

#4

10-0310

(Do Not Write Above This Line)
AN ORDINANCE

BY COUNCIL MEMBER KWANZA HALL

AUTHORIZING THE ABANDONMENT OF A PORTION OF ANCIER AVENUE BETWEEN GARDEN PARK DRIVE, NE AND ASHLEY AVENUE, NE, CONSISTING OF APPROXIMATELY 13,183 SQUARE FEET AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 18 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA WAIVING CERTAIN PROVISIONS OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.
ADOPTED BY

APR 19 2010
COUNCIL

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

Date Referred: 2/1/10
 Referred To: City Utilities
 Date Referred:
 Referred To:
 Date Referred:
 Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee: City Utilities
 Date: Feb 2010
 Chair: [Signature]
 Action: [Signature]

Fav, Adv, Hold (see rev. side)
 Other: [Signature]
 Members: [Signature]

Refer To _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

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

CERTIFIED

CERTIFIED
 APR 19 2010
 ATLANTA CITY COUNCIL PRESIDENT
 [Signature]

CERTIFIED
 APR 19 2010
 [Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
 APR 27 2011
 [Signature]
 MAYOR



CITY COUNCIL
ATLANTA, GEORGIA

10-0-0310

[Handwritten signature]

AN ORDINANCE

BY COUNCILMEMBER KWANZA HALL

AUTHORIZING THE ABANDONMENT OF A PORTION OF ANGIER AVENUE BETWEEN GARDEN PARK DRIVE, NE AND ASHLEY AVENUE, NE, CONSISTING OF APPROXIMATELY 13,183 SQUARE FEET AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 18 OF THE 14TH DISTRICT OF 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 Angier Avenue, between Garden Park Drive, NE and Ashley Avenue, NE described in Exhibit "A" and hereafter referred to as "Angier Avenue"; and

WHEREAS, ABI has been established by The Atlanta Development Authority to execute the approved BeltLine Tax Allocation District, as authorized by City 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 and ABI are working together to develop plans supporting the development of the Historic Fourth Ward Park and creating an amenity available to the North Avenue Area; and

WHEREAS, the City Council of the City, by City Ordinance 06-O-1568, adopted on July 17, 2006, and approved by the Mayor of the City on July 18, 2006, approved certain projects or phases of projects to implement the Redevelopment Plan (the "Five-Year Work Plan"); and

WHEREAS, the City approved the Sub-Area 5 Master Plan on March 16, 2009 which included the above referenced park extending from North Avenue to Ralph McGill Boulevard and the so-called "Cox Property"; and

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

WHEREAS, pursuant to that certain Agreement between ABI and the Department of Parks, Recreation, and Cultural Affairs, the park will be deeded to the City upon final completion of the Project; and



WHEREAS, in order to facilitate the construction of the Historic Fourth Ward Park , the City now wishes to abandon the Angier Avenue right-of-way; and

WHEREAS, the Commissioner of the Department of Public Works has determined that the portion of Angier Avenue, 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 construction of the Historic Fourth Ward Park; 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 Angier Avenue 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 Angier Avenue will become part of a larger tract of land that will be rededicated to the City as a park facility with a stormwater detention pond.

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

Section 1. That the portion of Angier Avenue located between Garden Park Drive, NE and Ashley Avenue, NE, consisting of approximately 13,183 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 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 Angier Avenue 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 Angier Avenue to ABI.

Section 8. That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict for this instance only.

A true copy,

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

APR 19, 2010
APR 27, 2010


Municipal Clerk



ANGIER AVENUE ABANDONMENT

ALL THAT TRACT or parcel of land lying and being in Land Lot 18 of the 14th District, City of Atlanta, Georgia, and being more particularly described as follows:

BEGINNING at a point on the Northwesterly right-of-way of Angier Avenue as measured 58.31 feet Southwesterly from the Westerly right-of-way of Edith Street; THENCE proceeding SOUTH 35 DEGREES 09 MINUTES 01 SECOND EAST a distance of 50.05 feet to a point on the Southeasterly right-of-way of Angier Avenue; THENCE proceeding SOUTH 55 DEGREES 17 MINUTES 01 SECOND WEST a distance of 135.74 feet to a point; THENCE proceeding along a curve to the right an arc distance of 98.46 feet (said curve having a radius of 7888.86 feet and being subtended by a chord bearing of SOUTH 58 DEGREES 04 MINUTES 46 SECONDS WEST and a chord distance of 98.46 feet) to a point; THENCE proceeding along a curve to the right an arc distance of 37.11 feet (said curve having a radius of 366.46 feet and being subtended by a chord bearing of SOUTH 61 DEGREES 20 MINUTES 16 SECONDS WEST and a chord distance of 37.09 feet) to a point; THENCE proceeding NORTH 25 DEGREES 37 MINUTES 28 SECONDS WEST a distance of 50.84 feet to a point on the Northerly right-of-way of Angier Avenue; THENCE proceeding along a curve to the left an arc distance of 79.52 feet (said curve having a radius of 716.95 feet and being subtended by a chord bearing of NORTH 61 DEGREES 11 MINUTES 53 SECONDS EAST and a chord distance of 79.48 feet) to a point; THENCE proceeding along a curve to the left an arc distance of 78.28 feet (said curve having a radius of 856.61 feet and being subtended by a chord bearing of NORTH 56 DEGREES 22 MINUTES 04 SECONDS EAST and a chord distance of 78.25 feet) to a point; THENCE proceeding NORTH 54 DEGREES 50 MINUTES 59 SECONDS EAST a distance of 105.26 feet to a point and POINT OF BEGINNING.

Said parcel contains 13,183 square feet.

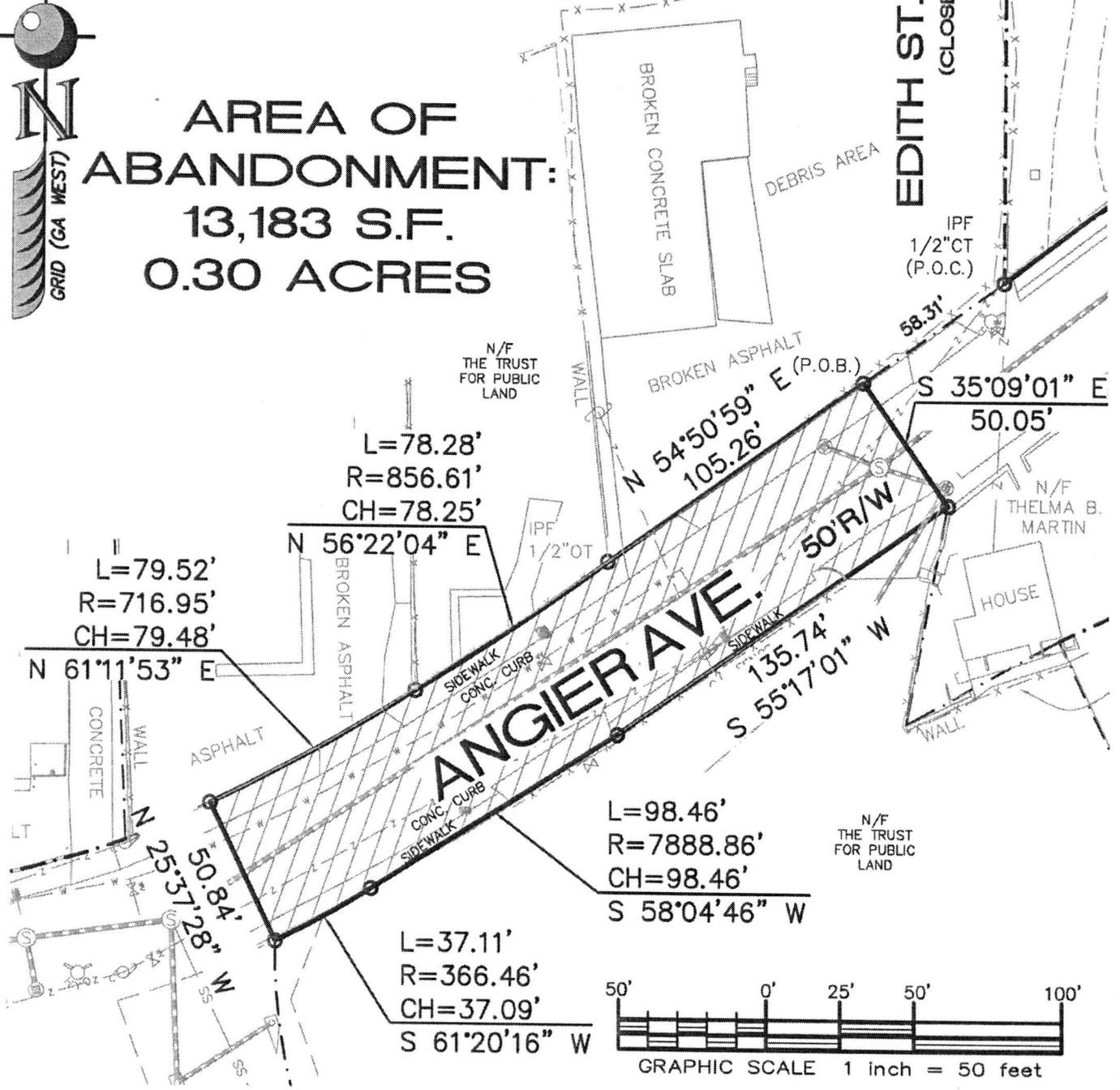
LEGEND:

- IPS - IRON PIN SET A - ARC DISTANCE
- IPF - IRON PIN FOUND CH - CHORD
- OT - OPEN TOP PIN DE - DRAINAGE EASEMENT
- RB - REINFORCING BAR SSE - SANITARY SEWER EASEMENT
- R/W - RIGHT-OF-WAY SMH - SEWER MAN HOLE
- LL - LAND LOT CB - CATCH BASIN
- R - RADIUS HW - HEADWALL

N/F
THE TRUST
FOR PUBLIC
LAND

EDITH ST. 50'R/W
(CLOSED)

**AREA OF
ABANDONMENT:
13,183 S.F.
0.30 ACRES**



L=78.28'
R=856.61'
CH=78.25'
N 56°22'04" E

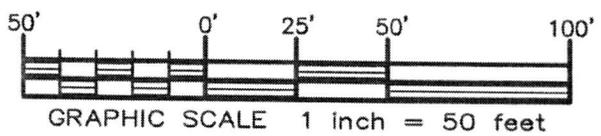
L=79.52'
R=716.95'
CH=79.48'
N 61°11'53" E

N 54°50'59" E (P.O.B.)
105.26'

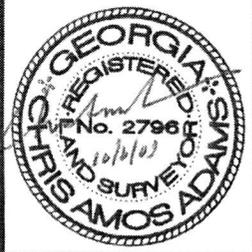
S 35°09'01" E
50.05'

L=37.11'
R=366.46'
CH=37.09'
S 61°20'16" W

L=98.46'
R=7888.86'
CH=98.46'
S 58°04'46" W



SEI
SOUTHEASTERN ENGINEERING, INC.
2470 Sandy Plains Road Marietta, Georgia 30066
tel: 770-321-3936 Fax: 770-321-3935
www.seengineering.com



RIGHT-OF-WAY ABANDONMENT
EXHIBIT FOR A PORTION OF:
ANGIER AVENUE
LAND LOT 18 OF THE 14TH DISTRICT,
CITY OF ATLANTA,
FULTON COUNTY, GEORGIA

SCALE: 1" = 50'
DATE: 10/05/09

JOB No. -
481-09-081

RCS# 164
4/19/10
3:14 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

EXCEPT 10-O-0491, 10-O-0474

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	NV Watson
Y Young	Y Shook	Y Bottoms	Y Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	04-19-10 ITEMS ADVERSED ON CONSENT
1. 10-O-0473 2. 10-O-0475 3. 10-O-0058 4. 10-O-0310 5. 10-O-0311 6. 10-O-0312 7. 10-O-0500 8. 10-O-0408 9. 10-O-0499 10. 10-O-0465 11. 10-O-0466 12. 10-O-0469 13. 10-O-0470 14. 10-R-0497 15. 10-R-0332 16. 10-R-0596 17. 10-R-0525 19. 10-R-0597 20. 10-R-0602 21. 10-R-0526 22. 10-R-0527 23. 10-R-0528 24. 10-R-0529 25. 10-R-0530 26. 10-R-0531 27. 10-R-0532 28. 10-R-0533 29. 10-R-0534 30. 10-R-0535 31. 10-R-0536 32. 10-R-0537 33. 10-R-0538 34. 10-R-0539 35. 10-R-0540	36. 10-R-0541 37. 10-R-0543 38. 10-R-0544 39. 10-R-0546 40. 10-R-0547 41. 10-R-0548 42. 10-R-0549 43. 10-R-0550 44. 10-R-0551	45. 10-R-0552 46. 10-R-0553 47. 10-R-0554 48. 10-R-0555 49. 10-R-0556 50. 10-R-0557 51. 10-R-0558 52. 10-R-0559 53. 10-R-0560 54. 10-R-0561 55. 10-R-0562 56. 10-R-0563 57. 10-R-0564 58. 10-R-0565 59. 10-R-0566 60. 10-R-0567 61. 10-R-0568 62. 10-R-0569 63. 10-R-0570 64. 10-R-0571 65. 10-R-0572 66. 10-R-0573 67. 10-R-0574 68. 10-R-0575 69. 10-R-0576 70. 10-R-0577 71. 10-R-0578 72. 10-R-0579 73. 10-R-0580 74. 10-R-0581 75. 10-R-0582 76. 10-R-0583 77. 10-R-0584 78. 10-R-0585 79. 10-R-0586 80. 10-R-0587 81. 10-R-0588 82. 10-R-0589 83. 10-R-0590 84. 10-R-0591 85. 10-R-0592 86. 10-R-0593