

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

AN ORDINANCE TO CREATE "THE VILLAGE AT BROWNS MILL HOUSING ENTERPRISE ZONE", LOCATED AT 3116 BROWNS MILL ROAD, DISTRICT 14, ATLANTA, GA, LAND LOTS 01, 029 AND 031; 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 "Village at Browns Mill 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 "Village at Browns Mill 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 "Village at Browns Mill 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.

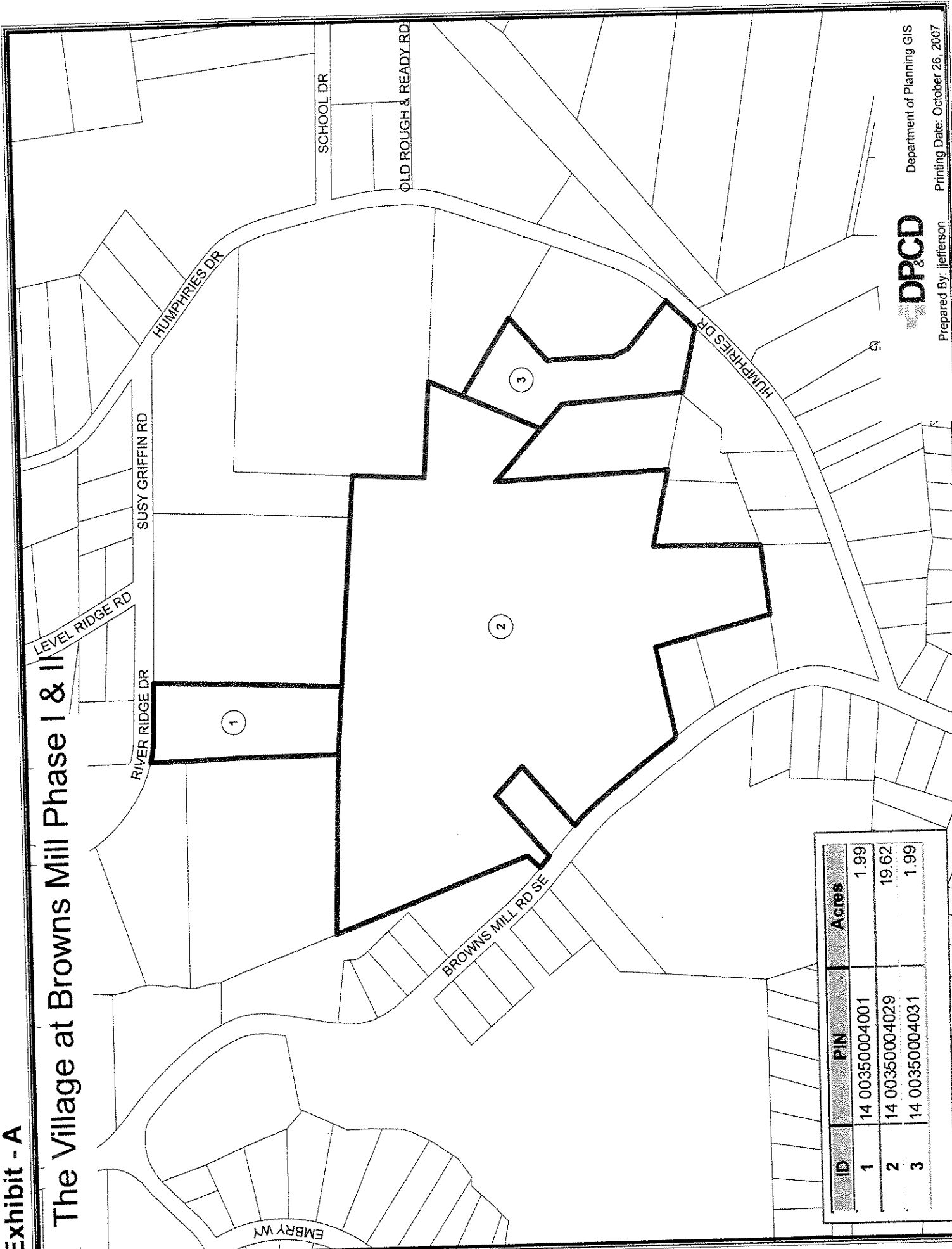
SECTION 2: The "Village of Browns Mill Housing Enterprise Zone" is hereby created for the subject property, to be located at 3116 Browns Mill Road. The effective date of all exemptions established therein shall be January 1, 2008. The "Village of Browns Mill Housing Enterprise Zone" shall be abolished on December 31, 2018. The "Village at Browns Mill Housing Enterprise Zone" shall otherwise not be abolished except as provided in State law. A map and legal description of the "Village at Browns Mill 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 "Village at Browns Mill 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

The Village at Browns Mill Phase I & II



ID	PIN	Acres
1	14 00350004001	1.99
2	14 00350004029	19.62
3	14 00350004031	1.99



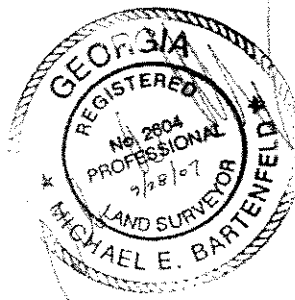
EXHIBIT B—VILLAGES AT BROWNSMILL HEZ

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 35, 36, 61 AND 62, 14TH DISTRICT, CITY OF ATLANTA, FULTON COUNTY GEORGIA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN LOCATED AT THE INTERSECTION OF RIGHTS OF WAY OF THE WESTERLY RIGHT OF WAY OF HUMPHRIES DRIVE (40 FEET RIGHT OF WAY) AND THE NORTHERLY RIGHT OF WAY OF OLD ROUGH AND READY ROAD (30 FEET RIGHT OF WAY); THENCE, CONTINUE ALONG RIGHT OF WAY OF OLD ROUGH AND READY ROAD N76°31'13"W FOR A DISTANCE OF 189.65 FEET TO A ONE INCH OPEN TOP PIPE FOUND; THENCE DEPARTING SAID RIGHT OF WAY N06°19'08"W FOR A DISTANCE OF 276.47 FEET TO A ONE INCH OPEN TOP PIPE FOUND; THENCE, N49°32'57"W FOR A DISTANCE OF 64.97 FEET TO A ONE HALF INCH REBAR FOUND; THENCE, N49°34'52"W FOR A DISTANCE OF 176.80 FEET TO AN IRON PIN SET; THENCE, S05°23'13"E FOR A DISTANCE OF 213.50 FEET TO A ONE INCH OPEN TOP PIPE FOUND; THENCE, S04°57'50"E FOR A DISTANCE OF 177.04 FEET TO AN IRON PIN SET ON THE NORTHERLY RIGHT OF WAY OF OLD ROUGH AND READY ROAD (30 FEET RIGHT OF WAY); THENCE, CONTINUE ALONG SAID RIGHT OF WAY N80°58'50"W FOR A DISTANCE OF 66.80 FEET TO AN IRON PIN SET; THENCE, CONTINUE S09°01'10"W FOR A DISTANCE OF 30.00 FEET TO AN IRON PIN SET; THENCE, DEPARTING SAID RIGHT OF WAY N80°58'50"W FOR A DISTANCE OF 124.63 FEET TO A ONE INCH OPEN TOP PIPE FOUND; THENCE, S01°01'47"W FOR A DISTANCE OF 258.23 FEET TO A ONE INCH CRIMP TOP PIPE FOUND; THENCE, S79°45'09"W FOR A DISTANCE OF 165.51 FEET TO A ONE INCH OPEN TOP PIPE FOUND; THENCE, N17°30'40"W FOR A DISTANCE OF 270.94 FEET TO A ONE QUARTER INCH ROD FOUND; THENCE, S77°44'13"W FOR A DISTANCE OF 244.30 FEET TO AN IRON PIN SET ON THE EASTERLY RIGHT OF WAY OF BROWNS MILL ROAD (50 FEET RIGHT OF WAY); THENCE, CONTINUE ALONG SAID RIGHT OF WAY N39°14'07"W FOR A DISTANCE OF 242.32 FEET TO A POINT; THENCE, CONTINUE ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 87.24 FEET AND A RADIUS OF 887.69 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING OF N44°47'36"W FOR A CHORD DISTANCE OF 87.20 FEET TO AN IRON PIN SET; THENCE, CONTINUE N48°31'13"W FOR A DISTANCE OF 105.45 FEET TO AN IRON PIN SET; THENCE, DEPARTING SAID RIGHT OF WAY N46°43'23"E FOR A DISTANCE OF 87.83 FEET TO AN IRON PIN SET; THENCE, N25°56'42"W FOR A DISTANCE OF 538.34 FEET TO A ONE HALF INCH REBAR FOUND; THENCE, N27°19'43"W FOR A DISTANCE OF 350.00 FEET TO A POINT LOCATED IN THE CENTERLINE OF A CREEK; THENCE, CONTINUE ALONG CREEK CENTERLINE N00°18'22"E FOR A DISTANCE OF 53.84 FEET TO A POINT; THENCE, DEPARTING CREEK N89°21'00"E FOR A DISTANCE OF 557.85 FEET TO AN IRON PIN SET; THENCE, N01°36'10"E FOR A DISTANCE OF 95.00 FEET TO A THREE QUARTER INCH OPEN TOP PIPE FOUND; THENCE, N01°36'10"E FOR A DISTANCE OF 5.22 FEET TO AN IRON PIN SET ON THE SOUTHERLY RIGHT OF WAY OF SUSY GRIFFIN ROAD (50 FEET RIGHT OF WAY); THENCE, CONTINUE ALONG SAID RIGHT OF WAY S87°46'26"E FOR A DISTANCE OF 198.63 FEET TO AN IRON PIN SET; THENCE, DEPARTING SAID RIGHT OF WAY S01°24'56"W FOR A DISTANCE OF 484.54 FEET TO A ONE INCH OPEN TOP PIPE FOUND; THENCE, S88°14'55"E FOR A DISTANCE OF 424.26 FEET TO A ONE INCH SQUARE ROD FOUND; THENCE, N01°18'44"E FOR A DISTANCE OF 502.29 FEET TO A ONE INCH OPEN TOP PIPE FOUND LOCATED ON THE SOUTHERLY RIGHT OF WAY OF SUSY GRIFFIN ROAD (50 FEET RIGHT OF WAY); THENCE, CONTINUE ALONG SAID RIGHT OF WAY N89°35'00"E FOR A DISTANCE OF 395.59 FEET TO A POINT LOCATED AT THE INTERSECTION OF THE RIGHT OF WAYS OF SUSY GRIFFIN ROAD AND HUMPHRIES DRIVE; THENCE, CONTINUE ALONG RIGHT OF WAY OF HUMPHRIES DRIVE (50 FEET RIGHT OF WAY) S54°35'28"E FOR A DISTANCE OF 265.52 FEET TO A POINT; THENCE, CONTINUE ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 90.00 FEET AND A RADIUS OF 251.85 FEET; THENCE, DEPARTING SAID RIGHT OF WAY N88°24'56"W FOR A DISTANCE OF 565.72 FEET TO A BRASS DISC FOUND; THENCE, S00°42'02"W FOR A DISTANCE OF 299.74 FEET TO A ONE INCH CRIMP TOP PIPE FOUND; THENCE, S00°57'55"W FOR A DISTANCE OF 179.90 FEET TO A THREE QUARTER INCH CRIMP TOP PIPE FOUND; THENCE, S88°21'05"E FOR A DISTANCE OF 242.40 FEET TO AN IRON PIN SET; THENCE, S15°39'28"W FOR A DISTANCE OF 65.68 FEET TO A ONE HALF INCH REBAR FOUND; THENCE, S55°02'19"E FOR A DISTANCE OF 231.15 FEET TO AN IRON PIN SET; THENCE, S49°04'24"W FOR A DISTANCE OF 146.20 FEET TO AN IRON PIN SET; THENCE, ALONG A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 20.96 FEET AND A RADIUS OF 100.00 FEET; SAID CURVE BEING SUBTENDED BY A CHORD BEARING OF S07°37'30"E FOR A CHORD DISTANCE OF 20.93 FEET TO AN IRON PIN SET; THENCE, S01°37'10"E FOR A DISTANCE OF 146.20 FEET TO AN IRON PIN SET; THENCE, ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 41.79 FEET AND A RADIUS OF 50.00 FEET; SAID CURVE BEING SUBTENDED BY A CHORD BEARING OF S25°34'52"E AND A CHORD DISTANCE OF 40.58 FEET TO AN IRON PIN SET; THENCE, S49°41'59"E FOR A DISTANCE OF 146.15 FEET TO AN IRON PIN LOCATED ON THE WESTERLY RIGHT OF WAY OF HUMPHRIES DRIVE (40 FEET RIGHT OF WAY); THENCE, ALONG SAID RIGHT OF WAY THROUGH A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 73.941 FEET AND A RADIUS OF 762.29 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING OF S39°40'05"W AND A CHORD DISTANCE OF 73.91 FEET TO THE POINT OF BEGINNING

CONTAINING 31.12 ACRES, MORE OR LESS.



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

Caption: AN ORDINANCE TO CREATE "THE VILLAGE AT BROWNS MILL HOUSING ENTERPRISE ZONE", LOCATED AT 3116 BROWNS MILL ROAD, DISTRICT 14, ATLANTA, GA, LAND LOTS 01, 029 AND 031; 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 the Village of Brownsmill Housing Enterprise Zone 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:

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 policky.

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 VILLAGE AT BROWNS MILL HOUSING ENTERPRISE ZONE", LOCATED AT 3116 BROWNS MILL ROAD, DISTRICT 14, ATLANTA, GA, LAND LOTS 01, 029 AND 031; 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 [Signature] Reviewed by: [Signature]
(date) (date)

Submitted to Council: _____
(date)