

Read and Approved:

June 19, 2023

**HABERSHAM COUNTY BOARD OF COMMISSIONERS
HABERSHAM COUNTY, GEORGIA**

RESOLUTION NO. 2023-06-007

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF
HABERSHAM COUNTY, GEORGIA RESTRICTING THE USE OF
THE NETWORK PROJECT RADIO TOWER LOCATED ON
PROPERTY DESCRIBED IN EXHIBIT “A” TO NETWORK PROJECT
USES ONLY AND FOR OTHER PURPOSES**

WHEREAS, Habersham County, Georgia (“County”) is a political subdivision of the State of Georgia; and

WHEREAS, the County owns a certain parcel of land located between Cider Ridge and Bear Gap Road within the Orchard Subdivision being known as Tax Parcel No. 140-080D and consisting of approximately 1.5 acres as shown on a plat of survey recorded in Plat Book 38 at Page 17 of the deed records of Habersham County, Georgia, as more particularly described in Exhibit “A”, attached hereto and incorporated herein, being the same property acquired by Habersham County from Virgil Lovell by Deed for Public Use recorded on December 27, 2000 in Deed Book 489 at Page 910, Habersham County Deed Records (hereinafter “Property”); and

WHEREAS, the Property has been and is currently used for public purposes; and

WHEREAS, the County is desirous of utilizing the Property for the purpose of constructing, operating and maintaining a tower, equipment and other appurtenances for its (hereinafter “Network Project”); and

WHEREAS, it is in the best interest of all citizens and residents of the County to have the Network Project for enhanced coverage and public safety all for the benefit of public health, safety and welfare; and

WHEREAS, the County, being desirous of assuaging concerns regarding future usage of the tower for cellular services, has committed to restricting the use of the tower to be

constructed on the Property for Network Project uses only and to the exclusion of use of the tower for commercial cellular service;

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

The Habersham County Board of Commissioners, being the governing authority for Habersham County, does hereby restrict the use of the Network Project tower being constructed on the Property to only such uses as are or may be required by the Habersham County P25-700/800 MHz Simulcast Trunked Radio Network Project and to the exclusion of use of the tower for commercial cellular service. The Board of Commissioners declares this to be a restriction which shall run with the land and, as a result, the County Clerk is hereby directed to record this resolution in the Deed Records for Habersham County, Georgia.

This resolution shall take effect immediately upon its adoption. All resolutions or parts thereof in conflict with this resolution are hereby repealed.

SO ADOPTED, this 19th day of June, 2023.

HABERSHAM COUNTY, GEORGIA

(SEAL)

Attest:

By: _____

Ty Akins, Chair
Board of Commissioners
Habersham County, Georgia

County Clerk

EXHIBIT “A”

All that tract or parcel of land lying and being in Land Lot 123 of the 13th Land District of Habersham County, Georgia, and being Lot 20, Phase Nine of The Orchard as per plat recorded in Plat Book 38, Page 17, of the Habersham County, Georgia, deed records, said plat being incorporated herein and made a part hereof by reference.