

**CITY OF HAMPTON
STATE OF GEORGIA**

CITY OF HAMPTON

ORDINANCE NO. 2022-568

AN ORDINANCE TO ANNEX CERTAIN PROPERTIES BEARING PARCEL IDENTIFICATION NOS. 039-01015000, 039-01015004, 040-01004004, 040-01004004, 040-01047000, 040-01048000, 040-01002000, 040-01001000, 040-01050000, 040-01043000, 040-01046000, AND BEING 572.24 +/- ACRES INTO THE CITY PURSUANT TO THE 60 PERCENT METHOD OF O.C.G.A. § 36-36-36; TO AMEND THE MAP OR MAPS OF HAMPTON AND ADJACENT TERRITORY TO SHOW THE PRESENT AND PROPOSED BOUNDARIES OF THE CITY; TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HAMPTON, GEORGIA, AS AMENDED; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Hampton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, the governing authority of the City is the Mayor and Council thereof; and

WHEREAS, the governing authority of the City of Hampton, Georgia desires to annex certain properties into the City pursuant to O.C.G.A. §36-36-30, the sixty percent method; and

WHEREAS, Georgia law permits municipalities to annex unincorporated areas which are contiguous to their existing corporate limits when annexation takes place upon the written and signed applications of all of the owners of all of the land to be annexed; and

WHEREAS, the City recently received an application for annexation (the "Annexation Application"), a copy of which is attached hereto as **Exhibit "A"** and incorporated by reference, and legal descriptions are attached to said application of the lands to be annexed; and

WHEREAS, the City has carefully reviewed service delivery plans contained in the report pursuant to O.C.G.A. § 36-36-35 attached as **Exhibit "B"** which is attached to and incorporated as part of this ordinance; and

WHEREAS, because a preliminary investigation reveals that the Annexation Application was signed by sixty percent of the landowners and accompanied by a complete description of the property to be annexed (collectively, the "Property"), that the Property is contiguous to the municipal boundary of the City, that the Property is within the County, and that annexation will not create an unincorporated "island" as contemplated by O.C.G.A. § 36-36-30, *et seq.* (the "Act"), the Annexation Application and the requested annexation apparently satisfies the requirements of the Act; and

WHEREAS, the Applicant shall retain the City zoning classifications of RA (Residential-Agricultural) and MU (Mixed Use District) which encompasses the same County zoning ordinance RA (Residential-Agricultural) and PD (Planned Development) for the Property; and

WHEREAS, the Mayor and City Council notified the governing body of Henry County of acceptance of the Annexation Application, and its intention to adopt an ordinance ("Annexation Ordinance") expressly authorizing the proposed annexation in order to fully and finally annex the Property into the municipal boundaries of the City; and

WHEREAS, the health, safety, and welfare of the citizens of Hampton, Georgia will be positively impacted by the adoption of this Ordinance.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAMPTON, GEORGIA, and by the authority thereof:

Section 1. The Property described in "Exhibit A" attached hereto and incorporated herein by reference is hereby annexed into the City of Hampton, Georgia pursuant to the authority of O.C.G.A. Sections 36-36-30 *et seq.* and 36-36-40, *et seq.*

Section 2. The Property described on "Exhibit A", a copy of which is attached hereto and incorporated herein by reference is hereby annexed into the City limits and is to be noted on the map or maps of Hampton, updated on the U.S. Census Bureau maps during the next boundary and annexation survey, and amended on the City of Hampton Official Zoning Map as soon as reasonably possible following adoption of this Ordinance by the Mayor and Council along with an editorial note on the City of Hampton Official Zoning Map specifying the parcel(s) affected by this Ordinance and the date of adoption of this Ordinance. Until the annexation is indicated on the City of Hampton Official Zoning Map, this Ordinance shall govern over the City of Hampton Official Zoning Map to the extent of any discrepancy between this Ordinance and the City of Hampton Official Zoning Map.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4.

(a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. Penalties in effect for violations of the Zoning Ordinance of the City of Hampton at the time of the effective date of this Ordinance shall be and are hereby made applicable

to this Ordinance and shall remain in full force and effect.

Section 7. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

SO ORDAINED, this 12 day of April, 2022.

CITY OF HAMPTON, GEORGIA


ANN N. TARPLEY, Mayor

ATTEST:


RASHIDA FAIRLEY, City Clerk

APPROVED AS TO FORM:


L'ERIN BARNES WIGGINS, City Attorney

First Reading: March 8, 2022

Second Reading/
Adoption: April 12, 2022

