

**City of Locust Grove  
Council Meeting Minutes  
Public Safety Building – Courtroom Chamber  
3640 Highway 42 S. – Locust Grove, GA 30248  
Monday, June 5, 2023  
6:00 PM**

<b>Members Present:</b>	<b>Staff Present:</b>
Robert Price – Mayor	Tim Young – City Manager
Carlos Greer – Councilman	Bert Foster – Assistant City Manager
Willie Taylor – Councilman	Misty Spurling – City Clerk
Keith Boone – Councilman/Pro Tem	Jennifer Adkins – Assistant City Clerk
Vincent Williams – Councilman	Daunté Gibbs – Community Development Director
Rod Shearouse – Councilman	Jack Rose – Public Works Director
Rudy Breedlove – Councilman	Derrick Austin - Police Chief
	Will White – SWWW Attorney
	<b>Staff not present:</b>
	Colleen Cook – Main Street Director

Mayor Price called the meeting to order at 6:00 PM

Invocation given by Chief Derrick Austin.

Councilman Breedlove led the Pledge of Allegiance.

**APPROVAL OF AGENDA** –

Mayor Price asked for a motion. Councilman Greer made the motion to approve the agenda.

RESULT	APPROVED
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN WILLIAMS
VOTE	MOTION CARRIED - ALL IN FAVOR

**PUBLIC COMMENTS** –

- **Presentation by Laura Luker with the Henry County Convention and Visitor’s Bureau (CVB) on FY 2022 activities, expenditures, and plans/promotions for 2023 –**

Laura Luker, director of tourism (Henry Co. CVB) stepped forward. Mrs. Luker said her job is to make sure economic development is stimulated through tourism and to tell visitors why Locust Grove is the place to visit, eat, shop, and stay in Locust Grove. Laura reviewed the slides on the overhead screen and discussion took place. Laura said they invested in the development of a mobile visitor center which launched in January 2023 and is normally out in the community four days a week or 40 hours/week. The CVB also invested in new data in 2022 (Arrivalist Data) which collects data from point of origin, points of interest, and how many day and night trippers stay in Locust Grove.

Councilman Greer asked about the area calculated on estimating the trips at the train platform. Laura said she would have to review the data; however, the boundary registers as a visit (not local people).

Councilman Williams asked if the mobile visitor center can be booked for a city event. Laura said yes, it can be booked in three-month intervals (three months in advance).

**PUBLIC HEARING ITEMS – NONE**

**APPROVAL OF THE MINUTES –**

**1. MAY 1, 2023- REGULAR MEETING MINUTES –**

Mayor Price asked for a motion. Councilman Greer made the motion to approve the May 1, 2023, regular meeting minutes.

RESULT	APPROVED MAY 1, 2023, REGULAR MEETING MINUTES
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**2. MAY 1, 2023- EXECUTIVE SESSION MEETING MINUTES –**

Mayor Price asked for a motion. Councilman Williams made the motion to approve the May 1, 2023, executive session meeting minutes.

RESULT	APPROVED MAY 1, 2023, EXECUTIVE SESSION MEETING MINUTES
MADE MOTION	COUNCILMAN WILLIAMS
2 <sup>ND</sup> MOTION	COUNCILMAN SHEAROUSE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**3. MAY 15, 2023- WORKSHOP MEETING MINUTES –**

Mayor Price asked for a motion. Councilman Greer made the motion to approve the May 15, 2023, workshop meeting minutes.

RESULT	APPROVED MAY 15, 2023, WORKSHOP MEETING MINUTES
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN WILLIAMS
FAVOR	MOTION CARRIED – ALL IN FAVOR

**4. MAY 15, 2023- EXECUTIVE SESSION MEETING MINUTES –**

Mayor Price asked for a motion. Councilman Breedlove made the motion to approve the May 15, 2023, executive session meeting minutes.

RESULT	APPROVED MAY 15, 2023, EXECUTIVE SESSION MEETING MINUTES
MADE MOTION	COUNCILMAN BREEDLOVE
2 <sup>ND</sup> MOTION	COUNCILMAN SHEAROUSE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**ACCEPTANCE OF THE FINANCIAL STATEMENT –**

**5. December 2022 – Financial Statement –**

Mayor Price asked for a motion. Councilman Greer made the motion to approve the December 2022, financial statement.

RESULT	APPROVED DECEMBER 2022, FINANCIAL STATEMENT
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN WILLIAMS
FAVOR	MOTION CARRIED – ALL IN FAVOR

**6. January 2023 – Financial Statement –**

Mayor Price asked for a motion. Councilman Williams made the motion to approve the January 2023, financial statement.

RESULT	APPROVED JANUARY 2023, FINANCIAL STATEMENT
MADE MOTION	COUNCILMAN WILLIAMS
2 <sup>ND</sup> MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**UNFINISHED BUSINESS/ACTION ITEMS –**

**7. Resolution to award the contract for professional consultant services associated with the review and updating of the city’s Impact Fee program –**

Mayor Price asked for a motion. Councilman Shearouse made the motion to approve the request by approving resolution # 23-06-052.

RESULT	APPROVED RESOLUTION #23-06-052
MADE MOTION	COUNCILMAN SHEAROUSE
2 <sup>ND</sup> MOTION	COUNCILMAN GREER
FAVOR	MOTION CARRIED – ALL IN FAVOR

**8. Ordinance to amend the FY 2023 Operating and Capital Improvements Budget for the 1<sup>st</sup> Quarter –**

Tim stepped forward to comment. Tim said there were additional revenue projections (based on final collections of FY 22) and other (disaster related) expenditures from the beginning of the year. Discussion took place about decreases and increases in certain funds. Nothing further.

Mayor Price asked for a motion. Councilman Taylor made the motion to approve the request by approving ordinance #23-06-053.

RESULT	APPROVED ORDINANCE #23-06-053
MADE MOTION	COUNCILMAN TAYLOR
2 <sup>ND</sup> MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**NEW BUSINESS/ACTION/DISCUSSION ITEMS –**

**9. Special Event permit request from TNT Fireworks for a fireworks sale to benefit Rainbow Girls, a non-profit organization -**

Mayor Price asked for a motion. Councilman Greer made the motion to approve the request.

RESULT	APPROVED SPECIAL EVENT
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**10. Resolution to authorize and enter into a lease agreement with United Bank for the purpose of leasing heavy equipment -**

Tim stepped forward to comment. Tim said this is for the lease-purchase of a new Morbark Chipper in the amount of \$111,500. This chipper is larger in capacity and will be an alternative to our existing 2016-era chipper. The annual payment will be about \$26,000 to help smooth out the cost of the equipment purchase, as the price of chippers has increased drastically.

Councilman Greer asked how much to purchase the equipment up front? Tim said \$111,500 to purchase. Councilman Greer said he does not understand why we would lease the equipment instead of purchasing up front. Tim said leasing helps to even out our cash flows and this type of lease is a lease to purchase [that becomes ours at the end of the lease term]. Discussion took place about maintenance and warranty. Nothing further.

Mayor Price asked for a motion. Councilman Williams made the motion to approve the request by approving resolution # **23-06-051**.

RESULT	APPROVED RESOLUTION #23-06-051
MADE MOTION	COUNCILMAN WILLIAMS
2 <sup>ND</sup> MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**CITY MANAGER’S COMMENTS –**

**11. Postponement of July 17, 2023, Council Workshop to July 24, 2023 -**

Mr. Young said we will be at our budget retreat in Macon July 16-19, 2023; therefore, need to postpone the Workshop meeting date to July 24, 2023.

Mayor Price asked for a motion. Councilman Shearouse made the motion to approve the request to postpone the July 17, 2023, workshop meeting to July 24, 2023.

RESULT	APPROVED POSTPONEMENT
MADE MOTION	COUNCILMAN SHEAROUSE
2 <sup>ND</sup> MOTION	COUNCILMAN GREER
FAVOR	MOTION CARRIED – ALL IN FAVOR



**COUNCIL COMMENTS – NONE**

**MAYOR’S COMMENTS – NONE**

**EXECUTIVE SESSION – PERSONNEL & LITIGATION**

Motion to go into executive session to discuss pending and/or threatened litigation and personnel matters by Councilman Boone and seconded by Councilman Breedlove. Motion Carried All in favor 6:38 PM.

At 6:55 PM, motion to come back into regular session made by Councilman Williams and seconded by Councilman Greer.

**ADJOURNMENT –**

Mayor Price asked for a motion to adjourn. Councilman Greer made the motion to adjourn.

RESULT	APPROVED – ADJOURN MEETING
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN SHEAROUSE
FAVOR	MOTION CARRIED MEETING ADJOURNED @ 6:56 PM.

Notes taken by:

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Misty Spurling  
City Clerk

**City of Locust Grove  
Council Workshop Meeting Minutes  
Public Safety Building – 3640 Highway 42 S.  
Locust Grove, GA 30248  
Tuesday, June 20, 2023  
6:00 PM**

<b>Members Present:</b>	<b>Staff Present:</b>
Robert Price – Mayor	Tim Young – City Manager
Keith Boone – Councilman/Pro Tem	Misty Spurling – City Clerk
Vincent Williams – Councilman	Jennifer Adkins – Assistant City Clerk
Willie Taylor – Councilman	Jack Rose – Public Works Director
Rudy Breedlove - Councilman	Daunté Gibbs – Community Development Director
	Colleen Watts – Main Street Manager
	Derrick Austin – Police Chief
	Brooke White –SWWW Attorney
<b>Members not present:</b>	<b>Staff not present:</b>
Rod Shearouse - Councilman	Bert Foster – Assistant City Manager
Carlos Greer – Councilman (Present via teleconference/phone)	Andy Welch – Attorney

Mayor Price called the meeting to order at 6:00 PM.

Invocation given by Community Development Director Daunté Gibbs

Councilman Breedlove led the Pledge of Allegiance for Councilman Greer

**APPROVAL OF AGENDA** –

Mayor Price asked for a motion. Councilman Boone made the motion to approve the agenda.

RESULT	APPROVED AGENDA
MADE MOTION	COUNCILMAN BOONE
2 <sup>ND</sup> MOTION	COUNCILMAN TAYLOR
VOTE	MOTION CARRIED - ALL IN FAVOR

**PUBLIC COMMENTS** – NONE

**PUBLIC HEARING ITEMS** –

**1. Amendment to the City of Locust Grove Code of Ordinances in accordance with House Bill 1405** –

Daunté Gibbs, Community Development Director, stepped forward to comment. Daunté reviewed the changes and said this will be effective July 1, 2023. This is regarding public notices, hearings, and procedures for making zoning decisions. Daunté said the city attorney can explain further if needed.

Mayor Price said this is a public hearing and asked the public for comments from anyone in favor of the request. There were no comments.

Mayor Price asked for comments from anyone opposed to the request and there were no comments. Mayor Price closed the public hearing and asked for comments from the Council.

Councilman Williams asked how the process was before this amendment. Daunté reviewed the procedures that were previously in place and the new amendments which include requirements for advertising (15-day to 45-day public hearing notice) and notifications of the same to the applicant along with an mandated timeline for decisions by the ruling body. While additional requirements for notification apply to quasi-judicial bodies, none technically apply to the City with the Council handling all hearing decisions at this time. Nothing further.

**2. Ordinance for annexation of 15.31 +/- acres located on Old Bethlehem Road west of Price Drive (Parcel ID: 111-01015001) in LL 235 of the 2<sup>nd</sup> district –**

Mr. Gibbs reviewed the request and said this will be the 100 percent method and will remain RA from the county to the city. Staff recommends approval of the request.

Mayor Price said this is a public hearing and asked for comments from anyone in favor of the request and there were no comments.

Mayor Price asked for comments from anyone opposed to the request and there were no comments.

Mayor Price closed the public hearing and asked for comments from the Council.

Councilman Breedlove asked for clarity of the property location on the map provided and Daunté clarified. Tim said this property is next to the Church on Bethlehem Road, not in the city limits and its only use will be for a road.

**3. Ordinance to rezone 15.31 +/- acres located on Old Bethlehem Road west of Price Drive (Parcel ID: 111-01015001) from unincorporated Henry County RA (residential agricultural) to incorporated City of Locust Grove RA (residential agricultural) –**

Daunté said this is the rezoning request that is with a concurrent request for annexation of the subject property. Staff recommends approval of the request for rezoning.

Mayor Price said this is a public hearing and asked for comments from anyone in favor of the request and there were no comments.

Mayor Price asked for comments from anyone opposed to the request and there were no comments.

Mayor Price closed the public hearing and asked for comments from the Council.

Councilman Breedlove asked why the city needs to annex the property and Daunte' said mainly to keep it all in the city.

**OLD BUSINESS/ACTION ITEMS – NONE**

**NEW BUSINESS/ACTION ITEMS –**

**4. Ordinance to amend Pay Plan No. 701 of Personnel new salary schedule for allowance of cost-of-living adjustments for the last operating period –**

City Manager Tim Young stepped forward to comment. Tim said this is to allow COLA for employees for the remainder of 2023 that was accounted for in the latest budget amendment. The recommendation is for a 5.4 percent proposed increase, which is the same as last year.

Councilman Greer asked what the estimated cost on payroll and Tim said it is about \$250,000-\$270,000 which is about 5.4% of the combined payroll (around \$4 million dollars).

Discussion took place about wage inflation and Councilman Greer said he has no concerns with employees getting increase; however, only concern is those of higher pay getting increase. Councilman Greer said he would like the lower paid employees to be increased to the \$15.85/hour.

Councilman Williams asked how long it takes an employee to top out of the pay grade. Discussion took place on the current pay grade/step scale at 1.5% increments, and Tim said we will have the results of the pay study by Fall.

Councilman Breedlove relayed a question from Councilman Greer asking if this [pay increase] is sustainable and asked if this increase is a guaranteed rate set in the policy? Tim said yes, this should be sustainable due to the fact that revenues are growing by the inflation rate from things like sales taxes and such and added the percentage is not set in the policy. We try to meet and stay consistent with the CPI; however, we are still very conservative in using rates not as subject to high fluctuation like fuel and food.

Nothing further.

Mayor Price asked for a motion. Councilman Boone made the motion to approve the request by approving ordinance **#23-06-054**.

RESULT	APPROVED ORDINANCE # 23-06-054
MADE MOTION	COUNCILMAN BOONE
2 <sup>ND</sup> MOTION	COUNCILMAN WILLIAMS
VOTE	MOTION CARRIED - ALL IN FAVOR

**5. Special Event permit request for the Locust Grove Fire Marshal and the Johnson Foundation school supply distribution on July 22, 2023 –**

Mayor Price asked for a motion. Councilman Taylor made the motion to approve the request.

RESULT	APPROVED SPECIAL EVENT
MADE MOTION	COUNCILMAN TAYLOR
2 <sup>ND</sup> MOTION	COUNCILMAN BREEDLOVE
VOTE	MOTION CARRIED – ALL IN FAVOR

**6. Special Event permit request to host a neighborhood block party at 104 Sims Street on August 5, 2023 -**

Mayor Price asked for a motion. Councilman Breedlove made the motion to approve the request.

RESULT	APPROVED SPECIAL EVENT
MADE MOTION	COUNCILMAN BREEDLOVE
2 <sup>ND</sup> MOTION	COUNCILMAN WILLIAMS
VOTE	MOTION CARRIED – ALL IN FAVOR

## **CITY OPERATION REPORTS / WORKSHOP DISCUSSION ITEMS -**

### **MAIN STREET OPERATIONS – COLLEEN COOK**

Ms. Cook gave an update that she attended accreditation training on a state level. Main Street, Inc. now has three members and the HPC had no COAs. We will have another Friday night on the lawn event coming up on July 7, 2023.

Councilman Williams said he would like to request the addition of vendors (crafts, arts) for the Friday night events next year to avoid a decline in public attendance. Nothing further.

### **PUBLIC SAFETY OPERATIONS – CHIEF AUSTIN**

Chief Austin reviewed the monthly report and gave an update total collected in May 2023 was \$92,772.50. The department completed 104 training hours in May, and we had 47 new cases for investigation with 45 of those cases cleared. Chief Austin reviewed the crime analysis report and discussion took place about miles patrolled notably changed due to the fact that our GPS system now “fences off” actual miles patrolled from commuting to work outside the fence area. Nothing further.

### **PUBLIC WORKS – JACK ROSE**

Mr. Rose gave an update that the annual cleaning on the Highway 42 water tank is complete, and all other operations are normal. We are continuing with a regular schedule including cutting grass, normal maintenance, and cutting trees from storms. Discussion took place about the number of utility cut-offs for non-payment and nothing further.

### **ADMINISTRATION –TIM YOUNG FOR (BERT FOSTER -VACATION)**

Tim gave an update the utility department is now relocated across the hall to [admin]. The new server has arrived and is scheduled for installation at its permanent location [Public Safety Building] so that renovation work can begin at City Hall. We are moving forward with the Veterans Memorial and waiting for the vendor to remove the trees. Tim gave an update on the Peeksville Road Extension and the traffic light at Bethlehem Road/Highway 42.

Councilman Williams asked about the status of Bill Gardner Parkway improvements. Tim said the issue was the Verizon [MCI] cable was not initially installed correctly by the vendor; therefore, caused delays for proceeding. It has since been cleared and hopefully be moved and lowered within the next ten days. Nothing further.

### **COMMUNITY DEVELOPMENT OPERATIONS –DAUNTÉ GIBBS**

Mr. Gibbs gave an update that the department has issued a total of eight 627 permits (including 84 new house permits) for 2023. We have issued 79 COs [43 residential, and 36 commercials] and 309 business licenses issued so far for 2023.

### **ARCHITECTURAL REVIEW BOARD (ARB) –**

- 7. Resolution approving the architectural plans submitted for Arby’s to be located at 4939 Bill Gardner Parkway –**

Daunté said this is a request from Jacob Lang for a proposed Arby’s fast-food restaurant east of Wendy’s restaurant. Daunté reviewed the requirements and said staff recommends approval. Nothing further.

**8. Resolution approving the architectural plans submitted for a retail building to be located at 603 Market Place Blvd –**

Daunté said this request is also from Jacob Lang for a proposed retail structure that will be located north of the express oil change. Staff recommends approval and nothing further.

**CITY MANAGER’S COMMENTS –TIM YOUNG**

Tim stepped forward to comment. Tim gave an update we will be requesting action for a previous discussion item [“The Cubes”] at the next meeting in July and if the council has any suggestions on renaming, please let us know. We have the retreat coming up July 16-19, 2023, and will be discussing budget items. We are expecting reimbursement of about 75% of [\$160,000] from FEMA for damages related to the tornado in January 2023. Further, Tim said we are the only city so far to commit to the SS4A and discussion took place.

**9. Resolution – HCDA and Retail Strategies Consulting work –**

Tim said the HCDA has been working with Retail Strategies Consulting to develop a strategy to market and reach out to various retail and service providers (primarily restaurants) to recruit the Henry County area. The work will not only focus on Henry County but also the submarkets of Locust Grove, McDonough, and Stockbridge; Hampton elected to *not* participate. The HCDA has agreed to fund 50% of Hampton’s share, leaving the remaining of \$11,000. We are now looking at \$10,500 annually for each city since Hampton opted out. Tim reviewed slides on the overhead screen and discussion took place. The total (\$10,500) will be paid from Hotel/Motel funding and will be an action item at the next meeting. Nothing further.

Discussion took place and Councilman Boone asked why Hampton opted out. Tim said they have their own development authority and that their mayor stated that they felt they could do a better job on this matter on their own. Due to this, they will not have access to the data from the consultant. Councilman Breedlove asked would it suffice for Locust Grove to do our own and Tim said no, it is better to work together and more cost effective to do so, as we would likely have to spend the full \$80,000 on our own.

**COUNCIL COMMENTS - NONE**

**MAYOR’S COMMENTS – NONE**

**EXECUTIVE SESSION – NONE**

**ADJOURNMENT-**

Mayor Price asked for a motion to adjourn. Councilman Boone made the motion to adjourn.

RESULT	ADOPTED
MADE MOTION	COUNCILMAN BOONE
2 <sup>ND</sup> MOTION	COUNCILMAN WILLIAMS
VOTE	MOTION CARRIED - ALL IN-FAVOR MEETING ADJOURNED @ 7:00PM.

Notes taken by:

DRAFT



## Community Development Department

P. O. Box 900  
Locust Grove, Georgia 30248

Phone: (770) 957-5043  
Facsimile (770) 954-1223

# Item Coversheet

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**Item: Amendments to the City of Locust Grove Code of Ordinances in accordance with House Bill 1405.**

Action Item:  Yes  No

Public Hearing Item:  Yes  No

Executive Session Item:  Yes  No

Advertised Date: May 31, 2023

Budget Item: No

Date Received: N/A

Workshop Date: June 20, 2023

Regular Meeting Date: July 3 2023

### Discussion:

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A city-initiated ordinance amendment to the Locust Grove Municipal Code in accordance with House Bill 1405, regarding public notices, hearings, and procedures for making (and appealing to superior court) zoning decisions, quasi-judicial land-use related decisions, and changes to single-family zoning provisions.

### Recommendation:

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Staff recommends APPROVAL.



**ORDINANCE NO. \_\_\_\_\_**

**TO AMEND TITLE 17 OF THE CODE OF ORDINANCES, CITY OF LOCUST GROVE, GEORGIA IN ACCORDANCE WITH THE REQUIREMENTS OF THE STATE OF GEORGIA’S ZONING PROCEDURES LAW (O.C.G.A. § 36-66-1 et. seq.) AS IT PERTAINS TO PUBLIC NOTICES, HEARING PROCEDURES FOR MAKING (AND APPEALING TO THE SUPERIOR COURT) ZONING DECISIONS, QUASI-JUDICIAL LAND USE RELATED DECISIONS, AND CHANGES TO SINGLE-FAMILY ZONING PROVISIONS OF THE ZONING CODE AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Locust Grove, Georgia (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

**WHEREAS**, the City through its Council, is vested with the authority to adopt and/or amend zoning ordinances applicable within the municipal limits; and

**WHEREAS**, the Georgia General Assembly amended its Zoning Procedures Law (O.C.G.A. § 36-66-1 et. seq.) in 2021; and

**WHEREAS**, the governing authority of the City finds it desirable to amend and update Appendix A of the Code of Ordinances, City of Locust Grove, Georgia to be in accordance with the Georgia General Assembly’s amendment to the Zoning Procedures Law; and

**WHEREAS**, the procedures required for amending the City’s zoning ordinance have been satisfied, including, but not limited to, notice and public hearings.

**THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LOCUST GROVE, GEORGIA THAT:**

**SECTION 1. Adoption of the Amended Zoning Procedures.** Title 17, Article II, Section 17.04.277 of the Code of Ordinances, City of Locust Grove, Georgia is hereby amended to strike subsection “C” entirely and replace it with the following:

C. The city council shall hold a public hearing on all variances and appeals. The hearing shall be advertised in a newspaper of general circulation within the city and Henry County no less than thirty (30) days before the public hearing, and a notice of the hearing shall be mailed at least thirty (30) days prior to the public hearing to the owner of the property that is the subject of the proposed action. Such notices shall include the application number (if any number is assigned), date, time, location, and purpose of the public hearing .

**Title 17, Article II of the Code of Ordinances, City of Locust Grove, Georgia is hereby amended to add a new Section 17.04.278, which is currently reserved, to read as follows:**

A. In order to comply with O.C.G.A. § 36-66-5.1(c), the mayor or mayor pro tem are authorized to issue certiorari bonds and certificates of costs upon confirmation with city staff that such approvals are appropriate.

B. For purposes of certiorari proceedings, the mayor or mayor pro tem are authorized to accept service on behalf of the respondent. The mayor is authorized to accept service of process on behalf of the City of Locust Grove as the opposite party.

**Title 17, Article III, Section 17.04.292 of the Code of Ordinances, City of Locust Grove, Georgia is hereby amended to strike subsection “B” entirely and replace it with the following:**

B. The city council shall hold a public hearing that shall be advertised in a paper of general circulation within the city no less than thirty (30) days prior to the hearing, and a notice of the hearing shall be mailed at least thirty (30) days prior to the public hearing to the owner of the property that is the subject of the proposed action. Such notices shall include the application number (if any number is assigned), date, time, location, and purpose of the public hearing.

**Title 17, Article III, Section 17.04.292 of the Code of Ordinances, City of Locust Grove, Georgia is hereby amended to add new subsections “C” and “D” to read as follows:**

C. The city council shall at its next regular public meeting make a decision on all conditional uses and conditional exceptions and appeals based on the report of the community development department and from the public hearing.

D. Should the city council deny a request on a parcel(s) of land, then the same request may not be considered until the expiration of at least six months from the date of denial.

**Title 17, Article IV of the Code of Ordinances, City of Locust Grove, Georgia is hereby amended to strike Section 17.04.314 entirely and replace it with the following:**

A. If Locust Grove, Georgia is taking action resulting in a zoning decision as defined by O.C.G.A. § 36-66-3(4), it shall provide for a hearing on the proposed action. At least fifteen (15) but not more than forty-five (45) days prior to the date of the hearing, the community development department shall cause to be published within a newspaper of general circulation within the city limits and Henry County a notice of the hearing. The notice shall state the time, place and purpose of the hearing.

B. All applications before a quasi-judicial officer, board, or agency as defined below shall receive a public hearing. Such hearing shall be preceded by the city providing publication of a public hearing notice within a newspaper of general circulation in the city at least thirty (30) days prior to the date of the public hearing, and a notice of the hearing shall be mailed at least thirty (30) days prior to the public hearing to the owner of the property that is the subject of the proposed action. Such notices shall include the application number (if any number is assigned), date, time, location, and purpose of the public hearing. Quasi-judicial officers, boards, or agencies means an officer, board, or agency created by the city to exercise delegated, quasi-judicial zoning powers including hearing appeals on administrative decisions by such officers, boards or agencies and hearing and rendering decisions on applications for variances, special administrative permits, special exceptions, conditional use permits, or other similar permits pursuant to standards for the exercise of such quasi-judicial authority adopted by the city.

C . If a zoning decision of Locust Grove, Georgia is for the rezoning of property and the rezoning is initiated by a party other than city officials or a city department then:

1. The notice, in addition to the foregoing requirements, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and

2. A sign containing information required by this chapter shall be placed in a conspicuous location on the property not less than fifteen (15) days prior to the date of the hearing.

D. If the property proposed for rezoning does not have frontage on a public street, then the sign may be posted on the right-of-way of the nearest public street which provides access to the site. No public hearing may be held by the city council until said sign(s) have been posted for at least fifteen (15) days. Said signs shall remain posted until final action has been taken by the city council.

E. Before enacting an amendment to this chapter, whether the proposed amendment is a text or map amendment, the city council shall hold a public hearing thereon for the purpose of receiving and considering public comment on the merits of the proposed amendment. Said hearings shall be held only after full compliance with all required public notification of the hearing as set forth herein.

F. If the zoning decision of the city council is to deny the rezoning request, then the same property may not again be considered for rezoning until the expiration of at least six months immediately following the defeat of the rezoning by the city council.

G. Procedural guidelines shall be available for distribution to the general public.

H. Any proposed action that includes zoning decisions for rezoning of property, special use of property, or variance or conditions concurrent with a rezoning or special use shall only require one hearing pursuant to O.C.G.A. § 36-66-4(a).

I. Procedures for zoning decisions as defined in O.C.G.A. § 36-66-3(4) that amend zoning classifications or definitions related to single-family residential uses so as to authorize multifamily uses on the subject property pursuant to such classifications or definitions shall be in accordance with the following stated procedures.

1. Notwithstanding any other provisions to the contrary, when a proposed zoning decision relates to an amendment of the zoning ordinance to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning, such zoning decision must be adopted in the following manner:

(a) The zoning decision shall be adopted at two regular meetings of the city council making the zoning decision, during a period of not less than twenty-one (21) days apart; and

(b) Prior to the first meeting provided for in subparagraph (a) of this paragraph, at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the date of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph shall be in addition to any hearing required under subsection “A” of this Code section. The local government shall give notice of such hearing by:

(i) Posting notice on each affected premises in the manner prescribed by sections “C”(2) and “D” of this Code section; provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area; and

(ii) Publishing in a newspaper of general circulation within the territorial boundaries of the city a notice of each hearing at least fifteen (15) days and not more than forty-five (45) days prior to the date of the hearing. Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the recording officer of the city and in the office of the clerk of the Superior Court of Henry County for the purpose of examination and inspection by the public. The city shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.

2. The provisions of paragraph 1 of this subsection shall also apply to any zoning decisions that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of the city or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of the city to multifamily residential uses of property.

3. This subsection shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property.

**Title 17, Article IV, Section 17.04.315 of the Code of Ordinances, City of Locust Grove, Georgia is hereby amended to strike subsection (B) 5. and replace it with the following:**

5. Any aggrieved party shall have thirty (30) days from the date of written notification to file an appeal from the council's decision with the Henry County Superior Court.

a. Appeals of zoning decisions as defined by O.C.G.A. § 36-66-3(4) shall be appealed pursuant to O.C.G.A. § 36-66-5.1(a)(1) and shall be filed with the Henry County Superior Court within thirty (30) days of the date of the decision to be appealed.

b. Appeals of quasi-judicial decisions as defined by O.C.G.A. § 36-66-3(1.1) shall be appealed pursuant to O.C.G.A. § 36-66-5.1(a)(2) and shall be filed with the Henry County Superior Court within thirty (30) days of the date of the decision to be appealed.

**SECTION 2. Preamble and Severability.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein. In the event any portion of this Ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of Locust Grove that such adjudications shall in no manner affect the other sections, sentences, clauses, or phases of this Ordinance which shall remain in full force and effect as if the invalid or unconstitutional section, sentence, clause or phrase were not originally part of the Ordinance.

**SECTION 3. Codification and Certification.** This Ordinance adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the city.

**SECTION 4. Recordation.** The city clerk is hereby directed to record this Ordinance in the official minutes of the city.

**SECTION 5. Repeal of Inconsistent Provisions.** All ordinances are hereby repealed to the extent they are inconsistent herewith.

**SECTION 6. Effective Date.** The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

**SO ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**CITY OF LOCUST GROVE, GEORGIA**

\_\_\_\_\_  
**Robert Price, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Misty Spurling, City Clerk**

**APPROVED BY:**

\_\_\_\_\_  
*City Attorney*

House Bill 1405 (AS PASSED HOUSE AND SENATE)

By: Representatives Roberts of the 52<sup>nd</sup>, Washburn of the 141<sup>st</sup>, Crowe of the 110<sup>th</sup>, Dreyer of the 59<sup>th</sup>, Paris of the 142<sup>nd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local governments,  
2 so as to revise "The Zoning Procedures Law"; to revise provisions related to judicial review  
3 of zoning decisions; to revise definitions; to provide for requirements for zoning decisions  
4 by boards or agencies using delegated powers; to provide additional notice and hearing  
5 provisions for changes to zoning ordinances that revise single-family residential  
6 classifications and definitions so as to authorize multifamily residential property uses; to  
7 require review procedures for decisions made by boards or agencies using delegated powers;  
8 to provide for judicial review of zoning decisions; to require certain designations relating to  
9 appeals of quasi-judicial decisions; to provide for related matters; to provide for an effective  
10 date and applicability; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Title 36 of the Official Code of Georgia Annotated, relating to local governments, is  
14 amended by revising Chapter 66, relating to zoning procedures, as follows:

15 style="text-align:center">"CHAPTER 66

H. B. 1405

- 1 -

16 36-66-1.

17 This chapter shall be known and may be cited as ~~"The Zoning~~ the 'Zoning Procedures Law.'

18 36-66-2.

19 (a) While recognizing and confirming the authority of local governments to exercise  
20 zoning power within their respective territorial boundaries, it is the intention of this chapter  
21 to establish as state policy minimum procedures governing the exercise and means of  
22 judicial review of the exercise of that power. The purpose of these minimum procedures  
23 is to assure that due process is afforded to the general public when local governments  
24 regulate the uses of property through the exercise of the zoning power. Nothing in this  
25 chapter shall be construed to invalidate any zoning decision made by a local government  
26 prior to ~~January 1, 1986~~ July 1, 2023, or to require a local government to exercise its  
27 zoning power.

28 (b) Consistent with the minimum procedures required by this chapter, local governments  
29 may:

30 (1) Provide by ordinance or resolution for such administrative officers, ~~bodies~~ boards,  
31 or agencies as may be expedient for the efficient exercise of ~~their~~ delegated,  
32 quasi-judicial zoning powers and to establish procedures and notice requirements for  
33 hearings before such quasi-judicial officers, boards, or agencies that are consistent with  
34 the minimum procedures provided for in this chapter to assure due process is afforded the  
35 general public; and

36 (2) Provide by ordinance or resolution for procedures and requirements in addition to or  
37 supplemental to those required by this chapter and, where so adopted, thereby establish  
38 the minimum procedures for such local government's exercise of zoning powers.

39 36-66-3.

40 As used in this chapter, the term:

41 (1) 'Local government' means any county or municipality which exercises zoning power  
42 within its territorial boundaries.

43 (1.1) 'Quasi-judicial officers, boards, or agencies' means an officer, board, or agency  
44 appointed by a local government to exercise delegated, quasi-judicial zoning powers  
45 including hearing appeals of administrative decisions by such officers, boards, or  
46 agencies and hearing and rendering decisions on applications for variances, special  
47 administrative permits, special exceptions, conditional use permits, or other similar  
48 permits not enumerated herein as a zoning decision, pursuant to standards for the exercise  
49 of such quasi-judicial authority adopted by a local government.

50 (2) 'Territorial boundaries' means, in the case of counties, the unincorporated areas  
51 thereof and any area defined in paragraph (5.1) of Code Section 36-70-2, and, in the case  
52 of municipalities, the area lying within the corporate limits thereof except any area  
53 defined in paragraph (5.1) of Code Section 36-70-2.

54 (3) 'Zoning' means the power of local governments to provide within their respective  
55 territorial boundaries for the zoning or districting of property for various uses and the  
56 prohibition of other or different uses within such zones or districts and for the regulation  
57 of development and the improvement of real estate within such zones or districts in  
58 accordance with the uses of property for which such zones or districts were established.

59 (4) 'Zoning decision' means final legislative action by a local government which results  
60 in:

61 (A) The adoption or repeal of a zoning ordinance;

62 (B) The adoption of an amendment to a zoning ordinance which changes the text of the  
63 zoning ordinance;

64 (C) The adoption or denial of an amendment to a zoning ordinance ~~which rezones to~~ rezone  
65 property from one zoning classification to another;

66 (D) The adoption or denial of an amendment to a zoning ordinance by a municipal  
67 local government ~~which zones to zone~~ property to be annexed into the municipality; or



- 68 (E) The grant or denial of a permit relating to a special use of property;
- 69 (F) The grant or denial of a variance or conditions concurrent and in conjunction with
- 70 a decision pursuant to subparagraphs (C) or (E) of this paragraph.
- 71 (5) 'Zoning ordinance' means an ordinance or resolution of a local government
- 72 establishing procedures and zones or districts within its respective territorial boundaries
- 73 which regulate the uses and development standards of property within such zones or
- 74 districts. The term also includes the zoning map adopted in conjunction with a zoning
- 75 ordinance which shows the zones and districts and zoning classifications of property
- 76 therein.

77 36-66-4.

78 (a) A local government taking action resulting in a zoning decision shall provide for a

79 hearing on the proposed action. Where the proposed action includes any combination of

80 zoning decisions under subparagraphs (C), (E), or (F) of paragraph (4) of Code Section

81 36-66-3 for the same property, only one hearing shall be required under this Code Section.

82 At least 15 but not more than 45 days prior to the date of the hearing, the local government

83 shall cause to be published within a newspaper of general circulation within the territorial

84 boundaries of the local government a notice of the hearing. The notice shall state the time,

85 place, and purpose of the hearing.

86 (b) If a zoning decision of a local government is for the rezoning of property and the

87 rezoning is initiated by a party other than the local government, then:

88 (1) The notice, in addition to the requirements of subsection (a) of this Code section,

89 shall include the location of the property, the present zoning classification of the property,

90 and the proposed zoning classification of the property; and

91 (2) A sign containing information required by local ordinance or resolution shall be

92 placed in a conspicuous location on the property not less than 15 days prior to the date

93 of the hearing.

94 (c) If the zoning decision of a local government is for the rezoning of property and the  
95 amendment to the zoning ordinance to accomplish the rezoning is defeated by the local  
96 government, then the same property may not again be considered for rezoning until the  
97 expiration of at least six months immediately following the defeat of the rezoning by the  
98 local government.

99 (d) If the zoning is for property to be annexed into a municipality, then:

100 (1) Such municipal local government shall complete the procedures required by this  
101 chapter for such zoning, except for the final vote of the municipal governing authority,  
102 prior to adoption of the annexation ordinance or resolution or the effective date of any  
103 local Act but no sooner than the date the notice of the proposed annexation is provided  
104 to the governing authority of the county as required under Code Section 36-36-6;

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

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

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

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

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

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

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

138 (f) When a proposed zoning decision relates to or will allow the location or relocation of  
139 a halfway house, drug rehabilitation center, or other facility for treatment of drug  
140 dependency, a public hearing shall be held on the proposed action. Such public hearing  
141 shall be held at least six months and not more than nine months prior to the date of final  
142 action on the zoning decision. The hearing required by this subsection shall be in addition  
143 to any hearing required under subsection (a) of this Code section. The local government  
144 shall give notice of such hearing by:

145 (1) Posting notice on the affected premises in the manner prescribed by subsection (b)  
146 of this Code section; and

147 (2) Publishing in a newspaper of general circulation within the territorial boundaries of  
148 the local government a notice of the hearing at least 15 days and not more than 45 days  
149 prior to the date of the hearing.

150 Both the posted notice and the published notice shall include a prominent statement that  
151 the proposed zoning decision relates to or will allow the location or relocation of a halfway  
152 house, drug rehabilitation center, or other facility for treatment of drug dependency. The  
153 published notice shall be at least six column inches in size and shall not be located in the  
154 classified advertising section of the newspaper.

155 (g) A local government delegating decision-making power to a quasi-judicial officer,  
156 board, or agency shall provide for a hearing on each proposed action described in  
157 paragraph (1.1) of Code Section 36-66-3. Notice of such hearing shall be provided at  
158 least 30 days prior to the quasi-judicial hearing, with such notice being made as provided  
159 for in subsection (a) of this Code section and with additional notice being mailed to the  
160 owner of the property that is the subject of the proposed action.

161 (h)(1) Notwithstanding any other provisions of this chapter to the contrary, when a  
162 proposed zoning decision relates to an amendment of the zoning ordinance to revise one  
163 or more zoning classifications or definitions relating to single-family residential uses of  
164 property so as to authorize multifamily uses of property pursuant to such classification  
165 or definitions, or to grant blanket permission, under certain or all circumstances, for  
166 property owners to deviate from the existing zoning requirements of a single-family  
167 residential zoning, such zoning decision must be adopted in the following manner:

168 (A) The zoning decision shall be adopted at two regular meetings of the local  
169 government making the zoning decision, during a period of not less than 21 days apart;  
170 and

171 (B) Prior to the first meeting provided for in subparagraph (A) of this paragraph, at  
172 least two public hearings shall be held on the proposed action. Such public hearings  
173 shall be held at least three months and not more than nine months prior to the date of

174 final action on the zoning decision. Furthermore, at least one of the public hearings  
175 must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by  
176 this paragraph shall be in addition to any hearing required under subsection (a) of this  
177 Code section. The local government shall give notice of such hearing by:

178 (i) Posting notice on each affected premises in the manner prescribed by  
179 subsection (b) of this Code section; provided, however, that when more than 500  
180 parcels are affected, in which case posting notice is required every 500 feet in the  
181 affected area; and

182 (ii) Publishing in a newspaper of general circulation within the territorial boundaries  
183 of the local government a notice of each hearing at least 15 days and not more than 45  
184 days prior to the date of the hearing.

185 Both the posted notice and the published notice shall include a prominent statement that  
186 the proposed zoning decision relates to or will authorize multifamily uses or give blanket  
187 permission to the property owner to deviate from the zoning requirements of a  
188 single-family residential zoning of property in classification previously relating to  
189 single-family residential uses. The published notice shall be at least nine column inches  
190 in size and shall not be located in the classified advertising section of the newspaper. The  
191 notice shall state that a copy of the proposed amendment is on file in the office of the  
192 clerk or the recording officer of the local government and in the office of the clerk of the  
193 superior court of the county of the legal situs of the local government for the purpose of  
194 examination and inspection by the public. The local government shall furnish anyone,  
195 upon written request, a copy of the proposed amendment, at no cost.

196 (2) The provisions of paragraph (1) of this subsection shall also apply to any zoning  
197 decisions that provide for the abolition of all single-family residential zoning  
198 classifications within the territorial boundaries of a local government or zoning decisions  
199 that result in the rezoning of all property zoned for single-family residential uses within

200 the territorial boundaries of a local government to multifamily residential uses of  
201 property.

202 (3) This subsection shall not apply to zoning decisions for the rezoning of property from  
203 a single-family residential use of property to a multifamily residential use of property  
204 when the rezoning is initiated by the owner or authorized agent of the owner of such  
205 property.

206 36-66-5.

207 (a) Local governments shall adopt policies and procedures which govern calling and  
208 conducting hearings required by Code Section 36-66-4, and printed copies of such policies  
209 and procedures shall be available for distribution to the general public. Such policies and  
210 procedures shall specify a minimum time period at hearings on proposed zoning decisions  
211 or quasi-judicial decisions for presentation of data, evidence, and opinion by proponents  
212 of each zoning decision and an equal minimum time period for presentation by opponents  
213 of each proposed zoning decision, such minimum time period to be no less than ten  
214 minutes per side.

215 (b) In addition to policies and procedures required by subsection (a) of this Code section,  
216 each local government rendering a zoning decision shall adopt standards governing the  
217 exercise of the zoning power, and such standards may include any factors which the local  
218 government finds relevant in balancing the interest in promoting the public health, safety,  
219 morality, or general welfare against the right to the unrestricted use of property. Such  
220 standards shall be printed and copies thereof shall be available for distribution to the  
221 general public.

222 (b.1) In addition to policies and procedures required by subsection (a) of this Code section,  
223 each local government providing for a quasi-judicial officer's, board's, or agency's grant,  
224 denial, or review of a quasi-judicial matter may adopt specific standards and criteria  
225 governing the exercise of such quasi-judicial decision-making authority, and such standards

226 shall include the factors by which the local government directs the evaluation of a  
227 quasi-judicial matter. Such standards shall be printed and copies thereof made available  
228 for distribution to the general public.

229 (c) The policies and procedures required by subsection (a) of this Code section and the  
230 adoption of standards required by subsection (b) and permitted by subsection (b.1) of this  
231 Code section may shall be included in and adopted as part of the zoning ordinance. Prior  
232 to the adoption of any zoning ordinance enacted on or after ~~January 1, 1986~~ July 1, 2022,  
233 a local government shall conduct a public hearing on a proposed action which may be  
234 advertised and held concurrent with the hearing required by subsection (a) of Code Section  
235 36-66-4 for the adoption of a zoning ordinance. The provisions of subsection (a) of Code  
236 Section 36-66-4 relating to notices of public hearings for the purposes of that subsection  
237 shall also apply to public hearings required by this subsection.

238 36-66-5.1.

239 (a) To ensure that the general public is afforded due process in an orderly way to petition  
240 the courts for review of a local government's exercise of zoning, administrative, or  
241 quasi-judicial powers as guaranteed by Article I, Section I, Paragraphs IX and XII of the  
242 Constitution, the General Assembly, pursuant to its authority under Article VI, Section IV,  
243 Paragraph I of the Constitution, provides the following mechanism by which each of the  
244 powers described in this chapter may be reviewed by the superior court of the county  
245 wherein such property is located:

246 (1) Zoning decisions as described in this chapter, being legislative in nature, shall be  
247 subject to direct constitutional challenge regarding the validity of maintaining the existing  
248 zoning on the subject property or the validity of conditions or an interim zoning category  
249 other than what was requested in the superior court pursuant to its original jurisdiction  
250 over declaratory judgments pursuant to Chapter 4 of Title 9 and equity jurisdiction under  
251 Title 23. Such challenges shall be by way of a de novo review by the superior court

252 wherein such review brings up the whole record from the local government and all  
253 competent evidence shall be admissible in the trial thereof, whether adduced in a local  
254 government process or not and employing the presumption that a governmental zoning  
255 decision is valid and can be overcome substantively by a petitioner showing by clear and  
256 convincing evidence that the zoning classification is a significant detriment to the  
257 petitioner and is insubstantially related to the public health, safety, morality, or general  
258 welfare; or

259 (2) Quasi-judicial decisions as described in this chapter and zoning decisions under  
260 subparagraph (E) of paragraph (4) of Code Section 36-66-3 shall be subject to appellate  
261 review by the superior court pursuant to its appellate jurisdiction from a lower judicatory  
262 body and shall be brought by way of a petition for such review as provided for in Title 5.  
263 Such matters shall be reviewed on the record which shall be brought to the superior court  
264 as provided in Title 5.

265 (b) All such challenges or appeals shall be brought within 30 days of the written decision  
266 of the challenged or appealed action.

267 (c) To ensure that the citizens of this state are not unnecessarily burdened by the review  
268 process as a mechanism of appeal, local governments shall designate by ordinance or  
269 resolution:

270 (1) The officer of the quasi-judicial board or agency who shall have authority, without  
271 additional board or agency action, to approve or issue any form or certificate necessary  
272 to perfect the petition described in Title 5 for review of lower judicatory bodies and upon  
273 whom service of such petition may be effected or accepted on behalf of the lower  
274 judicatory board or agency, during normal business hours, at the regular offices of the  
275 local government; and

276 (2) The elected official or his or designee who shall have authority to accept service and  
277 upon whom service of an appeal of a quasi-judicial decision may be effected or accepted



278 on behalf of the local governing authority, during normal business hours, at the regular  
279 offices of the local government.

280 (d) An appeal or challenge by an opponent filed pursuant to this chapter shall stay all legal  
281 proceedings in furtherance of the action appealed from or challenged, unless the local  
282 government, officer, board, or agency from which or from whom the appeal or challenge  
283 is taken certifies that, by reason of the facts stated in the certificate, a stay would cause  
284 imminent peril to life or property. In such actions, the applicant for the zoning decision or  
285 the quasi-judicial decision shall be a necessary party and shall be named as a defendant in  
286 the action and served in accordance with the requirements of Title 5 or Title 9, as  
287 appropriate.

288 36-66-6.

289 (a) In any local government which has established a planning department or other similar  
290 agency charged with the duty of reviewing zoning proposals, such planning department or  
291 other agency shall, with respect to each proposed zoning decision involving land that is  
292 adjacent to or within 3,000 feet of any military base or military installation or within  
293 the 3,000 foot Clear Zone and Accident Prevention Zones Numbers I and II as prescribed  
294 in the definition of an Air Installation Compatible Use Zone of a military airport,  
295 investigate and make a recommendation with respect to each of the matters enumerated in  
296 subsection (b) of this Code section, in addition to any other duties with which the planning  
297 department or agency is charged by the local government. The planning department or  
298 other agency shall request from the commander of such military base, military installation,  
299 or military airport a written recommendation and supporting facts relating to the use of the  
300 land being considered in the proposed zoning decision at least 30 days prior to the hearing  
301 required by subsection (a) of Code Section 36-66-4. If the base commander does not  
302 submit a response to such request by the date of the public hearing, there shall be a  
303 presumption that the proposed zoning decision will not have any adverse effect relative to

304 the matters specified in subsection (b) of this Code section. Any such information provided  
305 shall become a part of the public record.

306 (b) The matters with which the planning department or agency shall be required to make  
307 such investigation and recommendation shall be:

308 (1) Whether the zoning proposal will permit a use that is suitable in view of the use of  
309 adjacent or nearby property within 3,000 feet of a military base, military installation, or  
310 military airport;

311 (2) Whether the zoning proposal will adversely affect the existing use or usability of  
312 nearby property within 3,000 feet of a military base, military installation, or military  
313 airport;

314 (3) Whether the property to be affected by the zoning proposal has a reasonable  
315 economic use as currently zoned;

316 (4) Whether the zoning proposal will result in a use which will or could cause a safety  
317 concern with respect to excessive or burdensome use of existing streets, transportation  
318 facilities, utilities, or schools due to the use of nearby property as a military base, military  
319 installation, or military airport;

320 (5) If the local government has an adopted land use plan, whether the zoning proposal  
321 is in conformity with the policy and intent of the land use plan; and

322 (6) Whether there are other existing or changing conditions affecting the use of the  
323 nearby property as a military base, military installation, or military airport which give  
324 supporting grounds for either approval or disapproval of the zoning proposal."

325 **SECTION 2.**

326 This Act shall become effective on July 1, 2022, and shall apply to all zoning and  
327 quasi-judicial decisions occurring on and after that date; however, no zoning or quasi-judicial  
328 decision prior to July 1, 2023, shall be rendered invalid or void because of a local  
329 government's failure to implement language in their ordinances accomplishing the provisions  
330 of Code Section 36-66-5.1.

331 **SECTION 3.**

332 All laws and parts of laws in conflict with this Act are repealed.

## Zoning Procedures Law Update to Locust Grove Zoning Ordinance DRAFT

### 17.04.277 - Appeals and variances.

A. The city council shall consider all of the following prior to making a decision:

1. The report of recommendations submitted by the community development department.
2. Whether all specific requirements of this chapter relative to consideration of a variance have been met.
3. The impact the proposed use may have on traffic and neighboring properties.
4. The physical characteristics of the site and its suitability for the proposed request. The elements of topography, drainage, size and shape of the land(s) should be part of the decision making process.
5. The adequacy and availability of public infrastructure (water, sewer, roads, etc.) to serve the request.
6. Whether the applicant has agreed to any specific conditions that will enhance his/her request and will protect the public interest and assure the continued beneficial use of nearby properties.
7. Whether the request will further or support the goals and objectives of the land use plan and will not be detrimental to nearby properties and property values.

B. The city council may consider such other information specifically related to public health, safety, aesthetics, and the general welfare of the residents of the city, including without limitation the potential impact on city infrastructure, the impact on adjacent property owners, and necessary road improvements/alignments/relocations.

C. The city council shall hold a public hearing on all variances and appeals. The hearing shall be advertised in a newspaper of general circulation within the city and Henry County no less than thirty (30) days before the public hearing, and a notice of the hearing shall be mailed at least thirty

(30) days prior to the public hearing to the owner of the property that is the subject of the proposed action. Such notices shall include the application number (if any number is assigned), date, time, location, and purpose of the public hearing .

D. The city council shall at its next regular public meeting make a decision on all variances and appeals based on the report of the community development department and from the public hearing.

E. Should the city council deny a request on a parcel(s) of land, then the same request may not be considered until the expiration of at least six months from the date of denial.

**RESERVED 17.04.278 Certiorari to Henry County Superior Court**

A. In order to comply with O.C.G.A. § 36-66-5.1(c), the Mayor or Mayor Pro Tem are authorized to issue certiorari bonds and certificates of costs upon confirmation with City staff that such approvals are appropriate.

B. For purposes of certiorari proceedings, the Mayor or Mayor Pro Tem are authorized to accept service on behalf of the Respondent. The Mayor is authorized to accept service of process on behalf of the City of Locust Grove as opposite party.

### **Article III - Conditional Uses and Conditional Exceptions**

**17.04.292 - Procedure for review and public hearing before the city council.**

A. The city council shall review requests for conditional uses and conditional exceptions after completion and review of an application to the city community development department. The application shall be submitted to the city community development director for technical review. A site plan reflecting compliance with all appropriate provisions of this chapter shall accompany the application. The city department community development director shall make a report to the city council on each request. The community development department director and/or the city council may require additional information necessary to evaluate the application.

B. The city council shall hold a public hearing that shall be advertised in a paper of general circulation within the City no less than thirty (30) days prior to the hearing, and a notice of the hearing shall be mailed at least thirty (30) days prior to the public hearing to the owner of the property that is the subject of the proposed action. Such notices shall include the application number (if any number is assigned), date, time, location, and purpose of the public hearing.

C. The city council shall at its next regular public meeting make a decision on all conditional uses and conditional exceptions and appeals based on the report of the community development department and from the public hearing.

D. Should the city council deny a request on a parcel(s) of land, then the same request may not be considered until the expiration of at least six months from the date of denial.

**17.04.314 - Notification and public hearing.**

A. If Locust Grove, Georgia is taking action resulting in a zoning decision as defined by O.C.G.A. § 36-66-3(4), it shall provide for a hearing on the proposed action. At least fifteen but not more than forty-five days prior to the date of the hearing, the community development department shall cause to be published within a newspaper of general circulation within the city limits and Henry County a notice of the hearing. The notice shall state the time, place and purpose of the hearing.

B. All applications before a quasi-judicial officer, board, or agency as defined below shall receive a public hearing. Such hearing shall be preceded by the City providing publication of a public hearing notice within a newspaper of general circulation in the City at least thirty (30) days prior to the date of the public hearing, and a notice of the hearing shall be mailed at least thirty (30) days prior to the public hearing to the owner of the property that is the subject of the proposed action. Such notices shall include the application number (if any number is assigned), date, time, location, and purpose of the public hearing. Quasi-judicial officers, boards, or agencies means an officer, board, or agency created by the City to exercise delegated, quasi-judicial zoning powers including hearing appeals on administrative decisions by such officers, boards or agencies and hearing and rendering decisions on applications for variances, special administrative permits, special exceptions, conditional use permits, or other similar permits pursuant to standards for the exercise of such quasi-judicial authority adopted by the City.

C . If a zoning decision of Locust Grove, Georgia is for the rezoning of property and the rezoning is initiated by a party other than city officials or a city department then:

1.The notice, in addition to the foregoing requirements, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and



2. A sign containing information required by this chapter shall be placed in a conspicuous location on the property not less than fifteen days prior to the date of the hearing.

D. If the property proposed for rezoning does not have frontage on a public street, then the sign may be posted on the right-of-way of the nearest public street which provides access to the site. No public hearing may be held by the city council until said sign(s) have been posted for at least fifteen days. Said signs shall remain posted until final action has been taken by the city council.

E. Before enacting an amendment to this chapter, whether the proposed amendment is a text or map amendment, the city council shall hold a public hearing thereon for the purpose of receiving and considering public comment on the merits of the proposed amendment. Said hearings shall be held only after full compliance with all required public notification of the hearing as set forth herein.

F. If the zoning decision of the city council is to deny the rezoning request, then the same property may not again be considered for rezoning until the expiration of at least six months immediately following the defeat of the rezoning by the city council.

G. Procedural guidelines shall be available for distribution to the general public.

H. Any proposed action that includes zoning decisions for rezoning of property, special use of property, or variance or conditions concurrent with a rezoning or special use shall only require one hearing pursuant to O.C.G.A. § 36-66-4(a).

I. Procedures for zoning decisions as defined in O.C.G.A. § 36-66-3(4) that amend zoning classifications or definitions related to single-family residential uses so as to authorize multifamily uses on the subject property pursuant to such classifications or definitions shall be in accordance with the following stated procedures.

1. Notwithstanding any other provisions to the contrary, when a proposed zoning decision relates to an amendment of the zoning ordinance to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning, such zoning decision must be adopted in the following manner:

(a) The zoning decision shall be adopted at two regular meetings of the City Council making the zoning decision, during a period of not less than 21 days apart; and

(b) Prior to the first meeting provided for in subparagraph (a) of this paragraph, at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the date of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph shall be in addition to any hearing required under subsection A of this Code section. The local government shall give notice of such hearing by:

(i) Posting notice on each affected premises in the manner prescribed by sections C (2) and D of this Code section; provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area; and

(ii) Publishing in a newspaper of general circulation within the territorial boundaries of the City a notice of each hearing at least 15 days and not more than 45 days prior to the date of the hearing. Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket

permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the recording officer of the City and in the office of the clerk of the superior court of Henry County for the purpose of examination and inspection by the public. The City shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.

2. The provisions of paragraph (1) of this subsection shall also apply to any zoning decisions that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of a City or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of a City to multifamily residential uses of property.

3. This subsection shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property.

**17.04.315 - Procedure for hearing before city council.**

A. All proposed amendments to this chapter or to the official zoning map with required site plans shall be considered at public hearing. The city council shall consider the following:

1.The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community.

2.The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of this chapter.

3.Consistency with the land use plan.

4.The potential impact of the proposed amendment on city infrastructure including water and sewerage systems.

5.The impact of the proposed amendment on adjacent thoroughfares and pedestrian vehicular circulation and traffic volumes.

6.The impact upon adjacent property owners should the request be approved.

7.The ability of the subject land to be developed as it is presently zoned.

8.The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.

9.The merits of the requested change in zoning relative to any other guidelines and policies for development which the community development commission and city council may use in furthering the objectives of the land use plan.

B. The following rules of procedure shall govern the public hearing before the city council:

1. Each applicant shall appear before the council, identify himself/herself by name, address and whether or not applicant is owner or agent for owner.

2. Each applicant or other interested party who provides the council with documents shall have each document numbered and shall identify each document and each such document submitted shall be made a part of the official record of the hearing.

3. a. Each applicant shall have thirty minutes to present facts pertinent to the application. An applicant may have additional time to address the council if the applicant notifies the city clerk prior to the start of the public hearing that applicant needs additional time. The additional time shall be limited to ten minutes.

b. Each person in opposition to rezoning of property and amendment to the zoning ordinance shall have ten minutes to address the council and shall provide the city clerk with name and address; however, the total time for all interested parties in opposition shall be thirty minutes unless the applicant requests for additional time in subsection (a) above, and then the total time shall not exceed forty minutes.

4. At the conclusion of the hearing, the city council shall make a final decision and its next regular public meeting and direct the community development department to notify the applicant in writing of the council's decision. The decision shall be based on the information contained in Section 17.04.315(A) and from the public hearing. The written notification shall immediately be entered on the minutes and made a part of the record on the date that written notification is given to the applicant.

5. Any aggrieved party shall have thirty days from the date of written notification to file an appeal from the council's decision with the Henry County Superior Court.

a. Appeals of zoning decisions as defined by O.C.G.A. § 36-66-3(4) shall be appealed pursuant to O.C.G.A. § 36-66-5.1(a)(1) and shall be filed with the Henry County superior court within 30 days of the date of the decision to be appealed.

b. Appeals of quasi-judicial decisions as defined by O.C.G.A. § 36-66-3(1.1) shall be appealed pursuant to O.C.G.A. § 36-66-5.1(a)(2) and shall be filed with the Henry County Superior Court within 30 days of the date of the decision to be appealed.



## Community Development Department

P. O. Box 900  
Locust Grove, Georgia 30248  
Phone: (770) 957-5043  
Facsimile (770) 954-1223

# Item Coversheet

---

**Item:** An ordinance for annexation of 15.31 +/- acres located on Old Bethlehem Road west of Price Drive (Parcel ID: 111-01015001) in Land Lot 235 of the 2<sup>nd</sup> District.

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Advertised Date:** May 31, 2023

**Budget Item:** No

**Date Received:** April 11, 2023

**Workshop Date:** June 20, 2023

**Regular Meeting Date:** July 3, 2023

### Discussion:

The Cubes at Locust Grove, LLC has submitted an application requesting annexation of a 15.31 +/- acre tract located on Old Bethlehem Road west of Price Drive (Parcel ID # 111-01015000). The zoning of the subject property will remain RA (Residential Agricultural), which is the City of Locust Grove's equivalent to unincorporated Henry County's RA (Residential Agricultural) zoning district. The future land use designation will remain the equivalent Low Density Residential (LD) designation within the incorporated boundaries of Locust Grove. The Applicant is utilizing the 100% method per O.C.G.A. §36-36-20. The Henry County Board of Commissioners raised no objections to this annexation during their May 2, 2023 meeting.

**Recommendation:**

The annexation request meets the legal requirements per Georgia Annexation Law O.C.G.A. 36-36-11 and received no objection from the Henry County Board of Commissioners at their May 2, 2023 meeting. Therefore, staff recommends APPROVAL of the applicants request to annex the subject property into the City of Locust Grove with the City of Locust Grove equivalent zoning district of RA (Residential Agricultural) and Future Land Use designation of LD (Low Density Residential).



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO ANNEX APPROXIMATELY 15.31 +/- ACRES LOCATED ON OLD BETHLEHEM ROAD WEST OF PRICE DRIVE IN LAND LOT 235 OF THE 2<sup>ND</sup> DISTRICT WITHIN THE CITY OF LOCUST GROVE, GEORGIA; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**WHEREAS**, the City of Locust Grove (“City”) is a municipal corporation, duly organized and existing under the laws of the State of Georgia; and,

**WHEREAS**, The Cubes of Locust Grove, LLC, of Overland, MO, (the “Applicant”) petitioned the City to annex and rezone property located on Old Bethlehem Road west of Price Drive consisting of 15.31 +/- acres (Parcel ID: 111-01015001), located in Land Lot 235 of the 2nd District (the “Property”) attached hereto as **Exhibit A**; and,

**WHEREAS**, the Applicant filed a request to annex and rezone the subject Property into the City of Locust Grove on April 11, 2023, as shown in the staff report attached hereto and incorporated herein by reference as **Exhibit B**; and,

**WHEREAS**, The City of Locust Grove provided notice of the annexation to the Henry County Board of Commissioners on April 12, 2023 by certified mail; and,

**WHEREAS**, the Henry County Board of Commissioners reviewed the Applicant’s request during their May 2, 2023 meeting and raised no objections to said request; and,

**WHEREAS**, said request has been reviewed by the Mayor and City Council at a Public Hearing held on June 20, 2023 as well as by the City Community Development Director; and,

**WHEREAS**, the Applicant requested that the Property retain the same zoning in the City (RA: Residential Agricultural) that they had in the County (RA: Residential Agricultural), addressed under a separate action; and,

**WHEREAS**, notice of this matter (as attached hereto and incorporated herein as **Exhibit C**) has been provided in accordance with applicable state law and local ordinances; and,

**WHEREAS**, the Mayor and City Council have reviewed and considered the Applicant's request and both the recommendations of the public hearing and City staff as presented in the Report.

**THEREFORE, THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS:**

1.

- That the request for annexation is hereby **APPROVED**.
- That the request for annexation is hereby **DENIED**.

2.

That the use of the Property is subject to:

- The condition(s) set forth on **Exhibit D** attached hereto and incorporated herein by reference.
- The terms of the Development Agreement attached hereto as **Exhibit D** and incorporated herein by reference.
- If no **Exhibit D** is attached hereto, then the property is zoned without conditions.

3.

That, if the request is granted, the official zoning map for the City is hereby amended to reflect such zoning classification for the property.

4.

That, if granted, this Ordinance shall become effective immediately subject to the corresponding annexation ordinance under consideration.

**SO ORDAINED** by the Council of this City this 3<sup>rd</sup> day of July 2023.

---

ROBERT S. PRICE, Mayor

ATTEST:

---

MISTY SPURLING, City Clerk

(Seal)

APPROVED AS TO FORM:

---

City Attorney

**EXHIBIT A**

# SCHOTT & HAMILTON, LLC

1610 Des Peres Road, Suite 385  
St. Louis, MO 63131

April 5, 2023

RECEIVED

APR 11 REC'D

Office of the City Manager  
City of Locust Grove  
3644 Highway 42  
Locust Grove, GA 30248

City of Locust Grove

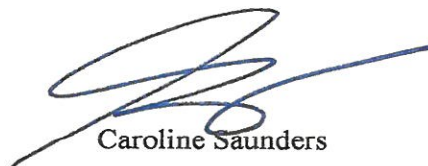
4/11/2023

Re: Application for Annexation

City Manager:

On behalf of The Cubes at Locust Grove, LLC, enclosed is an Application for Annexation. If you have any questions, please reach out to me directly (314) 323-0581, [caroline@schotthamilton.com](mailto:caroline@schotthamilton.com).

Very truly yours,



Caroline Saunders

SCHOTT & HAMILTON, LLC

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City of Locust Grove

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## ANNEXATION APPLICATION

The enclosed forms have been compiled for your convenience in cases where land owners desire to annex property into the incorporated city limits of the City of Locust Grove.

All applicants for annexation must complete FORM 1 in its entirety.

--ALSO--

- If you and/or anyone else reside(s) on the property for which you are seeking annexation, please complete FORM 2.
- If no one resides on the property for which you are seeking annexation, please complete FORM 3.

Additional required information:

- A copy of the recorded deed for the subject property.
- A legal description of the subject property.
- A plat of the subject property, prepared by a professional surveyor, licensed in Georgia.

Please submit the above-noted information to the following location:

Office of the City Manager  
City of Locust Grove  
3644 Highway 42  
Locust Grove, GA 30248

**For questions regarding the annexation process, please call 770-957-5043**

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City of Locust Grove

8:53

THE ONE HUNDRED PERCENT (100%) METHOD

Date of Submission: April 5, 2023

To the Mayor and City Council of the City of Locust Grove, Henry County, Georgia.

1. We, the undersigned, all of the owners of all real property of the territory described herein respectfully request that the City Council annex this territory to the City of Locust Grove, Georgia, and extend the City boundaries to include the same.
2. The territory to be annexed is unincorporated and contiguous (as described in O.C.G.A. 36-36-20) to the existing corporate limits of Locust Grove, Georgia, and the description of such territory is hereto attached as Exhibit A.


OWNERS NAME(S)	The Cubes at Locust Grove, LLC c/o CRG 2199 Innerbelt Business Center Drive Overland, MO 63119 Attn: Carol Martin
PROPERTY LOCATION	Old Bethlehem Road (See Exhibits Attached)
PHONE NUMBER	Carol Martin: (314) 592-2181 Caroline Saunders: (314) 323-0581
LAND LOT/DISTRICT	Land Lot 235 of the 2 <sup>nd</sup> District of Henry County
MAP CODE NO.	PIN 111-01015001
Acreage	15.31 acres (per Survey attached)
Zoning Classification	Vacant undeveloped Land

All property owners must sign as their name appears on the Deed.

OWNER:

THE CUBES AT LOCUST GROVE, LLC,  
a Delaware limited liability company

By: CRG Services Management, LLC, a Missouri  
limited liability company, its Manager

By:   
 Name: Lawrence R. Chapman, Jr.  
 Title: Vice-President

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City of Locust Grove

4/11/2021

FORM

APPLICATION FOR ANNEXATION UNDER THE SIXTY PERCENT (60%) METHOD LAND OWNERS ONLY

Date of Submission : April 5, 2023

To the Mayor and City Council of Locust Grove,

Georgia

- 1. We, the undersigned, representing not less than 60 percent of the electors resident in the territory described herein and the owners of not less than 60 percent of the real property within the territory described herein, do respectfully request that the City Council of Locust Grove, Georgia, annex the territory described below to the City of Locust Grove, Georgia, said City having a population of 200 or more persons, and extend the city boundaries to include the same.
2. The territory to be annexed is unincorporated and contiguous (as described in O.C. G. A. 36-36-31) to the existing corporate limits of Locust Grove, Georgia, and the description of such territory is attached as Exhibit A.

Table with 2 columns: Field Name and Description. Fields include OWNERS NAME(S), PROPERTY LOCATION, PHONE NUMBER, LAND LOT/DISTRICT, MAP CODE NO., Acreage, and Zoning Classification.

OWNER:

THE CUBES AT LOCUST GROVE, LLC,



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City of Locust Grove

a Delaware limited liability company

By: CRG Services Management, LLC, a Missouri  
limited liability company, its Manager

8:57

By: 

Name: Lawrence R. Chapman, Jr.

Title: Vice-President

All property owners must sign as their name appears on the Deed.

FORM3

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City of Locust Grove

7 8/57

EXHIBIT A  
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 235 OF THE 2ND DISTRICT OF HENRY COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TO LOCATE THE POINT OF BEGINNING, COMMENCE AT A POINT LOCATED AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY OF OLD BETHLEHEM ROAD (A 60 FOOT RIGHT-OF-WAY) AND THE LINE DIVIDING LAND LOTS 247 AND 234 (BEING THE NORTH LINE OF LAND LOT 234) SAID DISTRICT AND COUNTY; RUNNING THENCE ALONG THE CURVATURE OF THE SOUTHEASTERLY, SOUTHERLY, AND SOUTHWESTERLY RIGHT OF WAY OF OLD BETHLEHEM ROAD THE FOLLOWING COURSES AND DISTANCES: SOUTHWESTERLY ALONG AN ARC WHICH IS SUBTENDED BY A CORD HAVING A CORD BEARING OF SOUTH 78 DEGREES 08 MINUTES 36 SECONDS WEST AND A CORD DISTANCE OF 275.83 FEET, AN ARC DISTANCE OF 277.72 FEET TO A RIGHT-OF-WAY MONUMENT; THENCE SOUTH 89 DEGREES 58 MINUTES 45 SECONDS WEST A DISTANCE OF 42.54 FEET TO A RIGHT-OF-WAY MONUMENT; THENCE NORTH 85 DEGREES 03 MINUTES 05 SECONDS WEST A DISTANCE OF 165.06 FEET TO A POINT; THENCE SOUTH 88 DEGREES 04 MINUTES 57 SECONDS WEST A DISTANCE OF 185.13 FEET TO A POINT; THENCE SOUTH 84 DEGREES 09 MINUTES 44 SECONDS WEST A DISTANCE OF 181.89 FEET TO A POINT; THENCE SOUTH 82 DEGREES 06 MINUTES 01 SECONDS WEST A DISTANCE OF 168.36 FEET TO A POINT; THENCE SOUTH 82 DEGREES 49 MINUTES 32 SECONDS WEST A DISTANCE OF 135.05 FEET TO A POINT; THENCE SOUTH 82 DEGREES 24 MINUTES 03 SECONDS WEST A DISTANCE OF 71.77 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY OF OLD BETHLEHEM ROAD, SAME BEING THE POINT OF BEGINNING; FROM THE POINT OF BEGINNING AS THUS ESTABLISHED, RUNNING THENCE SOUTH 01 DEGREES 30 MINUTES 46 SECONDS WEST A DISTANCE OF 2,893.50 FEET TO A POINT LOCATED ON THE SOUTHERLY LAND LOT LINE OF LAND LOT 235; RUNNING THENCE NORTH 89 DEGREES 18 MINUTES 19 SECONDS WEST ALONG THE SOUTHERLY LAND LOT LINE OF LAND LOT 235 A DISTANCE OF 380.45 FEET TO A FENCE CORNER; RUNNING THENCE NORTH 01 DEGREES 30 MINUTES 46 SECONDS EAST A DISTANCE OF 2,827.35 FEET TO A POINT LOCATED ON THE SOUTHEASTERLY RIGHT-OF-WAY OF OLD BETHLEHEM ROAD; RUNNING THENCE ALONG THE SAID RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 79 DEGREES 03 MINUTES 52 SECONDS EAST A DISTANCE OF 83.88 FEET TO A POINT; THENCE CONTINUING ALONG THE RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 80 DEGREES 28 MINUTES 27 SECONDS EAST A DISTANCE OF 130.09 FEET TO A POINT; THENCE CONTINUING ALONG THE RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 81 DEGREES 52 MINUTES 09 SECONDS EAST A DISTANCE OF 127.37 FEET TO A POINT; THENCE CONTINUING ALONG THE RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 82 DEGREES 24 MINUTES 03 SECONDS EAST A DISTANCE OF 45.83 FEET TO THE POINT OF BEGINNING, SAME BEING DESIGNATED AS TRACT A CONSISTING OF 25.00 ACRES AS DELINEATED ON PLAT OF SURVEY BY G. TIM CONKLE, GEORGIA REGISTERED LAND SURVEYOR, DATED JUNE 22, 1987.

LESS AND EXCEPT:

ALL THAT PORTION OF THE ABOVE DESCRIBED PROPERTY WHICH WAS CONDEMNED IN THAT CERTAIN CONDEMNATION PROCEEDING CIVIL ACTION FILE NO. 94-CV-0852 IN THE SUPERIOR COURT OF HENRY COUNTY, GEORGIA, SAME BEING THAT CERTAIN 9.18 ACRES LYING AND BEING IN LAND LOT 235 OF THE 2ND DISTRICT, HENRY COUNTY, GEORGIA RECORDS AS PER PLAT OF SURVEY DATED FEBRUARY 8, 1994 RECORDED IN PLAT BOOK 23, PAGE 92, HENRY COUNTY, GEORGIA RECORDS.

SAID TRACT CONTAINS APPROXIMATELY 15.381 ACRES.

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EXHIBIT B  
DEED

City of Locust Grove

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City of Locust Grove

*Handwritten initials and number: JH 8.57*

**BK:19234 PG:877-881**  
Filed and Recorded  
Dec-28-2022 08:16 AM  
DOC# 2022 - 043114  
Real Estate Transfer Tax  
Paid: \$ 162.40  
0752022013405  
SABRIYA HILL  
CLERK OF SUPERIOR COURT  
HENRY COUNTY, GA  
Participant ID: 1983094574

*After recording, return to:*  
Morris, Manning & Martin, LLP  
1600 Atlanta Financial Center  
3343 Peachtree Road, NE  
Atlanta, GA 30326  
Attn: Marc. R. Bulson

Property Tax Parcel ID#: 111-01015001

STATE OF GEORGIA

COUNTY OF FULTON

**LIMITED WARRANTY DEED**

THIS INDENTURE, made effective as of the 21<sup>st</sup> day of December, 2022, between CRG ACQUISITION, LLC, a Missouri limited liability company (the GRANTOR”), and THE CUBES AT LOCUST GROVE, LLC, a Delaware limited liability company (the “GRANTEE”); “Grantor” and “Grantee” shall include their respective heirs, successors and assigns.

**WITNESSETH:**

THAT, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does hereby grant, bargain, sell, alien, convey and confirm unto Grantee that certain tract or parcel of land lying and being in Henry County, Georgia and being more fully described in Exhibit “A” attached hereto and made a part hereof, together with all improvements located thereon, if any, together with all rights, members and appurtenances in any manner appertaining or belonging to said property (collectively the “PROPERTY”);

TO HAVE AND TO HOLD the Property to the only proper use, benefit and behoof of Grantee forever in fee simple; subject only to real estate taxes and assessments that are unpaid as non-delinquent for the year 2022 and subsequent years, all encumbrances, easements and restrictions of public record, and all matters which would be disclosed by an accurate survey of the Property (hereinafter the “PERMITTED EXCEPTIONS”), and Grantor shall warrant and forever defend the right, title and interest to the Property unto Grantee against the claims of all

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City of Locust Grove

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persons claiming by, through or under Grantor, except for claims arising under and by virtue of the Permitted Exceptions.

(Signature Page to Follow)



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City of Locust Grove

9

IN WITNESS WHEREOF, Grantor has executed this Deed under seal on the day and year set forth above.

Signed, sealed and delivered in the presence of:

Courtney Ray  
Unofficial Witness Courtney Ray

Carol Martin

Notary Public  
My Commission Expires: 3-10-23

[NOTARIAL SEAL]

GRANTOR:

CRG ACQUISITION, LLC,  
a Missouri limited liability company

By: CRG Services Management, LLC,  
its Manager

By: [Signature]

Name: Christopher P. McKee

Title: Chief Development Officer



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City of Locust Grove

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Exhibit A

**Legal Description**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 235 OF THE 2ND DISTRICT OF HENRY COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO LOCATE THE POINT OF BEGINNING, COMMENCE AT A POINT LOCATED AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY OF OLD BETHLEHEM ROAD (A 60 FOOT RIGHT-OF-WAY) AND THE LINE DIVIDING LAND LOTS 247 AND 234 (BEING THE NORTH LINE OF LAND LOT 234) SAID DISTRICT AND COUNTY; RUNNING THENCE ALONG THE CURVATURE OF THE SOUTHEASTERLY, SOUTHERLY, AND SOUTHWESTERLY RIGHT OF WAY OF OLD BETHLEHEM ROAD THE FOLLOWING COURSES AND DISTANCES: SOUTHWESTERLY ALONG AN ARC WHICH IS SUBTENDED BY A CORD HAVING A CORD BEARING OF SOUTH 78 DEGREES 08 MINUTES 36 SECONDS WEST AND A CORD DISTANCE OF 275.83 FEET, AN ARC DISTANCE OF 277.72 FEET TO A RIGHT-OF-WAY MONUMENT; THENCE SOUTH 89 DEGREES 58 MINUTES 45 SECONDS WEST A DISTANCE OF 42.54 FEET TO A RIGHT-OF-WAY MONUMENT; THENCE NORTH 85 DEGREES 03 MINUTES 05 SECONDS WEST A DISTANCE OF 165.06 FEET TO A POINT; THENCE SOUTH 88 DEGREES 04 MINUTES 57 SECONDS WEST A DISTANCE OF 185.13 FEET TO A POINT; THENCE SOUTH 84 DEGREES 09 MINUTES 44 SECONDS WEST A DISTANCE OF 181.89 FEET TO A POINT; THENCE SOUTH 82 DEGREES 06 MINUTES 01 SECONDS WEST A DISTANCE OF 168.36 FEET TO A POINT; THENCE SOUTH 82 DEGREES 49 MINUTES 32 SECONDS WEST A DISTANCE OF 135.05 FEET TO A POINT; THENCE SOUTH 82 DEGREES 24 MINUTES 03 SECONDS WEST A DISTANCE OF 71.77 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY OF OLD BETHLEHEM ROAD, SAME BEING THE POINT OF BEGINNING; FROM THE POINT OF BEGINNING AS THUS ESTABLISHED, RUNNING THENCE SOUTH 01 DEGREES 30 MINUTES 46 SECONDS WEST A DISTANCE OF 2,893.50 FEET TO A POINT LOCATED ON THE SOUTHERLY LAND LOT LINE OF LAND LOT 235; RUNNING THENCE NORTH 89 DEGREES 18 MINUTES 19 SECONDS WEST ALONG THE SOUTHERLY LAND LOT LINE OF LAND LOT 235 A DISTANCE OF 380.45 FEET TO A FENCE CORNER; RUNNING THENCE NORTH 01 DEGREES 30 MINUTES 46 SECONDS EAST A DISTANCE OF 2,827.35 FEET TO A POINT LOCATED ON THE SOUTHEASTERLY RIGHT-OF-WAY OF OLD BETHLEHEM ROAD; RUNNING THENCE ALONG THE SAID RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 79 DEGREES 03 MINUTES 52 SECONDS EAST A DISTANCE OF 83.88 FEET TO A POINT; THENCE CONTINUING ALONG THE RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 80 DEGREES 28 MINUTES 27 SECONDS EAST A DISTANCE OF 130.09 FEET TO A POINT; THENCE CONTINUING ALONG THE RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 81 DEGREES 52 MINUTES 09 SECONDS EAST A DISTANCE OF 127.37 FEET TO A POINT; THENCE CONTINUING ALONG THE RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 82 DEGREES 24 MINUTES 03 SECONDS EAST A DISTANCE OF 45.83 FEET TO THE POINT OF BEGINNING, SAME BEING DESIGNATED AS TRACT A CONSISTING OF 25.00 ACRES

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APR 11 REC'D

City of Locust Grove

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*8:53*

BK:19234 PG:881

AS DELINEATED ON PLAT OF SURVEY BY G. TIM CONKLE, GEORGIA REGISTERED LAND SURVEYOR, DATED JUNE 22, 1987.

LESS AND EXCEPT: ALL THAT PORTION OF THE ABOVE DESCRIBED PROPERTY WHICH WAS CONDEMNED IN THAT CERTAIN CONDEMNATION PROCEEDING CIVIL ACTION FILE NO. 94-CV- 0852 IN THE SUPERIOR COURT OF HENRY COUNTY, GEORGIA, SAME BEING THAT CERTAIN 9.18 ACRES LYING AND BEING IN LAND LOT 235 OF THE 2ND DISTRICT, HENRY COUNTY, GEORGIA RECORDS AS PER PLAT OF SURVEY DATED FEBRUARY 8, 1994 RECORDED IN PLAT BOOK 23, PAGE 92, HENRY COUNTY, GEORGIA RECORDS.



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City of Locust Grove

EXHIBIT C  
SURVEY



NO. 1	1-10-1
DATE	
BY	
FOR	
PROJECT	
DESCRIPTION	
DATE	

BOUNDARY SURVEY  
FOR  
CLAYCO  
LAND TRACTS AND DISTRICT  
HARLEY COUNTY, GEORGIA

DRIFT 3-26-18

1  
SHEET 1 OF 1  
DATE: 10/13/17  
JOB NO. 17-00000

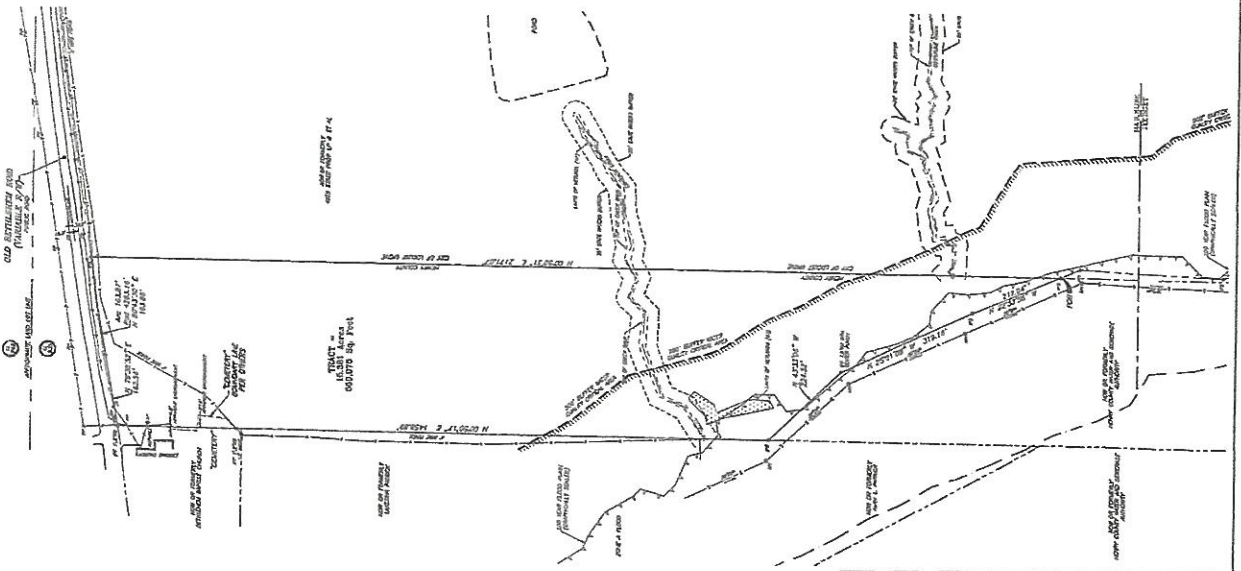
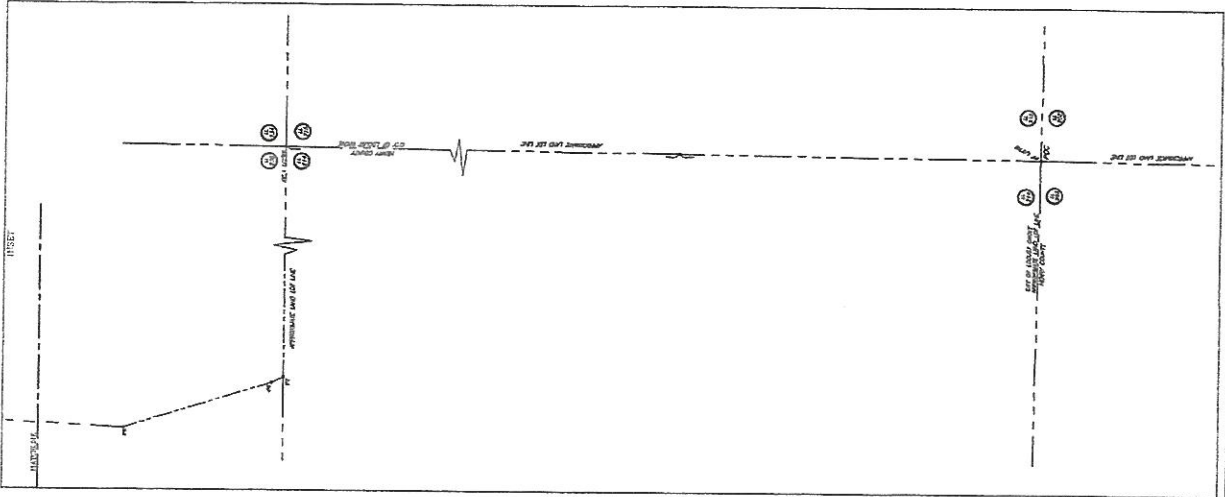
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City of Locust Grove

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COMPANY SURVEYOR  
This survey was prepared in conformity with the Professional Surveying Act of Georgia, Chapter 133-2, of the Official Code of Georgia Annotated, and the rules and regulations of the State Board of Surveying and Mapping, and we are not liable for the Georgia Professional Act, O.C.G.A. 13-3-2.



LEGEND

---	ADJACENT PROPERTY
---	EXISTING EASEMENTS
---	PROPOSED EASEMENTS
---	PROPOSED BOUNDARIES
---	PROPOSED CORNERS
---	PROPOSED LINES
---	PROPOSED CURVES
---	PROPOSED DISTANCES
---	PROPOSED BEARINGS
---	PROPOSED AREA
---	PROPOSED PERIMETER
---	PROPOSED VOLUME
---	PROPOSED WEIGHT
---	PROPOSED LENGTH
---	PROPOSED WIDTH
---	PROPOSED HEIGHT
---	PROPOSED DEPTH
---	PROPOSED TEMPERATURE
---	PROPOSED PRESSURE
---	PROPOSED VELOCITY
---	PROPOSED ACCELERATION
---	PROPOSED FORCE
---	PROPOSED TORQUE
---	PROPOSED POWER
---	PROPOSED ENERGY
---	PROPOSED MOMENTUM
---	PROPOSED IMPULSE
---	PROPOSED STRESS
---	PROPOSED STRAIN
---	PROPOSED ELONGATION
---	PROPOSED CONTRACTION
---	PROPOSED EXPANSION
---	PROPOSED REDUCTION
---	PROPOSED INCREASE
---	PROPOSED DECREASE
---	PROPOSED FLUCTUATION
---	PROPOSED OSCILLATION
---	PROPOSED VIBRATION
---	PROPOSED SHOCK
---	PROPOSED IMPACT
---	PROPOSED COLLISION
---	PROPOSED FRICTION
---	PROPOSED RESISTANCE
---	PROPOSED OBSTRUCTION
---	PROPOSED HINDERANCE
---	PROPOSED INTERFERENCE
---	PROPOSED DISTURBANCE
---	PROPOSED DISRUPTION
---	PROPOSED INTERRUPTION
---	PROPOSED CESSATION
---	PROPOSED TERMINATION
---	PROPOSED CLOSURE
---	PROPOSED COMPLETION
---	PROPOSED CONCLUSION
---	PROPOSED END



APPROVED TO AND IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my office, this 10th day of October, 2018.

Surveyor General, Georgia

APPROVED TO AND IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my office, this 10th day of October, 2018.

Surveyor General, Georgia

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Surveyor General, Georgia

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Surveyor General, Georgia



# City of Locust Grove

P.O. Box 900 Locust Grove, Georgia 30248-0900

Telephone (770) 957—5043 Fax: 1-866-364-0996

**MAYOR**

Robert Price

**COUNCIL**

Keith Boone

Rudy Breedlove

Carlos Greer

Rod Shearouse

Willie J. Taylor

Vincent Williams

**CITY MANAGER**

Tim Young

**CITY CLERK**

Misty Spurling

April 11, 2023

Henry County Board of Commissioners  
Attention: Carlotta Harrell, Chair  
140 Henry Parkway  
McDonough, GA 30253

RE: Annexation of 15.31 +/- acres (Parcel ID: 111-01015001) located on [Old] Bethlehem Road.

Dear Chair Harrell:

The City of Locust Grove has accepted an application on April 11, 2023, for annexation of the following property:

15.31 +/- acres (Parcel ID: 111-01015001) located on [Old] Bethlehem Road. The annexation request is on behalf of The Cubes at Locust Grove, LLC in care of CRG Services Management, LLC.

The subject property will be contiguous to the existing City Limits and is being annexed by the 100% Method with no planned change in zoning other than a classification of the same RA (Residential-Agricultural) zoning district and Future Land Use designation of Low Density Residential in the City of Locust Grove as is equivalent in Henry County.

Utilities will be provided by the Henry County Water Authority per the most recent Service Delivery Strategy agreement with the Henry County Water Authority.

This notice is being provided to you in accordance with Agreement Section 4. H. 4 and O.C.G.A. § 36-36-111 of the acceptance of the application for your consideration and comment.

Should you need any further information on this matter, please feel free to contact me at (770) 957-5043.

Respectfully,

Tim Young, City Manager

Cc: Cheri Hobson-Matthews, County Manager  
Nancy Rowan, Henry County Attorney  
Andy Welch, City Attorney  
Locust Grove City Council  
Henry County Water Authority  
Henry County Tax Assessors

# SCHOTT & HAMILTON, LLC

1610 Des Peres Road, Suite 385  
St. Louis, MO 63131

April 5, 2023

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Office of the City Manager  
City of Locust Grove  
3644 Highway 42  
Locust Grove, GA 30248

City of Locust Grove


4/11/2023

Re: Application for Annexation

City Manager:

On behalf of The Cubes at Locust Grove, LLC, enclosed is an Application for Annexation. If you have any questions, please reach out to me directly (314) 323-0581, [caroline@schotthamilton.com](mailto:caroline@schotthamilton.com).

Very truly yours,



Caroline Saunders

SCHOTT & HAMILTON, LLC

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City of Locust Grove

8:150



## ANNEXATION APPLICATION

The enclosed forms have been compiled for your convenience in cases where land owners desire to annex property into the incorporated city limits of the City of Locust Grove.

All applicants for annexation must complete FORM 1 in its entirety.

--ALSO--

- If you and/or anyone else reside(s) on the property for which you are seeking annexation, please complete FORM 2.
- If no one resides on the property for which you are seeking annexation, please complete FORM 3.

Additional required information:

- A copy of the recorded deed for the subject property.
- A legal description of the subject property.
- A plat of the subject property, prepared by a professional surveyor, licensed in Georgia.

Please submit the above-noted information to the following location:

Office of the City Manager  
City of Locust Grove  
3644 Highway 42  
Locust Grove, GA 30248

**For questions regarding the annexation process, please call 770-957-5043**

APR 11 REC'D

City of Locust Grove

8:53

THE ONE HUNDRED PERCENT (100%) METHOD

Date of Submission: April 5, 2023

To the Mayor and City Council of the City of Locust Grove, Henry County, Georgia.

1. We, the undersigned, all of the owners of all real property of the territory described herein respectfully request that the City Council annex this territory to the City of Locust Grove, Georgia, and extend the City boundaries to include the same.
2. The territory to be annexed is unincorporated and contiguous (as described in O.C.G.A. 36-36-20) to the existing corporate limits of Locust Grove, Georgia, and the description of such territory is hereto attached as Exhibit A.


OWNERS NAME(S)	The Cubes at Locust Grove, LLC c/o CRG 2199 Innerbelt Business Center Drive Overland, MO 63119 Attn: Carol Martin
PROPERTY LOCATION	Old Bethlehem Road (See Exhibits Attached)
PHONE NUMBER	Carol Martin: (314) 592-2181 Caroline Saunders: (314) 323-0581
LAND LOT/DISTRICT	Land Lot 235 of the 2 <sup>nd</sup> District of Henry County
MAP CODE NO.	PIN 111-01015001
Acreage	15.31 acres (per Survey attached)
Zoning Classification	Vacant undeveloped Land

All property owners must sign as their name appears on the Deed.

OWNER:

THE CUBES AT LOCUST GROVE, LLC,  
a Delaware limited liability company

By: CRG Services Management, LLC, a Missouri  
limited liability company, its Manager

By:   
 Name: Lawrence R. Chapman, Jr.  
 Title: Vice-President



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City of Locust Grove

4/11/2021

FORM

APPLICATION FOR ANNEXATION UNDER THE SIXTY PERCENT (60%) METHOD LAND OWNERS ONLY

Date of Submission : April 5, 2023

To the Mayor and City Council of Locust Grove,

Georgia

- 1. We, the undersigned, representing not less than 60 percent of the electors resident in the territory described herein and the owners of not less than 60 percent of the real property within the territory described herein, do respectfully request that the City Council of Locust Grove, Georgia, annex the territory described below to the City of Locust Grove, Georgia, said City having a population of 200 or more persons, and extend the city boundaries to include the same.
2. The territory to be annexed is unincorporated and contiguous (as described in O.C. G. A. 36-36-31) to the existing corporate limits of Locust Grove, Georgia, and the description of such territory is attached as Exhibit A.

Table with 2 columns: Field Name and Value. Fields include OWNERS NAME(S), PROPERTY LOCATION, PHONE NUMBER, LAND LOT/DISTRICT, MAP CODE NO., Acreage, and Zoning Classification.

OWNER:

THE CUBES AT LOCUST GROVE, LLC,

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APR 11 REC'D

City of Locust Grove

a Delaware limited liability company

By: CRG Services Management, LLC, a Missouri  
limited liability company, its Manager

8:57

By: 

Name: Lawrence R. Chapman, Jr.

Title: Vice-President

All property owners must sign as their name appears on the Deed.

FORM3



RECEIVED

APR 11 RECD

City of Locust Grove

7 8/57

EXHIBIT A  
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 235 OF THE 2ND DISTRICT OF HENRY COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TO LOCATE THE POINT OF BEGINNING, COMMENCE AT A POINT LOCATED AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY OF OLD BETHLEHEM ROAD (A 60 FOOT RIGHT-OF-WAY) AND THE LINE DIVIDING LAND LOTS 247 AND 234 (BEING THE NORTH LINE OF LAND LOT 234) SAID DISTRICT AND COUNTY; RUNNING THENCE ALONG THE CURVATURE OF THE SOUTHEASTERLY, SOUTHERLY, AND SOUTHWESTERLY RIGHT OF WAY OF OLD BETHLEHEM ROAD THE FOLLOWING COURSES AND DISTANCES: SOUTHWESTERLY ALONG AN ARC WHICH IS SUBTENDED BY A CORD HAVING A CORD BEARING OF SOUTH 78 DEGREES 08 MINUTES 36 SECONDS WEST AND A CORD DISTANCE OF 275.83 FEET, AN ARC DISTANCE OF 277.72 FEET TO A RIGHT-OF-WAY MONUMENT; THENCE SOUTH 89 DEGREES 58 MINUTES 45 SECONDS WEST A DISTANCE OF 42.54 FEET TO A RIGHT-OF-WAY MONUMENT; THENCE NORTH 85 DEGREES 03 MINUTES 05 SECONDS WEST A DISTANCE OF 165.06 FEET TO A POINT; THENCE SOUTH 88 DEGREES 04 MINUTES 57 SECONDS WEST A DISTANCE OF 185.13 FEET TO A POINT; THENCE SOUTH 84 DEGREES 09 MINUTES 44 SECONDS WEST A DISTANCE OF 181.89 FEET TO A POINT; THENCE SOUTH 82 DEGREES 06 MINUTES 01 SECONDS WEST A DISTANCE OF 168.36 FEET TO A POINT; THENCE SOUTH 82 DEGREES 49 MINUTES 32 SECONDS WEST A DISTANCE OF 135.05 FEET TO A POINT; THENCE SOUTH 82 DEGREES 24 MINUTES 03 SECONDS WEST A DISTANCE OF 71.77 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY OF OLD BETHLEHEM ROAD, SAME BEING THE POINT OF BEGINNING; FROM THE POINT OF BEGINNING AS THUS ESTABLISHED, RUNNING THENCE SOUTH 01 DEGREES 30 MINUTES 46 SECONDS WEST A DISTANCE OF 2,893.50 FEET TO A POINT LOCATED ON THE SOUTHERLY LAND LOT LINE OF LAND LOT 235; RUNNING THENCE NORTH 89 DEGREES 18 MINUTES 19 SECONDS WEST ALONG THE SOUTHERLY LAND LOT LINE OF LAND LOT 235 A DISTANCE OF 380.45 FEET TO A FENCE CORNER; RUNNING THENCE NORTH 01 DEGREES 30 MINUTES 46 SECONDS EAST A DISTANCE OF 2,827.35 FEET TO A POINT LOCATED ON THE SOUTHEASTERLY RIGHT-OF-WAY OF OLD BETHLEHEM ROAD; RUNNING THENCE ALONG THE SAID RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 79 DEGREES 03 MINUTES 52 SECONDS EAST A DISTANCE OF 83.88 FEET TO A POINT; THENCE CONTINUING ALONG THE RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 80 DEGREES 28 MINUTES 27 SECONDS EAST A DISTANCE OF 130.09 FEET TO A POINT; THENCE CONTINUING ALONG THE RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 81 DEGREES 52 MINUTES 09 SECONDS EAST A DISTANCE OF 127.37 FEET TO A POINT; THENCE CONTINUING ALONG THE RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 82 DEGREES 24 MINUTES 03 SECONDS EAST A DISTANCE OF 45.83 FEET TO THE POINT OF BEGINNING, SAME BEING DESIGNATED AS TRACT A CONSISTING OF 25.00 ACRES AS DELINEATED ON PLAT OF SURVEY BY G. TIM CONKLE, GEORGIA REGISTERED LAND SURVEYOR, DATED JUNE 22, 1987.

LESS AND EXCEPT:

ALL THAT PORTION OF THE ABOVE DESCRIBED PROPERTY WHICH WAS CONDEMNED IN THAT CERTAIN CONDEMNATION PROCEEDING CIVIL ACTION FILE NO. 94-CV-0852 IN THE SUPERIOR COURT OF HENRY COUNTY, GEORGIA, SAME BEING THAT CERTAIN 9.18 ACRES LYING AND BEING IN LAND LOT 235 OF THE 2ND DISTRICT, HENRY COUNTY, GEORGIA RECORDS AS PER PLAT OF SURVEY DATED FEBRUARY 8, 1994 RECORDED IN PLAT BOOK 23, PAGE 92, HENRY COUNTY, GEORGIA RECORDS.

SAID TRACT CONTAINS APPROXIMATELY 15.381 ACRES.

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EXHIBIT B  
DEED

City of Locust Grove

9 8:53

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City of Locust Grove

*Handwritten initials and number: JH 8.57*

**BK:19234 PG:877-881**  
Filed and Recorded  
Dec-28-2022 08:16 AM  
DOC# 2022 - 043114  
Real Estate Transfer Tax  
Paid: \$ 162.40  
0752022013405  
SABRIYA HILL  
CLERK OF SUPERIOR COURT  
HENRY COUNTY, GA  
Participant ID: 1983094574

*After recording, return to:*  
Morris, Manning & Martin, LLP  
1600 Atlanta Financial Center  
3343 Peachtree Road, NE  
Atlanta, GA 30326  
Attn: Marc. R. Bulson

Property Tax Parcel ID#: 111-01015001

STATE OF GEORGIA

COUNTY OF FULTON

**LIMITED WARRANTY DEED**

THIS INDENTURE, made effective as of the 21<sup>st</sup> day of December, 2022, between CRG ACQUISITION, LLC, a Missouri limited liability company (the GRANTOR”), and THE CUBES AT LOCUST GROVE, LLC, a Delaware limited liability company (the “GRANTEE”); “Grantor” and “Grantee” shall include their respective heirs, successors and assigns.

**WITNESSETH:**

THAT, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does hereby grant, bargain, sell, alien, convey and confirm unto Grantee that certain tract or parcel of land lying and being in Henry County, Georgia and being more fully described in Exhibit “A” attached hereto and made a part hereof, together with all improvements located thereon, if any, together with all rights, members and appurtenances in any manner appertaining or belonging to said property (collectively the “PROPERTY”);

TO HAVE AND TO HOLD the Property to the only proper use, benefit and behoof of Grantee forever in fee simple; subject only to real estate taxes and assessments that are unpaid as non-delinquent for the year 2022 and subsequent years, all encumbrances, easements and restrictions of public record, and all matters which would be disclosed by an accurate survey of the Property (hereinafter the “PERMITTED EXCEPTIONS”), and Grantor shall warrant and forever defend the right, title and interest to the Property unto Grantee against the claims of all

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City of Locust Grove

153

BK-19234 PG:878

persons claiming by, through or under Grantor, except for claims arising under and by virtue of the Permitted Exceptions.

(Signature Page to Follow)



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BK-19234 PG:879

City of Locust Grove

9

IN WITNESS WHEREOF, Grantor has executed this Deed under seal on the day and year set forth above.

Signed, sealed and delivered in the presence of:

Courtney Ray  
Unofficial Witness Courtney Ray

Carol Martin

Notary Public  
My Commission Expires: 3.10.23

[NOTARIAL SEAL]

GRANTOR:

CRG ACQUISITION, LLC,  
a Missouri limited liability company

By: CRG Services Management, LLC,  
its Manager

By: [Signature]

Name: Christopher P. McKee

Title: Chief Development Officer



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City of Locust Grove

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BK:19234 PG:880

Exhibit A

**Legal Description**

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City of Locust Grove

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*8:53*

BK:19234 PG:881

AS DELINEATED ON PLAT OF SURVEY BY G. TIM CONKLE, GEORGIA REGISTERED LAND SURVEYOR, DATED JUNE 22, 1987.

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City of Locust Grove

EXHIBIT C  
SURVEY

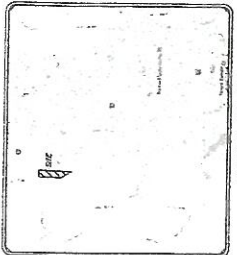


DATE	DESCRIPTION

BOUNDARY SURVEY  
FOR  
CLAYCO  
LAND LOTS 3 AND 5  
HARTY COUNTY, GEORGIA

DRIFT 3-26-18

SHEET 1 OF 1
DATE: 03/09/18
CAD: 30202
BY: J.M.P.



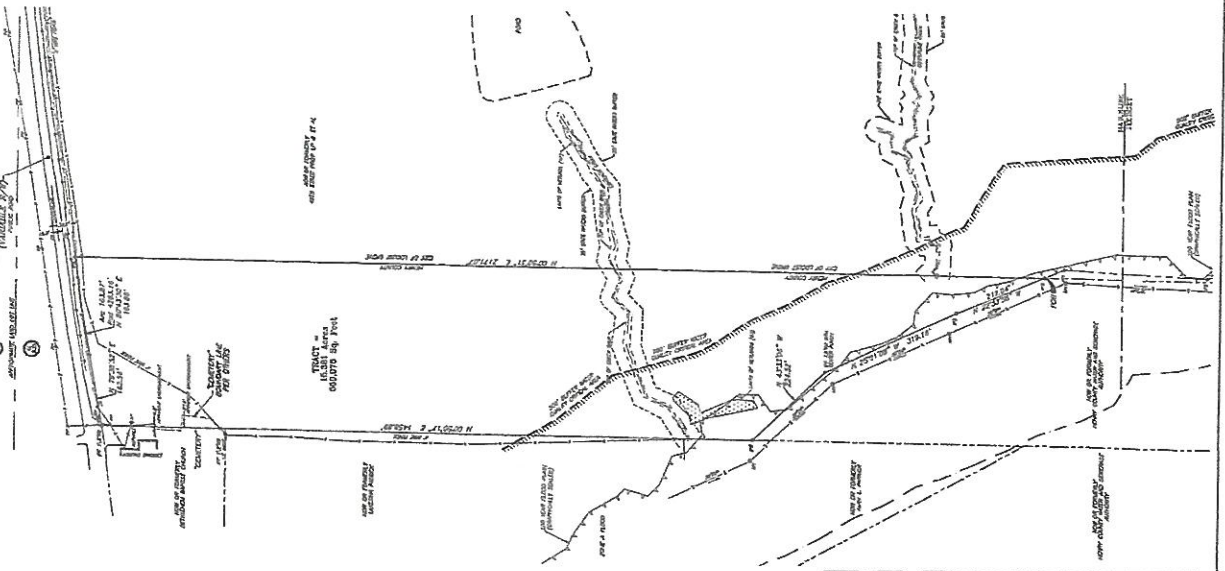
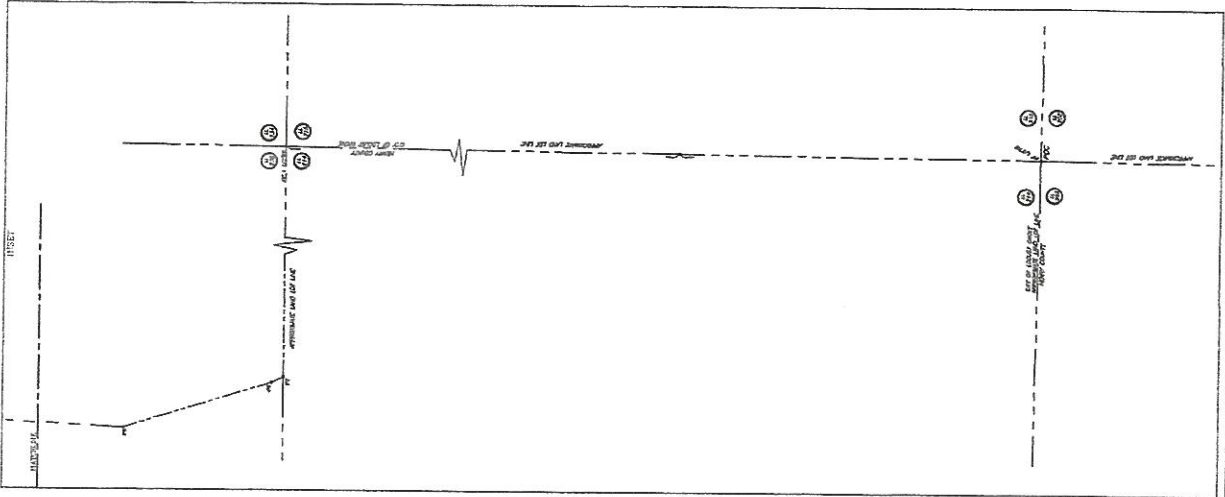
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APR 11 2018

City of Locust Grove

8.53

COMPANYS SURVEYOR  
This survey was prepared in conformity with the Professional Land Surveying Act of the State of Georgia, Chapter 40-2-2 of the Official Code of Georgia Annotated (OCGA), and we are not bound by the Georgia Professional Surveyors Act, Chapter 40-2-2 of the Official Code of Georgia Annotated (OCGA).



**LEGEND**

- BOUNDARY
- EASEMENT
- ENCUMBRANCE
- UTILITY
- RIGHT OF WAY
- ADJACENT PROPERTY
- ADJACENT SURVEY
- ADJACENT ROAD
- ADJACENT PROPERTY
- ADJACENT ROAD
- ADJACENT PROPERTY
- ADJACENT ROAD

SCALE: AS SHOWN  
GRAPHIC SCALE - FEET

APPROVED AND ADOPTED AND CERTIFIED BY AN ORDER OF THE BOARD OF SUPERVISORS OF HARTY COUNTY, GEORGIA, DATED 03/09/18.

APPROVED AND ADOPTED AND CERTIFIED BY AN ORDER OF THE BOARD OF SUPERVISORS OF HARTY COUNTY, GEORGIA, DATED 03/09/18.

APPROVED AND ADOPTED AND CERTIFIED BY AN ORDER OF THE BOARD OF SUPERVISORS OF HARTY COUNTY, GEORGIA, DATED 03/09/18.

APPROVED AND ADOPTED AND CERTIFIED BY AN ORDER OF THE BOARD OF SUPERVISORS OF HARTY COUNTY, GEORGIA, DATED 03/09/18.

## **EXHIBIT B**



# ANNEXATION EVALUATION REPORT July 3, 2023

FILE: AX-23-04-01

ANNEXATION

## Property Information

Tax ID	111-01015001
Location/address	Land Lot 235 of the 2 <sup>nd</sup> district/ Price Drive and Old Bethlehem Road
Parcel Size	15.31+/- acres
Current Zoning	RA (County Residential Agricultural) RA (City Residential Agricultural)
Request	Annex RA zoned property from unincorporated Henry County into the City of Locust Grove with an RA zoning
Proposed Use	Future Industrial/ Price Drive realignment
Existing Land Use	Vacant/undeveloped
Future Land Use	County Low Density Residential to City Low Density Residential
Recommendation	Approval

## Summary

The Cubes at Locust Grove, LLC has submitted an application requesting annexation of a 15.31 +/- acre tract located on Old Bethlehem Road west of Price Drive (Parcel ID # 111-01015000). The zoning of the subject property will remain RA (Residential Agricultural), which is the City of Locust Grove's equivalent to unincorporated Henry County's RA (Residential Agricultural) zoning district. The future land use designation will remain the equivalent Low Density Residential (LD) designation within the incorporated boundaries of Locust Grove. The Applicant is utilizing the 100% method per O.C.G.A. §36-36-20. The Henry County Board of Commissioners raised no objections to this annexation during their May 2, 2023 meeting.

## Service Delivery / Infrastructure

**Water and Sewer:** According to the City of Locust Grove Public Works Department, the subject property is not currently located within the City's water and sanitary sewer service areas. Water and sanitary sewer service is available within the vicinity via the Henry County Water Authority.



# ANNEXATION EVALUATION July 3, 2023 REPORT

FILE: AX-23-04-01

ANNEXATION

**Police Services:** If the Subject Property is annexed into the city limits, it will be placed on a regular patrol route.

**Fire:** Fire and emergency services will be performed by Henry County as is the case in other areas of the City.

**Transportation Impacts:** There are no discernible increases or changes to transportation patterns in the vicinity because of this annexation request. The applicant intends to develop the subject property in the future as part of an adjacent industrial site. Therefore, if and when future development of the subject property occurs, transportation impacts will be analyzed at that time during the anticipated rezoning process.

## Criteria for Evaluation of Annexation Request

---

### Section 17.04.315 Procedure for Hearing before City Council.

- (a) **All proposed amendments to this chapter or to the official zoning map with required site plans shall be considered at public hearing. The City Council shall consider the following:**
- (1) **The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community.** No impacts on the character of the particular area are anticipated as a result of this request given the zoning on the Subject Property is going from RA-County to RA-City as part of an annexation request.
  - (2) **The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of this Chapter.** The request will continue the current Residential Agricultural uses of the subject property as it transitions from the unincorporated area of Henry County into the city limits of Locust Grove, until such time that 1 year has passed and the applicant proceeds with next steps in rezoning the subject property for future industrial use and expansion of existing/future industrial development along Price Drive.
  - (3) **Consistency with the Land Use Plan.** If the annexation is approved, the City's Future Land Use designation of Low Density Residential (LD) would appropriately match the current rural/ low density character of Bethlehem Road.
  - (4) **The potential impact of the proposed amendment on City infrastructure including water and sewerage systems.** There are no impacts to the City's infrastructure given the subject property will not discontinue the current residential agricultural uses for at a minimum of one year.



# ANNEXATION EVALUATION REPORT July 3, 2023

FILE: AX-23-04-01

ANNEXATION

- (5) **The impact of the proposed amendment on adjacent thoroughfares and pedestrian vehicular circulation and traffic volumes.** No immediate impacts are anticipated from granting this annexation request. However, future development of the subject property and adjacent parcels will likely impact traffic circulation in the area. Upcoming transportation improvements such as the Bethlehem Road Interchange and Price Drive realignment will improve traffic flow and access to I-75 to better accommodate existing and future industrial development in the area. The main use of the subject property being considered for annexation/rezoning is for the future relocation of Price Drive, an overall positive impact.
- (6) **The impact upon adjacent property owners should the request be approved.** Should the annexation request be approved, there are no immediate plans to change the manner in which the subject property is currently utilized. However, the applicant has communicated plans to develop the subject property as part of an adjacent industrial development after one-year post-annexation, which is required per O.C.G.A. 36-36-11. Any development of the subject property in the future will have an impact on adjacent property owners specific to increases in traffic and pedestrian volumes. Future impacts will be identified and evaluated at the time any future rezoning is requested.
- (7) **The ability of the subject land to be developed as it is presently zoned.** Currently, the subject property may be developed into permitted uses granted by the RA (Residential Agricultural) zoning district both in the City and unincorporated County.
- (8) **The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.** There are no known physical conditions or limitations that could preclude the use of the subject property.
- (9) **The merits of the requested change in zoning relative to any other guidelines and policies for development which the Community Development Commission and City Council may use in furthering the objectives of the Land Use Plan.** The merits are consistent with both the City's zoning ordinance, future and existing development patterns in the area as well as future transportation improvements.

## Recommendation

The annexation request meets the legal requirements per Georgia Annexation Law O.C.G.A. 36-36-11 and received no objection from the Henry County Board of Commissioners at their May 2, 2023 meeting. Therefore, staff recommends APPROVAL of the applicant's request to annex the subject property into the City of Locust Grove with the City of Locust Grove equivalent zoning district of RA (Residential Agricultural) and Future Land Use designation of Low Density Residential.

## **EXHIBIT C**

TIMES JOURNAL, INC.  
P.O. BOX 1633  
ROME GA 30162-1633  
(770)795-3050

ORDER CONFIRMATION

Salesperson: DAWN WARD

Printed at 05/23/23 16:43 by dward-tj

-----  
Acct #: 238991

Ad #: 346355

Status: New

CITY OF LOCUST GROVE / L  
PO BOX 900  
ATTN TIM YOUNG  
LOCUST GROVE GA 30248

Start: 05/31/2023 Stop: 05/31/2023  
Times Ord: 1 Times Run: \*\*\*  
LEGLV 1.00 X 5.07 Words: 200  
Total LEGLV 5.07

Class: 9003 PUBLIC HEARING  
Rate: LEGL Cost: 45.00  
# Affidavits: 1

Ad Descrpt: HDH1273 GPN16 6/20/23  
Descr Cont: HDH1273 GPN16 PUBLIC HEAR  
Given by: ANNA WILLIAMS  
P.O. #:

Contact:

Phone: (770)957-7055

Fax#:

Email: mspurling@locustgrove-ga.gov

Agency:

Created: dward 05/23/23 16:35

Last Changed: dward 05/23/23 16:42

-----  
PUB ZONE EDT TP RUN DATES  
HDH A 95 S 05/31  
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AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

\_\_\_\_\_  
Name (print or type)

\_\_\_\_\_  
Name (signature)

(CONTINUED ON NEXT PAGE)

TIMES JOURNAL, INC.  
P.O. BOX 1633  
ROME GA 30162-1633  
(770)795-3050

ORDER CONFIRMATION (CONTINUED)

Salesperson: DAWN WARD

Printed at 05/23/23 16:43 by dward-tj

-----  
Acct #: 238991

Ad #: 346355

Status: New

Hdh1273  
gpn16  
**Public Hearing Notice**  
**City of Locust Grove**  
**June 20, 2023**  
**6:00 PM**  
**Locust Grove Public**  
**Safety Building**  
**3640 Highway 42 South**  
**Locust Grove, GA 30248**

Notice is hereby given as required by Chapter 66 of Title 36 of the Official Code of Georgia Annotated (Zoning Procedures Law) and Section 17.04 of the Code of Ordinances, City of Locust Grove, Georgia, that the Locust Grove City Council, on Tuesday, June 20, 2023, at 6:00 PM, will conduct public hearings for the purpose of the following:

**ANNEXATION**

**AX 23-04-01** The Cubes at Locust Grove, LLC has submitted an application requesting annexation of a 15.31 +/- acre tract (Parcel ID: 111-01015000) in Land Lot 235 of the 2nd District, located on Old Bethlehem Road west of Price Drive. The zoning of the subject property will remain RA (Residential Agricultural), the City of Locust Groves equivalent to unincorporated Henry Countys RA (Residential Agricultural) zoning district. The future land use designation will remain Low-Density Residential within the incorporated boundaries of Locust Grove.

The public hearing will be held in the Locust Grove Public Safety Building, located at 3640 Highway 42 South.

Daunté Gibbs  
Community Development  
Director - City of Locust  
Grove  
5:31, 2023



**AFFIDAVIT OF SIGN POSTING**

Personally appeared, before the undersigned officer duly authorized to administer oaths, Mr. Brian Fornal who, after being duly sworn, testifies as follows:

1.

My name is Brian Fornal. I am over twenty-one years of age and competent to give this, my affidavit, based upon my personal knowledge.

2.

The Cubes at Locust Grove, LLC, of Overland, MO has submitted an application for annexation and rezoning of 15.31+/- acres into the City of Locust Grove; Parcel 111-01015001; in Land Lot 235 of the 2<sup>nd</sup> District.

3.

On the 31<sup>st</sup> day of May 2023, I, Brian Fornal, posted double-sided sign notifications on the subject parcel advertising a public hearing on the above requests to be heard by the Locust Grove City Council on the 20<sup>th</sup> day of June at 6:00 p.m. at the Locust Grove Public Safety Building, 3640 Highway 42, Locust Grove, Georgia 30248. Photographs of same are attached hereto as Exhibits "A" and "B" respectively and incorporated herein by reference. The public hearing signs were posted at the following locations:

- 1. Two double-sided signs posted at 9:25 AM on the south side of Old Bethlehem Road, west of Price Drive, on 5/31/23.

FURTHER AFFIANT SAYETH NOT.

This 1<sup>st</sup> day of June 2023.

*[Handwritten Signature]*  
 Affiant

Sworn and subscribed before me  
 this   1  st day of   June  , 2023

*[Handwritten Signature: Cynthia Joan Cook]*  
 Notary Public



Exhibit "A"





Exhibit "B"





## Community Development Department

P. O. Box 900  
Locust Grove, Georgia 30248  
Phone: (770) 957-5043  
Facsimile (770) 954-1223

# Item Coversheet

---

**Item:** An ordinance to rezone 15.31+/- acres located on Old Bethlehem Road west of Price Drive (Parcel ID - 111-01015001) in Land Lot 235 of the 2nd District from unincorporated Henry County RA (Residential Agricultural) to incorporated City of Locust Grove RA (Residential Agricultural).

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Advertised Date:** May 31, 2023

**Budget Item:** No

**Date Received:** April 11, 2023

**Workshop Date:** June 20, 2023

**Regular Meeting Date:** July 3, 2023

### Discussion:

The Cubes at Locust Grove, LLC has submitted an application requesting rezoning of a 15.31 +/- acre tract located on Old Bethlehem Road west of Price Drive (Parcel ID # 111-01015000) from RA (Residential Agricultural) in unincorporated Henry County to RA (Residential Agricultural) in the City of Locust Grove. This rezoning request has been submitted in conjunction with a concurrent request for annexation of the subject property. The Henry County Board of Commissioners raised no objections to this annexation during their May 2, 2023 meeting.

**Recommendation:**

**Staff recommends APPROVAL of the applicants request to rezone the subject property into the City of Locust Grove with the City of Locust Grove equivalent zoning district of RA (Residential Agricultural) and Future Land Use designation of LD (Low Density Residential).**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO REZONE APPROXIMATELY 15.31+/- ACRES LOCATED ON OLD BETHLEHEM ROAD WEST OF PRICE DRIVE IN LAND LOT 235 OF THE 2<sup>ND</sup> DISTRICT WITHIN THE CITY OF LOCUST GROVE, GEORGIA; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**WHEREAS**, the City of Locust Grove (“City”) is a municipal corporation, duly organized and existing under the laws of the State of Georgia; and,

**WHEREAS**, The Cubes of Locust Grove, LLC, of Overland, MO, (the “Applicant”) petitioned the City to annex and rezone property located on Old Bethlehem Road west of Price Drive consisting of 15.31 +/- (Parcel ID: 111-01015001) located in Land Lot 235 of the 2nd District (the “Property”) attached hereto as **Exhibit A**; and,

**WHEREAS**, the Applicant filed a request to annex and rezone the subject Property into the City of Locust Grove on April 11, 2023, as shown in the staff report attached hereto and incorporated herein by reference as **Exhibit B**; and,

**WHEREAS**, THE City of Locust Grove provided notice of the annexation to the Henry County Board of Commissioners on April 12, 2023 by certified mail; and,

**WHEREAS**, the Henry County Board of Commissioners reviewed the Applicant’s request during their May 2, 2023 meeting and raised no objections to said request; and,

**WHEREAS**, said request has been reviewed by the Mayor and City Council at a Public Hearing held on June 20, 2023 as well as by the City Community Development Director; and,

**WHEREAS**, the Applicant requested that the Property retain the same zoning in the City (RA: Residential Agricultural) that they had in the County (RA: Residential Agricultural), addressed under a separate action; and,

**WHEREAS**, notice of this matter (as attached hereto and incorporated herein as **Exhibit C**) has been provided in accordance with applicable state law and local ordinances; and,

**WHEREAS**, the Mayor and City Council have reviewed and considered the Applicant's request and both the recommendations of the public hearing and City staff as presented in the Report.

**THEREFORE, THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS:**

1.

- That the request for rezoning is hereby **APPROVED**.
- That the request for rezoning is hereby **DENIED**.

2.

That the use of the Property is subject to:

- The condition(s) set forth on **Exhibit D** attached hereto and incorporated herein by reference.
- The terms of the Development Agreement attached hereto as **Exhibit D** and incorporated herein by reference.
- If no **Exhibit D** is attached hereto, then the property is zoned without conditions.

3.

That, if the request is granted, the official zoning map for the City is hereby amended to reflect such zoning classification for the property.

4.

That, if granted, this Ordinance shall become effective immediately subject to the corresponding annexation ordinance under consideration.

**SO ORDAINED** by the Council of this City this 3<sup>rd</sup> day of July 2023.

---

ROBERT S. PRICE, Mayor

ATTEST:

---

MISTY SPURLING, City Clerk

(Seal)

APPROVED AS TO FORM:

---

City Attorney



**EXHIBIT A**

# SCHOTT & HAMILTON, LLC

1610 Des Peres Road, Suite 385  
St. Louis, MO 63131

April 5, 2023

RECEIVED

APR 11 REC'D

Office of the City Manager  
City of Locust Grove  
3644 Highway 42  
Locust Grove, GA 30248

City of Locust Grove


4/11/2023

Re: Application for Annexation

City Manager:

On behalf of The Cubes at Locust Grove, LLC, enclosed is an Application for Annexation. If you have any questions, please reach out to me directly (314) 323-0581, [caroline@schotthamilton.com](mailto:caroline@schotthamilton.com).

Very truly yours,



Caroline Saunders

SCHOTT & HAMILTON, LLC

RECEIVED

APR 11 REC'D

City of Locust Grove

7 8:50



## ANNEXATION APPLICATION

The enclosed forms have been compiled for your convenience in cases where land owners desire to annex property into the incorporated city limits of the City of Locust Grove.

All applicants for annexation must complete FORM 1 in its entirety.

--ALSO--

- If you and/or anyone else reside(s) on the property for which you are seeking annexation, please complete FORM 2.
- If no one resides on the property for which you are seeking annexation, please complete FORM 3.

Additional required information:

- A copy of the recorded deed for the subject property.
- A legal description of the subject property.
- A plat of the subject property, prepared by a professional surveyor, licensed in Georgia.

Please submit the above-noted information to the following location:

Office of the City Manager  
City of Locust Grove  
3644 Highway 42  
Locust Grove, GA 30248

**For questions regarding the annexation process, please call 770-957-5043**

APR 11 REC'D

City of Locust Grove

8:53

THE ONE HUNDRED PERCENT (100%) METHOD

Date of Submission: April 5, 2023

To the Mayor and City Council of the City of Locust Grove, Henry County, Georgia.

1. We, the undersigned, all of the owners of all real property of the territory described herein respectfully request that the City Council annex this territory to the City of Locust Grove, Georgia, and extend the City boundaries to include the same.
2. The territory to be annexed is unincorporated and contiguous (as described in O.C.G.A. 36-36-20) to the existing corporate limits of Locust Grove, Georgia, and the description of such territory is hereto attached as Exhibit A.


OWNERS NAME(S)	The Cubes at Locust Grove, LLC c/o CRG 2199 Innerbelt Business Center Drive Overland, MO 63119 Attn: Carol Martin
PROPERTY LOCATION	Old Bethlehem Road (See Exhibits Attached)
PHONE NUMBER	Carol Martin: (314) 592-2181 Caroline Saunders: (314) 323-0581
LAND LOT/DISTRICT	Land Lot 235 of the 2 <sup>nd</sup> District of Henry County
MAP CODE NO.	PIN 111-01015001
Acreage	15.31 acres (per Survey attached)
Zoning Classification	Vacant undeveloped Land

All property owners must sign as their name appears on the Deed.

OWNER:

THE CUBES AT LOCUST GROVE, LLC,  
a Delaware limited liability company

By: CRG Services Management, LLC, a Missouri  
limited liability company, its Manager

By:   
 Name: Lawrence R. Chapman, Jr.  
 Title: Vice-President

RECEIVED

APR 11 REC'D

City of Locust Grove

4/11/2021

FORM

APPLICATION FOR ANNEXATION UNDER THE SIXTY PERCENT (60%) METHOD LAND OWNERS ONLY

Date of Submission : April 5, 2023

To the Mayor and City Council of Locust Grove,

Georgia

- 1. We, the undersigned, representing not less than 60 percent of the electors resident in the territory described herein and the owners of not less than 60 percent of the real property within the territory described herein, do respectfully request that the City Council of Locust Grove, Georgia, annex the territory described below to the City of Locust Grove, Georgia, said City having a population of 200 or more persons, and extend the city boundaries to include the same.
2. The territory to be annexed is unincorporated and contiguous (as described in O.C. G. A. 36-36-31) to the existing corporate limits of Locust Grove, Georgia, and the description of such territory is attached as Exhibit A.

Table with 2 columns: Field Name and Value. Fields include OWNERS NAME(S), PROPERTY LOCATION, PHONE NUMBER, LAND LOT/DISTRICT, MAP CODE NO., Acreage, and Zoning Classification.

OWNER:

THE CUBES AT LOCUST GROVE, LLC,

RECEIVED

APR 11 REC'D

City of Locust Grove

a Delaware limited liability company

By: CRG Services Management, LLC, a Missouri  
limited liability company, its Manager

8:57

By: 

Name: Lawrence R. Chapman, Jr.

Title: Vice-President

All property owners must sign as their name appears on the Deed.

FORM3



RECEIVED

APR 11 RECD

City of Locust Grove

7 8/57

EXHIBIT A  
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 235 OF THE 2ND DISTRICT OF HENRY COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TO LOCATE THE POINT OF BEGINNING, COMMENCE AT A POINT LOCATED AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY OF OLD BETHLEHEM ROAD (A 60 FOOT RIGHT-OF-WAY) AND THE LINE DIVIDING LAND LOTS 247 AND 234 (BEING THE NORTH LINE OF LAND LOT 234) SAID DISTRICT AND COUNTY; RUNNING THENCE ALONG THE CURVATURE OF THE SOUTHEASTERLY, SOUTHERLY, AND SOUTHWESTERLY RIGHT OF WAY OF OLD BETHLEHEM ROAD THE FOLLOWING COURSES AND DISTANCES: SOUTHWESTERLY ALONG AN ARC WHICH IS SUBTENDED BY A CORD HAVING A CORD BEARING OF SOUTH 78 DEGREES 08 MINUTES 36 SECONDS WEST AND A CORD DISTANCE OF 275.83 FEET, AN ARC DISTANCE OF 277.72 FEET TO A RIGHT-OF-WAY MONUMENT; THENCE SOUTH 89 DEGREES 58 MINUTES 45 SECONDS WEST A DISTANCE OF 42.54 FEET TO A RIGHT-OF-WAY MONUMENT; THENCE NORTH 85 DEGREES 03 MINUTES 05 SECONDS WEST A DISTANCE OF 165.06 FEET TO A POINT; THENCE SOUTH 88 DEGREES 04 MINUTES 57 SECONDS WEST A DISTANCE OF 185.13 FEET TO A POINT; THENCE SOUTH 84 DEGREES 09 MINUTES 44 SECONDS WEST A DISTANCE OF 181.89 FEET TO A POINT; THENCE SOUTH 82 DEGREES 06 MINUTES 01 SECONDS WEST A DISTANCE OF 168.36 FEET TO A POINT; THENCE SOUTH 82 DEGREES 49 MINUTES 32 SECONDS WEST A DISTANCE OF 135.05 FEET TO A POINT; THENCE SOUTH 82 DEGREES 24 MINUTES 03 SECONDS WEST A DISTANCE OF 71.77 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY OF OLD BETHLEHEM ROAD, SAME BEING THE POINT OF BEGINNING; FROM THE POINT OF BEGINNING AS THUS ESTABLISHED, RUNNING THENCE SOUTH 01 DEGREES 30 MINUTES 46 SECONDS WEST A DISTANCE OF 2,893.50 FEET TO A POINT LOCATED ON THE SOUTHERLY LAND LOT LINE OF LAND LOT 235; RUNNING THENCE NORTH 89 DEGREES 18 MINUTES 19 SECONDS WEST ALONG THE SOUTHERLY LAND LOT LINE OF LAND LOT 235 A DISTANCE OF 380.45 FEET TO A FENCE CORNER; RUNNING THENCE NORTH 01 DEGREES 30 MINUTES 46 SECONDS EAST A DISTANCE OF 2,827.35 FEET TO A POINT LOCATED ON THE SOUTHEASTERLY RIGHT-OF-WAY OF OLD BETHLEHEM ROAD; RUNNING THENCE ALONG THE SAID RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 79 DEGREES 03 MINUTES 52 SECONDS EAST A DISTANCE OF 83.88 FEET TO A POINT; THENCE CONTINUING ALONG THE RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 80 DEGREES 28 MINUTES 27 SECONDS EAST A DISTANCE OF 130.09 FEET TO A POINT; THENCE CONTINUING ALONG THE RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 81 DEGREES 52 MINUTES 09 SECONDS EAST A DISTANCE OF 127.37 FEET TO A POINT; THENCE CONTINUING ALONG THE RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 82 DEGREES 24 MINUTES 03 SECONDS EAST A DISTANCE OF 45.83 FEET TO THE POINT OF BEGINNING, SAME BEING DESIGNATED AS TRACT A CONSISTING OF 25.00 ACRES AS DELINEATED ON PLAT OF SURVEY BY G. TIM CONKLE, GEORGIA REGISTERED LAND SURVEYOR, DATED JUNE 22, 1987.

LESS AND EXCEPT:

ALL THAT PORTION OF THE ABOVE DESCRIBED PROPERTY WHICH WAS CONDEMNED IN THAT CERTAIN CONDEMNATION PROCEEDING CIVIL ACTION FILE NO. 94-CV-0852 IN THE SUPERIOR COURT OF HENRY COUNTY, GEORGIA, SAME BEING THAT CERTAIN 9.18 ACRES LYING AND BEING IN LAND LOT 235 OF THE 2ND DISTRICT, HENRY COUNTY, GEORGIA RECORDS AS PER PLAT OF SURVEY DATED FEBRUARY 8, 1994 RECORDED IN PLAT BOOK 23, PAGE 92, HENRY COUNTY, GEORGIA RECORDS.

SAID TRACT CONTAINS APPROXIMATELY 15.381 ACRES.

RECEIVED

APR 11 REC'D

EXHIBIT B  
DEED

City of Locust Grove

9 8:53



RECEIVED

APR 11 REC'D

City of Locust Grove

*Handwritten initials and number: JH 8.5?*

**BK:19234 PG:877-881**  
Filed and Recorded  
Dec-28-2022 08:16 AM  
DOC# 2022 - 043114  
Real Estate Transfer Tax  
Paid: \$ 162.40  
0752022013405  
SABRIYA HILL  
CLERK OF SUPERIOR COURT  
HENRY COUNTY, GA  
Participant ID: 1983094574

*After recording, return to:*  
Morris, Manning & Martin, LLP  
1600 Atlanta Financial Center  
3343 Peachtree Road, NE  
Atlanta, GA 30326  
Attn: Marc. R. Bulson

Property Tax Parcel ID#: 111-01015001

STATE OF GEORGIA

COUNTY OF FULTON

**LIMITED WARRANTY DEED**

THIS INDENTURE, made effective as of the 21<sup>st</sup> day of December, 2022, between CRG ACQUISITION, LLC, a Missouri limited liability company (the GRANTOR”), and THE CUBES AT LOCUST GROVE, LLC, a Delaware limited liability company (the “GRANTEE”); “Grantor” and “Grantee” shall include their respective heirs, successors and assigns.

**WITNESSETH:**

THAT, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does hereby grant, bargain, sell, alien, convey and confirm unto Grantee that certain tract or parcel of land lying and being in Henry County, Georgia and being more fully described in Exhibit “A” attached hereto and made a part hereof, together with all improvements located thereon, if any, together with all rights, members and appurtenances in any manner appertaining or belonging to said property (collectively the “PROPERTY”);

TO HAVE AND TO HOLD the Property to the only proper use, benefit and behoof of Grantee forever in fee simple; subject only to real estate taxes and assessments that are unpaid as non-delinquent for the year 2022 and subsequent years, all encumbrances, easements and restrictions of public record, and all matters which would be disclosed by an accurate survey of the Property (hereinafter the “PERMITTED EXCEPTIONS”), and Grantor shall warrant and forever defend the right, title and interest to the Property unto Grantee against the claims of all

RECEIVED

APR 11 REC'D

City of Locust Grove

153

BK-19234 PG:878

persons claiming by, through or under Grantor, except for claims arising under and by virtue of the Permitted Exceptions.

(Signature Page to Follow)

RECEIVED

APR 11 REC'D

8153

BK-19234 PG:879

City of Locust Grove

9

IN WITNESS WHEREOF, Grantor has executed this Deed under seal on the day and year set forth above.

Signed, sealed and delivered in the presence of:

Courtney Ray  
Unofficial Witness Courtney Ray

Carol Martin

Notary Public  
My Commission Expires: 3-10-23

[NOTARIAL SEAL]

GRANTOR:

CRG ACQUISITION, LLC,  
a Missouri limited liability company

By: CRG Services Management, LLC,  
its Manager

By: [Signature]

Name: Christopher P. McKee

Title: Chief Development Officer



RECEIVED

APR 11 REC'D

City of Locust Grove

8:53

BK:19234 PG:880

Exhibit A

**Legal Description**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 235 OF THE 2ND DISTRICT OF HENRY COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO LOCATE THE POINT OF BEGINNING, COMMENCE AT A POINT LOCATED AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY OF OLD BETHLEHEM ROAD (A 60 FOOT RIGHT-OF-WAY) AND THE LINE DIVIDING LAND LOTS 247 AND 234 (BEING THE NORTH LINE OF LAND LOT 234) SAID DISTRICT AND COUNTY; RUNNING THENCE ALONG THE CURVATURE OF THE SOUTHEASTERLY, SOUTHERLY, AND SOUTHWESTERLY RIGHT OF WAY OF OLD BETHLEHEM ROAD THE FOLLOWING COURSES AND DISTANCES: SOUTHWESTERLY ALONG AN ARC WHICH IS SUBTENDED BY A CORD HAVING A CORD BEARING OF SOUTH 78 DEGREES 08 MINUTES 36 SECONDS WEST AND A CORD DISTANCE OF 275.83 FEET, AN ARC DISTANCE OF 277.72 FEET TO A RIGHT-OF-WAY MONUMENT; THENCE SOUTH 89 DEGREES 58 MINUTES 45 SECONDS WEST A DISTANCE OF 42.54 FEET TO A RIGHT-OF-WAY MONUMENT; THENCE NORTH 85 DEGREES 03 MINUTES 05 SECONDS WEST A DISTANCE OF 165.06 FEET TO A POINT; THENCE SOUTH 88 DEGREES 04 MINUTES 57 SECONDS WEST A DISTANCE OF 185.13 FEET TO A POINT; THENCE SOUTH 84 DEGREES 09 MINUTES 44 SECONDS WEST A DISTANCE OF 181.89 FEET TO A POINT; THENCE SOUTH 82 DEGREES 06 MINUTES 01 SECONDS WEST A DISTANCE OF 168.36 FEET TO A POINT; THENCE SOUTH 82 DEGREES 49 MINUTES 32 SECONDS WEST A DISTANCE OF 135.05 FEET TO A POINT; THENCE SOUTH 82 DEGREES 24 MINUTES 03 SECONDS WEST A DISTANCE OF 71.77 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY OF OLD BETHLEHEM ROAD, SAME BEING THE POINT OF BEGINNING; FROM THE POINT OF BEGINNING AS THUS ESTABLISHED, RUNNING THENCE SOUTH 01 DEGREES 30 MINUTES 46 SECONDS WEST A DISTANCE OF 2,893.50 FEET TO A POINT LOCATED ON THE SOUTHERLY LAND LOT LINE OF LAND LOT 235; RUNNING THENCE NORTH 89 DEGREES 18 MINUTES 19 SECONDS WEST ALONG THE SOUTHERLY LAND LOT LINE OF LAND LOT 235 A DISTANCE OF 380.45 FEET TO A FENCE CORNER; RUNNING THENCE NORTH 01 DEGREES 30 MINUTES 46 SECONDS EAST A DISTANCE OF 2,827.35 FEET TO A POINT LOCATED ON THE SOUTHEASTERLY RIGHT-OF-WAY OF OLD BETHLEHEM ROAD; RUNNING THENCE ALONG THE SAID RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 79 DEGREES 03 MINUTES 52 SECONDS EAST A DISTANCE OF 83.88 FEET TO A POINT; THENCE CONTINUING ALONG THE RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 80 DEGREES 28 MINUTES 27 SECONDS EAST A DISTANCE OF 130.09 FEET TO A POINT; THENCE CONTINUING ALONG THE RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 81 DEGREES 52 MINUTES 09 SECONDS EAST A DISTANCE OF 127.37 FEET TO A POINT; THENCE CONTINUING ALONG THE RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 82 DEGREES 24 MINUTES 03 SECONDS EAST A DISTANCE OF 45.83 FEET TO THE POINT OF BEGINNING, SAME BEING DESIGNATED AS TRACT A CONSISTING OF 25.00 ACRES



RECEIVED

APR 11 REC'D

City of Locust Grove

*[Handwritten signature]*  
8:53

BK:19234 PG:881

AS DELINEATED ON PLAT OF SURVEY BY G. TIM CONKLE, GEORGIA REGISTERED LAND SURVEYOR, DATED JUNE 22, 1987.

LESS AND EXCEPT: ALL THAT PORTION OF THE ABOVE DESCRIBED PROPERTY WHICH WAS CONDEMNED IN THAT CERTAIN CONDEMNATION PROCEEDING CIVIL ACTION FILE NO. 94-CV- 0852 IN THE SUPERIOR COURT OF HENRY COUNTY, GEORGIA, SAME BEING THAT CERTAIN 9.18 ACRES LYING AND BEING IN LAND LOT 235 OF THE 2ND DISTRICT, HENRY COUNTY, GEORGIA RECORDS AS PER PLAT OF SURVEY DATED FEBRUARY 8, 1994 RECORDED IN PLAT BOOK 23, PAGE 92, HENRY COUNTY, GEORGIA RECORDS.

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City of Locust Grove

EXHIBIT C  
SURVEY



NO. 1	1-10-1
DATE	
BY	
FOR	
PROJECT	
DESCRIPTION	
DATE	

BOUNDARY SURVEY  
FOR  
CLAYCO  
LAND TRACTS AND DISTRICT  
HARTY COUNTY, GEORGIA

DRIFT 3-26-18

1  
SHEET 1 OF 1  
DATE: 10/11/17  
JOB NO. 17-00000

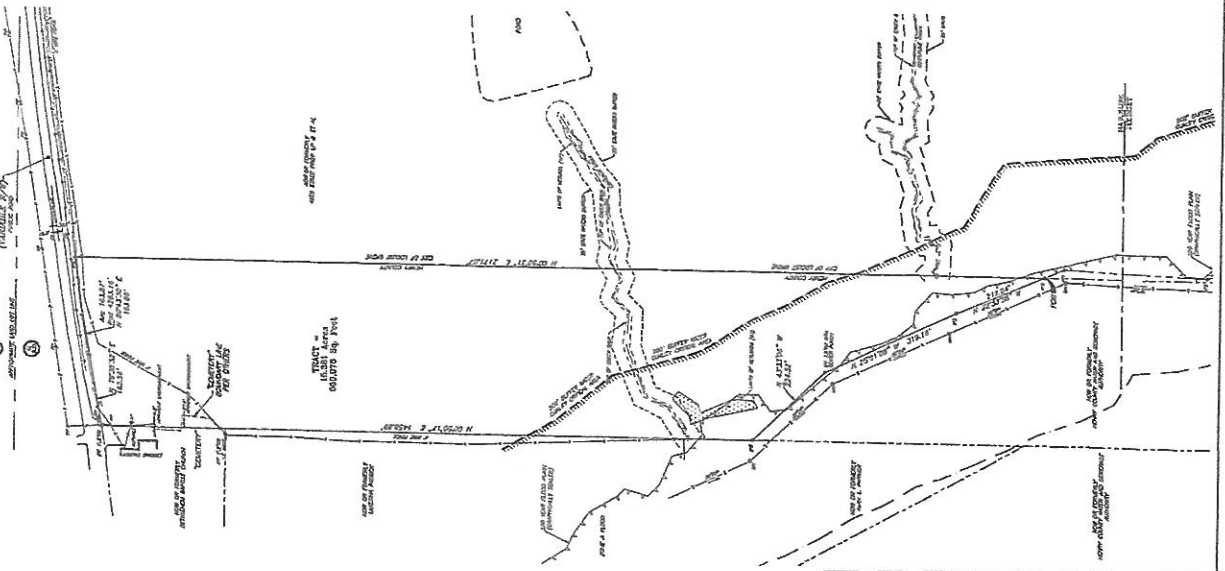
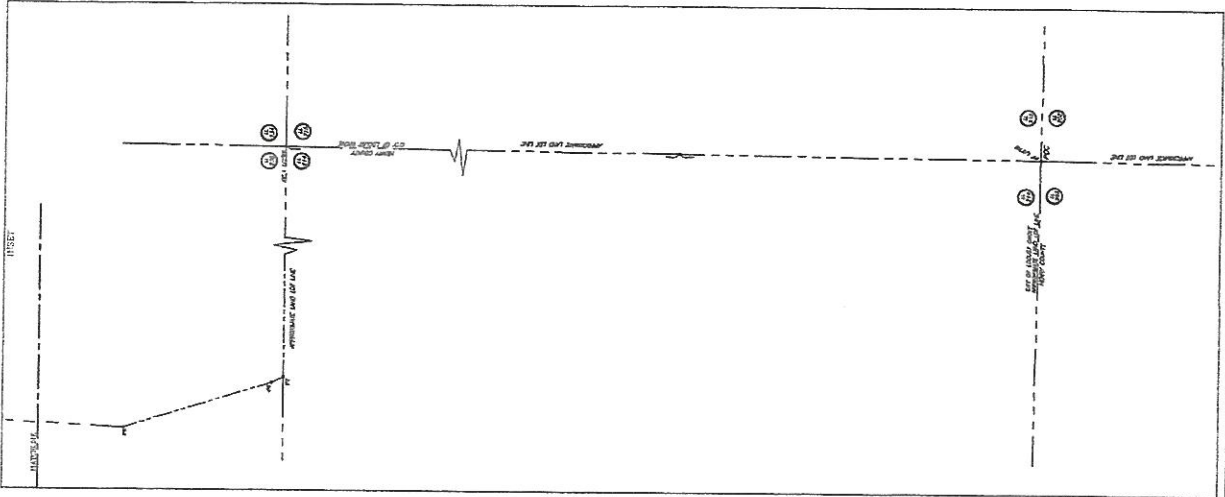
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City of Locust Grove

8.53

COMPANY SURVEY  
This survey was prepared in conformity with the Professional Surveying Act of Georgia, Chapter 40-1-1, and the rules and regulations of the State Board of Professional Surveyors, Georgia, and we are not bound by the Georgia Professional Surveying Act, Chapter 40-1-1.



LEGEND

1	BOUNDARY LINE
2	PROPERTY LINE
3	ADJACENT PROPERTY
4	ADJACENT ROAD
5	ADJACENT UTILITY
6	ADJACENT WIND
7	ADJACENT WIND
8	ADJACENT WIND
9	ADJACENT WIND
10	ADJACENT WIND



APPROVED TO AND IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Surveyor General of Georgia, this 11th day of April, 2018.

Surveyor General of Georgia

APPROVED TO AND IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Surveyor General of Georgia, this 11th day of April, 2018.

Surveyor General of Georgia

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Surveyor General of Georgia

APPROVED TO AND IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Surveyor General of Georgia, this 11th day of April, 2018.

Surveyor General of Georgia



# City of Locust Grove

P.O. Box 900 Locust Grove, Georgia 30248-0900

Telephone (770) 957—5043 Fax: 1-866-364-0996

**MAYOR**

Robert Price

**COUNCIL**

Keith Boone

Rudy Breedlove

Carlos Greer

Rod Shearouse

Willie J. Taylor

Vincent Williams

**CITY MANAGER**

Tim Young

**CITY CLERK**

Misty Spurling

April 11, 2023

Henry County Board of Commissioners  
Attention: Carlotta Harrell, Chair  
140 Henry Parkway  
McDonough, GA 30253

RE: Annexation of 15.31 +/- acres (Parcel ID: 111-01015001) located on [Old] Bethlehem Road.

Dear Chair Harrell:

The City of Locust Grove has accepted an application on April 11, 2023, for annexation of the following property:

15.31 +/- acres (Parcel ID: 111-01015001) located on [Old] Bethlehem Road. The annexation request is on behalf of The Cubes at Locust Grove, LLC in care of CRG Services Management, LLC.

The subject property will be contiguous to the existing City Limits and is being annexed by the 100% Method with no planned change in zoning other than a classification of the same RA (Residential-Agricultural) zoning district and Future Land Use designation of Low Density Residential in the City of Locust Grove as is equivalent in Henry County.

Utilities will be provided by the Henry County Water Authority per the most recent Service Delivery Strategy agreement with the Henry County Water Authority.

This notice is being provided to you in accordance with Agreement Section 4. H. 4 and O.C.G.A. § 36-36-111 of the acceptance of the application for your consideration and comment.

Should you need any further information on this matter, please feel free to contact me at (770) 957-5043.

Respectfully,

Tim Young, City Manager

Cc: Cheri Hobson-Matthews, County Manager  
Nancy Rowan, Henry County Attorney  
Andy Welch, City Attorney  
Locust Grove City Council  
Henry County Water Authority  
Henry County Tax Assessors



# SCHOTT & HAMILTON, LLC

1610 Des Peres Road, Suite 385  
St. Louis, MO 63131

April 5, 2023

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APR 11 REC'D

Office of the City Manager  
City of Locust Grove  
3644 Highway 42  
Locust Grove, GA 30248

City of Locust Grove

4/11/2023

Re: Application for Annexation

City Manager:

On behalf of The Cubes at Locust Grove, LLC, enclosed is an Application for Annexation. If you have any questions, please reach out to me directly (314) 323-0581, [caroline@schotthamilton.com](mailto:caroline@schotthamilton.com).

Very truly yours,



Caroline Saunders

SCHOTT & HAMILTON, LLC

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City of Locust Grove

8:150



## ANNEXATION APPLICATION

The enclosed forms have been compiled for your convenience in cases where land owners desire to annex property into the incorporated city limits of the City of Locust Grove.

All applicants for annexation must complete FORM 1 in its entirety.

--ALSO--

- If you and/or anyone else reside(s) on the property for which you are seeking annexation, please complete FORM 2.
- If no one resides on the property for which you are seeking annexation, please complete FORM 3.

Additional required information:

- A copy of the recorded deed for the subject property.
- A legal description of the subject property.
- A plat of the subject property, prepared by a professional surveyor, licensed in Georgia.

Please submit the above-noted information to the following location:

Office of the City Manager  
City of Locust Grove  
3644 Highway 42  
Locust Grove, GA 30248

**For questions regarding the annexation process, please call 770-957-5043**

APR 11 REC'D

City of Locust Grove

8:53

THE ONE HUNDRED PERCENT (100%) METHOD

Date of Submission: April 5, 2023

To the Mayor and City Council of the City of Locust Grove, Henry County, Georgia.

1. We, the undersigned, all of the owners of all real property of the territory described herein respectfully request that the City Council annex this territory to the City of Locust Grove, Georgia, and extend the City boundaries to include the same.
2. The territory to be annexed is unincorporated and contiguous (as described in O.C.G.A. 36-36-20) to the existing corporate limits of Locust Grove, Georgia, and the description of such territory is hereto attached as Exhibit A.


OWNERS NAME(S)	The Cubes at Locust Grove, LLC c/o CRG 2199 Innerbelt Business Center Drive Overland, MO 63119 Attn: Carol Martin
PROPERTY LOCATION	Old Bethlehem Road (See Exhibits Attached)
PHONE NUMBER	Carol Martin: (314) 592-2181 Caroline Saunders: (314) 323-0581
LAND LOT/DISTRICT	Land Lot 235 of the 2 <sup>nd</sup> District of Henry County
MAP CODE NO.	PIN 111-01015001
Acreage	15.31 acres (per Survey attached)
Zoning Classification	Vacant undeveloped Land

All property owners must sign as their name appears on the Deed.

OWNER:

THE CUBES AT LOCUST GROVE, LLC,  
a Delaware limited liability company

By: CRG Services Management, LLC, a Missouri  
limited liability company, its Manager

By:   
 Name: Lawrence R. Chapman, Jr.  
 Title: Vice-President

RECEIVED

APR 11 REC'D

City of Locust Grove

4/11/2021

FORM

APPLICATION FOR ANNEXATION UNDER THE SIXTY PERCENT (60%) METHOD LAND OWNERS ONLY

Date of Submission : April 5, 2023

To the Mayor and City Council of Locust Grove,

Georgia

- 1. We, the undersigned, representing not less than 60 percent of the electors resident in the territory described herein and the owners of not less than 60 percent of the real property within the territory described herein, do respectfully request that the City Council of Locust Grove, Georgia, annex the territory described below to the City of Locust Grove, Georgia, said City having a population of 200 or more persons, and extend the city boundaries to include the same.
2. The territory to be annexed is unincorporated and contiguous (as described in O.C. G. A. 36-36-31) to the existing corporate limits of Locust Grove, Georgia, and the description of such territory is attached as Exhibit A.

Table with 2 columns: Field Name and Value. Fields include OWNERS NAME(S), PROPERTY LOCATION, PHONE NUMBER, LAND LOT/DISTRICT, MAP CODE NO., Acreage, and Zoning Classification.

OWNER:

THE CUBES AT LOCUST GROVE, LLC,

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APR 11 REC'D

City of Locust Grove

a Delaware limited liability company

By: CRG Services Management, LLC, a Missouri  
limited liability company, its Manager

8:57

By: 

Name: Lawrence R. Chapman, Jr.

Title: Vice-President

All property owners must sign as their name appears on the Deed.

FORM3



RECEIVED

APR 11 RECD

City of Locust Grove

7/8/57

EXHIBIT A  
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 235 OF THE 2ND DISTRICT OF HENRY COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TO LOCATE THE POINT OF BEGINNING, COMMENCE AT A POINT LOCATED AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY OF OLD BETHLEHEM ROAD (A 60 FOOT RIGHT-OF-WAY) AND THE LINE DIVIDING LAND LOTS 247 AND 234 (BEING THE NORTH LINE OF LAND LOT 234) SAID DISTRICT AND COUNTY; RUNNING THENCE ALONG THE CURVATURE OF THE SOUTHEASTERLY, SOUTHERLY, AND SOUTHWESTERLY RIGHT OF WAY OF OLD BETHLEHEM ROAD THE FOLLOWING COURSES AND DISTANCES: SOUTHWESTERLY ALONG AN ARC WHICH IS SUBTENDED BY A CORD HAVING A CORD BEARING OF SOUTH 78 DEGREES 08 MINUTES 36 SECONDS WEST AND A CORD DISTANCE OF 275.83 FEET, AN ARC DISTANCE OF 277.72 FEET TO A RIGHT-OF-WAY MONUMENT; THENCE SOUTH 89 DEGREES 58 MINUTES 45 SECONDS WEST A DISTANCE OF 42.54 FEET TO A RIGHT-OF-WAY MONUMENT; THENCE NORTH 85 DEGREES 03 MINUTES 05 SECONDS WEST A DISTANCE OF 165.06 FEET TO A POINT; THENCE SOUTH 88 DEGREES 04 MINUTES 57 SECONDS WEST A DISTANCE OF 185.13 FEET TO A POINT; THENCE SOUTH 84 DEGREES 09 MINUTES 44 SECONDS WEST A DISTANCE OF 181.89 FEET TO A POINT; THENCE SOUTH 82 DEGREES 06 MINUTES 01 SECONDS WEST A DISTANCE OF 168.36 FEET TO A POINT; THENCE SOUTH 82 DEGREES 49 MINUTES 32 SECONDS WEST A DISTANCE OF 135.05 FEET TO A POINT; THENCE SOUTH 82 DEGREES 24 MINUTES 03 SECONDS WEST A DISTANCE OF 71.77 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY OF OLD BETHLEHEM ROAD, SAME BEING THE POINT OF BEGINNING; FROM THE POINT OF BEGINNING AS THUS ESTABLISHED, RUNNING THENCE SOUTH 01 DEGREES 30 MINUTES 46 SECONDS WEST A DISTANCE OF 2,893.50 FEET TO A POINT LOCATED ON THE SOUTHERLY LAND LOT LINE OF LAND LOT 235; RUNNING THENCE NORTH 89 DEGREES 18 MINUTES 19 SECONDS WEST ALONG THE SOUTHERLY LAND LOT LINE OF LAND LOT 235 A DISTANCE OF 380.45 FEET TO A FENCE CORNER; RUNNING THENCE NORTH 01 DEGREES 30 MINUTES 46 SECONDS EAST A DISTANCE OF 2,827.35 FEET TO A POINT LOCATED ON THE SOUTHEASTERLY RIGHT-OF-WAY OF OLD BETHLEHEM ROAD; RUNNING THENCE ALONG THE SAID RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 79 DEGREES 03 MINUTES 52 SECONDS EAST A DISTANCE OF 83.88 FEET TO A POINT; THENCE CONTINUING ALONG THE RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 80 DEGREES 28 MINUTES 27 SECONDS EAST A DISTANCE OF 130.09 FEET TO A POINT; THENCE CONTINUING ALONG THE RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 81 DEGREES 52 MINUTES 09 SECONDS EAST A DISTANCE OF 127.37 FEET TO A POINT; THENCE CONTINUING ALONG THE RIGHT-OF-WAY OF OLD BETHLEHEM ROAD NORTH 82 DEGREES 24 MINUTES 03 SECONDS EAST A DISTANCE OF 45.83 FEET TO THE POINT OF BEGINNING, SAME BEING DESIGNATED AS TRACT A CONSISTING OF 25.00 ACRES AS DELINEATED ON PLAT OF SURVEY BY G. TIM CONKLE, GEORGIA REGISTERED LAND SURVEYOR, DATED JUNE 22, 1987.

LESS AND EXCEPT:

ALL THAT PORTION OF THE ABOVE DESCRIBED PROPERTY WHICH WAS CONDEMNED IN THAT CERTAIN CONDEMNATION PROCEEDING CIVIL ACTION FILE NO. 94-CV-0852 IN THE SUPERIOR COURT OF HENRY COUNTY, GEORGIA, SAME BEING THAT CERTAIN 9.18 ACRES LYING AND BEING IN LAND LOT 235 OF THE 2ND DISTRICT, HENRY COUNTY, GEORGIA RECORDS AS PER PLAT OF SURVEY DATED FEBRUARY 8, 1994 RECORDED IN PLAT BOOK 23, PAGE 92, HENRY COUNTY, GEORGIA RECORDS.

SAID TRACT CONTAINS APPROXIMATELY 15.381 ACRES.

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EXHIBIT B  
DEED

City of Locust Grove

9 8:53

RECEIVED

APR 11 REC'D

City of Locust Grove

*Handwritten initials and number: JH 8.5?*

**BK:19234 PG:877-881**  
Filed and Recorded  
Dec-28-2022 08:16 AM  
DOC# 2022 - 043114  
Real Estate Transfer Tax  
Paid: \$ 162.40  
0752022013405  
SABRIYA HILL  
CLERK OF SUPERIOR COURT  
HENRY COUNTY, GA  
Participant ID: 1983094574

*After recording, return to:*  
Morris, Manning & Martin, LLP  
1600 Atlanta Financial Center  
3343 Peachtree Road, NE  
Atlanta, GA 30326  
Attn: Marc. R. Bulson

Property Tax Parcel ID#: 111-01015001

STATE OF GEORGIA

COUNTY OF FULTON

**LIMITED WARRANTY DEED**

THIS INDENTURE, made effective as of the 21<sup>st</sup> day of December, 2022, between CRG ACQUISITION, LLC, a Missouri limited liability company (the GRANTOR”), and THE CUBES AT LOCUST GROVE, LLC, a Delaware limited liability company (the “GRANTEE”); “Grantor” and “Grantee” shall include their respective heirs, successors and assigns.

**WITNESSETH:**

THAT, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does hereby grant, bargain, sell, alien, convey and confirm unto Grantee that certain tract or parcel of land lying and being in Henry County, Georgia and being more fully described in Exhibit “A” attached hereto and made a part hereof, together with all improvements located thereon, if any, together with all rights, members and appurtenances in any manner appertaining or belonging to said property (collectively the “PROPERTY”);

TO HAVE AND TO HOLD the Property to the only proper use, benefit and behoof of Grantee forever in fee simple; subject only to real estate taxes and assessments that are unpaid as non-delinquent for the year 2022 and subsequent years, all encumbrances, easements and restrictions of public record, and all matters which would be disclosed by an accurate survey of the Property (hereinafter the “PERMITTED EXCEPTIONS”), and Grantor shall warrant and forever defend the right, title and interest to the Property unto Grantee against the claims of all



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City of Locust Grove

153

BK-19234 PG:878

persons claiming by, through or under Grantor, except for claims arising under and by virtue of the Permitted Exceptions.

(Signature Page to Follow)

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BK-19234 PG:879

City of Locust Grove

9

IN WITNESS WHEREOF, Grantor has executed this Deed under seal on the day and year set forth above.

Signed, sealed and delivered in the presence of:

Courtney Ray  
Unofficial Witness Courtney Ray

Carol Martin

Notary Public  
My Commission Expires: 3-10-23

[NOTARIAL SEAL]

GRANTOR:

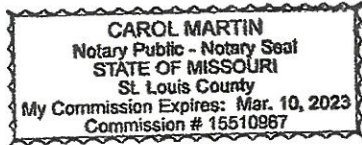
CRG ACQUISITION, LLC,  
a Missouri limited liability company

By: CRG Services Management, LLC,  
its Manager

By: [Signature]

Name: Christopher P. McKee

Title: Chief Development Officer



RECEIVED

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City of Locust Grove

8:53

BK:19234 PG:880

Exhibit A

**Legal Description**

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City of Locust Grove

*[Handwritten signature]*  
8:53

BK:19234 PG:881

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8:57

City of Locust Grove

EXHIBIT C  
SURVEY





DATE	11-10-11
PROJECT	BOUNDARY SURVEY FOR CLAYCO
PREPARED BY	DAVID L. HARRIS
CHECKED BY	DAVID L. HARRIS
DATE	
REVISION	

BOUNDARY SURVEY  
FOR  
CLAYCO  
LAND IN CLAY COUNTY, GEORGIA

DRIFT 3-26-18

1  
SHEET 1 OF 1  
DATE: 11/10/11  
JOB NO. 11111111

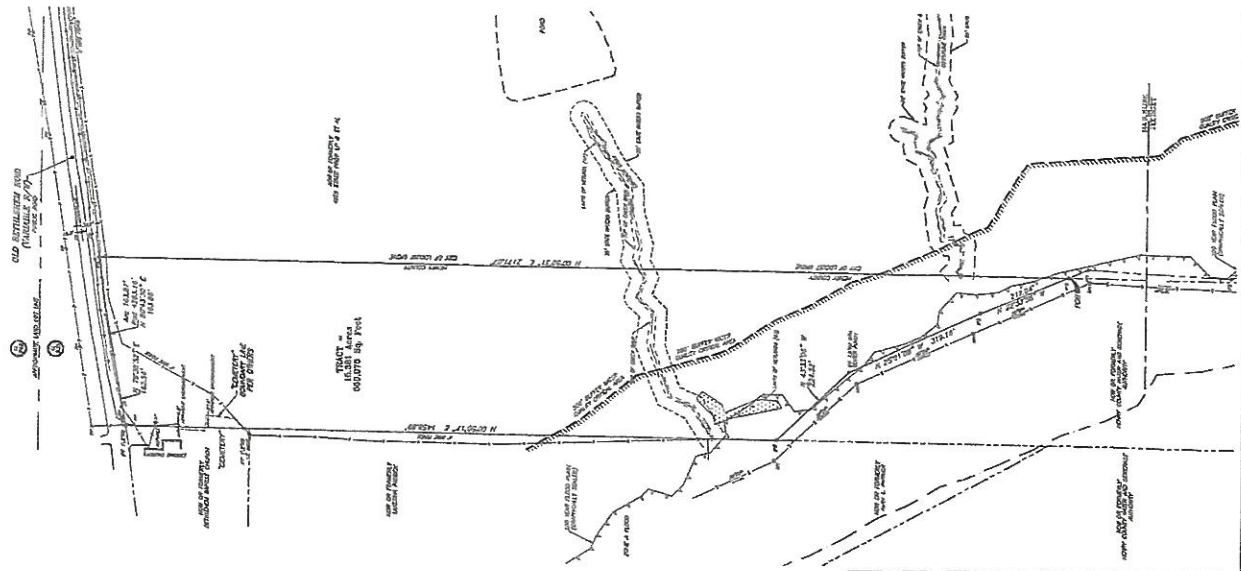
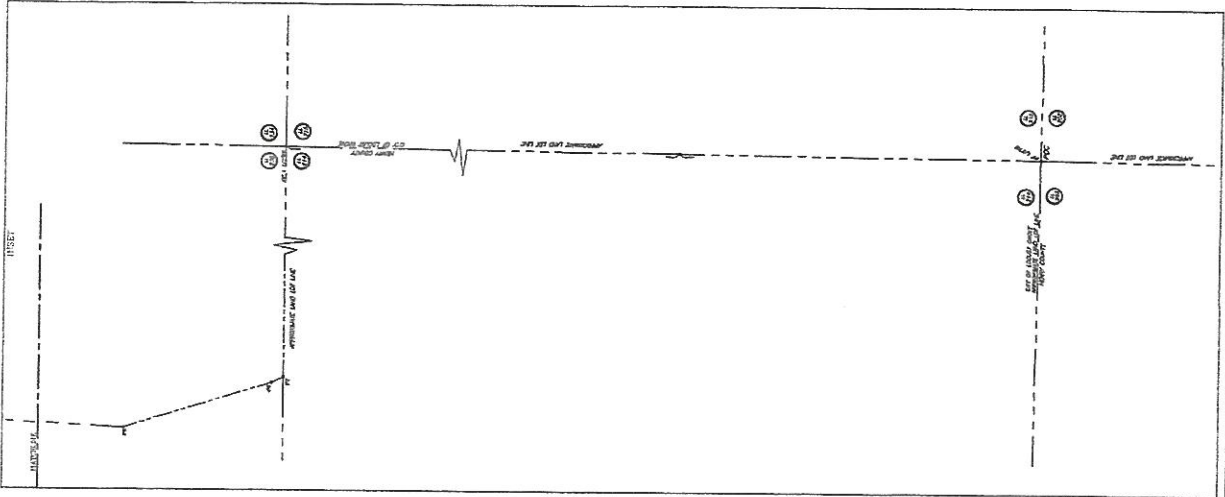
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City of Locust Grove

8.53

COMPANY SURVEYOR  
This survey was prepared in conformity with the Professional Surveying Act of Georgia, Chapter 133-2 of the Official Code of Georgia Annotated, and the rules and regulations of the State Board of Surveying and Mapping, and we are not bound by the Georgia Professional Surveying Act, Chapter 133-2 of the Official Code of Georgia Annotated.



LEGEND

---	PROPERTY BOUNDARY
---	EASEMENT
---	ADJACENT PROPERTY
---	ROAD
---	UTILITY
---	...



APPROVED TO AND IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Surveyor General of Georgia, this 11th day of April, 2012.

DAVID L. HARRIS  
SURVEYOR GENERAL OF GEORGIA

## **EXHIBIT B**



# REZONING EVALUATION REPORT

July 3, 2023

FILE: RZ-23-04-02

REZONING

## Property Information

Tax ID	111-01015001
Location/address	Land Lot 235 of the 2 <sup>nd</sup> district/ Price Drive and Old Bethlehem Road
Parcel Size	15.31+/- acres
Current Zoning	RA (County Residential Agricultural)
Request	Annex and Rezone RA-zoned property from unincorporated Henry County into the City of Locust Grove with RA zoning
Proposed Use	Future Industrial/Price Drive realignment
Existing Land Use	Vacant/undeveloped
Future Land Use	County Low Density Residential (unincorporated Henry County)
Recommendation	Approval

## Summary

The Cubes at Locust Grove, LLC has submitted an application requesting annexation of a 15.31 +/- acre tract located on Old Bethlehem Road west of Price Drive (Parcel ID # 111-01015000). The zoning of the subject property is currently RA (Residential Agricultural) within unincorporated Henry County. The proposed rezoning is to City's equivalent zoning district of RA (Residential Agricultural). The future land use designation will remain the equivalent Low Density Residential (LD) designation within the incorporated boundaries of Locust Grove. The Applicant is utilizing the 100% method per O.C.G.A. §36-36-20. The Henry County Board of Commissioners raised no objections to this annexation during their May 2, 2023 meeting.

## Service Delivery / Infrastructure

*Preserving the Past... ....Planning the Future*





# REZONING EVALUATION REPORT

July 3, 2023

FILE: RZ-23-04-02

REZONING

**Water and Sewer:** According to the City of Locust Grove Public Works Department, the subject property is not currently located within the City's water and sanitary sewer service areas. Water and sanitary sewer service is available within the vicinity via the Henry County Water Authority.

**Police Services:** If the Subject Property is annexed into the city limits, it will be placed on a regular patrol route.

**Fire:** Fire and emergency services will be performed by Henry County as is the case in other areas of the City.

**Transportation Impacts:** There are no discernible increases or changes to transportation patterns in the vicinity because of this annexation request. The applicant intends to develop the subject property in the future as part of an adjacent industrial site. Therefore, if and when future development of the subject property occurs, transportation impacts will be analyzed at that time during the anticipated rezoning process.

## Criteria for Evaluation of Rezoning Request

### Section 17.04.315 Procedure for Hearing before City Council.

- (a) **All proposed amendments to this chapter or to the official zoning map with required site plans shall be considered at public hearing. The City Council shall consider the following:**
- (1) **The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community.** No impacts on the character of the particular area are anticipated as a result of this request given the zoning on the Subject Property is being rezoned from RA-County to RA-City as part of an annexation request.
  - (2) **The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of this Chapter.** The request will continue the current Residential Agricultural uses of the subject property as it transitions from the unincorporated area of Henry County into the city limits of Locust Grove, until such time that 1 year has passed and the applicant proceeds with next steps in rezoning the subject property for future industrial use and expansion of existing/future industrial development along Price Drive.
  - (3) **Consistency with the Land Use Plan.** If the annexation is approved, the City's Future Land Use designation of Rural Residential (RR) would appropriately match the current rural/ low density character of Bethlehem Road.



# REZONING EVALUATION REPORT

July 3, 2023

FILE: RZ-23-04-02

## REZONING

- (4) **The potential impact of the proposed amendment on City infrastructure including water and sewerage systems.** There are no impacts to the City's infrastructure given the subject property will not discontinue the current residential agricultural uses for at a minimum of one year.
- (5) **The impact of the proposed amendment on adjacent thoroughfares and pedestrian vehicular circulation and traffic volumes.** No immediate impacts are anticipated from granting this annexation request. However, future development of the subject property and adjacent parcels will likely impact traffic circulation in the area. Upcoming transportation improvements such as the Bethlehem Road Interchange and Price Drive realignment will improve traffic flow and access to I-75 to better accommodate existing and future industrial development in the area. The main use of the subject property being considered for annexation/rezoning is for the future relocation of Price Drive, an overall positive impact.
- (6) **The impact upon adjacent property owners should the request be approved.** Should the annexation request be approved, there are no immediate plans to change the manner in which the subject property is currently utilized. However, the applicant has communicated plans to develop the subject property as part of an adjacent industrial development after one-year post-annexation, which is required per O.C.G.A. 36-36-11. Any development of the subject property in the future will have an impact on adjacent property owners specific to increases in traffic and pedestrian volumes. Future impacts will be identified and evaluated at the time any future rezoning is requested.
- (7) **The ability of the subject land to be developed as it is presently zoned.** Currently, the subject property may be developed into permitted uses granted by the RA (Residential Agricultural) zoning district both in the City and unincorporated County.
- (8) **The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.** There are no known physical conditions or limitations that could preclude the use of the subject property.
- (9) **The merits of the requested change in zoning relative to any other guidelines and policies for development which the Community Development Commission and City Council may use in furthering the objectives of the Land Use Plan.** The merits are consistent with both the City's zoning ordinance, future and existing development patterns in the area as well as future transportation improvements.

## Recommendation

Taking into consideration that the annexation request meets all of the legalities required by the Georgia Annexation Law, staff recommends APPROVAL of the applicants request to rezone the subject property into the City of Locust Grove from RA (Residential Agricultural) unincorporated

*Preserving the Past... ....Planning the Future*



# REZONING EVALUATION REPORT

July 3, 2023

FILE: RZ-23-04-02

REZONING

---

Henry County to RA (Residential Agricultural) City of Locust Grove, as part of the applicant's annexation request.

## **EXHIBIT C**

TIMES JOURNAL, INC.  
P.O. BOX 1633  
ROME GA 30162-1633  
(770)795-3050

ORDER CONFIRMATION

Salesperson: DAWN WARD

Printed at 05/23/23 16:43 by dward-tj

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Acct #: 238991

Ad #: 346355

Status: New

CITY OF LOCUST GROVE / L  
PO BOX 900  
ATTN TIM YOUNG  
LOCUST GROVE GA 30248

Start: 05/31/2023 Stop: 05/31/2023

Times Ord: 1

Times Run: \*\*\*

LEGLV 1.00 X 5.07 Words: 200

Total LEGLV 5.07

Class: 9003 PUBLIC HEARING

Rate: LEGL

Cost: 45.00

# Affidavits: 1

Ad Descrpt: HDH1273 GPN16 6/20/23

Descr Cont: HDH1273 GPN16 PUBLIC HEAR

Given by: ANNA WILLIAMS

P.O. #:

Created: dward 05/23/23 16:35

Last Changed: dward 05/23/23 16:42

Contact:

Phone: (770)957-7055

Fax#:

Email: mspurling@locustgrove-ga.gov

Agency:

-----  
PUB ZONE EDT TP RUN DATES  
HDH A 95 S 05/31  
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AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

\_\_\_\_\_  
Name (print or type)

\_\_\_\_\_  
Name (signature)

(CONTINUED ON NEXT PAGE)

TIMES JOURNAL, INC.  
P.O. BOX 1633  
ROME GA 30162-1633  
(770)795-3050

ORDER CONFIRMATION (CONTINUED)

Salesperson: DAWN WARD

Printed at 05/23/23 16:43 by dward-tj

-----  
Acct #: 238991

Ad #: 346355

Status: New

Hdh1273  
gpn16  
**Public Hearing Notice**  
**City of Locust Grove**  
**June 20, 2023**  
**6:00 PM**  
**Locust Grove Public**  
**Safety Building**  
**3640 Highway 42 South**  
**Locust Grove, GA 30248**

Notice is hereby given as required by Chapter 66 of Title 36 of the Official Code of Georgia Annotated (Zoning Procedures Law) and Section 17.04 of the Code of Ordinances, City of Locust Grove, Georgia, that the Locust Grove City Council, on Tuesday, June 20, 2023, at 6:00 PM, will conduct public hearings for the purpose of the following:

**ANNEXATION**

**AX 23-04-01** The Cubes at Locust Grove, LLC has submitted an application requesting annexation of a 15.31 +/- acre tract (Parcel ID: 111-01015000) in Land Lot 235 of the 2nd District, located on Old Bethlehem Road west of Price Drive. The zoning of the subject property will remain RA (Residential Agricultural), the City of Locust Groves equivalent to unincorporated Henry Countys RA (Residential Agricultural) zoning district. The future land use designation will remain Low-Density Residential within the incorporated boundaries of Locust Grove.

The public hearing will be held in the Locust Grove Public Safety Building, located at 3640 Highway 42 South.

Daunté Gibbs  
Community Development  
Director - City of Locust  
Grove  
5:31, 2023

**AFFIDAVIT OF SIGN POSTING**

Personally appeared, before the undersigned officer duly authorized to administer oaths, Mr. Brian Fornal who, after being duly sworn, testifies as follows:

1.

My name is Brian Fornal. I am over twenty-one years of age and competent to give this, my affidavit, based upon my personal knowledge.

2.

The Cubes at Locust Grove, LLC, of Overland, MO has submitted an application for annexation and rezoning of 15.31+/- acres into the City of Locust Grove; Parcel 111-01015001; in Land Lot 235 of the 2<sup>nd</sup> District.

3.

On the 31<sup>st</sup> day of May 2023, I, Brian Fornal, posted double-sided sign notifications on the subject parcel advertising a public hearing on the above requests to be heard by the Locust Grove City Council on the 20<sup>th</sup> day of June at 6:00 p.m. at the Locust Grove Public Safety Building, 3640 Highway 42, Locust Grove, Georgia 30248. Photographs of same are attached hereto as Exhibits "A" and "B" respectively and incorporated herein by reference. The public hearing signs were posted at the following locations:

- 1. Two double-sided signs posted at 9:25 AM on the south side of Old Bethlehem Road, west of Price Drive, on 5/31/23.

FURTHER AFFIANT SAYETH NOT.

This 1<sup>st</sup> day of June 2023.

*[Handwritten Signature]*  
 Affiant

Sworn and subscribed before me  
 this   1  st day of   June  , 2023

*[Handwritten Signature: Cynthia Joan Cook]*  
 Notary Public





Exhibit "A"





Exhibit "B"





## Community Development Department

P. O. Box 900  
Locust Grove, Georgia 30248  
Phone: (770) 957-5043  
Facsimile (770) 954-1223

# Item Coversheet

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**Item:** Resolution approving the architectural plans submitted for Arby's to be located at 4939 Bill Gardner Pkwy.

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Advertised Date:** NA

**Budget Item:** No

**Date Received:** June 6, 2023

**Workshop Date:** June 20, 2023

**Regular Meeting Date:** July 3, 2023

### **Discussion:**

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Jacob Lang of Rincon, GA has submitted building elevation renderings for a proposed Arby's fast-food restaurant to be located at 4939 Bill Gardner Parkway. (Parcel ID # 112-01013034).

As part of the requirements for building permits for new structures or major renovations, it is necessary for the Mayor and City Council, acting in their capacity as the Architectural Review Board, to review the proposed building exterior elevations for comment and approval.

The proposed building facades consist primarily of brick in neutral earth tones, red metal canopies, and metal storefront and windows typical of this type of development.

### Chapter 15.44 Architectural Review

15.44.050 - Exterior materials standards.

- A. Except where otherwise provided in this chapter or in the Code of Ordinances, the exterior architectural features of buildings and structures within multifamily, office/institutional,

commercial, and industrial zoning districts shall adhere to the following minimum standards:

1. All primary/accent exterior siding materials shall be limited to:

Primary: Four sides majority brick on all commercially zoned projects, with remaining façades consisting of natural stone including granite, marble, sandstone, field stone, or any other natural stone approved by the Architectural Review Board. Structures located in areas having a historic designation shall maintain acceptable architectural character of the respective area. "Tilt-up" concrete shall be permitted as a primary exterior siding material for buildings in industrial zoning districts or acceptable substitute as approved by the Architectural Review Board.

Accent: Clay tile with baked-on enamel finish; architecturally treated decorative concrete block; architecturally treated slabs or block either fluted or with exposed aggregate; stucco; EFIS; masonry siding such as cement fiberboard siding ("hardiplank"), wood; or acceptable substitute approved by the board. "Tilt-up" concrete shall be permitted as a primary exterior siding material for buildings in industrial zoning districts or acceptable substitute as approved by the board.

2. All exterior siding material such as aluminum, steel, vinyl, mirrored or reflective glass, cinderblock, unfinished concrete, fiberglass or plastic are prohibited except that architectural fiberglass or plastic can be used to such extent that such material is used as detailing and decorative trim if approved by the board.
3. Fifty percent of the width of the front facade of the building shall consist of fenestration. All fenestration comprised of glass shall be multi-paned in appearance. Single-paned plate glass windows greater than six square feet in surface area without the appearance of being multi-paned shall be prohibited unless approved by the board.
4. All exterior painted surfaces, where visible from the public street shall be painted in earth tones. Colors shall be non-primary colors including darker and cooler shades of green, red, such as brick, yellow including beige, and lighter shades of brown including tan. However, white may be permitted if approved by the board. Corporate graphics, trademarks, corporate logos, corporate service marks and corporate branding items may be permitted by the board to the extent used for decorative trim or for signage as part of the overall exterior features.
5. Roofs on multifamily and commercial or office buildings shall generally consist of a pitch of 7/12 or greater with exception of porches and porticos and be comprised of asphalt, cedar shake, cement tile material. Standing seam metal roofing shall be allowed as approved by the board. Flat roofs shall be permitted in larger commercial and industrial zoning where rooftop equipment is screened from view by raised parapet walls and shall be consistently flat across the building length with exception of features of fenestration to break up building mass and long, monotonous facades. Flat roofs may be permitted on larger multifamily and office buildings as approved by the board.
6. Burglar bars and steel roll down doors or curtains shall not be visible from the public street, with exception to buildings in industrial zoning districts as approved by the board.

7. Service bays shall be designed so that the openings of service bays are not visible from a public street (i.e., side entry), with exception to buildings in industrial zoning districts as approved by the board.
  8. Fabric and canvas awnings and all other building materials must be of durable quality and shall be compatible with materials used in adjoining buildings.
  9. All exterior building elevations that face public streets and/or customer parking areas shall be designed so that there are no large expanses of blank walls. This requirement can be met by employing the use of architectural features including, but not limited to, the following: Doors, windows, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings, canopies, murals, and graphics.
- B. Additional requirements. Properties with material changes of structures lying within the historic preservation district overlay shall abide by the certificate of appropriateness process for the historic preservation district and follow the design guidelines as promulgated by the historic preservation commission. Properties within the Gateway Town Center and/or the Locust Grove Town Center LCI area shall abide by the applicable design guidelines in addition to this chapter.
- C. The exterior architectural features of buildings and structures within the office/institutional and commercial zoning classifications shall adhere to the following additional requirement:
- Front facades and any exterior sides facing public streets shall consist of a minimum of seventy percent of brick or natural or manufactured stone or a combination thereof, except where a building over three stories in height and/or greater than twenty thousand square feet in total building area may reduce this requirement as approved by the board where the structure provides adequate fenestration and design features or where a building is designed under LEED Silver, Gold, or Green standards.

**Recommendation:**

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**STAFF RECOMMENDS APPROVAL OF THE ARCHITECTURAL BUILDING ELEVATIONS SUBMITTED BY JACOB LANG FOR ARBY'S TO BE LOCATED ON BILL GARDNER PARKWAY.**

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION TO APPROVE ARCHITECTURAL PLANS FOR ARBY'S TO BE LOCATED AT 4939 BILL GARDNER PARKWAY IN ACCORDANCE WITH CHAPTER 15.44 OF THE LOCUST GROVE CITY CODE; TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE ANY DOCUMENTS NECESSARY TO CARRY OUT THIS RESOLUTION; TO REPEAL INCONSISTENT PROVISIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**W I T N E S S E T H :**

**WHEREAS**, the City of Locust Grove, Georgia ("City") adopted Chapter 15.44 ("Chapter") entitled "Architectural Review", and;

**WHEREAS**, the purpose of the Chapter is to regulate the aesthetics, quality of exterior building materials and to the promotion of health, safety, prosperity and general welfare of the citizens of Locust Grove, and;

**WHEREAS**, the Mayor and City Council consist of the Architectural Review Board for the City of Locust Grove ("Board") per Section 15.44.040, and;

**WHEREAS**, Jacob Lang of Rincon, GA submitted building elevation renderings for a proposed Arby's fast-food restaurant to be located on Bill Gardner Parkway attached hereto and made part thereof as **Exhibit "A"**, and;

**WHEREAS**, the Board may review and make comment on architectural plans and issue approval per Chapter 15.44 ("Chapter") of the Code of Ordinances for the City of Locust Grove, and;

**WHEREAS**, the Board in the exercise of their sound judgment and discretion, after giving thorough thought to all implications involved, and keeping in mind the public interest and welfare to the citizens of the City, have determined this request for architectural review to be in the best interests of the citizens of the City, that this Resolution be adopted.

**THEREFORE, IT IS NOW RESOLVED BY THE ARCHITECTURAL REVIEW BOARD OF THE CITY OF LOCUST GROVE, GEORGIA, AS FOLLOWS:**

1. **Finding.** That the Locust Grove Architectural Review Board hereby finds that the Plans submitted by Jacob Lang appear to meet the requirements of Chapter 15.44 of City of Locust Grove Code.
2. **Conditions.** That the Locust Grove Architectural Review Board finding in Item 1 above is subject to the following conditions:
  - a. Final Colors. That final colors and type of materials be reviewed and approved by the Community Development Director to meet all requirements of Chapter 15.44

of City of Locust Grove Code as “earth tone” in nature.

- b. Material Changes. That any material deviations in exterior architectural features, materials, or colors as depicted in the plans in **Exhibit “A”** require review and approval by the Architectural Review Board.
  - c. Extension of Approved Plans. That the approval granted herein may be in effect for a period not to exceed eighteen (18) months from the approval date of this Resolution.
3. **Public Purpose.** The Board finds that the foregoing actions constitute a major stem in preserving the health, safety, well-being and economic vitality of the community and are, therefore, consistent with its public purposes and powers.
  4. **Authority.** That the Board hereby authorizes the City Clerk to affix a stamp of the date of approval on the revised architectural plans in accordance with Section 15.44.060 J, to affix the City Seal if necessary, to carry out this Resolution, and to place this Resolution and any related documents among the official records of the City for future reference.
  5. **Severability.** To extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.
  6. **Repeal of Conflicting Provisions.** All Board resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
  7. **Effective Date.** This Resolution shall take effect immediately.

THIS RESOLUTION adopted this 3<sup>rd</sup> day of July, 2023.

\_\_\_\_\_  
ROBERT S. PRICE, Mayor

ATTEST:

\_\_\_\_\_  
MISTY SPURLING, City Clerk

(Seal)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

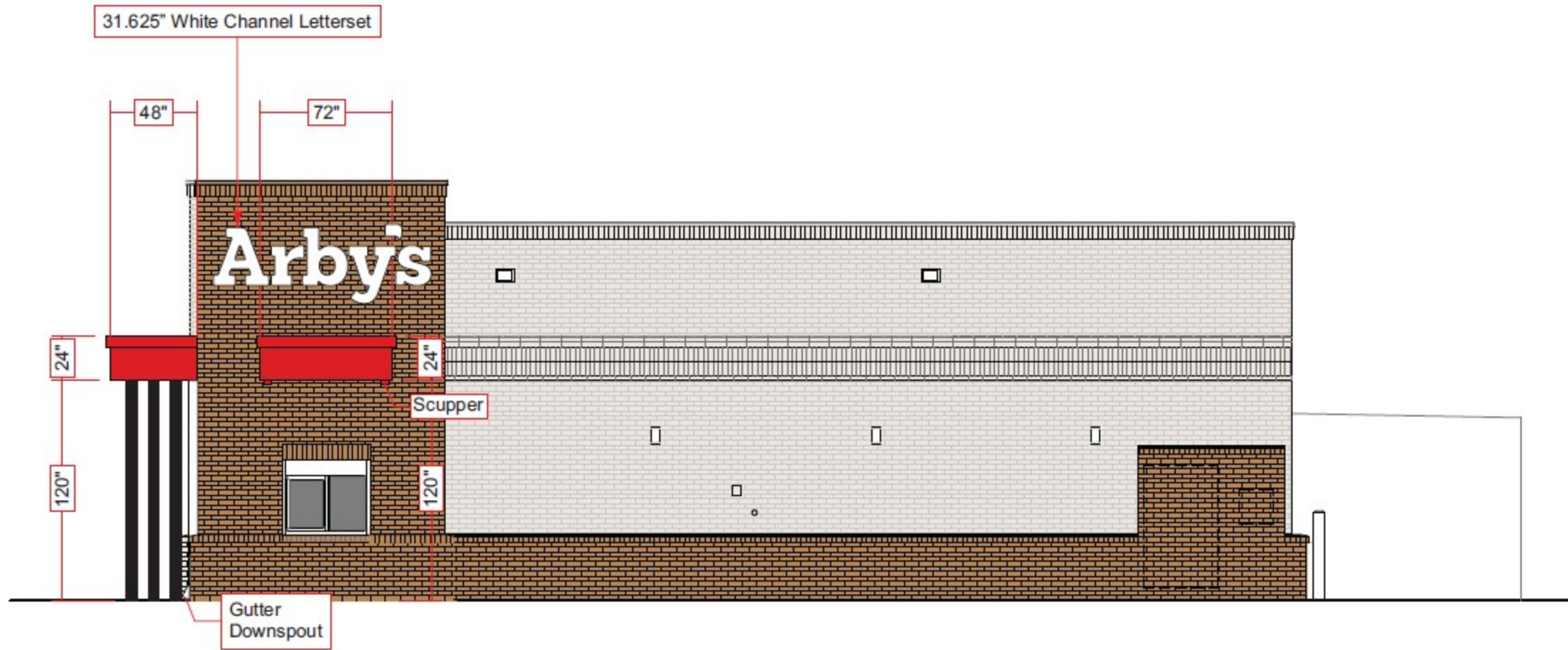
**EXHIBIT “A”**



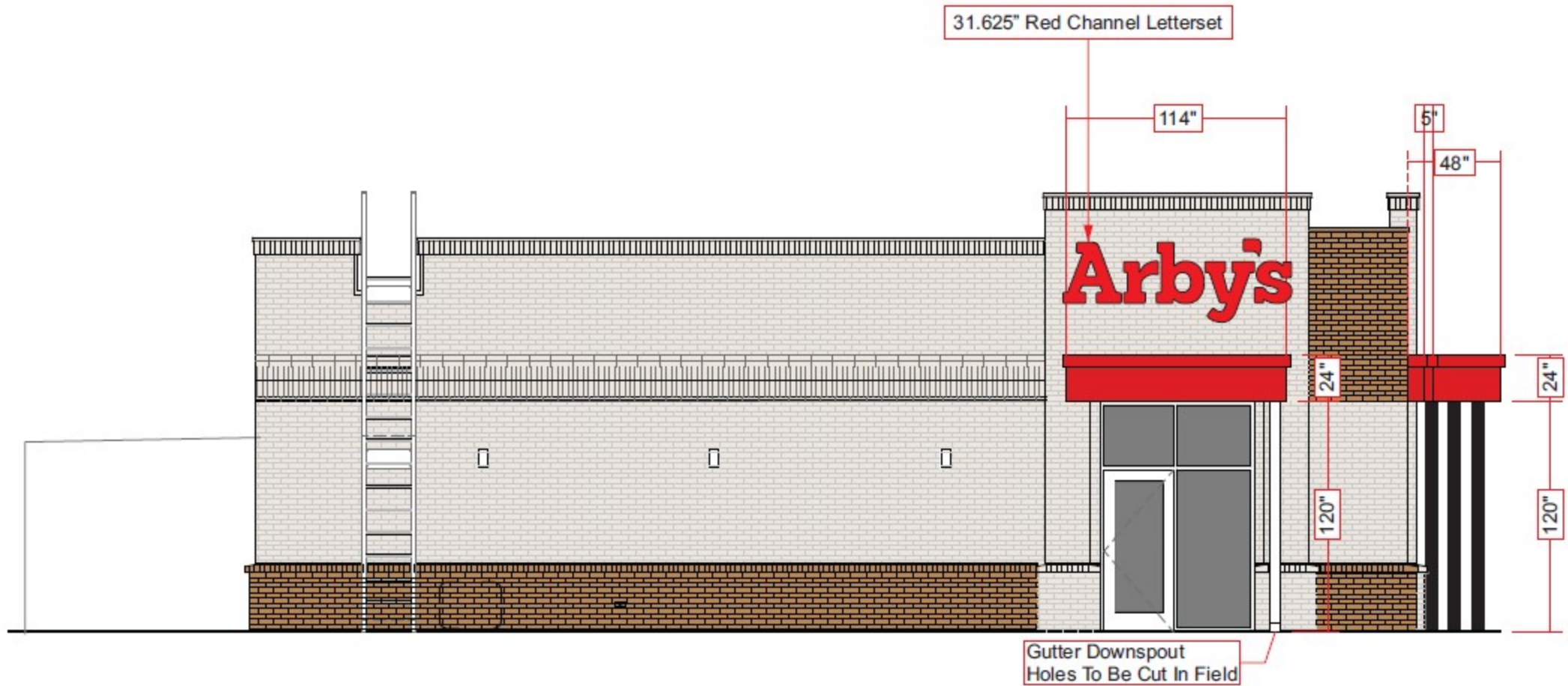
THIS GRAPHIC IS FOR VISUAL PURPOSES ONLY



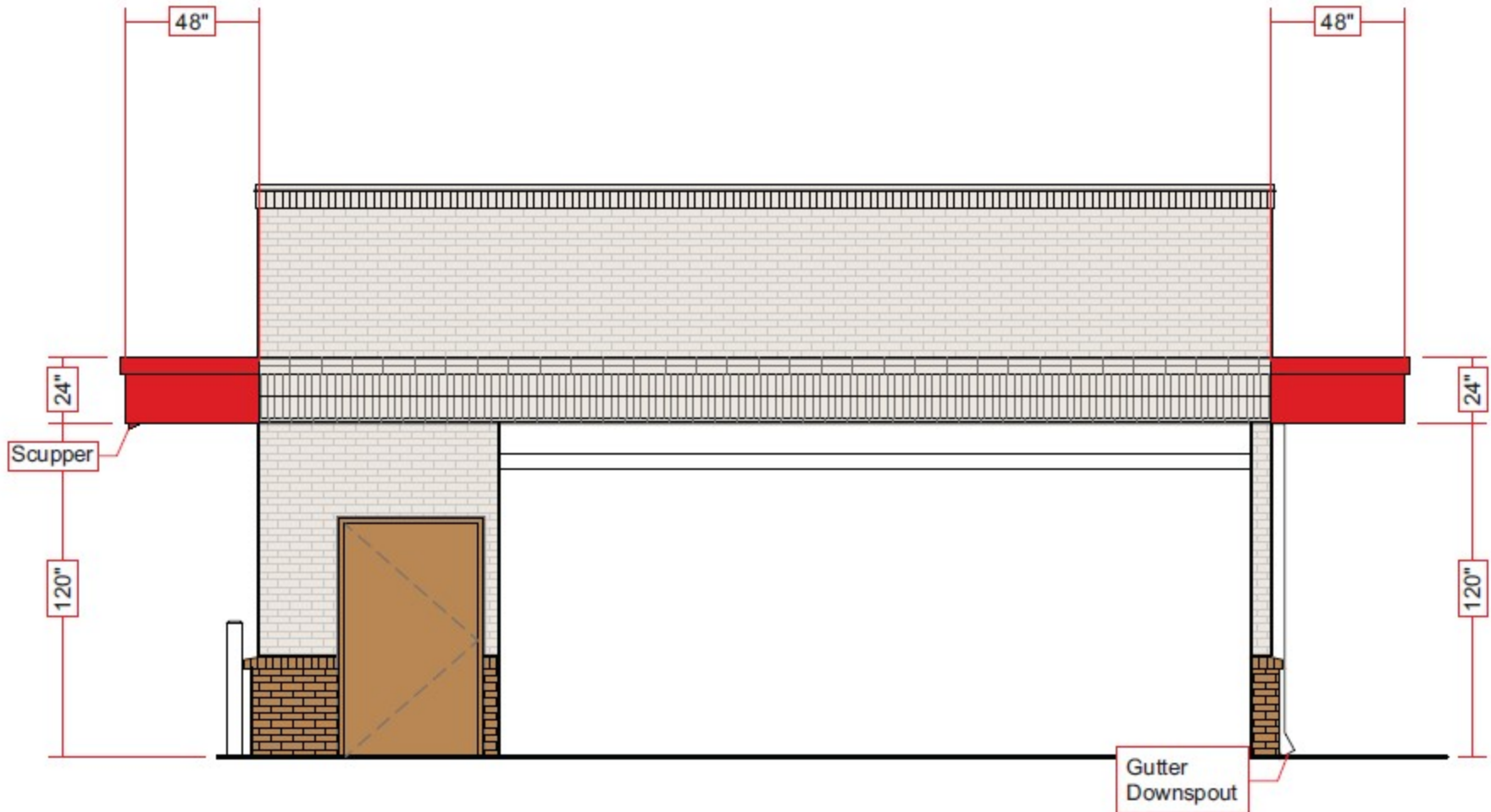
THIS GRAPHIC IS FOR VISUAL PURPOSES ONLY



THIS GRAPHIC IS FOR VISUAL PURPOSES ONLY



THIS GRAPHIC IS FOR VISUAL PURPOSES ONLY





## Community Development Department

P. O. Box 900  
Locust Grove, Georgia 30248  
Phone: (770) 957-5043  
Facsimile (770) 954-1223

# Item Coversheet

---

**Item:** Resolution approving the architectural plans submitted for a retail building to be located at 603 Marketplace Boulevard.

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Advertised Date:** NA

**Budget Item:** No

**Date Received:** June 6, 2023

**Workshop Date:** June 20, 2023

**Regular Meeting Date:** July 3, 2023

### Discussion:

---

Jacob Lang of Rincon, GA has submitted building elevation renderings for a proposed two-tenant retail building to be located at 603 Marketplace Boulevard. (Parcel ID # 112-01013034).

As part of the requirements for building permits for new structures or major renovations, it is necessary for the Mayor and City Council, acting in their capacity as the Architectural Review Board, to review the proposed building exterior elevations for comment and approval.

The proposed building facades consist of brick and stucco-like EIFS in neutral earth tones, fabric canopies, and metal storefronts typical of this type of development. Bricked portions of the façade include pilaster, belt-course, and water-table detailing to add visual interest.

Chapter 15.44 Architectural Review

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15.44.050 - Exterior materials standards.



- A. Except where otherwise provided in this chapter or in the Code of Ordinances, the exterior architectural features of buildings and structures within multifamily, office/institutional, commercial, and industrial zoning districts shall adhere to the following minimum standards:
1. All primary/accent exterior siding materials shall be limited to:  

Primary: Four sides majority brick on all commercially zoned projects, with remaining façades consisting of natural stone including granite, marble, sandstone, field stone, or any other natural stone approved by the Architectural Review Board. Structures located in areas having a historic designation shall maintain acceptable architectural character of the respective area. "Tilt-up" concrete shall be permitted as a primary exterior siding material for buildings in industrial zoning districts or acceptable substitute as approved by the Architectural Review Board.

Accent: Clay tile with baked-on enamel finish; architecturally treated decorative concrete block; architecturally treated slabs or block either fluted or with exposed aggregate; stucco; EFIS; masonry siding such as cement fiberboard siding ("hardiplank"), wood; or acceptable substitute approved by the board. "Tilt-up" concrete shall be permitted as a primary exterior siding material for buildings in industrial zoning districts or acceptable substitute as approved by the board.
  2. All exterior siding material such as aluminum, steel, vinyl, mirrored or reflective glass, cinderblock, unfinished concrete, fiberglass or plastic are prohibited except that architectural fiberglass or plastic can be used to such extent that such material is used as detailing and decorative trim if approved by the board.
  3. Fifty percent of the width of the front facade of the building shall consist of fenestration. All fenestration comprised of glass shall be multi-paned in appearance. Single-paned plate glass windows greater than six square feet in surface area without the appearance of being multi-paned shall be prohibited unless approved by the board.
  4. All exterior painted surfaces, where visible from the public street shall be painted in earth tones. Colors shall be non-primary colors including darker and cooler shades of green, red, such as brick, yellow including beige, and lighter shades of brown including tan. However, white may be permitted if approved by the board. Corporate graphics, trademarks, corporate logos, corporate service marks and corporate branding items may be permitted by the board to the extent used for decorative trim or for signage as part of the overall exterior features.
  5. Roofs on multifamily and commercial or office buildings shall generally consist of a pitch of 7/12 or greater with exception of porches and porticos and be comprised of asphalt, cedar shake, cement tile material. Standing seam metal roofing shall be allowed as approved by the board. Flat roofs shall be permitted in larger commercial and industrial zoning where rooftop equipment is screened from view by raised parapet walls and shall be consistently flat across the building length with exception of features of fenestration to break up building mass and long, monotonous facades. Flat roofs may be permitted on larger multifamily and office buildings as approved by the board.

6. Burglar bars and steel roll down doors or curtains shall not be visible from the public street, with exception to buildings in industrial zoning districts as approved by the board.
  7. Service bays shall be designed so that the openings of service bays are not visible from a public street (i.e., side entry), with exception to buildings in industrial zoning districts as approved by the board.
  8. Fabric and canvas awnings and all other building materials must be of durable quality and shall be compatible with materials used in adjoining buildings.
  9. All exterior building elevations that face public streets and/or customer parking areas shall be designed so that there are no large expanses of blank walls. This requirement can be met by employing the use of architectural features including, but not limited to, the following: Doors, windows, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings, canopies, murals, and graphics.
- B. Additional requirements. Properties with material changes of structures lying within the historic preservation district overlay shall abide by the certificate of appropriateness process for the historic preservation district and follow the design guidelines as promulgated by the historic preservation commission. Properties within the Gateway Town Center and/or the Locust Grove Town Center LCI area shall abide by the applicable design guidelines in addition to this chapter.
- C. The exterior architectural features of buildings and structures within the office/institutional and commercial zoning classifications shall adhere to the following additional requirement:  
Front facades and any exterior sides facing public streets shall consist of a minimum of seventy percent of brick or natural or manufactured stone or a combination thereof, except where a building over three stories in height and/or greater than twenty thousand square feet in total building area may reduce this requirement as approved by the board where the structure provides adequate fenestration and design features or where a building is designed under LEED Silver, Gold, or Green standards.

**Recommendation:**

---

**STAFF RECOMMENDS APPROVAL OF THE ARCHITECTURAL BUILDING ELEVATIONS SUBMITTED BY JACOB LANG FOR A RETAIL BUILDING TO BE LOCATED AT 603 MARKETPLACE BOULEVARD.**



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION TO APPROVE ARCHITECTURAL PLANS FOR A RETAIL BUILDING TO BE LOCATED AT 603 MARKETPLACE BOULEVARD IN ACCORDANCE WITH CHAPTER 15.44 OF THE LOCUST GROVE CITY CODE; TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE ANY DOCUMENTS NECESSARY TO CARRY OUT THIS RESOLUTION; TO REPEAL INCONSISTENT PROVISIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**W I T N E S S E T H :**

**WHEREAS**, the City of Locust Grove, Georgia (“City”) adopted Chapter 15.44 (“Chapter”) entitled “Architectural Review”, and;

**WHEREAS**, the purpose of the Chapter is to regulate the aesthetics, quality of exterior building materials and to the promotion of health, safety, prosperity and general welfare of the citizens of Locust Grove, and;

**WHEREAS**, the Mayor and City Council consist of the Architectural Review Board for the City of Locust Grove (“Board”) per Section 15.44.040, and;

**WHEREAS**, Jacob Lang of Rincon, GA submitted building elevation renderings for a proposed retail building to be located at 603 Marketplace Boulevard attached hereto and made part thereof as **Exhibit “A”**, and;

**WHEREAS**, the Board may review and make comment on architectural plans and issue approval per Chapter 15.44 (“Chapter”) of the Code of Ordinances for the City of Locust Grove, and;

**WHEREAS**, the Board in the exercise of their sound judgment and discretion, after giving thorough thought to all implications involved, and keeping in mind the public interest and welfare to the citizens of the City, have determined this request for architectural review to be in the best interests of the citizens of the City, that this Resolution be adopted.

**THEREFORE, IT IS NOW RESOLVED BY THE ARCHITECTURAL REVIEW BOARD OF THE CITY OF LOCUST GROVE, GEORGIA, AS FOLLOWS:**

1. **Finding.** That the Locust Grove Architectural Review Board hereby finds that the Plans submitted by Jacob Lang appear to meet the requirements of Chapter 15.44 of City of Locust Grove Code.
2. **Conditions.** That the Locust Grove Architectural Review Board finding in Item 1 above is subject to the following conditions:
  - a. Final Colors. That final colors and type of materials be reviewed and approved by the Community Development Director to meet all requirements of Chapter 15.44

of City of Locust Grove Code as “earth tone” in nature.

- b. Material Changes. That any material deviations in exterior architectural features, materials, or colors as depicted in the plans in **Exhibit “A”** require review and approval by the Architectural Review Board.
  - c. Extension of Approved Plans. That the approval granted herein may be in effect for a period not to exceed eighteen (18) months from the approval date of this Resolution.
3. **Public Purpose.** The Board finds that the foregoing actions constitute a major stem in preserving the health, safety, well-being and economic vitality of the community and are, therefore, consistent with its public purposes and powers.
  4. **Authority.** That the Board hereby authorizes the City Clerk to affix a stamp of the date of approval on the revised architectural plans in accordance with Section 15.44.060 J, to affix the City Seal if necessary, to carry out this Resolution, and to place this Resolution and any related documents among the official records of the City for future reference.
  5. **Severability.** To extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.
  6. **Repeal of Conflicting Provisions.** All Board resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
  7. **Effective Date.** This Resolution shall take effect immediately.

THIS RESOLUTION adopted this 3<sup>rd</sup> day of July, 2023.

\_\_\_\_\_  
ROBERT S. PRICE, Mayor

ATTEST:

\_\_\_\_\_  
MISTY SPURLING, City Clerk

(Seal)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**EXHIBIT “A”**



## FRONT ELEVATION

SCALE: NONE



## REAR ELEVATION

SCALE: NONE

### EXTERIOR FINISH SCHEDULE

EF-1	EIFS	DRYVIT	SAND PEBBLE FINISH EIFS; COLOR TO MATCH: SW 7567 "NATURAL TAN" (284-C1)
EF-2	EIFS	DRYVIT	SAND PEBBLE FINISH EIFS; COLOR TO MATCH: SW 7012 "CREAMY" (261-C3)
EF-3	EIFS	DRYVIT	SAND PEBBLE FINISH EIFS; COLOR TO MATCH: SW 7547 "SANDBAR" (284-C2)
M-1	METAL	PAC-CLAD	METAL COPING, COLOR: "MEDIUM BRONZE"
M-2	METAL	PAC-CLAD	METAL COPING, COLOR: "SIERRA TAN"
M-3	METAL	PAC-CLAD	METAL COPING, COLOR: "ALMOND"
SF-1	STOREFRONT	YKK	INSULATED STOREFRONT SYSTEM, COLOR: "DARK BRONZE"
B-1	BRICK	CHEROKEE BRICK	MODULAR BRICK M/S VELOUR LIGHT GRAY W/ ARGOS SAHARA MORTAR
B-2	BRICK	CHEROKEE BRICK	MODULAR BRICK M/S VELOUR DARK GRAY W/ ARGOS LIMESTONE MORTAR
FB-1	FABRIC AWNING	SUNBRELLA	COLOR "ORANGE"
P-1	PAINT	SHERWIN WILLIAMS	COLOR TO MATCH SW 7567 "NATURAL TAN"

DEVELOPED BY:



LOCUST GROVE BUILDING - 3

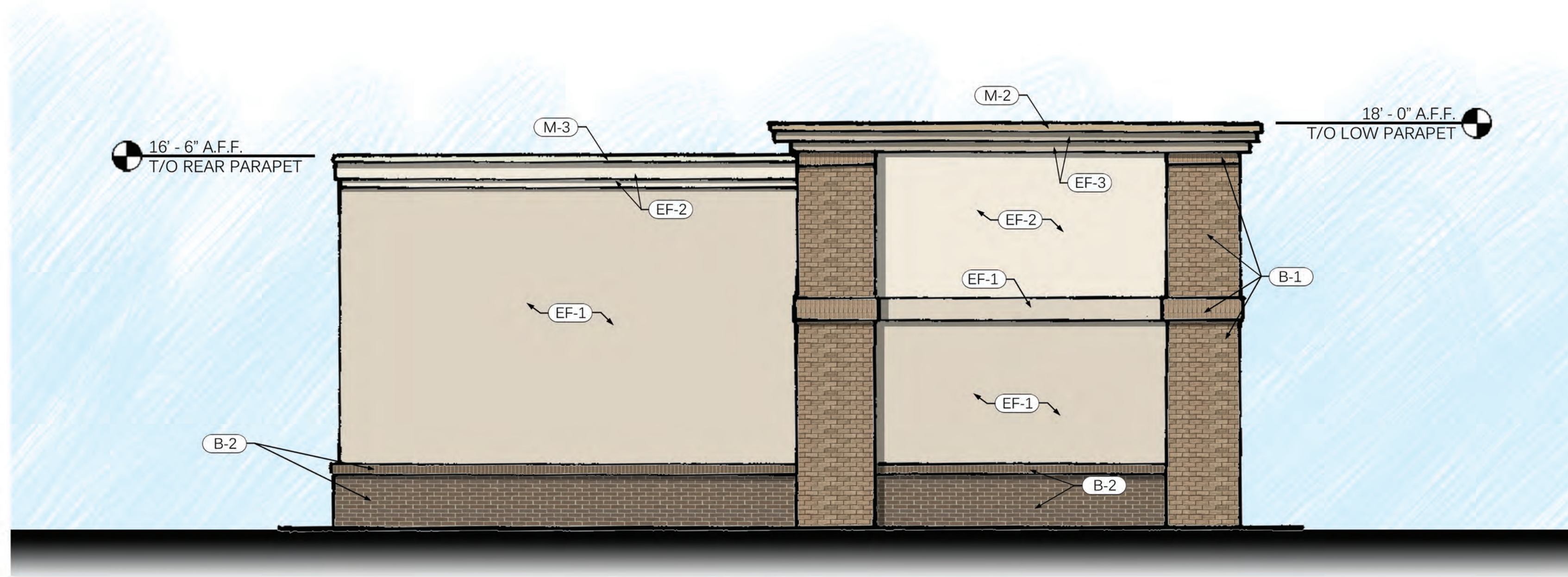
LOCUST GROVE, GEORGIA

MaxDesign Group Project  
D23-104

07 JUNE 2023







## SIDE ELEVATION

SCALE: NONE



## MARKETPLACE BLVD SIDE ELEVATION

SCALE: NONE

EXTERIOR FINISH SCHEDULE			
EF-1	EIFS	DRYVIT	SAND PEBBLE FINISH EIFS; COLOR TO MATCH: SW 7567 "NATURAL TAN" (284-C1)
EF-2	EIFS	DRYVIT	SAND PEBBLE FINISH EIFS; COLOR TO MATCH: SW 7012 "CREAMY" (261-C3)
EF-3	EIFS	DRYVIT	SAND PEBBLE FINISH EIFS; COLOR TO MATCH: SW 7547 "SANDBAR" (284-C2)
M-1	METAL	PAC-CLAD	METAL COPING, COLOR: "MEDIUM BRONZE"
M-2	METAL	PAC-CLAD	METAL COPING, COLOR: "SIERRA TAN"
M-3	METAL	PAC-CLAD	METAL COPING, COLOR: "ALMOND"
SF-1	STOREFRONT	YKK	INSULATED STOREFRONT SYSTEM, COLOR: "DARK BRONZE"
B-1	BRICK	CHEROKEE BRICK	MODULAR BRICK M/S VELOUR LIGHT GRAY W/ ARGOS SAHARA MORTAR
B-2	BRICK	CHEROKEE BRICK	MODULAR BRICK M/S VELOUR DARK GRAY W/ ARGOS LIMESTONE MORTAR
FB-1	FABRIC AWNING	SUNBRELLA	COLOR "ORANGE"

DEVELOPED BY:



## LOCUST GROVE BUILDING - 3

LOCUST GROVE, GEORGIA

MaxDesign Group Project  
D23-104

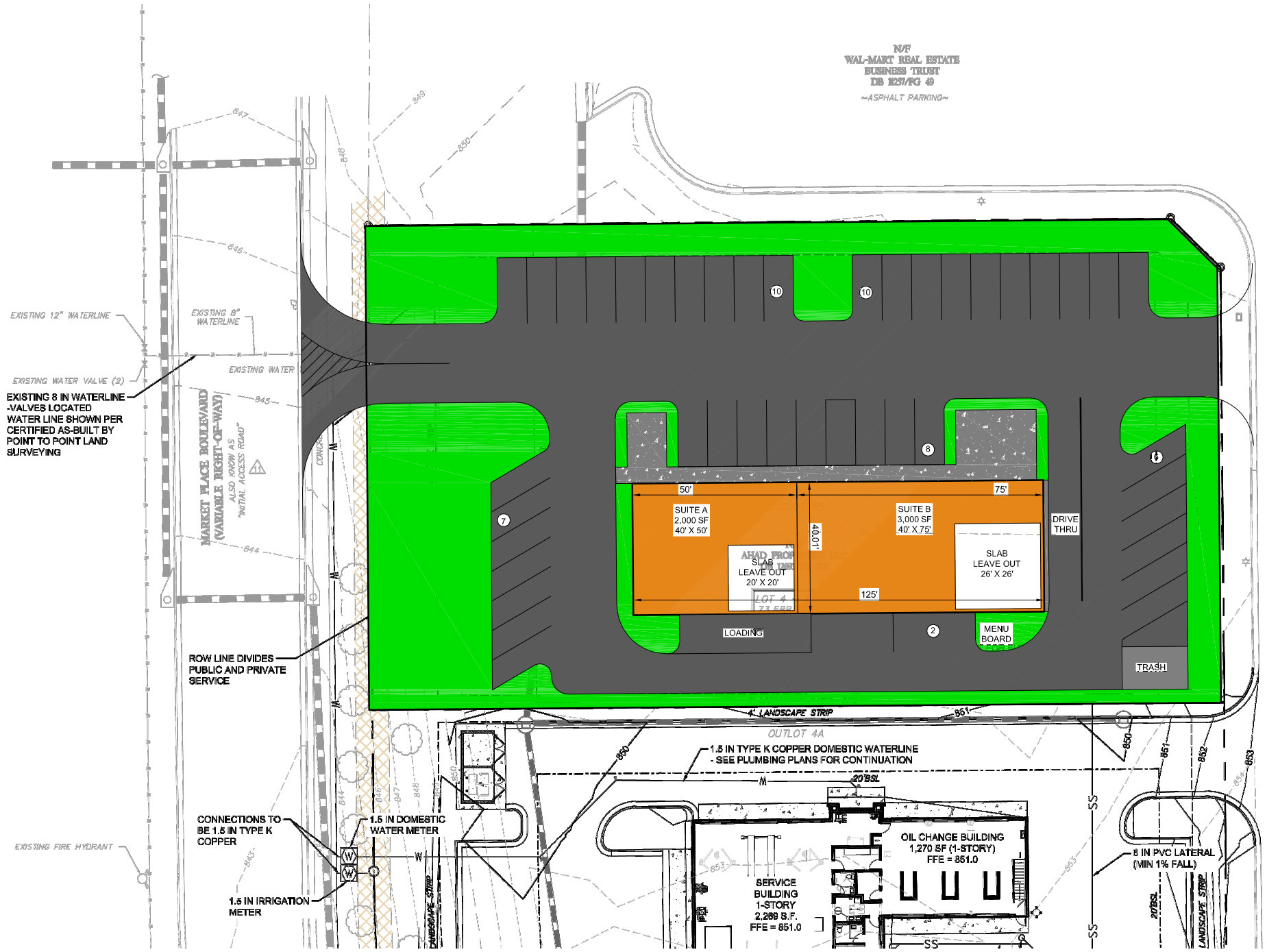
07 JUNE 2023





N/P  
 WAL-MART REAL ESTATE  
 BUSINESS TRUST  
 DB 123/PG 4  
 ~ASPHALT PARKING~

GRID (6A WEST ZONE) NODES



EXISTING 12" WATERLINE  
 EXISTING 8" WATERLINE  
 EXISTING WATER VALVE (2)  
 EXISTING 8 IN WATERLINE  
 VALVES LOCATED  
 WATER LINE SHOWN PER  
 CERTIFIED AS-BUILT BY  
 POINT TO POINT LAND  
 SURVEYING

MARKET PLACE BOULEVARD  
 (VARIABLE RIGHT-OF-WAY)  
 ALSO KNOWN AS  
 "INITIAL ACCESS ROAD"

ROW LINE DIVIDES  
 PUBLIC AND PRIVATE  
 SERVICE

CONNECTIONS TO  
 BE 1.5 IN TYPE K  
 COPPER

1.5 IN IRRIGATION  
 METER

1.5 IN DOMESTIC  
 WATER METER

1.5 IN TYPE K COPPER DOMESTIC WATERLINE  
 - SEE PLUMBING PLANS FOR CONTINUATION

SERVICE  
 BUILDING  
 1-STORY  
 2,269 S.F.  
 FFE = 851.0

OIL CHANGE BUILDING  
 1,270 SF (1-STORY)  
 FFE = 851.0

6 IN PVC LATERAL  
 (MIN 1% FALL)

WAL-MAR  
 BUSI  
 DB

~ASPHA



# Administration Department

P. O. Box 900  
Locust Grove, Georgia 30248

Phone: (770) 957-5043  
Facsimile (770) 954-1223

## Item Coversheet

**Item:** Resolution – HCDA and Retail Strategies Consulting Work

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Advertised Date:** N/A

**Budget Item:** Yes, Enterprise H/M Fund 275 (Economic Development)

**Date Received:** June 14, 2023

**Workshop Date:** June 20, 2023

**Regular Meeting Date:** July 3, 2023

### Discussion:

The Henry County Development Authority (HCDA) has been working with Retail Strategies, Inc. a retail recruitment and marketing consultant to develop a strategy to market and reach out to various retail and service providers (primarily restaurants) to actively recruit the Henry County area better for new locations of stores, restaurants, and entertainment facilities. The work will not only focus on Henry County but also the submarkets of Locust Grove, McDonough, and Stockbridge. Josh Fenn presented some of the initial work to us at our last retreat of which this is to begin the push for them to begin marketing and analyzing our area more in depth and note where we may be deficient in infrastructure or process along with any new business markets we might be “missing”. Hampton – who was invited and sat in on all pre-meetings on this action – elected *not* to participate on Tuesday, June 13, 2023, so we are awaiting any change in scope to affect our outlay. At a maximum, the HCDA has agreed to fund 50% of Hampton’s share, leaving the remaining at \$10,625.

### Recommendation:

**APPROVE RESOLUTION FOR JOINT PARTICIPATION IN THE RETAIL STRATEGIES CONSULTING AGREEMENT FOR RETAIL RECRUITMENT AND MARKETING SERVICES.**

**I** | *... in The Grove*



**RESOLUTION 23-07-\_\_\_\_\_**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF LOCUST GROVE TO JOIN WITH THE CITIES OF HAMPTON, MCDONOUGH, STOCKBRIDGE AND HENRY COUNTY IN SUPPORT OF THE HENRY COUNTY DEVELOPMENT AUTHORITY'S EFFORTS TO EXPAND RETAIL FACILITIES WITHIN HENRY COUNTY TO CREATE EMPLOYMENT, ENHANCE TAX REVENUE AND IMPROVE THE QUALITY OF LIFE IN EACH CITY AND THROUGHOUT THE COUNTY.**

**WHEREAS**, Under the Georgia Home Rule Act, the governing authority of a municipality has the power to take actions for which no provision is otherwise provided by general law, and is not otherwise prohibited by the state constitution (OCGA Sect. 36-35-3). These powers specifically include the power to contract with other governmental agencies and subdivisions (OCGA Sect. 36-34-2); and

**WHEREAS**, Article IX, Section VI, Paragraph III of the Georgia Constitution declares the development of trade, commerce, industry and employment Opportunities to be a public purpose vital to the welfare of the people; and

**WHEREAS**, the Henry County Development Authority (HCDA), along with the County and the cities of Locust Grove, McDonough and Stockbridge, have determined that the solicitation, development and expansion of retail facilities in Henry County will expand commerce, create employment, enhance tax revenue and improve the quality of life in each city and the entire county: and

**WHEREAS**, the County and each of the cities have, after consultation, agreed that a unified county-wide Retail Strategy effort (the Project) conducted and coordinated by the HCDA would be beneficial to each of the cities, and be a cost effective way to proceed, and

**WHEREAS**, the HCDA has solicited a written proposal from “retail strategies”, a national entity specializing in retail recruitment services (Consultants) a copy of which is attached as Exhibit A to the Resolution (the Proposal); and

**WHEREAS**, the Mayor and Council have been asked, along with the County and each of the other cities, to contribute \$10,625 toward the \$75,000 fee for the first year of county wide retail recruitment services pursuant to the Proposal;

**NOW THEREFORE, IT IS RESOLVED THAT:**

1. The City shall contribute the \$10,625 toward the \$75,000 fee for the first year of county wide retail recruitment services pursuant to the Proposal, contingent upon a similar contribution from the county and the other 2 cities in the county, and the contribution of \$43,125 by the HCDA.

2. The HCDA shall serve as the exclusive coordinator of the Project and shall provide the Mayor and Counsel periodic progress reports of the activities of the Consultants on at least a quarterly basis.
3. The City staff is directed to assist on a timely basis with requests for information and cooperation from the HCDA and/or the Consultants.
4. The parties acknowledge that the Proposal contemplates a 3-year commitment for the Project. Not later than March 31<sup>st</sup>, 2024, all of the cities and the county shall consult with the HCDA regarding the Consultant's interim progress with the Project. Unless the parties are not satisfied with the progress made on the Project, the parties agree to contribute toward the second year's fees in the same proportion as set forth herein for the first year's fees.
5. No later than March 31<sup>st</sup>, 2025, the same procedure shall be utilized for the third year's fees."

**SO ADOPTED THIS \_\_\_ DAY OF JULY, 2023.**

\_\_\_\_\_  
Mayor Robert Price

**ATTEST:**

\_\_\_\_\_  
Misty Spurling, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney



# Administration Department

P. O. Box 900  
Locust Grove, Georgia 30248

Phone: (770) 957-5043  
Facsimile (770) 954-1223

## Item Coversheet

**Item:** Community Improvement District – IGA and LOI/Resolution

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Advertised Date:** N/A

**Budget Item:** Neutral

**Date Received:** June 29, 2023

**Workshop Date:** May 15, 2023

**Regular Meeting Date:** July 3, 2023

### Discussion:

Attached are a Letter of Intent (LOI) and an Intergovernmental Agreement (IGA) for the intent to create a Community Improvement District that is suggested to be called the Locust Grove North CID. Part of this is the LOI to give notice for the future actions, including notification as well as the establishment of the Post 4 and Post 5 seats on the CID board that is appointed by the Mayor and Council.

Letters will be sent out to all the property owners as well as the notification to the Tax Assessor to verify the digest within the CID area in terms of the CID Act. This is for the creation of the realigned and improved Price Dive between Logistics Drive to Bethlehem Road. The CID is created by Resolution that is also attached.

The IGA is continuing to go through some review between our Attorney and the HCDA, so there may be some changes between now and the meeting date.

### Recommendation:

**APPROVE LETTER OF INTENT AND INTERGOVERNMENTAL AGREEMENT FOR THE CREATION OF THE LOCUST GROVE NORTH COMMUNITY IMPROVEMENT DISTRICT.**

**I** | *... in The Grove*

## LETTER OF INTENT

1. LOI; Parties. This is a letter of intent (“**LOI**”) between The Cubes of Locust Grove, LLC, a Delaware Limited Liability Company (the “**Developer**”), the City of Locust Grove, Georgia (the “**City**”), and the Henry County Development Authority (the “**HCDA**”), concerning road improvements that involve the realigning and improving of Price Drive (the “**Road Improvements**”) within the City and Henry County, Georgia (the “**County**”). The Road Improvements will serve the general public including an industrial park being developed by the Developer known as “The Cubes at Locust Grove” (the “**Industrial Park**”).
2. Site Plan; Project; Development. A site plan for the Industrial Park (“**Site Plan**”) dated November 15, 2022 is on file with HCDA and a copy is attached as Attachment 1 hereto and incorporated herein by reference. The Site Plan depicts sites for 5 industrial buildings on lots designated with letters A through E. The Developer has already committed lot E to an HCDA prospect for an economic development project (the “**Project**”). Therefore, for purposes of this LOI, the Industrial Park consists of lots A-D, with their attendant improvements when built, and any areas in the Site Plan outside of lots A-D themselves that do not serve lot E exclusively. As used herein, the “**Development**” includes both the Industrial Park and the Project.
3. Legislative Findings; Public Benefit. The City and the HCDA have each respectively found and determined, and by executing this LOI each of them respectively is finding and determining, that: (1) industrial users require adequate road service, and the Development and the area surrounding the Development are inadequately served for that purpose by Price Drive as it currently exists, (2) therefore the Project would not locate in the City and the County, and the Industrial Park would not be successful, but for the installation and construction of the Road Improvements; (2) the public generally would benefit from the Road Improvements and the Road Improvements would contribute greatly to retaining existing businesses and industries in the City and the County and to facilitating their expansion therein, (3) the Road Improvements will ultimately be owned by the City and constitute public infrastructure; however, the cost of these public infrastructure improvements and of complicated development techniques result in a financial gap in the return on private investment necessary to develop the transformative and impactful Project that is proposed, as well as to develop the Development, and the cost of the Road Improvements cannot be fully supported by private sector investment, (4) the scale and transformative vision of the proposed Development is consistent with the vision for development in this part of the City as set forth in the City’s planning policies, and will provide substantial public benefits to stabilize the broader economic base of that area as well as act as a catalyst for future dynamic growth to City’s tax digest, (5) the development of the Development will facilitate, as articulated in the City’s planning policies, avoiding in this area future economic distress and the promotion of continued redevelopment and growth in this area, (6) the addition to the tax digests of the City and the County expected to be generated directly by the Development justifies public participation in the financing of the Road Improvements, (7) the City has available at its disposal the “City of Locust Grove Community Improvements District Act”, 2019 Ga. Laws 3929 (Act 175)(the “**CID Act**”) which allows the City to effectively and efficiently support the Development by activating a community improvement district (the district to be activated for purposes of this LOI, the “**CID**”) which would participate in the financing of the Road Improvements as described herein, (8) a CID financing does not involve the City’s full faith and credit or any exercise of the taxing power of the City, and (9) the City, the County and the HCDA would derive from the Development, and from the CID’s providing such financial assistance, valuable public benefit (“**Public Benefit**”) that would

materially contribute to the economy and public welfare of the City and the County, (1) by generating substantial investment, (2) by creating substantial employment opportunities, (3) by generating new tax revenues for the City and the County, through additions to the property tax digest, the City's business license fees and otherwise, and (4) by other means.

4. Need for Financial Assistance. The Developer has represented that the contribution to the economics of the Development proposed by this LOI is necessary in order for the Development to go forward and for the Project to locate within the area of the Site Plan, and hence, is necessary to secure the Public Benefit.
5. Transaction; Transaction Documents. This LOI contemplates the following steps in a transaction (the "**Transaction**", and the documents and instruments referred to in such steps, the "**Transaction Documents**", including, without limitation, the CID creation and organization documents) designed to establish the structure that is necessary for the purposes of this LOI:
  - 5.1. The City and the HCDA will enter into an intergovernmental agreement (the "**IGA**") that will contain the terms and conditions contemplated in this LOI and such other terms and conditions as may necessary and mutually agreeable. Among other things, the IGA will contemplate that the City will, upon approval of its governing body, in order to facilitate the construction of the Road Improvements as contemplated herein, (a) manage the accessibility of Price Drive to the public, (b) provide a license or other rights to the Developer as needed for construction purposes on portions of Price Drive owned by the City and to be retained in the completed Road Improvements, and (c) convey to the Developer as an adjacent landowner in accordance with, and subject to compliance with, O.C.G.A. § 32-7-3 and O.C.G.A. § 32-7-4, portions of Price Drive land to be abandoned as a public road.
  - 5.2. The City will activate the CID and provide administrative support to complete its organizational process.
  - 5.3. The HCDA will coordinate the Project and the Transaction and will provide technical assistance to the City and the CID as necessary, including the creation of the Transaction Documents.
  - 5.4. The borders of the CID will be entirely within the borders of the City and will encompass the Industrial Park. The Developer is the current owner of all of the lots in the Industrial Park and will consent in accordance with the CID Act to the creation of the CID. If such ownership changes before the CID is organized, it will be the Developer's responsibility to seek the necessary consents to the CID from the new landowner(s). However, the Developer, as the owner of adjacent land outside of the Industrial Park, may consent, or may obtain consents from other adjacent landowners, for its or their land to be added to the CID's borders, either upon organization of the CID, or later. The foregoing notwithstanding, in no event will the Project's lot E be included within the borders of the CID.
  - 5.5. Upon its organization, the CID will become a party to the IGA by joinder. The IGA will also serve as the cooperation agreement between the City and the CID that is required by the CID Act, and will contain appropriate provisions therefor, unless the City and the CID elect that the cooperation agreement be in the form of a separate intergovernmental agreement between them.

- 5.6. The CID and the Developer will enter into a purchase and sale agreement (the “PSA”) pursuant to which the Developer agrees at its expense to construct the Road Improvements and upon their completion to sell the completed Road Improvements to the CID as described below. However, title to the completed Road Improvements will pass directly from the Developer to the City at the closing under the PSA. The completed Road Improvements must conform at a minimum to City standards for public roads owned by the City, and are expected to exceed such standards. The PSA will provide monitoring and acceptance rights in favor of the City. The parties hereto contemplate that, because the acquisition of the Road Improvements by the CID and the City is by purchase instead of construction, compliance with the competitive procurement of construction requirements of the Georgia Local Government Public Works Construction Law is not necessary.
- 5.7. The IGA will provide for the financing of a portion of the costs of the Road Project by the CID’s issuing, without the necessity of a referendum (as provided in the CID Act and as authorized by the Constitution), a bond (the “Bond”) in a plan of finance (the “Plan of Finance”) that, in its current form, is set forth on Attachment 2 attached hereto and incorporated herein by reference. The Plan of Finance is preliminary and is subject to change. The CID will pay such portion of the costs to the Developer by means of issuing the Bond to the Developer in exchange for the Road Improvements pursuant to the PSA. The Bond will represent the purchase price of the completed Road Improvements, being the sum of the hard and soft costs of construction, a year’s capitalized interest, and costs of issuance of the Bond (to be paid by the Developer and recovered by the Developer as part of the Bond’s principal amount). The amount of such hard and soft costs of construction so financed is not to exceed \$7 million. Such amount is approximately \$2 million less than the currently estimated actual hard and soft costs of construction of the Road Improvements. The Parties understand that therefore the Developer will be selling the completed Road Improvements to the CID for a purchase price that does not fully recover the Developer’s hard and soft costs of construction.
- 5.8. The Bond will have these features, among others: (1) the Bond will be payable only out of the net proceeds of *ad valorem* property taxes levied by the CID on real property used nonresidentially up to a limit of 25 mills of the aggregate assessed value of all such real property within the borders of the CID, and in no event shall the full faith and credit of the City be liable for the repayment of the Bond, (2) the rate of interest on the Bond will be determined in connection with its issuance, and such interest may or may not be federally tax-exempt, as determined in the course of tax due diligence, (3) the issuance and any subsequent transfer of the Bond will be subject to compliance with all state and federal securities laws, but in any event, (a) the CID will not be required to register the Bond under any state securities laws or under the Securities Act of 1933, (b) the Bond may not be issued or transferred under circumstances that would cause it not to be exempt from United States Securities and Exchange Commission Rule 15c2-12, as amended, under the Securities Exchange Act of 1934, and (c) the Bond and documents related thereto (such documents, the “Bond Documents”) will, unless otherwise provided in the Bond Documents, but subject always to the immediately preceding clauses, restrict the transfer of the Bond by the Developer to, (i) any subsidiary of the Developer, any other affiliate of the Developer, or any entity arising out of any merger or consolidation of the Developer, or (ii) any “qualified institutional buyer” (as defined in Rule 144A promulgated under



the Securities Act of 1933, as amended), or (iii) any bank, savings institution or insurance company.

6. LOI Not Binding; Exception for Developer Payment Responsibilities. The undersigned parties are entering into this LOI to state some of the material terms that the parties are discussing for purposes of negotiating and entering into, respectively and as appropriate, the Transaction Documents. A Transaction Document that is a contract would be a binding on the parties thereto. However, meanwhile, this LOI is not binding, except that, regardless of whether or not the parties reach agreement on any Transaction Document, the Developer shall pay the fees and disbursements of, (a) the City's city attorney, Andrew J. Welch III, for legal work performed on the Transaction, including as regards this LOI and the Transaction Documents and in acting on behalf of the City in the creation and organization of the CID, (b) the HCDA's general counsel, Meadows, Macie & Morris, P.C., for legal work performed on the Transaction, including as regards this LOI and the Transaction Documents and the HCDA's providing the above-mentioned coordination and technical assistance, and (c) the HCDA's bond counsel, Seyfarth Shaw, LLP, acting as its special counsel for the Transaction, for legal work performed on the Transaction, including in connection with the negotiation and documentation of this LOI, and the preparation of the Transaction Documents and related matters. Otherwise, this LOI does not constitute an offer, option, or contract, and it is not binding on any party hereto.

IN WITNESS WHEREOF, the Developer, the City, and the HCDA have executed this LOI as of \_\_\_\_\_, 2023.

**“Developer”**

The Cubes of Locust Grove, LLC, a Delaware Limited Liability Company,

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**“City”**

City of Locust Grove, Georgia

---

Robert S. Price, Mayor

Attest:

---

Misty Spurling, City Clerk

Approved as to Form:

---

Andrew J. Welch, III, City Attorney

**"HCDA"**

Henry County Development Authority

By: \_\_\_\_\_

Name: Irvin Culpepper

Title: Chairman

**ATTACHMENT 1**  
**SITE PLAN**



**ATTACHMENT 2**  
**PLAN OF FINANCE**

## INTERGOVERNMENTAL AGREEMENT

**THIS INTERGOVERNMENTAL AGREEMENT** (this “**Agreement**”), dated as of the \_\_\_ day of \_\_\_, 2023, is made by and among the **CITY OF LOCUST GROVE, GEORGIA**, a municipal corporation of the State of Georgia (the “**City**”), the **HENRY COUNTY DEVELOPMENT AUTHORITY (“HCDA”)**, a public body corporate and politic, created and existing under the laws of the State of Georgia, and, upon its entry herein as a party hereto by the execution of the attached Joinder, the board (the “**CID Board**”) of the **CUBES COMMUNITY IMPROVEMENT DISTRICT** (hereinafter referred to as the “**District**”), on behalf of the District, a body corporate and politic established as a community improvement district pursuant to an act of the General Assembly of the State of Georgia, each a “**Party**”, and, collectively, the “**Parties.**”

### RECITALS

A. Article IX, Section II, Paragraph III of the Georgia Constitution provides the City with supplementary street and road powers. In addition, the City is a governmental body as described in the Revenue Bond Law, O.C.G.A. Sec. 36-82-60, *et seq.*, and is authorized to undertake projects described therein which include highways and other facilities.

B. The HCDA is a public body corporate and politic and a development authority duly created by local constitutional amendment Ga. L. 1966, p. 853, duly ratified at the general election held in 1966, and continued by local act of the Georgia General Assembly, Ga. L. 1985, p. 3831, as implemented by local act of the Georgia General Assembly. Ga. L. 1967, p. 2291, as amended by Ga. L. 1975, p. 2833, Ga. L. 1980, p. 3087, Ga. L. 1982, p. 4078, Ga. L. 1985, p. 3549, Ga. L. 1995, p. 4123, Ga. L. 2002, p. 5046, Ga. L. 2008, p. 4023, and Ga. L. 2021, p. 123 (collectively, the “**HCDA Act**”), the area of operation of which is Henry County (the “**County**”).

C. The HCDA Act provides that the HCDA is created for the public purpose of promoting and expanding, for the public good and general welfare, industry, agriculture, commerce, natural resources, and vocational training, and is authorized by the HCDA Act to exercise the powers granted by the HCDA Act, including, but not limited to, the power to construct, acquire, own, repair, remodel, maintain, extend, improve, and equip projects located on land owned or leased by the HCDA or land owned or leased by others, and further provides that there may be included as part of any such project all improvements and property that are necessary or desirable for the full utilization of such project, including, among other things, roads and streets.

D. The District is (effective as of its execution of the Joinder attached hereto) a community improvement district located wholly within the City, and is duly organized and existing under the provisions of Article IX, Section VII of the 1983 Constitution of the State of Georgia (the “**Georgia Constitution**”), 2019 House Bill 665, 2019 Ga. L. 3929, by which the General Assembly enacted the City of Locust Grove Community Improvement District Act (the “**CID Act**”), and Resolution \_\_\_\_\_ adopted by the City Council of the City on \_\_\_\_\_, 2023 as may hereafter be amended

(the “**CID Activating Resolution**”), by which the District was created. The purpose of the District is the provision of governmental services and facilities, including, among other things, street and road construction and maintenance, including curbs, sidewalks, street lights, and devices to control the flow of traffic on streets and roads.

E. As required by the CID Act, concurrently with its execution of the Joinder attached hereto whereby the District becomes a Party hereto, the City and the District will also enter into a cooperation agreement (the “**Cooperation Agreement**”) regarding the provision of the services and facilities pursuant to the CID Act. The Cooperation Agreement will be in substantially the form of Schedule E attached hereto and incorporated herein by reference.

F. Pursuant to the CID Act, the District is authorized to finance or refinance all or any portion of the cost of any “project,” as defined in the CID Act.

G. The CID Act defines “project” to mean the acquisition, construction, installation, modification, renovation, rehabilitation, or operation of land; interests in land, buildings, structures, facilities, or other improvements located or to be located within or otherwise providing service to the District; and the acquisition, installation, modification, renovation, rehabilitation, or furnishing of fixtures, machinery, equipment, furniture, or other property of any nature whatsoever used on, in, or in connection with any such land, interest in land, building, structure, facility, or other improvement, for all the essential public purposes set forth in the CID Act.

H. The District desires to finance certain public infrastructure consisting of road improvements (the “**Road Improvements Project**”) associated with an industrial park (the “**Development**”) being developed by Cubes of Locust Grove, LLC (the “**Developer**”). The Road Improvements Project and the Development are (effective as of the creation of the District) located within the geographic boundaries of the District and within the City and the County. The Road Improvements Project will serve the general public including the users of the Development.

I. The plan of finance for the Road Improvements Project is for the District as purchaser to enter into a purchase and sale agreement (the “**PSA**”) with the Developer as seller, for the purchase by the District of the completed Road Improvements Project. The PSA is more completely described below. The consideration to be received by the Developer for the completed Road Improvements Project will be the Series 2023 Obligation (defined below) to be issued by the District, as more completely described below. In order to repay the Series 2023 Obligation, the District will levy taxes, fees or assessments on real property located within the District used nonresidentially, excluding all property exempt from ad valorem taxation under the Constitution or laws of the State of Georgia, provided that such tax shall not exceed 25 mills (2.5% percent) of the aggregate assessed value of all such real property (the “**District CID Assessments**”).

J. In furtherance of its public purposes, the HCDA will be the provider of economic development services to the City and the District for purposes of the recruitment and

location of economic development projects within the County including, when such is feasible, in the opinion of the board of the HCDA, within the City and the District. The HCDA will also provide coordination services and technical assistance, as available to the HCDA, to the City and the District in the course of their performance of this Agreement.

K. Article IX, Section III, Paragraph I(a) of the Constitution of the State of Georgia (the “**Intergovernmental Contracts Clause**”) authorizes, among other things, any county, municipality or other political subdivision of the State of Georgia (the “**State**”) to contract, for a period not exceeding fifty years, with another county, municipality or political subdivision or with any other public agency, public corporation or public authority for joint services, for the provision of services, or for the provision or separate use of facilities or equipment, provided that such contract deals with activities, services or facilities which the contracting parties are authorized by law to undertake or to provide.

L. The City, the HCDA, and (effective upon its execution of the Joinder attached hereto) the District have respectively found and determined, and do hereby find and determine, that, as to each of them respectively:

- 1) This Agreement deals with activities, services or facilities which each such contracting party is authorized by law to undertake or provide, and that hence, this Agreement is authorized by the Intergovernmental Contracts Clause.
- 2) No Party hereto will construct the Road Improvements Project or be obligated for its construction. No Party hereto will own the Road Improvements Project or any interest therein prior to its completion. Therefore, the transaction provided for by this Agreement and the PSA is not subject to the Georgia Local Government Public Works Construction Law.
- 3) Pursuant to the PSA, the District will purchase the completed Road Improvements Project and it will be conveyed by the Developer directly to the City upon its completion.
- 4) Prior to the consummation (the “**PSA Closing**”) of the purchase and sale transaction contemplated by the PSA, the Road Improvements Project will not be used for governmental purposes. After the Closing, the City will own and operate the Road Improvements Project for governmental purposes that will support the users of the Development and the other citizens of the City. The components of the Development other than the Road Improvements Project will always be used for private business purposes. Therefore, this transaction is authorized by the Constitution of the State and the HCDA Act.
- 5) The Development and the Road Improvements Project considered together:
  - i. meet the Constitutional and statutory definition of trade, commerce or industry,

- ii. are being carried out for a proper public use or purpose under the Constitution of Georgia,
- iii. constitute a “project” under the HCDA Act, and will promote the objectives of the HCDA Act and employment in the territorial area of the HCDA will be increased or maintained as a direct result thereof,
- iv. will be in the public interest of the inhabitants of the City, the County and of the State, and
- v. will facilitate the development of the City and the County and stimulate the economy of each, thereby promoting for the public good and general welfare trade, commerce, industry, and employment opportunities within the City and the County and promoting the general welfare of the State.

M. The Parties hereto have each respectively found and determined, and by executing this Agreement each of them respectively is finding and determining, that: (1) industrial users require adequate road service, and the Development and the area surrounding the Development are inadequately served for that purpose by Price Drive as it currently exists, (2) therefore users of the Development would not locate in the City and the County, and the Development would not be successful, but for the installation and construction of the Road Improvements Project; (2) the public generally would benefit from the Road Improvements Project and the Road Improvements Project would contribute greatly to retaining existing businesses and industries in the City and the County and to facilitating their expansion therein, (3) the Road Improvements Project will ultimately be owned by the City and constitute public infrastructure; however, the cost of these public infrastructure improvements and of complicated development techniques result in a financial gap in the return on private investment necessary to develop the transformative and impactful Project that is proposed, as well as to develop the Development, and the cost of the Road Improvements Project cannot be fully supported by private sector investment, (4) the scale and transformative vision of the proposed Development is consistent with the vision for development in this part of the City as set forth in the City’s planning policies, and will provide substantial public benefits to stabilize the broader economic base of that area as well as act as a catalyst for future dynamic growth to City’s tax digest, (5) the development of the Development will facilitate, as articulated in the City’s planning policies, avoiding in this area future economic distress and the promotion of continued redevelopment and growth in this area, (6) the addition to the tax digests of the City and the County expected to be generated directly by the Development justifies public participation in the financing of the Road Improvements Project, (7) the City has available at its disposal the CID Act, which allows the City to effectively and efficiently support the Development by the District to participate in the financing of the Road Improvements Project as described herein, (8) a District financing does not involve the City’s full faith and credit or any exercise of the taxing power of the City, and (9) the City, the County and the HCDA would derive from the Development, and from the District’s providing such financial assistance, valuable public benefit (“**Public Benefit**”) that would materially contribute to the economy and public welfare of the City and the County, (a) by generating

substantial investment, (b) by creating substantial employment opportunities, (c) by generating new tax revenues for the City and the County, through additions to the property tax digest, the City's business license fees and otherwise, and (d) by other means.

N. The District will receive from the City, in exchange for the Road Improvements Project, consideration that is at least equivalent to the fair market value of the Road Improvements Project. Such consideration includes, without limitation, the City's incurring responsibility, as a result of its acceptance thereof, for the maintenance and operation of the Road Improvements Project for its entire useful life, and the Public Benefit. Furthermore, the City is receiving at least equivalent consideration in exchange for such acceptance, including, without limitation, ownership of the completed Road Improvements Project and the Public Benefit.

**NOW, THEREFORE,** for and in consideration of the foregoing premises and undertakings as hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City, the HCDA, and (effective upon its execution of the Joinder attached hereto) the District DO HEREBY AGREE, as follows:

### **Section 1.**

This Agreement shall become effective as between the City and the HCDA upon its execution and delivery by them, and shall become effective as to the District upon its execution of the Joinder attached hereto, whereupon, the District shall be bound by the terms and conditions hereof, including, without limitation, by all obligations, representations and warranties ascribed to the District herein. This Agreement shall be subject to the limitation on its effectiveness contained in the Intergovernmental Contracts Clause and accordingly shall continue in effect until the day before the fiftieth (50<sup>th</sup>) anniversary of the date upon which it became effective as between the City and the HCDA, provided, that this Agreement shall terminate sooner upon the first to occur of, (a) failure of the District, despite its good faith efforts, to issue the Series 2023 Obligation by \_\_\_\_\_, or (b) dissolution of the District as provided by law.

### **Section 2.**

The District represents, warrants and agrees (effective upon its execution of the Joinder attached hereto) as follows:

(a) The District represents and warrants that it is a public body corporate and politic duly created, organized and existing under the Constitution and laws of the State of Georgia, including the CID Act. The District further represents and warrants that, under the provisions of the Georgia Constitution and the Act, the District is authorized to execute, deliver and perform its obligations under this Agreement, and that the District Board has duly authorized the execution, delivery and performance of this Agreement.

(b) The District represents and warrants that it is authorized to enter into the transactions contemplated by this Agreement and to carry out its obligations hereunder, has been duly authorized to execute and deliver this Agreement, and will do or cause to be done all things

necessary to preserve and keep in full force and effect its status and existence as a body corporate and politic.

(c) In furtherance of the public purpose for which the District was created, the District agrees to acquire the Project and to that end, the District shall enter into a PSA with the Developer on substantially the terms and conditions set forth on Schedule 2(c) attached hereto and incorporated herein by reference, and the other provisions of this Agreement.

(d) In order to finance its acquisition of the Road Improvements Project, the District will pursue issuance without the necessity of a referendum (as provided in the CID Act and as authorized by the Constitution), of its “CUBES Community Improvement District Assessment Bond (CUBES District Project), Series 2023 in an original aggregate principal amount consistent with this Agreement and the PSA (the “**Series 2023 Obligation**”), which will constitute a general obligation of the District secured by District CID Assessments and by such additional property authorized by the CID Act to be pledged to secure the repayment of such Series 2023 Obligation and by indentures or financing agreements authorized and entered into by the District. The District will issue the Series 2023 Obligation in a plan of finance (the “**Plan of Finance**”) that, in its current form, is set forth on Schedule 2(d)-1 attached hereto and incorporated herein by reference. The Plan of Finance is preliminary and is subject to change. The Series 2023 Obligation will conform to its description on Schedule 2(d)-2 attached hereto and incorporated herein by reference. The District will pay a portion of the costs of the Road Improvements Project to the Developer by means of issuing the Series 2023 Obligation to the Developer in exchange for the Road Improvements Project pursuant to the PSA. The Series 2023 Obligation will represent the purchase price of the completed Road Improvement Project, being the sum of the hard and soft costs of construction, capitalized interest (expected to be for one year), and costs of issuance of the Series 2023 Obligation (to be paid by the Developer and recovered by the Developer as part of the principal amount of the Series 2023 Obligation). The amount of such hard and soft costs of construction so financed is not to exceed \$7 million. Such amount is approximately \$2 million less than the currently estimated actual hard and soft costs of construction of the Road Improvements Project. The Parties understand that therefore the Developer will be selling the completed Road Improvements Project to the District for a purchase price that does not fully recover the Developer’s hard and soft costs of construction.

(e) The District agrees to enter into all contracts and do all things necessary to effect the acquisition of the Road Improvements Project. The District will provide the City with written reports on the status of completion of the Road Improvements Project as often and in as much detail as reasonably requested, but no less frequently than quarterly. The District agrees that it will pursue completion of the Road Improvements Project with all reasonable dispatch and use its commercially reasonable efforts to cause the Road Improvements Project to be acquired as soon as may be practicable, but if for any reason such acquisition is not so completed, there shall be no resulting liability on the part of the District and no diminution in or postponement of the amounts payable to retire the Series 2023 Obligation.

(f) The District is authorized and hereby agrees to levy and collect District CID Assessments within the District, at such rate or rates, not to exceed twenty-five (25) mills, and to apply the proceeds thereof to the cost of acquiring the Road Improvements Project by means of repayment of the Series 2023 Obligation.



(g) The District shall not issue other debt obligations in addition to the Series 2023 Obligation (other than debt obligations that may be issued to refund the Series 2023 Obligation)

### **Section 3.**

The City represents, warrants and agrees as follows:

(a) The City represents and warrants that it is a municipal corporation under the laws of the State of Georgia, having the power and authority to enter into this Agreement, and, by proper action of its governing body, has authorized the execution and delivery of this Agreement.

(b) The City further represents and warrants that it is authorized to enter into the transactions contemplated by this Agreement and to carry out its obligations hereunder, has been duly authorized to execute and deliver this Agreement, and will do or cause to be done all things necessary to preserve and keep in full force and effect its status and existence as a municipal corporation.

(c) In consideration of the facilities provided and services rendered by the District hereunder, the City shall in order to facilitate the Road Improvements Project as contemplated herein:

- 1) manage the accessibility of Price Drive to the public,
- 2) provide a license or other rights to the Developer as needed for construction purposes on portions of Price Drive owned by the City and to be retained in the completed Road Improvements Project,
- 3) convey to the Developer as an adjacent landowner in accordance with, and subject to compliance with, O.C.G.A. § 32-7-3 and O.C.G.A. § 32-7-4, portions of Price Drive land to be abandoned as a public road,
- 4) provide the Developer with the specifications necessary for the Developer to construct the Road Improvements Project in accordance with City standards for City roads,
- 5) assign City staff as necessary for monitoring the construction of the Road Improvements Project and determining whether or not the completed Road Improvements Project complies with City standards for acceptance as a City road, and
- 6) upon completion of the Road Improvements Project and the satisfaction of all other conditions to the closing under the PSA, if there is no default by Developer under the PSA, then the City shall accept the dedication and conveyance by the Developer to the City of the completed Road Improvements Project.

#### **Section 4.**

The HCDA represents, warrants and agrees as follows:

(a) The HCDA represents and warrants that it is a public body corporate and politic, created and existing under the laws of the State of Georgia, having the power and authority to enter into this Agreement, and, by proper action of its governing body, has authorized the execution and delivery of this Agreement.

(b) The HCDA further represents and warrants that it is authorized to enter into the transactions contemplated by this Agreement and to carry out its obligations hereunder, has been duly authorized to execute and deliver this Agreement, and will do or cause to be done all things necessary to preserve and keep in full force and effect its status and existence as a public body corporate and politic.

(a) The HCDA agrees that, as described in Schedule 4(a) attached hereto and incorporated herein by reference, it shall provide economic development services to the City and the District for purposes of the recruitment and location of economic development projects within the County including, when such is feasible, in the opinion of the board of the HCDA, within the City and the District, and

(b) The HCDA agrees that, as described in Schedule 4(b) attached hereto and incorporated herein by reference, it shall provide coordination services and technical assistance, as available to the HCDA, to the City and the District in the course of their performance of this Agreement.

#### **Section 5.**

The Parties hereto agree as follows:

(a) This Agreement shall be construed and enforced in accordance with the laws of the State of Georgia.

(b) Should any phrase, clause, sentence or paragraph herein contained be held invalid or unconstitutional, it shall in no way affect the remaining provisions of this Agreement, which provisions shall remain in full force and effect.

(c) This Agreement may be executed in several counterparts, each of which shall be an original but all of which shall constitute one and the same instrument.

(d) The parties will adopt, make, execute and deliver any and all such further resolutions, instruments and assurances as may be reasonably necessary or proper to carry out the intention or to facilitate the performance of this Agreement.

**The “City”**

**THE CITY OF LOCUST GROVE, GEORGIA**

By: \_\_\_\_\_  
Robert S. Price, Mayor

ATTEST:

\_\_\_\_\_  
Misty Spurling, City Clerk

[City’s Seal]

APPROVED AS TO FORM:

\_\_\_\_\_  
Andrew J. Welch, III, City Attorney

**HENRY COUNTY DEVELOPMENT AUTHORITY**

By: \_\_\_\_\_  
Irvin K. Culpepper, Chairman

ATTEST:

\_\_\_\_\_  
David Crow, Secretary

[SEAL]

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

**JOINDER**

The undersigned hereby joins into, agrees to, and becomes a Party to the within and foregoing Intergovernmental Agreement dated as of \_\_\_\_\_, 2023. Without limitation, the undersigned agrees to be bound by all the duties and obligations imposed pursuant to the provisions of the Agreement as though the undersigned had been an original Party to such Intergovernmental Agreement since the date thereof, and hereby ratifies, approves confirms and adopt all such duties and obligations and all prior performance thereof.

**LOCUST GROVE NORTH COMMUNITY  
IMPROVEMENT DISTRICT**

(SEAL)

By: \_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Secretary

**SCHEDULE E**  
**COOPERATION AGREEMENT**

(attached)

**SCHEDULE 2(c)**  
**PSA TERMS AND CONDITIONS**

The District and the Developer will enter into the PSA pursuant to which the Developer agrees at its expense to construct the Road Improvements Project and upon their completion to sell the completed Road Improvements Project to the District as described in more detail in the PSA. However, title to the completed Road Improvements Project will pass directly from the Developer to the City at the PSA Closing. The completed Road Improvements Project must conform at a minimum to City standards for public roads owned by the City, and are expected to exceed such standards. The PSA will provide monitoring and acceptance rights in favor of the City. The parties hereto contemplate that, because the acquisition of the Road Improvements Project by the District and the City is by purchase instead of construction, compliance with the competitive procurement of construction requirements of the Georgia Local Government Public Works Construction Law is not necessary. The PSA will terminate simultaneously with this Agreement if this Agreement terminates because of failure of the Series 2023 Obligation to be timely issued as provided in Section 1 hereof.



**SCHEDULE 2(d)-1  
PLAN OF FINANCE**

amortization period	Bond Years	Calendar Year	Projected FMV	Assessment Ratio	Total Projected Assessed Value	Normal Taxes	Taxes from pro forma CID mills on unadjusted projected assessed value (debt service payments)	% of offsetting reduction in normal taxes = % by which assessed value reduced = HCDA abatement percentage	reduced amount of normal taxes	reduced assessed value	actual CID millage required to yield debt service payment at reduced assessed value	taxes on reduced assessed value (normal + actual CID mills)	difference between taxes paid before CID millage and after CID millage
	1	2023	\$0	40%	\$ -								
	2	2024	\$0	40%	\$ -								
1	3	2025	\$18,103,592	40%	\$ 7,241,437	\$ 275,486	\$ 101,380	37%	\$ 174,106	\$ 4,576,554	22	\$ 275,486	\$ -
2	4	2026	\$61,807,307	40%	\$ 24,722,923	\$ 940,534	\$ 346,121	37%	\$ 594,413	\$ 15,624,773	22	\$ 940,534	\$ -
3	5	2027	\$104,670,396	40%	\$ 41,868,159	\$ 1,592,790	\$ 586,154	37%	\$ 1,006,636	\$ 26,460,483	22	\$ 1,592,790	\$ -
4	6	2028	\$134,935,700	40%	\$ 53,974,280	\$ 2,053,344	\$ 755,640	37%	\$ 1,297,704	\$ 34,111,495	22	\$ 2,053,344	\$ -
5	7	2029	\$136,959,736	40%	\$ 54,783,894	\$ 2,084,144	\$ 766,975	37%	\$ 1,317,169	\$ 34,623,168	22	\$ 2,084,144	\$ -
6	8	2030	\$139,014,132	40%	\$ 55,605,653	\$ 2,115,406	\$ 778,479	37%	\$ 1,336,927	\$ 35,142,515	22	\$ 2,115,406	\$ -
7	9	2031	\$141,099,344	40%	\$ 56,439,737	\$ 2,147,137	\$ 790,156	37%	\$ 1,356,981	\$ 35,669,653	22	\$ 2,147,137	\$ -
8	10	2032	\$143,215,834	40%	\$ 57,286,334	\$ 2,179,344	\$ 802,009	37%	\$ 1,377,335	\$ 36,204,698	22	\$ 2,179,344	\$ -
9	11	2033	\$145,364,071	40%	\$ 58,145,629	\$ 2,212,034	\$ 814,039	37%	\$ 1,397,995	\$ 36,747,768	22	\$ 2,212,034	\$ -
10	12	2034	\$147,544,532	40%	\$ 59,017,813	\$ 2,245,215	\$ 826,249	37%	\$ 1,418,965	\$ 37,298,985	22	\$ 2,245,215	\$ -
11	13	2035	\$149,757,700	40%	\$ 59,903,080	\$ 2,278,893	\$ 838,643	37%	\$ 1,440,250	\$ 37,858,470	22	\$ 2,278,893	\$ -
12	14	2036	\$152,004,066	40%	\$ 60,801,626	\$ 2,313,076	\$ 851,223	37%	\$ 1,461,854	\$ 38,426,347	22	\$ 2,313,076	\$ -
13	15	2037	\$154,284,127	40%	\$ 61,713,651	\$ 2,347,772	\$ 863,991	37%	\$ 1,483,781	\$ 39,002,742	22	\$ 2,347,772	\$ -
14	16	2038	\$156,598,389	40%	\$ 62,639,356	\$ 2,382,989	\$ 876,951	37%	\$ 1,506,038	\$ 39,587,783	22	\$ 2,382,989	\$ -
15	17	2039	\$158,947,365	40%	\$ 63,578,946	\$ 2,418,734	\$ 890,105	37%	\$ 1,528,629	\$ 40,181,600	22	\$ 2,418,734	\$ -
16	18	2040	\$161,331,575	40%	\$ 64,532,630	\$ 2,455,015	\$ 903,457	37%	\$ 1,551,558	\$ 40,784,324	22	\$ 2,455,015	\$ -
17	19	2041	\$163,751,549	40%	\$ 65,500,620	\$ 2,491,840	\$ 917,009	37%	\$ 1,574,831	\$ 41,396,089	22	\$ 2,491,840	\$ -
18	20	2042	\$166,207,822	40%	\$ 66,483,129	\$ 2,529,218	\$ 930,764	37%	\$ 1,598,454	\$ 42,017,030	22	\$ 2,529,218	\$ -
19	21	2043	\$168,700,939	40%	\$ 67,480,376	\$ 2,567,156	\$ 944,725	37%	\$ 1,622,431	\$ 42,647,285	22	\$ 2,567,156	\$ -

ITEM	PRO FORMA
Total Current Project Site Millage	38.043
pro forma CID mills	14
interest rate	0.06
pro forma hard and soft costs	\$7,000,000.00
add capitalized interest (1 year) est.	\$480,000.00
add transaction costs (est.)	\$500,000.00
target bond amount	<b>\$7,980,000.00</b>

ITEM	ACTUAL
Total Current Project Site Millage	38.043
pro forma CID mills	<b>14</b>
calculated CID mills	<b>22</b>
interest rate	0.06
target bond amount	\$7,980,000
calculated bond amount	<b>\$7,951,883</b>

**SCHEDULE 2(d)-2**  
**SERIES 2023 OBLIGATION**

The Series 2023 Obligation will have these features, among others: (1) the Series 2023 Obligation will be payable only out of the net proceeds of District CID Assessments levied by the District on real property used nonresidentially up to a limit of 25 mills of the aggregate assessed value of all such real property within the borders of the District, and in no event shall the full faith and credit of the City be liable for the repayment of the Series 2023 Obligation, (2) the rate of interest on the Series 2023 Obligation will be determined in connection with their issuance, and such interest may or may not be federally tax-exempt, as determined in the course of tax due diligence, (3) the issuance and any subsequent transfer of the Series 2023 Obligation will be subject to compliance with all state and federal securities laws, but in any event, (a) the District will not be required to register the Series 2023 Obligation under any state securities laws or under the Securities Act of 1933, (b) the Series 2023 Obligation may not be issued or transferred under circumstances that would cause it not to be exempt from United States Securities and Exchange Commission Rule 15c2-12, as amended, under the Securities Exchange Act of 1934, and (c) the Series 2023 Obligation and documents related thereto (such documents, the “**Series 2023 Obligation Documents**”) will, unless otherwise provided in the Series 2023 Obligation Documents, but subject always to the immediately preceding clauses, restrict the transfer of the Series 2023 Obligation by the Developer to, (i) any subsidiary of the Developer, any other affiliate of the Developer, or any entity arising out of any merger or consolidation of the Developer, or (ii) any “qualified institutional buyer” (as defined in Rule 144A promulgated under the Securities Act of 1933, as amended), or (iii) any bank, savings institution or insurance company.

**SCHEDULE 4(a)**  
**HCDA ECONOMIC DEVELOPMENT SERVICES**

(to be provided)

**SCHEDULE 4(b)**  
**HCDA TECHNICAL COORDINATION SERVICES AND TECHNICAL ASSISTANCE**

(to be provided)

**RESOLUTION \_\_\_\_\_**

**BY THE CITY COUNCIL OF THE CITY OF LOCUST GROVE**

**A RESOLUTION CONSENTING TO THE CREATION OF THE CUBES COMMUNITY IMPROVEMENT DISTRICT AS AUTHORIZED BY THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA BY THE CITY OF LOCUST GROVE COMMUNITY IMPROVEMENT DISTRICTS ACT AND BASED ON THE REQUISITE CONSENTS OF THE OWNERS OF REAL PROPERTY WITHIN THE DISTRICT BOUNDARIES; AND FOR OTHER PURPOSES.**

**RECITALS**

- A. Pursuant to ARTICLE IX, SECTION VII of the Georgia Constitution, the General Assembly may provide by local legislation for the creation of one or more community improvement districts by a municipality.
- B. By Act of the Georgia General Assembly, 2019 House Bill 665, 2019 Ga. L. 3929, (the “**Act**”), the City of Locust Grove Community Improvement Districts Act was enacted.
- C. A majority of the owners of non-residential real property within the proposed community improvement district (the “**CID**”), as shown on the map attached as Schedule C-1 and incorporated by reference herein, which will be subject to taxes, fees, and assessments levied by the board of the CID, have consented in writing to the creation of the CID with boundaries as shown on said map.
- D. The owners of real property within the proposed CID which constitute at least 75% by value of all non-residential real property within said CID which will be subject to rates, fees and assessments levied by the board of the CID, according to the most recent approved Henry County ad valorem tax digest, have consented in writing to the creation of the CID with boundaries as shown on said map.
- E. The Henry County Tax Commissioner has certified that consents by a majority of the owners of real property and 75% by value of the owners of real property have satisfied paragraph (2) of subsection (a) of section 4 of the Act with respect to the CID, said certification and the corresponding consents being attached as Schedule E hereto and incorporated herein by reference.
- F. It is the intention of the City Council of the City of Locust Grove by creation and activation of such CID, to enhance and supplement certain governmental services and facilities to be provided within said district.
- G. The City Council of the City of Locust Grove has determined that the creation and activation of such CID would be in the best interest of the citizens of the City of Locust Grove.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF LOCUST GROVE, GEORGIA** (the “City Council”) that the City of Locust Grove (the “City”) consents to the creation and activation of the **LOCUST GROVE NORTH** Community Improvement District comprising the geographical area as shown on the map attached as Schedule C-1 hereto and the properties as described in Schedule C-2 and Schedule C-3, both attached hereto and incorporated herein by reference, for the provision of one or more of the following governmental services and facilities:

- (1) Street and road construction and maintenance, including curbs, sidewalks, streetlights, and devices to control the flow of traffic on streets and roads;
- (2) Parks and recreational areas and facilities;
- (3) Storm-water and sewage collection and disposal systems;
- (4) Development, storage, treatment, purification, and distribution of water;
- (5) Public transportation;
- (6) Terminal and dock facilities and parking facilities; or
- (7) Such other services and facilities as may be provided for by general law.

**BE IT FURTHER RESOLVED** that the City Council relies on the certification by the Tax Commissioner of Henry County as to the satisfaction of conditions relating to the consent of property owners and that neither the City nor the City Council will undertake any obligation to verify said certification and shall assume no responsibility for such certification.

**BE IT FURTHER RESOLVED** that a caucus of electors, as defined in the Act, be held within 60 days after the adoption of this Resolution, at the Locust Grove Public Safety Building, 3640 Hwy 42, Locust Grove, Georgia 30248, for the purpose of electing three (3) District Board Members and taking other action. Registration shall begin at \_\_\_ o’clock \_\_.m. and conclude at \_\_\_ o’clock \_\_.m., at which time the election caucus will convene and voting will begin. No proxy votes may be cast.

**BE IT FURTHER RESOLVED** that the City Clerk shall give notice of said caucus to the electors by publication in The Daily Herald once a week for four (4) weeks, prior to such election, and by contacting each elector by U.S. Mail at least 31 days prior to such election at the address of each elector as indicated in the property tax rolls.

**BE IT FURTHER RESOLVED** that one board member shall be elected by a majority of the voters present and voting at the caucus to Post 1 on the basis of one vote for each elector. The board members for Posts 2 and 3 shall be elected at the caucus by a majority of the votes cast by the electors present and voting at the caucus, with each elector having one vote for each \$1,000.00 or fractions thereof, in assessed value of the property owned by the elector subject to taxes, fees, or assessments levied by the board . The initial term of office for the member representing Post 1 shall be two years. The initial term of office for the members representing Posts 2 and 3 shall be

for a term of four years. Thereafter, all terms of office for all such elected board members shall be for four years.

**BE IT FURTHER RESOLVED** that \_\_\_\_\_ and \_\_\_\_\_, be and are hereby appointed by the City Council to serve in Posts 4 and 5, respectively, as members of the District Board, who shall serve at the pleasure of the City Council.

**BE IT FURTHER RESOLVED** that the Mayor of the City or the Mayor's designee shall convene the initial caucus of electors.

**BE IT FURTHER RESOLVED** that the City Clerk is directed to forward a copy of this resolution to the Georgia Department of Community Affairs and to the Georgia Secretary of State.

**BE IT FINALLY RESOLVED** that the Mayor of the City on behalf of the City be and is hereby authorized to enter into an intergovernmental agreement (the “**IGA**”) containing a Cooperation Agreement between the City and the CID providing for the provision of services and facilities under the Act. Said Cooperation Agreement shall be a portion of the IGA, and the IGA shall be among the City, the Henry County Development Authority (“**HCDA**”), and the CID. The IGA shall be in substantially the form attached hereto as Attachment 1 and incorporated herein by reference, with such further changes as the City Attorney shall deem appropriate. The Cooperation Agreement itself shall apply only as between the City and the CID. The other portions of the IGA shall apply to the City, the CID and the HCDA, and shall provide for such other matters as are set forth in Attachment 1 hereto. The IGA shall be executed initially by the City and the HCDA and shall be binding between them as set forth above upon its execution by them. The CID shall enter into the IGA by executing a joinder thereto, whereupon the Cooperation Agreement shall be binding between the City and the CID as set forth above, and the other portions of the IGA shall be binding among the City, the CID and the HCDA as set forth above.



This signature page is for the Resolution approved by Mayor and Council for the creation of the CUBES Community Improvement District

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Robert Price, Mayor  
City of Locust Grove, Georgia

Attest: \_\_\_\_\_  
Misty Spurling, City Clerk  
City of Locust Grove, Georgia

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
Andrew J. Welch, III, City Attorney  
City of Locust Grove, Georgia