06-O -1065

AN ORDINANCE

BY COUNCILMEMBER NATALYN MOSBY ARCHIBONG

AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO PROVIDE THAT A CERTAIN SUBDIVISION SD-05-102 (2686 & 2692 KNOX STREET, SE) APPLICANT DEPOSIT A DOLLAR AMOUNT ($6,700.00) EQUAL TO THE VALUE OF THE REQUIRED SIDEWALK CONSTRUCTION INTO A DESIGNATED TRUST FUND ACCOUNT FOR DISTRICT 5; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to the application for the subdivision of land submitted by the developer, in compliance with the provisions of Section 15-09.003 to provide sidewalks on both sides of existing as well as proposed streets; and

WHEREAS, the construction of sidewalks along the frontage of this development would adversely affect the appearance and character of the neighborhood due to the lack of any existing sidewalks on the streets that contain the proposed subdivided lot to which the sidewalks could connect; and

WHEREAS, the City and area residents would be better served by the construction of sidewalks and pedestrian improvements in the area of said subdivision with in District 5.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: The requirement of Section 15-09.003 of the City of Atlanta Code of Ordinance, which requires that applications for subdivision of land provide sidewalks is hereby waived for Subdivision SD-05-102 (2686 & 2692 Knox Street, SE).

SECTION 2: That the waiver of said requirements for the aforementioned application are conditioned upon the agreement of the applicant to pay the City of Atlanta a dollar amount equal to the value of construction ($6,700.00) of said sidewalks as required by Section 1509.003 and as determined by the Commissioner of Department of Public Works.

SECTION 3: That before the Director of Bureau of Building issues any building permit for construction within the subdivision sited above, said funds ($6,700.00) shall be deposited in Trust Fund Account 3P02 424101 Y63T19049999, to be used for pedestrian improvements and sidewalk construction only in Council District 5.

SECTION 4,: That all other requirements of the Code of Ordinances for the subdivision cited above shall remain in full force and effect.

SECTION 5: That all ordinances and parts of ordinances in conflict herewith be and the same are hereby waived.