

**AN ORDINANCE BY COUNCILMEMBER JOYCE SHEPERD AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A QUITCLAIM DEED CONVEYING THE CITY'S INTEREST IN A PARCEL OF REAL PROPERTY, IDENTIFIED IN THE TAX RECORDS OF FULTON COUNTY AS PARCEL IDENTIFICATION NUMBER 14-0001-0002-027-1, TO THE FULTON COUNTY/CITY OF ATLANTA LAND BANK AUTHORITY FOR CONSIDERATION OF ONE DOLLAR (\$1.00) FOR THE PURPOSE OF CORRECTING AN APPARENT ERROR IN PRIOR TRANSACTIONS SO THAT THE PROPERTIES CAN BE RETURNED TO EFFECTIVE UTILIZATION; AND FOR OTHER PURPOSES.**

**Review List:**

Atlanta City Council	Completed	11/07/2013 9:09 AM
Community Development & Human Resources Committee		Pending
Finance/Executive Committee	Pending	

**HISTORY:**

11/04/13	Atlanta City Council	REFERRED WITHOUT OBJECTION
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<b>RESULT:</b>	<b>REFERRED WITHOUT OBJECTION</b>	<b>Next: 11/12/2013 12:30 PM</b>
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Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY – BLUE BACK

CITY COUNCIL  
ATLANTA, GEORGIA

13-O-1381

SPONSOR SIGNATURES

  
Joyce Sheperd, Councilmember, District 12

**AN ORDINANCE  
BY COUNCILMEMBER(S) SHEPERD**

**AN ORDINANCE BY COUNCILMEMBER JOYCE SHEPERD AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A QUITCLAIM DEED CONVEYING THE CITY'S INTEREST IN A PARCEL OF REAL PROPERTY, IDENTIFIED IN THE TAX RECORDS OF FULTON COUNTY AS PARCEL IDENTIFICATION NUMBER 14-0001-0002-027-1, TO THE FULTON COUNTY/CITY OF ATLANTA LAND BANK AUTHORITY FOR CONSIDERATION OF ONE DOLLAR (\$1.00) FOR THE PURPOSE OF CORRECTING AN APPARENT ERROR IN PRIOR TRANSACTIONS SO THAT THE PROPERTIES CAN BE RETURNED TO EFFECTIVE UTILIZATION; AND FOR OTHER PURPOSES.**

WHEREAS, from time to time, the City of Atlanta ("City") and Fulton County (the "County") obtain interests in parcels of real property by way of tax deeds or demolition assessments and in concert with Fulton County will transfer its interests in such properties to the Fulton County/City of Atlanta Land Bank Authority (the "Land Bank") for the public purpose of returning those parcels to the tax rolls and providing housing and jobs for the citizens of the City and the County; and

WHEREAS, the City and the County convey interests in such properties to the Land Bank via separate deeds; and

WHEREAS, it has come to the attention of the City through title research being performed for the benefit of Habitat for Humanity in Atlanta, Inc. ("Habitat") that the City has record interests in one (1) parcels identified in the tax records of Fulton County as parcel identification numbers 14-0001-0002-027-1 (the "Property") that arose through tax deeds issued in 1988; and

WHEREAS, on September 8, 1998, the City of Atlanta City Council approved a Resolution 98-R-1652 authorizing the Mayor to execute a quitclaim deed (the "1998 City Deed") conveying the City's interest in ninety (90) Marshal's and/or Sheriff's Deed Property for the consideration of One Dollar (\$1.00) for that public purpose; and

WHEREAS, on June 4, 2001, the City of Atlanta City Council approved a Resolution 01-R-0303 authorizing the Mayor to execute a quitclaim deed (the "2001 City Deed") conveying the City's interest in three hundred thirty-nine (339) Marshal's and/or Sheriff's Deed Properties for the consideration of One Dollar (\$1.00) to the Land Bank for that public purpose; and

WHEREAS, on February 17, 2000, Fulton County (the "County") executed a quitclaim deed (the "2000 County Deed") conveying the County's interest in approximately one hundred fifty-eight (158) Marshal's and/or Sheriff's Deed Properties for that public purpose; and

WHEREAS, the 2000 County Deed conveyed the County's interest the Properties to the Land Bank; and

WHEREAS, the 1998 City Deed and the 2001 City Deed and the 2000 County Deed conveyed to the Land Bank the City and County's respective interest in many identical properties but the Property was

not included in either of the City Deeds; and

WHEREAS, the Land Bank has subsequently quitclaimed its interest in the Property to Habitat for Humanity in Atlanta, Inc. (“Habitat”); and

WHEREAS, Habitat’s title research indicates that the City may have a remaining limited ownership interest in the Property via tax deeds although such properties are no longer carried on the records of the City; and

WHEREAS, the record of the City’s possible interest in the Property in tax records of the County has clouded Habitat’s title and stalled its efforts to develop the Properties; and

WHEREAS, given the manner in which the City obtained an ownership interest in the Properties in the County tax records and the absence of such properties in the records of the City, it appears that the Property should have been included in the 1998 Deed or the 2001 Deed to the Land Bank; and

WHEREAS, Habitat has requested that the Land Bank take the necessary steps to obtain a quitclaim deed to the Property from the City for the purposes of clearing Habitat’s title to the Property; and

WHEREAS, the Land Bank has requested that the City quitclaim its interest in the Properties to the Land Bank; and

WHEREAS, the possibility that the City would ever recover any of the taxes due on the property are exceedingly remote; and

WHEREAS, pursuant to O.C.G.A. § 48-4-112, whenever any real property is acquired by the Land Bank and is encumbered by a lien or claim for real property taxes owed to the City, the Land Bank may, by resolution of the board, discharge and extinguish any and all such liens or claims; and

WHEREAS, clear title to the Property would allow Habitat to construct new housing that would improve the utilization of the real estate, increase the tax base and provide new housing for citizens of Atlanta.

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

SECTION 1: That the Mayor or his designee is authorized to execute a Quit Claim Deed and other documents determined necessary by the City Attorney, to convey any City-held interest in the Property to the Fulton County City of Atlanta Land Bank Authority in return for consideration of \$1.00.

SECTION 2: The City Attorney, or a designee, is authorized to prepare all necessary documents and instruments in acceptable form to facilitate this transaction and to record all documents in the records of the Clerk of the Superior Court of Fulton County.

SECTION 3: This ordinance shall become effective when signed by the Mayor or by operation of law.