

House Bill 1139 (AS PASSED HOUSE AND SENATE)

By: Representatives Holcomb of the 81st and Taylor of the 79th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act reincorporating the City of Doraville in the County of DeKalb, approved
2 October 13, 1971 (Ga. L. 1971, Ex. Sess., p. 2154), as amended, so as to change the
3 corporate limits; to authorize certain tax exemptions; to prohibit certain annexation efforts;
4 to provide for related matters; to provide for a referendum; to provide an effective date; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act reincorporating the City of Doraville in the County of DeKalb, approved
9 October 13, 1971 (Ga. L. 1971, Ex. Sess., p. 2154), as amended, is amended by revising the
10 description of the corporate limits of the City of Doraville in Appendix A by adding at the
11 end the following:

12 "In addition to all other territory included within the corporate limits of said city, the
13 corporate limits shall specifically include the following described property, all of which is
14 located in DeKalb County, Georgia:

15 A certain parcel of land lying and being in Land Lots 281, 282, 295, 312, 313, 319, 320,
16 321, and 337 of the 18th District of DeKalb County, Georgia, according to the platting
17 and tax parcel systems as set forth in the official records of DeKalb County, Georgia, on
18 the 27th day of February, 2014 as more particularly described as follows:

19 Commencing at a point of intersection of the southerly end of the existing municipal
20 property boundary of the City of Doraville, the centerline of Chamblee-Tucker Road,
21 and the centerline of Bagley Drive, being the TRUE POINT OF BEGINNING of this
22 description;

23 Thence, commencing southerly following the centerline alignment of Chamblee-Tucker
24 Road to a point of intersection of said Road and Dresden Drive;

25 Thence, crossing the westbound portion of Chamblee-Tucker Road to a point of
26 intersection of the northerly right-of-way property boundary of said Road and the
27 southwesterly corner of Parcel 18 282 14 050;
28 Thence, approximately 153 feet along the southerly property boundary of Parcel 18 282
29 14 050 to a point intersecting with of the southerly right-of-way property boundary of
30 Interstate 85;
31 Thence, crossing Interstate 85 southerly to a point of intersection of the southerly
32 right-of-way property boundary of said Interstate and the southwesterly corner of
33 Parcel 18 282 12 001;
34 Thence, commencing northeasterly following the southerly right-of-way property
35 boundary of Interstate 85 excluding service roads to a point of intersection of the
36 southerly right-of-way property boundary of Interstate 285;
37 Thence, commencing southeasterly following the southerly right-of-way property
38 boundary of Interstate 285 to its intersection with the northerly right-of-way of
39 Chamblee-Tucker Road;
40 Thence, easterly along said right-of-way of Chamblee-Tucker Road to its intersection
41 with the northerly right-of-way of Interstate 285;
42 Thence, commencing northwesterly along the easterly right-of-way of Interstate 285
43 to its intersection with the southerly right-of-way of Interstate 85;
44 Thence, commencing northeasterly following the southerly right-of-way property
45 boundary of Interstate 85 excluding service roads to a point of intersection of the
46 southerly right-of-way property boundary of said Interstate, the existing property
47 boundary of the County of DeKalb, and the existing property boundary of the County
48 of Gwinnett;
49 Thence, commencing northwesterly following the property boundary of the County of
50 DeKalb and the property boundary of the County of Gwinnett to a point of intersection
51 with the northerly right-of-way property boundary of Interstate 85;
52 Thence, commencing southwesterly following the northerly right-of-way property
53 boundary of Interstate 85 to its point of intersection with the northerly right-of-way of
54 Interstate 285;
55 Thence, commencing northwesterly following the northerly right-of-way property
56 boundary of Interstate 285 to the point of intersection of said Interstate and Parcel 180
57 312 02 030 and Parcel 18 312 02 001;
58 Thence, approximately 154 feet along the westerly property boundary of Parcel 18 312
59 02 030 to a point intersecting with the westerly property boundary of Parcel 18 312 02
60 033;

61 Thence, approximately 325 feet along the westerly property boundary of Parcel 18 312
62 02 033 to a point intersecting with the westerly property boundary of Parcel 18 312 02
63 016;
64 Thence, approximately 148 feet along the westerly property boundary of Parcel 18 312
65 02 016 to a point intersecting with the westerly property boundary of Parcel 18 312 02
66 012;
67 Thence, approximately 151 feet along the westerly property boundary of Parcel 18 312
68 02 012 to a point intersecting with the westerly property boundary of Parcel 18 312 02
69 028;
70 Thence, approximately 109 feet along the westerly property boundary of Parcel 18 312
71 02 028 to a point intersecting with the northerly property boundary of Parcel 18 312 02
72 028;
73 Thence, approximately 165 feet along the northerly property boundary of Parcel 18 312
74 02 028 to a point intersecting with westerly right-of-way of McElroy Road;
75 Thence, crossing McElroy Road to its point of intersection with Parcel 18 312 02 019
76 and Parcel 18 312 02 035;
77 Thence, approximately 270 feet along the northerly property boundary of Parcel 18 312
78 02 019 to a point intersecting with the westerly property boundary of Parcel 18 312 02
79 017;
80 Thence, approximately 191 feet along the westerly property boundary of Parcel 18 312
81 02 017 to a point at its intersection with the southerly right-of-way property boundary
82 of Honeysuckle Lane;
83 Thence, along the southerly right-of-way property boundary of Honeysuckle Lane to
84 a point of intersection of Parcel 18 312 02 017 and Parcel 18 312 02 030;
85 Thence, crossing Honeysuckle Lane to a point of intersection of Parcel 18 312 06 005
86 and Parcel 18 312 07 034;
87 Thence, approximately 643 feet along the northerly property boundary of Parcel 18 312
88 06 005 to a point intersecting with the easterly property boundary of Parcel 18 312 06
89 005;
90 Thence, approximately 649 feet along the easterly property boundary of Parcel 18 312
91 06 005 to a point intersecting with the northerly property boundary of Parcel 18 313 01
92 058;
93 Thence, approximately 569 feet along the northerly property boundary of Parcel 18 313
94 01 058 to a point intersecting with the northerly property boundary of Parcel 18 313 01
95 059;

96 Thence, approximately 819 feet along the northerly property boundary of Parcel 18 313
97 01 059 to a point intersecting with the westerly property boundary of Parcel 18 313 01
98 046;
99 Thence, following along the westerly property boundary of Parcel 18 313 01 046 to a
100 point intersecting with the westerly property boundary of Parcel 18 313 01 062;
101 Thence, following along the westerly property boundary of Parcel 18 313 01 062 to a
102 point intersecting with the westerly property boundary of Parcel 18 313 01 063;
103 Thence, following along the westerly property boundary of Parcel 18 313 01 063 to a
104 point intersecting with the northerly property boundary of Parcel 18 313 01 063;
105 Thence, approximately 193 feet along the northerly property boundary of Parcel 18 313
106 01 063 to a point intersecting with the westerly property boundary of Parcel 18 313 01
107 063;
108 Thence, approximately 135 feet along the westerly property boundary of Parcel 18 313
109 01 063 to a point intersecting with the westerly property boundary of Parcel 18 319 03
110 038;
111 Thence, approximately 278 feet along the westerly property boundary of Parcel 18 319
112 03 038 to a point intersecting with the westerly property boundary of Parcel 18 319 03
113 034;
114 Thence, approximately 270 feet along the westerly property boundary of Parcel 18 319
115 03 034 to a point of intersection of said Parcel and the existing municipal property
116 boundary of the City of Doraville;
117 Thence, commencing westerly following the existing southerly municipal property
118 boundary of the City of Doraville to a point of intersection of said Property boundary,
119 Parcel 18 337 04 015, and Parcel 18 337 09 028;
120 Thence, approximately 550 feet along the southerly property boundary of Parcel 18 337
121 09 028 to a point intersecting with the southerly property boundary of Parcel 18 337 09
122 027;
123 Thence, approximately 215 feet along the southerly property boundary of Parcel 18 337
124 09 027 to a point intersecting with the westerly property boundary of Parcel 18 337 04
125 009;
126 Thence, approximately 107 feet along the westerly property boundary of Parcel 18 337
127 04 009 to its intersection with the northerly right-of-way property boundary of Oakcliff
128 Road;
129 Thence, crossing Oakcliff Road to a point of intersection of the southerly right-of-way
130 property boundary of Oakcliff Road, Parcel 18 337 05 005 and Parcel 18 320 04 064;

131 Thence, approximately 290 feet along the easterly property boundary of Parcel 18 337
132 05 005 to a point intersecting with the southerly property boundary of Parcel 18 337 05
133 005;

134 Thence, approximately 309 feet along the southerly property boundary of Parcel 18 337
135 05 005 to a point intersecting with the southerly property boundary of Parcel 18 337 05
136 001;

137 Thence, approximately 336 feet along the southerly property boundary of Parcel 18 337
138 05 001 to a point intersecting with the easterly property boundary of Parcel 18 320 04
139 038;

140 Thence, approximately 291 feet along the easterly property boundary of Parcel 18 320
141 04 038 to a point intersecting with the southerly property boundary of Parcel 18 320 04
142 038;

143 Thence, approximately 692 feet along the southerly property boundary of Parcel 18 320
144 04 038 to a point of intersection of said Parcel, Parcel 18 320 04 039, and the easterly
145 right-of-way property boundary of McElroy Road;

146 Thence, southerly along the easterly right-of-way of McElroy Road to its intersection
147 with Parcel 18 320 04 039 and Parcel 18 320 04 040;

148 Thence, crossing McElroy Road to a point of intersection of the westerly right-of-way
149 property boundary of McElroy Road and Parcel 18 320 01 026 and Parcel 18 320 01
150 019;

151 Thence, approximately 170 feet along the northerly property boundary of Parcel 18 320
152 01 019 to a point intersecting with the easterly property boundary of Parcel 18 320 01
153 026;

154 Thence, approximately 324 feet along the easterly property boundary of Parcel 18 320
155 01 026 to a point intersecting with the easterly property boundary of Parcel 18 320 01
156 024;

157 Thence, approximately 108 feet along the easterly property boundary of Parcel 18 320
158 01 024 to a point intersecting with the southerly property boundary of Parcel 18 320 01
159 024;

160 Thence, approximately 144 feet along the southerly property boundary of Parcel 18 320
161 01 024 to a point intersecting with the southerly property boundary of Parcel 18 320 01
162 008;

163 Thence, approximately 145 feet along the southerly property boundary of Parcel 18 320
164 01 008 to a point intersecting with the southerly property boundary of Parcel 18 320 01
165 009 and Parcel 18 320 01 027;

166 Thence, along the easterly property boundary of Parcel 18 320 01 027 to a point
167 intersecting with the existing municipal property boundary of the City of Doraville;

168 Thence, commencing southerly and following the municipal property boundary of the
169 City of Doraville to a point of intersection of said Property boundary, Parcel 18 295 01
170 003, and Parcel 18 295 01 021;
171 Thence, approximately 961 feet along the southerly property boundary of Parcel 18 295
172 01 003 to a point intersecting with the easterly property boundary of Parcel 18 295 01
173 003;
174 Thence, approximately 557 feet along the easterly property boundary of Parcel 18 295
175 01 003 to a point intersecting with the northerly property boundary of Parcel 18 295 01
176 003;
177 Thence, approximately 39 feet along the northerly property boundary of Parcel 18 295
178 01 003 to a point intersecting with the easterly property boundary of Parcel 18 295 01
179 068;
180 Thence, approximately 737 feet along the easterly property boundary of Parcel 18 295
181 01 068 to a point intersecting with the southerly property boundary of Parcel 18 295 01
182 031;
183 Thence, approximately 474 feet along the southerly property boundary of Parcel 18 295
184 01 031 to a point intersecting with the southerly property boundary of Parcel 18 295 01
185 031;
186 Thence, along the southerly property boundary of Parcel 18 295 01 031 to a point
187 intersecting with the westerly property boundary of Parcel 18 295 01 036;
188 Thence, approximately 47 feet along the westerly property boundary of Parcel 18 295
189 01 036 to a point intersecting with southerly property boundary of Parcel 18 295 01
190 036;
191 Thence, approximately 479 feet along the southerly property boundary of Parcel 18 295
192 01 036 to a point of intersection of said Parcel, Parcel 18 295 01 034, and the westerly
193 right-of-way property boundary of Interstate 285;
194 Thence, southerly along the westerly right-of-way property boundary of Interstate 285
195 to its intersection with the northerly right-of-way property boundary of Interstate 85;
196 Thence, southerly along the northerly property boundary of Interstate 85 to its
197 intersection with the easterly right-of-way property boundary of Chestnut Drive;
198 Thence, northerly along the easterly right-of-way property boundary of Chestnut Drive
199 to the existing southerly municipal property boundary of the City of Doraville
200 Thence, commencing northwesterly following the existing southerly municipal property
201 boundary of the City of Doraville to its intersection with the centerline of Chamblee
202 Tucker Road, and the centerline of Bagley Drive and the TRUE POINT OF
203 BEGINNING."

204

SECTION 2.

205 (a) Upon the effective date of this Act, the City of Doraville shall be authorized a freeport
 206 exemption upon such real property in the annexation areas described in this Act as existed
 207 for such properties, in the same exemption amounts, while they were still part of the
 208 unincorporated area of DeKalb County. Without limiting the generality of the foregoing, it
 209 is specifically provided that no petition, election, or other condition precedent which might
 210 otherwise be required under Title 48 of the O.C.G.A. to authorize such freeport exemption
 211 shall be required in order for such properties to continue receiving such exemption.

212 (b) Upon signature of the Governor, or this Act becoming effective as otherwise provided
 213 by law, the annexation areas described in this Act shall be unavailable for further annexation
 214 and no other annexations affecting the annexation areas described in this Act shall be
 215 initiated by any annexation method under Chapter 36 of Title 36 of the O.C.G.A. unless and
 216 until the annexation is rejected by majority vote as provided in Section 3 of this Act and any
 217 annexation process affecting such annexation areas begun prior to the approval of this Act
 218 by the Governor or this Act becoming law without such approval shall, if not fully completed
 219 prior to such event, be null and void and of no effect.

220

SECTION 3.

221 The election superintendent of DeKalb County shall call and conduct an election as provided
 222 in this section for the purpose of submitting this Act to the electors of the territory sought to
 223 be annexed into the City of Doraville under this Act for approval or rejection. The election
 224 superintendent shall conduct such election on the Tuesday after the first Monday in
 225 November, 2014, and shall issue the call and conduct such election as provided by general
 226 law. The election superintendent shall cause the date and purpose of the election to be
 227 published once a week for two weeks immediately preceding the date thereof in the official
 228 organ of DeKalb County. The ballot shall have written or printed thereon the words:

229 "() YES Shall the Act be approved which annexes certain land into the City of
 230 () NO Doraville?"

231 All persons desiring to vote for approval of the annexation shall vote "Yes" and all persons
 232 desiring to vote for rejection of the annexation shall vote "No." If more than one-half of the
 233 votes cast on such question are for approval of the annexation, then Section 1 and
 234 subsection (a) of Section 2 of this Act shall become effective on December 31, 2014, at 12:01
 235 a.m. If more than one-half of the votes cast on such question are for rejection of the
 236 annexation or if the election is not held as provided in this section, then this Act shall
 237 automatically be repealed on the first day of December, 2014. The expense of such election
 238 shall be borne by the City of Doraville. It shall be the election superintendent's duty to
 239 certify the result thereof to the Secretary of State.

240 **SECTION 4.**

241 Except as provided in Section 3 of this Act, this Act shall become effective upon its approval
242 by the Governor or upon its becoming law without such approval.

243 **SECTION 5.**

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