

AN ORDINANCE BY COUNCILMEMBER C. T. MARTIN AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON TO THE STATE OF GEORGIA HUNTER STREET, BETWEEN MANGUM AND ELLIOT STREET, CONSISTING OF APPROXIMATELY 0.2992 ACRE OF LAND AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 83 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.(ADVERTISED FOR A PUBLIC HEARING 2/25/14 @ 9:30 A.M.)

Workflow List:

Atlanta City Council	Completed	02/05/2014 3:00 PM
City Utilities Committee	Completed	02/07/2014 11:31 AM
Atlanta City Council	Completed	02/08/2014 2:20 PM
City Utilities Committee	Completed	02/20/2014 10:03 AM
Atlanta City Council	Completed	02/20/2014 11:22 AM
City Utilities Committee	Pending	
Mayor's Office	Pending	
Mayor's Office	Pending	

HISTORY:

01/21/14 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 1/28/2014 9:30 AM
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01/28/14 City Utilities Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 2/3/2014 1:00 PM
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02/03/14 Atlanta City Council REFERRED AS HELD

RESULT:	REFERRED AS HELD	Next: 2/14/2014 12:30 PM
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02/14/14 City Utilities Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	
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02/17/14 Atlanta City Council REFERRED AS HELD

RESULT:	REFERRED AS HELD	Next: 2/25/2014 9:30 AM
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RESULT:	REFERRED AS HELD	Next: 2/25/2014 9:30 AM
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Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

CITY COUNCIL
ATLANTA, GEORGIA

14-O-1076

SPONSOR SIGNATURES

Clarence T Martin Jr
Clarence "C. T." Martin, Councilmember, District 10

AN ORDINANCE BY COUNCILMEMBER C. T. MARTIN AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON TO THE STATE OF GEORGIA HUNTER STREET, BETWEEN MANGUM AND ELLIOT STREET, CONSISTING OF APPROXIMATELY 0.2992 ACRE OF LAND AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT “A”, LYING AND BEING IN LAND LOT 83 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.(ADVERTISED FOR A PUBLIC HEARING 2/25/14 @ 9:30 A.M.)

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 Hunter Street, between Mangum and Elliot Street, consisting of approximately 0.2992 acres of land and being more specifically described in the attached Exhibit “A”, said property lying and being in Land Lot 83 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, Hunter 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 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 Hunter Street, between Mangum and Elliot Street, consisting of approximately 0.2992 acres of land and being more specifically described in the attached Exhibit “A”, said property lying and

being in Land Lot 83 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 Hunter 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 Hunter 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.



CITY OF ATLANTA

Kasim Reed
MAYOR

55 TRINITY AVE., SW, ATLANTA, GEORGIA 30303-0324
SUITE 4700, CITY HALL - SOUTH
(404) 330-6240
FAX (404) 658-7552
email: publicworks@atlanta.gov

DEPARTMENT OF PUBLIC WORKS

Richard Mendoza
Commissioner

Dexter C. White
Deputy Commissioner

Request for Abandonment of Public Right-of-Way

Date: December 17, 2013

Name of Street: Hunter Street

Between Mangum Street and Elliott Street

Petitioner Name: Kevin Duvall – Georgia World Congress Center Authority (GWCCA)

NOTE: Eligible petitioners are abutting property owner and/or their agents.

Petitioner Phone(s) 404-223-8885 Cell: 678-758-9927 Email: kduvall@gwcc.com

Required Submittals

The following submittals are required to initiate the process for consideration of abandonment of a public right-of-way:

1. A survey of plat area to be abandoned. Survey plat must be prepared by a registered surveyor in a manner suitable for filing. Plat is subject to review and approval by the Department of Public Works.
2. A legal description of area to be abandoned on 8 ½ X 11 sheet.
3. A list of all abutting property owners, respective addresses, tax parcel codes, deed book and page number of title.
4. An owner's statement" from each abutting property owner
5. Fee of \$2,500 for streets abutting the development of residential subdivision, commercial or industrial tracts OR a fee of \$2,000 for streets abutting individual residential lots. This fee is applied to the cost of the appraisal of the parcel and advertisement of the proposed abandonment.
6. Any special information deemed necessary or appropriate by the Commissioner of the Department of Public Works
7. Warranty Deeds of all _____ properties abutting area to be abandoned.

Attachment: (2) Hunter St App (14-O-1076 : Abandonment of Hunter St.)

Certificate of Intent

I, Kevin Duvall the undersigned, do hereby certify that I am the qualified Petitioner for the abandonment of the above listed street and do intend to acquire the prorated portion of the abandoned street at fair market value as a condition of consideration of abandonment.

Kevin Duvall, COO

Adele S. Aiken
Notary Public
my commission expires 9/26/13

12/18/2013
Date

I, Georgia World Congress Center Authority (GWCCA) (owner's name) the undersigned do hereby certify that I am the owner(s) of record of real property abutting Hunter Street a public right-of-way in the City of Atlanta.

I support X / do not support _____ the abandonment of the aforementioned right-of-way. If abandoned, I will _____ / will not X acquire at fair market value that portion of the right-of-way abutting my property.

Kevin Duvall, COO
Signature of Property Owner

12/18/13
Date

KEVIN DUVALL, COO
Print Name of Property Owner

12/18/13
Date

Adele S. Aiken
Notary Public

12/18/2013
Date

my commission expires 9/26/16

Attachment: (2) Hunter St App (14-O-1076 : Abandonment of Hunter St.)

Certificate of Intent

I, Kevin Duvall the undersigned, do hereby certify that I am the qualified Petitioner for the abandonment of the above listed street and do intend to acquire the prorated portion of the abandoned street at fair market value as a condition of consideration of abandonment.

Kevin Duvall, COO

Aule S. Aiken

Notary Public
my commission expires 9/26/14

12/18/2013
Date

I, Robert S. Lane (owner's name) the undersigned do hereby certify that I am the owner(s) of record of real property abutting Hunter Street a public right-of-way in the City of Atlanta.

I support X / do not support _____ the abandonment of the aforementioned right-of-way. If abandoned, I will _____ / will not X acquire at fair market value that portion of the right-of-way abutting my property.

see attached
Signature of Property Owner

Date

Print Name of Property Owner

Date

Notary Public

Date

Attachment: (2) Hunter St App (14-O-1076 : Abandonment of Hunter St.)

Certificate of Intent

I, Robert S. Lane the undersigned, do hereby certify that I am the owner(s) of record of real property abutting Martin Luther King Jr. Drive a public right-of-way in the City of Atlanta.

I support X / do not support _____ the abandonment of the aforementioned right-of-way. If abandoned, I will _____ / will not X acquire at fair market value that portion of the right-of-way abutting my property.

Robert S. Lane
Signature of Property Owner

12-3-13
Date

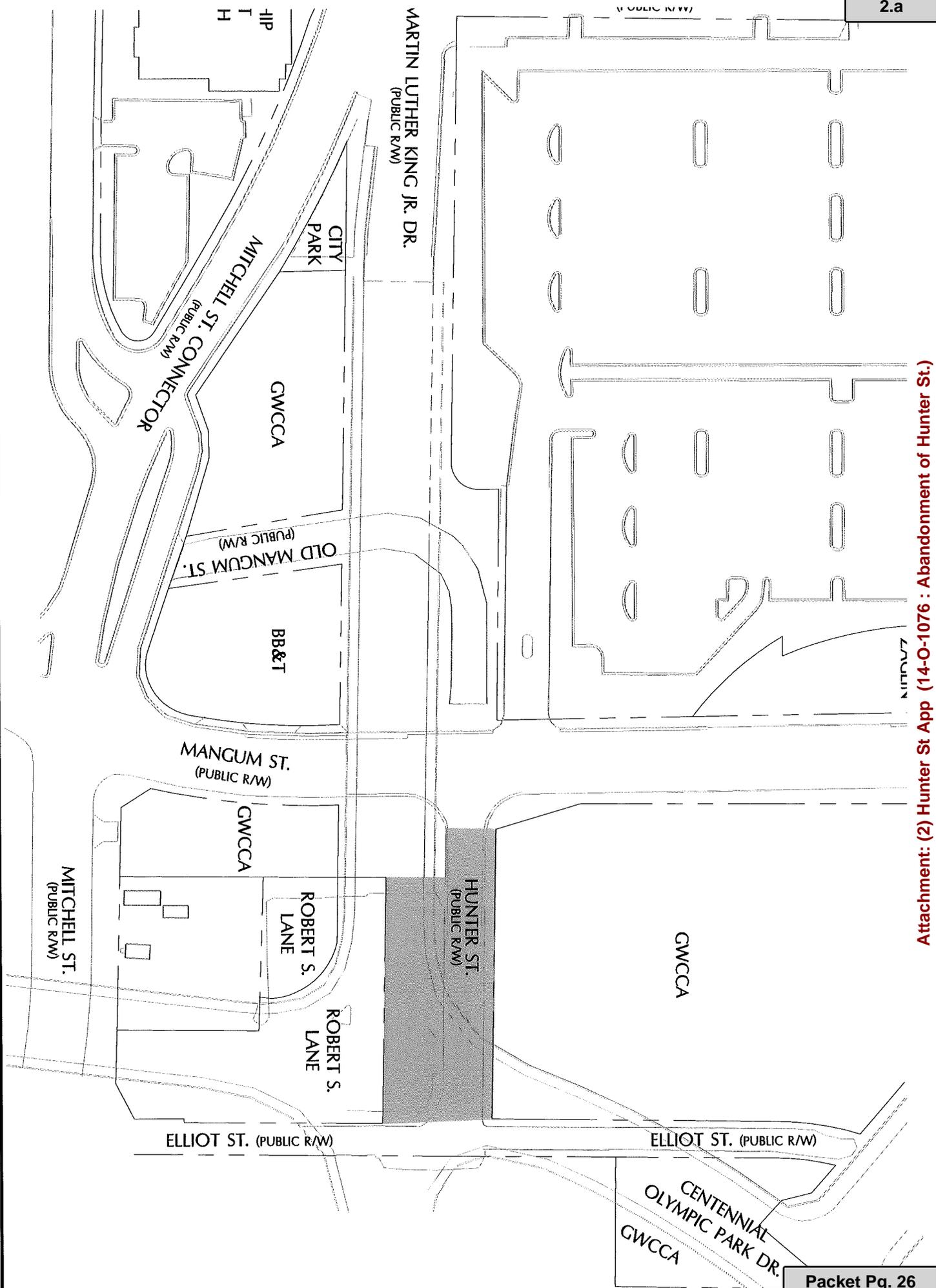
Robert S. Lane
Print Name of Property Owner

[Signature]
Notary Public

12-03-13
Date

CORINA TOMAY ABAKA
TAX ASSOCIATE & NOTARY PUBLIC
884 GREEN VALLEY RD
MABLETON, GA 30126

Attachment: (2) Hunter St App (14-O-1076 : Abandonment of Hunter St.)



Attachment: (2) Hunter St App (14-O-1076 : Abandonment of Hunter St.)

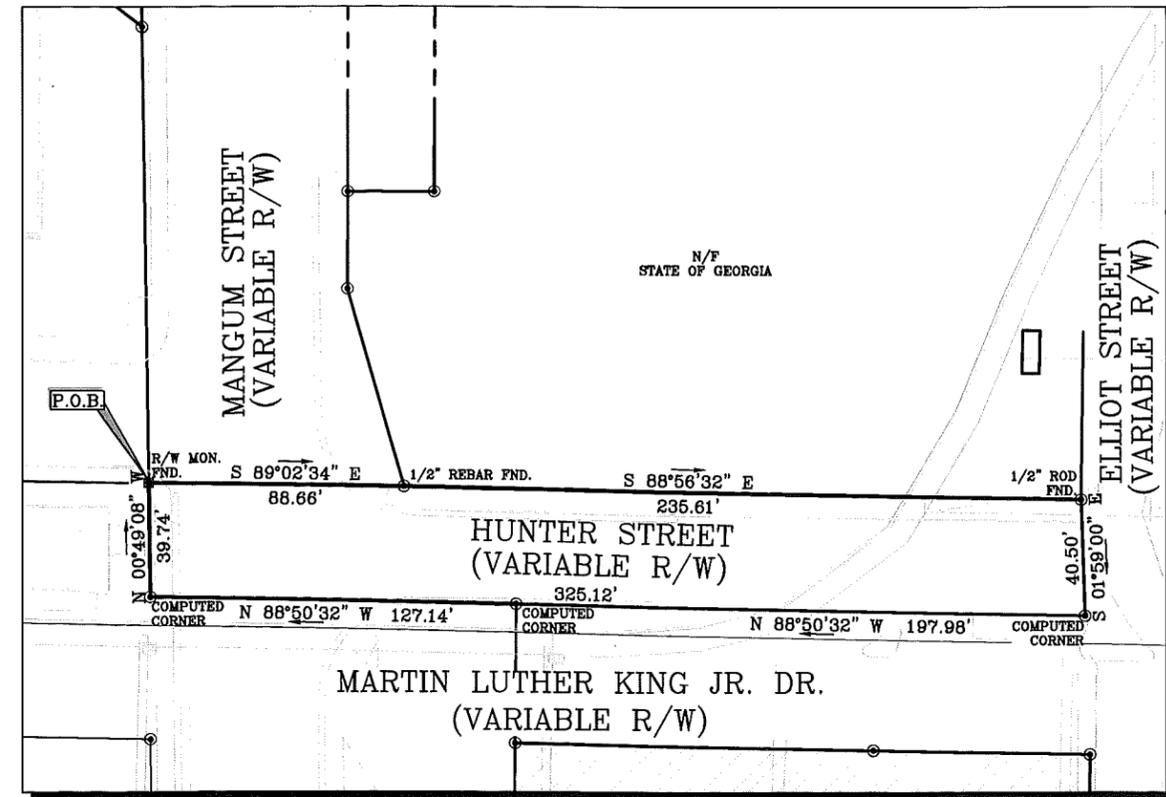
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in the City of Atlanta, in Land Lot 83 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a concrete right-of-way monument found at the intersection of the northerly right-of-way line of Martin Luther King Jr. Drive/Hunter Street (having a variable right-of-way) and the westerly right-of-way line of Mangum Street (having a variable right-of-way); Thence, continue, crossing the right-of-way of Mangum Street South 89 degrees 02 minutes 34 seconds East, for a distance of 88.66 feet to a ½ inch rebar found at the intersection of the northerly right-of-way line of Hunter Street (having a variable right-of-way) and the easterly right-of-way line of Mangum Street (having a variable right-of-way); Thence, continue along said northerly right-of-way line of Hunter Street, South 88 degrees 56 minutes 32 seconds East, for a distance of 235.61 feet to a ½ inch rod found at the intersection of said northerly right-of-way line and the westerly right-of-way line of Elliot Street (having a variable right-of-way), said point being at the easterly terminus of Hunter Street; Thence, departing said northerly right-of-way line and crossing the right-of-way of Hunter Street, at its terminus, continue South 01 degree 59 minutes 00 seconds East, for a distance of 40.50 feet to a point; Thence, continue North 88 degrees 50 minutes 32 seconds West, for a distance of 325.12 feet to a point; Thence, continue North 00 degrees 49 minutes 08 seconds West, for a distance of 39.74 feet to a concrete right-of-way monument found at the intersection of the northerly right-of-way line of Martin Luther King Jr. Drive/Hunter Street (having a variable right-of-way) and the westerly right-of-way line of Mangum Street (having a variable right-of-way), said monument being the **TRUE POINT OF BEGINNING**.

Said parcel contains 13031.20 Square Foot of land or 0.2992 Acres.

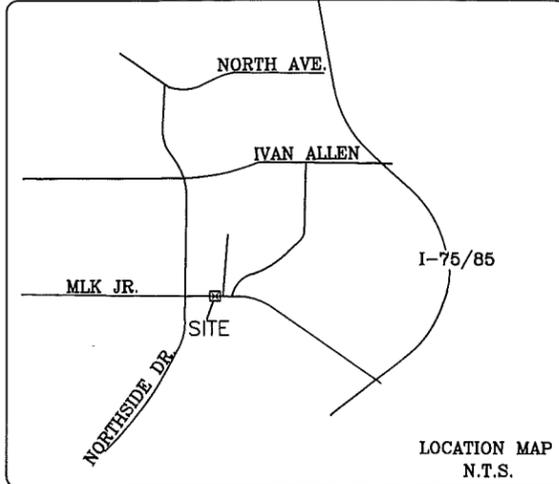
The intent is to abandon the remainder of the existing right-of-way of Hunter Street from the westerly right-of-way line of Mangum Street to the westerly right-of-way line of Elliot Street.



AREA = 0.2992 ACRES
OR
13031.20 SQ. FT.

- REFERENCE MATERIAL:**
- DEED BOOK 40452, PAGE 395, FULTON COUNTY RECORDS.
 - DEED BOOK 40795, PAGE 543, FULTON COUNTY RECORDS.
 - DEED BOOK 41378, PAGE 658, FULTON COUNTY RECORDS.
 - DEED BOOK 41378, PAGE 659, FULTON COUNTY RECORDS.
 - DEED BOOK 44787, PAGE 328, FULTON COUNTY RECORDS.
 - DEED BOOK 48355, PAGE 185, FULTON COUNTY RECORDS.
 - PLAT ENTITLED "HUNTER STREET VIADUCT ATLANTA, GEORGIA, RIGHT OF WAY PLAN, PREPARED BY ROBERT AND COMPANY ASSOCIATES, DATED AUGUST 6, 1958.
 - GEORGIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PROPOSED MANGUM STREET, FULTON COUNTY, FEDERAL AID PROJECT M-9162(1), PHASE 1, DATED 3-29-1979, LAST REVISED 7-7-1982, SHEETS 1-3.
 - GEORGIA DEPARTMENT OF TRANSPORTATION MITCHELL STREET BRIDGE REPLACEMENT, PREPARED BY HEATH & LINEBACK ENGINEERS, LAST REVISED 12-15-2011, SHEET 13-01.

- NOTES:**
- BEARING BASIS OF THIS PLAT IS BASED ON THE GEORGIA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM, 1983. TIES WERE MADE TO POINTS FOUND IN THE FIELD, UTILIZING LEICA GPS 1200 SYSTEM AND LEICA SMARTNET NETWORK AND ADJUSTED, BASED ON CONVENTIONAL SURVEY METHODS. FIELD WORK WAS COMPLETED ON NOVEMBER 1, 2013.
 - FIELD EQUIPMENT USED FOR THE CONVENTIONAL SURVEY WAS A LEICA TS12, A 3 SECOND ROBOTIC, TOTAL STATION.
 - THE FIELD DATA FROM WHICH THIS PLAT OR MAP WAS ADJUSTED USING THE LEAST SQUARES METHOD AND WAS FOUND TO BE ACCURATE TO WITHIN 1 PART IN 25,000 PARTS OR BETTER AND AN ANGULAR ERROR OF 01.5 SECONDS PER ANGLE POINT; THIS PLAT OR MAP HAS ITSELF BEEN COMPUTED TO DETECT SCRIVENER ERRORS AND IT TOO WAS FOUND TO BE ACCURATE TO WITHIN 1 PART IN 25,000 PARTS OR BETTER.
 - ENCROACHMENTS ARE AS SHOWN ON THE PLAT.
 - UPON EXAMINATION OF FEMA FLOOD INSURANCE RATE MAPS OF FULTON COUNTY, GEORGIA, FIRM PANEL MAP #13121C0244F, DATED SEPTEMBER 18, 2013, IT HAS BEEN DETERMINED THE PLATTED PROPERTY, SHOWN HEREON, DOES NOT LIE IN A FLOOD HAZARD AREA.
 - ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF.
 - ALL BEARINGS SHOWN ARE COMPUTED FROM ANGLES TURNED AND THEIR BASIS IS AS DEFINED ON THE PLAT



LEGAL DESCRIPTION

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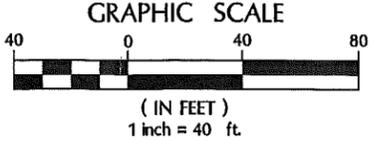
Said parcel contains 13031.20 Square Foot of land or 0.2992 Acres.

The intent is to abandon the remainder of the existing right-of-way of Hunter Street from the westerly right-of-way line of Mangum Street to the westerly right-of-way line of Elliot Street.

CERTIFICATE OF SURVEYOR

"I HEREBY CERTIFY TO ALL PARTIES INTERESTED IN THE TITLE TO THE TRACT(S) OF LAND (UNLESS OTHERWISE STATED, HEREINAFTER COLLECTIVELY REFERRED TO IN THE CERTIFICATE AND HEREON AS "THE LAND") SURVEYED AND PLATTED HEREON, THAT THIS PLAT: (A) IS THE RESULT OF A FIELD SURVEY AND IS AN ACCURATE, CURRENT AND COMPLETE REPRESENTATION OF THE LAND SURVEYED AND PLATTED HEREON; (B) WAS PREPARED IN CONFORMITY WITH, PURSUANT TO, AND IS IN COMPLIANCE WITH: (1) THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW; (2) OCGA §§ 15-6-67 - 69 AMENDED THROUGH THE DATE OF THIS CERTIFICATE; AND (3) ALL APPLICABLE LOCAL, COUNTY, AND MUNICIPAL ORDINANCES, STATUTES AND SPECIFICATIONS; (C) SHOWS THAT THE LAND IS TIED (IN COMPLIANCE WITH OCGA §§ 44-4-20 - 31 AS AMENDED THROUGH THE DATE OF THIS CERTIFICATE) TO THE GEORGIA COORDINATE SYSTEM OF 1985, WEST ZONE, AND SHOWS THE STATE PLANE COORDINATES OF AT LEAST TWO PERMANENT MONUMENTS ON THE SURVEY, EXPRESSED IN AMERICAN SURVEY FEET, AND ALSO SHOWS WHEN A NATIONAL GEODETIC SURVEY MONUMENT IS WITHIN 500 FEET OF ANY POINT ON THE PROPERTY MAPPED OR PLATTED, OR ANY POINT OF REFERENCE SHOWN THEREON; (D) SHOWS THAT ALL BEARINGS ARE REFERENCED TO GRID NORTH, GEORGIA COORDINATE SYSTEM OF 1985, WEST ZONE; (E) SHOWS THAT ALL CORNERS HAVE BEEN ESTABLISHED AND MARKED BY EITHER IRON PINS OR CONCRETE MONUMENTS WHICH HAVE BEEN FOUND, VERIFIED, LABELED AS TO TYPE AND LEFT IN PLACE; (F) LABELS HEREON A POINT OF BEGINNING WHICH IS LOCATED ON THE PERIMETER BOUNDARY; (G) SHOWS HEREON IN A "LEGEND" THE MEANINGS OF ALL ABBREVIATIONS AND SYMBOLS USED; (H) SHOWS HEREON THE NUMBER, DATE AND NATURE OF ALL REVISIONS OF THIS PLAT; (I) IS ELIGIBLE FOR RECORDING TO THE PLAT BOOK RECORDS IN THE OFFICE OF THE CLERK OF SUPERIOR COURT OF ANY COUNTY OR COUNTIES IN WHICH THE LAND TOTALLY OR PARTIALLY LIES, AND CLEARLY INDICATES ACRES, LAND LOTS, SECTIONS, DISTRICT BY COUNTY(IES); AND (J) INCORPORATES EACH SPECIFICALLY REQUIRED ITEM INCLUDING ANY AS SET OUT IN THAT CERTAIN SERVICES AGREEMENT(S) REGARDING THIS PLAT BETWEEN THE UNDERSIGNED; AND (K) AN AREA MAP INDICATING THE LOCATION OF THE PROPERTY.

TIMOTHY J. SLATON, RLS # 2405



REVISIONS	DATE	DESCRIPTION

2550 Heritage Court
Suite 100
Atlanta, Georgia 30339
Tel 770.951.2495
Fax 770.951.2496
www.longeng.com



**RIGHT-OF-WAY ABANDONMENT PLAT
OF
HUNTER STREET
PREPARED FOR STATE OF GEORGIA**
ILL 83 - 14TH DIST - CITY OF ATLANTA - FULTON COUNTY - GEORGIA

DATE: 10/27/2013
DESIGN: J.S.
DRAWN BY: J.S.

SHEET
1 OF 1