

FULTON COUNTY, GEORGIA  
CITY of EAST POINT

AN ORDINANCE  
GRANTING A SPECIAL USE PERMIT FOR AN ANTENNA TOWER AND ASSOCIATED  
STRUCTURE LOCATED AT 3056 BAYARD STREET IN  
THE C-2C (CENTRAL BUSINESS DISTRICT CONDITIONAL) ZONING DISTRICT WITH  
A TWO-PART CONCURRENT VARIANCE

CASE NO: 2019U-002-04/ 2019VC-009-04

ASSOCIATED CASE NO: N/A

WHEREAS, Part 10, Chapter 2, Section 10-2121 requires that a Special Use Permit be obtained for the use of an antenna tower structure; and

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

WHEREAS, John Behnke has requested a Special Use Permit to establish an antenna tower and associated structure located at 3056 Bayard in the Central Business District Conditional (C-2c) zoning district as described in Exhibit A (Warranty Deed and Legal Description) and Exhibit B (Site Plan); and

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

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

Section 1. The Special Use Permit is granted for John Behnke to establish an antenna tower and associated structure located at 3056 Bayard in the Central Business District Conditional (C-2c) zoning district with the following conditions:

1. To provide a visual buffer of the tower height from nearby commercial and residential properties, a 10-foot landscape buffer shall be planted and properly maintained on the north and east side of the tower pad site (as shown as the green box on Exhibit A). Tree type shall include but not limited to softwood pine.
2. To provide a visual buffer around the tower base, associated structures and fence, a 10-foot landscape buffer shall be planted and properly maintained on the south and west side of the tower pad site (as shown as the yellow box on Exhibit A). Landscape shall mimic the type (canopy tree, understory tree and shrub) and the "tree planting detail" as specified in the landscaping plan that the applicant submitted.

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.

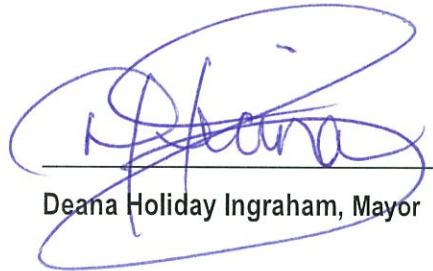
4  
5 Section 6. The effective date of this ORDINANCE shall be the date of adoption unless otherwise specified herein.

6  
7 Public Hearing: July 15, 2019

8 First Reading: waived

9  
10  
11 SO PASSED AND APPROVED this 15<sup>th</sup> day of July 2019.


12 SPONSORED BY:

13  
14  
15   
Deana Holiday Ingraham, Mayor

16  
17 APPROVED AS TO FORM:

ATTEST:

18  
19   
20 Brad Bowman, City Attorney

21   
22 Keisha McCollough, City Clerk

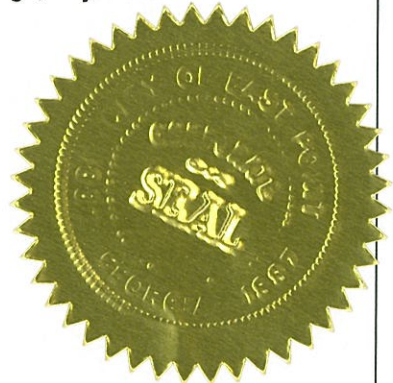


EXHIBIT A

After recording, return to:  
Closing Pro Title & Escrow, LLC  
4091 Pleasant Hill Road  
Suite 100  
Duluth, GA 30096

Property:  
2056 Bayard Street  
East Point, GA 30344  
Fulton County  
Parcel ID 14-0111-0003-015-0

Limited Warranty Deed

This Limited Warranty Deed is made as of December 19, 2020 between

Bobby Investments, LLC  
(hereinafter referred to as "Grantor")

and

Aws & Au, LLC  
(hereinafter referred to as "Grantee")

("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH, that

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee all that tract or parcel of land (the "Property") which is more particularly described in Exhibit A attached hereto together with (1) all buildings, fixtures and improvements thereon, (2) all rights appurtenant thereto and (3) all of Grantor's rights in and to any strips or gaps between the Property and adjoining lands and street rights of ways.

TO HAVE AND TO HOLD the Property, with all and singular the rights, services and appurtenances thereto, to the Grantee, heirs, assigns, or in singular appurtenance, to the only proper use, benefit and behoof of Grantee forever in FEE SIMPLE.

AND GRANTOR WILL WARRANT and forever defend the right and title to the Property unto Grantee against the claims of all persons claiming by, through or under Grantor, but not otherwise. This deed is expressly made subject to the matters set forth in Exhibit B attached hereto.

(Execution on Following Page)

<http://search.gsooca.org/magimg?XHTMLViewer.asp?DocID=7292124&KeyID=66654&Key2=66654&County=60&CountyName=FULTON&Userid=6665120&app>

3/7/2019

Q800CA.ora - Image Index


Dead Book 59554 Pg 270

EXECUTED under seal as of the date above written.

Signed, Sealed and Delivered in the presence of the following two witnesses

X   
Witness

Bobby Investments, LLC

X   
Notary Public  
My Commission Expires: 5-14-2020  
(Affix Notary Seal)

By:  (SEAL)  
Kaidip S. Reddy, Member



Exhibit A

Legal Description

All that tract or parcel of land lying and being in Land Lot 131 of the 14th District of Fulton County, City of East Point, Georgia, and being more particularly described as follows:

BEGINNING at a 1/2 inch rebar set located at the intersection formed by the northeasterly right-of-way line of Martin Street (having a 60 foot right-of-way) with the southeasterly right-of-way line of Bayard Street (having a 60 foot right-of-way); thence running along the southeasterly right-of-way line of last said road the following courses: North 52 degrees, 03 minutes and 30 seconds East for a distance of 3.38 feet to a point thence 245.73 feet along an arc of a curve to the left having a radius of 268.73 feet, which arc is subtended by a chord bearing and distance of North 25 degrees, 51 minutes and 45 seconds East 237.26 feet to a point; thence North 00 degree, 20 minutes and 00 second West for a distance of 11.78 feet to a 1/2 inch rebar set; thence leaving the southeasterly right-of-way line of last said road and running North 89 degrees, 57 minutes and 00 second East for a distance of 238.16 feet to a 1/2 inch rebar set; thence South 00 degree, 21 minutes and 00 second East for a distance of 354.25 feet to a 1/2 inch rebar set located on the northwesterly right-of-way line of Bayard Circle (having a 50 foot right-of-way); thence running along the northwesterly right-of-way line of last said road the following courses: South 89 degrees, 14 minutes and 30 seconds West for a distance of 7.64 feet to a point; thence 128.83 feet along an arc of a curve to the left having a radius of 198.52 feet, which arc is subtended by a chord bearing and distance of South 70 degrees, 39 minutes and 00 second West 126.58 feet to a point thence South 52 degrees, 03 minutes and 30 seconds West for a distance of 69.25 feet to a 1/2 inch rebar set located at the intersection formed by the northwesterly right-of-way line of last said road with the northeasterly right-of-way line of said Martin Street (having a 60 foot right-of-way); thence running along the northeasterly right-of-way line of last said road and running North 37 degrees, 56 minutes and 22 seconds West for a distance of 267.93 feet to the 1/2 inch rebar set located at the POINT OF BEGINNING, containing 106,636 square feet or 2.4480 acres of land and being improved property known as #3062, #3068 & #3070 Bayard Street according to the present system of numbering in the City of East Point, Georgia.

Subject Property Address: 3056 Bayard Street, East Point, Georgia 30344

Parcel ID: 14-0131-0003-086-9

## Page 6 of 6

