

**AN ORDINANCE BY
CITY UTILITIES COMMITTEE**

13-O-0002

AN ORDINANCE AUTHORIZING THE ABANDONMENT OF ANY AND ALL REMAINING PORTIONS OF ALEXANDER STREET BETWEEN MARIETTA STREET N.W., IVAN ALLEN BOULEVARD AND LUCKIE STREET N.W, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", SAID PROPERTY LYING AND BEING IN LAND LOT 79 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") has received a formal request from 380 Luckie, LLC., ("Applicant") the owner of abutting property, to abandon a portion of Alexander Street consisting of approximately 0.045 acres and more specifically described in the attached Exhibit "A"; 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, pursuant to City Council Ordinance 06-O-0560, adopted on September 5, 2006 and approved by the Mayor on September 13, 2006, the City has previously abandoned portions of Alexander Street between Marietta Street N.W. and Luckie Street N.W.; and

WHEREAS, the Applicant is requesting that the City abandon the additional portion of Alexander Street between Marietta Street N.W., Ivan Allen Boulevard and Luckie Street N.W not previously abandoned pursuant to City Council Ordinance 06-O-0560; and

WHEREAS, the City desires to clarify and ensure that any and all remaining portions of Alexander Street between Marietta Street N.W., Ivan Allen Boulevard and Luckie Street N.W. have been formally and finally abandoned; and

WHEREAS, the abandoned portions of Alexander Street 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 for said property; 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 any and all remaining portions of Alexander street between Marietta Street N.W., Ivan Allen Boulevard and Luckie Street N.W., and being more specifically described in the attached exhibit "A", said property lying and being in Land Lot 79 of the 14th District,

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 Alexander Street (as hereinabove defined).

Section 3: That 380 Luckie, LLC the abutting property owner, has agreed to pay the fair market value of the right-of-way to be abandoned as determined by an appraisal for the said portion of Alexander 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 Deed to convey any interest that the City may have in the above-referenced portion of Alexander Street (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.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities

Caption: AN ORDINANCE AUTHORIZING THE ABANDONMENT OF ANY AND ALL REMAINING PORTIONS OF ALEXANDER STREET BETWEEN MARIETTA STREET N.W., IVAN ALLEN BOULEVARD AND LUCKIE STREET N.W, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", SAID PROPERTY LYING AND BEING IN LAND LOT 79 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

Council Meeting Date: February 4, 2013.

Requesting Dept.: Executive Offices/ Office of Enterprise Assets Management

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation.

The purpose of this Ordinance is to complete the abandonment of right of way that is no longer needed by the city. Previously, pursuant to Ordinance 06-O-0560, portions of Alexander Street between Marietta Street and Luckie Street were abandoned. The owner of the property abutting Alexander Street on both sides now wishes to complete the abandonment of the remaining right of way and acquire the city's interest in Alexander Street for its fair market value. Rather than to attempt to abandon just the irregular portion of the Alexander Street right of way that remains, this ordinance has been written to ensure that there will be no remnant piece of right of way along Alexander Street between Marietta Street and Luckie Street.

2. Please provide background information regarding this legislation.

Ordinance 06-O-0560 was adopted by City Council on 9/5/06. It contained two legal descriptions for tracts of right of way to be abandoned. The two tracts overlapped and cause some confusion regarding the areas abandoned. Since that time, the abutting property owner has acquired the other property that abuts Alexander Street, along the last portion of the right of way that hasn't been abandoned. As this owner holds title to all the properties abutting Alexander Street between Marietta and Luckie Streets, he wants to have that last portion abandoned and to obtain title to the street.

3. If Applicable/Known:

- (a) Contract Type:**
- (b) Source Selection:**
- (c) Bids/Proposals Due:**
- (d) Invitations Issued:**
- (e) Number of Bids:**
- (f) Proposals Received:**
- (g) Bidders/Proponents:**
- (h) Term of Contract:**

4. Fund Account Center:

5. Source of Funds:

6. Fiscal Impact: This legislation would result in compensation to the General Fund for the right of way to be abandoned.

7. Method of Cost Recovery: NA

This Legislative Request Form Was Prepared By: John Lavelle, Director of Real Estate Portfolio/ OEAM.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Dept.'s Legislative Liaison: John Lavelle

Contact Number: 404.865.8620

Originating Department: OEAM

Committee(s) of Purview: City Utilities

Chief of Staff Deadline: 12/28/12

Anticipated Committee Meeting Date(s): 1/15/13 and 1/29/13

Anticipated Full Council Date: 2/4/13

Legislative Counsel's Signature: _____

[Handwritten signature]

Commissioner Signature: _____

[Handwritten signature]

Chief Procurement Officer Signature: _____

Alexander J. Smith
CPO

CAPTION

AN ORDINANCE AUTHORIZING THE ABANDONMENT OF ANY AND ALL REMAINING PORTIONS OF ALEXANDER STREET BETWEEN MARIETTA STREET N.W., IVAN ALLEN BOULEVARD AND LUCKIE STREET N.W, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", SAID PROPERTY LYING AND BEING IN LAND LOT 79 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): Revenue generating

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: 12.21.12
(date)

Reviewed by: [Signature]
(date)

Submitted to Council: _____
(date)