03-O-0435

AN ORDINANCE

BY TRANSPORTATION COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA, TO EXECUTE AN AMENDMENT TO AN AVIGATION EASEMENT AND RESTRICTIVE COVENANTS REGARDING LAND PREVIOUSLY PURCHASED BY THE CITY OF ATLANTA AS PART OF THE HARTSFIELD ATLANTA INTERNATIONAL AIRPORT NOISE ABATEMENT PROGRAM, AND LATER SOLD TO THE COLLEGE PARK BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY, AND TO EXECUTE AN AMENDMENT TO AN AVIGATION EASEMENT AND RESTRICTIVE COVENANTS REGARDING ADDITIONAL LAND LOCATED IN CLOSE PROXIMITY TO HARTSFIELD ATLANTA INTERNATIONAL AIRPORT, SUCH THAT THE LAND MAY BE USED FOR RESIDENTIAL PURPOSES; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT REGARDING SUCH CHANGE OF AVIGATION EASEMENTS AND RESTRICTIVE COVENANTS; AND FOR OTHER PURPOSES.

WHEREAS, Hartsfield Atlanta International Airport (hereinafter "the Airport"), which is owned and operated by the City of Atlanta (hereinafter "Atlanta"), has a Noise Abatement Program, whereby it purchases and demolishes residences that are located within a certain proximity to the Airport, in compliance with Federal Aviation Administration regulations, in order to minimize the impact of Airport noise; and

WHEREAS, pursuant to the Noise Abatement Program, Atlanta purchased approximately twenty-seven (27) acres of property located in College Park, Georgia (hereinafter "the Property") based upon its proximity to the Airport, demolished the residences thereon, and sold the Property to the College Park Business and Industrial Development Authority (hereinafter "BIDA"), pursuant to an Agreement between Atlanta and BIDA dated March 14, 1997 (hereinafter "the Master Land Agreement"); and

WHEREAS, the Master Land Agreement conveyed title of the Property to BIDA, subject to, among other things, a restrictive covenant and avigation easement that limit the use of the Property to warehousing, manufacturing, industrial uses, businesses, hotels/motels, restaurants, office buildings, and any other uses as may be approved in writing by the Aviation General Manager (hereinafter "the A-1 Restrictive Covenant and Easement"); and

WHEREAS, BIDA, as well as the City of College Park (hereinafter "College Park"), wish to develop some of the Property as part of a new mixed-use development called "Princeton Village", to be located in College Park north of Princeton Avenue, the exact location of which is shown in the striped portion of Exhibit A-1 (hereinafter "the Princeton Village A-1 Property"); and

WHEREAS, BIDA and College Park wish to develop approximately fifteen (15) acres of additional property as part of the Princeton Village development, the exact location of which is shown on Exhibit A-2 (hereinafter "the Princeton Village A-2 Property"). The Princeton Village A-2 Property is a similar distance from the Airport as the Property, and is also the subject of a restrictive covenant

and avigation easement that limit the use of the Property to warehousing, manufacturing, industrial uses, businesses, hotels/motels, restaurants, office buildings, and any other uses as may be approved, in writing, by the city of Atlanta, with the consent of the Federal Aviation Administration (hereinafter "the A-2 Restrictive Covenant and Easement"); and

WHEREAS, BIDA and College Park have entered into a contract dated January 3, 2000, with Enterprise Construction Company, Inc., John Doyle and Jack Blackwell, regarding the construction of Princeton Village, said construction to include the construction of residential units; and

WHEREAS, said residential units can not be constructed on the Princeton Village A-1 Property or the Princeton Village A-2 Property unless Atlanta changes the A-1 Restrictive Covenant and Easement, and the A-2 Restrictive Covenant and Easement to permit such construction; and

WHEREAS, Atlanta wishes to accommodate College Park's and BIDA's desire to develop College Park land if such development is compatible with Airport use; and

WHEREAS, Enterprise Construction Company, Inc. has agreed to construct the residences located on the Princeton Village A-1 Property and the Princeton Village A-2 Property in full compliance with the noise abatement standards established by College Park in an ordinance attached hereto as Exhibit B; and

WHEREAS, BIDA, Enterprise Construction Company, Inc., John Doyle and Jack Blackwell have agreed to indemnify Atlanta for any and all damages and expenses related to any legal action brought by purchasers, owners, residents and/or occupants of any of the residences located on the Princeton Village A-1 Property and/or the Princeton Village A-2 Property; and

WHEREAS, all purchasers of a residence located on the Princeton Village A-1 Property and the Princeton Village A-2 Property shall be informed, in lay terms, through a covenant running with the land and through language on the deed, that the residence is located in an Airport noise impacted area.

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

Section 1. That the Mayor be and hereby is authorized to execute on behalf of the City of Atlanta, an Agreement with BIDA, the City of College Park, Enterprise Construction Company, Inc., John Doyle and Jack Blackwell regarding the residences being constructed on the Princeton Village A-1 Property and the Princeton Village A-2 Property, including but not limited to the indemnification of Atlanta, the notice to purchasers of their home's location in a noise impacted area, the standards of construction and noise abatement to be utilized, and the changing of the A-1 Restrictive Covenant and Easement and the A-2 Restrictive Covenant and Easement to permit residential housing (hereinafter "the Agreement").

Section 2. That the Mayor be and hereby is authorized to execute on behalf of the City of Atlanta, a First Amendment to the A-1 Restrictive Covenant and Easement, and a First Amendment to the A-2 Restrictive Covenant and Easement, (hereinafter "the Amendments") whereby the Amendments shall permit residential units on the Princeton Village A-1 Property and the Princeton

Village A-2 Property, respectively, conditioned upon compliance with the Agreement and the other restrictions set forth in the A-1 Restrictive Covenant and Easement and the A-2 Restrictive Covenant and Easement, and any other restrictions deemed appropriate by the Aviation General Manager or the City Attorney or her designee.

Section 3. That the City Attorney be and hereby is directed to prepare the Agreement for execution by the Mayor.

Section 4. That after the Agreement is executed by the Mayor and attested to by the Municipal Clerk, the City Attorney is hereby authorized to prepare the Amendments for execution by the Mayor.

Section 5. That the Agreement shall not become binding upon the City, and the City shall incur no obligation or liability thereunder, including no obligation to execute the Amendments, until the Agreement has been signed by the Mayor and attested to by the Municipal Clerk.

Section 6. That all parts of ordinances in conflict herewith be, and are hereby repealed.

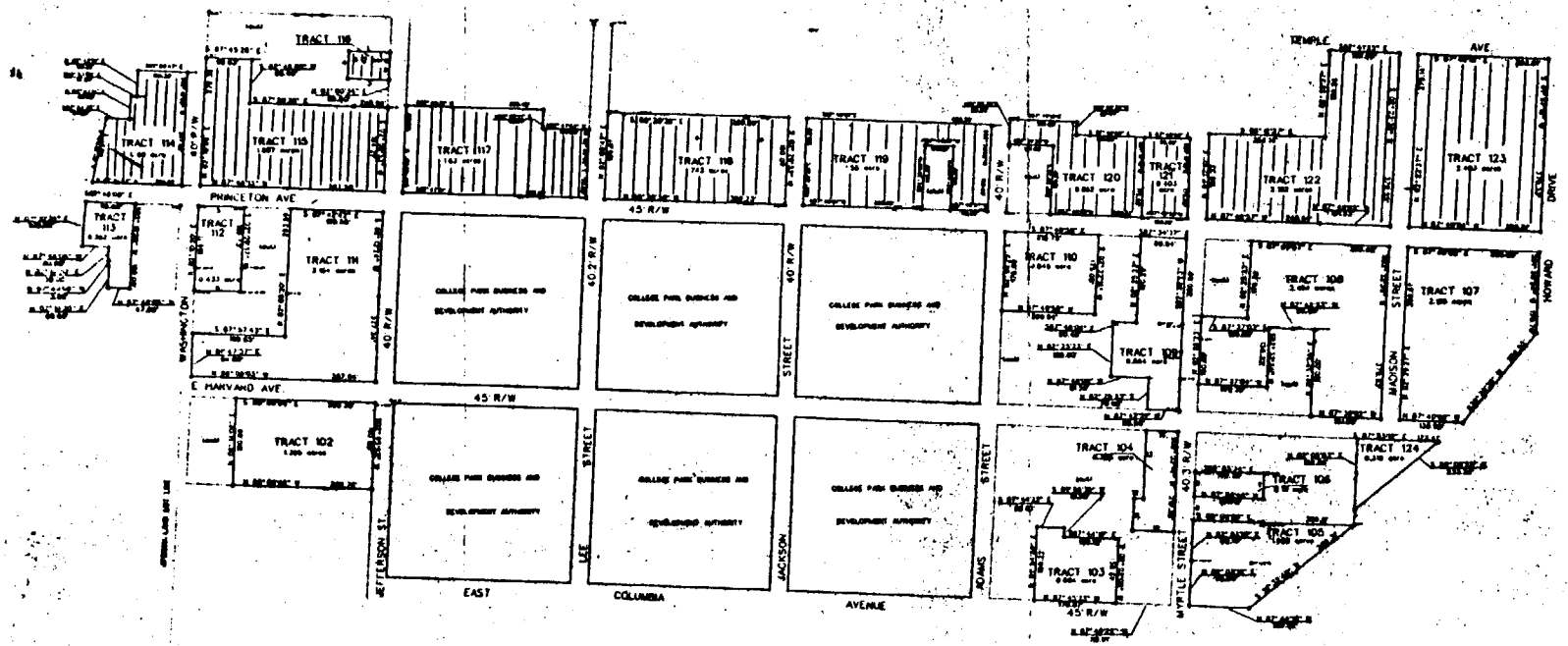

Exhibit A-1

Master Land Agreement Properties
Residential Usage

(Shaded Blocks North of Princeton Ave)

TRACT AND ACREAGE TABLE

TRACT 102	1.200 acres
TRACT 103	0.684 acres
TRACT 104	0.343 acres
TRACT 105	1.030 acres
TRACT 106	0.100 acres
TRACT 107	2.000 acres
TRACT 108	2.000 acres
TRACT 109	2.064 acres
TRACT 110	0.806 acres
TRACT 111	0.843 acres
TRACT 112	0.433 acres
TRACT 113	0.532 acres
TRACT 114	0.384 acres
TRACT 115	0.806 acres
TRACT 116	1.007 acres
TRACT 117	0.603 acres
TRACT 118	1.130 acres
TRACT 119	1.143 acres
TRACT 120	1.130 acres
TRACT 121	0.551 acres
TRACT 122	0.403 acres
TRACT 123	2.162 acres
TRACT 124	0.370 acres

TOTAL ACRES INCLUDED
EXCLUSIVE OF RIGHT-OF-WAY 27.048

CALL TABLE

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REFERENCES

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SURVEYOR'S NOTES

1. [illegible]
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10. [illegible]

LEGEND

- BOUNDARY
- APPROXIMATE LAND LOT LINE
- APPROXIMATE TRACT BOUNDARY
- RIGHT-OF-WAY LINE
- LAND SPIKE
- CMP COMPRESSED METAL PIPE
- RCP REINFORCED CONCRETE PIPE
- ELEVATION
- R.O.W. RIGHT-OF-WAY
- IRON PIPE FOUND
- IRON ROD FOUND

14TH DISTRICT
FULTON COUNTY
LAND LOT 161
LAND LOT 6

13TH DISTRICT
FULTON COUNTY

LAND LOT 160
LAND LOT 7

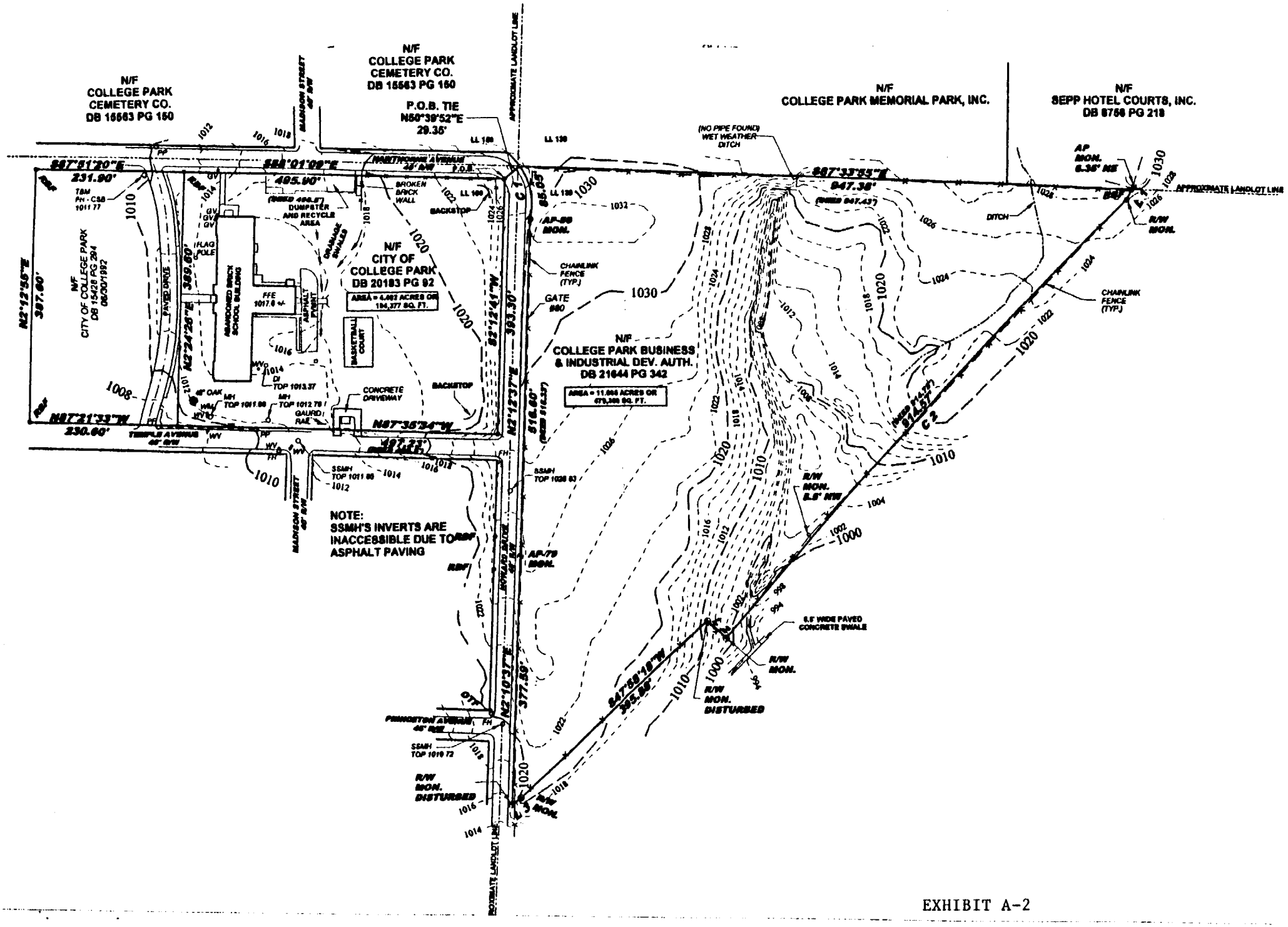
DESIGNED: CASE
DRAWN:
CHECKED:

LOWE ENGINEERS, L.L.C.
8215 ROSWELL ROAD, BUILDING 4450
ATLANTA, GEORGIA 30350
TEL (770)[illegible] FAX (770)392-0678

COLLEGE PARK REDEVELOPMENT AREA
PHASE 3

BOUNDARY SURVEY
OF
PHASE 3 FOR THE COLLEGE PARK BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY

PROJ. NO.: [illegible]
DATE: [illegible]
SCALE: [illegible]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CEMETERY CO.
DB 15563 PG 150
N/F
COLLEGE PARK
CEMETERY CO.
DB 15563 PG 150
P.O.B. TIE
N50°39'52"E
29.35'
N/F
COLLEGE PARK MEMORIAL PARK, INC.
N/F
SEPP HOTEL COURTS, INC.
DB 8756 PG 218
N/F
CITY OF COLLEGE PARK
DB 20183 PG 92
N/F
CITY OF COLLEGE PARK
DB 15428 PG 294
06/30/1992
N/F
COLLEGE PARK BUSINESS
& INDUSTRIAL DEV. AUTH.
DB 21644 PG 342
NOTE:
SSMH'S INVERTS ARE
INACCESSIBLE DUE TO
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383.30'
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516.60'
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C2
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C4
APPROXIMATE LANDLOT LINE
MADISON STREET
HARTWOOD AVENUE
TEMPLE AVENUE
HOWARD ROAD
PRINCETON AVENUE
ABANDONED BRICK SCHOOL BUILDING
DUMPSTER AND RECYCLE AREA
BROKEN BRICK WALL
BACKSTOP
BASKETBALL COURT
CONCRETE DRIVEWAY
ASPHALT PORTIONS
DRAINAGE SWALES
FLAG POLE
PAVED DRIVE
CHAINLINK FENCE (TYP.)
GATE
DITCH
(NO PIPE FOUND) WET WEATHER DITCH
AP-59 MON.
AP-79 MON.
AP MON. 6.36' NE
R/W MON.
R/W MON. DISTURBED
R/W MON. 6.5' NW
6.5' WIDE PAVED CONCRETE SWALE
SSMH TOP 1011.77
SSMH TOP 1011.85
SSMH TOP 1019.72
SSMH TOP 1026.83
MH TOP 1013.37
MH TOP 1011.88
MH TOP 1012.79
TBM FH - CSB 1011.77
FFE 1017.6 +/-
GAURD RAIL
48" OAK

EXHIBIT A-2

STATE OF GEORGIA

CITY OF COLLEGE PARK

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF COLLEGE PARK, GEORGIA, CHAPTER 5 BUILDINGS; CONSTRUCTION AND RELATED MATTERS, ARTICLE II BUILDING CODE; TO PROVIDE FOR CODIFICATION; TO PROVIDE SEVERABILITY; TO PROVIDE PENALTIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of College Park, Georgia is the Mayor and Council thereof;

WHEREAS, the governing authority desires to limit interior noise levels in new structures built near Hartsfield International Airport; and

WHEREAS, the amendments contained herein would benefit the health, safety, morals and welfare of the citizens of the City of College Park.

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of College Park, Georgia, and by the authority thereof:

Section 1. That the City Code is hereby amended by adding a section to be numbered Section 5-26, which said section reads as follows:

" ***Sec. 5-26. Acoustical standards.***

(a) It shall be unlawful for any person or entity to construct in the City and inside of the seventy-five (75) Level Day & Night (LDN) contour line, as now existing or hereinafter modified and approved by the Federal Aviation Administration, any new building for 'R3' occupancy as that term is defined in Section 311.2 of the Standard Building Code, 1997 Edition.

(b) It shall be unlawful for any person or entity to construct in the City any new building for residential occupancy with an interior LDN in excess of forty-five (45) LDN. Adherence to the following standards shall provide evidence of conformance with this Subsection:

MINIMUM 30 dB NOISE LEVEL REDUCTION (NLR), EXTERIOR TO INTERIOR.

1. Compliance

Compliance with the following standards shall be deemed to meet the requirements

of the compatible-use noise zones in which an NLR 30 is specified.

2. General

a. All exterior walls shall be constructed airtight. All joints shall be grouted or caulked airtight.

b. At the penetration of exterior walls by pipes, ducts, or conduits, the space between the wall and pipes, ducts, or conduits shall be caulked at the pipe duct or conduit or filled with mortar to the wall.

c. Window and/or through-the-wall ventilation or air-conditioning units shall not be used.

d. Operational vented fireplaces shall not be used.

e. All sleeping spaces shall be provided with either a sound-absorbing ceiling or a carpeted floor.

f. Through-the-wall/door mail slots shall not be used.

g. Skylights are permitted provided they meet window requirements given below.

3. Exterior Walls

a. Exterior walls other than as described below shall have a laboratory Sound Transmission Class (STC) rating of at least 44.

b. At least one surface of concrete block walls shall be plastered or painted with heavy 'bridging' paint.

c. Stud walls shall be at least 4 inches in nominal depth and shall be finished on the outside with siding-on-sheathing, masonry composite siding, stucco, brick, or brick veneer. For the purposes of this code, all brick or brick veneer must be at least 4 inches thick.

(1) Interior surface of the exterior walls shall be of gypsumboard or plaster at least 5/8 inch thick, installed on the studs. The gypsumboard or plaster may be fastened rigidly to the studs if the exterior is brick or stucco. If the exterior is siding-on-sheathing, the interior gypsumboard or plaster must be fastened resiliently to the studs. Providing three layers of gypsumboard with direct mounting to the studs is an acceptable alternative to resilient mounting of one layer. If the exterior is masonry composite siding, 1 inch thick sound deadening insulation board shall additionally be installed.

(2) Continuous composition board, OSB sheathing, plywood, or gypsumboard, or plaster sheathing at least 1 inch thick shall cover the exterior side of the wall studs behind wood, masonry composite siding, vinyl siding, metal siding, or any other kind of siding utilized.

(3) Sheathing panels shall be butted tightly and covered on the exterior with overlapping building paper. The top and bottom edges of the sheathing shall be sealed.

(4) Insulation material at least R-11 thick shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber or mineral wool.

4. Windows

a. Windows other than as described in this section shall have a laboratory sound transmission class rating of at least STC 36 for stucco or brick homes and STC 40 for siding homes.

b. Double-glazed windows shall employ single or double hung sash in compliance with all applicable egress requirements. Glass of double-glazed windows shall be at least 3/16 inch thick and shall be tempered or laminated. Panes of glass shall be separated by a minimum 3-inch air space and shall not be equal in thickness.

c. For siding homes, operable windows shall be triple glazed with an operable sealed insulating glazed sash and an operable storm sash or single or double hung storm sash in compliance with all applicable egress requirements. The insulated sash shall consist of two lites, at least 1/8 inch thick separated by at

least a 3/4-inch air space (overall thickness is 1 inch). The airspace between the insulated unit and the storm unit shall be at least 2 inches. At least one of the three lites shall be tempered or laminated. For stucco and brick homes, an insulated window with overall thickness of 3/4 inch may be combined with a standard storm mounted at least 2 inches from the prime window.

d. The sash shall be rigid and weatherstripped with material that is compressed airtight when the window is closed so as to conform to an infiltration test not to exceed 0.5 cubic foot per minute per foot of crack length in accordance with American Standards for Testing Materials (ASTM) E-283-65-T.

e. The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-00230, or TT-S-00153.

f. The total area of glass in both windows and doors in sleeping spaces shall not exceed 20 percent of the floor area.

g. Glass of single or double hung sash in compliance with all applicable egress requirements shall be sealed in an airtight manner with a non hardening sealant, or a soft elastomer gasket.

5. Doors

a. Doors, or door/storm assemblies, other than as described in this section, shall have a laboratory sound transmission class rating of at least STC 35.

b. Double door construction is required for all door openings to the exterior. Openings fitted with side-hinged doors shall have one solid-core wood or

insulated metal door at least 1-inch thick separated by an airspace of at least 4 inches from another door, which can be a storm door. Both doors shall be tightly fitted and weatherstripped.

c. The glass of double-glazed sliding doors shall be separated by a minimum 4-inch airspace. Each sliding frame shall be provided with an efficiency airtight weatherstripping material as specified in Section (b)-4d, above.

d. Glass of all doors shall be at least 3/16 inch thick and tempered or laminated. Glass of double sliding doors shall not be equal in thickness.

e. The perimeter of door frames shall be sealed airtight to the exterior wall construction as indicated in Section (b)-4e, f. Glass of doors shall be set and sealed in an airtight non-hardening sealant, or a soft elastomer gasket.

6. Roofs

a. Combined roof and ceiling construction other than described in this Section and Section (b)-7 shall have a laboratory sound transmission class rating of at least STC 44.

b. With an attic or rafter space at least 6 inches deep, and with a ceiling below, the roof shall consist of closely butted 1 inch composition board, plywood, or gypsum board sheathing topped by roofing as required.

7. Ceilings

a. Gypsum board or plaster ceilings at least 5/8 inch thick shall be provided where the roof complies with Section (b)6b above. Ceilings shall be substantially

airtight, with a minimum number of penetrations. For sleeping areas, the requirements of Section (b)2e apply.

b. Where roof construction is as described in Section (b)6c: For siding homes, provide 1-inch resilient channel mounting and one layer of 5/8-inch gypsum-board, or three layers of gypsumboard mounted directly. For stucco and brick homes, provide two layers 5/8-inch gypsumboard with direct mounting.

c. Glass fiber or mineral wool insulation at least R-19 shall be provided above the ceiling between joists.

8. Floors

a. The floor of the lowest occupied rooms shall be slab on fill, below grade or over a fully enclosed basement or crawlspace. All door and window openings in the fully enclosed basement shall be tightly fitted. If the basement is used as a habitable living area, the doors and windows must conform to the standards given above for these elements. All crawlspace vents must incorporate a plywood backing plate or baffle which prevents a clear line-of-sight from inside to outside without blocking airflow.

9. Ventilation

a. A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh-air supply requirements for various uses in occupied rooms without the need to open any windows, doors, or other openings to the exterior.

b. Gravity vent openings in attic shall not exceed Building Code minimum in number and size. The openings shall be fitted with transfer ducts at least 3 feet in length containing internal sound-absorbing duct lining. Each duct shall have a lined 90-degree (right angle) bend in the duct such that there is no direct line-of-sight from the exterior through the duct in the attic.

c. If a fan is used for forced ventilation, the attic inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 20-gauge steel, which shall be lined with 1-inch-thick coated glass fiber, and shall be at least 5 feet long with at least one 90-degree (right angle) bend.

d. All vent ducts connecting the interior space to the outdoors shall contain at least a 10-foot length of internal sound-absorbing duct lining. Each duct shall be provided with a 90-degree (right angle) bend in the duct such that there is no direct line-of-sight through the duct from the venting cross-section to the room opening cross-section. Domestic range exhaust ducts to the outside shall be prohibited (see Section (b)9f).

e. Duct lining shall be coated glass fiber duct liner at least 1 inch thick.

f. Range exhaust hoods should incorporate a filtered, air recirculation system rather than ducting to the exterior. Other kitchen exhaust ducts to the exterior shall contain a baffle plate across the exterior termination which allows proper ventilation. The dimensions of the baffle plate should extend at least one diameter beyond the line-of-sight into the vent duct. The baffle plate shall be of the same material and thickness as the bent duct material.

g. Building heating units with flues or combustion air vents shall be located in a closet or room closed off from the occupied space by doors.

h. Doors between occupied space and mechanical equipment areas shall be solid core wood or 20-gauge steel hollow metal at least 1-inch thick and shall be fully weatherstripped.

(c) Upon written application from any applicant for a permit under this Chapter, the City Building Inspector may allow substitute materials ("Substitute Materials") in lieu of those required in subsection (b) above (the "Required Materials") so long as both of the following conditions are met:

(1) The Substitute Materials will have a STC rating equal to or greater than the STC rating of the Required Materials; and

(2) The City Building Inspector has been convinced that the Substitute Materials will provide at least as much interior noise protection as the Required Materials."

Section 2. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of College Park.

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgement or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. Penalties in effect for violations of Chapter 5, Article II of the Code of Ordinances, City of College Park, Georgia at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 7. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

ORDAINED this 6th day of January, 2003.

CITY OF COLLEGE PARK, GEORGIA

JACK LONGINO, Mayor

ATTEST:

LAKEITHA REEVES, City Clerk

APPROVED AS TO FORM:

STEVEN M. FINCHER, City Attorney

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon

General Manager's Signature: ______

From: Originating Dept. Aviation

Committee of Purview: TC

Committee Meetings: 3/12/03

Contact: Anita Williams 404-530-6600

Committee Deadline: 2/28/03

City Council Meeting: 3/17/03

CAPTION:

AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA, TO EXECUTE AN AMENDMENT TO AN AVIGATION EASEMENT AND RESTRICTIVE COVENANTS REGARDING LAND PREVIOUSLY PURCHASED BY THE CITY OF ATLANTA AS PART OF THE HARTSFIELD ATLANTA INTERNATIONAL AIRPORT NOISE ABATEMENT PROGRAM, AND LATER SOLD TO THE COLLEGE PARK BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY, AND TO EXECUTE AN AMENDMENT TO AN AVIGATION EASEMENT AND RESTRICTIVE COVENANTS REGARDING ADDITIONAL LAND LOCATED IN CLOSE PROXIMITY TO HARTSFIELD ATLANTA INTERNATIONAL AIRPORT, SUCH THAT THE LAND MAY BE USED FOR RESIDENTIAL PURPOSES; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT REGARDING SUCH CHANGE OF AVIGATION EASEMENTS AND RESTRICTIVE COVENANTS; AND FOR OTHER PURPOSES.

BACKGROUND/DISCUSSION: The City of Atlanta has a Noise Abatement Program whereby it purchases and demolishes residences that are located within a certain proximity of the Airport, in compliance with the Federal Aviation Administration regulations that minimize the impact of Airport noise. Under our Noise Abatement Program, the City of Atlanta purchased approximately 27 acres of property located in College Park. The City sold this property to the College Park Business and Industrial Development Authority (BIDA) pursuant to an agreement between the City and BIDA. The agreement conveyed a restrictive covenant that limited the use of the property to warehousing, manufacturing, industrial uses and other businesses (Princeton Village A-1 Property). BIDA and College Park wish to develop approximately 15 acres of additional property as part of the Princeton Village development (Princeton Village A-2 Property) which is also the subject of a restrictive covenant and avigation easement that limit the use of the property warehousing, manufacturing, industrial uses, businesses. Residential units can not be constructed on the Princeton Village A-1 Property or the Princeton Village A-2 Property unless the City change the A-1 Restrictive Covenant and Easement and the A-2 Restrictive Covenant and Easement to permit such construction. BIDA and the City of College Park wish to develop some of the property into a mixed-use development called Princeton Village. This paper will authorize an amendment to the restrictive covenant regarding land previously purchased by the City of Atlanta.

FINANCIAL IMPACT: N/A

SOURCE: N/A

Mayor's Staff Only:

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Received by Mayor's Office: ________ (Date) Reviewed: ________ (Initials) ________ (Date)

Submitted to Council: ________

Action by Committee: _____Approved _____Adversed _____Held

_____Amended _____Substitute _____Referred _____Other
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