

11-0-0315

(Do Not Write Above This Line)

AN ORDINANCE BY
CITY UTILITIES COMMITTEE

AN ORDINANCE AUTHORIZING THE SALE OF THE CITY'S INTEREST IN A NARROW STRIP OF LAND LOCATED AT THE SOUTHWEST CORNER OF KENDALL STREET AND ALASKA AVENUE, IN LAND LOT 19 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED TO THE ABUTTING PROPERTY OWNER UPON PAYMENT OF THE FAIR MARKET VALUE; AND FOR OTHER PURPOSES.

ADOPTED BY
MAR 2 1 2011
COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred: 03/07/11
 Referred To: City Utilities
 Date Referred: _____
 Referred To: _____
 Date Referred: _____
 Referred To: _____

Committee: City Utilities
 Date: 03/07/2011
 Chair: John G. Galloway
 Referred To: _____

First Reading

Committee: City Utilities
 Date: March 15 2011
 Chair: John G. Galloway
 Fav, Adv, Hold (see rev. side)
 Action: _____
 Other: _____

Members: _____

 Refer To: _____

Committee

Date: _____
 Chair: _____
 Action: _____
 Fav, Adv, Hold (see rev. side)
 Other: _____

Members

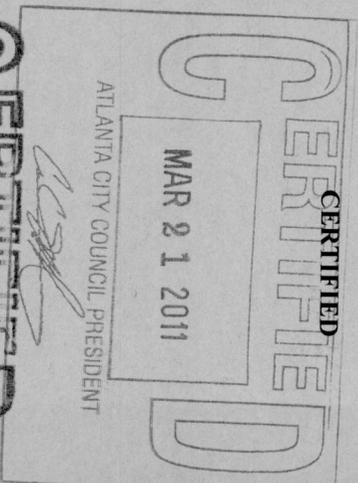
Refer To: _____

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd

Readings

Consent V Vote RC Vote



MAR 2 1 2011

 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
 MAR 3 0 2011
 WITHOUT SIGNATURE
 BY OPERATION OF LAW



**AN ORDINANCE BY
CITY UTILITIES COMMITTEE**

AN ORDINANCE AUTHORIZING THE SALE OF THE CITY'S INTEREST IN A NARROW STRIP OF LAND LOCATED AT THE SOUTHWEST CORNER OF KENDALL STREET AND ALASKA AVENUE, IN LAND LOT 19 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA; AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED TO THE ABUTTING PROPERTY OWNER UPON PAYMENT OF THE FAIR MARKET VALUE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") owns a vacant parcel of land located at the southwest corner of Kendall Street and Alaska Avenue, which carries a property address of 292 Alaska Avenue and is identified as parcel 14-0019-0002-094-1 by the Fulton County Tax Assessor (the "Parcel"); and

WHEREAS, the tax plats indicate that the Parcel has approximately 21 feet of frontage on Alaska Avenue and approximately 140 feet of frontage on Kendall Street; and

WHEREAS, the City acquired its interest in the Parcel in conjunction with the extension of Kendall Street; and

WHEREAS, the Department of Public Works has determined that it needs to retain approximately 10 feet of the Parcel's frontage along Kendall Street as right of way ("Right of Way Property"); and

WHEREAS, the Department of Public Works has also determined that the remainder of the Parcel, a narrow strip that measures approximately 11 feet by 140 feet, or 1,540 square feet (the "Surplus Property"), is surplus to its needs; and

WHEREAS, the Right of Way Property and Surplus Property are generally identified on the attached Exhibit "A"; and

WHEREAS, pursuant to Section 2-1571 (a)(1) of the Procurement and Real Estate Code of the City, the Surplus Property is so shaped or small as to be incapable of being used independently as zoned or under applicable subdivision or other development ordinances of the City; and

WHEREAS, the abutting property owner has expressed an interest in purchasing the Surplus Property from the City and the City desires to sell its interest in the Surplus Property at market value; and

WHEREAS, an independent, state-certified appraiser has provided an indication of value for the Surplus Property of \$6,000, or \$3.85 per square foot.



THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

SECTION 1: That the City's interest in the Surplus Property is no longer useful or needed by the City, and the Surplus Property is incapable of being used independently.

SECTION 2: That the abutting property owners shall, at their expense, produce a survey of the Surplus Property (the "Survey") from a licensed surveyor prior to any transfer of the Surplus Property.

SECTION 3: That the amount to be paid by the abutting property owner for the Surplus Property may be pro-rated at the appraised market rate of \$3.85 per square foot should the Survey show that the Surplus Property differs in size when compared to the 1,540 square foot area utilized in the appraisal.

SECTION 4: Any requirement for public notice of the City's intent to sell the Surplus Property shall be satisfied by notification of said intent via registered mail to all abutting property owners.

SECTION 5: That the Mayor is authorized to execute a quitclaim deed for the sale of the City's interest in the Surplus Property for the fair market value presented in the appraisal or the pro-rated fair market value as described in Section 3.

SECTION 6: That any attendant agreement to the deed will not become binding on the City and the City will incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney, and delivered to the contracting parties.

SECTION 7: 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 that are situated within the boundaries of the Surplus Property. The easements shall remain in effect until such time as said utilities are abandoned, removed, or relocated, at which time the easements shall expire.

SECTION 8: That the proceeds from the sale shall be deposited to Fund: 1001 (General Fund) Account: 3922001 (Proceeds of Sale of Capital Assets) Department: 000002 (General Revenue Org) Activity: 0000000 (Default).

SECTION 9: That all other ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

MAR 21, 2011

MAR 30, 2011

RCS# 927
3/21/11
2:25 PM

Atlanta City Council

REGULAR SESSION

CONSENT I EXCEPT 11-O-0323, 11-O-0324, 11-O-0325

RECONSIDER

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

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

CONSENT I

RCS# 925
3/21/11
2:23 PM

Atlanta City Council

REGULAR SESSION

CONSENT I EXCEPT 11-O-0323,11-O-0324,11-O-0325

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

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

CONSENT I