

October 18, 2004

AN ORDINANCE

BY: COUNCILMEMBER CLAIR MULLER

AN ORDINANCE TO ABANDON THAT PORTION OF COMMERCE DRIVE, NW LOCATED FROM APPROXIMATELY 458 FEET NORTH OF BELLEMEADE AVENUE TO THE NORTHERN END OF STREET CONSISTING OF .976 ACRES, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 152 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has received a formal request from the abutting property owner, to abandon a portion of COMMERCE DRIVE, NW for the purpose of using the property for their own private use; and

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

WHEREAS, the abandoned right-of-way will become part of the abutting owner's private property and will be their responsibility to maintain, operate, and provide all services and utilities; and

WHEREAS, the abutting property owner has agreed to acquire said street from the City of Atlanta for the appraised fair market value; and,

WHEREAS, this abandonment will create a dead end, the abutting property owner is required to construct an appropriate turn-around, in accordance with Section 138-9(k)(2).

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

SECTION 1. That the portion of COMMERCE DRIVE, NW located from approximately 458 feet North of Bellemeade Avenue to the northern end of street consisting of .976 acres, more or less, and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 152 of the 17th District, Fulton County, Georgia the same 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 said street.

SECTION 3. That the abutting property owner's have agreed to pay the fair market value of the abandoned street as determined by the appraisal of said street.

SECTION 4. 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.

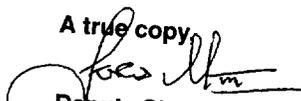
SECTION 5. That the Chief Procurement Officer be and is hereby authorized to appraise said street to determine their fair market land value.

SECTION 6. That all costs associated with the appraisal report shall be charged to and paid from Account Number 3P02 524001 M22F03349999.

SECTION 7. That the Mayor be and is hereby authorized to execute a quitclaim deed to said street.

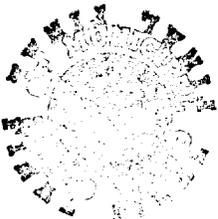
SECTION 8. That all ordinance and parts of ordinances in conflict herewith be and the same are hereby repealed.

A true copy


Deputy Clerk

ADOPTED as amended by the Council
APPROVED by the Mayor

NOV 15, 2004
NOV 19, 2004

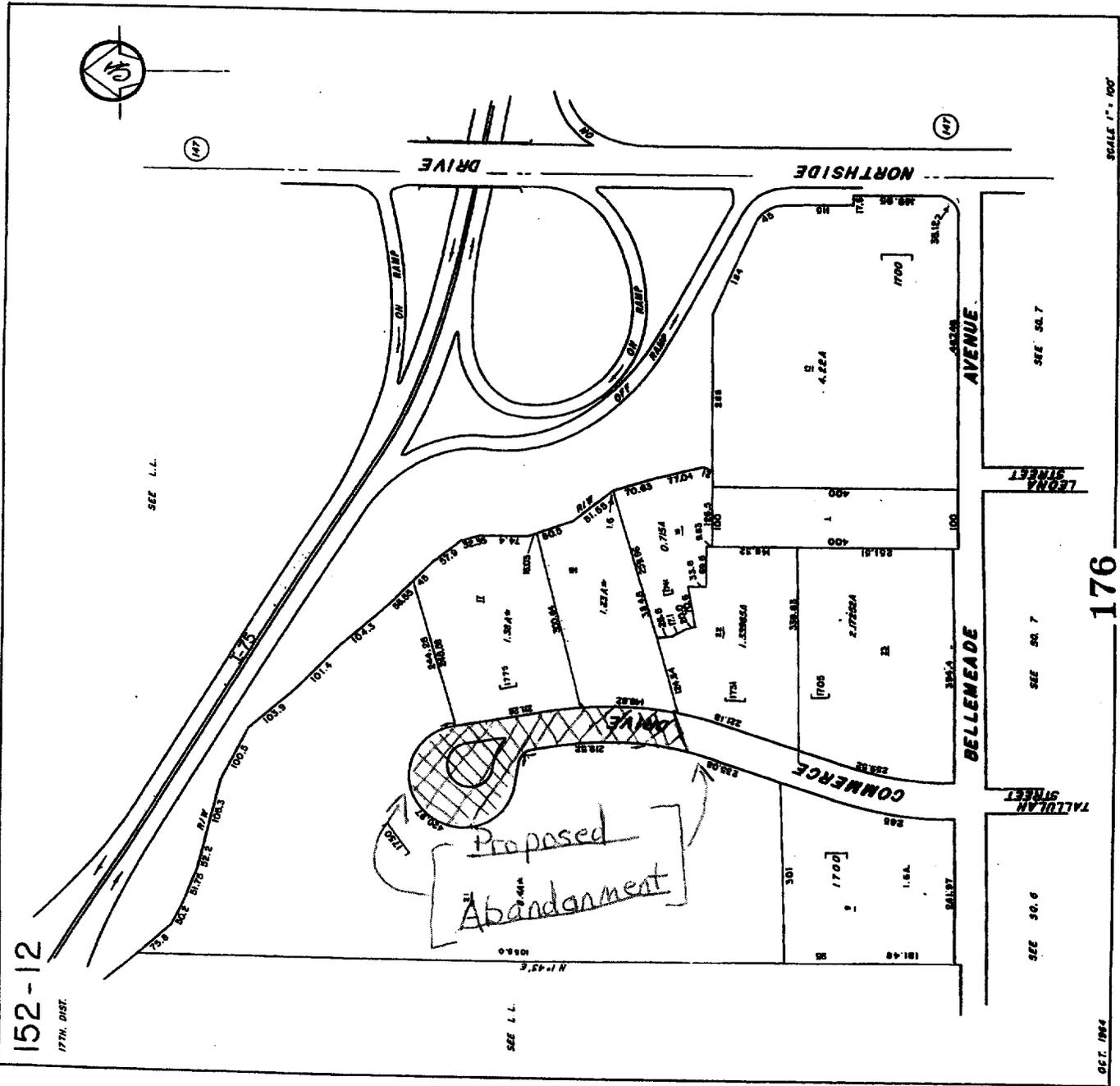


L E G A L D E S C R I P T I O N
(Commerce Drive Right-of-Way to be Abandoned)

All that tract or parcel of land lying and being in Land Lot 152, 17th District, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the western right-of-way line of Commerce Drive (60 foot right-of-way) located a distance of 458.09 feet as measured in a northerly direction along the western right-of-way line of Commerce Drive from the intersection of the western right-of-way line of Commerce Drive with the northern right-of-way line of Bellemeade Avenue (50 foot right-of-way); THENCE along a curve to the left having a radius of 547.78 feet and an arc length of 209.19 feet, being subtended by a chord of North 04 degrees 50 minutes 23 seconds East for a distance of 207.92 feet along the western right-of-way line of Commerce Drive to a point; THENCE North 06 degrees 10 minutes 30 seconds West for a distance of 38.81 feet along said right-of-way line to a point; THENCE along a curve to the left having a radius of 28.24 feet and an arc length of 34.64 feet, being subtended by a chord of North 41 degrees 19 minutes 15 seconds West for a distance of 32.50 feet along the right-of-way line of the cul-de-sac of Commerce Drive to a point; THENCE North 76 degrees 26 minutes 42 seconds West for a distance of 39.96 feet along said right-of-way line to a point; THENCE along a curve to the right having a radius of 87.00 feet and an arc length of 380.06 feet, being subtended by a chord of North 48 degrees 40 minutes 29 seconds East for a distance of 142.27 feet along said right-of-way line to a point on the eastern right-of-way line of Commerce Drive; THENCE South 06 degrees 10 minutes 30 seconds East for a distance of 160.82 feet along said right-of-way line to a point; THENCE along a curve to the right having a radius of 607.78 feet and an arc length of 200.64 feet, being subtended by a chord of South 03 degrees 21 minutes 10 seconds West for a distance of 199.73 feet along said right-of-way line to a point; THENCE South 77 degrees 45 minutes 56 seconds West for a distance of 67.04 feet to a point on the western right-of-way line of Commerce Drive, said point being the POINT OF BEGINNING.

Said property contains 0.976 acres or 42525 square feet.



152-12
17TH DIST.

176

SCALE 1" = 100'

OCT. 1964

PROPERTY OF JOINT CITY OF ATLANTA
IN THE COUNTY TAX MAP

RCS# 6243
11/15/04
2:41 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 4-20, EXCEPT: 04-O-2036

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

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

CONSENT I

		11-15-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1887	43. 04-R-1968	67. 04-R-2003
2. 04-O-1872	44. 04-R-1969	68. 04-R-2004
3. 04-O-1936	45. 04-R-2024	69. 04-R-2005
4. 04-O-1946	46. 04-R-2029	70. 04-R-2006
5. 04-O-2030	47. 04-R-2033	71. 04-R-2007
6. 04-O-2031	48. 04-R-1752	72. 04-R-2008
7. 04-O-2038	49. 04-R-1974	73. 04-R-2009
8. 04-O-1417	50. 04-R-1975	74. 04-R-2010
9. 04-O-1879	51. 04-R-2025	75. 04-R-2011
10. 03-O-2222	52. 04-R-2085	76. 04-R-2012
11. 04-O-0044	53. 04-R-1980	77. 04-R-2013
12. 04-R-1982	54. 04-R-2026	78. 04-R-2014
13. 04-R-1983	55. 04-R-2040	
14. 04-R-1984	56. 04-R-2048	
15. 04-R-1985	57. 04-R-1999	
16. 04-R-1988	58. 04-R-2000	
17. 04-R-1977	59. 04-R-2001	
18. 04-R-1979	60. 04-R-2002	
19. 04-R-2041	61. 04-R-2015	
20. 04-R-2042	62. 04-R-2016	
21. 04-R-2092	63. 04-R-2017	
22. 04-R-2093	64. 04-R-2018	
23. 04-R-2094	65. 04-R-2019	
24. 04-R-2095	66. 04-R-2020	
25. 04-R-2096		
26. 04-R-1875		
27. 04-R-1876		
28. 04-R-1877		
29. 04-R-1950		
30. 04-R-1951		
31. 04-R-1953		
32. 04-R-1954		
33. 04-R-1957		
34. 04-R-1959		
35. 04-R-1960		
36. 04-R-1961		
37. 04-R-1962		
38. 04-R-1963		
39. 04-R-1964		
40. 04-R-1965		
41. 04-R-1966		
42. 04-R-1967		

(Do Not Write Over This)

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ADOPTED BY

NOV 15 2004

COUNCIL

As Amended

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

Date Referred 10/18/04

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee *City Utilities*
 Date *10/26/2004*
 Chair _____

Action _____
 Fav, Adv, Hold (see rev. side) _____
 Other _____

Members _____
For Public Hearings

Refer To _____

Committee

Date

Chair

Action _____
 Fav, Adv, Hold (see rev. side) _____
 Other _____

Members

Refer To _____

Committee

Date

Chair

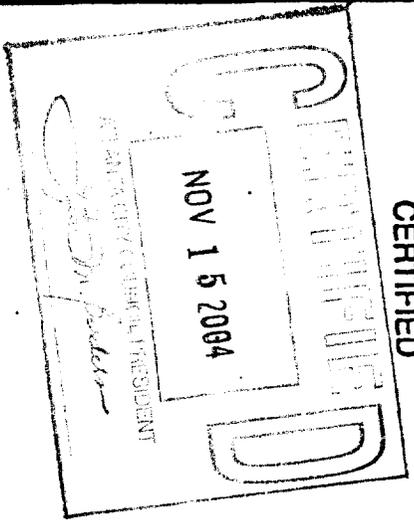
Action _____
 Fav, Adv, Hold (see rev. side) _____
 Other _____

Members

Refer To _____

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

CERTIFIED



John Muller
 Mayor

MAYOR'S ACTION

Clair Muller
 Mayor
 NOV 19 2004

MAYOR

LARGE ATTACHMENT:

DOCUMENT(S),

MANUAL(S)

OR

MAP(S)

NOT COPIED,

PULL ORIGINAL

FOR COPY OR TO VIEW