

AN ORDINANCE 19-101
ENTITLED

AN ORDINANCE CLOSING THE ALLEY AT THE 800 BLOCK OF E. BROAD AVENUE AND WHEELER AVENUE, MORE PARTICULARLY DESCRIBED HEREIN WITH CERTAIN RESERVATIONS, AUTHORIZING THE EXECUTION OF A QUIT CLAIM DEED AND AGREEMENT FOR EASEMENT IN FAVOR OF CITY OF ALBANY; REPEALING PRIOR ORDINANCES IN CONFLICT AND FOR OTHER PURPOSES.

WHEREAS, an alley at the 800 Block of E. Broad Avenue and Wheeler Avenue, hereinafter more particularly described, is not presently being used sufficiently to justify its continuance as a public street and it has been determined that it is in the public interest that the same be closed; and

WHEREAS, a Public Hearing on the proposed closing of the alley at the 800 Block of E. Broad Avenue and Wheeler Avenue, was held at the Regular Meeting of the Board of Commissioners of the City of Albany, Georgia, on the 12th day of February, 2019, after due notice of said Public Hearing was advertised once a week for four weeks in the Albany Herald and comments were received,

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 the alley at the 800 Block of E. Broad Avenue and Wheeler Avenue, more particularly described as follows:

All that certain tract or parcel of land, lying situate and being part of Land Lot 239 of the First Land District, City of Albany, Dougherty County, Georgia and being more particularly described as follows:

Commence at the intersection of the south right-of-way line of Wheeler Avenue (50' R/W) and the west right-of-way line of Adkins Street (50' R/W) and follow said right-of-way line of Adkins Street S 00 degrees 03 minutes 14 seconds W a distance of 150.00 feet to a point which is the Point of Beginning.

From this Point of Beginning continue along said right-of way line of Adkins Street S 00 degrees 03 minutes 14 seconds W a distance of 12.50 feet; thence, leaving said right-of-way line, go N 89 degrees 49 minutes 02 seconds W a distance of 246.54 feet to a point on the east right-of-way line of Dewey Street (50' R/W); thence go N 01 degree 01 minute 30 seconds W a distance of 12.50 feet to a point; thence, leaving said right-of-way line, go S 89 degrees 49 minutes 02 seconds E a distance of 246.78 feet to a point on the west right-of-way line of Adkins Street which is the Point of Beginning.

Said tract or parcel contains 0.071 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, to-wit:

All that certain tract or parcel of land, lying situate and being part of Land Lot 239 of the First Land District, City of Albany, Dougherty County, Georgia and being more particularly described as follows:

Commence at the intersection of the south right-of-way line of Wheeler Avenue (50' R/W) and the west right-of-way line of Adkins Street (50' R/W) and follow said right-of-way line of Adkins Street S 00 degrees 03 minutes 14 seconds W a distance of 139.67 feet to a point which is the Point of Beginning.

From this Point of Beginning continue along said right-of way line of Adkins Street S 00 degrees 03 minutes 14 seconds W a distance of 22.83 feet to a point; thence continue along said right-of way line S 00 degrees 08 minutes 25 seconds W a distance of 1.20 feet to a point; thence, leaving said right-of-way line, go S 89 degrees 01 minute 54 seconds W a distance of 246.47 feet to a point on the east right-of-way line of Dewey Street (50' R/W); thence follow said right-of way line N

01 degree 01 minute 30 seconds W a distance of 20.00 feet to a point; thence, leaving said right-of-way line, go N 89 degrees 01 minute 54 seconds E a distance of 192.14 feet to a point; thence go N 84 degrees 49 minutes 31 seconds E a distance of 54.92 feet to a point on the west right-of-way line of Adkins Street which is the Point of Beginning.


Said tract or parcel contains 0.116 acres.

SECTION 3. Upon application of the adjacent property owner and satisfactory proof of ownership, the City Manager, or her designee, and the City Clerk are authorized to execute *Quit Claim Deed and Agreement for Easement in Favor of City of Albany* in the name of and on behalf of the City of Albany, Georgia, and to affix the seal of the City thereto conveying to said adjoining property owner the alley at the 800 Block of E. Broad Avenue and Wheeler Avenue now closed.

SECTION 4. All Ordinances, or parts of Ordinances, in conflict herewith are repealed.


MAYOR

ATTEST:


CITY CLERK

Adopted: *February 12, 2019*

Introduced By Commissioner: *Roger Marletta*
Date(s) read: *Feb 12, 2019*