AN ORDINANCE **10-O-0312**

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.

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:

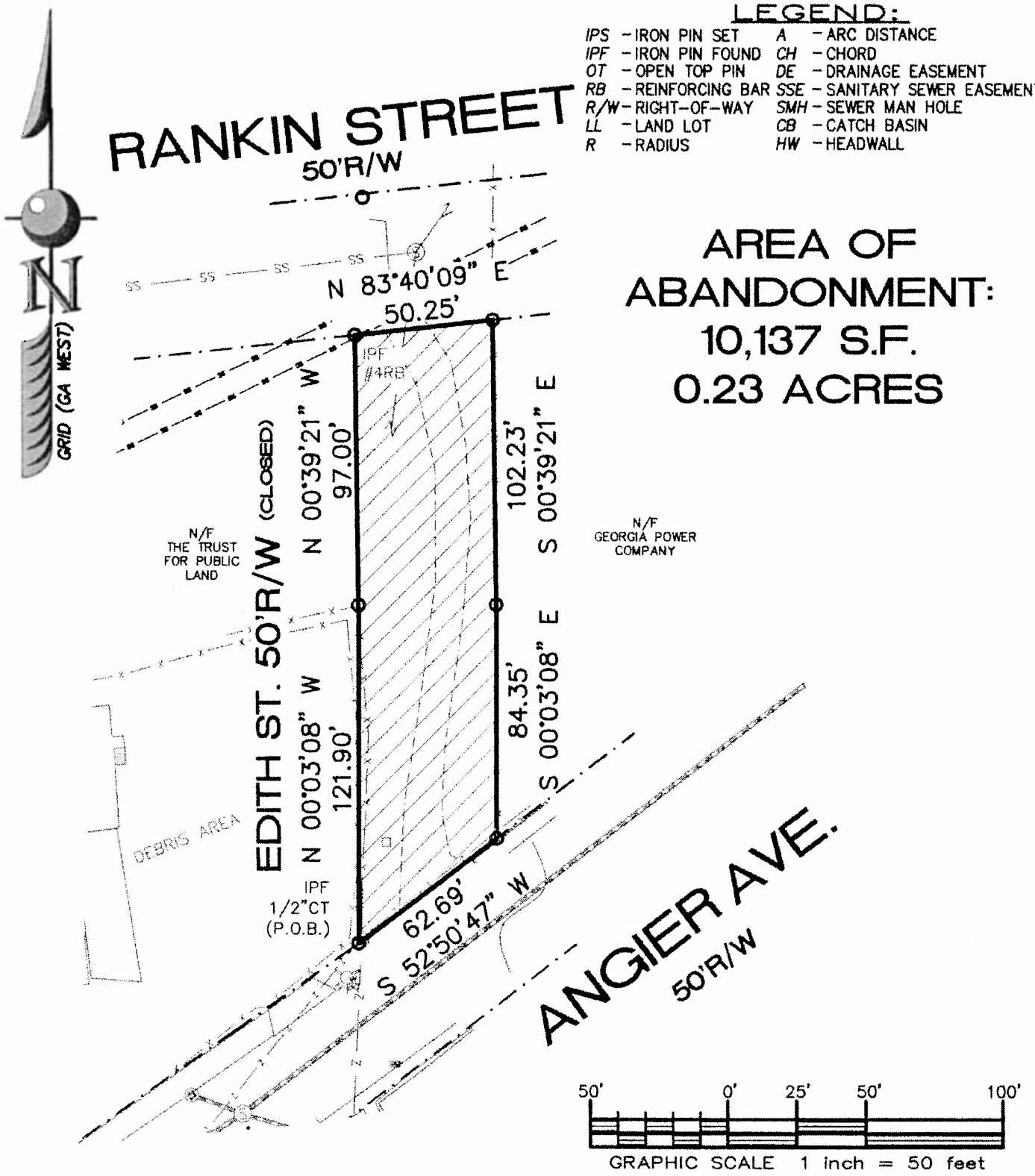
BEGINNING at a one-half inch crimped-top pipe found at the intersection of the Northwesterly right-of-way of Angier Avenue with the Westerly right-of-way of Edith Street; THENCE proceeding along said right-of-way of Edith Street NORTH 00 DEGREES 03 MINUTES 08 SECONDS WEST a distance of 121.90 feet to 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.

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: 10,137 S.F. 0.23 ACRES



SEI

SOUTHEASTERN ENGINEERING, INC.

2470 Sandy Plains Road Marietta, Georgia 30066
tel: 770-321-3936 fax: 770-321-3935
www.seengineering.com

GEORGIA REGISTERED LAND SURVEYOR No. 2796 CHRIS AMOS ADAMS 10/6/09

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'	JOB No.-
DATE: 10/05/09	481-09-081