

WHITE COUNTY BOARD OF COMMISSIONERS
MINUTES FROM CALLED MEETING HELD APRIL 6, 2007

AT 9:00 A.M.

The White County Board of Commissioners met in a called session at 9:00 A.M. in the Commissioners' Office of the White County Courthouse, Cleveland, Georgia. Present were: Chairman Chris R. Nonnemaker, Post 1 Commissioner Joe R. Campbell, Post 2 Commissioner Craig Bryant, County Manager Alton E. Brown, and County Clerk Jean Welborn.

Chairman Nonnemaker called the meeting to order.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, the following Resolution was unanimously adopted:

“WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2007-20

A RESOLUTION

TO PROVIDE FOR THE APPROVAL OF THE ANNEXATION BY THE CITY OF CLEVELAND, GEORGIA, A DULY CHARTERED MUNICIPALITY OF THE STATE OF GEORGIA, OF A 96.449-ACRE, MORE OR LESS, TRACT OF LAND LYING AND BEING IN LAND LOT 36 OF THE 2ND LAND DISTRICT OF WHITE COUNTY, GEORGIA, AND IN LAND LOTS 163, 189 AND 190 OF THE 3RD LAND DISTRICT OF WHITE COUNTY, GEORGIA; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING LAWS; AND FOR OTHER PURPOSES.

WHEREAS, under the provisions of the service delivery dispute resolution process set out in the intergovernmental agreement dated July 1, 1998, by and between White County, Georgia, and the City of Cleveland, Georgia, said City is to provide notice to White County before initiating any formal annexation activities; and

WHEREAS, Original Appalachian Art Works, Inc. has requested that 96.449 acres, more or less, owned by Original Appalachian Art Works, Inc., be annexed into the City of Cleveland in order that a new facility for BabyLand General Hospital, their tourist attraction and retail outlet, could be located thereon; and

WHEREAS, the City of Cleveland has requested that White County expressly approve its annexation of said 96.449-acre, more or less, tract into the City in accordance with said intergovernmental agreement dated July 1, 1998; and

WHEREAS, the Board of Commissioners of White County, after due consideration, has determined that it is in the public interest to have the City of Cleveland, Georgia annex said City said 96.449-acre, more or less, tract;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of White County and it is resolved by the authority of the same as follows:

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The Board of Commissioners of White County, in accordance with said intergovernmental agreement dated July 1, 1998, expressly approves the annexation by the City of Cleveland, Georgia of the 96.449-acre, more or less, tract composed of three contiguous parcels more particularly described as follows:

Minutes from Regular Meeting Held April 3, 2007, Continued

Tract I (which abuts the present City limits - separated only by the right-of-way of Hulsey Road - County Road No. 68):

All that tract or parcel of land lying and being in Land Lot 36 of the 2nd Land District and Land Lot 190 of the 3rd Land District of White County, Georgia, containing 27.22 acres, more or less, and being all of the 27.22-acre tract designated and delineated on Plat of Survey dated March 24, 1993, prepared for Original Appalachian Artworks, Inc. by Hubert Lovell, Georgia Registered Land Surveyor No. 1553, recorded in Plat Book 33, page 57, Office of Clerk, Superior Court, White County, Georgia. Reference is hereby made to said Plat of Survey and the record thereof for a more complete description of said property. Said property being the same property as the Tract No. 1 described and conveyed in Warranty Deed dated April 5, 1993, executed by Harmony Grove Mills, Inc., a Georgia Corporation, to Original Appalachian Artworks, Inc., a Georgia Corporation, recorded in Deed Book 368, pages 120-124, said Clerk's Office. A copy of said Plat of Survey is attached hereto as Exhibit "A". This parcel is presently identified on the White County Tax Maps as Tax Map and Parcel No. 046C-002.

Tract II (which abuts the above-described Tract I):

All that tract or parcel of land lying and being in Land Lots 163, 189 and 190 of the 3rd Land District of White County, Georgia, containing 56.939 acres, more or less, and being all of the 56.939-acre tract designated and delineated on Plat of Survey dated July 16, 1992, revised August 25, 1992, prepared for Xavier Roberts by Thomas Lynn Colbaugh, Georgia Registered Land Surveyor No. 2214, recorded in Plat Book 30, page 222, Office of Clerk, Superior Court, White County, Georgia. Reference is hereby made to said Plat of Survey and the record thereof for a more complete description of said property. Said property being the same property as the 56.939-acre tract described and conveyed in Warranty Deed dated October 4, 1999, executed by Xavier Roberts to Original Appalachian Artworks, Inc., a Georgia Corporation, recorded in Deed Book 607, pages 198-199, said Clerk's Office. A copy of said Plat of Survey is attached hereto as Exhibit "B". This parcel is presently identified on the White County Tax Maps as Tax Map and Parcel No.046-001.

Tract III (which abuts the above described Tract II):

All that tract or parcel of land lying and being in Land Lots 189 and 190 of the 3rd Land District of White County, Georgia, containing 12.29 acres, more or less, and being all of the 12.29-acre tract designated and delineated on Plat of Survey dated March 1, 1991, prepared for Xavier Roberts by Thomas Lynn Colbaugh, Georgia Registered Land Surveyor No. 2214, recorded in Plat Book 29, page 181, Office of Clerk, Superior Court, White County, Georgia. Reference is hereby made to said Plat of Survey and the record thereof for a more complete description of said property. Said 12.29-acre tract being the same property as described and conveyed in Warranty Deed dated October 4, 1999, executed by Xavier Roberts to Original Appalachian Artworks, Inc., a Georgia Corporation, recorded in Deed Book 607, pages 200-201, said Clerk's Office. A copy of said Plat of Survey is attached hereto as Exhibit "C". This parcel is presently identified on the White County Tax Maps as Tax Map and Parcel No. 046-006.

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If any section, subsection, sentence, clause, phrase, or any portion of this Resolution be declared invalid or unconstitutional by any Court of competent jurisdiction, or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid, or the application of this Resolution to other circumstances not so held to be invalid. It is hereby declared separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

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All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed; but it is hereby provided that any resolution, ordinance, or law, which may be applicable hereby and aid in carrying out and making effective the intent, purpose and provision hereof, which shall be liberally construed to be in favor of White County, is hereby adopted as a part hereof.

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The effective date of this Resolution shall be April 6, 2007.

THIS RESOLUTION IS HEREBY ADOPTED this 6th day of April, 2007.

**WHITE COUNTY BOARD OF
COMMISSIONERS**

s/Chris R. Nonnemaker
Chris R. Nonnemaker, Chairman

s/Joe R. Campbell
Joe R. Campbell, Post 1

s/Craig Bryant
Craig Bryant, Post 2

Attest:

s/Jean Welborn
Jean Welborn, County Clerk

Minutes from Called Meeting Held April 6, 2007, Continued

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, the meeting was adjourned.

Chris R. Nonnemaker, Chairman

Joe R. Campbell, Post 1

Craig Bryant, Post 2

Jean Welborn, County Clerk