

A SUBSTITUTE ORDINANCE

BY TRANSPORTATION COMMITTEE

A SUBSTITUTE ORDINANCE AUTHORIZING THE CITY ATTORNEY TO INSTITUTE NECESSARY LEGAL ACTION THROUGH CONDEMNATION BY DECLARATION OF TAKING METHOD TO OBTAIN FEE SIMPLE TITLE TO OR LESSER INTERESTS IN THE REAL PROPERTIES DESCRIBED AND IDENTIFIED HEREIN BELOW, SAID PROPERTIES BEING LOCATED IN COLLEGE PARK AND NECESSARY FOR PUBLIC USE IN CONNECTION WITH THE FIFTH RUNWAY PROJECT AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT, IN AN AMOUNT NOT TO EXCEED \$72,226,979.33, WITH THE COSTS THEREOF TO BE CHARGED TO AND PAID FROM FUND ACCOUNT CENTER NO. 2H26 571001 R21E052096AA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (hereinafter "City"), as owner and operator of the Hartsfield-Jackson Atlanta International Airport, (hereinafter "Airport") has undertaken the construction of an additional runway and associated improvements, referred to as the Fifth Runway Project, in an area located south of the Airport in the City of College Park and in unincorporated Clayton County; and

WHEREAS, it was and continues to be necessary for the City to acquire property located in College Park to accommodate the Fifth Runway Project; and

WHEREAS, by City of College Park Resolution 99-46, dated December 6, 1999, College Park gave its consent to the City to acquire by condemnation certain properties within College Park's jurisdiction for the Fifth Runway Project effective upon execution of an Intergovernmental Agreement between College Park and the City; and

WHEREAS, the City and College Park executed the Intergovernmental Agreement, dated March 16, 2000, required by City of College Park Resolution 99-46 and making College Park's consent to the City acquiring by condemnation certain properties within College Park's jurisdiction for the Fifth Runway Project effective; and

WHEREAS, since College Park passed City of College Park Resolution 99-46 and College Park and the City entered into the Intergovernmental Agreement consenting to the City acquiring by condemnation certain properties within College Park's jurisdiction for the Fifth Runway Project, the City has determined that certain additional properties, in fee simple or lesser interests, within College Park are needed for the Fifth Runway Project and those properties are identified in Exhibits A (the "Additional Properties") and B (map), which are herein incorporated and made part hereof, and as shown on file with the Program Manager for the Hartsfield Development Program; and

WHEREAS, the City and College Park entered into the Amendment to Intergovernmental Agreement, dated December 16, 2003, granting the City

permission and consent to acquire by condemnation the Additional Properties within College Park's jurisdiction for the Fifth Runway Project; and

WHEREAS, time is of the essence for the acquisition of the Additional Properties identified herein; and

WHEREAS, given the circumstances and need to immediately acquire title to the Additional Properties, the City desires to condemn the Additional Properties as soon as practicable; and

WHEREAS, City of Atlanta Ordinance 01-O-1867 established that the cost incurred by the City in connection with condemning all of the properties set forth in said Ordinance, which authorized acquisition of property for the Fifth Runway Project, not exceed \$149,000,000.00 without additional approval of the City; and

WHEREAS, the City will first pay the cost of condemning the Additional Properties from the \$149,000,000.00 allocated by City of Atlanta Ordinance 01-O-1867 the remaining balance being \$72,226,979.33; and

WHEREAS, it is anticipated that the cost of condemning all of the properties set forth in City of Atlanta Ordinance 01-O-1867 and the Additional Properties, will not exceed \$149,000,000.00, and therefore no further funds must be presently allocated for the condemnation of the Additional Properties.

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

Section 1. That the public necessity for immediately acquiring the Additional Properties identified in Exhibit A (which is herein incorporated and made part hereof) and as shown on file with the Program Manager for the Hartsfield Development Program for public use associated with the Fifth Runway Project is hereby declared; and, further, a finding is hereby made that the circumstances are such that it is necessary to proceed with condemnation proceedings by use of the declaration of taking method of condemnation, as authorized by O.C.G.A. § 32-3-1, *et seq.*, and use of that method is hereby authorized to acquire and obtain fee simple title to or lesser interests in the Additional Properties, as identified in Exhibits A and B.

Section 2. That the City Attorney be and hereby is authorized and the City Attorney or her designee be and hereby is directed, with respect to the Additional Properties, to institute condemnation proceedings in the name of the City of Atlanta for the condemnation of the required interests in said Additional Properties, for the public uses above set forth, as provided by the Constitution of the State of Georgia, and to use the declaration of taking method as provided in the above referenced laws; provided, however, that once the condemnation proceedings have been filed, and should the opportunity for settlement between the parties develop, the Aviation General Manager 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 agreements in an effort to resolve and/or settle the condemnation case.

Section 3. That the Mayor of the City of Atlanta is hereby authorized and directed, to sign, for the City of Atlanta, the Declarations of Taking prepared in connection with the condemnation of the Additional Properties.



Section 4. That the cost incurred by the City in condemning all of the properties set forth in City of Atlanta Ordinance 01-O-1867 and the Additional Properties shall not exceed \$149,000,000.00, and shall be paid from Fund Account Center No. 2H26 571001 R21E052096AA.

Section 5. That 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 Aviation General Manager or the City Attorney and to make all necessary and proper payments in connection with the title searches, appraisals, surveys, specialty reports, closings and/or condemnation actions pursuant to this Ordinance.

Section 6. That, in the unanticipated event that any particular condemnation award causes the costs incurred by the City in condemning all of the properties set forth in City of Atlanta Ordinance 01-O-1867 and the Additional Properties to exceed \$149,000,000.00, the Chief Financial Officer is hereby authorized and directed to pay said award and any additional awards of condemnation actions already filed prior to exceeding \$149,000,000, as required by law, but no further condemnation actions regarding any of the Additional Properties shall be filed prior to the City Council's authorizing the expenditure of additional funds.

Section 7. That the City Attorney be and hereby is authorized to engage the services of outside attorneys and expert witnesses to assist with the condemnation and/or closing of said Properties.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

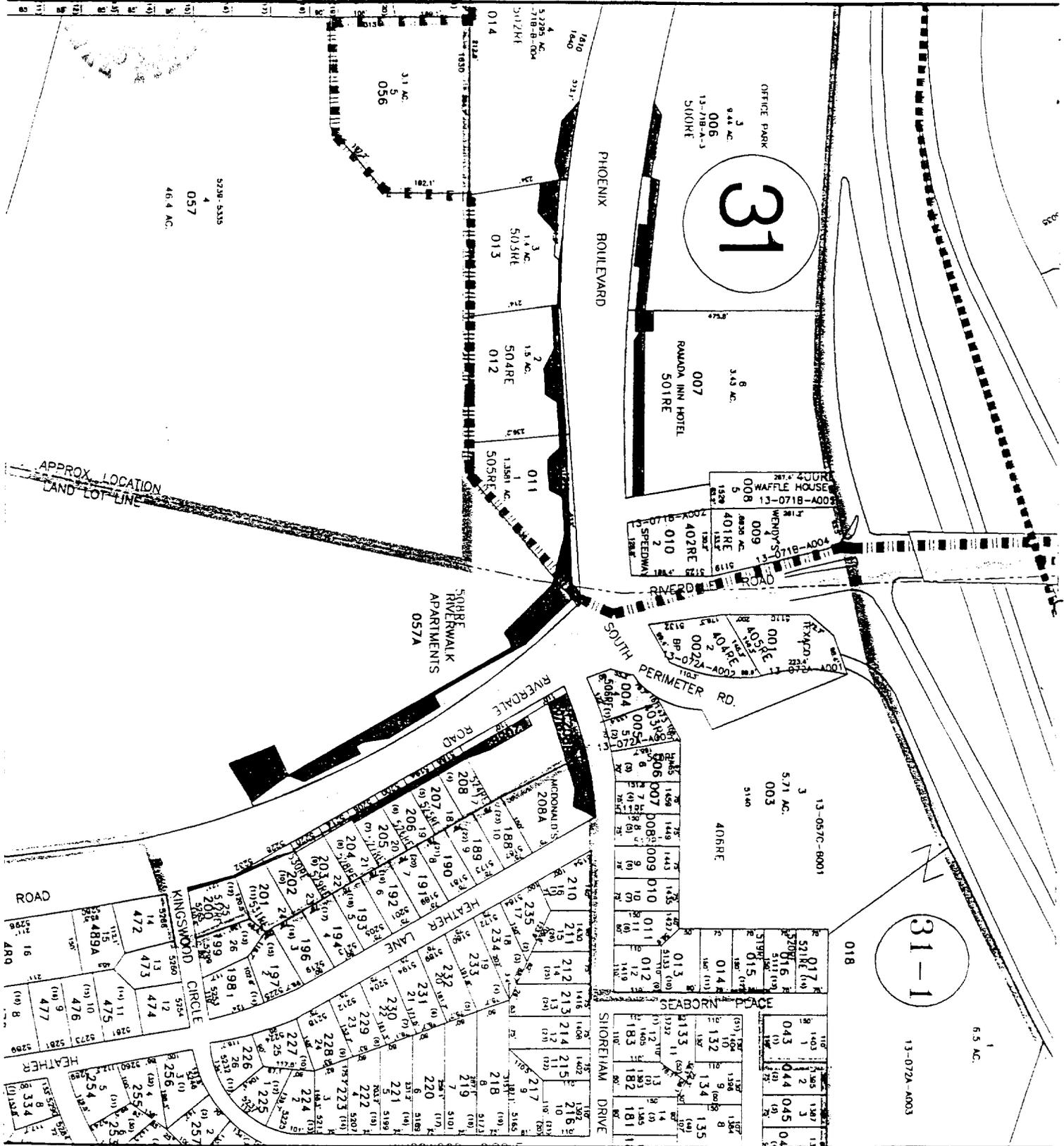
ADOPTED by the Council
APPROVED by the Mayor

FEB 16, 2004
FEB 24, 2004

EXHIBIT A

Additional Properties Needed for
Fifth Runway in College Park

Airport Parcel No.	Rights to be Acquired	Last Known Owner	Tax Id.	Address/Location
500RE	Right of Way & Easements	Crotts Phoenix Partnership	13-071B-A-003	1565 Phoenix Blvd., College Park
501RE	Right of Way & Easements	Century Airport Hotel Inc.	13-071B-A006	1551 Phoenix Blvd., College Park
502RE	Easements	Crocker Realty Trust LP	13-071B-B004	1640 Phoenix Blvd., College Park
503RE	Easements	Crab Properties LLC	13-071B-B003	1590 Phoenix Blvd., College Park
504RE	Right of Way & Easements	Riverdale Hotel LLC	13-071B-B002	1556 Phoenix Blvd., College Park
505RE	Right of Way & Easements	Pravin Master	13-071B-B001	1540 Phoenix Blvd., College Park



PRO Project Management Group

13-072A-A003

13-057C-B001

5.71 AC.

406RE

003

018

31-1

6.5 AC.

LEGEND:

1 BLOCK NUMBER

(1-1) SUB-BLOCK NUMBER

001 MAINS PAVEMENT NUMBER

PROJECT NUMBER

ADDRESS

DIMENSION

PLANS BOUNDARY

PROJECT BOUNDARY

PROPERTIES INCLUDED IN ORIGINAL EXHIBIT B THAT WHICH CANNOT BE GRANTED CONVEYANCE AUTHORITY

PROPERTIES AGED TO EXHIBIT B PERMANENT TO CONVEYANCE AUTHORITY

PROPERTIES AGED TO EXHIBIT B PERMANENT TO CONVEYANCE AUTHORITY

PROPERTIES AGED TO EXHIBIT B PERMANENT TO CONVEYANCE AUTHORITY

PROPERTIES AGED TO EXHIBIT B PERMANENT TO CONVEYANCE AUTHORITY

CONTRACT NUMBER:

Project No. 01-01-011-010-010

FOR THE YEAR: 2010

DATE: AUGUST 5, 2010

BY: [Signature]

NO. DATE BY REVISION:

1	08/05/10	[Signature]	ISSUED FOR EXHIBIT B
2	08/05/10	[Signature]	ISSUED FOR EXHIBIT B
3	08/05/10	[Signature]	ISSUED FOR EXHIBIT B

Hansfield Atlanta
International Airport

5TH RUNWAY
LAND ACQUISITION
PROGRAM
EXHIBIT B2

RCS# 5425
2/16/04
2:56 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-12, EXCEPT:04-R-0242

RECONSIDER

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

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

CONSENT I

RCS# 5424
2/16/04
2:55 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PGS 1-12, EXCEPT:04-R-0242

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 1
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

*Reconsidered
see
RCS# 5425*

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

CONSENT I

2-16-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 04-O-0049	33. 04-R-0207
2. 04-O-0125	34. 04-R-0208
3. 04-O-0126	35. 04-R-0209
4. 04-O-0143	36. 04-R-0210
5. 04-O-0144	37. 04-R-0211
6. 04-O-0035	38. 04-R-0212
7. 04-O-0067	39. 04-R-0213
8. 04-O-0233	40. 04-R-0214
9. 04-O-0235	41. 04-R-0215
10. 04-O-0251	42. 04-R-0223
11. 04-O-0231	43. 04-R-0224
12. 04-R-0188	ITEMS ADVERSED ON CONSENT
13. 04-R-0190	44. 04-R-0191
14. 04-R-0228	45. 04-R-0192
15. 04-R-0229	46. 04-R-0193
16. 04-R-0222	47. 04-R-0194
17. 04-R-0227	48. 04-R-0195
18. 04-R-0128	49. 04-R-0196
19. 04-R-0129	50. 04-R-0197
20. 04-R-0130	51. 04-R-0198
21. 04-R-0131	52. 04-R-0199
22. 04-R-0189	53. 04-R-0200
23. 04-R-0273	54. 04-R-0201
24. 04-R-0218	55. 04-R-0202
25. 04-R-0219	56. 04-R-0203
26. 04-R-0220	57. 04-R-0204
27. 04-R-0245	58. 04-R-0205
28. 04-R-0246	59. 04-R-0206
29. 04-R-0249	60. 04-R-0225
30. 04-R-0250	
31. 04-R-0274	
32. 04-R-0226	

12005
04-0-0125
 (Do Not Write Above This Line)

AN ORDINANCE
 BY TRANSPORTATION COMMITTEE

AN ORDINANCE AUTHORIZING THE CITY ATTORNEY TO INSTITUTE NECESSARY LEGAL ACTION THROUGH CONDEMNATION BY DECLARATION OF TAKING METHOD TO OBTAIN FEE SIMPLE TITLE TO OR LESSER INTERESTS IN THE REAL PROPERTIES DESCRIBED AND IDENTIFIED HEREIN BELOW, SAID PROPERTIES BEING LOCATED IN COLLEGE PARK AND NECESSARY FOR PUBLIC USE IN CONNECTION WITH THE FIFTH RUNWAY PROJECT AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT, WITH THE COSTS THEREOF TO BE CHARGED TO AND PAID FROM FUND ACCOUNT CENTER NO. 2H26 571001 R21E052096AA; AND FOR OTHER PURPOSES.

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

Date Referred 2/2/04
 Referred To: Transportation
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

First Reading
 Committee Transportation
 Date 1/28/04
 Chair Blair H. Hays
 Referred To Transportation

Committee Transportation
 Date 2/11/04
 Chair [Signature]
 Action Fav, Adv, Hold (see rev. side)
 Other Subst. Ref.

Members [Signature]
[Signature]
[Signature]

Refer To _____
 Committee _____
 Date _____
 Chair _____
 Action _____
 Other _____

Committee _____

Date _____
 Chair _____
 Action _____
 Other _____

Fav, Adv, Hold (see rev. side)
 Other _____
 Members _____

Refer To _____
 Committee _____
 Date _____
 Chair _____
 Action _____
 Other _____

ADOPTED BY
FEB 1 6 2004
COUNCIL

Refer To _____
 Committee _____
 Date _____
 Chair _____
 Action _____
 Other _____

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

CERTIFIED
 FEB 1 6 2004

CERTIFIED
 FEB 1 6 2004
 [Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

[Signature]
 FEB 2 4 2004
 MAYOR