

AN ORDINANCE

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BY COUNCIL MEMBER CLETA WINSLOW

AN ORDINANCE TO AMEND ORDINANCE NO. 06-O-0782 AS CORRECTED, WAIVING CERTAIN PROVISIONS OF THE CODE OF ORDINANCE AND AUTHORIZING FOR DUE CONSIDERATION THE ABANDONMENT OF A PUBLIC STREET KNOWN AS NORCROSS STREET, FORMALLY LOCATED IN THE HOUSING AUTHORITY OF THE CITY OF ATLANTA, GEORGIA COMMUNITY KNOWN AS HARRIS HOMES AND SAID ABANDONED STREET WAS TO BE CONVEYED 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 PERTAINS TO THE ADVERTISEMENT AND PUBLIC HEARING REQUIREMENT, SHALL NOT BE WAIVED; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta received a formal request from College Partners, Inc.(CPI), the current abutting property owner after land was swapped between CPI and the Atlanta Housing Authority from this community, to abandon a certain Street for the purpose of CPI using the property for their own private use; and

WHEREAS, on May 1, 2006 the City Council adopted Ordinance **06-O-0782** abandoning a street known as Norcross Street located between Joseph E. Lowery and Lee Street, and the City of Atlanta directed the Procurement Division to conduct an appraisal of the "fair market value" of the right-of-way in fee simple, and

WHEREAS, a formal appraisal was conducted on the right-of-way for Norcross Street; the abandoned street consists of 41,116 square feet; he City determined the “fair market” value was (\$370,000) dollars; estimated at \$9.00 per square foot, and

WHEREAS, upon CPI learning that the value of the right-of-way was estimated at \$9.00 a square foot; CPI requested a third party appraisal to review the City’s appraisal and CPI’s appraisal estimated the cost at \$5.00 a square foot, and

WHEREAS, the Atlanta Housing Authority is redeveloping Harris Homes into a new master-planned, mixed use, mixed income, mixed finance community which abuts the Atlanta University Center Schools; and have worked as partners (CPI – AHA) to redevelop the community; and AHA had a formal request before City Council to abandoned Norcross prior to CPI becoming the current property owner of Norcross Street, 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 would have conveyed Norcross Street without cost or expense to the Housing Authority, in so much as CPI and The Atlanta Housing Authority have a joint-interest in the ongoing revitalization of the community and

WHEREAS, in consideration of the ongoing revitalization efforts in the former Harris Homes Community; CPI (under its current partnership with AHA) would have benefited as the recipient of Norcross Street without having to pay the appraised “fair market” value to the City under the current Cooperation Agreement as executed by the City of Atlanta; and

WHEREAS, the appraisals do not address the intangible benefits to the City the redevelopment will be realized in transforming this area of the city; CPI request that the City now accepts \$205, 580.00 for the abandonment of the right-of-way.

**THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS
AS FOLLOWS:**

Section 1. The abandonment as described on Exhibit "A" is hereby authorized in consideration of \$205,580.00 and the increase in tax base.

Section 2. The provisions of Section 2-1578 of the Code of Ordinances are hereby waived, insofar as it conflicts with this ordinance.

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. That the Council hereby accepts the \$205,580.00 and the benefits described in Section 1 as full and complete consideration for the abandonment of the above street described as Norcross Street.

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

Section 6. All code sections, ordinances, and parts of code sections and ordinances in conflict herewith are hereby waived for the purpose of this ordinance only.