

BOARD OF COUNTY COMMISSIONERS

Randy Ognio, Chairman
Charles W. Oddo, Vice Chairman
Edward Gibbons
Eric K. Maxwell
Charles D. Rousseau



FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Tameca P. White, County Clerk
Marlena Edwards, Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

AGENDA

May 14, 2020
6:30 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 6:30 p.m.

Call to Order
Invocation and Pledge of Allegiance by Commissioner Eric Maxwell
Acceptance of Agenda

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

PUBLIC COMMENT:

Speakers will be given a five (5) minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Speakers must direct comments to the Board. Responses are reserved at the discretion of the Board.

CONSENT AGENDA:

1. Approval of the April 21, 2020 Board of Commissioners Meeting Minutes. (pages 3-8)

OLD BUSINESS:

NEW BUSINESS:

2. Consideration of a request to approve Ordinance 2020-03; Trap, Neuter, Vaccinate and Release (TNVR) and Ordinance 2020-UN-01 to adopt Policy 280.05; Trap, Neuter, Vaccinate and Release. (pages 9-26)
3. Consideration of staff's request to acquire all fee simple right-of-way, easements and appraisals for the Georgia Department of Transportation (GDOT) bridge replacement project on Ebenezer Church Road over Whitewater Creek (GDOT PI 0008598 and SPLOST No. 17TAA), as depicted on the Right of Way Plans approved by GDOT on April 8, 2020. (pages 27-36)
4. Consideration of the County Attorney's recommendation to deny a disposition of tax refund, as requested by Henri Cruse, for tax year 2019. (pages 37-45)

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

BOARD OF COUNTY COMMISSIONERS

Randy Ognio, Chairman
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140 Stonewall Avenue West
 Public Meeting Room
 Fayetteville, GA 30214

Minutes

April 21, 2020

6:30 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 6:30 p.m.

Call to Order

Chairman Randy Ognio called the April 21, 2020 Board of Commissioners meeting to order at 6:31 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Commissioner Edward Gibbons

Commissioner Edward Gibbons offered the Invocation and led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Vice Chairman Charles Oddo moved to accept the agenda as written. Commissioner Gibbons seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:**PUBLIC HEARING:****PUBLIC COMMENT:****CONSENT AGENDA:**

Vice Chairman Oddo moved to accept the Consent Agenda as written. Commissioner Charles Rousseau seconded. The motion passed 5-0.

1. Approval of the March 31, 2020 Special Called Meeting Minutes.
2. Approval of the April 9, 2020 Board of Commissioners Meeting Minutes.

OLD BUSINESS:**NEW BUSINESS:**

3. Consideration of staff's recommendation to accept the 2017 Transportation Improvement Program (TIP) grant award for SPLOST projects 19TAF; \$2,896,312 and 19TAG; \$3,113,444: Fayette County Resurfacing Program - FY2019 and Fayette County Resurfacing Program - FY2020, and authorization for staff to seek additional federal funds.

Fayette County Public Works Director Phil Mallon stated that this was a housekeeping item. Mr. Mallon stated that the purpose of this item was to have the Board to formally accept grant money awarded through the Atlanta Regional Commission (ARC) for resurfacing projects in Fayette County. He stated that bids had been received for SPLOST project 19TAF and were under budget and based on Georgia Department of Transportation (GDOT) cost estimates regarding SPLOST project 19TAG, he was requesting an increase in funding through Atlanta Regional Commission.

Vice Chairman Oddo moved to approve to accept the 2017 Transportation Improvement Program (TIP) grant award for SPLOST projects 19TAF; \$2,896,312 and 19TAG; \$3,113,444: Fayette County Resurfacing Program - FY2019 and Fayette County Resurfacing Program - FY2020, and authorization for staff to seek additional federal funds. Commissioner Gibbons seconded. The motion passed 5-0.

4. Consideration of draft Road Resurfacing Agreement with Fayetteville, Peachtree City and Tyrone for federal-aid SPLOST projects 19TAF and 19TAG: Fayette County Resurfacing Program - FY2019 and Fayette County Resurfacing Program - FY2020.

Fayette County Public Works Director Phil Mallon stated that this item was an Intergovernmental Agreement that specified the relationship between Fayette County, Peachtree City, Tyrone, and Fayetteville related to the SPLOST projects 19TAF and 19TAG: Fayette County Resurfacing Program. Mr. Mallon stated that in summary the agreement stated that Fayette County was the sponsor of the project and all contracts for it would go through Fayette County which included design, construction and construction management; and that each city/town would reimburse Fayette County for all work done inside their jurisdiction. Mr. Mallon stated that the agreement had been reviewed by the County Attorney and reviewed and adopted by each city/town.

County Administrator Steve Rapson stated that the agreement was a joint effort between the County and the municipalities. He stated that the ARC grant funneled about \$3.9 million to the City of Peachtree City, about \$340,000 to the Town Tyrone, and about \$659,000 to the City of Fayetteville toward road resurfacing.

Commissioner Gibbons moved to approve draft Road Resurfacing Agreement with Fayetteville, Peachtree City and Tyrone for federal-aid SPLOST projects 19TAF and 19TAG: Fayette County Resurfacing Program - FY2019 and Fayette County Resurfacing Program - FY2020. Vice Chairman Oddo seconded. The motion passed 5-0.

5. Consideration of staff's recommendation to award Bid #1795-B: 2017 SPLOST; Stormwater Category II; Kenwood Road and Mercedes Trail Culvert Replacements, and Category III; Creekwood Court Culvert Replacement to the lowest bidder, Pine Valley Concrete, Inc., in the amount of \$953,787.63 and authorization for the County Administrator to execute the contract and related documents.

Commissioner Gibbons moved to approve staff's recommendation to award Bid #1795-B: 2017 SPLOST; Stormwater Category II; Kenwood Road and Mercedes Trail Culvert Replacements, and Category III; Creekwood Court Culvert Replacement to the lowest bidder, Pine Valley Concrete, Inc., in the amount of \$953,787.63 and authorization for the County Administrator to execute the contract and related documents. Vice Chairman Oddo seconded. The motion passed 5-0.

Commissioner Gibbons asked what type of competition was weighed for this bid; was the lowest price acceptable or was it based on best value.

Mr. Rapson stated that Kenwood Road Culvert Replacements was the lowest responsive.

Commissioner Gibbons stated that in reviewing the past performance for the lowest bidder, Pine Valley Concrete, Inc., he had cause for concern. He stated that based on their previous project performance evaluation they got behind schedule and he felt that would be an issue for future projects.

Mr. Rapson state that staff would concur with Commissioner Gibbon's concerns, he continued stating that there had been similar conversations and debate regarding the efficiency and timeliness of the lowest bidder. He stated that staff would be closely watching this project and would have construction management guidance in place to help prevent issues with project completion timelines. He stated that this was a close call however, in light of the high cost variation this was the recommended option.

Commissioner Gibbons stated that he did not understand why they were allowed to bid based on previous project performance evaluation.

Mr. Rapson stated that the issue referenced in the past performance evaluation was not related to quality of the work performed, but on the lack of the project remaining on schedule. He added that if there were issues with the vendor early in the project, the County has the option to terminate the contract and move on the next vendor.

Commissioner Eric Maxwell referenced the Dogwood Trail culvert replacement project and the issues the County experienced with it. He stated that although not related to these projects, he does not want citizens to have to endure similar extended delays. He stated that he would suggest making sure all parties involved in the project are on the same page and ready when construction begins.

Mr. Keller stated that the project management process with Atlanta Gas and Light had been refined and that they would receive plans in advance to ensure a more seamless and efficient project flow and lessen project delays.

Commissioner Maxwell echoed concerns related to Pine Valley Concrete, Inc., and the need to supervise the projects closely. He stated that project being completed in a timely manner was a priority.

Commissioner Rousseau reiterated concerns regarding Pine Valley Concrete, Inc. He asked if it would be beneficial to add into the motion an assigned project manager to supervise the project.

Mr. Keller stated that there was a three-tier project management process in place. He stated that there would be a construction inspector, project manager and project coordinator all overseeing project progression.

6. Consideration of Resolution 2020-04 of the Fayette County Board of Commissioners authorizing and approving changes to the 401(a) Employee Retirement Plan and the Georgia Section 457(b) Deferred Compensation Plan for the Coronavirus Aid, Relief and Economic Security Act.

Fayette County Human Resources Director Lewis Paterson introduced David Griffin with Atlanta Retirement Partners, who is the County's broker for the Defined Contribution Plan with MassMutual. Mr. Patterson stated that this item was to consider provisions of the Coronavirus Aid, Relief and Economic Security (CARES) Act which pertain to the County's defined contribution retirement plan. He stated that the CARES Act would allow qualified individuals who are participants in the 401(a) and 457(b), County sponsored defined contribution retirement plans, to make withdrawals before December 31, 2020 for up to \$100,000 with the 10% early withdrawal penalty waived. He stated that participants do have the opportunity to pay it back within three years. The CARES Act provided for loan repayments due from March 27, 2020 to December 31, 2020 to be suspended. The maximum loan amount was increased under the CARES Act to 100% of the employee's vested balance or \$100,000, reduced by the employee's highest outstanding balance in the last 12 months. The required minimum distributions (RMD's), which the IRS requires of plan participants age 70 1/2 or older are not required in 2020 as a part of the Act. The Retirement Committee approved the withdrawal and loan provisions along with allowing employees to have a second loan while the CARES Act was in effect. These items, as an employer, are not mandated, but are an optional. Mr. Patterson expressed his reservations and concern in seeing employees elect to take advantage of the Act without complete understanding of the withdrawal. He stated that all employees who request to make a withdrawal would be referred to Atlanta Retirement Partners, the County's defined contribution broker, for a candid conversation about the consequences of making the withdrawal.

Commissioner Gibbons moved to approve Resolution 2020-04 of the Fayette County Board of Commissioners authorizing and approving changes to the 401(a) Employee Retirement Plan and the Georgia Section 457(b) Deferred Compensation Plan for the Coronavirus Aid, Relief and Economic Security Act. Vice Chairman Oddo seconded. The motion passed 5-0.

7. Consideration of the County Attorney's recommendation to approve a disposition of tax refund, as requested by Charles McQueen, for tax years 2017, 2018 and 2019 in the aggregated amount of \$812.84.

County Attorney Dennis Davenport stated that Mr. Charles McQueen requested a partial refund of the taxes paid on his home since 2008, based on an overestimate of the square footage of the home. Mr. Davenport stated that a site visit to re-measure the home was conducted. It was determined that the finished square footage was found to be 3,650 square feet. The actual square footage was 471 square feet smaller than estimated from the building plans. Mr. Davenport stated that the overestimate led to an assessment of the home based upon a value that included too much square footage. He stated that the error caused an overpayment of taxes by Mr. McQueen. A partial refund was recommended for tax year 2017, 2018 and 2019, based on this error, all tax years prior to 2017 are time barred by the statute of limitations. Mr. Davenport stated that the error had been corrected for future tax years.

Vice Chairman Oddo moved to approve the County Attorney's recommendation to approve a disposition of tax refund, as requested by Charles McQueen, for tax years 2017, 2018 and 2019 in the aggregated amount of \$812.84. Chairman Ognio seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

A. Contract #1744-B: Fuel Management System Upgrade

County Administrator Steve Rapson advised that an updated "Hot Projects" listing was sent out via email to the Board to keep them abreast of the status of various projects throughout the county. He stated that the update included details regarding the Stars Mill project, the intersection at SR 92 project, the East Fayetteville bypass project, the Dogwood Trail project, and the Morning Dove Drive culvert replacement project.

Mr. Rapson provided an overview of the Governor's Executive Order stating that effective immediately (April 21) medical, dental, and orthopedic practices can reopen for elective surgeries/procedures. As of April 24, all gyms, fitness centers, bowling alleys, body art studios, hair designers, and massage therapist may begin person-to-person minimum basic operations. On April 27, theaters, private social clubs, restaurant dine-in services can reopen but are subject to social-distancing and sanitation mandates. As of April 30, the current order would terminate at midnight, but did elude that the medically fragile should continue to shelter-in-place until May 13. Mr. Rapson continued stating that bars, nightclubs, amusement parks, and live performance venues are still closed. He continued that currently Fayette County Stonewall Complex was closed to the public and was set to re-open on May 13. Mr. Rapson proposed that the County extend the closure to the public until May 17 reopening on May 18 which was a Monday and would help eliminate confusion of opening in the middle of the week. He stated that the first two weeks of May would be an evaluation phase reviewing employee schedules and comprise a reopening plan that would gradually bring employees back into the office. That review would also evaluate contractor's schedules and begin issuing project notices to proceed. May 18 would begin a phased reopening of recreational, senior, and the library services. He stated that large events would be delayed which include official games, tournaments, food truck frenzy, and community yard sales where large gatherings would be placed on hold; along with summer camp pushing those dates to mid-June.

Commissioner Maxwell stated that in his review of the Governor's Executive Order it prohibited counties from changing or developing alternate ordinances as it related to the unincorporated county. He stated the Governor's Order out ranked anything that the County could develop and the County must follow the guidance provided. He stated that he had been extremely pleased at the way the County had functioned and been ran in the past few weeks despite extenuating

circumstances. Commissioner Maxwell encouraged the medically fragile should continue to shelter-in-place until May 18. Commissioner Maxwell expressed his concern regarding the reopening of the State, especially as it related to various professions that require direct contact to provide services. He stated that he would continue to monitor the Coronavirus status for Georgia and specifically Fayette County. He stated that he was concerned about a potential "bounce" or an increase in Coronavirus cases once the state re-opened and people begin to co-mingle and interact. He commended Fayette County residents for adhering to the guidance of sheltering-in-place and social-distancing which helped to keep the Coronavirus case rate low.

Mr. Rapson added that the County had identified 40 high-risk employees who would continue to telework until it had been deemed safe for them to return to the office.

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

Vice Chairman Oddo:

Vice Chairman Oddo expressed his appreciation for County staff for how they've handled and continue to function through the Coronavirus pandemic.

He stated that he had the opportunity to participate in an appreciation event at Piedmont Fayette Hospital where the County provided ice-cream for those who tirelessly work the frontline. He stated that it was an uplifting experience and he expressed his gratitude for all those working to protect and care for us.

Vice Chairman Oddo acknowledged National Public Safety Telecommunicators Week, expressing his appreciation for all they do to keep us safe and care for us.

Commissioner Rousseau:

Commissioner Rousseau reiterated comments of appreciation and gratitude for County staff as they weather the proverbial storm called the Coronavirus.

Commissioner Rousseau asked Mr. Rapson for an update on the Fire Station on State Road 92.

He stated that recently as a result of the Coronavirus, the Fayette County School System had to shut down a facility that provided breakfast and lunch for the student body. Commissioner Rousseau stated that he was afforded the opportunity to help prepare over 500 breakfast and lunch bags for the student of Fayette County. He expressed his appreciation for all those who help to include Fayette Factor and Midwest Food Bank and a host of others, your efforts were greatly appreciated.

Commissioner Rousseau extended his appreciation to the Deltas of East Point- College Park for their donation as well as sponsoring lunch for the Fayette County Health Department and the Fayette County Sheriff's Office.

Commissioner Rousseau stated that National Association of Counties (NaCo) was championing for local county/city assistance as a part of the upcoming stimulus package. Commissioner Rousseau stated that if approved such funds could assist in covering those unforeseen expenditures as a result of the Coronavirus.

He stated that he was appreciative of the progress at the intersection of Veterans Road and State Route 92. Commissioner Rousseau expressed his concern and encouraged all to be careful and mindful in reference to the changes to the 401(a) Employee Retirement Plan and the Georgia Section 457(b) Deferred Compensation Plan for the Coronavirus Aid, Relief and Economic Security Act.

Chairman Ognio:

Chairman Ognio stated that he was also aware of the National Association of Counties (NaCo) and the upcoming stimulus package that may have included aid to local county/city.

Chairman Ognio state that there would be bad weather coming in and he advised all to be careful.

EXECUTIVE SESSION:

ADJOURNMENT:

Vice Chairman Oddo moved to adjourn the April 21, 2020 Board of Commissioners Meeting. Commissioner Rousseau seconded. The motion passed 5-0.

The April 21, 2020 Board of Commissioners Meeting adjourned at 7:22 p.m.

Marlena Edwards, Deputy County Clerk

Randy C. Ognio, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 14th day of May 2020. Referenced attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Deputy County Clerk

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of a request to approve Ordinance 2020-03; Trap, Neuter, Vaccinate and Release (TNVR) and Ordinance 2020-UN-01 to adopt Policy 280.05; Trap, Neuter, Vaccinate and Release.

Background/History/Details:

In 2014 a trial program of Trap, Neuter, Vaccinate and Release (TNVR) was put in to place. The results have been evaluated, and a permanent ordinance and policy on how to conduct TNVR activities, has been studied and evaluated to determine how to best serve Animal Control and those that wish to participate in the TNVR program.

There have been several meetings with stake holders on this issue and a program that meets the needs of staff and others outside of county government staff has been agreed upon. Staff has evaluated all possibilities and has determined that the proposed policy and ordinance are a good compromise.

The proposed ordinance can be enforced and would also allow person(s) who wish to participate in TNVR to be exempt from other ordinance that they are currently violating.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2020-03; Trap, Neuter, Vaccinate and Release (TNVR) and Ordinance 2020-UN-01 to adopt Policy 280.05; Trap, Neuter, Vaccinate and Release.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



Animal Control
1262 Highway 74 South
Peachtree City, GA 30269
Phone: 770-631-7210
www.fayettecountyga.gov

To: Board of Commissioners

From: Jerry Collins, Animal Control Director

Date: May 6, 2020

Subject: Trap, Neuter, Vaccinate and Release Ordinance and Policy - Timeline

Since becoming the Animal Control Director in March of 2017, I have been engaged with Trap, Neuter, Vaccinate and Release (TNVR). In 2014, in my prior position as the Investigator for the Solicitor General, TNVR, had several challenges that was brought to the attention of the Solicitor General's office. The County's Ordinance as it pertains to abandonment and restraint of animals was in conflict with the program. Allowing someone to put an animal back in the community after capture would have been abandonment and cats running at-large would have been a violation of the restraint law.

In October of 2017, at one of the Animal Shelter's monthly meetings, TNVR was discussed. There were guests from Best Friend & Fix GA Pets and 15 other people to attend. In that meeting the discussion included what a program would look like, the challenges that needed to be overcome so that the program would not be in conflict with our ordinances and how to tackle the restraint law because we knew that just removing cats was not a viable option.

After that meeting I began to meet with the Solicitor General in an effort to come up with an ordinance that would allow activities involved in TNVR to work within the confines of the County's current ordinances, as it pertains to abandonment and the restraint law. After several meetings we came up with a way to effectively design an ordinance to allow this type of activity. The solution was, to exempt the animal (community cat) from the ordinance and to issue some type of permit that would allow person's or organization to conduct this activity, similar to issuing a license to fish, hunt or trap, which is done by Georgia Department of Natural Resources.

We then began to prepare a policy and Ordinance that would meet all the challenges that a program like this would present and make it workable. We discussed a draft at the March 2018 monthly meeting and had 12 people attend, after going over the draft there were questions on why the activity would have to have a permit to be able to be performed.

Between March 2018 and November 2018 there were monthly meetings held to further discuss drafts of the ordinance. Animal advocates from the community and staff were both part of these meetings. Staff wanted to ensure that any policy implemented for TNVR identified who was conducting the service, where they were conducting this activity and that they had the owner's permission. We did not want an ordinance that allowed TNVR without those three primary concerns being addressed.

In early 2019, a group called Alley Cats Allies contacted the Fayette Humane Society and a meeting was scheduled with me, Mr. Rapson, members of Alley Cats Allies and the Fayette Human Society. Alley Cates Allies sent us a copy of an ordinance from Virginia. Once they reviewed our policy and ordinance, , we began to receive push back from Fayette Humane about how our policy was written. They wanted a more “free type program” than what staff was interested in presenting. We had several meetings to further discuss changes and was prepared to present to the Board of Commissioners but was advised by Fayette Humane that they would not support the policy as written, so it was placed on the back burner. Fast forward to late 2019 and early 2020, staff was contacted by Susan Griffith and Marcia Hendershot with Fayette Humane to go back over what had been discussed previously as it pertained to TNVR. Follow-up meetings were very productive and they understood what the policy and ordinance was going to accomplish. We all agreed that due to support from the Board that presenting it sooner than later was appropriate.

This agenda item is to present to the Board an ordinance and policy that will allow TNVR in Fayette County. This is a project that we have been working on since 2017 and has the support of The Solicitor General, and Fayette Humane (letter of support provided in agenda backup) I am bringing this before the Board for your favorable consideration and approval.



May 1, 2020

Fayette County Board of Commissioners
140 Stonewall Ave. W., Suite 100
Fayetteville, GA 30214

Dear Fayette County Commissioners:

On behalf of the Fayette Humane Society's Board of Directors I am writing to endorse—and encourage each of you to support--the proposed TNVR Ordinance and TNVR Policy that Jerry Collins, Director of Fayette County Animal Control, will be presenting to the BOC at its next meeting. TNVR (Trap/Neuter/Vaccinate/Return) is a program designed to humanely control roaming cat populations and has been discussed at several Board meetings over the recent years.

Most of you were serving on the BOC in October 2014 when the Director of Fayette County Animal Control and representatives of the Fayette Humane Society presented data to the BOC summarizing a 6-month-trial of TNVR practiced at specific test sites in unincorporated Fayette County. Members of the BOC were so impressed with the data that they unanimously voted to charge County staff, the Director of Animal Control, and the Fayette Humane Society to draft a proposed TNVR ordinance for review by the BOC.

It obviously was not a straightforward endeavor, but we are pleased with the final documents Mr. Collins will be presenting for your consideration. The County's support of these proposals is a win-win for the County government and for rescue groups:

- Fewer cats in the community requiring the attention of Animal Control officers
- Potentially fewer cats entering the Fayette County Animal Shelter
- Reduced cost to the County since rescue groups absorb a significant portion of trapping expenses and medical fees to get the cats spayed/neutered and vaccinated
- Safer community environment since all cats receive a rabies and a distemper shot
- Fewer unadoptable cats entering the Shelter meaning fewer cats euthanized at the County's expense

We look forward to Mr. Collins presenting the proposed TNVR Ordinance and TNVR Policy for your consideration. Please vote Yes to incorporate his proposals into the current Fayette County Animal Ordinance. This is an opportunity for the County and rescue groups to partner for a safer community at no expense to the County and to minimize risk both to the animals and the rescue volunteers involved in the TNVR program.

Sincerely,

Stephanie Cohran

Stephanie Cohran
President
Fayette Humane Society Board of Directors

**STATE OF GEORGIA
COUNTY OF FAYETTE**

**ORDINANCE
NO. 2020 - ____**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO ENACT PROVISIONS PERTAINING TO A TRAP, NEUTER, VACCINATE AND RETURN PROGRAM; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PUPPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO ANIMALS (CHAPTER 6), BE AMENDED AS FOLLOWS:

Section 1. By designating Section 6-90 through 6-99 of Article IV of Chapter 6 as “Reserved”, and by creating a new Article V, pertaining to “Trap, Neuter, Vaccinate and Return Program”, in Chapter 6, to be numbered and to read as follows:

ARTICLE V. TRAP, NEUTER, VACCINATE AND RETURN PROGRAM.

Fayette County Georgia, in accordance with the provisions of this section shall allow Trap, Neuter, Vaccinate and Return (TNVR) activities and programs.

Sec. 6-100. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) ***Animal control agency or Animal Control*** shall mean any agency or person, including an animal control officer, authorized by law to implement animal control laws and provide animal care on behalf of the County.
- (2) ***Animal welfare organization*** shall mean any organization or corporation whose purpose includes promotion of animal welfare and that has been granted 501 (c) (3) nonprofit status by the Internal Revenue Service.
- (3) ***County*** shall mean Fayette County, Georgia.
- (4) ***Community cat*** shall mean any feral or free roaming cat that has been, sterilized, vaccinated for rabies, and distinguished from other cats by being ear-tipped.
- (5) ***Domesticated cat*** shall mean a cat socialized to humans and appropriate as a companion for humans.
- (6) ***Ear tip*** shall mean a mark identifying a feral or free roaming cat as having been sterilized, specifically the removal of a quarter-inch off the tip of the cat's left ear in a straight line cut while the cat is anaesthetized by a veterinarian.
- (7) ***Feral cat*** shall mean a cat this is not socialized to humans, having been born in the wild or not socialized, and is not an owned cat, and that typically avoids human contact.
- (8) ***Free-roaming cat*** shall mean a cat that is not owned and is not cared for by a sole person that may or may not avoid human contact.

(9) ***Owned cat*** shall mean a cat that is a companion to a person, is regularly fed and sheltered in the same person's habitation and displays signs of ownership, including a collar or tag or microchip.

(10) ***Permit*** shall mean a certificate issued to a person or organization authorized to conduct TNVR activities.

(11) ***Sterilize*** shall mean to spay or neuter.

(12) ***Trapper*** shall mean a person or organization that has been authorized by policy to conduct the humane trapping of program cats.

(13) ***Trap, Neuter, Vaccinate and Return or TNVR*** shall mean a program pursuant to which feral and free-roaming cats are trapped, sterilized, vaccinated against rabies, ear-tipped and returned to the location from where they were captured.

Sec. 6-101. Enforcement.

(a) Any organization or person desiring to conduct a County-wide or targeted TNVR program shall submit a proposal, consistent with the current policy for TNVR for review by the Director of Animal Control. The Director, or his/her designee, shall have the authority to approve or deny such proposal. Upon approval of such proposal the Director may issue a permit to the person or organization to perform a TNVR program in the County for a period of two years. The permit must be renewed at the end of the two-year span and may be revoked at any time. Should the Director, or his/or designee, revoke the permit, the holder will be notified by mail of the revocation at which time they will no longer be protected from a violation of this chapter.

(b) Any organization or person will be exempt from the Fayette County Code pertaining to restraint of animals and/or abandonment of animals while participating in all activities consistent with the purpose of the TNVR program.

Section 2. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Fayette County.

Section 3. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. In the event any section, subsection, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part hereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ENACTED this ____ day of _____, 2020.

**BOARD OF COMMISSIONERS OF
FAYETTE COUNTY**

(SEAL)

By: _____
RANDY OGNIO, Chairman

ATTEST:

Tameca P. White, County Clerk

Approved as to form:

County Attorney

STATE OF GEORGIA

COUNTY OF FAYETTE

ORDINANCE

NO. 2020-___

AN ORDINANCE TO AMEND THE POLICIES AND PROCEDURES MANUAL FOR FAYETTE COUNTY, GEORGIA; TO ADD A POLICY FOR A TRAP-NEUTER-VACCINATE-RETURN PROGRAM; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COIUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE POLICIES AND PROCEDURES MANUAL OF FAYETTE COUNTY BE AMENDED AS FOLLOWS:

Section 1. By enacting a new policy entitled “Trap, Neuter, Vaccinate and Return” to be numbered and to read as follows:

[THIS SPACE INTENTIONALLY LEFT BLANK]

**FAYETTE COUNTY
POLICIES AND PROCEDURES**

**OPERATIONAL FUNCTIONS
Trap, Neuter, Vaccinate and Return
280.05**

PURPOSE

The Purpose of this policy is to provide direction on activities related to Trap, Neuter, Vaccinate and Return. As set forth in Fayette County Georgia Code of Ordinances Chapter 6 Animals.

POLICY

Fayette County Animal Control believes that TNVR (Trap, Neuter, Vaccinate and Return) is a humane way to control community cat overpopulation. Fayette County Animal Control's goal is to keep community cats out of the shelter and keep euthanasia rates of community cats down. Fayette County will allow those that have been issued a permit to conduct a TNVR program in unincorporated Fayette County. All permitted person(s) or organization(s) will be exempt from the Fayette County Code pertaining to restraint and abandonment of animals. All cats that are in this program will be identified with the proper ear tip markings to ensure that they are vaccinated, neutered or spayed. The ear-tipping will identify a community cat. All areas that have community cats will be monitored by Fayette County Animal Control to ensure that this policy is being followed.

DEFINITIONS

- a. **TNVR Program** – An authorized program conducted by a person or organization which has applied for and received a permit to perform TNVR activities.
- b. **Community Cats** - Any cat that has been marked with an ear tip indicating that it has been sterilized and vaccinated for rabies.
- c. **Permit** – A certificate that is issued by Fayette County Animal Control to permit an individual or organization to conduct TNVR activities.

PROCEDURE

- a. Fayette County Animal Control will issue a permit to conduct TNVR activities to include trapping and collecting data for community cats. Applications will be filled out and approved by the Director of Animal Control or his/her designee. A copy of the application is attached hereto as Exhibit "A" which is incorporated herein by this reference. Once the application is approved the Director will issue the permit and a record will be kept at Animal Control. In cases where a permit is issued to an organization, the organization will provide to the Director of Animal Control a list of people who are conducting the TNVR activities under their permit.

**FAYETTE COUNTY
POLICIES AND PROCEDURES**

**OPERATIONAL FUNCTIONS
Trap, Neuter, Vaccinate and Return
280.05**

- b. As part of the application the person or organization applying for a permit will, at a minimum, present to the Director of Animal Control or his/her designee the following information:
1. Any training they have had in safe trapping techniques;
 2. How trapping will be conducted in Fayette County, Georgia;
 3. How education of citizens about community cats will be conducted; and
 4. Have and show a relationship with a State of Georgia Licensed Veterinarian, which will address the needs of community cats.
- c. Permits are valid for a period not to exceed two years. The permit may be revoked by Fayette County Animal Control should the holder, or any person participating in the activities of TNVR, violate any provisions of this policy. In cases where a permit is revoked the holder may not reapply for a period of 1 year.
- d. Permitted person(s) or organizations will perform TNVR activities only on properties within Fayette County, Georgia, with **written permission** of the property owner. A copy of the written permission will be kept with the person or organization permitted to conduct TNVR and produced to Animal Control upon request. In the case where ownership has changed, and the permitted person or organization is notified, a new written permission will be obtained from the new owner should they request further trapping. Permitted persons will identify cats that are trapped for the purpose of returning the cats back to the area where they were trapped, then have the cat spayed or neutered, vaccinated for rabies, and marked with the ear tip and placed back in the area it was trapped. For each cat trapped and returned in Fayette County permitted persons or organizations will report annually to Animal Control the following information, to include but not be limited to, the sex and approximate age (i.e., adult or kitten), the date when trapped, the date the rabies vaccination administered, the date of spay or neuter, and the general location of the returned cat. The annual report will be turned in by January 31 of the following year.
- e. Collected data will be utilized by Animal Control and other agencies to monitor the impact of the program over a five to seven year period. The data will be evaluated at that time to determine whether the TNVR policies should be continued, modified, or terminated.

**FAYETTE COUNTY
POLICIES AND PROCEDURES****OPERATIONAL FUNCTIONS
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280.05**

- f. Success of this policy will be measured by monitoring the total number of intakes at Animal Control of cats, with particular attention to be paid to unaltered cats, and nuisance complaints, along with other factors.
- g. Fayette County Animal Control will no longer trap cats in areas that have been identified as a location where community cats are placed. Healthy ear-tipped cats will not be brought to the shelter, with the exception of when property ownership has changed and the cats are considered a nuisance in the area. In cases where a community cat is brought to Animal Control, staff will check for a microchip. If no microchip is present, a permitted person or organization will be notified where the cat was captured. The permitted person or organization will have 72 hours to either retrieve the cat or contact Animal Control with other arrangements other than returning the cat to the colony from which it came. At the end of the 72-hour hold the cat may be humanely disposed of.
- h. Permitted person(s) or organization(s) who, either by themselves or by parties listed under a person's or organization's permit, violates any part of the policy may have their permit revoked. Subsequent to revocation, if they continue to conduct TNVR activities, they will be no longer be exempt from any County Ordinance for which they previously were exempt through their participation in the TNVR program.
- i. In cases where there is a citizen complaint that a permitted person or organization is not following this policy, an investigation will be conducted by Animal Control and if the complaint is validated the permit of said person or organization may be revoked.
- j. Upon the revocation of a permit the person or organization holding the permit will be notified by regular mail, phone contact, or email that their privileges have been revoked, and a copy of said notification will be kept with the original application and permit.
- k. The permit in no way gives the permitted person or organization authority to conduct business as an agent of Fayette County, or Fayette County Animal Control. The permit is only the document that allows said person or organization to operate a TNVR program under the provisions of this policy.
- l. This policy is subject to change to benefit the program by Animal Control or Fayette County by going through appropriate County procedures.

**FAYETTE COUNTY
POLICIES AND PROCEDURES**

**OPERATIONAL FUNCTIONS
Trap, Neuter, Vaccinate and Return
280.05**

EXHIBIT "A"

APPLICATION
FOR TRAP NEUTER VACCINATE AND RETURN PROGRAM

NAME OF PERSON/ORGANIZATION:

ADDRESS OF PERSON/ORGANIZATION:

CONTACT PHONE NUMBER

CONTACT EMAIL ADDRESS

TYPE OF TRAINING

NAME OF VETERINARY SERVICE OR VETERINARIAN

DESCRIBE THE PLAN TO EDUCATE THE CITIZENS ABOUT COMMUNITY CATS AND
HOW THE ACTIVITIES WILL BE CONDUCTED

USE ADDITIONAL SHEET IF NEEDED

I _____ UNDERSTAND THE CURRENT
POLICY FOR WHICH TRAP, NEUTER, VACCINATE, AND RETURN WILL BE
CONDUCTED. I HAVE A CURRENT COPY OF THE MOST RECENT POLICY
PERTAINING TO TNVR ACTIVITIES. I HAVE READ THE POLICY AND UNDERSTAND
THAT ANY VIOLATIONS OF THE POLICY BY ME OR PERSONS WORKING UNDER

THIS PERMIT MAY CAUSE THE PERMIT TO BE REVOKED AND SUBJECT ME TO A VIOLATION OF CURRENT COUNTY ORDINANCES THAT I MAY BE EXEMPT FROM WITH A VALID PERMIT.

(SIGNATURE)

(DATE)

(DIRECTOR OF ANIMAL CONTROL)

Section 2. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Fayette County.

Section 3. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. In the event any section, subsection, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part hereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ENACTED this ____ day of _____, 2020.

**BOARD OF COMMISSIONERS OF
FAYETTE COUNTY**

(SEAL)

By: _____
RANDY OGNIO, Chairman

ATTEST:

Tameca P. White, County Clerk

Approved as to form:

County Attorney

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of staff's request to acquire all fee simple right-of-way, easements and appraisals for the Georgia Department of Transportation (GDOT) bridge replacement project on Ebenezer Church Road over Whitewater Creek (GDOT PI 0008598 and SPLOST No. 17TAA), as depicted on the Right of Way Plans approved by GDOT on April 8, 2020.

Background/History/Details:

The BOC entered into a "Contract for Acquisition of Right of Way" with GDOT for this project on February 27, 2020. The ROW plans have since been approved by GDOT and Fayette County staff can proceed with ROW acquisition. This agenda item helps provide the appropriate basis from which the land acquisition activities can be concluded.

All design and construction work for this project are the responsibility of GDOT. Fayette County is responsible for the ROW phase.

A copy of the GDOT ROW plans are provided as back-up to this request.

What action are you seeking from the Board of Commissioners?

Approval for staff to acquire all fee simple right-of-way, easements and appraisals for the GDOT bridge replacement project on Ebenezer Church Road over Whitewater Creek (GDOT PI 0008598 and SPLOST No. 17TAA), as depicted on the Right of Way Plans approved by GDOT on April 8, 2020.

If this item requires funding, please describe:

GDOT estimates up to \$160,000 may be needed for ROW. There is \$659,500 available for the work under 2017 SPLOST 17TAA.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

2/27/2020
USER:KELL2497
GDOT-V81
Atkins_Grayscale.tbl

H:\GDOT\MPO\PD1701071\Walker1_BB_2_5\0008598\Cad\DWG\0008598_60-0001.dgn
GRWCOV

P. I. No.
0008598

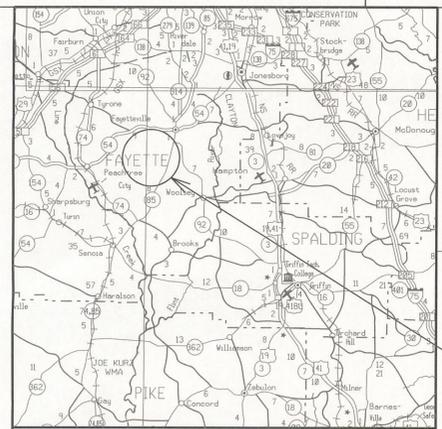
DEPARTMENT OF TRANSPORTATION STATE OF GEORGIA

RIGHT OF WAY OF PROPOSED BRIDGE REPLACEMENT ON CR 287 / EBENEZER CHURCH ROAD OVER WHITEWATER CREEK FAYETTE COUNTY

FEDERAL AID PROJECT

P. I. No. 0008598

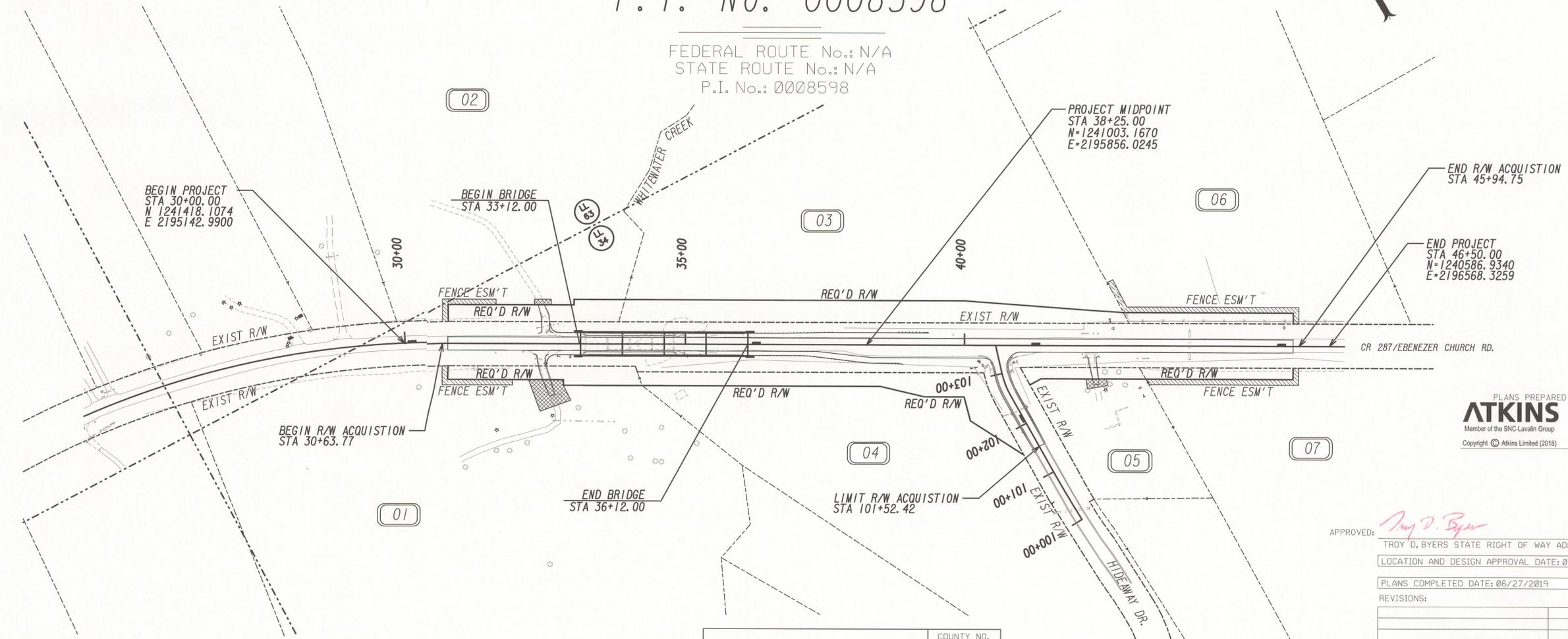
FEDERAL ROUTE No.: N/A
STATE ROUTE No.: N/A
P.I. No.: 0008598



LOCATION SKETCH

NOTE: THE CO-ORDINATES LISTED ARE WEST ZONE
GRID CO-ORDINATES BASED ON THE GA. STATE PLANE
CO-ORDINATE SYSTEM OF 1984.
HORIZONTAL DATUM : NAD 83/94 HARN
VERTICAL DATUM : NAVD 88

CONVENTIONAL SIGNS	
STATE OR COUNTY LINE	-----
CITY LIMIT LINE	-----
LAND LOT LINE	-----
PROPERTY LINE	-----
SURVEY OR BASE LINE	-----
RIGHT OF WAY LINE	EXISTING
	REQUIRED
	LIMIT OF ACCESS
	REQD R/W & LIMIT OF ACCESS
	R/W MARKERS
FENCE	-----
RAILROAD	-----
POWER LINE	-----
TELEPHONE LINE	-----
POWER/UTILITY POLES	-----
LIGHT POLES	-----



PLANS PREPARED BY
ATKINS
 Member of the SNC-Lavalin Group
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1600 RiverEdge Parkway, NW
 Suite 700
 Atlanta, GA 30328
 Tel: (770)933-0280
 Fax: (770)933-1920
 www.atkinsglobal.com/northamerica

APPROVED: *Troy D. Byers* DATE: April 08, 2020
 TROY D. BYERS STATE RIGHT OF WAY ADMINISTRATOR
 LOCATION AND DESIGN APPROVAL DATE: 02/20/2020

PROJECT NUMBER 0008598
 FAYETTE COUNTY



LENGTH OF RIGHT OF WAY PROJECT	COUNTY NO.
	113
	MILES
NET LENGTH OF RIGHT OF WAY	0.290
NET LENGTH OF BRIDGES	0.057
NET LENGTH OF EXCEPTIONS	0.000
GROSS LENGTH OF RIGHT OF WAY	0.290

THIS PROJECT IS LOCATED 100% IN FAYETTE COUNTY AND CONGRESSIONAL DISTRICT 03.

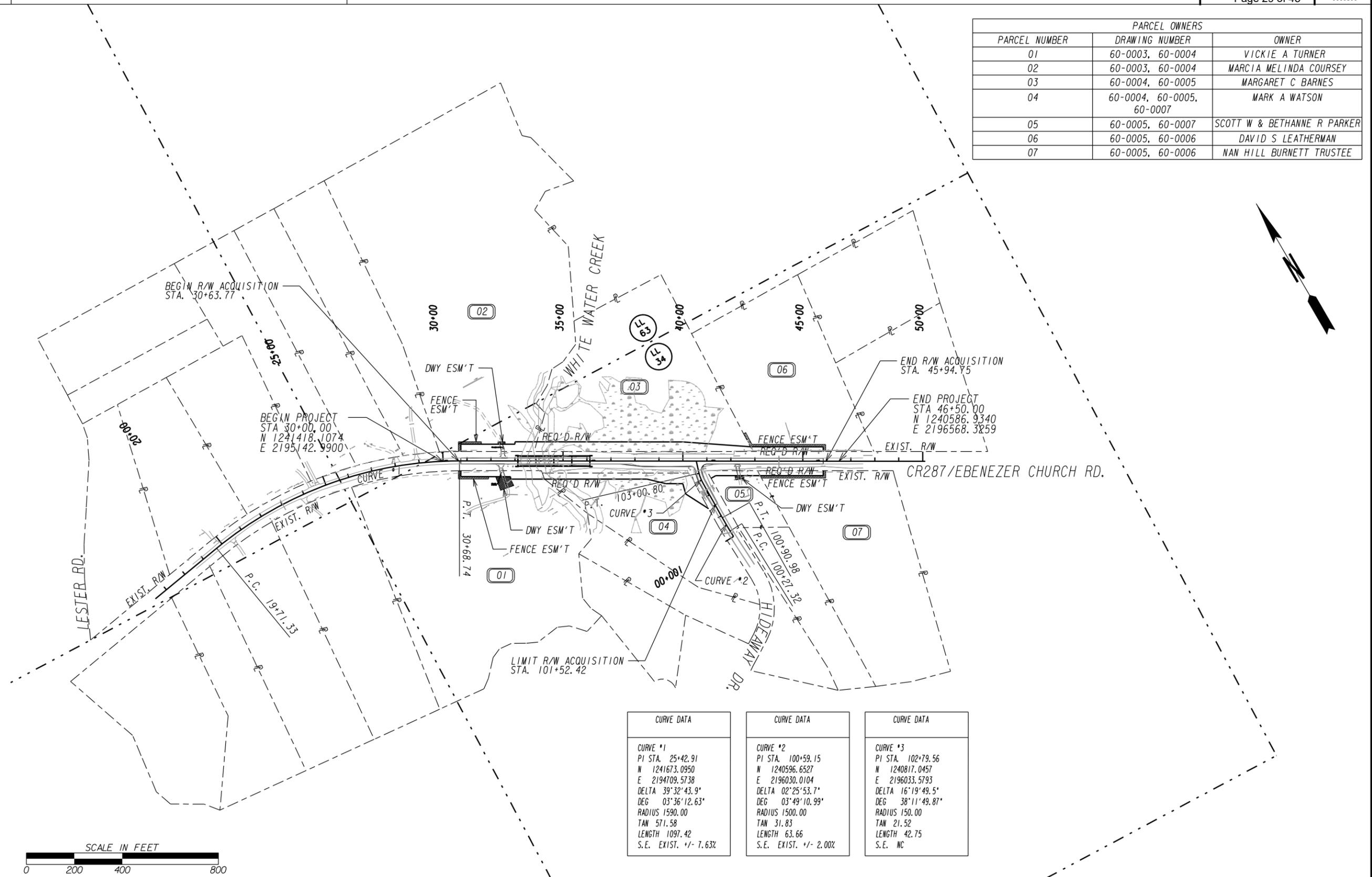
PLANS COMPLETED DATE: 06/27/2019

REVISIONS:

NO.	DESCRIPTION

DRAWING No.
60-0001

PARCEL OWNERS		
PARCEL NUMBER	DRAWING NUMBER	OWNER
01	60-0003, 60-0004	VICKIE A TURNER
02	60-0003, 60-0004	MARCIA MELINDA COURSEY
03	60-0004, 60-0005	MARGARET C BARNES
04	60-0004, 60-0005, 60-0007	MARK A WATSON
05	60-0005, 60-0007	SCOTT W & BETHANNE R PARKER
06	60-0005, 60-0006	DAVID S LEATHERMAN
07	60-0005, 60-0006	NAN HILL BURNETT TRUSTEE



CURVE DATA	CURVE DATA	CURVE DATA
CURVE #1 PI STA. 25+42.91 N 1241673.0950 E 2194709.5738 DELTA 39°32'43.9" DEG 03°36'12.63" RADIUS 1590.00 TAN 571.58 LENGTH 1097.42 S.E. EXIST. +/- 7.63%	CURVE #2 PI STA. 100+59.15 N 1240596.6527 E 2196030.0104 DELTA 02°25'53.7" DEG 03°49'10.99" RADIUS 1500.00 TAN 31.83 LENGTH 63.66 S.E. EXIST. +/- 2.00%	CURVE #3 PI STA. 102+79.56 N 1240817.0457 E 2196033.5793 DELTA 16°19'49.5" DEG 38°11'49.87" RADIUS 150.00 TAN 21.52 LENGTH 42.75 S.E. NC

PROPERTY AND EXISTING R/W LINE	---
REQUIRED R/W LINE	---
CONSTRUCTION LIMITS	---
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES	▨
EASEMENT FOR CONSTR OF SLOPES	▩
EASEMENT FOR CONSTR OF DRIVES	▧

BEGIN LIMIT OF ACCESS.....BLA	---
END LIMIT OF ACCESS.....ELA	---
LIMIT OF ACCESS	---
REQ'D R/W & LIMIT OF ACCESS	---

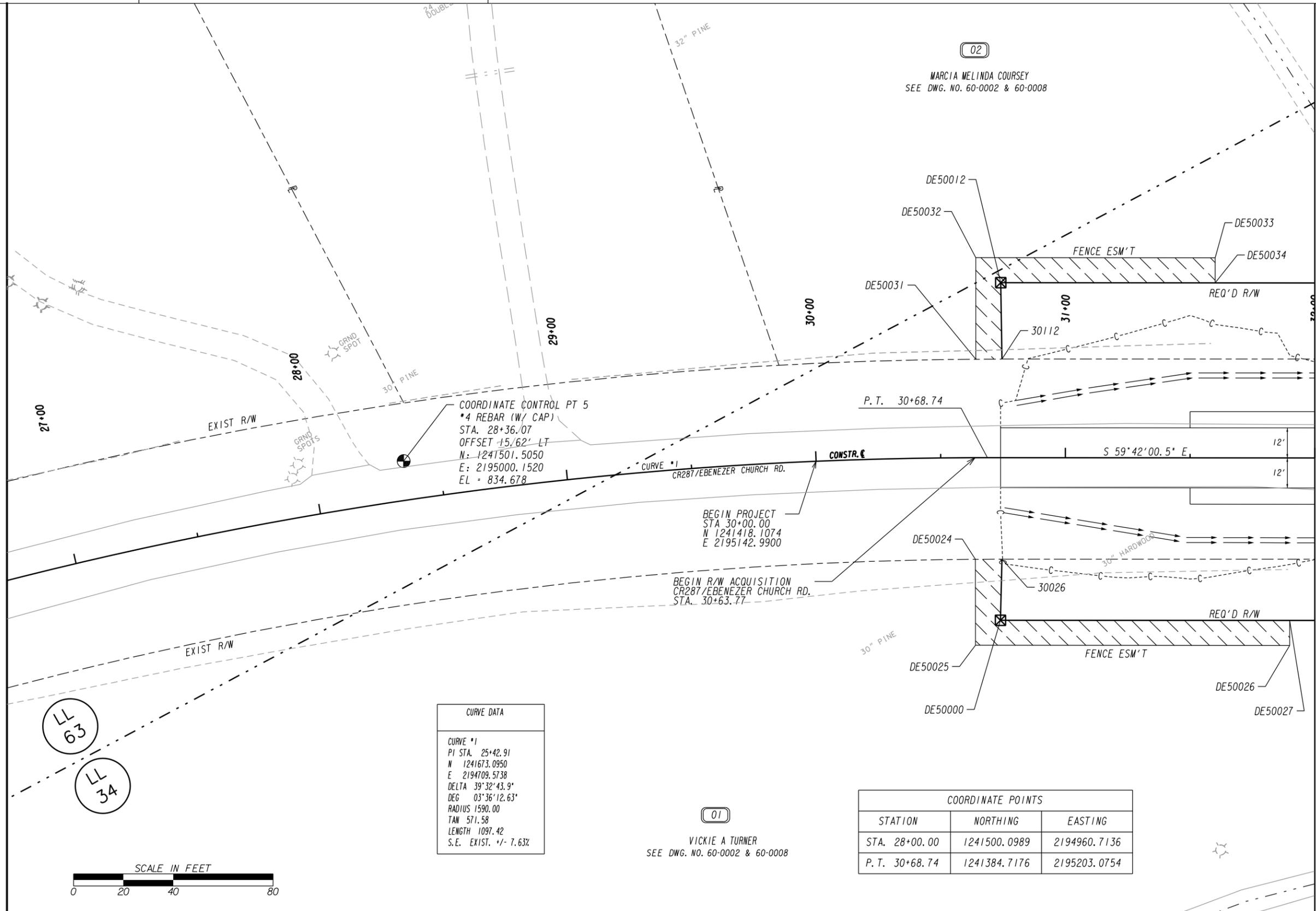
DATE	REVISIONS	DATE	REVISIONS

DATE	REVISIONS

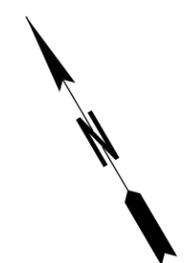
STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP

PROJECT NO: 0008589
COUNTY: FAYETTE
LAND LOT NO: 33, 34 & 63
LAND DISTRICT: 05
GMD 496
DATE 6/27/19 SH 2 OF 9

DRAWING No.
60-0002

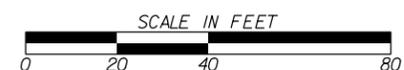


DRAWING NO. 60-0004
STA. 32+00.00
MATCH LINE



CURVE DATA	
CURVE #1	
PI STA.	25+42.91
N	1241673.0950
E	2194709.5738
DELTA	39°32'43.9"
DEG	03°36'12.63"
RADIUS	1590.00
TAN	571.58
LENGTH	1097.42
S.E. EXIST.	+/- 7.63%

COORDINATE POINTS		
STATION	NORTHING	EASTING
STA. 28+00.00	1241500.0989	2194960.7136
P. T. 30+68.74	1241384.7176	2195203.0754



(01)
VICKIE A TURNER
SEE DWG. NO. 60-0002 & 60-0008

PROPERTY AND EXISTING R/W LINE	---
REQUIRED R/W LINE	---
CONSTRUCTION LIMITS	---
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES	---C---F---
EASEMENT FOR CONSTR OF SLOPES	---C---F---
EASEMENT FOR CONSTR OF DRIVES	---C---F---

BEGIN LIMIT OF ACCESS.....BLA	---o---o---
END LIMIT OF ACCESS.....ELA	---o---o---
LIMIT OF ACCESS	---o---o---
REQ'D R/W & LIMIT OF ACCESS	---o---o---
ORANGE BARRIER FENCE	---o---o---
ESA - ENV. SENSITIVE AREA (SEE ERIT TABLE)	---o---o---

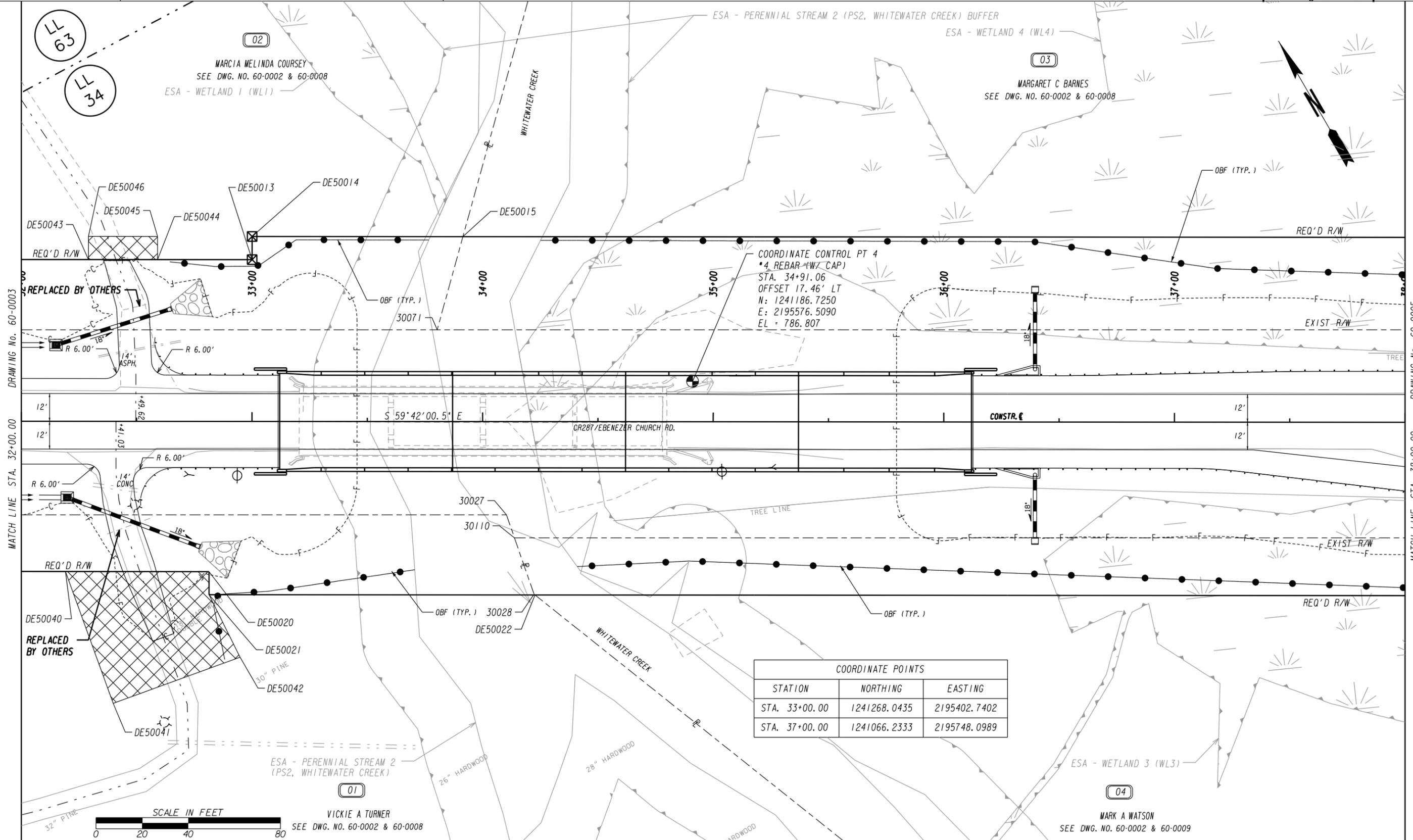
DATE	REVISIONS	DATE	REVISIONS

DATE	REVISIONS

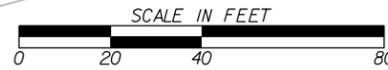
STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP

PROJECT NO: 0008598
COUNTY: FAYETTE
LAND LOT NO: 33, 34 & 63
LAND DISTRICT: 05
GMD 496
DATE 6/27/19 SH 3 OF 9

DRAWING No.
60-0003



COORDINATE POINTS		
STATION	NORTHING	EASTING
STA. 33+00.00	1241268.0435	2195402.7402
STA. 37+00.00	1241066.2333	2195748.0989



PROPERTY AND EXISTING R/W LINE
 REQUIRED R/W LINE
 CONSTRUCTION LIMITS
 EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES
 EASEMENT FOR CONSTR OF SLOPES
 EASEMENT FOR CONSTR OF DRIVES

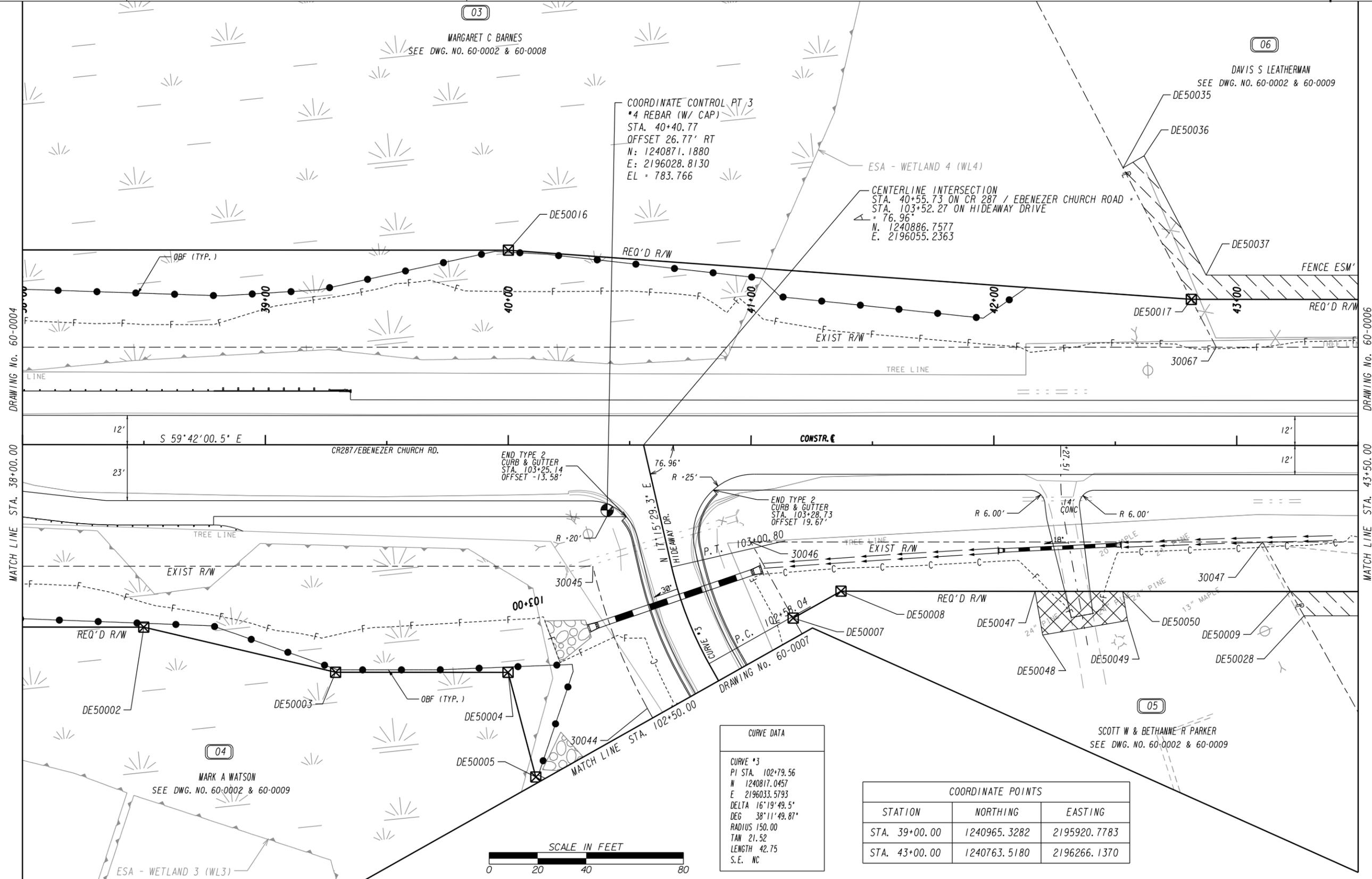
BEGIN LIMIT OF ACCESS.....BLA
 END LIMIT OF ACCESS.....ELA
 LIMIT OF ACCESS
 REQ'D R/W & LIMIT OF ACCESS
 ORANGE BARRIER FENCE
 ESA - ENV. SENSITIVE AREA (SEE ERIT TABLE)

DATE	REVISIONS	DATE	REVISIONS

DATE	REVISIONS

STATE OF GEORGIA
 DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
 PROJECT NO: 0008598
 COUNTY: FAYETTE
 LAND LOT NO: 33, 34 & 63
 LAND DISTRICT: 05
 GMD 496
 DATE 6/27/19 SH 4 OF 9

DRAWING No.
60-0004



COORDINATE CONTROL PT 3
*4 REBAR (W/ CAP)
STA. 40+40.77
OFFSET 26.77' RT
N: 1240871.1880
E: 2196028.8130
EL = 783.766

CENTERLINE INTERSECTION
STA. 40+55.73 ON CR 287 / EBENEZER CHURCH ROAD
STA. 103+52.27 ON HIDEAWAY DRIVE
76.96°
N: 1240886.7577
E: 2196055.2363

CURVE DATA

CURVE #3
PI STA. 102+79.56
N 1240817.0457
E 2196033.5793
DELTA 16°19'49.5"
DEG 38°11'49.87"
RADIUS 150.00
TAN 21.52
LENGTH 42.75
S.E. NC

COORDINATE POINTS

STATION	NORTHING	EASTING
STA. 39+00.00	1240965.3282	2195920.7783
STA. 43+00.00	1240763.5180	2196266.1370



PROPERTY AND EXISTING R/W LINE
REQUIRED R/W LINE
CONSTRUCTION LIMITS
EASEMENT FOR CONSTR
& MAINTENANCE OF SLOPES
EASEMENT FOR CONSTR OF SLOPES
EASEMENT FOR CONSTR OF DRIVES

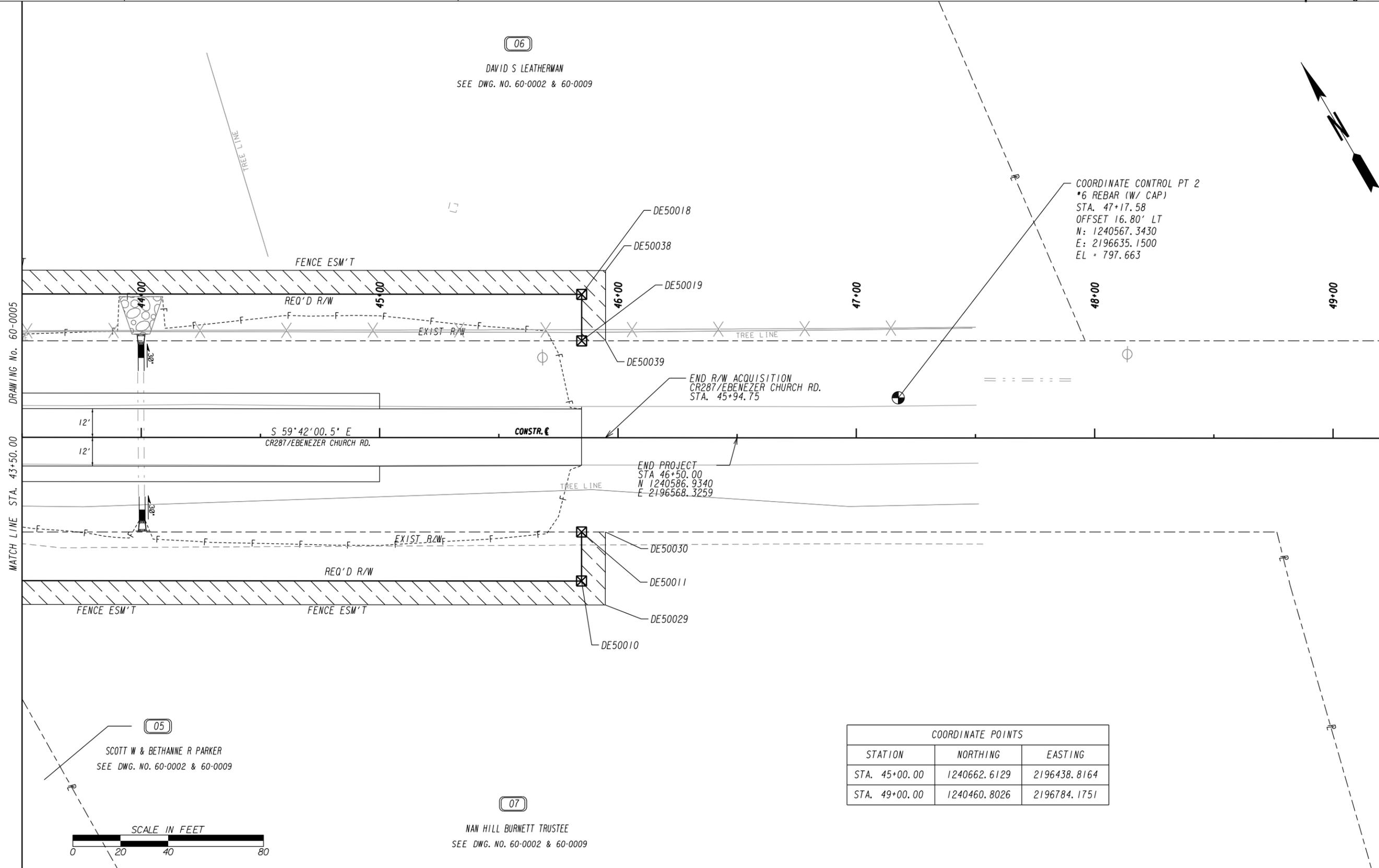
BEGIN LIMIT OF ACCESS.....BLA
END LIMIT OF ACCESS.....ELA
LIMIT OF ACCESS
REQ'D R/W & LIMIT OF ACCESS
ORANGE BARRIER FENCE
ESA - ENV. SENSITIVE AREA
(SEE ERIT TABLE)

DATE	REVISIONS	DATE	REVISIONS

DATE	REVISIONS

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
PROJECT NO: 0008598
COUNTY: FAYETTE
LAND LOT NO: 34 & 63
LAND DISTRICT: 05
GMD 496
DATE 6/27/19 SH 5 OF 9

DRAWING No.
60-0005



COORDINATE POINTS		
STATION	NORTHING	EASTING
STA. 45+00.00	1240662.6129	2196438.8164
STA. 49+00.00	1240460.8026	2196784.1751



PROPERTY AND EXISTING R/W LINE	---
REQUIRED R/W LINE	---
CONSTRUCTION LIMITS	---
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES	---C---F---
EASEMENT FOR CONSTR OF SLOPES	---C---F---
EASEMENT FOR CONSTR OF DRIVES	---C---F---

BEGIN LIMIT OF ACCESS.....BLA	---o---o---
END LIMIT OF ACCESS.....ELA	---o---o---
LIMIT OF ACCESS	---o---o---
REQ'D R/W & LIMIT OF ACCESS	---o---o---
ORANGE BARRIER FENCE	---o---o---
ESA - ENV. SENSITIVE AREA (SEE ERIT TABLE)	---o---o---

DATE	REVISIONS	DATE	REVISIONS

DATE	REVISIONS	DATE	REVISIONS

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP

PROJECT NO: 0008598
COUNTY: FAYETTE
LAND LOT NO: 34
LAND DISTRICT: 05
GMD 496
DATE 6/27/19 SH 6 OF 9

DRAWING No.
60-0006



ESA - WETLAND 3 (WL3)

04

MARK A WATSON
SEE DWG. NO. 60-0002 & 60-0009

LIMIT R/W ACQUISITION
HIDEAWAY DR.
STA. 101+74.95

BEGIN TYPE 2
CURB & GUTTER
STA. 101+52.42
OFFSET -9.67'

LIMIT OF CONSTRUCTION
BEGIN MILL & INLAY
STA. 101+52.42

N 00°55'39.8" E
HIDEAWAY DR.

BEGIN TYPE 2
CURB & GUTTER
STA. 101+52.42
OFFSET 10.12'

P.C. 100+27.32

P.T. 100+90.98

EXIST R/W

CURVE #2

CURVE DATA	
CURVE #2	
PI STA.	100+59.15
N	1240596.6527
E	2196030.0104
DELTA	02°25'53.7"
DEG	03°49'10.99"
RADIUS	1500.00
TAN	31.83
LENGTH	63.66
S.E. EXIST.	+/- 2.00%

05

SCOTT W & BETHANNE R PARKER
SEE DWG. NO. 60-0002 & 60-0009



COORDINATE POINTS		
STATION	NORTHING	EASTING
P.C. 100+27.32	1240564.8295	2196030.8459
P.T. 100+90.98	1240628.4826	2196030.5258

PROPERTY AND EXISTING R/W LINE	---
REQUIRED R/W LINE	---
CONSTRUCTION LIMITS	---
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES	---C---F---
EASEMENT FOR CONSTR OF SLOPES	---C---F---
EASEMENT FOR CONSTR OF DRIVES	---C---F---

BEGIN LIMIT OF ACCESS.....BLA	---o---o---
END LIMIT OF ACCESS.....ELA	---o---o---
LIMIT OF ACCESS	---o---o---
REQ'D R/W & LIMIT OF ACCESS	---o---o---
ORANGE BARRIER FENCE	---o---o---
ESA - ENV. SENSITIVE AREA (SEE ERIT TABLE)	---o---o---

DATE	REVISIONS	DATE	REVISIONS

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
PROJECT NO: 0008598
COUNTY: FAYETTE
LAND LOT NO: 34
LAND DISTRICT: 05
GMD 496
DATE 6/27/19 SH 7 OF 9

DRAWING No.
60-0007

01

SEE DWG NO 60-0002, 60-0003 & 60-0004

PARCEL 01	REQ'D R/W	DE50001		
PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT	
30026	40.57 R	30+74.60	CR287/EBENEZER CHURCH RD	
	335.77	S 59°44'30.7" E		
30027	40.32 R	34+10.37	CR287/EBENEZER CHURCH RD	
	10.59	S 11°02'06.3" W		
30110	50.32 R	34+13.86	CR287/EBENEZER CHURCH RD	
	25.81	S 11°02'06.3" W		
30028	74.69 R	34+22.38	CR287/EBENEZER CHURCH RD	
	0.51	S 21°14'48.7" E		
DE50022	75.00 R	34+22.77	CR287/EBENEZER CHURCH RD	
	141.35	N 59°42'00.5" W		
DE50021	75.00 R	32+81.43	CR287/EBENEZER CHURCH RD	
	10.00	N 30°17'59.5" E		
DE50020	65.00 R	32+81.43	CR287/EBENEZER CHURCH RD	
	207.43	N 59°42'00.5" W		
DE50000	65.00 R	30+74.00	CR287/EBENEZER CHURCH RD	
	24.44	N 31°42'24.9" E		
30026	40.57 R	30+74.60	CR287/EBENEZER CHURCH RD	
REQD R/W	= 9751.43	SF		
REQD R/W	= 0.224	ACRES		

PARCEL 01	EASMT. FOR CONSTR. & MAINT. OF SLOPES	DE50021		
PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT	
DE50024	40.60 R	30+63.77	CR287/EBENEZER CHURCH RD	
30026	40.57 R	30+74.60	CR287/EBENEZER CHURCH RD	
DE50000	65.00 R	30+74.00	CR287/EBENEZER CHURCH RD	
DE50027	65.00 R	31+90.00	CR287/EBENEZER CHURCH RD	
DE50026	75.00 R	31+90.00	CR287/EBENEZER CHURCH RD	
DE50025	74.99 R	30+63.77	CR287/EBENEZER CHURCH RD	
DE50024	40.60 R	30+63.77	CR287/EBENEZER CHURCH RD	
REQD EASMT AREA	= 1513.27	SF		

PARCEL 01	REQ'D DRWY. EASMT.	DE50031		
PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT	
DE50040	65.00 R	32+19.15	CR287/EBENEZER CHURCH RD	
DE50020	65.00 R	32+81.43	CR287/EBENEZER CHURCH RD	
DE50021	75.00 R	32+81.43	CR287/EBENEZER CHURCH RD	
DE50042	102.00 R	32+94.88	CR287/EBENEZER CHURCH RD	
DE50041	122.00 R	32+39.88	CR287/EBENEZER CHURCH RD	
DE50040	65.00 R	32+19.15	CR287/EBENEZER CHURCH RD	

PARCEL 01
TOTAL RIGHT OF WAY = 0.224 ACRES 9751.43 (SF)
REMAINDER = +/- 15 ACRES
TOTAL EASMT. FOR CONSTR. & MAINT. OF SLOPES = 1513.27 (SF)
NO. OF DRIVEWAYS = 1

02

SEE DWG NO 60-0002, 60-0003 & 60-0004

PARCEL 02	REQ'D R/W	DE50002		
PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT	
30112	39.43 L	30+74.54	CR287/EBENEZER CHURCH RD	
	30.57	N 29°17'03.5" E		
DE50012	70.00 L	30+74.00	CR287/EBENEZER CHURCH RD	
	226.00	S 59°42'00.5" E		
DE50013	70.00 L	33+00.00	CR287/EBENEZER CHURCH RD	
	10.00	N 30°17'59.5" E		
DE50014	80.00 L	33+00.00	CR287/EBENEZER CHURCH RD	
	91.41	S 59°42'00.5" E		
DE50015	80.00 L	33+91.41	CR287/EBENEZER CHURCH RD	
	41.85	S 45°43'23.2" W		
30071	39.65 L	33+80.28	CR287/EBENEZER CHURCH RD	
	305.74	N 59°44'30.7" W		
30112	39.43 L	30+74.54	CR287/EBENEZER CHURCH RD	
REQD R/W	= 10347.33	SF		
REQD R/W	= 0.238	ACRES		

PARCEL 02	EASMT. FOR CONSTR. & MAINT. OF SLOPES	DE50022		
PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT	
DE50031	39.40 L	30+64.11	CR287/EBENEZER CHURCH RD	
DE50032	80.01 L	30+64.23	CR287/EBENEZER CHURCH RD	
DE50033	80.00 L	31+60.00	CR287/EBENEZER CHURCH RD	
DE50034	70.00 L	31+60.00	CR287/EBENEZER CHURCH RD	
DE50012	70.00 L	30+74.00	CR287/EBENEZER CHURCH RD	
30112	39.43 L	30+74.54	CR287/EBENEZER CHURCH RD	
DE50031	39.40 L	30+64.11	CR287/EBENEZER CHURCH RD	
REQD EASMT AREA	= 1274.18	SF		

PARCEL 02	REQ'D DRWY. EASMT.	DE50032		
PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT	
DE50043	70.00 L	32+29.00	CR287/EBENEZER CHURCH RD	
DE50046	80.00 L	32+29.00	CR287/EBENEZER CHURCH RD	
DE50045	80.00 L	32+59.00	CR287/EBENEZER CHURCH RD	
DE50044	70.00 L	32+59.00	CR287/EBENEZER CHURCH RD	
DE50043	70.00 L	32+29.00	CR287/EBENEZER CHURCH RD	

PARCEL 02
TOTAL RIGHT OF WAY = 0.238 ACRES 10347.33 (SF)
REMAINDER = +/- 23 ACRES
TOTAL EASMT. FOR CONSTR. & MAINT. OF SLOPES = 1274.18 (SF)
NO. OF DRIVEWAYS = 1

03

SEE DWG NO 60-0002, 60-0004 & 60-0005

PARCEL 03	REQ'D R/W	DE50003		
PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT	
30071	39.65 L	33+80.28	CR287/EBENEZER CHURCH RD	
	41.85	N 45°43'23.2" E		
DE50015	80.00 L	33+91.41	CR287/EBENEZER CHURCH RD	
	608.59	S 59°42'00.5" E		
DE50016	80.00 L	40+00.00	CR287/EBENEZER CHURCH RD	
	281.98	S 55°37'58.5" E		
DE50017	60.00 L	42+81.27	CR287/EBENEZER CHURCH RD	
	22.20	S 2°45'03.0" W		
30067	40.32 L	42+91.54	CR287/EBENEZER CHURCH RD	
	911.26	N 59°44'30.7" W		
30071	39.65 L	33+80.28	CR287/EBENEZER CHURCH RD	
REQD R/W	= 33119.40	SF		
REQD R/W	= 0.760	ACRES		

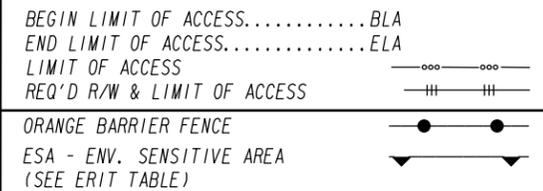
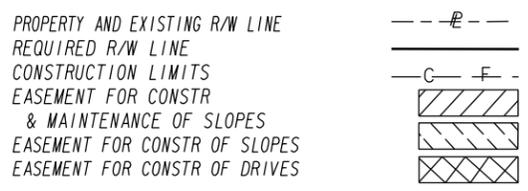
PARCEL 03
TOTAL RIGHT OF WAY = 0.760 ACRES 33119.40 (SF)
REMAINDER = +/- 8.9 ACRES

04

SEE DWG NO 60-0002, 60-0004, 60-0005 & 60-0007

PARCEL 04	REQ'D R/W	DE50004		
PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT	
30110	50.32 R	34+13.86	CR287/EBENEZER CHURCH RD	
	621.04	S 59°44'30.7" E		
30045	31.54 L	103+08.39	HIDEAWAY DRIVE	
ARC LENGTH	= 62.74			
CHORD BEAR	= S 9°13'53.9" W			
LNTH CHORD	= 62.53			
RADIUS	= 222.23			
DEGREE	= 25°46'55.9"			
30044	31.11 L	102+54.50	HIDEAWAY DRIVE	
	102.08	S 1°08'07.3" W		
DE50006	31.48 L	101+52.42	HIDEAWAY DRIVE	
	113.42	N 27°13'35.0" W		
DE50005	85.00 L	102+52.42	HIDEAWAY DRIVE	
	44.46	N 15°23'00.4" E		
DE50004	77.01 L	102+82.89	HIDEAWAY DRIVE	
	71.00	N 59°42'00.5" W		
DE50003	93.50 R	39+29.00	CR287/EBENEZER CHURCH RD	
	81.14	N 46°31'13.0" W		
DE50002	75.00 R	38+50.00	CR287/EBENEZER CHURCH RD	
	427.23	N 59°42'00.5" W		
DE50022	75.00 R	34+22.77	CR287/EBENEZER CHURCH RD	
	0.51	N 21°14'48.7" W		
30028	74.69 R	34+22.38	CR287/EBENEZER CHURCH RD	
	25.81	N 11°02'06.3" E		
30110	50.32 R	34+13.86	CR287/EBENEZER CHURCH RD	
REQD R/W	= 22603.94	SF		
REQD R/W	= 0.519	ACRES		

PARCEL 04
TOTAL RIGHT OF WAY = 0.519 ACRES 22603.94 (SF)
REMAINDER = +/- 4.6 ACRES



DATE	REVISIONS	DATE	REVISIONS

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
PROJECT NO: 0008598
COUNTY: FAYETTE
LAND LOT NO:
LAND DISTRICT:
GMD
DATE 6/27/19 SH 8 OF 9
DRAWING No. 60-0008

05

SEE DWG NO 60-0002, 60-0005 & 60-0007

PARCEL 05 REQ'D R/W DE50005			
PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
30046	34.06 R	103+03.51	HIDEAWAY DRIVE
	210.74	S 59°44'30.7" E	
30047	39.67 R	43+10.65	CR287/EBENEZER CHURCH RD
	23.34	S 0°52'47.7" W	
DE50009	60.00 R	43+22.12	CR287/EBENEZER CHURCH RD
	185.02	N 59°42'00.5" W	
DE50008	62.01 R	102+57.42	HIDEAWAY DRIVE
	22.59	N 89°04'20.2" W	
DE50007	39.41 R	102+57.42	HIDEAWAY DRIVE
	35.82	N 1°03'59.4" E	
30046	34.06 R	103+03.51	HIDEAWAY DRIVE
REQD R/W	= 4414.58	SF	
REQD R/W	= 0.101	ACRES	

PARCEL 05 REQ'D DRWY. EASM'T. DE50035			
PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
DE50047	60.00 R	42+17.00	CR287/EBENEZER CHURCH RD
DE50050	60.00 R	42+53.04	CR287/EBENEZER CHURCH RD
DE50049	71.97 R	42+55.10	CR287/EBENEZER CHURCH RD
DE50048	78.00 R	42+20.10	CR287/EBENEZER CHURCH RD
DE50047	60.00 R	42+17.00	CR287/EBENEZER CHURCH RD

PARCEL 05
TOTAL RIGHT OF WAY = 0.101 ACRES 4414.58 (SF)
REMAINDER = +/- 1.0 ACRES
NO. OF DRIVEWAYS = 1

06

SEE DWG NO 60-0002, 60-0005 & 60-0006

PARCEL 06 REQ'D R/W DE50006			
PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
30067	40.32 L	42+91.54	CR287/EBENEZER CHURCH RD
	22.20	N 2°45'03.0" E	
DE50017	60.00 L	42+81.27	CR287/EBENEZER CHURCH RD
	303.48	S 59°42'00.5" E	
DE50018	60.00 L	45+84.75	CR287/EBENEZER CHURCH RD
	19.47	S 30°17'59.5" W	
DE50019	40.53 L	45+84.75	CR287/EBENEZER CHURCH RD
	293.21	N 59°44'30.7" W	
30067	40.32 L	42+91.54	CR287/EBENEZER CHURCH RD
REQD R/W	= 5840.79	SF	
REQD R/W	= 0.134	ACRES	

PARCEL 06 EASM'T. FOR CONSTR. & MAINT. OF SLOPES DE50026			
PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
DE50019	40.53 L	45+84.75	CR287/EBENEZER CHURCH RD
DE50018	60.00 L	45+84.75	CR287/EBENEZER CHURCH RD
DE50017	60.00 L	42+81.27	CR287/EBENEZER CHURCH RD
DE50035	114.00 L	42+53.10	CR287/EBENEZER CHURCH RD
DE50036	119.00 L	42+61.77	CR287/EBENEZER CHURCH RD
DE50037	70.00 L	42+87.33	CR287/EBENEZER CHURCH RD
DE50038	70.00 L	45+94.75	CR287/EBENEZER CHURCH RD
DE50039	40.54 L	45+94.75	CR287/EBENEZER CHURCH RD
DE50019	40.53 L	45+84.75	CR287/EBENEZER CHURCH RD
REQD EASMT AREA	= 3880.00	SF	

PARCEL 06
TOTAL RIGHT OF WAY = 0.134 ACRES 5840.79 (SF)
REMAINDER = +/- 7.3 ACRES
TOTAL EASM'T. FOR CONSTR. & MAINT. OF SLOPES = 3880.00 (SF)

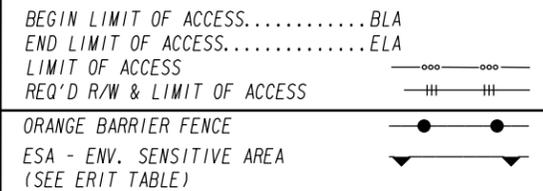
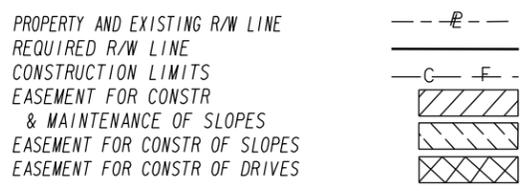
07

SEE DWG NO 60-0002 & 60-0006

PARCEL 07 REQ'D R/W DE50007			
PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
30047	39.67 R	43+10.65	CR287/EBENEZER CHURCH RD
	274.10	S 59°44'30.7" E	
DE50011	39.47 R	45+84.75	CR287/EBENEZER CHURCH RD
	20.53	S 30°17'59.5" W	
DE50010	60.00 R	45+84.75	CR287/EBENEZER CHURCH RD
	262.63	N 59°42'00.5" W	
DE50009	60.00 R	43+22.12	CR287/EBENEZER CHURCH RD
	23.34	N 0°52'47.7" E	
30047	39.67 R	43+10.65	CR287/EBENEZER CHURCH RD
REQD R/W	= 5483.68	SF	
REQD R/W	= 0.126	ACRES	

PARCEL 07 EASM'T. FOR CONSTR. & MAINT. OF SLOPES DE50027			
PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
DE50011	39.47 R	45+84.75	CR287/EBENEZER CHURCH RD
DE50030	39.46 R	45+94.75	CR287/EBENEZER CHURCH RD
DE50029	70.00 R	45+94.75	CR287/EBENEZER CHURCH RD
DE50028	70.00 R	43+27.76	CR287/EBENEZER CHURCH RD
DE50009	60.00 R	43+22.12	CR287/EBENEZER CHURCH RD
DE50010	60.00 R	45+84.75	CR287/EBENEZER CHURCH RD
DE50011	39.47 R	45+84.75	CR287/EBENEZER CHURCH RD
REQD EASMT AREA	= 2903.47	SF	

PARCEL 07
TOTAL RIGHT OF WAY = 0.126 ACRES 5483.68 (SF)
REMAINDER = +/- 8.9 ACRES
TOTAL EASM'T. FOR CONSTR. & MAINT. OF SLOPES = 2903.47 (SF)



DATE	REVISIONS	DATE	REVISIONS

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
PROJECT NO: 0008598
COUNTY: FAYETTE
LAND LOT NO:
LAND DISTRICT:
GMD
DATE 6/27/19 SH 9 OF 9

DRAWING No.
60-0009

COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of the County Attorney's recommendation to deny a disposition of tax refund, as requested by Henri Cruse, for tax year 2019.

Background/History/Details:

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a Refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

A memo from the County Attorney is provided as backup with an explanation to deny this request.

What action are you seeking from the Board of Commissioners?

Deny a disposition of tax refund, as requested by Henri Cruse, for tax year 2019.

If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

*** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

Fayette Co. Tax Commissioner
P.O. Box 70, Fayetteville, GA 30214

From: Henri Lamar Cruse, Jr.
Re: Overpaid property taxes



To whom it may concern:

I overpaid property taxes on this property 203 Kenwood Rd, Fayetteville GA, bill # 2019-2713.

It was determined through a survey on O Davis St that Fayette County needed to re-establish the lots and it was done. As a result, my 1.00 acres I thought I had decreased to .4 acres.

I would like an adjustment and refund of my taxes paid on 1.000 acres.

Also, this property should be in my name alone, please refer to the deed and my mailing address is:

Henri L. Cruse, Jr.
105 Club Drive
Fayetteville, GA 30214

mail refund to:



Henri L Cruse Jr.

Property Tax Statement

County Tax Commissioner
 Box 70
 Fayetteville, GA 30214

Bill No.	Due Date	Page 39 of 41	TOTAL DUE
2019-2713	11/15/2019		759.87

Map : 055101013

Payment good through: 03/15/2020
 Printed: 02/26/2020

Location: 203 KENWOOD RD

MAKE CHECK OR MONEY ORDER PAYABLE TO:
 Fayette County Tax Commissioner

ON-LINE PAYMENTS AT:
WWW.FAYETTECOUNTYTAXCOMM.COM
 THERE WILL BE A FEE OF 2 1/2% FOR MOST CARDS, 3% FOR AMERICAN EXPRESS IF PAID ONLINE.
 YOUR NET MILLAGE RATE IS EQUAL TO YOUR COUNTY SCHOOL OR CITY MILLAGE RATE LESS THE APPLICABLE SALES TAX CREDIT.
 REFER TO THE REVERSE SIDE OF YOUR TAX BILL FOR INFORMATION ABOUT STATE AND LOCAL EXEMPTIONS.
 IF THIS BILL IS MARKED "APPEAL" IT IS CALCULATED AT 85% VALUE. AN ADJUSTED BILL WILL BE ISSUED WHEN YOUR APPEAL IS FINALIZED.

20192713*

Remove
 BAXLEY VERNON B
 C/O CRUSE, JR HENRI L
 123 SMITH ST
 JONESBORO, GA 30236
*Herrn L. Cruse Jr.
 105 Club
 Drive
 Fayetteville, GA 30214*

RETURN THIS PORTION WITH PAYMENT
 (Interest will be added per month if not paid by due date)

Kristie King
 Fayette County Tax Commissioner
 P. O. Box 70
 Fayetteville, GA 30214



Tax Payer: BAXLEY VERNON B
 Map Code: 055101013
 Description: 203 KENWOOD RD
 Location: 203 KENWOOD RD
 Bill No: 2019-2713
 District: 01 COUNTY
 REAL

Phone: (770) 461-3652 Fax: (770) 461-8443

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good Through	Exemptions	
45,700	18,860	1.0000	64,560	11/15/2019		03/15/2020		
Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax
COUNTY M&O	64,560.00	25824.00		25,824.00	6.3560	164.14		113.42
COUNTY SALES TAX CREDIT				25,824.00	-1.9640		-50.72	
EMERGENCY MEDICAL SERVICE	64,560.00	25824.00		25,824.00	.4560	11.78		11.78
911 SERVICES	64,560.00	25824.00		25,824.00	.2100	5.42		5.42
COUNTY SCHOOL M&O	64,560.00	25824.00		25,824.00	19.2500	497.11		497.11
COUNTY SCHOOL BOND	64,560.00	25824.00		25,824.00	1.2710	32.82		32.82
COUNTY FIRE	64,560.00	25824.00		25,824.00	3.0700	79.28		79.28
TOTALS					28.6490	790.55	-50.72	739.83

This gradual reduction and elimination of the state property tax millage rate is the result of property tax relief passed by the Governor and the House of Representatives and the Georgia State Senate.

pd

PAY BY THE DUE DATE TO AVOID PENALTY AND INTEREST CHARGES:

INTEREST WILL ACCRUE EACH MONTH AT AN ANNUAL RATE EQUAL TO 3% PLUS THE FEDERAL PRIME RATE PUBLISHED AS OF JANUARY 1, EACH YEAR. A 5% PENALTY WILL BE ADDED 120 DAYS AFTER THE DUE DATE AND AT EACH 120 DAY MARK UNTIL A 20% CAP IS REACHED.

Current Due	739.83
Penalty	0.00
Interest	20.04
Other Fees	0.00
Previous Payments	0.00
Back taxes	0.00
TOTAL DUE	759.87

Printed: 02/26/2020

Sonya Kennedy

From: Kathy Butler <[REDACTED]>
Sent: Wednesday, March 25, 2020 3:05 PM
To: Sonya Kennedy
Subject: Fwd: GSCCCA Real Estate eFiling ACCEPTED: 3814054
Attachments: Book100Page212.pdf

External Email Be cautious of sender, content, and links

Good day.

The surveyor did the survey twice. The first one that was done, Fayette County said it was incorrect so he had to re-do because they said it should have been re-established a long time ago when it used to be the City of Kenwood.

The surveyor said Henri lost acreage on 203 Kenwood and instead of it being 1 acre like what is recorded, it is actually .4 acres. He also lost a little bit on the corner home 209 Kenwood if you can please address that as well.

I will also forward you the first survey that Fayette County told the surveyor was incorrect.

Please change his mailing address for both properties to 105 Club Drive as stated in our phone conversation. If you need to reach out, you can reach me at [REDACTED]

Thank you for your assistance with this matter and be safe!

[CLICK HERE TO BOOK A ONE ON ONE WITH ME!!](#)

Kathy Butler, Qualifying Broker

470-485-8165 (office)

[REDACTED] (mobile/direct)

www.kathybutlerrealty.com



NACA Program Referral Agent

Zillow Premier Agent

Home Partners of America Certified Agent

Divvy Homes Referral Agent

[CLICK HERE FOR DOWN PAYMENT ASSISTANCE!](#)

[CLICK HERE TO SEE WHAT YOUR HOME IS WORTH!](#)

[CLICK HERE FOR DIVVY HOMES LEASE TO PURCHASE PROGRAM!](#)

[HOME PARTNERS OF AMERICA'S LEASE OPTION PROGRAM!](#)

[CLICK HERE FOR GAS SOUTH CONNECTION AND DISCOUNT!!](#)

----- Forwarded message -----

From: **Kathy Butler** <[REDACTED]>
Date: Mon, Mar 23, 2020 at 10:57 AM
Subject: Fwd: GSCCCA Real Estate eFiling ACCEPTED: 3814054
To: Tammy Stanley <thestanleylawfirm@gmail.com>

CLICK HERE TO BOOK A ONE ON ONE WITH ME!!

Kathy Butler, Qualifying Broker

470-485-8165 (office)

[REDACTED] (mobile/direct)

www.kathybutlerrealty.com



NACA Program Referral Agent

Zillow Premier Agent

Home Partners of America Certified Agent

Divvy Homes Referral Agent

CLICK HERE FOR DOWN PAYMENT ASSISTANCE!

CLICK HERE TO SEE WHAT YOUR HOME IS WORTH!

CLICK HERE FOR DIVVY HOMES LEASE TO PURCHASE PROGRAM!

HOME PARTNERS OF AMERICA'S LEASE OPTION PROGRAM!

CLICK HERE FOR GAS SOUTH CONNECTION AND DISCOUNT!!

----- Forwarded message -----

From: **mike neely** <[REDACTED]>
Date: Wed, Mar 4, 2020 at 4:34 PM
Subject: Fwd: GSCCCA Real Estate eFiling ACCEPTED: 3814054
To: Kathy Butler <[REDACTED]>

----- Forwarded message -----

From: **mike neely** <[REDACTED]>
Date: Wed, Mar 4, 2020, 4:31 PM
Subject: Fwd: GSCCCA Real Estate eFiling ACCEPTED: 3814054
To: LeAnne Sears <LSears@wesselsandgerber.com>

----- Forwarded message -----

From: <noreply@gsccca.org>
Date: Wed, Mar 4, 2020, 4:30 PM
Subject: GSCCCA Real Estate eFiling ACCEPTED: 3814054
To: [REDACTED]

GSCCCA Real Estate eFile Notification

Filing Status Changed Notification

Date: 3/4/2020 4:30:47 PM
Filing ID: 3814054
Filing Type: Real Estate
Status Change: Accepted
Details: Real Estate filing (ID 3814054) has been accepted by the court clerk.
Filing fee: \$10.00
Payment Receipt: Credit card processing fee: \$0.35
Total amount charged: \$10.35

Phone Support: 1-800-304-5174 Email Support: help@gsccca.org Web: efile.gsccca.org

Type: PLAT FILED
 Recorded: 2/29/2020 4:37:00 PM
 Fee Amt: \$10.00 Page 1 of 1
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court

Participant ID: 7351447594

BK 100 PG 212

BOUNDARY RETRACEMENT PLAT

REFERENCE DEED DB 310 PG 429

PURPOSE OF THIS PLAT IS TO CORRECT THE POB AND LOCATION OF LOT 30 31 32 MCKOONS HIEGHTS AS RECORDED IN PLAT BOOK 100 PG 197.

ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE.

NOTE: PROPERTY LINES SHOWN ON THIS SURVEY/PLAT REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF APPARENT POSSESSION (IRON PINS FOUND, OLD & ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONTENTION FROM EVIDENCE FOUND AT THE APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE ALL POSSIBLE PROPERTY LINE DISPUTES OR DISCREPANCIES.

THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. THIS SURVEY IS SUBJECT TO REVISIONS AND UPDATE UPON RECEIPT OF SAID TITLE COMMITMENT.

THIS IS TO CERTIFY THAT THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

PER THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS RULE 108-6-.09, THE TERM CERTIFICATION AS USED IN BOARD RULE 180-6-.09(2) AND (3) AND RELATING TO PROFESSIONAL ENGINEERING OR LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESS OR IMPLIED.

THIS PROPERTY DOESNOT LIE WITHIN A 100 YEAR FLOOD PLAIN ACCORDING TO REFERENCE PLAT.

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FIELD CLOSURE=1" IN 47,000+
 ANGLE POINT ERROR=< 03"
 EQUIPMENT USED=TOTAL STATION
 ADJUSTMENT METHOD=COMPASS RULE
 PLAT CLOSURE=1" IN 100,000+

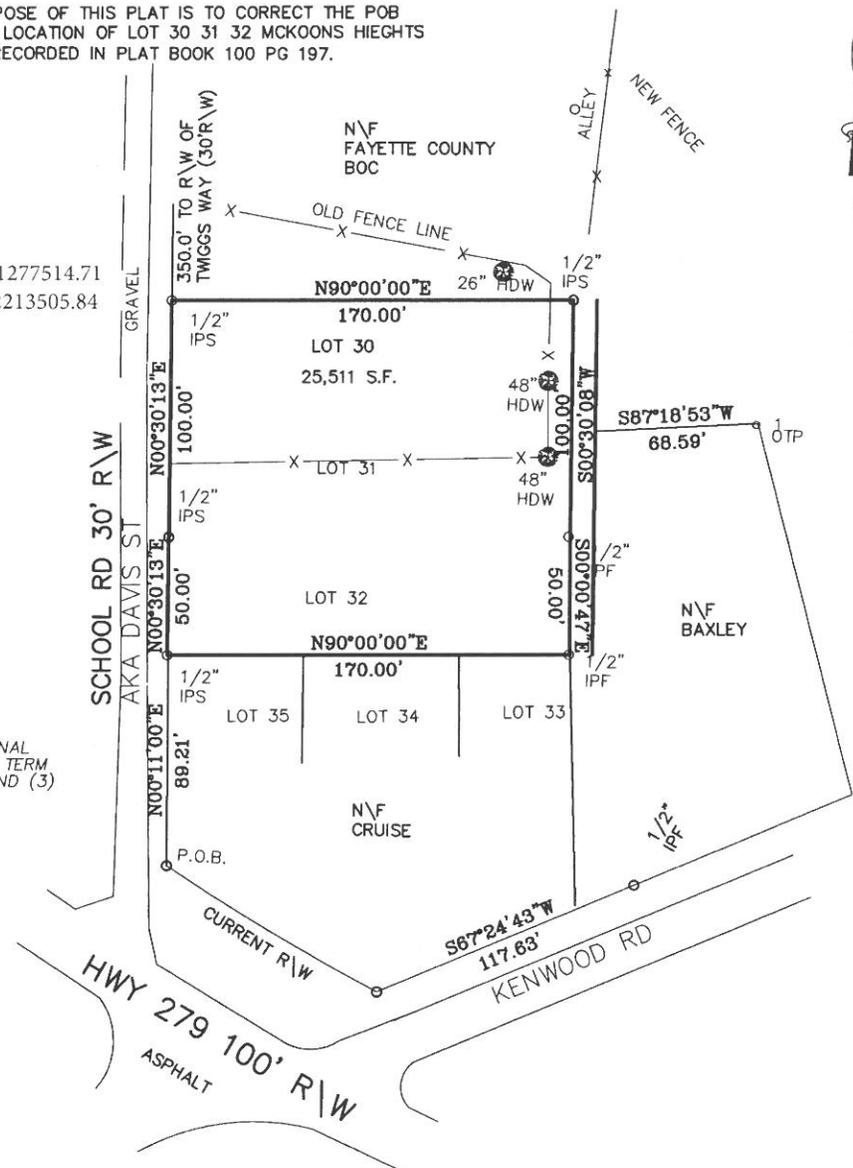
LEGEND

- IPF=IRON PIN FOUND
- IPS=IRON PIN SET
- R/W=RIGHT OF WAY
- MAG= MAGNETIC
- P.O.B.=POINT OF BEGINNING
- B/L=BUILDING LINE
- D.E.=DRAINAGE EASEMENT
- N/F=NOW OR FORMERLY
- P = PREVIOUS
- E = EXISTING
- P/P = POWER POLE
- PRP = PER REFERENCE PLAT

CLOSURE DATA

GRAPHIC SCALE

N1277514.71
 E2213505.84



SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

I AM RESPONSIBLE FOR ENSURING COMPLIANCE TO THE PROPERTY LINE DESCRIPTIONS AND DIMENSIONS, ALL SETBACKS AND THE IDENTIFICATION OF ANY APPLICABLE FLOOD PLAIN INFORMATION REPRESENTED ON THE PLAT OF RECORD FOR THIS PROJECT, AND DO FURTHER CERTIFY BY MY SIGNATURE AND SEAL THAT THE SITE PLAN (S) ATTACHED REFERENCED HEREIN ARE CONSISTENT WITH SAID PLAT.

By: G. L. SAWHNEY 2/25/2020
 GUS L. SAWHNEY, C.S. RLS No. 2547 DATE

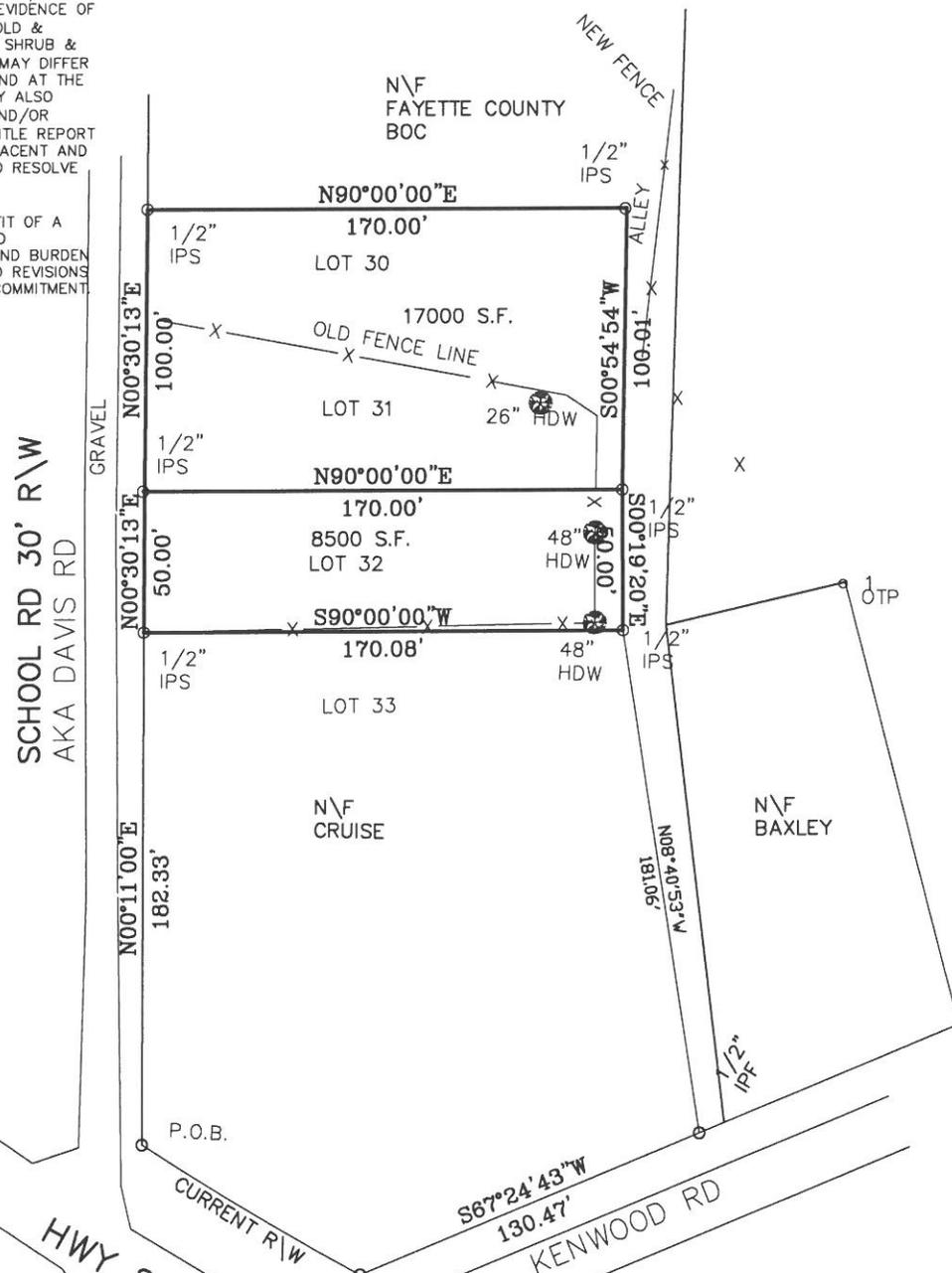
DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND ORIGINAL SIGNATURE OF SURVEYOR.

(iii) This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration

ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE.

NOTE: PROPERTY LINES SHOWN ON THIS SURVEY/PLAT REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF APPARENT POSSESSION (IRON PINS FOUND, OLD & ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONTENTION FROM EVIDENCE FOUND AT THE APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE ALL POSSIBLE PROPERTY LINE DISPUTES OR DISCREPANCIES.

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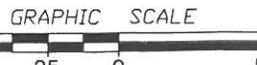


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MEMORANDUM

To: Fayette County Board of Commissioners

From: McNally, Fox, Grant & Davenport, P.C.

Date: April 22, 2020

Re: Tax Refund Request – Mr. Henri L. Cruse, Jr. (parcel 055101013)

On March 25, 2020, the Fayette County Board of Commissioners received a request for tax refund from Mr. Henri L. Cruse, Jr. The request was made for the refund of taxes paid for the 2019 tax year on a parcel known as 203 Kenwood Road (parcel 055101013). Mr. Cruse purchased this parcel on August 7, 2019.

The Board of Commissioners must grant a refund where taxes have been assessed and collected from a taxpayer either in error or illegally. As a threshold matter, the party making a request for refund must be the taxpayer against whom local taxes were assessed and collected in a given tax year. Each tax year the assessors must identify the owner of each parcel of real property in the County as of January 1. That party is assessed for taxes, based upon the value of the property. On January 1 of 2019 the property owner of 203 Kenwood Road (parcel 055101013) was Vernon B. Baxley. As such, taxes on this parcel were assessed against Mr. Baxley. He is the only party qualified to request a refund of the taxes paid on this parcel for 2019.

It should be noted that on February 26, 2020 Mr. Cruse paid the outstanding tax bill, interest, and penalties on the property located at 203 Kenwood Road (parcel 055101013). However, payment of this tax liability on behalf of Mr. Baxley does not cause Mr. Cruse to become an eligible tax refund recipient. The payment of debt on behalf of another party is a matter for resolution between those private parties. This is typically accomplished at the time the property is transferred, at closing.

This request for a partial refund of 2019 taxes to Mr. Cruse is recommended for denial. Mr. Cruse is not qualified to make the claim.

Year	Amount	Recommendation
2019	\$0.00	Deny
TOTAL REFUND:	\$0.00	