



**CITY COUNCIL  
ATLANTA, GEORGIA**

**AN ORDINANCE**

**02- 0 -1015**

**BY: COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE  
AS AMENDED BY COUNCILMEMBER IVORY YOUNG  
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  
April 25, 2002**

<b>762 Bonnie Brae Avenue, SW</b>	<b>04</b>
<b>2108 Defoor Avenue, NW</b>	<b>08</b>
<b>31 Evelyn Way, NW</b>	<b>09</b>
<b>1109 Windsor Street, SW</b>	<b>04</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 September 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**, September 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 forthwith demolish and clean the following real property, upon which structure(s) are located:

Proper Street Address City Council District

<b>762 Bonnie Brae Avenue, SW</b>	<b>04</b>
<b>2108 Defoor Avenue, NW</b>	<b>08</b>
<b>31 Evelyn Way, NW</b>	<b>09</b>
<b>1109 Windsor Street, SW</b>	<b>04</b>

**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.

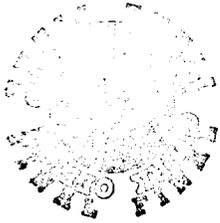
**SECTION 4:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk, CMC

ADOPTED as amended by the Council  
APPROVED by the Mayor

JULY 01, 2002  
JULY 09, 2002



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

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

Jean Jordan  
TBC, IV, Inc.  
National Tax Funding

on 3-8-02 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, seeking relief against the following described real estate, to-wit:

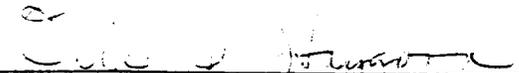
and that tract or parcel of land, lying and being in Land Lot 174 of the 11th District of Fulton County, Georgia, and being known as Lot 3 in Block 9 of Dixie Hills Subdivision, and more particularly described as follows:

BEGINNING at a point on the south side of Bethal Drive one hundred twenty (120) feet east of the west line of said subdivision, and running thence south a distance of one hundred fifty-four and four-tenths (154.4) feet; thence east twenty (20) feet; thence south-easterly thirty (30) feet; thence northerly a distance of one hundred fifty-four and four-tenths (154.4) feet to Bethal Drive; thence westerly along the southern side of Bethal Drive sixty (60) feet to the point of beginning. Being improved property known as 2084 Bethal Dr., NW, according to the present system of numbering houses in the City of Atlanta, GA.

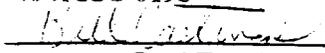
The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to 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: March 8, 2002

BY:

  
Bureau of Neighborhood Conservation, Official Agent  
(404) 330-6195

BY:

  
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:

Belinda Abrams  
Ronald G. Escoffery & Joyce M Escoffery  
Aegis Mortgage Corporation DBA New America Financial

on 4-12-02 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 106 OF THE 14<sup>TH</sup> DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH SIDE OF BONNIBRAE AVENUE, 265 FEET EAST OF THE SOUTHEAST CORNER OF BONNIBRAE AVENUE AND ALLENE AVENUE; RUNNING THENCE EAST ALONG THE SOUTH SIDE OF BONNIBRAE AVENUE, 52.5 FEET; RUNNING THENCE SOUTH 154.9 FEET; THENCE WEST 62.5 FEET; THENCE NORTH 154.0 FEET TO THE SOUTH SIDE OF BONNIBRAE AVENUE AND THE POINT OF BEGINNING; BEING IMPROVED PROPERTY AND HAVING A HOUSE LOCATED THEREON KNOWN AS NO. 762 BONNIBRAE AVENUE, SW. 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.

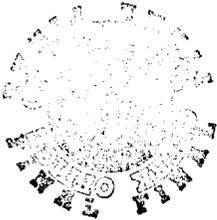
Date: April 12, 2002

BY:

Julie S. Howard  
Bureau of Neighborhood Conservation, Official Agent  
(404) 330-6195

BY:

Belinda Abrams  
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:

W. Henry Schwab, Jr.  
Grass Roots Investors, Inc.

on 3-8-02 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 and being in the City of Atlanta in Land Lot 186 of the 17th District of Fulton County, Georgia, more particularly described as follows:

BEGINNING at a point on the west side of Defoor Avenue Twelve and Five-Tenths (12.5) feet south of the point where the west side of Defoor Avenue intersects the north line of Land Lot 186; thence west along the south line of property now or formerly owned by William Y. Wood Two Hundred Seventeen (217) feet, more or less, to the west line of property conveyed to H. J. Williams by deed from Robert C. Harrell dated March 17, 1942, and recorded in Deed Book 1897, Page 322, Fulton County Records; thence south Sixty (60) feet to and iron pin; thence east two hundred seventeen (217) feet, more or less, to the west side of Defoor Avenue; thence north along the west side of Defoor Avenue sixty (60) feet to the point of beginning, being improved property known as No. 2108 Defoor Ferry Road, N.W..

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: March 8, 2002

BY: *[Signature]*  
Bureau of Neighborhood Conservation, Official Agent  
(404) 330-5195  
BY: *[Signature]*  
Assistant Real Estate City Attorney



**TO WHOM IT MAY CONCERN:**

Notice is hereby given to **cancel and remove from the record as being Satisfied**, a notice of lis pendens dated:  
April 12, 2002

The notice was given after a complaint was filed by the City of Atlanta against the defendants:

**Willie Clyde Martin, Mary Jean Jackson, Theresa Martin, Inez Martin, Gregory Martin, Brenda  
Renee Martin, Leon Martin, Levette Martin and David Martin  
Mrs. Joseph W. McKee  
United States of America (Department of Housing and Urban Development)**

on the **April 12, 2002**, 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 145, 14th District, Fulton County, Georgia being known as Lot 590, Block 20, Map of Fortified Hills, per plat recorded in plat book 3, pages 149 and 150, Fulton County Records and more particularly described as follows: BEGINNING at a point on the northeast side of Evelyn Way 277 feet southeast, as measured along the northeast side of Evelyn Way and Evelyn Place, said point of beginning also being located at southeast corner of lot 589, said block; running thence in southeasterly direction along northeast side of Evelyn Way 50 feet to a point at southwest corner of lot 591; said block; running thence in northerly direction along westerly line of said lot 591, 215 feet to a point on southerly side of alley; running thence in a westerly direction along southerly side of said alley 50 feet to point at the northeast corner of lot 589, said block; running thence in southerly direction along the west line of said lot 589, 204 feet to point on the northeast side of Evelyn Way at the point of beginning, being improved property known as No. 31 (formerly 29) Evelyn Way, N. W., Atlanta, Georgia.

The notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by by him/her as provided by Georgia Code Ann. 67-2303, of the Code of Georgia; and as provided by Georgia laws 1966, page 3089.

Dated: *Apr. 12, 2002*

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

BY: *Bill [unclear]*  
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:

Ernest Lowe (his heirs and assigns).

The heirs & assigns of Susie Lowe, deceased; Lucille M. Garnett, James McKay (deceased), Farris McKay, James, Ruth M Grimsley (Petitioner herein), Ethelyn M. Christmas (deceased), Willie Christmas, Langston Christmas, Shirley C. Brown, Dwight Christmas, Charles Warren (deceased), Ella Warren Green (deceased), Dan Warren (deceased), Mattie Warren Pulphus (deceased), Sylvester Pulphus, Samuel Pulphus, Eloise Pulphus, Themia P Williams, Marrion Warren (deceased), Eva Mae W Rogers, Marie W. Clopton, James Warren (deceased), Deloris Warren, Elaine Warren Ratcliff, Georgia Warren Pearma (deceased), Gredine Pearma and National Tax Funding, L.P.

on 4-12-02 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 the City of Atlanta, in Land Lot 114 of the 11th District of Fulton County, Georgia, and more particularly described as follows:

COMMENCING at a point on the South side of North Avenue two hundred and twenty-five (225) feet West from the Southwest corner of North Avenue and Cairo Street; running thence West along the South side of North Avenue thirty-five (35) feet; thence South one hundred and fifty (150) feet; thence East thirty-five (35) feet; thence North one hundred and fifty (150) feet to the South side of North Avenue at the point of beginning; being improved property known as No. 1008 North Avenue, N. W., 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: April 12, 2002

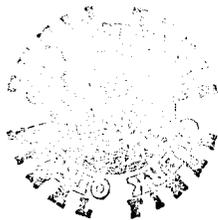
BY:

Dee E. Stewart  
Bureau of Neighborhood Conservation, Official Agent

(404) 330-6195

BY:

B. W. Carter  
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:

Porter Sanford, III  
National Tax Funding, LP

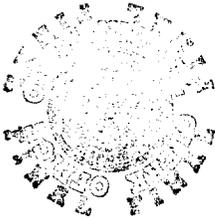
on 3-8-02 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia,  
seeking relief against the following described real estate, to-wit:

All that tract or parcel of land lying and being in Land Lot 114  
of the 14th District, Fulton County, Georgia, being Lot 44, Simpson  
Ridge Subdivision as per plat recorded in Plat Book 4, Page 172  
Fulton County Records; being improved property with a house thereon  
known as No. 139 Temple Street, according to the present system  
of naming streets and 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: March 8, 2002

BY: [Signature]  
Bureau of Neighborhood Conservation, Official Agent  
(404) 330-6195  
BY: [Signature]  
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:

Willie Mae Bohanan  
Chrysler First  
Fulton County Probate Court  
Ora Mills Howell as Guardian for Willie Mae Bohanan

on 3-8-02 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 149 of the 11th District  
of Fulton County, Georgia, and being more fully described as follows:

BEGINNING at a point on the west side of Wilson Avenue (sometimes referred  
to as Wilson Road) 200 feet north of the right of way of the A B & C Railroad;  
thence west 112 feet; thence south 50 feet, more or less, to the original Bohanan  
tract; thence southeast along the northern line of said original Bohanan tract  
120 feet, to the west side of Wilson Avenue; thence north along the west side  
of Wilson Avenue 120 feet to the point of beginning. Being known as  
2066 Wilson Ave., NW, according to the present system of  
numbering properties 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: March 8, 2002

BY:

Willie Mae Bohanan  
Bureau of Neighborhood Conservation, Official Agent  
(404) 330-6195

BY:

Bill [Signature]  
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:

**Georgie W. Toles, Caubrey Lee Daniel, Willie Lewis Toles, Timothy Toles,  
Nelja Vanessa Toles, Benedict Toles, Eleanor Rice, Melody Yvette Toles and  
Kenneth Bernard Toles  
National Tax Funding**

on **4-12-02** 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 the City of Atlanta, Fulton County  
Georgia in Land Lot 87 of the 14th District of Fulton County, Georgia  
being more particularly described as follows:

BEGINNING at a point on the west side of Windsor Street 100 feet  
north of the northwest corner of Windsor Street and Roy Street;  
thence north along the west side of Windsor Street 50 feet; thence  
west 100 feet; thence south 50 feet; thence east 100 feet to the  
west side of Windsor Street at the point of beginning, being improved  
property known as number 1109 Windsor Street, S. W. according to  
the present system of numbering houses in the City of Atlanta,  
Georgia.

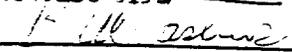
The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings,  
dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This  
notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, 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: April 12, 2002

BY:

  
Bureau of Neighborhood Conservation, Official Agent  
(404) 330-6195

BY:

  
Assistant Real Estate City Attorney

RCS# 3864  
7/01/02  
3:37 PM

Atlanta City Council

Regular Session

MULTIPLE

02-0-1014; Demolish & Clean  
02-0-1015; Demolish & Clean,  
ADOPT AS AMEND

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

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

MULTIPLE

02-0-1015

(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 April 25, 2002

- 2084 Bethel Drive, NW 03
- 762 Bonnie Brae Avenue, SW 04
- 2108 Defoor Avenue, NW 08
- 31 Evelyn Way, NW 09
- 1008 North Avenue, NW 03
- 339 Temple Street, NW 03
- 2066 Wilson Avenue, NW 03
- 1109 Windsor Street, SW 04

ADOPTED BY  
JUL 01 2002  
COUNCIL  
AS AMENDED

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

Date Referred 6/17/02

Referred To: Community Development / Human Resources

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

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

FINAL COUNCIL ACTION

2nd  1st & 2nd  3rd

Readings

Consent  V Vote  RC Vote

CERTIFIED

CERTIFIED  
JUL 01 2002

ATLANTA CITY COUNCIL PRESIDENT

*Robert W. Woodard*

CERTIFIED  
JUL 01 2002

*Franklin Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION

*Andy Reeves*  
JUL - 9 2002

MAYOR