

11-0-0692

(Do Not Write Above This Line)

AN ORDINANCE U-11-16
BY ZONING COMMITTEE

An Ordinance granting a Special Use Permit pursuant to Section 16.28.023 (2)(c)(3) and Section 16-28.027 (3)(c) of the City of Atlanta Zoning Ordinance for a Transfer of Excess Development Rights. Said use is granted to Atlanta Beltline, Inc. (Recipient Parcel) its successors, assigns and all subsequent owners and are to be transferred from the 544 North Angier Avenue, N. E. (Donor Parcel).

As Amended

ADOPTED BY

MAY 20 2013

COUNCIL

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

Date Referred 05/02/11
 Referred To: ZRB/Zoning
 Date Referred 7/18/11
 Referred To: Zoning
 Date Referred
 Referred To:

Committee Zoning ^{First Reading}
 Date 05/27/2011
 Chair [Signature]
 Referred To Zoning

Committee Zoning
 Date 1/3/2011
 Chair [Signature]
 Action Fav, Adv, Hold (see rev. side) Other AS AMENDED
 Members [Signatures]
 Refer To [Signature]

Committee Zoning
 Date 5/15/11
 Chair [Signature]
 Action Fav, Adv, Hold (see rev. side) Other [Signature]
 Members [Signatures]
 Refer To

Committee Zoning
 Date July 27 2011
 Chair
 Action Fav, Adv, Hold (see rev. side) Other AS AMENDED
 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

CERTIFIED
 MAY 20 2013
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 MAY 20 2013
 Rhonda Daphnia Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION
 APPROVED
 MAY 29 2013
 WITHOUT SIGNATURE
 BY OPERATION OF LAW



City Council
Atlanta, Georgia

11-O-0692

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

U-11-16

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16.28.023 (2)(c)(3) and Section 16-28.023 (3)(c) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit is granted for a Transfer of Excess Development Rights. Said use is granted to Atlanta Beltline, Inc. (Recipient Parcel) its successors, assigns and all subsequent owners and are to be transferred from the 544 North Angier Avenue, N. E. (Donor Parcel), to wit:

OWNERS: ATLANTA BELTLINE, INC. (RECIPIENT)
544 NORTH ANGIER AVENUE, N.E. (DONOR PARCEL)

APPLICANT: ATLANTA BELTLINE, INC.

Sending Property (544 North Angier Avenue):

- Net lot area: 39,845 s.f. (0.915 acres)
- Maximum non-residential FAR allowed: 4.0 times net lot area = 159,380 s.f.
- Maximum residential FAR allowed: 3.2 times net lot area = 127,504 s.f.
- Total development rights to be transferred:
 - Non-residential square footage = 159,380 s.f
 - Residential square footage = 127,504 s.f.
- Total development rights to be retained on sending parcel = zero s.f.

Recipient (Atlanta BeltLine, Inc):

- Total development rights to be received:
 - Non-residential square footage = 159,380 s.f.
 - Residential square footage = 127,504 s.f.

ALL THAT TRACT or parcel of land lying and being in the following Land Lots and District of Fulton County as described below and by the attached legal description and/or survey:

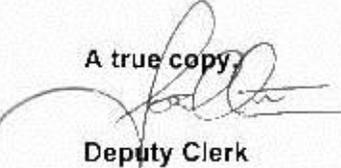
Donor Parcel is located in Land Lot 18, District 14.



SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,



Deputy Clerk

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

MAY 20, 2013
MAY 29, 2013



Conditions for U-11-16 for 544 North Angier Ave., N.E. (Donor Parcel)

1. The submission of all agreements, assignments, and affidavits to the Office of Planning for record keeping of said transfer of development rights.



After Recording Return to:
Patrise Perkins-Hooker, Esq.
Atlanta Beltline, Inc.
86 Pryor Street, S.W., Suite 200
Atlanta, GA 30303

RETURN TO:
SHUPING, MORSE & BOSS
6259 Riverdale Road
Riverdale, GA 30274-1609

State of Georgia
County of Fulton

13-60996/ CITY OF ATLANTA, A MUNICIPAL CORPORATION

LIMITED WARRANTY DEED

THIS INDENTURE made this 29th day of March, in the year 2013 between **ATLANTA BELTLINE, INC.**, a Georgia Nonprofit Corporation, as party of the first part, hereinafter called Grantor, and the **CITY OF ATLANTA**, a Georgia municipal corporation, as party of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits);

WITNESSETH that: Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, all of that property at Land Lot 18 of the 14th District of Fulton County, Atlanta, Georgia, Parcel Tax ID Numbers 14-0018-0007-023-6; 14-0018-0001-031-5; and 14-0018-0001-027-3 and fully described in Exhibit "A", attached hereto and incorporated herein by this reference (the "Property").

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in Fee Simple.

This conveyance and the warranties herein contained are expressly made subject to those matters set forth in Exhibit "B," attached hereto and incorporated herein by this reference (the "Permitted Exceptions").

3RD



AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by and through Grantor, subject only to the Permitted Exceptions.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

GRANTOR

Sworn to and subscribed before me this the 29th day of March, 2013

ATLANTA BELTLINE, INC.
A Georgia Nonprofit Corporation

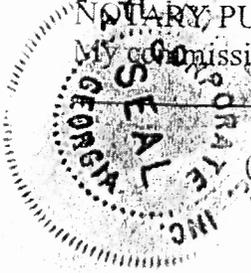
By: Lisa Y. Gordon
Lisa Y. Gordon, COO

Cheryl D. Rockett

Unofficial Witness

Calvin Brown

NOTARY PUBLIC exp 10.5.2013
My commission expires



(NOTARY SEAL)

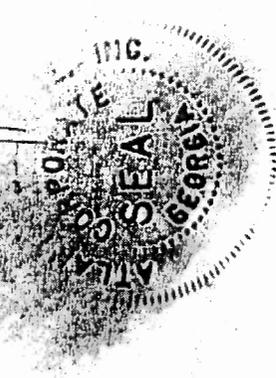




EXHIBIT "A"
LEGAL DESCRIPTION

Ralph McGill/Angier/Rankin 236,097 sf
Parcel Number 14-0018-0007-023-6

ALL THAT TRACT or parcel of land lying and being in Land Lot 18 of the 14th District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the Northwestern right-of-way of Angier Avenue (having a 50-foot right-of-way) and the Easterly intersection of the abandoned right-of-way of Edith Street (formerly having a 50-foot right-of-way) and proceeding SOUTH 52 DEGREES 50 MINUTES 47 SECONDS WEST along the aforesaid right-of-way of Angier Avenue a distance of 62.69 feet to a point; THENCE proceeding SOUTH 54 DEGREES 50 MINUTES 59 SECONDS WEST a distance of 58.31 feet to a point on the Westerly terminus of Angier Avenue; THENCE proceeding SOUTH 35 DEGREES 09 MINUTES 01 SECOND EAST a distance of 50.05 feet to a point on the Southeasterly right-of-way of Angier Avenue; THENCE proceeding SOUTH 10 DEGREES 45 MINUTES 36 SECONDS WEST a distance of 74.36 feet to a point; THENCE proceeding NORTH 61 DEGREES 06 MINUTES 22 SECONDS EAST a distance of 59.12 feet to a point; THENCE departing said right-of-way and proceeding SOUTH 25 DEGREES 13 MINUTES 50 SECONDS EAST a distance of 348.26 feet to a point on the Northwestern right-of-way of Ralph McGill Boulevard; THENCE proceeding along a curve to the right an arc distance of 57.46 feet (said curve having a radius of 1011.36 feet and being subtended by a chord bearing of SOUTH 53 DEGREES 08 MINUTES 26 SECONDS WEST and a chord distance of 57.45 feet) to a point; THENCE proceeding SOUTH 54 DEGREES 46 MINUTES 05 SECONDS WEST a distance of 171.62 feet to a point; THENCE proceeding SOUTH 54 DEGREES 42 MINUTES 09 SECONDS WEST a distance of 20.47 feet to a point; THENCE proceeding NORTH 35 DEGREES 43 MINUTES 30 SECONDS WEST a distance of 305.08 feet to a point; THENCE proceeding along a curve to the right an arc length of 116.66 feet (said curve having a radius of 190.12 feet and a chord bearing of NORTH 16 DEGREES 42 MINUTES 56 SECONDS WEST and a chord distance of 114.84 feet) to a point; THENCE NORTH 25 DEGREES 37 MINUTES 28 SECONDS WEST a distance of 50.84 feet to a point; THENCE proceeding along a curve to the right an arc distance of 30.91 feet (said curve having a radius of 716.95 feet and a chord bearing of SOUTH 65 DEGREES 36 MINUTES 39 SECONDS WEST and chord distance of 30.91 feet) to a point; THENCE NORTH 02 DEGREES 15 MINUTES 44 SECONDS WEST a distance of 221.58 feet to a point; THENCE proceeding SOUTH 71 DEGREES 36 MINUTES 31 SECONDS WEST a distance of 50.06 feet to a point; THENCE proceeding NORTH 00 DEGREES 29 MINUTES 35 SECONDS EAST a distance of 162.52 feet to a point; THENCE proceeding NORTH 82 DEGREES 41 MINUTES 17 SECONDS EAST a distance of 49.95 feet to a point; THENCE proceeding NORTH 84 DEGREES 06 MINUTES 57 SECONDS EAST a distance of 50.08 feet to a point; THENCE proceeding NORTH 83 DEGREES 40 MINUTES 09 SECONDS EAST a distance of 302.75 feet to a point; THENCE proceeding SOUTH 00 DEGREES 39 MINUTES 21 SECONDS EAST a distance of 102.23 feet to a point; THENCE proceeding SOUTH 00 DEGREES 03 MINUTES 08 SECONDS EAST a distance of 84.35 feet to a point and POINT OF BEGINNING.



Said parcel contains 236,097 square feet or 5.42 acres and being that same property shown on a Lot Consolidation Plat by Southeastern Engineering dated 03/01/12, approved by the City Of Atlanta on 03/29/12 and recorded 03/30/2012 in Plat Book 359, Page 111, Fulton County, Georgia records.

AND

N. Angier/Dallas 72,283 sf
Parcel Number 14-0018-0001-031-5

ALL THAT TRACT or parcel of land lying and being in Land Lot 18 of the 14th District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows: BEGINNING at the intersection of the Northwesterly right-of-way of Dallas Street (having a 50-foot right-of-way) and the Southwesterly right-of-way of North Angier Avenue (having a 50-foot right-of-way) and proceeding SOUTH 73 DEGREES 39 MINUTES 09 SECONDS WEST along the aforesaid right-of-way of Dallas Street a distance of 185.38 feet to a point; THENCE departing said right-of-way and proceeding NORTH 19 DEGREES 43 MINUTES 32 SECONDS WEST a distance of 252.62 feet to a point; THENCE proceeding NORTH 06 DEGREES 34 MINUTES 07 SECONDS WEST a distance of 48.85 feet to a point; THENCE proceeding SOUTH 81 DEGREES 24 MINUTES 07 SECONDS WEST a distance of 11.46 feet to a point; THENCE proceeding NORTH 24 DEGREES 55 MINUTES 14 SECONDS WEST a distance of 182.25 feet to a point; THENCE proceeding NORTH 61 DEGREES 07 MINUTES 24 SECONDS EAST a distance of 116.60 feet to a point on the aforesaid right-of-way of North Angier Avenue; THENCE proceeding SOUTH 29 DEGREES 30 MINUTES 40 SECONDS EAST along said right-of-way a distance of 230.51 feet to a point; THENCE proceeding SOUTH 27 DEGREES 35 MINUTES 50 SECONDS EAST a distance of 51.32 feet to a point; THENCE proceeding SOUTH 29 DEGREES 27 MINUTES 22 SECONDS EAST a distance of 238.82 feet to a point and POINT OF BEGINNING.

Said parcel contains 72,283 square feet or 1.66 acres and being that same property shown on a Lot Consolidation Plat by Southeastern Engineering dated 05/08/12, approved by the City Of Atlanta on 05/22/12 and recorded 05/31/2012 in Plat Book 360, Page 89, Fulton County, Georgia records

AND

0 North Avenue, 16,972 sf
Parcel Tax ID# 14-0018-0001-027-3

ALL THAT TRACT or parcel of land lying and being in Land Lot 18 of the 14th District, City of Atlanta, Georgia and being more particularly described as follows: BEGINNING at a 3/4-inch bolt with nut found at the intersection of the Southerly 80-foot right-of-way of North Avenue with the Southwesterly 50-foot right-of-way of North Angier Avenue; THENCE proceeding SOUTH 29 DEGREES 30 MINUTES 40 SECONDS EAST along the aforesaid right-of-way of North Angier Avenue a distance of 136.46 feet to a point; THENCE



EXHIBIT "B"
PERMITTED TITLE EXCEPTIONS

1. All taxes for the year 2013 and all subsequent years, not yet due and payable.
2. Agreement for anchors and Guy Wires to Georgia Power Company, dated August 4, 1939, recorded in Deed Book 1746, page 374, Fulton County, Georgia records.
3. Easement from Atlanta Beltline, Inc. to Georgia Power Company, dated February 22, 2010, recorded in Deed Book 49407, Page 523, Fulton County, Georgia records.
4. Easements to Southern Bell Telephone and Telegraph Company, dated February 5, 1946, recorded in Deed Book 1675, page 372, aforesaid records.
5. Easement for Slopes and widening of North Avenue to The Weine Investment Corporation, et al., filed of record July 21, 1964, recorded in Deed book 4268, page 316, aforesaid records; subsequent amendment recorded in Deed book 4292, page 89, aforesaid records.
6. Easement to the City of Atlanta, dated July 15, 1964, recorded in Deed Book 4283, Page 135, aforesaid records.
7. Right of Way Easement from Sears, Roebuck and Co. to Georgia Power Company, dated April 18, 1966, recorded in Deed Book 4597, Page 495, aforesaid records.
8. Easement to maintain footings and foundation supports in connection with retaining wall to National Dairy Products Corporation, dated May 17, 1968, recorded in Deed Book 4907, Page 537, aforesaid records.
9. All matters set forth on recorded plat in Plat book 353, page 2, and Plat Book 354, page 127, Fulton County, Georgia records, including, but not limited to, building lines, easements and restrictions.
10. Boundary Line Agreement between Calhoun Development, Inc. and Southern Dairies Partners, LLC, dated August 7, 2006, recorded in Deed Book 43184, Page 279, aforesaid records.
11. Water Utility System Easement to the City of Atlanta, dated June 21, 2012, recorded in Deed Book 51337, page 44, aforesaid records.



12. Easements and exceptions as shown in that certain Limited Warranty deed from Sears, Roebuck and Co. to the City of Atlanta, dated May 8, 1991, recorded in Deed Book 14252, Page 13, aforesaid records.
13. Boundary Line Agreement dated October 25, 1962, recorded in Deed Book 3993, Page 34, Fulton County, Georgia records.
14. Storm Water Management Inspection and Maintenance Agreement, dated August 3, 2010, recorded in Deed Book 49245, page 414, aforesaid records.
15. All matters set forth on recorded plat in Plat Book 16, Page "E", Fulton County, Georgia records, including, but not limited to building lines, easements and restrictions.
16. All matters set forth on recorded plat in Plat book 327, Page 98, Fulton County, Georgia records, including, but not limited to building lines, easements and restrictions.
17. Easement to Georgia Power Company, dated December 20, 1963, recorded in Deed Book 4176, Page 578, Fulton County, Georgia records.
18. Easements and exceptions as set forth in that certain Limited Warranty Deed dated January 17, 1980, recorded in Deed Book 7462, page 1, aforesaid records.
19. Easement Agreement between The Trust for Public Land and North Avenue Park Apartments, LLC, dated September 19, 2007, recorded in Deed Book 45729, page 216, aforesaid records.
20. Reciprocal Easement and Covenant Agreement between the Trust for Public Land and North Avenue Park Apartments, LLC, dated September 9, 2007, recorded in Deed Book 45729, Page 230, aforesaid records; First Amendment recorded at Deed Book 47219, page 401, aforesaid records, re-recorded at Deed Book 47346, Page 650, aforesaid records; Second Amendment recorded at Deed Book 47219, page 398, aforesaid records.
21. All zoning, building and use laws, ordinances, rules and regulations of any governmental authority.
22. Declaration and Agreement Concerning Development, Easements and Real Covenants by and between the City of Atlanta and Ponce Park, LLC, dated March 13, 2006, recorded in Deed Book 42138, page 367, aforesaid records.



EXHIBIT "A"

LEGAL DESCRIPTION

Land located at 544 N. Angier Avenue, Atlanta, Fulton County, Georgia 30308
Atlanta BeltLine, Inc.
Parcel Tax ID# 14-0018-0001-024 and 14-0018-0001-025



All that Tract or Parcel of lying and being in Land Lot 18 of the 14th District of Fulton County, Georgia more particularly described as follows:

Beginning at the intersection of the southwesterly right of way of North Angier Avenue with the northwesterly right of way of Dallas Street, and running thence South 73 Degrees 43 Minutes 38 Seconds West along the northwesterly right of way of Dallas Street 185.52 feet to a point; running thence North 19 Degrees 34 Minutes 42 Seconds West 252.87 feet to a point on the southeasterly right of way of Morgan Street,- running thence North 81 Degrees 34 Minutes 20 Seconds East 147.49 feet to the intersection of the southeasterly right of way of Morgan Street with the southwesterly right of way of North Angier Avenue,- running thence South 29 Degrees 21 Minutes 19 Seconds East along the southwesterly right of way of North Angier Avenue 238.51 feet to the Point of Beginning.

As shown on ALTA/ACSM Land Title Survey for ADP North Angier, LLC prepared by Hartrampf, certified to by Larry P. Atkinson, dated November 17, 2005 and last revised on September 6, 2007.

RCS# 2725
5/20/13
4:58 PM

Atlanta City Council

MULTIPLE

11-O-0692/U-11-16; 11-O-0693/U-11-17
AND 11-O-0857/U-11-18
ADOPT AS AMNDED

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

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

MULTIPLE