

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: City of Baldwin Annexation of one parcel totaling 3.05 acres
Map Parcel(s) 090 032A

DATE: May 11, 2021

(X) RECOMMENDATION
() POLICY DISCUSSION
() STATUS REPORT
() OTHER

BUDGET INFORMATION:

ANNUAL- N/A

CAPITAL- N/A

COMMISSION ACTION REQUESTED ON: June 21, 2021

PURPOSE: As required by Georgia law, the City of Baldwin has notified Habersham County of a proposed annexation of a parcel. The Board of Commissioners have an opportunity to object if you feel the proposed annexation creates some issue with the potential land use or service issues. If objecting, the County must notify Baldwin within thirty (30) days and we'd enter an arbitration process. Staff has reviewed the application and has no objection.

BACKGROUND / HISTORY: The City of Baldwin is legally obligated to provide an opportunity for the Board of Commissioners to object to the proposed annexation.

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

- a. The proposed annexation does not create any new unincorporated islands.
 - b. The annexation is contiguous to the existing City of Baldwin.
 - c. The proposed zoning of Residential Multi-Family District (R-3) zoning appears consistent with the recommended suburban transition character area in the Comprehensive Plan.
 - d. If objections occur, the County would have to formally notify Baldwin via certified mail within thirty (30) days and we would enter an arbitration process.
 - e. The BOC must vote for objection only and it must be based on a "material increase in burden" related to:
 - (a) Proposed change in zoning or land use;
 - (b) Proposed increase in density; or
 - (c) Infrastructure demands related to the proposed change in zoning or land use.
-
-

OPTIONS: The Board of Commissioners could act on these applications as follows:

1. Vote to have no objections to the proposed annexations.
 2. Vote to have objections to one or more of the annexation applications by stating the objection is based on a material increase in burden as described above.
 3. Take no action, thus having no objections.
 4. Commission defined alternative.
-
-

RECOMMENDED SAMPLE MOTION: Motion of no objection to the proposed annexation of Map Parcel(s) 090 032A as recommended by staff.

DEPARTMENT:

Prepared by: Mike Beecham

Director _____

**ADMINISTRATIVE
COMMENTS:** _____

County Manager

DATE: _____

CITY OF BALDWIN

Post Office Box 247 • Baldwin, Georgia 30511-0247 • (706) 778-6341

May 13th, 2021

CERTIFIED MAIL/
RETURN RECEIPT REQUESTED

Habersham County Board of Commissioners
130 Jacob's Way, Suite 301
Clarksville, GA 30523

Re: Notice of Acceptance of Annexation Petition of
Ridgeline Land Planning, Inc for Thurmond Donald Family Partner Regarding the
Property Identified as Habersham County Tax Map
Parcel 090 032A

Dear Commissioners:

This letter is being sent to you by certified mail, return receipt requested, and is to give you notice within five business days pursuant to O.C.G.A. §§ 36-36-6 and 36-36-111 of the acceptance of the City Council of the City of Baldwin, Georgia, of the annexation petition of Ridgeline Land Planning, Inc on behalf of Thurmond Donald Family Partner to annex the property identified as Habersham County Tax Map Parcels 090 032A, and the potential zoning of said property when annexed. On Tuesday May 11th, 2021 City Hall Staff accepted the annexation petition and authorized proceeding forward with the annexation requested, and as to the property specifically described herein. This notification is therefore being sent to you within five days of the action of the City of Baldwin, GA. Further, final action regarding said annexation is scheduled by the City Council of the City of Baldwin, Georgia, to be performed by the City Council at its regularly scheduled meeting of the Council to be held on Monday, June 14th, 2021 in the Baldwin Municipal Courtroom at the Baldwin Police Precinct, 155 Willingham Avenue, Baldwin, Georgia.

The City of Baldwin, Georgia, believes that there are no public facilities of Habersham County located within the property to be annexed. The City of Baldwin would note that to the extent that there are any county roads located within the property to be annexed into the City, that meet the requirements of O.C.G.A. § 36-36-7(c), then said county roads shall become a part of the Municipal Street System of the City of Baldwin when the annexations are completed.

The current zoning of the property under the Habersham County Comprehensive Land Development Resolution/Ordinance is High Intensity District (HI). The proposed zoning for the property when annexed is Residential Multi-Family District (R-3). Therefore, the proposed zoning for the property to be annexed shall not result in a substantial change in the intensity of

the allowable use of the property, or a change to a significantly different allowable use, or be a use which significantly increases the net cost of infrastructure or significantly diminishes the value or usable life of a capital outlay project which is furnished by the County, or which differs substantially from the existing uses suggested for the property by Habersham County's Comprehensive Land Use Plan or as permitted for the property pursuant to the Habersham County Comprehensive Land Use Development Resolution/Ordinance.

In order to further identify the property to be annexed, the City of Baldwin does hereby enclose with this letter a copy of the GIS area around the property, and a copy of the applicable Habersham County tax map.

The Baldwin City Attorney, Dale "Bubba" Samuels, would be glad to answer any questions that you have or discuss the annexation of this property with you.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Emily Woodmaster", with a large, stylized loop at the end.

Emily Woodmaster
Baldwin City Clerk, CAO

cc: Baldwin Mayor and City Council (w/o encl.)
Dale "Bubba" Samuels, City Attorney (w/o encl.)



Application for Annexation

5/11/2021

Date Received

Application Creation Date 5/11/2021

First Reading Date 5/24/2021

Published Date 5/26/2021

Second Reading Date 6/14/2021

Applicant Information

Application Fee \$1,000

Name	Ridgeline Land Planning, Inc.
Address	196 Belaire Court
City/State/Zip	Winder, GA 30680
Phone	678-618-2037
Fax	NA
Email	holt@ridgelineplanning.com

Property Owner Information

Name	THURMOND DONALD FAMILY PARTNER C/O EDWARD HATCHER
Address	PO BOX 3386
City/State/Zip	CLEVELAND, GA 30528-000
Phone	678-618-2037
Fax	
Email	holt@ridgelineplanning.com

Applicant Status

☐	Property Owner
☐	Option to Purchase
☐	Area Resident
☒	Other (Explain Below)
☒	Buyers Agent

Zoning Status

Existing Zoning Classification(s):
HI - Habersham County

Annex and Establish Zoning as:
R-3 City of Baldwin

Required Supporting Documents

- ☒ Plat: One full scale and one reduced to 8 1/2 x 11
- ☒ Legal Description of Property
- ☒ Concept Plan (prepared by professional engineer, registered land surveyor, architect or landscape architect)
- ☒ Narrative Report
- ☒ Architectural Rendering: One full scale and one 8 1/2 x 11
- ☐ Traffic Impact Study
- ☐ DRI Review (Large Scale Projects Only)
- ☐ Other: Explain _____
- ☐ Civil Plans for Water/ Sewer Infrastructure

Applicant's Certification: I hereby certify the above information, and all attached information, is true and correct; and that I have read, understand, and have received a copy of the Public Notice Requirements

Signature of Applicant

Received by

Application Withdrawal Notification: We hereby withdraw the above application

Signature of Applicant

Date

Date

Date

Applicant Information Certification

Instructions: If the Owner and the Applicant are not the same, the Applicant Information Certification section of this document is not required. If the Owner and the Applicant are not the same, each applicant must complete and sign the Applicant Information Certification section of a separate Property Owner Authorization Page. The signature of each applicant must be notarized.

Name of Applicant	Ridgeline Land Planning, Inc.
Applicant's Address	196 Belaire Court
City/ State/ Zip	Winder, GA 30680
Applicant's Phone Number	678-618-2037
Applicant's Cell Phone Number	678-618-2037
Print Applicant's Name	Ridgeline Land Planing, Inc. / Holt Persinger

Please describe briefly your reason for requesting annexation of this property.

Correct/Incorporate tract into properties previously annexed.

Notary Public Certification

Instructions: All Property Owner Authorization sheets must be complete, signed and duly notarized.

NOTARY PUBLIC CERTIFICATION

Personally appeared before me the following

Signature of Applicant [Signature]

Who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief.

Notary Public Kathryne C. Butler

Date 5-11-21

My Commission Expires: 9-30-24



Property Owner Authorization

Instructions: Each property owner must complete and sign a Property Owner Authorization page and provide the information requested under the Owner Information Certification section. In the event there is more than one property owner, a separate Property Owner Authorization page must be completed by each property owner.

Owner Information Certification

I swear that I am the owner of the property which is the subject matter of this application. As shown in the records of Habersham/Banks County, Georgia.

Name of Owner	THURMOND DONALD FAMILY PARTNER C/O EDWARD HATCHER
Owner's Address	PO BOX 338
City/ State/ Zip	CLEVELAND, GA 30528-0006
Owner's Phone Number	Contact applicant
Owner's Cell Phone Number	Contact applicant
Print Owner's Name	

As the owner of the subject property, I hereby authorize the person names below to act on my behalf as Applicant in the pursuit of an Annexation and Zoning action for this property.

Notary Public Certification

Instructions: All Property Owner Authorization sheets must be complete, signed and duly notarized.

NOTARY PUBLIC CERTIFICATION

Personally appeared before me the following

Signature of Owner

Who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief.

Notary Public

Date

My Commission Expires:



CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

NOTE: This form is required for all annexation and/or zoning actions

- (a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
- (1) The name and official position of the local government official to whom the campaign contribution was made; and
 - (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- (c) When any opponent of a rezoning action had made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:
- (1) The name and official position of the local government official to whom the campaign contribution was made; and
 - (2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

APPLICANT'S CERTIFICATION

I hereby certify that I have read the above campaign disclosure information and declare that (select one)

☐	I have within the two years immediately preceding this date (See * below)
☒	I have not within the two years immediately preceding this date

made any campaign contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

***NOTE:** If you are an applicant and you have made any such contribution(s), you must provide the information required in subsection (a) above within ten (10) days after the rezoning action is first filed. If you are an opponent and you have contributed, you must provide the information required in subsection (c) above at least five (5) calendar days prior to the first hearing by the City Council or any of its agencies on the rezoning application.

(1) _____ (Name and official position of the City Council Member of the City of Baldwin, Georgia to whom campaign contribution was made)

(2) Amount: \$ 0.00 Date: 5/11/2021

UNITED STATES DEPARTMENT OF JUSTICE PRECLEARANCE INFORMATION
(As Required by Federal Law)

The following information is required by Federal law. Pursuant to approval of any Annexation by the Baldwin City Council, the following annexation data is compiled by the City Clerk. The information is then reviewed and certified by the Zoning Administrator and submitted to the United States Department of Justice for Preclearance Certification.

SECTION 1

To be completed for each property to be annexed into the City of Baldwin, GA. The City Clerk will complete the four shaded sections.

1	Ordinance Number(s)	
2	Effective Date of Ordinance	
3	Effective Date of Annexation	
4	Acreage Annexed	3.05 acres
6	Current Zoning Classification of Land to be Annexed	H1 - Habersham County
7	Zoning Classification After Annexation	R-3 City of Baldwin
8	Present Use of Land to be Annexed	Vacant
9	Expected Future Development of Land After Annexation	Single Family Attached

SECTION 2

To be completed only if the property annexed includes existing residential development.

10	Number of People Before Annexation	0
11	Percent of Minorities	
12	Voting Age of People Before Annexation	
13	Race of People Before Annexation	
14	Language of People Before Annexation	
15	Number of Registered Voters Before Annexation	
16	Race of Registered Voters Before Annexation	
17	Language of Registered Voters Before Annexation	

SECTION 3

To be completed when vacant or undeveloped property is annexed into the City of Baldwin for residential development.

The information provided is speculative and should be based upon the projected build-out of the development.

18	Estimate of Population After Annexation	105 UNITS
19	Estimate of Race of Voters After Annexation	
20	Estimate of Language Group of Voters After Annexation	

COMMENTS:

PUBLIC NOTICE REQUIREMENTS

City of Baldwin zoning regulations require public notice be given on all zoning applications, as follows:

1. A **legal advertisement** shall be published no less than fifteen (15) days and no more than forty-five (45) days prior to the public hearing. (This requirement is covered by the City Hall staff.)
2. A **public notice sign** shall be placed in a conspicuous location on the property which is subject to the zoning application. The original public notice sign will be posted by City Hall staff.

As the applicant, you are responsible for ensuring the public notice sign remains on the site during the entire zoning process. The City Hall staff will prepare and place a sign (or signs) for you. If any problem arises with regard to the sign, notify the City of Baldwin City Hall immediately by calling 706-778-6341 so the sign can be replaced. Failure to report problems with the sign during the entire period of the hearings will also result in a delay.

The purpose of the public notice sign is to inform the surrounding property owners that an application has been filed. Placement of the sign in a manner that is not clearly visible violates the requirements. Failure to place the sign in a conspicuous location will result in your request being tabled until the sign is posted as required. Failure to ensure the sign remains posted on the site during the entire zoning process means there will be a delay in the hearing date set for your request. Legally, the City cannot consider a request until proper notice has been given. If it is determined at any time during the zoning process that the sign is not properly placed on the site, the City Council has no choice but to table the request, even if there is no opposition to the application. Many of the council members, as well as the planning staff, visit the sites and will be looking for the sign. Additionally, local citizens often report when a sign is not visible. The City will not consider your request until it is satisfied that proper public notice has been given.

Multiple sign posting on a site may be required if it is so determined by the City Hall staff to be necessary. Signs should be placed as near to the road as possible, so they are clearly visible. The sign(s) cannot be obstructed by vegetation, etc.; may not be placed at an inappropriate distance from the road; or placed on something in such a manner so as to blend into the scenery.

Applicant's Certification: *I hereby certify the above information, and all attached information, is true and correct; and that I have read, understand, and have received a copy of the **Public Notice Requirements**.*

Signature of Applicant



Date

5/11/2021



May 11, 2021

City of Baldwin
186 Hwy 441 Bypass
Baldwin, GA 30511

RE: Annexation Petition for tax parcel 090 032A

To Whom It May Concern:

Ridgeline Land Planning, Inc. is requesting to Annex and rezone 3.05 acres know as tax parcel 090 032A to R-3. This request is to correct an inadvertent oversite from the previous annexation of tax parcels 090 030 and 090 031. Tax parcel 090 032A was included in the original petition but was inadvertently left out of the advertisement and subsequent ordinance as it was adopted.

Constitutional Objections

Facially and as applied to the Property, the specific portions of the Habersham County and City of Baldwin Comprehensive Plan and zoning ordinance which restrict the Property to any zoning classification, conditions, uses, or to any development other than those proposed by the Applicant are unconstitutional because they would abolish or damage the Applicant's property rights without paying adequate, fair, and just compensation for such rights, in violation of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

Facially and as applied to the Property, the application of Habersham County and City of Baldwin ordinances or Comprehensive Plan which restrict the Property to any zoning classification, conditions, uses, or to any development other than that proposed by the Applicant is unconstitutional, illegal, null, and void, constituting a taking and/or damaging of Applicant's Property by denying the Applicant all economically viable use of its land while not substantially advancing legitimate state interests in violation of the United States Constitution's Just Compensation Clause of the Fifth Amendment and the Equal Protection and Due Process Clauses of the Fourteenth Amendment and the Constitution of the State of Georgia of 1983.

The denial of this application would be an arbitrary and capricious act by Habersham County and City of Baldwin without any rational basis, thus constituting an abuse of discretion in violation of the Constitution of the State of Georgia of 1983 and Due Process Clauses of the Fourteenth Amendment to the

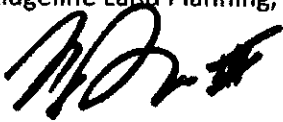
United States Constitution.

A refusal by Habersham County and City of Baldwin to approve this application for the Property would be unconstitutional and discriminate in an arbitrary, capricious, and unreasonable manner between the Applicant and owners of similarly situated property in violation of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

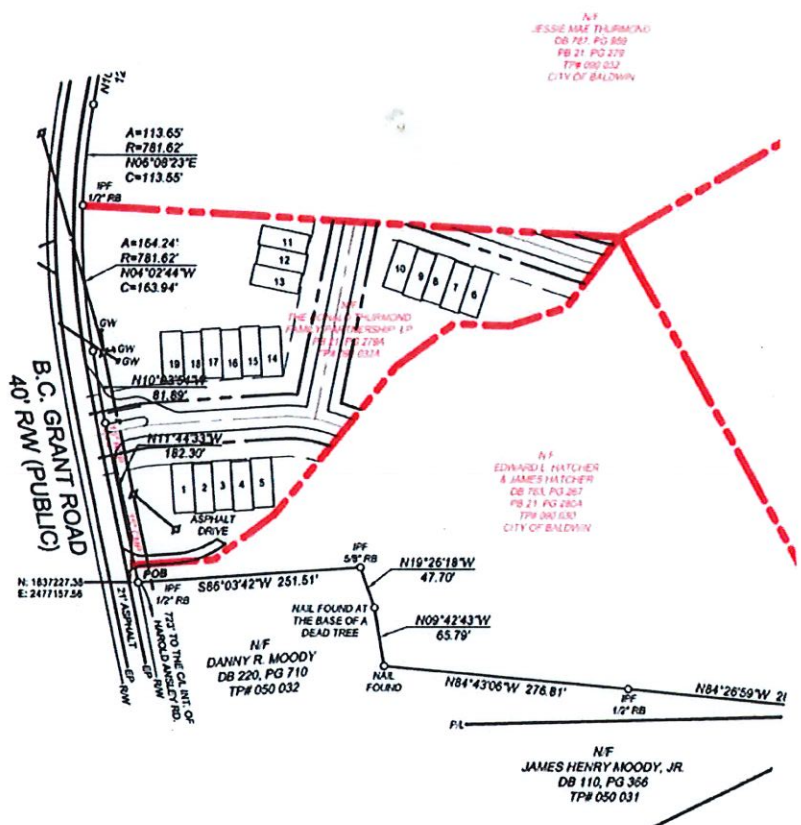
The applicant and stakeholders respectfully request approval of this application and welcome the opportunity to meet with Habersham County and/or City of Baldwin to discuss any questions or concerns regarding the application.

Respectfully,

Ridgeline Land Planning, Inc.

A handwritten signature in black ink, appearing to read 'Holt Persinger', with a stylized flourish at the end.

Holt Persinger, RLA



SUMMARY

PARCELS: 030 032A
TOTAL SITE AREA: 3.05 AC

CURRENT ZONING: HI (HABERSHAM), R-3 (BALDWIN)
PROPOSED ZONING: R-3 (BALDWIN)

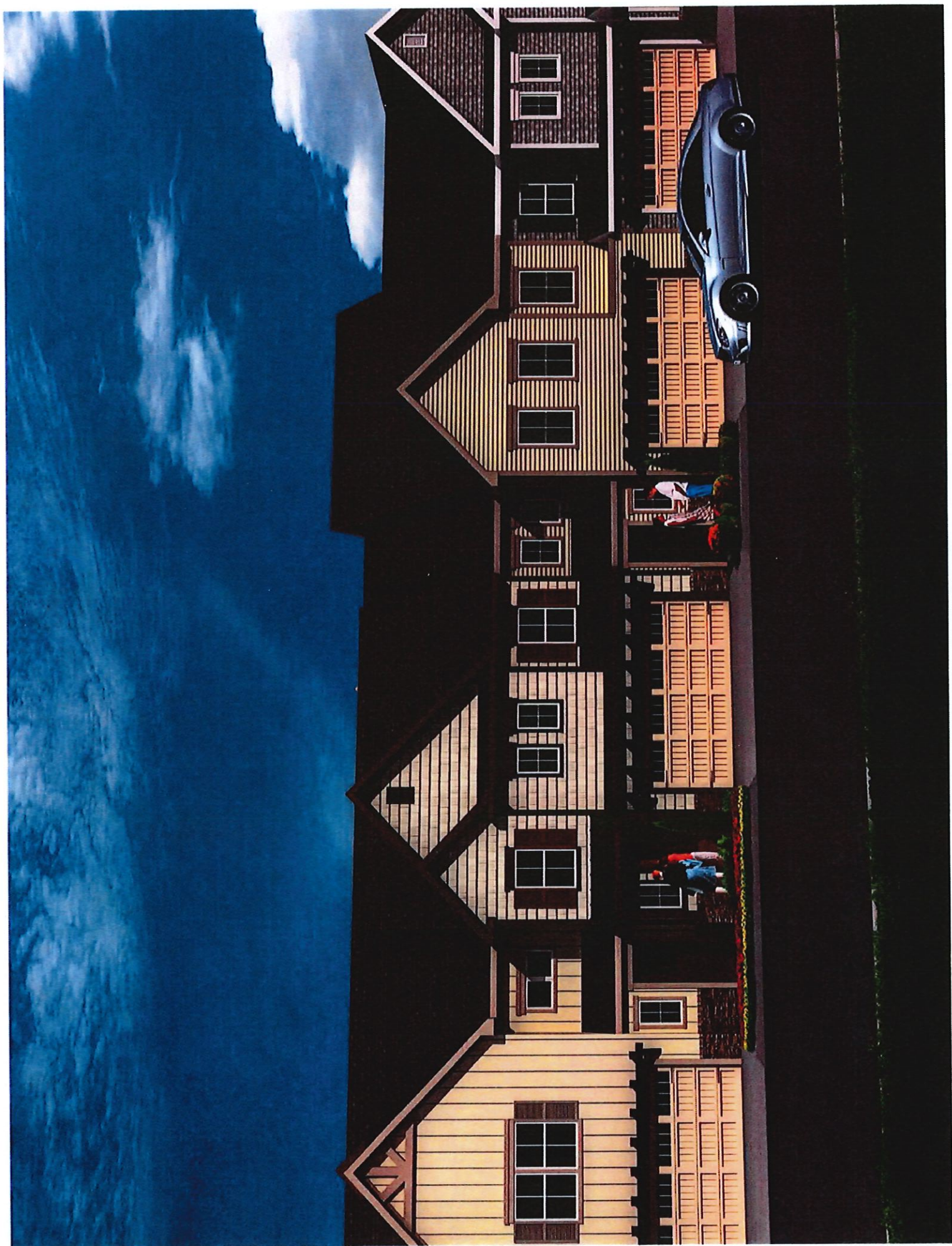
PROPOSED NO. TOWNHOME UNITS: 19

3.05 ACRES
B.C. GRANT ROAD

RIDGELINE
LAND DEVELOPMENT, INC.

CONCEPT
PLAN

1



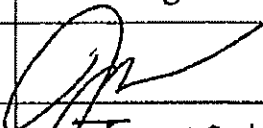


Petition for Annexation

5/11/2021
Date Received

To the City of Baldwin of Baldwin, Georgia.

1. We the undersigned, all the owners of all real property of the territory described herein, respectfully request that the City Council annex this territory to the City of Baldwin, GA, 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. § 36-36-20) to the existing corporate limits of Baldwin, GA and the description of such territory is as described in the following attachments.

Name	Address	Signature
Jones E. Hatch	565 Joe Black Rd Savannah GA 30571	 Jones E. Hatch
Edward & Frances Hatch	PO Box 338 Cleveland GA 30527	
		Edward T. Hatch

1. Is this annexation for Commercial or Residential property? Residential
2. If the property is Residential, how many people live on this property? 0
3. How many are minorities? 0
4. How many are voting age? 0
5. What is the current zoning of the property? H1 - Habersham County
6. What use are you proposing to make of this property? Single Family Attached
7. What would you like this property to be zoned? R-3 City of Baldwin

Please submit a copy of the plat for the property you wish to annex along with a copy of the deed for that same property upon returning this application request. Any questions concerning this application can be addressed by the City Clerk of the City of Baldwin.

Habersham County, Georgia
Real Estate Transfer Tax

PAID - 0 -

DATE 12-28-10

David C. Wall
Clerk of Superior Court

088-8010-00 4662

2010 DEC 28 PM 12:04

942 19-20

Book Page Recorded
David C. Wall

After Recording Return to:
James M. Coyle
Stewart, Melvin & Frost, LLP
P. O. Box 3280
Gainesville, GA 30503

Quit-Claim Deed

GEORGIA, HALL COUNTY.

THIS INDENTURE, made the 1st day of December in the year two thousand and ten, between **EDWARD L. HATCHER** of the County of White, State of Georgia, and **JAMES E. HATCHER** of the County of Hall, State of Georgia, collectively as party of the first part, hereinafter called Grantor, and **THE DONALD THURMOND FAMILY PARTNERSHIP, L.P.**, a Georgia limited partnership, as party of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH: That Grantor for and in consideration of the sum of -----
----- **DEED OF GIFT** -----, the receipt of which is hereby acknowledged, has bargained, sold, and does by these presents bargain, sell, remise, release and forever quit-claim to Grantee all the right, title interest, claim or demand which the Grantor has or may have had in and to the following described real property, to wit:

All those tracts or parcels of land described on Exhibit "A" attached hereto
and by reference made a part hereof;

with all the rights, members and appurtenances to the said described premises in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said described premises unto the Grantee, so that neither the said Grantor, nor any other person or persons claiming under Grantor shall at any time claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

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

Signed, sealed and delivered in
presence of

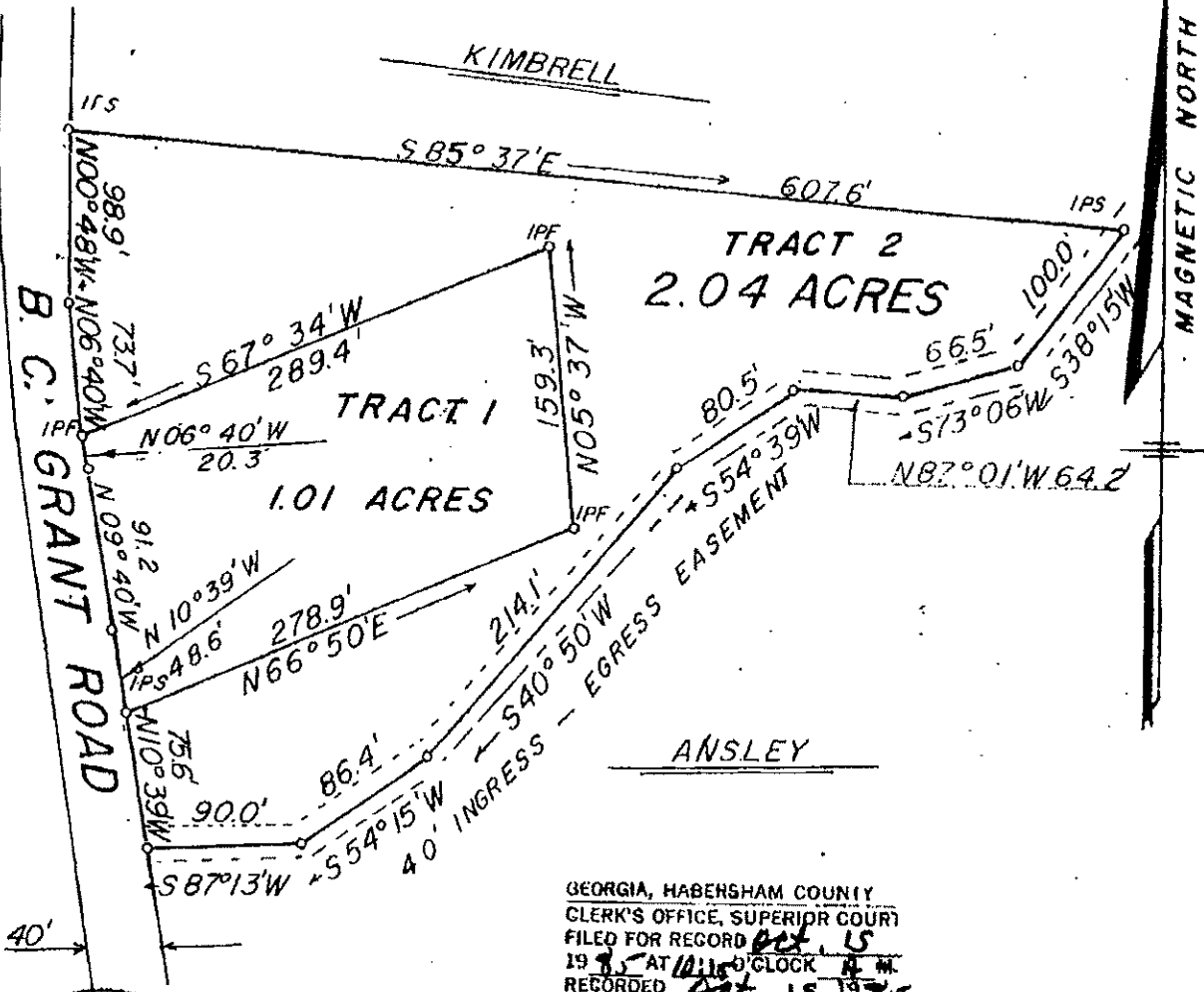
James F. Byrd
Witness

James M. Coyle
Notary Public

Commission Expires Date: June 27, 2014
PUBLIC
NOTARY
HALL COUNTY, GA

Edward L. Hatcher (Seal)
EDWARD L. HATCHER

James E. Hatcher (Seal)
JAMES E. HATCHER



GEORGIA, HABERSHAM COUNTY
 CLERK'S OFFICE, SUPERIOR COURT
 FILED FOR RECORD *Oct. 15*
 19 *85* AT *10:15* O'CLOCK *A.M.*
 RECORDED *Oct. 15* 19 *85*
 IN BOOK NO. *21* PAGE *279*
Carroll A. Johnson CLERK

REF. OUR PLAT FOR WILLIAM J. KOSTEK, DATED JUNE 23, 1985

SURVEY FOR:			HERSHEL ANSLEY		IPS = IRON PIN SET IPF = IRON PIN FOUND O/S = OFFSET
COUNTY:	HABERSHAM	LL 153 DIST. 10th	STATE	GEORGIA	LOCATION MAP:
DATE:	23-SEPT-85	SCALE: 1"=100'	DR. BY:	S.D.E.	
SURVEYED BY:			DR. NO.	A-A-48	
MAX LEWALLEN LICENSED ENGINEER & SURVEYOR RT 3 CARNESVILLE, 30521 PHONE (HOMER) 677-3691			FIELD BOOK:	30-44	
			DISC:	4-KOSTEK	

I HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS...

BC GRANT LEGAL DESCRIPTION TP# 090 032A

All that tract or parcel of land lying and being in Land Lot 153, 10th District, Habersham County, Georgia, and being more particularly described as follows:

Beginning at a point on the easterly right-of-way intersection of B.C. Grant Road (40' R/W) and the centerline of a 40' ingress-egress easement; thence along the said right-of-way of B.C. Grant Road North 10°39' West, a distance of 75.6 feet to an iron pin set; thence North 10°39' West, a distance of 48.6 feet to a point; thence North 09°40' West, a distance of 91.2 feet to a point; thence North 06°40' West, a distance of 20.3 feet to a iron pin found; thence North 06°40' West, a distance of 73.7 feet to a point; thence North 00°48' West, a distance of 98.9 feet to an iron pin set; thence leaving said right-of-way South 85°37' East, a distance of 607.6 feet to an iron pin set on the center of a 40' ingress-egress easement; thence along the centerline of said easement South 38°15' West, a distance of 100.0 feet to a point; thence South 73°06' West, a distance of 66.5 feet to a point; thence North 87°01' West, a distance of 64.2 feet to a point; thence South 54°39' West, a distance of 80.5 feet to a point; thence South 40°50' West, a distance of 214.1 feet to a point; thence South 54°15' West, a distance of 86.4 feet to a point; thence South 87°13' West, a distance of 90.0 feet to the ***Point of Beginning***.

Said tract contains 3.05 acres.



-  **Parcels**
-  **Roads**
-  **City Labels**

Date created: 5/13/2021
Last Data Uploaded: 5/12/2021 10:47:34 PM

Developed by  **Schneider**
GEOSPATIAL