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1 **STATE OF GEORGIA**
2 **CITY OF HAPEVILLE**

3
4 **ORDINANCE NO. _____**
5

6 **AN ORDINANCE TO ALLOW THE GOVERNING AUTHORITY OF THE CITY OF**
7 **HAPEVILLE, GEORGIA TO SELL AND CONVEY PARCELS OF NARROW STRIPS**
8 **OF LAND PURSUANT TO O.C.G.A. § 36-37-6(g), TO CREATE SECTION 66-1-12**
9 **(“CONVEYANCE OF NARROW STRIPS OF LAND”) IN CHAPTER 66 (“VACANT**
10 **LOTS”) OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE; TO PROVIDE FOR**
11 **SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**
12 **EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**
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14 **WHEREAS**, the Mayor and Council shall have full power and authority to provide for the
15 execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers,
16 agencies, or employees granted by the City of Hapeville’s Charter or by state law; and,
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18 **WHEREAS**, the municipal government of the City of Hapeville (hereinafter “City”) and
19 all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be
20 the legislative body of the City; and,
21

22 **WHEREAS**, every official act of the Mayor and Council which is to become law shall be
23 by ordinance; and,
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25 **WHEREAS**, amendments to any of the provisions of the City’s Code may be made by
26 amending such provisions by specific reference to the section number of the City’s Code; and,
27

28 **WHEREAS**, the governing authority of the City finds it desirable and necessary to provide
29 for procedures enabling City staff to sell and convey narrow strips of land.
30

31 **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
32 **THE CITY OF HAPEVILLE, GEORGIA THAT:**
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34 **Section One.** Chapter 66 (Vacant Lots) is hereby amended by creating and adding in
35 Section 66-1-12, which states as follows:
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37 **Sec. 66-1-12. – Conveyance of Narrow Strips of Land.**
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39 (a) *Authority.* Pursuant to O.C.G.A. Section 36-37-6(g), the City is authorized to sell and convey
40 parcels of narrow strips of land, so shaped or so small as to be incapable of being used
41 independently as zoned or as streets, whether owned in fee or used by easement, to abutting
42 property owners where such sales and conveyances facilitate the enjoyment of the highest and best
43 use of the abutting owner's property.
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- 47 (b) *Procedure.*
48 i. The City Council shall make a determination of the parcels of narrow strips of land
49 they would like to convey.
50 ii. The city clerk shall send a notice via certified mail to all of the property owners adjacent
51 to the parcel being sold. The notice shall include the application process, timeline for
52 purchasing the parcel, and the deadline for submitting applications.
53 iii. If forty-five (45) days have lapsed since the city clerk notified the adjacent property
54 owners of the sell of parcels, and no adjacent property owners have filed a complete
55 application, then the city clerk shall post a notice on the city's website and legal organ
56 for applications to purchase the parcel. The application process for non-adjacent
57 property owners shall remain open for sixty (60) days after the date of first publication.
58 The publications must include the application process, timeline for purchasing the
59 parcel, and the deadline for submitting applications.
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- 61 (c) *Application for adjacent property owner.* An adjacent property owner may apply to be
62 considered to purchase the subject parcel within thirty (30) days from the date of the notice
63 provided by the city clerk. The application must include:
64 i. Proof of ownership and title of property adjacent to parcel;
65 ii. Proposed use of parcel;
66 iii. Purchase price;
67 iv. Survey showing the amount of land to be acquired;
68 v. Acknowledgment of payment of all expenses, if allowed to purchase, including but not
69 limited to surveys, closing costs, attorneys fees; and
70 vi. A non-refundable application fee of \$500.00
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- 72 (d) *Application for non-adjacent property owner.* A non-adjacent property owner may apply to be
73 considered to purchase the subject parcel, after all adjacent property owners have been notified
74 and provided with the opportunity to purchase, within sixty (60) days from the first date of
75 publication. The application must include:
76 i. Proposed use of parcel;
77 ii. Purchase price;
78 iii. Survey showing the amount of land to be acquired;
79 iv. Acknowledgment of payment of all expenses, if allowed to purchase, including but not
80 limited to surveys, closing costs, attorneys fees; and
81 v. A non-refundable application fee of \$500.00
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- 83 (e) *Valuation.* The Fulton County Tax Assessor's valuation shall serve as the base of the
84 approximate value of the parcel. However, the City Council shall maintain the authority to value
85 the parcel as seen fit.
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- 87 (f) *Approval by Council.* The City Council shall review all timely applications and make a
88 determination on how the parcel shall be conveyed. Council may approve an application as is or
89 qualify it with conditions. Council has the authority to sub-divide the parcel between multiple
90 property owners. They may take into account the amount proposed for the purchase of the parcel,
91 the highest and best use of the parcel, and any other factors Council deems fit.
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93 (g) *Conveyance*. The City will convey the property via quit claim deed. It shall be the purchaser’s
94 responsibility to file said deed, and return a copy to the City.

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96 **Section Two. Codification and Certify.** This Ordinance adopted hereby shall be codified
97 and certified in a manner consistent with the laws of the State of Georgia and the City.

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100 **Section Three. Severability.**

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102 (a) It is hereby declared to be the intention of the Mayor and Council that all sections,
103 paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment,
104 believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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106 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
107 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
108 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
109 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
110 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance
111 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this
112 Ordinance.

113
114 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
115 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable
116 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of
117 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
118 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
119 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to
120 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
121 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
122 effect.

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124 **Section Four. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances
125 in conflict herewith are hereby expressly repealed.

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127 **Section Five. Effective Date.** The effective date of this Ordinance shall be the date of
128 adoption unless otherwise stated herein.

129
130 **ORDAINED** this _____ day of _____, 2019.

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132 **CITY OF HAPEVILLE, GEORGIA**

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136 _____
137 **Alan Hallman, Mayor**
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ATTEST:

Crystal Griggs-Epps, City Clerk

APPROVED BY:

City Attorney

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