

14-8-1079
14-8-1079

Do Not Write
A RESOLUTION BY COUNCIL MEMBER

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON TO THE STATE OF GEORGIA A PORTION OF MANGUM STREET, BETWEEN MITCHELL STREET AND HUNTER STREET, CONSISTING OF APPROXIMATELY 0.2616 ACRES OF LAND AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 84 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA; TO WAIVE CERTAIN PROVISIONS OF SECTIONS 138-9 (a) (5) and 138-9 (g) OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

Committee _____
Date _____
Chair _____
Referred To _____

FINAL COUNCIL ACTION
 2nd Reading
 1st & 2nd Reading
 3rd Reading
 Consent
 V Vote
 RC Vote

ADOPTED BY

Committee City Utilities
Date January 28, 2014
Chair _____
Action Fav, Adv, Hold (see rev. side)
Other Other
Members _____
Refer To _____

Committee _____
Date _____
Chair _____
Action Fav, Adv, Hold (see rev. side)
Other _____
Members _____
Refer To _____

CERTIFIED
MAR 03 2014
ATLANTA CITY COUNCIL PRESIDENT
[Signature]
CERTIFIED
MAR 03 2014
Rick Douglas Adams
MUNICIPAL CLERK

CONSENT REFER
 REGULAR REPORT REFER **MAR 03 2014**
 ADVERTISE & REFER
 1ST ADOPT 2ND READ & REFER **COUNCIL**
 PERSONAL PAPER REFER

Committee City Utilities
Date February 25, 2014
Chair Richard Williams
Action Fav, Adv, Hold (see rev. side)
Other _____
Members _____
Refer To _____

Committee _____
Date _____
Chair _____
Action Fav, Adv, Hold (see rev. side)
Other _____
Members _____
Refer To _____

MAYOR'S ACTION
APPROVED
MAR 12 2014
WITHOUT SIGNATURE BY OPERATION OF LAW

Member [Signature]
Date Referred To: 1/21/14
Date Referred: City Utilities
Date Referred: _____
Referred To: _____

CITY COUNCIL
ATLANTA, GEORGIA


14-0-1079

**AN ORDINANCE
BY COUNCILMEMBER**

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON TO THE STATE OF GEORGIA A PORTION OF MANGUM STREET, BETWEEN MITCHELL STREET AND HUNTER STREET, CONSISTING OF APPROXIMATELY 0.2616 ACRES OF LAND AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 84 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA; TO WAIVE CERTAIN PROVISIONS OF SECTIONS 138-9 (a) (5) and 138-9 (g) OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") has received a formal request from the State of (the "State" or "Applicant") the owner of abutting property, to abandon a portion of Mangum Street, between Mitchell Street and Hunter Street, consisting of approximately 0.2616 acres of land and being more specifically described in the attached Exhibit "A", said property lying and being in Land Lot 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 Applicant 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 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 Mangum 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 this portion of Mangum Street, between Mitchell Street and Hunter Street, consisting of approximately 0.2616 acres of land and being more specifically described in the attached Exhibit "A", said property lying and being in Land Lot 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 this portion of Mangum Street 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.

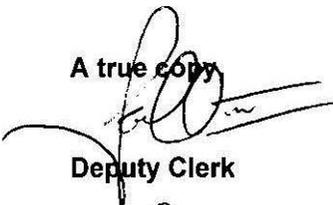
Section 4: That the provisions of 2-1578 and 138-9 (c) of the Code of Ordinances are hereby waived, solely as they relate to the requirement that the City receive an appraisal and be paid the fair market value of the abandoned property as the property is subject to transfer pursuant to O.C.G.A. 36-37(e)(2)(D) 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 Mangum 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.

A true copy

Deputy Clerk

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

MAR 03, 2014
MAR 12, 2014

RCS# 168
3/03/14
6:19 PM

Atlanta City Council

MULTIPLE

14-O-1075;14-O-1076;14-O-1077;14-O-1078
14-O-1079 AND 14-O-1080

ADOPT

YEAS: 11
NAYS: 1
ABSTENTIONS: 1
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y Smith	Y Archibong	A Moore	Y Bond
NV Hall	Y Wan	Y Martin	Y Norwood
Y Young	N Shook	Y Bottoms	Y Dickens
B Winslow	Y Adrean	Y Sheperd	B Mitchell

MULTIPLE