

AN ORDINANCE BY



COUNCILMEMBER KWANZA HALL

AN ORDINANCE AUTHORIZING THE DIRECTOR OF THE OFFICE OF BUILDINGS TO GRANT 100 6th STREET, LLC TRANSPORTATION IMPACT FEE CREDITS FOR THE DEDICATION OF 4,138 SQUARE FEET OF LAND ADJACENT TO THE EXISTING NORTH RIGHT OF WAY OF SIXTH STREET, N.E. BETWEEN PEACHTREE STREET N.E. AND JUNIPER STREET, N.E. AND 1,503 SQUARE FEET OF LAND ADJACENT TO THE EXISTING SOUTH RIGHT OF WAY OF SEVENTH STREET, N.E. BETWEEN PEACHTREE STREET, N.E. AND JUNIPER STREET, N.E. FOR RIGHT OF WAY; AND FOR OTHER PURPOSES.

WHEREAS, Sixth Street, N.E. and Seventh Street, N.E. are both currently one way streets between Peachtree Street, N.E. and Juniper Street, N.E.; and

WHEREAS, two way conversion of both Sixth Street N.E. and Seventh Street N.E. would improve the vehicular and bicycle connections within the core of Midtown; and

WHEREAS, the Connect Atlanta Plan, the City of Atlanta's (the "City") first comprehensive transportation plan incorporated as a part of the City's comprehensive development plan and adopted by the Mayor and City Council in Ordinance 08-O-2232, provides for Seventh Street, N.E. in this location to be converted to accommodate two way traffic (Project ID # OW-005); and

WHEREAS, the conversion to allow two way traffic on both Sixth Street, N.E. and Seventh Street, N.E. is anticipated to provide better connectivity in the area by adding to movements available within the existing street grid; and

WHEREAS, the two way conversion of Sixth Street N.E. and of Seventh Street, N.E. are "system improvements" pursuant to O.C.G.A. Sec. 36-71(2)(20) and Section 19-006 of the City's Code of Ordinances; and

WHEREAS, additional right-of-way is necessary to facilitate the proposed system improvement to convert the right-of-way on Sixth Street, N.E. and Seventh Street, N.E. in this location to accommodate two way traffic; and

WHEREAS, 100 6th Street, LLC is developing the property immediately adjacent to the proposed two way conversions and is willing to convey, or cause to be conveyed, to the City the additional right-of-way needed for the two way conversions in exchange for transportation impact fee credits; and

WHEREAS, Section 19-1014(a)(3) of the City of Atlanta Code of Ordinances allows the granting of impact fee credits for the dedication of land for system improvements; and

WHEREAS, the Office of Transportation has reviewed engineering plans for the conversion of the Sixth Street, N.E. right of way and Seventh Street, N.E. right-of-way from one way to two way and determined that the additional right-of-way Novare Group Holdings is willing to convey, as more particularly described on Exhibit "A" (the "Additional R-O-W"), is sufficient to accommodate the proposed conversion.

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

Section 1: The Office of Enterprise Assets Management is authorized to accept a dedication of right-of-way by the receipt of a deed from 100 6th Street, LLC, or its successors in interest or assignees, as such right of way is more particularly described on Exhibit "A" (the "Additional R-O-W") upon confirmation from the Commissioner of the Department of Public Works that such right-of-way contains improvements built to meet the City's standard street detail and construction specifications.

Section 2: As consideration for the dedication of the Additional Right-of-Way, the Director of the Office of Buildings is authorized to grant transportation impact fee credits to the owner of the Additional Right of Way for the fair market appraised value of the Additional R-O-W minus the value of any improvements.

Section 3: That this ordinance shall become effective immediately upon its approval by the City Council and signature by the Mayor or by operation of law.

Exhibit "A"

Legal Descriptions of Additional ROW

LEGAL DESCRIPTION: 6th STREET RIGHT-OF-WAY DEDICATION

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND LYING AND BEING WITHIN THE CITY OF ATLANTA, FULTON COUNTY, GEORGIA WITHIN LAND LOT 149, 14TH DISTRICT AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT THE NORTHEAST RIGHT-OF-WAY INTERSECTION OF PEACHTREE STREET (60' R/W) AND 6TH STREET (30' R/W) AT THE POINT-OF-BEGINNING (P.O.B.);

THENCE TURNING AND CONTINUING ALONG THE EAST RIGHT-OF-WAY OF PEACHTREE STREET (60' R/W) NORTH 02 DEGREES 28 MINUTES 42 SECONDS EAST (N02°28'42"E) A DISTANCE OF 5.77' TO A POINT; THENCE TURNING AND LEAVING SAID RIGHT-OF-WAY AND CONTINUING THE FOLLOWING COURSES AND DISTANCES: SOUTH 87 DEGREES 22 MINUTES 25 SECONDS EAST (S87°22'25"E) A DISTANCE OF 160.40' TO A POINT; THENCE NORTH 48 DEGREES 08 MINUTES 58 SECONDS EAST (N48°08'58"E) A DISTANCE OF 10.20' TO A POINT; THENCE SOUTH 87 DEGREES 20 MINUTES 11 SECONDS EAST (S87°20'11"E) A DISTANCE OF 253.36' TO A POINT ON THE WEST RIGHT-OF-WAY OF JUNIPER STREET (60' R/W); THENCE TURNING AND CONTINUING ALONG SAID RIGHT-OF-WAY SOUTH 01 DEGREES 08 MINUTES 57 SECONDS WEST (S01°08'57"W) A DISTANCE OF 12.64' TO A POINT AT THE NORTHWEST RIGHT-OF-WAY OF JUNIPER STREET (60' R/W) AND 6TH STREET (30' R/W); THENCE TURNING AND CONTINUING ALONG THE NORTH RIGHT-OF-WAY OF 6TH STREET (30' R/W) NORTH 87 DEGREES 16 MINUTES 53 SECONDS WEST (N87°16'53"W) A DISTANCE OF 201.12' TO A POINT; THENCE CONTINUING NORTH 87 DEGREES 13 MINUTES 15 SECONDS WEST (N87°13'15"W) A DISTANCE OF 10.21' TO A POINT; THENCE NORTH 87 DEGREES 29 MINUTES 57 SECONDS WEST (N87°29'57"W) A DISTANCE OF 210.02' TO THE POINT-OF-BEGINNING (P.O.B.) AND CONTAINING 0.10 ACRES (4,138 SQ. FT.).

AND

LEGAL DESCRIPTION: 7th STREET RIGHT-OF-WAY DEDICATION

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND LYING AND BEING WITHIN THE CITY OF ATLANTA, FULTON COUNTY, GEORGIA WITHIN LAND LOT 149, 14TH DISTRICT AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT THE SOUTHEAST RIGHT-OF-WAY INTERSECTION OF PEACHTREE STREET (60' R/W) AND 7TH STREET (30' R/W) AT THE POINT-OF-BEGINNING (P.O.B.);

THENCE TURNING AND CONTINUING ALONG THE SOUTH RIGHT-OF-WAY OF 7TH STREET (30' R/W) THE FOLLOWING COURSES AND DISTANCES: SOUTH 87 DEGREES 05 MINUTES 57 SECONDS EAST (S87°05'57"E) A DISTANCE OF 130.86' TO A POINT; THENCE SOUTH 87 DEGREES 13 MINUTES 01 SECONDS EAST (S87°13'01"E) A DISTANCE OF 89.74' TO A POINT; THENCE SOUTH 87 DEGREES 10 MINUTES 43 SECONDS EAST (S87°10'43"E) A DISTANCE OF 73.00' TO A POINT; THENCE SOUTH 87 DEGREES 14 MINUTES 20 SECONDS EAST (S87°14'20"E) A DISTANCE OF 126.64' TO A POINT AT THE WEST RIGHT-OF-WAY OF JUNIPER STREET (60' R/W); THENCE TURNING AND CONTINUING ALONG JUNIPER STREET (60' R/W) SOUTH 02 DEGREES 49 MINUTES 40 SECONDS WEST (S02°49'40"W) A DISTANCE OF 3.80' TO A POINT; THENCE TURNING AND LEAVING SAID RIGHT-OF-WAY LINE AND CONTINUING NORTH 87 DEGREES 08 MINUTES 51 SECONDS WEST (N87°08'51"W) A DISTANCE OF 420.24' TO A POINT ON THE EAST RIGHT-OF-WAY OF PEACHTREE STREET (60' R/W); THENCE TURNING AND CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 02 DEGREES 39 MINUTES 37 SECONDS EAST (N02°39'37"E) A DISTANCE OF 3.56' TO THE POINT-OF-BEGINNING (P.O.B.) AND CONTAINING 0.03 ACRES (1,503 SQ. FT.).