

12-0-0454

(Do Not Write Above This Line)

AN ORDINANCE
BY COUNCILMEMBER ALEX WAN

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY LOCATED AT 1206 MCLYNN AVENUE 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

JUL 02 2012

COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred: 3/19/12
Referred To: Finance/Exec
Date Referred:
Referred To:
Date Referred:
Referred To:

First Reading
Committee _____
Date _____
Chair _____
Referred To _____

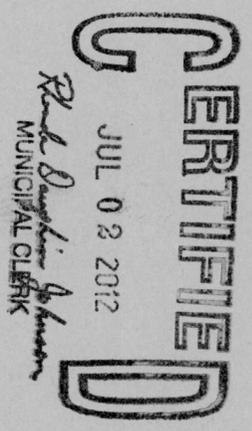
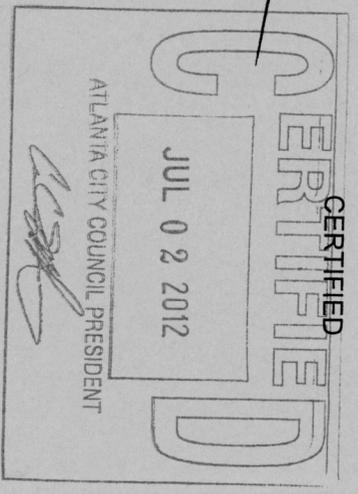
Committee: Finance/Executive
Date: 3/28/12
Chair: [Signature]
Action: [Signature]
Fav, Adv, Hold (See rev. side): [Signature]
Other: [Signature]
Members: [Signature]
Refer To: _____

Committee: Finance/Executive
Date: 6/27/12
Chair: [Signature]
Action: [Signature]
Fav, Adv, Hold (See rev. side): [Signature]
Other: [Signature]
Members: [Signature]
Refer To: _____

Committee _____
Date _____
Chair _____
Action: Fav, Adv, Hold (See rev. side) _____
Other _____
Members _____
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



MAYOR'S ACTION
APPROVED
JUL 11 2012
WITHOUT SIGNATURE
BY OPERATION OF LAW



AN ORDINANCE

BY COUNCILMEMBER ALEX WAN

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY LOCATED AT 1206 MCLYNN AVENUE 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 1206 McLynn Avenue, NE, Atlanta, GA 30306, 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 1206 McLynn Avenue, NE, Atlanta, Georgia 30306, 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.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

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

JUL 02, 2012
JUL 11, 2012



EXHIBIT A

ALL THAT TRACT OR PARCEL OF LAND LING AND BEING IN LAND LOT 55 OF THE 18TH DISTRICT, DEKALB COUNTY, GEORGIA, BEING LOT 29, BLOCK E, BRIARWOOD, AS PER PLAT RECORDED IN PLAT BOOK 12, PAGE 137, DEKALB COUNTY RECORDS; WHICH PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF.



THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 21,949 FEET AND AN ANGULAR ERROR OF 1.2" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 95,487 FEET.

A NIKON DTM-420 TOTAL STATION WAS USED TO OBTAIN ANGULAR AND LINEAR MEASUREMENTS.

THIS PROPERTY IS NOT LOCATED INSIDE A DESIGNATED F.I.A. SPECIAL FLOOD HAZARD AREA AS PER DEKALB COUNTY FLOOD INSURANCE RATE MAP #13089C0062H, EFFECTIVE DATE: 05-07-2001

AREA = 0.26 ACRES

GRAPHIC SCALE

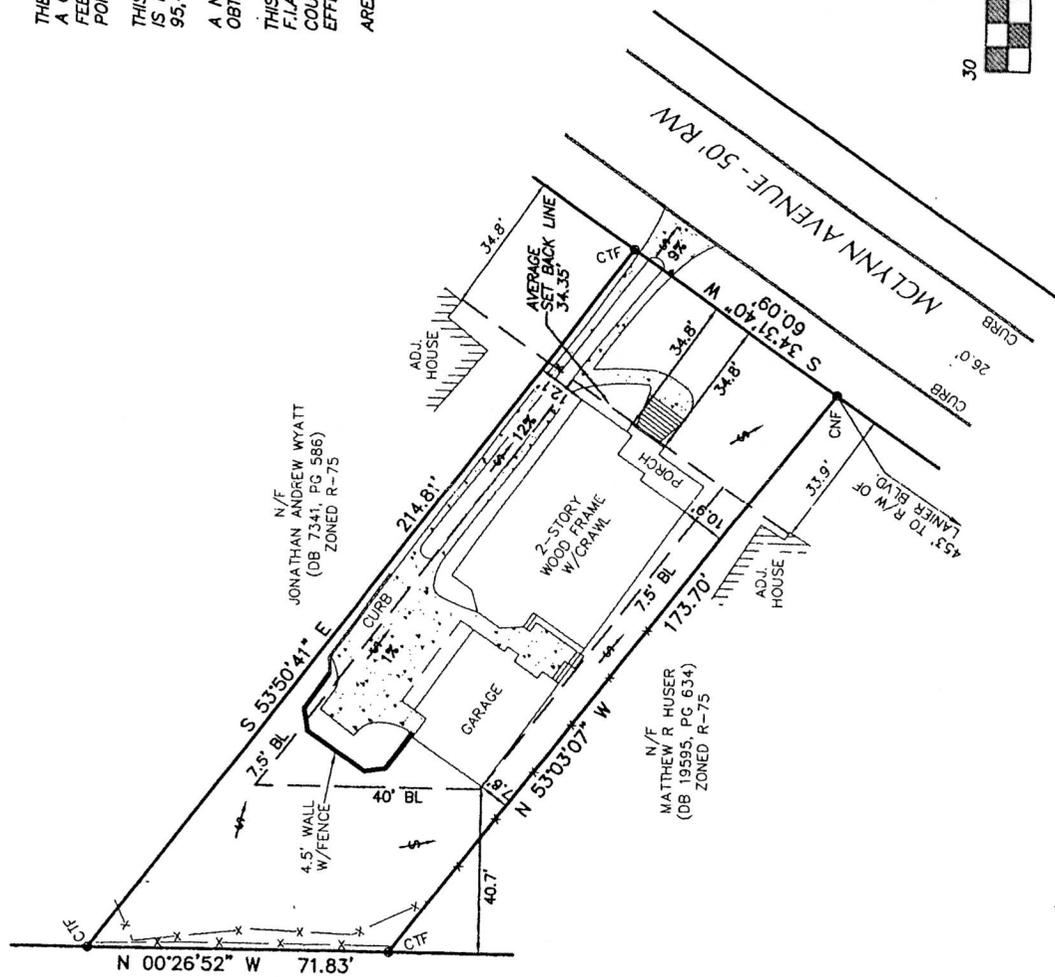


1 INCH = 30 FEET



GADDY SURVEYING & DESIGN, INC.

2155 PEACOCK HILL ROAD
LAWRENCEVILLE, GEORGIA 30044
PHONE - (770) 961-9329
FAX - (770) 961-5300



N/F RUTH A. KNOX (DB 7189, PG 30) ZONED R-3
N/F DONNA M. DENSON (DB 40105, PG 560) ZONED R-3

- LEGEND**
- PS FROM PLY SET
 - N/F N/F
 - RFB REBAR FOUND
 - CRMP CRAMP TOP FOUND
 - CNF CONCRETE NAIL FOUND
 - JUN JUNCTION BOX
 - RTG RIGHT-OF-WAY
 - BL PROPERTY LINE
 - CB CATCH BASIN
 - HW HEADWALL
 - SSMH SEWER MANHOLE
 - FENCE
 - LOT LOT LINE
 - ORIG ORIGINAL LINE
 - DRN DRAINAGE BASIN
 - SEW SEWER BASIN
 - S.E. S.E.
 - S.W. S.W.
 - UTL UTILITY
 - PP POWER POLE
 - DRP DROP POLE
 - LIHT LIGHT POLE
 - EDG EDGE OF PAVEMENT
 - CTR CENTERLINE

BUILDING HEIGHT CALCULATIONS:
PEAK = 955.14
THRESHOLD = 921.42
BUILDING HEIGHT = 33.72'

LOT COVERAGE CALCULATIONS (IN Sq.Ft.):
LOT AREA = 11,407
DWELLING AREA = 1750
GARAGE AREA = 675
DRIVEWAY AREA = 1650-400
PORCH AREA = 150
WALKWAY AREA = 160
TOTAL IMP. AREA = 34,934,689%



PROPERTY KNOWN AS
LOT 29, BLOCK "E"
BRIARWOOD S/D
(PB 12 ~ PG 137)

SURVEY FOR
BWH HOLDINGS, LLC
1206 MCLYNN AVENUE
LAND LOT 55 ~ 18TH DISTRICT
DEKALB COUNTY, GEORGIA

SURVEY DATES
FIELD WORK COMPLETED - DECEMBER 14, 2009
MAP PRODUCTION COMPLETED - DECEMBER 15, 2009



ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	07-02-12 ITEMS ADVERSED ON CONSENT
1. 12-O-0899 2. 12-O-0672 3. 12-O-0454 4. 12-O-0819 5. 12-O-0820 6. 12-O-0833 7. 12-O-0391 8. 12-O-0813 9. 12-O-0814 10. 11-O-0945 11. 12-O-0810 12. 12-O-0811 13. 12-O-0812 14. 12-O-0896 15. 12-O-0455 16. 12-O-0558 17. 12-R-0887 19. 12-R-0880 20. 12-R-0881 21. 12-R-0882 22. 12-R-0883 23. 12-R-0884 24. 12-R-0875 25. 12-R-0876 26. 12-R-0897 27. 12-R-0898 28. 12-R-0901 29. 12-R-0696 30. 12-R-0818 31. 12-R-0852 32. 12-R-0853 33. 12-R-0854 34. 12-R-0855 35. 12-R-0856 36. 12-R-0857 37. 12-R-0858	38. 12-R-0859 39. 12-R-0860 40. 12-R-0861 41. 12-R-0862 42. 12-R-0863 43. 12-R-0864 44. 12-R-0865 45. 12-R-0866	46. 12-R-0868 47. 12-R-0869 48. 12-R-0870 49. 12-R-0871 50. 12-R-0872 51. 12-R-0873 52. 12-R-0874