

**JAY, SHERRELL, SMITH, BRADDY & COOK, P.C.**  
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HARVEY L. JAY (1906-1992)  
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FITZGERALD, GA 31750

TELEPHONE (229) 423-2027  
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October 13, 2020

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

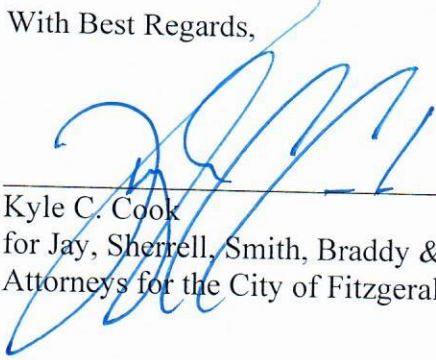
Mike Dinnerman,  
County Manager  
Ben Hill County, Georgia  
402 East Pine Street  
Fitzgerald, GA 31750

Re: Annexation to the City of Fitzgerald - Ordinance No. 20-1559

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

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

*Cristina Kwan*  
10/13/2020

**ORDINANCE NO. 20-1559**

**AN ORDINANCE TO AMEND THE CITY OF FITZGERALD ZONING DISTRICT MAP WITH RESPECT TO 1.44 ACRES, MORE OR LESS, IN LAND LOT NUMBER 302, IN THE FOURTH LAND DISTRICT OF BEN HILL COUNTY, GEORGIA, LOCATED ON BENJAMIN H. HILL DRIVE, 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 G-B (COUNTY) TO G-B (CITY); TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO REPEAL INCONSISTENT ORDINANCES AND PARTS OF ORDINANCES; AND FOR OTHER PURPOSE.**

**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:

All that certain tract or parcel of land situate, lying and being part of Land Lot 302 of the Fourth Land District of Ben Hill County, Georgia, and being more particularly described as follows: Commence at the Southern end of the miter at the intersection of the West right of way of U.S. Route 129 (R/W varies) and the North right of way of Benjamin H. Hill Drive (R/W varies) and go South 78 degrees 10 minutes 07 seconds West along the North right of way of Benjamin H. Hill Drive a distance of 333.62 feet; go thence along the North right of way of Benjamin H. Hill Drive 39.93 feet along the arc of a curve concave to the Northwest, having a radius of 2,814.72 feet, a chord bearing of South 78 degrees 34 minutes 30 seconds West and a chord distance of 39.93 feet; go thence South 10 degrees 44 minutes 08 seconds East along the North right of way of Benjamin H. Hill Drive a distance of 10.00 feet; go thence along the North right of way of Benjamin H. Hill Drive 284.74 feet along the arc of a curve concave to the Northwest, having a radius of 2,824.72 feet, a chord bearing of South 81 degrees 52 minutes 13 seconds West and a chord distance of 284.62 feet to the point of beginning, from this point go along the North right of way of Benjamin H. Hill Drive 200.00 feet along the arc of a curve concave to the Northwest, having a radius of 2,824.72 feet, a chord bearing of South 86 degrees 47 minutes 11 seconds West and a chord distance of 199.96 feet; go thence North 12 degrees 47 minutes 04 seconds East a distance of 427.94 feet; go thence South 45 degrees 03 minutes 53 seconds East a distance of 44.90 feet; go thence South 54 degrees 12 minutes 55 seconds East a distance of 126.87 feet; go thence South 05 degrees 39 minutes 37 seconds West a distance of 301.69 feet to the point 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 G-B.

**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 14, 2020

DATE OF SECOND READING: October 12, 2020

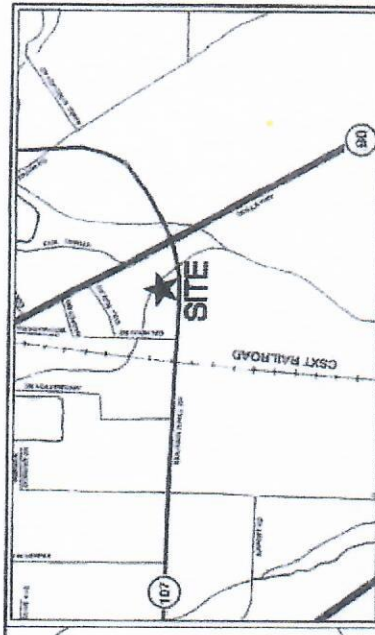
PASSED BY THE FOLLOWING VOTE:

"YES"	<u>8</u>
"NO"	<u>0</u>
"ABSTAIN"	<u>0</u>



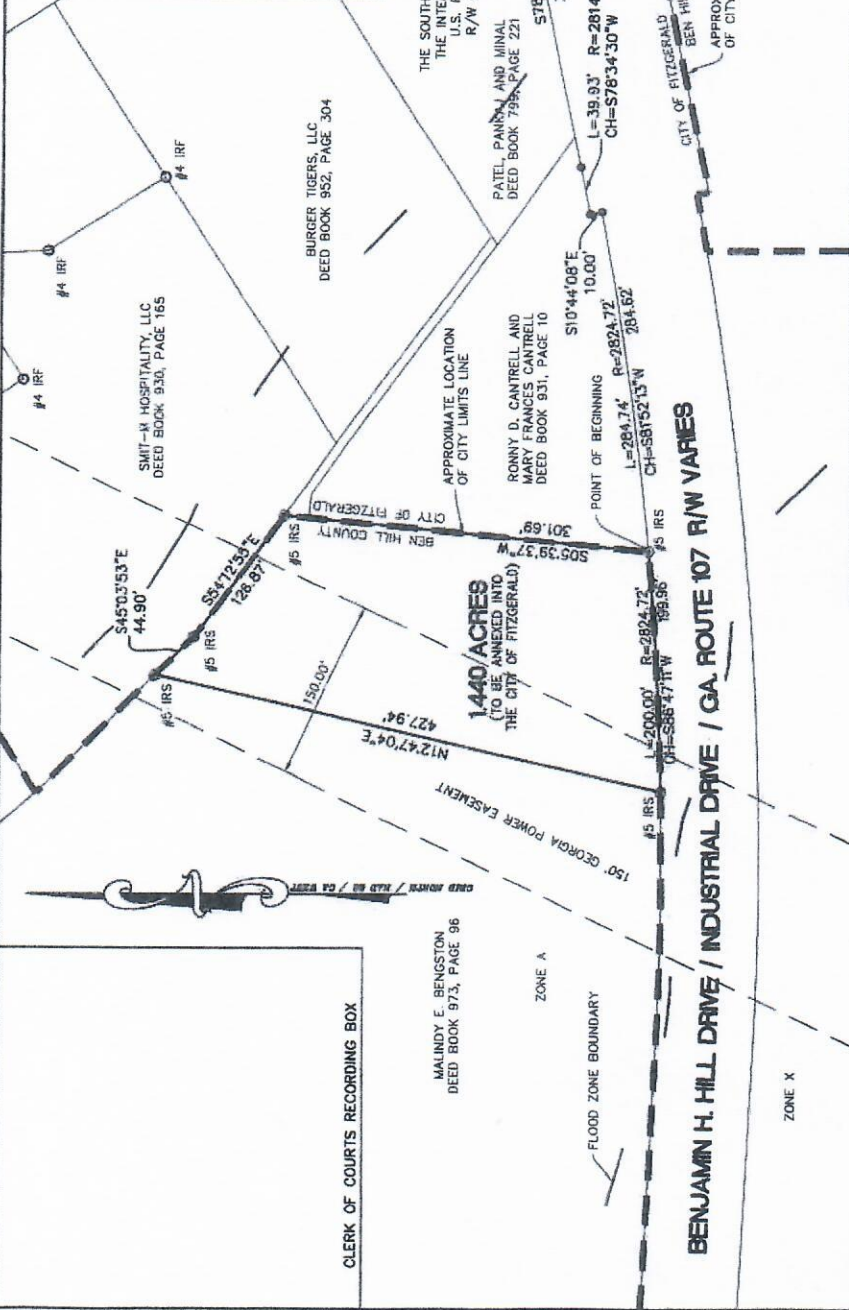
APPROVED: [Signature]  
MAYOR

ATTEST: [Signature]  
CITY CLERK



LOCATION MAP

U.S. ROUTE 129  
R/W VARIES



CLERK OF COURTS RECORDING BOX

MALINDY E. BENGSTON  
DEED BOOK 973, PAGE 96

ZONE A

FLOOD ZONE BOUNDARY

BENJAMIN H. HILL DRIVE / INDUSTRIAL DRIVE / GA. ROUTE 107 R/W VARIES

ZONE X

**FLOOD NOTES:**  
THE SUBJECT PROPERTY IS LOCATED IN ZONE A (NO BASE FLOOD ELEVATIONS DETERMINED) AND ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP. COMMUNITY-PANEL NUMBER 1307100153B AND 1307100134B, EFFECTIVE OF DATE OF SEPTEMBER 25, 2009.  
REFER TO BEN HILL COUNTY, GA ORDINANCE SEC. 26-126. - BUILDING STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAYS (A ZONES) FOR DEVELOPMENT WITHIN THE ZONE A FLOODPLAIN.

**GRAPHIC SCALE**



**SURVEYOR CERTIFICATION:**  
THE PROPERTY HEREON LIES COMPLETELY WITHIN A JURISDICTION WHICH DOES NOT REVIEW OR APPROVE ANY PLATS OR THIS TYPE OF PLAT PRIOR TO RECORDING. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT FULFILLS ALL THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GORIE W. WEBB SURVEYOR NO. 2923  
LANIER ENGINEERING INC.  
GA. LAND SURVEYING FIRM NO. 981

DATE

**SURVEY DATA**  
E.O.C. PLAT:  
1 IN 133,745  
1 IN 187,179  
09" PER ANGLE POINT  
COMPASS RULE  
ADJUSTED BY:  
EQUIPMENT USED:  
TOPCON GTS 223  
REFERENCE DEED(S):  
D.B. 973 PG. 98

THE UNDERSIGNED SURVEYOR HAS NOT BEEN FURNISHED WITH A CURRENT TITLE OPINION OR ABSTRACT OF TITLE OR MATTERS AFFECTING THIS PROPERTY. IT IS NOT TO BE ASSUMED THAT THERE ARE UNRECORDED DEEDS, UNRECORDED EASEMENTS, OR OTHER INSTRUMENTS THAT COULD AFFECT THIS PROPERTY.  
ADJACENT PROPERTY OWNER INFORMATION OBTAINED FROM THE COUNTY TAX ASSESSORS OFFICE.

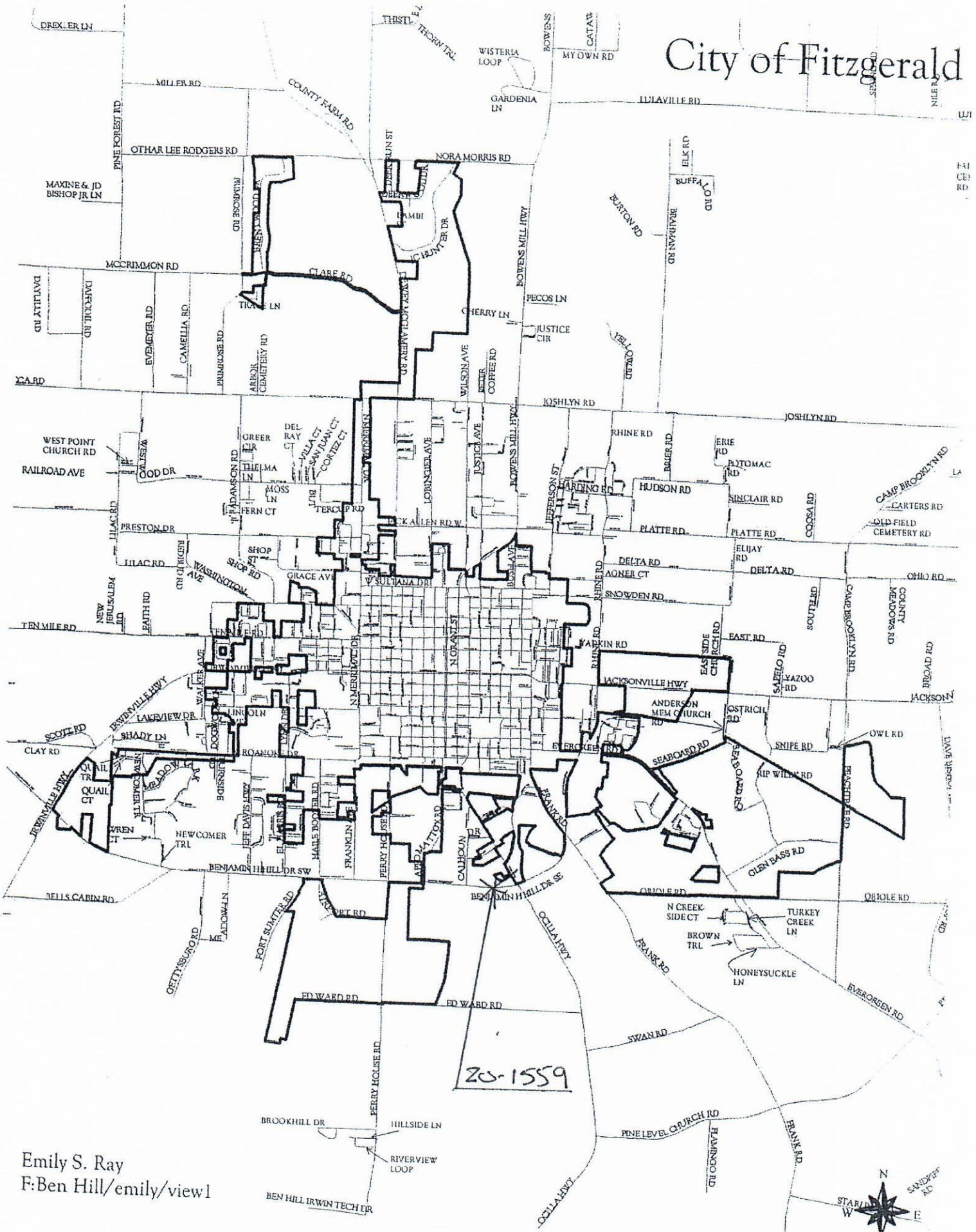
**ANNEXATION PLAT**  
**PROPERTY TO BE ANNEXED INTO THE**  
**CITY OF FITZGERALD**  
**PROPERTY OF MALINDY E. BENGSTON**  
PART OF LAND LOT 302, FOURTH LAND DISTRICT  
BEN HILL COUNTY, GEORGIA



LANIER ENGINEERING INC.  
1504 W. THIRD AVENUE ALBANY, GEORGIA  
31707 (229) 436-0522 FAX (229) 436-0981  
EMAIL: GWEEB@LANIER-ENGINEERING.COM

SURVEYED	DWG	1" = 100'	PROJ NO.	20085	DATE	09/06/20	SHEET NUMBER	1 OF 1
DRAWN	DWG	CHECKED	DWG	Z0085ANNEK	SUR DATE	09/06/20		

# City of Fitzgerald



20-1559

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



Reset Form

Print

## Annexation or Deannexation Report Form

1. Annexing (or Deannexing) Municipality: FITZGERALD
2. County in which annexation occurred: Ben Hill
3. Authorization Type (check one): Ordinance  Resolution  Local Act of General Assembly
4. Authorization Number: 20-1559
5. Authorization Date (Month/Day/Year): 10/12/2020
6. Effective Date (Month/Day/Year): 11/01/2020
7. Acreage: 1.440
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): 229-426-9327  
Email Address: kylecook@jayfirm.com

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