

11-0-0528

(Do Not Write Above This Line)

AN ORDINANCE BY
CITY UTILITIES COMMITTEE

AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF THIRTEEN (13) 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 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: \$165,930.00 - 5052 (WATER & WASTEWATER R&E FUND) 170602 (DWM GREENWAY PLANNING & ACQUISITION) 5212001 (CONSULTING / PROFESSIONAL SERVICES) 7410000 (PLANNING & ZONING) AND \$4,406,011.00 - 5052 (WATER & WASTEWATER R&E FUND) 170602 (DWM GREENWAY PLANNING & ACQUISITION) 5411001 (LAND) 7410000 (PLANNING & ZONING); AND FOR OTHER PURPOSES.

SUBSTITUTE

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

Date Referred 04/18/11

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading
Committee City Utilities
Date 04/18/2011
Chair Michael Curran
Referred To

City Committee
Date 04/18/2011
Chair Michael Curran
Action Fav, Adv, Hold (see rev. side)
Other 2nd 5th 6th 7th

Members
Refer To

Committee
Date
Chair
Action
Other

Members
Refer To

Committee
Date
Chair
Action
Other

Committee
Date
Chair
Action
Other

Committee
Date
Chair
Action
Other
ADMITTED BY
MAY 02 2011
COUNCIL

Refer To

Refer To

Committee

Date

Chair

Action

Other

Members

Refer To

Committee

Date

Chair

Action

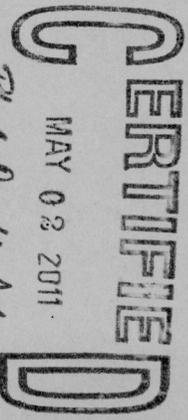
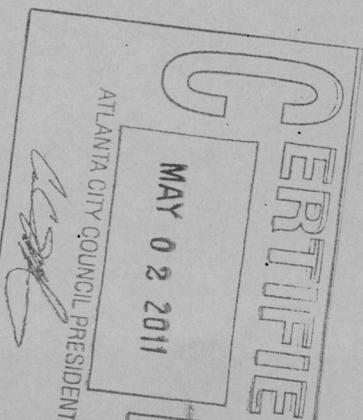
Other

Members

Refer To

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

CERTIFIED



MAYOR'S ACTION

APPROVED

MAY 11 2011

WITHOUT SIGNATURE
BY OPERATION OF LAW



11-O-0528

A SUBSTITUTE ORDINANCE

BY CITY UTILITIES COMMITTEE

AMENDING ORDINANCE NO. 10-O-1653 FOR THE PURPOSE OF AUTHORIZING THE ACQUISITION OF THIRTEEN ADDITIONAL PROPERTIES, PURSUANT TO THE CITY'S PARTICIPATION IN THE FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA") HAZARD MITIGATION ASSISTANCE PROGRAM ("FEMA GRANT"); TO INCREASE THE TOTAL NOT TO EXCEED AMOUNT FOR SUCH ACQUISITIONS; AND FOR OTHER PUPOSES.

WHEREAS, the City of Atlanta was authorized to acquire certain eleven parcels along Peachtree Creek and Nancy Creek that are located in the flood plain and subject to material losses due to repetitive flooding, pursuant to the FEMA Grant, as authorized by Ordinance No. 10-O-1653 which was adopted by the Council on February 15, 2010 and approved by the Mayor on February 23, 2010; and

WHEREAS, thirteen additional properties have been identified and accepted as eligible properties for acquisition pursuant to the FEMA Grant ("Additional Properties") for cost estimated at an additional Four Million Five Hundred Seventy One Thousand Nine Hundred Forty One and No Cents (\$4,571,941.00) ; and

WHEREAS, the City of Atlanta Department of Watershed Management desires to amend Ordinance No. 10-O-1653 to authorize the acquisition of those thirteen Additional Properties, pursuant to the FEMA Grant at an amount not to exceed an additional Four Million Five Hundred Seventy-One thousand Nine Hundred Forty One and No Cents (\$4,571,941.00)

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

SECTION 1. That Ordinance Number 10-O-1653 is hereby amended to authorize the acquisition of thirteen Additional Properties hereto attached as "Exhibit A", pursuant to the FEMA Grant, in an amount not to exceed an additional Four Million Five Hundred Seventy-One thousand Nine Hundred Forty-One and No Cents (\$4,571,941.00).

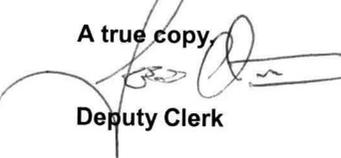


SECTION 2. That all costs associated with the acquisition of the properties shall be paid from the listed Fund Department Organization and Account Number In the following amounts: \$165,930.00 - 5052 (Water & Wastewater R&E Fund) 170602 (DWM Greenway Planning & Acquisition) 5212001 (Consulting / Professional Services) 7410000 (Planning & Zoning), and \$4,406,011.00 – 5052 (Water & Wastewater R&E Fund) 170602 (DWM Greenway Planning & Acquisition) 5411001 (Land) 7410000 (Planning & Zoning) and PT AEO 17110874 (DWM Hazard Mitigation) 101 (Task) 505221391 (Water & Wastewater R&E Fund) 5411001 (Land) COA (City of Atlanta) and all reimbursements from the affected homeowners and FEMA shall be deposited into the acquisition account or otherwise accounted for through the closing of the acquisition of the properties.

SECTION 3. All portions of Ordinance No. 10-O-1653 not expressly amended herein shall remain in full force and effect and apply to the Additional Properties, listed in the legislation.

SECTION 4. All ordinances in conflict with this Ordinance shall be waived to the extent of such 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

Exhibit A

Phase II Property Acquisition

<i>Property Address</i>
1355 Battle View Drive, Atlanta, Ga. 30327
1362 Battle View Drive, Atlanta, Ga. 30327
1380 Battle View Drive, Atlanta, Ga. 30327
2251 Macon Drive, Atlanta, Ga. 30315
1370 Peachtree Battle Ave. Atlanta, Ga. 30327
429 Woodward Way, Atlanta, Ga. 30305
609 Woodward Way, Atlanta, Ga. 30327
115 H-1 Biscayne Drive, Atlanta, Ga. 30309
115 H-2 Biscayne Drive, Atlanta, Ga. 30309
115 H-3 Biscayne Drive, Atlanta, Ga. 30309
115 H-4 Biscayne Drive, Atlanta, Ga. 30309
115 H-5 Biscayne Drive, Atlanta, Ga. 30309
115 H-6 Biscayne Drive, Atlanta, Ga. 30309

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 ADVERSESED 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		