWING METES AND BOUNDS: S 67°43'11" E FOR A DISTANCE OF 804.86 FEET TO A CALCULATED POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 388.20', WITH A RADIUS OF 1469.82', WITH A CHORD BEARING OF S 74°54'54" E, WITH A CHORD LENGTH OF 307.64', TO A REBAR FOUND; THENCE LEAVING SAID RIGHT OF WAY S 10°19'23" W FOR A DISTANCE OF 52.27 FEET TO A REBAR FOUND; THENCE S 10°19'23" E FOR A DISTANCE OF 68.44' TO A REBAR FOUND; THENCE S 01°59'05" W FOR A DISTANCE OF 111.40 FEET TO A REBAR FOUND; THENCE N 89°13'20" W FOR A DISTANCE OF 298.77 FEET TO A REBAR FOUND; THENCE S 01°27'14" W FOR A DISTANCE OF 236.02' TO A REBAR FOUND; THENCE N 03°51'11" E FOR A DISTANCE OF 845.04 FEET TO A REBAR & PLASTIC CAP PLACED ON THE SOUTHERN RIGHT OF WAY LINE OF STATE ROUTE 42 US 23 (HAVING A 60' RIGHT OF WAY) AND THE POINT OF BEGINNING.

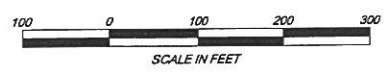
THE ABOVE DESCRIBED PROPERTY CONTAINS 12.19 ACRES (531,094 SQ. FT.)

**TRACT 4**

ALL OF THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 130, 2ND DISTRICT, HENRY COUNTY, CITY OF LOCUST GROVE, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A REBAR FOUND AT THE RIGHT OF WAY INTERSECTION OF THE WESTERN RIGHT OF WAY LINE OF COUNTY LINE ROAD (HAVING A 60' RIGHT OF WAY) WITH THE SOUTHERN RIGHT OF WAY LINE OF STATE ROUTE 42 US 23 (HAVING A 60' RIGHT OF WAY); THENCE LEAVING SAID RIGHT OF WAY N 01°27'14" E FOR A DISTANCE OF 236.02 FEET TO A REBAR FOUND; THENCE S 01°27'14" E FOR A DISTANCE OF 236.02 FEET TO A REBAR FOUND; THENCE S 89°13'20" E FOR A DISTANCE OF 298.77 FEET TO A REBAR FOUND; THENCE S 89°13'20" E FOR A DISTANCE OF 298.77 FEET TO A REBAR FOUND; THENCE S 01°27'14" E FOR A DISTANCE OF 236.02 FEET TO A REBAR FOUND; THENCE N 03°51'11" E FOR A DISTANCE OF 845.04 FEET TO A REBAR & PLASTIC CAP PLACED ON THE WESTERN RIGHT OF WAY LINE OF COUNTY LINE ROAD (HAVING A 60' RIGHT OF WAY) AND THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PROPERTY CONTAINS 3.00 ACRES (130,712 SQ. FT.)



FOR THE BUYER  
METRO ENGINEERING & SURVEYING CO., INC.  
GA L.S.P. #00538

**METRO ENGINEERING & SURVEYING CO., INC.**  
SURVEYORS - ENGINEERS - PHOTOGRAMMETRISTS  
PROVIDING PROFESSIONAL SERVICE SINCE 1987  
1469 Highway 20 West - McDonough, Georgia 30253  
Phone: 770-707-0777 - Fax: 770-707-0755  
www.metro-engineering.com

## **EXHIBIT B**



# REZONING EVALUATION REPORT

September 18, 2023

FILE: RZ-23-07-04

## REZONING

### Property Information

Tax ID	147-01003009 & 163-01001001
Location/address	Land Lot 130 of the 2 <sup>nd</sup> district/ Highway 42 and Canup Road
Parcel Size	6.29+/- acres
Current Zoning	County M-1 (Light Manufacturing)
Request	Annex and rezone M-1 (Light Manufacturing) zoned property from unincorporated Henry County into the City of Locust Grove with an equivalent M-1 (Light Manufacturing) zoning
Proposed Use	Gravel Truck Parking
Existing Land Use	Vacant/undeveloped
Future Land Use	County Low Density Residential (unincorporated Henry County)
Recommendation	Approval

### Summary

Five Rivers North, LLC has submitted an application requesting annexation of a 6.29 +/- acre tract located on Highway 42 and Canup Road (Parcel ID # 147-01003009 and 163-01001001). The zoning of the subject property is currently M-1 (Light Manufacturing) within unincorporated Henry County. The proposed rezoning is to City's equivalent zoning district of M-1 (Light Manufacturing). The future land use designation will remain the equivalent Low Density Residential (LD) designation within the incorporated boundaries of Locust Grove. The Applicant is utilizing the 100% method per O.C.G.A. §36-36-20. The Henry County Board of Commissioners raised no objections to this annexation during their August 1, 2023 meeting.

### Service Delivery / Infrastructure

**Water and Sewer:** According to the City of Locust Grove Public Works Department, the subject property is not currently located within the City's water and sanitary sewer service areas. No facilities requiring water or sewer services are shown on the proposed site plan.

**Police Services:** If the Subject Property is annexed into the city limits, it will be placed on a regular patrol route.

*Preserving the Past... ....Planning the Future*



# REZONING EVALUATION REPORT

September 18, 2023

FILE: RZ-23-07-04

REZONING

**Fire:** Fire and emergency services will be performed by Henry County as is the case in other areas of the City.

**Transportation Impacts:** There are no discernible increases or changes to transportation patterns in the vicinity because of this annexation and rezoning request. The applicant intends to develop the subject property in the future as part of a gravel truck parking lot. The subject property is located within an area of existing industrial and commercial development and will likely serve existing truck traffic. The truck and oversized vehicle entrance/exit location shall be located on Highway 42, with emergency and passenger vehicle access only on County Line Road.

## Criteria for Evaluation of Rezoning Request

### Section 17.04.315 Procedure for Hearing before City Council.

- (a) **All proposed amendments to this chapter or to the official zoning map with required site plans shall be considered at public hearing. The City Council shall consider the following:**
- (1) **The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community.** No impacts on the character of the particular area are anticipated as a result of this request given the zoning on the Subject Property is being rezoned from M-1 (unincorporated Henry County) to M-1 (City of Locust Grove) as part of an annexation request.
  - (2) **The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of this Chapter.** The request will continue the current Industrial uses of the subject property as it transitions from the unincorporated area of Henry County into the city limits of Locust Grove,
  - (3) **Consistency with the Land Use Plan.** If the annexation is approved, the Subject Property would maintain the Future Land Use designation of Low Density Residential matching the current County Future Land Use Designation and rural/ low density character of County properties to the south and west of the subject property. The Future Land Use Designation will be adjusted according to the appropriate zoning designation during the upcoming Comprehensive Plan update.
  - (4) **The potential impact of the proposed amendment on City infrastructure including water and sewerage systems.** No water/sewer is shown on the proposed site plan and the subject parcels do not have access to City water/sanitary sewer service. No impact is anticipated at this time.



# REZONING EVALUATION REPORT

September 18, 2023

FILE: RZ-23-07-04

## REZONING

- (5) **The impact of the proposed amendment on adjacent thoroughfares and pedestrian vehicular circulation and traffic volumes.** No immediate impacts are anticipated from granting this annexation and rezoning request. The proposed use as a gravel parking lot will likely serve existing truck traffic traveling to and from nearby industrial developments. The proposed truck parking facility may improve circulation in extant private parking lots within the City by providing drivers with an alternative option.
- (6) **The impact upon adjacent property owners should the request be approved.** Should the annexation request be approved, there will be no change to how the Subject Property can be developed as it is being rezoned from County M-1 (Light Manufacturing) to City M-1 (Light Manufacturing). Much of the surrounding area has already been developed for industrial use or is designated for future industrial use. Any impact to the adjoining County RA (Residential Agricultural) parcels can be mitigated by buffering, lighting, and security as required by the M-1 zoning ordinance.
- (7) **The ability of the subject land to be developed as it is presently zoned.** Currently, the subject property may be developed into permitted uses granted by the M-1 (Light Manufacturing) zoning district both in the City and unincorporated County.
- (8) **The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.** There are no known physical conditions or limitations that could preclude the use of the subject property.
- (9) **The merits of the requested change in zoning relative to any other guidelines and policies for development which the Community Development Commission and City Council may use in furthering the objectives of the Land Use Plan.** The merits are consistent with both the City's zoning ordinance, future and existing development patterns in the area.

## Recommendation

Taking into consideration that the annexation request meets all of the legalities required by the Georgia Annexation Law, staff recommends APPROVAL of the applicants request to rezone the subject property into the City of Locust Grove from M-1 (Light Manufacturing) unincorporated Henry County to M-1 (Light Manufacturing) City of Locust Grove, as part of the applicant's annexation request.





# City of Locust Grove

P.O. Box 900 Locust Grove, Georgia 30248-0900

Telephone (770) 957-5043 Fax: 1-866-364-0996

**MAYOR**

Robert Price

**COUNCIL**

Keith Boone

Rudy Breedlove

Carlos Greer

Rod Shearouse

Willie J. Taylor

Vincent Williams

**CITY MANAGER**

Tim Young

**CITY CLERK**

Misty Spurling

July 6, 2023

Henry County Board of Commissioners  
Attention: Carlotta Harrell, Chair  
140 Henry Parkway  
McDonough, GA 30253

RE: Annexation of 6.14 +/- acres (Parcel ID's: 163-01001001 & 147-01003009) located at Canup Drive at Highway 42.

Dear Chair Harrell:

The City of Locust Grove has accepted an application on July 6, 2023, for annexation of the following property:

6.14 +/- acres (Parcel ID's: 163-01001001 & 147-01003009) located at Canup Drive at Highway 42. The annexation request comes from Five Rivers North, LLC.

The subject property will be contiguous to the existing City Limits and is being annexed by the 100% Method with no planned change in zoning other than a classification of the same M-1 (Light Manufacturing) zoning district and Future Land Use designation of Low Density Residential in the City of Locust Grove as is equivalent in Henry County.

Utilities will be provided by the Henry County Water Authority per the most recent Service Delivery Strategy agreement with the Henry County Water Authority or the City of Locust Grove.

This notice is being provided to you in accordance with Agreement Section 4. H. 4 and O.C.G.A. § 36-36-111 of the acceptance of the application for your consideration and comment.

Should you need any further information on this matter, please feel free to contact me at (770) 957-5043.

Respectfully,

Tim Young, City Manager

Cc: Cheri Hobson-Matthews, County Manager  
Nancy Rowan, Henry County Attorney  
Andy Welch, City Attorney  
Locust Grove City Council  
Henry County Water Authority  
Henry County Tax Assessors

## **EXHIBIT C**

# Henry Herald

38 Sloan Street  
McDonough, Georgia 30253

Phone (770) 951-9161  
Fax (770) 339-5869

## PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA  
COUNTY OF HENRY

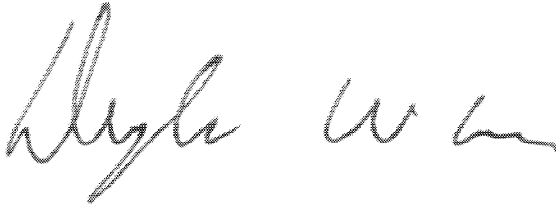
Personally appeared before the undersigned, a notary public within and for said county and state, Douglas W. Crow, Vice President of Operations, Times Journal Inc., which published the Henry Herald, Published at McDonough, County of Henry, State of Georgia, and being the official organ for the publication of legal advertisements for said county, who being duly sworn, states on oath that the report of

Ad No.: **362375**

Name and File No.: **PUBLIC HEARING 9/18/2023**

a true copy of which is hereto attached, was published in said newspaper on the following date(s):

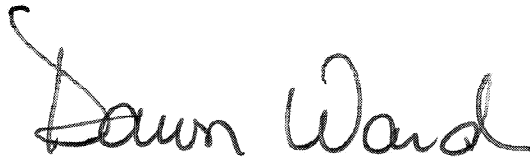
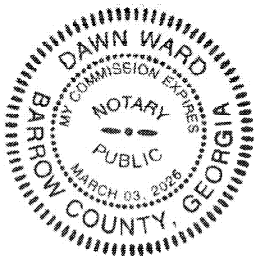
**08/30/2023**



---

Douglas W. Crow, Vice President of Operations, Times Journal Inc.

Sworn and subscribed to me 08/30/2023



---

Notary Public  
My commission expires 03/03/2026

Ad text :  
Hdh2186  
gpn16

Public Hearing Notice  
City of Locust Grove  
September 18, 2023  
6:00 PM  
Locust Grove Public Safety Building  
3640 Highway 42 South  
Locust Grove, GA 30248

Notice is hereby given as required by Chapter 66 of Title 36 of the Official Code of Georgia Annotated (?Zoning Procedures Law?) and Section 17.04 of the Code of Ordinances, City of Locust Grove, Georgia, that the Locust Grove City Council, on Monday September 18, 2023, at 6:00 PM, will conduct public hearings for the purpose of the following:

#### ANNEXATION

AX 23-07-03 Five Rivers North, LLC has submitted an application requesting annexation of a 6.29 +/- acre tract (Parcel IDs 147-01003009 and 163-01001001 in Land Lot 130 of the 2nd District, located on Highway 42 and Canup Road. The zoning of the subject property will remain M-1 (Light Manufacturing) the City of Locust Grove's equivalent to unincorporated Henry County's M-1 (Light Manufacturing) zoning district. The future land use designation will remain Low-Density Residential within the incorporated boundaries of Locust Grove.

#### CONDITIONAL USE

CU-23-08-01 Hummingbird Trucking of Atlanta, GA requests a Conditional Use for 10 +/- acres located on Walker Crossing (Parcel ID # 147-01003011) in Land Lot 130 of the 2nd District for the purpose of developing a gravel truck parking lot.

The public hearing will be held in the Locust Grove Public Safety Building, located at 3640 Highway 42 South.

Daunt? Gibbs  
Community Development  
Director -  
City of Locust Grove  
8:30, 2023

**AFFIDAVIT OF SIGN POSTING**

Personally appeared, before the undersigned officer duly authorized to administer oaths, Mr. Brian Fornal who, after being duly sworn, testifies as follows:

1.

My name is Brian Fornal. I am over twenty-one years of age and competent to give this, my affidavit, based upon my personal knowledge.

2.

Five Rivers North, LLC, of Stockbridge, GA has submitted an application for annexation and rezoning of 6.29+/- acres into the City of Locust Grove; Parcels 147-01003009 and 163-01001001; in Land Lot 130 of the 2<sup>nd</sup> District.

3.

On the 31<sup>st</sup> day of August 2023, I, Brian Fornal, posted double-sided sign notifications on the subject parcel advertising a public hearing on the above requests to be heard by the Locust Grove City Council on the 18<sup>th</sup> day of September at 6:00 p.m. at the Locust Grove Public Safety Building, 3640 Highway 42, Locust Grove, Georgia 30248. Photographs of same are attached hereto as Exhibits "A" and "B" respectively and incorporated herein by reference. The public hearing signs were posted at the following locations:

1. One double-sided sign posted at 3:15 PM on the east side of Canup Road, on 8/31/23.
2. One double-sided sign posted at 3:20 PM on the south side of Highway 42, east of Canup Road, on 8/31/23.

FURTHER AFFIANT SAYETH NOT.

This 11<sup>th</sup> day of September 2023.

  
Affiant

Sworn and subscribed before me  
this 11<sup>th</sup> day of September, 2023

*Markeya Moore*  
\_\_\_\_\_  
Notary Public



Exhibit "A"



Exhibit "B"





## **EXHIBIT D**



## Community Development Department

P. O. Box 900  
Locust Grove, Georgia 30248

Phone: (770) 957-5043  
Facsimile (770) 954-1223

## Item Coversheet

---

**Item: Conditional Use Request to allow gravel-surfaced truck/tractor-trailer parking on Walker Crossing (Parcel ID #147-01003011).**

Action Item:  Yes  No

Public Hearing Item:  Yes  No

Executive Session Item:  Yes  No

Advertised Date: August 30, 2023

Budget Item: N/A

Date Received: July 26, 2023

Workshop Date: September 18, 2023

Regular Meeting Date: October 2, 2023

### Discussion:

---

Hummingbird Trucking of Atlanta, GA requests a Conditional Use for 10+/- acres located on Walker Crossing (Parcel ID # 147-01003011) in Land Lot 130 of the 2<sup>nd</sup> District for the purpose of developing a gravel truck parking lot.

### Recommendation:

---

Staff recommends approval of the request with the following conditions:

- 1) All entry/exit points to the truck parking area shall be secured with fencing, gates, and/or security.
- 2) In addition to required buffering, the applicant shall install opaque privacy fencing eight (8) feet in height around the perimeter of the parking lot.
- 3) The applicant shall coordinate with the LGPD for the installation of flock cameras.
- 4) The gravel surface shall be kept in a neat and orderly fashion at all times and is

**subject to an annual inspection from the City Code Enforcement Officer.**

- 5) No tractor-trailer or any other vehicle shall be occupied overnight.**
- 6) Security cameras shall be installed with occasional checks by the City of Locust Grove Code Enforcement to ensure compliance with no overnight sleeping is maintained. Camera recordings shall be maintained on record for no less than 30 days.**



## Community Development Department

P. O. Box 900  
Locust Grove, Georgia 30248

Phone: (770) 957-5043  
Facsimile (770) 954-1223

# Item Coversheet

---

**Item: Conditional Use Request to allow gravel-surfaced truck/tractor-trailer parking on Walker Crossing (Parcel ID #147-01003011).**

Action Item:  Yes  No

Public Hearing Item:  Yes  No

Executive Session Item:  Yes  No

Advertised Date: August 30, 2023

Budget Item: N/A

Date Received: July 26, 2023

Workshop Date: September 18, 2023

Regular Meeting Date: October 2, 2023

### Discussion:

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Hummingbird Trucking of Atlanta, GA requests a Conditional Use for 10+/- acres located on Walker Crossing (Parcel ID # 147-01003011) in Land Lot 130 of the 2<sup>nd</sup> District for the purpose of developing a gravel truck parking lot.

### Recommendation:

---

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- 2) In addition to required buffering, the applicant shall install opaque privacy fencing eight (8) feet in height around the perimeter of the parking lot.
- 3) The applicant shall coordinate with the LGPD for the installation of flock cameras.
- 4) The gravel surface shall be kept in a neat and orderly fashion at all times and is

**subject to an annual inspection from the City Code Enforcement Officer.**

- 5) No tractor-trailer or any other vehicle shall be occupied overnight.**
- 6) Security cameras shall be installed with occasional checks by the City of Locust Grove Code Enforcement to ensure compliance with no overnight sleeping is maintained. Camera recordings shall be maintained on record for no less than 30 days.**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO APPROVE A CONDITIONAL USE FOR APPROXIMATELY 10+/- ACRES LOCATED ON WALKER CROSSING (PARCEL ID # 147-01003011 IN LAND LOT 130 OF THE 2<sup>ND</sup> DISTRICT WITHIN THE CITY OF LOCUST GROVE, GEORGIA; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**WHEREAS**, the City of Locust Grove (“City”) is a municipal corporation, duly organized and existing under the laws of the State of Georgia; and,

**WHEREAS**, Hummingbird Trucking of Atlanta, GA requests a Conditional Use for 10 +/- acres located on Walker Crossing (Parcel ID # 147-01003011) in land lot 130 of the 2nd District (the “Property), attached hereto as **Exhibit A**; and,

**WHEREAS**, the Applicant filed a request for a Conditional Use on July 26, 2023 as shown in the application attached hereto and incorporated herein by reference as **Exhibit B**; and,

**WHEREAS**, the Applicant’s request has been reviewed by the Mayor and City Council at a Public Hearing held on September 18, 2023, as well as by the City Community Development Director; and,

**WHEREAS**, the Applicant requested a Conditional Use for the purpose of developing a gravel truck parking lot; and,

**WHEREAS**, notice of this matter (as attached hereto and incorporated herein as **Exhibit C**) has been provided in accordance with applicable state law and local ordinances; and,

**WHEREAS**, the Mayor and City Council have reviewed and considered the Applicant’s request and both the recommendations of the public hearing and City staff as presented in the Staff Report.

**THEREFORE, THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS:**

1.

- That the request for Conditional Use is hereby **APPROVED**.
- That the request for rezoning is hereby **DENIED**.

2.

That the use of the Property is subject to:

- The condition(s) set forth on **Exhibit D** attached hereto and incorporated herein by reference.
- The terms of the Development Agreement attached hereto as **Exhibit D** and incorporated herein by reference.
- If no **Exhibit D** is attached hereto, then the property is zoned without conditions.

4.

That, if granted, this Ordinance shall become effective immediately subject to the corresponding annexation ordinance under consideration.

**SO ORDAINED** by the Council of this City this 2<sup>nd</sup> day of October 2023.

---

ROBERT S. PRICE, Mayor

ATTEST:

---

MISTY SPURLING, City Clerk

(Seal)

APPROVED AS TO FORM:

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City Attorney



**EXHIBIT A**

## Request for Zoning Map Amendment

Name of Applicant Hummingbird Trucking, LLC Phone: \_\_\_\_\_ Date: \_\_\_\_\_

Address Applicant: 5708 Harrier Ln Cell # \_\_\_\_\_

City: Atlanta State: Georgia Zip: 30349 E-mail: hummingbirdtrucking@gmail.com

Name of Agent Moore Bass Consulting, Inc. Phone: 770-914-9394 Date: \_\_\_\_\_

Address Agent: 1350 Keys Ferry Court Cell # \_\_\_\_\_

City: McDonough State: Georgia Zip: 30253 E-mail: ssakvongkhamhane@moorebass.com \* *receipt*

THE APPLICANT NAMED ABOVE AFFIRMS THAT THEY ARE THE OWNER OR AGENT OF THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS: (PLEASE CHECK THE TYPE OF REQUEST OR APPEAL AND FILL IN ALL APPLICABLE INFORMATION LEGIBLY AND COMPLETELY).

Concept Plan Review  Conditional Use  Conditional Exception  Modifications to Zoning Conditions

Variance  Rezoning  DRI Review/Concurrent  Amendment to the Future Land Use Plan

Request from \_\_\_\_\_ to \_\_\_\_\_  
(Current Zoning) (Requested Zoning)

Request from \_\_\_\_\_ to \_\_\_\_\_  
(Current Land Use Designation) (Requested Land Use Designation)

For the Purpose of Truck parking.  
(Type of Development)

Address of Property: Walker Crossing

Nearest intersection to the property: HWY 42 S

Size of Tract: 10.00 acre(s), Land Lot Number(s): 130, District(s): 2 2nd \_\_\_\_\_

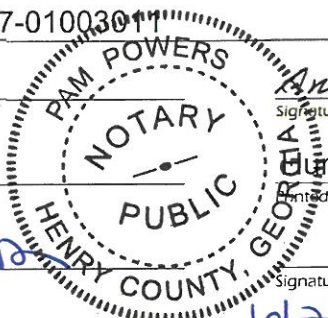
Gross Density: \_\_\_\_\_ units per acre Net Density: \_\_\_\_\_ units per acre

Property Tax Parcel Number: 147-01003011 (Required)

Witness Signature: Shay Sakvongkhamhane Signature of Owner/s: Anthony Brown

Printed Name of Witness: Shay Sakvongkhamhane Printed Name of Owner/s: Humming Bird Trucking LLC / Anthony Brown

Notary: Pam Powers Signature of Agent: Shay Sakvongkhamhane



(For Office Use Only)

Total Amount Paid \$ 1000 Cash \_\_\_\_\_ Check # 1229 Received by: [Signature] 7/26/23 (FEES ARE NON-REFUNDABLE)

Application checked by: A. Williams Date: 7/26/23 Map Number(s): \_\_\_\_\_

Pre-application meeting: \_\_\_\_\_ Date: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

Council Decision: \_\_\_\_\_ Ordinance: \_\_\_\_\_

Date Mapped in GIS: \_\_\_\_\_ Date: \_\_\_\_\_

## Applicant Campaign Disclosure Form

Has the applicant<sup>1</sup> made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the Locust Grove City Council and/or Mayor who will consider the application?

Yes \_\_\_\_\_ No ✓

If Yes, the applicant and the attorney representing the applicant must file a disclosure report with the Locust Grove City Clerk within ten (10) days after this application is first filed. Please supply the following information that will be considered as the required disclosure:

Council/Planning Commission Member Name	Dollar amount of Campaign Contribution	Description of Gift \$250 or greater given to Council/Planning Commission Member

We certify that the foregoing information is true and correct, this 30<sup>th</sup> day of June, 2023.

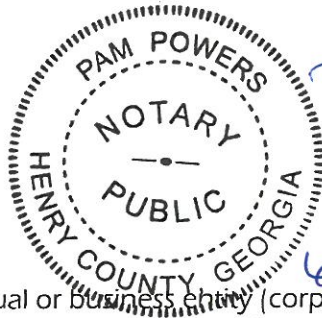
Hummingbird Trucking LLC / Anthony Brown  
Applicant's Name - Printed

Anthony Brown  
Signature of Applicant

\_\_\_\_\_  
Applicant's Attorney, if applicable - Printed

\_\_\_\_\_  
Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 30<sup>th</sup> day of June, 2023.



Pam Powers  
Notary Public

<sup>1</sup> Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.

July 13, 2023

Locust Grove City Council  
3640 Highway 42  
Locust Grove, Georgia 30248

RE: Walker Crossing Truck Parking  
Parcel ID#: 147-01003011  
Letter of Intent for Conditional Use Application

To Whom It May Concern:

This letter is being written to confirm that I am the owner of the above-referenced property. Further, I am aware of the proposed rezoning request, and I authorize Moore Bass Consulting and/or their agents to represent this request on my behalf.

Sincerely,

*A. Brown*  
Anthony Brown  
Hummingbird Trucking, LLC



- 🏠 LAND USE PLANNING
- 🔧 CIVIL ENGINEERING
- 📐 LAND SURVEYING
- 🌳 LANDSCAPE ARCHITECTURE
- 🏗️ CONSTRUCTION ADMINISTRATION
- 🚁 DRONE LIDAR SURVEYING & MAPPING

**ATLANTA** | 770.914.9394  
**TALLAHASSEE** | 850.222.5678  
moorebass.com

July 5, 2023

Locust Grove City Council  
3640 Highway 42  
Locust Grove, Georgia 30248

RE: Walker Crossing Truck Parking  
Parcel ID#: 147-01003011  
Letter of Intent for Conditional Use Application

To Whom It May Concern:

This document is intended to serve as the Letter of Intent for the Conditional Use of the above-referenced property located on the west side of Walker Crossing, within the city limits of Locust Grove, Georgia.

The subject property consists of approximately 10 +/- acres of land. The proposed intent is to develop the property into a gravel truck parking lot. No sewer or water will be required to serve this project.

If you have any questions concerning the above or if any additional information is required, please do not hesitate to call me at (770) 914-9394.

Sincerely,

Alex McCart, P.E.  
Moore Bass Consulting, Inc.

**LEGAL DESCRIPTION  
WALKER CROSSING PROPERTY  
HENRY COUNTY  
PORTION OF TAX ID: 147-01003001**

ALL THAT TRACT, OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 159, 130, & 131 OF THE 2ND DISTRICT, HENRY COUNTY, GEORGIA, CONTAINING 9.98 ACRES (434,883 SQ. FT.) AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A NAIL FOUND IN A ROCK AT THE LAND LOT CORNER COMMON TO LAND LOTS 158, 159, 130, AND 131; THENCE ALONG THE WEST LINE OF LAND LOT 159 N00°34'54"E A DISTANCE OF 195.57 FEET TO A ½" REBAR SET; THENCE LEAVING SAID LAND LOT LINE N89°45'25"E A DISTANCE OF 532.77 FEET TO A ½" REBAR FOUND ALONG THE WESTERLY RIGHT-OF-WAY OF WALKER CROSSING (60' PRIVATE R/W); THENCE ALONG SAID RIGHT-OF-WAY ON A CURVE TO THE LEFT AN ARC DISTANCE OF 136.84 FEET (SAID CURVE BEING SUBTENDED BY A BEARING S41°52'56"E, A CHORD LENGTH OF 136.26 FEET, AND A RADIUS OF 429.26 FEET) TO A POINT; THENCE S51°00'52"E A DISTANCE OF 102.44 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 358.42 (SAID CURVE BEING SUBTENDED BY A BEARING S23°25'07"E, A CHORD LENGTH OF 344.72 FEET, AND A RADIUS OF 372.08 FEET) TO A POINT; THENCE S04°10'38"W A DISTANCE OF 158.92 FEET TO A ½" REBAR SET; THENCE LEAVING THE RIGHT-OF-WAY OF WALKER CROSSING N89°25'19"W A DISTANCE OF 228.82 FEET TO THE CENTERLINE OF A CREEK BRANCH; THENCE MEANDERING ALONG SAID CREEK BRANCH THE FOLLOWING CALLS:  
S70°13'02"W A DISTANCE OF 18.60 FEET;  
S00°57'04"W A DISTANCE OF 28.84 FEET;  
S20°41'17"W A DISTANCE OF 14.16 FEET;  
S07°12'09"W A DISTANCE OF 39.99 FEET;  
S26°29'22"E A DISTANCE OF 11.55 FEET;  
S75°09'23"W A DISTANCE OF 11.21 FEET;  
S00°02'36"E A DISTANCE OF 20.34 FEET TO A POINT ALONG THE RIGHT-OF-WAY OF NORFOLK SOUTHERN RAILROAD (150' R/W); THENCE LEAVING SAID CREEK, ALONG SAID RIGHT-OF-WAY N51°26'44"W A DISTANCE OF 905.11 FEET TO A ½" REBAR FOUND ALONG THE NORTHERLY LAND LOT LINE OF LAND LOT 131; THENCE ALONG SAID LAND LOT LINE, LEAVING THE NORFOLK SOUTHERN RIGHT-OF-WAY S89°11'58"E A DISTANCE OF 137.97 FEET TO **THE POINT OF BEGINNING.**

## Zoning Application Checklist

PLEASE COMPLETE THIS FORM WHEN ACCEPTING ALL REZONING, CONDITIONAL USE, VARIANCE, MODIFICATIONS TO ZONING APPLICATIONS, AND FUTURE LAND USE PLAN AMENDMENTS. ATTACH THE CHECKLIST TO THE APPLICATION AND SIGN.

### ALL DOCUMENTS ARE REQUIRED IN ORDER TO ACCEPT APPLICATION

REQUIRED ITEMS	COPIES	PROCEDURE	CHECK
Application Form	01	<ol style="list-style-type: none"> <li>1. Signed and <b>notarized</b> by owner. Original signature</li> <li>2. In lieu of owner's signature, applicant has signed and <b>notarized</b></li> <li>3. A copy of "Contract", "Power of Attorney" or "Lease"</li> </ol>	✓
Applicant Disclosure Form	01	Required for all applicants filed whether yes or no and must be <b>notarized</b>	✓
Letter of Ownership	01	Letter stating that the owner is aware of the zoning request and owns the property in question	✓
Letter of Intent	01	Must clearly state the proposed use and development intent	✓
Legal Description	01	Legal Description of property to be considered for zoning action. Must be submitted as part of ordinance of rezoning, conditional use, variance, etc.	✓
Conceptual Site Plan(s) (24" x 36" max.)	01	Must show minimum details: Buildings, setbacks, buffers, road frontage, correct scale, north arrow, present zoning classification, topographic information to show elevation and drainage, location and extent of required buffers, proposed lot layout. For PD zoning, applicant must submit all additional paperwork as established in Chapter 17.04 of the Code of Ordinances.	✓
Survey Plat (8 ½" x 11" minimum, 17" by 22" maximum)	01	Subject Property, prepared and sealed within the last ten years by a professional engineer, landscape architect or land surveyor registered in the State of Georgia. Said survey plat shall: 1) indicate the complete boundaries of the subject property and all buildings and structures existing therein; 2) Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and 3) Include a notation as to the total acreage or square footage of the subject property <b>Electronic copies via PDF and/or AutoCad are required, if available.</b>	✓
Letter from the Henry County Water Authority (HCWA)	01	This letter of availability must accompany application at the time of submittal. For city water and/or sewer service, the availability and suitability will be determined in the rezoning evaluation by staff. <b>Follow procedure from HCWA. For City Water/Sewer, Fill out form attached.</b>	N/A
Letter from the Henry Co. Environmental Health Department (if property is not on sewer)	01	This letter of availability must accompany application at the time of submittal. <b>This is required if on septic system.</b>	N/A

CITY OF LOCUST GROVE  
770-957-5043

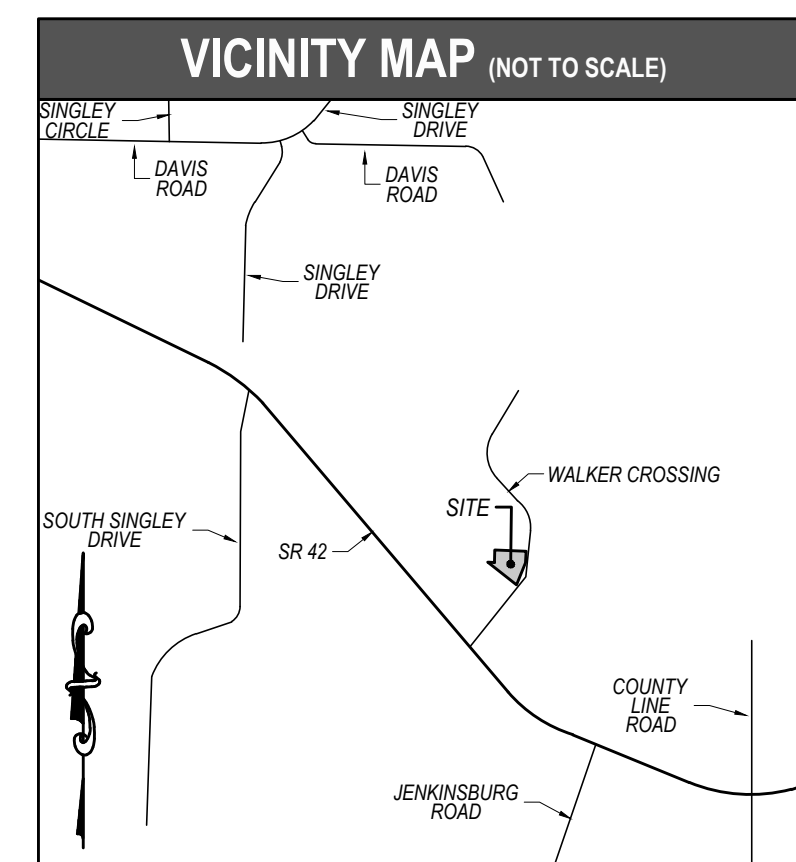
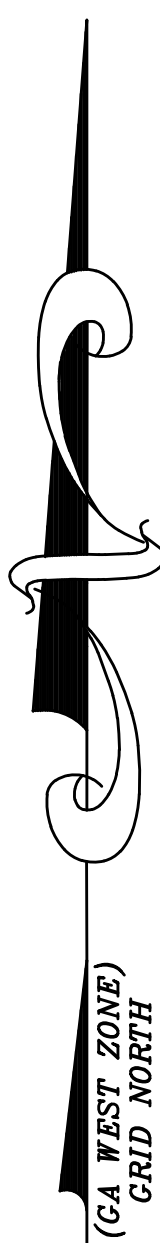
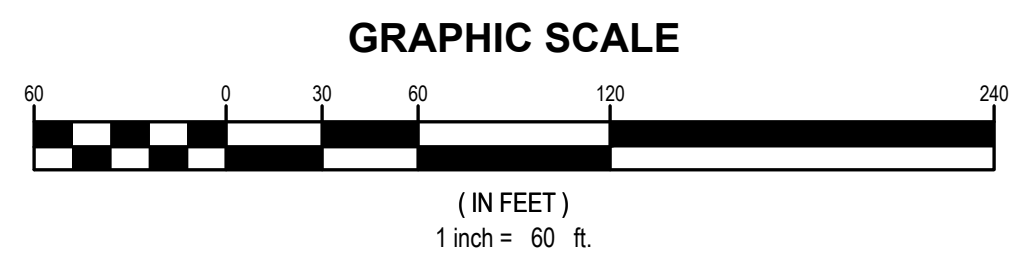
REC#: 00573170      7/26/2023      2:38 PM  
OPER: RF      TERM: 341  
REF#: ck#1229  
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INV-00000079      1,000.00CR  
SAKVONGKHAMHANE, SHAY  
CAINVOICEFEE      1,000.00CR

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CHANGE:                                0.00



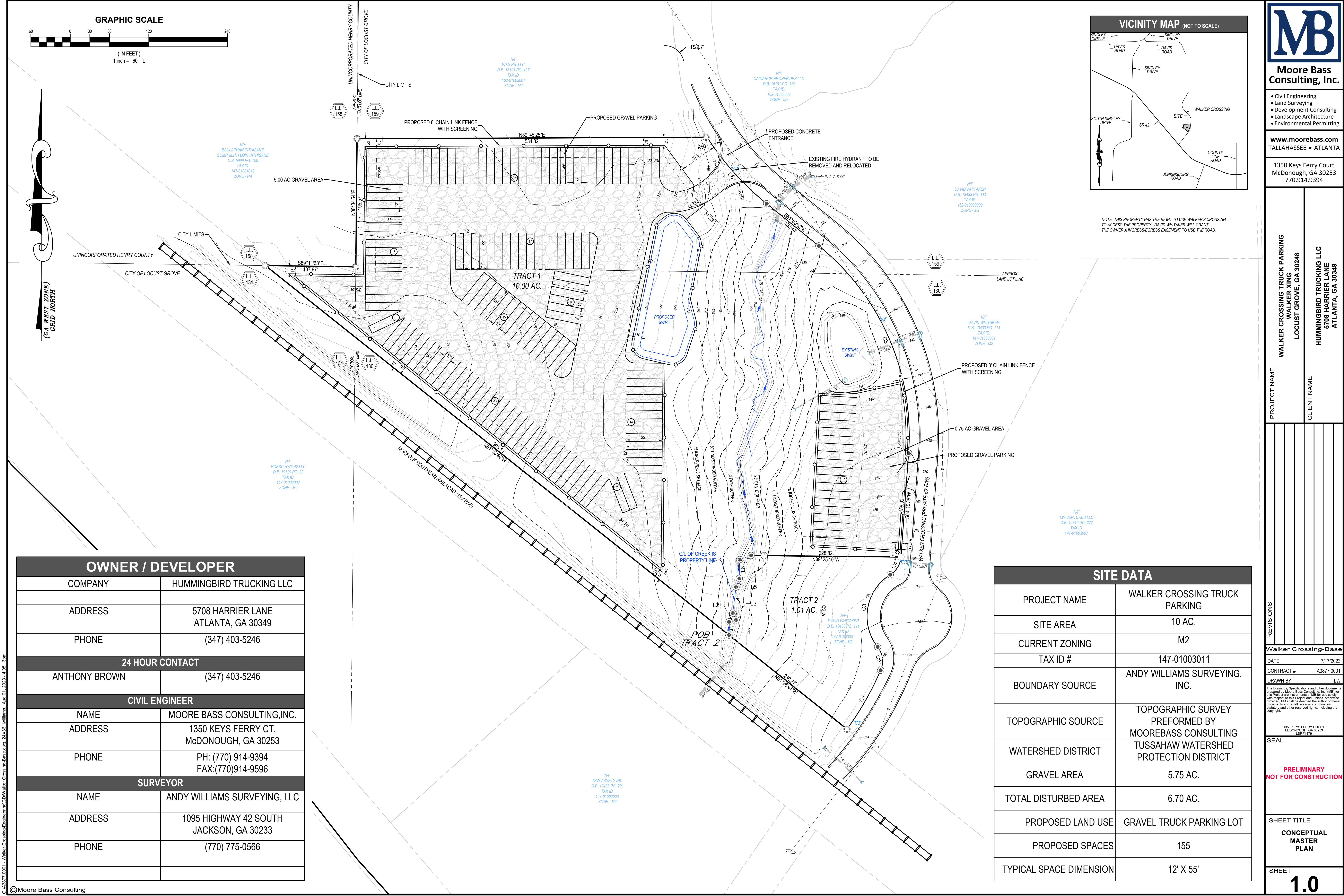


**Moore Bass Consulting, Inc.**

- Civil Engineering
- Land Surveying
- Development Consulting
- Landscape Architecture
- Environmental Permitting

www.moorebass.com  
TALLAHASSEE • ATLANTA

1350 Keys Ferry Court  
McDonough, GA 30253  
770.914.9394



NOTE: THIS PROPERTY HAS THE RIGHT TO USE WALKER'S CROSSING TO ACCESS THE PROPERTY. DAVID WHITAKER WILL GRANT THE OWNER A INGRESS/EGRESS EASEMENT TO USE THE ROAD.

OWNER / DEVELOPER	
COMPANY	HUMMINGBIRD TRUCKING LLC
ADDRESS	5708 HARRIER LANE ATLANTA, GA 30349
PHONE	(347) 403-5246
24 HOUR CONTACT	
ANTHONY BROWN	(347) 403-5246
CIVIL ENGINEER	
NAME	MOORE BASS CONSULTING, INC.
ADDRESS	1350 KEYS FERRY CT. McDONOUGH, GA 30253
PHONE	PH: (770) 914-9394 FAX: (770) 914-9596
SURVEYOR	
NAME	ANDY WILLIAMS SURVEYING, LLC
ADDRESS	1095 HIGHWAY 42 SOUTH JACKSON, GA 30233
PHONE	(770) 775-0566

SITE DATA	
PROJECT NAME	WALKER CROSSING TRUCK PARKING
SITE AREA	10 AC.
CURRENT ZONING	M2
TAX ID #	147-01003011
BOUNDARY SOURCE	ANDY WILLIAMS SURVEYING, INC.
TOPOGRAPHIC SOURCE	TOPOGRAPHIC SURVEY PERFORMED BY MOOREBASS CONSULTING
WATERSHED DISTRICT	TUSSAHAW WATERSHED PROTECTION DISTRICT
GRAVEL AREA	5.75 AC.
TOTAL DISTURBED AREA	6.70 AC.
PROPOSED LAND USE	GRAVEL TRUCK PARKING LOT
PROPOSED SPACES	155
TYPICAL SPACE DIMENSION	12' X 55'

PROJECT NAME	WALKER CROSSING TRUCK PARKING
CLIENT NAME	HUMMINGBIRD TRUCKING LLC
	5708 HARRIER LANE
	ATLANTA, GA 30349

REVISIONS	

Walker Crossing-Base	
DATE	7/17/2023
CONTRACT #	A3877.0001
DRAWN BY	LW

SEAL

**PRELIMINARY  
NOT FOR CONSTRUCTION**

SHEET TITLE	CONCEPTUAL MASTER PLAN
SHEET	1.0

## **EXHIBIT B**



# CONDITIONAL USE EVALUATION REPORT

September 18, 2023

FILE: CU-23-08-01

TRUCK PARKING – GRAVEL LOT

<b>Property Information</b>	
<b>Tax ID</b>	147-01003011
<b>Location/address</b>	Walker Crossing
<b>Parcel Size</b>	10 +/- acre
<b>Current Zoning</b>	M-2 (General Industrial)
<b>Request</b>	The applicant is requesting a Conditional Use to develop the property as a gravel truck parking lot
<b>Proposed Use</b>	Gravel Truck Parking Lot
<b>Existing Land Use</b>	Vacant/Undeveloped
<b>Future Land Use</b>	Industrial
<b>Recommendation</b>	Approval with conditions

## Summary

Hummingbird Trucking of Atlanta, GA requests conditional use for property located on Walker Crossing (Parcel ID 147-01003011) in Land Lot 130 of the 2<sup>nd</sup> District. The property consists of 10 +/- acres and is currently zoned M-1-(Light Manufacturing). The applicant requests a Conditional Use for the purpose of developing the subject parcel for use as a gravel surfaced tractor-trailer parking lot.

Tractor-trailer & oversized vehicle parking is permitted with an approved Conditional Use within the M-1 (Light Manufacturing) and M-2 (General Industrial) zoning districts and is consistent with the Industrial Future Land Use Map designation of the subject property. Chapter 15.44.060 of the Locust Grove Code of Ordinances includes a provision for gravel parking within the M-1 (Light Manufacturing) and M-2 (Heavy Manufacturing) zoning districts, only, with an approved Conditional Use granted by the City of Locust City Council.

	<i>Current Zoning</i>	<i>Current Land Use</i>
North	M-2 (General Industrial)	Industrial
South	M-2 (General Industrial)	Industrial
East	M-2 (General Industrial)	Industrial
West	RA Henry County (Residential Agricultural)	Vacant/Undeveloped

Source: City of Locust Grove Official Zoning Map, updated 2023

The area surrounding the subject property is primarily designated for General Industrial uses. The adjacent undeveloped property to the west is located within unincorporated Henry County and is



# CONDITIONAL USE EVALUATION REPORT

September 18, 2023

FILE: CU-23-08-01

TRUCK PARKING – GRAVEL LOT

currently zoned RA (Residential Agricultural). The abutting properties to the north, east, and south currently feature industrial uses such as waste disposal, manufacturing, and recycling.

## Service Delivery / Infrastructure

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**Water and Sewer:** No facilities requiring water or sewer services are shown on the proposed site plan.

**Police Services:** Locust Grove Police Department will continue to perform regular patrols of the area.

**Fire:** Fire and emergency services will be performed by Henry County as is similar with other portions of the city.

**Transportation Impacts:** The subject property is located within an area of existing industrial development and will likely serve existing truck traffic. The truck entrance/exit location shall be located on Walker Crossing.

## Criteria for Evaluation of Request

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### Section 17.04.315 Procedure for Hearing before City Council.

(a) All proposed amendments to this chapter or to the official zoning map with required site plans shall be considered at public hearing. The City Council shall consider the following:

(1) **The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community.** The request is consistent with the existing and future character and use of the surrounding properties located within the City.

(2) **The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of this Chapter.** The request is consistent with the applicable zoning district, as it is located within the M-2 (General Industrial) zoning district.

(3) **Consistency with the Land Use Plan.** The request is consistent with the future land use plan for this area; however, a conditional use from the Locust Grove City Council is required for all truck parking lots.

(4) **The potential impact of the proposed amendment on City infrastructure including water and sewerage systems.** No water/sewer is shown on the proposed site plan and the subject parcels do not have access to City water/sanitary sewer service. No impact is anticipated.



# CONDITIONAL USE EVALUATION REPORT

September 18, 2023

FILE: CU-23-08-01

TRUCK PARKING – GRAVEL LOT

**(5) The impact of the proposed amendment on adjacent thoroughfares, pedestrian and vehicular circulation and traffic volumes.** There is little additional impact with this request in terms of vehicular circulation, as the parking lot will likely be serving existing truck traffic. The proposed truck parking facility may improve circulation in extant private parking lots within the City by providing drivers with an alternative option. The concept plan depicts a total of 155 truck parking spaces.

**(6) The impact upon adjacent property owners should the request be approved.** Most of the surrounding area has already been developed for industrial use or is designated for future industrial use. Any impact to the adjoining parcels, particularly those zoned County RA (Residential Agricultural) can be mitigated by buffering, lighting, and security. Please refer to the conditions listed below.

**(7) The ability of the subject land to be developed as it is presently zoned.** The subject property is zoned M-2 (General Industrial). Any use that is permitted by right or with an approved conditional use in the M-2 zoning district allows the subject property to be developed as it is presently zoned.

**(8) The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.** There are no known physical conditions on the property that would preclude development.

**(9) The merits of the requested change in zoning relative to any other guidelines and policies for development which the Community Development staff and City Council may use in furthering the objectives of the Land Use Plan.** The merits are consistent with the City of Locust Grove's zoning ordinance and Future Land Use Map. The proposed truck parking will also fulfill an existing need for more formalized truck parking locations within the City.

## Recommendation

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Staff recommends approval of the request with the following conditions:

- 1) All entry/exit points to the truck parking area shall be secured with fencing, gates, and/or security.
- 2) In addition to required buffering, the applicant shall install opaque privacy fencing eight (8) feet in height around the perimeter of the parking lot.
- 3) The applicant shall coordinate with the LGPD for the installation of flock cameras.
- 4) The gravel surface shall be kept in a neat and orderly fashion at all times and is subject to an annual inspection from the City Code Enforcement Officer.
- 5) No tractor-trailer or any other vehicle shall be occupied overnight.
- 6) Security cameras shall be installed with occasional checks by the City of Locust Grove Code



# CONDITIONAL USE EVALUATION REPORT

**September 18, 2023**

FILE: CU-23-08-01

TRUCK PARKING – GRAVEL LOT

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Enforcement to ensure compliance with no overnight sleeping is maintained. Camera recordings shall be maintained on record for no less than 30 days.

## **EXHIBIT C**

**AFFIDAVIT OF SIGN POSTING**

Personally appeared, before the undersigned officer duly authorized to administer oaths, Mr. Brian Fornal, who, after being duly sworn, testifies as follows:

1.

My name is Brian Fornal. I am over twenty-one years of age and competent to give this, my affidavit, based upon my personal knowledge.

2.

Hummingbird Trucking of Atlanta, GA requests a Conditional Use for 10+/- acres located on Walker Crossing (Parcel ID # 147-01003011) for the purpose of developing a gravel truck parking lot.

3.

On the 31<sup>st</sup> day of August 2023, I, Brian Fornal posted double-sided sign notifications on the subject parcel advertising a public hearing on the above request to be heard by the Locust Grove City Council on the 18<sup>th</sup> day of September at 6:00 p.m. at the Locust Grove Public Safety Building, 3640 Highway 42, Locust Grove, Georgia 30248. Photographs of same are attached hereto as Exhibit "A" and incorporated herein by reference. The public hearing signs were posted at the following locations:

1. Double-sided sign posted at 3:27 PM on the west side of Walker Crossing on the south portion of the parcel on 8/31/23
2. Double-sided sign posted at 3:31 PM on the west side of Walker Crossing on the north portion of the parcel on 8/31/23



FURTHER AFFIANT SAYETH NOT.

This 11<sup>th</sup> day of September 2023.

  
Affiant

Sworn and subscribed before me  
this 11th day of September, 2023

  
Notary Public

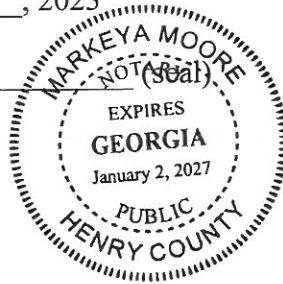


Exhibit "A"



Exhibit "B"



# Henry Herald

38 Sloan Street  
McDonough, Georgia 30253

Phone (770) 951-9161  
Fax (770) 339-5869

## PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA  
COUNTY OF HENRY

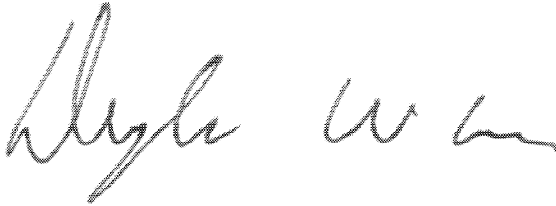
Personally appeared before the undersigned, a notary public within and for said county and state, Douglas W. Crow, Vice President of Operations, Times Journal Inc., which published the Henry Herald, Published at McDonough, County of Henry, State of Georgia, and being the official organ for the publication of legal advertisements for said county, who being duly sworn, states on oath that the report of

Ad No.: **362375**

Name and File No.: **PUBLIC HEARING 9/18/2023**

a true copy of which is hereto attached, was published in said newspaper on the following date(s):

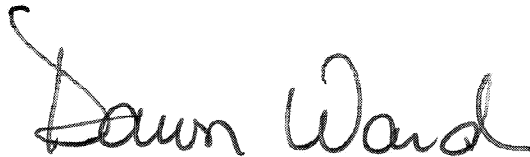
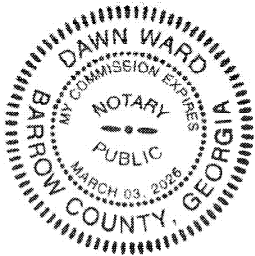
**08/30/2023**



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Douglas W. Crow, Vice President of Operations, Times Journal Inc.

Sworn and subscribed to me 08/30/2023



---

Notary Public  
My commission expires 03/03/2026

Ad text :  
Hdh2186  
gpn16

Public Hearing Notice  
City of Locust Grove  
September 18, 2023  
6:00 PM  
Locust Grove Public Safety Building  
3640 Highway 42 South  
Locust Grove, GA 30248

Notice is hereby given as required by Chapter 66 of Title 36 of the Official Code of Georgia Annotated (?Zoning Procedures Law?) and Section 17.04 of the Code of Ordinances, City of Locust Grove, Georgia, that the Locust Grove City Council, on Monday September 18, 2023, at 6:00 PM, will conduct public hearings for the purpose of the following:

#### ANNEXATION

AX 23-07-03 Five Rivers North, LLC has submitted an application requesting annexation of a 6.29 +/- acre tract (Parcel IDs 147-01003009 and 163-01001001 in Land Lot 130 of the 2nd District, located on Highway 42 and Canup Road. The zoning of the subject property will remain M-1 (Light Manufacturing) the City of Locust Grove's equivalent to unincorporated Henry County's M-1 (Light Manufacturing) zoning district. The future land use designation will remain Low-Density Residential within the incorporated boundaries of Locust Grove.

#### CONDITIONAL USE

CU-23-08-01 Hummingbird Trucking of Atlanta, GA requests a Conditional Use for 10 +/- acres located on Walker Crossing (Parcel ID # 147-01003011) in Land Lot 130 of the 2nd District for the purpose of developing a gravel truck parking lot.

The public hearing will be held in the Locust Grove Public Safety Building, located at 3640 Highway 42 South.

Daunt? Gibbs  
Community Development  
Director -  
City of Locust Grove  
8:30, 2023

## **EXHIBIT D**

- 1) All entry/exit points to the truck parking area shall be secured with fencing, gates, and/or security.
- 2) In addition to required buffering, the applicant shall install opaque privacy fencing eight (8) feet in height around the perimeter of the parking lot.
- 3) The applicant shall coordinate with the LGPD for the installation of flock cameras.
- 4) The gravel surface shall be kept in a neat and orderly fashion at all times and is subject to an annual inspection from the City Code Enforcement Officer.
- 5) No tractor-trailer or any other vehicle shall be occupied overnight.
- 6) Security cameras shall be installed with occasional checks by the City of Locust Grove Code Enforcement to ensure compliance with no overnight sleeping is maintained. Camera recordings shall be maintained on record for no less than 30 days.



## Administration Department

P. O. Box 900  
Locust Grove, Georgia 30248

Phone: (770) 957-5043  
Facsimile (770) 954-1223

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### Item Coversheet

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**Item:** Resolution to Extend Maintenance with American Tank

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Advertised Date:** N/A

**Budget Item:** Fund 505 – Increase of 14% over past three (3) years.

**Date Received:** September 13, 2023

**Workshop Date:** N/A

**Regular Meeting Date** October 2, 2023

#### Discussion:

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The attached agreements are for extension of maintenance for the three water tanks: 250,000-gallon Highway 42 Tank, the 500,000-gallon [N/F] Horsetown Tank, and the 750,000-gallon tank on MLK, Jr. Drive. American Tank Maintenance has performed rather well in their initial two terms of work with us, and we would like to recommend an extension at this time for up to three (3) additional years. There is an increase of 14% over the prior three years of outlay; however, this would be expected over the life of the prior proposal, the cost increases over the past few years and the life of this agreement. In fact, this increase is considerably less than other increases in services and products over the past three years.

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#### Recommendation:

**APPROVE A RESOLUTION AUTHORIZING THE CITY OF LOCUST GROVE TO EXTEND AN EXISTING WATER TANK MAINTENANCE SERVICES AGREEMENT WITH AMERICAN TANK MAINTENANCE ON THE THREE TANKS LOCATED AT HIGHWAY 42, PRICE DRIVE/HORSETOWN, AND MLK, JR. BOULEVARD.**

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY OF LOCUST GROVE TO EXTEND AN EXISTING WATER TANK MAINTENANCE SERVICES AGREEMENT WITH AMERICAN TANK MAINTENANCE; TO AUTHORIZE THE MAYOR TO SIGN DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION; TO AUTHORIZE THE CITY ATTORNEY TO PREPARE DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION; TO AUTHORIZE THE CITY CLERK TO ATTEST SIGNATURES AND AFFIX THE OFFICIAL SEAL OF THE CITY, AS NECESSARY; TO REPEAL INCONSISTENT RESOLUTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

*W I T N E S S E T H :*

**WHEREAS**, the City of Locust Grove (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

**WHEREAS**, the City wishes to extend a Water Tank Maintenance Agreement (the “Agreement”) with American Tank Maintenance for three (3) elevated water tanks at Highway 42 (250,000 gallons), N/F Horsetown/Price Drive (500,000 gallons) and MLK Drive (750,000 gallons) in Locust Grove; and

**WHEREAS**, American Tank Maintenance has performed very well in their initial three years of service of those tanks within the City and has offered to continue service at a new, revised steady fee structure beginning January 1, 2024 with successive 1-Year terms ending on December 31, 2026, under the revised contract extensions by respective tank; and

**WHEREAS**, the Mayor and Council of the City of Locust Grove, in the exercise of their sound judgment and discretion, after giving thorough consideration to all the implications involved, and keeping in mind the public interest and welfare of the citizens of the City, have determined that leasing said equipment would be advantageous to and would benefit the citizens of the City.

**THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOCUST GROVE, GEORGIA, AS FOLLOWS:**

1. **American Tank Maintenance Agreement.** The Locust Grove City Council hereby authorizes the Mayor to enter into the extended Water Tank Maintenance Services Agreement for the respective tanks as permitted under Georgia law and in substantially the same terms set forth in **Exhibit “A” attached** hereto and incorporated herein by reference, subject to review and approval as to form by the City Attorney.

2. **Authorization for Mayor.** That the Locust Grove City Council hereby authorizes the Mayor to execute said Agreement and the documents necessary to effectuate this Resolution. A copy of the said documents shall be filed. the City Clerk.



3. **Attestation.** That the Locust Grove City Council hereby authorizes the City Clerk or Assistant City Clerk to attest the signature of the Mayor appearing on the documents, to affix the official seal of the City thereto as necessary to effectuate this Resolution and to place this Resolution and an executed copy of all such documents regarding this Resolution among the minutes or official records of the City for future reference.

4. **Authorization for Attorney.** The Locust Grove City Council hereby authorizes the City Attorney to review as to form and conformance with state law said Agreements and any and all documents necessary to effectuate this Resolution.

5. **Severability.** To the extent any portion of this Resolution or said Agreements declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution or said Agreements.

6. **Repeal of Conflicting Provisions.** Resolutions or agreements in conflict with this Resolution or the terms of the attached Agreements are repealed to the extent of the conflict.

7. **Effective Date.** This Resolution shall take effect immediately.

**THIS RESOLUTION** adopted this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
ROBERT PRICE, MAYOR

ATTEST:

\_\_\_\_\_  
MISTY SPURLING, CITY CLERK  
(seal)

APPROVAL AS TO FORM:

\_\_\_\_\_  
ANDY WELCH, City Attorney

**EXHIBIT "A"**

**WATER TANK MAINTENANCE AGREEMENTS WITH AMERICAN TANK  
MAINTENANCE:**

**250,000 GALLON ELEVATED TANK ON HIGHWAY 42**

**500,000 GALLON ELEVATED TANK AT N/F HORSETOWN/PRICE ROAD**

**750,000 GALLON ELEVATED TANK ON MLK, JR. DRIVE**

**AGREEMENT BETWEEN THE CITY OF LOCUST GROVE, GEORGIA  
AND AMERICAN TANK MAINTENANCE – HIGHWAY 42 WATER TANK**

This agreement entered into by and between the City of Locust Grove hereinafter known as the Owner, the American Tank Maintenance, LLC hereinafter known as the Company.

The Owner agrees to employ the Company to provide the professional services needed to maintain its **250,000**-gallon water storage tank located at **Highway 42 Tank**.

This agreement outlines the Company's responsibility and accountability for the care and maintenance of the above-referenced water storage tank. The Company's care and maintenance shall include the following:

The Company shall furnish all specialized services including engineering and inspection services necessary to maintain and care for the water storage tank during the term of this agreement. Maintenance and care shall include: steel replacement, steel components, expansion joints, water level indicators, manhole covers and/or gaskets, and other components of the water storage tank.

The Company shall perform visual inspections and service the water storage tank beginning in Contract Year 1. The water storage tank and its components including the safety, sanitary, structure, security and coatings aspects of the water storage tank shall be inspected, and the findings documented to ensure that the water storage tank is in a sound and watertight condition.

The Company shall schedule and coordinate a washout inspection of the water storage tank every two years with the Owner beginning in Contract Year 2. The Owner is responsible for draining the water storage tank. The Company shall clean the water storage tank of all mud, silt, and other accumulations which may be harmful to the water storage tank and/or its cleaning the water storage tank the Company shall inspect and document the condition as outlined in the preceding paragraph. Once the cleaning and inspection services are completed the Company shall disinfect the interior surfaces of the water storage tank utilizing AWWA Spray Method #2. A written report of the documented findings including photographs shall be made available to the Owner via mail or electronically.

The Company shall perform surface preparation and paint the exterior and/or interior surfaces of the water storage tank at such time as needed. The need for exterior painting shall be determined by the appearance and protective condition of the existing coating system and the Company shall use the same color of the existing coating system. The need for interior painting shall be determined by the thickness of the existing coating system and its protective condition.

The Company shall perform all services and utilize products which shall be equal to, or exceed the standards of the State of Georgia, the American Water Works Association, and the Steel Structures Painting Council. The Company shall perform all services relating to the interior of the water storage tank in accordance with procedures outlined in American Water Works Association D-102 standards.

The Company shall utilize coating systems which best suit the site conditions, environment, and general location of the water storage tank and are in compliance with local, state, and federal statutes.

The Company shall maintain an anti-climb deterrent device on the access ladder to deter unauthorized access to the water storage tank. The Company shall install and maintain locks on

all hatches of the water storage tank to deter unauthorized entry. The keys to the locks shall remain in the possession of the Owner and the Company.

The Company shall provide emergency service to handle any problems covered by this agreement with the water storage tank. Reasonable mobilization time shall be acceptable to the Owner.

If the Owner needs and requests, then the Company shall provide pressure relief valves to the Owner for the Owner's use during service events which require the water storage tank to be drained.

The Owner shall have the right to continue this agreement for an indefinite period of time providing that the annual fee is paid in accordance with the terms of this agreement. The Owner shall have the right to terminate this agreement by sending written notice to American Tank Maintenance, LLC, P.O. Box 130, Warthen, GA 31094. The Owner's right to termination shall be subject to any agreement provisions incorporated herein.

The Company shall maintain and furnish current certificates of insurance coverage to the Owner during the duration of this agreement.

Until either party gives the other party three months advance notice of termination, this agreement shall become effective on January 1, 2024 and shall remain in effect until 11:59 pm on December 31<sup>st</sup>, 2024 at which time the agreement shall terminate without any financial obligation of the City and then shall renew automatically at 12:00 a.m. on the first day of the next calendar year for an additional 1-year term. At the end of each subsequent one-year term the agreement shall terminate as of 11:59 p.m. on the last day of the year with no financial obligations being owed by the City and then automatically renew at 12:00 a.m. on the first day of the next calendar year for each subsequent one-year term but not to exceed a total of ten single-year terms. This agreement is intended and should be construed to comply with O.C.G.A. §36-30-13. The annual fee for the 2024 year shall be **\$14,983.00**. The annual fee for each subsequent contract year shall be **\$14,983.00** per year. The maximum number of renewal years shall not exceed three (3) and thus, unless otherwise terminated, this contract shall automatically terminate at 11:59 pm or December 31, 2026.

Each annual fee shall be due and payable in quarterly installments beginning March 1, 2024.

The Owner and the Company agree that any future mandated environmental, health or safety requirements which cause significant changes in the cost of services provided under this agreement shall be cause for modification of this agreement. The Company is accepting this water storage tank under this agreement based on the current existing structure, components, location, and surroundings. Any modification to the water storage tank, including antenna installations, and changes in surroundings especially real estate development shall be cause for modification of this agreement. This agreement does not include the cost for and/or liability on the part of the Company for: containment, removal and/or disposal of any hazardous waste materials, electrical wiring or components, operational problems due to cold weather, Acts of God, structural damage due to antenna installations or other attachments for which the tanks were not originally designed, repairs to the foundation of the water storage tank, operational or structural problems caused by physical conditions below the surface of the ground, acts of terrorism, or other conditions which are beyond the Owner's and/or Company's control.

The Company reserves the right to assign any outstanding receivables from this agreement to its bank or other lending institutions as collateral for any loans or lines of credit.

The Company covenants and agrees to INDEMNIFY, DEFEND and HOLD HARMLESS, the Owner/City and the elected officials, employees, officers, directors, agents and representatives of the City, individually and collectively ("Indemnitees"), from and against any and all costs, claims, liens, damages, losses, expenses, fees, fines, penalties, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including but not limited to, personal or bodily injury, death and property damage, made upon the Owner/City arising out of a third-party claim to the extent arising from any negligent acts or omissions of the Company, any agent, officer, director, representative, employee, consultant or subcontractor of the Company, or their respective officers, agents employees, directors or representatives while in the exercise of the rights or performance of the duties under this Agreement. The indemnity provided for in this paragraph shall not apply to any liability arising from the negligence of the Owner/City or an Indemnitee. IN THE EVENT THE COMPANY AND OWNER ARE FOUND JOINTLY LIABLE BY A COURT OF COMPETENT JURISDICTION, LIABILITY SHALL BE APPORTIONED COMPARATIVELY IN ACCORDANCE WITH APPLICABLE LAW, WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY OR OFFICIAL IMMUNITY AVAILABLE TO THE OWNER OR INDEMNITEES UNDER STATE LAW AND WITHOUT WAIVING ANY DEFENSES OF THE PARTIES UNDER STATE LAW.

This agreement shall be binding upon successors, legal representatives, and assigns of the respective parties hereto.

This Agreement is signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Owner:

American Tank Maintenance, LLC:

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_

By:

\_\_\_\_\_

Witness: \_\_\_\_\_

Witness:

\_\_\_\_\_

The above signatories certify that they are duly authorized to sign the Agreement on behalf of the entities represented.

**AGREEMENT BETWEEN THE CITY OF LOCUST GROVE, GEORGIA  
AND AMERICAN TANK MAINTENANCE – PRICE DRIVE/HORSETOWN WATER TANK**

This agreement entered into by and between the City of Locust Grove hereinafter known as the Owner, the American Tank Maintenance, LLC hereinafter known as the Company.

The Owner agrees to employ the Company to provide the professional services needed to maintain its **500,000**-gallon water storage tank located at **Horsetown Tank**.

This agreement outlines the Company's responsibility and accountability for the care and maintenance of the above-referenced water storage tank. The Company's care and maintenance shall include the following:

The Company shall furnish all specialized services including engineering and inspection services necessary to maintain and care for the water storage tank during the term of this agreement. Maintenance and care shall include: steel replacement, steel components, expansion joints, water level indicators, manhole covers and/or gaskets, and other components of the water storage tank.

The Company shall perform visual inspections and service the water storage tank beginning in Contract Year 2. The water storage tank and its components including the safety, sanitary, structure, security and coatings aspects of the water storage tank shall be inspected, and the findings documented to ensure that the water storage tank is in a sound and watertight condition.

The Company shall schedule and coordinate a washout inspection of the water storage tank every two years with the Owner beginning in Contract Year 1. The Owner is responsible for draining the water storage tank. The Company shall clean the water storage tank of all mud, silt, and other accumulations which may be harmful to the water storage tank and/or its cleaning the water storage tank the Company shall inspect and document the condition as outlined in the preceding paragraph. Once the cleaning and inspection services are completed the Company shall disinfect the interior surfaces of the water storage tank utilizing AWWA Spray Method #2. A written report of the documented findings including photographs shall be made available to the Owner via mail or electronically.

The Company shall perform surface preparation and paint the exterior and/or interior surfaces of the water storage tank at such time as needed. The need for exterior painting shall be determined by the appearance and protective condition of the existing coating system and the Company shall use the same color of the existing coating system. The need for interior painting shall be determined by the thickness of the existing coating system and its protective condition.

The Company shall perform all services and utilize products which shall be equal to, or exceed the standards of the State of Georgia, the American Water Works Association, and the Steel Structures Painting Council. The Company shall perform all services relating to the interior of the water storage tank in accordance with procedures outlined in American Water Works Association D-102 standards.

The Company shall utilize coating systems which best suit the site conditions, environment, and general location of the water storage tank and are in compliance with local, state, and federal statutes.

The Company shall maintain an anti-climb deterrent device on the access ladder to deter unauthorized access to the water storage tank. The Company shall install and maintain locks on all hatches of the water

storage tank to deter unauthorized entry. The keys to the locks shall remain in the possession of the Owner and the Company.

The Company shall provide emergency service to handle any problems covered by this agreement with the water storage tank. Reasonable mobilization time shall be acceptable to the Owner.

If the Owner needs and requests, then the Company shall provide pressure relief valves to the Owner for the Owner's use during service events which require the water storage tank to be drained.

The Owner shall have the right to continue this agreement for an indefinite period of time providing that the annual fee is paid in accordance with the terms of this agreement. The Owner shall have the right to terminate this agreement by sending written notice to American Tank Maintenance, LLC, P.O. Box 130, Warthen, GA 31094. The Owner's right to termination shall be subject to any agreement provisions incorporated herein.

The Company shall maintain and furnish current certificates of insurance coverage to the Owner during the duration of this agreement.

Until either party gives the other party three months advance notice of termination, this agreement shall become effective on January 1, 2024 and shall remain in effect until 11:59 pm on December 31<sup>st</sup>, 2024 at which time the agreement shall terminate without any financial obligation of the City and then shall renew automatically at 12:00 a.m. on the first day of the next calendar year for an additional 1-year term. At the end of each subsequent one-year term the agreement shall terminate as of 11:59 p.m. on the last day of the year with no financial obligations being owed by the City and then automatically renew at 12:00 a.m. on the first day of the next calendar year for each subsequent one-year term but not to exceed a total of ten single-year terms. This agreement is intended and should be construed to comply with O.C.G.A. §36-30-13. The annual fee for the 2024 year shall be **\$21,503.00**. The annual fee for each subsequent contract year shall be **\$21,503.00** per year. The maximum number of renewal years shall not exceed three (3) and thus, unless otherwise terminated, this contract shall automatically terminate at 11:59 pm on December 31, 2026.

Each annual fee shall be due and payable in quarterly installments beginning March 1, 2024.

The Owner and the Company agree that any future mandated environmental, health or safety requirements which cause significant changes in the cost of services provided under this agreement shall be cause for modification of this agreement. The Company is accepting this water storage tank under this agreement based on the current existing structure, components, location, and surroundings. Any modification to the water storage tank, including antenna installations, and changes in surroundings especially real estate development shall be cause for modification of this agreement. This agreement does not include the cost for and/or liability on the part of the Company for: containment, removal and/or disposal of any hazardous waste materials, electrical wiring or components, operational problems due to cold weather, Acts of God, structural damage due to antenna installations or other attachments for which the tanks were not originally designed, repairs to the foundation of the water storage tank, operational or structural problems caused by physical conditions below the surface of the ground, acts of terrorism, or other conditions which are beyond the Owner's and/or Company's control.

The Company reserves the right to assign any outstanding receivables from this agreement to its bank or other lending institutions as collateral for any loans or lines of credit.

The Company covenants and agrees to INDEMNIFY, DEFEND and HOLD HARMLESS, the Owner/City and the elected officials, employees, officers, directors, agents and representatives of the City, individually and collectively ("Indemnitees"), from and against any and all costs, claims, liens, damages, losses, expenses, fees, fines, penalties, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including but not limited to, personal or bodily injury, death and property damage, made upon the Owner/City arising out of a third-party claim to the extent arising from any negligent acts or omissions of the Company, any agent, officer, director, representative, employee, consultant or subcontractor of the Company, or their respective officers, agents employees, directors or representatives while in the exercise of the rights or performance of the duties under this Agreement. The indemnity provided for in this paragraph shall not apply to any liability arising from the negligence of the Owner/City or an Indemnitee. IN THE EVENT THE COMPANY AND OWNER ARE FOUND JOINTLY LIABLE BY A COURT OF COMPETENT JURISDICTION, LIABILITY SHALL BE APPORTIONED COMPARATIVELY IN ACCORDANCE WITH APPLICABLE LAW, WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY OR OFFICIAL IMMUNITY AVAILABLE TO THE OWNER OR INDEMNITEES UNDER STATE LAW AND WITHOUT WAIVING ANY DEFENSES OF THE PARTIES UNDER STATE LAW.

This agreement shall be binding upon successors, legal representatives, and assigns of the respective parties hereto.

This Agreement is signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Owner: \_\_\_\_\_ American Tank Maintenance, LLC:  
\_\_\_\_\_

By: \_\_\_\_\_ By: \_\_\_\_\_

Witness: \_\_\_\_\_ Witness: \_\_\_\_\_

The above signatories certify that they are duly authorized to sign the Agreement on behalf of the entities represented.



**AGREEMENT BETWEEN THE CITY OF LOCUST GROVE, GEORGIA  
AND AMERICAN TANK MAINTENANCE – MLK, Jr. DRIVE WATER TANK**

This agreement entered into by and between the City of Locust Grove hereinafter known as the Owner, the American Tank Maintenance, LLC hereinafter known as the Company.

The Owner agrees to employ the Company to provide the professional services needed to maintain its 750,000-gallon water storage tank located at MLK Tank.

This agreement outlines the Company's responsibility and accountability for the care and maintenance of the above-referenced water storage tank. The Company's care and maintenance shall include the following:

The Company shall furnish all specialized services including engineering and inspection services necessary to maintain and care for the water storage tank during the term of this agreement. Maintenance and care shall include: steel replacement, steel components, expansion joints, water level indicators, manhole covers and/or gaskets, and other components of the water storage tank.

The Company shall perform visual inspections and service the water storage tank beginning in Contract Year 1. The water storage tank and its components including the safety, sanitary, structure, security and coatings aspects of the water storage tank shall be inspected, and the findings documented to ensure that the water storage tank is in a sound and watertight condition.

The Company shall schedule and coordinate a washout inspection of the water storage tank every two years with the Owner beginning in Contract Year 4. The Owner is responsible for draining the water storage tank. The Company shall clean the water storage tank of all mud, silt, and other accumulations which may be harmful to the water storage tank and/or its cleaning the water storage tank the Company shall inspect and document the condition as outlined in the preceding paragraph. Once the cleaning and inspection services are completed the Company shall disinfect the interior surfaces of the water storage tank utilizing AWWA Spray Method #2. A written report of the documented findings including photographs shall be made available to the Owner via mail or electronically.

The Company shall perform surface preparation and paint the exterior and/or interior surfaces of the water storage tank at such time as needed. The need for exterior painting shall be determined by the appearance and protective condition of the existing coating system and the Company shall use the same color of the existing coating system. The need for interior painting shall be determined by the thickness of the existing coating system and its protective condition.

The Company shall perform all services and utilize products which shall be equal to, or exceed the standards of the State of Georgia, the American Water Works Association, and the Steel Structures Painting Council. The Company shall perform all services relating to the interior of the water storage tank in accordance with procedures outlined in American Water Works Association D-102 standards.

The Company shall utilize coating systems which best suit the site conditions, environment, and general location of the water storage tank and are in compliance with local, state, and federal statutes.

The Company shall maintain an anti-climb deterrent device on the access ladder to deter unauthorized access to the water storage tank. The Company shall install and maintain locks on

all hatches of the water storage tank to deter unauthorized entry. The keys to the locks shall remain in the possession of the Owner and the Company.

The Company shall provide emergency service to handle any problems covered by this agreement with the water storage tank. Reasonable mobilization time shall be acceptable to the Owner.

If the Owner needs and requests, then the Company shall provide pressure relief valves to the Owner for the Owner's use during service events which require the water storage tank to be drained.

The Owner shall have the right to continue this agreement for an indefinite period of time providing that the annual fee is paid in accordance with the terms of this agreement. The Owner shall have the right to terminate this agreement by sending written notice to American Tank Maintenance, LLC, P.O. Box 130, Warthen, GA 31094. The Owner's right to termination shall be subject to any agreement provisions incorporated herein.

The Company shall maintain and furnish current certificates of insurance coverage to the Owner during the duration of this agreement.

Until either party gives the other party three months advance notice of termination, this agreement shall become effective on January 1, 2024 and shall remain in effect until 11:59 pm on December 31<sup>st</sup>, 2024 at which time the agreement shall terminate without any financial obligation of the City and then shall renew automatically at 12:00 a.m. on the first day of the next calendar year for an additional 1-year term. At the end of each subsequent one-year term the agreement shall terminate as of 11:59 p.m. on the last day of the year with no financial obligations being owed by the City and then automatically renew at 12:00 a.m. on the first day of the next calendar year for each subsequent one-year term but not to exceed a total of ten single-year terms. This agreement is intended and should be construed to comply with O.C.G.A. §36-30-13. The annual fee for the 2024 year shall be **\$23,299.00**. The annual fee for each subsequent contract year shall be **\$23,299.00** per year. The maximum number of renewal years shall not exceed three (3) and thus, unless otherwise terminated, this contract shall automatically terminate at 11:59 pm or December 31, 2026.

Each annual fee shall be due and payable in quarterly installments beginning March 1, 2024.

The Owner and the Company agree that any future mandated environmental, health or safety requirements which cause significant changes in cost of services provided under this agreement shall be cause for modification of this agreement. The Company is accepting this water storage tank under this agreement based on the current existing structure, components, location, and surroundings. Any modification to the water storage tank, including antenna installations, and changes in surroundings especially real estate development shall be cause for modification of this agreement. This agreement does not include the cost for and/or liability on the part of the Company for: containment, removal and/or disposal of any hazardous waste materials, electrical wiring or components, operational problems due to cold weather, Acts of God, structural damage due to antenna installations or other attachments for which the tanks were not originally designed, repairs to the foundation of the water storage tank, operational or structural problems caused by physical conditions below the surface of the ground, acts of terrorism, or other conditions which are beyond the Owner's and/or Company's control.

The Company reserves the right to assign any outstanding receivables from this agreement to its bank or other lending institutions as collateral for any loans or lines of credit.

The Company covenants and agrees to INDEMNIFY, DEFEND and HOLD HARMLESS, the Owner/City and the elected officials, employees, officers, directors, agents and representatives of the City, individually and collectively ("Indemnitees"), from and against any and all costs, claims, liens, damages, losses, expenses, fees, fines, penalties, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including but not limited to, personal or bodily injury, death and property damage, made upon the Owner/City arising out of a third-party claim to the extent arising from any negligent acts or omissions of the Company, any agent, officer, director, representative, employee, consultant or subcontractor of the Company, or their respective officers, agents employees, directors or representatives while in the exercise of the rights or performance of the duties under this Agreement. The indemnity provided for in this paragraph shall not apply to any liability arising from the negligence of the Owner/City or an Indemnitee. IN THE EVENT THE COMPANY AND OWNER ARE FOUND JOINTLY LIABLE BY A COURT OF COMPETENT JURISDICTION, LIABILITY SHALL BE APPORTIONED COMPARATIVELY IN ACCORDANCE WITH APPLICABLE LAW, WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY OR OFFICIAL IMMUNITY AVAILABLE TO THE OWNER OR INDEMNITEES UNDER STATE LAW AND WITHOUT WAIVING ANY DEFENSES OF THE PARTIES UNDER STATE LAW.

This agreement shall be binding upon successors, legal representatives, and assigns of the respective parties hereto.

This Agreement is signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Owner:

American Tank Maintenance, LLC:

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_

By:

\_\_\_\_\_

Witness: \_\_\_\_\_

Witness:

\_\_\_\_\_

The above signatories certify that they are duly authorized to sign the Agreement on behalf of the entities represented.