

AN ORDINANCE

HJ Shook

08-0-0193

BY: COUNCILMEMBER HOWARD SHOOK

CORRECTING ORDINANCE NUMBER 07-O-0985 AND ORDINANCE 07-O-2132 WHICH ABANDONED A PORTION OF BOLLING WAY LOCATED IMMEDIATELY NORTH OF THE INTERSECTION OF BOLLING WAY WITH BUCKHEAD AVENUE; AND FOR OTHER PURPOSES.

WHEREAS, Ordinance Number 07-O-0985 was adopted by Council June 4, 2007 and approved by the Mayor on June 12, 2007; and

WHEREAS, Ordinance Number 07-O-2132 was adopted by Council on October 15, 2007 and approved by the Mayor on October 22, 2007; and

WHEREAS, the legal descriptions and site plans for Tracts 1 and 2 included in Ordinance Number 07-O-0985, as revised by Ordinance Number 07-O-2132 have been determined to be incorrect as a result of an updated survey of the right-of-way; and

WHEREAS, the corrections required pursuant to the updated survey consist of 0.0004 acres that need to be conveyed by the City of Atlanta and 0.0007 acres that need to be retained by the City of Atlanta, the net effect of which is a gain of 0.0003 acres for the City of Atlanta;

WHEREAS, the property owner is not seeking any refund of the fair market value paid to the City of Atlanta and only requests corrective deeds be issued to reflect the updated legal descriptions;

WHEREAS, the discrepancy in the legal descriptions for Tracts 1 and 2 is a minor inconsistency, however, the accuracy of attachments to this ordinance are vital to the redevelopment of Buckhead Village and the construction a project in the Buckhead area.

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

Section 1. That the legal descriptions for Tract 1 and Tract 2 in Exhibit A be replaced with **new Exhibit "A" Legal Descriptions for Tracts 1 and 2** (attached).

Section 2. That the Site Plans for Tract 1 and Tract 2 in Exhibit A be replaced with **new Exhibit "A" Right-of-Way Abandonment Sketches** (attached).

Section 3. That the square feet amount in Section 1 of Ordinance 07-O-0985, as corrected by Ordinance 07-O-2132 is changed from 20,772 square feet to 20,757 square feet indicating the additional area contained in the new attachment.

Section 4. That the Mayor is hereby authorized to convey by corrective quitclaim deeds to the abutting property owners said portions of Bolling Way.

Section 5. That all ordinances and parts of ordinances in conflict herewith are hereby waived.