

AN ORDINANCE

BY COUNCILMEMBER CATHY WOOLARD

01- ②-1446

AN ORDINANCE TO PROVIDE FOR THE DEANNEXATION OF LAND LOCATED AT 1761 SOUTH PONCE DE LEON AVE., NE, ATLANTA, GEORGIA FROM THE CORPORATE LIMITS OF THE CITY OF ATLANTA GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS, the Atlanta city limit line dissects the residential property located at 1761 South Ponce de Leon Avenue, Atlanta DeKalb County, Georgia 30307 so that the rear portion of the property is located within the corporate limits of the City of Atlanta while the front portion is located in unincorporated DeKalb County; and

WHEREAS, pursuant to O.C.G.A. § 36-36-22, the Board of Commissioners of DeKalb County, Georgia has indicated its consent to the deannexation by adoption of a Resolution attached hereto as Exhibit A; and

WHEREAS, O.C.G.A. § 36-36-22 allows the governing bodies of municipal corporations of the state of Georgia to deannex an area or areas of its existing corporate limits upon the written and signed application of the owner of the land to be deannexed; and

WHEREAS, pursuant to O.C.G.A. § 36-36-22, the property owner has properly requested deannexation from the City of Atlanta by submission of a signed application containing a complete description of the property to be deannexed attached hereto as Exhibit B.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1. The property at 1761 South Ponce de Leon Avenue, Atlanta, DeKalb County Georgia 30307, is hereby deannexed from the corporate limits of the City of Atlanta, Georgia, pending approval by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.

Section 2. The DeKalb County Board of Commissioners has evidenced its consent to the deannexation by Resolution, adopted and approved on July 10, 2001, a certified copy of which is hereby filed as part of this Ordinance and identified as Exhibit A.

Section 3. There is hereby filed, as part of this Ordinance and identified as Exhibit B, the property owner's application for deannexation together with a copy of the legal description of the property to be deannexed.

Section 4. The Municipal Clerk is hereby authorized and directed to file a report identifying the property deannexed with the Department of Community Affairs and with the governing authority of DeKalb County as required by O.C.G.A. § 36-36-3, and to take all other actions required by law with regard to the adoption of this ordinance and the deannexation of the Property.

Section 5. All Ordinances, or parts of Ordinances in conflict with the terms of this Ordinance are hereby repealed; but it is hereby provided that any Ordinance or law, which may be applicable hereto and aid in carrying out the intent, purpose and provisions hereof, shall be liberally construed to be in favor of the City of Atlanta and is hereby adopted as a part hereof.

01-0-1446

(Do Not Write Above This Line)

A RESOLUTION *GENS & ANGE*
BY COUNCILMEMBER CATHY WOOLARD

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DEANNEXATION OF LAND LOCATED AT
1761 SOUTH PONCE DE LEON AVE., NE,
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CORPORATE LIMITS OF THE CITY OF
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PURPOSES.

FILED BY
CITY COUNCIL

DEC 03 2001

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

Date Referred 9/4/01

Referred To: Finance/Executive

Date Referred 9/17/01

Referred To: Finance/Executive

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee *Finance/Executive*
Date *9/13/01*
Chair *NY4*
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: *Forward w/ no recomm.*
Members _____
C.T. Ponce (NY4)
Wesley J. GFA
YEA
Stella Ponce ABS
Chair Refers Della ABS

Committee *F.N. 24-6*
Date *9-26-01*
Chair _____
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: _____
Members _____
Refer To _____

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

CERTIFIED

ATLANTA CITY COUNCIL PRESIDENT
 DEC 3 2001
Richard A. Parker

CERTIFIED

DEC 03 2001

DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION