Municipal Clerk
Atlanta, Georgia

07-0-2222

AN ORDINANCE **Z-06-101**
BY: ZONING COMMITTEE Date Filed: 8-14-06

AN ORDINANCE CORRECTING ORDINANCE 07-O-1342, ADOPTED BY CITY COUNCIL AUGUST 20, 2007, APPROVED BY THE MAYOR AUGUST 28, 2007 REZONING PROPERTY LOCATED AT 415 GARTRELL STREET, N.E. (ALSO ADDRESSED AS 70 JACKSON STREET) FROM THE R-5 (TWO FAMILY RESIDENTIAL) DISTRICT TO THE MR-3 (MULTIFAMILY RESIDENTIAL) DISTRICT FOR THE PURPOSE OF INCLUDING THE CORRECT LEGAL DESCRIPTION.

WHEREAS, Z-06-101 was approved for rezoning from the R-5 (Two-Family Residential) district to the MR-3 (Multifamily Residential) District and adopted as substituted by the City Council on August 20, 2007 and approved by the Mayor on August 28, 2007; and

WHEREAS, the final zoning ordinance did not include the correct legal description upon which the recommendations of the staff, Neighborhood Planning Unit, Zoning Review Board, Zoning Committee and City Council were based.

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

SECTION 1. That Ordinance 07-O-1342 approved for rezoning from the R-5 (Two family Residential) district to the MR-3 (Multifamily Residential) District and adopted as substituted by the City Council on August 20, 2007 and approved by the Mayor on August 28, 2007; be corrected to include the legal description attached as "Exhibit A".

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 suffice "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 district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

"EXHIBIT A"

LEGAL DESCRIPTION
415 GARTRELL STREET, N.E.
(ALSO ADDRESSED AS 70 JACKSON STREET, N.E.)

Tract Three

To find the Point of Beginning, commence at a point located at the intersection of the South Right of Way Line of Gartrell Street (an apparent 40 feet wide right of way) and the East Right of Way Line of William Holmes Borders, Sr. Street (an apparent 50 feet wide right of way); thence, leaving said point and running with the said South Line of Gartrell Street, North 85° 23' 34" East, 310.35 feet to a point of intersection with the Westerly Right of Way Line of Jackson Street (an apparent 50 feet wide right of way); thence, running across Jackson Street, North 85° 41' 50" East, 51.25 feet to a nail hole found at the True Point of Beginning of the herein described tract or parcel of land, said point also being the intersection of the East Right of Way Line of said Jackson Street and the said South Line of Gartrell Street; thence, leaving the said Point of Beginning and running with the said line of Gartrell Street

1. North 85° 23' 34" East, 99.85 feet; thence, leaving the aforesaid South Line of Gartrell Street and running

2. South 13° 59' 33" East, 148.75 feet to a point of intersection with the North Right of Way Line of Lucy Street (an apparent 30 feet wide right of way); thence, running with the said line of Lucy Street

3. South 84° 42' 36" West, 93.82 feet to a ½ inch rebar found at the intersection with the aforesaid East Line of Jackson Street; thence, running with the said East Line of Jackson Street

4. North 16° 11' 11" West, 150.95 feet to the Point of Beginning, containing 14,280 square feet or 0.3278 of an acre of land, more or less.

Property is subject to all easements and rights of way recorded and unrecorded.

City Council
Atlanta, Georgia

07- O -1342

AN ORDINANCE
BY: ZONING COMMITTEE

Z-06-101
Date Filed: 8-14-06

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 **415 Gartrell Street, N.E.,** be changed from the R-5 (Two family Residential) District to the RG-3 (Residential General-Sector 3) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 45, 14th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

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 suffice "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 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.

Z-06-106

RECEIVED
AUG 14 2006
Bureau of Planning

PROPERTY DESCRIPTION

"GARTRELL COURT APARTMENTS"

Being three tracts or parcels of land lying and being in Land Lot 45, 14th District, Fulton County, Georgia and being more particularly described as follows:

Tract One

To find the Pont of Beginning, commence at a point located at the intersection of the South Right of Way Line of Gartrell Street (an apparent 40 feet wide right of way) and the East Right of Way Line of William Holmes Borders, Sr. Street (an apparent 50 feet wide right of way); thence, leaving said point and running across said Gartrell Street, North 13° 57' 45" West, 40.53 feet to a nail hole found at the True Point of Beginning of the herein described tract or parcel of land, said point also being the intersection of the North Right of Way Line of said Gartrell Street and said William Holmes Borders Sr. Street; thence, leaving the said Point of Beginning and running with the said line of William Holmes Borders, Sr. Street

1. 114.44 feet along the arc of a curve deflecting to the right, having a radius of 360.91 feet and a chord bearing and distance of North 08° 05' 35" West, 113.96 feet; thence,
2. North 00° 59' 27" East, 230.00 feet to a point with the intersection of the South Right of Way Line of Chamberlain Street (an apparent 40 feet wide right of way); thence, running with the said line of Chamberlain Street
3. South 88° 19' 38" East, 150.00 feet to a ½ inch crimp top pipe found; thence, leaving the aforesaid line of Chamberlain Street and running
4. South 00° 59' 27" West, 222.55 feet to a 1 inch open top pipe found; thence,
5. South 08° 28' 53" East, 105.12 feet to an "X-Cut" in the sidewalk found on the aforesaid North Line of Gartrell Street; thence, running with the said North Line
6. South 85° 26' 22" West, 150.00 feet to the Point of Beginning, containing 50,639 square feet or 1.1625 acres of land, more or less.

Tract Two

Beginning for the same at a point located at the intersection of the South Right of Way Line of Gartrell Street (an apparent 40 feet wide right of way) and the East Right of Way Line of William Holmes Borders, Sr. Street (an apparent 50 feet wide right of way); thence, leaving said point and running with the said South Line of Gartrell Street

1. North 85° 23' 34" East, 310.35 feet to a point of intersection with the Westerly Right of Way Line of Jackson Street (an apparent 50 feet wide right of way); thence, running with the said line of Jackson Street
2. South 16° 15' 21" East, 221.90 feet to a 1 inch crimp top pipe found; thence, leaving the aforesaid line of Jackson Street and running
3. South 74° 53' 39" West, 148.25 feet; thence,
4. South 14° 00' 21" East, 200.00 feet; thence,
5. South 16° 18' 21" East, 50.00 feet; thence,
6. South 15° 09' 21" East, 50.00 feet to a 5/8 inch rebar found (disturbed); thence,
7. South 74° 53' 39" West, 50.55 feet to a nail found; thence,

Z-06-101

8. South 75° 02' 39" West, 115.10 feet to a point at the intersection with the aforesaid East Line of William Holmes Borders, Sr. Street; thence, running with the said line of William Holmes Borders, Sr. Street
9. North 14° 34' 21" West, 188.55 feet; thence,
10. North 14° 19' 42" West, 389.55 feet to the Point of Beginning, containing 126,710 square feet or 2.9089 acres of land, more or less.

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Tract Three

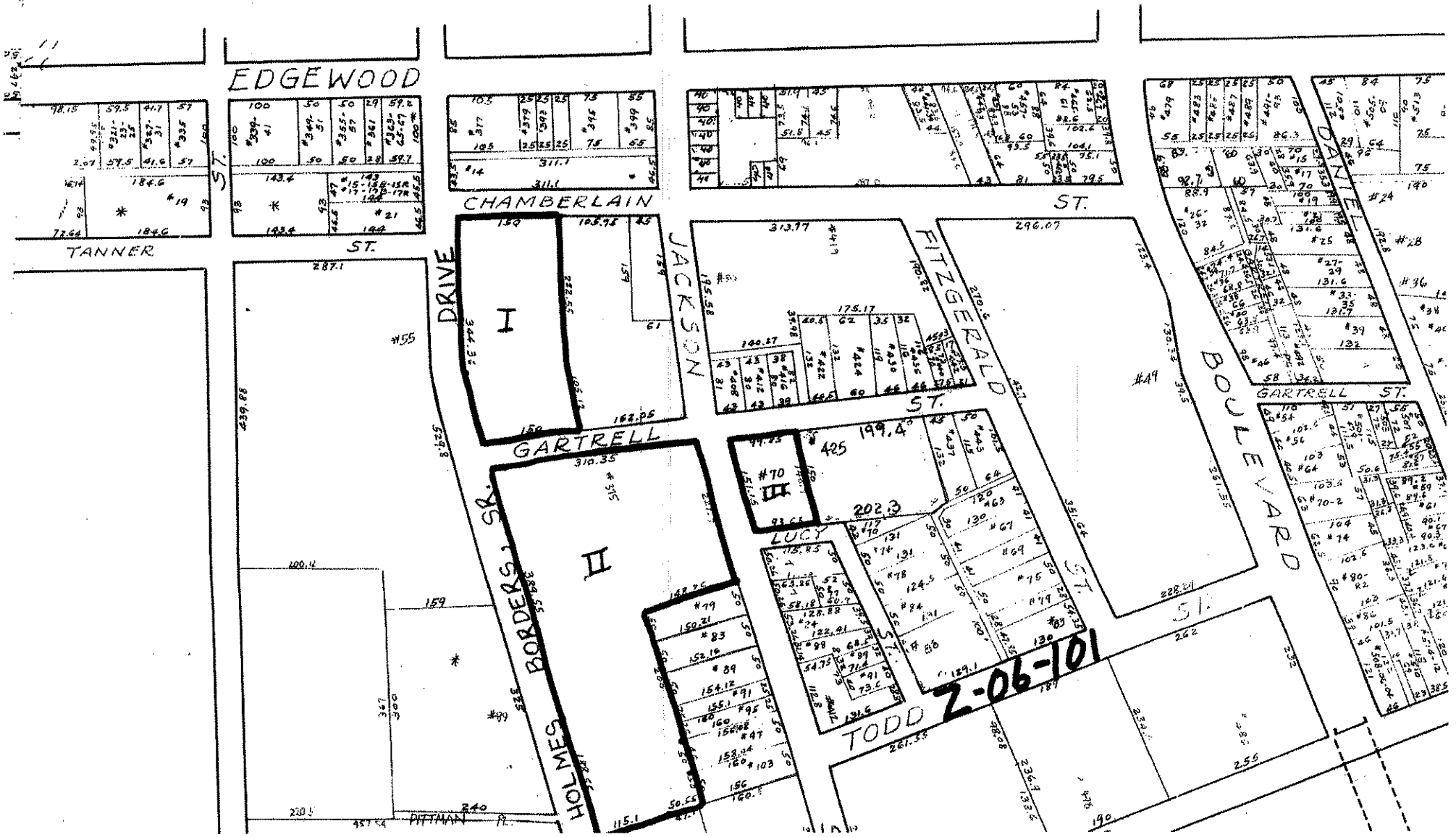
To find the Point of Beginning, commence at a point located at the intersection of the South Right of Way Line of Gartrell Street (an apparent 40 feet wide right of way) and the East Right of Way Line of William Holmes Borders, Sr. Street (an apparent 50 feet wide right of way); thence, leaving said point and running with the said South Line of Gartrell Street, North 85° 23' 34" East, 310.35 feet to a point of intersection with the Westerly Right of Way Line of Jackson Street (an apparent 50 feet wide right of way); thence, running across Jackson Street, North 85° 41' 50" East, 51.25 feet to a nail hole found at the True Point of Beginning of the herein described tract or parcel of land, said point also being the intersection of the East Right of Way Line of said Jackson Street and the said South Line of Gartrell Street; thence, leaving the said Point of Beginning and running with the said line of Gartrell Street

1. North 85° 23' 34" East, 99.85 feet; thence, leaving the aforesaid South Line of Gartrell Street and running
2. South 13° 59' 33" East, 148.75 feet to a point of intersection with the North Right of Way Line of Lucy Street (an apparent 30 feet wide right of way); thence, running with the said line of Lucy Street
3. South 84° 42' 36" West, 93.82 feet to a ½ inch rebar found at the intersection with the aforesaid East Line of Jackson Street; thence, running with the said East Line of Jackson Street
4. North 16° 11' 11" West, 150.95 feet to the Point of Beginning, containing 14,280 square feet or 0.3278 of an acre of land, more or less.

Property is subject to all easements and rights of way recorded and unrecorded.

COMPILED CADASTRAL
ATLANTA - GEORGIA

L.L. 46



Municipal Clerk
Atlanta, Georgia

07-O-2222

AN ORDINANCE
BY: ZONING COMMITTEE

Z-06-101
Date Filed: 8-14-06

AN ORDINANCE CORRECTING ORDINANCE 07-O-1432, ADOPTED BY CITY COUNCIL AUGUST 20, 2007, APPROVED BY THE MAYOR AUGUST 28, 2007 REZONING PROPERTY LOCATED AT 415 GARTRELL STREET, N.E. (ALSO ADDRESSED AS 70 JACKSON STREET) FROM THE R-5 (TWO FAMILY RESIDENTIAL) DISTRICT TO THE MR-3 (MULTIFAMILY RESIDENTIAL) DISTRICT FOR THE PURPOSE OF INCLUDING THE CORRECT LEGAL DESCRIPTION.

WHEREAS, Z-06-101 was approved for rezoning from the R-R (Two-Family Residential) district to the MR-3 (Multifamily Residential) District and adopted as substituted by the City Council on August 20, 2007 and approved by the Mayor on August 28, 2007; and

WHEREAS, the final zoning ordinance did not include the correct legal description upon which the recommendations of the staff, Neighborhood Planning Unit, Zoning Review Board, Zoning Committee and City Council were based.

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

SECTION 1. That Ordinance 07-O-1342 approved for rezoning from the R-5 (Two family Residential) district to the MR-3 (Multifamily Residential) District and adopted as substituted by the City Council on August 20, 2007 and approved by the Mayor on August 28, 2007; be corrected to include the legal description attached as "Exhibit A".

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 suffice "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 district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

"EXHIBIT A"

LEGAL DESCRIPTION
415 GARTRELL STREET, N.E.
(ALSO ADDRESSED AS 70 JACKSON STREET, N.E.)

Tract Three

To find the Point of Beginning, commence at a point located at the intersection of the South Right of Way Line of Gartrell Street (an apparent 40 feet wide right of way) and the East Right of Way Line of William Holmes Borders, Sr. Street (an apparent 50 feet wide right of way); thence, leaving said point and running with the said South Line of Gartrell Street, North 85° 23' 34" East, 310.35 feet to a point of intersection with the Westerly Right of Way Line of Jackson Street (an apparent 50 feet wide right of way); thence, running across Jackson Street, North 85° 41' 50" East, 51.25 feet to a nail hole found at the True Point of Beginning of the herein described tract or parcel of land, said point also being the intersection of the East Right of Way Line of said Jackson Street and the said South Line of Gartrell Street; thence, leaving the said Point of Beginning and running with the said line of Gartrell Street

1. North 85° 23' 34" East, 99.85 feet; thence, leaving the aforesaid South Line of Gartrell Street and running

2. South 13° 59' 33" East, 148.75 feet to a point of intersection with the North Right of Way Line of Lucy Street (an apparent 30 feet wide right of way); thence, running with the said line of Lucy Street

3. South 84° 42' 36" West, 93.82 feet to a ½ inch rebar found at the intersection with the aforesaid East Line of Jackson Street; thence, running with the said East Line of Jackson Street

4. North 16° 11' 11" West, 150.95 feet to the Point of Beginning, containing 14,280 square feet or 0.3278 of an acre of land, more or less.

Property is subject to all easements and rights of way recorded and unrecorded.