

#25

312708

13-0-1340

1301340

(Do Not Write Above This Line)

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

FINAL COUNCIL ACTION

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

AN ORDINANCE
BY COUNCILMEMBER AARON WATSON

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, SECTION 10-92(B) OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO PROVIDE AN EXEMPTION FROM THE DISTANCE REQUIREMENTS INDENTIFIED IN SECTION 10-88.1 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR A PROPERTY LOCATED AT 1050 NORTH HIGHLAND AVENUE, AND FOR OTHER PURPOSES.

As Amended

ADOPTED BY

NOV 18 2013

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

COUNCIL

Date Referred: 10/21/13
 Referred To: Public Safety
 Date Referred: _____
 Referred To: _____
 Date Referred: _____
 Referred To: _____

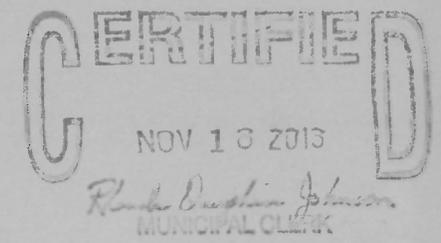
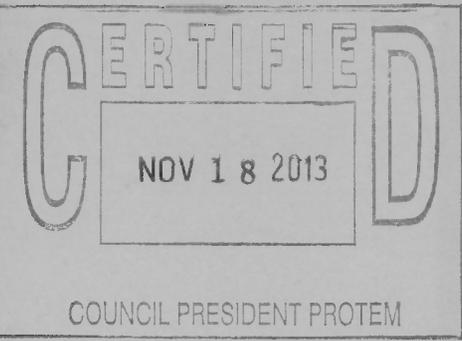
PSLA Committee
 Date: 10/29/13
 Chair: _____
 Action: _____
 Fav, Adv, Hold (see rev. side): _____
 Other: *Amended*
 Members: _____
 Refer To: _____

Committee
 Date
 Chair
 Action
 Fav, Adv, Hold (see rev. side)
 Other
 Members
 Refer To

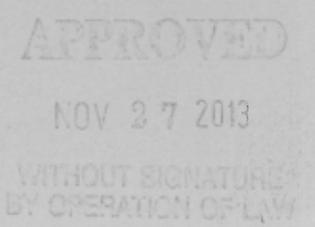
PSLA Committee
 Date: 11/12/13
 Chair: _____
 Action: _____
 Fav, Adv, Hold (see rev. side): _____
 Other: _____
 Members: _____
 Refer To: _____

Committee
 Date
 Chair
 Action
 Fav, Adv, Hold (see rev. side)
 Other
 Members
 Refer To

CERTIFIED



MAYOR'S ACTION





AN ORDINANCE BY COUNCILMEMBER AARON WATSON

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, SECTION 10-92(B) OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO PROVIDE AN EXEMPTION FROM THE DISTANCE REQUIREMENTS IDENTIFIED IN SECTION 10-88.1 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR A PROPERTY LOCATED AT 1050 NORTH HIGHLAND AVENUE, AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the public safety and welfare of citizens of the City of Atlanta and its visitors; and

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages within its territorial limits; and

WHEREAS, the City of Atlanta is authorized to regulate the locations of establishments which are licensed to sell alcoholic beverages including malt beverages by the package; and

WHEREAS, Section 10-88.1 of the City of Atlanta Code of Ordinances sets forth the City's distance requirements between businesses seeking licenses to sell alcoholic beverages by the package from other package stores, residences, schools, parks, libraries, churches, hospitals and daycare facilities; and

WHEREAS, some of the existing distance requirements found in the City of Atlanta Code of Ordinances prohibit the existence of certain types of retail businesses which could otherwise be reasonably located in existing retail shopping centers that are desirable to and compatible with the surrounding community; and

WHEREAS, the Virginia Highlands Civic Association after a duly called meeting and taking a vote of its qualified membership, supports an effort to create an exemption from the current distance requirements applicable to the issuance of a license for the sale of wine by the package for consumption off the premises in an existing shopping center located at 1050 North Highland Avenue, Atlanta, Georgia.

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

SECTION 1:

That Chapter 10, Article II, Section 10-92(b), of the City of Atlanta Code of Ordinances be amended by adding the following:

(13) For one retail establishment and for only one applicant selling malt beverages by the package located on that parcel of land known as 1050 North Highland Avenue, Atlanta, Georgia, under the numbering system of the City of Atlanta.



SECTION 2: This ordinance shall become effective upon the Mayor's signature or as specified by City Charter Section 2-403.

SECTION 3: Should any ordinance or part thereof be found to conflict with this ordinance or the provisions thereof, then those sections contained herein shall be deemed controlling.

A true copy,

Deputy Clerk

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

NOV 18, 2013
NOV 27, 2013



EXHIBIT "A"

ALL THAT TRACT OR PARCEL of land lying and being in the City of Atlanta, in Land Lot 1 of the 17th District of Fulton County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin set on the westerly right-of-way of North Highland Avenue, 213.65 feet southeasterly from the southwest corner of the intersection of North Highland Avenue and Los Angeles Avenue; thence leaving said right-of-way and running thence North 84 degrees 40 minutes 07 seconds West a distance of 173.58 feet to an iron pin set along a 10-foot alley; running thence South 04 degrees 43 minutes 35 seconds West along the east side of said alley 110 feet to an iron pin set located on a turnway; thence southeasterly along said turnway and following the curvature of said turnway an arc distance of 26.55 feet to an iron pin set (said arc being subtended by a chord having a distance of 25.32 feet); running thence southeasterly and southwesterly along said turnway and following the curvature thereof, an arc distance of 29.91 feet to an iron pin set (said arc being subtended by a chord having a distance of 28.16 feet); running thence South 54 degrees 47 minutes 03 seconds East a distance of 14.5 feet to an iron pin set; running thence South 85 degrees 08 minutes 47 seconds East a distance of 10 feet to an iron pin set; running thence South 05 degrees 25 minutes 51 seconds East a distance of 145 feet to an iron pin set along the northerly right-of-way of Virginia Avenue; running thence along said right-of-way South 89 degrees 32 minutes 17 seconds East a distance of 112.70 feet an iron pin set; running thence in a northeasterly direction along the said northerly right-of-way of Virginia Avenue and following the curvature thereof an arc distance of 36.25 feet to an iron pin set at the intersection of the right-of-way of Virginia Avenue and North Highland Avenue (said arc being subtended by a chord bearing North 53 degrees 46 minutes 46 seconds East a chord distance of 35.14 feet); running thence northeasterly along the westerly right-of-way of North Highland Avenue and following the curvature thereof an arc distance of 34.5 feet to an iron pin set (said arc being subtended by a chord bearing North 13 degrees, 14 minutes, 02 seconds East a distance of 33.55 feet); running thence North 05 degrees, 19 minutes, 12 seconds west a distance of 238.82 feet along the westerly right-of-way of North Highland Avenue to an iron pin found at the point of beginning, being improved property known as 1024-1050 North Highland Avenue and 992-1004 Virginia Avenue and being more particularly shown on plat of survey prepared for Virginia Highland Associates and Chicago Title Insurance Company certified by Donald W. Harkleroad, G.R.L.S. No. 1578, dated August 31, 1983, last revised April 15, 1993.

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Together with all of Grantor's right, title and interest in that tract or parcel of land lying and being in Land Lot 1 of the 17th District of Fulton County, Georgia, being a permanent easement for ingress and egress and being more particularly described as follows:

BEGINNING at an iron pin found on the westerly right-of-way of North Highland Avenue, 163.19 feet southerly along the westerly right-of-way of North Highland from the corner formed by the intersection of the westerly right-of-way of North Highland Avenue and the southerly right-of-way of Los Angeles Avenue; running thence North 84 degrees 35 minutes 54 seconds West a distance of 162.82 feet to a point on the easterly side of a 10-foot alley; running thence along the easterly side of said 10-foot alley South 06 degrees 59 minutes 05 seconds West a distance of 49.81 feet to an iron pin; running thence South 84 degrees 40 minutes 07 seconds East 73.65 feet to a building corner; running thence in a northerly direction along said building North 05 degrees 38 minutes 32 seconds East a distance of 32.11 feet to a building corner; running thence in a easterly direction along said building South 84 degrees 36 minutes 34 seconds East a distance of 93.73 feet to a point on the westerly right-of-way of North Highland Avenue; running thence along the westerly right-of-way of North Highland Avenue North 05 degrees 19 minutes 12 seconds West a distance of 17.89 feet to the point of beginning.

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RCS# 3146
11/18/13
2:19 PM

Atlanta City Council

13-O-1340

ADOPT

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

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

13-O-1340