

10-O-1653

(Do Not Write Above This Line)

AN ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA AS A CO-OWNER OF CERTAIN AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF TWELVE (12) PROPERTIES, PURSUANT TO THE CITY'S PARTICIPATION IN THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) HAZARD MITIGATION ASSISTANCE PROGRAM ("FEMA GRANT"); AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH PROPERTY OWNERS AND OTHER APPROPRIATE DOCUMENTS FOR THE ACQUISITION OF THE PROPERTIES INCLUDED IN THE FEMA GRANT PROGRAM; TO AUTHORIZE RECEIPT OF FUNDS FROM FEMA TO OFFSET ANY ACQUISITION COSTS IN ACCORDANCE WITH THE FEMA GRANT; TO ENTER INTO AND EXECUTE A SUBGRANTEE AGREEMENT WITH THE GEORGIA EMERGENCY MANAGEMENT AGENCY ("GEMA"); TO WAIVE PORTIONS OF ARTICLE X OF THE PROCUREMENT AND REAL ESTATE CODE; TO AUTHORIZE THE CITY ATTORNEY TO USE THE ASSISTANCE OF OUTSIDE COUNSEL TO EFFECTUATE THE ACQUISITION; TO AUTHORIZE THE CHIEF PROCUREMENT OFFICER TO OBTAIN TITLE WORK, SURVEYS, ENVIRONMENTAL TESTS, APPRAISALS AND OTHER APPROPRIATE DUE DILIGENCE ITEMS TO EFFECTUATE THE ACQUISITION OF THE PROPERTIES; TO CHARGE AND PAY FOR ACQUISITION COSTS FROM THE LISTED FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS IN THE FOLLOWING AMOUNTS: \$191,200.00 - 5052 (WATER & WASTEWATER R&E FUND) 170602 (DWM GREENWAY PLANNING & ACQUISITION) 5212001 (CONSULTING / PROFESSIONAL SERVICES) 7410000 (PLANNING & ZONING) AND \$5,316,525.00 - 5052 (WATER & WASTEWATER R&E FUND) 170602 (DWM GREENWAY PLANNING & ACQUISITION) 5411001 (LAND) 7410000 (PLANNING & ZONING); AND FOR OTHER PURPOSES.

SUBSTITUTE

ADOPTED BY

OCT 04 2010

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

Date Referred 09/20/10

Referred To: Finance Exec.

Date Referred

Referred To:

Date Referred

Referred To:

Committee Finance/Executive
Date 9/15/2010
Chair Adrian
Referred To Finance/Executive

First Reading

Committee Finance/Executive

Date Sept. 29 2010

Chair y Adrian

Action Fav, Adv, Hold (see rev. side)

Other on substitute

Members [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

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)

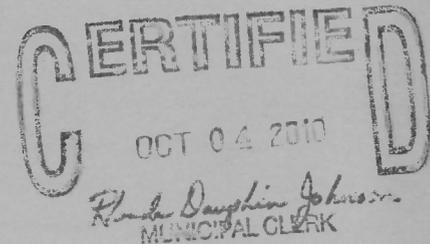
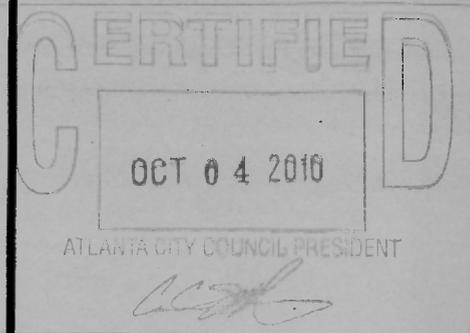
Other

Members

Refer To

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

CERTIFIED

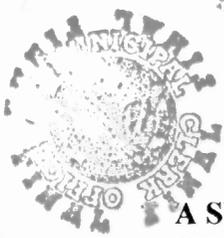


MAYOR'S ACTION

APPROVED

OCT 13 2010

WITHOUT SIGNATURE
BY OPERATION OF LAW



**A SUBSTITUTE ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF ELEVEN (11) PROPERTIES, PURSUANT TO THE CITY'S PARTICIPATION IN THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) HAZARD MITIGATION ASSISTANCE PROGRAM ("FEMA GRANT"); AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH PROPERTY OWNERS AND OTHER APPROPRIATE DOCUMENTS FOR THE ACQUISITION OF THE PROPERTIES INCLUDED IN THE FEMA GRANT PROGRAM; TO AUTHORIZE RECEIPT OF FUNDS FROM FEMA TO OFFSET ANY ACQUISITION COSTS IN ACCORDANCE WITH THE FEMA GRANT; TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE A SUB-GRANTEE AGREEMENT WITH THE GEORGIA EMERGENCY MANAGEMENT AGENCY ("GEMA"); TO WAIVE PORTIONS OF ARTICLE X OF THE PROCUREMENT AND REAL ESTATE CODE; TO AUTHORIZE THE CITY ATTORNEY TO USE THE ASSISTANCE OF OUTSIDE COUNSEL TO EFFECTUATE THE ACQUISITION; TO AUTHORIZE THE CHIEF PROCURMENT OFFICER TO OBTAIN TITLE WORK, SURVEYS, ENVIRONMENTAL TESTS, APPRAISALS AND OTHER APPROPRIATE DUE DILIGENCE ITEMS TO EFFECTUATE THE ACQUISITION OF THE PROPERTIES; TO CHARGE AND PAY FOR ACQUISITION COSTS FROM THE LISTED FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBERS IN THE FOLLOWING AMOUNTS: \$191,200.00-5052 (WATER & WASTEWATER R&E FUND) 170602 (DWM GREENWAY PLANNING & ACQUISITION) 5212001 (CONSULTING / PROFESSIONAL SERVICES) 7410000 (PLANNING & ZONING) AND PTAE0 17110874 (DWM HAZARD MITIGATION)101 (TASK) 505221391 (WATER & WASTEWATER R&E FUND) 5212001 (CONSULTING SERVICES) COA (CITY OF ATLANTA) AND \$5,316,525.00 - 5052 (WATER & WASTEWATER R&E FUND) 170602 (DWM GREENWAY PLANNING & ACQUISITION) 5411001 (LAND) 7410000 (PLANNING & ZONING) AND PTAE0 17110874 (DWM HAZARD MITIGATION) 101 (TASK) 505221391 (WATER & WASTEWATER R&E FUND) 5411001 (LAND) COA (CITY OF ATLANTA); AND FOR OTHER PURPOSES.

WHEREAS, in January 2010, the City of Atlanta submitted a Sub-grant Project Application to the FEMA Hazard Mitigation Assistance Program ("FEMA Grant") for the acquisition of eleven (11) properties along the Peachtree Creek, and Nancy Creek that are located in the floodplain and subject to material losses due to repetitive flooding ("Properties"); and

WHEREAS, pursuant to Resolution No. 10-R-0233, adopted on February 15, 2010 and approved by the Mayor on February 23, 2010, the City was authorized to participate in the FEMA Grant; and



WHEREAS, property owners have agreed to sell their properties to the City together with the entire property-owners' right, title, and interest in all fixtures buildings, and improvements located on the above described real property, and any easement or servitude for the benefit of the property owners, free and clear of all liens, encumbrances, reservations, exceptions and modifications; and

WHEREAS, the Commissioner of the Department of Watershed Management recommends that the City acquire the Properties in accordance with the FEMA Grant requirements and regulations for the benefit of the respective Property owners and the public welfare in general to mitigate the negative impacts of repetitive flooding to the Properties and the surrounding watershed; and

WHEREAS, participation in the FEMA Grant contemplates that the acquisition of the Properties be effectuated pursuant to a strict time frame and through a process consistent with the procedures of the FEMA Grant, which necessitates waiving portions of the Procurement and Real Estate Code, Article X; and

WHEREAS, the City's participation in the FEMA Grant requires the City to acquire the Properties and perform all necessary due diligence to effectuate the acquisitions at the City's cost and then be reimbursed for all the acquisition costs from FEMA, which covers 85% of the initial estimated costs for the acquisitions, being Five Million, Five Hundred Seven Thousand, Seven Hundred Twenty-Five Dollars and No Cents (\$5,507,725.00) for the acquisitions (the "FEMA Contribution") and the Property owner, who is responsible for all costs exceeding the FEMA Contribution; and

WHEREAS, it is in the City's best interest to allow the Mayor or his designee the authority to enter into an agreement with the property owners to acquire the necessary property interests as approved under the Program.

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

Section 1. That the Mayor is hereby authorized to enter into and execute an Agreement with affected Property owners receiving FEMA grant Assistance from the FEMA Grant for the acquisition of the eleven (11) Properties participating in the FEMA Grant and is further authorized to enter into and execute all other appropriate documentation necessary to effectuate the acquisition of the Properties in accordance with the FEMA Grant.

Section 2. That the Mayor is hereby authorized to enter into and execute a Sub-grantee agreement with the Georgia Emergency Management Agency ("GEMA") to effectuate the acquisition of the Properties in accordance with the FEMA Grant.

Section 3. That the Mayor is further authorized to accept deeds to transfer title of the Properties to the City in appropriate form, as approved by the City Attorney.



Section 4. The Chief Procurement Officer is authorized to obtain title reports, title insurance, appraisals, environmental studies, survey and all other appropriate items necessary to effectuate the acquisition of the Properties and to ensure that the City acquires good title to the Properties, free and clear of all encumbrances (“Due Diligence Items”).

Section 5. That the City Attorney is authorized to utilize outside counsel to effectuate the acquisition of the Properties; is authorized to prepare and approve all necessary and appropriate forms to effectuate the acquisition of the Properties; and is authorized to monitor and supervise the closing transactions with the property owners with the assistance of the City’s real estate acquisition consultant.

Section 6. That all costs associated with the acquisition of the Properties, including without limitation all Due Diligence Items and closing costs associated with the acquisition of the Properties shall be paid from the listed Fund Department Organization and Account Number in the following amounts: \$191,200.00-5052 (Water & Wastewater R&E Fund) 170602 (DWM Greenway Planning & Acquisition) 5212001 (Consulting / Professional Services) 7410000 (Planning & Zoning) and PTAE0 17110874 (DWM Hazard Mitigation)101 (Task) 505221391 (Water & Wastewater R&E Fund) 5212001 (Consulting Services) COA (City of Atlanta) and \$5,316,525.00 - 5052 (Water & Wastewater R&E Fund) 170602 (DWM Greenway Planning & Acquisition) 5411001 (Land) 7410000 (Planning & Zoning) and PTAE0 17110874 (DWM Hazard Mitigation) 101 (Task) 505221391 (Water & Wastewater R&E Fund) 5411001 (Land) COA (City of Atlanta) and all reimbursements from the affected Property owners and FEMA shall be deposited into the acquisition account or otherwise accounted for through the closing of the acquisition of the Properties.

Section 7. That the Commissioner of the Department of Watershed Management is authorized to prepare and submit on behalf of the City all documentation, information or other items necessary to participate in the FEMA Grant in accordance with the requirements of the FEMA Grant.

Section 8. That Article X of the Procurement and Real Estate Code is hereby waived to effectuate the acquisition of the Properties in conjunction with the City’s participation in the FEMA Grant.

Section 9. That all ordinances or parts or ordinances in conflict herewith are waived to the extent of the conflict.

A true copy,

 Deputy Clerk

ADOPTED by the Atlanta Council
 RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

OCT 04, 2010
OCT 13, 2010

RCS# 575
10/04/10
2:49 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	NV Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ON ADVERSED CONSENT	10-04-10
1. 10-O-1169 2. 10-O-1653 3. 10-O-1658 4. 10-O-1659 5. 10-O-1695 6. 10-O-1664 7. 10-O-1665 8. 10-O-1737 9. 10-O-1168 10. 10-O-1461 11. 10-O-1735 12. 10-R-1723 13. 10-R-1727 14. 10-R-0881 15. 10-R-1696 16. 10-R-1749 17. 10-R-1752 18. 10-R-1753 19. 10-R-1754 20. 10-R-1755 21. 10-R-1756 22. 10-R-1725 23. 10-R-1734 24. 10-R-1740 25. 10-R-1746 26. 10-R-1703 27. 10-R-1704 28. 10-R-1705 29. 10-R-1706 30. 10-R-1707 31. 10-R-1708 32. 10-R-1709 33. 10-R-1710 34. 10-R-1711 35. 10-R-1712	36. 10-R-1713 37. 10-R-1714 38. 10-R-1715 39. 10-R-1716	