

CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE BY COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE

05-0-0054

AUTHORIZING THE MAYOR TO GRANT A PERMANENT CONSTRUCTION EASEMENT TO GEORGIA POWER COMPANY, FOR THE PURPOSE OF INSTALLING A GUYED SELF SUPPORTING STUB POLE IN REYNOLDSTOWN PARK ACROSS THE STREET FROM MORELAND AVENUE AT CAROLINE STREET TO CONTINUE UN-INTERRUPTED SERVICE TO THE SOUTHEASTERN QUADRANT OF THE CITY OF ATLANTA AND TO WORK IN CONJUNCTION WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION TO FACILITATE CONSTRUCTION OF THE DECELERATION LANE, LOCATED IN LAND LOT 14 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; SAID PAYMENT IN THE AMOUNT OF \$5,010.00 SHALL BE DEPOSITED INTO 3P02 (TRUST FUND) 462101 (LAND RENTAL) N21D11B69999 (CITY-WIDE GROUND AND SITE IMPROVEMENTS); AND EXPENDED FROM 3P02 (TRUST FUND) 574001 N21D11B69999 (FACILITIES NON-BUILDINGS, CITY-WIDE GROUND AND SITE IMPROVEMENTS), ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS, BUREAU OF PARKS; AND FOR OTHER PURPOSES.

WHEREAS, Georgia Power Company has requested a permanent construction easement in the City's Reynoldstown Park, located in Land Lot 14 of the 14th District of Fulton County, Georgia, for the purpose of installing a guyed supporting pole in Reynoldstown Park across the street from Moreland Avenue at Caroline Street, to continue un-interrupted service to the Southeastern Quadrant of the City of Atlanta and to work in conjunction with the State of Georgia Department of Transportation to facilitate construction of the deceleration lane at Moreland Avenue at Caroline Street; and

WHEREAS, Georgia Power Company will be responsible for payment of the costs associated with the property appraisal, easement, construction, installation and operation of the guyed self supporting stub pole at no cost to the City and will pay the City for the appraised value of the easement and the easement in the total amount of \$5,010.00; and

WHEREAS, Georgia Power Company is requesting this permanent construction easement to accomplish the tasks identified above; and

WHEREAS, a permanent construction easement is required to install the guyed self supporting stub pole in Reynoldstown Park located in Land Lot 14 of the 14th District of Fulton County, Georgia.

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



SECTION 1: That the Mayor be and is hereby authorized to grant a permanent construction easement to the Georgia Power Company, for the purpose of installing a guyed self supporting stub pole in Reynoldstown Park across the street from Moreland Avenue at Caroline Street, to continue un-interrupted service to the Southeastern Quadrant of the City of Atlanta and to work in conjunction with the State of Georgia Department of Transportation, to facilitate construction of the deceleration lane, located in Land Lot 14 of the 14th District, Fulton County, Georgia, on behalf of the Department of Parks, Recreation and Cultural Affairs, Bureau of Parks.

SECTION 2: That the City Attorney acting as the Mayor's designee, be and is hereby authorized to review and approve the terms and conditions of the permanent construction easement, as described and delineated in the easement package, attached hereto, as Exhibit "A", and made a part hereof by reference, prior to execution by the Mayor.

SECTION 3: That Georgia Power Company will pay \$5,000.00 to the City for the Fair Market Value of the easement based on the appraisal report and will pay the City \$10.00 for the granting of the construction easement in Reynoldstown Park, with said payments together of \$5,010.00 being deposited into 3P02 (Trust Fund) 462101 (Land Rental) N21D11B69999 and expended from 3P02 (Trust Fund) 574001 N21D11B69999 (Facilities non-buildings, City-wide Ground and Site Improvements).

SECTION 4: That all Ordinances and parts of Ordinances in conflict herewith, be and the same hereby are repealed.

A true copy,

A handwritten signature in black ink, appearing to be "Lisa A. ...", written over the text "A true copy,".

Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

February 7, 2005
February 14, 2005

760 Ralph McGill Blvd
Bin# 79310
Atlanta, GA 30312
(404) 572-7606

December 20, 2004

Ken Gillette
Parks Administrator
City of Atlanta
City Hall East, 8th floor
675 Ponce De Leon Ave. NE
Atlanta, GA 30308

Dear Ken:

This is to confirm that Georgia Power will pay the appraised value of \$5010.00 for an easement to install a utility pole in Reynolds Town. This amount will be paid once the easement has been executed.

Thank you for your support concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Kelley". The signature is stylized with a large, sweeping underline that loops back under the first part of the name.

John Kelley
Manager External Affairs Atlanta Region
Georgia Power

Name of Line MORELAND AVENUE - DECATUR 115 KV TRANSMISSION LINE
No 6205
Parcel No 001 Account No 64118-234312-0-0-30000000
Letter File 6-1958 Deed File 6511 Map File _____

State of Georgia
Fulton County

E A S E M E N T

Received of **Georgia Power Company**, hereinafter called the Company, the sum of **Ten and 00/100** ***** Dollars
\$ 10.00 and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, in exchange for which the undersigned **City of Atlanta, Georgia**
whose Post Office Address is Department of Parks, Recreation and Cultural Affairs
675 Ponce de Leon Avenue N.E., Suite 800, Atlanta, GA 30308

does hereby grant and convey to said Company, its successors and assigns, the right, privilege and easement to go in, upon along and across that tract of land owned by the undersigned at
Moreland Avenue, Atlanta, GA 30307
(address of property) in Land Lot 0014 of the 14th District of
FULTON County, State of Georgia, said lands being bounded as follows:

- on the North by lands of Seaboard Avenue
- on the South by lands of N/A
- on the East by lands of Moreland Avenue
- on the West by lands of Brantley Street

together with the right to construct, operate and maintain continuously upon and under said land, its lines for transmitting electric current with poles, wires, transformer, service pedestals, and other necessary apparatus, fixtures and appliances, including the right to stretch communication wires on said poles, or under said lands with necessary appliances; with the right to permit the attachment of the wires and appliances of any other company, or person, to said poles: together with the right at all times to enter upon said premises for the purpose of inspecting said lines, making repairs, renewals, alterations and extensions thereon, thereunder, thereto or therefrom: together with the right to cut away and keep clear of said overhead or underground lines, transformers, fixtures and appliances, all trees and other obstructions that may now or hereafter in any way interfere or be likely to interfere with the proper operation of said overhead or underground lines, transformers, fixtures and appliances: also the right of ingress and egress over said land to and from said lines. Any timber cut

Parcel 001 Name of Line MORELAND AVENUE - DECATUR 115 KV TRANSMISSION LINE

on said land by or for said Company shall remain the property of the owner of said timber.

The undersigned does not convey any land, but merely grants the rights, privileges and easements hereinbefore set out.

The tract of land which is the subject of this Easement is more particularly shown on a Georgia Power drawing entitled "Moreland Avenue-Decatur Transmission Line, crossing the property of City of Atlanta, Georgia, Land Lot 14, 14th District, Fulton County, Georgia", designated Exhibit "A", a copy of which is attached hereto, made a part hereof and incorporated by reference.

Said Company shall not be liable for or bound by any statement or understanding not herein expressed.

IN WITNESS WHEREOF, the Undersigned ha___ hereunto set _____ hand___ and seal, this _____ day of _____, _____.

Signed, sealed and delivered
in the presence of:

City of Atlanta, Georgia

Witness

By: _____ (SEAL)

Name:

Title:

Notary Public

Attest: _____ (SEAL)

Name:

Title:

APPRAISAL REPORT SUMMARY

Project	<u>Moreland Avenue-Decatur 115 KV Transmission Line</u>	Parcel	<u>1</u>
Property Location	<u>NW/c Brantley & Moreland Ave.</u>	City	<u>Atlanta</u>
		Zip Code	<u>30307</u>
Map Reference (APN)	<u>14-0014-0011-058</u>	County	<u>Fulton</u>
Interest Appraised	<u>Permanent Easement</u>	Date of Value	<u>October 12, 2004</u>
Land Size	<u>0.004</u> Ac. <u>174.24</u> SF	Shape	<u>Generally, Triangular</u>
Total Building SF	<u>N/A</u> SF	Topography	<u>At road grade and generally level</u>
Zoning	<u>Rg-2, Residential</u>	Parking	<u>N/A</u>
Highest & Best Use	<u>Recreation Park</u>	Present Use	<u>Neighborhood Park Site</u>
Census Tract No.	<u>205.00</u>	Flood Zone	<u>No</u>
		Map #	<u>135157 0263 F 05-07-01</u>
Client	<u>Georgia Power Company</u>	Owner	<u>City of Atlanta</u>

Value of Property

Permanent Transmission Line Easement:		\$5,000
Improvements:	N/A	-0-
Market Value Of Acquisition		\$5,000

REMARKS:

The appraiser was contacted by Ms. Claudette Saunders of the Georgia Power Company and was engaged to prepare an appraisal of the subject property. A legal description of the acquisition was not provided for the appraiser's review and inclusion in the appraisal report, however, the acquisition plat indicating the size and location of the site was provided. The appraiser was unaccompanied on his inspection of the property on October 12, 2004.

I certify that I have personally inspected the property, that I have no present or contemplated interest in same, that I have given consideration to the value of the property, that the appraisal assignment was not based on a requested minimum valuation or a specific valuation and that in my opinion the value of the real property is as indicated above as of October 12, 2004.

DATE October 13, 2004
ADDRESS 570 Mountainbrooke Circle
Stone Mountain, GA 30087


John D. Crawford, Real Estate Valuation Consultant
 Georgia Certified General Real Property Appraiser, CG1427

JOHN D. CRAWFORD

Real Estate Valuation Consultant

Parcel 1
Moreland Avenue-Decatur 115 KV Transmission Line
NW/c Brantley Street & Moreland Avenue, NE
APN: 0014-0014-0011-058, Fulton County
City of Atlanta - Owner

Valuation of Acquisition

Permanent Transmission Line Easement

174.24 SF	@	\$28.00 /SF	=	\$4,879	
\$4,879	x	100%	=	\$4,879	
Market Value of Permanent Easement					Say \$5,000
Site Improvements:	N/A				\$0
Total Market Value of Permanent Transmission Line Easement					\$5,000

Valuation Summary

Market Value Before (Land Only)	\$825,000
Market Value of Acquisition	-\$5,000
Market Value of Remainder Before (Land Only)	\$820,000

Effect Of The Acquisition

The economic effect of the acquisition is revealed by the impact of the taking as it relates to the estimated highest and best use of the remainder in the after situation. Considering the proposed self supporting guy stub pole line easement which is the subject of this appraisal, the highest and best use is the same as in the before situation. Future development with a structure consistent with its legally permissible residential use is unimpaired. The remainder is physically suitable for development by reason of the size of the area not encumbered by the transmission line easement.

EXHIBIT A

ALL THAT TRACT or parcel of land lying and being in Land Lot 14 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

Beginning at a point on the westerly right-of-way line of Moreland Avenue, located south $05^{\circ}49'12''$ west, 602.45 feet from MARTA monument E-14, said monument being located at coordinates north 1,367,789.283 and east 444,526.136, said point also being 296.04 feet from the intersection of the westerly right-of-way line of Moreland Avenue and the southerly right-of-way line of property now or formerly owned by the Georgia Railroad and Banking Company; thence along said westerly right-of-way line of Moreland Avenue south $01^{\circ}03'23''$ east, 310.54 feet to a point; thence south $82^{\circ}11'15''$ west, 12.35 feet to a point on the northeasterly right-of-way line of Brantley Street; thence continuing north $35^{\circ}41'39''$ west, 289.79 feet to a point; thence north $35^{\circ}27'10''$ west, 28.99 feet to a point; thence north $81^{\circ}18'37''$ east, 165.48 feet to a point; thence north $45^{\circ}37'11''$ east, 40.32 feet to the **Point of Beginning**.

Containing 29,832 square feet, more or less.

Coordinates and bearings are based on the 1927 Georgia Transverse Mercator Grid System, West Zone, adjusted in 1974 for MARTA, as set forth in Plat Book 107, pages 1 through 18 inclusive, for the Record of the Clerk of the Superior Court, Fulton County, Georgia.

The above description is based on MARTA East Line Property Disposal Map, Parcel C1029A, Drawing DCE43, dated May 8, 2001.

RCS# 6412
1/18/05
2:10 PM

Atlanta City Council

Regular Session

CONSENT II

CONSENT II PGS 17-19

REFER

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

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

CONSENT II

05-0-0054

(Do Not Write Above This Line)

AN ORDINANCE BY COMMUNITY DEVELOPMENT / HUMAN RESOURCES COMMITTEE

AUTHORIZING THE MAYOR TO GRANT A PERMANENT CONSTRUCTION EASEMENT TO GEORGIA POWER COMPANY, FOR THE PURPOSE OF INSTALLING A GUYED SELF SUPPORTING POLE IN REYNOLISTOWN PARK ACROSS THE STREET FROM MORELAND AVENUE AT CAROLINE STREET TO CONTINUE UN-INTERRUPTED SERVICE TO THE SOUTHEASTERN QUADRANT OF THE CITY OF ATLANTA AND TO WORK IN CONJUNCTION WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION TO FACILITATE CONSTRUCTION OF THE DECELERATION LANE, LOCATED IN LAND LOT 14 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; SAID PAYMENT IN THE AMOUNT OF \$5,010.00 SHALL BE DEPOSITED INTO 3P02 (TRUST FUND) 462101 (LAND RENTAL) N21D11B69999 (CITY-WIDE GROUND AND SITE IMPROVEMENTS); AND EXPENDED FROM 3P02 (TRUST FUND) 574001 N21D11B69999 (FACILITIES NON-BUILDINGS; CITY-WIDE GROUND AND SITE IMPROVEMENTS), ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS, BUREAU OF PARKS; AND FOR OTHER PURPOSES.

ADOPTED BY

FEB 07 2005

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

COUNCIL

Date Referred 1-18-2005

Referred To *Annually by Department / Human Resources*

Date Referred

Referred To

Date Referred

Referred To

First Reading
 Committee Date *2/11/05*
 Chair *[Signature]*
 Referred to *[Signature]*
 Committee *[Signature]*

Date *2/11/05*
 Chair *[Signature]*
 Action: *[Signature]*
 Fav, Adv, Held (see rev. side)
 Others

Date
 Chair
 Action: *[Signature]*
 Fav, Adv, Held (see rev. side)
 Others

Members *[Signature]*
 Refer To

Members
 Refer To

Committee
 Date
 Chair
 Action: *[Signature]*
 Fav, Adv, Held (see rev. side)
 Others
 Members

Committee
 Date
 Chair
 Action: *[Signature]*
 Fav, Adv, Held (see rev. side)
 Others
 Members

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

CERTIFIED

FEB 07 2005
 [Stamp]

CERTIFIED
 FEB 07 2005
[Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

[Signature]
 FEB 12 2005