

AN ORDINANCE  
ENTITLED

21-138

**AN ORDINANCE CLOSING THE 400 BLOCK OF W. FOURTH AVENUE BETWEEN NORTH MONROE STREET AND NORTH JEFFERSON STREET, 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 the 400 Block of W. Fourth Ave. between North Monroe Street and North Jefferson Street in the City of Albany, hereinafter more particularly described, was held at the Regular Meeting of the Board of Commissioners of the City of Albany, Georgia, on the 21st day of December, 2021, 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 400 Block of W. Fourth Ave. between North Monroe Street and North Jefferson Street in the City of Albany for public hospital purposes outweighs the public interest in utilization of said portion of Fourth 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 the 400 Block of W. Fourth Ave. between North Monroe Street and North Jefferson Street 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 west right-of-way line of N Jefferson Street/SR 91 Bus. (84' r/w) and the north right-of-way line of 4<sup>th</sup> Avenue (80' r/w) and follow said Jefferson Street right-of-way line 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 4<sup>th</sup> Avenue; thence, follow said right-of-way line of 4<sup>th</sup> Avenue South 89 degrees 54 minutes 00 seconds West a distance of 840.30 feet to a point on the east right-of-way line of N Monroe Street (84' r/w); thence follow said right-of-way line of Monroe Street North 00

degrees 22 minutes 27 seconds West a distance of 80.00 feet to a point on the north right-of-way line of 4<sup>th</sup> Avenue; thence follow said right-of-way line of 4<sup>th</sup> Avenue North 89 degrees 54 minutes 00 seconds East a distance of 840.28 feet to a point which is the Point of Beginning.

Said tract or parcel contains 1.543 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 the Hospital Authority 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 not less than 80 feet in width, and in a location satisfactory to the City of Albany, and pays the entire cost of the relocation of said utilities.

SECTION 3. It follows, the Hospital Authority plans to construct buildings on that portion of Fourth Ave. described above; that numerous utility work, sanitary line(s), etc. will lie under the buildings. The City emphasizes it has no obligation to maintain same.

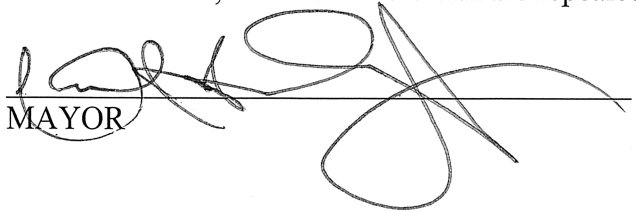
SECTION 4. The closing of the foregoing 400 Block of W. Fourth Ave. between North Monroe Street and North Jefferson Street in the City of Albany is conditioned at all times upon the use of same by Hospital Authority for public hospital and health care purposes. There shall be included in the deed herein authorized the following provisions:

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

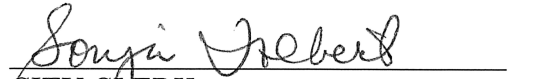
SECTION 5. The Mayor and the City Clerk are authorized and directed to execute to the Hospital Authority of Albany-Dougherty County a quit claim deed, conveying from the City of Albany to the Hospital Authority the right of way lying within the 400 Block of W. Fourth Ave. between North Monroe Street and North Jefferson Street in the City of Albany, subject to the above

terms and conditions in regard to utility easement, and subject to the provisions of Section 2 hereof. A copy of said quit claim deed is attached hereto and incorporated herein by reference as fully as if set forth verbatim.

SECTION 6. All Ordinances, or parts of Ordinances, in conflict herewith are repealed.

  
MAYOR

ATTEST:

  
CITY CLERK  
Adopted: December 21, 2021

Introduced By: BJ Fletcher

