

**AN ORDINANCE BY COUNCILMEMBER MICHAEL J. BOND AUTHORIZING THE MAYOR DESIGNEE, TO ABANDON TO THE STATE OF GEORGIA OLD MANGUM STREET, BETWEEN MITCHELL STREET CONNECTOR AND MARTIN LUTHER KING, JR. DRIVE, CONSISTING OF APPROXIMATELY 0.1204 ACRE 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.(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	

**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 style="text-align: center;">Mayor's Action <i>See Authentication Page Attachment</i></p>	

CITY COUNCIL  
ATLANTA, GEORGIA

14-O-1078

SPONSOR SIGNATURES

A handwritten signature in black ink, appearing to read "Michael Julian Bond". The signature is stylized and written over a horizontal line.

Michael Julian Bond, Councilmember, Post 1 At-Large

**AN ORDINANCE BY COUNCILMEMBER MICHAEL J. BOND AUTHORIZING THE MAYOR DESIGNEE, TO ABANDON TO THE STATE OF GEORGIA OLD MANGUM STREET, BETWEEN MITCHELL STREET CONNECTOR AND MARTIN LUTHER KING, JR. DRIVE, CONSISTING OF APPROXIMATELY 0.1204 ACRE 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.(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 Georgia (the "State" or "Applicant") the owner of abutting property, to abandon Old Mangum Street, between Mitchell Street Connector and Martin Luther King Jr. Drive, 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 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 13 8-9( 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, Old Mangum Street 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 herein 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 Old Mangum Street between Mitchell Street Connector and Martin Luther King Jr. Drive, 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 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 Old Mangum Street as herein above 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 Old 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.



**AN ORDINANCE  
BY COUNCILMEMBER**

**AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON TO THE STATE OF GEORGIA OLD MANGUM STREET, BETWEEN MITCHELL STREET CONNECTOR AND MARTIN LUTHER KING JR. DRIVE, CONSISTING OF APPROXIMATELY 0.1204 ACRES OF LAND AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOT 84 OF THE 14<sup>TH</sup> 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 (the "State" or "Applicant") the owner of abutting property, to abandon Old Mangum Street, between Mitchell Street Connector and Martin Luther King Jr. Drive, 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 14<sup>th</sup> District of Fulton County, Georgia, and

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**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

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## 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: Old Mangum Street

Between Mitchell Street Connector and Martin Luther King Jr. Drive

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.

Attachment: (1) Old Mangum St App (14-O-1078 : MLK)

**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

Dale S. Aiken  
Notary Public  
*my commission expires 9/26/16*

12/18/2013  
Date

I, Branch Banking and Trust (BB&T) (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 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: (1) Old Mangum St App (14-O-1078 : MLK)

Certificate of Intent

BRANCH BANKING & TRUST COMPANY

I, ~~Natalie A. Covington~~ and Oliver Murray, Jr., the undersigned, do hereby certify that I am the owner(s) of record of real property abutting Martin Luther King Jr. Drive, Mangum Street and Old Mangum Street, public right-of-ways in the City of Atlanta.

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

Natalie Covington, V.P., BB;T as co-trustee

Signature of Property Owner

12/23/13

Date

Branch Banking & Trust, Co-Trustee of Trust FBO Shirley H. Hoskins

Print Name of Property Owner

\_\_\_\_\_

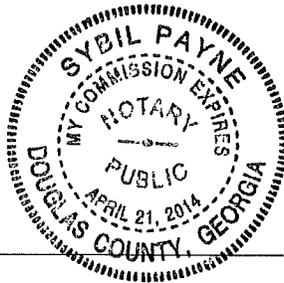
Signature of Property Owner

\_\_\_\_\_

Date

Oliver C. Murray, Jr., as Co-Trustee of trust FBO Shirley H. Hoskins and Trustee of trust FBO Douglas O. Horne

Print Name of Property Owner



Sybil Payne

Notary Public

12/23/13

Date

Attachment: (1) Old Mangum St App (14-O-1078 : MLK)

Certificate of Intent

I, Natalie A. Covington and Oliver Murray, Jr. the undersigned, do hereby certify that I am the owner(s) of record of real property abutting Martin Luther King Jr. Drive, Mangum Street and Old Mangum Street, public right-of-ways in the City of Atlanta.

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

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

Branch Banking & Trust, Co-Trustee of Trust FBO Shirley H. Hoskins  
Print Name of Property Owner

  
Signature of Property Owner

12/20/13  
Date

Oliver C. Murray, Jr., as Co-Trustee of trust FBO Shirley H. Hoskins and Trustee of trust FBO Douglas O. Horne  
Print Name of Property Owner

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date

SGR/11534769.1

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

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

Branch Banking & Trust, Co-Trustee of Trust FBO Shirley H. Hoskins  
Print Name of Property Owner

  
Signature of Property Owner

12/20/13  
Date

Oliver C. Murray, Jr., as Co-Trustee of trust FBO Shirley H. Hoskins and Trustee of trust FBO Douglas O. Horne  
Print Name of Property Owner

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date

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Kevin Duvall, COO

Dale S. Aiken  
Notary Public

12/18/2013  
Date

*my commission expires 9/26/16*

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 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 DUVAL, COO  
Print Name of Property Owner

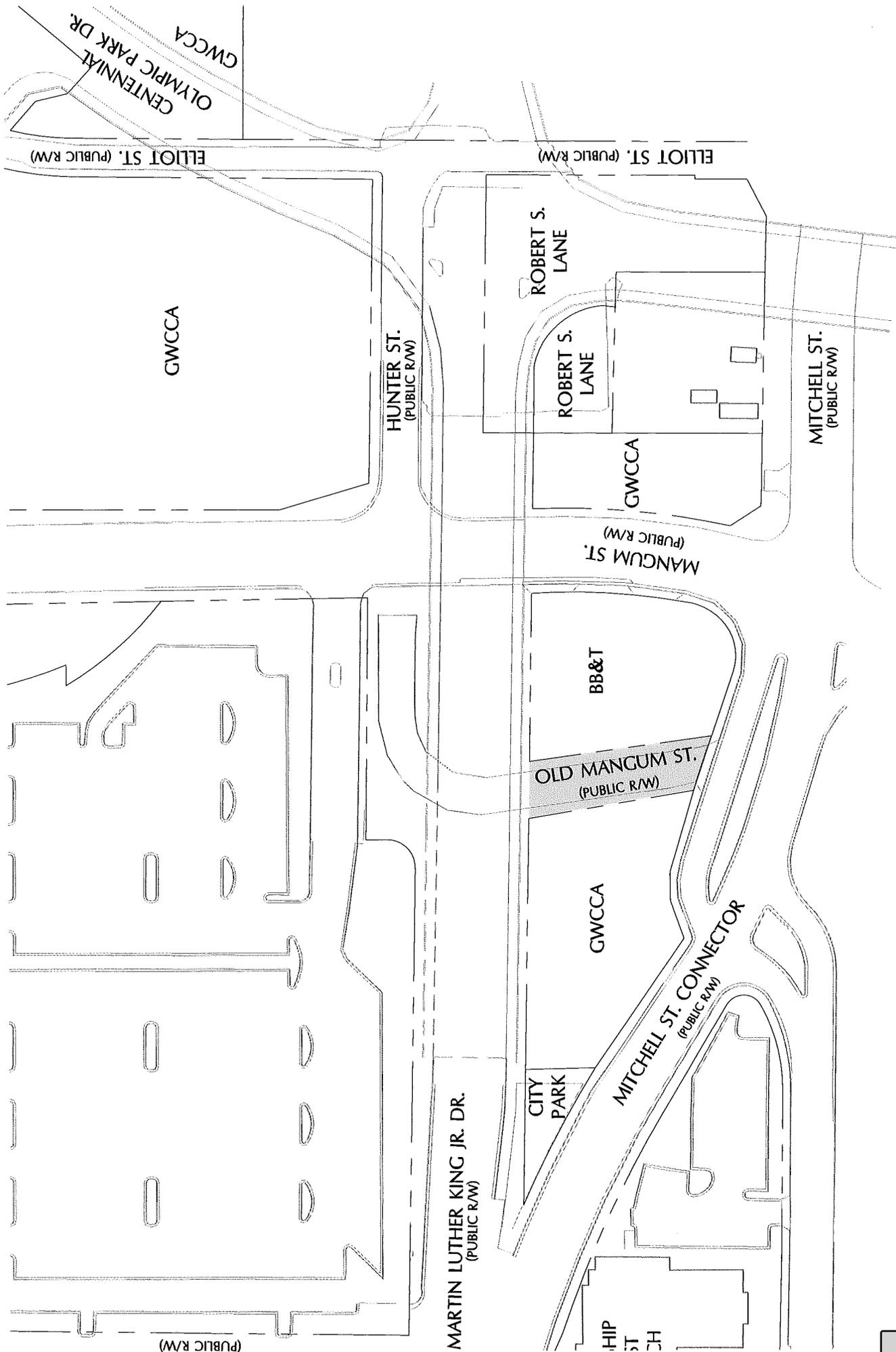
12/18/13  
Date

Dale S. Aiken  
Notary Public

12/18/2013  
Date

*my commission expires 9/26/16*

Attachment: (1) Old Mangum St App (14-O-1078 : MLK)



OLD MANGUM ST. ABANDONMENT EXHIBIT

Attachment: (1) Old Mangum St App (14-O-1078 : MLK)

I.O.N.G

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in the City of Atlanta, in Land Lot 84 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

**BEGINNING** at a point located at the intersection with the northerly right-of-way line of Mitchell Street Connector (having a variable right-of-way), and easterly right-of-way line of Old Mangum Street (having a 41.46' right-of-way, as taken from the Right-of-way Plans of Mangum Street Re-locate), said point being located North 71 degrees 40 minutes 06 seconds West, a distance of 52.83 feet from a right-of-way monument found at the intersection of the westerly right-of-way line of Mangum Street (having a variable right-of-way) and the northerly right-of-way line of Mitchell Street Connector (having a variable right-of-way), said point being the **TRUE POINT OF BEGINNING**; Thence, continuing along the northerly right-of-way line of Mitchell Street Connector in a westerly direction, North 53 degrees 19 minutes 35 seconds West, for a distance of 58.10 feet to a point, said point being located at the intersection with the westerly right-of-way line of Old Mangum Street, and the northerly right-of-way line of Mitchell Street Connector; Thence continuing along the westerly right-of-way line of Old Mangum Street in a northerly direction, North 07 degrees 51 minutes 33 seconds West, for a distance of 109.66 feet to a point, said point being located at the intersection with the westerly right-of-way line of Old Mangum Street, and the southerly right-of-way line of Martin Luther King Jr. Drive (having a variable right-of-way); Thence, continuing along said Martin Luther King Jr. Drive right-of-way line in easterly direction, South 88 degrees 37 seconds 39 minutes East, for a distance of 41.96 feet to a point, said point being located at the intersection with the southerly right-of-way line of Martin Luther King Jr. Drive, and the easterly right-of-way line of Old Mangum Street; Thence, continuing along said easterly right-of-way line of Old Mangum Street in a southerly direction, South 07 degrees 51 minutes 33 seconds East, for a distance of 143.68 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

Said parcel contains 5246.16 Square Foot of land or 0.1204 Acres.

The intent is to abandon the remainder of the existing right-of-way of Old Mangum Street from Martin Luther King Jr. Drive, southerly to the Mitchell Street Connector.

