



**BY COUNCILMEMBER HOWARD SHOOK
AS AMENDED BY CITY UTILITIES COMMITTEE**

TO AUTHORIZE ACCEPTANCE OF DEDICATION OF CERTAIN RIGHTS-OF-WAY TO BE CONSTRUCTED IN ACCORDANCE WITH THE SPI-15 SUBAREA 8 LINDBERGH RESIDENTIAL MASTER PLAN MAP AS CONSIDERATION FOR ABANDONMENT OF CERTAIN STREETS; TO AMEND ORDINANCE 03-O-1651, WHICH AUTHORIZED THE ABANDONMENTS; TO WAIVE CERTAIN PROVISIONS OF SECTIONS 2-1578 AND 138-2 OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, in 1999-2001 the City of Atlanta, through the Bureau of Planning, worked with a task force of neighborhood residents and property owners in the Lindbergh/Piedmont area to prepare the Lindbergh Transit Station Area Development Study (the "Lindbergh Study"), which made recommendations for redevelopment of the Lindbergh area of northeast Atlanta; and

WHEREAS, to implement the recommendations of the Lindbergh Study, the City adopted Ordinance No. 01-O-0544 in July 2001 establishing a new zoning district, SPI-15--Lindbergh District Regulations; and

WHEREAS, the stated intent and purpose of the SPI-15 district includes the goals of retrofitting the existing automobile-oriented commercial strip into a transit and pedestrian-oriented mixed use and multi-family urban neighborhood and creating a grid of streets to improve access and reduce congestion; and

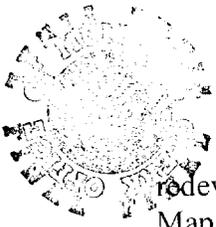
WHEREAS, the Subarea 8 Master Plan Map depicting a plan for redevelopment of the Lindbergh Residential District was adopted as part of the SPI-15 Ordinance (the "Master Plan Map"); and

WHEREAS, Lindmont Apartments, Inc. ("Lindmont") owns certain properties located within the Subarea 8--Lindbergh Residential District that are currently developed with apartment buildings (the "Lindmont Properties"); and

WHEREAS, Lindmont actively participated in the Lindbergh Study and contributed over \$100,000 to fund the work of the City's consultants on the project; and

WHEREAS, the Master Plan Map calls for redevelopment of Subarea 8, including the Lindmont Properties, and reconfiguration of the existing streets to create a new grid of streets; and

WHEREAS, in order to make this redevelopment and street reconstruction possible, Lindmont petitioned the City to abandon the existing streets so that the Lindmont Properties could be



redeveloped in a coordinated and comprehensive manner in accordance with the Master Plan Map; and

WHEREAS, by Ordinance 03-O-1651, adopted by the City Council on November 3, 2003 and approved by the Mayor on November 10, 2003, the City authorized the abandonment of West Lindmont Court NE, East Lindmont Court NE, and Lindmont Circle NE to Lindmont as the abutting property owner; and

WHEREAS, when the Lindmont Properties are redeveloped in accordance with the Master Plan Map, new streets and sidewalks will be constructed and the new streets will be dedicated to public use; and

WHEREAS, the City wishes to encourage and facilitate redevelopment of the Lindmont Properties in accordance with the Master Plan Map; and

WHEREAS, the City expects that the value of the rights-of-way to be dedicated to the City after redevelopment of the Lindmont properties will equal or exceed the value of the abandoned streets; and

WHEREAS, the Council of the City of Atlanta wishes to authorize acceptance of the new rights-of-way together with Lindmont's previous financial contribution to the Lindbergh Study as full and adequate consideration for the abandoned streets as set forth below.

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

Section 1. The City is authorized to convey by Quitclaim Deed to Lindmont or to its successor(s) in title the rights-of-way abandoned pursuant to Ordinance 03-O-1651 (the "Abandoned Parcels").

Section 2. The City hereby waives the requirement set forth in City Ordinances 2-1578 and 138-9 for payment of fair market value in exchange for the Quitclaim Deed provided that newly constructed rights-of-way are dedicated to the City in accordance with Section 5. below.

Section 3. Ordinance 03-O-1651 is amended by deleting Section 5, which required payment of fair market value for the Abandoned Parcels.

Section 4. Upon approval of this ordinance, the City Attorney is directed to prepare a Quitclaim Deed for execution by the Mayor containing terms and conditions appropriate and/or legally required for the transaction authorized by this ordinance.

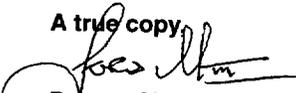
Section 5. Upon construction of new streets within the Lindmont Properties in accordance with the Master Plan Map, the City is authorized to accept dedication of the new rights-of-way for public use.



Section 6. If the dedication described in Section 5 does not occur on or before December 31, 2010, Lindmont or its successor(s) in title shall pay to the City the appraised value of the Abandoned Parcels.

Section 7. If at the time of dedication it is determined that the value of the new rights-of-way for public use is less than the fair market value of the abandoned parcels, Lindmont or its successors shall pay to the City the difference.

Section 8. All code sections, ordinances, and part of code sections and ordinances in conflict with this Ordinance are hereby waived for the purpose of this Ordinance.

A true copy,

Deputy Clerk

ADOPTED as amended by the Council
APPROVED by the Mayor

NOV 15, 2004
NOV 19, 2004

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		

#10

(Do Not Write Above This) **04-0-2030**

AN ORDINANCE

BY COUNCILMEMBER HOWARD SHOOK

TO AUTHORIZE ACCEPTANCE OF DEDICATION OF CERTAIN RIGHTS-OF-WAY TO BE CONSTRUCTED IN ACCORDANCE WITH THE SPI-15 SUBAREA 8 LINDBERGH RESIDENTIAL MASTER PLAN MAP AS CONSIDERATION FOR ABANDONMENT OF CERTAIN STREETS; TO AMEND ORDINANCE 03-0-1651, WHICH AUTHORIZED THE ABANDONMENTS; TO WAIVE CERTAIN PROVISIONS OF SECTIONS 2-1578 AND 138-2 OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

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 11/1/04

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred to _____

Committee City Utilities
 Date Nov 4 2004
 Chair Howard Shook
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: As Amended
 Members: _____
 Refer To: Chair Shook

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 _____

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

CERTIFIED

CERTIFIED
 NOV 15 2004
 CITY CLERK

CERTIFIED
 NOV 15 2004
 MAYOR

MAYOR'S ACTION

APPROVED
Howard Shook
 MAYOR