

City Council  
Atlanta, Georgia

**02-0-1269**

AN ORDINANCE  
BY: ZONING COMMITTEE

Z-02-54  
DATE FILED: 6-10-02

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection therewith be changed so that the following property located at **854, 856, 856 (Rear), 874, 878, 882, 886 Ernest Street, N.W.** be changed from the **I-2 (Heavy Industrial)** District, to the **O-I (Office-Institutional)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **150** of the **17<sup>th</sup>** District, Fulton County, Georgia being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development," as identified by the use of the suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

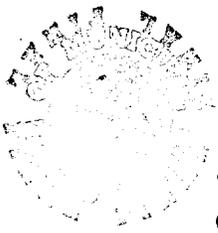
SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

SEP 16, 2002  
SEP 24, 2002



TRACT DESCRIPTION INCLUDING TRACTS 1, 2, 3, 4, 5, 6 & 7 AS SHOWN ON A "ZONING EXHIBIT" PREPARED FOR THE HOWARD SCHOOL, DATED JUNE 8, 2002

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 150, OF THE 17<sup>th</sup> DISTRICT, OF FULTON COUNTY, GEORGIA, SAID TRACT ALSO BEING LOTS 24 THROUGH 45 OF THE "SUNSET HEIGHTS" SUBDIVISION, RECORDED IN PLAT BOOK 11, PAGE 198, BEING ON FILE WITH THE CLERK OF SUPERIOR COURT, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO LOCATE THE TRUE POINT OF BEGINNING, BEGIN AT A POINT LOCATED AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF WEST LANE (HAVING A 40 FOOT RIGHT-OF-WAY WIDTH) WITH THE SOUTHERLY RIGHT-OF-WAY LINE EXTENDED OF ERNEST STREET (HAVING A VARIABLE RIGHT-OF-WAY WIDTH); THENCE RUNNING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF ERNEST STREET A DISTANCE OF 382.34 FEET TO A POINT; SAID POINT BEING OF THE TRUE POINT OF BEGINNING; THENCE FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED DEPARTING SAID RIGHT-OF-WAY LINE RUNNING ALONG THE PROPERTY LINE OF PROPERTY NOW OR FORMERLY BELONGING TO THE BOARD OF EDUCATION OF THE CITY OF ATLANTA SOUTH 00 DEGREES 18 MINUTES 57 SECONDS WEST A DISTANCE OF 167.09 FEET TO A POINT; THENCE DEPARTING SAID PROPERTY LINE RUNNING ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SPRING ROAD (HAVING A 40 FOOT RIGHT-OF-WAY WIDTH) SOUTH 82 DEGREES 52 MINUTES 20 SECONDS WEST A DISTANCE OF 435.01 FEET TO A POINT; THENCE DEPARTING SAID RIGHT-OF-WAY LINE RUNNING ALONG THE PROPERTY LINE OF PROPERTY NOW OR FORMERLY BELONGING TO ROBERT HAYWOOD AND ALONG THE LAND LOT LINE COMMON TO LAND LOTS 150 AND 189 NORTH 00 DEGREES 18 MINUTES 57 SECONDS EAST A DISTANCE OF 226.92 FEET TO A POINT; THENCE DEPARTING SAID PROPERTY LINE AND SAID LAND LOT LINE RUNNING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF ERNEST STREET SOUTH 89 DEGREES 13 MINUTES 21 SECONDS EAST A DISTANCE OF 431.36 FEET TO A POINT LOCATED AT THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 84,977 SQUARE FEET, BEING 1.950 ACRES.

LESS AND EXCEPT THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING APPROXIMATELY 0.251 ACREA AND BEING MORE PARTICULARLY DESCRIBED ON THE FOLLOWING PAGE 2 OF THE WITHIN EXHIBIT "C".

2-02-54

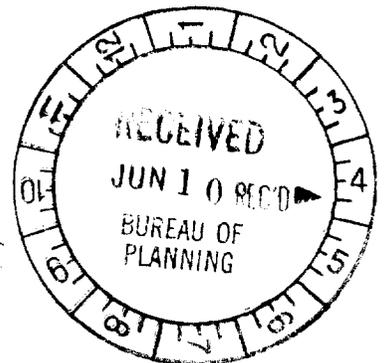
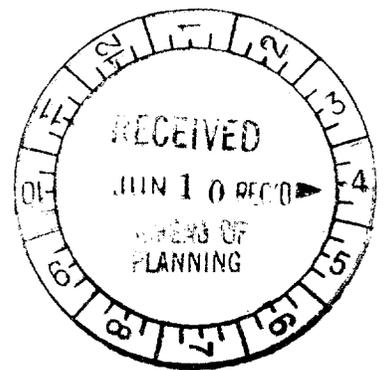


Exhibit "C"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 150 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT POINT LOCATED AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF WEST LANE (HAVING A 40-FOOT RIGHT-OF-WAY) WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF ERNEST STREET (HAVING AN APPARENT 20-FOOT RIGHT-OF-WAY AT THIS POINT); THENCE RUNNING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF ERNEST STREET SOUTH 89 DEGREES 13 MINUTES 21 SECONDS EAST A DISTANCE OF 463.00 FEET TO AN IRON PIN SET (NO. 4 REBAR), SAID IRON PIN SET BEING THE TRUE POINT OF BEGINNING; THENCE FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED AND DEPARTING SAID RIGHT-OF-WAY LINE RUNNING ALONG THE PROPERTY LINE OF PROPERTY NOW OR FORMERLY BELONGING TO TILMON WOODEN AND J.D. NANCE AND ALSO KNOWN AS THE PROPERTY LINE BETWEEN LOTS 25 AND 26 AND LOTS 44 AND 43 OF SUNSET HEIGHTS SUBDIVISION, RECORDED IN PLAT BOOK 11, PAGE 198 ON FILE IN FULTON COUNTY, GEORGIA, SOUTH 00 DEGREES 18 MINUTES 57 SECONDS WEST A DISTANCE OF 178.28 FEET TO AN IRON PIN SET (NO. 4 REBAR); THENCE DEPARTING SAID PROPERTY LINE RUNNING ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SPRING ROAD (HAVING A 40-FOOT RIGHT-OF-WAY) SOUTH 82 DEGREES 52 MINUTES 20 SECONDS WEST A DISTANCE OF 60.51 FEET TO AN IRON PIN SET (NO. 4 REBAR); THENCE DEPARTING SAID RIGHT-OF-WAY LINE RUNNING ALONG THE PROPERTY LINE OF PROPERTY NOW OR FORMERLY BELONGING TO HARRY L. JOHNSON AND EVA B. JOHNSON ALSO RUNNING ALONG THE LINE DIVIDING LOT 42 IN HALF AND THE PROPERTY LINE OF LOTS 26 AND 28 OF SAID SUNSET HEIGHTS SUBDIVISION NORTH 00 DEGREES 18 MINUTES 57 SECONDS EAST A DISTANCE OF 186.60 FEET TO AN IRON PIN SET (NO. 4 REBAR); THENCE DEPARTING SAID PROPERTY LINE RUNNING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF ERNEST STREET SOUTH 89 DEGREES 13 MINUTES 21 SECONDS EAST A DISTANCE OF 60.00 FEET TO AN IRON PIN SET AT THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 0.251 ACRE (BEING 10,946 SQUARE FEET) INCLUDING ALL EASEMENTS.



2-02-54

RCS# 4003  
9/16/02  
3:26 PM

Atlanta City Council

Regular Session

MULTIPLE

02-O-1269/Z-02-54; 02-O-0880/U-02-14  
02-O-1271/U-02-17  
ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 1  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	E Martin	B Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	NV Muller	Y Boazman	NV Woolard

MULTIPLE

02-0-1269

(Do Not Write Above This Line)

AN ORDINANCE Z-02-54  
BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM THE I-2  
(HEAVY INDUSTRIAL) DISTRICT TO THE  
O-I (OFFICE-INSTITUTIONAL) DISTRICT, TO  
PROPERTY LOCATED AT 854, 856, 856  
(REAR), 874, 878, 882, 886 ERNEST  
STREET, N.W., FRONTING APPROXIMATELY  
380 FEET ON THE SOUTHWEST CORNER OF ERNEST  
STREET BEGINNING 382.34 FEET WEST  
FROM THE SOUTHWEST CORNER OF WEST  
LANE. DEPTH: VARIES; AREA: 1.699  
ACRES; LAND LOT 150, 17TH DISTRICT,  
FULTON COUNTY, GEORGIA.  
OWNER: THE HOWARD SCHOOL, INC.

ET AL

APPLICANT: THE HOWARD SCHOOL, INC.  
BY: NATHAN V. HENDRICKS, III ESQ.

ATTORNEY

NPJ-D COUNCIL DISTRICT 9

ADOPTED BY  
SEP 16 2002

COUNCIL

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

Date Referred 7/15/02  
Referred To: ZRB & Zoning

Committee ZONING  
Date SEP 11 2002  
Chair Debra K. Starns

Committee	_____
Date	_____
Chair	_____
Actions	_____
Fav, Adv, Held (see rev. side)	_____
Other	_____
Members	_____
Refer To	_____

Committee	_____
Date	_____
Chair	_____
Actions	_____
Fav, Adv, Held (see rev. side)	_____
Other	_____
Members	_____
Refer To	_____

First Reading

Committee ZONING  
Date SEP 10 2002  
Chair Debra K. Starns

Committee	_____
Date	_____
Chair	_____
Actions	_____
Fav, Adv, Held (see rev. side)	_____
Other	_____
Members	_____
Refer To	_____

Committee	_____
Date	_____
Chair	_____
Actions	_____
Fav, Adv, Held (see rev. side)	_____
Other	_____
Members	_____
Refer To	_____

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

CERTIFIED

CERTIFIED  
SEP 16 2002  
*Debra K. Starns*  
MEMORIAL CLERK

CERTIFIED  
SEP 16 2002  
*Debra K. Starns*  
MEMORIAL CLERK

MAYOR'S ACTION

APPROVED  
*Shirley F. ...*  
SEP 16 2002  
MAYOR