

11-0-1681

(Do Not Write Above This Line)

AN ORDINANCE BY *Felicia Moore* AUTHORIZING THE PURCHASE OF NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS FOR THE COMPLETION OF THE HOWELL MILL/DEFOOR AVENUE TURN-LANE EXTENSION PROJECT, AND TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO NEGOTIATE WITH THE AFFECTED PROPERTY OWNER(S) AND TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS; TO AUTHORIZE THE CITY ATTORNEY, OR HER 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

NOV 21 2011

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

Date Referred 11/7/11

Referred To: Transportation

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair Transportation
Referred To _____

Committee TRANSPORTATION
Date 11-16-11
Chair [Signature]

Action Fav, Adv, Hold (see rev. side)
Other _____

Members _____

Refer To _____
[Signatures]

Committee _____

Date _____

Chair _____

Action Fav, Adv, Hold (see rev. side)
Other _____

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Action Fav, Adv, Hold (see rev. side)
Other _____

Members _____

Committee _____

Date _____

Chair _____

Action Fav, Adv, Hold (see rev. side)
Other _____

Members _____

Refer To

Refer To

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

CERTIFIED

CERTIFIED
NOV 21 2011

ATLANTA CITY COUNCIL, PRESIDENT

[Signature]

CERTIFIED
NOV 21 2011

Ronald Chapman
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

NOV 30 2011

WITHOUT SIGNATURE
BY OPERATION OF LAW



AN ORDINANCE BY *Felicia G. Moore*
COUNCILMEMBER FELICIA MOORE

AN ORDINANCE AUTHORIZING THE PURCHASE OF NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS FOR THE COMPLETION OF THE HOWELL MILL/DEFOOR AVENUE TURN-LANE EXTENSION PROJECT, AND TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO NEGOTIATE WITH THE AFFECTED PROPERTY OWNER(S) AND TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS; TO AUTHORIZE THE CITY ATTORNEY, OR HER 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 necessary rights-of-way from the property owner(s) for roadway improvements for the Howell Mill/Defoor Avenue Turn-Lane Extension Project (“Project”); and

WHEREAS, Georgia State law at 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 this Project 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 project 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 necessary rights-of-way described in this ordinance are waived.

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

SECTION 1: That the Chief Procurement Officer or Consultant are hereby authorized to negotiate with the affected property owner(s) to acquire permanent and necessary rights-of-way, and other related property interests necessary to complete construction of the Howell Mill/Defoor Avenue Turn-Lane Extension Project. Appended hereto as Exhibit “A” is an engineering drawing depicting the project area.



SECTION 2: That the use of declaration of taking as a method of condemnation be utilized, if needed, to expedite the acquisition of permanent property interests necessary for the timely completion of this Project 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 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 owner(s); and where the Chief Procurement Officer's negotiations with the owner(s) 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 Project.

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 condemnation 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 her designee, is authorized to monitor and supervise the closing transactions with the affected property owner(s) in connection with this project, 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 Fund, Account and Center Numbers: 3114 (1996 G.O. Public Improvement Bond Part B), 130308 (DPW Transportation Design), 101995 (Howell Mill Road Widening), 5411002 (Easements), 5411001 (Land), 4270000 (Traffic Engineering), and PTAE0 Funding Source: 13101995 101 311421158 5411002/5411001 COA.

A true copy,



Deputy Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

Nov. 21, 2011
Nov. 30, 2011

RCS# 1554
11/21/11
2:02 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ALL ITEMS EXCEPT 11-O-1553

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
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
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

RCS# 1553
11/21/11
2:00 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

RECONSIDER

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

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

CONSENT I

RCS# 1552
11/21/11
1:59 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

CONSENT AGENDA SECTION I

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

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

CONSENT I