#21

3639

14-O-1080

(Do Not Write Above This Line)

A RESOLUTION
BY COUNCILMEMBER

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON TO THE STATE OF GEORGIA, MITCHELL STREET CONNECTOR, BETWEEN MARTIN LUTHER KING JR. DRIVE AND MITCHELL STREET, CONSISTING OF APPROXIMATELY 1.0390 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.

ADOPTED BY
MAR 03 2014
COUNCIL

☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1ST ADOPT 2ND READ & REFER
☑ PERSONAL PAPER REFER

Date Referred 1/21/14
Referred To: City Utilities

Date Referred
Referred To:

Date Referred:

Referred To:

First Reading

Committee
Date
Chair
Referred To

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

Committee: City Utilities
Date: February 25 2014
Chair: Natalyn Archibong/abs
Action: Fav, Adv, Hold (see rev. side) Other
Members: Joyce M. Sheperd, Ceasar Mitchell, Adrian Dickens, Paul Howard, Ivory Lee Young, Aaron Watson
Refer To

Committee
Date
Chair
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

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd Readings
☐ Consent ☐ V Vote ☑ RC Vote

CERTIFIED
(CERTIFIED)
MAR 03 2014
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
MAR 03 2014
Rhonda Dauphin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
MAR 12 2014
WITHOUT SIGNATURE
BY OPERATION OF LAW

CITY COUNCIL
ATLANTA, GEORGIA

14-O-1080

AN ORDINANCE
BY COUNCILMEMBER

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON TO THE STATE OF GEORGIA, MITCHELL STREET CONNECTOR, BETWEEN MARTIN LUTHER KING JR. DRIVE AND MITCHELL STREET, CONSISTING OF APPROXIMATELY 1.0390 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 Georgia ("State" or "Applicant") the owner of abutting property, to abandon Mitchell Street Connector, between Martin Luther King Jr. Drive and Mitchell Street, consisting of approximately 1.0390 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 Mitchell Street Connector 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 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 Mitchell Street Connector, between Martin Luther King Jr. Drive and Mitchell Street, consisting of approximately 0.1204 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 Mitchell Street Connector 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 Mitchell Street Connector (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 **MAR 03, 2014**
APPROVED as per City Charter Section 2-403 **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