CITY COUNCIL
ATLANTA, GEORGIA

03-O-1847

AN ORDINANCE

BY: COUNCILMEMBER NATALYN ARCHIBONG

AN ORDINANCE TO SETTLE THE CASE OF WESLEY ARCH, INC. V. CITY OF ATLANTA, GEORGIA; FULTON COUNTY SUPERIOR COURT CASE NUMBER 2003CV72720 BY REIMBURSING WESLEY ARCH, INC. THE SUM OF $40,000.OO FOR PROPERTY IT BOUGHT FROM THE CITY OF ATLANTA KNOWN AS 595 HAROLD AVENUE, AND FOR OTHER PURPOSES

WHEREAS, Wesley Arch, Inc. owns two lots on Harold Avenue located on either side of the unbuilt portion of the extension of Muriel Avenue and requested the abandonment of the unbuilt portion of Muriel Avenue;

WHEREAS, this property was appraised as a buildable single family lot and replatted by the City of Atlanta as 595 Harold Avenue in such a manner that could have indicated that it was a buildable lot prior to it being purchased by Wesley Arch, Inc;

WHEREAS, Wesley Arch, Inc. contends that it relied upon the appraisals and the replatting in believing that the property could be developed as a single family lot and that was the basis for it agreeing to pay the City of Atlanta $95,000;

WHEREAS, after the property was purchased Wesley Arch, Inc. applied to the Bureau of Buildings for a building permit but it was denied on the grounds that the abandoned property did not meet the street frontage and area required by the zoning of the district in which it was located;

WHEREAS, 595 Harold Avenue has the same street frontage and area as the vast majority of the surrounding single family lots;

WHEREAS, these circumstances indicate that the price of $95,000 paid for 595 Harold Avenue was done so under the misunderstanding that it could be developed as a single family lot;

WHEREAS, the fair price for this property if it cannot be used as a single family lot but rather as an expansion of the lots that Wesley Arch, Inc. owns on either side of the abandoned property would be $45,000;

WHEREAS, Wesley Arch, Inc. has agreed to conditions on the development of the property which it owns on either side of 595 Harold Avenue as set forth in Exhibit "A" attached hereto and made a part hereof by reference;

NOW THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA AS FOLLOWS:

Section 1. That the sum of $40,000 be reimbursed to Wesley Arch, Inc for the purchase of 595 Harold Avenue from the City of Atlanta;

Section 2. That this refund be contingent upon Wesley Arch, Inc. abiding by the conditions for development of the two lots on either side of 595 Harold Avenue as set forth in Exhibit "A" attached hereto and made a part hereof by reference.

Section 3. That this refund is also contingent upon Wesley Arch, Inc. dismissing with prejudice the case of Wesley Arch, Inc. v. City of Atlanta, Georgia, Fulton County Superior Court Case Number 2003CV72720.

Section 2. That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.