

AN ORDINANCE BY COUNCILMEMBER C. T. MARTIN AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON TO THE STATE OF GEORGIA A PORTION OF ELLIOT STREET, BEGINNING APPROXIMATELY 100 FEET FROM THE NORTHERN RIGHT-OF-WAY OF HUNTER STREET TO ITS NORTHERN TERMINUS, CONSISTING OF APPROXIMATELY 0.1306 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

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

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

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

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

<b>RESULT:</b>	<b>REFERRED AS HELD</b>	<b>Next: 2/25/2014 9:30 AM</b>
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<b>RESULT:</b>	<b>REFERRED AS HELD</b>	<b>Next: 2/25/2014 9:30 AM</b>
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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-1077

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 A PORTION OF ELLIOT STREET, BEGINNING APPROXIMATELY 100 FEET FROM THE NORTHERN RIGHT-OF-WAY OF HUNTER STREET TO ITS NORTHERN TERMINUS, CONSISTING OF APPROXIMATELY 0.1306 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 a portion of Elliott Street, beginning approximately 100 feet from the northern right of way of Hunter Street to its northern terminus, consisting of approximately 0.1306 acres of land and being more specifically described in the attached Exhibit "A", said property lying and being in Land Lot 83 of the 14<sup>th</sup> 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 Elliot 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 Elliot Street, beginning approximately 100 feet from the northern right of way of Hunter Street to its northern terminus, consisting of approximately 0.1306 acres of land and being more specifically described in the attached Exhibit “A”, said property lying and being in Land Lot 83 of the 14<sup>th</sup> 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 Elliot 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 Elliott 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: Elliot Street

Between approximately 100 feet from the northern right-of-way of Hunter Street and its northern terminus.

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: kduvallgwcc.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.

*Request for Abandonment of Public Right-of-Way*

Attachment: (3) Elliot Street App (14-O-1077 : (Adv)Abandonment of Elliot 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*

*Dale S. Aiken*

Notary Public

*my commission expires 9/26/16*

*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 Old Mangum Street a public right-of-way in the City of Atlanta.

I support  / do not support  the abandonment of the aforementioned right-of-way. If abandoned, I will  / will not  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 DUVAL  
Print Name of Property Owner

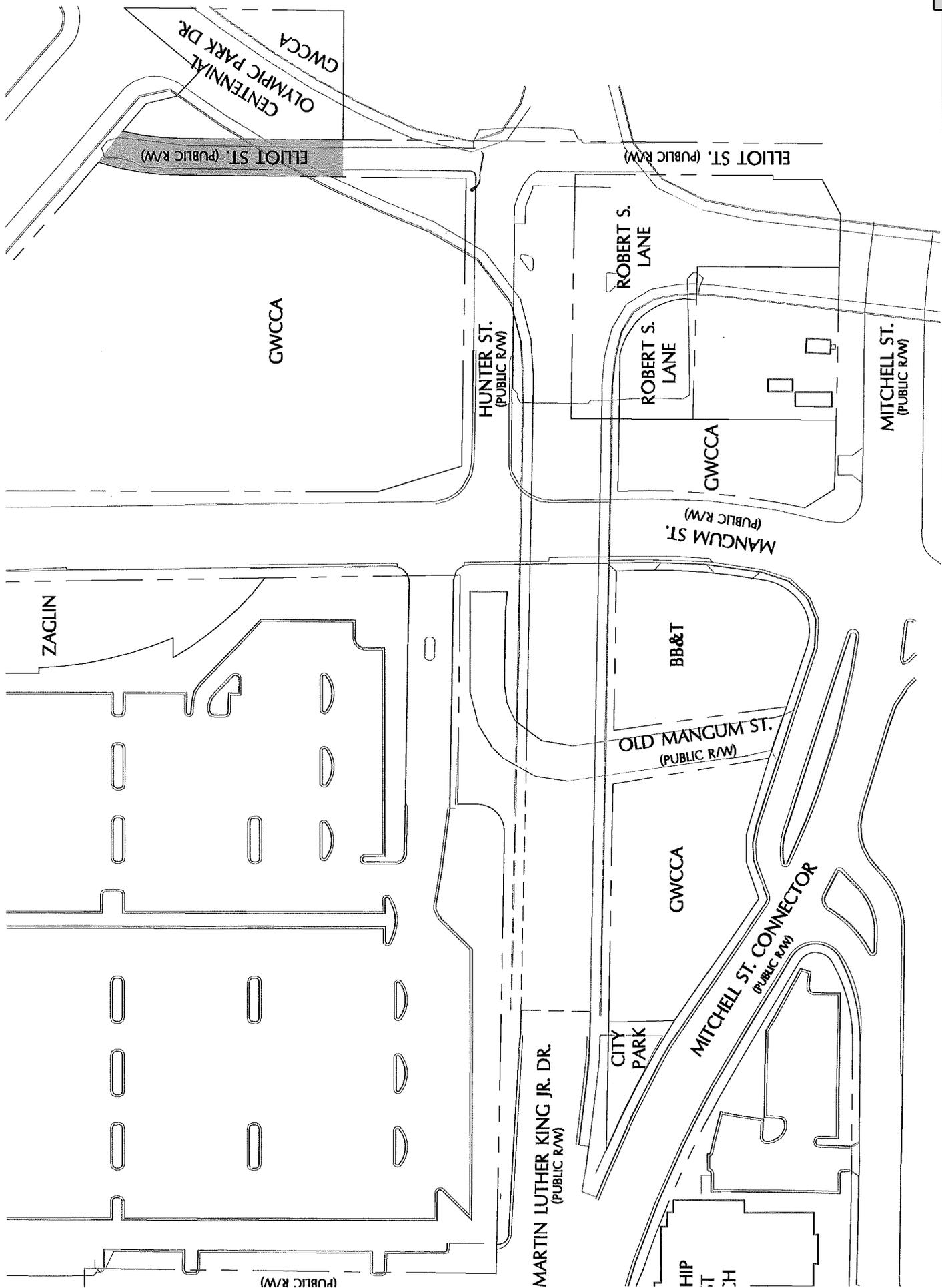
*12/18/13*  
Date

*Dale S. Aiken*  
Notary Public

*12/18/2013*  
Date

*my commission expires 9/26/16*

Attachment: (3) Elliot Street App (14-O-1077 : AdvAbandonment of Elliot St.)



ELLIOT ST. (NORTH) ABANDONMENT EXHIBIT

DECEMBER 17, 2013

Attachment: (3) Elliot Street App (14-O-1077 : AdvAbandonment of Elliot St.)



LEGAL DESCRIPTION

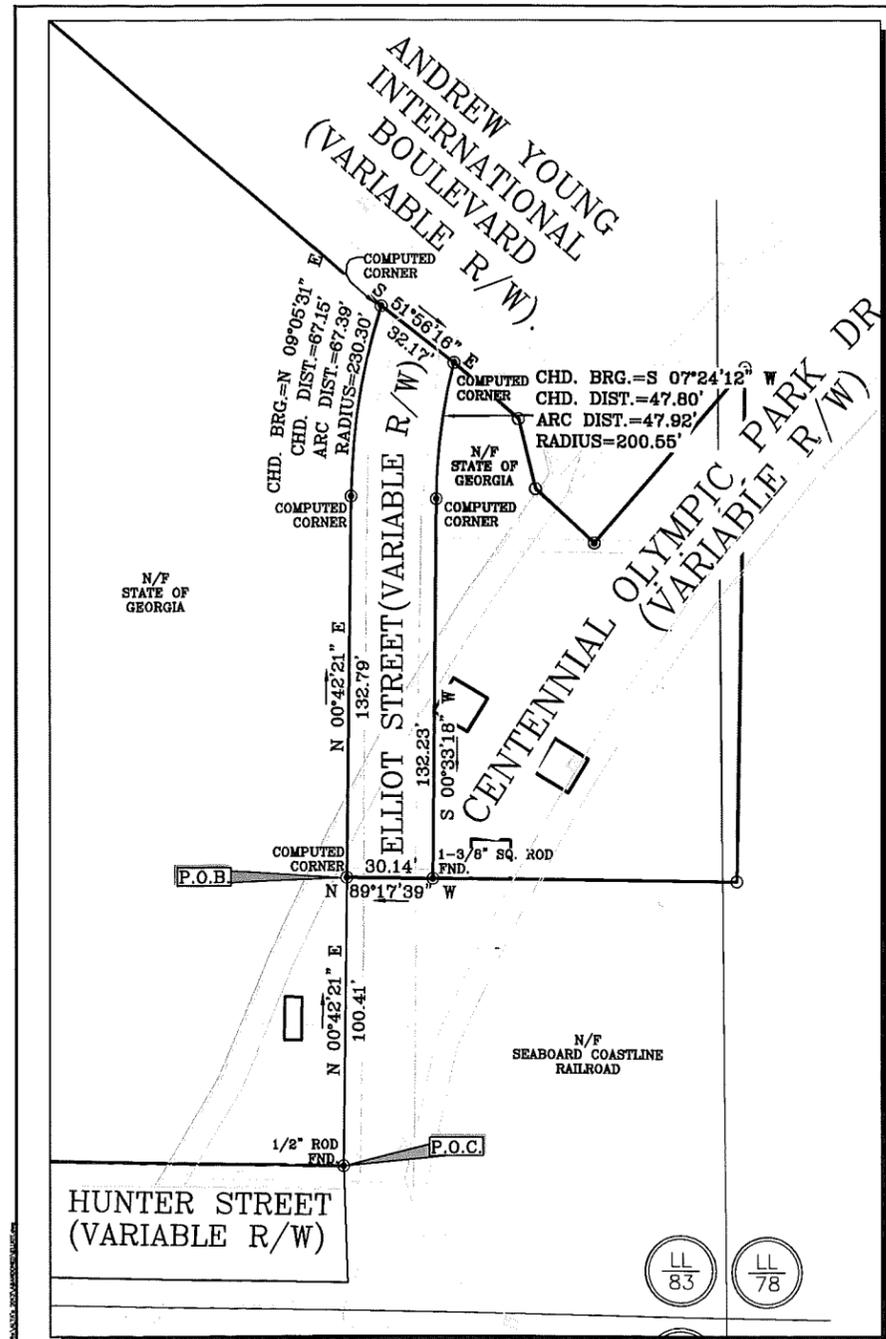
All that tract or parcel of land lying and being in the City of Atlanta, in Land Lot 83 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

**COMMENCE** at a ½ inch rod found at the intersection of the northerly right-of-way line of Hunter Street (having a variable right-of-way) 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, continue along said westerly right-of-way line North 00 degrees 42 minutes 21 seconds East, for a distance of 100.41 feet to a point, said point being the **TRUE POINT OF BEGINNING**;

From the **TRUE POINT OF BEGINNING**, thus established, continue along said westerly right-of-way line North 00 degrees 42 minutes 21 seconds East, for a distance of 132.79 feet to a point; Thence, continue along a curve to the right having a radius of 230.30 feet, and being subtended by a chord bearing North 09 degrees 05 minutes 31 seconds East, a chord distance of 67.15 feet and an arc distance of 67.39 feet to a point located at the intersection of the westerly right-of-way line of Elliot Street and the southerly right-of-way line of Andrew Young International Boulevard (having a variable right-of-way); Thence, departing said westerly right-of-way line of Elliot Street and continuing along the southerly right-of-way line of Andrew Young International Boulevard South 51 degrees 56 minutes 16 seconds East, for a distance of 32.17 feet to a point located at the easterly right-of-way line of Elliot Street; Thence, departing said southerly right-of-way line of Andrew Young International Boulevard, continue along the easterly right-of-way line of Elliot Street, along a curve to the left having a radius of 200.55 feet, and being subtended by a chord bearing, South 07 degrees 24 minutes 12 seconds West, a chord distance of 47.80 feet and an arc distance of 47.92 feet to a point; Thence, continue South 00 degrees 33 minutes 18 seconds West, for a distance of 132.23 feet to a 1-3/8 inch square rod found; Thence, departing said easterly right-of-way line and crossing the right-of-way of Elliot Street North 89 degrees 17 minutes 39 seconds West, for a distance of 30.14 feet to a point located at the westerly right-of-way line of Elliot Street (having a variable right-of-way), said point being the **TRUE POINT OF BEGINNING**.

Said parcel contains 5688.25 Square Foot of land or 0.1306 Acres.

The intent is to abandon the remainder of the existing right-of-way of Elliot Street from Hunter Street, northerly, to Andrew Young International Boulevard.



AREA = 0.1306 ACRES  
OR  
5688.25 SQ. FT.

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:

**COMMENCE** at a 1/4 inch rod found at the intersection of the northerly right-of-way line of Hunter Street (having a variable right-of-way) 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, continue along said westerly right-of-way line North 00 degrees 42 minutes 21 seconds East, for a distance of 100.41 feet to a point, said point being the **TRUE POINT OF BEGINNING**;

From the **TRUE POINT OF BEGINNING**, thus established, continue along said westerly right-of-way line North 00 degrees 42 minutes 21 seconds East, for a distance of 132.79 feet to a point; Thence, continue along a curve to the right having a radius of 230.30 feet, and being subtended by a chord bearing North 09 degrees 05 minutes 31 seconds East, a chord distance of 67.15 feet and an arc distance of 67.39 feet to a point located at the intersection of the westerly right-of-way line of Elliot Street and the southerly right-of-way line of Andrew Young International Boulevard (having a variable right-of-way); Thence, departing said westerly right-of-way line of Elliot Street and continuing along the southerly right-of-way line of Andrew Young International Boulevard South 51 degrees 56 minutes 16 seconds East, for a distance of 32.17 feet to a point located at the easterly right-of-way line of Elliot Street; Thence, departing said southerly right-of-way line of Andrew Young International Boulevard, continue along the easterly right-of-way line of Elliot Street, along a curve to the left having a radius of 200.55 feet, and being subtended by a chord bearing, South 07 degrees 24 minutes 12 seconds West, a chord distance of 47.80 feet and an arc distance of 47.92 feet to a point; Thence, continue South 00 degrees 33 minutes 18 seconds West, for a distance of 132.23 feet to a point located at the westerly right-of-way line of Elliot Street (having a variable right-of-way), said point being the **TRUE POINT OF BEGINNING**.

Said parcel contains 5688.25 Square Foot of land or 0.1306 Acres.

The intent is to abandon the remainder of the existing right-of-way of Elliot Street from Hunter Street, northerly, to Andrew Young International Boulevard.

NOTES:

1. 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.
2. FIELD EQUIPMENT USED FOR THE CONVENTIONAL SURVEY WAS A LEICA TS12, A 3 SECOND ROBOTIC, TOTAL STATION.
3. 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 0.15 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.
4. ENCROACHMENTS ARE AS SHOWN ON THE PLAT.
5. UPON EXAMINATION OF FEMA FLOOD INSURANCE RATE MAPS OF FULTON COUNTY, GEORGIA, FIRM PANEL MAP #13121C024F, DATED SEPTEMBER 18, 2013, IT HAS BEEN DETERMINED THE PLATTED PROPERTY, SHOWN HEREON, DOES NOT LIE IN A FLOOD HAZARD AREA.
6. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF.
7. ALL BEARINGS SHOWN ARE COMPUTED FROM ANGLES TURNED AND THEIR BASIS IS AS DEFINED ON THE PLAT

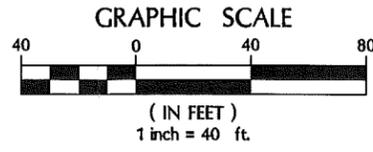
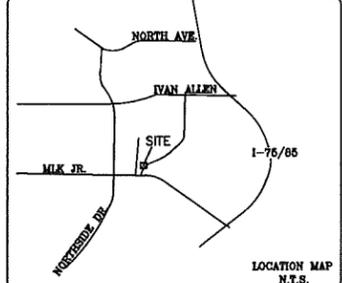
REFERENCE MATERIAL:

1. DEED BOOK 40452, PAGE 395, FULTON COUNTY RECORDS.
2. DEED BOOK 40795, PAGE 543, FULTON COUNTY RECORDS.
3. DEED BOOK 41378, PAGE 658, FULTON COUNTY RECORDS.
4. DEED BOOK 41378, PAGE 659, FULTON COUNTY RECORDS.
5. DEED BOOK 44787, PAGE 328, FULTON COUNTY RECORDS.
6. DEED BOOK 48355, PAGE 185, FULTON COUNTY RECORDS.
7. PLAT BOOK 346, PAGE 50, FULTON COUNTY RECORDS
8. PLAT ENTITLED "HUNTER STREET VIADUCT ATLANTA, GEORGIA, RIGHT OF WAY PLAN, PREPARED BY ROBERT AND COMPANY ASSOCIATES, DATED AUGUST 6, 1958.
9. 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.
10. MARTA WEST LINE ALIGNMENT PLAN AND DATA, STAMPED AS-BUILT, BEING DRAWING NO. CT003-1, LAST REVISED 6-5-1983
11. DRAWING ENTITLED "WEST LINE PROPERTY CERTIFICATION MAP", PREPARED BY METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY, CONTRACT No. PY-S14-01, DRAWING RW W3, DATED JULY 8, 1975, LAST REVISED 14 DECEMBER 1977.

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



NO.	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  
ELLIOT STREET  
PREPARED FOR STATE OF GEORGIA  
LL 83 - 14TH DIST - CITY OF ATLANTA - FULTON COUNTY - GEORGIA

DATE: 12/27/2013  
DESK NO.:  
CADD NO.: T.S.  
DESIGNED BY:  
DRAWN BY: J.L.

SHEET  
1 OF 1