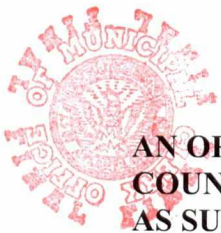


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190 1618 (Do Not Write Above This Line) 10/8	Committee _____ Date _____ Chair _____ Referred To _____	FINAL COUNCIL ACTION ☐ 2nd ☐ 1st & 2nd ☐ 3rd Readings ☐ Consent ☐ V Vote ☒ RC Vote
AN ORDINANCE BY COUNCILMEMBER NATALYN M. ARCHIBONG AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTIES HAVING FRONTAGE ON LYNDALE DRIVE, BEECHVIEW DRIVE, STONYBROOK DRIVE AND GRESHAM AVENUE TO THE CORPORATE LIMITS OF THE CITY OF ATLANTA, GEORGIA PURSUANT TO THE 60% METHOD; TO EXTEND THE BOUNDARIES OF THE ATLANTA INDEPENDENT SCHOOL SYSTEM; TO NOTIFY THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS OF SUCH ANNEXATION; AND FOR OTHER PURPOSES. <i>Adopt on Substitute</i>	Committee <u>Finance/Executive</u> Date <u>10/23/19</u> Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other <u>Substantive</u> Members _____ Refer To _____	CERTIFIED DEC 02 2019 ATLANTA CITY COUNCIL PRESIDENT <i>John A. Page</i> CERTIFIED DEC 02 2019 MUNICIPAL CLERK
☐ CONSENT REFER AS Amended ☐ REGULAR REPORT REFER 12-2-19 ☐ ADVERTISE & REFER 15Y ON ☐ 1ST ADOPT 2ND READ & REFER ☐ PERSONAL PAPER REFER Date Referred 10/21/19 Referred To: FCC Date Referred _____ Referred To: _____ Date Referred: _____ Referred To: _____	Committee <u>Finance/Executive</u> Date <u>11/25/19</u> Chair <u>H. S.</u> Action _____ Fav, Adv, Hold (see rev. side) _____ Other <u>on condition</u> Members <u>Archibong</u> <u>Page</u> <u>McIntosh</u> Refer To _____	MAYOR'S ACTION APPROVED DEC 11 2019 WITHOUT SIGNATURE BY OPERATION OF LAW



**AN ORDINANCE BY
COUNCILMEMBER NATALYN M. ARCHIBONG
AS SUBSTITUTED AND AMENDED BY FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTIES HAVING FRONTAGE ON LYNDALE DRIVE, BEECHVIEW DRIVE, STONYBROOK DRIVE AND GRESHAM AVENUE TO THE CORPORATE LIMITS OF THE CITY OF ATLANTA, GEORGIA PURSUANT TO THE 60% METHOD; TO EXTEND THE BOUNDARIES OF THE ATLANTA INDEPENDENT SCHOOL SYSTEM; TO NOTIFY THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS OF SUCH ANNEXATION; AND FOR OTHER PURPOSES.

WHEREAS, certain resident electors and the owners (the "Petitioners") of real property having frontage on Lyndale Drive, Beechview Drive, Stonybrook Drive and Gresham Avenue, as delineated in Exhibit "A" attached hereto (the "Property"), have petitioned the City of Atlanta for annexation ("the Petitions") from unincorporated DeKalb County pursuant to the 60% method of annexation; and

WHEREAS, as shown on Exhibit "B" attached hereto, 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 Petitions for annexation of 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, as shown on Exhibit "C" attached hereto, the City of Atlanta has determined that the Petitioners are the title holders of record of 60% of the privately-owned land within the Property, as evidenced by the records of the Clerk of the Superior Court of DeKalb County, Georgia; and

WHEREAS, as shown on Exhibit "D" attached hereto, the City of Atlanta has determined that the Petitioners represent at least 60% of the registered voters within the Property, as evidenced by the voter file provided by the DeKalb County Board of Registrations and Elections; 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, 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 R-4 (Single Family Residential) zoning classification approved by the City of Atlanta for the Property which is the subject of the proposed annexation is consistent with the current zoning in Dekalb County and shall become effective on the later 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



19-O-1618

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

WHEREAS, the Mayor and Council of the City of Atlanta have determined that the annexation of the Property and expansion of the boundaries of the Atlanta Independent School System to include the Property would be in the best interest of the residents and property owners of the Property to be annexed and of the citizens of the City of Atlanta; and

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

Section 1. Certain property having frontage on Lyndale Drive, Beechview Drive, Stonybrook Drive and Gresham Avenue, as more fully delineated and listed on Exhibit "A" and which is incorporated herein by reference, is hereby annexed into the existing corporate limits of the City of Atlanta, Georgia, and the boundaries of the Atlanta Independent School System are hereby extended so as to include the entire annexed area.

Section 2. 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 3. This Ordinance shall become effective for school enrollment purposes on July 1, 2020. For all other purposes, the Ordinance shall become effective in accordance with applicable provisions of Georgia law.

Section 4. 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,

A. Vanessa Waldon
Deputy Clerk

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

DEC 02, 2019
DEC 11, 2019



**CITY OF ATLANTA
OFFICE OF THE MUNICIPAL CLERK**

**FORIS WEBB, III
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GA 30303
(404) 330-6033
FAX (404) 658-6103**

September 24, 2019

**VIA CERTIFIED MAIL RETURNED RECEIPT REQUESTED
USPS Tracking No.: 7017 2620 0000 8460 3990**

Mr. Michael Thurmond, Chief Executive Officer
DeKalb County
Manuel J. Maloof Center
1300 Commerce Dr., 6th Floor
Decatur, GA 30030

Re: Application for Annexation Called Lyndale Drive by the 60% Method

Dear Mr. Thurmond:

This letter has been sent to you by certified mail, return receipt requested, within five (5) business days of receipt by the City of Atlanta, Georgia ("City") of an annexation application, enclosed herein. A description of the boundaries of the proposed annexation area is included within the application, less and except that portion of the property that is currently in the City limits, if any.

Pursuant to O.G.C.A. § 36-36-111 please note that the current DeKalb County zoning is R-75 (Residential Medium Lot 75); DeKalb County Land Use TN (Traditional Neighborhood). The analog City of Atlanta zoning is R-4 (Single Family Residential); City of Atlanta Land Use Single Family Residential.

Pursuant to O.C.G.A. § 36-36-7 and O.C.G.A. § 36-36-9, the county governing authority must notify the Atlanta City Council within five business days of receipt of this notice if any county owned public facilities are located in the area proposed to be annexed. Any notice must be sent by certified mail or statutory overnight delivery, return receipt requested.



Mr. Michael Thurmond
Chief Executive Officer
September 24, 2019
Page Two

If the county governing authority has an objection pursuant to O.C.G.A § 36-36-113, in accordance with the land use objection and resolution process, it must be delivered to the Atlanta City Council by certified mail or statutory overnight delivery to be received not later than the end of the thirtieth calendar day following receipt of this notice.

Thank you for your attention to this matter.

Sincerely,

Foris Webb, III
Municipal Clerk
City of Atlanta

CC: Felicia A. Moore, President, Atlanta City Council
Atlanta City Council Members
Charletta Wilson Jacks, Senior Advisor on Governmental Affairs
Gabrielle Sanders, Legislative Analyst, Office of the Mayor
Nina Hickson, City Attorney
Keyetta Holmes, Zoning & Development Assistant

Dekalb County

Stacy Grear, GIS Director, DeKalb County, via email to scgrear@dekalbcountyga.gov

(Petition #2)

Lyndale Drive Annexation Petition Signers



Report of Findings

DeKalb County Department of Registration and Elections lists a total of **38 active** voters within the mapped area of Lyndale Drive

Thus denominator gaging 60% is **38 active** voters

25 individuals **signed petition** as voters

24 voter names and addresses were direct matches

Total of **24 registered voters** signed petition

63.1% of registered voters signed petition

AN ORDINANCE BY COUNCILMEMBER NATALYN M. ARCHIBONG AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE TO PROVIDE FOR THE ANNEXATION OF PROPERTIES HAVING FRONTAGE ON LYNDAL DRIVE, BEECHVIEW DRIVE, STONYBROOK DRIVE AND GRESHAM AVENUE TO THE CORPORATE LIMITS OF THE CITY OF ATLANTA, GEORGIA PURSUANT TO THE 60% METHOD; TO EXTEND THE BOUNDARIES OF THE ATLANTA INDEPENDENT SCHOOL SYSTEM; TO NOTIFY THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS OF SUCH ANNEXATION; AND FOR OTHER PURPOSES.

☛ VOTE RECORD - ORDINANCE 19-O-1618

☐ ADOPTED						
☐ ADVERSED						
☐ FAVORABLE						
☐ ACCEPTED AND FILED						
☐ FIRST READING						
☐ SECOND READING						
☐ THIRD READING						
☐ FOURTH READING						
☐ FIFTH READING						
☐ REFERRED TO COMMITTEE			YES/AYE	NO/NAY	ABSTAIN	ABSENT
☐ HELD IN COMMITTEE	MICHAEL JULIAN BOND	VOTER	☒	☐	☐	☐
☐ TABLED	MATT WESTMORELAND	SECONDER	☒	☐	☐	☐
☐ DEFERRED	ANDRE DICKENS	VOTER	☒	☐	☐	☐
☐ RECONSIDERED	CARLA SMITH	VOTER	☒	☐	☐	☐
☐ FILED	AMIR R FAROKHI	VOTER	☒	☐	☐	☐
☒ ADOPTED AS AMENDED	ANTONIO BROWN	VOTER	☒	☐	☐	☐
☐ AMENDED	CLETA WINSLOW	VOTER	☒	☐	☐	☐
☐ ACCEPTED	NATALYN MOSBY ARCHIBONG	VOTER	☒	☐	☐	☐
☐ SUBSTITUTED	JENNIFER N IDE	VOTER	☒	☐	☐	☐
☐ AMENDED SUBSTITUTE	HOWARD SHOOK	MOVER	☒	☐	☐	☐
☐ FILED BY COMMITTEE	JP MATZIGKEIT	VOTER	☒	☐	☐	☐
☐ REFERRED TO ZRB AND ZC	DUSTIN HILLIS	VOTER	☒	☐	☐	☐
☐ REFERRED WITHOUT OBJECTION	ANDREA L BOONE	VOTER	☒	☐	☐	☐
☐ ADOPTED ON SUBSTITUTE	MARCI COLLIER OVERSTREET	VOTER	☒	☐	☐	☐
☐ ADOPTED SUBSTITUTE AS AMENDED	JOYCE M SHEPERD	VOTER	☒	☐	☐	☐
☐ FORWARDED WITH NO RECOMMENDATI						
☐ REFERRED TO SC						
☐ FILED WITHOUT OBJECTION						
☐ FAILED						
☐ FORWARDED TO FC/NQ						
☐ FAVORABLE ON SUBSTITUTE						
☐ FAVORABLE/SUB/AMENDED						
☐ FAVORABLE/SUB/AMND/COND						

**LARGE
ATTACHMENT(S)
DOCUMENT(S),
MANNUAL(S)
OR
MAP(S)
NOT COPIED
AVAILABLE FOR
PUBLIC INSPECTION
IN MUNICIPAL CLERK'S
OFFICE**



19-O-1618

**Adopted by the Atlanta City Council
December 2, 2019**

APPROVED

DEC 11 2019

**WITHOUT SIGNATURE
BY OPERATION OF LAW**

MAYOR'S ACTION