

#13

13-0-1333

(Do Not Write Above This Line) 1301333

AN ORDINANCE BY

*C. T. Munk*

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON TO THE GEORGIA STATE PROPERTIES COMMISSION, BY AND THROUGH THE GEORGIA WORLD CONGRESS CENTER AUTHORITY, A PORTION OF MARTIN LUTHER KING, JR. DRIVE, S.W., BETWEEN NORTHSIDE DRIVE, N.W., AND MANGUM STREET, N.W., CONSISTING OF APPROXIMATELY 2.4 ACRES OF LAND AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOTS 83 AND 84 OF THE 14<sup>TH</sup> DISTRICT OF FULTON COUNTY, GEORGIA; TO WAIVE CERTAIN PROVISIONS OF SECTIONS 138-9(a)(5) and 138-9(c) OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

Peter Andrews, Deputy City Attorney

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred

*10/21/13*

Referred To:

*City Utilities*

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair *W. S. H.*  
 Referred To \_\_\_\_\_

Committee

*City Utilities*

Date

*Oct. 29, 2013*

Chair

Action

Fav, Adv, Hold (See rev. side)

Other

*For Public Hearing*

Members

Refer To

Committee

*City Utilities*

Date

*Nov. 26, 2013*

Chair

Action

Fav, Adv, Hold (See rev. side)

Other

*W. S. H.*

Members

Refer To

Committee

*City Utilities*

Date

*Nov. 12, 2013*

Chair

Action

Fav, Adv, Hold (See rev. side)

Other

*P.H. Hold*

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (See rev. side)

Other

Members

Refer To

ADOPTED BY

DEC 02 2013

COUNCIL

Refer To

FINAL COUNCIL ACTION

2<sup>ND</sup>

1<sup>ST</sup> & 2<sup>ND</sup>

3<sup>RD</sup>

Readings

*3113*

Consent

V Vote

RC Vote

CERTIFIED

DEC 09 2013

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED  
DEC 03 2013

*Rhonda Daphnie Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION

RCS# 3179  
12/02/13  
3:27 PM

Atlanta City Council

MULTIPLE

13-O-1333 AND 13-O-1334

ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 1  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

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

MULTIPLE

AN ORDINANCE BY

*C. Timmons*

**AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON TO THE GEORGIA STATE PROPERTIES COMMISSION, BY AND THROUGH THE GEORGIA WORLD CONGRESS CENTER AUTHORITY, A PORTION OF MARTIN LUTHER KING, JR. DRIVE, S.W., BETWEEN NORTHSIDE DRIVE, N.W., AND MANGUM STREET, N.W., CONSISTING OF APPROXIMATELY 2.4 ACRES OF LAND AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOTS 83 AND 84 OF THE 14<sup>TH</sup> DISTRICT OF FULTON COUNTY, GEORGIA; TO WAIVE CERTAIN PROVISIONS OF SECTIONS 138-9 (a)(5) and 138-9 (c) OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") has received a formal request from the Georgia World Congress Center Authority ("Applicant"), by and through the Georgia State Properties Commission, the owner of abutting property, to abandon a portion of Martin Luther King, Jr. Drive S.W. beginning on the west at Northside Drive, N.W. and ending on the east approximately fifty six (56) feet east of Mangum Street, N.W. consisting of approximately 2.4 acres and being more specifically described in the attached Exhibit "A", said property lying and being in Land Lots 83 and 84 of the 14<sup>th</sup> District of Fulton County, Georgia, 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 Georgia State Properties Commission has requested that the City waive the appraisal and the payment of fair market value requirements of the abandoned property contained in Sections 138-9 (a)(5) and 138-9 (c) of the Code of Ordinances because, among other things, the proposed abandonment will directly benefit the City by rerouting the current Martin Luther King Jr., Drive, by constructing a new Martin Luther King Jr., Drive and by providing property for the construction of the New Stadium Project, a downtown employer expected to create over 1,400 jobs and major tourist attraction expected to bring \$155 million in annual revenue to the City of Atlanta; and

**WHEREAS**, the Applicant's request to waive payment of fair market value is authorized pursuant to O.C.G.A. 36-37-6(e)(2)(D) which permits the sale or transfer of municipal property to another governing authority or government agency for public purposes; and

**WHEREAS**, the portion of Martin Luther King, Jr. Drive to be abandoned 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 associated with the abandoned property; and

**WHEREAS**, the Department of Public Works has reviewed the request from the Applicant and has concluded that the abandonment of the portion of the right-of-way as described in Exhibit "A" is no longer necessary for the public's use and convenience as a public right-of-way.



**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 portions of Martin Luther King, Jr. Drive beginning on the west at Northside Drive, N.W. and ending on the east approximately fifty six (56) feet east of Mangum Street, N.W., being more specifically described in the attached Exhibit "A", said property lying and being in Land Lot 83 and 84 of the 14<sup>th</sup> District of Fulton County, Georgia 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 the segment of Martin Luther King, Jr. Drive as hereinabove defined and as depicted in the attached Exhibit "A".

**Section 3:** 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 4:** That the provisions of Section 2-1578 and 138-9(c) of the Code of Ordinances are hereby waived, solely as they relate to the requirement that the City receive an appraisal and be paid the fair market value of the abandoned property as the property is subject to transfer pursuant to O.C.G.A. 36-37-6(e)(2)(D) which authorizes the sale or transfer of municipal property to another governing authority or government agency for public purposes.

**Section 5:** 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 6:** That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, 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 7:** 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 Martin Luther King, Jr. Drive. (herein described in Exhibit "A").

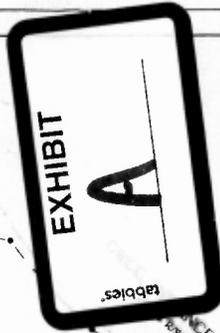
**Section 8:** That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived to the extent of the conflict only.

A true copy,

Deputy Clerk

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

DEC 02, 2013  
DEC 11, 2013



**LEGEND**

- ⊙ (IP) — IRON PIN FOUND
- LAND LOT NUMBER
- R/W — RIGHT-OF-WAY
- CENTERLINE
- ⊠ — R.W. MON.

DATE	1
DESIGN	
DESIGN	
DATE	
DESIGNED BY	
DRAWN BY	

ABANDONMENT EXHIBIT  
 FOR ATLANTA NEW STADIUM PROJECT  
 CITY OF ATLANTA  
 MARTIN LUTHER KING JR. DRIVE  
 U.S. & N.W. HIGHWAY

LONG  
 Atlanta Georgia, USA  
 404.525.1200  
 www.long.com

