

CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE

Howard Shook

04-0-0752

BY COUNCILMEMBER HOWARD SHOOK:

AN ORDINANCE TO ABANDON THAT PORTION OF ROXBORO CIRCLE, NE LOCATED BETWEEN ROXBORO ROAD AND THE TERMINUS OF THE CUL-DE-SAC, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 9 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has received a formal request to abandon a portion of ROXBORO CIRCLE, NE (said portion will be defined in section one below, and will be hereinafter referred to as the "Roxboro Property"). The request has come from the Roxboro Property's abutting property owner (hereinafter "Abutting Property Owner") for the purpose of using the Roxboro Property for his own private use; and

WHEREAS, the request to abandon the Roxboro Property has been reviewed by the proper city agencies and by all public utilities prior to passage of the legislation; and

WHEREAS, the abandoned Roxboro Property will become part of the Abutting Property Owner's private property and will be his responsibility to maintain, operate, and provide all services and utilities; and

WHEREAS, the Abutting Property Owner has agreed to acquire the Roxboro Property from the City of Atlanta for the Roxboro Property's appraised fair market value; and

WHEREAS, the Abutting Property Owner has offered to reimburse a portion of the appraised fair market value of the Roxboro Property by donating to the City three parcels of property located at the corner of Roxboro Road and Kingsboro Road, PIN numbers 17-0009-0004-013, 17-0009-0004-12, and 17-0009-0004-013), (hereinafter "Potential Donated Property") for use as parkland; and

WHEREAS, the City owns two parcels of property located adjacent to the Potential Donated Property (PIN numbers 17-0009-0004-046 and 17-0009-0004-014), (hereinafter "Adjacent City Property"). Should the Abutting Property Owner donate the Potential Donated Property to the City, the City would have five parcels of property on which to build a small park; and



WHEREAS, the Adjacent City Property is currently under the authority of the Department of Watershed Management. In the event that the Abutting Property Owner donates the Potential Donated Property to the City, the Department of Watershed Management will need to transfer the Adjacent City Property to the Department of Parks, Recreation, and Cultural Affairs; and

WHEREAS, the City is committed to increasing the amount of greenspace throughout the City, and recognizes the value of using the Potential Donated Property and Adjacent City Property as a new park.

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

SECTION 1. That the portion of ROXBORO CIRCLE, NE located between Roxboro Road and the terminus of the cul-de-sac, lying and being in Land Lot 9 of the 17th District, Fulton County, Georgia, and being more specifically described in the attached exhibit "A", (previously and hereinafter the "Roxboro Property"), is hereby declared no longer useful or necessary for the public's use and convenience.

SECTION 2. That the City's intent is hereby given to abandon the Roxboro Property.

SECTION 3. That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the Roxboro 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 the Chief Procurement Officer be and is hereby authorized to appraise said Roxboro Property to determine its fair market land value.

SECTION 5. That all costs associated with the appraisal report shall be charged to and paid from Account Number 3P02 574001 M22F03349999.

SECTION 6. That the Mayor, on behalf of the City, is hereby authorized to execute a quitclaim deed to the Roxboro Property to the Abutting Property Owner in exchange for the Abutting Property Owner's paying the City the fair market value of the Roxboro Property, as determined by the appraisal of said Roxboro Property.

SECTION 7. That the Abutting Property Owner be permitted to pay a portion of the fair market value of the Roxboro Property by donating to the City the Potential Donated Property. Should the Abutting Property Owner donate said Potential Donated Property to the City, the fair market value of the Potential Donated Property, as determined by an appraisal thereof, shall be deducted



the fair market value of the Roxboro Property, and the Abutting Property owner shall be pay to the City the difference between the two fair market values.

SECTION 8. That the Mayor, on behalf of the City, is hereby authorized to accept a deed or deeds for the Potential Donated Property.

SECTION 9. That the Potential Donated Property shall be used as parkland.

SECTION 10. That, in the event that the Abutting Property Owner donates the Potential Donated Property to the City, the Department of Watershed Management shall transfer, without cost, the Adjacent City Property to the Department of Parks, Recreation and Cultural Affairs, and said Adjacent City Property shall be used as parkland.

SECTION 11. That the Chief Procurement Officer be and is hereby authorized to appraise the Potential Donated Property to determine its fair market value.

SECTION 12. That all costs associated with the appraisal report shall be charged to and paid from Account Number 3P02 574001 M22F03349999.

SECTION 13. That all ordinances in conflict herewith are hereby repealed for purposes of this Ordinance only, and only to the extent of the conflict.

A true copy,

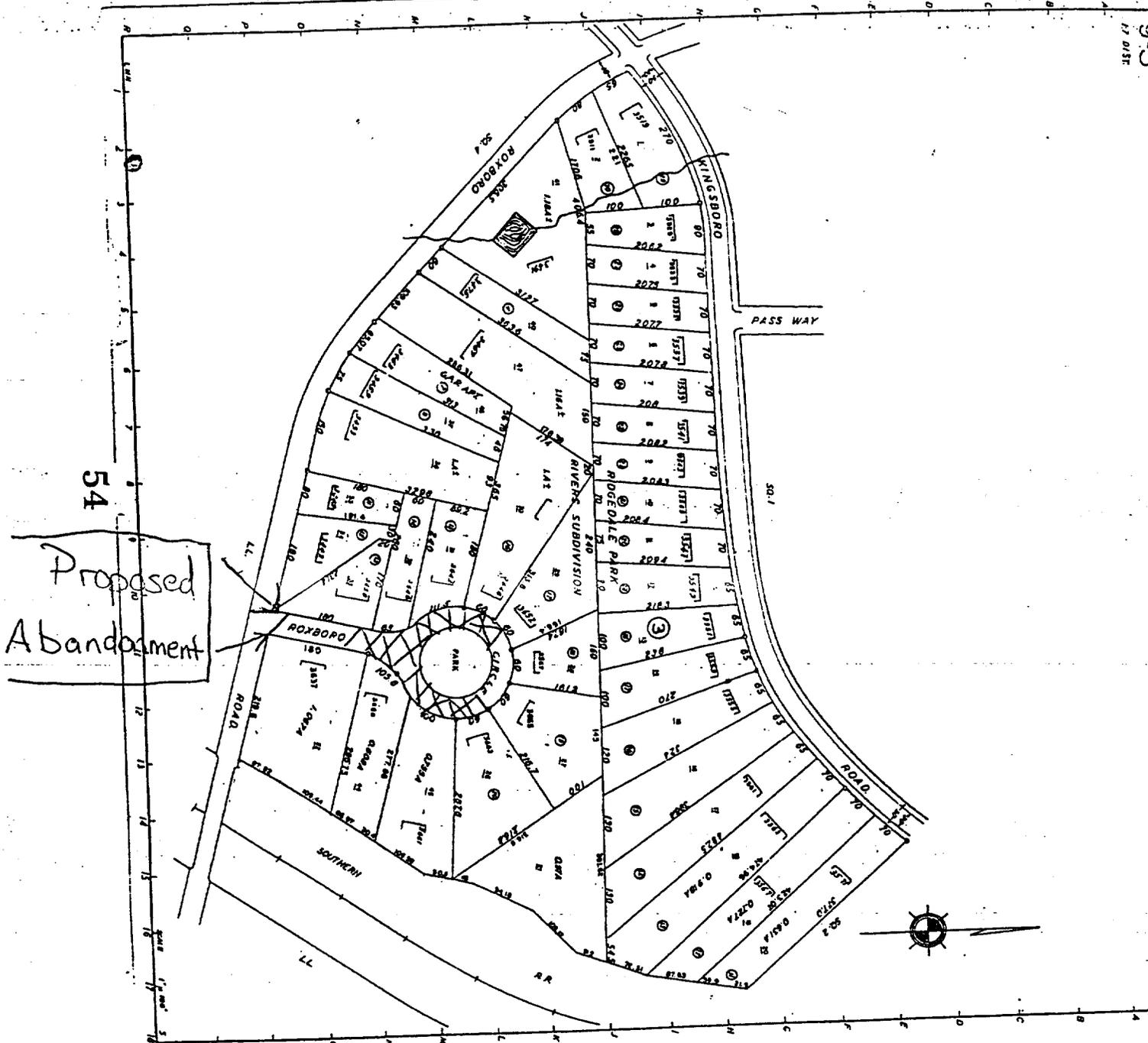
Deputy Municipal Clerk

ADOPTED by the City Council
APPROVED by the Mayor

SEPT 07, 2004
SEPT 15, 2004



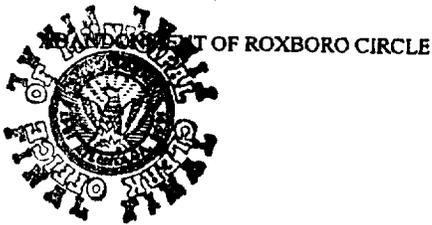
Exhibit "A"



54

Proposed Abandonment

PROPERTY OF JOINT CITY OF ATLANTA -
CLINTON COUNTY TAX RECORDS



04-0-0752

RECEIVED

**ROXBORO CIRCLE
ABANDONMENT**

MAY 05 2004

Legal Description

MUNICIPAL CLERK

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 9 of the 17th District, City of Atlanta, Fulton County, Georgia, shown as 0.95 acres, Tract 2, Roxboro Circle (40-foot right-of-way), on Survey for Roxboro Circle, L.L.C. by Highland Engineering, Inc., Steven M. Hardy, Georgia Registered Land Surveyor No. 2662, dated September 18, 2003, as last revised November 26, 2003, being more particularly described as follows:

BEGINNING at the intersection of the northeasterly right-of-way line of Roxboro Circle with the northerly right-of-way line of Roxboro Road (variable right-of-way); thence continuing along the right-of-way line of Roxboro Road, North 78 degrees 52 minutes 17 seconds West a distance of 83.88 feet to a point at the intersection of Roxboro Road with the northwesterly right-of-way line of Roxboro Circle; thence leaving the right-of-way line of Roxboro Road and proceeding along the right-of-way line of Roxboro Circle the following courses and distances:

North 59 degrees 46 minutes 25 seconds East a distance of 37.60 feet to a point,

North 15 degrees 03 minutes 30 seconds East a distance of 128.35 feet to a point,

North 15 degrees 02 minutes 44 seconds East a distance of 12.83 feet to a point,

a distance of 52.08 feet along an arc of a curve to the left (said arc having a radius of 62.23 feet and being subtended by a chord bearing North 07 degrees 29 minutes 56 seconds West a chord distance of 50.57 feet) to a point,

a distance of 13.77 feet along an arc of a curve to the left (said arc having a radius of 49.98 feet and being subtended by a chord bearing North 32 degrees 35 minutes 10 seconds West a chord distance of 13.73 feet) to a point,

a distance of 98.19 feet along an arc of a curve to the right (said arc having a radius of 105.88 feet and being subtended by a chord bearing North 17 degrees 07 minutes 58 seconds West a chord distance of 94.71 feet) to a point,

a distance of 60.30 feet along an arc of a curve to the right (said arc having a radius of 101.11 feet and being subtended by a chord bearing North 27 degrees 22 minutes 40 seconds East a chord distance of 59.41 feet) to a point,

a distance of 59.97 feet along an arc of a curve to the right (said arc having a radius of 101.26 feet and being subtended by a chord bearing North 61 degrees 23 minutes 39 seconds East a chord distance of 59.10 feet) to a point,



ABANDONMENT OF ROXBORO CIRCLE

of 59.99 feet along an arc of a curve to the right (said arc having a radius of 99.81 feet and being subtended by a chord bearing South 83 degrees 56 minutes 33 seconds East a chord distance of 59.09 feet) to a point,

a distance of 61.19 feet along an arc of a curve to the right (said arc having a radius of 99.81 feet and being subtended by a chord bearing South 49 degrees 13 minutes 05 seconds East a chord distance of 60.24 feet) to a point,

a distance of 60.05 feet along an arc of a curve to the right (said arc having a radius of 99.62 feet and being subtended by a chord bearing South 14 degrees 48 minutes 38 seconds East a chord distance of 59.15 feet) to a point,

a distance of 100.74 feet along an arc of a curve to the right (said arc having a radius of 99.97 feet and being subtended by a chord bearing South 31 degrees 47 minutes 07 seconds West a chord distance of 96.53 feet) to a point,

a distance of 105.08 feet along an arc of a curve to the left (said arc having a radius of 112.04 feet and being subtended by a chord bearing South 44 degrees 30 minutes 18 seconds West a chord distance of 101.27 feet) to a point,

South 15 degrees 02 minutes 28 seconds West a distance of 134.45 feet to a point,

and South 34 degrees 48 minutes 47 seconds East a distance of 22.09 feet to a point at the northerly right-of-way line of Roxboro Road, being the POINT OF BEGINNING.

ROXBORO CIRCLE ABANDONMENT

ROXBORO CIRCLE ABANDONMENT
 Land Lot 9, 17th District,
 City of Atlanta, Fulton County, Georgia

CURRENT OWNER: ROXBORO CIRCLE, L.L.C.
 Conveyed from Previous Owner to Roxboro Circle, L.L.C. at listed Deed Book and Page

ABUTTING PROPERTY

Current Owner	Previous Owner	Property Address	Tax Map 0017-00009 Parcel ID	Lot No.	Deed Book and Page
Roxboro Circle, L.L.C.	Agnes M. Stribling and Charles S. Stribling	3443 Roxboro Road (abuts Roxboro Circle)	34	12	36737/48
Roxboro Circle, L.L.C.	Thomas Clayton Walts and Kristina Freeman Walts	3638 Roxboro Circle	33	13	36737/41
Roxboro Circle, L.L.C.	Floy Helmer	3640 Roxboro Circle	32	14	36737/71
Roxboro Circle, L.L.C.	Eric N. Young and Mara B. Young	3642 Roxboro Circle	31	15	36737/78
Roxboro Circle, L.L.C.	Latrece Ennis Griffin, individually and as Executor of the Estate of Ellen H. Ennis	3646 Roxboro Circle	30	16	36737/157
Roxboro Circle, L.L.C.	Judith Smith Sutherland and Douglas Glenn Smith, as executors of the Estate of Willard Edward Smith	3652 Roxboro Circle	29	17	36737/104
Roxboro Circle, L.L.C.	Raymond A. Dafrico and Arlene Dafrico	3667 Roxboro Circle	28	18	36737/153
Roxboro Circle, L.L.C.	William James Payne	3665 Roxboro Circle	27	19	36737/117



AT: 88411v1

ABUTTING PROPERTY

Current Owner	Previous Owner	Property Address	Tax Map 0017-00009 Parcel ID	Lot No.	Deed Book and Page
Roxboro Circle, L.L.C.	Technology Park/Atlanta, Inc.	N/A (landlocked by MARTA on southeast, Parcels 26 and 27 on southwest, and Ridgedale Park Subdivision on north)	21	N/A	36737/124
Roxboro Circle, L.L.C.	Mary Laura Evans	3663 Roxboro Circle	26	20	36737/131
Roxboro Circle, L.L.C.	Ron Marshall	3661 Roxboro Circle	45	N/A	36737/135
Roxboro Circle, L.L.C.	Michael A. Graff	3659 Roxboro Circle	44	N/A	36737/146
Roxboro Circle, L.L.C.	Winfier Ping Tong and Richard Evan Hardin	3637 Roxboro Circle	22	N/A	36737/33

ADDITIONAL PROPERTY ACQUIRED BY ROXBORO CIRCLE, L.L.C. (IN SAME TRANSACTION)
 (Abuts Roxboro Road, but not Roxboro Circle)

Current Owner	Previous Owner	Property Address	Tax Map 0017-00009 Parcel ID	Lot No.	Deed Book and Page
Roxboro Circle, L.L.C.	Margaret Kennedy O'Neal	3453 Roxboro Road	36	N/A	36737/64
Roxboro Circle, L.L.C.	Joann Wukovits and Timothy Wilks	3449 Roxboro Road	35	11	Not available (closed 01/04)



RCS# 5986
9/07/04
2:30 PM

Atlanta City Council

Regular Session

CONSENT AGENDA PAGES (2-17)
EXCEPT 1369;1478;1319
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 2

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

		9-07-4 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1423	41. 04-R-1517	51. 03-R-2092
2. 04-O-1437	42. 04-R-1518	52. 03-R-2093
3. 04-O-1438	43. 04-R-1519	53. 03-R-2094
4. 04-O-1439	44. 04-R-1520	54. 03-R-2095
5. 04-O-0327	45. 04-R-1521	55. 03-R-2096
6. 04-O-0752	46. 04-R-1522	56. 03-R-2097
7. 04-O-1419	47. 04-R-1523	57. 03-R-2098
8. 04-O-1427	48. 04-R-1524	58. 03-R-2099
9. 04-O-1424	49. 04-R-1525	59. 03-R-2100
10. 04-O-1436	50. 04-R-1526	60. 03-R-2101
11. 04-O-1318		61. 03-R-2102
12. 04-O-1319		62. 03-R-2103
13. 04-O-1422		63. 03-R-2104
14. 04-R-1212		64. 03-R-2105
15. 04-R-1474		65. 04-R-1527
16. 04-R-1550		66. 04-R-1528
17. 04-R-1374		67. 04-R-1529
18. 04-R-1467		68. 04-R-1530
19. 04-R-1475		69. 04-R-1531
20. 04-R-1476		70. 04-R-1532
21. 04-R-1497		71. 04-R-1533
22. 04-R-1498		72. 04-R-1534
23. 04-R-1499		73. 04-R-1535
24. 04-R-1515		74. 04-R-1536
25. 04-R-1471		75. 04-R-1537
26. 04-R-1432		76. 04-R-1538
27. 04-R-1387		77. 04-R-1539
28. 04-R-1482		78. 04-R-1540
29. 04-R-1483		79. 04-R-1541
30. 04-R-1484		80. 04-R-1542
31. 04-R-1486		81. 04-R-1543
32. 04-R-1488		82. 04-R-1544
33. 04-R-1511		83. 04-R-1545
34. 04-R-1512		84. 04-R-1546
35. 04-R-1477		85. 04-R-1547
36. 04-R-1490		86. 04-R-1548
37. 04-R-1492		87. 04-R-1514
38. 04-R-1493		
39. 04-R-1494		
40. 04-R-1516		

04-0-0752

(Do Not Write Above This Line)

AN ORDINANCE

How Street

BY COUNCILMEMBER HOWARD SHOOK

AN ORDINANCE TO ABANDON THAT PORTION OF ROXBORO CIRCLE, NE LOCATED BETWEEN ROXBORO ROAD AND THE TERMINUS OF THE CUL-DE-SAC, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 9 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.

ADOPTED BY

SEP 07 2004

COUNCIL

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

Date Referred

4/19/04

Referred To:

City of Atlanta

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee *City of Atlanta*
 Date *7/21/2004*
 Chair _____
 Action *Hold* (see rev. side)
 Fav, Adv, Hold (see rev. side)
 Other _____
 Members _____

Refer To _____

Committee *City of Atlanta*
 Date *8/1/2004*
 Chair _____
 Action *Hold* (see rev. side)
 Fav, Adv, Hold (see rev. side)
 Other _____
 Members _____

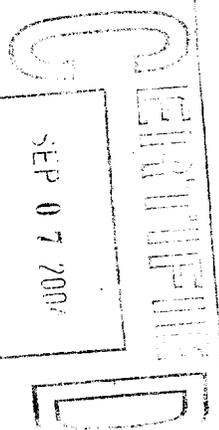
Refer To _____

City Committee *1/1/04*
 Date *2/20/04*
 Chair _____
 Action *Other*
 Fav, Adv, Hold (see rev. side)
 Other _____
 Members _____

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

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

CERTIFIED



ATLANTA CITY COUNCIL PRESIDENT
Howard Shook

SEP 07 2004
 MONROE, GA

MAYOR'S ACTION

OVER
Mayor's Action
 SEP 15 2004

MAYOR