

11-0-1371

(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 CENTENNIAL OLYMPIC DRIVE AND PARKER STREET, IN LAND LOT 79 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

OCT 17 2011

COUNCIL

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

Date Referred: 10/2/11
 Referred To: City Utilities
 Date Referred:
 Referred To:
 Date Referred:
 Referred To:

Committee: City Utilities
 Date: OCT 17 2011
 Chair: [Signature]
 Referred To: [Signature]

First Reading

Committee: City Utilities
 Date: Oct 11 2011
 Chair: [Signature]
 Action: [Signature]
 Fav, Adv, Hold (see rev. side)
 Other:

Members

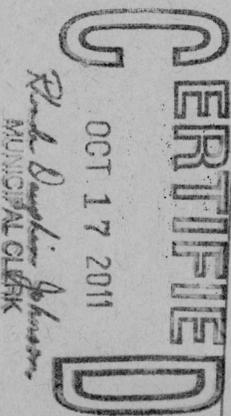
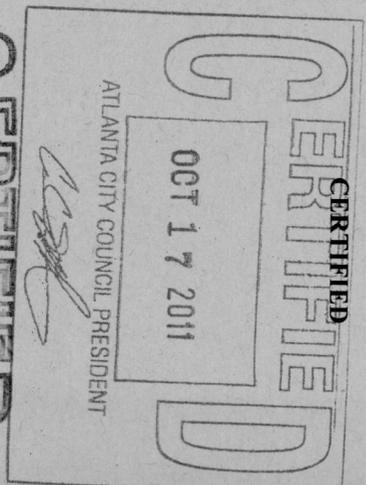
[Signature]
 [Signature]
 [Signature]
 Refer To

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



MAYOR'S ACTION

APPROVED
 OCT 26 2011
 WITHOUT SIGNATURE
 BY OPERATION OF LAW



AN ORDINANCE AUTHORIZING THE SALE OF THE CITY'S INTEREST IN A NARROW STRIP OF LAND LOCATED AT THE SOUTHWEST CORNER OF CENTENNIAL OLYMPIC DRIVE AND PARKER STREET, IN LAND LOT 79 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 (the "City") owns, in fee simple, a vacant parcel of land located at the southwest corner of Centennial Olympic Drive and Parker Street (the "Parcel"), which Parcel is mistakenly identified as part of parcel 14-0079-0006-016-7 by the Fulton County Tax Assessor; and

WHEREAS, the Parcel has approximately 90 feet of frontage on Centennial Olympic Drive and approximately 19 feet of frontage on Parker Street; and

WHEREAS, that certain title insurance commitment report prepared by Chicago Title Insurance Company for National Title Services - Atlanta and dated November 9, 2010, which title insurance commitment report is incorporated herein by this reference, indicates the City acquired its interest in the Parcel in conjunction with the widening of the right-of-way now known as Centennial Olympic Drive; and

WHEREAS, the Department of Public Works has determined that it needs to retain approximately four to five feet of the Parcel's frontage along Centennial Olympic Drive as right-of-way; and

WHEREAS, the Department of Public Works has also determined that the remainder of the Parcel, a narrow strip that measures approximately 14.75 feet by 90 feet, or 1,333 square feet (the "Surplus Property"), is surplus to its needs; and

WHEREAS, the Parcel and the Surplus Property are generally identified on those certain surveys prepared by Boundary Zone, Inc. for Chicago Title Company and Travelers Aid of Atlanta, Inc., which surveys are attached hereto as Exhibits "A" and "B" and incorporated herein; 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 so 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 fair market value; and

WHEREAS, an independent, state-certified appraiser has provided an indication of value for the Surplus Property at \$11,000.00, or \$8.00 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 City may transfer its interests in the Surplus Property to the abutting property owner in return for the appraised fair market value, estimated to be \$11,000.00.

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 \$8.00 per square foot should a revised survey show that the Surplus Property differs in size when compared to the 1,333 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 by 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 such quitclaim 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 or her designee, 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 Dauphin Johnson

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

Oct. 17, 2011
Oct. 26, 2011

EXHIBIT "A"

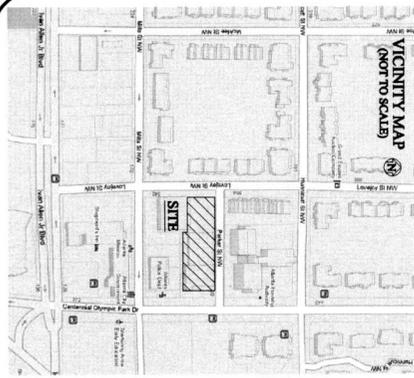
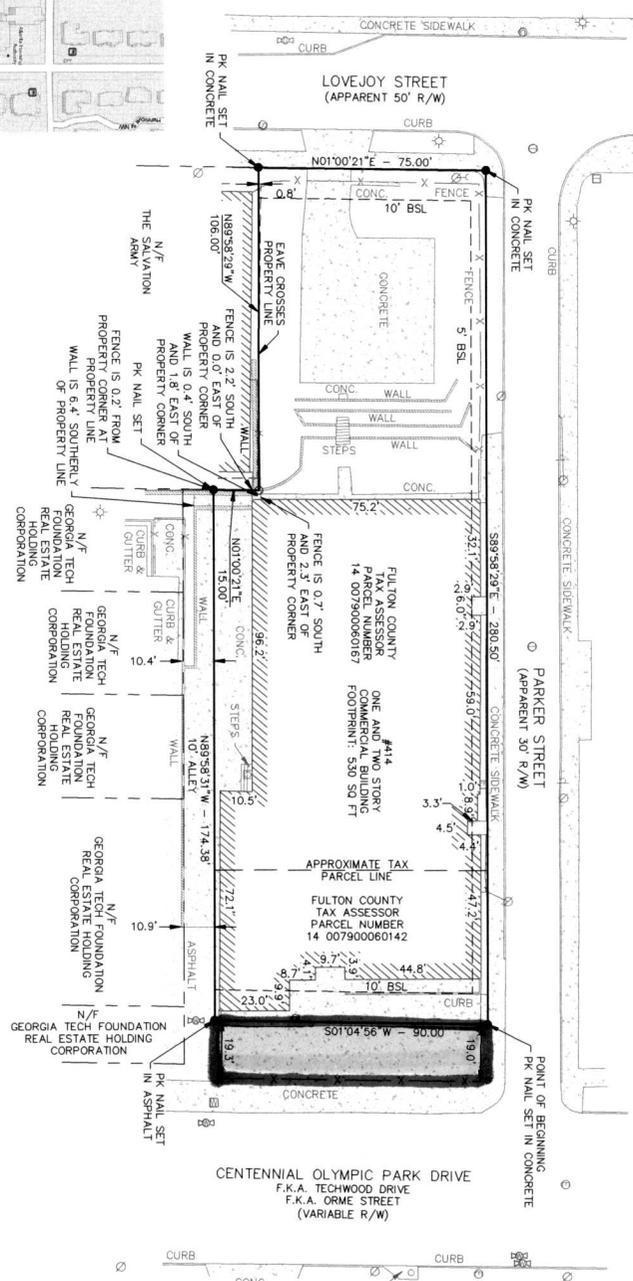
- LEGEND:**
- PROPERTY CORNER
 - FOUND (AS NOTED)
 - CAP SET LSF# 839
 - R/W MONUMENT
 - ▣ FIRE HYDRANT
 - ▣ WATER METER
 - ▣ WATER VALVE
 - ▣ POWER POLE
 - ▣ ELECTRIC MANHOLE
 - ▣ A/C UNIT
 - ▣ LIGHT POLE
 - ▣ GUY WIRE
 - ▣ MANHOLE
 - ▣ CLEAN OUT
 - ▣ GAS METER
 - ▣ GAS VALVE
 - ▣ CABLE BOX
 - ▣ TELECOM. BOX
 - ▣ TELECOM. MANHOLE
 - 1. SIGN
 - 2. POWER LINE
 - 3. GAS LINE
 - 4. CABLE LINE
 - 5. TELEPHONE LINE
 - 6. FENCE LINE
 - 7. CONTOUR LINE
 - 8. BSL BUILDING SETBACK LINE
 - 9. CONC. CONCRETE
 - 10. EOP EDGE OF PAVEMENT
 - 11. L.L. LAND LOT
 - 12. N/W CORNER
 - 13. R/W RIGHT-OF-WAY

LEGAL DESCRIPTION:

ALL THAT TRACT AND PARCEL OF LAND LYING AND BEING IN LAND LOT 79, 14TH DISTRICT, THE CITY OF ATLANTA, FULTON COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A PK. NAIL LOCATED AT THE SOUTHWESTERN CORNER OF THE INTERSECTION OF THE NORTH LINE OF SAID LOT OF CENTER OLYMPIC PARK DRIVE (F.K.A. TECHWOOD DRIVE F.K.A. ORME STREET) HAVING A VARIABLE R/W AND THE SOUTHERLY R/W OF PARKER STREET HAVING AN APPARENT 30' R/W, THENCE ALONG SAID WESTERN R/W OF CENTENNIAL OLYMPIC PARK DRIVE, S01°04'56"W, A DISTANCE OF 90.00 FEET TO A PK. NAIL LOCATED ON THE NORTHERLY LINE OF A 10 FOOT ALLEY, THENCE LEAVING SAID WESTERN R/W OF CENTENNIAL OLYMPIC PARK DRIVE AND ALONG THE AFORESAID NORTHERLY LINE OF A 10 FOOT ALLEY, N89°58'29"W, A DISTANCE OF 174.38 FEET TO A POINT; THENCE CONTINUING ALONG A LINE OF THE AFORESAID LINE OF A PROPERTY NOW OR FORMERLY OWNED BY THE SALVATION ARMY, N01°00'21"E, A DISTANCE OF 15.00 FEET TO A POINT; THENCE LEAVING AND NORTHERLY LINE OF A 10 FOOT ALLEY AND ALONG THE AFORESAID LINE OF A PROPERTY NOW OR FORMERLY OWNED BY THE SALVATION ARMY, N89°58'29"W, A DISTANCE OF 108.00 FEET TO A PK. NAIL LOCATED ON THE EASTERN R/W LINE OF LOVEJOY STREET HAVING AN APPARENT 50' R/W, AND ALONG THE AFORESAID NORTHERLY LINE OF SAID PROPERTY, N01°00'21"E, A DISTANCE OF 75.00 FEET TO A PK. NAIL LOCATED AT THE INTERSECTION OF SAID EASTERN R/W LINE OF LOVEJOY STREET AND THE SOUTHERLY R/W LINE OF PARKER STREET, THENCE LEAVING SAID EASTERN R/W LINE OF LOVEJOY STREET AND ALONG THE SOUTHERLY R/W LINE OF PARKER STREET, S89°58'29"E, A DISTANCE OF 280.50 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 23,846 SQUARE FEET (0.543 ACRES) MORE OR LESS, AS SHOWN ON THAT CERTAIN ALTA/ACSM LAND TITLE SURVEY PREPARED FOR CHICAGO TITLE COMPANY & TRAVELERS AID OF ATLANTA, INC. AND PREPARED BY BOUNDARY ZONE, INC., DATED DECEMBER 2, 2010.



FLOOD HAZARD NOTE:

THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD ZONE AS DENIED BY THE F.E.M.A. FLOOD INSURANCE RATE MAP OF FULTON COUNTY, GEORGIA COMMUNITY-PANEL NUMBER 1312100244E, EFFECTIVE DATE, JUNE 22, 1998 (PANEL NOT PRINTED).

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS" JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999, AND INCLUDES ITEMS 1, 2, 3, 4, 6, 7(A), 7(B)(1), 8, 9, 10, 11(A) AND 13 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, ACSM AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT THE SURVEY MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE "MINIMUM ANGLE, DISTANCE AND CLOSE REQUIREMENTS FOR SURVEY MEASUREMENTS, WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEYS."

CHRISTOPHER W. THODEL, T.S.
 GEORGIA REG. LAND SURVEYOR NO. 2941
 FOR THE FIRM BOUNDARY ZONE, INC.

414 CENTENNIAL OLYMPIC PARK DRIVE
 ATLANTA, GA 30313

SITE ADDRESS:
 414 CENTENNIAL OLYMPIC PARK DRIVE
 ATLANTA, GA 30313

PARKING SPACES:
 0 STANDARD SPACES
 0 HANDICAP SPACES

ZONING INFORMATION: ZONE C3

BUILDING SETBACKS:
 FRONT: 10'
 REAR: 0'
 SIDE: 0' & 5' ON SIDE STREET
 BUILDING HEIGHT: 225'

TITLE NOTES:
 NOTES CORRESPONDING TO COMMITMENT NUMBER 10-1877b, SCHEDULE B-11, AS PREPARED BY CHICAGO TITLE INSURANCE COMPANY, DATED NOVEMBER 9, 2010.
 • NO RENEWABLE EXCEPTIONS

THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY.

THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON, AND DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT A RE-CERTIFICATION BY THE SURVEYOR NAMED SAID PERSON.

© COPYRIGHT 2010 - BOUNDARY ZONE, INC.
 THIS DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR.

TOTAL AREA: 23,846 SQUARE FEET (0.543 ACRES)

BOUNDARY REFERENCE: ALTA/ACSM AS SURVEY SURVEY FOR ALL CENTENNIAL OLYMPIC PARK DRIVE LOTS WITHIN THE INSURANCE CORPORATION, PREPARED BY BOUNDARY ZONE, INC., DATED JANUARY 3, 2008

FIELDWORK PERFORMED ON 11/21/10

THIS MAP OR PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,000 FEET.

THIS PLAN HAS BEEN PREPARED USING A TRIMBLE 5600 ROBOTIC TOTAL STATION.

THE FIELD DATA UPON WHICH THIS MAP OR PLAN IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AND ANGLAR ERROR OF 10 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.

BOUNDARY ZONE, INC.
 LAND SURVEYING SERVICES

WWW.BOUNDARYZONE.COM
 (770) 271-5772 / (919) 363-9226

ATTENTION:
 419 SOUTH LEE STREET, SUITE L, BUFORD, GEORGIA 30618

ATTANTA:
 235 PEACHTREE STREET NE, SUITE 400, ATLANTA, GEORGIA 30303

DALLAS:
 2306-C GANDY DRIVE, AVE. NORTH CAROLINA 77553

GRAPHIC SCALE - IN FEET
 0 30 60 90

PROJECT:
 1088001

NOT VALID WITHOUT ORIGINAL SIGNATURE

SHEET:
 1 OF 1

ALTA/ACSM LAND TITLE SURVEY

PREPARED FOR CHICAGO TITLE COMPANY & TRAVELERS AID OF ATLANTA, INC

LAND LOT 79, 14TH DISTRICT,
 CITY OF ATLANTA, FULTON COUNTY, GEORGIA - 12/02/10

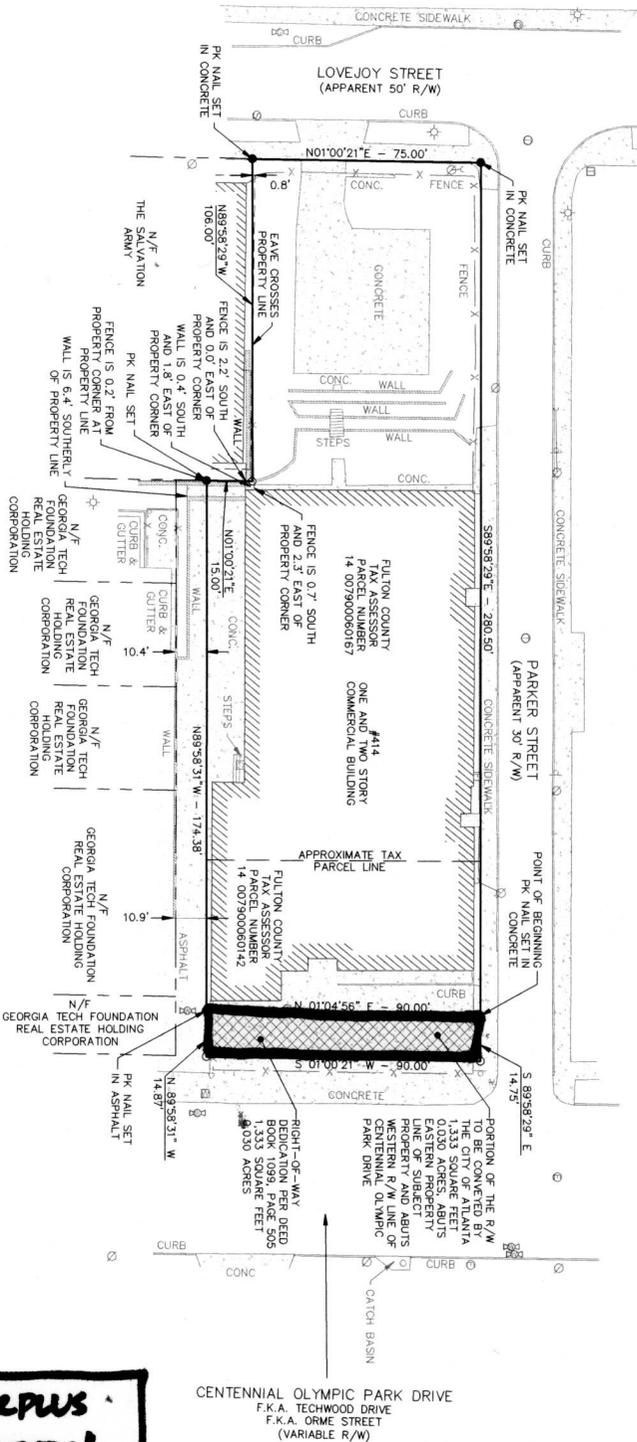
MAGNETIC NORTH

SCALE: 1"=30'

EXHIBIT "B"

PART 1 OF 2

- LEGEND:
- PROPERTY CORNER
 - FOUND (AS NOTED)
 - 1/2" REBAR #4
 - 1/2" REBAR #4
 - P/W MONUMENT
 - FIRE HYDRANT
 - WATER METER
 - WATER VALVE
 - POWER METER
 - ELECTRIC MANHOLE
 - A/C UNIT
 - LIGHT POLE
 - GUY WIRE
 - MANHOLE
 - TELECOM. MANHOLE
 - GAS METER
 - GAS VALVE
 - CABLE BOX
 - TELECOM. BOX
 - TELECOM. MANHOLE
 - SIGN
 - W— WATER LINE
 - P— POWER LINE
 - S— SEWER LINE
 - G— GAS LINE
 - C— CABLE LINE
 - T— TELEPHONE LINE
 - 1— CONTIGUOUS LINE
 - 30— CONTIGUOUS LINE
 - BSL BUILDING SETBACK LINE
 - CONC. CONCRETE
 - EOP EDGE OF PARKMENT
 - LL LAND LOT
 - N/W NOW OR FORMERLY
 - R/W RIGHT-OF-WAY



THE SURPLUS PROPERTY

NOTES CORRESPONDING TO COMMITMENT NUMBER 10-16776, SCHEDULE B - SECTION 2, SPECIAL EXCEPTIONS, AS PREPARED BY CHICAGO TITLE INSURANCE COMPANY, DATED NOVEMBER 9, 2010.
NO SURVEY RENEWABLE EXCEPTIONS.

THIS BOUNDARY SURVEY WAS CONDUCTED BY THE SURVEYOR, ENCLOSURES AND OTHER INSTRUMENTS OF THE SURVEYER NOT VISIBLE OR NOT DISCLOSED IN THE TITLE COMMITMENT PROVIDED FOR THIS SURVEY.
THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON AND DOES NOT EXTEND TO ANY OTHER PERSONS OR ENTITY UNLESS SPECIFICALLY INDICATED BY THE SURVEYOR'S SIGNATURE AND SEAL.
© COPYRIGHT 2010, BOUNDARY ZONE, INC.
THIS DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR.

TOTAL AREA: 2,946 SQUARE FEET (0.43 ACRES) (NOT INCLUDING CONVEYANCES)
BOUNDARY REFERENCE: ALTA/MCSM AS-BUILT SURVEY FOR 414 CENTENNIAL OLYMPIC PARK, LLC, LAWYERS TITLE INSURANCE CORPORATION, PREPARED BY MICHAEL BIRKING SURVEYING SERVICES, INC. DATED JANUARY 3, 2008
FIELD WORK PERFORMED ON 10/12/10
THIS PLAN HAS BEEN PREPARED USING A TRIMBLE 5603 ROBOTIC TOTAL STATION.
THIS FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PERCENTAGE OF ONE FOOT IN 10,000 FEET, AND AN ANGULAR ERROR OF 10 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING COMPARS TITLE.

BOUNDARY ZONE, INC.
LAND SURVEYING SERVICES
WWW.BOUNDARYZONE.COM
(770) 271-5772 / (919) 363-9226

4195 SOUTH LEE STREET, SUITE 1, BUCKLED, GEORGIA 30015
ATLANTA, GEORGIA 30309
257 BUCKNER STREET NE, SUITE 404, ATLANTA, GEORGIA 30303
BALDWIN
2205-C CANDLER DRIVE, AVE. NORTH CAROLINA 27233

NOT VALID WITHOUT ORIGINAL SIGNATURE
PROJECT 10889001
SHEET 1 OF 1

BOUNDARY SURVEY
PREPARED FOR CHICAGO TITLE COMPANY & TRAVELERS AID OF ATLANTA, INC
LAND LOT 79, 14TH DISTRICT,
CITY OF ATLANTA, FULTON COUNTY, GEORGIA - 11/19/10
REVISED 04/08/11, REVISED 05/10/11



EXHIBIT "B"
PART 2 OF 2



LEGAL DESCRIPTION:

ALL THAT TRACT AND PARCEL OF LAND LYING AND BEING IN LAND LOT 79, 14TH DISTRICT, THE CITY OF ATLANTA, FULTON COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A PK NAIL LOCATED AT THE SOUTHWESTERLY CORNER OF THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF CENTENNIAL OLYMPIC PARK DRIVE (F.K.A. TECHWOOD DRIVE, F.K.A. ORME STREET) (HAVING A VARIABLE R/W) AND THE SOUTHERLY R/W LINE OF PARKER STREET (HAVING AN APPARENT 30' R/W). THENCE ALONG AN EXTENSION OF SAID SOUTHERLY R/W LINE OF PARKER STREET, S 89°58'29" E, A DISTANCE OF 14.75 FEET TO A POINT; THENCE DEPART SAID EXTENSION, S 01°00'21" W, A DISTANCE OF 90.00 FEET TO A POINT, SAID POINT BEING ON AN EXTENSION OF THE NORTHERLY LINE OF A 10' ALLEY; THENCE ALONG SAID NORTHERLY EXTENSION, N 89°58'31" W, A DISTANCE OF 14.87 FEET TO A PK NAIL SET IN ASPHALT; THENCE N 01°04'56" E, A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 1,333 SQUARE FEET (0.030 ACRES) MORE OR LESS, AS SHOWN ON THAT CERTAIN BOUNDARY SURVEY PREPARED BY BOUNDARY ZONE, INC, DATED MAY 10, 2011.

RCS# 1478
10/17/11
2:41 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

CONSENT AGENDA SECTION I
OCTOBER 17, 2011
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 1

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

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	10-17-11 ITEMS ADVERSED ON CONSENT
1. 11-O-1292 2. 11-O-1383 3. 11-O-1483 4. 11-O-1380 5. 11-O-1371 6. 11-O-1372 7. 11-O-1421 8. 11-O-0815 9. 11-O-1234 10. 11-O-1290 11. 11-O-1291 12. 11-O-1235 13. 11-O-1375 14. 11-O-1376 15. 11-R-1443 16. 11-R-1471 17. 11-R-1444 18. 11-R-1445 19. 11-R-1472 20. 11-R-1485 21. 11-R-1438 22. 11-R-1439 23. 11-R-1440 24. 11-R-1481 25. 11-R-1482 26. 11-R-1406 27. 11-R-1448 28. 11-R-1449 29. 11-R-1450 30. 11-R-1451 31. 11-R-1452 32. 11-R-1453 33. 11-R-1454 34. 11-R-1455 35. 11-R-1456 36. 11-R-1457	37. 11-R-1458 38. 11-R-1459 39. 11-R-1460 40. 11-R-1461 41. 11-R-1462 42. 11-R-1463 43. 11-R-1464 44. 11-R-1465 45. 11-R-1466 46. 11-R-1467	47. 11-R-1468 48. 11-R-1469 49. 11-R-1470