

STATE OF GEORGIA

COUNTY OF HALL

RESOLUTION CONSENTING TO DE-ANNEXATION

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

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

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

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

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

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

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

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

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

SO RESOLVED this the _____ day of _____, 2022.

**HALL COUNTY BOARD OF
COMMISSIONERS**

Chairman, Richard Higgins

ATTEST:

(SEAL)
Jennifer Rivera, County Clerk

APPROVED AS TO FORM:

Van Stephens, County Attorney

Exhibit “A”

MEMORANDUM

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

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

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

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

DATE: August 3, 2022 *C. Walker*

Gentlemen:

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

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

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

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

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

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

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

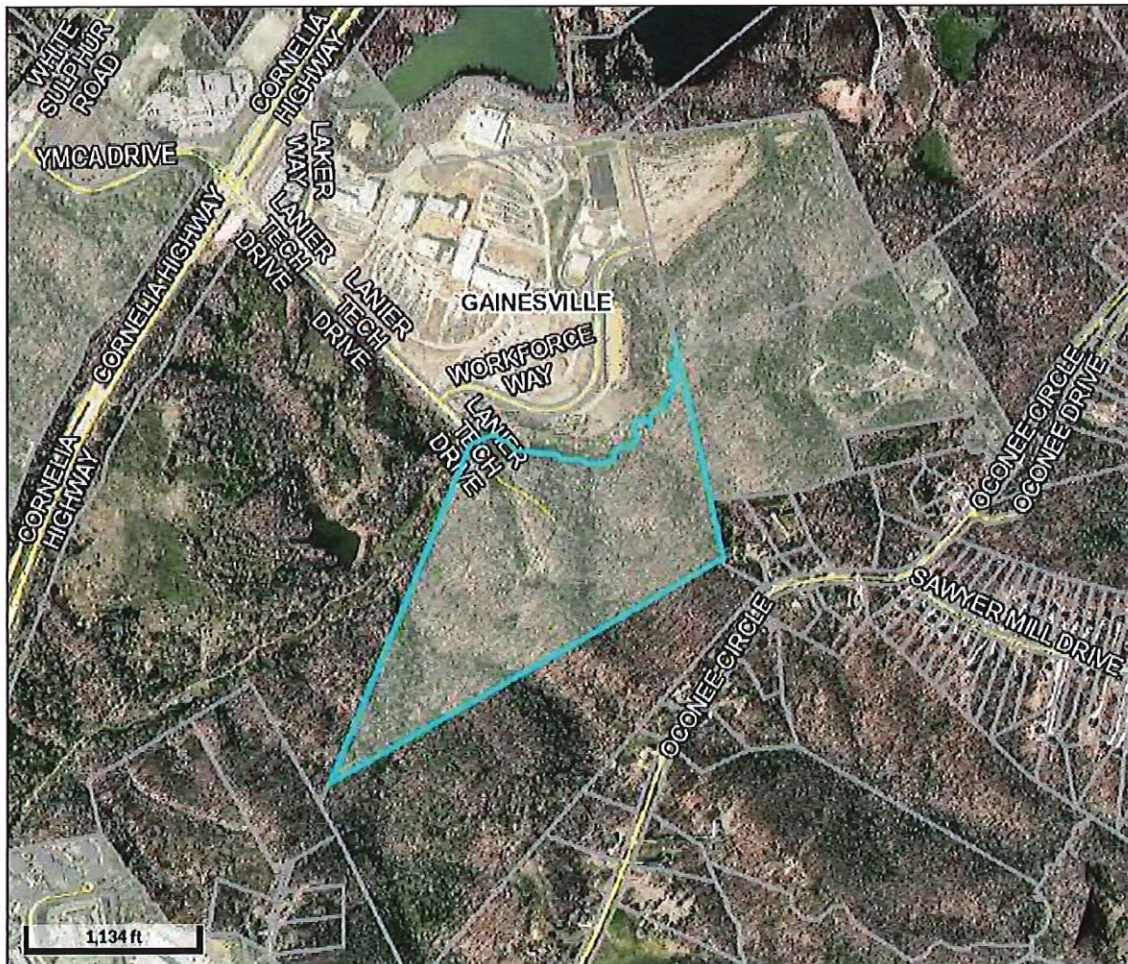
³ One exception to this rule is as follows: having the same use for which that property was zoned immediately prior to such de-annexation (i.e. no further action is required in such context). See O.C.G.A. § 36-66-4(e).

PROPERTY FACT SHEET

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

FACT SHEET

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



**PROPOSED SCHEDULE FOR
DE-ANNEXATION AND ZONING
APPLICATIONS**

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

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

RELEVANT STATUTES

**GA. Code 36-36-22 Deannexation; authority; procedures;
identification; status of lands (Georgia Code (2022 Edition))**

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

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

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

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

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

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

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

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

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

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

History:

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

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

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

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

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

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

Annexation or Deannexation by 100% Method

Statute

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

36-36-22

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

Commentary

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

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

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

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

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

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

Requirements:

1) Written and signed applications of all the owners of all of the land. The owners of public lands are not included in this definition. This requirement is effectively the same as in the 100% method of annexation.

2) A complete description of the lands to be deannexed must be attached to the deannexation application.

3) The governing authority of the county in which the property proposed for deannexation is located must adopt a resolution consenting to the deannexation.

4) Lands to be deannexed at any one time will be considered one body, regardless of the number of owners. All parcels will be considered as adjoining the limits of the municipal corporation when any one parcel of the entire area being annexed abuts the municipality's limits. This subsection is the same definition of contiguous area found in

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

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

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

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

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

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

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

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

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

IHS LAW, LLC

A Georgia limited liability company

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

August 3, 2022

VIA HAND DELIVERY AND
VIA ELECTRONIC MAIL

ash@homlaw.com
vstephens@hallcounty.org

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

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

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

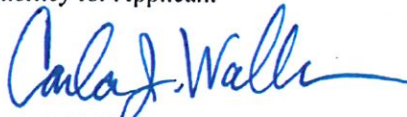
Dear City and County Attorneys:

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

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

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

Sincerely,
IHS LAW, LLC,
Attorney for Applicant


Carla J. Walker, Esq.

Enclosure: Copy of De-annexation Application

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



GAINESVILLE

APPLICATION FOR ZONING ACTIONS

PAB Meeting Date: _____

Council Meeting Date: _____

Applicant Information

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

Property Owner Information

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

Applicant Status

<input type="checkbox"/>	Current Property Owner
<input type="checkbox"/>	Option to Purchase
<input type="checkbox"/>	Area Resident
<input checked="" type="checkbox"/>	Representative
<input type="checkbox"/>	Government

Zoning Request

Existing Zoning	L-1		
Rezone To / Establish As			
<input type="checkbox"/>	Annexation	<input checked="" type="checkbox"/>	De-annexation
<input type="checkbox"/>	Rezoning	<input type="checkbox"/>	Zoning Amendment
<input type="checkbox"/>	Special Use Permit	<input type="checkbox"/>	Road Action Request

Parcel Information

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

Connect to City Sewer (For Annexations Only)

Does the applicant wish to connect to city sewer?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Does the applicant plan to request the city to share in the cost of the sewer line extension as a condition of annexation?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
If Yes to cost sharing, provide a Letter of Cost Estimate from the Department of Water Resources				

Fee Information

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

Supporting Documents Required in PDF Format

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

Method of Payment

<input type="checkbox"/>	Paid by Check	Check No.	
<input type="checkbox"/>	Paid Cash	Receipt No.	

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

Signature of Applicant _____ Capstone Acquisitions, LLC

Jonathan Collins, Manager

Date 8-3-2022

Application Taken By _____ Date _____

Application WITHDRAWAL Notification: I hereby withdraw the above application.

Signature of Applicant _____ Date _____

Zoning Action Request

PROPERTY OWNER AUTHORIZATION

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

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

OWNER INFORMATION CERTIFICATION

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

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

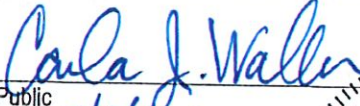
NOTARY PUBLIC CERTIFICATION

Personally appeared before me the following:

Howard LT Holdings 2, LLC

By:  _____
Jonathan Collins, Signature of Property Owner
Manager

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


Notary Public
Date 8/3/2022



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

Zoning Action Request

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

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

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

APPLICANT'S CERTIFICATION

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

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

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

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

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

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

Signature of Applicant: By: Jonathan Collins
Capstone Acquisitions, LLC
Jonathan Collins, Manager

Date: 8-3-2022

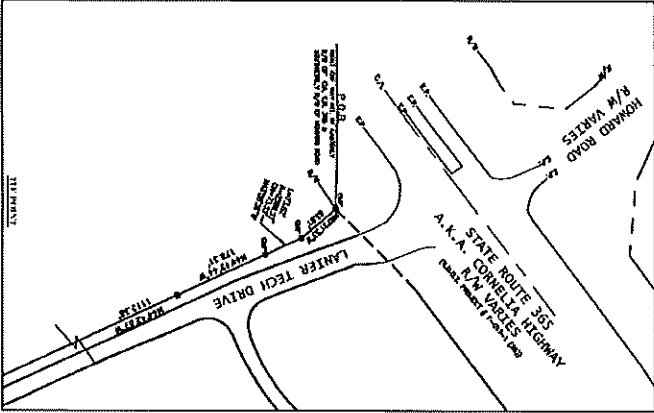
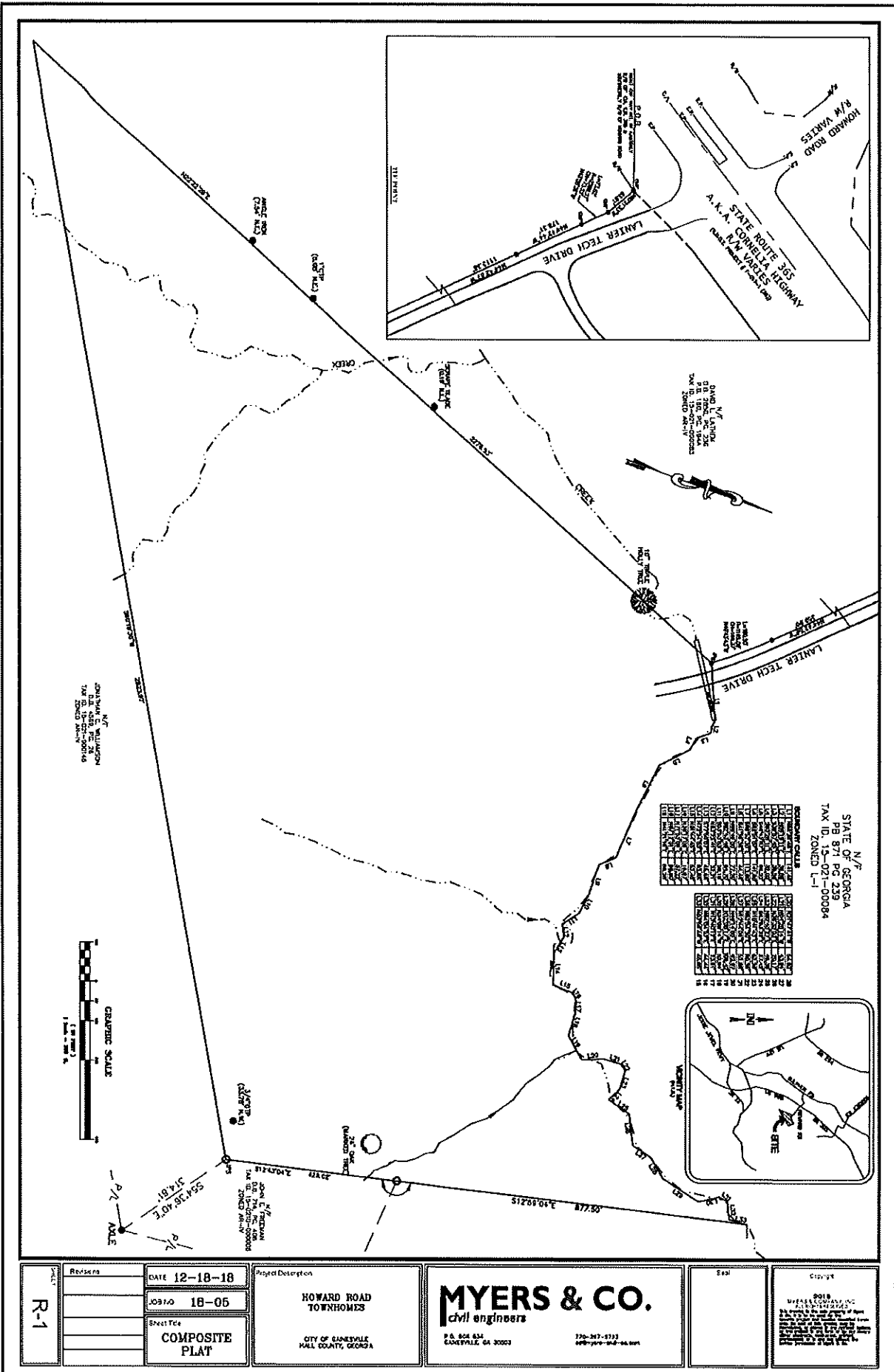
City of Gainesville, Georgia
De-annexation Application of
Capstone Acquisitions, LLC
August 3, 2022

Legal Description
For
Tax Parcel 15021 000085

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

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

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



STATE OF GEORGIA
 N/F
 PB 871 PC 239
 TAX ID: 15-021-00084
 ZONED L-1

LOT	AREA	BEARING	DISTANCE
1	1.23	N 89° 15' 00" E	100.00
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100	1.23	N 89° 15' 00" E	100.00



DATE 12-18-18
 JOB NO 18-05
 SHEET NO COMPOSITE PLAT

Howard Road
 TOWNHOMES
 CITY OF GAINESVILLE
 HALL COUNTY, GEORGIA

MYERS & CO.
 civil engineers
 P.O. BOX 830
 GAINESVILLE, GA 30603
 770-527-3733
 408-948-8686

REVISOR
 R-1

STATE OF GEORGIA
 SURVEYING BOARD
 REGISTRATION NO. 1018
 EXPIRES 12/31/2021

IHS LAW, LLC

A Georgia limited liability company

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

August 3, 2022

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

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

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

Dear Rusty:

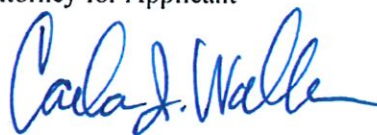
The purpose of this letter is: (i) to request a waiver of the annexation requirement for the provision of water and sanitary sewer services from the City of Gainesville (the "City") to the above-reference Property, and (ii) to request access to the City's water and sanitary sewer services for a proposed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

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

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

Sincerely,

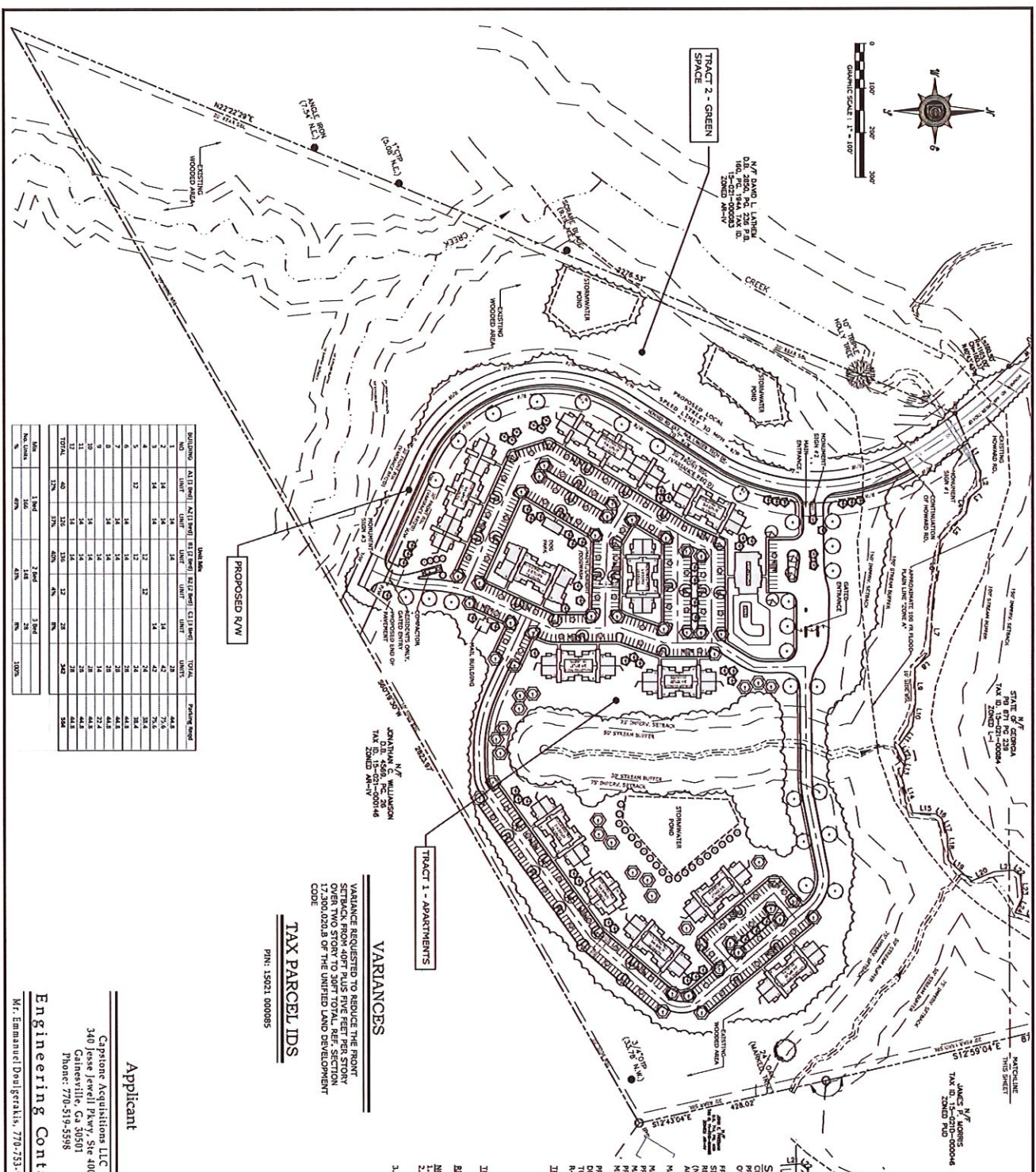
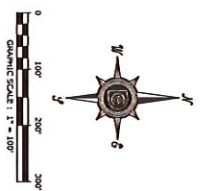
IHS LAW, LLC,
Attorney for Applicant



Carla J. Walker, Esq.

Enclosures: Preliminary Site Plan and Letter of Availability

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



BUILDING NO.	A112 (S/W)			S112 (S/W)			C112 (S/W)			TOTAL	PARKING SPACES
	UNIT	UNIT	UNIT	UNIT	UNIT	UNIT	UNIT	UNIT			
1	14	14	14	14	14	14	14	14	84	8	
2	14	14	14	14	14	14	14	14	84	8	
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100	14	14	14	14	14	14	14	14	84	8	

VARIANCES
 VARIANCE REQUESTED TO REDUCE THE FRONT SETBACK FROM 40FT PLUS FIVE FEET PER STORY OVER TWO STORY TO 30FT TOTAL, REF. SECTION 17-300.020.8 OF THE UNIFIED LAND DEVELOPMENT CODE

TAX PARCEL IDS
 PIN: 15021 000085

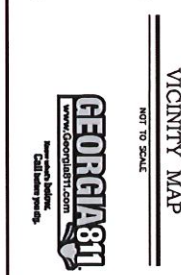
TRACT 1 - APARTMENTS
 37.11± AC
 # OF UNITS SHOWN: 342
 RECD PARKING (1.2 SP / UNIT): 213 SPACES
 MAX BLDG HEIGHT: 5 FT
 MAX BUILDING COVERAGE: 54%
 MAX IMPERVIOUS: 54%
 MIN LANDSCAPED OPEN SPACE: 30 SPACES

TRACT 2 - GREEN SPACE
 18.24± AC
 RIGHT OF WAY TRACT: 2.82± AC

SITE DATA
 CURRENT ZONING: I-4 GAINESVILLE
 OVERLAY DISTRICT: N. OCOBEE WPD ZONE
 FRONT YARD: 30' (SEE VARIANCE)
 SIDE YARD: 10' ± 5' PER STORY ABOVE 2 STORIES
 REAR YARD: SHALL BE LESS THAN 40' MIN. PER STORY ABOVE 2 STORIES
 ACCESSORY BLDGS UNDER 144 SF
 MAX BLDG HEIGHT: 35' ±
 MAX BUILDING COVERAGE: 54%
 MAX IMPERVIOUS: 54%
 MIN LANDSCAPED OPEN SPACE: 30 SPACES
 PROPOSED RESIDENTIAL DENSITY: 7 UNITS / AC
 RARE SITE (WATER (LATER N/W))
 COUNTY FIRE CODE REGULATION NOT SPECIFIED IN ORD.

Applicant
 Capstone Acquisitions LLC
 340 Jesse Jewell Pkwy, Ste 400
 Gainesville, GA 30501
 Phone: 770-519-5998

Engineering Contact
 Mr. Emanuel Doulgarakis, 770-753-9800



<p>NOT FOR CONSTRUCTION</p> <p>THIS PLAN IS THE PROPERTY OF DOULGERAKIS CONSULTING ENGINEERS, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DOULGERAKIS CONSULTING ENGINEERS, INC.</p>		<p>Capstone at Inland Crossing LOCATED IN 411 G.M.D., GAINESVILLE, HALL COUNTY, GEORGIA OWNER AND/OR DEVELOPER: Capstone Acquisitions, LLC. 340 JESSE JEWELL PARKWAY, STE 400, GAINESVILLE, GEORGIA 30501, PHONE: 770-519-5998</p>	<p>Concept Site Plan</p> <p>DOULGERAKIS CONSULTING ENGINEERS, INC. planning • civil engineering • sanitary engineering 1111 Abbey Court, Alpharetta, Georgia 30004, phone: 770-753-9800</p>
<p>SCALE: 1" = 100'</p> <p>DATE: 7-19-22</p> <p>CON. NO.: 1504</p> <p>SHEET: 1</p>	<p>NO.</p> <p>DATE</p> <p>REVISION</p>		

CITY OF
GAINESVILLE

WATER RESOURCES

July 19, 2022

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

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

Dear Ms. Walker,

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

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

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

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

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

Sincerely,

Nick Swafford

Nick Swafford
Permitting Services Manager

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

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

RESOLUTION BR-2022-__

**CAPSTONE AT INLAND CROSSING
DEVELOPMENT ANNEXATION WAIVER**

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

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

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

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

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

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

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

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

Adopted this ____ day of August, 2022.

Sam Couvillon, Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

Passed: _____

AN ORDINANCE

No. 2022-__

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

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

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

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

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

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

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

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

ORDINANCE NO. 2022-__

Section I

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

Section II

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

Legal Description

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

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

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

ORDINANCE NO. 2022-__

Section III

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

Section IV

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

Section V

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

Section VI

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

Section VII

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

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

Adopted this ____ day of August, 2022.

Sam Couvillon, Mayor

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

ATTEST:

Denise O. Jordan, City Clerk

**PROPOSED RESOLUTION FOR
HALL COUNTY**

STATE OF GEORGIA
COUNTY OF HALL

RESOLUTION NO. 2022-__

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

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

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

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

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

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

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

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

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

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

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

Section I

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

Legal Description

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

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

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

Section II

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

Section III

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

Section IV

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

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

SO RESOLVED this ____ day of August, 2022.

HALL COUNTY BOARD OF COMMISSIONERS

Richard Higgins, Commission Chairman

Kathy Cooper, District 1 Commissioner

Billy Powell, District 2 Commissioner

Shelly Echols, District 3 Commissioner

Jeff Stowe, District 4 Commissioner

ATTEST:

Jennifer Rivera, Commission Clerk

**COPY OF RELEVANT
METTING CALENDARS**



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

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

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

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

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

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

CITY OF
GAINESVILLE

CITY CLERK'S OFFICE

PUBLIC NOTICE

2022 GOVERNING BODY MEETING CALENDAR

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

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

NOTICE OF ANY SPECIAL MEETINGS OR ANY DEVIATIONS TO THE SCHEDULE SHALL BE POSTED BY PUBLIC NOTICE IN THE ADMINISTRATION BUILDING, AT THE MEETING LOCATION, AND ON THE CITY'S WEBSITE [City Council | Gainesville, GA.](#)

Adopted: December 7, 2021

Posted: December 10, 2021 dj

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

PO BOX 2496 GAINESVILLE, GA 30503

P | 770-535-6865

[GAINESVILLE.ORG](#)

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

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

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

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

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