AN ORDINANCE

07-O -0613

BY COUNCILMEMBER JIM MADDOX

AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO PROVIDE THAT A CERTAIN SUBDIVISION SD-06-40, (1571 DODSON DRIVE, SW) APPLICANT DEPOSIT A DOLLAR AMOUNT ($3,900.00) EQUAL TO THE VALUE OF THE REQUIRED SIDEWALK CONSTRUCTION INTO A DESIGNATED TRUST FUND ACCOUNT FOR DISTRICT 11; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to the application for the subdivision of land submitted by the developer, in compliance with the provisions of Section 15-09.003 to provide sidewalks on both sides of existing as well as proposed streets; and

WHEREAS, the construction of sidewalks along the frontage of this subdivision would adversely affect the appearance and character of the neighborhood due to the lack of any existing sidewalks on the streets that contain the proposed subdivided lots to which the sidewalks could connect; and

WHEREAS, the City and the area residents would be better served by the construction of sidewalks and pedestrian improvements in other areas of said subdivision within District 11.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That the requirements of Section 15-09.003 of the City of Atlanta Code of Ordinance, which requires that an application for the subdivision of land provide sidewalks is hereby waived for Subdivision SD-06-40 (1571 Dodson Drive, SW).

SECTION 2: That the waiver of said requirements for the aforementioned application are conditioned upon the agreement of the applicant to pay the City of Atlanta a dollar amount ($3,900.00) equal to the value of construction of said sidewalks as required by Section 15-09.003 and as determined by the Commissioner of Department of Public Works.

SECTION 3: That before the Director of Bureau of Building issues any building permit for construction within the subdivisions sited above, said funds shall be deposited in Trust Fund Account 3P02 424101 Y63T19059999, to be used for pedestrian improvements and sidewalk construction only in Council District 11.

SECTION 4,: That all other requirements of the Code of Ordinances for the subdivisions sited above shall remain in full force and effect.

SECTION 5: That all ordinances and parts of ordinances in conflict herewith be and the same are hereby waived.