

13-0-0441

(Do Not Write Above This Line)

AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF THE CITY OWNED CASCADE ROAD LANDFILL 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

AUG 19 2013

COUNCIL

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

Date Referred

3/13

Referred To:

Finance/Exec

Date Referred

Referred To:

Date Referred

Referred To:

Committee Fin/Exec First Reading
 Date 3-13-13
 Chair William G. Moore
 Referred To _____

Committee Fin/Exec
 Date 3-27-13
 Chair _____

Action
 Fav, Adv, Hold (see rev. side) 0
 Other _____

Members

Refer To

Committee _____
 Date _____
 Chair _____

Action
 Fav, Adv, Hold (see rev. side) _____
 Other _____

Members

Refer To

Committee Fin/Exec
 Date 7/31/13
 Chair William G. Moore

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

CERTIFIED
 AUG 19 2013
 ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
 AUG 19 2013
 Phoebe Daughin Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

AUG 28 2013

WITHOUT SIGNATURE BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

**AN ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

13- 0 -0441

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF THE CITY OWNED CASCADE ROAD LANDFILL 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 City of Atlanta owns real property off Cascade Road in unincorporated Fulton County that is the site of the former City-operated Cascade Road landfill, as more fully described and delineated in Exhibit "A" and depicted in Exhibit "B", each attached hereto (the "Property"); and

WHEREAS, pursuant to Resolution 11-R-0091, the Department of Public Works, as designee of the Mayor, filed a formal application with the Atlanta Municipal Clerk to annex the Property into the City of Atlanta corporate limits ("the Application"); and

WHEREAS, the City of 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 Fulton County, Georgia; and

WHEREAS, 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 lawfully provided notice to Fulton County, Georgia of all required information including notice of the City of Atlanta's receipt of the Application for annexation of the Property and of its intent to annex the Property; and

WHEREAS, by letter attached hereto as Exhibit "C", Fulton County has notified the City of Atlanta that it has no objection to the proposed annexation, including the corresponding proposed single-family land use designation of the Property once annexed; 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 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 off Cascade Road, 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 Dauphin Johnson
Municipal Clerk

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

AUG 19, 2013
AUG 28, 2013



EXHIBIT A

CASCADE ROAD FACILITY BOUNDARY LEGAL DESCRIPTION

TRACT 1

ALL THAT PIECE, PORTION, PARCEL OR TRACT OF LAND LOCATED IN LAND LOT 27 OF DISTRICT 14F OF FULTON COUNTY, GEORGIA. SAID TRACT OF LAND CONTAINING 1,225,903.1 SQUARE FEET OR 28.1 ACRES, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A ¾" CRIMP TOP PIPE FOUND AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF CASCADE ROAD (50' RIGHT-OF-WAY) WITH THE WESTERLY LAND LOT OF SAID LAND LOT 27; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND TRAVELING ALONG SAID WESTERLY LAND LOT LINE, NORTH 0619'45" EAST, A DISTANCE OF 599.88 FEET TO A ½" REBAR FOUND AND THE POINT OF BEGINNING;

THENCE FROM SAID POINT OF BEGINNING, CONTINUING ALONG SAID EASTERLY LAND LOT LINE, NORTH 0656'07" EAST, A DISTANCE OF 20.79 FEET TO A ¾" OPEN TOP PIPE FOUND; THENCE CONTINUING ALONG SAID EASTERLY LAND LOT LINE, NORTH 0615'19" EAST, A DISTANCE OF 1513.93 FEET TO A 6"X6" CONCRETE MONUMENT FOUND ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE CSX RAILROAD (120' RIGHT-OF-WAY AT MIS-POINT); THENCE LEAVING SAID EASTERLY LAND LOT LINE AND TRAVELING ALONG SAID RAILROAD RIGHT-OF-WAY, SOUTH 6839'22" EAST, A DISTANCE OF 387.48 FEET TO A POINT; THENCE CONTINUING ALONG SAID RAILROAD RIGHT-OF-WAY, ALONG THE ARC OF A CURVE TO THE RIGHT AND ARC DISTANCE OF 349.09 FEET, SAID CURVE HAVING A RADIUS OF 11,592.35 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 6747'36" EAST, A DISTANCE OF 349.07 FEET TO A POINT; THENCE LEAVING SAID RAILROAD RIGHT-OF-WAY, SOUTH 0551'16" WEST, A DISTANCE OF 1891.75 FEET TO A ½" REBAR SET; THENCE NORTH 4618'11" WEST, A DISTANCE OF 910.90 FEET TO THE POINT OF BEGINNING.

TRACT 2

ALL THAT PIECE, PORTION, PARCEL OR TRACT OF LAND LOCATED IN LAND LOT 27 OF DISTRICT 14F OF FULTON COUNTY, GEORGIA. SAID TRACT OF LAND CONTAINING 112,691.0 SQUARE FEET OR 2.6 ACRES, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A ¾" CRIMP TOP PIPE FOUND AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF CASCADE ROAD (50' RIGHT-OF-WAY) WITH THE EASTERLY LAND LOT OF SAID LAND LOT 27; THENCE ALONG SAID RIGHT-OF-WAY LINE, SOUTH 4633'31" EAST, A DISTANCE OF 315.06 FEET TO A 1" CRIMP TOP PIPE FOUND; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, SOUTH 4611'04" EAST, A DISTANCE OF 283.91 FEET TO A 1" REBAR FOUND AND THE POINT OF BEGINNING;

THENCE FROM SAID POINT OF BEGINNING, LEAVING SAID RIGHT-OF-WAY LINE, NORTH (0611'29" EAST, A DISTANCE OF 599.95 FEET TO A ¾" CRIMP TOP PIPE FOUND; THENCE SOUTH 4618'11" EAST, A DISTANCE OF 312.12 FEET TO A ½" REBAR SET; THENCE SOUTH 0551'16" WEST, A DISTANCE OF 249.03 FEET TO A 1" CRIMP TOP PIPE FOUND; THENCE



NORTH 5335'25" WEST, A DISTANCE OF 113.00 FEET TO A POINT; THENCE SOUTH 0930'04" WEST, A DISTANCE OF 320.70 FEET TO 1/2" REBAR FOUND ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CASCADE ROAD; THENCE ALONG SAID RIGHT-OF-WAY-LINE, NORTH 4611'03" WEST, A DISTANCE OF 167.78 FEET TO THE POINT OF BEGINNING.

TRACT 3

ALL THAT TRACT OF PARCEL OF LAND LYING AND BEING IN LAND LOT 27 AND 28 OF THE 14TH-FF LAND DISTRICT OF FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY OF CASCADE ROAD (HAVING A 50' RIGHT-OF-WAY), SAID POINT BEING 914.2 FEET EASTERLY AS MEASURED ALONG TO THE NORTHEASTERLY RIGHT-OF-WAY OF CASCADE ROAD FROM THE WEST LINE OF LAND LOT 27 BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 05 DEGREES – 50 MINUTES – 39 SECONDS EAST FOR A DISTANCE OF 2,488.15 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF SEABOARD COAST LINE RAILROAD; THENCE ALONG SAID RIGHT-OF-WAY, SOUTH 66 DEGREES – 23 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 136.55 FEET TO A POINT; THENCE SOUTH 65 DEGREES – 12 MINUTES – 52 SECONDS EAST FOR A DISTANCE OF 221.62 FEET TO A POINT; THENCE SOUTH 65 DEGREES – 12 MINUTES – 52 SECONDS EAST FOR A DISTANCE OF 299.99 FEET TO A POINT; THENCE SOUTH 65 DEGREES – 12 MINUTES – 52 SECONDS EAST FOR A DISTANCE OF 146.57 FEET TO A POINT; THENCE NORTH 7 DEGREES – 23 MINUTES – 12 SECONDS EAST FOR A DISTANCE OF 9.93 FEET TO A POINT; THENCE SOUTH 65 DEGREES – 14 MINUTES – 57 SECONDS EAST FOR A DISTANCE OF 593.22 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING AN ARC OF 58.22 FEET AND A RADIUS OF 773.54 FEET (CHORD SOUTH 64 DEGREES – 19 MINUTES – 03 SECONDS EAST – 58.20 FEET) TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING AN ARC OF 1,242.00 FEET AND A RADIUS OF 772.04 FEET (CHORD SOUTH 18 DEGREES – 59 MINUTES - 34 SECONDS EAST – 1,112.34 FEET) TO A POINT; THENCE SOUTH 24 DEGREES – 31 MINUTES – 31 SECONDS WEST FOR A DISTANCE OF 72.89 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC OF 56.98 FEET AND A RADIUS OF 1,306.48 FEET (CHORD SOUTH 23 DEGREES – 17 MINUTES – 45 SECONDS WEST – 56.98 FEET) TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC OF 120.50 FEET AND A RADIUS OF 1,049.27 FEET (CHORD SOUTH 19 DEGREES – 52 MINUTES – 41 SECONDS WEST – 120.43 FEET) TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC OF 122.43 FEET AND A RADIUS OF 987.48 FEET (CHORD SOUTH 12 DEGREES – 48 MINUTES – 44 SECONDS WEST – 122.36 FEET) TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC DISTANCE OF 69.69 FEET AND A RADIUS OF 978.68 FEET (CHORD SOUTH 07 DEGREES – 15 MINUTES – 56 SECONDS WEST – 69.68 FEET) TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 88 DEGREES – 02 MINUTES – 54 SECONDS WEST FOR A DISTANCE OF 995.30 FEET TO A POINT; THENCE SOUTH 07 DEGREES – 29 MINUTES – 30 SECONDS WEST A DISTANCE OF 490.58 FEET TO A POINT; THENCE SOUTH 01 DEGREES – 44 MINUTES – 01 SECONDS WEST FOR A DISTANCE OF 340.56 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF CASCADE ROAD (HAVING A 50' RIGHT-OF-WAY); THENCE ALONG SAID RIGHT-OF-WAY NORTH 68 DEGREES – 24 MINUTES – 08 SECONDS WEST FOR A DISTANCE OF 53.55 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 01 DEGREES – 47 MINUTES – 54 SECONDS EAST FOR A DISTANCE OF 324.97 FEET TO A POINT; THENCE NORTH 88 DEGREES – 18 MINUTES – 56 SECONDS WEST FOR A DISTANCE OF 141.72 FEET TO A POINT; THENCE NORTH 85 DEGREES – 56 MINUTES – 11 SECONDS WEST FOR A DISTANCE OF 561.04 FEET TO A POINT AND ALSO BEING THE POINT OF BEGINNING.



TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD, THIS PROPERTY CONTAINS 77.73 ACRES MORE OR LESS.

Cascade Road Facility - Proposed Annexation



EXHIBIT
B

0 250 500 1,000 Feet



FULTON COUNTY

Department of Planning and Community Services
Fulton County Government Service Center
At Fulton Industrial Boulevard
5440 Fulton Industrial Boulevard
Atlanta, GA 30336

February 21, 2013

Mr. Dexter C. White
Deputy Commissioner
City of Atlanta, Department of Public Works
55 Trinity Avenue, SW, Suite 4700
Atlanta, Georgia 30303

Ms. Charletta Wilson Jacks
Director
City of Atlanta, Office of Planning
55 Trinity Avenue, Suite 3350
Atlanta, Georgia 30303

RE: Annexation Petition for Cascade Road Facility

Dear Mr. White and Ms. Wilson Jacks:

The Fulton County Department of Planning and Community Services received a letter dated January 10, 2013 from Rhonda Johnson providing notice of a proposed annexation of approximately 108 acres on Cascade Road in Unincorporated Fulton County. Our review of this annexation petition found some discrepancies in the legal descriptions and mapping which were resolved in a joint meeting of GIS staff. The purpose of my letter to you is to provide notification that the Fulton County Board of Commissioners at their February 20th meeting approved Agenda Item 13-0139 (attached). This item approved notification to the City of Atlanta that Fulton County has no objection to this annexation.

If you would like to discuss the details of the areas of concern you may contact Michelle Macauley at 404-612-8052.

Sincerely,

Randy Beck
Director

