

PLANNING COMMISSION ACTION December 3, 2019 .

ADVERTISED November 13, 2019 .

PASSED January 14, 2020 .

A ZONING ORDINANCE/ACTION NO. BR2020-01 .

A ZONING ORDINANCE/ACTION AMENDING THE ZONING MAP OF THE CITY OF BLUE RIDGE, GEORGIA, BY REZONING MULTIPLE TRACTS OR PARCELS OF LAND WITHIN THE CITY OF BLUE RIDGE, BEING TAX PARCELS BR01 087, BR01 087A, BR01 088, BR01 088A OWNED BY GREEN ROCKS, LLC AND BEING A TOTAL OF APPROXIMATELY 1.01 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 1310, Pages 246-248, Fannin County Superior Court Clerk’s Office and as shown on the also attached plat, with the following conditions:

Conditions:

Final Site Plan must come back before the City Council for final approval and to address any needed project or system improvements.

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 1.01 acres and lying and being a part of Land Lot No. 278 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Any ordinances applicable to the Property in conflict with the terms of this zoning ordinance are hereby repealed to the extent of the conflict, but it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective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 14 day of January, 2020.

BLUE RIDGE CITY COUNCIL

By: _____
Mayor

Attest:

Kelsey Ledford, City Clerk

Type: WD
Kind: WARRANTY DEED
Recorded: 9/9/2019 9:42:00 AM
Fee Amt: \$14.00 Page 1 of 3
Transfer Tax: \$0.00
Fannin Co. Clerk of Superior Court
DANA CHASTAIN Clerk of Courts

Participant ID: 7178086017

BK 1310 PG 246 - 248

After recording return to:
DOSS & ASSOCIATES
ATTORNEYS AT LAW, LLC
P.O. BOX 1277
BLUE RIDGE, GEORGIA 30513
(706) 652-2083

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

WARRANTY DEED

STATE OF GEORGIA,
COUNTY OF FANNIN

THIS INDENTURE, Made this the 16th day of August, 2019, between *Ada Street, LLC*, of the State of Georgia, of the first part, and *Green Rocks, LLC*, 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:

Parcel No. 1

ALL THAT TRACT OR PARCEL OF LAND lying and being a part of Land Lot No. 278 of the 8th District and 2nd Section of Fannin County, Georgia and being located in the City of Blue Ridge, Georgia, and being described as Lot No. 19 and the north half of Lot No. 23 in the Weaver Addition to said City of Blue Ridge, Georgia.

THE ABOVE DESCRIBED PROPERTY is the same property that was conveyed from William Wade Lovine to Ada Street, LLC by Limited Warranty Deed dated July 31, 2014. Said deed is recorded in Deed Book 1099, Page 741, in the Office of the Clerk of Superior Court of Fannin County, Georgia.

Map/Parcel No. BR01 087
51 Ada Street Blue Ridge, Georgia 30513

Parcel No. 2

ALL THAT TRACT OR PARCEL OF LAND lying and being a part of Land Lot No. 278 of the 8th District and 2nd Section of Fannin County, Georgia, and containing 0.125 acre of land, more or less, as shown on that certain plat of survey prepared by Lane S. Bishop, G.R.L.S. No.

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08/16/19



1575, dated April 7, 2010 and being recorded in Plat Hanger E-231, Page 3, in the Office of the Clerk of Superior Court of Fannin County, Georgia. Said recorded plat is hereby made a part of this deed by reference thereto for a more complete description of the above referenced property.

THIS CONVEYANCE IS MADE SUBJECT TO the right of ingress, egress, and utility easement along existing roads to the subject property.

THIS CONVEYANCE IS MADE SUBJECT TO existing easements, restrictions, reservations and rights of way as shown on the above described property or as appearing of record.

THE ABOVE DESCRIBED PROPERTY is the same property that was conveyed from Herbert Toll and Lynne Toll to Ada Street, LLC by Limited Warranty Deed dated September 9, 2014. Said deed is recorded in Deed Book 1103, Pages 561-562, in the Office of the Clerk of Superior Court of Fannin County, Georgia.

Map/Parcel No. BR01 088
Ada Street Blue Ridge, Georgia 30513

Parcel No. 3

ALL THAT TRACT OR PARCEL OF LAND lying and being a part of Land Lot No. 278 of the 8th District and 2nd Section of Fannin County, Georgia, and containing 0.22 acre of land, more or less, as shown on that plat of survey prepared by Shelly J. Bishop, G.R.L.S. No. 2536 and being recorded in Plat Hanger C-386, Page 8, in the Office of the Clerk of Superior Court of Fannin County, Georgia. Said recorded plat is hereby made a part of this deed by reference thereto for a more complete description of the above referenced property.

THIS CONVEYANCE IS MADE SUBJECT TO the right of ingress, egress, and utility easement along existing roads to the subject property.

THIS CONVEYANCE IS MADE SUBJECT TO existing easements, restrictions, reservations and rights of way as shown on the above described property or as appearing of record.

THE ABOVE DESCRIBED PROPERTY is the same property that was conveyed from Bobby L. Dills and Shelby J. Dills to Ada Street, LLC by Limited Warranty Deed dated July 11, 2014. Said deed is recorded in Deed Book 1097, Page 730, in the Office of the Clerk of Superior Court of Fannin County, Georgia.

Map/Parcel No. BR01 087A
215 River Street Blue Ridge, Georgia 30513

Parcel No. 4

ALL THAT TRACT OR PARCEL OF LAND lying and being a part of Land Lot No. 278 of the 8th District and 2nd Section of Fannin County, Georgia and being located in the City of Blue Ridge, Georgia and being more particularly described as follows:

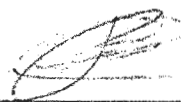
BEGINNING at an iron stake located on the South side of River Street, said iron stake being located in a Northeasterly direction, 174 feet from the intersection of River Street and Mountain Street, said iron stake being a common corner between the property herein conveyed and the property of Virginia K. Dyer and Dale Dyer; thence in a Southeasterly direction along and with the Dyer property line, a distance of 100 feet, more or less, to an iron stake; thence in a Northeasterly direction, a distance of 120 feet, more or less, to an iron stake; thence in a Northwesterly direction, a distance of 100 feet, more or less, to an iron stake located on the South side of River Street; thence in a Southwesterly direction along with River Street, a distance of 120 feet, more or less, to the POINT OF BEGINNING.

THIS CONVEYANCE IS MADE SUBJECT TO the right of ingress, egress, and utility easement along existing roads to the subject property.

THIS CONVEYANCE IS MADE SUBJECT TO existing easements, restrictions, reservations and rights of way as shown on the above described property or as appearing of record.

THE ABOVE DESCRIBED PROPERTY is the same property that was conveyed from Herbert Martin Toll and Lynne Morrison Toll, as Co-Trustees of the Herbert Martin Toll Living Trust U/T/A dated September 25, 2007 and Lynne Morrison Toll Living Trust U/T/A dated September 25, 2007 to Ada Street, LLC by Limited Warranty Deed dated September 9, 2014.

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Said deed is recorded in Deed Book 1103, Pages 563-564, in the Office of the Clerk of Superior Court of Fannin County, Georgia.
Map/Parcel No. BR01 088A
247 River Street Blue Ridge, Georgia 30513

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, the heirs, executors, successors and assigns or the same, 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 the hand and seal of the same, the day and year above written.

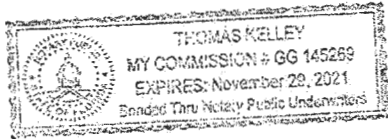
Signed, sealed and delivered
in our presence

Brenda Battaglia
Unofficial Witness

Ada Street, LLC

Thomas Kelley
Notary Public.
Commission Expires:

Brenda Battaglia (SEAL)
Brenda Battaglia, Member



REAL ESTATE TRANSACTION
Green Rocks, LLC / Ada Street, LLC
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