

AN ORDINANCE
ENTITLED

22-R119

AN ORDINANCE CLOSING W. THIRD AVENUE BETWEEN N. JEFFERSON ST. AND N. JACKSON ST., MORE PARTICULARLY DESCRIBED HEREIN WITH CERTAIN RESERVATIONS, AUTHORIZING THE EXECUTION OF A QUIT CLAIM DEED; REPEALING PRIOR ORDINANCES IN CONFLICT AND FOR OTHER PURPOSES.

WHEREAS, a Public Hearing on the proposed closing of W. Third Ave. between N. Jefferson St. and N. Jackson St., in the City of Albany, hereinafter more particularly described, was held at the Work Session of the Board of Commissioners of the City of Albany, Georgia, on the 6th day of December, 2022, after due notice of said Public Hearing was advertised once a week for four weeks in the Albany Herald; and

WHEREAS, after due consideration of the matter, the judgment of the Mayor and Board of Commissioners of the City of Albany is that the public interest in utilization of said W. Third Ave. between N. Jefferson St. and N. Jackson St. in the City of Albany for public hospital-related purposes outweighs the public interest in utilization of said portion of Third Avenue for street purposes,

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the City of Albany, Georgia and it is hereby ordained by authority of same:

SECTION 1. There is hereby closed that certain portion of W. Third Ave. between N. Jefferson St. and N. Jackson St. in the City of Albany, more particularly described as follows:

All that certain tract or parcel of land lying in and being part of Land Lot 332 of the First Land District, Albany, Dougherty County, Georgia and being more particularly described as follows:

Begin at the intersection of the east right-of-way line of N Jefferson Street/SR 91 Bus. (84' r/w) and the north right-of-way line of 3rd Avenue (80' r/w) and follow said thence follow said right-of-way line of 3rd Avenue North 89 degrees 58 minutes 50 seconds East a distance of 630.00 feet to a point on the west right-of-way line of Jackson Street (84' r/w); thence follow said right-of-way line of Jackson Street South 00 degrees 23 minutes 20 seconds East a distance of 80.00 feet to a point on the south right-of-way line of 3rd Avenue; thence, follow said right-of-way line of 3rd Avenue South 89 degrees 58 minutes 50 seconds West a distance of 630.00 feet to a point on the east right-of-way line of Jefferson Street (84' r/w); thence follow said right-of-way line of Jefferson Street North 00 degrees 23 minutes 20 seconds West a distance of 80.00 feet to a point on the north right-of-way line of 3rd Avenue

which is the Point of Beginning.

Said tract or parcel contains 1.157 acres.

SECTION 2. An easement is reserved to the City of Albany on behalf of itself and the owners and operators of other public utilities for the purpose of constructing, using, operating and maintaining electric, gas, water, sewage, drainage, telephone lines, and facilities, and other utility facilities that may be thereon or placed thereon by the City of Albany, Georgia or under its authority, or with its permission, together with right of ingress and egress as may be necessary for the construction, maintenance and operation of the same.

In the event Phoebe Putney Memorial Hospital, Inc., a Georgia nonprofit corporation, desires to remove existing utilities from said right of way and relocate same, it may do so, provided that it first conveys to the City of Albany an easement for the purposes stated above , and in a location and width satisfactory to the City of Albany, and pays the entire cost of the relocation of said utilities.

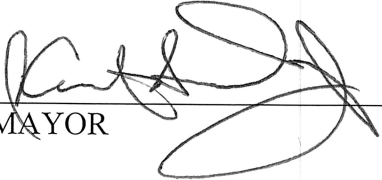
SECTION 3. The closing of the foregoing W. Third Ave. between N. Jefferson St. and N. Jackson St. in the City of Albany is conditioned at all times upon the use of same by Phoebe Putney Memorial Hospital, Inc for public hospital and health care-related purposes, which initially includes driveways, sidewalks and other amenities connecting the proposed Living and Learning Center and the existing Phoebe Healthworks facility (which includes Medical College of Georgia medical student instruction spaces and School of Pharmacy instruction spaces in addition to Phoebe employee continuing education and health/wellness spaces), both located on the north side of Third Avenue, to the new parking area servicing those facilities located on the south side of Third Avenue. There shall be included in the deed herein authorized the following provisions:


“If grantee ceases to use the property herein conveyed for public hospital or health care-related purposes, the City of Albany shall have the right to declare title to said property to revert to the City of Albany.”

SECTION 4. The Mayor and the City Clerk are authorized and directed to execute to the Phoebe Putney Memorial Hospital, Inc. a quit claim deed, conveying from the City of Albany to Phoebe Putney Memorial Hospital, Inc. the right of way lying within W. Third Ave. between N.

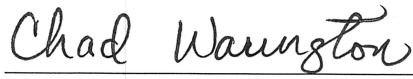
Jefferson St. and N. Jackson St. in the City of Albany, subject to the above terms and conditions in regard to utility easements, and subject to the provisions of Sections 2 and 3 hereof. A copy of said quit claim deed is attached hereto and incorporated herein by reference as fully as if set forth verbatim.

SECTION 5. All Ordinances, or parts of Ordinances, in conflict herewith are repealed.


MAYOR

ATTEST:

CITY CLERK

Adopted: December 13, 2022

Introduced By: 



Return To:
E. Dunn Stapleton
PO Box 2008
Albany, GA

STATE OF GEORGIA }
 }
COUNTY OF DOUGHERTY } **QUIT-CLAIM DEED**

THIS INDENTURE, made the 17 day of January, 2023, between **THE CITY OF ALBANY, GEORGIA, A MUNICIPAL CORPORATION**, as party of the first part, hereinafter called Grantor, and **PHOEBE PUTNEY MEMORIAL HOSPITAL, INC.**, as party of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, personal representatives, successors and assigns where the context requires or permits).

WITNESSETH: That Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has bargained, sold, and does by these presents bargain, sell, remise, release and forever quit-claim to the said Grantee all the right, title interest, claim or demand which the Grantor has or may have had in and to the following described real property, to wit:

All that certain tract or parcel of land lying in and being part of Land Lot 332 of the First Land District, Albany, Dougherty County, Georgia and being more particularly described as follows:

Begin at the intersection of the east right-of-way line of N Jefferson Street/SR 91 Bus. (84' r/w) and the north right-of-way line of 3rd Avenue (80' r/w) and follow said thence follow said right-of-way line of 3rd Avenue North 89 degrees 58 minutes 50 seconds East a distance of 630.00 feet to a point on the west right-of-way line of Jackson Street (84' r/w); thence follow said right-of-way line of Jackson Street South 00 degrees 23 minutes 20 seconds East a distance of 80.00 feet to a point on the south right-of-way line of 3rd Avenue; thence, follow said right-of-way line of 3rd Avenue South 89 degrees 58 minutes 50 seconds West a distance of 630.00 feet to a point on the east right-of-way line of Jefferson Street (84' r/w); thence follow said right-of-way line of Jefferson Street North 00 degrees 23 minutes 20 seconds West a distance of 80.00 feet to a point on the north right-of-way line of 3rd Avenue which is the Point of Beginning.

Said tract or parcel contains 1.157 acres.

If grantee ceases to use the property herein conveyed for public hospital or health care-related purposes, the City of Albany shall have the right to declare title to said

property to revert to the City of Albany.

A copy of City of Albany Ordinance 22-119, adopted December 13, 2022, is attached hereto and incorporated herein by reference.

with all rights, members and appurtenances to the said described premises in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said described premises unto the said Grantee, so that neither the said Grantor, nor any other person or persons claiming under the Grantor shall at any time claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered this 17
day of January, 2023, in the presence of:

THE CITY OF ALBANY, GEORGIA

C. [Signature]
WITNESS

By: *[Signature]*
Bo Dorough, Mayor

Elizabeth M. Kelly
NOTARY PUBLIC
My commission expires: 1-11-24

Attest: *[Signature]*
Sonja Tolbert, City Clerk

(SEAL)

