

04-~~R~~-0039  
 (Do Not Write Above This Line)

A RESOLUTION

BY THE TRANSPORTATION COMMITTEE

A RESOLUTION AUTHORIZING THE SALE OF FOUR SINGLE-FAMILY RESIDENTIAL PROPERTIES (DESIGNATED AS 4364, 4374, 4572 AND 4112 HERSCHEL ROAD) TO THE COLLEGE PARK BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY FOR REPAIR AND RESALE TO PRIVATE INDIVIDUALS; AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE ON BEHALF OF THE CITY OF ATLANTA AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF COLLEGE PARK AND THE COLLEGE PARK BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY, AS WELL AS DEEDS AND OTHER NECESSARY AND APPROPRIATE DOCUMENTS OR LEGAL INSTRUMENTS REQUIRED TO CONSUMMATE THESE TRANSACTIONS; AUTHORIZING THE CITY ATTORNEY TO TAKE ALL NECESSARY STEPS ON BEHALF OF THE CITY OF ATLANTA REQUIRED TO CLOSE THE RESPECTIVE SALES; AND FOR OTHER PURPOSES.

*As Amended*  
**ADOPTED BY**

- CONSENT REFER
- REGULAR REPORT REFER **MAR 01 2004**
- ADVERTISE & REFER **COUNCIL**
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

First Reading

*TRANSPORTATION*  
 Date 11/14/04  
 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

*TRANSPORTATION*  
 Date 2/24/04  
 Chair William G. Harris

Action  Fav, Adv, Hold (see rev. side)  
 Other Substantive as Amended

Members

*William G. Harris*  
*Alvin D. S.*

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

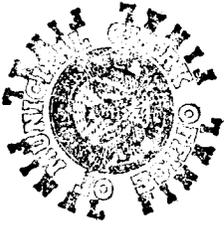
MAR 01 2004

**CERTIFIED**

*Paula Dugan*  
 MUNICIPAL CLERK

MAYOR'S ACTION

**APPROVED**  
*Alvin D. S.*  
 MAR 9 2004  
 MAYOR



**A SUBSTITUTE RESOLUTION**

**BY TRANSPORTATION COMMITTEE**

**A SUBSTITUTE RESOLUTION AUTHORIZING THE SALE OF FOUR SINGLE-FAMILY RESIDENTIAL PROPERTIES (DESIGNATED AS 4364, 4374, 4572 AND 4112 HERSHEL ROAD) TO THE COLLEGE PARK BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY FOR REPAIR AND RESALE TO PRIVATE INDIVIDUALS; AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE ON BEHALF OF THE CITY OF ATLANTA AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF COLLEGE PARK AND THE COLLEGE PARK BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY, AS WELL AS DEEDS AND OTHER NECESSARY AND APPROPRIATE DOCUMENTS OR LEGAL INSTRUMENTS REQUIRED TO CONSUMMATE THESE TRANSACTIONS; AUTHORIZING THE CITY ATTORNEY TO TAKE ALL NECESSARY STEPS ON BEHALF OF THE CITY OF ATLANTA REQUIRED TO CLOSE THE RESPECTIVE SALES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta previously acquired in fee simple ownership using Federal Aviation Administration aircraft noise mitigation funding four (4) single-family residential properties known as 4364, 4374, 4572 & 4112 Herschel Road (collectively, the "Properties") in conjunction with the Department of Aviation's ongoing Noise Mitigation Program; and

**WHEREAS**, notwithstanding the current noise levels, the City of College Park requested that the City of Atlanta cease the acquisition of any additional properties in the and further requested that the City of Atlanta sell to the College Park Business and Industrial Development Authority ("College Park Development Authority") the Properties to be restored and resold; and

**WHEREAS**, accordingly, the City of Atlanta, the City of College Park, and the College Park Development Authority desire to enter into an Intergovernmental Agreement for the purchase, repair, and resale of the Properties by the College Park Development Authority.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, that the Mayor or her designee are each authorized to execute on behalf of the City an Intergovernmental Agreement with the City of College Park and the College Park Development Authority for the purchase, repair, and resale of the Properties by the College Park Development Authority, subject to the terms and conditions contained in that certain Resolution passed by the Mayor and Council of the City of College Park on November 17, 2003, attached as Exhibit "A".

**BE IT FURTHER RESOLVED** that the Mayor or her designee are each authorized, in addition to executing the Intergovernmental Agreement, to execute on behalf of the City of Atlanta such warranty deeds to the Properties, as approved by the City Attorney, and any other documents or legal instruments



necessary to consummate the Intergovernmental Agreement and the sale of the Properties contemplated by this Resolution.

**BE IT FURTHER RESOLVED** that the Aviation General Manager shall provide the Transportation Committee with periodic reports regarding the progress of the sale of properties in this Resolution.

**BE IT FURTHER RESOLVED** that the City Attorney is directed to prepare the Intergovernmental Agreement and necessary deeds and any other legal instruments, as required, for execution by the Mayor or her designee, to be approved as to form by the City Attorney, and to represent the City at the closing of the sales of the Properties.

**BE IT FURTHER RESOLVED** that the Aviation General Manager and/or the City Attorney is directed to include as a part of the Intergovernmental Agreement, the requisite terminology to minimize the city's financial losses such that it conforms with Exhibit C (Herschel Road Updated Appraisal Report for houses w/City of College Park's Cost to Cure Estimates) where estimated fair market value "As Cured" is identified.

**BE IT FINALLY RESOLVED** that said Intergovernmental Agreement, deeds or any other legal instruments, as may be required, shall not become binding upon the City of Atlanta, and the City shall incur no obligation or liability under them until they have been signed by the Mayor or her designee, attested to by the Municipal Clerk, properly witnessed, if necessary, approved by the City Attorney as to form, and delivered to the City of College Park and/or the College Park Development Authority, as appropriate.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED as amended by Council  
APPROVED by the Mayor

MAR 01, 2004  
MAR 09, 2004

Exhibit "A"

RESOLUTION NUMBER 2003- 35



**WHEREAS**, in conjunction with the Department of Aviation's ongoing Noise Mitigation Program, the City of Atlanta previously acquired in fee simple ownership four single-family residential properties known as 4364, 4374, 4572 & 4112 Herschel Road (hereinafter referred to as the "Properties") utilizing Federal Aviation Administration aircraft noise mitigation funding. Notwithstanding the current noise levels, the City of College Park requested that the City of Atlanta, through its Department of Aviation, cease the acquisition of any additional properties in this area of the City of College Park's corporate limits and further requested that the City of Atlanta sell to the College Park Business and Industrial Development Authority (hereinafter referred to as the "College Park Development Authority") the Properties to be restored and resold to owner occupants; and

**WHEREAS**, the City of Atlanta, the City of College Park, and the College Park Development Authority desire to enter into an Agreement for the purchase, repair, and resale of the Properties subject to terms and conditions as set forth herein.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Mayor and Council of the City of College Park that the City of Atlanta is requested to enter into an Agreement with the City of College Park and the College Park Development Authority for the purchase, repair, and resale of the Properties subject to the following terms and conditions.

1. **Basic Definitions.**

- A. **"Initial Sale"** shall mean the sale of each of the Properties from the City of Atlanta to the College Park Development Authority.
- B. **"Initial Sale Price"** shall mean the price initially set to be paid by the College Park Development Authority to the City of Atlanta for the purchase of each of the



Properties, as determined by an appraisal of the estimated fair market value of each of the Properties in an “as is” condition.

- C. “Resale” shall mean the sale of each of the Properties to a third party purchaser.
- D. “Resale Price” shall mean the price paid for each of the Properties by a third party purchaser.

2. **Initial Sale of the Properties.**

The Initial Sale Price for the Initial Sale of each of the Properties shall be determined by an appraisal of the estimated fair market value of each of the Properties in an “as is” condition. The selection and engagement of the appraiser will be made at the direction of the City of Atlanta.

At the closing of the Initial Sale of each of the Properties, the City of College Park will make and deliver to the City of Atlanta a purchase money promissory note for the amount of the Initial Sale Price. Said promissory note shall be due and payable (a) in twenty-four (24) months from the date of the closing of the Initial Sale, or (b) at the closing of the Resale; whichever first occurs.

The Resale Price shall be determined and approved by the Aviation General Manager or his designee as hereinbelow described.

3. **Preparation of Properties for Resale.**

The Properties have been vacant with no maintenance or heat and air conditioning for several months. Utilities are not connected so the electrical, heat and air conditioning and plumbing cannot be inspected. The College Park Development Authority will make the necessary repairs and renovations on the Properties, subject to the written approval of the Aviation General Manager or his designee. The College Park Development Authority will initially pay the costs for all such approved repairs and renovations, the costs of which shall constitute first liens on the Properties to the extent



such costs apply to particular Properties. Such costs shall be first paid from the proceeds of each Resale as hereinbelow described.

The City of College Park will reconnect the electrical and water service at no charge. The College Park Development Authority will have the natural gas service connected, the cost of which, together with the cost of gas, electricity and water services, shall be paid initially by the College Park Development Authority but shall be repaid from the proceeds of each Resale. The City of College Park will not charge for contractor's business license or building permit fees. The City of Atlanta will not be responsible for taxes on the Properties or maintenance of the premises.

In the course of preparing and marketing the Properties for Resale, if it is determined that there are additional costs which are necessary to restore or sell the Properties, and if the Aviation General Manager or his designee approves such costs in writing, the College Park Development Authority shall initially pay such costs but shall be repaid from the proceeds of each Resale.

4. **Resale of the Properties.**

The City of Atlanta will cooperate and respond promptly on decisions regarding additional required work and approval of all contract offers. The City of College Park and the College Park Development Authority will cooperate and see that the work and Resale efforts are completed as soon as practicable. Upon receipt by the College Park Development Authority of a written offer on any of the Properties, a copy of such offer shall be forwarded to the Aviation General Manager or his designee for his written approval or rejection.

A. If the Resale Price (less all costs related to the repair, renovation and sale of the Properties which were approved in writing by the Aviation General Manager or his designee) is equal to, or greater than, the Initial Sale Price, then:

1. The College Park Development Authority shall be paid out of the Resale



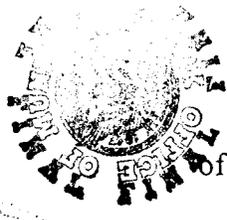
closing proceeds for the costs related to the repair, renovation and sale of the Properties which were approved in writing by the Aviation General Manager or his designee; and

2. The Initial Sale Price shall be paid out of the Resale closing proceeds by the College Park Development Authority to the City of Atlanta; and
3. Any remaining Resale closing proceeds shall be paid to the City of Atlanta, in full satisfaction of the purchase money promissory note.

B. If the Resale Price (less all costs related to the repair, renovation and sale of the Properties which were approved in writing by the Aviation General Manager or his designee) is less than the Initial Sale Price, then:

1. The College Park Development Authority shall be paid out of the Resale closing proceeds for the costs related to the repair, renovation and sale of the Properties which were approved in writing by the Aviation General Manager or his designee; and
2. The Initial Sale Price shall be reduced to equal the Resale Price less all costs related to the repair, renovation and sale of the Properties which were approved in writing by the Aviation General Manager or his designee, such reduced Initial Sale Price being hereinafter referred to as the "Adjusted Initial Sale Price"; and
3. The Adjusted Initial Sale Price shall be paid out of the Resale closing proceeds by the College Park Development Authority to the City of Atlanta, in full satisfaction of the purchase money promissory note.

It is the intent that the City of Atlanta shall receive all of the net proceeds from the Resale



of each of the Properties and that the liability of the College Park Development Authority for the Initial Sale, repair, renovation, and Resale of the Properties shall be no greater than the Resale Price, as expressly reduced by the costs related to the repair, renovation, and Resale of the Properties which were approved in writing by the Aviation General Manager or his designee.

5. **Prerequisite Terms and Conditions:**

- A. College Park acknowledges and consents that the properties no longer qualify for noise mitigation, and will not be included in any possible future noise program.
- B. Subject to any future agreement between College Park and Atlanta, College Park agrees that any and all land uses fronting upon and west of Herschel Road are no longer eligible for noise mitigation performed by Atlanta using Federal Aviation Administration or Atlanta funding. This acknowledgment and consent pertains only to aircraft noise associated with the existing four-runway airfield and not noise mitigation that may be performed due to noise contour shifts resulting from the Fifth Runway.
- C. College Park Development Authority and the subsequent purchaser of the Properties shall convey to Atlanta an aviation easement, indemnifications and releases regarding noise levels and over-flights, impose appropriate use restrictions and provide to any and all residents on the Properties notice of the Properties' proximity to the Airport. College Park Development Authority or the subsequent purchaser of the Properties shall require each resident to execute a written acknowledgment of receipt of such a notice and an indemnification and hold harmless agreement. Atlanta shall approve the form of the foregoing notices and documents, which shall be recorded of record and will run with the land in perpetuity.



D. Possession shall be delivered immediately upon closing of each Resale.

RESOLVED this 17<sup>th</sup> day of November, 2003.

CITY OF COLLEGE PARK

BY:

Jack P. Longino  
Jack P. Longino, Mayor

Attest:

Lakeitha Reeves  
Lakeitha Reeves  
City Clerk



RESOLUTION NUMBER 2003 - 4

WHEREAS the City of College Park has requested the City of Atlanta to sell to the College Park Business and Industrial Development Authority four single-family residential properties known as 4364, 4374, 4572 and 4112 Herschel Road to be restored and resold to owner occupants pursuant to the attached Resolution, and

WHEREAS it would be in the best interest of the citizens of College Park for the College Park Development Authority to be the conduit to place these properties back on the tax roles, at no expense to College Park or the College Park Development Authority.

NOW THEREFORE, IT IS HEREBY RESOLVED by the College Park Business and Industrial Development Authority that it enter into an Agreement with the City of College Park and the City of Atlanta to purchase, restore and resale the properties known as 4364, 4374, 4572 and 4112 Herschel Road pursuant to the terms and conditions set forth in the attached resolution.

BE IT FURTHER RESOLVED that the Chairman or in his absence the Vice-Chairman and the Secretary or in her absence the acting secretary be authorized to execute all documents necessary to carry out the terms and conditions of the Intergovernmental Agreement.

RESOLVED this 13<sup>th</sup> day of November, 2003.

COLLEGE PARK BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY

BY: John Hollis Allen  
Chairman

Attest:  
Shonda Brown  
Secretary



# TERM SHEET FOR DISPOSITION OF HERSCHEL ROAD PROPERTIES

BACKGROUND – The City of Atlanta (the “City”) previously acquired in fee simple ownership using Federal Aviation Administration aircraft noise mitigation funding four single-family residential properties known as 4364, 4374, 4572 & 4112 Herschel Road (the “Properties”) in conjunction with the Department of Aviation’s ongoing Noise Mitigation Program. Notwithstanding the current noise levels, the City of College Park (“College Park”) requested that the City, through its Department of Aviation cease the acquisition of any additional properties in this area of College Park’s corporate limits and further requested that the City sell to College Park the Properties.

PURPOSE – The City and College Park desire to enter into an Intergovernmental Agreement for the purchase and sale of the Properties.

PREREQUISITE DOCUMENTATION – In order for the City to present enabling legislation to the Council of the City Atlanta, College Park’s city council first must pass legislation stating that College Park is requesting that the City enter into this sale/purchase transaction with College Park and that College Park will acknowledge and consent in writing that the Properties no longer will qualify for noise mitigation, and will not be included in any possible future noise program. College Park also must state in its legislation that it will acknowledge and agree in writing that the City will deem any or all land uses west of Herschel Road compatible with aircraft noise and no longer eligible for noise mitigation performed by the City using Federal Aviation Administration or City of Atlanta funding. This acknowledgement and consent pertains only to aircraft noise associated with the existing four-runway airfield and not noise mitigation to be performed due to noise contour shifts resulting from the fifth runway.

PURCHASE PRICE – For purposes of establishing a purchase price for the Properties, the purchase price shall be determined through a current appraisal of the estimated fair market value of the Properties in an “as is” condition. The selection and engagement of the appraiser will be made at the direction of the City of Atlanta.

TERMS & CONDITIONS AT CLOSING -

- A) The purchase price established through the appraisal process shall be paid by the College Park to the City at closing in the form of a promissory note due and payable in twelve (12) months from the date of closing.
- B) College Park and the subsequent purchaser of the Properties shall convey to the City an aviation easement, indemnifications and releases regarding noise levels and over-flights, impose appropriate use restrictions and provide to any all



residents on the Properties notice of the Properties' proximity to the Airport. College Park or the subsequent purchaser of the Properties shall require each resident to execute a written acknowledgement of receipt of such a notice and an indemnification and hold harmless agreement. The City shall approve all of the foregoing notices and documents that shall be recorded of record and will run with the land in perpetuity.

- C) The City shall bear only the attorneys' fees and cost of the City's counsel, and the cost of any title clearance documents required to convey title.
- D) College Park shall pay all other closing costs including College Park's attorneys' fees and costs the cost of title insurance. All applicable ad valorem taxes and annual special assessments and charges for the calendar year of the closing shall be prorated as of the day prior to closing.
- E) The City of Atlanta shall deliver possession of the Properties immediately upon closing.

C 110

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## HERSCHEL ROAD UPDATED APPRAISAL REPORT FOR HOUSES WITH CITY OF COLLEGE PARK'S COST TO CURE ESTIMATES

Property Address	UPDATED ESTIMATE OF "AS IS" VALUE	Cost To Cure Estimate	Estimated FMV "AS CURED"
4364 Herschel Road	\$99,000	\$18,732	\$115,000 - \$118,000
4374 Herschel Road	\$100,000	\$17,372	\$115,000 - \$118,000
4572 Herschel Road	\$88,000	\$21,371	\$105,000 - \$110,000
4112 Herschel Road	\$120,000	\$29,640	\$145,000 - \$150,000
<b>TOTAL</b>	<b>\$ 407,000.00</b>	<b>\$ 87,115.00</b>	<b>\$480,000 - \$496,000</b>

**A January 15, 2004 Comparative Market Analysis of the subject area reveals the following:**

Active Listing Price (10) Ranges From \$114,900 to \$184,900 (Average \$140,040 based on 10 Listings)

Houses (5) Currently Under Contract to Sell Ranges From \$98,400 to \$130,900 (Average \$120,260)

Houses (12) That Previously Sold Ranged of \$80,100 to \$147,263 (Average \$123,608)

RCS# 5475  
3/01/04  
3:54 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I , EXCEPT: 04-O-0328,04-O-0047  
04-O-0221,04-R-0309,04-O-0324,04-O-0216  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

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

CONSENT I

**COMMITTEE AMENDMENT FORM**

Committee Transportation Page Number(s) \_\_\_\_\_

Ordinance I.D.# \_\_\_\_\_ Section(s) \_\_\_\_\_

Resolution I.D.# 04-R-0039 Paragraph \_\_\_\_\_

Date 2/24/04

**Amendment:** \_\_\_\_\_

Be it Further Resolved that the  
Aviation General Manager and/or the City  
Attorney is directed to include as a part of  
the Intergovernmental Agreement, the requisite  
terminology to minimize the city's financial  
losses such that it <sup>conforms with</sup> ~~comports~~ <sup>with</sup> ~~with~~ <sup>Exhibit C</sup>  
~~where~~ <sup>where</sup> Estimated ~~FM~~ Fair Market Value  
"As Cured" is identical

per  
L. Stokes  
WHS

WHS  
OK

(Hershel Road Updated Appraisal Report  
for Houses w/ City of College Park's Cost to  
Own Estimate)

**COMMITTEE AMENDMENT FORM**

Committee TRANSPORTATION Page Number(s) \_\_\_\_\_

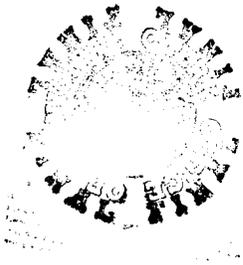
Ordinance I.D.# \_\_\_\_\_ Section(s) \_\_\_\_\_

Resolution I.D.# 04-R-0039 Paragraph \_\_\_\_\_

Date \_\_\_\_\_

Amendment: Add the "Term Sheet for Disposition of  
Herschel Road Properties" as Exhibit "B" to the  
Legislation

WHO  
OK



necessary to consummate the Intergovernmental Agreement and the sale of the Properties contemplated by this Resolution.

**BE IT FURTHER RESOLVED** that the Aviation General Manager shall provide the Transportation Committee with periodic reports regarding the progress of the sale of properties in this Resolution.

**BE IT FURTHER RESOLVED** that the City Attorney is directed to prepare the Intergovernmental Agreement and necessary deeds and any other legal instruments, as required, for execution by the Mayor or her designee, to be approved as to form by the City Attorney, and to represent the City at the closing of the sales of the Properties.

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**BE IT FINALLY RESOLVED** that said Intergovernmental Agreement, deeds or any other legal instruments, as may be required, shall not become binding upon the City of Atlanta, and the City shall incur no obligation or liability under them until they have been signed by the Mayor or her designee, attested to by the Municipal Clerk, properly witnessed, if necessary, approved by the City Attorney as to form, and delivered to the City of College Park and/or the College Park Development Authority, as appropriate.

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**A RESOLUTION**

04-*R*-0039

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**WHEREAS**, the City of Atlanta previously acquired in fee simple ownership using Federal Aviation Administration aircraft noise mitigation funding four (4) single-family residential properties known as 4364, 4374, 4572 & 4112 Herschel Road (collectively, the "Properties") in conjunction with the Department of Aviation's ongoing Noise Mitigation Program; and

**WHEREAS**, notwithstanding the current noise levels, the City of College Park requested that the City of Atlanta cease the acquisition of any additional properties and further requested that the City of Atlanta sell to the College Park Business and Industrial Development Authority ("College Park Development Authority") the Properties to be restored and resold; and

**WHEREAS**, accordingly, the City of Atlanta, the City of College Park, and the College Park Development Authority desire to enter into an Intergovernmental Agreement for the purchase, repair, and resale of the Properties by the College Park Development Authority.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, that the Mayor or her designee are each authorized to execute on behalf of the City an Intergovernmental Agreement with the City of College Park and the College Park Development Authority for the purchase, repair, and resale of the Properties by the College Park Development Authority, subject to the terms and conditions contained in that certain Resolution passed by the Mayor and Council of the City of College Park on November 17, 2003, attached as Exhibit "A".

**BE IT FURTHER RESOLVED** that the Mayor or her designee are each authorized, in addition to executing the Intergovernmental Agreement, to execute on behalf of the City of Atlanta such warranty deeds to the Properties, as approved by the City Attorney, and any other documents or legal instruments necessary to consummate the Intergovernmental Agreement and the sale of the Properties contemplated by this Resolution.

**BE IT FURTHER RESOLVED** that the City Attorney is directed to prepare the Intergovernmental Agreement and necessary deeds and any other legal instruments, as required, for execution by the Mayor or her designee, to be approved as to form by the City Attorney, and to represent the City at the closing of the sales of the Properties.

**BE IT FINALLY RESOLVED** that said Intergovernmental Agreement, deeds or any other legal instruments, as may be required, shall not become binding upon the City of Atlanta, and the City shall incur no obligation or liability under them until they have been signed by the Mayor or her designee, attested to by the Municipal Clerk, properly witnessed, if necessary, approved by the City Attorney as to form, and delivered to the City of College Park and/or the College Park Development Authority, as appropriate.

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon

General Manager's Signature: *NS*  
From: Originating Department Aviation  
Committee of Purview: Transportation  
Committee Meeting: 01/14/04

  
Contact Person: Donald Willis(404) 530-4257  
Committee Deadline: 01/02/04  
Council Meeting: 01/19/04

**CAPTION:**

**A RESOLUTION AUTHORIZING THE SALE OF FOUR SINGLE-FAMILY RESIDENTIAL PROPERTIES (DESIGNATED AS 4364, 4374, 4572 AND 4112 HERSCHEL ROAD) TO THE COLLEGE PARK BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY FOR REPAIR AND RESALE TO PRIVATE INDIVIDUALS; AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE ON BEHALF OF THE CITY OF ATLANTA AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF COLLEGE PARK AND THE COLLEGE PARK BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY, AS WELL AS DEEDS AND OTHER NECESSARY AND APPROPRIATE DOCUMENTS OR LEGAL INSTRUMENTS REQUIRED TO CONSUMMATE THESE TRANSACTIONS; AUTHORIZING THE CITY ATTORNEY TO TAKE ALL NECESSARY STEPS ON BEHALF OF THE CITY OF ATLANTA REQUIRED TO CLOSE THE RESPECTIVE SALES; AND FOR OTHER PURPOSES.**

**BACKGROUND/DISCUSSION:**

This paper will authorize the Aviation Department to sell to the College Park Business and Industrial Development Authority certain land acquired by the City of Atlanta under the Airport Noise Abatement Program. Such land is situated in College Park and consists of four single-family residential properties. The College Park Business and Industrial Development Authority would like to purchase the properties and resell same to private individuals, with reimbursement from the City of Atlanta for approved costs necessary to repair and restore such properties to a condition suitable for resale, but with the City of Atlanta to receive the ultimate proceeds from the sales of the properties to private individuals, with the expectation that the net proceeds will exceed those which would otherwise be obtained if the properties were sold in a sealed bid process. City to receive ultimate proceeds from sales to private individuals, after deducting costs of necessary repairs.

**FINANCIAL IMPACT:** Positive

**SOURCE:** N/A

Fund Account Center numbers and availability of funds verified by Financial Analyst, Tracy Curry

**Mayor's Staff Only:**

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Received by Mayor's Office: 12-30-03 (Date) Reviewed: *JS* (Initials) (Date)

Submitted to Council: \_\_\_\_\_

Action by Committee: \_\_\_\_\_ Approved \_\_\_\_\_ Adversed \_\_\_\_\_ Held \_\_\_\_\_ Amended  
\_\_\_\_\_ Substituted \_\_\_\_\_ Referred \_\_\_\_\_ Other