

(Do Not Write Above This Line)

12-0-1199

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, AND AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA TO NEGOTIATE FOR AND ACCEPT APPROXIMATELY 0.105 ACRES OF PROPERTY LOCATED AT 71 WEATHERBY STREET FROM ENVIRONS RESIDENTIAL DESIGN AND CONSTRUCTION OR THE CURRENT LAND OWNER TO BE DESIGNATED AS PARK LAND FOR THE PURPOSE OF EXPANDING THE EXISTING LANG CARSON PARK; WITH ALL CLOSING COSTS, DUE DILIGENCE EXPENSES, DEVELOPMENT COSTS AND PURCHASE SERVICES FOR THE CITY OF ATLANTA TO BE PAID AT CLOSING BY ATLANTA BELTLINE INC., THROUGH A DONATION FROM THE ATLANTA BELTLINE PARTNERSHIP IN AN AMOUNT NOT TO EXCEED TWENTY FIVE THOUSAND DOLLARS AND NO CENTS (\$25,000.00); AND FOR OTHER PURPOSES.

ADOPTED BY

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

OCT 01 2012 COUNCIL

Date Referred

9/17/12

Referred To:

Finance/Exec

Date Referred

Referred To:

Date Referred

Referred To:

470107-1

First Reading

Committee Finance/Executive
Date 9/17/12
Chair F. Moore
Referred To Finance/Executive

Committee F. Moore

Date

Action Chair
Fav, Adv, Hold (See rev. side)
Other

Members

Yodanis

Refer To

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

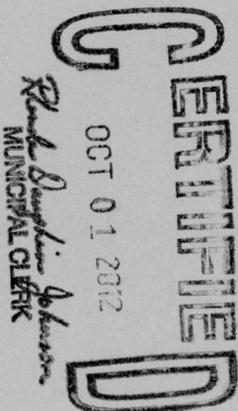
MAYOR'S ACTION

APPROVED

OCT 10 2012

WITHOUT SIGNATURE BY OPERATION OF LAW

- FINAL COUNCIL ACTION
- 2ND
 - 1ST & 2ND
 - 3RD
- Readings
- Consent
 - V Vote
 - RC Vote





**CITY COUNCIL
ATLANTA, GEORGIA**

12-0-

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**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, AND AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA TO NEGOTIATE FOR AND ACCEPT APPROXIMATELY 0.105 ACRES OF PROPERTY LOCATED AT 71 WEATHERBY STREET FROM ENVIRONS RESIDENTIAL DESIGN AND CONSTRUCTION OR THE CURRENT LAND OWNER TO BE DESIGNATED AS PARK LAND FOR THE PURPOSE OF EXPANDING THE EXISTING LANG CARSON PARK; WITH ALL CLOSING COSTS, DUE DILIGENCE EXPENSES, DEVELOPMENT COSTS AND PURCHASE SERVICES FOR THE CITY OF ATLANTA TO BE PAID AT CLOSING BY ATLANTA BELTLINE INC., THROUGH A DONATION FROM THE ATLANTA BELTLINE PARTNERSHIP IN AN AMOUNT NOT TO EXCEED TWENTY FIVE THOUSAND DOLLARS AND NO CENTS (\$25,000.00); AND FOR OTHER PURPOSES.

WHEREAS, Environs Residential Design and Construction, LLC (“the Owner”) currently owns approximately 0.105 acres of property, located at 71 Weatherby Street, Atlanta, Georgia, Parcel Identification Number 14-0013-0006-032-3 (the “Property”); and

WHEREAS, the Neighborhood Stabilization Program (“NSP”) provides emergency assistance to states and local governments to acquire and redevelop foreclosed properties authorized under Title III of Division B of the Housing and Economic Recovery Act, 2008; and

WHEREAS, the City was awarded Three Million Nine Hundred Eighty Eight Thousand Three Hundred Seventeen Dollars and No Cents (\$3,988,317.00) from the State of Georgia Department of Community Affairs to implement the NSP; and

WHEREAS, pursuant to Resolution 09-R-0856, adopted by the Atlanta City Council on May 18, 2009, and approved by the Mayor on May 26, 2009, the City entered into a contractual agreement with the Owner for development of the Property; and

WHEREAS, pursuant to the agreement between the City and the Owner, the City holds a security interest in the Property in the amount of Forty Thousand Five Hundred Fifty Four Dollars (\$40,554.00) (the “Lien”); and

WHEREAS, the Property is adjacent to Lang Carson Park (the “Park”) and the City now desires to acquire the Property as part of further development of the Park; and

WHEREAS, the City desires to release the Lien in exchange for title to the Property; and



WHEREAS, the Owner desires to transfer the Property to the City for development of the Park; and

WHEREAS, the Atlanta BeltLine Inc., through a donation from Atlanta BeltLine Partnership, has agreed to pay the City's due diligence costs and purchase services at closing in an amount not to exceed Twenty Five Thousand Dollars and No Cents (\$25,000.00); and

WHEREAS, accepting the Property is consistent with the City's goals of greenspace 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 Owner or current landowner to accept all or part of the real property located at 71 Weatherby Street, Atlanta, Georgia, Parcel Identification Number 14-0013-0006-032-3 at no cost to the City.

SECTION 2: The Director of the Office of Housing on behalf of the City is hereby authorized to release the Lien in exchange for title to the Property.

SECTION 3: 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, expenses and other costs of acquisition (the "City's Due Diligence and Purchase Services").

SECTION: 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 5: 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 6: 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 7: 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 8: 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 9: 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 10: 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.

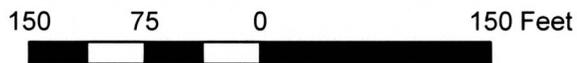
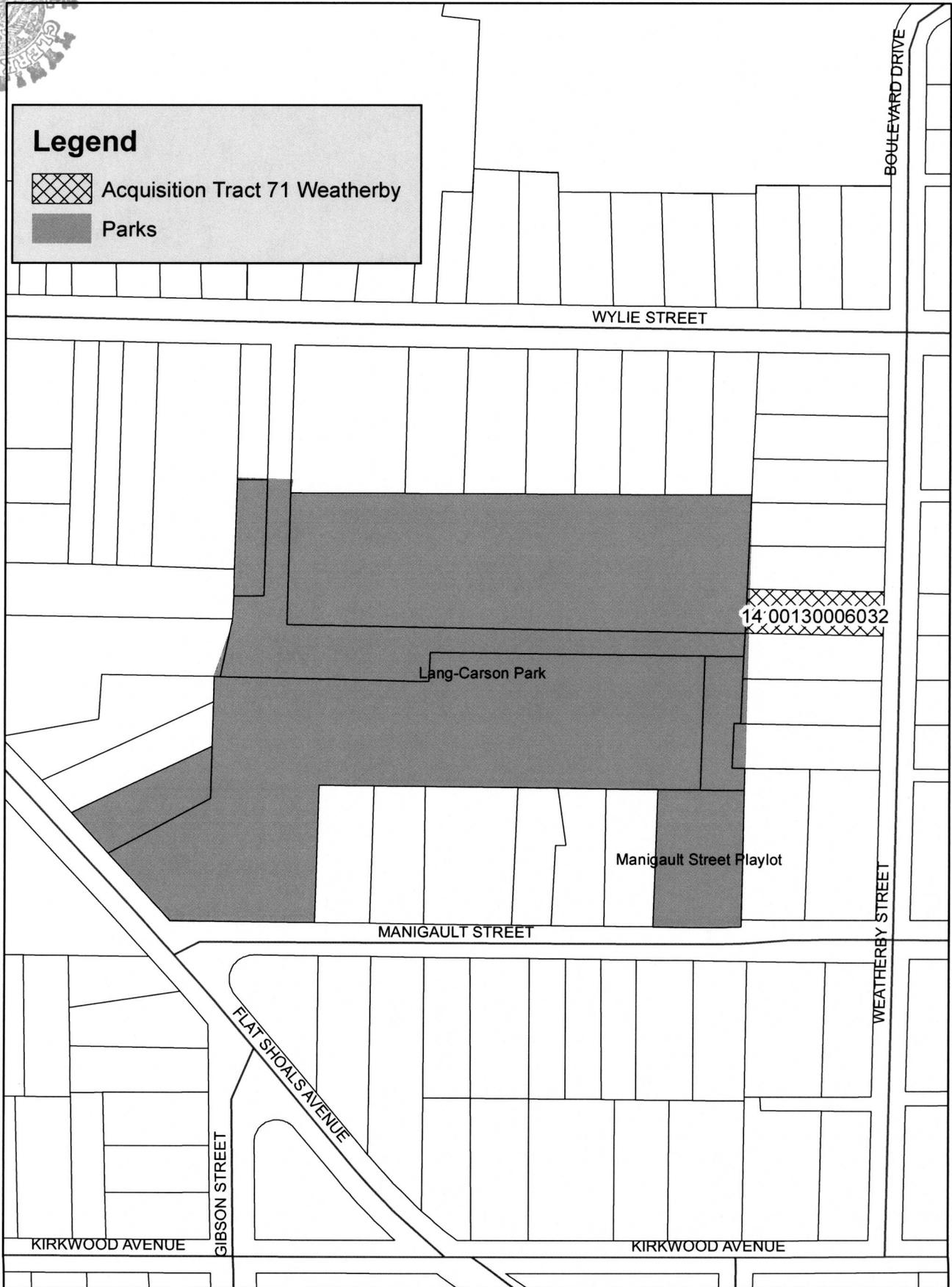
A true copy,

Deputy Municipal Clerk

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

October 01, 2012
October 10, 2012

EXHIBIT A - Lang-Carson Park 71 Weatherby



RCS# 2322
10/01/12
2:35 PM

Atlanta City Council

CONSENT I

ALL ITEMS EXCEPT 12-R-0997
OCTOBER 1, 2012
ADOPT AS AMNDED

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

Y Smith	B Archibong	Y Moore	Y Bond
NV 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

		10-01-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPDED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 12-O-1056	35. 12-R-1283	42. 12-R-1290
2. 12-O-1129	36. 12-R-1284	43. 12-R-1291
3. 12-O-1179	37. 12-R-1285	44. 12-R-1292
4. 12-O-1180	38. 12-R-1286	45. 12-R-1293
5. 12-O-1181	39. 12-R-1287	46. 12-R-1294
6. 12-O-1167	40. 12-R-1288	47. 12-R-1295
7. 12-O-1168	41. 12-R-1289	48. 12-R-1296
8. 12-O-1169		49. 12-R-1297
9. 12-O-1170		50. 12-R-1298
10. 12-O-1171		51. 12-R-1299
11. 12-O-1172		52. 12-R-1300
12. 11-O-1195		53. 12-R-1301
13. 12-O-1321		54. 12-R-1302
14. 12-O-1038		55. 12-R-1303
15. 12-O-1199		56. 12-R-1304
16. 12-O-1243		57. 12-R-1305
17. 12-O-1315		58. 12-R-1306
18. 12-R-1163		59. 12-R-1307
19. 12-R-1253		60. 12-R-1308
20. 12-R-1265		61. 12-R-1309
21. 12-R-1266		
22. 12-R-1268		
23. 12-R-1278		
24. 12-R-1279		
25. 12-R-1280		
26. 12-R-1282		
27. 12-R-1191		
28. 12-R-1274		
29. 12-R-1275		
30. 12-R-1310		
31. 12-R-1323		
32. 12-R-1101		
33. 12-R-1270		
34. 12-R-1272		