

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

AN ORDINANCE TO CREATE THE "AMAL HEIGHTS TOWNHOMES URBAN ENTERPRISE ZONE", LOCATED AT 1700 GIBEN ROAD SW, CITY OF ATLANTA, PARCEL ID 140072000700015 AND 14007200050025; 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 industrial purposes if certain conditions are met; and

WHEREAS, the designation of an urban 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 “Amal Heights Townhomes Urban 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 “Amal Heights Townhomes Urban Enterprises 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 “Amal Heights Townhomes Urban Enterprises 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 a 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 “Amal Heights Townhomes Urban Enterprises Zone” is hereby created for the subject property, to be located at 1700 Giben Road SW, City of Atlanta, Parcel ID 140072000700015 and 14007200050025. The effective date of all exemptions established therein shall be January 1, 2008. The “Amal Heights Townhomes Urban Enterprises Zone” shall be abolished on January 1, 2018. The “Amal Heights Townhomes Urban Enterprises Zone” shall otherwise not be abolished except as provided in State law. A legal description and map of the “Amal Heights Townhomes Urban Enterprises 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 “Amal Heights Townhomes Urban Enterprises 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.

AMAL HEIGHTS TOWNHOMES URBAN ENTERPRISE ZONE PROJECT—PHASE I AND PHASE II

LEGAL DESCRIPTION – PHASE I

(07045.110.001.1-e)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 89 OF THE 14TH DISTRICT OF FULTON COUNTY (CITY OF ATLANTA), GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR AND SURVEYOR'S CAP SET (STAMPED "SEILER 2388") AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF BOND DRIVE (50 FOOT TOTAL RIGHT OF WAY WIDTH) AND THE NORTHERLY RIGHT OF WAY LINE OF AMAL DRIVE (50 FOOT TOTAL RIGHT OF WAY WIDTH).

THENCE ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF BOND DRIVE, SOUTH 16 DEGREES 51 MINUTES 49 SECONDS WEST, 94.68 FEET TO A 3/8" REBAR FOUND;

THENCE LEAVING SAID NORTHWESTERLY RIGHT OF WAY LINE OF BOND DRIVE, NORTH 72 DEGREES 17 MINUTES 28 SECONDS WEST, 108.54 FEET TO A 1/2" REBAR FOUND ON THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 75/85 (RIGHT OF WAY WIDTH VARIES);

THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE OF INTERSTATE 75/85, NORTH 17 DEGREES 04 MINUTES 51 SECONDS EAST, 656.10 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP SET (STAMPED "SEILER 2388");

THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE OF INTERSTATE 75/85, SOUTH 89 DEGREES 57 MINUTES 26 SECONDS EAST, 711.00 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP SET (STAMPED "SEILER 2388");

THENCE SOUTH 03 DEGREES 50 MINUTES 57 SECONDS EAST, 80.28 FEET TO A 1/2" REBAR AND CAP FOUND;

THENCE NORTH 89 DEGREES 57 MINUTES 36 SECONDS EAST, 120.26 FEET TO A 1/2" REBAR AND CAP FOUND (STAMPED "SEILER 2388");

THENCE SOUTH 03 DEGREES 49 MINUTES 49 SECONDS EAST, 124.78 FEET TO A 1/2" REBAR AND CAP FOUND (STAMPED "SEILER 2388");

THENCE SOUTH 37 DEGREES 44 MINUTES 09 SECONDS EAST, 60.25 FEET TO A 1/2" REBAR AND CAP FOUND (STAMPED "SEILER 2388");

THENCE SOUTH 03 DEGREES 49 MINUTES 35 SECONDS EAST, 240.19 FEET TO A 1/2" REBAR AND CAP FOUND (STAMPED "SEILER 2388");

THENCE SOUTH 05 DEGREES 53 MINUTES 36 SECONDS WEST, 281.86 FEET TO 3/8" REBAR FOUND ON THE NORTHERLY RIGHT OF WAY LINE OF AMAL DRIVE (50 FOOT TOTAL RIGHT OF WAY WIDTH);

THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE OF AMAL DRIVE ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 95.76 FEET (SAID CURVE HAVING A RADIUS OF 955.83 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 85 DEGREES 31 MINUTES 21 SECONDS WEST, 95.72 FEET) TO A POINT;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 268.18 FEET (SAID CURVE HAVING A RADIUS OF 825.00 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 82 DEGREES 17 MINUTES 41 SECONDS WEST, 267.01 FEET) TO A POINT;

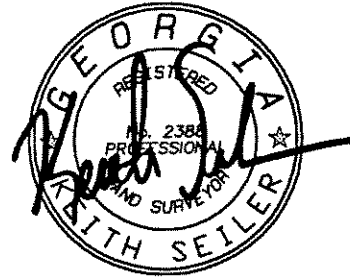
THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE, NORTH 72 DEGREES 58 MINUTES 56 SECONDS WEST, 151.93 FEET TO A POINT;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE, NORTH 72 DEGREES 50 MINUTES 39 SECONDS WEST, 99.85 FEET TO A POINT;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE, NORTH 73 DEGREES 00 MINUTES 06 SECONDS WEST, 345.16 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 15.3438 ACRES (668,377 SQUARE FEET).

TOGETHER WITH THOSE RIGHTS AND EASEMENTS ARISING UNDER THAT CERTAIN DECLARATION OF EASEMENTS BY AMAL GROUP, INC. DATED NOVEMBER 20, 1989 FILED FOR RECORD NOVEMBER 21, 1989 AT 1:16PM, RECORDED IN DEED BOOK 12975 PG 216, RECORDS OF FULTON COUNTY, GEORGIA.



LEGAL DESCRIPTION – PHASE II
(07045.110.001.1-e)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 72 AND 89 OF THE 14TH DISTRICT OF FULTON COUNTY (CITY OF ATLANTA), GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" REBAR AND SURVEYOR'S CAP SET (STAMPED "SEILER 2388") AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF BOND DRIVE (50 FOOT TOTAL RIGHT OF WAY WIDTH) AND THE NORTHERLY RIGHT OF WAY LINE OF AMAL DRIVE (50 FOOT TOTAL RIGHT OF WAY WIDTH).

THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF AMAL DRIVE, SOUTH 73 DEGREES 00 MINUTES 06 SECONDS EAST, 345.16 FEET TO A POINT;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE, SOUTH 72 DEGREES 50 MINUTES 39 SECONDS EAST, 99.85 FEET TO A POINT;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE, SOUTH 72 DEGREES 58 MINUTES 56 SECONDS EAST, 151.93 FEET TO A POINT;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE ALONG AN ARC OF A CURVE TO THE LEFT A DISTANCE OF 268.18 FEET (SAID CURVE HAVING A RADIUS OF 825.00 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 82 DEGREES 17 MINUTES 41 SECONDS EAST, 267.01 FEET) TO A POINT;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE ALONG AN ARC OF A CURVE TO THE LEFT A DISTANCE OF 95.76 FEET (SAID CURVE HAVING A RADIUS OF 955.83 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 85 DEGREES 31 MINUTES 21 SECONDS WEST, 95.72 FEET) TO A 3/8" REBAR FOUND, SAID POINT BEING THE POINT OF BEGINNING.

THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE OF AMAL DRIVE, NORTH 05 DEGREES 53 MINUTES 36 SECONDS EAST, 281.86 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP FOUND (STAMPED "SEILER 2388");

THENCE NORTH 03 DEGREES 49 MINUTES 35 SECONDS WEST, 240.19 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP FOUND (STAMPED "SEILER 2388");

THENCE NORTH 37 DEGREES 44 MINUTES 09 SECONDS WEST, 60.25 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP FOUND (STAMPED "SEILER 2388");

THENCE NORTH 03 DEGREES 49 MINUTES 49 SECONDS WEST, 124.78 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP FOUND (STAMPED "SEILER 2388");

THENCE SOUTH 89 DEGREES 57 MINUTES 36 SECONDS WEST, 120.26 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP FOUND (STAMPED "SEILER 2388");

THENCE NORTH 03 DEGREES 50 MINUTES 57 SECONDS WEST, 80.28 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP SET (STAMPED "SEILER 2388");

THENCE NORTH 89 DEGREES 57 MINUTES 54 SECONDS EAST, 200.20 FEET TO A 1" CRIMP TOP FOUND AT THE TERMINATION OF THE RIGHT OF WAY OF HIPPIE STREET (30 FOOT TOTAL RIGHT OF WAY LINE) AND THE COMMON LAND LOT LINE OF LAND LOTS 89 AND 72;

THENCE SOUTH 02 DEGREES 25 MINUTES 12 SECONDS EAST, 17.74 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP SET (STAMPED "SEILER 2388") ON THE SOUTHERLY RIGHT OF WAY LINE OF HIPPIE STREET;

THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF HIPPIE STREET, NORTH 89 DEGREES 23 MINUTES 58 SECONDS EAST, 887.57 FEET TO A 1" CRIMP TOP PIPE FOUND;

THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE OF HIPPI STREET, SOUTH 00 DEGREES 27 MINUTES 41 SECONDS WEST, 289.45 FEET TO A 1" CRIMP TOP PIPE FOUND;

THENCE SOUTH 88 DEGREES 32 MINUTES 45 SECONDS EAST, 211.90 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP SET (STAMPED "SEILER 2388");

THENCE SOUTH 57 DEGREES 40 MINUTES 01 SECONDS WEST, 498.57 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP SET (STAMPED "SEILER 2388");

THENCE NORTH 78 DEGREES 42 MINUTES 23 SECONDS WEST, 154.50 FEET TO A 3/8" REBAR FOUND;

THENCE SOUTH 58 DEGREES 10 MINUTES 37 SECONDS WEST, 126.07 FEET TO A 3/8" REBAR FOUND;

THENCE SOUTH 12 DEGREES 35 MINUTES 16 SECONDS WEST, 88.45 FEET TO 1/2" REBAR AND SURVEYOR'S CAP SET (STAMPED "SEILER 2388");

THENCE SOUTH 58 DEGREES 21 MINUTES 04 SECONDS WEST, 163.20 FEET TO A 1/2" REBAR AND SURVEYOR'S CAP SET (STAMPED "SEILER 2388") AT A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF AMAL DRIVE;

THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF AMAL DRIVE ALONG AN ARC OF A NON-TANGENT CURVE TO THE LEFT A DISTANCE OF 185.02 FEET (SAID CURVE HAVING A RADIUS OF 229.47 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 80 DEGREES 07 MINUTES 45 SECONDS WEST, 180.05 FEET) TO A POINT;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE, SOUTH 76 DEGREES 42 MINUTES 14 SECONDS WEST, 44.60 FEET TO A POINT;

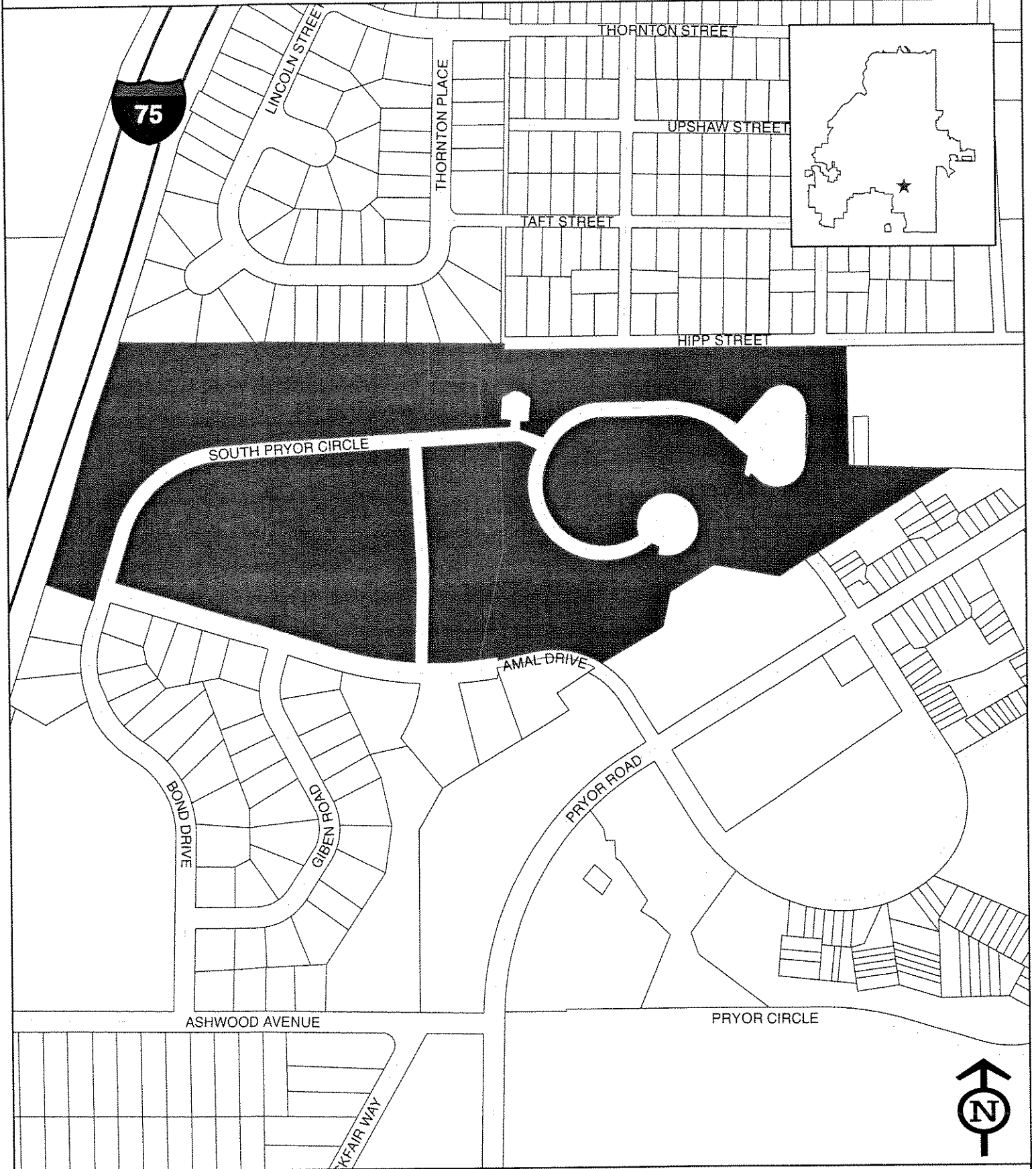
THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT A DISTANCE OF 82.51 FEET (SAID CURVE HAVING A RADIUS OF 852.93 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 79 DEGREES 37 MINUTES 28 SECONDS WEST, 82.47 FEET) TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 13.8663 ACRES (604,017 SQUARE FEET).



AMAL HEIGHTS TOWNHOMES UEZ PROJECT MAP

EXHIBIT B



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

Committee(s) of Purview: Finance/ Executive Committee

Chief of Staff Deadline: December 19, 2007

Anticipated Committee Meeting Date(s): January 15-16, 2008

Anticipated Full Council Date: January 22, 2008

Legislative Counsel's Signature: [Signature]

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE TO CREATE THE "AMAL HEIGHTS TOWNHOMES URBAN ENTERPRISE ZONE", LOCATED AT 1700 GIBEN ROAD SW, CITY OF ATLANTA, PARCEL ID 140072000700015 AND 14007200050025; 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: 12.19.07 DP Reviewed by: [Signature]
(date) (date)

Submitted to Council: _____
(date)