

AN ORDINANCE

BY KWANZA HALL

AN ORDINANCE TO WAIVE CERTAIN PROVISIONS OF CHAPTER 15 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ALLOW FOR THE REDEVELOPMENT OF PROPERTY LOCATED AT 0 HIGHLAND AVENUE IN THE CITY OF ATLANTA

WHEREAS, the owners of property located at 0 Highland Avenue in the City of Atlanta purchased the subject property in the early part of 2007 with the intention of redeveloping it with a new single-family home; and

WHEREAS, at the time of purchase, the subject property was marketed by the seller as a buildable 50'x90' lot, despite the fact the neighboring home at 268 Prospect Ave. encroached onto the subject property by 6 or 7 feet; and

WHEREAS, all of the due diligence completed in connection with the purchase of the subject property at the City of Atlanta did not uncover any issues that suggested the subject property could not be redeveloped with a new single-family home; and

WHEREAS, City of Atlanta online zoning maps consulted by the owners prior to purchasing the subject property, as well as Fulton County tax records, showed 0 Highland Avenue and 268 Prospect Avenue as distinctly separate and therefore, presumably legally buildable. Based upon this information and research, the owners purchased the property for \$110,000;

WHEREAS, shortly after purchasing the subject property, before the owners applied for any permits to redevelop the subject property, the City of Atlanta adopted 07-0-0682 on or about September 9, 2007, creating more stringent requirements for acknowledging lots of record, an action which effectively prohibited the redevelopment of 0 Highland Avenue;

WHEREAS, in light of the unique circumstances related to the buyer's efforts to redevelop the subject property, as well as the desire of the neighborhood to see the subject property developed, it is in the best interests of the City of Atlanta to waive those requirements in the City of Atlanta Subdivision Ordinance that would otherwise prohibit the redevelopment of the subject property.

NOW, THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA AS FOLLOWS:

- Section 1.** That those parts of Sections 15-01.001, et seq. of the City of Atlanta Code of Ordinances be and are hereby waived to the extent that they prevents the redevelopment of the property located at 0 Highland Avenue in the City of Atlanta.
- Section 2.** That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.