



**Agenda**  
City Council Meeting  
May 15<sup>th</sup>, 2023  
6:30pm

Baldwin Courtroom, 155 Willingham Avenue, Baldwin, GA 30511

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**Call Meeting to Order**

**Invocation and Pledge**

**Consent Agenda**

- a. Approval of Minutes: Council Meetings 3/27/23, 3/30/23, & 4/24/23, and Work Session 5/9/23.

**Citizen Comment**

**Public Hearings**

**Reports**

ISO Update – Chief Roy

**Old Business**

1. Consideration/Approval of 2<sup>nd</sup> Reading ReveSolutions SUP Ordinance #2023-04123Z

**New Business**

2. Consideration/Approval of Public Works Vehicle Purchase and Transfer
3. Consideration/Approval of 1<sup>st</sup> Reading HCDA Annexation Request Ordinance #2023-05124A
4. Consideration/Approval of 1<sup>st</sup> Reading HCDA Zoning Ordinance #2023-05125Z

**Executive Session**

**Announcements**

- a. Public Safety Day is this Saturday from 10:00 am – 2:00 pm, hosted by SteelCell at 510 Industrial Park Road! This free event is for all ages, focusing on demonstrations and activities regarding public safety. Bring your appetite, because Bigfoot BBQ, PattyKakes, and Kona Ice will be there selling delicious food and treats!
- b. Join us for The Baldwin Water War on June 10<sup>th</sup> from 2:30 – 4:30 pm at Mitchell Gailey Park! Bring your water guns and a towel and get ready for a capture-the-flag style brawl to beat the heat! We will have water gun refill stations set up around the park. Sign up today at City Hall, on the Facebook event, or email [baldwinevents@cityofbaldwin.org](mailto:baldwinevents@cityofbaldwin.org)

**Adjournment**



AN ORDINANCE NO. 2023-04123Z

AN ORDINANCE OF THE CITY OF BALDWIN, GEORGIA, TO GRANT A SPECIAL USE PERMIT TO ALLOW FOR A “WASTE DISPOSAL COMPANY” ON THAT CERTAIN TRACT(S) OR PARCEL(S) OF LAND OWNED BY CITY OF BALDWIN AND LEASED TO REVESOLUTIONS, INC., AND BEING TRACT 2 ON MAP AND PARCEL 090 020 WITHIN HABERSHAM COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED ON A DECEMBER 20, 2017 PLAT PREPARED BY TURNER LAND SURVEYING, GRLS NO. 982, BEING RECORDED AT PLAT BOOK 69, PAGE 60 OF THE HABERSHAM COUNTY DEED RECORDS WHICH IS ATTACHED HERETO AND, WHICH IS INCORPORATED BY REFERENCE INTO THIS ORDINANCE, AND CURRENTLY ZONED AS LIGHT INDUSTRIAL (LI), WITH CONDITIONS; REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the City Council of Baldwin, Georgia as follows:

**Section 1. ZONING IMPOSED WITH CONDITIONS.**

That from and after the passage of this ordinance the following described lands located within the City of Baldwin shall be zoned and so designated on the zoning map of the City of Baldwin as Light Industrial (LI) District with the following Special Use Permit:

Conditional Use Allowed:

- (1) Septage Dewatering, Pretreatment and Composting Facilities
- (2) The zoning district and zoning setbacks shall remain in force and effect, unaffected by the grant of this Special Use Permit.

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Conditions

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1. A five (5') foot vegetative buffer shall be installed and maintained at all times on the portion of the property abutting Industrial Park Road.

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2. The Waste Disposal Company shall enter into a service agreement with the

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City outlining requirements for effluent discharge allowance and monitoring, all

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state issued permits (NPDES, LAS, Industrial Pre-Treatment and etc.) submittals

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and other reporting requirements defined in said service agreement.

44

Legal Description:

45

All that tract(s) or parcel(s) of land owned by City of Baldwin being tract 2 on map and

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parcel 090 020 within Habersham County, Georgia and being more particularly described on an

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December 20, 2017 plat and prepared by Turner Land Surveying, GRLS no. 982, being recorded

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at plat book 69, page 60 of the Habersham County deed records, and incorporated by reference

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hereof, into this legal description.

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**Section 2. REPEAL OF CONFLICTING ORDINANCES.**

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All ordinances and parts of ordinances in conflict herewith are hereby repealed to the

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extent of the conflict.

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**Section 3. SEVERABILITY OF PARAGRAPHS.**

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If any portion of this ordinance shall be invalid or unconstitutional, such invalidity or

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unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that

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other parts are wholly and necessarily dependent upon the part held to be invalid or

58 unconstitutional.

59 **Section 4. AMENDMENT TO THE ZONING MAP.**

60 This ordinance is enacted as an amendment to the zoning map of the City of Baldwin.

61 **Section 5. EFFECTIVE DATE.**

62 The effective date of the zoning conditional use imposed by this ordinance shall be on the  
63 date the zoning conditional use is approved by the City of Baldwin, by and through its City  
64 Council.

65 **SO ORDAINED** this \_\_\_\_\_ day of May 2023.

**BALDWIN CITY COUNCIL**

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

68 Acting Mayor Alice Venter

69 \_\_\_\_\_  
70 Council Member Theron Ayers

71 \_\_\_\_\_  
72 Council Member Larry Lewallen

73 \_\_\_\_\_  
74 Council Member Maarten Venter

75 \_\_\_\_\_  
76 Council Member Stephanie Almagno

77 Attest:

78 \_\_\_\_\_  
79 Emily Woodmaster  
80 CAO, City Clerk









# CITY OF BALDWIN

Post Office Box 247 • Baldwin, Georgia 30511-0247 • (706) 778-6341

May 11<sup>th</sup>, 2023

CERTIFIED MAIL/  
RETURN RECEIPT REQUESTED

Habersham County Board of Commissioners  
130 Jacob's Way, Suite 301  
Clarkeville, GA 30523

Re: Notice of Acceptance of Annexation Petition of  
Habersham County Development Authority, Regarding the Property  
Identified as Habersham County Tax Map  
Parcel 090 014

Dear Commissioners:

This letter is being sent to you by certified mail, return receipt requested, and is to give you notice within five business days pursuant to O.C.G.A. §§ 36-36-6 and 36-36-111 of the acceptance of the City Council of the City of Baldwin, Georgia, of the annexation petition of Habersham County Development Authority, to annex the property identified as Habersham County Tax Map Parcel 090 014 and the potential zoning of said property when annexed. The City of Baldwin received the complete petition for annexation on May 9<sup>th</sup>, 2023. This notification is therefore being sent to you within five days of the receipt of the completed petition for the annexation.

Further, final action regarding said annexation is scheduled by the City Council of the City of Baldwin, Georgia, to be performed by the City Council at its regularly scheduled meeting of the Council to be held on Tuesday, May 30<sup>th</sup>, 2023 in the Baldwin Municipal Courtroom at the Baldwin Police Precinct, 155 Willingham Avenue, Baldwin, Georgia.

The City of Baldwin, Georgia, believes that there are no public facilities of Habersham County located within the property to be annexed. The City of Baldwin would note that to the extent that there are any county roads located within the property to be annexed into the City, that meet the requirements of O.C.G.A. § 36-36-7(c), then said county roads shall become a part of the Municipal Street System of the City of Baldwin when the annexations are completed.

The current zoning of the property under the Habersham County Comprehensive Land Development Resolution/Ordinance is High Intensity (HI). The proposed zoning for the property when annexed is Light Industrial (LI). Therefore, the proposed zoning for the property to be annexed shall not result in a substantial change in the intensity of the allowable use of the property, or a change to a significantly different allowable use, or be a use which significantly increases the net cost of infrastructure or significantly

# CITY OF BALDWIN

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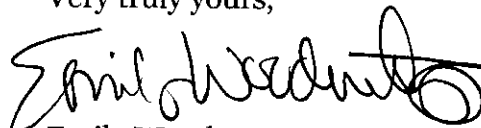
diminishes the value or usable life of a capital outlay project which is furnished by the County, or which differs substantially from the existing uses suggested for the property by Habersham County's Comprehensive Land Use Plan or as permitted for the property pursuant to the Habersham County Comprehensive Land Use Development Resolution/Ordinance.

In order to further identify the property to be annexed, the City of Baldwin does hereby enclose with this letter a copy of the GIS area around the property, and a copy of the applicable Habersham County tax map.

The Baldwin City Clerk, CAO Emily Woodmaster or the Baldwin City Attorney, Dale "Bubba" Samuels would be glad to answer any questions that you have or discuss the annexation of this property with you.

Thank you for your attention to this matter.

Very truly yours,



Emily Woodmaster  
Baldwin City Clerk, CAO

cc: Baldwin Mayor and City Council (w/o encl.)  
Dale "Bubba" Samuels, City Attorney (w/o encl.)  
Alicia Vaughn, County Manager (w/o encl.)



# Petition for Annexation

4/25/2023

Date Received

To the City of Baldwin of Baldwin, Georgia.

1. We the undersigned, all the owners of all real property of the territory described herein, respectfully request that the City Council annex this territory to the City of Baldwin, GA, 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 Baldwin, GA and the description of such territory is as described in the following attachments.

Name	Address	Signature
Habersham County Development Authority	130 Jacob's Way Clarkesville GA	<i>Charles [Signature]</i>

1. Is this annexation for Commercial or Residential property? Industrial
2. If the property is Residential, how many people live on this property? NONE
3. How many are minorities? NONE
4. How many are voting age? NONE
5. What is the current zoning of the property? High Intensity (county)
6. What use are you proposing to make of this property? Industrial
7. What would you like this property to be zoned? I-2

Please submit a copy of the plat for the property you wish to annex along with a copy of the deed for that same property upon returning this application request. Any questions concerning this application can be addressed by the City Clerk of the City of Baldwin.



# Application for Annexation

5/19/2023  
Date Received

Application Creation Date 4/25/2023  
Published Date 5/17/2023

First Reading Date 5/15/2023  
Second Reading Date 5/30/2023  
Application Fee \$1,000

### Applicant Information

Name	<u>Charlie Fiveash</u>
Address	<u>130 Jacob's Way</u>
City/State/Zip	<u>Clarksville GA 30523</u>
Phone	<u>706-776-6805</u>
Fax	
Email	<u>charlie-fiveash@gmail.com</u>

### Property Owner Information

Name	<u>Habersham County Development Authority</u>
Address	<u>130 Jacobs Way Clarksville, Ga. 30523</u>
City/State/Zip	
Phone	<u>706-839-0200</u>
Fax	
Email	<u>c-fiveash@habershamga.com</u>

### Applicant Status

<input type="checkbox"/>	Property Owner
<input type="checkbox"/>	Option to Purchase
<input type="checkbox"/>	Area Resident
<input type="checkbox"/>	Other (Explain Below)
<input checked="" type="checkbox"/>	<u>Agent for Owner</u>

### Zoning Status

Existing Zoning Classification(s):  
NC HI

Annex and Establish Zoning as:  
I-2

### Required Supporting Documents

- Plat: One full scale and one reduced to 8 1/2 x 11
- Legal Description of Property
- Concept Plan (prepared by professional engineer, registered land surveyor, architect or landscape architect)
- Narrative Report
- Architectural Rendering: One full scale and one 8 1/2 x 11
- Traffic Impact Study
- DRI Review (Large Scale Projects Only)
- Other: Explain \_\_\_\_\_
- Civil Plans for Water/ Sewer Infrastructure

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 Charlie Fiveash Date 4/25/23  
 Received by [Signature] Date 5/19/2023  
 Application Withdrawal Notification: We hereby withdraw the above application  
 Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_



### Property Owner Authorization

Instructions: Each property owner must complete and sign a Property Owner Authorization page and provide the information requested under the Owner Information Certification section. In the event there is more than one property owner, a separate Property Owner Authorization page must be completed by each property owner.

### 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 Habersham/Banks County, Georgia.

Name of Owner	Habersham County Development Authority
Owner's Address	130 Jacobs Way
City/ State/ Zip	Charlotte Ga. 30523
Owner's Phone Number	206-839-0200
Owner's Cell Phone Number	404-502-0409
Print Owner's Name	Charlie Fiycash for the Dev Auth

As the owner of the subject property, I hereby authorize the person names below to act on my behalf as Applicant in the pursuit of an Annexation and Zoning action for this property.

### Notary Public Certification

Instructions: All Property Owner Authorization sheets must be complete, signed and duly notarized.

#### NOTARY PUBLIC CERTIFICATION

Personally appeared before me the following

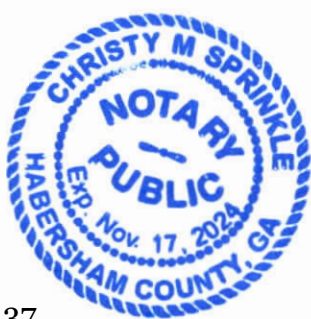
Signature of Owner Charlie Fiycash

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 Christy M Sprinkle

Date April 25, 2023

My Commission Expires: Nov. 17, 2024



### Applicant Information Certification

Instructions: If the Owner and the Applicant are not the same, the Applicant Information Certification section of this document is not required. If the Owner and the Applicant are not the same, each applicant must complete and sign the Applicant Information Certification section of a separate Property Owner Authorization Page. The signature of each applicant must be notarized.

Name of Applicant	Charlie Fiveash
Applicant's Address	130 Jacob's Way
City/ State/ Zip	Clarksville GA 30533
Applicant's Phone Number	404-502-0409 / 706-839-0020
Applicant's Cell Phone Number	404-502-0409
Print Applicant's Name	Charlie Fiveash

Please describe briefly your reason for requesting annexation of this property.

This parcel is part of Parcel 10 in Industrial Park and needs to be uniform with adjacent property.

### Notary Public Certification

Instructions: All Property Owner Authorization sheets must be complete, signed and duly notarized.

NOTARY PUBLIC CERTIFICATION  
Personally appeared before me the following

Signature of Applicant Charlie Fiveash

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 Christy M Sprinkle

Date April 25, 2023

My Commission Expires: Nov. 17, 2024



**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 had 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)

<input type="checkbox"/>	I have within the two years immediately preceding this date (See * below)
<input checked="" type="checkbox"/>	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 first hearing by the City Council or any of its agencies on the rezoning application.

- (1) \_\_\_\_\_  
(Name and official position of the City Council Member and/or Planning or Zoning Commission of the City of Baldwin, Georgia to whom campaign contribution was made)
- (2) Amount: \$ \_\_\_\_\_ Date: \_\_\_\_\_

**UNITED STATES DEPARTMENT OF JUSTICE PRECLEARANCE INFORMATION  
(As Required by Federal Law)**

The following information is required by Federal law. Pursuant to approval of any Annexation by the Baldwin City Council, the following annexation data is compiled by the City Clerk. The information is then reviewed and certified by the Zoning Administrator and submitted to the United States Department of Justice for Preclearance Certification.

**SECTION 1**

To be completed for each property to be annexed into the City of Baldwin, GA. The City Clerk will complete the four shaded sections.

1	Ordinance Number(s)	
2	Effective Date of Ordinance	
3	Effective Date of Annexation	
4	Acreage Annexed	3.87
6	Current Zoning Classification of Land to be Annexed	High Intensity (county)
7	Zoning Classification After Annexation	Light Industrial
8	Present Use of Land to be Annexed	Industry
9	Expected Future Development of Land After Annexation	" "

**SECTION 2**

To be completed only if the property annexed includes existing residential development.

10	Number of People Before Annexation	
11	Percent of Minorities	
12	Voting Age of People Before Annexation	
13	Race of People Before Annexation	
14	Language of People Before Annexation	
15	Number of Registered Voters Before Annexation	
16	Race of Registered Voters Before Annexation	
17	Language of Registered Voters Before Annexation	

**SECTION 3**

To be completed when vacant or undeveloped property is annexed into the City of Baldwin for residential development.

**The information provided is speculative and should be based upon the projected build-out of the development.**

18	Estimate of Population After Annexation	
19	Estimate of Race of Voters After Annexation	
20	Estimate of Language Group of Voters After Annexation	

**COMMENTS:**

\_\_\_\_\_

\_\_\_\_\_



## PUBLIC NOTICE REQUIREMENTS

**City of Baldwin zoning regulations require public notice be given on all zoning applications, as follows:**

1. A **legal advertisement** shall be published no less than fifteen (15) days and no more than forty-five (45) days prior to the public hearing. (This requirement is covered by the Planning Department staff.)
2. A **public notice sign** shall be placed in a conspicuous location on the property which is subject to the zoning application. The original public notice sign will be posted by Planning Department staff.

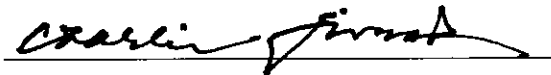
**As the applicant**, you are responsible for ensuring the public notice sign remains on the site during the entire zoning process. The Planning Department staff will prepare and place a sign (or signs) for you. If any problem arises with regard to the sign, notify the City of Baldwin Department of Planning and Development immediately by calling 706-778-6341 so the sign can be replaced. Failure to report problems with the sign during the entire period of the hearings will also result in a delay.

The purpose of the public notice sign is to inform the surrounding property owners that an application has been filed. Placement of the sign in a manner that is not clearly visible violates the requirements. Failure to place the sign in a conspicuous location will result in your request being tabled until the sign is posted as required. Failure to ensure the sign remains posted on the site during the entire zoning process means there will be a delay in the hearing date set for your request. Legally, the City cannot consider a request until proper notice has been given. If it is determined at any time during the zoning process that the sign is not properly placed on the site, the City Council has no choice but to table the request, even if there is no opposition to the application. Many of the board members, as well as the planning staff, visit the sites and will be looking for the sign. Additionally, local citizens, particularly those who receive notice letters, often report when a sign is not visible. The City will not consider your request until it is satisfied that proper public notice has been given.

Multiple sign posting on a site may be required if it is so determined by the Planning Department staff to be necessary. Signs should be placed as near to the road as possible so they are clearly visible. The sign(s) cannot be obstructed by vegetation, etc.; may not be placed at an inappropriate distance from the road; or placed on something in such a manner so as to blend into the scenery.

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

Signature of Applicant



Date

4-25-2023





5/9/2023  
Date Received

## Application for Variance or Zoning Change

Application Creation Date 5/9/2023  
Published Date 5/17/2023

First Reading Date 5/15/2023  
Second Reading Date 5/30/2023

### Applicant Information

Name	<u>Charlie Fireash</u>
Address	<u>130 Jacob's Way</u>
City/State/Zip	<u>Clarkesville, GA 30523</u>
Phone	<u>706-776-8805</u>
Fax	
Email	<u>Charliefireash@gmail.com</u>

### Property Owner Information

Name	<u>Habersham County Dev. Authority</u>
Address	<u>130 Jacob's Way</u>
City/State/Zip	<u>Clarkesville, GA 30523</u>
Phone	<u>706-838-0200</u>
Fax	
Email	<u>Cfireash@habershamga.com</u>

### Status of Applicant

<input type="checkbox"/>	Current Property Owner
<input type="checkbox"/>	Option to Purchase
<input type="checkbox"/>	Area Resident
<input checked="" type="checkbox"/>	Other (Explain) <u>Agent of owner</u>

### Variance Request(s)

Describe Type Variance(s) Requested	
Vary From	
Vary To	

### Zoning Information

Current Zoning Classification(s)
<u>High Intensity (county)</u>

### Parcel Information

Tax Parcel Number(s)	<u>090-0082</u>	Acreage	<u>3.87</u>
Location (Street Address)	<u>Runway Drive</u>		
Existing Structure(s)	<u>NA</u>		
Description of Proposed Use	<u>Data Collection Center, Auto Broker and Spec. buildings</u>		

### Fee Information

Variance Fee	If work not in progress	<u>\$ 625.00</u>
	If work in progress	\$
Amount Due	Include all fees required	<u>\$ 1000.00</u>

### Method of Payment

<input checked="" type="checkbox"/>	Paid by Check	Check No.	<u>154936</u>
<input type="checkbox"/>	Paid Cash	Receipt No.	

### Supporting Documents Required

<input type="checkbox"/>	Concept Plan - Prepared by a Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect. One full scale (folded to 8.5 x 11 size) and One- 8.5 x 11 size
<input checked="" type="checkbox"/>	Plat One full scale and One reduced to 8.5 x 11 size
<input type="checkbox"/>	Statement of Hardship
<input type="checkbox"/>	Architectural Rendering One full scale (folded to 8.5 x 11 size) and One- 8.5 x 11 size
<input type="checkbox"/>	Other Explain

**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 Charlie Fireash

Date 4/25/2023

Application Taken By Emily Woodruff

Date 5/9/2023

Application **WITHDRAWAL** Notification: I/we hereby withdraw the above application.

Signature of Applicant \_\_\_\_\_

Date \_\_\_\_\_

**PROPERTY OWNER AUTHORIZATION**

Instructions: Each property owner must complete and sign a Property Owner Authorization page and provide the information requested under the Owner Information Certification section. In the event there is more than one property owner, a separate Property Owner Authorization page must be completed by each property owner.

**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 Habersham or Banks County, Georgia:

Name of Owner	Habersham County Development Authority
Owner's Address	130 Jacobs Way
City / State / Zip Code	Clarkesville, GA 30523
Owner's Phone Number	706-776-6805
Owner's Cell Phone Number	N/A
Print Owner's Name	Debbie Fivach

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 this Variance request to be heard by the City of Baldwin Planning and Zoning Board during public hearing.

**NOTARY PUBLIC CERTIFICATION**

Instructions: All Property Owner Authorization sheets must be complete, signed and duly notarized.

**NOTARY PUBLIC CERTIFICATION**

Personally appeared before me the following

Debbie Fivach  
Signature of Owner

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

[Signature]  
Notary Public

4/27/23  
Date



Please describe briefly your reason for requesting this variance:

Subject parcel is being added to adjacent parcel, which is currently in the Baldwin city limits. Use will be light industrial.

**APPLICANT INFORMATION CERTIFICATION**

**Instructions:** If the Owner and the Applicant are the same, the Applicant Information Certification section of this document is not required. If the Owner and the Applicant are not the same, each applicant must complete and sign the Applicant Information Certification section of a separate Property Owner Authorization page. The signature of each applicant must be notarized.

Name of Applicant	
Applicant's Address	
City / State / Zip Code	
Applicant's Phone Number	
Applicant's Cell Phone Number	
Print Applicant's name	

**NOTARY PUBLIC CERTIFICATION**

**Instructions:** All Property Owner Authorization sheets must be complete, signed and duly notarized.

**NOTARY PUBLIC CERTIFICATION**

Personally appeared before me the following

*Erin Gathercoal*  
Signature of Applicant

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

*[Signature]*  
Notary Public

4/27/23  
Date





## 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 had 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)

<input type="checkbox"/>	I have within the two years immediately preceding this date (See * below)
<input checked="" type="checkbox"/>	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 first hearing by the City Council or any of its agencies on the rezoning application.

- (1) \_\_\_\_\_  
(Name and official position of the City Council Member and/or Planning or Zoning Commission of the City of Baldwin, Georgia to whom campaign contribution was made)
- (2) Amount: \$ \_\_\_\_\_ Date: \_\_\_\_\_

**STATEMENT OF HARDSHIP**

Where the Mayor and Council find that strict compliance with the provisions of this ordinance would result in practical difficulty or unnecessary hardship, the Mayor and Council may, upon application from the property owner, grant a variance from the terms of this ordinance so that the spirit and intent of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual cases of unnecessary hardship upon consideration by the Mayor and Council of the standards for considering zoning decisions as set out in Article VXIII of the City of Baldwin Zoning Ordinance and finding that one or more of the following conditions exist:

**Describe how each situation listed below relates to your application.**

- 1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
- 2) The application of this ordinance to the particular piece of property would create an unnecessary hardship;
- 3) Such conditions are peculiar to the particular piece of property involved;
- 4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

The procedure by which the Mayor and Council will consider any request for a variance shall be governed by the provision of Article VXIII.

I hereby certify that the above information and all attached information is true and correct.

Signature of Applicant Charles J. [Signature] Date 4-27-23

## PUBLIC NOTICE REQUIREMENTS

**City of Baldwin zoning regulations require public notice be given on all zoning applications, as follows:**

1. A **legal advertisement** shall be published no less than fifteen (15) days and no more than forty-five (45) days prior to the public hearing. (This requirement is covered by the Planning Department staff.)
2. A **public notice sign** shall be placed in a conspicuous location on the property which is subject to the zoning application. The original public notice sign will be posted by Planning Department staff.

**As the applicant**, you are responsible for ensuring the public notice sign remains on the site during the entire zoning process. The Planning Department staff will prepare and place a sign (or signs) for you. If any problem arises with regard to the sign, notify the City of Baldwin Department of Planning and Development immediately by calling 706-778-6341 so the sign can be replaced. Failure to report problems with the sign during the entire period of the hearings will also result in a delay.

The purpose of the public notice sign is to inform the surrounding property owners that an application has been filed. Placement of the sign in a manner that is not clearly visible violates the requirements. Failure to place the sign in a conspicuous location will result in your request being tabled until the sign is posted as required. Failure to ensure the sign remains posted on the site during the entire zoning process means there will be a delay in the hearing date set for your request. Legally, the City cannot consider a request until proper notice has been given. If it is determined at any time during the zoning process that the sign is not properly placed on the site, the City Council has no choice but to table the request, even if there is no opposition to the application. Many of the board members, as well as the planning staff, visit the sites and will be looking for the sign. Additionally, local citizens, particularly those who receive notice letters, often report when a sign is not visible. The City will not consider your request until it is satisfied that proper public notice has been given.

Multiple sign posting on a site may be required if it is so determined by the Planning Department staff to be necessary. Signs should be placed as near to the road as possible so they are clearly visible. The sign(s) cannot be obstructed by vegetation, etc.; may not be placed at an inappropriate distance from the road; or placed on something in such a manner so as to blend into the scenery.

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

Signature of Applicant 

Date 4/25/2023



LETTER OF INTENT TO BE INCLUDED WITH

APPLICATION TO AMEND THE ZONING MAP OF BALDWIN, GEORGIA

Name of Applicant: Charlie Fivush

Address of Property: Runway Dr Baldwin

- I. Describe general characteristics of the proposed development such as type and time frame of development, background information in support of the application, and any other information deemed pertinent by the applicant (attach additional sheets if necessary):

Applicant owns data centers that  
house computers for data collection  
The use fits other buildings in  
Hebersham Business Park

- II. For a zoning map amendment, please address the following criteria:

1. State existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property:

Zoning will complement surrounding  
properties

2. State the extent to which property values are diminished by the particular zoning restrictions:

Property values will not be  
diminished

3. State the extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public:

Property values will not be  
diminished

4. State the relative gain to the public, as compared to the hardship imposed upon the individual property owner:

Gain will be higher property  
Taxes and Jobs

5. State the physical suitability of the subject property for development as presently zoned and under the proposed zoning district:

Property is suited for Commercial  
Industrial Development

6. State the length of time the property has been vacant, considered in the context land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request:

Property vacant for years. Fits  
use of adjacent property

7. State the zoning history of the subject property:

NONE

8. State the extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities, emergency medical services, or other public facilities:

No Burden to the public  
Will Be an asset

9. State whether the zoning proposal is in conformity with the policy and intent of comprehensive plan, land use plan, or other adopted plans:

Zoning Fits Com Plan

10. State whether zoning proposal will permit a use that is suitable in view of the use, development, and zoning of adjacent and nearby property:

Zoning Fits all properties in the area

11. State whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

Zoning has ~~not~~ Excellent economic impact

12. State whether the change would create an isolated district unrelated to the surrounding districts, such as "spot zoning":

Not spot zoning

13. State whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area:

Zoning districts are logically drawn

14. State whether the change requested is out of scale with the needs of the City as a whole or the immediate neighborhood:

Change meets City and County Needs

15. State whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned:

It is difficult to find properly zoned properties

16. State whether the need for rezoning could be handled instead by a variance request:

No - Needs to be Rezoned

17. State whether there would be an ecology or pollution impact resulting from major modifications to the land if the request is granted:

No ecology or pollution impact

18. State whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property:

No mistake in original zoning



14

FIRST READING 5/12/2014

PUBLISHED 5/9 & 5/16

PASSED 5/27/2014

AN ORDINANCE NO. 029-238

**AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF BALDWIN, GEORGIA, ALL THAT TRACT(S) OR PARCEL(S) OF LAND OWNED BY THE HABERSHAM COUNTY DEVELOPMENT AUTHORITY , AND BEING APPROXIMATELY 67.51 ACRES, MORE OR LESS, AND LYING AND BEING IN LAND LOTS 152, 153, 168 AND 169 OF THE 10<sup>th</sup> LAND DISTRICT OF HABERSHAM COUNTY, GEORGIA, AND BEING TRACTS 1, 2, (AND INCLUDING ALSO THAT PROPERTY BEING DESIGNATED UNDER LEASE TO STEEL CELL OF NORTH AMERICA, INC.) AND 4, AS SHOWN ON THE ATTACHED PLAT, ENTITLED, "SURVEY FOR HABERSHAM COUNTY DEVELOPMENT AUTHORITY," DATED JANUARY 7, 2011, REVISED APRIL 25, 2014, PREPARED BY LOVELL, DUVALL AND ASSOCIATES, INC. AND ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE THERETO, AND MADE A PART OF THIS DESCRIPTION FOR THIS ANNEXATION ORDINANCE; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

WHEREAS, the Habersham County Development Authority is the owner of that tract(s) or parcel(s) of land (hereinafter referred to as "the applicant") lying and being in Land Lots 152, 153, 168 and 169 of the 10<sup>th</sup> Land District of Habersham County, Georgia, and comprising approximately 67.51 acres, and being Tracts 1, 2, (and including also that property being designated under lease to Steel Cell of North America, Inc.) and 4, as shown on the attached plat, entitled "Survey for Habersham County Development Authority," dated January 7, 2011, revised April 25, 2014, prepared by Lovell, Duvall and Associates, Inc. and attached hereto and incorporated by reference thereto and made a part of this description;



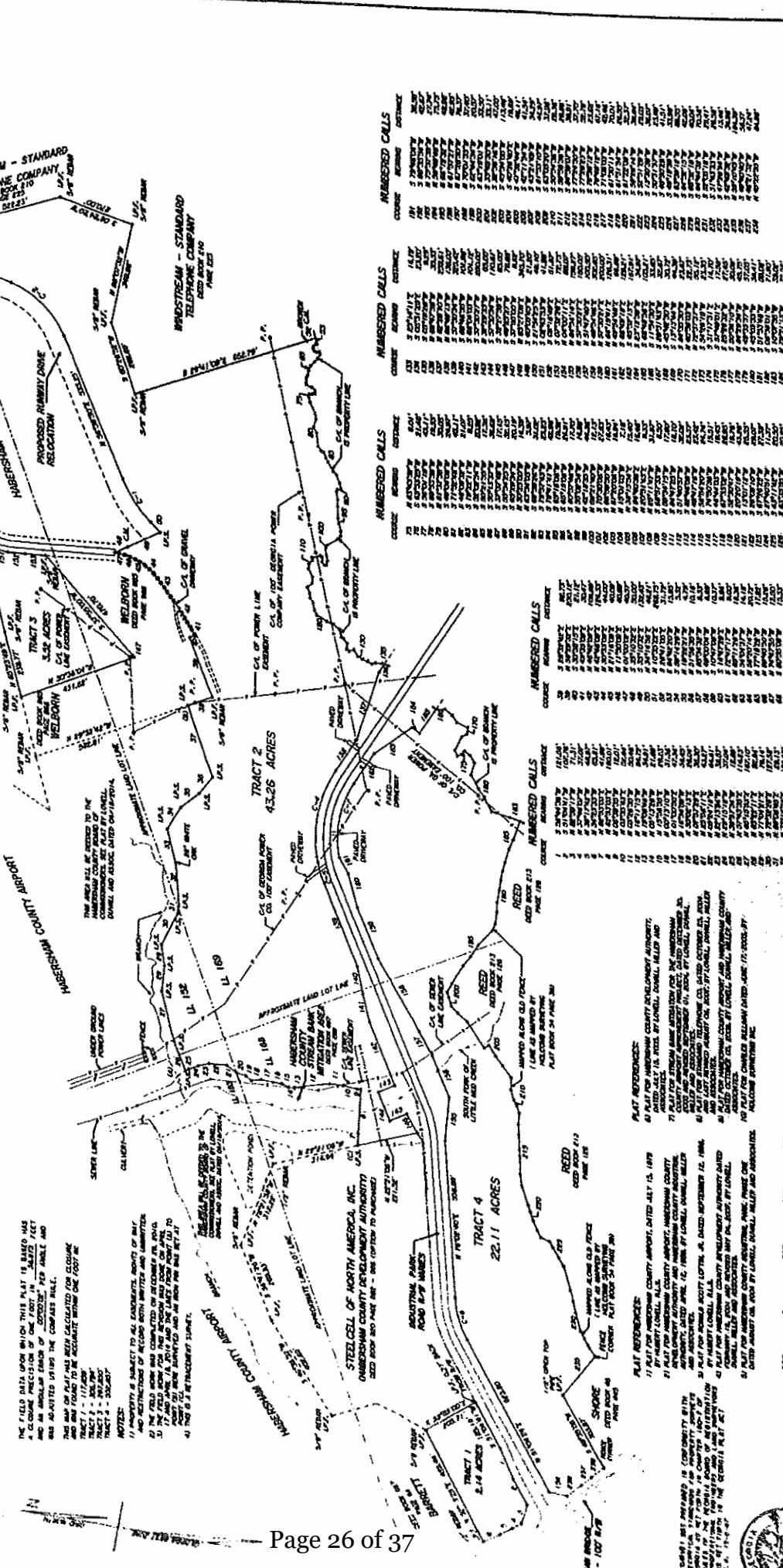
MAP PREPARED FOR  
**HABERSHAM COUNTY**  
 DEVELOPMENT AUTHORITY  
 HABERSHAM COUNTY  
 GEORGIA

DATE: 01/07/2011  
 LAND LOTS: 16, 17, 18, 19  
 DISTRICT: 10 TH  
 COUNTY OF HABERSHAM  
 FILE # 34632REV  
 INSTRUMENT NO: 20100000000000000000  
 TOPCON GTS-2110  
 SCALE: 1"=200'  
 NOTES: OPEN TOP PIPE  
 1-P.F. IRON PIN FOUND  
 I.P.S. (5"Ø RE-BAR)  
 C. M. CONCRETE MONUMENT

MAIL ADDRESS - 1999 h. Owens Iron, Inc.  
 PHONE - (706) 774-9422  
 FAX - (706) 774-7169

**CURVE DATA**

CH	RADIUS	TANGENT	LENGTH	DATA	CHORD	CHORD BEARING
C-1	420.00'	163.27'	163.27'	179.71'	163.27'	N 83°27'00" E
C-2	330.00'	122.42'	122.42'	137.44'	122.42'	N 83°27'00" E
C-3	440.00'	167.55'	167.55'	187.88'	167.55'	N 83°27'00" E
C-4	440.00'	167.55'	167.55'	187.88'	167.55'	N 83°27'00" E
C-5	330.00'	122.42'	122.42'	137.44'	122.42'	N 83°27'00" E
C-6	330.00'	122.42'	122.42'	137.44'	122.42'	N 83°27'00" E



**PLAT REFERENCES:**

11 PLAT FOR HABERSHAM COUNTY, DATED JULY 15, 1879 BY HARRIS LONNELL, S.L.S.

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DATE: 01/07/2011  
 REVISED: 04/22/2014  
 LAND LOT: 152, 153, 156, 159  
 COUNTY: TO TH HABERSHAM  
 FILE # 346320EV  
 FIELD BOOK #  
 INSTRUMENTS USED:  
 TOPCON GTS-211D  
 S: 1-200  
 SYMBOLS: OPEN TOP PIPE  
 O.T.P.: IRON PIN IN SAND  
 I.P.S.: (5/8" RE-BAR)  
 C.M.: CONCRETE MONUMENT

**CURVE DATA**

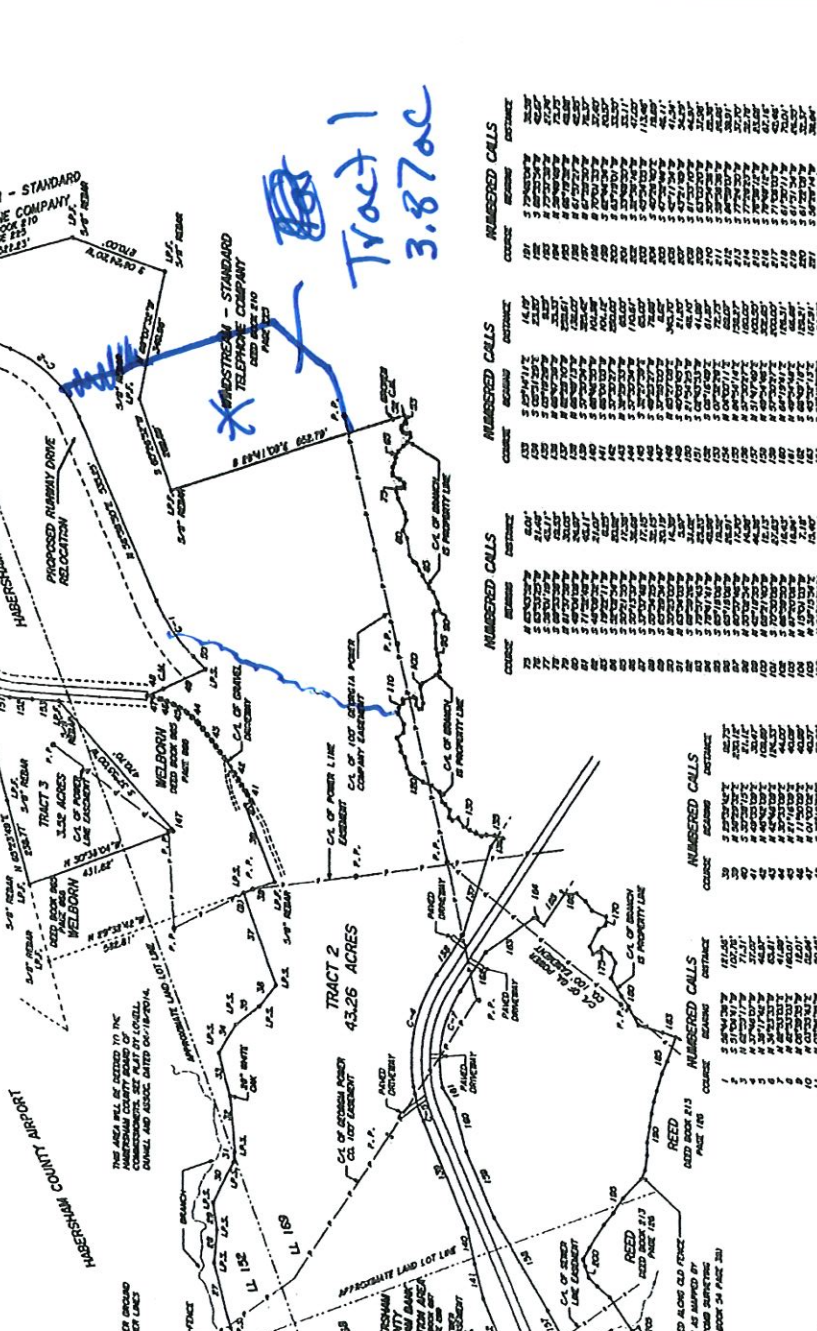
CURVE	RADIUS	TANGENT	LENGTH	DELTA	CHORD	CHANGING
C-1	152.00'	152.00'	171.14'	171.14°	152.00'	N 89°30'12"
C-2	152.00'	152.00'	171.14'	171.14°	152.00'	N 89°30'12"
C-3	152.00'	152.00'	171.14'	171.14°	152.00'	N 89°30'12"
C-4	152.00'	152.00'	171.14'	171.14°	152.00'	N 89°30'12"
C-5	152.00'	152.00'	171.14'	171.14°	152.00'	N 89°30'12"

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A COURSE PRECISION OF ONE FOOT IN  $\pm$  0.001 FEET AND AN ANGULAR ERROR OF  $\pm$  0.001' PER ANGLE AND HAS ADJUSTED USING THE COMPASS RULE.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND THE FIELD DATA HAS BEEN CHECKED FOR CLOSURE.

TRACT 1 = 11.00 AC  
 TRACT 2 = 43.26 AC  
 TRACT 3 = 22.11 AC

NOTES:  
 1) PROPERTY IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD BOTH WRITTEN AND UNWRITTEN.  
 2) THE FIELD WORK WAS COMPLETED ON DECEMBER 28, 2010.  
 3) THE PLAT IS BASED ON THE LATEST FIELD DATA TO THE POINT OF BEGINNING AND FROM THE POINT OF BEGINNING TO THE POINT OF BEGINNING.  
 4) THIS IS A RETRACTION SURVEY.



**NUMBERED CALLS**

COURSE	BEARING	DISTANCE
1	S 89°30'12" W	152.00
2	N 89°30'12" E	152.00
3	S 89°30'12" W	152.00
4	N 89°30'12" E	152.00
5	S 89°30'12" W	152.00
6	N 89°30'12" E	152.00
7	S 89°30'12" W	152.00
8	N 89°30'12" E	152.00
9	S 89°30'12" W	152.00
10	N 89°30'12" E	152.00
11	S 89°30'12" W	152.00
12	N 89°30'12" E	152.00
13	S 89°30'12" W	152.00
14	N 89°30'12" E	152.00
15	S 89°30'12" W	152.00
16	N 89°30'12" E	152.00
17	S 89°30'12" W	152.00
18	N 89°30'12" E	152.00
19	S 89°30'12" W	152.00
20	N 89°30'12" E	152.00
21	S 89°30'12" W	152.00
22	N 89°30'12" E	152.00
23	S 89°30'12" W	152.00
24	N 89°30'12" E	152.00
25	S 89°30'12" W	152.00
26	N 89°30'12" E	152.00
27	S 89°30'12" W	152.00
28	N 89°30'12" E	152.00
29	S 89°30'12" W	152.00
30	N 89°30'12" E	152.00
31	S 89°30'12" W	152.00
32	N 89°30'12" E	152.00
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45	S 89°30'12" W	152.00
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47	S 89°30'12" W	152.00
48	N 89°30'12" E	152.00
49	S 89°30'12" W	152.00
50	N 89°30'12" E	152.00
51	S 89°30'12" W	152.00
52	N 89°30'12" E	152.00
53	S 89°30'12" W	152.00
54	N 89°30'12" E	152.00
55	S 89°30'12" W	152.00
56	N 89°30'12" E	152.00
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58	N 89°30'12" E	152.00
59	S 89°30'12" W	152.00
60	N 89°30'12" E	152.00
61	S 89°30'12" W	152.00
62	N 89°30'12" E	152.00
63	S 89°30'12" W	152.00
64	N 89°30'12" E	152.00
65	S 89°30'12" W	152.00
66	N 89°30'12" E	152.00
67	S 89°30'12" W	152.00
68	N 89°30'12" E	152.00
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71	S 89°30'12" W	152.00
72	N 89°30'12" E	152.00
73	S 89°30'12" W	152.00
74	N 89°30'12" E	152.00
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87	S 89°30'12" W	152.00
88	N 89°30'12" E	152.00
89	S 89°30'12" W	152.00
90	N 89°30'12" E	152.00
91	S 89°30'12" W	152.00
92	N 89°30'12" E	152.00
93	S 89°30'12" W	152.00
94	N 89°30'12" E	152.00
95	S 89°30'12" W	152.00
96	N 89°30'12" E	152.00
97	S 89°30'12" W	152.00
98	N 89°30'12" E	152.00
99	S 89°30'12" W	152.00
100	N 89°30'12" E	152.00

**PLAT REFERENCES:**  
 1) PLAT FOR HABERSHAM COUNTY AIRPORT, DATED JULY 15, 1989.  
 2) PLAT FOR HABERSHAM COUNTY AIRPORT, HABERSHAM COUNTY DEVELOPMENT AUTHORITY AND HABERSHAM COUNTY AIRPORT, DATED APRIL 12, 1988, BY LONNELL, DANIEL, WELBY AND ASSOCIATES.  
 3) PLAT FOR HUNTER ACRES TRACT, AS DATED SEPTEMBER 16, 1984, BY HUNTER LONNELL, S.A.  
 4) PLAT FOR HUNTER ACRES TRACT, AS DATED SEPTEMBER 16, 1984, BY HUNTER LONNELL, S.A.  
 5) PLAT FOR HUNTER ACRES TRACT, AS DATED SEPTEMBER 16, 1984, BY HUNTER LONNELL, S.A.  
 6) PLAT FOR HUNTER ACRES TRACT, AS DATED SEPTEMBER 16, 1984, BY HUNTER LONNELL, S.A.  
 7) PLAT FOR HUNTER ACRES TRACT, AS DATED SEPTEMBER 16, 1984, BY HUNTER LONNELL, S.A.  
 8) PLAT FOR HUNTER ACRES TRACT, AS DATED SEPTEMBER 16, 1984, BY HUNTER LONNELL, S.A.  
 9) PLAT FOR HUNTER ACRES TRACT, AS DATED SEPTEMBER 16, 1984, BY HUNTER LONNELL, S.A.  
 10) PLAT FOR HUNTER ACRES TRACT, AS DATED SEPTEMBER 16, 1984, BY HUNTER LONNELL, S.A.



GRAPHIC SCALE - FEET  
 0 200 400 600





eFiled & eRecorded  
 DATE: 2/13/2019  
 TIME: 7:43 AM  
 PLAT BOOK: 00069  
 PAGE: 00285  
 RECORDING FEE: 8.00  
 PARTICIPANT ID: 0121000214  
 CLERK: David C Wall  
 HABERSHAM County, GA

**SURVEYOR'S CERTIFICATE**

AS REQUIRED BY SUBSECTION (4) OF O.C.G.A. 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDESIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-87.

*A. SCOTT STROUD*  
 A. SCOTT STROUD, GA PLS #3094 DATE

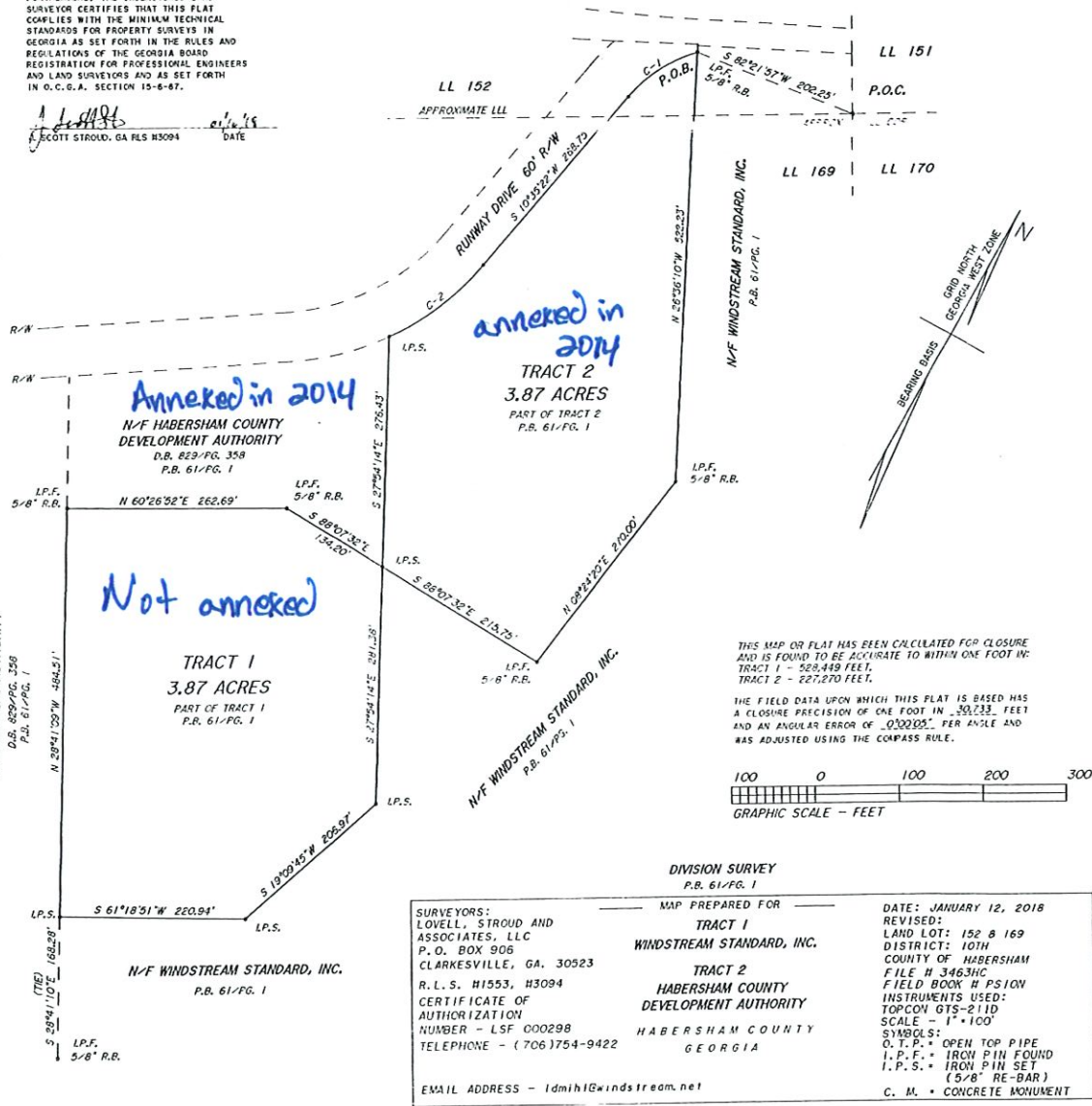
**CURVE DATA**

CURVE	RADIUS	TANGENT	LENGTH	DELTA	DEGREE	CHORD	CHL BEARING
C-1	170.00'	51.60'	100.19'	33°46'05"	33°42'11"	98.75'	S 27°28'24" W
C-2	330.00'	72.84'	143.39'	24°53'45"	17°21'45"	142.26'	S 23°02'13" W

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

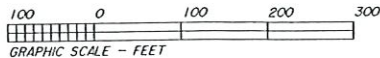
**NOTES:**

- TRACT 1 IS PART OF TRACT 1 OF A PLAT PREPARED FOR STANDARD TELEPHONE COMPANY BY LOVELL, DUVALL, KELLER & ASSOCIATES, INC. DATED OCTOBER 25, 2004, LAST REVISED AUGUST 6, 2007.
- TRACT 2 IS PART OF TRACT 2 OF A PLAT PREPARED FOR STANDARD TELEPHONE COMPANY BY LOVELL, DUVALL, KELLER & ASSOCIATES, INC. DATED OCTOBER 25, 2004, LAST REVISED AUGUST 6, 2007.
- PROPERTY IS SUBJECT TO ALL EASEMENTS, RIGHT OF WAYS AND RESTRICTIONS OF RECORD, WRITTEN AND UNWRITTEN.
- FELDMARK COMPLETED JANUARY 12, 2018.



THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN: TRACT 1 - 528,449 FEET, TRACT 2 - 227,270 FEET.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 30,233 FEET AND AN ANGULAR ERROR OF 0.00005" PER ANGLE AND WAS ADJUSTED USING THE COMPASS RULE.



**DIVISION SURVEY**

P.B. 61/PG. 1

SURVEYORS: LOVELL, STROUD AND ASSOCIATES, LLC  
 P. O. BOX 906  
 CLARKESVILLE, GA. 30523  
 R.L.S. H1553, H3094  
 CERTIFICATE OF AUTHORIZATION NUMBER - LSF 000298  
 TELEPHONE - (706) 754-9422  
 EMAIL ADDRESS - ldmih@windstream.net

MAP PREPARED FOR  
**TRACT 1**  
 WINDSTREAM STANDARD, INC.  
**TRACT 2**  
 HABERSHAM COUNTY DEVELOPMENT AUTHORITY  
 HABERSHAM COUNTY  
 GEORGIA

DATE: JANUARY 12, 2018  
 REVISED:  
 LAND LOT: 152 B 169  
 DISTRICT: 10TH  
 COUNTY OF HABERSHAM  
 FILE # 3463HC  
 FIELD BOOK # PS10N  
 INSTRUMENTS USED:  
 TOPCON GTS-211D  
 SCALE - 1" = 100'  
 SYMBOLS:  
 O.T.P. = OPEN TOP PIPE  
 I.P.F. = IRON PIN FOUND  
 I.P.S. = IRON PIN SET (5/8" RE-BAR)  
 C.M. = CONCRETE MONUMENT

*Just Head*  
 COPY OF BAL DIVISION

N/F HABERSHAM COUNTY DEVELOPMENT AUTHORITY  
 D.B. 829/PG. 358  
 P.B. 61/PG. 1  
 N 29°41'03"W 486.25'

Not annexed

TRACT 1  
 3.87 ACRES  
 PART OF TRACT 1  
 P.B. 61/PG. 1

N/F WINDSTREAM STANDARD, INC.  
 P.B. 61/PG. 1



**Tract 1 – 3.87 acres**

All that tract or parcel of land situate, lying and being in Land Lot 169 of 10<sup>th</sup> Land District, Habersham County, Georgia, and being known and designated as Tract 1, comprising 3.87 acres, and being more particularly described according to a plat of survey captioned “Map Prepared for Tract 1 Windstream Standard, Inc. Tract 2 Habersham County Development Authority” prepared by J. Scott Stroud, Georgia Registered Land Surveyor, said plat dated January 12, 2018 and recorded in Plat Book 69, Page 285, Clerk’s Office, Habersham Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto.

AN ORDINANCE NO. 2023-05124A

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF BALDWIN, GEORGIA, ALL THOSE TRACTS OR PARCELS OF LAND OWNED BY HABERSHAM COUNTY DEVELOPMENT AUTHORITY AND BEING 3.87 ACRES, MORE OR LESS, BEING TRACT 1 OF TAX MAP PARCEL 090 008B AND LYING AND BEING IN LAND LOT 169 OF THE 10<sup>TH</sup> LAND DISTRICT OF HABERSHAM COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED BY A PLAT OF SURVEY OR DEED AND ATTACHED TO THE ANNEXATION ORDINANCE AND INCORPORATED HEREIN BY REFERENCE THERETO, AND MADE A PART OF THIS DESCRIPTION FOR THIS ANNEXATION ORDINANCE; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Habersham County Development Authority, are the owners of the tract or parcel of land (hereinafter referred to as “the applicant”) lying and being in Land Lot 169 of the 10<sup>th</sup> Land District of Habersham County, Georgia, and comprising 3.87 acres, being Tract 1 of Tax Map Parcel 090 008B, and as more particularly shown upon a deed or plat which is attached hereto, and incorporated by reference thereto and made a part of this description;

WHEREAS, said tract or parcel of land is within the unincorporated area of Habersham County, Georgia, and is contiguous to the existing corporate limits of the City of Baldwin, Georgia at this time;

WHEREAS, the applicant has submitted to the City Council of Baldwin, Georgia, a written and signed application showing that it is the owner of all of the land to be annexed and said application also providing a complete description of the lands to be annexed;

36           **BE IT ORDAINED** by the City Council of Baldwin, Georgia and it is hereby ordained  
37 by the authority of the City Charter, as amended, Art. IX, § II, ¶ III of the Georgia Constitution  
38 of 1983, as amended, and O.C.G.A. § 36-36-21, as amended:

39           **Section 1.     RECITALS.**

40  
41           All the foregoing recitals of this ordinance are incorporated herein by reference thereto  
42 and made a part of this annexation ordinance.

43           **Section 2.     ANNEXATION.**

44           The City Council of Baldwin, Georgia, being the governing authority of the City of  
45 Baldwin, Georgia does hereby annex and include within the corporate limits of the City of  
46 Baldwin, Georgia, all those tracts or parcels of land being Tract 1 of Tax Map Parcel 090 008B  
47 and being in Land Lot 169 of the 10<sup>th</sup> Land District of Habersham County, Georgia, and being  
48 3.87 acres, and as more particularly shown on a deed or plat, which is attached hereto, and  
49 incorporated hereby by reference thereto and made a part of this description, of the property  
50 which is annexed into the corporate limits of the City of Baldwin, Georgia, by this ordinance.

51           **Section 3.     CERTIFICATION BY THE CLERK OR ATTORNEY.**

52           Further, the City Council hereby authorizes and directs the City Clerk or City Attorney of  
53 Baldwin, Georgia, to certify this ordinance and its attachments, and have a certified copy of this  
54 ordinance and its attachments filed with the annexation report to the Department of Community  
55 Affairs of the State of Georgia and also with the applicable Board of Commissioners. The  
56 annexation report shall include:

57           (1) The legal authority under which the annexation was accomplished, which shall be the  
58 ordinance number for any annexation effected pursuant to O.C.G.A. § 36-36-21;

59           (2) The name of the county in which the property being annexed is located; the total

60 acreage annexed; the enactment date and effective date of the annexation ordinance;

61 (3) A letter on behalf of the City Council stating our intent to add the annexed area to  
62 maps provided by the United States Bureau of the Census during their next regularly scheduled  
63 boundary and annexation survey of the municipality and stating that the survey and map will be  
64 completed as instructed and returned to the United States Bureau of the Census;

65 (4) A list identifying roadways, bridges, and rights of way on state routes that are  
66 annexed and, if necessary, the total mileage annexed.

67 **Section 4. EFFECTIVE DATE.**

68 This Ordinance is effective upon passage, and the annexation is effective for ad valorem  
69 tax purposes on December 31 of the year during which this annexation occurred and for all other  
70 purposes shall be effective on the first day of the month following the month during which the  
71 requirements of O.C.G.A. § 36-36-21 have been met.

72 **Section 5. REPEAL.**

73 All ordinances and parts of ordinances in conflict herewith are hereby repealed to the  
74 extent of the conflict.

75 **SO ORDAINED** this 30 day of May 2023.

76 **BALDWIN CITY COUNCIL**

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79 By: \_\_\_\_\_  
80 Acting Mayor Alice Venter

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84 Council Member Theron Ayers

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88 Council Member Larry Lewallen

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Council Member Stephanie Almagno

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Council Member Maarten Venter

Attest:

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Emily Woodmaster  
City Clerk, CAO

DRAFT



**CLERK'S CERTIFICATION**

I, EMILY WOODMASTER, City Clerk of the City of Baldwin, Georgia, and pursuant to the direction and authorization of the City Council of the City of Baldwin, Georgia, hereby certifies that this copy of this annexation ordinance and all attachments to said ordinance, including the survey of the property annexed, is true, correct and accurate. I make this certification in order to conform to the requirements of O.C.G.A. § 36-36-21, and I will see to the proper filing of this certified copy and its attachments with the Department of Community Affairs of the State of Georgia and the applicable Board of Commissioners.

\_\_\_\_\_  
Emily Woodmaster  
City Clerk  
City of Baldwin, Georgia

[Affix Municipal Seal]

Sworn to and subscribed  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

[Affix Notary Seal]



FIRST READING May 15<sup>th</sup>, 2023

PUBLISHED May 17<sup>th</sup>, 2023

ZONING HEARING May 30<sup>th</sup>, 2023

PASSED May 30<sup>th</sup>, 2023

**AN ORDINANCE NO. 2023-05125Z**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BALDWIN, GEORGIA, BY ZONING ALL THOSE TRACTS OR PARCEL OF LAND HABERSHAM COUNTY DEVELOPMENT AUTHORITY AND BEING 3.87 ACRES, MORE OR LESS, BEING TRACT 1 OF TAX MAP PARCEL 090 008B AND LYING AND BEING IN LAND LOT 169 OF THE 10<sup>TH</sup> LAND DISTRICT OF HABERSHAM COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED ON A DEED OR PLAT WHICH IS ATTACHED HERETO AND, WHICH IS INCORPORATED BY REFERENCE INTO THIS ORDINANCE, AT THE TIME OF ANNEXATION AS LIGHT INDUSTRIAL [AND CURRENTLY ZONED PRIOR TO ANNEXATION AS LOW INTENSITY (LI)], WITHOUT CONDITIONS; REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**BE IT ORDAINED** by the City Council of Baldwin, Georgia as follows:

**Section 1. ZONING IMPOSED WITH CONDITIONS.**

That from and after the passage of this ordinance the following described lands to be annexed into the City of Baldwin shall be zoned and so designated on the zoning map of the City of Baldwin as Light Industrial (LI) being approximately 3.87 acres and with the following conditions:

Conditions:

- a. none.

Legal Description:

39  
40 All that tract or parcel of land being approximately 3.87 acres, being Tax Map Parcels  
41 090 008B, and lying and being in Land Lots 169 of the 10<sup>th</sup> Land District of Habersham County,  
42 Georgia and more particularly described on a deed or plat, and which is attached hereto, and  
43 incorporated by reference hereof, into this legal description.

44 **Section 2. REPEAL OF CONFLICTING ORDINANCES.**

45 All ordinances and parts of ordinances in conflict herewith are hereby repealed to the  
46 extent of the conflict.

47 **Section 3. SEVERABILITY OF PARAGRAPHS.**

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

52 **Section 4. AMENDMENT TO THE ZONING MAP.**

53 This ordinance is enacted as an amendment to the zoning map of the City of Baldwin.

54 **Section 5. EFFECTIVE DATE.**

55 The effective date of the zoning classification imposed by this ordinance shall be on the  
56 later of:

57 (A) The date the zoning classification is approved by the City of Baldwin, by and through  
58 its City Council; or

59 (B) The date that the annexation of the subject property becomes effective pursuant to  
60 Georgia law.

61 **SO ORDAINED** this 30<sup>th</sup> day of May 2023.

**BALDWIN CITY COUNCIL**

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

Acting Mayor Alice Venter

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Council Member Theron Ayers

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Council Member Larry Lewallen

\_\_\_\_\_  
Council Member Stephanie Almagno

\_\_\_\_\_  
Council Member Maarten Venter

Attest:

\_\_\_\_\_  
Emily Woodmaster  
City Clerk, CAO

Attest:

\_\_\_\_\_  
Emily Woodmaster  
City Clerk, CAO