

CITY COUNCIL  
ATLANTA, GEORGIA

00-0-2062 <sup>clv</sup>

AN ORDINANCE

BY COUNCILMEMBER DERRICK BOAZMAN

*Jim Mackdox*

**AN ORDINANCE TO ABANDON CASPLAN STREET, S.W. FROM METROPOLITAN PARKWAY, S.W., TO HARDEN STREET, S.W., AND TO ABANDON HARDEN STREET, S.W. FROM CASPLAN STREET, S.W. TO A POINT APPROXIMATELY 863 FEET SOUTHEASTERLY, LYING AND BEING IN LAND LOT 89 OF THE 14<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA, AND FOR OTHER PURPOSES.**

**WHEREAS,** the City of Atlanta has received a formal request from Atlanta Metropolitan College, the abutting property owner, to abandon Casplan Street, S.W. from Metropolitan Parkway, S.W. to Harden Street, S.W. and to abandon Harden Street, S.W. from Casplan Street, S.W. to a point approximately 863 feet southeasterly, lying and being in Land Lot 89 of the 14<sup>th</sup> District, Fulton County, Georgia, and for other purposes; and

**WHEREAS,** Atlanta Metropolitan College owns the parcels on both sides of the above named streets; and

**WHEREAS,** Atlanta Metropolitan College wishes to incorporate these streets into its redevelopment of the former Chocolate City property; and

**WHEREAS,** these streets are currently used mainly as an entrance to the Atlanta Metropolitan College; and

**WHEREAS,** the 10<sup>th</sup> Ward Trunk Sewer has to be replaced per the Consent Decree; and

**WHEREAS,** the 10<sup>th</sup> Ward Trunk Sewer runs through a portion of Atlanta Metropolitan College; and

**WHEREAS,** the City of Atlanta needs permanent and temporary easements from Atlanta Metropolitan College to complete the construction of that portion of the 10<sup>th</sup> Ward Trunk Sewer on the property of the Atlanta Metropolitan College; and

**WHEREAS,** the appraised value of the permanent easement (approximately 15,569 square feet) is \$10,950 (at \$0.70/square foot); and



**WHEREAS**, the appraised value of the temporary easement (approximately 26,171 square feet) is \$2,800 (at \$0.11/square foot); and

**WHEREAS**, the total value of the permanent easement and the temporary easement is \$13,750; and

**WHEREAS**, the Atlanta Metropolitan College has agreed to exchange an easement for the abandonment and conveyance to Atlanta Metropolitan College a portion of Casplan Street, S.W. and portion of Harden Street, S.W.; and

**WHEREAS**, the abandoned right-of-way will become part of the abutting owners private property and will be their responsibility to maintain; and

**WHEREAS**, the request to abandon said street shall be reviewed by the proper City agencies and by all public utilities.

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:**

**SECTION 1.** That the requirements of Section 138-5(a) of the Code of Ordinances setting forth a procedure for petitioning for the abandonment of a street and requiring the certification that the petitioner intends to compensate the City for the fee simple fair market of the street are hereby waived for the purposes of this ordinance.

**SECTION 2.** That the requirement of Section 138-5(b) that the ordinance be prepared by the Department of Public Works is hereby waived for the purposes of this ordinance.

**SECTION 3.** That the requirement of Section 2-1578 of the Code of Ordinances of the City of Atlanta directing the Purchasing Agent to negotiate a price for an abandoned street is hereby waived for the purposes of this ordinance.

**SECTION 4.** That the Casplan Street, S.W. from Metropolitan Parkway S.W. to Harden Street, S.W., encompassing an area of 27,499.4 square feet, lying and being in Land Lot 89 of the 14<sup>th</sup> District, Fulton County, Georgia, as shown on attached Exhibit "A", be and the same is hereby declared no longer useful or necessary for the public's use and convenience.

**SECTION 5.** That Harden Street, S.W. from Casplan Street, S.W. to a point approximately 863 feet southeastly, encompassing an area of 43,150.5 square feet, lying and being in Land Lot 89 of the 14<sup>th</sup> District, Fulton County, Georgia, as shown on attached Exhibit "B", be and the same is hereby declared no longer useful or necessary for the public's use and convenience.

**SECTION 6.** That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate,



maintain or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed or relocated, at which time, said easements shall expire

**SECTION 7.** That the Mayor is hereby authorized to execute an Exchange Agreement between the City and Atlanta Metropolitan College to exchange the value of the two above named streets for the permanent and temporary easements needed to complete the 10<sup>th</sup> Ward Trunk Sewer construction improvement.

**SECTION 8.** That the appraised value of the permanent easement (approximately 15,569 square feet) needed for the construction is \$10,950 (at \$0.70/square foot).

**SECTION 9.** That the appraised value of the temporary easement (approximately 26,171 square feet) needed for the construction is \$2,800 (at \$0.11/square foot).

**SECTION 10.** That the total value of the needed permanent and temporary easements is \$13,750.

**SECTION 11.** That the Mayor be and is hereby authorized to execute and deliver a quitclaim deed conveying the above named streets to Atlanta Metropolitan College.

**SECTION 12.** That the Commissioner of Public Works or his designee will work with the Atlanta Metropolitan College Administration to determine how the city will receive credits for the difference between the appraised fair market value of the abandoned property and the cost of the easement the city wants. (i.e. Allow City of Atlanta employees to attend classes at no cost to the City or its employees until such time as the credits have been used.)

**SECTION 13.** That all ordinances and parts of ordinances in conflict are hereby repealed.

OMC Amendment incorporated by WHG 1/24/01

A true copy,

*Phonda Daughkin Johnson*  
Municipal Clerk, GMC

ADOPTED as amended by the Council  
APPROVED by the Mayor

JAN 16, 2001  
JAN 23, 2001

5.27

100

5.25

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

0.15

CITY OF ATLANTA  
DEPARTMENT OF CULTURAL AFFAIRS  
OFFICE OF HISTORIC PRESERVATION  
CITY OF ATLANTA

Townhome Improvement Only  
001 001

ALL MEASUREMENTS ARE IN FEET  
ALL DIMENSIONS ON THIS BOARD OF  
APPROVALS ARE NOT GUARANTEED  
FOR TAX PURPOSES ONLY

0073  
14-73

0072  
14-72

0071  
14-71

3

4

14-104

4-104

Metropolitan Parkway

Casplan Street

Harden Street

Exhibit "A"

330



CULTURAL FEATURES

City of Atlanta

Townhome Improvement Only

NS ARE IN FEET

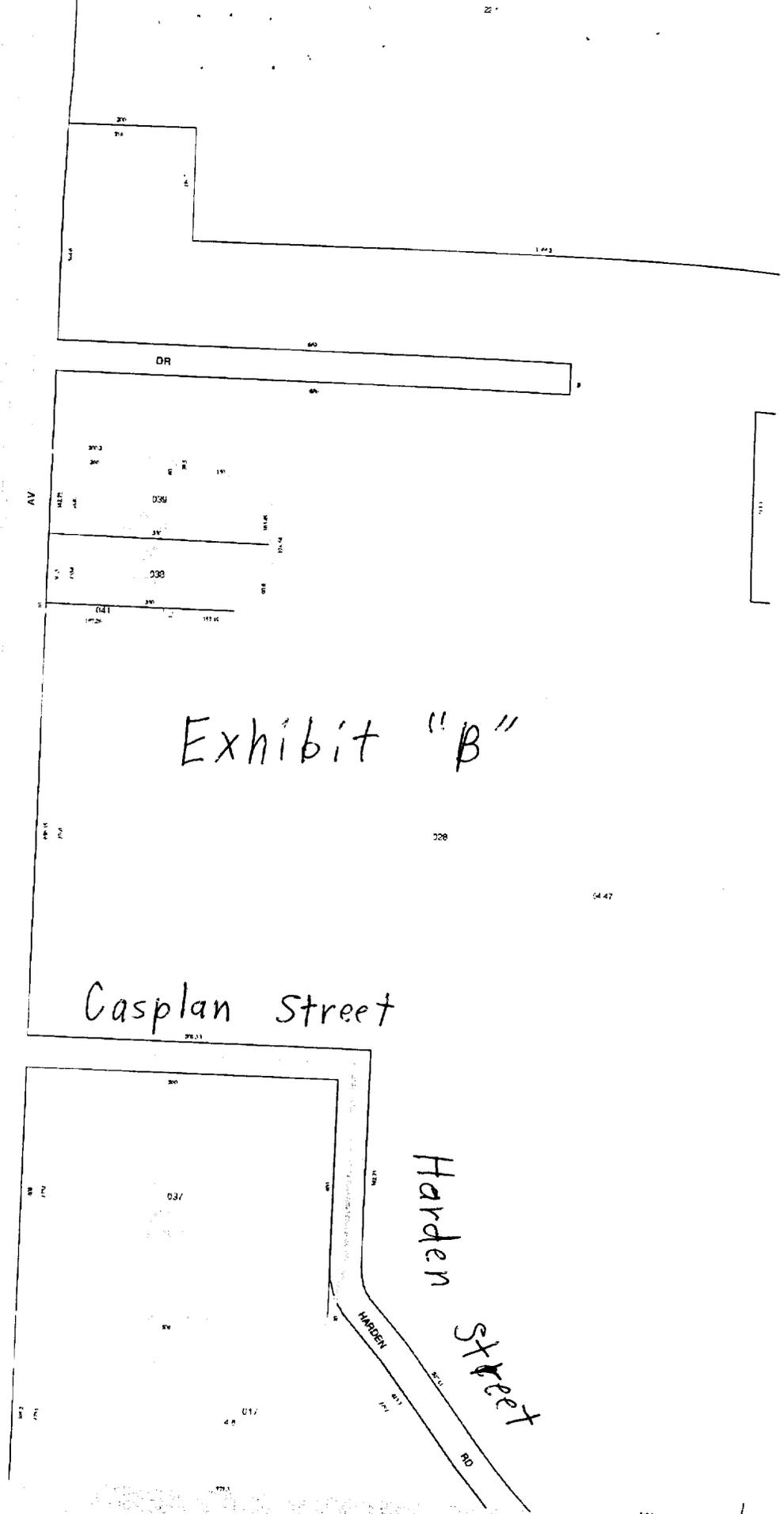
- 0073 14-73
- 0072 14-72
- 0071 14-71

14-104

Metropolitan Parkway

4-104

330



RCS# 2536  
1/16/01  
2:02 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-6

ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-O-2039

**01/16/01 Council Meeting**

**ITEMS ADOPTED ON CONSENT AGENDA**

1. 00-O-2062
2. 00-O-2040
3. 00-O-2041
4. 00-O-2042
5. 00-O-2043
6. 00-O-2044
7. 00-O-1681
8. 00-O-1684
9. 00-O-1986
10. 01-R-0036
11. 01-R-0062
12. 01-R-0029
13. 01-R-2059
14. 01-R-1682
15. 01-R-1683
16. 01-R-0008

00-0-2062

(Do Not Write Above This Line)

AN ORDINANCE *Adopted*  
BY COUNCILMEMBER DERRICK BOAZMAN  
*+ Jim Mason*  
AN ORDINANCE TO ABANDON CASPLAN STREET,  
S.W., FROM METROPOLITAN PARKWAY, S.W.,  
TO HARDEN STREET, S.W., AND TO ABANDON  
HARDEN STREET, S.W., TO A POINT  
APPROXIMATELY 863 FEET SOUTHEASTERLY,  
LYING AND BEING IN LAND LOT 89 OF THE  
14TH DISTRICT, FULTON COUNTY, GEORGIA,  
AND FOR OTHER PURPOSES.

ADOPTED BY

JAN 16 2001

COUNCIL

AS AMENDED

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

Date Referred *12/4/00*

Referred To: *City Utilities*

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee *City Utilities*  
Date *12/12-00*  
Chair \_\_\_\_\_  
Action: \_\_\_\_\_  
Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
Other: \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

Committee *City Utilities*  
Date *1-19-01*  
Chair *Clair Mulley*  
Action: \_\_\_\_\_  
Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
Other: \_\_\_\_\_  
Members *As Amended*  
*John M. Spang*  
Refer To \_\_\_\_\_

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

CERTIFIED

**CERTIFIED**  
 JAN 16 2001  
*[Signature]*  
 MUNICIPAL CLERK

**CERTIFIED**  
 JAN 16 2001  
*[Signature]*  
 MUNICIPAL CLERK

MAYOR'S ACTION

*[Signature]*  
 JAN 23 2001