09-O-1072

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AN ORDINANCE
~~**BY FINANCE/EXECUTIVE COMMITTEE**~~

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY LOCATED AT 4118 E. BROOKHAVEN DRIVE TO THE CORPORATE LIMITS OF THE CITY OF ATLANTA, GEORGIA PURSUANT TO THE 100% METHOD; TO AUTHORIZE THE LAW DEPARTMENT TO SEEK PRECLEARANCE FROM THE UNITED STATES DEPARTMENT OF JUSTICE AND TO NOTIFY THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS 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 located at 4118 E. Brookhaven Drive, Atlanta, Ga. 30319, as more fully described and delineated in Exhibits "A" and 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 DeKalb 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, 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, 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

WHEREAS, upon annexation, the City must seek pre-clearance from the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965 as well as pursuant to state law, submit a report to the Georgia Department of Community Affairs; and

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

Section 1. The Property known as 4118 E. Brookhaven Drive, Atlanta, Georgia 30319, as more fully described on Exhibit "A" which is incorporated herein by reference, 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. The City of Atlanta Law Department 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 3. The City of Atlanta Law Department 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 4. 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 5. All Ordinances or parts of Ordinances in conflict with the terms of this Ordinance are hereby waived to the extent of the conflict.