

11-0-0641

(Do Not Write Above This Line)
AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE

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 ONE APPROXIMATELY 2.4 ACRE PARCEL OF PROPERTY LOCATED AT 0 FAIRBURN ROAD FROM THE CONSERVATION FUND OR CURRENT LAND OWNER ("THE PROPERTY"), FOR THE PURPOSE OF EXPANDING THE EXISTING BEN HILL PARK ("PARK"), IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) THE CITY'S PURCHASE PRICE, CLOSING COSTS, DUE DILLIGENCE, AND DEVELOPMENT COSTS SHALL BE PAID FROM PARK IMPACT FEE WEST 14201997 (PROJECT), 105 (TASK) 350291107 (AWARD), 5411001 (EXPENSE TYPE LAND), ORGANIZATION CITY OF ATLANTA, AND AMENDING THE 2011 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET FOR THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS AND THE DEPARTMENT OF FINANCE BY TRANSFERRING BETWEEN ACCOUNTS THE SUM OF TWO HUNDRED THOUSAND (\$200,000.00; AND FOR OTHER

CONSENT REFER PURPOSES.

REGULAR REPORT REFER Filed

ADVERTISE & REFER

1st ADOPT 2nd READ & REFER MAY 16 2011

PERSONAL PAPER REFER

Date Referred 05/02/11

Referred To: Finance Sec.

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee Finance/Executive

Date 4/27/2011

Chair J. Adams

Referred to Finance/Executive

Committee

Date 5-11-11

Chair J. Adams

Actions

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

Committee

Date

Chair

Referred to

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd

Readings

Consent V Vote RC Vote

CERTIFIED

MAY 16 2011
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
MAY 16 2011
Rhonda Daphine Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

RCS# 1046
5/16/11
3:28 PM

Atlanta City Council

REGULAR SESSION

11-O-0641

AUTH.CITY TO WAIVE PROCUREMENT CODE TO
PURCHASE LAND ON FAIRBURN ROAD
FILE

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

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

11-O-0641

**AN ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE**

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WHEREAS, The Conservation Fund (“TCF”) is negotiating for or has contracted for approximately 2.4 acres of property, located at 0 Fairburn Road, Atlanta, Georgia, Parcel Identification Number 14F-0006-0002-082 (“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 0 Fairburn Road, Atlanta, Georgia, Parcel Identification Number 14F-0006-0002-082 (“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

\$200,000.00 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 **\$200,000.00**

ADD TO AWARD INSTALLMENT

The amount of : **\$200,000.00** SWMA Loan 9987/D.I.F. Parks-West
350291107

TRANSFER TO APPROPRIATIONS						
PTAEO			GENERAL LEDGER			
PROJECT NUMBER	14201997	GREENSPACE PGM; PARKS		<i>FUND</i>	3502	GENERAL GOV. CAPITAL
TASK NUMBER	105	Ben Hill Parks Expand		<i>GL DEPT</i>	140106	PRC PARKS DESIGN
AWARD NUMBER	350291107	SWMA LOAN 9987/ D.I.F. Parks-West		<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 WEST
				GL FUNDING SOURCE	91107	SWMA LOAN 9987/ D.I.F. Parks - West

TOTAL

\$200,000.00

SECTION 4: The City's Purchase Price, Due Diligence and Purchase Services, in an amount not to exceed two hundred thousand dollars (\$200,000.00) shall be paid from Park Impact Fee West 14201997 (Project), 105 (Task), 350291107 (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 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.

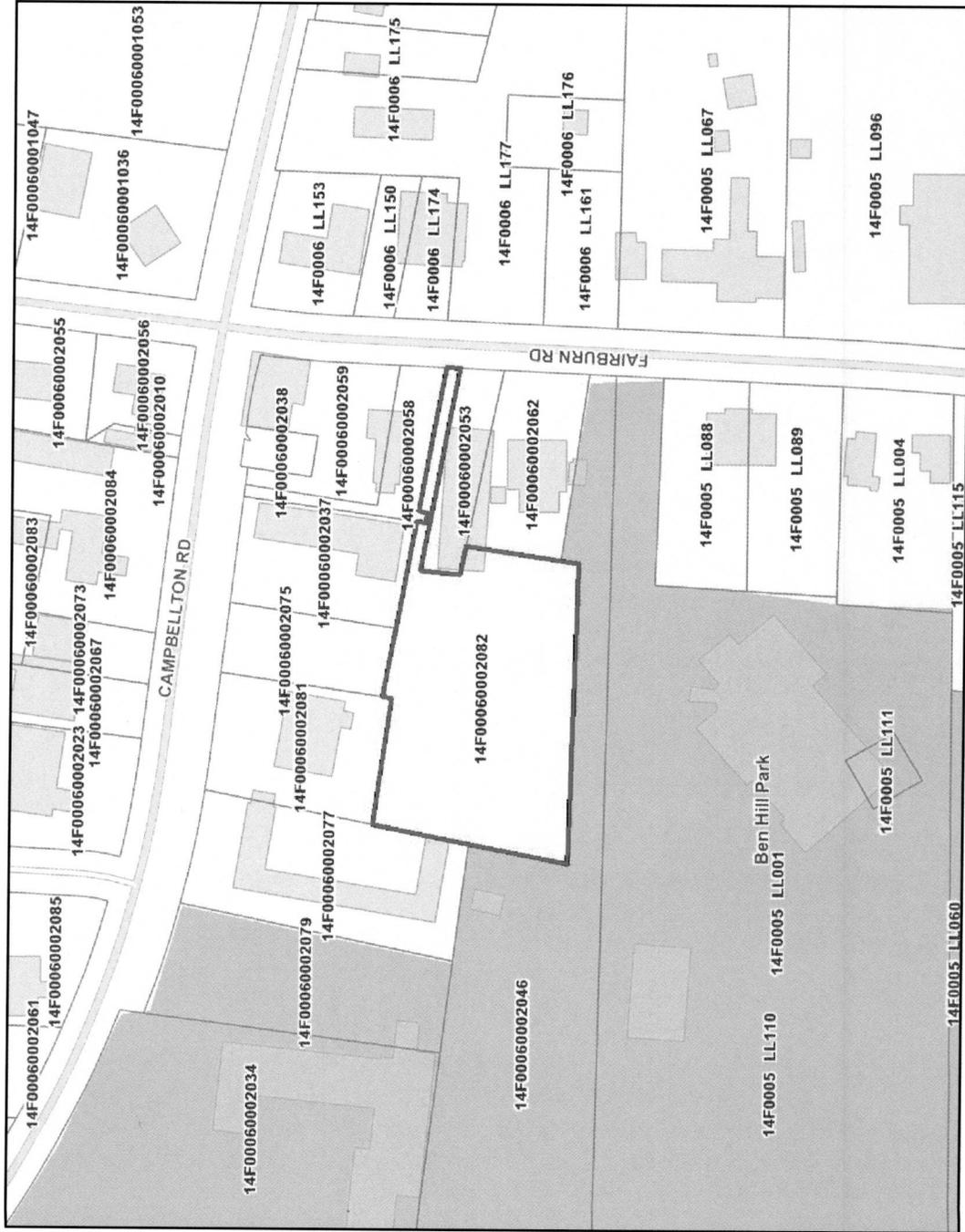
SECTION 8: The Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments or other documents that the Law Department deems to be necessary or advisable in order to carry into effect the intent of this ordinance.

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.

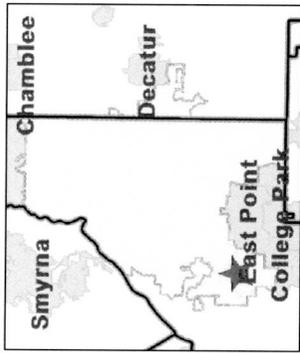
BEN HILL - FARIBURN RD PARCEL - EXHIBIT A



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.

Notes: PARCEL ID 14F-0006-0002-082. APPROXIMATELY 2.4 ACRES

Map center: 2191401, 1342376



- ### 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: 1:2,178