

11-0-1807

(Do Not Write Above This Line)

AN ORDINANCE
BY: CITY UTILITIES COMMITTEE

AN ORDINANCE TO ABANDON THAT PORTION OF LINBERGH DRIVE AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBITS "A-1 AND A-2" LYING AND BEING IN LAND LOTS 48 AND 59 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA; WAIVING CERTAIN PROVISIONS OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

ADOPTED BY
JAN 7 2012

COUNCIL

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

Date Referred 1/3/12

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading
Committee City Utilities
Date Jan 13 2012
Chair John A. C. Kelly
Referred to

Committee City Utilities
Date Jan 10 2012
Chair John A. C. Kelly
Action Fav, Adv, Hold (see rev. side) Other
Members

T. M. ...
John A. C. Kelly
John A. C. Kelly

Refer To

Committee

Date

Chair

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

Members

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

Refer To

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

CERTIFIED

CERTIFIED
JAN 17 2012
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
JAN 17 2012
[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JAN 26 2012

WITHOUT SIGNATURE
BY OPERATION OF LAW



**AN ORDINANCE
BY: CITY UTILITIES COMMITTEE**

11-0-1807

AN ORDINANCE TO ABANDON THAT PORTION OF LINBERGH DRIVE AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBITS "A-1 AND A-2" LYING AND BEING IN LAND LOTS 48 AND 59 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA; WAIVING CERTAIN PROVISIONS OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta and the Metropolitan Atlanta Rapid Transit Authority (MARTA) entered into that certain Rearrangement Cooperative Agreement (RCA) dated October 10, 1975 which sets forth certain duties and procedures governing the City and MARTA with respect to Rearrangements, as that term is defined in the RCA, of facilities owned by the City or MARTA; and

WHEREAS, the RCA provides for supplemental Detailed Agreements between the City and MARTA to specifically allocate responsibilities, costs and obligations with respect to Rearrangements; and

WHEREAS, Pursuant to the RCA and Resolution 02-R-0561, the City and MARTA have entered into a Detailed Agreement dated August 1, 2004 (2002 Detailed Agreement) that provides, inter alia, for the Lindbergh Roadway Improvement Project.

WHEREAS, the 2002 Detailed Agreement requires the City to abandon Lindbergh Drive, as more particularly described in Exhibits "A-1 and A-2" attached hereto in consideration for certain obligations of MARTA; and,

WHEREAS, A survey depicting the area proposed for abandonment is attached as EXHIBIT "B".

WHEREAS, MARTA owns all properties located on either side of the portion of Lindbergh Drive proposed for abandonment; and,

WHEREAS, MARTA has negotiated and reached agreements with all applicable City departments and utilities regarding any required, retained or relocated easements in the portion of Lindbergh Drive proposed for abandonment; and,



WHEREAS, in the 2002 Detailed Agreement, the City and MARTA agreed to conduct a property exchange involving the abandoned area of Lindbergh Drive property and other parcels without any cash payments.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, AS FOLLOWS:

Section 1. That the portion of Lindbergh Drive being more specifically described in the attached Exhibits “A-1 and A-2” lying and being in Land Lots 48 and 59 of the 17th District, Fulton County, Georgia the same is hereby declared no longer useful or necessary for the public’s use and convenience.

Section 2. That the requirements of sections 138-9 and 2-1578 of the City Code of Ordinances are hereby waived for the abandonment set forth in this ordinance due to MARTA’s ownership of all property surrounding abandoned Lindbergh Drive and MARTA’s obligation to convey MARTA property to the City in exchange for the City’s conveyance of abandoned Lindbergh Drive.

Section 3. 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 4. That the Mayor be and is hereby authorized to execute a quitclaim deed to Lindbergh Drive pursuant to the terms set forth in the 2002 Detailed Agreement and the quitclaim deed shall be exchanged with MARTA for certain MARTA property as provided for in the 2002 Detailed Agreement. MARTA shall not be required to make any cash payment for the abandoned street.

Section 5. That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict in this instance only.

A true copy,

Deputy Clerk

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

JAN 17, 2012
JAN 26, 2012

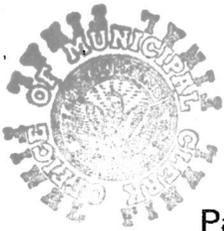


Parcel P2 (MARTA Acquisition Parcel N643, Tract 1)

All that tract or parcel of land containing 25,563 square feet lying and being in Land Lot 59 of the 17th District of Fulton County, Georgia and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING commence at an iron pin at the intersection of the northerly right-of-way line of Lindbergh Drive and the easterly right-of-way line of Norfolk-Southern Railway, thence easterly along said northerly line of Lindbergh Drive the following courses: South 89 degrees 11 minutes 38 seconds East, 129.52 feet; thence 271.12 feet along the arc of a curve to the left, said curve having a radius of 2068.44 feet and a chord of 270.92 feet on a bearing of North 87 degrees 02 minutes 25 seconds East; thence North 81 degrees 14 minutes 19 seconds East, 281.10 feet; thence 4.66 feet along the arc of a curve to the left, said curve having a radius of 29.56 feet and a chord of 4.65 feet on a bearing of North 33 degrees 27 minutes 13 seconds East; thence North 03 degrees 24 minutes 12 seconds East, 7.19 feet; thence North 81 degrees 10 minutes 25 seconds East, 132.24 feet to the POINT OF BEGINNING; thence continuing along the existing northerly right-of-way line of Lindbergh Drive North 81 degrees 10 minutes 25 seconds East a distance of 88.33 feet to a point; thence continuing along said right-of-way North 81 degrees 07 minutes 29 seconds East a distance of 184.38; thence leaving said right-of-way South 46 degrees 18 minutes 39 seconds West, a distance of 60.00 feet to a point; thence South 18 degrees 22 minutes 08 seconds East a distance of 55.00 feet to a point; thence South 16 degrees 04 minutes 40 seconds West a distance of 37.59 feet to a point; thence South 60 degrees 45 minutes 58 seconds West a distance of 51.76 feet to a point; thence South 14 degrees 47 minutes 35 seconds West a distance of 15.00 feet to a point; thence 84.86 feet along the arc of curve to the right, said curve having a radius of 294.50 feet and a chord of 84.57 feet on a bearing of North 66 degrees 57 minutes 06 seconds West; thence North 58 degrees 23 minutes 29 seconds West a distance of 93.20 feet to a point; thence North 69 degrees 23 minutes 08 seconds West a distance of 35.94 feet to a point; thence North 11 degrees 41 minutes 42 seconds East a distance of 33.66 feet to the POINT OF BEGINNING, shown on that certain Right of Way Plan for Metropolitan Atlanta Rapid Transit Authority, MARTA Drawing SE306, Lindbergh Roadway Improvements, prepared by URS Corporation, Donald C. Harris, P.E. No. 16969, dated 08-09-01, last revised 08-20-01, and based on a Boundary Survey for MARTA prepared by Greenhorn & O'Mara, Inc., Wright C. Powers, Ga. RLS #2612, dated 9-25-97.

Exhibit A-1

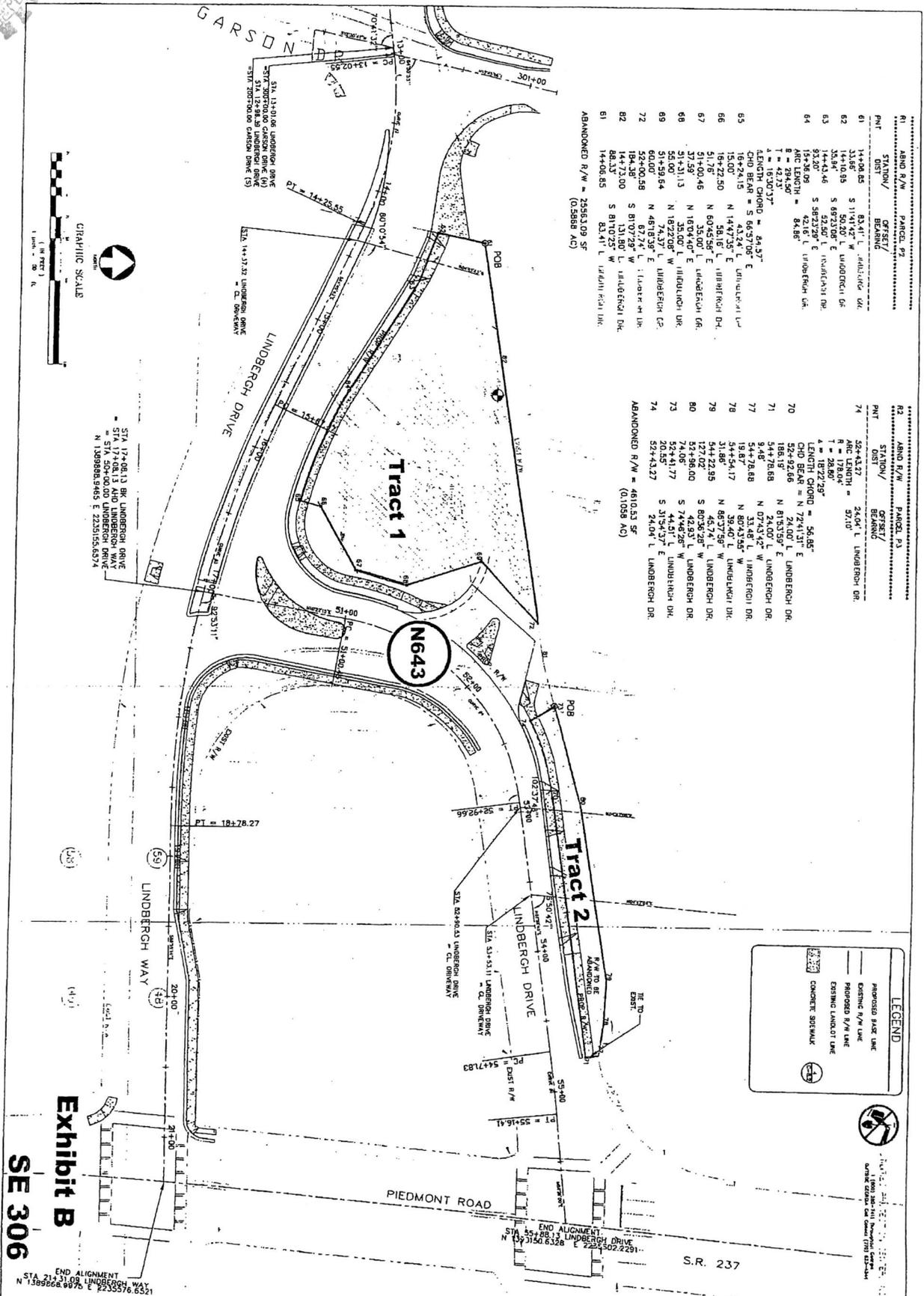


Parcel P3 (MARTA Acquisition Parcel N643, Tract 2)

All that tract or parcel of land containing 4,611 square feet, lying and being in Land Lots 48 and 59 of the 17th District of Fulton County, Georgia and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING commence at an iron pin at the intersection of the northerly right-of-way line of Lindbergh Drive and the easterly right-of-way line of Norfolk-Southern Railway, thence easterly along said northerly line of Lindbergh Drive the following courses: South 89 degrees 11 minutes 38 seconds East, 129.52 feet; thence 271.12 feet along the arc of a curve to the left, said curve having a radius of 2068.44 feet and a chord of 270.92 feet on a bearing of North 87 degrees 02 minutes 25 seconds East; thence North 81 degrees 14 minutes 19 seconds East, 281.10 feet; 4.66 feet along the arc of a curve to the left, said curve having a radius of 29.56 feet and a chord of 4.65 feet on a bearing of North 33 degrees 27 minutes 13 seconds East; thence North 03 degrees 24 minutes 12 seconds East, 7.19 feet; thence North 81 degrees 10 minutes 25 seconds East, 221.17 feet; thence North 81 degrees 07 minutes 29 seconds East, 211.40 feet; thence North 74 degrees 46 minutes 26 seconds East, 33.59 feet to the POINT OF BEGINNING; thence continuing along said existing right-of-way North 74 degrees 46 minutes 26 seconds East, 74.06 feet to a point; thence continuing along said existing right-of-way North 80 degrees 36 minutes 28 seconds East, 127.02 feet to a point; thence continuing along said existing right-of-way South 86 degrees 37 minutes 59 seconds East, 31.86 feet to a point; thence continuing along said existing right-of-way South 80 degrees 43 minutes 55 seconds East, 19.87 feet to a point; thence leaving said right-of-way and running along the proposed right-of-way of said Lindbergh Drive South 07 degrees 43 minutes 42 seconds East, 9.48 feet to a point; thence continuing along said proposed right-of-way South 81 degrees 53 minutes 59 seconds West, 186.19 feet to a point; thence along said proposed right-of-way 57.10 feet along the arc of a curve to the left, said curve having a radius of 178.04 feet and a chord of 56.85 feet on a bearing of South 72 degrees 41 minutes 31 seconds West; thence continuing along said proposed right-of-way North 31 degrees 54 minutes 37 seconds West; 20.55 feet to the POINT OF BEGINNING, shown on that certain Right of Way Plan for Metropolitan Atlanta Rapid Transit Authority, Lindbergh Roadway Improvements, prepared by URS Corporation, Donald C. Harris, P.E. No. 16969, dated 08-09-01, last revised 08-20-01, MARTA Drawing SE306, and based on a Boundary Survey for MARTA prepared by Greenhorn & O'Mara, Inc., Wright C. Powers, Ga. RLS #2612, dated 9-25-97.

Exhibit A-2



PT	STATION/	PARCEL P2
61	ABANDONED R/W	
62	13+66.85	5 11+14.42' W
63	14+10.85	50.20' L
64	14+36.05	5 89.33'00" E
65	14+36.05	5 59.23'00" E
66	14+36.05	5 59.23'00" E
67	14+36.05	5 59.23'00" E
68	14+36.05	5 59.23'00" E
69	14+36.05	5 59.23'00" E
70	14+36.05	5 59.23'00" E
71	14+36.05	5 59.23'00" E
72	14+36.05	5 59.23'00" E
73	14+36.05	5 59.23'00" E
74	14+36.05	5 59.23'00" E

PT	STATION/	PARCEL P3
74	25+43.17	34.04' L
75	25+43.17	34.04' L
76	25+43.17	34.04' L
77	25+43.17	34.04' L
78	25+43.17	34.04' L
79	25+43.17	34.04' L
80	25+43.17	34.04' L
81	25+43.17	34.04' L
82	25+43.17	34.04' L
83	25+43.17	34.04' L
84	25+43.17	34.04' L
85	25+43.17	34.04' L
86	25+43.17	34.04' L
87	25+43.17	34.04' L
88	25+43.17	34.04' L
89	25+43.17	34.04' L
90	25+43.17	34.04' L
91	25+43.17	34.04' L
92	25+43.17	34.04' L
93	25+43.17	34.04' L
94	25+43.17	34.04' L
95	25+43.17	34.04' L
96	25+43.17	34.04' L
97	25+43.17	34.04' L
98	25+43.17	34.04' L
99	25+43.17	34.04' L
100	25+43.17	34.04' L

LEGEND

- PROPOSED R/W LINE
- EXISTING R/W LINE
- PROPOSED R/W LINE
- EXISTING R/W LINE
- CONCRETE SIDEWALK

RIGHT OF WAY PLAN (E)

URS Dames & Moore

LINDBERGH ROADWAY IMPROVEMENTS

Metropolitan Atlanta Rapid Transit Authority

2424 Piedmont Road, NE Atlanta, GA 30324

DATE: 03/01/01

PROJECT: C-10.2

SE 306

Exhibit B

		01-17-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 11-O-1805	36. 12-R-0022	56. 12-R-0042
2. 11-O-1806	37. 12-R-0023	57. 12-R-0043
3. 11-O-1807	38. 12-R-0024	58. 12-R-0044
4. 11-O-1808	39. 12-R-0025	59. 12-R-0045
5. 11-O-1809	40. 12-R-0026	
6. 11-O-1810	41. 12-R-0027	
7. 11-O-1509	42. 12-R-0028	
8. 12-O-0076	43. 12-R-0029	
9. 11-O-1813	44. 12-R-0030	
10. 11-O-1820	45. 12-R-0031	
11. 12-O-0071	46. 12-R-0032	
12. 12-O-0078	47. 12-R-0033	
13. 12-R-0011	48. 12-R-0034	
14. 11-R-1627	49. 12-R-0035	
15. 11-R-1716	50. 12-R-0036	
16. 11-R-1812	51. 12-R-0037	
17. 12-R-0014	52. 12-R-0038	
18. 12-R-0015	53. 12-R-0039	
19. 12-R-0072	54. 12-R-0040	
20. 12-R-0073	55. 12-R-0041	
21. 12-R-0074		
22. 12-R-0075		
23. 12-R-0050		
24. 12-R-0051		
25. 12-R-0052		
26. 12-R-0053		
27. 12-R-0056		
28. 12-R-0063		
29. 12-R-0064		
30. 12-R-0066		
31. 12-R-0068		
32. 12-R-0018		
33. 12-R-0019		
34. 12-R-0020		
35. 12-R-0021		