

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: City of Cornelia Annexation of 28.71 acres (Parcel 112C019)

DATE: April 5, 2024

RECOMMENDATION
 POLICY DISCUSSION
 STATUS REPORT
 OTHER

BUDGET INFORMATION:

ANNUAL- N/A

CAPITAL- N/A

COMMISSION ACTION REQUESTED ON: April 15, 2024

PURPOSE: As required by Georgia law, the City of Cornelia has notified Habersham County of a proposed annexation application consisting of a single parcel totaling 28.71 acres. The Board of Commissioners have an opportunity to object if you feel the proposed annexation creates some issue with the potential land use or service issues. If objecting, the County must notify Cornelia within forty-five (45) days and we'd enter an arbitration process. Staff has reviewed the application and has no objection.

BACKGROUND / HISTORY: The City of Cornelia is required to provide an opportunity for the Board of Commissioners to object to the proposed annexations.

FACTS AND ISSUES: Staff has reviewed the proposed annexation and find the following:

- a. The proposed annexation does not create an unincorporated island. There are three county properties fronting Elrod Street which would become an island. However, there is a proposed 75 feet strip along Elrod Street left unincorporated. This is allowed per state law.
 - b. The annexation is contiguous to the existing City of Cornelia.
 - c. The proposed use of the property is as a multi-family residential development.
 - d. The proposed zoning of R-2 zoning is consistent with the recommended Suburban Transition character area in the Comprehensive Plan. Multi-family residential is one of the recommended land uses in Suburban Transition.
 - e. The property is currently within the LI, Low Intensity District in the County. LI would not allow the proposed use.
 - f. The BOC must vote for objection only and it must be based on a "material increase in burden" related to:
 - (a) Proposed change in zoning or land use;
 - (b) Proposed increase in density; or
 - (c) Infrastructure demands related to the proposed change in zoning or land use.
-
-

OPTIONS: The Board of Commissioners could act on these applications as follows:

1. Vote to have no objections to the proposed annexation.
2. Vote to have objections to one or more of the annexation applications by stating the objection is based on a material increase in burden as described above.
3. Take no action, thus having no objections.
4. Commission defined alternative.

RECOMMENDED SAMPLE MOTION: Motion of no objection to the proposed annexation by Cornelia of Map Parcel 112C019 as recommended by staff.

DEPARTMENT:

Prepared by: Mike Beecham

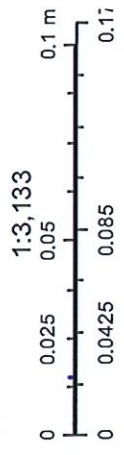
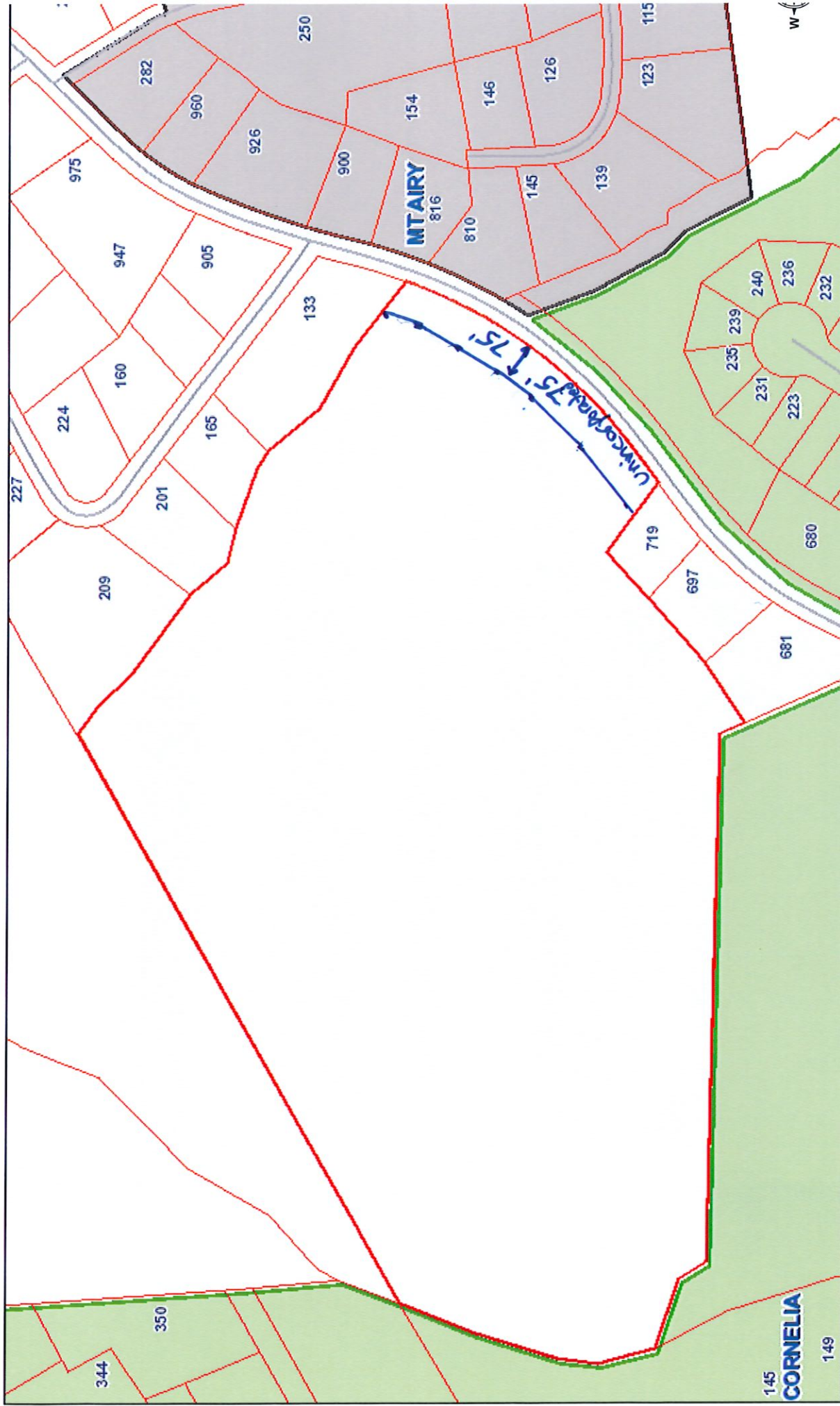
Director _____

**ADMINISTRATIVE
COMMENTS:** _____

_____ **DATE:** _____

County Manager

Cornelia Annexation



April 5, 2024

- Addresses
- Roads
- Parcels
- Municipal Boundaries
 - ALTO
 - BALDWIN
 - CORNELIA
 - MTAIRY
 - CLARKESVILLE
 - DEMOREST
 - TALLULAH FALLS

Cornelia Annexation



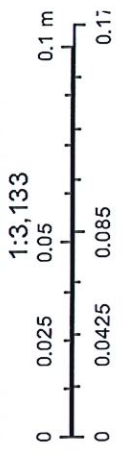
April 5, 2024

- Addresses
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- DEMOREST
- TALLULAH FALLS



Legal Description for Annexed Portion of Tax Parcel 112C019

ALL THAT TRACT or parcel of land lying and being in Land Lots Nos. 147 and 148 of the 10th Land District of Habersham County, Georgia, and being more particularly described according to Plat of Survey made by Patton & Pless, Registered Surveyors, under date of January 2, 1973, a copy of said plat being of record in the office of the Clerk of Superior Court of Habersham county, Georgia, in Plat Book 11, page 125, as follows: BEGINNING at a corner common to lands of Habersham County Board of Education on the northwesterly side of Elrod Street; thence North 24 degrees 30 minutes West 216.4 feet along the line of lands of Habersham County Board of Education to corner; thence North 87 degrees 04 minutes West 878.0 feet along the line of lands of Habersham County Board of Education to an iron pin corner at a branch; thence up the center of the branch the following courses and distances: North 21 degrees 41 minutes West 40.0 feet, North 58 degrees 30 minutes West 85.0 feet, North 25 degrees 48 minutes West 65.0 feet, North 18 degrees 52 minutes East 348.6 feet, and North 06 degrees 59 minutes West 93.4 feet to an iron pin corner; thence North 60 degrees 17 minutes East 979.9 feet to the center of the creek; thence Southeast \pm 319 feet following the western boundary of Lot 10; thence Southeast \pm 135 feet following the Southwest boundary of Lot 11; thence Southeast \pm 148 ft following the Southwest boundary of Lot 12 to an iron pin corner; thence 140 feet following the Southwest boundary of Lot 13 to an iron pin corner; thence 176.3 feet following the Southwest boundary of Lot 14 to an iron pin corner; thence South 23 degrees 53 minutes West 50.0 feet along Elrod Street right-of-way; thence South 37 degrees 06 minutes West 131.7 feet along Elrod Street right-of-way, thence South 43 degrees 50 minutes West 146.6 feet along Elrod Street right-of-way; thence South 52 degrees 21 minutes West 218.4 feet along Elrod Street right-of-way; thence South 45 degrees 28 minutes West 85.0 feet along Elrod Street right-of-way; thence South 36 degrees 00 minutes West 90.0 feet along Elrod Street right-of-way; thence South 27 degrees 27 minutes West 165.0 feet along Elrod Street right-of-way to the point of beginning, containing 30.08 acres, more or less.

NOTE: This deed is made subject to an easement for an electric transmission line right-of-way 100 feet in width as shown on said Plat of Survey.

LESS AND EXCEPT:

681 Elrod Street

ALL THAT TRACT or parcel of land lying and being in Land Lot 147 of the 10th Land District of Habersham County, Georgia, and being designated as Lot No. 1, Block B. of Higgins Springwood Subdivision according to plat of survey by J. G. King, R. S., a copy of said plat being of record in the Office of the Clerk of superior Court of Habersham County, Georgia, in Plat Book 12, Page 129, and being more particularly described as follows:

BEGINNING at an iron pin on the Northern side of Elrod Street in the City of Cornelia, the same being common to Habersham Board of Education Elementary No. 2 property; thence with Habersham Board of Education North 24 degrees 30 minutes West 216 feet to an iron pin; thence North 51 degrees 27 minutes East 110 feet to an iron pin; thence South 36 degrees 08 minutes East 140 feet to an iron pin in the center of a gate on the Northern side of Elrod Street; thence with Elrod Street South 27 degrees 22 minutes West 171 feet to the point of Beginning.

697 Elrod Street

ALL THAT TRACT or parcel of land lying and being in Lot 2 of Block B of Springwood Estates Subdivision in Land Lot 147 of the 10th Land District of Habersham County, Georgia, as shown by Plat of Survey dated January 21, 1975, by Hubert Love.11, R, S., said Plat being of record in Plat Book 12, Page 246, in the office of the Clerk of Superior Court of Habersham County, and being more particularly described as follows:

BEGINNING at an iron pin corner, said corner marking the northeasterly intersection of proposed avenue with Elrod Street; thence along proposed street North 36 degrees 8 minutes West 140 feet to an iron pin corner; thence North 43 degrees 23 minutes East 101.7 feet to an iron pin corner; thence South 36 degrees 8 minutes East 140 feet to an iron pin corner; thence along Elrod Streets. 45 degrees 4 minutes West 55 feet to an iron pin corner; thence along Elrod Street 41 degrees 23 minutes West 46.7 feet to an iron pin corner the point of Beginning.

Legal Description for Annexed Portion of Tax Parcel 112C019

LESS AND EXCEPT (Continued):

719 Elrod Street

ALL THAT TRACT or parcel of land lying and being in Land Lot 147 of the 10th Land District of Habersham County, Georgia, and being Lot Number 3 of Block B of Springwood Subdivision according to plat of survey by Hubert Lovell, R. S., dated July 16, 1993, said plat being of record in Plat Book 23, Page 179, in the Office of Clerk of Superior Court of Habersham County, Georgia, and said property being more particularly described as follows:

BEGINNING at an iron pin on the northerly margin of the right of way of Elrod Street, said iron pin being located a distance of 101.8 feet in a northeasterly direction from the intersection of the right of way of Elrod Street and Higgins Avenue; said beginning point forming the southerly corner of the tract herein conveyed; thence, along and with the right-of-way of Elrod Street North 50 degrees 23 minutes East 100.2 feet to an iron pin; thence, North 36degrees 10 minutes West 140 feet to an iron pin; thence South 50 degrees 23 minutes West 100.2 feet to an iron pin; thence, along and with the boundary line of Lot 2 of Springwood Subdivision South 36 degrees 10 feet East 140 feet to the point of Beginning.

Annexation Limits, a 75-foot Strip of Land

ALL THAT TRACT or parcel of land contained within a strip of land created by a parallel line 75 feet from the Northwesterly right-of-way of Elrod Street BEGINNING at the Southwestern boundary of Lot 14 of Block A of Springwood Estates (133 Hillandale Street) and ENDING at the Northeastern boundary of Lot 3 of Block B, Springwood Estate (719 Elrod Street) along the following courses: South 23 degrees 53 minutes West 50.0 feet; thence South 37 degrees 06 minutes West 131.7 feet, thence South 43 degrees 50 minutes West 146.6 feet; thence South 52 degrees 21 minutes West \pm 143 feet to an iron pin at the Southeastern corner of Lot 3 of Block B Springwood Estates (719 Elrod Street).

Annexation Limits, a 75-foot Strip of Land, undeveloped Higgins Avenue

ALL THAT TRACT or parcel of land contained within a strip of land created by a parallel line 75 feet from the Northwesterly right-of-way of Elrod Street BEGINNING at the Southwestern boundary of Lot 2 of Block B of Springwood Estates (697 Elrod Street) and ENDING at the Northeastern boundary of Lot 1 of Block B of Springwood Estate (681 Elrod Street) along the following course: South 33 degrees 05 minutes West 42.77 feet.



City of Cornelia

Jessie Owensby

PO Box 785 Cornelia, Ga. 30531

Telephone: 706-778-8585

Fax: 706-778-8585 Ext. 280

Email: dmanager@cornelia.city

To: The Board of County Commissioners of Habersham County
CC: Planning Director, Mike Beecham
130 Jacobs Way, Suite 130
Clarkesville, GA 30523

March 5, 2024

Dear Commissioners:

Please be advised that the City of Cornelia, Georgia, by the authority vested in the Mayor and the Council of the City of Cornelia, Georgia by Article 6 of Chapter 36, Title 36, of the Official Code of Georgia Annotated, intends to annex the property hereinafter described by ordinance at a regular meeting of the Mayor and the City Council.

This letter has been sent to you by certified mail, return receipt requested, within five (5) business days of acceptance of an application for annexation, a petition for annexation, or upon the adoption of a resolution for annexation by the City of Cornelia, in accordance with O.C.G.A. § 36-36-6 and O.C.G.A. § 36-36-9 and after receipt of the application for zoning pursuant to O.C.G.A. § 36-36-111.

The property to be annexed is parcel 112C019 located along Elrod street (34.5225917, -83.5190989), which is 28.71 acres, and is currently zoned LI.

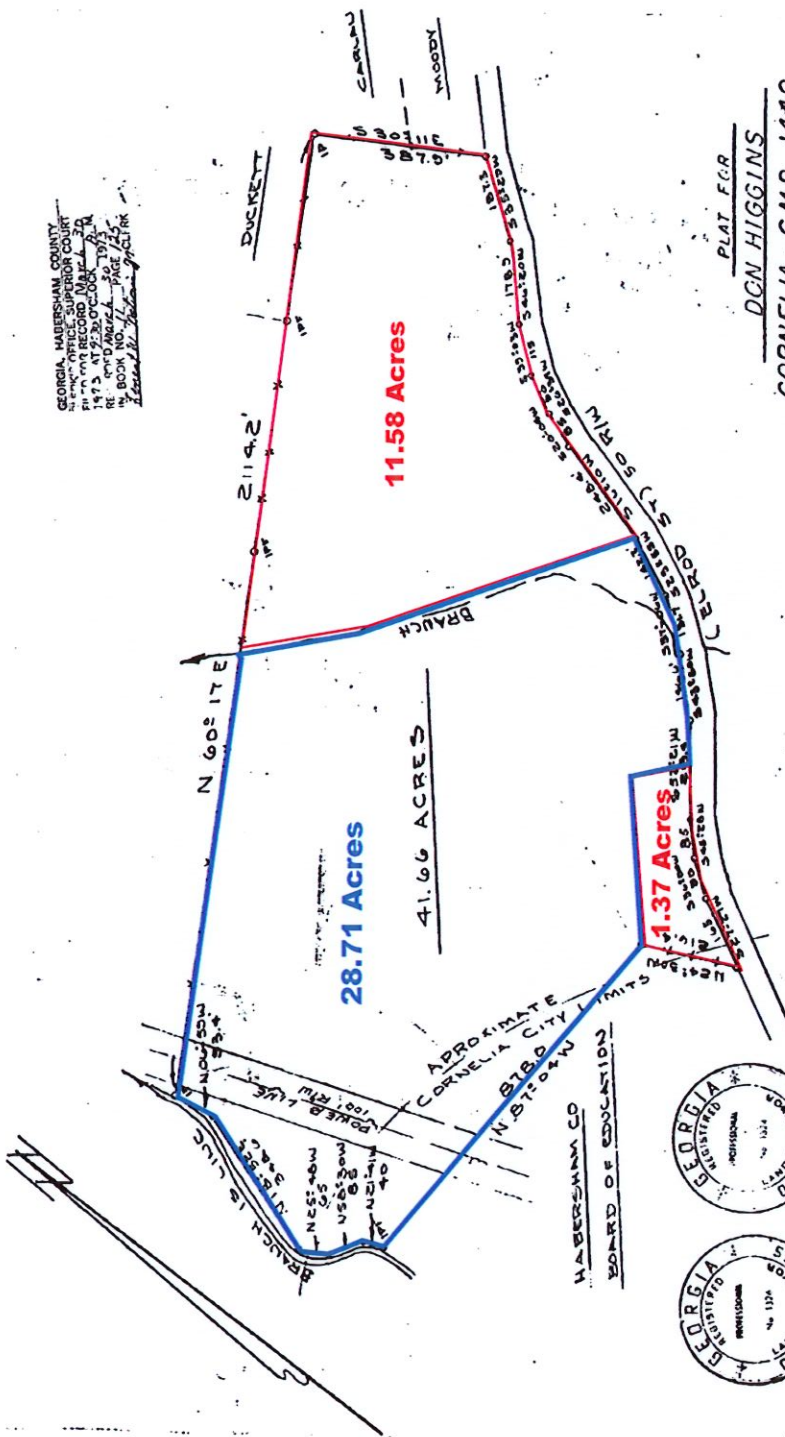
Pursuant to O.C.G.A. § 36-36-7 and O.C.G.A. § 36-36-9, you must notify the governing authority of the City of Cornelia, in writing and by certified mail, return receipt requested, of any county facilities or property located within the property to be annexed, within five (5) business days of receipt of this letter.

Pursuant to O.C.G.A. § 36-36-4 a public hearing on zoning of the property to be annexed as (insert zoning classification) will be held (insert time and place). If the county has an objection under O.C.G.A. § 36-36-113, in accordance with the objection and resolution process, you must notify Jessie Owensby, Community Development Director, within thirty (30) calendar days of the receipt of this notice.

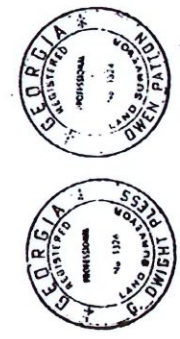
Sincerely,

Jessie Owensby
City of Cornelia
Community Development Director

GEORGIA, HABERSHAM COUNTY
 IN THE SUPERIOR COURT
 FILED FOR RECORD MAY 1, 1973
 RE CORNELLIA, GEORGIA
 BOOK 110, PAGE 125
 DEED BY HABERSHAM CO. TO



PLAT FOR
 DGN HIGGINS
 CORNELIA GMD 1449
 HABERSHAM CO. GEORGIA
 SCALE 1"=200'
 JAN. 2, 1973





City of Cornelia
181 Larkin Street
P.O. Box 785
Cornelia, Ga. 30531

706-778-8585
Fax# 706-778-2234

APPLICATION TYPE

Variance: _____ Conditional Use: _____ Rezoning: _____ Annexation: X

{Check appropriate application(s)}
PLEASE BE ADVISED THIS FORM IS PUBLIC INFORMATION

Applicant/Primary Contact Gary R. Hammond, Jr.

Address _____ City _____ State _____ Zip _____

Telephone # (_____) _____ Cell Phone # (_____) _____

Fax # (_____) _____ E-Mail _____

Property Owner(s): D. Aubrey Higgins

Address _____

Telephone # _____ Cell Phone # _____

Fax # (_____) _____ E-Mail _____

Agent: _____

Address _____ City _____ State _____ Zip _____

Telephone # (_____) _____ Cell Phone # (_____) _____

Fax # (_____) _____ E-Mail _____

Location of Property: Parcel 112C019 located along Elrod Street (34.5225917, -83.5190989)

Street Address: Elrod Street (adjacent to 719 Elrod St NE), Cornelia, GA

Acreage of Site: 28.71 Tax Map & Parcel #: Parcel 112C019 Existing Zoning: LI

Action Requested: Annexation into the City of Cornelia with conforming R-2 zoning

Cite Pertinent Section (s): O.C.G.A. 36-36-6

Existing Use: Vacant Land

Proposed Use: Multi-Family Residential

Paul Lewallen
City Marshal
plewallen@cornelia.city
706-778-8585 ext. 248

Jessie Owensby
Community Development Director
dmanager@cornelia.city
706-778-8585 ext. 280



City of Cornelia
 181 Larkin Street
 P.O. Box 785
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PROPERTY OWNER'S CERTIFICATION

I hereby certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant and/or agent in the pursuit of the proposed application of this property.

Kenn Hays 3/1/24
 Signature of Property Owner/Executor/Officer Date of Signature

 Estate/Company/Corporation Authorized Agent (Please Print)

 Signature of Authorized Agent Date of Signature

 Estate/Company/Corporation Authorized Agent (Please Print)

 Signature of Authorized Agent Date of Signature

ACKNOWLEDGEMENT:

It is the responsibility of the Applicant/Developer to insure that all information presented on a final plat is correct and complete; and that the proposed development adheres to the City of Cornelia Developments Regulations. This is not an exhaustive checklist. It is at the discretion of the City of Cornelia Staff if a final plat is complete.

[Signature] 3/1/2024
 Applicants Signature Date of Signature

 Developers Signature Date of Signature

Paul Lewallen
 City Marshal
plewallen@cornelia.city
 706-778-8585 ext. 248

Jessie Owensby
 Community Development Director
dmanager@cornelia.city
 706-778-8585 ext. 280

Legal Description

The site to be annexed is reflected in the tax card for Parcel 112C019 shown as 28.71 acres. This is a portion of the 41.66 acre tract of land described within the Deed filed March 30, 1973 attached.



City of Cornelia
 181 Larkin Street
 P.O. Box 785
 Cornelia, Ga. 30531

706-778-8585
 Fax# 706-778-2234

CAMPAIGN CONTRIBUTION DISCLOSURE FORM
 Required for all Zoning Procedures

Disclosure of Campaign Contributions:

When any application is made for Public Hearing regarding a Zoning Procedure within two (2) years immediately preceding the filing of the applicant's application for public hearing, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of applicant to file a disclosure report with the governing body of the respective local government showing:

- (1) The Name and Official position of the local government official to whom the campaign contribution was made; and
- (2) The dollar amount and description of campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for public hearing and the date of each contribution; and
- (3) The disclosure shall be marked by the **applicant, property owner, or person representing the property owner** and shall be filed within ten (10) days after the application for Public Hearing is first filed with the Planning Staff within said 10 days, the application shall be removed from the scheduled agenda.

I hereby certify that I have _____; I have not ; (please v one) made any contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

If you have made such contributions, you must provide the data required below within 10 days of filing this application.

	\$	/	/	
Name of Official (s)	Office	Amount	Date of Contribution	

GARY R. HAMMOND JR
 Applicant's Name (Please Print)


 Signature of Applicant

3 / 1 / 2024
 Date of Signature

Paul Lewallen
 City Marshal
plewallen@cornelia.city
 706-778-8585 ext. 248

Jessie Owensby
 Community Development Director
dmanager@cornelia.city
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- (3) The disclosure shall be marked by the applicant, property owner, or person representing the property owner and shall be filed within ten (10) days after the application for Public Hearing is first filed with the Planning Staff within said 10 days, the application shall be removed from the scheduled agenda.

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If you have made such contributions, you must provide the data required below within 10 days of filing this application.

	\$	/	/	
Name of Official (s)	Office	Amount	Date of Contribution	

D. Aubrey Higgins
 Applicant's Name (Please Print)

[Signature]
 Signature of Applicant

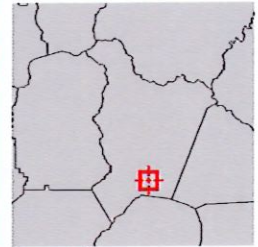
3 / 1 / 2024
 Date of Signature

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Overview



Legend

-  Parcels
-  Roads
-  Flood Map

Parcel ID	112C019	Alternate ID	3495938	Owner Address	HIGGINS D AUBREY
Sec/Twp/Rng	n/a	Class	V		P O BOX 1
Property Address	ELROD ST	Acreage	28.71		CORNELIA GA 30531-0000
	01				

District 01
 Brief Tax Description 10-148 ELROD RD 130-619
 (Note: Not to be used on legal documents)

Flood Map Disclaimer: The data shown is provided as a reference only and does not imply accuracy with regard to horizontal or vertical location. This data is not to be employed to determine any base flood elevations for National Flood Insurance.

FEMA provides access to the National Flood Hazard Layer (NFHL) through web mapping services. The NFHL is a computer database that contains FEMA's flood hazard map data. The simplest way for you to access the flood hazard data, including the NFHL, is through [FEMAs Map Service Center \(MSC\)](#). If you want to explore the current digital effective flood hazard data in a map, the best tool to use is the [NFHL Viewer](#). From the NFHL Viewer, you may view, download, and print flood maps for your location

Date created: 3/1/2024
 Last Data Uploaded: 3/1/2024 1:02:38 AM

Developed by  Schneider
 GEOSPATIAL

STATE OF GEORGIA, HABERSHAM County

This Indenture, Made this 30th day of March in the year of our Lord One Thousand, Nine Hundred and Seventy-Three, between

RALPH LOUDERMILK of the County of Habersham and State of Georgia, of the first part, and D. AUBREY HIGGINS of the County of Habersham and State of Georgia, of the second part,

Witnesseth, That the said part Y of the first part, for and in consideration of the sum of OTHER GOOD AND VALUABLE CONSIDERATIONS and TEN (\$10.00) - - - Dollars, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents do grant, bargain, sell, and convey unto the said part Y of the second part, his heirs and assigns, all that tract or parcel of land lying and being in Land Lots Nos. 147 and 148 of the 10th Land District of Habersham County, Georgia, and being more particularly described according to Plat of Survey made by Patton & Pless, Registered Surveyors, under date of January 2, 1973, a copy of said plat being of record in the office of the Clerk of Superior Court of Habersham County, Georgia, in Plat Book 11, page 125, as follows: BEGINNING at a corner common to lands of Habersham County Board of Education on the northwesterly side of Elrod Street; thence North 24 degrees 30 minutes West 216.4 feet along the line of lands of Habersham County Board of Education to corner; thence North 87 degrees 04 minutes West 878 feet along the line of lands of Habersham County Board of Education to an iron pin corner at a branch; thence up the center of the branch the following courses and distances: North 21 degrees 41 minutes West 40 feet, North 58 degrees 30 minutes West 85 feet, North 25 degrees 48 minutes West 65 feet, North 18 degrees 52 minutes East 348.6 feet, and North 06 degrees 59 minutes West 93.4 feet to an iron pin corner; thence North 60 degrees 17 minutes East 2114.2 feet to an iron pin corner; thence South 30 degrees 11 minutes East 387.9 feet to corner on the northwesterly side of Elrod Street; thence along Elrod Street the following courses and distances: South 35 degrees 29 minutes West 187.3 feet, South 46 degrees 20 minutes West 178.9 feet, South 39 degrees 03 minutes West 115 feet, South 26 degrees 39 minutes West 90 feet, South 20 degrees 04 minutes West 85 feet, South 16 degrees 10 minutes West 248.4 feet, South 25 degrees 55 minutes West 142.2 feet, South 37 degrees 06 minutes West 131.7 feet, South 43 degrees 50 minutes West 146.6 feet, South 52 degrees 21 minutes West 218.4 feet, South 45 degrees 28 minutes West 85 feet, South 36 degrees West 90 feet, and South 27 degrees 27 minutes West 165 feet to the point of beginning, containing 41.66 acres, more or less.

NOTE: This deed is made subject to an easement for an electric transmission line right-of-way 100 feet in width as shown on said Plat of Survey. NOTE: The Grantee herein assumes and agrees to pay the 1973 ad valorem taxes on the above described land.

Habersham County, Georgia
Real Estate Transfer Tax
\$ 85.40
Date March 30, 1973
James W. Nations, Jr.
Clerk of Superior Court

-CONTINUED-

619

To Have and to hold the said bargained premises, together with all and singular the rights, members, and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit, and behoof of D. Aubrey Higgins the said party of the second part his heirs and assigns, forever, in fee simple.

And the said party of the first part, for his heirs, executors, and administrators, will warrant and forever defend the right and title of the above described property unto the said party of the second part, his heirs and assigns, against the claims of all persons whomsoever.

In Witness Whereof, the said party of the first part has hereunto set his hand and affixed his seal, the day and year first above written.

Signed, sealed, and delivered in the presence of

(ALMA R. JONES)
(Signature)
(STEPHEN D. FRANKLIN)
(Signature)
Notary Public;
(NOTARIAL SEAL AFFIXED)

(Signature) (Seal)
(Ralph Loudermilk)
(Seal)

GEORGIA, HABERSHAM COUNTY, CLERK'S OFFICE, SUPERIOR COURT,
Filed for record March 30, 1973, at 9:40 a.m. Recorded April 2, 1973.

(lvm)

(Signature) CLERK

WARRANTY DEED

FROM

RALPH LOUDERMILK

TO

D. AUBREY HIGGINS

GEORGIA, Habersham County.

CLERK'S OFFICE, SUPERIOR COURT

Filed for Record MAR 30

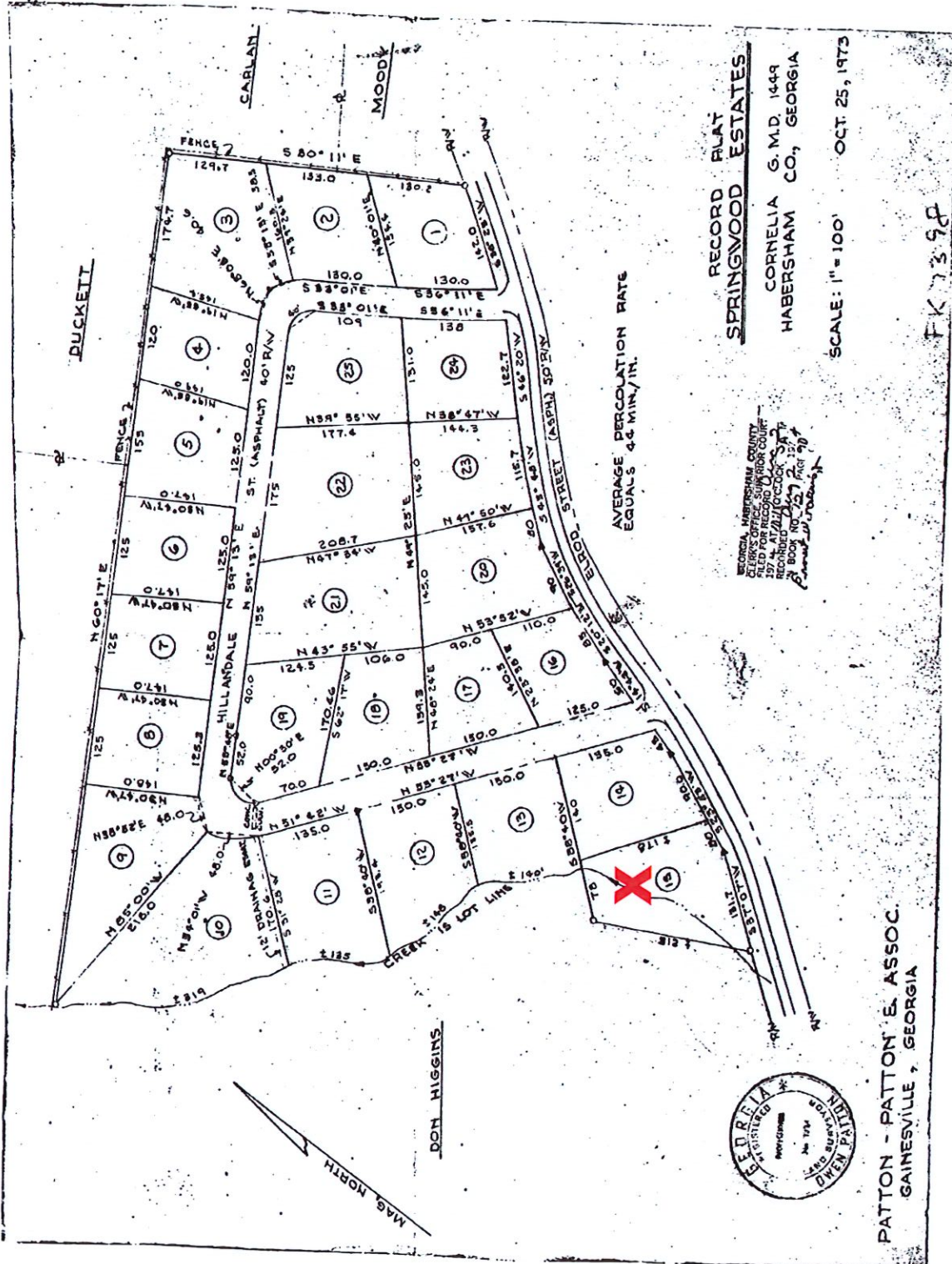
19 73 at 9:40 o'clock P.M.

Recorded in Book _____ Folio _____

(Signature) Clerk

Daily Report Co., 131 1/2 Pryor St., S. W. Atlanta, Ga.

90-16-2
10/1/73



RECORD PLAT
 SPRINGWOOD ESTATES

CORNELIA G. M.D. 1449
 HABERSHAM CO., GEORGIA

SCALE: 1" = 100' OCT. 25, 1973

FK 7398

GEORGIA HABERSHAM COUNTY
 FILED FOR RECORD IN THE PUBLIC
 RECORDS AT GAINESVILLE
 BY BOB B. HIGGINS
 10/25/73



PATTON - PATTON & ASSOC.
 GAINESVILLE, GEORGIA