

**AN ORDINANCE BY  
CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO ACCEPT A PERMANENT CONSTRUCTION EASEMENT AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS FOR THE INSTALLATION OF A TRAFFIC SIGNAL FOR THE HOWELL MILL ROAD/NORFLEET ROAD/ MCKINLEY ROAD INTERSECTION IMPROVEMENT PROJECT; TO AUTHORIZE THE MAYOR TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS AND TO AUTHORIZE THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A SECTION 32-3-4; AND FOR OTHER PURPOSES.**

**WHEREAS**, it is necessary to acquire permanent construction easements and necessary rights-of-way from various property owners for the installation of a traffic signal for the Howell Mill Road/ Norfleet Road/ McKinley Road Intersection Improvement Project; and

**WHEREAS**, Georgia State Law, O.C.G.A. § 32-3-4 authorizes the use of Declaration of Taking as a method of condemnation whenever a municipality desires to take private property for public road purposes or for any other public transportation purposes; and

**WHEREAS**, use of Declaration of Taking as a method of condemnation would expedite the acquisition of easement rights and possession of property interests necessary for the timely completion of these projects which involves road and transportation improvements; and

**WHEREAS**, state law requires a finding by a municipality that circumstances necessitate the use of Declaration of Taking before such method of condemnation can be used by a municipal government; and

**WHEREAS**, in order to complete the proposed projects in a timely fashion the requirements of Sections 2-1541 (d) and 2-1545 (d) of the Procurement and Real Estate Code which require further authorization of Council for acquisition of permanent and temporary easements and necessary rights-of-way described in this ordinance are waived.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:**

**Section 1:** That the Chief Procurement Officer is hereby authorized to negotiate with the affected property owners to acquire temporary or permanent construction easements and the necessary rights-of-way, and other related property interests necessary to complete

installation of a traffic signal for the Howell Mill Road/ Norfleet Road/ McKinley Road Intersection Improvement Project.

**Section 2:** That the use of Declaration of Taking as a method of condemnation be utilized to expedite the acquisition of easement rights and possession of property interests necessary for the timely completion of this project which involves road and transportation improvements.

**Section 3:** That in order to complete the proposed projects in a timely fashion that requirements of Sections 2-1541 (d) and 2-1545 (d) of the Procurement and Real Estate Code with require further authorization of Council for acquisition of permanent and temporary easements and the necessary rights-of-way described in this ordinance are waived.

**Section 4:** That the Chief Procurement Officer is hereby authorized to obtain title reports, appraisal reports, land surveys, legal descriptions, environmental reports and to negotiate with the affected property owners; where the Chief Procurement Officer's negotiations with the owners are unsuccessful, to institute necessary legal action through condemnation or any other method provided by law to acquire the property interests needed to complete the Howell Mill Road/ Norfleet Road/ McKinley Road Intersection Improvement Project.

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** City Utilities Committee

**AN ORDINANCE TO ACCEPT A PERMANENT CONSTRUCTION EASEMENT AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS FOR THE INSTALLATION OF A TRAFFIC SIGNAL FOR THE HOWELL MILL ROAD/NORFLEET ROAD/ MCKINLEY ROAD INTERSECTION IMPROVEMENT PROJECT; TO AUTHORIZE THE MAYOR TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS AND TO AUTHORIZE THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A SECTION 32-3-4; AND FOR OTHER PURPOSES.**

**Council Meeting Date:** May 19, 2008

**Requesting Dept.:** Department of Public Works

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

To authorize the acceptance of permanent easement and necessary rights of way from various land owners for the completion of the Howell Mill/ Norfleet Road/ McKinley Road Intersection Improvement Project. The easement and/or rights of way is needed for the traffic signal installation.

**2. Please provide background information regarding this legislation.**

This project is currently in construction.

**3. If Applicable/Known:**

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Construction

(b) **Source Selection:** N/A

(c) Bids/Proposals Due: N/A

(d) Invitations Issued: N/A

(e) Number of Bids: N/A

(f) Proposals Received: N/A

(g) Bidders/Proponents: N/A

(h) Term of Contract: N/A

4. Fund Account Center: N/A

5. Source of Funds: Quality of Life

6. Fiscal Impact: \$0

7. Method of Cost Recovery:

**This Legislative Request Form Was Prepared By: Soraya Belgrave**

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: (404) 330-6002

Originating Department: Department of Public Works

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: April 30, 2008

Anticipated Committee Meeting Date(s): May 13, 2008

Anticipated Full Council Date: May 19, 2008

Legislative Counsel's Signature: Terry Grandison 

Commissioner Signature: 

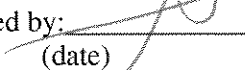
Chief Procurement Officer Signature: \_\_\_\_\_

CAPTION

**AN ORDINANCE TO ACCEPT A PERMANENT CONSTRUCTION EASEMENT AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS FOR THE INSTALLATION OF A TRAFFIC SIGNAL FOR THE HOWELL MILL ROAD/NORFLEET ROAD/ MCKINLEY ROAD INTERSECTION IMPROVEMENT PROJECT; TO AUTHORIZE THE MAYOR TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS AND TO AUTHORIZE THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A SECTION 32-3-4; AND FOR OTHER PURPOSES.**

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ Received by LC from CPO: \_\_\_\_\_  
(date) (date)

Received by Mayor's Office: AME 5/1/08 Reviewed by:   
(date) (date)

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