

HABERSHAM COUNTY BOARD OF COMMISSIONERS

EXECUTIVE SUMMARY

SUBJECT: Deannexation of Tax Parcel 108 031D – 4.122 acres

DATE: August 10, 2026

BUDGET INFORMATION:

ANNUAL- N/A

CAPITAL- N/A

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

☐ **STATUS REPORT**

☐ **OTHER**

COMMISSION ACTION REQUESTED ON: August 17, 2026

PURPOSE: In and Out Home Buyers, LLC has requested deannexation from the City of Demorest. Prior to Demorest's public hearing, Habersham County is required to agree to accept the deannexation via the attached resolution. Staff has reviewed the request and has no objection.

BACKGROUND / HISTORY: Habersham County is can approve or deny the resolution to accept the deannexation request of parcel 108 031D. No service issues are anticipated and no unincorporated island will be created.

FACTS AND ISSUES: Staff has reviewed the proposed deannexation and find the following:

- a. The proposed deannexation does not create any unincorporated islands.
 - b. Per the County Attorney, if the deannexation is approved by both the Board of Commissioners and the City that no change in land use, and no land disturbing or construction activity may occur on the deannexed properties until the property has been zoned by Habersham County.
 - c. The County can proceed to initiate a County zoning as soon as you receive confirmation the City has approved the deannexation to avoid the property remaining unzoned for what could be years.
-
-

OPTIONS: The Board of Commissioners could act on the resolution as follows:

1. Vote to approve the resolution;
 2. Vote to deny the resolution;
 3. Commission defined alternative.
-
-

RECOMMENDED SAMPLE MOTION: Motion to approve Resolution XXX for the deannexation of parcel 108 031D from the City of Demorest.

DEPARTMENT:

Prepared by: Mike Beecham

Director _____

**ADMINISTRATIVE
COMMENTS:**

County Manager **DATE:** _____

RESOLUTION NO. _____
A RESOLUTION CONSENTING TO THE DEANNEXATION OF PROPERTY
IDENTIFIED AS 108 031D
APPLICANT: In and Out Home Buyers, LLC

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November, 1982, and effective July 1, 1983, provides in Article IX, Section IV, Paragraph II thereof that the governing authority of the County may adopt clearly reasonable ordinances, resolutions and regulations; and

WHEREAS, the Georgia Code (O.C.G.A. §§ 36-36-22 and 36-36-131) grants municipalities the authority to deannex land within the existing corporate limits thereof upon 1) the written and signed application of all the owners of the land in question and 2) the adoption of a resolution by the governing authority of the county in which such property is located consenting to such deannexation; and

WHEREAS, the owners of certain Habersham County properties desire the deannexation of their property from the City of Demorest, such that the property may become part of unincorporated Habersham County; and

WHEREAS, the owners of said property have made a request to the Board of Commissioners of Habersham County for consent to the proposed deannexation of said property, identified as +/- 4.122 acres located in Land Lot 74, 10th Land District of Habersham County, Georgia, and indicated as tax parcel 108 031D, which is described in further detail on the attached Exhibit "A", incorporated herein by reference and referred to as "Deannexation Properties"; and

WHEREAS, the Habersham County Board of Commissioners finds that the public health, safety, and welfare will be served by the deannexation of the Deannexation Properties,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Habersham County, as follows:

Section 1. Recitals. The above Recitals are true and correct and incorporated herein by reference.

Section 2. Authorization and Consent. In accordance with O.C.G.A. §§ 36-36-22 and 36-36-131, the Habersham County Board of Commissioners hereby consents to the deannexation of the Deannexation Properties from the corporate boundaries of City of Demorest, subject to the conditions described in Section 3.

Section 3. Conditions. If the City of Demorest approves the deannexation of the Deannexation Properties from the municipal territory, the owners and/or occupants of the Deannexation Properties may not bring about any change in land use, nor commence any land-disturbing or construction activity on the Deannexation Properties until the Deannexation Properties have been zoned by Habersham County in accordance with the Georgia Zoning

Procedures Law, O.C.G.A. § 36-66-1, et seq., and the Habersham County Comprehensive Unified Development Ordinance, and all County permitting procedures have been followed.

Section 4. Certification. The County Clerk is hereby directed to provide certified copies of this executed Resolution to the owners of the Deannexation Properties described above.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

BE IT SO RESOLVED, this _____ day of _____, 2026.

**HABERSHAM COUNTY
BOARD OF COMMISSIONERS**

Bruce Harkness, Chairman

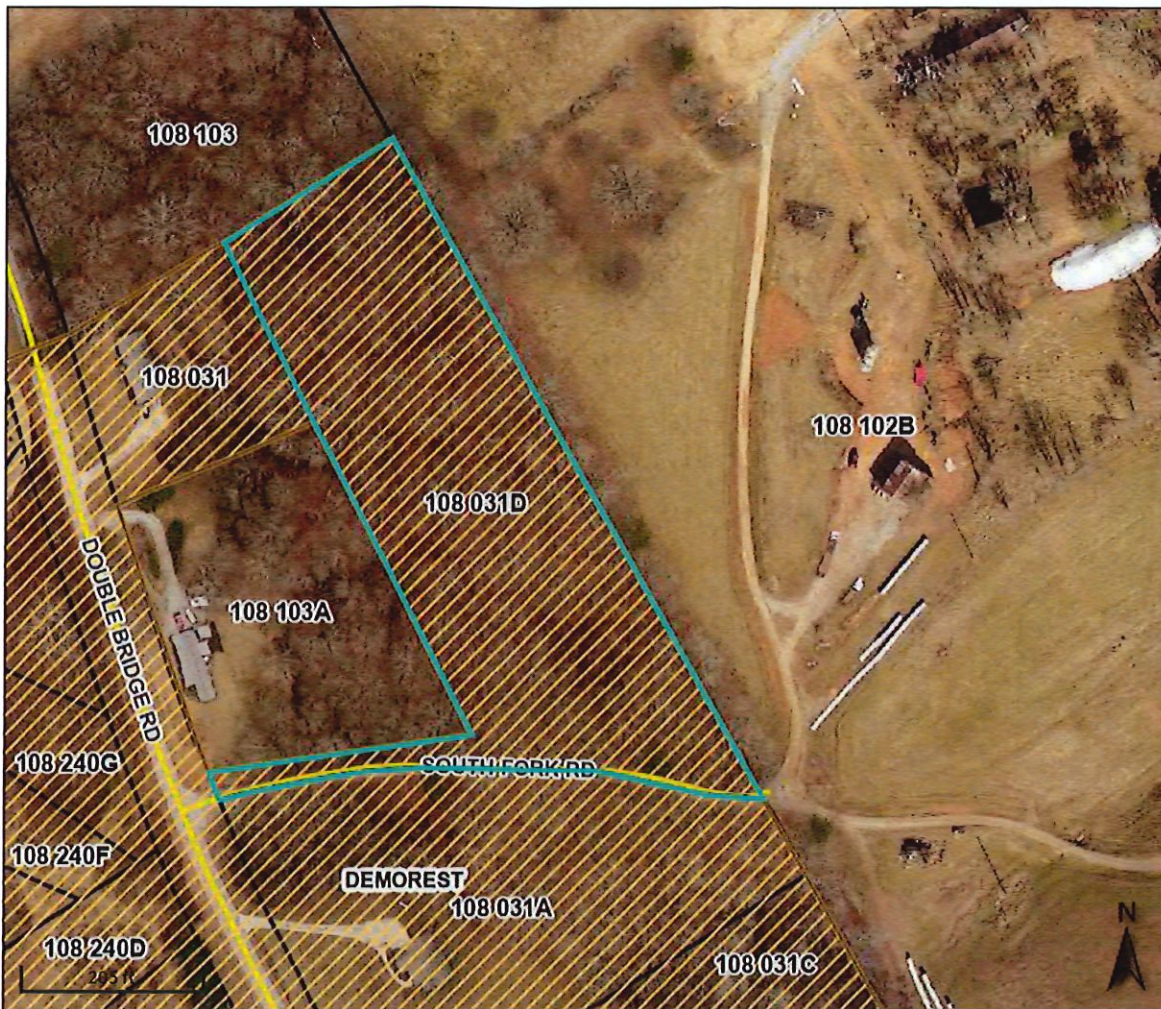
ATTEST:

Brandalin Carnes, County Clerk

[COUNTY SEAL]

EXHIBIT A

ALL THAT TRACT or parcel of land lying and being in Land Lot 74 of the 10th Land District of Habersham County, Georgia, and in the City of Demorest, containing 1.011 acres, more or less, designated as Tract 2; containing 1.0 acres, more or less, designated as Tract 3; containing 1.0 acres, more or less, designated as Tract 4, and 1.111 acres, more or less, designated Tract 5, as shown on a plat of survey prepared for S.W.M. Land Holdings, LLC, by Eddie Davidson, PLS, under date of March 18, 2024, a copy of said plat being on record in the office of Clerk of Superior Court of Habersham County, Georgia, in Plat Book 74, Page 251, to which said plat and the record thereof reference is hereby made for a more complete description.



Overview



Legend

-  Parcels
-  Roads
-  Flood Map
-  City Limits

Parcel ID	108 031D	Alternate ID	522554	Owner Address	IN AND OUT HOME BUYERS LLC
Sec/Twp/Rng	n/a	Class	Agricultural		PO BOX 2
Property Address	DOUBLE BRIDGE RD	Acreage	4.12		CORNELIA, GA 30531
District	DEMOREST				
Brief Tax Description	10-74 TRK 2-5 PB74-251 1363-464				
	(Note: Not to be used on legal documents)				

Flood Map Disclaimer: The data shown is provided as a reference only and does not imply accuracy with regard to horizontal or vertical location. This data is not to be employed to determine any base flood elevations for National Flood Insurance.

FEMA provides access to the National Flood Hazard Layer (NFHL) through web mapping services. The NFHL is a computer database that contains FEMA's flood hazard map data. The simplest way for you to access the flood hazard data, including the NFHL, is through [FEMA's Map Service Center \(MSC\)](#). If you want to explore the current digital effective flood hazard data in a map, the best tool to use is the [NFHL Viewer](#). From the NFHL Viewer, you may view, download, and print flood maps for your location

Date created: 8/10/2026

Last Data Uploaded: 8/9/2026 11:15:32 PM

Developed by  SCHNEIDER
GEOSPATIAL

eFiled & eRecorded
DATE: 4/11/2024
TIME: 9:45 AM
PLAT BOOK: 00074
PAGE: 00251
RECORDING FEES: \$10.00
PARTICIPANT ID: 7920971979
CLERK: David C Wall
HABERSHAM County, GA

THIS BLOCK RESERVED FOR THE
CLERK OF SUPERIOR COURT



RETRACEMENT SURVEY

SURVEYORS CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not create new boundaries. The recording of this plat is for the purpose of creating a permanent record of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. NO WARRANTY IS MADE BY THE SURVEYOR AS TO THE ACCURACY OF ANY 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 standards of the Georgia Board of Professional Engineers and Land Surveyors and is set forth in O.C.G.A. Section 15-6-67.

EDWIN S. DAVIDSON
3/18/2024
DATE

NOTES:

- The land plotted hereon is subject to any easements, encumbrances, or other restrictions that may exist either of record or otherwise.
 - All lps and ipf are 1/2" rebar with plastic cap (CDA #599 inscribed) unless otherwise noted.
 - Road is county maintained.
- Source Deed: DB 661/874 & PB 71/45

— In the City of Demorest, Georgia —



THIS PLAT IS FOR THE SOLE AND EXCLUSIVE USE OF THE PARTY NAMED IN THE TITLE BLOCK. ALL OTHERS USE AT THEIR OWN RISK.

RETRACEMENT SURVEY FOR:

S.W.M. LAND HOLDINGS, LLC.

This is a retracement survey of PB 71/45 & PB 74/214

DAVIDSON LAND SURVEYING, INC.
E.G. (EDDIE) DAVIDSON, PLS

328 BRIDGE STREET
CLARKESVILLE, GEORGIA 30523
(706) 734-7436

C.O.A. #599	SC #16127	NC #1877	AL #20350
GA #2586			
Land Lot: 74	District: 10th	County: Habersham, Georgia	Job No.: 20-047
Date: 3/18/2024	Scale: 1"=60'	Drawing No.: 20-047-5	



ABBREVIATIONS

- POC POINT OF COMMENCEMENT
- P/L PLAT
- C/L CENTERLINE
- DB DEED BOOK
- EP EDGE OF PAVEMENT
- FND FOUND
- IFS IRON PIN SET
- L.L. LAND LOT LINE
- N/F NOW OR FORMERLY
- DB DEED BOOK
- P/L PLAT
- R/W RIGHT OF WAY

- E-E ELECTRIC
- X-X FENCE
- T-T TELEPHONE
- WELL WELLY FOLE
- TELEPHONE BOX
- IRON PIN SET
- IRON PIN FOUND
- CONCRETE MONUMENT FOUND
- TREES
- BREAK IN P/L

LEGEND

These standard symbols will be found in the drawing.

The field data collected is based upon GPS observations, using a Trimble R660 dual frequency receiver, and Carlson SurvCE software. This survey is a network RTK utilizing the Leica real time kinematic network. The relative positional accuracy, as calculated according to the National Geospatial Data Committee Part 3: National Standard for Spatial Data Accuracy is: Horizontal: 0.04 Vertical: n/a 95% confidence level This plat has been calculated for closure and is found to be accurate within one foot in 75,000 feet. Field work completed on 3/1/2024.



THIS PROPERTY IS NOT SHOWN TO BE LOCATED WITHIN A 100 YEAR FLOOD HAZARD AREA ACCORDING TO FIRM MAP NO. 13137C0209D DATED 1/5/2018. THIS IS BASED ON GRAPHICALLY LOCATING THIS PROPERTY ON SAID MAP. NO ADDITIONAL FIELD WORK HAS BEEN PERFORMED TO MAKE THIS DETERMINATION.



DE-ANNEXATION APPLICATION

I HEREBY REQUEST THE MAYOR AND COUNCIL OF THE CITY OF DEMOREST TO DE-ANNEX THE PROPERTY DESCRIBED BELOW IN THIS APPLICATION

PLEASE LIST THE APPLICANT NAME REQUESTING DE-ANNEXATION

APPLICANT NAME:	In + Out Home Buyers, LLC
APPLICANT ADDRESS:	PO Box 2
CITY, STATE & ZIP:	Cornelia GA 30531
TELEPHONE NUMBER:	706-499-1008

PROPOSED PROPERTY TO BE DE-ANNEXED

(1) STREET ADDRESS OF PROPERTY TO BE DE-ANNEXED:	Parcel # 108 031 D 5. Fork Rd Demorest
(2) SUBDIVISION OF THE PROPERTY TO BE DE-ANNEXED:	N/A
(3) LOT(S) NUMBER OF THE PROPERTY TO BE DE-ANNEXED:	(4) Tracts 2, 3, 4, + 5
(4) FUTURE INTENDED USE OF THE PROPERTY TO BE DE-ANNEXED:	Single family residential

• PRESENT ZONING CLASSIFICATION	R1, Residential 1
• PROPOSED AMOUNT OF ACREAGE TO BE DE-ANNEXED	4.122
• TAX MAP NUMBER/PARCEL NUMBER	108 031 D
• HOUSING UNITS	4

(1) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS APPLICATION, LIST THE NUMBER OF REGISTERED VOTERS	1
(2) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS APPLICATION, LIST THE NUMBER OF ADULTS OF VOTING AGE, IF DIFFERENT NUMBER THAN SHOWN IN NUMBER (1)	1
(3) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS APPLICATION, LIST THE NUMBER OF ADULTS IN THE HOUSEHOLD.	1
(4) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS APPLICATION, LIST THE NUMBER OF CHILDREN IN THE HOUSEHOLD.	1
(5) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS APPLICATION, LIST THE NUMBER OF HOUSING UNITS.	1


SIGNATURE OF APPLICANT

8/13/2026
DATE

INSTRUCTIONS FOR COMPLETION OF DE-ANNEXATION APPLICATION

RESIDENTIAL / COMMERCIAL ZONED PROPERTY

1. **Request a Resolution from the Habersham County Board of Commissioners. Once approved, please complete the following steps.**
2. **Contact the City of Demorest Clerk's Department to obtain a De-Annexation Application form.**
3. **Complete and sign the Application. If more than one person owns an interest in the property, both or all owners must sign the form.**
4. **Attach a copy of the Land Deed showing Ownership.**
5. **Attach a Survey of the property. A Survey by a Register Surveyor must be completed of the land to be de-annexed.**
6. **Attach a complete metes and bounds Legal Description of the property to be de-annexed.**
7. **Return the completed De-Annexation application, all attachments (including the Resolution approved by the county), and the \$150.00 fee (check, card, money paid to the city of Demorest) to the office of the City Clerk's, Demorest City Hall, Post Office Box 128, 250 Alabama Street, Demorest, Georgia 30535. This non-refundable fee covers the cost of processing and advertising the de-annexation request.**
8. **After the City Clerk's office receives the application, the request will be distributed to pertinent departments for review.**
9. **The following will review the application:**
 - (a.) **The City Attorney for Legal Review and Preparation of the Ordinance;**
 - (b.) **The Public Works Department;**
 - (c.) **The Mayor and Council for advertising in the local newspaper and conducting a Public Hearing for the purpose of approving or rejecting the de-annexation request, the Application must be in their office within (25) twenty-five days prior to the Council Meeting (which meets the first Tuesday of each month);**
 - (d.) **The Fire Department for Certification regarding Fire Protection;**
 - (e.) **Demorest Water Department for a survey of utilities available and the provision of water and sewer service after the de-annexation.**
10. **Upon submission of all materials, the City Manager will review the De-Annexation Request for completeness. The De-Annexation Request will then be placed on the Agenda by the City Manager for consideration by the Mayor and City Council.**

OWNERSHIP VERIFICATION

The undersigned is the / an owner of an interest in the lands described in the attached De-Annexation Application, which proposes to amend the Official Zoning Map of Demorest, Georgia, and concurs in the application. The undersigned's interest in the lands described in the application is as follows:

Parcel # 108 031D. Sole owner of unimproved
Describe parcel or parcels and nature of interest and percentage of interest
residential lot. 100% ownership

I hereby appoint _____
my attorney in fact with full authority, my name, place, and stead, to apply for the zoning amendment as set forth in the attached de-annexation application.

[Signature]
(Owner's Name)

Sworn to and subscribed
before me, this 13th day
of August, 2020

Christan Tanner
Notary Public

(Seal)



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**HABERSHAM COUNTY
BOARD OF COMMISSIONERS**

Bruce Harkness, Chairman

ATTEST:

Brandalin Carnes, County Clerk

[COUNTY SEAL]

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eFiled & eRecorded
DATE: 4/19/2024
TIME: 3:11 PM
DEED BOOK: 01363
PAGE: 00464 - 00465
RECORDING FEES: \$25.00
TRANSFER TAX: \$124.90
PARTICIPANT ID: 0667578635
CLERK: David C Wall
HABERSHAM County, GA
PT61: 0682024000634

RETURN TO: 2024020007
ADAMS, ELLARD & FRANKUM, P.C.
P. O. BOX 82
CLARKESVILLE, GA 30523
706-754-2171

Portion of MAP & PARCEL # 108/031

LIMITED WARRANTY DEED

STATE OF GEORGIA,

COUNTY OF HABERSHAM.

THIS INDENTURE, made this 19th day of April in the Year of Our Lord Two Thousand and TWENTY-FOUR between S.W.M. LAND HOLDINGS, LLC, a limited liability company of the State of Georgia of the first part, and IN AND OUT HOME BUYERS LLC, a limited liability company of the State of Georgia of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and Other Good and Valuable Considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, and convey unto the said party of the second part its successors and assigns, the following described property:

ALL THAT TRACT or parcel of land lying and being in Land Lot 74 of the 10th Land District of Habersham County, Georgia, and in the City of Demorest, containing 1.011 acres, more or less, designated as Tract 2; containing 1.0 acres, more or less, designated as Tract 3; containing 1.0 acres, more or less, designated as Tract 4, and 1.111 acres, more or less, designated as Tract 5, as shown on a plat of survey prepared for S.W.M. Land Holdings, LLC, by Eddie Davidson, PLS, under date of March 18, 2024, a copy of said plat being of record in the office of the Clerk of Superior Court of Habersham County, Georgia, in Plat Book 74, Page 251, to which said plat and the record thereof reference is hereby made for a more complete description.

NOTE: The above described property being a portion of the property described in and conveyed by Executor's Deed Under Power from S. Keith Mangum individually and as Executor under the Last Will & Testament of Zelma Mangum to S.W.M. Land Holdings, LLC, dated June 28, 2004,

and recorded in the office of the Clerk of Superior Court of Habersham County, Georgia, in Deed Book 661, Page 874.

TO HAVE AND HOLD said bargained premises, together with all and singular the rights, members, and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of it, the said party of the second part, his/her/its heirs, successors and assigns, forever, in fee simple.

AND THE SAID party of the first part, for its successors and administrators, will warrant and forever defend the right and title of the above described property unto the said party of the second part, its successors and assigns, against all persons claiming by, through or under party of the first part but not otherwise.

IN WITNESS WHEREOF, the said party of the first part has hereunto caused its hand to be set and its seal affixed.

Signed, sealed and delivered in the presence of:

Witness

Notary Public

My commission expires: 4-4-2027

(Seal Affixed)



S.W.M. LAND HOLDINGS, LLC

(SEAL)

By:

Virgil E. Lovell, Sole Member

