

12-0-1622

(Do Not Write Above This Line)

AN ORDINANCE BY COUNCIL MEMBER

H. Lewis Hill *John S. Clark*

AN ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND THE ACQUISITION OF REAL PROPERTY LOCATED AT 23 PARK PLACE IN LAND LOTS 51 AND 78 OF THE 14TH DISTRICT, FULTON COUNTY GEORGIA FOR THE PURPOSES OF CERTAIN ROADWAY IMPROVEMENTS IN CONNECTION WITH THE ATLANTA STREETCAR PROJECT; COSTS ASSOCIATED WITH THE REFERENCED EASEMENTS AND REAL PROPERTY ACQUISITION TO BE CHARGED TO AND PAID FROM FUND 2501 (INTERGOVERNMENTAL GRANT FUND) DEPARTMENT/ ORGANIZATION 040416 (EXE-CAPITAL PROJECTS) ACCOUNT 5710001 (PAYMENTS TO OTHER GOVERNMENTS) FUNCTION/ACTIVITY 7550001 (STREETCAR); AND FOR OTHER PURPOSES. *substitute*

Committee _____
Date _____
Chair _____
Referred To _____

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

First Reading

F. Committee
Fairly
Date 11-14-12

Chair *John A. Johnson*
Action *on substitute*
Fav, Adv, Hold (see rev. side)

Members

John Clark
H. J. Shock
Johnson

Refer To

Committee _____

Date _____

Chair _____

Action _____

Other _____

Fav, Adv, Hold (see rev. side)

Members

Refer To

ADOPTED BY

Committee _____

NOV 19 2012

Date _____

Chair _____

Action _____

Fav, Adv, Hold (see rev. side)

Other _____

Members

11/5/12
Finance *Brac*

Date Referred _____
Referred To: _____

Refer To

MAYOR'S ACTION

APPROVED

NOV 28 2012

WITHOUT SIGNATURE
BY OPERATION OF LAW

CERTIFIED
NOV 19 2012
COUNCIL PRESIDENT PROTTEM

CERTIFIED
NOV 19 2012
Frankie D. Dunbar
MUNICIPAL CLERK



CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE

12-O-1622

BY COUNCIL MEMBERS H LAMAR WILLIS AND AARON WATSON

AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND THE ACQUISITION OF REAL PROPERTY LOCATED AT 23 PARK PLACE IN LAND LOTS 51 AND 78 OF THE 14TH DISTRICT, FULTON COUNTY GEORGIA FOR THE PURPOSES OF CERTAIN ROADWAY IMPROVEMENTS IN CONNECTION WITH THE ATLANTA STREETCAR PROJECT; COSTS ASSOCIATED WITH THE REFERENCED EASEMENTS AND REAL PROPERTY ACQUISITION TO BE CHARGED TO AND PAID FROM [FUND 2501 (INTERGOVERNMENTAL GRANT FUND) DEPARTMENT/ ORGANIZATION 040416 (EXE-CAPITAL PROJECTS) ACCOUNT 5710001 (PAYMENTS TO OTHER GOVERNMENTS) FUNCTION/ACTIVITY 7550001 (STREETCAR) PROJECT 111097 (STREETCAR PHASE 1) FUNDING SOURCE 11995 (STREET CAR ADID) 11996 (STREET CAR AURA) 91993 (STREET CAR COA); AND FOR OTHER PURPOSES.

WHEREAS, in connection with the construction and development of the Atlanta Streetcar Project, a modern electric streetcar the first phase of which will span 2.7 miles in downtown Atlanta (the "Project"), it is necessary for the City of Atlanta (the "City") to acquire certain permanent and construction easements and necessary rights-of-way from private property owners; and

WHEREAS, Ordinance 12-O-0568 adopted by City Council on May 21, 2012, and approved by operation of law on May 30, 2012, authorized the Chief Procurement Officer or his designee or consultant to negotiate and settle temporary or permanent construction easements, rights-of-way and other related property interests necessary to complete construction of the Project and waived Sections 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code requiring further authorization of City Council in connection with three identified parcels of property; and

WHEREAS, since adoption of Ordinance 12-O-0568, the design-build contractor for the Project has identified an additional parcel of property located at 23 Park Place, Atlanta, Georgia in Land Lots 51 and 78 in the 14th District of Fulton County owned by Panther Place, LLC, and further identified by tax parcel identification number 14-0078-0013-074-8, as shown in the plat attached as Exhibit A hereto and incorporated herein by this reference (the "Property"), for which a temporary and/or permanent construction easement and partial taking of approximately two hundred and thirty-six (236) square feet is required; and

WHEREAS, in accordance with Section 4.01 of the Intergovernmental Agreement between the City, the Downtown Atlanta Improvement District and the Metropolitan Atlanta Rapid Transit



Authority (“MARTA”), authorized by Atlanta City Council Ordinance 11-O-0327, MARTA is charged with providing technical support and oversight of construction and implementation services for the Project; and

WHEREAS, MARTA’s procurement process as established by Section 14 of the MARTA Act, the MARTA by-laws, and applicable MARTA policies and procedures, are being utilized for the procurement of the contractor(s) who will provide the appraisals and appraisal reports in connection with any real property interests required to facilitate construction and development of the Project; and

WHEREAS, in order to meet the schedule deadlines imposed by the design-build contractor for acquisition of all necessary property interests in connection with the Project, the requirements of Sections 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code which require further authorization from City Council for the acquisition of permanent and temporary easements and real property described in this Ordinance should be waived.

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

SECTION 1: That the Chief Procurement Officer, his designee or consultant is hereby authorized to obtain title reports, appraisal reports, land surveys, legal descriptions and environmental reports for the purpose of acquiring temporary and/or permanent construction easements and the necessary rights-of-way to complete construction of the Project for the Property.

SECTION 2: That the Chief Procurement Officer is authorized to use the procurement process of MARTA for the purpose of procuring the contractor who will be responsible for providing the necessary appraisal and appraisal reports, as required by Section 2-1541(c) of the Procurement and Real Estate Code.

SECTION 3: That the Chief Procurement Officer, his designee or consultant is hereby authorized to negotiate with Panther Place LLC, as owner of the Property, to acquire temporary and/or permanent construction easements and the necessary rights-of-way to complete construction of the Project.

SECTION 4: That the Chief Procurement Officer, his designee or consultant is authorized to settle those acquisitions of the Property at an amount not to exceed ten percent (10%) or Two Hundred and Fifty and 00/100 Dollars (\$250.00), whichever is greater, above the estimated just compensation. The Chief Procurement Officer is authorized to settle, without further authorization of City Council, those acquisitions which exceed this limit. However, in no event, shall the Chief Procurement Officer’s authority to negotiate or settle administratively such acquisitions without City Council authorization exceed twenty percent (20%) or Five Hundred and 00/100 Dollars (\$500.00), whichever is greater, above the estimated just compensation for the Property.

SECTION 5: That the requirements of Sections 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code which require further authorization of City Council for the acquisition of permanent and temporary easements and real property described in this Ordinance are waived.



SECTION 6: That the City Attorney or her designee is authorized to monitor and supervise the closing transactions in connection with the Property, with the assistance of the Chief Procurement Officer, his designee or consultant.

SECTION 7: That all costs associated with this Ordinance, including, but not limited to the cost of the appraisal and appraisal reports for the Property, will be charged to and paid from [Fund 2501 (Intergovernmental Grant Fund) Department/Organization 040416 (EXE-Capital Projects) Account 5710001 (Payments to Other Governments) Function/Activity 7550001 (Streetcar) PROJECT 111097 (Street Car Phase1) Funding Source 11995 (Street Car ADID) 11996 (Street Car AURA) 91993 (Street Car COA)].

SECTION 8: That 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.

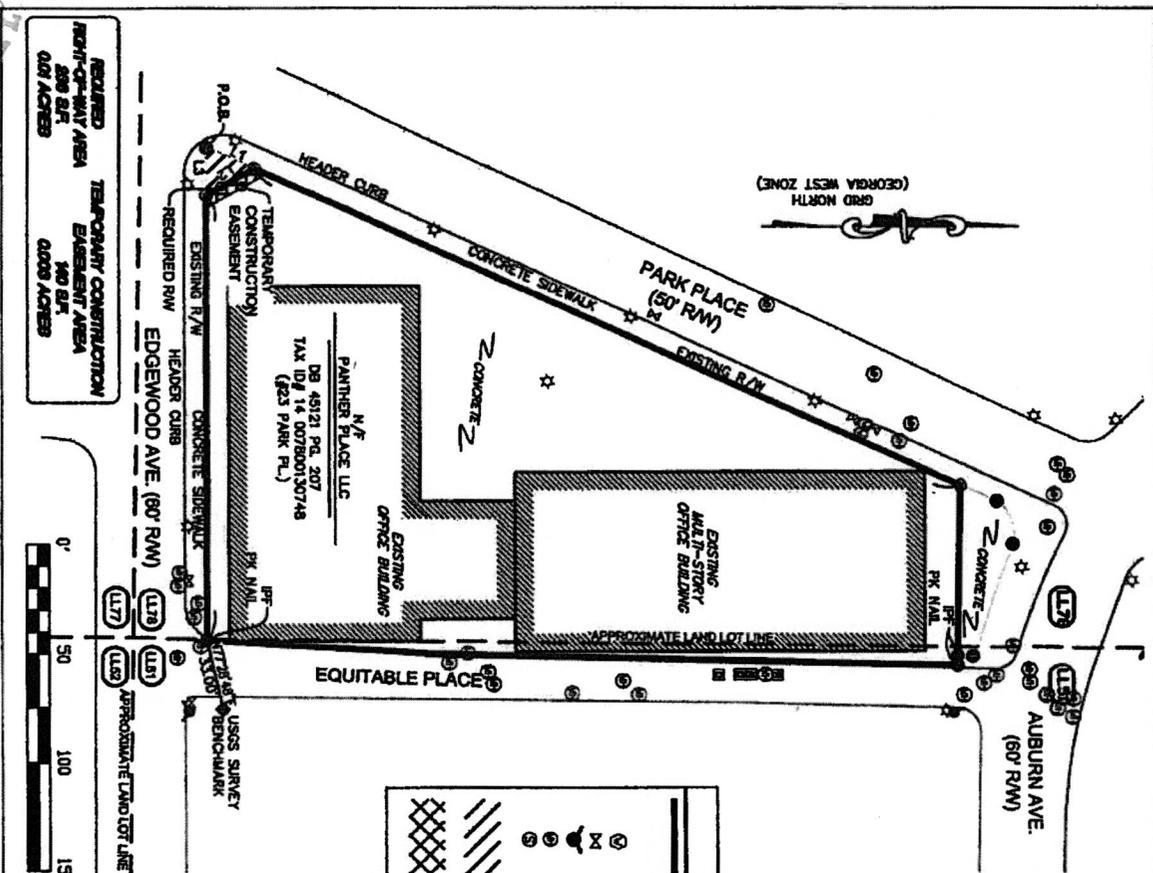
A true copy,

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

November 19, 2012
November 28, 2012


Deputy Municipal Clerk

EXHIBIT A



REQUIRED RIGHT-OF-WAY AREA 899 SQ. FT. 0.020 ACRES
 TEMPORARY CONSTRUCTION EASEMENT AREA 140 SQ. FT. 0.003 ACRES



TOTAL PARCEL AREA: 1.22 AC. 53,063 SQ. FT.
 REQUIRED R/W AREA: 0.01 AC. 238 SQ. FT.
 REMAINING AREA: 0.32 AC. 52,817 SQ. FT.

LINE	BEARING	LENGTH
L1	N42°03'E	23.56
L2	S89°45'18"E	24.77
L3	S89°58'05"W	21.88

LEGEND

—	PROPERTY LINE	☆	UTILITY POLE
—	RIGHT-OF-WAY (R.O.W.) LINE	☆	LIGHT POLE
—	WATER LEADER	☆	ROW BY FIELD
—	WATER VALVE (WV)	☆	ROW PER SET
—	POLE	☆	ROW SET
—	POLE HOODING (PH)	☆	ROW SET
—	LANEWAY	☆	ROW SET
—	SEWER LANEWAY	☆	ROW SET
—	REQUIRED RIGHT-OF-WAY AREA	☆	ROW SET
—	TEMPORARY CONSTRUCTION EASEMENT AREA	☆	ROW SET



GENERAL NOTES

1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 36,832 FEET, AND AN ANGULAR ERROR OF 01 SECONDS PER ANGLE POINT AND WAS ADJUSTED BY LEAST SQUARES METHOD. THIS PLAT HAS BEEN CHECKED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 21,220 FEET.
2. SURVEY PROCEDURES: THIS SURVEY IS BASED ON MEASUREMENTS OBTAINED USING AN EDCA 1200 SERIES INSTRUMENT CAPABLE OF READING ANGULAR MEASUREMENTS DIRECTLY TO A MINIMUM OF 3 SECONDS OF ARC AND LINEAR DIMENSIONS DIRECTLY TO 0.01 FEET.
3. THE FIELD SURVEY UPON WHICH THIS PLAT IS BASED WAS PERFORMED IN THE FIELD ON 7/16/2012 AND THIS PLAT WAS PREPARED ON THE DATE INDICATED IN THE TITLE BLOCK. A N.E.S. MONUMENT WAS FOUND WITHIN 200 FEET OF THE SUBJECT PROPERTY.
4. THE POSITION OF UNDERGROUND UTILITIES AS SHOWN HEREON HAS BEEN BASED ON THE LOCATION OF ABOVE GROUND APPURTENANCES. NO CERTIFICATION IS MADE AS TO THE ACCURACY AND THOROUGHNESS OF THE INFORMATION CONCERNING UNDERGROUND UTILITIES AND STRUCTURES SHOWN, OR NOT SHOWN HEREON. PER GEORGIA LAW THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES.
5. OWNER AND/OR OWNER HIRING DO NOT GUARANTEE THAT ALL EASEMENTS AND SUB-SURFACE CONDITIONS WHICH MAY AFFECT THE PROPOSED CONSTRUCTION WHICH THIS PLAT DOES NOT REPRESENT THE COMPREHENSIVE BOUNDARY SURVEY. OTHER EASEMENTS AND/OR UTILITIES MAY EXIST, BUT ARE NOT SHOWN HEREON.

CORPORATE ENVIRONMENTAL RISK MANAGEMENT
 200 KENNESAW HILL, N.W.
 SUITE 200 ATLANTA, GA 30328
 PHONE: (404) 252-2111

RIGHT-OF-WAY ACQUISITION PLAT:
 PAINTER PLACE LLC
 23 PARK PLACE
 LAND LOT 91 & 78, DISTRICT 14,
 CITY OF ATLANTA, FALCON COUNTY, GA

CLIENT: URS CORPORATION
 PROJECT NO.: 279-002
 SCALE: 1" = 50'
 DATE: 7-31-2012
 DRAWN BY: BKK

SEAL:
 STATE OF GEORGIA
 SURVEYOR
 No. 5776
 J. R. H. [Signature]
 7/10/12

RCS# 2412
11/19/12
3:44 PM

Atlanta City Council

12-O-1622

PURCHASE OF PERMANENT/TEMPORARY EASEMENT
23 PARK PLACE; STREETCAR PROJECT
ADOPT ON SUB

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

Y Smith	Y Archibong	N Moore	NV 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

12-O-1622