3425

14-O-1038

(Do Not Write Above This Line)

An Ordinance
By Zoning Committee **U-13-22**

An Ordinance granting a Special Use Permit for property located **1050 White Street, S.W.,** pursuant to Section 16-16.005 (1) (o) for a **Solid Waste Handling Facility (Tire Recycling)**, fronting approximately 453 feet on the south side of White Street and approximately 258 feet on the east side of Lawton Street. Depth: varies. Area: approximately 3.56 acres. Land Lot 118, 14th District Fulton County, Georgia.

OWNER: MIMMS ENTERPRISES
APPLICANT: TIRE KINGZ OF ATLANTA, INC.
NPU T and S COUNCIL DISTRICT 4

ADVERSED BY CITY COUNCIL

ADVERSED BY CITY COUNCIL

MAY 0 5 2014

MAY 0 5 2014

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☑ 1ST ADOPT 2ND READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred 1/21/14
Referred To: ZRB + Zoning
Date Referred
Referred To:
Date Referred
Referred To:

First Reading
Committee Zoning
Date 1/15/14
Chair
Referred To

Committee	Committee
Zoning	
Date 3/12/14	Date
Chair	Chair
Action: Fav, Adv, Hold (See rev.side) Other	Action: Fav, Adv, Hold (See rev.side) Other
Members	Members
Refer To	Refer To

Committee	Committee
Zoning	
Date 4/30/14	Date
Chair	Chair
Action: Fav, Adv, Hold (See rev.side) Other	Action: Fav, Adv, Hold (See rev.side) Other
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

☐ 2ND ☐ 1ST & 2ND ☐ 3RD Readings

☐ Consent ☐ V Vote ☑ RC Vote

CERTIFIED
MAY 0 5 2014
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
MAY 0 5 2014
MUNICIPAL CLERK

MAYOR'S ACTION

RCS# 274
5/05/14
2:44 PM

Atlanta City Council

MULTIPLE

14-O-1032 AND 14-O-1038

ADVERSE

YEAS:	13
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	3
EXCUSED:	0
ABSENT	0

NV Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	NV Martin	Y Norwood
Y Young	Y Shook	Y Bottoms	Y Dickens
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

MULTIPLE

Municipal Clerk
Atlanta, Georgia

14-O-1038

U-13-22

AN ORDINANCE
BY: ZONING COMMITTEE

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

SECTION 1. Under the provisions of Section 16-16.005 (1) (o) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **SOLID WASTE HANDLING FACILITY (TIRE RECYCLING)** is hereby granted. Said use is granted to **TIRE KINGZ OF ATLANTA, INC.,** and is to be located at **1050 WHITE STREET, S.W.,** to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 118, 14th District, Fulton County, Georgia, being more particularly described by the attached legal description and/or map.

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.

U-13-022

EXHIBIT "A"

LEGAL DESCRIPTION

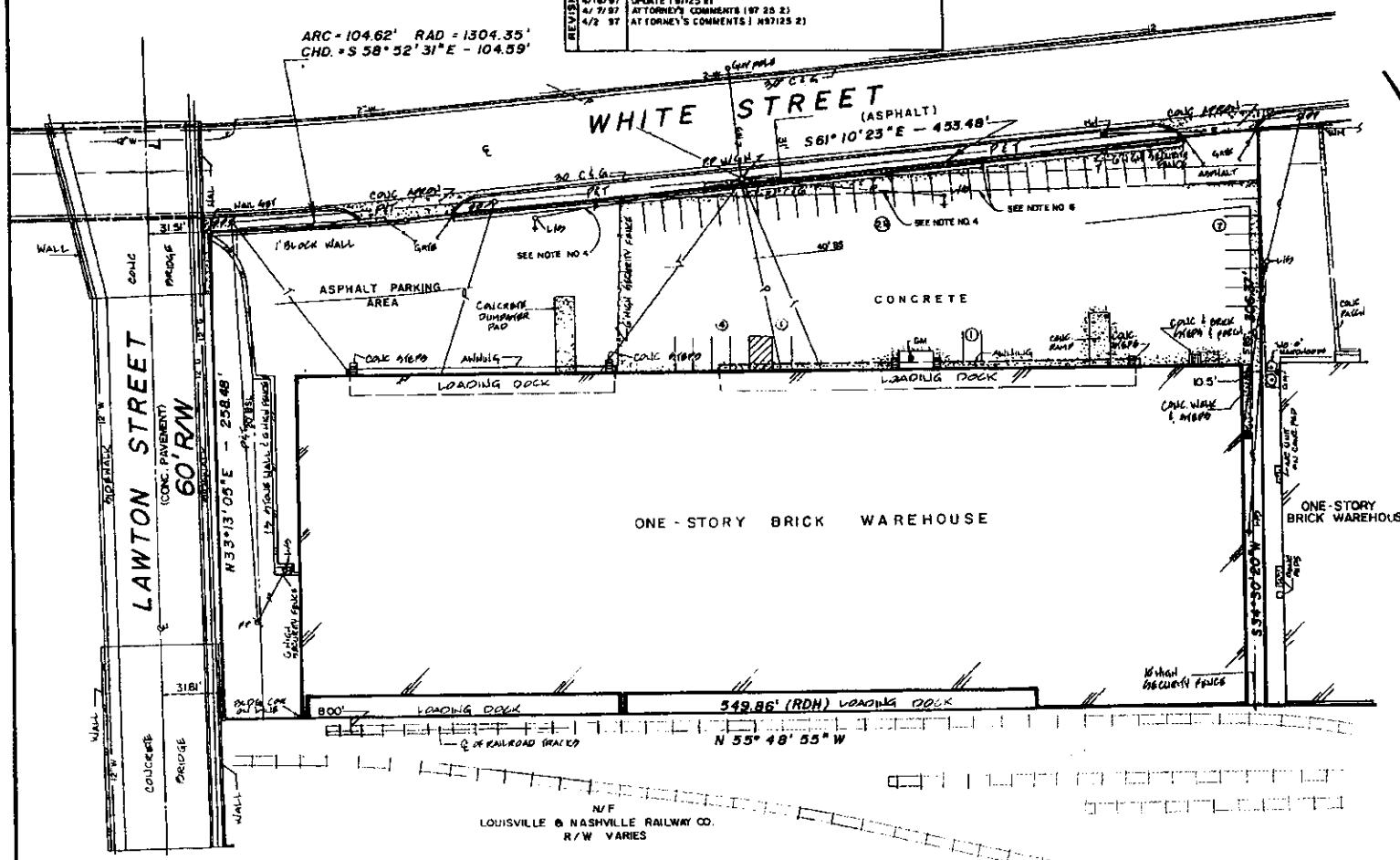
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 118 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a nail set at the intersection of the southwesterly right-of-way of White Street with the southeasterly right-of-way of Lawton Street (a 60-foot right-of-way), said point being the TRUE POINT OF BEGINNING; thence southeasterly along the southwesterly right-of way of White Street and following the curvature thereof along the arc of a curve to the left a distance of 104.62 feet to a point located on the southwesterly right-of-way of White Street (said arc having a radius of 1,304.35 feet and being subtended by a chord line having a magnetic bearing of south 58°52'31" east and a chord length of 104.59 feet); thence south 61°10'23" east a distance of 453.48 feet along the southwesterly right-of-way of White Street to a ½-inch rebar set; thence south 34°30'20" west a distance of 306.37 feet to a ½-inch rebar set on the northeasterly side of the right-of-way of the Louisville & Nashville Railway Co. (right-of-way varies); thence north 55°48'55" west a distance of 549.86 feet along the northeasterly side of the right-of-way of the Louisville & Nashville Railway Co. to a ½-inch rebar set on the southeasterly right-of-way of Lawton Street; thence north 33°13'05" east a distance of 258.48 feet along the southeasterly right-of-way of Lawton Street to a nail set at the intersection of the southwesterly right-of-way of White Street and the southeasterly right-of-way of Lawton Street, and the TRUE POINT OF BEGINNING; said tract containing approximately 3.5617 acres.

ALL AS MORE particularly shown and depicted on that certain Plat of Survey dated February 7, 1990, and being last revised November 17, 2000, prepared by Travis Pruitt & Associates, Inc., and bearing the seal of Travis N. Pruitt, Sr., Georgia Registered Land Surveyor No. 1729, for Mimms Investments, First Capital Bank and Chicago Title Insurance Company.

U-13-02

REVISIONS	DATE	DESCRIPTION
	2/15 90	ADD FLOOD NOTE
	4/16/87	UPDATE (87125 B)
	4/ 7/87	ATTORNEY'S COMMENTS (87 25 2)
	4/2 87	ATTORNEY'S COMMENTS (N87125 2)



FLOOD HAZARD NOTE:

This property is not contained within the limits of a Flood Hazard Zone as defined by the Federal Emergency Management Agency Flood Insurance Rate Map of the City of Atlanta, Georgia (Community Panel Number 135157 0028 C). Revised March 4, 1987.

LEGEND

MH	MANHOLE
PP	POWER POLE
L/S	LIGHT STANDARD
-P-	OVERHEAD POWER LINE
-T-	OVERHEAD TELEPHONE LINE
GW	GUY WIRE
GM	GAS METER
WM	WATER METER
RDH	RECORD DISTANCE HELD
℄	CENTERLINE
R/W	RIGHT-OF-WAY

ZONING I-1

NOTES

1) 1/2" REBARS SET AT ALL CORNERS UNLESS OTHERWISE NOTED.

2) RIGHT-OF-WAY LINE OF WHITE STREET WAS ESTABLISHED 31' FROM EXISTING CENTERLINE AS INDICATED FOR OPPOSITE SIDE OF THE STREET (REF PLAT No. 2)

3) EASEMENT TO GEORGIA POWER COMPANY PER DEED BOOK 4357, PAGE 476 AFFECTS SUBJECT PROPERTY BUT IS UNLOCATABLE FROM RECORDS

4) CENTERLINE EASEMENT TO GEORGIA POWER COMPANY PER DEED BOOK 4380, PAGE 6

5) SLOPE AND FILL CONSTRUCTION EASEMENT ALONG WHITE STREET TO FULTON COUNTY PER DEED BOOK 4618, PAGE 417 AFFECTS SUBJECT PROPERTY BUT MAY HAVE TERMINATED

6) UTILITY EASEMENT RESERVED BY THE CITY OF ATLANTA AND FULTON COUNTY PER DEED BOOK 4623, PAGE 405

7) THIS SURVEYOR WAS UNABLE TO OBTAIN INFORMATION AS TO THE LOCATION OF UNDERGROUND POWER LINES, IF ANY

8) UNDERGROUND TELEPHONE DUCTS ARE LOCATED IN LAWTON STREET AND WHITE STREET

9) RIGHT-OF-WAY TO THE CITY OF ATLANTA PER DEED BOOK 2838, PAGE 221 AND DEED BOOK 3769, PAGE 219 APPEAR TO HAVE BEEN SUPERSEDED BY THE SUBSEQUENT REALIGNMENT OF WHITE STREET

This map or plat has been calculated for closure and is found to be accurate within 1 foot in 288 013 feet.

This plat has been prepared using a theodolite reading directly to 1 second and an electronic distance measuring device reading directly to 1, one thousandth of a foot.

The field data upon which this map or plat is based had a closure precision of (1) foot in 43,238 feet and an angular error of 3.25 SEC. per angle point, and was adjusted using COMPASS rule.

AREA = 35617 ACRES

GEORGIA REGISTERED No. 1720 LAND SURVEYOR TRAVIS V. PRUITT, JR.

FOR THE FIRM
TRAVIS PRUITT & ASSOC., P.C.

Information regarding the repaired processes, sites, theories and location of existing underground utilities and structures is shown hereon. There is no certainty of the accuracy of this information and it should be considered in that light by those using this drawing. The location and arrangement of underground utilities and structures shown hereon may be inaccurate and utilities and structures not shown may be encountered. The owner, his employees, his consultants and his contractors shall hereby distinctly understand that the surveyor is not responsible for the inaccuracies or sufficiency of this information shown hereon.

REFERENCE PLAT

1) AS-BUILT SURVEY FOR MALON D MIMMS, BY TRAVIS PRUITT & ASSOCIATES, P.C., DATED JUNE 12, 1987

2) SOUTHWEST CONNECTOR RIGHT-OF-WAY PLAN, DWG No 63 30 RL1, PREPARED BY ROBERT & COMPANY ASSOC. ENGINEERS, DATED 4-27-64, LAST REVISED 6/19/64

This plat was prepared for the exclusive use of the person, persons or entity named in the certificate hereon. Said certificate does not extend to any unnamed person without an express recertification by the surveyor naming said person.

ALTA/ACSM SURVEY FOR:

MALON D. MIMMS
PREMIER LENDING CORPORATION
CHICAGO TITLE INSURANCE COMPANY

LAND LOT 118 14th DISTRICT
CITY OF ATLANTA
FULTON COUNTY , GEORGIA
SCALE 1" = 40' FEB 7 ,1990

40 20 0 40 80 120
Scale in Feet

TRAVIS PRUITT & ASSOCIATES, P.C.
Consultants, Engineers, Surveyors
& Landscape Architects
5555 Oakbrook Parkway — Suite 280
Norcross, Georgia 30093
Phone: (770) 416-7511 Fax: (770) 416-6759

WN - W - 410	JN - 90 - 077	FN - 116-C-716

1620-1670 MM.FT. AT.