

CITY OF CAMILLA, GEORGIA
ORDINANCE NO. 2023-04-10-1

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF THE CITY OF CAMILLA AS RECOMMENDED BY THE PLANNING COMMISSION OF THE CITY OF CAMILLA AND FOR OTHER PURPOSES.

WHEREAS, Wing Spars, LLC/Jeremiah Horne has filed an application requesting the City of Camilla rezone the property listed as Map and Parcel C0340-068-000 of the Mitchell County Tax Digest (Referenced as 770 Old GA Hwy 3-Ordinance 2014-05-12-1), described in Exhibit “A” attached hereto by this referenced incorporated herein, from C-3, Highway Commercial District (North & South Sections of parcel, and R-PUD, Residential-Planned Unit Development District (Center Section of parcel), to R-3, Two-Family & Multi-Family Residential District, all 22.5 acres for the purpose of development/residential construction; and

WHEREAS, the Planning Commission of the City of Camilla, after a public hearing on the matter, recommends to the Mayor and Council the request be granted; and


WHEREAS, after due consideration the Council has decided to accept the Planning Commission’s recommendation to rezone the property as requested.

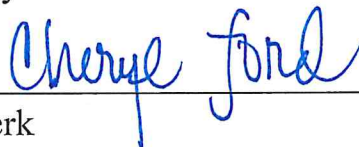
NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Camilla and it is hereby enacted by authority of the same that the recommendation of the Planning Commission of the City of Camilla to rezone all 22.5 acres of the property hereinabove referred to from C-3, Highway Commercial District and R-PUD, Residential Planned Unit Development District to **R-3, Two-Family & Multi-Family Residential District** for the purpose development/residential construction and the same is hereby approved and the Planning

Commission is hereby authorized and directed to amend the Official Zoning Map of said City to reflect the change as approved.

SO ORDAINED in regular session this 10th day of April, 2023, after waiving second reading.

MAYOR AND COUNCIL
CITY OF CAMILLA

By:  L.S.
Mayor

Attest:  L.S.
Clerk



LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 356 of the 10th Land District of Mitchell County, Georgia, containing twenty-two and five tenths (22.5) acres, more or less, and being more particularly described as follows:

The Point of Beginning of the tract herein conveyed being the point where the easterly right-of-way margin of Georgia Route 3 (with 50 feet right-of-way), meets with the northerly right-of-way margin of Goodson Road (with 80 feet right-of-way) and with said meeting point as the Point of Beginning of the tract herein conveyed, go North 33 degrees 40 minutes 03 seconds West a distance of 1,425.70 feet to an iron pin, go thence North 77 degrees 35 minutes 31 seconds East a distance of 625.26 feet to an iron pin located on Route U.S. 19, go thence along the arc of the right-of-way margin of Route U.S. 19 (with 200 foot right-of-way) a distance of 951.54 feet, said arc having a chord call of South 45 degrees 38 minutes 28 seconds East a chord distance of 950.42 feet, from said iron pin go thence South 01 degrees 05 minutes 44 seconds East a distance of 636.30 feet to an iron pin located on a northerly right-of-way margin of Goodson Road, go thence along said right-of-way margin of Goodson Road South 87 degrees 44 minutes 06 seconds West a distance of 512.38 feet to an iron pin and the Point of Beginning.

The above-described tract being more particularly delineated in that Plat of Survey prepared for C. Frank Lamb, prepared by Larry W. Grogan, Georgia Land Surveyor No. 1649, dated February 19, 1988, and recorded in Plat Book 24, page 76, Clerk's Office, Mitchell County, Georgia. Said plat by this reference incorporated herein.

Grantor(s) convey(s) to Grantee(s), also, title to the following described property, to wit: All improvements presently located on the above-described real property (if any), and all fixtures and/or equipment presently attached to and/or located on the above-described real property (if any). There are no governmental crop allotments, bases, poundages, or quotas allocated or allocable to the above-described property and none are conveyed hereby. Together with all right, title, and interest of Grantor(s) in and to adjacent highways, roads, streets, and alleys. ALL OF THE ABOVE-DESCRIBED PROPERTY, INCLUDING REAL ESTATE, IMPROVEMENTS THEREON (IF ANY), AND/OR OTHER PROPERTY AS DESCRIBED ABOVE (IF ANY), IS/ARE HEREBY CONVEYED BY GRANTOR(S) TO GRANTEE(S) IN THEIR "AS-IS" AND "WHERE IS" PHYSICAL AND ENVIRONMENTAL CONDITION, WITHOUT WARRANTY, EITHER EXPRESS OR IMPLIED OR OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, AND GRANTOR(S) HEREBY EXPRESSLY DISCLAIM(S) ANY AND ALL SUCH WARRANTIES, EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN SALES CONTRACT BETWEEN GRANTOR AND GRANTEE (IF ANY) DATED FEBRUARY __, 2023. This deed is made, and the above property is conveyed, subject to the following permitted title exceptions, to-wit: See Exhibit "A" attached hereto and made a part hereof by reference.

Exhibit "A"
(Permitted Title Exceptions)

1. State and County and City of Camilla ad valorem taxes on or against the subject property have been paid in full through the calendar year 2022. State and County and City of Camilla ad valorem taxes on or against the subject property for the calendar year 2023 and subsequent calendar years constitute liens on or against the subject property but are not yet due and payable. Tax Map No(s). C-34, Parcel No(s). 68, Tax Assessor's Office, Mitchell County, Georgia.
2. Retroactive or additional ad valorem taxes or assessments, and penalties, interest, and costs with respect thereto, now and/or hereafter assessed on or against the subject property by virtue of adjustment, reappraisal, reassessment, appeal, amendment to the tax records, or otherwise.
3. Any inaccuracy in the area, square footage, or acreage of the subject property as referred to on Exhibit "A" and/or the plat(s) of survey thereof as referred to on Exhibit "A".
4. Any limitations or restrictions imposed by laws, rules, and/or regulations of any state and/or federal governments and/or governmental entity or entities or agency or agencies now and/or hereafter in effect respecting the use of any water located in, on, and/or under the subject property.
5. Rights of upper and lower riparian owners in and to the waters of rivers, creeks, and branches now and/or hereafter crossing or adjoining the subject property, and the natural flow thereof, free from diminution or pollution.
6. Title to that portion of the subject property now and/or hereafter embraced within the bounds of public roads, public streets, public alleys, and/or public highways now and/or hereafter located on and/or comprising a part of the subject property, whether evidenced by deed or not, whether any deed is filed for record or recorded or not, and/or whether abandoned or not (if any).
7. Title to that portion of the subject property now and/or hereafter embraced within the bounds of railroad rights-of-way now and/or hereafter located on and/or comprising a part of the subject property, whether evidenced by deed or not, whether any deed is filed for record or recorded or not, and/or whether abandoned or not (if any). Also, easements for railroad rights-of-way that may now and/or hereafter be applicable with respect to the subject property (if any).
8. Title to that portion of the subject property now and/or hereafter embraced within the bounds of any cemeteries or cemetery lot(s) now and/or hereafter located in, on, and/or under the subject property and now and/or hereafter vested in or claimed to be vested in any third party or parties, whether evidenced by deed or not or whether any deed is filed for record or recorded or not (if any). Also, other rights or claims of any third party or parties with respect to any cemeteries or cemetery lot(s) now and/or hereafter located in, on, and/or under the subject property, including express or implied easements of ingress and egress thereto or therefrom (if any).
9. Title to any governmental crop allotments, bases, poundages, and/or quotas which is/are now and/or hereafter allocated or allocable to the subject property (real estate) by the United States Department of Agriculture, Farm Service Agency (FSA) and/or other governmental entity or entities or agency or agencies (if any).



10. Title to any equipment, machinery, appliances, tools, and other similar items which is/are now and/or hereafter located on, attached to, or used in connection with the subject property, including, but not limited to, any irrigation well(s) and/or irrigation well(s) accessories (if any) and any irrigation system(s) and/or irrigation system(s) accessories (if any).
11. Any federal and/or state laws, rules, and/or regulations governing or pertaining to the regulation of the ownership and/or operation of any underground storage tanks (regardless of size or capacity) now and/or hereafter located in, on, and/or under the subject property (if any).
12. Title to any house trailer, mobile home (singlewide or doublewide), manufactured home, modular home, or other type of mobile dwelling (if any) which is/are now and/or hereafter located on the subject property and which do/does not now and/or hereafter constitute real property under Georgia law (if any).
13. All easements, whether visible or not, in writing or not, or recorded or not, including, but not limited to, easements for public utilities now and/or hereafter serving or affecting the subject property, and including, but not limited to, any "party wall" easements now and/or hereafter affecting the subject property, and including, but not limited to, any implied easements of ingress and egress now and/or hereafter affecting the subject property (if any).
14. All restrictive and/or protective and/or other covenant(s) not of public record now and/or hereafter affecting the subject property, and now and/or hereafter legally enforceable (if any).
15. Any matters as shown on or disclosed by that/those certain plat(s) of survey recorded in Plat Book 11, page 58, Plat Book 17, page 260, Plat Book 18, page 151, Plat Book 23, page 105, and Plat Book 24, page 76, Clerk's Office, Mitchell County, Georgia, including, but not limited to, all set back lines; all utility and other easements; all dedications of public roads, streets, and alleys; all restrictions and/or restrictive covenants; encroachments, overlaps, and boundary line disputes; and all other matters as shown on or disclosed by any of said Plat(s) of Survey.
16. General Permit, and all rights contained therein, from J.E. Brooks, Jr. to Mitchell County Electric Membership Corporation, dated September 3, 1938, and recorded in Deed Book 68, page 171, Clerk's Office, Mitchell County, Georgia.
17. Right-of-Way Easement, and all rights contained therein, from Jordan E. Brooks, Jr. to Georgia Power Company, dated July 25, 1946, and recorded in Deed Book 81, page 239, Clerk's Office, Mitchell County, Georgia.
18. Rural Post Roads Right-of-Way Deed, and all rights contained therein, from W.S. Green to Mitchell County, Georgia, dated November 17, 1953, and recorded in Deed Book 98, page 396, Clerk's Office, Mitchell County, Georgia.
19. Right-of-Way Deed, and all rights contained therein, from W.S. Green to State Highway Department of Georgia, dated December 2, 1960, and recorded in Deed Book 115, page 413, Clerk's Office, Mitchell County, Georgia.
20. Easement, and all rights contained therein, from R.P.G. Enterprises, Inc. to Georgia Power Company, dated February 22, 1985, and recorded in Deed Book 249, page 646, Clerk's Office, Mitchell County, Georgia.