



MEMORANDUM

DATE: *August 27, 2025*

TO: Mayor and City Council

FROM: Assistant City Manager *[Signature]*

SUBJECT: Boundary Line Agreement – 1125 Whitehead Road
Easement for fence construction

RECOMMENDED ACTION

Approve the boundary line agreement for 1125 Whitehead Road at its common boundary with the cemetery and approve a construction easement for a fence at the same location and authorize the Mayor to execute the documents.

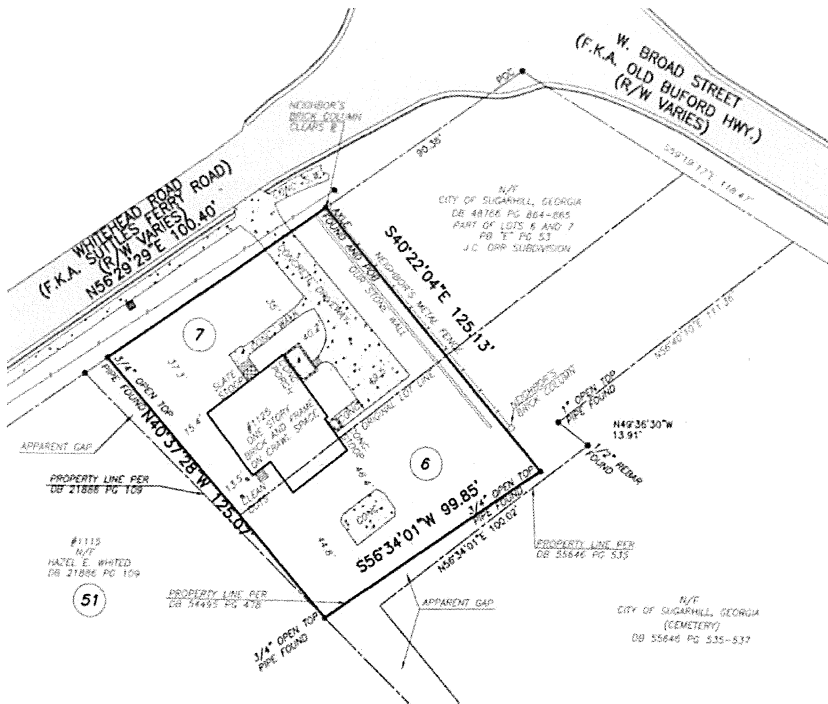
BUDGET IMPACT

The city has incurred some cost, assigned to the cemetery capital improvement project, for the surveying and legal expense to prepare the documents. The project is budgeted for 2025.

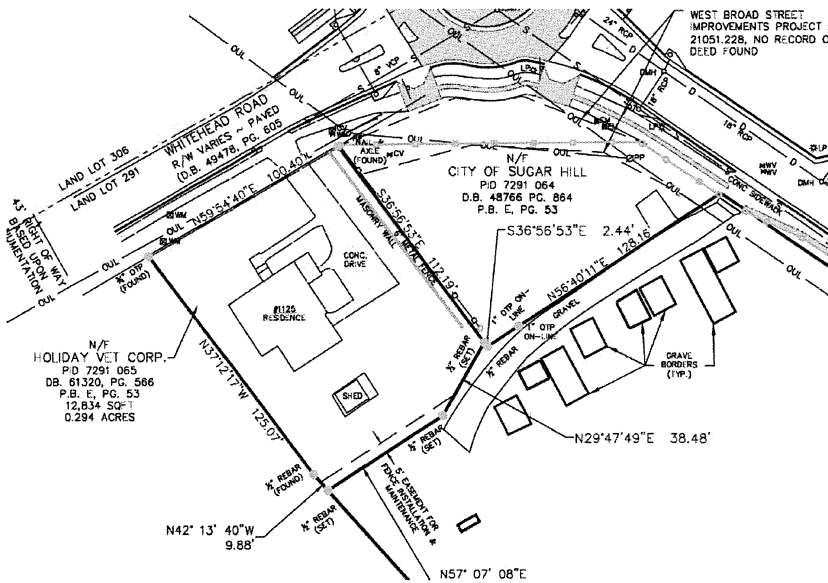
DISCUSSION

The boundary line agreement was contemplated during the discussion of the design review process for 1125 Whitehead Road in order to provide for their construction of a detached garage and allow for the city to proceed with construction of a fence along the southern boundary of the cemetery. Negotiations and surveying has taken the better part of 2025 to achieve a mutually-agreeable solution. The attached boundary agreement, prepared by city's legal counsel accomplishes this goal. In addition and in order to avoid taking down trees at the site, staff and the property owner agreed upon the terms of an easement for the fence at the back of 1125 as shown by the dashed line. Staff recommends approval.

Old boundary (1125):



New boundary with easement area.



Attachments

Boundary Agreement

Easement (to be provided prior to the Council Meeting)

Cross Reference:
Deed Book 55646, Page 535
Deed Book 61320, Page 566
Deed Book 61362, Page 828
Plat Book 163, Page 294

After Recording Return to:
Pereira, Kirby, Kinsinger & Nguyen, LLP
690 Longleaf Drive
Lawrenceville, Georgia 30046

Gwinnett County Tax Parcels: R7291 056, R7291 064, and R7291 065

QUITCLAIM DEED AND BOUNDARY LINE AGREEMENT

WHEREAS, the City of Sugar Hill, Georgia (hereinafter "Sugar Hill") owns that certain improved property known as the Sugar Hill Historic Cemetery located in downtown Sugar Hill, Gwinnett County, Georgia more particularly described in that Deed of Gift from First Baptist Church of Sugar Hill, Inc. to the City of Sugar Hill, Georgia, recorded in Deed Book 55646 Page 535 of the real estate records of Gwinnett County, Georgia, hereinafter referred to as the "Sugar Hill Cemetery Property"; and

WHEREAS, Holiday Vet Corp. (hereinafter "Holiday Vet") owns that improved property known as 1125 Whitehead Road, Sugar Hill, Gwinnett County, Georgia as more particularly described in that limited warranty deed from New Direction IRA, Inc., FBO James A. Maron IRA to Holiday Vet Corp., at Deed Book 61320 Page 566 (and corrected by a Scrivener's Affidavit recorded at Deed Book 61362, Page 828) of the real estate records of Gwinnett County, Georgia, hereinafter referred to as the "Holiday Vet Property"; and

WHEREAS, Sugar Hill and Holiday Vet desire to enter into an agreement definitively locating and establishing the dividing property lines between the Sugar Hill Cemetery Property and Holiday Vet Property;

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid, the receipt and sufficiency of which are hereby acknowledged, there being uncertainty as to the location of a portion of the common boundary line between the Sugar Hill Cemetery Property and the Holiday Vet Property, the parties hereto agree to fix the location of the boundary line between the respective properties as follows:

1. Common Boundary Line

The common boundary line between the Sugar Hill Cemetery Property and the Holiday Vet Property shall be in accordance with the legal description of the common boundary line as described by that certain plat prepared for Sugar Hill Historic Cemetery by Terminus Land Surveying & Services dated August 19, 2025 (the "Survey"), a true and correct copy of which is attached to this Boundary Line Agreement as Exhibit "A" and incorporated herein by this reference. In accordance with the Survey, the legal description of the Sugar Hill Cemetery Property shall be the legal description attached hereto as Exhibit "B" and incorporated herein by reference. In accordance with the Survey, the legal description of the Holiday Vet Property shall be the legal description attached hereto as Exhibit "C" and incorporated herein by reference. In order to establish the agreed boundary line as the common boundary line between the Sugar Hill Cemetery Property and the Holiday Vet Property, the Parties hereto hereby forever quitclaim, transfer, convey, grant, relinquish and sell each respective party such real property as is required in order to establish the agreed boundary line as the common boundary line as depicted in the Survey and as described on Exhibit "B" and Exhibit "C".

2. Recording.

The Parties expressly consent to the recording of the Agreement and referenced Survey in the real property records of Gwinnett County Georgia.

3. Entire Agreement.

The Parties expressly agree that this Agreement shall supersede prior understanding or agreements defining the common boundary lines.

4. Encroachments and Easements.

This Boundary Line Agreement shall not affect the validity of any recorded easements for any of the properties subject to this Boundary Line Agreement and all recorded easements shall remain in full force and effect. Each party to the Boundary Line Agreement grants a license to the adjoining property owner for existing encroachments. These encroachments shall be considered permissive encroachments and may remain in place until such time as the owner of the land being encroached upon gives written notice to remove the encroachment. Any encroachments shall be removed within ninety days of receiving such written notice. Failure to remove the encroachment following such written notice shall constitute a trespass.

[Signatures on Following Pages]

IN WITNESS WHEREOF, this Agreement is executed under seal by the undersigned Parties, this _____ day of September, 2025.

CITY OF SUGAR HILL, GEORGIA

Signed, Sealed and Delivered
this _____ day of September, 2025
in the presence of:

By: _____ (L.S.)
Brandon Hembree, Mayor

Witness

Attest:

Notary Public

Jane Whittington, City Clerk

[NOTARIAL SEAL]

[City Seal]

IN WITNESS WHEREOF, this Agreement is executed under seal by the undersigned Parties, this _____ day of September, 2025.

HOLIDAY VET CORP.

Signed, Sealed and Delivered
this _____ day of September, 2025
in the presence of:

By: _____ (L.S.)

Witness

Notary Public

[NOTARIAL SEAL]

EXHIBIT "A"

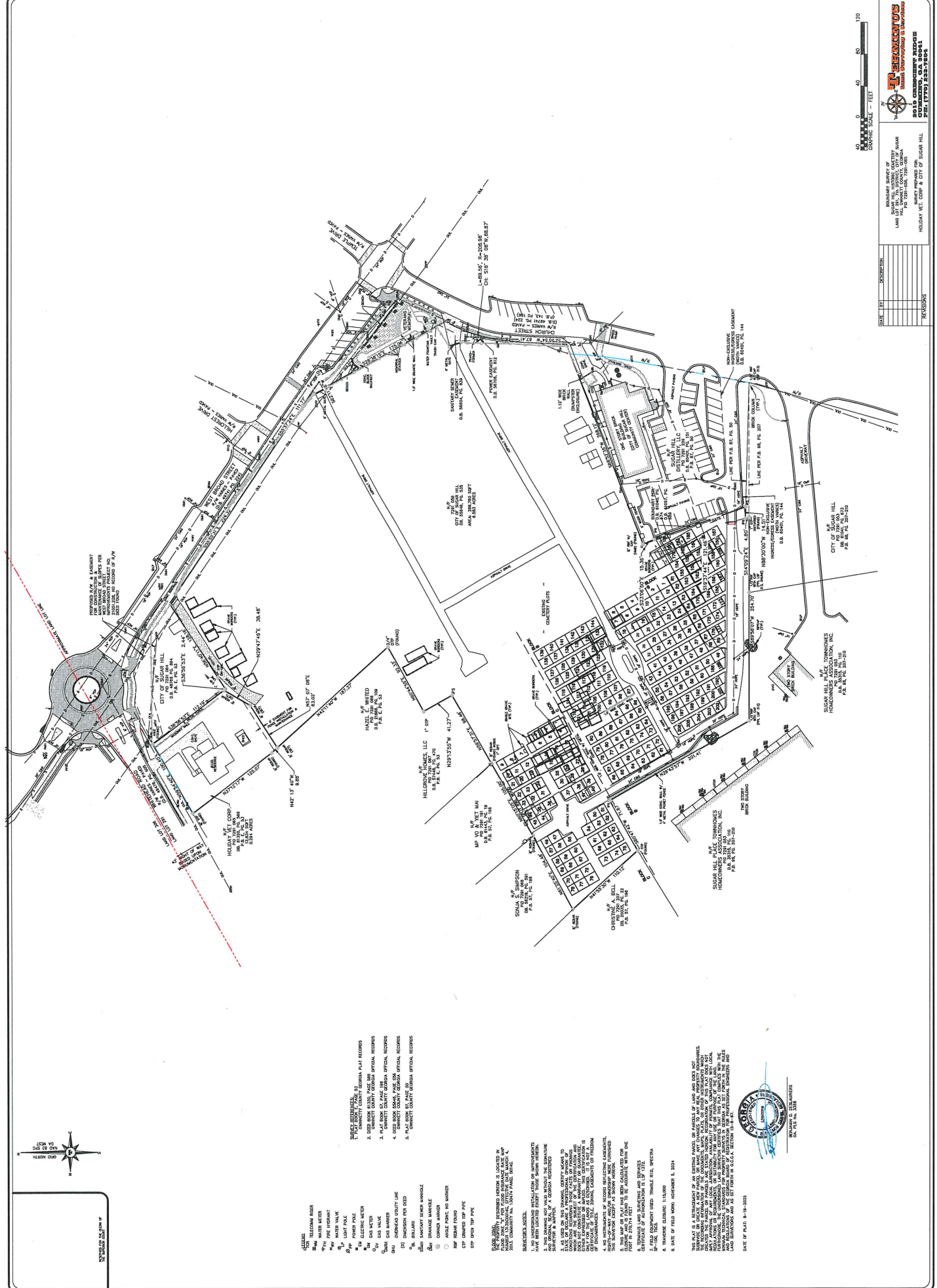


EXHIBIT "B"
LEGAL DESCRIPTION
SUGAR HILL HISTORIC CEMETERY

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 291, 7TH DISTRICT, CITY OF SUGAR HILL, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN AXLE FOUND ALONG THE SOUTHERLY RIGHT OF WAY LINE OF WHITEHEAD RD; THENCE LEAVING SAID RIGHT OF WAY LINE BEARING S 36° 56' 53" E A DISTANCE OF 112.19 FEET TO A ½" REBAR AND BEING THE POINT OF BEGINNING; THENCE BEARING S 36° 56' 53" E A DISTANCE OF 2.44 FEET TO A ½" REBAR; THENCE N 56° 40' 11" E A DISTANCE OF 128.16 FEET PASSING THROUGH A 1" OPEN TOP PIPE AND TO A POINT ALONG THE WESTERLY RIGHT OF WAY LINE OF WEST BROAD STREET; THENCE ALONG THE WESTERLY RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES:

S 55° 55' 31" E 224.32'

S 55° 37' 24" E 111.77'

S 62° 11' 46" W 10.23'

S 28° 38' 15" E 175.06' TO A POINT ALONG THE NORTHERLY RIGHT OF WAY LINE OF CHURCH STREET; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING COURSES AND DISTANCES: A CURVE TO THE LEFT 89.56', BEING SUBTENDED BY A CHORD BEARING S 16° 38' 08" W A DISTANCE OF 88.87 FEET AND HAVING A RADIUS OF 208.98 FEET TO A POINT S 02° 55' 54" W 67.41'

THENCE LEAVING SAID RIGHT OF WAY BEARING S 68° 52' 35" W A DISTANCE OF 268.12' TO A ½" REBAR; THENCE S 23° 06' 50" E A DISTANCE OF 15.36' TO A ½" REBAR; THENCE S 19° 37' 44" E A DISTANCE OF 121.46' TO A ½" REBAR; THENCE N 88° 30' 00" W A DISTANCE OF 14.51 FEET TO A ½" REBAR; THENCE S 14° 09' 24" E A DISTANCE OF 4.80 FEET TO A ½" REBAR; THENCE S 89° 58' 07" W A DISTANCE OF 254.70 FEET TO A ½" REBAR; THENCE N 29° 43' 57" W A DISTANCE OF 201.41 FEET; THENCE S 60° 47' 42" W A DISTANCE OF 71.67 FEET TO A 1" OPEN TOP PIPE; THENCE N 41° 55' 30" W A DISTANCE OF 110.12 FEET TO A ½" REBAR; THENCE N 61° 25' 40" E A DISTANCE OF 104.48 FEET TO A ½" REBAR; THENCE N 60° 15' 05" E A DISTANCE OF 105.00 FEET TO A ½" REBAR; THENCE N 59° 57' 31" E A DISTANCE OF 98.48 FEET TO A ½" REBAR; THENCE N 29° 13' 55" W A DISTANCE OF 41.27 TO A 1" OPEN TOP PIPE; THENCE N 60° 44' 55" E A DISTANCE OF 92.33 FEET TO A ¾" OPEN TOP PIPE; THENCE N 42° 11' 40" W A DISTANCE OF 187.37 FEET TO A ½" REBAR; THENCE N 57° 07' 08" E A DISTANCE OF 63.02 FEET TO A ½" REBAR; THENCE N 29° 47' 49" E A DISTANCE OF 38.48 TO A ½" REBAR AND BEING THE POINT OF BEGINNING.

SAID TRACT CONTAINS 6.583 ACRES 286,760 SQUARE FEET AND IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD AND AS DESCRIBED ON THE BOUNDARY SURVEY PREPARED BY TERMINUS LAND SURVEYING & SERVICES FOR HOLIDAY VET. CORP & CITY OF SUGAR HILL DATED 8-19-2025, SAID SURVEY BEING INCORPORATED HEREIN BY THIS REFERENCE THERETO.

EXHIBIT "C"
LEGAL DESCRIPTION
HOLIDAY VET. CORP

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 291, 7TH DISTRICT, CITY OF SUGAR HILL, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN AXLE FOUND ALONG THE SOUTHERLY RIGHT OF WAY LINE OF WHITEHEAD ROAD; THENCE LEAVING SAID RIGHT OF WAY LINE BEARING S 36° 56' 53" E A DISTANCE OF 112.19 FEET TO A ½" REBAR; THENCE S 29° 47' 49" W A DISTANCE OF 38.48 FEET TO A ½" REBAR; THENCE S 57° 07' 08" WEST A DISTANCE OF 63.02 FEET TO A ½" REBAR; NORTH 42° 13' 40" WEST A DISTANCE OF 9.88 FEET TO A ½" REBAR; THENCE NORTH 37° 12' 17" WEST A DISTANCE OF 125.07 FEET TO A ¾" OPEN TOP PIPE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF WHITEHEAD ROAD; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE NORTH 59° 54' 40" EAST A DISTANCE OF 100.40 FEET TO AN AXLE AND BEING THE POINT OF BEGINNING.

SAID TRACT CONTAINS 0.294 ACRES 12,834 SQUARE FEET AND IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD AND AS DESCRIBED ON THE BOUNDARY SURVEY PREPARED BY TERMINUS LAND SURVEYING & SERVICES FOR HOLIDAY VET. CORP & CITY OF SUGAR HILL DATED 8-19-2025, SAID SURVEY BEING INCORPORATED HEREIN BY THIS REFERENCE THERETO.