



**AN ORDINANCE**

**02-0-0490**

**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 DEMOLISH AND CLEAN THE PREMISES OF VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND A HEARING CONDUCTED BY THE IN REM REVIEW BOARD ON FEBRUARY 28, 2002.**

<b>3035 Clarendale Drive, NW</b>	<b>08</b>
<b>610 Kennedy Street, NW</b>	<b>03</b>
<b>996 Mayson Turner Road, NW</b>	<b>03</b>
<b>135 Polar Rock Road, SW</b>	<b>12</b>

**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

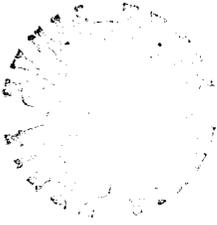
**WHEREAS**, on February 28, 2002 pursuant to the Atlanta Housing Code of 1987, Article III; entitled "In Rem Procedures", hearings were held after due notice to owner(s) of and/or parties in interest before the In Rem Review Board regarding certain structures believed to be unfit for occupancy or habitation and to be in violation of Article III; and

**WHEREAS**, February 28, 2002, 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 forthwith demolish and clean the following real property, upon which structure(s) are located:

<u>Proper Street Address</u>	<u>City Council District</u>
3035 Clarendale Drive, NW	08
610 Kennedy Street, NW	03
996 Mayson Turner Road, NW	03
135 Polar Rock Road, SW	12

**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) Demolish the structures and clean the premises.
- (3) Plant grass in conformance with the Order of the In Rem Review Board
- (4) File a lien against the real property on which the structures(s) are attached  
In an amount necessary to recover the costs incurred by the City of Atlanta

**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.

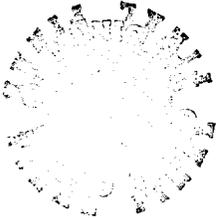
**SECTION 4:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

MAY 06, 2002  
MAY 14, 2002



**TO WHOM IT MAY CONCERN: LIS PENDENS**

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

**John A. Woerheide  
Bankers Trust Company, as Trustee  
Fulton County Tax Commissioner**

on **2-8-02** in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, seeking relief against the following described real estate, to-wit:

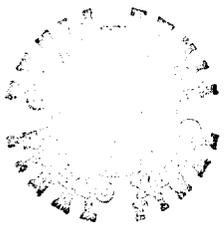
All that tract or parcel of land lying and being in Land Lot 177 of the 17th District of Fulton County, Georgia, being part of Lot 17 as per plat and survey by L.L. Fitzpatrick, C.E., dated March, 1936, and same being lot 17 in a more recent plat and survey by L.L. Fitzpatrick, C.E., dated August, 1951, attached and made a part hereof, and being more particularly described as follows:

**BEGINNING** at a point located on the northeastern side Clarendale Dr., N.W. 216 feet northwesterly as measured along the northeast side of said Clarendale Dr. from an iron pin located on the northeastern side Clarendale Dr., N.W. at a point where Clarendale Dr. intersects the southeastern side of Lot 18 according to the attached plat, said iron pin also being located 250.3 feet northwesterly from the intersection of the northeastern side of Clarendale Dr. and the northwestern side of Old Bolton Road; running thence from this point in a northwesterly direction along the northeastern side of Clarendale Dr., N.W. 18.5 feet thence in a northwesterly direction, forming an angle with the eastern side of Clarendale Dr. 90 degrees and 39 minutes, 23.7 feet to an iron pin thence in a southeasterly direction 103 feet to an iron pin, thence running in a southwesterly direction 233.8 ft. to an iron pin same being the point of beginning. This above property being known as 3035 Clarendale Drive, NW., 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: February 8, 2002

BY: *Paul S. Haysworth*  
Bureau of Neighborhood Conservation. Official Agent  
(404) 330-6195  
BY: *Bill Cantor*  
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:

Chancellor American, LLC  
City & State Factors, Inc.  
Fulton County Tax Commissioner

on 2-8-02 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 82 of the 14th District, Fulton County, Georgia, and being more particularly described as follows:  
BEGINNING at a point on the south side of Kennedy Street one hundred fifty (150) feet east as measured along the south side of Kennedy Street from its intersection with the east side of Vine Street, thence south one hundred (100) feet; thence east fifty (50) feet; thence north one hundred (100) feet to a point on Kennedy Street; thence west along the south side of Kennedy Street fifty (50) feet to the point of beginning.  
Being improve property known as No. 608-610 Kennedy Street, NW.,  
according to the present system of numbering houses in 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: February 8, 2002

BY:

Dale S. Hayward  
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:

Donald Jacobs  
Emma L. Fant  
National Tax Funding, LP  
Vesta Holdings I, LLC, as Nominee for Heartwood II, Inc.

on 2-8-02 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, seeking relief against the following described real estate, to-wit:

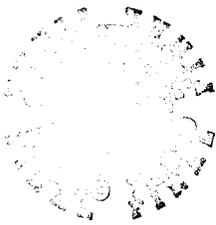
All that tract or parcel of land lying and being in Land Lot 115 of the 14th District of Fulton County, Georgia and more particularly described as follows:

BEGINNING at a point on the southwestern side of Mayson Turner Road (Avenue) at the southeastern corner of the property now or formerly owned by Ora Smith, said point being 284 feet southeasterly from the intersection of the southwestern side of Mayson Turner Road and the southeastern side of Ashby Circle (formerly Marie Avenue); thence southwesterly along the Smith line 140.8 feet to now or formerly owned by Sarah L. Willis; thence northeasterly 140.8 feet to Mayson Turner Road; thence northwesterly along the southwestern side of Mayson Turner Road 36 feet to the point of beginning, being part of Lot 28 of Washington Heights Terrace as per plat recorded in Plat book 11, page 40, Fulton County Records, and being improved property known as NO. 996 MAYSON TURNER ROAD, N.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: February 8, 2002

BY: Dale S. Hayward  
Bureau of Neighborhood Conservation. Official Agent  
(404) 330-6195  
BY: Bill Costings  
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:

Donald Jacobs  
J. D. Hoard

Louise Hunter as custodian for Benefit of Grant Mowrer, Darren Mowrer, Jady Copeland  
and Leanne Copeland  
~~Quality Homes Company~~  
Jackie Edelstein

on **2-8-02** in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia,  
seeking relief against the following described real estate, to-wit:

All that lot or parcel of land, lying and being in Land Lot 70 of  
the 14th District of Fulton County, Georgia, a more particularly  
described as follows:

BEGINNING at a stake in the north line of Polar Rock Road, said  
stake being one thousand forty-eight and seven-tenths (1,048.7)  
feet southwestwardly along the north line of Polar Rock Road from  
the north line of Land Lot 70; thence continuing southwestwardly  
along the north line of Polar Rock Road a distance of one hundred  
five (105) feet; thence north a distance of one hundred seventy-  
eight feet (178) feet; thence east a distance of one hundred two  
and five-tenths (102.5) feet; thence south a distance of one  
hundred sixty (160) feet, to the north line of Polar Rock Road  
and the point of beginning; being improved property, known as 135  
Polar Rock Road, according to the present system of numbering  
houses in 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: February 8, 2002

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

RCS# 3717  
5/06/02  
3:08 PM

Atlanta City Council

Regular Session

MULTIPLE

02-O-0489 Clean & Close  
02-O-0490 Demolish & Clean  
ADOPT

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

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

MULTIPLE

**02-0-0490**  
 (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 DEMOLISH AND CLEAN THE PREMISES OF VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND A HEARING CONDUCTED BY THE IN REM REVIEW BOARD ON FEBRUARY 28, 2002

- 3035 Clarendale Drive, NW 08
- 610 Kennedy Street, NW 03
- 996 Mayson Turner Road, NW 03
- 135 Polar Rock Road, SW 12

**ADOPTED BY  
 MAY 06 2002  
 COUNCIL**

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

Date Referred 4 | 1 | 02

Referred To: Community Development / Human Resources

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee: CP/HR  
 Date: 4/11/02  
 Chair: [Signature]  
 Referred to: [Signature]

Committee CP/HR	Committee
Date 4/11/02	Date
Chair [Signature]	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members [Signature]	Members
Refer To	Refer To

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

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

CERTIFIED

**CERTIFIED**  
 MAY 06 2002  
 ATLANTA CITY COUNCIL PRESIDENT  
 [Signature]

**CERTIFIED**  
 MAY 06 2002  
 [Signature]  
 MUNICIPAL CLERK

MAYOR'S ACTION

**APPROVED**  
 [Signature]  
 WITHOUT SIGNATURE  
 BY OPERATION OF LAW