

**12-0-0905**  
 (Do Not Write Above This Line)

AN ORDINANCE BY

CITY UTILITIES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PERMANENT EASEMENT FOR SLOPE PURPOSES IN EXCHANGE FOR THE ABANDONMENT OF THE CITY'S INTEREST IN A CERTAIN PERMANENT EASEMENT THAT NO LONGER SERVES A PUBLIC PURPOSE ("EASEMENT EXCHANGE"); AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL APPROPRIATE LEGAL DOCUMENTS AND INSTRUMENTS FOR SAID EASEMENT EXCHANGE; AND FOR OTHER

**APPROVED BY**

AUG 2 0 2012  
**COUNCIL**

- CONSENT REFER
  - REGULAR REPORT REFER
  - ADVERTISE & REFER
  - 1st ADOPT 2nd READ & REFER
  - PERSONAL PAPER REFER
- Date Referred 7/18/12  
 Referred To: City Utilities  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_

First Reading  
 Committee City Utilities  
 Date 7/31/2012  
 Chair Mayor's Office  
 Referred To City Utilities

City Utilities  
 Date 7/31/2012  
 Chair Mayor's Office  
 Action Fav, Adv, Hold (see rev. side) Other  
 Members [Signature]

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 \_\_\_\_\_

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

CERTIFIED  
 AUG 2 0 2012  
 ATLANTA CITY COUNCIL PRESIDENT  
[Signature]

CERTIFIED  
 AUG 2 0 2012  
[Signature]  
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

AUG 2 9 2012  
 WITHOUT SIGNATURE  
 BY OPERATION OF LAW



CITY COUNCIL  
ATLANTA, GEORGIA

AN ORDINANCE BY

CITY UTILITIES COMMITTEE

12-0-0905

**AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PERMANENT EASEMENT FOR SLOPE PURPOSES IN EXCHANGE FOR THE ABANDONMENT OF THE CITY'S INTEREST IN A CERTAIN PERMANENT EASEMENT THAT NO LONGER SERVES A PUBLIC PURPOSE ("EASEMENT EXCHANGE"); AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL APPROPRIATE LEGAL DOCUMENTS AND INSTRUMENTS FOR SAID EASEMENT EXCHANGE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") holds a permanent slope easement (the "Existing Easement") across Fulton County tax parcel 14-0018-0002-015-7 located at 600 Somerset Terrace, Atlanta, Georgia (the "Property"); and

**WHEREAS**, the Existing Easement totals approximately 716 square feet and was acquired via condemnation from The Norwich Phamagal Co, et al in May 1965; and

**WHEREAS**, the Existing Easement as described in the condemnation does not encompass the entire area currently maintained as a slope (the "Existing Slope") by the Department of Public Works; and

**WHEREAS**, the Department of Public Works has determined that a small portion of the Existing Easement totaling approximately 153 square feet as shown on the attached Exhibit "A" (the "Surplus Easement Area") is not part of the Existing Slope and serves no public purpose and thus can be declared surplus to the City's needs; and

**WHEREAS**, the current owners of the Property, TSO East Belt, LLC and DHC Investments, LLC (the "Owners") are attempting to sell the Property to a buyer (the "Buyer") who intends to construct a new development on the Property; and

**WHEREAS**, the Buyer would need the Surplus Easement Area abandoned in order to construct the new development as planned; and

**WHEREAS**, the Owners have requested that the City abandon its interest in the Surplus Easement Area in order to complete their sale of the Property; and

**WHEREAS**, in exchange for the City's abandonment of the Surplus Easement Area; the Owners have agreed to grant the City a new permanent easement for slope purposes (the "New Permanent Easement") totaling approximately 1,243 square feet that encompasses the Existing Slope as shown on the attached Exhibit "A"; and

**WHEREAS**, the New Permanent Easement would clarify the City's interest in the 563 square-foot portion of the Existing Easement to be retained by the City and would convey an additional 680 square feet of permanent easement area not titled in the City's name but currently utilized by the City for slope purposes; and



**WHEREAS**, the document granting the New Permanent Easement to the City will also contain a conditional right to install a stairway or ramp within the easement area which could be constructed in the future to access the lands adjacent to the west of the Property, said adjacent lands being owned by Invest Atlanta for the purposes of the Atlanta Beltline Project; and

**WHEREAS**, pursuant to Section 2-1543 of the Procurement and Real Estate Code of the City, real property interests may be acquired by the City in exchange for surplus real property interests provided that the exchange is square-foot for square-foot or dollar value for dollar value; and

**WHEREAS**, the Easement Exchange would result in the City receiving significantly more easement area than would be abandoned by the City and subsequently transferred to the current owners of the Property.

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

**SECTION 1:** That a small portion of the City of Atlanta's existing permanent easement across Fulton County tax parcel 14-0018-0002-015-7, located at 600 Somerset Terrace, Atlanta, Georgia, consisting of approximately 153 square feet, as shown on Exhibit "A" attached hereto (the "Surplus Easement Area") 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 Mayor or his designee is authorized to execute a Quit Claim Deed and other necessary documents, as determined by the City Attorney, to convey any interest in the Surplus Easement Area to the current owners of the Property.

**SECTION 3:** In exchange for the conveyance of the Surplus Easement Area, the Mayor or his designee is authorized to accept a new permanent slope area totaling approximately 1,243 square feet, as shown on Exhibit "A" attached hereto (the "New Permanent Easement") from the current owners of the Property.

**SECTION 4:** The City Attorney, or her designee, is authorized to prepare all necessary documents and instruments in acceptable form to facilitate this transaction and to record all documents in the Fulton County Records.

**SECTION 5:** 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*  
Municipal Clerk

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

AUG 20, 2012  
AUG 29, 2012

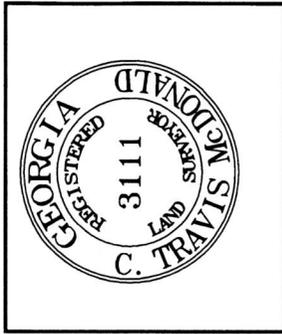


## GENERAL NOTES

THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 69,423 FEET, AND AN ANGULAR ERROR OF 10 SECONDS PER SETUP, AND WAS NOT ADJUSTED. A TRIMBLE S6 ELECTRONIC TOTAL STATION WAS USED TO MEASURE ANGLES AND DISTANCES.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 17,248 FEET.

THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A SURVEY MADE UNDER MY SUPERVISION. PLAT HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM REQUIREMENTS OF STATE LAW. THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITIES NAMED HEREON. NO EXPRESSED OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY OTHER PERSON, PERSONS OR ENTITIES WITHOUT AN EXPRESSED RE-CERTIFICATION BY THE SURVEYOR.



SURVEY NOT VALID WITHOUT SURVEYOR'S ORIGINAL BLACK INK SIGNATURE  
C. TRAVIS McDONALD  
LAND SURVEYOR No. 3111

LINE	LENGTH	BEARING
L1	15.59'	S19°33'07"W
L2	19.24'	S79°29'57"E
L3	19.00'	S82°13'01"E
L4	28.26'	S86°37'32"W
L5	12.10'	N87°26'27"W
L6	7.64'	N19°34'13"E

GRAPHIC SCALE 1" = 20'  
0 10 20 50

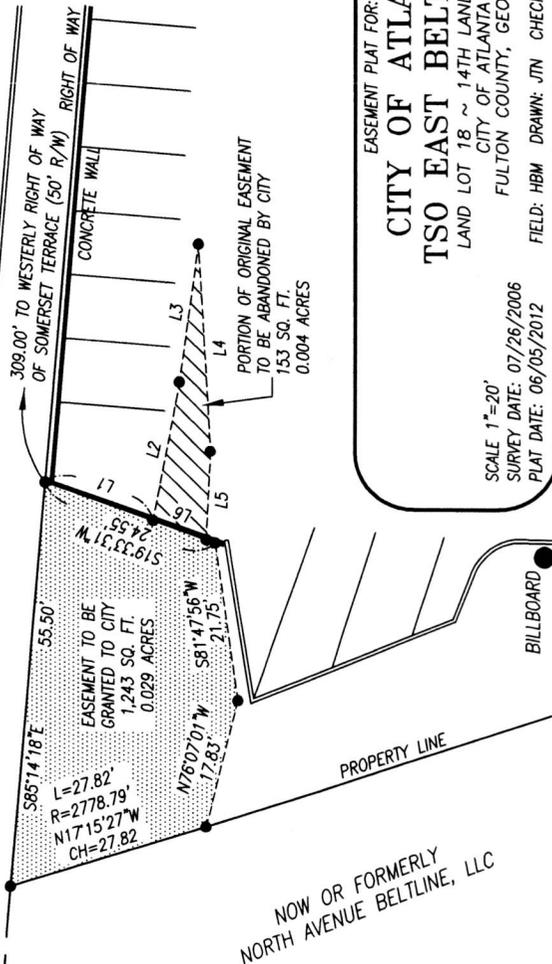
**Armstrong Land Surveying, Inc.**  
POST OFFICE BOX 775  
DOUGLASSVILLE, GEORGIA 30133  
PHONE: (770) 577-0077 / FAX: (770) 577-0066

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RIGHT OF WAY

NORTH AVENUE (70' PUBLIC R.O.W.)



# EXHIBIT A

		08-20-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPDED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 12-O-0910	35. 12-R-1024	39. 12-R-1027
2. 12-O-0911	36. 12-R-1025	40. 12-R-1028
3. 12-O-1005	37. 12-R-1026	41. 12-R-1029
4. 12-O-0905	38. 12-R-1039	42. 12-R-1030
5. 12-O-0906		43. 12-R-1031
6. 12-O-0452		44. 12-R-1032
7. 12-O-0999		45. 12-R-1033
8. 12-O-1002		46. 12-R-1034
9. 10-O-2228		47. 12-R-1035
10. 12-O-1003		
11. 12-O-1007		
12. 11-R-1104		
13. 12-R-0985		
14. 12-R-0986		
15. 12-R-0988		
16. 12-R-0990		
17. 12-R-0993		
18. 12-R-0994		
19. 12-R-0995		
20. 12-R-0996		
21. 12-R-1008		
22. 12-R-1011		
23. 12-R-1012		
24. 12-R-1013		
25. 12-R-1014		
26. 12-R-1015		
27. 12-R-1016		
28. 12-R-1017		
29. 12-R-1018		
30. 12-R-1019		
31. 12-R-1020		
32. 12-R-1021		
33. 12-R-1022		
34. 12-R-1023		

RCS# 2210  
8/20/12  
3:39 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I  
MONDAY, AUGUST 20, 2012  
ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 1  
ABSENT 1

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

CONSENT I