



CITY COUNCIL
ATLANTA, GEORGIA

JANUARY 20, 2004

AN ORDINANCE

04-0-0166

BY: COUNCILMEMBER CARLA SMITH

AN ORDINANCE TO ABANDON THAT PORTION OF PROSPECT AVENUE, SE LOCATED FROM MEAD STREET SOUTH TO ITS DEAD END AT THE CSX RAILROAD TRACKS CONSISTING OF .235 ACRES, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 23 OF THE 14TH 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 PROSPECT AVENUE, SE 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 streets from the City of Atlanta for the appraised fair market value; and

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

SECTION 1. That the portion of PROSPECT AVENUE, SE located from Mead Street to its dead end at the CSX Railroad Tracks consisting of .235 acres, more or less, and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 23 of the 14th District, Fulton County, Georgia, 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 Director of Purchasing and Real Estate be and is hereby authorized to appraise said streets 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 1A01524001G55001.

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

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 That all ordinance and parts of ordinances in conflict herewith be and the same are hereby repealed.

A true copy,

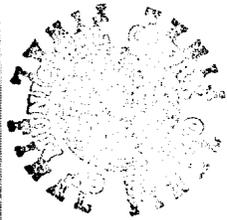
Rhonda Daughkin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

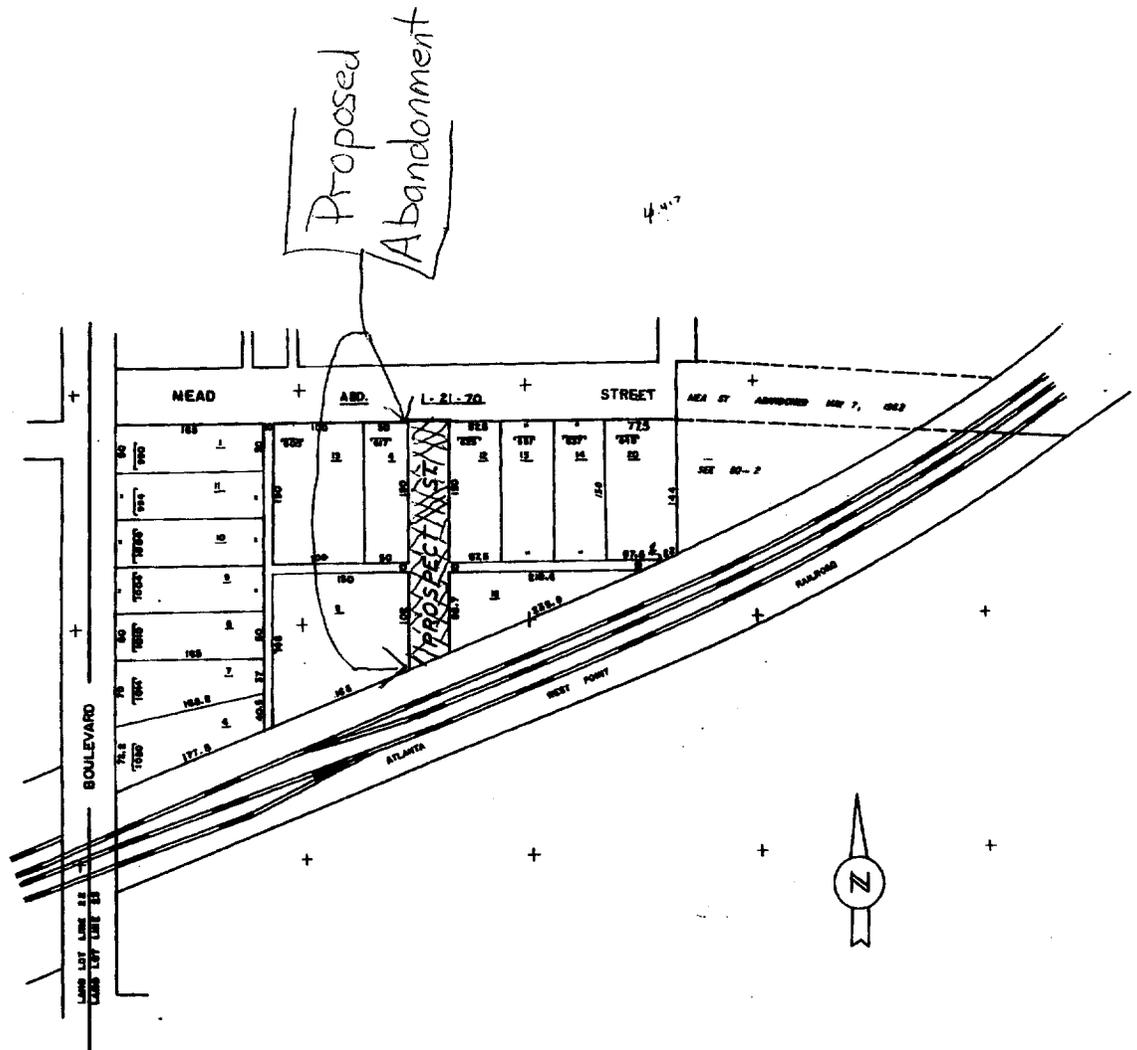
FEB 16, 2004
FEB 24, 2004

EXHIBIT "A1"

23-5
14 DIST

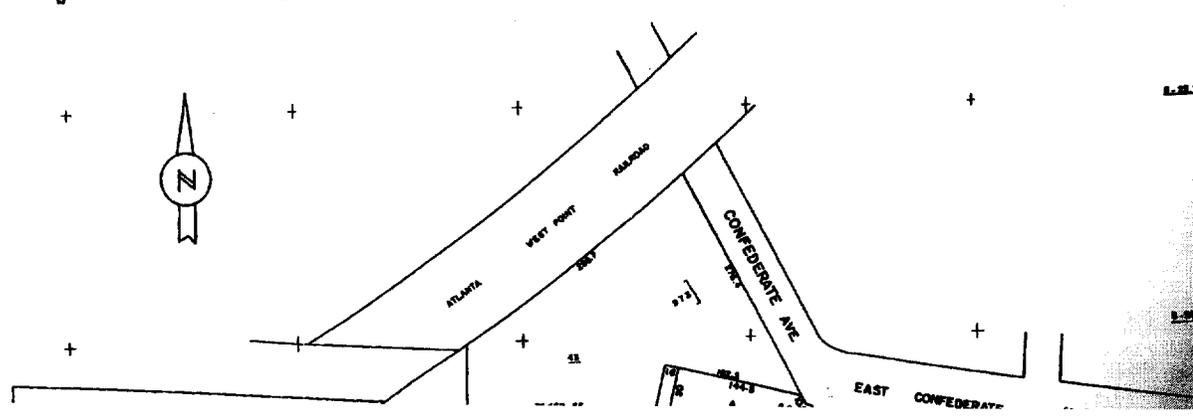


1191 ATLANTA STREET, PHOENIX, AND 1192



SCALE - 1" = 80'

23-6
14 DIST





Legal Description

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 23, 14th District, Fulton County, Georgia and being more particularly described as follows:

COMMENCE at the intersection of the southern right of way line of Mead Street (60 foot right of way) (formerly known as Grady Avenue and formerly known as Meade Street) and the eastern right of way line of Boulevard Street; thence easterly along said southern right of way line 330.24 feet to a rebar found at the intersection of said southern right of way line and the western right of way line of Prospect Avenue (40 foot right of way) (unimproved) and the POINT OF BEGINNING; thence easterly along said southern right of way line and along the northern end of the pavement of said Prospect Avenue North 89° 50' 46" East a distance of 40.07 feet to a rebar found at the intersection of said southern right of way line and the eastern right of way line of said Prospect Avenue; thence leaving said southern right of way line and along said eastern right of way line of Prospect Avenue South 00° 00' 00" West a distance of 248.35 feet to a point; thence leaving said eastern right of way line South 71° 02' 56" West a distance of 42.36 feet to a point on the western right of way line of said Prospect Avenue; thence along said western right of way line North 00° 00' 00" West 262.00 feet to a rebar found at the intersection of said western right of way line and the southern right of way line of Mead Street and the POINT OF BEGINNING; said parcel containing 0.235 acres as shown on Right of Way Location Map for Ted B. Jacobson, dated August 14, 2002, prepared by McClung Surveying Services, Inc. and bearing the certification of Michael R. Noles, GRLS No. 2646.

RCS# 5456
2/16/04
7:47 PM

Atlanta City Council

Regular Session

04-O-0166 ABANDON PORTION PROSPECT AVENUE FM/MEAD
STREET TO IT'S DEAD END @ CSX RAILROAD
ADOPT

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

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

#15

04-0-0166

(Do Not Write Above This Line)

AN ORDINANCE *Carla Smith*
BY: COUNCILMEMBER CARLA SMITH

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ADOPTED BY

FEB 16 2004

COUNCIL

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

Date Referred *1/27/04*
Referred To: *City Council*

First Reading

Committee _____
Date _____
Chair _____

Committee _____
Date _____
Chair _____
Actions: _____
Fav, Adv, Held (see rev. side) _____
Other: _____
Members _____

Committee *City Utilities*
Date *JAN. 27, 2004*
Chair _____
Actions: _____
Fav, Adv, Held (see rev. side) _____
Other: *see Public Hearing*
Members _____

Refer To _____

COUNCIL ACTION

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

CERTIFIED

FEB 16 2004

Richard D. Johnson
MUNICIPAL CLERK

CERTIFIED

FEB 16 2004

Richard D. Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

Andy Slaughter
FEB 24 2004

MAYOR