

Proposed Ordinance: #0-25-22  
Subject Matter: Annexation Request – Trilith (14.58 acres)  
Parcel Numbers: 0705 011, 0705 013, 0705 014, & 0705 017  
Date of Published Notice of Public Hearing: 09-07-22  
Date of Planning Commission Public Hearing: 09-27-22  
Date of Published Notice of Public Hearing: 10-05-22  
Date of City Council Public Hearing: 10-20-22 (no vote)  
Date of Published Notice of Public Hearing: 11-23-22 & 11-30-22  
Date of City Council Public Hearing and Adoption: 12-15-22

CITY OF FAYETTEVILLE  
COUNTY OF FAYETTE  
STATE OF GEORGIA

**ORDINANCE NUMBER #0-25-22**

**CITY OF FAYETTEVILLE, GEORGIA**

**PREAMBLE AND FINDINGS OF FACT**

The City of Fayetteville (the “City”), has received an application for annexation pursuant to O.C.G.A. § 36-36-21 from Trilith Development, LLC (“Applicant”) for the properties described in **EXHIBIT "A"** (hereinafter referred to as “the subject parcels”). The subject parcels are contiguous with the city limits of the City of Fayetteville as defined by O.C.G.A. § 36-36-20. The City has given notice of this proposed annexation to the Fayette County Board of Commissioners as required by O.C.G.A. § 36-36-6; and said annexation request has been advertised in the *FAYETTE COUNTY NEWS* as shown above.

**ORDINANCE**

IT IS HEREBY ADOPTED AND ORDAINED BY THE CITY OF FAYETTEVILLE AS FOLLOWS:

**ARTICLE I**

Pursuant to the authority granted to the City of Fayetteville by the Georgia Legislature by O.C.G.A. § 36-36-21, the City of Fayetteville does hereby annex Parcel Numbers 0705 011, 0705 013, 0705 014, and 0705 017 of real estate into the city limits of the City of Fayetteville, and said lands and property shall, pursuant to the terms of this ordinance, become a part of and be within the jurisdictional limits of the City of Fayetteville as if originally a part of the City's Charter. The Legal Description of the subject parcels is attached hereto as **EXHIBIT "A"** and incorporated herein by reference.

## **ARTICLE II**

All annexations shall become effective for ad valorem tax purposes on December 31 of the year during which such annexation occurred and for all other purposes shall become effective on the first day of the month following the month during which the requirements of Articles 1 and 2 of Chapter 36, of Title 36 of the Official Code of Georgia Annotated have been met.

## **ARTICLE III**

After the adoption of this annexation ordinance, the City Clerk shall file with the Department of Community Affairs and with the Fayette County governing authority an identification of the property hereby annexed, pursuant to the requirements of O.C.G.A. § 36-36-3.

## **ARTICLE IV**

Any ordinance or part of any ordinance in conflict herewith is hereby repealed.

## **ARTICLE V**

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

## **ARTICLE VI**

Conditions include those contained in the minutes of the City Council, which are part of this ordinance, and any representations submitted by the applicant to the City Council, and accepted by the City Council, and reflected in the minutes of the City Council, which representations shall be an amendment to the rezoning application and a part of this ordinance.

**APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE** at a regular meeting of the Mayor and Council on the 15<sup>th</sup> day of December, 2022, by the following voting for adoption:

ATTEST:

\_\_\_\_\_  
Edward J. Johnson, Jr., Mayor

Attest:

\_\_\_\_\_  
Anne Barksdale, City Clerk

\_\_\_\_\_  
T. Joe Clark, Mayor Pro Tem

\_\_\_\_\_  
Niyah Glover, Councilmember

\_\_\_\_\_  
Richard J. Hoffman, Councilmember

\_\_\_\_\_  
Darryl Langford, Councilmember

\_\_\_\_\_  
Scott Stacy, Councilmember

## Exhibit "A"

### LEGAL DESCRIPTIONS

---

#### PARCEL NO. 0705 011

---

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 9 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SANDY CREEK ROAD (80' RIGHT OF WAY) 291.29' SOUTH OF THE INTERSECTION OF SAID RIGHT OF WAY LINE AND THE NORTH LINE OF LAND LOT 9; RUNNING THENCE ALONG SAID RIGHT OF WAY LINE, A CURVE WITH A RADIUS OF 3028.20', AN ARC DISTANCE OF 314.50', SAID CURVE BEING SUBTENDED BY A CHORD BEARING SOUTH 07 DEGREES 35 MINUTES 13 SECONDS EAST, A CHORD DISTANCE OF 314.36' TO AN AXLE; RUNNING THENCE SOUTH 63 DEGREES 58 MINUTES 45 SECONDS WEST, A DISTANCE OF 292.63' TO A 1/2" REBAR SET; RUNNING THENCE NORTH 25 DEGREES 41 MINUTES 28 SECONDS WEST, A DISTANCE OF 326.07' TO A 1/2" REBAR SET; RUNNING THENCE NORTH 64 DEGREES 20 MINUTES 24 SECONDS EAST, A DISTANCE OF 240.38' TO A 3/8" REBAR FOUND; RUNNING THENCE NORTH 73 DEGREES 50 MINUTES 55 SECONDS EAST, A DISTANCE OF 152.03' TO 3/8" REBAR FOUND ON THE WESTERN RIGHT OF WAY LINE OF SANDY CREEK ROAD AND THE POINT OF BEGINNING. SAID TRACT BEING 2.51 ACRES MORE OR LESS IDENTIFIED AS TRACT 1 AS PER THAT CERTAIN PLAT OF SURVEY DATED SEPTEMBER 29, 2005 FOR MICHAEL F. AND WYLENE B. CARPENTER BY DELTA SURVEYORS, INC., RONALD T. GODWIN, GRLS 2696. SAID PLAT IS INCORPORATED HEREIN FOR A MORE COMPLETE AND ACCURATE DESCRIPTION OF THE SUBJECT PROPERTY.

LESS/EXCEPT THE ORDER AND JUDGEMENTS RECORDED IN DEED BOOK 4409, PAGE 505 AND DEED BOOK 4409, PAGE 602, FAYETTE COUNTY, GEORGIA RECORDS.

---

#### PARCEL NO. 0705 013

---

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 9 OF THE 7TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING 6.72 ACRES, MORE OR LESS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE NORTHERLY LAND LOT LINE OF LAND LOT 9, SAID POINT BEING LOCATED A DISTANCE OF 384.60 FEET WESTERLY, AS MEASURED ALONG SAID LAND LOT LINE, FROM THE INTERSECTION OF SAID LAND LOT LINE WITH THE WESTERLY RIGHT OF WAY OF SANDY CREEK ROAD (80 FOOT RIGHT OF WAY); FROM SAID POINT OF BEGINNING RUNNING THENCE SOUTH 0 DEGREES 16 MINUTES 06 SECONDS EAST A DISTANCE OF 448.43 FEET TO A POINT; RUNNING THENCE NORTH 64 DEGREES 20 MINUTES 24 SECONDS EAST A DISTANCE OF 259.40 FEET TO A POINT; RUNNING THENCE NORTH 74 DEGREES 16 MINUTES EAST A DISTANCE OF 160.40 FEET TO A POINT, WHICH POINT IS LOCATED ON THE WESTERLY RIGHT OF WAY OF SANDY CREEK ROAD; RUNNING THENCE SOUTH 1 DEGREE 6 MINUTES 45 SECONDS WEST A DISTANCE OF 25.84 FEET TO A POINT; RUNNING THENCE SOUTH 74 DEGREES 16 MINUTES WEST A DISTANCE OF 151.70 FEET TO A POINT; RUNNING THENCE SOUTH 64 DEGREES 20 MINUTES 24 SECONDS WEST A DISTANCE OF 575.00 FEET TO A POINT; RUNNING THENCE SOUTH 25 DEGREES 39 MINUTES 36 SECONDS EAST A DISTANCE OF 325.00 FEET TO A POINT; RUNNING THENCE SOUTH 64 DEGREES 20 MINUTES 24 SECONDS WEST A DISTANCE OF 274.10 FEET TO A POINT; RUNNING THENCE NORTH 0 DEGREES 16 MINUTES 06 SECONDS WEST A DISTANCE OF 1018.40 FEET TO A POINT, WHICH POINT IS LOCATED ON THE NORTHERLY LAND LOT LINE OF LAND LOT 9; RUNNING THENCE NORTH 89 DEGREES 42 MINUTES 57 SECONDS EAST, AND FOLLOWING ALONG SAID LAND LOT LINE, A DISTANCE OF 384.60 FEET TO A POINT AND THE POINT OF BEGINNING.

SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

---

#### PARCEL NO. 0705 014

---

All that tract or parcel of land lying and being in Land Lot 9 of the 7th Land District of Fayette County, Georgia, and being more particularly described as follows:

BEGIN at an iron pin found at the intersection of the northern boundary line of Land Lot 9 and the westerly right of way line of Sandy Creek Road (80'R/W), and run thence along said right of way line South 01 degrees 04 minutes 20 seconds east a distance of 265.45 feet to a point; run thence South 65 degrees 7 minutes 51 seconds west a distance of 170.14 feet to an iron pin found; run thence South 64 degrees 25 minutes 7 seconds west a distance of 259.01 feet to an iron pin found; run thence North 00 degrees 15 minutes 05 seconds west a distance of 448.31 feet to an iron pin found on the northern boundary line of said Land Lot 9; run thence along said land lot line North 89 degrees 55 minutes 40 seconds east a distance of 384.98 feet to THE POINT OF BEGINNING as established above; being shown and described as 3.167 acres, containing 137,962 square feet, on that certain plat of survey prepared for Samuel J. Durden and Marilyn Laika, by Ronald T. Godwin, Georgia Registered Land Surveyor No. 2696, dated September 24, 1999; TOGETHER WITH an easement for ingress and egress as provided in that certain

Easement Agreement, dated June 3, 1999, and recorded June 7, 1999, in Deed Book 1394, Page 153, Fayette County, Georgia Records.

LESS AND EXCEPT that certain property conveyed by virtue of that certain Order recorded January 14, 2016, in Deed Book 4409, Page 602, in the office of the Clerk of the Superior Court of Fayette County, Georgia, which Order was issued in connection with that certain Petition for Condemnation filed by Fayette County vs. Samuel Durden et al., Civil Action File No. 2008V-1610E, being more particularly described as follows:

All that tract or parcel of land lying and being in Land Lot 9 of the 7th District and Land Lot 129 of the 5th District, Fayette County, Georgia, and being more particularly described as follows:

Commencing at point of intersection of the northerly land lot line of Land Lot 9 and the westerly right-of-way of Sandy Creek Road (80' R/W); Thence along said westerly right-of-way 318.72 feet to a 3/8" rebar found, said point being the TRUE POINT OF BEGINNING;

Thence along said westerly right-of-way South 07 degrees 05 minutes 23 seconds East, 314.31 feet to a 1" axle; Thence leaving said westerly right-of-way along the northerly boundary of the lands of Shirley Adams Horton, South 64 degrees 27 minutes 13 seconds West, 135.19 feet to a 5/8" rebar set; Thence along the easterly boundary of the lands of Marilyn L and Samuel J. Durden (Deed Book 2902, Page 583) and a curve to the left, an arc distance of 379.37 feet, said curve having a radius of 1190.00 feet and being subtended by a chord of 377.77 feet, at North 12 degrees 10 minutes 55 seconds East, to a 5/8" rebar set; Thence along the southerly boundary of the lands of Roland E. and Vidalina Sasser (Deed Book 1448, Page 506) North 74 degrees 42 minutes 19 seconds East, 3.60 feet to a 3/8" rebar found, said point being the TRUE POINT OF BEGINNING;

Said tract or parcel of land contains 0.389 acre (16,952 square feet) and is more accurately depicted on a plat of survey prepared by Surveys Plus, Inc., dated 11-5-07, job number 4011.

---

**PARCEL NO. 0705 017**

---

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 9 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, BEGIN AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SANDY CREEK ROAD (80' RIGHT OF WAY) 291.29' SOUTH OF THE INTERSECTION OF SAID RIGHT OF WAY LINE AND THE NORTH LINE OF LAND LOT 9; RUNNING THENCE SOUTH 73 DEGREES 50 MINUTES 55 SECONDS WEST, A DISTANCE OF 152.03' TO A 3/8" REBAR FOUND; RUNNING THENCE SOUTH 64 DEGREES 20 MINUTES 24 SECONDS EAST, A DISTANCE OF 240.38' TO A "REBAR SET, AND THE TRUE POINT OF BEGINNING. RUNNING THENCE SOUTH 25 DEGREES 41 MINUTES 28 SECONDS EAST, A DISTANCE OF 326.07' TO A "REBAR SET; RUNNING THENCE SOUTH 63 DEGREES 58 MINUTES 45 SECONDS WEST, A DISTANCE OF 334.62' TO A "REBAR FOUND; RUNNING THENCE NORTH 25 DEGREES 41 MINUTES 28 SECONDS WEST, A DISTANCE OF 327.91' TO A REBAR FOUND; RUNNING THENCE NORTH 64 DEGREES 20 MINUTES 24 SECONDS WEST, A DISTANCE OF 334.62' TO A REBAR SET AND THE TRUE POINT OF BEGINNING. SAID TRACT BEING 2.51 ACRES MORE OR LESS IDENTIFIED AS TRACT 2 AS PER THAT CERTAIN PLAT OF SURVEY DATED SEPTEMBER 29, 2005 FOR MICHAEL F. AND WYLENE B. CARPENTER BY DELTA SURVEYORS, INC., RONALD T. GODWIN, GRLS 2696. SAID PLAT IS INCORPORATED HEREIN FOR A MORE COMPLETE AND ACCURATE DESCRIPTION OF THE SUBJECT PROPERTY.

This Deed is given subject to all easements and restrictions of record, if any.