



AN ORDINANCE

03-0-0926

**BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES
COMMITTEE**

AN ORDINANCE AUTHORIZING THE CITY TO PURCHASE FOR FAIR MARKET VALUE THE REAL PROPERTY LOCATED AT LOT 57, ENOTA PLACE AT SELLS AVENUE, ATLANTA, GEORGIA, GENERALLY KNOWN AS ENOTA PLACE PARK, AND AUTHORIZING THE CITY ATTORNEY OR HER DESIGNEE TO INSTITUTE NECESSARY LEGAL ACTION THROUGH CONDEMNATION TO OBTAIN FEE SIMPLE TITLE TO THE REAL PROPERTY LOCATED AT LOT 57, ENOTA PLACE AT SELLS AVENUE, ATLANTA, GEORGIA, GENERALLY KNOWN AS ENOTA PLACE PARK, FOR PUBLIC USE AS A PUBLIC PARK, WITH THE COSTS THEREOF TO BE CHARGED TO AND PAID FROM FUND ACCOUNT CENTER NO. 1C28 792001 T31X04109991 AND FOR OTHER PURPOSES.

WHEREAS, the real property located at Lot 57, Enota Place at Sells Avenue, Atlanta, Georgia, a legal description of which is attached hereto as Exhibit A (hereinafter "the Property"), has been leased by the City of Atlanta (hereinafter "City") for over thirty years; and

WHEREAS, the City has maintained the Property for public use as a public park called Enota Place Park; and

WHEREAS, Enota Place Park is well utilized by the residential community surrounding it; and

WHEREAS, the City has recently purchased and installed new playground equipment on the Property; and

WHEREAS, the City's lease regarding the Property terminated in June 2003 and the owner does not wish to renew the lease. Instead, the owner intends to sell the Property; and



WHEREAS, the City would like to purchase the Property in order to maintain the Property for public use as a public park; and

WHEREAS, the City does not wish to acquire the Property for more than its fair market value; and

WHEREAS, the City would like to acquire the Property for fair market value through negotiation with the Property's owner, but is willing to condemn the Property if the owner demands greater than fair market value for the Property.

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

Section 1. The Purchasing Agent is hereby authorized to obtain an appraisal of the Property to determine its fair market value. For purposes of this ordinance, the fair market value determined by the appraiser of the Property shall be deemed and hereinafter referred to as the Property's Fair Market Value.

Section 2. The Purchasing Agent is hereby authorized, and the Purchasing Agent or his designee is hereby directed to enter into negotiations with the owner of the Property in an attempt to negotiate a purchase price for the Property no greater than the Property's Fair Market Value.

Section 3. In the event that the Purchasing Agent or his designee is able to agree upon a purchase price for the Property that is no greater than the Property's Fair Market Value, and is able to agree upon all other terms of the purchase, the City is hereby authorized to acquire the Property in fee simple for the purpose of maintaining the Property as a public park.

Section 4. In the event that the Purchasing Agent or his designee is unable to negotiate all terms of the purchase of the Property, including but not limited to a price that is no greater than the Property's Fair Market Value, then the City Attorney is hereby authorized, and the City Attorney or her designee is hereby directed to institute condemnation proceedings in the name of the City of Atlanta for the condemnation of said Property and of every interest therein, to obtain fee simple title of the Property, for the purpose of maintaining the Property as a public park. However, once the condemnation proceedings have been filed, should the opportunity for settlement between the City and the Property owner develop, the Purchasing Agent or his designee, with the advice and coordination of the City



Attorney or her designee, is hereby authorized to enter into settlement negotiations and/or a settlement agreement in an effort to resolve and/or settle the condemnation case, provided that the City not purchase the Property for greater than the Property's Fair Market Value.

Section 5. In the event that the Purchasing Agent or the Acting Director of the Department of Parks believes that the Property owner may attempt to sell the Property to another buyer, the Purchasing Agent is hereby authorized to publish the City's intention to condemn the Property, in order to provide notice of the City's intent to any other prospective buyers of the Property.

Section 6. The Mayor of the City of Atlanta is hereby authorized and directed to sign, for the City of Atlanta, the condemnation paperwork if and when it is prepared in connection with the condemnation of the Property.

Section 7. The cost incurred by the City in connection with the foregoing shall be paid from Fund Account Center No. 1C28 792001 **T31X04109991**

Section 8. The Chief Financial Officer be and is hereby authorized and directed to make all necessary and proper payments required in connection with the foregoing, upon receipt of a requisition therefore from the Acting Commissioner of the Department of Parks or the Purchasing Agent or the City Attorney, and to make all necessary and proper payments in connection with the title searches, appraisals, surveys, specialty reports, publications, closings and/or condemnation actions pursuant to this Ordinance.

A true copy,

A handwritten signature in black ink, appearing to read "Kris [unclear]".

Deputy Clerk

ADOPTED as amended by the Council
APPROVED by the Mayor

JULY 07, 2003
JULY 12, 2003

RCS# 4881
7/07/03
5:39 PM

Atlanta City Council

Regular Session

03-O-0926

PURCHASE PROPERTY FOR FMV, AT LOT 57,
ENOTA PL. @ SELLS AVE FOR USE A PUB PARK
ADOPT AS AMEND

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 1
ABSENT 1

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

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(Do Not Write Above This Line)

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APPROVED BY:

Linda K. Dickett
CITY ATTORNEY

ADOPTED BY

AS AMENDED JUL 07 2003

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

Date Referred 6/16/03

Referred To: CD/HR

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee: CD/HR
Date: 6/16/03
Chair: John W. Starks
Referred to: Council

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

Refer To

FINAL COUNCIL ACTION

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

CERTIFIED

CERTIFIED
JUL 7 2003
Jessie G. Moore
COUNCIL PRESIDENT PROTEM

CERTIFIED
JUL 07 2003
Ronald D. Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

Wiley Brantley
JUL 12 2003
MAYOR