

House Bill 1128 (AS PASSED HOUSE AND SENATE)

By: Representatives Henson of the 86th, Drenner of the 85th, Holcomb of the 81st, Jacobs of the 80th, Taylor of the 79th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to reincorporate the City of Clarkston in the County of DeKalb, approved
2 April 21, 1967 (Ga. L. 1967, p. 3391), as amended, so as to change the corporate limits of
3 the city by annexing certain territory; to provide for related matters; to provide for a
4 referendum; to provide an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART ONE

SECTION 1-1.

8 An Act to reincorporate the City of Clarkston in the County of DeKalb, approved
9 April 21, 1967 (Ga. L. 1967, p. 3391), as amended, is amended by designating the existing
10 text in Section 1.02 as subsection (a) and adding a new subsection to read as follows:

11 "(b) In addition to all other territory included within the boundaries of the city, the city
12 shall also include the following described real property:

13 Beginning at a point on the existing corporate limit line of the City of Clarkston
14 approximately two hundred fifty (250) feet north of the intersection of Casa Drive and
15 Casa Woods Lane; Then, following the existing curved corporate limit line of the City
16 of Clarkston in a south-southeasterly direction to a point where the existing corporate
17 limit line of the City of Clarkston intersects the southern right-of-way line of Rowland
18 Street, approximately one hundred fifty (150) feet east of the intersection of Rowland and
19 Lovejoy Streets; Then, following a line consistent with the boundary lines of adjacent
20 parcels in a westerly direction for approximately two thousand five hundred (2,500) feet,
21 to a point on the eastern right-of-way line of Interstate 285; Then, following the eastern
22 right-of-way line of Interstate 285 south to a point approximately seven hundred (700)
23 feet to the west of the intersection of Northern Avenue and Indian Creek Way; Then,
24 crossing the right-of-way of Interstate 285 and continuing west following a line consistent
25 with the boundary lines of adjacent parcels to a point along the eastern right-of-way line
26 of Glendale Road approximately 1,500 feet southeast of Church Street; Then, following

27 the eastern right-of-way line of Glendale Road in a northerly direction to its intersection
 28 with Gifford Street; Then, following the northern right-of-way line of Gifford Street in
 29 a southwesterly direction to the end of Gifford Street; Then, continuing in such
 30 southwesterly direction along a line consistent with adjacent parcels for approximately
 31 one thousand five hundred (1,500) feet to a point along the eastern right-of-way line of
 32 Woodland Avenue; Then, following the eastern right-of-way line of Woodland Avenue
 33 south to its intersection with North Decatur Road; Then, following the northern
 34 right-of-way line of North Decatur Road west to its intersection with Church Street;
 35 Then, following the southern right-of-way line of Church Street in a northeasterly
 36 direction to the western right-of-way line of Interstate 285; Then, crossing the
 37 right-of-way of Interstate 285 diagonally in a northeasterly direction to the meeting place
 38 of the eastern right-of-way line of Interstate 285 and the northern right-of-way line of
 39 East Ponce de Leon Avenue; Then, following the eastern right-of-way line of Interstate
 40 285 in a northerly direction for approximately nine hundred and eighty (980) feet to a
 41 point where the eastern right-of-way line of Interstate 285 intersects the existing
 42 corporate limit line of the City of Clarkston; Then, following the corporate limit line of
 43 the City of Clarkston in a easternly direction for approximately one hundred and twenty
 44 (120) feet, then in a northerly direction for approximately two thousand (2,000) feet, then
 45 in an easterly direction for approximately seven hundred and fifty (750) feet to a point
 46 approximately two hundred fifty (250) feet north of the intersection of Casa Drive and
 47 Casa Woods Lane, this point being the point of beginning."

48

SECTION 1-2.

49 Provided that the City of Clarkston conducts a referendum on and the electors approve a
 50 freeport exemption at the 2014 general primary, the election superintendent of DeKalb
 51 County shall call and conduct an election as provided in this section for the purpose of
 52 submitting this part to the electors of the territory sought to be annexed into the City of
 53 Clarkston under this part for approval or rejection. If the City of Clarkston does not conduct
 54 a referendum on a freeport exemption at the 2014 general primary or if such referendum
 55 fails, then no election shall be held to approve this part and this part shall be repealed by
 56 operation of law on July 1, 2014. The election superintendent shall conduct such election
 57 in conjunction with the 2014 general primary and shall issue the call and conduct such
 58 election as provided by general law. The election superintendent shall cause the date and
 59 purpose of the election to be published once a week for two weeks immediately preceding
 60 the date thereof in the official organ of DeKalb County. The ballot shall have written or
 61 printed thereon the words:

62 "() YES Shall Part One of the Act which annexes certain land into the City of
 63 () NO Clarkston be approved?"

64 All persons desiring to vote for approval of the annexation shall vote "Yes," and all persons
 65 desiring to vote for rejection of the annexation shall vote "No." If more than one-half of the
 66 votes cast on such question are for approval of the annexation, then this part shall become
 67 effective on January 1, 2015. If more than one-half of the votes cast on such question are for
 68 rejection of the annexation, this part shall not become effective and shall be automatically
 69 repealed on the first day of January immediately following such election date. The expense
 70 of such election shall be borne by the City of Clarkston. It shall be the election
 71 superintendent's duty to certify the result thereof to the Secretary of State.

72 **PART TWO**

73 **SECTION 2-1.**

74 An Act to reincorporate the City of Clarkston in the County of DeKalb, approved
 75 April 21, 1967 (Ga. L. 1967, p. 3391), as amended, is amended by designating the existing
 76 text in Section 1.02 as subsection (a) and adding a new subsection to read as follows:

77 "(b) In addition to all other territory included within the boundaries of the city, the city
 78 shall also include the following described real property:

79 Beginning at a point where the existing corporate limit line of the City of Clarkston
 80 intersects with the eastern right-of-way line of Montreal Road and the southern
 81 right-of-way line of Stone Mountain Highway (also known as U.S. Highway 78); Then,
 82 crossing Stone Mountain Highway to a point where the northern right-of-way line of
 83 Stone Mountain Highway meets the eastern right-of-way line of Montreal Road; Then,
 84 following the northern right-of-way line of Stone Mountain Highway in an easterly
 85 direction to a point approximately two thousand five hundred (2,500) feet east of Brockett
 86 Road; Then, crossing the Stone Mountain Highway right-of-way and following a line
 87 consistent with boundary lines of adjacent parcels in a southerly direction to a point along
 88 the northern right-of-way line of E. Ponce de Leon Avenue approximately eight hundred
 89 (800) feet west of the intersection of Idlewood Road and East Ponce de Leon Avenue;
 90 Then, following the northern right-of-way line of E. Ponce de Leon Avenue in a westerly
 91 direction to a point approximately two hundred sixty (260) feet west of the intersection
 92 of E. Ponce de Leon Avenue and Brockett Road; Then, following a line consistent with
 93 the boundary lines of adjacent parcels due south to a point where said line intersects the
 94 existing corporate limit line of the City of Clarkston; Then, following the existing
 95 corporate limit line of the City of Clarkston in a westerly direction to a point where it
 96 intersects the right-of-way line of Montreal Road, this point being the point of beginning."

97

SECTION 2-2.

98 The election superintendent of DeKalb County shall call and conduct an election as provided
 99 in this section for the purpose of submitting this part to the electors of the territory sought to
 100 be annexed into the City of Clarkston under this part for approval or rejection. The election
 101 superintendent shall conduct such election in conjunction with the 2014 general primary and
 102 shall issue the call and conduct such election as provided by general law. The election
 103 superintendent shall cause the date and purpose of the election to be published once a week
 104 for two weeks immediately preceding the date thereof in the official organ of DeKalb
 105 County. The ballot shall have written or printed thereon the words:

106 "() YES Shall Part Two of the Act which annexes certain land into the City of

107 () NO Clarkston be approved?"

108 All persons desiring to vote for approval of the annexation shall vote "Yes," and all persons
 109 desiring to vote for rejection of the annexation shall vote "No." If more than one-half of the
 110 votes cast on such question are for approval of the annexation, then this part shall become
 111 effective on January 1, 2015. If more than one-half of the votes cast on such question are for
 112 rejection of the annexation, this part shall not become effective and shall be automatically
 113 repealed on the first day of January immediately following such election date. The expense
 114 of such election shall be borne by the City of Clarkston. It shall be the election
 115 superintendent's duty to certify the result thereof to the Secretary of State.

116

PART THREE

117

SECTION 3-1.

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