

City Council
Atlanta, Georgia

08-0-1772

U-05-06

AN ORDINANCE
BY: ZONING COMMITTEE

AN ORDINANCE TO AMEND ORDINANCE 05-O-0535 (U-05-06) AS ADOPTED BY THE CITY COUNCIL ON JULY 5, 2005 AND APPROVED BY THE MAYOR ON JULY 12, 2005, APPROVING A TRANSFER OF OWNERSHIP FOR A SPECIAL USE PERMIT FOR A DAY CARE CENTER FOR PROPERTY LOCATED 567 HAMILTON HOLMES, DRIVE, N.W. AND FOR OTHER PURPOSES.

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

SECTION 1. That the transfer (i.e. change of grantee) of Special Use Permit ORDINANCE U-05-O-1941 (U-05-31) granting a Special Use Permit for a Day Care Center, property located at 567 HAMILTON HOLMES, DRIVE, N.W. from ROBERT DUMAS to MOTHER HUBBARD'S EARLY LEARNING CENTER is hereby approved, under the provision of Section 16-25.002 (2), to wit.

SECTION 2 That the new owner has provided the Bureau of Planning a signed and notarized affidavit acknowledging the conditions of and the compliance with ORDINANCE 05-O-0535 (U-05-06).

SECTION 2. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

C-9

SAMPLES&ASSOCIATES
711 H.E. Holmes Drive
Atlanta, Georgia 30318
404-822-1946

VIA HAND DELIVERY

July 28, 2008

City of Atlanta Board of Zoning Adjustment
Bureau of Planning, Zoning Division
55 Trinity Avenue, S.W. Suite 3350
Atlanta, Georgia 30335



RE: Application to Change Name on the Special Use Permit by Jared L. Samples ("Applicant") pertaining to property commonly known as 567 Hamilton E. Holmes Drive Atlanta, Georgia 30318 All that Tract or Parcel of Land Lying and Being Land Lot 207 District 14th Fulton County Georgia and more particularly described on Exhibit "A" attached hereto (herein referred to as the ("Property")).

Dear Ladies and Gentlemen

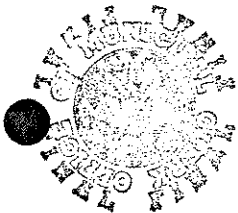
On behalf of the Applicant, this Letter of Intent is submitted in connection and support for the above referenced Application seeking to Change the Name on the Special Use Permit from Robert and Kenya Dumas to the Corporate Name of Mother Hubbard's Early Learning Center. For the reasons set forth herein, the Applicant request the granting of the Name Change for the Special Use Permit.

Thank you for your consideration.

Sincerely,

Jared L. Samples

*Site plans do not match (OK)
updated + signed off*



CITY COUNCIL
ATLANTA, GEORGIA

05-0-0535

AN ORDINANCE
BY: ZONING COMMITTEE

U-05-06

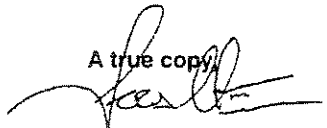
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of (Section 16-06.005 (1)(b) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a Day Care Center, is hereby approved. Said use is granted to Robert N. Dumas and is to be located at **567 Hamilton Holmes Drive** to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 207, 14th District, Fulton County, Georgia, being more particularly described by the attached legal description.

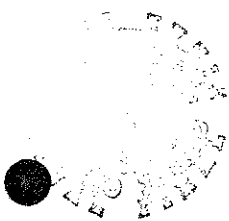
SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning 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.

A true copy,

Deputy Clerk

ADOPTED as amended by the Council
APPROVED by the Mayor

JUL05, 2005
JUL12, 2005



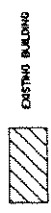
**Conditions for U-05-06
567 Hamilton E. Holmes Drive**

1. Plan titled "Property Survey-Hamilton E. Holmes Drive, dated March 28, 2005 and stamped received by the Bureau of Planning on March 31, 2005.
2. The hours of operation shall be from Monday through Friday, from 6:00am to 6:30 pm.
3. The facility will not be used for any special programs.

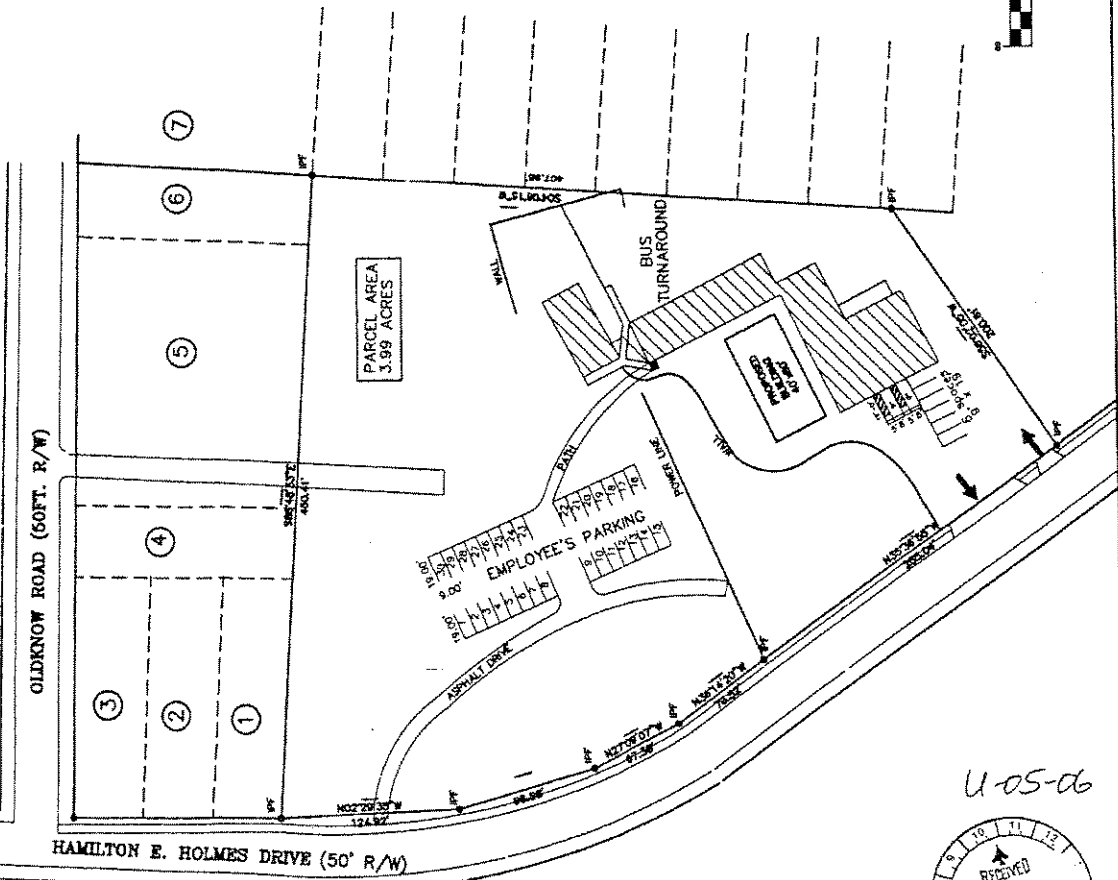


THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MANSION STADIUMS AND INSTRUMENTS WHICH ARE NOT A MATTER OF PUBLIC RECORD. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE ERROR OF ONE FOOT IN 75,000 FEET AND AN ANGULAR ERROR OF 0'00" OF PER ANGLE AND WAS ADJUSTED BY THE METHOD OF LEAST SQUARES. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET. THE TOTAL STATION WITH A TDS DATA COLLECTOR WAS USED FOR THIS SURVEY. THIS PROPERTY IS NOT LOCATED INSIDE AN AN IDENTIFIED FLOOD HAZARD AREA.

SURVEY FOR KENYA DUMES
AND ROBERT DUMES
PROPERTY OF 487 HAMILTON E. HOLMES DRIVE
LAND LOT 207 OF THE 14TH DISTRICT
FULTON COUNTY, GEORGIA
THIS PROPERTY IS NOT LOCATED IN A FEDERAL



U-05-06



U-05-06



NO.	REVISION	BY	PROPERTY SURVEY	
			HAMILTON E. HOLMES DRIVE	ATLANTA GA.
HORACE A. ALLEYNE & ASSOCIATES			DESIGN	SCALE
3411, Bachelor Street, East Point, Georgia 30344			LAND LOT	1" = 60'
(404) 684-9954 (Phone)			207	SHEET
(404) 684-5824 (Fax)			DISTRICT	1 of 1
			14TH.	PROJECT NO.
			03/28/05	032805-8A

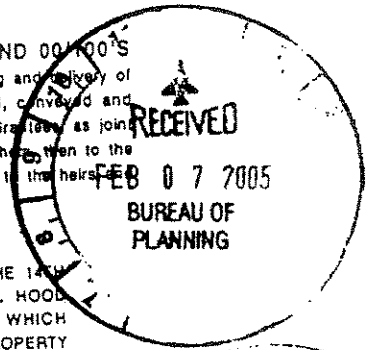
JOINT TENANCY WITH SURVIVORSHIP WARRANTY DEED

U-05-06

STATE OF GEORGIA,
COUNTY OF FULTON.

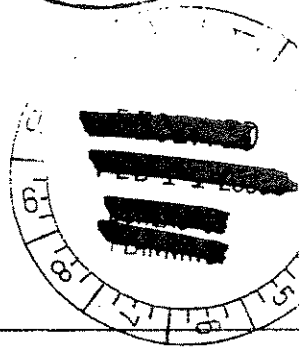
This Indenture made this 31st day of May, in the year 2001, between KENYA D. PALMER DUMAS and ROBERT N. DUMAS, of the County of FULTON, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and ROBERT DUMAS and KENYA DUMAS, as joint tenants with survivorship and not as tenants in common as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipts whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantees as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:



ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 207 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA, BEING LOT 29, BLOCK 11, OF THE L.J. HOOD SUBDIVISION, AS PER PLAT BOOK 14, PAGE 75, FULTON COUNTY RECORDS, TO WHICH REFERENCE IS MADE FOR A MORE DETAILED DESCRIPTION. BEING IMPROVED PROPERTY KNOWN AS 567 HAMILTON HOLMES DRIVE, (F/K/A HIGHTOWER ROAD), N.W., ATLANTA, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN FULTON COUNTY, GEORGIA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT SEVEN HUNDRED SIXTY-FIVE (765) FEET SOUTH OF WILSON AVENUE, ON THE NORTHEASTERLY SIDE OF HIGHTOWER ROAD, AT THE NORTHWEST CORNER OF LOT 28, PLAT AFORESAID RUNNING THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY SIDE OF HIGHTOWER ROAD SIX HUNDRED FIFTEEN (615) FEET TO A STAKE; THENCE EAST FOUR HUNDRED FORTY (440) FEET FOLLOWING THE SOUTH SIDE OF A SERIES OF LOTS; RUNNING THENCE SOUTH WITH THE WEST SIDE OF A SERIES OF LOTS, THREE HUNDRED NINETY (390) FEET TO THE NORTHEAST CORNER OF LOT 28; RUNNING THENCE SOUTHWESTERLY ALONG THE NORTHEAST SIDE OF SAID LOT 28, TWO HUNDRED AND SEVEN-TENTHS (200.7) FEET TO HIGHTOWER ROAD AT THE POINT OF BEGINNING; BEING THE SAME PROPERTY CONVEYED TO C.L. EVANS BY L.J. HOOD BY DEED DATED JUNE 23, 1933, AND RECORDED IN DEED BOOK 1498, PAGE 13, FULTON COUNTY RECORDS, BEING IMPROVED PROPERTY KNOWN AS NO. 567 HIGHTOWER ROAD, N.W., ACCORDING TO THE PRESENT SYSTEM OF NUMBERING OF HOUSES IN THE CITY OF ATLANTA.



THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in FEE SIMPLE, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.


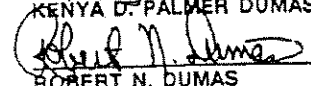
THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-5-19, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

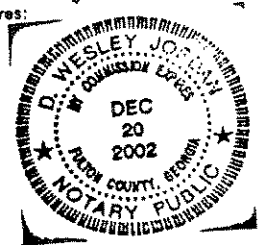
IN WITNESS WHEREOF, the Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

Witness
Notary Public
My commission expires:

 (Seal)
KENYA D. PALMER DUMAS
 (Seal)
ROBERT N. DUMAS

(Seal)



RCS# 6826
7/05/05
3:33 PM

Atlanta City Council

Regular Session

MULTIPLE

05-O-0880 05-O-0869 05-O-0867 05-O-0868
05-O-0857 05-O-0858 05-O-0535
ADOPT AS AMEND

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	NV Muller	Y Sheperd	NV Borders

MULTIPLE

05-0-0535

(Do Not Write Above This Line)

AN ORDINANCE U-05-06
BY: ZONING COMMITTEE

An Ordinance granting a Special Use Permit for a Day Care Center (Section 16-06.005 (1) (b) property located at 567 Hamilton E. Holmes Drive (k.a. Hightower Road) fronting approximately 255feet on the easterly side of Hamilton E. Holmes Drive and approximately 150 feet south of the intersection of Oldknow Road and Hamilton E. Holmes Drive. Depth: Varies. Area: 3.99 acres. Land Lot 207, 14th District, Fulton County, Georgia
OWNER: ROBERT N. DUMAS
APPLICANT: ROBERT N. DUMAS
NPU-3 COUNCIL DISTRICT 9

ADOPTED BY

JUL 0 5 2005

COUNCIL AS AMENDED

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 3-21-2005

Referred To: ZRB; Zoning

Date Referred

Referred To:

Date Referred

Referred To:

First Reading
 Committee Date 7/1/2005
 Chair Robert N. Dumas
 Referred To: Zoning

Committee Date 7/1/2005

Action
Fav. Adv. Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action

Fav. Adv. Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav. Adv. Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav. Adv. Hold (see rev. side)

Other

Members

Refer To

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Consent V Vote RC Vote

CERTIFIED

JUL 0 5 2005

CERTIFIED
JUL 0 5 2005

MAYOR'S ACTION

Mayor's Signature
MAYOR