

RESOLUTION NO. ____

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF BEN HILL COUNTY, GEORGIA CONSENTING TO THE DEANNEXATION OF 152 DAVID DRIVE, FITZGERALD, GEORGIA 31750 (PARCEL NO. 6 8 95 10 / LOT 10 BLK H NEWCOMER FARMS; PARCEL NO. 6 8 95 11 / LOT 11 BLK H NEWCOMER FARMS; PARCEL NO. 6 8 95 9 / LOT 9 BLK H NEWCOMER FARMS) FROM THE CITY OF FITZGERALD, AND FOR OTHER PURPOSES

A resolution concerning the following described property:

152 David Drive, Fitzgerald, Georgia 31750 (Parcel No. 6 8 95 10 / Lot 10 Blk H Newcomer Farms; Parcel No. 6 8 95 11 / Lot 11 Blk H Newcomer Farms; Parcel No. 6 8 95 9 / Lot 9 Blk H Newcomer Farms), which property is depicted on the attached Exhibit “A” incorporated herein by reference and referred to hereinafter as the “Property.”

WHEREAS, O.C.G.A. § 36-36-22 authorizes a municipality to deannex an area or areas of the existing corporate limits upon 100% of the landowners’ written and signed application requesting such deannexation and the adoption of a resolution by the governing authority of the county consenting to such deannexation; and

WHEREAS, the Property is currently adjacent to real property located inside the municipal limits of the City of Fitzgerald and real property located in the unincorporated portion of Ben Hill County; and

WHEREAS, the owners of the Property, Jack and Sharon Layton, have submitted a written and signed application requesting deannexation; and

WHEREAS, Ben Hill County has determined that such deannexation request meets the requirements of O.C.G.A. § 36-36-22; and

WHEREAS, Ben Hill County has determined that the deannexation would be in the best interests of the residents and property owners of the area proposed for deannexation and of the citizens of Ben Hill County.

NOW, THEREFORE, BE IT RESOLVED by the Ben Hill County Board of Commissioners that, pursuant to O.C.G.A. § 36-36-22, it consents to the deannexation of the Property. The consent of the Board of Commissioners to this deannexation is conditioned upon the deannexation not creating an illegal municipal or unincorporated island. Stated differently, should the City of Fitzgerald take any action to annex or deannex other real property that results in this deannexation creating an illegal municipal or unincorporated island, the consent of the Board of Commissioners is revoked.

BE IT FURTHER RESOLVED by the Ben Hill County Board of Commissioners that it adopts the recitals set forth above and incorporates same herein by reference.

BE IT FURTHER RESOLVED that this resolution shall be effective immediately upon adoption.

SO RESOLVED AND ADOPTED at a meeting of the Ben Hill County Board of Commissioners this ___ day of _____, 2024.

BEN HILL COUNTY BOARD OF COMMISSIONERS:

By: _____
STEVE TAYLOR, CHAIRMAN

By: _____
HOPE HARMON, VICE CHAIRMAN

By: _____
DANIEL COWAN, COMMISSIONER

By: _____
BENNIE CALLOWAY, COMMISSIONER

By: _____
JOHN WILLIAM MOONEY, COMMISSIONER

ATTEST: _____
DONNA PRATHER, COUNTY CLERK