

**AN ORDINANCE
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

AN ORDINANCE TO CREATE "THE ASHTON VILLAGE AT BROWNS MILL SENIOR HOUSING ENTERPRISE ZONE", LOCATED AT DISTRICT 14, CITY OF ATLANTA, LAND LOT 28, PARCELS 35, 78 AND 79; TO PROVIDE NOTIFICATION TO THE TAX COMMISSIONER, SCHOOL SUPERINTENDENT AND THE DEPARTMENT OF COMMUNITY AFFAIRS; 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 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 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 Enterprises Zone Act, as amended, have been met relative to the creation of the proposed “Ashton Village at Browns Mill Senior Housing Enterprises Zone.”

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 “Ashton Village at Browns Mill Senior 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 “Ashton Village at Browns Mill Senior 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.

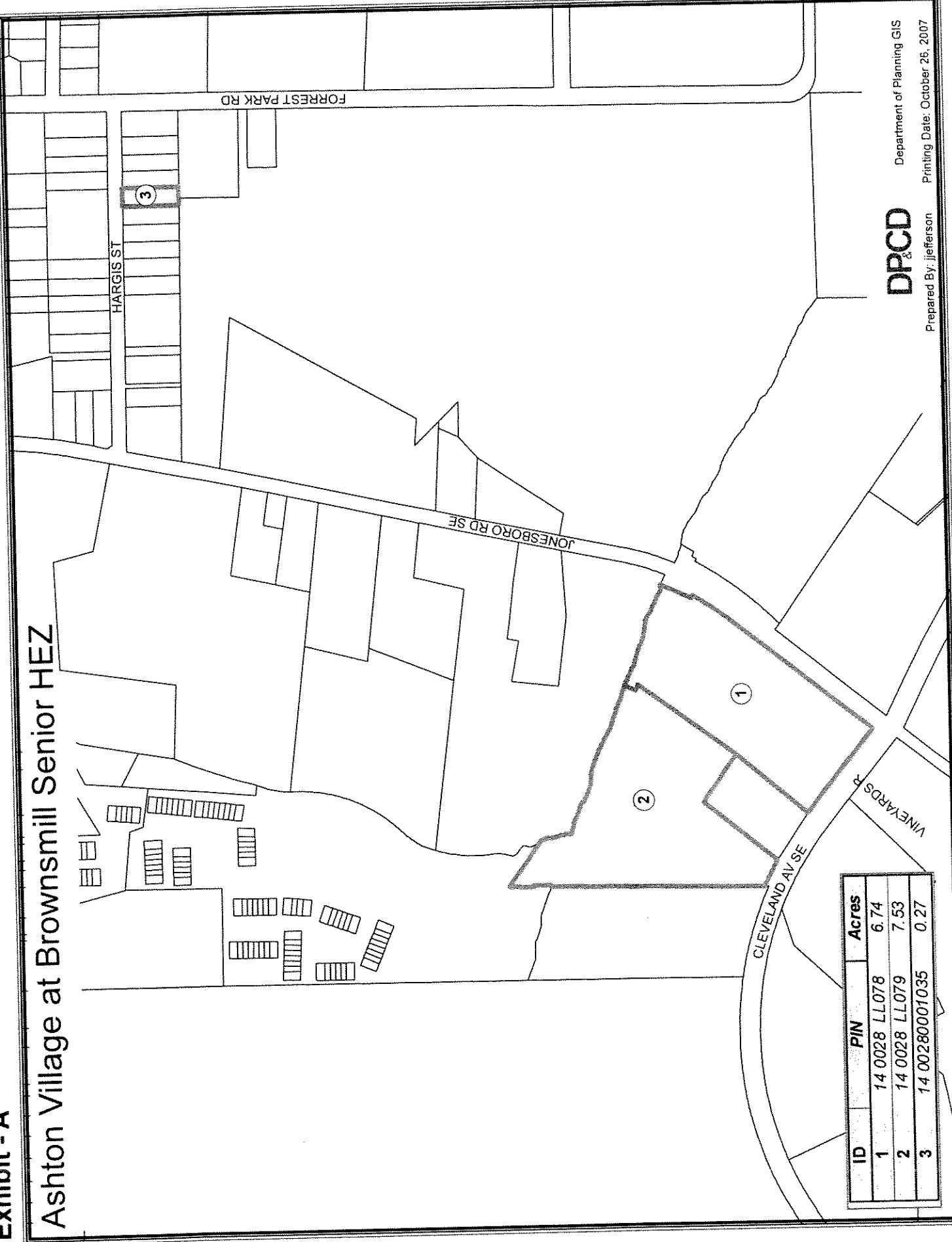
SECTION 2: The “Ashton Village at Browns Mill Housing Enterprise Zone” is hereby created for the subject property, to be located in District 14, City of Atlanta, land lot 28, parcels 35, 78, and 79. The effective date of all exemptions established therein shall be January 1, 2008. The “Ashton Village at Browns Mill Senior Housing Enterprise Zone” shall be abolished on December 31, 2018. The “Ashton Village at Browns Mill Senior Housing Enterprise Zone” shall otherwise not be abolished except as provided in State law. A legal description and map of the “Ashton Village of Browns Mill Senior Housing Enterprise Zone” are attached hereto as Exhibits “A” and “B”, are 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 the “Ashton Village at Browns Mill Senior 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 to the extent of the conflict.

Exhibit - A

Ashton Village at Brownsmill Senior HEZ



ID	PIN	Acres
1	14 0028 LL078	6.74
2	14 0028 LL079	7.53
3	14 00280001035	0.27

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 28, 29 & 37, 14TH DISTRICT, FULTON COUNTY, CITY OF ATLANTA, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A RIGHT-OF-WAY MONUMENT FOUND AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY OF JONESBORO ROAD (24 METER TOTAL RIGHT-OF-WAY WIDTH) AND THE NORTH RIGHT-OF-WAY LINE OF CLEVELAND AVENUE EXTENSION (70' TOTAL RIGHT-OF-WAY WIDTH);

THENCE, ALONG SAID RIGHT-OF-WAY LINE OF CLEVELAND AVENUE EXTENSION, NORTH 49 DEGREES 03 MINUTES 42 SECONDS WEST, A DISTANCE OF 366.04 FEET TO A 1/2" REBAR & SURVEYOR'S CAP;

THENCE, NORTHWESTERLY, 665.83 FEET ALONG A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 1,183.17 FEET AND A CHORD BEARING NORTH 65 DEGREES 32 MINUTES 16 SECONDS WEST, 657.08 FEET) TO A 1/2" REBAR & SURVEYOR'S CAP;

THENCE, LEAVING SAID RIGHT-OF-WAY LINE OF CLEVELAND AVENUE EXTENSION AND WITH THE EAST LINE OF THE CITY OF ATLANTA, NORTH 03 DEGREES 21 MINUTES 06 SECONDS EAST, A DISTANCE OF 404.59 FEET TO A 1/2" REBAR & SURVEYOR'S CAP;

THENCE, LEAVING SAID LINE OF THE CITY OF ATLANTA, SOUTH 65 DEGREES 58 MINUTES 37 SECONDS EAST, A DISTANCE OF 963.74 FEET TO A 1/2" REBAR & SURVEYOR'S CAP;

THENCE NORTH 66 DEGREES 16 MINUTES 02 SECONDS EAST, A DISTANCE OF 172.54 FEET TO A 1/2" REBAR & SURVEYOR'S CAP;

THENCE SOUTH 51 DEGREES 23 MINUTES 01 SECONDS EAST, A DISTANCE OF 99.53 FEET TO A 1/2" REBAR & SURVEYOR'S CAP;

THENCE SOUTH 87 DEGREES 42 MINUTES 28 SECONDS EAST, A DISTANCE OF 72.24 FEET TO A 1/2" REBAR & SURVEYOR'S CAP;

THENCE SOUTH 79 DEGREES 55 MINUTES 16 SECONDS EAST, A DISTANCE OF 70.27 FEET TO A 1/2" REBAR & SURVEYOR'S CAP ON SAID WEST RIGHT-OF-WAY LINE OF JONESBORO ROAD;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE OF JONESBORO ROAD, SOUTHWESTERLY, 366.04 FEET ALONG A CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 2,421.25 FEET AND A CHORD BEARING SOUTH 36 DEGREES 19 MINUTES 23 SECONDS WEST, A DISTANCE OF 365.70 FEET) TO A 1/2" REBAR & SURVEYOR'S CAP;

THENCE SOUTH 40 DEGREES 39 MINUTES 14 SECONDS WEST, A DISTANCE OF 291.29 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OR TRACT OF LAND CONTAINING 11.00 ACRES (479,045 SQUARE FEET).



Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development and Human Resources Committee

Caption: AN ORDINANCE TO CREATE "THE ASHTON VILLAGE AT BROWNS MILL SENIOR HOUSING ENTERPRISE ZONE", LOCATED AT DISTRICT 14, CITY OF ATLANTA, LAND LOT 28, PARCELS 35, 78 AND 79; TO PROVIDE NOTIFICATION TO THE TAX COMMISSIONER, SCHOOL SUPERINTENDENT AND THE DEPARTMENT OF COMMUNITY AFFAIRS; AND FOR OTHER PURPOSES.

Council Meeting Date: December 3, 2007

Requesting Dept.: Department of Planning

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation to create a housing enterprise zone for senior to be located in NPU Z, District 12.

2. Please provide background information regarding this legislation.

The HEZ is consistent with the city's goal of providing affordable housing.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** NA
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**

(h) Term of Contract:

4. Fund Account Center (Ex. Name and number):

Fund: _____ Account: _____ Center: _____

5. Source of Funds: *Example: Local Assistance Grant*

6. **Fiscal Impact:** The HEZ is an abatement program, therefore city property taxes for the units built as a result of this project would be abated for the time period specified by the HEZ policy and the city would begin to receive taxes on a prorated share in the 6th year of project..

7. **Method of Cost Recovery:** City property taxes will be generated after the abatement period.

This Legislative Request Form Was Prepared By: garnett brown

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Garnett Brown

Contact Number: 404-330-6724

Originating Department: Department of Planning/ Bureau of Housing

Committee(s) of Purview: Community Development/ Human Resources

Chief of Staff Deadline: November 9, 2007

Anticipated Committee Meeting Date(s): November 27-28, 2007

Anticipated Full Council Date: December 3, 2007

Legislative Counsel's Signature: [Signature]

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE TO CREATE "THE ASHTON VILLAGE AT BROWNS MILL SENIOR HOUSING ENTERPRISE ZONE", LOCATED AT DISTRICT 14, CITY OF ATLANTA, LAND LOT 28, PARCELS 35, 78 AND 79; TO PROVIDE NOTIFICATION TO THE TAX COMMISSIONER, SCHOOL SUPERINTENDENT AND THE DEPARTMENT OF COMMUNITY AFFAIRS; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 11.9.07 Reviewed by: [Signature]
(date) (date)

Submitted to Council: _____
(date)