

11-0-0268
 (Do Not Write Above This Line)

AN ORDINANCE
 BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT AGREEMENT NO. 1 FOR THE CONSTRUCTED WETLANDS PROJECT COST SHARE AGREEMENT LOCATED IN MCDANIEL BRANCH WITH THE UNITED STATES ARMY CORPS OF ENGINEERS ("USACE") TO INCLUDE AN ADDITIONAL PROPERTY LOCATED ON LAND LOT 14F-0073 OF THE 14TH (FD) DISTRICT, FULTON COUNTY GEORGIA PARCEL NUMBER 14F-0073-11-0749; TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH PROPERTY OWNERS AND OTHER APPROPRIATE DOCUMENTS FOR THE ACQUISITION OF THE PROPERTIES TO INCLUDE IN THE CONSTRUCTED WETLANDS PROJECT COST SHARE AGREEMENT LOCATED IN MCDANIEL BRANCH; 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 PROPERTY; TO CHARGE AND PAY FOR ACQUISITION COSTS FROM FUND DEPARTMENT ACCOUNT AND ORGANIZATION NUMBER 5051 (WATER & WASTEWATER REVENUE FUND) 5212001 (CONSULTING / PROFESSIONAL SERVICES) 170602 DWM GREENWAY PLANNING & ACQUISITION) 7410000 (PLANNING & ZONING) IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$100,000.00); AND FOR OTHER PURPOSES.

SUBSTITUTE

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

Date Referred 03/07/11
 Referred To: Finance Exec.

Date Referred
 Referred To:
 Date Referred
 Referred To:

First Reading
 Committee Finance/Executive
 Date May 2, 2011
 Chair Steve Carter
 Referred To Finance Council

Committee
 Date
 Action Chair
 Fav, Adv, Hold (see rev. side)
 Other
 Members

Refer To

Committee
 Date
 Action Chair
 Fav, Adv, Hold (see rev. side)
 Other
 Members

Refer To

Committee
 Date
 Action
 Fav, Adv, Hold (see rev. side)
 Other
 Members

Committee
 Date
 Action
 Fav, Adv, Hold (see rev. side)
 Other
 Members

ADOPTED BY
 MAY 02 2011
 COUNCIL

Refer To

Refer To

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

CERTIFIED
 MAY 02 2011
 ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
 MAY 02 2011
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAY 11 2011

WITHOUT SIGNATURE
 BY OPERATION OF LAW



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

AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE PROPERTY LOCATED ON LAND LOT F0073 OF THE 14TH (FF) DISTRICT, FULTON COUNTY GEORGIA PARCEL NUMBER 14-0073-LL-074-9 FROM THE CONSERVATION FUND, INC. FOR THE IMPLEMENTATION OF THE CONSTRUCTED WETLANDS PROJECT PURSUANT TO THE COST SHARE AGREEMENT WITH THE UNITED STATES ARMY CORPS OF ENGINEERS (“USACE”); 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 PROPERTY; TO CHARGE AND PAY FOR ACQUISITION COSTS FROM FUND DEPARTMENT ACCOUNT AND ORGANIZATION NUMBER 5052 (WATER & WASTEWATER R&E FUND) 170602 (DWM GREENWAY PLANNING & ACQUISITION) 5411001 (LAND) 7410000 (PLANNING & ZONING) IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TEN THOUSAND DOLLARS AND NO CENTS (\$110,000.00); AND FOR OTHER PURPOSES.

WHEREAS, the City did enter into a cost sharing agreement with the United States Army Corps of Engineers (“USACE”) to fund a constructed wetlands project on a City owned Greenway property located on the McDaniel Branch and to provide the USACE with an appraisal of the property to obtain real estate credits for the total cost of the property pursuant to Resolution 10R0236; and

WHEREAS, the Department of Watershed Management determined that additional property is needed in order to design the wetlands with adequate capacity to provide the intended stormwater management and water quality improvement; and

WHEREAS, the additional property is located on Land Lot 0073 of the 14TH (FF) District, Fulton County Georgia Parcel number 14-0073-LL-074-9 (“Property”); and

WHEREAS, the cost to acquire the Property is approximately One Hundred Ten Thousand Dollars (\$110,000.00) which shall be paid in its entirety by the City; and

WHEREAS, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer recommends the acquisition of Land Lot F0073 of the 14TH (FF) District, Fulton County Georgia Parcel number 14-0073-LL-074-9 in an amount not to exceed One Hundred Ten Thousand Dollars (\$110,000.00) and no cents; and



WHEREAS, the purchase of the property will not increase the City's total project cost, nor will it require amending the agreement because any amount spent on land is credited toward the overall project match; and

WHEREAS, The Conservation Fund ("TCF") is negotiating for or has contracted for The property located on Land Lot F0073 of the 14TH (FF) District, Fulton County Georgia Parcel number 14-0073-LL-074-9 ("Property") for an amount not to exceed One Hundred Ten Thousand Dollars (\$110,000.00) and no cents; and

WHEREAS, TCF has agreed to sell the Property to the City subject to the appropriate City approval processes for an amount not to exceed One Hundred Ten Thousand Dollars (\$110,000.00) and no cents; and

WHEREAS, TCF is a non-profit, 501(c)(3) organization, whose mission is to conserve land and whose work involves working with public agencies to purchase properties for this purpose, and to hold such properties until the public agency has the funds to purchase the properties.

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

Section 1:

That the Mayor is authorized to acquire the property located on Land Lot F0073 of the 14th (FF) District, Fulton County Georgia, Parcel number 14-0073-LL-074-9 ("Property") from The Conservation Funds Inc. in an amount not to exceed One Hundred Ten Thousand Dollars and No Cents (\$110,000.00).

Section 2:

That the Property shall be included as a part of the original Agreement with the United States Army Corps of Engineers to fund a constructed wetlands project on a City owned Greenway property.

Section 3:

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

Section 4:

That the funding of the Agreement shall be subject to and expressly contingent upon the City's adoption and approval of the FY 2012 budget and the appropriation of sufficient funds to the associated funding sources.

Section 5:

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 Property and to ensure that the City acquires good title to the Property, free and clear of all encumbrances ("Due Diligence Items").



Section 6:

That the City Attorney is authorized to utilize outside counsel to effectuate the acquisition of the Property; is authorized to prepare and approve all necessary and appropriate forms to effectuate the acquisition of the Property and is authorized to monitor and supervise the closing transactions with the Property owner with the assistance of the City's real estate acquisition consultant.

Section 7:

That all costs associated with the acquisition of the Property, including without limitation all Due Diligence Items and closing costs associated with the acquisition of the Property shall be paid from Fund Department Organization and Account Number 5052 (Water & Wastewater R&E Funds) 170602 (DWM Greenway Planning & Acquisition) 5411001 (Land) 7410000 (Planning & Zoning);

Section 8:

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 accordance with the requirements of the USACE.

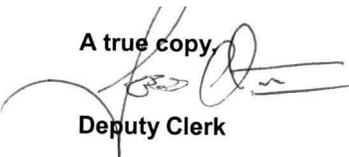
Section 9:

That Article X of the Procurement and Real Estate Code is hereby waived to effectuate the acquisition of the Property in conjunction with the City's participation in the Constructed Wetlands Project Cost Share Agreement located in McDaniel Branch.

Section 10:

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

MAY 02, 2011

MAY 11, 2011

RCS# 986
5/02/11
2:32 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

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

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

CONSENT I

| | | 05-02-11 |
|--------------------------|--------------------------|---------------------------|
| ITEMS ADOPTED ON CONSENT | ITEMS ADOPTED ON CONSENT | ITEMS ADVERSED ON CONSENT |
| 1. 11-O-0132 | 38. 11-R-0557 | 64. 11-R-0582 |
| 2. 11-O-0494 | 39. 11-R-0558 | 65. 11-R-0583 |
| 3. 11-O-0528 | 40. 11-R-0559 | 66. 11-R-0584 |
| 4. 11-O-0683 | 41. 11-R-0560 | 67. 11-R-0585 |
| 5. 11-O-0268 | 42. 11-R-0561 | 68. 11-R-0586 |
| 6. 11-O-0513 | 43. 11-R-0562 | 69. 11-R-0587 |
| 7. 11-O-0514 | 44. 11-R-0563 | 70. 11-R-0588 |
| 8. 11-O-0515 | 45. 11-R-0564 | 71. 11-R-0589 |
| 9. 11-O-0679 | 46. 11-R-0565 | 72. 11-R-0590 |
| 10. 11-R-0443 | 47. 11-R-0566 | 73. 11-R-0591 |
| 11. 11-R-0618 | 48. 11-R-0567 | 74. 11-R-0592 |
| 12. 11-R-0619 | 49. 11-R-0568 | 75. 11-R-0593 |
| 13. 11-R-0620 | 50. 11-R-0569 | 76. 11-R-0594 |
| 14. 11-R-0621 | 51. 11-R-0570 | 77. 11-R-0595 |
| 15. 11-R-0622 | 52. 11-R-0571 | 78. 11-R-0596 |
| 16. 11-R-0627 | 53. 11-R-0572 | 79. 11-R-0597 |
| 17. 11-R-0628 | 54. 11-R-0573 | 80. 11-R-0598 |
| 18. 11-R-0629 | 55. 11-R-0574 | 81. 11-R-0599 |
| 19. 11-R-0686 | 56. 11-R-0575 | 82. 11-R-0600 |
| 20. 11-R-0613 | 57. 11-R-0576 | 83. 11-R-0601 |
| 21. 11-R-0614 | 58. 11-R-0577 | 84. 11-R-0602 |
| 22. 11-R-0687 | 59. 11-R-0578 | 85. 11-R-0603 |
| 23. 11-R-0689 | 60. 11-R-0579 | 86. 11-R-0604 |
| 24. 11-R-0630 | 61. 11-R-0580 | 87. 11-R-0605 |
| 25. 11-R-0631 | 62. 11-R-0581 | 88. 11-R-0606 |
| 26. 11-R-0632 | 63. 11-R-0669 | 89. 11-R-0607 |
| 27. 11-R-0633 | | 90. 11-R-0608 |
| 28. 11-R-0634 | | 91. 11-R-0609 |
| 29. 11-R-0635 | | 92. 11-R-0610 |
| 30. 11-R-0636 | | 93. 11-R-0611 |
| 31. 11-R-0646 | | |
| 32. 11-R-0649 | | |
| 33. 11-R-0650 | | |
| 34. 11-R-0652 | | |
| 35. 11-R-0554 | | |
| 36. 11-R-0555 | | |
| 37. 11-R-0556 | | |