

13-0-0002

(Do Not Write Above This Line)

AN ORDINANCE AUTHORIZING THE ABANDONMENT OF ANY AND ALL REMAINING PORTIONS OF ALEXANDER STREET BETWEEN MARIETTA STREET N.W., IVAN ALLEN BOULEVARD AND LUCKIE STREET N.W, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", SAID PROPERTY LYING AND BEING IN LAND LOT 79 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

ADOPTED BY
FEB 04 2013

COUNCIL

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

Date Referred

1/22/13

Referred To:

City Utilities

Date Referred

Referred To:

Date Referred:

Referred To:

Committee City Utilities **First Reading**
 Date January 15, 2013
 Chair Hal Shel
 Referred To CUC

Committee City Utilities
 Date Jan. 29 2013
 Chair Hal Shel
 Action
 Fav, Adv, Hold (see rev. side)
 Other

Members
Carl Smith
~~_____~~
Johnson

 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
 FEB 04 2013
 ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
 FEB 04 2013
 Rhonda Doughtine Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

FEB 13 2013

WITHOUT SIGNATURE
BY OPERATION OF LAW



AN ORDINANCE BY
CITY UTILITIES COMMITTEE

13-O-0002

AN ORDINANCE AUTHORIZING THE ABANDONMENT OF ANY AND ALL REMAINING PORTIONS OF ALEXANDER STREET BETWEEN MARIETTA STREET N.W., IVAN ALLEN BOULEVARD AND LUCKIE STREET N.W, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", SAID PROPERTY LYING AND BEING IN LAND LOT 79 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") has received a formal request from 380 Luckie, LLC., ("Applicant") the owner of abutting property, to abandon a portion of Alexander Street consisting of approximately 0.045 acres and more specifically described in the attached Exhibit "A"; and

WHEREAS, the Applicant has paid a fee of \$2,500 for the costs of advertisement of the abandonment as specified by Section 138-9(a)(5) of the City of Atlanta Code of Ordinances; and

WHEREAS, pursuant to City Council Ordinance 06-O-0560, adopted on September 5, 2006 and approved by the Mayor on September 13, 2006, the City has previously abandoned portions of Alexander Street between Marietta Street N.W. and Luckie Street N.W.; and

WHEREAS, the Applicant is requesting that the City abandon the additional portion of Alexander Street between Marietta Street N.W., Ivan Allen Boulevard and Luckie Street N.W not previously abandoned pursuant to City Council Ordinance 06-O-0560; and

WHEREAS, the City desires to clarify and ensure that any and all remaining portions of Alexander Street between Marietta Street N.W., Ivan Allen Boulevard and Luckie Street N.W. have been formally and finally abandoned; and

WHEREAS, the abandoned portions of Alexander Street will become part of the abutting property owner's private property, and it will be such owner's responsibility to maintain, operate, and provide all services and utilities for said property; and

WHEREAS, the Department of Public Works has reviewed the request from the abutting property owner and has concluded that the abandonment of the portion of the right-of-way described herein will not have any adverse affect on traffic movement now and in the future.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That any and all remaining portions of Alexander street between Marietta Street N.W., Ivan Allen Boulevard and Luckie Street N.W., and being more specifically described in the attached exhibit "A", said property lying and being in Land Lot 79 of the 14th District,



Fulton County, Georgia are hereby declared no longer useful or necessary for the public's use and convenience.

Section 2: That the City hereby expresses its intent to abandon said property located on Alexander Street (as hereinabove defined).

Section 3: That 380 Luckie, LLC the abutting property owner, has agreed to pay the fair market value of the right-of-way to be abandoned as determined by an appraisal for the said portion of Alexander Street described in the attached Exhibit "A".

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 the Chief Procurement Officer is hereby directed to prepare an appraisal to determine the fair market value of the right-of-way to be abandoned and perform all other responsibilities concerning the proposed abandonment, as outlined in the City's Code of Ordinances, including Section 2-1578.

Section 6: That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, and upon receipt of payment from the abutting property owner in the amount of the appraised fair market value of the property, or the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of Ordinances, the City Attorney is hereby directed to prepare a Quitclaim Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

Section 7: That the Mayor or his designee be and is hereby authorized to execute a Quitclaim Deed to convey any interest that the City may have in the above-referenced portion of Alexander Street (herein described in Exhibit "A").

Section 8: That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived to the extent of the conflict only.

A true copy,



Deputy Municipal Clerk

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

February 04, 2013
February 13, 2013

		02-04-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 12-O-1150	35. 13-R-0176	49. 13-R-0148
2. 12-O-1428	36. 13-R-0135	50. 13-R-0149
3. 12-O-1825	37. 13-R-0136	51. 13-R-0150
4. 13-O-0026	38. 13-R-0137	52. 13-R-0151
5. 13-O-0027	39. 13-R-0138	53. 13-R-0152
6. 13-O-0021	40. 13-R-0139	54. 13-R-0153
7. 13-O-0022	41. 13-R-0140	55. 13-R-0154
8. 13-O-0023	42. 13-R-0141	56. 13-R-0155
9. 13-O-0024	43. 13-R-0142	57. 13-R-0156
10. 12-O-1674	44. 13-R-0143	58. 13-R-0157
11. 13-O-0028	45. 13-R-0144	59. 13-R-0158
12. 13-O-0029	46. 13-R-0145	60. 13-R-0159
13. 13-O-0032	47. 13-R-0146	61. 13-R-0160
14. 13-O-0165	48. 13-R-0147	62. 13-R-0161
15. 13-O-0169		
16. 13-O-0172		
17. 12-O-1761		
18. 13-O-0002		
19. 13-O-0003		
20. 13-O-0166		
21. 13-O-0168		
22. 13-R-0121		
23. 13-R-0122		
24. 13-R-0130		
25. 13-R-0131		
26. 13-R-0127		
27. 13-R-0128		
28. 13-R-0123		
29. 13-R-0124		
30. 13-R-0125		
31. 13-R-0133		
32. 13-R-0117		
33. 13-R-0118		
34. 13-R-0120		