

#12

10-0-1169
(Do Not Write Above This Line)

Natalyn Archibong
AN ORDINANCE
BY COUNCILMEMBER
NATALYN ARCHIBONG *Natalyn*

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY LOCATED AT 418 MORGAN PLACE, SE, ATLANTA, GEORGIA 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.

ADOPTED BY
OCT 04 2010
COUNCIL

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

Date Referred *8/7/10*
 Referred To: *Finance/EXCC*
 Date Referred
 Referred To:
 Date Referred
 Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee *Finance/EXCC*
 Date *6/16/10*
 Chair _____
 Action *(Fav, Adv, Hold)*
 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 *Finance/EXCC*
 Date *9/29/10*
 Chair *Jordan*
 Action *(Fav, Adv, Hold)*
 Fav, Adv, Hold (see rev. side)
 Other _____
 Members *De Wate*
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action _____
 Fav, Adv, Hold (see rev. side)
 Other _____
 Members _____
 Refer To _____

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

CERTIFIED

CERTIFIED
 OCT 04 2010
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 OCT 04 2010
 Rhonda Daughlin Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
 OCT 11 2010
[Signature]
 MAYOR



CITY COUNCIL
ATLANTA, GEORGIA
Natalyn Archibong
BY COUNCILMEMBER NATALYN ARCHIBONG

10-1169

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY LOCATED AT 418 MORGAN PLACE, SE, ATLANTA, GEORGIA 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 418 Morgan Place, SE, Atlanta, GA 30317, as more fully described and delineated in Exhibit “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 DeKalb 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 that 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 418 Morgan Place, SE, Atlanta, Georgia 30317, 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 Property shall be part of Council District 5.

Section 3. 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 4. 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 DeKalb 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.

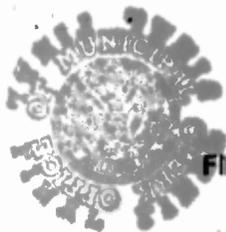
Section 6. All Ordinances or parts of Ordinances in conflict with the terms of this Ordinance are hereby waived to the extent of the conflict.

A true copy,

Deputy Clerk

**ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed**

**OCT 04, 2010
OCT 12, 2010**



FILE 7-1538

EXHIBIT A

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 182 & 183 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS THE FOLLOWS;

COMMENCING AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY OF SALMON AVENUE (50' R/W WIDTH) WITH THE NORTHEASTERLY RIGHT-OF-WAY OF MORGAN PLACE (50' R/W WIDTH);

THENCE NORTH 38 DEGREES 30 MINUTES 52 SECONDS WEST ALONG SAID NORTHEASTERLY RIGHT-OF-WAY OF MORGAN PLACE FOR A DISTANCE OF 149.86 FEET TO A ½ INCH REINFORCING BAR AT THE POINT OF BEGINNING;

FROM THE POINT OF BEGINNING THUS ESTABLISHED;

THENCE NORTH 38 DEGREES 35 MINUTES 34 SECONDS WEST ALONG SAID NORTHEASTERLY RIGHT-OF-WAY OF MORGAN PLACE FOR A DISTANCE OF 50.00 FEET TO A POINT;

THENCE LEAVING SAID RIGHT - OF -WAY OF MORGAN PLACE NORTH 51 DEGREES 27 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 150.08 FEET TO A POINT;

THENCE SOUTH 38 DEGREES 43 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 50.00 FEET TO A ½ INCH REINFORCING BAR;

THENCE SOUTH 51 DEGREES 27 MINUTES 56 SECONDS WEST FOR A DISTANCE OF 150.20 FEET TO THE POINT OF BEGINNING.

SAID PROPERTY CONTAINS 0.1723 ACRES OR 7.506 SQUARE FEET.

RCS# 575
10/04/10
2:49 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

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

Y Smith	NV Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ON ADVERSED CONSENT	10-04-10
1. 10-O-1169 2. 10-O-1653 3. 10-O-1658 4. 10-O-1659 5. 10-O-1695 6. 10-O-1664 7. 10-O-1665 8. 10-O-1737 9. 10-O-1168 10. 10-O-1461 11. 10-O-1735 12. 10-R-1723 13. 10-R-1727 14. 10-R-0881 15. 10-R-1696 16. 10-R-1749 17. 10-R-1752 18. 10-R-1753 19. 10-R-1754 20. 10-R-1755 21. 10-R-1756 22. 10-R-1725 23. 10-R-1734 24. 10-R-1740 25. 10-R-1746 26. 10-R-1703 27. 10-R-1704 28. 10-R-1705 29. 10-R-1706 30. 10-R-1707 31. 10-R-1708 32. 10-R-1709 33. 10-R-1710 34. 10-R-1711 35. 10-R-1712	36. 10-R-1713 37. 10-R-1714 38. 10-R-1715 39. 10-R-1716	