



**A SUBSTITUTE ORDINANCE**

**02-O-2128**

**BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO EXCHANGE CERTAIN AREAS OF EXISTING RIGHT-OF-WAY AND ACCEPT THE DEDICATION OF REPLACEMENT RIGHT-OF-WAY ON EAST LAKE BOULEVARD, S.E. BETWEEN LAKESIDE VILLAGE DRIVE AND MEMORIAL DRIVE NECESSITATED BY THE REALIGNMENT OF SAID ROADWAY; AND FOR OTHER PURPOSES.**

**WHEREAS**, the East Lake Community Foundation, Inc. is the owner of properties abutting both sides of East Lake Boulevard, S.E. between Lakeside Village Drive and Memorial Drive; and

**WHEREAS**, the East Lake Community Foundation, Inc. as part of their building permit to construct the Drew Charter School and YMCA located at 409 East Lake Boulevard, S.E. proposed to re-align and improve East Lake Boulevard across the permitted project frontage; and

**WHEREAS**, the City of Atlanta agreed to the proposed roadway improvements and jointly participated in the construction activities; and

**WHEREAS**, the re-alignment of the roadway required an adjustment of the existing right-of-way limits to accommodate the improved vertical and horizontal curvatures with said right-of-way adjustment given and received being functionally equal in areas; and

**WHEREAS**, the completed roadway project has greatly upgraded safety considerations such as sight distance improvements and stopping distances through reduced roadway slopes as well as a major esthetic enhancement to the area; and

**WHEREAS**, the East Lake Community Foundation, Inc. has requested an exchange of land to reflect the current alignment of the completed roadway, and has prepared an appropriate right-of-way abandonment and dedication exchange plat (Exhibit "A") with accompanying legal descriptions (Exhibit "B") for the properties under consideration; and

**WHEREAS**, the City of Atlanta has determined it is in the best interest of the public to accept an even exchange of the right-of-way as depicted on Exhibits "A" and "B".

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, as follows:

**SECTION 1:** That the East Lake Community Foundation, Inc. being the property owner has petitioned the City for the exchange of private property an area of 0.200 acre (approximately 8,712 square feet - the total areas of existing right-of-way parcels 1, 2, and 3 as shown on Exhibit "A") abutting East Lake Boulevard as described in the attached Legal Descriptions "1-3" and as shown on the attached plan



prepared by William H. Kelly of Planners and Engineers Collaborative, dated July 30, 2002 to the City of Atlanta.

**SECTION 2:** That the City of Atlanta, being the owner property an area of 0.209 acre (approximately 9,104 square feet - the total areas of existing right-of-way parcels 1, 2, and 3 as shown on Exhibit "A") abutting East Lake Boulevard as described in the attached Legal Descriptions "1-3" and as shown on the attached plan prepared by William H. Kelly of Planners and Engineers Collaborative, dated July 30, 2002 shall exchange such property for that indicated as a dedication in Exhibit "A".

**SECTION 3:** That no payment be necessary to the City of Atlanta for this transaction given that the land exchanged by the East Lake Community Foundation, Inc. (approximately 8,712 square feet) and the City (approximately 9,104 square feet) are relatively the same as well as the new road construction and the upgraded safety consideration.

**SECTION 4:** That the City Attorney is authorized to prepare warranty deeds on behalf of the City of Atlanta to accomplish this ordinance.

-A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk, CMC

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

JAN 21, 2003  
JAN 28, 2003

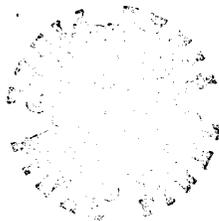
## LEGAL DESCRIPTION

### RIGHT-OF-WAY ABANDONMENT 1

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 180 of the 15<sup>th</sup> District, City of Atlanta, DeKalb County, Georgia and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the point of intersection of the southern right-of-way line of Memorial Drive (right-of-way varies) and the western right-of-way line of East Lake Boulevard (60' right-of-way); thence running along the western right-of-way of East Lake Boulevard South 00 degrees 04 minutes 27 seconds East a distance of 212.84 feet to a point, which point marks the TRUE POINT OF BEGINNING; thence 184.75 feet along an arc of a curve to the left, said curve having a radius of 1,175.91 feet and a chord bearing and distance of South 04 degrees 34 minutes 30 seconds East 184.56 feet; thence 71.79 feet along an arc of a curve to the left, said curve having a radius of 1,175.91 feet and a chord bearing and distance of South 10 degrees 49 minutes 30 seconds East, a distance of 71.78 feet; thence South 12 degrees 34 minutes 27 seconds East, a distance of 76.99 feet; thence continuing South 12 degrees 34 minutes 27 seconds East a distance of 97.62 feet; thence 24.78 feet along an arc of a curve to the left, said curve having a radius of 505.30 feet and a chord bearing and distance of North 27 degrees 42 minutes 23 seconds West 24.78 feet; thence 218.43 feet along an arc of a curve to the right, said curve having a radius of 431.02 feet and a chord bearing and distance of North 14 degrees 35 minutes 33 seconds West 216.10 feet; thence North 00 degrees 04 minutes 27 seconds West a distance of 9.95 feet; thence continuing North 00 degrees 04 minutes 27 seconds West a distance of 183.88 feet to THE TRUE POINT OF BEGINNING;

Said tract containing 0.122 acres (5,333 square feet).



## LEGAL DESCRIPTION

### RIGHT-OF-WAY ABANDONMENT 2

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 180 of the 15<sup>th</sup> District, City of Atlanta, DeKalb County, Georgia and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the point of intersection of the southern right-of-way line of Memorial Drive (right-of-way varies) and the western right-of-way line of East Lake Boulevard (60' right-of-way); thence running along the western right-of-way of East Lake Boulevard South 00 degrees 04 minutes 27 seconds East a distance of 212.84 feet to a point; thence 184.75 feet along an arc of a curve to the left, said curve having a radius of 1,175.91 feet and a chord bearing and distance of South 04 degrees 34 minutes 30 seconds East 184.56 feet; thence 71.79 feet along an arc of a curve to the left, said curve having a radius of 1,175.91 feet and a chord bearing and distance of South 10 degrees 49 minutes 30 seconds East, a distance of 71.78 feet; thence South 12 degrees 34 minutes 27 seconds East, a distance of 76.99 feet; thence continuing South 12 degrees 34 minutes 27 seconds East a distance of 97.62 feet; thence 295.36 feet along an arc of a curve to the right, said curve having a radius of 505.30 feet and a chord bearing and distance of South 09 degrees 33 minutes 22 seconds East 291.18 feet to a point, which point marks the TRUE POINT OF BEGINNING; thence 285.60 feet along an arc of a curve to the right, said curve having a radius of 410.74 feet and a chord bearing and distance of South 23 degrees 02 minutes 55 seconds West 279.88 feet; thence South 42 degrees 58 minutes 05 seconds West a distance of 32.29 feet; thence 315.54 feet along an arc of a curve to the left, said curve having a radius of 505.30 feet and a chord bearing and distance of North 25 degrees 04 minutes 43 seconds East 310.43 feet to THE TRUE POINT OF BEGINNING;

Said tract containing 0.025 acres (1,072 square feet).



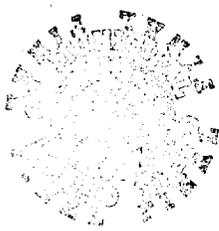
## LEGAL DESCRIPTION

### RIGHT-OF-WAY ABANDONMENT 3

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 180 of the 15<sup>th</sup> District, City of Atlanta, DeKalb County, Georgia and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the point of intersection of the southern right-of-way line of Memorial Drive (right-of-way varies) and the western right-of-way line of East Lake Boulevard (60' right-of-way); thence South 89 degrees 25 minutes 45 seconds East a distance of 60.00 feet to the eastern right-of-way of East Lake Boulevard; thence along the eastern right-of-way of East Lake Boulevard South 00 degrees 04 minutes 27 seconds East a distance of 212.16 feet to a point; thence running 175.23 feet along an arc of a curve to the left, said curve having a radius of 1,115.91 feet and a chord bearing and distance of South 04 degrees 34 minutes 30 seconds East 175.14 feet; thence 68.13 feet along an arc of a curve to the left, said curve having a radius of 1,115.91 feet and a chord bearing and distance of South 10 degrees 49 minutes 30 seconds East a distance of 68.12 feet; thence South 12 degrees 34 minutes 27 seconds East a distance of 167.60 feet to a point, which point marks the TRUE POINT OF BEGINNING; thence 320.79 feet along an arc of a curve to the right, said curve having a radius of 565.30 feet and a chord bearing and distance of South 09 degrees 17 minutes 27 seconds East 316.50 feet; thence 131.06 feet along an arc of a curve to the left, said curve having a radius of 470.74 feet and a chord bearing and distance of North 04 degrees 35 minutes 54 seconds West 130.64 feet; thence North 12 degrees 34 minutes 27 seconds West a distance of 186.61 feet to THE TRUE POINT OF BEGINNING;

Said tract containing 0.062 acres (2,701 square feet).



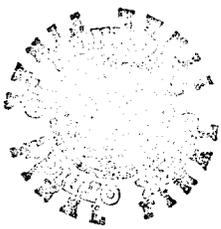
## LEGAL DESCRIPTION

### RIGHT-OF-WAY DEDICATION 1

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 180 of the 15<sup>th</sup> District, City of Atlanta, DeKalb County, Georgia and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the point of intersection of the southern right-of-way line of Memorial Drive (right-of-way varies) and the western right-of-way line of East Lake Boulevard (60' right-of-way); thence running along the western right-of-way of East Lake Boulevard South 00 degrees 04 minutes 27 seconds East a distance of 212.84 feet to a point; thence 184.75 feet along an arc of a curve to the left, said curve having a radius of 1,175.91 feet and a chord bearing and distance of South 04 degrees 34 minutes 30 seconds East 184.56 feet; thence 71.79 feet along an arc of a curve to the left, said curve having a radius of 1,175.91 feet and a chord bearing and distance of South 10 degrees 49 minutes 30 seconds East, a distance of 71.78 feet; thence South 12 degrees 34 minutes 27 seconds East, a distance of 76.99 feet; thence continuing South 12 degrees 34 minutes 27 seconds East a distance of 97.62 feet to a point, which point marks the TRUE POINT OF BEGINNING; thence 295.36 feet along an arc of a curve to the right, said curve having a radius of 505.30 feet and a chord bearing and distance of South 09 degrees 33 minutes 22 seconds East 291.18 feet; thence 112.57 feet along an arc of a curve to the left, said curve having a radius of 410.74 feet and a chord bearing and distance of North 04 degrees 43 minutes 21 seconds West 112.22 feet; thence North 12 degrees 34 minutes 27 seconds West a distance of 179.60 feet to THE TRUE POINT OF BEGINNING;

Said tract containing 0.058 acres (2,512 square feet).



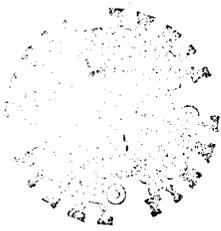
## LEGAL DESCRIPTION

### RIGHT-OF-WAY DEDICATION 2

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 180 of the 15<sup>th</sup> District, City of Atlanta, DeKalb County, Georgia and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the point of intersection of the southern right-of-way line of Memorial Drive (right-of-way varies) and the western right-of-way line of East Lake Boulevard (60' right-of-way); thence South 89 degrees 25 minutes 45 seconds East a distance of 60.00 feet to the eastern right-of-way of East Lake Boulevard; thence along the eastern right-of-way of East Lake Boulevard South 00 degrees 04 minutes 27 seconds East a distance of 212.16 feet to a point, which point marks the TRUE POINT OF BEGINNING; thence 175.32 feet along an arc of a curve to the left, said curve having a radius of 1,115.91 feet and a chord bearing and distance of South 04 degrees 34 minutes 30 seconds East 175.14 feet; thence 68.13 feet along an arc of a curve to the left, said curve having a radius of 1,115.91 feet and a chord bearing and distance of South 10 degrees 49 minutes 30 seconds East a distance of 68.12 feet; thence South 12 degrees 34 minutes 27 seconds East a distance of 167.60 feet; thence 35.15 feet along an arc of a curve to the left, said curve having a radius of 565.30 feet and a chord bearing and distance of North 27 degrees 19 minutes 45 seconds West 35.15 feet; thence 188.03 feet along an arc of a curve to the right, said curve having a radius of 371.02 feet and a chord bearing and distance of North 14 degrees 35 minutes 33 seconds West 186.02 feet; thence North 00 degrees 04 minutes 27 seconds West a distance of 193.83 feet to THE TRUE POINT OF BEGINNING;

Said tract containing 0.114 acres (4,976 square feet).



## LEGAL DESCRIPTION

### RIGHT-OF-WAY DEDICATION 3

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 180 of the 15<sup>th</sup> District, City of Atlanta, DeKalb County, Georgia and being more particularly described as follows:

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Said tract containing 0.028 acres (1,213 square feet).

RCS# 4404  
1/21/03  
3:19 PM

Atlanta City Council

Regular Session

CONSENT 1

Pgs. 1-8; Except 03-R-0035; 03-R-0050

ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 5  
EXCUSED: 0  
ABSENT 0

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

CONSENT 1

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**1/21/03 FULL COUNCIL MEETING**

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**Items Adopted on the  
Consent Agenda**

1. 02-O-2129
2. 03-O-0040
3. 02-O-2132
4. 02-O-2133
5. 02-O-2128
6. 03-O-0047
7. 03-R-0029
8. 03-R-0030
9. 03-R-0025
10. 03-R-0032
11. 03-R-0036
12. 03-R-0058
13. 03-R-0059
14. 02-R-1137
15. 02-R-1628
16. 02-R-1874
17. 03-R-0031
18. 03-R-0046
19. 02-R-2056
20. 03-R-0001
21. 03-R-0002
22. 03-R-0013
23. 03-R-0014

**Items Adversed on the Consent  
Agenda**

24. 03-R-0003
25. 03-R-0004
26. 03-R-0005
27. 03-R-0006
28. 03-R-0007
29. 03-R-0008
30. 03-R-0009
31. 03-R-0010
32. 03-R-0011
33. 03-R-0012
34. 03-R-0015
35. 03-R-0016
36. 03-R-0017
37. 03-R-0018
38. 03-R-0019
39. 03-R-0021
40. 03-R-0022
41. 03-R-0023
42. 03-R-0024

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Consent I Vote: 11 Yeas; 0 Nays: (See RCS #4404/Reconsidered; See RCS # 4376  
for Initial Vote & RCS #4403 for vote to Reconsider)

Items Removed from the Consent Agenda: 03-R-0035 & 03-R-0050

02-0 -2128

(Do Not Write Above This Line)

AN ORDINANCE BY CITY UTILITIES COMMITTEE

AN ORDINANCE TO ABANDON CERTAIN AREAS OF EXISTING RIGHT-OF-WAY AND ACCEPT THE DEDICATION OF REPLACEMENT RIGHT-OF-WAY ON EAST LAKE BOULEVARD S.E. BETWEEN LAKESIDE VILLAGE DRIVE AND MEMORIAL DRIVE NECESSITATED BY THE REALIGNMENT OF SAID ROADWAY; AND FOR OTHER PURPOSES.

substitute

ADOPTED BY

JAN 2 1 2003

COUNCIL

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

Date Referred 1/6/03

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

Committee City Utilities  
 Date Jan 14 2003  
 Chair Clare Muller  
 Referred to Clare Muller

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**  
 JAN 2 1 2003  
 ATLANTA CITY COUNCIL PRESIDENT  
*Clare W. Woodard*

**CERTIFIED**  
 JAN 2 1 2003

*Frank*  
 DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

*Antony Frank*