



AN ORDINANCE

01-0-1491

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 August 30, 2001

168 Adeline Avenue, NW	03
2292 Camp Ground Road, SW	11
140 Electric Avenue, NW	02
195 Howard Street, NW	03
2314 Niskey Lake Road, SW	11
2035 Phillips Drive, SE	01
888 Teton Avenue, SE	01
235 Wynnwood Drive, SW	10

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 August 30, 2001, 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 August 30, 2001, 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>
168 Adeline Avenue, NW	03
2292 Camp Ground Road, SW	11
140 Electric Avenue, NW	02
195 Howard Street, NW	03
2314 Niskey Lake Road, SW	11
2035 Phillips Drive, SE	01
888 Teton Avenue, SE	01
235 Wynnwood Drive, SW	10

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

OCT 15, 2001
OCT 23, 2001



TO WHOM IT MAY CONCERN:

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

Ranard O. Hawkins
Approved Residential mortgage, Inc.

on 8-10-01 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 174 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA, BEING LOT 20, BLOCK 11, DIXIE HILLS SUBDIVISION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERN SIDE OF ADELIN AVENUE, 361.0 FEET SOUTH OF THE SOUTHWEST CORNER OF ADELIN AVENUE AND TIGER FLOWERS DRIVE AS MEASURED ALONG THE WESTERN SIDE OF ADELIN AVENUE, FROM SAID POINT OF BEGINNING RUN THENCE SOUTH 01 DEGREES 07 MINUTES 20 SECONDS WEST ALONG THE WESTERN RIGHT OF WAY OF ADELIN AVENUE 52.8 FEET TO AN IRON PIN; THENCE NORTH 89 DEGREES 48 MINUTES 12 SECONDS WEST 150.0 FEET TO AN IRON PIN; THENCE NORTH 00 DEGREES 51 MINUTES 32 SECONDS WEST 50.0 FEET TO AN IRON PIN; THENCE NORTH 89 DEGREES 8 MINUTES 21 SECONDS EAST 151.80 FEET TO THE IRON PIN AND POINT OF BEGINNING, BEING IMPROVED PROPERTY HAVING A ONE STORY FRAME HOUSE THEREON KNOWN AS 168 ADELIN AVENUE ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN FULTON COUNTY, GEORGIA

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: August 10, 2001

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

BY: Bill Carstys
Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN:

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

ALF Construction, Inc.
Bankers Trust Company of California, NA

on 8-10-01 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 6 of the 14th District, formerly Fayette, now Fulton County, Georgia, being part of Lot 26 of Ben Hill, as per plat recorded in Deed Book 2773, Page 321, Fulton County Records, and being more particularly described as follows: Beginning at an iron pin on the eastern right of way line of Camp Ground Road, three hundred (300) Feet north, as measured along the eastern right of way line of Camp Ground Road, from the intersection formed by the eastern right of way line of Camp Ground Road and the northern right of way line of Campbellton Road, as the same is located since the widening thereof from a forty (40) foot right of way to a fifty (50) foot right of way, said iron pin being at the northwestern corner of lands now or formerly owned by J.C. Steinmetz, and running thence east along the northern line of said Steinmetz lands, a distance of two hundred (200) feet to an iron pin; thence north ninety (90) feet to an iron pin; thence west two hundred (200) feet to an iron pin located on the eastern right of way line of Camp Ground Road; thence south along the eastern right of way line of Camp Ground Road, eighty-eight feet to an iron pin and the point of beginning; being more particularly shown on survey prepared by A.S. Giannetti dated January 9, 1975. This property is also known as 2292 Campground Road, S.W., Atlanta, Georgia.

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: August 10, 2001

BY:

Dale S. Haygood
Bureau of Neighborhood Conservation, Official Agent

BY:

Bill Carter
Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN:

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

Marcus Malcolm
Howard S. Rothman
Marc Kanpe
Sebastian Y. Rice

MERS (Mortgage Electronic Registration Systems, Inc.) acting solely as a nominee for America's Wholesale Lender.

on 8-10-01 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 83 of the 14th District, Fulton County, Georgia and being more particularly described as follows:

Beginning at the Southeastern intersection of Rigdon Place and Electric Avenue, running thence South 89 degrees, 29 minutes, 05 seconds West a distance 82.00 feet to a point; running thence South 01 degrees, 00 minutes, 00 seconds East a distance of 45.00 feet to a point; running thence North 89 degrees, 29 minutes, 05 seconds East a distance of 82.00 feet to a point on the westerly side of Electric Avenue; running thence North 01 degrees, 00 minutes 00 seconds West a distance of 45.00 feet to the point of beginning; being improved property known as 140-142 Electric Avenue, Atlanta, Georgia 30314, according to the present system of numbering houses in the City of Atlanta, Georgia.

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: August 10, 2001

BY:

Dale S. Haygood
Bureau of Neighborhood Conservation, Official Agent

BY:

Bill Coster
Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN:

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

Irene R. Evans a/ka Irene Brandon Evans and a/k/a Irene Nesbit
Red Hill Associates, LLC

on 8-10-01 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 173
of the 14th District of Fulton County, Georgia, more particularly
described as follows:

BEGINNING at an iron pin on the east side of Howard Street 168.7
feet south of the southeast corner of Howard Street and Penelope
Street; running thence south along the east side of Howard Street
80 feet to an iron pin and the property now or formerly owned by
Mutual Federal Savings and Loan Association, which iron pin is
located 130.2 feet north of the northeast corner of Howard Street
and Blayton Circle; thence east along the north line of said
property 102.6 feet to an iron pin; thence north along said Mutual
Federal Savings and Loan Association property 80 feet to an iron
pin; thence west 101.1 feet to the east side of Howard Street and
the point of beginning; being improved property known as No. 195
Howard Street, according to the present system of numbering houses
in the City of Atlanta, and being more fully shown on plat of
survey made by L. H. Fitzpatrick, C. E., dated May, 1956, a copy
of which is on file in the office of the Atlanta Title Company.

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: August 10, 2001

BY:

Dale S. Hayward
Bureau of Neighborhood Conservation, Official Agent

BY:

Bill Castings
Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN:

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

Colette Marisa Lewis
Fidelity Funding Mortgage Corporation
Heartwood II, Inc.

on 8-10-01 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 43 of the 14th District of Fulton County, Georgia, and known as the west one-half of Lot No. 2, Block "A", in a subdivision of Acreage Section of Ben Hill Highlands as per plat of same made by G.W. Crusselle, C.E., January, 1932, a copy of which is on file in the office of the Clerk of the Superior Court of Fulton County, Georgia, said land being more particularly described as follows:

Beginning at a point on the east side of Niskey Lake Road (AKA Drive), 245 feet north of northeast corner of said Niskey Lake Drive and Wallace Avenue; running thence easterly along north side of Lot No. 3, said block and subdivision, 185.7 feet, more or less; thence north 100.5 feet, more or less; thence westerly along south side of Lot No. 1, said block and subdivision, 205.4 feet, more or less to East side of Niskey Lake Drive; thence southerly along east side of said Niskey Lake Drive 101 feet to beginning point.

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: August 10, 2001

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

BY: Bill Castings
Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN:

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

Wilson Mennafee
Foxworthy, Inc.

on 8-10-01 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 7 of the 14th District of Fulton County,
Georgia, and being Lot 21, Block V, Tract B, Section One of the Thomas-
ville Urban Redevelopment Area, according to plat by Joe W. Arnold Co.,
Engineers, dated June 5, 1961, as revised and recorded in Plat Book 74,
page 53, in the office of the Clerk of the Superior Court of Fulton
County, Georgia, to which plat reference is made for a more particular
description of said property. being improved property known as.....
2035 Phillips Street, SE, Atlanta, Georgia, according to the present.....
numbering system in the City of Atlanta.....

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: August 10, 2001

BY:

Dale S. Haygood
Bureau of Neighborhood Conservation, Official Agent

BY:

Bill Cartys
Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN:

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

Norman K. Gittens and the following heirs of Elva Gittens: Robert Gittens, Thomas Gittens, Steven Gittens, Sara McCool and Norma Sanders

on 8-10-01 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 of land lying and being in land lot 24 of the 14th District of Fulton County, Georgia being Lot 8, Block "D" of Keystone Heights Suidivision, as per plat recorded in Plat Book 64, page 43, Fulton County Records, and being more particularly described as follows: Beginning at a point on the East side of Teton Drive seven hundred twenty-two and eight-tenths (722.8) feet Easterly, Southeasterly and Southerly from the Southeast intersection of Teton Drive and Avondale Avenue; running thence South along the east side of Teton Drive seventy (70) feet to Lot 9 of said block running thence Easterly one hundred fifty (150) feet; running thence northerly seventy (70) feet; running thence westerly one hundred fifty (150) feet on the eastern side of Teton Drive and the point of beginning. Being improved property known as 888 Teton Avenue, SE.

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: August 10, 2001

BY: Dale L. Haygood
Bureau of Neighborhood Conservation, Official Agent

BY: Bill Cartney
Assistant Real Estate City Attorney

RCS# 3206
10/15/01
5:05 PM

Atlanta City Council

Regular Session

MULTIPLE

01-O-1490 Clean & Demolish
01-O-1491 Clean & Close
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

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

MULTIPLE

01-0-1491
 (Do Not Write Above This Line)

**ORDINANCE 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 August 30, 2001

- 168 Adeline Avenue, NW 03
- 2292 Camp Ground Road, SW 11
- 140 Electric Avenue, NW 02
- 195 Howard Street, NW 03
- 2314 Niskey Lake Road, SW 11
- 2035 Phillips Drive, SE 01
- 888 Teton Avenue, SE 01
- 235 Wynnwood Drive, SW 10

**ADOPTED BY
 OCT 15 2001**

COUNCIL

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

Date Referred 10/10/01
 Referred To: CD/HR
 Date Referred
 Referred To:
 Date Referred
 Referred To:

Committee _____
 Date _____
 Chair _____
 Referred to _____

Committee CD/HR
 Date 10/10/01
 Chair [Signature]
 Action: [Signature]
 Fav, Adv, Hold (see rev. side)
 Other:
 Members [Signature]
 Refer To _____

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

First Reading CD/HR
[Signature]
[Signature]

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

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

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

CERTIFIED

CERTIFIED
 OCT 15 2001

CERTIFIED
 OCT 15 2001
Flora Daughlin Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
 OCT 23 2001
[Signature]
 MAYOR