

COMMITTEE AMENDMENT FORM

DATE: 03/31/09

COMMITTEE CITY UTILITIES PAGE NUM. (S)

ORDINANCE I. D. #09-O-0479 SECTION (S)

RESOLUTION I. D. #09-R- PARA.

AMENDS THE LEGISLATION BY CORRECTING THE STREET NAME FROM ANGLER AVENUE TO ANGIER AVENUE WHEREVER IT APPEARS IN THE LEGISLATION.

AMENDMENT DONE BY COUNCIL STAFF 3/31/09

A SUBSTITUTE ORDINANCE

09-O-0479

AS AMENDED BY CITY UTILITIES COMMITTEE

AUTHORIZING THE ABANDONMENT OF A PORTION OF MORGAN STREET BETWEEN NORTH ANGIER AVENUE AND AN UNNAMED ROAD CONSISTING OF APPROXIMATELY 10,798 SQUARE FEET, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 18 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; WAIVING CERTAIN PROVISIONS OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") received a formal request from Atlanta BeltLine, Inc. ("ABI"), the current abutting property owner, to abandon a portion of Morgan Street, between North Angier Avenue and an unnamed road described in Exhibit "A" and hereafter referred to as "Morgan Street";and

WHEREAS, ABI has been established by the Atlanta Development Authority to execute the approved BeltLine Tax Allocation District, as authorized by City of Atlanta Ordinance 05-O-1733; and

WHEREAS, ABI has identified several projects through the approved BeltLine TAD Workplan authorized by City Ordinance 06-O-1575, which includes the creation of the Historic Fourth Ward Park; and

WHEREAS, the City of Atlanta has authorized the sale of City Hall East and the subsequent redevelopment of portions of the North Avenue Area, by City of Atlanta Ordinance 05-R-1832; and

WHEREAS, the redevelopment of City Hall East will require the vacation of the water vaults that currently occupy the first floor of the structure; and

WHEREAS, said vacation of vaults will increase the need for sewer relief of the Clear Creek Basin area; and

WHEREAS, the redevelopment of the North Avenue Area will further increase the demands on the sewer system of the area and lead to additional stormwater run-off in the area, without appropriate measures; and

WHEREAS, the City recognizes the need to detain one million gallons of storm water runoff from an approximately 800-acre drainage area upstream of the North Avenue Area, in order to alleviate potential flooding due to insufficient capacity of the receiving combined sewer system; and

WHEREAS, any stormwater management feature is envisioned to serve as an amenity

for the surrounding area once redeveloped; and

WHEREAS, as part of the redevelopment of the North Avenue Area, the City and ABI have agreed that in order to support the timetable set forth for the sale and development of City Hall East and to simultaneously accomplish the City's long term goal for storm and sanitary sewer relief within the Clear Creek Basin, the City has authorized ABI to perform, on behalf of the City, the public improvements in the public right of way around and within the Historic Fourth Ward Park necessary to create a regional stormwater management facility, known as the 2007 Clear Creek Basin Regional Stormwater Management Facility (the "Stormwater Management Facility" or the "Project"); and

WHEREAS, the City and ABI are working together to develop plans for the Stormwater Management Facility supporting the redevelopment of City Hall East and the Historic Fourth Ward Park and creating an amenity available to the North Avenue Area; and

WHEREAS, pursuant to that certain Agreement between ABI and the Department of Watershed Management, the Stormwater Management Facility will be deeded to the City upon final completion of the Project; and

WHEREAS, the design of the Project requires that the portion of Morgan Street described in Exhibit "A" be closed to the public and be made available to ABI for the construction of said Project; and

WHEREAS, in consideration of the Stormwater Management Facility being constructed on behalf of the City with Department of Watershed Management funds, the City now wishes to abandon the Morgan Street right-of-way; and

WHEREAS, the Commissioner of the Department of Public Works has determined that the portion of Morgan Street, as described in Exhibit "A" is no longer necessary for the public's use and convenience as a public right-of-way; and

WHEREAS, ABI has requested and the City has agreed that ABI may acquire the abandoned right-of-way at no cost to further support the rededication of the Stormwater Management Facility to the City upon final completion of the Project; and

WHEREAS, said agreement on the part of the City requires that portions of Sections 2-1578 and 138-9 of the City of Atlanta Code of Ordinances ("City Code") be waived; and

WHEREAS, the abandoned portion of Morgan Street will become part of the abutting owner's (ABI) property only during the construction phase of the project, and during that period, it will be ABI's responsibility to maintain, operate, and provide all services and utilities for said abandoned property; and

WHEREAS, at the conclusion of the construction phase of the Project, the abandoned portion of Morgan Street will become part of a park/stormwater facility that will be rededicated to the City.

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

Section 1. That the portion of Morgan Street located between North Angier Avenue and an unnamed road consisting of approximately 10,798 square feet, and being more specifically described in the Attached Exhibit "A", lying and being in Land Lot 18 of the 14th District, Fulton County, Georgia, is hereby declared no longer useful or necessary for the public's use and convenience and the abandonment of same is hereby authorized.

Section 2. That the applicant is required to meet the requirements of Section 138-9 of the City Code, except as set out in Section 3 below, including having the abandonment request reviewed by the police, fire, and planning departments.

Section 3. That the provisions of Sections 2-1578 and 138-9(c) of the City Code are hereby waived, solely as they relate to the requirement that the City be paid the fair market value of the abandoned property as the property will be rededicated to the City of Atlanta upon completion of the project for public use

Section 4. 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 5. That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, 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 6. That upon the completion of the construction phase of the Project, the abandoned portion of Morgan Street will become part of the park/stormwater facility that will be rededicated to the City.

Section 7. That the Mayor be and is hereby authorized to execute a quitclaim deed to convey any interest that the City may have in the above-described portion of Morgan Street.

Section 8. That 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 to the extent of the conflict for this instance only.