



**CITY COUNCIL
ATLANTA, GEORGIA**

AN ORDINANCE

00-0-2104

BY: COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR TO DIRECT THE DEPARTMENT OF PLANNING, DEVELOPMENT, AND NEIGHBORHOOD CONSERVATION (BUREAU OF NEIGHBORHOOD CONSERVATION) TO CLEAN THE PREMISES AND CLOSE THE VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND A HEARING CONDUCTED BY THE IN REM REVIEW BOARD ON November 30, 2000.

1362 Fairbanks Street, SW

12

WHEREAS, on March 16, 1987, the Council of the City of Atlanta adopted an Ordinance entitled, "The Atlanta Housing Code of 1987"; and the same was approved by the Mayor of the City of Atlanta on March 24, 1987; and

WHEREAS, on November 30, 2000, pursuant to the Atlanta Housing Code of 1987, Article III; entitled "In Rem Procedures", hearings were held after due notice to owner(s) of and/or parties in interest before the In Rem Review Board regarding certain structures believed to be unfit for occupancy or habitation and to be in violation of Article III; and

WHEREAS, on November 30, 2000, The In Rem Review Board determined that the structures on the real property more fully identified hereinafter, were unfit for human occupancy or habitation and could not be improved, repaired, or altered at a cost of fifty percent (50%) or less of the value of structures, exclusive of the foundation and lots after the improvements have been made; and

WHEREAS, the In Rem Review Board did state in writing these findings of fact in support of such determination and the In Rem Review Board issued and caused to be served upon the owner(s) of and /or parties in interest, an Order requiring the owner(s) and/or parties in interest demolish such structures, clean the premises and plant grass on the lot pursuant to Section 33 (3) c of the Atlanta Housing Code; and

WHEREAS, a period of 30 days from the date of said Order was allowed for the owner(s) and/or parties in interest to comply with the Order; and

WHEREAS, the owner(s) and/or parties in interest of the properties failed to comply with the Order of the In Rem Review Board within the specified time.



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

SECTION 1: That the Mayor is authorized to direct the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to clean the premises and close the various structures following real property, upon which structure(s) are located:

<u>Proper Street Address</u>	<u>City Council District</u>
1362 Fairbanks Street, SW	12

SECTION 2: That the Mayor is hereby authorized to direct the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to perform the following specific duties at the above mentioned properties:

- (1) Vacate the structures, (if occupied).
- (2) Clean the premises and board the structures(s) in conformity with the In Rem Review Board's Orders.
- (3) File a lien against the real property on which the structures(s) are attached for the cost incurred.
- (4) Maintain the property in conformity with the In Rem Review Board's Order until the structure(s) are repaired or demolished.

SECTION 3: That the Mayor is further authorized to allow the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to engage the professional services of any of the City of Atlanta's pre-qualified contractors to conduct the appropriate duties listed in **SECTION 2** of this ordinance.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

FEB 05, 2001
FEB 13, 2001



TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against:

**Heartwood II, Inc.
First Family Financial Services of Georgia, Inc.
Republic Land & Investment Company
Elexis Properties, Inc.**

on **11-10-00** in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, seeking relief against the following described real estate, to-wit:

All that tract or parcel of land lying and being in Land Lot 105 of the 14th District, Fulton County, Georgia, being Lot 325, Capital View, as per Plat Book 6, Page 113, Fulton County, Georgia records, which Plat is incorporated herein and made a part hereof by reference thereto, and being more particularly described as follows:

Beginning at an iron pin on the east side of Fairbanks Street, 162 feet south from the corner formed by the intersection of the east side of Fairbanks Street with the south side of Dill Avenue; running thence south along the east side of Fairbanks Street 50.0 feet to an iron pin and Lot 327 of said subdivision; running thence east along the North line of said Lot 327, 135 feet to an iron pin; running thence north, 50 feet to an iron pin on the south side of a 10 foot alley; running thence west along the south side of said alley, 135 feet to an iron pin on the east side of Fairbanks Street and the point of beginning; and being more particularly shown on survey prepared by Georgia Land Surveying Company, Inc., dated December 19, 1980.

Together with all improvements erected on the property, and all easement rights appurtenances, tents, royalties, minerals, oil and gas rights and profits, water rights and usage and all fixtures a part of the property, replacements and additions.

Said property is more commonly known as 1362 Fairbanks Street, S.W., Atlanta, Georgia 30310.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: November 10, 2000

BY: Dale S. Haysford
Bureau of Neighborhood Conservation, Official Agent

BY: Bill Castings
Assistant Real Estate City Attorney



RCS# 2593
2/05/01
4:55 PM

Atlanta City Council

Regular Session

MULTIPLE

00-O-2103 & 00-O-2104

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 1

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

CORRECTED COPY

MULTIPLE

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(Do Not Write Above This Line)

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1362 Fairbanks Street, SW

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ADOPTED BY
FEB 0 5 2001
COUNCIL

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

Date Referred 1-16-01

Referred To: CA/HR

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

CD/HR

Committee

Date

Chair

Referred to

Committee

CD/HR

Date

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