

#4

13-0166

(Do Not Write Above This Line)

A ORDINANCE BY  
COUNCILMEMBER YOLANDA ADREAN

AN ORDINANCE CORRECTING  
ORDINANCE NUMBER 12-O-0562 WHICH  
ABANDONED A PORTION OF SOUTH  
COLONIAL HOMES CIRCLE, N.W.,  
LOCATED BETWEEN COLONIAL  
HOMES DRIVE, N.W. AND SOUTH  
COLONIAL HOMES CIRCLE, N.W. IN  
EXCHANGE FOR CONVEYANCE OF  
APPROXIMATELY 0.415 ACRES  
LOCATED ON SOUTH COLONIAL  
HOMES CIRCLE N.W.; AND FOR OTHER  
PURPOSES.

ADOPTED BY  
FEB 04 2013  
COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred: 1/22/13  
 Referred To: City Utilities  
 Date Referred:  
 Referred To:  
 Date Referred:  
 Referred To:

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

Committee: City Utilities  
 Date: January 29 2013  
 Chair: [Signature]  
 Action: Fav. Adv, Hold (See rev.side)  
 Other: \_\_\_\_\_  
 Members: [Signatures]

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action \_\_\_\_\_  
 Fav, Adv, Hold (See rev.side) \_\_\_\_\_  
 Other \_\_\_\_\_  
 Members \_\_\_\_\_

Refer To \_\_\_\_\_

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 \_\_\_\_\_

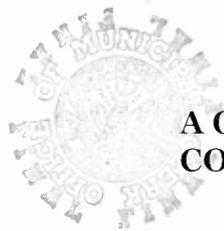
Refer To \_\_\_\_\_

FINAL COUNCIL ACTION  
 2<sup>ND</sup>     1<sup>ST</sup> & 2<sup>ND</sup>     3<sup>RD</sup>  
 Readings  
 Consent     V Vote     RC Vote

CERTIFIED  
 FEB 04 2013  
 ATLANTA CITY COUNCIL PRESIDENT  
[Signature]

CERTIFIED  
 FEB 04 2013  
Ronda Duglin Johnson  
 MUNICIPAL CLERK

MAYOR'S ACTION  
 APPROVED  
 FEB 13 2013  
 WITHOUT SIGNATURE  
 BY OPERATION OF LAW



**A ORDINANCE BY  
COUNCILMEMBER YOLANDA ADREAN**

**AN ORDINANCE CORRECTING ORDINANCE NUMBER 12-O-0562 WHICH ABANDONED A PORTION OF SOUTH COLONIAL HOMES CIRCLE, N.W., LOCATED BETWEEN COLONIAL HOMES DRIVE, N.W. AND SOUTH COLONIAL HOMES CIRCLE, N.W. IN EXCHANGE FOR CONVEYANCE OF APPROXIMATELY 0.415 ACRES LOCATED ON SOUTH COLONIAL HOMES CIRCLE N.W.; AND FOR OTHER PURPOSES.**

**WHEREAS**, Ordinance 12-O-0562 was adopted by the City Council on May 21, 2012 and approved by the Mayor on May 30, 2012; and

**WHEREAS**, the purpose of Ordinance Number 12-O-0562 was to allow the relocation of a portion of South Colonial Homes Circle, N.W. such that the City of Atlanta right-of-way would be shifted west and the former right-of-way would be incorporated into a development tract; and

**WHEREAS**, the parties contemplated that the existing 0.614 acre right-of-way described in Ordinance 12-O-0562 (the "Existing ROW") would be abandoned and appraised by the City of Atlanta to determine fair market value owed to the City of Atlanta for its conveyance; and

**WHEREAS**, the parties further contemplated that the new right-of-way consisting of 0.415 acres of land described in Ordinance 12-O-0562 (the "New ROW") would also be appraised to determine fair market value owed to Pope & Land Enterprises, LLC ("P&L") for its conveyance; and

**WHEREAS**, the intent of the parties was that the appraised values of the Existing ROW and the New ROW would be compared to determine the incremental cost owed by P&L for the right-of-way exchange due to the fact that P&L was receiving more right-of-way than P&L was dedicating to the City of Atlanta; and

**WHEREAS**, such practice is consistent with the City of Atlanta Code of Ordinances and typical policy and procedures in connection with right-of-way and real property exchanges in the City of Atlanta; and

**WHEREAS**, Ordinance Number 12-O-0562 does not clearly identify the intent of the parties to have a right-of-way exchange with P&L paying only the incremental increase in the fair market values of the rights-of-way; and

**WHEREAS**, the clarification of this intent is necessary to facilitate the completion of the road abandonment process and redevelopment of a portion of the existing Colonial Homes project; and



**WHEREAS**, the parties also desire to confirm the timing for the exchange of deeds to facilitate the development of the New ROW by P&L, or its successors, to allow the City of Atlanta to accept its dedication; and

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, AS FOLLOWS:**

**Section 1:** That the Chief Procurement Officer is hereby directed to prepare an appraisal to determine the fair market value of the New ROW.

**Section 2:** That the Chief Procurement Officer is hereby directed to compare the fair market values provided in the appraisal for the Existing ROW and the New ROW to determine the incremental difference in the fair market values of the Existing ROW and the New ROW (the "Increment").

**Section 3:** That P&L shall pay to the City of Atlanta the Increment and shall not be required to pay the City of Atlanta the full fair market value of the Existing ROW without offset for the the fair market value of the New ROW.

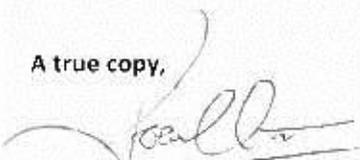
**Section 4:** That to allow construction of a street according to City standards on the New ROW, P&L shall not be required to convey the New ROW to the City of Atlanta concurrently with the conveyance of the Existing ROW and payment of the Increment, provided, however, that P&L shall convey the New ROW including the street completed to City Standards, to the City of Atlanta within eighteen (18) months from and after conveyance of the Existing ROW to P&L.

**Section 5:** If P&L fails to convey the New ROW, including a street completed to City Standards, to the City, within eighteen (18) months from and after conveyance of the Existing ROW to P&L, no certificate of occupancy shall issue for any new development on the site adjacent to the New ROW until the conveyance is completed and the City Attorney is authorized to take whatever steps are deemed necessary to protect the City's best interests, including without limitation, the condemnation of the New ROW, a suit for specific performance of the agreement represented by this Ordinance and a suit for damages to recover the cost to the City necessary to build a new street, whether such property is owned by P&L or by its successors and assigns.

**Section 6:** That the Mayor is hereby authorized to executed all documents, including but not limited to quitclaim deeds, to effectuate the terms of this Ordinance.

**Section 7:** That this ordinance shall become effective when signed by the Mayor or by operation of law.

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

RCS# 2539  
2/04/13  
3:44 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; 2/4/2013  
EXCEPT 13-O-0025 AND 13-O-0171  
ADOPT

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

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

CONSENT I

		02-04-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE 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		