

AN ORDINANCE BY COUNCILMEMBERS CARLA SMITH AND MATT WESTMORELAND AUTHORIZING THE MAYOR OR HER DESIGNEE TO ABANDON A PORTION OF MARTIN STREET, S.E. BETWEEN MCDONOUGH BOULEVARD, S.E. AND JONESBORO ROAD, S.E. LYING AND BEING IN LAND LOT 56 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA; AUTHORIZING THE MAYOR OR HER DESIGNEE, TO EXECUTE A QUITCLAIM DEED(S) OF ALL OR ANY LESSER PORTION OF SUCH ABANDONMENTS TO THE ABUTTING OWNERS; AND FOR OTHER PURPOSES. ► (HELD 5/14/19 FOR A PUBLIC HEARING)

WHEREAS, the City of Atlanta (“City”) has received a formal request from 105 McDonough Blvd, LLC (“Applicant”) the owner of abutting property, to abandon a portion of Martin Street, S.E., between McDonough Boulevard, S.E. and Jonesboro Road, S.E. consisting of approximately _____ acres and more specifically described in the attached Exhibit “A”, 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 abandoned portion of Martin Street, S.E. 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; and

WHEREAS, the Department of Public Works has reviewed the request from the abutting property owner and has concluded that the abandonment of the portion of the right-of-way described herein will not have any adverse effect on traffic movement now and in the future.

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 remaining portions of abandon a portion of Martin Street, S.E., between McDonough Boulevard, S.E. and Jonesboro Road, S.E., being more specifically described in the attached Exhibit “A”, said property lying and being in Land Lot 56 of the 14th District of Fulton County, Georgia are 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 said property located on Blakely Drive (as hereinabove defined).

Section 3: That 105 McDonough Blvd, LLC., the abutting property owner, has agreed to pay the fair market value of the portion of street to be abandoned as determined by an appraisal for the said portion of Martin Street, S.E. described in the attached Exhibit “A”.

Section 4: 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 5: That the Chief Procurement Officer is hereby directed to prepare an appraisal to determine the fair market value of the right-of-way to be abandoned and 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 upon receipt of payment from the abutting property owner in the amount of the appraised fair market value of the property, or 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.

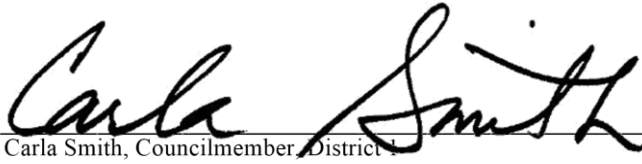
Section 7: That they Mayor, or his designee, be and is hereby authorized to execute a Quitclaim to convey any interest that the City may have in the above-referenced portion of Martin Street (herein described in Exhibit "A").

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 COUNCIL
ATLANTA, GEORGIA**

19-O-1246

SPONSOR SIGNATURES



Carla Smith, Councilmember, District 1

**CITY COUNCIL
ATLANTA, GEORGIA**

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Workflow List:

Clerk of Council	Completed	05/07/2019 1:34 PM
Atlanta City Council	Completed	05/06/2019 1:00 PM
City Utilities Committee	Completed	05/14/2019 9:30 AM
Atlanta City Council	Completed	05/20/2019 1:00 PM
City Utilities Committee	Completed	05/28/2019 9:30 AM
Atlanta City Council	Completed	06/03/2019 1:00 PM
City Utilities Committee	Completed	06/11/2019 9:30 AM
Atlanta City Council	Completed	06/17/2019 1:00 PM
City Utilities Committee	Completed	06/25/2019 9:30 AM
Atlanta City Council	Completed	07/01/2019 1:00 PM
City Utilities Committee	Completed	07/09/2019 9:30 AM
Atlanta City Council	Completed	08/05/2019 1:00 PM
City Utilities Committee	Completed	08/13/2019 9:30 AM
Atlanta City Council	Completed	08/19/2019 1:00 PM
City Utilities Committee	Completed	08/27/2019 9:30 AM
Atlanta City Council	Completed	09/03/2019 1:00 PM
City Utilities Committee	Pending	09/10/2019 9:30 AM
Mayor's Office	Pending	

HISTORY:

05/06/19 Atlanta City Council REFERRED WITHOUT OBJECTION

REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION
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05/14/19 City Utilities Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]	Next: 5/20/2019 1:00 PM
MOVER:	Carla Smith, District 1	
SECONDER:	JP Matzigkeit, Chair	
AYES:	JP Matzigkeit, Howard Shook, Carla Smith, Dustin Hillis	
ABSENT:	Michael Julian Bond, Joyce M Sheperd, Clela Winslow	

05/20/19 Atlanta City Council RETURNED AS HELD

RETURNED AS HELD TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION

MEMBERS PRESENT: MATZIGKEIT, SMITH, SHOOK, HILLIS, SHEPERD & BOND

RESULT:	RETURNED AS HELD	Next: 5/28/2019 9:30 AM
05/28/19	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 6/3/2019 1:00 PM
06/03/19	Atlanta City Council	RETURNED AS HELD
<u>RETURNED AS HELD TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION</u>		
RESULT:	RETURNED AS HELD	Next: 6/11/2019 9:30 AM
06/11/19	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 6/17/2019 1:00 PM
06/17/19	Atlanta City Council	RETURNED AS HELD
<u>RETURNED AS HELD TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION</u>		
<u>MEMBERS PRESENT:</u> MATZIGKEIT, WINSLOW, SMITH, SHOOK HILLIS, BOND & SHEPERD		
RESULT:	RETURNED AS HELD	Next: 6/25/2019 9:30 AM
06/25/19	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 7/1/2019 1:00 PM
07/01/19	Atlanta City Council	RETURNED AS HELD
<u>RETURNED AS HELD TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION</u>		
<u>MEMBERS PRESENT:</u> MATZIGKEIT, SMITH, HILLIS, SHOOK, SHEPERD, WINSLOW & BOND		
RESULT:	RETURNED AS HELD	Next: 7/9/2019 9:30 AM
07/09/19	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 8/5/2019 1:00 PM
08/05/19	Atlanta City Council	RETURNED AS HELD
<u>RETURNED AS HELD TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION</u>		
RESULT:	RETURNED AS HELD	Next: 8/13/2019 9:30 AM
08/13/19	City Utilities Committee	HELD IN COMMITTEE
RESULT:	HELD IN COMMITTEE	Next: 8/19/2019 1:00 PM
08/19/19	Atlanta City Council	RETURNED AS HELD
<u>RETURNED AS HELD TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION</u>		
RESULT:	RETURNED AS HELD	Next: 8/27/2019 9:30 AM
08/27/19	City Utilities Committee	HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE

Next: 9/3/2019 1:00 PM

09/03/19

Atlanta City Council

RETURNED AS HELD

RETURNED AS HELD TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION

RESULT: RETURNED AS HELD

Next: 9/10/2019 9:30 AM

AN ORDINANCE BY COUNCILMEMBERS CARLA SMITH AND MATT WESTMORELAND AUTHORIZING THE MAYOR OR HER DESIGNEE TO ABANDON A PORTION OF MARTIN STREET, S.E. BETWEEN MCDONOUGH BOULEVARD, S.E. AND JONESBORO ROAD, S.E. LYING AND BEING IN LAND LOT 56 OF THE 14th DISTRICT OF FULTON COUNTY, GEORGIA; AUTHORIZING THE MAYOR OR HER DESIGNEE, TO EXECUTE A QUITCLAIM DEED(S) OF ALL OR ANY LESSER PORTION OF SUCH ABANDONMENTS TO THE ABUTTING OWNERS; AND FOR OTHER PURPOSES.

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	