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10-0-1688

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AN ORDINANCE BY

COUNCILMEMBER IVORY LEE YOUNG, JR

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AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ABANDON THE PORTION OF JAMES P. BRAWLEY DRIVE, S.W., LOCATED BETWEEN BECKWITH STREET, S.W. AND MARTIN LUTHER KING, JR. DRIVE, S.W. ON THE EAST AND LOCATED BETWEEN MITCHELL STREET, S.W. AND BECKWITH STREET, S.W. ON THE WEST, AND BEING MORE SPECIFICALLY DESCRIBED IN THE EXHIBIT "A" AND MORE COMPLETELY DESCRIBED IN EXHIBIT "B" LYING AND BEING IN LAND LOT 109 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; TO ABANDON THE PORTION OF MITCHELL STREET, S.W. BETWEEN JAMES P. BRAWLEY DRIVE, S.W. AND PASCHAL BOULEVARD, S.W. AS MARKED ON EXHIBIT "A" AND MORE COMPLETELY DESCRIBED IN EXHIBIT "C"; TO ABANDON STUDENT NONVIOLENT COORDINATING COMMITTEE ("SNCC") WAY, S.W. BETWEEN 399.76' SOUTH OF MITCHELL STREET, S.W. AND BECKWITH STREET, S.W. ON THE WEST SIDE AND BETWEEN MITCHELL STREET, S.W. AND BECKWITH STREET, S.W. ON THE WEST SIDE AS MARKED ON EXHIBIT "A" AND MORE COMPLETELY DESCRIBED IN EXHIBIT "D"; AND FOR OTHER PURPOSES.

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

Date Referred 9/7/10

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee City Utilities
Date Sept. 4 2010
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

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

DEC 02 2013

ATLANTA CITY COUNCIL PRESIDENT

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CERTIFIED

DEC 02 2013

[Handwritten signature]
MUNICIPAL CLERK

MAYOR'S ACTION

AUTOMATICALLY TERMINATED
AND
FILED BY CLERK
PER CHARTER SECTION 2-407
DEC 02 2013

**AN ORDINANCE BY
COUNCILMEMBER IVORY LEE YOUNG, JR**

**AN ORDINANCE AUTHORIZING THE MAYOR OR HIS
DESIGNEE TO ABANDON THE PORTION OF JAMES P.
BRAWLEY DRIVE, S.W., LOCATED BETWEEN BECKWITH
STREET, S.W. AND MARTIN LUTHER KING, JR. DRIVE, S.W.
ON THE EAST AND LOCATED BETWEEN MITCHELL STREET,
S.W. AND BECKWITH STREET, S.W. ON THE WEST, AND
BEING MORE SPECIFICALLY DESCRIBED IN THE EXHIBIT
"A" AND MORE COMPLETELY DESCRIBED IN EXHIBIT "B"
LYING AND BEING IN LAND LOT 109 OF THE 14TH DISTRICT,
FULTON COUNTY, GEORGIA; TO ABANDON THE PORTION
OF MITCHELL STREET, S.W. BETWEEN JAMES P. BRAWLEY
DRIVE, S.W. AND PASCHAL BOULEVARD, S.W. AS MARKED
ON EXHIBIT "A" AND MORE COMPLETELY DESCRIBED IN
EXHIBIT "C"; TO ABANDON STUDENT NONVIOLENT
COORDINATING COMMITTEE ("SNCC") WAY, S.W.
BETWEEN 399.76' SOUTH OF MITCHELL STREET, S.W. AND
BECKWITH STREET, S.W. ON THE WEST SIDE AND BETWEEN
MITCHELL STREET, S.W. AND BECKWITH STREET, S.W. ON
THE WEST SIDE AS MARKED ON EXHIBIT "A" AND MORE
COMPLETELY DESCRIBED IN EXHIBIT "D"; AND FOR
OTHER PURPOSES.**

WHEREAS, the City of Atlanta ("City") has received a formal request from Clark Atlanta University ("Applicant"), the owner of abutting property, to abandon the above-referenced portions of James P. Brawley Drive, S.W., Mitchell Street, S.W., and SNCC Way, S.W.; and

WHEREAS, the Applicant has paid a fee of \$2,500.00 for the costs of advertisement of the abandonment for each of the referenced properties as specified by Section 138-9(a)(5) of the City Code of Ordinances; and

WHEREAS, the request to abandon said portions of streets has been reviewed by the proper entities as required by Section 138-9(b)(2) prior to passage of this legislation; and

WHEREAS, the Department of Public Works and the Chief Procurement Officer have determined that the above-referenced portions of streets, as described in the attached exhibits are no longer useful or necessary for the public's use and convenience; and

WHEREAS, the abandoned portions of James P. Brawley Drive, S.W., Mitchell Street, S.W., and SNCC Way, S.W. will become part of the Applicant's private property, and it will be said Applicant's sole responsibility to maintain, operate and provide all services and utilities once abandoned.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1. The portions of the above-referenced portions of James P. Brawley Drive, S.W., Mitchell Street, S.W., and SNCC Way, S.W. as described in the attached Exhibits are closed to all vehicular traffic and abandoned by the City of Atlanta.

Section 2. The Applicant has or will comply with all requirements as outlined in Section 138-9 of the City of Atlanta's Code of Ordinances, including, but not limited to paying the fair market value of the abandoned portions of James P. Brawley Drive, S.W., Mitchell Street, S.W., and SNCC Way, S.W. as determined by the appraisals reports.

Section 3. The Chief Procurement Officer or his designee is hereby directed to prepare an appraisal report to determine the fair market value of the rights-of-way to be abandoned and perform all other responsibilities concerning this proposed abandonment, as outlined in the City's Code of Ordinances, including Section 2-1578.

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 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 Applicant in the amount of the appraised fair market value of the properties, 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 a Limited Warranty Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

Section 6. That the Mayor or his designee is hereby authorized to execute a Quitclaim Deed to convey any interest the City may have in the above-referenced portions of James P. Brawley Drive, S.W., Mitchell Street, S.W., and SNCC Way, S.W., (herein described in Exhibit "A").

Section 7. That all ordinances and parts of ordinances in conflict herewith be and the same are hereby waived to the extent of the conflict in this instance only.