

2179
13-0-1063

(Do Not Write Above This Line)

AN ORDINANCE BY

CITY UTILITIES COMMITTEE

AN ORDINANCE TO CONVEY A PREVIOUSLY ABANDONED PORTION OF GRANDVIEW AVENUE, N.W., TOTALLING APPROXIMATELY 0.244 ACRES OF PROPERTY LOCATED BETWEEN BURTZ STREET, N.W. AND PEYTON ROAD, N.W., AND AN ADDITIONAL CONNECTED PARCEL OF APPROXIMATELY 0.016 ACRES THAT TOGETHER TOTAL APPROXIMATELY 0.26 ACRES OF LAND, 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.; AND FOR OTHER PURPOSES.

ADOPTED BY

JUN 17 2013

COUNCIL

substitute

- 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:

First Reading

Committee *City Utilities*
Date *June 28, 2013*
Chair *Ad Smith*
Referred To *City*

Committee *City Utilities*
Date *June 11 2013*
Chair *Ad Smith*
Action *Fav, Adv, Hold (see rev. side)*
Other *on substitute*
Members *Y. A. ...
Carla Smith*
Adrian
Adrian
Refer To

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

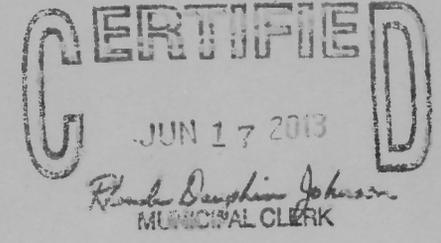
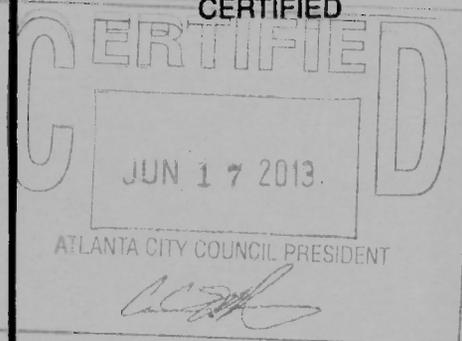
Committee
Date
Chair
Action
Fav, Adv, Hold (see rev. side)
Other
Members
Refer To

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



MAYOR'S ACTION

APPROVED

JUN 26 2013

WITHOUT SIGNATURE
BY OPERATION OF LAW



A SUBSTITUTE ORDINANCE

13-O-1063

BY CITY UTILITIES COMMITTEE

AN ORDINANCE TO CONVEY A PREVIOUSLY ABANDONED PORTION OF GRANDVIEW AVENUE, N.W., TOTALLING APPROXIMATELY 0.244 ACRES OF PROPERTY LOCATED BETWEEN BURTZ STREET, N.W. AND PEYTON ROAD, N.W., AND AN ADDITIONAL CONNECTED PARCEL OF APPROXIMATELY 0.016 ACRES THAT TOGETHER TOTAL APPROXIMATELY 0.26 ACRES OF LAND, 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.; AND FOR OTHER PURPOSES.

WHEREAS, on September 4, 2007, the Atlanta City Council adopted Ordinance 07-O-1469, an ordinance authorizing the abandonment by the City of Atlanta of a portion of Grandview Avenue, N.W., totaling approximately 0.244 acres of property located between Burtz Street and Peyton Road and waived the requirement of payment of the fair market value; and

WHEREAS, the City of Atlanta ("City") has received a formal request from Bolton Park, L.P., ("Applicant") the owner of abutting property, to abandon a portion of Grandview Avenue, N.W., consisting of approximately 0.26 acres that includes the property abandoned through Ordinance 07-O-1469 and more specifically described in the attached Exhibit "A"; and

WHEREAS, as there are several inconsistent record and survey legal descriptions for the properties adjacent to the 40 foot right-of-way of Grandview Avenue, N.W. creating the potential for gaps and gores, to resolve any title issues associated with such inconsistent legal descriptions the Applicant has requested that the City quitclaim any interest in certain additional real property in and around the 0.26 acre portion of Grandview Avenue N.W. and more specifically described in the attached Exhibit "B"; 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, the abandoned portion of Grandview Avenue, 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 Grandview Avenue, N.W. between Burtz Street, N.W. and Peyton 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 Grandview Street (as hereinabove defined).

Section 3: That Bolton Park, L.P., the abutting property owner, has agreed to pay the fair market value of the portion of street to be abandoned as determined by an appraisal for the said portion of Grandview Street described in the attached Exhibit "A".

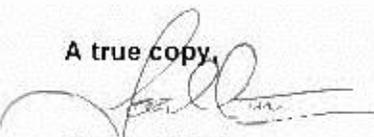
Section 4: That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, 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 to convey any interest that the City may have in the 0.26 acre portion of Grandview Avenue, N.W. (herein described in Exhibit "A") and that to resolve any title issues associated with inconsistent legal descriptions, such Quitclaim Deed may also include certain immediately adjacent additional property herein described in Exhibit "B".

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 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 4990, 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: Grandview Avenue

Between Burtz Street and Peyton Road

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 Deed of all _____ properties abutting area to be abandoned.

DEPARTMENT OF PUBLIC WORKS - OFFICE OF TRANSPORTATION

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



EXHIBIT B

Expanded Legal Description for Grandview Avenue to Address Inconsistent Historic Descriptions

(Note: Not for use in Appraisal)

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 point and a half inch rebar found; thence South 88 degrees 43 minutes 45 seconds West, 485.07 feet to a point and a half inch rebar found; said point being the Point of Beginning;

thence South 88 degrees 43 minutes 45 seconds West, 43.10 feet to a point and a half inch rebar found;

thence South 88 degrees 43 minutes 45 seconds West, 10.79 feet to a point;

thence North 13 degrees 55 minutes 00 seconds East, 63.00 feet to a point;

thence North 03 degrees 10 minutes 17 seconds East, 114.28 feet to a point;

thence South 89 degrees 21 minutes 41 seconds East, 22.34 feet to a point;

thence North 13 degrees 55 minutes 00 seconds East, 92.40 feet to a point;

thence South 89 degrees 22 minutes 28 seconds East, 36.97 feet to a point a one inch open top found;

thence South 87 degrees 13 minutes 24 seconds East, 41.19 feet to a point and a half inch rebar found;

thence South 16 degrees 28 minutes 55 seconds West, 106.14 feet to a point and a half inch rebar found;

thence South 20 degrees 31 minutes 59 seconds West, 170.30 feet to the POINT OF BEGINNING; said property containing 0.45 acres



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 GRANDVIEW AVENUE 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

Date

October 2, 2012

Date





Legal Description for Grandview Avenue 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; thence South 88 degrees 43 minutes 45 seconds West, 485.07 feet to a point and a half inch rebar found; said point being the Point of Beginning;

thence South 88 degrees 43 minutes 45 seconds West, 43.10 feet to a point and a half inch rebar found;

thence North 20 degrees 31 minutes 59 seconds East, 184.89 feet to a point and a half inch rebar found;

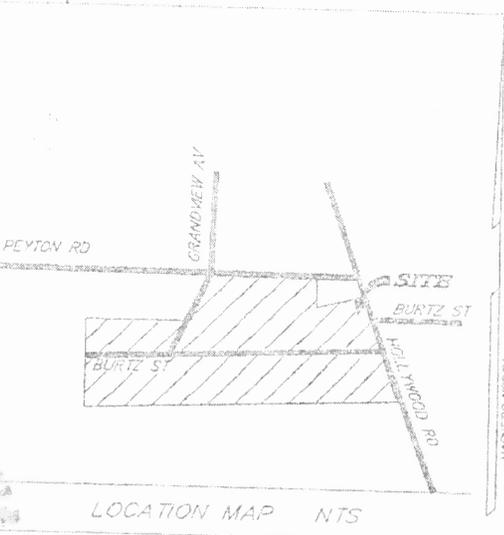
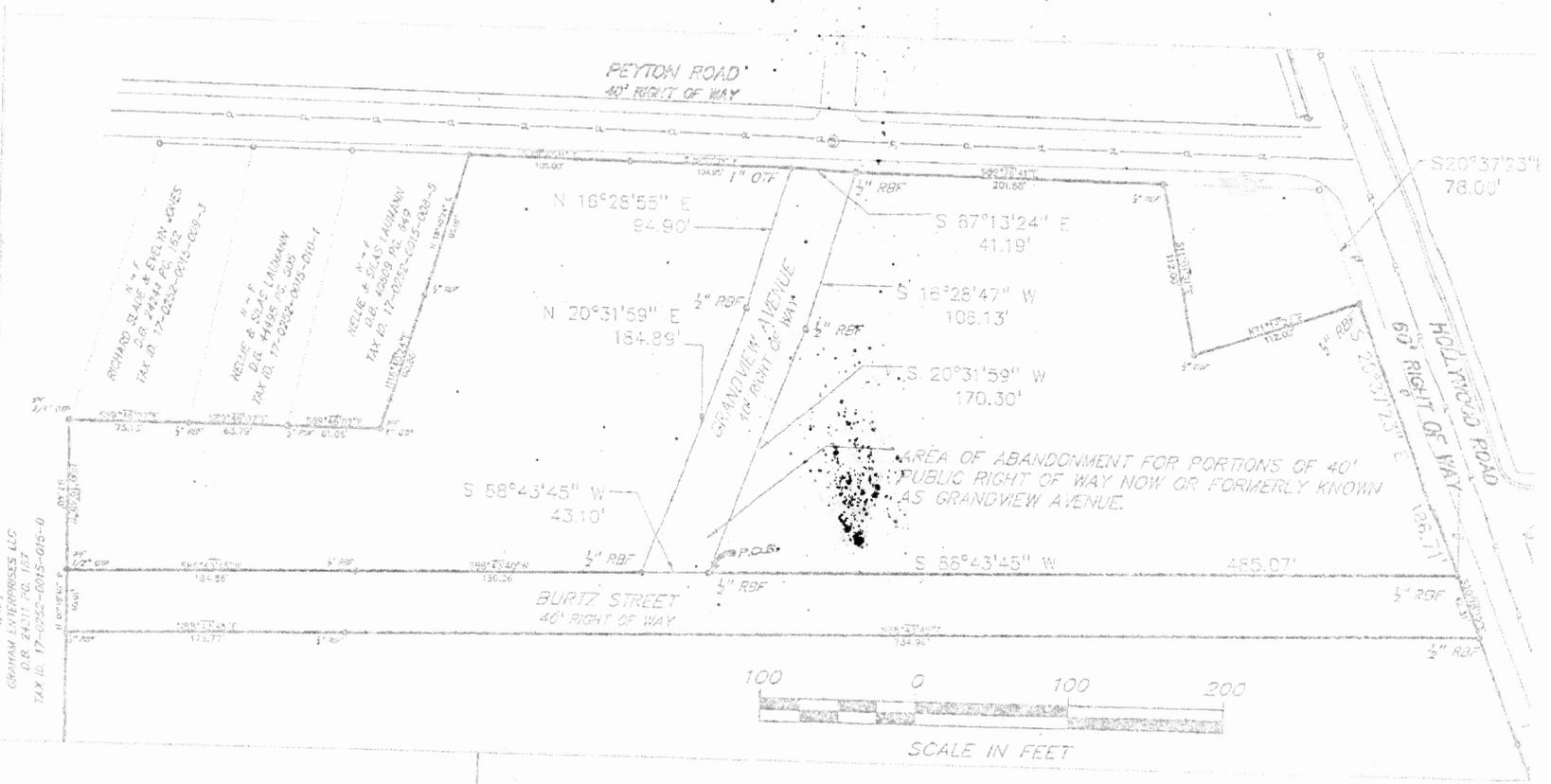
thence North 16 degrees 28 minutes 55 seconds East, 94.90 feet to a point and a one inch open top found;

thence South 87 degrees 13 minutes 24 seconds East, 41.19 feet to a point and a half inch rebar found;

thence South 16 degrees 28 minutes 47 seconds West, 106.13 feet to a point and a half inch rebar found;

thence South 20 degrees 31 minutes 59 seconds West, 170.30 feet to the

POINT OF BEGINNING; said property containing 0.45 acres



NOTE

1. SPECIFIC PURPOSE SURVEY FOR ABANDONMENT OF PORTIONS OF 40' PUBLIC RIGHT OF WAY OF GRANDVIEW AVENUE AS SHOWN.
2. AREA=11,128 SF (0.26 AC)



DATE	12/13/2012	REVISIONS
SCALE	1" = 100'	2.5% AREA OF ABANDONMENT
DRAWN BY	CAK	
CHECKED BY	CA	
FIELD BOOK	744	

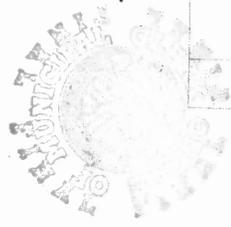
LAND ENGINEERING & SURVEYING, INC.

224 Kiper Drive
Lawrenceville, Georgia 30045
Land Engineering & Surveying

Phone: (770) 962-1100
Fax: (770) 962-3771

SPECIFIC PURPOSE SURVEY FOR
BOLTON PARK L.P.
1858 HOLLYWOOD ROAD
ATLANTA, GEORGIA 30318

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





Expanded Legal Description for Grandview Avenue to Address Inconsistent Historic Descriptions

(Note: Not for use in Appraisal)

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:

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thence North 03 degrees 10 minutes 17 seconds East, 114.28 feet to a point;

thence South 89 degrees 21 minutes 41 seconds East, 22.34 feet to a point;

thence North 13 degrees 55 minutes 00 seconds East, 92.40 feet to a point;

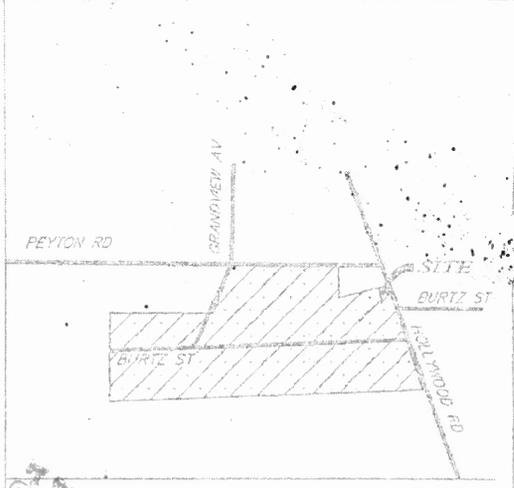
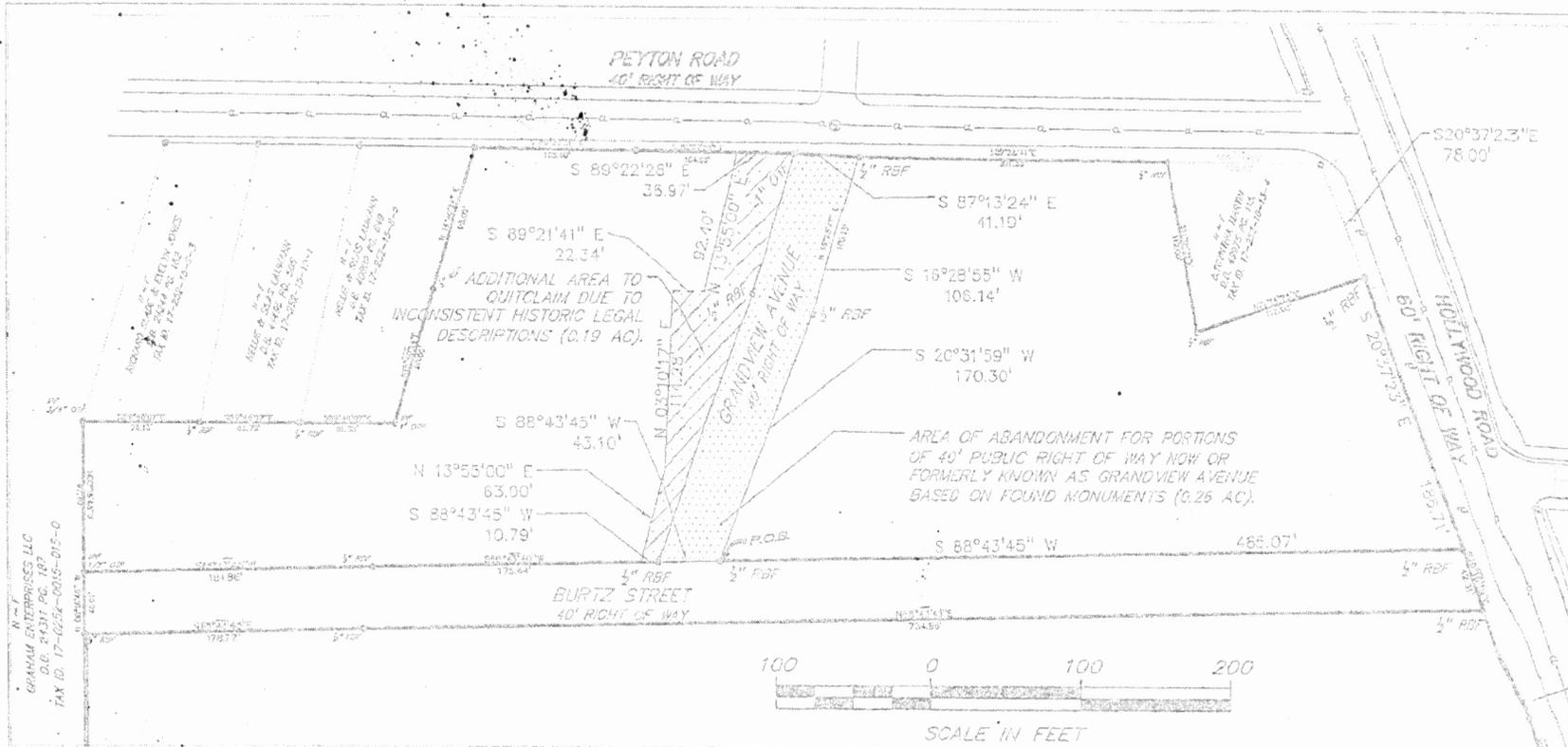
thence South 89 degrees 22 minutes 28 seconds East, 36.97 feet to a point a one inch open top found;

thence South 87 degrees 13 minutes 24 seconds East, 41.19 feet to a point and a half inch rebar found;

thence South 16 degrees 28 minutes 55 seconds West, 106.14 feet to a point and a half inch rebar found;

thence South 20 degrees 31 minutes 59 seconds West, 170.30 feet to the

POINT OF BEGINNING; said property containing 0.45 acres



NOTE

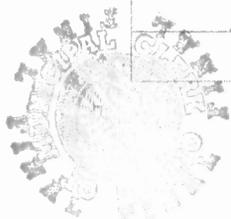
1. SPECIFIC PURPOSE SURVEY FOR ABANDONMENT OF PORTIONS OF 40' PUBLIC RIGHT OF WAY OF GRANDVIEW AVENUE AS SHOWN.
2. AREA=18,078 SF (0.45 AC)



DATE	1/13/2012	REVISIONS
SCALE	1" = 100'	2/5/11 AREA OF ABANDONMENT
DRAWN BY	JJK	10/2012 CC-SURV-10 REVIEW
CHECKED BY	ICA	
FIELD BOOK	317	

LAND ENGINEERING & SURVEYING, INC.
 2040 Meyers Drive
 Lawrenceville, Georgia 30045
 Phone: (404) 390-0192
 Fax: (678) 829-2601
 land_engineering@yahoo.com

SPECIFIC PURPOSE SURVEY FOR
BOLTON PARK L.P.
 1888 HOLLYWOOD ROAD
 ATLANTA, GEORGIA 30318
 LOCATED IN L.L. 252
 17th DISTRICT,
 FULTON COUNTY, GA.



License No. C-111044 Expires 12/31/2012
 Surveyor No. 003253
 State of Georgia
 Department of Transportation
 2012-01-13 10:16:10 AM
 17th DISTRICT, FULTON COUNTY, GA.



Amended Summary of Intent for Abandonment and Relocation of Burtz Street

The Applicant seeks to abandon the 0.83 acre portion of Burtz Street located immediately west of Hollywood Road and to relocate Burtz Street south to be adjacent to the existing Norfolk Southern Railroad right-of-way. The relocated Burtz Street has an area of 0.91 acres, which is greater than the portion of Burtz Street being abandoned. Only a small portion of this section of Burtz Street is improved and such improvements are not maintained.

This amended request to relocate Burtz Street rather than fully abandon it is made pursuant to objections raised by the Office of Planning to the original abandonment request. The concern raised was the loss of a potential future east/west connection in this area. The amended proposal would relocate the right-of-way south of the Applicant's property and the right-of-way would be partially improved to provide access to the Applicant's proposed development. Also enclosed in this Application is a copy of a site plan for redevelopment that shows the relocated Burtz Street in the context of the proposed redevelopment.

Via separate Application, the Applicant is also seeking to abandon Grandview Avenue which intersects into the right-of-way requested for abandonment.

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

Bank of America
ACH R/T 061000052

1021
64-5/610 GA
15471

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 Grandview



AUTHORIZED SIGNATURE

⑈001021⑈ ⑈061000052⑈ 334021173166⑈

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

Bank of America
ACH R/T 061000052

1023
64-5/610 GA
15471

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 Grandview



AUTHORIZED SIGNATURE

⑈001023⑈ ⑈061000052⑈ 334021173166⑈

\$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.

- 5. Any special information deemed necessary or appropriate by the Commissioner of the Department of Public Works.
- 6. Warranty Deed of each abutting property of the area to be abandoned.

Certification of Intent

I, Bolton Park, L.P. the undersigned, do hereby certify that I am 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.



Notary Public



DEPARTMENT OF PUBLIC WORKS - OFFICE OF ROBERT A. RAPALLO

"Designing, Implementing & Maintaining a Sustainable Transportation System"

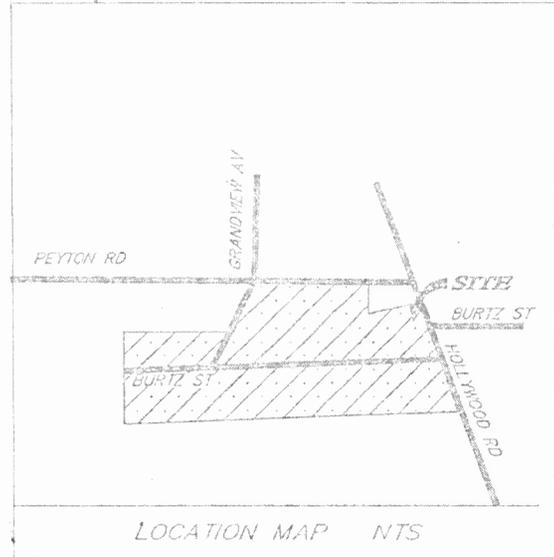
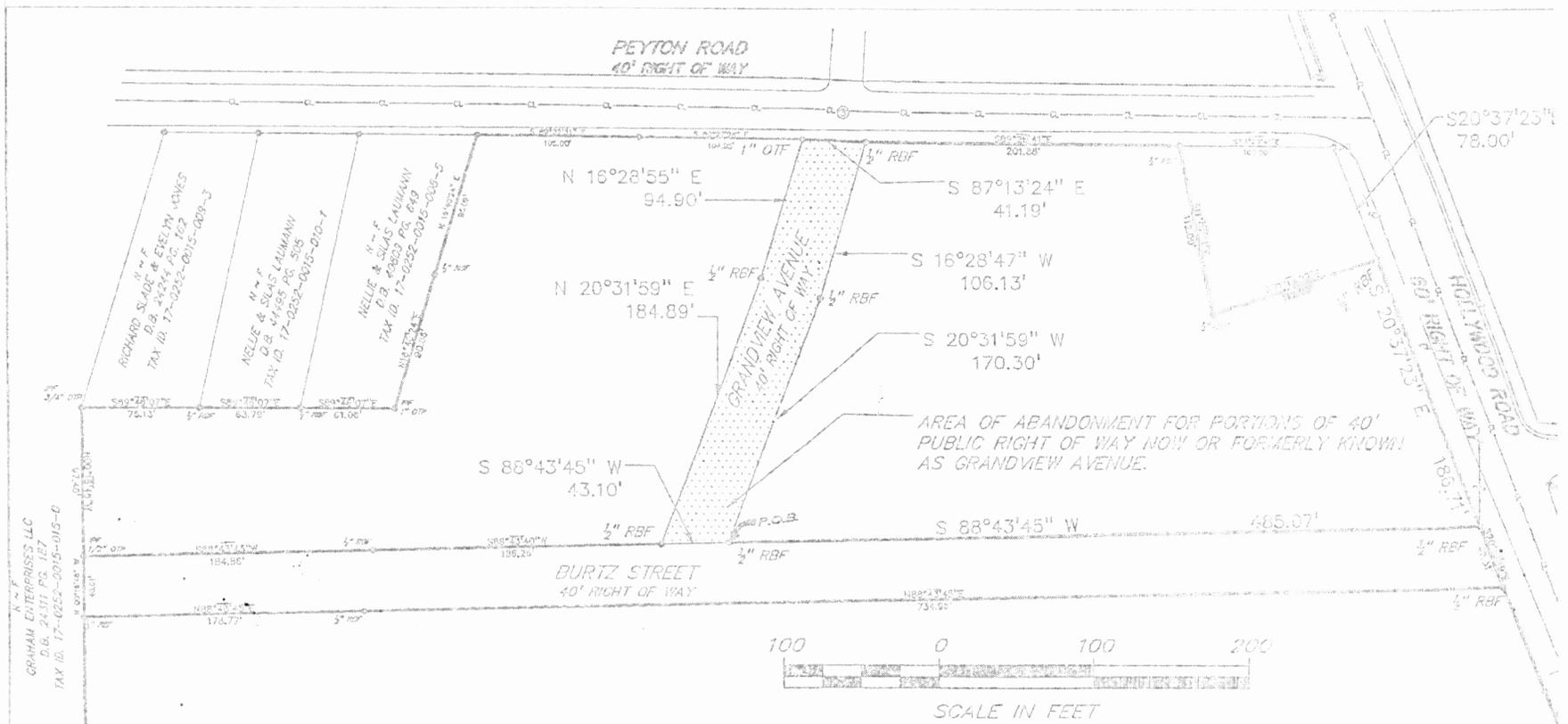
Detailed on Back Security Features Included



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 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.



NOTE

1. SPECIFIC PURPOSE SURVEY FOR ABANDONMENT OF PORTIONS OF 40' PUBLIC RIGHT OF WAY OF GRANDVIEW AVENUE AS SHOWN.
2. AREA=11,128 SF (0.26 AC)

DATE	: 7/13/2012	REVISIONS	
SCALE	: 1" = 100'	APPLICABLE	APPLICABLE
DRAWN BY	: JK		
CHECKED BY	: CA		
FIELD BOOK	: 148		

LAND ENGINEERING & SURVEYING, INC.

2855 Kennesaw Drive
 Marietta, Georgia 30066
 Phone (770) 576-8111
 Fax (770) 576-8111
 E-mail: engineering@landeng.com

SPECIFIC PURPOSE SURVEY FOR

BOLTON PARK L.P.

1832 HOLLYWOOD ROAD
 ATLANTA, GEORGIA 30318

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

Property Line Description for area of Abandonment for Portions of Grandview Avenue

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; thence South 88 degrees 43 minutes 45 seconds West, 485.07 feet to a point and a half inch rebar found; said point being the Point of Beginning;

thence South 88 degrees 43 minutes 45 seconds West, 43.10 feet to a point;

thence North 20 degrees 31 minutes 59 seconds East, 184.89 feet to a point;

thence North 16 degrees 28 minutes 55 seconds East, 94.90 feet to a point;

thence South 87 degrees 13 minutes 24 seconds East, 41.19 feet to a point;

thence South 16 degrees 28 minutes 55 seconds West, 106.14 feet to a point;

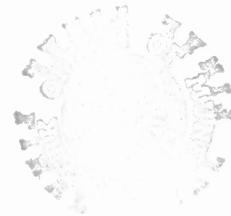
thence South 20 degrees 31 minutes 59 seconds West, 170.30 feet to a point;

said point being the POINT OF BEGINNING; said property containing 0.26 acres



GRANDVIEW AVENUE and BURTZ STREET





GRANDVIEW AVENUE



RCS# 2785
6/17/13
3:39 PM

Atlanta City Council

CONSENT AGENDA SECTION I (PAGES 4-20)
EXCEPT 13-O-1018 & 13-R-3154
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

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

+

		06-17-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 13-O-0431	37. 13-R-3257	54. 13-R-3224
2. 13-O-0438	38. 13-R-3258	55. 13-R-3225
3. 13-O-0312	39. 13-R-3259	56. 13-R-3226
4. 13-O-1078	40. 13-R-3261	57. 13-R-3227
5. 13-O-1066	41. 13-R-3156	58. 13-R-3228
6. 13-O-1067	42. 13-R-3241	59. 13-R-3229
7. 13-O-0607	43. 13-R-3242	60. 13-R-3230
8. 12-O-0991	44. 13-R-3245	61. 13-R-3231
9. 13-O-1045	45. 13-R-3246	62. 13-R-3232
10. 13-O-1068	46. 13-R-3247	63. 13-R-3233
11. 13-O-1069	47. 13-R-3248	64. 13-R-3234
12. 13-O-1071	48. 13-R-3249	65. 13-R-3235
13. 13-O-1072	49. 13-R-3219	66. 13-R-3236
14. 13-O-1076	50. 13-R-3220	67. 13-R-3237
15. 13-O-1080	51. 13-R-3221	68. 13-R-3238
16. 13-O-1088	52. 13-R-3222	
17. 13-O-1090	53. 13-R-3223	
18. 13-O-1048		
19. 13-O-1060		
20. 13-O-1061		
21. 13-O-1062		
22. 13-O-1063		
23. 13-O-1064		
24. 13-R-3239		
25. 13-R-3240		
26. 13-R-3243		
27. 13-R-3244		
28. 13-R-3218		
29. 13-R-3115		
30. 13-R-3205		
31. 13-R-3250		
32. 13-R-3251		
33. 13-R-3252		
34. 13-R-3253		
35. 13-R-3254		
36. 13-R-3256		