e-Filed in Office
Tammie Mosley
Clerk of Superior Court
Chatham County
Date: 11/13/2026 1:03 PM
Reviewer: KR

IN THE SUPERIOR COURT OF CHATHAM COUNTY
STATE OF GEORGIA

CHATHAM COUNTY, a political Subdivision of the State of Georgia	)	
Petitioner,	)	**Civil Action No.:**
Vs.	)	
The Mayor and Aldermen of the City of Savannah; Shelia Q. Koncul and Michael T. Koncul	)	
Respondents.	)	

PETITION FOR DECLARATORY JUDGMENT AND TEMPORARY RESTRAINING ORDER PERTAINING TO ANNEXATION

NOW COMES **CHATHAM COUNTY, a political subdivision of the State of Georgia** ("County"), and files this petition for declaratory judgment and objects to the annexation of property in the unincorporated area of Chatham County, and shows that the property sought to be annexed does not meet the legal standard to be contiguous to the current city limits of the City of Savannah and shows the following:

I. PARTIES, JURISDICTION AND VENUE

1. Chatham County is a political subdivision of the State of Georgia and subject to the jurisdiction of the Superior Court of Chatham County, Georgia.
2. The Mayor and Aldermen of the City of Savannah is a municipality located within the boundaries of Chatham County, Georgia, may be served through their attorney, Bates Lovett, 2 East Bay Street, Savannah, Georgia 31401, and is subject to the jurisdiction of this Court.
3. Michael T. Koncul and Shelia Q. Koncul are residents of Chatham County, Georgia and own property and resides within unincorporated Chatham County known as 9503

Whitefield Avenue, Savannah, GA 31406 at which they may be served and are subject to the jurisdiction of this Court. The PIN for this property is 10503 01012. [Said property is being used by the City of Savannah as a vehicle or means of attempting to assert that said property is contiguous for annexation purposes when stacked with waterways, marshland and roads to illegally claim that the city limits of Savannah are contiguous.]

4. Bethesda Union Society of Savannah, Inc. is a nonprofit organization with property located on both sides of Ferguson Avenue and Whitefield Avenue in Chatham County, Georgia and is the owner of real property and improvements which provide boarding and educational facilities to young males on its premises for more than 250 years and is zoned and keeping with the historic nature of this site and its uses and non-profit status.
5. Bethesda is the owner of a tract of land approximately 48.3 acres and property is zoned Residential Agriculture/Environmental Overlay (R-A/EO) that allows the uses including single family and two family attached resident and/or agricultural purpose under the Chatham County zoning ordinance. Said zoning being consistent with the pastoral and agricultural nature and use of the Bethesda property. The purpose of the R-A Residential Agriculture district is to protect those rural areas within the urban expansion area of the County and protect certain rural highways against strip development which can lead to traffic congestion and traffic hazards.
6. The zoning of Bethesda property by Chatham County in the unincorporated area of the County is consistent with the comprehensive plan for zoning of a County and upon information and belief that upon annexation the City of Savannah upon annexation will

rezone the use of the property in a substantially greater density for mixed use housing with a commercial use unknown that is not consistent with the surrounding area zoning.

7. Bethesda, due to the historic nature of the property, upon information and belief is restricted from making an outright sale of the property but may enter a long-term ground lease with a developer, Atlantic Companies, for a mixed-use living space with a commercial component.
8. Bethesda has petitioned for annexation into the City of Savannah under the 100% method of annexation and this property or tract of land though being consistent with Chatham County's plan with zoning would upon annexation or at an appropriate time thereafter be rezoned into a City of Savannah zone classification that would allow high density multi story mixed use living facilities for rent with a retail component that has not yet been described or disclosed. (County Ex. 1, petition)
9. Upon information and belief, Bethesda seeks annexation despite all properties surrounding residential Bethesda property having no desire to be annexed into the City of Savannah. (County ex. 2, map)
10. The reason for the petition of annexation by Bethesda is due to the commercial developer's need for water and sewer services to the proposed development, which the City of Savannah will not extend water and sewer services, unless Bethesda agrees and requires the property to be annexed into the City of Savanah municipal limits in order to become a paying customer of the city but receive no other city-wide services.
11. The property of Bethesda is located in a rural portion of unincorporated Chatham County and this tract of land is surrounded on all sides by unincorporated County. The subject

property is not contiguous to municipal limits of the City of Savannah so as to permit annexation and that should such annexation be permitted; the property would be surrounded by unincorporated Chatham County and would create an illegal incorporated island surrounded by unincorporated Chatham County. This City Island surrounded by unincorporated Chatham County would hinder the County and the City of Savannah in providing efficient services without duplication of services, as is received by other citizens of unincorporated County and City of Savannah.

12. Further, the creation of an illegal island municipality within the confines of unincorporated Chatham County would be inconsistent with comprehensive plan of the County and interrupt and be an impediment to the provision of services to the surrounding area in which the property is located.
13. The City and Developer propose a plan that will increase the density and use of the property from its current rural state to dense mixed-use habitat and proposed unknown commercial use.
14. This is an attempt to annex a tract of land in unincorporated Chatham County which is not contiguous to the City of Savannah to manipulate the requirements for property to be contiguous to the city limits as under O.C.G.A. § 36-36-20(a)(1).
15. O.C.G.A. § 36-36-20(a)(1) contains the annexation statute's defining rules pertaining to the requirement that the property must be contiguous to city limits to annex and reads as follows:

> *"(a) As used in this article, the term "contiguous area" means, at the time the annexation procedures are initiated, any area that meets the following conditions:*

(1) At least one-eighth of the aggregate external boundary or 50 feet of the area to be annexed, whichever is less, either abuts directly on the municipal boundary or would directly abut on the municipal boundary if it were not otherwise separated from the municipal boundary by lands owned by the municipal corporation or some other political subdivision, by lands owned by this state, or by the definite width of:

(A) Any street or street right of way;
(B) Any creek or river; or
(C) Any right of way of a railroad or other public service corporation
Which dives the municipal boundary and any area proposed to be annexed..."

16. The City of Savannah's attempt to annex this property under the 100% method of annexation must fail as the City limits of Savannah does not abut property subject to annexation as required under O.C.G.A. § 36-36-20(a)(1), in that the property sought to be annexed cannot demonstrate that one-eighth of the aggregate external boundary of the property abuts the city limits of Savannah. (O.C.G.A. § 36-36-20(a)(1)) Further, the property does not have fifty feet of its boundary area contiguous to the city limits of City of Savannah.

17. Further, the City of Savannah's annexation fails as there are no municipal boundaries contiguous to this property, no lands owned by a municipal corporation contiguous to this property or some other political subdivision land contiguous to the property.

18. The City of Savannah's annexation must fail in that it cannot meet the requirements of being contiguous to the boundary of the land tract sought to be annexed as the City is not allowed or permitted to stack and combine certain elements set forth in O.C.G.A. §36-36-20(a)(1)(A), (B) or (C).

19. O.C.G.A. 36-36-20(a)(1) uses the word "or" six times in the Code Section. The word "or" as used in this Code Section is a disjunctive signifier, meaning that it expresses one choice among several, it separates two or more elements, or it points to mutually exclusive alternatives, such as "one or the other but not both." The exceptions are subsection (a)(1)(A)-(C) [street, river, and railway, respectively] clearly means that while all of these exceptions are options, only one of those options is available at any one time. Exceptions cannot be stacked upon exceptions to create a segmented chain to make non-contiguous property meet the definition of contiguous under the test of O.C.G.A. § 36-36-20(a)(1)(A)-(C).

20. This Court has subject matter jurisdiction over this dispute pursuant to O.C.G.A. § 15-6-8.

21. Venue is proper in this Court pursuant to Ga. Const. Art. VI, § 2, ¶ III and O.C.G.A. § 50-21-28, because the City Attorney's Office is located in Chatham County.

22. Attached hereto and incorporated herein are Exhibits 1, 2 and 3.

RELIEF SOUGHT

23. Chatham County seeks a declaratory judgment to deny validity and void attempt by City of Savannah (City) to annex a 48.3-acre tract owned by Bethesda Union Society of Savannah, Inc. under the 100% method of annexation, as the property is located in unincorporated Chatham County and is surrounded only by unincorporated County, and is not contiguous as defined by Georgia law, requiring a condition precedent to annexation of property. (O.C.G.A. § 36-36-20(a)(1)) The attempt to annex this tract is

void by reason that it is not contiguous to city limits.

24. The County requests that the Court inquire into this matter and to maintain the status quo until adjudication, and exercise its plenary powers, legal and equitable, to enjoin the continued attempt of annexation action of the City from annexing a non-contiguous property and creating a municipal island, in violation of Georgia law. The County requests the court to preliminarily and permanently enjoin the City from taking any further action regarding the attempts for annexation until the matter has been adjudicated.

25. The County pursuant to O.C.G.A. § 9-4-8 seeks declaratory judgment to rule on lack of validity and apply the rules for being contiguous as required by annexation and in order to relieve the County from uncertainty.

26. Georgia law for the required Service Delivery Strategy provides for resolving annexation disputes through mediation and hearing process, but The Department of Community Affairs, the administrative department for enforcing mediation principles, has exercised its rule making authority and determined that issues of application whether a land is contiguous for annexations are questions of law to be determined by the Superior Court with jurisdiction. The County, therefore, must seek declaratory action in the Superior Court of Chatham County in order to adjudicate the application of the contiguous requirement for annexation.

WHEREFORE, the County seeks the following relief:

1) Declare that the Bethesda property is not contiguous for purposes of annexation into the City of Savannah;

2) The provisions of O.C.G.A. § 36-36-20(a)(1) are not met by the City of Savannah; and

3) The County have interlocutory appeal and enjoin further annexation proceedings concerning the property until the adjudication or question of laws is answered.

Respectfully submitted this 13th day of November, 2026.

/s/ R. Jonathan Hart
R. Jonathan Hart
State Bar No. 333692
Attorney for Petitioner

P. O. Box 8161
Savannah, GA 31412
(912) 652-7881

e-Filed in Office
Tammie Mosley
Clerk of Superior Court
Chatham County
Date: 11/13/2026 1:03 PM
Reviewer: KR

IN THE SUPERIOR COURT OF CHATHAM COUNTY
STATE OF GEORGIA

CHATHAM COUNTY, a political Subdivision of the State of Georgia Petitioner, Vs. The Mayor and Aldermen of the City of Savannah; Shelia Q. Koncul and Michael T. Koncul Respondents.	)	Civil Action No.: SPCV26-01715-MI

VERIFICATION

PERSONALLY APPEARED before the undersigned officer duly authorized by law to administer oaths, Linda Cramer, who, being first duly sworn, deposes and says that she is the Assistant County Manager for Chatham County, Georgia, that the facts alleged in the foregoing for Complaint Declaratory Judgment and Injunctive Relief are true and correct to the best of her knowledge, information and belief.

This 13th day of November, 2026.

Linda Cramer
Linda Cramer, Assistant County Manager

Sworn to and subscribed before me,
this 13th day of November, 2026.

Notary Public

[S E A L]

My Commission Expires: SHERRI OLIVER NOTARY PUBLIC Chatham County State of Georgia My Comm. Expires April 9, 2029

Exhibit 1

SAVANNAH
savannahga.gov

Planning &
Urban Design

To: Chairman + Board
Suzanne
Jon Hart

October 1, 2026

RECEIVED
OCT 06 2026
CHATHAM COUNTY
MANAGER'S OFFICE

The Board of County Commissioners
Chatham County, Georgia
124 Bull St# 210
P.O. Box 8161
Savannah, GA 31401
Attn: Clerk of County Commission

Delivery via Certified Mail

RE: Notice of Receipt of Petition for
Annexation of Unincorporated Lands
located at 9503 Whitefield Avenue and Portions of 9520 Ferguson Avenue

Dear Clerk:

Please be advised that the City of Savannah received a petition requesting that the City annex certain unincorporated properties. The petitioner has requested that the City annex the property by ordinance pursuant to O.C.G.A. 36-36-20 et. seq. (the "100% method").

This letter has been sent to you by certified mail, return receipt requested, within thirty (30) business days of the City's receipt of the petition requesting the annexation in accordance with O.C.G.A. §36-36-6, §36-36-9 and §36-36-111.

The land subject to the annexation request consists of two parcels. The first parcel contains approximately 2.98 acres, is contiguous to the City, and is located at 9503 Whitefield Avenue with a Property Identification Number (PIN) of 10503 01012. The request also includes approximately 43.83-acres of the parcel located at 9520 Ferguson Avenue with a PIN of 10444 01001. Attached is a copy of the petition which provides additional information for the territory to be annexed.

Pursuant to O.C.G.A. 36-36-7 and O.C.G.A. 36-36-9, you must notify the City in writing by certified mail or statutory overnight delivery, return receipt requested, of any County facilities or property located within the territory to be annexed, within five (5) business days of receipt of this letter.

Please also be informed that the initial zoning of the annexed territory to be designated by the City will be PD (Planned Development).

If I can be of any further assistance or provide you with additional information, please feel free to call me at 912-429-3364.

Sincerely,



Bridget Lidy
Director

cc: Joseph A. Melder, City Manager
Taffanye Young, Assistant City Manager
Faye Q. DiMassimo, Planning and Economic Development Chief
Saesha Carlile, Chief Operating Officer
Gene Prevatt, Government Operations Chief
Ashley Reynolds Marshall, Community Services Chief
Lenny Gunther, Police Chief
Derik Minard, Fire Chief
Ron Feldner, Water Resources Chief
Joe Shearouse, Jr., Chief Operating Officer
James Laplander, Water and Sewer Planning
Michael Kaigler, County Manager
Linda Cramer, Assistant County Manager
Denise Watts, School Superintendent

26-004782-ZA

Bridget Lidy

From:	Renee Osborne
Sent:	Tuesday, September 15, 2026 10:09 AM
To:	Jay Melder; Faye DiMassimo; Bridget Lidy
Cc:	Clerk of Council; Bates Lovett; Jennifer Herman; Eva Hill; Zarina Davis; Tara Hicks
Subject:	ANNEXATION PETITION Pet. 260915_AX-5
Attachments:	Pet. 260915_AX-5_Michael - Sheila Koncul, Bethesda Union Society, Whitefield Ave,. and Ferguson Ave..pdf

Good morning,

Attached please find an Annexation Petition received in the Clerk of Council's office via email from the City Attorney's Office. This matter is being submitted on behalf of the following:

- Petition No.260915_AX-5 – Michael T. & Sheila Q. Koncul and Bethesda Union Society of Savannah, Inc. Request to Annex property at Whitefield Avenue, PIN 10503 01012 and Ferguson Avenue, PIN 10444-01001 into the City of Savannah. Recvd. 09-15-2026.

Let us know if you need any further assistance.

Thank you.

Renée Osborne
Assistant to Clerk of Council
City of Savannah
(912) 651-6441
http://savannahga.gov/391/Clerk-of-Council
SAVANNAH

Pet. 260915_AX-5_Michael & Sheila Koncul and Bethesda Union Society of Savannah

McCorkle, Johnson & McCoy, LLP

ATTORNEYS AT LAW
319 Tattnall Street • Savannah, Georgia 31401
Phone: (912) 232-6000 • Fax: (912) 233-2035
rlm@mccorkl.johnson.com
Direct: (912) 232-5141

September 14, 2026

Jay Melder
City Manager
P.O. Box 1027
Savannah, GA 31402
jay.melder@savannahga.gov

Via E-mail and US Mail

RECEIVED
CLERK OF COUNCIL'S OFFICE
SEP 15 2026

Bates Lovett
City Attorney
2 East Bay Street
Savannah, GA 31401
blovett@savannahga.gov

Via E-mail and US Mail

260915
Received via email
from City Atty's office.

Bridget Lidy
Director of Planning and Urban Design and Zoning
5515 Abercorn Street
Savannah, GA 31401
blidy@savannahga.gov

Via E-mail and US Mail

Re: Annexation of PINs 10503 01012 and a portion of 10444-01001

Dear Jay, Bates, and Bridget,

Enclosed please find the petition of Michael T. & Sheila Q. Koncul and Bethesda Union Society of Savannah, Inc., to annex certain real property located on Whitefield Avenue bearing PIN 10503 01012, and on Ferguson Avenue being a portion of PIN 10444-01001, into the City of Savannah. For your convenience I have also included SAGIS maps showing the existing municipal boundary with respect to the parcels.

Please let me know if you have any questions or if you need any further information from me.

Regards,

McCORKLE, JOHNSON & McCOY, LLP

Robert L. McCorkle, III, Esq.

cc: client

Docusign Envelope ID: DCC5F69B-F49A-87DB-83D0-C36A3B815D33

100 PERCENT METHOD OF ANNEXATION
PETITION REQUESTING ANNEXATION

September 4, 2026

To the Mayor and Aldermen ("City Council") of the City of Savannah, Georgia:

1. The undersigned, being the Owners of all real property of the territory described herein, respectfully requests that the City Council annex this territory to the City of Savannah, Georgia, and extend the city boundaries to include the same.

2. The territory to be annexed is unincorporated and contiguous (as described in O.C.G.A. § 36-36-20) to the existing corporate limits of Savannah, Georgia, and the description of such territory is as follows:

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATE, LYING AND BEING IN CHATHAM COUNTY, GEORGIA AND BEING THE NORTHERN EIGHTY (80) FEET OF THAT CERTAIN LOT OF LAND KNOWN AND DESIGNATED AS LOT NUMBER (1) UPON A MAP OR PLAN OF A SUBDIVISION KNOWN AS "MENDELVILLE" SURVEYED AND LAID OUT BY E.J. THOMAS, COUNTY SURVEYOR OF CHATHAM COUNTY, GEORGIA IN JUNE 1904 AND RECORDED IN THE OFFICE OF THE CLERK OF SUPERIOR COURT OF CHATHAM COUNTY, GEORGIA IN MAP BOOK 1, FOLIO 26; SAID PORTION OF LOT HEREBY CONVEYED HAVING A FRONTAGE OF EIGHTY (80) FEET IN WHITEFIELD AVENUE (FORMERLY MONTGOMERY ROAD) WITH A RECTANGULAR DEPTH IN A WESTERLY DIRECTION TO THE WESTERN BOUNDARY OF LOT ONE, MENDELVILLE SUBDIVISION. SAID PROPERTY HAVING AN ADDRESS OF 9503 WHITEFIELD AVENUE, SAVANNAH, GA 31406, AND HAVING A PIN # 10503-01012.

AND ALSO:
ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND, SITUATE LYING AND BEING IN THE 6TH G.M. DISTRICT, CHATHAM COUNTY, BEING A PORTION OF CHATHAM COUNTY PARCEL NO. 10444 01001 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: **BEGINNING** AT A RIGHT OF WAY MONUMENT AT THE INTERSECTION OF FERGURSON AVENUE AND DIAMOND CAUSEWAY, DEFINED FURTHER AS BEING ON THE WEST RIGHT OF WAY OF DIAMOND CAUSEWAY AND THE NORTH RIGHT OF WAY OF FERGURSON AVENEUE. REFERENCED MONUMENT A NAD 83 GEORGIA EAST STATE PLANE COORDINATE OF N= 987400.4360 & E = 713899.0000; THENCE ALONG A CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 11° 03' 30", HAVING A RADIUS OF 2009.86 FEET, AND WHOSE LONG CHORD BEARS S 20° 53' 16" E FOR A DISTANCE OF 387.31 FEET TO A POINT; THENCE, N 15° 15' 30" W FOR A DISTANCE OF 677.38 FEET TO A POINT; THENCE, N 15° 14' 11" W FOR A DISTANCE OF 90.93 FEET TO THE **POINT OF BEGINNING**; THENCE, N 65° 33' 46" W FOR A DISTANCE OF 352.21 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT

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THROUGH AN ANGLE OF 64° 16' 17", HAVING A RADIUS OF 307.43 FEET, AND WHOSE LONG CHORD BEARS N 25° 21' 01" W FOR A DISTANCE OF 327.06 FEET TO A POINT; THENCE, N 21° 04' 05" E FOR A DISTANCE OF 226.16 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 03° 23' 47", HAVING A RADIUS OF 1000.75 FEET, AND WHOSE LONG CHORD BEARS N 19° 19' 41" E FOR A DISTANCE OF 59.31 FEET TO A POINT; THENCE S 75° 15' 51" E FOR A DISTANCE OF 24.62 FEET TO THE BEGINNING OF A CURVE; SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 17° 51' 50", HAVING A RADIUS OF 888.17 FEET, AND WHOSE LONG CHORD BEARS N 10° 09' 31" E FOR A DISTANCE OF 275.80 FEET TO A POINT; THENCE, N 07° 06' 12" E FOR A DISTANCE OF 52.13 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 02° 01' 51", HAVING A RADIUS OF 2915.44 FEET, AND WHOSE LONG CHORD BEARS S 16° 02' 52" E FOR A DISTANCE OF 103.34 FEET TO A POINT; THENCE, S 15° 14' 30" E FOR A DISTANCE OF 959.67 FEET TO THE POINT OF BEGINNING. SAID PARCELS CONTAINS 4.83 ACRES MORE OR LESS.

AND ALSO:

ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND, SITUATE LYING AND BEING IN THE 6TH G.M. DISTRICT, CHATHAM COUNTY, BEING A PORTION OF CHATHAM COUNTY PARCEL NO. 10444 01001 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: **BEGINNING** AT A RIGHT OF WAY MONUMENT AT THE INTERSECTION OF FERGURSON AVENUE AND DIAMOND CAUSEWAY, DEFINED FURTHER AS BEING ON THE WEST RIGHT OF WAY OF DIAMOND CAUSEWAY AND THE NORTH RIGHT OF WAY OF FERGURSON AVENEUE. REFERENCED MONUMENT A NAD 83 GEORGIA EAST STATE PLANE COORDINATE OF N= 987400.4360 & E = 713899.0000; THENCE, S 32° 54' 51" W FOR A DISTANCE OF 66.81 FEET TO A POINT; THENCE, S 43° 44' 35" W FOR A DISTANCE OF 310.05 FEET TO A POINT; THENCE, S 47° 49' 48" W FOR A DISTANCE OF 109.49 FEET TO A POINT; THENCE, S 42° 10' 12" E FOR A DISTANCE OF 15.00 FEET TO A POINT; THENCE, S 47° 49' 48" W FOR A DISTANCE OF 268.00 FEET TO A POINT; THENCE, N 74° 59' 48" W FOR A DISTANCE OF 911.44 FEET TO A POINT; THENCE, N 32° 45' 14" E FOR A DISTANCE OF 257.64 FEET TO A POINT; THENCE, N 73° 26' 55" W FOR A DISTANCE OF 158.28 FEET TO A POINT; THENCE, N 21° 02' 50" E FOR A DISTANCE OF 1193.29 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH 73° 37' 02", HAVING A RADIUS OF 265.33 FEET, AND WHOSE LONG CHORD BEARS N 68° 08' 24" E FOR A DISTANCE OF 317.94 FEET TO A POINT; THENCE, S 65° 31' 44" E FOR A DISTANCE OF 409.92 FEET TO A POINT; THENCE, S 15° 15' 30" E FOR A DISTANCE OF 677.38 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 11° 03' 30", HAVING A RADIUS OF 2009.86 FEET, AND WHOSE LONG CHORD BEARS S 20° 53' 16" E FOR A DISTANCE OF 387.31 FEET TO **THE POINT OF BEGINNING.** SAID PARCELS CONTAINS 37.32 ACRES MORE OR LESS.

AND ALSO:

Docusign Envelope ID: DCC5F69B-F49A-87DB-83D0-C36A3B815D33

ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND, SITUATE LYING AND BEING IN THE 6TH G.M. DISTRICT, CHATHAM COUNTY, KNOWN AS A PORTION OF BETHESDA AVENUE THAT LIES WEST OF DIAMOND CAUSEWAY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: **BEGINNING** AT A RIGHT OF WAY MONUMENT AT THE INTERSECTION OF FERGURSON AVENUE AND DIAMOND CAUSEWAY, DEFINED FURTHER AS BEING ON THE WEST RIGHT OF WAY OF DIAMOND CAUSEWAY AND THE NORTH RIGHT OF WAY OF FERGURSON AVENEUE.
REFERENCED MONUMENT A NAD 83 GEORGIA EAST STATE PLANE COORDINATE OF N= 987400.4360 & E = 713899.0000; THENCE ALONG A CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 11° 03' 30", HAVING A RADIUS OF 2009.86 FEET, AND WHOSE LONG CHORD BEARS S 20° 53' 16" E FOR A DISTANCE OF 387.31 FEET TO A POINT; THENCE, N 15° 15' 30" W FOR A DISTANCE OF 677.38 FEET TO THE **POINT OF BEGINNING;** THENCE N 65° 31' 44" W FOR A DISTANCE OF 409.92 FEET TO THE BEGINNING OF A CURVE,SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 73° 37' 02", HAVING A RADIUS OF 265.33 FEET, AND WHOSE LONG CHORD BEARS S 68° 08' 24" W FOR A DISTANCE OF 317.94 FEET TO A POINT; THENCE, N 21° 01' 39" E FOR A DISTANCE OF 511.66 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 64° 16' 17", HAVING A RADIUS OF 307.43 FEET, AND WHOSE LONG CHORD BEARS S 25° 21' 01" E FOR A DISTANCE OF 327.06 FEET TO A POINT; THENCE, S 65° 33' 46" E FOR A DISTANCE OF 352.21 FEET TO A POINT; THENCE, S 15° 14' 11" E FOR A DISTANCE OF 90.93 FEET TO **THE POINT OF BEGINNING.** SAID PARCELS CONTAINS 1.68 ACRES MORE OR LESS.

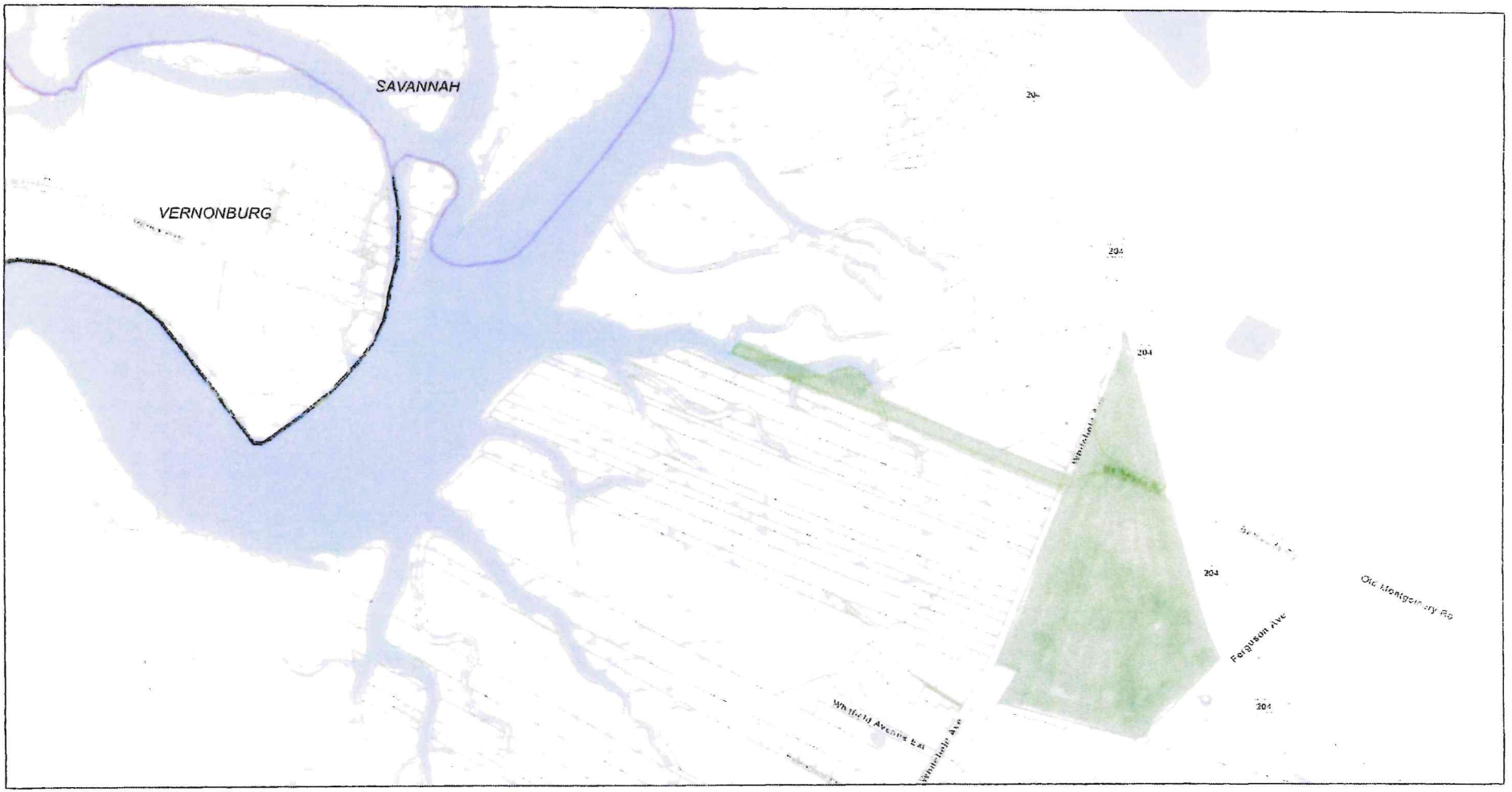
	Name (Print)	Address & PIN	Signature	Date
1.	Michael T. Koncul	9503 Whitefield Avenue, Chatham County, Georgia; 10503-01012	Signed by: [signature] 8BF4N03163D64D1...	9/14/2026
2.	Sheila Q. Koncul	9503 Whitefield Avenue, Chatham County, Georgia; 10503-01012	Signed by: [signature] 4C421193B3A7IF3...	9/14/2026

3. Bethesda Union Society of Savannah
9520 Ferguson Avenue, Chatham County, Georgia
Portion of 10444-01001

Kim Iocovozzi, Board Chair: DocuSigned by: Kim Iocovozzi 9/14/2026 AC25EAB84DC8453

Christian Proctor, President of School: Signed by: Christian Proctor 9/14/2026 5680B866E852465

ArcGIS Web Map



9/14/2026, 5:52:52 PM

1:8,554

0 0.07 0.15 0.3 mi

0 0.13 0.25 0.5 km

ParcelDigest_Owner

Property Boundaries (Parcels)

Municipal Boundary

SAVANNAH

VERNONBURG

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

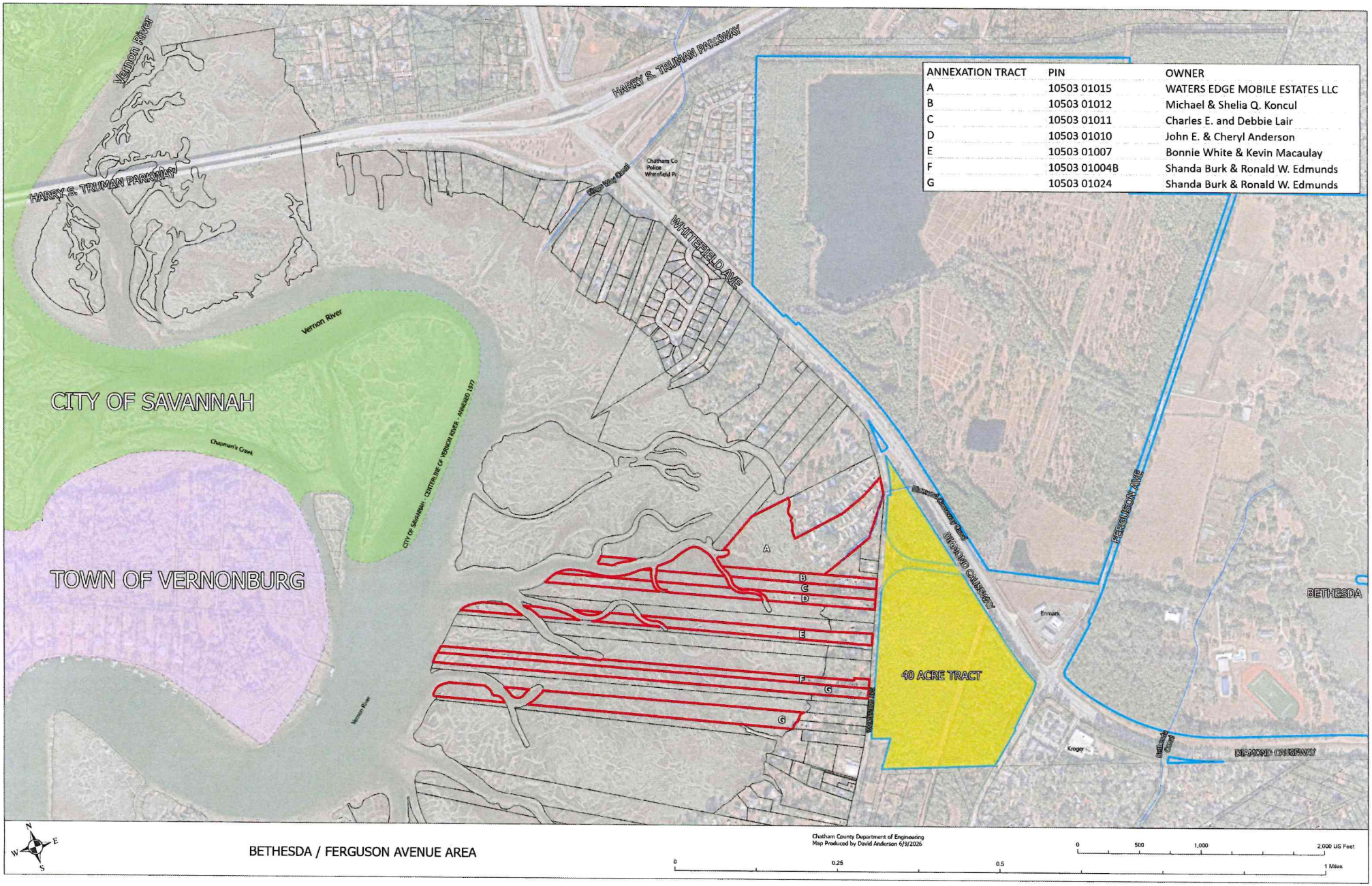

ANNEXATION TRACT | PIN | OWNER
A | 10503 01015 | WATERS EDGE MOBILE ESTATES LLC
B | 10503 01012 | Michael & Shelia Q. Koncul
C | 10503 01011 | Charles E. and Debbie Lair
D | 10503 01010 | John E. & Cheryl Anderson
E | 10503 01007 | Bonnie White & Kevin Macaulay
F | 10503 01004B | Shanda Burk & Ronald W. Edmunds
G | 10503 01024 | Shanda Burk & Ronald W. Edmunds
HARRY S. TRUMAN PARKWAY
HARRY S. TRUMAN PARKWAY
VERNON RIVER
Vernon River
Vernon River
CITY OF SAVANNAH
CITY OF SAVANNAH - CENTERLINE OF VERNON RIVER - ANNEXED 1977
Chapman's Creek
TOWN OF VERNONBURG
Chatham Co Police Wheatfield Pr.
WHITEFIELD AVE
Diamond Causeway Canal
DIAMOND CAUSEWAY
FERGUSON AVE
BETHESDA
Ennark
40 ACRE TRACT
Kroger
DIAMOND CAUSEWAY
A
B
C
D
E
F
G
G
N
W
E
S
BETHESDA / FERGUSON AVENUE AREA
Chatham County Department of Engineering
Map Produced by David Anderson 6/9/2026
0
500
1,000
2,000 US Feet
0
0.25
0.5
1 Miles

Exhibit 3

Exhibit "3"

CHAIRMAN OF COUNTY COMMISSIONERS

Chester A. Ellis
Chairman

Chatham County Courthouse
Post Office Box 8161
Suite 210 - 124 Bull Street
Savannah, Georgia 31412

(912) 652-7950
(912) 652-7880 - fax
Chairman@chathamcounty.org

October 22, 2026

Van R. Johnson, II, Mayor
City of Savannah
2 E. Bay Street
Savannah, Georgia 31401

Via E-mail: mayorjohnson@savannahga.gov

Re: Proposed Annexation Lot 1 Mendelville Subdivision and 43.83 acre tract part of Bethesda Union Society of Savannah, Inc. Campus

Dear Van:

I am writing to inform you that the Chatham County Board of Commissioners unanimously voted on Friday, October 16, 2026 to object to the annexation of the two parcels of land located and surrounded by unincorporated Chatham County and known as the 43.83 acre tract located at 9520 Ferguson Avenue with PIN# 10444 01001 and a second parcel known as Lot 1, located at 9503 Whitefield Avenue with PIN# 10503 01012 being a single lot in a subdivision known as Mendelville Subdivision.

Based on a recent letter received from the City of Savannah, the County is on notice of the City's intention to annex both the single subdivision lot and the 43.83 acre tract part of the Bethesda Campus. Again, the Board of Commissioners voted to unanimously object to this unlawful annexation.

Lot 1 of Mendelville Subdivision is not contiguous to the city limits of the City of Savannah. The City of Savannah current city limits are separated by marshes, a river, additional marshes, a tributary, and a marsh, which are claimed by the State of Georgia. Further, the property is not contiguous, in any part, as it is separated by the Vernon River. Additionally, the Vernon River marshland on the eastern side of the river is also claimed as property of the State of Georgia. The attached map, Exhibit "A," shows the eastern marsh line of the Vernon River containing hundreds of acres of pristine marsh, which is not accessible, and the marsh

is further down the eastern side of the Vernon River from the City limits line of the City of Savannah as it is currently extended. Said marsh being in unincorporated Chatham County, the hundreds of acres of marsh in between the Vernon River blocking the line of sight of the non-contiguous Lot 1 Mendelville subdivision further support the County's position to object to such an annexation.
The distance of Lot 1 Mendelville subdivision separation from the city limits of Savannah is 3,500 feet of marsh, river and marsh. This is approximately a half a mile of separation. Simply put, Lot 1 of Mendelville Subdivision is not remotely close to being contiguous.

The legal description for Lot 1 Mendelville subdivision is described in deeds as the northern 80 feet of said lot as measured from Whitefield Avenue. The legal description has been consistently described as 80 feet of northern said lot whose most recent acquisition was in June 2009 by Michael and Shelia Koncul. The property in question has changed ownership five times over the past fifty years. The legal description has been consistently described in the conveyance deed as the northern 80 feet of said lot.

The 43.83 acre tract which is a portion of the property of Bethesda Union Society of Savannah, Inc. like the rest of the Bethesda campus is totally surrounded on all sides by land of unincorporated Chatham County. The annexation of the tract will create an isolated illegal island surrounded by the unincorporated County. Additionally, the isolated area of this large tract creates an illegal island in unincorporated Chatham County and is located more than a half mile away from the City limits of Savannah.

O.C.G.A. §36-36-4(a) and (c)(3) provides:

(a) Annexation...which would result in the creation of an unincorporated area to which

the County would have no reasonable means of access for the provision of services provided by the County governing authority solely to the unincorporated area of the County.

This annexation will entail taking vacant land that has been traditionally used for an agricultural purpose and rezoning it to obtain an inappropriate intense mixed use of apartments, condominiums, single family homes, and undefined retail use which severely increases the intensity of the property density which is not in keeping with the comprehensive plan of the County. (O.C.G.A. § 36-36-113(d)(1)(A) and (d)(1)(B)(2)). The present zoning of this property is now R-A with an environmental overlay may be lost due to the intensity of the development.

It is understood, under Georgia law, that the alleged proposed annexation will not initially change the zoning but, the future development plan is for a multi-use residential apartment, single family residences, and undetermined retail use. O.C.G.A. § 36-36-112 provides "that as a condition of annexation the municipality shall not change the zoning of the land use plan relative to the annexed property to a more intense density than what is stated in original notice under O.C.G.A. §36-36-111 for one year after effective date of annexation..."

Should the City of Savannah obtain the right to create a municipal isolated island situated and surrounded by unincorporated Chatham County, the City would not be able to provide municipal services in the same manner that they provide municipal services in other areas of the City with the exception of water and sewer. However, the City has no means by which to provide police stations or patrol officers to these two tracts of land both of which are situated in unincorporated County. Likewise, the City does not have a fire department or equipment located near this property. The City has no means by which to provide street lighting. The City has no means to provide dry trash pick to residents contained in the lot or tract in question. The City is not able to provide services in the same manner that it can provide in other areas of the City.

This letter formally exercises the County right to place the proposed annexation of the City of Savannah in dispute under O.C.G.A. § 36-36-113 and calls upon the City of Savannah and County to complete dispute resolution for all the foreign issues and others prior to undertaking consideration of annexation which would create an unlawful island. The County requests the City not attempt to consolidate the first and second reading of this annexation matter. The County invites further discussion.

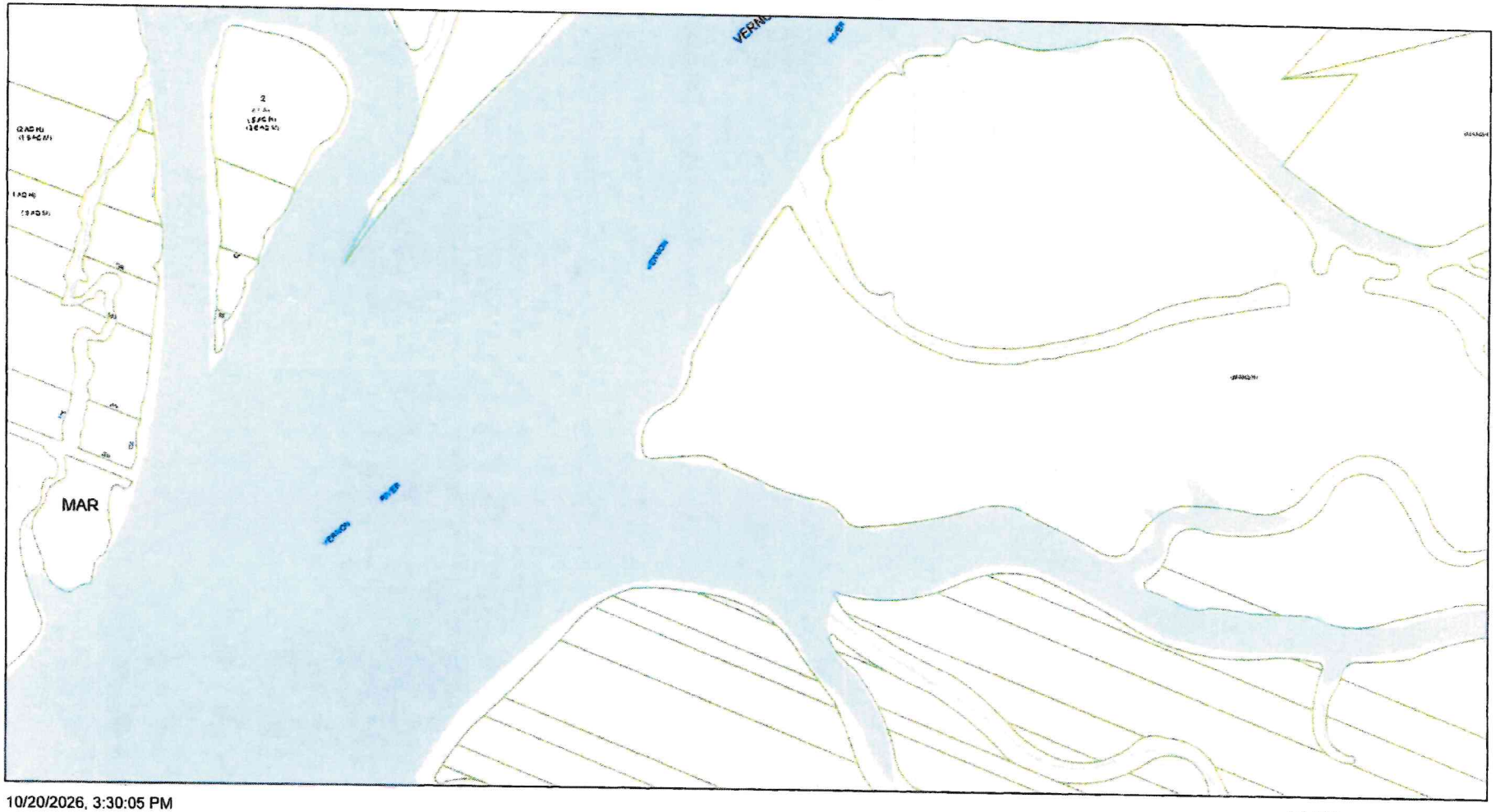
Sincerely,

Chester A. Ellis, Chairman
Chatham County Commission

cc: Fellow Members of the Board
Aldermen of the City of Savannah
Michael Kaigler, County Manager
Linda Cramer, Assistant County Manager
R. Jonathan Hart, County Attorney
Bates Lovett, City of Savannah Attorney
Robert McCorkle, Esq.

Exhibit "A"

ArcGIS Web Map



10/20/2026, 3:30:05 PM

Property Boundaries (Parcels)

1:2,949

0 0.03 0.06 0.12 mi

0 0.05 0.1 0.2 km

SAGIS, SAGIS, Chatham County Board of Assessors, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

STATE OF GEORGIA)
COUNTY OF CHATHAM)

RESOLUTION OF BOARD OF COMMISSIONERS OF CHATHAM COUNTY

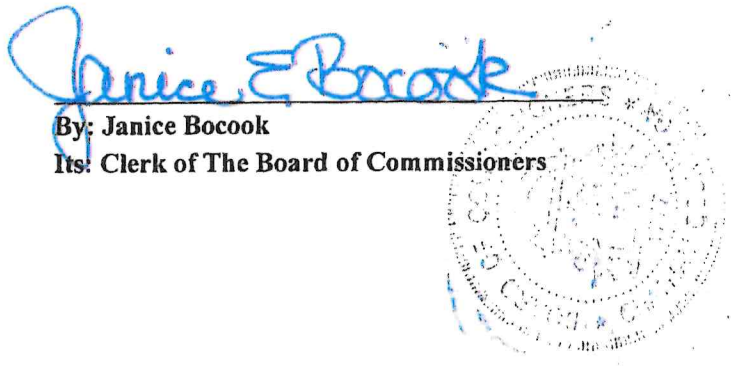
BE IT RESOLVED that **Chatham County is a political subdivision of State of Georgia** did at a regularly scheduled meeting on October 16, 2026 discuss the letter sent by the City of Savannah indicating the annexation attempt upon a single subdivision lot and lot and a 43.83 acre tract of land owned by the Bethesda Union Society of Savannah, Inc.; and

WHEREAS, the Board of Commissioners discussed the various issues involved in the annexation of such property in executive session and the Board of Commissioners did terminate executive session and in open session of the Board of Commissioners upon motion made and properly seconded unanimously passed said motion and a resolution stating the County should object to the annexation of the single subdivision lot and the 43.83 acre tract of land known as the Bethesda property as being an attempt to illegally annex said property which is non-contiguous to the city limits Savannah and the property being surrounded by unincorporated Chatham County and the annexation of the lot and tract would constitute a illegal island that would have negative impacts on the County development plans and would be in non-compliance with the law and it is hereby directed that the County inform the City of Savannah of its concerns in writing and exercise its rights under Service Delivery Strategy statute and work toward a mutually acceptable resolution; and

NOW THEREFORE, BE IT RESOLVED this Resolution is **ADOPTED** and **PASSED** this 16th day of October, 2026.

The Board of Commissioners of Chatham County

By: Chester A. Ellis
Its: Chairman



By: Janice Bocook
Its: Clerk of The Board of Commissioners