



Carla Smith

**AN ORDINANCE
BY COUNCILMEMBER CARLA SMITH**

AN ORDINANCE TO ABANDON A PORTION OF THE RIGHT-OF-WAY OF DELMAR AVENUE, SAID PORTION BEING 436.72 FEET IN LENGTH RUNNING BETWEEN DELMAR COURT AND THE CSX RAILROAD, BEING .308 ACRES IN AREA, AND LYING IN LAND LOT 22, 14TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS the City of Atlanta has received a petition to abandon a portion of the right-of-way of Delmar Avenue, said portion being 436.72 feet in length running between Delmar Court and the CSX Railroad, being .308 acres in area, and lying in Land Lot 22 of the 14th District of Fulton County, Georgia; and

WHEREAS the Commissioner of the Department of Public Works has determined that said petition is complete and that the petition was originated prior to the requirement of a \$2000 application fee; and

WHEREAS public utility owners have been notified of the petition for abandonment and responses have been received; and

WHEREAS the petitioner is the owner of the primary portion of land abutting the street right-of-way proposed to be abandoned and petitioner will utilize the abandoned portion of said street right-of-way for residential purposes; and

WHEREAS the petitioner agrees to purchase from the City of Atlanta at appraised fair market value, the abandoned street right-of-way, and

WHEREAS all other abutting property owners have agreed to waive their right to acquire a prorated portion of the right-of-way; and all of the abandoned street right-of-way shall become a part of the petitioner's abutting private property and shall be their responsibility to maintain; and

WHEREAS as currently configured, the abandonment of the right-of-way would "landlock" a parcel of land, the petitioner further agrees to consolidate the abutting property lying to the north of the proposed abandoned right-of-way and the abutting property lying to the south of the proposed right-of-way into one parcel that includes the abandoned right-of-way, as a condition of abandonment..

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



Section 1. That a portion of the right-of-way of Delmar Avenue, said portion being 436.72 feet in length running between Delmar Court and the CSX Railroad, being .308 acres in area, and lying in Land Lot 22 of the 14th District of Fulton County Georgia, as shown on the attached survey is hereby declared no longer useful or necessary for the public use and convenience.

Section 2. That the City of Atlanta hereby abandons the above described portion of Delmar Avenue with the reservation of permanent easements to for the purpose of entering the property to operate, maintain, or replace gas, electric power, sewer or other utility facilities. Easements shall remain in effect until such time as said utilities may be abandoned, removed, or relocated, at which time said easements shall expire.

Section 3. 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 street right-of-way to be abandoned.

Section 4: 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 1A01-524001-G55001.

Section 5. 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 which should be deposited into Fund, Account and Center Number 3P02 491102 M22F03349999, the City Attorney is then hereby directed to prepare a Quit Claim Deed for said abandoned street right-of-way stipulating the consolidation of any land-locked parcels as a condition of the abandonment.

Section 6. That the Mayor is hereby authorized to execute said Quit Claim Deed for the abandoned street right-of-way, all other conditions being satisfied.

Section 7. Upon execution, all documents shall be filed and recorded with the Clerk of Superior Court of Fulton County.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

APR 21, 2003
APR 28, 2003

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

4/21/03 FULL COUNCIL MEETING

Items Adopted 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 |
| 3. 03-O-0401 | 38. 03-R-0549 | 74. 03-R-0500 |
| 4. 03-O-0442 | 39. 03-R-0555 | 75. 03-R-0501 |
| 5. 03-O-0438 | 40. 03-R-0556 | 76. 03-R-0502 |
| 6. 03-O-0445 | 41. 03-R-0558 | 77. 03-R-0503 |
| 7. 03-O-0446 | 42. 03-R-0559 | 78. 03-R-0504 |
| 8. 03-O-0443 | 43. 03-R-0560 | 79. 03-R-0505 |
| 9. 03-O-0450 | 44. 03-R-0561 | 80. 03-R-0506 |
| 10. 03-O-0485 | 45. 03-R-0562 | |
| 11. 03-O-0399 | 46. 03-R-0563 | |
| 12. 03-O-0369 | 47. 03-R-0564 | |
| 13. 03-O-0416 | 48. 03-R-0572 | |
| 14. 03-O-0193 | 49. 03-R-0588 | |
| 15. 03-O-0355 | 50. 03-R-0589 | |
| 16. 03-O-0359 | 51. 03-R-0590 | |
| 17. 03-O-0360 | 52. 03-R-0448 | |
| 18. 03-O-0436 | 53. 03-R-0454 | |
| 19. 02-O-1543 | 54. 03-R-0528 | |
| 20. 03-O-0432 | 55. 03-R-0529 | |
| 21. 03-O-0433 | 56. 03-R-0569 | |
| 22. 03-O-0434 | 57. 03-R-0570 | |
| 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 | |

**Items Adversed on
the Consent Agenda**

81. 03-R-0507
82. 03-R-0508
83. 03-R-0509
84. 03-R-0510
85. 03-R-0511
86. 03-R-0512
87. 03-R-0513
88. 03-R-0514
89. 03-R-0515
90. 03-R-0516
91. 03-R-0517
92. 03-R-0518
93. 03-R-0519
94. 03-R-0520
95. 03-R-0521
96. 03-R-0522
97. 03-R-0523
98. 03-R-0524
99. 03-R-0525
100. 03-R-0526
101. 03-R-0527

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

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

03-0-0401
(Do Not Write Above This Line)

AN ORDINANCE

BY COUNCILMEMBER CARLA SMITH

Carla Smith

AN ORDINANCE TO ABANDON A PORTION OF THE RIGHT-OF-WAY OF DELMAR AVENUE, SAID PORTION BEING 436.72 FEET IN LENGTH RUNNING BETWEEN DELMAR COURT AND THE CSX RAILROAD, BEING .308 ACRES IN AREA, AND LYING IN LAND LOT 22, 14TH DISTRICT, FULTON COUNTY GEORGIA.

ADOPTED BY

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

COUNCIL

Date Referred: 3/3/03
 Referred To: City Utilities
 Date Referred:
 Referred To:
 Date Referred:
 Referred To:

First Reading
 Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee _____
 Date 3/13/2003
 Chair _____
 Action
 Fav, Adv, Hold (see rev. side)
 Other
 Members

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

Committee _____
 Date APR 21 2003
 Chair _____
 Action
 Fav, Adv, Hold (see rev. side)
 Other
 Members

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 _____
 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

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

CERTIFIED

CERTIFIED
 APR 21 2003
 ATLANTA CITY COUNCIL
William G. Thomas

CERTIFIED
 APR 21 2003
 Ronald D. Smith
 MUNICIPAL CLERK

MAYOR'S ACTION

Mayor's Action
 APR 28 2003

MAYO