07-O-0968

CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE BY : Jim Maddox

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF LAND KNOWN AS THE ORKNEY/LANARK DRIVE COMMUNITY TO THE CORPORATE LIMITS OF THE CITY OF ATLANTA; TO PROVIDE FOR THE NOTIFICATION OF THE DEPARTMENT OF COMMUNITY AFFAIRS; AND FOR OTHER PURPOSES.

WHEREAS, owners of real property and resident electors in the Orkney/Lanark Drive Community have applied to the City of Atlanta for annexation of certain property located within the Orkney/Lanark (Property), as more fully described in exhibit "A" attached hereto; and

WHEREAS, the City of Atlanta has determined that the property is contiguous to the existing corporate limits of the City of Atlanta, and that the applicants include the title holder of record of more than 60% of the privately-owned land within the property, as evidenced by the records of the Fulton County Superior Court and more than 60% of the electors resident of the property, as evidenced by the list of electors drawn from the records of the Fulton County Board of Registrations and Elections; and

WHEREAS, the City of Atlanta has lawfully provided notice to the Board of Commissioners and the County Manager of Fulton County of the City of Atlanta's receipt of the Application for annexation of the property; and

WHEREAS, the City of Atlanta has held a public hearing regarding the application and the Council's consideration thereof and has complied with all applicable laws, ordinances, and agreements with respect to the processing of such application; and

WHEREAS, the City of Atlanta has the authority pursuant to O.C.G.A. §36-36-1 et. seq. to annex certain property into the corporate limits of the City of Atlanta, provided that the Mayor and Council of the City of Atlanta determine that the annexation of the property would be in the best interest of the City and the residents of the area to be annexed; and

WHEREAS, any annexation must be approved by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965; and

WHEREAS, the City of Atlanta has determined that the Application meets the requirements of law pursuant to O.C.G.A. §36-36-1 et. seq.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

Section 1. That the Orkney/Lanark Drive Community (Property) is hereby annexed into the existing corporate limits of the City of Atlanta, Georgia.

Section 2. The Department of Law is hereby authorized and directed to submit to the United States Department of Justice (DOJ) all necessary documentation required for the DOJ's review and approval of the annexation pursuant to Section 5 of the Voting Rights Act of 1965.

Section 3. The Department of Law is hereby authorized to file a report identifying the property annexed with the Department of Community Affairs of the state of Georgia and with the governing authority of Fulton County and to take all other actions required by law with regard to the adoption of this ordinance and the annexation of the property.

Section 4. This ordinance shall become effective immediately upon approval by the Mayor unless otherwise specifically stated by law. Notwithstanding the foregoing sentence, the effective date of this ordinance for school enrollment purposes of the Atlanta Public School System shall be _____, 2007.

Section 5. All ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby waived to the extent of the conflict.