

CITY COUNCIL  
ATLANTA, GEORGIA

**ORDINANCE BY FINANCE/  
EXECUTIVE COMMITTEE**

**04-0-1034**  
June 21, 2004

**AUTHORIZING AND DIRECTING THE CHIEF PROCURMENT OFFICER, ON BEHALF OF THE CITY OF ATLANTA, TO SELL THREE CEMETERY LOTS TO HISTORIC OAKLAND FOUNDATION, INC. AND TO DEPOSIT ALL PROCEEDS THEREFROM INTO THE REVENUE CENTER FOR LAND SALES ACCOUNT NUMBER 1A01 491102 B00001, ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") owns the Historic Oakland Cemetery ("Cemetery"), a final resting place for many notable Atlanta citizens; and

**WHEREAS**, Margaret Mitchell is one of the notable Atlanta citizens buried at the Cemetery; and

**WHEREAS**, Margaret Mitchell has only two surviving blood relatives, each of whom are heirs to the Margaret Mitchell Trust; and a third surviving relative by marriage; and

**WHEREAS**, the Historic Oakland Foundation, Inc. ("HOF") is a not-for-profit support arm of the Cemetery; and

**WHEREAS**, HOF is conducting a capital campaign to restore the Cemetery; and

**WHEREAS**, the Margaret Mitchell Trust is donating \$675,000 to HOF's capital campaign; and

**WHEREAS**, HOF would like to further honor Margaret Mitchell and express its appreciation to the Margaret Mitchell Trust by providing a Cemetery lot to each of Margaret Mitchell's surviving relatives, said lots to be located in the public spaces of the Cemetery; and

**WHEREAS**, HOF desires to purchase three Cemetery lots which will subsequently be awarded to Margaret Mitchell's three surviving relatives; and

**WHEREAS**, the minimum price for Cemetery lots is \$400 per lot; and

**WHEREAS**, Georgia law authorizes the governing body of any municipal corporation to sell lots from any municipal cemetery in the open market without advertisement and without bids (O.C.G.A. § 36-37-6(b)).



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

**Section 1:** The Chief Procurement Officer, on behalf of the City of Atlanta, is hereby authorized and directed to sell three cemetery lots located in the public section of the Historic Oakland Cemetery to the Historic Oakland Foundation, Inc., pursuant to Section 36-37-6(b) of the Official Code of Georgia Annotated, for a combined and total cost of \$1,200, to be deposited into the General Fund's Revenue Center for Land Sales Account Number 1A01 491102 B00001.

**Section 2:** The Mayor, on behalf of the City, is authorized to execute any and all deeds 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 3:** The City Attorney is hereby directed to prepare for execution by the Mayor, any and all deeds or other documents that the City Attorney deems necessary or advisable to carry into effect the intent of this ordinance.

**Section 4:** Said deeds 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 HOF.

A true copy,

*Shonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

JUL 19, 2004  
JUL 22, 2004

RCS# 5906  
7/19/04  
2:07 PM

Atlanta City Council

Regular Session

CONSENT I            CONSENT I PG(S) 1-9, EXCEPT: 04-R-1241

ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 0  
EXCUSED: 0  
ABSENT 1

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

CONSENT I

<b>7-19-04 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADVERSED ON CONSENT</b>
1. 04-O-1154	33. 04-R-1222
2. 04-O-1156	34. 04-R-1223
3. 04-O-0765	35. 04-R-1224
4. 04-O-1249	36. 04-R-1225
5. 04-O-1263	37. 04-R-1226
6. 04-O-1034	38. 04-R-1227
7. 04-O-1265	39. 04-R-1228
8. 04-O-1266	40. 04-R-1229
9. 04-O-1264	41. 04-R-1230
10. 04-O-1151	42. 04-R-1231
11. 04-O-1262	
12. 04-O-1157	
13. 04-O-1269	
14. 04-R-1044	
15. 04-R-1049	
16. 04-R-1219	
17. 04-R-1290	
18. 04-R-1210	
19. 04-R-1289	
20. 04-R-1215	
21. 04-R-1216	
22. 04-R-1217	
23. 04-R-1218	
24. 04-R-1232	
25. 04-R-1233	
26. 04-R-1234	
27. 04-R-1235	
28. 04-R-1236	
29. 04-R-1237	
30. 04-R-1238	
31. 04-R-1239	
32. 04-R-1240	

C4-0-1034

(Do Not Write Above This Line)

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ATLANTA, TO SELL THREE CEMETERY LOTS TO  
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ADOPTED BY

JUL 19 2004

COUNCIL

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

Date Referred 6/21/04

Referred To: Finance / Executive

Date Referred

Referred To:

Date Referred

Referred To:

Committee

FIN Exec

Date

6-18-04

Chair

Referred to

FIN Exec

Date

6-30-04

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

FIN Exec

Date

7-14-04

Chair

Wm. H. Stas

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

John K. Hood

Refer To

John T. Alford

FINAL COUNCIL ACTION

2nd  1st & 2nd  3rd

Readings

Consent  V Vote  RC Vote

CERTIFIED

CERTIFIED  
JUL 19 2004

COUNCIL PRESIDENT PROTEM

CERTIFIED  
JUL 19 2004

Ronald D. Johnson  
MUNICIPAL CLERK

APPROX ACTION

JUL 22 2004

Andy Frank  
MAYOR