

BANKS COUNTY PLANNING COMMISSION MEETING

Courthouse Annex Boardroom | 150 Hudson Ridge | Homer, GA 30547 Tuesday, December 07, 2021 at 6:00 PM

AGENDA

- 1. CALL TO ORDER
- 2. APPROVE AGENDA
- 3. APPROVE MINUTES
 - a. Minutes: November 2021
- 4. APPLICATION TO REZONE
 - a. WITHDRAWN: Z-21-09 PNK Holdings, LLC– An application has been submitted to rezone parcel B77 012, a 167.07-acre lot; parcel B77 010, a 38.3-acre lot; and parcel B76 022, a 212acre lot from ARR (Agricultural, Rural, Residential) to M1 (Industrial) and to rezone parcel B77 008, a 137-acre lot, from C2 (Commercial) to M1 (Industrial.)
- 5. APPROVE PLAT: Plat Approval for Seth Cape, The Oaks at Banks Crossing- Phase IV
- 6. CODE AMENDMENTS: Amendments to Code of Ordinances Chapter 74 entitled "Subdivisions"
 - a. Article III: "Definitions"
 - b. Article V: "General Designs and Other Requirements"
 - c. Article VI: "Requirements for Streets and Other Right of Way"
 - d. Article VII: "Design Standards for Blocks and Lots"
 - e. Article VIII: "Required Improvements"
- 7. ADJOURNMENT

Banks County Planning Commission Board Meeting November 2, 2021

Members Present

Brian Mathis Jay O'Kelley Taylor Griffith Scott Wheatley Sam Moon

Staff Present

Paul Ruark- Planning and Zoning Official Kerri Fincannon- Planning and Zoning Clerk

- 1. Call Meeting to Order: Mr. Mathis called the meeting to order.
- 2. Approval of Minutes from September
 - Motion to approve minutes: Taylor Griffith Second: Scott Wheatley Vote 5:0 to approve and the motion passed.
- 3. Amendments to Code of Banks County
 - Purpose and intent.
 - (No changes recommended)
 - Permitted use #1
 - o (v) delete EPD approved septic system.
 - Permitted use #2
 - \circ (ii) add "to be subtracted from total acreage when figuring maximum density.
 - \circ (iii) change density to 4 units per acre".
 - (xv) change to "Accessory structure shall only be for residents and can only be: laundry buildings water and sever building, fitness center not to exceed 1500 square feet, swimming pool and building not to exceed 1000 square feet. Park and playground building not to exceed 500 square feet, and common use building not to exceed 2000 square feet. Accessory structures shall not occupy more that 10% of total acreage.
 - (xi) change to "No more than 75 units in a development can be dependent on 1 ingress and 1 egress point if access is from a state highway, and no more than 50 units in a development can be dependent on 1 ingress and egress if access is to and from a county road.

• Permitted use #3

 o (vii) change the height of the facility cannot exceed 2 stories and not built over a basement.

- 4. Approval of plats:
 - Taylor Griffith made motion to table plat approvals because of moratorium placed on subdivisions by Commissioners.
 - Paul Ruark explained the plats were not subdivision in the commissioner's determination but were merely divided property and allowed to be divided as such.
 - Motion to table: Taylor Griffith
 Vote 4:1 (Jay O'Kelly voted nay) approved and motion passed
- 5. Appoint Planning Commission Chair:
 - Motion to appoint Brian Mathis as Planning Chairman: Taylor Griffith Second: Scott Wheatley
 Vote 5:0 approved and motion passed
- 6. Appoint Planning Commission Vice Chairman:
 - Motion to appoint Taylor Griffith as Planning Commission Vice Chair: Brian Mathis Second: Scott Wheatley Vote 5:0 to approve and motion passed
- 7. Adjourn meeting: Mr. Mathis asks for a motion to adjourn
 - Motion to approve adjournment: Taylor Griffith Second: Scott Wheatley Vote 5:0 to approve adjournment and the motion passed.

Banks County Board of Commissioner

APPLICATION FOR REZONING PERMIT

150 HUDSON RIDGE SUITE 4 / HOMER, GA 30547

PHONE: (706)677-4272 FAX: (888)686-7421 www.bankscountyga.org

DATE ISSUED: II.	/04/2021		PERMIT #: 2021-20210406
LOCATION:	PNK HOLDINGS	DISTRICT	TAX MAP PARCEL SEE REMARKS
	00 MARTIN BRIDGE INDUSTRIAL	LOT	ZONING DISTRICT M1
OWNER: CONTRACTOR:	PNK HOLDINGS, LLC		TOTAL VALUATION \$ 0
			TOTAL SQ FT 0
			HEATED/UNHEATED 0/0
TYDE CONSTDU	TION DETONING ADD	OCCUBANC	Y GROUP: REZONE TO MI
TYPE CONSTRUCTION: REZONING APP			T GROOT, REZONE TO MIT

FEE CODE				FEE
REZONING AND CONDI	TIONAL/REZONE	TO M1 INDUSTRIAL		2,000.00
TOTAL PAID:	2,000.00	**PAID IN FULL**	TOTAL AMOUNT:	2,000.00

REMARKS: Z-21-09 REZONING TO M1 PROPOSED USE: PERMITTED MI USES INCLUDING MULTIPLE SIZES WAREHOUSING

DATE ROLIED, 11/04/2021

Please schedule inspections 24 hours in advance by calling 706-677-4272. Inspection requests for the following day must be made by 2pm. This permit becomes null and void if work or construction authorized is not commenced within 6 months or if construction or work is suspended or abandoned for a period of 6 months at any time after work is started.

(SIGNATURE OF CONTRACTOR/OWNER)

DEDMIT #- 2021 20210406



Attorneys at Law Glenridge Highlands One - Suite 800 5555 Glenridge Connector Atlanta, Georgia 30342 Telephone: 404-237-4100 Fax: 404-364-0126 C. Joseph Hoffman Direct Dial: 404-467-2288 Email: jhoffman@kkgpc.com www.kkgpc.com

November 2, 2021

VIA FEDERAL EXPRESS TRACKING # 775093385815

RE:

Banks County Zoning Administration 150 Hudson Ridge, Suite 4 Homer, Georgia 30547

Rezoning Application Forms Regarding Parcel Nos. B77012, B77008, B77010, and B76022

Dear Banks County Zoning Administration:

This law firm represents PNK Holdings, LLC ("Applicant"), who is currently under contract to purchase Parcel Nos. B77012, B77008, B77010, and B76022 located in Banks County, Georgia. In compliance with those sale contracts, and with the express approval of the sellers/owners as indicated by their signatures thereto, please find enclosed four (4) Rezoning Application Forms for each of the four parcels.

The applications include a fully executed form, legal descriptions via pertinent deeds, surveys, printouts from the tax assessor's website for easier reference, intended site plans, and a letter of intent. Please also find enclosed a check made payable to Banks County Zoning Administration in the amount of \$2,000.00 representing the four application fees of \$500.00 per application.

We look forward to confirming receipt and further discussion with regard to the Applicant's rezoning efforts. Thank you.

KITCHENS KELLEY GAYNES, P.C.

C. Joseph Hoffman, Esq.

Enclosures



Banks County Zoning Administration

November 2, 2021 Page 2 of 2

cc: Gerald A. Benda, Esq. (via e-mail)
Brian P. Cain, Esq. (via e-mail)
Jeff Grant (via e-mail)
Mark Stiles (via e-mail)



BANKS COUNTY ZONING ADMINISTRATION

150 Hudson Ridge Suite 4 Homer, GA 30547 706-677-4272

REZONING APPLICATION FORM

× 3	Interestate 95 Marshows Crown LLC	
Property Owner:	Name : Interstate 85 Members Group, LLC	
9 8 9	Address: c/o Gerald A. Benda, Esq.	2
ан 19	1801 Peachtree Street, NE, Suite 330, Atlanta, Georgia 30309	
	Phone: 404-355-1741	
		21 14 14
Applicant:	Name : PNK Holdings, LLC or its assigns	
	Address: c/o Mark Stiles	. '
	1100 Peachtree Street, Suite 800, Atlanta, Georgia 30309	
· .	Phone: 404-457-8473	
. 1		
Existing Zoning:	Agricultural - ARR	ä.e
Proposed Zoning:	Industrial - M-1	3 <i>a</i>
Existing Use:		1.00
Remove Cost of D. 2018 Cost State 11 Control 24 Th	Those permitted by Section 1002	8
Proposed Use:		
Acreage of Site:		2 4
Tax Plat & Parcel	1 # Parcel No. B77012	
THE FOLLOWING APP	PLICATION MATERIALS MUST ACCOMPANY THIS APPLICATION:	
1. A met	es and bounds description of the property.	1
2. Bound	lary surveys of the property.	$\boldsymbol{<}$
3, Alet	ter of intent which describes general characteristics of the	
propo and b	used development such as type and time frame of development background information in support of application.	
• 00 · · · · · · · · · · · · · · · · · ·	e plan containing, at a minimum the following information:	1: 19
4. A sit a,	Title of the proposed development and the name, address and telephone number of the property owner.	,*
b.	The name, address and telephone number of the architect, engineer or other designer of the proposed development.	
. с.	Scale, date, north arrow, and general location map showing relationship of the site to street or natural landmarks.	
. d.	Boundaries of the subject property, all existing and proposed streets, including right-of-way and street pavement widths, buildings, water courses, parking and loading areas, and other physical characteristics of the property and the proposed development.	94. -
	Proposou deveropmente.	14) 11
5. Applic	cation fee	

CRITERIA TO CONSIDER FOR REZONING

- a. The existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property.
- b. The extent to which property values are diminished by the particular zoning restrictions.
- c. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.
- d. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.
- e. The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.
- f. The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for approval or disapproval of the rezoning request.
 - The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.
- h. Whether the proposed zoning will create risk of adverse environmental effects to the community, including, without limitation, air pollution, surface water contamination or ground water contamination.
 - Whether the proposal will create risks that uses with nuisance characteristics will occur.

g.

i.

j. Whether the proposed zoning will adversely affect property values of others.

k. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM REQUIRED FOR ALL ZONING ACTIONS

36-67A-3. Disclosure of campaign contributions.

(a) When any applicant for rezoning actions has made, within two years immediately preceding the filing of the applicant's application for the rezoning action, campaign contributions aggregating \$250 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of such contribution.

(b) The disclosures required by subsection (a) of this code section shall be filed within ten days after the application for the rezoning action is first filed. (Code 1981, Section 36-67A-3, enacted by Ga. L. 1986, page 1269, Section 1; Ga. L. 1991, page 1365, Section 1.)

I hereby certify that I have read the above and that:

within the two years immediately preceding this date, made any campaign contribution(s) aggregating \$250 or more to any local government official involved in the review or consideration of this application.

-attorning pplicant's Signature

CHARLES KANLANER

MANAGING MEMBER, IMG

*If you have made such contributions you must provide the date required in subsection (a) above within ten days of the filing of ... this application.

PROPERTY OWNER'S CERTIFICATION

I hereby certify that I am the owner of the property described in the attached legal description, that all information . contained in this application is true and correct to the best of my knowledge, and that the applicant listed above is authorized to act as the applicant in the pursuit of this application.

Och. 29

2021

· CHARLES PAISLANER MANAGING MEMBER Signature of Property Owner: ____

Date of Signature:

I have been informed that I, the applicant or the property owner, must attend the public hearings for this application.

The Banks County Planning Commission meets at 6:30 p.m. on the first Tuesday of each month. The planning commission's recommendation on the application is sent to the Banks County Board of Commissioners which meets on the second Tuesday of each month at 6:30 p.m.

form for Applicant or Agent

Date

qPublic.net^{**} Banks County, GA

Summary

Parcel Number	877 012
Location Address	NEALRD
Legal Description	GMD 208 PB 5-176,178
	(Note: Not to be used on legal documents)
Class	A5-Agricultural
	(Note: This is for tax purposes only. Not to be used for zoning.)
Zoning	ARR
Tax District	County (District 00)
Millage Rate	22.342
Acres	167.07
Homestead Exemption	No (S0)
Landlot/District	N/A

View Map

Owner

INTERSTATE 85 MEMBERS GROUP LLC CHARLES RADLAUER MANAGING MEMBER 2800 ISLAND BLVD SUITE 1601 AVENTURA, FL 33160

Rural Land

Туре	Description	Calculation Method	Soil Productivity	Acres
0110	Bande	Durst		2
	A A F M	Durant	an an an an an an <mark>1</mark> . An	2
RUR	Address allowed	Burgi		67.07
RUR	bite adland	Pural	.	28
RUR	h for a set of a set	Bural	?	29
RUR	Woodland	Rural	8	23
RUR	Woodland	Rural	9	13

Sales

iale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
	365 592	5 176		DEED OF GIFT, QUIT CLAIM, ESTATE SALE	WALLACE STANLEY	INTERSTATE 85 MEMBER5 GROUP LLC
/12/2011	365 447	- <u>191</u> - 191 - 19	\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	OLIVER JAMES L II	INTERSTATE 85 MEMBERS GROUP LLC
	365 444		\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	LOBEL JOEL C	INTERSTATE 85 MEMBERS GROUP LLC
/7/2011	365 441	· · · · · ·		DEED OF GIFT, QUIT CLAIM, ESTATE SALE	SWAIN WARD C	INTERSTATE 85 MEMBERS GROUP LLC
/14/2011	365 432			DEED OF GIFT, QUIT CLAIM, ESTATE SALE	FORSBERG BRUCE A	INTERSTATE 85 MEMBERS GROUP LLC
5/9/2011	365 429			DEED OF GIFT, QUIT CLAIM, ESTATE SALE	NORMAN SUSAN LOCKAMY	INTERSTATE 85 MEMBERS GROUP LLC
5/7/2011	365 438		\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	LOLLAR THURMAN R	INTERSTATE 85 MEMBERS GROUP LLC
5/7/2011	365 424		\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	NODVIN JOSEPH J	INTERSTATE 85 MEMBERS GROUP LLC
5/6/2011	365 435		\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	FINKIE STEVEN J	INTERSTATE 85 MEMBERS GROUP LLC
5/3/2011	365 465		\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	RADLAUER CHARLES B TRUST	INTERSTATE 85 MEMBERS GROUP LLC
5/3/2011	365 462		\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	LOCKAMY EDDIE A JR	INTERSTATE 85 MEMBERS GROUP LLC
5/2/2011	365 459		\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	SHELNUTT BOBBY J	INTERSTATE 85 MEMBERS GROUP LLC
5/2/2011	365 456		\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	SCHEMO JACOBO ESTATE	INTERSTATE 85 MEMBERS GROUP LLC
/2/2011	365 453		\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	SCHEMO NATHAN	INTERSTATE 85 MEMBERS GROUP LLC
/2/2011	365 450		\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	DESANA JEANNE BESTATE	INTERSTATE 85 MEMBERS GROUP LLC
/2/2011	365 426		\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	WUEBBENHORST LORA H TRUST	INTERSTATE 85 MEMBERS GROUP LLC
/31/2011	365 422	• • • • • • • • • • • • • • • • • • • •	\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	DEPUY ROBERT W	INTERSTATE 85 MEMBERS GROUP LLC
/6/2011	363.6		\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	WUEBBENHORST LORA H TRUST	INTERSTATE 85 MEMBERS GROUP LLC
/6/2011	3633		\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	WALLACE STANLEY W	INTERSTATE 85 MEMBERS GROUP LLC
/6/2011	362 617	5 177	\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	SCHEMO JACOBO ESTATE	INTERSTATE B5 MEMBERS GROUP LLC
/6/2011	362.614	5 177	\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	SCHEMO NATHAN	INTERSTATE 85 MEMBERS GROUP LLC
4/6/2011	362 494		\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	DESANA JEANNE BEATTY	INTERSTATE 85 MEMBERS GROUP LLC
/6/2011	362 491	5 177	\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	FORSBERG BRUCE A	INTERSTATE 85 MEMBERS GROUP LLC
/6/2011	362 478	5 177	\$0		SWAIN WARD C	INTERSTATE 85 MEMBERS GROUP LLC
/6/2011	362 471	5 177	\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	DEPUY ROBERT W	INTERSTATE 85 MEMBERS GROUP LLC
4/6/2011	362 385	5 177	\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	SHELNUTT BOBBY J	INTERSTATE 85 MEMBERS GROUP LLC
1/6/2011	362 382	5 177	\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	LOCKAMY EDDIE A JR	INTERSTATE 85 MEMBERS GROUP LLC
/6/2011	362 379	5 177	\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	OLIVER JAMES L II	INTERSTATE 85 MEMBERS GROUP LLC
4/6/2011	362 376	5 177	\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	LOLLAR THURMAN R	INTERSTATE 85 MEMBERS GROUP LLC
1/6/2011	362 373	5 177	\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	LOBEL JOEL C	INTERSTATE 85 MEMBERS GROUP LLC
1/6/2011	362 370	5 177	\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	FINKIE STEVEN J	INTERSTATE 85 MEMBERS GROUP LL
4/6/2011	362 366	5 177	\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	RADLAUER CHARLES 8 TRUST	INTERSTATE 85 MEMBERS GROUP LL
/6/2011	362 228	5 177		DEED OF GIFT, QUIT CLAIM, ESTATE SALE	NODVIN JOSEPH J	INTERSTATE 85 MEMBERS GROUP LU
\$/6/2011	362 225	5 177	\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	NORMAN SUSAN LOCKAMY	INTERSTATE 85 MEMBERS GROUP LU
1/6/2011	362 173	5 177	\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	NODVIN SONDRA D	INTERSTATE 85 MEMBERS GROUP LU
/6/2011	362 170	5 177	\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	NODVIN MARGAUX S	INTERSTATE 85 MEMBERS GROUP LL
4/6/2011	362 167	5 177	\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	MAINGATE PROPERTIES INC	INTERSTATE 85 MEMBERS GROUP LU
4/6/2011	362 164	5 177	\$262,500	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	NODVIN MARVIN P TRUST	INTERSTATE 85 MEMBERS GROUP LLC
7/15/2010	353 952		\$0	a server and a server of the ser	SWAIN DOROTHY J	SWAIN WARD C
12/1/2008	00334 0330		\$0			ACKEL FRED J & ROBERT DEPUY &
1/1/2005	00291 0508	1. A. A. A. A. A. A. A.		INVOLVED ADDITIONAL PARCELS		

1/2

10/1/2004 00247 0073		INVOLVED ADDITIONAL PARCELS		
4/1/2004 00236 0062 11/1/2000 00168 0003		INVOLVED ADDITIONAL PARCELS	 	

Valuation

	2020	2019	2018	2017
Previous Value	\$349,347	\$349,347	\$349,347	\$349,347
Land Value	\$349,347	\$349,347	\$349,347	\$349,347
+ Improvement Value	\$0	\$ D	\$ 0	\$0
Accessory Value	\$0	\$0	\$0	\$0
= Current Value	\$349,347	\$349,347	\$349,347	\$349,347

No data available for the following modules: Land, Conservation Use Rural Land, Residential Improvement Information, Commercial Improvement Information, Mobile Homes, Accessory Information, Prebill Mobile Homes, Permits, Photos, Sketches.

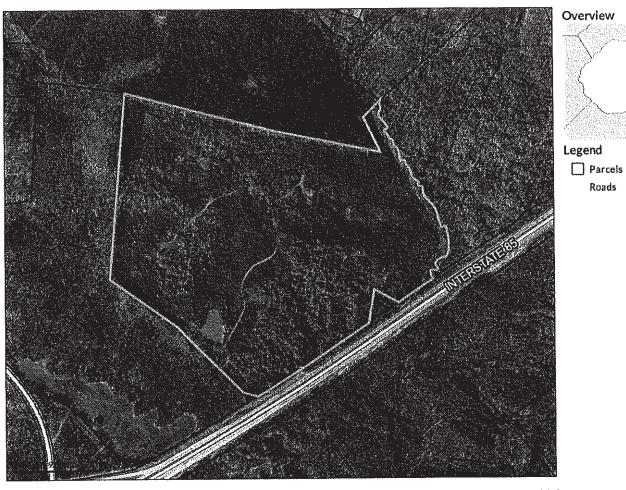
The Banks County Assessor makes every effort to produce the most acturate information possible. No warranties, expresses or implied are provided for the data herein, it case or inferoretation. The assessment information is from the last certified tax rolt. All other data is subject to change. User Privacy Policy GDPR Privacy Notice



Last Data Upload: 9/20/2021, 6:26:36 AM

Version 2.3,147

QPublic.net[™] Banks County, GA



Parcel ID B77012 **Class Code** Agricultural Taxing District County County Acres 167.07

Owner

Physical

Address

INTERSTATE 85 MEMBERS GROUP LLC CHARLES RADLAUER MANAGING MEMBER 2800 ISLAND BLVD **SUITE 1601** AVENTURA, FL 33160 NEAL RD Assessed Value Value \$349347

Last 2 Sales								
Date	Price	Reason	Qual					
7/19/2011	0	ND	U					
7/12/2011	0	ND	U					

(Note: Not to be used on legal documents)

Disclaimer: The Banks County Assessor makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change.

Date created: 9/20/2021 Last Data Uploaded: 9/20/2021 6:26:36 AM

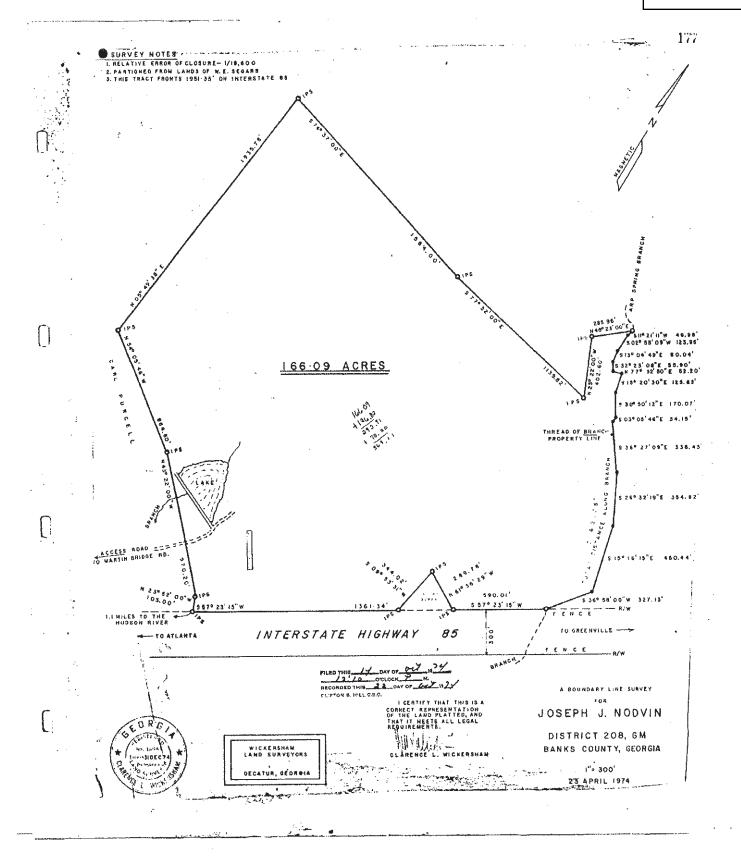


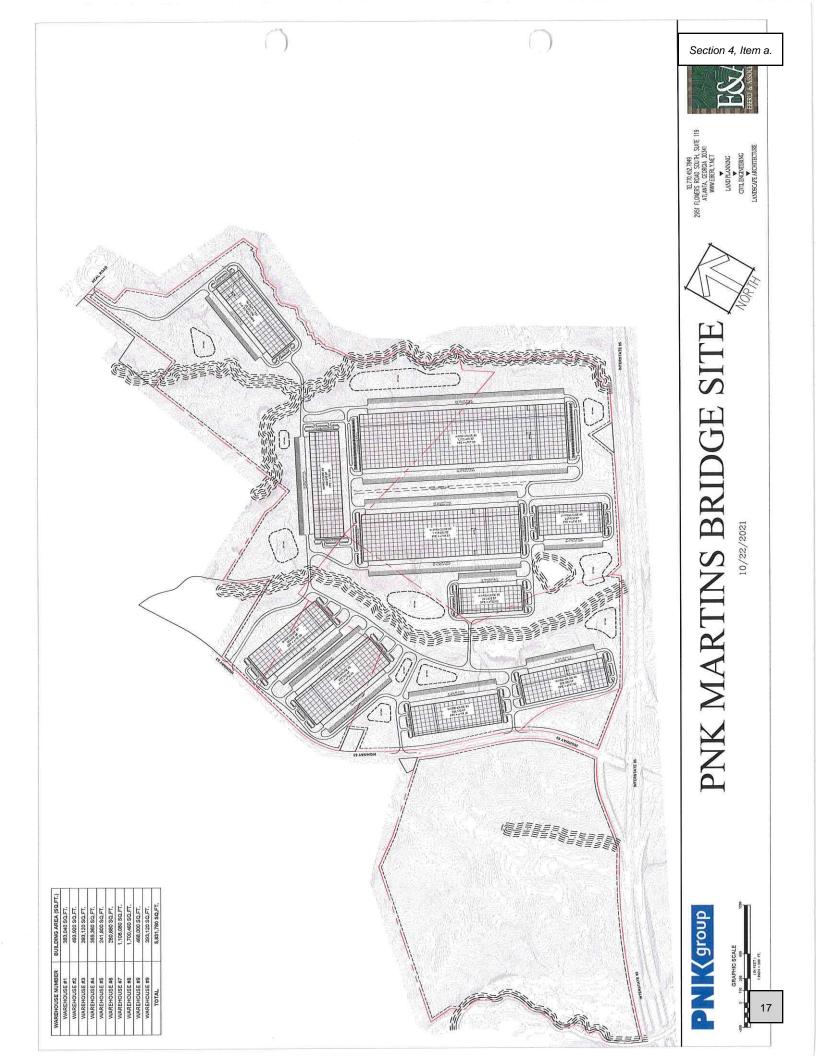
EXHIBIT "A-1"

The Real Property being sold by Seller are those tracts and parcels of land lying and being in Bushville and Davis, G.M.D., Banks County, Georgia and in the 207th District, Georgia Militia, Banks County, Georgia and being more particularly described in two (2) Plats prepared for Joseph J. Nodvin by Clarence L. Wickersham, Registered Land Surveyor and recorded in Plat Book 5, Pages 177 and 178, Banks County Records. Said Plats are more particularly identified as being approximately 167.074 acres, more or less, shown on the respective recorded Plats as follows: Plat DWG PLS-037413-R, dated March 13, 1974, recorded in Plat Book 5, Page 178, Banks County Records, stating thereon "ADDITIONAL TRACT" of 0.984 acre, more or less, with 269.80 feet fronting on Interstate Highway 85; and Plat DWG PLS-740423-R dated April 23, 1974, recorded in Plat Book 5, Page 177, Banks County Records, stating thereon 166.09 acres, more or less, with 1,951.35 feet fronting on Interstate Highway 85, with an "ACCESS ROAD" shown on the Plat of no less than 30 feet, for unencumbered ingress and egress to Martins Bridge Road and being Georgia Highway 63. Together with all such other rights of possession and of ingress and egress including, but specifically not limited to, an easement from Carl Purcell to W.E. Segars, dated December 14, 1973, as recorded in the Banks County, Georgia records.

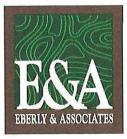
The exact metes and bounds of the Real Property, as well as the exact acreage will be determined by a new survey in accordance with the terms of Agreement.







Section 4, Item a.



LAND PLANNING V CIVIL ENGINEERING LANDSCAPE ARCHITECTURE

PRINCIPALS

Daniel L Eberly Scott L Gardner

KEVIN S. EDWARDS BRIAN K. BRUMFIELD

Associates

MICHAEL A. WRIGHT

Jeremiah C. Phillips Wesley S. Reed Arlene Z. Mohammed Novemeber 28, 2021

Banks County Government Planning and Development 150 Hudson Ridge, Suite 4, Homer GA 30547

Subject: PNK Banks County Industrial Park Letter of Intent

To whom it may concern:

PNK Group is proposing a new industrial park in Banks County. The site doesn't currently have a physical address but is located at the northeast intersection of I-85 and Georgia State Route 63. The development included Banks County parcels B77 008, B77 010, B76 022, and B77 012. It is our understanding that the sites are currently zoned General Commercial (C-2) and Agricultural-Rural Residential (ARR). The site is undeveloped with no visible structures present. The only physical features present on the property are streams that flow to the southern portion of property.

The planned development will require rezoning to comply with Banks County Code of Ordinances. The site development will include construction of multiple industrial warehouses of various sizes in this newly planned industrial park.

Sincerely,

EBERLY & ASSOCIATES, INC.

Antonio Sample Senior Project Manager Eberly & Associates <u>asample@eberly.net</u> (678) 287-4745

WWW.EBERLY.NET

Tel: 770.452.7849 Fax: 770.452.0086



BANKS COUNTY ZONING ADMINISTRATION

150 Hudson Ridge Suite 4 Homer, GA 30547 706-677-4272

REZONING APPLICATION FORM

Property Owne	Name : Sanford H. Orkin & Longboat Holdings Co, LLC	
	Address: c/o Kenneth Orkin	
•	4865 Olde Town Parkway, Suite 100, Marietta, Georgia 30068	Ξ.
	Phone:	
		• •
Applicant:	Name PNK Holdings, LLC or its assigns	
	Address: c/o Mark Stiles	• * • •
	1100 Peachtree Street, Suite 800, Atlanta, Georgia 30309	
· ·	Phone: 404-457-8473	10 (11)
Existing Zoni	ing: Commercial	;.•
Proposed Zoni	ing: Industrial - M-1)¥
Existing Use:		9
Proposed Use:	These normitted by Section 1002	×
3		
Acreage of Si	Dancel No. B77008	ž.
Tax Plat & Pa		
THE FOLLOWING	3 APPLICATION MATERIALS MUST ACCOMPANY THIS APPLICATION:	×
1. A	A metes and bounds description of the property.	÷
<u>.</u> 2. В	Boundary surveys of the property.	
p	A letter of intent which describes general characteristics of the proposed development such as type and time frame of development and background information in support of application.	1
	A site plan containing, at a minimum the following information: Title of the proposed development and the name, address and telephone number of the property owner.	
b	The name, address and telephone number of the architect, engineer or other designer of the proposed development.	• •
. C	Scale, date, north arrow, and general location map showing relationship of the site to street or natural landmarks,	8
. d	Boundaries of the subject property, all existing and proposed streets, including right-of-way and street pavement widths, buildings, water courses, parking and loading areas, and other physical characteristics of the property and the proposed development.	
5. Ap	pplication fee.	*

CRITERIA TO CONSIDER FOR REZONING

- a. The existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property.
- b. The extent to which property values are diminished by the particular zoning restrictions.
- c. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.
- d. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.
- e. The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.
- f. The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for approval or disapproval of the rezoning request.
 - The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.
- h. Whether the proposed zoning will create risk of adverse environmental effects to the community, including, without limitation, air pollution, surface water contamination or ground water contamination.
 - Whether the proposal will create risks that uses with nuisance characteristics will occur.

g.

1.

j. Whether the proposed zoning will adversely affect property values of others.

k. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM REQUIRED FOR ALL ZONING ACTIONS

36-67A-3. Disclosure of campaign contributions.

(a) When any applicant for rezoning actions has made, within two years immediately preceding the filing of the applicant's application for the rezoning action, campaign contributions aggregating \$250 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of such contribution.

(b) The disclosures required by subsection (a) of this code section shall be filed within ten days after the application for the rezoning action is first filed. (Code 1981, Section 36-67A-3, enacted by Ga. L. 1986, page 1269, Section 1; Ga. L. 1991, page 1365, Section 1.)

I hereby certify that I have read the above and that:

I have*, <u>Applicant</u> I have not, within the two years immediately preceding this date, made any campaign contribution(s) aggregating \$250 or more to any local government official involved in the review or consideration of this application

attuny to ap Applicant s Signature

Date

Date

See Signature Page attached as Exhibit A

Property Owner's Signature

*If you have made such contributions you must provide the date required in subsection (a) above within ten days of the filing of ... this application.

PROPERTY OWNER'S CERTIFICATION

I hereby certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant listed above is authorized to act as the applicant in the pursuit of this application.

See Signature Page attached as Exhibit A

: ••

Date of Signature:

Signature of Property Owner:

I have been informed that I, the applicant or the property owner, must attend the public hearings for this application.

The Banks County Planning Commission meets at 6:30 p.m. on the first Tuesday of each month. The planning commission's recommendation on the application is sent to the Banks County Board of Commissioners which meets on the second Tuesday of each month at 6:30 p.m.

my for opposint Applicant or Agent

Date

CRITERIA TO CONSIDER FOR REZONING

- a. The existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property.
- b. The extent to which property values are diminished by the particular zoning restrictions.
- c. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.
- d. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.
- e. The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.
- f. The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for approval or disapproval of the rezoning request.
 - The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.
 - Whether the proposed zoning will create risk of adverse environmental effects to the community, including, without limitation, air pollution, surface water contamination or ground water contamination.
 - Whether the proposal will create risks that uses with nuisance characteristics will occur.

g.

h.

<u>,</u>1.

j.

k,

Whether the proposed zoning will adversely affect property values of others.

Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM REQUIRED FOR ALL ZONING ACTIONS

36-67A-3. Disclosure of campaign contributions.

(a) When any applicant for rezoning actions has made, within two years immediately preceding the filing of the applicant's application for the rezoning action, campaign contributions aggregating \$250 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of such contribution.

(b) The disclosures required by subsection (a) of this code section shall be filed within ten days after the application for the rezoning action is first filed. (Code 1981, Section 36-67A-3, enacted by Ga. L. 1986, page 1269, Section 1; Ga. L. 1991, page 1365, Section 1.)

I hereby certify that I have read the above and that:

within the two years immediately preceding this date, made any campaign contribution(s) aggregating \$250 or more to any local government official involved in the review or consideration of this application.

Applicant's Signature

Date

Date

See Signature Page attached as Exhibit A

Property Owner's Signature

*If you have made such contributions you must provide the date required in subsection (a) above within ten days of the filing of this application.

PROPERTY OWNER'S CERTIFICATION

I hereby certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant listed above is authorized to act as the applicant in the pursuit of this application.

Signature of Property Owner:

See Signature Page attached as Exhibit A

1.11

Date of Signature:

I have been informed that I, the applicant or the property owner, must attend the public hearings for this application.

The Banks County Planning Commission meets at 6:30 p.m. on the first Tuesday of each month. The planning commission's recommendation on the application is sent to the Banks County Board of Commissioners which meets on the second Tuesday of each month at 6:30 p.m.

attaney for applicant Applicant or Agent

Exhibit A to Banks County Rezoning Application (page 1 of 3)

OWNERS:

SANFORD H. ORKIN, AS TRUSTEE OF THE SANFORD H. ORKIN REVOCABLE TRUST DATED 8/17/2015 AS RESTATED U/A/D JUNE 8, 2017 AND AMENDED BY FIRST AMENDMENT ON JULY 9, 2019

10/29/21 By:

KENNETH A. ORKIN, as Special Trustee of the Sanford H. Orkin Revocable Trust dated August 17, 2015, as restated u/a/d June 8, 2017 and amended by First Amendment on July 9, 2019

LONGBOAT HOLDING COMPANY, LLC, a Georgia limited liability company

10/29/21 By: KENNETH A. ORKIN, Real Estate Manager

SOUTHEASTERN PVC PIPE MFG., INC., a Delaware corporation

By: KENNETH A. ORKIN, President

(SIGNATURES CONTINUE ON NEXT PAGE)

Exhibit A to Banks County Rezoning Application (page 2 of 3)

SHERRI ORKIN SORIANO, LAURIE ORKIN GINBURG and MICHAEL BRIAN ORKIN, as Co-Trustees of The Kenneth Orkin Life Trust u/a/d December 27, 1973, as decanted by that certain Declaration of Trust u/a/d October 30, 2019

10/29/21 By:

KENNETH A. ORKIN, as Special Trustee of The Kenneth Orkin Life Trust u/a/d December 27, 1973, as decanted by that certain Declaration of Trust u/a/d October 30, 2019

SHERRI ORKIN SORIANO, MICHAEL BRIAN ORKIN and KENNETH A. ORKIN, as Co-Trustees of The Laurie Orkin Life Trust u/a/d December 27, 1973, as decanted by that certain Declaration of Trust u/a/d October 30, 2019

By:

10/29/21

KENNETH A. ORKIN, as Special Trustee of The Laurie Orkin Life Trust u/a/d December 27, 1973, as decanted by that certain Declaration of Trust u/a/d October 30, 2019

SHERRI ORKIN SORIANO, LAURIE ORKIN GINBURG and KENNETH A. ORKIN, as Co-Trustees of The Michael Orkin Life Trust u/a/d December 27, 1973, as decanted by that certain Declaration of Trust u/a/d October 30, 2019

lel. 10/29/21 By:

KENNETH A. ORKIN, as Special Trustee of The Michael Orkin Life Trust u/a/d December 27, 1973, as decanted by that certain Declaration of Trust u/a/d October 30, 2019

(SIGNATURES CONTINUE ON NEXT PAGE)

Exhibit A to Banks County Rezoning Application (page 3 of 3)

LAURIE ORKIN GINBURG, MICHAEL BRIAN ORKIN and KENNETH A. ORKIN, as Co-Trustees of The Sherri Orkin Life Trust u/a/d December 27, 1973, as decanted by that certain Declaration of Trust u/a/d October 30, 2019

10/29/21 By:

KENNETH A. ORKIN, as Special Trustee of The Sherri Orkin Life Trust u/a/d December 27, 1973, as decanted by that certain Declaration of Trust u/a/d October 30, 2019

Summary								
Parcel Number Location Address Legal Description	n GMD 208							
Class	C5-Com							
Zoning Tax District Millage Rate Acres Homestead Exen Landlot/District	C2 County (I 22.342 137.17 nption No (S0)	iis Is for tax purpose: District 00)	s only. Not to b	e used for zoning.)				
View Map								
Owner								
KENNETH ORKI	N VNE PARKWAY ST	T HOLDING COLL FE 100						
Land								
Type Commercial	Descriptio COMM-IN	ID-HWY-59-CORR		Calculation Method Acres	Square Footage 5,975,125	Frontage O	Depth 0	Acres Lots 137.17 1
Sales								
Sale Date D	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee	1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	
12/20/2010 3	358 878	8 45	\$0	RELATED INDIVIDUALS OR CORPO	RATIONS ORKIN SANFOR	DH ORKIN SANF		NGBOAT HOLDING COLL
6/1/2000 0	0157 0683		\$0	INVOLVED ADDITIONAL PARCELS		and the second second		and the strengtheness strengtheness of the
6/1/2000 0	0157 0678		\$1,683,000	Quallfied - Vacant Land				
4/1/1997 C	0116 0191		\$687,440	INVOLVED ADDITIONAL PARCELS	and the state state			
4/1/1997 0	0116 0189		\$0	INVOLVED ADDITIONAL PARCELS				

Valuation

4/1/1997

9/1/1952

00116 0189

000EE 0549

	2021	2020	2019	2018	2017
Previous Value	\$891,600	\$823,020	\$823,020	\$823,020	\$768,152
Land Value	\$960,273	\$891,600	\$823,020	\$823,020	\$823,020
+ Improvement Value	\$0	\$0	\$0	\$0	\$0
+ Accessory Value	\$0	\$0	\$0	\$0	\$0
Current Value	\$960,273	\$891,600	\$823,020	\$823,020	\$823,020

\$0 INVOLVED ADDITIONAL PARCELS

No data available for the following modules: Rural Land, Conservation Use Rural Land, Residential improvement information, Commercial Improvement Information, Mobile Homes, Accessory Information, Prebili Mobile Homes, Permits, Photos, Sketches.

The Banks County Assessor makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data Perein, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change. User Privacy Policy GDPR Privacy Notice

\$1,400 Qualified - Improved



Last Data Upload: 10/5/2021, 6:58:00 AM

Version 2,3,150

ORKIN SANFORD H

1/

() qPublic.net Banks County, GA

Summary	
Parcel Number	877 010
Location Address	HWY 63
Legal Description	GMD 208
	(Note: Not to be used on legal documents)
Class	A5-Agricultural
	(Note: This is for tax purposes only. Not to be used for zoning.)
Zoning	ARR
Tax District	County (District 00)
Millage Rate	22.342
Acres	38.3
Homestead Exemption	No (SO)
Landlot/District	N/A

View Map

Owner

SOUTHEASTERN PVC PIPE MFG INC & BARBARA H ORKIN AS TRUSTEE C/O MR KENNETH A ORKIN 4865 OLD TOWNE PKWY STE 100 MARIETTA, GA 30068

Rural Land

Туре	Description	Calculation Method	Soil Productivity	Acres
RUR	Woodland	Rural	3	3
RUR	Woodland	Rural	4	7
RUR	Woodland	Rurat	6	11
RUR	Woodland	Rural	7	16.3
RUR	Easements	Rural	4	1

Sales

Sale Date	Deed Book / Page		Reason	Grantor	Grantee
12/1/2001	00184 0715		INVOLVED ADDITIONAL PARCELS		
12/1/2001	00184 0711		Qualified - Vacant Land		SOUTHEASTERN PVC PIPE MFG INC
5/1/1980	00021 0026	\$(INVOLVED ADDITIONAL PARCELS		

Valuation

	2021	2020	2019	2018	2017
Previous Value	\$126,138	\$126,138	\$126,138	\$100,724	\$100,724
Land Value	\$163,980	\$126,139	\$126,138	\$126,138	\$100,724
+ Improvement Value	\$0	\$0	\$0	\$0	\$0
+ Accessory Value	\$0	\$0	\$0	\$0	\$0
 Current Value 	\$163,980	\$126,138	\$126,138	\$126,138	\$100,724

No data available for the following modules: Land, Conservation Use Rural Land, Residential Improvement Information, Commercial Improvement Information, Mobile Homes, Accessory Information, Prebill Mobile Homes, Permits, Photos, Sketches.

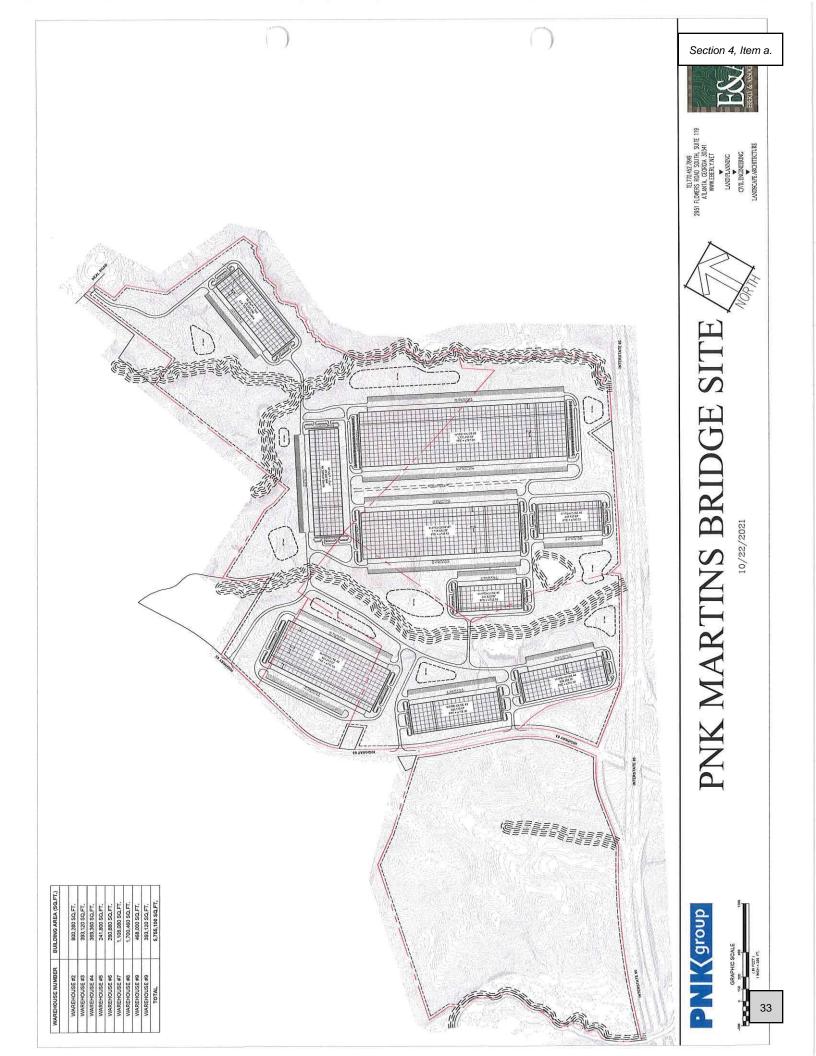
The Banks County Assessor makes every effort to produce the most accurate information possible. No warrantics, expressed or implied are provided for the data bencin, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change. User Privacy Policy GDPR Privacy Notice



Last Data Upload: 10/5/2021, 6:58:00 AM

Version 2,3,150

1/





BANKS COUNTY ZONING ADMINISTRATION

150 Hudson Ridge Suite 4 Homer, GA 30547 706-677-4272

REZONING APPLICATION FORM

	Property Owner:	Name: So	outheastern PVC Pipe M	FG, Inc., and others	S	
	in an one in the second in the second s	Address:	c/o Kenneth Orkin			195
	· ·		4865 Olde Town Parky	vay, Suite 100, Mari	etta, Georgia 30068	an a s
		Phone:				· * *
	• » ж	* •			•	
	Applicant:	Name: P	NK Holdings, LLC			
		Address	c/o Mark Stiles			
			1100 Peachtree Street, S	uite 800, Atlanta, G	Georgia 30309	
	• •	Phone, 40)4-457-8473	······		52 30
						1151
•	Existing Zoning;	Ag	ricultural	2 N. 12		
		Ť	dustrial - M-1	· ·		a "
	Proposed Zoning:	. <u>Inc</u>	ustrial - IVI-1	<u> </u>	· ·	
	Existing Use:) » •	•	- ``	
	Proposed Use:	The	ose permitted by Section	1002	_ ·	51
	Acreage of Site:	38	.3 +/-			8 2
8t	Tax Plat & Parcel	# Par	cel No. B77010	2 Z		
		20:25	AMERICAN AND ACCOM	DANIN MUTE ADDI.TO	- 'NTTON'.	н жала а
8			ATERIALS MUST ACCOM		A110141	
	1. A met	es and bou	inds description of	the property.	1	÷ .
	2. Bound	ary survey	s of the property.	•:		
	3. Alet	ter of int	ent which describes	general charact	eristics of the	507
	propo and b	sed develo ackground	pment such as type information in supp	and time frame o ort of applicati	or development	
			taining, at a minim			82 (1
5	4. Asit a,	Title of	the proposed develop	pment and the na	me, address and	
	ži	telephone	number of the prope	erty owner.		وقرور فركر فراد
	b.	The name,	address and telepho or other designer of	one number of th	e architect;	
	16			a		<
*	. с.	Scale, da relations	te, north arrow, and hip of the site to s	l general locati street or natura	on map showing 1 landmarks.	
	. d,	Boundarie	s of the subject pro	operty, all exis	ting and	
		widthe h	streets, including uildings, water cour	rses, parking an	a loading areas,	
	•.	and other	physical character:	istics of the pr	operty and the	
		proposed	development.			12
	5. Applic	ation fee				51

(a) **a Public.net**[™] Banks County, GA





B77008 Parcel ID **Class** Code Commercial Taxing District County County 137.17 Acres

Owner Physical Address Assessed

Value

ORKIN SANFORD H & LONGBOAT HOLDING COLL KENNETH ORKIN 4865 OLDE TOWNE PARKWAY STE 100 MARIETTA, GA 30068 HWY 63 Value \$960273

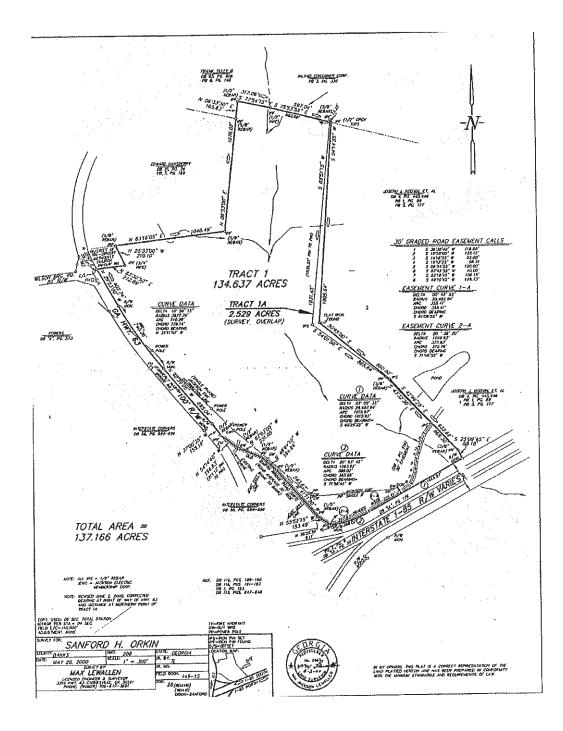
Last 2 Sales						
Date	Price	Reason	Qual			
12/20/2010	0	N4	U			
6/1/2000	0	N1	U			

(Note: Not to be used on legal documents)

Disclaimer: The Banks County Assessor makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change.

Date created: 10/5/2021 Last Data Uploaded: 10/5/2021 6:58:00 AM





() qPublic.net[™] Banks County, GA

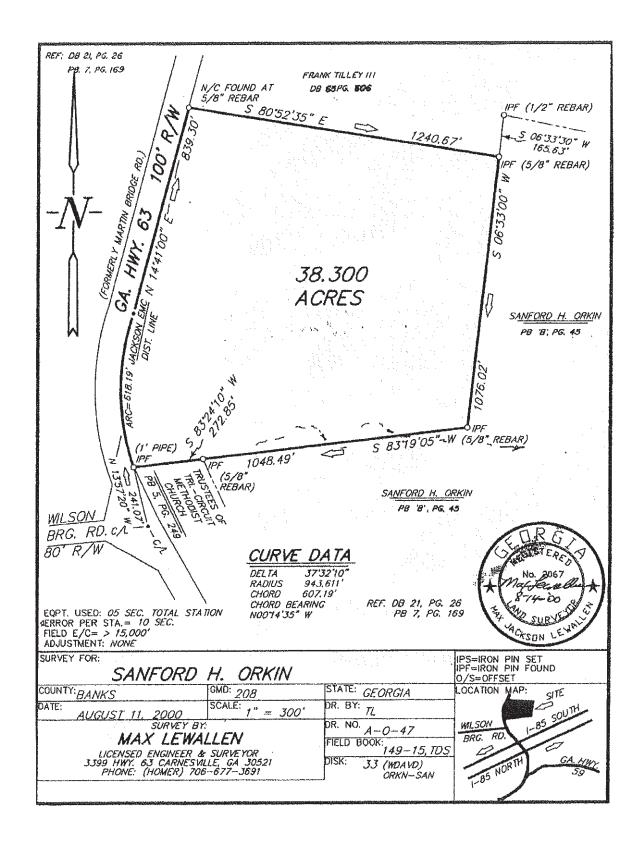


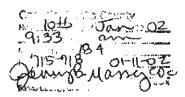
(Note: Not to be used on legal documents)

Disclaimer: The Banks County Assessor makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change.

Date created: 10/5/2021 Last Data Uploaded: 10/5/2021 6:58:00 AM

Developed by Schneider





Banks County, Georgia Real Estate Transfer Tax 1 Pald 20 **Date** 16.42 Superior Court

Space Above This Line for Recorder's Use

After recording, please return to: Kilpatrick Stockton, LLP 1100 Peachtree Street Suite 2800 Attanta, Georgia 30309-4530 Attant, Georgia 30309-4530

COUNTY OF NEW YORK

QUITCLAIM DEED

THIS INDENTURE is made as of the 28th day of December, 2001, by and between EDWARD C. HANSBERRY, an individual resident of Nassau County, New York, and JOHN G. BOYCE, an individual resident of Nassau County, New York, hereinafter collectively called "Grantor," and SOUTHEASTERN PVC PIPE MFG., INC., a Delaware corporation, as to an undivided ten percent (10%) interest, and BARBARA H. ORKIN, not individually, but solely (A) as Trustee of the Sherri Orkin Life Trust U/A with Sanford H. Orkin, dated December 27, 1973, (B) as Trustee of the Laurie Orkin Life Trust U/A with Sanford H. Orkin dated December 27, 1973, (C) as Trustee of the Michael Orkin Life Trust U/A with Sanford H. Orkin dated December 27, 1973, and (D) as Trustee of the Kenneth Orkin Life Trust U/A with Sanford H. Orkin, dated December 27, 1973, as to an undivided ninety percent (90%) interest (an undivided twenty-two and one-half percent (22.5%) interest with respect to each of the aforesaid four trusts), hereinafter collectively called "Grantee". The words "Grantor" and "Grantee" include the neuter, masculine and feminine genders, and the singular and the plural.

WITNESSETH:

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) in hand paid to Grantor by Grantee at and before the execution, scaling and delivery hereof, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor has remised, released, conveyed and forever quitclaimed, and by these presents does remise, release, convey and forever quitclaim unto Grantee, and the heirs, successors, legal representatives and assigns of Grantee, all that tract or parcel of land lying and being in the 208th G.M.D. of Banks County, Georgia, being more particularly described on Exhibit "A", attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD said tract or parcel of land in order that neither Grantor nor any person claiming under Grantor shall at any time by any means or ways have, claim or demand any title or interest in or to said land or any of the rights, members and appurtenances thereof.

THE PURPOSE OF THIS CONVEYANCE is for Grantor fully and completely to remise, release, convey and forever quitclaim to Grantee all that tract or parcel of land described herein in order to clear title to said tract or parcel of land.

IN WITNESS WHEREOF, Grantor has executed and sealed this indenture, and delivered this indenture to Grantee, all the day and year first written above.

Signed, sealed and delivered in the presence of: Witnegs My Commission Expires:

(NOTARIAL SEAL)

GRANTOR: <u>dward</u> <u>Hanslerry</u> (SEAL) EDWARD C. HANSBERRY

GODFREY H. MURRAIN Notary Public, State of New York No. 30-2850425 Qualified in Nausau County 200 Commission Expires August 31.

[Signatures continued on the following page]

[Signatures continued from the preceding page]

Signed, sealed and delivered in the presence

* 1

of Indifficial Witness Notary Hublic My Commission Expires:

(NOTARIAL SEAL)

(SEAL) 11 8 -03 JOHN G: BQY

GODFREY H. MURRAIN Notary Public, State of New York No. 30 2830/25 Qualified in Noceau County 2005 Cominication Expires August 31, 2005

Survey Legal Description

EXHIBIT "A"

ALL THAT TRACT OR PARCEL of land lying and being in the 208th G.M.D. of Banks County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING of the tract of land herein described, commence at the intersection of the centerline of Wilson Bridge Road (80-foot rightof-way) with the centerline of Ga. Hwy. 63 (100-foot right-of-way) (f/k/a Martin Bridge Road); running thence north 13 degrees 57 minutes 20 seconds west a distance of 241.07 feet to a 1-inch pipe found on the easterly right-of-way line of Ga. Hwy. 63, said pipe found being the TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING thus established, running thence in a generally northerly direction along the arc of a curve to the right in said right-of-way line, an arc distance of 618.19 feet to a point; continuing thence along said right-of-way line, north 14 degrees 41 minutes 00 seconds east a distance of 839.30 feet to a 5/8-inch rebar found; thence leaving the easterly right-of-way line of Ga. Hwy. 63, and running south 80 degrees 52 minutes 35 seconds east a distance of 1,240.67 feet to a 5/8-inch rebar found; running thence south 06 degrees 33 minutes 00 seconds west a distance of 1.076.02 feet to a 5/8-inch rebar found; running thence south 83 degrees 19 minutes 05 seconds west a distance of 1,048.49 feet to a 5/8-inch rebar found; running thence south 83 degrees 24 minutes 10 seconds west a distance of 272.85 feet to the 1-inch pipe found at the TRUE POINT OF BEGINNING; according to Survey for "Sanford H. Orkin," dated August 11, 2000, prepared by Max Lewallen, under the seal and certification of Max Jackson Lewallen, Georgia Registered Land Surveyor No. 2067; said tract of land containing 38.300 acres according to said survey, which survey is incorporated herein and made a part hereof by reference.

14192 PM 4192 PM 358 9896-899. 12/22/10 Jem B. Warden 000

danka Gounty Georgia Pest Felder Trav

0013010000816

After recording, return to; Brian P. Cain, Esq. Holt Ney Zateoff & Wasserman, LLP 100 Galleria Parkway Suite 600 Atlanta, Georgia 30339

LIMITED WARRANTY DEED

THIS INDENTURE, made this 20⁴ day of December, 2010, between SANFORD H. ORKIN ("Grantor"), and LONGBOAT HOLDING COMPANY, LLC, a Georgia limited liability company ("Grantee"), (the words "Grantor" and "Grantee" to include their respective heirs, successors, and assigns).

WITNESSETH that, in consideration of Ten and No/100 Dollars (\$10.00) in hand paid and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby bargain, sell, alien, convey and confirm unto Grantee an Eighty Percent (80%) undivided interest in and to the land and any real property interests described in <u>Exhibit "A"</u> attached hereto and made a part hereof, together with all buildings and other improvements located thereon, and together with all rights, members and appurtenances in any manner appertaining or belonging to said property.

TO HAVE AND TO HOLD said property unto Grantee in fee simple absolute forever. Grantor shall warrant and forever defend the title and interest to said property unto Grantee against the claims of all persons claiming by, through or under Grantor, except for matters of survey and easements, covenants, restrictions and other matters of record.

[SEE NEXT PAGE FOR SIGNATURES]

IN WITNESS WHEREOF, Grantor has executed this deed under seal on the date above written.

Signed, sealed and delivered in the presence of:

Witness

GRANTOR: H. Orhan Sanford H. Orkin

Notary Public

. .

[NOTARY SEAL]

My Commission Expires:

June 14 2013

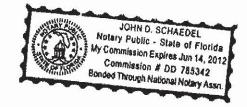


EXHIBIT "A"

Legal Description

(Page 1 of 2)

ALL THAT TRACT OR PARCEL of land lying and being in G.M.D. 208 of Banks County, Georgia, and being more particularly described as follows:

BEGINNING at a 1/2-inch rebar found at the intersection of the centerline of Old Martin Bridge Road (a dirt road) with the northeastern right-of-way line of Ga. Hwy. 63 (f/k/a Martin Bridge Road) (100-foot right-of-way); running thence along said right-of-way line of Ga. Hwy. 63 the following courses and distances: north 37 degrees 00 minutes 35 seconds west 155.19 feet to a right-of-way monument; north 40 degrees 39 minutes 05 seconds west 695.04 feet to a right-ofway monument; northwesterly along the arc of a curve to the right, said arc being subtended by a chord line having a bearing of north 35 degrees 11 minutes 10 seconds west and a length of 739.14 feet, said curve having a radius of 3,877.70 feet, an arc distance of 740.26 feet to a rightof-way monument; and north 29 degrees 23 minutes 00 seconds west 402.74 feet to a 5/8-inch rebar found; thence leaving the northeastern right-of-way line of Ga. Hwy. 63, and running north 83 degrees 30 minutes 50 seconds east a distance of 272.89 feet to a 3/4-inch iron pipe found; running thence north 25 degrees 33 minutes 00 seconds west a distance of 210.10 feet to a 5/8inch rebar found; running thence north 83 degrees 19 minutes 05 seconds east a distance of 1,048.49 feet to a 5/8-inch rebar found; running thence north 06 degrees 33 minutes 00 seconds east a distance of 1,076.02 feet to a 5/8-inch rebar found; running thence north 06 degrees 33 minutes 30 seconds east a distance of 165.63 feet to a 1/2-inch rebar found; running thence south 77 degrees 54 minutes 15 seconds east a distance of 317.06 feet to a 1/2-inch iron pipe found; running thence south 75 degrees 53 minutes 55 seconds east a distance of 583.69 feet to a point; running thence south 05 degrees 51 minutes 15 seconds west a distance of 1,931.45 feet to an iron pin set; running thence south 54 degrees 01 minute 50 seconds east a distance of 865.64 feet to a 3/8-inch rebar found; running thence south 43 degrees 32 minutes 30 seconds east a distance of 969.30 feet to a 3/8-inch rebar found; running thence south 25 degrees 09 minutes 45 seconds east a distance of 88.18 feet to a right-of-way monument located on the northwestern right-ofway line of Interstate I-85 (right-of-way width varies); running thence along said right-of-way line of Interstate I-85 the following courses and distances: southwesterly along the arc of a curve to the right, said arc being subtended by a chord line having a bearing of south 60 degrees 29 minutes 35 seconds west and a length of 1,015.92 feet, said curve having a radius of 28,497.94 feet, an arc distance of 1,015.97 feet to a point; and southwesterly along the arc of a curve to the right, said arc being subtended by a chord line having a bearing of south 71 degrees 56 minutes 40 seconds west and a length of 385.88 feet, said curve having a radius of 1,063.92 feet, an arc distance of 388.02 feet to an iron pin set at the intersection of said right-of-way line of Interstate I-85 with the centerline of Old Martin Bridge Road (a dirt road); running thence along said centerline of Old Martin Bridge Road the following courses and distances: north 55 degrees 52 minutes 15 seconds west 153.49 feet to a 1/2-inch rebar found; north 41 degrees 11 minutes 20 seconds west 593.67 feet to a 1/2-inch rebar found; north 48 degrees 44 minutes 10 seconds west 184.94 feet to a 1/2-inch rebar found; north 67 degrees 03 minutes 05 seconds west 231.05 feet to a 1/2-inch rebar found; and north 54 degrees 14 minutes 40 seconds west 194.63 feet to the 1/2-inch rebar found at the POINT OF BEGINNING; according to Survey for "Sanford H. Orkin," dated May 20, 2000, revised June 2, 2000, prepared by Max Lewallen, under the seal of

EXHIBIT "A"

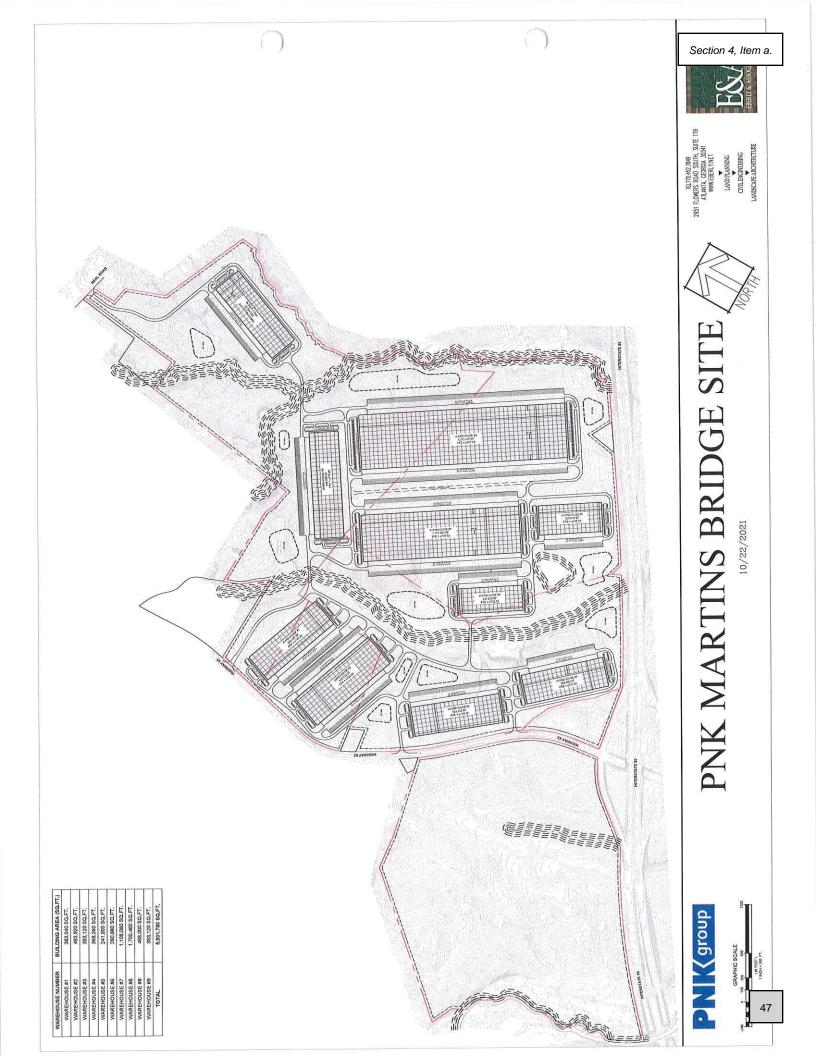
Legal Description

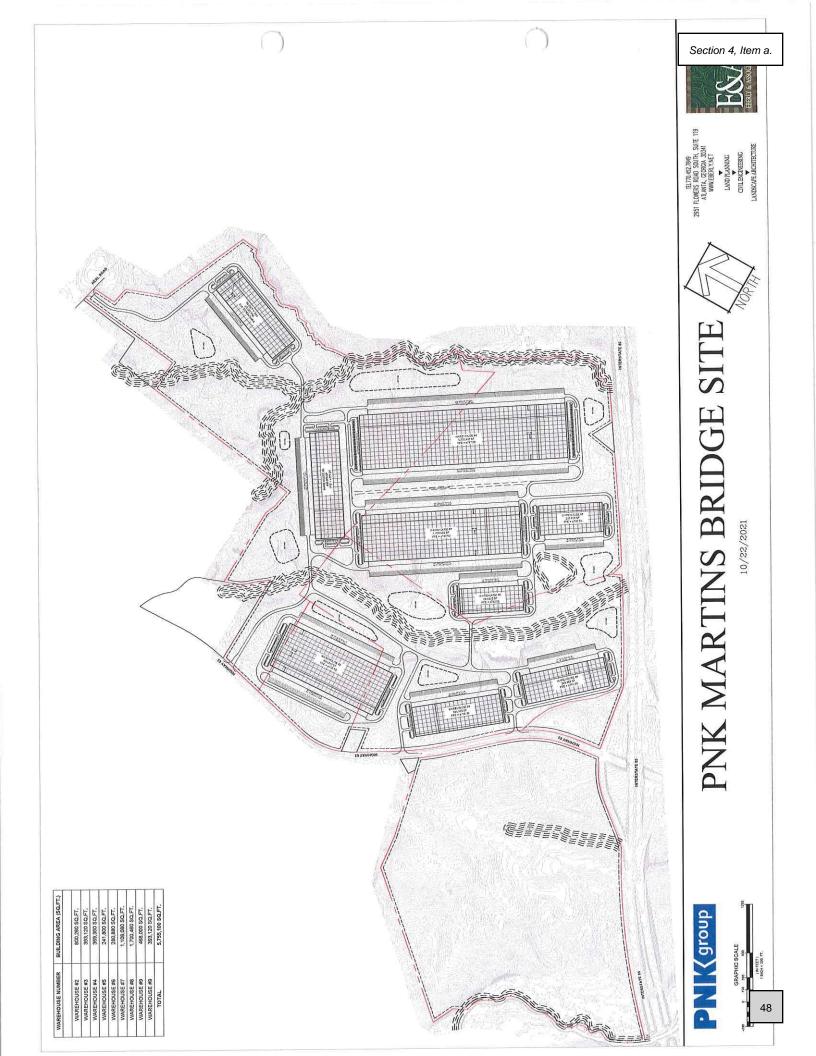
(Page 2 of 2)

Max Jackson Lewallen, Georgia Registered Land Surveyor No. 2067; said tract of land containing 134.637 acres and designated as "Tract 1" according to said survey, which survey is incorporated herein and made a part hereof by reference; said tract of land also being shown on that Plat for "W. D. David," dated March 25, 1997, recorded in Plat Book B, Page 45, Banks County, Georgia Records.

ALL THAT TRACT OR PARCEL of land lying and being in G.M.D. 208 of Banks County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING of the tract of land herein described, commence at an iron pin set at the intersection of the centerline of Old Martin Bridge Road (a dirt road) with the northwestern right-of-way line of Interstate I-85 (right-of-way width varies); running thence northeasterly along the arc of a curve to the left in said right-of-way line of Interstate I-85, said arc being subtended by a chord line having a bearing of north 71 degrees 56 minutes 40 seconds east and a length of 385.88 feet, said curve having a radius of 1,063.92 feet, an arc distance of 388.02 feet to a point; continuing thence northeasterly along the arc of a curve to the left in said right-of-way line, said arc being subtended by a chord line having a bearing of north 60 degrees 29 minutes 35 seconds east and a length of 1,015.92 feet, said curve having a radius of 28,497.94 feet, an arc distance of 1,015.97 feet to a right-of-way monument; thence leaving the northwestern right-of-way line of Interstate 1-85, and running north 25 degrees 09 minutes 45 seconds west a distance of 88.18 feet to a 3/8-inch rebar found, said rebar found being the TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING thus established, running thence north 43 degrees 32 minutes 30 seconds west a distance of 969.30 feet to a 3/8inch rebar found; running thence north 54 degrees 01 minute 50 seconds west a distance of 865.64 feet to an iron pin set; running thence north 05 degrees 51 minutes 15 seconds east a distance of 1,931.45 feet to a point; running thence south 75 degrees 53 minutes 55 seconds east a distance of 13.35 feet to a 1/2-inch open top pipe found; running thence south 04 degrees 14 minutes 35 seconds west a distance of 1,905.64 feet to a flat iron found; running thence south 50 degrees 45 minutes 00 seconds east a distance of 860.00 feet to an iron pin set; running thence south 42 degrees 46 minutes 25 seconds cast a distance of 932.69 feet to the 3/8-inch rebar found at the TRUE POINT OF BEGINNING; according to Survey for "Sanford H. Orkin," dated May 20, 2000, revised June 2, 2000, prepared by Max Lewallen, under the seal of Max Jackson Lewallen, Georgia Registered Land Surveyor No. 2067; said tract of land containing 2.529 acres and designated as "Tract IA" according to said survey, which survey is incorporated herein and made a part hereof by reference; said tract of land also being shown on that Plat for "W. D. David," dated March 25, 1997, recorded in Plat Book B, Page 45, Banks County, Georgia Records.







LAND PLANNING CIVIL ENGINEERING LANDSCAPE ARCHITECTURE

PRINCIPALS

Daniel L. Eberly Scott L. Gardner

KEVIN S. EDWARDS BRIAN K. BRUMFIELD

<u>Associates</u> Michael A. Wright

Jeremiah C. Phillips Wesley S. Reed Arlene Z. Mohammed Novemeber 28, 2021

Banks County Government Planning and Development 150 Hudson Ridge, Suite 4, Homer GA 30547

Subject: PNK Banks County Industrial Park Letter of Intent

To whom it may concern:

PNK Group is proposing a new industrial park in Banks County. The site doesn't currently have a physical address but is located at the northeast intersection of I-85 and Georgia State Route 63. The development included Banks County parcels B77 008, B77 010, B76 022, and B77 012. It is our understanding that the sites are currently zoned General Commercial (C-2) and Agricultural-Rural Residential (ARR). The site is undeveloped with no visible structures present. The only physical features present on the property are streams that flow to the southern portion of property.

The planned development will require rezoning to comply with Banks County Code of Ordinances. The site development will include construction of multiple industrial warehouses of various sizes in this newly planned industrial park.

Sincerely,

EBERLY & ASSOCIATES, INC.

Antonio Sample Senior Project Manager Eberly & Associates <u>asample@eberly.net</u> (678) 287-4745

WWW.EBERLY.NET

Tel: 770.452.7849 Fax: 770.452.0086 Section 4, Item a.



BANKS COUNTY ZONING ADMINISTRATION

150 Hudson Ridge Suite 4 Homer, GA 30547 706-677-4272

REZONING APPLICATION FORM

Property Ow	ner: Name: Southern Consulting Sevices, Inc. fka NG Banks County 206, LLC
	Address: c/o Jeff R. Grant
a Sat	120 S Zack Hinton Pkwy, McDonough, GA 30253
	Phone:
Applicant:	Name :PNK Holdings, LLC or its assigns
	Address: c/o Mark Stiles
	1100 Peachtree Street, Suite 800, Atlanta, Georgia 30309
· ·	Phone: 404-457-8473
· : Existing Zo	ning. Agricultural
Proposed Zo	ning: Industrial - M-1
Existing Us	e:
Proposed Us	Those permitted by Section 1002
Acreage of a	212.00 /
Tax Plat & 1	Dancel No. B76022
	NG APPLICATION MATERIALS MUST ACCOMPANY THIS APPLICATION:
1.	A metes and bounds description of the property.
920 8	
2.	Boundary surveys of the property.
3.	A letter of intent which describes general characteristics of the proposed development such as type and time frame of development and background information in support of application.
4 [.]	A site plan containing, at a minimum the following information: a. Title of the proposed development and the name, address and telephone number of the property owner.
Ħ	b. The name, address and telephone number of the architect, engineer or other designer of the proposed development.
к к к	c. Scale, date, north arrow, and general location map showing relationship of the site to street or natural landmarks.
a. j	d. Boundaries of the subject property, all existing and proposed streets, including right-of-way and street pavement widths, buildings, water courses, parking and loading areas, and other physical characteristics of the property and the proposed development.
c	Application fee

50

CRITERIA TO CONSIDER FOR REZONING

- a. The existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property.
- b. The extent to which property values are diminished by the particular zoning restrictions.
- c. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.
- d. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.
- e. The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.
- f. The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for approval or disapproval of the rezoning request.
 - The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.
- h. Whether the proposed zoning will create risk of adverse environmental effects to the community, including, without limitation, air pollution, surface water contamination or ground water contamination.
 - Whether the proposal will create risks that uses with nuisance characteristics will occur.

g.

ì.

j.

- Whether the proposed zoning will adversely affect property values of others.
- k. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM REQUIRED FOR ALL ZONING ACTIONS

36-67A-3. Disclosure of campaign contributions.

(a) When any applicant for rezoning actions has made, within two years immediately preceding the filing of the applicant's application for the rezoning action, campaign contributions aggregating \$250 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of such contribution.

(b) The disclosures required by subsection (a) of this code section shall be filed within ten days after the application for the rezoning action is first filed. (Code 1981, Section 36-67A-3, enacted by Ga. L. 1986, page 1269, Section 1; Ga. L. 1991, page 1365, Section 1.)

I hereby certify that I have read the above and that:

I have*, **Durnet** Appliant (I have not,) within the two years immediately preceding this date, made any campaign contribution(s) aggregating \$250 or more to any local government official involved in the review or consideration of this application.

Torry tor Applicant Signature

operty Owner's Signature

*If you have made such contributions you must provide the date required in subsection (a) above within ten days of the filing of ... this application.

PROPERTY OWNER'S CERTIFICATION

I hereby certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant listed above is authorized to act as the applicant in the pursuit of this application.

Signature of Property Owner:

D 2

Date of Signature:

I have been informed that I, the applicant or the property owner, must attend the public hearings for this application.

The Banks County Planning Commission meets at 6:30 p.m. on the first Tuesday of each month. The planning commission's recommendation on the application is sent to the Banks County Board of Commissioners which meets on the second Tuesday of each month at 6:30 p.m.

- attany for applicant Applicant or Agent

Date

Public.net Banks County, GA

Summary	
Parcel Number	B76 022
Location Address	NEAL RD
Legal Description	PB3-339 & PB 29-8
	(Note: Not to be used on legal documents)
Class	A5-Agricultural
	(Note: This is for tax purposes only. Not to be used for zoning.)
Zoning	ARR
Tax District	County (District 00)
Millage Rate	22.342
Acres	212.08
Homestead Exemption	No (SO)
Landlot/District	N/A

View Map

Owner

NG BANKS COUNTY 206 LLC 120 S ZACK HINTON PARKWAY MC DONOUGH, GA 30253

Rural Land

Туре	Description	Calculation Method	Soil Productivity	Acres
Rt IR	bachooW	Rural	1	20
D5 10	Moodland	Petrol	3	18
RUR	Woodland	Rural	4	2
RUR	Woodland	Rural		90
RUR	breibooW	Rural	8	37
RUR	Woodland	Rural	9	1
RUR	Woodland	Rural	6	44.08

Sales

Sale Date	Deed Book / Page	Piat Book / Page	Sale Price	Reason	Grantor	Grantee
9/28/2020	489214	3 339	\$0	LENDING INSTITUTION TO LENDING INSTITUTION	NORTH GEORGIA CAPITAL INVESTMENTS LLC	NG BANKS COUNTY 206 LLC
3/7/2017	436 152	:	\$2,730,691	INVOLVED ADDITIONAL PARCELS	HENRY PROPERTY GROUP LLC	NORTH GEORGIA CAPITAL INVESTMENTS LLC
3/7/2017	436 140		\$1,836,690	INVOLVED ADDITIONAL PARCELS	SPPLANDLLC	HENRY PROPERTY GROUP LLC
12/30/2016	434 90		\$858,020	INVOLVED ADDITIONAL PARCELS	FORESTAR REAL ESTATE GROUP	SPP LAND LLC
12/30/2016	43476		\$643,781	INVOLVED ADDITIONAL PARCELS	FORESTAR PETROLEUM	SPP LAND LLC
12/30/2016	434.63		\$0	DEED OF GIFT, QUIT CLAIM, ESTATE SALE	FORESTAR REAL ESTATE	FORESTAR PETROLEUM
7/8/2016	427 1		\$969,064	RELATED INDIVIDUALS OR CORPORATIONS	FORESTAR (GA) REAL ESTATE	FORESTAR PETROLEUM CORPORATION
10/1/2007	00315 0307		\$0	INVOLVED ADDITIONAL PARCELS		
4/1/2007	00305 0481		\$2,560,300	INVOLVED ADDITIONAL PARCELS		
5/1/2006	00282 0349		\$0	INVOLVED ADDITIONAL PARCELS		
6/1/2005	00262 0007		\$90,600	RELATED INDIVIDUALS OR CORPORATIONS		
12/1/19B1	00025 0305		\$124,500	Qualilfied - Vacant Land		FORESTAR (GA) REAL ESTATE

Valuation

		2020	2019	2018	2017
Drovieus M	lan an a	\$513,488	\$513.488	\$466.876	\$466,876
Land Value		\$513,488	\$513,488	\$513,488	\$466,876
+ Improveme	nt Value	\$0	\$0	\$0	\$0
+ Arcesson	alue	\$0	\$0	\$0	\$0
= Current Va	Je .	\$513,48B	\$513,488	\$513,488	\$466,876

No data available for the following modules: Land, Conservation Use Rural Land, Residential Improvement information, Commercial Improvement Information, Mobile Homes, Accessory Information, Prebill Mobile Homes, Permits, Photos, Sketches.

The Banks County Assessor makes every effort to produce the most accurate information possible. He warranties, expressed or implicit are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change. User Privacy Policy GOPR Privacy Notice



Last Data Upload: 9/20/2021, 6:26:36 AM

Version 2.3.147

1/

(gPublic.net Banks County, GA

Summary						
Parcei Number Location Address Legal Description	876 023 NEAL RD GMD 1206 H/L					
Class	(Note: Not to be used on lega R3-Residential					
Zoning Tax District Millage Rate Acres Homestead Exemption Landlot/District	ARR County (District 00) 22,342 0.87	s only. Not to be used for zoning.)				
View Map						
Owner						
NORTH GEORGIA CAF 120 S ZACK HINTON F MCDONOUGH, GA 30						
Rural Land						
	escription nail Parcels	Calculation Method Rural		Soll Productivity 1		Acres 0.87
Residential Improv	ement Information					
Style Heated Square Feet Interior Walls Exterior Walls Foundation Attic Square Feet Basement Square Feet Year Built Roof Type Flooring Type Heating Type Number Of Rooms Number Of Bedrooms	1873 Tin Plywd, Linm None/Wall Unit O					
Number Of Full Bathro Number Of Half Bathro Number Of Half Bathr Number Of Plumbing I Value Condition House Address	coms 1. coms 0					
Accessory Informa	ation					
Description SHED (FAIR)	Year Bullt 1973	Dimensions/6 0x0 / 1	Units	identical Units O		Value \$2
Sales						
Deed 8 Sale Date Page 3/7/2017 436 15	Page	Sale Price Reason \$2,730,691 INVOLVED ADDITIO	Grant NAL PARCELS HENR	lor RY PROPERTY GROUP LLC	Grantee NORTH GEORGIA CAPIT LLC	ALINVESTMENTS
3/7/2017 436 14 12/30/2016 434 90 12/30/2016 434 76)	\$1,836,690 INVOLVED ADDITIO \$858,020 INVOLVED ADDITIO \$643,781 INVOLVED ADDITIO	NAL PARCELS FORE	AND LLC STAR REAL ESTATE STAR PETROLEUM	HENRY PROPERTY GROU SPP LAND LLC SPP LAND LLC	JPLLC

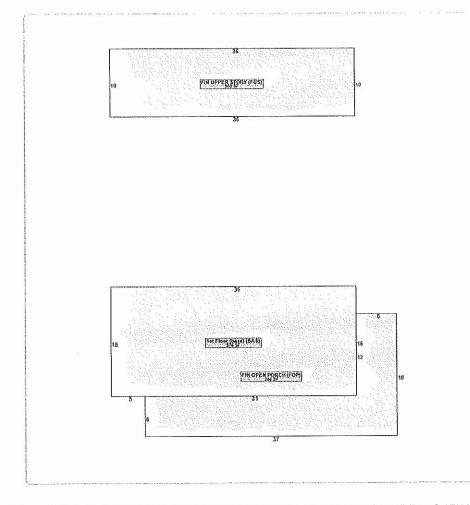
12/30/2016	434 90	\$8	58,020	INVOLVED ADDITIONAL PARCELS	FORESTAR REALESTATE	SPPLANDLLC
12/30/2016	434 76	\$64	43,781	INVOLVED ADDITIONAL PARCELS	FORESTAR PETROLEUM	SPPLANDLLC
12/30/2016	434 63	and the second second	\$0	INVOLVED ADDITIONAL PARCELS	FORESTAR REAL ESTATE	FORESTAR PETROLEUM
7/8/2016	427 1	\$90	69,064	RELATED INDIVIDUALS OR CORPORATIONS	FORESTAR (GA) REAL ESTATE	FORESTAR PETROLEUM CORPORATION
	335 560	3276 \$	16,000	Qualified - Improved	BAILEY WILLIAM E & ERNESTINE B	FORESTAR (GA) REAL ESTATE

Valuation

Valuation				
	2020	2019	2018	2017
Previous Value	\$28 543	\$24,629	\$11,728	\$11.728
Previous Value	\$7,248	\$7,248	\$5,575	\$4,84B
+ Improvement Value	\$23.016	\$21,293	\$19,052	\$6,680
+ Accessory Value	\$2	\$2	\$2	\$200
Current Value	\$30,266	\$28,543	\$24,629	\$11,728

Sketches

1L



No data available for the following modules: Land, Conservation Use Rural Land, Commercial Improvement Information, Mobile Homes, Prebill Mobile Homes, Permits, Photos.

The Backs County Assessor makes every effort to produce the most accurate information possible. No warcontins, expressed or implied are provided for the data herein, its use or interpretation. The assessment information is from the last certified tox roll. All other data is subject to change. User Privacy Policy GDPR Privacy Notice

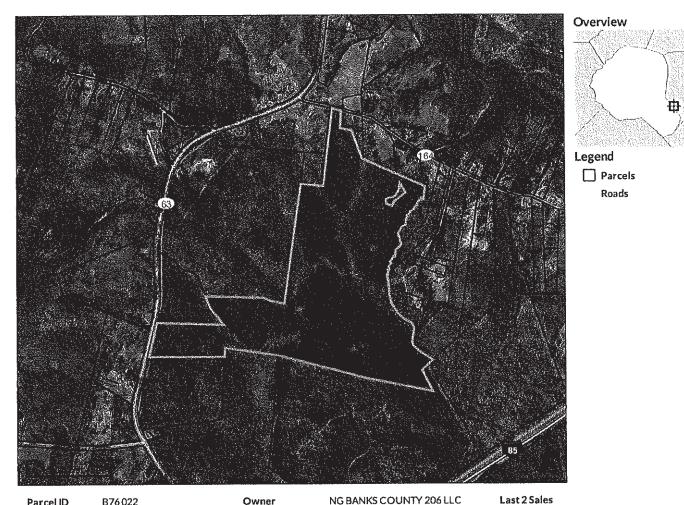


Last Data Upload: 9/20/2021, 6:26:36 AM

Version 2.3,147

2/2

(A) qPublic.net[™] Banks County, GA



 ParceID
 B76 022

 Class Code
 Agricultural

 Taxing Distric
 County

 Acres
 212.08

 (Note: Not to be used on legal documents)

Disclaimer: The Banks County Assessor makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change.

Value \$523642

Physical Address NEAL RD

Assessed Value

120 S ZACK HINTON PARKWAY

MC DONOUGH, GA 30253

Date

9/28/2020 0

Price

3/7/2017 \$1836690 N1

Reason Qual

U

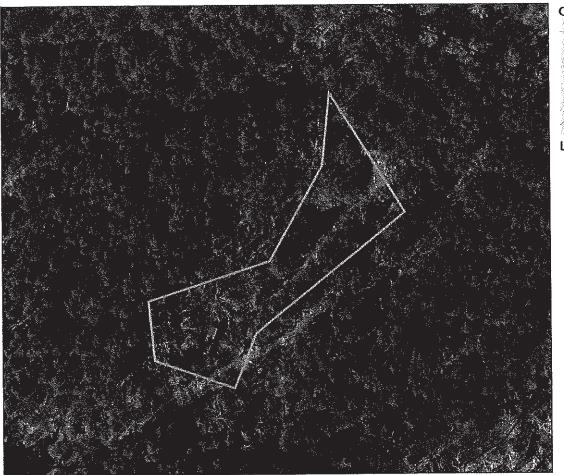
Ų

NN

Date created: 9/20/2021 Last Data Uploaded: 9/20/2021 6:26:36 AM

Developed by Schneider

qPublic.net[™] Banks County, GA





Parcels Roads

Parcel ID	B76023
Class Code	Residential
Taxing District	County
	County
Acres	0.87

Physical Address Assessed Value

Owner

NORTH GEORGIA CAPITAL INVESTMENTS LLC 120 S ZACK HINTON PARKWAY MCDONOUGH, GA 302533353 NEAL RD Value \$33789
 Last 2 Sale
 Price
 Reason
 Qual

 3/7/2017
 \$1836690
 N1
 U

 3/7/2017
 \$2730691
 N1
 U

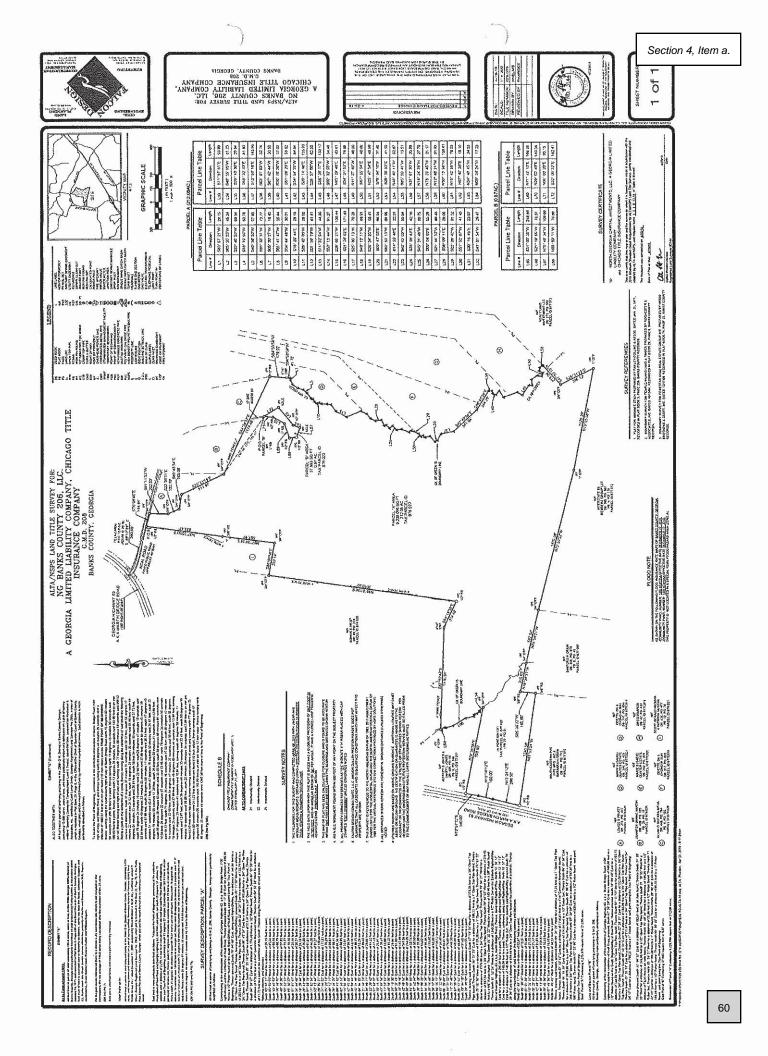
(Note: Not to be used on legal documents)

Disclaimer: The Banks County Assessor makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change.

Date created: 9/20/2021 Last Data Uploaded: 9/20/2021 6:26:36 AM

Developed by Schneider

59



eFiled & eRecorded DATE: 9/30/2020 TIME: 9:17 PM DEED BOOK: 00489 PAGE: 00214 - 00219 RECORDING FEES: \$25.00 TRANSFER TAX: \$0.00 PARTICIPANT ID: 7627571095 CLERK: Tim Harper Banks County, GA PT61: 006202000805

DAVID O. HARRIS, P.C.

118 S. MAIN STREET

JONESBORO, GA 30236

STATE OF GEORGIA.

COUNTY OF HENRY

LIMITED WARRANTY DEED OF CONTRIBUTION

THIS INDENTURE made this 28th day of September, 2020, by and between

NORTH GEORGIA CAPITAL INVESTMENTS, LLC, a Georgia limited liability company.

as party of the first part (hereinafter referred to as "Grantor"), and

NG BANKS COUNTY 206, LLC, a Georgia limited liability company.

as party of the second part (hereinafter referred to as "Grantee")

[the words "Grantor" and "Grantee" as used herein shall include both the singular and the plural and shall be deemed to include the masculine gender as well as the feminine gender where the context requires or permits and shall include the partles hereto and their respective heirs, executors, administrators, successors and assigns].

WITNESSETH that Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid at and before the scaling and delivery of these presents, the receipt and adequacy of which is hereby acknowledged, has granted, hargained, sold, aliened, conveyed, confirmed and CONTRIBUTED, and by these presents does grant, bargain, sell, alien, convey, confirm and CONTRIBUTE to the said Grantee, that real property located in Banks County. Georgia, being more particularly described in Exhibit A which is attached hereto and by reference incorporated herein and made a part of this description (hereinafter the "Property").

This conveyance is made subject to all casements and restrictions of record which affect the Property.

TO HAVE AND TO HOLD the Property, 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 Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the Property unto the said Grantee against the claims of all persons claim by, through or under Grantor, but not otherwise,

IN WITNESS WHEREOF, the Grantor has caused this deed to be executed by its duly authorized Manager on the day and year set forth above.

NORTH GEORGIA CAPITAL INVESTMENTS, LLC

BY: GOLDEN EAGLE CAPITAL INVESTMENTS, LLC Its Manager

> BY: SOUTHERN CONSULTING SERVICES, INC. Its Manager

> > BY:

Benjamin M. Helms. Its Vice-President

[Corporate Seal]

Signed, sealed and delivered in the presence of:

NOTARY PUBLIC

EXHIBIT A

(NG Baoks County 206, LEC)

All that tract or parcel of land lying and being in the 208th Georgia Militia District of Banks County, Georgia, being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, commence at the intersection of the centerline of Georgia Highway 63 (a/k/a Martin Bridge Road and having a 100' right-of-way) with the centerline of Neal Road (apparent 40' right-of-way); thence, South 69° 17' 39" East for a distance of 560.00 feet to a 1/2" rebar located on the southwesterly right-of-way of said Neal Road (which rebar is 20.38' South of the centerline of said Neal Road), said rebar being the POINT OF BEGINNING;

From said point of beginning thus established, thence, South 76° 06' 40" East along the southwesterly right-of-way of said Neal Road a distance of 144.84 feet to a 3/4" Open Top Pipe; Thence, South 01° 11' 53" West, leaving Neal Road, for a distance of 202.53 feet to a 3/4" Open Top Pipe; Thence, South 22° 36' 31" East for a distance of 132.79 feet to a 3/4" Open Top Pipe; Thence, South 80° 43' 34" East for a distance of 163.09 feet to a 3/4" Open Top Pipe; Thence, South 80° 43' 34" East for a distance of 163.09 feet to a 3/4" Open Top Pipe; Thence, South 25° 33' 19" East for a distance of 511.97 feet to a 3/4" Open Top Pipe; Thence, South 64° 38' 57" East for a distance of 1,174.48 feet to a 1/2" Rebar; Thence, South 04° 53' 59" West for a distance of 179.02 feet to a 4"x4" Concrete Monument; Thence, South 04° 53' 59" West for a distance of 41.72 feet to a point in the center of Arp Creek;

Thence along the meanderings of the centerline of said Arp Creek the following courses and distances:

South 83° 07' 21" West for a distance of 29.15 feet to a point; South 65° 55' 55" West for a distance of 45.24 feet to a point: South 33° 40' 53" West for a distance of 69.56 fect to a point; South 18º 19' 55" West for a distance of 60.78 feet to a point: South 40° 36' 30" West for a distance of 57.85 feet to a point: South 55° 33' 31" West for a distance of 73.77 feet to a point; South 05° 30' 27" West for a distance of 19,40 feet to a point: South 61° 41' 47" West for a distance of 35.44 feet to a point: South 34° 44' 48" West for a distance of 30.31 feet to a point; South 18° 29' 44" East for a distance of 28.18 feet to a point; South 28° 43' 06" West for a distance of 26.00 feet to a point; South 01° 59' 19" West for a distance of 61.81 feet to a point: South 11° 52' 54" West for a distance of 44.30 feet to a point: South 52° 13' 44" West for a distance of 91.27 feet to a point: South 28° 05' 21" West for a distance of 130.44 feet to a point: South 21° 56' 02" East for a distance of 171.63 feet to a point; South 25° 35' 13" West for a distance of 70.29 feet to a point; South 49° 12' 11" West for a distance of 68,91 feet to a point:

Page 1 of 4

South 26° 34' 25" West for a distance of 58.41 feet to a point; South 09° 47' 53" East for a distance of 66.54 feet to a point: South 62° 33' 13" West for a distance of 68.95 feet to a point; South 14° 55' 48" East for a distance of 22.01 feet to a point; South 42° 45' 03" West for a distance of 50.54 feet to a point; South 36° 56' 43" East for a distance of 42.16 feet to a point; South 45° 31' 48" West for a distance of 60.75 feet to a point; South 09° 04' 03" East for a distance of 55.28 feet to a point; South 21° 44' 33" West for a distance of 89.43 feet to a point; South 38° 09' 11" East for a distance of 29.06 feet to a point; South 22° 28' 42" West for a distance of 91.32 feet to a point; South 51° 52' 07" West for a distance of 41.43 feet to a point; South 30° 16' 45" East for a distance of 23.97 feet to a point; South 43° 01' 54" West for a distance of 29.47 feet to a point: South 11º 57' 51" East for a distance of 53.99 feet to a point; South 46° 55' 05" West for a distance of 81.23 feet to a point; South 29° 10' 30" East for a distance of 29.94 feet to a point; South 59° 32' 43" East for a distance of 81.80 feet to a point; South 10° 59' 18" East for a distance of 143.96 feet to a point; South 42° 49' 54" East for a distance of 341.04 feet to a point; South 58° 40' 38" East for a distance of 244.20 feet to a point; South 03° 01' 03" West for a distance of 32.74 feet to a point; South 67° 42' 44" West for a distance of 30.50 feet to a point: South 20° 18' 26" West for a distance of 37.00 feet to a point; South 51° 08' 23" East for a distance of 53.02 feet to a point; South 54° 54' 39" West for a distance of 84.84 feet to a point: South 20° 14' 48" East for a distance of 155.93 feet to a point: South 28° 57' 00" West for a distance of 62.00 feet to a point: South 56° 36' 17" East for a distance of 130.12 feet to a point; South 02° 32' 55" West for a distance of 34.40 feet to a point; North 83° 29' 48" East for a distance of 63.61 feet to a point; South 34° 31' 52" East for a distance of 78.99 feet to a point: South 11° 27' 49" West for a distance of 46.50 feet to a point; South 67° 55' 54" East for a distance of 40.66 feet to a point: North 25° 47' 54" East for a distance of 48.99 feet to a point; South 79° 04' 10" East for a distance of 37.40 feet to a point; South 29° 30' 52" East for a distance of 41.55 feet to a point;

thence leaving said creek, South 47° 53' 15" West for a distance of 279.04 feet to a 3/4" Open Top Pipe; Thence, South 26° 31' 23" East for a distance of 396.12 feet to a 1" Open Top Pipe; Thence, North 79° 05' 58" West for a distance of 1128.29 feet to a 1" Open Top Pipe; Thence, North 75° 53' 22" West for a distance of 1576.98 feet to a 3/4" Open Top Pipe; Thence, North 76° 54' 21" West for a distance of 597.54 feet to a 3/4" Open Top Pipe; Thence, North 76° 54' 21" West for a distance of 597.54 feet to a 3/4" Open Top Pipe; Thence, North 76° 54' 21" West for a distance of 597.54 feet to a 3/4" Open Top Pipe; Thence, North 78° 54' 53" West for a distance of 316.65 feet to a 5/8" Rebar; Thence, South 05° 30' 22" West for a distance of 165.60 feet to a 5/8" Rebar; Thence, North 81° 53' 24" West for a distance of

Page 2 of 4

1240.58 feet to a 1/2" Rebar Set on the Easterly Right-of-Way line of Georgia Highway 63 (a/k/a Martin Bridge Road); Thence along said Right-of Way, North 13° 34' 12" East for a distance of 296.50 feet to a point; Thence continuing along said Right-of-Way, North 13° 16' 12" East for a distance of 160.00 feet to a point; Thence continuing along said Right-of-Way, North 13° 16' 12" East for a distance of 160.00 feet to a point; Thence continuing along said Right-of-Way, North 10° 57' 12" East for a distance of 140.60 feet to a 1/2" Rebar Set; Thence leaving said Right-of-Way, South 78° 36' 36" East for a distance of 959.69 feet to a ¼" open top pipe located in the center of a creek or branch:

thence along the meanderings of the centerline of said creek or branch the following courses and distances:

North 43° 49' 11" West for a distance of 52.87 feet to a point;
South 85° 50' 41" West for a distance of 13.51 feet to a point;
North 31° 01' 30" West for a distance of 35.98 feet to a point;
North 18° 34' 35" West for a distance of 27.70 feet to a point;
North 76° 23' 45" West for a distance of 21.17 feet to a point;
North 72° 48' 21" West for a distance of 91.93 feet to a point;
North 30° 13' 56" West for a distance of 159.61 feet to a point;
North 16° 45' 38" West for a distance of 76.53 feet to a point;
North 07° 45' 38" East for a distance of 18.10 feet to a point;
North 34° 40' 45" West for a distance of 34.53 feet to a point;

thence leaving said branch North 09° 34' 24" West for a distance of 17.23 feet to a 1" Open Top Pipe; Thence, South 87° 52' 42" East for a distance of 1116.91 feet to a 4"x4" Concrete Monument: Thence, South 64° 19' 30" East for a distance of 314.46 feet to a 1/2" Rebar Set; Thence, North 08° 01' 04" East for a distance of 2070.60 feet to a 3/4" Open Top Pipe; Thence, South 80° 06' 56" East for a distance of 359.14 feet to a 3/4" Open Top Pipe; Thence, North 07° 34' 39" East for a distance of 567.97 feet to a 5/8" Rebar; Thence, North 07° 35' 00" East for a distance of 839.47 feet to a 1/2" Rebar located on the southwesterly right-of-way of Neal Road (which rebar is 20.38' South of the centerline of Neal Road) which is the Point of Beginning.

The property described above contains **212.95** Acres (or 9,275,979 square feet) and is identified as Parcel "A" on plat of *ALTA NSPS Land Title Survey for NG Banks County 206, LLC, a Georgia Limited Liability Company, and Chicago Title Insurance Company* by Falcon Design Consultants dated 4/19/2019, revised 4/23/2019, and this parcel is identified as Parcel Number B76-022 by the Tax Assessors of Banks County.

LESS AND EXCEPT FROM THE ABOVE-DESCRIBED PARCEL is all that tract or parcel of land lying and being in the 208th Georgia Militia District of Banks County, Georgia, and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, commence at the intersection of the centerline of Georgia Highway 63 (a/k/s Martin Bridge Road and having a 100' right-of-way) and the

Page 3 of 4

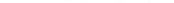
centerline of Neal Road (having an apparent 40' right-of-way); thence, South 67° 39' 39" East for a distance of 560.00 feet to a 1/2" rebar located on the southwesterly right-of-way of said Neal Road (which rebar is 20.38' South of the centerline of Neal Road); Thence, South 76° 06' 40" East along the southwesterly right-of-way of said Neal Road for a distance of 144.84 feet to a 3/4" Open Top Pipe: Thence, South 01° 11' 53" West, leaving Neal Road, for a distance of 202.53 feet to a 3/4" Open Top Pipe: Thence, South 22° 36' 31" East for a distance of 132.79 feet to a 3/4" Open Top Pipe; Thence, South 80° 43' 34" East for a distance of 163.09 feet to a 3/4" Open Top Pipe; Thence, South 80° 43' 34" East for a distance of 163.09 feet to a 3/4" Open Top Pipe; Thence, South 25° 33' 19" East for a distance of 511.97 feet to a 3/4" Open Top Pipe; Thence, South 54° 56' 17" East for a distance of 765.31 feet to a 1/2" Rebar, which is the **POINT OF BEGINNING**;

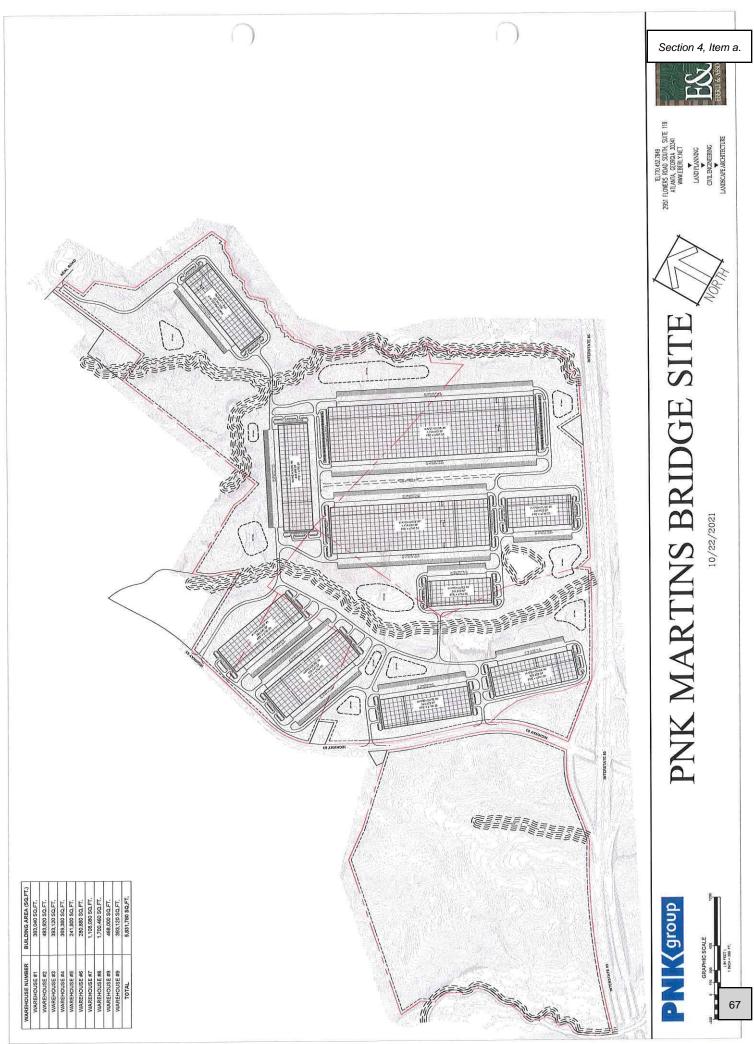
From said point of beginning thus established, thence, South 32° 06' 52" East for a distance of 182.41 feet to an Axle; Thence, South 51° 00' 35" West for a distance of 248.86 feet to a 1/2" Open Top Pipe; Thence, South 21° 19' 55" West for a distance of 76.51 feet to an Axle; Thence, North 70° 49' 34" West for a distance of 109.96 feet to a 1/2" Rebar Set; Thence, North 05° 59' 11" West for a distance of 76.89 feet to a 1/2" Rebar; Thence, North 71° 42' 10" East for a distance of 166.38 feet to a 1" Rebar; Thence, North 29° 02' 49" East for a distance of 140.58 feet to a 1/2" Rebar; Thence, North 06° 00' 20" East for a distance of 95.15 feet to a 1/2" Rebar which is the Point of Beginning.

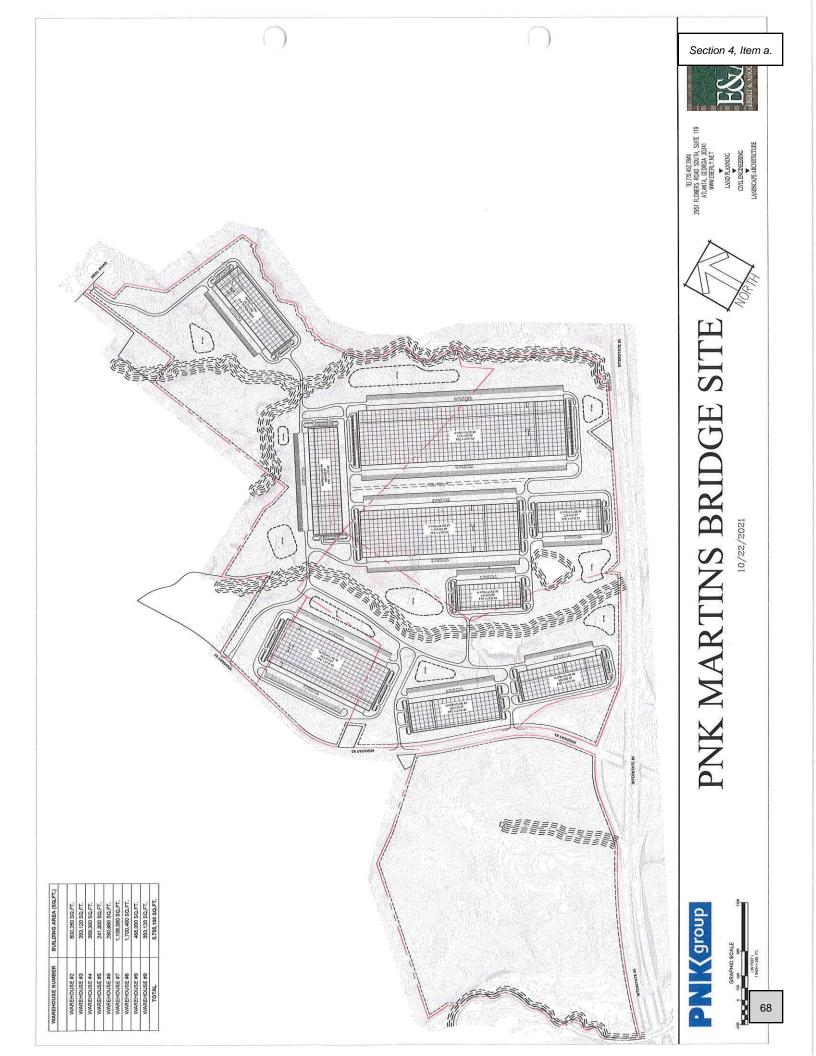
This excepted parcel contains **0.87** Acre (or 37.883 square feet) and is identified as Parcel "B" on plat of *ALTA/NSPS Land Title Survey for NG Banks County 206, LLC, a Georgia Limited Liability Company, and Chicago Title Insurance Company* by Falcon Design Consultants dated 4/19/2019, revised 4/23/2019, and this parcel is identified as Parcel Number B76-023 by the Tax Assessors of Banks County,

As shown above, Parcel A contains 212.95 Acres, and Parcel B (the excepted parcel) contains 0.87 Ac, thereby making the net area of land conveyed as **212.08 Acres** (or 9,238,096 square feet).

Page 4 of 4









LAND PLANNING CIVIL ENGINEERING LANDSCAPE ARCHITECTURE

PRINCIPALS

Daniel L. Eberly Scott L. Gardner

KEVIN S. EDWARDS BRIAN K. BRUMFIELD

Associates

MICHAEL A. WRIGHT

Jeremiah C. Phillips Wesley S. Reed Arlene Z. Mohammed Novemeber 28, 2021

Banks County Government Planning and Development 150 Hudson Ridge, Suite 4, Homer GA 30547

Subject: PNK Banks County Industrial Park Letter of Intent

To whom it may concern:

PNK Group is proposing a new industrial park in Banks County. The site doesn't currently have a physical address but is located at the northeast intersection of I-85 and Georgia State Route 63. The development included Banks County parcels B77 008, B77 010, B76 022, and B77 012. It is our understanding that the sites are currently zoned General Commercial (C-2) and Agricultural-Rural Residential (ARR). The site is undeveloped with no visible structures present. The only physical features present on the property are streams that flow to the southern portion of property.

The planned development will require rezoning to comply with Banks County Code of Ordinances. The site development will include construction of multiple industrial warehouses of various sizes in this newly planned industrial park.

Sincerely,

EBERLY & ASSOCIATES, INC.

Antonio Sample Senior Project Manager Eberly & Associates <u>asample@eberly.net</u> (678) 287-4745

WWW.EBERLY.NET

Tel: 770.452.7849 Fax: 770.452.0086

Section 6, Item a.

ADVERTISED_____ PUBLIC HEARING_____ PUBLIC HEARING_____ ADOPTED_____

ORDINANCE NO.

AN **ORDINANCE** TO AMEND CHAPTER 74 **ENTITLED** "SUBDIVISIONS", ARTICLE III ENTITLED "DEFINITIONS, SECTION 74-61; BY DELETING THE CURRENT CLASSES OF SUBDIVISIONS; CHANGING THE CURRENT CLASSES OF SUBDIVISIONS FROM FOUR TO FIVE; PROVIDING FOR CERTAIN MINIMUM LOT SIZES; TO PROVIDE FOR CERTAIN ZONING **DISTRICTS;** TO DEFINE SUBDIVIDE; TO PROVIDE FOR AN EFFECTIVE DATE AND TO **REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.**

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend CHAPTER 74 ENTITLED "SUBDIVISIONS", ARTICLE III ENTITLED "DEFINITIONS, SECTION 74-61 TO PROVIDE FOR DIFFERENT CLASSES OF SUBDIVISIONS;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS COUNTY, GEORGIA, AS FOLLOWS:

-1-

ARTICLE III Entitled "Definitions", Section 74-61 is hereby amended by deleting classes of subdivisions in its entirety and substituting in lieu thereof the following:

Classes of subdivisions means subdivisions as divided into five classes as follows:

(1) Class I: A subdivision involving the division of a tract or parcel of land among immediate family members into two or more lots or parcels;

(2) Class II: A subdivision involving the division of a tract or parcel of land into two to four lots or parcels with a five acre minimum lot size; and

(3) Class III: A subdivision involving a division of a tract or parcel of land into five to nine lots or parcels and shall be zoned R-1 with a ten acre minimum lot size.

(4) Class IV: A subdivision involving a division of a tract or parcel of land into ten or more lots or parcels and shall be zoned R-1.

(5) Minor Subdivision: A subdivision involving the division of a tract or parcel of land into two lots or parcels or tracts.

-2-

ARTICLE III Entitled "Definitions", Section 74-61 is hereby amended by inserting after the word "Street" and before the word "Subdivider" the definition of the word "Subdivide".

Subdivide means to divide the parts into more parts; or to divide into several parts.

-3-

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 hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof. If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall 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. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

-5-

This Resolution is hereby adopted this _____ day of _____, 2021, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____day of ______, 2021, the public health, safety and general welfare demanding it.

BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

Section 6, Item b.

ADVERTISED
PUBLIC HEARING
PUBLIC HEARING
ADOPTED

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 74 ENTITLED "SUBDIVISIONS", ARTICLE V ENTITLED "GENERAL DESIGN AND OTHER REQUIREMENTS", SECTION 74-123 ENTITLED "ACCESS"; TO PROVIDE PUBLIC ROAD ACCESS FOR CERTAIN CLASSES OF SUBDIVISIONS; REDUCE THE LOTS THAT CAN BE DEPENDENT ON A SINGLE ROAD; TO REQUIRE SEPARATE DRIVEWAYS IN CERTAIN CLASSES OF SUBDIVISIONS; TO AMEND SECTION 74-126 ENTITLED "EASEMENTS"; TO PROVIDE FOR MINIMUM WIDTH OF EASEMENTS; TO PROVIDE THAT EASEMENTS MUST BE APPROVED BY THE PLANNING COMMISSION AND BOARD OF COMMISSIONERS; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend CHAPTER 74 ENTITLED "SUBDIVISIONS", ARTICLE V ENTITLED "GENERAL DESIGN AND OTHER REQUIREMENTS", SECTION 74-123 Entitled "Access" to provide for public access to certain classes of subdivisions, to reduce the number of lots that are dependent on a single road and to require a driveway for each residence in certain classes of subdivisions;

WHEREAS, the Board of Commissioners of Banks County desires to amend CHAPTER 74 ENTITLED "SUBDIVISIONS", ARTICLE V ENTITLED "GENERAL DESIGN AND OTHER REQUIREMENTS", SECTION 74-126 Entitled "Easements" to provide for the minimum width and approval of Easements;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS COUNTY, GEORGIA, AS FOLLOWS:

-1-

ARTICLE V ENTITLED "GENERAL DESIGN AND OTHER REQUIREMENTS", SECTION 74-123 Entitled "Access" is hereby amended by deleting SECTION 74-123 in its entirety and substituting in lieu thereof the following:

Sec. 74-123.—Access.

An impact study shall be required on all Class III and Class IV subdivides. Access to every Subdivision shall be over a county maintained or state maintained public access road, except as otherwise specifically provided in this chapter. Access to a Class III and Class IV Subdivision shall be over a County maintained paved road with a dedicated right-of-way of at least 200 feet. Access to Class III a subdivisions not in a R-1, Single Family Residential District, shall be over a County maintained paved road. Access cannot be provided over private easement, except as otherwise specifically provided in this chapter. No more than 50 lots in a subdivision can be dependent on a single road for access/exit - to/from a subdivision if the access is to/from a County road and no more than 75 lots in a subdivision can be dependent on a single road for access/exit - to/from a subdivision if the access is to/from a State of Georgia Highway. Subdivisions with 25 or more lots shall have an acceleration-deceleration lane (length to be determined by planning commission but not more than 150 feet and width of 20 feet) at the entrance to the subdivision. Subdivisions with ten or more lots shall have concrete curb and gutters. The concrete curb and gutters shall be constructed with 3,000 pound concrete at 28-day breaking strength. Construction shall be of 3,000 P.S.I. concrete 24 inches wide (see plate 3 codified in this section and included at the end of this title as Appendix E). The curb and gutter shall be so constructed as to present a smooth, even line both vertically and horizontally. One-half inch expansion joints shall be provided at intervals not to exceed 50 feet, at the ends and midpoint of returns, and at any point where the new curb and gutter abuts other concrete structures with pre-shaped joints every ten feet. Each Class II, Class III and Class IV subdivide shall have a driveway for each residence.

-2-

ARTICLE V ENTITLED "GENERAL DESIGN AND OTHER REQUIREMENTS", SECTION 74-126 Entitled "Easements" is hereby amended by deleting SECTION 74-126 in its entirety and substituting in lieu thereof the following:

Sec. 74-126.—Easements.

Easements having a minimum width of 20 feet and located along the front, side and rear lot lines shall be provided for utility lines, underground mains, and cables. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater or drainage right-of-way of adequate width and parallel streets may be required by the planning commission. When suitable road shoulder slopes cannot be obtained within prescribed road right-of-way widths, slope easements shall be required on abutting lots. All easements shall be approved by the Planning Commission and the Board of Commissioners.

-3-

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 hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

-4-

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall 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. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

-5-

This Resolution is hereby adopted this _____ day of _____, 2021, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____day of ______, 2021, the public health, safety and general welfare demanding it.

BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Section 6, Item b.

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

(SEAL)

1077859-1

23208

ADVERTISED
PUBLIC HEARING
PUBLIC HEARING
ADOPTED

ORDINANCE NO._____

AN **ORDINANCE** TO AMEND **CHAPTER** 74 **ENTITLED** "SUBDIVISIONS", ARTICLE VI ENTITLED "REQUIREMENTS FOR STREETS AND OTHER RIGHT OF WAY", SECTION 74-164 ENTITLED "CUL-DE-SAC OR DEAD-END STREETS", SUBSECTION (A); TO PROVIDE FOR THE DIAMETER OF A TURNAROUND; TO AMEND SECTION 74-168, ENTITLED "RIGHT OF WAY ON EXISTING STREETS," TO PROVIDE FOR THE DEDICATION OF CERTAIN ROAD **RIGHT OF WAYS; TO AMEND 74-171 ENTITLED "SINGLE ENTRY** ROAD RESTRICTION"; TO PROVIDE FOR NUMBER OF LOTS THAT CAN BE DEPENDENT ON A SINGLE ROAD; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend CHAPTER 74 ENTITLED "SUBDIVISIONS", ARTICLE VI ENTITLED "REQUIREMENTS FOR STREETS AND OTHER RIGHT OF WAY", SECTION 74-164 Entitled ""CUL-DE-SAC", Subsection (a) to provide for the diameter of turnarounds; WHEREAS, the Board of Commissioners of Banks County desires to amend CHAPTER 74 ENTITLED "SUBDIVISIONS", ARTICLE VI ENTITLED "REQUIREMENTS FOR STREETS AND OTHER RIGHT OF WAY", SECTION 74-168 Entitled "Right of Way on Existing Streets" to provide for the dedication of certain right of ways;

WHEREAS, the Board of Commissioners of Banks County desires to amend CHAPTER 74 ENTITLED "SUBDIVISIONS", ARTICLE VI ENTITLED "REQUIREMENTS FOR STREETS AND OTHER RIGHT OF WAY", SECTION 74-171 Entitled "Single Entry Road Restriction" to provide for the number of lots that can be dependent on a single roadway;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS COUNTY, GEORGIA, AS FOLLOWS:

-1-

ARTICLE VI ENTITLED "REQUIREMENTS FOR STREETS AND OTHER RIGHT OF WAY", SECTION 74-164 Entitled ""CUL-DE-SAC OR DEAD-END STREETS", Subsection (a) is hereby amended by deleting Subsection (a) in its entirety and substituting in lieu thereof the following:

Sec. 74-164.— Cul-de-sac or dead-end streets..

(a) Minor streets or courts designed to have one end permanently closed shall be no more than 1,600 feet long unless necessitated by topography. Minor street or courts shall be provided with a turnaround at the closed end of at least 100 ft in diameter.

-2-

ARTICLE VI ENTITLED "REQUIREMENTS FOR STREETS AND OTHER RIGHT OF WAY", SECTION 74-168 Entitled "Right-of-way on existing streets" is hereby amended by deleting SECTION 74-168 in its entirety and substituting in lieu thereof the following:

Sec. 74-168.—Right-of-way on existing streets.

(a) The owner/developer of a Class II or a Class III subdivision that adjoins existing county streets or roads shall dedicate 40 feet of right-of-way to the county on each side of the road or street measured from the centerline of the existing roadway where any part of the subdivision subdivide is on both sides of the street or road and

(b) The owner/developer of a Class II or a Class III subdivision that adjoins existing county streets or roads shall dedicate 40 feet of right-of-way to the county on one side of an existing street or road, measured from the centerline of the existing roadway, if the Class II or Class III subdivision is located on only one side of an existing street or road.

-3-

ARTICLE VI ENTITLED "REQUIREMENTS FOR STREETS AND OTHER RIGHT OF WAY", SECTION 74-171 Entitled "Single entry road restriction" is hereby amended by deleting SECTION 74-171 in its entirety and substituting in lieu thereof the following:

Sec. 74-171. - Single entry road restriction.

No more than 50 lots in a subdivision can be dependent on a single road for access/exit - to/from a subdivision if the access is to/from a county road and no more than 75 lots in a subdivision can be dependent on a single road for access/exit - to/from a subdivision if the access is to/from a State of Georgia Highway.

-4-

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 hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

-5-

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall 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. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

-6-

This Resolution is hereby adopted this _____ day of _____, 2021, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____day of ______, 2021, the public health, safety and general welfare demanding it.

BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Commissioner

Section 6, Item c.

Commissioner

Commissioner

ATTEST:

County Clerk

(SEAL)

1079688-1

ADVERTISED
PUBLIC HEARING
PUBLIC HEARING
ADOPTED

ORDINANCE NO.

AN ORDINANCE TO AMEND **CHAPTER** 74 ENTITLED "SUBDIVISIONS", ARTICLE VII ENTITLED "DESIGN STANDARDS FOR BLOCKS AND LOTS ", SECTION 74-201 ENTITLED "BLOCK LENGTHS AND WIDTHS"; TO PROVIDE FOR MINIMUM AND MAXIMUM BLOCK LENGTHS AND WIDTHS; TO AMEND SECTION 74-202 ENTITLED "LOT SIZES AND PROPORTIONS"; SUBSECTION (B), TO PROVIDE FOR MINIMUM LOT SIZE IF SERVED BY SEPTIC SYSTEM AND PRIVATE WELL; TO AMEND SECTION 74-204 ENTITLED "PANHANDLE OR FLAG LOTS"; TO PROHIBIT SAME IN SUBDIVISIONS, TO AMEND SECTION 74-205 ENTITLED "BUILDING SETBACK LINES"; TO PROVIDE FOR MINIMUM SETBACK LINES; TO AMEND SECTION 74-206 ENTITLED "UTILITIES"; TO PROVIDE FOR UTILITIES TO BE UNDERGROUND IN CERTAIN CLASSES OF SUBDIVISION; TO PROVIDE FOR AN EFFECTIVE DATE AND TO **REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.**

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend CHAPTER 74 ENTITLED "SUBDIVISIONS", ARTICLE VII ENTITLED "DESIGN STANDARDS FOR BLOCKS AND LOTS", SECTION 74-201 Entitled "Block lengths and widths" to provide for the minimum and maximum block lengths and widths in subdivisions;

WHEREAS, the Board of Commissioners of Banks County desires to amend CHAPTER 74 ENTITLED "SUBDIVISIONS", ARTICLE VII ENTITLED "DESIGN STANDARDS FOR BLOCKS AND LOTS"; SECTION 74-202 Entitled "Lot sizes and proportions" Subsection (b) to provide for minimum lot size if zoned residential;

WHEREAS, the Board of Commissioners of Banks County desires to amend CHAPTER 74 ENTITLED "SUBDIVISIONS", ARTICLE VII ENTITLED "GENERAL DESIGN AND OTHER REQUIREMENTS", SECTION 74-204 Entitled "Panhandle or flag lots" to prohibit same;

WHEREAS, the Board of Commissioners of Banks County desires to amend CHAPTER 74 ENTITLED "SUBDIVISIONS", ARTICLE VII ENTITLED "DESIGN STANDARDS FOR BLOCKS AND LOTS"; SECTION 74-205 Entitled "Building setback lines" to provide for minimum building set back lines;

WHEREAS, the Board of Commissioners of Banks County desires to amend CHAPTER 74 ENTITLED "SUBDIVISIONS", ARTICLE VII ENTITLED "DESIGN STANDARDS FOR BLOCKS AND LOTS"; SECTION 74-206 Entitled "Utilities" to provide for utilities to be underground in certain classes of subdivisions; minimum building set back lines;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS COUNTY, GEORGIA, AS FOLLOWS:

-1-

ARTICLE VII ENTITLED "DESIGN STANDARDS FOR BLOCKS AND LOTS", SECTION 74-201 Entitled "Block lengths and widths" is hereby amended by deleting Section 74-201 in its entirety and substituting in lieu thereof the following:

Sec. 74-201.— Block lengths and widths.

Block lengths and widths shall be as follows:

(1) Blocks shall not be greater than 1,800 feet nor less than 600 feet in length, except in unusual severe circumstances must obtain approval of the Planning Commission.

(2) Blocks shall be wide enough to allow two tiers of lots, except where fronting on major thoroughfares, limited access highways, or railroads, or prevented by topographical conditions or size of property. In these cases the planning commission may approve a single tier of lots of minimum depth to include a buffer zone.

-2-

ARTICLE VII ENTITLED "GENERAL DESIGN AND OTHER REQUIREMENTS", SECTION 74-202 Entitled "Lot sizes and proportions" is hereby amended by deleting SECTION 74-202(b) in its entirety and substituting in lieu thereof the following:

Sec. 74-202.—Lot sizes and proportions.

(b) Residential lots shall have a depth of not less than 150 feet and not less than 200 feet wide at building site, except that flag lots and cul-de-sac lots shall be 200 feet wide at the building line. Lots served by septic system and private well shall be at least 2 acres in area if zoned residential (R-1) and two acres in all other zoning districts.

-3-

ARTICLE VII ENTITLED "GENERAL DESIGN AND OTHER REQUIREMENTS", SECTION 74-204 Entitled "Panhandle or flag lots" is hereby amended by deleting SECTION 74-204 in its entirety and substituting in lieu thereof the following:

Sec. 74-204. - Panhandle or flag lots.

Panhandle or flag lots are prohibited.

-4-

ARTICLE VII ENTITLED "GENERAL DESIGN AND OTHER REQUIREMENTS", SECTION 74-205 Entitled "Building setback lines" is hereby amended by deleting SECTION 74-205 in its entirety and substituting in lieu thereof the following:

Sec. 74-205. - Building setback lines.

(a) Building setback lines shall be indicated on each plat.

(b) The minimum building setback lines on each lot shall be no less than 30 feet from each side lot line and 30 feet from the rear lot line.

(c) The minimum building set back line for the front lot line shall be 75 feet from the road right-of-way.

-5-

ARTICLE VII ENTITLED "GENERAL DESIGN AND OTHER REQUIREMENTS", SECTION 74-206 Entitled "Utilities" is hereby amended by deleting SECTION 74-206 in its entirety and substituting in lieu thereof the following:

Sec. 74-206. - Utilities.

All utilities in a Class II, Class III and Class IV subdivisions shall be underground.

-6-

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 hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

-7-

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall 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. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

-8-

This Resolution is hereby adopted this _____ day of _____, 2021, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____day of ______, 2021, the public health, safety and general welfare demanding it.

BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

(SEAL)

1079688-1

23208

Section 6, Item e.

ADVERTISED
PUBLIC HEARING
PUBLIC HEARING
ADOPTED

ORDINANCE NO.

CHAPTER AN **ORDINANCE** TO AMEND 74 **ENTITLED** ARTICLE VIII **ENTITLED** "REQUIRED "SUBDIVISIONS", IMPROVEMENTS", SECTION 74-234 ENTITLED "STORM DRAINAGE"; TO PROVIDE FOR AN "AS BUILT SURVEY" SHALL BE PROVIDED TO PLANNING DEPARTMENT WHEN CONSTRUCTION THE IS COMPLETE; TO AMEND SECTION 74-235 ENTITLED "STORM DRAINAGE PLAN"; TO PROVIDE FOR AN "AS BUILT SURVEY" SHALL BE PROVIDED TO THE PLANNING DEPARTMENT WHEN CONSTRUCTION IS COMPLETE; TO AMEND SECTION 74-238 ENTITLED "WATER SUPPLY SYSTEM" SUBSECTION (C); TO PROVIDE FOR FIRE HYDRANTS AT 500 FEET INTERVALS; TO AMEND SECTION 74-242 (4) AND (5) ENTITLED "GUARANTEE OF QUALITY OF IMPROVEMENTS"; TO PROVIDE FOR A BOND FOR ROAD SYSTEM MAINTENANCE WILL BE BASED UPON A COST OF \$500,000 PER MILE; TO PROVIDE FOR AN EFFECTIVE DATE AND TO **REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.**

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend CHAPTER 74 ENTITLED "SUBDIVISIONS", ARTICLE VIII ENTITLED "REQUIRED IMPROVEMENTS", SECTION 74-234 Entitled "Storm Drainage" to provide for the County Planning Department to receive AS Built Survey when construction is complete;

WHEREAS, the Board of Commissioners of Banks County desires to amend CHAPTER 74 ENTITLED "SUBDIVISIONS", ARTICLE VIII ENTITLED "REQUIRED IMPROVEMENTS", SECTION 74-235 Entitled "Storm drainage plan" to provide for the County Planning Department to receive AS Built Survey when construction is complete;

WHEREAS, the Board of Commissioners of Banks County desires to amend CHAPTER 74 ENTITLED "SUBDIVISIONS", ARTICLE VIII ENTITLED "REQUIRED IMPROVEMENTS", SECTION 74-238(c) Entitled "Water Supply System" to provide for fire hydrants to be not more than 500 feet apart;

WHEREAS, the Board of Commissioners of Banks County desires to amend CHAPTER 74 ENTITLED "SUBDIVISIONS", ARTICLE VIII ENTITLED "REQUIRED IMPROVEMENTS", SECTION 74-242(4) and (5) Entitled "Guarantee of quality of improvements" to provide for the bond shall be based upon a total cost for the street system of 500,000.00 per mile and inspection by county road engineer or design engineer;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS COUNTY, GEORGIA, AS FOLLOWS:

-1-

ARTICLE VIII ENTITLED "REQUIRED IMPROVEMENTS", SECTION 74-234 Entitled "Storm Drainage" is hereby amended by adding a sentence to Section 74-234 so when added Section 74-234 will read as follows:

Sec. 74-234.— Storm drainage.

An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of

all surface water. Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway (roadway is defined as the portion of a road or street within the limits of construction) and the required slopes. The size of pipe to be provided shall be determined by an engineer, but in no case shall the pipe diameter be less than 18 inches. A copy of As-Built Survey shall be provided at the end of construction.

-2-

ARTICLE VIII ENTITLED "REQUIRED IMPROVEMENTS", SECTION 74-235 Entitled "Storm Drainage Plan" is hereby amended by adding a sentence to Section 74-235 so when added Section 74-235 will read as follows:

Sec. 74-235.— Storm drainage plan.

74-235. - Storm drainage plan.

A storm drainage plan shall be submitted at the request for a grading permit stage and shall contain the following information:

(1) Location of proposed drainage ways, streams and sediment ponds within the development.

(2) Location, size, and invert elevations of proposed drainage structure including culverts, bridges, pipes, drop inlets and top elevations of head walls, diversion ditches, etc.

(3) Area of land contributing runoff to each drainage feature.

(4) Location of easements and right-of-way for drainage ways and maintenance accesses therefor.

(5) Typical improvement around drainage features and culverts, if any.

(6) Direction of water flow throughout the subdivision and computed velocities at those points deemed necessary by the review of the planning commission staff.

(7) Detailed engineering drawings on all impoundment structures, dams, sediment ponds, etc.

(8) A copy of As-Built Survey shall be provided at the end of construction.

-3-

ARTICLE VIII ENTITLED "REQUIRED IMPROVEMENTS", SECTION 74-238(c) Entitled "Water Supply System" is hereby amended by deleting SECTION 74-238(c) in its entirety and substituting in lieu thereof the following:

Sec. 74-238. - Water supply system.

(c) Fire hydrants must be provided at no more than 500 feet intervals whenever a community water system is used in the subdivision or a public water system is available to be used.

-4-

ARTICLE VIII ENTITLED "REQUIRED IMPROVEMENTS", SECTION 74-242 (4) AND (5) ENTITLED "GUARANTEE OF QUALITY OF IMPROVEMENTS"; is hereby amended by deleting SECTION 74-242 (4) AND (5) in their entirety and substituting in lieu thereof the following:

Sec. 74-242. - Guarantee of quality of improvements.

(4) At the time the final plat is submitted for approval, the subdivider shall post with the county a cash bond or a performance bond or an irrevocable letter of credit or escrow deposit (collectively the "bond") approved by the field representative or the chairman of the board of commissioners (form of bond provided by Banks County and included in this section) in an amount equal to 50 percent of the total cost of the street system, (the bond shall be based upon a total cost for the street system of \$500,000.00 per mile) including grading, base, pavement, drainage and utility improvement costs as shown on the final plat for the subdivision and/or as required by the Banks County Subdivision Regulations. The bond will guarantee the county that the street, drainage and utilities have been installed in a good workman-like manner, that the improvements are free from defects caused by faulty material or workmanship or otherwise, that the improvements were constructed and installed in accordance with the Banks County Subdivision Regulations, that the improvements will remain in good condition for a period of at least one year from

the date certificate of occupancy is approved and that the subdivider will repair and maintain the improvements for such one year period. At the end of such one year period, upon inspection of the road by the county road engineer or designated engineer, if the streets have settled, or grass not growing or drainage not working or be otherwise unacceptable because of faulty workmanship or material or otherwise, the defective conditions shall be repaired at the cost of the subdivider. Upon his failure or refusal to do so within 45 days after demand is made upon him by the county planning department, then the county shall make such repairs as are reasonably necessary, and recover the cost thereof from the subdivider after recovering on the bond.

(5) After the street system (includes right-of-ways, base pavement, grassing sidewalks, if any, cuts, fills, sub-grades, shoulders, storm water management, drainage, traffic signs and utilities) has been in place for one year from the date of the approval of the final certificate of occupancy is approved, the street system will be inspected by the county road engineer or designated engineer the county planning department, at the request of the subdivider or as determined by the county planning department. If the street system is acceptable, the street system will be presented to the board of commissioners for acceptance into the county system. If the street system is not acceptable, the street system will not be submitted to the board of commissioners until all necessary repairs have been completed and paid for as provided in this Ordinance.

-5-

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 hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

-6-

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall 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. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

-7-

This Resolution is hereby adopted this _____ day of _____, 2021, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____day of ______, 2021, the public health, safety and general welfare demanding it.

Į,

BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

(SEAL)

1079704-1

23208