

State of Georgia
County of DeKalb

ORD-2020-01-04

AN ORDINANCE TO REAUTHORIZE THE SPECIAL TAX DISTRICT WITHIN THE AREA ANNEXED BY THE CITY OF BROOKHAVEN ON DECEMBER 14, 2014, FOR ALL PURPOSES ALLOWED UNDER THE CONSTITUTION OF THE STATE OF GEORGIA

WHEREAS, the City of Brookhaven (“City”) annexed approximately 166.0244 acres of real property, more particularly described on Exhibit A attached hereto and by this reference made a part hereof (“Area”), pursuant to an ordinance adopted by the City Council of the City on December 8, 2014; and

WHEREAS, the City has determined that the ad valorem tax collections generated by the City’s millage rate imposed throughout the City as a whole on the properties located in the Area subject to ad valorem property taxation will not produce sufficient revenues to the City to pay the City’s cost of providing maintenance and support of infrastructure and to provide sufficient services to the Area; and

WHEREAS, the City recognizes that it must provide statutorily required municipal services to the Area, and

WHEREAS, Article IX, Section II, Paragraph VI of the Constitution of the State of Georgia of 1976, as amended in 1983, authorizes and empowers the City of Brookhaven to create special districts for the funding of local government services within said districts, and to levy and collect a special assessment or tax against property in the special district for said purposes; and

WHEREAS, the City desires to create a special tax district comprising the Area (the “District”) and to impose additional ad valorem property taxes on the properties located in the special district subject to ad valorem property taxation in order to generate additional ad valorem property tax revenue to pay for additional providing maintenance, acquisition, and support to infrastructure and to provide sufficient Services provided by the City to the District that the City deems beneficial to the District;

BE IT ORDAINED by the Mayor and the Council for the City of Brookhaven, Georgia and it is hereby ordained by authority of the same:

SECTION 1

Pursuant to the authority granted by Article IX, Section II, Paragraph VI of the Constitution of the State of Georgia,

- (a) The City hereby finds that due to the demands and special circumstances of the businesses in the annexed area, the challenges created by a single means of access between the annexed area and the rest of the City, the planned and anticipated development and redevelopment in the annexed area, and the requirement for additional building inspectors, code enforcement, and law enforcement in the annexed area, as well as the need for acquisition and construction of additional infrastructure in the Annexed Area that additional city services and support for infrastructure will be required in the District that should and ought to be supported by additional tax assessments.
- (b) In light of the findings of the City above, the City concludes that a Special Tax District should be created and is therefore created by this Ordinance in accordance with the authority found in Article IX, Section II, Paragraph VI of the Georgia Constitution.

SECTION 2

The City shall annually levy additional ad valorem property taxes on the properties located in the District subject to ad valorem property taxation in order to generate additional ad valorem property tax revenue to pay the City's cost of providing additional police, code enforcement and other services, to include the acquisition, construction and maintenance to City infrastructure within the District in excess of the ad valorem tax collections estimated to be generated by the City's millage rate imposed throughout the City as a whole on the properties located in the District subject to ad valorem property taxation. These additional services and obligations are deemed necessary and required, and are in excess of the services and obligations provided by the ad valorem tax revenue assessed generally, due to the redevelopment of this area, the increased need for police services in this area, and the improvement of city infrastructure required by the redevelopment of this area as detailed in the Development of Regional Impact study performed by the Atlanta Regional Commission for both the CHOA campus and the redevelopment proposed and underway in Executive Park by Emory University. This Special Tax District shall continue until repealed by the City Council.

SECTION 3

Pursuant to the findings and conclusions in Section 1, there is created in and within the City of Brookhaven, a Special Tax District for Property Annexed December 8, 2014 as more particularly described in Exhibit A

- (a) Pursuant to Article IX, Section II, Paragraph VI of the Georgia Constitution, there is hereby established a special tax district within the City of Brookhaven, Georgia to be known as the "Special Tax District for Property Annexed December 8, 2014." Said Special Tax District shall include and encompass all structures and related personal property in the Special Tax District subject to ad valorem property taxation. A copy of the "Special Tax District for Property Annexed December 8, 2014 Map" is attached hereto as Exhibit A and shall be maintained on file in the Office of the City Clerk where it shall be available for public inspection. The Mayor

and Council of the City of Brookhaven, Georgia may amend such map from time to time by resolution of the Mayor and Council of the City of Brookhaven, Georgia.

- (b) Purpose. The Special Tax District for Property Annexed December 8, 2014 was established for purposes allowed under Georgia law. The tax is assessed against any owner of real property and personal property and subject to ad valorem property taxation included within the said Special Tax District.
- (c) Rate. There is hereby assessed and levied upon all real and personal property subject to ad valorem property taxation in this District for each year, until changed, a tax, the rate of which shall be determined annually by the City and adopted by Ordinance of the Mayor and Council. Said tax revenues shall be used for all purposes allowed by Georgia Constitution of 1983, Article IX, Section II, Paragraph VI.

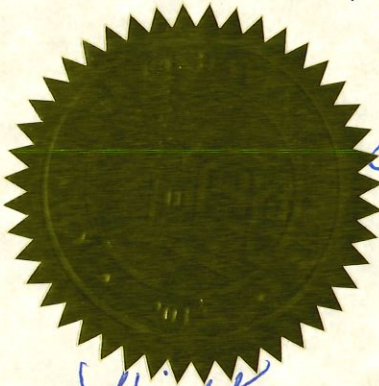
SECTION 4

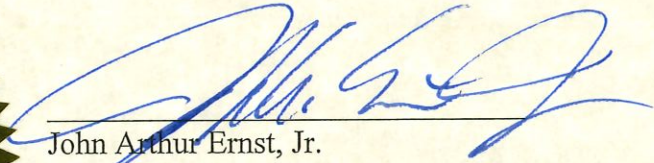
All Ordinances or parts of Ordinances in conflict herewith are repealed.

SECTION 5

This Ordinance shall take effect immediately upon passage by the City Council as provided in the Charter, and the Mayor is authorized to sign and execute any document necessary to give effect to this Ordinance.

SO ORDAINED AND ESTABLISHED, by vote of the City Council, this 14TH day of January, 2020.

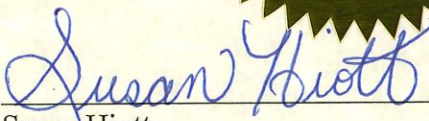





John Arthur Ernst, Jr.
Mayor

ATTEST:

Approved as to form:



Susan Hiott
City Clerk



Christopher D. Balch
City Attorney

Exhibit A
ORD 2020-01-04
ORD 2014-12-09

STATE OF GEORGIA
CITY OF BROOKHAVEN

AN ORDINANCE CREATING A SPECIAL TAX DISTRICT COMPRISING PROPERTY ANNEXED INTO THE CITY OF BROOKHAVEN ON DECEMBER 8, 2014 AND FOR OTHER PURPOSES.

WHEREAS, the City of Brookhaven (the "City") annexed approximately 166.0244 acres of real property, more particularly described on Exhibit A attached hereto and by this reference made a part hereof (the "Area"), pursuant to an ordinance adopted by the City Council of the City on December 8, 2014; and

WHEREAS, the City has determined that the ad valorem tax collections generated by the City's millage rate imposed throughout the City as a whole on the properties located in the Area subject to ad valorem property taxation will not initially produce sufficient revenues to the City to pay the City's cost of providing (i) public safety services and (ii) code enforcement services for 2015 to the Area; and

WHEREAS, the City desires to create a special tax district comprising the Area and to impose additional ad valorem property taxes on the properties located in the special tax district subject to ad valorem property taxation in order to generate additional ad valorem property tax revenue to pay the City's cost of providing (i) public safety services and (ii) code enforcement services for 2015 to the Area;

THEREFORE, THE CITY COUNCIL OF THE CITY OF BROOKHAVEN, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1. Pursuant to the authority granted by Article IX, Section II, Paragraph VI of the Constitution of the State of Georgia, there is hereby created a special district comprising the Area (the "District") for the provision of (i) public safety services and (ii) code enforcement services for 2015 within the District.

SECTION 2. The City shall annually levy additional ad valorem property taxes on the properties located in the District subject to ad valorem property taxation in order to generate additional ad valorem property tax revenue to pay the City's cost of providing (i) public safety services and (ii) code enforcement services for 2015 to the District in excess of the ad valorem tax collections estimated to be generated by the City's millage rate imposed throughout the City as a whole on the properties located in the District subject to ad valorem property taxation.

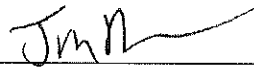
SECTION 3. This Ordinance hereby repeals any and all conflicted ordinances.

SECTION 4. This Ordinance shall take effect immediately upon its adoption.

ORD 2014-12-09

SO ORDAINED, this 16th day of December 2014.

Approved:



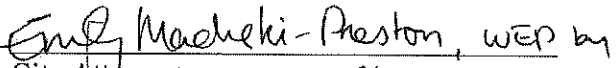
J. Max Davis, Mayor

ATTEST:



Susan Hiott, City Clerk

Approved as to Form and Content:



Emily Macheki-Preston, WEP by
City Attorney Thompson Kuenzi, Jr.

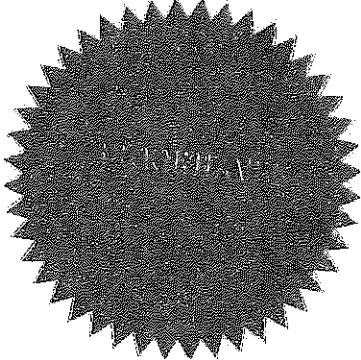
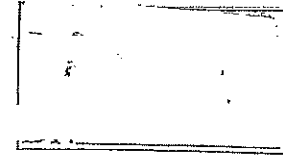
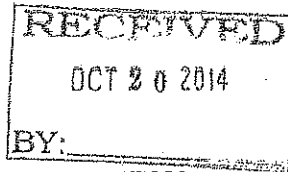


EXHIBIT A
DESCRIPTION OF AREA

[Attached]

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DESCRIPTION OF AREA

[Attached]

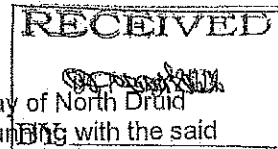


PROPERTY DESCRIPTION
"ANNEXATION 60%"

Being all that tract or parcel of land lying and being in Land Lot 156, 18th District, DeKalb County, Georgia and being more particularly described as follows:

Beginning for the same at a concrete right of way monument found at the north end of a mitered corner of the intersection of the Northeasterly Right-of-Way Line of North Druid Hills Road, also known as Georgia Highway 42, (being a variable width, limited access right of way) as per GDOT Right-of-Way Plans – Project No. 1-85-2 (24), and the Southerly Right-of-Way Line of Interstate 85 Access Road (being a variable width, limited access right of way); thence, leaving said Point of Beginning and running with the said line of Interstate 85 Access Road

1. North 54° 21' 23" East, 261.76 feet; thence,
2. 374.32 feet along the arc of a curve deflecting to the left, having a radius of 632.25 feet and a chord bearing and distance of North 37° 59' 27" East, 368.88 feet; thence,
3. North 23° 04' 36" East, 19.42 feet to a concrete right of way monument found;
4. North 24° 00' 05" East, 63.42 feet; thence,
5. North 24° 11' 52" East, 48.01 feet to a concrete right of way monument found; thence,
6. North 45° 28' 17" East, 101.29 feet; thence,
7. North 45° 28' 17" East, 107.58 feet to a x scribe found; thence,
8. North 58° 55' 01" East, 84.16 feet; thence,
9. North 58° 55' 01" East, 166.36 feet; thence,
10. North 60° 33' 32" East, 39.48 feet; thence,
11. North 60° 33' 32" East, 280.24 feet to a concrete right of way monument found; thence, leaving the aforesaid right of way of Interstate 85 Access Road and run with the westerly right of way of Tullie Circle (having an apparent 60' right of way)
12. South 82° 09' 30" East, 34.52 feet to a concrete right of way monument found; thence,
13. South 27° 15' 02" East, 143.15 feet; thence,
14. South 24° 04' 27" East, 58.90 feet; thence, leaving the said westerly right of way of Tullie Circle
15. North 66° 50' 09" East, 62.71 feet to a 1/2 inch rebar found on the easterly right of way of Tullie Circle; thence, leaving the aforesaid Tullie Circle and run with property now or formerly owned by American Society of Heating, Refrigerating, Air Conditioning Engineering, Inc. per Deed Book 4413, Page 108 as recorded among the land records of Dekalb County, Georgia
16. North 89° 57' 19" East, 330.32 feet to a 1/2 inch rebar found; thence,
17. North 89° 54' 10" East, 47.62 feet to a 1/2 inch rebar found; thence, leaving the aforesaid property of American Society of Heating, Refrigerating, Air Conditioning Engineering, Inc. and run along the line common to Land Lots 156 & 157, said District
18. South 00° 03' 11" West, 303.63 feet; thence,
19. South 00° 05' 28" West, 1,510.17 feet to a 1 1/2 inch crimp top pipe found at the apparent Land Lot Corner of Land Lots 152, 153, 156 and 157, said District; thence, leaving the said Land Lot Corner and run along the Land Lot Line common to Land Lots 152 & 153
20. South 00° 09' 38" West, 125.14 feet to a point on the northerly right of way of Briarcliff Road (having a variable right-of-way); thence, leaving the aforesaid Land Lot Line and run with the said right of way of Briarcliff Road
21. 74.27 feet along the arc of a curve deflecting to the right, having a radius of 1,134.18 feet and a chord bearing and distance of South 66° 27' 26" West, 74.26 feet; thence,
22. South 69° 51' 23" West, 170.34 feet; thence,
23. South 64° 58' 29" West, 225.22 feet; thence,



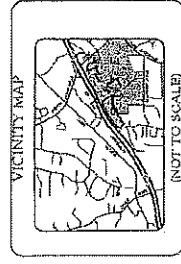
24. North 80° 40' 38" West, 76.16 feet to a point on the aforesaid right of way of North Druid Hills Road; thence, leaving the said right of way of Briarcliff Road and running with the said right of way of North Druid Hills Road
25. North 56° 40' 25" West, 103.10 feet; thence,
26. 397.48 feet along the arc of a curve deflecting to the right, having a radius of 2,764.44 feet And a chord bearing and distance of North 52° 32' 53" West, 397.14 feet to a 1/2 inch rebar found; thence,
27. North 48° 17' 33" West, 32.31 feet; thence,
28. North 46° 58' 45" West, 99.99 feet; thence,
29. North 44° 58' 45" West, 99.99 feet; thence,
30. North 42° 52' 45" West, 99.99 feet; thence,
31. North 40° 53' 50" West, 73.36 feet to a 1/2 inch rebar found; thence,
32. North 39° 48' 32" West, 189.77 feet; thence,
33. North 39° 36' 30" West, 209.39 feet to a 1/2 inch rebar found at the southerly intersection of Tullie Road (having an apparent variable right of way); thence,
34. North 39° 14' 20" West, 99.30 feet to a point on the northerly right of way of Tullie Road (having an apparent variable right of way); thence,
35. North 35° 50' 05" West, 152.48 feet; thence,
36. North 34° 11' 14" West, 157.36 feet; thence,
37. North 03° 24' 30" West, 50.11 feet to the POINT OF BEGINNING, containing 2,593,319 square feet or 59.5344 acres of land, more or less.

Property is subject to all easements and rights of way recorded and unrecorded.

LEGAL DESCRIPTION

LEGAL DESCRIPTION CONT.

Table with 4 columns: Station, Area, Area, Area. Contains numerical data for various points and areas.



SURVEYOR'S NOTES: USE ANCHORAGE CORNER AND CORNER VERTICES TO LOCATE AND SET OUT THE CORNER OF RECORD... WITH CAREFUL REGARD TO THE WORK AND PROCEEDINGS TO PRODUCE THE INSTRUMENT.

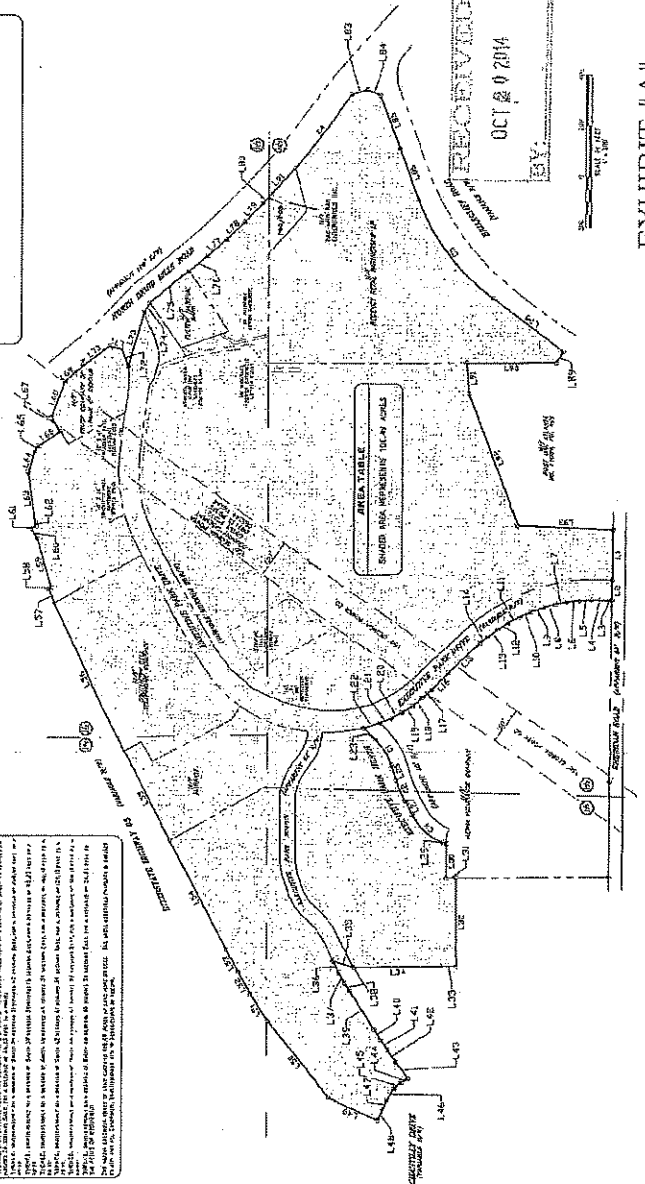


EXHIBIT "A"

ANNEXATION EXHIBIT "A" FOR EXECUTIVE PARK AND SECTION, DEKALB COUNTY, GEORGIA. LOTS 153, 154, 155 & 156 OF THE 10TH DISTRICT



SHEET NO. 1 OF 1