

**MUNICIPAL CLERK  
CITY OF ATLANTA**

AN ORDINANCE

BY CITY UTILITIES COMMITTEE

**01- 0 -0422**

AN ORDINANCE TO ABANDON A PORTION OF THE RIGHT-OF-WAY OF COMMERCE DRIVE, N.W., SAID PORTION BEING APPROXIMATELY 200 FEET IN LENGTH FROM THE END OF THE EXISTING CUL-DE-SAC, 31,043 SQUARE FEET IN AREA, LYING NORTH OF BELLEMEADE AVENUE, IN LAND LOT 152, 17<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA, AND FOR OTHER PURPOSES.

**WHEREAS** the City of Atlanta has received a petition to abandon a portion of the right-of-way of Commerce Drive, N.W. said portion being approximately 200 feet in length from the end of the existing cul-de-sac, 31,043 square feet in area, lying north of Bellemeade Avenue, in Land Lot 152, 17<sup>th</sup> District, Fulton County, Georgia;

**WHEREAS** the Commissioner of the Department of Public Works has determined that said petition is complete and that the required application fee has been paid to the City of Atlanta; and

**WHEREAS** the petitioners are the sole property owners of the land abutting the street right-of-way proposed to be abandoned and petitioners will utilize the abandoned portion of said street right-of-way for commercial purposes; and

**WHEREAS** the abandoned street right-of-way shall become a part of the abutting property owner's private property and shall be their responsibility to maintain; and

**WHEREAS** the petitioners have committed to dedicate the additional required right-of-way to construct a new cul-de-sac of Commerce Drive as is shown on "Exhibit A" of this ordinance; and

**WHEREAS** the petitioners agree to purchase from the City of Atlanta at appraised fair market value the street right-of-way to be abandoned.

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

**Section 1.** That a portion of Commerce Drive, N.W., beginning approximately 200 L.F. from the existing cul-de-sac, consisting of an area 31,043 square feet (0.71 acres), lying in Land Lot 152 of the 17<sup>th</sup> District of Fulton County, Georgia, as shown on the attached survey plat marked "Exhibit A", is hereby declared no longer useful or necessary for the public use and convenience.

**Section 2.** That the City of Atlanta hereby abandons the above described portion of Commerce Drive with the reservation of permanent easements for the purpose of entering the property to operate, maintain, or replace utility facilities. Easements shall remain in effect until such time as said utilities may be abandoned, removed, or relocated, at which time said easements shall expire.

**Section 3.** That the Director of the Bureau of Purchasing and Real Estate is hereby directed to have prepared an appraisal of the fair market value of the street right-of-way to be abandoned.

**Section 4.** That all costs associated with the appraisal of the subject property and all costs associated with the advertising of this petition for abandonment shall be charged to and paid from Account Number 3P02-491102-M22F03349999.

**Section 5.** That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, the City Attorney, upon receipt of payment from the petitioner in the amount of the appraised fair market value of the property, is hereby directed to prepare a Quit Claim Deed for said abandoned street right-of-way.

**Section 6.** That the Mayor is hereby authorized to execute said Quit Claim Deed for the abandoned street right-of-way, all other conditions being satisfied.

**Section 7.** Upon execution, all documents shall be filed and recorded with the Clerk of Superior Court of Fulton County .

49°03'11"E  
143.19'  
c 379.05'  
d 87.08'

**PROPOSED  
RIGHT-OF-WAY  
DEDICATED**

N/F  
DUDLEY  
CORPORATION  
S = C-1

N 75°35'14"W  
42.44'

N 41°53'15"W  
Ch 31.68'  
Arc 33.68'  
Rad 28.00'

N 06°09'31"W  
15.49'

N 13°35'57"E  
Ch 179.89'  
Arc 289.03'  
Rad 90.00'

N 03°27'54"E  
Ch 184.60'  
Arc 185.50'  
Rad 542.92'

19.25'  
N 76°34'48"W

N 34°40'34"W  
Ch 24.74'  
Arc 26.67'  
Rad 20.00'

N 17°11'29"E  
Ch 74.58'  
Arc 74.63'  
Rad 542.92'

N 21°22'23"E  
121.95'

2+22.41'

1+65.88'

1+00'

IPF  
1/2" REBAR  
N/F  
HORIZON PACIFIC  
AS PER DEED BOOK  
17040, PAGES 254 & 260  
ZONING = C-1

S 06°48'52"E  
154.66'

N 06°10'37"W  
22.85'

IPF  
1/2" REBAR

S 02°47'42"E  
Ch 82.03'  
Arc 82.09'  
Rad 605.18'

S 37°48'09"E  
Ch 107.32'  
Arc 114.98'  
Rad 90.00'

S 06°58'43"W  
Ch 124.02'  
Arc 124.24'  
Rad 605.18'

POB

POC

35.6'

**EXISTING  
COMMERCE DRIVE  
(60'R/W)**

DEED BOOK 4891 PAGE 504  
EASEMENT

S 17°08'05"W  
Ch 81.99'  
Arc 82.06'  
Rad 605.18'

**RIGHT-OF-WAY  
TO BE ABANDONED**

N/F  
TRUSTEES OF THE NATIONAL  
GUARD ASSOCIATION OF  
GEORGIA INSURANCE TRUST  
AS PER DEED BOOK 17485, PG 33

ASPHALT 31 SPACES

15 SPACES

20 SPACES

21 SPACES

22 SPACES

23 SPACES

16 SPACES

15 SPACES

17 SPACES

13 SPACES

26 SPACES

26 SPACES

28 SPACES

29 SPACES

37 SPACES

4 SPACES



01-0-0422

(Do Not Write Above This Line)

AN ORDINANCE

BY: CITY UTILITIES COMMITTEE

AN ORDINANCE TO ABANDON A PORTION OF THE RIGHT-OF-WAY OF COMMERCE DRIVE, NW, SAID PORTION BEING APPROXIMATELY 200 FEET IN LENGTH FROM THE END OF THE EXISTING CUL-DE-SAC, 31,043 SQUARE FEET IN AREA, LYING NORTH OF THE BELLEMEADE AVENUE, IN LAND LOT 152, 17th DISTRICT, FULTON COUNTY, GEORGIA, AND FOR OTHER PURPOSES.

FILED BY  
CITY COUNCIL  
MAY 07 2001

*Filed Without Objection*

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

Date Referred 3/19/01

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

Committee *City Utilities*  
 Date *3-17-01*  
 Chair *Clair Muller*  
 Referred to

Committee *City Utilities*  
 Date *3-27-01*  
 Chair

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

Members

Refer To

Members

Refer To

Members

Refer To

Committee *City Utilities*  
 Date *3-7-01*  
 Chair *Clair Muller*  
 Action:

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

Members

Refer To

Members

Refer To

Members

Refer To

Members

Refer To

First Reading  
 Committee *City Utilities*  
 Date *3-17-01*  
 Chair *Clair Muller*  
 Referred to

Committee  
 Date  
 Chair

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

Members

Refer To

Members

Refer To

Members

Refer To

Committee  
 Date  
 Chair

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

Members

Refer To

Members

Refer To

Members

Refer To

Members

Refer To

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

CERTIFIED

**CERTIFIED**  
 MAY 7 2001

ATLANTA CITY COUNCIL PRESIDENT

*Robert A. Parker*

**CERTIFIED**  
 MAY 07 2001

*Paula Davidson Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION