

CITY COUNCIL
ATLANTA, GEORGIA

00- R -1959

**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 PURPORTED BILLBOARD LEASE
AGREEMENTS 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, properties located at 462 North Avenue and 525 Kennedy Street are within the North Yards Business Park project of the English Avenue Redevelopment Plan; and

WHEREAS, the properties located at 462 North Avenue and 525 Kennedy Street were acquired by Downtown Atlanta Revitalization, Inc., a non-profit corporation, with the intention that the properties be used as part of the North Yards Business Park; and

WHEREAS, free standing billboards exist on these properties; and

WHEREAS, Eller Media Company claims ownership of these billboards and contends it has an interest in the real property pursuant to lease agreements with former owners of the properties at 462 North Avenue and 525 Kennedy Street; and

WHEREAS, Downtown Atlanta Revitalization, Inc. has cancelled the aforementioned leases in accordance with the cancellation clause of the lease agreement; and

WHEREAS, Eller Media Company's failure and refusal to remove the billboards are delaying the continued redevelopment of the North Yards Project; and

WHEREAS, all efforts to date to resolve this matter have failed; and

WHEREAS, on November 20, 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 billboards located at 462 North Avenue and 525 Kennedy Street; and

WHEREAS, O.C.G.A. Section 36-42-8.1 (c) 2 requires the governing body of the municipality to adopt a resolution approving the use of eminent domain power by the Downtown Development Authority; and

WHEREAS, this issue has been presented to the appropriate Neighborhood Planning Unit.

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 462 North Avenue and 525 Kennedy Street relating to the billboards located on aforementioned properties and being a part of the proposed North Yards Business Park.

A true copy,



Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

DEC 04, 2000
DEC 12, 2000

RCS# 2434
12/04/00
3:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-19

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-1874
00-O-1986
00-R-1950

CONSENT

12/04/00 Council Meeting		
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1289	36. 00-R-1959	64. 00-R-1816
2. 00-O-1680	37. 00-R-1882	65. 00-R-1817
3. 00-O-1792	38. 00-R-1985	66. 00-R-1818
4. 00-O-1797	39. 00-R-1943	67. 00-R-1819
5. 00-O-1003	40. 00-R-1945	68. 00-R-1820
6. 00-O-1228	41. 00-R-1946	69. 00-R-1821
7. 00-O-1795	42. 00-R-1947	70. 00-R-1822
8. 00-O-1796	43. 00-R-1948	71. 00-R-1823
9. 00-O-1860	44. 00-R-1949	72. 00-R-1824
10. 00-O-1616	45. 00-R-1951	73. 00-R-1825
11. 00-O-1853	46. 00-R-1970	74. 00-R-1826
12. 00-O-1801	47. 00-R-2016	75. 00-R-1827
13. 00-O-1963	48. 00-R-1901	76. 00-R-1828
14. 00-O-1965	49. 00-R-1902	77. 00-R-1829
15. 00-R-1788	50. 00-R-1903	78. 00-R-1830
16. 00-R-1886	51. 00-R-1904	79. 00-R-1831
17. 00-R-1953	52. 00-R-1905	80. 00-R-1832
18. 00-R-1955	53. 00-R-1906	81. 00-R-1833
19. 00-R-2009	54. 00-R-1907	82. 00-R-1834
20. 00-R-2010	55. 00-R-1908	83. 00-R-1836
21. 00-R-2011*	56. 00-R-1909	
22. 00-R-1890	57. 00-R-1910	
23. 00-R-1937	58. 00-R-1911	
24. 00-R-1938	59. 00-R-1912	
25. 00-R-1939	60. 00-R-1913	
26. 00-R-1940	61. 00-R-1914	
27. 00-R-1988	62. 00-R-1915	
28. 00-R-2006	63. 00-R-1916	
29. 00-R-2013		
30. 00-R-1887		
31. 00-R-2015		
32. 00-R-1957		
33. 00-R-1958		
34. 00-R-1877		
35. 00-R-2008		

* President Pitts
recused himself.

00-1959

(Do Not Write Above This Line)

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

ADOPTED BY

DEC 04 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

Committee
 Date
 Chair
 Referred to

Committee
 Date
 Chair
 Actions
 Fav, Adv, Hold (see rev. slide)
 Others
 Members
 Refer To

Committee
 Date
 Chair
 Actions
 Fav, Adv, Hold (see rev. slide)
 Others
 Members
 Refer To

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

CERTIFIED
 DEC 4 2000
 Dan M. Starns
 COUNCIL PRESIDENT/PROTEM

CERTIFIED
 DEC 04 2000
 Rachel Douglas Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION
 APPROVED
 DEC 12 2000
 Mayor's Signature
 MAYOR