

1 **FULTON COUNTY, GEORGIA**  
2 **CITY of EAST POINT**

3  
4 **AN ORDINANCE**  
5 **GRANTING A SPECIAL USE PERMIT FOR A BED AND BREAKFAST LOCATED AT**  
6 **2849 EAST POINT STREET IN**  
7 **THE COMMERCIAL REDEVELOPMENT (C-R) ZONING DISTRICT**  
8

9 **CASE NO: 2019U-000-03**  
10 **ASSOCIATED CASE NO: N/A**  
11

12 **WHEREAS**, Part 10, Chapter 2, Section 10-2123 requires that a Special Use Permit be obtained for the  
13 use of a Bed and Breakfast; and

14 **WHEREAS**, Part 10, Chapter 2, Sections 10-2085 and 10-2086 of the East Point Code of Ordinances  
15 require approval of the Special Use Permit by the East Point City Council; and  
16

17 **WHEREAS**, Melissa Campbell has requested a Special Use Permit for a Bed and Breakfast located at  
18 2849 East Point Street in the Commercial Redevelopment (C-R) zoning district as described in Exhibit A (Quit  
19 Claim Deed) and Exhibit B (Site Plan); and

20 **WHEREAS**, all use permits shall expire within three (3) years from the date of approval by the City Council  
21 or as otherwise conditioned, unless a land disturbance permit, building permit, business license or certificate of  
22 occupancy has been issued.

23 **NOW BE IT ORDAINED BY THE CITY COUNCIL OF EAST POINT, GEORGIA AS FOLLOWS:**  
24

25 Section 1. The Special Use Permit is granted for Melissa Campbell for a Bed and Breakfast located at 2849 East  
26 Point Street in the Commercial Redevelopment (C-R) zoning district with the following conditions:

- 27 1. Applicant must submit a site plan indicating a walkway easement that was filed with Fulton County.  
28

2. Prior to the issuance of a Certificate of Occupancy, applicant must present to the Department of Planning and Community Development proof of compliance with the Rules and Regulations for Tourist Accommodations of the Georgia Department of Public Health.
3. All outdoor lighting must comply with the Downtown Overlay standards as outlined in Section 10-14015.
4. The structure must meet minimal state code requirements for R-1 occupancy.
5. A minimal five-foot (5') landscape buffer must be installed between the proposed driveway and the adjacent property on Thompson Avenue.
6. The minimum landscape and buffer areas shall be required as specified in Chapter 6, Tree Protection and Landscape for AG-1 Agricultural District.

Section 2. This ORDINANCE shall be codified in a manner consistent with the laws of the State of Georgia and the City of East Point.

Section 3. (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 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 the 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 judgment 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 4. ALL ORDINANCES and parts of ORDINANCES in conflict herewith are hereby expressly repealed.

1 Section 5. Penalties in effect for violations of Part 1 of the Code of Ordinances, City of East Point, Georgia at the  
2 time of the effective date of this ORDINANCE shall be and are hereby made applicable to this ORDINANCE and  
3 shall remain in full force and effect.

4 Section 6. The effective date of this ORDINANCE shall be the date of adoption unless otherwise specified herein.

5  
6 Public Hearing: June 17, 2019

7  
8 First Reading: waived

9  
10 SO PASSED AND APPROVED this 17<sup>th</sup> day of June 2019.

11 SPONSORED BY:

12  
13  
14   
15 Deana Holiday Ingraham, Mayor

16 APPROVED AS TO FORM:

17 ATTEST:

18   
19 Brad Bowman, City Attorney

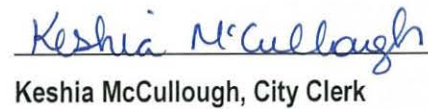
20  
21  
22   
23 Keshia McCullough, City Clerk

EXHIBIT A

Deed Book 57013 Pg. 204  
Filed and Recorded Dec-21-2016 08:30am  
2016-0354805  
Real Estate Transfer Tax \$275.00  
Cathelene Robinson  
Clerk of Superior Court  
Fulton County, Georgia

Record and Return to:  
Weissman PC  
One Alliance Center, 3500 Lenox Road, 4th Floor  
Atlanta, GA 30326

File Number: CM104-16-0072-S

For official use by Clerk's office only

STATE OF GEORGIA ) QUIT CLAIM DEED  
COUNTY OF FULTON )

THIS INDENTURE, made this 13th day of December, 2016 between East Point KALB, L.L.C. as party or parties of the first part, hereinafter called Grantor, and Vivian Felker, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH: That Grantor for and in consideration of the sum of ONE AND NO/100 DOLLAR (\$1.00) AND OTHER VALUABLE CONSIDERATION, cash in hand paid, the receipt of which is hereby acknowledged, has bargained, sold, and does by these presents bargain, sell, remise, release, and forever quit claim to Grantee all the right, title, interest, claim or demand which the Grantor has or may have had in and to the following property, to-wit:

SEE ATTACHED EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE HERETO

with all the rights, members and appurtenances to the said described premises in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said described premises unto the Grantee so that neither the said Grantor, nor any other person or persons claiming under Grantor shall at any time claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the date and year above written.

Signed, sealed and delivered  
in the presence of:

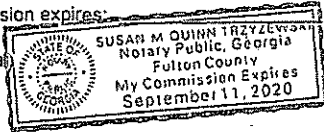
*[Signature]*  
Unofficial Witness  
*[Signature]*  
Notary Public

East Point KALB, L.L.C.

BY: *[Signature]*  
Ann D. Dangar  
Authorized Signatory

My commission expires:

(Notary Seal)



Deed (Quit Claim)

CM104-16-0072-S

**EXHIBIT "A"**

File No.: CM104-16-0072-S

**TRACT ONE: 2839 East Point Street – Tax Parcel ID No. 14-0157-0012-055-2**

All that tract or parcel of land lying and being in Land Lot 157, of the 14th District, of Fulton County, Georgia, being more particularly described as follows:

COMMENCING at a point located at the Southwest corner of East Point Street and Thompson Avenue; running thence South, along the West side of East Point Street, a distance of 102.00 feet, to a point; running thence West, a distance of 150.00 feet, to a point; running thence North, a distance of 102.00 feet, to a point located on the South side of Thompson Avenue; running thence East, along the South side of Thompson Avenue, a distance of 150.00 feet, to a point, and being the Point of Beginning. Said tract of land being known as 2839 East Point Street according to the current system of numbering property in the City of East Point, Fulton County, Georgia.

TOGETHER WITH the Common Driveway running along the Westerly 15.00 feet of the property herein described which shall have common usage by the Properties located at 2839, 2843 and 2849 East Point Street.

TOGETHER WITH and SUBJECT TO a four foot (4.00') by four foot (4.00') traffic signal controller easement located at the Southwest corner of Thompson Avenue and East Point Street to and in favor of The City of East Point, Georgia.

**TRACT TWO: 2843 East Point Street – Tax Parcel ID No. 14-0157-0012-057-8**

All that tract or parcel of land lying and being in Land Lot 157, of the 14th District, of Fulton County, Georgia, being more particularly described as follows:

BEGINNING at a point located on the Northwest side of East Point Street, a distance of 102.00 feet, Southwesterly, from the intersection of the Northwest side of East Point Street with the Southwest side of Thompson Avenue; running thence Southwesterly, along the Northwest side of East Point Street, a distance of 50.00 feet, to a point; running thence Northwesterly, parallel with Thompson Avenue, a distance of 150.00 feet, to a point; running thence Northeasterly, a distance of 50.00 feet, to a point; running thence Southeasterly, parallel with Thompson Avenue, a distance of 150.00 feet, to a point located on the Northwest side of East Point Street, and being the Point of Beginning. Said tract of land being known as 2843 East Point Street according to the current system of numbering property in the City of East Point, Fulton County, Georgia.

TOGETHER WITH the Common Driveway running along the Westerly 15.00 feet of the property herein described which shall have common usage by the Properties located at 2839, 2843 and 2849 East Point Street.

**TRACT THREE: 2849 East Point Street – Tax Parcel ID No. 14-0157-0012-061-0**

All that tract or parcel of land lying and being in Land Lot 157, of the 14th District, of Fulton County, Georgia, being more particularly described as follows:

COMMENCING at a point located on the West side of East Point Street, a distance of 152.00 feet, South, from the intersection of the Northwest side of East Point Street with the Southwest side of Thompson Avenue; running thence South, along the West side of East Point Street, a distance of 61.00 feet, to a point; running thence Westerly, a distance of 150.00 feet, to a point; running thence Northerly, a distance of 61.00 feet, to a point; running thence Easterly, a distance of 150.00 feet, to a point located on the West side of East Point Street, and being the Point of Beginning. Said tract of land being known as 2849 East Point Street according to the current system of numbering property in the City of East Point, Fulton County, Georgia.

TOGETHER WITH the Common Driveway running along the Westerly 15.00 feet of the property herein described which shall have common usage by the Properties located at 2839, 2843 and 2849 East Point Street.

**LESS AND EXCEPT** all that tract or parcel of land as described in that certain Georgia Department of Transportation Right-of-Way Deed from East Point Kalb, LLC to Georgia Department of Transportation dated 12/5/2016, aforesaid records.

