

**AN ORDINANCE BY
COUNCIL MEMBER KWANZA HALL
AS SUBSTITUTED BY CITY UTILITIES COMMITTEE**

09-O-0480

AN ORDINANCE AUTHORIZING THE ABANDONMENT OF A PORTION OF DALLAS STREET BETWEEN EDITH STREET AND AN UNNAMED ROAD CONSISTING OF APPROXIMATELY 17,948 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 Dallas Street, between Edith Street and an unnamed road described in Exhibit "A" and hereafter referred to as "Dallas Street";

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 Dallas 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 Dallas Street right-of-way; and

WHEREAS, the Commissioner of the Department of Public Works has determined that the portion of Dallas 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 Dallas 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 Dallas Street will become part of a park/stormwater facility that will be rededicated to the City.

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

Section 1. That the portion of Dallas Street located between Edith Street and an unnamed road consisting of approximately 17,948 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 Dallas 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 Dallas 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.

**AN ORDINANCE BY
COUNCIL MEMBER KWANZA HALL**



AN ORDINANCE AUTHORIZING THE ABANDONMENT OF A PORTION OF DALLAS STREET BETWEEN EDITH STREET AND AN UNNAMED ROAD CONSISTING OF APPROXIMATELY 17,948 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 Dallas Street, between Edith Street and an unnamed road described in Exhibit "A" and hereafter referred to as "Dallas Street";

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 Intergovernmental 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 Dallas 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 Dallas Street right-of-way; and

WHEREAS, the Commissioner of the Department of Public Works has determined that the portion of Dallas 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 Dallas 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 Dallas Street will become part of a park/stormwater facility that will be rededicated to the City.

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

Section 1. That the portion of Dallas Street located between Edith Street and an unnamed road consisting of approximately 17,948 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.

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.

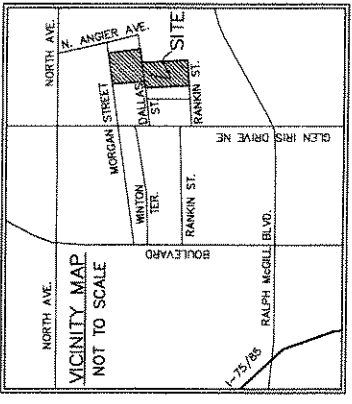
Section 5. That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, the City Attorney is hereby directed to prepare a Quitclaim Deed or Limited Warranty Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

Section 6. That upon the completion of the construction phase of the Project, the abandoned portion of Dallas 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 Dallas Street.

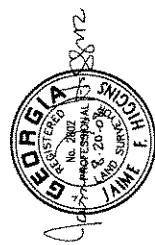
Section 8. That the date of execution of this ordinance by the Mayor shall be the effective date of abandonment.

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



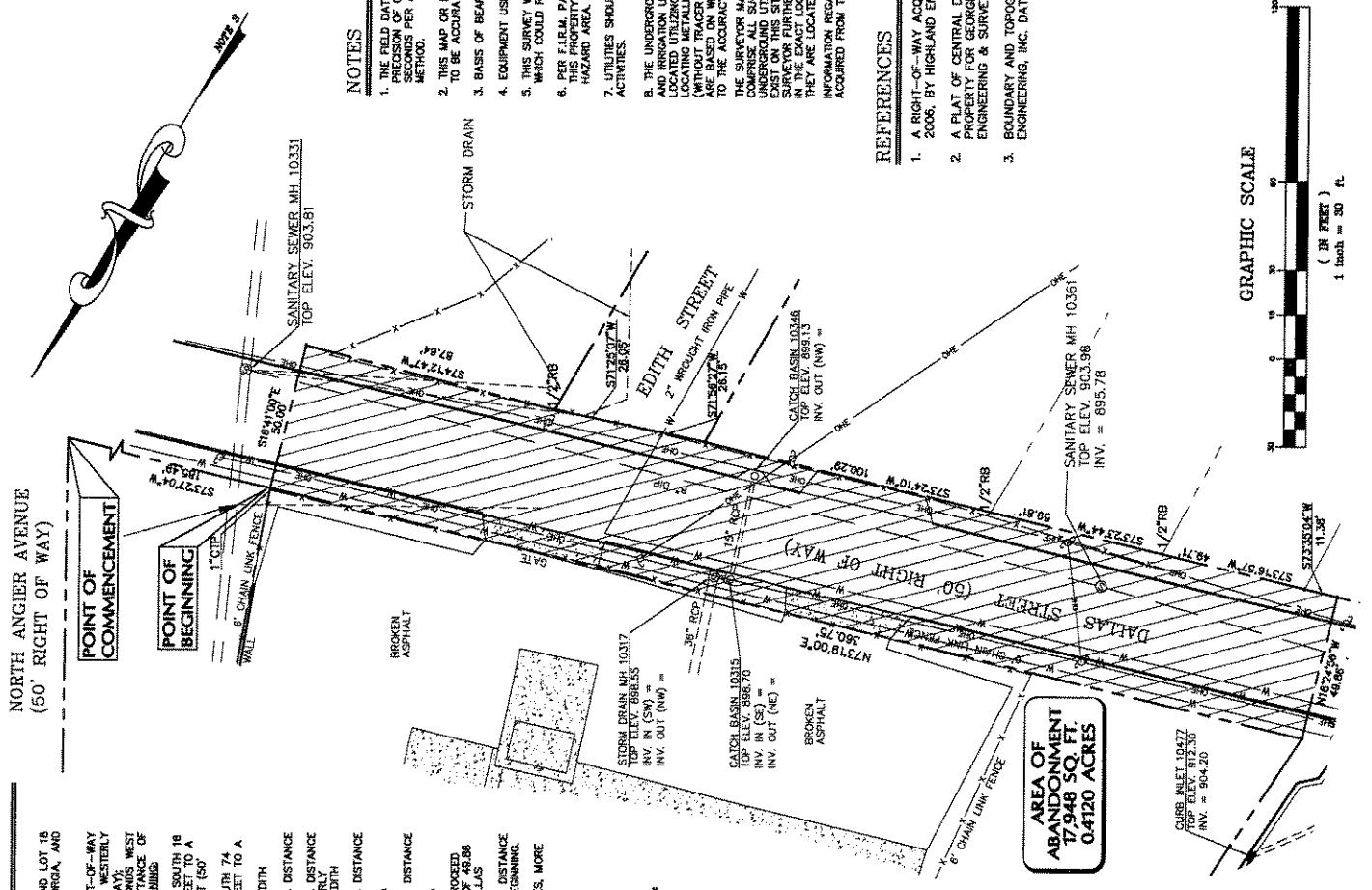
- NOTES**
1. THE FIELD DATA WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 32,500 FEET, AND AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES METHOD.
 2. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 56,461 FEET.
 3. BASIS OF BEARING IS PER NA0-88, GEORGIA STATE PLANE, WEST ZONE.
 4. EQUIPMENT USED: TOPCON GTS-313 AND RECON/TDS DATA COLLECTOR.
 5. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN.
 6. PER ELEM. PANEL 13123, C. 0948 E. EFFECTIVE DATE JUNE 22, 1998, THIS PROPERTY IS NOT DEPICTED WITHIN A DESIGNATED 100 YEAR FLOOD HAZARD AREA.
 7. UTILITIES SHOULD BE CONFIRMED FOR ACTUAL LOCATION PRIOR TO CONSTRUCTION ACTIVITIES.
 8. THE UNDERGROUND UTILITIES (EXCEPT THE LOCATION OF EXISTING DRAINAGE, SEWER AND IRRIGATION UTILITIES AS WELL AS UNDERGROUND STORAGE TANKS) WERE NOT LOCATED USING RADIO FREQUENCY TECHNIQUE. THIS TECHNIQUE IS CAPABLE OF LOCATING UTILITIES HAVING RADIO FREQUENCY IDENTIFICATION TAGS (WITH OR WITHOUT TRACER WIRE) ARE NOT LOCATED. UNDERGROUND UTILITIES IDENTIFIED ARE BASED ON WRITTEN RECORDS PROVIDED BY OTHERS. NO CERTIFICATION IS MADE AS TO THE ACCURACY INFORMATION PROVIDED BY OTHERS.
- THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN MAY EXIST ON THIS SITE BUT NOT SHOWN. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES NOT CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE INFORMATION REGARDING MATERIAL AND SIZE OF UTILITIES IS BASED ON RECORDS OBTAINED FROM THE UTILITY OWNERS.

- REFERENCES**
1. A RIGHT-OF-WAY ACQUISITION MAP FOR WOOD PARTNERS, DATED DEC. 08, 2006, BY HIGHLAND ENGINEERING, INC.
 2. A PLAT OF CENTRAL DISTRICT OPERATING HEADQUARTERS ADDITIONAL PROPERTY FOR GEORGIA POWER COMPANY, DATED OCT. 10, 2002, BY METRO ENGINEERING & SURVEYING CO., INC.
 3. BOUNDARY AND TOPOGRAPHIC SURVEY OF NORTH AVENUE PARK AREA BY HDR ENGINEERING, INC. DATED APRIL 17, 2008, LAST REVISED AUGUST 11, 2008.



BY MY COMMON THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

DATE: 8-10-08
 JAMES F. JAGGINS REGISTRATION NUMBER 2862



LEGAL

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 18 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF DALLAS STREET (50' RIGHT-OF-WAY) AND THE WESTERLY RIGHT-OF-WAY LINE OF EDITH STREET (50' RIGHT-OF-WAY), THENCE PROCEED SOUTH 73 DEGREES 27 MINUTES 14 SECONDS WEST ALONG SAID DALLAS STREET RIGHT-OF-WAY LINE, FOR A DISTANCE OF 185.49 FEET TO A 1" CRIMP TOP PIPE, AND THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING THUS ESTABLISHED, PROCEED SOUTH 18 DEGREES 41 MINUTES 00 SECONDS EAST, A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF DALLAS STREET (50' RIGHT-OF-WAY).

THENCE FOLLOWING THE ACCUMULATED RIGHT-OF-WAY LINE SOUTH 74 DEGREES 12 MINUTES 47 SECONDS WEST, A DISTANCE OF 87.64 FEET TO A 1/2" REBAR FOUND AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF DALLAS STREET AND EASTERLY LINE OF EDITH STREET (50' RIGHT-OF-WAY UNKNOWN).

THENCE SOUTH 71 DEGREES 25 MINUTES 07 SECONDS WEST, A DISTANCE OF 20.05 FEET.

THENCE SOUTH 71 DEGREES 56 MINUTES 27 SECONDS WEST, A DISTANCE OF 92.50 FEET TO A POINT AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF DALLAS STREET AND WESTERLY LINE OF EDITH STREET.

THENCE SOUTH 73 DEGREES 24 MINUTES 10 SECONDS WEST, A DISTANCE OF 100.89 FEET TO A 1/2" REBAR.

THENCE SOUTH 73 DEGREES 23 MINUTES 44 SECONDS WEST, A DISTANCE OF 49.71 FEET.

THENCE SOUTH 73 DEGREES 16 MINUTES 57 SECONDS WEST, A DISTANCE OF 56.29 FEET.

THENCE SOUTH 73 DEGREES 35 MINUTES 04 SECONDS WEST, A DISTANCE OF 56.29 FEET.

THENCE CROSSING THE RIGHT-OF-WAY OF DALLAS STREET, PROCEED NORTH 18 DEGREES 24 MINUTES 56 SECONDS WEST, A DISTANCE OF 49.28 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF DALLAS STREET (50' RIGHT-OF-WAY).

THENCE NORTH 73 DEGREES 19 MINUTES 00 SECONDS EAST, A DISTANCE OF 360.75 FEET TO A 1" CRIMP TOP PIPE, AND THE POINT OF BEGINNING.

OR LESS.

SAID TRACT CONTAINING 17,948 SQUARE FEET OR 0.4120 ACRES, MORE OR LESS.

LEGEND

---	PROPERTY LINE
---	RIGHT-OF-WAY
-X-X-	FENCE
-O-O-	GAS LINE
---	OVERHEAD ELECTRIC LINE
	ABANDONED AREA
⊙	MONUMENT AS-NOTED
○	COMPUTED POINT
PS	IRON PIN SET (5/8" REINFORCING BAR)
IPF	IRON PIN FOUND
CTP	CRIMP TOP PIPE
OTF	OPEN TOP PIPE
CM	CONCRETE MONUMENT
CMP	CORRUGATED METAL PIPE
ACP	REINFORCED CONCRETE PIPE
MH	MANHOLE
⊙	SANITARY SEWER MANHOLE
⊙	MONITORING WELL
⊙	STORM DRAIN MANHOLE
⊙	DOUBLE-WING CATCH BASIN
⊙	SINGLE-WING CATCH BASIN
⊙	DROP INLET
⊙	CURB INLET
⊙	LAMP STANDARD
⊙	POWER POLE

Exhibit "A"