

House Bill 609

By: Representatives Rogers of the 10th and Gasaway of the 28th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act entitled "An Act to provide a new charter for the City of Demorest,"
2 approved May 5, 2006 (Ga. L. 2006, p. 4301), as amended, so as to provide that the corporate
3 limits of such city shall include certain property; to provide for preclearance under the federal
4 Voting Rights Act of 1965, as amended; to provide for an effective date; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act entitled "An Act to provide a new charter for the City of Demorest," approved May
9 5, 2006 (Ga. L. 2006, p. 4301), as amended, is amended by inserting at the end of Section
10 1.11 a new subsection to read as follows:

11 "(c) Notwithstanding the provisions of subsection (a) of this section, the following
12 described tracts of land shall constitute a part of the territorial limits of the City of
13 Demorest:

14 Tract I

15 Tax Parcel 56

16 All that tract or parcel of land situated lying and being in Land Lot 39 of the 10th District
17 of Habersham County, Georgia and being that 8.08 acre tract of land as shown on a plat
18 of survey for Betty Martin dated October 25, 2004, recorded in Plat Book 56 Page 236
19 in the office of the Clerk of the Superior Court of Habersham County, Georgia.

20 Tract II

21 Tax Parcel 57

22 All that tract or parcel of land lying and being in Land Lot 39 of the 10th Land District
23 of Habersham County, Georgia, known and designated as Lot Number 6 of Block 1 of
24 Green Acres Subdivision as shown on plat of said Subdivision made by O. F. Smith, C.S.,
25 R.S., under date of April, 1956, a copy of said plat being of record in the Office of the

Clerk of Superior Court of Habersham County, Georgia, in Plat Book 6, page 12, said lot fronting 125 feet on the Southeastern side of Adams Drive and being part of the same land conveyed by Warranty Deed from G. A. Turner to Thomas Louis Wall and Lois Mae Wall, dated February 2, 1962, recorded in the Office of the Clerk of Superior Court of Habersham County, Georgia, in Deed Book A-83, page 80.

Tract III

Tax Parcel 58

All that tract or parcel of land situated lying and being in Land Lot 39 of the 10th District of Habersham County, Georgia and being Lots 1 and 2 of Block I, Green Acres Subdivision, as shown on that survey by C.F. Smith Georgia Registered Land Surveyor dated April 1956, and recorded April 27, 1956, in Plat Book 6 Page 12 in the office of the Clerk of Superior Court of Habersham County, Georgia.

Tract IV

Tax Parcel 59

All that tract or parcel of land situated lying and being in Land Lots 39 and 44 of the 10th District of Habersham County, Georgia and being more particularly described as follows: to find the point of beginning commence at the intersection of the South Right of Way Line of Adams Drive and the West Right of Way Line of U.S. Hwy 23-441 and from said point proceed in a southerly direction along the West Right of Way Line of U.S. Hwy 23, 140 feet to the point of beginning; thence South 59 Degrees 44 Minutes West 127.30 feet to a point thence South 59 Degrees 47 Minutes West 125.90 feet to a point thence North 26 Degrees 46 Minutes West 140.50 feet to a point on the Southeast Right of Way Line of Adams Drive thence South 62 Degrees 36 Minutes West 372.90 feet along the Southeast Right of Way Line of Adams Drive to a point thence South 26 Degrees 36 Minutes East 159.50 feet to a point thence South 59 Degrees 11 Minutes West 124.75 feet to a point thence South 55 Degrees 25 Minutes West 129.10 feet to a point thence South 58 Degrees 39 Minutes West 122.90 feet to a point thence South 60 Degrees 18 Minutes West 256.10 feet to a point on the Northwest Right of Way Line of Spencer Drive thence South 59 Degrees 7 Minutes East along the Northwest Right of Way Line of Spencer Drive 460.50 feet to the intersection of the Northwest Right of Way Line of Spencer Drive and the Northeast Right of Way Line of Morland Street thence North 29 Degrees 9 Minutes East along the Northeast Right of Way Line of Morland Street 390.28 feet to a point thence North 78 Degrees 35 Minutes East 417.87 feet to a point thence North 78 Degrees 36 Minutes East 199.98 feet to a point on the West Right of Way Line

of U.S. Hwy 23/Georgia 441 thence North 4 Degrees 37 Minutes West along said Right of Way Line 435.50 feet to the point of beginning.

All that tract or parcel of land lying and being in Land Lot 44 of the 10th Land District of Habersham County, Georgia, containing 1.35 acres, more or less, designated as Lots 17 and 18 of Block Two of the Spencer Estate according to Plat of Survey prepared by Hubert Lovell, R.S., dated February 12, 1982, said plat being recorded among Habersham County, Georgia Records in Plat Book 17, Page 301, and being more fully described as follows:

BEGINNING at concrete monument common to Land Lots 38, 39, 44 and 45 of said County and District; running thence North 59 degrees 58 minutes East 50.5 feet to iron pin; then North 60 degrees 00 minutes East 166.9 feet to iron pin located on the westerly boundary of the unopened portion of Spencer Drive; running thence North 60 degrees 00 minutes East 45.5 feet to concrete monument corner located on the easterly boundary of the unopened portion of Spencer Drive as shown on said plat; thence along said easterly boundary of the unopened portion of Spencer Street South 59 degrees 48 minutes East 458.9 feet to concrete monument located at the intersection of the unopened portion of Moreland Street with the intersection of the unopened portion of Spencer Drive; thence South 60 degrees 21 minutes East 40.3 feet to iron pin corner at a point common to the point of intersection of the easterly boundary of the unopened portion of Moreland Street with the northerly boundary of the unopened portion of Spencer Drive; running thence along the easterly boundary of the unopened portion of Moreland Street North 29 degrees 26 minutes West 200.0 feet to concrete monument corner common to Lots 18 and 19 of Block TWO of the Spencer Estate, the TRUE POINT OF BEGINNING of the tract herein described and conveyed; thence continuing along the easterly boundary of the unopened portion of Moreland Street North 29 degrees 26 minutes East 198.4 feet to iron pin corner common to lands now or formerly of Raper; thence along the line common to lands now or formerly of Raper South 63 degrees 10 minutes East 278.2 feet to iron pin corner; thence South 23 degrees 24 minutes West 210.0 feet to concrete monument corner common to Lots 2, 3, 18 and 19 of Block TWO of the Spencer Estate; running thence along the line common to Lots 18 and 19 of said Estate North 60 degrees 59 minutes West 300.0 feet to concrete monument, the TRUE POINT OF BEGINNING.

The land herein described and conveyed is a portion of the land described and conveyed in Warranty Deed from W. O. Watson to Paul B. Allen, dated November 15, 1958, recorded among Habersham County, Georgia Records in Deed Book A-75, at Page 166. Also included herewith is that certain property located in Land Lot 44 of the 10th District of Habersham County, Georgia, and being shown as Morland Street as shown on the Plat

97 of Survey for Habersham County Hospital dated May 2, 1964 by JNO. F. Carey,
98 Surveyor.

99 Tract V

100 Tax Parcel 61

101 All that tract or parcel of land situated lying and being in Land Lot 44 of the 10th District
102 of Habersham County, Georgia and being that 0.657 acre tract of land as shown on that
103 plat of survey by Kenyon L. Miller Georgia Registered Land Surveyor dated September
104 18, 2001, recorded in Plat Book 51 Page 26 in the office of the Clerk of the Superior
105 Court of Habersham County, Georgia.

106 Tract VI

107 Tax Parcel 62

108 All that tract or parcel of land situated lying and being in Land Lot 44 of the 10th District
109 of Habersham County, Georgia and being that 0.48 acre tract of land as shown on a plat
110 of survey by Hubert Lovell dated July 11, 1989, and recorded September 13, 1989, in Plat
111 Book 27 Page 202 in the office of the Clerk of the Superior Court of Habersham County,
112 Georgia.

113 Tract VII

114 Tax Parcel 95

115 All that tract or parcel of land situated lying and being in Land Lot 40 of the 10th District
116 of Habersham County, Georgia, and being that certain 1.2 acre tract as shown on a plat
117 of survey by Hubert Lovell Georgia Registered Land Surveyor for Habersham Mill dated
118 January 9, 1973, recorded November 26, 1974, in Plat Book 12 Page 155 in the office of
119 the Clerk of the Superior Court of Habersham County, Georgia.

120 Less and except all that tract or parcel of land situated lying and being in Land Lot 40 of
121 the 10th District of Habersham County, Georgia and being more particularly described
122 as follows: to find the point of beginning commence at a concrete marker located at the
123 intersection of the Southeast Right of Way line of U.S. Hwy 441 U.S. Business. Georgia
124 Hwy 385 (having a variable Right of Way) and the West line of Land Lot 40 and from
125 said point proceeding thence South 29 Degrees 45 Minutes East 103.37 feet along said
126 Land Lot line to a concrete monument thence continuing South 22 Degrees 45 Minutes
127 East 71.85 feet along said line to an iron pin thence continuing South 29 Degrees 45
128 Minutes East 25.15 feet along said line to a nail set in pavement and the point of
129 beginning thence North 00 Degrees 15 Minutes East 80.48 feet to an iron pin set on the
130 Right of Way of the abandoned Tallulah Falls Railroad thence South 08 Degrees 11

131 Minutes East 218.89 feet to an iron pin set at the intersection of the Right of Way of the
132 abandoned Tallulah Falls Railroad and the West line of Land Lot 40 thence North 29
133 Degrees 45 Minutes West 57.35 feet along said Land Lot line to an iron pin thence
134 continuing along said Land Lot line North 29 Degrees 45 Minutes West 136.22 feet to
135 the point of beginning.

136 This description is in accordance with a plat of survey for Mt. Carmel Baptist Church by
137 Lovell, Duvall, Miller and Associates, Inc."

138 **SECTION 2.**

139 The governing authority of the City of Demorest shall through its legal counsel cause this
140 Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as
141 amended, no later than 45 days after the date on which this Act is approved by the Governor
142 or otherwise becomes law without such approval.

143 **SECTION 3.**

144 This Act shall become effective upon its approval by the Governor or upon its becoming law
145 without such approval.

146 **SECTION 4.**

147 All laws and parts of laws in conflict with this Act are repealed.