

1000-1985

(Do Not Write Above This Line)

AN ORDINANCE BY COUNCILMEMBERS H. LAMAR WILLIAMS AND MICHAEL J. JAMES, JR. AND AN ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS FOR THE COMPLETION OF THE FAIRBURN ROAD BRIDGE AND DANFORTH ROAD SIDEWALK PROJECTS, AND TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS; TO AUTHORIZE THE CITY ATTORNEY, OR DESIGNEE, TO INSTITUTE CONDEMNATION PROCEEDINGS PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. SECTION 32-3-4; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY TO HANDLE CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.

ADOPTED BY

Committee FRN
Date 11/10/10
Chair John
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 _____

First Reading
Committee _____
Date _____
Chair _____
Referred To _____

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

CERTIFIED
NOV 15 2010
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
NOV 15 2010
Municipal Clerk

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

NOV 15 2010
COUNCIL

Committee _____
Date _____
Chair _____
Action _____
Other _____
Members _____
Refer To _____

Committee _____
Date _____
Chair _____
Action _____
Other _____
Members _____
Refer To _____

MAYOR'S ACTION

Date Referred 11/10
Referred To: Finance Exec
Date Referred _____
Referred To: _____
Date Referred: _____
Referred To: _____

APPROVED
NOV 29 2010
MAYOR



CITY COUNCIL
ATLANTA, GEORGIA

10-0-1985

AN ORDINANCE BY
COUNCILMEMBERS H. LAMAR WILLIS AND MICHAEL JULIAN BOND

AN ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS FOR THE COMPLETION OF THE FAIRBURN ROAD BRIDGE AND DANFORTH ROAD SIDEWALK PROJECTS, AND TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS; TO AUTHORIZE THE CITY ATTORNEY, OR DESIGNEE, TO INSTITUTE CONDEMNATION PROCEEDINGS PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A SECTION 32-3-4; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY TO HANDLE CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.

WHEREAS, it is necessary to acquire permanent and temporary construction easements and necessary rights-of-way from various property owners for roadway improvements for the Fairburn Road Bridge and Danforth Road Sidewalk Projects; and

WHEREAS, state law, O.C.G.A. Section 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.

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,

SECTION 1: That the Chief Procurement Officer or Consultant are 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 construction of the Fairburn Road Bridge and Danforth Road Sidewalk Projects.

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 these projects which involves road and transportation improvements.

SECTION 3: That 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 the necessary rights-of-way described in this ordinance are waived.

SECTION 4: That the Chief Procurement Officer or consultant are 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 Fairburn Road Bridge and Danforth Road Sidewalk Projects.

SECTION 5: That the City'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. 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'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 is authorized to engage the services of outside counsel, where necessary, to handle condemnations proceedings, without further authorization from City Council. The provisions of Section 2-1542 requiring further authorization for condemnations are hereby waived.

SECTION 7: That the City Attorney, or designee, is authorized to monitor and supervise the closing transactions with affected property owners in connection with these projects, with the assistance of the consultants and its sub-consultants.

SECTION 8: That all costs associated with this ordinance will be charged to and paid from the Quality of Life Bond, General Government Capital Funds, and/or a combination of other sources.

A true copy,


Deputy Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

NOV 15, 2010
NOV 23, 2010

RCS# 685
11/15/10
2:20 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

EXCEPT 10-O-1822

ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 5

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

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	11-01-10 ITEMS ADVERSED ON CONSENT
1. 10-O-1984 2. 10-O-0930 3. 10-O-1769 4. 10-O-1829 5. 10-O-1860 6. 10-O-1983 7. 10-O-1985 8. 10-O-1820 9. 10-O-1821 10. 10-O-1831 11. 10-O-1832 12. 10-O-1833 13. 10-R-1959 14. 10-R-1960 15. 10-R-1961 16. 10-R-1962 18. 10-R-1963 19. 10-R-1964 20. 10-R-1923 21. 10-R-1867 22. 10-R-1968 23. 10-R-1969 24. 10-R-1917 25. 10-R-1896 26. 10-R-1927 27. 10-R-1929 28. 10-R-1971 29. 10-R-1997 30. 10-R-1930 31. 10-R-1931 32. 10-R-1932 33. 10-R-1933 34. 10-R-1934	35. 10-R-1935 36. 10-R-1936 37. 10-R-1937 38. 10-R-1938 39. 10-R-1939 40. 10-R-1955 41. 10-R-1956 42. 10-R-1957 43. 10-R-1958	44. 10-R-1940 45. 10-R-1941 46. 10-R-1942 47. 10-R-1943 48. 10-R-1944 49. 10-R-1945 50. 10-R-1946 51. 10-R-1947 52. 10-R-1948 53. 10-R-1949 54. 10-R-1950 55. 10-R-1951 56. 10-R-1952 57. 10-R-1953 58. 10-R-1954