

House Bill 905 (AS PASSED HOUSE AND SENATE)

By: Representatives Holcomb of the 81st, Oliver of the 82nd, Jacobs of the 80th, and Taylor of the 79th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to incorporate the City of Brookhaven in DeKalb County, approved
2 April 16, 2012 (Ga. L. 2012, p. 5527), as amended, so as to provide for legislative findings
3 and intent; to change the corporate limits of the city; to provide for related matters; to provide
4 an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 The General Assembly finds that:

- 8 (1) In the 2013 session, the General Assembly enacted House Bill No. 619 to annex certain
9 territory into the City of Chamblee if approved by the voters of the territory in a
10 referendum;
- 11 (2) After the passage of House Bill No. 619, but prior to the referendum being held, the
12 City of Brookhaven attempted to annex a portion of the territory;
- 13 (3) The voters of the territory approved the annexation in House Bill No. 619 in the
14 referendum;
- 15 (4) Prior to the referendum, the City of Chamblee filed suit to stop the proposed
16 annexation by the City of Brookhaven, and the trial court gave effect to the City of
17 Chamblee's annexation, but this matter is on appeal;
- 18 (5) It was and is the intent of the General Assembly that the entire territory described in
19 House Bill No. 619 be a part of the City of Chamblee; and
- 20 (6) To the extent that the portion of the territory sought to be annexed by the City of
21 Brookhaven is not found to be properly in the City of Chamblee, the General Assembly
22 enacts this Act to correct the situation and give effect of the original intent of the General
23 Assembly.

24

SECTION 2.

25 An Act to incorporate the City of Brookhaven in DeKalb County, approved April 16, 2012
 26 (Ga. L. 2012, p. 5527), as amended, is amended by revising Section 1.02 by designating the
 27 existing text as subsection (a) and adding a new subsection (b) to read as follows:

28 "(b) To the extent that the property described in this subsection is or was made a part of
 29 the City of Brookhaven, on and after the effective date of this subsection, such property
 30 shall no longer be a part of the City of Brookhaven. Such property is described as:

31 'All that certain tract or parcel of land located in Land Lots 195, 196, 203, and 204 of the
 32 18th District, Dekalb County Georgia and being more particularly described by metes and
 33 bounds as follows:

34 BEGINNING at the intersection of the centerline of North Fork Peachtree Creek and the
 35 westerly right-of-way line of U.S. Highway 85, having a right-of-way width of 300 feet;
 36 Thence: Along the westerly right-of-way line of U.S. Highway 85 the following courses
 37 and distances: S 32°40'19" W a distance of 32.00'to a point; Along a curve turning to the
 38 left with an arc length of 91.68', having a radius of 3360.25', and a chord bearing of
 39 S 31°53'25" W, and a chord length of 91.68',to a point; S 29°39'15" W a distance of
 40 157.80'to a point; Along a curve turning to the left with an arc length of 219.71', having
 41 a radius of 3360.25', and a chord bearing of S 26°02'25" W, and a chord length of 219.67',
 42 to a point; Along and with a compound curve turning to the left with an arc length of
 43 16.90', having a radius of 6683.27', and a chord bearing of S 26°55'26" W, and a chord
 44 length of 16.90',to a point; S 23°59'20" W a distance of 295.80'to a point; S 24°00'36" W
 45 a distance of 312.71'to a point; S 24°03'07" W a distance of 794.50'to a point;
 46 S 24°25'55" W a distance of 0.32'to a point; S 24°25'55" W a distance of 149.25' to a
 47 point; Along a curve turning to the right with an arc length of 0.89', having a radius of
 48 25.00', and a chord bearing of S 24°25'55" W, and a chord length of 0.89',to a point;
 49 S 25°26'33" W a distance of 292.68'to a point; S 37°30'31" W a distance of 282.76'to a
 50 point; Along a curve turning to the right with an arc length of 509.73', having a radius of
 51 1900.00', and a chord bearing of S 39°55'31" W, and a chord length of 508.20',to a point;
 52 Thence: Leaving said right-of-way, N 00°08'24" E a distance of 806.47'to a point;
 53 Thence: Along the centerline of North Fork Peachtree Creek the following courses and
 54 distances: S 41°55'21" W a distance of 55.46'to a point; S 61°36'59" W a distance of
 55 113.41'to a point; S 87°00'50" W a distance of 140.52'to a point; S 78°23'12" W a
 56 distance of 236.88'to a point; S 82°16'20" W a distance of 24.21'to a point;
 57 S 54°56'30" W a distance of 14.34'to a point; S 88°19'14" W a distance of 23.18'to a
 58 point; S 83°46'04" W a distance of 209.49'to a point; S 74°15'55" W a distance of
 59 99.45'to a point; S 82°42'21" W a distance of 101.74'to a point; N 86°55'03" W a distance
 60 of 115.00'to a point; S 77°26'43" W a distance of 124.51'to a point; S 59°13'01" W a

61 distance of 130.73'to a point; S 51°33'17" W a distance of 71.20'to a point;
 62 S 35°09'08" W a distance of 116.35'to a point; S 15°12'11" W a distance of 74.25'to a
 63 point; S 02°51'53" E a distance of 97.80'to a point; S 10°04'39" W a distance of 103.81'to
 64 a point; S 35°26'22" W a distance of 94.47'to a point being the easterly right-of-way line
 65 of Clairmont Road having a varying right-of-way width; Thence along said easterly
 66 right-of-way the following courses and distances: N 23°05'52" W a distance of 280.66'to
 67 a point; N 19°01'47" W a distance of 428.96'to a point; N 18°46'05" W a distance of
 68 40.00'to a point; N 13°21'34" W a distance of 113.33'to a point; N 12°18'32" W a distance
 69 of 46.95'to a point; Along a curve turning to the right with an arc length of 166.15',
 70 having a radius of 5590.55', and a chord bearing of N 11°30'41" W, and a chord length
 71 of 166.14',to a point; N 09°23'12" W a distance of 245.29'to a point; Thence: Leaving
 72 said right of way of Clairmont Road along a curve turning to the left with an arc length
 73 of 106.43', having a radius of 72.00', and a chord bearing of S 53°00'23" E, and a chord
 74 length of 97.00',to a point; Thence: N 84°38'51" E a distance of 60.97'to a point; Thence:
 75 Along a curve turning to the left with an arc length of 203.46', having a radius of 553.13',
 76 and a chord bearing of N 74°06'36" E, and a chord length of 202.31',to a point; Thence:
 77 Along and with a compound curve turning to the left with an arc length of 70.47', having
 78 a radius of 553.11', and a chord bearing of N 59°55'21" E, and a chord length of 70.42',to
 79 a point; Thence: N 15°47'08" W a distance of 238.81'to a point; Thence: N 15°47'08" W
 80 a distance of 106.92'to a point; Thence: S 87°46'53" W a distance of 76.00'to a point;
 81 Thence: N 02°13'08" W a distance of 100.01'to a point; Thence: N 02°12'24" W a
 82 distance of 29.95'to a point; Thence: N 02°16'23" W a distance of 74.89'to a point;
 83 Thence: N 02°10'31" W a distance of 110.18'to a point; Thence: N 02°13'51" W a
 84 distance of 98.96'to a point; Thence: N 02°13'51" W a distance of 36.90' to a point;
 85 Thence: N 88°00'44" E a distance of 691.74'to a point; Thence: N 88°05'41" E a distance
 86 of 129.70'to a point; Thence: S 03°45'33" E a distance of 338.70'to a point; Thence:
 87 N 88°09'54" E a distance of 286.43'to a point; Thence: N 86°47'07" E a distance of
 88 245.40'to a point; Thence: S 13°18'53" W a distance of 13.94'to a point; Thence:
 89 S 42°47'56" W a distance of 36.90'to a point; Thence: S 42°47'56" W a distance of
 90 290.68'to a point; Thence: S 25°53'59" E a distance of 31.97'to a point; Thence:
 91 S 87°30'20" E a distance of 129.98'to a point; Thence: S 87°40'09" E a distance of
 92 107.72'to a point; Thence: S 87°23'21" E a distance of 84.82'to a point; Thence:
 93 S 87°29'20" E a distance of 408.30'to a point in the centerline of North Fork Peachtree
 94 Creek; Thence: Along the centerline of said creek the following courses and distances:
 95 N 07°25'37" E a distance of 24.92'to a point; N 14°06'13" E a distance of 144.56'to a
 96 point; N 05°31'21" E a distance of 100.77'to a point; N 12°56'18" E a distance of
 97 100.00'to a point; N 10°15'37" E a distance of 118.11'to a point; N 04°01'22" E a distance

98 of 21.61'to a point; N 06°20'09" W a distance of 77.62'to a point; N 10°07'24" E a
 99 distance of 75.03'to a point; N 11°38'55" E a distance of 75.11'to a point; N 04°55'24" W
 100 a distance of 77.00'to a point; N 06°48'12" E a distance of 75.04'to a point; N 01°24'09" E
 101 a distance of 74.78'to a point; N 22°32'28" E a distance of 73.04'to a point; N 21°55'39" E
 102 a distance of 74.88'to a point; N 44°53'35" E a distance of 86.11'to a point; N 52°36'58" E
 103 a distance of 94.52'to a point; N 24°13'26" E a distance of 99.50'to a point; N 46°17'18" E
 104 a distance of 256.00'to a point; N 33°01'18" E a distance of 80.00'to a point;
 105 N 11°55'18" E a distance of 52.00'to a point; N 24°34'52" E a distance of 63.00'to a point;
 106 N 37°55'18" E a distance of 80.00'to a point; N 79°05'18" E a distance of 26.00'to a point;
 107 S 74°04'42" E a distance of 25.00'to a point; S 65°12'42" E a distance of 145.00'to a
 108 point; S 66°17'42" E a distance of 66.00'to a point; S 50°15'42" E a distance of 77.00'to
 109 a point; S 34°36'42" E a distance of 96.00'to a point; S 24°17'42" E a distance of 97.00'to
 110 a point; S 29°55'42" E a distance of 70.00'to a point; S 57°45'42" E a distance of 70.00'to
 111 a point; S 78°38'45" E a distance of 84.00'to a point; S 70°08'36" E a distance of 77.00'to
 112 the POINT OF BEGINNING and containing 100.051 acres, more or less."

113 **SECTION 3.**

114 This Act shall become effective upon its approval by the Governor or upon its becoming law
 115 without such approval.

116 **SECTION 4.**

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