



**CITY COUNCIL  
ATLANTA, GEORGIA**

03-O-0660

**A SUBSTITUTE ORDINANCE**

**BY FINANCE-EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO BEGIN NEGOTIATIONS AND SETTLEMENT FOR ACQUISITION OF LAND IN THE GREENBRIAR COMMUNITY IN THE CITY OF ATLANTA, WHEREAS THE TOTAL PRICE OF ACQUISITION IS NOT TO EXCEED \$375,000, FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM; AMENDING THE 2003 (INTERGOVERNMENTAL GRANT FUND) BUDGET BY TRANSFERRING APPROPRIATIONS IN THE AMOUNT OF \$375,000 FROM AND TO VARIOUS ACCOUNTS; AUTHORIZING THE PAYMENT OF ASSOCIATED COSTS; AND FOR OTHER PURPOSES.

**WHEREAS**, a parcel of land in the Greenbriar community (“the Property”) is being offered for sale; and

**WHEREAS**, the site has been identified in the Greenbriar Livable Centers Initiative plan as a public greenspace; and

**WHEREAS**, Ordinance 01-O-1697, adopted by the Council on November 19, 2001, and approved by the Mayor on November 27, 2001, identified Greenbriar LCI Area Parks and Open Space as a Phase II greenspace funding priority project area; and

**WHEREAS**, the Ben Hill Area Community/Regional Park project identified in Ordinance 01-O-1697 as a Phase I project, will be moved into Phase II.

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

**SECTION 1:** That the Chief Financial Officer transfer funds from and to various project accounts as follows:

**Transfer From:**

1B02-771001-Y63D1008KTA0	Ben Hill Area Community/Regional Park	\$375,000
--------------------------	--	-----------

**Transfer To:**

1B02-771001-Y63D1013KTA0	Greenbriar LCI Area Parks & Open Space	\$375,000
--------------------------	---	-----------



**SECTION 2:** That the Mayor or her designee is hereby authorized to negotiate with the property owner to purchase, trade, or transfer real property, PIN 14-252-LL73, as shown and described in the attached Exhibit.

**SECTION 3:** That fund, account, and center number 1B02-771001-Y63D1013KTA0, Greenbriar LCI Area Parks & Open Space, is to be used for the payment of charges, including but not limited to surveys, environmental assessments, appraisals, title reports, and other closing costs, but excluding consultant service fees, as required by the funding source, in an amount not to exceed \$375,000.

**SECTION 4:** That consultant services for acquisition of the properties shall be charged to and paid from fund account center 1C45-774001-Y63F061592BG, Greenbriar (Future MARTA) Area, in an amount not to exceed \$3,600.

**SECTION 5:** That the Mayor or her designee is hereby authorized to obtain surveys, title reports, and appraisals and to establish just compensation based thereon to be offered the property owner.

**SECTION 6:** That the requirements of City Code Section 2-1541 (d) of the Procurement and Real Estate Code are waived to allow the purchase of property on behalf of the City without further authorization of City Council.

**SECTION 7:** That the City's Consultant is authorized to settle those acquisitions of property at an amount authorized by the Chief Procurement Officer. The Mayor or her designee is authorized to administratively settle with appropriate supportive documentation. Those acquisitions which (1) exceed the authorization of or (2) require action for recommended condemnation by the Chief Procurement Officer shall require City Council approval.

**SECTION 8:** That if negotiations with the affected property owners fail, the City Attorney is authorized to use all means necessary and within her/his power, up to and including Condemnation to acquire the necessary real property interests; and, the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle Condemnation proceedings and pay for such services without further authorization from City Council.

**SECTION 9:** That the City Attorney, or her/his designee, if necessary, is hereby authorized to institute condemnation proceedings pursuant to the appropriate method allowed by applicable law.

**SECTION 10:** That the City Attorney, or her/his designee, is hereby authorized to monitor and supervise the closing transactions, performed by Consultants, with affected property owners.

**SECTION 11:** That the deed for each tract is to be recorded containing appropriate covenants, restrictions or easements as necessary in order to satisfy the requirements of the Georgia Greenspace Program, which shall provide that the Property shall be permanently preserved as greenspace with passive recreation for the benefit of the public.

**SECTION 12:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

MAY 19, 2003  
MAY 27, 2003

RCS# 4717  
5/19/03  
2:39 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14 Except:03-O-0456; 03-R-0598  
03-R-0703; 03-R-0773; 03-R-0788  
Adopt

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Y Smith	B Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

---

**5/19/03 FULL COUNCIL MEETING**

---

**Items Adopted on the Consent Agenda**

1. 03-O-0601
2. 03-O-0551
3. 03-O-0552
4. 03-O-0600
5. 03-O-0554
6. 03-O-0617
7. 03-O-0632
8. 03-O-0633
9. 03-O-0660
10. 03-O-0772
11. 03-O-0628
12. 03-O-0759
13. 03-R-0655
14. 03-R-0700
15. 03-R-0701
16. 03-R-0704
17. 03-R-0784
18. 03-R-0785
19. 03-R-0707
20. 03-R-0708
21. 03-R-0709
22. 03-R-0718
23. 03-R-0782
24. 03-R-0713
25. 03-R-0714
26. 03-R-0716
27. 03-R-0760
28. 03-R-0768
29. 03-R-0774
30. 03-R-0776
31. 03-R-0779
32. 03-R-0722
33. 03-R-0723
34. 03-R-0724
35. 03-R-0725

**Items Adversed on the  
Consent Agenda**

36. 03-R-0726
37. 03-R-0727
38. 03-R-0728
39. 03-R-0729
40. 03-R-0730
41. 03-R-0731
42. 03-R-0732
43. 03-R-0733
44. 03-R-0734
45. 03-R-0735
46. 03-R-0736
47. 03-R-0737
48. 03-R-0738
49. 03-R-0739
50. 03-R-0740
51. 03-R-0741
52. 03-R-0742
53. 03-R-0743
54. 03-R-0744
55. 03-R-0745
56. 03-R-0746
57. 03-R-0747
58. 03-R-0748
59. 03-R-0749
60. 03-R-0750
61. 03-R-0783

---

Consent I Vote: 13 Yeas; 0 Nays: (See RCS #4717)

Items Removed from the Consent Agenda: 03-O-0456; 03-R-0598; 03-R-0703; 03-R-0773; 03-R-0788

03-0-0660

(Do Not Write Above This Line)

AN ORDINANCE *James M. Kelly*

BY

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO BEGIN NEGOTIATIONS AND SETTLEMENT FOR ACQUISITION OF LAND IN THE GREENBRIAR COMMUNITY IN THE CITY OF ATLANTA, WHEREAS THE TOTAL PRICE OF ACQUISITION IS NOT TO EXCEED \$375,000, FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM; AMENDING THE 2001 (GENERAL GOVERNMENT CAPITAL OUTLAY FUND) BUDGET BY TRANSFERRING APPROPRIATIONS IN THE AMOUNT OF \$375,000 FROM AND TO VARIOUS ACCOUNTS; AUTHORIZING THE PAYMENT OF ASSOCIATED COSTS; AND FOR OTHER PURPOSES.

**ADOPTED BY**

MAY 19 2003

**COUNCIL**

**SUBSTITUTE**

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

*J.P. Kifer*

Date Referred *4/21/03*

Referred To: *Finance / Executive*

**First Reading**

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_

Committee

Date

Chair

Actions:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

*Finance/Exec/UDPE*

*4/30/03*

*Chair: C.T. Marks*  
*Other: Substituted*

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_

Committee

Date

Chair

Actions:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_

Committee

Date

Chair

Actions:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

*Finance/Exec/UDPE*

*5/14/03*

*Chair: James K. Kiser*  
*Other: Substituted*

**COUNCIL ACTION**

2nd  1st & 2nd  3rd  
Readings

Consent  V Vote  RC Vote

**CERTIFIED**

**CERTIFIED**  
MAY 19 2003  
ATLANTA CITY COUNCIL PRESIDENT  
*Catherine W. Woodward*

**CERTIFIED**  
MAY 19 2003  
*Rachel Daughlin Johnson*  
MUNICIPAL CLERK

**MAYOR'S ACTION**

MAY 27 2003  
*Mayor Frank R. Rosten*  
MAYOR