



CITY COUNCIL  
ATLANTA, GEORGIA

AN ORDINANCE BY  
FINANCE/EXECUTIVE COMMITTEE

11-0-0639

**AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO AUTHORIZE THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA (“CITY”), TO NEGOTIATE FOR AND TO PURCHASE APPROXIMATELY 1.65 ACRES OF PROPERTY LOCATED AT 1933 WELLBOURNE DRIVE FROM THE CONSERVATION FUND OR CURRENT LAND OWNER (“THE PROPERTY”), FOR THE PURPOSE OF EXPANDING THE EXISTING MORNINGSIDE NATURE PRESERVE PARK (“PARK”), IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00). THE CITY’S PURCHASE PRICE, CLOSING COSTS, DUE DILIGENCE, AND DEVELOPMENT COSTS SHALL BE PAID FROM PARK IMPACT FEE NORTH AS SHOWN BELOW AND AMENDING THE 2011 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET FOR THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFIARS AND THE DEPARTMENT OF FINANCE BY TRANSFERRING BETWEEN ACCOUNTS THE SUM OF FOUR HUNDERD THOUSAND (\$400,000.00); AND FOR OTHER PURPOSES**

**WHEREAS**, The Conservation Fund (“TCF”) is negotiating for or has contracted for approximately 1.65 acres of property, located at 1933 Wellbourne Drive, Atlanta, Georgia, Parcel Identification Number 17-0050-0007-0004 (“the Property”) for the purpose of expanding the existing Park (See attached Exhibit “A”); 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 Fair Market Value; 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; and

**WHEREAS**, purchasing the Property is consistent with the City’s goals of greenspace acquisition, preservation and park expansion.

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

**SECTION 1:** The Chief Procurement Officer or his designee, on behalf of the City, is hereby authorized to negotiate with The Conservation Fund or current landowner to purchase all or part of the real property located at 1033 Wellbourne Drive, Atlanta,



Georgia, Parcel Identification Number 17-0050-0007-0004 (“the Property”), at a purchase price no greater than Fair Market Value.

**SECTION 2:** The Chief Procurement Officer or his designee is hereby authorized to obtain or review surveys, title reports, environmental assessments, and appraisals to establish the Fair Market Value of the Property. In addition, the Chief Procurement Officer or his designee is authorized to obtain and pay for those items and services necessary to purchase the Property, including but not limited to title insurance, real estate service fees, site development, signage, fencing, closing costs and other costs of acquisition (“The City’s Due Diligence and Purchase Services”).

**SECTION 3:** The 2011 General Government Capital Outlay Fund Budget, Department of Planning and Community Development is hereby amended as follows:

**TRANSFER FROM APPROPRIATIONS**

\$400,000.00 from 3502 (General Government Capital Fund) 100101 (DOF Chief Financial Officer) 5999999 (Reserve Conversion Account – Class 1) 1320000 (Chief Executive) 201072 (Admin. Development Recoupment Fees) 91110 (Funding Source SWMA Loan 9991)

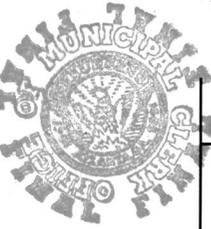
<u>Project:</u>	10201072	SWMA Loan 9991
<u>Task:</u>	101	SWMA Loan 9991
<u>Award:</u>	350291110	SWMA Loan 9991
<u>Expense:</u>	5999999	Projects and Grants Budget
<u>Org City of Atlanta</u>		

**TOTAL** **\$400,000.00**

**ADD TO AWARD INSTALLMENT**

**The amount of:** **\$400,000.00** SWMA Loan 9988/D.I.F. Parks-North  
**350291109**

<b>TRANSFER TO APPROPRIATIONS</b>						
<b>PTAEO</b>			<b>GENERAL LEDGER</b>			
PROJECT NUMBER	14201997	GREENSPACE PGM; PARKS		<i>FUND</i>	3502	GENERAL GOV. CAPITAL
TASK NUMBER	106	Morningside Preserve Park Expand		<i>GL DEPT</i>	140106	PRC PARKS DESIGN
AWARD NUMBER	350291109	SWMA LOAN 9987/ D.I.F. Parks-North		<i>EXPENSE ACCT</i>	5999999	PROJECTS AND GRANTS BUDGET



EXPENSE ACCOUNT	5411001	LAND		FUNCTION/ACTIVITY	6220000	PARK AREAS
OWNING ORG	COA	SWMA LOAN		GL PROJECT	201997	GREENSPACE PGM; PARKS North
				GL FUNDING SOURCE	91109	SWMA LOAN 9987/ D.I. F. Parks-North

**TOTAL**

**\$400,000.00**

**SECTION 4:** The City's Purchase Price, Due Diligence and Purchase Services, in an amount not to exceed four hundred thousand dollars (\$400,000.00) shall be paid from Park Impact Fee North 14201997 (Project), 106 (Task), 350291109 (Award), 5411001 (Expense Type Land).

**SECTION 5:** Upon acquisition, the Department of Parks, Recreation, and Cultural Affairs, Office of Parks, is hereby charged with all responsibility for the Property and shall retain the land in perpetuity as a public park. Nothing in this ordinance shall prohibit the development of this property for uses consistent with generally accepted park activities, including but not limited to trails, playgrounds, picnic areas, parking, and gazebos. Nothing in this section shall preclude a neighborhood group(s) or other private entity from maintaining all or part of the property pursuant to an agreement with the City.

**SECTION 6:** The City's Greenspace Acquisition Consultant, ("the Consultant") is authorized to settle the acquisition of the Property at an amount authorized by the Chief Procurement Officer. The Consultant may also arrange and negotiate for the Due Diligence and Purchase Services.

**SECTION 7:** The requirements of the City Code Section 2-1541 (d), of the Procurement and Real Estate Code, are waived to allow the purchase of the Property on behalf of the City without further authorization by the City Council.

**SECTION 8:** The Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments or other documents that the Law Department deems to be necessary or advisable in order to carry into effect the intent of this ordinance.

**SECTION 9:** The City Attorney is hereby directed to prepare for execution by the Mayor, any and all deeds, instruments, or other documents that the City Attorney deems necessary or advisable to carry into effect the intent of this ordinance.

**SECTION 10:** Said deeds, instruments, or other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been approved by the City Attorney as to form, attested to by the Municipal Clerk, and signed by the Mayor.



**SECTION 11:** All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

A true copy.

A handwritten signature in black ink, appearing to be "K. B. Smith", is written over the text "A true copy." and extends to the right.

Deputy Clerk

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

MAY 16, 2011

MAY 25, 2011

RCS# 1031  
5/16/11  
2:54 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

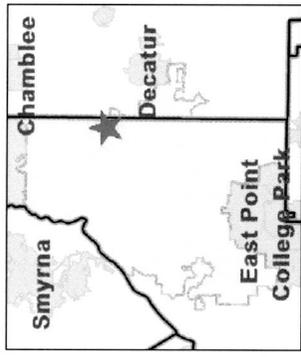
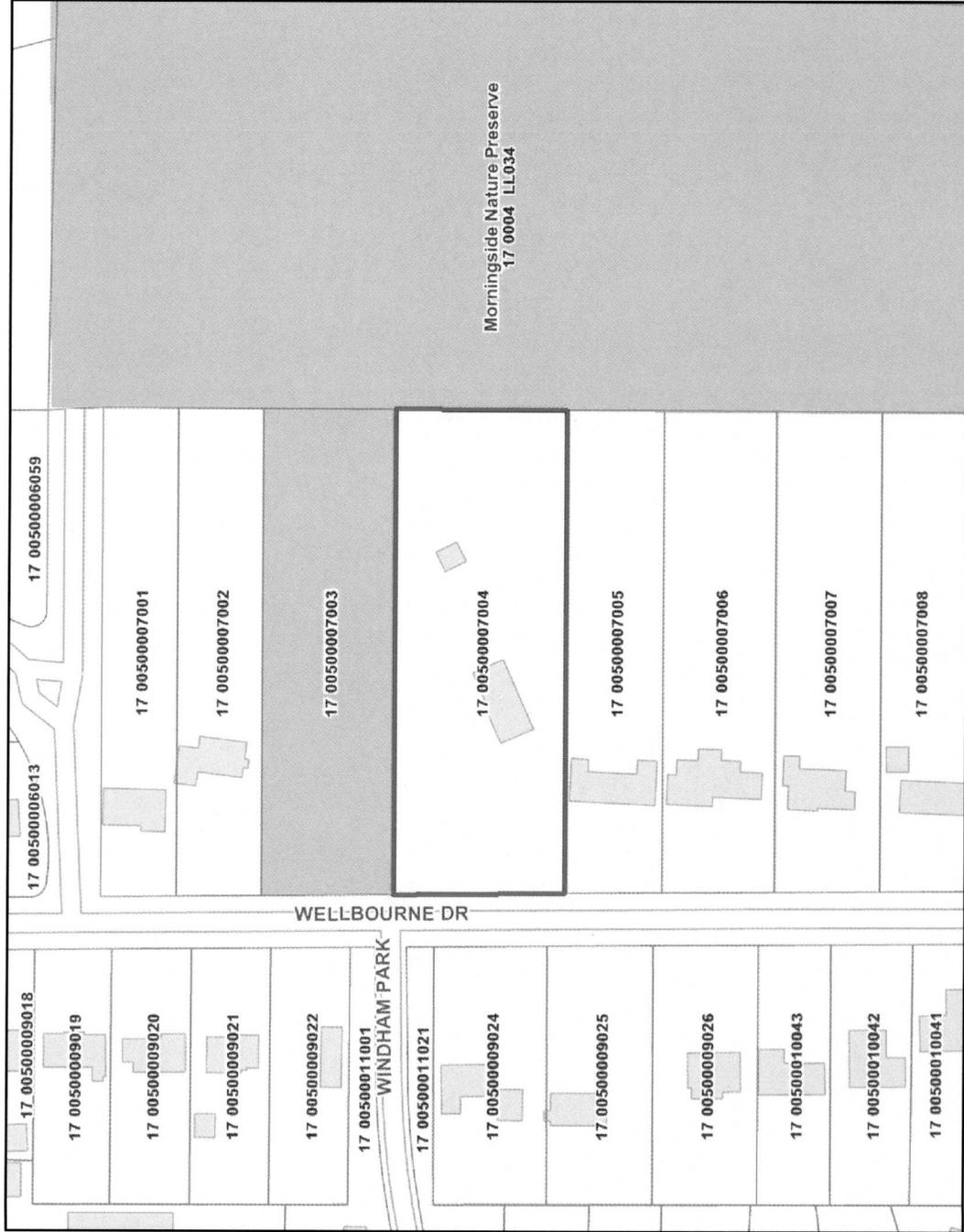
YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 1  
ABSENT 2

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

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	<b>05-16-11</b> ITEMS ADVERSED ON CONSENT
1. 11-O-0615 2. 11-O-0637 3. 11-O-0639 4. 11-O-0642 5. 11-O-0616 6. 11-O-0682 7. 11-O-0684 8. 11-R-0744 9. 11-R-0776 10. 11-R-0770 11. 11-R-0781 12. 11-R-0678 13. 11-R-0738 14. 11-R-0757 15. 11-R-0758 16. 11-R-0759 17. 11-R-0760 18. 11-R-0761 19. 11-R-0762 20. 11-R-0763 21. 11-R-0764 22. 11-R-0644 23. 11-R-0648 24. 11-R-0749 25. 11-R-0750 26. 11-R-0753 27. 11-R-0754 28. 11-R-0755 29. 11-R-0756 30. 11-R-0712 31. 11-R-0713 32. 11-R-0714 33. 11-R-0715 34. 11-R-0716 35. 11-R-0717 36. 11-R-0718 37. 11-R-0719	38. 11-R-0720 39. 11-R-0721 40. 11-R-0722 41. 11-R-0723 42. 11-R-0724 43. 11-R-0725 44. 11-R-0726 45. 11-R-0727 46. 11-R-0728	47. 11-R-0729 48. 11-R-0730 49. 11-R-0731 50. 11-R-0732 51. 11-R-0733 52. 11-R-0734 53. 11-R-0735 54. 11-R-0736 56. 11-R-0737

# MORNINGSIDE - 1933 WELLBOURNE DR. - EXHIBIT A



**Legend**

- Points of Interest
- Streets and Highways
- Other Limited Access
- State Route
- Arterial Roads
- Streets
- Ramps
- Unknown
- Interstates
- County Boundaries
- Parcels
- Building Footprints
- Airport Labels
- Airport Runways
- Runway/Apron/Taxiway
- Streams
- Ponds
- Parks
- Greenway Acquisitions
- Atlanta City Limits
- Metro Cities

Scale: 1:1,927

Map center: 2238115, 1384963

Notes: PARCEL ID 17-0050-0007-004. APPROXIMATELY 1.65 ACRES.

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

**CHIEF FINANCIAL OFFICER**

*James C. de Joor*

**RECOMMENDED**

**DEPARTMENTAL AUTHORIZATION**