

AN ORDINANCE

BY COUNCILMEMBER FELICIA A. MOORE



**CORRECTING ORDINANCE NUMBER 07-O-1075 WHICH ABANDONED A PORTION OF BOLTON PLACE, NW LOCATED BETWEEN BOLTON DRIVE AND MARIETTA BOULEVARD AND A PORTION OF BOLTON DRIVE, NW LOCATED BETWEEN THE DEAD END OF BOLTON DRIVE TO APPROXIMATELY 306.76 FEET WEST OF BOLTON PLACE; AND FOR OTHER PURPOSES.**

**WHEREAS**, Ordinance Number 07-O-1075 was adopted by Council June 18, 2007 and approved by the Mayor on June 26, 2007; and

**WHEREAS**, the developer is attempting to enhance the security of the property from pass through traffic; and

**WHEREAS**, the ordinance did not contain Legal Descriptions for the proposed dedication of property (0.08 acre) to be used for the creation of a cul-du-sac on Bolton Drive which is identified as Tract Six and Tract Seven; and

**WHEREAS**, the accuracy of the attachments of this ordinance is vital to the future construction of a project in the Bolton Road area.

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

**SECTION 1:** That Section 7 be deleted in its entirety and replaced with the new Section 7 which reads as follows: "**Section 7:** That the Mayor is authorized to execute a quitclaim deed to the Applicant conveying any interest that the City may have in the above described portions of Bolton Place, NW and Bolton Drive, NW 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 cul-du-sac on Bolton Drive, NW shown in Exhibit "A"."

**SECTION 2:** That Ordinance 07-O-1075 is further amended by adding two (2) legal descriptions (Tract Six and Tract Seven) which describes the property to be dedicated to the City for the proposed cul-du-sac on Bolton Drive, NW.

**SECTION 3:** That the Fund, Account and Center Number in Section 5 is changed from 3P02 491102 M22F03349999 to **3P02 524001 M22F03349999**.

**SECTION 4:** That all ordinances and parts of ordinances in conflict herewith be and are hereby waived.

## LEGAL DESCRIPTION

### TRACT SIX

**ALL THAT TRACT OR PARCEL** of land lying and being in Land Lot 221 of the 17<sup>th</sup> District, Fulton County, Georgia, being more particularly described as follows:

**TO FIND THE POINT OF BEGINNING**, commence at the point of intersection of the existing northwesterly right of way line of Bolton Place (50' right of way), and the existing northerly right of way line of Marietta Boulevard (right of way width varies); thence along the northwesterly right of way line of Bolton Place along a curve to the left having an arc length of 219.79 feet, a radius of 2398.77 feet, a chord bearing of North 38 degrees 00 minutes 28 seconds East and a chord distance of 219.72 feet to the point of intersection of the northwesterly right of way line of Bolton Place and the southerly right of way line of Bolton Drive (50' right of way); thence along the southerly right of way line of Bolton Drive the following courses and distances: North 53 degrees 45 minutes 00 seconds West a distance of 165.43 feet to a point; along a curve to the left having an arc length of 42.49, a radius of 1491.45, a chord bearing of North 54 degrees 33 minutes 58 seconds West and a chord distance of 42.49 feet to a point and **THE POINT OF BEGINNING** of Tract Six.

**FROM THE POINT OF BEGINNING THUS ESTABLISHED**, thence leaving said southerly right of way line of Bolton Drive and proceed along a curve to the right having an arc length of 92.77 feet, a radius of 50.00 feet, a chord bearing of North 63 degrees 03 minutes 32 seconds West and a chord distance of 80.02 feet to a point; thence along a curve to the left having an arc length of 21.50 feet, a radius of 25.00 feet, a chord bearing of North 34 degrees 32 minutes 37 seconds West and a chord distance of 20.84 feet to a point located on the southerly right of way line of Bolton Drive; thence proceed along said southerly right of way line of Bolton Drive along a curve to the right having an arc length of 98.86 feet, a radius of 1491.45, a chord bearing of South 57 degrees 16 minutes 52 seconds East and a chord distance of 98.84 feet to a point and **THE POINT OF BEGINNING**: said property being shown as a 0.04 Acre (1,540 square feet), Tract of land on a survey titled Roadway Abandonment Plat for Bolton Place Apartments prepared by Registered Land Surveyors, Inc., certified by Claude S. Brown, Georgia Registered Land Surveyor No. 2420, dated August 5, 2005, and last revised January 16, 2007, which certain survey is incorporated herein by this reference and made a part hereof.

## LEGAL DESCRIPTION

### TRACT SEVEN

**ALL THAT TRACT OR PARCEL** of land lying and being in Land Lot 221 of the 17<sup>th</sup> District, Fulton County, Georgia, being more particularly described as follows:

**TO FIND THE POINT OF BEGINNING**, commence at the point of intersection of the existing northwesterly right of way line of Bolton Place (50' right of way), and the existing northerly right of way line of Marietta Boulevard (right of way width varies); thence along the northwesterly right of way line of Bolton Place along a curve to the left having an arc length of 219.79 feet, a radius of 2398.77 feet, a chord bearing of North 38 degrees 00 minutes 28 seconds East and a chord distance of 219.72 feet to the point of intersection of the northwesterly right of way line of Bolton Place and the southerly right of way line of Bolton Drive (50' right of way); thence along the southerly right of way line of Bolton Drive the following courses and distances: North 53 degrees 45 minutes 00 seconds West a distance of 165.43 feet to a point; along a curve to the left having an arc length of 42.49, a radius of 1491.45, a chord bearing of North 54 degrees 33 minutes 58 seconds West and a chord distance of 42.49 feet to a point; thence leaving said southerly right of way line of Bolton Drive and proceed along a curve to the left having an arc length of 52.37 feet, a radius of 50.00 feet, a chord bearing of North 33 degrees 47 minutes 10 seconds East and a chord distance of 50.01 feet to a point located on the northerly right of way line of Bolton Drive and **THE POINT OF BEGINNING** of Tract Seven.

**FROM THE POINT OF BEGINNING THUS ESTABLISHED**, thence proceed along said northerly right of way line of Bolton Drive along a curve to the left having an arc length of 99.57 feet, a radius of 1541.45 feet, a chord bearing of 57 degrees 15 minutes 35 seconds West and a chord distance of 99.55 feet to a point; thence leaving said northerly right of way line of Bolton Drive and proceed along a curve to the left having an arc length of 20.58 feet, a radius of 25.00 feet, a chord bearing of South 82 degrees 41 minutes 23 seconds East and a chord distance of 20.00 feet to a point; thence along a curve to the right having an arc length of 96.04 feet, a radius of 50.00 feet, a chord bearing of South 51 degrees 14 minutes 36 seconds East and a chord distance of 81.94 feet to a point and **THE POINT OF BEGINNING**: said property being shown as a 0.04 Acre (1,573 square feet), Tract of land on a survey titled Roadway Abandonment Plat for Bolton Place Apartments prepared by Registered Land Surveyors, Inc., certified by Claude S. Brown, Georgia Registered Land Surveyor No. 2420, dated August 5, 2005, and last revised January 16, 2007, which certain survey is incorporated herein by this reference and made a part hereof.



CITY COUNCIL  
ATLANTA, GEORGIA

ORDINANCE  
CITY UTILITIES COMMITTEE

07-0-1075

**AN ORDINANCE TO ABANDON A PORTION OF BOLTON PLACE N.W., LOCATED BETWEEN BOLTON DRIVE AND MARIETTA BOULEVARD AND A PORTION OF BOLTON DRIVE N.W., BETWEEN THE DEAD END OF BOLTON DRIVE TO APPROXIMATELY 306.76 FEET WEST OF BOLTON PLACE, LYING IN LAND LOT 221, COUNCIL DISTRICT 9, FULTON COUNTY, GEORGIA, CONSISTING OF APPROXIMATELY 1.47 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A"; AND FOR OTHER PURPOSES.**

**WHEREAS**, The McConnell Law Firm, LLC, ("Applicant"), an owner of abutting property, has filed a formal petition with the City of Atlanta ("City") to abandon the above-referenced properties, said application containing the consent of the other abutting property owners to the abandonment; and

**WHEREAS**, the Applicant has paid a fee of \$2,500.00 for the abandonment, as specified by Section 138-9 (a) (5) of the City Code of Ordinances; and

**WHEREAS**, the request to abandon said street has been reviewed by the proper City agencies, all public utilities, neighborhood planning units, and other applicable entities referenced in Section 138-9 (b) (2) prior to passage of this legislation; and

**WHEREAS**, the abandonment will allow for better use of the adjoining lots;

**WHEREAS**, the abutting property owner and the City of Atlanta have agreed to a conveyance of said property contingent upon the abandonment process taking place; and

**WHEREAS**, the Commissioner of the Department of Public Works has determined that the portions of Bolton Place N.W. and Bolton Drive, as described in Exhibit "A" is no longer necessary for the public's use and convenience as a public right-of-way; and

**WHEREAS**, the abandoned portions of Bolton Place N.W. and Bolton Drive, will become part of the abutting owner's private property, and it will be such owner's responsibility to maintain, operate, and provide all services and utilities.

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

**SECTION 1:** That the Applicant will be required to meet the requirements of Section 138-9 of the City of Atlanta Code of Ordinances, including having the abandonment request reviewed by the police, fire, and planning departments.



**SECTION 2:** That the portions of Bolton Place N.W. and Bolton Drive, whose legal description is as shown on the attached Exhibit "A", is hereby declared no longer useful or necessary for the public's use and convenience.

**SECTION 3:** That 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 that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

**SECTION 4:** That the Chief Procurement is hereby directed to have prepared an appraisal of the fair market value of the right-of-way to be abandoned and perform all other responsibilities concerning this proposed abandonment, as outlined in the City's Code of Ordinances, including Section 2-1578.

**SECTION 5:** That all costs associated with the advertising and appraisal report shall be charged to and paid from Fund, Account and Center Number 3P02 491102 M22F03349999.

**SECTION 6:** That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, and upon receipt of payment from the Applicant in the amount of the appraised fair market value of the property, or the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of Ordinances, the City Attorney is hereby directed to prepare a Quitclaim Deed or Limited Warranty Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

**SECTION 7:** That the Mayor is authorized to execute a quitclaim deed to Applicant conveying any interest that the City may have in the above-described portions of Bolton Place N.W. and Bolton Drive, abandoned herein.

**SECTION 8:** The date of execution of this ordinance by the Mayor shall be the effective date of abandonment.

**SECTION 9:** That all ordinances and parts of ordinances in conflict herewith are hereby waived in this instance only.

A true copy,

  
Deputy Clerk

ADOPTED by the Council  
APPROVED by the Mayor

June 18, 2007  
June 26, 2007

07-C-1075

(Do Not Write Above This Line)

AN ORDINANCE  
BY CITY UTILITIES COMMITTEE

AN ORDINANCE TO ABANDON A PORTION OF BOLTON PLACE N.W., LOCATED BETWEEN BOLTON DRIVE AND MARIETTA BOULEVARD AND A PORTION OF BOLTON DRIVE N.W., BETWEEN THE DEAD END OF BOLTON DRIVE TO APPROXIMATELY 306.76 FEET WEST OF BOLTON PLACE, LYING IN LAND LOT 221, COUNCIL DISTRICT 9, FULTON COUNTY, GEORGIA, CONSISTING OF APPROXIMATELY 1.47 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", AND FOR OTHER PURPOSES.

ADOPTED BY

JUN 18 2007

COUNCIL

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

Date Referred 5/21/07

Referred To: CU

Date Referred

Referred To:

Date Referred

Referred To:

Committee Chair Clint First Reading Date 6/19/2007  
 Referred to CU

Committee Chair Clint Date June 12, 2007

Action: Clint  
 Fav. Adv. Hold (see rev. side)  
 Other:

Members: Clint  
 Refer To: Clint

Committee Date

Action: Fav. Adv. Hold (see rev. side)  
 Other:

Members Refer To

Committee Date

Action: Fav. Adv. Hold (see rev. side)  
 Other:

Members Refer To

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

CERTIFIED  
 JUN 18 2007

CERTIFIED  
 JUN 18 2007  
 Municipal Clerk

MAYOR'S ACTION

APPROVED  
 MAYOR