

#5

11-R-1481

(Do Not Write Above This Line)

RESOLUTION
BY: COUNCILMEMBER NATALYN
ARCHIBONG

Natalyn Archibong

A RESOLUTION AUTHORIZING THE OFFICE OF PLANNING TO CHANGE THE LOT DIMENSIONS ON THE CITY OF ATLANTA CADASTRAL MAP, FOR AN IMPROVED LEGAL, NON-CONFORMING LOT OF RECORD AT 978 WYLLIE STREET; AND FOR OTHER PURPOSES.

NPUN

COUNCIL DISTRICT 5

ADOPTED BY

OCT 17 2011

COUNCIL

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

Date Referred

10/03/2011

Referred To:

CD/HR

Committee _____
Date _____
Chair _____

First Reading

Committee
CD/HR

Date
10/11/11

Chair

Members

David Cooper
Fav, Adv, Held (see rev. side)

Other:

Members

[Handwritten signatures]

Refer To

Committee _____

Date _____

Chair _____

Members _____

Fav, Adv, Held (see rev. side)

Other:

Refer To

Committee _____

Date _____

Chair _____

Members _____

Fav, Adv, Held (see rev. side)

Other:

Refer To

COUNCIL ACTION

2nd 1st & 2nd 3rd

Readings

Consent V Vote RC Vote

CERTIFIED

CERTIFIED
OCT 17 2011

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED
OCT 17 2011

[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

OCT 26 2011

WITHOUT SIGNATURE
BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

11-R-1481

RESOLUTION

BY: COUNCILMEMBER NATALYN ARCHIBONG

Natalyn Archibong

A RESOLUTION AUTHORIZING THE OFFICE OF PLANNING TO CHANGE THE LOT DIMENSIONS ON THE CITY OF ATLANTA CADASTRAL MAP, FOR AN IMPROVED LEGAL, NON-CONFORMING LOT OF RECORD AT 978 WYLIE STREET; AND FOR OTHER PURPOSES.

WHEREAS, 978 Wylie Street is improved with a single-family dwelling on a R-5 zoned non-conforming lot of record (“subject property”) in that the size and street frontage are below the R-5 minimum standards, but created before the adoption of the current R-5 standards; and

WHEREAS, the City of Atlanta Cadastral Map, the official record of lots configuration for the purposes of development, reflects the subject property’s street frontage (i.e. lot width) to be 25 feet, the east property line to be 210 feet and the west property line to be 221 feet, the rear property line to be 25 feet and a total size of approximately 5,400 square feet; and

WHEREAS, upon research of the subject property’s chain of title, it has been determined that in 1977 the City of Atlanta purchased a portion of this parcel (50 feet by 221 feet of depth on the western boundary, 50 feet rear width and 210 feet of depth on the eastern boundary) thereby creating a 25 foot wide parcel with a depth of 100 feet as per a deed filed and recorded in Fulton County April 14, 1977.

WHEREAS, the subject property is and for years has been improved with a single-family residence for which the current owner has submitted building plans for further improvement of the subject property; and

WHEREAS, no building permit can legally be issued until the subject property’s current boundary lines are consistent with and updated onto the City of Atlanta Cadastral Maps; and

WHEREAS, under current subdivision regulations, the Office of Planning may not administratively recognize lot dimensions onto the City of Atlanta Cadastral Maps that will render said lot further below the minimum lot requirements of the applicable zoning district; and

WHEREAS, without legislative action, there will be uncertainty as to the subject property’s status for development purposes and the ability to obtain future building permits for the purpose of repair, renovation, construction, etc. to the existing residential structure on the property; and

WHEREAS, the City Council desires to resolve the uncertainty in this situation, allowing the subject property to be further improved.



NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the Office of Planning is authorized to change the City of Atlanta Cadastral Map for property located at 978 Wylie Street into a configuration consistent with those property boundaries as indicated on the attached legal description (Exhibit "A") and property boundary survey (Exhibit "B"), said exhibits incorporated herein by reference.

Section 2: That the Office of Planning is authorized to recognize the property located at 978 Wylie Street as one legal, non-conforming lot of record with all rights appurtenant thereto.

Section 3: That as a legal, non-conforming lot of record, any development on the subject property must comply with all applicable development standards, including, but not limited to, the provisions of Sec. 16-24.002.

A true copy,

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

Oct. 17, 2011
Oct. 26, 2011

Rhonda Daughlin Johnson
Municipal Clerk



EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 13, 14th District, Fulton County, Georgia, being more particularly described as follows:

BEGINNING at a point on the Northerly right of way of Wylie Street (40 feet right of way) which point is 366.0 feet Westerly along said Northerly right of way from the intersection of the Northerly right of way of Wylie Street with the Westerly side of Weatherby Street, proceed thence North 89 degrees 08 minutes 21 seconds West a distance of 26.02 feet along the Southerly right of way of Wylie Street to an iron found, proceed thence North 03 degrees 36 minutes 35 seconds East a distance of 99.95 feet to an iron pin found; proceed thence South 89 degrees 21 minutes 18 seconds East a distance of 25.0 feet to an iron pin found; proceed thence South 03 degrees 01 minutes 18 seconds West a distance of 100.0 feet to an iron pin found on the Northerly right of way of Wylie Street and the point of beginning, being more particularly shown on plat of survey prepared by Solar Land Surveying Company of John J. Morgenstern and Jonathan T. Morgenstern, dated January 15, 1996.

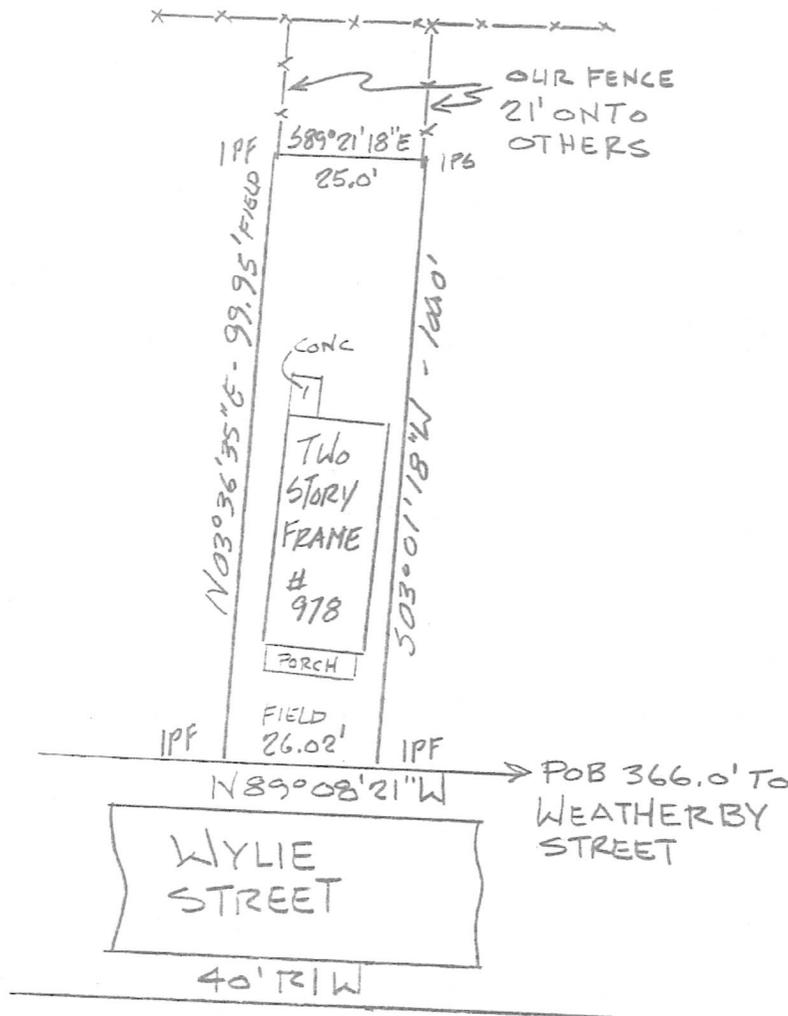
I HAVE, THIS DATE, EXAMINED THE "FIA OFFICIAL FLOOD HAZARD MAP" AND FOUND REFERENCED PARCEL (●) (IS NOT) IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS, OR ENTITY.

MAP ID: 025157 0021C EFFECTIVE DATE: 3-4-87

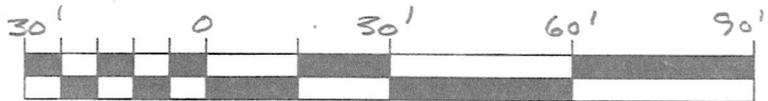
Exhibit "B"

- LEGEND**
- CMP CORRUGATED METAL PIPE
 - DE DRAINAGE EASEMENT
 - SSE SANITARY SEWER EASEMENT
 - BSL BUILDING SETBACK LINE
 - IPF IRON PIN FOUND
 - IPS IRON PIN SET
 - CB CATCH BASIN
 - JB JUNCTION BOX
 - HW HEAD WALL
 - POB POINT OF BEGINNING
 - MH MAN HOLE
 - R/W RIGHT-OF-WAY
 - PP POWER POLE
 - OT OPEN TOP
 - CT CRIMP TOP
 - RB REBAR



THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 10,000 FEET, AN ANGULAR ERROR OF 4 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000 FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

GRAPHIC SCALE



IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

John W. Stanzilis, Jr.

(IN FEET)
1 inch = 30 ft.



OWNER/PURCHASER		JOHN J. MORGENSTERN		DATE	1-15-96
		JONATHAN TRAD MORGENSTERN		SCALE	1" = 30'
LAND LOT	13	DISTRICT	14TH	SECTION	FULTON
				COUNTY, GEORGIA	
LOT		BLOCK		UNIT	
SUBDIVISION					
ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED			SOLAR LAND SURVEYING COMPANY		
			P.O. BOX 723993 ATLANTA, GEORGIA 31139-0993 (404) 434-8277		

PLAT BOOK _____ PAGE _____
DEED BOOK _____ PAGE _____

PLAT PREPARED FOR : MORRIS & SCHNEIDER

JOB NUMBER 96-343

RCS# 1478
10/17/11
2:41 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

CONSENT AGENDA SECTION I
OCTOBER 17, 2011
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 1

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

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	10-17-11 ITEMS ADVERSED ON CONSENT
1. 11-O-1292 2. 11-O-1383 3. 11-O-1483 4. 11-O-1380 5. 11-O-1371 6. 11-O-1372 7. 11-O-1421 8. 11-O-0815 9. 11-O-1234 10. 11-O-1290 11. 11-O-1291 12. 11-O-1235 13. 11-O-1375 14. 11-O-1376 15. 11-R-1443 16. 11-R-1471 17. 11-R-1444 18. 11-R-1445 19. 11-R-1472 20. 11-R-1485 21. 11-R-1438 22. 11-R-1439 23. 11-R-1440 24. 11-R-1481 25. 11-R-1482 26. 11-R-1406 27. 11-R-1448 28. 11-R-1449 29. 11-R-1450 30. 11-R-1451 31. 11-R-1452 32. 11-R-1453 33. 11-R-1454 34. 11-R-1455 35. 11-R-1456 36. 11-R-1457	37. 11-R-1458 38. 11-R-1459 39. 11-R-1460 40. 11-R-1461 41. 11-R-1462 42. 11-R-1463 43. 11-R-1464 44. 11-R-1465 45. 11-R-1466 46. 11-R-1467	47. 11-R-1468 48. 11-R-1469 49. 11-R-1470