

AN AMENDED
ORDINANCE

02-0-0149

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 DECEMBER 27, 2001.

1301 Chattahoochee Avenue	09
961 Conley Road, SE	12
1925 Harbin Road, SW	11
2940 Old Jonesboro Road, SE	12
1255 Plaza Avenue, SW	04

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 December 27, 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 December 27, 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>
1301 Chattahoochee Avenue	09
961 Conley Road, SE	12
1925 Harbin Road, SW	11
2940 Old Jonesboro Road, SE	12
1255 Plaza Avenue, SW	04

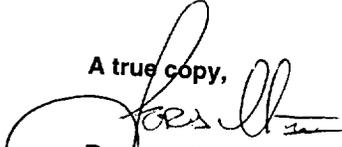
SECTION 2: That the Mayor is hereby authorized to direct the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to perform the following specific duties at the above mentioned properties:

- (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 as amended by the Council
APPROVED by the Mayor

FEB 18, 2002
MAR 05, 2002



TO WHOM IT MAY CONCERN: LIS PENDENS

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

**International Industrial Centre, Inc.
ITC Realty Co.**

on **12-7-01** 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 192 of the 17th District of Fulton County, Georgia, as per plat of C.R. Roberts, C.E., dated March 17, 1954, more particularly described as follows:

Beginning at a point on the northeast side of Chattahoochee Avenue seven hundred forty-nine and six tenths (749.6) feet northwesterly from the intersection of the northeast side of Chattahoochee Avenue with the west side of Booker Street (now known as Ellsworth Boulevard); running thence north seven hundred forty-nine and two tenths (749.2) feet; thence west three hundred (300) feet; thence south five hundred forty (540) feet to the northeast side of Chattahoochee Avenue, as shown on the aforementioned survey; running thence southeast at an interior angle of 130 degrees 36 minutes along the northeast side of Chattahoochee Avenue one hundred fifty-four and two tenths (154.2) feet; thence northeast at an interior angle of 90 degrees, twenty (20) feet; thence southeast along the northeast side of Chattahoochee Avenue two hundred ten and four tenths (210.4) feet to the point of beginning; being improved property known as No. 1 Permalume Place, N.W., according to the present system of numbering in the City of Atlanta, all in accordance with said plat of survey, and being the same property described in warranty deed from Chattahoochee Industrial Warehouses, Inc. to ITC Realty Company dated January 4, 1955, recorded in Deed Book 2958 Page 97, aforesaid records. 1301 Chattahoochee Ave. NW.

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: December 7, 2001

BY:

Dale S. Haysworth
Bureau of Neighborhood Conservation, Official Agent

(404) 330-6195

BY:

Bill Castner
Assistant Real Estate City Attorney

TO WHOM IT MAY CONCERN: LIS PENDENS

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

Boydie Investment Group, Inc.
Household Financial Services
Bank One, N.A.
Vesta Holdings I, LLC as
Nominee for Heartwood II

on 12-7-01 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 1 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA, BEING DESIGNATED AS THE "HILL PROPERTY", AS PER PLAT OF RECORD IN PLAT BOOK 79, PAGE 6, FULTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN AT THE SOUTHWEST CORNER OF OLD CONLEY ROAD AND BONNIE LANE, RUNNING THENCE SOUTH ALONG THE WEST SIDE OF BONNIE LANE 136 FEET TO AN IRON PIN AT THE NORTHEAST CORNER OF LOT 1 SAID PLAT; RUNNING THENCE WESTERLY ALONG THE NORTHERN LINE OF SAID LOT 1, 100 FEET TO AN IRON PIN AT THE SOUTHEAST CORNER OF LOT 2 SAID PLAT; RUNNING THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT 2, 130 FEET TO AN IRON PIN ON THE SOUTH SIDE OF OLD CONLEY ROAD; RUNNING THENCE EAST ALONG THE SOUTH SIDE OF OLD CONLEY ROAD 109.9 FEET TO THE POINT OF BEGINNING. Being improved property known as 961 Conley Road, S.E. according to the present numbering of 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: December 7, 2001

BY: *Dale S. Hayward*
Bureau of Neighborhood Conservation, Official Agent
(404) 330-6195
BY: *Bull Conroy*
Assistant Real Estate City Attorney

TO WHOM IT MAY CONCERN: LIS PENDENS

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

Lurleen H. Fletchman
Chase Mortgage Company

on 12-7-01 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 218 of the 14th District of Fulton County, Georgia, and more particularly described as follows:

BEGINNING at a point on the southwest side of Harbin Road six hundred eighty-eight (688) feet northwest from the northwest corner of the intersection of Harbin Road and Campbellton Road, said point of beginning being at the North line of property now or formerly owned by Friedewald; running thence northwest along the southwest side of Harbin Road one hundred (100) feet; thence southwest three hundred (300) feet; thence southeast one hundred (100) feet; thence northeast along the northerly line of the above Friedewald Property three hundred (300) feet to the southwest side of Harbin Road and the point of beginning, and being subject to all restrictive covenants of record.

ALSO:

All that tract or parcel of land lying and being in Land Lot 218 of the 14th District of Fulton County, Georgia, and more particularly described as follows:

BEGINNING at a point, and iron pin, on the southwest side of Harbin Road, said point being six hundred and three feet (603) feet northwest from the northwest corner of the intersection of Harbin Road and Campbellton Road; thence southwesterly at an angle of 93 degrees 30 minutes from the road, two hundred and thirty feet (230) feet to a point, and iron pin; thence southwesterly at an angle of 169 degrees 27 minutes from previous heading, sixty-two feet (62) to a point, and iron pin; thence northwesterly at an angle of 95 degrees 14 minutes from previous heading a distance of one hundred eighty and four-tenths feet (180.4) to a point, and iron pin, thence northeasterly at an angle of 74 degrees 22 minutes from previous heading a distance of two hundred and ninety-eight and seven tenths feet (298.7) to a point, and iron pin, on the southwest side of Harbin Road; thence southeasterly along the southwest side of Harbin Road at an angle of 107 degrees 17 minutes from the previous heading a distance of eighty-five (85) feet to the point of beginning. The above described property is unimproved property and is part of the property known as 1933 Harbin Road, S. W. according to the present system of numbering houses in Atlanta and Fulton County. Also known as part of Lot 3, in Tract 1 of the large Estate recorded in Plat Book 13, Page 20, Fulton County records.

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.

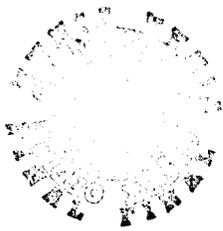
Dated: December 7, 2001

BY:

Dale S. Harwood
Bureau of Neighborhood Conservation, Official Agent
(404) 530-5195

BY:

R. Allister
Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN: LIS PENDENS

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

Mrs. C. C. Hunter
Connie Hunter
Internal Revenue Service

on 12-7-01 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 93 of the 14th District of Fulton County, Georgia, being Lot 3 in Block 5 of Hammond Park, as per plat by J.R. Vothran, C.E., dated April, 1910, and recorded in Plat Book 5, page 120, Fulton County Records, and more particularly described as follows:

BEGINNING at a point on the northeastern side of Jonesboro Road (formerly First Street) at the northwest corner of Lot 2 in said Block 5; running thence in a northeasterly direction along the northwestern line of said Lot 2, 227.8 feet to a point on the western side of a 10-foot alley, which point is 151.8 feet northwardly from the northwest corner of said alley and Grand Avenue; thence in a northwesterly direction along the western side of said alley, 50 feet to the southeast corner of Lot 4 in said Block; thence in a southwesterly direction along the southeastern line of said Lot 4, 223.7 feet to the northeastern side of Jonesboro Road; thence in a southeasterly direction along the northeastern side of Jonesboro Road 50 feet to the point of beginning, and being improved property known as No. 2940 Jonesboro Road, S.E., according to the present numbering of 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: December 7, 2001

BY: Dale L. Haygood
Bureau of Neighborhood Conservation, Official Agent
(404) 330-6195
BY: Bill Curtis
Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN: LIS PENDENS

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

**Eric Williams
SouthEast Diversified Development, Inc.
Lyle Maul, Caulis Negris, LLC
Citizens Trust Bank
Atlanta Neighborhood Development Partnership, Inc.**

NTF
c/o FUNB
on 12-7-01 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 138 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point on the North side of Plaza Avenue, (formerly known as Bush Mountain Avenue) 462 feet west of the northwest corner of Oakland Drive and Plaza Avenue; extending thence west along the north side of Plaza Avenue 100 feet; thence north 140 feet to a 10 foot alley; thence east along the south side of said alley 100 feet; thence south 140 feet to Plaza Avenue and the point of beginning; being part of lot 6 as shown by plat for the Division of the Estate of E.T. McDaniel, recorded in Minute Book E, page 586 in the Ordinary's office of Fulton County, Georgia, and being Lots 10 and 11 of the Subdivision of said land, and being improved property known as NO. 1255 PLAZA AVENUE, S.W. (formerly Bush Mountain Ave.), 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: December 7, 2001

BY: Dale S. Howard
Bureau of Neighborhood Conservation, Official Agent
(404) 330-6195
BY: Bill Canty
Assistant Real Estate City Attorney

RCS# 3481
2/18/02
4:51 PM

Atlanta City Council

Regular Session

MULTIPLE

02-O-0149 As Amended
02-O-0150
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

MULTIPLE

02-0-0149

(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 December 27, 2001

1301 Chattahoochee Avenue
961 Conley Road, SE
1925 Harbin Road, SW
2940 Old Jonesboro Road, SE
1255 Plaza Avenue, SW

09
12

ADOPTED BY

FEB 18 2002

AS AMENDED

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

Date Referred 2/4/02

Referred To: Community Development / Human Resources

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee CD/HR
Date 2/29/02
Chair
Referred to CD/HR

Committee CD/HR

Date 2/12/02

Chair
Action: be amended

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

CERTIFIED
FEB 18 2002

ATLANTA CITY COUNCIL PRESIDENT

Catherine W. Woodard

CERTIFIED
FEB 18 2002

Rhonda D. Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

Ashley Franklin

FEB 05 2002