

12-0-0010

(Do Not Write Above This Line)

AN ORDINANCE BY
CITY UTILITIES COMMITTEE

AN ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS FOR THE COMPLETION OF THE PEACHTREE ROAD CORRIDOR PROJECT PHASE 3, AND TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS 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.

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

Date Referred 1/17/12
 Referred To: city utilities
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

Committee City Utilities First Reading
 Date Feb 06 2012
 Chair [Signature]
 Referred To [Signature]

Committee City Utilities
 Date Feb 31 2012
 Chair [Signature]
 Action [Signature]
 Fav, Adv, Hold (see rev. side) _____
 Other _____

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

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 _____

ADOPTED BY

FEB 06 2012

COUNCIL

Refer To

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

CERTIFIED

CERTIFIED
 FEB 06 2012
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 FEB 06 2012
[Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

FEB 15 2012

WITHOUT SIGNATURE
BY OPERATION OF LAW



**AN ORDINANCE BY
CITY UTILITIES COMMITTEE**

AN ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS FOR THE COMPLETION OF THE PEACHTREE ROAD CORRIDOR PROJECT PHASE 3, AND TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS 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 temporary construction easements and necessary rights-of-way from various property owners for roadway improvements for the Peachtree Road Corridor Project Phase 3; 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 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 temporary easements and necessary rights-of-way described in this ordinance should be waived.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That the Chief Procurement Officer or consultant are hereby authorized to negotiate with the affected property owners to acquire temporary or permanent



construction easements and the necessary rights-of-way, and other related property interests necessary to complete construction of the Peachtree Road Corridor Project Phase 3.

SECTION 2: That the use of declaration of taking as a method of condemnation be utilized to 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.

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 temporary easements and the 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 owners; and where the Chief Procurement Officer's negotiations with the owners 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 Peachtree Road Corridor Project Phase 3.

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. 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 condemnations 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 affected property owners in connection with these projects, with the assistance of the consultants and its sub-consultants.

SECTION 8: That approval of this legislation authorizes the Mayor to execute an Acquisition for Right of Way agreement between the City of Atlanta and the Georgia Department of Transportation associated with the aforementioned project including, but not limited to, project framework, rights of way acquisition, construction and mowing and maintenance agreements.



SECTION 9: That all costs associated with this ordinance will be charged to and paid from the Quality of Life Bond, General Government Capital Funds, and/or a combination

A true copy,

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

**Feb. 06, 2012
Feb. 15, 2012**

Deputy Municipal Clerk

RCS# 1724
2/06/12
2:43 PM

Atlanta City Council

CONSENT I

02/06/2012 AGENDA SECTION I

ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 3

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

CONSENT I

		02-06-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 12-O-0010	36. 12-R-0113	44. 12-R-0121
2. 10-O-1808	37. 12-R-0114	45. 12-R-0122
3. 11-O-1540	38. 12-R-0115	46. 12-R-0123
4. 12-O-0013	39. 12-R-0116	47. 12-R-0124
5. 12-O-0080	40. 12-R-0117	48. 12-R-0125
6. 12-O-0087	41. 12-R-0118	49. 12-R-0126
7. 12-O-0046	42. 12-R-0119	50. 12-R-0127
8. 12-O-0047	43. 12-R-0120	51. 12-R-0128
9. 12-O-0048		52. 12-R-0129
10. 12-O-0077		53. 12-R-0130
11. 12-O-0054		54. 12-R-0131
12. 12-O-0055		55. 12-R-0132
13. 12-O-0057		56. 12-R-0133
14. 12-O-0061		57. 12-R-0134
15. 12-O-0062		58. 12-R-0135
16. 12-O-0085		59. 12-R-0136
17. 11-R-1132		60. 12-R-0137
18. 12-R-0089		61. 12-R-0138
19. 12-R-0090		62. 12-R-0139
20. 12-R-0091		63. 12-R-0140
21. 12-R-0092		64. 12-R-0141
22. 12-R-0154		65. 12-R-0142
23. 11-R-1581		66. 12-R-0143
24. 12-R-0083		67. 12-R-0144
25. 12-R-0086		68. 12-R-0145
26. 12-R-0110		69. 12-R-0146
27. 12-R-0111		70. 12-R-0147
28. 12-R-0148		
29. 12-R-0149		
30. 12-R-0106		
31. 12-R-0107		
32. 12-R-0108		
33. 12-R-0109		
34. 12-R-0096		
35. 12-R-0097		