

**AN ORDINANCE
BY COUNCIL MEMBER CLETA WINSLOW**

07-O-

AN ORDINANCE TO ABANDON PUBLIC STREETS KNOWN AS BALDWIN STREET, LOCATED IN THE CITY OF ATLANTA, AND TO CONVEY SAID ABANDONED STREET AT NO COST TO THE HOUSING AUTHORITY OF THE CITY OF ATLANTA, GEORGIA; TO WAIVE THE PROVISIONS OF SECTION 2-1578 OF THE CITY CODE PROVIDED, HOWEVER, THAT SECTION 2-1578 (c)(3) REQUIRING CERTAIN NOTIFICATIONS AND SECTION 138-9 INsofar AS IT RELATES TO THE ADVERTISEMENT AND PUBLIC HEARING REQUIREMENT, SHALL NOT BE WAIVED; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (“the City”) and The Housing Authority of the City of Atlanta, Georgia (“the Housing Authority”) have worked as partners to provide affordable housing to the citizens of the City; and

WHEREAS, the Housing Authority is engaged in the revitalization of Harris Homes into a new master planned, mixed-use, mixed-income, mixed-finance community; and

WHEREAS, in conjunction with the revitalization, the Housing Authority is requesting the City of Atlanta to abandon the public street known as Baldwin Street, and to convey said abandoned street to the Housing Authority which is the only abutting property owner; and

WHEREAS, pursuant to Section 5(b) of the 2003 Harris Homes Cooperation Agreement by and among the City, the Housing Authority, and Fulton County, which has been executed by the City of Atlanta, the City has agreed to convey such abandoned street without cost or expense to the Housing Authority.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY GRANTS AS FOLLOWS:

Section 1: The provisions of Section 2-1578 of the Code of Ordinances is hereby waived, provided however, 2-1578 (c)(3) requiring certain notifications and Section 138-9 insofar as it pertains to the advertisement and public hearing requirement, shall not be waived.

Section 2: The public street and rights of way known as Baldwin Street, as shown on the attached survey and described in the attached legal descriptions, are hereby declared no longer useful or necessary for the public's use and convenience and, upon the passage of the ordinance, shall thereafter cease to be public street for any purpose whatsoever and the rights of the public in and to said vacated and abandoned street shall cease.

Section 3: 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 as said utilities are abandoned, removed, or relocated at which time said easements shall expire.

Section 4: Pursuant to the terms of Section 5(b) of the 2003 Harris Homes Cooperation Agreement by and among the City, the Housing Authority, and Fulton County, which has been executed by the City of Atlanta, all of the City's interest in the street and rights-of-way described in Section 2 is hereby conveyed without cost or expense to the Housing Authority.

Section 5: The Mayor is hereby authorized to execute a quitclaim deed to convey said street and rights-of-way to the Housing Authority.

Section 6: In accordance with Section 2-1578 (c)(3) of the City Code, appropriate city personnel shall notify utility owners and city departments, including but not limited to, Police, Fire, Planning, Traffic and Transportation, MARTA, GADOT, and maintain a complete response file for summary by the Commissioner of Public Works.

Section 7: Said street abandonment shall be advertised and a public hearing held in accordance with the requirements of Section 138-9.

Section 8: All code sections, ordinances, and parts of code sections and ordinances in conflict are hereby waived for the purpose of this ordinance only.

