

1 **STATE OF GEORGIA**

2 **CITY OF COLLEGE PARK**

3 **RESOLUTION NO. 2016-23**

4 A RESOLUTION TO AUTHORIZE CONDITIONAL USE PERMITS FOR PARCELS OF
5 REAL PROPERTY BEARING TAX PARCEL IDENTIFICATION NUMBERS 13-0063-
6 LL0198, 13-0063-LL0222, 13-0063-LL0230, 13-0063-LL0255, 13-0063-LL0263, 13-0063-
7 LL0297, 13-0063-LL0354, 13-0063-LL0362, 13-0063-LL0370, 13-0063-LL0461, 13-0063-
8 LL0552, 13-0063-LL0610, 13-0063-LL0628, 13-0064-LL0924, 13-0064-LL1096, 13-0064-
9 LL1203, 13-0064-LL1237, 13-0064-LL1245, 13-0064-LL1252, 13-0065-LL0287, 13-0064-
10 LL1278, 13-0064-LL1286, 13-0065-LL0220, 13-0066-LL0153, and 13-0066-LL0161; TO
11 PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF
12 CONFLICTING ORDINANCES AND RESOLUTIONS; TO PROVIDE AN ADOPTION AND
13 EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

14 **WHEREAS**, the duly elected governing authority of the City of College Park, Georgia
15 (the "City") is the Mayor and Council thereof;

16 **WHEREAS**, the City has annexed into its municipal limits and rezoned 25 parcels of
17 real property (the "Parcels"), consisting of approximately 164 acres, that are located in the
18 vicinity of Roosevelt Highway and Buffington, Stansell, and Thames Roads (the Parcels being
19 further identified by the following tax parcel identification numbers in the records of the Fulton
20 County, Georgia Tax Assessor: 13-0063-LL0198; 13-0063-LL0222; 13-0063-LL0230; 13-
21 0063-LL0255; 13-0063-LL0263; 13-0063-LL0297; 13-0063-LL0354; 13-0063-LL0362; 13-
22 0063-LL0370; 13-0063-LL0461; 13-0063-LL0552; 13-0063-LL0610; 13-0063-LL0628; 13-
23 0064-LL0924; 13-0064-LL1096; 13-0064-LL1203; 13-0064-LL1237; 13-0064-LL1245; 13-

24 0064-LL1252; 13-0065-LL0287; 13-0064-LL1278; 13-0064-LL1286; 13-0065-LL0220; 13-
25 0066-LL0153; and 13-0066-LL0161;

26 **WHEREAS**, as a result of said annexation and rezoning, the Parcels presently are zoned
27 to the designation of M-1, Light Industrial, under Article XV of the Zoning Ordinance of the
28 City of College Park, Georgia (the “Zoning Ordinance”);

29 **WHEREAS**, the owners of the Parcels conducted automobile-auction activities on said
30 properties prior to such annexation and rezoning and presently desire to continue those activities
31 on the Parcels;

32 **WHEREAS**, Section 2 of Article XV of the Zoning Ordinance lists permitted or
33 prohibited uses of property zoned as M-1, Light Industrial, but does not list automobile-auction
34 activities;

35 **WHEREAS**, Section 2 of Article XIX of the Zoning Ordinance allows the governing
36 authority to permit uses which are not listed as permitted or prohibited in all commercial zoning
37 districts of the City;

38 **WHEREAS**, the Mayor and Council find that the proposed use of the Parcels for
39 automobile-auction activities would contribute to the revitalization of the area of the City in
40 which the Parcels are located; that such proposed use would be compatible with the M-1, Light
41 Industrial, District’s character; and that such proposed use is compatible with other uses
42 allowable by right in the M-1, Light Industrial, District; and

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

45 **BE IT AND IT IS HEREBY RESOLVED** by the Mayor and Council of the City of
46 College Park, Georgia, and by the authority thereof:

47 **Section 1.** The conducting of automobile auctions (as such activities are defined in Code
48 425120 of the North American Industry Classification System) upon the 25 parcels of real
49 property bearing Fulton County, Georgia tax identification numbers 13-0063-LL0198; 13-0063-
50 LL0222; 13-0063-LL0230; 13-0063-LL0255; 13-0063-LL0263; 13-0063-LL0297; 13-0063-
51 LL0354; 13-0063-LL0362; 13-0063-LL0370; 13-0063-LL0461; 13-0063-LL0552; 13-0063-
52 LL0610; 13-0063-LL0628; 13-0064-LL0924; 13-0064-LL1096; 13-0064-LL1203; 13-0064-
53 LL1237; 13-0064-LL1245; 13-0064-LL1252; 13-0065-LL0287; 13-0064-LL1278; 13-0064-
54 LL1286; 13-0065-LL0220; 13-0066-LL0153; and 13-0066-LL0161 is an approved conditional
55 use in the M-1, Light Industrial, District pursuant to Section 2 of Article XIX of the Zoning
56 Ordinance of the City of College Park;

57 **Section 2.** The preamble of this Resolution shall be considered to be and is hereby
58 incorporated by reference as if fully set out herein.

59 **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all
60 sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their
61 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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

69 (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution

70 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
71 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
72 express intent of the Mayor and Council that such invalidity, unconstitutionality or
73 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
74 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
75 sections of the Resolution and that, to the greatest extent allowed by law, all remaining phrases,
76 clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional,
77 enforceable, and of full force and effect.

78 **Section 4.** All resolutions and parts of resolutions in conflict herewith are hereby
79 expressly repealed.

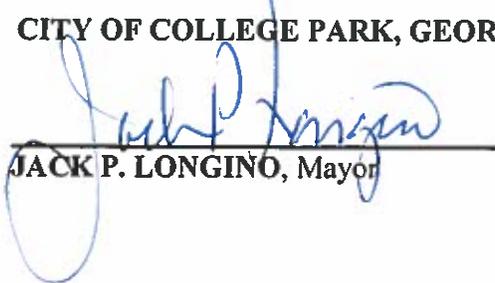
80 **Section 5.** Penalties in effect for violations of Chapter 1 of the Code of Ordinances, City
81 of College Park, Georgia at the time of the effective date of this Resolution shall be and are
82 hereby made applicable to this Resolution and shall remain in full force and effect.

83 **Section 6.** The effective date of this Resolution shall be the date of adoption unless
84 otherwise specified herein.

85 **RESOLVED** this 20th day of June, 2016.

86 [SIGNATURES ON FOLLOWING PAGE]
87

CITY OF COLLEGE PARK, GEORGIA



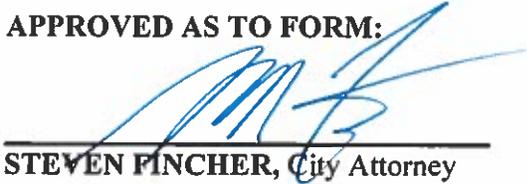
JACK P. LONGINO, Mayor

ATTEST:



MELISSA BROOKS, City Clerk

APPROVED AS TO FORM:



STEVEN FINCHER, City Attorney

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