AN ORDINANCE
BY COUNCILMEMBER NATALYN ARCHIBONG

10-O -1169

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY LOCATED AT 418 MORGAN PLACE, SE, ATLANTA, GEORGIA 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 owner of real property (the "Applicant") has applied to the City of Atlanta for annexation ("the Application") of certain property located at 418 Morgan Place, SE, Atlanta, GA 30317, as more fully described and delineated in Exhibit "A" and attached hereto (the "Property"); 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 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 known as 418 Morgan Place, SE, Atlanta, Georgia 30317, 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 Property shall be part of Council District 5.

Section 3. 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 4. 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 Dekalb 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 5. 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 6. All Ordinances or parts of Ordinances in conflict with the terms of this Ordinance are hereby waived to the extent of the conflict.

FILE 7-1538

EXHIBIT A

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 182 & 183 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS THE FOLLOWS;

COMMENCING AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY OF SALMON AVENUE (50' R/W WIDTH) WITH THE NORTHEASTERLY RIGHT-OF-WAY OF MORGAN PLACE (50' R/W WIDTH);

THENCE NORTH 38 DEGREES 30 MINUTES 52 SECONDS WEST ALONG SAID NORTHEASTERLY RIGHT-OF-WAY OF MORGAN PLACE FOR A DISTANCE OF 149.86 FEET TO A ½ INCH REINFORCING BAR AT THE POINT OF BEGINNING;

FROM THE POINT OF BEGINNING THUS ESTABLISHED;

THENCE NORTH 38 DEGREES 35 MINUTES 34 SECONDS WEST ALONG SAID NORTHEASTERLY RIGHT-OF-WAY OF MORGAN PLACE FOR A DISTANCE OF 50.00 FEET TO A POINT;

THENCE LEAVING SAID RIGHT – OF –WAY OF MORGAN PLACE NORTH 51 DEGREES 27 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 150.08 FEET TO A POINT;

THENCE SOUTH 38 DEGREES 43 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 50.00 FEET TO A ½ INCH REINFORCING BAR;

THENCE SOUTH 51 DEGREES 27 MINUTES 56 SECONDS WEST FOR A DISTANCE OF 150.20 FEET TO THE POINT OF BEGINNING.

SAID PROPERTY CONTAINS 0.1723 ACRES OR 7.506 SQUARE FEET.