

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**CHRIST LIBERTY FAMILY LIFE
CENTER,**

Plaintiff,

v.

CITY OF AVONDALE ESTATES,

Defendant

Civil Action

No. 1:10-CV-2326-CAP

CONSENT ORDER

CHRIST LIBERTY FAMILY LIFE CENTER (“**Plaintiff**”) and the City of Avondale Estates, Georgia (“**Defendant**”), through their respective counsel as indicated by their signatures below, agree that:

WHEREAS, Plaintiff instituted this suit by filing a Complaint For Injunctive Relief, Declaratory Judgment, and Damages on July 23, 2010, alleging that certain provisions found in the City of Avondale Estates, Georgia Zoning Ordinance of 2009 (“Zoning Ordinance”), both on its face and as as-applied, inhibits Plaintiff’s religious mission and keeps it from using its desired property at 137 Maple Street, Avondale Estates, Georgia (the “**Maple Street Property**”) for church ministry;

WHEREAS, on July 29, 2010, Plaintiff filed a Motion for Preliminary Injunction;

WHEREAS, upon the filing of Plaintiff's Complaint For Injunctive Relief, Declaratory Judgment, and Damages and Plaintiff's Motion for Preliminary Injunction, the City has consented not to enforce against Plaintiff Section 818(1)(A) of its Zoning Ordinance (which requires religious facilities to be located on at least three acres and at least 100 feet of public street frontage) and the conditional use requirements of its Zoning Ordinance;

WHEREAS, the parties agree that Plaintiff may lawfully use and possess 137 Maple Street, Avondale Estates, Georgia, for church use subject to Defendant's fire, life-safety, and building code provisions, as well as all other lawful ordinances applicable to the Church;

WHEREAS, upon this Court signing and entering this Consent Order, Plaintiff agrees to withdraw its Motion for Preliminary Injunction; and

WHEREAS, the Parties agree to continue to confer in good faith and work toward a settlement of the remaining issues in this case;

WHEREAS, Defendant does not waive any defense or admit any liability by agreeing to this Consent Order.

It is hereby ORDERED, ADJUDGED, AND DECREED as follows:

(1) This Court has jurisdiction over the subject matter of this case, has jurisdiction over all parties to this Consent Order; and venue properly lies with this Court.

(2) Defendant will not enforce against Plaintiff Section 818(1)(A) and the conditional use requirements of its Zoning Ordinance while this case remains pending in this Court.

(3) Plaintiff may lawfully use and possess 137 Maple Street, Avondale Estates, Georgia, for church use during the pendency of this case, subject to Defendant's fire, life-safety, and building code provisions, as well as all other lawful ordinances applicable to the Church.

(4) The Court is hereby signing and entering this Consent Order, and Plaintiff's Motion for Preliminary Injunction is hereby withdrawn.

(5) The Defendant will notify and/or promptly provide a copy of this Order to each of its officers, agents, servants, and employees, and those persons in active concert or participation with them.

(6) This Court shall retain jurisdiction of this matter for all purposes.

(7) This case is continued for status on _____, 2010, at _____.

IT IS SO ORDERED THIS 12th **DAY OF** August,
2010.

/s/Charles A. Pannell, Jr.
HON. CHARLES A. PANNELL, JR.
UNITED STATES DISTRICT JUDGE

It is hereby certified, as indicated by signatures of counsel below, that this document was prepared in 13 point, Century Schoolbook font.

Respectfully submitted this 10th day of August, 2010.

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****Motions for Pro Hac Vice***
Pending

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