

ORDINANCE NO. OR 13-326

AN ORDINANCE ANNEXING REAL PROPERTY LOCATED AT 502 COUNTRY CLUB DRIVE, STOCKBRIDGE, GEORGIA INTO THE BOUNDARIES OF THE CITY OF STOCKBRIDGE PURSUANT TO O.C.G.A. SECTION 36-36-20 ET SEQ.; SETTING THE ZONING FOR SAID PROPERTY; DIRECTING AMENDMENT TO THE OFFICIAL CITY MAP; DIRECTING THE CITY CLERK AND CITY ATTORNEY TO EFFECTUATE THIS ORDINANCE; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WITNESSETH:

WHEREAS, the City of Stockbridge ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to residents located within the corporate limits of the City; and

WHEREAS, the City received an application for annexation pursuant to the one hundred percent method of annexation as provided by O.C.G.A. § 36-36-20 et seq.; and

WHEREAS, said application is attached hereto as Exhibit A and incorporated by reference herein as a part of this ordinance; and

WHEREAS, the City finds that said annexation will not create any unincorporated islands and furthermore finds this annexation to be in the best interest of the health, safety, and welfare of the citizens of the City and the Applicant; and

WHEREAS, the City has provided Henry County with notice of this application in accordance with O.C.G.A. § 36-36-6 and O.C.G.A. § 36-36-9; and

WHEREAS, the Mayor and City Council now wish to adopt an ordinance to annex the property described in the application; and

WHEREAS, the property is currently zoned RM (Multifamily Residential); and

WHEREAS, the Mayor and City Council of the City of Stockbridge, Georgia wish to zone the property described in Exhibit A with the same classification to which it was assigned by Henry County, Georgia immediately prior to annexation.

THEREFORE, THE CITY COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

SECTION 1. Annexation. The property, as described in Exhibit A attached hereto and incorporated by reference herein as part of this ordinance is contiguous to the City of Stockbridge as defined by Georgia law, and is hereby annexed into the City and made a part of the incorporated area of the City in accordance with O.C.G.A. § 36-36-20 et seq.

SECTION 2. Zoning. The property, as described in Exhibit A attached hereto and incorporated by reference herein as part of this ordinance, is hereby zoned, as required by O.C.G.A. § 36-66-4 (e), and Section 8.36.015 of the Stockbridge Zoning Ordinance, with the same classification to which the property was assigned by Henry County, Georgia immediately prior to annexation.

SECTION 3. Official Map and Records. The Mayor, City Manager, City Planner, and City Clerk are hereby directed to make entries upon or additions to the official map of the City and all other records to the extent necessary to reflect the annexation of this property as ordained herein.

SECTION 4. Effectuation. The City Clerk, City Planner, and City Attorney are hereby directed to carry out all steps necessary under Georgia law to effectuate this annexation.

SECTION 5. Severability.

(a) It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were upon their enactment believed by the City Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the City Council that to the greatest extent allowed by law each and every section, paragraph, sentence, clause or phrase of this ordinance is severable from every other section, paragraph, sentence, clause or phrase of this ordinance. It is hereby further declared to be the intention of the City Council that to the greatest extent allowed by law no section, paragraph, sentence, clause or phrase of this ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this ordinance.

(c) In the event that any section, paragraph, sentence, clause or phrase of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the ordinance and that to the greatest extent allowed by law all remaining Sections, paragraphs, sentences, clauses, or phrases of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 6. Repeal of Conflicting Provisions. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7. Effective Date. This ordinance shall become effective immediately upon its adoption by the Mayor and City Council of the City of Stockbridge as provided in the City Charter. The annexation of this property shall take effect on the first day of the month following the date hereof. The property located in the annexed area shall not be subject to ad valorem taxation by the City until January 1 of the year following the effective date of this ordinance.

SO ORDAINED this 12th day of August, 2013.

Mark A. Alarcon
MARK A. ALARCON, Mayor

ATTEST:

Rhonda A. Blackmon (SEAL)
RHONDA A. BLACKMON, CITY CLERK

APPROVED AS TO FORM:

William J. Linkous, III
WILLIAM J. LINKOUS, III, CITY ATTORNEY
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