

**AN ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PARCEL ID #'S 14F-0029-LL-014-4 AND 14-F-0009-LL-093-2 OFF KIMBERLY ROAD TO THE CORPORATE LIMITS OF THE CITY OF ATLANTA, GEORGIA; TO PROVIDE FOR THE NOTIFICATION OF THE DEPARTMENT OF COMMUNITY AFFAIRS OF THE STATE OF GEORGIA OF SUCH ANNEXATION; AND FOR OTHER PURPOSES

WHEREAS, the owner of real property (the "Applicant") has applied to the City of Atlanta for annexation ("the Application") of certain property consisting of 15.74 acres, more or less, as more fully described and delineated in Exhibit "A" attached hereto (the "Property"); and

WHEREAS, the City of Atlanta has determined that the Property is contiguous to the existing corporate limits of the City of Atlanta in excess of the minimum amount required for such annexations under O.C.G.A. § 36-36-1 *et seq.*; and

WHEREAS, the City of Atlanta has determined that the Applicant is the title holder of record of 100% of the privately owned land within the Property, as evidenced by the Clerk of the Superior Court of Fulton County, Georgia; and

WHEREAS, the requirements in O.C.G.A. § 36-66-4(d) governing procedures for the zoning of land to be annexed into a municipality have been satisfied; and

WHEREAS, the zoning classification approved by the City of Atlanta for the property which is the subject of the proposed annexation shall become effective on the later date of the date of the zoning is approved by the City of Atlanta or the date that the annexation becomes effective as required by O.C.G.A. § 36-36-2; and

WHEREAS, the City of Atlanta has lawfully provided notice to Fulton County, Georgia of all required information including notice of the City of Atlanta's receipt of the Application for annexation of the Property; and

WHEREAS, Fulton County has not interposed a land use objection in accordance with the annexation requirements of state law; and

WHEREAS, the City of Atlanta has authority pursuant to O.C.G.A. § 36-36-1 *et seq.* to annex certain property into the corporate limits of the City of Atlanta, and that the Mayor and Council of the City of Atlanta have determined that the annexation of the Property would be in the best interest of the residents and property owners of the areas to be annexed and of the citizens of the City of Atlanta; and

WHEREAS, any proposed annexation must be approved by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965; and

WHEREAS, the City of Atlanta has determined that the Application meets the requirements of law pursuant to O.C.G.A. § 36-36-1 *et seq.*; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

Section 1. The Property is hereby annexed to the existing corporate limits of the City of Atlanta, Georgia, pending approval by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.

Section 2. There is hereby filed, as part of this Ordinance and identified as Exhibits “A” and “B”, a legal description and map of the annexed land.

Section 3. The Municipal Clerk is hereby authorized and directed to submit to the United States Department of Justice all necessary documentation required for the Department’s review and approval of the annexation pursuant to Section 5 of the Voting Rights Act of 1965.

Section 4. The Municipal Clerk is hereby authorized and directed to file a report identifying property annexed with the Department of Community Affairs of the State of Georgia and with the governing authority of Fulton County as required by O.C.G.A. § 36-36-3, and to take all other actions required by law with regard to the adoption of this ordinance and the annexation of the Property.

Section 5. The Ordinance shall become effective immediately for school enrollment purposes and for all other purposes in accordance with applicable provisions of Georgia law, contingent upon approval of the annexation by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.

Section 6. All Ordinances, or parts of Ordinances in conflict with the terms of this Ordinance are hereby waived to the extent of the conflict.

Exhibit "A"

ALL THAT TRACT OR PARCEL of real property lying and being in Land Lots 9 and 29 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin set at the intersection of the southeasterly right-of-way of Kimberly Road (having a 50 foot right-of-way) with the northerly land lot line of Land Lot 29; run thence along said northerly land lot line of Land Lot 29 and continuing along the northerly land lot line of Land Lot 9, South 89°15'00" East a distance of 1080.3 feet to an iron pin set on the westerly right-of-way of Atlantic Coastline Railroad (having a 100-foot right-of-way); thence southwesterly along said westerly right-of-way of said Atlantic Coastline Railroad a distance of 546.5 feet along the arc of a curve (said arc being subtended by a chord bearing South 04°27'00" West, 545.4 feet) to a concrete monument found; thence North 88°19'00" West a distance of 1458.5 feet to a concrete monument found; thence North 65°27'00" East a distance of 197.3 feet to an iron pin set; thence North 24°35'00" West a distance of 225.0 feet to an iron pin found on said southeasterly right-of-way of said Kimberly Road a distance of 408.7 feet along the arc of a curve (said arc being subtended by a chord bearing North 55°43'00" East, 405.4 feet) to an iron pin set being the POINT OF BEGINNING.

The above-described property contains 15.74 acres and is described as per Plat of Survey for Mrs. Meta R. Schneider, prepared by Bush, Steed, & Boyd, Inc., dated July 18, 1972, which plat is incorporated herein by this reference.

