



# BOARD OF COUNTY COMMISSIONERS

T. PAGE THARP GOVERNMENTAL BUILDING  
102 STARKSVILLE AVENUE NORTH, LEESBURG, GEORGIA 31763

TUESDAY, FEBRUARY 27, 2024 AT 6:00 P.M.

T. PAGE THARP BUILDING  
OPAL CANNON AUDITORIUM  
WWW.LEE.GA.US

MEETING AGENDA  
VOTING SESSION

## COUNTY COMMISSIONERS

Luke Singletary, Chairman	District 2
Chris Guarnieri, Vice-Chairman	District 4
Dennis Roland, Commissioner	District 1
Billy Mathis, Commissioner	District 3
George Walls, Commissioner	District 5

## COUNTY STAFF

Christi Dockery, County Manager  
Kaitlyn Good, County Clerk  
Jimmy Skipper, County Attorney

- |  | <u>PAGE</u> |
|--|-------------|
| 1. <b><u>INVOCATION</u></b><br>Pastor Jonathan LeBarge from New Hope Baptist Church to lead the invocation.  |             |
| 2. <b><u>PLEDGE OF ALLEGIANCE</u></b>  |             |
| 3. <b><u>CALL TO ORDER</u></b>   |             |
| 4. <b><u>APPROVAL OF MINUTES</u></b><br>(A) Consideration to approve the minutes for the Board of Commissioners meeting for February 13, 2024.   | A - D       |
| 5. <b><u>CONSENT AGENDA</u></b><br>NONE  |             |
| 6. <b><u>NEW BUSINESS</u></b><br>(A) Recognition of employees' years of service.   | 1           |
| (B) Consideration to adopt a proclamation recognizing February 2024 as Career Technical Agricultural Education month.  | 2           |
| 7. <b><u>PUBLIC HEARING</u></b><br>NONE  |             |
| 8. <b><u>DEPARTMENTAL MATTERS</u></b><br><b><u>Planning, Zoning &amp; Engineering</u></b><br>(A) Consideration to approve a Conditional Use Application from <b>Muckalee Plantation, LLC. (Z24-001)</b> to operate a wedding venue and an associated bed and breakfast inn, in the AG-1 (Active Agriculture District). This property is in the First Land District of Lee County. The total acreage of Tract 2 is 1,693.933 acres. The wedding venue proposes to utilize 23.64 of those acres. The east property line borders the Muckalee Creek and is in flood zone A & AE. All development and uses are located outside the SFHA and in flood zone X. The parcel number is 049 159, Lovers Lane Road, Leesburg, GA 31763. <b><i>Public Hearing held February 13, 2024</i></b> | 3 - 15      |

**Public Works**

- (B) Discussion of generators. *HANDOUT*

16

**9. CONSTITUTIONAL OFFICERS & GOVERNMENTAL BOARDS/AUTHORITIES**

NONE

**10. COUNTY MANAGER'S MATTERS**

- (A) Updates on County projects.

17 - 22

- (B) Consideration to approve a change order with Oxford Construction Company for the Bermuda Lane Pipe Repair project.

23 - 24

**11. COMMISSIONER'S MATTERS**

- (A) Discussion of short-term rentals.

25

- (B) Discussion of abandoned mobile homes.

26 - 39

**12. UNFINISHED BUSINESS**

NONE

**13. COUNTY ATTORNEY'S MATTERS**

NONE

**14. EXECUTIVE SESSION**

NONE

**15. PUBLIC FORUM**

*Citizens will be allowed to address the Board of Commissioners regarding any issues or complaints. Individuals should sign up prior to the start of the meeting.*

**16. ANNOUNCEMENTS**

- (A) The next regularly scheduled County Commission Meeting is **Tuesday, March 12, 2024 at 6:00pm.**

**17. ADJOURNMENT**

AGENDA MAY CHANGE WITHOUT NOTICE

*Lee County is a thriving vibrant community celebrated for its value of tradition encompassing a safe family oriented community, schools of excellence, and life long opportunities for prosperity and happiness without sacrificing the rural agricultural tapestry.*

Persons with special needs relating to handicapped accessibility or foreign language interpretation should contact the ADA Coordinator at (229) 759-6000 or through the Georgia Relay Service (800) 255-0056 (TDD) or (800) 355-0135 (voice). This person can be contacted at the T. Page Tharp Building in Leesburg, Georgia between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except holidays, and will assist citizens with special needs given proper notice of seven (7) working days. The meeting rooms and buildings are handicap accessible.



## BOARD OF COUNTY COMMISSIONERS

T. PAGE THARP GOVERNMENTAL BUILDING  
102 STARKSVILLE AVENUE NORTH, LEESBURG, GEORGIA 31763

TUESDAY, FEBRUARY 13, 2024 AT 6:00 P.M.

T. PAGE THARP BUILDING  
OPAL CANNON AUDITORIUM  
WWW.LEE.GA.US

MEETING MINUTES  
WORK SESSION

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### COUNTY COMMISSIONERS

Luke Singletary, Chairman	District 2
Chris Guarnieri, Vice-Chairman	District 4
Dennis Roland, Commissioner	District 1
Billy Mathis, Commissioner	District 3
George Walls, Commissioner	District 5

### COUNTY STAFF

Christi Dockery, County Manager  
Kaitlyn Good, County Clerk  
Jimmy Skipper, County Attorney

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The Lee County Board of Commissioners met in a voting session on Tuesday, February 13, 2024. The meeting was held in the Opal Cannon Auditorium of the Lee County T. Page Tharp Governmental Building in Leesburg, Georgia. Those present were Chairman Luke Singletary, Vice-Chairman Chris Guarnieri, Commissioner Dennis Roland, and Commissioner George Walls. Staff in attendance was County Manager Christi Dockery, County Clerk Kaitlyn Good, and County Attorney Jimmy Skipper. Commissioner Billy Mathis was absent. The meeting was also streamed on Facebook Live. Chairman Singletary called the meeting to order at 6:00pm.

### INVOCATION

Dr. Josh Posey, Senior Pastor for First Baptist Church of Leesburg, led the invocation.

### PLEDGE OF ALLEGIANCE

The Board and the audience said the Pledge of Allegiance in unison.

### CALL TO ORDER

### APPROVAL OF MINUTES

- (A) Consideration to approve the Board of Commissioners meeting minutes for January 23, 2024.  
Commissioner Roland made the **MOTION** to approve the Board of Commissioners meeting minutes for January 23, 2024. Commissioner Guarnieri seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Walls voting yea.

### CONSENT AGENDA

NONE

### NEW BUSINESS

- (A) Patsy James, Lee County Family Connection, to provide the mid-year update.  
Patsy James, Executive Director of Lee County Family Connections, thanked the Board for their continued support and partnership. A mid-year report detailing updates on the different programs within the organization was provided to the Board in their agenda packets.

### PUBLIC HEARING

- (A) Muckalee Plantation, LLC. (Z24-001) has submitted an application to the Lee County Planning Commission requesting a Conditional Use to operate a wedding venue and an associated bed and breakfast inn, in the AG-1 (Active Agriculture District). This property is in the First Land District of

Lee County. The total acreage of Tract 2 is 1,693.933 acres. The wedding venue proposes to utilize 23.64 of those acres. The east property line borders the Muckalee Creek and is in flood zone A and AE. All development and uses are located outside the SFHA and in flood zone X. The parcel number is 049 159 at 569 Lovers Lane Road, Leesburg, GA 31763. Planning Commission and Planning Department staff recommend approval.

Chairman Singletary opened the Public Hearing at 6:06pm.

From the audience, a citizen asked what exactly this application/venue entails. Chairman Singletary stated that it was his understanding that this was an event venue that would also allow for overnight accommodations for those events. Interim Planning Director Joey Davenport added that the bed and breakfast is for wedding participants only. This is outside of the existing ordinance, however, conversations with County Attorney Jimmy Skipper resulted in the recommendation for approval as weddings for the most part are religious in nature.

Commissioner Walls asked that with this property being zoned AG, if a conditional use was even necessary, citing the Ocala House. Mr. Davenport stated that while he cannot speak for staff on the approval for the Ocala House as it was years ago, the main difference is that the Ocala House does not also have a bed and breakfast. Commissioner Guarnieri wished to verify that there would be no nuisance or disturbance to neighbors, to which Mr. Davenport stated that the property is approximately 1700 acres, with the event space/ house being located within that acreage and well away from any property lines.

With no further comments or questions, the Public Hearing was closed at 6:11pm.

## **DEPARTMENTAL MATTERS**

### **Fire & EMS**

(A) **Consideration to approve a Mutual Aid Agreement with Albany MCLB.**

County Manager Christi Dockery stated that this is a renewal, as the County have had this agreement for approximately 15 years and in that time, Albany MCLB has aided us several times.

Commissioner Roland made the **MOTION** to approve a Mutual Aid Agreement with Albany MCLB. Commissioner Walls seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Guarnieri voting yea.

### **Planning, Zoning & Engineering**

(B) **Review of the minutes for the January 4, 2024 Planning Commission meeting.**

The meeting minutes were reviewed as presented.

## **CONSTITUTIONAL OFFICERS & GOVERNMENTAL BOARDS/AUTHORITIES**

(A) **Magistrate Court – Consideration to request Local Legislation present a bill to authorize the assessment and collection of a technology fee by the Magistrate Court of Lee County.**

County Attorney Jimmy Skipper has drafted a resolution (provided to the Board as a handout) and summarized the requested resolution by stating that under this proposed legislation, Magistrate Court could charge a \$5.00 technology fee. The court could charge a \$5.00 fee for filing a civil case and then when a criminal offender is sentenced, an additional \$5.00 surcharge may be added as well. The funds would then have to go in to a separate bank account and are only to be used by Magistrate Court for any technology needs that may arise, with no permission required from the County.

Mr. Skipper stated that it approved as written, the term would this would begin July 1, 2024 and end sunset July 1, 2034. Any funds leftover in the account by this date, will then be made available to the County for technology purposes, not just Magistrate Court As the session has already started, if passed tonight, Mr. Skipper will provide this to local legislation delegation tomorrow and see if they could expedite it.

Commissioner Roland made the **MOTION** to approve requesting Local Legislation present a bill to authorize

the assessment and collection of a technology fee by the Magistrate Court of Lee County. Commissioner Guarnieri seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Walls voting yea.

### **COUNTY MANAGER'S MATTERS**

(A) **Updates on County projects.**

County Manager Christi Dockery discussed ongoing projects in the County: (1) Lose Design has provided plans for the 100 acre property (provided to the Board as handouts); (2) DNR will be having an environmental study completed on the proposed boat ramp on the 100 acres; (3) there is a proposed date of April 6, 2024 for the Great American Cleanup, a partnership with Flint Riverkeeper; and (4) the road resurfacing project is moving quickly as next week crews should be in Callaway Lakes and Myers Acres subdivisions.

(B) **Consideration to award the bid for Disaster Recovery Management, Disaster Debris Monitoring, and Disaster Recovery Services.**

County Manager Christi Dockery summarized the bid, scoring procedures, and provided staff's recommendation.

Commissioner Roland made the **MOTION** to award the bid for Disaster Recovery Management, Disaster Debris Monitoring, and Disaster Recovery Services to Tetra Tech. Commissioner Guarnieri seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Walls voting yea.

(C) **Consideration to award the bid for Disaster Debris Removal and Disposal Services.**

County Manager Christi Dockery summarized the bid, scoring procedures, and provided staff's recommendation.

Commissioner Roland made the **MOTION** to award the bid for Disaster Debris Removal and Disposal Services to DRC Emergency Services. Commissioner Guarnieri seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Walls voting yea.

(D) **Discussion of the holding pond on North Doublegate Drive.**

Stormwater Engineer Mike Talley was present and discussed the holding pond on North Doublegate Drive that is currently owned by Mr. Joiner. Mr. Talley stated that Mr. Joiner would like us to acquire the pond as he will no longer be paying taxes on it. Mr. Talley also discussed drainage issues at Liberty Pond, just down from this pond, and their current process on draining and pumping from that pond.

The Joiner Pond floods two properties on the north side of North Doublegate. Mr. Talley stated that if the County does acquire the pond, he recommends to do the plans to fix the drainage issues, including those at Liberty Pond; all design work has been done for the Joiner Pond. Mr. Talley stated that Joiner Pond would cost an estimated \$210,000 to construct. Liberty Pond (have a survey but not design) would cost an estimated \$11,500 to engineer and approximately \$200,000 for construction.

Commissioner Guarnieri asked if Liberty Pond could be done now and then Joiner Pond at a later date. Mr. Talley said that this would be fine. Mr. Talley added that right now the cost for a 24" pipe is currently at \$100 a foot.

### **COMMISSIONER'S MATTERS**

NONE

### **UNFINISHED BUSINESS**

NONE

### **COUNTY ATTORNEY'S MATTERS**

(A) **Consideration to approve an amendment to Chapter 38, Article VIII, Division 1, Section 38-318, adding Subsection (f) pertaining to minimum right of way widths on streets without curb and gutter. First**

***Reading held January 23, 2024***

County Attorney Jimmy Skipper summarized the amendment, stating that the Board of Commissioners had discussed this previously and held the First Reading at the last meeting. This amendment would allow the Board the ability to be flexible regarding right of way widths on street without curb and gutter based on the specific project and location.

Commissioner Roland made the **MOTION** to approve an amendment to Chapter 38, Article VIII, Division 1, Section 38-318, adding Subsection (f) pertaining to minimum right of way widths on streets without curb and gutter. Commissioner Walls seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Guarnieri voting yea.

**EXECUTIVE SESSION**

NONE

**PUBLIC FORUM**

*Citizens will be allowed to address the Board of Commissioners regarding any issues or complaints. Individuals should sign up prior to the start of the meeting.*

Paul Clayton – Current state of Old Leslie Road

Chairman Singletary asked if anyone else would like to speak.

With no further comments or questions from the audience, the Public Forum was closed.

**ANNOUNCEMENTS**

(A) The next regularly scheduled County Commission Meeting is **Tuesday, February 27, 2024 at 6:00pm.**

Regarding recent rain events and flooding concerns, Chairman Singletary announced that EMA is currently monitoring creek levels and there are no major concerns at this time. EMA officials will continue monitoring the creek levels and provide the public with all updates as they become available.

**ADJOURNMENT**

Commissioner Roland made the **MOTION** to adjourn the meeting. Commissioner Guarnieri seconded the **MOTION**. The **MOTION** was unanimous with Commissioner Walls voting yea. The meeting adjourned at 6:34PM.

Facebook video link: <https://www.facebook.com/leecountyga/videos/1472133183651224>

\_\_\_\_\_  
CHAIRMAN

ATTEST: \_\_\_\_\_  
COUNTY CLERK

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**MEMORANDUM  
LEE COUNTY BOARD  
OF COMMISSIONERS**

**TO:** Honorable Board of County Commissioners  
**SUBJECT:** Employee Years of Service Recognition  
**MEETING DATE:** Tuesday, February 27, 2024

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Please recognize the following employees for their many years of service to Lee County:

- 35 years: Karen Coe – Tax Assessors Office
- 15 years: Paul Rouse – Sheriff's Office
- 10 years: Kristen Mathis – Elections and Registration
- 5 years: Steven Ebel – Fire & EMS
- Logan Fowler – Fire & EMS

# Proclamation

## Career, Technical, and Agricultural Education Month

**WHEREAS** February 1 - 29, 2024, has been designated Career, Technical, and Agricultural Education Month by the Association for Career and Technical Education; and

**WHEREAS** profound economic and technological changes in our society are rapidly reflected in the structure and nature of work, thereby placing new and additional responsibilities on our educational system; and

**WHEREAS** career and technical education provides Americans with a school-to-career connection and is the backbone of a strong, well-educated workforce, which fosters productivity in business and industry and contributes to America's leadership in the international marketplace; and

**WHEREAS** career and technical education gives high school students experience in practical, meaningful applications of skills such as reading, writing and mathematics, thus improving the quality of their education, motivating potential dropouts and giving all students leadership opportunities in their fields and in their communities; and

**WHEREAS** career and technical offers individuals with lifelong opportunities to learn new skills, which provide them with career choices and potential satisfaction; and

**WHEREAS** the ever-increasing cooperative efforts of career and technical educators, business and industry stimulate the growth and vitality of our local economy and that of the entire nation by preparing graduates for career fields forecast to experience the largest and fastest growth in the next decade;

**NOW THEREFORE**, We, the Board of Commissioners of Lee County, Georgia do hereby proclaim February 1 - 29, 2024, as

### Career and Technical Education Month

I urge all citizens of Leesburg to become familiar with the services and benefits offered by the career and technical education programs in this community and to support and participate in these programs to enhance their individual work skills and productivity.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of Leesburg of Lee County, Georgia on this 27<sup>th</sup> day of February 2024.

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Chairman

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Attest



LEE COUNTY  
Planning Department  
Lee County, Georgia  
Zoning Staff Report

**DATE:** February 1, 2024

**APPLICATION TYPE:** Conditional Use

**APPLICANT:** Muckalee Plantation, LLC.

**REQUESTED ACTION:** Special Approval to operate an associated wedding venue and bed and breakfast inn.

**PURPOSE:** Allow conditional use

**LOCATION OF PROPERTY:** Parcel no:  
049 159, 569 Lovers Lane Road, Leesburg, GA 31763,  
Land Lots 9, 10, 11, 26, 27, 30, 43, 44, 45, 46, 47, 62,  
63, 64, 65, 66, 79, 80, and 81, 1st District.

**PARCEL SIZE:** Tract 2: 1,693.933 AC



**EXISTING CONDITIONS:**

**Present Zoning and Use of Property:** AG-1 – Active Agriculture District

**Adjacent Zoning/Use:**

**North—** AG  
**South—** R-3  
**East—** AG & R-3  
**West—** R-3

**MEETING INFORMATION:** 102 Starksville Ave. N, Leesburg, GA  
Opal Cannon Auditorium, T. Page Tharp Government Bldg.

Planning Commission (public hearing):	February 1, 2024; 6:00pm
County Commission (public hearing):	February 13, 2024; 6:00pm
County Commission (voting session):	February 27, 2024; 6:00pm

**STAFF RECOMMENDATION:** Approval

## **GENERAL INFORMATION:**

The applicant proposes to operate an associated wedding venue and bed and breakfast inn at this location. The property is currently zoned AG-1. The applicant will host private weddings and will allow the bridal party to stay overnight in the existing lodge located on Tract 2 of the property.

## **PHYSICAL CHARACTERISTICS AND INFRASTRUCTURE:**

The east property line borders the Muckalee Creek and is in flood zones A & AE. All existing and proposed development and uses are located outside the SFHA and in flood zone X.

## **CONDITIONAL USE REVIEW CRITERIA:**

Conditional uses may be granted upon a finding that, if granted, the conditional use will not cause occurrence of any of the following:

### **1. The proposed use shall not be contrary to the purpose of this article.**

The AG zoning district permits religious uses such as churches, schools, and cemeteries. Wedding ceremonies are typically considered religious in nature, as it contains wedding traditions and customs that vary greatly between religions. This zoning district permits bed and breakfast inns as a conditional use. The wedding venue and bed and breakfast inn use could be considered as suitable for this particular location and is not contrary to the purpose of the AG district.

### **2. The proposed use shall not be detrimental to the use or development of adjacent properties or the general neighborhood nor affect adversely the health and safety of residents and workers.**

Muckalee Plantation is managed by a management company that oversees the property. With appropriate management efforts, the proposed use should not be detrimental to the adjacent properties, the general neighborhood, or the health and safety of residents and workers.

### **3. The proposed use shall not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation or type of physical activity.**

The proposed conditional use will be located on a tract that is 1,693.933 acres. This parcel has access from a private drive on Lovers Lane Road. As previously mentioned, Muckalee Plantation has a management staff that will oversee the property and events.

According to the applicant, the proposed wedding venue use will operate from April to October, seven days a week, from 8:00 am to 11:00 p.m. These will be scheduled events.

According to the applicant, the proposed bed and breakfast inn will be a use offered to the bridal party to include: the bride, groom, bridesmaids, and groomsmen. The existing lodge can accommodate up to 16 guest. Typical wedding guests will not have access or use of the lodge. The proposed conditional use (if approved) would essentially approve lodging accommodations for the existing lodge and as such, it would be prudent for the county to require basic fire and life safety inspections of this existing lodge, just like any other business in the county.

- 4. The proposed use shall not be affected adversely by the existing uses; and the proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use.**

This proposed conditional use (bed and breakfast inn) will occupy an existing lodge. There is adequate space to host outdoor wedding ceremonies. The proposed use will not affect the existing uses. Planning staff expects the applicant to meet all space requirements of said use.

- 5. The parking and all development standards set forth for each particular use for which a permit may be granted can be met.**

Adequate space for parking exists. Planning staff will expect applicant to meet all development standards.

#### **STAFF RECOMMENDATION:**

Based on the review criteria, the proposed wedding venue and associated bed and breakfast inn should not be detrimental to the health, safety, and general welfare of the area. The Planning staff recommends **APPROVAL**.

LEE COUNTY  
CITY OF LEESBURG  
CITY OF SMITHVILLE



<i>In Office Use Only</i>	
RECEIVED BY:	<u>CW</u>
DATE RECEIVED:	<u>12/7/23</u>
TIME RECEIVED:	
TOTAL FEES:	<u>375<sup>00</sup></u>
CHECK #:	<u>1250</u>

### CONDITIONAL USE APPLICATION

OWNER: Muckalee Plantation LLC \_\_\_\_\_  
 ADDRESS: 21299 US Hwy 27 Lake Wales, FL 33859 \_\_\_\_\_  
 DAYTIME PHONE #: 863-679-6713 \_\_\_\_\_ EMAIL: clay@lattmaxcy.com \_\_\_\_\_  
 ADDRESS OR LOCATION OF PROPERTY: 569 Lovers Lane Rd Leesburg, GA 31763 \_\_\_\_\_

In order that the general health, safety and welfare of the citizens may be preserved, and substantial justice maintained, I (We) the undersigned request in connection with the property hereinafter described:

Present Zoning: Agri Present Use of Property: Pecan / Timber Farm

Land Lot Number: 9,10,11,26,27,46,47,62,63 Land District: First land district of Lee county  
Number of Acres: 1124.132 ac -23.64 ac will be used for the conditional use.

The subject property is described as follows: Working Pecan/Timber Farm Land \_\_\_\_\_

Why are you requesting a conditional use? We would like to start a wedding venue.

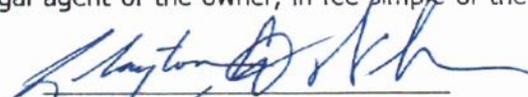
**ATTACHMENTS** (One (1) copy of each of the following):

- o Plat of property, including vicinity map
  - Must be submitted in both 8½ x 11 and 11 x 17
- o Legal Description, containing Metes and Bounds

I hereby certify that I am the owner and/or legal agent of the owner, in fee simple of the above-described property.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
DATE

  
 \_\_\_\_\_  
 OWNER  
 Nov. 1, 2023  
 \_\_\_\_\_  
 DATE

In my absence, I authorize the person named below to act as the **applicant by proxy** in the pursuit of action for the application.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

**SCHEDULE 1**

**PROPERTY**

**TRACT 1**

ALL THAT TRACT OR PARCEL OF LAND SITUATE, LYING AND BEING IN LAND LOTS 9, 10, 11, 26, 27, 46, 47, 62, 63 OF THE FIRST LAND DISTRICT OF LEE COUNTY, GEORGIA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 1/2" REBAR FOUND AT THE SOUTHEAST CORNER OF LAND LOT 27 WHICH POINT IS THE \*\*\*POINT OF BEGINNING\*\*\*; THENCE N 89°36'28" W A DISTANCE OF 2987.89' TO A 1/2" REBAR FOUND AT THE SOUTHWEST CORNER OF LAND LOT 27; THENCE S 00°30'19" W A DISTANCE OF 1005.93' TO A 5/8" REBAR FOUND; THENCE N 89°30'30" W A DISTANCE OF 1118.21' TO A 1/2" REBAR FOUND; THENCE N 89°16'38" W A DISTANCE OF 1802.66' TO A 1/2" REBAR SET WITH CAP #3165 ON THE EAST RIGHT OF WAY OF LOVERS LANE ROAD (VARIABLE WIDTH RIGHT OF WAY); THENCE ALONG SAID RIGHT OF WAY N 00°35'29" E A DISTANCE OF 993.59' TO A 1/2" REBAR SET WITH CAP #3165; THENCE S 89°24'31" E A DISTANCE OF 20.00' TO A 1/2" REBAR SET WITH CAP #3165; THENCE N 00°35'29" E A DISTANCE OF 656.00' TO A 1/2" REBAR SET WITH CAP #3165; THENCE N 89°24'31" W A DISTANCE OF 20.00' TO A 1/2" REBAR SET WITH CAP #3165; THENCE N 00°35'29" E A DISTANCE OF 3812.69' TO A POINT LOCATED ON THE EAST RIGHT OF WAY OF LOVERS LANE WITNESSED BY AN AXLE FOUND 1.42' EAST OF CORNER; THENCE S 89°07'36" E A DISTANCE OF 999.27' TO A FENCE CORNER; THENCE S 89°27'09" E A DISTANCE OF 7147.63' TO A 1/2" REBAR SET WITH CAP 3165; THENCE S 89°45'00" E A DISTANCE OF 2056.88' TO A POINT IN THE CENTERLINE OF THE RUN OF MUCKALEE CREEK, WITNESSED BY A 1/2" REBAR SET WITH CAP #3165, 34.05' WEST OF RUN; THENCE ALONG THE CENTER OF THE RUN OF MUCKALEE CREEK THE FOLLOWING COURSES AND DISTANCES S 31°13'16" E A DISTANCE OF 186.39'; THENCE N 55°36'48" E A DISTANCE OF 86.59'; THENCE S 66°29'58" E A DISTANCE OF 99.64'; THENCE S 15°40'00" E A DISTANCE OF 82.94'; THENCE S 11°19'03" W A DISTANCE OF 88.86'; THENCE S 58°47'02" W A DISTANCE OF 174.88'; THENCE S 76°41'59" W A DISTANCE OF 147.22'; THENCE S 51°10'41" W A DISTANCE OF 68.94'; THENCE S 17°11'39" W A DISTANCE OF 120.38'; THENCE S 34°08'13" E A DISTANCE OF 116.98'; THENCE S 53°30'40" E A DISTANCE OF 174.11'; THENCE S 71°22'08" E A DISTANCE OF 131.21'; THENCE S 07°33'16" W A DISTANCE OF 63.42'; THENCE S 46°49'41" W A DISTANCE OF 101.85'; THENCE S 51°31'49" W A DISTANCE OF 191.82'; THENCE S 30°43'00" E A DISTANCE OF 169.17'; THENCE S 44°59'56" E A DISTANCE OF 122.39'; THENCE S 00°39'32" W A DISTANCE OF 81.47'; THENCE S 08°15'42" W A DISTANCE OF 123.50'; THENCE S 08°55'56" W A DISTANCE OF 142.05'; THENCE S 38°32'26" E A DISTANCE OF 142.77'; THENCE S 24°51'25" E A DISTANCE OF 43.72'; THENCE S 36°10'36" W A DISTANCE OF 70.99'; THENCE S 15°27'31" E A DISTANCE OF 163.59'; THENCE S 34°38'54" E A DISTANCE OF 179.85'; THENCE S 36°20'16" E A DISTANCE OF 108.06'; THENCE S 03°58'31" E A DISTANCE OF 83.21'; THENCE S 29°41'01" E A DISTANCE OF 159.68'; THENCE S 30°29'06" E A DISTANCE OF 97.97'; THENCE S 23°49'35" E A DISTANCE OF 260.04'; THENCE S 21°43'18" E A DISTANCE OF 302.56'; THENCE LEAVING SAID RUN S 68°45'01" W A DISTANCE OF 650.98' TO A 1/2" REBAR SET WITH CAP #3165; THENCE S

01°24'11" E A DISTANCE OF 175.40' TO A 1/2" REBAR SET WITH CAP #3165; THENCE N 90°00'00" W A DISTANCE OF 233.13' TO A 1/2" REBAR SET WITH CAP #3165; THENCE S 34°24'02" W A DISTANCE OF 384.36' TO A 1/2" REBAR SET WITH CAP #3165; THENCE S 51°01'48" W A DISTANCE OF 286.76' TO A 1/2" REBAR SET WITH CAP #3165; THENCE S 00°00'00" E A DISTANCE OF 458.89' TO A 1/2" REBAR SET WITH CAP #3165; THENCE N 89°16'48" W A DISTANCE OF 3805.49' TO A 1/2" REBAR FOUND WHICH IS THE \*\*\*POINT OF BEGINNING\*\*\*, HAVING AN AREA OF 1124.132 ACRES.

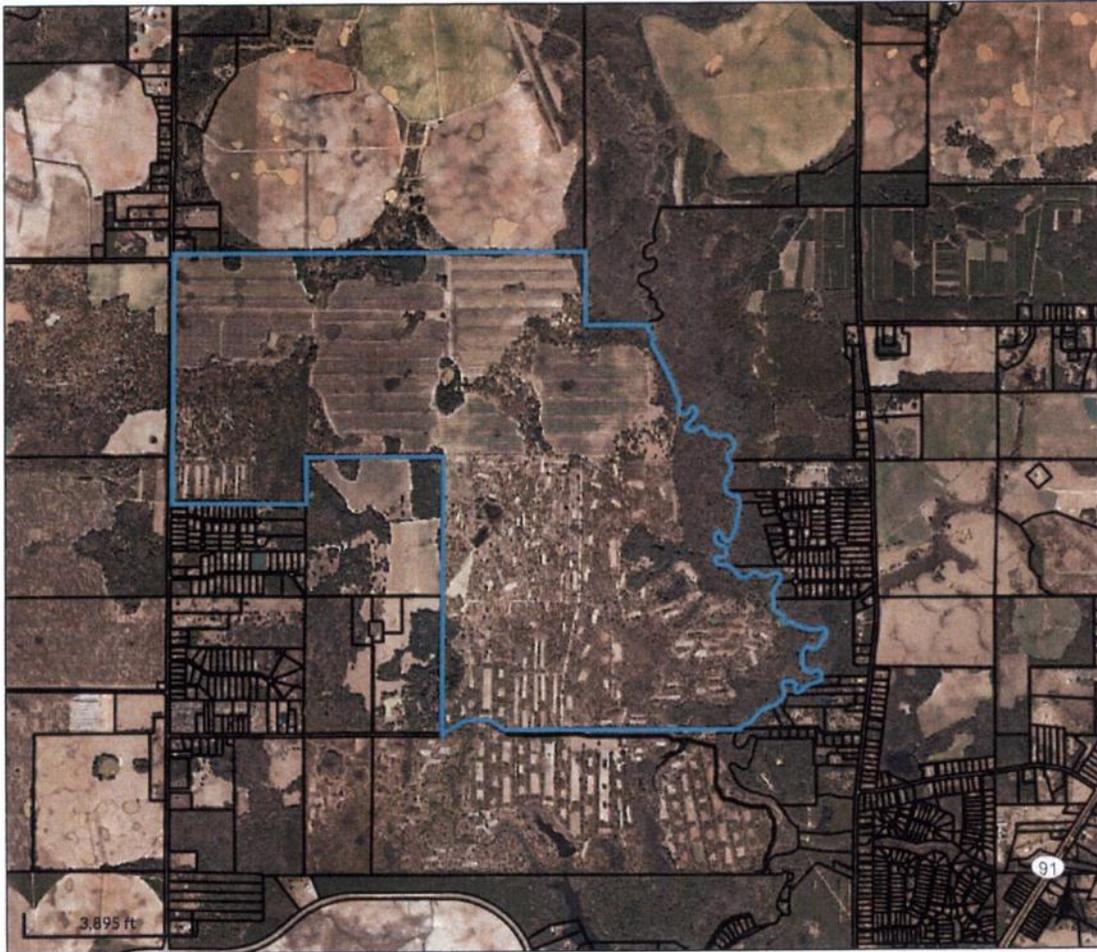
## TRACT 2

ALL THAT TRACT OR PARCEL OF LAND SITUATE, LYING AND BEING IN LAND LOTS 30, 43, 44, 45, 46, 47, 62, 63, 64, 65, 66, 79, 80, 81, OF THE FIRST LAND DISTRICT OF LEE COUNTY, GEORGIA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCE AT A 1/2" REBAR FOUND AT THE NORTHWEST CORNER OF LAND LOT 45 WHICH POINT IS THE \*\*\*POINT OF BEGINNING\*\*\*; THENCE S 89°16'48" E A DISTANCE OF 3805.49' TO A 1/2" REBAR SET WITH CAP #3165; THENCE N 00°00'00" W A DISTANCE OF 458.89' TO A 1/2" REBAR SET WITH CAP #3165; THENCE N 51°01'48" E A DISTANCE OF 286.76' TO A 1/2" REBAR SET WITH CAP #3165; THENCE N 34°24'02" E A DISTANCE OF 384.36' TO A 1/2" REBAR SET WITH CAP #3165; THENCE N 90°00'00" E A DISTANCE OF 233.13' TO A 1/2" REBAR SET WITH CAP #3165; THENCE N 01°24'11" E A DISTANCE OF 175.40' TO A 1/2" REBAR SET WITH CAP #3165; THENCE N 68°45'01" E A DISTANCE OF 650.98' TO A POINT IN THE CENTERLINE OF THE RUN OF MUCKALEE CREEK, WITNESSED BY A 1/2" REBAR SET WITH CAP #3165 60.0' WEST OF RUN; THENCE ALONG THE CENTER OF THE RUN OF MUCKALEE CREEK THE FOLLOWING COURSES AND DISTANCES S 13°25'16" E A DISTANCE OF 154.08'; THENCE S 03°40'03" W A DISTANCE OF 44.85'; THENCE S 00°45'53" E A DISTANCE OF 152.17'; THENCE S 61°25'45" E A DISTANCE OF 121.39'; THENCE S 54°05'40" W A DISTANCE OF 154.64'; THENCE S 03°00'53" E A DISTANCE OF 55.07'; THENCE S 31°28'26" E A DISTANCE OF 72.11'; THENCE S 67°24'36" E A DISTANCE OF 131.85'; THENCE S 46°00'19" E A DISTANCE OF 91.53'; THENCE S 77°28'45" E A DISTANCE OF 70.12'; THENCE N 80°39'58" E A DISTANCE OF 78.11'; THENCE N 49°15'46" E A DISTANCE OF 101.72'; THENCE S 82°48'15" E A DISTANCE OF 73.80'; THENCE S 36°36'03" E A DISTANCE OF 161.58'; THENCE S 77°23'43" E A DISTANCE OF 235.71' TO THE INTERSECTION OF THE WEST LAND LOT LINE OF LAND LOT 82 AND THE CENTER RUN OF MUCKALEE CREEK; THENCE ALONG THE WEST LINE OF LAND LOT 82 S 00°56'27" W A DISTANCE OF 564.78' TO THE SOUTHWEST CORNER OF LAND LOT 82; THENCE S 89°36'47" E ALONG THE SOUTH LINE OF LAND LOT 82 A DISTANCE OF 272.88' TO A POINT IN THE CENTERLINE OF THE RUN OF MUCKALEE CREEK; THENCE ALONG THE CENTER OF THE RUN OF MUCKALEE CREEK THE FOLLOWING COURSES AND DISTANCES THENCE S 28°03'24" E A DISTANCE OF 40.00'; THENCE S 06°48'38" W A DISTANCE OF 178.14'; THENCE S 08°23'19" W A DISTANCE OF 97.54'; THENCE S 81°05'28" W A DISTANCE OF 52.35'; THENCE S 54°01'53" W A DISTANCE OF 52.63'; THENCE S 08°25'24" W A DISTANCE OF 145.79'; THENCE S 14°12'09" E A DISTANCE OF 134.33'; THENCE S 49°42'10" E A DISTANCE OF 173.67'; THENCE S 61°42'05" E A DISTANCE OF 139.46'; THENCE S 16°16'14" E A DISTANCE OF 114.02'; THENCE S 00°23'51" W A DISTANCE OF 71.13'; THENCE S 12°04'00" W A DISTANCE OF

201.34'; THENCE S 07°15'44" W A DISTANCE OF 140.79'; THENCE S 01°55'55" W A DISTANCE OF 90.25'; THENCE S 16°47'38" W A DISTANCE OF 40.36'; THENCE S 36°26'04" W A DISTANCE OF 113.62'; THENCE S 02°20'55" W A DISTANCE OF 123.74'; THENCE S 41°26'34" W A DISTANCE OF 68.95'; THENCE S 60°12'57" W A DISTANCE OF 64.27'; THENCE N 86°49'21" W A DISTANCE OF 54.85'; THENCE N 30°04'00" W A DISTANCE OF 70.85'; THENCE N 21°52'32" W A DISTANCE OF 88.46'; THENCE N 44°41'32" W A DISTANCE OF 88.34'; THENCE S 83°39'50" W A DISTANCE OF 78.06'; THENCE S 22°44'16" W A DISTANCE OF 64.28'; THENCE S 01°27'37" W A DISTANCE OF 79.58'; THENCE S 36°16'11" E A DISTANCE OF 93.08'; THENCE S 49°56'28" E A DISTANCE OF 187.83'; THENCE S 22°52'11" E A DISTANCE OF 133.42'; THENCE S 25°04'11" W A DISTANCE OF 77.11'; THENCE S 88°26'27" W A DISTANCE OF 146.05'; THENCE S 65°15'47" W A DISTANCE OF 96.32'; THENCE S 20°02'36" E A DISTANCE OF 58.01'; THENCE S 45°34'51" E A DISTANCE OF 81.92'; THENCE S 59°33'08" E A DISTANCE OF 99.11'; THENCE S 88°13'01" E A DISTANCE OF 182.44'; THENCE S 51°59'29" E A DISTANCE OF 168.71'; THENCE S 31°01'54" E A DISTANCE OF 155.62'; THENCE N 87°10'19" E A DISTANCE OF 127.54'; THENCE N 53°40'26" E A DISTANCE OF 147.90'; THENCE S 87°47'36" E A DISTANCE OF 139.38'; THENCE S 63°29'10" E A DISTANCE OF 194.82'; THENCE N 47°23'27" E A DISTANCE OF 72.69'; THENCE N 59°22'53" E A DISTANCE OF 72.77'; THENCE S 83°51'52" E A DISTANCE OF 153.48'; THENCE S 44°01'33" E A DISTANCE OF 74.36'; THENCE S 16°17'24" W A DISTANCE OF 71.53'; THENCE S 37°53'13" W A DISTANCE OF 151.41'; THENCE S 20°26'59" W A DISTANCE OF 208.47'; THENCE S 12°36'30" E A DISTANCE OF 93.04'; THENCE S 24°27'57" E A DISTANCE OF 152.50'; THENCE S 16°19'52" W A DISTANCE OF 120.30'; THENCE S 39°38'53" E A DISTANCE OF 63.82'; THENCE S 65°12'49" E A DISTANCE OF 149.71'; THENCE S 14°48'24" E A DISTANCE OF 165.27'; THENCE S 54°44'44" E A DISTANCE OF 47.18'; THENCE S 88°26'06" E A DISTANCE OF 89.32'; THENCE N 24°40'20" E A DISTANCE OF 46.08'; THENCE S 61°04'43" E A DISTANCE OF 111.64'; THENCE S 53°26'47" E A DISTANCE OF 77.50'; THENCE S 75°35'07" E A DISTANCE OF 235.74'; THENCE S 74°16'43" E A DISTANCE OF 137.40'; THENCE N 71°53'40" E A DISTANCE OF 124.77'; THENCE S 84°32'24" E A DISTANCE OF 126.27'; THENCE S 03°17'47" E A DISTANCE OF 134.62'; THENCE S 35°21'23" W A DISTANCE OF 170.73'; THENCE S 38°05'46" W A DISTANCE OF 151.53'; THENCE S 87°25'30" W A DISTANCE OF 252.52'; THENCE S 43°42'52" W A DISTANCE OF 64.46'; THENCE S 08°42'16" W A DISTANCE OF 86.96'; THENCE S 01°04'23" W A DISTANCE OF 197.89'; THENCE S 27°32'15" E A DISTANCE OF 122.25'; THENCE S 39°40'48" E A DISTANCE OF 91.85'; THENCE S 77°22'56" E A DISTANCE OF 66.40'; THENCE N 64°06'59" E A DISTANCE OF 99.68'; THENCE S 69°25'57" E A DISTANCE OF 144.51'; THENCE S 15°42'28" E A DISTANCE OF 82.33'; THENCE S 16°54'35" W A DISTANCE OF 90.63'; THENCE S 75°10'10" W A DISTANCE OF 188.22'; THENCE S 53°53'50" W A DISTANCE OF 178.60'; THENCE S 49°09'22" W A DISTANCE OF 224.05'; THENCE N 16°09'17" W A DISTANCE OF 127.21'; THENCE N 13°37'23" W A DISTANCE OF 105.87'; THENCE N 88°08'15" W A DISTANCE OF 271.60'; THENCE S 07°39'00" E A DISTANCE OF 74.39'; THENCE S 15°50'10" E A DISTANCE OF 109.32'; THENCE S 12°08'14" W A DISTANCE OF 194.46'; THENCE S 59°46'17" W A DISTANCE OF 253.47'; THENCE S 74°10'51" W A DISTANCE OF 168.61'; THENCE S 53°58'35" W A DISTANCE OF 182.07'; THENCE S 40°08'22" W A DISTANCE OF 166.62'; THENCE S 44°18'52" W A DISTANCE OF 167.79'; THENCE N 87°40'22" W A DISTANCE OF 104.58'; THENCE S

38°56'08" W A DISTANCE OF 152.87'; THENCE S 26°46'13" W A DISTANCE OF 245.26'; THENCE S 22°03'52" E A DISTANCE OF 155.13'; THENCE S 60°43'31" E A DISTANCE OF 56.09'; THENCE N 87°16'32" E A DISTANCE OF 84.49'; THENCE N 48°15'32" E A DISTANCE OF 83.79'; THENCE N 33°20'24" E A DISTANCE OF 180.06'; THENCE N 47°52'53" E A DISTANCE OF 63.48'; THENCE S 88°26'20" E A DISTANCE OF 61.68'; THENCE S 33°22'18" E A DISTANCE OF 52.99'; THENCE S 00°52'07" E A DISTANCE OF 73.95'; THENCE S 18°54'10" W A DISTANCE OF 171.39'; THENCE S 15°31'01" W A DISTANCE OF 352.19'; THENCE S 21°10'00" W A DISTANCE OF 121.68'; THENCE N 89°18'37" W A DISTANCE OF 52.13'; THENCE N 69°00'22" W A DISTANCE OF 84.08'; THENCE N 58°23'54" W A DISTANCE OF 197.79'; THENCE S 63°46'43" W A DISTANCE OF 98.01'; THENCE S 01°09'30" E A DISTANCE OF 62.14'; THENCE S 36°31'56" E A DISTANCE OF 141.37'; THENCE S 13°03'29" E A DISTANCE OF 136.30'; THENCE S 43°57'07" E A DISTANCE OF 243.60'; THENCE S 61°07'27" E A DISTANCE OF 193.64'; THENCE S 81°14'20" E A DISTANCE OF 158.50'; THENCE S 61°17'43" E A DISTANCE OF 157.10'; THENCE N 87°27'02" E A DISTANCE OF 126.98'; THENCE S 63°01'49" E A DISTANCE OF 114.86'; THENCE S 30°02'38" E A DISTANCE OF 158.05'; THENCE S 39°12'37" E A DISTANCE OF 207.92'; THENCE S 26°12'58" E A DISTANCE OF 102.97'; THENCE S 33°47'43" E A DISTANCE OF 141.22'; THENCE S 40°35'03" E A DISTANCE OF 99.94'; THENCE S 69°17'40" E A DISTANCE OF 58.17'; THENCE S 37°12'11" E A DISTANCE OF 24.83'; THENCE S 12°54'57" W A DISTANCE OF 67.17'; THENCE S 65°07'24" W A DISTANCE OF 94.03'; THENCE S 75°08'29" W A DISTANCE OF 79.78'; THENCE N 84°48'17" W A DISTANCE OF 93.71'; THENCE S 43°07'40" W A DISTANCE OF 180.18'; THENCE S 20°26'06" W A DISTANCE OF 135.01'; THENCE S 10°29'24" E A DISTANCE OF 124.72'; THENCE S 25°58'26" W A DISTANCE OF 79.21'; THENCE S 52°53'07" W A DISTANCE OF 198.78'; THENCE S 27°29'24" W A DISTANCE OF 55.48'; THENCE S 11°53'12" E A DISTANCE OF 237.79' TO A POINT WITNESSED BY A 1/2" REBAR FOUND 30.46' WEST OF CORNER; THENCE S 89°49'12" W A DISTANCE OF 4092.64' TO A 1/2" REBAR FOUND AT THE SOUTHWEST CORNER OF LAND LOT 66; THENCE N 89°58'05" W A DISTANCE OF 4593.27' TO A 1/2" REBAR SET WITH CAP #3165; THENCE N 89°57'53" W A DISTANCE OF 1326.63' TO A 5/8" REBAR FOUND; THENCE N 89°58'26" W A DISTANCE OF 150.47' TO A 1/2" REBAR SET WITH CAP #3165; THENCE N 00°27'28" E A DISTANCE OF 2330.05'; THENCE N 00°12'00" E A DISTANCE OF 664.08' TO A 1/2" REBAR SET WITH CAP #3165 ON THE SOUTH RIGHT OF WAY OF MUCKALEE CREEK ROAD; THENCE N 89°26'59" E A DISTANCE OF 807.05' TO A 1/2" REBAR SET WITH CAP #3165; THENCE WITH A CURVE TURNING TO THE RIGHT WITH A ARC LENGTH OF 282.51', WITH A RADIUS OF 34297.47', WITH A CHORD BEARING OF N 89°41'08" E, WITH A CHORD LENGTH OF 282.51', TO A 1/2" REBAR SET WITH CAP #3165; THENCE N 89°55'18" E A DISTANCE OF 476.38' TO A 1/2" REBAR SET WITH CAP #3165; THENCE N 00°04'42" W A DISTANCE OF 36.79' TO A 1/2" REBAR SET WITH CAP #3165 IN THE CENTERLINE OF MUCKALEE CREEK ROAD; THENCE S 89°43'56" E ALONG SAID CENTERLINE A DISTANCE OF 1435.86' TO A 1/2" REBAR SET WITH CAP #3165; THENCE N 00°42'51" E A DISTANCE OF 2971.00' TO A 1/2" REBAR SET WITH CAP #3165; THENCE N 00°49'20" E A DISTANCE OF 3043.52' TO A 1/2" REBAR FOUND WHICH IS THE \*\*\*POINT OF BEGINNING\*\*\*, HAVING AN AREA OF 1693.933 ACRES.





Overview



Legend

- Parcels
- Roads

Parcel ID 049 159  
 Class Code Agricultural  
 Taxing District COUNTY UNINCORPORATED  
 Acres 1210.48

Owner EDENFIELD FARMS INC  
 PO BOX 3250  
 ALBANY, GA 31706  
 Physical Address LOVERS LANE ROAD  
 Assessed Value \$3632932

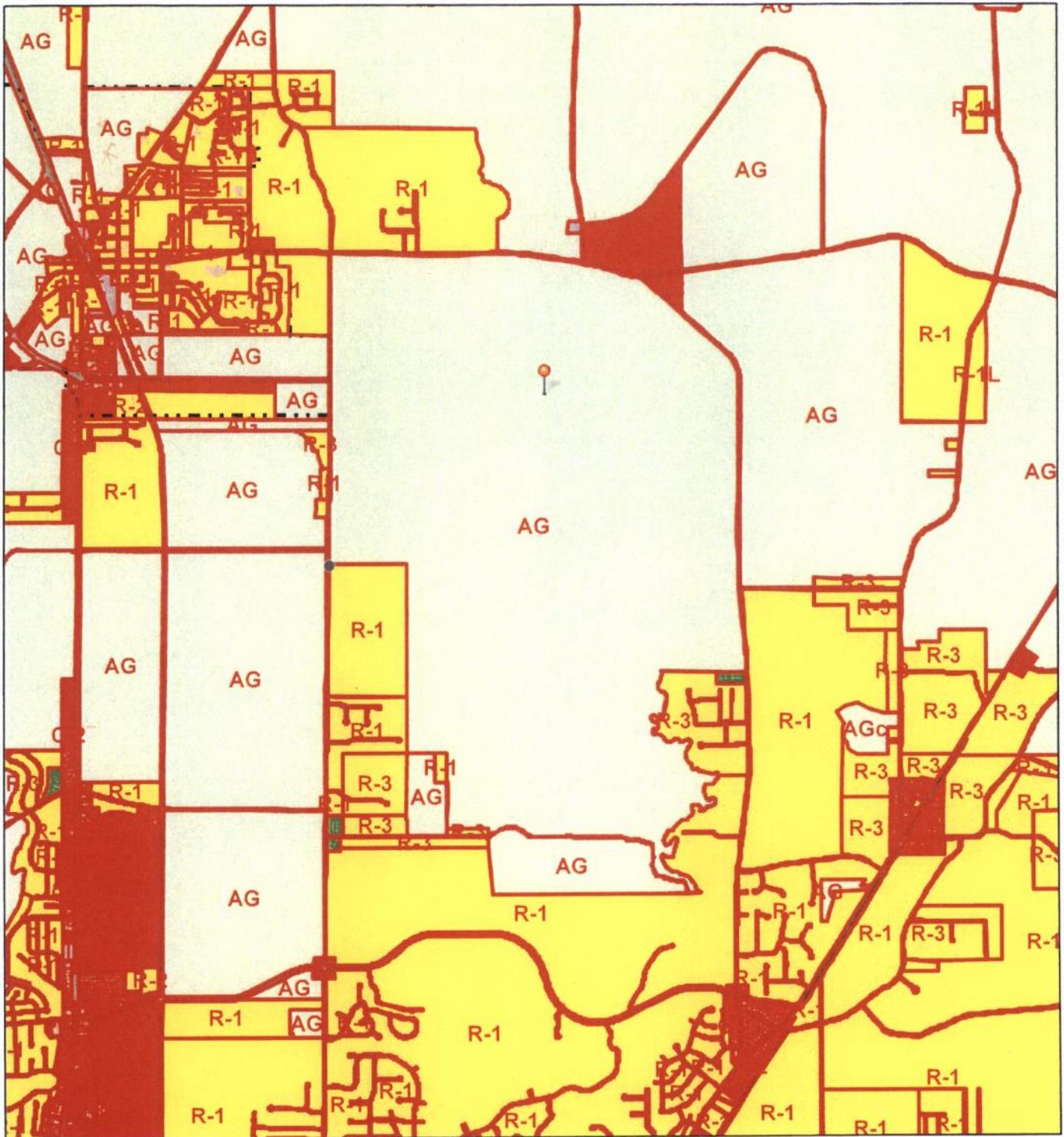
Last 2 Sales			
Date	Price	Reason	Qual
n/a	0	n/a	n/a
n/a	0	n/a	n/a

(Note: Not to be used on legal documents)

Date created: 12/12/2023  
 Last Data Uploaded: 12/11/2023 8:07:17 PM

Developed by Schneider  
 GEOSPATIAL

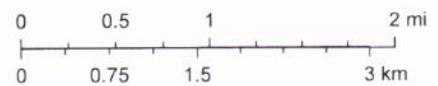
# ArcGIS Web Map



12/20/2023, 8:22:28 AM

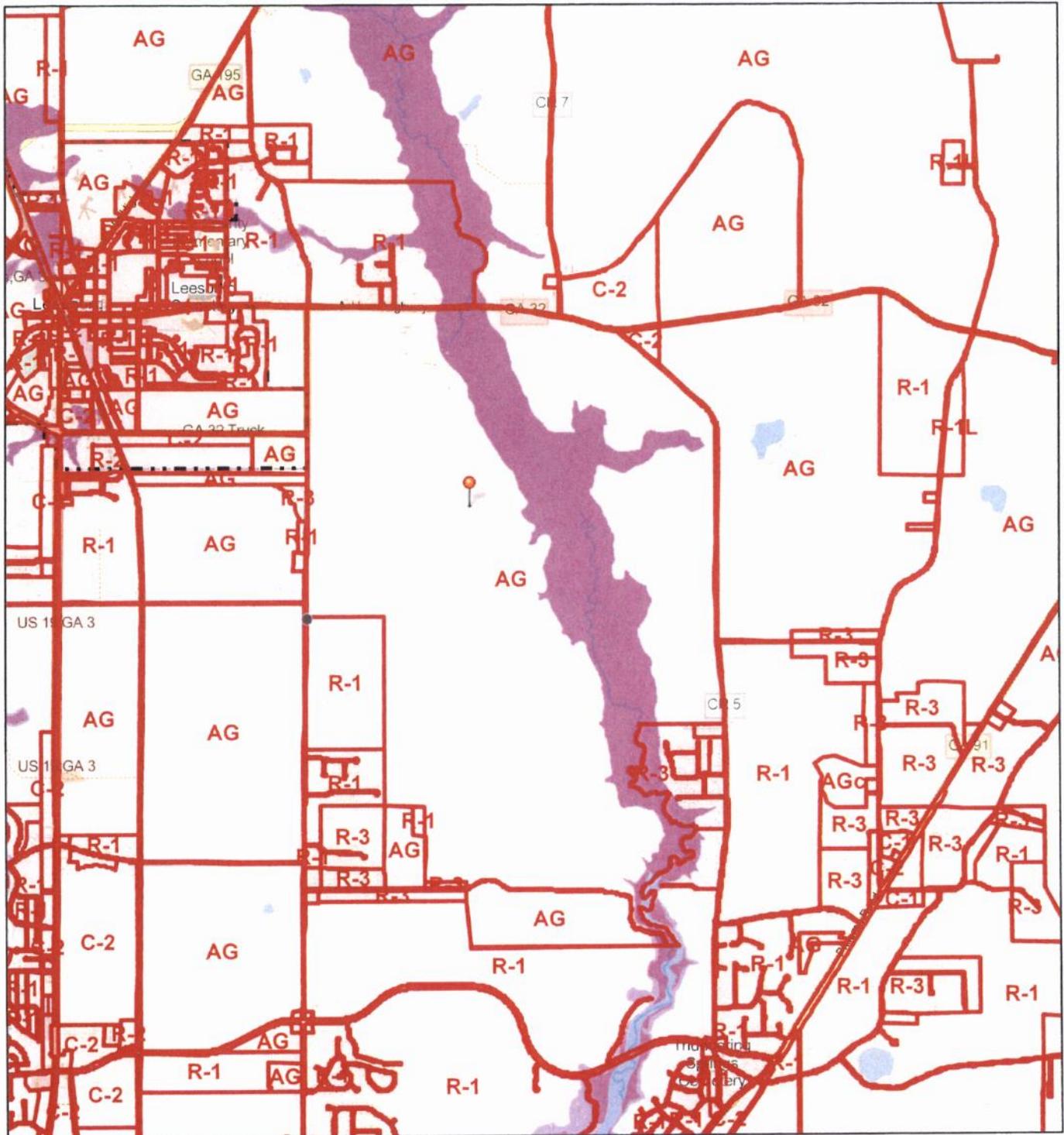
1:72,224

- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 19m Resolution Metadata
- Detailed Zoning
- Building Footprints
- Leesburg City Limits
- Lee County Boundary
- Zoning
  - Agriculture
  - Commercial
  - Industrial
  - Mobile Homes
  - Residential



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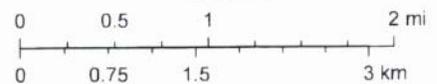
# ArcGIS Web Map



12/20/2023, 8:26:16 AM

1:72,224

- Detailed Zoning
- Building Footprints
- Leesburg City Limits
- Lee County Boundary
- USA Flood Hazard Areas
- 0.2% Annual Chance Flood Hazard
- 1% Annual Chance Flood Hazard
- Regulatory Floodway



Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri

## NOTICE OF PUBLIC HEARING

Lee County – Leesburg – Smithville Planning Commission

### Conditional Use Application

**Muckalee Plantation, LLC. (Z24-001)** has submitted an application to the Lee County Planning Commission requesting a Conditional Use to operate an associated wedding venue and bed and breakfast inn, in the AG-1 (Active Agriculture District). This property is in the First Land District of Lee County. The total acreage of Tract 2 is 1,693.933 acres. The wedding venue proposes to utilize 23.64 of those acres. The east property line borders the Muckalee Creek and is in flood zone A & AE. All development and uses are located outside the SFHA and in flood zone X. The parcel number is 049 159, at 569 Lovers Lane Road, Leesburg, GA 31763.

Exact legal descriptions of the property are on file at the Lee County Planning, Zoning and Engineering Department, 102 Starksville Avenue North, Room 202, Leesburg, GA 31763 and can be reviewed along with any other information regarding this request between 8:00 a.m. and 5:00 p.m. Monday through Friday.

The Lee County Planning Commission will conduct a public hearing on the conditional use application on **Thursday, February 1, 2024, at 6:00 p.m.** This meeting will be held in the Opal Cannon Auditorium of the T. Page Tharp Governmental Building, located at 102 Starksville Avenue North, Leesburg, Georgia 31763. The Planning Commission will forward its recommendation to the Lee County Board of Commissioners.

The Lee County Board of Commissioners will conduct a public hearing on **Tuesday, February 13, 2024 at 6:00 p.m.**, and a final vote on **Tuesday, February 27, 2024 at 6:00 p.m.**, in the Opal Cannon Auditorium of the T. Page Tharp Governmental Building, located at 102 Starksville Avenue North, Leesburg, Georgia 31763.

\*\*\*\*\*

Meetings of the Planning Commission and the Board of Commissioners are open to the public.

Georgia law requires that all parties who have made campaign contributions to any member of the Lee County Board of Commissioners in excess of two hundred fifty dollars (\$250) within two (2) years immediately preceding the filing of this request, and who desire to appear at the public hearing in opposition to the application, shall, at least five (5) days prior to the public hearing, file a campaign contribution report with the Lee County Planning Commission.

Persons with special needs relating to handicapped accessibility or foreign language interpretation should contact the ADA Coordinator at (229) 759-6000 or through the Georgia Relay Service (800) 255-0056 (TDD) or (800) 355-0135 (voice). This person can be contacted at the T. Page Tharp Building in Leesburg, Georgia between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except holidays, and will assist citizens with special needs given proper notice of seven (7) working days. The meeting rooms and buildings are handicap accessible.



LEE COUNTY

Life works well here

## *Lee County Public Works*

**Director**

Michael T. Sistrunk

759 Hwy 32 East

Leesburg, GA 31763

(229) 759-6028

Fax (229) 759-3332

**General Supervisor**

Anthony King

**Supervisor**

Chris Sellers

February 19, 2024

Christi Dockery

Due to the power outage from the recent storm, it was discussed to obtain quotes for generators to maintain power for the Landfill, Public Works well, Public Works exterior office, and the Animal Shelter. It was also discussed to use Gov Deal funds for the Public Works locations and the Animal Shelter could use a portion of the their donation. As we are approaching hurricane season, I would respectfully request to add this to the agenda of the upcoming Commissioner's Meeting. I am enclosing copies of quotes received and would like to move forward with this. As you can see, only 3 vendors responded and of those, Wayne's Electric is the only complete, turnkey quote. Wayne's Electric has quoted all locations in completion, without delay and come highly recommended from Sumter Electric. Please advise as to how you would like to proceed.

Sincerely,

Mike Sistrunk



## MEMORANDUM

### LEE COUNTY BOARD OF COMMISSIONERS

**TO:** Honorable Board of County Commissioners  
**SUBJECT:** County Updates

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#### Agricultural/ Recreation Complex

- Located on 100 acres on Leesburg Bypass — 231 State Route 3
- Proposed plans provided July 29, 2020
  - Including: A boating access point at the creek's edge, the agricultural complex, walking trails, and campsites
- Resolution adopted and lease agreement signed on September 22, 2020 with Georgia Department of Natural Resources for a Boat Ramp
  - Renewed January 11, 2022
  - Estimated Start Date: Fall 2023
  - DNR hired EMC Engineering to survey property for canoe/kayak ramp
  - DNR staff notified us that the DNR Commissioner has signed the Boat Ramp agreement for the Lee County construction project
  - Engineering design began in January 2023
  - An Environmental study will be conducted in the next few weeks
- Improvements to the Property
  - Renovation of Covered Building: New roof, fresh paint, picnic tables, electrical system, well
  - Bobby Donley, Lanier Engineering, provided proposed site plan
    - Proposal submitted to the BOC for review
  - Trails: ¾ mile walking trail that runs along a 46 foot high ridgeline above the Kinchafoonee Creek and has a seasonal view of the waterway
    - Eight (8) picnic tables as well as a number of trash cans have been placed along this trail on the creek side
    - Directional signs for the area ordered (i.e. Parking, No Parking, trail markers, boundary signs, etc.)
- Future Improvements
  - Define the location of the road
  - Grade and place compacted crushed stone GAB/recycled asphalt on the area on top of the ridgeline for a parking area
  - Placing a gate at the trailhead so that the area can be closed to public for safety during high water events
- Planning/Designing Committee created by the Board at the May 11, 2021 meeting
  - **Committee Members:** Art Ford, Tim Sumners, Tom Sumners, Bobby Donley, Lisa Davis, David Dixon, Judy Powell, Rick Muggridge, Commissioner Luke Singletary, County Manager Christi Dockery, Parks & Recreation Director Jeremy Morey
    - **Meetings:** June 14, 2021, November 15, 2021, January 11, 2022
  - Staff is working with a local engineering firm to develop a plan
- Professional Services Agreement with Lose Designs approved and signed on August 8, 2023
- Onsite meeting held Friday, September 15, 2023
- Concept plan meeting held Friday, February 2, 2024
- Architect will attend future Board meeting

### **Bicentennial Anniversary – June 9, 2025**

- Preliminary discussions ongoing with staff and Chamber of Commerce staff on projects and ideas for a community celebration for Lee County's first 200 years

### **2020 Census Numbers**

- Lee County: 33,179
- Smithville: 593
- Leesburg: 3,480

### **Commercial Land Development Permits**

- Boaters World – Ridezilla – Hwy 19
- DeSoto Silicon Ranch Phase II & III
- Drake Properties – Downtown Leesburg Restaurant Passion & Bliss
- Eliano's Coffee – US Hwy 19
- Flint Ventures Commercial Subdivision – US Hwy 19
- Forrester Crossing Commercial Subdivision Phase II – US Hwy 19
- Forrester Crossing Phase I – New Office Building
- Giovingo Properties Sanitary Sewer Expansion – US Hwy 82
- Hibachi Express Drive-thru Expansion – US Hwy 19
- Marlow Lane Sewer Utilities Extension – US Hwy 82
- Mavis Tire – US Hwy 19
- New Jerusalem Grove Baptist Church – Smithville
- Oakland Express convenience store – US Hwy 82
- Oxford Business Park
- Seven Brew – US Hwy 82 (to include proposed package store)
- Three (3) Proposed Package Stores – US Hwy 19, Philema Road, and US Hwy 82
- Gas Station – US Hwy 82
- Whistle Wash – US Hwy 82
- Woodgrain Millwork Expansion – US Hwy 82

### **DeSoto Solar Project**

- Staff anticipates pushing power to the grid on both the DeSoto II and the DeSoto III projects by the end of this year
- Both projects to be fully completed by the end of Spring 2024
- Received first \$235,000.00 annual payment
- DeSoto I is fully completed and operating well.
  - Sheep expected to be on the DeSoto I project by the end of summer or early fall 2024
  - D.S II & III are expected to be operational?

### **GEMA**

- GEMA representatives will be working with local government, businesses, and citizens to create a Disaster Recovery and Redevelopment Plan for the county
- There will be at least three stakeholder meetings
- Consists of a zero-cost match

### **GIS**

- Implemented Pictometry

#### **Road Layer**

- Including road width, length, and speed limits

#### **Utilities Mapping Project**

- Purpose: To map all utilities in Lee County
  - Includes water mains, water valves, water towers, fire hydrants, sewer lines, sewer manholes, sewer pump stations, fiber, gas, telephone, etc. as well as feature type, pipe size, pipe material, valve size

- Also mapping greenspace, stormwater holding ponds, Hazard Mitigation lots, etc.
- Goal: To have an internet map in ArcGIS Online where utility workers can view utility maps on a tablet in the field

### **Great American Clean-up**

- Potential date of April 6, 2024
- Event will also include Amnesty Day at the Landfill, Flag turn in, and prescription pill take back

### **LMIG Funds**

- **FY2024**
  - Funds Received from GDOT: **\$690,908.06**
    - Total, with 30% match from Lee County: **\$898,180.48**
  - Application approved September 18, 2023
  - Grant Funds received September 19, 2023
  - BOC awarded bid on December 12, 2023 to Oxford Construction Company
  - Roads: Chokee Road, Country Drive, Knollwood Drive, Springlake Drive, and Wiregrass Way
  - Project ongoing

### **Sidewalks**

- Georgia Department of Transportation, GDOT, has approved the City of Leesburg's request for funding assistance for sidewalks on State Route 3, State Route 32, and Firetower Road
- GDOT is committing up to \$304,000.00, or 70% of the project cost, whichever is less
- December 22, 2022: Board voted to pay the County's share of the cost for sidewalks on Firetower Road (\$13,500.00)
- Ongoing project

### **Smithville Road Bridge**

- Georgia Department of Transportation, GDOT, plans to replace the bridge over the Muckaloochee Creek on Smithville Road
- Construction and Maintenance Easements received from adjoining property owners and recorded
- Estimated Start Date: August 15, 2024
  - Detour will be implemented during this construction as bridge will be closed to thru traffic
  - Estimated completion date: January 7, 2025

### **Speed Limit Ordinance**

- Approved by BOC at April 26, 2022 meeting
- Staff has submitted documents to GDOT
- Requested DOT examine Old Leesburg Road/State Route 133
- Awaiting GDOT review and approval

### **SPLOST VII**

- Collection Period: October 1, 2019 - September 30, 2025
- Ballot amount: \$20,825,603.00
  - Current collection: \$20,568,527.00 as of February 2024 (99%)

### **SPLOST VIII**

- Citizens will vote on referendum March 12, 2024
- Collection Period: October 1, 2025 - September 30, 2031
- LC Departments have submitted their requests for projects to be included on the next ballot
- September 12, 2023: BOC approved placing on the March 2024 ballot
- BOC reviewing staff proposed projects
- Meeting with Lee County, Leesburg, and Smithville officials held Tuesday, October 10, 2023 with all entities in agreement
- IGA and projects list approved by the BOC on October 24, 2023
- Completed IGA submitted to the Elections and Registration Office November 10, 2023

## **Storm Drainage Repair/ Holding Ponds**

- Lumpkin Road
  - BOC approved a contract with Lanier Engineering to survey in March 2020
    - Survey completed June 2020
    - BOC currently reviewing plans and options
- Liberty Holding Pond (Doublegate)
  - BOC approved a contract with engineer Mike Talley to design
  - BOC approved a contract with Lanier Engineering to survey in February 2019
  - Under review

## **Sewer Extension on Hwy 19**

- Approved by BOC at June 22, 2021 meeting
- Staff writing RFQ documents
- Projected Bid Opening TBD
- The plans and easement plats are completed and ready for submittal from Lanier Engineering
- Estimated Completion: December 2024

## **TSPLOST**

- Collection Period: April 1, 2019 - March 31, 2024
  - Ballot amount: \$16,995,017.00
  - Current collection: \$17,397,901.51 as of February 2024 (102%)

## **TSPLOST II**

- Joint meeting held Tuesday, June 21, 2022 at 5:00pm
- Voters approved continuation of TSPLOST II in November 2022
- Collection Period: April 1, 2024 – March 31, 2029

## **Telecommunications Tower**

- To be located at the Smithville Fire Station
- Partnering with Motorola
- Surveying has begun
  - Once completed, crews can then break ground
- Estimated Completion: May 2024

## **Westover Extension**

- GDOT project - DARTS support
- Will connect Westover Road and Ledo Road at Capstone Connector
- Oxford Construction Company awarded bid from GDOT
  - Project ongoing
- Staff is working with GDOT and DARTS on signal and safety issues for Ledo Road intersection
- Estimated Completion Date: December 2024
- Discussions with GDOT regarding a traffic study and signal installation ongoing
- GDOT committed to conducting a traffic study of this intersection once the project is completed

## **Windstream – Kinetic Fiber Installation**

- Kinetic staff is currently staking installation areas throughout the County
- Engineering design is expected to be completed by January 2024
- Crews will begin fiber installation in early 2024 with anticipated completion of over 4,234 underserved properties by the end of 2026
- Project is required to be completed by 2026 with minimum speeds of 100 Mbps download and 100 Mbps upload
- Funding for this project includes:
  - Grant award from Georgia's State & Local Fiscal Recovery Funds - \$12,541,241.00
  - Kinetic funding of \$7,337,804.00 with Lee County's match of \$1,200,000.00
  - ARPA funding

- Total Investment: \$21,079,046.00
- Groundbreaking held Wednesday, February 7, 2024 at Oakland Court

## RFPs and RFQs

### Open

#### Coston Road Paving Project

- Pre-Bid Meeting: November 16, 2023
- Bid Opening: TBD
- Approved by BOC at September 26, 2023 meeting
- To be re-published February 2024

#### New York Road – Chokee Creek Bridge Repair

- Pre-Bid Meeting: January 8, 2024
- Bid Opening: TBD
- To be re-published

### Recently Awarded

#### Disaster Recovery Management, Disaster Debris Monitoring, and Disaster Recovery Services

- Bid Opening: January 16, 2024
- Approved by BOC at June 13, 2023 meeting
- To be brought before the BOC on February 13, 2024
- BOC award bid on February 13, 2024 meeting to Tetra Tech

#### Disaster Debris Removal and Disposal Services

- Bid Opening: January 16, 2024
- Approved by BOC at June 13, 2023 meeting
- To be brought before the BOC on February 13, 2024
- BOC award bid on February 13, 2024 meeting to DRC Emergency Services

#### Road Resurfacing Projects (including LMIG 2024)

- Pre-Bid Meeting: November 28, 2023
- Bid Opening: December 11, 2023
- Approved by BOC at September 12, 2023 meeting
- BOC awarded bid on December 12, 2023 to **Oxford Construction Company** at a total cost of **\$5,032,661.75**
- Project ongoing
- **Roads**: Argyll Place, Aylesbury Place, Berkeley Road, Cambridge Road, Carillon Court, Carowinds Drive, Coosaw Court, Country Drive, Creek Isle Drive, Creekshire Court, Creekview Drive, Danbury Lane, Doris Drive, Foxworth Drive, Halifax Place, Huntingdon Drive, Johns Drive, Knollwood Drive, Lavender Lane, Longleaf Drive, Margate Drive, Marion Court, Midway Street, Morning Mist Drive, Muckalee Lane, Pebble Ridge Drive, Pineview Drive, Red Bay Court, Springlake Drive, Towne Lane, Victorian Court, Village Lane, Warrington Road, Willard Court, Winnstead Drive, and Wiregrass Way, **Callaway Lakes and Myers Acres.**
  - Total of 21.47 miles
  - Completed roads: Chokee Road, New York Road, Pinewood Road
  - **Roads in Bold currently working on**

#### Bermuda Lane Pipe Repair

- Pre-Bid Meeting: November 9, 2023
- Bid Opening: November 28, 2023

- Approved by BOC at October 24, 2023 meeting
- BOC awarded bid on December 12, 2023 to **Oxford Construction Company** at a total cost of **\$74,095.00**

### **Engine for Fire Truck**

- Bid Opening: October 23, 2023
- Approved by BOC at September 26, 2023 meeting
- BOC awarded bid on October 24, 2023 to **Rush Truck Center** at a total cost of **\$32,119.20**
- Truck repaired and back in service

## **Future**

### **Fencing**

- Approved by BOC at April 25, 2023 meeting
- Staff writing RFP documents
- To be placed at several County facilities
- Projected Bid Opening: TBD

### **LED Lighting in the Fire Stations**

- Previous Pre-Bid Meeting: September 20, 2022
- Previous Bid Opening: October 19, 2022
- Results brought to the Board on October 25, 2022
  - Bids rejected
- Project to be reopened at a future date

### **LED Lighting in all County Buildings**

- Approved by BOC at March 23, 2021 meeting
- Projected Bid Opening: TBD

### **ADA Compliant Website**

- Staff writing RFP documents
- Projected Bid Opening: TBD

### **County Building Painting Services**

- Approved by BOC at March 23, 2021 meeting
- Staff writing RFP documents
- Projected Bid Opening: TBD

### **Flooring Services for County Buildings**

- Approved by BOC at April 27, 2021 meeting
- Staff writing RFP documents
- Projected Bid Opening: TBD

### **Extended Sewer Installation on Hwy 19**

- Approved by BOC at June 22, 2021 meeting
- Staff writing RFQ documents
- Projected Bid Opening: TBD
- The plans and easement plats are completed and ready for submittal from Lanier Engineering
- Estimated Completion: December 2024



## MEMORANDUM LEE COUNTY BOARD OF COMMISSIONERS

**TO:** Honorable Board of County Commissioners

**SUBJECT:** Bermuda Lane Pipe Repair – Change Order

**MEETING DATE:** Tuesday, February 27, 2024

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### **MOTION/RECOMMENDATION**

Motion to approve a change order with Oxford Construction Company for the Bermuda Lane Pipe Repair project. Staff recommends approving the change order in the amount of \$12,540.00 for the Bermuda Lane pipe repair.

### **BACKGROUND**

Recently the BOC approved a pipe repair project for Bermuda Lane. This storm pipe system had a much older previous pipe repair that had failed due primarily to some grading work undertaken by the county in association with the Lee County Medical Center. This in turn resulted in the outlet pipe from Bermuda Lane trapping stormwater within the system and partially flooding Bermuda Lane. A proposed repair in consultation with Stormwater Engineer Mike Talley resulted in a plan and RFP to replace a portion of this piping system.

During subsequent review of this project it was determined that there was an error in the original plans regarding pipe size and the pipe in question is actually a 30" pipe as opposed to a 24" pipe. As such, the size of the proposed repair pipe is required to be changed from a 24" pipe to a 30" pipe in order to be able to appropriately handle the amount of stormwater in the system.

### **ATTACHMENT**

Change Order from Oxford Construction Company



3200 Palmyra Road, Albany, GA 31707  
P: 229.883.3232 • F: 229.883.2962  
**OXFORDCONSTRUCTION.COM**

February 26, 2024

Lee County Board of Commissioners  
102 Starksville Avenue North  
Leesburg, Georgia 31763

Attn: Ms. Christi Dockery  
County Manager

RE: Bermuda Lane  
Storm Pipe Repair  
Lee County, Georgia

Dear Ms. Dockery:

We submit herewith our lump sum change order proposal to install 30" reinforced concrete pipe in lieu of 24" reinforced concrete pipe on the above referenced project. The specific items included in this proposal are as follows:

1. Delete 24" Reinforced Concrete Pipe
2. Delete 24" Flared End Section
3. Add 30" Reinforced Concrete Pipe
4. Add 30" Flared End Section

Total Additional Amount: \$ 12,540.00

We appreciate the opportunity to submit this proposal and look forward to our continued association. Please feel free to contact me if you have any questions or need additional information.

Respectfully,  
OXFORD CONSTRUCTION COMPANY



Jay Griffith  
Vice President



## MEMORANDUM LEE COUNTY BOARD OF COMMISSIONERS

**TO:** Honorable Board of County Commissioners

**SUBJECT:** Short Term Rentals

**MEETING DATE:** Tuesday, February 27, 2024

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### **MOTION/RECOMMENDATION**

Discussion of short term rentals in Lee County and the potential for an ordinance. Staff recommends consulting with County Attorney Jimmy Skipper to draft an ordinance pertaining to short term rentals.

### **BACKGROUND**

Lee County staff have identified multiple properties utilized for short-term rentals on platforms such as Airbnb and VRBO. These properties include houses, apartments, guest houses, mother-in-law suites, barns, individual bedrooms, and campers. Currently, within Lee County's Code of Ordinances, there is not a section specifically pertaining to short term rentals.

Staff recommends consulting with County Attorney Jimmy Skipper to draft an ordinance pertaining to short term rentals so as to provide guidelines, standards, and rules to the property owners and hosts of these short term rental facilities.

### **ATTACHMENTS**

NONE



## MEMORANDUM LEE COUNTY BOARD OF COMMISSIONERS

**TO:** Honorable Board of County Commissioners

**SUBJECT:** Lee County Mobile Home Parks

**MEETING DATE:** Tuesday, February 27, 2024

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### **MOTION/RECOMMENDATION**

To discuss the policy regarding mobile homes that have been abandoned in Lee County. Staff recommends consulting with County Attorney Jimmy Skipper to enhance the ordinance pertaining to abandoned mobile homes.

### **BACKGROUND**

Several department have been collaborating on determining how many abandoned mobile homes exist in Lee County's 11 Mobile Home Parks. Five of these Mobile Home Parks have been cleared by staff of containing any abandoned mobile homes; however, four have several mobile homes that need to be investigated further.

The Tax Commissioner's Office will be posting six of these abandoned mobile homes on March 5, 2024 for sale on the courthouse steps. Below are the Mobile Home Parks that staff will continue to investigate and assist the owner with removal:

- Dixon: Six Mobile Homes
  - Three to be posted
- Kinchafoonee: Four Mobile Homes
  - Two to be posted
- Lakeview: One Mobile Home (Fire Damage)
- Weslo Estates: Nine Mobile Homes
  - One to be posted

After being contacted by an owner of one of the aforementioned mobile home parks, staff from Building Inspection, Code Enforcement, the Tax Assessor's Office, and Planning, Zoning and Engineering met to discuss the process of investigation and condemnation as these mobile home parks are considered private property. Staff recommends consulting with County Attorney Jimmy Skipper to enhance the ordinance pertaining to abandoned mobile homes so as to better define the obligations of the County with the responsibilities of the property owners.

### **ATTACHMENTS**

HB 381

Current Lee County Code: Ch. 34, Art. II, Div. 2 – Unfit Dwellings, Buildings, and Structures

House Bill 381 (COMMITTEE SUBSTITUTE)

By: Representatives Corbett of the 174<sup>th</sup>, Ealum of the 153<sup>rd</sup>, LaRiccia of the 169<sup>th</sup>, Shaw of the 176<sup>th</sup>, and Watson of the 172<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to  
2 landlord and tenant, so as to enact a new article to provide for the classification of abandoned  
3 mobile homes as derelict or intact for purposes of disposal or creation of liens; to provide for  
4 a short title; to provide for legislative intent; to provide for definitions; to provide for  
5 procedure for requesting classification of an abandoned mobile home as intact or derelict;  
6 to provide for notice; to provide a right to file a lien on abandoned mobile homes deemed to  
7 be intact; to provide the opportunity for a hearing to confirm classification as a derelict  
8 abandoned mobile home; to provide for court authority to order the disposal of abandoned  
9 mobile homes found to be derelict; to provide a process to foreclose a lien on an abandoned  
10 mobile home deemed to be intact; to provide for the public sale of an intact abandoned  
11 mobile home; to provide for the disposition of proceeds from such public sale; to provide for  
12 a process to obtain certificate of title for mobile homes purchased at public sale; to amend  
13 Code Section 15-10-2 of the Official Code of Georgia Annotated, relating to general  
14 jurisdiction of magistrate courts, so as to provide for jurisdiction of such courts relative to  
15 foreclosure of liens of abandoned mobile homes; to provide for related matters; to repeal  
16 conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to landlord and  
20 tenant, is amended by adding a new article to read as follows:

21 "ARTICLE 6

22 44-7-110.

23 This article shall be known and may be cited as the 'Abandoned Mobile Home Act.'

H. B. 381(SUB)

24 44-7-111.

25 The General Assembly finds that abandoned mobile homes are a nuisance that cause blight  
 26 and depress property values. This article is intended to provide counties and municipalities  
 27 with the authority to appoint an agent to determine the condition of mobile homes in order  
 28 for landowners to remove or restore abandoned mobile homes left on their property. It is  
 29 the further purpose of this article to provide landowners with the guidance necessary to  
 30 efficiently and properly identify and dispose of abandoned mobile homes in this state while  
 31 protecting the rights of any owner, lienholder, or other interested parties by performing a  
 32 due diligence search, notification, and hearing process.

33 44-7-112.

34 As used in this article, the term:

35 (1) 'Abandoned mobile home' means a mobile home that has been left vacant by all  
 36 tenants for at least 90 days without notice to the landowner and upon which there is  
 37 evidence of one or more of the following:

38 (A) Failure to pay rent or fees for 90 days;

39 (B) Removal of most or all personal belongings;

40 (C) Cancellation of insurance;

41 (D) Termination of utility services; or

42 (E) A risk to public health, safety, welfare, or the environment.

43 (2) 'Derelict' means an abandoned mobile home which is in need of extensive repair and  
 44 is uninhabitable and unsafe due to the presence of one or more of the following  
 45 conditions:

46 (A) Inadequate provisions for ventilation, light, air, or sanitation; or

47 (B) Damage caused by fire, flood, hurricane, tornado, earthquake, storm, or other  
 48 natural catastrophe.

49 (3) 'Dispose' means to destroy, recycle, or repurpose for use not as living quarters.

50 (4) 'Intact' means an abandoned mobile home which is in livable condition under  
 51 applicable state law and the building and health codes of a local governing authority.

52 (5) 'Landowner' means the owner of real property upon which a mobile home is located.

53 (6) 'Local government agent' means a person appointed by a local governing authority  
 54 who is qualified to inspect an abandoned mobile home. Such person shall be able to  
 55 demonstrate qualification through performance of at least 12 home inspections in the  
 56 previous 12 months. Nothing in this article shall be construed to require a local  
 57 governing authority to appoint a local government agent.

58 (7) 'Mobile home' means a manufactured home or a mobile home as such terms are  
 59 defined in Code Section 8-2-160.

H. B. 381(SUB)

60 (8) 'Responsible party' means any person with an ownership interest in an abandoned  
61 mobile home as evidenced by the last payor of record as identified by a search of deeds  
62 or instruments of title, and shall include any holder of a recorded lien or the holder of any  
63 type of secured interest in the mobile home or a local government with a claim for unpaid  
64 taxes.

65 44-7-113.

66 (a) At the request of a landowner upon which an abandoned mobile home is located, a  
67 local government agent shall be authorized to assess the condition of such mobile home.  
68 Upon inspection, the local government agent shall classify such abandoned mobile home  
69 as either intact or derelict and provide documentation citing such determination to the  
70 requesting landowner within 20 days of such request.

71 (b) If a local government agent determines an abandoned mobile home to be intact, a  
72 landowner shall have a right to file a lien on such abandoned mobile home in the superior  
73 court located where the mobile home is located and in the amount of any unpaid rent as of  
74 the date on which such lien is filed and accrued fees. Such lien may be foreclosed pursuant  
75 to procedure set forth in Code Section 44-7-115.

76 (c) If a local government agent determines an abandoned mobile home to be derelict, such  
77 agent shall post notice of such determination in a conspicuous location on such abandoned  
78 mobile home. Such notice shall be in substantially the following form:

79 'You are hereby notified that this mobile home (describe make, model, and color, if  
80 known) located at (address or description of location) has been deemed abandoned and  
81 derelict. You are entitled to a hearing in magistrate court to contest this determination.  
82 If you fail to request a hearing within 90 days or if it is confirmed by a court that this  
83 abandoned mobile home is derelict, the owner of the land upon which this mobile home  
84 sits shall be entitled to dispose of the mobile home.'

85 (d)(1) Upon receipt of a determination that an abandoned mobile home is derelict by a  
86 local government agent, a landowner shall send notice, which notice shall include a  
87 listing of all responsible parties and last known addresses, to all responsible parties by  
88 registered or certified mail or statutory overnight delivery. Such notice shall contain a  
89 description of the abandoned mobile home, including the make of the mobile home, the  
90 location of such mobile home, and the fact that such abandoned mobile home has been  
91 deemed derelict. Such notice shall further include a statement that such responsible party  
92 is entitled to request a hearing in magistrate court within 90 days to contest the  
93 determination that such abandoned mobile home is derelict and that failure to request  
94 such hearing within 90 days of receipt of such notice shall entitle such landowner to  
95 dispose of the derelict mobile home.

96 (2) If no responsible parties of such mobile home can be ascertained, the landowner shall  
97 place an advertisement in a newspaper of general circulation in the county where such  
98 mobile home is located; if there is no newspaper in such county, shall post such  
99 advertisement at the county courthouse in such place where other public notices are  
100 posted. Such advertisement shall run in the newspaper once a week for two consecutive  
101 weeks or shall remain posted at the courthouse for two consecutive weeks. The  
102 advertisement shall contain a description of the mobile home, including the make of the  
103 mobile home, the location of such mobile home, and the fact that such mobile home has  
104 been deemed derelict. Such advertisement shall further include a statement that such  
105 responsible party is entitled to request a hearing in magistrate court within 90 days to  
106 contest the determination that such abandoned mobile home is derelict and that failure  
107 to request such hearing within 90 days of receipt of such notice shall entitle such  
108 landowner to dispose of the derelict mobile home.

109 (e) Neither the local governing authority nor the local government agent shall bear any  
110 liability with respect to any lawful actions taken to make a determination that a mobile  
111 home is abandoned or derelict.

112 44-7-114.

113 (a) After notice to all other responsible parties and the landowner has been sent, and within  
114 90 days of receipt of notice that an abandoned mobile home has been determined to be  
115 derelict, a responsible party or landowner shall petition a magistrate court to hold a hearing  
116 to confirm or deny such decision of a local government agent. If a petition is filed pursuant  
117 to this Code section, a hearing on such issue shall be held within ten days.

118 (b) The court shall hear evidence of the condition of the abandoned mobile home, which  
119 may include introduction of a copy of the determination from the local government agent,  
120 and whether the notice provisions of this article have been met.

121 (c) If, after a full hearing, the court determines the abandoned mobile home to be derelict,  
122 the court shall issue an order finding such mobile home to be derelict and authorizing the  
123 landowner to dispose of such derelict mobile home. A landowner issued such order shall  
124 dispose of such derelict mobile home within 180 days. Within 30 days of disposal of a  
125 derelict mobile home, the landowner shall notify the Department of Revenue and local tag  
126 agent of such disposal and such department shall cancel the certificate of title for such  
127 derelict mobile home, if such certificate exists.

128 44-7-115.

129 Notwithstanding any conflicting provisions in Code Section 44-14-349, all liens acquired  
130 upon an abandoned and intact mobile home under Code Section 44-7-113 shall be  
131 foreclosed as follows:

132 (1) Any proceeding to foreclose a lien on an abandoned mobile home determined to be  
133 intact by a local government agent must be instituted in the magistrate court of the county  
134 where such mobile home is located within one year from the time the lien is recorded;

135 (2) The person desiring to foreclose a lien on an abandoned mobile home determined to  
136 be intact by a local government agent shall, by certified or registered mail or statutory  
137 overnight delivery, make a demand upon the responsible party in the amount of the lien  
138 and for the payment of rent and fees accrued after the filing of the lien; provided that the  
139 daily amount of such rent shall not exceed \$3.00. If the responsible party cannot be  
140 located, notice shall be published in a newspaper of general circulation for two  
141 consecutive weeks;

142 (3)(A) If, within 30 days of delivery to the appropriate address of the written demand  
143 required by paragraph (2) of this Code section, the responsible party fails to respond to  
144 such demand or refuses to pay, or if the responsible party cannot be ascertained, the  
145 landowner may foreclose such lien. The person asserting such lien may move to  
146 foreclose by making an affidavit to a magistrate court showing all facts necessary to  
147 constitute such lien and the amount claimed to be due. Such affidavit shall aver that the  
148 notice requirements of Code Section 44-7-113 have been complied with, and such  
149 affidavit shall also aver that a demand for payment has been made and refused or that  
150 the identity of the responsible party cannot be ascertained. The landowner shall verify  
151 the statement by oath or affirmation with a signature affixed thereto.

152 (B) The fee for filing such affidavit shall be \$5.00 per abandoned mobile home upon  
153 which a lien is asserted;

154 (4)(A) Upon the filing of such affidavit, the person asserting such lien shall give the  
155 clerk or judge of the court the address, if known, of all responsible parties and the clerk  
156 or judge of the court shall serve notice informing such responsible parties of a right to  
157 a hearing to determine if reasonable cause exists to believe that a valid debt exists; that  
158 such hearing must be petitioned for within 30 days of receipt of such notice; and that,  
159 if no petition for such hearing is filed within the time allowed, the lien shall  
160 conclusively be deemed a valid one, foreclosure thereof allowed, and a public sale  
161 pursuant to Code Section 44-7-116 authorized.

162 (B) Any notice required by this paragraph shall be by certified mail or statutory  
163 overnight delivery or, if the responsible party is unknown, by posting such notice at the  
164 county courthouse in such place where other public notices are posted;

165 (5) If a petition for a hearing is filed within the time allowed pursuant to paragraph (4)  
166 of this Code section, the magistrate court shall set such a hearing within ten days of filing  
167 of the petition. If, at the hearing, the magistrate court determines there is reasonable  
168 cause to believe that a valid debt exists, then the person asserting the lien shall retain  
169 possession of the mobile home or the court shall obtain possession of the mobile home,  
170 as ordered by the court;

171 (6) Within five days of the hearing, a party defendant must petition the magistrate court  
172 for a full hearing on the validity of the debt if a further determination of the validity of  
173 the debt is desired. If no such petition is filed, the lien for the amount determined  
174 reasonably due shall conclusively be deemed a valid one and foreclosure thereof allowed.  
175 If such a petition is filed, the magistrate court shall set a full hearing thereon within 15  
176 days of the filing of the petition. Upon the filing of such petition by a party defendant,  
177 neither the prosecuting lienholder nor the court may sell the mobile home;

178 (7) If, after a full hearing, the magistrate court finds that a valid debt exists, then the  
179 court shall authorize foreclosure upon and sale of the mobile home subject to the lien to  
180 satisfy the debt if such debt is not otherwise immediately paid;

181 (8) If the magistrate court finds the actions of the person asserting the lien in retaining  
182 possession of the mobile home were not taken in good faith, then the court, in its  
183 discretion, may award damages to the owner and to any party which has been deprived  
184 of the rightful use of the mobile home; and

185 (9) If no petition for a hearing is filed, or if, after a full hearing, the magistrate court  
186 determines that a valid debt exists, the court shall issue an order authorizing the sale of  
187 such mobile home. However, the holder of a security interest in or a lien on the mobile  
188 home, other than the holder of a lien created by Code Section 44-7-113, shall have the  
189 right, in the order of priority of such security interest or lien, to pay the debt and court  
190 costs. If the holder of a security interest or lien does so pay the debt and court costs, such  
191 person shall have the right to possession of the mobile home, and that person's security  
192 interest in or lien on such mobile home shall be increased by the amount so paid. A  
193 magistrate court order shall be issued to this effect, and in this instance there shall not be  
194 a sale of the mobile home.

195 44-7-116.

196 (a)(1) As used in this subsection, the term 'public sale' means a sale:

197 (A) Held at a place reasonably available to persons who might desire to attend and  
198 submit bids;

199 (B) At which those attending shall be given the opportunity to bid on a competitive  
200 basis;

201 (C) At which the sale, if made, shall be made to the highest and best bidder; and  
 202 (D) Except as otherwise provided in Title 11 for advertising or dispensing with the  
 203 advertising of public sales, of which notice is given by advertisement once a week for  
 204 two weeks in the newspaper in which the sheriff's advertisements are published in the  
 205 county where the sale is to be held, and which notice shall state the day and hour,  
 206 between 10:00 A.M. and 4:00 P.M., and the place of sale and shall briefly identify the  
 207 goods to be sold.

208 (2) Upon order of the magistrate court, the person holding the lien on the abandoned  
 209 mobile home shall be authorized to sell such mobile home at public sale.

210 (b) After satisfaction of the lien, the person selling such mobile home shall, not later  
 211 than 30 days after the date of such sale, provide the clerk of the court with a copy of the bill  
 212 of sale as provided to the purchaser and turn the remaining proceeds of such sale, if any,  
 213 over to the clerk of the court. Any person who fails to comply with the requirements of this  
 214 subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished  
 215 as for a misdemeanor.

216 44-7-117.

217 The clerk of the court shall retain the remaining balance of the proceeds of a sale under  
 218 Code Section 44-7-116, after satisfaction of liens, security interests, and debts, for a period  
 219 of 12 months; and, if no claim has been filed against such proceeds by the owner of the  
 220 abandoned mobile home or any interested party, then the clerk shall pay such remaining  
 221 balance into the general fund of the municipality or county that employs the local  
 222 government agent making the determination that such mobile home was intact pursuant to  
 223 Code Section 44-7-113.

224 44-7-118.

225 The purchaser at a sale as authorized in this article shall receive a certified copy of the  
 226 court order authorizing such sale. Any such purchaser may obtain a certificate of title to  
 227 such mobile home by filing the required application, paying the required fees, and filing  
 228 a certified copy of the order of the court with the Department of Revenue. The Department  
 229 of Revenue shall then issue a certificate of title, which shall be free and clear of all liens  
 230 and encumbrances."

231 **SECTION 2.**

232 Code Section 15-10-2 of the Official Code of Georgia Annotated, relating to general  
 233 jurisdiction of magistrate courts, is amended by revising paragraphs (14) and (15) and adding  
 234 a new paragraph to read as follows:

H. B. 381(SUB)

- 235     "(14) The trial and sentencing of misdemeanor violations of other Code sections as  
236     provided by Article 13 of this chapter; ~~and~~  
237     (15) The foreclosure of liens on animals as established in Title 4; ~~and~~  
238     (16) The foreclosure of liens on abandoned mobile homes as established in Article 6 of  
239     Chapter 7 of Title 44."

240

**SECTION 3.**

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

## DIVISION 2. - UNFIT DWELLINGS, BUILDINGS AND STRUCTURES

*Footnotes:*

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**Editor's note**— Ord. of 5-24-2011 repealed former Div. 2, §§ 34-51—34-64, and enacted a new Div. 2 as set out herein. The former division pertained to similar subject matter and derived from Ord. of 2-11-1999(3), §§ 1—14.

**Cross reference**— Buildings and building regulations, ch. 18.

## Sec. 34-51. - Adoption of division and definitions.

- (a) *Adoption.* In accord with O.C.G.A. § 41-2-7, this division is adopted based upon a finding by the governing body of Lee County that dwelling, building or structure conditions of the character described in O.C.G.A. § 41-2-7 exist within Lee County, and this division is adopted pursuant thereto.
- (b) *Definitions.* The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Applicable codes means:*

- (1) Any optional housing or abatement standard provided in Chapter 2 of Title 8 (O.C.G.A. § 8-2-1 et seq.) as adopted by state law, local ordinance, or operation of law, or other property maintenance standards as adopted by state law, ordinance, or operation of law, or general nuisance law, relative to the safe use of real property;
- (2) Any fire or life safety code as provided for in Chapter 2 of Title 25 (O.C.G.A. § 25-2-1 et seq.); and
- (3) The minimum standard codes provided in Chapter 2 of Title 8 (O.C.G.A. § 8-2-1 et seq.), provided that such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.

*Closing* means causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.

*Drug crime* means an act which is a violation of Article 2 of Chapter 13 of Title 16, known as the Georgia Controlled Substances Act (O.C.G.A. § 16-13-20 et seq.).

*Dwellings, buildings, or structures* means any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. The term "dwellings, buildings, or structures" shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.

*Interested parties means:*

- (1) The owner;
- (2) Those parties having an interest in the property as revealed by a certification of title to the property resulting from a title search conducted in accordance with the title standards of the State Bar of Georgia;
- (3) Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9;
- (4) Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the petitioner or records maintained in the county courthouse or by the clerk of the court. Interested parties shall not include the holder of the benefit or burden of any easement or right-of-way whose interest is properly recorded which interest shall remain unaffected; and
- (5) Persons in possession of said property and premises.

*Owner* means the holder of the title in fee simple and every mortgagee of record.

*Public authority* means any person who is in charge of any department or branch of Lee County relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the county or municipality.

*Public officer* means the officer or officers who are authorized by O.C.G.A. § 41-2-7, O.C.G.A. §§ 41-2-9 through 41-2-17 and by this division to exercise the powers prescribed by this division or any agent of such officer or officers.

*Repair* means altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.

*Resident* means any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.

(Ord. of 5-24-2011)

## Sec. 34-52. - Designation of public officer.

The primary responsibility and authority for the enforcement of the provisions of this division shall be vested in the Lee County building official, or such official's duly authorized representative, who, for the purposes of this division, shall be deemed the public officer as more particularly defined in section 34-51 of this division. For the purposes of this division, the designation of "public officer" or "building official" means the Lee County code enforcement officer.

(Ord. of 5-24-2011)

## Sec. 34-53. - Powers and duties of public officer.

The public officer is hereby authorized to exercise the following powers and duties to carry out and effectuate the purpose of this division, as follows:

- (1) To investigate the dwelling conditions in Lee County in order to determine which dwellings, buildings, or structures therein are unfit for human habitation, or are unfit for current commercial, industrial, or business use, or are vacant, dilapidated, and being used in connection with the commission of drug crimes;
- (2) To administer oath and affirmations, to examine witnesses, and to receive evidence;
- (3) To enter upon premises for the purpose of making examinations; provided, however, that such entry shall be made in such manner as to cause the least possible inconvenience to the person or persons in possession;
- (4) To appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this division; and
- (5) To delegate any of his functions and powers under the division to such officers and agents as he may designate from time to time.

(Ord. of 5-24-2011)

## Sec. 34-54. - Defects constituting an unfit dwelling, building or structure.

- (a) The public officer may determine, under existing ordinances, that a dwelling, building, or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use if he finds that conditions exist in such building, dwelling, or structure which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building, or structure; of the occupants of neighborhood dwellings, buildings, or structures; or of other residents in Lee County. Such conditions may include, but are not limited to, the following:
  - (1) Defects therein increasing the hazards of fire, accidents or other calamities;
  - (2) Lack of adequate ventilation, light, or sanitary facilities;
  - (3) Dilapidation;
  - (4) Disrepair;
  - (5) Structural defects;
  - (6) Uncleanliness;
  - (7) Exclusive of the foundation, if 33 percent or more of damage or deterioration of the supporting member or members, or 50 percent of the damage or deterioration of the non-supporting enclosing or outside walls or coverings is present;
  - (8) Improperly distributed loads upon the floors or roofs in which the same are overloaded, or which have insufficient strength to be reasonably safe;
  - (9) Previous damage by fire, wind, vandalism, or other cause;
  - (10) Decayed, unsafe, unsanitary, or other such conditions likely to cause sickness or disease to occupants of such dwelling, building, or structure, or to the occupants of neighborhood dwellings, buildings, or structures;
  - (11) Inadequate means of ingress and egress, such as insufficient stairways, elevators, or fire escapes, so as to cause a danger to occupants or residents;
  - (12) Conditions which are otherwise unsafe, unsanitary, or dangerous to the health, morals, safety, or general welfare of the occupants or occupants of neighborhood dwellings, buildings, or structures, or other residents of Lee County;
  - (13) Dilapidation or disrepair to such an extent that portions of the dwelling, building, or structure may fall or cave in;
  - (14) Buildings existing in violation of any provision of any code previously adopted by Lee County, including, but not limited to, any building code and any fire prevention code, previously adopted; and
- (b) The public officer shall also be authorized to determine, under existing ordinances, that a dwelling, building, or structure is vacant, dilapidated, and being used in connection with the commission of drug crimes upon personal observation by the public officer or upon the report of a law enforcement agency and evidence of drug crimes being committed at the location of such dwelling, building, or structure.

(Ord. of 5-24-2011)

## Sec. 34-55. - Duty of owner to maintain property.

It is the duty of the owner of every dwelling, building, structure, or property within the unincorporated area of Lee County to construct and maintain such dwelling, building, structure, or property in conformance with all applicable codes in force within the unincorporated area of Lee County and in conformance with such ordinances which regulate or prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or property in violation of such codes or ordinances.

(Ord. of 5-24-2011)

## Sec. 34-56. - Petition of unsafe conditions; investigation; notice of complaint; hearing.

- (a) *Petition of unfitness from public authority or residents.* Whenever a request is filed with the public officer by a public authority or by at least five residents of the municipality charging that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property.
- (b) *Public officer's investigation and inspection.* If the officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may file a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the owner and parties in interest in such dwelling, building, or structure in accord with the provisions of this division. Such complaint shall be filed in the Magistrate Court of Lee County.
- (c) *Notification to owner; hearing procedure.* The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the owner and parties in interest; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance. The summons shall notify the owner and parties in interest that a hearing will be held before the Magistrate Court of Lee County at a date and time established by that court. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the magistrate court. The owner and parties in interest shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.

(Ord. of 5-24-2011)

## Sec. 34-57. - Procedure following hearing.

- (a) *Determination; orders issued.* If, after such notice and hearing provided for in [section 34-56](#), the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the owner and any parties in interest that have answered the complaint or appeared at the hearing an order:
- (1) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or
  - (2) If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.
- (b) *Cost assessment.* For purposes of this division, the court shall make its determination of "reasonable cost in relation to the present value of the dwelling, building, or structure" without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be a factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by

affidavits of real estate appraisers with a Georgia appraiser classification as provided in Chapter 39A of Title 43, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

- (c) *Result of noncompliance; posted and secured from occupation.* If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer may cause such dwelling, building, or structure to be repaired, altered, or improved or to be vacated and closed or demolished. Such abatement action shall commence within 270 days after the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order granted pursuant to O.C.G.A. § 41-2-13 or any other equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days within which such abatement action must commence. The public officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:
- This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful.
- (d) *Demolition.* If the public officer has the structure demolished in accord with an order from the magistrate court, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The public officer and governing authority are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.
- (e) *Lien against real property.* The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the tax commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.

(Ord. of 5-24-2011)

Sec. 34-58. - Extensions of time.

The court may, in its discretion, grant an extension or extensions of time within which to comply with any order entered by the court pursuant to this division, which extension shall be for a definite term and shall be in writing.

(Ord. of 5-24-2011)

Sec. 34-59. - Costs constituting lien on property; filing; sale of materials; contract for rehabilitation.

(a) *Generally.*

- (1) The lien provided for in section 34-57 shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure, or demolition in the office of the Clerk of Superior Court of Lee County and shall relate back to the date of the filing of the lis pendens notice required under O.C.G.A. § 41-2-12(c). The clerk of superior court shall record and index such certified copy of the order in the deed records of the county and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid.
- (2) Upon final determination of costs, fees, and expenses incurred in accordance with this division, the public officer shall transmit to the finance director a statement of the total amount due and secured by said lien, together with copies of all notices provided to interested parties. The statement of the public officer shall be transmitted within 90 days of completion of the repairs, demolition, or closure. It shall be the duty of finance director or other appropriate office, who is responsible or whose duties include the collection of county taxes, to collect the amount of the lien using all methods available for collecting real property and valorem taxes, including specifically O.C.G.A. § 48-4-1 et seq.; provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure shall not apply. The Lee County Tax Commissioner shall collect and enforce county liens imposed pursuant to this division in accordance with O.C.G.A. § 48-5-359.1. The amount collected shall be remitted to the county.
- (3) Enforcement of liens pursuant to this section may be initiated at any time following receipt by the county tax commissioner of the final determination of costs in accordance with this chapter. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes. An enforcement proceeding pursuant to O.C.G.A. § 48-4-78 for delinquent ad valorem taxes may include all amounts due under this division.

- (b) *County may release lien; owner's contract to rehabilitate structure.* Lee County may waive and release any such lien imposed on property upon the owner of such property entering into a contract with Lee County agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.

(Ord. of 5-24-2011)

Sec. 34-60. - Service of notice and orders issued by public officer.

- (a) Complaints issued by a public officer pursuant to this division shall be served in the following manner:
- (1) At least 14 days prior to the date of the hearing, the public officer shall mail copies of the complaint by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are reasonably ascertainable.
  - (2) Copies of the complaint shall also be mailed by first class mail to the property address to the attention of the occupants of the property, if any, and shall be posted on the property within three business days of filing the complaint and at least 14 days prior to the date of the hearing.
- (b) For interested parties whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in a newspaper in which the sheriff's advertisements appear in the county once a week for two consecutive weeks prior to the hearing.
- (c) A notice of lis pendens shall be filed in the office of the clerk of superior court at the time of filing the complaint in the magistrate court. Such notice shall have the same force and effect as other lis pendens notices provided by law.
- (d) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this section on the owner and any party in interest who answers the complaint or appears at the hearing. Any party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

(Ord. of 5-24-2011)

Sec. 34-61. - Temporary injunction restraining public officer from carrying out provisions.

As authorized by O.C.G.A. § 41-2-13, any person affected by an order issued by the public officer may petition to the Superior Court of Lee County for an injunction restraining the public officer from carrying out the provisions of the order, and the superior court may, upon such petition, issue a temporary injunction restraining the public officer, pending the final disposition of the matter; provided, however, that such person shall present such petition to the court within 15 days of the posting and service of the order of the public officer. De novo hearings shall be had by the superior court on petitions within 20 days of the filing thereof. The superior court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require; provided, however, that it shall not be necessary to file bond in any amount before obtaining a temporary injunction pursuant to this section.

(Ord. of 5-24-2011)

Sec. 34-62. - Eminent domain.

Nothing in this division shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of such property by the power of eminent domain under the laws of this state, nor is permitting any property to be condemned or destroyed except in accordance with the police power of this state.

(Ord. of 5-24-2011)

Sec. 34-63. - Appeal.

Review of an order of the magistrate court requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to the superior court pursuant to O.C.G.A. § 5-3-29.

(Ord. of 5-24-2011)

Sec. 34-64. - Applicability of division.

The powers and authority granted hereunder shall be in addition to and supplemental of any other powers and authority granted to the Lee County Board of Commissioners and its agents by any state statute or county ordinance.

(Ord. of 5-24-2011)