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ATTORNEYS AT LAW

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

July 26, 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

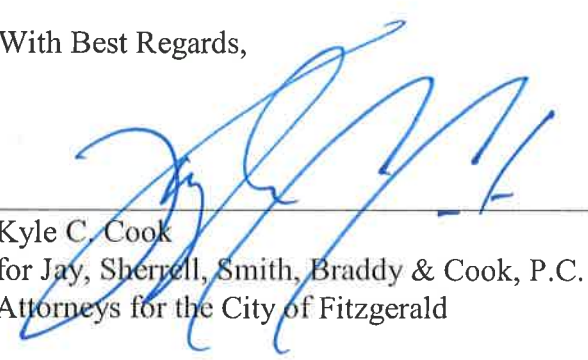
Mike Dinnerman,
County Manager
Ben Hill County, Georgia
402 East Pine Street
Fitzgerald, GA 31750

Re: Annexation to the City of Fitzgerald - Ordinance No. 19-1540 & 19-1543

Dear Mike:

This letter serves as notification to the Board of Commissioners of Ben Hill County, Georgia, that the enclosed annexation ordinances have been enacted by the City of Fitzgerald, Georgia. Attached to said ordinances is a map 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, BRADDY & 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. 19-1540 & 19-1543

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
7/26/2019
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 normally consists of nine members, (currently the council is made up of eight members as a single seat is vacant due to resignation) five of whom are white and three 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
Rick Jones	229-423-9650
Kevin Johnson	229-457-2549

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

Reset Form

Print

Annexation or Deannexation Report Form

1. Annexing (or Deannexing) Municipality: CITY OF FITZGERALD
2. County in which annexation occurred: Ben Hill
3. Authorization Type (check one): Ordinance Resolution Local Act of General Assembly
4. Authorization Number: 19-1543
5. Authorization Date (Month/Day/Year): 07/22/2019
6. Effective Date (Month/Day/Year): 08/01/2019
7. Acreage: 5.00ACRES
8. Annexation Type (check one): Annexation Deannexation
9. Acknowledgements
Boundary and Annexation Survey participation statement:
Please sign name here _____
and type name here KYLE C. COOK
to acknowledge that you understand that the city is required to participate in the next Census Bureau Boundary and Annexation Survey, in order to change this territory on their jurisdictional boundary maps of the city.
See OCGA 36-36-3(a) (3) for details.
10. Contact Information (for your first time submission using this form or to update)
Contact Person: KYLE C. COOK
Contact Person Title: CITY ATTORNEY
Address 1: P.O. BOX 308
Address 2: _____
City: FITZGERALD, GA 31750
Telephone (Area-code and number): 229-423-2027
FAX (Area-code and number): 229-423-9327
Email Address: kylecook@windstream.net

Please mail or fax completed report to:

Annexation
Georgia Department of Community Affairs
60 Executive Park South, NE
Atlanta, Georgia 30329-2231
FAX 404-679-0646

Reset Form

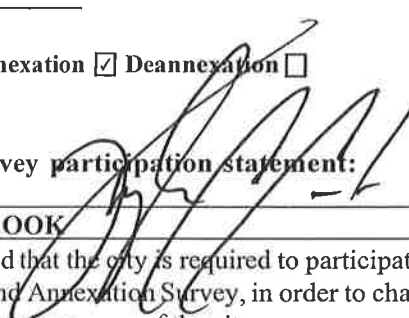
Print

Annexation or Deannexation Report Form

- 1. Annexing (or Deannexing) Municipality: CITY OF FITZGERALD
- 2. County in which annexation occurred: Ben Hill
- 3. Authorization Type (check one): Ordinance Resolution Local Act of General Assembly
- 4. Authorization Number: 19-1540
- 5. Authorization Date (Month/Day/Year): 07/22/2019
- 6. Effective Date (Month/Day/Year): 08/01/2019
- 7. Acreage: 7.51 ACRES
- 8. Annexation Type (check one): Annexation Deannexation

9. Acknowledgements

Boundary and Annexation Survey participation statement:

Please sign name here  _____
 and type name here KYLE C. COOK
 to acknowledge that you understand that the city is required to participate in the next Census Bureau Boundary and Annexation Survey, in order to change this territory on their jurisdictional boundary maps of the city.
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10. Contact Information (for your first time submission using this form or to update)

Contact Person: KYLE C. COOK
 Contact Person Title: CITY ATTORNEY
 Address 1: P.O. BOX 308
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 City: FITZGERALD, GA 31750
 Telephone (Area-code and number): 229-423-2027
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 Email Address: kylecook@windstream.net

Please mail or fax completed report to:

Annexation
 Georgia Department of Community Affairs
 60 Executive Park South, NE
 Atlanta, Georgia 30329-2231
 FAX 404-679-0646

COVER SHEET

ORDINANCE No. 19-1543

A. A copy of this ordinance is attached hereto. The lands lie in one parcel, and are shown on the plat of survey that is attached to the Ordinance.

B. This Ordinance expands the corporate limits of the City of Fitzgerald. It does not supersede any prior legislative act with respect to the lands covered by this annexation.

C. This parcel of land is zoned for Heavy Industrial use (HI). There are no residences located thereon. The annexation of these lands will have no significant effect on voting.

D. This submission is made by Kyle C. Cook, of Jay, Sherrell, Smith, Braddy & Cook, P.C., Attorneys at law, City Attorneys of the City of Fitzgerald, P.O. Box 308, Fitzgerald, GA 31750, telephone no. (229) 423-2027.

E. The submitting authority is the Mayor and Council of the City of Fitzgerald. The name of the jurisdiction responsible for the change is the City of Fitzgerald, Georgia.

F. The City of Fitzgerald, Georgia, is located within Ben Hill County, Georgia.

G. The mode of decision whereby this annexation was accomplished was by local ordinance enacted by the Mayor and Council of the City of Fitzgerald.

H. Annexations by the City of Fitzgerald by local ordinance are enacted by the Mayor and Council of the City of Fitzgerald pursuant to Official Code of Georgia Annotated § 36-36-2. Under this provision, lands contiguous to the existing city limits may be annexed by a municipality upon the request of the landowner.

I. The ordinance was approved on the 22nd day of July, 2019.

J. The ordinance became effective on the 1st day of August, 2019 (under State law).

K. The change has not yet been enforced or administered.

L. The change only affected the land involved in the annexation.

M. The City of Fitzgerald has a policy of granting all requests for annexation of property contiguous to the corporate limits of the City of Fitzgerald. The owners of this property have requested that it be annexed.

N. This parcel of land is zoned for Heavy Industrial use (HI). There are no residences located thereon. The annexation of these lands will have no significant effect on voting.

O. There is no past or pending litigation concerning the change or related voting practices.

P. The prior corporate limits of the City of Fitzgerald have been submitted to and cleared by the Attorney General.

Q. There is no demographic information pertaining to the area annexed. The affected areas are marked and identified on the enclosed map of the City of Fitzgerald and adjoining area. The area shown thereon and east of Grant Street is integrated but predominantly African-American. The area west of Grant Street has large portions thereof that have been substantially integrated, and has neighborhoods that are substantially white, neighborhoods that are substantially African-American, and neighborhoods that have varying percentages of whites and African-Americans. There are no natural boundaries or features that influenced the selection of the boundaries of the corporate limits. There was no change in the location of polling places. There was no change in the location of voter registration sites.

R. This parcel of land is located in the 2nd City Council Voting Ward and the East City Council At-Large Voting District.

Respectfully submitted,

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

By: _____

Kyle C. Cook

Attorneys for the City of Fitzgerald

P.O. Box 308
Fitzgerald, GA 31750
(229) 423-2027

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

Cristina Evans

7-24-2019

ORDINANCE NO. 19-1540

AN ORDINANCE TO AMEND THE CITY OF FITZGERALD ZONING DISTRICT MAP WITH RESPECT TO 7.51 ACRES, MORE OR LESS, IN LAND LOT NUMBER 265, IN THE FOURTH LAND DISTRICT OF BEN HILL COUNTY, GEORGIA, LOCATED ON ANDERSON MEMORIAL CHURCH ROAD AND AT 114 OSTRICH 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 MHP (COUNTY) TO H-I (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 1.

A portion of Five Acre Tract Number Thirteen Hundred Seventy-eight (1378) in Land Lot Number Two Hundred Sixty-five (265) in the Fourth Land District of formerly Irwin, now Ben Hill County, Georgia, as shown by the plat of the Colony Domain made by or for the American Tribune Soldiers Colony Company of file in the office of the Clerk of the Superior Court of Irwin County, Georgia, and particularly described as Lots Numbers Three (3) and Four (4) on that certain plat made by S.Y.A. Ball, dated June 12, 1970, originally recorded in Plat Book 7, page 44, later of record in Plat Slide No. 233, now of record in Plat Slide No. 535, in the office of the Clerk of the Superior Court of Ben Hill County, Georgia, and to which plat reference is hereby specifically made; the property hereby conveyed being in the shape of a parallelogram 330 feet wide and 100 feet deep.

TRACT 2.

All of Five Acre Tracts 1378 and 1391 in Land Lot 265 in the Fourth Land District of formerly Irwin, now Ben Hill County, Georgia, , as shown by the plat of the Colony Domain made by or for the American Tribune Soldiers Colony Company of file in the office of the Clerk of the Superior Court of Irwin County, Georgia.

There is excepted from said Five Acre Tract 1391 1.25 acres previously deeded to L.T. Fussell by deed dated January 5, 1970, and recorded in Deed Book 118, Page 572, in the office of the Clerk of the Superior Court of Ben Hill County, Georgia, and said deed being made reference to an incorporated herein as a part of this description.

There is further excepted from Said Tract 2 a portion of said Five Acre Tract 1378 which is more particularly described as the North 100 feet of said Five Acre Tract 1378 which is shown according to a plat dated June 12, 1970, originally recorded in Plat Book 7, page 44, later of record in Plat Slide No. 233, now of record in Plat Slide No. 535, in the office of the Clerk of Superior Court of Ben Hill County, Georgia, and said plat being made reference to and incorporated herein as



"YES"

"NO"

"ABSTAIN"

6
0
0

APPROVED:

J. P. Kelly

MAYOR

ATTEST:

Cristina Williams

CITY CLERK

COVER SHEET

ORDINANCE No. 19-1540

- A. A copy of this ordinance is attached hereto. The lands lie in one parcel, and are shown on the plat of survey that is attached to the Ordinance.
- B. This Ordinance expands the corporate limits of the City of Fitzgerald. It does not supersede any prior legislative act with respect to the lands covered by this annexation.
- C. This parcel of land is zoned for Heavy Industrial use (HI). There are no residences located thereon. The annexation of these lands will have no significant effect on voting.
- D. This submission is made by Kyle C. Cook, of Jay, Sherrell, Smith, Braddy & Cook, P.C., Attorneys at law, City Attorneys of the City of Fitzgerald, P.O. Box 308, Fitzgerald, GA 31750, telephone no. (229) 423-2027.
- E. The submitting authority is the Mayor and Council of the City of Fitzgerald. The name of the jurisdiction responsible for the change is the City of Fitzgerald, Georgia.
- F. The City of Fitzgerald, Georgia, is located within Ben Hill County, Georgia.
- G. The mode of decision whereby this annexation was accomplished was by local ordinance enacted by the Mayor and Council of the City of Fitzgerald.
- H. Annexations by the City of Fitzgerald by local ordinance are enacted by the Mayor and Council of the City of Fitzgerald pursuant to Official Code of Georgia Annotated § 36-36-2. Under this provision, lands contiguous to the existing city limits may be annexed by a municipality upon the request of the landowner.
- I. The ordinance was approved on the 22nd day of July, 2019.
- J. The ordinance became effective on the 1st day of August, 2019 (under State law).
- K. The change has not yet been enforced or administered.
- L. The change only affected the land involved in the annexation.

M. The City of Fitzgerald has a policy of granting all requests for annexation of property contiguous to the corporate limits of the City of Fitzgerald. The owners of this property have requested that it be annexed.

N. This parcel of land is zoned for Heavy Industrial use (HI). There are no residences located thereon. The annexation of these lands will have no significant effect on voting.

O. There is no past or pending litigation concerning the change or related voting practices.

P. The prior corporate limits of the City of Fitzgerald have been submitted to and cleared by the Attorney General.

Q. There is no demographic information pertaining to the area annexed. The affected areas are marked and identified on the enclosed map of the City of Fitzgerald and adjoining area. The area shown thereon and east of Grant Street is integrated but predominantly African-American. The area west of Grant Street has large portions thereof that have been substantially integrated, and has neighborhoods that are substantially white, neighborhoods that are substantially African-American, and neighborhoods that have varying percentages of whites and African-Americans. There are no natural boundaries or features that influenced the selection of the boundaries of the corporate limits. There was no change in the location of polling places. There was no change in the location of voter registration sites.

R. This parcel of land is located in the 2nd City Council Voting Ward and the East City Council At-Large Voting District.

Respectfully submitted,

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

By: 

Kyle C. Cook
Attorneys for the City of Fitzgerald

P.O. Box 308
Fitzgerald, GA 31750
(229) 423-2027

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

Cristina Evans

7-24-2019

ORDINANCE NO. 19-1543

AN ORDINANCE TO AMEND THE CITY OF FITZGERALD ZONING DISTRICT MAP WITH RESPECT TO 5.0 ACRES, MORE OR LESS, IN LAND LOT NUMBERS 265 AND 280, IN THE FOURTH LAND DISTRICT OF BEN HILL COUNTY, GEORGIA, LOCATED AT 351 JACKSONVILLE HIGHWAY, 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 GF (COUNTY) TO H-I (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:

5.00 acres, more or less, lying and being in Land Lots Numbers 280 and 265 in the Fourth Land District of Ben Hill County, Georgia, particularly described as follows: Beginning at a point on the south margin of State Highway Number 107 and the center of the public road leading south therefrom which separates property hereby conveyed from the old Annie Becker farm; thence south along the center of said latter public road as presently located, 200 yards; thence west 50 yards; thence northwest 250 yards to an established corner on said Highway No. 107; thence easterly along south margin of said Highway 200 yards to the point of beginning. Said tract of land being the former home place of Mrs. Ella Mae Prescott Rhodes and being further described as being bounded on the north by US Highway 319, on the east by Anderson Memorial Church Road, and on the south and west by land now or formerly of R. E. Prescott; said 5.00-acre parcel being the same land described in that certain deed from Russell E. Prescott to Ella Mae Shadburn dated August 27, 1965, and recorded in Deed Book 108, pages 278-279, in the office of the Clerk of the Superior Court of Ben Hill County, Georgia

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 H-I.

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: June 10, 2019

DATE OF SECOND READING: July 22, 2019

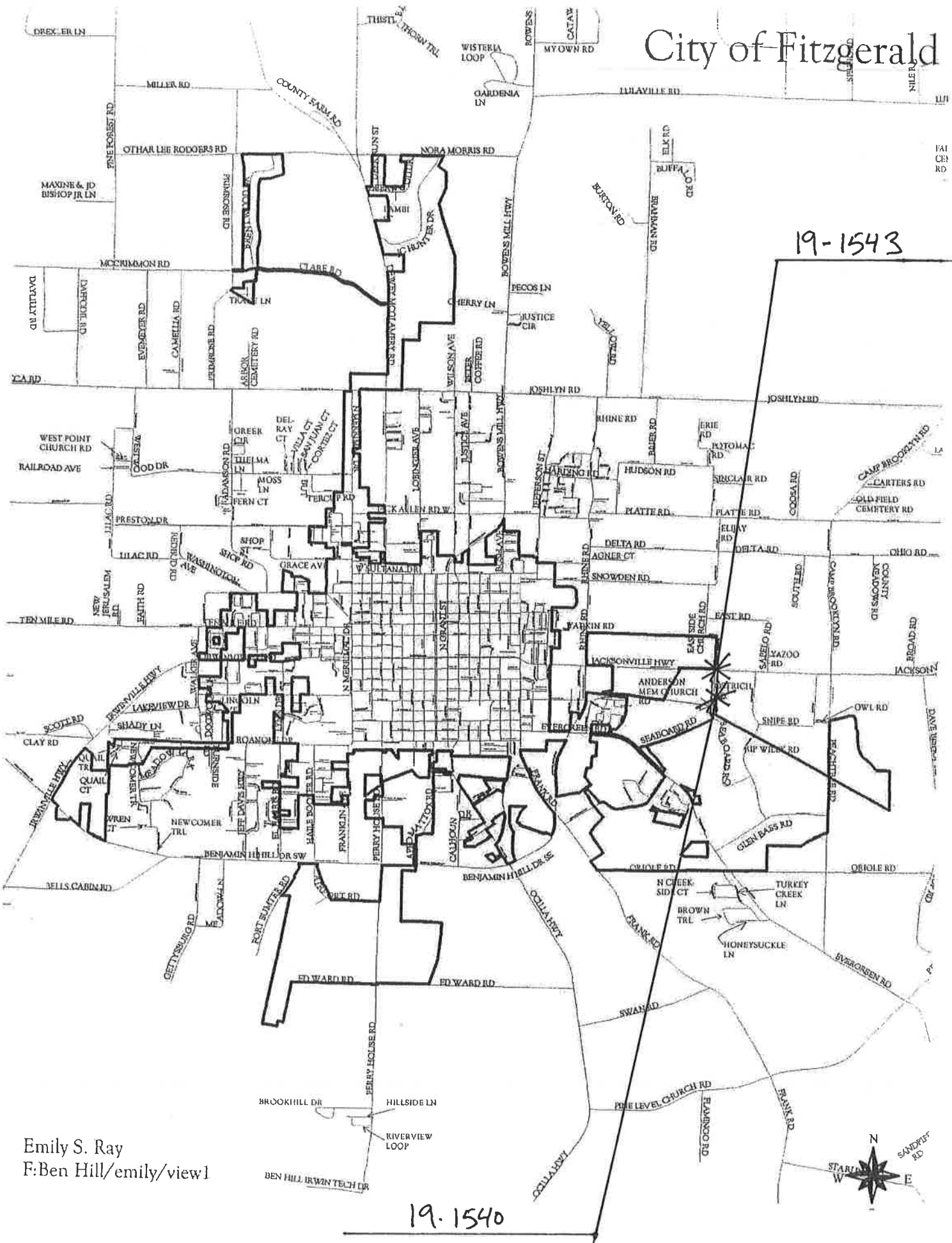
PASSED BY THE FOLLOWING VOTE:

"YES"	<u>6</u>
"NO"	<u>0</u>
"ABSTAIN"	<u>0</u>

APPROVED: 
MAYOR

ATTEST: 
CITY CLERK

City of Fitzgerald



19-1543

19-1540

Emily S. Ray
F: Ben Hill/emily/view1

