House Bill 1378 (AS PASSED HOUSE AND SENATE)

By: Representatives Chambers of the 81st, Watson of the 91st, Mosby of the 90th, Drenner of the 86th, Jacobs of the 80th, and others

A BILL TO BE ENTITLED

AN ACT

To amend an Act reincorporating the City of Doraville in the County of DeKalb, approved October 13, 1971 (Ga. L. 1971, Ex. Sess., p. 2154), as amended, so as to change the corporate limits of the city by annexing certain territory; to change the composition of city council districts to accommodate such annexation; to provide for a referendum; to provide for automatic repeal under certain circumstances; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act reincorporating the City of Doraville in the County of DeKalb, approved October 13, 1971 (Ga. L. 1971, Ex. Sess., p. 2154), as amended, is amended by revising the description of the corporate limits of the City of Doraville in Appendix A to read as follows:

"APPENDIX A

LEGAL DESCRIPTION

CORPORATE LIMITS

CITY OF DORAVILLE, DEKALB COUNTY, GEORGIA

All that tract or parcel of land lying and being in 6th and 18th Land Districts of DeKalb County, Georgia, and more particularly described as follows:

Beginning at the intersection of Land Lot Line 334-335 of the 18th Land District of DeKalb County with the northern right-of-way of Interstate Freeway 285, the aforesaid intersection being a back corner of Lot No. 2, Block B in Carver Hills Subdivision; thence proceeding northerly, 701 feet, more or less, along Land Lot Line 334-335 to the common corner of Land Lots 334, 335, 343 and 342; thence easterly, 944 feet, more or less, along Land Lot Line 342-335 to the common back corner of Lot No. 40 in McArthur Estates Subdivision and a tract of land now or formerly known as DeKalb County Tax Parcel No. 18 343 1 1, said

corner being the intersection of Land Lot Line 335-342 with the centerline of a creek, said creek being tributary to Nancy Creek; thence along the centerline of the aforesaid creek in a generally northwesterly direction, 1,177 feet, more or less, along the back property lines of Lot Number 40 through Lot Number 27 in McArthur Estates Subdivision, said back property lines being common with the eastern property line of a tract of land now or formerly known as DeKalb County Tax Parcel No. 18 343 1 1, to the common corner of Lot Numbers 27 and 28 in the McArthur Estates Subdivision and a tract of land now or formerly known as DeKalb County Tax Parcel No. 18 343 1 1; thence northeasterly, 474.8 feet , more or less, along the back property lines of Lot Numbers 25 and 26 in the McArthur Estates Subdivision, said property lines being common with the eastern property line of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 343 1 1, to the common property corner of Lot Numbers 24 and 25 in the McArthur Estates Subdivision; thence northwesterly, 130 feet, more or less, to the southeast property corner of Lot Number 1 in Phase 2 of Dunwoody North Subdivision; thence easterly, 667 feet, more or less, along the southerly property lines of Phase 13 of the Dunwoody North Subdivision to a property corner, said corner being the southwestern property corner of the Chateau at Dunwoody Condominiums; thence easterly, 759 feet, more or less, along the southern property line of the Chateau at Dunwoody Condominiums, to a property corner, said corner being the intersection of the southern property line of the Chateau at Dunwoody Condominiums with the centerline of Nancy Creek; thence generally northeasterly, 552 feet, more or less, along the centerline of Nancy Creek to a property corner on the western right-of-way of Tilly Mill Road, said corner being common to tracts of land now or formerly known as DeKalb County Tax Parcel Nos. 18 342 1 65 and 18 342 1 66; thence northeasterly and perpendicular to the centerline of Tilly Mill Road, 50 feet, more or less, to a point on the existing Doraville City Limit Line within the Tilly Mill Road right-of-way; thence northwesterly, 730 feet, more or less, along the existing Doraville City Limit Line within the right-of-way of Tilly Mill Road to the intersection of the aforesaid Doraville City Limit Line with the extended southern property line of a tract of land now or formerly known as DeKalb County Tax Parcel 18 342 5 4; thence northwesterly, 130 feet, more or less, to the intersection of the existing Doraville City Limit Line with the extended northern property line of a tract of land now or formerly known as DeKalb County Tax Parcel No. 18 342 5 4; thence northwesterly, 240 feet, more or less, along the westerly Tilly Mill Road right-of-way, to a point on Land Lot Line 342-355, said point being the northeastern property corner of at tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 342 7 18 and Lot 1 of Phase 13 in the Dunwoody North Subdivision; thence easterly, 1,000 feet, more or less, along Land Lot Line 342-355, to the Land Lot corner common to Land Lots 341, 342, 355 and 356; thence continuing easterly, 1,490 feet, more or less, along Land Lot Line 341-356 to the intersection

of Land Lot Line 341-356 with the northern right-of-way line of Peachtree Industrial Boulevard; thence continuing easterly, 131 feet, more or less, along Land Lot Line 341-356 to the point of intersection with the line identified as a control of access established as 50 feet inside of and parallel with the northern right-of-way of Peachtree Industrial Boulevard, said control of access line also being 75 feet northwesterly from and parallel with the center line of Peachtree Industrial Boulevard; thence northeasterly, 1,350 feet, more or less, along the aforesaid control of access line of Peachtree Industrial Boulevard to the intersection with the boundary between the 6th and 18th Land Districts of DeKalb County; thence continuing northeasterly, 2,000 feet, more or less, along the aforesaid control of access line of Peachtree Industrial Boulevard to the intersection with the boundary of DeKalb and Gwinnett Counties; said intersect point being in Land Lot 277 of the 6th Land District of DeKalb County, in the vicinity of the Winters Chapel Road-Peachtree Industrial Boulevard intersection; thence southeasterly, 4,700 feet, more or less, along the boundary of Gwinnett and DeKalb Counties to a point, said point being on Land Lot Line 248-249; thence northeasterly, 30 feet, more or less, along Land Lot Line 248-249, said line also being the boundary of Gwinnett and DeKalb Counties, to a point, said point being the corner common to Land Lots 247, 248, 249 and 250; thence southeasterly, 590 feet, more or less, along Land Lot Line 247-248 to a point, on the southerly right-of-way of Buford Highway, also known as State Route 23; thence southwesterly, 214 feet, more or less, along the southerly right-of-way of Buford Highway to a point, said point being the intersection of the southern right-of-way of Buford Highway with the boundary of the 18th Land District; thence southeasterly, 800 feet, more or less, along the boundary of the 18th Land District to a point; thence southeasterly, 1,904 feet, more or less, along the easterly boundary of Section 3-B of Oakcliff Estates Subdivision, said line also being the boundary of Gwinnett and DeKalb Counties, to a point, said point being the northwestern property corner of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 338 5 66; thence southeasterly, 794 feet, more or less, through Section 3, Unit 2 of Oakcliff Estates Subdivision to a point, said point being the northeast property corner of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 338 4 9; thence southerly, 230 feet, more or less, along the easterly property line of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 338 4 9 to a point, said point being the southeasterly property corner of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 338 4 9; thence S 57° 00' E, 642 feet, more or less, along the boundary of Gwinnett and DeKalb Counties to a point; thence S 80° 40' R, 200 feet, more or less, along the boundary of Gwinnett and DeKalb Counties to a point; thence N 80° 50' E, 496 feet, more or less, along the boundary of Gwinnett and DeKalb Counties to a point; thence S 65° 15' E, 446 feet, more or less, along the boundary of Gwinnett and DeKalb Counties to a point; thence S 52° 30' E,

1,687 feet, more or less, along the boundary of Gwinnett and DeKalb Counties to a point; thence S 54° 10' E, 230 feet, more or less, along the boundary of Gwinnett and DeKalb Counties to a point; thence S 59° 30' E, 600 feet, more or less, along the boundary of Gwinnett and DeKalb Counties to a point; thence S 53° 30' E, 215 feet, more or less, along the boundary of Gwinnett and DeKalb Counties to a point, said point being on the northerly right-of-way of Interstate Highway 85; thence southeasterly along the centerline of Interstate Highway 85 to a point, said point being the intersection of the northerly right-of-way of Interstate Highway 85 with the northerly right-of-way of Interstate Highway 285, said intersection point being a property corner on a tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 312 2 25; thence across Interstate Highway 285 to a point on the southerly right-of-way of Interstate Highway 285, said point being the northwest property corner of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 295 1 33; thence southwesterly, 477 feet, more or less, along the western property line of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 295 1 33 to a point; thence southeasterly, 10 feet, more or less, along the property line of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 295 1 33 to a point; thence southwesterly, 470 feet, more or less, along the western property line of tracts or parcels of land now or formerly known as DeKalb County Tax Parcel Nos. 18 295 1 33 and 18 295 1 34 to a point, said point being the beginning of a curve to the southeast on DeKalb Technology Parkway; thence following the aforesaid curve, 202 feet, more or less, to a point on the northerly right-of-way of DeKalb Technology Parkway; thence southeast, 61 feet, more or less, along the right-of-way of DeKalb Technology Parkway to a point, said point being on the southerly right-of-way of a Georgia Power Company Transmission Line; thence across DeKalb Technology Parkway to a point, said point being the northeast property corner of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 295 1 26; thence southwesterly, 168 feet, more or less, along the northern property line of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 295 1 26 to a point, said point being the southeastern property corner of a tract or parcel now or formerly known as DeKalb County Tax Parcel No. 18 295 1 32; thence westerly, 700 feet, more or less, along the northern property line of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 295 1 18 to a point, said point being the northwestern property corner of the aforesaid parcel; thence southeasterly, 352 feet, more or less, along the western property line of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 295 1 18 to a point, said point being a property corner of the aforesaid parcel; thence southeasterly, 164 feet, more or less, along the western property line of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 295 1 18 to a point, said point being a property

corner of the aforesaid parcel; thence southeasterly, 38 feet, more or less, along the western property line of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 295 1 18 to a point, said point being a property corner of the aforesaid parcel and on the southerly right-of-way of a Georgia Power Company Transmission Line; thence southeasterly, 155 feet, more or less, along the western property line of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 295 1 18 to a point, said point being a property corner of the aforesaid parcel; thence southeasterly, 180 feet, more or less, along the western property line of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 295 1 18 to a point, said point being on the northerly right-of-way of DeKalb Technology Parkway; thence across DeKalb Technology Parkway perpendicular to the centerline of aforesaid DeKalb Technology Parkway to a point, said point being on the northerly right-of-way of Interstate Highway 85; thence southwesterly along the northerly right-of-way of Interstate Highway 85 to a point, said point being the intersection of the northerly right-of-way of Interstate Highway 85 with the northeasterly right-of-way of Chamblee Tucker Road; thence northwesterly, 4,211 feet, more or less, along the northeasterly right-of-way of Chamblee Tucker Road to a point, said point being the intersection of the aforesaid right-of-way with the right-of-way of Shallowford Road north of Chamblee Tucker Road; thence northwesterly, 3,150 feet, more or less, along the easterly right-of-way of Shallowford Road to a point, said point being the intersection of the aforesaid right-of-way with the extended property line common to tracts or parcels of land now or formerly known as DeKalb County Tax Parcel Nos. 18 310 2 7, 18 310 2 4 and 18 310 2 14; thence northwesterly, 1,043 feet, more or less, along the aforesaid extended common property line to a point on the southerly right-of-way of New Peachtree Road, said point being the northwest property corner of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 310 2 7; thence northwesterly across New Peachtree Road to a point on the northerly right-of-way of New Peachtree Road, said point being the southeastern property corner of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 310 5 30; thence northwesterly, 233 feet, more or less, along the easterly property line and its extension of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 310 5 30 to a point on the southerly right-of-way of MARTA; thence easterly, 405 feet, more or less, to a point on Land Lot Line 309-310; thence northerly, 1,707 feet, more or less, along Land Lot Line 309-310 to a point, said point being the common corner of Land Lots 309, 310, 322 and 323; thence northerly, 2,970 feet, more or less, along Land Lot Line 322-323 to a point, said point being the common corner of Land Lots 322, 323, 334 and 335; thence northerly, 180 feet, more or less, along Land Lot Line 334-335 to a point, said point being on the northerly right-of-way of Carver Drive and the southeastern property corner of a tract or parcel of land now or formerly known as

DeKalb County Tax Parcel No. 18 334 1 168; thence southwesterly, 181 feet, more or less, along the northerly right-of-way of Carver Drive to a point, said point being the intersection of the aforesaid northerly right-of-way with the easterly right-of-way of Parsons Drive, said drive having a 50 foot right-of-way width; thence northwesterly, 416 feet, more or less, along the easterly right-of-way of Parsons Drive to a point, said point being the northwestern property corner of a tract or parcel of land now or formerly known as DeKalb County Tax Parcel No. 18 334 1 168; thence northeasterly, 157 feet, more or less, along the common property line of tracts or parcels of land now or formerly known as DeKalb County Tax Parcel Nos. 18 334 1 168 and 18 334 1 142 to a point, said point being the property corner common to tracts or parcels of land now or formerly known as DeKalb County Tax Parcel Nos. 18 334 1 168, 18 334 1 142 and 18 334 1 136; thence easterly, 201 feet, more or less, along the common property line of tracts or parcels of land now or formerly known as DeKalb County Tax Parcel Nos. 18 334 1 136 and 18 334 1 168 to a point, said point being on Land Lot Line 334-335; thence northerly, 1,855 feet, more or less, along Land Lot Line 334-335, crossing Interstate Highway 285 to a point, said point being the intersection of the aforesaid Land Lot Line 334-335 with the northerly right-of-way of Interstate Highway 285 and the point of beginning."

SECTION 2.

Said Act is further amended by revising the descriptions of Districts One, Two, and Three in Section 5.08 which read as follows:

"District One shall consist of all that part of the city lying north and west of the Southern Railroad Main Line.

District Two shall consist of all the part of the city lying south and east of the Buford Highway, and south of Interstate Highway I-285.

District Three shall consist of all that part of the city lying south and east of the Southern Railroad Main Line between the Southern Railroad Main Line and the Buford Highway, and all of that part of the city lying east of the Buford Highway and North of Interstate Highway I-285."

and inserting in its place the following:

″DISTRICT 1 LIMITS
CITY OF DORAVILLE, DEKALB COUNTY, GEORGIA

All that tract or parcel of land lying and being in 6th and 18th Land Districts of DeKalb County, Georgia, and more particularly described as follows:

Beginning at the intersection of Land Lot Line 334-335 of the 18th Land District of DeKalb County with the centerline of Interstate Highway 285; thence proceeding generally in a clockwise northeasterly direction along the City Limit of the City of Doraville to a point, said point being the intersection of the City Limit Line parallel to Peachtree Industrial Boulevard with the common boundary of DeKalb and Gwinnett counties; thence generally southeasterly along the common boundary of DeKalb and Gwinnett counties to the intersection of the aforesaid county boundary with the centerline of Buford Highway; thence generally southwesterly along the centerline of Buford Highway to the intersection of the centerline of Buford Highway with the centerline of Interstate Highway 285; thence generally northwesterly along the centerline of Interstate Highway 285 to the intersection of the centerline of Interstate Highway 285 with Land Lot Line 334-335, said intersection being the point of beginning.

DISTRICT 2 LIMITS
CITY OF DORAVILLE, DEKALB COUNTY, GEORGIA

All that tract or parcel of land lying and being in 18th Land District of DeKalb County, Georgia, and more particularly described as follows:

Beginning at the intersection of Land Lot Line 334-335 of the 18th Land District of DeKalb County with the centerline of Interstate Highway 285; thence proceeding generally in a clockwise southeasterly direction along the centerline of Interstate Highway 285 to a point, said point being the intersection of the centerline of Interstate Highway 285 with the easterly City Limit Line of the City of Doraville which lies near the intersection of Interstate Highways 285 and 85; thence generally southwesterly along the City Limit of the City of Doraville to a point, said point, said point being the intersection of the aforesaid City Limit Line with the northerly right-of-way of Chamblee Tucker Road; thence generally northwesterly along the common City Limit Line of the cities of Chamblee and Doraville to a point, said point being the intersection of the aforesaid City Limit Line with Land Lot Line 309-310; thence generally northerly along the City Limit Line of the City of Doraville to a

point, said point being the intersection of Land Lot Line 334-335 with the centerline of Interstate Highway 285 and the point of beginning.

DISTRICT 3 LIMITS

CITY OF DORAVILLE, DEKALB COUNTY, GEORGIA

All that tract or parcel of land lying and being in 6th and 18th Land Districts of DeKalb County, Georgia, and more particularly described as follows:

Beginning at the intersection of the common boundary of DeKalb and Gwinnett counties with the centerline of Buford Highway; thence proceeding generally in a clockwise southeasterly direction along the common boundary of DeKalb and Gwinnett counties and City Limit Line of the City of Doraville to a point, said point being the intersection of the aforesaid common county boundary with the northerly right-of-way of Interstate Highway 85; thence generally southeasterly along the northerly right-of-way of Interstate Highway and City Limit Line of the City of Doraville to the intersection of the aforesaid northerly right-of-way and city limit with the centerline of Interstate Highway 285; thence generally northwesterly along the centerline of Interstate Highway 285 to the intersection of the centerline of Interstate Highway 285 with the centerline of Buford Highway; thence generally northeasterly along the centerline of Buford Highway to the intersection of the centerline of Buford Highway with the common boundary of DeKalb and Gwinnett counties and City Limit Line of the City of Doraville, said intersection being the point of beginning.″

SECTION 3.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of DeKalb County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of DeKalb County who reside in the area proposed to be annexed into the City of Doraville pursuant to Section 1 of this Act for approval or rejection. The election superintendent shall conduct that election on the date of the November, 2008, state-wide general election and shall issue the call and conduct that election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of DeKalb County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the Act be approved which annexes certain territory into the corporate
( ) NO limits of the City of Doraville and which changes the city council districts
accordingly?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the total votes cast on such question are for approval of the Act, Sections 1 and 2 of this Act shall become of full force and effect on December 31, 2008. If the Act is not so approved or if the election is not conducted as provided in this section, Sections 1 and 2 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by the City of Doraville. It shall be the election superintendent´s duty to certify the result thereof to the Secretary of State.

SECTION 4.

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

SECTION 5.

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