

JAY, SHERRELL, SMITH, BRADDY & COOK, P.C.
ATTORNEYS AT LAW

CLAYTON JAY (1883-1969)
ALLAN C. GARDEN (1895-1972)
HARVEY L. JAY (1906-1992)
CLAYTON JAY, JR.
ROBERT E. SHERRELL
JOHN E. SMITH, III
M. GILL BRADDY
KYLE C. COOK

P.O. BOX 308
101 E. PINE ST.
FITZGERALD, GA 31750

TELEPHONE (229) 423-2027
FACSIMILE (229) 423-9327
E-MAIL kylecook@windstream.net

November 8, 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

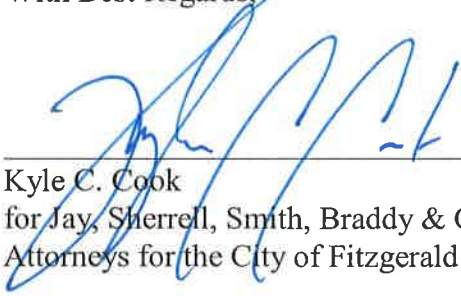
Mike Dinnerman,
County Manager
Ben Hill County, Georgia
402 East Pine Street
Fitzgerald, GA 31750

Re: Annexation to the City of Fitzgerald - Ordinance No. 18-1527

Dear Mike:

This letter serves as notification to the Board of Commissioners of Ben Hill County, Georgia, that the enclosed annexation ordinance has been enacted by the City of Fitzgerald, Georgia. Attached to said ordinance is a plat of survey which shows the property being annexed. Also enclosed is an Annexation Report Form providing required information pursuant to O.C.G.A. § 36-36-3.

With Best Regards,



Kyle C. Cook
for Jay, Sherrell, Smith, Braddy & Cook, P.C.
Attorneys for the City of Fitzgerald

Enc

JAY, SHERRELL, SMITH, BRADY & COOK, P.C.

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Chief, Voting Rights Section
Civil Rights Division
Room 7254 – NWB
Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Re: City of Fitzgerald, Georgia, Application for Approval of Annexation Ordinance No. 18-1527

Dear Sir or Madam:

This submission is being made on behalf of the City of Fitzgerald, Georgia, by the undersigned attorneys who are the city attorneys for Fitzgerald, Georgia.

All annexations of property to the City of Fitzgerald since 1964, prior to the enactment of the enclosed ordinances, have been approved by the U.S. Department of Justice.

The City of Fitzgerald is located in Ben Hill County, Georgia. Ben Hill County is located near the geographic center of the southern half of the State of Georgia. The City of Fitzgerald is the only municipality located within Ben Hill County.

Throughout the time from 1964 to the present, the City of Fitzgerald has pursued a policy of allowing the annexation of any property adjacent to its corporate limits, at the request of the owner thereof. These annexations have consisted in almost every instance of vacant property that was subsequently converted into residential, commercial or industrial use subsequent to its annexation to the city. The city has annexed property, unoccupied at the time of its annexation, and subsequently converted to residential use, on all sides of the city. The city has annexed unoccupied property subsequently converted to commercial use on the south side of the city. The city has annexed unoccupied property subsequently converted to industrial use on the east and south sides of the city.

The African-American populations in Ben Hill County are found, for the most part, in three areas. The first area is within the City of Fitzgerald, and is located partly within the corporate limits as they existed prior to 1964, and partly within areas annexed on the east side of Fitzgerald. Another

Chief, Voting Rights Section
11/8/2018
Page 2

area of substantial African-American population is found approximately 8 miles north of Fitzgerald.

There are no substantial areas occupied by African-Americans, located immediately adjacent to the existing city limits.

Enclosed is a map of the City of Fitzgerald and Ben Hill County. The area affected by these ordinances are marked on the map.

Also enclosed are copies of the entire annexation ordinances. These have been given final approval by the Mayor and Council of the City of Fitzgerald. Attached to each ordinance is a cover sheet that gives you the information necessary to review these ordinances under the Voting Rights Act.

There has never been any actual or threatened litigation regarding the annexation of property to the City of Fitzgerald and its effect on voting practices or voting rights.

The annexation of these properties will not alter or diminish the voting strength of minorities within the City of Fitzgerald, to any appreciable extent.

The City Council consists of nine members, five of whom are white and four of whom are African-American. The names and telephone numbers of the four African-American aldermen are as follows:

Dennis Jefferson	229-424-0123
Albert Webb	229-423-5405
Charles Coney	229-450-2061
Rick Jones	229-423-9650

If you require further information, please let me know.

Best Regards,


Kyle C. Cook

Enc
Cc w/ enc

Ben Hill County Commission
Kathy Young, City of Fitzgerald

This is to certify that this is a copy of an original document on file with the City of Fitzgerald City Clerk.

Cristina Evans 10-16-18

ORDINANCE NO. 18-1527

AN ORDINANCE TO AMEND THE CITY OF FITZGERALD ZONING DISTRICT MAP WITH RESPECT TO 2.02 ACRES, MORE OR LESS, IN LAND LOT NUMBER 91, IN THE THIRD LAND DISTRICT OF BEN HILL COUNTY, GEORGIA, LOCATED AT 243 PERRY HOUSE ROAD, FITZGERALD, GA 31750, AND THE PUBLIC ROAD RIGHT OF WAY ADJACENT THERETO; TO ANNEX SAID PROPERTY TO THE EXISTING CORPORATE LIMITS OF THE CITY OF FITZGERALD, GEORGIA; TO REZONE SAID PROPERTY FROM P & GB (COUNTY) TO P (CITY); TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO REPEAL INCONSISTENT ORDINANCES AND PARTS OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the owner of the land hereinafter described has, by written and signed application, applied to the Mayor and Council of the City of Fitzgerald for said lands to be annexed to the existing corporate limits of the City of Fitzgerald, as provided by law, and particularly Georgia Laws 1963, page 119, as amended, and

WHEREAS, all requirements of law, including but not limited to the requirements of the Zoning Ordinance for the City of Fitzgerald, Georgia, with respect to a map amendment thereof have been complied with;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Fitzgerald, as follows:

SECTION 1. From and after the passage of this ordinance the following described lands are hereby annexed to and incorporated into the corporate limits of the City of Fitzgerald, to wit:

Tract One: 1.04 acres in Land Lot Number 91 in the Third Land District of Ben Hill County, Georgia, and being a portion of Five Acre Tract Number 1245 and the fractional tract directly South of and adjoining said Five Acre Tract Number 1245 and particularly described in accordance with a plat made by S.Y.A. Ball dated May 16, 1969, recorded in Plat Book 6, Page 274 [Now Plat Slide No. 532] in the Office of the Clerk of the Superior Court of Ben Hill County, Georgia; as beginning at a point on the original south line of said Five Acre Tract where the same is intersected by the West margin of that certain paved public road known as the Old Ocilla-Fitzgerald Highway, thence 00 degrees 16 minutes West along the West margin of said highway 83.70 feet to an iron stake; thence South 89 degrees 07 minutes West 100.00 feet to an iron stake; thence North 00 degrees 16 minutes East 214.50 feet to an iron stake; thence North 35 degrees 44 minutes West 187.00 feet to an iron stake; thence North 89 degrees 07 minutes East 210.00 feet to an iron stake on the West margin of said public road; thence South 00 degrees 16 minutes West along the West margin of said public road 284.50 feet to the original South line of said Five Acre Tract, the point and place of beginning.

Tract Two: 1.011 acres in Land Lot Number 91 in the Third Land District of Ben Hill County, Georgia, and being a portion of Five Acre Tracts Numbers 1245 and 1246 and particularly described in accordance with a plat made by S.Y.A. Ball dated May 16, 1969, recorded in Plat Book 6, Page 274 [Now Plat Slide No. 532] in the Office of the Clerk of the Superior Court of Ben Hill County, Georgia; as beginning at a point on the original North line of Five Acre Tract Number 1245 where the same is intersected by the West margin of that certain paved public road known as the old Ocilla-Fitzgerald Highway; thence South along the West margin of said public road 45.50 feet to an iron stake; thence South 89 degrees 07 minutes West 210.00 feet to an iron stake; thence North 210.00 feet to an iron stake; thence North 89 degrees 07 minutes East 210.00 feet to an iron stake on the West margin of said public road; thence South 00 degrees 16 minutes West along the West margin of said public road 164.50 feet to the original South line of Five Acre Tract Number 1246, the point and place of beginning.

SECTION 2. A complete survey of the above described property by a competent surveyor is attached to this ordinance and by reference is made a part of this ordinance and is of file in the office of the Clerk of the City of Fitzgerald.

SECTION 3. The City of Fitzgerald Zoning District Map is hereby amended to include the lands described in this ordinance, and said lands shall have the zoning classification of P.

SECTION 4. This annexation ordinance shall become effective for ad valorem tax purposes on December 31 of the year during which such annexation occurred and for all other purposes shall become effective on the first day of the month following the month during which the requirements of Article 2 of O.C.G.A. Chapter 36-36 have been met, including the requirement that an identification of the property so annexed shall be filed with the Department of Community Affairs and with the governing authority of Ben Hill County, Georgia, in accordance with O.C.G.A. § 36-36-3.

SECTION 5. In the event any provision or portion of this ordinance shall be unconstitutional or invalid, the remaining portion shall remain in full force and effect.

SECTION 6. Any portion of any ordinance in conflict with this ordinance is hereby repealed.

DATE OF FIRST READING: September 10, 2018

DATE OF SECOND READING: October 8, 2018

PASSED BY THE FOLLOWING VOTE:

“YES” 8

“NO” 0

“ABSTAIN” 0



APPROVED: *J. P. ...*
MAYOR

ATTEST: *Cristina ...*
CITY CLERK

**OFFICIAL PETITION FOR ANNEXATION AND/OR REZONING
CITY OF FITZGERALD, GEORGIA**

Dear Citizen:

Attached is an annexation and/or rezoning application for requesting entrance into the corporate limits of the City of Fitzgerald. The application must be completed and filed with the Fitzgerald Zoning Administrator no later than the first day of the month in order to be on the City Council's agenda for the following month.

This form serves as both the petition for annexation as well as a request for initial City of Fitzgerald zoning designation, pursuant to Section 3-26 and Section 13 of the Zoning Ordinance of the City of Fitzgerald.

Annexation cases are considered by Mayor/Council at the first scheduled meeting each month.

A completed application is as follows:

1. A completed annexation petition.
2. All applicable fees paid, including a \$75.00 rezoning fee necessary to be considered for admission into the corporate city limits.
3. One (1) legal survey plat (to scale) of subject property prepared and signed by a registered land surveyor registered in the State of Georgia (One (1) copy of survey; one (1) copy of typed legal description of subject property). Written legal description must be full metes and bounds description rather than plat references, plus one (1) copy of annexation petition.
4. Submitted survey must show existing city limit boundaries and area proposed for annexation.

The application will be reviewed as follows and your presence or designated representative is requested at each meeting:

Mayor/Council (caption reading):	Planning / Zoning Commission:	Mayor/Council (public hearing):
Date: 09 / 10 / 18	Date: 09 / 17 / 18	Date: 10 / 08 / 18
Place: 302 E. Central Ave.	Place: 121 E. Pine St.	Place: 302 E. Central Ave.
Time: 6:00 p.m.	Time: 5:30 p.m.	Time: 6:00 p.m.

If you have any further questions, please contact the Fitzgerald Zoning Administrator's office at 115 N. Grant Street, Fitzgerald, GA 31750 (229) 426-5043.

The signature below acknowledges receipt by the applicant and/or his/her authorized representatives of the above referenced data.

Owner/Agent Signature

Date

ANNEXATION AND/OR REZONING APPLICATION

Date: / /

FOR OFFICIAL USE ONLY	
Date Application Received:	
<input type="text" value="0"/> <input type="text" value="8"/>	<input type="text" value="2"/> <input type="text" value="1"/> / <input type="text" value="1"/> <input type="text" value="8"/>
Application #:	
<u>0120</u>	

To: Fitzgerald Ben-Hill County Planning Commission
Mayor and City Council of Fitzgerald, Georgia

I (We), the undersigned do hereby respectfully make application and petition the Mayor and City Council of Fitzgerald, Georgia, to amend the City of Fitzgerald's Zoning Ordinance dated February 13, 1989, and to change the Official Zoning Map of the City of Fitzgerald as hereinafter requested. In support of this application, the following facts are shown:

1. The property sought to be rezoned is owned by:

Name: Edward R Waller

Address: 373 Lower Rebecca Rd.

City: Fitzgerald State: Zip Code: -

2. The property sought to be rezoned is locate at 243 Perry House Road

and has frontage of 604 feet and depth of 260 feet with an area of _____ square feet or 2.02 acres.

3. It is desired and requested that the foregoing property be rezoned from P & GB County (Existing)

to P City (Proposed)

4. Has any prior application to rezone this property been made? Yes No

If yes, application number and date: _____

Action of Mayor and Council: _____

5. It is proposed that the property will be put to the following use: Tourist Homes

6. It is proposed that the following buildings will be constructed: Multiple tourist homes

7. Does the property currently have any existing structures? Yes No

If yes, what is the use? _____

Will the existing structures be demolished or renovated for use? Demolished Renovated

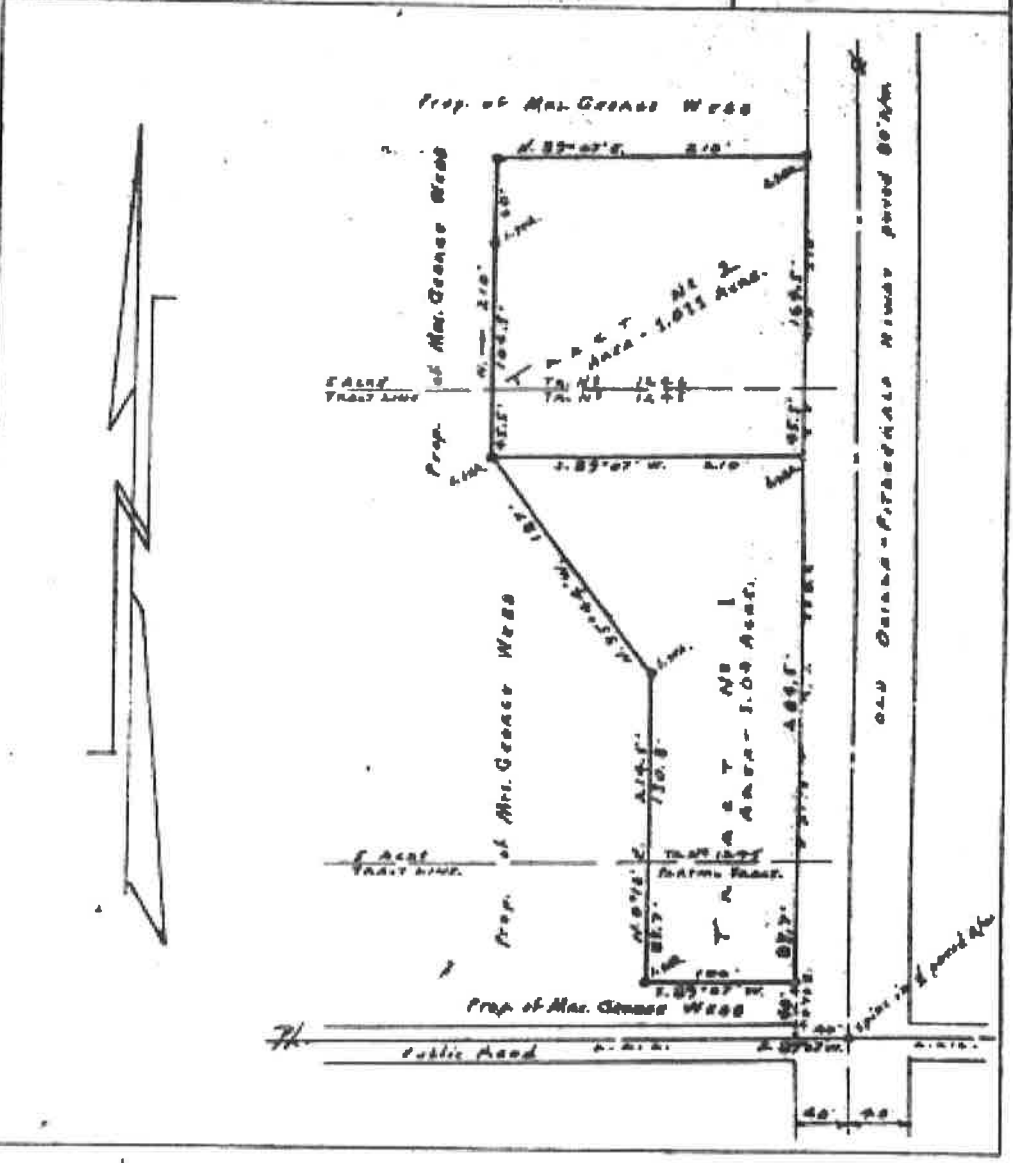
A property survey of 2 tracts of land lying and being in 5 Acre Tract 881 12.95 and 12.44 and what partial tract lying south of 6 Acre Tract #1245 all being in Lane No 31, 3rd. Range District, Ben Hill County, Georgia.

Property of Mrs. George Webb

DATE
Mar 16, 1969

Surveyed and drawn by: *D. R. Deese*
under the direction of:

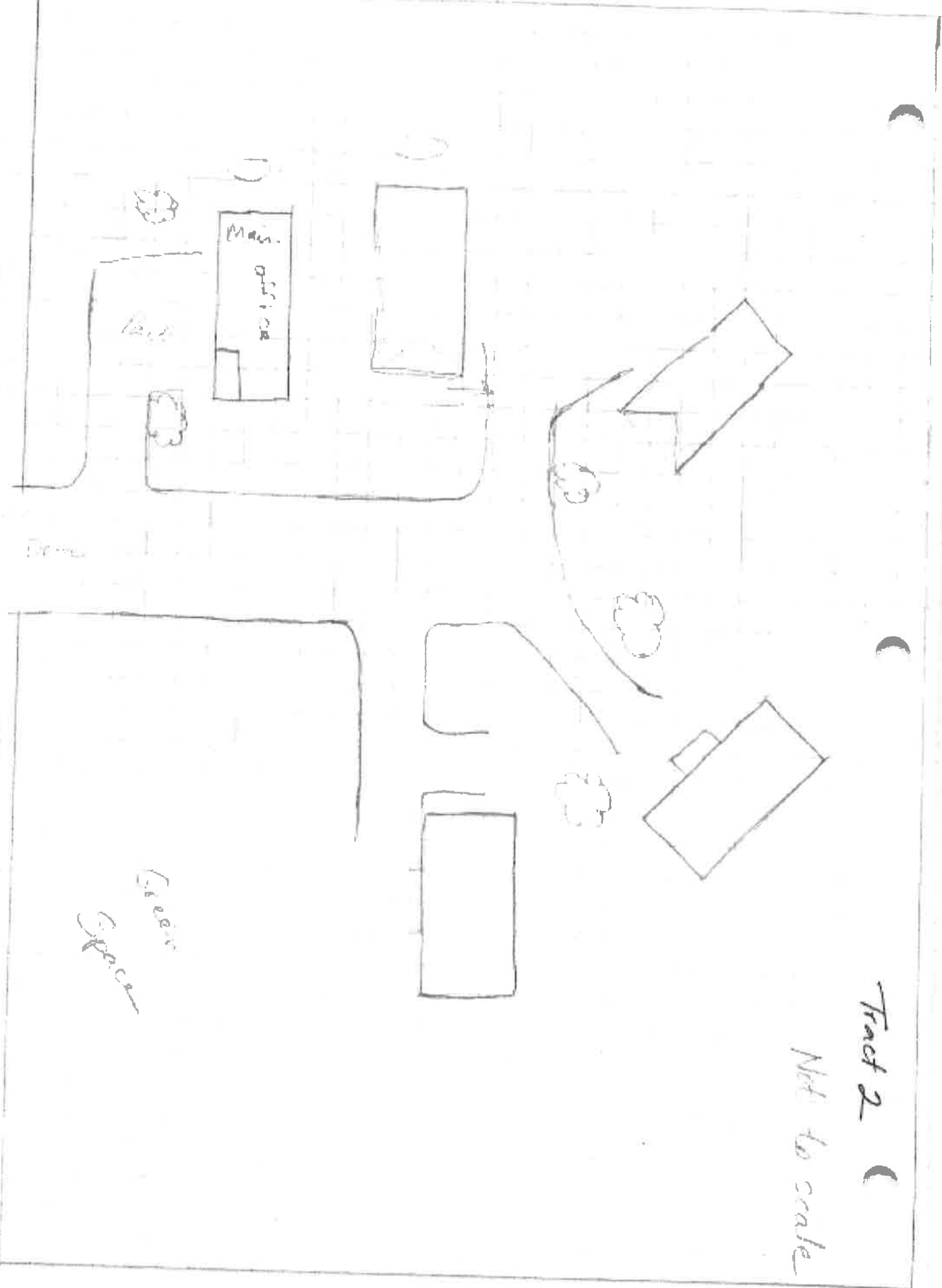
A. H. G. Mall
S. R. DALL
GA. ALLIANCE SURVEYOR #144
ROCKWELL, GEORGIA



Plat recorded July 11, 1969 by
Tom Audrey L. Jordan, Deputy Clerk

Tract 2 (

Not to scale



Perry House Rd