

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Habersham County Transfer of Rocky Branch Rd to the City of Clarkesville

DATE: November 7, 2025

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-

COMMISSION ACTION REQUESTED ON: November 17, 2025

PURPOSE: The purpose of this agenda item is to seek approval from the BOC to quitclaim release and transfer the ownership of Rocky Branch Rd. to the City of Clarkesville.

BACKGROUND / HISTORY: currently the only remaining portion of Rocky Branch Road within the unincorporated area of the County is situated between its intersection with Barron Drive (northern terminus) and its intersection with the northern right-of-way line of State Route 17 (aka Toccoa Hwy/E. Louise Street) (southern terminus).

FACTS AND ISSUES:

- Due to current and additional annexation into the City of Clarkesville adjacent to Rocky Branch Rd. and development of corresponding real property around the Rocky Branch Rd., it is appropriate that the entirety of Rocky Branch Road be under the ownership and control of the City;
 - The County desires to release and convey and the City desires to accept the ownership and control of Rocky Branch Rd. which transfer may be accomplished by quitclaim deed of release from the County, as Grantor, to the City, as Grantee.
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OPTIONS:

- 1) Approve the transfer of Rocky Branch Rd. to the City of Clarkesville
 - 2) Deny recommendation
 - 3) Commission defined alternative
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RECOMMENDED SAMPLE MOTION: Motion to approve the release and transfer of Rocky Branch Rd. to the City of Clarkesville

DEPARTMENT:

Prepared by: Mike Gardner *MPG*

Director: Jerry Baggett

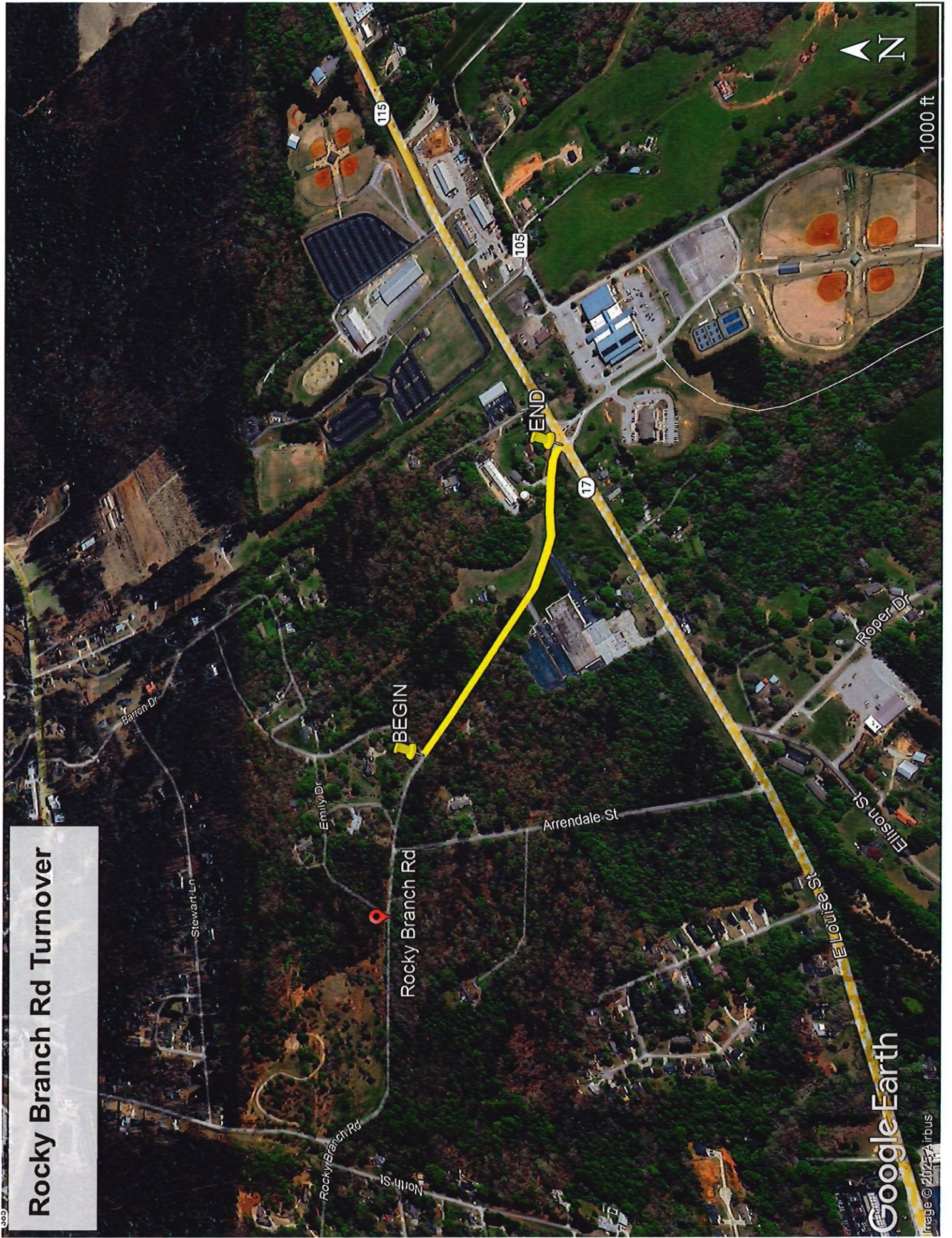
Jerry Baggett 11/7/25

**ADMINISTRATIVE
COMMENTS:** _____

DATE: _____

County Manager

Rocky Branch Rd Turnover



**JOINT RESOLUTION OF THE HABERSHAM COUNTY BOARD OF
COMMISSIONERS AND THE CITY OF CLARKESVILLE REGARDING THE
JURISDICTIONAL OWNERSHIP AND CONTROL OF ROCKY BRANCH ROAD**

WHEREAS, state law, at O.C.G.A. § 32-3-3(a) provides, in part, that a municipality is authorized to accept donations, transfers, or devises of land from a county when such land is suitable for present or future public road purposes; and

WHEREAS, O.C.G.A. § 32-3-3(d) provides, in part, that a municipality may acquire rights of way or other real property or interests therein by quitclaim deed, where legally possible, when dedicated by a county; and

WHEREAS, Rocky Branch Road is a public road (80-foot wide right-of-way) that is within the jurisdictional boundaries of both the City of Clarkesville (“City”) and Habersham County (“County”); and

WHEREAS, over time, due to City limit expansion or otherwise, the length of Rocky Branch Road within the City’s jurisdiction has increased; and

WHEREAS, presently the only remaining portion of Rocky Branch Road within the unincorporated area of the County is described as follows: All that tract or parcel of land lying and being in Land Lots 3 and 22 of the 12th Land District, Habersham County, Georgia, totaling approximately 0.34 miles (1,778 linear feet) being a portion of that certain public right-of-way called Rocky Branch Road situated between its intersection with Barron Drive (northern terminus) and its intersection with the northern right-of-way line of State Route 17 (aka Toccoa Hwy/E. Louise Street) (southern terminus) (the “Released Property”); and

WHEREAS, with additional annexation into the City forthcoming, and development of corresponding real property around the Released Property, it is appropriate that the entirety of Rocky Branch Road be under the ownership and control of the City; and

WHEREAS, the County desires to release and convey and the City desires to accept the ownership and control of the Released Property which transfer may be accomplished by quitclaim deed of release from the County, as Grantor, to the City, as Grantee, thereunder.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT,

1. The County, upon approval of this Joint Resolution by the Board of Commissioners, hereby authorized the Chairman to execute the Quitclaim Deed of Release (the form of which is attached hereto at Exhibit A) (the “Deed”) to release and transfer the remaining portion of Rocky Branch Road described hereinabove (i.e., the Released Property) over to the City of Clarkesville, a municipal corporation of Georgia, as Grantee.
2. The City, upon approval of this Joint Resolution by the City Council, hereby accepts the Deed as executed and as presented by the County and shall, posthaste, cause the same to

be recorded in the real property records maintained by the Office of the Superior Court Clerk of Habersham County.

3. Both the County and the City shall, within thirty (30) days following the approval of this Joint Resolution, coordinate with the Georgia Department of Transportation to have their respective road maps updated accordingly.

The public health, safety, and welfare demanding,

This Joint Resolution was approved and adopted by the Board of Commissioners of Habersham County, Georgia, this _____ day of _____, 2025, as evidenced by the execution hereof below.

**HABERSHAM COUNTY BOARD OF
COMMISSIONERS**

By: _____
Jimmy Tench, Chairman

Attest:

Brandalin Carnes, County Clerk

[*County Seal*]

This Joint Resolution was approved and adopted by the City Council of the City of Clarkesville, Georgia, this _____ day of _____, 2025, as evidenced by the execution hereof below.

**CITY OF CLARKESVILLE, GEORGIA,
by and through its Mayor and City Council**

By: _____
Barrie Aycock, Mayor

Attest:

Julie Poole, City Clerk

[*City Seal*]

EXHIBIT A

Form of Quitclaim Deed of Release
(attached)

After recording, please return to:

Julie Poole, City Clerk
Clarkesville City Hall
123 N. Laurel Drive
Clarkesville, Georgia 30523

**STATE OF GEORGIA
COUNTY OF HABERSHAM**

QUITCLAIM DEED OF RELEASE

THIS INDENTURE is made this ____ day of _____ 2025, between **HABERSHAM COUNTY**, a political subdivision of the State of Georgia (hereinafter, “Grantor”), and the **CITY OF CLARKESVILLE**, a municipal corporation of the State of Georgia (hereinafter, “Grantee”).

WITNESSETH: That Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid, the receipt and legal sufficiency of which are hereby acknowledged, has dedicated, bargained, sold, and does by these presents release, sell, remise, convey and forever QUIT CLAIM to Grantee, Grantee’s successors and assigns, all of the Grantor’s interests in that certain property and improvements and/or appurtenances thereunto attached or serving, to wit:

All that tract or parcel of land lying and being in Land Lots 3 and 22 of the 12th Land District, Habersham County, Georgia, totaling approximately 0.34 miles (1,778 linear feet) being a portion of that certain public right-of-way called Rocky Branch Road situated between its intersection with Barron Drive (northern terminus) and its intersection with the northern right-of-way line of State Route 17 (aka Toccoa Hwy/E. Louise Street) (southern terminus) (the “Released Property”).

TO HAVE AND TO HOLD the said Released Property unto the Grantee so that neither the said Grantor nor Grantor’s successors or assigns, nor any other person or persons claiming under Grantor shall at any time, by any means or ways, have claim or demand any right, title, or interest to the aforesaid described premises or appurtenances, or any rights thereof, except as otherwise preserved herein.

(signature page follows)

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal, the day and year above written.

GRANTOR:

Signed, sealed and delivered
in the presence of:

HABERSHAM COUNTY, GEORGIA,
by and through its Board of Commissioners

Unofficial Witness

By: _____
Jimmy Tench, Chairman

Notary Public
My Commission Expires:

Attest: _____
Brandalin Carnes, County Clerk

[*AFFIX NOTARY SEAL*]

[*AFFIX COUNTY SEAL*]