



CITY COUNCIL
ATLANTA, GEORGIA

04- Q-1006

May 11, 2004

AN ORDINANCE

BY: CITY UTILITIES COMMITTEE

AN ORDINANCE TO ABANDON THAT PORTION OF UNIMPROVED MARBUT AVENUE, SE LOCATED FROM MAYNARD TERRACE TO APPROXIMATELY 345 FEET WEST TO END CONSISTING OF .370 ACRES, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 178 OF THE 15TH DISTRICT, DEKALB 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 MARBUT 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 street 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 unimproved MARBUT AVENUE, SE located from Maynard Terrace to approximately 345 feet west to end consisting of .370 acres, more or less, and being more specifically described in the attached exhibit "A" lying and being in Land Lot 178 of the 15th District, DeKalb County, Georgia the same are 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 574001 M22F03349999.

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

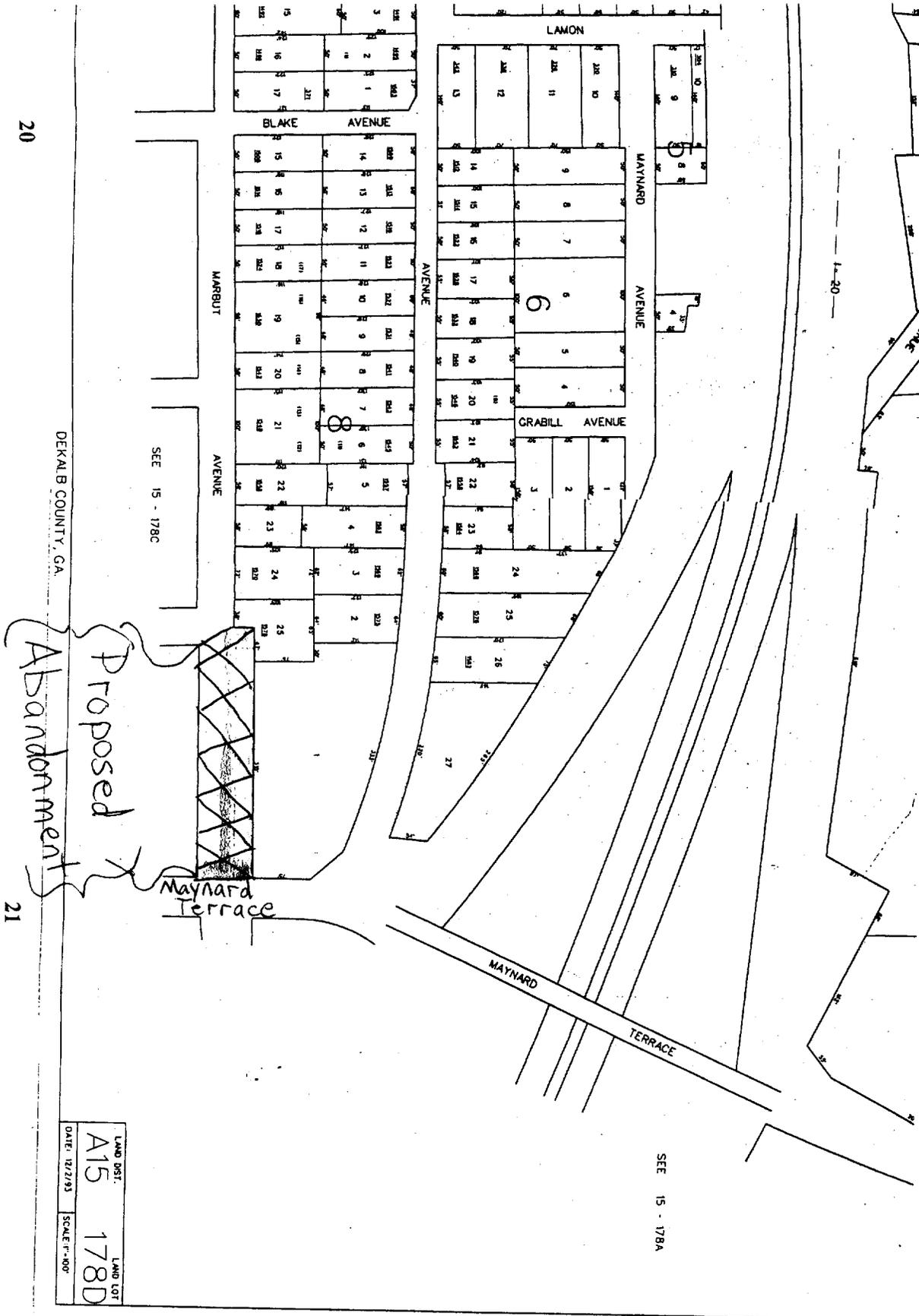
SECTION 8. That all ordinance and parts of ordinances in conflict herewith be and the same are hereby repealed.

A true copy,
Shonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

Jan 03, 2005
Jan 12, 2005

Exhibit "A"



20

21

DEKALB COUNTY, GA

SEE 15 - 178C

SEE 15 - 178A

LAND DIST. A15 178D
 DATE: 02/27/93
 SCALE: 1"=40'

Marbut AV
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 178 of the 15th District, Dekalb County, Georgia, and being more particularly described as follows:

Beginning at a concrete monument at the mitered intersection of the southerly right of way of McPherson Avenue, 50 foot right-of-way, and the westerly right of way of Maynard Terrace, right-of-way varies; Thence proceeding along said right-of-way South 00 degrees 27 minutes 27 seconds West for a distance of 77.34 feet to a point said point also being the TRUE POINT OF BEGINNING;

Thence proceeding along said right-of-way South 01 degrees 49 minutes 18 seconds East for a distance of 49.65 feet to a point; Thence leaving said right-of-way and proceeding North 89 degrees 39 minutes 53 seconds West for a distance of 320.03 feet to a point; Thence proceeding along the easterly right-of-way of Marbut Avenue (having a 50 foot right-of-way) North 00 degrees 35 minutes 02 seconds East for a distance of 24.13 feet to a point; Thence proceeding along said right-of-way North 89 degrees 47 minutes 09 seconds West for a distance of 25.28 feet to a point; Thence leaving said right-of-way and proceeding North 01 degrees 09 minutes 16 seconds East for a distance of 24.08 feet to a point; Thence proceeding South 89 degrees 54 minutes 29 seconds East for a distance of 343.0 feet to a point and the TRUE POINT OF BEGINNING.

The above described contains 0.37 acres

Legal Description No 1 (revised Jan. '04): is the boundary of the ENTIRE PORTION OF THE ROW TO BE ABANDONED.

RECEIVED

JUN 01 2004

ASD

MUNICIPAL CLERK

RCS# 6388
1/03/05
3:38 PM

Atlanta City Council

Regular Session

04-O-1006 ABANDON PORTION UNIMPROVED MARBUT AVENUE
F/MAYNARD TERR
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 0

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	E Muller	Y Sheperd	NV Borders

RCS# 6387
1/03/05
3:37 PM

Atlanta City Council

Regular Session

PROCEDURAL

RETURN TO REGULAR SESSION

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 1
ABSENT 0

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

PROCEDURAL

RCS# 6386
1/03/05
3:36 PM

Atlanta City Council

Committee of the Whole
~~Regular Session~~

04-0-1006

ABANDON PORTION UNIMPROVED MARBUT AVENUE
F/MAYNARD TERR

APPROVED

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 0

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	E Muller	Y Sheperd	NV Borders

04-0-1006

RCS# 6385
1/03/05
3:35 PM

Atlanta City Council

Regular Session

PROCEDURAL

****ENTER COMMITTEE OF THE WHOLE****

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 0

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	E Muller	Y Sheperd	NV Borders

PROCEDURAL

RCS# 5777
6/07/04
2:35 PM

Atlanta City Council

Regular Session

CONSENT II

CONSENT II PG(S) 18-20

REFER

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 1

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

CONSENT II

04-0-1006

(Do Not Write Above This Line)

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BY: CITY UTILITIES COMMITTEE

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ADOPTED BY

JAN 0 3 2005

COUNCIL

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

1. Date Referred 6-7-2004

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading
 Committee Date 6-7-2004
 Chair Herb Brown
 Referred To

Committee Date 1/3/05
 Chair
 Date 2/9/2005

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

Members

Refer To

Committee Date 1/3/05
 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
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - RC Vote

CERTIFIED

JAN 0 3 2005

Brought forward from held status by Shook 1/3/05

CERTIFIED

JAN 0 3 2005

Rachel Ruppel Municipal Clerk

MAYOR'S ACTION

MAYOR