

**AN ORDINANCE**

**BY COUNCILMEMBER C.T. MARTIN**

**03-0-0186**

**AN ORDINANCE TO ABANDON HARDEN DRIVE, SAID STREET BEING APPROXIMATELY 1.12406 ACRES IN LAND, LAND LOT 242, 14<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.**

**WHEREAS**, Carrie Steele-Pitts Home was chartered in 1888 to provide services to and be a safe haven for abused, abandoned and neglected children in the Atlanta area; and

**WHEREAS**, Carrie Steele-Pitts Home has existed at its present location for approximately 53 years; and

**WHEREAS**, pursuant to Special Use Permit U-02-29/U-00-36, which was approved by the City of Atlanta in December 2002, Carrie Steele-Pitts Home is currently developing property adjacent to its present location to accommodate a Life Learning Center, consisting of a gymnasium, classrooms and chapel, to provide better services to its minor residents now and into the future; and

**WHEREAS**, the existing property and the proposed Life Learning Center are bisected by a public street consisting of 1.12406 acres in Land Lot 242 of the 14<sup>th</sup> District, identified as Harden Drive on the maps of the City of Atlanta; and

**WHEREAS**, the proposed development contemplates the inclusion of Harden Drive as private property to be incorporated as part of the development; and

**WHEREAS**, Harden Drive has not been useful nor necessary for the public use and convenience for at least 53 years, the length of time that Carrie Steele-Pitts Home has been located adjacent to it; and

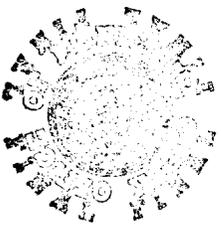
**WHEREAS**, abandonment of Harden Drive by the City of Atlanta is the lawful means by which Harden Drive may become private property; and

**WHEREAS**, Carrie Steele-Pitts Home has petitioned the City of Atlanta to abandon Harden Drive, which is depicted on the survey attached hereto as Exhibit A, prepared by HDR/WL Jordan, dated October 8, 2002; and

**WHEREAS**, after the abandonment of Harden Drive, Carrie Steele-Pitts Home will negotiate with the City of Atlanta for payment and/or exchange of public improvements, equal to the fair market value of the abandoned street; and

**WHEREAS**, Carrie Steele-Pitts Home is the owner of all property abutting Harden Drive, with the exception of one parcel of land, which is owned by Atlanta Public Schools; and

**WHEREAS**, Atlanta Public Schools approved the abandonment of Harden Drive on January 13, 2003; and



**WHEREAS**, the abandoned street shall become a part of Carrie Steele-Pitts Home's private property and shall be Carrie Steele-Pitts Home's responsibility to maintain; and

**WHEREAS**, Carrie Steele-Pitts Home has completed the appropriate applications and paid the required fees for the street abandonment; and

**WHEREAS**, the petition for abandonment is currently being reviewed by the Department of Public Works.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:**

**SECTION 1:** That the entirety of Harden Drive, as depicted on the survey attached hereto as Exhibit A, prepared by HDR/WL Jordan, dated October 8, 2002, located in Land Lot 242, Fulton County, Georgia, is hereby declared no longer useful or necessary for the public use and convenience, and is hereby abandoned (hereinafter the "Abandoned Street").

**SECTION 2:** The City's intent is hereby given that said street shall be abandoned.

**SECTION 3:** That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time, said easements shall expire.

**SECTION 4:** That a condition of abandonment shall be that all existing parcels of land owned or controlled by Carrie Steele-Pitts Home and abutting Harden Drive shall be consolidated such that all parcels will front on a public right-of-way.

**SECTION 5:** That the Director of the Bureau of Purchasing and Real Estate is hereby directed to have prepared an appraisal of the fair market value of the right-of-way to be abandoned and perform all other responsibilities concerning this proposed abandonment, as outlined in the City's Code of Ordinances, including Section 21578.

**SECTION 6:** That Carrie Steele-Pitts Home and the City will negotiate in good faith to arrange for payment and/or exchange of public improvements by Carrie Steele-Pitts Home, equal to the fair market value of the Abandoned Street as determined by the appraisal of said street.

**SECTION 7:** That all costs associated with the appraisal of the subject property and all costs associated with the advertising of this petition for abandonment shall be charged to and paid from Account Number 1AO1-524001-G55001.

**SECTION 8:** That upon approval of this ordinance, and upon acceptance of the



necessary documents by the Department of Public Works, and upon receipt of payment from the petitioner in the amount of the appraised fair market value of the property, or the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of Ordinances, the City Attorney is hereby directed to prepare a Quit Claim Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

**SECTION 9:** That the Mayor is hereby authorized to execute said Quit Claim Deed and other necessary documents, as determined by the City Attorney, for the abandoned street/right-of-way to Carrie Steele-Pitts Home's.

**SECTION 10:** Upon execution, all documents shall be filed and recorded with the Clerk of Superior Court of Fulton County.

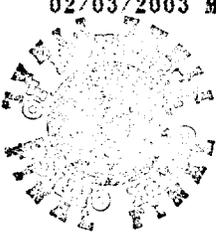
**SECTION 11:** That all code sections, ordinances, and parts of code sections and ordinances in conflict with this ordinance are waived.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

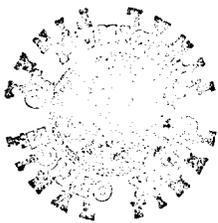
APR 21, 2003  
APR 28, 2003



### LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 242 of the 14<sup>th</sup> district of Fulton County, Georgia, being more particularly described as follows:

BEGINNING at a point which is the intersection of the east side of Fairburn Road (40 foot right-of-way) and the south side of Harden Drive (50 foot right-of-way); running thence South 87 degrees 37 minutes 08 seconds East a distance of 538.90 feet to a one-inch crimp top pipe found; running thence South 88 degrees 31 minutes 28 seconds East a distance of 170.03 feet to an iron pin set; running thence South 88 degrees 31 minutes 28 seconds East a distance of 271.10 feet to a point; running thence North 01 degrees 31 minutes 35 seconds East a distance of 50.00 feet to a point; running thence North 88 degrees 31 minutes 28 seconds West a distance of 439.78 feet to an iron pin set; running thence North 87 degrees 37 minutes 08 seconds West a distance of 538.78 feet to an iron pin set on the east right-of-way of Fairburn Road (40 foot right-of-way); running thence South 00 degrees 56 minutes 21 seconds West a distance of 50.02 feet to an iron pin set being THE POINT OF BEGINNING; containing 48,964 square feet or 1.12406 acres, and labeled Harden Drive on Sheet 1 of that certain Boundary, Topographic and Utility Survey of Carrie Steele-Pitts Life Learning Center for TVS, by HDR/WL Jordan, Clyde R. Eldredge, Georgia Registered Land Surveyor No. 2659, dated September 16, 2002.



**ATLANTA PUBLIC SCHOOLS  
REPORT NO. 02/03-7319**

**AUTHORIZATION TO SUPPORT A STREET ABANDONMENT APPLICATION FOR  
HARDEN DRIVE**

January 13, 2003

**THE SUPERINTENDENT REPORTS:**

The Carrie-Steele Pitts Home (CSPH) is requesting the Atlanta Board of Education's support for its application to abandon the street known as Harden Drive. Harden Drive is located behind the Harper-Archer property. The CSPH recently purchased a 1.915-acre parcel of land on the other side of Harden Drive to construct a multi-purpose center. The goal of the expansion is to create one large campus. To accomplish this goal, Harden Drive must be purchased from the City of Atlanta.

In order to purchase Harden Drive from the City of Atlanta, the street must be abandoned. CSPH must gain the support of all property owners abutting the street. The CSPH will pay all costs associated with the abandonment of the street. The Atlanta Public Schools will obtain one half of the existing street adjacent to the Harper-Archer property. The abandonment of Harden Drive does not adversely impact the Harper-Archer facility.

**RECOMMENDATION:** Authorize the Board President to execute all necessary documents required to support the abandonment of Harden Drive.

**REASON:** The support of the Atlanta Board of Education will allow the CSPH to accomplish its goal of creating one campus for the existing and proposed new facility.

**FINANCIAL  
IMPLICATIONS:** N/A

**FUNDING SOURCE:** N/A

Prepared by:

*Valerie D. Thomas*

Valerie D. Thomas

Executive Director of Facilities Services

Approved by:

*Charles L. Engstrom*

Charles L. Engstrom

Deputy Superintendent of Operations

Respectfully submitted,

*Beverly L. Hall*

Beverly L. Hall, Ed.D.

Superintendent



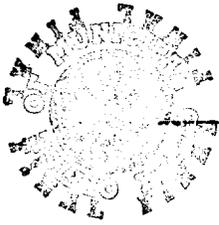
**BOARD ADMINISTRATOR'S CERTIFICATE**

**GEORGIA, FULTON COUNTY**

This is to **CERTIFY** that on January 13, 2002, the Atlanta Board of Education approved action item Report No. 02/02-7319, authorization to Support a Street Abandonment Application for Harden Drive on behalf of the Carrie-Steele Pitts Home by a unanimous vote.

WITNESS my hand and the official seal of the Atlanta Board of Education this the 29<sup>th</sup> day of January, 2003.

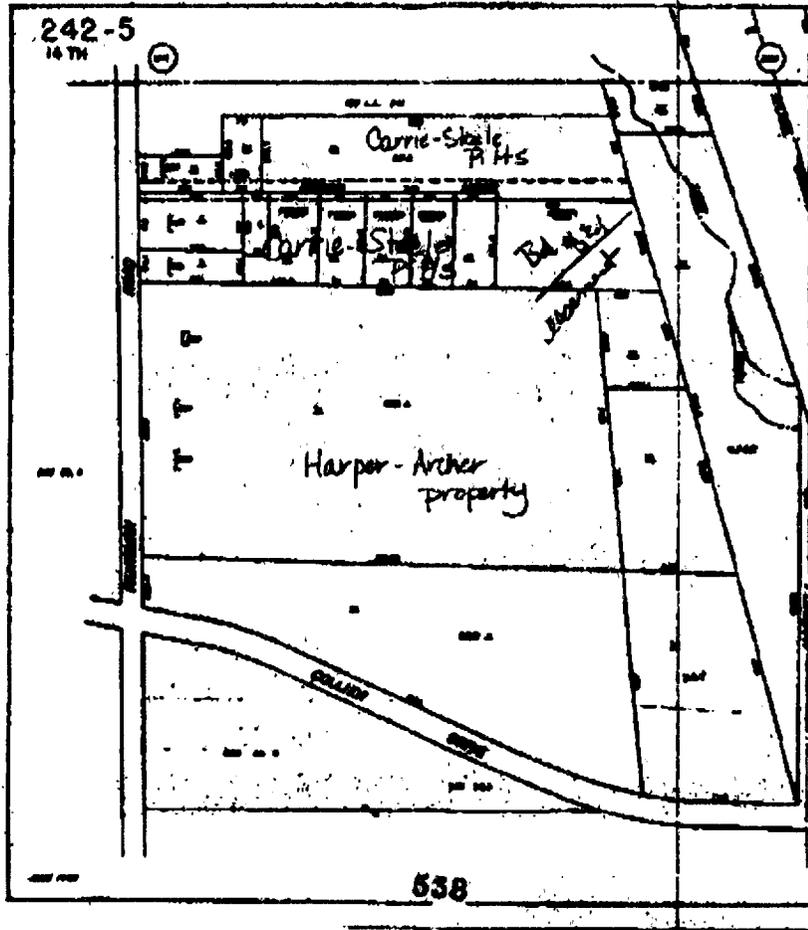
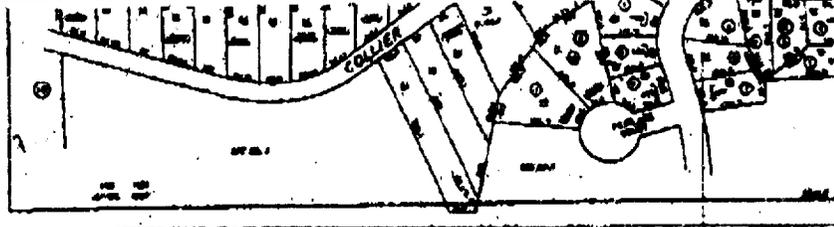
Howard Grant, Ph.D.  
Executive Administrator



17:50 FAX 404 827 4198

NORTH ANNA LONG & ALDRIDGE

4002



RCS# 4616  
4/21/03  
2:23 PM

Atlanta City Council

Regular Session

CONSENT I            Pgs. 1-19; Except 03-O-0441; 03-O-0391

Adopt

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 0  
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
Y Winslow	Y Muller	Y Boazman	B Woolard

CONSENT I

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**4/21/03 FULL COUNCIL MEETING**

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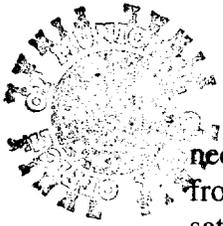
**Items Adopted on the Consent Agenda****Items Adversed on  
the Consent Agenda**

1. 03-O-0186	36. 03-R-0451	72. 03-R-0498	
2. 03-O-0350	37. 03-R-0571	73. 03-R-0499	81. 03-R-0507
3. 03-O-0401	38. 03-R-0549	74. 03-R-0500	82. 03-R-0508
4. 03-O-0442	39. 03-R-0555	75. 03-R-0501	83. 03-R-0509
5. 03-O-0438	40. 03-R-0556	76. 03-R-0502	84. 03-R-0510
6. 03-O-0445	41. 03-R-0558	77. 03-R-0503	85. 03-R-0511
7. 03-O-0446	42. 03-R-0559	78. 03-R-0504	86. 03-R-0512
8. 03-O-0443	43. 03-R-0560	79. 03-R-0505	87. 03-R-0513
9. 03-O-0450	44. 03-R-0561	80. 03-R-0506	88. 03-R-0514
10. 03-O-0485	45. 03-R-0562		89. 03-R-0515
11. 03-O-0399	46. 03-R-0563		90. 03-R-0516
12. 03-O-0369	47. 03-R-0564		91. 03-R-0517
13. 03-O-0416	48. 03-R-0572		92. 03-R-0518
14. 03-O-0193	49. 03-R-0588		93. 03-R-0519
15. 03-O-0355	50. 03-R-0589		94. 03-R-0520
16. 03-O-0359	51. 03-R-0590		95. 03-R-0521
17. 03-O-0360	52. 03-R-0448		96. 03-R-0522
18. 03-O-0436	53. 03-R-0454		97. 03-R-0523
19. 02-O-1543	54. 03-R-0528		98. 03-R-0524
20. 03-O-0432	55. 03-R-0529		99. 03-R-0525
21. 03-O-0433	56. 03-R-0569		100. 03-R-0526
22. 03-O-0434	57. 03-R-0570		101. 03-R-0527
23. 03-R-0444	58. 03-R-0591		
24. 03-R-0530	59. 03-R-0592		
25. 03-R-0531	60. 03-R-0217		
26. 03-R-0532	61. 03-R-0539		
27. 03-R-0533	62. 03-R-0541		
28. 03-R-0534	63. 03-R-0542		
29. 03-R-0535	64. 03-R-0566		
30. 03-R-0536	65. 03-R-0593		
31. 03-R-0537	66. 03-R-0544		
32. 03-R-0538	67. 03-R-0545		
33. 03-R-0546	68. 03-R-0565		
34. 03-R-0577	69. 03-R-0496		
35. 03-R-0390	70. 03-R-0497		

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Consent I Vote: 15Yeas; 0 Nays: (See RCS #4616)

Items Removed from the Consent Agenda: 03-O-0441 & 03-O-0391



necessary documents by the Department of Public Works, and upon receipt of payment from the petitioner in the amount of the appraised fair market value of the property, or the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of Ordinances, the City Attorney is hereby directed to prepare a Quit Claim Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

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**LARGE ATTACHMENT:**

**DOCUMENT(S),**

**MANUAL(S)**

**OR**

**MAP(S)**

**NOT COPIED,**

**PULL ORIGINAL**

**FOR COPY OR TO VIEW**

03-0-0186

(Do Not Write Above This Line)

AN ORDINANCE

BY COUNCILMEMBER C.T. MARTIN

AN ORDINANCE TO ABANDON HARDEN DRIVE, SW IN ITS ENTIRETY, SAID STREET BEING APPROXIMATELY 1.12406 ACRES IN LAND, PROPERTY LOCATED IN LAND LOT 242, 14TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

ADOPTED BY

APR 2 1 2003

COUNCIL

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

Date Referred 2/3/03

Referred To: City Utilities

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_

Committee City Utilities  
Date FEB. 11 2003  
Chair \_\_\_\_\_

Actions: \_\_\_\_\_  
Fav, Adv, Held (see rev. side) \_\_\_\_\_  
Other \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Actions: \_\_\_\_\_

Fav, Adv, Held (see rev. side) \_\_\_\_\_  
Other \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Actions: \_\_\_\_\_

Fav, Adv, Held (see rev. side) \_\_\_\_\_  
Other \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Actions: \_\_\_\_\_

Fav, Adv, Held (see rev. side) \_\_\_\_\_  
Other \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

COUNCIL ACTION

2nd  1st & 2nd  3rd  
Readings

Consent  V Vote  RC Vote

CERTIFIED

CERTIFIED  
APR 2 1 2003  
ATLANTA CITY COUNCIL  
*Philip D. Moore*

CERTIFIED  
APR 2 1 2003  
*Ronald D. Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION

*Andy Fowler*  
APR 2 8 2003  
JR