



**Mayor/Council Meeting Agenda
Tuesday, August 16, 2022, 5:30 PM
Public Safety Complex, Municipal Court Room
701 Queen City Parkway, Gainesville, GA 30501
Mayor or Mayor Pro Tem Presides**

INVOCATION:

PLEDGE OF ALLEGIANCE:

COUNCIL ANNOUNCEMENTS:

PUBLIC COMMENTS: (20 minutes maximum)

CONSENT AGENDA:

Appointments

- A. Convention & Visitors Bureau Authority Board
 - Reappoint Nimisha Patel
 - Appoint Amy Bradford
- B. Historic Preservation Commission
 - Reappoint Richard Bachman and Cathy Day
- C. Lake Lanier Olympic Park Foundation Board
 - Reappoint Robyn Lynch
- D. Main Street Advisory Board
 - Appoint Pamela Williams-Lime, Connie Rock, Jennifer Corbin, and Edward Puckett
- E. Metropolitan Planning Committee - Citizens Advisory Committee
 - Reappoint Berlinda Lipscomb
- F. Redevelopment Authority
 - Reappoint Blair Diaz, Brett Fowler and Cooper Embry

Minutes

- A. July 28, 2022 Work Session
- B. August 2, 2022 Mayor/Council Meeting

Resolutions

- A. BR-2022-43 Approving Projects (The Coop, a Retail Facility, and The Boathouse), Authorizing Staff and Professionals to Develop a Plan of Finance, and Authorizing Execution of Related Documents

- B. BR-2022-44 Hall County Sardis Road Connector Project
- C. BR-2022-45 Williams Brothers Development (Ramsey Circle Tract) Annexation Waiver
- D. GR-2022-09 Authorization to Partner, Submit and Accept Grant Funding for the Safe Streets and Roads for All Program

PUBLIC HEARING(S):

- A. Request to consider a resolution regarding a Project Description Supplement (the “Project Supplement”) to the Midtown Gainesville Redevelopment Plan originally adopted on April 20, 2010 (the “Plan”). The Plan set forth the urban redevelopment area (the “Midtown Redevelopment Area”) and some urban redevelopment projects.
 - Business Resolution 2022-46

CITY MANAGER ISSUES:

CITY ATTORNEY ISSUES:

- A. Ordinance 2022-26 Deannexation of Capstone Inland Crossing
- B. Business Resolution 2022-47 Capstone Inland Crossing Sewer Annexation Waiver

CITY CLERK ISSUES

EXECUTIVE SESSION:

ADJOURNMENT:

Final: Friday, August 12, 2022, 1:00 PM



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: August 11, 2022
Date Submitted: August 12, 2022
Final Approval Date: August 12, 2022
Presenter: Sam Couvillon
Item of Business: Convention & Visitors Bureau Authority Board

- Reappoint Nimisha Patel
- Appoint Amy Bradford

Meeting Date: August 16, 2022

Purpose of Request:

The purpose of this request is to address the expired term positions for the Hotel/Motel Industry and the Attractions Industry.

Facts & Issues / History & Background:

The board follows the guidelines set forth in state legislation as well as the City Charter and Code of Ordinances. Members of the Authority serve two-year terms. Glen Kyle (Attractions Industry) is ineligible for reappointment.

Nimisha Patel (Hotel/Motel Industry) and Amy Bradford with Elachee Nature Science Center (Attractions Industry) have expressed a willingness to serve. A verification of outstanding debt was completed with no concerns.

Department Recommendation:

To accept the nomination to reappoint Nimisha Patel and appoint Amy Bradford to serve on the board as submitted by the Mayor during the 8/11/22 Work Session.

Department Director:

Sam Couvillon

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. CVB Members
2. CVB 2022 Attendance Report

CONVENTION VISITORS BUREAU AUTHORITY

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRES
Hotel/Motel Industry Econo Lodge	Patel	Nimisha	3/15/2022 UE		6/30/2022
Hotel/Motel Industry The Guest Lodge	Singh	Jay	6/15/2021		6/30/2023
Restaurant/Food Establishment (Brenau Catering)	Caron	Rob	10/19/2021 UE		6/30/2023
Attractions Industry (Brenau History Center)	Kyle	Glen	7/19/2016	6/19/2018 6/16/2020	6/30/2022
Attractions Industry (Ramsey Conference Ctr)	Pruitt	Jeff	6/18/2019	6/15/2021	6/30/2023
Virtue of Position	Mattison	Kate	7/1/2014		Indefinite
Virtue of Position	Lackey	Bryan	11/30/2015		Indefinite

TERM: Two-year
(Est. Staggered Terms Initially)

CONTACT: Regina Dyer, CVB Manager

NOTES: Est. with HB 1132 executed by the Governor on April 29, 2014
Members eligible to succeed themselves for a maximum of three consecutive terms

UPDATED: Wednesday, March 16, 2022

CONVENTION AND VISITORS BUREAU ADVISORY BOARD ATTENDANCE REPORT

MEETING			BOARD MEMBER				
	DATE	TYPE	Singh	Caron	Patel	Kyle	Pruitt
1	7/29/2020	R				0	1
2	9/30/2020	R				1	0
3	11/18/2020	R				0	0
4	1/27/2021	R				0	1
5	3/27/2021	R				0	1
6	5/26/2021	R				0	0
7	7/21/2021	R	1			1	1
8	9/22/2021	R	0			0	0
9	11/17/2021	R	1	0		0	1
10	3/30/2022	R	1	1	1	1	1
11	5/25/2022	R	1	0	1	1	1
12	7/27/2022	R	0	1	1	0	1
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
	TOTAL	12	4	2	3	4	8
	ATTENDANCE %		33%	50%	100%	33%	67%

TYPE MEETING: R = Regular Scheduled Meeting
ATTENDANCE: 0 = Absent

C = Called Meeting
 1 = Attended

NOTES:

Submitted By: Regina Dyer
 Recording Secretary

Date: 8/10/2022



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: August 11, 2022
Date Submitted: August 12, 2022
Final Approval Date: August 12, 2022
Presenter: Sam Couvillon
Item of Business: Historic Preservation Commission

- Reappoint Richard Bachman and Cathy Day

Meeting Date: August 16, 2022

Purpose of Request:

The purpose of this request is to address the expired term positions held by Dick Bachman and Cathy Day.

Facts & Issues / History & Background:

The HPC follows the guidelines set forth in the City Charter, Code of Ordinances and the Unified Land Development Code. Members serve a three-year term.

Dick Bachman and Cathy Day have confirmed a willingness to serve another term. The debt verification process was completed with no concerns.

Department Recommendation:

To accept the nominations to reappoint Richard Bachman and Cathy Day to serve on the board as submitted by the Mayor during the August 11, 2022 Work Session.

Department Director:

Sam Couvillon

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. HPC Members
2. HPC Attendance Report

HISTORIC PRESERVATION COMMISSION

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRES
Ward 1	Bachman	Richard (Dick)	7/17/2007	9/7/2010 5/21/2013 7/19/2016 6/18/2019	6/30/2022
Ward 2	Wiley	Emily	4/20/2021		6/30/2023
Ward 3	Bruner	Ruth	12/15/2020 UE		6/30/2023
Ward 4	Day	Cathy	12/5/2017	6/18/2019	6/30/2022
Ward 5	Bailey <i>Vacant</i>	Jack	12/6/11 UE	6/5/2012 8/18/2015 7/17/2018 6/16/2021	6/30/2024
Ex-Officio	Wangemann	George	1/10/2017	1/9/2018 1/8/2019 1/7/2020 1/19/2021 1/4/2022	1/17/2023

TERM: Initial terms were staggered beginning July 1, 2002
Three year terms which expire on June 30th.

CONTACT: Jessica Tullar / Rusty Ligon, Community & Economic Development Dept.

UPDATED: 8/4/22 ag

MEETING			BOARD MEMBER					
	DATE	TYPE	Bachman	Wiley	Bruner	Day	Bailey	Wangemann
1	7/6/2020	R	0			1	1	1
2	5/3/2021	R	1	1	0	1	1	1
3	6/7/2021	R	1	1	1	1	0	1
4	8/2/2021	R	0	0	1	1	1	1
5	9/13/2021	R	1	1	1	1	1	1
6	10/4/2021	R	0	1	1	1	1	0
7	11/1/2021	R	1	0	0	1	1	1
8	12/6/2021	R	1	1	1	1	1	1
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
	TOTAL		5	5	5	8	7	7
	ATTENDANCE %		63%	71%	71%	100%	88%	88%

C = Called Meeting
1 = Attended

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Date: 5/20/2022



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: August 11, 2022
Date Submitted: August 12, 2022
Final Approval Date: August 12, 2022
Presenter: Sam Couvillon
Item of Business: Lake Lanier Olympic Park Foundation Board

- Reappoint Robyn Lynch

Meeting Date: August 16, 2022

Purpose of Request:

The purpose of this request is to address the expired term position held by Robyn Lynch.

Facts & Issues / History & Background:

The Lake Lanier Olympic Park Foundation (formerly known as GH '96) follows the guidelines as set forth by Georgia Law, the by-laws and the Corporation's Articles of Incorporation. The board's by-laws were revised on June 21, 2019. Board members serve a three-year term.

Department Recommendation:

To accept the nomination to reappoint Robyn Lynch to serve on the board as submitted by the Mayor during the August 11, 2022 Work Session.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. LLOP Foundation Members
2. 2022 LLOPF Attendance Report

Lake Lanier Olympic Park Foundation

POST	ORGANIZATION	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRES
Chairman	Longstreet Clinic	Collins	Mimi	2014	2017, 2020	6/30/2023
Vice Chairman	Truelove Dairy	Truelove	Dixie	2014	2017, 2019, 2021	6/30/2023
Treasurer	Kelly and Bell	Bell	Mark	2017	2020	6/30/2022
Secretary	Brenau University	Westmoreland	Lila	2019	7/13/2021	6/30/2024
Appointed	Lake Lanier CVB	Dickson	Stacey			
Appointed	Vision 2030 / GHCC	Higgins	Elizabeth	2019		6/30/2022
Appointed	City of Gainesville - CVB	Lynch	Robyn	10/15/19 UE		6/30/2022
Appointed	Lanier Canoe & Kayak Club	O'Dell	Jim	2019		6/30/2022
Appointed	Lake Lanier Rowing Club	Gaspar	Jay	2019		6/30/2022
At Large	Brenau University	Barnett	David	2017	2020	6/30/2022
At Large	Hall County District Attorney Ofc	Greene	Julia	2019	7/13/2021	6/30/2024
At Large	Millard, Inc. Architects	Millard	Matt	2019		6/30/2021
At Large	The Guest House	Singh	Jay	2019		6/30/2022
At Large	Jackson EMC	Smith	Doug	2019		6/30/2022
At Large	Habersham County Government	Sutton	Phil	2014	2017, 2020	6/30/2022
At Large	Rochester and Associates	Rochester	Brian	2019		6/30/2022
At Large	Forum Communications	Williamson	Erin	2019	7/13/2021	6/30/2024
Ex-Officio	City of Gainesville	Dunagan	Danny	1/7/20 UE	1/19/2021 1/4/2022	1/17/2023
Ex Officio	U.S. Army Corp	Noe	Ernest	2020		
Ex Officio	City of Gainesville - P&R	Mattison	Kate			
Virtue of Position	LLOP Facilites/Water Sports Manager	Watson	James			
Virtue of Position	LLOP Special Events Manager	Larsen	Eric			

TERM: Three-Year Terms - (officers are limited to three consecutive two-year terms)
Initial terms were staggered beginning July 2013

CONTACT: James Watson
Interim LLOP Division Manager
P. O. Box 369, Gainesville 30503
404-683-1965
james@lakelanierolympicvenue.org

Meg Nivens
GHCC - Vision 2030
P.O. Box 374, Gainesville 30503
mnivens@ghcc.com

UPDATED: 1/6/22 ag

LLOP FOUNDATION BOARD ATTENDANCE REPORT

MEETING			CITY APPOINTED BOARD MEMBERS				
	DATE	TYPE	LYNCH	DUNAGAN			
1	6/2020	R	1	1			
2	8/2020	R	1	1			
3	9/2020	R	1	0			
4	11/2020	R	1	0			
5	2/2021	R	1	0			
6	3/2021	R	1	0			
7	5/2021	R	1	0			
8	7/2021	R	1	0			
9	9/2021	R	1	0			
10	10/2021	R	1	1			
11	2/2022	R	1	0			
12	4/2022	R	1	0			
13	6/2022	R	1	1			
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
TOTAL		13	13	4			
ATTENDANCE %			100%	31%			

TYPE MEETING: R= Regular Scheduled Meeting

C= Called Meeting

ATTENDANCE: 0 = Absent

1 = Attended

NOTES: information submitted by James Watson and added to spreadsheet by Alisa Grayson.

Submitted By: James Watson
Recording Secretary

Date: 8/9/2022



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: August 11, 2022

Date Submitted: August 12, 2022

Final Approval Date: August 12, 2022

Presenter: Sam Couvillon

Item of Business: Main Street Advisory Board

- Appoint Pamela Williams-Lime, Connie Rock, Jennifer Corbin, and Edward Puckett

Meeting Date: August 16, 2022

Purpose of Request:

The purpose of this request is to address the four expired terms.

Facts & Issues / History & Background:

The Main Street Board follows the guidelines as set forth in the City Charter and Code of Ordinances as well as Business Resolution 2010-02. Members serve two-year terms.

Nominees Pamela Williams-Lime, Connie Rock, Jennifer Corbin and Edward Puckett have confirmed a willingness to serve. A verification of debt was completed with no concerns.

Department Recommendation:

To accept the nominations to appoint Pamela Williams-Lime, Connie Rock, Jennifer Corbin, and Edward Puckett to serve on the board as submitted by the Mayor during the August 11, 2022 Work Session.

Department Director:

Sam Couvillon

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. Main Street Advisory Board Members

MAIN STREET GAINESVILLE ADVISORY BOARD

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRES
Post 1	Elliott The Inked Pig	Andrew	11/5/2019	6/15/2021	6/30/2023
Post 2 Vice Chairman	Tatro, Jr. Tatro Properties, LLP Pharmacon Nuclear	Claude	6/18/2019	6/15/2021	6/30/2023
Post 3	White Resource Property Mgmt	Leslie	6/16/2020 UE	6/15/2021	6/30/2023
Post 4	Groves (Tanner) Carroll Daniel Construction	Taylor	6/16/2020		6/30/2022
Post 5 Chairman	Everett	Jason	7/16/2013	8/5/2014 7/19/2016 6/19/2018 6/16/2020	6/30/2022
Post 6	Quinn Peach State Bank	Ron	6/16/2020		6/30/2022
Post 7	Jaeger	Dale	2/1/2011 UE	7/16/2013 8/5/2014 7/19/2016 6/19/2018 6/16/2020	6/30/2022
Ex-Officio	Dunagan	Danny	1/4/2022		1/17/2023

TERM: 2 year terms

CONTACT: Nicole Ricketts, Main St Manager
Robyn Lynch, Communications and Tourism Director

NOTES: Appointments made by the Governing Body
All Directors shall assume their office/duties in July of each year (except for the initial Board).

UPDATED: Monday, July 25, 2022



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: August 11, 2022
Date Submitted: August 12, 2022
Final Approval Date: August 12, 2022
Presenter: Sam Couvillon
Item of Business: Metropolitan Planning Committee - Citizens Advisory Committee

- Reappoint Berlinda Lipscomb

Meeting Date: August 16, 2022

Purpose of Request:

The purpose of this request is to address the expired term position.

Facts & Issues / History & Background:

The MPO-CAC follows the guidelines of the City Charter and the Code of Ordinances as well as the bylaws of the committee. Members of the committee serve three-year terms.

Berlinda Lipscomb confirmed a willingness to serve another term. The verification process has been completed.

Department Recommendation:

To accept the nomination to reappoint Berlinda Lipscomb to serve on the board as submitted by the Mayor during the August 11, 2022 Work Session.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. MPO-CAC Members
2. MPO-CAC Attendance Report

**Gainesville - Hall County
Metropolitan Planning Organization
Citizen Advisory Committee
(GHMPO-CAC)**

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRES
Ward 1	Propes	Connie	7/5/2011	3/19/2013 8/18/2015 6/6/2017 6/16/2020	6/30/2023
Ward 2	Nordholz	Beverly	8/7/2018	6/16/2020	6/30/2023
Ward 3	Smith	Sammy	8/15/17 UE	6/16/2020	6/30/2023
Ward 4	Lipscomb	Berlinda	12/2/2003	4/3/2007 7/5/2011 3/19/2013 7/19/2016 6/18/2019	6/30/2022
Ward 5	Bush	William "Bill"	7/21/2020		6/30/2023

TERMS: Three year terms as of 6/6/17
Two year terms *Wards 2, 4, and 5 are 3 year terms

Part of Gainesville-Hall MPO
(GHMPO). The committee
consists of 19 appointees from
the member jurisdictions as

NOTES: follows:

- Braselton - 1
- Flowery Branch - 2
- Gainesville - 5
- Hall County - 8

CONTACT: *Primary: Joseph Boyd, Transportation Planning Director, jboyd@hallcounty.org
Sarah McQuade, Director, smcquade@hallcounty.org
Michael Haire, Transportation Planner, mhaire@hallcounty.org
Rusty Ligon, Community Development Director

UPDATED: 7/28/20 ag

From: [Joseph Boyd \(GHMPO\)](#)
To: [Alisa Grayson](#)
Subject: RE: MPO Citizens Advisory Committee Appointment
Date: Monday, May 23, 2022 9:46:24 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

CAUTION:*This email originated from outside the City of Gainesville networks. Be aware of phishing, and remember CoG DoIT will never ask for your password or other personal information in email. Do not open up attachments or click on links unless you are absolutely sure it is legit and safe..*****

Good Morning Alisa,

Sorry I am just getting back to you. Berlinda Lipscomb has been at every meeting we have had for this committee over the last two years. She is active and engaged and we hope that Gainesville considers her for another term on our Citizens Advisory Committee. My only other note would be that she is, by far, our longest serving committee member, having served since 2004 (when the MPO was created!).

Please let me know if you need anything else from us. Thanks!

Joseph Boyd, AICP

Transportation Planning Director
Gainesville-Hall Metropolitan Planning Organization
2875 Browns Bridge Road, Gainesville, GA 30504
(770) 297-5541 | www.ghmpo.org



From: Alisa Grayson <AGrayson@gainesvillega.gov>
Sent: Thursday, May 19, 2022 8:09 AM
To: Joseph Boyd (GHMPO) <jboyd@hallcounty.org>
Subject: RE: MPO Citizens Advisory Committee Appointment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Joseph,

I'm working to provide information to the Mayor to assist in his consideration when addressing the upcoming City appointed expiring term on the MPO-CAC. Part of this process includes an attendance record encompassing the past 2 years. Please provide this information along with any other information you wish to be considered as soon as practical (preferably by Wednesday, May 25). I'll be happy to assist with any questions/concerns you may have.

Thank you,

Alisa Grayson
Deputy City Clerk



+1.770.535.6865
www.gainesville.org

300 Henry Ward Way, Suite 303
Gainesville, Georgia 30501
P.O. Box 2496
Gainesville, Georgia 30503

From: Joseph Boyd (GHMPO) <jboyd@hallcounty.org>
Sent: Thursday, March 31, 2022 10:55 AM
To: Alisa Grayson <AGrayson@gainesvillega.gov>
Subject: RE: MPO Citizens Advisory Committee Appointment

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Great – thanks Alisa!

Joseph Boyd, AICP

Transportation Planning Director
Gainesville-Hall Metropolitan Planning Organization
2875 Browns Bridge Road, Gainesville, GA 30504
(770) 297-5541 | www.ghmpo.org



From: Alisa Grayson <AGrayson@gainesvillega.gov>
Sent: Wednesday, March 30, 2022 10:16 AM
To: Joseph Boyd (GHMPO) <jboyd@hallcounty.org>
Cc: Michael Haire (GHMPO) <mhaire@hallcounty.org>
Subject: RE: MPO Citizens Advisory Committee Appointment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Joseph;
Yes, the expiring term is on our schedule to be addressed in the near future prior to the 6/30/22 end term. I will be in contact with you for additional information that may be needed. In the meantime, if you have any questions/concerns, please do not hesitate to contact me.
Have a great day!

Alisa Grayson
Deputy City Clerk



+1.770.535.6865
www.gainesville.org

300 Henry Ward Way, Suite 303
Gainesville, Georgia 30501
P.O. Box 2496
Gainesville, Georgia 30503

From: Joseph Boyd (GHMPO) <jboyd@hallcounty.org>
Sent: Monday, March 28, 2022 4:00 PM
To: Alisa Grayson <AGrayson@gainesvillega.gov>
Cc: Michael Haire (GHMPO) <mhaire@hallcounty.org>
Subject: MPO Citizens Advisory Committee Appointment

CAUTION:*This email originated from outside the City of Gainesville networks. Be aware of phishing, and remember CoG DoIT will never ask for your password or other personal information in email. Do not open up attachments or click on links unless you are absolutely sure it is legit and safe..*****

Good Afternoon Alisa,

Hope you are well! Just wanted to reach out to let you know that our records are showing that Gainesville's appointment of Berlinda Lipscomb to the Gainesville-Hall MPO Citizens Advisory Committee will be expiring on June 30th of this year. Please let us know when/if the City reappoints her to another term (which would run from July 1, 2022 to June 30, 2025).

Let me know if you have any questions or need anything from MPO staff! Thanks.

Gainesville- Ward 4	Berlinda Lipscomb	3	12/2/2003	7/1/04-6/30/07 7/1/07-6/30/10 7/1/10-6/30/13 7/1/13-6/30/16 7/1/16-6/30/19 7/1/19-6/30/22	6/30/2022
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Joseph Boyd, AICP

Transportation Planning Director
Gainesville-Hall Metropolitan Planning Organization
2875 Browns Bridge Road, Gainesville, GA 30504
(770) 297-5541 | www.ghmpo.org





CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: August 11, 2022
Date Submitted: August 12, 2022
Final Approval Date: August 12, 2022
Presenter: Sam Couvillon
Item of Business: Redevelopment Authority

- Reappoint Blair Diaz, Brett Fowler and Cooper Embry

Meeting Date: August 16, 2022

Purpose of Request:

The purpose of this request is to address the expired term positions.

Facts & Issues / History & Background:

The Redevelopment Authority was created by action taken by the 1978 General Assembly of Georgia. Members serve four-year terms and must come off the Authority for at least one year after serving two full four-year terms per HB 651 effective 5/6/2019. The Authority also complies with the requirements of the City Charter and Code of Ordinances as applicable.

Nominations were submitted by the Redevelopment Authority in accordance with the legislation. The verification of outstanding debt process was completed with no concerns.

Department Recommendation:

To accept the nominations to reappoint Blair Diaz, Brett Fowler and Cooper Embry to serve on the board as submitted by the Mayor during the August 11, 2022 Work Session.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. GRA Members
2. GRA Attendance Report 2022
3. GRA Resolution Nominating Blair Diaz, Cooper Embry and Brett Fowler for Reappointment

GAINESVILLE REDEVELOPMENT AUTHORITY

POST	LAST NAME	FIRST NAME	APPOINTED	REAPPOINTED	EXPIRES
Post 1 By Council	Diaz	Blair	8/21/2018		7/31/2022
Post 2 By Council	Jacobs, III	John W. "Jay"	8/4/2015	10/15/2019	7/31/2023
Post 3 By Council	Nix Chairman	Matt	12/6/2016	7/21/2020	7/31/2024
Post 4 By Council	Fowler	Brett	8/21/2018		7/31/2022
Post 5 By Council	Everett	Jason	10/15/2019 UE	7/21/2020	7/31/2024
Post 6 By Council	White	Davis	10/15/2019		7/31/2023
Post 7 By Council	Embry	Cooper	8/21/2018		7/31/2022
Post 8 By Council	Lee	Kelly	8/21/18 UE	7/20/2021	7/31/2025
Appointed by Authority	Smith	Tyler	2/22/2018 (At GRA Mtg)	7/20/2021	7/31/2025
Ex-Officio	Thompson	Zack	1/10/2017	1/9/2018 1/8/2019 1/7/2020 1/19/2021 1/4/2022	1/17/2023

Four year terms following the initial staggered term appointments.

TERM: Must come off the Authority for at least one year after serving two full four-year terms per HB 651 effective 5/6/2019.

NOTES: House Bill 801 was passed and effective 5/11/2009 which reduced the number of board members to nine. Members must be either residents of the City of Gainesville; operate, manage or work for a business within the City of Gainesville; or own real property within the City of Gainesville. City Council appointed the initial eight members with staggered terms and those members were to appoint the ninth member for a four year term. Two nominations are to be submitted by the Authority to fill each vacancy. Appointments made by Council.

*A letter dated 3/5/13 to William Bagwell established the precedent of setting terms to expire on July 31 (7/31).

CONTACT: Joseph A. "Joey" Homans (Secretary)
Fox, Chandler, Homans, Hicks & McKinnon, LLP
P. O. Box 477
Dawsonville, GA 30534
706-265-3090

Sabrina Jackson, Paralegal

UPDATED: 2/25/22 ag

Page 1 of 1

GAINESVILLE REDEVELOPMENT AUTHORITY ATTENDANCE REPORT

MEETING												
	DATE	TYPE	Davis White	Blair Diaz	Cooper Embry	Brett Fowler	Jay Jacobs	Kelly Lee	Mitt Nix	Jason Everett	Tyler Smith	Zack Thompson
1	1/20/2021	C	1	1	1	1	1	1	1	1	1	
2	4/28/2021	C	1	1	1	1	0	0	1	0	1	
3	6/22/2021	C	1	1	1	1	0	1	1	1	1	
4	2/25/2022	C	0	1	1	1	0	1	1	1	1	1
5	7/26/2022	C	1	0	1	0	1	0	1	0	1	1
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	TOTAL	5	4	4	5	4	2	3	5	3	5	2
	ATTENDANCE %		80%	80%	100%	80%	40%	60%	100%	60%	100%	100%

TYPE MEETING: R = Regular Scheduled Meeting
ATTENDANCE: 0 = Absent

C = Called Meeting
1 = Attended

NOTES:

Submitted By: Sabrina Jackson
Recording Secretary

Date: 8/11/2022

RESOLUTION OF THE
GAINESVILLE REDEVELOPMENT AUTHORITY
REGARDING NOMINATIONS FOR MEMBERSHIP

WHEREAS, the Gainesville Redevelopment Authority (the “Authority”) has been created and is existing pursuant to an Act of the General Assembly (Ga. Laws 1978 p.4440 *et seq.*, as amended by Ga. Laws 1980 p. 2024, *et seq.*, as continued by Ga. Laws 1987 p. 3637 *et seq.* and as further amended by Ga. Laws 1999 p.4697 *et seq.* (the “Act”) and has been activated as required by the terms of the Act and is now existing and operating as a public corporation and an instrumentality of the State of Georgia and is now existing and operating as a public body corporate and politic for the purpose of redevelopment, development, and improvement of certain project areas within the City of Gainesville; and

WHEREAS, the term of Blair Diaz, who was appointed by Council on August 21, 2018, and the term will expire on July 31, 2022, with the result that Ms. Diaz is eligible for reappointment by the Council; and

WHEREAS, the term of Cooper Embry, who was appointed by Council on August 21, 2018, and the term will expire on July 31, 2022, with the result that Mr. Embry is eligible for reappointment by the Council; and

WHEREAS, the term of Brett Fowler, who was appointed by Council on August 21, 2018, and the term will expire on July 31, 2022, with the result that Mr. Fowler is eligible for reappointment by Council;

NOW, THEREFORE, BE IT RESOLVED, by the members of Gainesville Redevelopment Authority that nominations of Blair Diaz, Cooper Embry and Brett Fowler are hereby made to the City Council of the City of Gainesville to fill the Council-appointed positions.

[Signatures of the following page]

APPROVED AND ADOPTED this 26TH day of July, 2022.

GAINESVILLE REDEVELOPMENT AUTHORITY

BY: 
Matt Nix, Chairperson

Attest:


Secretary



SECRETARY'S CERTIFICATE

I, Joseph A. Homans, DO HEREBY CERTIFY that I am the Secretary of the Gainesville Redevelopment Authority (the "Authority"), and that the foregoing page constitutes a true and correct copy of a resolution adopted by a majority of the members of the Authority at a meeting which was duly called and assembled on the 26th day of July, 2022, which meeting was open to the public and at which a quorum was present and acting throughout, which resolution has not since been amended or rescinded and is in full force and effect on the date of this Certificate.

Witness my hand this 26th day of July, 2022.




Secretary, Joseph A. Homans
Gainesville Redevelopment Authority



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: July 29, 2022
Date Submitted: August 9, 2022
Final Approval Date: August 10, 2022
Presenter: Denise Jordan, City Clerk
Item of Business: July 28, 2022 Work Session
Meeting Date: August 16, 2022

Purpose of Request:

The purpose of this request is to allow the governing body to approve minutes from the referenced meeting.

Facts & Issues / History & Background:

Draft minutes were distributed to the governing body, City Manager, City Attorney and Department Directors for comments/corrections.

Department Recommendation:

Approve the minutes accepting edits as presented.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

None



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: July 29, 2022
Date Submitted: August 12, 2022
Final Approval Date: August 12, 2022
Presenter: Denise Jordan, City Clerk
Item of Business: August 2, 2022 Mayor/Council Meeting
Meeting Date: August 16, 2022

Purpose of Request:

The purpose of this request is to allow the governing body to approve minutes from the referenced meeting.

Facts & Issues / History & Background:

Draft minutes were distributed to the governing body, City Manager, City Attorney and Department Directors for comments/corrections.

Department Recommendation:

Approve the minutes accepting edits as presented,

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

None



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: August 11, 2022
Date Submitted: August 11, 2022
Final Approval Date: August 11, 2022
Presenter: Bryan Lackey, City Manager
Item of Business: BR-2022-43 Approving Projects (The Coop, a Retail Facility, and The Boathouse), Authorizing Staff and Professionals to Develop a Plan of Finance, and Authorizing Execution of Related Documents

Meeting Date: August 16, 2022

Purpose of Request:

To present the resolution for approving Approving Projects (The Coop, a Retail Facility, and The Boathouse), Authorizing Staff and Professionals to Develop a Plan of Finance, and Authorizing Execution of Related Documents.

Facts & Issues / History & Background:

The Gainesville Redevelopment Authority has been created pursuant to an Act of the General Assembly (Ga. Laws 1978 p. 4440 *et seq.*, as amended by Ga. Laws 1980 p. 2024 *et seq.*, as continued by Ga. Laws 1987 p. 3637 *et seq.* and as further amended by Ga. Laws 1999 p. 4697 and Ga. Laws 2009 p. 4105 *et seq.* (the "Act")). The Act grants the Authority the power and authority to issue its revenue bonds. Pursuant to the Act, the Authority is not permitted to engage in an undertaking that requires capital expenditures until a resolution approving such undertaking has been adopted by a majority vote of the members of the governing body of the City attending a regular or special meeting of the governing body at which a majority of the members of the governing body is present. The City hereby requests that the Authority issue its revenue bonds for the purpose of financing The Coop, a Retail Facility, and The Boathouse (said projects collectively referred to as the "Projects").

Department Recommendation:

The recommendation is to approve the Projects as required by the Act. To authorize the City's staff, its financial advisor, and its bond counsel to do all things necessary or desirable in connection with the issuance of the Bonds for the purpose of financing the Projects. To authorize the Mayor, City Manager, and City Attorney to execute all such documents.

Department Director:

Jeremy Perry

If funding is involved, are funds approved within the current budget? No

Amount Requested:

\$38 million

Sources of Funds:

Debt Service Fund, Hotel/Fund Funds

Finance Comments:

Administrative Comments:

Attachments:

1. BR-2022-43 Approving Projects (The Coop a Retail Facility and The Boathouse) Authorize Develop a Plan of Finance and Execution of Related Documents (1

RESOLUTION BR-2022-43

APPROVING PROJECTS (THE COOP, A RETAIL FACILITY, AND THE BOATHOUSE), AUTHORIZING STAFF AND PROFESSIONALS TO DEVELOP A PLAN OF FINANCE, AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS

WHEREAS, the Gainesville Redevelopment Authority (the “Authority”) has heretofore been created pursuant to an Act of the General Assembly (Ga. Laws 1978 p. 4440 *et seq.*, as amended by Ga. Laws 1980 p. 2024 *et seq.*, as continued by Ga. Laws 1987 p. 3637 *et seq.* and as further amended by Ga. Laws 1999 p. 4697 and Ga. Laws 2009 p. 4105 *et seq.* (the “Act”)) and the Authority is now existing and operating and its members have been duly appointed and entered into their duties; and

WHEREAS, the Authority was created for the general purpose of expanding for the public good and welfare the public facilities of “project areas” and to do any and all things deemed by the Authority necessary, convenient or desirable for or incident to the efficient and proper development, revitalization, modernization and operation therefor; and

WHEREAS, project areas are those urban, central city or other areas within the city limits of the City of Gainesville, Georgia (the “City”) selected by the Authority for redevelopment, development or improvement; and

WHEREAS, the Act grants the Authority the power and authority to issue its revenue bonds, in accordance with the applicable provisions of the Revenue Bond Law of the State of Georgia (O.C.G.A. Title 36, Chapter 82, Article 3, as amended) for the purpose of paying all or part of the costs incurred for any one or more projects as defined in the Act, which revenue bonds shall be validated; and

WHEREAS, pursuant to the Act, the Authority is not permitted to engage in an undertaking that requires capital expenditures until a resolution approving such undertaking has been adopted by a majority vote of the members of the governing body of the City attending a regular or special meeting of the governing body at which a majority of the members of the governing body is present; and

WHEREAS, the City hereby requests that the Authority issue its revenue bonds (the “Bonds”) for the purpose of financing a multi-field recreation facility known as “The Coop”, a retail facility, and a facility known as “The Boathouse” that will include a boathouse, a conference center and office space (said projects collectively referred to as the “Projects”), all in accordance with a plan of finance to be provided to the Authority by the City and its financial advisor (the “Plan of Finance”); and

WHEREAS, the City desires to approve the Projects as required by the Act.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body hereby approve the Projects as required by the Act.

BE IT FURTHER RESOLVED that the City’s staff, its financial advisor and its bond counsel are hereby authorized, empowered and directed to do all such acts and things as may be necessary or desirable in connection with the issuance of the Bonds for the purpose of financing the Projects, including, but not limited to the development of the Plan of Finance.

BE IT FURTHER RESOLVED that the Mayor, City Manager, and City Attorney are hereby authorized and empowered to execute all such documents (the “Documents”) as may be necessary or desirable in connection with the issuance of the Bonds.

RESOLUTION BR-2022-43

**APPROVING PROJECTS (THE COOP, A RETAIL FACILITY, AND THE BOATHOUSE),
AUTHORIZING STAFF AND PROFESSIONALS TO DEVELOP A PLAN OF FINANCE, AND
AUTHORIZING EXECUTION OF RELATED DOCUMENTS**

BE IT FURTHER RESOLVED that this resolution shall be effective immediately upon its adoption.

BE IT FURTHER RESOLVED that any and all resolutions in conflict with this resolution are hereby repealed.

Adopted this _____ day of August, 2022.

W. Samuel Couvillon, Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this Resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: August 11, 2022
Date Submitted: August 12, 2022
Final Approval Date: August 12, 2022
Presenter: Bryan Lackey, City Manager
Item of Business: BR-2022-44 Hall County Sardis Road Connector Project
Meeting Date: August 16, 2022

Purpose of Request:

The purpose of this request is to coordinate efforts with Hall County regarding the Sardis Road Connector Project.

Facts & Issues / History & Background:

The location and design of the Sardis Road Connector Project was approved by the Department of Transportation in 2020. The project consists of widening, realignment, and reconstruction of existing roadways as well as the construction of new roadways to provide a connector between State Route 53 and State Route 60. It will begin at the intersection of Sardis Road and Chestatee Road and end near the intersection of Mount Vernon Road. The proposed roadway will consist of a four-lane curb and gutter divided road with a designed speed limit of 45 mph. Sidewalks will be included. There is a desire to coordinate activities and obtain the City's approval since some parcels are within the City of Gainesville municipal limits.

Department Recommendation:

Adopt the resolution as presented.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. BR-2022-44 Hall County Sardis Road Connector Project
2. Backup Material: Hall County Sardis Road Connector Project Resolution & Easements

RESOLUTION BR-2022-44

HALL COUNTY SARDIS ROAD CONNECTOR PROJECT

WHEREAS, Article IX, Section II, Paragraph V of the Georgia Constitution of 1983 authorizes counties to exercise the right of eminent domain; and

WHEREAS, O.C.G.A. § 32-3-1 *et seq.* provides for acquisition of property for public road purposes; and

WHEREAS, on January 2, 2020, the location and design of the Sardis Road Connector Project (Federal Aid Project STP00-0003-00(626)) were approved by the Georgia Department of Transportation; and

WHEREAS, said Sardis Road Connector Project (the “Project”) is located in Land Districts 9 and 10 and G.M.D. 570 of Hall County, Georgia, with a portion located within the municipal limits of the City of Gainesville, Georgia, and consists of the widening, realignment, and reconstruction of existing roadways and the construction of new roadways to provide a connector roadway between Georgia State Route 53 to the South and Georgia State Route 60 to the North; and

WHEREAS, the Project will begin at the Sardis Road and Chestatee Road intersection and will extend northward approximately 3.55 miles to Georgia State Route 60 ending near the intersection of State Route 60 and Mount Vernon Road; and

WHEREAS, the proposed roadway will consist of a four-lane curb and gutter divided roadway, having 2 lanes in each direction that will be separated by a 20-foot wide, 6-inch-high curb and gutter median and sidewalks will be provided on both sides of the road having a design speed limit of 45 mph; and

WHEREAS, the City of Gainesville, Georgia (the “City”) is located wholly within borders of Hall County, Georgia (the “County”) and is the County seat; and

WHEREAS, the Project will serve the citizens of the County including the citizens of the City of Gainesville; and

WHEREAS, the Board of Commissioners of Hall County, Georgia (the “Board of Commissioners”), as the governing body of the County, being charged with the duty of managing the affairs of the County, including the provision of adequate public roads, has determined that in order to accomplish the Project certain parcels, portions of parcels, temporary easements, and permanent easements lying and being within the municipal limits of the City, as more particularly described on **Exhibit “A”** hereto (collectively, the “Property Interests”), must be acquired; and

WHEREAS, pursuant to resolutions adopted on July 28, 2022 (collectively, the “Condemnation Resolutions”), the Board of Commissioners authorized the acquisition by deed or condemnation of the Property Interests for public road purposes in furtherance of the Project; and

WHEREAS, because certain parcels within the Project are located partially or wholly within the geographical boundaries of the City of Gainesville, the County desires to coordinate activities with the City and obtain the City's approval of the Project for public transportation purposes serving the citizens of both the City and the County; and

WHEREAS, it is necessary that the County acquire the Property Interests in furtherance of the Project; and

RESOLUTION BR-2022-44

HALL COUNTY SARDIS ROAD CONNECTOR PROJECT

WHEREAS, it is necessary that the City acquire easements for the relocation and installation of sewer infrastructure in conjunction with the Project, including but not limited to the acquisition of easements from the County on the following two real properties owned by the County, said real properties hereinafter collectively referred to as “the Garden Boulevard tracts:” (a) Hall County Tax Parcel 10105 002007 located at 3678 Garden Boulevard; and (b) Hall County Tax Parcel 10105 002010 located at 3666 Garden Boulevard.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Gainesville, Georgia, and it is hereby resolved by authority of same, that the Project and acquisition of the Property Interests by the County, using its eminent domain power, in furtherance of the Project is hereby approved.

BE IT FURTHER RESOLVED by the authority aforesaid that the various departments of the City shall coordinate with the County as needed, including but not limited to acquisition of easements from the County needed on the Garden Boulevard Tracts, to ensure that no utilities or services provided by the City to its citizens are disrupted as a result of the Project.

BE IT FURTHER RESOLVED by the authority aforesaid that the County shall maintain the Project, and the City shall have no maintenance obligation with respect to the Project.

BE IT FURTHER RESOLVED by the authority aforesaid that the City shall make claim for condemnation proceeds in any condemnation action where the Property Interests to be taken is subject to taxes or utility fees which remain unpaid and indebted to the City.

Adopted this _____ day of _____, 2022.

W. Samuel Couvillon, Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

RESOLUTION BR-2022-44**HALL COUNTY SARDIS ROAD CONNECTOR PROJECT****EXHIBIT "A"**
PROPERTY INTERESTS

<u>Project Parcel Number</u>	<u>Tax Parcel Number</u>	<u>Property Owner</u>	<u>Address</u>	<u>Interest Acquired</u>
72	10097 000118	BOWEN AND BOWEN HOMEBUILDERS, LLC	3893 NW Ledan Road, Gainesville, GA 30506	(i) A right of way, (ii) a permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, and (iii) a temporary easement for the purpose of constructing a driveway
73	10097 000119	BOWEN AND BOWEN HOMEBUILDERS, LLC	3879 NW Ledan Road, Gainesville, GA 30506	(i) a right of way, (ii) a permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, and (iii) a temporary easement for the purpose of constructing a driveway
74	10097 000120	BOWEN AND BOWEN HOMEBUILDERS, LLC	3869 NW Ledan Road, Gainesville, GA 30506	(i) a right of way, (ii) a permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, and (iii) a temporary easement for the purpose of constructing a driveway
75	10097 000121	BOWEN AND BOWEN HOMEBUILDERS, LLC	3857 NW Ledan Road, Gainesville, GA 30506	(i) A right of way in fee simple and (ii) a permanent easement for the purpose of constructing and maintaining slopes and relocating utilities
89	10097 000205	BOWEN AND BOWEN HOMEBUILDERS, LLC	3803 NW Windsor Trail, Gainesville, GA 30506	(i) A right of way in fee simple and (ii) a permanent easement for the purpose of constructing and maintaining slopes and relocating utilities

RESOLUTION BR-2022-44**HALL COUNTY SARDIS ROAD CONNECTOR PROJECT**

<u>Project Parcel Number</u>	<u>Tax Parcel Number</u>	<u>Property Owner</u>	<u>Address</u>	<u>Interest Acquired</u>
90	10097 000002	WINDSOR FOREST HOMEOWNERS ASSOCIATION, INC.	3845 NW Ledan Road, Gainesville, GA 30506	(i) A right of way in fee simple, (ii) a permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, and (iii) a temporary easement for the purpose of constructing a driveway
91	10097 000206	BOWEN AND BOWEN HOMEBUILDERS, LLC	3805 NW Ledan Road, Gainesville, GA 30506	(i) A right of way in fee simple, (ii) a permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, and (iii) a temporary easement for the purpose of constructing a driveway
92	10097 000207	BOWEN AND BOWEN HOMEBUILDERS, LLC	3791 NW Ledan Road, Gainesville, GA 30506	(i) A right of way in fee simple, (ii) a permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, and (iii) a temporary easement for the purpose of constructing a driveway

RESOLUTION

A RESOLUTION TO AUTHORIZE AND APPROVE THE CONVEYANCE OF CERTAIN PERMANENT SEWER EASEMENTS TO THE CITY OF GAINESVILLE, GEORGIA; AND FOR SUCH OTHER PURPOSES.

WHEREAS, said Sardis Road Connector Project (the "Project") is located in Land Districts 9 and 10 and G.M.D. 570 of Hall County, Georgia, and consists of the widening, realignment, and reconstruction of existing roadways and the construction of new roadways to provide a connector roadway between Georgia State Route 53 to the South and Georgia State Route 60 to the North; and

WHEREAS, the Project will begin at the Sardis Road and Chestatee Road intersection and will extend northward approximately 3.55 miles to Georgia State Route 60 ending near the intersection of State Route 60 and Mount Vernon Road; and

WHEREAS, the proposed roadway will consist of a four-lane curb and gutter divided roadway, having 2 lanes in each direction that will be separated by a 20-foot wide, 6 inch high curb and gutter median and sidewalks will be provided on both sides of the road having a design speed limit of 45 mph; and

WHEREAS, the Project will widen Sardis Road from 2 lanes to 4 lanes, necessitating that utility lines be relocated so that such utility lines will not be located under the roadway once the Project is complete; and

WHEREAS, in furtherance of the Project; Hall County acquired in fee simple the property known as Tax parcel #10105 002007, which property is located at 3678 Garden Boulevard Gainesville, Georgia 30506 ("Parcel 132"), and the property known as Tax parcel #10105 002010, which property is located at 3666 Garden Boulevard Gainesville, Georgia 30506 ("Parcel 135"); and

WHEREAS, the City of Gainesville, Georgia (the "City") operates and maintains sewer lines that will be impacted by the Project and must be relocated; and

WHEREAS, the City has prepared a plan to relocate certain utilities, including but not limited to sewer lines, in response to the Project; and

WHEREAS, the City has requested that Hall County convey to the City permanent utility easements over, under, and through portions of Parcel 132 and Parcel 135; and

WHEREAS, the Board now desires to authorize the conveyance of the requested easements.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Hall County (the "Board"), in regular session, as the managing and controlling body of the County, and it is hereby resolved by authority of the same as follows:

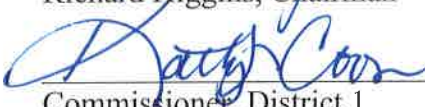
Section 1. The conveyance of a permanent sanitary sewer easement over, under, and through Parcel 132 is hereby authorized and approved. The Chairman and Clerk of the Board are hereby authorized to execute and deliver said permanent sanitary sewer easement, the form of which is attached as **Appendix A** hereto and incorporated herein by reference.

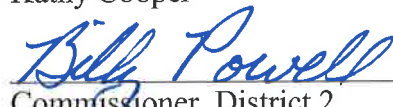
Section 2. The conveyance of a permanent sanitary sewer easement over, under, and through Parcel 135 is hereby authorized and approved. The Chairman and Clerk of the Board are hereby authorized to execute and deliver said permanent sanitary sewer easement, the form of which is attached as **Appendix B** hereto and incorporated herein by reference.

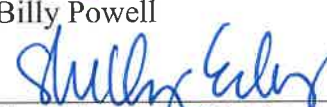
This Resolution is adopted in regular session of the Board, this 28th day of July, 2022, to become effective immediately upon its execution, the public health, safety, and general welfare demanding it.

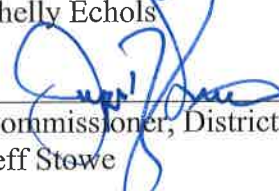
**HALL COUNTY BOARD OF
COMMISSIONERS**


Richard Higgins, Chairman


Commissioner, District 1
Kathy Cooper


Commissioner, District 2
Billy Powell


Commissioner, District 3
Shelly Echols

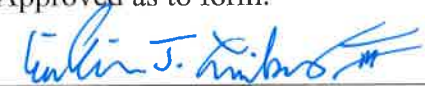

Commissioner, District 4
Jeff Stowe


ATTEST
Jennifer Rivera, Clerk



Approved as to form:

Dep.


County Attorney

M. Van Stephens, II



Appendix A to Resolution
(Permanent Sanitary Sewer Easement, Parcel 132)



CITY OF GAINESVILLE

•
**DEPARTMENT OF
WATER RESOURCES**
•

757 Queen City Parkway, SW
Gainesville, Georgia 30501-4358
Telephone: 770.535.6892
Fax: 770.538.2411
Web Site: www.gainesville.org

Mail original to: City of Gainesville DWR Sardis Road Connector Utility Relocation Project
Attn: Fay Howard (Parcel #: 10105 002007)
757 Queen City Pkwy.
Gainesville, GA 30501

PERPETUAL EASEMENT -- SANITARY SEWER MAIN

GEORGIA, HALL COUNTY

This conveyance executed this 1st day of August, 2022 that for and in consideration of the benefits to the undersigned of public sewer service and Ten Dollars & No/100 (\$10.00) in hand paid, receipt of which is acknowledged, the undersigned (hereinafter "Grantor") does hereby grant, sell and convey unto The City of Gainesville, Georgia, its successors and assigns (hereinafter "Grantee"), a perpetual easement for right-of-way for the purpose of laying, constructing and maintaining a sanitary sewer main, across, through and adjacent to the undersigned's real property located in Hall County, Georgia, said easements being described on the plans attached hereto as Exhibit "A", and legal description attached hereto as Exhibit "B" and by reference made a part hereof. Said land is indicated on Tax Map Parcel No. 10105 002007, said tax map located in the Hall County Tax Assessor's Office in Gainesville, Georgia.

The Grantee shall have the right of ingress and egress on the tract of land shown on Exhibit "A" as Proposed Permanent Sanitary Sewer Easement, being 0.023 acres of land in size, for the purpose of constructing, laying, operating, maintaining, improving, renewing and overlaying continuously said City of Gainesville sanitary sewer main upon and under said property; together with the right at all times to enter upon said lands for the purpose of inspecting said sanitary sewer main and making repairs, alterations and extensions thereon, there under, thereto and there from; together with the right to cut away and keep clear of said sanitary sewer mains all trees and other obstructions that may now or hereafter in any way interfere or be likely to interfere with the proper operation of said sanitary sewer mains; also the right of ingress and egress over lands of the Grantor to and from said lines; and shall exercise reasonable diligence in doing necessary work in connection therewith so as to avoid damaging Grantor's property.

In the event Grantee causes any damage to Grantor's property in the exercise of Grantee's rights hereunder, Grantee shall restore Grantor's property to as close to the pre-damage state as possible.

The undersigned does not convey any property, but merely grants the rights, privileges and easements herein before set out, however, undersigned warrants that he or she has title to said lands and is authorized to convey the within easement.



CITY OF GAINESVILLE
•
DEPARTMENT OF
WATER RESOURCES
•

757 Queen City Parkway, SW
Gainesville, Georgia 30501-4358
Telephone: 770.535.6892
Fax: 770.538.2411
Web Site: www.gainesville.org

Mail original to: City of Gainesville DWR Sardis Road Connector Utility Relocation Project
Attn: Fay Howard (Parcel #: 10105 002007)
757 Queen City Pkwy.
Gainesville, GA 30501

The easement granted shall inure to the benefit of and be binding on the Grantee and Grantor and their respective heirs, legal representatives, successors and assigns.

Grantor has the right to use said lands for purposes not inconsistent with the rights hereby granted, provided such use shall not injure or interfere with the proper operation, maintenance, repair, or extensions or additions to the sanitary sewer mains and water mains, and provided further that no buildings or structures shall be erected on said easements and the Grantor shall not obstruct or otherwise interfere with any of the rights granted to the Grantees herein.

The Grantee shall not be liable for, or bound by any statement, agreement or understanding not herein expressed.

IN WITNESS WHEREOF, the undersigned hereto set his/her hand and seal the day and year above written.

Signed, Sealed and Delivered this 1st day of August, 2022 in the Presence of:

Jennifer Rivera
Notary Public

Richard Higgins
Name: Richard Higgins
Click or tap here to enter text.



Commission Expires: May 10, 2025

(NOTARY SEAL)

[Signature]
Witness

Jennifer Rivera
Name

Abril Olivas
Name

SARDIS RD CONNECTOR

HALL COUNTY GEORGIA
3678 GARDEN BOULEVARD
PARCEL#: 10105 002007

ABANDON
EXISTING 12"
SANITARY SEWER

30' EXISTING
SANITARY SEWER
EASEMENT

PROPOSED SSMH

PROPOSED 12" PVC
SANITARY SEWER

EASEMENT FOR
CONSTRUCTION &
MAINTENANCE OF
SLOPES & UTILITY
RELOCATION

PROPOSED PERMANENT
SANITARY SEWER
EASEMENT (0.023 AC)



Date:
07-06-22

N.T.S

HALL COUNTY
EXHIBIT "A"

PERMANENT EASEMENT

SARDIS RD. CONNECTOR

EXHIBIT "B"

LEGAL DESCRIPTION PERMANENT EASEMENT FOR SANITARY SEWER

Grantor: Hall County, Georgia
Tax Map Parcel No. 10105 002007

Said permanent sewer easement being 0.023 acres of land shown on Exhibit "A", dated July 6, 2022 over and across that tract or tracts of land lying and being in Hall County, Georgia, said tract or tracts of land being more particularly described in a Warranty Deed from Jarrod R. Knabel to Hall County Georgia, dated September 2, 2021, and recorded in Deed Book 8923, Page 31-32, Hall County, Georgia Deed Records, the legal description in said deed being incorporated herein and made a part hereof by reference.

The purpose of this permanent sewer easement from Hall County is to allow the relocation of sewer lines made necessary by the Right of Way of Proposed Sardis Road Connector from East of Chestatee Road to West of SR 60 along SR 283 in Hall County, Georgia, being Project No. STP00-0003-00 (626) Hall, P.I. No. 0003626, the sewer easement herein conveyed being supplemental to the Permanent Easement for Construction and Maintenance of Slopes and Utility Relocation on Parcel 132 on said Project, as shown on Sheet 60-0013 and Sheet 60-0053, dated 10/18/19, Sheet 60-0013 last revised 06/07/2021.

Appendix B to Resolution
(Permanent Sanitary Sewer Easement, Parcel 135)



CITY OF GAINESVILLE

•
DEPARTMENT OF
WATER RESOURCES

•
757 Queen City Parkway, SW
Gainesville, Georgia 30501-4358
Telephone: 770.535.6892
Fax: 770.538.2411
Web Site: www.gainesville.org

Mail original to: City of Gainesville DWR Sardis Road Connector Utility Relocation Project
Attn: Fay Howard (Parcel #: 10105 002010)
757 Queen City Pkwy.
Gainesville, GA 30501

PERPETUAL EASEMENT – SANITARY SEWER MAIN

GEORGIA, HALL COUNTY

This conveyance executed this 1st day of August, 2022 that for and in consideration of the benefits to the undersigned of public sewer service and Ten Dollars & No/100 (\$10.00) in hand paid, receipt of which is acknowledged, the undersigned (hereinafter "Grantor") does hereby grant, sell and convey unto The City of Gainesville, Georgia, its successors and assigns (hereinafter "Grantee"), a perpetual easement for right-of-way for the purpose of laying, constructing and maintaining a sanitary sewer main, across, through and adjacent to the undersigned's real property located in Hall County, Georgia, said easements being described on the plans attached hereto as Exhibit "A", and legal description attached hereto as Exhibit "B" and by reference made a part hereof. Said land is indicated on Tax Map Parcel No. 10105 002010, said tax map located in the Hall County Tax Assessor's Office in Gainesville, Georgia.

The Grantee shall have the right of ingress and egress on the tract of land shown on Exhibit "A" as Proposed Permanent Sanitary Sewer Easement, being 0.009 acres of land in size, for the purpose of constructing, laying, operating, maintaining, improving, renewing and overlaying continuously said City of Gainesville sanitary sewer main upon and under said property; together with the right at all times to enter upon said lands for the purpose of inspecting said sanitary sewer main and making repairs, alterations and extensions thereon, there under, thereto and there from; together with the right to cut away and keep clear of said sanitary sewer mains all trees and other obstructions that may now or hereafter in any way interfere or be likely to interfere with the proper operation of said sanitary sewer mains; also the right of ingress and egress over lands of the Grantor to and from said lines; and shall exercise reasonable diligence in doing necessary work in connection therewith so as to avoid damaging Grantor's property.

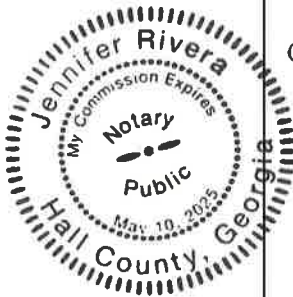
In the event Grantee causes any damage to Grantor's property in the exercise of Grantee's rights hereunder, Grantee shall restore Grantor's property to as close to the pre-damage state as possible.

The undersigned does not convey any property, but merely grants the rights, privileges and easements herein before set out, however, undersigned warrants that he or she has title to said lands and is authorized to convey the within easement.



CITY OF GAINESVILLE
•
**DEPARTMENT OF
WATER RESOURCES**
•

757 Queen City Parkway, SW
Gainesville, Georgia 30501-4358
Telephone: 770.535.6892
Fax: 770.538.2411
Web Site: www.gainesville.org



Mail original to: City of Gainesville DWR Sardis Road Connector Utility Relocation Project
Attn: Fay Howard (Parcel #: 10105 002010)
757 Queen City Pkwy.
Gainesville, GA 30501

The easement granted shall inure to the benefit of and be binding on the Grantee and Grantor and their respective heirs, legal representatives, successors and assigns.

Grantor has the right to use said lands for purposes not inconsistent with the rights hereby granted, provided such use shall not injure or interfere with the proper operation, maintenance, repair, or extensions or additions to the sanitary sewer mains and water mains, and provided further that no buildings or structures shall be erected on said easements and the Grantor shall not obstruct or otherwise interfere with any of the rights granted to the Grantees herein.

The Grantee shall not be liable for, or bound by any statement, agreement or understanding not herein expressed.

IN WITNESS WHEREOF, the undersigned hereto set his/her hand and seal the day and year above written.

Signed, Sealed and Delivered this 1st day of August, 2022 in the Presence of:

Jennifer Rivera
Notary Public

Richard Higgins
Name: Richard Higgins
Click or tap here to enter text.

Commission Expires: May 10, 2025

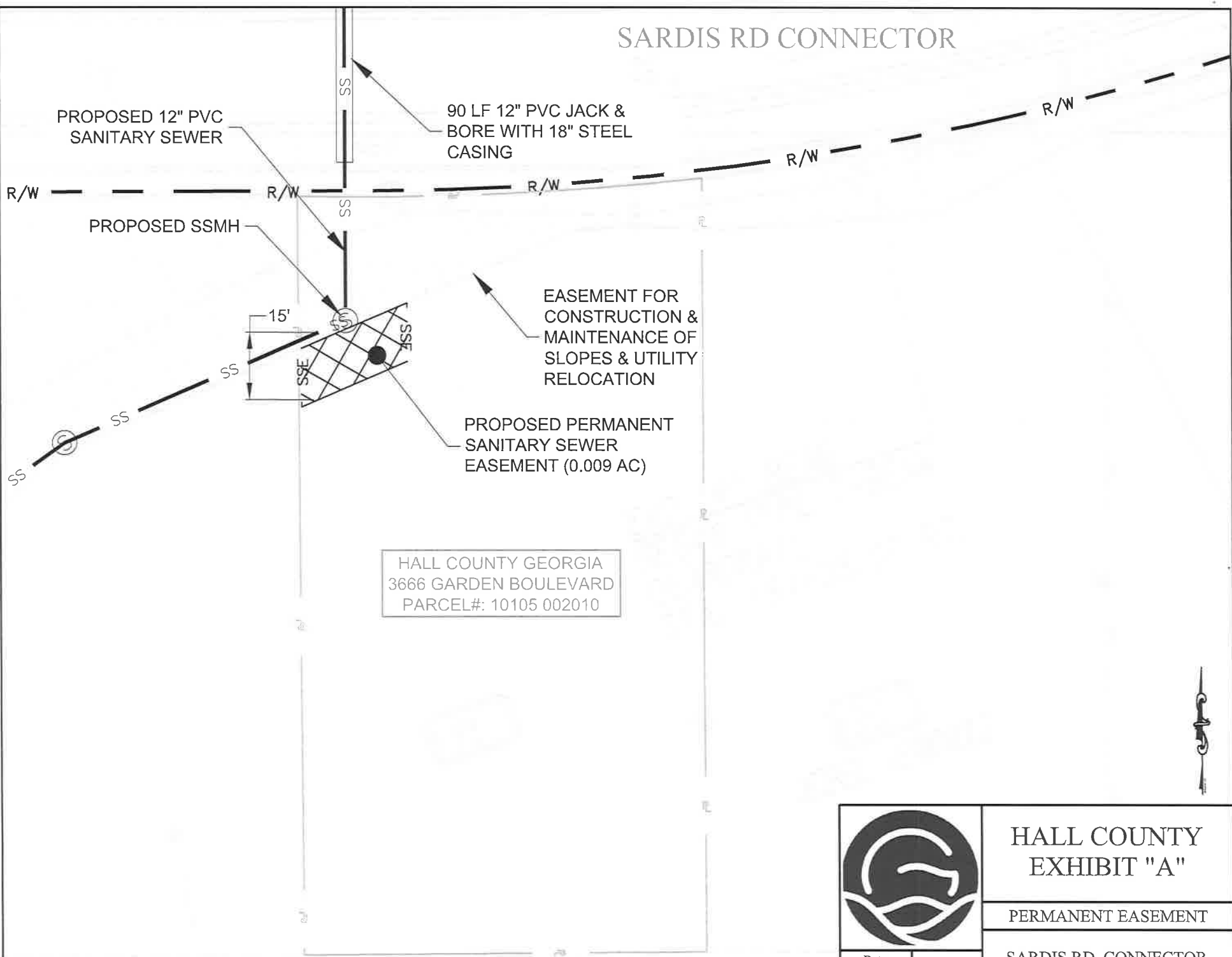
Jennifer Rivera
Name

(NOTARY SEAL)

[Signature]
Witness

Abril Olivas
Name

SARDIS RD CONNECTOR



HALL COUNTY
EXHIBIT "A"

PERMANENT EASEMENT

SARDIS RD. CONNECTOR

Date:
07-06-22

N.T.S

EXHIBIT "B"

LEGAL DESCRIPTION PERMANENT EASEMENT FOR SANITARY SEWER

Grantor: Hall County, Georgia
Tax Map Parcel No. 10105 002010

Said permanent sewer easement being 0.009 acres of land shown on Exhibit "A", dated July 6, 2022 over and across that tract or tracts of land lying and being in Hall County, Georgia, said tract or tracts of land being more particularly described in a Warranty Deed from BGD Ventures, LLC to Hall County Georgia, dated July 30, 2021, and recorded in Deed Book 8894, Page 705, Hall County, Georgia Deed Records, the legal description in said deed being incorporated herein and made a part hereof by reference.

The purpose of this permanent sewer easement from Hall County is to allow the relocation of sewer lines made necessary by the Right of Way of Proposed Sardis Road Connector from East of Chestatee Road to West of SR 60 along SR 283 in Hall County, Georgia, being Project No. STP00-0003-00 (626) Hall, P.I. No. 0003626, the sewer easement herein conveyed being supplemental to the Permanent Easement for Construction and Maintenance of Slopes and Utility Relocation on Parcel 135 on said Project, as shown on Sheet 60-0013 and Sheet 60-0053, dated 10/18/19, Sheet 60-0013 last revised 06/07/2021.

GEORGIA, HALL COUNTY.

I, JENNIFER RIVERA, do hereby certify that I am the Clerk of the Board of Hall County, Georgia.

I further certify that the foregoing pages constitute a true, correct, and exact copy of a Resolution passed by the Board on July 28, 2022, and that the original of said Resolution is on file in the Hall County Commission Office, Hall County Government Center, 2875 Browns Bridge Road, Gainesville, Georgia 30504.

Given under my hand and seal of Hall County, Georgia this 28th day of July, 2022.


JENNIFER RIVERA
Clerk of the Board of Commissioners of
Hall County, Georgia.

(SEAL OF HALL COUNTY)



1153461-1



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: August 11, 2022
Date Submitted: August 12, 2022
Final Approval Date: August 12, 2022
Presenter: Bryan Lackey, City Manager
Item of Business: BR-2022-45 Williams Brothers Development (Ramsey Circle Tract) Annexation Waiver
Meeting Date: August 16, 2022

Purpose of Request:

Williams Brothers Development, LLC, has formally requested the annexation requirement for sanitary sewer service be waived for a proposed residential development located at 2581 Ramsey Circle, which is currently contiguous with the existing City limits.

Facts & Issues / History & Background:

Per resolution BR-2018-44, the governing body of the City may waive the annexation requirement for sanitary sewer service if the proposed use of the property is non-conforming to the City's Unified Land Development Code (ULDC) or if the use is inconsistent with the City's Comprehensive Future Land use Plan. Community and Economic Development Department staff have identified the proposed use as non-conforming and, as such, supports the developer's desire to remain in unincorporated Hall County while still allowing the development to connect to the City's sanitary sewer system.

Department Recommendation:

Approve the proposed resolution for a request by the developer to remain in unincorporated Hall County and connect to the City's public sanitary sewer system, while waiving the requirement to annex the property into the City limits of Gainesville.

Department Director:

Linda MacGregor

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. BR-2022-45 William_Brothers_Dev_Ramsey_Circle_Tract_
2. Backup Material: Location Map
3. Backup Material: Sewer Letter_Ramsey

RESOLUTION BR-2022-45

**WILLIAMS BROTHERS DEVELOPMENT (RAMSEY CIRCLE TRACT) ANNEXATION
WAIVER**

WHEREAS, the City of Gainesville owns and operates a sanitary sewer collection system serving the City of Gainesville and surrounding areas; and

WHEREAS, the City of Gainesville requires property owners who desire to connect to the sanitary sewer collection system to annex into the corporate limits of the City of Gainesville prior to connection when contiguous to the City Limits; and

WHEREAS, in some instances, the City may desire to provide sanitary sewer service to property which is contiguous to the municipal boundaries of the City for protection of the public health and welfare of the community, despite the proposed use of said property not conforming to the City Unified Land Development Code and/or despite the proposed use of said property being inconsistent with the City Comprehensive Future Land Use Plan; and

WHEREAS, in these instances, the City of Gainesville will allow connection to the City's sanitary sewer collection system without requiring annexation into the City Limits but will require execution of a sanitary sewer service agreement and power of attorney for future annexation of said property; and

WHEREAS, the developer, Williams Brothers Development, LLC, proposes a residential development encompassing the property located at 2581 Ramsey Circle and has formally requested, in writing, the annexation requirement for connection to the City's sanitary sewer system be waived; and

WHEREAS, Community and Economic Development Department staff have identified the nature of the residential development to be non-conforming with the City's Comprehensive Future Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves this request to allow connection of the proposed development to the City's sanitary sewer system without annexing.

BE IT FURTHER RESOLVED THAT the Mayor, City Manager and/or City Attorney are authorized to sign any and all documents that may be necessary to effectuate the connection of the Property to the City's sanitary sewer system.

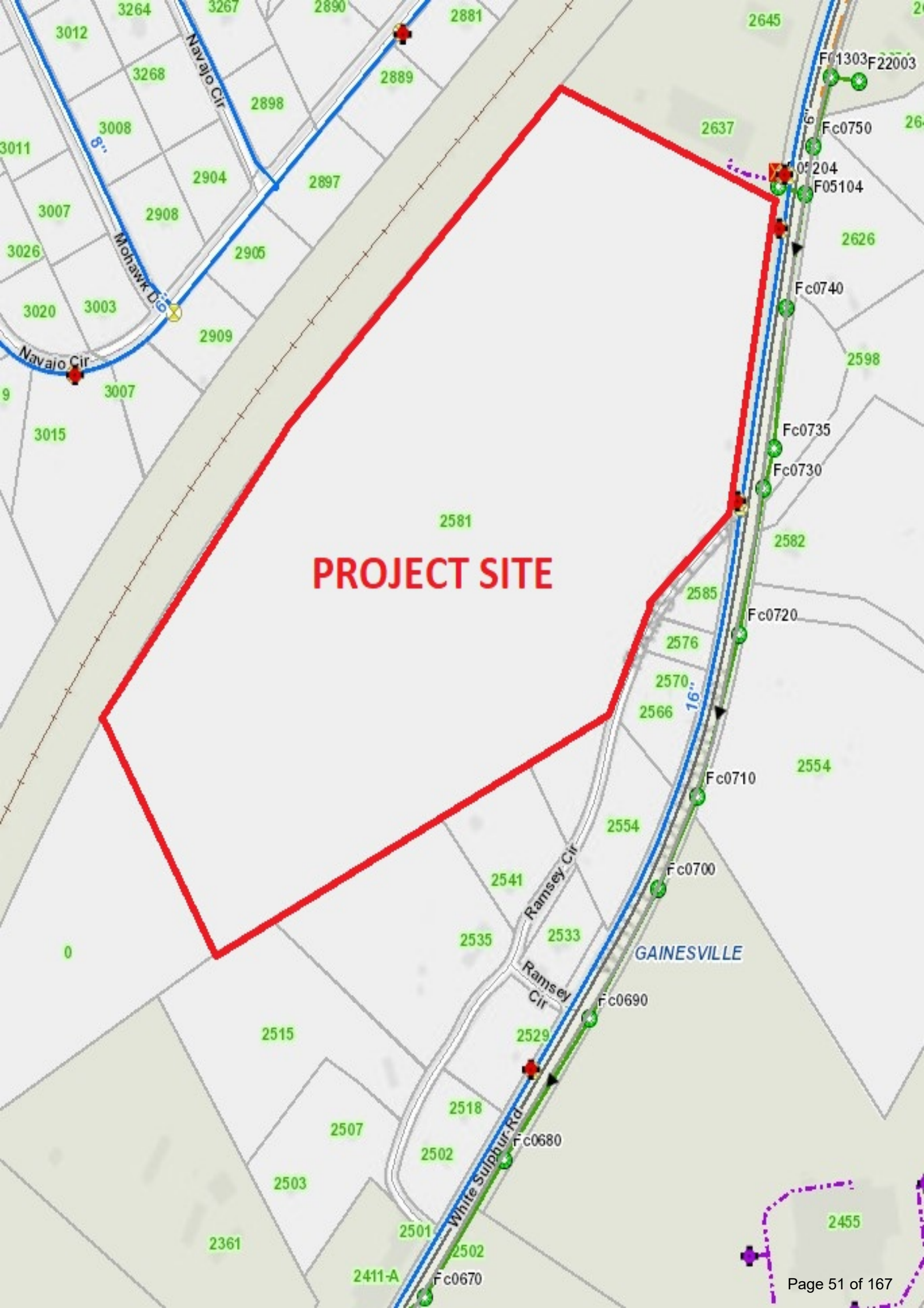
Adopted this _____ **day of** _____, **2022.**

W. Samuel Couvillon, Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



To Whom it May Concern,

This letter is to request access to the City of Gainesville Water and Sewer for a proposed development along White Sulphur Road in Hall County. The property will be a consolidation of 2 lots, addresses are 2581 Ramsey Circle, Parcel ID 09113000001 and the other address is not listed, Parcel ID 09120000004.

The applicant has spoken to Nick Swafford at City of Gainesville for consideration to access water and sewer while foregoing annexation into the Gainesville city limits.

Sewer access is currently at the property, along White Sulphur Road.

Thank you,

Cameron Grogan
Williams Brothers Development, LLC
cgrogan@williamsbrothersdev.com
404-548-7128



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: August 11, 2022
Date Submitted: August 12, 2022
Final Approval Date: August 12, 2022
Presenter: Bryan Lackey, City Manager
Item of Business: GR-2022-09 Authorization to Partner, Submit and Accept Grant Funding for the Safe Streets and Roads for All Program
Meeting Date: August 16, 2022

Purpose of Request:

In cooperation with Hall County and other municipalities, submit a joint funding application for the Safe Streets and Roads for All Grant Opportunity.

Facts & Issues / History & Background:

This funding is made available through the USDOT as part of the Bipartisan Infrastructure Law. Hall County would be the primary grant applicant and Gainesville would be a co-applicant.

Department Recommendation:

Approve the resolution.

Department Director:

Chris Rotalsky

If funding is involved, are funds approved within the current budget? Yes

Amount Requested:

Sources of Funds: CIP Funds

Up to \$40,000

Finance Comments:

Administrative Comments:

Attachments:

1. GR-2022-09 Authorization to Partner, Submit and Accept Grant Funding for the Sale of Streets and Roads for All Programs

RESOLUTION GR-2022-09

**Authorization to Partner, Submit and Accept Grant Funding for the
Safe Streets and Roads for All Program**

WHEREAS, the Bipartisan Infrastructure Law (BIL) passed by the United States Government established the new Safe Streets and Roads for All (SS4A) program; and

WHEREAS, the SS4A program funds regional and local initiatives to prevent roadway deaths and serious injuries through the development of a Comprehensive Safety Action Plan; and

WHEREAS, a Comprehensive Safety Action Plan will analyze roadway safety problems through an assessment of current conditions, engagement and collaboration with citizens, and project development; and

WHEREAS, the City of Gainesville desires to partner with Hall County to develop a Comprehensive Safety Action Plan to improve vehicular and pedestrian safety throughout the City of Gainesville and Hall County; and

WHEREAS, the SS4A grant program requires twenty percent matching funds from local jurisdictions that apply for and are awarded the grant; and

WHEREAS, the City of Gainesville will apply with Hall County and provide matching funds required for the SS4A grant application based on population within each participating jurisdiction.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorizes the Mayor, City Manager, and City Attorney to apply for, provide matching funds and accept grant funds for the Safe Streets and Roads for All (SS4A) program and to execute such documents that may be necessary to effectuate the approvals set forth in this Resolution.

Adopted this _____ day of _____, 2022.

W. Samuel Couvillon, Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this Resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: August 11, 2022

Date Submitted: August 12, 2022

Final Approval Date: August 12, 2022

Presenter: Abb Hayes, City Attorney

Item of Business: Request to consider a resolution regarding a Project Description Supplement (the "Project Supplement") to the Midtown Gainesville Redevelopment Plan originally adopted on April 20, 2010 (the "Plan"). The Plan set forth the urban redevelopment area (the "Midtown Redevelopment Area") and some urban redevelopment projects.

- Business Resolution 2022-46

Meeting Date: August 16, 2022

Purpose of Request:

To adopt and approve the Project Description Supplement to the Urban Redevelopment Plan.

Facts & Issues / History & Background:

The City of Gainesville previously approved an urban redevelopment plan entitled "Midtown Gainesville Redevelopment Plan" for an urban redevelopment area known as the "Midtown Gainesville Redevelopment Area" (Resolution BR-2010-09). The Plan set forth the urban redevelopment area (the "Midtown Redevelopment Area") and some urban redevelopment projects. The Midtown Redevelopment Area generally includes approximately 270+ acres and is bounded by Academy Street to the North, Queen City Pkwy to the West, Norfolk Railway to the South, and EE Butler Pkwy to the East. A map of the Midtown Redevelopment Area is on file at the City Manager's Office (the "Map"). The Project Supplement adds the Retail Project to the Plan. The Retail Project consists of retail space that will be attached to the parking deck located at 215 NW Bradford Street.

Department Recommendation:

To conduct a public hearing for its consideration and approve the resolution as presented upon its conclusion.

Department Director:

Jeremy Perry

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. Legal Ad: Public Hearing Notice
2. Notice of Public Hearing Plan Supplement (Midweek Edition August 3-4, 2022)
3. BR-2022-46 Project Description Supplement to the Midtown Gainesville Redevelopment Plan
4. Exhibit A: Urban Redevelopment Plan Supplement

7C

NOTICE OF PUBLIC HEARING ON
PROJECT DESCRIPTION SUPPLEMENT TO THE MIDTOWN GAINESVILLE
REDEVELOPMENT PLAN ORIGINALLY ADOPTED ON APRIL 20, 2010
(RETAIL PROJECT)

TO WHOM IT MAY CONCERN

YOU ARE HEREBY NOTIFIED that on the 16th day of August, 2022, at 5:30 p.m., in the Gainesville Justice Center, 701 Queen City Parkway, Gainesville, Georgia 30501, the Mayor and City Council of the City of Gainesville (the “City”) will hold a public hearing on a Project Description Supplement (the “Project Supplement”) to the Midtown Gainesville Redevelopment Plan originally adopted on April 20, 2010 (the “Plan”). The Plan set forth the urban redevelopment area (the “Midtown Redevelopment Area”) and some urban redevelopment projects. The Midtown Redevelopment Area generally includes approximately 270+ acres and is bounded by Academy Street to the North, Queen City Pkwy to the West, Norfolk Railway to the South, and EE Butler Pkwy to the East. A map of the Midtown Redevelopment Area is on file at the City Manager’s Office (the “Map”).

The Project Supplement adds the Retail Project to the Plan. The Retail Project consists of retail space that will be attached to the parking deck located at 215 NW Bradford Street. The Project Supplement is on file at the City Manager’s Office.

Any interested person may submit oral or written comments on the Project Supplement at the hearing. Copies of the Plan, the Map and the Project Supplement may be obtained from the City Manager’s Office, 300 Henry Ward Way, Gainesville, Georgia 30501.

RESOLUTION BR-2022-46

PROJECT DESCRIPTION SUPPLEMENT TO THE MIDTOWN GAINESVILLE REDEVELOPMENT PLAN ORIGINALLY ADOPTED ON APRIL 20, 2010 (RETAIL PROJECT)

WHEREAS, the City of Gainesville, Georgia (the “City”) previously approved an urban redevelopment plan entitled “Midtown Gainesville Redevelopment Plan” (the “Plan”) for an urban redevelopment area known as the “Midtown Gainesville Redevelopment Area” after the Mayor and City Council (a) determined that the Midtown Gainesville Redevelopment Area was a “slum area” and designated the Midtown Gainesville Redevelopment Area as appropriate for an urban redevelopment project, (b) held a public hearing on the Plan after publishing a public notice thereof in a newspaper of general circulation and (c) made certain additional findings, all in accordance with Chapter 61 of Title 36 of the Official Code of Georgia Annotated (as amended, the “Urban Redevelopment Law”); and

WHEREAS, the governing body of the City has determined that it is in the best interest of the citizens of the City and in accordance with the Plan to supplement such Plan by adding an additional redevelopment project; and

WHEREAS, the Urban Redevelopment Law provides that the City may approve a substantial modification of an approved urban redevelopment plan if it (a) holds a public hearing on the substantial modification (the “Public Hearing”) after a public notice (the “Notice”) thereof is published in a newspaper having a general circulation in the area of operation of the City and (b) makes certain additional findings; and

WHEREAS, after careful study and investigation, the City desires to adopt and approve the Project Description Supplement to the Urban Redevelopment Plan attached hereto as Exhibit A (the “Project Supplement”); and

WHEREAS, the City published the Notice and held the Public Hearing as required by the Urban Redevelopment Law.

NOW, THEREFORE, BE IT RESOLVED THAT by the governing body, that it is hereby found, determined, and declared that the Midtown Gainesville Redevelopment Area previously identified in the Plan continues to be and is hereby determined to be a “pocket of blight” by reason of (a) the presence of a substantial number of deteriorated or deteriorating structures; (b) unsafe conditions; (c) the deterioration of site or other improvements; and (d) the existence of conditions which endanger life or property by fire and other causes, all of which substantially impair or arrest the sound growth of the City, retard the provisions of housing accommodations, or constitute an economic or social liability and are a menace to the public health, safety, morals, or welfare in its present condition and use.

BE IT FURTHER RESOLVED that because the Midtown Gainesville Redevelopment Area is a pocket of blight, it continues to be and it is hereby designated as appropriate for urban redevelopment projects.

BE IT FURTHER RESOLVED that it is hereby found, determined, and declared that (a) no families will be displaced from the Midtown Gainesville Redevelopment Area, and therefore no method for relocation of such families need be provided, (b) the Project Supplement conforms to the general plan of the City as a whole, (c) the Project Supplement will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the Midtown Gainesville Redevelopment Area by private development and (d) the Project Supplement constitutes an appropriate part of the City’s workable program for utilizing appropriate private and public resources to eliminate and prevent the impairment of the

RESOLUTION BR-2022-46

**PROJECT DESCRIPTION SUPPLEMENT TO THE MIDTOWN GAINESVILLE
REDEVELOPMENT PLAN ORIGINALLY ADOPTED ON APRIL 20, 2010
(RETAIL PROJECT)**

sound growth of the City and to encourage needed urban rehabilitation all as set forth in the Urban Redevelopment Law.

BE IT FURTHER RESOLVED that the Project Supplement and the Retail Project set forth in the Project Supplement are hereby approved.

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon its adoption.

BE IT FURTHER RESOLVED that any and all resolutions in conflict with this Resolution are hereby repealed.

BE IT FURTHER RESOLVED that the governing body of the City hereby authorizes the Mayor, City Manager, and City Attorney to sign such documents as necessary to effectuate the approvals set forth in this Resolution.

Adopted this ____ day of August, 2022.

W. Samuel Couvillon, Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this Resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

EXHIBIT A

PROJECT DESCRIPTION SUPPLEMENT TO THE MIDTOWN GAINESVILLE REDEVELOPMENT PLAN ORIGINALLY ADOPTED ON APRIL 20, 2010 (RETAIL PROJECT)

I. Existence of Urban Redevelopment Plan

The Midtown Gainesville Redevelopment Plan (the “Plan”) constitutes an urban redevelopment plan of the City of Gainesville, Georgia (the “City”) within the meaning of Section 36-61-2(21) of the Official Code of Georgia Annotated (“O.C.G.A.”).

The Plan was properly authorized by the governing body of the City pursuant to a resolution adopted on April 20, 2010 and in compliance with the Urban Redevelopment Law (O.C.G.A. 36-61-1 *et seq.*), as amended (the “Act”). The Plan is in full force and effect as of that date.

The Plan contains a listing of specific focus areas and proposed redevelopment projects within the Midtown Gainesville Redevelopment Area (the “Midtown Area”) designated pursuant to the Plan.

The governing body of the City have determined that it is in the best interests of the citizens of the City and in accordance with the Plan to supplement such Plan by adding an additional redevelopment project.

This Project Description Supplement (this “Project Supplement”) has been duly adopted and approved in accordance with an ordinance of the City duly adopted by the governing body of the City on August 30, 2012 (the “Resolution”). This Project Supplement provides for the specification of an urban redevelopment project within the Midtown Area consistent with the redevelopment objectives set forth in the Plan and provides a more detailed description of the nature of such redevelopment. This Project Supplement shall hereafter be read in conjunction with, and is hereby incorporated into and made a part of, the Plan.

III. Description of the Retail Urban Redevelopment Project

The retail project (the “Retail Project”) consists of retail space that will be attached to the parking deck located in the City and bounded by Academy Street, Bradford Street, Main Street, and Brenau Avenue.

IV. Relationship to Local Objective

The Retail Project will not require any zoning change and its ultimate redevelopment will be accomplished in accordance with the City’s zoning ordinances, as then applicable, unless exceptions are made in accordance with the law. The Retail Project conforms to the general plan of the City as a whole and is in accordance with the purposes of the Plan. The Retail Project constitutes an appropriate land use in its current use.

V. Ownership of Retail Project

The City shall hold title to the Retail Project and has the right to sell and dispose of such property, subject to the terms of existing contractual obligations with respect to the Retail Project and provisions of the Gainesville Redevelopment Authority Act (Ga. Laws 1978 p. 4440 *et seq.*, as amended by Ga. Laws 1980 p. 2024 *et seq.*, as continued by Ga. Laws 1987 p. 3637 *et seq.* and as further amended by Ga. Laws 1999 p. 4697 and Ga. Laws 2009 p. 4105 *et seq.*), as amended from time to time).



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: August 11, 2022
Date Submitted: August 15, 2022
Final Approval Date: August 16, 2022
Presenter: Abb Hayes, City Attorney
Item of Business: Ordinance 2022-26 Deannexation of Capstone Inland Crossing
Meeting Date: August 16, 2022

Purpose of Request:

The purpose of this request is to allow the de-annexation of property located at 2866 NE Lanier Tech Drive, Gainesville, GA.

Facts & Issues / History & Background:

O.C.G.A. § 36-36-22 grants the City of Gainesville authority to accept an application for de-annexation upon the written and signed application of all owners of all land proposed to be de-annexed. The City of Gainesville received a de-annexation application from Capstone with a complete description of the lands to be de-annexed.

O.C.G.A. § 36-36-22 also grants the City of Gainesville authority to pass an ordinance to complete the de-annexation of land upon the adoption of a resolution by the county. A resolution providing de-annexation consent will be considered by the Hall County Board of Commissioners on August 11, 2022.

Department Recommendation:

Adopt the ordinance as presented.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. 2022-26 Deannex Capstone Inland Crossing
2. Backup Materials: Capstone Inland Crossing Fact Sheet, De-annexation Application, Correspondence, Maps and Proposed Hall County Ordinance
3. Backup Material - HC Resolution Consenting to De Annexation - 2866 Lanier Tech Dr

AN ORDINANCE

No. 2022-26

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF GAINESVILLE TO ACCEPT THE APPLICATION OF CAPSTONE ACQUISITIONS, LLC ("CAPSTONE") TO DE-ANNEX CERTAIN PROPERTY CURRENTLY LOCATED WITHIN THE CITY LIMITS OF THE CITY OF GAINESVILLE ("PROPERTY") PURSUANT TO O.C.G.A. § 36-36-22; TO ACKNOWLEDGE RECEIPT OF THE RESOLUTION BY HALL COUNTY, GEORGIA CONSENTING TO THE DE-ANNEXATION OF THE PROPERTY; TO DE-ANNEX SAID PROPERTY; TO CONFIRM THAT SAID PROPERTY CEASES TO CONSTITUTE A PART OF THE LANDS WITHIN THE CITY LIMITS OF THE CITY OF GAINESVILLE; TO INSTRUCT THAT AN IDENTIFICATION OF THE PROPERTY BE FILED BY THE CITY OF GAINESVILLE WITH THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Howard LT Holdings 1, LLC and Howard LT Holdings 2, LLC (the "Owners") are the sole landowners of a certain piece of property, consisting of 58.28 +/- acres, more or less, currently located within the city limits of the City of Gainesville, the address of said property being 2866 NE Lanier Tech Drive, Gainesville, Georgia ("Property"); and

WHEREAS, a complete legal description of the Property is more fully set forth herein below; and

WHEREAS, on August 3, 2022, the City of Gainesville received a written and signed de-annexation application from Capstone as representative for the Owners (the "Application"), which Application contained a complete description of the lands to be de-annexed; and

WHEREAS, O.C.G.A. § 36-36-22 grants the City of Gainesville authority to accept an application for de-annexation upon the written and signed application of all of the owners of all of the land proposed to be de-annexed; and

WHEREAS, O.C.G.A. § 36-36-22 grants the City of Gainesville authority to pass an ordinance to complete the de-annexation of land upon the adoption of a resolution by the governing authority of the county in which such property is located consenting to such de-annexation; in this case, the applicable county is Hall County, Georgia; and

WHEREAS, the City of Gainesville is in receipt of a resolution by Hall County dated August 11, 2022, consenting to the de-annexation of the Property requested in Capstone's Application;

NOW, THEREFORE, BE IT RESOLVED and is hereby ordained by the governing body for the City of Gainesville as follows:

SECTION I

The governing body of the City of Gainesville hereby accepts the application of Capstone Acquisitions, LLC to de-annex that certain above-defined Property currently located within the city limits of the City of Gainesville, Georgia pursuant to O.C.G.A. § 36-36-22 and hereby acknowledges receipt of a resolution by Hall County, Georgia consenting to the de-annexation of the Property.

ORDINANCE NO. 2022-26

SECTION II

That from and after the passage of this Ordinance the following described lands are and shall be de-annexed from the existing corporate limits of the City of Gainesville, Georgia, so that said lands shall cease to constitute a part of the land within the corporate limits of the City of Gainesville, Georgia, as fully and completely as if the limits had been so defined by the General Assembly of Georgia.

Legal Description

All that tract or parcel of land lying and being in G.M.D. 411 of Hall County, Georgia and being more particularly described as follows:

Beginning at a concrete monument at the right of way intersection of the easterly right of way and Howard Road and the southerly right of way of Georgia State Route No. 365, a.k.a. Cornelia Highway, said point being the POINT OF BEGINNING; THENCE along the southerly right of way of Howard Road heading N60°21'53"W for a distance of 83.01' to a point; THENCE along a curve to the right with an arc length of 73.52', having a radius of 2598.27', with a chord bearing of N43°58'26"W, with a chord length of 73.52' to a point; THENCE N44°42'44"W for a distance of 178.31'; THENCE N44°42'57"W for a distance of 1113.38' to a point; THENCE N44°42'56"W for a distance of 359.90' to a point; THENCE along a curve to the right with an arc length of 160.50', having a radius of 1165.00', with a chord bearing of N40°43'43"W, with a chord length of 160.37', said point being the TRUE POINT OF BEGINNING; THENCE N66°36'46"E for a distance of 141.46' to a point; THENCE N86°19'11"E for a distance of 36.86' to a point; THENCE S39°57'45"E for a distance of 38.56' to a point; THENCE S83°26'11"E for a distance of 32.02' to a point; THENCE S46°42'57"E for a distance of 86.22' to a point; THENCE S82°51'07"E for a distance of 141.80' to a point; THENCE S86°52'30"E for a distance of 113.60' to a point; THENCE S41°39'36"E for a distance of 44.46' to a point; THENCE N88°49'55"E for a distance of 77.20' to a point; THENCE S82°43'46"E for a distance of 54.70' to a point; THENCE S53°53'53"E for a distance of 50.16' to a point; THENCE N63°25'41"E for a distance of 32.21' to a point; THENCE S77°50'07"E for a distance of 45.68' to a point; THENCE N72°24'52"E for a distance of 83.85' to a point; THENCE N01°44'45"E for a distance of 52.46' to a point; THENCE N39°17'09"E for a distance of 16.67' to a point; THENCE N71°53'09"E for a distance of 37.22' to a point; THENCE N87°12'51"E for a distance of 58.80' to a point; THENCE N41°21'16"E for a distance of 69.26' to a point; THENCE N21°47'41"W for a distance of 54.92' to a point; THENCE N04°28'14"W for a distance of 43.94' to a point; THENCE N38°33'03"E for a distance of 20.17' to a point; THENCE N85°43'27"E for a distance of 49.38' to a point; THENCE S63°53'32"E for a distance of 37.42' to a point; THENCE N15°41'43"E for a distance of 62.26' to a point; THENCE N62°54'30"E for a distance of 80.36' to a point; THENCE N12°44'09"E for a distance of 52.88' to a point; THENCE N40°14'05"E for a distance of 62.97' to a point; THENCE N12°58'17"E for a distance of 106.42' to a point; THENCE N34°09'14"W for a distance of 52.94' to a point; THENCE N13°40'12"E for a distance of 23.61' to a point; THENCE N64°04'52"E for a distance of 44.44' to a point; THENCE N03°59'48"W for a distance of 45.85' to a point; THENCE S12°59'04"E for a distance of 877.50' to a point; THENCE S12°43'04"E for a distance of 428.02' to an iron pin set; THENCE S60°19'30"W for a distance of 2823.97' to a point; THENCE N22°22'29"E for a distance of 2276.53' to a point, said point being the TRUE POINT OF BEGINNING.

Together with and subject to covenants, easements and restrictions of record. Said property contains 58.28 acres as shown on a Composite Plat for Howard Road Townhomes, prepared by Myers & Co, Inc., dated 12/18/18.

ORDINANCE NO. 2022-26

SECTION III

The Community and Economic Development Department of the City of Gainesville is directed to make and file with the Department of Community Affairs of the State of Georgia a certified copy of this Ordinance together with a plat describing lands de-annexed from the City of Gainesville by this Ordinance.

SECTION IV

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION V

If any portion of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

SECTION VI

The effective date of this Ordinance shall be the date of approval/adoption by the governing body of the City of Gainesville, Georgia.

BE IT FURTHER RESOLVED THAT the Mayor, City Manager and/or City Attorney are authorized to sign any and all documents that may be necessary to effectuate the de-annexation of the Property.

Adopted this _____ day of _____, 2022.

W. Samuel Couvillon, Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this Ordinance was adopted as stated and will be recorded in the official minutes.

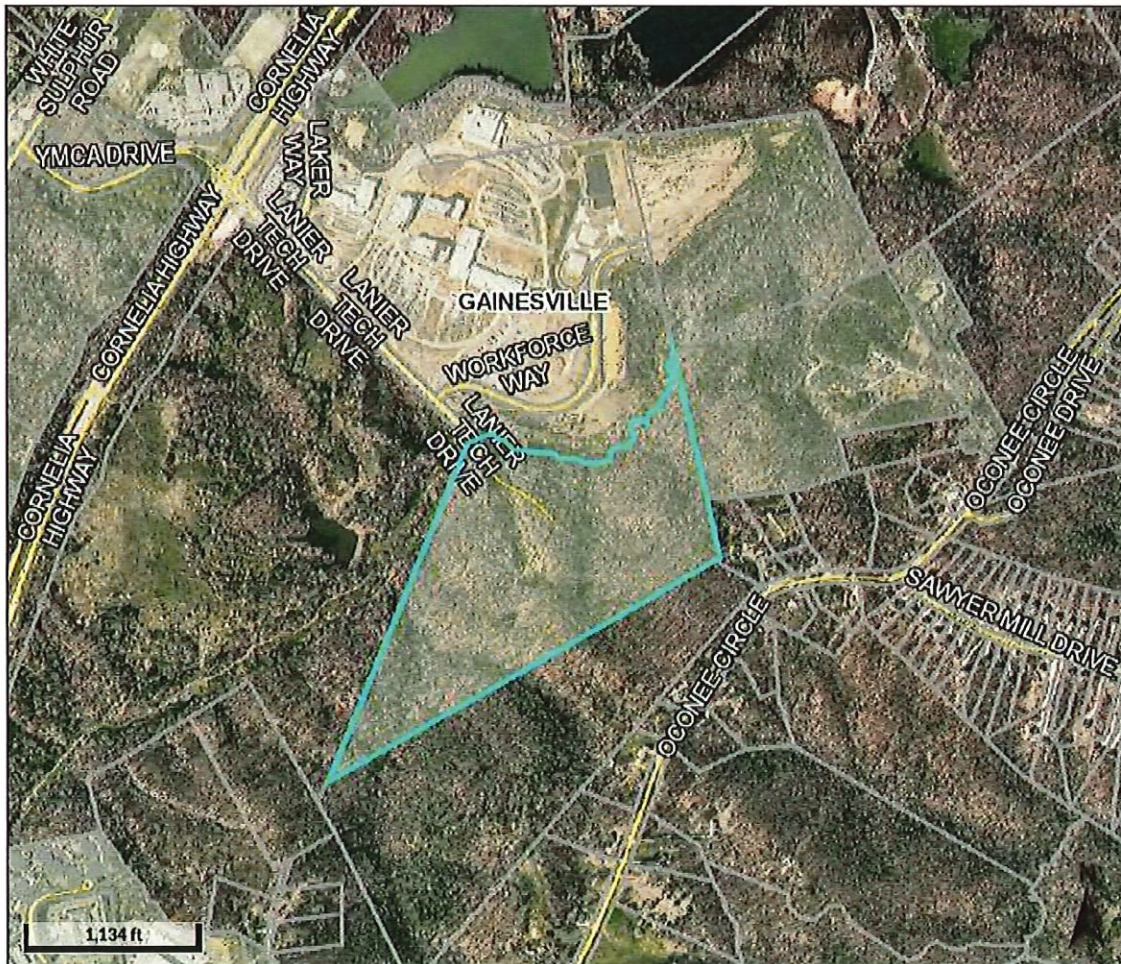
ATTEST:

Denise O. Jordan, City Clerk

Capstone at Inland Crossing
Proposed 342-unit multi-family development

FACT SHEET

- Applicant: Capstone Acquisitions, LLC
- Location: 2866 NE Lanier Tech Drive
- Tax Parcel: 15021 000085
- Property Owners: Howard LT Holdings 1, LLC and Howard LT Holdings 2, LLC
- Property: 58.28 +/- acres (unimproved) near Lanier Technical College
- Current Zoning: L-I (Light Industrial) Gainesville
- Proposed Zoning: R-MF (Residential Multi-Family) Hall County
- Overlay District: N. Oconee WPD Zone
- Abuts County property on Easterly, Southerly and Westerly boundaries
- Property has public access via Lanier Tech Drive which is approximately 0.2 miles east of Hwy 365
- Proposed Density: between 5.87 units/acre and 7 units/acre
- Preliminary Concept Plan: 342 units and amenity package
- Note: Preliminary Plan has 18.34 +/- acres for Green Space and 37.11 +/- acres for Development
- Water and Sanitary Sewer Service to be provided by City of Gainesville Public Utilities Dept.
- Development would support housing needs of growing local industry & adjacent college campus
- Contacts: Jonathan Collins, Lead Developer (jonathan@cpglc.net or 770-519-5598)
Carla J. Walker, Esq., Attorney for Applicant (cwalker@ihslawllc.com or 404-210-6271)



IHS LAW, LLC
A Georgia limited liability company

340 Jesse Jewell Pkwy, Suite 105
P.O. Box 907146
Gainesville, GA 30501
404-210-6271
cwalker@ihslawllc.com

August 3, 2022

VIA HAND DELIVERY AND
VIA ELECTRONIC MAIL

ash@homlaw.com
vstephens@hallcounty.org

Hulsey, Oliver & Mahar, LLP
Mr. Abbott S. Hayes, Jr., City Attorney
200 E. E. Butler Parkway
Gainesville, GA 30501

Hall County Law Department
Mr. Van Stephens, County Attorney
2875 Browns Bridge Road
Gainesville, GA 30504

Re: De-Annexation Application (the "De-Annexation Application" or the "Application") of Capstone Acquisitions, LLC (the "Applicant") regarding 58.28 +/- acres located at 2866 Lanier Tech Drive (i.e. Tax Parcel # 15021 000085) (the "Property")

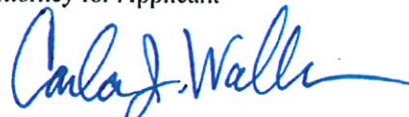
Dear City and County Attorneys:

Please find enclosed herewith a copy of the above-referenced De-Annexation Application that has been submitted to the City of Gainesville's Community and Economic Development Dept. this morning. In furtherance of this Application, I/we hereby respectfully request the following:

- (1) That the Hall County Board of Commissioners consent to Applicant's De-Annexation Application and pass a Resolution setting forth said consent; and
- (2) That the City of Gainesville grant Applicant's request for the de-annexation of the above-described Property and pass a Resolution setting forth said approval; and
- (3) That Applicant's requests be added to the next Work Session and Voting Meeting agendas for the Hall County Board of Commissioners & the Governing Body of the City of Gainesville; and
- (4) That Applicant be permitted to file its Zoning Application with the Hall County Planning and Development Department by the next deadline of August 15, 2022; and
- (5) That the Property (and the development proposed thereon) retain access to the utility services of the City of Gainesville for water and sewer connectivity, if the Application is approved.

Thank you in advance for your consideration of this matter. Please do not hesitate to contact me directly if any additional information is needed to evaluate and approve these requests.

Sincerely,
IHS LAW, LLC,
Attorney for Applicant



Carla J. Walker, Esq.

Enclosure: Copy of De-annexation Application

Cc: William J. Linkous, III, Deputy County Attorney (via e-mail only: wlinkous@hallcounty.org)
Jonathan Collins, Capstone Acquisitions, LLC (via e-mail only: jonathan@cpgllc.net)



GAINESVILLE

APPLICATION FOR ZONING ACTIONS

PAB Meeting Date: _____

Council Meeting Date: _____

Applicant Information

Name	Capstone Acquisitions, LLC
Address	P.O. Box 723
City/State/Zip	Gainesville, GA 30503
Phone/Cell	770-519-5598
Email	jonathan@cpallc.net

Property Owner Information

Name	Howard LT Holdings 1, LLC; Howard LT Holdings 2, L
Address	c/o IHS Law, LLC - 340 Jesse Jewell Pkwy, Suite 105
City/State/Zip	Gainesville, GA 30501
Phone/Cell	404-210-6271
Email	cwalker@ihslawllc.com

Applicant Status

☐	Current Property Owner
☐	Option to Purchase
☐	Area Resident
☒	Representative
☐	Government

Zoning Request

Existing Zoning	L-1
Rezone To / Establish As	
☐ Annexation	☒ De-annexation
☐ Rezoning	☐ Zoning Amendment
☐ Special Use Permit	☐ Road Action Request

Parcel Information

Tax Parcel Number(s)	15021 000085	Ward No.	2
Location (Address)	2866 NE Lanier Tech Drive	Acres	58.28
Existing Structure(s)	N/A - vacant		
Description of Proposed Use	multi-family development		

Connect to City Sewer (For Annexations Only)

Does the applicant wish to connect to city sewer?	☒ Yes	☐ No
Does the applicant plan to request the city to share in the cost of the sewer line extension as a condition of annexation?	☐ Yes	☒ No
If Yes to cost sharing, provide a Letter of Cost Estimate from the Department of Water Resources		

Fee Information

Annexation or De-annexation, Rezoning, or Zoning Amendment	\$500.00
Special Use Permit	\$400.00
Road Action Request	\$250.00
Amount Due (Include all fees required)	\$

Method of Payment

☐ Paid by Check	Check No.	
☐ Paid Cash	Receipt No.	

Supporting Documents Required in PDF Format

☐	Concept Plan - Prepared by a Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect
☐	Plat
☒	Legal Description of Property - Word DOC or DOCX format
☐	Narrative Report
☐	Architectural Rendering
☐	Traffic Impact Study - If applicable
☐	DRI Review - Large scale projects only
☒	Other - Explain Request for Annexation Waiver re: Sewer

Applicant's Certification: I hereby certify the above information, and all attached information, is true and correct; and that I have read, understand, and have received a copy of the Public Notice Requirements.

Signature of Applicant

Capstone Acquisitions, LLC

Jonathan Collins, Manager

Date 8-3-2022

Application Taken By

Date

Application WITHDRAWAL Notification: I hereby withdraw the above application.

Signature of Applicant

Date

Zoning Action Request

PROPERTY OWNER AUTHORIZATION

As the owner of the subject property, I hereby authorize the person named below to act on my behalf as Applicant in the pursuit of zoning action for this property.

Applicant's Name, if not Owner	Capstone Acquisitions, LLC
--------------------------------	----------------------------

OWNER INFORMATION CERTIFICATION

I swear that I am the owner of the property which is the subject matter of this application, as shown in the records of Hall County, Georgia:

Name of Owner	Howard LT Holdings 2, LLC
Owner's Address	P.O. Box 723
City / State / Zip Code	Gainesville, GA 30503
Owner's Phone Number	770-530-9850
Owner's Cell Phone Number	Same

NOTARY PUBLIC CERTIFICATION

Personally appeared before me the following:

Howard LT Holdings 2, LLC

By:

Jonathan Collins,
Manager

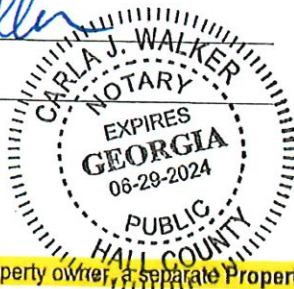
Signature of Property Owner

who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief.

Notary Public

Date

8/3/2022



In the event there is more than one property owner, a separate Property Owner Authorization page must be completed by each property owner.

Zoning Action Request

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

NOTE: This form is required for all annexation and/or zoning actions

- (a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
- (1) The name and official position of the local government official to whom the campaign contribution was made; and
 - (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- (c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:
- (1) The name and official position of the local government official to whom the campaign contribution was made; and
 - (2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

APPLICANT'S CERTIFICATION

I hereby certify that I have read the above campaign disclosure information and declare that (select have or have not)

☐

I have within the two years immediately preceding this date made any campaign contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

☒

I have not within the two years immediately preceding this date made any campaign contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

***NOTE:** If you are an applicant and you have made any such contribution(s), you must provide the information required in subsection (a) above within ten (10) days after the rezoning action is first filed. If you are an opponent and you have made a contribution, you must provide the information required in subsection (c) above at least five (5) calendar days prior to the public hearing by the City Council or any of its agencies on the rezoning application.

(1) _____
(Name and official position of the City Council Member of the City of Gainesville, Georgia to whom campaign contribution was made)

(2) Amount: \$ _____ Date of Contribution: _____

Capstone Acquisitions, LLC

Signature of Applicant: By: _____

Jonathan Collins, Manager

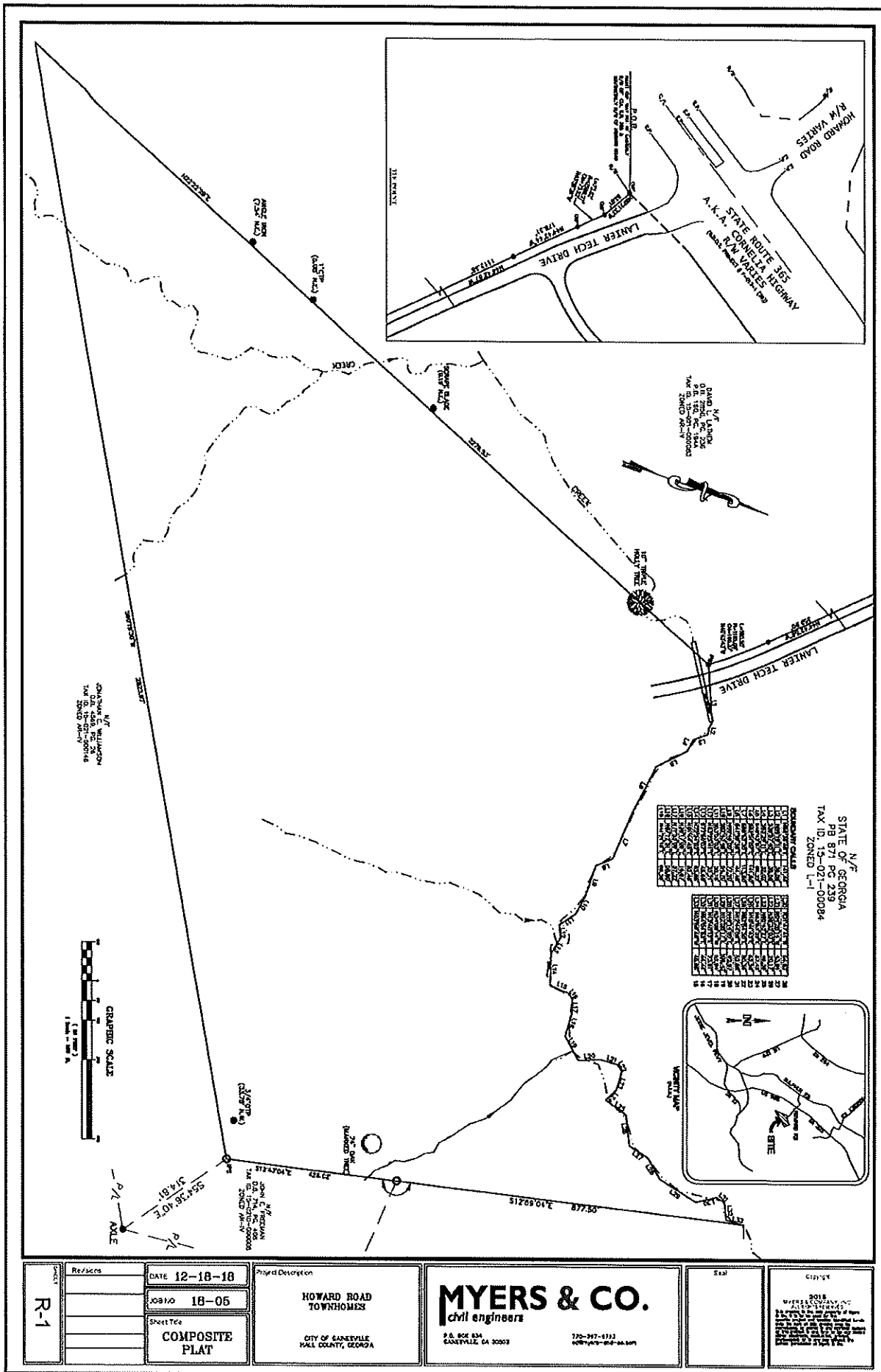
Date: 8-3-2022

Legal Description
For
Tax Parcel 15021 000085

All that tract or parcel of land lying and being in G.M.D. 411 of Hall County, Georgia and being more particularly described as follows:

Beginning at a concrete monument at the right of way intersection of the easterly right of way and Howard Road and the southerly right of way of Georgia State Route No. 365, a.k.a. Cornelia Highway, said point being the POINT OF BEGINNING; THENCE along the southerly right of way of Howard Road heading N60°21'53"W for a distance of 83.01' to a point; THENCE along a curve to the right with an arc length of 73.52', having a radius of 2598.27', with a chord bearing of N43°58'26"W, with a chord length of 73.52' to a point; THENCE N44°42'44"W for a distance of 178.31'; THENCE N44°42'57"W for a distance of 1113.38' to a point; THENCE N44°42'56"W for a distance of 359.90' to a point; THENCE along a curve to the right with an arc length of 160.50', having a radius of 1165.00', with a chord bearing of N40°43'43"W, with a chord length of 160.37', said point being the TRUE POINT OF BEGINNING; THENCE N66°36'46"E for a distance of 141.46' to a point; THENCE N86°19'11"E for a distance of 36.86' to a point; THENCE S39°57'45"E for a distance of 38.56' to a point; THENCE S83°26'11"E for a distance of 32.02' to a point; THENCE S46°42'57"E for a distance of 86.22' to a point; THENCE S82°51'07"E for a distance of 141.80' to a point; THENCE S86°52'30"E for a distance of 113.60' to a point; THENCE S41°39'36"E for a distance of 44.46' to a point; THENCE N88°49'55"E for a distance of 77.20' to a point; THENCE S82°43'46"E for a distance of 54.70' to a point; THENCE S53°53'53"E for a distance of 50.16' to a point; THENCE N63°25'41"E for a distance of 32.21' to a point; THENCE S77°50'07"E for a distance of 45.68' to a point; THENCE N72°24'52"E for a distance of 83.85' to a point; THENCE N01°44'45"E for a distance of 52.46' to a point; THENCE N39°17'09"E for a distance of 16.67' to a point; THENCE N71°53'09"E for a distance of 37.22' to a point; THENCE N87°12'51"E for a distance of 58.80' to a point; THENCE N41°21'16"E for a distance of 69.26' to a point; THENCE N21°47'41"W for a distance of 54.92' to a point; THENCE N04°28'14"W for a distance of 43.94' to a point; THENCE N38°33'03"E for a distance of 20.17' to a point; THENCE N85°43'27"E for a distance of 49.38' to a point; THENCE S63°53'32"E for a distance of 37.42' to a point; THENCE N15°41'43"E for a distance of 62.26' to a point; THENCE N62°54'30"E for a distance of 80.36' to a point; THENCE N12°44'09"E for a distance of 52.88' to a point; THENCE N40°14'05"E for a distance of 62.97' to a point; THENCE N12°58'17"E for a distance of 106.42' to a point; THENCE N34°09'14"W for a distance of 52.94' to a point; THENCE N13°40'12"E for a distance of 23.61' to a point; THENCE N64°04'52"E for a distance of 44.44' to a point; THENCE N03°59'48"W for a distance of 45.85' to a point; THENCE S12°59'04"E for a distance of 877.50' to a point; THENCE S12°43'04"E for a distance of 428.02' to an iron pin set; THENCE S60°19'30"W for a distance of 2823.97' to a point; THENCE N22°22'29"E for a distance of 2276.53' to a point, said point being the TRUE POINT OF BEGINNING.

Together with and subject to covenants, easements and restrictions of record. Said property contains 58.28 acres as shown on a Composite Plat for Howard Road Townhomes, prepared by Myers & Co, Inc., dated 12/18/18.



IHS LAW, LLC

A Georgia limited liability company

340 Jesse Jewell Pkwy, Suite 105
P.O. Box 907146
Gainesville, GA 30501
404-210-6271
cwalker@ihslawllc.com

August 3, 2022

VIA HAND DELIVERY AND
VIA ELECTRONIC MAIL

rligon@gainesvillega.gov

City of Gainesville
Mr. Rusty Ligon, Director
Community and Economic Development
300 Henry Ward Way, Suite 303
Gainesville, GA 30501

Re: Request for WAIVER of annexation requirement for water and sanitary sewer services and Request for ACCESS to said services to Capstone at Inland Crossing, being 58.28 +/- acres located at 2866 Lanier Tech Drive, Gainesville, Georgia (i.e. Tax Parcel # 15021 000085) (the "Property")

Dear Rusty:

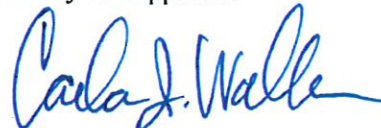
The purpose of this letter is: (i) to request a waiver of the annexation requirement for the provision of water and sanitary sewer services from the City of Gainesville (the "City") to the above-reference Property, and (ii) to request access to the City's water and sanitary sewer services for a proposed development off of Lanier Tech Drive a/k/a Howard Road in Hall County *after* said Property is de-annexed from the City, if approved. The proposed project is 342-unit multi-family development (the "Project"). Please see the attached site plan.

The requests above (the "Requests") are being made on behalf of Capstone Acquisitions, LLC (the "Applicant") as agent for the two owners of the Property and are being made contemporaneously with an application for de-annexation that is being submitted to the City of even date herewith. In support of the Requests, please find enclosed a letter from the City's Permitting Services Manager confirming the availability of water and sanitary sewer services to/for the Project.

Thank you in advance for your consideration of these Requests. Please do not hesitate to contact me directly if any additional information is needed to evaluate and approve the same.

Sincerely,

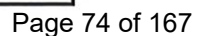
IHS LAW, LLC,
Attorney for Applicant



Carla J. Walker, Esq.

Enclosures: Preliminary Site Plan and Letter of Availability

Cc: Mr. Abbott S. Hayes, Jr., Attorney for the City of Gainesville (via e-mail only)
Mr. Jonathan Collins, Capstone Acquisitions, LLC (via e-mail only)



CITY OF
GAINESVILLE

WATER RESOURCES

July 19, 2022

Capstone Acquisitions, LLC
Attn: Carla J. Walker, Esq.
340 Jesse Jewell Pkwy, Suite 105
Gainesville, GA 30501

Re: Water & Sanitary Sewer Availability
Proposed 342-Unit Multi-Family Development
2866 Lanier Tech Drive
PIN: 15021 000085

Dear Ms. Walker,

The purpose of this letter is to confirm the availability of water and sanitary sewer service to the above-referenced property.

The City of Gainesville owns and operates an existing 12-inch DIP water main in the right-of-way of Lanier Tech Drive, which terminates on the subject property. The City also owns and operates an existing 8-inch DIP gravity sanitary sewer located on the subject property.

The City of Gainesville has adequate capacity for your proposed 342-unit multi-family development, which we understand will generate an anticipated average sewage flow of 85,550 GPD and a peak flow of 213,750 GPD. It is our understanding the developer will be requesting to de-annex the property from the City of Gainesville, and, as a result, subsequently request the City to waive the annexation requirement for sanitary sewer service. If the request is approved by City Council, the City will honor this commitment of water and sanitary sewer service for your development.

This confirmation of water and sanitary sewer availability is good for one year from the date of this letter at which time, it will become null and void unless engineered plans have been submitted for issuance of a development permit.

Please call me at (770) 538-2452 should you have any questions.

Sincerely,

Nick Swafford

Nick Swafford
Permitting Services Manager

cc: Myron Bennett, P.E., Engineering and Construction Div. Manager

STATE OF GEORGIA
COUNTY OF HALL

RESOLUTION NO. 2022-__

A RESOLUTION OF THE HALL COUNTY BOARD OF COMMISSIONERS GRANTING PERMISSION TO CAPSTONE ACQUISITIONS, LLC ("CAPSTONE") TO SUBMIT A ZONING APPLICATION TO THE HALL COUNTY PLANNING AND DEVELOPMENT DEPARTMENT BY AUGUST 15, 2022; CONSENTING TO AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GAINESVILLE TO ACCEPT THE APPLICATION OF THE CAPSTONE TO DEANNEX CERTAIN PROPERTY CURRENTLY LOCATED WITHIN THE CITY LIMITS OF THE CITY OF GAINESVILLE ("PROPERTY") PURSUANT TO O.C.G.A. § 36-36-22; ACKNOWLEDGING RECEIPT OF THIS RESOLUTION BY HALL COUNTY, GEORGIA CONSENTING TO THE DE-ANNEXATION OF THE PROPERTY; DE-ANNEXING SAID PROPERTY; CONFIRMING THAT SAID PROPERTY CEASES TO CONSTITUTE A PART OF THE LANDS WITHIN THE CITY LIMITS OF THE CITY OF GAINESVILLE; APPROVING THE CONNECTION OF THE PROPERTY TO THE CITY'S WATER AND SANITARY SEWER SYSTEM WITHOUT ANNEXATION AND FOLLOWING ITS DE-ANNEXATION; INSTRUCTING THAT AN IDENTIFICATION OF THE PROPERTY BE FILED BY THE CITY OF GAINESVILLE WITH THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Howard LT Holdings 1, LLC and Howard LT Holdings 2, LLC (the "Owners") are the sole landowners of a certain piece of property, consisting of 58.28 +/- acres, more or less, currently located within the city limits of the City of Gainesville, the address of said property being 2866 NE Lanier Tech Drive, Gainesville, Georgia ("Property"); and

WHEREAS, a complete legal description of the Property is more fully set forth hereinbelow; and

WHEREAS, on August 3, 2022, the Hall County Law Department received a copy of a written and signed de-annexation application from Capstone as representative for the Owners (the "Application") submitted to the City of Gainesville, a which Application contained a complete description of the lands to be de-annexed and a request for service of water and sanitary sewer services to be provided to the Property by the City of Gainesville following the de-annexation, if approved; and

WHEREAS, on August 3, 2022, Capstone also submitted a request via cover letter to the Hall County Attorney that it be given permission to file a Zoning Application with the Hall County Planning and Development Department by August 15, 2022; and

WHEREAS, O.C.G.A. § 36-36-22 grants the City of Gainesville authority to accept an application for de-annexation upon the written and signed application of all of the owners of all of the land proposed to be de-annexed; and

WHEREAS, O.C.G.A. § 36-36-22 grants the City of Gainesville authority to pass an ordinance to complete the de-annexation of land upon the adoption of a resolution by the governing authority of the county in which such property is located consenting to such de-annexation; in this case, the applicable county is Hall County, Georgia; and

WHEREAS, the Board of Commissioners of Hall County, Georgia is granted authority pursuant to O.C.G.A. § 36-36-22 to consent to the de-annexation of the Property; and

WHEREAS, the Board of Commissioners of Hall County, Georgia has determined that it is in the best interests of the county to consent to the de-annexation of the Property that is more fully described hereinbelow; and

WHEREAS, accordingly, the Board of Commissioners of Hall County, Georgia has deemed it appropriate for Capstone to be granted permission to file a Zoning Application with the Hall County Planning and Development Department by August 15, 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA AND IT IS HEREBY RESOLVED:

Section I

A more particular description of the Property is described as follows:

Legal Description

All that tract or parcel of land lying and being in G.M.D. 411 of Hall County, Georgia and being more particularly described as follows:

Beginning at a concrete monument at the right of way intersection of the easterly right of way and Howard Road and the southerly right of way of Georgia State Route No. 365, a.k.a. Cornelia Highway, said point being the POINT OF BEGINNING; THENCE along the southerly right of way of Howard Road heading N60°21'53"W for a distance of 83.01' to a point; THENCE along a curve to the right with an arc length of 73.52', having a radius of 2598.27', with a chord bearing of N43°58'26"W, with a chord length of 73.52' to a point; THENCE N44°42'44"W for a distance of 178.31'; THENCE N44°42'57"W for a distance of 1113.38' to a point; THENCE N44°42'56"W for a distance of 359.90' to a point; THENCE along a curve to the right with an arc length of 160.50', having a radius of 1165.00', with a chord bearing of N40°43'43"W, with a chord length of 160.37', said point being the TRUE POINT OF BEGINNING; THENCE N66°36'46"E for a distance of 141.46' to a point; THENCE N86°19'11"E for a distance of 36.86' to a point; THENCE S39°57'45"E for a distance of 38.56' to a point; THENCE S83°26'11"E for a distance of 32.02' to a point; THENCE S46°42'57"E for a distance of 86.22' to a point; THENCE S82°51'07"E for a distance of 141.80' to a point; THENCE S86°52'30"E for a distance of 113.60' to a point; THENCE S41°39'36"E for a distance of 44.46' to a point; THENCE N88°49'55"E for a distance of 77.20' to a point; THENCE S82°43'46"E for a distance of 54.70' to a point; THENCE S53°53'53"E for a distance of 50.16' to a point; THENCE N63°25'41"E for a distance of 32.21' to a point; THENCE S77°50'07"E for a distance of 45.68' to a point; THENCE N72°24'52"E for a distance of 83.85' to a point; THENCE N01°44'45"E for a distance of 52.46' to a point; THENCE N39°17'09"E for a distance of 16.67' to a point; THENCE N71°53'09"E for a distance of 37.22' to a point; THENCE N87°12'51"E for a distance of 58.80' to a point; THENCE N41°21'16"E for a distance of 69.26' to a point; THENCE N21°47'41"W for a distance of 54.92' to a point; THENCE N04°28'14"W for a distance of 43.94' to a point; THENCE N38°33'03"E for a distance of 20.17' to a point; THENCE N85°43'27"E for a distance of 49.38' to a point; THENCE S63°53'32"E for a distance of 37.42' to a point; THENCE N15°41'43"E for a distance of 62.26' to a point; THENCE N62°54'30"E for a distance of 80.36' to a point; THENCE N12°44'09"E for a distance of 52.88' to a point; THENCE N40°14'05"E for a distance of 62.97' to a point; THENCE N12°58'17"E for a distance of 106.42' to a point; THENCE N34°09'14"W for a distance of 52.94' to a point; THENCE N13°40'12"E for a distance of 23.61' to a point; THENCE N64°04'52"E for a distance of 44.44' to a point; THENCE N03°59'48"W for a distance of 45.85' to a point; THENCE S12°59'04"E for a distance of 877.50' to a point; THENCE S12°43'04"E for a distance of 428.02' to an iron pin set; THENCE S60°19'30"W for a distance of 2823.97' to a point; THENCE N22°22'29"E for a distance of 2276.53' to a point, said point being the TRUE POINT OF BEGINNING.

Together with and subject to covenants, easements and restrictions of record. Said property contains 58.28 acres as shown on a Composite Plat for Howard Road Townhomes, prepared by Myers & Co, Inc., dated 12/18/18.

Section II

The Board of Commissioners of Hall County, Georgia hereby consents to the request of Capstone Acquisitions, LLC to de-annex the Property currently located within the city limits of the City of Gainesville, Georgia pursuant to O.C.G.A. § 36-36-22, and, upon receipt of this Resolution by Hall County, Georgia consenting to the de-annexation of the Property, the City of Gainesville may adopt an ordinance providing for the following: that the Property is de-annexed, that the Property ceases to constitute a part of the lands within the city limits of the City of Gainesville, that connection of the Property to the City of Gainesville's water and sanitary sewer system is approved without annexation and following a de-annexation of the Property, and that an identification of the Property shall be filed by the City of Gainesville with the Georgia Department of Community Affairs.

Section III

The Board of Commissioners of Hall County, Georgia hereby grants permission to Capstone Acquisitions, LLC to submit a Zoning Application with the Hall County Planning and Development Department by August 15, 2022.

Section IV

This Resolution shall become effective upon its approval by the Board of Commissioners.

BE IT FURTHER RESOLVED THAT the Commissioners, County Administrator and/or County Attorney(s) are authorized to sign any and all documents that may be necessary to effectuate any of the action approved and/or consented to hereinabove.

SO RESOLVED this ____ day of August, 2022.

HALL COUNTY BOARD OF COMMISSIONERS

Richard Higgins, Commission Chairman

Kathy Cooper, District 1 Commissioner

Billy Powell, District 2 Commissioner

Shelly Echols, District 3 Commissioner

Jeff Stowe, District 4 Commissioner

ATTEST:

Jennifer Rivera, Commission Clerk

STATE OF GEORGIA

COUNTY OF HALL

RESOLUTION CONSENTING TO DE-ANNEXATION

WHEREAS, the Official Code of Georgia Annotated § 36-36-22 provides for a procedure whereby property within the incorporated limits of a city can be de-annexed into the unincorporated county; and

WHEREAS, Howard LT Holdings 1, LLC and Howard LT Holdings 2, LLC (the “Owners”) are the sole landowners of a certain piece of property consisting of 58.28 +/- acres of land, more or less, currently located within the incorporated city limits of the City of Gainesville and having the address of 2866 NE Lanier Tech Drive, Gainesville, Georgia (the “Property”); and

WHEREAS, the Property is more fully identified as Tax Parcel number 15021 000085, and is described more particularly in the maps, aerial photographs, and legal descriptions contained in draft resolutions attached hereto as Exhibit “A”; and

WHEREAS, on August 3, 2022 the Hall County Law Department received a package of documentation from counsel for the Owners and their representative, including a written and signed de-annexation application from Applicant Capstone Acquisitions, LLC, as representative of the Owners, submitted to the City of Gainesville containing a complete description of the Property and a request for service of water and sanitary sewer services to be provided to the Property by the City of Gainesville following the de-annexation, if approved; and

WHEREAS, the City of Gainesville, Georgia has provided notice to the County that it has received the same de-annexation application from Applicant Capstone Acquisitions, LLC relating to the Property; and

WHEREAS, O.C.G.A. § 36-36-22 grants the City of Gainesville the authority to de-annex the Property upon the written and signed applications of all of the owners of all of the land proposed to be annexed, other than the owners of public streets, roads, highways, or right of ways, containing a complete description of the lands to be de-annexed and the adoption of a resolution by the governing authority of Hall County, Georgia consenting to the de-annexation; and

WHEREAS, the Hall County Board of Commissioners has been granted the authority pursuant to O.C.G.A. § 36-36-22 to consent to the de-annexation of the property; and

WHEREAS, the Hall County Board of Commissioners has determined that it is in the best interests of the County and its citizens to consent to the de-annexation of the Property.

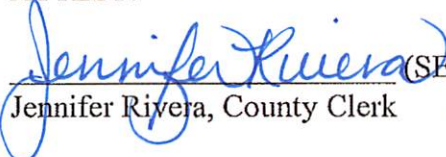
NOW THEREFORE, the Hall County Board of Commissioners hereby resolves to consent to the request of Applicant Capstone Acquisitions, LLC on behalf of the Owners, to de-annex the Property known as 2866 NE Lanier Tech Drive, Gainesville, Georgia, Tax Parcel number 15021 000085 (and more fully described in the attached Exhibit "A" hereto), pursuant to O.C.G.A. § 36-36-22.

SO RESOLVED this the 11th day of August, 2022.

**HALL COUNTY BOARD OF
COMMISSIONERS**


Chairman, Richard Higgins

ATTEST:

 (SEAL)
Jennifer Rivera, County Clerk



APPROVED AS TO FORM:

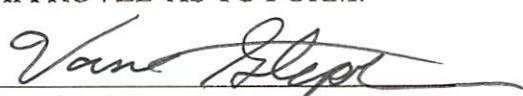

Van Stephens, County Attorney

Exhibit “A”

MEMORANDUM

TO: Abbott S. Hayes, Jr., City Attorney (*ash@homlaw.com*)
Van Stephens, County Attorney (*vstephens@hallcounty.org*)
William J. Linkous, III, Deputy County Attorney (*wlinkous@hallcounty.org*)

FROM: Carla J. Walker, Esq, IHS Law, LLC (*cwalker@ihslawllc.com*)

CC: Jonathan Collins, Capstone Acquisitions, LLC (*jonathan@cpglc.net*)

RE: De-Annexation research & Proposed Procedure regarding Tax Parcel # 15021 000085

DATE: August 3, 2022 *CJW*

Gentlemen:

Based on my reading of relevant Georgia law, including, specifically, but not limited to, O.C.G.A. § 36-36-22, it is clear that the City of Gainesville, Georgia is statutorily authorized, in its sole discretion, to de-annex an area of its existing municipal limits (such as the property located at 2866 NE Lanier Tech Drive) by the adoption of an ordinance of the Mayor and the members of the City Council granting an applicant's request for de-annexation so long as: (a) the de-annexation would not create an unincorporated island (see O.C.G.A. § 36-36-4), and (b) the following three (3) elements have been met: (i) it receives a written and signed application of all of the owners of the land to which the application relates; (ii) said application contains a complete description of said land(s); and (iii) the governing authority of the county in which the property is located (e.g. the Hall County Board of Commissioners, in this case) adopts a resolution consenting to such de-annexation.¹

Unlike the procedures set forth in O.C.G.A. § 36-36-57, for annexing a territory into a municipal corporation, there are no public hearing, notice or publication requirements placed upon a municipality in the exercise of its authority to de-annex a property from its municipal limits.² Rather, the only public hearing, notice or publication requirements that must be observed are those applicable to the new zoning that will be applied to the de-annexed property by the governing authority of the county in which the property is located.³

During the last legislative session, a proposed modification to the municipal de-annexation procedures was introduced, House Bill 1439. This proposed legislation, however, was not successful. Therefore, O.C.G.A. § 36-36-22, in its current form, remains the operative governing law on de-annexation procedures in the state of Georgia.

The following attachments are enclosed for your further review. Please accept this memorandum and its enclosures as a proposal for the requested procedure to be applied to the De-Annexation Application of Capstone Acquisitions, LLC dated August 3, 2022, to be followed by a subsequently filed Zoning Application of Capstone Acquisitions, LLC re: Tax Parcel 15021 000085.

- *Property Fact Sheet
- *Proposed Schedule for De-Annexation and Zoning Applications
- *Copy of relevant Statutes
- *Cover Letter and De-Annexation Application with supplemental enclosures
- *Proposed Resolution and Proposed Ordinance for the City of Gainesville
- *Proposed Resolution for Hall County Board of Commissioners
- *Copy of relevant Meeting Calendars

¹ O.C.G.A. § 36-36-22 goes on to require that identification of the property so de-annexed be filed with the Department of Community Affairs and with the governing authority of the county in which the property is located not more than 30 days following the last day of the quarter in which the ordinance becomes effective.

² In fact, see Commentary on page 29 of the January 2014 GMA Legal Report (Growing Cities, Growing Georgia) opining that "De-annexation [by 100% method] is solely within the discretion of the municipal governing authority."

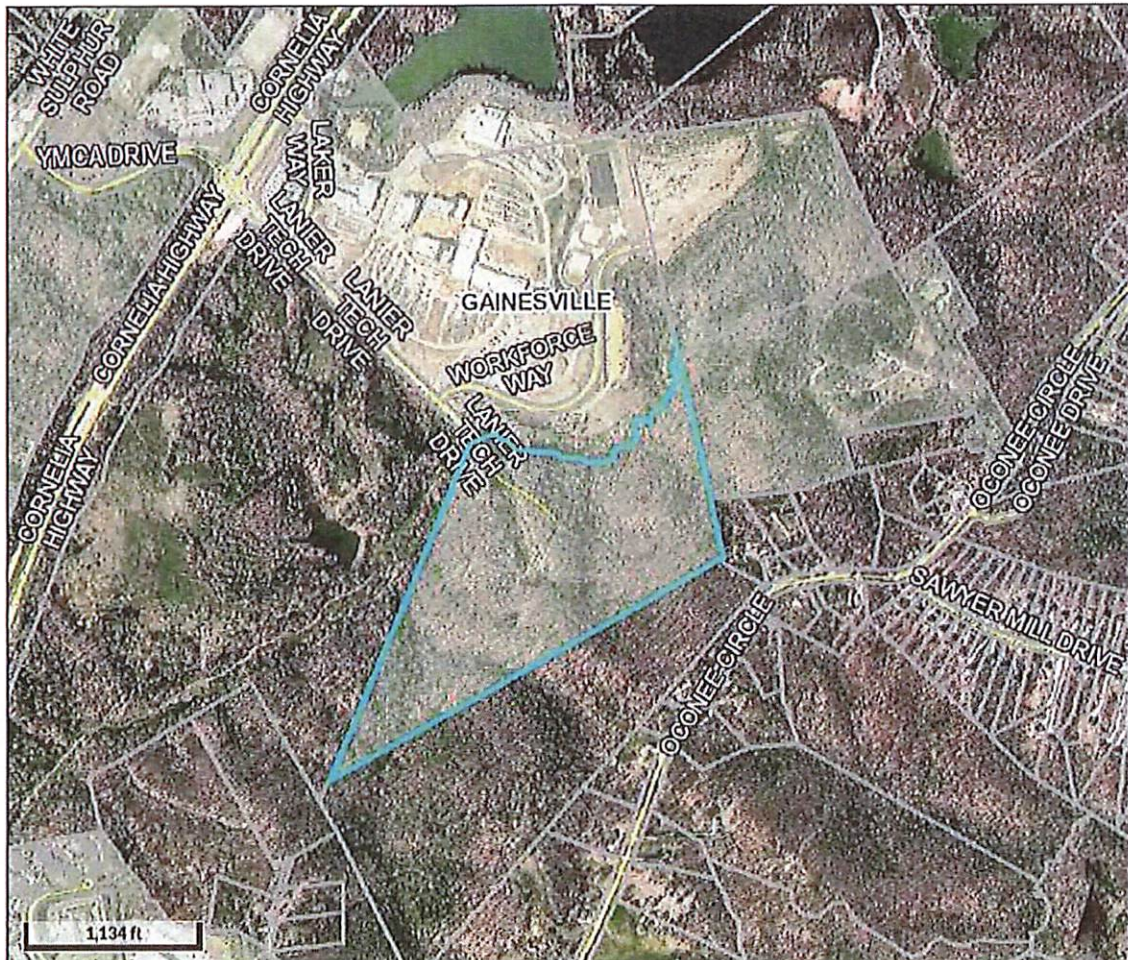
³ One exception to this rule is as follows: having the same use for which that property was zoned immediately prior to such de-annexation (i.e. no further action is required in such context). See O.C.G.A. § 36-66-4(e).

PROPERTY FACT SHEET

Capstone at Inland Crossing
Proposed 342-unit multi-family development

FACT SHEET

- Applicant: Capstone Acquisitions, LLC
- Location: 2866 NE Lanier Tech Drive
- Tax Parcel: 15021 000085
- Property Owners: Howard LT Holdings 1, LLC and Howard LT Holdings 2, LLC
- Property: 58.28 +/- acres (unimproved) near Lanier Technical College
- Current Zoning: L-I (Light Industrial) Gainesville
- Proposed Zoning: R-MF (Residential Multi-Family) Hall County
- Overlay District: N. Oconee WPD Zone
- Abuts County property on Easterly, Southerly and Westerly boundaries
- Property has public access via Lanier Tech Drive which is approximately 0.2 miles east of Hwy 365
- Proposed Density: between 5.87 units/acre and 7 units/acre
- Preliminary Concept Plan: 342 units and amenity package
- Note: Preliminary Plan has 18.34 +/- acres for Green Space and 37.11 +/- acres for Development
- Water and Sanitary Sewer Service to be provided by City of Gainesville Public Utilities Dept.
- Development would support housing needs of growing local industry & adjacent college campus
- Contacts: Jonathan Collins, Lead Developer (jonathan@cpglc.net or 770-519-5598)
Carla J. Walker, Esq., Attorney for Applicant (cwalker@ihslawllc.com or 404-210-6271)



PROPOSED SCHEDULE FOR DE-ANNEXATION AND ZONING APPLICATIONS

Proposed SCHEDULE for De-Annexation and Zoning Application
Tax Parcel # 15021 000085 re: Capstone at Inland Crossing

Sequence	Action	Date and Time	Location
Step 1:	<u>Applicant</u> submits de-annexation application to City & letter requesting waiver of the annexation requirement for the provision of city water and sewer services for the Project	9:45am 8/3/2022 (Wed.)	City of Gainesville Community Development Department <i>with copy to City Attorney</i>
Step 2:	<u>Applicant</u> sends letter to City and County Attys enclosing copy of the de-annexation application, along with a request for the County's consent, request to be added to the next agendas, and permission to file its zoning application	before noon 8/3/2022 (Wed.)	Hall County Law Department and City Attorney's Office
Step 3:	<u>County and City staff</u> add de-annexation application and Applicant's requests/proposed resolutions to the next meeting Agendas	before noon 8/4/2022 (Thurs.)	Hall County Administrator's Office City Manager's Office
Step 4:	<u>County Commissioners</u> consider Applicant's request for consent to de-annexation of Property from City at County Work Session mtg	3:00pm 8/8/2022 (Mon.)	Hall County Government Center 2875 Browns Bridge Road Gainesville, GA 30504 (2 nd Floor)
Step 5:	<u>City Council</u> considers Applicant's application for de-annexation at City Work Session meeting	9:00am 8/11/2022 (Thurs.)	City Administration Building 300 Henry Ward Way Gainesville, GA 30501 (3 rd Floor)
Step 6:	<u>County Commissioners</u> vote on proposed De-annexation Resolution and request to submit Zoning Application	6:00pm 8/11/2022 (Thurs.)	Hall County Government Center 2875 Browns Bridge Road Gainesville, GA 30504 (2 nd Floor)
Step 7:	<u>Applicant</u> submits Zoning Application to County Planning Dept. by filing deadline	before 4:00pm 8/15/2022 (Mon.)	Hall County Planning Dept.
Step 8:	<u>City Council</u> votes on proposed De-annexation Resolution and request for waiver of the annexation requirement for city water and sewer services for the Project	5:30pm 8/16/2022 (Tues.)	Public Safety Complex Municipal Court Room 701 Queen City Parkway
Step 9:	<u>City Attorney</u> sends Notice via FedEx to Dept. of Comm. Affairs and to Hall County Law Dept., with copy to County Planning Dept., if De-annexation Resolution is approved by City; <i>or</i> <u>Applicant</u> withdraws Zoning Application if De-Annexation application is denied.	before noon on or before 8/22/2022 (Mon.)	See attached FedEx labels
Step 10:	<u>County Planning Dept.</u> has Legal Ad Published and sends Notices to owners w/in 500 ft. radius of Property re: Zoning Application <i>and</i> <u>Applicant</u> posts sign on Property and submits signed Affidavit with picture to Planning Dept.	Before noon 9/14/2022 (Wed.)	The Times Newspaper and Hall County Planning Department
Step 11:	<u>County Planning Commission</u> considers Zoning Application at Public Hearing/Meeting	5:15pm 10/3/2022 (Mon.)	Hall County Government Center 2875 Browns Bridge Road Gainesville, GA 30504 (2 nd Floor)
Step 12:	<u>County Commissioners</u> consider Applicant's Zoning Application at Work Session Meeting	3:00pm 11/7/2022 (Mon.)	Hall County Government Center 2875 Browns Bridge Road Gainesville, GA 30504 (2 nd Floor)
Step 13:	<u>County Commissioners</u> vote on proposed Zoning Resolution for R-MF zoning for Property	6:00pm 11/10/2022 (Thurs.)	Hall County Government Center 2875 Browns Bridge Road Gainesville, GA 30504 (2 nd Floor)

RELEVANT STATUTES

**§ 36-36-22. Deannexation; authority; procedures; identification;
status of lands**

Authority is granted to the governing bodies of the several municipal corporations of this state to deannex an area or areas of the existing corporate limits thereof, in accordance with the procedures provided in this article and in Article 1 of this chapter, upon the written and signed applications of all of the owners of all of the land, except the owners of any public street, road, highway, or right of way, proposed to be deannexed, containing a complete description of the lands to be deannexed and the adoption of a resolution by the governing authority of the county in which such property is located consenting to such deannexation. Lands to be deannexed at any one time shall be treated as one body, regardless of the number of owners, and all parts shall be considered as adjoining the limits of the municipal corporation when any one part of the entire body abuts such limits. When such application is acted upon by the municipal authorities and the land is, by ordinance, deannexed from the municipal corporation, an identification of the property so deannexed shall be filed with the Department of Community Affairs and with the governing authority of the county in which the property is located in accordance with Code Section 36-36-3. When so deannexed, such lands shall cease to constitute a part of the lands within the corporate limits of the municipal corporation as completely and fully as if the limits had been marked and defined by local Act of the General Assembly.

**GA. Code 36-36-4 Creation of unincorporated islands prohibited;
authorization to provide services or functions (Georgia Code
(2022 Edition))**

**§ 36-36-4. Creation of unincorporated islands prohibited;
authorization to provide services or functions**

(a) The creation of unincorporated islands as described in paragraph (1), (2), or (3) of this subsection shall be prohibited:

(1) Annexation or deannexation which would result in the creation of an unincorporated area with its aggregate external boundaries abutting the annexing municipality;

(2) Annexation or deannexation which would result in the creation of an unincorporated area with its aggregate external boundaries abutting any combination of the annexing municipality and one or more other municipalities; or

(3) Annexation or deannexation which would result in the creation of an unincorporated area to which the county would have no reasonable means of physical access for the provision of services otherwise provided by the county governing authority solely to the unincorporated area of the county.

(b) When requested by resolution of the county governing authority, a municipality is authorized to provide any service or exercise any function within an unincorporated island. Such authority shall be in addition to any other authority of the municipality to provide extraterritorial services or functions. For purposes of this subsection, "unincorporated island" shall have the same meaning as contained in paragraph (3) of Code Section 36-36-90.

(c) The prohibition contained in subsection (a) of this Code section shall not apply to a local Act providing for deannexation of territory from a municipality that would create an unincorporated island where another local Act annexing the same territory into another municipality takes effect on the same date as the local Act providing for deannexation of such territory.

History:

Amended by 2015 Ga. Laws 217, §1, eff. 5/12/2015.

GA. Code 36-36-57 Adoption of annexation resolution by municipal corporation; contents of resolutions; approval, availability, and distribution of report relating to extension of services; conduct of public hearing (Georgia Code (2022 Edition))
§ 36-36-57. Adoption of annexation resolution by municipal corporation; contents of resolutions; approval, availability, and distribution of report relating to extension of services; conduct of public hearing

(a) Any municipal governing body desiring to annex territory pursuant to this article shall first pass a resolution stating the intent of the municipal corporation to consider annexation. The resolution shall describe the boundaries of the area under consideration and fix a date for a public hearing on the question of annexation. The date for the public hearing shall be not less than 30 days and not more than 60 days following passage of the resolution. The notice of the public hearing shall (1) fix the date, hour, and place of a public hearing, (2) describe clearly the boundaries of the area under consideration, and (3) state that the report required in Code Section 36-36-56 will be available at the office of the municipal clerk at least 14 days prior to the date of the public hearing. The notice shall be given by publication in a newspaper having general circulation in the municipality once a week for three successive weeks prior to the date of the hearing. The date of the last publication shall be not more than seven days preceding the date of public hearing. If there is no such newspaper, the municipal corporation shall post the notice in at least three public places within the municipality and in at least three public places in the area to be annexed for 30 days prior to the date of the public hearing.

(b) At least 14 days before the date of the public hearing, the governing body shall approve the report provided for in Code Section 36-36-56 and shall make it available to the public at the office of the municipal clerk. In addition, the municipal corporation may prepare a summary of the full report for public distribution.

(c) At the public hearing, a representative of the municipal corporation shall first make an explanation of the report required in Code Section 36-36-56. Following such explanation, all persons resident or owning property in the territory described in the notice of public hearing and all residents of the municipality shall be given an opportunity to be heard.

Annexation or Deannexation by 100% Method

Statute

to the municipal corporation, an identification of the property so annexed shall be filed with the Department of Community Affairs and with the governing authority of the county in which the property is located in accordance with Code Section 36-36-3. When so annexed, such lands shall constitute a part of the lands within the corporate limits of the municipal corporation as completely and fully as if the limits had been marked and defined by local Act of the General Assembly. Except as provided in subsection (c) of Code Section 36-36-20, nothing in this article shall be construed to authorize annexation of the length of any public right of way except to the extent that such right of way adjoins private property otherwise annexed by the municipal corporation.

36-36-22

Authority is granted to the governing bodies of the several municipal corporations of this state to deannex an area or areas of the existing corporate limits thereof, in accordance with the procedures provided in this article and in Article 1 of this chapter, upon the written and signed applications of all of the owners of all of the land, except the owners of any public street, road, highway, or right of way, proposed to be deannexed, containing a complete description of the lands to be deannexed and the adoption of a resolution by the governing authority of the county in which such property is located consenting to such deannexation. Lands to be deannexed at any one time shall be treated as one body, regardless of the number of owners, and all parts shall be considered as adjoining the limits of the municipal corporation when any one part of the entire body abuts such limits. When such application is acted upon by the municipal authorities and the land is, by ordinance, deannexed from the municipal corporation, an identification of the property so deannexed shall be filed with the Department of Community Affairs and with the governing authority of the county in which the property is located in accordance with Code Section 36-36-3. When so deannexed, such lands shall cease to constitute a part of the lands within the corporate limits of the municipal corporation as completely and fully as if the limits had been marked and defined by local Act of the General Assembly.

Commentary

4) All parts of a body of land proposed to be annexed are considered to be adjoining the municipal limits as long as the body is contiguous to the municipal boundary at any point. See figures, page 34 and 35.

Identification of the annexed land must be filed with DCA and the governing authority of the county.

This subsection also includes a provision which makes clear that the length of any public right-of-way may not be annexed under the 100% method unless the right-of-way adjoins private property annexed by the municipal corporation or is included in an annexation of municipally owned property.

The 100% method can be used in any county in Georgia.

O.C.G.A. § 36-36-22 (Deannexation; Authority; Procedures; Identifications; Status of Lands)

This section establishes a procedure by which a municipal corporation may deannex an area that is currently within the corporate limits. Deannexation is solely within the discretion of the municipal governing authority. The reference to Article 1 is specifically in regards to O.C.G.A. § 36-36-4 which prohibits the creation of unincorporated islands by deannexation.

Requirements:

- 1) Written and signed applications of all the owners of all of the land. The owners of public lands are not included in this definition. This requirement is effectively the same as in the 100% method of annexation.
- 2) A complete description of the lands to be deannexed must be attached to the deannexation application.
- 3) The governing authority of the county in which the property proposed for deannexation is located must adopt a resolution consenting to the deannexation.
- 4) Lands to be deannexed at any one time will be considered one body, regardless of the number of owners. All parcels will be considered as adjoining the limits of the municipal corporation when any one parcel of the entire area being annexed abuts the municipality's limits. This subsection is the same definition of contiguous area found in

GA. Code 36-66-4 Hearings on proposed zoning decisions; notice of hearing; nongovernmental initiated actions; reconsideration of defeated actions; procedure on zoning for property annexed into municipality (Georgia Code (2022 Edition))

(2) The hearing required by subsection (a) of this Code section shall be conducted prior to the annexation of the subject property into the municipality;

(3) In addition to the other notice requirements of this Code section, the municipality shall cause to be published within a newspaper of general circulation within the territorial boundaries of the county wherein the property to be annexed is located a notice of the hearing as required under the provisions of subsection (a) or (b), as applicable, of this Code section and shall place a sign on the property when required by subsection (b) of this Code section; and

(4) The zoning classification approved by the municipality following the hearing required by this Code section shall become effective on the later of:

(A) The date the zoning is approved by the municipality;

(B) The date that the annexation becomes effective pursuant to Code Section 36-36-2; or

(C) Where a county has interposed an objection pursuant to Code Section 36-36-11, the date provided for in paragraph (8) of subsection (c) of said Code section.

(e) A qualified municipality into which property has been annexed may provide, by the adoption of a zoning ordinance, that all annexed property shall be zoned by the municipality, without further action, for the same use for which that property was zoned immediately prior to such annexation. A qualified county which includes property which has been deannexed by a municipality may provide, by the adoption of a zoning ordinance, that all deannexed property shall be zoned by the county, without further action, for the same use for which that property was zoned immediately prior to such deannexation. A municipality shall be a qualified municipality only if the municipality and the county in which is located the property annexed into such municipality have a common zoning ordinance with respect to zoning classifications. A county shall be a qualified county only if that county and the municipality in which was located the property deannexed have a common zoning ordinance with respect to zoning classifications. A zoning ordinance authorized by this subsection shall be adopted in compliance with the other provisions of this chapter. The operation of such ordinance to zone property which is annexed or deannexed shall not require any further action by the adopting municipality, adopting county, or owner of the property annexed or deannexed. Property which is zoned pursuant to this subsection may have such zoning classification changed upon compliance with the other provisions of this chapter.

**COVER LETTER AND
DE-ANNEXATION APPLICATION
WITH SUPPLEMENT ENCLOSURES**

IHS LAW, LLC
A Georgia limited liability company

340 Jesse Jewell Pkwy, Suite 105
P.O. Box 907146
Gainesville, GA 30501
404-210-6271
cwalker@ihslawllc.com

August 3, 2022

VIA HAND DELIVERY AND
VIA ELECTRONIC MAIL

ash@homlaw.com
vstephens@hallcounty.org

Hulsey, Oliver & Mahar, LLP
Mr. Abbott S. Hayes, Jr., City Attorney
200 E. E. Butler Parkway
Gainesville, GA 30501

Hall County Law Department
Mr. Van Stephens, County Attorney
2875 Browns Bridge Road
Gainesville, GA 30504

Re: De-Annexation Application (the "De-Annexation Application" or the "Application") of Capstone Acquisitions, LLC (the "Applicant") regarding 58.28 +/- acres located at 2866 Lanier Tech Drive (i.e. Tax Parcel # 15021 000085) (the "Property")

Dear City and County Attorneys:

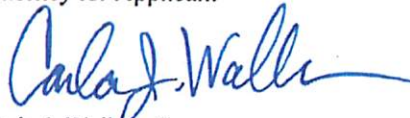
Please find enclosed herewith a copy of the above-referenced De-Annexation Application that has been submitted to the City of Gainesville's Community and Economic Development Dept. this morning. In furtherance of this Application, I/we hereby respectfully request the following:

- (1) That the Hall County Board of Commissioners consent to Applicant's De-Annexation Application and pass a Resolution setting forth said consent; and
- (2) That the City of Gainesville grant Applicant's request for the de-annexation of the above-described Property and pass a Resolution setting forth said approval; and
- (3) That Applicant's requests be added to the next Work Session and Voting Meeting agendas for the Hall County Board of Commissioners & the Governing Body of the City of Gainesville; and
- (4) That Applicant be permitted to file its Zoning Application with the Hall County Planning and Development Department by the next deadline of August 15, 2022; and
- (5) That the Property (and the development proposed thereon) retain access to the utility services of the City of Gainesville for water and sewer connectivity, if the Application is approved.

Thank you in advance for your consideration of this matter. Please do not hesitate to contact me directly if any additional information is needed to evaluate and approve these requests.

Sincerely,

IHS LAW, LLC,
Attorney for Applicant



Carla J. Walker, Esq.

Enclosure: Copy of De-annexation Application

Cc: William J. Linkous, III, Deputy County Attorney (via e-mail only: wlinkous@hallcounty.org)
Jonathan Collins, Capstone Acquisitions, LLC (via e-mail only: jonathan@cpgllc.net)



GAINESVILLE

APPLICATION FOR ZONING ACTIONS

PAB Meeting Date: _____

Council Meeting Date: _____

Applicant Information

Name	Capstone Acquisitions, LLC
Address	P.O. Box 723
City/State/Zip	Gainesville, GA 30503
Phone/Cell	770-519-5598
Email	jonathan@cpqllc.net

Property Owner Information

Name	Howard LT Holdings 1, LLC; Howard LT Holdings 2, L
Address	c/o IHS Law, LLC - 340 Jesse Jewell Pkwy, Suite 105
City/State/Zip	Gainesville, GA 30501
Phone/Cell	404-210-6271
Email	cwalker@ihslawllc.com

Applicant Status

☐	Current Property Owner
☐	Option to Purchase
☐	Area Resident
☒	Representative
☐	Government

Zoning Request

Existing Zoning	L-1
Rezone To / Establish As	
☐ Annexation	☒ De-annexation
☐ Rezoning	☐ Zoning Amendment
☐ Special Use Permit	☐ Road Action Request

Parcel Information

Tax Parcel Number(s)	15021 000085	Ward No.	2
Location (Address)	2866 NE Lanier Tech Drive	Acres	58.28
Existing Structure(s)	N/A - vacant		
Description of Proposed Use	multi-family development		

Connect to City Sewer (For Annexations Only)

Does the applicant wish to connect to city sewer?	☒	Yes	☐	No
Does the applicant plan to request the city to share in the cost of the sewer line extension as a condition of annexation?	☐	Yes	☒	No
If Yes to cost sharing, provide a Letter of Cost Estimate from the Department of Water Resources				

Fee Information

Annexation or De-annexation, Rezoning, or Zoning Amendment	\$500.00
Special Use Permit	\$400.00
Road Action Request	\$250.00
Amount Due (Include all fees required)	\$

Method of Payment

☐	Paid by Check	Check No.	
☐	Paid Cash	Receipt No.	

Supporting Documents Required in PDF Format

☐	Concept Plan - Prepared by a Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect
☐	Plat
☒	Legal Description of Property - Word DOC or DOCX format
☐	Narrative Report
☐	Architectural Rendering
☐	Traffic Impact Study - If applicable
☐	DRI Review - Large scale projects only
☒	Other - Explain Request for Annexation Waiver re: Sewer

Applicant's Certification: I hereby certify the above information, and all attached information, is true and correct; and that I have read, understand, and have received a copy of the Public Notice Requirements.

Signature of Applicant _____
Capstone Acquisitions, LLC

Date 8-3-2022

Application Taken By _____

Date _____

Application WITHDRAWAL Notification: I hereby withdraw the above application.

Signature of Applicant _____

Date _____

Zoning Action Request

PROPERTY OWNER AUTHORIZATION

As the owner of the subject property, I hereby authorize the person named below to act on my behalf as Applicant in the pursuit of zoning action for this property.

Applicant's Name, If not Owner	Capstone Acquisitions, LLC
--------------------------------	----------------------------

OWNER INFORMATION CERTIFICATION

I swear that I am the owner of the property which is the subject matter of this application, as shown in the records of Hall County, Georgia:

Name of Owner	Howard LT Holdings 2, LLC
Owner's Address	P.O. Box 723
City / State / Zip Code	Gainesville, GA 30503
Owner's Phone Number	770-530-9850
Owner's Cell Phone Number	Same

NOTARY PUBLIC CERTIFICATION

Personally appeared before me the following:

Howard LT Holdings 2, LLC

By:

Jonathan Collins, Signature of Property Owner
Manager

who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief.

Notary Public

Date

8/3/2022



In the event there is more than one property owner, a separate Property Owner Authorization page must be completed by each property owner.

Zoning Action Request

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

NOTE: This form is required for all annexation and/or zoning actions

- (a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
- (1) The name and official position of the local government official to whom the campaign contribution was made; and
 - (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- (c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:
- (1) The name and official position of the local government official to whom the campaign contribution was made; and
 - (2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

APPLICANT'S CERTIFICATION

I hereby certify that I have read the above campaign disclosure information and declare that (select have or have not)

☐

I have within the two years immediately preceding this date made any campaign contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

☒

I have not within the two years immediately preceding this date made any campaign contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

***NOTE:** If you are an applicant and you have made any such contribution(s), you must provide the information required in subsection (a) above within ten (10) days after the rezoning action is first filed. If you are an opponent and you have made a contribution, you must provide the information required in subsection (c) above at least five (5) calendar days prior to the public hearing by the City Council or any of its agencies on the rezoning application.

(1)

(Name and official position of the City Council Member of the City of Gainesville, Georgia to whom campaign contribution was made)

(2)

Amount: \$ _____

Date of Contribution: _____

Capstone Acquisitions, LLC

Signature of Applicant: By: _____

Jonathan Collins, Manager

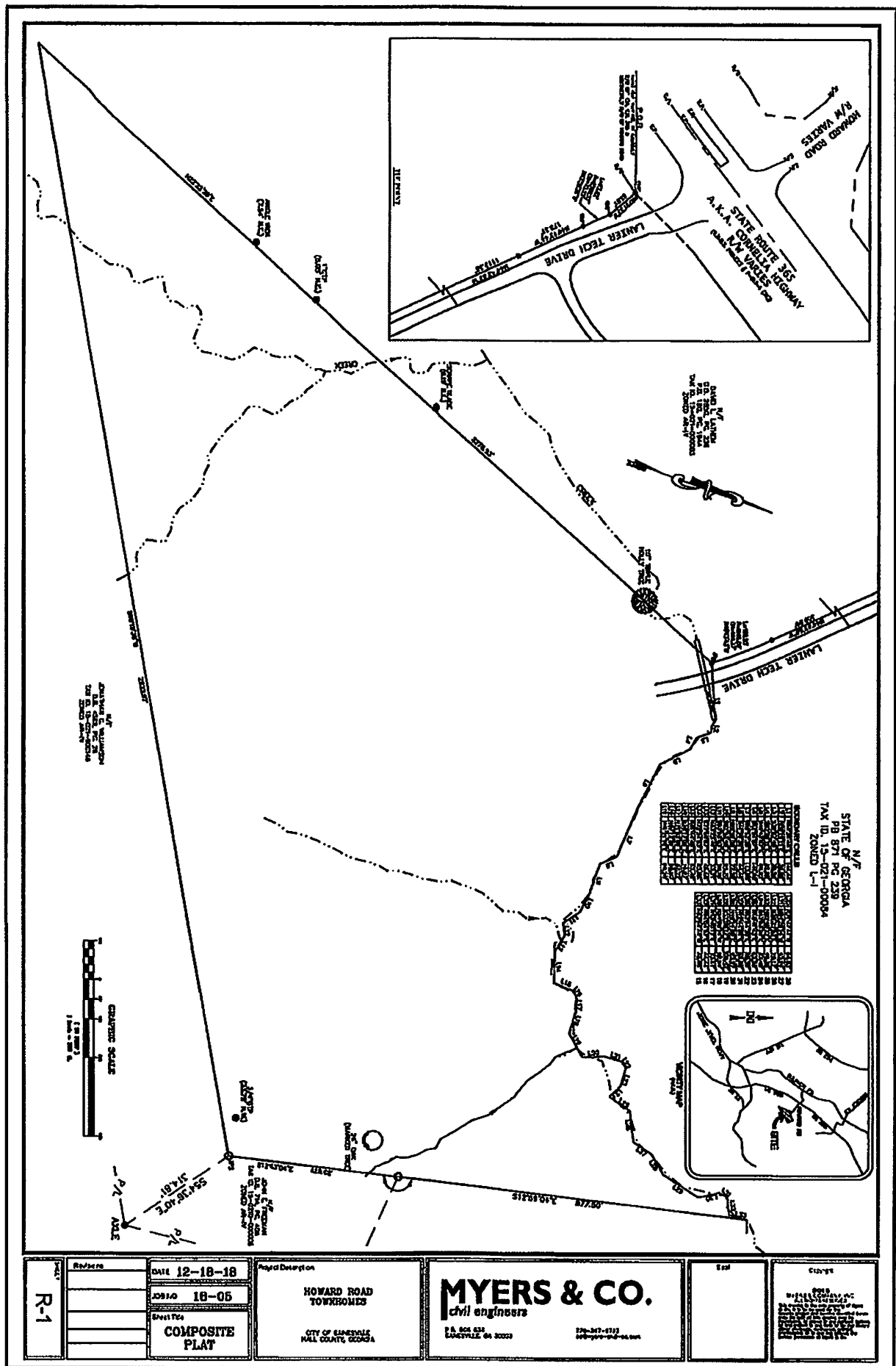
Date: 8-3-2022

Legal Description
For
Tax Parcel 15021 000085

All that tract or parcel of land lying and being in G.M.D. 411 of Hall County, Georgia and being more particularly described as follows:

Beginning at a concrete monument at the right of way intersection of the easterly right of way and Howard Road and the southerly right of way of Georgia State Route No. 365, a.k.a. Cornelia Highway, said point being the POINT OF BEGINNING; THENCE along the southerly right of way of Howard Road heading N60°21'53"W for a distance of 83.01' to a point; THENCE along a curve to the right with an arc length of 73.52', having a radius of 2598.27', with a chord bearing of N43°58'26"W, with a chord length of 73.52' to a point; THENCE N44°42'44"W for a distance of 178.31'; THENCE N44°42'57"W for a distance of 1113.38' to a point; THENCE N44°42'56"W for a distance of 359.90' to a point; THENCE along a curve to the right with an arc length of 160.50', having a radius of 1165.00', with a chord bearing of N40°43'43"W, with a chord length of 160.37', said point being the TRUE POINT OF BEGINNING; THENCE N66°36'46"E for a distance of 141.46' to a point; THENCE N86°19'11"E for a distance of 36.86' to a point; THENCE S39°57'45"E for a distance of 38.56' to a point; THENCE S83°26'11"E for a distance of 32.02' to a point; THENCE S46°42'57"E for a distance of 86.22' to a point; THENCE S82°51'07"E for a distance of 141.80' to a point; THENCE S86°52'30"E for a distance of 113.60' to a point; THENCE S41°39'36"E for a distance of 44.46' to a point; THENCE N88°49'55"E for a distance of 77.20' to a point; THENCE S82°43'46"E for a distance of 54.70' to a point; THENCE S53°53'53"E for a distance of 50.16' to a point; THENCE N63°25'41"E for a distance of 32.21' to a point; THENCE S77°50'07"E for a distance of 45.68' to a point; THENCE N72°24'52"E for a distance of 83.85' to a point; THENCE N01°44'45"E for a distance of 52.46' to a point; THENCE N39°17'09"E for a distance of 16.67' to a point; THENCE N71°53'09"E for a distance of 37.22' to a point; THENCE N87°12'51"E for a distance of 58.80' to a point; THENCE N41°21'16"E for a distance of 69.26' to a point; THENCE N21°47'41"W for a distance of 54.92' to a point; THENCE N04°28'14"W for a distance of 43.94' to a point; THENCE N38°33'03"E for a distance of 20.17' to a point; THENCE N85°43'27"E for a distance of 49.38' to a point; THENCE S63°53'32"E for a distance of 37.42' to a point; THENCE N15°41'43"E for a distance of 62.26' to a point; THENCE N62°54'30"E for a distance of 80.36' to a point; THENCE N12°44'09"E for a distance of 52.88' to a point; THENCE N40°14'05"E for a distance of 62.97' to a point; THENCE N12°58'17"E for a distance of 106.42' to a point; THENCE N34°09'14"W for a distance of 52.94' to a point; THENCE N13°40'12"E for a distance of 23.61' to a point; THENCE N64°04'52"E for a distance of 44.44' to a point; THENCE N03°59'48"W for a distance of 45.85' to a point; THENCE S12°59'04"E for a distance of 877.50' to a point; THENCE S12°43'04"E for a distance of 428.02' to an iron pin set; THENCE S60°19'30"W for a distance of 2823.97' to a point; THENCE N22°22'29"E for a distance of 2276.53' to a point, said point being the TRUE POINT OF BEGINNING.

Together with and subject to covenants, easements and restrictions of record. Said property contains 58.28 acres as shown on a Composite Plat for Howard Road Townhomes, prepared by Myers & Co, Inc., dated 12/18/18.



IHS LAW, LLC
A Georgia limited liability company

340 Jesse Jewell Pkwy, Suite 105
P.O. Box 907146
Gainesville, GA 30501
404-210-6271
cwalker@ihslawllc.com

August 3, 2022

VIA HAND DELIVERY AND
VIA ELECTRONIC MAIL
rligon@gainesvillega.gov

City of Gainesville
Mr. Rusty Ligon, Director
Community and Economic Development
300 Henry Ward Way, Suite 303
Gainesville, GA 30501

Re: Request for WAIVER of annexation requirement for water and sanitary sewer services and Request for ACCESS to said services to Capstone at Inland Crossing, being 58.28 +/- acres located at 2866 Lanier Tech Drive, Gainesville, Georgia (i.e. Tax Parcel # 15021 000085) (the "Property")

Dear Rusty:

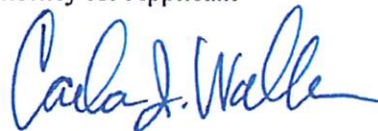
The purpose of this letter is: (i) to request a waiver of the annexation requirement for the provision of water and sanitary sewer services from the City of Gainesville (the "City") to the above-reference Property, and (ii) to request access to the City's water and sanitary sewer services for a proposed development off of Lanier Tech Drive a/k/a Howard Road in Hall County *after* said Property is de-annexed from the City, if approved. The proposed project is 342-unit multi-family development (the "Project"). Please see the attached site plan.

The requests above (the "Requests") are being made on behalf of Capstone Acquisitions, LLC (the "Applicant") as agent for the two owners of the Property and are being made contemporaneously with an application for de-annexation that is being submitted to the City of even date herewith. In support of the Requests, please find enclosed a letter from the City's Permitting Services Manager confirming the availability of water and sanitary sewer services to/for the Project.

Thank you in advance for your consideration of these Requests. Please do not hesitate to contact me directly if any additional information is needed to evaluate and approve the same.

Sincerely,

IHS LAW, LLC,
Attorney for Applicant



Carla J. Walker, Esq.

Enclosures: Preliminary Site Plan and Letter of Availability

Cc: Mr. Abbott S. Hayes, Jr., Attorney for the City of Gainesville (via e-mail only)
Mr. Jonathan Collins, Capstone Acquisitions, LLC (via e-mail only)

[illegible]

Capstone Acquisitions LLC
340 Jesse Jewell Pkwy, Ste 400
Gainesville, Ga 30501
Phone: 770-519-5598

VICINITY MAP

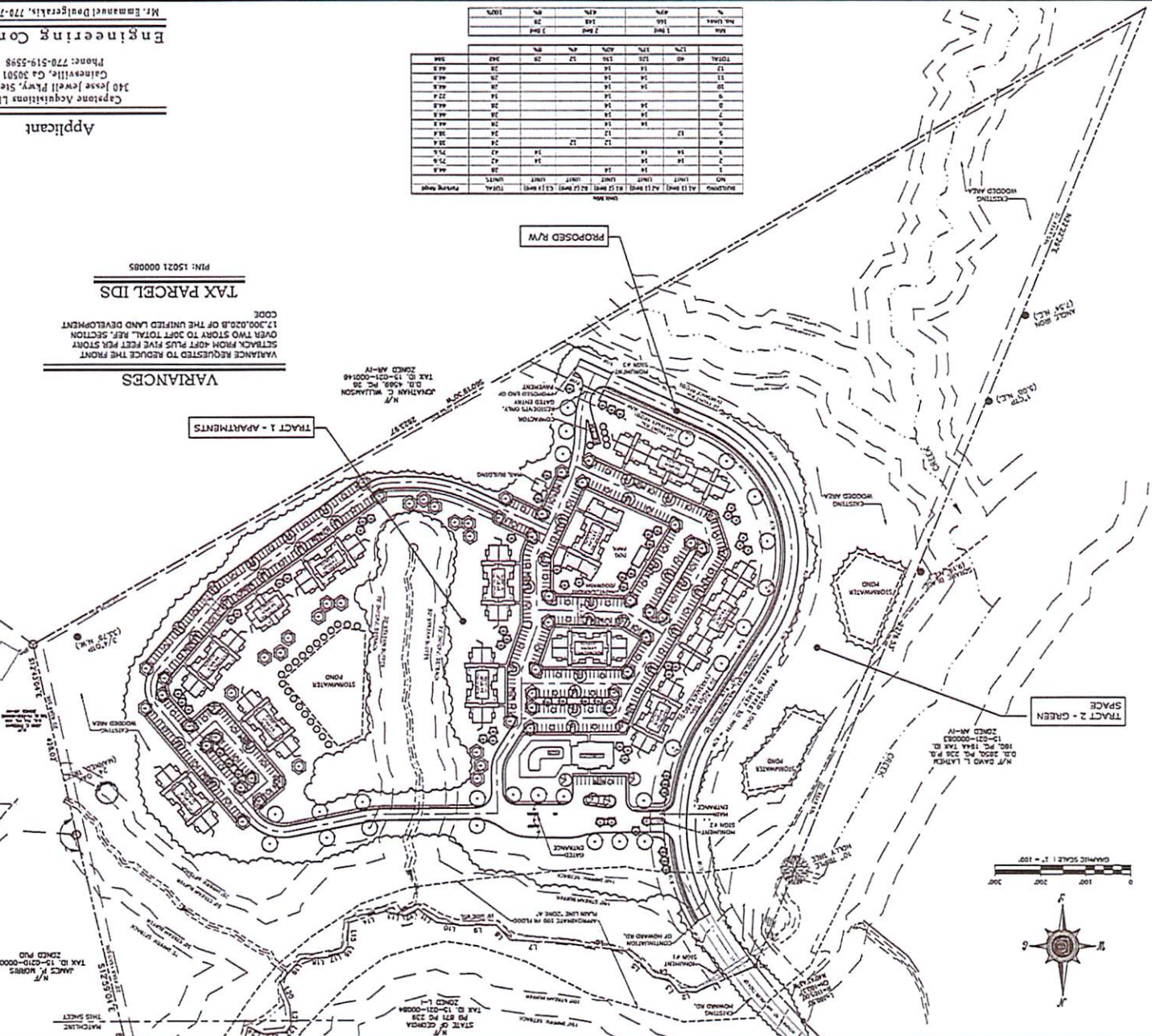
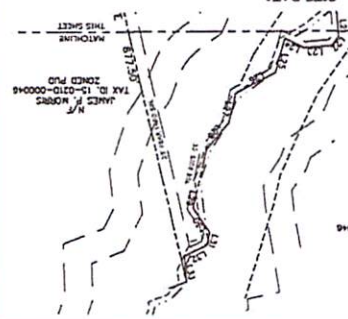


VARIANCE REQUESTED TO REDUCE THE FRONT
SETBACK FROM 40FT PLUS FIVE FEET PER STORY
ON TWO STORY TO 30FT TOTAL, REF. SECTION
17.000.020.B OF THE UNIFIED LAND DEVELOPMENT
CODE

TRACT 1 - APARTMENTS

NOTES:

1. PROPOSED USE OF THE PROPERTY IS MULTI FAMILY APARTMENTS.
2. BOUNDARY INFORMATION PROVIDED BY OTHERS AND IS BASED ON PLAT BY ROCHESTER AND ASSOCIATES DATED: 7-22-16.
3. TOPOGRAPHIC INFORMATION IS WEST COUNTY GIS.
WATER SERVICE AND SANITARY SERVICE TO BE PROVIDED BY THE CALCINEVILLE PUBLIC UTILITIES DEPARTMENT.

[illegible][illegible]

CITY OF
GAINESVILLE

WATER RESOURCES

July 19, 2022

Capstone Acquisitions, LLC
Attn: Carla J. Walker, Esq.
340 Jesse Jewell Pkwy, Suite 105
Gainesville, GA 30501

Re: Water & Sanitary Sewer Availability
Proposed 342-Unit Multi-Family Development
2866 Lanier Tech Drive
PIN: 15021 000085

Dear Ms. Walker,

The purpose of this letter is to confirm the availability of water and sanitary sewer service to the above-referenced property.

The City of Gainesville owns and operates an existing 12-inch DIP water main in the right-of-way of Lanier Tech Drive, which terminates on the subject property. The City also owns and operates an existing 8-inch DIP gravity sanitary sewer located on the subject property.

The City of Gainesville has adequate capacity for your proposed 342-unit multi-family development, which we understand will generate an anticipated average sewage flow of 85,550 GPD and a peak flow of 213,750 GPD. It is our understanding the developer will be requesting to de-annex the property from the City of Gainesville, and, as a result, subsequently request the City to waive the annexation requirement for sanitary sewer service. If the request is approved by City Council, the City will honor this commitment of water and sanitary sewer service for your development.

This confirmation of water and sanitary sewer availability is good for one year from the date of this letter at which time, it will become null and void unless engineered plans have been submitted for issuance of a development permit.

Please call me at (770) 538-2452 should you have any questions.

Sincerely,

Nick Swafford

Nick Swafford
Permitting Services Manager

cc: Myron Bennett, P.E., Engineering and Construction Div. Manager

**PROPOSED RESOLUTION AND
PROPOSED ORDINANCE FOR
CITY OF GAINESVILLE**

RESOLUTION BR-2022-__

**CAPSTONE AT INLAND CROSSING
DEVELOPMENT ANNEXATION WAIVER**

WHEREAS, the City of Gainesville owns and operates a sanitary sewer collection system serving the City of Gainesville and surrounding areas; and

WHEREAS, the City of Gainesville requires property owners who desire to connect to the sanitary sewer collection system to annex into the corporate limits of the City of Gainesville prior to connection when contiguous to the City Limits; and

WHEREAS, in some instances, the City may desire to provide sanitary sewer service to property which is contiguous to the municipal boundaries of the City for protection of the public health and welfare of the community, despite the proposed use of said property not conforming to the City Unified Land Development Code and/or despite the proposed use of said property being inconsistent with the City Comprehensive Future Land Use Plan; and

WHEREAS, in these instances, the City of Gainesville will allow connection to the City's sanitary sewer collection system without requiring annexation into the City Limit's but will require execution of a sanitary sewer service agreement and power of attorney for future annexation of said property; and

WHEREAS, Capstone Acquisitions, LLC, on behalf of the two owners of that certain 58.28 +/- acre tract located at 2866 Lanier Tech Drive (the "Property"), proposes a multi-family development on said parcel and has formally requested, in writing, the annexation requirement for connection to the City's sanitary sewer system be waived; and

WHEREAS, Community and Economic Development Department staff have identified the nature of the proposed multi-family development to be non-conforming with the City's Comprehensive Future Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves this request to allow connection of the Property to the City's water and sanitary sewer system without annexation.

BE IT FURTHER RESOLVED THAT the Mayor, City Manager and/or City Attorney are authorized to sign any and all documents that may be necessary to effectuate the connection of the Property to the City's sanitary sewer system.

Adopted this ____ day of August, 2022.

Sam Couvillon, Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

AN ORDINANCE

No. 2022-__

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GAINESVILLE TO ACCEPT THE APPLICATION OF THE CAPSTONE ACQUISITIONS, LLC ("CAPSTONE") TO DE-ANNEX CERTAIN PROPERTY CURRENTLY LOCATED WITHIN THE CITY LIMITS OF THE CITY OF GAINESVILLE ("PROPERTY") PURSUANT TO O.C.G.A. § 36-36-22; TO ACKNOWLEDGE RECEIPT OF THE RESOLUTION BY HALL COUNTY, GEORGIA CONSENTING TO THE DE-ANNEXATION OF THE PROPERTY; TO DE-ANNEXED SAID PROPERTY; TO CONFIRM THAT SAID PROPERTY CEASES TO CONSTITUTE A PART OF THE LANDS WITHIN THE CITY LIMITS OF THE CITY OF GAINESVILLE; TO APPROVE THE CONNECTION OF THE PROPERTY TO THE CITY'S WATER AND SANITARY SEWER SYSTEM WITHOUT ANNEXATION AND FOLLOWING THIS DE-ANNEXATION; TO INSTRUCT THAT AN IDENTIFICATION OF THE PROPERTY BE FILED BY THE CITY OF GAINESVILLE WITH THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Howard LT Holdings 1, LLC and Howard LT Holdings 2, LLC (the "Owners") are the sole landowners of a certain piece of property, consisting of 58.28 +/- acres, more or less, currently located within the city limits of the City of Gainesville, the address of said property being 2866 NE Lanier Tech Drive, Gainesville, Georgia ("Property"); and

WHEREAS, a complete legal description of the Property is more fully set forth hereinbelow; and

WHEREAS, on August 3, 2022, the City of Gainesville received a written and signed de-annexation application from Capstone as representative for the Owners (the "Application"), a which Application contained a complete description of the lands to be de-annexed and a request for service of water and sanitary sewer services to be provided to the Property by the City of Gainesville following the de-annexation, if approved; and

WHEREAS, O.C.G.A. § 36-36-22 grants the City of Gainesville authority to accept an application for de-annexation upon the written and signed application of all of the owners of all of the land proposed to be de-annexed; and

WHEREAS, O.C.G.A. § 36-36-22 grants the City of Gainesville authority to pass an ordinance to complete the de-annexation of land upon the adoption of a resolution by the governing authority of the county in which such property is located consenting to such de-annexation; in this case, the applicable county is Hall County, Georgia; and

WHEREAS, the City of Gainesville is in receipt of a resolution by Hall County dated August 11, 2022 consenting to the de-annexation of the Property requested in Capstone's Application;

NOW, THEREFORE, BE IT RESOLVED AND IS HEREBY ORDAINED BY THE GOVERNING BODY FOR THE CITY OF GAINESVILLE AS FOLLOWS:

ORDINANCE NO. 2022-__

Section I

The Mayor and Council of the City of Gainesville hereby accept the application of Capstone Acquisitions, LLC to de-annex that certain above-defined Property currently located within the city limits of the City of Gainesville, Georgia pursuant to O.C.G.A. § 36-36-22 and hereby acknowledge receipt of a resolution by Hall County, Georgia consenting to the de-annexation of the Property.

Section II

That from and after the passage of this Ordinance the following described lands are and shall be de-annexed from the existing corporate limits of the City of Gainesville, Georgia, so that said lands shall cease to constitute a part of the land within the corporate limits of the City of Gainesville, Georgia, as fully and completely as if the limits had been so defined by the General Assembly of Georgia.

Legal Description

All that tract or parcel of land lying and being in G.M.D. 411 of Hall County, Georgia and being more particularly described as follows:

Beginning at a concrete monument at the right of way intersection of the easterly right of way and Howard Road and the southerly right of way of Georgia State Route No. 365, a.k.a. Cornelia Highway, said point being the POINT OF BEGINNING; THENCE along the southerly right of way of Howard Road heading N60°21'53"W for a distance of 83.01' to a point; THENCE along a curve to the right with an arc length of 73.52', having a radius of 2598.27', with a chord bearing of N43°58'26"W, with a chord length of 73.52' to a point; THENCE N44°42'44"W for a distance of 178.91'; THENCE N44°42'57"W for a distance of 1113.38' to a point; THENCE N44°42'56"W for a distance of 359.90' to a point; THENCE along a curve to the right with an arc length of 160.50', having a radius of 1165.00', with a chord bearing of N40°43'43"W, with a chord length of 160.37', said point being the TRUE POINT OF BEGINNING; THENCE N66°36'46"E for a distance of 141.46' to a point; THENCE N86°19'11"E for a distance of 36.86' to a point; THENCE S39°57'45"E for a distance of 38.56' to a point; THENCE S83°26'11"E for a distance of 32.02' to a point; THENCE S46°42'57"E for a distance of 86.22' to a point; THENCE S82°51'07"E for a distance of 141.80' to a point; THENCE S86°52'30"E for a distance of 113.60' to a point; THENCE S41°39'36"E for a distance of 44.46' to a point; THENCE N88°49'55"E for a distance of 77.20' to a point; THENCE S82°43'46"E for a distance of 54.70' to a point; THENCE S53°53'53"E for a distance of 50.16' to a point; THENCE N63°25'41"E for a distance of 32.21' to a point; THENCE S77°50'07"E for a distance of 45.68' to a point; THENCE N72°24'52"E for a distance of 83.85' to a point; THENCE N01°44'45"E for a distance of 52.46' to a point; THENCE N39°17'09"E for a distance of 16.67' to a point; THENCE N71°53'09"E for a distance of 37.22' to a point; THENCE N87°12'51"E for a distance of 58.80' to a point; THENCE N41°21'16"E for a distance of 69.26' to a point; THENCE N21°47'41"W for a distance of 54.92' to a point; THENCE N04°28'14"W for a distance of 43.94' to a point; THENCE N38°33'03"E for a distance of 20.17' to a point; THENCE N85°43'27"E for a distance of 49.38' to a point; THENCE S63°53'32"E for a distance of 37.42' to a point; THENCE N15°41'43"E for a distance of 62.26' to a point; THENCE N62°54'30"E for a distance of 80.36' to a point; THENCE N12°44'09"E for a distance of 52.88' to a point; THENCE N40°14'05"E for a distance of 62.97' to a point; THENCE N12°58'17"E for a distance of 106.42' to a point; THENCE N34°09'14"W for a distance of 52.94' to a point; THENCE N13°40'12"E for a distance of 23.61' to a point; THENCE N64°04'52"E for a distance of 44.44' to a point; THENCE N03°59'48"W for a distance of 45.85' to a point; THENCE S12°59'04"E for a distance of 877.50' to a point; THENCE S12°43'04"E for a distance of 428.02' to an iron pin set; THENCE S60°19'30"W for a distance of 2823.97' to a point; THENCE N22°22'29"E for a distance of 2276.59' to a point, said point being the TRUE POINT OF BEGINNING.

Together with and subject to covenants, easements and restrictions of record. Said property contains .58.28 acres as shown on a Composite Plat for Howard Road Townhomes, prepared by Myers & Co, Inc., dated 12/18/18.

ORDINANCE NO. 2022-__

Section III

The City of Gainesville hereby re-affirms its approval to allow connection of the Property to the City's water and sanitary sewer system without annexation (see Resolution BR-2022-__) and hereby approves said connection of the Property to the City's water and sanitary sewer system following and after this de-annexation.

Section IV

The Community and Economic Development Department of the City of Gainesville is directed to make and file with the Department of Community Affairs of the State of Georgia a certified copy of this Ordinance together with a plat describing lands de-annexed from the City of Gainesville by this Ordinance.

Section V

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section VI

If any portion of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

Section VII

The effective date of this Ordinance shall be date of approval/adoption by the governing body of the City of Gainesville, Georgia.

BE IT FURTHER RESOLVED THAT the Mayor, City Manager and/or City Attorney are authorized to sign any and all documents that may be necessary to effectuate the de-annexation of the Property.

Adopted this ____ day of August, 2022.

Sam Couvillon, Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

PROPOSED RESOLUTION FOR HALL COUNTY

STATE OF GEORGIA
COUNTY OF HALL

RESOLUTION NO. 2022-__

A RESOLUTION OF THE HALL COUNTY BOARD OF COMMISSIONERS GRANTING PERMISSION TO CAPSTONE ACQUISITIONS, LLC ("CAPSTONE") TO SUBMIT A ZONING APPLICATION TO THE HALL COUNTY PLANNING AND DEVELOPMENT DEPARTMENT BY AUGUST 15, 2022; CONSENTING TO AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GAINESVILLE TO ACCEPT THE APPLICATION OF THE CAPSTONE TO DEANNEX CERTAIN PROPERTY CURRENTLY LOCATED WITHIN THE CITY LIMITS OF THE CITY OF GAINESVILLE ("PROPERTY") PURSUANT TO O.C.G.A. § 36-36-22; ACKNOWLEDGING RECEIPT OF THIS RESOLUTION BY HALL COUNTY, GEORGIA CONSENTING TO THE DE-ANNEXATION OF THE PROPERTY; DE-ANNEXING SAID PROPERTY; CONFIRMING THAT SAID PROPERTY CEASES TO CONSTITUTE A PART OF THE LANDS WITHIN THE CITY LIMITS OF THE CITY OF GAINESVILLE; APPROVING THE CONNECTION OF THE PROPERTY TO THE CITY'S WATER AND SANITARY SEWER SYSTEM WITHOUT ANNEXATION AND FOLLOWING ITS DE-ANNEXATION; INSTRUCTING THAT AN IDENTIFICATION OF THE PROPERTY BE FILED BY THE CITY OF GAINESVILLE WITH THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Howard LT Holdings 1, LLC and Howard LT Holdings 2, LLC (the "Owners") are the sole landowners of a certain piece of property, consisting of 58.28 +/- acres, more or less, currently located within the city limits of the City of Gainesville, the address of said property being 2866 NE Lanier Tech Drive, Gainesville, Georgia ("Property"); and

WHEREAS, a complete legal description of the Property is more fully set forth hereinbelow; and

WHEREAS, on August 3, 2022, the Hall County Law Department received a copy of a written and signed de-annexation application from Capstone as representative for the Owners (the "Application") submitted to the City of Gainesville, a which Application contained a complete description of the lands to be de-annexed and a request for service of water and sanitary sewer services to be provided to the Property by the City of Gainesville following the de-annexation, if approved; and

WHEREAS, on August 3, 2022, Capstone also submitted a request via cover letter to the Hall County Attorney that it be given permission to file a Zoning Application with the Hall County Planning and Development Department by August 15, 2022; and

WHEREAS, O.C.G.A. § 36-36-22 grants the City of Gainesville authority to accept an application for de-annexation upon the written and signed application of all of the owners of all of the land proposed to be de-annexed; and

WHEREAS, O.C.G.A. § 36-36-22 grants the City of Gainesville authority to pass an ordinance to complete the de-annexation of land upon the adoption of a resolution by the governing authority of the county in which such property is located consenting to such de-annexation; in this case, the applicable county is Hall County, Georgia; and

WHEREAS, the Board of Commissioners of Hall County, Georgia is granted authority pursuant to O.C.G.A. § 36-36-22 to consent to the de-annexation of the Property; and

WHEREAS, the Board of Commissioners of Hall County, Georgia has determined that it is in the best interests of the county to consent to the de-annexation of the Property that is more fully described hereinbelow; and

WHEREAS, accordingly, the Board of Commissioners of Hall County, Georgia has deemed it appropriate for Capstone to be granted permission to file a Zoning Application with the Hall County Planning and Development Department by August 15, 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA AND IT IS HEREBY RESOLVED:

Section I

A more particular description of the Property is described as follows:

Legal Description

All that tract or parcel of land lying and being in G.M.D. 411 of Hall County, Georgia and being more particularly described as follows:

Beginning at a concrete monument at the right of way intersection of the easterly right of way and Howard Road and the southerly right of way of Georgia State Route No. 365, a.k.a. Cornelia Highway, said point being the POINT OF BEGINNING; THENCE along the southerly right of way of Howard Road heading N60°21'53"W for a distance of 83.01' to a point; THENCE along a curve to the right with an arc length of 73.52', having a radius of 2598.27', with a chord bearing of N43°58'26"W, with a chord length of 73.52' to a point; THENCE N44°42'44"W for a distance of 178.31'; THENCE N44°42'57"W for a distance of 1113.38' to a point; THENCE N44°42'56"W for a distance of 359.90' to a point; THENCE along a curve to the right with an arc length of 160.50', having a radius of 1165.00', with a chord bearing of N40°43'43"W, with a chord length of 160.37', said point being the TRUE POINT OF BEGINNING; THENCE N66°36'46"E for a distance of 141.46' to a point; THENCE N86°19'11"E for a distance of 36.86' to a point; THENCE S39°57'45"E for a distance of 38.56' to a point; THENCE S83°26'11"E for a distance of 32.02' to a point; THENCE S46°42'57"E for a distance of 86.22' to a point; THENCE S82°51'07"E for a distance of 141.80' to a point; THENCE S86°52'30"E for a distance of 113.60' to a point; THENCE S41°39'36"E for a distance of 44.46' to a point; THENCE N88°49'55"E for a distance of 77.20' to a point; THENCE S82°43'46"E for a distance of 54.70' to a point; THENCE S53°53'53"E for a distance of 50.16' to a point; THENCE N63°25'41"E for a distance of 32.21' to a point; THENCE S77°50'07"E for a distance of 45.68' to a point; THENCE N72°24'52"E for a distance of 83.85' to a point; THENCE N01°44'45"E for a distance of 52.46' to a point; THENCE N39°17'09"E for a distance of 16.67' to a point; THENCE N71°53'09"E for a distance of 37.22' to a point; THENCE N87°12'51"E for a distance of 58.80' to a point; THENCE N41°21'16"E for a distance of 69.26' to a point; THENCE N21°47'41"W for a distance of 54.92' to a point; THENCE N04°28'14"W for a distance of 43.94' to a point; THENCE N38°33'03"E for a distance of 20.17' to a point; THENCE N85°43'27"E for a distance of 49.38' to a point; THENCE S63°53'32"E for a distance of 37.42' to a point; THENCE N15°41'43"E for a distance of 62.26' to a point; THENCE N62°54'30"E for a distance of 80.36' to a point; THENCE N12°44'09"E for a distance of 52.88' to a point; THENCE N40°14'05"E for a distance of 62.97' to a point; THENCE N12°58'17"E for a distance of 106.42' to a point; THENCE N34°09'14"W for a distance of 52.94' to a point; THENCE N13°40'12"E for a distance of 23.61' to a point; THENCE N64°04'52"E for a distance of 44.44' to a point; THENCE N03°59'48"W for a distance of 45.85' to a point; THENCE S12°59'04"E for a distance of 877.50' to a point; THENCE S12°43'04"E for a distance of 428.02' to an iron pin set; THENCE S60°19'30"W for a distance of 2829.97' to a point; THENCE N22°22'29"E for a distance of 2276.53' to a point, said point being the TRUE POINT OF BEGINNING.

Together with and subject to covenants, easements and restrictions of record. Said property contains 58.28 acres as shown on a Composite Plat for Howard Road Townhomes, prepared by Myers & Co, Inc., dated 12/18/18.

Section II

The Board of Commissioners of Hall County, Georgia hereby consents to the request of Capstone Acquisitions, LLC to de-annex the Property currently located within the city limits of the City of Gainesville, Georgia pursuant to O.C.G.A. § 36-36-22, and, upon receipt of this Resolution by Hall County, Georgia consenting to the de-annexation of the Property, the City of Gainesville may adopt an ordinance providing for the following: that the Property is de-annexed, that the Property ceases to constitute a part of the lands within the city limits of the City of Gainesville, that connection of the Property to the City of Gainesville's water and sanitary sewer system is approved without annexation and following a de-annexation of the Property, and that an identification of the Property shall be filed by the City of Gainesville with the Georgia Department of Community Affairs.

Section III

The Board of Commissioners of Hall County, Georgia hereby grants permission to Capstone Acquisitions, LLC to submit a Zoning Application with the Hall County Planning and Development Department by August 15, 2022.

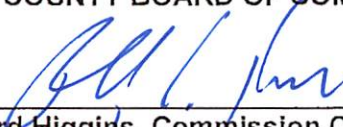
Section IV

This Resolution shall become effective upon its approval by the Board of Commissioners.

BE IT FURTHER RESOLVED THAT the Commissioners, County Administrator and/or County Attorney(s) are authorized to sign any and all documents that may be necessary to effectuate any of the action approved and/or consented to hereinabove.

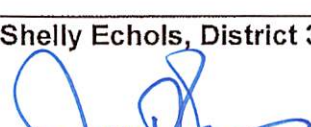
SO RESOLVED this 11 day of August, 2022.

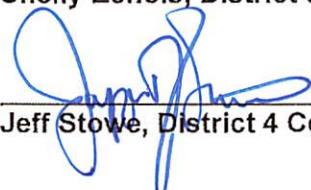
HALL COUNTY BOARD OF COMMISSIONERS


Richard Higgins, Commission Chairman


Kathy Cooper, District 1 Commissioner


Billy Powell, District 2 Commissioner


Shelly Echols, District 3 Commissioner


Jeff Stowe, District 4 Commissioner

ATTEST:


Jennifer Rivera, Commission Clerk



COPY OF RELEVANT METTING CALENDARS



HALL COUNTY BOARD OF COMMISSIONERS
2022 Commission Meeting Schedule
Hall County Government Center 2nd Floor
2875 Browns Bridge Road, Gainesville, GA 30504

<u>WORK SESSIONS</u>	<u>VOTING MEETINGS</u>
Monday, January 10 at 3:00	Thursday, January 13 at 6:00
Monday, January 24 at 3:00	Thursday, January 27 at 6:00
Monday, February 7 at 3:00	Thursday, February 10 at 6:00
Monday, February 21 at 3:00	Thursday, February 24 at 6:00
Monday, March 7 at 3:00	Thursday, March 10 at 6:00
Monday, March 21 at 3:00	Thursday, March 24 at 6:00
Monday, April 11 at 3:00	Thursday, April 14 at 6:00
Monday, April 25 at 3:00	Tuesday , April 26 at 6:00 Thursday, April 28 at 6:00 – CANCELLED
Monday, May 9 at 3:00	Wednesday , May 11 at 6:00 Thursday, May 12 at 6:00 – CANCELLED
Monday, May 23 at 3:00	Thursday, May 26 at 6:00
Monday, June 6 at 3:00	Thursday, June 9 at 6:00
Monday, June 20 at 3:00	Wednesday , June 22 at 6:00 Thursday, June 23 at 6:00 – CANCELLED
Monday, July 11 at 3:00	Thursday, July 14 at 6:00
Monday, July 25 at 3:00	Thursday, July 28 at 6:00
Monday, August 8 at 3:00	Thursday, August 11 at 6:00
Monday, August 22 at 3:00	Thursday, August 25 at 6:00
<i>Special Called Work Session</i> Tuesday, September 6 at 3:00	Thursday, September 8 at 6:00
Monday, September 19 at 3:00	Thursday, September 22 at 6:00
Monday, October 10 at 3:00	Thursday, October 13 at 6:00
Monday, October 24 at 3:00	Thursday, October 27 at 6:00
Monday, November 7 at 3:00	Thursday, November 10 at 6:00
Monday, December 5 at 3:00	Thursday, December 8 at 6:00

Hall County Board of Commissioners Work Session Meetings are scheduled for Mondays prior to the 2nd and 4th Thursdays of each month. Voting Meetings are scheduled for the 2nd and 4th Thursdays of each month.

All Meetings are scheduled to be held at the Hall County Government Center (2875 Browns Bridge Road, Gainesville, GA) on the 2nd floor.

Amendments to the schedule, listed above, will be noticed to the public as State law requires.

Please direct questions and/or concerns to Jennifer Rivera, Hall County Commission Clerk, 770-297-2684 jrivera@hallcounty.org.

CITY OF
GAINESVILLE

CITY CLERK'S OFFICE

PUBLIC NOTICE

2022 GOVERNING BODY MEETING CALENDAR

IN ACCORDANCE WITH THE GEORGIA OPEN MEETINGS ACT AS AMENDED, VOLUME 50, CHAPTER 14, NOTICE IS HEREBY GIVEN; THE 2022 GOVERNING BODY MEETING CALENDAR HAS BEEN SET AS FOLLOWS:

	Work Session Thursday, 9:00 AM Administrative Building Board Room 300 Henry Ward Way	Council Meeting Tuesday, 5:30 PM Public Safety Complex Municipal Court Room 701 Queen City Parkway
1		01/04/22
2	01/13/22	01/18/22
3	01/27/22	02/01/22
4	02/10/22	02/15/22
5	02/24/22	03/01/22
6	03/10/22	03/15/22
7	04/14/22	04/19/22
8	04/28/22	05/03/22
9	05/12/22	05/17/22
10	06/02/22	06/07/22
11	06/16/22	06/21/22
12	07/14/22	07/19/22
13	07/28/22	08/02/22
14	08/11/22	08/16/22
15	09/01/22	09/06/22
16	09/15/22	09/20/22
17	09/29/22	10/04/22
18	10/13/22	10/18/22
19	10/27/22	11/01/22
20	11/10/22	11/15/22
21	12/01/22	12/06/22
22	12/15/22	12/20/22
23	01/12/23	01/17/23

NOTICE OF ANY SPECIAL MEETINGS OR ANY DEVIATIONS TO THE SCHEDULE SHALL BE POSTED BY PUBLIC NOTICE IN THE ADMINISTRATION BUILDING, AT THE MEETING LOCATION, AND ON THE CITY'S WEBSITE [City Council | Gainesville, GA](https://www.gainesville.org/city-council).

Adopted: December 7, 2021

Posted: December 10, 2021 dj

cc: Mayor and Council; City Manager's Office; City Attorney; Department Directors; Media; Meeting Location; Official Website

PO BOX 2496 GAINESVILLE, GA 30503

P | 770-535-6865

[GAINESVILLE.ORG](https://www.gainesville.org)

**HALL COUNTY PLANNING COMMISSION
MEETING SCHEDULE – 2022**

Planning Commission Meeting – 5:15 PM	Deadline for Applications – 4:00PM	Legal Ad Published	County Commission Meeting – 6:00PM
<i>January 4 (Tuesday)</i>	November 15, 2021	December 15, 2020	February 10
<i>January 18 (Tuesday)</i>	November 29, 2021	December 29, 2020	February 24
February 7	December 20, 2021	January 19	March 10
February 21	January 3	February 2	March 24
March 7	January 17	February 16	April 14
March 21	January 31	March 2	<i>April 26 (Tuesday)</i>
April 4	February 14	March 16	<i>May 11 (Wednesday)</i>
April 18	February 28	March 30	May 26
May 2	March 14	April 13	June 9
May 16	March 28	April 27	<i>June 22 (Wednesday)</i>
June 6	April 18	May 18	July 14
June 20	May 2	June 1	July 28
<i>July 5 (Tuesday)</i>	May 17	June 15	August 11
July 18	May 31	June 29	August 25
August 1	June 13	July 13	September 8
August 15	June 27	July 27	September 22
<i>September 6 (Tuesday)</i>	July 19	August 17	October 13
September 19	August 1	August 31	October 27
October 3	August 15	September 14	November 10
October 17	August 29	September 28	December 8
November 7	September 19	October 19	December 8
November 21	October 3	November 2	January 12
December 5	October 17	November 16	January 12
December 19	October 31	November 30	January 26
<i>January 3, 2023 (Tuesday)</i>	November 15	December 14	February 9, 2023
<i>January 17, 2023 (Tuesday)</i>	November 29	December 28	February 23, 2023

Planning Commission - 1st and 3rd Monday County Commission - 2nd and 4th Thursday
Meetings are held at the Hall County Government Center, subject to change with prior notice.

Dates listed in *italic font* have been moved due to holiday/scheduling conflict

The planning staff will set the dates for each application. The Planning Department has 15 days after the deadline date to review all applications submitted for sufficiency. If the application is found insufficient, an agenda date will not be set until the required information is submitted.



CITY OF GAINESVILLE

Mayor/Council Agenda Request

Item Created: August 11, 2022
Date Submitted: August 15, 2022
Final Approval Date: August 16, 2022
Presenter: Abb Hayes, City Attorney
Item of Business: Business Resolution 2022-47 Capstone Inland Crossing Sewer Annexation Waiver
Meeting Date: August 16, 2022

Purpose of Request:

This is a companion to the de-annexation request asking for water and sanitary sewer connection at 2866 NE Lanier Tech Drive, Gainesville, GA.

Facts & Issues / History & Background:

In conjunction with the de-annexation request, Capstone Inland Crossing requested a waiver of the annexation requirement for connection to the City's sanitary sewer system for 58.28+/- acres at 2866 Lanier Tech Drive. The proposed resolution approves the waiver request allowing connection to the water and sanitary sewer system without annexation. It also authorizes execution of documents necessary to allow this connection.

Department Recommendation:

Adopt the resolution as presented.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget? No

Amount Requested:

Sources of Funds:

Finance Comments:

Administrative Comments:

Attachments:

1. BR-2022-47 Capstone Inland Crossing Sewer Annexation Waiver
2. Backup Materials: Capstone Inland Crossing Fact Sheet, De-Annexation Application, Correspondence, Maps and Proposed Hall County Ordinance
3. Backup Material: HC Resolution Consenting to De Annexation - 2866 Lanier Tech Dr

RESOLUTION BR-2022-47

**CAPSTONE AT INLAND CROSSING
DEVELOPMENT ANNEXATION WAIVER**

WHEREAS, the City of Gainesville owns and operates a sanitary sewer collection system serving the City of Gainesville and surrounding areas; and

WHEREAS, the City of Gainesville requires property owners who desire to connect to the sanitary sewer collection system to annex into the corporate limits of the City of Gainesville prior to connection when contiguous to the City Limits; and

WHEREAS, in some instances, the City may desire to provide sanitary sewer service to property which is contiguous to the municipal boundaries of the City for protection of the public health and welfare of the community, despite the proposed use of said property not conforming to the City Unified Land Development Code and/or despite the proposed use of said property being inconsistent with the City Comprehensive Future Land Use Plan; and

WHEREAS, in these instances, the City of Gainesville will allow connection to the City's sanitary sewer collection system without requiring annexation into the City Limits but will require execution of a sanitary sewer service agreement and power of attorney for future annexation of said property; and

WHEREAS, Capstone Acquisitions, LLC, on behalf of the two owners of that certain 58.28 +/- acre tract located at 2866 Lanier Tech Drive (the "Property"), proposes a multi-family development on said parcel and has formally requested, in writing, the annexation requirement for connection to the City's sanitary sewer system be waived; and

WHEREAS, Community and Economic Development Department staff have identified the nature of the proposed multi-family development to be non-conforming with the City's Comprehensive Future Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves this request to allow connection of the Property to the City's water and sanitary sewer system without annexation.

BE IT FURTHER RESOLVED THAT the Mayor, City Manager and/or City Attorney are authorized to sign any and all documents that may be necessary to effectuate the connection of the Property to the City's sanitary sewer system.

Adopted this _____ day of _____, 2022.

W. Samuel Couvillon, Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

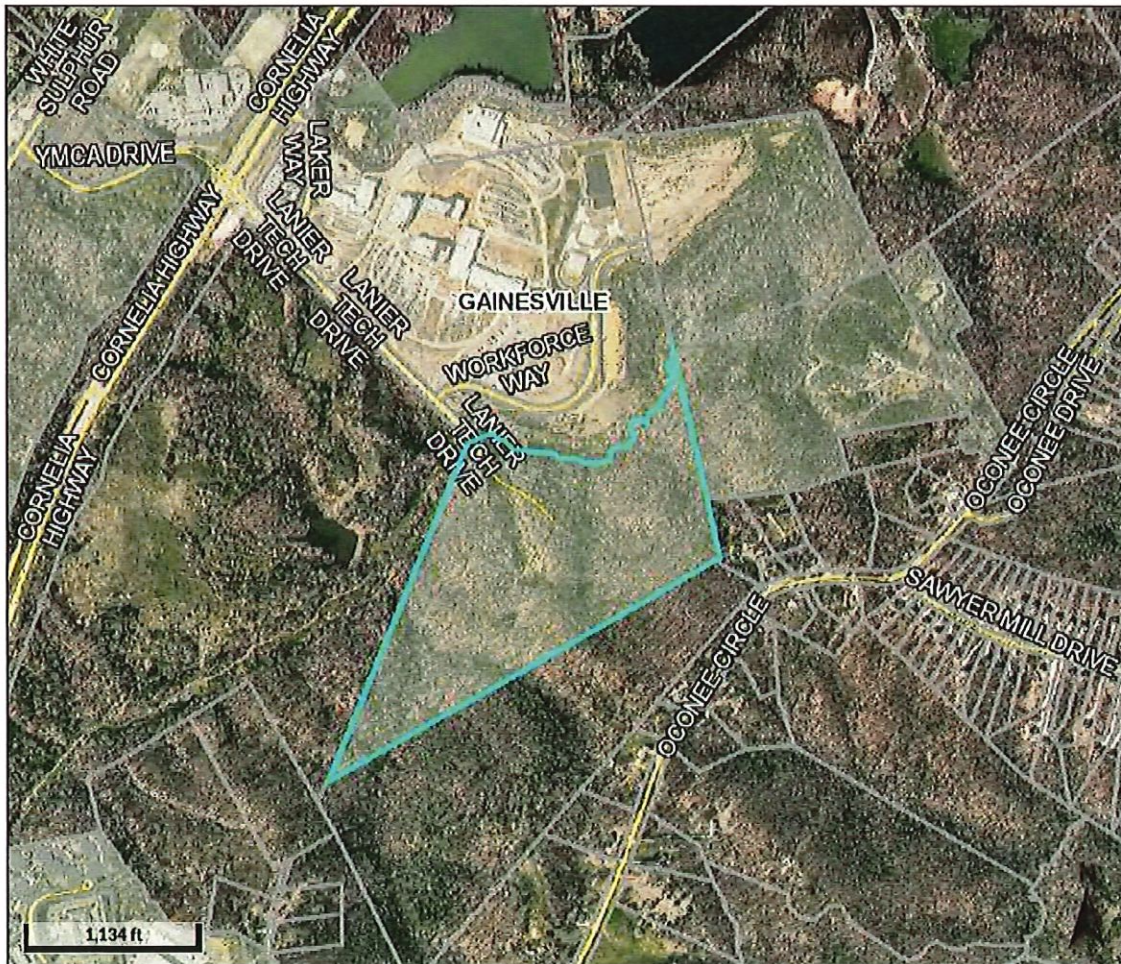
ATTEST:

Denise O. Jordan, City Clerk

Capstone at Inland Crossing
Proposed 342-unit multi-family development

FACT SHEET

- Applicant: Capstone Acquisitions, LLC
- Location: 2866 NE Lanier Tech Drive
- Tax Parcel: 15021 000085
- Property Owners: Howard LT Holdings 1, LLC and Howard LT Holdings 2, LLC
- Property: 58.28 +/- acres (unimproved) near Lanier Technical College
- Current Zoning: L-I (Light Industrial) Gainesville
- Proposed Zoning: R-MF (Residential Multi-Family) Hall County
- Overlay District: N. Oconee WPD Zone
- Abuts County property on Easterly, Southerly and Westerly boundaries
- Property has public access via Lanier Tech Drive which is approximately 0.2 miles east of Hwy 365
- Proposed Density: between 5.87 units/acre and 7 units/acre
- Preliminary Concept Plan: 342 units and amenity package
- Note: Preliminary Plan has 18.34 +/- acres for Green Space and 37.11 +/- acres for Development
- Water and Sanitary Sewer Service to be provided by City of Gainesville Public Utilities Dept.
- Development would support housing needs of growing local industry & adjacent college campus
- Contacts: Jonathan Collins, Lead Developer (jonathan@cpglc.net or 770-519-5598)
Carla J. Walker, Esq., Attorney for Applicant (cwalker@ihslawllc.com or 404-210-6271)



IHS LAW, LLC
A Georgia limited liability company

340 Jesse Jewell Pkwy, Suite 105
P.O. Box 907146
Gainesville, GA 30501
404-210-6271
cwalker@ihslawllc.com

August 3, 2022

VIA HAND DELIVERY AND
VIA ELECTRONIC MAIL

ash@homlaw.com
vstephens@hallcounty.org

Hulsey, Oliver & Mahar, LLP
Mr. Abbott S. Hayes, Jr., City Attorney
200 E. E. Butler Parkway
Gainesville, GA 30501

Hall County Law Department
Mr. Van Stephens, County Attorney
2875 Browns Bridge Road
Gainesville, GA 30504

Re: De-Annexation Application (the "De-Annexation Application" or the "Application") of Capstone Acquisitions, LLC (the "Applicant") regarding 58.28 +/- acres located at 2866 Lanier Tech Drive (i.e. Tax Parcel # 15021 000085) (the "Property")

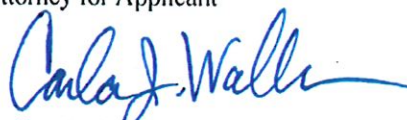
Dear City and County Attorneys:

Please find enclosed herewith a copy of the above-referenced De-Annexation Application that has been submitted to the City of Gainesville's Community and Economic Development Dept. this morning. In furtherance of this Application, I/we hereby respectfully request the following:

- (1) That the Hall County Board of Commissioners consent to Applicant's De-Annexation Application and pass a Resolution setting forth said consent; and
- (2) That the City of Gainesville grant Applicant's request for the de-annexation of the above-described Property and pass a Resolution setting forth said approval; and
- (3) That Applicant's requests be added to the next Work Session and Voting Meeting agendas for the Hall County Board of Commissioners & the Governing Body of the City of Gainesville; and
- (4) That Applicant be permitted to file its Zoning Application with the Hall County Planning and Development Department by the next deadline of August 15, 2022; and
- (5) That the Property (and the development proposed thereon) retain access to the utility services of the City of Gainesville for water and sewer connectivity, if the Application is approved.

Thank you in advance for your consideration of this matter. Please do not hesitate to contact me directly if any additional information is needed to evaluate and approve these requests.

Sincerely,
IHS LAW, LLC,
Attorney for Applicant



Carla J. Walker, Esq.

Enclosure: Copy of De-annexation Application

Cc: William J. Linkous, III, Deputy County Attorney (via e-mail only: wlinkous@hallcounty.org)
Jonathan Collins, Capstone Acquisitions, LLC (via e-mail only: jonathan@cpgllc.net)



GAINESVILLE

APPLICATION FOR ZONING ACTIONS

PAB Meeting Date: _____

Council Meeting Date: _____

Applicant Information

Name	Capstone Acquisitions, LLC
Address	P.O. Box 723
City/State/Zip	Gainesville, GA 30503
Phone/Cell	770-519-5598
Email	jonathan@cpallc.net

Property Owner Information

Name	Howard LT Holdings 1, LLC; Howard LT Holdings 2, L
Address	c/o IHS Law, LLC - 340 Jesse Jewell Pkwy, Suite 105
City/State/Zip	Gainesville, GA 30501
Phone/Cell	404-210-6271
Email	cwalker@ihslawllc.com

Applicant Status

☐	Current Property Owner
☐	Option to Purchase
☐	Area Resident
☒	Representative
☐	Government

Zoning Request

Existing Zoning	L-1
Rezone To / Establish As	
☐ Annexation	☒ De-annexation
☐ Rezoning	☐ Zoning Amendment
☐ Special Use Permit	☐ Road Action Request

Parcel Information

Tax Parcel Number(s)	15021 000085	Ward No.	2
Location (Address)	2866 NE Lanier Tech Drive	Acres	58.28
Existing Structure(s)	N/A - vacant		
Description of Proposed Use	multi-family development		

Connect to City Sewer (For Annexations Only)

Does the applicant wish to connect to city sewer?	☒	Yes	☐	No
Does the applicant plan to request the city to share in the cost of the sewer line extension as a condition of annexation?	☐	Yes	☒	No
If Yes to cost sharing, provide a Letter of Cost Estimate from the Department of Water Resources				

Fee Information

Annexation or De-annexation, Rezoning, or Zoning Amendment	\$500.00
Special Use Permit	\$400.00
Road Action Request	\$250.00
Amount Due (Include all fees required)	\$

Method of Payment

☐	Paid by Check	Check No.	
☐	Paid Cash	Receipt No.	

Supporting Documents Required in PDF Format

☐	Concept Plan - Prepared by a Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect
☐	Plat
☒	Legal Description of Property - Word DOC or DOCX format
☐	Narrative Report
☐	Architectural Rendering
☐	Traffic Impact Study - If applicable
☐	DRI Review - Large scale projects only
☒	Other - Explain Request for Annexation Waiver re: Sewer

Applicant's Certification: I hereby certify the above information, and all attached information, is true and correct; and that I have read, understand, and have received a copy of the Public Notice Requirements.

Signature of Applicant _____ Date 8-3-2022
 Application Taken By Jonathan Collins, Manager Date _____

Application WITHDRAWAL Notification: I hereby withdraw the above application.

Signature of Applicant _____ Date _____

Zoning Action Request

PROPERTY OWNER AUTHORIZATION

As the owner of the subject property, I hereby authorize the person named below to act on my behalf as Applicant in the pursuit of zoning action for this property.

Applicant's Name, if not Owner	Capstone Acquisitions, LLC
--------------------------------	----------------------------

OWNER INFORMATION CERTIFICATION

I swear that I am the owner of the property which is the subject matter of this application, as shown in the records of Hall County, Georgia:

Name of Owner	Howard LT Holdings 2, LLC
Owner's Address	P.O. Box 723
City / State / Zip Code	Gainesville, GA 30503
Owner's Phone Number	770-530-9850
Owner's Cell Phone Number	Same

NOTARY PUBLIC CERTIFICATION

Personally appeared before me the following:

Howard LT Holdings 2, LLC

By:

Jonathan Collins,
Manager

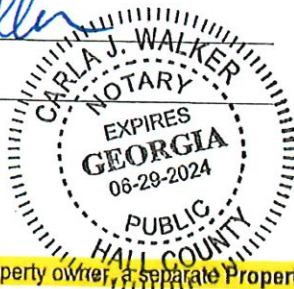
Signature of Property Owner

who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief.

Notary Public

Date

8/3/2022



In the event there is more than one property owner, a separate Property Owner Authorization page must be completed by each property owner.

Zoning Action Request

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

NOTE: This form is required for all annexation and/or zoning actions

- (a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
- (1) The name and official position of the local government official to whom the campaign contribution was made; and
 - (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- (c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:
- (1) The name and official position of the local government official to whom the campaign contribution was made; and
 - (2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

APPLICANT'S CERTIFICATION

I hereby certify that I have read the above campaign disclosure information and declare that (select have or have not)

☐

I have within the two years immediately preceding this date made any campaign contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

☒

I have not within the two years immediately preceding this date made any campaign contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

***NOTE:** If you are an applicant and you have made any such contribution(s), you must provide the information required in subsection (a) above within ten (10) days after the rezoning action is first filed. If you are an opponent and you have made a contribution, you must provide the information required in subsection (c) above at least five (5) calendar days prior to the public hearing by the City Council or any of its agencies on the rezoning application.

(1) _____
(Name and official position of the City Council Member of the City of Gainesville, Georgia to whom campaign contribution was made)

(2) Amount: \$ _____ Date of Contribution: _____

Capstone Acquisitions, LLC

Signature of Applicant: By: _____

Jonathan Collins, Manager

Date: 8-3-2022

Legal Description
For
Tax Parcel 15021 000085

All that tract or parcel of land lying and being in G.M.D. 411 of Hall County, Georgia and being more particularly described as follows:

Beginning at a concrete monument at the right of way intersection of the easterly right of way and Howard Road and the southerly right of way of Georgia State Route No. 365, a.k.a. Cornelia Highway, said point being the POINT OF BEGINNING; THENCE along the southerly right of way of Howard Road heading N60°21'53"W for a distance of 83.01' to a point; THENCE along a curve to the right with an arc length of 73.52', having a radius of 2598.27', with a chord bearing of N43°58'26"W, with a chord length of 73.52' to a point; THENCE N44°42'44"W for a distance of 178.31'; THENCE N44°42'57"W for a distance of 1113.38' to a point; THENCE N44°42'56"W for a distance of 359.90' to a point; THENCE along a curve to the right with an arc length of 160.50', having a radius of 1165.00', with a chord bearing of N40°43'43"W, with a chord length of 160.37', said point being the TRUE POINT OF BEGINNING; THENCE N66°36'46"E for a distance of 141.46' to a point; THENCE N86°19'11"E for a distance of 36.86' to a point; THENCE S39°57'45"E for a distance of 38.56' to a point; THENCE S83°26'11"E for a distance of 32.02' to a point; THENCE S46°42'57"E for a distance of 86.22' to a point; THENCE S82°51'07"E for a distance of 141.80' to a point; THENCE S86°52'30"E for a distance of 113.60' to a point; THENCE S41°39'36"E for a distance of 44.46' to a point; THENCE N88°49'55"E for a distance of 77.20' to a point; THENCE S82°43'46"E for a distance of 54.70' to a point; THENCE S53°53'53"E for a distance of 50.16' to a point; THENCE N63°25'41"E for a distance of 32.21' to a point; THENCE S77°50'07"E for a distance of 45.68' to a point; THENCE N72°24'52"E for a distance of 83.85' to a point; THENCE N01°44'45"E for a distance of 52.46' to a point; THENCE N39°17'09"E for a distance of 16.67' to a point; THENCE N71°53'09"E for a distance of 37.22' to a point; THENCE N87°12'51"E for a distance of 58.80' to a point; THENCE N41°21'16"E for a distance of 69.26' to a point; THENCE N21°47'41"W for a distance of 54.92' to a point; THENCE N04°28'14"W for a distance of 43.94' to a point; THENCE N38°33'03"E for a distance of 20.17' to a point; THENCE N85°43'27"E for a distance of 49.38' to a point; THENCE S63°53'32"E for a distance of 37.42' to a point; THENCE N15°41'43"E for a distance of 62.26' to a point; THENCE N62°54'30"E for a distance of 80.36' to a point; THENCE N12°44'09"E for a distance of 52.88' to a point; THENCE N40°14'05"E for a distance of 62.97' to a point; THENCE N12°58'17"E for a distance of 106.42' to a point; THENCE N34°09'14"W for a distance of 52.94' to a point; THENCE N13°40'12"E for a distance of 23.61' to a point; THENCE N64°04'52"E for a distance of 44.44' to a point; THENCE N03°59'48"W for a distance of 45.85' to a point; THENCE S12°59'04"E for a distance of 877.50' to a point; THENCE S12°43'04"E for a distance of 428.02' to an iron pin set; THENCE S60°19'30"W for a distance of 2823.97' to a point; THENCE N22°22'29"E for a distance of 2276.53' to a point, said point being the TRUE POINT OF BEGINNING.

Together with and subject to covenants, easements and restrictions of record. Said property contains 58.28 acres as shown on a Composite Plat for Howard Road Townhomes, prepared by Myers & Co, Inc., dated 12/18/18.

IHS LAW, LLC

A Georgia limited liability company

340 Jesse Jewell Pkwy, Suite 105
P.O. Box 907146
Gainesville, GA 30501
404-210-6271
cwalker@ihslawllc.com

August 3, 2022

VIA HAND DELIVERY AND
VIA ELECTRONIC MAIL

rligon@gainesvillega.gov

City of Gainesville
Mr. Rusty Ligon, Director
Community and Economic Development
300 Henry Ward Way, Suite 303
Gainesville, GA 30501

Re: Request for WAIVER of annexation requirement for water and sanitary sewer services and Request for ACCESS to said services to Capstone at Inland Crossing, being 58.28 +/- acres located at 2866 Lanier Tech Drive, Gainesville, Georgia (i.e. Tax Parcel # 15021 000085) (the "Property")

Dear Rusty:

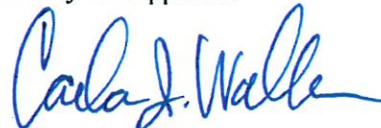
The purpose of this letter is: (i) to request a waiver of the annexation requirement for the provision of water and sanitary sewer services from the City of Gainesville (the "City") to the above-reference Property, and (ii) to request access to the City's water and sanitary sewer services for a proposed development off of Lanier Tech Drive a/k/a Howard Road in Hall County *after* said Property is de-annexed from the City, if approved. The proposed project is 342-unit multi-family development (the "Project"). Please see the attached site plan.

The requests above (the "Requests") are being made on behalf of Capstone Acquisitions, LLC (the "Applicant") as agent for the two owners of the Property and are being made contemporaneously with an application for de-annexation that is being submitted to the City of even date herewith. In support of the Requests, please find enclosed a letter from the City's Permitting Services Manager confirming the availability of water and sanitary sewer services to/for the Project.

Thank you in advance for your consideration of these Requests. Please do not hesitate to contact me directly if any additional information is needed to evaluate and approve the same.

Sincerely,

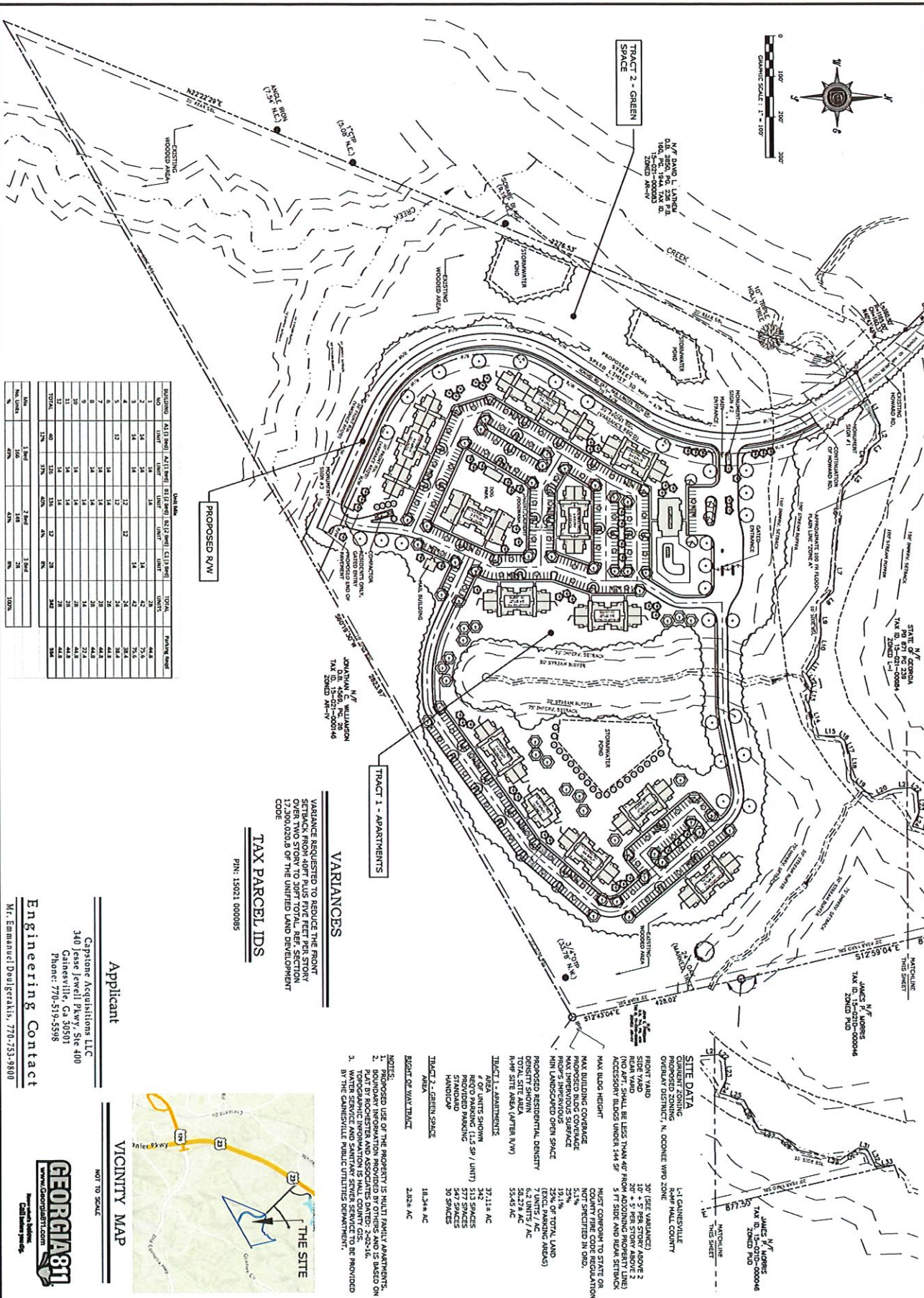
IHS LAW, LLC,
Attorney for Applicant



Carla J. Walker, Esq.

Enclosures: Preliminary Site Plan and Letter of Availability

Cc: Mr. Abbott S. Hayes, Jr., Attorney for the City of Gainesville (via e-mail only)
Mr. Jonathan Collins, Capstone Acquisitions, LLC (via e-mail only)



CITY OF
GAINESVILLE

WATER RESOURCES

July 19, 2022

Capstone Acquisitions, LLC
Attn: Carla J. Walker, Esq.
340 Jesse Jewell Pkwy, Suite 105
Gainesville, GA 30501

Re: Water & Sanitary Sewer Availability
Proposed 342-Unit Multi-Family Development
2866 Lanier Tech Drive
PIN: 15021 000085

Dear Ms. Walker,

The purpose of this letter is to confirm the availability of water and sanitary sewer service to the above-referenced property.

The City of Gainesville owns and operates an existing 12-inch DIP water main in the right-of-way of Lanier Tech Drive, which terminates on the subject property. The City also owns and operates an existing 8-inch DIP gravity sanitary sewer located on the subject property.

The City of Gainesville has adequate capacity for your proposed 342-unit multi-family development, which we understand will generate an anticipated average sewage flow of 85,550 GPD and a peak flow of 213,750 GPD. It is our understanding the developer will be requesting to de-annex the property from the City of Gainesville, and, as a result, subsequently request the City to waive the annexation requirement for sanitary sewer service. If the request is approved by City Council, the City will honor this commitment of water and sanitary sewer service for your development.

This confirmation of water and sanitary sewer availability is good for one year from the date of this letter at which time, it will become null and void unless engineered plans have been submitted for issuance of a development permit.

Please call me at (770) 538-2452 should you have any questions.

Sincerely,

Nick Swafford

Nick Swafford
Permitting Services Manager

cc: Myron Bennett, P.E., Engineering and Construction Div. Manager

STATE OF GEORGIA
COUNTY OF HALL

RESOLUTION NO. 2022-__

A RESOLUTION OF THE HALL COUNTY BOARD OF COMMISSIONERS GRANTING PERMISSION TO CAPSTONE ACQUISITIONS, LLC ("CAPSTONE") TO SUBMIT A ZONING APPLICATION TO THE HALL COUNTY PLANNING AND DEVELOPMENT DEPARTMENT BY AUGUST 15, 2022; CONSENTING TO AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GAINESVILLE TO ACCEPT THE APPLICATION OF THE CAPSTONE TO DEANNEX CERTAIN PROPERTY CURRENTLY LOCATED WITHIN THE CITY LIMITS OF THE CITY OF GAINESVILLE ("PROPERTY") PURSUANT TO O.C.G.A. § 36-36-22; ACKNOWLEDGING RECEIPT OF THIS RESOLUTION BY HALL COUNTY, GEORGIA CONSENTING TO THE DE-ANNEXATION OF THE PROPERTY; DE-ANNEXING SAID PROPERTY; CONFIRMING THAT SAID PROPERTY CEASES TO CONSTITUTE A PART OF THE LANDS WITHIN THE CITY LIMITS OF THE CITY OF GAINESVILLE; APPROVING THE CONNECTION OF THE PROPERTY TO THE CITY'S WATER AND SANITARY SEWER SYSTEM WITHOUT ANNEXATION AND FOLLOWING ITS DE-ANNEXATION; INSTRUCTING THAT AN IDENTIFICATION OF THE PROPERTY BE FILED BY THE CITY OF GAINESVILLE WITH THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Howard LT Holdings 1, LLC and Howard LT Holdings 2, LLC (the "Owners") are the sole landowners of a certain piece of property, consisting of 58.28 +/- acres, more or less, currently located within the city limits of the City of Gainesville, the address of said property being 2866 NE Lanier Tech Drive, Gainesville, Georgia ("Property"); and

WHEREAS, a complete legal description of the Property is more fully set forth hereinbelow; and

WHEREAS, on August 3, 2022, the Hall County Law Department received a copy of a written and signed de-annexation application from Capstone as representative for the Owners (the "Application") submitted to the City of Gainesville, a which Application contained a complete description of the lands to be de-annexed and a request for service of water and sanitary sewer services to be provided to the Property by the City of Gainesville following the de-annexation, if approved; and

WHEREAS, on August 3, 2022, Capstone also submitted a request via cover letter to the Hall County Attorney that it be given permission to file a Zoning Application with the Hall County Planning and Development Department by August 15, 2022; and

WHEREAS, O.C.G.A. § 36-36-22 grants the City of Gainesville authority to accept an application for de-annexation upon the written and signed application of all of the owners of all of the land proposed to be de-annexed; and

WHEREAS, O.C.G.A. § 36-36-22 grants the City of Gainesville authority to pass an ordinance to complete the de-annexation of land upon the adoption of a resolution by the governing authority of the county in which such property is located consenting to such de-annexation; in this case, the applicable county is Hall County, Georgia; and

WHEREAS, the Board of Commissioners of Hall County, Georgia is granted authority pursuant to O.C.G.A. § 36-36-22 to consent to the de-annexation of the Property; and

WHEREAS, the Board of Commissioners of Hall County, Georgia has determined that it is in the best interests of the county to consent to the de-annexation of the Property that is more fully described hereinbelow; and

WHEREAS, accordingly, the Board of Commissioners of Hall County, Georgia has deemed it appropriate for Capstone to be granted permission to file a Zoning Application with the Hall County Planning and Development Department by August 15, 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA AND IT IS HEREBY RESOLVED:

Section I

A more particular description of the Property is described as follows:

Legal Description

All that tract or parcel of land lying and being in G.M.D. 411 of Hall County, Georgia and being more particularly described as follows:

Beginning at a concrete monument at the right of way intersection of the easterly right of way and Howard Road and the southerly right of way of Georgia State Route No. 365, a.k.a. Cornelia Highway, said point being the POINT OF BEGINNING; THENCE along the southerly right of way of Howard Road heading N60°21'53"W for a distance of 83.01' to a point; THENCE along a curve to the right with an arc length of 73.52', having a radius of 2598.27', with a chord bearing of N43°58'26"W, with a chord length of 73.52' to a point; THENCE N44°42'44"W for a distance of 178.31'; THENCE N44°42'57"W for a distance of 1113.38' to a point; THENCE N44°42'56"W for a distance of 359.90' to a point; THENCE along a curve to the right with an arc length of 160.50', having a radius of 1165.00', with a chord bearing of N40°43'43"W, with a chord length of 160.37', said point being the TRUE POINT OF BEGINNING; THENCE N66°36'46"E for a distance of 141.46' to a point; THENCE N86°19'11"E for a distance of 36.86' to a point; THENCE S39°57'45"E for a distance of 38.56' to a point; THENCE S83°26'11"E for a distance of 32.02' to a point; THENCE S46°42'57"E for a distance of 86.22' to a point; THENCE S82°51'07"E for a distance of 141.80' to a point; THENCE S86°52'30"E for a distance of 113.60' to a point; THENCE S41°39'36"E for a distance of 44.46' to a point; THENCE N88°49'55"E for a distance of 77.20' to a point; THENCE S82°43'46"E for a distance of 54.70' to a point; THENCE S53°53'53"E for a distance of 50.16' to a point; THENCE N63°25'41"E for a distance of 32.21' to a point; THENCE S77°50'07"E for a distance of 45.68' to a point; THENCE N72°24'52"E for a distance of 83.85' to a point; THENCE N01°44'45"E for a distance of 52.46' to a point; THENCE N39°17'09"E for a distance of 16.67' to a point; THENCE N71°53'09"E for a distance of 37.22' to a point; THENCE N87°12'51"E for a distance of 58.80' to a point; THENCE N41°21'16"E for a distance of 69.26' to a point; THENCE N21°47'41"W for a distance of 54.92' to a point; THENCE N04°28'14"W for a distance of 43.94' to a point; THENCE N38°33'03"E for a distance of 20.17' to a point; THENCE N85°43'27"E for a distance of 49.38' to a point; THENCE S63°53'32"E for a distance of 37.42' to a point; THENCE N15°41'43"E for a distance of 62.26' to a point; THENCE N62°54'30"E for a distance of 80.36' to a point; THENCE N12°44'09"E for a distance of 52.88' to a point; THENCE N40°14'05"E for a distance of 62.97' to a point; THENCE N12°58'17"E for a distance of 106.42' to a point; THENCE N34°09'14"W for a distance of 52.94' to a point; THENCE N13°40'12"E for a distance of 23.61' to a point; THENCE N64°04'52"E for a distance of 44.44' to a point; THENCE N03°59'48"W for a distance of 45.85' to a point; THENCE S12°59'04"E for a distance of 877.50' to a point; THENCE S12°43'04"E for a distance of 428.02' to an iron pin set; THENCE S60°19'30"W for a distance of 2823.97' to a point; THENCE N22°22'29"E for a distance of 2276.53' to a point, said point being the TRUE POINT OF BEGINNING.

Together with and subject to covenants, easements and restrictions of record. Said property contains 58.28 acres as shown on a Composite Plat for Howard Road Townhomes, prepared by Myers & Co, Inc., dated 12/18/18.

Section II

The Board of Commissioners of Hall County, Georgia hereby consents to the request of Capstone Acquisitions, LLC to de-annex the Property currently located within the city limits of the City of Gainesville, Georgia pursuant to O.C.G.A. § 36-36-22, and, upon receipt of this Resolution by Hall County, Georgia consenting to the de-annexation of the Property, the City of Gainesville may adopt an ordinance providing for the following: that the Property is de-annexed, that the Property ceases to constitute a part of the lands within the city limits of the City of Gainesville, that connection of the Property to the City of Gainesville's water and sanitary sewer system is approved without annexation and following a de-annexation of the Property, and that an identification of the Property shall be filed by the City of Gainesville with the Georgia Department of Community Affairs.

Section III

The Board of Commissioners of Hall County, Georgia hereby grants permission to Capstone Acquisitions, LLC to submit a Zoning Application with the Hall County Planning and Development Department by August 15, 2022.

Section IV

This Resolution shall become effective upon its approval by the Board of Commissioners.

BE IT FURTHER RESOLVED THAT the Commissioners, County Administrator and/or County Attorney(s) are authorized to sign any and all documents that may be necessary to effectuate any of the action approved and/or consented to hereinabove.

SO RESOLVED this ____ day of August, 2022.

HALL COUNTY BOARD OF COMMISSIONERS

Richard Higgins, Commission Chairman

Kathy Cooper, District 1 Commissioner

Billy Powell, District 2 Commissioner

Shelly Echols, District 3 Commissioner

Jeff Stowe, District 4 Commissioner

ATTEST:

Jennifer Rivera, Commission Clerk

STATE OF GEORGIA

COUNTY OF HALL

RESOLUTION CONSENTING TO DE-ANNEXATION

WHEREAS, the Official Code of Georgia Annotated § 36-36-22 provides for a procedure whereby property within the incorporated limits of a city can be de-annexed into the unincorporated county; and

WHEREAS, Howard LT Holdings 1, LLC and Howard LT Holdings 2, LLC (the “Owners”) are the sole landowners of a certain piece of property consisting of 58.28 +/- acres of land, more or less, currently located within the incorporated city limits of the City of Gainesville and having the address of 2866 NE Lanier Tech Drive, Gainesville, Georgia (the “Property”); and

WHEREAS, the Property is more fully identified as Tax Parcel number 15021 000085, and is described more particularly in the maps, aerial photographs, and legal descriptions contained in draft resolutions attached hereto as Exhibit “A”; and

WHEREAS, on August 3, 2022 the Hall County Law Department received a package of documentation from counsel for the Owners and their representative, including a written and signed de-annexation application from Applicant Capstone Acquisitions, LLC, as representative of the Owners, submitted to the City of Gainesville containing a complete description of the Property and a request for service of water and sanitary sewer services to be provided to the Property by the City of Gainesville following the de-annexation, if approved; and

WHEREAS, the City of Gainesville, Georgia has provided notice to the County that it has received the same de-annexation application from Applicant Capstone Acquisitions, LLC relating to the Property; and

WHEREAS, O.C.G.A. § 36-36-22 grants the City of Gainesville the authority to de-annex the Property upon the written and signed applications of all of the owners of all of the land proposed to be annexed, other than the owners of public streets, roads, highways, or right of ways, containing a complete description of the lands to be de-annexed and the adoption of a resolution by the governing authority of Hall County, Georgia consenting to the de-annexation; and

WHEREAS, the Hall County Board of Commissioners has been granted the authority pursuant to O.C.G.A. § 36-36-22 to consent to the de-annexation of the property; and

WHEREAS, the Hall County Board of Commissioners has determined that it is in the best interests of the County and its citizens to consent to the de-annexation of the Property.

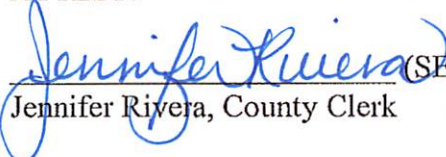
NOW THEREFORE, the Hall County Board of Commissioners hereby resolves to consent to the request of Applicant Capstone Acquisitions, LLC on behalf of the Owners, to de-annex the Property known as 2866 NE Lanier Tech Drive, Gainesville, Georgia, Tax Parcel number 15021 000085 (and more fully described in the attached Exhibit "A" hereto), pursuant to O.C.G.A. § 36-36-22.

SO RESOLVED this the 11th day of August, 2022.

**HALL COUNTY BOARD OF
COMMISSIONERS**


Chairman, Richard Higgins

ATTEST:

 (SEAL)
Jennifer Rivera, County Clerk



APPROVED AS TO FORM:

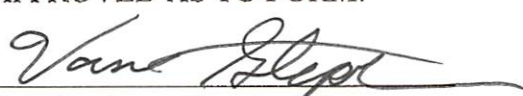

Van Stephens, County Attorney

Exhibit “A”

MEMORANDUM

TO: Abbott S. Hayes, Jr., City Attorney (*ash@homlaw.com*)
Van Stephens, County Attorney (*vstephens@hallcounty.org*)
William J. Linkous, III, Deputy County Attorney (*wlinkous@hallcounty.org*)

FROM: Carla J. Walker, Esq, IHS Law, LLC (*cwalker@ihslawllc.com*)

CC: Jonathan Collins, Capstone Acquisitions, LLC (*jonathan@cpglc.net*)

RE: De-Annexation research & Proposed Procedure regarding Tax Parcel # 15021 000085

DATE: August 3, 2022 *CJW*

Gentlemen:

Based on my reading of relevant Georgia law, including, specifically, but not limited to, O.C.G.A. § 36-36-22, it is clear that the City of Gainesville, Georgia is statutorily authorized, in its sole discretion, to de-annex an area of its existing municipal limits (such as the property located at 2866 NE Lanier Tech Drive) by the adoption of an ordinance of the Mayor and the members of the City Council granting an applicant's request for de-annexation so long as: (a) the de-annexation would not create an unincorporated island (see O.C.G.A. § 36-36-4), and (b) the following three (3) elements have been met: (i) it receives a written and signed application of all of the owners of the land to which the application relates; (ii) said application contains a complete description of said land(s); and (iii) the governing authority of the county in which the property is located (e.g. the Hall County Board of Commissioners, in this case) adopts a resolution consenting to such de-annexation.¹

Unlike the procedures set forth in O.C.G.A. § 36-36-57, for annexing a territory into a municipal corporation, there are no public hearing, notice or publication requirements placed upon a municipality in the exercise of its authority to de-annex a property from its municipal limits.² Rather, the only public hearing, notice or publication requirements that must be observed are those applicable to the new zoning that will be applied to the de-annexed property by the governing authority of the county in which the property is located.³

During the last legislative session, a proposed modification to the municipal de-annexation procedures was introduced, House Bill 1439. This proposed legislation, however, was not successful. Therefore, O.C.G.A. § 36-36-22, in its current form, remains the operative governing law on de-annexation procedures in the state of Georgia.

The following attachments are enclosed for your further review. Please accept this memorandum and its enclosures as a proposal for the requested procedure to be applied to the De-Annexation Application of Capstone Acquisitions, LLC dated August 3, 2022, to be followed by a subsequently filed Zoning Application of Capstone Acquisitions, LLC re: Tax Parcel 15021 000085.

- *Property Fact Sheet
- *Proposed Schedule for De-Annexation and Zoning Applications
- *Copy of relevant Statutes
- *Cover Letter and De-Annexation Application with supplemental enclosures
- *Proposed Resolution and Proposed Ordinance for the City of Gainesville
- *Proposed Resolution for Hall County Board of Commissioners
- *Copy of relevant Meeting Calendars

¹ O.C.G.A. § 36-36-22 goes on to require that identification of the property so de-annexed be filed with the Department of Community Affairs and with the governing authority of the county in which the property is located not more than 30 days following the last day of the quarter in which the ordinance becomes effective.

² In fact, see Commentary on page 29 of the January 2014 GMA Legal Report (Growing Cities, Growing Georgia) opining that "De-annexation [by 100% method] is solely within the discretion of the municipal governing authority."

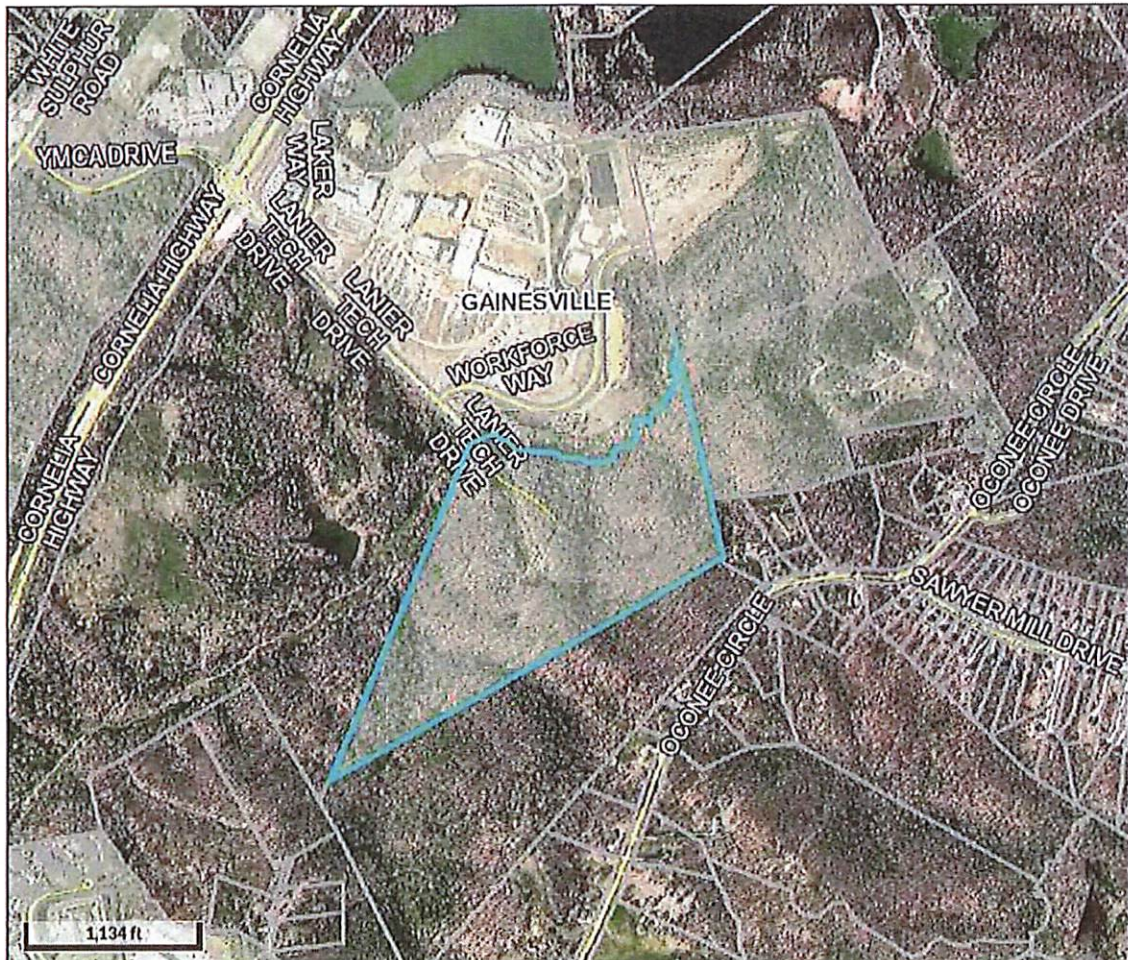
³ One exception to this rule is as follows: having the same use for which that property was zoned immediately prior to such de-annexation (i.e. no further action is required in such context). See O.C.G.A. § 36-66-4(e).

PROPERTY FACT SHEET

Capstone at Inland Crossing
Proposed 342-unit multi-family development

FACT SHEET

- Applicant: Capstone Acquisitions, LLC
- Location: 2866 NE Lanier Tech Drive
- Tax Parcel: 15021 000085
- Property Owners: Howard LT Holdings 1, LLC and Howard LT Holdings 2, LLC
- Property: 58.28 +/- acres (unimproved) near Lanier Technical College
- Current Zoning: L-I (Light Industrial) Gainesville
- Proposed Zoning: R-MF (Residential Multi-Family) Hall County
- Overlay District: N. Oconee WPD Zone
- Abuts County property on Easterly, Southerly and Westerly boundaries
- Property has public access via Lanier Tech Drive which is approximately 0.2 miles east of Hwy 365
- Proposed Density: between 5.87 units/acre and 7 units/acre
- Preliminary Concept Plan: 342 units and amenity package
- Note: Preliminary Plan has 18.34 +/- acres for Green Space and 37.11 +/- acres for Development
- Water and Sanitary Sewer Service to be provided by City of Gainesville Public Utilities Dept.
- Development would support housing needs of growing local industry & adjacent college campus
- Contacts: Jonathan Collins, Lead Developer (jonathan@cpglc.net or 770-519-5598)
Carla J. Walker, Esq., Attorney for Applicant (cwalker@ihslawllc.com or 404-210-6271)



PROPOSED SCHEDULE FOR DE-ANNEXATION AND ZONING APPLICATIONS

Proposed SCHEDULE for De-Annexation and Zoning Application
Tax Parcel # 15021 000085 re: Capstone at Inland Crossing

Sequence	Action	Date and Time	Location
Step 1:	<u>Applicant</u> submits de-annexation application to City & letter requesting waiver of the annexation requirement for the provision of city water and sewer services for the Project	9:45am 8/3/2022 (Wed.)	City of Gainesville Community Development Department <i>with copy to City Attorney</i>
Step 2:	<u>Applicant</u> sends letter to City and County Attys enclosing copy of the de-annexation application, along with a request for the County's consent, request to be added to the next agendas, and permission to file its zoning application	before noon 8/3/2022 (Wed.)	Hall County Law Department and City Attorney's Office
Step 3:	<u>County and City staff</u> add de-annexation application and Applicant's requests/proposed resolutions to the next meeting Agendas	before noon 8/4/2022 (Thurs.)	Hall County Administrator's Office City Manager's Office
Step 4:	<u>County Commissioners</u> consider Applicant's request for consent to de-annexation of Property from City at County Work Session mtg	3:00pm 8/8/2022 (Mon.)	Hall County Government Center 2875 Browns Bridge Road Gainesville, GA 30504 (2 nd Floor)
Step 5:	<u>City Council</u> considers Applicant's application for de-annexation at City Work Session meeting	9:00am 8/11/2022 (Thurs.)	City Administration Building 300 Henry Ward Way Gainesville, GA 30501 (3 rd Floor)
Step 6:	<u>County Commissioners</u> vote on proposed De-annexation Resolution and request to submit Zoning Application	6:00pm 8/11/2022 (Thurs.)	Hall County Government Center 2875 Browns Bridge Road Gainesville, GA 30504 (2 nd Floor)
Step 7:	<u>Applicant</u> submits Zoning Application to County Planning Dept. by filing deadline	before 4:00pm 8/15/2022 (Mon.)	Hall County Planning Dept.
Step 8:	<u>City Council</u> votes on proposed De-annexation Resolution and request for waiver of the annexation requirement for city water and sewer services for the Project	5:30pm 8/16/2022 (Tues.)	Public Safety Complex Municipal Court Room 701 Queen City Parkway
Step 9:	<u>City Attorney</u> sends Notice via FedEx to Dept. of Comm. Affairs and to Hall County Law Dept., with copy to County Planning Dept., if De-annexation Resolution is approved by City; <i>or</i> <u>Applicant</u> withdraws Zoning Application if De-Annexation application is denied.	before noon on or before 8/22/2022 (Mon.)	See attached FedEx labels
Step 10:	<u>County Planning Dept.</u> has Legal Ad Published and sends Notices to owners w/in 500 ft. radius of Property re: Zoning Application <i>and</i> <u>Applicant</u> posts sign on Property and submits signed Affidavit with picture to Planning Dept.	Before noon 9/14/2022 (Wed.)	The Times Newspaper and Hall County Planning Department
Step 11:	<u>County Planning Commission</u> considers Zoning Application at Public Hearing/Meeting	5:15pm 10/3/2022 (Mon.)	Hall County Government Center 2875 Browns Bridge Road Gainesville, GA 30504 (2 nd Floor)
Step 12:	<u>County Commissioners</u> consider Applicant's Zoning Application at Work Session Meeting	3:00pm 11/7/2022 (Mon.)	Hall County Government Center 2875 Browns Bridge Road Gainesville, GA 30504 (2 nd Floor)
Step 13:	<u>County Commissioners</u> vote on proposed Zoning Resolution for R-MF zoning for Property	6:00pm 11/10/2022 (Thurs.)	Hall County Government Center 2875 Browns Bridge Road Gainesville, GA 30504 (2 nd Floor)

RELEVANT STATUTES

**§ 36-36-22. Deannexation; authority; procedures; identification;
status of lands**

Authority is granted to the governing bodies of the several municipal corporations of this state to deannex an area or areas of the existing corporate limits thereof, in accordance with the procedures provided in this article and in Article 1 of this chapter, upon the written and signed applications of all of the owners of all of the land, except the owners of any public street, road, highway, or right of way, proposed to be deannexed, containing a complete description of the lands to be deannexed and the adoption of a resolution by the governing authority of the county in which such property is located consenting to such deannexation. Lands to be deannexed at any one time shall be treated as one body, regardless of the number of owners, and all parts shall be considered as adjoining the limits of the municipal corporation when any one part of the entire body abuts such limits. When such application is acted upon by the municipal authorities and the land is, by ordinance, deannexed from the municipal corporation, an identification of the property so deannexed shall be filed with the Department of Community Affairs and with the governing authority of the county in which the property is located in accordance with Code Section 36-36-3. When so deannexed, such lands shall cease to constitute a part of the lands within the corporate limits of the municipal corporation as completely and fully as if the limits had been marked and defined by local Act of the General Assembly.

**GA. Code 36-36-4 Creation of unincorporated islands prohibited;
authorization to provide services or functions (Georgia Code
(2022 Edition))**

**§ 36-36-4. Creation of unincorporated islands prohibited;
authorization to provide services or functions**

(a) The creation of unincorporated islands as described in paragraph (1), (2), or (3) of this subsection shall be prohibited:

(1) Annexation or deannexation which would result in the creation of an unincorporated area with its aggregate external boundaries abutting the annexing municipality;

(2) Annexation or deannexation which would result in the creation of an unincorporated area with its aggregate external boundaries abutting any combination of the annexing municipality and one or more other municipalities; or

(3) Annexation or deannexation which would result in the creation of an unincorporated area to which the county would have no reasonable means of physical access for the provision of services otherwise provided by the county governing authority solely to the unincorporated area of the county.

(b) When requested by resolution of the county governing authority, a municipality is authorized to provide any service or exercise any function within an unincorporated island. Such authority shall be in addition to any other authority of the municipality to provide extraterritorial services or functions. For purposes of this subsection, "unincorporated island" shall have the same meaning as contained in paragraph (3) of Code Section 36-36-90.

(c) The prohibition contained in subsection (a) of this Code section shall not apply to a local Act providing for deannexation of territory from a municipality that would create an unincorporated island where another local Act annexing the same territory into another municipality takes effect on the same date as the local Act providing for deannexation of such territory.

History:

Amended by 2015 Ga. Laws 217, §1, eff. 5/12/2015.

GA. Code 36-36-57 Adoption of annexation resolution by municipal corporation; contents of resolutions; approval, availability, and distribution of report relating to extension of services; conduct of public hearing (Georgia Code (2022 Edition))
§ 36-36-57. Adoption of annexation resolution by municipal corporation; contents of resolutions; approval, availability, and distribution of report relating to extension of services; conduct of public hearing

(a) Any municipal governing body desiring to annex territory pursuant to this article shall first pass a resolution stating the intent of the municipal corporation to consider annexation. The resolution shall describe the boundaries of the area under consideration and fix a date for a public hearing on the question of annexation. The date for the public hearing shall be not less than 30 days and not more than 60 days following passage of the resolution. The notice of the public hearing shall (1) fix the date, hour, and place of a public hearing, (2) describe clearly the boundaries of the area under consideration, and (3) state that the report required in Code Section 36-36-56 will be available at the office of the municipal clerk at least 14 days prior to the date of the public hearing. The notice shall be given by publication in a newspaper having general circulation in the municipality once a week for three successive weeks prior to the date of the hearing. The date of the last publication shall be not more than seven days preceding the date of public hearing. If there is no such newspaper, the municipal corporation shall post the notice in at least three public places within the municipality and in at least three public places in the area to be annexed for 30 days prior to the date of the public hearing.

(b) At least 14 days before the date of the public hearing, the governing body shall approve the report provided for in Code Section 36-36-56 and shall make it available to the public at the office of the municipal clerk. In addition, the municipal corporation may prepare a summary of the full report for public distribution.

(c) At the public hearing, a representative of the municipal corporation shall first make an explanation of the report required in Code Section 36-36-56. Following such explanation, all persons resident or owning property in the territory described in the notice of public hearing and all residents of the municipality shall be given an opportunity to be heard.

Annexation or Deannexation by 100% Method

Statute

to the municipal corporation, an identification of the property so annexed shall be filed with the Department of Community Affairs and with the governing authority of the county in which the property is located in accordance with Code Section 36-36-3. When so annexed, such lands shall constitute a part of the lands within the corporate limits of the municipal corporation as completely and fully as if the limits had been marked and defined by local Act of the General Assembly. Except as provided in subsection (c) of Code Section 36-36-20, nothing in this article shall be construed to authorize annexation of the length of any public right of way except to the extent that such right of way adjoins private property otherwise annexed by the municipal corporation.

36-36-22

Authority is granted to the governing bodies of the several municipal corporations of this state to deannex an area or areas of the existing corporate limits thereof, in accordance with the procedures provided in this article and in Article 1 of this chapter, upon the written and signed applications of all of the owners of all of the land, except the owners of any public street, road, highway, or right of way, proposed to be deannexed, containing a complete description of the lands to be deannexed and the adoption of a resolution by the governing authority of the county in which such property is located consenting to such deannexation. Lands to be deannexed at any one time shall be treated as one body, regardless of the number of owners, and all parts shall be considered as adjoining the limits of the municipal corporation when any one part of the entire body abuts such limits. When such application is acted upon by the municipal authorities and the land is, by ordinance, deannexed from the municipal corporation, an identification of the property so deannexed shall be filed with the Department of Community Affairs and with the governing authority of the county in which the property is located in accordance with Code Section 36-36-3. When so deannexed, such lands shall cease to constitute a part of the lands within the corporate limits of the municipal corporation as completely and fully as if the limits had been marked and defined by local Act of the General Assembly.

Commentary

4) All parts of a body of land proposed to be annexed are considered to be adjoining the municipal limits as long as the body is contiguous to the municipal boundary at any point. See figures, page 34 and 35.

Identification of the annexed land must be filed with DCA and the governing authority of the county.

This subsection also includes a provision which makes clear that the length of any public right-of-way may not be annexed under the 100% method unless the right-of-way adjoins private property annexed by the municipal corporation or is included in an annexation of municipally owned property.

The 100% method can be used in any county in Georgia.

O.C.G.A. § 36-36-22 (Deannexation; Authority; Procedures; Identifications; Status of Lands)

This section establishes a procedure by which a municipal corporation may deannex an area that is currently within the corporate limits. Deannexation is solely within the discretion of the municipal governing authority. The reference to Article 1 is specifically in regards to O.C.G.A. § 36-36-4 which prohibits the creation of unincorporated islands by deannexation.

Requirements:

- 1) Written and signed applications of all the owners of all of the land. The owners of public lands are not included in this definition. This requirement is effectively the same as in the 100% method of annexation.
- 2) A complete description of the lands to be deannexed must be attached to the deannexation application.
- 3) The governing authority of the county in which the property proposed for deannexation is located must adopt a resolution consenting to the deannexation.
- 4) Lands to be deannexed at any one time will be considered one body, regardless of the number of owners. All parcels will be considered as adjoining the limits of the municipal corporation when any one parcel of the entire area being annexed abuts the municipality's limits. This subsection is the same definition of contiguous area found in

GA. Code 36-66-4 Hearings on proposed zoning decisions; notice of hearing; nongovernmental initiated actions; reconsideration of defeated actions; procedure on zoning for property annexed into municipality (Georgia Code (2022 Edition))

(2) The hearing required by subsection (a) of this Code section shall be conducted prior to the annexation of the subject property into the municipality;

(3) In addition to the other notice requirements of this Code section, the municipality shall cause to be published within a newspaper of general circulation within the territorial boundaries of the county wherein the property to be annexed is located a notice of the hearing as required under the provisions of subsection (a) or (b), as applicable, of this Code section and shall place a sign on the property when required by subsection (b) of this Code section; and

(4) The zoning classification approved by the municipality following the hearing required by this Code section shall become effective on the later of:

(A) The date the zoning is approved by the municipality;

(B) The date that the annexation becomes effective pursuant to Code Section 36-36-2; or

(C) Where a county has interposed an objection pursuant to Code Section 36-36-11, the date provided for in paragraph (8) of subsection (c) of said Code section.

(e) A qualified municipality into which property has been annexed may provide, by the adoption of a zoning ordinance, that all annexed property shall be zoned by the municipality, without further action, for the same use for which that property was zoned immediately prior to such annexation. A qualified county which includes property which has been deannexed by a municipality may provide, by the adoption of a zoning ordinance, that all deannexed property shall be zoned by the county, without further action, for the same use for which that property was zoned immediately prior to such deannexation. A municipality shall be a qualified municipality only if the municipality and the county in which is located the property annexed into such municipality have a common zoning ordinance with respect to zoning classifications. A county shall be a qualified county only if that county and the municipality in which was located the property deannexed have a common zoning ordinance with respect to zoning classifications. A zoning ordinance authorized by this subsection shall be adopted in compliance with the other provisions of this chapter. The operation of such ordinance to zone property which is annexed or deannexed shall not require any further action by the adopting municipality, adopting county, or owner of the property annexed or deannexed. Property which is zoned pursuant to this subsection may have such zoning classification changed upon compliance with the other provisions of this chapter.

**COVER LETTER AND
DE-ANNEXATION APPLICATION
WITH SUPPLEMENT ENCLOSURES**

IHS LAW, LLC
A Georgia limited liability company

340 Jesse Jewell Pkwy, Suite 105
P.O. Box 907146
Gainesville, GA 30501
404-210-6271
cwalker@ihslawllc.com

August 3, 2022

VIA HAND DELIVERY AND
VIA ELECTRONIC MAIL

ash@homlaw.com
vstephens@hallcounty.org

Hulsey, Oliver & Mahar, LLP
Mr. Abbott S. Hayes, Jr., City Attorney
200 E. E. Butler Parkway
Gainesville, GA 30501

Hall County Law Department
Mr. Van Stephens, County Attorney
2875 Browns Bridge Road
Gainesville, GA 30504

Re: De-Annexation Application (the "De-Annexation Application" or the "Application") of Capstone Acquisitions, LLC (the "Applicant") regarding 58.28 +/- acres located at 2866 Lanier Tech Drive (i.e. Tax Parcel # 15021 000085) (the "Property")

Dear City and County Attorneys:

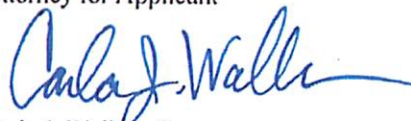
Please find enclosed herewith a copy of the above-referenced De-Annexation Application that has been submitted to the City of Gainesville's Community and Economic Development Dept. this morning. In furtherance of this Application, I/we hereby respectfully request the following:

- (1) That the Hall County Board of Commissioners consent to Applicant's De-Annexation Application and pass a Resolution setting forth said consent; and
- (2) That the City of Gainesville grant Applicant's request for the de-annexation of the above-described Property and pass a Resolution setting forth said approval; and
- (3) That Applicant's requests be added to the next Work Session and Voting Meeting agendas for the Hall County Board of Commissioners & the Governing Body of the City of Gainesville; and
- (4) That Applicant be permitted to file its Zoning Application with the Hall County Planning and Development Department by the next deadline of August 15, 2022; and
- (5) That the Property (and the development proposed thereon) retain access to the utility services of the City of Gainesville for water and sewer connectivity, if the Application is approved.

Thank you in advance for your consideration of this matter. Please do not hesitate to contact me directly if any additional information is needed to evaluate and approve these requests.

Sincerely,

IHS LAW, LLC,
Attorney for Applicant



Carla J. Walker, Esq.

Enclosure: Copy of De-annexation Application

Cc: William J. Linkous, III, Deputy County Attorney (via e-mail only: wlinkous@hallcounty.org)
Jonathan Collins, Capstone Acquisitions, LLC (via e-mail only: jonathan@cpgllc.net)



GAINESVILLE

APPLICATION FOR ZONING ACTIONS

PAB Meeting Date: _____

Council Meeting Date: _____

Applicant Information

Name	Capstone Acquisitions, LLC
Address	P.O. Box 723
City/State/Zip	Gainesville, GA 30503
Phone/Cell	770-519-5598
Email	jonathan@cpqllc.net

Property Owner Information

Name	Howard LT Holdings 1, LLC; Howard LT Holdings 2, L
Address	c/o IHS Law, LLC - 340 Jesse Jewell Pkwy, Suite 105
City/State/Zip	Gainesville, GA 30501
Phone/Cell	404-210-6271
Email	cwalker@ihslawllc.com

Applicant Status

☐	Current Property Owner
☐	Option to Purchase
☐	Area Resident
☒	Representative
☐	Government

Zoning Request

Existing Zoning	L-1
Rezone To / Establish As	
☐ Annexation	☒ De-annexation
☐ Rezoning	☐ Zoning Amendment
☐ Special Use Permit	☐ Road Action Request

Parcel Information

Tax Parcel Number(s)	15021 000085	Ward No.	2
Location (Address)	2866 NE Lanier Tech Drive	Acres	58.28
Existing Structure(s)	N/A - vacant		
Description of Proposed Use	multi-family development		

Connect to City Sewer (For Annexations Only)

Does the applicant wish to connect to city sewer?	☒	Yes	☐	No
Does the applicant plan to request the city to share in the cost of the sewer line extension as a condition of annexation?	☐	Yes	☒	No
If Yes to cost sharing, provide a Letter of Cost Estimate from the Department of Water Resources				

Fee Information

Annexation or De-annexation, Rezoning, or Zoning Amendment	\$500.00
Special Use Permit	\$400.00
Road Action Request	\$250.00
Amount Due (Include all fees required)	\$

Method of Payment

☐	Paid by Check	Check No.	
☐	Paid Cash	Receipt No.	

Supporting Documents Required in PDF Format

☐	Concept Plan - Prepared by a Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect
☐	Plat
☒	Legal Description of Property - Word DOC or DOCX format
☐	Narrative Report
☐	Architectural Rendering
☐	Traffic Impact Study - If applicable
☐	DRI Review - Large scale projects only
☒	Other - Explain Request for Annexation Waiver re: Sewer

Applicant's Certification: I hereby certify the above information, and all attached information, is true and correct; and that I have read, understand, and have received a copy of the Public Notice Requirements.

Signature of Applicant _____
Capstone Acquisitions, LLC

Date 8-3-2022

Application Taken By _____

Date _____

Application WITHDRAWAL Notification: I hereby withdraw the above application.

Signature of Applicant _____

Date _____

Zoning Action Request

PROPERTY OWNER AUTHORIZATION

As the owner of the subject property, I hereby authorize the person named below to act on my behalf as Applicant in the pursuit of zoning action for this property.

Applicant's Name, If not Owner	Capstone Acquisitions, LLC
--------------------------------	----------------------------

OWNER INFORMATION CERTIFICATION

I swear that I am the owner of the property which is the subject matter of this application, as shown in the records of Hall County, Georgia:

Name of Owner	Howard LT Holdings 2, LLC
Owner's Address	P.O. Box 723
City / State / Zip Code	Gainesville, GA 30503
Owner's Phone Number	770-530-9850
Owner's Cell Phone Number	Same

NOTARY PUBLIC CERTIFICATION

Personally appeared before me the following:

Howard LT Holdings 2, LLC

By:

Jonathan Collins, Signature of Property Owner
Manager

who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief.

Notary Public

Date

8/3/2022



In the event there is more than one property owner, a separate Property Owner Authorization page must be completed by each property owner.

Zoning Action Request

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

NOTE: This form is required for all annexation and/or zoning actions

- (a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
- (1) The name and official position of the local government official to whom the campaign contribution was made; and
 - (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- (c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:
- (1) The name and official position of the local government official to whom the campaign contribution was made; and
 - (2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

APPLICANT'S CERTIFICATION

I hereby certify that I have read the above campaign disclosure information and declare that (select have or have not)

☐

I have within the two years immediately preceding this date made any campaign contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

☒

I have not within the two years immediately preceding this date made any campaign contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

***NOTE:** If you are an applicant and you have made any such contribution(s), you must provide the information required in subsection (a) above within ten (10) days after the rezoning action is first filed. If you are an opponent and you have made a contribution, you must provide the information required in subsection (c) above at least five (5) calendar days prior to the public hearing by the City Council or any of its agencies on the rezoning application.

(1)

(Name and official position of the City Council Member of the City of Gainesville, Georgia to whom campaign contribution was made)

(2)

Amount: \$ _____

Date of Contribution: _____

Capstone Acquisitions, LLC

Signature of Applicant: By: _____

Jonathan Collins, Manager

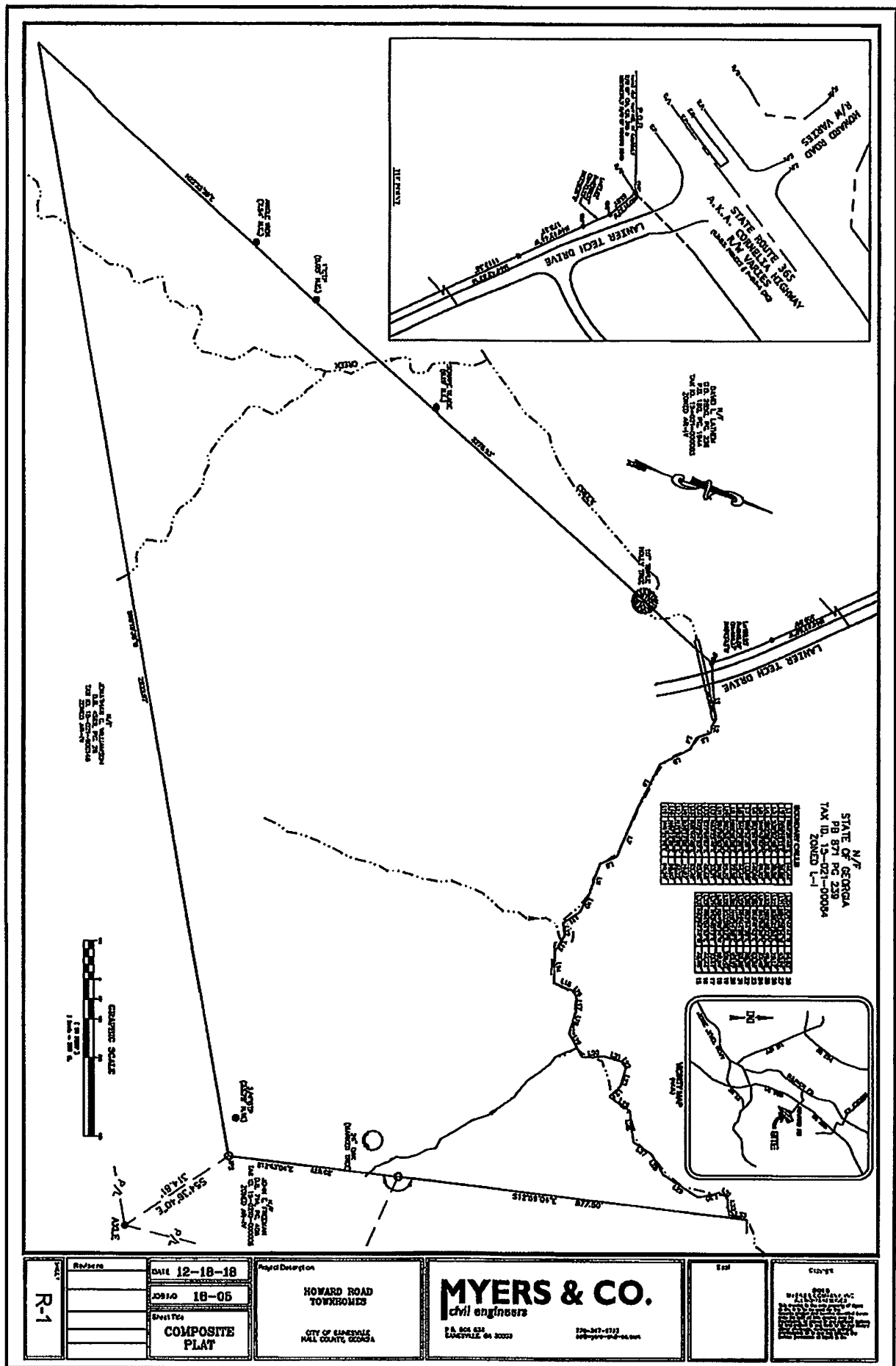
Date: 8-3-2022

Legal Description
For
Tax Parcel 15021 000085

All that tract or parcel of land lying and being in G.M.D. 411 of Hall County, Georgia and being more particularly described as follows:

Beginning at a concrete monument at the right of way intersection of the easterly right of way and Howard Road and the southerly right of way of Georgia State Route No. 365, a.k.a. Cornelia Highway, said point being the POINT OF BEGINNING; THENCE along the southerly right of way of Howard Road heading N60°21'53"W for a distance of 83.01' to a point; THENCE along a curve to the right with an arc length of 73.52', having a radius of 2598.27', with a chord bearing of N43°58'26"W, with a chord length of 73.52' to a point; THENCE N44°42'44"W for a distance of 178.31'; THENCE N44°42'57"W for a distance of 1113.38' to a point; THENCE N44°42'56"W for a distance of 359.90' to a point; THENCE along a curve to the right with an arc length of 160.50', having a radius of 1165.00', with a chord bearing of N40°43'43"W, with a chord length of 160.37', said point being the TRUE POINT OF BEGINNING; THENCE N66°36'46"E for a distance of 141.46' to a point; THENCE N86°19'11"E for a distance of 36.86' to a point; THENCE S39°57'45"E for a distance of 38.56' to a point; THENCE S83°26'11"E for a distance of 32.02' to a point; THENCE S46°42'57"E for a distance of 86.22' to a point; THENCE S82°51'07"E for a distance of 141.80' to a point; THENCE S86°52'30"E for a distance of 113.60' to a point; THENCE S41°39'36"E for a distance of 44.46' to a point; THENCE N88°49'55"E for a distance of 77.20' to a point; THENCE S82°43'46"E for a distance of 54.70' to a point; THENCE S53°53'53"E for a distance of 50.16' to a point; THENCE N63°25'41"E for a distance of 32.21' to a point; THENCE S77°50'07"E for a distance of 45.68' to a point; THENCE N72°24'52"E for a distance of 83.85' to a point; THENCE N01°44'45"E for a distance of 52.46' to a point; THENCE N39°17'09"E for a distance of 16.67' to a point; THENCE N71°53'09"E for a distance of 37.22' to a point; THENCE N87°12'51"E for a distance of 58.80' to a point; THENCE N41°21'16"E for a distance of 69.26' to a point; THENCE N21°47'41"W for a distance of 54.92' to a point; THENCE N04°28'14"W for a distance of 43.94' to a point; THENCE N38°33'03"E for a distance of 20.17' to a point; THENCE N85°43'27"E for a distance of 49.38' to a point; THENCE S63°53'32"E for a distance of 37.42' to a point; THENCE N15°41'43"E for a distance of 62.26' to a point; THENCE N62°54'30"E for a distance of 80.36' to a point; THENCE N12°44'09"E for a distance of 52.88' to a point; THENCE N40°14'05"E for a distance of 62.97' to a point; THENCE N12°58'17"E for a distance of 106.42' to a point; THENCE N34°09'14"W for a distance of 52.94' to a point; THENCE N13°40'12"E for a distance of 23.61' to a point; THENCE N64°04'52"E for a distance of 44.44' to a point; THENCE N03°59'48"W for a distance of 45.85' to a point; THENCE S12°59'04"E for a distance of 877.50' to a point; THENCE S12°43'04"E for a distance of 428.02' to an iron pin set; THENCE S60°19'30"W for a distance of 2823.97' to a point; THENCE N22°22'29"E for a distance of 2276.53' to a point, said point being the TRUE POINT OF BEGINNING.

Together with and subject to covenants, easements and restrictions of record. Said property contains 58.28 acres as shown on a Composite Plat for Howard Road Townhomes, prepared by Myers & Co, Inc., dated 12/18/18.



IHS LAW, LLC
A Georgia limited liability company

340 Jesse Jewell Pkwy, Suite 105
P.O. Box 907146
Gainesville, GA 30501
404-210-6271
cwalker@ihslawllc.com

August 3, 2022

VIA HAND DELIVERY AND
VIA ELECTRONIC MAIL
rligon@gainesvillega.gov

City of Gainesville
Mr. Rusty Ligon, Director
Community and Economic Development
300 Henry Ward Way, Suite 303
Gainesville, GA 30501

Re: Request for WAIVER of annexation requirement for water and sanitary sewer services and Request for ACCESS to said services to Capstone at Inland Crossing, being 58.28 +/- acres located at 2866 Lanier Tech Drive, Gainesville, Georgia (i.e. Tax Parcel # 15021 000085) (the "Property")

Dear Rusty:

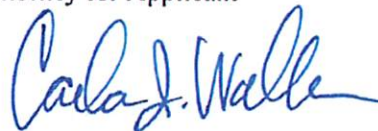
The purpose of this letter is: (i) to request a waiver of the annexation requirement for the provision of water and sanitary sewer services from the City of Gainesville (the "City") to the above-reference Property, and (ii) to request access to the City's water and sanitary sewer services for a proposed development off of Lanier Tech Drive a/k/a Howard Road in Hall County *after* said Property is de-annexed from the City, if approved. The proposed project is 342-unit multi-family development (the "Project"). Please see the attached site plan.

The requests above (the "Requests") are being made on behalf of Capstone Acquisitions, LLC (the "Applicant") as agent for the two owners of the Property and are being made contemporaneously with an application for de-annexation that is being submitted to the City of even date herewith. In support of the Requests, please find enclosed a letter from the City's Permitting Services Manager confirming the availability of water and sanitary sewer services to/for the Project.

Thank you in advance for your consideration of these Requests. Please do not hesitate to contact me directly if any additional information is needed to evaluate and approve the same.

Sincerely,

IHS LAW, LLC,
Attorney for Applicant



Carla J. Walker, Esq.

Enclosures: Preliminary Site Plan and Letter of Availability

Cc: Mr. Abbott S. Hayes, Jr., Attorney for the City of Gainesville (via e-mail only)
Mr. Jonathan Collins, Capstone Acquisitions, LLC (via e-mail only)

[illegible]

Capstone Acquisitions LLC
340 Jesse Jewell Pkwy, Ste 100
Gainesville, Ca 93001
Phone: 770-519-5598

Engineering Contact

Mr. Emmanuel Doulgarakis, 770-753-9800

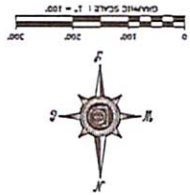
Applicant

TAX PARCEL IDS
PIN: 15021 00085

VARIANCES

1 - APARTMENTS

TRACT 2 - GREEN
SPACE



PERCENT

18-24 25-34 35-44 45-54 55-64 65-74 75-84 85+

0 100 200 300

Capstone at Inland Crossing
LOCATED IN 411 G.M.D., GAINESVILLE, HALL COUNTY, GEORGIA

Concept Site Plan

OWEN AND/OR FENCIBLE
Capstone Acquisitions, LLC
10000 JENNY PARKWAY, STE 400 CADDYVILLE, ALABAMA 35913, PHONE 770-517-5555

 DOULGERAKIS CONSULTING ENGINEERS, INC.
planning • civil engineering • sanitary engineering
601 Hwy 601, Plymouth, Georgia 30454, Phone 770-333-3111

[illegible]

VARIANCE REQUESTED TO REDUCE THE FRONT
SETBACK FROM 40FT PLUS FIVE FEET PER STORY
ON TWO STORY TO 30FT TOTAL, REF. SECTION
17.000.020.B OF THE UNIFIED LAND DEVELOPMENT
CODE

VARIANCES

© 2004 Blackwell Publishing Ltd

1 - APARTMENTS



C 178
N 1/2

WOODS AREA
EASTING

1000

100-443887-100

STREET TAX ID

3901E

103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047 1048 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075 1076 1077 1078 1079 1080 1081 1082 1083 1084 1085 1086 1087 1088 1089 1090 1091 1092 1093 1094 1095 1096 1097 1098 1099 1100 1

CITY OF
GAINESVILLE

WATER RESOURCES

July 19, 2022

Capstone Acquisitions, LLC
Attn: Carla J. Walker, Esq.
340 Jesse Jewell Pkwy, Suite 105
Gainesville, GA 30501

Re: Water & Sanitary Sewer Availability
Proposed 342-Unit Multi-Family Development
2866 Lanier Tech Drive
PIN: 15021 000085

Dear Ms. Walker,

The purpose of this letter is to confirm the availability of water and sanitary sewer service to the above-referenced property.

The City of Gainesville owns and operates an existing 12-inch DIP water main in the right-of-way of Lanier Tech Drive, which terminates on the subject property. The City also owns and operates an existing 8-inch DIP gravity sanitary sewer located on the subject property.

The City of Gainesville has adequate capacity for your proposed 342-unit multi-family development, which we understand will generate an anticipated average sewage flow of 85,550 GPD and a peak flow of 213,750 GPD. It is our understanding the developer will be requesting to de-annex the property from the City of Gainesville, and, as a result, subsequently request the City to waive the annexation requirement for sanitary sewer service. If the request is approved by City Council, the City will honor this commitment of water and sanitary sewer service for your development.

This confirmation of water and sanitary sewer availability is good for one year from the date of this letter at which time, it will become null and void unless engineered plans have been submitted for issuance of a development permit.

Please call me at (770) 538-2452 should you have any questions.

Sincerely,

Nick Swafford

Nick Swafford
Permitting Services Manager

cc: Myron Bennett, P.E., Engineering and Construction Div. Manager

**PROPOSED RESOLUTION AND
PROPOSED ORDINANCE FOR
CITY OF GAINESVILLE**

RESOLUTION BR-2022-__

**CAPSTONE AT INLAND CROSSING
DEVELOPMENT ANNEXATION WAIVER**

WHEREAS, the City of Gainesville owns and operates a sanitary sewer collection system serving the City of Gainesville and surrounding areas; and

WHEREAS, the City of Gainesville requires property owners who desire to connect to the sanitary sewer collection system to annex into the corporate limits of the City of Gainesville prior to connection when contiguous to the City Limits; and

WHEREAS, in some instances, the City may desire to provide sanitary sewer service to property which is contiguous to the municipal boundaries of the City for protection of the public health and welfare of the community, despite the proposed use of said property not conforming to the City Unified Land Development Code and/or despite the proposed use of said property being inconsistent with the City Comprehensive Future Land Use Plan; and

WHEREAS, in these instances, the City of Gainesville will allow connection to the City's sanitary sewer collection system without requiring annexation into the City Limit's but will require execution of a sanitary sewer service agreement and power of attorney for future annexation of said property; and

WHEREAS, Capstone Acquisitions, LLC, on behalf of the two owners of that certain 58.28 +/- acre tract located at 2866 Lanier Tech Drive (the "Property"), proposes a multi-family development on said parcel and has formally requested, in writing, the annexation requirement for connection to the City's sanitary sewer system be waived; and

WHEREAS, Community and Economic Development Department staff have identified the nature of the proposed multi-family development to be non-conforming with the City's Comprehensive Future Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves this request to allow connection of the Property to the City's water and sanitary sewer system without annexation.

BE IT FURTHER RESOLVED THAT the Mayor, City Manager and/or City Attorney are authorized to sign any and all documents that may be necessary to effectuate the connection of the Property to the City's sanitary sewer system.

Adopted this ____ day of August, 2022.

Sam Couvillon, Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

AN ORDINANCE

No. 2022-__

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GAINESVILLE TO ACCEPT THE APPLICATION OF THE CAPSTONE ACQUISITIONS, LLC ("CAPSTONE") TO DE-ANNEX CERTAIN PROPERTY CURRENTLY LOCATED WITHIN THE CITY LIMITS OF THE CITY OF GAINESVILLE ("PROPERTY") PURSUANT TO O.C.G.A. § 36-36-22; TO ACKNOWLEDGE RECEIPT OF THE RESOLUTION BY HALL COUNTY, GEORGIA CONSENTING TO THE DE-ANNEXATION OF THE PROPERTY; TO DE-ANNEXED SAID PROPERTY; TO CONFIRM THAT SAID PROPERTY CEASES TO CONSTITUTE A PART OF THE LANDS WITHIN THE CITY LIMITS OF THE CITY OF GAINESVILLE; TO APPROVE THE CONNECTION OF THE PROPERTY TO THE CITY'S WATER AND SANITARY SEWER SYSTEM WITHOUT ANNEXATION AND FOLLOWING THIS DE-ANNEXATION; TO INSTRUCT THAT AN IDENTIFICATION OF THE PROPERTY BE FILED BY THE CITY OF GAINESVILLE WITH THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Howard LT Holdings 1, LLC and Howard LT Holdings 2, LLC (the "Owners") are the sole landowners of a certain piece of property, consisting of 58.28 +/- acres, more or less, currently located within the city limits of the City of Gainesville, the address of said property being 2866 NE Lanier Tech Drive, Gainesville, Georgia ("Property"); and

WHEREAS, a complete legal description of the Property is more fully set forth hereinbelow; and

WHEREAS, on August 3, 2022, the City of Gainesville received a written and signed de-annexation application from Capstone as representative for the Owners (the "Application"), a which Application contained a complete description of the lands to be de-annexed and a request for service of water and sanitary sewer services to be provided to the Property by the City of Gainesville following the de-annexation, if approved; and

WHEREAS, O.C.G.A. § 36-36-22 grants the City of Gainesville authority to accept an application for de-annexation upon the written and signed application of all of the owners of all of the land proposed to be de-annexed; and

WHEREAS, O.C.G.A. § 36-36-22 grants the City of Gainesville authority to pass an ordinance to complete the de-annexation of land upon the adoption of a resolution by the governing authority of the county in which such property is located consenting to such de-annexation; in this case, the applicable county is Hall County, Georgia; and

WHEREAS, the City of Gainesville is in receipt of a resolution by Hall County dated August 11, 2022 consenting to the de-annexation of the Property requested in Capstone's Application;

NOW, THEREFORE, BE IT RESOLVED AND IS HEREBY ORDAINED BY THE GOVERNING BODY FOR THE CITY OF GAINESVILLE AS FOLLOWS:

ORDINANCE NO. 2022-__

Section I

The Mayor and Council of the City of Gainesville hereby accept the application of Capstone Acquisitions, LLC to de-annex that certain above-defined Property currently located within the city limits of the City of Gainesville, Georgia pursuant to O.C.G.A. § 36-36-22 and hereby acknowledge receipt of a resolution by Hall County, Georgia consenting to the de-annexation of the Property.

Section II

That from and after the passage of this Ordinance the following described lands are and shall be de-annexed from the existing corporate limits of the City of Gainesville, Georgia, so that said lands shall cease to constitute a part of the land within the corporate limits of the City of Gainesville, Georgia, as fully and completely as if the limits had been so defined by the General Assembly of Georgia.

Legal Description

All that tract or parcel of land lying and being in G.M.D. 411 of Hall County, Georgia and being more particularly described as follows:

Beginning at a concrete monument at the right of way intersection of the easterly right of way and Howard Road and the southerly right of way of Georgia State Route No. 365, a.k.a. Cornelia Highway, said point being the POINT OF BEGINNING; THENCE along the southerly right of way of Howard Road heading N60°21'53"W for a distance of 83.01' to a point; THENCE along a curve to the right with an arc length of 73.52', having a radius of 2598.27', with a chord bearing of N43°58'26"W, with a chord length of 73.52' to a point; THENCE N44°42'44"W for a distance of 178.91'; THENCE N44°42'57"W for a distance of 1113.38' to a point; THENCE N44°42'56"W for a distance of 359.90' to a point; THENCE along a curve to the right with an arc length of 160.50', having a radius of 1165.00', with a chord bearing of N40°43'43"W, with a chord length of 160.37', said point being the TRUE POINT OF BEGINNING; THENCE N66°36'46"E for a distance of 141.46' to a point; THENCE N86°19'11"E for a distance of 36.86' to a point; THENCE S39°57'45"E for a distance of 38.56' to a point; THENCE S83°26'11"E for a distance of 32.02' to a point; THENCE S46°42'57"E for a distance of 86.22' to a point; THENCE S82°51'07"E for a distance of 141.80' to a point; THENCE S86°52'30"E for a distance of 113.60' to a point; THENCE S41°39'36"E for a distance of 44.46' to a point; THENCE N88°49'55"E for a distance of 77.20' to a point; THENCE S82°43'46"E for a distance of 54.70' to a point; THENCE S53°53'53"E for a distance of 50.16' to a point; THENCE N63°25'41"E for a distance of 32.21' to a point; THENCE S77°50'07"E for a distance of 45.68' to a point; THENCE N72°24'52"E for a distance of 83.85' to a point; THENCE N01°44'45"E for a distance of 52.46' to a point; THENCE N39°17'09"E for a distance of 16.67' to a point; THENCE N71°53'09"E for a distance of 37.22' to a point; THENCE N87°12'51"E for a distance of 58.80' to a point; THENCE N41°21'16"E for a distance of 69.26' to a point; THENCE N21°47'41"W for a distance of 54.92' to a point; THENCE N04°28'14"W for a distance of 43.94' to a point; THENCE N38°33'03"E for a distance of 20.17' to a point; THENCE N85°43'27"E for a distance of 49.38' to a point; THENCE S63°53'32"E for a distance of 37.42' to a point; THENCE N15°41'43"E for a distance of 62.26' to a point; THENCE N62°54'30"E for a distance of 80.36' to a point; THENCE N12°44'09"E for a distance of 52.88' to a point; THENCE N40°14'05"E for a distance of 62.97' to a point; THENCE N12°58'17"E for a distance of 106.42' to a point; THENCE N34°09'14"W for a distance of 52.94' to a point; THENCE N13°40'12"E for a distance of 23.61' to a point; THENCE N64°04'52"E for a distance of 44.44' to a point; THENCE N03°59'48"W for a distance of 45.85' to a point; THENCE S12°59'04"E for a distance of 877.50' to a point; THENCE S12°43'04"E for a distance of 428.02' to an iron pin set; THENCE S60°19'30"W for a distance of 2823.97' to a point; THENCE N22°22'29"E for a distance of 2276.59' to a point, said point being the TRUE POINT OF BEGINNING.

Together with and subject to covenants, easements and restrictions of record. Said property contains .58.28 acres as shown on a Composite Plat for Howard Road Townhomes, prepared by Myers & Co, Inc., dated 12/18/18.

ORDINANCE NO. 2022-__

Section III

The City of Gainesville hereby re-affirms its approval to allow connection of the Property to the City's water and sanitary sewer system without annexation (see Resolution BR-2022-__) and hereby approves said connection of the Property to the City's water and sanitary sewer system following and after this de-annexation.

Section IV

The Community and Economic Development Department of the City of Gainesville is directed to make and file with the Department of Community Affairs of the State of Georgia a certified copy of this Ordinance together with a plat describing lands de-annexed from the City of Gainesville by this Ordinance.

Section V

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section VI

If any portion of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

Section VII

The effective date of this Ordinance shall be date of approval/adoption by the governing body of the City of Gainesville, Georgia.

BE IT FURTHER RESOLVED THAT the Mayor, City Manager and/or City Attorney are authorized to sign any and all documents that may be necessary to effectuate the de-annexation of the Property.

Adopted this ____ day of August, 2022.

Sam Couvillon, Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

PROPOSED RESOLUTION FOR HALL COUNTY

STATE OF GEORGIA
COUNTY OF HALL

RESOLUTION NO. 2022-__

A RESOLUTION OF THE HALL COUNTY BOARD OF COMMISSIONERS GRANTING PERMISSION TO CAPSTONE ACQUISITIONS, LLC ("CAPSTONE") TO SUBMIT A ZONING APPLICATION TO THE HALL COUNTY PLANNING AND DEVELOPMENT DEPARTMENT BY AUGUST 15, 2022; CONSENTING TO AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GAINESVILLE TO ACCEPT THE APPLICATION OF THE CAPSTONE TO DEANNEX CERTAIN PROPERTY CURRENTLY LOCATED WITHIN THE CITY LIMITS OF THE CITY OF GAINESVILLE ("PROPERTY") PURSUANT TO O.C.G.A. § 36-36-22; ACKNOWLEDGING RECEIPT OF THIS RESOLUTION BY HALL COUNTY, GEORGIA CONSENTING TO THE DE-ANNEXATION OF THE PROPERTY; DE-ANNEXING SAID PROPERTY; CONFIRMING THAT SAID PROPERTY CEASES TO CONSTITUTE A PART OF THE LANDS WITHIN THE CITY LIMITS OF THE CITY OF GAINESVILLE; APPROVING THE CONNECTION OF THE PROPERTY TO THE CITY'S WATER AND SANITARY SEWER SYSTEM WITHOUT ANNEXATION AND FOLLOWING ITS DE-ANNEXATION; INSTRUCTING THAT AN IDENTIFICATION OF THE PROPERTY BE FILED BY THE CITY OF GAINESVILLE WITH THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Howard LT Holdings 1, LLC and Howard LT Holdings 2, LLC (the "Owners") are the sole landowners of a certain piece of property, consisting of 58.28 +/- acres, more or less, currently located within the city limits of the City of Gainesville, the address of said property being 2866 NE Lanier Tech Drive, Gainesville, Georgia ("Property"); and

WHEREAS, a complete legal description of the Property is more fully set forth hereinbelow; and

WHEREAS, on August 3, 2022, the Hall County Law Department received a copy of a written and signed de-annexation application from Capstone as representative for the Owners (the "Application") submitted to the City of Gainesville, a which Application contained a complete description of the lands to be de-annexed and a request for service of water and sanitary sewer services to be provided to the Property by the City of Gainesville following the de-annexation, if approved; and

WHEREAS, on August 3, 2022, Capstone also submitted a request via cover letter to the Hall County Attorney that it be given permission to file a Zoning Application with the Hall County Planning and Development Department by August 15, 2022; and

WHEREAS, O.C.G.A. § 36-36-22 grants the City of Gainesville authority to accept an application for de-annexation upon the written and signed application of all of the owners of all of the land proposed to be de-annexed; and

WHEREAS, O.C.G.A. § 36-36-22 grants the City of Gainesville authority to pass an ordinance to complete the de-annexation of land upon the adoption of a resolution by the governing authority of the county in which such property is located consenting to such de-annexation; in this case, the applicable county is Hall County, Georgia; and

WHEREAS, the Board of Commissioners of Hall County, Georgia is granted authority pursuant to O.C.G.A. § 36-36-22 to consent to the de-annexation of the Property; and

WHEREAS, the Board of Commissioners of Hall County, Georgia has determined that it is in the best interests of the county to consent to the de-annexation of the Property that is more fully described hereinbelow; and

WHEREAS, accordingly, the Board of Commissioners of Hall County, Georgia has deemed it appropriate for Capstone to be granted permission to file a Zoning Application with the Hall County Planning and Development Department by August 15, 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA AND IT IS HEREBY RESOLVED:

Section I

A more particular description of the Property is described as follows:

Legal Description

All that tract or parcel of land lying and being in G.M.D. 411 of Hall County, Georgia and being more particularly described as follows:

Beginning at a concrete monument at the right of way intersection of the easterly right of way and Howard Road and the southerly right of way of Georgia State Route No. 365, a.k.a. Cornelia Highway, said point being the POINT OF BEGINNING; THENCE along the southerly right of way of Howard Road heading N60°21'53"W for a distance of 83.01' to a point; THENCE along a curve to the right with an arc length of 73.52', having a radius of 2598.27', with a chord bearing of N43°58'26"W, with a chord length of 73.52' to a point; THENCE N44°42'44"W for a distance of 178.31'; THENCE N44°42'57"W for a distance of 1113.38' to a point; THENCE N44°42'56"W for a distance of 359.90' to a point; THENCE along a curve to the right with an arc length of 160.50', having a radius of 1165.00', with a chord bearing of N40°43'43"W, with a chord length of 160.37', said point being the TRUE POINT OF BEGINNING; THENCE N66°36'46"E for a distance of 141.46' to a point; THENCE N86°19'11"E for a distance of 36.86' to a point; THENCE S39°57'45"E for a distance of 38.56' to a point; THENCE S83°26'11"E for a distance of 32.02' to a point; THENCE S46°42'57"E for a distance of 86.22' to a point; THENCE S82°51'07"E for a distance of 141.80' to a point; THENCE S86°52'30"E for a distance of 113.60' to a point; THENCE S41°39'36"E for a distance of 44.46' to a point; THENCE N88°49'55"E for a distance of 77.20' to a point; THENCE S82°43'46"E for a distance of 54.70' to a point; THENCE S53°53'53"E for a distance of 50.16' to a point; THENCE N63°25'41"E for a distance of 32.21' to a point; THENCE S77°50'07"E for a distance of 45.68' to a point; THENCE N72°24'52"E for a distance of 83.85' to a point; THENCE N01°44'45"E for a distance of 52.46' to a point; THENCE N39°17'09"E for a distance of 16.67' to a point; THENCE N71°53'09"E for a distance of 37.22' to a point; THENCE N87°12'51"E for a distance of 58.80' to a point; THENCE N41°21'16"E for a distance of 69.26' to a point; THENCE N21°47'41"W for a distance of 54.92' to a point; THENCE N04°28'14"W for a distance of 43.94' to a point; THENCE N38°33'03"E for a distance of 20.17' to a point; THENCE N85°43'27"E for a distance of 49.38' to a point; THENCE S63°53'32"E for a distance of 37.42' to a point; THENCE N15°41'43"E for a distance of 62.26' to a point; THENCE N62°54'30"E for a distance of 80.36' to a point; THENCE N12°44'09"E for a distance of 52.88' to a point; THENCE N40°14'05"E for a distance of 62.97' to a point; THENCE N12°58'17"E for a distance of 106.42' to a point; THENCE N34°09'14"W for a distance of 52.94' to a point; THENCE N13°40'12"E for a distance of 23.61' to a point; THENCE N64°04'52"E for a distance of 44.44' to a point; THENCE N03°59'48"W for a distance of 45.85' to a point; THENCE S12°59'04"E for a distance of 877.50' to a point; THENCE S12°43'04"E for a distance of 428.02' to an iron pin set; THENCE S60°19'30"W for a distance of 2829.97' to a point; THENCE N22°22'29"E for a distance of 2276.53' to a point, said point being the TRUE POINT OF BEGINNING.

Together with and subject to covenants, easements and restrictions of record. Said property contains 58.28 acres as shown on a Composite Plat for Howard Road Townhomes, prepared by Myers & Co, Inc., dated 12/18/18.

Section II

The Board of Commissioners of Hall County, Georgia hereby consents to the request of Capstone Acquisitions, LLC to de-annex the Property currently located within the city limits of the City of Gainesville, Georgia pursuant to O.C.G.A. § 36-36-22, and, upon receipt of this Resolution by Hall County, Georgia consenting to the de-annexation of the Property, the City of Gainesville may adopt an ordinance providing for the following: that the Property is de-annexed, that the Property ceases to constitute a part of the lands within the city limits of the City of Gainesville, that connection of the Property to the City of Gainesville's water and sanitary sewer system is approved without annexation and following a de-annexation of the Property, and that an identification of the Property shall be filed by the City of Gainesville with the Georgia Department of Community Affairs.

Section III

The Board of Commissioners of Hall County, Georgia hereby grants permission to Capstone Acquisitions, LLC to submit a Zoning Application with the Hall County Planning and Development Department by August 15, 2022.

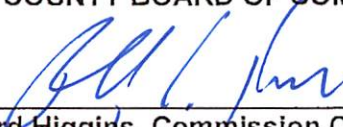
Section IV

This Resolution shall become effective upon its approval by the Board of Commissioners.

BE IT FURTHER RESOLVED THAT the Commissioners, County Administrator and/or County Attorney(s) are authorized to sign any and all documents that may be necessary to effectuate any of the action approved and/or consented to hereinabove.

SO RESOLVED this 11 day of August, 2022.

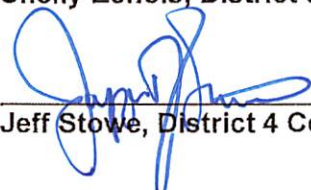
HALL COUNTY BOARD OF COMMISSIONERS


Richard Higgins, Commission Chairman


Kathy Cooper, District 1 Commissioner


Billy Powell, District 2 Commissioner

Shelly Echols, District 3 Commissioner


Jeff Stowe, District 4 Commissioner

ATTEST:


Jennifer Rivera, Commission Clerk



COPY OF RELEVANT METTING CALENDARS



HALL COUNTY BOARD OF COMMISSIONERS
2022 Commission Meeting Schedule
Hall County Government Center 2nd Floor
2875 Browns Bridge Road, Gainesville, GA 30504

<u>WORK SESSIONS</u>	<u>VOTING MEETINGS</u>
Monday, January 10 at 3:00	Thursday, January 13 at 6:00
Monday, January 24 at 3:00	Thursday, January 27 at 6:00
Monday, February 7 at 3:00	Thursday, February 10 at 6:00
Monday, February 21 at 3:00	Thursday, February 24 at 6:00
Monday, March 7 at 3:00	Thursday, March 10 at 6:00
Monday, March 21 at 3:00	Thursday, March 24 at 6:00
Monday, April 11 at 3:00	Thursday, April 14 at 6:00
Monday, April 25 at 3:00	Tuesday , April 26 at 6:00 Thursday, April 28 at 6:00 – CANCELLED
Monday, May 9 at 3:00	Wednesday , May 11 at 6:00 Thursday, May 12 at 6:00 – CANCELLED
Monday, May 23 at 3:00	Thursday, May 26 at 6:00
Monday, June 6 at 3:00	Thursday, June 9 at 6:00
Monday, June 20 at 3:00	Wednesday , June 22 at 6:00 Thursday, June 23 at 6:00 – CANCELLED
Monday, July 11 at 3:00	Thursday, July 14 at 6:00
Monday, July 25 at 3:00	Thursday, July 28 at 6:00
Monday, August 8 at 3:00	Thursday, August 11 at 6:00
Monday, August 22 at 3:00	Thursday, August 25 at 6:00
<i>Special Called Work Session</i> Tuesday, September 6 at 3:00	Thursday, September 8 at 6:00
Monday, September 19 at 3:00	Thursday, September 22 at 6:00
Monday, October 10 at 3:00	Thursday, October 13 at 6:00
Monday, October 24 at 3:00	Thursday, October 27 at 6:00
Monday, November 7 at 3:00	Thursday, November 10 at 6:00
Monday, December 5 at 3:00	Thursday, December 8 at 6:00

Hall County Board of Commissioners Work Session Meetings are scheduled for Mondays prior to the 2nd and 4th Thursdays of each month. Voting Meetings are scheduled for the 2nd and 4th Thursdays of each month.

All Meetings are scheduled to be held at the Hall County Government Center (2875 Browns Bridge Road, Gainesville, GA) on the 2nd floor.

Amendments to the schedule, listed above, will be noticed to the public as State law requires.

Please direct questions and/or concerns to Jennifer Rivera, Hall County Commission Clerk, 770-297-2684 jrivera@hallcounty.org.

CITY OF
GAINESVILLE

CITY CLERK'S OFFICE

PUBLIC NOTICE

2022 GOVERNING BODY MEETING CALENDAR

IN ACCORDANCE WITH THE GEORGIA OPEN MEETINGS ACT AS AMENDED, VOLUME 50, CHAPTER 14, NOTICE IS HEREBY GIVEN; THE 2022 GOVERNING BODY MEETING CALENDAR HAS BEEN SET AS FOLLOWS:

	Work Session Thursday, 9:00 AM Administrative Building Board Room 300 Henry Ward Way	Council Meeting Tuesday, 5:30 PM Public Safety Complex Municipal Court Room 701 Queen City Parkway
1		01/04/22
2	01/13/22	01/18/22
3	01/27/22	02/01/22
4	02/10/22	02/15/22
5	02/24/22	03/01/22
6	03/10/22	03/15/22
7	04/14/22	04/19/22
8	04/28/22	05/03/22
9	05/12/22	05/17/22
10	06/02/22	06/07/22
11	06/16/22	06/21/22
12	07/14/22	07/19/22
13	07/28/22	08/02/22
14	08/11/22	08/16/22
15	09/01/22	09/06/22
16	09/15/22	09/20/22
17	09/29/22	10/04/22
18	10/13/22	10/18/22
19	10/27/22	11/01/22
20	11/10/22	11/15/22
21	12/01/22	12/06/22
22	12/15/22	12/20/22
23	01/12/23	01/17/23

NOTICE OF ANY SPECIAL MEETINGS OR ANY DEVIATIONS TO THE SCHEDULE SHALL BE POSTED BY PUBLIC NOTICE IN THE ADMINISTRATION BUILDING, AT THE MEETING LOCATION, AND ON THE CITY'S WEBSITE [City Council | Gainesville, GA.](https://www.gainesville.org/city-council)

Adopted: December 7, 2021

Posted: December 10, 2021 dj

cc: Mayor and Council; City Manager's Office; City Attorney; Department Directors; Media; Meeting Location; Official Website

PO BOX 2496 GAINESVILLE, GA 30503

P | 770-535-6865

[GAINESVILLE.ORG](https://www.gainesville.org)

**HALL COUNTY PLANNING COMMISSION
MEETING SCHEDULE – 2022**

Planning Commission Meeting – 5:15 PM	Deadline for Applications – 4:00PM	Legal Ad Published	County Commission Meeting – 6:00PM
<i>January 4 (Tuesday)</i>	November 15, 2021	December 15, 2020	February 10
<i>January 18 (Tuesday)</i>	November 29, 2021	December 29, 2020	February 24
February 7	December 20, 2021	January 19	March 10
February 21	January 3	February 2	March 24
March 7	January 17	February 16	April 14
March 21	January 31	March 2	<i>April 26 (Tuesday)</i>
April 4	February 14	March 16	<i>May 11 (Wednesday)</i>
April 18	February 28	March 30	May 26
May 2	March 14	April 13	June 9
May 16	March 28	April 27	<i>June 22 (Wednesday)</i>
June 6	April 18	May 18	July 14
June 20	May 2	June 1	July 28
<i>July 5 (Tuesday)</i>	May 17	June 15	August 11
July 18	May 31	June 29	August 25
August 1	June 13	July 13	September 8
August 15	June 27	July 27	September 22
<i>September 6 (Tuesday)</i>	July 19	August 17	October 13
September 19	August 1	August 31	October 27
October 3	August 15	September 14	November 10
October 17	August 29	September 28	December 8
November 7	September 19	October 19	December 8
November 21	October 3	November 2	January 12
December 5	October 17	November 16	January 12
December 19	October 31	November 30	January 26
<i>January 3, 2023 (Tuesday)</i>	November 15	December 14	February 9, 2023
<i>January 17, 2023 (Tuesday)</i>	November 29	December 28	February 23, 2023

Planning Commission - 1st and 3rd Monday County Commission - 2nd and 4th Thursday
Meetings are held at the Hall County Government Center, subject to change with prior notice.

Dates listed in *italic font* have been moved due to holiday/scheduling conflict

The planning staff will set the dates for each application. The Planning Department has 15 days after the deadline date to review all applications submitted for sufficiency. If the application is found insufficient, an agenda date will not be set until the required information is submitted.