

ORDINANCE

**CITY OF WOODSTOCK ORDINANCES AND AMENDMENTS
TO THE CHARTER OF THE CITY OF WOODSTOCK**

A#045-07

ANNEXING property into the corporate limits of the City of Woodstock, Georgia, consisting of a parcel located in Land Lots 1133 and 1172 of the 15th District, 2nd Section, Cherokee County, Georgia, being tax map and parcel numbers 15N18 142, 143, 144, 111, 111A, 145 and 145A, ±9.67 acres, located on Neese Road, Woodstock, Georgia, 30188.

REZONING property in the corporate limits of the City of Woodstock, Georgia, consisting of a parcel located in Land Lots 1133 and 1172 the 15th District, 2nd Section, Cherokee County, Georgia, being a portion of tax map and parcel number 15N18 147 of ±.67 acres, located on the west side of Neese Road, Woodstock, Georgia, 30188.

WHEREAS, O.C.G.A. Sec. 36-36-21 provides that the governing bodies of the several municipal corporations of this State have authority to annex to the existing corporate limits thereof unincorporated areas contiguous to the existing corporate limits at the time of such annexation, upon the written and signed applications of all the owners of all the land, except the owners of any public street, road, highway, or right-of-way, proposed to be annexed, containing a complete description of the land lot to be annexed; and

WHEREAS, O.C.G.A. Sec. 36-36-21 further provides that when such application is acted upon by the municipal authorities and the land is, by ordinance, annexed to the municipal corporation, an identification of the property so annexed shall be filed with the Secretary of State and with the governing authority of Cherokee County and that 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 special act of the General Assembly; and

WHEREAS, the Mayor and Council of the City of Woodstock, Georgia have determined that the annexation to the City of Woodstock of the area proposed in said application would be in the best interest of the residents and property owners of the area proposed for annexation and of the citizens of the City of Woodstock, Georgia; and

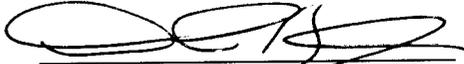
NOW, THEREFORE, the Mayor and Council of the City of Woodstock, Georgia, hereby ordain that the City Charter of the City of Woodstock, Georgia is hereby amended, as follows:

- Section 1: The following property to wit: All that tract and parcel of land lying and being in Land Lot 1133 and 1172 of the 15th District, 2nd Section, Cherokee County, Georgia, and being tax map and parcel numbers 15N18, 142, 143, 144, 111, 111A, 145 and 145A totaling ±9.67 acre, said property being more particularly described in Exhibit "A" attached hereto and made a part hereof by reference (the "9.67 Acre Tract").
- Section 2: The 9.67 Acre Tract is hereby annexed into the corporate limits of the City of Woodstock, Georgia.
- Section 3: The 9.67 Acre Tract is hereby placed in Ward number 4 within the corporate limits of the City of Woodstock, Georgia.
- Section 4: The 9.67 Acre Tract is hereby rezoned SL-C (Senior Living). Said zoning is made in accordance with the Woodstock Zoning Ordinance and subject to the conditions of zoning outlined on Exhibit "C" attached hereto and made a part hereof by reference.
- Section 4: The property more particularly described on Exhibit "B" attached hereto and made a part hereof by reference is hereby rezoned SL-C (Senior Living). Said zoning is made in accordance with the Woodstock Zoning Ordinance and subject to the conditions of zoning outlined on Exhibit "C" attached hereto and made a part hereof by reference.

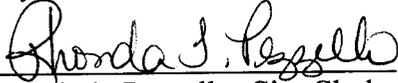
It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

This Ordinance shall become effective upon the approval of the Mayor and Council of the City of Woodstock, Georgia, as required by Georgia law.

APPROVED, ADOPTED, AND ENACTED this 14th day of January, 2008



Donnie Henriques, Mayor
City of Woodstock, Georgia



Rhonda L. Pezzello, City Clerk
City of Woodstock, Georgia

(Municipal Seal)

First Reading: January 14, 2008

Public Hearing: City Council January 14, 2008

Public Hearing Advertisement December 28, 2008

Charter Amendment Advertisement: Cherokee Tribune

Date 1 December 28, 2007

Date 2 December 4, 2007

Date 3 January

11, 2008

Exhibit "A"
Legal Description of 9.67 Acre Tract
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EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 1133 and 1172 of the 15th District, 2nd Section, Cherokee County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at an iron pin found on the northerly right-of-way line of Georgia State Route 92 (right-of-way varies) a distance of 237.02 feet westerly as measured along said right-of-way line from its intersection with the westerly right-of-way line of Neese Road (right-of-way varies); running thence along said right-of-way line North 16 degrees 28 minutes 58 seconds West, a distance of 20 feet to a point and the TRUE POINT OF BEGINNING; from said TRUE POINT OF BEGINNING thus established, continuing along said right-of-way line the following courses and distances: South 75 degrees 14 minutes 09 seconds West, a distance of 28.74 feet to a point; along the arc of a curve to the left having a radius of 1046.45 feet, an arc distance of 45.78 feet (said arc being subtended by a chord having a bearing of South 74 degrees 30 minutes 12 seconds West, and a length of 45.78 feet) to a point; South 15 degrees 31 minutes 48 seconds East, a distance of 20.00 feet to a concrete monument found; South 75 degrees 03 minutes 21 seconds West, a distance of 215.18 feet to an iron pin found; thence leaving the northerly right-of-way line of Georgia State Route 92 (right-of-way varies) and running North 22 degrees 06 minutes 42 seconds West, a distance of 229.92 feet to an iron pin found; running thence North 04 degrees 24 minutes 16 seconds West, a distance of 405.74 feet to an iron pin placed on the Land Lot line dividing Land Lots 1172 and 1133; running thence along said Land Lot line, South 86 degrees 48 minutes 21 seconds East, a distance of 443.70 feet to an iron pin found; thence leaving said Land Lot line and running North 00 degrees 16 minutes 22 seconds West, a distance of 149.50 feet to an iron pin found on the southwesterly right-of-way line of Neese Road; running thence along said southwesterly right-of-way line of Neese Road, South 40 degrees 19 minutes 20 seconds East, a distance of 28.41 feet to a point; thence leaving said right-of-way line and running South 01 degrees 02 minutes 17 seconds East, a distance of 302.23 feet to a wooden fence corner; running thence South 01 degrees 16 minutes 05 seconds East, a distance of 151.20 feet to an iron pin found; running thence South 80 degrees 19 minutes 05 seconds West, a distance of 124.12 feet to an iron pin placed; running thence South 16 degrees 28 minutes 58 seconds East, a distance of 158.62 feet to an iron pin found and the TRUE POINT OF BEGINNING, said tract containing 5.23 acres as shown on that certain Boundary Survey for Neese Road Partners, LLC, Bank of Canton, a division of the Bank of Ellijay and Chicago Title Insurance Company, prepared by Woodall & Associates Land Surveying, Inc., by Timothy J. Woodall, Georgia Registered Land Surveyor No. 3000, dated June 4, 2007, last revised June 20, 2007.

and

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 133 of the 15th District of Cherokee County, Georgia, being Tracts 1, 2, and 3, consisting of 3.77 acres total, according to a plat of survey for Roy Goodwyn Walker, dated 4/12/2004, prepared by Frontline Surveying & Mapping, Inc., Thomas Edward Peay, Jr., Registered Land Surveyor No. 2402, which survey is hereby incorporated herein by this reference for a more complete description, and being more particularly described as follows:

BEGINNING AT A POINT marked by an iron pin found ("IPF"), located 67.00 feet easterly from said southwest corner of Land Lot 1133, as measured along the south line of Land Lot 1133, and running thence N15°29'57"W a distance of 376.90 feet to an IPF; thence N88°46'26"E a distance of 232.45 feet to an iron pin set ("IPS"); thence S06°11'25"E a distance of 13.86 feet to an IPF; thence S87°19'15"E a distance of 288.63 feet to a point on the southwesterly side of Neese Road (50' right-of-way); thence S37°10'00"E along the southwesterly side of Neese Road a distance of 51.49 feet to an IPS; thence N87°25'48"W a distance of 308.57 feet to an IPF; thence S14°55'09"E a distance of 130.15 feet to an IPF; thence N80°27'00"E a distance of 316.25 feet to an IPF on the southwesterly side of Neese Road; thence the following bearings and distances along Neese Road: S32°01'36"E a distance of 48.25 feet to a point; thence S32°01'36"E a distance of 40.00 feet to an IPF; thence leaving the right-of-way of Neese Road and running S05°09'54"E a distance of 149.50 feet to an IPF; thence S88°18'46"W a distance of 323.67 feet to an IPF; thence S88°12'26"W a distance of 226.61 feet to an IPF and the POINT OF BEGINNING; being improved property.

and

All that tract or parcel of land lying and being in Land Lot 1113 of the 15th District, 2nd Section of Cherokee County Georgia and being more particularly as follows:

To find the have point of beginning, commence at a point located at the southwest corner of land lot 1133: thence proceed easterly along the south of land lot 1133 a distance of 299.61 feet to an iron pin: thence leaving said land lot line and proceeding north 15 degrees 00 minutes 00 seconds west a distance of 187.24 feet to an iron pin, said pin being the true point of beginning; from said point of beginning, thence proceed north 15 degrees 00 minutes 00 seconds west a distance of 130.00 feet to an iron pin; thence proceed south 87 degrees 35 minutes 40 seconds east a distance of 308.57 feet to an iron pin located on the Westerly right of way of Neese road (50 foot right of way); thence proceed south 32 degrees 02 minutes 51 seconds east along the westerly right of way of Neese road a distance of 70.0 feet to an iron pin; thence leaving said right of way and proceeding south 32 degrees 27 minutes 32 seconds west a distance of 318.13 feet to an iron pin and the true point of beginning said property containing .674 acres, more or less and being more particularly described by plat of survey prepared by C & C Land Surveyors, Inc. For a Roy G. Walker and Lynn PL Walker dated October 16, 1994 which plat is hereby incorporated herein and made a part hereof by reference.

Exhibit "B"
(±0.67 acre portion of 15N18 147)

All that tract or parcel of land, lying and being in land lots 1133 and 1172 of the 15th district, 2nd section of Cherokee County, Georgia and being more particularly described as follows:

Beginning at an iron pin found on the westerly right of way of Neese Road a distance of 353.50 feet northerly from its intersection with the northerly right of way of Georgia Highway No. 92; thence south 83 degrees 28 minutes 85 seconds west; thence 159.60 feet to an iron pin and fence corner found; thence north 02 degrees, 51 minutes 45 seconds west; 302.45 feet to an iron pin set on the westerly right of way of Neese Road; thence southerly and southeasterly along the westerly right of way of Neese Road, and following the curvature thereof, 338.80 feet to an iron pin found and to the point of beginning; containing 0.67 acres and being more particularly shown on that certain plat of survey dated November 18, 1987 by Adams-Sims & Associated, Inc. Job No. 87-2393-44D

Exhibit "C"
Conditions of Zoning

1. Annexation of the property and rezone the property SL – C with twenty-four (24) units per acre. Applicant agrees to conform to the assisted living requirement set forth in the code to receive the density bonus.
2. Eliminate the ten (10) foot build-to line and establish a ten (10) foot front setback
3. Applicant agrees to dedicate the necessary land to the City of Woodstock to establish a minimum of fifty (50) feet of Right-of-Way measured from the existing centerline of Neese Road along the site's entire frontage of Neese Road.
4. Applicant agrees to shared ingress/egress on Highway 92 with properties to the east (15N18E 075, 076) when developed. This is to minimize the number of curb cuts along Highway 92. This can include the entrance built as part of this development or a modification as part of future development.
5. All lighting shall be of a historic style and be Dark Skies compliant. Cut sheets of the poles, fixtures, and caps shall be submitted to the Department of Planning and Economic Development for review and approval prior to installation.
6. Applicant agrees to submit proof of deed restriction to 55 and over and provide copies of covenants and restrictions to the Department of Planning and Economic Development for review and acceptance prior to the issuance of any permits. Applicant agrees to adhere to all state and federal Fair Housing Laws.
7. All utilities shall be located underground.
8. No billboard or sign advertising products or services except those offered on the property on which the sign is located shall be permitted.
9. Applicant agrees to sign conditions of zoning and shall scan executed ordinance onto all plats and construction drawings.
10. Bethel Point Foundation is a qualified 501(c)(3) corporation under the laws of the United States Tax Code and is therefore exempt from paying local property taxes for this project.

As a condition of zoning, Applicant (Bethel Point Foundation) has agreed to make, and will make, an annual payment in lieu of taxes to the City of Woodstock in the amounts and in accordance with the schedule outlined below:

Year 2009: There shall be no payment in lieu of taxes.

Year 2010: There shall be no payment in lieu of taxes.

Year 2011: A payment in lieu of taxes of \$75,000 shall be made to the City of Woodstock.

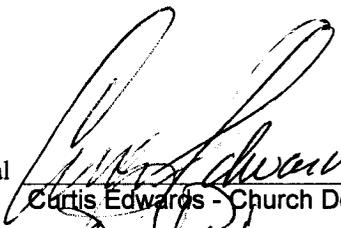
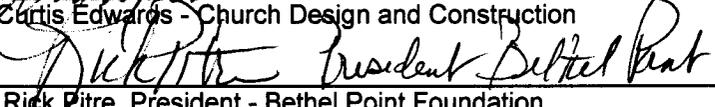
Year 2012: A payment in lieu of taxes of \$112,500 shall be made to the City of Woodstock.

Year 2013 and every year thereafter: A payment in lieu of taxes of \$150,000 shall be made to the City of Woodstock.

All payments shall be made to the City of Woodstock in full and shall be paid by December 31st of each respective calendar year.

This Condition of Zoning regarding payment in lieu of taxes shall become null and void if the use of the subject property changes at any time from that of a senior living facility, with a portion to be assisted living, and on site support services.

11. Prior to the issuance of the Certificate of Occupancy, the applicant must install, at their expense, a decal lane to accommodate any curb cuts on Hwy 92 subject to GDOT approval.
12. Offsite pedestrian improvements shall be made at the intersection of Neese Rd and Hwy 92 including but not limited to countdown crosswalk signalization. Said pedestrian improvements shall be made prior to the issuance of the Certificate of Occupancy.
13. Up to 20% of parking may be surface parking and remaining 80% shall be structured parking (either parking deck or underground parking.)

Approval  - Curtis Edwards - Church Design and Construction Date: 1/24/08
Approval  - Rick Pitre, President - Bethel Point Foundation Date: 1/24/08