

PLANNING COMMISSION ACTION March 3, 2020

ADVERTISED February 12, 2020

PASSED March 10, 2020

A ZONING ORDINANCE/ACTION NO. **BR2020-10**

A ZONING ORDINANCE/ACTION AMENDING THE ZONING MAP OF THE CITY OF BLUE RIDGE, GEORGIA, BY REZONING A TRACTS AND PARCELS OF LAND WITHIN THE CITY OF BLUE RIDGE, BEING TAX PARCEL BR01 117 OWNED BY ROBBMAN S. KIKER AND BEING A TOTAL OF APPROXIMATELY 2.08 ACRES, MORE OR LESS, AS MORE PARTICULARLY DESCRIBED ON THE PLAT AND WARRANTY DEED WHICH ARE ATTACHED HERETO AND, WHICH IS INCORPORATED BY REFERENCE INTO THIS ZONING ORDINANCE (“PROPERTY”), AND REZONING THE PROPERTY FROM GENERAL COMMERCIAL (“C-2”) TO CENTRAL BUSINESS DISTRICT (“CBD”), WITH CONDITIONS; REPEALING CONFLICTING ZONING ORDINANCES APPLICABLE TO THE PROPERTY; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the City Council of Blue Ridge, Georgia as follows:

SECTION 1
ZONING IMPOSED WITH CONDITIONS

(a) That from and after the passage of this zoning ordinance applicable only to the Property described herein within the City of Blue Ridge shall be zoned and so designated on the zoning map of the City of Blue Ridge as CBD, CENTRAL BUSINESS DISTRICT, being that same property depicted in the attached warranty deed recorded at Deed Book 1234, Pages 110-111, Fannin County Superior Court Clerk’s Office and as shown on the also attached plat, with the following conditions:

Conditions:

Prior to issuance of permits, the Final Site Plan must come back before the City Council for final approval with a rendering of the proposed building. Applicant shall be required to pay for any upgrades (as determined by the City) to the water and sewer system, road or sidewalk.

Legal Description:

The legal description of the above-referenced property, which is being rezoned from C-2 to CBD, is as follows:

All that tract and parcel of land being approximately 2.08 acres and lying and being a part of Land Lot Nos. 278 and 279 of the 8th District and 2nd Section within the City of Blue Ridge, Fannin County, Georgia, and more particularly described on the warranty deed and plat which is attached hereto and incorporated by reference.

SECTION 2:
REPEAL OF CONFLICTING ORDINANCES TO REMOVE CONFLICT

Any ordinances applicable to the Property in conflict with the terms of this zoning ordinance are hereby repealed to the extent of the conflict, but it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is

hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this zoning action on behalf of the City of Blue Ridge, Georgia.

SECTION 3.
SEVERABILITY

If any paragraph, subparagraph, sentence, clause, phrase or any other portion of this Ordinance should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular person, situation or set of circumstances is declared invalid or unconstitutional, such invalidity shall not be construed to affect the provisions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the legislative intent of the City Council of the City of Blue Ridge, Georgia to provide for separate and divisible parts and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 4.
AMENDMENT TO THE ZONING MAP

This zoning action/ordinance is enacted as an amendment to the zoning map of the City of Blue Ridge.


SECTION 5.
EFFECTIVE DATE

The effective date of this Ordinance shall be immediately upon its passage by the City Council and execution by the Mayor or upon fifteen (15) days expiring from


the date of its passage without a veto of said Ordinance by the Mayor as set forth in the City Charter at Section 3.23(b).

SO ORDAINED, this 10 day of March, 2020.

BLUE RIDGE CITY COUNCIL

By: _____
Mayor

Attest:



Kelsey Ledford, City Clerk

After recording return to:
Doss & Associates
P.O. Box 1277
Blue Ridge, Georgia 30513

Deed Preparation Only
No Title Search Performed
No Title Insurance Afforded

Type: WD
Kind: WARRANTY DEED
Recorded: 12/12/2017 8:43:00 AM
Fee Amt: \$12.00 Page 1 of 2
Transfer Tax: \$0.00
Fannin Co. Clerk of Superior Court
DANA CHASTAIN Clerk of Courts

Participant ID: 7178086017

BK 1234 PG 110 - 111

*****Space above intended for recording purposes only*****

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FANNIN

THIS INDENTURE, Made on December 7, 2017, between Robbman Scott Kiker of the State of Georgia, of the first part, and between Constance Martelia Cunningham, of the State of Georgia, of the second part,

WITNESSETH: That said parties of the first part, for and in consideration of the sum of TEN AND NO/100s DOLLARS (\$10.00) and Other Valuable Consideration, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto the said party of the second part, in fee simple, the following described property:

As to a 25% interest:

All that tract or parcel of land lying and being in the 8th District and 2nd Section of Fannin County, Georgia and being a part of Land Lot No. 279 and being in the City of Blue Ridge, Georgia, and being designated as City Lot Nos. 1,2,3,4,5,8,9,10, 11, and 12 in the Cook addition to the City of Blue Ridge, Georgia as fully described in deed from Mrs. Anna Morrow to Mrs. Verdie E. Summerour dated December 7, 1922 as the same appears of record in the Office of the Clerk of the Superior Court for Fannin County, Georgia, in Deed Book 6, page 536. Reference is made to said deed for a full description of said property.

Also approximately ½ acre of Land Lot No. 278 in the 8th District and 2nd Section of Fannin County, Georgia, as described in deed from J.W. Messer to Verdie E. Summerour dated May 5, 1924, as the same appears of record in the Office of the Clerk of Fannin County Superior Court in Deed Book 8, Page 136, to which reference is hereby made for a full and completed description thereof. All of said described property lying contiguous and forming one body or tract of land known as Verdie E. Page (See Summerour) Home place property in the City of Blue Ridge, Georgia.

Also, all that tract or parcel of land lying and being in Land Lot Nos. 278 and 279 in the

8th District and 2nd Section of Fannin County, Georgia, containing 0.64 acres of land as shown by that plat of survey recorded in Plat Book 28, page 92 in the Office of the Clerk of the Superior Court for Fannin County, Georgia.

The above described property is subject to that certain Boundary Line Agreement, Easement Agreement and Quitclaim Deed between UCB North Georgia Properties, Inc. and Robbman Scott Kiker recorded in Deed Book 1231, Pages 136-140 in the Office of the Clerk of the Superior Court for Fannin County, Georgia.

The above described property is the same property as was conveyed to Robbman Scott Kiker by quit claim deed from Cadman Robb Kiker, Jr. dated April 30, 2013. Said deed is recorded in Deed Book 1052, pages 78-80 in the Office of the Clerk of the Superior Court of Fannin County, Georgia.

The above described property is the same property as to which a 25% interest was conveyed from Robbman Scott Kiker to Constance Martelia Cunningham by warranty deed dated the 29th day of June, 2017 and recorded in Deed Book 1216, pages 280-281 in the Office of the Clerk of the Superior Court for Fannin County Georgia.

Said property having a map/parcel number of BR01 117

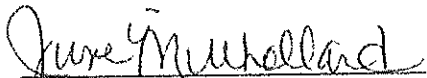
The above described property is subject to all easements or rights of way appearing of record.


TO HAVE AND TO HOLD the said described parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of the said party of the second part.

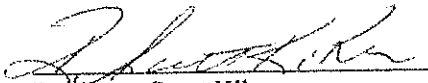
AND THE SAID party of the first part, her heirs, executors, successors and assigns, will warrant and forever defend the right and title to the above described property, unto the said party of the second part, as hereinabove provided, against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part, has hereunto set his hand and seal, the day and year above written.

Signed, sealed and delivered
in our presence.


Unofficial Witness


Notary Public.
Commission Expires:

 (SEAL)
Robbman Scott Kiker

