

10-0-1256

(Do Not Write Above This Line)

AN ORDINANCE BY
CITY UTILITIES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ABANDON A PORTION OF SOUTH COLONIAL HOMES CIRCLE, N.W., LOCATED BETWEEN COLONIAL HOMES DRIVE, N.W. AND SOUTH COLONIAL HOMES CIRCLE, N.W. CONSISTING OF APPROXIMATELY 0.614 ACRES, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 11 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA; AND TO ACCEPT THE DONATION FROM POPE & LAND ENTERPRISES, LLC OF APPROXIMATELY 0.415 ACRES LOCATED ON SOUTH COLONIAL HOMES CIRCLE, N.W., ("THE SOUTH COLONIAL PROPERTY") INCLUDING THE CITY OF ATLANTA'S COSTS OF DUE DILIGENCE AND PURCHASE SERVICES; AND FOR OTHER PURPOSES.

Filed

SEP 20 2010

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

Date Referred City Utilities

Referred To: 07/19/10

Date Referred

Referred To:

Date Referred

Referred To:

Committee City Utilities ^{First Reading}
 Date July 13 2010
 Chair Walter A. ...
 Referred To ...

Committee City Utilities
 Date July 27, 2010
 Chair _____

Action
 Fav. Adv. Hold (see rev. side)
 Other P.H. held 7/27/10
 Members _____

Refer To

Committee

Date

Chair

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

Members

Refer To

Committee City Utilities
 Date Sept 14 2010
 Chair Walter A. ...

Action
 Fav. Adv. Hold (see rev. side)
 Other File
 Members De ...

Refer To

Committee

Date

Chair

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

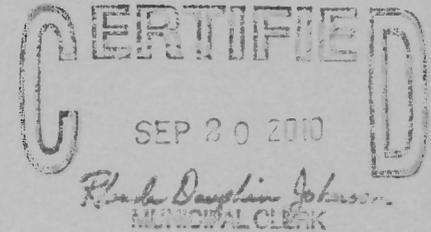
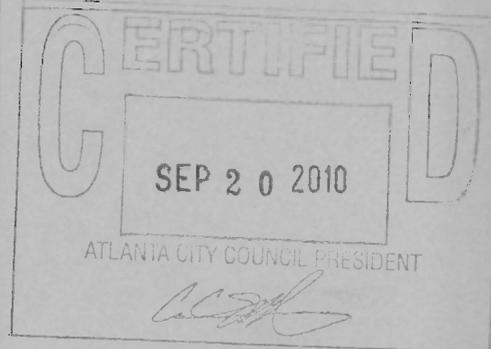
Members

Refer To

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Readings
- Consent
- V Vote
- RC Vote

CERTIFIED



MAYOR'S ACTION

RCS# 556
9/20/10
2:50 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

10-O-1256, 10-R-1262

FILE

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 2

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

MULTIPLE

**AN ORDINANCE BY
CITY UTILITIES COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ABANDON A PORTION OF SOUTH COLONIAL HOMES CIRCLE, N.W., LOCATED BETWEEN COLONIAL HOMES DRIVE, N.W. AND SOUTH COLONIAL HOMES CIRCLE, N.W. CONSISTING OF APPROXIMATELY 0.614 ACRES, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 11 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA; AND TO ACCEPT THE DONATION FROM POPE & LAND ENTERPRISES, LLC OF APPROXIMATELY 0.415 ACRES LOCATED ON SOUTH COLONIAL HOMES CIRCLE, N.W., ("THE SOUTH COLONIAL PROPERTY") INCLUDING THE CITY OF ATLANTA'S COSTS OF DUE DILIGENCE AND PURCHASE SERVICES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") has received a formal request from Pope & Land Enterprises, LLC ("P&L"), to abandon a portion of South Colonial Homes Circle, N.W. consisting of approximately 0.614 acres (described in Exhibit "A" and hereafter referred to as "South Colonial"); and

WHEREAS, P&L has agreed to donate to the City approximately 0.415 acres of land located on South Colonial Homes Circle, N.W. in return for receiving the aforementioned 0.614 acres of abandoned public right-of-way; and

WHEREAS, the purpose of the abandonment to P & L described herein and the coordinated donation from P & L to the City described herein is to allow P & L to accomplish the relocation of a right-of-way running along the eastern boundary of real property owned by P & L; and

WHEREAS, this will result in a net abandonment by the City of approximately 0.199 acres; and

WHEREAS, the abandoned portion of South Colonial Homes Circle, N.W. will become part of the abutting property owner's private property, and it will be such owner's responsibility to maintain, operate, and provide all services and utilities for said property; and

WHEREAS, the Department of Public Works has reviewed the request from the abutting property owner and has concluded that the abandonment of the portion of the right-of-way described herein will not have any adverse affect on traffic movement now and in the future.

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

Section 1: That the portion of South Colonial Homes Circle, N.W., located between Colonial Homes Drive, N.W. and South Colonial Homes Circle, N.W., being more specifically described in the attached Exhibit "A", lying and being in Land Lot 11 of the 17th District, Fulton County, Georgia, is hereby declared no longer useful or necessary for the public's use and convenience.

Section 2: That the City hereby expresses its intent to abandon said property located on South Colonial Homes Circle, N.W. (as hereinabove defined).

Section 3: That P & L, the abutting property owner, has agreed to pay the fair market value of the abandoned street as determined by an appraisal for the abandoned portion of South Colonial Homes Circle, N.W.

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 the Chief Procurement Officer is hereby directed to prepare an appraisal to determine the fair market value of the right-of-way to be abandoned and perform all other responsibilities concerning the proposed abandonment, as outlined in the City's Code of Ordinances, including Section 2-1578.

Section 6: That the Chief Procurement Officer is authorized to accept the donation of land from Pope & Land Enterprises, LLC of real property known as the South Colonial Property and the associated costs of Due Diligence and Purchases.

Section 7: That the requirements of the City Code of Ordinances Section 2-1541 (d), of the Procurement and Real Estate Code, are waived to allow the purchase of the Property on behalf of the City without further authorization by the City Council.

Section 8: That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, and upon receipt of payment from the abutting property owner in the amount of the appraised fair market value of the property, or the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of Ordinances, 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 9: That the Mayor or his designee be and is hereby authorized to execute a Quitclaim deed to convey any interest that the City may have in the above-referenced portion of South Colonial Homes Circle, N.W. (herein described in Exhibit "A").

Section 10: Said deed, instruments, or other documents needed to effectuate the acceptance of the donation from P & L of approximately 0.415 acres of land located on South Colonial Homes Circle, N.W. shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been approved by the City Attorney as to form, executed by the Mayor, attested to by the Municipal Clerk, and delivered to the City by Pope & Land Enterprises, LLC.

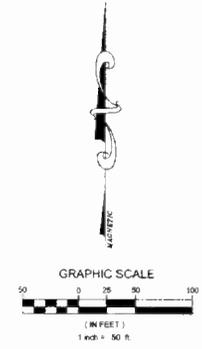
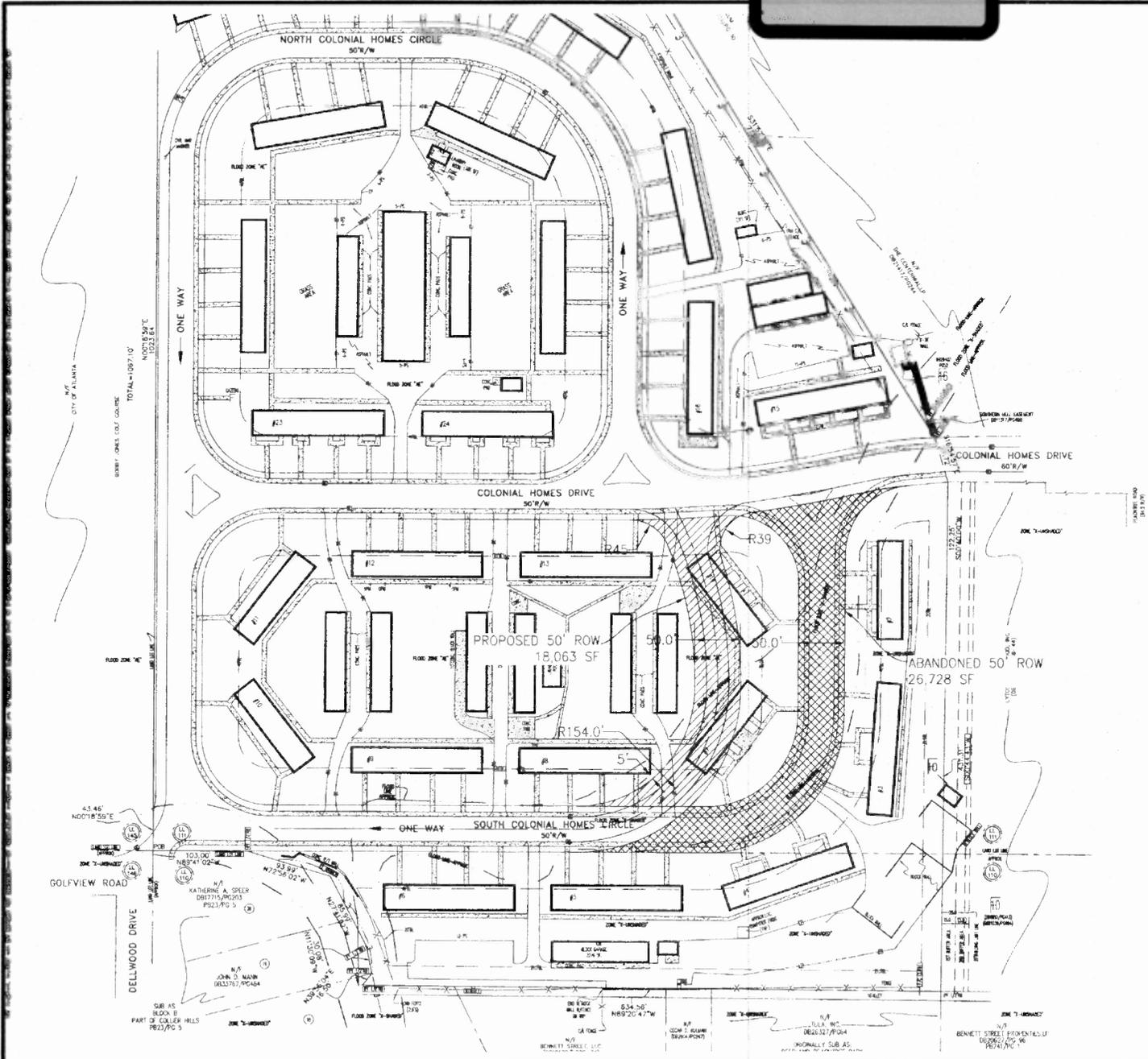
Section 11: That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived to the extent of the conflict only.

EXHIBIT

tabbles'

A

PROPOSED ROW CHANGE (sqft)	
ABANDONED ROW	= 26,728
NEW DEDICATED ROW	= 18,063
TOTAL ROW ABANDONED	= 8,665



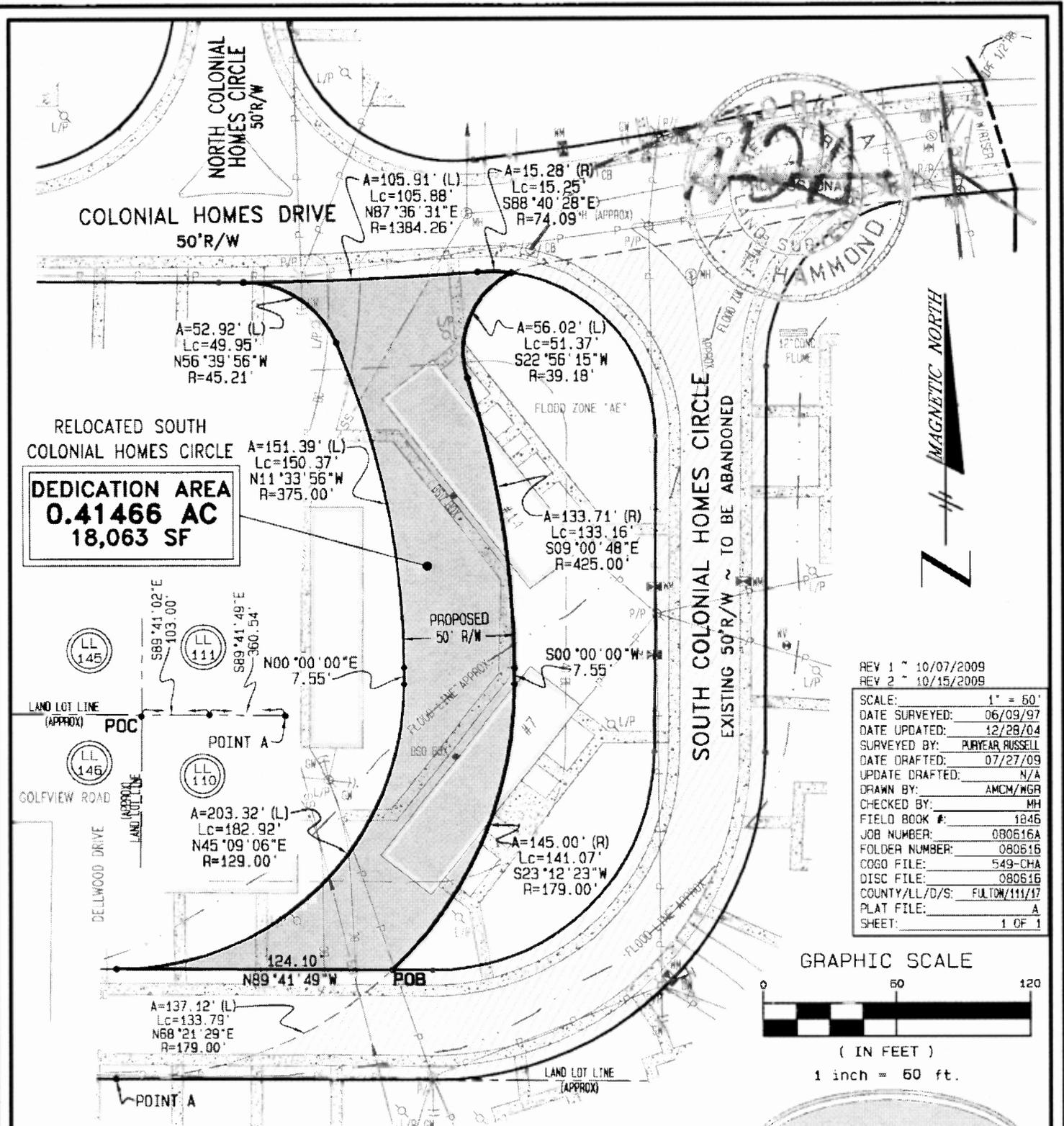
Kimley-Horn
and Associates, Inc.
111 WEST PEACOCKE ST. NW
SUITE 601
ATLANTA, GEORGIA 30305-1121
Tel: (404) 413-8100
Fax: (404) 413-9101

COLONIAL HOMES
SUBDIVISION
CITY, STATE
ROW EXHIBIT

POPE & LAND
3225 CUMBERLAND BLVD
SUITE 400
ATLANTA, GA 30339
404-980-0808



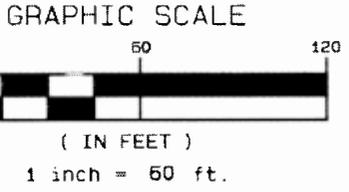
SCALE: AS SHOWN
DESIGNED BY: AJP
DRAWN BY: TES
CHECKED BY: AJP
ROW PROJECT NO.: 1000000
SHEET NUMBER: 1



DEDICATION AREA
0.41466 AC
18,063 SF

REV 1 - 10/07/2009
 REV 2 - 10/15/2009

SCALE:	1" = 50'
DATE SURVEYED:	06/09/97
DATE UPDATED:	12/28/04
SURVEYED BY:	PURYEAR RUSSELL
DATE DRAFTED:	07/27/09
UPDATE DRAFTED:	N/A
DRAWN BY:	AMCM/WGR
CHECKED BY:	MH
FIELD BOOK #:	1846
JOB NUMBER:	080616A
FOLDER NUMBER:	080616
COGO FILE:	549-CHA
DISC FILE:	080616
COUNTY/LL/D/S:	FULTON/111/17
PLAT FILE:	A
SHEET:	1 OF 1



LEGEND

POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
R/W	RIGHT OF WAY

RIGHT-OF-WAY DEDICATION EXHIBIT OF A PARTIAL
 RELOCATION OF SOUTH COLONIAL HOMES CIRCLE
 FOR
POPE & LAND ENTERPRISES, INC
 LOCATED IN
LAND LOT 111
17TH DISTRICT
CITY OF ATLANTA
FULTON COUNTY, GEORGIA



WATTS & BROWNING ENGINEERS, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 5582 PEACHTREE ROAD
 ATLANTA, GEORGIA 30341-4953
 PHONE: (770) 451-7453
 FAX: (770) 455-3955
 WWW.WBENGR.COM

DESCRIPTION OF PROPERTY
(ABANDONMENT AREA OF A PORTION OF SOUTH COLONIAL HOMES CIRCLE)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 111 OF THE 17TH DISTRICT, CITY OF ATLANTA, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE **POINT OF BEGINNING**, COMMENCE AT THE LAND LOT CORNER COMMON TO LAND LOTS 110, 111, 145 AND 146 AND PROCEED IN A EASTERLY DIRECTION ALONG THE LAND LOT LINE COMMON TO LAND LOTS 110 AND 111 THE FOLLOWING COURSES AND DISTANCES: 1) SOUTH 89°41'02" EAST, A DISTANCE OF 103.00 FEET TO AN IRON PIN FOUND (1/2" RE-BAR) ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH COLONIAL HOMES CIRCLE (50'R/W); 2) THENCE SOUTH 89°41'49" EAST AND CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH COLONIAL HOMES CIRCLE FOR A DISTANCE OF 360.54 FEET TO THE **POINT OF BEGINNING**.

FROM THE **POINT OF BEGINNING** THUS ESTABLISHED; DEPART SAID LAND LOT LINE AND THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH COLONIAL HOMES CIRCLE AND PROCEED 137.12 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 179.00 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 68°21'29" EAST, 133.79 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SOUTH COLONIAL HOMES CIRCLE; THENCE IN AN EASTERLY, NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY DIRECTION ALONG THE NORTHERLY, NORTHWESTERLY AND WESTERLY RIGHT-OF-WAY LINE OF SOUTH COLONIAL HOMES CIRCLE THE FOLLOWING COURSES AND DISTANCES: 1) SOUTH 89°41'49" EAST FOR A DISTANCE OF 18.25 FEET TO A POINT; 2) THENCE 156.85 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 99.89 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 45°19'06" EAST, 141.23 FEET TO A POINT; 3) THENCE NORTH 00°20'01" EAST FOR A DISTANCE OF 142.90 FEET TO A POINT; 4) THENCE 107.45 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 74.09 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 41°12'58" WEST, 98.28 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COLONIAL HOMES DRIVE (50'R/W); THENCE IN A EASTERLY DIRECTION ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COLONIAL HOMES DRIVE THE FOLLOWING COURSES AND DISTANCES: 1) 12.93 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 39.18 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 73°21'21" EAST, 12.87 FEET TO A POINT; 2) THENCE 90.65 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1198.78 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 80°38'39" EAST, 90.63 FEET TO A POINT; 3) THENCE NORTH 78°28'40" EAST FOR A DISTANCE OF 44.10 FEET TO A POINT; 4) THENCE 39.32 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 358.99 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 81°36'56" EAST, 39.30 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH COLONIAL HOMES CIRCLE; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE OF COLONIAL HOMES DRIVE AND PROCEED IN A SOUTHWESTERLY, SOUTHERLY, SOUTHWESTERLY AND EASTERLY DIRECTION ALONG THE EASTERLY, SOUTHEASTERLY AND SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH COLONIAL HOMES CIRCLE THE FOLLOWING COURSES AND DISTANCES: 1) 111.74 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 75.84 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 42°32'37" WEST, 101.91 FEET TO A POINT; 2) THENCE SOUTH 00°20'01" WEST FOR A DISTANCE OF 175.00 FEET TO A POINT; 3) THENCE 235.37 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 149.89 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 45°19'06" WEST, 211.92 FEET TO A POINT; 4) THENCE NORTH 89°41'49" WEST FOR A DISTANCE OF 142.35 FEET TO THE POINT OF BEGINNING. SAID TRACT OR PARCEL CONTAINING 0.61358 OF AN ACRE, OR 26,728 SQUARE FEET.

DESCRIPTION OF PROPERTY

(DEDICATION AREA OF A PARTIAL RELOCATION OF SOUTH COLONIAL HOMES CIRCLE)

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FROM THE **POINT OF BEGINNING** THUS ESTABLISHED, PROCEED IN A WESTERLY DIRECTION ALONG THE EXISTING NORTHERLY RIGHT-OF-WAY LINE OF SOUTH COLONIAL HOMES CIRCLE NORTH 89°41'49" WEST, A DISTANCE OF 124.10 FEET TO A POINT; THENCE DEPARTING THE EXISTING NORTHERLY RIGHT-OF-WAY LINE OF SOUTH COLONIAL HOMES CIRCLE ALONG THE WESTERLY RIGHT-OF-WAY WAY LINE OF THE PROPOSED SOUTH COLONIAL HOMES CIRCLE THE FOLLOWING COURSES AND DISTANCES: 1) 203.32 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 129.00 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 45°09'06" EAST, 182.92 FEET TO A POINT; 2) THENCE NORTH 00°00'00" EAST FOR A DISTANCE OF 7.55 FEET TO A POINT; 3) THENCE 151.39 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 375.00 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 11°33'56" WEST, 150.37 FEET TO A POINT; 4) THENCE 52.92 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 45.21 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 56°39'56" WEST, 49.95 FEET TO A POINT ON THE EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF COLONIAL HOMES DRIVE (50'R/W); THENCE IN A EASTERLY DIRECTION ALONG SAID EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF COLONIAL HOMES DRIVE THE FOLLOWING COURSES AND DISTANCES: 1) 105.91 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1384.26 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 87°36'31" EAST, 105.88 FEET TO A POINT; 2) THENCE 15.28 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 74.09 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 88°40'28" EAST, 15.25 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY WAY LINE OF THE PROPOSED SOUTH COLONIAL HOMES CIRCLE; THENCE DEPARTING THE EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF COLONIAL HOMES DRIVE IN A SOUTHWESTERLY, SOUTHEASTERLY AND SOUTHWESTERLY DIRECTION ALONG THE EASTERLY RIGHT-OF-WAY WAY LINE OF THE PROPOSED SOUTH COLONIAL HOMES CIRCLE THE FOLLOWING COURSES AND DISTANCES: 1) 56.02 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 39.18 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 22°56'15" WEST, 51.37 FEET TO A POINT; 2) THENCE 133.71 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 425.00 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 09°00'48" EAST, 133.16 FEET TO A POINT; 3) THENCE SOUTH 00°00'00" WEST FOR A DISTANCE OF 7.55 FEET TO A POINT; 4) THENCE 145.00 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 179.00 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 23°12'23" WEST, 141.07 FEET TO A POINT ON THE EXISTING NORTHERLY RIGHT-OF-WAY LINE OF SOUTH COLONIAL HOMES CIRCLE AND THE POINT OF BEGINNING. SAID TRACT OR PARCEL CONTAINING 0.41466 OF AN ACRE, OR 18,063 SQUARE FEET.