

#12

13-0-1210

273

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

FINAL COUNCIL ACTION  
 2<sup>nd</sup>  1<sup>st</sup> & 2<sup>nd</sup>  3<sup>rd</sup>

Readings  
 Consent  V Vote  RC Vote

AN ORDINANCE

BY: COUNCIL MEMBER ALEX WAN

AN ORDINANCE TO AMEND THE LAND USE ELEMENT OF THE 2011 CITY OF ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO DESIGNATE PROPERTY HAVING A STREET ADDRESS OF 1965 AND 1989 CHESHIRE BRIDGE ROAD TO THE LOW DENSITY COMMERCIAL LAND USE CLASSIFICATION; AND FOR OTHER PURPOSES.

ADOPTED BY

DEC 02 2013

COUNCIL

CONSENT REFER

REGULAR REPORT REFER

ADVERTISE & REFER

1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER

PERSONAL PAPER REFER

Referred:

Referred To:

Referred:

Referred To:

Referred:

Referred 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

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

CERTIFIED

DEC 02 2013

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED

DEC 02 2013

Flonda Dughlin Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

DEC 11 2013

WITHOUT SIGNATURE  
BY OPERATION OF LAW

13-0-1210



CITY COUNCIL  
ATLANTA, GEORGIA

**AN ORDINANCE  
BY: COUNCIL MEMBER ALEX WAN**

**AN ORDINANCE TO AMEND THE LAND USE ELEMENT OF THE 2011 CITY OF ATLANTA COMPREHENSIVE DEVELOPMENT PLAN (CDP) SO AS TO DESIGNATE PROPERTY HAVING A STREET ADDRESS OF 1965 AND 1989 CHESHIRE BRIDGE ROAD TO THE LOW DENSITY COMMERCIAL LAND USE CLASSIFICATION; AND FOR OTHER PURPOSES.**

**WHEREAS**, properties with a current street address of 1965 and 1989 Cheshire Bridge Road, as more particularly set forth herein (“Subject Properties”), have a split future land use classification of Low Density Commercial and Medium Density Residential; and

**WHEREAS**, the property owners support and it is in the public health, safety and general welfare to amend the Future Land Use Map of the 2011 City of Atlanta Comprehensive Development Plan to designate the Subject Properties from the Low Density Commercial and Medium Density Residential future land use classification to the Low Density Commercial future land use classification; and

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** That the 2011 City of Atlanta Comprehensive Development Plan (CDP) is hereby amended by changing the Future Land Use Map of said Plan so as to designate **1965 and 1989 Cheshire Bridge Road** to the Low Density Commercial future land use classification. Said property is more specifically described and depicted on Exhibits “A” and “B”, which are hereby made a part of this ordinance.

**SECTION 2.** That all ordinances or parts of ordinances that are in conflict with 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

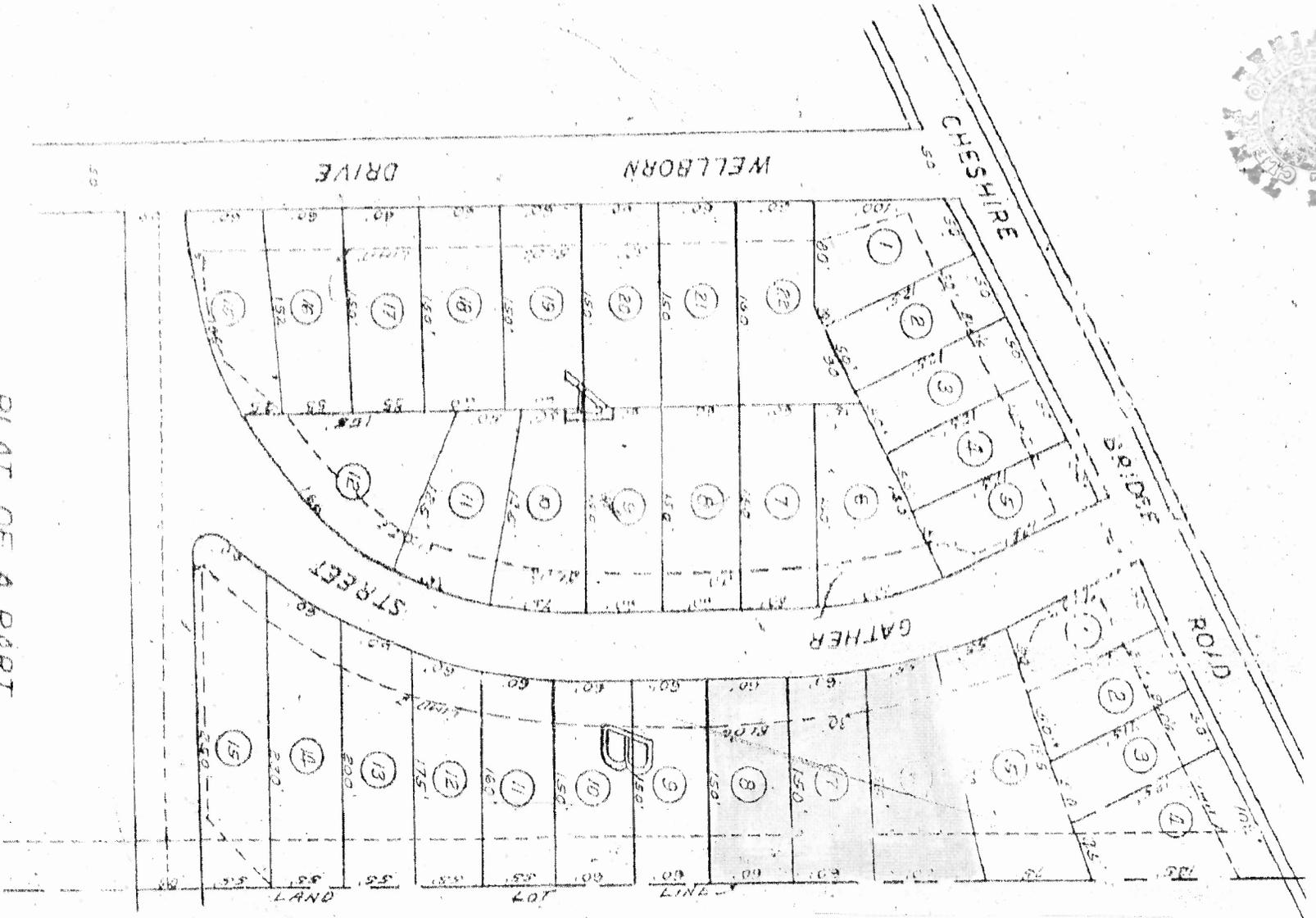
DEC 02, 2013  
DEC 11, 2013



LEGAL DESCRIPTION  
LOTS 6, 7 & 8  
BLOCK B  
JANIE GAITHER PROPERTY SUBDIVISION

All that tract or parcel of land lying and being in Land Lot 50 of the 17<sup>th</sup> District of Fulton County, Georgia, lying within the limits of the City of Atlanta and being more particularly described as follows:

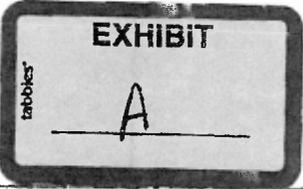
Beginning at the intersection of the southerly right-of-way of Cheshire Bridge Road (having a variable right-of-way) and the easterly right-of-way of Wellbourne Drive (having a 60' right-of-way); thence along said southerly right-of-way of Cheshire Bridge Road proceed North  $66^{\circ}29'09''$  East for 150.81' to a point; thence proceed South  $23^{\circ}30'51''$  East for 12.45' to a point 40' from the centerline of said Cheshire Bridge Road; thence along said line 40' from the centerline of said Cheshire Bridge Road proceed North  $66^{\circ}19'29''$  East for 145.92' to a point; thence leaving the right-of-way of said Cheshire Bridge Road proceed South  $26^{\circ}01'47''$  East for 76.19' to a point on the original easterly right-of-way of Gaither Circle; thence along said original easterly right-of-way of Gaither Circle proceed around a curve to the right having a radius of 375.00' for an arc distance of 68.44' and being subtended by a chord of South  $20^{\circ}48'03''$  East, 68.35' to a point being the TRUE POINT OF BEGINNING; thence leaving said original easterly right-of-way of Gaither Circle proceed North  $74^{\circ}30'08''$  East for 170.20' to a point being the common rear corner of Lots 5 and 6, Block B of the original Janie Gaither subdivision; thence along the rear line of Lots 6, 7 and 8 of said original subdivision proceed South  $00^{\circ}05'47''$  West for 220.00' to a point being the common rear corner of Lots 8 and 9, Block B of the original Janie Gaither subdivision; thence along the line common to said Lots 8 and 9 proceed North  $89^{\circ}54'13''$  West for 150.00' to a point on the original easterly right-of-way of Gaither Circle; thence along said original easterly right-of-way of Gaither Circle proceed North  $00^{\circ}05'47''$  East for 72.97' to a point; thence continuing along said original easterly right-of-way of Gaither Circle proceed around a curve to the left having a radius of 375.00' for an arc distance of 102.55' and being subtended by a chord of North  $07^{\circ}44'17''$  West, 102.33' returning to the point of beginning. Said parcel contains 30,354 square feet or 0.6968 acres, more or less.



PLAT OF A PART  
OF PROPERTY  
OF

JANIE GATHER

LAND LOT 50, 17TH DISTRICT



STATE HIGHWAY DEPARTMENT OF GEORGIA  
RIGHT OF WAY DEED  
(Limited Access)

2267201

GEORGIA Fulton COUNTY PROJECT NO: I 485-1 (48)

THIS CONVEYANCE made and executed the 3rd day of November 19 71

WITNESSETH that Hayes Corporation the

undersigned, is the owner of a tract of land in Fulton COUNTY through

which the Downtown Atlanta Freeway known as Project No. I 485-1 (48)

has been laid out by the STATE HIGHWAY DEPARTMENT OF GEORGIA as a LIMITED ACCESS HIGHWAY being more particularly described in a map and drawing of said road in the office of the State Highway Department of Georgia, Atlanta, Georgia, to which reference is hereby made.

NOW, THEREFORE, in consideration of the benefit to said property by the construction and maintenance of said road, and in consideration of ONE DOLLAR (\$1.00) in hand paid, the receipt whereof is hereby acknowledged, I do hereby grant, sell and convey to said STATE HIGHWAY DEPARTMENT OF GEORGIA, and their successors in office so much land as to make a right of way for said road as surveyed being more particularly described as follows:

All that tract or parcel of land lying and being in Land Lots 4 and 50 of the 17th Land District of Fulton County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin on the southeasterly side of Cheshire Bridge Road 439.28 feet northeasterly, as measured along the southeasterly side of Cheshire Bridge Road from the corner formed by the intersection of the southeasterly side of Cheshire Bridge Road and the easterly side of Wellbourne Drive; said point of beginning also being 129 feet northeasterly from Gaither Circle; thence running north 71 degrees 30 minutes east along the southeasterly side of Cheshire Bridge Road 178 feet to a point; thence southeasterly 100 feet to a point; thence northeasterly 2.85 feet to the intersection of a straight line which is established by a point 247.68 feet northeast of and opposite Station 261+15.17 on the survey center line of Georgia Highway Project I 485-1 (46) and a point 246.04 feet northeast of and opposite Station 255+78.54 on said survey center line; thence southeasterly along said established straight line 276.62 feet to said point opposite said Station 255+78.54; thence southeasterly along a straight line five hundred and thirty (530) feet to the intersection of the south property line of the lands of the Grantor at a point 205.41 feet northeast of and opposite Station 230+79.35 on said survey center line; thence westerly along said south property line 347.81 feet to the southwest property corner of the lands of the Grantor at a point 129.78 feet southwest of and opposite Station 251+73.43 on said survey center line; thence north along the west property line of said property 638.21 feet to a point; thence northeasterly 150 feet to the southeasterly side of Cheshire Bridge Road and the point of beginning.

ALSO the right to a slope easement within the area shown colored red on the attached plat.

ALSO the right to construct a driveway connection within the easement area shown colored green on the attached plat.

*transfer to*

*Fulton County, Georgia*  
Real Estate Transfer Tax  
Paid \$ 247.24  
Date Nov 11 1971  
*John S. [unclear]*  
*Deputy Assessor*

*Subject*  
*4.868 Ac*

Parcel No. 478

Page 1 of 2 Pages

BOOK 5484 PAGE 101



to-wit:

ALL THAT TRACT or parcel of land lying and being in Land Lots 4 and 50 of the 17th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the southeasterly side of Cheshire Bridge Road-Buford Highway, six hundred fifteen and twenty eight hundredths (615.28) feet northeasterly, as measured along the southeasterly side of Cheshire Bridge Road-Buford Highway from the corner formed by the intersection of the southeasterly side of Cheshire Bridge Road-Buford Highway and the easterly side of Wellbourne (Wellborn) Drive; thence running northeasterly along the southeasterly side of Cheshire Bridge Road-Buford Highway, three hundred twelve (312) feet; thence south nine hundred ninety seven and one tenth (997.1) feet to a point; thence northwesterly five hundred thirty (530) feet to a point; thence continuing northwesterly two hundred seventy five and sixty two hundredths (275.62) feet to a point; thence southwesterly two and eighty five hundredths (2.85) feet to a point; thence northwesterly one hundred (100) feet to the iron pin on the southeasterly side of Cheshire Bridge Road and the point of beginning, being improved property known as 1989-1999 Cheshire Bridge Road, N. E., according to the present system of numbering property in the City of Atlanta, Georgia.

Exhibit B

RCS# 3178  
12/02/13  
3:26 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I:EXCEPT  
13-O-1333,1334,1264,1395,13-R-3783,3785  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

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

CONSENT I

+

<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>	<b>12-02-13 ITEMS ADVERSED ON CONSENT</b>
1. 13-O-1100 2. 13-O-1398 3. 13-O-1386 4. 13-O-1387 5. 13-O-1400 6. 13-O-1401 7. 13-O-1402 8. 13-O-1403 9. 13-O-1404 10. 13-O-1405 11. 13-O-1406 12. 13-O-1407 13. 13-O-1408 14. 13-O-1411 15. 13-O-1412 16. 13-O-1413 17. 13-O-1415 18. 13-O-1389 19. 13-O-1390 20. 13-O-1391 21. 13-O-1392 22. 13-O-1397 23. 13-O-1388 24. 13-O-1356 25. 13-O-1393 26. 13-O-1210 27. 13-O-1262 28. 13-O-1325 29. 13-O-1326 30. 13-R-3794 31. 13-R-3861 32. 13-R-3862 33. 13-R-3863 34. 13-R-3864 35. 13-R-3865 36. 13-R-3866 37. 13-R-3867 38. 13-R-3689 39. 13-R-3778 40. 13-R-3790	41. 13-R-3792 42. 13-R-3850 43. 13-R-3851 44. 13-R-3852 45. 13-R-3853 46. 13-R-3854 47. 13-R-3855 48. 13-R-3856 49. 13-R-3857 50. 13-R-3858 51. 13-R-3859 52. 13-R-3869 53. 13-R-3786 54. 13-R-3846 55. 13-R-3849 56. 13-R-3871 57. 13-R-3872 58. 13-R-3795 59. 13-R-3796 60. 13-R-3873 61. 13-R-3874 62. 13-R-3875 63. 13-R-3876 64. 13-R-3877 65. 13-R-3878 66. 13-R-3782 67. 13-R-3860 68. 13-R-3777 69. 13-R-3779 70. 13-R-3797 71. 13-R-3798 72. 13-R-3799 73. 13-R-3800 74. 13-R-3801 <b>ITEMS ADVERSED ON CONSENT</b> 75. 13-R-3802 76. 13-R-3803 77. 13-R-3804 78. 13-R-3805	79. 13-R-3806 80. 13-R-3807 81. 13-R-3808 82. 13-R-3809 83. 13-R-3810 84. 13-R-3811 85. 13-R-3812 86. 13-R-3813 87. 13-R-3814 88. 13-R-3815 89. 13-R-3816 90. 13-R-3817 91. 13-R-3818 92. 13-R-3819 93. 13-R-3820 94. 13-R-3821 95. 13-R-3822 96. 13-R-3823 97. 13-R-3824 98. 13-R-3825 99. 13-R-3826 100. 13-R-3827 101. 13-R-3828 102. 13-R-3829 103. 13-R-3830 104. 13-R-3831 105. 13-R-3832 106. 13-R-3833 107. 13-R-3834 108. 13-R-3835 109. 13-R-3836 110. 13-R-3837 111. 13-R-3838 112. 13-R-3839 113. 13-R-3840 114. 13-R-3841 115. 13-R-3842 116. 13-R-3843 117. 13-R-3844 118. 13-R-3845