

AN ORDINANCE BY

COUNCIL MEMBER Debi Starnes

AN ORDINANCE TO ABANDON THE FOLLOWING PORTION OF PROPERTY, BEING MORE SPECIFICALLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" AND TO ACCEPT THE DEDICATION OF A RIGHT-OF-WAY DEED FOR PROPERTY TO BE USED FOR THE PURPOSE OF WIDENING FOWLER STREET, SAID PROPERTY LYING AND BEING IN LAND LOTS 79, 80, 107, 108 OF DISTRICT 17, FULTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.

WHEREAS, Madison Midtown, LLC (the "Applicant"), owner of the property abutting the surplus property (shown on Exhibit "A" with the exception of the land identified as "Area 2") including the property proposed to be exchanged for the widening of Fowler Street (shown on Exhibit "A" as "Area 1") and has filed a formal petition with the City of Atlanta (the "City") to exchange the above-referenced property; and

WHEREAS, this exchange request has been reviewed by the proper related agencies of the City, the Department of Watershed Management, the Department of Planning and the Department of Public Works; and

WHEREAS, the exchange request is made for property which is currently owned by the City and acquired for sewer related purposes and is no longer required because the sewer has been relocated to a preferable area ("Sewer Property"); and

WHEREAS, the Georgia Department of Transportation ("GDOT") proposes a project to construct a bridge on 15th street over U.S. Interstate 75/85 and is currently considering a project to widen the existing 14th street bridge over U.S. Interstate 75/85; and

WHEREAS, it is in the interest of the City to protect future potential right-of-way to widen Fowler Street, in connection with the 15th street bridge project and in connection with the proposed 14th street bridge widening, so as to provide additional means and methods to effectively coordinate and manage traffic in the area; and

WHEREAS, the right of way deed for the proposed widening of Fowler Street is shown as Exhibit "B"; and

WHEREAS, the Applicant has agreed to a dollar for dollar exchange its interest in the land proposed for the widening of Fowler Street for the City's interest in the Sewer Property; and

WHEREAS, this exchange would avoid the necessity of instituting purchase of land

proceedings to obtain the right of way and easements from Applicant; and

WHEREAS, the City is satisfied that the exchange of Applicant's right of way and easement interest for the City's interest in the Sewer Property represents a fair and equitable exchange.

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

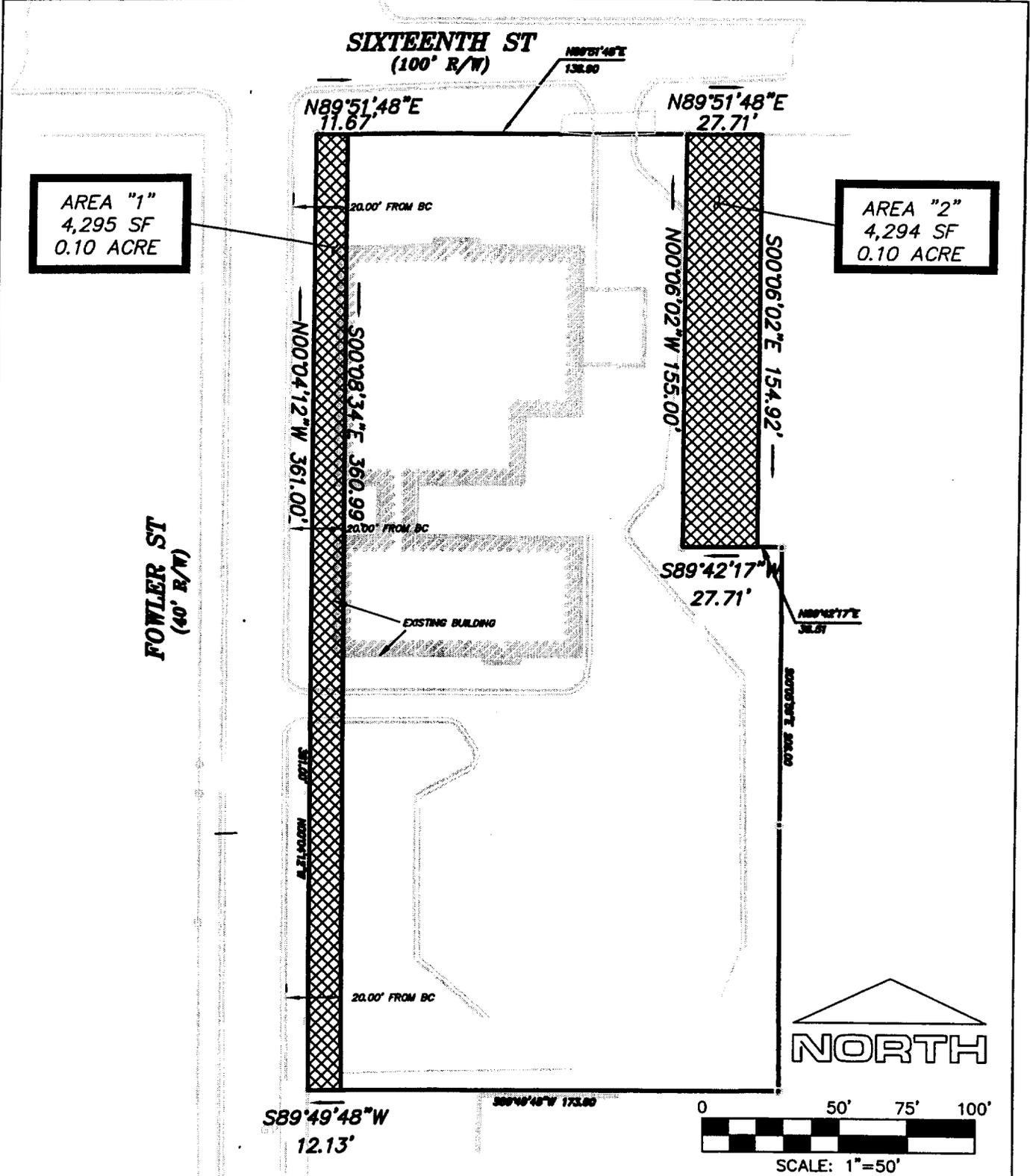
SECTION 1: That the portions of the above-referenced property, whose legal descriptions are as shown on the attached Exhibit "A," is hereby declared no longer useful or necessary for the public's use and convenience.

SECTION 2: That the appraisal requirement of Section 138-9 is waived, and that no appraisal(s) shall be required in connection with Applicant's abandonment request.

SECTION 3: That the Mayor is hereby authorized to execute Deeds to Applicant conveying the City's interest in the portions of the above-described properties abandoned herein. Contemporaneous with the delivery of the Quitclaim Deeds, or as soon thereafter as is possible, Applicant will execute and deliver Deeds to the City conveying its interests in the land proposed for the Fowler Street widening shown in Exhibit B.

SECTION 4: The date of execution of this Ordinance by the Mayor shall be the effective date of abandonment. Applicant agrees to indemnify and hold the City harmless for any act or omission to act on its part after the portions of streets described herein are abandoned.

SECTION 5: That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.



PROPERTY SWAP EXHIBIT
 BETWEEN THE CITY OF ATLANTA AND MADISON MIDTOWN LLC
 SE CORNER OF FOWLER AND 16TH STREET
 ATLANTA, GEORGIA
 LANDLOT 112 - 14TH DISTRICT

11-15-04
EXHIBIT "A"

WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

SUITE 700, OVERLOOK I
2849 PACES FERRY ROAD
ATLANTA, GEORGIA
30339

TELEPHONE
(404) 853-5050

FACSIMILE
(404) 853-1812

TRANSMISSION COVER LETTER

DATE: January 6, 2005

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Al Berry

FROM:

NAME: Larry Dingle

If this transmission is incomplete,
Please Call: (404) 853-5050

Fax Number: (404) 658-7385

Client/Matter No.: 040886.1 Pages: 4 (# includes this page)

Comments:

Operator: Betty

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WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

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2849 PACES FERRY ROAD
ATLANTA, GEORGIA 30339

LARRY M. DINGLE

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DIRECT DIAL: (770) 803-3704

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FACSIMILE
(404) 853-1812

December 23, 2004

Sandra Jennings, Acting Deputy Commissioner
City of Atlanta
Department of Public Works
Office of Transportation
Suite 4700
55 Trinity Avenue, S.W.
Atlanta, Georgia 30303

Re: Proposed Land Exchange

Dear Ms. Jennings:

This letter is to follow up on our meeting of December 20, 2004, in which I presented you with the proposed land exchange information which I have incorporated with this letter. Exhibit "A" represents a plat of the property which our client proposes to dedicate to the City of Atlanta for the future widening of Fowler Street. This property is on the western boundary of the plat map adjacent to Fowler Street. The property on the eastern boundary of the plat is the land area which is also owned by the City of Atlanta, under the control of the Department of Watershed Management, which we would propose to be exchanged for the right-of-way we wish to deed to the City of Atlanta.

I have met with Lowell Chambers of the Department of Watershed Management. Mr. Chambers has indicated that upon preliminary review of the site plans that the proposed exchange area under the Department of Watershed Management's purview may no longer be required for public purposes. The central question remaining is whether the City of Atlanta Department of Public Works believes that there is a need for land to be set aside for a potential future widening of Fowler Street.

As I indicated to you during our meeting several weeks ago, I had a conference with Jan Hilliard and Glen Bowman, representatives of the Georgia Department of Transportation, who informed me that their position is that Fowler

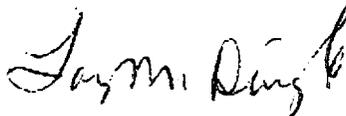
WILSON BROCK & IRBY, L.L.C.
Sandra Jennings, Acting Deputy Commissioner
City of Atlanta
Department of Public Works
Office of Transportation
December 23, 2004
Page 2

Street may require widening in relationship to the 15th Street bridge project. I would strongly urge that you or any other appropriate member of the City of Atlanta confirm this representation with the Georgia Department of Transportation.

As I further indicated during our conversation, there is a request pending before the Zoning Review Board and the City Council to rezone this property for the development of a multi-story office tower. The timing of this decision is important to the final resolution of this rezoning request. We would deeply appreciate your Department's recommendation of this exchange, however, if your Department concludes that this exchange is not in the best interest of the City we would likewise urge your immediate notification to us of that conclusion.

Sincerely,

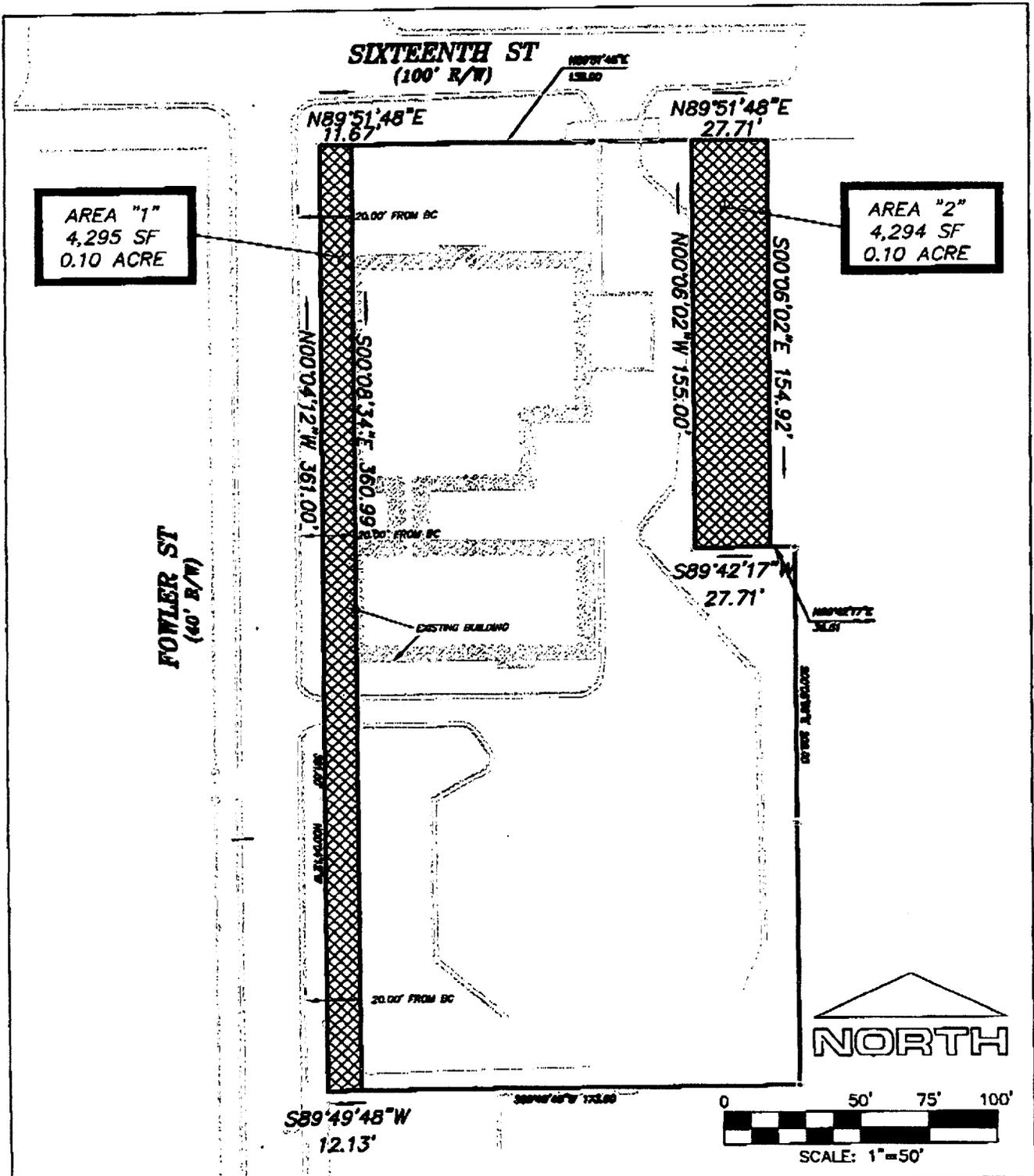
WILSON BROCK & IRBY, L.L.C.



Larry M. Dingle

LMD/rdk

cc: Council Member Debi Starnes
Commissioner David Scott
Commissioner Rob Hunter
Mr. Lowell Chambers
Mr. Sam Wilburn



PROPERTY SWAP EXHIBIT
 BETWEEN THE CITY OF ATLANTA AND MADISON MIDTOWN LLC
 @E CORNER OF FOWLER AND 16TH STREET
 ATLANTA, GEORGIA
 LANDLOT 112 - 14TH DISTRICT

11-15-04
EXHIBIT "A"

RCS# 6530
3/07/05
2:55 PM

Atlanta City Council

Regular Session

05-O-0045

ANBANDON PORTION PROPERTY ACCEPT RIGHT
OF WAY DEED WIDENING FOWLER STREET
FILE

YEAS: 10
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

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

05-O-0045

#5

05-0-0045

(Do Not Write Above This Line)

AN ORDINANCE BY COUNCILMEMBER DEBI STARNES AN ORDINANCE TO ABANDON THE FOLLOWING PORTION OF PROPERTY, BEING MORE SPECIFICALLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" AND TO ACCEPT THE DEDICATION OF A RIGHT-OF-WAY DEED FOR PROPERTY TO BE USED FOR THE PURPOSE OF WIDENING FOWLER STREET, SAID PROPERTY LYING IN LAND LOTS 79, 80, 107, 108 OF DISTRICT 17, FULTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.

FILED BY CITY COUNCIL

MAR 07 2005

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

Date Referred 1305

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____

Date _____

Chair _____

Referred To _____

Committee _____

Date 2/24/05

Chair _____

Action _____

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

Other _____

Members

Refer To

Committee _____

Date 2/24/05

Chair _____

Action _____

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

Other _____

Members

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

Members _____

Refer To _____

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

CERTIFIED

MAR 07 2005

Stamp: MAYORS ACTION

MAYORS ACTION