

**CITY OF HAMPTON
STATE OF GEORGIA**

CITY OF HAMPTON

ORDINANCE NO. 2022-573

AN ORDINANCE TO ANNEX CERTAIN PROPERTIES BEARING PARCEL IDENTIFICATION NO. 004-01004000, AND BEING 74 +/- ACRES INTO THE CITY PURSUANT TO THE 100 PERCENT METHOD OF O.C.G.A. § 36-36-21; 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. §36-36-21, the one hundred 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, because a preliminary investigation reveals that the Annexation Application was signed by one hundred 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. § 36-36-1, 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 current zoning classification of RA (Residential-Agricultural) 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 "B" 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 36-36-1 *et seq.* and 36-36-20, *et seq.*

Section 2. The Property described on Exhibit "B", 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 10 day of may, 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: April 12, 2022

Second Reading/
Adoption:

5/10/22

Exhibit "A"



EST. 1872

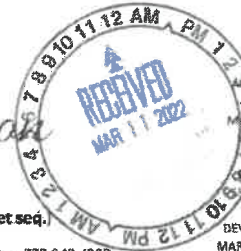
City of Hampton

Application for Annexation

Pursuant to O.C.G.A. Title 36, Chapter 36 (§ 36-36-1 et seq.)

City Hall
17 East Main Street South
PO Box 400
Hampton, GA 30228

Phone: 770.948.4308
Fax: 770.948.4356
www.hamptonga.gov



MAYOR
ARIAN N. TAPLEY
MAYOR PRO-TEM
JOEY MEERS
CITY COUNCIL
SHARITA BARLOW
HENRY BYRD
DEVILIN CLEVELAND
MARY ANN MITCHAM
WILLIE TURNER
CITY MANAGER
ALEX S. COHILAS

TYPE OF ANNEXATION (Fill one)

60% Method: Petitioners owning at least 60% of the property in the area to be annexed, and at least 60% of the voters in an area, may seek to have their property annexed into an adjacent city.

100% Method: Property owners of all the land in an area may seek to have their property annexed into an adjacent city by signing a petition.

Property Address: Parcel ID 004-01004000

Is this property contiguous to the city limits? ☒ Yes ☐ No

LAND USE AND ZONING

County: RA (Residential-Agricultural)

County Zoning Classification: RA (Res.-Agricultural)

Present Land Use: 2014 Conservation

Requested Zoning Classification: RA (Res.-Agricultural)

PROPERTY OWNER

Name: Frank Madison Moore Revocable Trust and David B. Moore

Mailing Address: 4815 E. Main St., Hampton, GA 30228

Phone: (202) 612-8888

Email: [redacted]

Signature: [redacted]

Date: [redacted]

*If this application is submitted pursuant to the 60% Method, please attach additional names, signatures, addresses, dates of signature, and elector/land owner's information on a separate sheet.

APPLICANT

Name: David B. Moore

Mailing Address: [redacted] City, Ga. 30269

Phone: [redacted]

Email: [redacted]

Signature: David B. Moore

Date: 3-3-2022

OFFICE USE ONLY – DO NOT WRITE BELOW LINE

Signature: [redacted]

Date: 3/4/2022 (A#-22-3-11)



OWNER'S AUTHORIZATION

The undersigned below, or as attached, is the owner of the property that is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of an annexation of the property.

Name: David B. Moore

Property Address: [REDACTED]
Telephone: _____ Email: _____ 69
3026

I swear that I am the owner of the property that is the subject matter of the attached application, as it is shown in the records of Henry County, Georgia.

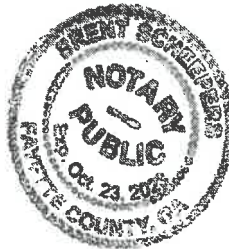
Signature: David B. Moore Date: 3-3-2022

David B. Moore

Who swears the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

[Signature]
Notary Public

3/3/2022
Date





City of Hampton

Application for Annexation

Pursuant to O.C.G.A Title 36, Chapter 36 (§ 36-36-1 et seq.)

City Hall
17 East Main Street South
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LAND USE AND ZONING

County: RA (Residential-Agricultural)

County Zoning Classification: RA (Res.-Agricultural)

Present Land Use: 2014 Conservation

Requested Zoning Classification: RA (Res.-Agricultural)

PROPERTY OWNER

Name: Frank Madison Moore

Mailing Address: 4616 Madison Circle NW Washington, DC 20016

Phone: 202-776-9000

Email: frankm@dc.gov

Signature: _____

Date: _____

*If this application is submitted pursuant to the 60% Method, please attach additional names, signatures, addresses, dates of signature, and elector/land owner's information on a separate sheet.

APPLICANT

Name: Frank Madison Moore

Mailing Address: 4616 Madison Circle NW Washington, DC 20016

Phone: 202-776-9000

Email: frankm@dc.gov

Signature: [Signature]

Date: 3/11/22

OFFICE USE ONLY -- DO NOT WRITE BELOW LINE

Signature: [Signature]

Date: 3/11/2022

(AK-22-3-11)

OWNER'S AUTHORIZATION



The undersigned below, or as attached, is the owner of the property that is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of an annexation of the property.

Name: Frank Madison Moore Revocable Trust

Property Address: 4815 Madison Street NW Washington, DC 20016

Telephone: (202) 744-2888

Email: frankmoore@frankmoore.com

I swear that I am the owner of the property that is the subject matter of the attached application, as it is shown in the records of Henry County, Georgia.

Signature: [Signature]

Date: 3/9/22

Frank M. Moore

Who swears the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Shirley M. Arthur
Notary Public

3/7/2022
Date

District of Columbia: SS
Subscribed and Sworn to before me
this 7th day of March, 2022
Shirley M. Arthur
Notary Public, D.C.
My commission expires 10/31/2022



EXHIBIT "B"

All that tract or parcel of land, consisting of 74 acres, more or less, located in Land Lots 17, 18, 47 and 48 of the Third District of Henry County, Georgia, bounded on the South by Richard Petty Boulevard (formerly known as Old Woolsey Road, also known as Lower Woolsey Road) and on the West by Selfridge Road, on the North by lands of Atlanta Motor Speedway, Inc., and on the East by lands of THLJ INVESTMENTS, LLLP, and being further described as all that tract of land conveyed by J.D. Walker to Margaret Walker Moore on December 19, 1951, in a warranty deed recorded in Deed Book 110, page 125, of the Superior Court records of Henry County, Georgia, **LESS AND EXCEPT** that part and parcel conveyed by Margaret W. Moore and Charles M. Moore to Roan Farm, LLC on December 30, 1999 (by Warranty Deed recorded in Deed Book 3556, page 222 of said records). Said excepted property is described as follows:

All that tract or parcel of land consisting of one hundred thirty-seven (137) acres more or less lying and being in Land Lots 17, 18, and 47 of the Third District of Henry County, Georgia, and being part of those lands known as the "Roan Place", excluding that portion of the Roan Place consisting of 74 acres, more or less, bounded on the South by Richard Petty Boulevard (formerly known as Old Woolsey Road, also known as Lower Woolsey Road) and on the West by Selfridge Road.

Said property referred to above as the Roan Place is the same as the tract or parcel of land conveyed by J. D. Walker to Margaret Walker Moore on December 19, 1951, then described as all that tract or parcel of land lying, being and situated in Henry County, Georgia, approximately 2 miles West of Hampton, Georgia, and being Fifty One and Three Tenths (51.3) acres, more or less, in Land Lot 48 of the Third District of Henry County, Georgia, and one hundred fifty and fifty-eight one hundredths (150.58) acres being in Land Lots 47 and 18 of the Third Land District of Henry County, Georgia, and bounded, now or formerly, as follows:

On the North by lands of J. D. Walker, formerly the C. D. Turnipseed lands; on the East by lands of Jordan; on the South by lands of J. W. Lee, formerly the Napier Place; and on the West by the lands of J. W. Lee, formerly the lands of Glenn Henderson.

NOTE: SCRIVENER DRAFTED DEED ONLY AT THE REQUEST OF THE PARTIES, DID NOT PERFORM A TITLE SEARCH AND THEREFORE DOES NOT WARRANT IN ANY MATTER WHATSOEVER THE CHAIN OF TITLE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING, TO-WIT: THE RECORD TITLE HOLDER, LIENS, JUDGMENTS, EASEMENTS, ENCROACHMENTS OR RIGHTS OF PERSONS IN POSSESSION THEREOF.

