

CITY OF ELLIJAY
STATE OF GEORGIA

ORDINANCE NO. 07152024

**AN ORDINANCE ANNEXING CERTAIN TERRITORY AND INCORPORATING THE
SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ELLIJAY,
PURSUANT TO THE PROVISIONS OF O.C.G.A. § 36-36-21**

WHEREAS, the duly elected governing authority of the City of Ellijay, Georgia is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, welfare and aesthetics of the citizens of the City of Ellijay, Georgia; and,

WHEREAS, The Mayor and Council of the City of Ellijay have previously adopted the Code of Ordinances, City of Ellijay, Georgia; and,

WHEREAS, the City of Ellijay desires to adopt the following ordinance as it relates to annexation of territory into the city limits;

WHEREAS, a written application was presented to the Mayor and Council of the City of Ellijay, signed by owners of real and personal property of the real property and territory more fully described in this Ordinance requesting annexation of their properties to the City of Ellijay, Georgia;

WHEREAS a public hearing was held before the council on July 15, 2024, and notice of the public hearing was published in the Times Courier on June 19, 2024 and June 26, 2024;

WHEREAS, it is requisite and proper for the security, welfare, health, and safety of the citizens of the City of Ellijay, Georgia, that the following provisions be adopted and authorized; and,

WHEREAS, the Mayor and Council of the City of Ellijay wish to modify the Code of Ordinances and to annex the real property and territory herein further described;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the City Council of Ellijay, Georgia, and the council of the City of Ellijay hereby ordains that:

SECTION 1

ANNEXATION OF TERRITORY

By this ordinance, there is annexed to the City of Ellijay, Gilmer County, Georgia, and incorporated within the corporate boundaries of the city, the following territory adjoining the present corporate boundaries of the city:

All that tract or parcel of land lying and being in Land Lot 82, 11th District, 2nd Section, Gilmer County, Georgia, consisting of 0.63 acre, as shown on a plat of survey prepared for Roger W. Pinson and Julie B. Pinson, by Darryl C. Whitworth, GRLS No. 3071, dated April 15, 2024, and more fully described as follows: Commencing at an iron pin found on the westerly right-of-way of Letch Drive, S 17° 42' 05" E, 386.70 feet from a nail set at the intersection of Letch Drive and Gartrell Street; thence southeasterly with the right-of-way of Letch Drive a distance 116.72 feet to an iron pin; thence N 89° 54' 16" W, 265.99 feet to an iron pin; thence, N 00° 23' 16" W, 110.44 feet to an iron pin; thence N 89° 54' 16" E, 229.44 feet to the Point of Beginning.

For information purposes only: A Portion of Map Parcel # 3066I 001

SECTION 2

NEW CORPORATE LIMITS

The corporate limits of the City of Ellijay are extended and increased so as to include and embrace within the corporate limits of the City of Ellijay, the territory described in SECTION ONE, and such territory is declared to be a part of the City of Ellijay.

SECTION 3

ACCURACY OF MAP OF ANNEXED TERRITORY

The map attached to this ordinance is an accurate map of the territory annexed, and such map is adopted as the official map of the territory annexed, and the mayor of the City Ellijay is authorized and directed to certify that the map is an accurate map of the territory annexed under the provisions of this ordinance, and to record in the Office of the City Clerk of Ellijay, Gilmer County, Georgia, this ordinance together with a certified copy of the official map attached.

SECTION 4

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 5

Penalties for a violation of current Code of Ordinances sections applicable to the amendment described herein in effect upon the adoption date of this ordinance are adopted herein as if completely set out herein.

SECTION 6

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

SECTION 7

Nothing in this ordinance or in the ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as city in Section 4 herein; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 8

This Resolution and Ordinance shall become effective on August 15, 2024.

This Resolution and Ordinance is hereby adopted on this date, it being so ordained

This 15th of July, 2024.

ATTEST:

Lori Pierce
City Clerk

Al Hoyle
Al Hoyle, Mayor

Claudia Penland
Claudia Penland

Al Fuller
Al Fuller

Tom Crawford
Tom Crawford

Kevin Pritchett
Kevin Pritchett

Tom Griffith
Tom Griffith