

WHEREAS, the reduction of the footprint of the designation is a part of a settlement offer made to GTF in order to balance economic development through new construction projects while maintaining the continued exceptional integrity of location, design, setting, materials, workmanship, feeling and association of the Crum & Forster Building represents as provided by the Type IV Certificate of Appropriateness process; and

WHEREAS, this ordinance provides that the final action by the City Council shall only be taken after the Atlanta Urban Design Commission has taken action on a Type IV Certificate of Appropriateness based the designation area by this Ordinance shall not be a factor in the reduction of the designation area by this Ordinance shall not be a factor in the consideration of the Type IV Certificate of Appropriateness; and

WHEREAS, in order to seek permission to attach to the Crum & Forster Building or to demolish some portion, an application pursuant to the pertinent Certificate of Appropriateness process is required; and

WHEREAS, GTF has represented that it contemplated a proposed use for the 771 Spring Street parcel that includes the construction of a high performance computing center and mixed use development to complement other development in the immediate area; and

WHEREAS, the owner of the real property at the time of designation, the Georgia Tech Foundation Real Estate Holding Company ("GTF") filed an appeal to the Superior Court of Fulton County claiming that such designation was an unconstitutional taking of its property rights; and

WHEREAS, Ordinance 09-0-0806 added the designation of Landmark Building or Site to that parcel of real property located at 771 Spring Street N.W. to recognize the Crum & Forster Building as a structure that is architecturally, historically or culturally significant and eligible for protection because it possessed exceptional integrity of location, design, setting, materials, workmanship, feeling and association that has caused such designation to given to other historic resources in the City under the City's Historic Preservation Ordinance (Chapter 20 of the City's Zoning Ordinance); and

AN ORDINANCE REZONING CERTAIN PARTS OF THAT PARCEL OF REAL PROPERTY LOCATED AT 771 SPRING STREET N.W. LAND LOT 80 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA TO REMOVE THE DESIGNATION OF LANDMARK BUILDING OR SITE FROM THAT PORTION OF THE SITE NOT CONTAINING THE CRUM & FORSTER BUILDING, ITS SPRING STREET AND ARMSTEAD PLACE FRONTAGE; AND FOR OTHER PURPOSES.

**AN ORDINANCE BY:
COUNCILMEMBER KWANZA HALL**

WHEREAS, the unique and special circumstances of the litigation is the reason for the action taken by this ordinance such that its passage is not to be considered a finding that the Crum & Foster Building is no longer architecturally, historically or culturally significant and eligible for protection because it possessed exceptional integrity of location, design, setting, materials, workmanship, feeling and association that has caused such designation to given to this property and other historic resources in the City or that the area of designation of other designated properties in the City should be reconsidered; and

WHEREAS, the reduction of the footprint will allow GTF to explore more options for its new construction proposal and plan for the type of applications which may be sought as of right that could include alterations to the Crum & Foster Building, which is otherwise in good condition.

NOW THEREFORE, the City Council of the City of Atlanta Georgia, hereby ordains as follows:

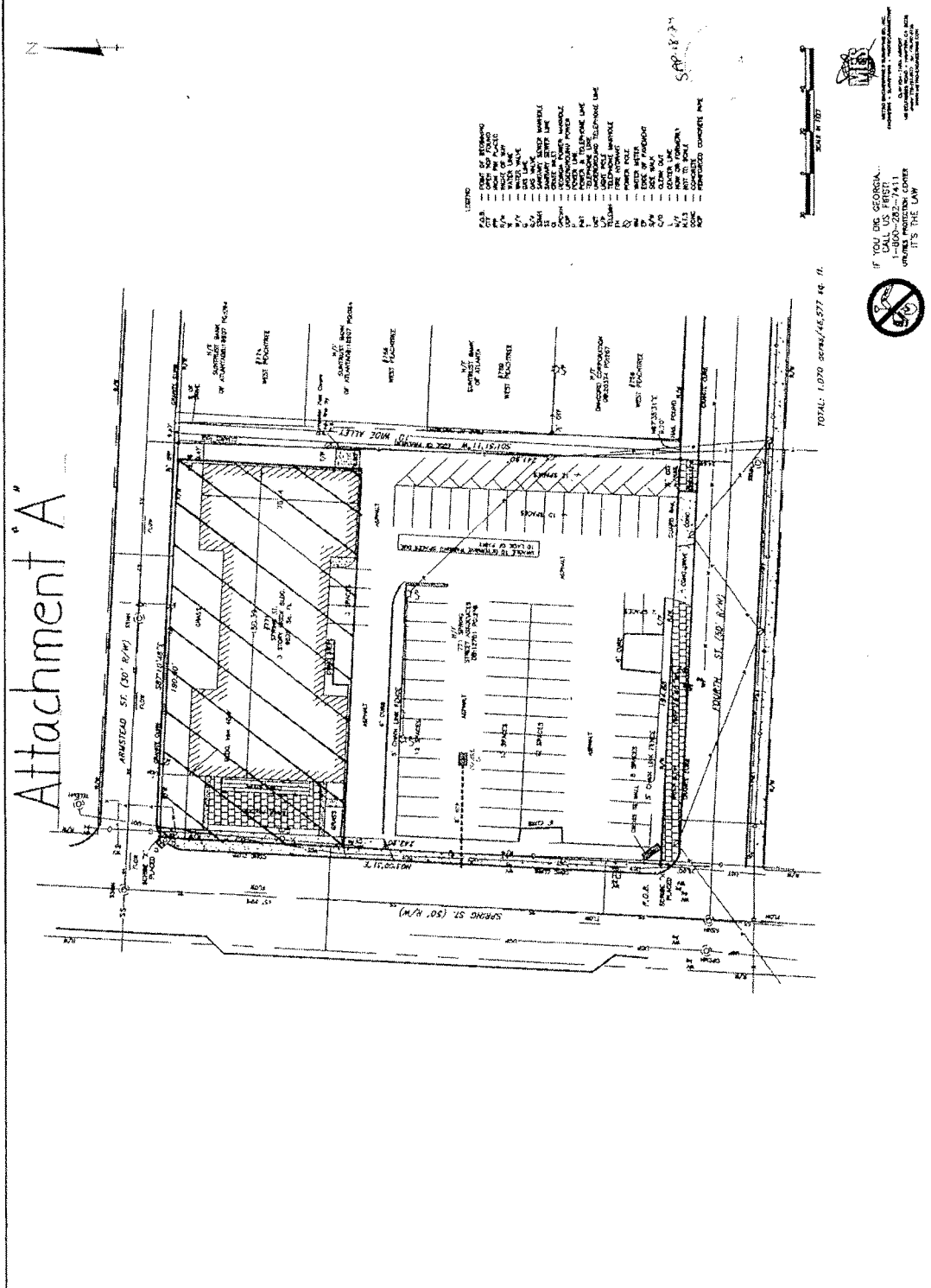
SECTION 1: That the property known as the Crum & Foster Building located at 771 Spring Street N.W. Land Lot 80 of the 14th District of Fulton County, Georgia, **except for** the footprint of the Crum & Foster Building and the real property between the Crum & Foster Building and Spring Street and Armstead Place, be rezoned to remove the designation of Landmark Building or Site. The property that shall retain the Landmark Building or Site designation is set forth in Attachment "A" (as is set forth in both a large size and reduced version). The footprint of the Crum & Foster Building and Armstead Place as set forth in Attachment "A" (as is set forth in both a large size and reduced version) shall retain the designation of Landmark Building or Site.

SECTION 2: That the property from which the designation of Landmark Building or Site is to be removed shall maintain its underlying designation of SPI-16, Subarea 1.

SECTION 3: That the final vote on this ordinance by the City Council shall only be taken after the Atlanta Urban Design Commission has taken action on a Certificate of Type IV Appropriateness based the designation of the entire property so that the reduction of the designation area by this Ordinance shall only occur after action has been taken on such Type IV Certificate of Appropriateness.

SECTION 4: That this ordinance shall become effective upon the Mayor's signature or as specified by City Charter Sec. 2-403.

ORIGINAL ORDINANCE
IN
LARGE ATTACHMENT "A"



(Do Not Write Above This Line)

**AN ORDINANCE BY:
COUNCILMEMBER KWANZA
HALL**

**AN ORDINANCE REZONING
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OTHER PURPOSES.**

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee

Date

Chair

Action
Fav, Adv, Hold (See rev side)
Other

Members

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (See rev side)
Other

Members

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (See rev side)
Other

Members

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (See rev side)
Other

Members

Refer To

FINAL COUNCIL ACTION
 2ND 1ST & 2ND 3RD
 Readings

Consent V Vote RC Vote

CERTIFIED

MAYOR'S ACTION