13-O-1334

AN ORDINANCE BY

C T. Martin

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 HAYNES STREET, N.W., BETWEEN MARTIN LUTHER KING JR. DRIVE, S.W., AND GEORGIA DOME DRIVE, N.W., CONSISTING OF APPROXIMATELY 0.45 ACRES OF LAND AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOTS 83 AND 84 OF THE 14TH 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 State Properties Commission, by and through the Georgia World Congress Center Authority ("Applicant") the owner of abutting property, to abandon a portion of Haynes Street, N.W. beginning on the south at Martin Luther King Jr. Drive, S.W. and ending on the north at its northern terminus approximately seventy (70) feet south of Georgia Dome Drive, N.W. consisting of approximately 0.45 acres and being more specifically described in the attached Exhibit "A", said property lying and being in Land Lots 83 and 84 of the 14th 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 allowing the rerouting of 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 Haynes Street 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 Haynes Street, N.W. beginning on the south at Martin Luther King Jr. Drive, S.W. and ending at its northern terminus approximately seventy (70) feet south of Georgia Dome Drive, N.W., being more specifically described in the attached Exhibit "A", said property lying and being in Land Lot 83 and 84 of the 14th 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 Haynes Street, N.W., 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 Haynes Street, N.W. (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.

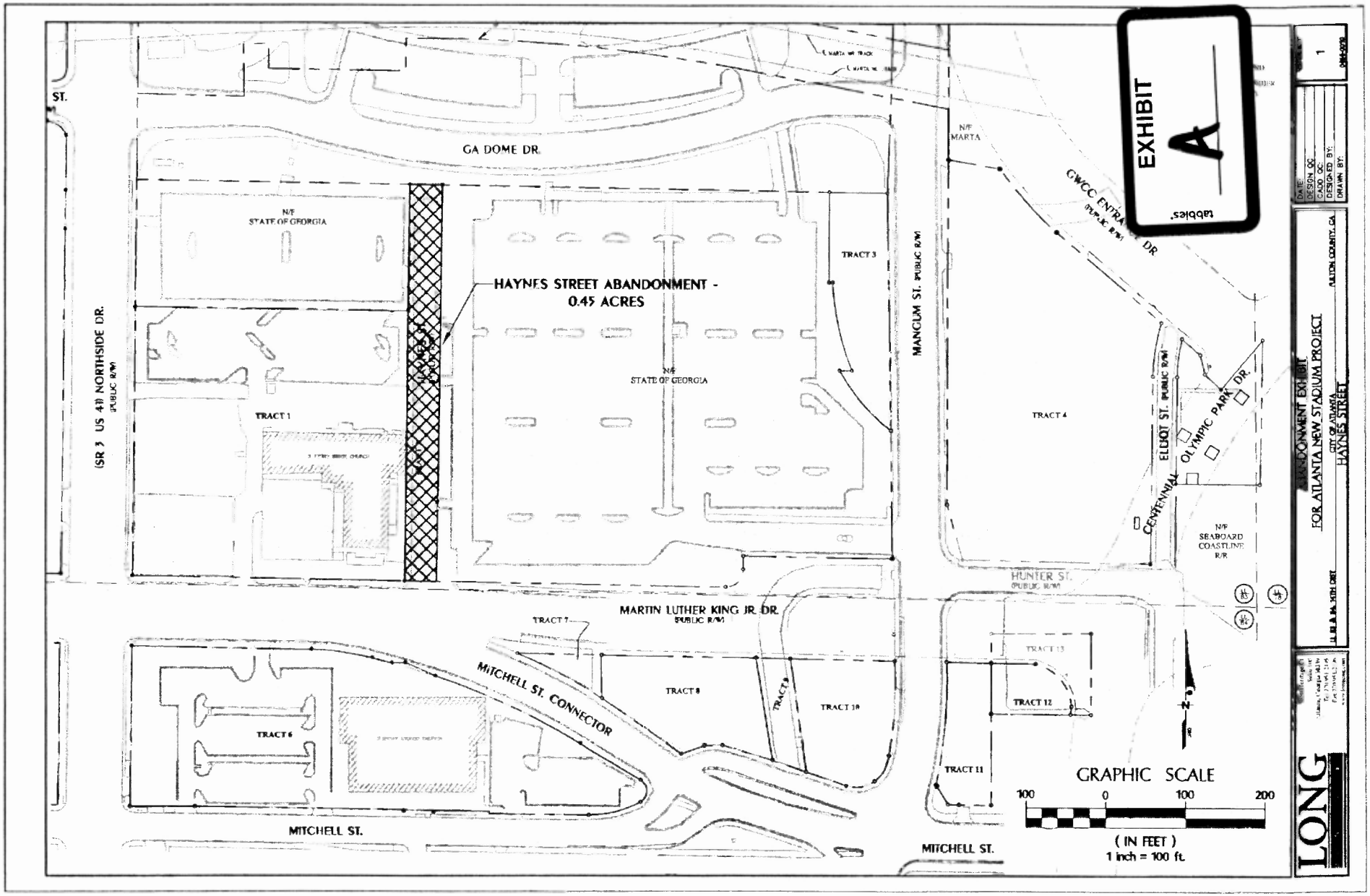
EXHIBIT
A
tabbies
ST.
GA DOME DR.
N/F
STATE OF GEORGIA
HAYNES STREET ABANDONMENT -
0.45 ACRES
TRACT 1
TRACT 3
TRACT 4
MANGUM ST. (PUBLIC R/W)
(SR 3 US 41) NORTHSIDE DR.
(PUBLIC R/W)
N/F
MARTA
GWCC ENTRANCE DR
ELLIOT ST. (PUBLIC R/W)
CENTENNIAL OLYMPIC PARK DR.
N/F
SEABOARD
COASTLINE
R/R
HUNTER ST.
(PUBLIC R/W)
MARTIN LUTHER KING JR. DR.
(PUBLIC R/W)
TRACT 7
TRACT 8
TRACT 9
TRACT 10
TRACT 11
TRACT 12
TRACT 13
TRACT 6
MITCHELL ST. CONNECTOR
MITCHELL ST.
MITCHELL ST.
GRAPHIC SCALE
100 0 100 200
(IN FEET)
1 inch = 100 ft.
ABANDONMENT EXHIBIT
FOR ATLANTA NEW STADIUM PROJECT
CITY OF ATLANTA
HAYNES STREET
(FULTON COUNTY, GA.)
LONG
DATE:
DESIGN QC:
CADD QC:
DESIGNED BY:
DRAWN BY:
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