

STATE OF GEORGIA

COUNTY OF HALL

RESOLUTION CONSENTING TO DE-ANNEXATION

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

WHEREAS, Craig Broome (the “Owner”) is the sole landowner of a certain piece of property consisting of 1.11 +/- acres of land, more or less, currently located within the incorporated city limits of the City of Oakwood and having the address of 0 Old Cornelia Highway, Lula, Georgia (the “Property”); and

WHEREAS, the Property is more fully identified as Tax Parcel number 15007 000277, and is described more particularly in the maps and aerial photographs contained in documents attached hereto as Exhibit “A”; and

WHEREAS, on February 21, 2022, the City of Lula City Council voted unanimously to approve the de-annexation of the tax parcel at issue and said vote is reflected in the minutes of the City; and

WHEREAS, on October 9, 2023, the City Attorney for the City of Lula sent a letter to the Owner stating that the City of Lula needed a resolution by the County consenting to the de-annexation of the Property in order to notify the State of Georgia of the de-annexation of the Property; and

WHEREAS, on February 14, 2024, Hall County’s Planning and Development Department received communication from the Owner demonstrating that the City of Lula had voted to de-annex the property and requesting that the County consent to the de-annexation; and

WHEREAS, the County has received sufficient documentation indicating that the City of Lula, Georgia has voted to de-annex the Property pursuant to a de-annexation application from the Owner of the Property; and

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

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

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

NOW THEREFORE, the Hall County Board of Commissioners hereby resolves, pursuant to O.C.G.A. § 36-36-22, to consent to the request of the Owner of the Property known as 0 Old Cornelia Highway, Lula, Georgia, Tax Parcel number 15007 000277 (and more fully described in the attached Exhibit "A" hereto) to de-annex the Property from the City of Lula.

[Signatures on following page.]

SO RESOLVED this the _____ day of _____, 2024.

**HALL COUNTY BOARD OF
COMMISSIONERS**

Chairman, Richard Higgins

ATTEST:

Jennifer Rivera, County Clerk

APPROVED AS TO FORM:

William J. Linkous III, County Attorney

Exhibit “A”



Hall County Government
COMMUNITY DEVELOPMENT AND INFRASTRUCTURE
PLANNING AND DEVELOPMENT

POST OFFICE DRAWER 1435

GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Srikanth Yamala

PLANNING AND DEVELOPMENT
DIRECTOR
Randi Doveton

To: William Linkous, III, County Attorney
Van Stephens, Special Assistant County Attorney
Randi Doveton, Director, Planning and Development
Beth Garmon, Planning and Zoning Administrator, Planning and Development

From: Katie Greenway, Principal Planner

Date: February 19, 2024

Subject: De-annexation from Mr. Craig Broome in Commission District 3 to de-annex tax parcel 15007 000277.

Application

Applicant: Craig Broome

Tax Parcel(s): 15007 000277

Acreage: 1.11± acres

Owner(s): Jane E. Bates

Date Received: February 14, 2023

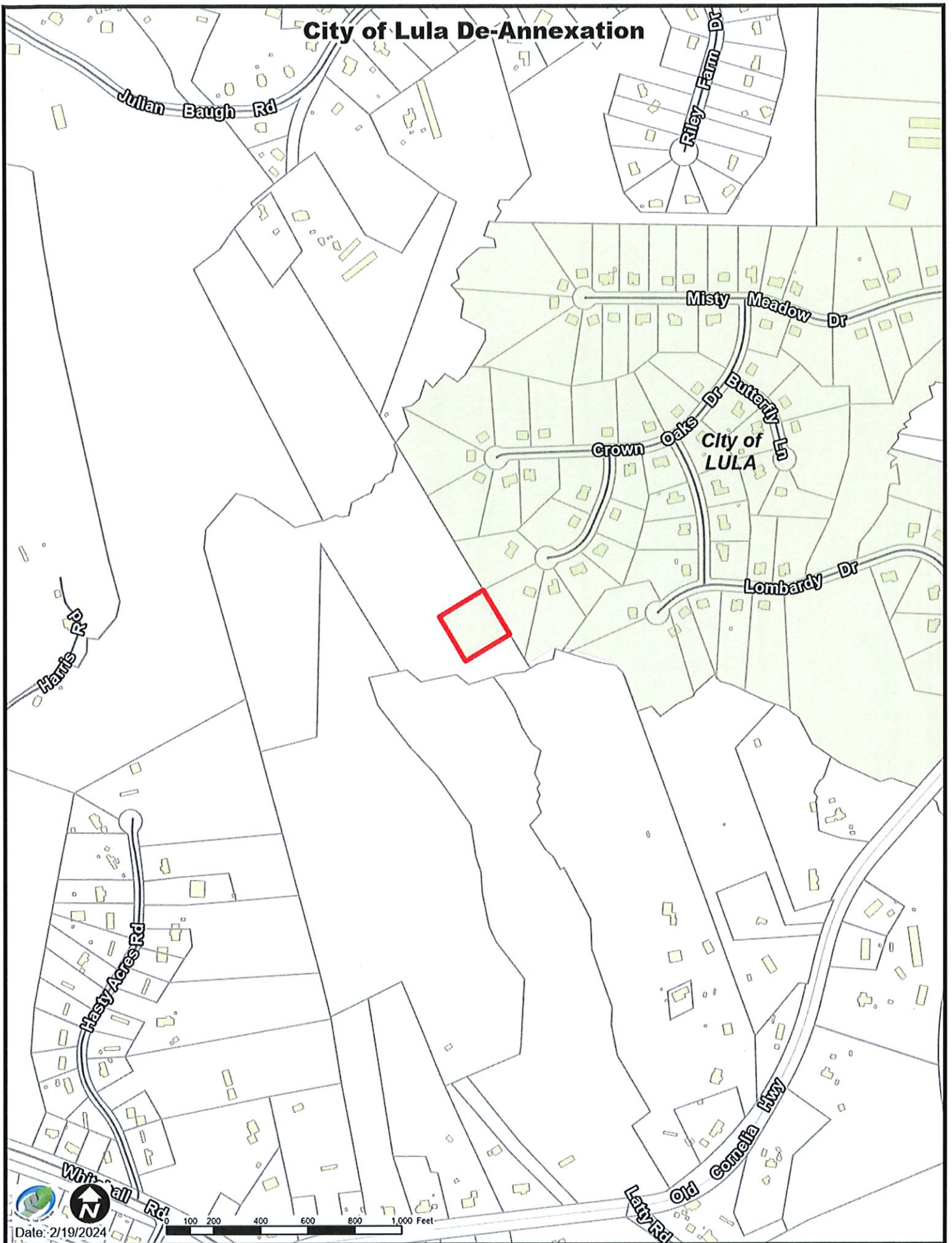
Summary

On February 21, 2022 the City of Lula City Council voted unanimously to approve the de-annexation of Mr. Craig Broome for tax parcel 15007 000277. The purpose of this de-annexation request is to join the 1.11± acre tract with the surrounding 29.02± acre pastureland, located within unincorporated Hall County. It is currently unclear what the existing zoning designation is within the City of Lula; however, Staff recommends that the new zoning district be consistent with the surrounding property, which is zoned Agricultural Residential-III (AR-III) adjacent to the subject parcel.

The proposal complies with the future land use guidelines set by the Hall County Comprehensive Plan, as the future land use designation for the subject property is "Rural." The intent of this land use designation is to preserve the existing rural character, including agricultural uses and large-lot residential uses, as well as natural and historic features.

See attached notice letter, maps, narrative, and City of Lula City Council meeting minutes for reference.

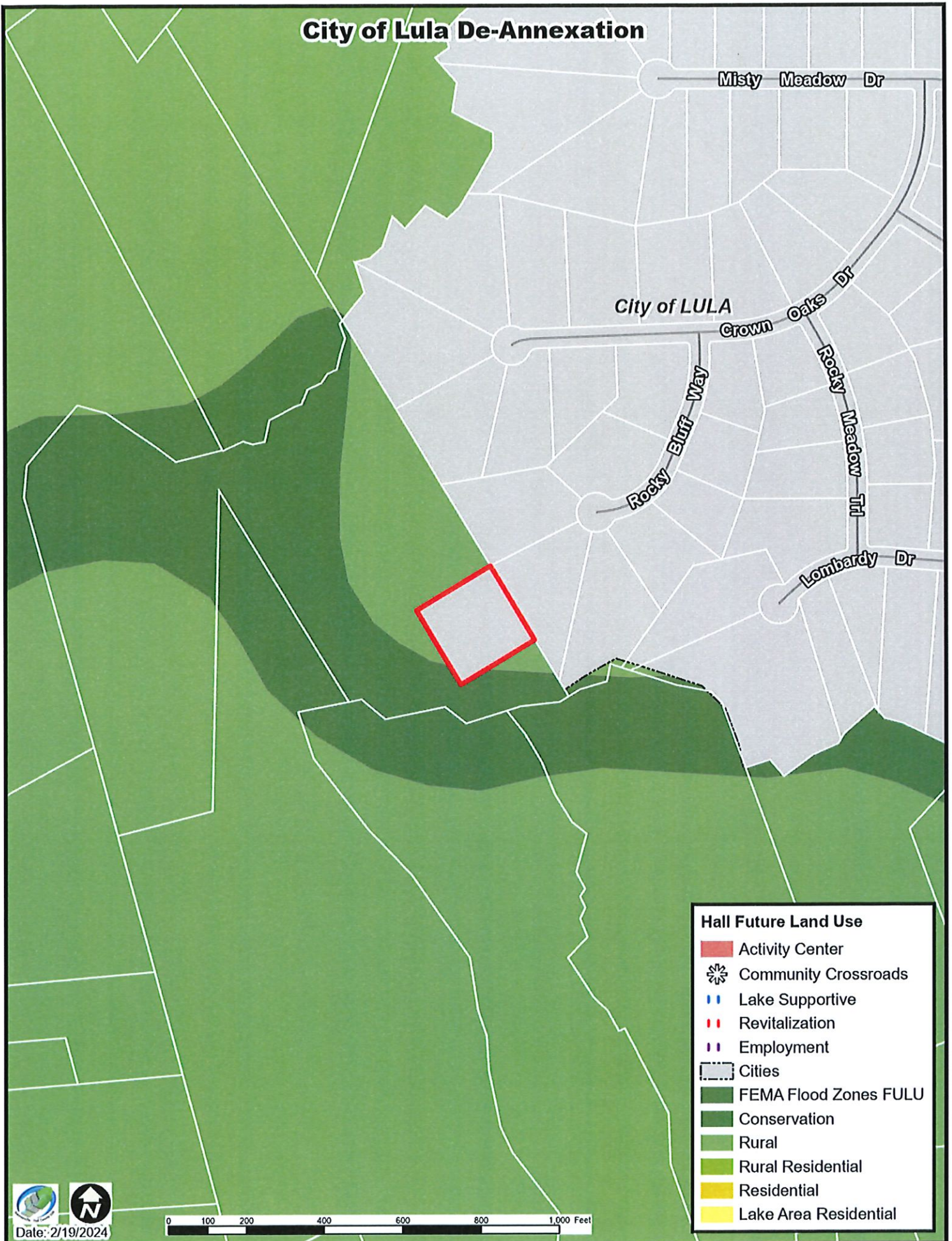
City of Lula De-Annexation



City of Lula De-Annexation



City of Lula De-Annexation





Hall County Planning & Zoning

Received

February 14, 2024

Joseph A. Homans, P.C.
Attorney at Law

272 Hwy 9 SO
P.O.Box 477
Dawsonville, GA 30534
(706) 265-3090
joey@homanslaw.com
sabrina@homanslaw.com

October 9, 2023

Craig Broome
5801 Julian Baugh Rd.
Lula, Georgia 30554

Re: Deannexation – City of Lula

Dear Mr. Broome:

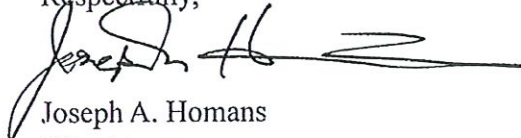
Your request for an update from the City of Lula regarding deannexation of Parcel No. 15007 000277 has been forwarded to me for response.

I provide you a copy of what has been provided me as the written and signed application (the yellow sticky note will not be on the original) and the February 21, 2022 minutes approving the process.

O.C.G.A. §36-36-22 requires the adoption of a resolution by Hall County consenting to the deannexation to complete the process. The City must notify the State of the deannexation when the process is completed. If you have a copy of that resolution, then please provide that copy to the City Manager. If you do not have a copy of that resolution, then please let me know the date you appeared before the Commissioners regarding this matter, and I will search county commission minutes for the resolution.

I attempted to call you a few times in response to the message you left for me. However, voicemail is unavailable for your phone, so I could not leave a message.

Respectfully,



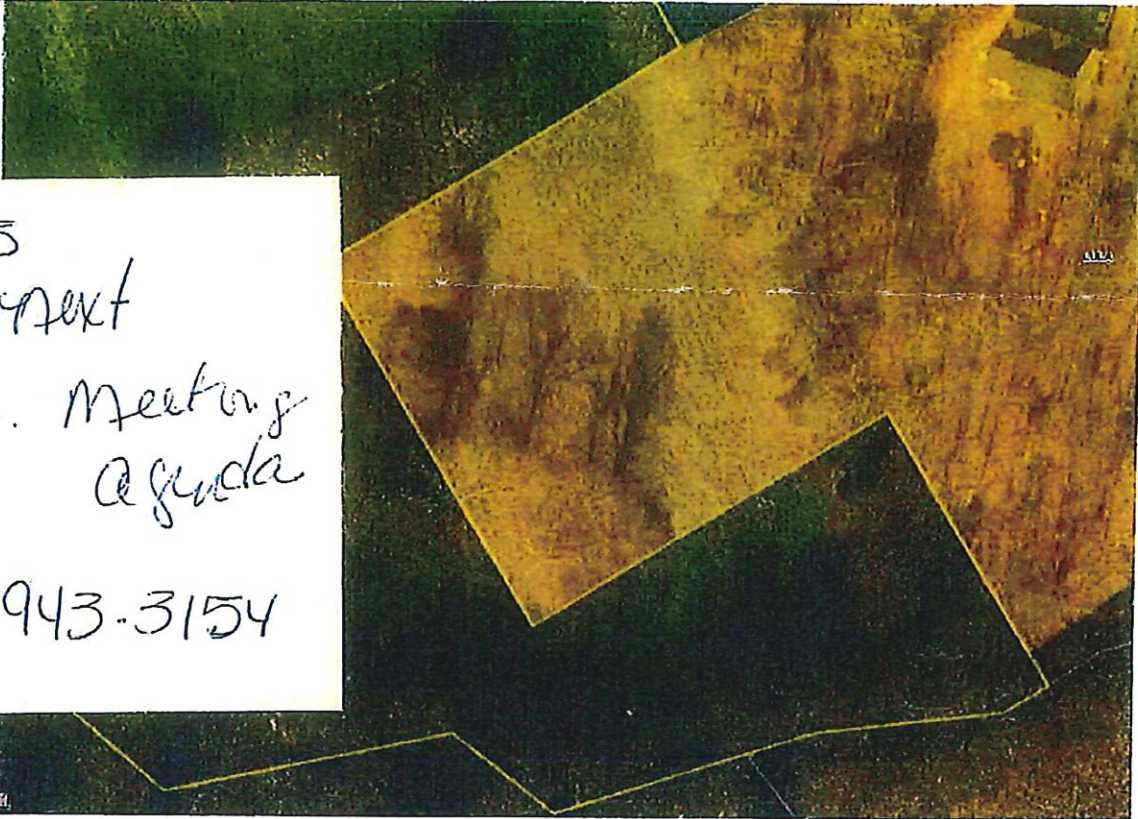
Joseph A. Homans
City Attorney

JAH/sj

cc: Dennis Bergin

Hello,

My name is Craig Broome and on behalf of my Mother in law (Jane Ellen Bates) I would like to request the de-annexation of parcel 15007 000277 (1.11 acres) as pictured in figure #1.



Wants
on next
poss. meeting
@ Lula

678.943.3154

Approximately 15 years ago, my wife (Pam Bates Broome) and I were looking for a site to build our home. At this time grading had begun to develop the Misty River Subdivision on Old Cornelia Hwy. We were able to purchase the lot adjacent the families back pastureland and in order to secure the ability to build we were required to annex the 1.11-acre site into the city of Lula.

After planning the build and much financial consideration it was not feasible for us to develop the site and as agreed with the developer; that if we did not build, we would and did sale it back to him.

Now we have this 1.11-acre site that has no city access. We have all of this pastureland in a 10-year agricultural conservation agreement, that greatly reduces the among of taxes. This 1.11-acre value was \$16,500 in 2020 and increased to \$36,800 in 2021. We paid \$403.61 in tax for 2021, which was more than all the surrounding farmland combined. (figure #2)

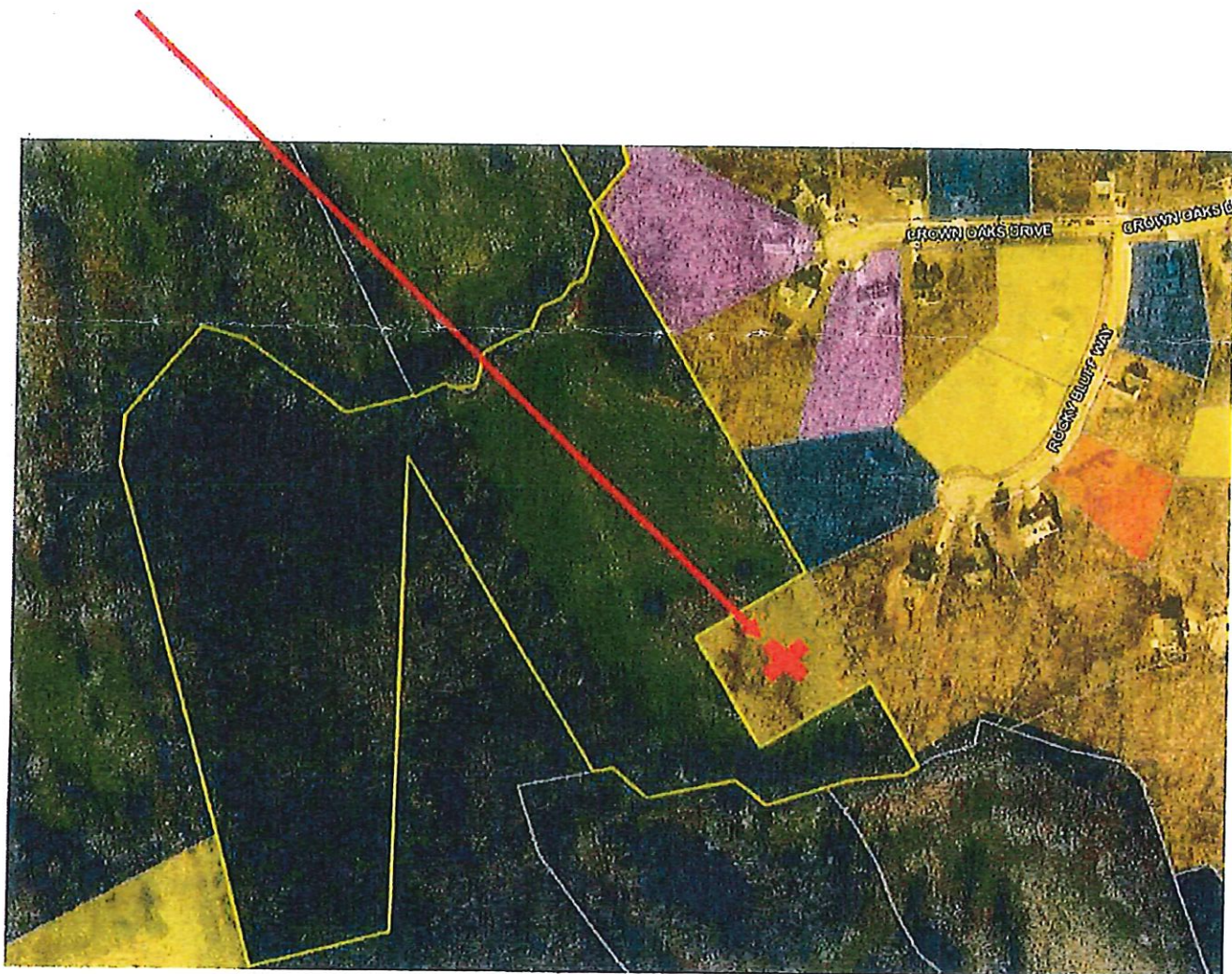
We appreciate your time and ask that you consider our request as we need to renew our 10-year agricultural conservation agreement by April 1st, 2022.

Thank You

Craig Broome & Jane Ellen Bate

Craig Broome Ellen Bates

Parcel 15007 000277 (1.11 acres)



City of Lula
Council Meeting
City Hall / 7:00 P.M.
Monday, February 21, 2022

Present: Mayor Joe Thomas
 Mayor Pro Tem Matt Hamby

Council Members Lamb Griffin
 Gene Bramlett
 Denise Shockley

Also Present:

City Manager Dennis Bergin
City Clerk Tangee Puckett
City Attorney Joseph Homans

Opening / Welcome Mayor
Invocation was given and the pledge was recited.

Citizen Comments –

Roy Hall – 5152 Mtn View Pkwy. – in opposition to item number 8 – S & S Septic Hauling Request. Has a petition with over 100 signatures, not proper place to put the location. The bug trucks will damage the roads, concerned for the animals and children's safety, this opens the door to other companies.

Associate Real Estate Broker – when you have a facility like this, it decreases the value in your home.

Mordecai Wilson spoke about brighter futures and looking ahead. Mayor and council keep moving forward. He thanked the city manager and the city attorney. Find adversity and help others without wanting anything in return, treat everyone fair and with respect.

Jim Grier – Echoed Mordecai's thoughts. Thanked the mayor and council for reviewing somethings that have been challenging. Noted they were not going to know everything. Glad they were attending the newly elected official training and thanked them for attending the LOST meeting.

Public Hearing

Variance Request –
5277 & 5281 Old Cornelia Hwy – Setbacks – Front, Rear and Side

Attorney Homans called the public hearing to order. The applicant would like to reduce the setbacks at 5277 Old Cornelia Hwy, front from 100 feet to 50 feet, on the northside reduce from 25 feet to 9 feet and the southside from 25 feet to 15 feet. 5281 Old Cornelia Hwy front from 100 feet to 50 feet, northside from 25 feet to 16 feet and southside from 25 feet to 15 feet.

The applicant was present and noted they would like to construct 2 single family homes. There is an old commercial building that was purchased a year ago. They would like to demolish the building and remove the underground storage tanks. They will use the existing septic tank and this has been approved by environmental health.

Betty Jarrard lives next to the property concerned with erosion control and the houses being put near her fence.

Favor –

Craig Smith -- 5708 Toombs St -- one work with the engineer in the past, good deal to make this happen.

Felton Wood -- demolishing the building and removing the underground storage will good for this property.

The public hearing was closed.

Minutes from January 18th Regular Voting Council Session -- a motion to approve the January 18th minutes from the Regular Voting Council Session was made by Matt Hamby and seconded by Garnett Smith, discussion, the motion carried unanimously.

Yard of the Month - Mayor Thomas announced the YOTM recipients for the month of January.

Recipients are:

District 1 -- Veneda Clanton; District 2 -- April & Michael Koostra; District 3 -- Kenneth Griffin
District 4 -- Preston Langston; and District 5 -- Kirk Adams

Finance -- City Manager gave an update on the Cities current finances and noted the city was in the beginning of their fiscal year but the bank balances remain consistent.

Prisoner Vehicle Replacement/Status

Not successful in finding a replacement at this time.

Audio Video Council Chambers/Exterior and Interior Renovations, Committee Recommendation
The cost would be around \$44,000 and the finance committee recommended moving forward with the renovations.

Truck Plow \$5,200 ETA/ Sept/ Committee Recommendation
The finance committee denied the purchase.

Municipal Judge Agreement

A motion to approve the municipal judge agreement was made by Garnett Smith and seconded by Denis Shockley, discussion, the motion was carried unanimously.

Waste Sewer Current Conditions

Waste water treatment plant the belt press needs to be replaced.

Census/ 2020 -- Data Concern -- Council District Mapping Proposal/RDC/\$500
Concern with the census numbers being off. Need to identify how many households are being recognized as residential. Every 10 years we do a redistricting map. Will keep you updated on the numbers.

Consideration for Eminent Domain by Resolution --

6013 Athens St., 5961 Carter Alley, 5965 Carter Alley, 5912 Cobb St. Lula Ga - to serve public purpose

A motion was made to approve the eminent domain was made by Gene Bramlett and seconded by Garnett Smith, discussion, the motion carried unanimously.

Consideration of Eminent Domain by Resolution --

5912 Maiden Lane, 5924 Maiden Lane, 5930 Maiden Lane, Lula GA -- to serve public purpose

A motion was made to approve the eminent domain was made by Garnett Smith and seconded by Matt Hamby, discussion, the motion carried unanimously.

S & S Septic Hauling Request (Hall and Banks County residential haulers for the city to receive septic for treatment/consideration 4 options)

A motion was made to deny this request by Garnett Smith and seconded by Matt Hamby, discussion, the motion was carried unanimously.

Craig Brome, Request/Consideration for De-annexation

A motion was made to move forward with the process for de-annexation was made by Garnett Smith and seconded by Gene Bramlett, discussion, the motion carried unanimously.

Tim Williams Agenda Request/ Abandonment of ROW

Tim Williams noted he would like to enclose the front porch located at 6043 Main Street to remodel the house. A motion to deny the request was made by Gene Bramlett and seconded by Garnett Smith. Matt Hamby opposed their vote, 3 yes – 1 no, motion carried.

Planning Commission Recommendations

Variance Request/ 5277 & 5281 Old Cornelia / Setbacks to planning commission/Recommendation to approve (see conditions)

Planning Commission approved with conditions – side setbacks, erosion control, dumpster used. A motion was made by Matt Hamby to approve with planning commission conditions and seconded by Denise Shockley, discussion, motion carried unanimously.

FYI Public Hearing – Proposed Annexation and Rezoning by Cook Communities/ 6492 7th St./ Lewallen 30.27 Acres from Ag to PRD Planned Residential Development, 90 Proposed lots
To be heard on March 1st by the Planning Commission

Proposed Ordinance Adoption – Urban Camping and Homeless Issues/ Establish dates for public hearings if item is to go forward.

A motion was made by Matt Hamby to move forward and seconded by Gene Bramlett, discussion, motion carried unanimously.

Meals on Wheels – March Ride Along/ Volunteer (Tuesdays)

Deliver Meals to Lula residents, they have been doing this for years. City Manager will go on the 1st, Teresa Heath will go on the 8th and Matt Hamby on the 29th. Still need volunteers for the other Tuesdays.

Code Enforcement/Committee Comments – Doug Forrester requesting for Body Cam

The committee recommendation would be to deny the request. A motion was made by Gene Bramlett and seconded by Garnett Smith. Opposition if denying was made by Matt Hamby and seconded by Denise Shockley. Recommended budgeting for next year. 3 yes and 2 no, motion carried.

Reminder – Lula Ladies will not meet in February, hope to see everyone in March

Reminder of the opportunity to donate to the "Carl Manger Memorial Caboose Remodeling Fund"
\$3,000 has been raise so far? We are seeing a lot of progress on the renovations already so be a part of this unique opportunity and preserve history.

The signal is in bad shape – recommended painting and welding it back together and putting back up. The cost is about \$4,000. A motion was made by Garnett Smith and seconded by Matt Hamby, discussion, the motion was carried unanimously.

Lula Belton Historical Society meets the fourth Monday of the Month at the Depot at 7pm, all are invited.

Reminder to Council LOST Training March 7th from 9am to 4pm at Cornelia Community House (for those registered)

Citizen Comments

Mordecai Wilson – Spoke about family and looking towards the future.

Eric Stewart 6217 Main St – Where can we find more information about future public hearings

Felton Woods – Keep Lula moving forward. Warm weather coming consider the baseball fields, bathrooms and parks

Council Comments

Garnett Smith – thanked everyone for coming and showing support

Gene Bramlett seconded Garnett's comments

Denise Shockley thanked everyone for coming

Matt Hamby time is moving fast, don't miss the opportunity to spend time with family

Joe Thomas communication is the key. Trying to get everyone email so we can better communicate. Trying to find an easier way, if you have suggestions, please let me know.

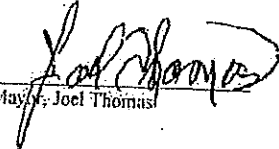
Executive Session -- Matt Hamby made a motion to go into executive session and seconded by Gene Bramlett, motion carried unanimously.

Motion made by Garnett Smith to come out of executive session and seconded by Denise Shockley, motion carried unanimously.

A motion to adjourn was made by Matt Hamby and seconded by Gene Bramlett. The meeting was adjourned.

Minutes from February 21, 2022

Approved March 21, 2022


Mayor Joel Thomas


Tangee Puckett City Clerk