



Community Development Department

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

Item Coversheet

Item: GA SB 397, now Act 369 signed by GA Governor Kemp on 3/19/2024, annexed multiple tracts into the city of Locust Grove requiring the city to complete the annexation rezoning process per the GA zoning procedures law.

Action Item: Yes No

Public Hearing Item: Yes No

Executive Session Item: Yes No

Advertised Date: N/A

Budget Item: No

Date Received: April 03, 2024

Workshop Date: May 20, 2024

Regular Meeting Date: June 03, 2024

Discussion:

Act 369 signed by GA Governor Brian Kemp annexed properties (GA SB 397 /Act 369) into the City of Locust Grove pursuant to create a new charter (Ga. l. 1976, p. 4426). Per ACT 369, as signed by Governor Kemp, the subject properties are now a part of the incorporated city limits of Locust Grove as (RA: Residential Agricultural) and (PD: Planned Development), respectively, which are equivalent to the unincorporated Henry County zoning districts from which they were annexed.

Recommendation:

Staff recommends APPROVAL.

ORDINANCE NO. _____

AN ORDINANCE TO REZONE PROPERTIES (GA SB 397/ACT 369) INTO THE CITY OF LOCUST GROVE PURSUANT TO CREATE A NEW CHARTER (GA. L. 1976, P. 4426); TO PROVIDE FOR APPROPRIATE ENTRIES UPON OR ADDITIONS TO THE OFFICIAL MAP OF THE CITY AND ALL OTHER RECORDS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE OF REZONING; 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, the City of Locust Grove (the “Applicant”) petitioned the State of Georgia to annex properties located on Canup Drive, Lester Mill Rd., Hosannah Rd., Deer Trail Rd., Greenwood Rd., Bethlehem Rd., and Indian Creek Rd., located in Henry County, Georgia (the “Properties”) as shown in the Boundary Survey and shown in blue identified as “Annex” properties attached hereto as **Exhibit A** and described in Section 1 of Georgia Senate Bill 397/Georgia Act 369; and,

WHEREAS, said act was further amended to included within the corporate limits of said city, the following described properties:

County Henry GA:

VTD GROVE PARK

Block 070406 1006 1009 1010 1012 1013 1014 1019 1020 1022 1023 1031 1032 1037 2000 2010
2011 2012 2015

Block 070412 2000 2001 2003 2008 2009 2011 2013 2014

VTD LOCUST GROVE

Block 070411 1019 1020 1021 2012 2013

Block 070412 1000 1001 1002 1003 1005 1009 1013 3007 3010 4005 4006 4007 4008 4009 4010
4011 4012 4013 4015

WHEREAS, for the purposes of the description provided, the term 'VTD' shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census

for the United States decennial census of 2020 for the State of Georgia. The separate numeric designations in a district description which are underneath a 'VTD' heading shall mean and describe individual blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2020 for the State of Georgia.; and,

WHEREAS, the Applicant filed a request to rezone the Properties into the City of Locust Grove on April 3, 2024 as shown in the application attached hereto as **Exhibit B**; and,

WHEREAS, the Mayor and City Council of the City of Locust Grove approved a Resolution accepting the application for annexation on April 3, 2024; and,

WHEREAS, said request has been reviewed by the Mayor and City Council at a Public Hearing held on May 20, 2024, as well as by the City Community Development Director; and,

WHEREAS, the Applicant requested that the properties' retain the zoning from county RA (Residential Agricultural) and PD (Planned Development) to the city's RA (Residential Agricultural) and PD (Planned Development) zoning; 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.

SECTION 1.

OFFICIAL MAP AND RECORDS.

The Mayor and City Clerk are hereby directed to make entries upon or additions to the official map of the City and all other records to the extent necessary to reflect the annexation of property contemplated herein.

SECTION 2.

SEVERABILITY.

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of Locust Grove that such adjudications shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect as if the invalid or unconstitutional section, sentence, clause, or phrase were not originally part of the ordinance.

SECTION 3.

REPEAL OF CONFLICTING PROVISIONS.

Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4.

EFFECTIVE DATE OF REZONING.

(Annexation has occurred and is already effective)

- A. Rezoning pursuant to this ordinance shall become effective on the first day of the month following adoption of this ordinance.

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

- (X) That the Applicant's request for rezoning is hereby **APPROVED**.
() That the Applicant's request in said application is hereby **DENIED**.

SO ORDAINED by the Council of this City this 3rd day of June 2024.

Vincent Williams, Mayor Pro-Tem

ATTEST:

MISTY SPURLING, City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

City of Locust Grove- Proposed Annexations- Option 3

Client: Locust Grove
 Plan/Drawn: Comment 6/15/2022
 Type: Local

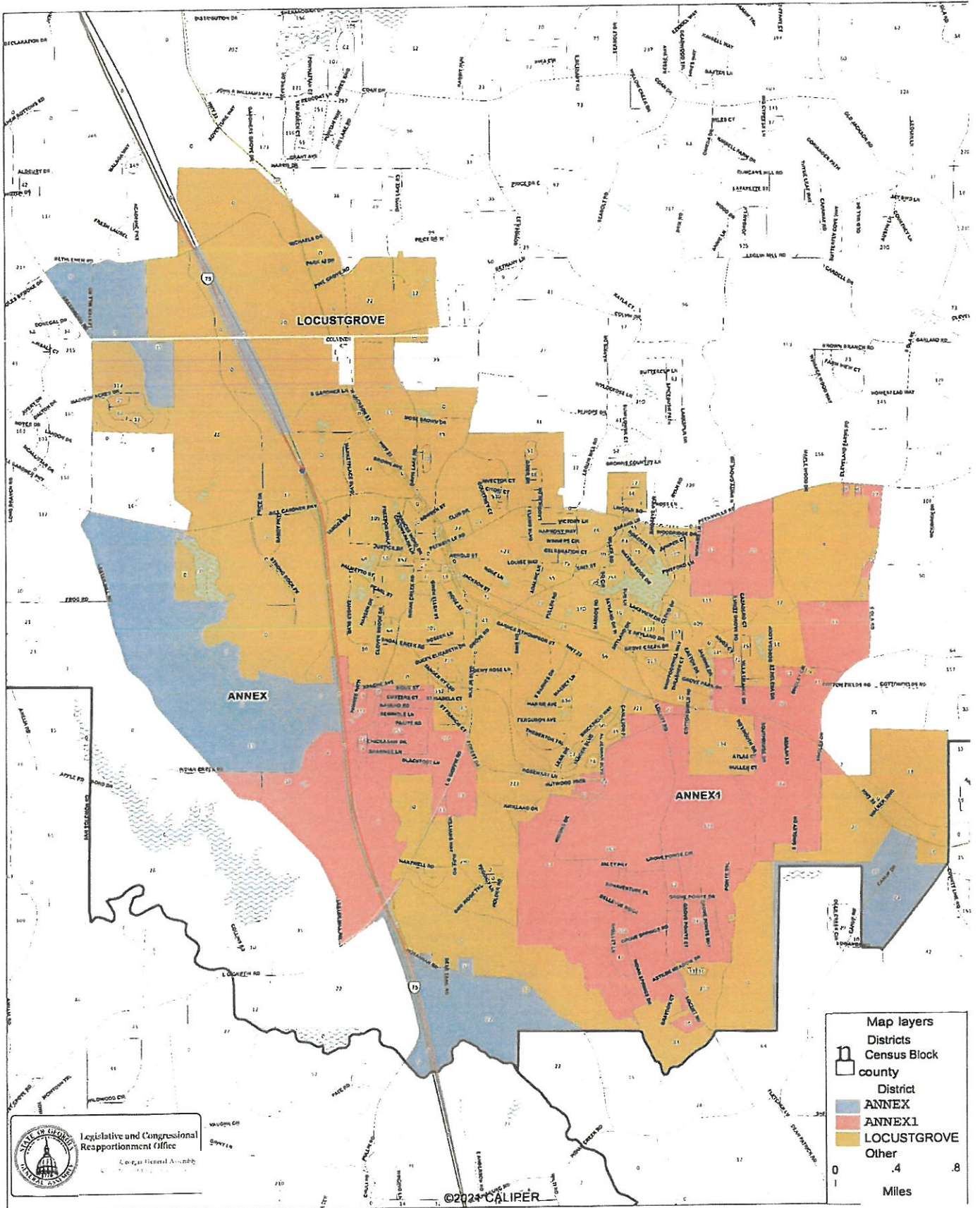


EXHIBIT B



Administration Department

P. O. Box 900
Locust Grove, Georgia 30248

Phone: (770) 957-5043
Facsimile: (866) 364-0996

Annexation Proposals

Item: Resolution for Annexation of Certain Tracts for 2024

Regular Meeting Date: January 2, 2024 (Approved by City Council)

Description:

An Attached Map shows the two (2) areas proposed with legislation to the Georgia General Legislative Session for annexation by two different methods. The areas in BLUE would be by the act of the Legislature and incorporates only a few residents but defines the city boundaries along the eastern edge of Lester Mill Road, the eastern edge of I-75/Sipka Road and the county boundary on the southern side of the city with Spalding/Butts Counties. The areas in PINK would be by Referendum of the residents in the areas bordering the existing City Limits along Indian Creek Road, LG-Griffin Road, Locust/Higgins Roads, Singley Road, and areas along South Unity Grove Road south of Peeksville Road.

If approved, the areas in Blue would become a portion of the City of Locust Grove as defined by the Legislation on the first day of the following month after the Act is official. The areas in Pink would become a part of the City on December 31 2024 after an affirmative vote by the residents per the current legislation if approved by the Legislature.

Services included in the City would be Sanitation (including leaf pickup, access to the City Waste Collection Site, and bulk item pickup), Police Services by the nearby Locust Grove Police, and all aspects of permitting and business licensing by Community Development including Fire Marshal plan review.

The City also offers a 100% Homestead Exemption from property tax for those owning residential property as their homestead residence that would apply to any CITY ad valorem tax millage, if applicable.

For further information, please contact Tim Young, City Manager at tyoung@locustgrove-ga.gov

Attachment: Annexation Map Proposal & Legislation

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to create a new Charter for the City of Locust Grove, Georgia, in the
2 county of Henry, approved April 7, 1976 (Ga. L. 1976, p. 4426), as amended, to change the
3 corporate limits of such city; to provide descriptions; to provide for a referendum, effective
4 dates, automatic repeal, mandatory execution of election, and judicial remedies regarding
5 failure to comply; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 An Act to create a new Charter for the City of Locust Grove, Georgia, in the county of
9 Henry, approved April 7, 1976 (Ga. L. 1976, p. 4426), as amended, is amended by adding
10 a new subsection to Section 1.11 to read as follows:

11 "(d) In addition to all other territory included within the corporate limits of said city, the
12 corporate limits shall specifically include the following described property:

13 (1)(A) County Henry GA
14 VTD GROVE PARK
15 Block 070412
16 2005 2006

17 VTD LOCUST GROVE
18 Block 070411
19 1022 1028 1030 1032 1033 2000 2001 2002 2024
20 Block 070412
21 1007 1014 1015 1018 3002 3003
22 VTD LOWES
23 Block 070411
24 3013 3015 3019 3020 3029 3032
25 VTD UNITY GROVE
26 Block 070411
27 3012

28 (B) For the purposes of the description provided in subparagraph (A) of this paragraph,
29 the term 'VTD' shall mean and describe the same geographical boundaries as provided
30 in the report of the Bureau of the Census for the United States decennial census of 2020
31 for the State of Georgia. The separate numeric designations in a district description
32 which are underneath a 'VTD' heading shall mean and describe individual blocks within
33 a VTD as provided in the report of the Bureau of the Census for the United States
34 decennial census of 2020 for the State of Georgia.

35 (2) All that tract or parcel of land consisting of 48.43 acres lying and being in Henry
36 County, Georgia, as described at deed book 3557, page 254, recorded in the real property
37 records of the Clerk of the Superior Court of Henry County."

38 **SECTION 2.**

39 Said Act is further amended by adding a new subsection to Section 1.11 to read as follows:
40 "(e)(1) In addition to all other territory included within the corporate limits of said city,
41 the corporate limits shall specifically include the following described property:
42 County Henry GA

43 VTD GROVE PARK
 44 Block 070406
 45 1006 1009 1010 1012 1013 1014 1019 1020 1022 1023 1031 1032
 46 1037 2000 2010 2011 2012 2015
 47 Block 070412
 48 2000 2001 2003 2008 2009 2011 2013 2014

49 VTD LOCUST GROVE
 50 Block 070411
 51 1019 1020 1021 2012 2013
 52 Block 070412
 53 1000 1001 1002 1003 1005 1009 1013 3007 3010 4005 4006 4007
 54 4008 4009 4010 4011 4012 4013 4015

55 (2) For the purposes of the description provided in paragraph (1) of this subsection, the
 56 term 'VTD' shall mean and describe the same geographical boundaries as provided in the
 57 report of the Bureau of the Census for the United States decennial census of 2020 for the
 58 State of Georgia. The separate numeric designations in a district description which are
 59 underneath a 'VTD' heading shall mean and describe individual blocks within a VTD as
 60 provided in the report of the Bureau of the Census for the United States decennial census
 61 of 2020 for the State of Georgia."

62 **SECTION 3.**

63 The election superintendent of Henry County shall call and conduct a special election as
 64 provided in this section for the purpose of submitting the annexation provided for in
 65 Section 2 of this Act to the electors of the territory sought to be annexed into the City of
 66 Locus Grove under this Act for approval or rejection. The election superintendent shall
 67 conduct such election on any permissible special election date under Code Section 21-2-540
 68 of the O.C.G.A., but not later than the Tuesday next following the first Monday in

69 November, 2024, and shall issue the call and conduct such election as provided by general
70 law. The election superintendent shall cause the date and purpose of the election to be
71 published once a week for two weeks immediately preceding the date thereof in the official
72 organ of Henry County. The ballot shall have written or printed thereon the words:

73 "() YES Shall the provisions of the Act which annexes certain land into the City of
74 () NO Locust Grove be approved?"

75 All persons desiring to vote for approval of the annexation shall vote "Yes," and all persons
76 desiring to vote for rejection of the annexation shall vote "No." If more than one-half of the
77 votes cast on such question are for approval of the annexation, then Section 2 of this Act
78 shall become effective on December 31, 2024. If more than one-half of the votes cast on
79 such question are for rejection of the annexation, this Act shall not become effective and
80 shall be automatically repealed on the first day of July immediately following such election
81 date. The expense of such election shall be borne by the City of Locust Grove. It shall be
82 the election superintendent's duty to certify the result thereof to the Secretary of State. The
83 provisions of this section shall be mandatory upon the election superintendent and are not
84 intended as directory. If the election superintendent fails or refuses to comply with this
85 section, any resident of the City of Locust Grove or an elector of the territory described in
86 Section 2 of this Act may apply for a writ of mandamus to compel the election
87 superintendent to perform his or her duties under this section. If the court finds that the
88 election superintendent has not complied with this section, the court shall fashion appropriate
89 relief requiring the election superintendent to call and conduct such election on the date
90 required by this section or on the next date authorized for special elections as provided for
91 in Code Section 21-2-540 of the O.C.G.A.

92 **SECTION 4.**

93 (a) Section 1 of this Act shall become effective on the first day of the month following the
94 month in which it is approved by the Governor or becomes law without such approval.

95 (b) Section 2 of this Act shall become effective as provided for in Section 3 of this Act.

96 (c) This section and Sections 3 and 5 of this Act shall become effective upon its approval
97 by the Governor or upon its becoming law without such approval.

98 **SECTION 5.**

99 All laws and parts of laws in conflict with this Act are repealed.

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

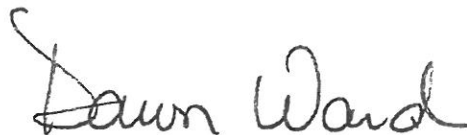
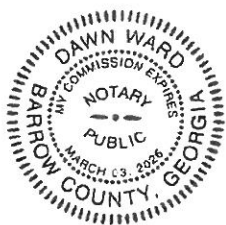
Ad No.: 407446

Name and File No.: **PUBLIC HEARING 5/20/24**
a true copy of which is hereto attached, was published in said newspaper on the following date(s):
05/01/2024



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

Sworn and subscribed to before me 1st day of May, 2024



Notary Public
My commission expires 03/03/2026

Ad text :
Hdh4277
gpn16

Public Hearing Notice
City of Locust Grove
May 20, 2024, 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, May 20, 2024, at 6:00 PM, will conduct public hearings for the purpose of the following:

ANNEXATION

AX-RZ-24-04-01 GA SB 937, now Act 369 signed by GA Governor Kemp on 3/19/2024, annexed multiple tracts into the city of Locust Grove requiring the city to complete the annexation rezoning process per the GA zoning procedures law.

VARIANCE

VR-24-03-01 Henry County Government of McDonough, GA requests a variance to allow encroachment into the city's fifty-foot undisturbed stream buffer requirement and into the city's twenty-five-foot impervious setback requirement to construct a one-story government office building.

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
5:1, 2024

AFFIDAVIT OF SIGN POSTING

Personally appeared, before the undersigned officer duly authorized to administer oaths, 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.

Henry County Government of McDonough, GA requests a variance to allow encroachment into the city's fifty-foot undisturbed stream buffer requirement and into the city's twenty-five-foot impervious setback requirement to construct a one-story government office building.

3.

GA SB 937, now Act 369 signed by GA Governor Kemp on 3/19/2024, annexed multiple tracts into the city of Locust Grove requiring the city to complete the annexation rezoning process per the GA zoning procedures law.

4.


On the 1st day of May 2024, I, Brian Fornal, posted one double-sided sign and nine double-sided notifications on the property advertising a public hearing on the above requests to be heard by the Locust Grove City Council on the 20th day of May 2024 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. The variance sign was placed at 9:20 a.m. on May 1, 2024. It is located on the property of 619 Tanger Blvd. It faces both north and southbound traffic.
2. One annexation sign was placed at 9:35 a.m. on May 1, 2024. It is located on the south side of Bethlehem Road between Academic Drive and Lester Mill Road. The sign is visible to both east and west traffic.
3. The second annexation sign was posted at 9:42 a.m. hours on May 1, 2024. It was posted on the east side of Lester Mill Road just south of Bethlehem Road. The sign is visible to both north and southbound traffic.

4. The third annexation sign was posted at 9:42 a.m. on May 1, 2024. It was posted on the east side of Lester Mill Road just south of Bethlehem Road. The sign is visible to both north and southbound traffic.
5. The fourth annexation sign was posted at 9:50 a.m. on May 1, 2024. The sign is on the south side of Bill Gardner Parkway just east of Lester Mill Road. The sign is visible to east and westbound traffic.
6. The fifth annexation sign was posted at 9:57 a.m. on May 1, 2024. The sign is on the east side of Lester Mill Road south of Frog Road. The sign is visible to both north and southbound traffic.
7. The sixth annexation was posted at 1:20 p.m. on May 1, 2024. The sign is on the north side of Indian Creek Road just east of Lester Mill Road. The sign is visible to all east and westbound.
8. The seventh sign was posted at 10:57 a.m. on May 1, 2024. The sign is posted on the southbound side of Hosannah Road. The sign is between the county line and Locust Grove Griffin Road. It is visible to all east and westbound traffic.
9. The eighth sign was posted at 10:40 a.m. on May 1, 2024. The sign is posted on the north side of Hosannah Road east of Locust Grove Griffin Road. It is visible to all east and westbound traffic.
10. The ninth sign was posted at 11:37a.m. on May 1, 2024. The sign is posted on the west side of Canup Road just south of Hwy. 42. It is visible to north and southbound traffic.
11. The sign was posted at 11:43 a.m. on May 1, 2024. The site is on the east side of Canup Road. It is between Hwy. 42 and the county line. It is visible to all east and westbound traffic.

FURTHER AFFIANT SAYETH NOT.

This is the 1st day of May 2024.


Affiant

Sworn and subscribed before me
this 1st day of May, 2024

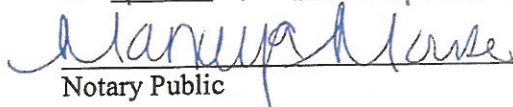

Notary Public (seal)



Exhibit "A"



May 1 2024

9 35 AM

Add a description

Size Info

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Device Info

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Source

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May 1 2024

9 36 AM

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Device Info

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IMG_1711

May 1 2024

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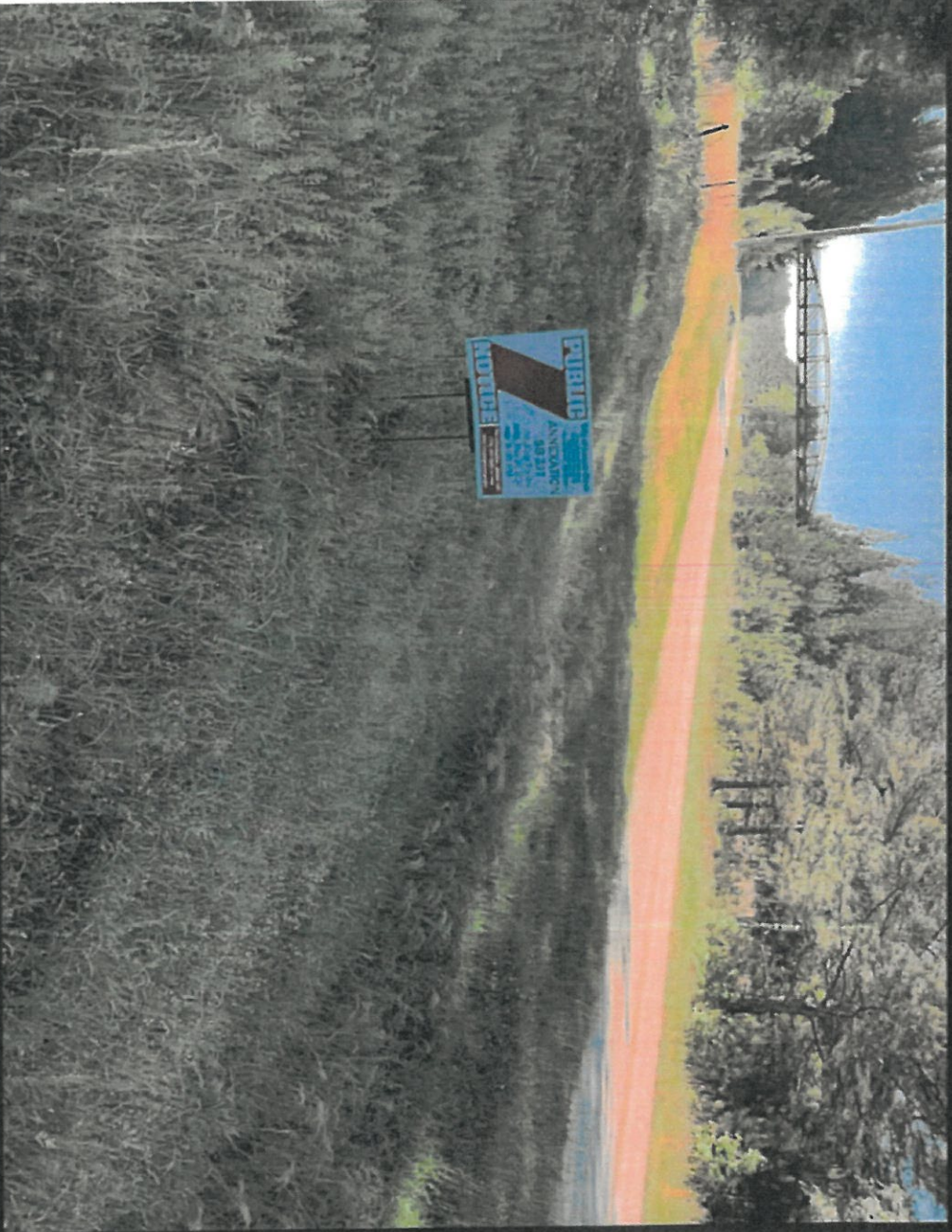
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May 1 2024

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May 1 2024

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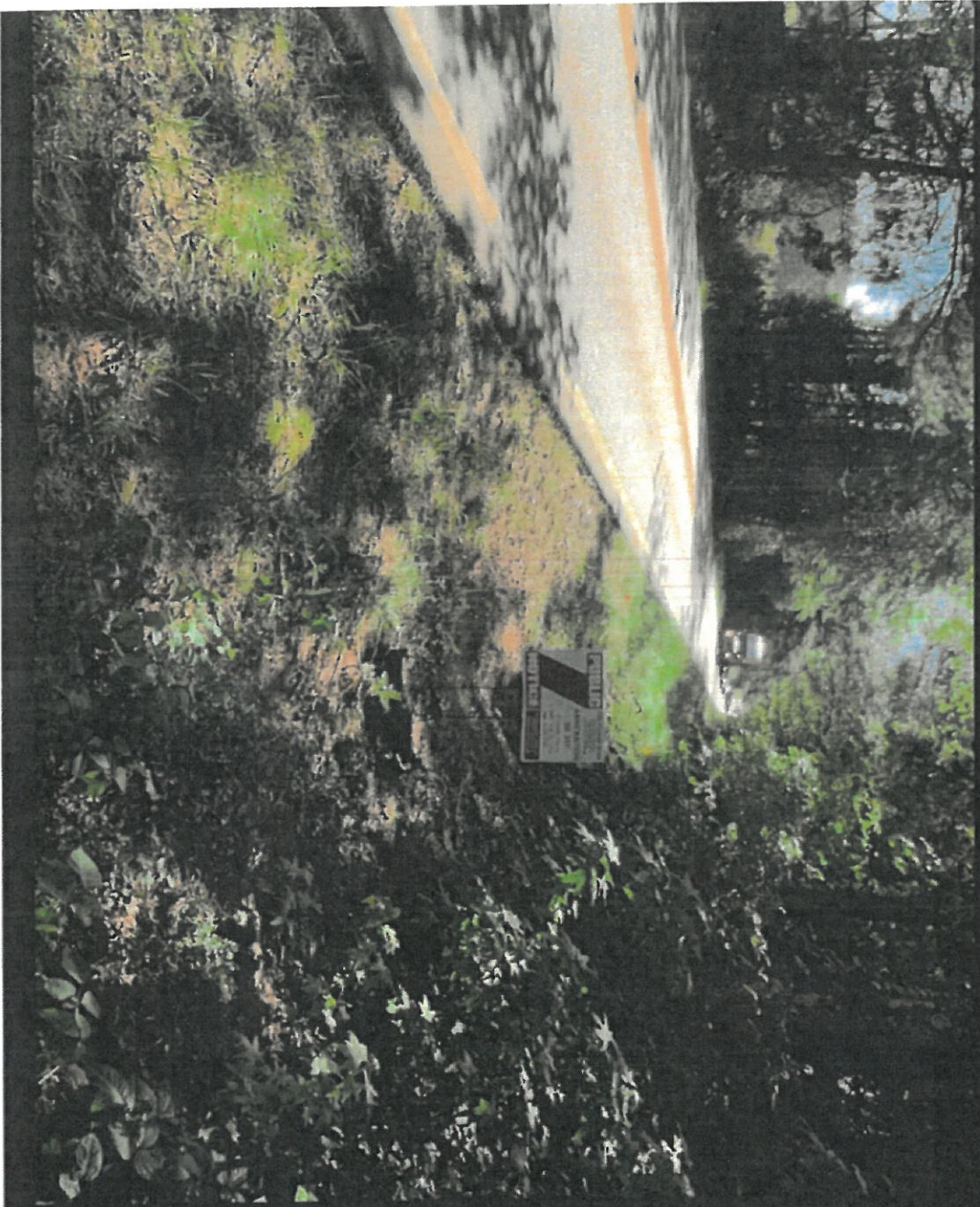
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May 1 2024

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May 1 2024

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May 1 2024

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May 1 2024

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May 1 2024

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May 1 2024

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May 1 2024

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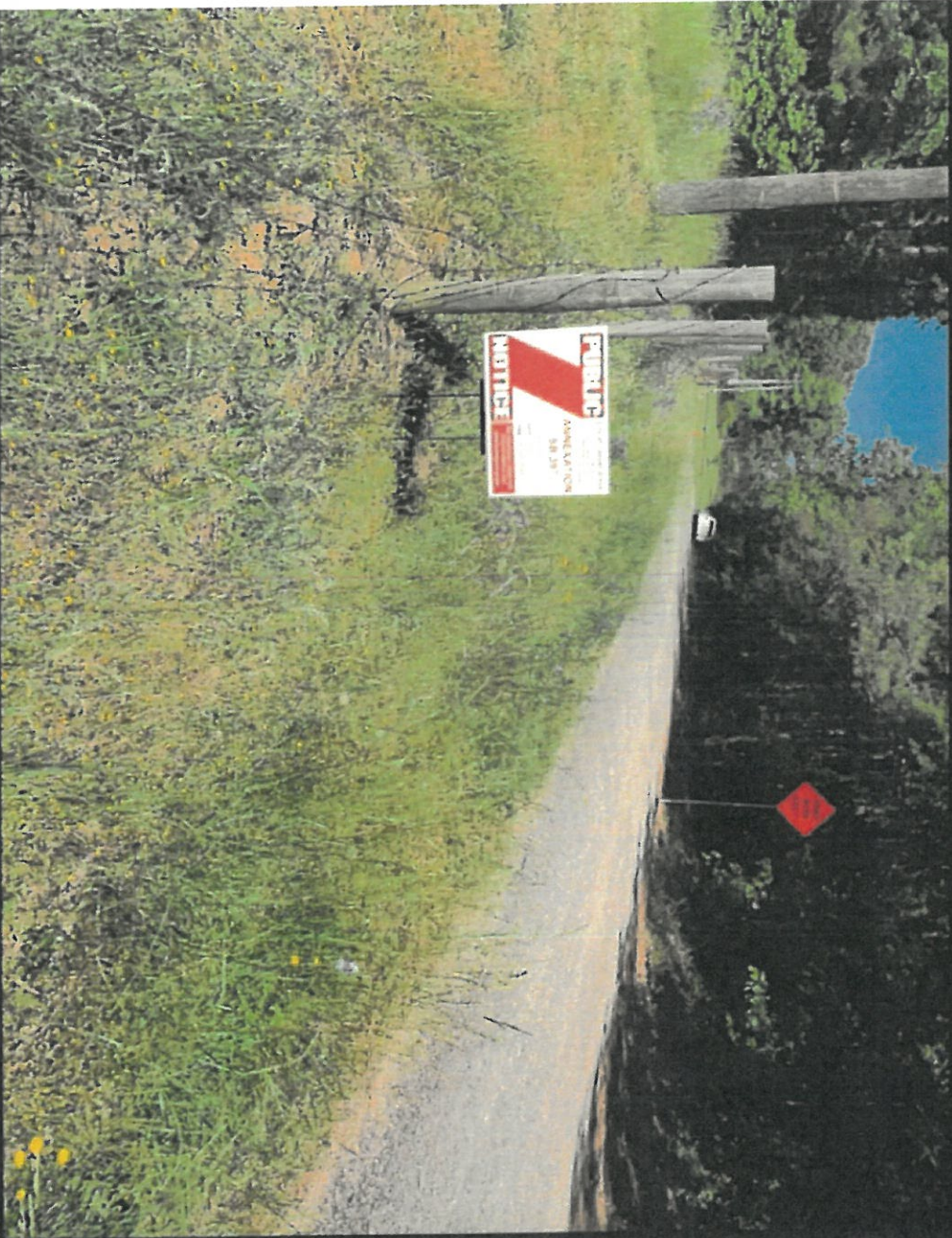
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May 1 2024

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May 1 2024

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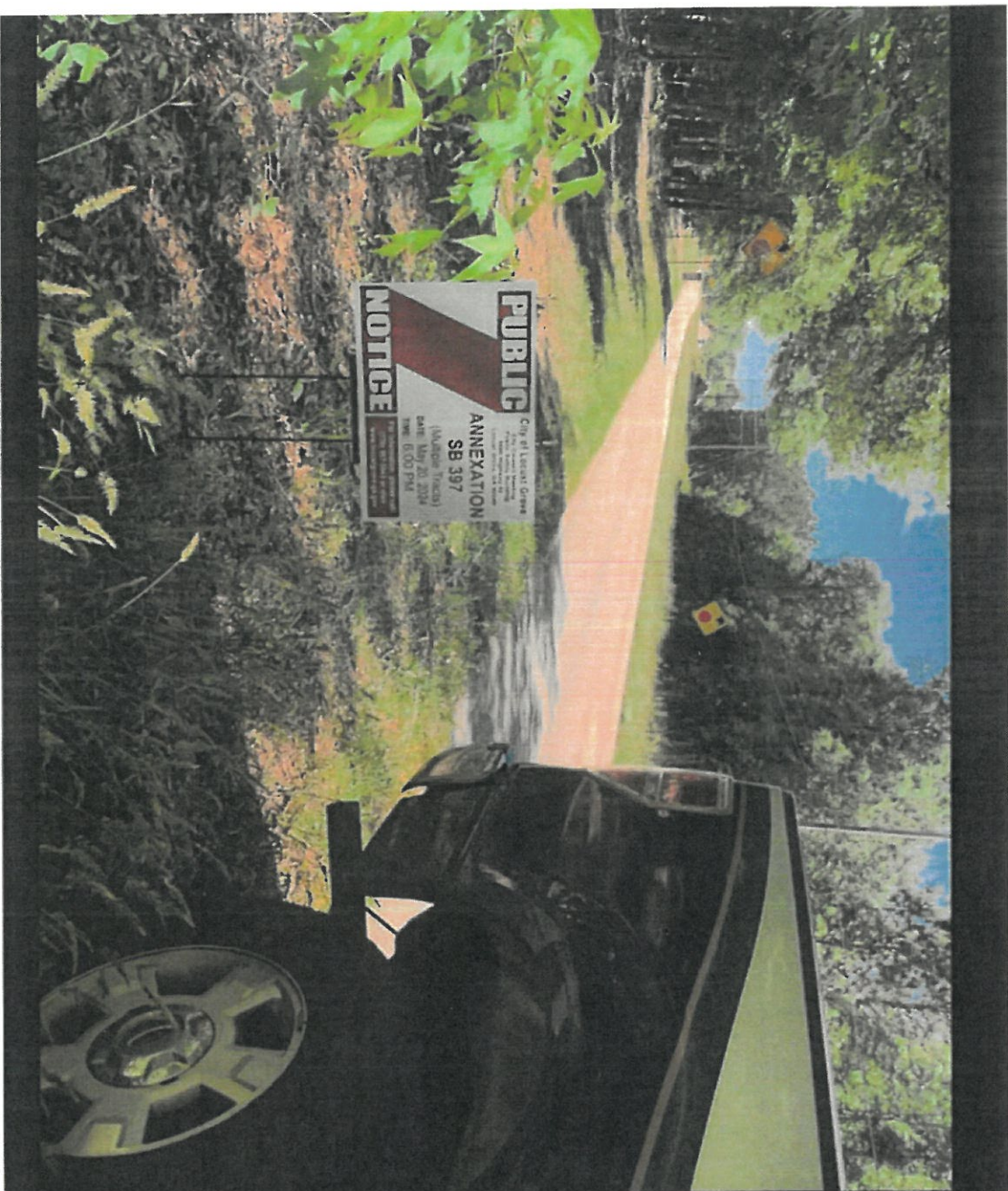
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May 1 2024

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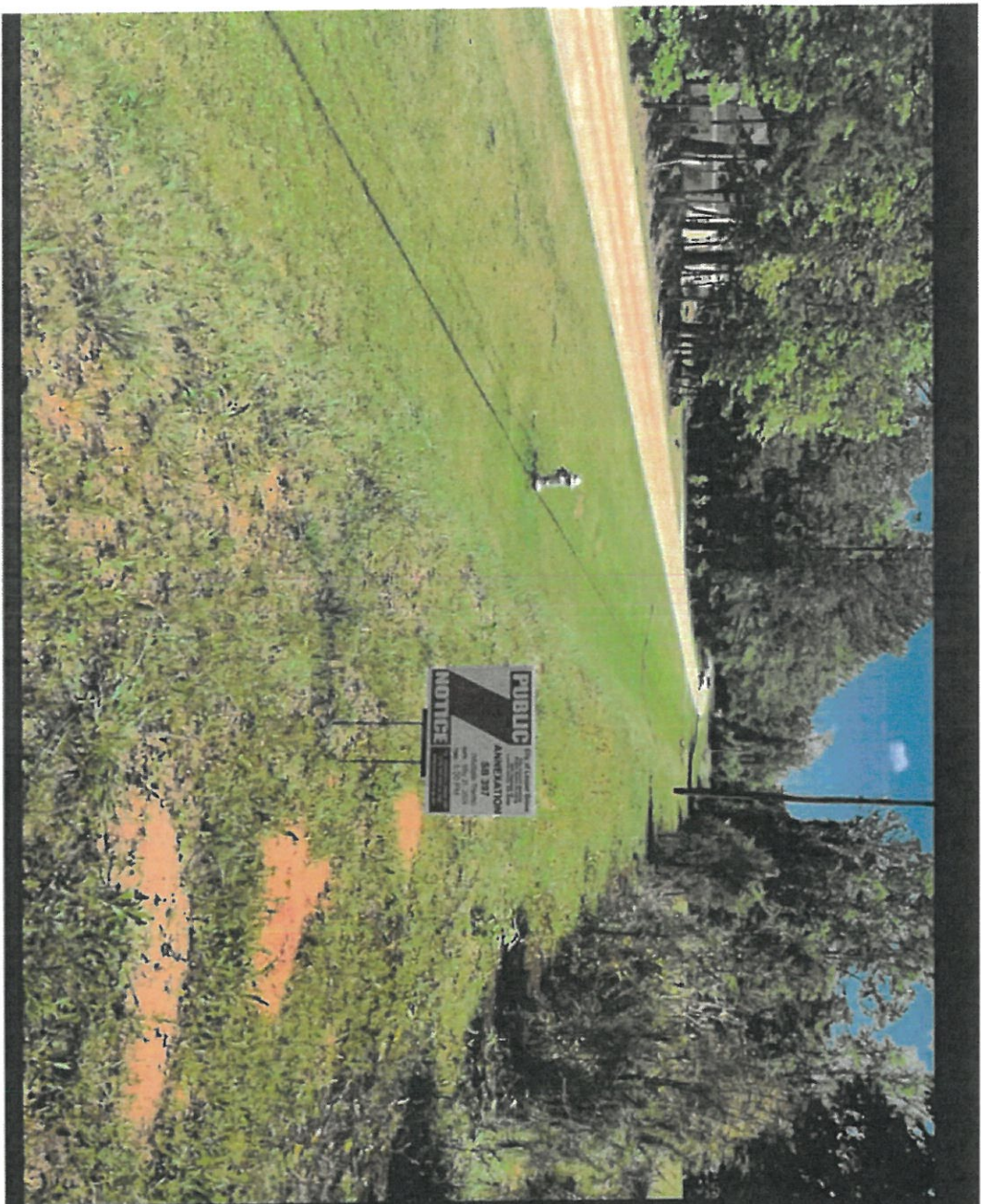
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May 1 2024

11 41 AM

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May 1 2024

11 42 AM

Add a description

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