

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. _____

AN ORDINANCE TO DENY THE REQUEST TO ANNEX THE 2.704± ACRE TRACT OF LAND LOCATED IN LAND LOT 99 OF THE 5TH LAND DISTRICT, GWINNETT COUNTY, GEORGIA, AT THE REQUEST OF 100% OF THE OWNERS OF SAID PROPERTY INTO THE MUNICIPAL BOUNDARY OF THE CITY OF SNELLVILLE, GWINNETT COUNTY, GEORGIA AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY LIMITS, TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

CASE NUMBER: #ANX 21-01

PROPERTY OWNERS: Stephen Ray Moon and Walter Major Moon
Braselton, Georgia

SIZE: 2.704± Acres

LOCATION: 3320 Brushy Fork Road, Loganville, GA

TAX PARCEL: R5099 003

APPLICANT: For TOMCO2 Systems Company
Shane Lanham, Esq.
Mahaffey Pickens Tucker, LLP
770-232-0000 or slanham@mptlawfirm.com

DEVELOPMENT/PROJECT: Office Building and Associated Parking for
Future Expansion of TOMCO2 Systems
Facility

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

WHEREAS, O.C.G.A. §36-36-21 authorizes the City of Snellville to annex to the existing corporate limits thereof all or any portion of unincorporated property where 100% of the land owners request annexation and said property is contiguous to the existing limits at the time of such annexation upon compliance with the procedures set forth in the statute; and

WHEREAS, the City of Snellville received an application for annexation including the Petition for Annexation under the 100 percent (%) method of annexation by property owners Stephen Ray Moon and Walter Major Moon; and

WHEREAS, the City of Snellville did not receive any objection from Gwinnett County after being served with proper notice of the proposed annexation; and

WHEREAS, on the 26th day of April, 2021 a Public Hearing was held at 7:30 p.m. in the Council Chambers of the Snellville City Hall building. The purpose of the Public Hearing was to give all interested persons the right to appear and be heard on the proposed annexation of 2.704 acres of land, more or less, by the City of Snellville, Georgia, more fully described in Exhibit “A”, attached hereto and made part hereof; and

WHEREAS, the City of Snellville desires to deny ANX 21-01, which requested annexation of said property located in unincorporated Gwinnett County, Georgia into the City pursuant to O.C.G.A. §36-36-21; and

WHEREAS, the health, safety, and welfare of the citizens of Snellville, Georgia, will be positively impacted by the adoption of this Ordinance; therefore:

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA, and by the authority thereof:

Section 1. For reasons stated in the public hearing and upon review of the application submitted by Applicant, the request for annexation of said property located in unincorporated Gwinnett County, Georgia into the corporate limits of the City of Snellville is hereby denied.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (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 4. Penalties in effect for violations of Chapter 1 of the Code of Ordinances, City of Snellville, Georgia 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 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. This Ordinance is adopted on _____, 2021. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

ORDAINED this _____ day of April, 2021.

Barbara Bender, Mayor

ATTEST:

Dave Emanuel, Mayor Pro Tem

Melisa Arnold, City Clerk

Cristy Lenski, Council Member

APPROVED AS TO FORM:

Solange Destang, Council Member

W. Charles Ross, City Attorney
Powell & Edwards, P.C.

Gretchen Schulz, Council Member

Tod Warner, Council Member

EXHIBIT "A"

Gwinnett County Tax Parcel: R5099 003

Size: 2.704 Acres (+/-)

SITUS Address: 3320 Brushy Fork Road, Loganville, Georgia

Property Owners: Stephen Ray Moon and Walter Major Moon

All that tract or parcel of land lying in Land Lot 99 of the 5th District of Gwinnett County, Georgia; and being more particularly described as follows:

Beginning at the west corner of the mitered intersection of the east right-of-way of Rosebud Road (80' R/W) with the southwestern right-of-way of Brushy Fork Road (60' R/W), said point being the POINT OF BEGINNING:

Thence traveling along said mitered intersection NORTH 89 Degrees 03 Minutes 25 Seconds EAST for a distance of 95.40 feet to a point on the southwesterly right-of-way of Brushy Fork Road; thence traveling along the southwesterly right-of-way of Brushy Fork Road the following three (3) courses and distances; SOUTH 66 Degrees 06 Minutes 18 Seconds EAST for a distance of 56.80 feet to a point; thence along a curve to the right with an arc length of 263.44 feet and a radius of 448.25 feet, being subtended by a chord of SOUTH 49 Degrees 11 Minutes 01 Seconds EAST a distance of 259.66 feet to a point; thence SOUTH 32 degrees 19 Minutes 01 Seconds EAST for a distance of 327.74 feet to an iron pin found; thence leaving said right-of-way NORTH 68 Degrees 20 Minutes 59 Seconds WEST for a distance of 604.36 feet to an iron pin found on the easterly right-of-way of Rosebud Road; thence traveling along said right-of-way along a curve to the left with an arc length of 232.81 feet and a radius of 803.44 feet, being subtended by a chord of NORTH 10 Degrees 23 Minutes 35 Seconds EAST a distance of 232.00 feet to a point; thence continuing along said right-of-way NORTH 02 degrees 48 Minutes 07 Seconds EAST for a distance of 17.00 feet to the POINT OF BEGINNING.

Said tract or parcel of land contains 2.704 acres and is depicted on that certain ALTA/NSPS plat of survey prepared by LandPro Surveying and Mapping, Inc., sealed and certified by James H. Rader, GRLS No. 3033, dated January 11, 2021.

[BOUNDARY SURVEY ON NEXT PAGE]