

CITY COUNCIL
ATLANTA, GEORGIA

01-O-1705

A. SUBSTITUTE ORDINANCE

BY CITY UTILITIES COMMITTEE

AN ORDINANCE TO AMEND ORDINANCE NO. 01-O-0660 TO ALLOW FOR AN EXCHANGE OF PROPERTY TO RELOCATE A PORTION OF THE RIGHT-OF-WAY OF ABERCROMBIE STREET NW (A.K.A. SIXTH STREET), BEING APPORXIMATELY 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, on July 24, 2001, Ordinance No. 01-O-0660 was adopted by the City authorizing the abandonment of a portion of the right-of-way of Abercrombie Street N.W. ("Abandoned Abercrombie")(a/k/a Sixth Street), 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

WHEREAS, the original proposed transaction contemplated the payment to the City of the appraised fair market value of Abandoned Abercrombie by the abandonment petitioners in exchange for a quitclaim deed; and

WHEREAS, subsequent to the appraisal of Abandoned Abercrombie, petitioners proposed to the City, in lieu of the payment of cash, to enter into an exchange transaction in which the City conveyed Abandoned Abercrombie to petitioners and petitioners conveyed to the City a permanent easement over the relocated Abercrombie Street for public pedestrian and vehicular traffic, as more particularly set forth in Exhibit 1 attached; and

WHEREAS, petitioners have further agreed and acknowledged that they, or their agents, will continue to maintain and repair the relocated Abercrombie Street and exercise and assume all incidents of fee ownership associated with the relocated street; and

WHEREAS, the City believes it is desirable and in the best interests of the City to accept the petitioner's proposed exchange and to amend Ordinance No. 01-O-0660 to reflect the modified abandonment transaction;

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

Section 1. That Ordinance No. 01-O-0660 is amended to allow for an exchange of the right-of-way of Abercrombie Street NW (a/k/a. Sixth Street), being approximately 478 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 survey plat attached to that Ordinance, for a permanent easement over the relocated Abercrombie Street for public pedestrian and vehicular traffic, as more particularly set forth in Exhibit 1 attached.

Section 2.

That the quitclaim deed will not become binding upon the City and the City will incur no liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form, and delivered to petitioners and, additionally, petitioners have delivered to the City the permanent easement concerning the relocated Abercrombie Street duly and properly executed.

Section 3.

That any provisions of Ordinance No. 0-O-0660 presently in force and effect are waived to the extent of any conflict, and further provided that the remainder of Ordinance NO. 0-O-0660 will continue in full force and effect.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

NOV 05, 2001
NOV 13, 2001



EXHIBIT 1

DECEMBER 27, 2000
SCALE 1" = 80'
N

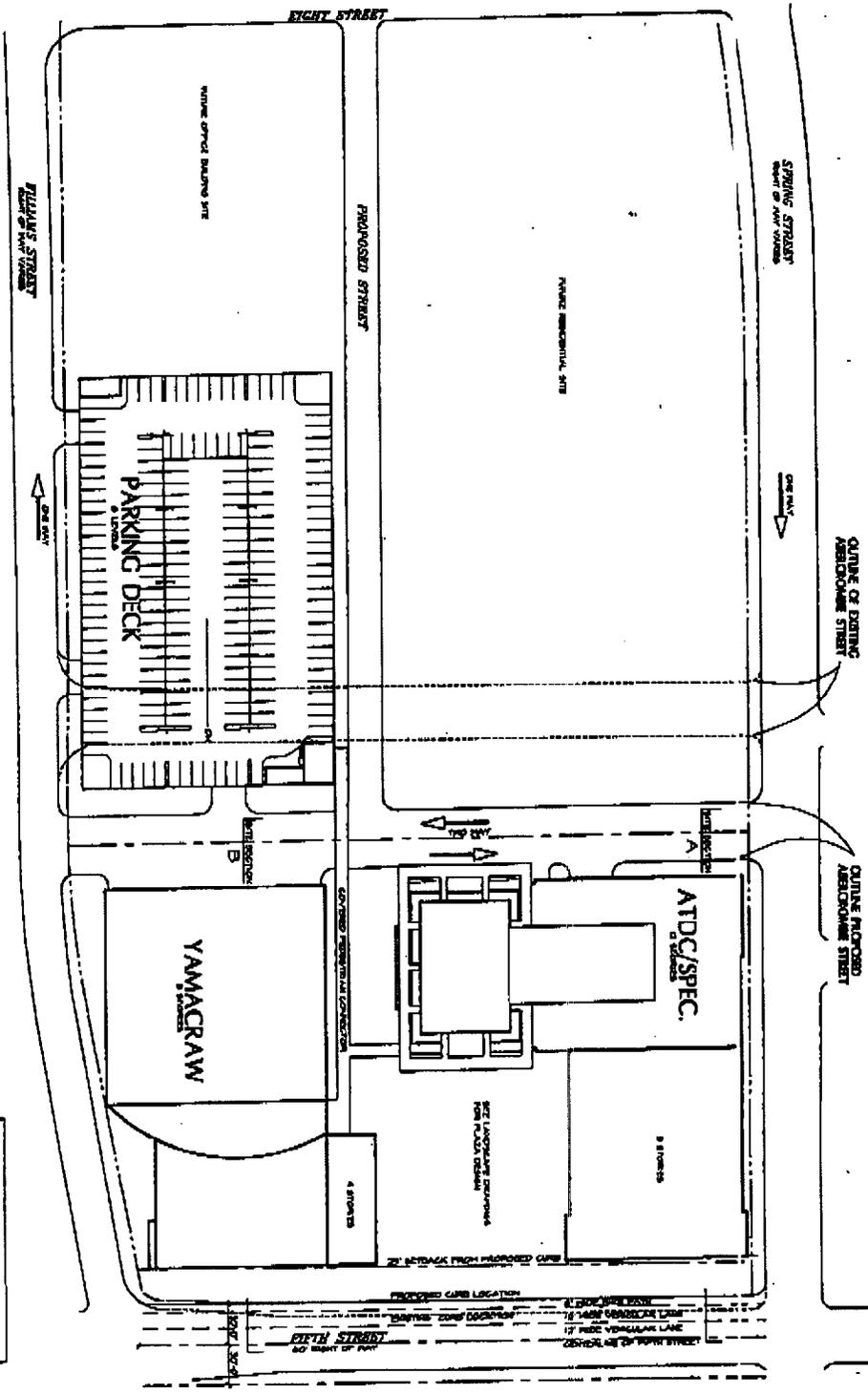
MIDTOWN PARK

development by
MIDTOWN PARK, LLC

Southwest, Haystack
Stewart, Stewart
& Associates, Inc.
1000 Peachtree Street, N.E.
Atlanta, Georgia 30309

1 ARCHITECTURAL SITE PLAN

NOTE:
THIS PLAN AND ALL INSTRUMENTS, SPECIFICATIONS AND
LETTERS TO AND FROM THIS OFFICE ARE
DATED DECEMBER 28, 2000



PROPOSED CURB LOCATION
EXISTING CURB LOCATION
NEW LANDSCAPE DESIGN FOR PUBLIC SQUARE
CENTERLINE OF PROPOSED DRIVE



**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.

AUG 15 2001 10:55AM HP LASERJET 3200

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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 top 7725/01

A true copy.

Shonda Daughlin Johnson
Municipal Clerk, CAC

ADOPTED as amended by the Council
APPROVED by the Mayor

JUL 16, 2001
JUL 24, 2001

AUG 15 2001 10:59AM HP LASERJET 3200

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01-0-0660



LEGAL DESCRIPTION
for a portion of Abercrombie Street

BEGINNING at a point marked by a 1/2 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 3/4 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.

AUG 15 2001 10:59AM HP LASERJET 3200

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

01-0-1705

(Do Not Write Above This Line)

AN ORDINANCE BY
COUNCILMEMBER DEBI STARNES

AN ORDINANCE TO AMEND
ORDINANCE 01-0-0660 TO
ALLOW FOR AN EXCHANGE
OF PROPERTY TO RELOCATE
A PORTION OF THE RIGHT-
OF-WAY OF ABERCROMBIE
STREET, N.W. (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. **ADOPTED BY**

NOV 05 2001

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

Date Referred 10/15/01

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee
Cory Little

Date
10-30-01

Chair
Debi Starnes

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

Other:
CONSENT

Members
Debi Starnes

Refer To

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
- Readings
- Consent
- V Vote
- RC Vote

CERTIFIED

C
NOV 5 2001

ATLANTA CITY COUNCIL PRESIDENT

Richard A. Pitts

CERTIFIED
NOV 05 2001

Frank
DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

C
NOV 3 2001
Ann Quinn