

04-0-0441

(Do Not Write Above This Line)

AN ORDINANCE BY COUNCILMEMBER *FELICIA MOORE*

AUTHORIZING THE AN ORDINANCE / AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO PROVIDE FEE SIMPLE OWNERSHIP TO THE ATLANTA HOUSING AUTHORITY OF APPROXIMATELY 9.17 ACRES OF PROPERTY LOCATED IN GUN CLUB PARK AND ROCKDALE PARK, AND TO PROVIDE THE ATLANTA HOUSING AUTHORITY'S DEVELOPMENT PARTNER WITH THE RIGHT TO UTILIZE 7.5 ACRES OF PROPERTY LOCATED IN GUN CLUB PARK, IN EXCHANGE FOR THE ATLANTA HOUSING AUTHORITY'S PROVIDING TO THE CITY FEE SIMPLE OWNERSHIP OF APPROXIMATELY 25.24 ACRES OF NEW PARKLAND LOCATED IN THE SAME NEIGHBORHOOD PLANNING UNIT.

(SEE FULL CAPTION ON REVERSE SIDE)
ADOPTED BY

MAR 15 2004

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

Date Referred 03/01/04

Referred To: Finance / Executive

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

FIN

Date 03/01/04

Action Refer

Fav. Adv. Hold (see rev. side) 05

Other 05

Members

William L. Apple

John T. Moore

Shank

Alan Muller

Refer To

Committee

Date

Chair

Action

Fav. Adv. Hold (see rev. side)

Other

Members

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

Refer To

- FINAL COUNCIL ACTION**
- 2nd
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - RC Vote

CERTIFIED

MAR 15 2004

CERTIFIED
MAR 15 2004
Rodney Johnson
MUNICIPAL CLERK

MAYOR'S ACTION
MAR 15 2004
Rodney Johnson
MAYOR

3/15/2004 - Councilman Mitchell Abstained



CITY COUNCIL
ATLANTA, GEORGIA

04-O-0441

**AN ORDINANCE
BY COUNCILMEMBER FELICIA MOORE
AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO PROVIDE FEE SIMPLE OWNERSHIP TO THE ATLANTA HOUSING AUTHORITY OF APPROXIMATELY 9.17 ACRES OF PROPERTY LOCATED IN GUN CLUB PARK AND ROCKDALE PARK, AND TO PROVIDE THE ATLANTA HOUSING AUTHORITY'S DEVELOPMENT PARTNER WITH THE RIGHT TO UTILIZE 7.5 ACRES OF PROPERTY LOCATED IN GUN CLUB PARK, IN EXCHANGE FOR THE ATLANTA HOUSING AUTHORITY'S PROVIDING TO THE CITY FEE SIMPLE OWNERSHIP OF APPROXIMATELY 25.24 ACRES OF NEW PARKLAND LOCATED IN THE SAME NEIGHBORHOOD PLANNING UNIT, FOR THE PURPOSE OF ASSISTING AND FACILITATING THE ATLANTA HOUSING AUTHORITY'S REDEVELOPMENT OF THESE AREAS IN ACCORDANCE WITH THE WEST HIGHLANDS AT PERRY BOULEVARD MASTERPLAN AND THE REVITALIZATION OF THESE AREAS IN ACCORDANCE WITH THE CITY'S NORTHWEST ATLANTA REDEVELOPMENT PLAN AND THE PERRY/BOLTON TAX ALLOCATION DISTRICT; AND AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO EXECUTE ALL AGREEMENTS, DEEDS, AND OTHER DOCUMENTS NECESSARY OR ADVISABLE IN ORDER TO CARRY INTO EFFECT THE INTENT OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, The Housing Authority of the City of Atlanta, Georgia (the "Authority"), together with its development partner, Perry Homes Redevelopment, LLC, a Georgia limited liability company whose sole members are Columbia Residential, LLC, BrockBuilt, LLC, and Perry Golf Course Development, LLC, is engaged in the revitalization of the Perry Homes public housing community ("Perry Homes") resulting in a new master planned, mixed-use, mixed-income community to be known as West Highlands at Perry Boulevard (the "Revitalization Initiative") as contemplated in the approved Northwest Atlanta Redevelopment Plan and Perry/Bolton Tax Allocation District; and

WHEREAS, the Revitalization Initiative shall include the development and construction of new mixed use, mixed income residential dwellings, retail, green space, walking trails, parks, recreation fields, a public golf course, education facilities and other social economic development projects; and

WHEREAS, the Revitalization Initiative includes the demolition of 1,072 distressed units and related facilities, which has been completed, and the revitalization of Perry Homes into a new master planned mixed-use, mixed-income community containing approximately 570 mixed-income rental apartments and no less than 100 for sale homes

which will include 40 homes reserved for sale to families who graduate from the Authority's public housing program or other affordable housing programs, with first priority to families who formerly lived at Perry Homes and who otherwise qualify for homeownership; and

WHEREAS, the financial closing for the construction of the Revitalization Initiative's Phase I occurred in October 2002, and 124 rental apartments with 50 apartments reserved for public housing-eligible families and another 12 apartments reserved for low-income families are under construction; and

WHEREAS, the financial closing for the construction of the Revitalization Initiative's Phase IIA occurred in November 2003 and will result in the construction of a dedicated senior rental housing development, containing 130 apartments with 100 apartments reserved for Housing Choice Voucher ("Project Based Section 8") program participants; and

WHEREAS, the financial closing for the construction of the Revitalization Initiative's Phase IIB occurred in November 2003, and will result in the construction of 152 rental apartments with 61 apartments reserved for public housing-eligible families and another 19 apartments reserved for low-income families; and

WHEREAS, the Revitalization Initiative will also include an array of social and economic development projects including retail, daycare, YMCA, counseling, educational training and recreational activities, including but not limited to a public golf course; and

WHEREAS, the revitalization of this community is of enormous importance to the future economic health of Northwest Atlanta and essential to implementation of the approved Northwest Atlanta Redevelopment Plan as well as the approved Perry/Bolton Tax Allocation District , and the well-being of its residents; and

WHEREAS, the City of Atlanta (the "City") owns two parks that are adjacent to the site of the Revitalization Initiative, Gun Club Park and Rockdale Park, and the Authority needs a portion of those parks in order to complete the Revitalization Initiative; and

WHEREAS, Gun Club Park is approximately 44.33 acres, and is identified by the orange, yellow and gray sections of letter A on the attached exhibit C ("Gun Club Park"); and

WHEREAS, Gun Club Park is no longer maintained by the City or any other entity, has numerous broken tree limbs, and is no longer used by the public as a park; and

WHEREAS, Gun Club Park has been declared abandoned by the public by the Commissioner of the Department of Parks, Recreation, and Cultural Affairs, and by the Director of the Bureau of Parks (see exhibits A and B hereto); and

WHEREAS, Rockdale Park is approximately 21.14 acres, and is identified by the yellow and orange sections of letter B on the attached exhibit C (“Rockdale Park”); and

WHEREAS, Rockdale Park is no longer maintained by the City or any other entity, is filled with trash, has numerous broken tree limbs, and is no longer used by the public as a park; and

WHEREAS, Rockdale Park has been declared abandoned by the public by the Commissioner of the Department of Parks, Recreation, and Cultural Affairs, and by the Director of the Bureau of Parks (see exhibits A and B hereto); and

WHEREAS, the Authority desires that the City provide fee simple ownership to the Authority of approximately 9.17 acres of property located in Gun Club Park and Rockdale Park, and desires that the City provide for the long term use of 7.5 acres of property located in Gun Club Park, in exchange for the Authority’s providing to the City fee simple ownership of approximately 25.24 acres of new park land located in the same Neighborhood Planning Unit as the Gun Club and Rockdale Parks (the “Swap”);

WHEREAS, of the 9.17 acres desired by the Authority, 7.9 acres are located in Gun Club Park, the exact area of which is shown in orange in letter A of Exhibit C attached hereto (“Gun Club Park Residential Property”) and 1.27 acres are located in Rockdale Park, the exact area of which is shown in orange in letter B of Exhibit C attached hereto (“Rockdale Park Residential Property”); and

WHEREAS, the Authority, through its development partner, plans to utilize the Gun Club Park Residential Property and the Rockdale Park Residential Property to build new, high quality housing with amenities, for the increased benefit and safety of the surrounding neighborhoods. The Authority, through its development partner, contemplates working in partnership with Atlantans Building Leadership for Empowerment (ABLE) for the proposed development of affordable for sale homes on approximately 20% of the single family homesites resulting from the Authority’s acquisition of the Gun Club Park Residential Property and the Rockdale Park Residential Property; and

WHEREAS, in addition to the 9.17 acres that the Authority desires to obtain in fee simple, it also desires to have its development partner utilize over an extended period of time 7.5 acres located in Gun Club Park, the exact area of which is shown in gray in letter A of Exhibit C attached hereto (“Gun Club Park Public Golf Property”); and

WHEREAS, the Authority’s development partner plans to utilize the Gun Club Park Public Golf Property as a part of a Revitalization Initiative public golf course, the full location of which is shown in gray and light green on Exhibit C attached hereto (“Public Golf Course”); and

WHEREAS, as part of the Swap, the Authority desires to provide to the City, in fee simple, 25.24 acres of property, that is divided into six different pieces of property, each to be utilized as a new park, and specifically 7.43 acres colored in green and labeled as C on Exhibit C hereto (“Habershal Park”), 3.88 acres colored in green and labeled as D on Exhibit C hereto (“Town Center Park”), 2.61 acres colored in green and labeled as E on Exhibit C hereto (“Gun Club Extension”), 2.49 acres colored in green and labeled as F on Exhibit C hereto (“Proctor Park”), 2.33 acres colored in green on Exhibit D hereto (“Adam’s Park”), and 6.50 acres colored in green and labeled as H on Exhibit C hereto (“Creeside Park”), (collectively the “New Parks”); and

WHEREAS, though owned by the City, the New Parks shall all be maintained by the association of homeowners of the new homes built as part of the Revitalization Initiative; and

WHEREAS, by providing the City with the six New Parks, the Authority will be giving the City 1.5 acres of land for every acre of land given and/or leased by the City as part of the Swap; and

WHEREAS, in addition to the New Parks described above, the Authority will also be providing the City fee simple ownership of 5.62 acres of new pocket parks, as indicated in pink on Exhibit C attached hereto (“Pocket Parks”). These Pocket Parks are not included in the calculation of the 1:1.5 ratio regarding the property being given and received by the City as part of the Swap; and

WHEREAS, the Authority intends to provide the City with fee simple ownership of 4.83 miles of trails, as indicated by an orange line on Exhibit C attached hereto (“Trail”). The Trail is not included in the calculation of the 1:1.5 ratio regarding the property being given and received by the City as part of the Swap; and

WHEREAS, though owned by the City, the Pocket Parks and Trail will be maintained by the association of homeowners of the new homes built as part of the Revitalization Initiative; and

WHEREAS, the City seeks to work in partnership with the Authority to revitalize the remainder of Gun Club Park and Rockdale Park so that the parks are once again used and enjoyed by the public; and

WHEREAS, Proctor Creek runs through or abuts portions of the Revitalization Initiative, including but not limited to Gun Club Park, Rockdale Park, the New Parks, the Pocket Parks, the Public Golf Course, and the Trail; and

WHEREAS, the City of Atlanta Greenway Acquisition Plan, mandated by the Combined Sewer Overflow Consent Decree, has evaluated some of these sections of Proctor Creek as a priority stream buffer, and the City intends to ensure the permanent protection of this creek by placing a riparian buffer, averaging 100 feet wide, on either side of Proctor Creek; and

WHEREAS, O.C.G.A. § 8-3-153 (a)(1) vests the City of Atlanta with the power to dedicate, sell, convey, or lease any of its property to a housing authority, with or without consideration, for the purpose of aiding and cooperating in the planning or undertaking of housing projects located within the city limits.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

SECTION ONE: The Mayor, on behalf of the City, is authorized to provide to the Authority, in fee simple, the Gun Club Park Residential Property and the Rockdale Park Residential Property, to be utilized by the Authority for building new residences as part of the Revitalization Initiative. In addition, the Mayor, on behalf of the City, is authorized to provide the Authority, its development partner, or their designee with the Gun Club Park Public Golf Property in a long term lease, to be utilized as a part of the Revitalization Initiative's public golf course. In exchange for receiving these properties, the Authority must provide to the City, in fee simple, 1.5 acres of new property for every acre of property provided by the City. In addition, all of the new property provided to the City as part of the Swap must be within the same Council District and Neighborhood Planning Unit as Gun Club Park and Rockdale Park. The details of any lease regarding the Gun Club Park Public Golf Property, and the authorization to enter the same, shall be set forth in separate legislation. The purpose of this legislation with regard to the Gun Club Park Public Golf Property is merely to authorize the exchange of land.

SECTION TWO: The Mayor, on behalf of the City, is authorized to accept from the Authority or its development partner, the granting in fee simple of the Habershal Park, the Town Center Park, the Gun Club Extension, the Proctor Park, the Adam's Park, and the Creekside Park, and such additional park land within the same Council District and Neighborhood Planning Unit as Gun Club and Rockdale Parks, where such park land shall not be less than 2.334 acres in dimension. These New Parks shall be accepted by the Mayor in exchange for the City's granting of the Gun Club Park Residential Property, the Rockdale Park Residential Property, and the Gun Club Park Public Golf Property. These New Parks meet and fully satisfy the requirements set forth in Section One above regarding the ratio and location of property provided by the Authority.

SECTION THREE: The Mayor, on behalf of the City, is authorized to accept from the Authority, the granting in fee simple of the Pocket Parks and the Trail.

SECTION FOUR: The Mayor, on behalf of the City, is authorized to execute an Intergovernmental Agreement with the Authority providing the exact terms of the Swap. These terms shall include but not be limited to the obligation of the Authority, through its development partner, to place a covenant on the deed of every residence built as part of the Revitalization Initiative that establishes the New Parks, the Pocket Parks, and the Trail if applicable, as City of Atlanta parks open to the public, and that establishes that the homeowner shall pay regular dues to an association that shall be responsible for

maintaining the New Parks, the Pocket Parks, and the Trail if applicable. The Intergovernmental Agreement shall specify that Habershal Park, Gun Club Extension, Proctor Park, and Adam's Park shall be maintained as neighborhood parks, shall be slightly developed, and each shall contain, at a minimum, picnic pavilions and a playground. The Intergovernmental Agreement shall specify that Town Center Park shall be maintained as an active park, with picnic pavilions, a lake, a fountain, an amphitheater, gazebos and overlooks. The Intergovernmental Agreement shall also specify that Creekside Park shall be maintained as green space only.

SECTION FIVE: The Commissioner of Planning & Community Development and the Commissioner of Watershed Management are hereby authorized to identify riparian buffer areas appropriate for protection on Proctor Creek segments as shown in the Consent Decree Greenway Acquisition Plan. The Intergovernmental Agreement discussed in Section 4 above, shall include as one of the terms of the Swap that the Authority, in conjunction with its development partner shall negotiate in good faith to give the City ownership of or a conservation easement over, a riparian buffer, with the goal of averaging 100 feet in width, on either side of the Proctor Creek segments designated in the Consent Decree Greenway Acquisition Plan.

SECTION SIX: The Mayor, on behalf of the City, is authorized to execute any and all agreements, deeds, instruments or other documents that the Law Department deems to be necessary or advisable in order to carry into effect the intent of this ordinance.

SECTION SEVEN: The City Attorney is hereby directed to prepare for execution by the Mayor, any and all agreements, deeds, instruments, or other documents that the City Attorney deems necessary or advisable to carry into effect the intent of this ordinance, said documents to be approved as to form by the City Attorney.

SECTION EIGHT: Said agreements, deeds, instruments, or other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been signed by the Mayor and delivered to the Authority.

SECTION NINE: All ordinances and resolutions in conflict herewith are hereby repealed for purposes of this Ordinance only, and only to the extent of said conflict.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

March 15, 2004
March 23, 2004

AFFIDAVIT OF DIANNE HARNELL COHEN

I, Dianne Harnell Cohen, having been duly sworn by an officer authorized to administer oaths, do hereby state and attest to the following:

1.

I am an adult citizen of the state of Georgia and am competent in all respects to make this Affidavit. I make this Affidavit from my own personal knowledge.

2.

I am the Commissioner of the Department of Parks, Recreation and Cultural Affairs. I have held this position since March 2003. As Commissioner, my responsibilities include supervision of the Bureau of Parks and its Director, and oversight of all City parks, including Gun Club Park and Rockdale Park.

3.

I have visited Gun Club Park to observe first hand its current condition. I am aware that the City has been unable to maintain the park for many years. As a result, the park is returning to its natural state. Other parts of the park are barren. Gun Club Park is not being utilized by the public as a park. In my professional opinion, Gun Club Park has been abandoned by the public as a public park.

4.

I have visited Rockdale Park to observe first hand its current condition. The park is returning to its natural state. It is overgrown with weeds, and has numerous fallen branches and dead trees. The City stopped maintaining that park many years ago. The public has been using a portion of that park as a dumping ground. As a result, that portion of the park has a tremendous amount of construction debris in it. Rockdale Park is not being utilized by the public as a park. In my professional opinion, Rockdale Park has been abandoned by the public.

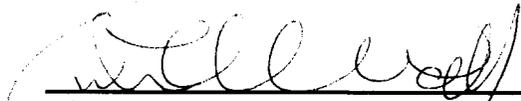
EXHIBIT

A

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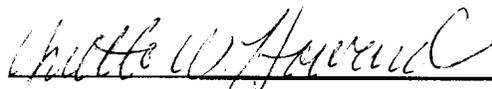
FURTHER AFFIANT SAITH NOT.

This 9 day of March, 2004.



Dianne Harnell Cohen

Sworn to and subscribed before me
this 9th day of MARCH 2004



NOTARY PUBLIC

My commission expires _____.

Notary Public, DeKalb County, GA
My Commission Expires June 27, 2007

AFFIDAVIT OF JAY LOWERY

I, Jay Lowery, having been duly sworn by an officer authorized to administer oaths, do hereby state and attest to the following:

1.

I am an adult citizen of the state of Georgia and am competent in all respects to make this Affidavit. I make this Affidavit from my own personal knowledge.

2.

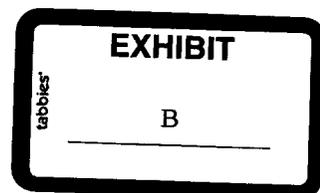
I am the Director of the Bureau of Parks, in the Department of Parks, Recreation and Cultural Affairs. I have been a City of Atlanta employee since 1972, and have been the Parks Bureau Director since 1999. I oversee and manage all parks owned by the City of Atlanta.

3.

One of the parks that I oversee is Gun Club Park. Gun Club Park is owned by the City of Atlanta, and is located in Northwest Atlanta. The City has been unable to maintain that park for many years. As a result, the park is returning to its natural state. I have occasion to visit Gun Club Park approximately once every six months, and I have found that Gun Club Park has not been utilized by the public as a park for years. In my professional opinion, Gun Club Park has been abandoned by the public as a park.

4.

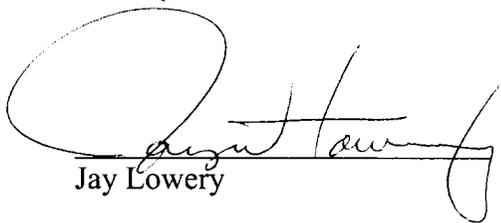
One of the parks that I oversee is Rockdale Park. Rockdale Park is owned by the City of Atlanta, and is located in Northwest Atlanta. The public has been using a portion of that park as a dumping ground. As a result, the park has a tremendous amount of construction debris in it. The City has been unable to maintain the park for years. I have occasion to visit Rockdale Park approximately every six months, and on every visit that I have made, I have found that Rockdale



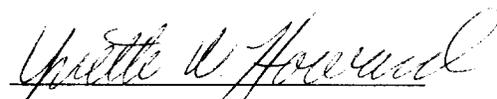
Park has not been utilized by the public as a park for years. In my professional opinion,
Rockdale Park has been abandoned by the public as a park.

FURTHER AFFIANT SAITH NOT.

This 9 day of March, 2004.


Jay Lowery

Sworn to and subscribed before me
this 9th day of March 2004


NOTARY PUBLIC

My commission expires _____.

Notary Public, DeKalb County, GA
My Commission Expires June 27, 2007

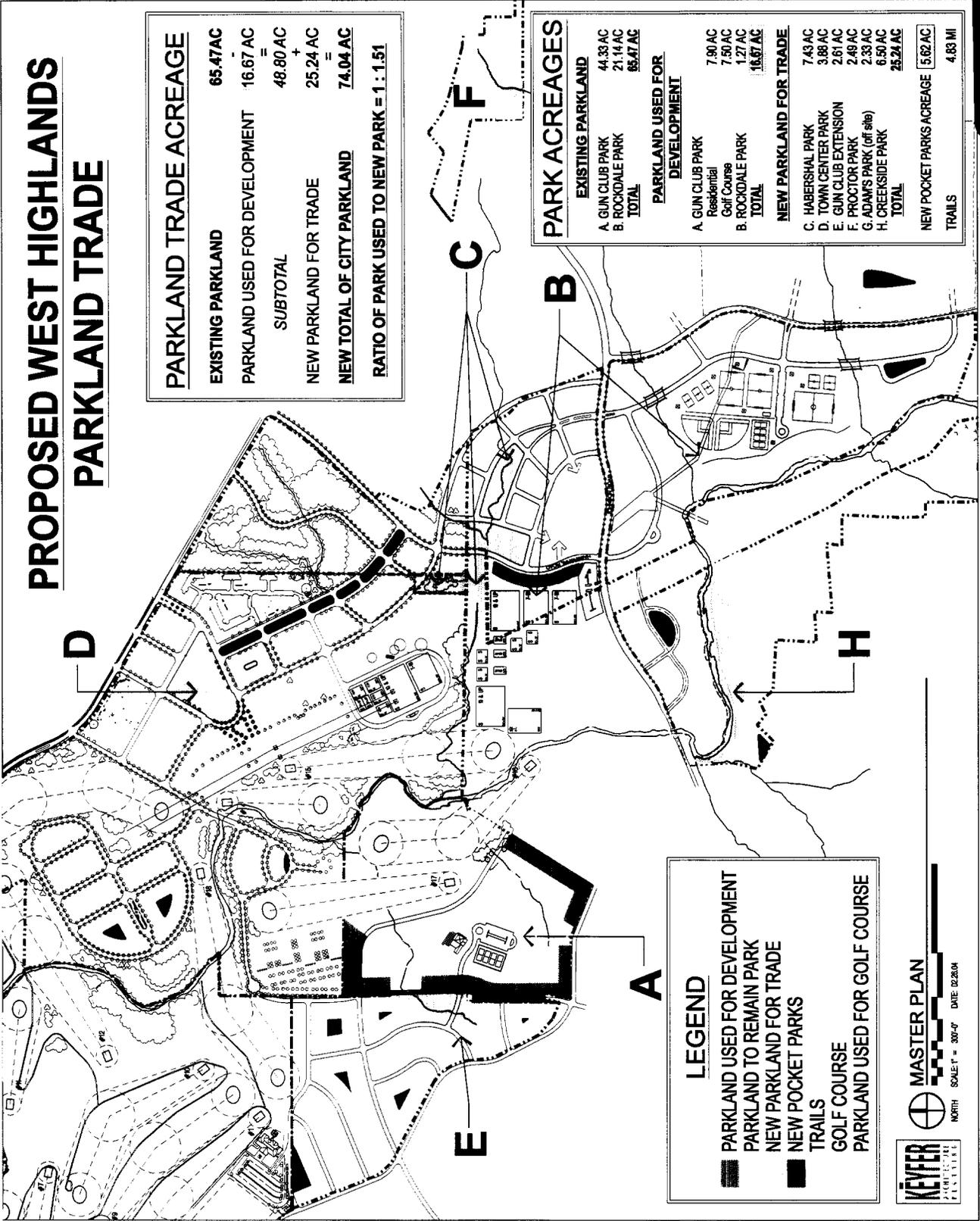
PROPOSED WEST HIGHLANDS PARKLAND TRADE

PARKLAND TRADE ACREAGE

EXISTING PARKLAND	65.47 AC
PARKLAND USED FOR DEVELOPMENT	16.67 AC
SUBTOTAL	48.80 AC
NEW PARKLAND FOR TRADE	25.24 AC
NEW TOTAL OF CITY PARKLAND	74.04 AC
RATIO OF PARK USED TO NEW PARK = 1 : 1.51	

PARK ACREAGES

EXISTING PARKLAND	
A. GUN CLUB PARK	44.33 AC
B. ROCKDALE PARK	21.14 AC
TOTAL	65.47 AC
PARKLAND USED FOR DEVELOPMENT	
A. GUN CLUB PARK	7.90 AC
Residential	7.50 AC
Golf Course	1.27 AC
B. ROCKDALE PARK	1.27 AC
TOTAL	16.67 AC
NEW PARKLAND FOR TRADE	
C. HABERSHAL PARK	7.43 AC
D. TOWN CENTER PARK	3.89 AC
E. GUN CLUB EXTENSION	2.61 AC
F. PROCTOR PARK	2.49 AC
G. ADAMS PARK (off site)	2.33 AC
H. CREEKSIDE PARK	6.50 AC
TOTAL	25.24 AC
NEW POCKET PARKS ACREAGE	5.62 AC
TRAILS	4.83 MI



LEGEND

- PARKLAND USED FOR DEVELOPMENT
- PARKLAND TO REMAIN PARK
- NEW PARKLAND FOR TRADE
- NEW POCKET PARKS
- TRAILS
- GOLF COURSE
- PARKLAND USED FOR GOLF COURSE

KEYFER
ARCHITECTURE
PLANNING

MASTER PLAN

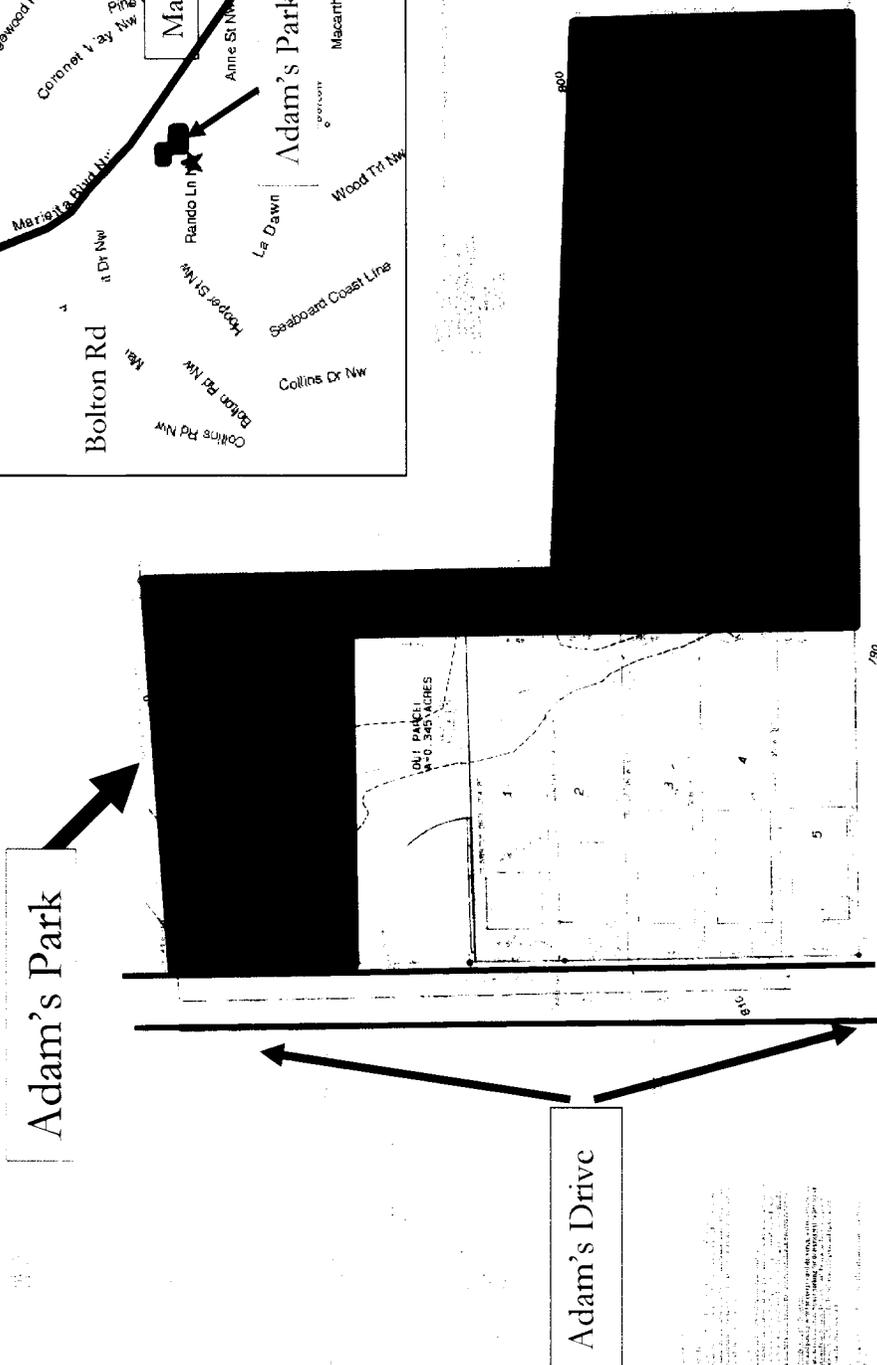
NORTH SCALE: 1" = 300'-0" DATE: 12/26/04

EXHIBIT

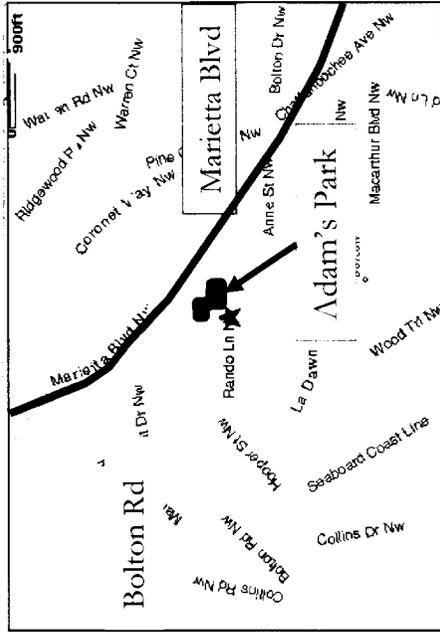
C

Tables

Adam's Park
2.334 acres



Location of Adam's Park



BETTERTON
SURVEYING & DESIGN, INC.
LAND SURVEYING/PLANNING
SUBDIVISION & COMMERCIAL SITE DESIGN

02178

tabbles

EXHIBIT

D

RCS# 5531
3/15/04
2:13 PM

Atlanta City Council

Regular Session

CONSENT I 0379 0380 0381 0382 0383 0384

ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 1
NOT VOTING: 3
EXCUSED: 0
ABSENT 2

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

CONSENT I

RCS# 5532
3/15/04
2:14 PM

Atlanta City Council

Regular Session

CONSENT I

04-O-0440 AND 04-O-0441

ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 1
NOT VOTING: 3
EXCUSED: 0
ABSENT 2

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

CONSENT I

maintaining the New Parks, the Pocket Parks, and the Trail if applicable. The Intergovernmental Agreement shall specify that Habershal Park, Gun Club Extension, Proctor Park, and Adam's Park shall be maintained as neighborhood parks, shall be slightly developed, and each shall contain, at a minimum, picnic pavilions and a playground. The Intergovernmental Agreement shall specify that Town Center Park shall be maintained as an active park, with picnic pavilions, a lake, a fountain, an amphitheater, gazebos and overlooks. The Intergovernmental Agreement shall also specify that Creekside Park shall be maintained as green space only.

SECTION FIVE: The Commissioner of Planning & Community Development and the Commissioner of Watershed Management are hereby authorized to identify riparian buffer areas appropriate for protection on Proctor Creek segments as shown in the Consent Decree Greenway Acquisition Plan. The Intergovernmental Agreement discussed in Section 4 above, shall include as one of the terms of the Swap that the Authority, in conjunction with its development partner shall negotiate in good faith to give the City ownership of or a conservation easement over, a riparian buffer, with the goal of averaging 100 feet in width, on either side of the Proctor Creek segments designated in the Consent Decree Greenway Acquisition Plan.

SECTION SIX: The Mayor, on behalf of the City, is authorized to execute any and all agreements, deeds, instruments or other documents that the Law Department deems to be necessary or advisable in order to carry into effect the intent of this ordinance.

SECTION SEVEN: The City Attorney is hereby directed to prepare for execution by the Mayor, any and all agreements, deeds, instruments, or other documents that the City Attorney deems necessary or advisable to carry into effect the intent of this ordinance, said documents to be approved as to form by the City Attorney.

SECTION EIGHT: Said agreements, deeds, instruments, or other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been signed by the Mayor and delivered to the Authority.

SECTION NINE: All ordinances and resolutions in conflict herewith are hereby repealed for purposes of this Ordinance only, and only to the extent of said conflict.

CITY COUNCIL
ATLANTA, GEORGIA

Ordinance by
~~A SUBSTITUTE ORDINANCE~~

04-O-0441

BY COUNCILMEMBER FELICIA MOORE

95 *Substituted by Finance Committee*

AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO PROVIDE FEE SIMPLE OWNERSHIP TO THE ATLANTA HOUSING AUTHORITY OF APPROXIMATELY 9.17 ACRES OF PROPERTY LOCATED IN GUN CLUB PARK AND ROCKDALE PARK, AND TO PROVIDE THE ATLANTA HOUSING AUTHORITY'S DEVELOPMENT PARTNER WITH THE RIGHT TO UTILIZE 7.5 ACRES OF PROPERTY LOCATED IN GUN CLUB PARK, IN EXCHANGE FOR THE ATLANTA HOUSING AUTHORITY'S PROVIDING TO THE CITY FEE SIMPLE OWNERSHIP OF APPROXIMATELY 25.24 ACRES OF NEW PARKLAND LOCATED IN THE SAME NEIGHBORHOOD PLANNING UNIT, FOR THE PURPOSE OF ASSISTING AND FACILITATING THE ATLANTA HOUSING AUTHORITY'S REDEVELOPMENT OF THESE AREAS IN ACCORDANCE WITH THE WEST HIGHLANDS AT PERRY BOULEVARD MASTERPLAN AND THE REVITALIZATION OF THESE AREAS IN ACCORDANCE WITH THE CITY'S NORTHWEST ATLANTA REDEVELOPMENT PLAN AND THE PERRY/BOLTON TAX ALLOCATION DISTRICT; AND AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO EXECUTE ALL AGREEMENTS, DEEDS, AND OTHER DOCUMENTS NECESSARY OR ADVISABLE IN ORDER TO CARRY INTO EFFECT THE INTENT OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, The Housing Authority of the City of Atlanta, Georgia (the "Authority"), together with its development partner, Perry Homes Redevelopment, LLC, a Georgia limited liability company whose sole members are Columbia Residential, LLC, BrockBuilt, LLC, and Perry Golf Course Development, LLC, is engaged in the revitalization of the Perry Homes public housing community ("Perry Homes") resulting in a new master planned, mixed-use, mixed-income community to be known as West Highlands at Perry Boulevard (the "Revitalization Initiative") as contemplated in the approved Northwest Atlanta Redevelopment Plan and Perry/Bolton Tax Allocation District; and

WHEREAS, the Revitalization Initiative shall include the development and construction of new mixed use, mixed income residential dwellings, retail, green space, walking trails, parks, recreation fields, a public golf course, education facilities and other social economic development projects; and

WHEREAS, the Revitalization Initiative includes the demolition of 1,072 distressed units and related facilities, which has been completed, and the revitalization of Perry Homes into a new master planned mixed-use, mixed-income community containing approximately 570 mixed-income rental apartments and no less than 100 for sale homes

AN ORDINANCE

4-0-

BY COUNCILMEMBER  FELICIA MOORE

AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO PROVIDE FEE SIMPLE OWNERSHIP TO THE ATLANTA HOUSING AUTHORITY OF APPROXIMATELY 9.17 ACRES OF PROPERTY LOCATED IN GUN CLUB PARK AND ROCKDALE PARK, AND TO PROVIDE THE ATLANTA HOUSING AUTHORITY'S DEVELOPMENT PARTNER WITH THE RIGHT TO UTILIZE 7.5 ACRES OF PROPERTY LOCATED IN GUN CLUB PARK, IN EXCHANGE FOR THE ATLANTA HOUSING AUTHORITY'S PROVIDING TO THE CITY FEE SIMPLE OWNERSHIP OF APPROXIMATELY 25.24 ACRES OF NEW PARKLAND LOCATED IN THE SAME NEIGHBORHOOD PLANNING UNIT, FOR THE PURPOSE OF ASSISTING AND FACILITATING THE ATLANTA HOUSING AUTHORITY'S REDEVELOPMENT OF THESE AREAS IN ACCORDANCE WITH THE WEST HIGHLANDS AT PERRY BOULEVARD MASTERPLAN AND THE REVITALIZATION OF THESE AREAS IN ACCORDANCE WITH THE CITY'S NORTHWEST ATLANTA REDEVELOPMENT PLAN AND THE PERRY/BOLTON TAX ALLOCATION DISTRICT; AND AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO EXECUTE ALL AGREEMENTS, DEEDS, AND OTHER DOCUMENTS NECESSARY OR ADVISABLE IN ORDER TO CARRY INTO EFFECT THE INTENT OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, The Housing Authority of the City of Atlanta, Georgia (the "Authority"), together with its development partner, Perry Homes Redevelopment, LLC, a Georgia limited liability company whose sole members are Columbia Residential, LLC, BrockBuilt, LLC, and Perry Golf Course Development, LLC, is engaged in the revitalization of the Perry Homes public housing community ("Perry Homes") resulting in a new master planned, mixed-use, mixed-income community to be known as West Highlands at Perry Boulevard (the "Revitalization Initiative") as contemplated in the approved Northwest Atlanta Redevelopment Plan and Perry/Bolton Tax Allocation District; and

WHEREAS, the Revitalization Initiative shall include the development and construction of new mixed use, mixed income residential dwellings, retail, green space, walking trails, parks, recreation fields, a public golf course, education facilities and other social economic development projects; and

WHEREAS, the Revitalization Initiative includes the demolition of 1,072 distressed units and related facilities, which has been completed, and the revitalization of Perry Homes into a new master planned mixed-use, mixed-income community containing approximately 570 mixed-income rental apartments and no less than 100 for sale homes

which will include 40 homes reserved for sale to families who graduate from the Authority's public housing program or other affordable housing programs, with first priority to families who formerly lived at Perry Homes and who otherwise qualify for homeownership; and

WHEREAS, the financial closing for the construction of the Revitalization Initiative's Phase I occurred in October 2002, and 124 rental apartments with 50 apartments reserved for public housing-eligible families and another 12 apartments reserved for low-income families are under construction; and

WHEREAS, the financial closing for the construction of the Revitalization Initiative's Phase IIA occurred in November 2003 and will result in the construction of a dedicated senior rental housing development, containing 130 apartments with 100 apartments reserved for Housing Choice Voucher ("Project Based Section 8") program participants; and

WHEREAS, the financial closing for the construction of the Revitalization Initiative's Phase IIB occurred in November 2003, and will result in the construction of 152 rental apartments with 61 apartments reserved for public housing-eligible families and another 19 apartments reserved for low-income families; and

WHEREAS, the Revitalization Initiative will also include an array of social and economic development projects including retail, daycare, YMCA, counseling, educational training and recreational activities, including but not limited to a public golf course; and

WHEREAS, the revitalization of this community is of enormous importance to the future economic health of Northwest Atlanta and essential to implementation of the approved Northwest Atlanta Redevelopment Plan as well as the approved Perry/Bolton Tax Allocation District, and the well-being of its residents; and

WHEREAS, the City of Atlanta (the "City") owns two parks that are adjacent to the site of the Revitalization Initiative, Gun Club Park and Rockdale Park, and the Authority needs a portion of those parks in order to complete the Revitalization Initiative; and

WHEREAS, Gun Club Park is approximately 44.33 acres, and is identified by the orange, yellow and gray sections of letter A on the attached exhibit C ("Gun Club Park"); and

WHEREAS, Gun Club Park is no longer maintained by the City or any other entity, has numerous broken tree limbs, and is no longer used by the public as a park; and

WHEREAS, Gun Club Park has been declared abandoned by the public by the Commissioner of the Department of Parks, Recreation, and Cultural Affairs, and by the Director of the Bureau of Parks (see exhibits A and B hereto); and

WHEREAS, Rockdale Park is approximately 21.14 acres, and is identified by the yellow and orange sections of letter B on the attached exhibit C (“Rockdale Park”), ; and

WHEREAS, Rockdale Park is no longer maintained by the City or any other entity, is filled with trash, has numerous broken tree limbs, and is no longer used by the public as a park; and

WHEREAS, Rockdale Park has been declared abandoned by the public by the Commissioner of the Department of Parks, Recreation, and Cultural Affairs, and by the Director of the Bureau of Parks (see exhibits A and B hereto); and

WHEREAS, the Authority desires that the City provide fee simple ownership to the Authority of approximately 9.17 acres of property located in Gun Club Park and Rockdale Park, and desires that the City provide for the long term use of 7.5 acres of property located in Gun Club Park, in exchange for the Authority’s providing to the City fee simple ownership of approximately 25.24 acres of new park land located in the same Neighborhood Planning Unit as the Gun Club and Rockdale Parks (the “Swap”);

WHEREAS, of the 9.17 acres desired by the Authority, 7.9 acres are located in Gun Club Park, the exact area of which is shown in orange in letter A of Exhibit C attached hereto (“Gun Club Park Residential Property”) and 1.27 acres are located in Rockdale Park, the exact area of which is shown in orange in letter B of Exhibit C attached hereto (“Rockdale Park Residential Property”); and

WHEREAS, the Authority plans to utilize the Gun Club Park Residential Property and the Rockdale Park Residential Property to build new, high quality housing with amenities, for the increased benefit and safety of the surrounding neighborhoods. The Authority contemplates working in partnership with Atlantans Building Leadership for Empowerment (ABLE) for the proposed development of affordable for sale homes on approximately 20% of the single family homesites resulting from the Authority’s acquisition of the Gun Club Park Residential Property and the Rockdale Park Residential Property; and

WHEREAS, in addition to the 9.17 acres that the Authority desires to obtain in fee simple, it also desires to have its development partner utilize over an extended period of time 7.5 acres located in Gun Club Park, the exact area of which is shown in grey in letter A of Exhibit C attached hereto (“Gun Club Park Public Golf Property”); and

WHEREAS, the Authority’s development partner plans to utilize the Gun Club Park Public Golf Property as a part of a Revitalization Initiative public golf course, the full location of which is shown in gray and light green on Exhibit C attached hereto; and

WHEREAS, as part of the Swap, the Authority desires to provide to the City, in fee simple, 25.24 acres of property, that is divided into six different pieces of property, each to be utilized as a new park, and specifically 7.43 acres colored in green and labeled

as C on Exhibit C hereto (“Habershal Park”), 3.88 acres colored in green and labeled as D on Exhibit C hereto (“Town Center Park”), 2.61 acres colored in green and labeled as E on Exhibit C hereto (“Gun Club Extension”), 2.49 acres colored in green and labeled as F on Exhibit C hereto (“Proctor Park”), 2.33 acres colored in green on Exhibit D hereto (“Adam’s Park”), and 6.50 acres colored in green and labeled as H on Exhibit C hereto (“Creekside Park”), (collectively the “New Parks”); and

WHEREAS, though owned by the City, the New Parks shall all be maintained by the association of homeowners of the new homes built as part of the Revitalization Initiative; and

WHEREAS, by providing the City with the six New Parks, the Authority will be giving the City 1.5 acres of land for every acre of land given and/or leased by the City as part of the Swap; and

WHEREAS, in addition to the New Parks described above, the Authority will also be giving the City fee simple ownership of 5.62 acres of new pocket parks, as indicated in pink on Exhibit C attached hereto (“Pocket Parks”). These Pocket Parks are not included in the calculation of the 1:1.5 ratio regarding the property being given and received by the City as part of the Swap; and

WHEREAS, the Authority intends to provide the City with fee simple ownership of 4.83 miles of trails, as indicated by an orange line on Exhibit C attached hereto (“Trail”). The Trail is not included in the calculation of the 1:1.5 ratio regarding the property being given and received by the City as part of the Swap; and

WHEREAS, though owned by the City, the Pocket Parks and Trail will be maintained by the association of homeowners of the new homes built as part of the Revitalization Initiative; and

WHEREAS, the City seeks to work in partnership with the Authority to revitalize the remainder of Gun Club Park and Rockdale Park so that the parks are once again used and enjoyed by the public; and

WHEREAS, O.C.G.A. § 8-3-153 (a)(1) vests the City of Atlanta with the power to dedicate, sell, convey, or lease any of its property to a housing authority, with or without consideration, for the purpose of aiding and cooperating in the planning or undertaking of housing projects located within the city limits.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

SECTION ONE: The Mayor, on behalf of the City, is authorized to provide to the Authority, in fee simple, the Gun Club Park Residential Property and the Rockdale Park

Residential Property, to be utilized by the Authority for building new residences as part of the Revitalization Initiative. In addition, the Mayor, on behalf of the City, is authorized to provide the Authority, its development partner, or their designee with the Gun Club Park Public Golf Property in a long term lease, to be utilized as a part of the Revitalization Initiative's public golf course. In exchange for receiving these properties, the Authority must provide to the City, in fee simple, 1.5 acres of new property for every acre of property provided by the City. In addition, all of the new property provided to the City as part of the Swap must be within the same Council District and Neighborhood Planning Unit as Gun Club Park and Rockdale Park. The details of any lease regarding the Gun Club Park Public Golf Property, and the authorization to enter the same, shall be set forth in separate legislation. The purpose of this legislation with regard to the Gun Club Park Public Golf Property is merely to authorize the exchange of land.

SECTION TWO: The Mayor, on behalf of the City, is authorized to accept from the Authority, the granting in fee simple of the Habershal Park, the Town Center Park, the Gun Club Extension, the Proctor Park, the Adam's Park, and the Creekside Park. These New Parks shall be accepted by the Mayor in exchange for the City's granting of the Gun Club Park Residential Property, the Rockdale Park Residential Property, and the Gun Club Park Public Golf Property. These New Parks meet and fully satisfy the requirements set forth in Section One above regarding the ratio and location of property provided by the Authority.

SECTION THREE: The Mayor, on behalf of the City, is authorized to accept from the Authority, the granting in fee simple of the Pocket Parks and the Trail.

SECTION FOUR: The Mayor, on behalf of the City, is authorized to execute an Intergovernmental Agreement with the Authority providing the exact terms of the Swap. These terms shall include but not be limited to the obligation of the Authority to place a covenant on the deed of every residence built as part of the Revitalization Initiative that establishes the New Parks, the Pocket Parks, and the Trail if applicable, as City of Atlanta parks open to the public, and that establishes that the homeowner shall pay regular dues to an association that shall be responsible for maintaining the New Parks, the Pocket Parks, and the Trail if applicable. The Intergovernmental Agreement shall specify that Habershal Park, Gun Club Extension, Proctor Park, and Adam's Park shall be maintained as neighborhood parks, shall be slightly developed, and each shall contain, at a minimum, picnic pavilions and a playground. The Intergovernmental Agreement shall specify that Town Center Park shall be maintained as an active park, with picnic pavilions, a lake, a fountain, an amphitheater, gazebos and overlooks. The Intergovernmental Agreement shall also specify that Creekside Park shall be maintained as green space only.

SECTION FIVE: The Mayor, on behalf of the City, is authorized to execute any and all agreements, deeds, instruments or other documents that the Law Department deems to be necessary or advisable in order to carry into effect the intent of this ordinance.

SECTION SIX: The City Attorney is hereby directed to prepare for execution by the

Mayor, any and all agreements, deeds, instruments, or other documents that the City Attorney deems necessary or advisable to carry into effect the intent of this ordinance, said documents to be approved as to form by the City Attorney.

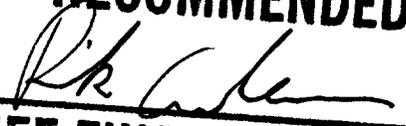
SECTION SEVEN: Said agreements, deeds, instruments, or other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been signed by the Mayor and delivered to the Authority.

SECTION EIGHT: All ordinances and resolutions in conflict herewith are hereby repealed for purposes of this Ordinance only, and only to the extent of said conflict.

AN ORDINANCE
BY COUNCILMEMBER FELICIA MOORE

AN ORDINANCE AUTHORIZING THE
MAYOR, ON BEHALF OF THE CITY, TO
PROVIDE FEE SIMPLE OWNERSHIP TO
THE ATLANTA HOUSING AUTHORITY OF
APPROXIMATELY 9.17 ACRES OF
PROPERTY LOCATED IN GUN CLUB PARK
AND ROCKDALE PARK, AND TO PROVIDE
THE ATLANTA HOUSING AUTHORITY'S
DEVELOPMENT PARTNER WITH THE
RIGHT TO UTILIZE 7.5 ACRES OF
PROPERTY LOCATED IN GUN CLUB
PARK, IN EXCHANGE FOR THE ATLANTA
HOUSING AUTHORITY'S PROVIDING TO
THE CITY FEE SIMPLE OWNERSHIP OF
APPROXIMATELY 25.24 ACRES OF NEW
PARKLAND LOCATED IN THE SAME
NEIGHBORHOOD PLANNING UNIT, FOR
THE PURPOSE OF ASSISTING AND
FACILITATING THE ATLANTA HOUSING
AUTHORITY'S REDEVELOPMENT OF
THESE AREAS IN ACCORDANCE WITH
THE WEST HIGHLANDS AT PERRY
BOULEVARD MASTERPLAN AND THE
REVITALIZATION OF THESE AREAS IN
ACCORDANCE WITH THE CITY'S
NORTHWEST ATLANTA
REDEVELOPMENT PLAN AND THE
PERRYBOLTON TAX ALLOCATION
DISTRICT; AND AUTHORIZING THE
MAYOR, ON BEHALF OF THE CITY, TO
EXECUTE ALL AGREEMENTS, DEEDS,
AND OTHER DOCUMENTS NECESSARY
OR ADVISABLE IN ORDER TO CARRY
INTO EFFECT THE INTENT OF THIS
ORDINANCE; AND FOR OTHER
PURPOSES.

RECOMMENDED



CHIEF FINANCIAL OFFICER

RECOMMENDED

CHIEF FINANCIAL OFFICER

DEPARTMENTAL AUTHORIZATION