

#4

10-0-0312

(Do Not Write Above This Line)

AN ORDINANCE

BY COUNCILMEMBER KWANZA HALL

AUTHORIZING THE ABANDONMENT OF A PORTION OF EDITH STREET BETWEEN RANKIN STREET, NE AND ANCIER AVENUE, NE, CONSISTING OF APPROXIMATELY 10,137 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

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

Date Referred

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Sam Committee
Date 2/10
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

Chair

Action

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

Members

Members

Handwritten signatures and dates

Refer To

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

CERTIFIED

APR 19 2010

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
APR 19 2010

Handwritten signature of Municipal Clerk

MAYOR'S ACTION

APPROVED

APR 27 2010

Handwritten signature of Mayor

AN ORDINANCE

BY COUNCILMEMBER KWANZA HALL

AUTHORIZING THE ABANDONMENT OF A PORTION OF EDITH STREET BETWEEN RANKIN STREET, NE AND ANGIER AVENUE, NE, CONSISTING OF APPROXIMATELY 10,137 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 Edith Street, between Rankin Street, NE and Angier Avenue, NE, described in Exhibit "A" and hereafter referred to as "Edith 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 and ABI are working together to develop plans 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, the City 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 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 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 of Atlanta 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, 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, the design of the Project requires that the portion of Edith 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, the City now wishes to abandon the Edith Street right-of-way; and

WHEREAS, the Commissioner of the Department of Public Works has determined that the portion of Edith 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 Edith 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 Edith 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 Edith Street located between Rankin Street, NE and Angier Avenue, NE, consisting of approximately 10,137 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 Edith 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 Edith 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


Municipal Clerk

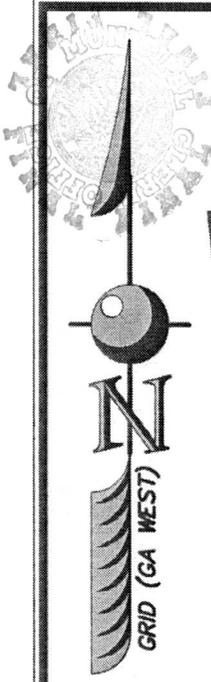


EDITH STREET ABANDONMENT

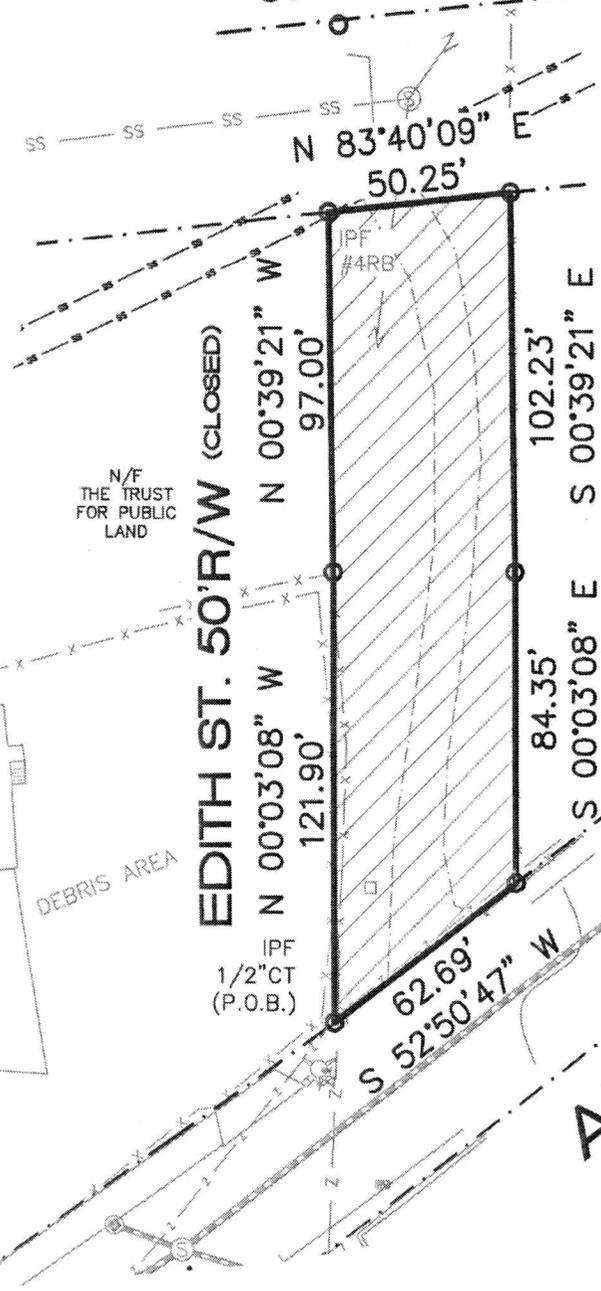
ALL THAT TRACT or parcel of land lying and being in Land Lot 18 of the 14th District, City of Atlanta, Georgia, and being more particularly described as follows:

BEGINNING at a one-half inch crimped-top pipe found at the intersection of the Northwestern right-of-way of Angier Avenue with the Westerly right-of-way of Edith Street; THENCE proceeding along said right-of-way of Edith Street NORTH 00 DEGREES 03 MINUTES 08 SECONDS WEST a distance of 121.90 feet to a point; THENCE proceeding NORTH 00 DEGREES 39 MINUTES 21 SECONDS WEST a distance of 97.00 feet to a point and #4 re-bar found on the Southerly right-of-way of Rankin Street; THENCE proceeding along said right-of-way of Rankin Street NORTH 83 DEGREES 40 MINUTES 09 SECONDS EAST a distance of 50.25 feet to a point; THENCE proceeding SOUTH 00 DEGREES 39 MINUTES 21 SECONDS EAST a distance of 102.23 feet to a point; THENCE proceeding SOUTH 00 DEGREES 03 MINUTES 08 SECONDS EAST a distance of 84.35 feet to a point on the aforesaid right-of-way of Angier Avenue; THENCE proceeding along said right-of-way SOUTH 52 DEGREES 50 MINUTES 47 SECONDS WEST a distance of 62.69 feet to a point and POINT OF BEGINNING.

Said parcel contains 10,137 square feet.



RANKIN STREET
50'R/W



LEGEND:

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

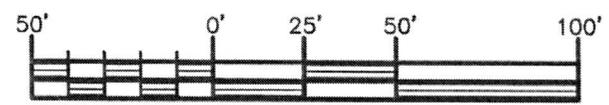
**AREA OF
ABANDONMENT:
10,137 S.F.
0.23 ACRES**

N/F
GEORGIA POWER
COMPANY

DEBRIS AREA

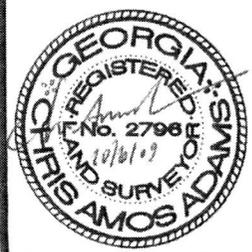
N/F
THE TRUST
FOR PUBLIC
LAND

ANGIER AVE.
50'R/W



GRAPHIC SCALE 1 inch = 50 feet

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:
EDITH 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

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