

**MUNICIPAL CLERK
CITY OF ATLANTA**

AN ORDINANCE

BY CITY UTILITIES COMMITTEE

01-0-0660

AN ORDINANCE TO ABANDON A PORTION OF THE RIGHT-OF-WAY OF ABERCROMBIE STREET NW (A.K.A. SIXTH STREET), SAID PORTION BEING APPROXIMATELY 478 FEET IN LENGTH RUNNING BETWEEN SPRING STREET AND WILLIAMS STREET, 0.676 ACRES IN AREA, LYING IN LAND LOT 80, 14TH 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 Abercrombie Street NW (A.K.A. Sixth Street), said portion being approximately 478 feet in length running between Spring Street and Williams Street, 0.676 acres in area, in land lot 80, 14th District, Fulton County, Georgia, and for other purposes; and

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, all abutting property owners have gone on record in support of the proposed abandonment; and

WHEREAS, the abandoned street right-of-way shall become a part of the abutting property owners' private property and shall be their responsibility to maintain; 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 the right-of-way of Abercrombie Street NW (A.K.A. Sixth Street), said portion being approximately 478 feet in length running between Spring Street and Williams Street, 0.676 acres in area, in land lot 80, 14th District, Fulton County, Georgia, as shown on the attached survey plat, 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 Abercrombie Street (A.K.A. Sixth Street) 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 **1A01 524001 G55001**.

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

Section 6. That the conditions of NPU-E are to be added to the ordinance. The developer is required to adhere to the following conditions subject to review by the Planning Department:

- (1) keep the relocated Abercrombie Street open for public pedestrian and vehicular traffic.
- (2) Create an aesthetically pleasing parking deck that looks like a building rather than a parking deck. The parking deck will be visible from Spring Street until the future residential component is built. The deck will then be visible from the residential component and will have an effect on the quality and viability of the residential component. The best treatment would be to have the ground floor as retail, live/work space, or residential units.

Section 7. 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 8. Upon execution, all documents shall be filed and recorded with the Clerk of Superior Court of Fulton County.

Amendment Incorporated by tcp 7/25/01

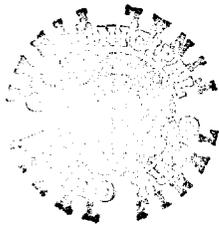
A true copy,


Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

JUL 16, 2001
JUL 24, 2001

01-0-0660



LEGAL DESCRIPTION
for a portion of Abercrombie Street

BEGINNING at a point marked by a ½ inch iron pin placed at the intersection of the southerly right-of-way line of Abercrombie Street (approximately 60 foot right-of-way) with the westerly right-of-way line of Spring Street (60 foot right-of-way); thence proceeding along such southerly right-of-way line of Abercrombie Street South 88 degrees 55 minutes 53 seconds East for a distance of 479.00 feet to a point marked by a scribe mark; thence proceeding along a curve to the left with a radius of 23.55 feet, an arc distance of 22.81 feet and a chord length of 21.93 feet South 23 degrees 6 minutes 38 seconds West to a point marked by a scribe mark; thence and proceeding along the easterly right-of-way line of Williams Street (right-of-way varies) North 1 degree 5 minutes 33 seconds East for a distance of 92.37 feet to a point marked by a ¾ inch rebar found; thence proceeding along a curve to the left with a radius of 23.68 feet, an arc distance of 17.36 feet, and a chord length of 16.97 feet to a point marked by a scribe mark; thence proceeding along the northerly right-of-way line of Abercrombie Street South 88 degrees 55 minutes 53 seconds East for a distance of 477.41 feet to a point marked by a scribe placed, thence departing said right-of-way and proceeding along the westerly right-of-way line of Spring Street for a distance of 60.02 feet to the **POINT OF BEGINNING**.

Said right-of-way area comprising .676 acres as shown by that certain Abercrombie Street Abandonment Plat dated February 5, 2001 by Metro Engineering and Surveying Co., Inc., Chester M. Smith R.L.S.

RCS# 3002
7/16/01
3:08 PM

Atlanta City Council

Regular Session

01-0-0660

Abandon portion of right-of-way of
Abercrombie St., NW/Spring & Williams
ADOPT AS AMEND

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Unanimous

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

01-0-0660

LARGE ATTACHMENT:

DOCUMENT(S),

MANUAL(S)

OR

MAP(S)

NOT COPIED,

PULL ORIGINAL

FOR COPY OR TO VIEW

01-0-0660

(Do Not Write Above This Line)

ORDINANCE

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7/16/01 - Amended by Roll Call Vote

Unanimously

ADOPTED BY
JUL 16 2001

COUNCIL

As Amended

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

Date Referred 5/21/01

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

Committee City Utilities
 Date 5-25-01
 Chair [Signature]
 Referred to [Signature]

Committee City Utilities
 Date 5-25-01
 Chair _____
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members _____
 Refer To _____

First Reading City Utilities
 Committee City Utilities
 Date 7-18-01
 Chair [Signature]
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members _____
 Refer To _____

Committee City Utilities
 Date 7-18-01
 Chair [Signature]
 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
 JUL 16 2001
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

Committee _____
 Date _____
 Chair _____
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members _____
 Refer To _____

Committee City Utilities
 Date 6/12/01
 Chair _____
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members _____
 Refer To _____

CERTIFIED
 JUL 16 2001
[Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

CERTIFIED
 JUL 24 2001
[Signature]