

#20

13-0-1382

1301382

First Reading

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

3190  
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

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A QUITCLAIM DEED CONVEYING THE CITY'S INTEREST IN TWO PARCELS OF REAL PROPERTY, IDENTIFIED IN THE TAX RECORDS OF FULTON COUNTY AS PARCEL IDENTIFICATION NUMBER 14-0175-0007-062-0, TO THE FULTON COUNTY/CITY OF ATLANTA LAND BANK AUTHORITY FOR CONSIDERATION OF ONE DOLLAR (\$1.00) FOR THE PURPOSE OF CORRECTING AN APPARENT ERROR IN PRIOR TRANSACTIONS SO THAT THE PROPERTIES CAN BE RETURNED TO EFFECTIVE UTILIZATION, AND FOR OTHER PURPOSES.

As Amended

- CONSENT REFER
  - REGULAR REPORT REFER
  - ADVERTISE & REFER
  - 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
  - PERSONAL PAPER REFER
- ADOPTED BY COUNCIL NOV 18 2013

Date Referred: 11/4/13  
Referred To: CD/HR + Finance Exec  
Date Referred:  
Referred To:  
Date Referred:  
Referred To:

Committee *CD/HR*  
Date *11/13/13*  
Chair *[Signature]*  
Action *Refer to Finance*  
Fav, Adv, Hold (see rev. side)  
Other  
Members *[Signatures]*  
Refer To

Committee *Fin. Exec*  
Date *11-13-13*  
Chair *[Signature]*  
Action *As Amended*  
Fav, Adv, Hold (see rev. side)  
Other  
Members *[Signatures]*  
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

CERTIFIED  
NOV 18 2013  
COUNCIL PRESIDENT PROTEM  
CERTIFIED  
NOV 18 2013  
Rhonda Dandrea Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION  
APPROVED  
NOV 27 2013  
WITHOUT SIGNATURE  
BY OPERATION OF LAW



AN ORDINANCE BY COUNCILMEMBER IVORY L. YOUNG, JR. AS AMENDED BY FINANCE/EXECUTIVE COMMITTEE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A QUITCLAIM DEED CONVEYING THE CITY'S INTEREST IN A PARCEL OF REAL PROPERTY, IDENTIFIED IN THE TAX RECORDS OF FULTON COUNTY AS PARCEL IDENTIFICATION NUMBER 14-0175-0007-062-0, TO THE FULTON COUNTY/CITY OF ATLANTA LAND BANK AUTHORITY FOR CONSIDERATION OF ONE DOLLAR (\$1.00) FOR THE PURPOSE OF CORRECTING AN APPARENT ERROR IN PRIOR TRANSACTIONS SO THAT THE PROPERTIES CAN BE RETURNED TO EFFECTIVE UTILIZATION; AND FOR OTHER PURPOSES. (FORWARDED WITH NO RECOMMENDATION BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE 11/12/13)

WHEREAS, from time to time, the City of Atlanta ("City") and Fulton County (the "County") obtain interests in parcels of real property by way of tax deeds or demolition assessments and in concert with Fulton County will transfer its interests in such properties to the Fulton County/City of Atlanta Land Bank Authority (the "Land Bank") for the public purpose of returning those parcels to the tax rolls and providing housing and jobs for the citizens of the City and the County; and

WHEREAS, the City and the County convey interests in such properties to the Land Bank via separate deeds; and

WHEREAS, it has come to the attention of the City through title research being performed for the benefit of Habitat for Humanity in Atlanta, Inc. ("Habitat") that the City has record interests in one (1) parcel identified in the tax records of Fulton County as parcel identification numbers and 14-0175-0007-062-0 (the "Property") that arose through tax deeds issued in 1991; and

WHEREAS, on September 8, 1998, the City of Atlanta City Council approved a Resolution 98-R-1652 authorizing the Mayor to execute a quitclaim deed (the "1998 City Deed") conveying the City's interest in ninety (90) Marshal's and/or Sheriff's Deed Properties for the consideration of One Dollar (\$1.00) for that public purpose; and

WHEREAS, on June 4, 2001, the City of Atlanta City Council approved a Resolution 01-R-0303 authorizing the Mayor to execute a quitclaim deed (the "2001 City Deed") conveying the City's interest in three hundred thirty-nine (339) Marshal's and/or Sheriff's Deed Properties for the consideration of One Dollar (\$1.00) to the Land Bank for that public purpose; and

WHEREAS, on February 17, 2000, Fulton County (the "County") executed a quitclaim deed (the "2000 County Deed") conveying the County's interest in approximately one hundred fifty-eight (158) Marshal's and/or Sheriff's Deed Properties for that public purpose; and

WHEREAS, the 2000 County Deed conveyed the County's interest the Property to the Land Bank; and



WHEREAS, the 1998 City Deed and the 2001 City Deed and the 2000 County Deed conveyed to the Land Bank the City and County's respective interest in many identical properties but the Properties were not included in either of the City Deeds; and

WHEREAS, the Land Bank has subsequently quitclaimed its interest in the Property to Habitat for Humanity in Atlanta, Inc. ("Habitat"); and

WHEREAS, Habitat's title research indicates that the City may have a remaining limited ownership interest in the Property via tax deeds although such properties are no longer carried on the records of the City; and

WHEREAS, the record of the City's possible interest in the Property in tax records of the County has clouded Habitat's title and stalled its efforts to develop the Properties; and

WHEREAS, given the manner in which the City obtained an ownership interest in the Properties in the County tax records and the absence of such properties in the records of the City, it appears that the Property should have been included in the 1998 Deed or the 2001 Deed to the Land Bank; and

WHEREAS, Habitat has requested that the Land Bank take the necessary steps to obtain a quitclaim deed to the Properties from the City for the purposes of clearing Habitat's title to the Property; and

WHEREAS, the Land Bank has requested that the City quitclaim its interest in the Property to the Land Bank; and

WHEREAS, the possibility that the City would ever recover any of the taxes due on the property are exceedingly remote; and

WHEREAS, pursuant to O.C.G.A. § 48-4-112, whenever any real property is acquired by the Land Bank and is encumbered by a lien or claim for real property taxes owed to the City, the Land Bank may, by resolution of the board, discharge and extinguish any and all such liens or claims; and

WHEREAS, clear title to the Property would allow Habitat to construct new housing that would improve the utilization of the real estate, increase the tax base and provide new housing for citizens of Atlanta.

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

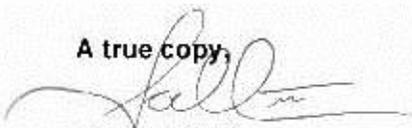


SECTION 1: That the Mayor or his designee is authorized to execute a Quit Claim Deed and other documents determined necessary by the City Attorney, to convey any City-held interest in the Property to the Fulton County City of Atlanta Land Bank Authority in return for consideration of \$1.00.

SECTION 2: The City Attorney, or a designee, is authorized to prepare all necessary documents and instruments in acceptable form to facilitate this transaction and to record all documents in the records of the Clerk of the Superior Court of Fulton County.

SECTION 3: This ordinance shall become effective when signed by the Mayor or by operation of law.

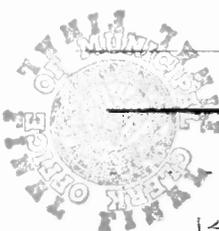
A true copy,



Deputy Clerk

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

NOV 18, 2013  
NOV 27, 2013



14-0175-0007-062-3

1991

Chicago Avenue

STATE OF GEORGIA, Fulton County

THIS INDENTURE, made this 7th day of May, 1991, between the Tax Commissioner, Ex-Officio Sheriff of Fulton County, Georgia as Grantor and CITY OF ATLANTA, GEORGIA as Grantee.

WITNESSETH, By virtue of the powers conferred upon the undersigned by the acts of the General Assembly (Ga. L. 1891, P. 101) approved September 11, 1891, (Ga. L. 1968, p. 3453), approved April 9, 1968, and (Ga. L. 1968, p. 3762) approved April 12, 1968, respectively, and pursuant to an ordinance adopted by the Board of Aldermen of the City of Atlanta approved July 10, 1969, and resolution also adopted by the Board of Aldermen approved March 3, 1969, the undersigned Tax Commissioner and Ex-Officio Sheriff did on the 18th day of March, 1991, levy on the Lot of Land and all improvements thereon hereby described (notice of levy having been given according to law) and further did advertise said property for sale agreeable to law and did sell same on the day and year written above at which time the Grantee herein was the highest and best bidder after said property had been cried out before the courthouse door of Fulton County on said date.

NOW, THEREFORE, in consideration of the premises and the sum of \$ 4450.06, Four thousand four hundred fifty dollars and six cents only, receipt whereof is hereby acknowledged, Grantor hath granted, bargained and sold, and by these presents doth grant, bargain sell and convey, so far as the Office of Tax Commissioner and Ex-Officio Sheriff authorizes him, unto the said Grantee, their heirs and assigns, all that tract or parcel of land described as follows:

A certain property in the City of Atlanta, Georgia and other improvements thereon, in land lot 175, of the 14th, district Fulton County, Georgia fronting 50 feet on the South side of Chicago Avenue, NW between New Jersey Avenue and Westchester Boulevard and running back 150 x 50 x 150 feet more or less, in a Southerly direction, the improvement on said property known as number 2072 on said street according to the street numbers and being identified on the field books of the Joint City of Atlanta/ Fulton County Board of Tax Assessors by the Key number 14 -0175-0007-062-3 the same being improved property in Fulton County, Georgia, adjoining the property of James Marshall. Said property was levied to satisfy a tax \$1.00 in favor of the City of Atlanta, Georgia against said property and against said JAMES MARSHALL for 1986 through 1990.

Together with all the rights, members and appurtenances thereof; and also, all the estate, right, title, interest, claim and demand of the said JAMES MARSHALL, in law, equity, or otherwise whatsoever, in or to, the same.

TO HAVE AND TO HOLD the said premises, and every part thereof unto the said CITY OF ATLANTA, GEORGIA their heirs and assigns, in as full and ample manner as the said JAMES MARSHALL their heirs and assigns, did hold and enjoy or might have held and enjoyed the same, had it not been seized and sold under the aforesaid execution.

IN WITNESS WHEREOF, said Tax Commissioner and Ex-Officio Sheriff of Fulton County, Georgia has hereunto set his hand and affixed his seal, the day and year first written above.

Signed, sealed and delivered in presence of:

Fulton County, Georgia  
Public Estate Transfer Tax  
Paid \$ 0  
Date 05-19-91  
JUANITA HICKS  
Clerk, Superior Court

Witness Harry J. Stenbridge

Frank D. Cox, Tax Commissioner and Ex-Officio Sheriff, Fulton County, Georgia

NOTARY PUBLIC, Fulton County, Georgia.  
My Commission Expires November 13, 1994.  
N.P. SEAL

BOOK 14586/208

GEORGIA Fulton County Clerk's Office Superior Court  
Filed & Recorded SEP 19 1991 at 12:05  
JUANITA HICKS CLERK

RCS# 3145  
11/18/13  
2:17 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA:ALL ITEMSEXCEPT 13-O-1373  
1377, 13-R-3678, 13-O-1369 AND 1340  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

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

CONSENT I

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<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>	<b>11-18-13 ITEMS ADVERSED ON CONSENT</b>
1. 13-O-1243	32. 13-O-1380	62. 13-R-3752
2. 13-O-1355	33. 13-R-3767	63. 13-R-3753
3. 13-O-1357	34. 13-R-3737	64. 13-R-3754
4. 13-O-1358	35. 13-R-3738	65. 13-R-3755
5. 13-O-1359	36. 13-R-3739	66. 13-R-3756
6. 13-O-1346	37. 13-R-3740	67. 13-R-3757
7. 13-O-1347	38. 13-R-3741	68. 13-R-3758
8. 13-O-1348	39. 13-R-3762	69. 13-R-3759
9. 13-O-1349	40. 13-R-3763	70. 13-R-3760
10. 13-O-1350	41. 13-R-3764	71. 13-R-3761
11. 13-O-1351	42. 13-R-3765	
12. 13-O-1384	43. 13-R-3766	
13. 13-O-0030	44. 13-R-3543	
14. 13-O-1299	45. 13-R-3735	
15. 13-O-1337	46. 13-R-3734	
16. 13-O-1360	47. 13-R-3769	
17. 13-O-1361	48. 13-R-3770	
18. 13-O-1362	49. 13-R-3771	
19. 13-O-1370	50. 13-R-3772	
20. 13-O-1371	51. 13-R-3774	
21. 13-O-1372	52. 13-R-3775	
22. 13-O-1381	53. 13-R-3742	
23. 13-O-1382	54. 13-R-3744	
24. 13-O-1383	55. 13-R-3745	
25. 13-O-1315	56. 13-R-3746	
26. 13-O-1366	57. 13-R-3747	
27. 13-O-1367	58. 13-R-3748	
28. 13-O-1368	59. 13-R-3749	
29. 13-O-1374	60. 13-R-3750	
30. 13-O-1375	61. 13-R-3751	
31. 13-O-1379		