



**A SUBSTITUTE ORDINANCE
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

A SUBSTITUTE ORDINANCE TO CHANGE THE NAME OF HILLSIDE PARK HOUSING ENTERPRISE ZONE TO THE PEAKS AT WEST ATLANTA HOUSING ENTERPRISE ZONE, AND TO CHANGE THE EFFECTIVE DATE OF CREATION FOR THE HILLSIDE PARK HOUSING ENTERPRISE ZONE, FROM JANUARY 1, 1999 TO JANUARY 1, 2002 AND FOR OTHER PURPOSES.

WHEREAS, an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS, enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS, the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta authority to designate areas within the City as urban enterprise zones for residential purposes; and

WHEREAS, by ordinance adopted May 4, 1998 and effective May 12, 1998, the Hillside Park Housing Enterprise Zone was created to become effective January 1, 1999; and

WHEREAS, RHA Housing, Inc., has formally requested that the name of the Hillside Park Housing Enterprise Zone be changed to the Peaks at West Atlanta Housing Enterprise Zone; and

WHEREAS, the Hillside Park Housing Enterprise Zone has remained undeveloped as a result of unanticipated development impediments; and

WHEREAS, The State of Georgia General Assembly's House Bill 483 amends the Atlanta/Fulton County Urban Enterprise Zone Act by giving the Council of the City of Atlanta authority to change the effective date for local enterprise zones that remain undeveloped as a result of unanticipated development impediments; and

WHEREAS, RHA Housing, Inc., has formally requested that the effective date of the Hillside Park Housing Enterprise Zone be changed from January 1, 1999 to January 1, 2002;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

Section 1: The Hillside Park Housing Enterprise Zone is hereby amended. The name shall be changed to The Peaks at West Atlanta Housing Enterprise Zone.

Section 2: The effective date of all exemptions established therein shall be January 1, 2002. The Peaks at West Atlanta Housing Enterprise Zone shall be abolished on December 31, 2011. The Peaks at West Atlanta Housing Enterprise Zone shall otherwise not be abolished except as provided in State law.

Section 2: Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta



metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. For said units, the property owner shall verify each tenant's household income at the time that said tenant initially executes a lease agreement. Furthermore, the property owner, by January 31 of each year, shall submit a report to the Commissioner of Planning, Development, and Neighborhood Conservation, indicating the household income of each tenant who executed a lease agreement during the previous calendar year.

Section 3: The Municipal Clerk is hereby directed to transmit a copy of this ordinance as well as the legal description of the Peaks at West Atlanta Housing Enterprise Zone, to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon approval by the Mayor of the City of Atlanta.

Section 4: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

JUL 16, 2001
JUL 24, 2001



EXHIBIT A

SEP-13-97 TUE 10:34 AM TIP

4043217000

P. 02

3.5 Acres approx.

W A R R A N T I D E E D

STATE OF GEORGIA

COUNTY OF DEKALB

GEORGIA, FULTON COUNTY
 FILED AND RECORDED
 1995 DEC 12 AM 8:30
 CLERK SUPERIOR COURT
 JUANITA HICKS
 Clerk, Superior Court
 By: *[Signature]*
 Clerk

THIS INDENTURE, made and entered into this _____ day of _____ one thousand nine hundred ninety-five, between S. PATRICK GILLENLINE of the State of Georgia, as party or parties of the first part, hereinafter called Grantor, and UNITY OUTREACH MINISTRIES, INC. 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 DOLLARS (\$10.00) AND OTHER GOOD AND 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 the following described real property, to wit:

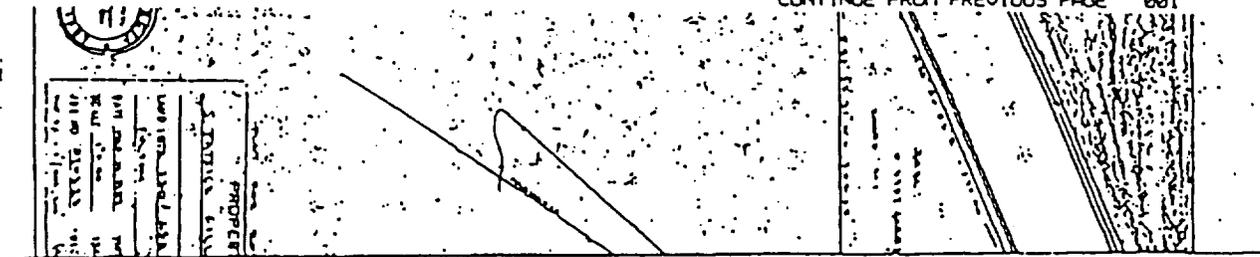
PARCEL ONE

All that tract or parcel of land lying and being in Land Lots 250 and 258 of the 17th District of Fulton County, Georgia and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at a point on the easterly right-of-way of Northwest Drive which point is 339.31 feet northwesterly from where the easterly side of Northwest Drive intersects the south line of Land Lot 258, as measured along the easterly side of Northwest Drive; running thence north 56 degrees, 27 minutes, 06 seconds east 149.91 feet to an iron pin at THE TRUE POINT OF BEGINNING; running thence north 33 degrees, 30 minutes, 44 seconds west 209.3 feet to an iron pin; running thence north 56 degrees, 34 minutes, 22 seconds east, 829.95 feet to a 2 inch pipe; running thence south 48 degrees, 52 minutes, 20 seconds east, 33.17 feet to an iron pin on the northwesterly side of James Jackson Parkway (65 foot right of way); running thence south 33 degrees, 55 minutes, 36 seconds west along the northwesterly side of James Jackson Parkway 460.10 feet to an iron pin; running thence southwesterly along the northwesterly side of James Jackson Parkway and following the curvature thereof an arc distance of 275.24 feet to an iron pin, said arc having a chord with a bearing of south 29 degrees, 34 minutes, 19 seconds west and a distance of 274.72 feet to a point; running thence northwesterly 125.2 feet more or less to a point; running thence south 56 degrees, 27 minutes, 06 seconds west a distance of 168.09 feet more or less to the TRUE POINT OF BEGINNING.



CONTINUE FROM PREVIOUS PAGE 001



heirs and assigns, all that tract or parcel of land lying and being in Land Lots 250 and 258 of the 17th District, Fulton County, Georgia, and being more particularly described as follows:

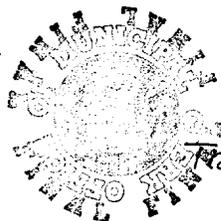
BEGINNING at an iron pin on the northeastern right of way of Northwest Drive six hundred forty-two and eight tenths (642.8) feet north westerly of the intersection of the northeastern right of way of Northwest Drive and the south line of Land Lot 258, as measured along the northeastern right of way of said road; from said point of beginning run northwesterly along the northeastern right of way of Northwest Drive sixty-eight (68) feet to an iron pin located on the property line of property now or formerly owned by Alice Deaton Clayton; run thence north 47 degrees 45 minutes east along said Clayton property three hundred forty-two and two tenths (342.2) feet to an iron pin; run thence northwesterly along said Clayton property and along a line which forms an exterior angle of 89 degrees 37 minutes with the preceding course eighty-six (86) feet to the southeastern line of a 30-foot wide unopened road; run thence northeasterly along the southeastern line of said road four hundred ninety-five (495) feet to an iron pin; thence northwesterly along a line which forms an exterior angle of 92 degrees with the preceding course thirty (30) feet to the northwestern line of said 30-foot wide unopened road and to property now or formerly owned by J. E. Haulbrook continuing northwesterly along the same preceding course and along said Haulbrook property a distance of three hundred and two tenths (300.2) feet to an iron pin; thence northeasterly along a line which forms an interior angle of 84 degrees 40 minutes with the preceding course one hundred fifteen and five tenths (115.5) feet to an iron pin; thence northwesterly fifty (50) feet to an iron pin; thence north 88 degrees 10 minutes east nine hundred seventeen and eight tenths (917.8) feet to an iron pin located on the westerly right of way of James Jackson Parkway, having a 65-foot wide right of way; thence southerly and southwesterly along the western and northwestern right of way of said Jackson Parkway five hundred ninety-six and five tenths (596.5) feet to an iron pin; thence northwesterly thirty-seven and eight tenths (37.8) feet to an iron pin; thence southwesterly along a line which forms an exterior angle of 105 degrees 20 minutes with the preceding course a distance of seven hundred six and four tenths (706.4) feet to an iron pin; thence northwesterly along a line which forms an interior angle of 82 degrees 35 minutes with the preceding course eighty-seven (87) feet to an iron pin; thence southwesterly three hundred fifty-two and six tenths (352.6) feet to the iron pin and point of beginning, containing 13.14 acres as per Survey prepared by Joseph H. Hardman, Registered Land Surveyor, dated November, 1971.

OWNERS John F. Chapman, Constantine A. Harris, William A. Moncrief and Mary C. Davis

Exhibit A

13.14 Acres on Northwest Dr. Atlanta Ga

JAMES JACKSON PKWY & NORTHWEST DRIVE



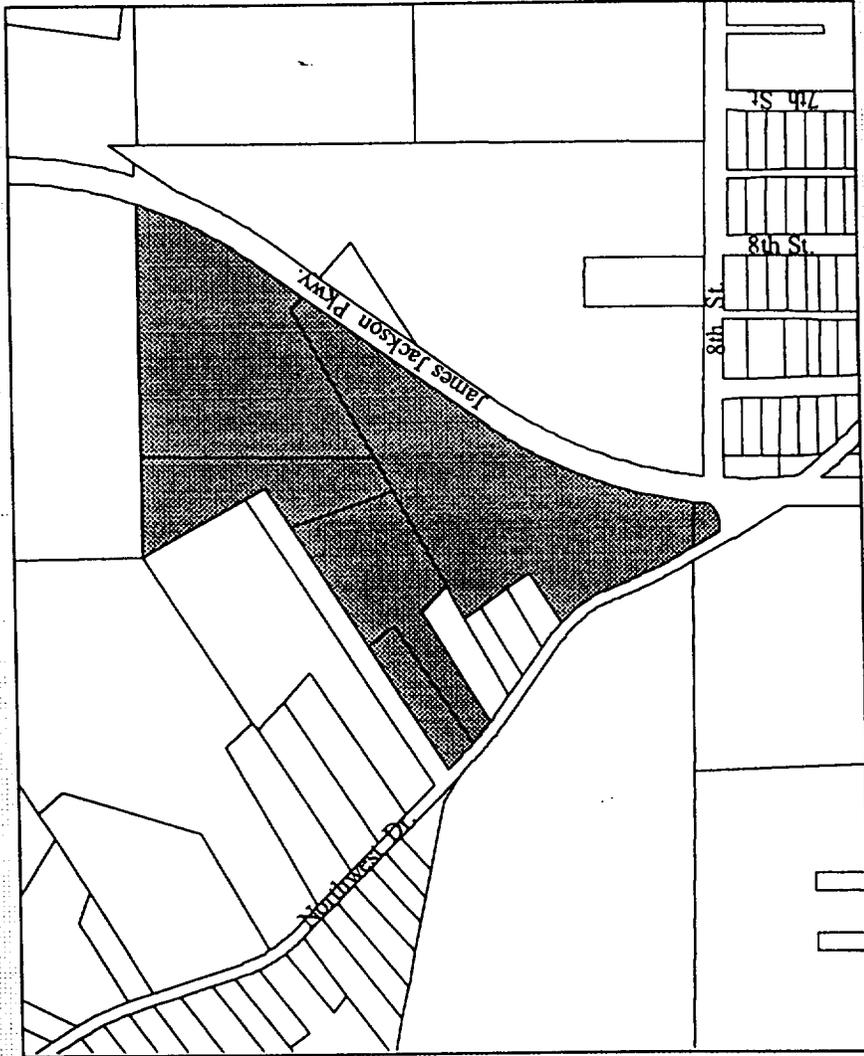
TRACT #4

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING
IN LAND LOT 258, 17TH DISTRICT, FULTON COUNTY, GEORGIA
AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND AT THE POINT WHERE
THE SOUTH LINE OF LAND LOT 258 INTERSECTS THE EASTERLY
RIGHT-OF-WAY OF NORTHWEST DRIVE (40' R/W); THENCE
N 89° 09' 15" E 80.49 FEET TO A CRIMP TOP PIPE FOUND
ALSO THE NORTHEASTERLY RIGHT-OF-WAY OF JAMES
JACKSON PARKWAY (65' R/W). THENCE NORTHEASTERLY
ALONG SAID RIGHT-OF-WAY, ALONG A CURVE TO THE
RIGHT AN ARC DISTANCE OF 386.09 FEET TO A CRIMP
TOP PIPE FOUND, SAID ARC HAVING A CHORD OF
384.30 FEET WITH A BEARING OF N 12° 09' 32" E AND
A RADIUS OF 1156.71 FEET, THENCE N 34° 06' 28" E
125.07 FEET TO AN OPEN TOP PIPE FOUND; THENCE
S 54° 48' 59" W 167.46 FEET TO A REBAR FOUND; THENCE
S 54° 49' 35" W 150.56 FEET TO AN IRON PIN SET
AND THE EASTERLY RIGHT-OF-WAY OF NORTHWEST
DRIVE, THENCE S 27° 25' 46" E, ALONG SAID RIGHT-OF-
WAY, 108.19 FEET TO A POINT; THENCE S 24° 43' 10" E,
ALONG SAID RIGHT-OF-WAY, 80.97 FEET TO A POINT; THENCE
S 31° 22' 52" E, ALONG SAID RIGHT-OF-WAY, 100.15 FEET
TO A POINT; THENCE S 32° 24' 45" E, ALONG SAID RIGHT-
OF-WAY, 50.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 2.036 ACRES.

PROJECT: HILLSIDE PARK APARTMENTS

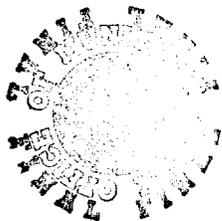


CYCLE ONE 1998

EXHIBIT B



May 15, 2001



Mr. Michael Dobbins, Director
Department of Planning Development
and Neighborhood Conservation
66 Mitchell Street, SW,
Atlanta, Georgia 30335-0308

Dear Mr. Dobbins:

I am hereby requesting an extension and modification of the 1998 Hillside Park Apartments Housing Enterprise Zone designation. The Norsouth Corporation's original proposal to develop 154 units of new affordable multifamily housing in Hillside Park Enterprise Zone (the 'Orchard Ridge' project) has been modified. We have been unable to complete any units or even begin construction, as the project did not receive federal tax credits needed to obtain financing. Norsouth is now planning to sell its interest in the project to RHA, the project's managing general partner, which has been approved for a tax-exempt bond financing by the Atlanta Development Authority. As a result, the project can now move forward. In order to make the new 214-unit development financially feasible, two additional parcels of land must be added to the site, and the initial date for the property tax abatement must be reset to give a full ten years benefit.

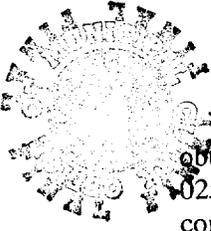
The Orchard Ridge project failed to receive tax credit allocations in either of the last two years and conventional financing was not feasible. Norsouth first submitted an application for low-income housing tax credits to the Georgia Department of Community Affairs in April 1999. Although the project scored 154 points under the project selection criteria and would have qualified for funding, it was rejected for market reasons. In the year 2000 tax credit allocation round the project scored 146 points, but the cutoff for allocating credits was 147 points making it the next project to be funded, which did not occur.

In 2001 it was Norsouth's intention to joint venture with RHA, a not for profit, and resubmit the project a third time for tax credits. RHA was also planning to develop another project using tax-exempt bonds issued by Urban Residential Finance Authority on nearby Field Road (the "Augusta Hills" project). URFA offered RHA a bond allocation earlier this year, but they were unable to secure financing on the Field Road site. At that point, the partnership formed by RHA and Norsouth offered the Orchard Ridge as an alternate site so that the bond allocation could be utilized. URFA approved the transfer of sites last month and the owners expect to close on the financing by June 30, 2001. Completion of the development is expected to take approximately another 15 to 18 months. Following that schedule, we are requesting a revision to the project start date and the real estate tax abatement period, so that the new ownership entity could fully benefit from the HZE designation and ensure feasibility.

ATLANTA
6445 Powers Ferry Road, NW, Suite 198
Atlanta, Georgia 30339
(770) 850-8280
FAX (770) 850-8230

SAVANNAH
329 Commercial Drive, Suite 110
Savannah, Georgia 31406
(912) 354-6096
FAX (912) 352-3451

EXHIBIT B



Finally, in order to accommodate this larger size development, Norsouth was able to obtain two adjacent parcels of land, parcels numbered 17-0258-0003-007 of 4.2 acres and 17-0258-0003-010 which is 0.58 acres. Both parcels are shown on the attached exhibit. We have confirmed that both sites are eligible for HZE designation and hereby formally request that they be added to the original zone.

Please consider this request and let me know if you require any additional information.

Sincerely,



Tom Gladis

RCS# 2995
7/16/01
2:24 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 16

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

B McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA

01-O-0992 01-R-1108
01-O-0710 01-R-1041
01-O-0711 01-R-1042
01-O-1089 01-R-1043
01-O-0995 01-R-1065

CONSENT

**ITEMS ADOPTED
ON CONSENT
AGENDA**

**ITEMS ADVERSED
ON CONSENT
AGENDA**

**ITEMS ADVERSED
ON CONSENT
AGENDA**

1. 01-O-1091
2. 01-O-0722
3. 01-O-0855
4. 01-O-0890
5. 01-O-0891
6. 01-O-0980
7. 01-O-0924
8. 01-O-1086
9. 01-O-1090
10. 01-O-0731
11. 01-O-0917
12. 01-R-1013
13. 01-R-1014
14. 01-R-1015
15. 01-R-1016
16. 01-R-1007
17. 01-R-1009
18. 01-R-1012
19. 01-R-1005
20. 01-R-1006
21. 01-R-1011
22. 01-R-1109
23. 01-R-1017
24. 01-R-1077
25. 01-R-1080
26. 01-R-1019
27. 01-R-1020
28. 01-R-1021
29. 01-R-1022
30. 01-R-1023
31. 01-R-1024
32. 01-R-1025
33. 01-R-1026
34. 01-R-1027
35. 01-R-1028
36. 01-R-1107

37. 01-R-1029
38. 01-R-1030
39. 01-R-1031
40. 01-R-1032
41. 01-R-1033
42. 01-R-1034
43. 01-R-1035
44. 01-R-1036
45. 01-R-1037
46. 01-R-1038
47. 01-R-1039
48. 01-R-1040
49. 01-R-1044
50. 01-R-1045
51. 01-R-1046
52. 01-R-1047
53. 01-R-1048
54. 01-R-1049
55. 01-R-1050
56. 01-R-1051
57. 01-R-1052
58. 01-R-1053
59. 01-R-1054
60. 01-R-1055
61. 01-R-1056
62. 01-R-1057
63. 01-R-1058
64. 01-R-1059
65. 01-R-1060
66. 01-R-1061
67. 01-R-1062
68. 01-R-1063
69. 01-R-1064
70. 01-R-1066
71. 01-R-1067
72. 01-R-1068

73. 01-R-1069
 74. 01-R-1070
 75. 01-R-1071
 76. 01-R-1072
 77. 01-R-1073
 78. 01-R-1104
-

01- C-0917

(Do Not Write Above This Line)

AN ORDINANCE

BY COMMUNITY DEVELOPMENT AND HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO EXTEND THE EFFECTIVE DATE OF CREATION FOR THE ORCHARD RIDGE HOUSING ENTERPRISE ZONE, FORMERLY HILLSIDE PARK HOUSING ENTERPRISE ZONE, FROM JANUARY 1, 1999 TO JANUARY 1, 2002 AND FOR OTHER PURPOSES

A SUBSTITUE ORDINANCE

BY: COMMUNITY DEVELOPMENT AND HUMAN RESOURCES COMMITTEE

A SUBSTITUTE ORDINANCE TO CHANGE THE NAME OF HILLSIDE PARK HOUSING ENTERPRISE ZONE TO THE PEAKS AT WEST ATLANTA HOUSING ENTERPRISE ZONE, AND TO CHANGE THE EFFECTIVE DATE OF CREATION FOR THE HILLSIDE PARK HOUSING ENTERPRISE ZONE, FROM JANUARY 1, 1999 TO JANUARY 1, 2002 AND FOR OTHER PURPOSES

- CONSENT REFER
REGULAR REPORT REFER
ADVERTISE & REFER
1st ADOPT 2nd READ & REFER

Date Referred 7/20/01 COUNCIL

Community Development / Human Resources

SUBSTITUTE

Committee
Date
Chair

Committee
Date
Chair
Actions
Fav, Adv, Held
Other
Members
Refer To

Committee
Date
Chair
Actions
Fav, Adv, Held
Other
Members
Refer To

COUNCIL ACTION
2nd
1st & 2nd
3rd
Consent
V Vote
RC Vote

CERTIFIED
JUL 16 2001
COUNCIL PRESIDENT PROTEM

CERTIFIED
JUL 16 2001
MUNICIPAL CLERK

MAYOR'S ACTION
JUL 24 2001