

AN ORDINANCE

01-0-1799

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 October 25, 2001**

186 Joe Louis Drive, NW  
183 Third Avenue, SE

03  
05

**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 October 25, 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 October 25, 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:

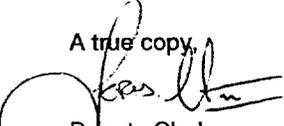
<u>Proper Street Address</u>	<u>City Council District</u>
186 Joe Louis Drive, NW	03
183 Third Avenue, SE	05

**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.

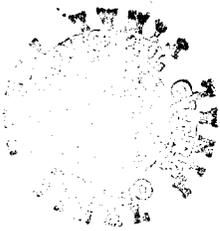
**SECTION 3:** That the Mayor is further authorized to allow the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to engage the professional services of any of the City of Atlanta's pre-qualified contractors to conduct the appropriate duties listed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

**SECTION 4:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

A true copy,  
  
Deputy Clerk

**ADOPTED by the Council**  
**APPROVED by the Mayor**

DEC 03, 2001  
DEC 11, 2001



**TO WHOM IT MAY CONCERN:**

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

Leroy Bearden, Daisy Bearden, William Bearden, Willie Mae McCray and  
Willie Robinson  
Internal Revenue Service

on 10-12-01 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 the City of Atlanta, in Land Lot 179 of the 14th District  
of Fulton County, Georgia, being Lot 7 in Block 1 of the Subdivision of Dixie Hills  
Extension according to plat of record in Plat Book 35, page 56, Fulton County  
Records, more particularly described as follows:

BEGINNING at a point on the southwest side of Joe Louis Drive 265.2 feet south-  
easterly, as measured along the southwest side of said Drive, from the southwest  
corner of Joe Louis Drive and Carver Drive, if said street lines were extended to  
form an angle instead of a curve, and running thence southeasterly along the  
southwest side of Joe Louis Drive 60 feet; thence southwesterly along the north-  
west line of Lot 6 a distance of 168 feet; thence northwesterly along the north-  
east lines of Lots 14 and 15, a distance of 60.3 feet; thence northeasterly along  
the southeast line of Lot 6 a distance of 182.1 feet to Joe Louis Drive and the  
point of beginning, being improved property, known as No. 186 Joe Louis Drive, N.W.  
according to the present system of numbering houses 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: October 12, 2001

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

BY: Bill Costello  
Assistant Real Estate City Attorney

THE SUPERIOR COURT FOR THE COUNTY OF  
DEKALB, STATE OF GEORGIA

CITY OF ATLANTA BUREAU  
OF NEIGHBORHOOD CONSERVATION  
Plaintiff  
VS.

NOTICE FOR RECORD  
FOR LIS PENDENS

Ricky J. Bright  
Signature of America Realty  
Ameribank, Inc.

TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against the above defendant on  
October 12, 2001  
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 204 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING LOT 5 OF THE W. F. WALTHALL PROPERTY AS PER PLAT MADE BY O. I. FREEMAN, C.E., APRIL 1926, AND RECORDED IN PLAT BOOK 9, PAGE 74, DEKALB COUNTY GEORGIA RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST SIDE OF THIRD AVENUE (FORMERLY HAMPTON AVE.) ONE HUNDRED FIFTY (150) FEET NORTH OF THE NORTHWEST CORNER OF THIRD AVENUE AND MEMORIAL DRIVE (FORMERLY FAIR STREET); THENCE NORTH ALONG THE WEST SIDE OF THIRD AVENUE FIFTY (50) FEET; THENCE WEST ONE HUNDRED EIGHTY (180) FEET; THENCE SOUTH FORTY-TWO AND ONE TENTH (42.1) FEET; THENCE EAST ONE HUNDRED EIGHTY (180) FEET TO THE POINT OF BEGINNING; BEING IMPROVED PROPERTY KNOWN AS NO. 183 THIRD AVENUE, S.E., ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES 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 Dekalb 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: October 12, 2001

BY:

Dale L. Huggins  
Bureau of Neighborhood Conservation, Official Agent

BY:

Bill Cantor  
Assistant Real Estate City Attorney

RCS# 3382  
12/04/01  
12:15 AM

Atlanta City Council

Regular Session

MULTIPLE

01-O-1799; Clean & Close Premises  
01-O-1800: Demolish & Clean Premises  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

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

**CORRECTED COPY**

MULTIPLE

01-0-1799

(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 October 25, 2001

186 Joe Louis Drive, NW  
183 Third Avenue, SE

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ADOPTED BY  
DEC 03 2001  
COUNCIL

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

Date Referred 11/19/01

Referred To: Community Development / Human Resources

Date Referred

Referred To:

Date Referred

Referred To:

First Reading CP/HR

Committee  
Date  
Chair  
Referred 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

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

DEC 3 2001

ATLANTA CITY CLERK

*[Signature]*

CERTIFIED  
DEC 03 2001

DEPUTY MUNICIPAL CLERK

*[Signature]*

MAYOR'S ACTION

DEC 11 2001

*[Signature]*