

**Board of Commissioners
Agenda Item Transmittal Form
Ordinance Transmittal Form**



Type of Request: FLU Case #2022-09		County Clerk Use Only Ordinance #: 2022-09
☒ Submission Information Contact Name: Christopher Wheeler Department: Planning & Development	☒ Information Summary of Request: First Reading. A request Battle Law, P.C., to amend the Comprehensive Plan Future Land Use Map Category for three parcels on 1880, 1914, and 1920 Lake Rockaway Rd from Medium Density Residential to High-Density Residential for the development of townhomes and single-family detached subdivision. Said property consisting of a combined 49.86 acres, is described as lying and being in Land Lot 215 of the 16th District of Rockdale County, GA, and is further identified as Tax Parcel #'s 0200010002, 0200010001 and 0200010003.	
☒ Department Director/Elected Official Signature I have reviewed the attached, and it is approved as to substance. Signature: _____ Date: _____	☐ Chief of Staff Signature I have reviewed the attached, and it is approved for processing. Signature: _____ Date: _____	
☐ County Attorney Signature I have reviewed the attached, and it is approved as to form. Signature: _____ Date: _____	☐ Director of Legislative Affairs/County Clerk Signature I have reviewed the attached, and it is approved for processing. Signature: _____ Date: _____	

Notes and Comments:

Jan 24: First Reading Work Session;
 Jan 24: First Reading Voting Session;
 February 9: Planning Commission;

2023-29

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**February 23: Zoning Public Hearing;
March 7: Second Reading Work Session;
March 14: Second Reading Voting Session.**

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF ROCKDALE COUNTY'S COMPREHENSIVE PLAN, AS AMENDED, SO AS TO RE-DESIGNATE 1880, 1914, AND 1920 LAKE ROCKAWAY RD FROM THE MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE CATEGORY TO THE HIGH DENSITY RESIDENTIAL FUTURE LAND USE CATEGORY; TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.

WHEREAS, an application to amend the Future Land Use Map of Rockdale County's Comprehensive Plan for a certain property was filed with Rockdale County, Georgia, which involved the following:

FUTURE LAND USE MAP CASE NO. 2022-09	Amend the Comprehensive Plan Future Land Use Map Category for 49.86 acres High-Density Density Residential to High Density Residential to allow the development of a residential subdivision with 273 units.		
APPLICANT:	Rockhaven Homes, LLC c/o Battle Law, P.C.		
PROPERTY OWNER:	PLUNKETT JAMES W & ETALS		
LOCATION:	1880, 1914, and 1920 Lake Rockaway Rd Conyers, GA, 30094		
LAND LOT(S):	215	DISTRICT:	16 th
TAX PARCEL NO.:	0200010002, 0200010001 and 0200010003		

WHEREAS, said Future Land Use Map Amendment proposal was reviewed by staff and public hearings were held following public notice and all other requirements of Section 238-4 of The Unified Development Ordinance of Rockdale County, Georgia, as amended;

WHEREAS, the Board of Commissioners of Rockdale County have determined that the proposed Future Land Use Map Amendment would result in a Future Land Use Category that is more consistent with the text and policies of the Comprehensive Plan than the current Future Land Use Category of the property on Future Land Use Map and would result in a land use that is more compatible with the current and future land use of adjacent and nearby property;

NOW, THEREFORE, be it ordained by the Board of Commissioners of Rockdale County, and by the authority of same as follows:

Section I

The Future Land Use Map of Rockdale County's Comprehensive Plan, as amended, is hereby further amended so as to re-designate the 49.86-acre property, more particularly described in the legal description attached hereto as Exhibit "A" and depicted as on the Boundary Survey attached hereto as Exhibit "B", from the Medium Density Residential Future Land Use Category to the High Density Residential Future Land Use Category.

Section II

The Future Land Use Map of Rockdale County's Comprehensive Plan, as amended, is hereby further amended to reflect the change in the Future Land Use Category of said property authorized in Section I.

Section III

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

That this Ordinance shall become effective upon adoption.

This _____ day of _____, 2023.

**ROCKDALE COUNTY, GEORGIA
BOARD OF COMMISSIONERS**

Oz Nesbitt, Sr., Chairman

Sherri L. Washington, Esq., Commissioner Post I

Dr. Doreen Williams, Commissioner Post II

Attest:

By: _____
Jennifer Rutledge, County Clerk

Approved as to Form:

By: _____
M. Qader A. Baig, County Attorney

First Reading: _____

Second Reading: _____

Exhibit "A"
Legal Description

27-191

191

STATE OF GEORGIA, ROCKDALE COUNTY

This Indenture, Made this 3rd. day of October, 1947, between MRS. LILA MARBUT PLUNKETT, of the County of Rockdale, State of Georgia, and S. R. TRIBBLE, JR., of the County of Rockdale, State of Georgia, Witnesses: That the said party of the first part, for and in consideration of the sum of \$215.00 (Two Hundred and Fifteen and 00/100 Dollars) to her in hand paid at and before the signing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents do sell, grant, bargain, sell and convey unto the said party of the second part, all that tract or parcel of land being in the 16th. District, of Rockdale County, Georgia, part of land lot No. 215, containing fifty three and twenty-three one-hundredths acres, more or less, according to plat thereof, made by J. A. Wells, surveyor, on September 28, 1947, said plat by reference is made part hereof.

Said land, bounded as follows: North by lands of Jackson East by lands of Lum Hall; South by lands of John Allen; Southwest by other lands of Mrs. Lila Marbut Plunkett (home place) and West by lands of Mildred S. Plunkett.

Being part of the lands described in deed from R. H. Tribble to John F. Plunkett, dated Jan. 4, 1909, and of record in Deed Book "H" page 189, Rockdale County Records, all Grantor herein having acquired title to said land, under and by virtue of said deed, and Testament of John F. Plunkett, dated Oct. 10, 1944, and of record in Will Book "C" page 97, Ordinary's Office, Rockdale County, Georgia.

To Have and to hold the said bargained premises, together with all and singular the rights, franchises and appurtenances thereto, to the said being, belonging or in any wise appertaining, to the said party of the second part, his heirs and assigns forever, in fee simple.

And the said party of the first part, for herself, her heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said party of the second part. His heirs and assigns against the lawful claims of all persons whatsoever.

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

Signed, sealed and delivered in the presence of: U. S. MARSHALL STAMPS

A. M. Lucas, Notary Public for the State of Georgia, at Rockdale, Georgia, this 3rd day of October, 1947.

L. M. McDowell, Clerk Supr. Court, Rockdale Co., Ga.

Recorded Oct. 4th. 1947. Lr. M. McDowell, Clerk.

STATE OF GEORGIA, ROCKDALE COUNTY

This Indenture, Made this 11th day of October, 1947, between MRS. LILA MARBUT PLUNKETT, of the County of Rockdale, State of Georgia, and S. R. TRIBBLE, JR., of the County of Rockdale, State of Georgia, Witnesses: That the said party of the first part, for and in consideration of the sum of \$215.00 (Two Hundred and Fifteen and 00/100 Dollars) to her in hand paid at and before the signing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents do sell, grant, bargain, sell and convey unto the said party of the second part, all that tract or parcel of land being in the 16th. District, of Rockdale County, Georgia, part of land lot No. 215, containing fifty three and twenty-three one-hundredths acres, more or less, according to plat thereof, made by J. A. Wells, surveyor, on September 28, 1947, said plat by reference is made part hereof.

Said land, bounded as follows: North by lands of Jackson East by lands of Lum Hall; South by lands of John Allen; Southwest by other lands of Mrs. Lila Marbut Plunkett (home place) and West by lands of Mildred S. Plunkett.

Being part of the lands described in deed from R. H. Tribble to John F. Plunkett, dated Jan. 4, 1909, and of record in Deed Book "H" page 189, Rockdale County Records, all Grantor herein having acquired title to said land, under and by virtue of said deed, and Testament of John F. Plunkett, dated Oct. 10, 1944, and of record in Will Book "C" page 97, Ordinary's Office, Rockdale County, Georgia.

To Have and to hold the said bargained premises, together with all and singular the rights, franchises and appurtenances thereto, to the said being, belonging or in any wise appertaining, to the said party of the second part, his heirs and assigns forever, in fee simple.

And the said party of the first part, for herself, her heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said party of the second part. His heirs and assigns against the lawful claims of all persons whatsoever.

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

Signed, sealed and delivered in the presence of: U. S. MARSHALL STAMPS

A. M. Lucas, Notary Public for the State of Georgia, at Rockdale, Georgia, this 11th day of October, 1947.

L. M. McDowell, Clerk Supr. Court, Rockdale Co., Ga.

Recorded Oct. 11th. 1947. Lr. M. McDowell, Clerk.

DEED RECORD
25

X Seller
299-310

FILED IN OFFICE
CLERK OF SUPERIOR COURT

1985 DEC -4 PM 2:31

WARRANTY DEED

JOANNE P. CALDWELL, CLERK
1985 DEC -4 PM 2:31 12:00

STATE OF GEORGIA ROCKDALE COUNTY 299 310

THIS INDENTURE, Made the 3rd day of December, 1985, in the County of Rockdale, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

E. HUBERT PLUNKETT

RONALD E. DONGWORTH and VERNA B. DONGWORTH

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that Grantor, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS AND OTHER VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, to-wit:

All that tract or parcel of land lying and being in Land Lot 215 of the 16th District of Rockdale County, Georgia and being more fully and accurately described as follows:

To find the true point of beginning begin at that point where the centerline of Kinmoor Industrial Parkway (60 foot R/W) intersects the eastern right of way of Lake Rockaway Road (40 foot R/W); thence following the Northeasterly right of way of Lake Rockaway Road in a Northeasterly direction along said right of way 70.88 feet to the TRUE POINT OF BEGINNING. From the true point of beginning thus located, which said true point of beginning is on the Northeasterly right of way of Lake Rockaway Road, thence in a Northeasterly direction along the easterly right of way of Lake Rockaway Road the following courses and distances to wit: North 17° 04' East 75.48 feet; North 12° 22' East 100.34 feet to a point; thence North 12° 27' East 99.76 feet to a point; thence North 14° 54' East 99.27 feet to a point; thence North 20° 14' East 98.95 feet to a point; thence North 25° 03' East 98.94 feet to a point; thence North 29° 57' East 98.87 feet to a point; thence North 34° 24' East 97.70 feet to an iron pin set; thence departing from the easterly right of way of Lake Rockaway Road South 49° 29' 03" East 363.40 feet to an iron pin set; thence North 53° 02' 46" East 174.19 feet to an iron pin set; thence South 03° 08' 04" East 235 feet to an eight inch granite rock corner; thence South 62° 15' West 565.68 feet to an eight inch granite rock corner; thence South 46° 25' 33" West 175 feet to an iron pin found; thence North 62° 24' 41" West 81.51 feet back to the true point of beginning located on the easterly right of way of Lake Rockaway Road.

(LEGAL DESCRIPTION CONTINUED ON REVERSE SIDE HEREOF)

TO HAVE AND TO HOLD the said tract or parcel of land, 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 the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever, except as to all easements to power and telephone lines and transmission lines of all types, both below and above surface.

Signed, sealed, and delivered in the presence of:

[Signature] *E. Hubert Plunkett* (SEAL)
[Signature] E. Hubert Plunkett (SEAL)
Notary Public, Georgia, State at Large (SEAL)
My Commission Expires Mar 20, 1988 (SEAL)

PB: T-7A

BOOK 299 PAGE 311

Said tract or parcel of land being more fully and accurately described according to a plat prepared for E. Hubert Plunkett dated October 29, 1985, by Robert M. Buhler, Registered Land Surveyor and containing some 5.79 acres according to said plat.

Said plat is hereby incorporated in and made a part hereof and may be found at Plat Book I, page 79, Rockdale County, Georgia records. (See also plat at Plat Book A, page 160, Rockdale County, Georgia records for further history.)

The above described property is a portion of the property received by E. Hubert Plunkett at Deed Book 27, page 191, Rockdale County, Georgia records.

WARRANTY DEED

TO

Dated _____ 19____

Georgia, _____ County.

Clerk's Office, Superior Court

Filed for Record

19____ at _____ o'clock

____ m. Recorded in Book

Page _____ on _____ 19____

Clerk

SIDNEY L. NATION
ATTORNEY AT LAW
957 BANK STREET
CONYERS, GEORGIA 30207

Do. By 1319

RECORDED December 4, 1985 JOANNE P. CALDWELL, CLERK

Exhibit "B"
Recorded Plat





