

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

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FITZGERALD, GA 31750

TELEPHONE (229) 423-2027  
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October 21, 2021

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

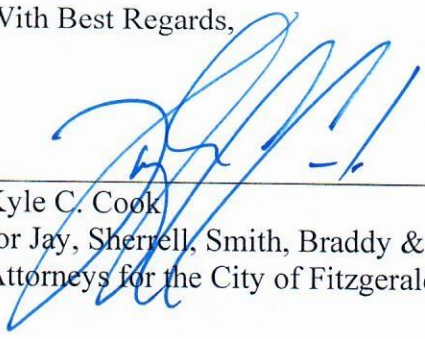
Mike Dinnerman,  
County Manager  
Ben Hill County, Georgia  
402 East Pine Street  
Fitzgerald, GA 31750

Re: Annexation to the City of Fitzgerald - Ordinance No. 21-1567

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 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,



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

Enc

I certify that this is a true and exact copy of the record and/or records on file with the City Clerk's office.

ORDINANCE NO. 21-1567

Cristina Evans 10/19/21  
City Clerk Date

**AN ORDINANCE TO AMEND THE CITY OF FITZGERALD ZONING DISTRICT MAP WITH RESPECT TO 1.0256 ACRES, MORE OR LESS, IN LAND LOT NUMBER 91, IN THE THIRD LAND DISTRICT OF BEN HILL COUNTY, GEORGIA, LOCATED 134 OCILLA 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 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 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:

1.0256 acres, more or less, in Land Lot Number 91 in the Third Land District of Ben Hill County, Georgia, and being more particularly described as beginning at the intersection of the extended centerline of the right of way of Wichard Road and the centerline of the right of way of U.S. Highway 129, thence South 45 degrees 12 minutes 43 seconds East 193.54 feet to a point at the intersection of the East margin of the right of way of U.S. Highway 129 and the West margin of that certain 100 foot wide CSX Railroad right of way; thence along said West margin of said railroad right of way North 13 degrees 05 minutes 29 seconds East 298.40 feet to a point, which point is the point and place of beginning; thence North 79 degrees 28 minutes 32 seconds West 103.41 feet to a point; thence South 89 degrees 04 minutes 05 seconds West 74.25 feet to a point; thence South 73 degrees 21 minutes 25 seconds West 46.94 feet to a point on the East margin of the right of way of U.S. Highway 129; thence along said East margin of the right of way of U.S. Highway 129 along a curve to the right having a radius of 836.47 feet, an arc length of 180.55 feet, and a chord bearing and distance of North 10 degrees 43 minutes 59 seconds West 180.20 feet to a point; thence North 89 degrees 04 minutes 05 seconds East 284.75 feet to a point on the West margin of the aforementioned CSX railroad right of way; thence along said West margin of said CSX railroad right of way along a curve to the right having a radius of 904.93 feet, an arc length of 151.37 feet, and a chord bearing and distance of South 08 degrees 18 minutes 03 seconds West 151.19 feet to a point; thence South 13 degrees 05 minutes 29 seconds West 37.27 feet to a point, the same being the point and place of beginning; the same being shown as "Tract No. 1" on that certain plat of survey prepared by Craig Bargstadt, Georgia Registered Land Surveyor No. 2934, dated June 9, 2005, for Twin Rivers Capital, LLC and recorded in the office of the Clerk of the Superior Court of Ben Hill County, Georgia, in Plat Slide 671-D1 and said plat by reference thereto is hereby made a part of this description.

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 13, 2021  
DATE OF SECOND READING: October 11, 2021

PASSED BY THE FOLLOWING VOTE:

"YES"	<u>7</u>
"NO"	<u>0</u>
"ABSTAIN"	<u>0</u>



APPROVED: [Signature]  
MAYOR  
ATTEST: [Signature]  
CITY CLERK

**JAY, SHERRELL, SMITH, BRADDY & COOK, P.C.**

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October 21, 2021

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

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. 21-1567

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

Chief, Voting Rights Section  
10/21/2021  
Page 2

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, at the time of passage, four of whom are white and five of whom are African-American. The names and telephone numbers of the five 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
Sheila Jefferson	

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

## COVER SHEET

ORDINANCE No. 21-1567

- A. A copy of this ordinance is attached hereto. The lands lie in one parcel.
- 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 General Business use (GB). 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 11<sup>th</sup> day of October, 2021.
- J. The ordinance became effective on the 1st day of November, 2020 (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 General Business use (GB). There are no residences located thereon. The annexation of these lands will have no significant effect on voting.

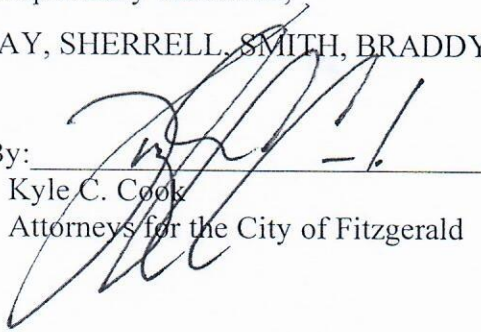
O. There is no past or pending litigation concerning the change or related voting practices.

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 3rd City Council Voting Ward and the East City Council At-Large Voting District.

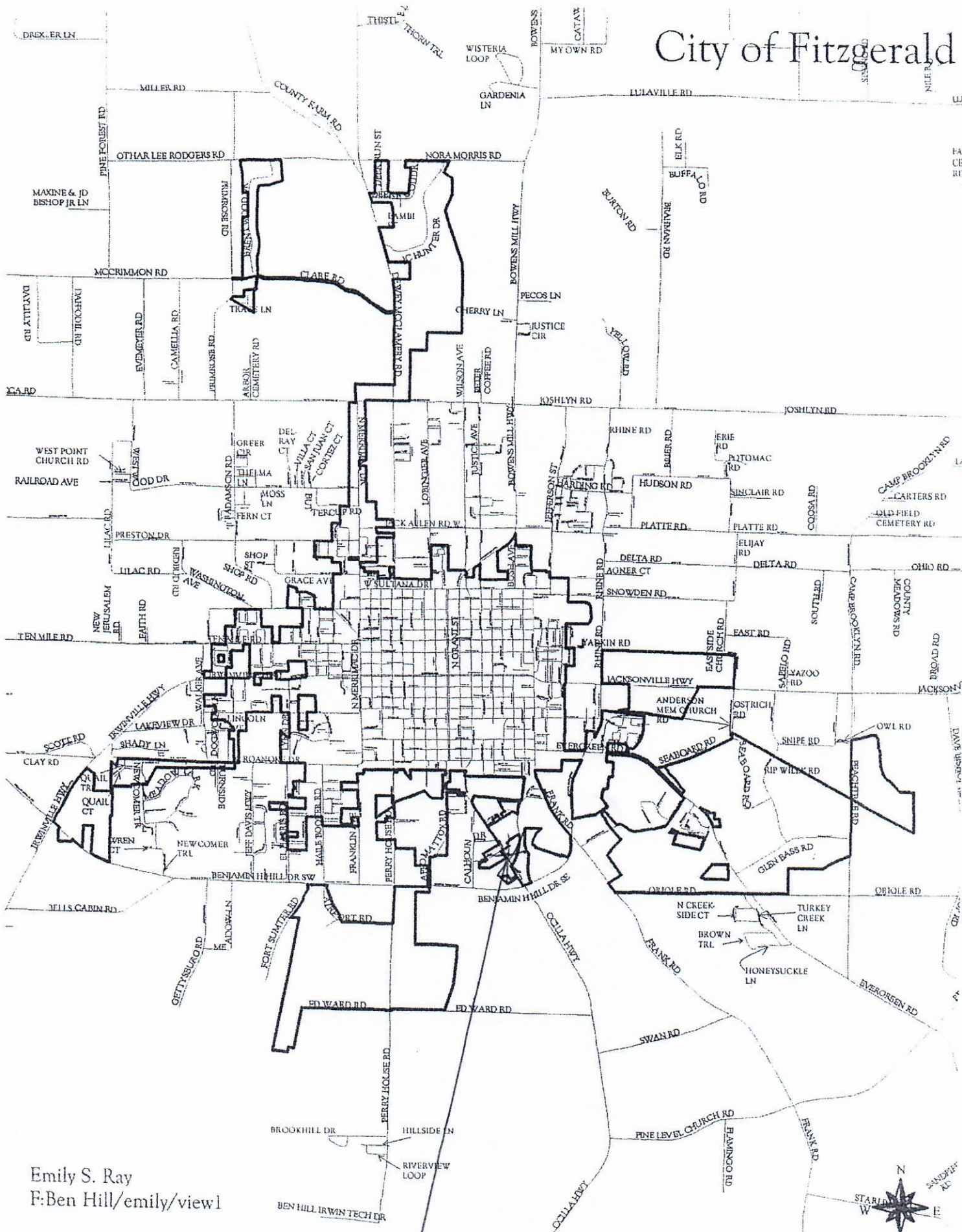
Respectfully submitted,  
JAY, SHERRELL, SMITH, BRADDY & COOK, P.C.

By:   
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Kyle C. Cook  
Attorneys for the City of Fitzgerald

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



# City of Fitzgerald



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

21-1567