

PASSED: September 13, 2004

ORDINANCE NO. 9-13-04-2

AN ORDINANCE TO GRANT A VARIANCE TO THE PROVISIONS OF THE ZONING ORDINANCE OF THE TOWN OF MAYSVILLE, GEORGIA BY CHANGING THE BUILDING SET BACK REQUIREMENTS OF A PARCEL OF LAND OWNED BY JAMES T. O'KELLEY AND BEING .18 ACRES, MORE OR LESS, AND LYING AND BEING IN BANKS COUNTY, GEORGIA, AND AS DESCRIBED ON SURVEY BY VENABLE BROTHERS RECORDED AT PLAT BOOK 5, PAGE 31 OF THE BANKS COUNTY RECORDS AND INCORPORATED HEREIN BY REFERENCE, AND MADE A PART OF THIS DESCRIPTION FOR THIS ORDINANCE, TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Town Council of Maysville, Georgia as follows:

Section 1. VARIANCE GRANTED WITH CONDITIONS.

That from and after the passage of this Ordinance the following described lands shall be granted a variance to the building set back requirements of the zoning ordinance of the Town of Maysville to permit a front set back of fifteen (15) feet and side and rear set backs of five (5) feet.

Legal Description.

See Exhibit "A" attached hereto and by this reference made a part hereof.

Section 2. SEVERABILITY OF PARAGRAPHS.

If any portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionally shall not affect or impair the remaining portions unless it clearly appears that other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

Section 3. EFFECTIVE DATE.

The effective date of the variance permitted by this ordinance shall be September 13, 2004, upon passage.

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SO ORDAINED this 13th day of September, 2004.

MAYSVILLE TOWN COUNCIL

By: Richard J. Prely
Mayor

Andy Martin
Councilperson

Scott Harp
Councilperson

Andrew Stuchlik
Councilperson

Attest:

Lacie W. Harp
Town Clerk

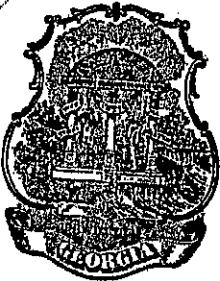
EXHIBIT "A"

WARRANTY DEED—FORM 36A

10m-11-78

American Seal & Stamp Co. — Atlanta, Ga.

STANDARD WARRANTY DEED



STATE OF GEORGIA,

BANKS County.

THIS INDENTURE, made this _____ day of October

in the year of our Lord One Thousand Nine Hundred and Seventy-seven

between FRED V. HEALAN

of the State of Georgia and County of Hall

and JAMES T. O'KELLEY of the first part

of the State of Georgia and County of _____ of the second part

WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of

Ten (\$10.00) Dollars and other valuable consideration----- DOLLARS

in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged,

he S granted, bargained, sold and conveyed and by these presents do ES 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 the 465th District, G.M., Banks County, Georgia, and

within the incorporate limits of the City of Maysville, Georgia, and

containing 0.18 acres, more or less, more particularly described

according to plat prepared by Venable Bros., Surveyors, dated May 22, 1973, said plat being recorded in the Office of the Clerk of the Superior Court of Banks County, Georgia, in Plat Book 5, Page 31, and being more particularly described as follows:

BEGINNING at the most southwest corner of said lot on the North right-of-way of Oak Street and running along Oak Street, North 44 degrees 33 minutes West 103.7 feet to iron pin corner on Church lot; thence North 36 degrees 04 minutes East 80.7 feet to iron pin; thence South 64 degrees 44 minutes East 60.8 feet to iron pin corner at Cottonwood; thence South 14 degrees 21 minutes West 66.9 feet to iron pin; thence South 15 degrees 17 minutes West 50.1 feet to iron pin on the North side of Oak Street, being the beginning point. Said plat and the description thereof being incorporated herein by reference for a detailed description.

Subject to existing easements and right-of-ways.

This being the same property as conveyed by deed from H. W. Davis, as Executor of the estate of C. B. Ellison, deceased, to Fred V. Healan on September 27, 1973 and shown of record in Deed Book 3 at Pages 225-226 of the records of the Clerk of the Superior Court of Banks County, Georgia.