

#5

10-0311

AN ORDINANCE

BY COUNCILMEMBER KWANZA HALL
AUTHORIZING THE ABANDONMENT OF A PORTION OF MORGAN STREET BETWEEN NORTH ANGLIER AVENUE, NE AND GARDEN PARK DRIVE, NE, CONSISTING OF APPROXIMATELY 6,727 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.
APR 19 2010
ADOPTED BY
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 _____

Date 2/1/10

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 _____

Committee _____

Date 3/9/2010

Chair _____

Action Fav, Adv, Hold (see rev. side) _____

Other _____

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Action Fav, Adv, Hold (see rev. side) _____

Other _____

Members _____

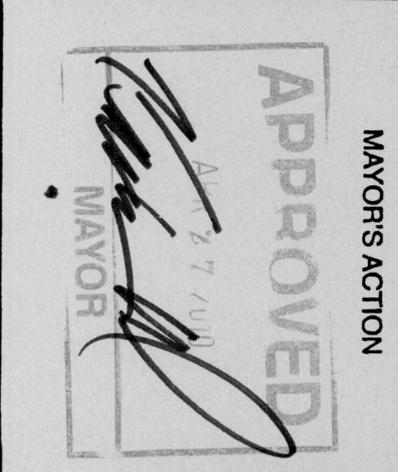
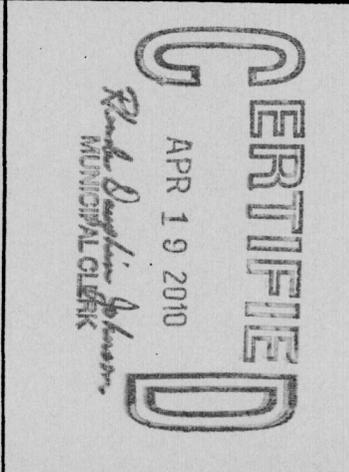
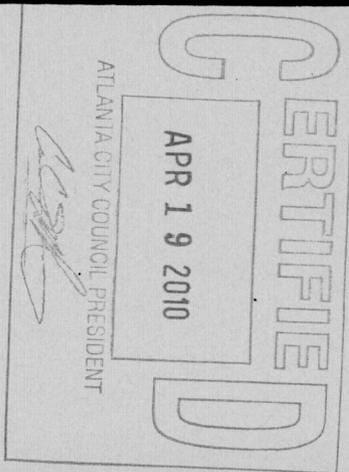
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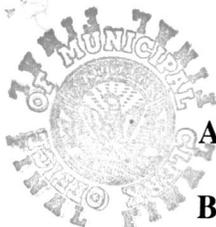
FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd

Readings

Consent V Vote RC Vote





CITY COUNCIL
ATLANTA, GEORGIA

10-0-0311

AN ORDINANCE

BY COUNCILMEMBER KWANZA HALL

AUTHORIZING THE ABANDONMENT OF A PORTION OF MORGAN STREET BETWEEN NORTH ANGIER AVENUE, NE AND GARDEN PARK DRIVE, NE, CONSISTING OF APPROXIMATELY 6,727 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 Morgan Street, between North Angier Avenue, NE and Garden Park Drive, NE, 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 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 has authorized the sale of City Hall East and the subsequent redevelopment of portions of the North Avenue Area, by City Ordinance 05-R-1832; 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 Morgan Street not previously abandoned under the Clear Creek Basin Project 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, 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 Historic Fourth Ward Park and creating an amenity available to the North Avenue Area; 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 order to facilitate the construction of the Historic Fourth Ward Park Phase II being constructed on behalf of the City with Department Parks, Recreation, and Cultural Affairs, 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 park 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 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 Morgan Street located between North Angier Avenue, NE and Garden Park Drive, NE, not previously abandoned under the Clear Creek Combined Sewer Relief Basin, consisting of approximately 6,727 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 Morgan Street will become part of the park 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 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

Rhonda Daphnia Johnson
Municipal Clerk



MORGAN STREET ABANDONMENT

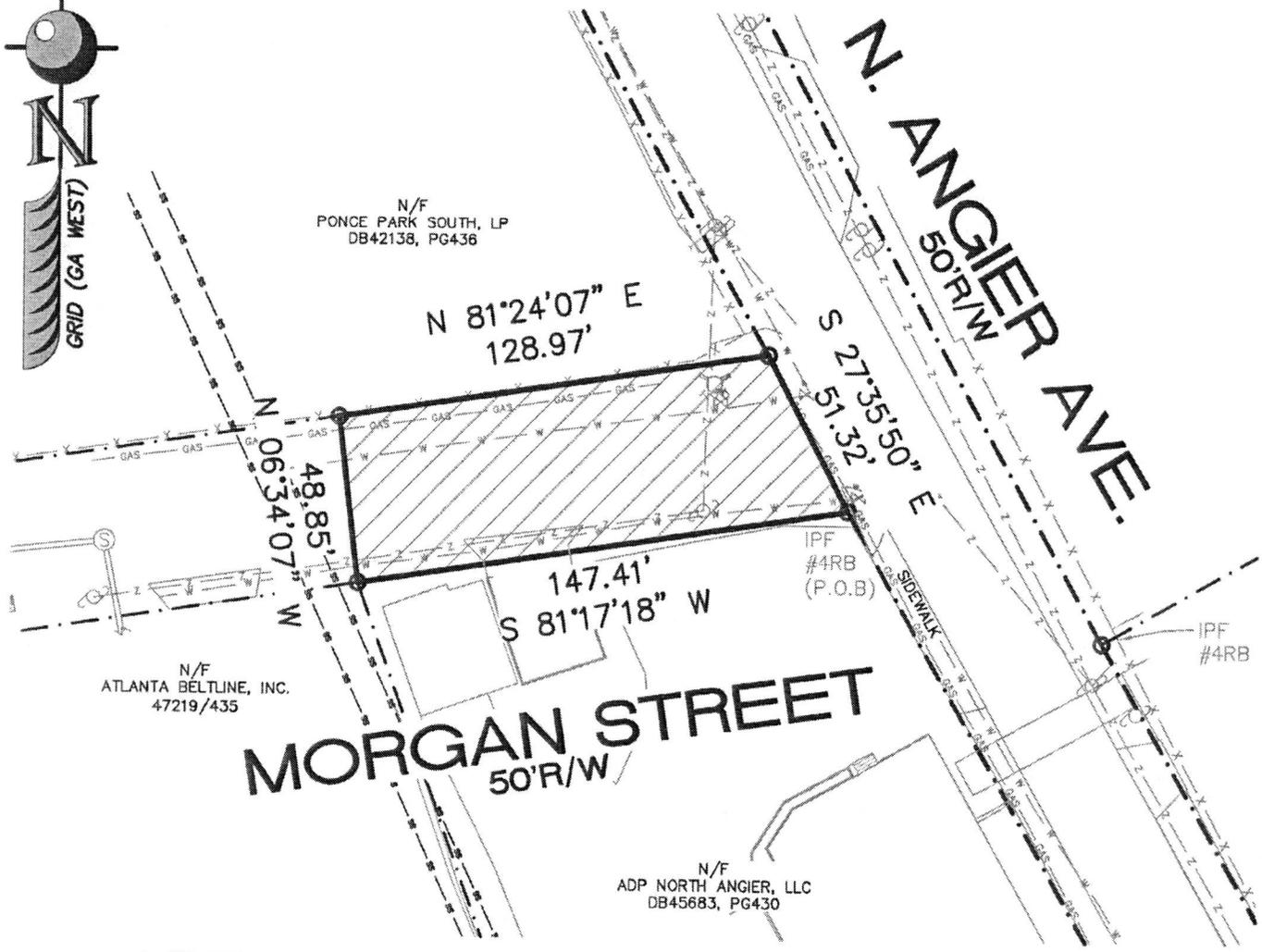
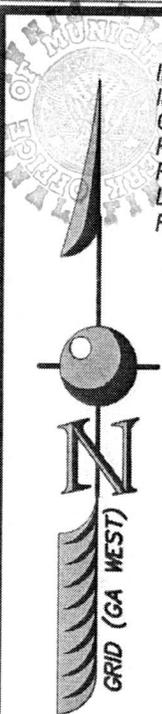
ALL THAT TRACT or parcel of land lying and being in Land Lot 18 of the 14th District, City of Atlanta, Georgia, and being more particularly described as follows:

BEGINNING at a #4 re-bar found at the intersection of the Southwesterly right-of-way of North Angier Avenue with the Southerly right-of-way of Morgan Street; THENCE proceeding along said right-of-way of Morgan Street SOUTH 81 DEGREES 17 MINUTES 18 SECONDS WEST a distance of 147.41 feet to a point; THENCE proceeding NORTH 06 DEGREES 34 MINUTES 07 SECONDS WEST a distance of 48.85 feet to a point; THENCE proceeding NORTH 81 DEGREES 24 MINUTES 07 SECONDS EAST a distance of 128.97 feet to a point on the aforesaid right-of-way of North Angier Avenue; THENCE proceeding along said right-of-way SOUTH 27 DEGREES 35 MINUTES 50 SECONDS EAST a distance of 51.32 feet to a point and POINT OF BEGINNING.

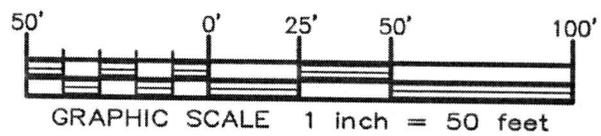
Said parcel contains 6,727 square feet.

LEGEND:

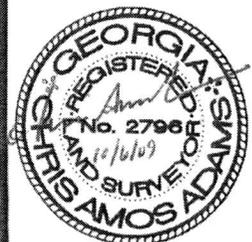
- IPS - IRON PIN SET A - ARC DISTANCE
- IPF - IRON PIN FOUND CH - CHORD
- OT - OPEN TOP PIN DE - DRAINAGE EASEMENT
- RB - REINFORCING BAR SSE - SANITARY SEWER EASEMENT
- R/W - RIGHT-OF-WAY SMH - SEWER MAN HOLE
- LL - LAND LOT CB - CATCH BASIN
- R - RADIUS HW - HEADWALL



**AREA OF
ABANDONMENT:
6,727 S.F.
0.15 ACRES**



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:
MORGAN STREET
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