

**11-0-0945**  
 (Do Not Write Above This Line)

AN ORDINANCE  
 BY: *[Signature]*  
 COUNCIL MEMBER AARON WATSON  
 AN ORDINANCE AUTHORIZING THE  
 MAYOR, ACTING ON BEHALF OF  
 THE CITY OF ATLANTA, TO  
 EXECUTE ALL DOCUMENTS  
 NECESSARY TO ACCEPT THE  
 DEDICATION OF 1.5 ACRES OF LAND  
 ADJACENT TO THE HISTORIC  
 FOURTH WARD PARK FOR PARK  
 LAND PURPOSES; AND FOR OTHER  
 PURPOSES.  
*substitute*

ADOPTED BY

JUL 0 2 2012

**COUNCIL**

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

Date Referred: *6/6/11*  
 Referred To: *CD/HR*  
 Date Referred  
 Referred To:  
 Date Referred  
 Referred To:

First Reading  
 Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

Committee *CD/HR*  
 Date *6/14/11*  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_  
 Members \_\_\_\_\_

Refer To \_\_\_\_\_  
 Committee *CD/HR*  
 Date *6/14/11*  
 Chair *[Signature]*  
 Action Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_  
 Members \_\_\_\_\_

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 \_\_\_\_\_

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

**CERTIFIED**  
 JUL 0 2 2012  
 ATLANTA CITY COUNCIL PRESIDENT  
*[Signature]*

**CERTIFIED**  
 JUL 0 2 2012  
*Ronald D. Campbell*  
 MUNICIPAL CLERK

MAYOR'S ACTION  
**APPROVED**  
 JUL 1 1 2012  
 WITHOUT SIGNATURE  
 BY OPERATION OF LAW

**AN ORDINANCE BY COUNCILMEMBERS  
AARON WATSON, H. LAMAR WILLIS AND MICHAEL J. BOND  
AS SUBSTITUTED BY COMMUNITY DEVELOPMENT/ HUMAN RESOURCES  
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 ACCEPT THE DEDICATION OF APPROXIMATELY 1.58 ACRES OF PROPERTY ADJACENT TO HISTORIC FOURTH WARD PARK FOR PARK LAND; AND FOR OTHER PURPOSES.**

**WHEREAS**, Redus Atlanta Housing, LLC (“Owner”) is the current land owner of approximately 1.58 acres of land, more particularly described in the legal description attached hereto as Exhibit “A” (the “Property”), which has been planned, in coordination with the Historic Fourth Ward Park Conservancy, Atlanta BeltLine, Inc, the City of Atlanta and other stakeholders, to become part of the Historic Fourth Ward Park, as more particularly shown on the Historic Fourth Ward Park Master Plan; and

**WHEREAS**, the City of Atlanta’s 2008 Strategic Action Plan, as amended, and Atlanta BeltLine Master Plan Subarea 5: Freedom Parkway, as adopted by City Council in Ordinance 09-O-0129, shows the property contained in Exhibit “A” as part of the Historic Fourth Ward Park; and

**WHEREAS**, zoning condition number 19 imposed by Ordinance No. 10-O-0776, Z-10-Z-05-54, requires that “641 North Avenue parcel shall include a park, for public use, which shall remain open and accessible to the general public during normal City of Atlanta park hours”, and the property described in Exhibit “A” is part of the 641 North Avenue parcel; and

**WHEREAS**, Owner wishes to satisfy the required dedication of a public park pursuant to that foregoing Master Plan and condition of zoning contained in the aforementioned Ordinances by dedicating the 1.58 acres of land to the City of Atlanta; and

**WHEREAS**, the City of Atlanta desires to accept the land for park purposes to implement the approved Historic Fourth Ward Park Master Plan, the 2008 Strategic Action Plan and the Atlanta BeltLine Master Plan Subarea 5: Freedom Parkway; and

**WHEREAS**, the Commissioner of Parks, Recreation and Cultural Affairs has determined that such improvements [park land] meet applicable city standards and agreed on behalf of the city to accept such improvements for maintenance in accordance with impact fee ordinance Sec. 19-1014(b)(5).



**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 current landowner or its designee to accept the dedication of the 1.58 acres of real property as defined in Exhibit "A."

**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, closing costs and other costs of acquisition (the "City's Due Diligence and Purchase Services").

**SECTION 3:** 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 to facilitate the acceptance of the dedication of the approximately 1.58 acres of land described in Exhibit "A".

**SECTION 4** The City's Greenspace Acquisition Consultant (the "Consultant") is authorized to arrange for and negotiate for the Due Diligence and Purchase Services.

**SECTION 5:** All outstanding applicable taxes and assessments including the year of transfer shall be paid by Owner.

**SECTION 6:** Due diligence and closing costs in an amount not to exceed \$5000 shall be paid by Owner at closing.

**SECTION 7:** 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 8:** The requirements of the City Code Section 2-1541 (d), of the Procurement and Real Estate Code, are hereby waived to allow the purchase of the Property on behalf of the City without further authorization by the City Council.

**SECTION 9:** 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 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,

*Rhonda Daughin Johnson*  
Municipal Clerk

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

**JUL 02, 2012**  
**JUL 11, 2012**



## EXHIBIT A

### HISTORIC FOURTH WARD PARK EXPANSION LEGAL DESCRIPTION

Deed Book 49703 Pg 321  
Cathelene Robinson  
Clerk of Superior Court  
Fulton County, Georgia

#### EXHIBIT "a"

Legal Description - [REDACTED]

ALL THAT TRACT or parcel of land lying and being in Land Lot 18 of the 14<sup>th</sup> District, City of Atlanta, Georgia and being more particularly described as follows:

COMMENCING at a point at the northwesterly intersection of the southwesterly right of way of North Angier Avenue with the northerly right of way of Morgan Street; thence proceeding south 81 degrees 24 minutes 07 seconds west along the northerly right of way of Morgan Street a distance of 140.43 feet to a point and POINT OF BEGINNING; thence continuing south 81 degrees 24 minutes 07 seconds west along the northerly right of way of Morgan Street a distance of 165.53 feet to a point; thence departing said right of way and proceeding north 36 degrees 02 minutes 06 seconds east a distance of 44.59 feet to a point, thence proceeding along a curve to the left an arc distance of 63.36 feet (said curve having a radius of 55.00 feet and being subtended by a chord bearing of north 03 degrees 02 minutes 05 seconds east and a chord distance of 59.91 feet) to a point; thence proceeding north 29 degrees 57 minutes 56 seconds west a distance of 102.56 feet to a point, thence proceeding along a curve to the right an arc distance of 55.21 feet (said curve having a radius of 150.00 feet and being subtended by a chord bearing of north 19 degrees 25 minutes 15 seconds west and a chord distance of 54.90 feet) to a point; thence proceeding along a curve to the left an arc distance of 148.54 feet (said curve having a radius of 235.00 feet and being subtended by a chord bearing of north 26 degrees 59 minutes 03 seconds west and a chord distance of 146.08 feet) to a point; thence proceeding along a curve to the right an arc distance of 54.22 feet (said curve having a radius of 200.00 feet and being subtended by a chord bearing of north 37 degrees 19 minutes 32 seconds west and a chord distance of 54.05 feet) to a point; thence proceeding north 29 degrees 33 minutes 33 seconds west a distance of 65.58 feet to a point; thence proceeding along a curve to the right an arc distance of 22.94 feet (said curve having a radius of 20.00 feet and being subtended by a chord bearing of north 03 degrees 18 minutes 21 seconds east and a chord distance of 21.71 feet) to a point on the southerly right of way of North Avenue; thence proceeding along said right of way south 89 degrees 43 minutes 47 seconds east a distance of 118.76 feet to a point; thence proceeding south 24 degrees 55 minutes 14 seconds east a distance of 188.61 feet to a point; thence proceeding north 60 degrees 33 minutes 41 seconds east a distance of 105.41 feet to a point on the aforesaid right of way of North Angier Avenue; thence proceeding along said right of way south 29 degrees 30 minutes 40 seconds east a distance of 140.46 feet to a point; thence departing said right of way and proceeding south 61 degrees 07 minutes 24 seconds west a distance of 116.60 feet to a point; thence proceeding south 24 degrees 55 minutes 14 seconds east a distance of 182.25 feet to a point and POINT OF BEGINNING.

Said parcel contains 68,677 square feet or 1.58 acres.



RCS# 2125  
7/02/12  
2:16 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SEC. I EXCEPT 12-R-0888  
MONDAY, JULY 2, 2012 AGENDA  
ADOPT AS AMNDED

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 0

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

CONSENT I

|                             |                             | 07-02-12                     |
|-----------------------------|-----------------------------|------------------------------|
| ITEMS ADOPTED ON<br>CONSENT | ITEMS ADOPTED ON<br>CONSENT | ITEMS ADVERSED<br>ON CONSENT |
| 1. 12-O-0899                | 38. 12-R-0859               | 46. 12-R-0868                |
| 2. 12-O-0672                | 39. 12-R-0860               | 47. 12-R-0869                |
| 3. 12-O-0454                | 40. 12-R-0861               | 48. 12-R-0870                |
| 4. 12-O-0819                | 41. 12-R-0862               | 49. 12-R-0871                |
| 5. 12-O-0820                | 42. 12-R-0863               | 50. 12-R-0872                |
| 6. 12-O-0833                | 43. 12-R-0864               | 51. 12-R-0873                |
| 7. 12-O-0391                | 44. 12-R-0865               | 52. 12-R-0874                |
| 8. 12-O-0813                | 45. 12-R-0866               |                              |
| 9. 12-O-0814                |                             |                              |
| 10. 11-O-0945               |                             |                              |
| 11. 12-O-0810               |                             |                              |
| 12. 12-O-0811               |                             |                              |
| 13. 12-O-0812               |                             |                              |
| 14. 12-O-0896               |                             |                              |
| 15. 12-O-0455               |                             |                              |
| 16. 12-O-0558               |                             |                              |
| 17. 12-R-0887               |                             |                              |
| 19. 12-R-0880               |                             |                              |
| 20. 12-R-0881               |                             |                              |
| 21. 12-R-0882               |                             |                              |
| 22. 12-R-0883               |                             |                              |
| 23. 12-R-0884               |                             |                              |
| 24. 12-R-0875               |                             |                              |
| 25. 12-R-0876               |                             |                              |
| 26. 12-R-0897               |                             |                              |
| 27. 12-R-0898               |                             |                              |
| 28. 12-R-0901               |                             |                              |
| 29. 12-R-0696               |                             |                              |
| 30. 12-R-0818               |                             |                              |
| 31. 12-R-0852               |                             |                              |
| 32. 12-R-0853               |                             |                              |
| 33. 12-R-0854               |                             |                              |
| 34. 12-R-0855               |                             |                              |
| 35. 12-R-0856               |                             |                              |
| 36. 12-R-0857               |                             |                              |
| 37. 12-R-0858               |                             |                              |