

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

A SUBSTITUTE ORDINANCE TO CREATE THE "MISTY AMBER SENIOR APARTMENTS HOUSING ENTERPRISE ZONE", TO BE LOCATED AT 3724 (f.k.a. a portion of 3704/a.k.a. 3712) MARTIN LUTHER KING, JR. DRIVE, 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 the authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS the designation of a housing enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property that is exempted by the City; and

WHEREAS certain types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period, and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

WHEREAS the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the "Misty Amber Senior Apartments Housing Enterprise Zone";

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



Section 1: It is found by the Council of the City of Atlanta that the area in and around the property that would be designated as the "Misty Amber Senior Apartments Housing Enterprise Zone" is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the property that would be designated as the "Misty Amber Senior Apartments Housing Enterprise Zone" are characterized by having no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically- and socially-depressed areas designated herein as urban enterprise zones.

Section 2: The Misty Amber Senior Apartments Housing Enterprise Zone" is hereby created for the subject property at 3724 (f.k.a. a portion of 3704/a.k.a. 3712) Martin Luther King, Jr. Drive. The effective date of all exemptions established therein shall be January 1, 2003. The Misty Amber Senior Apartments Housing Enterprise Zone shall be abolished on December 31, 2012. The Misty Amber Senior Apartments Housing Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of the Misty Amber Senior Apartments Housing Enterprise Zone is attached hereto as Exhibit "A", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of Misty Amber Senior Apartments 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 the approval by the Mayor of the City of Atlanta.

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

A true copy,

Shonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

NOV 04, 2002
NOV 08, 2002

0E2-02-03

EXHIBIT "A"

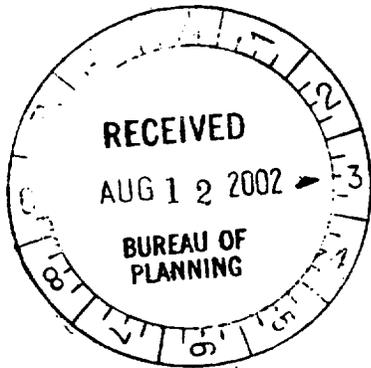


LEGAL DESCRIPTION

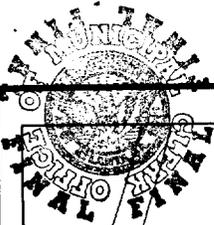
MISTY AMBER SENIOR HOUSING

All that tract or parcel of land lying and being in Land Lot 15 of the 14th District FF, Fulton County, Georgia and being more particularly described as follows:

To reach the true point of beginning commence at a point being the intersection of the Land Lot Line common to Land Lots 14 and 15 and the southwesterly Right-of-Way of Martin Luther King, Jr. Drive (90' R/W); thence along said Right-of-Way along a curve to the right an arc distance of 135.75 feet (said curve having a radius of 3192.10 feet; a chord distance of 135.74 feet and a chord bearing of North 34° 00' 55" West) to a point; thence North 32° 47' 49" West a distance of 415.26 feet to the TRUE POINT OF BEGINNING, from point thus established and leaving said Right-of-Way of Martin Luther King, Jr. Drive and running South 57° 12' 11" West a distance of 250.00 feet to a point; thence North 87° 04' 48" West a distance of 416.58 feet to a point; thence North 00° 03' 38" West a distance of 450.00 to a point; thence North 89° 56' 22" East a distance of 410.00 feet to a 1/2 " rebar set on the southwesterly Right-of-Way of aforementioned Martin Luther King, Jr. Drive; thence along said Right-of-Way South 32° 47' 49" East a distance of 400.00 feet to the true POINT OF BEGINNING. Said tract containing 5.516 acres.



For Proposed Small Parcel



15

FAIRLOCK

I-20 WB

I-20

MARTIN LUTHER KING, JR. BLVD.

WOODSTOCK

ADAMSVILLE

STER-OAK

**MISTY AMBER SENIOR APARTMENTS
HOUSING ENTERPRISE ZONE**



RCS# 4209
11/04/02
6:38 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-10; Except 02-R-1871
02-R-1885; 02-O-1879
ADOPT

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

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

CONSENT I

11/08/02 Council Meeting

ITEMS ADOPTED ON CONSENT

AGENDA

1. 02-O-1730
2. 02-O-1733
3. 02-O-1734
4. 02-O-1891
5. 02-O-1537
6. 02-O-1550
7. 02-R-1587
8. 02-R-1893
9. 02-R-1857
10. 02-R-1858
11. 02-R-1883
12. 02-R-1901
13. 02-R-1851
14. 02-R-1852
15. 02-R-1729
16. 02-R-1910
17. 02-R-1846
18. 02-R-1862
19. 02-R-1626
20. 02-R-1855
21. 02-R-1876
22. 02-R-1815
23. 02-R-1816
24. 02-R-1817
25. 02-R-1818
26. 02-R-1819
27. 02-R-1820
28. 02-R-1821
29. 02-R-1822
30. 02-R-1823
31. 02-R-1824
32. 02-R-1825
33. 02-R-1826

**ITEMS ADVERSED
ON CONSENT AGENDA**

34. 02-R-1827
35. 02-R-1828
36. 02-R-1829
37. 02-R-1830
38. 02-R-1831
39. 02-R-1832
40. 02-R-1833
41. 02-R-1834
42. 02-R-1835
43. 02-R-1836
44. 02-R-1837
45. 02-R-1838
46. 02-R-1839
47. 02-R-1841
48. 02-R-1842
49. 02-R-1843
50. 02-R-1844
51. 02-R-1845

Consent I Vote: 13 Yeas; 0 Nays (See RCS #4209)
Items Removed from Consent: 02-R-1871; 02-R-1885; 02-O-1879
(Initial Consent Vote Reconsidered; See RCS #4162 & RCS #4208)

02-0-1537

(Do Not Write Above This Line)

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BY: COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE

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NPU "H" COUNCIL DISTRICT 10

ADOPTED BY

NOV 04 2002

COUNCIL

SUBSTITUTE

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

Date Referred 9/16/02
Referred To: Community Development / Human Resources

First Reading

Committee CP/HR
Date 9/10/02
Chair [Signature]

Committee CP/HR
Date 10/1/02
Chair [Signature]

Action:
Fav, Adv, Held (see rev. side)

Other:

Members: 10/15/02

Refer To

Committee CP/HR
Date 10/29/02
Chair [Signature]

Action:
Fav, Adv, Held (see rev. side)

Other: Subst.

Members: [Signatures]

Refer To

COUNCIL ACTION

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

CERTIFIED

NOV 04 2002

MAYOR'S ACTION

[Signature: Stanley Frankli]
NOV 08 2002