

**CITY COUNCIL
ATLANTA, GEORGIA**

AN ORDINANCE

04-O-2108

**BY COUNCILMEMBER CLAIR MULLER
AS AMENDED BY CITY UTILITIES COMMITTEE**

AN ORDINANCE AUTHORIZING THE ABANDONMENT OF A PORTION OF CLARENDALE DRIVE, SUCH PROPERTY LYING AND BEING IN LAND LOT 197 OF THE 17TH DISTRICT, CITY OF ATLANTA, FULTON COUNTY, GEORGIA; AND THE EXECUTION BY THE MAYOR OF A QUITCLAIM DEED AND EXCHANGE AGREEMENT TO PROVIDE A MECHANISM FOR THE FUNDING OF THE ACQUISITION AND CONVEYANCE OF THE ABANDONED STREETS; AND FOR OTHER PURPOSES.

WHEREAS, The Westminster Schools (“Westminster”) plans the development of a new junior high school on its existing campus;

WHEREAS, Westminster’s private, on-campus roadway system currently runs through the site of the planned junior high school;

WHEREAS, the construction of Westminster’s new junior high school requires the reconfiguration of its private, on-campus roadway system;

WHEREAS, the reconfiguration of Westminster’s private, on-campus roadway system necessitates the abandonment of a portion of Clarendale Road;

WHEREAS, the City of Atlanta has received a formal petition from Westminster to abandon a portion of Clarendale Drive;

WHEREAS, Westminster is the only landowner with property abutting the portion of Clarendale Drive to be abandoned (the “Proposed Abandoned Property”);

WHEREAS, the construction of the Proposed Improvements will significantly improve access to Clarendale Drive for the City’s emergency and sanitation vehicles, resulting in benefits to the public’s health, safety and welfare;

WHEREAS, a copy of Westminster’s abandonment proposal and plat identifying the Proposed Abandoned Property and Proposed Improvements, is attached as Exhibit 1;

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

Section 1. That the City declares the Proposed Abandoned Property, as shown on Exhibit 1 attached hereto, to be no longer useful or necessary for public use and convenience.



Section 2. That, after the City's Bureau of Purchasing and Real Estate and Department of Public Works have confirmed that Westminster has satisfied all conditions precedent under sections 2-1578 and 138-9 of the City's Code of Ordinances, the City is authorized to convey by Quitclaim Deed to Westminster the Proposed Abandoned Property once Westminster has paid the fair market value of the Proposed Abandoned Property as determined by the appraisal of said property.

Section 3. That all reservations within the Proposed Abandoned Property for existing public or private utility easements will remain in effect for the purposes of entering the Proposed Abandoned Property to operate, maintain, or replace the utility facilities. These easements will remain in effect until such time that the utilities are abandoned, removed or relocated, at which time the easements will expire.

Section 4. That the Chief Procurement Officer be and is hereby authorized to appraise said Proposed Abandoned Property to determine the fair market land value.

Section 5. That all costs associated with the appraisal report shall be charged to and paid from Fund, Account and Center Number 3P02 524001 M22F03349999.

Section 6. That the City Attorney, or her designee, is directed to prepare a Quitclaim Deed and Exchange Agreement for execution by the Mayor, containing terms and conditions appropriate and/or legally required for this transaction, to be approved by the City Attorney as to form.

Section 7. That the Mayor is authorized to execute and deliver a Quitclaim Deed conveying the Proposed Abandoned Property to Westminster. The Mayor is also authorized to execute and deliver an Exchange Agreement between the City and Westminster setting forth their agreement regarding the conveyance of the Proposed Abandoned Property.

Section 8. That the Quitclaim Deed and Exchange Agreement will not become binding upon the City and the City will incur no liability under them until the Mayor has executed them, they have been attested to by the Municipal Clerk, and delivered to Westminster, or its designee.

Section 9. That all code sections, ordinances, and parts of code sections and ordinances in conflict with this Ordinance are waived.



Section 2.

That, after the City's Bureau of Purchasing and Real Estate and Department of Public Works have confirmed that Westminster has satisfied all conditions precedent under sections 2-1578 and 138-9 of the City's Code of Ordinances, the City is authorized to convey by Quitclaim Deed to Westminster the Proposed Abandoned Property once Westminster has paid the fair market value of the Proposed Abandoned Property as determined by the appraisal of said property.

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That all reservations within the Proposed Abandoned Property for existing public or private utility easements will remain in effect for the purposes of entering the Proposed Abandoned Property to operate, maintain, or replace the utility facilities. These easements will remain in effect until such time that the utilities are abandoned, removed or relocated, at which time the easements will expire.

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That the Quitclaim Deed and Exchange Agreement will not become binding upon the City and the City will incur no liability under them until the Mayor has executed them, they have been attested to by the Municipal Clerk, and delivered to Westminster, or its designee.

Section 9.

That all code sections, ordinances, and parts of code sections and ordinances in conflict with this Ordinance are waived.

A true copy

Rhonda Daughia Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

Jan 03, 2005
Jan 10, 2005

Written Description

All that tract or parcel of land lying and being in Land Lot 197, 17th District, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the southerly right of way of Clarendale Drive (30 foot right of way), said point being 1168.64 feet northwesterly, as measured along said right of way of Clarendale Drive from the intersection of said right of way of Clarendale Drive and the northerly right of way of Margaret Mitchell Drive; thence along said right of way of Clarendale Drive N 52 52' 36"W 224.09 feet to an iron pin; thence N 37 07' 24"E 30.00 feet to an iron pin; thence S 52 52' 36"E 193.42 feet to a point; thence along a curve to the left for an arc distance of 41.64 feet, said curve having a radius of 47.00 feet and being subtended by a chord bearing of S 09 09' 48"E 40.30 feet to a point; thence S 01 24' 49"W 2.65 feet to a point being the **POINT OF BEGINNING**.

Said tract contains 6,149 square feet, and is more fully shown as Tract A, area to be abandoned, on a Plat for The Westminster Schools, Inc. by Barton Surveying, Inc. dated July 28, 2004.

LARGE ATTACHMENT:

DOCUMENT(S),

MANUAL(S)

OR

MAP(S)

NOT COPIED,

PULL ORIGINAL

FOR COPY OR TO VIEW

RCS# 6370
1/03/05
2:00 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 2-15

ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 6
EXCUSED: 0
ABSENT 0

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

CONSENT I

(Do Not Write Above This Line)
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AS AMENDED

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

Date Referred: 11/15/04
 Referred To: City Utilities
 Date Referred: **ADOPTED BY**
 Referred To: JAN 03 2005
 Referred To: **COUNCIL**

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

City Committee, Yes

Adv. Date: 2004
 Chair: [Signature]

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

Members

Refer To

Committee: [Signature]
 Date: 2004
 Chair: [Signature]

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

Members

[Signatures]

Refer To

Committee

Date

Chair

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

Members

Refer To

Committee
 Date
 Chair

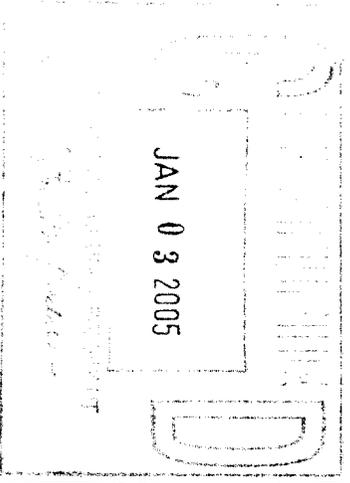
Action
 Fav. Adv. Hold (see rev. side)
 Other

Members

Refer To

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

CERTIFIED



CERTIFIED
 JAN 03 2005

Randie Douglas, Esq.
 MUNICIPAL CLERK

MAYOR'S ACTION

[Signature]

MAYOR