

#FR

1778

13-0-0514

(Do Not Write Above This Line)

AN ORDINANCE BY COUNCILMEMBER H. LAMAR WILLIS

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ABANDON HONEYSUCKLE LANE, S.W. LOCATED BETWEEN CAMPBELLTON ROAD, S.W. AND PLAZA LANE, S.W. CONSISTING OF APPROXIMATELY 1.084 ACRES, AND A PORTION OF PLAZA LANE S.W. BETWEEN MYRTLE DRIVE, S.W. CONTINUING IN AN EASTWARD DIRECTION FOR APPROXIMATELY 390.90 FEET TO THE PROPERTY LINE OF HARMONY PLAZA APARTMENTS CONSISTING OF APPROXIMATELY 0.916 ACRES, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBITS "A" AND "B", LYING AND BEING IN LAND LOTS 167 AND 168 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; TO WAIVE THE PROVISIONS OF SECTION 138-9 (k) OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

As Amended

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred: 3/4/13
 Referred To: City Utilities
 Date Referred: 3/6/13
 Referred To: City Utilities
 Date Referred:
 Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

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

City Utilities
 Date: March 12 2013
 Chair

Action
 Fav, Adv, Hold (see rev. side)
 Other: For T.H.

Members

Refer To

City Utilities
 Date: May 28 2013
 Chair

Action
 Fav, Adv, Hold (see rev. side)
 Other

Members

Refer To

City Utilities
 Date: March 26 2013
 Chair
 Public Hearings

Action
 Fav, Adv, Hold (see rev. side)
 Other: Held

Members

ADOPTED BY

OCT 07 2013

COUNCIL

Refer To

City Utilities
 Date: June 11 2013
 Chair

Action
 Fav, Adv, Hold (see rev. side)
 Other: Held

Members

Refer To

CERTIFIED
 OCT 05 2013
 ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
 OCT 07 2013
 Rhonda Daughin Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

OCT 16 2013

WITHOUT SIGNATURE BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

13-0-0514

**AN ORDINANCE BY
COUNCILMEMBER H. LAMAR WILLIS**

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ABANDON HONEYSUCKLE LANE, S.W. LOCATED BETWEEN CAMPBELLTON ROAD, S.W. AND PLAZA LANE, S.W. CONSISTING OF APPROXIMATELY 1.084 ACRES, AND A PORTION OF PLAZA LANE S.W. BETWEEN MYRTLE DRIVE, S.W. CONTINUING IN AN EASTWARD DIRECTION FOR APPROXIMATELY 390.90 FEET TO THE PROPERTY LINE OF HARMONY PLAZA APARTMENTS CONSISTING OF APPROXIMATELY 0.916 ACRES, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBITS "A" AND "B", LYING AND BEING IN LAND LOTS 167 AND 168 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; TO WAIVE THE PROVISIONS OF SECTION 138-9 (k) OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") has received a formal request from Toro Properties VI, LLC d/b/a Shamrock Gardens Apartments ("Shamrock Gardens"), to abandon a portion of Honeysuckle Lane, S.W. located between Campbellton Road, S.W. and Plaza Lane, S.W. consisting of approximately 1.084 acres, and a portion of Plaza Lane S.W. between Myrtle Drive S.W. continuing in an eastward direction for approximately 390.90 feet to the property line of Harmony Plaza Apartments consisting of approximately 0.916 acres, (described in Exhibits "A" and "B"); and

WHEREAS, the Atlanta Police Department is committed to making Shamrock Gardens Apartments a safe community, while increasing the quality of life for the residents; and

WHEREAS, the Atlanta Police Department has evaluated historical crime data in the area and is in support of making the streets that run through Shamrock Gardens Apartments private in order to provide a safe and livable community for all residents; and

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

WHEREAS, this will result in a net abandonment by the City of approximately 2.000 acres; 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 Honeysuckle Lane, S.W. located between Campbellton Road, S.W. and Plaza Lane, S.W. consisting of approximately 1.084 acres, and a portion of Plaza Lane S.W.



between Myrtle Drive S.W. continuing in an eastward direction for approximately 390.90 feet to the property line of Harmony Plaza Apartments consisting of approximately 0.916 acres, (described in Exhibits "A" and "B") is 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 described in Section 1 above.

Section 3: That the provisions of Section 138-9 (k) of the City of Atlanta Code of Ordinances are hereby waived, insofar as it conflicts with this Ordinance.

Section 4: That Shamrock Gardens, the abutting property owner, has agreed to pay the fair market value of the abandoned street as determined by an appraisal that has now been completed.

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 the Chief Procurement Officer has prepared 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 7: 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 or Limited Warranty Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

Section 8: 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-described abandoned property (herein described in Exhibits "A" and "B").

Section 9: 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 as amended by the Council
APPROVED as per City Charter Section 2-403

OCT 07, 2013
OCT 16, 2013



CITY OF ATLANTA
FIRE – RESCUE DEPARTMENT

KASIM REED
MAYOR

226 Peachtree St., SW
Atlanta, GA 30303-3749
(404) 546-7000 * FAX (404) 546-8761
ICHELIEFS ID – ATFLDHQ

KELVIN J. COCHRAN
FIRE CHIEF

September 16, 2013

Mr. Brent Sobol
Manager/Owner
Shamrock Gardens Apartment
1988 Plaza Lane SW Atlanta, GA 30311

RE: INSTALLATION OF GATE OVER PUBLIC ROAD

Dear Mr. Brent Sobol,

The Atlanta Fire Rescue Department has reviewed the request from the abutting property owner and has concluded that the abandonment of the portion of the right-of-way road, known as Plaza Lane Road, will not have any adverse affect on fire emergency vehicle access. This approval has been based on adherence to the following Fire Apparatus access road gates compliance criteria:

1. The minimum gate width shall be 20 feet (6096 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the key(s) to the lock is installed at the gate location.
7. Locking device specifications shall be submitted for approval by the fire code official
8. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE



9. Directory showing the layout of the apartment complex
10. Private hydrant shall be maintained in an operative condition at all times and replaced or repaired when defective.

Please obtain and secure the required permit from other agencies involved, such as the Department of Transportation, Road and Highways, and the Building Department relative to this matter. As such, the Atlanta Fire Rescue Department is in support of making the streets that run through Shamrock Gardens Apartments private in order to promote safety, security, sustainability, and enriches the quality of life of our stakeholders.

Should you have any further questions, or concerns related to this matter, please contact us at your convenience.

Sincerely,

Gregory A. Favors, Fire Marshal
Chief of Community Risk Reduction
Atlanta Fire Rescue Department

cc: Ceasar C Mitchell, Atlanta City Council President
Jim Elgar, Director Intergovernmental Affairs and Policy Research
Kelvin J. Cochran, Fire Chief, AFR
Michael Simmons, Deputy Chief, AFR
Bernard Coxtton, Assistant Chief, AFR



[Above space reserved for recording data]

After recording, please return to:

STATE OF GEORGIA

COUNTY OF FULTON

QUITCLAIM DEED

THIS INDENTURE, made as of the _____ day of _____, 20___, between **CITY OF ATLANTA**, a municipal corporation of the State of Georgia (“Grantor”), and _____ (“Grantee”) (the terms Grantor and Grantee to include their respective heirs, successors and assigns where the context hereof requires or permits).

WITNESSETH THAT: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt, adequacy and sufficiency of which being hereby acknowledged by Grantor, has bargained, sold, remised, released and forever quitclaimed, and by these presents does hereby bargain, sell, remise, release, and forever quitclaim unto Grantee all the right, title, interest, claim or demand which the said Grantor has, or may have had, in and to the real property described in Exhibit “A” attached hereto and made a part hereof (the “Property”), together with all the rights, members and appurtenances to the Property in anywise appertaining or belonging thereto.

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.

This deed was authorized by Ordinance _____, adopted by the City Council on _____, and approved by the Mayor by operation of law on _____.

TO HAVE AND TO HOLD the Property unto the said Grantee, so that neither the said Grantor, nor any other person or persons claiming under Grantor shall at any time, claim or demand any right, title or interest to the Property or its appurtenances.

IN WITNESS WHEREOF, Grantor has executed this Indenture the day and year first above written.

Signed, sealed and delivered
in the presence of:

GRANTOR:

CITY OF ATLANTA

Unofficial Witness

By: _____
Kasim Reed, Mayor

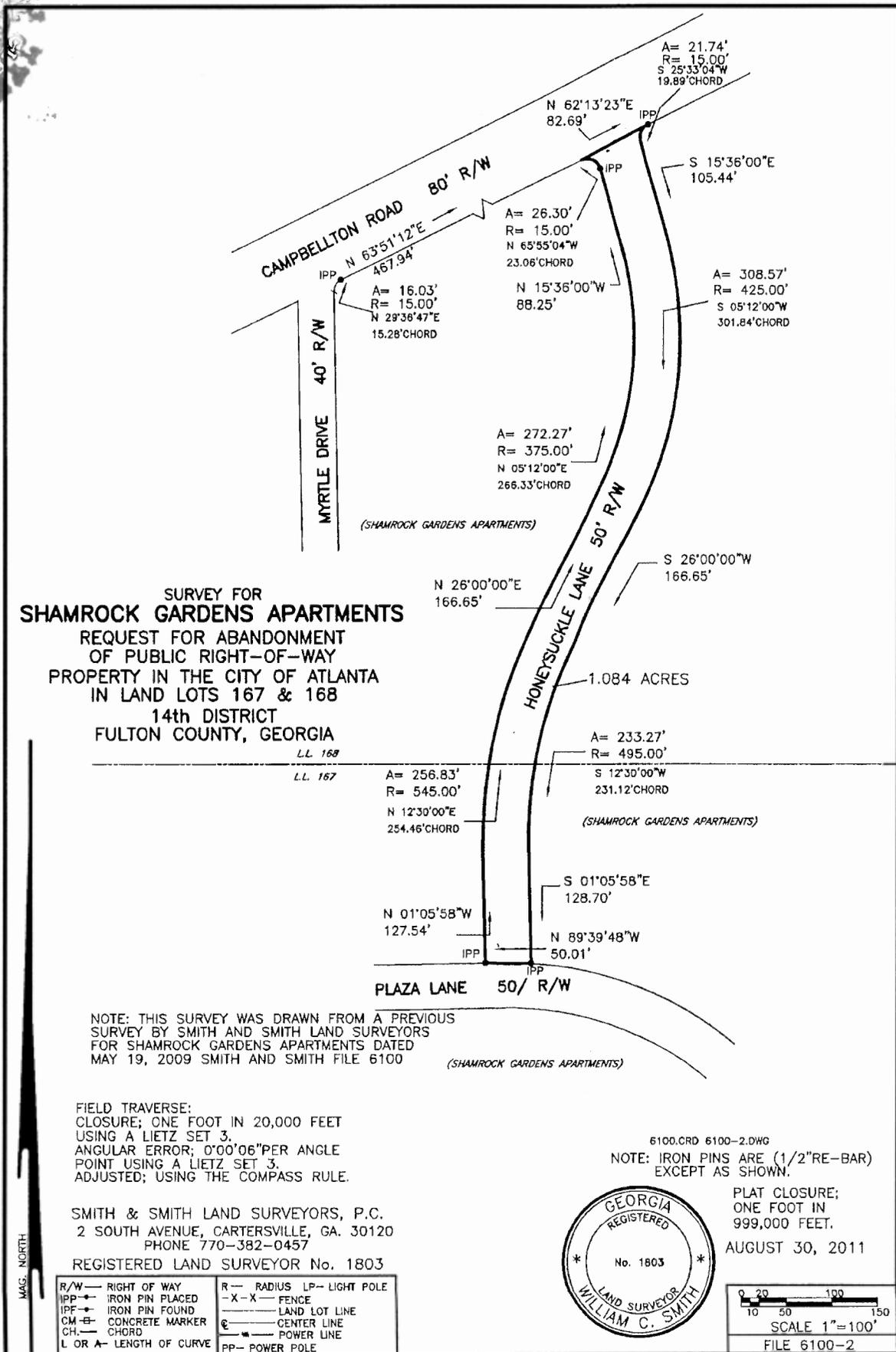
Notary Public

Attest: _____
Municipal Clerk

My Commission Expires: _____

(NOTARIAL SEAL)

EXHIBIT A



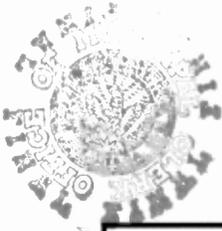
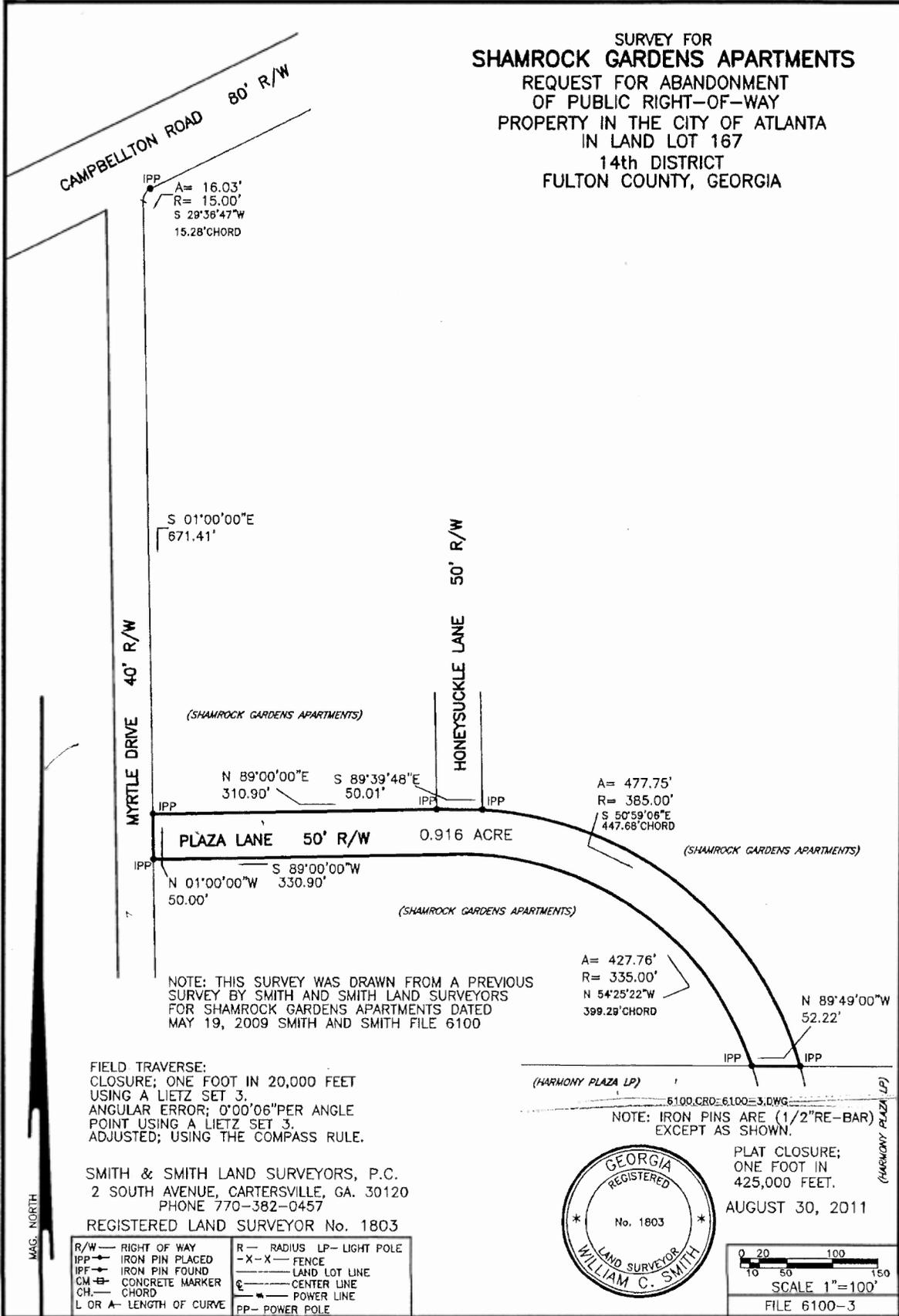


EXHIBIT B

SURVEY FOR
SHAMROCK GARDENS APARTMENTS
 REQUEST FOR ABANDONMENT
 OF PUBLIC RIGHT-OF-WAY
 PROPERTY IN THE CITY OF ATLANTA
 IN LAND LOT 167
 14th DISTRICT
 FULTON COUNTY, GEORGIA



RCS# 3039
10/07/13
3:40 PM

Atlanta City Council

13-O-0514

ABANDON HONEYSUCKLE LANE; TO WAIVE
SECTION 138-9(K)
ADOPT AS AMNDED

YEAS: 9
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 1
ABSENT 3

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

13-O-0514