

Called Meeting
April 3, 2024, 4:00pm
Minutes
Union County Courthouse

The meeting was called to order by Commissioner Lamar Paris at 4:02 pm.

Commissioner Paris accepted a Notice of Award of Contract to Square Deal Enterprises, Inc. dated April 3, 2024 for the installation of the temporary crossing and the permanent bridge on Fisher Field Road in the amount of \$332,470.00.

The Commissioner accepted a contract between Square Deal Enterprises, Inc. and Union County for the installation of the temporary crossing and the permanent bridge on Fisher Field Road in the amount of \$332,470.00. The contract has an effective date of April 3, 2024. The contractor will be on site tomorrow to begin the installation of the temporary crossing. This is so they can put pipes in so the homeowners will drive over the pipes while the bridge is being constructed. The contractor will then begin the demolition and removal of the existing bridge. They will then install what is needed to set the new bridge in place upon its delivery, which will include pouring the bridge deck and assembling the bridge rail. The temporary crossing will then be removed, and asphalt will be put down. Rip rap will be put down and the area will be reseeded to finish the project. The Commissioner stated that the Georgia Department of Transportation has been putting the pressure on the County to get something done. Then the County has been putting pressure on the company to get started. Everybody is putting pressure on everybody. That is why there had to be a Called Meeting to get this contract approved quickly.

Commissioner Paris then adopted Resolution R-2024-09 accepting a Mutual Agreement and Understanding between the Sole Commissioner of Union County, Georgia and the Board of Commissioners of Lumpkin County, Georgia for the purpose of resolving the boundary of the Union and Lumpkin County line in relation to the 16th District. This issue is a little complicated and a little long the Commissioner stated. This has been a long-standing open question between the two counties in regard to the properties located at the top of Blood Mountain just as you start down the mountain past the Walasi-Yi Center. It has been an understanding between the counties going back well over 30 years that those few private properties... The Commissioner elaborated that the properties in question are on the backside of the mountain, and everyone thought the ridgeline was the county boundary for years. There is currently a sign saying "Entering Lumpkin County". What most people don't know is there used to be additional signage after the Entering Lumpkin County sign that said "Entering Union County" and then another sign saying "Entering Lumpkin County" again. This indicates there is a strip down the backside of the mountain that would be in Union County. It has been an understanding between the counties going back well over 30 years that those properties were in Lumpkin County but would be taxed by Union County since Union County could provide the services much faster and easier than Lumpkin County. This would include Fire, EMS, and Law Enforcement. Around June of last year, one of the properties was put up for sale and as a part of that sale the potential buyer had a new survey completed. Unfortunately, the surveyor filed the new survey in Lumpkin County which brought this long-standing agreement into question. Were these properties actually in Union County or Lumpkin County? Based off preliminary research

completed by county personnel, Union County took the stance that those properties were in Union County and had been for many years. Union County then hired a litigation surveyor out of Ellijay, Georgia to research the issue. The surveyor, Chastain and Associates, determined that state legislation put the entirety of the 16th district, where those properties are located, in Union County and there was no legislation subsequent to that which changed this. He was also able to find United States Forest Service surveys from 1935 and 1982 which placed those properties in Union County. Union and Lumpkin had a meeting a couple of weeks ago where the litigation surveyor presented his findings to Lumpkin County. They conceded to the findings and passed this resolution at their called meeting last night, April 2, 2024, officially agreeing that the properties are in Union County. Union County, Lumpkin County and the surveyor were unable to determine exactly where and when the line got changed to show the properties in Lumpkin, but it is thought it was incorrectly changed on a Georgia Department of Transportation map at some point in the mid to late 80s, which would have resulted in the verbal agreement that they were in Lumpkin County but taxed by Union County. The County is very glad to have this issue finally resolved, and the property owners are very glad they will actually be in Union County. Union County will officially be the county they reside in.

Commissioner Paris had Jennifer Mahan, County Clerk, read Resolution R-2024-09 that was adopted by both counties. That Resolution was read as follows:

UNION COUNTY
RESOLUTION NO. R-2024-09

A CONCURRENT UNANIMOUS RESOLUTION OF THE SOLE COMMISSIONER OF UNION COUNTY, GEORGIA, AND THE BOARD OF COMMISSIONERS OF LUMPKIN COUNTY, GEORGIA, FOR THE PURPOSE OF RESOLVING BY MUTUAL AGREEMENT AN UNDERSTANDING OF THE 16TH DISTRICT AND THE BOUNDARY OF THE UNION / LUMPKIN COUNTY LINE.

WHEREAS, the boundary line between Union County and Lumpkin County has been called into question due to a private survey for the sale of a private property, commonly known as the Blood Mountain Cabins, that used an incorrect boundary line that was recorded in a Georgia Department of Transportation Map; and

WHEREAS, the governing authorities of both counties have worked together to determine the actual boundary line based off of legislative acts, recorded maps, plats and deeds; and

WHEREAS, Union County was created in the Legislative Act of December 3, 1832 by Section 4 on page 56, where it was decreed the following:

Sec. 4. And be it further enacted, That the seventh, eighth, ninth, tenth, sixteenth, seventeenth, eighteenth and nineteenth, and so much of the sixth and eleventh districts of the first section, as lies north of the mountains, and of the before-mentioned line to be run, shall form and become one county, to be called Union.

WHEREAS, there has been no other legislative act since 1832 or transfer of land by judicial action in which this boundary pertaining to the sixteenth (16th) district was added to or subtracted from; and

WHEREAS, there is no record in the legislative acts of Georgia pertaining to Lumpkin County having any portion of the sixteenth district; and

WHEREAS, there has been no recorded dispute over the county boundary between Union and Lumpkin in the index of official county line disputes; and

WHEREAS, a survey/plat/map prepared for the United States Forest Service by R.I. Lowndes in 1935 accurately depicts the correct county boundaries, a copy of which is attached hereto as Exhibit 'A'; and

WHEREAS, a survey/plat/map prepared for the United States Forest Service in 1950 accurately depicts the correct county boundaries, a copy of which is attached hereto as Exhibit 'B'; and

WHEREAS, a survey/plat/map commissioned by the State of Georgia in 1982 for conveyance to the United States Forest Service accurately depicts the correct county boundaries, a copy of which is attached hereto as Exhibit 'C'; and

WHEREAS, the private property in question is located within the 16th district of the 1st section; and

WHEREAS, neither Union County or Lumpkin County knows the source of the misinterpretation of the county boundaries in the Georgia Department of Transportation highway maps but agree that the Legislative Act of 1832 has not changed and the 16th district in its entirety is in Union County; and

WHEREAS, the citizens of both counties affected have been considered by the governing authorities as to public safety, public services, public records, and voting rights; and

WHEREAS, this joint resolution is done in good faith to make sure future misunderstandings do not take place; and

WHEREAS, the sole commissioner of Union County approves this resolution; and

WHEREAS, the Board of Commissioners of Lumpkin County approve this resolution.

NOW, THEREFORE, BE IT RESOLVED, by joint and concurrent unanimous resolution of the Sole Commissioner of Union County and the Board of Commissioners of Lumpkin County, in public meetings assembled according to Georgia law, that both counties agree that the entirety of the 16th district is in Union County and the portion of the county boundary between Union County and Lumpkin County on the 16th district follows the district line; and

IT IS FURTHER RESOLVED, that any inaccuracy on the Union County or Lumpkin County tax parcel maps, qPublic.net pages, and each county's GIS maps, will be resolved to conform to the actual boundary line and to this resolution; and

IT IS FURTHER RESOLVED, that both counties will provide the Georgia Department of Transportation a copy of this resolution, along with any copies of legislative acts, maps, plats, or surveys needed for the Georgia Department of Transportation to correct their maps; and

IT IS FURTHER RESOLVED, that the county boundary road sign on Blood Mountain will be moved to the southernmost point on Gainesville Hwy, also known as Hwy 19N, where the Union County and Lumpkin County line intersect; and

IT IS FURTHER RESOLVED, the section of Gainesville Hwy, also known as Hwy 19N, above the southernmost point where the Union County and Lumpkin County line intersect will be serviced by Union County for any emergency services; and

IT IS FURTHER RESOLVED, that the voter registrations of the residents of the Sixteenth District that were transferred to Lumpkin County will be transferred back to Union County;

IT IS FURTHER RESOLVED, that this joint resolution will be filed with the Union County Clerk for Superior Court and cross referenced to the affected properties; and

IT IS FURTHER RESOLVED, that a copy of this resolution will be provided to the Georgia Secretary of State; and

SO RESOLVED, by the Sole Commissioner of Union County on the 3rd day of April, 2024, and the Board of Commissioners of Lumpkin County on the 2nd day of April, 2024.

Question: So, you are saying they are going to immediately start?

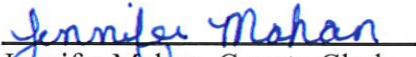
Paris: They are immediately starting on the temporary culverts.

Question: So, they are starting the construction as soon as they can get out there. What is the ETA of when they should complete it?


Paris: We hope it is in within 60 days. We are totally dependent on when the bridge itself gets completed and transferred here. What they are doing now is putting in the pipe and as soon as the bridge gets here, they will tear the old bridge out and put the new bridge in. We are hoping it won't be as long as it has been.

There being no further business, the meeting was adjourned at approximately 4:16 pm.

Respectfully submitted by:


Jennifer Mahan, County Clerk

Approved this 18th day of April, 2024


Lamar Paris, Commissioner