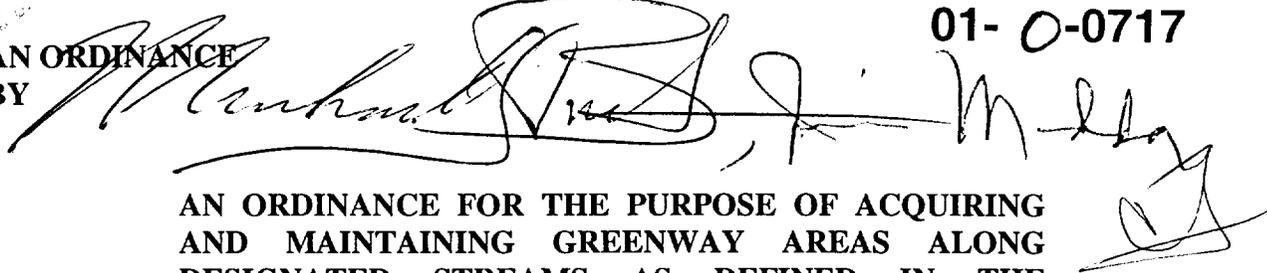


CITY COUNCIL  
ATLANTA, GEORGIA

01-0-0717

AN ORDINANCE  
BY



AN ORDINANCE FOR THE PURPOSE OF ACQUIRING AND MAINTAINING GREENWAY AREAS ALONG DESIGNATED STREAMS AS DEFINED IN THE COMBINED SEWER OVERFLOW (CSO) CONSENT DECREE; TO AUTHORIZE TIMELY ACQUISITION OF PROPERTIES; TO WAIVE PROVISIONS OF SECTIONS 2-1541, 2-1543, 2-1544 AND 2-1545 OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY REGARDING REAL ESTATE ACQUISITIONS WHICH REQUIRE FURTHER AUTHORIZATION OF COUNCIL; TO AUTHORIZE THE MAYOR, THE PURCHASING AGENT, OR HIS OR HER DESIGNEE, TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS ON BEHALF OF THE CITY AND TO USE ALL MEANS NECESSARY TO ACQUIRE THE NECESSARY PROPERTY INTERESTS; TO AUTHORIZE THE PURCHASING AGENT TO OBTAIN THE LEGAL DESCRIPTIONS, TITLE REPORTS, APPRAISALS AND LAND SURVEYS NECESSARY TO NEGOTIATE AND ACQUIRE TITLE TO THE GREENWAY PROPERTIES; AND FOR OTHER PURPOSES.

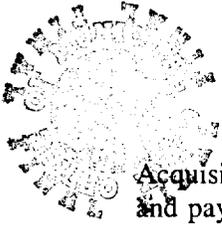
**WHEREAS**, the Mayor entered into a Consent Decree, on behalf of the City, with the United States EPA, the Georgia EPD, the Chattahoochee Riverkeeper organizations and a private citizen committing the City to a program of activities designed to improve water quality in Metro Atlanta streams, the Chattahoochee River, and the South River; and

**WHEREAS**, the activities specified by the Consent Decree included a Supplemental Environmental Project (SEP) consisting in part of the City of Atlanta Greenway Acquisition Project; and

**WHEREAS**, a Greenway Acquisition Plan has been prepared according to the Consent Decree and submitted to EPA/EPD for approval; and

**WHEREAS**, according to the Consent Decree, the City is supposed to begin implementation of the Plan expeditiously so as to acquire and maintain greenway areas along designated streams; and

**WHEREAS**, preparing, managing, implementing and completing the Greenway Acquisition Plan, acquiring properties and conservation easements included within the Greenway



Acquisition Plan, restoring acquired properties in the Greenway Acquisition Plan to suitable condition, and paying the cost of all real property acquisitions in the scope of the Greenway Acquisition Plan (the "Greenway properties") are necessary and essential activities to fulfill the City's obligations under the Consent Decree; and

**WHEREAS**, the City has engaged the services of Consultants, and their subcontractors, to assist the City with the acquisition of the Greenway properties and to implement and complete the Greenway Acquisition Project.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**

**SECTION 1:** That the Mayor, or his designee, or the Purchasing Agent, is hereby authorized to negotiate with affected property owners to acquire the property interests necessary to complete the Greenway Acquisition Plan on behalf of the City.

**SECTION 2:** That the requirements of Sections 2-1541, 2-1543, 2-1544 and 2-1545 of the Procurement and Real Estate Code which require further authorization of Council are waived for acquisition of Greenway properties. The Purchasing Agent is hereby authorized to purchase the Greenway properties on behalf of the City without further authorization from Council as provided in this Ordinance.

**SECTION 3:** That the Purchasing Agent is authorized to obtain appraisals and surveys and to establish estimates of just compensation based thereon to be offered property owners in connection with the Greenway properties so as to provide reasonable compensation.

**SECTION 4:** That the City's consultants and their subcontractors are authorized to administratively settle acquisitions of Greenway properties at or below estimate compensation.

**SECTION 5:** That the Purchasing Agent is hereby authorized to take the necessary actions to acquire the Greenway properties including but not limited to obtaining title reports, legal descriptions, and negotiating with property owners as provided in this Ordinance.

**SECTION 6:** That if negotiations with Greenway property owners are successful, the Mayor, his designee, or the purchasing agent is authorized to accept and execute options with such property owners at the agreed price on behalf of the City for the purchase of necessary property interest for Priority I acquisitions without further authorization from the Council of the City of Atlanta, Georgia.

**SECTION: 7:** That Priority II and III acquisitions require further authorization from the Council of the City of Atlanta, Georgia.

**SECTION 8:** That the City Attorney is hereby authorized to take the necessary actions to monitor and supervise the closing transactions with affected Greenway property owners in cooperation with the City's consultants.



**SECTION 9:** That given the narrow window of opportunity to accomplish the necessary acquisitions of Greenway properties, the Mayor, or his designee, the Purchasing Agent, and all appropriate City departments are urged to incorporate flexibility, and to act expeditiously in accomplishing the necessary activities specified in this Ordinance.

**SECTION 10:** That all costs associated with the activities specified in this Ordinance shall be charged to and paid from the appropriate Fund, Account, and Center Numbers **3P02 571001 T31102549999; 3P02 524001 T31102549999.**

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

**ADOPTED** as amended by the Council  
**APPROVED** by the Mayor

JUN 04, 2001  
JUN 08, 2001

OMC – Amendment Incorporated by tcp 6/11/01

RCS# 2912  
6/04/01  
2:56 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 12

ADOPT

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 3

*Unanimous*

Y McCarty	B Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	B Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA

01-O-0653  
01-O-0663  
01-O-0664  
01-O-0835  
01-R-0181  
01-R-0851

CONSENT

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**06/04/01 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 01-O-0821
2. 01-O-0834
3. 01-O-0833
4. 01-O-0492
5. 01-O-0671
6. 01-O-0717
7. 01-O-0825
8. 01-O-0826
9. 01-O-0837
10. 01-R-0832
11. 01-R-0308
12. 01-R-0836
13. 01-R-0784
14. 01-R-0785
15. 01-R-0822
16. 01-R-0352
17. 01-R-0792
18. 01-R-0846
19. 01-R-0794
20. 01-R-0795

**ITEMS ADVERSED  
ON CONSENT AGENDA**

21. 01-R-0796
  22. 01-R-0797
  23. 01-R-0798
  24. 01-R-0799
  25. 01-R-0800
  26. 01-R-0801
  27. 01-R-0802
  28. 01-R-0803
  29. 01-R-0804
  30. 01-R-0805
  31. 01-R-0806
  32. 01-R-0807
  33. 01-R-0808
  34. 01-R-0891
  35. 01-R-0810
  36. 01-R-0811
  37. 01-R-0812
  38. 01-R-0813
  39. 01-R-0814
  40. 01-R-0815
  41. 01-R-0816
  42. 01-R-0817
-

01-0-0717

(Do Not Write Above This Line)

AN ORDINANCE BY: *[Signature]*  
AN ORDINANCE FOR THE PURPOSE OF ACQUIRING AND MAINTAINING GREENWAY AREAS ALONG DESIGNATED STREAMS AS DEFINED IN THE COMBINED SEWER OVERFLOW (CSO) CONSENT DECREE; TO AUTHORIZE TIMELY ACQUISITION OF PROPERTIES; TO WAIVE PROVISIONS OF SECTIONS 2-1541, 2-1543, 2-1544 AND 2-1545 OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY REGARDING REAL ESTATE ACQUISITIONS WHICH REQUIRE FURTHER AUTHORIZATION OF COUNCIL; TO AUTHORIZE THE MAYOR, THE PURCHASING AGENT, OR HIS OR HER DESIGNEE; TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS ON BEHALF OF THE CITY AND TO USE ALL MEANS NECESSARY TO ACQUIRE THE NECESSARY PROPERTY INTERESTS; TO AUTHORIZE THE PURCHASING AGENT TO OBTAIN THE LEGAL DESCRIPTIONS, TITLE REPORTS, APPRAISALS AND LAND SURVEYS NECESSARY TO NEGOTIATE AND ACQUIRE TITLE TO THE GREENWAY PROPERTIES; AND FOR OTHER PURPOSES.

*As Amended*

ADOPTED BY

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

5/7/01 COUNCIL  
Unanimous

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee *City Utilities*  
Date *5-15-01*  
Chair \_\_\_\_\_

Action: Fav, Adv, Hold (see rev. side)  
Other: \_\_\_\_\_

*AS AMENDED*

Members

Refer To

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action: Fav, Adv, Hold (see rev. side)  
Other: \_\_\_\_\_

Members

Refer To

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action: Fav, Adv, Hold (see rev. side)  
Other: \_\_\_\_\_

Members

Chair *Clair Muller*  
Date *5-29-01*  
Members *[Signatures]*

Refer To

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED  
JUN 0 4 2001  
ATLANTA CITY COUNCIL PRESIDENT  
*[Signature]*

CERTIFIED  
JUN 0 4 2001  
*[Signature]*  
MUNICIPAL CLERK

MAYOR'S ACTION  
APPROVED  
JUN 0 8 2001

MAYOR  
*[Signature]*