

Carla Smith

Kwanza Hall

**AN ORDINANCE
BY COUNCILMEMBER KWANZA HALL**

TO ABANDON A PORTION OF THE RIGHT-OF-WAY OF GUNBY STREET, SAID PORTION BEING APPROXIMATELY 5,271 SQ. FT. LOCATED IN LAND LOT 20, 14th DISTRICT, FULTON COUNTY, GEORGIA, AND TO AUTHORIZE DEDICATION TO THE CITY OF ATLANTA OF CERTAIN TO-BE-CONSTRUCTED BELTLINE TRAIL AND RIGHT-OF-WAY, SAID NEW RIGHT-OF-WAY BEING APPROXIMATELY 9,274 SQ. FT. IN LAND LOT 20, 14th DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS, Gunby Street runs north from DeKalb Avenue for one block and terminates at the former Norfolk Southern rail corridor under the Edgewood Avenue bridge;

WHEREAS, the parcels on either side of Gunby Street, 670 DeKalb Avenue and 690 DeKalb Avenue, have been vacant for many years;

WHEREAS, as a result of the absence of development or economic activity on these parcels, Gunby Street has not been used for vehicular travel, has been gated, and has not been maintained by the City as an active public street;

WHEREAS, both parcels adjacent to Gunby Street as well as the soil under Gunby Street were contaminated as a result of prior business and industrial activity and have been designated as a Brownfield by the State of Georgia Environmental Protection Division;

WHEREAS, Atlanta BeltLine, Inc. ("ABI") has extensively analyzed the Eastside BeltLine Corridor extension and has determined that at this stage of development of the Atlanta BeltLine, the alignment of the Eastside BeltLine Corridor south of the Edgewood Avenue bridge should be revised to run east of the former Norfolk Southern rail corridor;

WHEREAS, ABI purchased 670 DeKalb Avenue for this purpose;

WHEREAS, in 2014 the City constructed an ADA-accessible ramp on the northern portion of the Gunby Street right-of-way to allow pedestrians and cyclists to travel between Edgewood Avenue and the Eastside trail extension;

WHEREAS, once a concept for alignment of the trail and transit corridors was established, ABI issued a Request for Proposals for redevelopment of the portion of 670 DeKalb Avenue and former rail corridor not needed for the trail and transit corridor into a mixed use development consistent with the vision of the Subarea 5 BeltLine Master Plan;

WHEREAS, North American Properties partnered with Vantage Realty to submit the winning proposal;

WHEREAS, North American Properties and ABI are working together to complete the required environmental cleanup and develop 670 DeKalb Avenue and the rail corridor together with 75

Airline Street and 690 DeKalb Avenue into a mixed use development that will activate and compliment the Eastside BeltLine Corridor extension;

WHEREAS, in order to design and construct the preferred corridor alignment and proposed development, ABI and North American Properties have requested that the City abandon the portion of Gunby Street not already obstructed by the ramp for incorporation into the Eastside BeltLine Corridor Extension and the proposed redevelopment;

WHEREAS, the portion of Gunby Street that ABI and North American Properties request be abandoned is approximately 5,271 sq. ft.;

WHEREAS, ABI and North American Properties propose to construct the new trail and mixed use development project and then convey to the City a new trail alignment and right-of-way of approximately 9,274 sq. ft. as consideration for the requested abandonment;

WHEREAS, both abutting property owners, ABI and the owner of 690 DeKalb Avenue, have consented to this Request for Abandonment;

WHEREAS, the Request for Abandonment has been reviewed and approved by the Department of Public Works and the City Utilities Committee and is deemed to be in the best interest of the City to consummate;

WHEREAS, the City Council hereby determines that Gunby Street has ceased to be used by the public for vehicular transportation, that no substantial public purpose is served by retaining this portion of Gunby Street for public right-of-way for vehicular travel, and that the removal of this portion of Gunby Street from the municipal street system is otherwise in the best interest of the public; and

WHEREAS, because the area and value of the right-of-way to be dedicated to the City exceeds the area and value of right-of-way to be abandoned, the City Council has determined it appropriate to waive the requirements for an appraisal and payment.

NOW, THEREFORE, BEING IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

SECTION 1. The portion of the right-of-way of Gunby Street as depicted on the plat attached hereto as **Exhibit "A"**, said area being approximately 5,271 sq. ft. in area, located in Land Lot 20 of the 14th District of Fulton County, Georgia, is hereby declared no longer useful or necessary for the public's use and convenience and is hereby abandoned (hereinafter the "Abandonment Parcel").

SECTION 2. The City is authorized to convey by Quitclaim Deed to Atlanta BeltLine, Inc., or its successor or designee the Abandonment Parcel.

SECTION 3. The requirements of Code Section 138-9 and 2-1578 for appraisal and payment of fair market value are hereby waived. As a condition of this waiver, ABI or its designee or its

successor shall construct an extension of the Eastside BeltLine trail and shall dedicate future right-of-way to the City. Said right-of-way is depicted on **Exhibit "B"** attached hereto.

SECTION 4. The City hereby abandons the Abandonment Parcel with the reservation for existing public or private utility easements for the purpose of entering the property to operate, maintain, or replace utility facilities. These easements shall remain in effect until such time as said utilities may be abandoned, removed, or relocated, at which time said easement shall expire.

SECTION 5. Upon approval of this Ordinance, the City Attorney is hereby directed to prepare a Quitclaim Deed for execution by the Mayor, containing terms and conditions appropriate and/or legally required for this transaction, to be approved by the City Attorney as to form. The Quitclaim Deed will not become binding on the City and the City will not incur any liability thereunder until all documents related to the abandonment of said right-of-way have been attested to by the Municipal Clerk and delivered to ABI or its designee.

SECTION 6. Upon construction and completion of the trail, the City is authorized to accept right-of-way for dedication for public use as shown on Exhibit "B", said dedication being approximately 9,274 sq. ft. in area located in Land Lot 20, 14th District, Fulton County, Georgia.

SECTION 7. If the right-of-way dedication described in Section 6. does not occur on or before December 31, 2021, ABI and North American will pay to the City their respective shares of the appraised value of the Abandonment Parcel.

SECTION 8. All Code sections and ordinances and parts of Code sections and ordinances in conflict with the Ordinance are waived to the extent of the conflict.

EXHIBIT "A"

PLAT OF ABANDONMENT PARCEL

EXHIBIT "B"

PLAT OF DEDICATION PARCEL