

**AN ORDINANCE AS SUBSTITUTED
BY CITY UTILITIES COMMITTEE**

08-O-2421

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE CERTAIN PROVISIONS UNDER SECTIONS 2-1541 (d) AND 2-1545 (d) OF THE CITY OF ATLANTA CODE OF ORDINANCES AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION TO PURCHASE PERMANENT AND/OR TEMPORARY EASEMENTS INCLUDING DONATION OF THE NECESSARY RIGHTS-OF-WAY FOR THE CONSTRUCTION OF THE HARRIS HOMES PEDESTRIAN IMPROVEMENT, HOLLYWOOD ROAD LIVABLE COMMUNITIES INITIATIVE, MOORES MILL EXTENSION AND MARIETTA BOULEVARD STREETScape PROJECTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has represented to the Georgia Department of Transportation a desire to construct new roadway improvements described as STP-0007-00(123); Harris Homes Pedestrian Improvement Project; PI number 0007123; Bolton Road Streetscape, Hollywood Road Plaza Livable Communities Initiative (LCI), Moores Mill Extension, and Marietta Boulevard Streetscape Projects; and

WHEREAS, it is necessary to acquire permanent and temporary construction easements, and temporary construction easements and including donation, if required, of the necessary rights-of-way from various property owners for roadway improvements for the Bolton Road Streetscape, Hollywood Road Plaza Improvement, Moores Mill Extension, and Marietta Boulevard Streetscape Projects; and

WHEREAS, in accordance with certain specified requirements of the Federal-aid Highway Act of 1970, as amended, and regulations of the Georgia Department of Transportation in order for the construction cost of said project to be eligible for federal participation; and

WHEREAS, in order to complete the proposed construction and roadway improvements in timely fashion, the requirements of City Code 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 will need to be waived; and

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

Section 1: That the Chief Procurement Officer or authorized designee is hereby authorized to negotiate with the affected property owners to acquire temporary or permanent and permanent construction easements, including, if required, donation of the necessary rights-of-way, and other related property interests necessary to complete the construction of the Harris Homes Pedestrian Improvement, Bolton Road Streetscape,

Hollywood Road Plaza Livable Communities Initiative (LCI), Moores Mill Extension, and Marietta Boulevard Streetscape Projects.

Section 2: That the City of Atlanta Code 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, are hereby waived.

Section 3: That the Chief Procurement Officer or authorized designee is hereby authorized to obtain reports, appraisal reports, land surveys, legal descriptions, environmental reports, and to negotiate with the affected property owners.

Section 4: That the City of Atlanta's outside consultants and their sub consultants are authorized to settle those acquisitions of property at an amount not to exceed Ten (10%) percent above the estimated just compensation.

Section 5: That the Chief Procurement Officer is authorized to administratively settle, without further authorization of city council, those acquisitions which exceed these limitations which the City of Atlanta's consultants cannot otherwise acquire. However, in no event shall the Chief Procurement Officer's authority to administratively negotiate or settle such acquisitions without council authorization exceed Twenty (20%) percent above the estimated just compensation of affected properties.

Section 6: That the City Attorney, or designee, is authorized to monitor and supervise the closing transactions with affected property owners in connection with these construction and roadway improvements, with the assistance of Atlanta consultants and sub-consultants.

Section 7: That services shall be charge to and paid from PTAE0 Funding source: 13102537 101 312721224 5411001/5411002 5414002 COA; 13102537 104 313821776 5411001/5411002/5414002 COA; 13102557 101 312721224 5411001/5411002/5414002 COA; 13102537 101 312721224 5411001/5411002/5414002 COA; 13102537 102 313821776 5411001/5411002/5414002 COA.

Section 8: That all ordinances or parts of ordinances in conflict with this ordinance are hereby waived.

AN ORDINANCE

08-O-2421

BY CITY UTILITIES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR, OR HER DESIGNEE, TO WAIVE CERTAIN PROVISIONS UNDER SECTIONS 2-1541 (d) and 2-1545 (d) OF THE CITY OF ATLANTA CODE OF ORDINANCES AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN AGREEMENT TO WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION TO PURCHASE PERMANENT AND/OR TEMPORARY EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY TO ALLOW FOR THE CONSTRUCTION OF THE HARRIS HOMES PEDESTRIAN IMPROVEMENT PROJECT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has represented to the Georgia Department of Transportation a desire to construct new pedestrian improvements described as STP-0007-00(123); Harris Homes Pedestrian Improvement Project; PI number 0007123; and

WHEREAS, it is necessary to acquire permanent and temporary construction easements, and temporary construction easements and necessary rights-of-way from various property owners for pedestrian improvements for the Harris Homes Improvement project; and

WHEREAS, in accordance with certain specified requirements of the Federal-aid Highway Act of 1970, as amended, and regulations of the Georgia Department of Transportation in order for the construction cost of said project to be eligible for federal participation; and

WHEREAS, in order to complete the proposed construction and roadway improvements in 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 these sections should be waived.

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

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

Section 2: That the Chief Procurement Officer or authorized designee is hereby authorized to obtain reports, appraisal reports, land surveys, legal descriptions, environmental reports, and to negotiate with the affected property owners.

Section 3: That 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 is hereby waived.

Section 4: That the City of Atlanta's outside consultants and their sub consultants are authorized to settle those acquisitions of property at an amount not to exceed ten percent (10%) above the estimated just compensation.

Section 5: That the Chief Procurement Officer is authorized to administratively settle, without further authorization of city council, those acquisitions which exceed these limitations which the City of Atlanta's consultants cannot otherwise acquire. However, in no event shall the Chief Procurement Officer's authority to administratively negotiate or settle such acquisitions without council authorization exceed twenty percent (20%) above the estimated just compensation of affected properties.

Section 6: That the City Attorney, or designee, is authorized to monitor and supervise the closing transactions with affected property owners in connection with these construction and roadway improvements, with the assistance of Atlanta consultants and sub-consultants.

SECTION 7: That all ordinances and parts of ordinances in conflict herewith be and the same are hereby waived to the extent of the conflict.

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

Caption: AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION TO PURCHASE PERMANENT AND/OR TEMPORARY EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY TO ALLOW FOR THE CONSTRUCTION OF THE HARRIS HOMES PEDESTRIAN IMPROVEMENT PROJECT; AND FOR OTHER PURPOSES.

Council Meeting Date: January 20, 2009

Requesting Dept.: Public Works

B. To be completed by the department:

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

The purpose of this legislation is to authorize right of way acquisition for the Harris Homes Pedestrian Improvement Project between the City of Atlanta and the Georgia Department of Transportation.

2. Please provide background information regarding this legislation.

Pedestrian Improvement project between the City of Atlanta and Georgia Department of Transportation.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Agreement
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**

(e) **Number of Bids:**

(f) **Proposals Received:**

(g) **Bidders/Proponents:**

(h) **Term of Contract:**

4. Fund Account Center: NO FUNDS ASSOCIATED WITH THIS AGREEMENT

5. Source of Funds:

6. Fiscal Impact:

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: Public Works

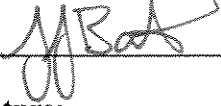
Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: November 26, 2008

Anticipated Committee Meeting Date(s): January 12, 2009

Anticipated Full Council Date: January 20, 2009

Legislative Counsel's Signature: Saul Schultz 

Commissioner Signature: 

Chief Procurement Officer Signature: NA

CAPTION

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION TO PURCHASE PERMANENT AND/OR TEMPORARY EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY TO ALLOW FOR THE CONSTRUCTION OF THE HARRIS HOMES PEDESTRIAN IMPROVEMENT PROJECT; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ (date) Received by LC from CPO: _____ (date)

Received by Mayor's Office: AMC
11/26/08 (date) Reviewed by:  (date)

Submitted to Council: _____