

13-0-1062

(Do Not Write Above This Line)

2176

AN ORDINANCE BY
CITY UTILITIES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON A PORTION OF BURTZ STREET, N.W., LOCATED ON THE WEST SIDE OF HOLLYWOOD ROAD, N.W. BETWEEN HOLLYWOOD ROAD, N.W. AND THE DEAD-END OF BURTZ STREET CONSISTING OF APPROXIMATELY 0.83 ACRES OF LAND AND TO ACCEPT THE DONATION FROM BOLTON PARK, L.P. OF APPROXIMATELY 0.91 ACRES OF LAND THAT WILL BE USED TO RELOCATE THE PORTION OF BURTZ STREET, N.W. ON THE WEST SIDE OF HOLLYWOOD ROAD, N.W., AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 252 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA TO BOLTON PARK, L.P.; TO WAIVE APPRAISAL REQUIREMENTS CONTAINED IN SECTION 138-9 OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

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

Date Referred 6/03/13
 Referred To: city utilities
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

Committee City Utilities First Reading
 Date May 28 2013
 Chair Hal Shul
 Referred To CUC

Committee City Utilities
 Date June 11 2013
 Chair Hal Shul
 Action Fav, Adv, Hold (See rev. side)
 Other _____
 Members n. aculsky
Cala Smith
joannean
Aly Shu
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action Fav, Adv, Hold (See rev. side)
 Other _____
 Members _____
 ADOPTED BY
JUN 17 2013
 COUNCIL
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action _____
 Fav, Adv, Hold (See rev. side) _____
 Other _____
 Members _____
 Refer To _____

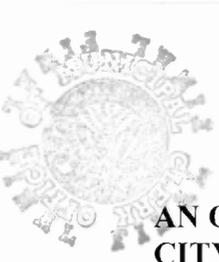
Committee _____
 Date _____
 Chair _____
 Action _____
 Fav, Adv, Hold (See rev. side) _____
 Other _____
 Members _____
 Refer To _____

FINAL COUNCIL ACTION
 2ND 1ST & 2ND 3RD
 Readings
 Consent V Vote RC Vote

CERTIFIED
 JUN 17 2013
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 JUN 17 2013
 Rhonda Daughlin Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION
 APPROVED
 JUN 26 2013
 WITHOUT SIGNATURE
 BY OPERATION OF LAW



**AN ORDINANCE BY
CITY UTILITIES COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON A PORTION OF BURTZ STREET, N.W., LOCATED ON THE WEST SIDE OF HOLLYWOOD ROAD, N.W. BETWEEN HOLLYWOOD ROAD, N.W. AND THE DEAD-END OF BURTZ STREET CONSISTING OF APPROXIMATELY 0.83 ACRES OF LAND AND TO ACCEPT THE DONATION FROM BOLTON PARK, L.P. OF APPROXIMATELY 0.91 ACRES OF LAND THAT WILL BE USED TO RELOCATE THE PORTION OF BURTZ STREET, N.W. ON THE WEST SIDE OF HOLLYWOOD ROAD, N.W., AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 252 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA TO BOLTON PARK, L.P.; TO WAIVE APPRAISAL REQUIREMENTS CONTAINED IN SECTION 138-9 OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") has received a formal request from Bolton Park, L.P., ("Bolton Park") the owner of abutting property, to abandon a portion of Burtz Street, N.W., consisting of approximately 0.83 acres and more specifically described in the attached Exhibit "A"; and

WHEREAS, Bolton Park 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, Bolton Park has agreed to donate to the City approximately 0.91 acres of land located in the same Land Lot 252 of the 17th District of Fulton County, Georgia as the property to be abandoned; and

WHEREAS, the area of the real property to be donated to the City by Bolton Park is greater than the area of the real property to be abandoned by the City and the transaction will result in a net gain to the City of approximately 0.08 acres; and

WHEREAS, Section 2-1543 of the Code of Ordinances allows the Chief Procurement Officer to exchange real property on a square-foot by square-foot basis; and

WHEREAS, Section 2-1544 of the Code of Ordinances authorizes the City to accept, as a donation of property, any excess real property above and beyond the square footage being conveyed by the City to an Applicant; and

WHEREAS, Bolton Park desires to make the exchange without an appraisal or exchange of funds and proceed under Sections 2-1543 and 2-1544 of the Code of Ordinances; and

WHEREAS, the Office of Enterprise Assets Management agrees that the real property to be exchanged is in such close physical proximity and is being used for the same purpose that an appraisal will be unnecessary to determine value given and received by the City because the City



is receiving more square footage of real property in the transaction as a dedication without cost; and

WHEREAS, the requirement contained in Section 138-9 of the Code of Ordinances regarding the obtaining of appraisals should therefore be waived; and

WHEREAS, the City will use the donated property to relocate Burtz Street; and

WHEREAS, the abandoned portion of Burtz Street, N.W. 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; 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 AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1: That any and all remaining portions of Burtz Street, N.W., between Hollywood Road, N.W. and the dead-end of Burtz Street, N.W., on the West side of Hollywood Road, N.W., being more specifically described in the attached Exhibit "A", said property lying and being in Land Lot 252 of the 17th District of 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 Burtz Street (as hereinabove defined).

Section 3: That Bolton Park, L.P., the abutting property owner, in consideration of the abandonment described herein and in exchange therefore, has agreed to convey to the City by Warranty Deed certain real property consisting of approximately 0.91 acres of land located in Land Lot 252 of the 17th District of Fulton County, Georgia to be used for a relocated Burtz Street.

Section 4: That the City hereby waives the requirement set forth in Sections 2-1578 and 138-9 of the Code of Ordinances for payment of fair market value in exchange for the Quitclaim Deed provided that Bolton Park delivers to the City a Warranty Deed in accordance with Section 3 above.

Section 5: 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 6: That as the property to be donated to the City in accordance with Section 3 above is larger in size than the property to be abandoned by the City, an appraisal to determine the fair



market value of either of the properties to be exchanged shall not be required and that the requirements with respect to obtaining an appraisal set out in Section 138-9 of the Code of Ordinances is hereby waived.

Section 7: That the Chief Procurement Officer shall perform all other responsibilities concerning the proposed abandonment, as outlined in the City's Code of Ordinances, including Section 2-1578.

Section 8: That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, and pending receipt of a Warranty Deed from Bolton Park described in Section 3 above and 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 9: 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 Burtz Street (herein described in Exhibit "A").

Section 10: That the delivery of the Quitclaim Deed to Bolton Park is conditioned on the simultaneous delivery of a Warranty Deed from Bolton Park to the City of the property described in Section 3 above and depicted in Exhibit "A".

Section 11: 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,

A handwritten signature in black ink, appearing to be "L. Bell", written over a horizontal line. Below the signature is the printed text "Deputy Clerk".

Deputy Clerk

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

JUN 17, 2013
JUN 26, 2013

EXHIBIT A



CITY OF ATLANTA

KASIM REED
MAYOR

.68 MITCHELL STREET, S.W.
SUITE 4900, CITY HALL SOUTH
ATLANTA, GEORGIA 30303-3531
TEL. (404) 330-6501
FAX. (404) 658-7085
Email: publicworks@atlantaga.gov

DEPARTMENT OF PUBLIC WORKS
•RICHARD MENDOZA
Commissioner

DEXTER C. WHITE
Deputy Commissioner

Request for Abandonment of Public Right-of-Way

Date: 10/2/2012

Name of Street: Burtz Street

Between Hollywood Road and Tax Parcel # 17025200150150 (ROW dead ends)

Petitioner Name: Bolton Park, L.P.

NOTE: Eligible petitioners are abutting property owner and/or their agents.

Petitioner Phone(s) (678) 380-0698 Cell: _____ Email: jeff@xielaw.com

Required Submittals

The following submittals are required to initiate the process for consideration of abandonment of a public right-of-way:

1. A survey of plat area to be abandoned. Survey plat must be prepared by a registered surveyor in a manner suitable for filing. Plat is subject to review and approval by the Department of Public Works.
2. A legal description of area to be abandoned on 8 1/2 X 11 sheet.
3. A list of all abutting property owners, respective addresses, tax parcel codes, deed book and page number of title.
4. An owner's statement from each abutting property owner
5. Fee of \$2,500 for streets abutting the development of residential subdivision, commercial or industrial tracts OR a fee of \$2,000 for streets abutting individual residential lots. This fee is applied to the cost of the appraisal of the parcel and advertisement of the proposed abandonment.
6. Any special information deemed necessary or appropriate by the Commissioner of the Department of Public Works
7. Warranty Deeds of all _____ properties abutting area to be abandoned.

DEPARTMENT OF PUBLIC WORKS - OFFICE OF TRANSPORTATION

"Designing, Implementing & Maintaining a Sustainable Transportation Infrastructure System"



Certificate of Intent

I, BOLTON PARK, L.P., the undersigned, do hereby certify that I am the qualified Petitioner for the abandonment of the above listed street and do intend to acquire the prorated portion of the abandoned street at fair market value as a condition of consideration of abandonment.



[Signature]
Notary Public

October 2, 2012
Date

I, BOLTON PARK, L.P. (owner's name) the undersigned do hereby certify that I am the owner(s) of record of real property abutting BURTZ STREET a public right-of-way in the City of Atlanta.

I support X / do not support _____ the abandonment of the aforementioned right-of-way. If abandoned, I will X / will not _____ acquire at fair market value that portion of the right-of-way abutting my property.

[Signature]

Signature of Property Owner

JEFF XIE Bolton PARK LP

Print Name of Property Owner

[Signature]

Notary Public

10/2/2012

Date

[Signature]

Date

Date





Legal Description for Burtz Street Abandonment

All that tract or parcel of land lying and being in Land Lot 252 of the 17 District,

Fulton County, Georgia, and being more particularly described as follows:

Commence at the intersection of the southerly right of way of Peyton Road (40' R/W) and westerly right of way of Hollywood Road (60' R/W), thence South 20 degrees 37 minutes 23 seconds East, 264.71 feet to a point and a half inch rebar found; said point being the Point of Beginning;

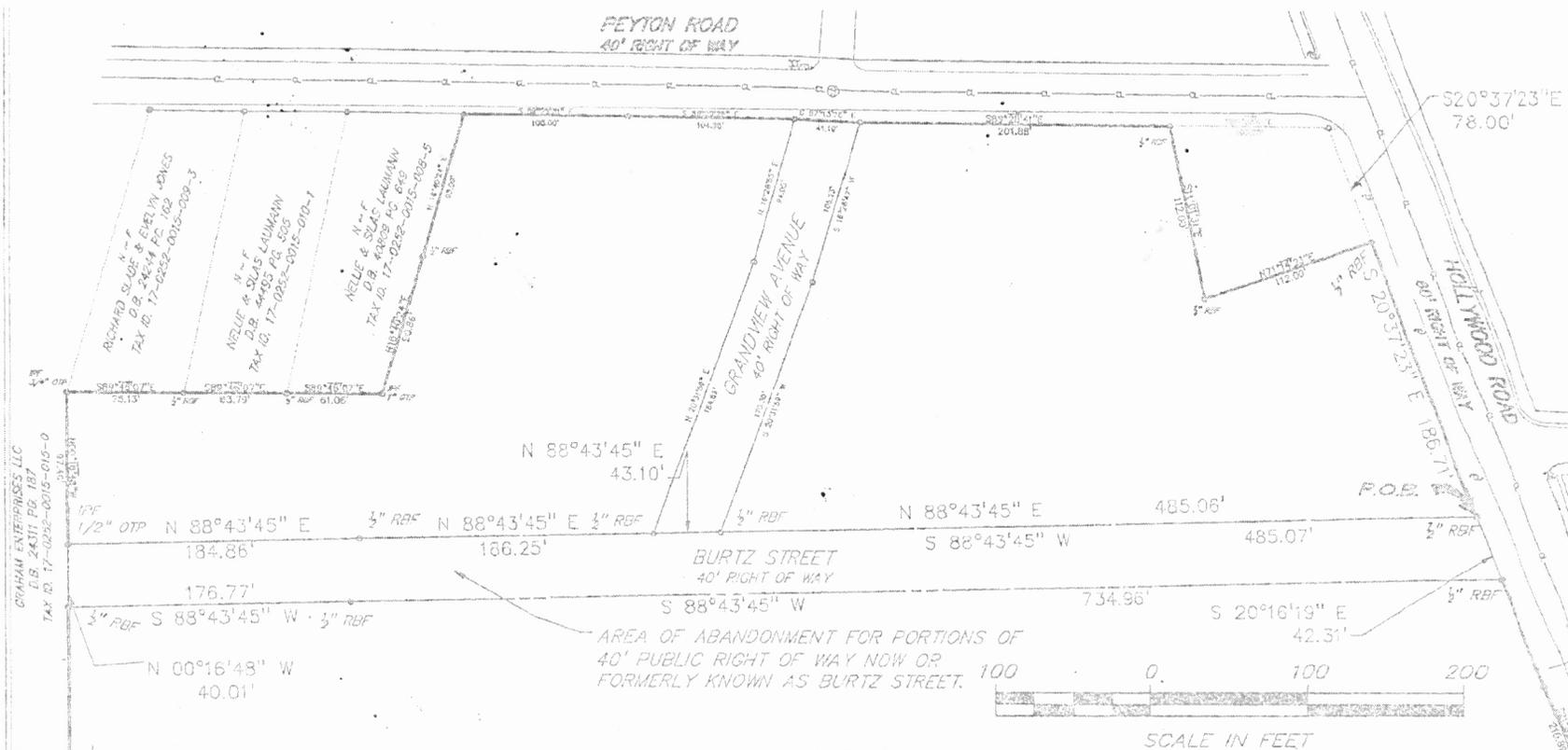
thence South 20 degrees 16 minutes 19 seconds East, 42.31 feet to a point and a half inch rebar found;

thence South 88 degrees 43 minutes 45 seconds West, 911.73 feet to a point and a half inch rebar found;

thence North 00 degrees 16 minutes 48 seconds West, 40.01 feet to a point;

thence North 88 degrees 43 minutes 45 seconds East, 899.28 feet to the

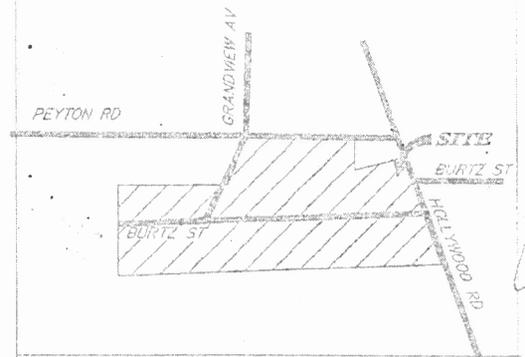
POINT OF BEGINNING; said property containing 0.83 acres



GRAHAM ENTERPRISES, LLC
D.B. 24311 P.C. 187
TAX ID. 17-0222-0015-016-0

NOTE

1. SPECIFIC PURPOSE SURVEY FOR ABANDONMENT OF PORTIONS OF 40' PUBLIC RIGHT OF WAY OF BURTZ STREET AS SHOWN.
2. AREA=36,261 SF (0.83 AC)



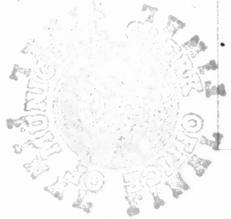
DATE	REVISIONS
7/13/2012	
SCALE 1" = 100'	36,261 AREA OF ABANDONMENT
DRAWN BY: JK	
CHECKED BY: CA	
FIELD BOOK: 848	

LAND ENGINEERS & SURVEYORS, INC.
2501 Magnolia Drive
Lawrenceville, Georgia 30046
Phone (770) 964-0200
Fax (770) 964-0201
landengineers@earthlink.net

SPECIFIC PURPOSE SURVEY FOR

BOLTON PARK L.P.
1888 HOLLYWOOD ROAD
ATLANTA, GEORGIA 30318

LOCATED IN L.L. 252
17th DISTRICT,
FULTON COUNTY, GA.



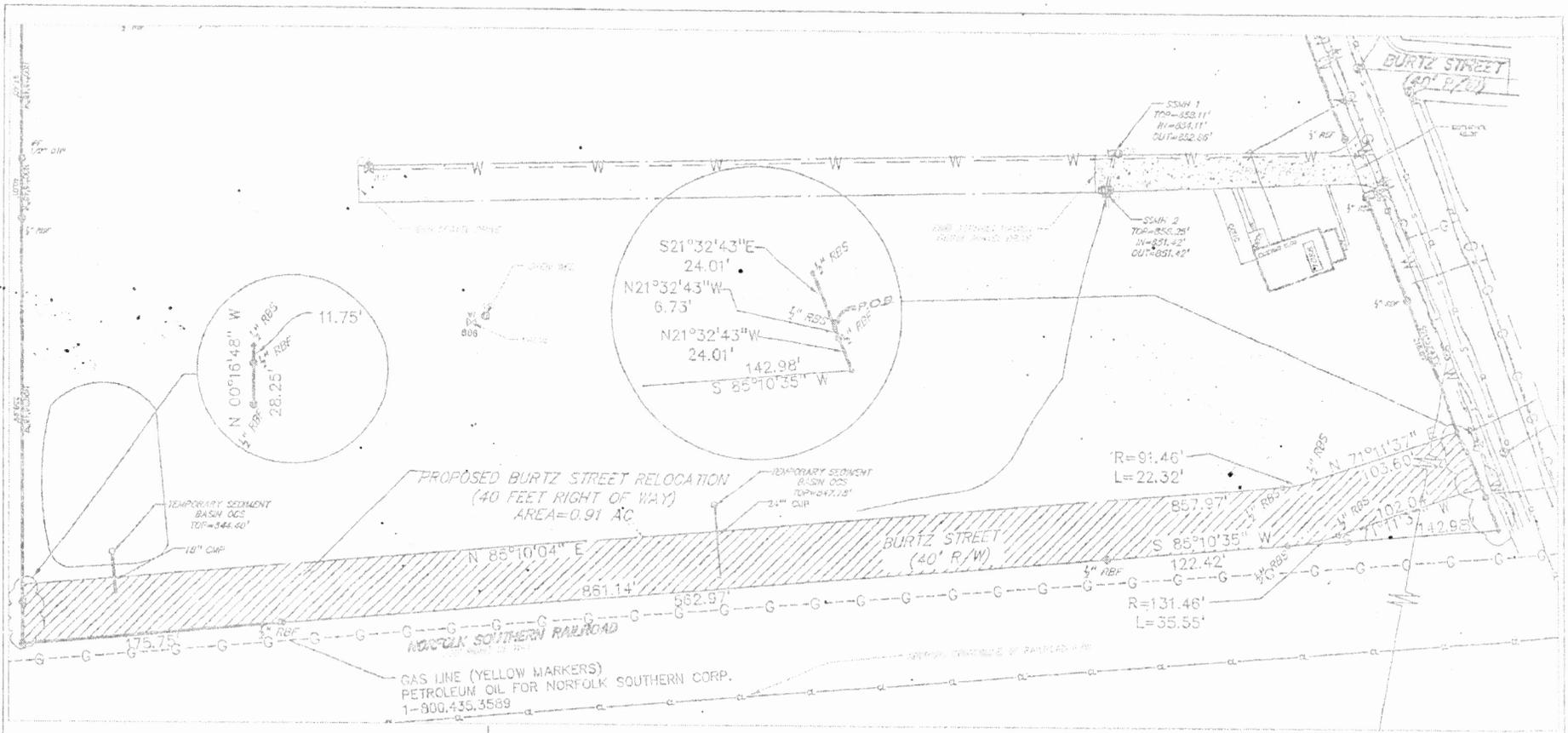


LEGAL DESCRIPTION
Relocated Burtz Street

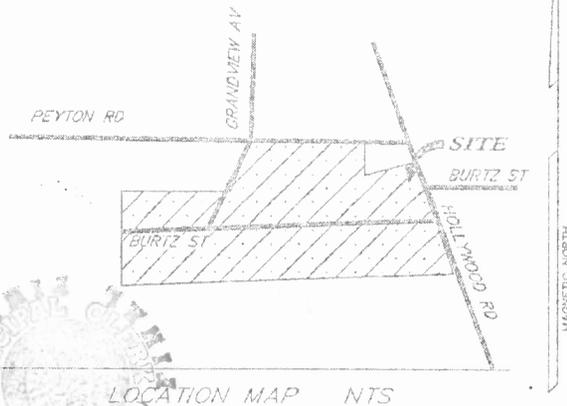
ALL THAT TRACT OR PARCEL OF LAND located in Land Lot 252, 17th District, Fulton County, Georgia, and being more particularly described as follows:

COMMENCING AT A POINT, said point being the intersection of the northern boundary of the right-of-way of the Norfolk Southern Railway (200 foot right-of-way) and the western boundary of Hollywood Boulevard (60 foot right-of-way) and running along said right-of-way North 21 degrees 32 minutes 43 seconds West a distance of 24.01 feet to a ½" rebar found; thence continuing along said right of way North 21 degrees 32 minutes 43 seconds West a distance of 6.73 feet to a ½" rebar set, said ½" rebar set being the POINT OF BEGINNING. From said POINT OF BEGINNING, leaving said right-of-way thence South 71 degrees 11 minutes 37 seconds West a distance of 102.04 feet to a ½" rebar set; thence continuing along a curve to the right with an arc distance of 35.55 feet to a ½" rebar set, said curve having a radius of 131.46 feet and a chord bearing of South 77 degrees 25 minutes 47 seconds West; thence running along the northern right-of-way of the Norfolk Southern Railway (200 foot right-of-way) South 85 degrees 10 minutes 35 seconds West a distance of 122.42 feet to a ½" rebar found; thence South 85 degrees 10 minutes 35 seconds West a distance of 562.97 feet to a ½" rebar found; thence South 85 degrees 10 minutes 35 seconds West a distance of 175.75 feet to a ½" rebar found; thence leaving said right-of-way North 00 degrees 16 minutes 48 seconds West a distance of 28.25 feet to a ½" rebar found; thence North 00 degrees 16 minutes 48 seconds West a distance of 11.75 feet to a ½" rebar set; thence North 85 degrees 10 minutes 04 seconds East a distance of 857.97 feet to a ½" rebar set; thence along a curve to the left with an arc length of 22.32 feet to a ½" rebar set, said curve having a radius of 91.46 feet and a chord bearing of North 78 degrees 11 minutes 06 seconds East; thence North 71 degrees 11 minutes 37 seconds East a distance of 103.60 feet to a ½" rebar set in the western right-of-way of Hollywood Boulevard (60 foot right-of-way); thence along said right-of-way South 21 degrees 32 minutes 43 seconds East a distance of 40 feet to a ½" rebar set and the POINT OF BEGINNING.

Being the same property described on that certain survey entitled Burtz Street Right of Way Relocation Survey for Bolton Park L.P., dated December 10, 2012 by Land Engineering & Surveying, Inc., bearing the seal of Cornelius O. Ani, GA R.L.S. No. 3253.



1. BURTZ STREET RIGHT OF WAY RELOCATION SURVEY (40' RIGHT OF WAY) AS SHOWN.
2. AREA=39,641 SF (0.91 AC)



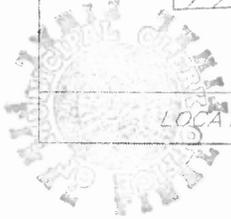
DATE	REVISIONS
12/10/2012	
SCALE: 1"=100'	
DRAWN BY: JK	
CHECKED BY: CA	
FIELD BOOK: 12113	

LAND ENGINEERING & SURVEYING, INC.
 2640 Meyers Drive Phone: (404) 396-0192
 Lawrenceville, Georgia 30045 Fax: (338) 829-2001
 land_engineering@yahoo.com

BURTZ STREET RELOCATION SURVEY FOR
BOLTON PARK L.P.

1858 HOLLYWOOD ROAD
 ATLANTA, GEORGIA 30318

LOCATED IN L.L. 252
 17th DISTRICT,
 FULTON COUNTY, GA.





Summary of Intent for Abandonment of Grandview Avenue

The Applicant seeks to abandon Grandview Avenue between Peyton Road and Burtz Street. Via separate Application, the Applicant is also seeking to abandon and relocate Burtz Street. Grandview Avenue is not currently improved.

In 2007, an abandonment of the same portion of Grandview Avenue was approved by the City of Atlanta pursuant to Ordinance 07-O-1469. A copy of Ordinance 07-O-1469 is included in this Application. The abandonment of Grandview Avenue was conditioned upon the improvement, realignment and dedication of Grandview Avenue in a new location. Such improvement, realignment and dedication never occurred. Pursuant to this Application, the Applicant seeks to abandon the original Grandview Avenue and pay fair market value for such abandoned right-of-way in lieu of improving, realigning and dedicating Grandview in a new location.

In preparing the description of the existing Grandview Avenue right-of-way, the Applicant determined that there are several conflicting property descriptions around this portion of Grandview Avenue. Specifically, the historical deed descriptions, the found markers, the City's lot boundary map, and the survey submitted as a part of Ordinance 07-O-1469 to relocate Grandview Avenue do not correspond, creating gaps and gores in the descriptions. To reconcile the various descriptions, the Applicant asks that in addition to abandoning the Grandview Avenue right-of-way and executing a deed to the Applicant upon payment of fair market value for the right-of-way, the City also execute a supplemental deed including a larger area than the 40' right-of-way to account for the gaps and gores and help resolve the competing legal descriptions. Also included in this application is a plat and legal description that shows an enlarged area for Grandview Avenue.

Bank of America
ACH R/T 061000052

1020
64-5/610 GA
15471

BOLTON PARK L.P.
(770) 688-0198
1770 IND TRL LIL RD STE 450
NORCROSS, GA 30093

9/4/2012

PAY TO THE ORDER OF City of Atlanta

\$ **2,000.00

Two Thousand and 00/100***** DOLLARS

City of Atlanta

TWO SIGNATURES REQUIRED OVER \$5000

MEMO Burtz



AUTHORIZED SIGNATURE

⑈001020⑈ ⑆061000052⑆ 334021173166⑈

Bank of America
ACH R/T 061000052

1022
64-5/610 GA
15471

BOLTON PARK L.P.
(770) 688-0198
1770 IND TRL LIL RD STE 450
NORCROSS, GA 30093

9/4/2012

PAY TO THE ORDER OF City of Atlanta

\$ **500.00

Five Hundred and 00/100***** DOLLARS

City of Atlanta

TWO SIGNATURES REQUIRED OVER \$5000

MEMO Burtz



AUTHORIZED SIGNATURE

⑈991E711207EE⑈ ⑆061000052⑆ 334021173166⑈

9/7/12 Date

Request for Abandonment of Public Right-of-Way

DEPARTMENT OF PUBLIC WORKS
JOE BASTIA
Commissioner
SANDRA D. JENNINGS, P.E.
Deputy Commissioner

68 NITCHIE ST. STREET, S.W.
SUITE 4900, CITY HALL SOUTH
ATLANTA, GEORGIA 30303-5311
TEL. (404) 330-6501
FAX. (404) 658-7095
Email: publicworks@atlantaga.gov

SHIRLEY FRANKLIN
MAYOR

CITY OF ATLANTA





**ROW ABANDONMENT
ABUTTING PROPERTY OWNERS, ADDRESSES, PARCEL NUMBERS AND
DEED REFERENCES**

Grandview Avenue Abandonment:

Abutting Property Owner of All Tracts Identified = Bolton Park, L.P.

Address - Tax Parcel ID - Deed Book and Page

2612 Peyton Road - 17 025200160217 - Deed Book 51596, Page 509

2614 Peyton Road - 17 025200160191 - Deed Book 51548, Page 296

2615 Burtz Street - 17 025200160035 - Deed Book 51548, Page 296

2597 Burtz Street - 17 025200160043 - Deed Book 51548, Page 296

Burtz Street Abandonment:

Abutting Property Owner of All Tracts Identified = Bolton Park, L.P.

Applicable Deed for All Tracts Identified = Deed Book 51548, Page 296

Address - Tax Parcel ID

Burtz Street - 17 025200150044

2616 Burtz Street - 17 025200160118

Burtz Street - 17 025200160100

Burtz Street - 17 025200160142

2590 Burtz Street - 17 025200160159

2580 Burtz Street - 17 025200160084

1884 Hollywood Road - 17 025200160068

2633 and 2641 Burtz Street - 17 025200150069

2615 Burtz Street - 17 025200160035

2597 Burtz Street - 17 025200160043

1900, 1906 and 1910 Hollywood Road and 2585 Burtz Street - 17 025200160175





GRANDVIEW AVENUE and BURTZ STREET

