

00- R -1843

(Do Not Write Above This Line)

**A RESOLUTION
 BY COMMUNITY DEVELOPMENT/
 HUMAN RESOURCES COMMITTEE**

**A RESOLUTION APPROVING THE
 DOWNTOWN DEVELOPMENT
 AUTHORITY'S USE OF THE POWER OF
 EMINENT DOMAIN IN ACQUIRING AN
 ASSERTED INTEREST UNDER A
 PURPORATED BILLBOARD LEASE
 AGREEMENT IN THE PROPOSED
 NORTH YARDS BUSINESS PARK; AND
 FOR OTHER PURPOSES.**

**ADOPTED BY
 NOV 2 0 2000**

COUNCIL

- 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 CD/HA

Date 11/15/00

Chair John Johnson

Action: Fav, Adv, Hold (see rev. side)

Other: _____

Members Willie Harris, James M. Harris

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

CERTIFIED

NOV 2 0 2000

John M. Harris

MUNICIPAL PRESIDENT

CERTIFIED

NOV 2 0 2000

Frank Douglas Johnson

MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

NOV 2 8 2000

[Signature]

MAYOR

**A RESOLUTION BY:
COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**A RESOLUTION APPROVING THE DOWNTOWN DEVELOPMENT
AUTHORITY'S USE OF THE POWER OF EMINENT DOMAIN IN ACQUIRING
AN ASSERTED INTEREST UNDER A PURPORTED BILLBOARD LEASE
AGREEMENT IN THE PROPOSED NORTH YARDS BUSINESS PARK AND
FOR OTHER PURPOSES.**

WHEREAS, O.C.G.A. Sections 36-42-8.1, 36-44-5 and 36-44-6 give the Downtown Development Authority (DDA), as redevelopment agency for the English Avenue Redevelopment Plan, the right to acquire by exercise of the power of eminent domain, real property it may deem necessary for its purpose; and

WHEREAS, the property located at 506 North Avenue was acquired by Downtown Atlanta Revitalization, Inc. with the intention that the property be used as part of the North Yards Business Park; and

WHEREAS, a billboard exists on the roof of a building at 506 North Avenue; and

WHEREAS, Infinity Outdoor, Inc. claims ownership of the billboard and contends it has an interest in the real property pursuant to an agreement between Infinity Outdoor, Inc. as successor in interest to Outdoor Systems and Downtown Atlanta Revitalization, Inc. as successor in ownership to Castleberry's Meats, Inc. the former owner of the 506 North Avenue property; and

WHEREAS, Downtown Atlanta Revitalization, Inc. filed a dispossessory action against Infinity Outdoor, Inc. seeking a writ of possession in order to have the billboard removed; and

WHEREAS, Infinity Outdoor, Inc. filed a counterclaim and a request for a jury trial; and

WHEREAS, Infinity Outdoor, Inc. failure and refusal to remove the billboard is delaying the demolition of the building on the property at 506 North Avenue and continued redevelopment of the North Yards project; and



WHEREAS, both parties agree to a condemnation action in order to resolve the disputed claims of Infinity Outdoor, Inc. and Infinity Outdoor, Inc. has agreed to remove the billboard or permit the billboard to be demolished upon the filing of a condemnation action.

WHEREAS, on October 26, 2000, the Board of Directors of the Downtown Development Authority approved the use of eminent domain to acquire any interest which may exist in the real property relating to the billboard located on the roof of 506 North Avenue; and

WHEREAS, O.C.G.A. Section 36-42-8.1 c. requires the governing body of the municipality to adopt a resolution approving the use of eminent domain power by the Downtown Development Authority.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1: The City of Atlanta hereby approves the use of the power of eminent domain by the Downtown Development Authority to acquire any interest which may exist in the real property located at 506 North Avenue relating to the billboard located on the roof of a building at 506 North Avenue and being a part of the proposed North Yards Business park,

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

November 20, 2000
November 28, 2000

Council President Pro Tem Starnes
Presided

RCS# 2401
11/20/00
2:00 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-18

00-R-1849
(Morris Voted NAY)

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty
Y Starnes
NV Bond
Y Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
NV Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-1111
00-R-1693
00-R-1694
00-R-1695
00-R-1696
00-R-1697
00-R-1804
00-R-1835

CONSENT

11/20/00 Council Meeting		
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1690 2. 00-O-1691 3. 00-O-1692 4. 00-O-1845 5. 00-O-1864 6. 00-O-0728 7. 00-R-1702 8. 00-R-1703 9. 00-R-1705 10. 00-R-1707 11. 00-R-1850 12. 00-R-1865 13. 00-R-1851 14. 00-R-1873 15. 00-R-1622 16. 00-R-1623 17. 00-R-1699 18. 00-R-1775* 19. 00-R-1776* 20. 00-R-1777* 21. 00-R-1782 22. 00-R-1687 23. 00-R-1668 24. 00-R-1786 25. 00-R-1789 26. 00-R-1799 27. 00-R-1800 28. 00-R-1813 29. 00-R-1814	30. 00-R-1815 31. 00-R-1849# 32. 00-R-1858 33. 00-R-1862 34. 00-R-1787* 35. 00-R-1790 36. 00-R-1791 37. 00-R-1794 38. 00-R-1798 39. 00-R-1861 40. 00-R-1686 41. 00-R-1843 42. 00-R-1869 43. 00-R-1870 44. 00-R-0973 45. 00-R-0816 46. 00-R-1803 47. 00-R-1805 48. 00-R-1806 49. 00-R-1807 50. 00-R-1808 51. 00-R-1809 52. 00-R-1810 53. 00-R-1811 54. 00-R-1812	55. 00-R-1816 56. 00-R-1817 57. 00-R-1818 58. 00-R-1819 59. 00-R-1820 60. 00-R-1821 61. 00-R-1822 62. 00-R-1823 63. 00-R-1824 64. 00-R-1825 65. 00-R-1826 66. 00-R-1827 67. 00-R-1828 68. 00-R-1829 69. 00-R-1830 70. 00-R-1831 71. 00-R-1832 72. 00-R-1833 73. 00-R-1834 74. 00-R-1836 75. 00-R-1837 76. 00-R-1838 77. 00-R-1839 78. 00-R-1840 79. 00-R-1841 80. 00-R-1842 * President Pitts recused himself. # Lee Morris not voting.