

#6

1840

13-0311

(Do Not Write Above This Line)

AN ORDINANCE BY COUNCIL MEMBER NATALYN MOSBY ARCHIBONG

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY LOCATED AT THE GLENAIRE SUBDIVISION, PHASE II 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 15 2013 COUNCIL

- Consent Refer, Regular Report Refer, Advertise & Refer, 1st Adopt 2nd Read & Refer, Personal Paper Refer

Date Referred 02/18/2013, Referred To: Fin/Exec, Date Referred, Referred To, Date Referred, Referred To

First Reading

Committee, Date, Chair, Referred To

Fin/Exec Committee, Date 2-27-13, Chair, Action Hold (see rev. side), Members, Refer To

Committee, Date, Chair, Action, Members, Refer To

Fin/Exec Committee, Date 7/10/13, Chair, Action, Members, Refer To

Committee, Date, Chair, Action, Members, Refer To

FINAL COUNCIL ACTION

- 2nd, 1st & 2nd, 3rd Readings, Consent, V Vote, RC Vote

CERTIFIED JUL 15 2013 ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED JUL 15 2013 Rhonda Daughlin Johnson MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED JUL 24 2013 WITHOUT SIGNATURE BY OPERATION OF LAW



AN ORDINANCE
BY COUNCIL MEMBER NATALYN MOSBY ARCHIBONG

Natalyn M. Archibong

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY LOCATED AT THE GLENAIRE SUBDIVISION, PHASE II 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, M I Glenaire, LLC, the owner of real property (the “Applicant”) has applied to the City of Atlanta for annexation (“the Application”) of land located at the Glenaire Subdivision, Phase II, Atlanta, GA, as more fully described and delineated in Exhibit “A” and attached hereto (the “Property”); and

WHEREAS, Glenaire Subdivision, Phase I is within the corporate boundaries of the City of Atlanta; 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 real estate records on file with 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 located at the Glenaire Subdivision, Phase II, Atlanta, GA, 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.

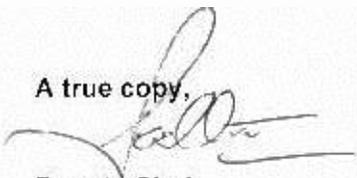
Section 2. The City of Atlanta Law Department is hereby authorized and directed to submit to the United States Department of Justice all necessary documentation required for the Department's review and approval of the annexation pursuant to Section 5 of the Voting Rights Act of 1965.

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,



Deputy Clerk

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

JUL 15, 2013
JUL 24, 2013



EXHIBIT A

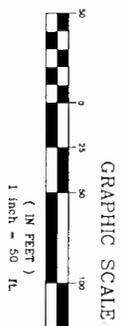
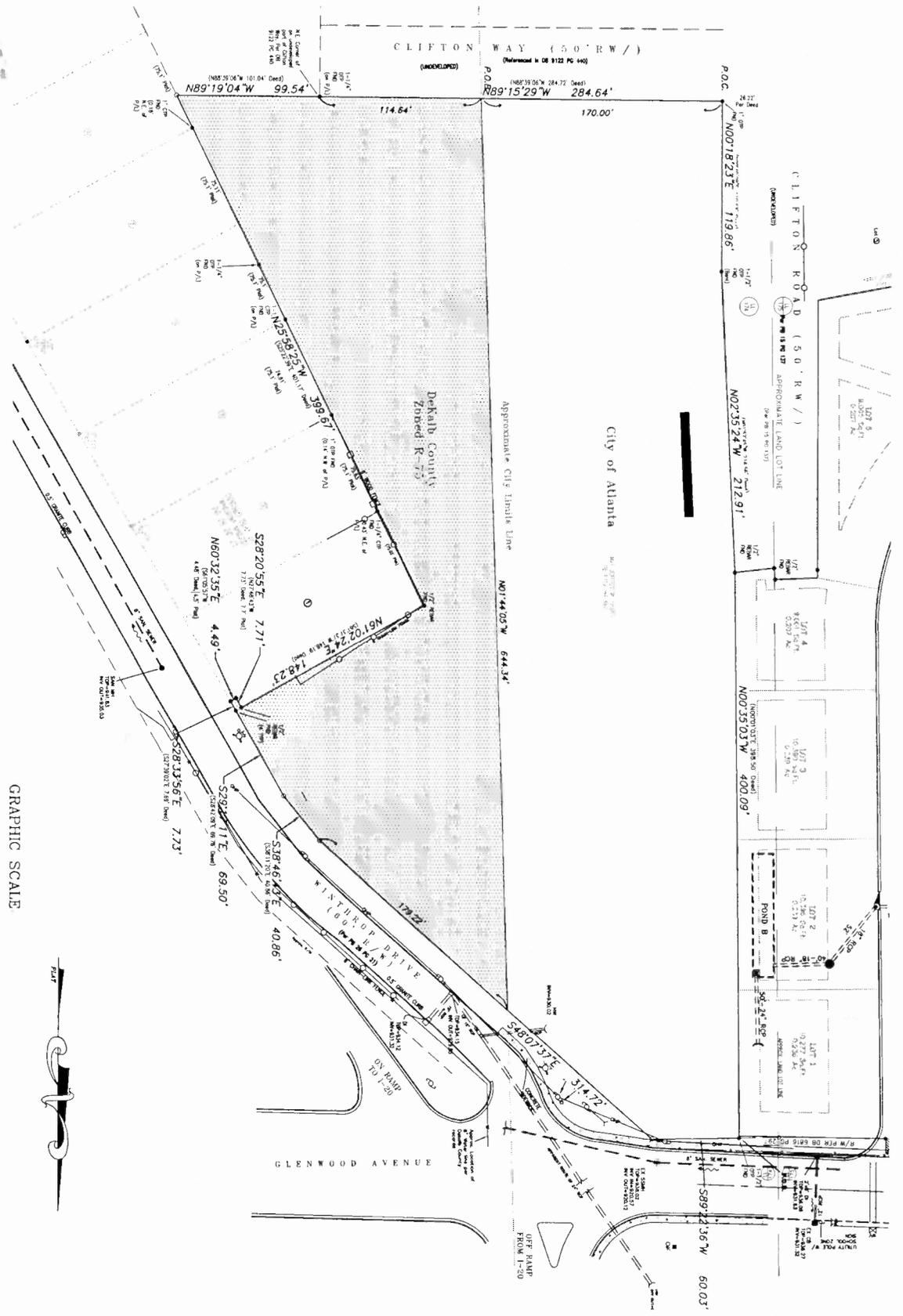
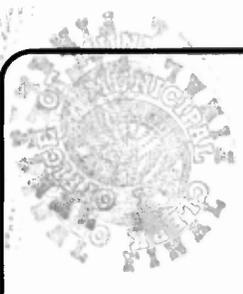
Legal Description- GLENAIRE SUBDIVISION, PHASE II

A parcel of land lying and being in Land Lot 174 of the 15th District of DeKalb County, Georgia and described as follows:

Commence at the Northeast corner of the intersection of Clifton Road (50-foot Right-of-Way) and Clifton Way (50-foot Right-of-Way) and run along the northern right of way line of Clifton Way $S89^{\circ} 15' 29'' E$ a distance of 170 feet more or less to the City Limits line of the City of Atlanta and the Point of Beginning;

Thence leaving the right of way line of Clifton Way and running $N01^{\circ} 44' 05'' W$ along the City Limits line of the City of Atlanta a distance of 644.34 more or less to the southwesterly right of way line of Winthrop Drive; thence running along said right of way line $S48^{\circ} 07' 37'' E$ a distance of 179.22 feet to a point; thence continuing along said right of way line $S38^{\circ} 46' 43'' E$ a distance of 40.86 feet to a point; thence continuing along said right of way line $S29^{\circ} 17' 11'' E$ a distance of 69.50 feet to a point; thence continuing along said right of way $S28^{\circ} 33' 56'' E$ along said right of way a distance of 7.73 feet to an iron pin; thence leaving said right of way and running $S60^{\circ} 32' 35'' W$ a distance of 4.49 feet to an iron pin; thence running $N28^{\circ} 20' 55'' W$ a distance of 7.71 feet to an iron pin; thence running $S61^{\circ} 02' 24'' W$ along the northwesterly line of Lot 1 of the Winthrop Manor Subdivision a distance of 148.23 feet to an iron pin; thence running $S25^{\circ} 58' 25'' E$ along the southwesterly lots of said subdivision a distance of 401.17 feet to a point; thence running $N89^{\circ} 19' 04'' W$ a distance of 101.04 feet to a point on the northerly right of way line of Clifton Way; thence continuing along said right of way line $N89^{\circ} 15' 29'' W$ a distance of 114.64 feet to the Point of Beginning.

Said parcel containing 1.82 acres more or less.



<p>ANNEXATION EXHIBIT</p> <p style="text-align: center;">GLENAIRE SUBDIVISION</p> <p style="text-align: center;">Land Lots 174 & 175, 15th District City of Atlanta, DeKalb County, Georgia</p>	<p>Prepared for:</p> <p style="text-align: center;">MI GLENAIRE, LLC</p> <p style="text-align: center;">3050 Peachtree Road NW - Suite 480 Atlanta, Georgia 30305</p>	<p>A Atlanta Engineering Services, Inc. 185 Thompson St. Alpharetta, Georgia 30009</p> <p>Phone: 678-297-2565 Fax: 678-297-2560 www.atlantaeng.com</p>	<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table> <p>DRAWING INFORMATION</p> <p>DRAWN BY: [] CHECKED BY: [] DATE: []</p> <p>SCALE: []</p> <p>PLOT DATE: []</p>	NO.	DATE	DESCRIPTION						
NO.	DATE	DESCRIPTION										

SHEET 1 of 1

RCS# 2897
7/15/13
3:34 PM

Atlanta City Council

CONSENT AGENDA SECTION I (PAGES 3-20)
EXCEPT 1138;1189;1154
ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 2

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

+

		07-01-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 13-O-1127	36. 13-R-3332	41. 13-R-3337
2. 13-O-1153	37. 13-R-3333	42. 13-R-3338
3. 13-O-0311	38. 13-R-3334	43. 13-R-3339
4. 13-O-1122	39. 13-R-3335	44. 13-R-3340
5. 13-O-1123	40. 13-R-3336	45. 13-R-3341
6. 13-O-1139		46. 13-R-3342
7. 13-O-1183		47. 13-R-3343
8. 13-O-1185		48. 13-R-3344
9. 13-O-1119		49. 13-R-3345
10. 13-O-1120		50. 13-R-3346
11. 13-O-1121		51. 13-R-3347
12. 13-O-1125		52. 13-R-3348
13. 13-O-1155		53. 13-R-3349
14. 13-R-3312		54. 13-R-3350
15. 13-R-3315		55. 13-R-3351
16. 13-R-3325		56. 13-R-3352
17. 13-R-3326		57. 13-R-3353
18. 13-R-3266		58. 13-R-3354
19. 13-R-3322		59. 13-R-3355
20. 13-R-3323		60. 13-R-3356
21. 13-R-3316		61. 13-R-3357
22. 13-R-3317		62. 13-R-3358
23. 13-R-3306		63. 13-R-3359
24. 13-R-3307		64. 13-R-3360
25. 13-R-3308		65. 13-R-3361
26. 13-R-3318		66. 13-R-3362
27. 13-R-3375		67. 13-R-3363
28. 13-R-3313		68. 13-R-3364
29. 13-R-3320		69. 13-R-3365
30. 13-R-3324		70. 13-R-3366
31. 13-R-3327		71. 13-R-3367
32. 13-R-3328		72. 13-R-3368
33. 13-R-3329		73. 13-R-3369
34. 13-R-3330		74. 13-R-3370
35. 13-R-3331		75. 13-R-3371
		76. 13-R-3372
		77. 13-R-3373