

AN ORDINANCE BY COUNCILMEMBERS NATALYN M. ARCHIBONG AND JENNIFER N. IDE TO FORMALIZE AND CODIFY CERTAIN REQUIREMENTS OF AN AGREEMENT WITH DEKALB COUNTY AUTHORIZED BY THE ATLANTA CITY COUNCIL AS RESOLUTION 17-R-4480 ON OCTOBER 16, 2017 IN SETTLEMENT OF LITIGATION CONCERNING THE ANNEXATION OF EMORY UNIVERSITY’S MAIN CAMPUS, THE CENTERS FOR DISEASE CONTROL, AND NUMEROUS ADJOINING PROPERTIES, SPECIFICALLY, CONCERNING THE MAINTENANCE OF CERTAIN HISTORIC DISTRICT DESIGNATIONS AND ADOPTING A POLICY REQUESTING THAT FUTURE PETITIONS FOR THE ANNEXATION OF PROPERTY INTO THE CITY OF ATLANTA FROM A DEFINED AREA NEAR EMORY UNIVERSITY INCLUDE CERTAIN INFORMATION FOR THE PURPOSE OF DISCOURAGING PIECEMEAL ANNEXATIONS; AND FOR OTHER PURPOSES.

WHEREAS, by Ordinance 17-O-1420 the City of Atlanta annexed approximately 744 acres in DeKalb County consisting of Emory University’s main campus, the Centers for Disease Control, and numerous adjoining properties (the “Emory Annexation”); and

WHEREAS, as a component of resolving DeKalb County’s objections to the Emory Annexation, the City of Atlanta entered into an agreement in settlement of DeKalb County’s objections, adopted by the Atlanta City Council on October 16, 2017 as Resolution 17-R-4480 (the “Emory Annexation Agreement”); and

WHEREAS, as a component of resolving DeKalb County’s objections to the Emory Annexation, the *Historic District* section of the Emory Annexation Agreement provides that if after the execution date of said Agreement the City annexes territory in DeKalb County that has been designated by DeKalb County as part of the Druid Hills Historic District as of the date of execution of said Agreement, the City will, simultaneously with annexation, designate that property as part of the City’s Druid Hills Landmark District, which requirement shall continue without expiration, unless and until the City and DeKalb County both consent to its modification; and

WHEREAS, as a component of resolving DeKalb County’s objections to the Emory Annexation, the City of Atlanta agreed to adopt a policy requesting certain information from petitioners in certain annexations in DeKalb County within 250 feet of the boundary of the Emory Annexation, which policy shall continue for a period of ten (10) years from the 2017 date of execution of the Emory Annexation Agreement; and

WHEREAS, this policy is intended to encourage thoughtful consideration of the potential benefits of annexation, particularly of multi-parcel annexation, but not to prevent or discourage specific annexation requests which will continue to be considered on an individual basis, nor to establish a right of action in any third party seeking to challenge or dispute any future annexation; and

WHEREAS, the City now desires to formalize and codify those two elements of the Emory Annexation Agreement policy by adopting them via ordinance.

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

Section 1: As provided in the *Historic District* section of the Emory Annexation Agreement, the City of Atlanta agrees that “[i]f after the execution date of this Agreement [October 17, 2017], the City annexes territory in the County that has been designated by the County as part of the Druid Hills Historic District as of the date of this Agreement, the City will, simultaneously with annexation, designate that property as part of the City’s Druid Hills Landmark District. This requirement shall continue without expiration, unless and until the City and County both consent to its modification.” A map of the Druid Hills Historic District as of October 17, 2017 is attached as Exhibit “A”.

Section 2: The City of Atlanta hereby adopts the following policy stated in the Emory Annexation Agreement regarding future annexations involving property within 250 feet of the boundary of the approximately 744 acres encompassing Emory University, The Centers for Disease Control and Prevention, Children’s Healthcare of Atlanta, Villa International, Synod of South Atlanta & Presbyterian Church (USA), and property owned by Georgia Power Company, as approved by Ordinance 17-O-1420 on December 13, 2017, and effectively annexed into the City of Atlanta on January 1, 2018 (as set forth on the map attached hereto as Exhibit “B” indicating the Annexed Area and the 250 feet perimeter):

“The City agrees to adopt a written policy related to future annexations of rational areas within 250 feet of any boundary of the Annexed Area (the “affected area”). The policy would require future petitions for annexation into the City within the affected area to include an explanation of a rational basis for the annexation. Rational bases for annexation could be, for example, annexation in connection with natural boundaries, an entire community, or an entire street rather than a single lot. Easing or better managing service delivery demands would similarly provide a rational basis for an annexation. These examples are not intended to be exhaustive, but instead illustrative.

“The purpose of this policy is to encourage land owners in the affected area to consider annexation of entire communities rather than piecemeal annexations that potentially de-stabilize existing residential communities and small scale commercial developments. The policy will also contain language indicating that the City generally is not in favor of single lot annexations in the affected area where land on both sides of such lot would remain in unincorporated DeKalb. Finally, the policy would require petitioners to describe why a single lot annexation is not de-stabilizing to the adjacent community. This provision is not intended to, nor shall it, operate to give the County a right of action against any subsequent annexation that the County does not currently possess, or alter any right of action the County currently possesses.”

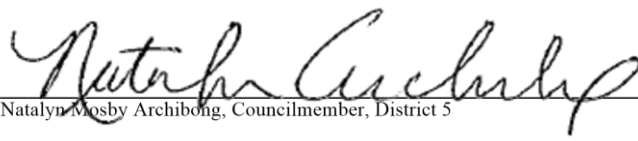
Section 3: The Policy contained in Section 2 of this Ordinance shall remain in effect until October 17, 2027, and any annexation petition received prior to that date should include the requested information.

Section 4: Nothing in this Section shall be construed to alter or affect the requirements contained within O.C.G.A. § 36-36-1 et al. or the application of the Zoning Procedures Law at O.G.C.A. § 36-66-1 et al.

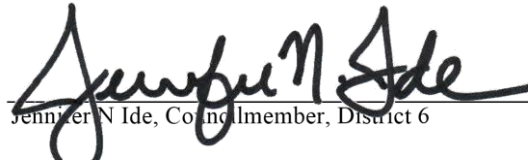
**CITY COUNCIL
ATLANTA, GEORGIA**

19-O-1480

SPONSOR SIGNATURES



Natalyn Mosby Archibong, Councilmember, District 5



Jennifer N. Ide, Councilmember, District 6

CITY COUNCIL
ATLANTA, GEORGIA

19-O-1480

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Workflow List:

Clerk of Council	Skipped	08/20/2019 1:13 PM
Atlanta City Council	Completed	08/19/2019 1:00 PM
Finance/Executive Committee	Pending	08/28/2019 1:00 PM
Mayor's Office	Pending	

HISTORY:

08/19/19	Atlanta City Council	REFERRED WITHOUT OBJECTION
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REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION
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Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	