05-O-1505

AN ORDINANCE
BY THE COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE

UEZ-05-07

AN ORDINANCE TO CREATE THE "LILLIE R. CAMPBELL" HOUSING ENTERPRISE ZONE, TO BE LOCATED AT 1830 Campbellton Road, S.W., Atlanta, Georgia AND FOR OTHER PURPOSES

NPU "R" **COUNCIL DISTRICT 11**

WHEREAS an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta the authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS the designation of a housing enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property that is exempted by the City; and

WHEREAS certain types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period, and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

WHEREAS the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the proposed "Lillie R. Campbell House" Housing Enterprise Zone;

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

Section 1: It is found by the Council of the City of Atlanta that the area in and around the property that would be designated as the "Lillie R. Campbell House" Housing Enterprise Zone is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the property that would be designated as the "Lillie R. Campbell House" Housing Enterprise Zone, are characterized by having no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically- and socially-depressed areas designated herein as urban enterprise zones.

Section 2: The "Lillie R. Campbell House" Housing Enterprise Zone is hereby created for the subject property at 1830 Campbellton Road, Atlanta, Georgia. The property contains 3.2 acres of land and includes the following tax parcel code number(s) 14-0168-LL162. The effective date of all exemptions established therein shall be January 1, 2007. The "Lillie R. Campbell House" Housing Enterprise Zone shall be abolished on December 31, 2016. The "Lillie R. Campbell House" Housing Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description and map of the "Lillie R. Campbell" Housing Enterprise Zone are attached hereto as Exhibit "A", are made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3. The "Lillie R. Campbell House" Housing Enterprise Zone shall be developed as a senior citizen residential development project, which shall consist of 96 residential units. The project shall be developed in one phase*(s)* and shall contain 107,003 total square feet of building space. In accordance with the requirements for housing enterprise zones, 72 (75 percent) of the total 96 housing units would be designated as being "affordable" (for moderate-income residents), which would exceed the required minimum of 20 percent.

Section 4. The development of the "Lillie R. Campbell" Housing Enterprise Zone shall meet or exceed the "housing affordability requirements" for urban enterprise zone designation that are defined in City Code Sections 146-52(2)a.1, 146-52(2)a.2, and 146-52(2)a.3 (per approved Ordinance #03-O-1695), which are provided below.

> City Code Section 146-52(2)a.1. Twenty percent of the total units to be provided shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall be within the ability to pay of those households whose annual income does not exceed 60 percent of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures.

The "Lillie R. Campbell" Housing Enterprise Zone shall consist of 96 total units, of which 8 units shall be one-bedroom units (12%), and 88 units shall be two-bedroom units (92%). The "Lillie R Campbell" Housing Enterprise Zone shall designate 72 of the proposed 96 total units (75%) as being "affordable", which exceeds the required minimum housing affordability provision of 20 percent of the total 96 units. Compared to the minimum housing affordability requirement of 19 total units, to which the ratios of 12 percent for one-bedroom units (8 units), and 92 percent for two bedroom units (88 units), are applied, the

"Lillie R. Campbell House" Housing Enterprise Zone shall designate 8 one-bedroom units and 64 two-bedroom units as being "affordable", which exceeds the housing affordability requirements by bedroom composition.

> City Code Section 146-52(2)a.2. Twenty percent of the units for sale shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall bear purchase prices which do not exceed two and one-fifth times the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development.

> City Code Section 146-52(2)a.3. Twenty percent of the units for rent, if any, shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall bear monthly rents which do not exceed 30 percent of the low-income level defined in section 146-52(2)a.1 or, in the case of rental housing units that are being financed through federal low-income housing tax credits, said units shall bear monthly rents which do not exceed the maximum rents prescribed in Section 42, Internal Revenue Service Code, based upon the low-income level defined in section 146-52(2)a.1.

All of the proposed housing units within the "Lillie R. Campbell House" Housing Enterprise Zone shall be for rent and shall reflect the same ratio of bedroom composition that is proposed throughout the zone. Further, the proposed monthly rents shall not exceed 30 percent of the low-income level defined in section 146-52(2)a.1.

Section 5: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of the "Lillie R. Campbell House" Housing Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon the approval by the Mayor of the City of Atlanta.

LILLIE R. CAMPBELL HOUSE
HOUSING ENTERPRISE ZONE

LOCATED AT 1830 CAMPBELLTON RD
DIST. 14, LAND LOT 153
COUNCIL DISTRICT 11, NPU - R

UEZ - 05 - 07

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LEGAL DESCRIPTION
PROPERTY OF CRT REALTY & DEVELOPMENT
AND LILLIE R. CAMPBELL HOUSE, LP

ALL THAT TRACT OR PARCEL OFLAND LYING and being in Land Lots 153 & 168 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

Beginning at an iron pin found on the southeasterly curvature of Campbellton Road (varying right of way from 50 feet to 55 feet) 175.9 feet southwest from the intersection of the westerly right of way line of Hadlock Street (50 foot right of way) and the southeasterly right of way line of Campbellton Road; running from the 50 foot right of way line of Campbellton Road to the 55 foot right of way line of Campbellton Road South 1 degree 37 minutes 06 seconds West 5.23 feet to a point; running thence along the southeasterly curvature of Campbellton Road along a curve to the left an arc distance of 153.14 feet at a radius of 419.33 feet subtended by a 152.29 foot chord with a bearing of South 64 degrees 03 minutes 41 seconds West to a point; continuing thence along the 55 foot right of way of Campbellton Road South 53 degrees 39 minutes 01 seconds West 196.86 feet to a point; running thence from the 55 foot right of way of Campbellton Road to the 50 foot right of way of Campbellton Road North 36 degrees 20 minutes 59 seconds West 5.00 feet to a point; continuing thence along the right of way of Campbellton Road South 53 degrees 09 minutes 43 seconds West 198.99 feet to a point; continuing thence along the curvature of Campbellton Road at a curve to the right an arc distance of 85.25 feet with a radius of 2850 feet subtended by a 85.25 foot chord at a bearing of South 54 degrees 47 minutes 25 seconds West to a 5/8 inch re-bar found, thence leaving said right of way of Campbellton Road South 78 degrees 33 minutes 44 seconds East 417.05 feet to a 5/8 inch re-bar found on the common line of Land Lot 153 and 168; running thence South 2 degrees 03 minutes 05 seconds West 186.05 feet along the common Land Lot line of Land Lots 153 and 168 to an iron pin found; running thence South 87 degrees 26 minutes 12 seconds East 107.83 feet to a fence post; running thence North 01 degrees 37 minutes 06 seconds East 621.43 feet to the 55 foot right of way of Campbellton Road and the point of beginning; containing 142,884 square feet (3.280 acres) according to plat of survey by A.S. Giometti & Associates, Inc.

GEORGIA REGISTERED No. 1125 LAND SURVEYOR AUGUST S. GIOMETTI

Legislative White Paper

Committee of Purview: Community Development and Human Resources Committee

Caption AN ORDINANCE TO CREATE THE "LILLIE R. CAMPBELL HOUSE" ENTERPRISE ZONE TO BE LOCATED 1830 CAMPBELLTON ROAD, S.W. ATLANTA,GEORGIA; AND FOR OTHER PURPOSES.
Council Meeting Date: SEPTEMBER 19, 2005

Legislation Title:

Requesting Dept.: Planning and Community Development

Contract Type:

Source Selection:

Bids/Proposals Due: n/a

Invitations Issued:

Number of Bids/
Proposals Received: n/a

Bidders/Proponents: n/a

Justification Statement:

Background: The applicant seeks to create a new Urban Enterprise Zone located at 1830 Campbellton Road, S.W.. Atlanta.

Fund Account Center:

Source of Funds: Private lenders and other sources.

Fiscal Impact: None

Term of Contract:

Method of Cost Recovery:

Approvals:
DOF: E Davies
DOL: Kristen Brooks Denius

Prepared By: Linwood Robinson

Contact Number: x6785