

AN ORDINANCE
BY

H. S. Shel

AN ORDINANCE TO CORRECT ORDINANCE NUMBER 06-O-1957 ADOPTED BY THE ATLANTA CITY COUNCIL ON SEPTEMBER 18, 2006, AND APPROVED BY THE MAYOR ON SEPTEMBER 21, 2006; AND FOR OTHER PURPOSES.

WHEREAS, Ordinance 06-O-1957 abandoning a portion of Lakeside Drive between Wright Avenue and Kingsboro Road, was adopted by the Atlanta City Council on September 18, 2006, and approved by the Mayor on September 21, 2006; and

WHEREAS, as part of the transaction, the City will abandon land and simultaneously receive land owned by TRG Georgia City Place, LLC; and

WHEREAS, Trelcom Development, Ltd., the applicant in the abandonment, is not the owner of the land being dedicated to the City as part of the abandonment, but acted on the owner's behalf in filing a petition with the City for the abandonment; and

WHEREAS, Ordinance 06-O-1957 incorrectly identified the applicant as the party dedicating the land to the City as part of the abandonment, paying the costs of the design and construction of a roadway extension, and paying or receiving compensation for any difference in the fair market value of the land being exchanged; and

WHEREAS, the Ordinance also incorrectly identified the applicant as the party to which a quitclaim deed will be executed conveying the City's interest in the abandoned property, and as the party to execute a warranty deed conveying land to the City; and

WHEREAS, the City desires to correct Sections 3, 5, 6 and 7 of Ordinance 06-O-1957 by deleting the word 'Applicant' and inserting in lieu thereof 'TRG Georgia City Place, LLC, its successors or assigns', to correctly identify the parties to the transaction.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That Sections 3, 5, 6 and 7 of Ordinance 06-O-1957 are hereby corrected to read as follows:

SECTION 3: TRG Georgia City Place, LLC, its successors and assigns shall dedicate the land to the City that is described in Exhibit "B".

SECTION 5: TRG Georgia City Place, LLC, its successors and assigns shall pay all costs associated with the design and construction of the Wright Avenue right-of-way extension contemplated for the land in "Exhibit B" as shown in Rezoning Application Z-06-30.

SECTION 6: Prior to the land exchange proposed herein, the fair market value of the land contained in Exhibit "A" and the land contained in Exhibit "B" will be determined by appraisal. In the event the fair market value of the property contained in Exhibit "A" exceeds the fair market value of the property contained in Exhibit "B", TRG Georgia City Place, LLC, its successors and assigns agree to compensate the City of Atlanta in an amount equal to the difference in value and said compensation shall occur prior to or simultaneously with the execution of deeds described in Section 7 below. In the event the fair market value of the property contained in Exhibit "B" exceeds the fair market value of the property of the property contained in Exhibit "A", the City of Atlanta shall not be required to compensate TRG Georgia City Place, LLC, its successors and assigns for the difference in value. The requirements of this Section 6 shall not result in the City of Atlanta denying or refusing to approve Transportation Impact Fee Credits otherwise due to TRG Georgia City Place, LLC, its successors and assigns if eligible pursuant to City Code.

SECTION 7: That the Mayor is hereby authorized to execute a Quitclaim Deed to TRG Georgia City Place, LLC, its successors and assigns conveying any interest that the City may have in the above-described portion of Lakeside Drive abandoned herein simultaneously with TRG Georgia City Place, LLC, its successors and assigns execution of a warranty deed in favor of the City of Atlanta for the land described in Exhibit "B".

SECTION 2: That all Ordinances and parts of Ordinances in conflict herewith are hereby waived to the extent of the conflict.

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 9 and 45, 17th District, Fulton County, Georgia, and being more particularly described as follows:

Beginning at the right of way intersection of the southerly right-of-way line of Kingsboro Road (r/w varies) and the easterly right-of-way line of Oak Valley Road (r/w varies); thence North $65^{\circ}14'40''$ East for a distance of 79.00 feet to a point; thence South $25^{\circ}14'54''$ East for a distance of 148.41 feet to a point; thence North $65^{\circ}09'00''$ East for a distance of 80.34 feet to a point; thence North $65^{\circ}13'49''$ East for a distance of 78.09 feet to a point; thence, along the arc of a curve to the left a distance of 88.57 feet said arc having a radius of 251.44 feet and being subtended by a chord with a bearing and distance of South $39^{\circ}55'58''$ East 88.12 feet; thence South $57^{\circ}42'20''$ East for a distance of 56.10 feet to a point; thence South $58^{\circ}00'47''$ East for a distance of 117.98 feet to a point; thence South $57^{\circ}34'57''$ East for a distance of 127.73 feet to a point; thence South $57^{\circ}38'49''$ East for a distance of 64.91 feet to a point; said point being the TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, thence North $34^{\circ}39'23''$ East for a distance of 56.75 feet to a point; thence South $49^{\circ}34'44''$ East for a distance of 69.90 feet to a point; thence South $42^{\circ}05'05''$ East for a distance of 109.88 feet to a point; thence South $37^{\circ}46'48''$ East for a distance of 86.89 feet to a point; thence South $65^{\circ}02'31''$ West for a distance of 42.74 feet to a point; thence North $45^{\circ}12'08''$ West for a distance of 82.32 feet to a point; thence North $40^{\circ}38'30''$ West for a distance of 103.77 feet to a point; thence North $57^{\circ}38'49''$ East for a distance of 56.35 feet to a point; said point of being the TRUE POINT OF BEGINNING. Said tract of land contains 0.2898 acres.

EXHIBIT "B"

All that tract or parcel of land lying and being in Land Lot 9 and 45, 17th District, Fulton County, Georgia, and being more particularly described as follows:

Beginning at the right of way intersection of the southerly right-of-way line of Kingsboro Road (r/w varies) and the easterly right-of-way line of Oak Valley Road (r/w varies); thence North $65^{\circ}14'40''$ East for a distance of 79.00 feet to a point; thence South $25^{\circ}14'54''$ East for a distance of 148.41 feet to a point; thence North $65^{\circ}09'00''$ East for a distance of 80.34 feet to a point; thence North $65^{\circ}13'49''$ East for a distance of 78.09 feet to a point; thence, along the arc of a curve to the left a distance of 88.57 feet said arc having a radius of 251.44 feet and being subtended by a chord with a bearing and distance of South $39^{\circ}55'58''$ East 88.12 feet; thence South $57^{\circ}42'20''$ East for a distance of 56.10 feet to a point; thence South $58^{\circ}00'47''$ East for a distance of 117.98 feet to a point; thence South $57^{\circ}34'57''$ East for a distance of 127.73 feet to a point; thence South $57^{\circ}38'49''$ East for a distance of 64.91 feet to a point; thence North $34^{\circ}39'23''$ East for a distance of 56.75 feet to a point; thence South $49^{\circ}34'44''$ East for a distance of 69.90 feet to a point; thence South $42^{\circ}05'05''$ East for a distance of 109.88 feet to a point; thence South $37^{\circ}46'48''$ East for a distance of 70.99 feet to a point; said point being the TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, thence North $65^{\circ}02'31''$ East for a distance of 69.67 feet to a point; thence North $33^{\circ}58'49''$ East for a distance of 218.46 feet to a point; thence North $32^{\circ}01'54''$ East for a distance of 131.07 feet to a point; thence South $42^{\circ}25'13''$ East for a distance of 6.87 feet to a point; thence North $47^{\circ}36'40''$ East for a distance of 56.97 feet to a point; thence North $80^{\circ}00'41''$ East for a distance of 1.87 feet to a point; thence South $31^{\circ}06'06''$ West for a distance of 130.66 feet to a point; thence South $32^{\circ}58'04''$ West for a distance of 77.91 feet to a point; thence South $34^{\circ}14'27''$ West for a distance of 39.86 feet to a point; thence South $33^{\circ}58'49''$ West for a distance of 101.24 feet to a point; thence, along the arc of a curve to the left a distance of 15.41 feet said arc having a radius of 13.25 feet and being subtended by a chord with a bearing and distance of South $00^{\circ}15'32''$ East 14.56 feet; thence, along the arc of a curve to the right a distance of 91.79 feet said arc having a radius of 85.00 feet and being subtended by a chord with a bearing and distance of South $08^{\circ}38'09''$ East 87.40 feet; thence, along the arc of a curve to the left a distance of 38.61 feet said arc having a radius of 25.21 feet and being subtended by a chord with a bearing and distance of South $17^{\circ}59'30''$ East 34.95 feet; thence, along the arc of a curve to the left a distance of 14.01 feet said arc having a radius of 342.75 feet and being subtended by a chord with a bearing and distance of South $65^{\circ}40'57''$ West 14.01 feet; thence, along the arc of a curve to the right a distance of 55.23 feet said arc having a radius of 257.00 feet and being subtended by a chord with a bearing and distance of North $60^{\circ}41'00''$ West 55.12 feet; thence South $86^{\circ}40'49''$ West for a distance of 43.51 feet to a point; thence North $37^{\circ}43'00''$ West for a distance of 89.70 feet to a point; thence North $37^{\circ}46'48''$ West for a distance of 28.62 feet to a point; said point of being the TRUE POINT OF BEGINNING. Said tract of land contains 1.081 acres.

EXHIBIT "B" (CONT)

All that tract or parcel of land lying and being in Land Lot 9 and 45, 17th District, Fulton County, Georgia, and being more particularly described as follows:

Beginning at the right of way intersection of the southerly right-of-way line of Kingsboro Road (r/w varies) and the easterly right-of-way line of Oak Valley Road (r/w varies); thence North 65°14'40" East for a distance of 79.00 feet to a point; thence South 25°14'54" East for a distance of 148.41 feet to a point; thence North 65°09'00" East for a distance of 80.34 feet to a point; thence North 65°13'49" East for a distance of 78.09 feet to a point; said point being the TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, Thence, along the arc of a curve to the left a distance of 88.57 feet said arc having a radius of 251.44 feet and being subtended by a chord with a bearing and distance of South 39°55'58" East 88.12 feet; thence South 57°42'20" East for a distance of 56.10 feet to a point; thence South 58°00'47" East for a distance of 117.98 feet to a point; thence South 57°34'57" East for a distance of 127.73 feet to a point; thence South 57°38'49" East for a distance of 64.91 feet to a point; thence South 57°38'49" East for a distance of 2.00 feet to a point; Thence, along the arc of a curve to the right a distance of 138.46 feet said arc having a radius of 47.00 feet and being subtended by a chord with a bearing and distance of North 60°07'56" East 91.56 feet; thence North 57°34'57" West for a distance of 101.15 feet to a point; thence South 58°00'47" East for a distance of 117.98 feet to a point; thence North 57°42'20" West for a distance of 56.12 feet to a point; Thence, along the arc of a curve to the right a distance of 90.87 feet said arc having a radius of 254.32 feet and being subtended by a chord with a bearing and distance of North 60°07'56" East 91.56 feet; thence North 39°58'30" West for a distance of 90.39 feet to a point; thence North 65°13'49" East for a distance of 4.02 feet to a point; said point of being the TRUE POINT OF BEGINNING. Said tract of land contains 0.1075 acres.