

00-0-0556

(Do Not Write Above This Line)

AN ORDINANCE

BY Douglas Alexander

AN ORDINANCE AUTHORIZING THE CONDEMNATION OF 3,001.70 SQ. FT. OF CERTAIN EASEMENTS FOR THE OPERATION OF A SANITARY SEWER EASEMENT ALONG PEACHTREE STREET USING THE DECLARATION OF TAKING METHOD OF CONDEMNATION AND AUTHORIZING THAT JUST COMPENSATION BE PAID INTO COURT FOR THE SAME.

ADOPTED BY  
MAY 15 2000

COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 4/3/00

Referred To: Finance Executive

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 City Utilities  
 Date 4-11-00  
 Chair \_\_\_\_\_  
 Action: \_\_\_\_\_  
 Fav, Adv, Hold (see rev. side)  
 Other: on substitute  
 Members \_\_\_\_\_  
 Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action: \_\_\_\_\_  
 Fav, Adv, Hold (see rev. side)  
 Other: \_\_\_\_\_  
 Members \_\_\_\_\_  
 Refer To \_\_\_\_\_

Committee City Utilities  
 Date 5-9-2000  
 Chair Appointed by Council  
 Action: Consent  
 Fav, Adv, Hold (see rev. side)  
 Other: on substitute as amended  
 Members W.E. McCall  
 Refer To \_\_\_\_\_

FINAL COUNCIL ACTION  
 2nd  1st & 2nd  3rd  
 Readings  
 Consent  V Vote  RC Vote

CERTIFIED

**CERTIFIED**  
 MAY 15 2000  
 ATLANTA CITY COUNCIL PRESIDENT  
*Robert H. Parker*

**CERTIFIED**  
 MAY 15 2000  
 DEPUTY MUNICIPAL CLERK  
*[Signature]*

MAYOR'S ACTION

**APPROVED**

MAY 24 2000

WITHOUT SIGNATURE  
BY OPERATION OF LAW



CITY COUNCIL  
ATLANTA, GEORGIA

00-O-0556

FINANCE

COUNCIL MEMBER DOUG ALEXANDER

AS SUBSTITUTED AND AMENDED BY CITY UTILITIES COMMITTEE

**AN ORDINANCE AUTHORIZING THE CONDEMNATION OF 3,001.70 SQ. FT. OF CERTAIN EASEMENTS FOR THE OPERATION OF A SANITARY SEWER EASEMENT ALONG PEACHTREE STREET USING THE DECLARATION OF TAKING METHOD OF CONDEMNATION AND AUTHORIZING THAT JUST COMPENSATION BE PAID INTO COURT FOR THE SAME AND THAT THE CITY BE REIMBURSED ACCORDINGLY.**

WHEREAS, 2500 Peachtree Associates, L.L.C. installed a sanitary sewer line in the western right-of-way of Peachtree Street from the intersection of Peachtree Battle to 2500 Peachtree Street, which sanitary sewer line will service the 2500 Peachtree Condominiums and shall receive additional sewer flows from other future developments located further north on Peachtree Street; and

WHEREAS, due to unforeseen circumstances, a portion of this sanitary sewer line was constructed on private property known as the Bennington Towers located at 2460 Peachtree Street; and

WHEREAS, it is the intent of 2500 Peachtree Associates, L.L.C. to dedicate this sanitary sewer line to the City of Atlanta; and

WHEREAS, 3,001.70 square feet of certain easements, described on the attached legal description, on the property known as 2460 Peachtree Road are needed for the maintenance and operation of this sanitary sewer line, including a one (1) foot permanent sanitary sewer easement and a ten (10) foot maintenance easement; and

WHEREAS, Bennington Towers has refused an offer by Winter Construction Company on behalf of 2500 Peachtree Associates L.L.C. to purchase said easements at their appraised value; and

WHEREAS, it is in the City's best interest to employ the Declaration of Taking method of condemnation in this instance so that title to the required easements vest in the City upon the deposit into the court of a sum of money estimated to be just compensation for the easements taken, as provided by state law; and

WHEREAS, it is in the City's best interest to deposit into the court the sum of Three Thousand Five Hundred Dollars (\$3,500.00) the amount estimated by the City's certified appraiser, Smith Real Estate Services, Inc., to be the market value or just compensation of the subject easements; and

WHEREAS, the City may operate and maintain the sanitary sewer line at this location immediately upon the City's acquisition of the easements needed, leaving the final question of value to further negotiation and/or court proceedings; and

WHEREAS, the Council wishes for the operation and maintenance of the sanitary sewer line to proceed without further delay.



00-O-0556

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ATLANTA;

**Section 1:** That the City Attorney is hereby authorized to condemn 3,001.70 square feet of easements located at 2460 Peachtree Street by the Declaration of Taking method or other methods of condemnation as authorized by state law.

**Section 2:** That Three Thousand Five Hundred Dollars (\$3,500.00) the appraised value of said easements, charged to FAC to 2J21 572001 M24301 be deposited into court *instantly* so as to vest title to the easements, in the City.

**Section 3:** That all costs, including but not limited to appraisals, land costs and legal fees for the expenses of outside counsel or the City Attorney to condemn the easement, be reimbursed to the City by Winter Construction Company on behalf of 2500 Peachtree Associates, L.L.C. toward this condemnation.

**Section 4:** That the Chief Financial officer of the City is hereby authorized on behalf of the City to accept all reimbursements referred in Section 3 above, such reimbursements to be deposited to FAC to 2J21 572001 M24301.

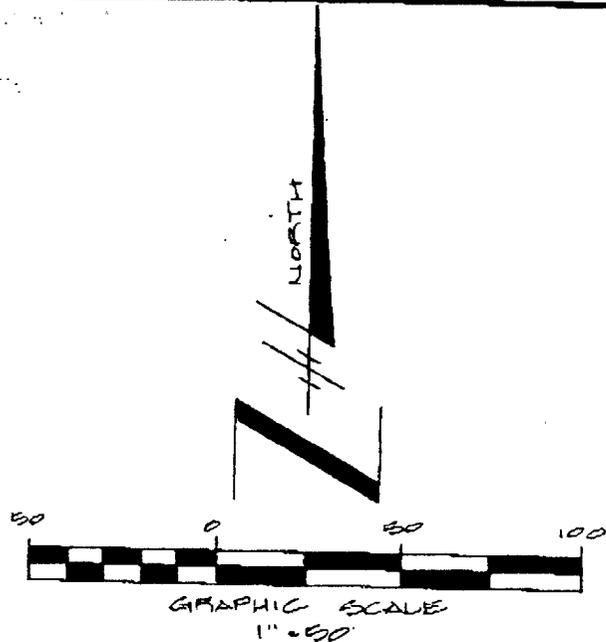
A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403

May 15, 2000

May 24, 2000



Legal Description

One Foot Permanent Sanitary Sewer Easement within a Ten Foot Permanent Maintenance Easement  
All that tract or parcel of land lying and being in Land Lot 112 of the 17<sup>th</sup> District of Fulton County, Georgia and being more particularly described as follows:

To reach the true point of beginning, commence at a point being the intersection of the northerly Right-of-Way of Peachtree Battle Avenue and the westerly Right-of-Way of Peachtree Road; thence along said Right-of-Way of Peachtree Road in a northeasterly direction a distance of 599.1 feet to a 1 3/4" pipe found and the TRUE POINT OF BEGINNING. From point thus established and leaving said Right-of-Way of Peachtree Road and running North 74° 52' 47" West a distance of 10.0 foot to a point; thence North 15° 07' 13" East a distance of 300.17 feet to a point; thence South 74° 52' 47" East a distance of 10.0 foot to a 1" pipe found on the westerly Right-of-Way of aforementioned Peachtree Road; thence along said Right-of-Way and running South 15° 07' 13" West a distance of 300.17 feet to the TRUE POINT OF BEGINNING. Said tract containing 3001.70 square feet.

The One Foot Permanent Sanitary Sewer Easement is to be Parallel to and Contiguous with the West R/W Line of Peachtree Road.

# EASEMENT PLAT FOR BENNINGTON TOWERS

LAND LOT 112  
FULTON COUNTY

17th DISTRICT  
GEORGIA

CITY OF ATLANTA

DECEMBER 08, 1999

SCALE: 1" = 50'

DECEMBER 14, 1999: REVISED TITLE BLOCK

JANUARY 25, 2000: REVISED PERM. EASEMENT WIDTH TO 10 FEET

MARCH 22, 2000: REVISED PERM. EASMT. WIDTH TO 1 FOOT

APRIL 22, 2000: ADDED 10' MAINTENANCE EASEMENT

## TECHNICAL SURVEY SERVICES, INC.

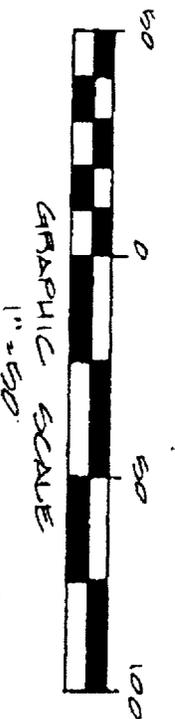
Land Surveyors

794 West Circle  
Conyers, Georgia 30012

Telephone (770) 922-6391  
Fax (770) 922-0767







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 BENNINGTON TOWERS**

**LAND LOT 112  
 FULTON COUNTY  
 CITY OF ATLANTA  
 17th DISTRICT  
 GEORGIA**

DECEMBER 08, 1999  
 DECEMBER 14, 1999: REVISED TITLE BLOCK  
 SCALE: 1" = 50'

JANUARY 25, 2007: REVISED PERMIT EASEMENT WIDTH TO 10 FEET



RCS# 1975  
5/15/00  
6:11 PM

Atlanta City Council

Regular Session

00-0-0556

AUTHORIZE CONDEMNATION OF 3,001.70 SQ.  
FT. OF CERTAIN EASEMENTS/SANITARY SEWER  
ADOPT/SUB/AMEND

YEAS: 12  
NAYS: 1  
ABSTENTIONS: 1  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

Y McCarty	Y Dorsey	NV Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	N Morris	Y Maddox	A Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

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