

CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE

BY TRANSPORTATION COMMITTEE

05-0-0075

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 INTEREST 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 CONSTRUCTION, MAINTENANCE, AND USE OF AN AIRPORT ACCESS ROADWAY OVER INTERSTATE 85 BETWEEN THE CONSOLIDATED RENTAL CAR FACILITY AND THE HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT.

WHEREAS, the City of Atlanta (hereinafter "City"), as owner and operator of the Hartsfield-Jackson Atlanta International Airport, (hereinafter "Airport") has undertaken a major expansion of the Airport, including the Consolidated Rental Car Facility ("CONRAC Facility"), to accommodate the increasing air traffic; and

WHEREAS, the CONRAC Facility is located west of I-85, opposite the Airport's main facilities, and the City proposes to construct, maintain, and use an Airport Access Roadway over I-85 to connect CONRAC Facility to the main Airport facilities ("Airport Access Roadway Project"); and

WHEREAS, it is necessary for the City to acquire property located in the City of College Park ("College Park") to accommodate the Airport Access Roadway Project; and

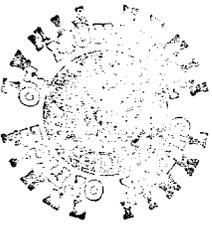
WHEREAS, the City has determined that certain properties, in fee simple or lesser interests, within College Park are needed for the Airport Access Roadway Project and those properties are identified in Exhibit A (the "Properties"), which are herein incorporated and made part hereof, and as shown on file with the Program Manager for the Hartsfield-Jackson Development Program; and

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

WHEREAS, College Park has consented to the City acquiring by condemnation the Properties within College Park's jurisdiction for the Airport Access Roadway Project, by adoption of College Park Resolution 2004-34, by action of the Mayor and Council of the City of College Park on the 1st of November, 2004; and

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

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 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-Jackson Development Program for public use associated with the Airport Access Roadway 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, or lesser interests, to the Properties.

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 Properties, to institute condemnation proceedings in the name of the City of Atlanta for the condemnation of the Properties and of every interest therein, 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 Properties for the Airport Access Roadway Project.

Section 4. That the cost incurred by the City in condemning the Properties shall be paid from those funds identified in City of Atlanta Resolution 04-R-1584, shall not exceed \$1,700,000.00, and shall be paid from Fund Account Center No. 2H26 572001 R21E060796AA.

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 therefor 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 the Properties to exceed \$1,700,000.00, the Chief Financial Officer is hereby authorized and directed to pay said award and any additional awards of condemnation actions already filed, if not appealed, but no further condemnation actions regarding any of the 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 the Properties.

A true copy,


Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

February 7, 2005
February 14, 2005

EXHIBIT A

Properties Needed for Access Airport Roadway Project in College Park			
Airport Parcel No.	Last Known Owner	Tax Id.	Address/Location
1A	Herbert F. Rogers & Mary Louise Rogers	13-0028-0001- 077	2161 Horton Drive, College Park
5	Allied Ready Mix, Inc.	13-0028- LL-134	2160 West Point Road, College Park
7	Broadwing Communications Real Estate Services LLC	13-0028- LL-082	4311 Best Road, College Park
8	Charania Bros., LLC	13-0028- LL-095	0000 Best Road, College Park

RCS# 6447
2/07/05
2:57 PM

Atlanta City Council

Regular Session

05-O-0075

INSTITUTE LEGAL ACTION CONDEM BY DECLAR
TAKING METHOD PROP COLLEGE PARK AIRPORT
ADOPT

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

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

05-O-0075

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

(Do Not Write Above This Line)
05-0-0075

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 INTEREST 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 CONSTRUCTION, MAINTENANCE, AND USE OF AN AIRPORT ACCESS ROADWAY OVER INTERSTATE 85 BETWEEN THE CONSOLIDATED RENTAL CAR FACILITY AND THE HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT.

ADOPTED BY

FEB 07 2005

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

Date Referred 1-18-2005

Referred To: Transportation

Date Referred

Referred To:

Date Referred

First Reading
Committee TRANSPORTATION
Date 1/18/05
Chair Blair Mueller
Referred To

Transportation
Date 2/2/05
Chair Blair Mueller

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

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

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

CERTIFIED

FEB 07 2005

CERTIFIED
FEB 07 2005

MAYOR'S ACTION

Blair Mueller