



Order of Business for the Atlanta City Council

Special Call Meeting

Monday, August 19, 2013

6:15 PM

The Honorable Ceasar C. Mitchell, Presiding

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. COMMUNICATION

13-C-5022 (1) - A COMMUNICATION BY COUNCIL PRESIDENT CEASAR C. MITCHELL CALLING FOR A SPECIAL CALL MEETING OF THE ATLANTA CITY COUNCIL ON MONDAY, AUGUST 19, 2013 AT 6:15 P.M. TO CONSIDER THE APPROVAL OF THE USE OF EMINENT DOMAIN TO OBTAIN FEE SIMPLE TITLE TO UNIMPROVED PARCELS OF LAND FRONTING CHICAMAUGA AVENUE FOR THE EXPANSION OF ENOTA PLACE PARK AND TO OBTAIN TEMPORARY CONSTRUCTION AND PERMANENT EASEMENTS ON PARCELS OF LAND FOR THE SOUTH WEST BELTLINE CONNECTOR TRAIL.

RECOMMENDATION TO FILE

VI. ADOPTION OF AGENDA

LEGISLATION FOR CONSIDERATION

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

13-O-1112 (1) - AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-027-3 (PARCEL 6) IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH

THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

13-O-1113 (2) - AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-086-9 (PARCEL 7) IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

13-O-1114 (3) - AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-010-9 (PARCEL 9) IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION:

CITY OF ATLANTA; AND FOR OTHER PURPOSES.

- 13-O-1115 (4) - AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-075-2 (PARCEL 11) IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.
- 13-O-1116 (5) - AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-009-1 (PARCEL 12) IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.
- 13-O-1117 (6) - AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER

CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-070-3 (PARCEL 18) IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

13-O-1118 (7) - AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-072-9 (PARCEL 21) IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

13-O-1107 (8) - AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: # 14-0171-0008-007-1 (0 HANDLEY AVE. SW-PAPER STREET) (PARCEL # 2) IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL

CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

13-O-1108 (9) - AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING MASTER METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6 METHOD, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH A CERTAIN PARCEL LISTED UNDER FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0171-0011-048-0 (PARCEL #6A) IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

13-O-1109 (10) - AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0171-0013-012-4 (2063 RECTOR DRIVE) (PARCEL #10) IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND

2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

13-O-1110 (11) - AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0171-0013-014-0 (2049 RECTOR DRIVE) (PARCEL # 12) IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

13-O-1111 (12) - AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH A CERTAIN PARCEL LISTED UNDER FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0171-0013-016-5 (2025 RECTOR DRIVE) (PARCEL #13) IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101,

AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

VII. GENERAL REMARKS

VIII. ADJOURNMENT ROLL CALL

A COMMUNICATION BY COUNCIL PRESIDENT CEASAR C. MITCHELL CALLING FOR A SPECIAL CALL MEETING OF THE ATLANTA CITY COUNCIL ON MONDAY, AUGUST 19, 2013 AT 6:15 P.M. TO CONSIDER THE APPROVAL OF THE USE OF EMINENT DOMAIN TO OBTAIN FEE SIMPLE TITLE TO UNIMPROVED PARCELS OF LAND FRONTING CHICAMAUGA AVENUE FOR THE EXPANSION OF ENOTA PLACE PARK AND TO OBTAIN TEMPORARY CONSTRUCTION AND PERMANENT EASEMENTS ON PARCELS OF LAND FOR THE SOUTH WEST BELTLINE CONNECTOR TRAIL RECOMMENDATION TO FILE

Review List:

Office of the Municipal Clerk
Atlanta City Council

Pending
Pending

Certified by Presiding Officer	Certified by Clerk

LEGISLATION HISTORY – BLUE BACK

A COMMUNICATION BY COUNCIL PRESIDENT CEASAR C. MITCHELL CALLING FOR A SPECIAL CALL MEETING OF THE ATLANTA CITY COUNCIL ON MONDAY, AUGUST 19, 2013 AT 6:15 P.M. TO CONSIDER THE APPROVAL OF THE USE OF EMINENT DOMAIN TO OBTAIN FEE SIMPLE TITLE TO UNIMPROVED PARCELS OF LAND FRONTING CHICAMAUGA AVENUE FOR THE EXPANSION OF ENOTA PLACE PARK AND TO OBTAIN TEMPORARY CONSTRUCTION AND PERMANENT EASEMENTS ON PARCELS OF LAND FOR THE SOUTH WEST BELTLINE CONNECTOR TRAIL RECOMMENDATION TO FILE

MEMORANDUM

TO: All Members of Council

CC: Rhonda Dauphin Johnson, Municipal Clerk

Tangela Williams, Director of Council Staff

FROM: Ceasar C. Mitchell, City Council President

SUBJECT: Special Called Council Meeting- Monday, August 19, 2013

DATE: July 24,2012

Please accept this communication as official notice of a Special Called meeting on Monday, August 19, 2013 at 6:15pm. I have asked the members of Council to convene in the Council Chamber to consider the approval of the use of eminent domain to obtain fee simple title to the following unimproved parcels of land fronting Chicamauga Avenue (paper street) for the expansion ofEnota Place Park, a public use:

Project Parcel Ordinance # Address Tax parcel ID #

#

6 13-0-1112 o Chicamauga Ave. SW 14-0140-0002-027 -3

7 13-0-1113 o ChicamaugaAve. SW 14-0140-0002-086-9

9 13-0-1114 o Chicamauga Ave. SW 14-0140-0002-010-9

11 13-0-1115 o ChicamaugaAve. SW 14-0140-0002-075-2

12 13-0-1116 o Chicamauga Ave. SW 14-0140-0002-009-1

18 13-0-1117 o Chicamauga Ave. SOW 14-0140-0002-070-3

21 13-0-1118 o Chicamauga Ave. SW 14-0140-0002-072-9

And to obtain temporary construction and permanent easements on the following parcels ofland for the South West Beltline Connector trail, a public use:

Project Parcel Ordinance # Address Tax parcel ID #

#

2 13-0-1107 o Handley Ave. SW 14-0171-0008-007-1

6A 13-0-1108 o Beecher Rd. 14-0171-0011-048-0

10 13-0-1109 2063 Rector Dr. 14-0171-0013-012-4

12 13-0-1110 2049 Rector Dr. 14-0171-0013-014-0

13 13-0-1111 2025 Rector Dr. 14-0171-0013-016-5

Should you any questions, please do not hesitate to contact me directly. Thank you.

C. The Honorable Mayor Kasim Reed

Duriya Farooqui, Interim Chief Operating Officer

Candace Byrd, Mayor's Chief of Staff

Katrina Parks Taylor, Deputy Chief of Staff

Jim Beard, Chief Financial Officer

Cathy Hampton, City Attorney

Peter Andrews, Deputy City Attorney

Dexter Chambers, Director of Council Communications

Sonji Dade, Director of Communications, Mayor's Office

Michael Carswell, City Channel 26 Station

City Council Staff



ATLANTA CITY COUNCIL

CEASAR C. MITCHELL
PRESIDENT

55 TRINITY AVENUE, S.W.
SECOND FLOOR EAST
ATLANTA, GEORGIA 30335
DIRECT (404) 330-6052
MAIN (404) 330-6030
FAX (404) 658-6562
E-MAIL CCMITCHELL@ATLANTAGA.GOV
WWW.CEASARMITCHELL.COM

MEMORANDUM

TO: All Members of Council

CC: Rhonda Dauphin Johnson, Municipal Clerk
Tangela Williams, Director of Council Staff

FROM: Ceasar C. Mitchell, City Council President

SUBJECT: Special Called Council Meeting- Monday, August 19, 2013

DATE: July 24, 2012

Please accept this communication as official notice of a Special Called meeting on **Monday, August 19, 2013 at 6:15pm**. I have asked the members of Council to convene in the Council Chamber to consider the approval of the use of eminent domain to obtain fee simple title to the following unimproved parcels of land fronting Chicamauga Avenue (paper street) for the expansion of Enota Place Park, a public use:

Project Parcel #	Ordinance #	Address	Tax parcel ID #
6	13-O-1112	O Chicamauga Ave. SW	14-0140-0002-027-3
7	13-O-1113	O Chicamauga Ave. SW	14-0140-0002-086-9
9	13-O-1114	O Chicamauga Ave. SW	14-0140-0002-010-9
11	13-O-1115	O Chicamauga Ave. SW	14-0140-0002-075-2
12	13-O-1116	O Chicamauga Ave. SW	14-0140-0002-009-1
18	13-O-1117	O Chicamauga Ave. SW	14-0140-0002-070-3
21	13-O-1118	O Chicamauga Ave. SW	14-0140-0002-072-9

And to obtain temporary construction and permanent easements on the following parcels of land for the South West Beltline Connector trail, a public use:

Project Parcel #	Ordinance #	Address	Tax parcel ID #
2	13-O-1107	0 Handley Ave. SW	14-0171-0008-007-1
6A	13-O-1108	0 Beecher Rd.	14-0171-0011-048-0
10	13-O-1109	2063 Rector Dr.	14-0171-0013-012-4
12	13-O-1110	2049 Rector Dr.	14-0171-0013-014-0
13	13-O-1111	2025 Rector Dr.	14-0171-0013-016-5

Should you any questions, please do not hesitate to contact me directly. Thank you.

- C. The Honorable Mayor Kasim Reed
 Duriya Farooqui, Interim Chief Operating Officer
 Candace Byrd, Mayor's Chief of Staff
 Katrina Parks Taylor, Deputy Chief of Staff
 Jim Beard, Chief Financial Officer
 Cathy Hampton, City Attorney
 Peter Andrews, Deputy City Attorney
 Dexter Chambers, Director of Council Communications
 Sonji Dade, Director of Communications, Mayor's Office
 Michael Carswell, City Channel 26 Station
 City Council Staff

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-027-3 (PARCEL 6) IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Review List:

Pamela Holmes	Completed	06/14/2013 12:08 PM
George Dusenbury	Completed	06/14/2013 12:11 PM
Mariangela Corales	Completed	06/14/2013 2:33 PM
Mayor's Office	Completed	06/14/2013 5:44 PM
Office of Research and Policy Analysis	Completed	06/17/2013 11:16 AM
Community Development & Human Resources Committee	Completed	06/26/2013 2:45 PM
Atlanta City Council	Completed	07/16/2013 12:55 PM
Community Development & Human Resources Committee	Completed	07/09/2013 4:58 PM
Atlanta City Council	Completed	07/17/2013 7:38 PM
Community Development & Human Resources Committee	Completed	07/31/2013 1:29 PM
Atlanta City Council	Pending	

HISTORY:

06/25/13	Community Development & Human Resources Committee	
07/01/13	Atlanta City Council	REFERRED TO COMMITTEES OF PURV

RESULT:	REFERRED TO COMMITTEES OF PURV [13 TO 0]
AYES:	Wan, Martin, Smith, Shook, Winslow, Moore, Young Jr., Sheperd, Bottoms, Hall, Bond, Archibong, Adrean
ABSENT:	Aaron Watson
AWAY:	H. Lamar Willis

07/09/13 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE

07/15/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION

07/30/13

Community Development & Human Resources Committee FAVORABLE

RESULT: FAVORABLE [4 TO 0]

AYES: Joyce Sheperd, H. Lamar Willis, Cleta Winslow, Ivory Lee Young Jr.

ABSTAIN: Kwanza Hall

AWAY: Howard Shook

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**AN ORDINANCE
BY**

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-027-3 (PARCEL 6) IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, the recitations in Ordinance 03-O-0926 indicate that the City maintained Enota Place Park, for public use as a public park for many years as a leasehold and the Ordinance authorized the acquisition and/or condemnation of Enota Place Park in fee simple; and

WHEREAS, Ordinance 09-O-1372 authorized the purchase of approximately six acres from the Trust for Public Land for the expansion of Enota Place Park which is located along the Beltline; and

WHEREAS, the City and/or Atlanta Beltline, Inc. has acquired most of the parcels necessary to accomplish the expansion of Enota Place Park; and

WHEREAS, to complete the Enota Place Park expansion, it is necessary to exercise eminent domain for parcel #'s 6, 7, 9, 11, 12, 18 and 21 depicted in Ordinance 12-O-0490 ("Parcels"); and

WHEREAS, the exercise of eminent domain over the Parcels is necessary for the expansion of Enota Place Park boundaries, which Parcels will be possessed, occupied and used by the general public; and

WHEREAS, the City engaged in good faith negotiations with the owner of the Property to acquire the Property based upon a certified appraisal of the Property; and

WHEREAS, condemnation, including use of the Special Master method, pursuant to O.C.G.A. § 22-2-100 or other appropriate method, as provided in O.C.G.A. § 22-2-1 *et seq.*, is necessary to complete the expansion of Enota Place Park.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, AS FOLLOWS:

Section 1. Pursuant to Section 2-1542 of the City's Code of Ordinances, the City Attorney is authorized to institute condemnation or other legal proceedings, as may be necessary to clear existing liens and encumbrances on the Property and acquire good and marketable fee simple title to tax parcel identification # 14-0140-0002-027-3, depicted as parcel # 6 on Exhibit "A" hereto, without further authorization by City Council, including engagement and/or use of outside counsel as may be necessary for the purpose of completing the Project in accordance with the Agreement.

Section 2. The Special Mater Method, pursuant to O.C.G.A. § 22-2-100 *et seq.*, or, alternatively, other condemnation proceeding authorized by Title 22 of the Official Code of Georgia is authorized to acquire good and marketable title to the Property for purposes of completing the Parcels.

Section 3. The City Attorney, or her designee, is authorized to monitor and supervise the transactions associated with all legal proceedings and actions concerning the acquisition of the Parcels.

Section 4. The Mayor, or his designee, is authorized to execute all documents on behalf of the City as may be necessary to effectuate the purposes of this Ordinance, including without limitation, acquisition of good and marketable title to the Parcels.

Section 5. All costs related to acquisition of the Parcels, as authorized by this Ordinance will be charged to and paid from Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta. The aggregate amount to condemn each of the seven Parcels shall not exceed \$306,000.00.

Section 6. Article X, Division 14, Subdivision II of the City's Code of Ordinances is waived to the extent such sections apply, such that all authorizations granted in this Ordinance are granted without the need for prior or further authorization of City Council so that the Property can be acquired in a timely fashion to meet the requirements of the Project under the Agreement.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Dept.'s Legislative Liaison: Ellen Wickersham (DPRCA); Mark Haldane (OEAM)

Contact Number: 404-614-8293; 404-865-8586

Originating Department: DPRCA/OEAM

Committee(s) of Purview: Community Development/Human Resources

Chief of Staff Deadline: June 7, 2013

Anticipated Committee Meeting Date(s): June 25, 2013 & July 9, 2013

Anticipated Full Council Date: July 15, 2013

Legislative Counsel's Signature: *Anthony J. Hagan*

Commissioner's Signature: *[Signature]*

Chief Information Officer Signature (for IT Procurements) _____

Chief Procurement Officer Signature: _____

CAPTION
AN ORDINANCE
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0140-0002-027-3 (Parcel 6)

IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAEO, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta; AND FOR OTHER PURPOSES:

FINANCIAL IMPACT: (if any)
Mayor's Staff Only

Received by CPO: _____

Received by LC from CPO: _____

Received by Mayor's Office: 07. 6/7/13
(date)

Reviewed by: [Signature]
(date)

EXHIBIT "A"

All that tract or parcel of land lying and being in the City of Atlanta, in Land Lot 140 of the 14th District of Fulton County, Georgia, and more particularly described as follows:

BEGINNING at a point on the east side of Chicamauga Avenue, sixty (60) feet south to the southeast corner of two proposed streets to be known as Chicamauga Avenue and Chicamauga Court, if said streets were extended to form an angle instead of a curve, and running thence east one hundred ten (110) feet; thence south seventy (70) feet; thence slightly northwesterly one hundred fourteen (114) feet to Chicamauga Avenue; thence north along the east side of Chicamauga Avenue sixty (60) feet to the point of beginning.

Being a part of the same property conveyed to S.S. Robinson and M.V. Sullivan by Warranty Deed from Mrs. Nancy M. Green dated December 10, 1955, filed December 13, 1955, recorded in Deed Book 3066, Page 577, Fulton County, Georgia records.

Submitted to Council: _____ (date)

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development/Human Resources

Caption:

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0140-0002-027-3 (Parcel 6)

IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta; AND FOR OTHER PURPOSES.

Council Meeting Date: July 15, 2013

Requesting Dept.: DPRCA/OEAM

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to authorize condemnation of fee simple interest in order to expand Enota Park. All parcels to be condemned are raw land. No displacement will occur. Good faith efforts to acquire the property through negotiation were not successful due to title issues—questions of ownership and liens exceeding fair market value.

2. Please provide background information regarding this legislation.

Enota Park expansion

645215

3. **If Applicable/Known:** N/A

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:**

4. **Fund Account Center (Ex. Name and number):**

Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta

5. **Source of Funds: Example: Local Assistance Grant:** FROM PARK OPPORTUNITY BOND FUND 2005A.

6. **Fiscal Impact:**

7. **Method of Cost Recovery:** N/A

This Legislative Request Form Was Prepared By: Ellen Wickersham 404-614-8293.

(Do Not Write Above This Line)

AN ORDINANCE BY
COMMUNITY DEVELOPMENT / HUMAN RESOURCES
COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A PULITON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0140-0002-027-3 (Parcel 6)

IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK Opportunity Bond Fund 2005a; Fund: 3129 (Park Improvement Bond), Dept: 140106 (Parks Design, Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAFCO, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta; AND FOR OTHER PURPOSES.

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

Date Referred _____

Referred To: _____

Committee _____

Date _____

Chair _____

Referred 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

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

Refer To

FINAL COUNCIL ACTION

2ND 1ST & 2ND 3RD

Readings

Consent V Vote RC Vote

CERTIFIED

MAYOR'S ACTION

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-086-9 (PARCEL 7) IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Review List:

Pamela Holmes	Completed	06/14/2013 12:08 PM
George Dusenbury	Completed	06/14/2013 12:11 PM
Mariangela Corales	Completed	06/14/2013 2:42 PM
Mayor's Office	Completed	06/14/2013 5:44 PM
Office of Research and Policy Analysis	Completed	06/17/2013 11:09 AM
Community Development & Human Resources Committee	Completed	06/26/2013 2:45 PM
Atlanta City Council	Completed	07/16/2013 12:55 PM
Community Development & Human Resources Committee	Completed	07/09/2013 4:58 PM
Atlanta City Council	Completed	07/17/2013 7:38 PM
Community Development & Human Resources Committee	Completed	07/31/2013 1:07 PM
Atlanta City Council	Pending	

HISTORY:

06/25/13	Community Development & Human Resources Committee	
07/01/13	Atlanta City Council	REFERRED TO COMMITTEES OF PURV

RESULT:	REFERRED TO COMMITTEES OF PURV [13 TO 0]
AYES:	Wan, Martin, Smith, Shook, Winslow, Moore, Young Jr., Sheperd, Bottoms, Hall, Bond, Archibong, Adrean
ABSENT:	Aaron Watson
AWAY:	H. Lamar Willis

07/09/13 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE

07/15/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION

07/30/13

Community Development & Human Resources Committee FAVORABLE

RESULT: FAVORABLE [4 TO 0]

AYES: Joyce Sheperd, H. Lamar Willis, Cleta Winslow, Ivory Lee Young Jr.

ABSTAIN: Kwanza Hall

AWAY: Howard Shook

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**AN ORDINANCE
BY**

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-086-9 (PARCEL 7) IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, the recitations in Ordinance 03-O-0926 indicate that the City maintained Enota Place Park, for public use as a public park for many years as a leasehold and the Ordinance authorized the acquisition and/or condemnation of Enota Place Park in fee simple; and

WHEREAS, Ordinance 09-O-1372 authorized the purchase of approximately six acres from the Trust for Public Land for the expansion of Enota Place Park which is located along the Beltline; and

WHEREAS, the City and/or Atlanta Beltline, Inc. has acquired most of the parcels necessary to accomplish the expansion of Enota Place Park; and

WHEREAS, to complete the Enota Place Park expansion, it is necessary to exercise eminent domain for parcel #'s 6, 7, 9, 11, 12, 18 and 21 depicted in Ordinance 12-O-0490 ("Parcels"); and

WHEREAS, the exercise of eminent domain over the Parcels is necessary for the expansion of Enota Place Park boundaries, which Parcels will be possessed, occupied and used by the general public; and

WHEREAS, the City engaged in good faith negotiations with the owner of the Property to acquire the Property based upon a certified appraisal of the Property; and

WHEREAS, condemnation, including use of the Special Master method, pursuant to O.C.G.A. § 22-2-100 or other appropriate method, as provided in O.C.G.A. § 22-2-1 *et seq.*, is necessary to complete the expansion of Enota Place Park.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, AS FOLLOWS:

Section 1. Pursuant to Section 2-1542 of the City's Code of Ordinances, the City Attorney is authorized to institute condemnation or other legal proceedings, as may be necessary to clear existing liens and encumbrances on the Property and acquire good and marketable fee simple title to tax parcel identification # 14-0140-0002-086-9, depicted as parcel # 7 on Exhibit "A" hereto, without further authorization by City Council, including engagement and/or use of outside counsel as may be necessary for the purpose of completing the Project in accordance with the Agreement.

Section 2. The Special Mater Method, pursuant to O.C.G.A. § 22-2-100 *et seq*, or, alternatively, other condemnation proceeding authorized by Title 22 of the Official Code of Georgia is authorized to acquire good and marketable title to the Property for purposes of completing the Parcels.

Section 3. The City Attorney, or her designee, is authorized to monitor and supervise the transactions associated with all legal proceedings and actions concerning the acquisition of the Parcels.

Section 4. The Mayor, or his designee, is authorized to execute all documents on behalf of the City as may be necessary to effectuate the purposes of this Ordinance, including without limitation, acquisition of good and marketable title to the Parcels.

Section 5. All costs related to acquisition of the Parcels, as authorized by this Ordinance will be charged to and paid from Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta. The aggregate amount to condemn each of the seven Parcels shall not exceed \$306,000.00

Section 6. Article X, Division 14, Subdivision II of the City's Code of Ordinances is waived to the extent such sections apply, such that all authorizations granted in this Ordinance are granted without the need for prior or further authorization of City Council so that the Property can be acquired in a timely fashion to meet the requirements of the Project under the Agreement.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Dept.'s Legislative Liaison: Ellen Wickersham (DPRCA); Mark Haldane (OEAM)

Contact Number: 404-614-8293; 404-865-8586

Originating Department: DPRCA/OEAM

Committee(s) of Purview: Community Development/Human Resources

Chief of Staff Deadline: June 7, 2013

Anticipated Committee Meeting Date(s): June 25 & July 9, 2013

Anticipated Full Council Date: July 15, 2013

Legislative Counsel's Signature: *William D. Ferguson*

Commissioner's Signature: *[Signature]*

Chief Information Officer Signature (for IT Procurements) _____

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0140-0002-086-9 (Parcel 7)

IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: _____

Received by LC from CPO: _____

Received by Mayor's Office: W.J. 6/7/13
(date) (date)

Reviewed by: [Signature]
(date) (date)

645219

EXHIBIT "A"**LEGAL DESCRIPTION**

Parcel No. 7

Tax ID No: 14-0140-0002-086-9

All that tract or parcel of land lying and being in Land Lot 140 of the 14th District of Fulton County, Georgia, being Lot 2 in Block "C" according to plat of Provisional Subdivision Property of Bell & Calhoun, made by L.H. Fitzpatrick, C.E., May, 1952, a copy being on file in the office of Atlanta Title Company and more particularly described as follows:

BEGINNING at a point on the south side of a proposed street to be known as Chicamauga Court one hundred ten (110) feet east of the intersection of Chicamauga Court and another proposed street to be known as Chicamauga Avenue if said streets were extended to form an angle instead of a curve and running thence east along the south side of Chicamauga Court sixty (60) feet to the northwest corner of Lot 1, block aforesaid; thence south along the west line of said Lot 1 one hundred thirty eight (138) feet to the right of way of the Louisville and Nashville Railroad Company; thence southwesterly along the northwesterly side of said right of way eighty eight (88) feet; thence north along the east lines of Lots 3, 4 & 5 block aforesaid two hundred three (203) feet to the south side of Chicamauga Court at the point of beginning.

Submitted to Council: _____ (date)

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development/Human Resources

Caption:

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0140-0002-086-9 (Parcel 7)

IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta; AND FOR OTHER PURPOSES.

Council Meeting Date: July 15, 2013

Requesting Dept.: DPRCA/OEAM

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to authorize condemnation of fee simple interest in order to expand Enota Park. All parcels to be condemned are raw land. No displacement will occur. Good faith efforts to acquire the property through negotiation were not successful due to title issues—questions of ownership and liens exceeding fair market value.

2. Please provide background information regarding this legislation.

Enota Park expansion

645219

3. If Applicable/Known: N/A

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:**

4. **Fund Account Center (Ex. Name and number):**

Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land),
 Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements),
 Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247,
 Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta

5. **Source of Funds: Example: Local Assistance Grant:** FROM PARK OPPORTUNITY BOND FUND 2005A.

6. **Fiscal Impact:**

7. **Method of Cost Recovery:** N/A

This Legislative Request Form Was Prepared By: Ellen Wickersham 404-614-8293.

<p style="text-align: center;">(Do Not Write Above This Line)</p> <p>AN ORDINANCE BY COMMUNITY DEVELOPMENT / HUMAN RESOURCES COMMITTEE</p> <p>AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-086-9 (Parcel 7)</p> <p>IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), FTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta; AND FOR OTHER PURPOSES.</p>	<p>Committee _____ Date _____ Chair _____ Referred To _____</p> <p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (See rev. side) _____ Other _____ Members _____ Refer To _____</p> <p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (See rev. side) _____ Other _____ Members _____ Refer To _____</p>	<p>First Reading _____</p> <p>FINAL COUNCIL ACTION <input type="checkbox"/> 2ND <input type="checkbox"/> 1ST & 2ND <input type="checkbox"/> 3RD Readings <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote</p> <p style="text-align: center; font-weight: bold;">CERTIFIED</p>
<p><input type="checkbox"/> CONSENT REFER</p> <p><input type="checkbox"/> REGULAR REPORT REFER</p> <p><input type="checkbox"/> ADVERTISE & REFER</p> <p><input type="checkbox"/> 1ST ADOPT 2ND READ & REFER</p> <p><input type="checkbox"/> PERSONAL PAPER REFER</p>	<p>Date Referred _____</p> <p>Referred To: _____</p> <p>Date Referred _____</p> <p>Referred To: _____</p> <p>Date Referred _____</p> <p>Referred To: _____</p>	<p style="text-align: center; font-weight: bold;">MAYOR'S ACTION</p>

Attachment: Enota Park Parcel 7 Attachments (13-O-1113 : An Ordinance authorizing the acquisition of 14-0140-0002-086-9 (Parcel 7) to expand

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-010-9 (PARCEL 9) IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Review List:

Pamela Holmes	Completed	06/14/2013 3:06 PM
George Dusenbury	Completed	06/14/2013 3:36 PM
Mariangela Corales	Completed	06/14/2013 4:30 PM
Mayor's Office	Completed	06/14/2013 5:45 PM
Office of Research and Policy Analysis	Completed	06/17/2013 11:08 AM
Community Development & Human Resources Committee	Completed	06/26/2013 2:45 PM
Atlanta City Council	Completed	07/16/2013 12:55 PM
Community Development & Human Resources Committee	Completed	07/09/2013 4:58 PM
Atlanta City Council	Completed	07/17/2013 7:38 PM
Community Development & Human Resources Committee	Completed	07/31/2013 1:07 PM
Atlanta City Council	Pending	

HISTORY:

06/25/13	Community Development & Human Resources Committee	
07/01/13	Atlanta City Council	REFERRED TO COMMITTEES OF PURV

RESULT:	REFERRED TO COMMITTEES OF PURV [13 TO 0]
AYES:	Wan, Martin, Smith, Shook, Winslow, Moore, Young Jr., Sheperd, Bottoms, Hall, Bond, Archibong, Adrean
ABSENT:	Aaron Watson
AWAY:	H. Lamar Willis

07/09/13 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE

07/15/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION

07/30/13

Community Development & Human Resources Committee FAVORABLE

RESULT: FAVORABLE [4 TO 0]

AYES: Joyce Sheperd, H. Lamar Willis, Cleta Winslow, Ivory Lee Young Jr.

ABSTAIN: Kwanza Hall

AWAY: Howard Shook

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**AN ORDINANCE
BY**

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-010-9 (PARCEL 9) IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, the recitations in Ordinance 03-O-0926 indicate that the City maintained Enota Place Park, for public use as a public park for many years as a leasehold and the Ordinance authorized the acquisition and/or condemnation of Enota Place Park in fee simple; and

WHEREAS, Ordinance 09-O-1372 authorized the purchase of approximately six acres from the Trust for Public Land for the expansion of Enota Place Park which is located along the Beltline; and

WHEREAS, the City and/or Atlanta Beltline, Inc. has acquired most of the parcels necessary to accomplish the expansion of Enota Place Park; and

WHEREAS, to complete the Enota Place Park expansion, it is necessary to exercise eminent domain for parcel #'s 6, 7, 9, 11, 12, 18 and 21 depicted in Ordinance 12-O-0490 ("Parcels"); and

WHEREAS, the exercise of eminent domain over the Parcels is necessary for the expansion of Enota Place Park boundaries, which Parcels will be possessed, occupied and used by the general public; and

WHEREAS, the City engaged in good faith negotiations with the owner of the Property to acquire the Property based upon a certified appraisal of the Property; and

WHEREAS, condemnation, including use of the Special Master method, pursuant to O.C.G.A. § 22-2-100 or other appropriate method, as provided in O.C.G.A. § 22-2-1 *et seq.*, is necessary to complete the expansion of Enota Place Park.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, AS FOLLOWS:

Section 1. Pursuant to Section 2-1542 of the City's Code of Ordinances, the City Attorney is authorized to institute condemnation or other legal proceedings, as may be necessary to clear existing liens and encumbrances on the Property and acquire good and marketable fee simple title to tax parcel identification # 14-0140-0002-010-9, depicted as parcel # 9 on Exhibit "A" hereto, without further authorization by City Council, including engagement and/or use of outside counsel as may be necessary for the purpose of completing the Project in accordance with the Agreement.

Section 2. The Special Mater Method, pursuant to O.C.G.A. § 22-2-100 *et seq.*, or, alternatively, other condemnation proceeding authorized by Title 22 of the Official Code of Georgia is authorized to acquire good and marketable title to the Property for purposes of completing the Parcels.

Section 3. The City Attorney, or her designee, is authorized to monitor and supervise the transactions associated with all legal proceedings and actions concerning the acquisition of the Parcels.

Section 4. The Mayor, or his designee, is authorized to execute all documents on behalf of the City as may be necessary to effectuate the purposes of this Ordinance, including without limitation, acquisition of good and marketable title to the Parcels.

Section 5. All costs related to acquisition of the Parcels, as authorized by this Ordinance will be charged to and paid from Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta. The aggregate amount to condemn each of the seven Parcels shall not exceed \$306,000.00.

Section 6. Article X, Division 14, Subdivision II of the City's Code of Ordinances is waived to the extent such sections apply, such that all authorizations granted in this Ordinance are granted without the need for prior or further authorization of City Council so that the Property can be acquired in a timely fashion to meet the requirements of the Project under the Agreement.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Dept.'s Legislative Liaison: Ellen Wickersham (DPRCA); Mark Haldane (OEAM)

Contact Number: 404-614-8293; 404-865-8586

Originating Department: DPRCA/OEAM

Committee(s) of Purview: Community Development/Human Resources

Chief of Staff Deadline: June 7, 2013

Anticipated Committee Meeting Date(s): June 25, 2013 & July 9, 2013

Anticipated Full Council Date: July 15, 2013

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature]

Chief Information Officer Signature (for IT Procurements) _____

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0140-0002-010-9 (Parcel 9)

IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)
Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)
Received by Mayor's Office: 6/7/13 Reviewed by: _____
(date) (date)

645220

Attachment: Enota Park Parcel 9 Attachments (13-O-1114 : An Ordinance authorizing the acquisition)

EXHIBIT "A"

All that tract or parcel of land lying and being in the City of Atlanta in Land Lot 140 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the north side of a proposed street to be known as Chicamauga Avenue six hundred seventy (670) feet southerly, southwesterly and westerly, following the curvature of Chicamauga Avenue from the southwest corner of two proposed streets to be known as Chicamauga Avenue and Chicamauga Court, and running thence north one hundred forty seven (147) feet; thence southeasterly fifty five (55) feet; thence south one hundred twenty nine (129) feet to Chicamauga Avenue; thence west along the north side of Chicamauga Avenue sixty (60) feet to the point of beginning.

Being a part of the same property conveyed to L.A. Thompson and Bernice F. Thompson by Warranty Deed from T.J. Henry and J.H. Calhoun dated August 25, 1952, filed September 2, 1952, recorded in Deed Book 2773, Page 238, Fulton County, Georgia Records.

SURVEYOR'S NOTES

1. THIS PLAT IS A CORRECT REPRESENTATION OF THE PLANS PLATED AND HAS BEEN PREPARED IN ACCORDANCE WITH THE EXISTING RECORDS AND RECORDS OF THE SURVEYOR'S OFFICE. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.
2. THE DATE OF FIELD WORK FOR THIS SURVEY WAS 05/28/2010.
3. THE DATE OF FIELD WORK FOR THIS SURVEY WAS 05/28/2010.
4. THE DATE OF FIELD WORK FOR THIS SURVEY WAS 05/28/2010.
5. THE SUBJECT PROPERTY SURVEY HEREON IS RETURNED ON FLOOD INSURANCE RATE MAP, COMMUNITY FLOOD HAZARD ZONING FOR THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, WHICH IS PLANNED HAS A FLOOD INSURANCE RATE MAP FOOT IN 14.60 FEET AND AN ANNUAL FLOOD PROBABILITY OF 1.0 PERCENT PER ANNUAL FOOT AND HAS BEEN EVALUATED FOR FLOODING AND HAS BEEN FOUND TO BE A FLOOD HAZARD AREA.
6. THE SUBJECT PROPERTY SURVEY HEREON IS RETURNED ON FLOOD INSURANCE RATE MAP, COMMUNITY FLOOD HAZARD ZONING FOR THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, WHICH IS PLANNED HAS A FLOOD INSURANCE RATE MAP FOOT IN 14.60 FEET AND AN ANNUAL FLOOD PROBABILITY OF 1.0 PERCENT PER ANNUAL FOOT AND HAS BEEN EVALUATED FOR FLOODING AND HAS BEEN FOUND TO BE A FLOOD HAZARD AREA.
7. THE PLAT HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY. THE SURVEYOR'S LIABILITY IS LIMITED TO THE INFORMATION CONTAINED HEREON.
8. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.
9. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.
10. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.
11. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.
12. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

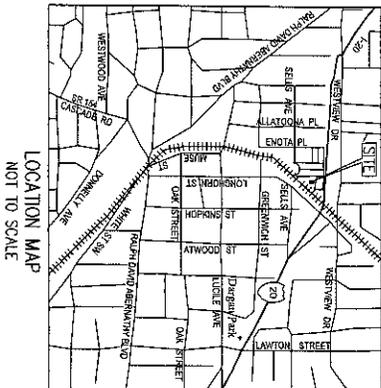
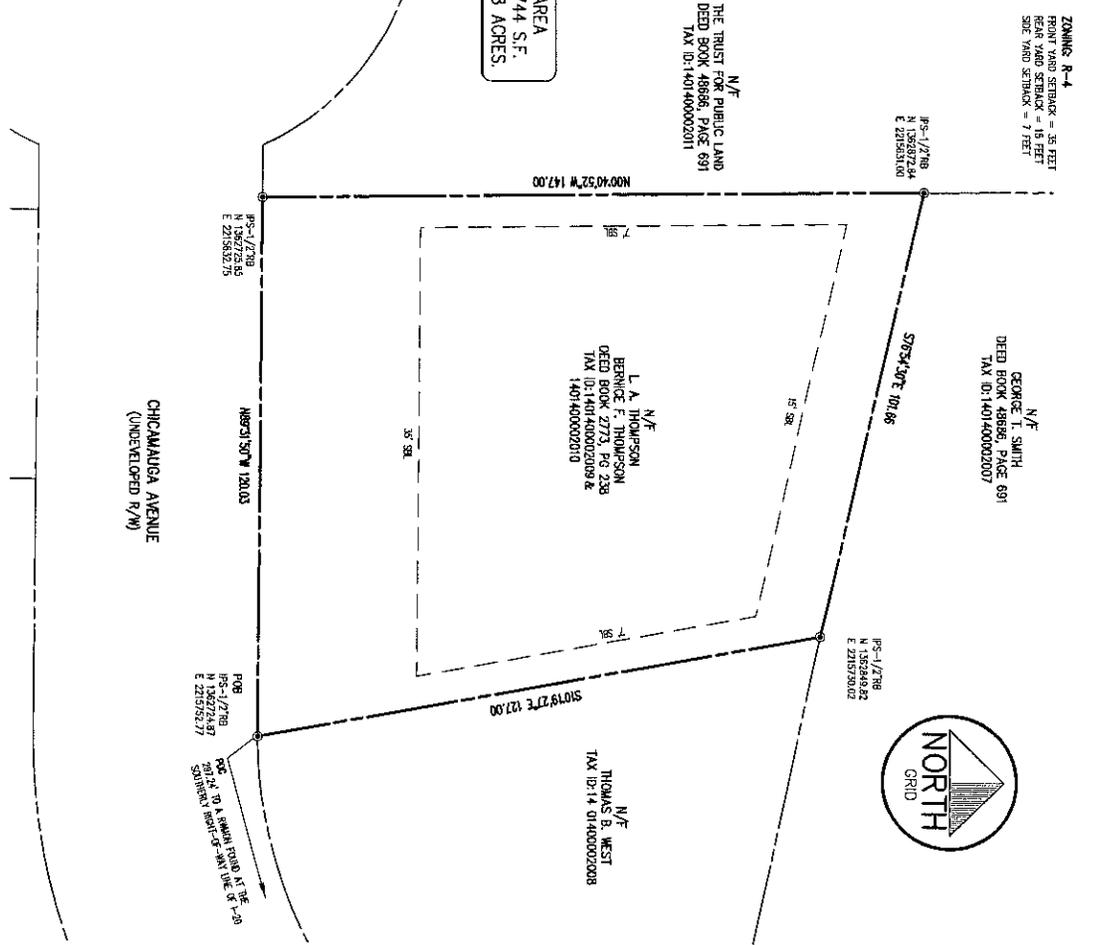
ZONING: R-4
 FRONT YARD SETBACK = 35 FEET
 REAR YARD SETBACK = 15 FEET
 SIDE YARD SETBACK = 7 FEET

N/F
 THE TRUST FOR PUBLIC LAND
 DEED BOOK 46896 PAGE 691
 TAX ID: 14014000002011

AREA
 14,744 S.F.
 0.338 ACRES

**IF YOU DIG GEORGIA...
 CALL US FIRST!
 1-800-282-7411
 770-623-4344
 (METRO ATLANTA ONLY)
 UTILITIES PROTECTION CENTER
 IT'S THE LAW**

THE UTILITIES SURVEY HEREON ARE FOR THE CONTRACTOR'S CONFORMANCE ONLY. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.



LEGAL DESCRIPTION
 Lot 46, 14014000002009 & 14014000002010
 (14,744 Sq. Ft. or 0.338 Acres)

AS and singular that certain tract of land lying and being a land lot 140, 14014000002009 & 14014000002010, City of Atlanta, Fulton County, Georgia, being more particularly described as follows:

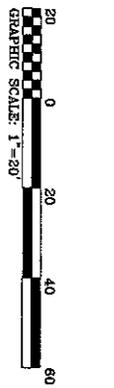
COMMENCING at a right-of-way monument found at the intersection of the southerly right-of-way line of Chamunga Avenue, ten (10) feet southerly along said southerly right-of-way line of Chamunga Avenue a distance of 281.24 feet to a 3/4" iron set, said point being the POINT OF BEGINNING.

From the top point of beginning on this established, run thence S75°17'23" E 223.2555' feet to a 3/4" iron set, said point being the POINT OF BEGINNING.

From the top point of beginning on this established, run thence N75°17'23" E 223.2555' feet to a 3/4" iron set, said point being the POINT OF BEGINNING.

From the top point of beginning on this established, run thence N89°31'50" W 120.03' feet to a 3/4" iron set, said point being the POINT OF BEGINNING.

From the top point of beginning on this established, run thence S70°27' E 223.00' feet to a 3/4" iron set, said point being the POINT OF BEGINNING.



BOUNDARY SURVEY
 TAX ID: 14014000002009 &
 14014000002010

CITY OF ATLANTA, SMITH REAL ESTATE SERVICES, INC., AND CHICAGO TITLE INSURANCE COMPANY

NO.	DATE	REVISION	DESCRIPTION
1	10-14-10		REVISION FOR CHICAGO RECORD 12-14-10

PROJECT DRAWER	DATE	DRAWN BY	CHECKED BY
R. STANLEY	AUGUST 5, 2010	1. DE LA CANIZ	R. STANLEY
LOCATION	LAND LOT 149	HEAD BOOK/PAGE	SCALE
	14014000002009 & 14014000002010	PG 630, PG 20	1" = 20'
		PROJECT NUMBER	SHEET NO.
		01285.003.1	1 OF 1

Submitted to Council: _____ (date)

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development/Human Resources

Caption:

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0140-0002-010-9 (Parcel 9)

IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta; AND FOR OTHER PURPOSES.

Council Meeting Date: July 15, 2013

Requesting Dept.: DPRCA/OEAM

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to authorize condemnation of fee simple interest in order to expand Enota Park. All parcels to be condemned are raw land. No displacement will occur. Good faith efforts to acquire the property through negotiation were not successful due to title issues—questions of ownership and liens exceeding fair market value.

2. Please provide background information regarding this legislation.

Enota Park expansion

645220

Attachment: Enota Park Parcel 9 Attachments (13-O-1114 : An Ordinance authorizing the acquisition)

3. If Applicable/Known: N/A

- (a) Contract Type (e.g. Professional Services, Construction Agreement, etc):
- (b) Source Selection:
- (c) Bids/Proposals Due:
- (d) Invitations Issued:
- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*):

Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land),
 Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements),
 Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247,
 Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta

5. Source of Funds: *Example: Local Assistance Grant*: FROM PARK OPPORTUNITY BOND FUND 2005A.

6. Fiscal Impact:

7. Method of Cost Recovery: N/A

This Legislative Request Form Was Prepared By: Ellen Wickersham 404-614-8293.

(Do Not Write Above This Line)

AN ORDINANCE BY
COMMUNITY DEVELOPMENT/HUMAN RESOURCES
COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMADGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-010-9 (Parcel 9)

IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM Park Opportunity Bond Fund 2005a; Fund: 3129 (Park Improvement Bond); Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Arcas), Project: 100247 (Ground & Site Improvements); Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAEO, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001; Organization: City of Atlanta; AND FOR OTHER PURPOSES.

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

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

Committee _____
Date _____
Chair _____
Referred 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

Refer To

Committee

Date

Chair

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

Members

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

CERTIFIED

MAYOR'S ACTION

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-075-2 (PARCEL 11) IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Review List:

Pamela Holmes	Completed	06/14/2013 3:08 PM
George Dusenbury	Completed	06/14/2013 3:36 PM
Jeffrey Haymore	Completed	06/14/2013 4:29 PM
Mayor's Office	Completed	06/14/2013 5:45 PM
Office of Research and Policy Analysis	Completed	06/17/2013 11:07 AM
Community Development & Human Resources Committee	Completed	06/26/2013 2:45 PM
Atlanta City Council	Completed	08/02/2013 11:48 AM
Community Development & Human Resources Committee	Completed	07/09/2013 4:58 PM
Atlanta City Council	Completed	07/17/2013 7:38 PM
Community Development & Human Resources Committee	Completed	08/02/2013 2:51 PM
Atlanta City Council	Pending	

HISTORY:

06/25/13	Community Development & Human Resources Committee	
07/01/13	Atlanta City Council	REFERRED TO COMMITTEES OF PURV

RESULT:	REFERRED TO COMMITTEES OF PURV [13 TO 0]
AYES:	Wan, Martin, Smith, Shook, Winslow, Moore, Young Jr., Sheperd, Bottoms, Hall, Bond, Archibong, Adrean
ABSENT:	Aaron Watson
AWAY:	H. Lamar Willis

07/09/13 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE

07/15/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION

07/30/13

Community Development & Human Resources Committee FAVORABLE

RESULT: FAVORABLE [4 TO 0]

AYES: Joyce Sheperd, H. Lamar Willis, Cleta Winslow, Ivory Lee Young Jr.

ABSTAIN: Kwanza Hall

AWAY: Howard Shook

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**AN ORDINANCE
BY**

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-075-2 (PARCEL 11) IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, the recitations in Ordinance 03-O-0926 indicate that the City maintained Enota Place Park, for public use as a public park for many years as a leasehold and the Ordinance authorized the acquisition and/or condemnation of Enota Place Park in fee simple; and

WHEREAS, Ordinance 09-O-1372 authorized the purchase of approximately six acres from the Trust for Public Land for the expansion of Enota Place Park which is located along the Beltline; and

WHEREAS, the City and/or Atlanta Beltline, Inc. has acquired most of the parcels necessary to accomplish the expansion of Enota Place Park; and

WHEREAS, to complete the Enota Place Park expansion, it is necessary to exercise eminent domain for parcel #'s 6, 7, 9, 11, 12, 18 and 21 depicted in Ordinance 12-O-0490 ("Parcels"); and

WHEREAS, the exercise of eminent domain over the Parcels is necessary for the expansion of Enota Place Park boundaries, which Parcels will be possessed, occupied and used by the general public; and

WHEREAS, the City engaged in good faith negotiations with the owner of the Property to acquire the Property based upon a certified appraisal of the Property; and

WHEREAS, condemnation, including use of the Special Master method, pursuant to O.C.G.A. § 22-2-100 or other appropriate method, as provided in O.C.G.A. § 22-2-1 *et seq.*, is necessary to complete the expansion of Enota Place Park.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, AS FOLLOWS:

Section 1. Pursuant to Section 2-1542 of the City's Code of Ordinances, the City Attorney is authorized to institute condemnation or other legal proceedings, as may be necessary to clear existing liens and encumbrances on the Property and acquire good and marketable fee simple title to tax parcel identification # 14-0140-0002-075-2, depicted as parcel # 11 on Exhibit "A" hereto, without further authorization by City Council, including engagement and/or use of outside counsel as may be necessary for the purpose of completing the Project in accordance with the Agreement.

Section 2. The Special Mater Method, pursuant to O.C.G.A. § 22-2-100 *et seq*, or, alternatively, other condemnation proceeding authorized by Title 22 of the Official Code of Georgia is authorized to acquire good and marketable title to the Property for purposes of completing the Parcels.

Section 3. The City Attorney, or her designee, is authorized to monitor and supervise the transactions associated with all legal proceedings and actions concerning the acquisition of the Parcels.

Section 4. The Mayor, or his designee, is authorized to execute all documents on behalf of the City as may be necessary to effectuate the purposes of this Ordinance, including without limitation, acquisition of good and marketable title to the Parcels.

Section 5. All costs related to acquisition of the Parcels, as authorized by this Ordinance will be charged to and paid from Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta. The aggregate amount to condemn each of the seven Parcels shall not exceed \$306,000.00

Section 6. Article X, Division 14, Subdivision II of the City's Code of Ordinances is waived to the extent such sections apply, such that all authorizations granted in this Ordinance are granted without the need for prior or further authorization of City Council so that the Property can be acquired in a timely fashion to meet the requirements of the Project under the Agreement.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Dept.'s Legislative Liaison: Ellen Wickersham (DPRCA); Mark Haldane (OEAM)

Contact Number: 404-614-8293; 404-865-8586

Originating Department: DPRCA/OEAM

Committee(s) of Purview: Community Development/Human Resources

Chief of Staff Deadline: June 7, 2013

Anticipated Committee Meeting Date(s): June 25, 2013 & July 9, 2013

Anticipated Full Council Date: July 15, 2013

Legislative Counsel's Signature: *Ellen Wickersham*

Commissioner's Signature: *[Signature]*

Chief Information Officer Signature (for IT Procurements) _____

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0140-0002-075-2 (Parcel 11)

IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta; AND FOR OTHER PURPOSES.

FINANCIAL-IMPACT: (if any)

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: 8.2. 6/27/13
(date)

Reviewed by: [Signature]
(date)

645218

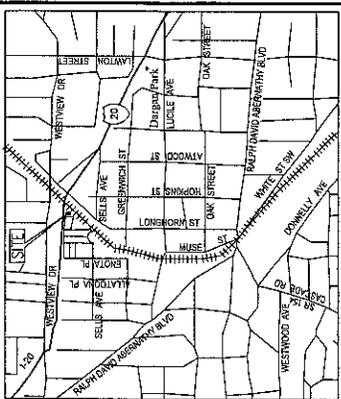
Attachment: Enota Park Parcel 11 Attachments (13-O-1115 : An Ordinance authorizing the acquisition of 14-0140-0002-075-2 (Parcel 11) to

EXHIBIT "A"

All that tract or parcel of land lying and being in the City of Atlanta, in Land Lot 140 of the 14th District of Fulton County, Georgia, and more particularly described as follows:

BEGINNING at a point on the east side of Chicamauga Avenue, sixty (60) feet south to the southeast corner of two proposed streets to be known as Chicamauga Avenue and Chicamauga Court, if said streets were extended to form an angle instead of a curve, and running thence east one hundred ten (110) feet; thence south seventy (70) feet; thence slightly northwesterly one hundred fourteen (114) feet to Chicamauga Avenue; thence north along the east side of Chicamauga Avenue sixty (60) feet to the point of beginning.

Being a part of the same property conveyed to S.S. Robinson and M.V. Sullivan by Warranty Deed from Mrs. Nancy M. Green dated December 10, 1955, filed December 13, 1955, recorded in Deed Book 3066, Page 577, Fulton County, Georgia records.



LOCATION MAP
NOT TO SCALE

SURVEY REFERENCES
 1. DEED BETWEEN THE CITY OF ATLANTA AND R. E. BURGAS RI DEED BOOK 3034, PAGE 158 DATED MARCH 16, 1952.
 2. DEED BETWEEN THE CITY OF ATLANTA AND R. E. BURGAS RI DEED BOOK 3034, PAGE 158 DATED MARCH 16, 1952.
 3. DEED BETWEEN SHIRLEY L. HENRY AND JAMES E. CLEARBY IN DEED BOOK 2764, PAGE 64, DATED AUGUST 6, 1952.
 4. DEED BETWEEN J. L. HENRY AND THOMAS J. HENDRICKS IN 2759, PAGE 107, DATED JULY 17, 1953.
 5. DEED BETWEEN T. J. HENRY AND RUTH W. SIMS IN DEED BOOK 2770, PAGE 107, DATED AUGUST 15, 1952.
 6. CITY OF ATLANTA CONDOMINIUM PROJECT 1-402-1 (S) FULTON COUNTY FILED MAY 11, 1954.

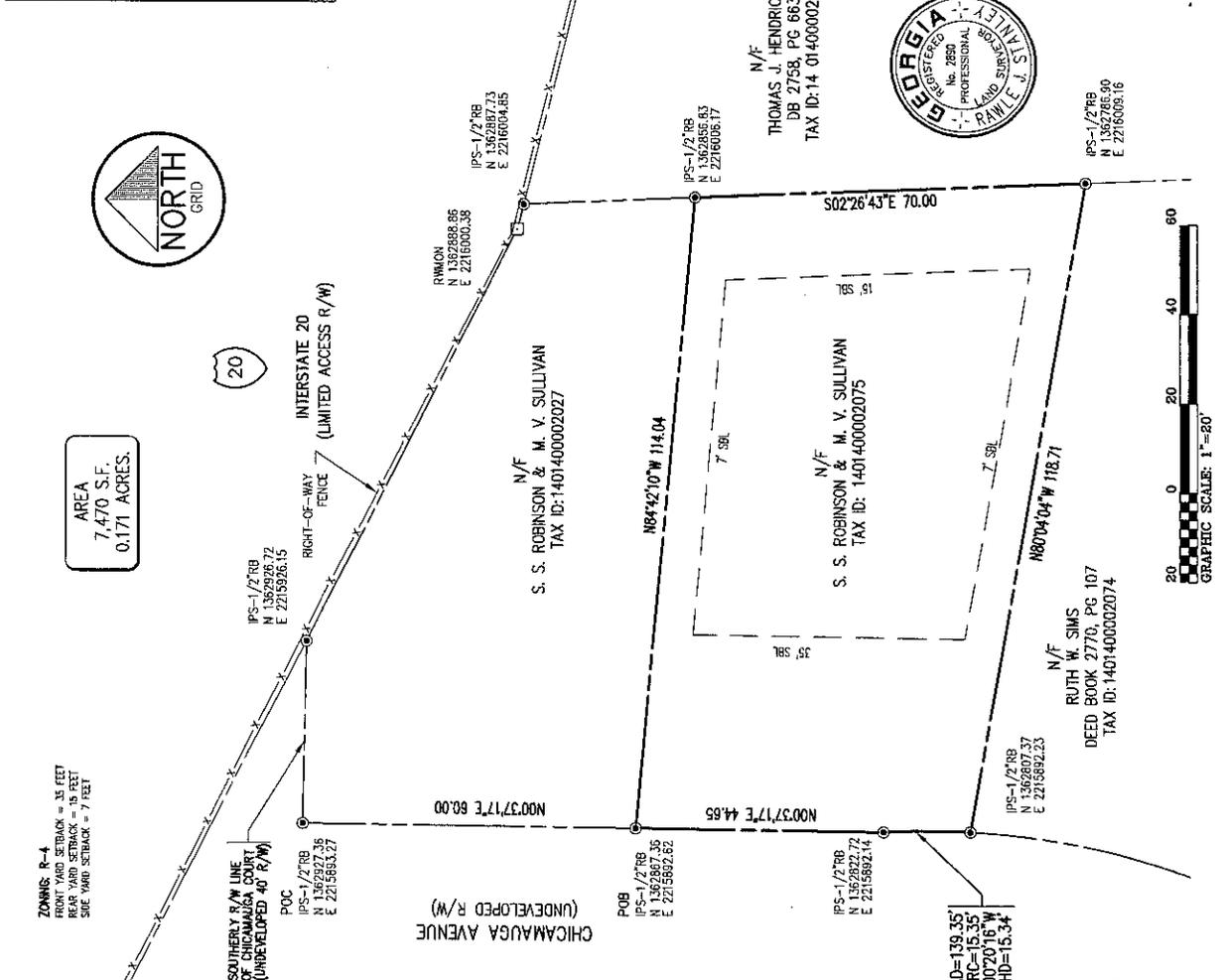
LEGAL DESCRIPTION
 Tax ID: 1401400002075 (Parcel 1)
 (7,470 Sq. Ft. or 0.171 Acres)

All and singular that certain lot of land lying and being in Lot 140, 14th District, City of Atlanta of Fulton County, Georgia, being more particularly described as follows:
 To wit: the north of beginning, COMMENCE at a 1/2" rebar set at the intersection of the easterly right-of-way line of Chickamauga Avenue and the easterly right-of-way line of Chickamauga Avenue, South along said easterly right-of-way line of Chickamauga Avenue, 60.00 feet to a 1/2" rebar set, said point being the POINT OF BEGINNING.
 From the point of beginning as thus established, heading said westerly right-of-way line of Chickamauga Avenue South 84°42'10" East, a distance of 114.04 feet to a 1/2" rebar set;
 THENCE South 02°26'43" East, a distance of 70.00 feet to a 1/2" rebar set;
 THENCE North 80°14'04" West, a distance of 118.71 feet to a 1/2" rebar set on the aforementioned easterly right-of-way line of Chickamauga Avenue;
 THENCE along said easterly right-of-way line of Chickamauga Avenue along the arc of a curve to the left a distance of 163.35 feet, said curve having a radius of 130.33 feet and a chord of North 02°10'16" West, 153.34 feet, to a 1/2" rebar set.
 THENCE continue along said easterly right-of-way line of Chickamauga Avenue North 00°37'17" East, a distance of 44.65 feet to a 1/2" rebar set, said point being the POINT OF BEGINNING.



N/F
 THOMAS J. HENDRICKS
 DB 2758, PG 663
 TAX ID: 14 01400002086

IPS-1/2" RB
 N 1362977.35
 E 2215653.27



- SURVEYOR'S NOTES**
- THIS PLAT IS A CORRECT REPRESENTATION OF THE LANDS PLATED AND HAS BEEN PREPARED BY THE SURVEYOR FROM THE RECORDS OF THE COUNTY CLERK OF FULTON COUNTY, GEORGIA, AND FROM A RECONSTRUCTION OF THE RECORDS OF THE COUNTY CLERK OF FULTON COUNTY, GEORGIA, AND FROM A RECONSTRUCTION OF THE RECORDS OF THE COUNTY CLERK OF FULTON COUNTY, GEORGIA, AND FROM A RECONSTRUCTION OF THE RECORDS OF THE COUNTY CLERK OF FULTON COUNTY, GEORGIA.
 - NOT ALL IMPROVEMENTS OR UTILITIES ARE SHOWN HEREON.
 - THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SURVEYED AREA AND HAS FOUND NO EVIDENCE OF ANY IMPROVEMENTS OR UTILITIES NOT SHOWN HEREON.
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- LEGEND**
- PROPERTY LINE
 - CENTERLINE CREEK
 - CHAIN LINK FENCE
 - IRON FENCE
 - UNDERGROUND WATER
 - UNDERGROUND TELEPHONE
 - SANITARY SEWER
 - OVERHEAD ELECTRIC
 - OVERHEAD GAS
 - STORM DRAIN
 - PF IRON PIN FOUND
 - IF IRON PIN SET
 - WATER VALVE
 - OTF OPEN TOP PIPE
 - CTP CROUP TOP PIPE
 - RB REBAR
 - POB POINT OF BEGINNING
 - SSIL BUILDING SET BACK LINE
 - A/C AIR CONDITIONER
 - COMPLETED POINT
 - TELEPHONE MANHOLE
 - WATER METER
 - SINGLE WING CATCH BASIN
 - DOUBLE WING CATCH BASIN
 - NEW OR FORMERLY
 - CH/ CHAIN LINK FENCE
 - R/W RIGHT-OF-WAY
 - RIGHT-OF-WAY MONUMENT
 - SRM

IF YOU DIG GEORGIA...
 CALL US FIRST!
 1-800-282-7411
 770-623-4344
 (METRO ATLANTA ONLY)
 UTILITIES PROTECTION CENTER
 IT'S THE LAW

CAUTION
 THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THE CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND CHARACTER OF ALL UTILITIES SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

<p>BOUNDARY SURVEY TAX ID: 1401400002075 FOR CITY OF ATLANTA AND CHICAGO TITLE INSURANCE COMPANY</p>		<p>PROJECT MANAGER R. STANLEY</p>	<p>DATE AUGUST 5, 2010</p>	<p>CHECKED BY R. STANLEY</p>
<p>Agility Surveying Co., Inc. Geospatial and Infrastructural Consultants 707 WHITLOCK AVE., SUITE A-40 MARIETTA, GA 30064 TEL: 678-354-9025 FAX: 678-354-9026</p>		<p>LOCATION LAND LOT 140 14TH DISTRICT CITY OF ATLANTA FULTON COUNTY GEORGIA</p>	<p>FIELD BOOK/PAGE FB 630, PG 29</p>	<p>SCALE 1" = 20'</p>
<p>PROJECT NUMBER 01285.003.1</p>		<p>SHEET NO. 1 OF 1</p>		

Attachment: Enota Park Parcel 11 Attachments (13-O-1115 : An Ordinance authorizing the acquisition of 14-0140-0002-075-2 (Parcel 11) to

Submitted to Council: _____ (date)

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development/Human Resources

Caption:

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

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Council Meeting Date: July 15, 2013

Requesting Dept.: DPRCA/OEAM

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to authorize condemnation of fee simple interest in order to expand Enota Park. All parcels to be condemned are raw land. No displacement will occur. Good faith efforts to acquire the property through negotiation were not successful due to title issues—questions of ownership and liens exceeding fair market value.

2. Please provide background information regarding this legislation.

Enota Park expansion

645218

3. If Applicable/Known: N/A

- (a) Contract Type (e.g. Professional Services, Construction Agreement, etc):
- (b) Source Selection:
- (c) Bids/Proposals Due:
- (d) Invitations Issued:
- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*):

Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land),
 Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements),
 Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247,
 Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta

5. Source of Funds: *Example: Local Assistance Grant:* FROM PARK OPPORTUNITY BOND FUND 2005A.

6. Fiscal Impact:

7. Method of Cost Recovery: N/A

This Legislative Request Form Was Prepared By: Ellen Wickersham 404-614-8293.

(Do Not Write Above This Line)

AN ORDINANCE BY
COMMUNITY DEVELOPMENT / HUMAN RESOURCES
COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULLTON COUNTY TAX IDENTIFICATION NUMBER OF:

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

Date Referred _____

Referred To: _____

Date Referred _____

Referred To: _____

Date Referred _____

Referred To: _____

Committee _____

Date _____

Chair _____

Referred To _____

Committee

Date

Chair

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

Fav. Adv. Hold (See rev. side)

Other

Members

Refer To

Committee

Date

Chair

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

Members

Consent

2ND

1ST & 2ND

3RD

Readings

V Vote

RC Vote

CERTIFIED

MAYOR'S ACTION

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-009-1 (PARCEL 12) IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Review List:

Pamela Holmes	Completed	06/14/2013 3:06 PM
George Dusenbury	Completed	06/14/2013 3:37 PM
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HISTORY:

06/25/13	Community Development & Human Resources Committee	
07/01/13	Atlanta City Council	REFERRED TO COMMITTEES OF PURV

RESULT:	REFERRED TO COMMITTEES OF PURV [13 TO 0]
AYES:	Wan, Martin, Smith, Shook, Winslow, Moore, Young Jr., Sheperd, Bottoms, Hall, Bond, Archibong, Adrean
ABSENT:	Aaron Watson
AWAY:	H. Lamar Willis

07/09/13 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE

07/15/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION

07/30/13

Community Development & Human Resources Committee FAVORABLE

RESULT: FAVORABLE [4 TO 0]

AYES: Joyce Sheperd, H. Lamar Willis, Cleta Winslow, Ivory Lee Young Jr.

ABSTAIN: Kwanza Hall

AWAY: Howard Shook

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**AN ORDINANCE
BY**

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-009-1 (PARCEL 12) IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, the recitations in Ordinance 03-O-0926 indicate that the City maintained Enota Place Park, for public use as a public park for many years as a leasehold and the Ordinance authorized the acquisition and/or condemnation of Enota Place Park in fee simple; and

WHEREAS, Ordinance 09-O-1372 authorized the purchase of approximately six acres from the Trust for Public Land for the expansion of Enota Place Park which is located along the Beltline; and

WHEREAS, the City and/or Atlanta Beltline, Inc. has acquired most of the parcels necessary to accomplish the expansion of Enota Place Park; and

WHEREAS, to complete the Enota Place Park expansion, it is necessary to exercise eminent domain for parcel #'s 6, 7, 9, 11, 12, 18 and 21 depicted in Ordinance 12-O-0490 ("Parcels"); and

WHEREAS, the exercise of eminent domain over the Parcels is necessary for the expansion of Enota Place Park boundaries, which Parcels will be possessed, occupied and used by the general public; and

WHEREAS, the City engaged in good faith negotiations with the owner of the Property to acquire the Property based upon a certified appraisal of the Property; and

WHEREAS, condemnation, including use of the Special Master method, pursuant to O.C.G.A. § 22-2-100 or other appropriate method, as provided in O.C.G.A. § 22-2-1 *et seq.*, is necessary to complete the expansion of Enota Place Park.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, AS FOLLOWS:

Section 1. Pursuant to Section 2-1542 of the City's Code of Ordinances, the City Attorney is authorized to institute condemnation or other legal proceedings, as may be necessary to clear existing liens and encumbrances on the Property and acquire good and marketable fee simple title to tax parcel identification # 14-0140-0002-009-1, depicted as parcel # 12 on Exhibit "A" hereto, without further authorization by City Council, including engagement and/or use of outside counsel as may be necessary for the purpose of completing the Project in accordance with the Agreement.

Section 2. The Special Mater Method, pursuant to O.C.G.A. § 22-2-100 *et seq.*, or, alternatively, other condemnation proceeding authorized by Title 22 of the Official Code of Georgia is authorized to acquire good and marketable title to the Property for purposes of completing the Parcels.

Section 3. The City Attorney, or her designee, is authorized to monitor and supervise the transactions associated with all legal proceedings and actions concerning the acquisition of the Parcels.

Section 4. The Mayor, or his designee, is authorized to execute all documents on behalf of the City as may be necessary to effectuate the purposes of this Ordinance, including without limitation, acquisition of good and marketable title to the Parcels.

Section 5. All costs related to acquisition of the Parcels, as authorized by this Ordinance will be charged to and paid from Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta. The aggregate amount to condemn each of the seven Parcels shall not exceed \$306,000.00.

Section 6. Article X, Division 14, Subdivision II of the City's Code of Ordinances is waived to the extent such sections apply, such that all authorizations granted in this Ordinance are granted without the need for prior or further authorization of City Council so that the Property can be acquired in a timely fashion to meet the requirements of the Project under the Agreement.

TRANSMITTAL FORM FOR LEGISLATION

ATTN: CANDACE BYRD

TO: MAYOR'S OFFICE

Dept.'s Legislative Liaison: Ellen Wickersham (DPRCA); Mark Haldane (OEAM)

Contact Number: 404-614-8293; 404-865-8586

Originating Department: DPRCA/OEAM

Committee(s) of Purview: Community Development/Human Resources

Chief of Staff Deadline: June 7, 2013

Anticipated Committee Meeting Date(s): June 25, 2013 & July 9, 2013

Anticipated Full Council Date: July 15, 2013

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature]

Chief Information Officer Signature (for IT Procurements) _____

Chief Procurement Officer Signature: _____

CAPTION

**AN ORDINANCE
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0140-0002-009-1 (Parcel 12)

IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAEQ, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____ (date)

Received by Mayor's Office: J. J. 6/7/13 Reviewed by: _____ (date)

645221

Attachment: Enota Park Parcel 12 Attachments (13-O-1116 : An Ordinance authorizing the acquisition of 14-0140-0002-009-1 (Parcel 12) to

Submitted to Council: _____ (date)

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development/Human Resources

Caption:

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0140-0002-009-1 (Parcel 12)

IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta; AND FOR OTHER PURPOSES.

Council Meeting Date: July 15, 2013

Requesting Dept.: DPRCA/OEAM

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to authorize condemnation of fee simple interest in order to expand Enota Park. All parcels to be condemned are raw land. No displacement will occur. Good faith efforts to acquire the property through negotiation were not successful due to title issues—questions of ownership and liens exceeding fair market value.

2. Please provide background information regarding this legislation.

Enota Park expansion

645221

Attachment: Enota Park Parcel 12 Attachments (13-O-1116 : An Ordinance authorizing the acquisition of 14-0140-0002-009-1 (Parcel 12) to

3. If Applicable/Known: N/A

- (a) Contract Type (e.g. Professional Services, Construction Agreement, etc):
- (b) Source Selection:
- (c) Bids/Proposals Due:
- (d) Invitations Issued:
- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*):

Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land),
 Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements),
 Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247,
 Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta

5. Source of Funds: *Example: Local Assistance Grant*: FROM PARK OPPORTUNITY BOND FUND 2005A.

6. Fiscal Impact:

7. Method of Cost Recovery: N/A

This Legislative Request Form Was Prepared By: Ellen Wickersham 404-614-8293.

EXHIBIT "A"

All that tract or parcel of land lying and being in the City of Atlanta in Land Lot 140 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the north side of a proposed street to be known as Chicamauga Avenue six hundred seventy (670) feet southerly, southwesterly and westerly, following the curvature of Chicamauga Avenue from the southwest corner of two proposed streets to be known as Chicamauga Avenue and Chicamauga Court, and running thence north one hundred forty seven (147) feet; thence southeasterly fifty five (55) feet; thence south one hundred twenty nine (129) feet to Chicamauga Avenue; thence west along the north side of Chicamauga Avenue sixty (60) feet to the point of beginning.

Being a part of the same property conveyed to L.A. Thompson and Bernice F. Thompson by Warranty Deed from T.J. Henry and J.H. Calhoun dated August 25, 1952, filed September 2, 1952, recorded in Deed Book 2773, Page 238, Fulton County, Georgia Records.

(Do Not Write Above This Line)

**AN ORDINANCE BY
COMMUNITY DEVELOPMENT / HUMAN RESOURCES
COMMITTEE**

AN ORDINANCE AUTHORIZING THE ACQUISITION, PURSUANT TO THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:
14-0140-0002-009-1 (Parcel 12)

IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta; AND FOR OTHER PURPOSES.

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

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred 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

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

Refer To

FINAL COUNCIL ACTION

2ND 1ST & 2ND 3RD

Readings

Consent

V Vote

RC Vote

CERTIFIED

MAYOR'S ACTION

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-070-3 (PARCEL 18) IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Review List:

Pamela Holmes	Completed	06/14/2013 3:08 PM
George Dusenbury	Completed	06/14/2013 3:37 PM
Jeffrey Haymore	Completed	06/14/2013 4:27 PM
Mayor's Office	Completed	06/14/2013 5:46 PM
Office of Research and Policy Analysis	Completed	06/17/2013 11:02 AM
Community Development & Human Resources Committee	Completed	06/26/2013 2:45 PM
Atlanta City Council	Completed	08/02/2013 11:48 AM
Community Development & Human Resources Committee	Completed	07/09/2013 4:58 PM
Atlanta City Council	Completed	07/17/2013 7:38 PM
Community Development & Human Resources Committee	Completed	07/31/2013 1:29 PM
Atlanta City Council	Pending	

HISTORY:

06/25/13	Community Development & Human Resources Committee	
07/01/13	Atlanta City Council	REFERRED TO COMMITTEES OF PURV

RESULT:	REFERRED TO COMMITTEES OF PURV [13 TO 0]
AYES:	Wan, Martin, Smith, Shook, Winslow, Moore, Young Jr., Sheperd, Bottoms, Hall, Bond, Archibong, Adrean
ABSENT:	Aaron Watson
AWAY:	H. Lamar Willis

07/09/13 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE

07/15/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION

07/30/13

Community Development & Human Resources Committee FAVORABLE

RESULT: FAVORABLE [4 TO 0]

AYES: Joyce Sheperd, H. Lamar Willis, Cleta Winslow, Ivory Lee Young Jr.

ABSTAIN: Kwanza Hall

AWAY: Howard Shook

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**AN ORDINANCE
BY**

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-070-3 (PARCEL 18) IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, the recitations in Ordinance 03-O-0926 indicate that the City maintained Enota Place Park, for public use as a public park for many years as a leasehold and the Ordinance authorized the acquisition and/or condemnation of Enota Place Park in fee simple; and

WHEREAS, Ordinance 09-O-1372 authorized the purchase of approximately six acres from the Trust for Public Land for the expansion of Enota Place Park which is located along the Beltline; and

WHEREAS, the City and/or Atlanta Beltline, Inc. has acquired most of the parcels necessary to accomplish the expansion of Enota Place Park; and

WHEREAS, to complete the Enota Place Park expansion, it is necessary to exercise eminent domain for parcel #'s 6, 7, 9, 11, 12, 18 and 21 depicted in Ordinance 12-O-0490 ("Parcels"); and

WHEREAS, the exercise of eminent domain over the Parcels is necessary for the expansion of Enota Place Park boundaries, which Parcels will be possessed, occupied and used by the general public; and

WHEREAS, the City engaged in good faith negotiations with the owner of the Property to acquire the Property based upon a certified appraisal of the Property; and

WHEREAS, condemnation, including use of the Special Master method, pursuant to O.C.G.A. § 22-2-100 or other appropriate method, as provided in O.C.G.A. § 22-2-1 *et seq.*, is necessary to complete the expansion of Enota Place Park.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, AS FOLLOWS:

Section 1. Pursuant to Section 2-1542 of the City's Code of Ordinances, the City Attorney is authorized to institute condemnation or other legal proceedings, as may be necessary to clear existing liens and encumbrances on the Property and acquire good and marketable fee simple title to tax parcel identification # 14-0140-0002-070-3, depicted as parcel # 18 on Exhibit "A" hereto, without further authorization by City Council, including engagement and/or use of outside counsel as may be necessary for the purpose of completing the Project in accordance with the Agreement.

Section 2. The Special Mater Method, pursuant to O.C.G.A. § 22-2-100 *et seq.*, or, alternatively, other condemnation proceeding authorized by Title 22 of the Official Code of Georgia is authorized to acquire good and marketable title to the Property for purposes of completing the Parcels.

Section 3. The City Attorney, or her designee, is authorized to monitor and supervise the transactions associated with all legal proceedings and actions concerning the acquisition of the Parcels.

Section 4. The Mayor, or his designee, is authorized to execute all documents on behalf of the City as may be necessary to effectuate the purposes of this Ordinance, including without limitation, acquisition of good and marketable title to the Parcels.

Section 5. All costs related to acquisition of the Parcels, as authorized by this Ordinance will be charged to and paid from Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta. The aggregate amount to condemn each of the seven Parcels shall not exceed \$306,000.00

Section 6. Article X, Division 14, Subdivision II of the City's Code of Ordinances is waived to the extent such sections apply, such that all authorizations granted in this Ordinance are granted without the need for prior or further authorization of City Council so that the Property can be acquired in a timely fashion to meet the requirements of the Project under the Agreement.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Dept.'s Legislative Liaison: Ellen Wickersham (DPRCA); Mark Haldane (OEAM)

Contact Number: 404-614-8293; 404-865-8586

Originating Department: DPRCA/OEAM

Committee(s) of Purview: Community Development/Human Resources

Chief of Staff Deadline: June 7, 2013

Anticipated Committee Meeting Date(s): June 25, 2013 & July 9, 2013

Anticipated Full Council Date: July 15, 2013

Legislative Counsel's Signature: *Allyson S. Higgins*

Commissioner's Signature: *[Signature]*

Chief Information Officer Signature (for IT Procurements) _____

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0140-0002-070-3 (Parcel 18)

IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: 6/17/13
(date)

Reviewed by: _____
(date)

645224

Submitted to Council: _____ (date)

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development/Human Resources

Caption:

AN ORDINANCE
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

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IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta; AND FOR OTHER PURPOSES.

Council Meeting Date: July 15, 2013

Requesting Dept.: DPRCA/OEAM

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to authorize condemnation of fee simple interest in order to expand Enota Park. All parcels to be condemned are raw land. No displacement will occur. Good faith efforts to acquire the property through negotiation were not successful due to title issues—questions of ownership and liens exceeding fair market value.

2. Please provide background information regarding this legislation.

Enota Park expansion

645224

3. If Applicable/Known: N/A

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:**

4. **Fund Account Center (Ex. Name and number):**

Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land),
 Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements),
 Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247,
 Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta

5. **Source of Funds: Example: Local Assistance Grant:** FROM PARK OPPORTUNITY BOND FUND 2005A.

6. **Fiscal Impact:**

7. **Method of Cost Recovery:** N/A

This Legislative Request Form Was Prepared By: Ellen Wickersham 404-614-8293.

EXHIBIT "A"**LEGAL DESCRIPTION**

Parcel No. 18

Tax ID No: 14-0140-0002-070-3

All that tract or parcel of land lying and being in Land Lot 140 of the 14th District of Fulton County, Georgia, and being Fulton County Tax Parcel No. 14-0140-0002-070-3, and that same tract or parcel of land described in warranty deed from J.H. Calhoun to Mrs. Margaret Palmer, dated August 25, 1952, and recorded in Deed Book 2773, Page 242, Fulton County Records, being Lot 9 in Block "C" according to plat of Provisional Subdivision Property of Bell and Calhoun, made by L.H. Fitzpatrick, C.E., May, 1952, a copy of same being on file in the office of Atlanta Title Company, incorporated herein by reference, and being more particularly described as follows:

BEGINNING at a point on the south side of a proposed street to be known as Chicamauga Avenue, on the south side of a turn-around, 521 feet, more or less, southerly, southwesterly, west, and southwest from the southeast corner of Chicamauga Avenue and another proposed street to be known as Chicamauga Court, if the lines of said streets were extended to form an angle instead of a curve, following the curvature of Chicamauga Avenue, said beginning point being at the northwest corner of Lot 8 in said block; and running thence south 139 feet; thence west 60 feet; thence north 199 feet to the southwest corner of Lot 10 in Block "A", plat aforesaid; thence southeasterly and easterly following the curvature of said turn-around along Chicamauga Avenue 96 feet to the point of beginning.

<p>(Do Not Write Above This Line)</p> <p>AN ORDINANCE BY COMMUNITY DEVELOPMENT / HUMAN RESOURCES COMMITTEE</p> <p>AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-070-3 (Parcel 18)</p> <p>IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTABO, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta; AND FOR OTHER PURPOSES.</p>	<p>Committee _____ Date _____ Chair _____ Referred To _____</p> <p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (See rev.side) Other _____ Members _____</p> <p>Refer To _____</p> <p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (See rev.side) Other _____ Members _____</p> <p>Refer To _____</p>	<p>FINAL COUNCIL ACTION <input type="checkbox"/> 2ND <input type="checkbox"/> 1ST & 2ND <input type="checkbox"/> 3RD</p> <p>Readings</p> <p><input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote</p> <p style="text-align: center;">CERTIFIED</p>
<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (See rev.side) Other _____ Members _____</p> <p>Refer To _____</p> <p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (See rev.side) Other _____ Members _____</p> <p>Refer To _____</p>	<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (See rev.side) Other _____ Members _____</p> <p>Refer To _____</p> <p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (See rev.side) Other _____ Members _____</p> <p>Refer To _____</p>	<p style="text-align: center;">MAYOR'S ACTION</p>
<p><input type="checkbox"/> CONSENT REFER</p> <p><input type="checkbox"/> REGULAR REPORT REFER</p> <p><input type="checkbox"/> ADVERTISE & REFER</p> <p><input type="checkbox"/> 1ST ADOPT 2ND READ & REFER</p> <p><input type="checkbox"/> PERSONAL PAPER REFER</p>	<p>Date Referred _____</p> <p>Referred To: _____</p> <p>Date Referred _____</p> <p>Referred To: _____</p> <p>Date Referred _____</p> <p>Referred To: _____</p>	

Attachment: Enota Park Parcel 18 Attachments (13-O-1117 : An Ordinance authorizing the acquisition of 14-0140-0002-070-3 (Parcel 18) to

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-072-9 (PARCEL 21) IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Review List:

Pamela Holmes	Completed	06/14/2013 3:10 PM
George Dusenbury	Completed	06/14/2013 3:38 PM
Jeffrey Haymore	Completed	06/14/2013 4:26 PM
Mayor's Office	Completed	06/14/2013 5:47 PM
Office of Research and Policy Analysis	Completed	06/17/2013 10:56 AM
Community Development & Human Resources Committee	Completed	06/26/2013 2:45 PM
Atlanta City Council	Completed	08/02/2013 11:48 AM
Community Development & Human Resources Committee	Completed	07/09/2013 4:58 PM
Atlanta City Council	Completed	07/17/2013 7:38 PM
Community Development & Human Resources Committee	Completed	07/31/2013 1:29 PM
Atlanta City Council	Pending	

HISTORY:

06/25/13	Community Development & Human Resources Committee	
07/01/13	Atlanta City Council	REFERRED TO COMMITTEES OF PURV

RESULT:	REFERRED TO COMMITTEES OF PURV [13 TO 0]
AYES:	Wan, Martin, Smith, Shook, Winslow, Moore, Young Jr., Sheperd, Bottoms, Hall, Bond, Archibong, Adrean
ABSENT:	Aaron Watson
AWAY:	H. Lamar Willis

07/09/13 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE

07/15/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION

07/30/13

Community Development & Human Resources Committee FAVORABLE

RESULT: FAVORABLE [4 TO 0]

AYES: Joyce Sheperd, H. Lamar Willis, Cleta Winslow, Ivory Lee Young Jr.

ABSTAIN: Kwanza Hall

AWAY: Howard Shook

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**AN ORDINANCE
BY**

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-072-9 (PARCEL 21) IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, the recitations in Ordinance 03-O-0926 indicate that the City maintained Enota Place Park, for public use as a public park for many years as a leasehold and the Ordinance authorized the acquisition and/or condemnation of Enota Place Park in fee simple; and

WHEREAS, Ordinance 09-O-1372 authorized the purchase of approximately six acres from the Trust for Public Land for the expansion of Enota Place Park which is located along the Beltline; and

WHEREAS, the City and/or Atlanta Beltline, Inc. has acquired most of the parcels necessary to accomplish the expansion of Enota Place Park; and

WHEREAS, to complete the Enota Place Park expansion, it is necessary to exercise eminent domain for parcel #'s 6, 7, 9, 11, 12, 18 and 21 depicted in Ordinance 12-O-0490 ("Parcels"); and

WHEREAS, the exercise of eminent domain over the Parcels is necessary for the expansion of Enota Place Park boundaries, which Parcels will be possessed, occupied and used by the general public; and

WHEREAS, the City engaged in good faith negotiations with the owner of the Property to acquire the Property based upon a certified appraisal of the Property; and

WHEREAS, condemnation, including use of the Special Master method, pursuant to O.C.G.A. § 22-2-100 or other appropriate method, as provided in O.C.G.A. § 22-2-1 *et seq.*, is necessary to complete the expansion of Enota Place Park.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, AS FOLLOWS:

Section 1. Pursuant to Section 2-1542 of the City's Code of Ordinances, the City Attorney is authorized to institute condemnation or other legal proceedings, as may be necessary to clear existing liens and encumbrances on the Property and acquire good and marketable fee simple title to tax parcel identification # 14-0140-0002-072-9, depicted as parcel # 21 on Exhibit "A" hereto, without further authorization by City Council, including engagement and/or use of outside counsel as may be necessary for the purpose of completing the Project in accordance with the Agreement.

Section 2. The Special Mater Method, pursuant to O.C.G.A. § 22-2-100 *et seq*, or, alternatively, other condemnation proceeding authorized by Title 22 of the Official Code of Georgia is authorized to acquire good and marketable title to the Property for purposes of completing the Parcels.

Section 3. The City Attorney, or her designee, is authorized to monitor and supervise the transactions associated with all legal proceedings and actions concerning the acquisition of the Parcels.

Section 4. The Mayor, or his designee, is authorized to execute all documents on behalf of the City as may be necessary to effectuate the purposes of this Ordinance, including without limitation, acquisition of good and marketable title to the Parcels.

Section 5. All costs related to acquisition of the Parcels, as authorized by this Ordinance will be charged to and paid from Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta. The aggregate amount to condemn each of the seven Parcels shall not exceed \$306,000.00.

Section 6. Article X, Division 14, Subdivision II of the City's Code of Ordinances is waived to the extent such sections apply, such that all authorizations granted in this Ordinance are granted without the need for prior or further authorization of City Council so that the Property can be acquired in a timely fashion to meet the requirements of the Project under the Agreement.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Dept.'s Legislative Liaison: Ellen Wickersham (DPRCA); Mark Haldane (OEAM)

Contact Number: 404-614-8293; 404-865-8586

Originating Department: DPRCA/OEAM

Committee(s) of Purview: Community Development/Human Resources

Chief of Staff Deadline: June 7, 2013

Anticipated Committee Meeting Date(s): June 25, 2013 & July 9, 2013

Anticipated Full Council Date: July 15, 2013

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature]

Chief Information Officer Signature (for IT Procurements) _____

Chief Procurement Officer Signature: _____

CAPTION
AN ORDINANCE
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0140-0002-072-9 (Parcel 21)

IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____

Received by Mayor's Office: [Signature] (date) 6/7/13 Reviewed by: [Signature] (date) _____

Submitted to Council: _____ (date)

Attachment: Enota Park Parcel 21 Attachments (13-O-1118 : An Ordinance authorizing the acquisition of 14-0140-0002-072-9 (Parcel 21) to

EXHIBIT "A"**LEGAL DESCRIPTION**

Tax ID No: 14-0140-0002-072-9
(10,514 sq. feet or 0.242 acres)

All and singular that certain tract of land lying and being in Land Lot 140 of the 14th District, City of Atlanta of Fulton County, Georgia, and more particularly described as follows:

COMMENCING at a ½" rebar set at the intersection of the southerly right-of-way line of Chicamauga Court and the easterly right-of-way line of Chicamauga Avenue; run thence southerly, southwesterly and westerly along said easterly, southeasterly and southerly right-of-way lines of Chicamauga Avenue, a distance of 389.40 feet to a ½" rebar set, said point being the POINT OF BEGINNING.

From the true point of beginning as thus established, leaving said southerly right-of-way line of Chicamauga Avenue run thence south 00 degrees 11 minutes 46 seconds west, a distance of 15.70 feet to a ½" rebar set;

Thence south 00 degrees 30 minutes 53 seconds west, a distance of 159.88 feet to a ½" rebar set;

Thence north 89 degrees 30 minutes 16 seconds west, a distance of 60.00 feet to a ½" rebar set;

Thence north 00 degrees 29 minutes 11 seconds east, a distance of 175.55 feet to a ½" rebar set on the aforementioned southerly right-of-way line of Chicamauga Avenue;

Thence along said southerly right-of-way line of Chicamauga Avenue south 89 degrees 31 minutes 50 seconds east, a distance of 60.00 feet to a ½" rebar set, said point being the POINT OF BEGINNING.

Said property being shown on Boundary Survey Tax ID: 1401400002072 for City of Atlanta, Smith Real Estate Services, Inc. and Chicago Title Insurance Company, prepared by Agility Surveying Co., Inc. and bearing the seal of Rawle J. Stanley, GRLS No. 2890, dated August 5, 2010, last revised December 14, 2010, a copy of which Boundary Survey is attached to this Exhibit "A" and made a part hereof (the "Boundary Survey"). Being the same property as that conveyed to Arthur Crutcher from Ella Ruth Wilborn aka Ella Ruth Wilborn Crutcher by Limited Warranty Deed dated November 30, 2010, filed January 6, 2011, recorded in Deed Book 49734, Page 215, Fulton County, Georgia Records, as corrected by Corrective Limited Warranty Deed dated March 24, 2011, filed October 31, 2011, recorded in Deed Book 50529, Page 107, aforesaid records, which deeds contain an erroneous point of beginning of 322 feet from Chicamauga Court, the correct point of beginning being 389.4 feet from Chicamauga Court as shown on the aforesaid Boundary Survey.

F:\wp\work\10\103-17\Commitment(dd)(3)

ALTA Commitment with Georgia modifications 6/17/06

Attachment: Enota Park Parcel 21 Attachments (13-O-1118 : An Ordinance authorizing the acquisition of 14-0140-0002-072-9 (Parcel 21) to

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development/Human Resources

Caption:

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0140-0002-072-9 (Parcel 21)

IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta; AND FOR OTHER PURPOSES.

Council Meeting Date: July 15, 2013

Requesting Dept.: DPRCA/OEAM

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to authorize condemnation of fee simple interest in order to expand Enota Park. All parcels to be condemned are raw land. No displacement will occur. Good faith efforts to acquire the property through negotiation were not successful due to title issues—questions of ownership and liens exceeding fair market value.

2. Please provide background information regarding this legislation.

Enota Park expansion

645226

3. If Applicable/Known: N/A

- (a) Contract Type (e.g. Professional Services, Construction Agreement, etc):
- (b) Source Selection:
- (c) Bids/Proposals Due:
- (d) Invitations Issued:
- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*):

Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta

5. Source of Funds: *Example: Local Assistance Grant*: FROM PARK OPPORTUNITY BOND FUND 2005A.

6. Fiscal Impact:

7. Method of Cost Recovery: N/A

This Legislative Request Form Was Prepared By: Ellen Wickersham 404-614-8293.

(Do Not Write Above This Line)

AN ORDINANCE BY
COMMUNITY DEVELOPMENT/ HUMAN RESOURCES
COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0140-0002-072-9 (Parcel 21)

IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM Park Opportunity Bond Fund 2005a; Fund: 3129 (Park Improvement Bond), Dept: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PIAEO, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta; AND FOR OTHER PURPOSES.

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

Date Referred _____

Referred To: _____

Committee _____

Date _____

Chair _____

Referred 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

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
 - Consent
 - V-Vote
 - RC Vote
- Readings

CERTIFIED

MAYOR'S ACTION

RESULT: HELD IN COMMITTEE

07/15/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION

07/30/13

Community Development & Human Resources Committee FAVORABLE

RESULT: FAVORABLE [UNANIMOUS]

AYES: Sheperd, Hall, Shook, Willis, Winslow, Young Jr.

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**AN ORDINANCE
BY**

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: # 14-0171-0008-007-1 (0 HANDLEY AVE. SW-PAPER STREET) (PARCEL # 2) IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Ordinances 09-O-0555 and 12-O-0499, the City has acquired easement or fee simple interest in numerous parcels in connection with the proposed Southwest Beltline Connector Trail which connects the Lionel Hampton Trail, Westwood Avenue, John A. White Park and Adams Park (“Project”).

WHEREAS, six trail easements remain needed to complete the Southwest Beltline Connector Trail and efforts to acquire said easements through negotiation have been unsuccessful due to numerous issues including liens and other clouds on title; and

WHEREAS, to complete the Southwest Beltline Connector Trail, it is necessary to exercise eminent domain to acquire a 25 foot permanent trail easement (approximate) and a 50 foot temporary trail construction easement (approximate) for parcel # 2, as depicted on Exhibit “A” (“Parcel”); and

WHEREAS, the exercise of eminent domain over the Parcel is necessary for the expansion of Southwest Beltline Connector Trail, which Parcel will be possessed, occupied and used by the general public; and

WHEREAS, the City engaged in good faith negotiations with the owner of each Parcel to acquire the Parcel based upon a certified appraisal of the Parcel; and

WHEREAS, condemnation by the Declaration of Taking method, pursuant to O.C.G.A. §§ 32-3-5 and 32-3-6, is necessary for the completion of the Southwest Beltline Connector Trail, a public transportation purpose.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, AS FOLLOWS:

Section 1. Pursuant to Section 2-1542 of the City's Code of Ordinances, the City Attorney is authorized to institute condemnation or other legal proceedings, as may be necessary to clear existing liens and encumbrances on the Property, to acquire a twenty-five (25) foot permanent trail easement and a fifty (50) foot temporary construction easement through tax parcel identification # 14-0171-0008-007-1 (0 Handley Ave. SW-paper street), depicted as parcel # 2 on Exhibit "A" hereto, without further authorization by City Council, including engagement and/or use of outside counsel as may be necessary for the purpose of completing the Project in accordance with the Agreement.

Section 2. The term of each temporary construction easement authorized in the proceeding sections shall be for a term commencing on the first day that such easement vests in the City of Atlanta and ending at the point in which construction terminates, but in no case shall such term exceed two years.

Section 3. The Declaration of Taking Method, pursuant to O.C.G.A. §§ 32-3-5 and 32-3-6, is authorized to acquire good and marketable title to the Property for purposes of completing the Project.

Section 4. The City Attorney, or her designee, is authorized to monitor and supervise the transactions associated with all legal proceedings and actions concerning the acquisition of the Property.

Section 5. The Mayor, or his designee, is authorized to execute all documents on behalf of the City as may be necessary to effectuate the purposes of this Ordinance, including without limitation, acquisition of good and marketable title to the Property.

Section 6. All costs related to acquisition of the Parcels, as authorized by this Ordinance will be charged to and paid from Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta. The aggregate amount to condemn each of the six Parcels shall not exceed \$141,000.00.

Section 7. Article X, Division 14, Subdivision II of the City's Code of Ordinances is waived to the extent such sections apply, such that all authorizations granted in this Ordinance are granted without the need for prior or further authorization of City Council so that the Property can be acquired in a timely fashion to meet the requirements of the Project under the Agreement.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Dept.'s Legislative Liaison: Ellen Wickersham (DPCA); Mark Haldane (OEAM)

Contact Number: 404-614-8293; 404-865-8586

Originating Department: DPRCA/OEAM

Committee(s) of Purview: Community Development/Human Resources

Chief of Staff Deadline: June 7, 2013

Anticipated Committee Meeting Date(s): June 25, 2013 & July 9, 2013

Anticipated Full Council Date: July 15, 2013

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature]

Chief Information Officer Signature (for IT Procurements) _____

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0171-0008-007-1 (0 Handley Ave. SW-paper street) (Parcel # 2)

IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: _____

(date)

Received by LC from CPO: _____

(date)

Received by Mayor's Office: 7/7/13

Reviewed by: [Signature]

643780

Attachment: 0 Handley Ave. Attachements (13-O-1107 : An Ordinance authorizing acquisition of 0 Handley Ave. (Parcel #2) to complete the SW

LEGAL DESCRIPTION
TRACT 2
Permanent 25 Ft Easement

All that Tract or Parcel of Land lying and being in Land Lot 171 of the 14th District Fulton County, Georgia more particularly described as follows:

Commencing at a Fulton County Georgia Monument stamped F-459 on the face of the disk and having a Grid North Coordinate of 1354426.24 and a Grid East Coordinate of 2193518.3310 an elevation of 807.86 feet, thence North 73 degrees 10 Minutes 48 Seconds East a distance of 15,465.85 feet to a 1/2 inch iron pin found on the common land lot line of land lots 182 and 171, thence along said common line South 01 Degrees 10 Minutes 56 Seconds West a distance of 1.08 feet to a point, thence South 00 Degrees 39 Minutes 56 Seconds West a distance of 1.44 feet to the **Point of Beginning**, thence South 46 Degrees 57 Minutes 30 Seconds East a distance of 76.41 feet to a point on the northern boundary of now or formerly Jack E. Johnson; thence along said northern line South 57 Degrees 27 Minutes 14 Seconds West a distance of 25.81 feet to a point; thence leaving said common line North 46 Degrees 57 Minutes 30 Seconds West a distance of 47.18 feet to a point on the eastern boundary line of a parcel now or formerly owned by the City of Atlanta; thence along said common line North 00 Degrees 39 Minutes 56 Seconds East a distance of 33.84 feet to the **Point of Beginning**.

Said Tract or Parcel of Land contains 1544.75 square feet or 0.036 acres as shown on a survey prepared by Hartrampf Engineering dated 05-18-09, for the Path Foundation project named J. A. White Park, original Job Number 08082.00. Job Number for the Easement Surveys is 09025.00.

GENERAL NOTES

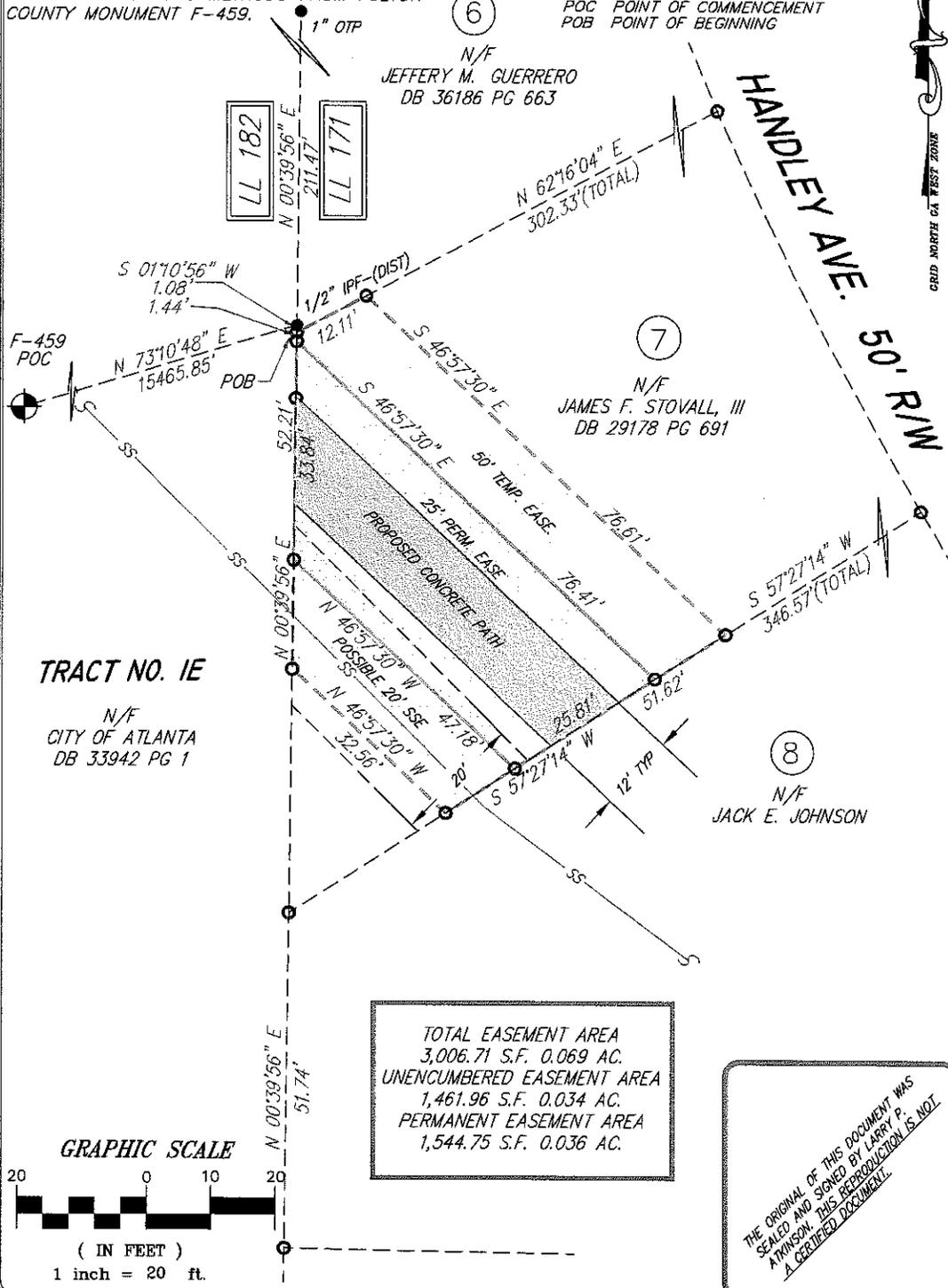
1. THE FIELD DATA FOR THIS SURVEY WAS COLLECTED USING A TOPCON GTS-302D TOTAL STATION.
2. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 16,000 FEET, AND AN ANGULAR ERROR OF 00' 00' 08" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.
3. DATE OF FIELD SURVEY: 10/6/08.
4. HORIZONTAL AND VERTICAL DATUM WERE ESTABLISHED BY GPS METHODS FROM FULTON COUNTY MONUMENT F-459.

EASEMENT PLAT TRACT 2
JAMES F. STOVALL, III
LAND LOT 171, 14TH. DISTRICT
FULTON, COUNTY
GEORGIA

14-0171-0008-0071

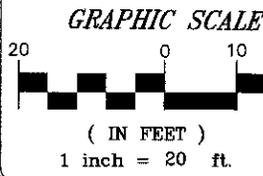
LEGEND

- IPF IRON PIN FOUND
- ⊙ CALCULATED POINT
- ⊙ POC POINT OF COMMENCEMENT
- ⊙ POB POINT OF BEGINNING



TRACT NO. 1E
 N/F
 CITY OF ATLANTA
 DB 33942 PG 1

TOTAL EASEMENT AREA
 3,006.71 S.F. 0.069 AC.
 UNENCUMBERED EASEMENT AREA
 1,461.96 S.F. 0.034 AC.
 PERMANENT EASEMENT AREA
 1,544.75 S.F. 0.036 AC.



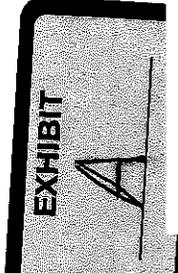
THE ORIGINAL OF THIS DOCUMENT WAS
 SEALED AND SIGNED BY LARRY P.
 ATKINSON. THIS REPRODUCTION IS NOT
 A CERTIFIED DOCUMENT.

Scale: 1"=20'
 Revisions:
 02-06-13



7000 Central Parkway Suite 1475 Atlanta Ga. 30328 678-320-1888

DRAWN BY RBM
 Checked by LPA
 Date 05/16/09
 Job No. 09025.00
 ORIG-NO.08082.00



Attachment: O Handley Ave. Attachements (13-O-1107 : An Ordinance authorizing acquisition of 0 Handley Ave. (Parcel #2) to complete the SW

Submitted to Council: _____ (date) _____ (date)

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development/Human Resources

Caption:

AN ORDINANCE
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0171-0008-007-1 (0 Handley Ave. SW-paper street) (Parcel # 2)

IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA, AND FOR OTHER PURPOSES.

Council Meeting Date: July 15, 2013

Requesting Dept.: DPCA/OEAM

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to authorize condemnation of a temporary construction easement and a permanent easement by the declaration of taking method in order to finalize the pedestrian southwest beltline connector trail transportation project connecting Lionel Hampton Trail, Westwood Avenue, John A. White Park and Adams Park. Good faith efforts to acquire the property through negotiation were not successful due to title issues.

2. Please provide background information regarding this legislation.

SW Beltline connector trail project.

3. If Applicable/Known: N/A

- (a) Contract Type (e.g. Professional Services, Construction Agreement, etc):
- (b) Source Selection:
- (c) Bids/Proposals Due:
- (d) Invitations Issued:
- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*):

FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001

5. Source of Funds: *Example: Local Assistance Grant:* FROM PARK OPPORTUNITY BOND FUND 2005A.

6. Fiscal Impact:

7. Method of Cost Recovery: N/A

This Legislative Request Form Was Prepared By: Ellen Wickersham 404-614-8293.

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING MASTER METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6 METHOD, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH A CERTAIN PARCEL LISTED UNDER FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0171-0011-048-0 (PARCEL #6A) IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Review List:

Pamela Holmes	Completed	06/14/2013 12:05 PM
George Dusenbury	Completed	06/14/2013 12:09 PM
Mariangela Corales	Completed	06/14/2013 2:39 PM
Mayor's Office	Completed	06/14/2013 4:20 PM
Office of Research and Policy Analysis	Completed	06/17/2013 11:23 AM
Community Development & Human Resources Committee	Completed	06/26/2013 2:45 PM
Atlanta City Council	Completed	08/02/2013 11:48 AM
Community Development & Human Resources Committee	Completed	07/09/2013 4:58 PM
Atlanta City Council	Completed	07/17/2013 7:38 PM
Community Development & Human Resources Committee	Completed	08/02/2013 2:51 PM
Atlanta City Council	Pending	

HISTORY:

06/25/13	Community Development & Human Resources Committee	
07/01/13	Atlanta City Council	REFERRED TO COMMITTEES OF PURV

RESULT:	REFERRED TO COMMITTEES OF PURV [13 TO 0]
AYES:	Wan, Martin, Smith, Shook, Winslow, Moore, Young Jr., Sheperd, Bottoms, Hall, Bond, Archibong, Adrean
ABSENT:	Aaron Watson
AWAY:	H. Lamar Willis

07/09/13 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE

07/15/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION

07/30/13

Community Development & Human Resources Committee FAVORABLE

RESULT: FAVORABLE [UNANIMOUS]

AYES: Sheperd, Hall, Shook, Willis, Winslow, Young Jr.

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**AN ORDINANCE
BY**

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING MASTER METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6 METHOD, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH A CERTAIN PARCEL LISTED UNDER FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0171-0011-048-0 (PARCEL #6A) IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Ordinances 09-O-0555 and 12-O-0499, the City has acquired easement or fee simple interest in numerous parcels in connection with the proposed Southwest Beltline Connector Trail which connects the Lionel Hampton Trail, Westwood Avenue, John A. White Park and Adams Park (“Project”).

WHEREAS, six trail easements remain needed to complete the Southwest Beltline Connector Trail and efforts to acquire said easements through negotiation have been unsuccessful due to numerous issues including liens and other clouds on title; and

WHEREAS, to complete the Southwest Beltline Connector Trail, it is necessary to exercise eminent domain to acquire a 25 foot permanent trail easement (approximate) and a 50 foot temporary trail construction easement (approximate) for parcel # 6A, as depicted on Exhibit “A” (“Parcel”); and

WHEREAS, the exercise of eminent domain over the Parcels is necessary for the expansion of Southwest Beltline Connector Trail, which Parcel will be possessed, occupied and used by the general public; and

WHEREAS, the City engaged in good faith negotiations with the owner of each Parcel to acquire the Parcel based upon a certified appraisal of the Parcel; and

WHEREAS, condemnation of the Parcel by the Declaration of Taking method, pursuant to O.C.G.A. §§ 32-3-5 and 32-3-6 is necessary for the completion of the Southwest Beltline Connector Trail, a public transportation purpose.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, AS FOLLOWS:

Section 1. Pursuant to Section 2-1542 of the City's Code of Ordinances, the City Attorney is authorized to institute condemnation or other legal proceedings, as may be necessary to clear existing liens and encumbrances on the Property, to acquire an approximate twenty-five (25) foot permanent trail easement and an approximate fifty (50) foot temporary construction easement through tax parcel identification # 14-0171-0011-048-0, depicted as parcel # 6A on Exhibit "A" hereto, without further authorization by City Council, including engagement and/or use of outside counsel as may be necessary for the purpose of completing the Project in accordance with the Agreement.

Section 2. The term of each temporary construction easement authorized in the proceeding sections shall be for a term commencing on the first day that such easement vests in the City of Atlanta and ending at the point in which construction terminates, but in no case shall such term exceed two years.

Section 3. The Declaration of Taking Method, pursuant to O.C.G.A. §§ 32-3-5 and 32-3-6 is authorized to acquire good and marketable title to the Property for purposes of completing the Project.

Section 4. The City Attorney, or her designee, is authorized to monitor and supervise the transactions associated with all legal proceedings and actions concerning the acquisition of the Property.

Section 5. The Mayor, or his designee, is authorized to execute all documents on behalf of the City as may be necessary to effectuate the purposes of this Ordinance, including without limitation, acquisition of good and marketable title to the Property.

Section 6. All costs related to acquisition of the Parcels, as authorized by this Ordinance will be charged to and paid from Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta. The aggregate amount to condemn each of the six Parcels shall not exceed \$141,000.00

Section 7. Article X, Division 14, Subdivision II of the City's Code of Ordinances is waived to the extent such sections apply, such that all authorizations granted in this Ordinance are granted without the need for prior or further authorization of City Council so that the Property can be acquired in a timely fashion to meet the requirements of the Project under the Agreement.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Dept.'s Legislative Liaison: Ellen Wickersham (DPRCA); Mark Haldane (OEAM)

Contact Number: 404-614-8293; 404-865-8586

Originating Department: DPRCA/OEAM

Committee(s) of Purview: Community Development/Human Resources

Chief of Staff Deadline: June 7, 2013

Anticipated Committee Meeting Date(s): June 25, 2013 & July 9, 2013

Anticipated Full Council Date: July 15, 2013

Legislative Counsel's Signature: *Allyson D. Hargrave*

Commissioner's Signature: *[Signature]*

Chief Information Officer Signature (for IT Procurements) _____

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING MASTER METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6 METHOD, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH A CERTAIN PARCEL LISTED UNDER FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0171-0011-048-0 (Parcel #6A)

IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: _____

Received by LC from CPO: _____

Received by Mayor's Office: 6/17/13

Reviewed by: [Signature]

634645

Attachment: Parcel 6a SW Beltline Attachments (13-O-1108 : An Ordinance authorizing acquisition of 14-0171-0011-048-0 (Parcel 6A) for SW

LEGAL DESCRIPTION
TRACT 6A
Permanent 25 Ft Easement

All that Tract or Parcel of Land lying and being in Land Lot 171 of the 14th District Fulton County, Georgia more particularly described as follows:

Commencing at a Fulton County Georgia Monument stamped F-459 on the face of the disk and having a Grid North Coordinate of 1354426.24 and a Grid East Coordinate of 2193518.3310 an elevation of 807.86 feet, thence North 75 Degrees 06 Minutes 20 Seconds East a distance of 15,600.10 feet to a point, thence North 62 Degrees 15 Minutes 21 Seconds East a distance of 90.13 feet to a point, thence North 75 Degrees 00 Minutes 14 Seconds East a distance of 31.71 feet to the **Point of Beginning**, thence North 75 Degrees 00 Minutes 14 Seconds East a distance of 25.03 feet to a point; thence South 17 Degrees 41 Minutes 12 Seconds East a distance of 200.22 feet to a point on the northern right of way of Beecher Road; thence along said northern right of way South 75 Degrees 00 Minutes 14 Seconds West a distance of 23.52 feet to a point; thence North 20 Degrees 43 Minutes 27 Seconds West a distance of 28.77 feet to a point; thence North 17 Degrees 41 Minutes 12 Seconds West a distance of 171.57 feet to the **Point of Beginning**.

Said Tract or Parcel of Land contains 4987.38 square feet or 0.115 acres as shown on a survey prepared by Hartrampf Engineering dated 05-18-09, for the Path Foundation project named J. A. White Park, original Job Number 08082.00. Job Number for the Easement Surveys is 09025.00.

LEGAL DESCRIPTION
TRACT 6A
Temporary 50 Ft Construction Easement

All that Tract or Parcel of Land lying and being in Land Lot 171 of the 14th District Fulton County, Georgia more particularly described as follows:

Commencing at a Fulton County Georgia Monument stamped F-459 on the face of the disk and having a Grid North Coordinate of 1354426.24 and a Grid East Coordinate of 2193518.3310 an elevation of 807.86 feet, thence North 75 degrees 06 Minutes 20 Seconds East a distance of 15600.10 feet to a 1/2 inch iron pin found, thence North 62 Degrees 15 Minutes 21 Seconds East a distance of 90.13 feet to a point, thence N 75 Degrees 00 Minutes 14 Seconds East a distance of 19.20 feet to the **Point of Beginning**, thence North 75 Degrees 00 Minutes 14 Seconds East a distance of 50.06 feet to a point; thence South 17 Degrees 41 Minutes 12 Seconds East a distance of 200.22 feet to a point on the northern right of way of Beecher Road; thence along said northern right of way South 75 Degrees 00 Minutes 14 Seconds West a distance of 36.03 feet to a point; thence leaving said right of way North 20 Degrees 43 Minutes 27 Seconds West a distance of 87.41 feet to a point; thence North 39 Degrees 38 Minutes 40 Seconds West a distance of 25.08 feet to a point; thence North 17 Degrees 41 Minutes 12 Seconds West a distance of 90.85 feet to the **Point of Beginning**.

Said Tract or Parcel of Land contains 8,885.87 square feet or 0.204 acres as shown on a survey prepared by Hartrampf Engineering dated 05-18-09, for the Path Foundation project named J. A. White Park, original Job Number 08082.00. Job Number for the Easement Surveys is 09025.00.

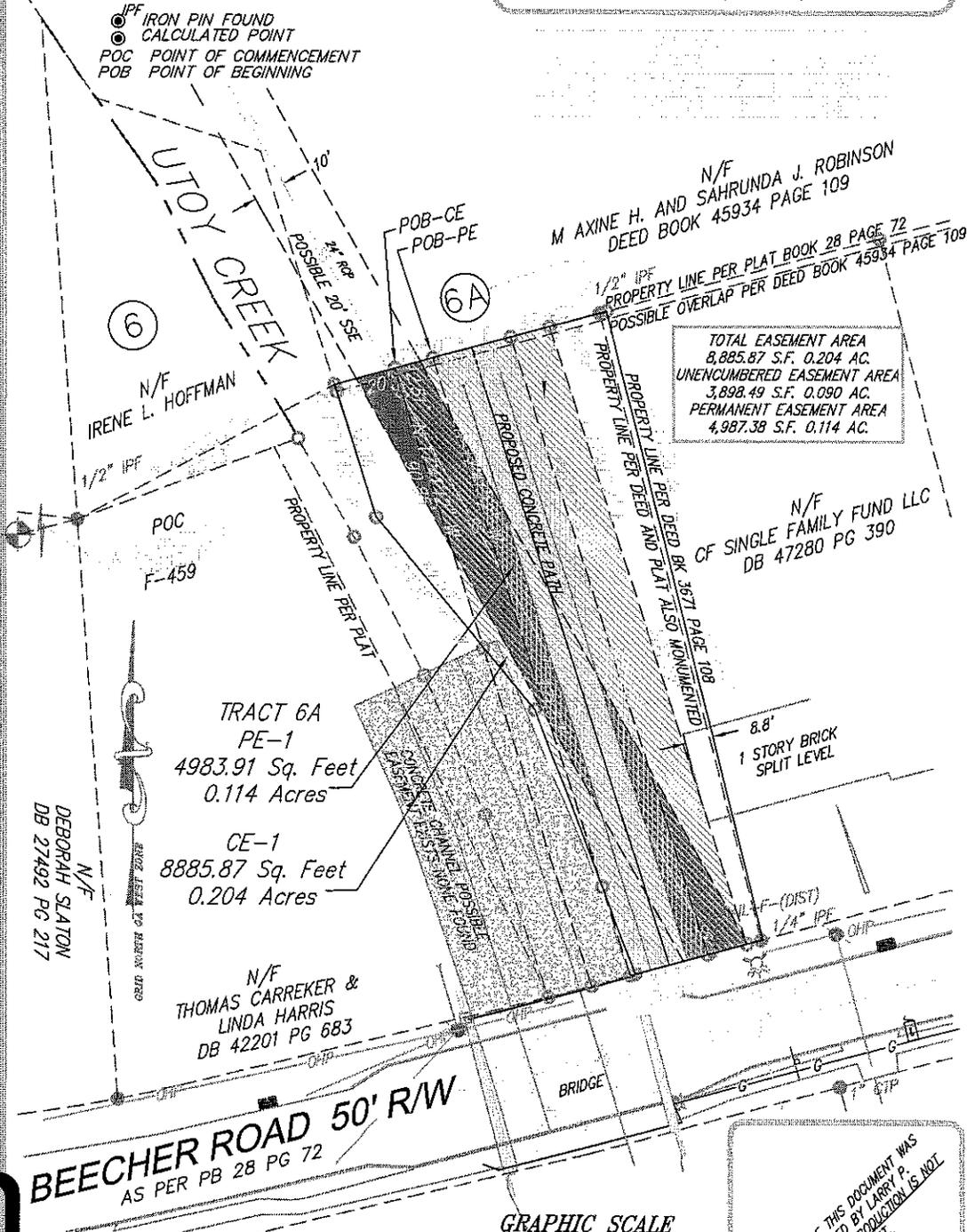
GENERAL NOTES

1. THE FIELD DATA FOR THIS SURVEY WAS COLLECTED USING A TOPCON GTS-313 TOTAL STATION AND A HP 48 GX DATA COLLECTOR.
2. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED, IS BY GPS METHODS AND HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET, AND WAS ADJUSTED USING COMPASS RULE.
3. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1 FOOT IN 25,000 FEET.
4. DATE OF FIELD SURVEY: 11/25/2006.

LEGEND

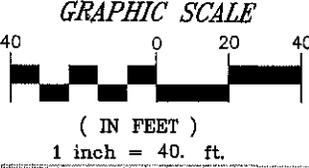
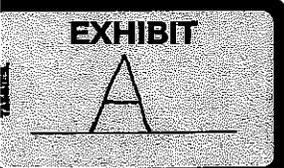
- IPF IRON PIN FOUND
- CALCULATED POINT
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING

**EASEMENT PLAT OF TRACT 6A
FOR THE PATH FOUNDATION
THE CITY OF ATLANTA AND
CHICAGO TITLE INSURANCE COMPANY
LAND LOT 171, 14TH. DISTRICT
FULTON, COUNTY
GEORGIA
14-0171-0011-048-0**



TOTAL EASEMENT AREA
8,885.87 S.F. 0.204 AC.
UNENCUMBERED EASEMENT AREA
3,898.49 S.F. 0.090 AC.
PERMANENT EASEMENT AREA
4,987.38 S.F. 0.114 AC.

THE ORIGINAL OF THIS DOCUMENT WAS
SEALED AND SIGNED BY LARRY P.
ATKINSON. THIS REPRODUCTION IS NOT
A CERTIFIED DOCUMENT.



Rev. 02-06-13

PARCEL 6A
N/F
FLORA JACKSON

Scale: 1"=40'	02-11-10
Revisions:	02-21-10
08-03-09	03-03-10
11-15-09	



Revisions:	DRAWN BY RBM	SHEET
03-30-10	Checked by LPA	1
02-01-11	Date 11/04/08	
	Job No. 09025.00	OF 1

ORIG Job No. 08082.00

Packet Pg. 100

Attachment: Parcel 6a SW Beltline Attachments (13-O-1108 : An Ordinance authorizing acquisition of 14-0171-0011-048-0 (Parcel 6A) for SW

Submitted to Council: _____ (date)

(date)

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development/Human Resources

Caption:

AN ORDINANCE
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING MASTER METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6 METHOD, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH A CERTAIN PARCEL LISTED UNDER FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0171-0011-048-0 (Parcel #6A)

IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Council Meeting Date: July 15, 2013

Requesting Dept.: DPRCA/OEAM

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to authorize condemnation of a temporary construction easement and a permanent easement by the declaration of taking method in order to finalize the pedestrian southwest beltline connector trail transportation project connecting Lionel Hampton Trail, Westwood Avenue, John A. White Park and Adams Park. Good faith efforts to acquire the property through negotiation were not successful.

2. Please provide background information regarding this legislation.

SW Beltline connector trail project.

634645

Attachment: Parcel 6a SW Beltline Attachments (13-O-1108 : An Ordinance authorizing acquisition of 14-0171-0011-048-0 (Parcel 6A) for SW

3. If Applicable/Known: N/A

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:**

4. Fund Account Center (Ex. Name and number):

FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001

5. Source of Funds: Example: Local Assistance Grant: FROM PARK OPPORTUNITY BOND FUND 2005A.

6. Fiscal Impact:

7. Method of Cost Recovery: N/A

This Legislative Request Form Was Prepared By: Ellen Wickersham 404-614-8293.

<p>(Do Not Write Above This Line)</p> <p>AN ORDINANCE BY COMMUNITY DEVELOPMENT / HUMAN RESOURCES COMMITTEE</p> <p>AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: # 14-0171-0011-048-0 (Parcel # 6A)</p> <p>IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND.2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999).PTAEO, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.</p>	<p>Committee _____ Date _____ Chair _____ Referred To _____</p> <p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (See rev.side) _____ Other _____ Members _____</p> <p>Refer To _____</p> <p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (See rev.side) _____ Other _____ Members _____</p> <p>Refer To _____</p>	<p>FINAL COUNCIL ACTION <input type="checkbox"/> 2ND <input type="checkbox"/> 1ST & 2ND <input type="checkbox"/> 3RD</p> <p>Readings</p> <p><input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote</p> <p>CERTIFIED</p>
<p><input type="checkbox"/> CONSENT REFER</p> <p><input type="checkbox"/> REGULAR REPORT REFER</p> <p><input type="checkbox"/> ADVERTISE & REFER</p> <p><input type="checkbox"/> 1ST ADOPT 2ND READ & REFER</p> <p><input type="checkbox"/> PERSONAL PAPER REFER</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (See rev.side) _____ Other _____ Members _____</p> <p>Refer To _____</p>	<p>MAYOR'S ACTION</p>
<p>Date Referred _____</p> <p>Referred To: _____</p> <p>Date Referred _____</p> <p>Referred To: _____</p> <p>Date Referred _____</p> <p>Referred To: _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (See rev.side) _____ Other _____ Members _____</p> <p>Refer To _____</p>	<p>MAYOR'S ACTION</p>

Attachment: Parcel 6a SW Beltline Attachments (13-O-1108 : An Ordinance authorizing acquisition of 14-0171-0011-048-0 (Parcel 6A) for SW

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0171-0013-012-4 (2063 RECTOR DRIVE) (PARCEL #10) IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Review List:

Pamela Holmes	Completed	06/14/2013 12:06 PM
George Dusenbury	Completed	06/14/2013 12:10 PM
Mariangela Corales	Completed	06/14/2013 2:38 PM
Mayor's Office	Completed	06/14/2013 5:42 PM
Office of Research and Policy Analysis	Completed	06/17/2013 11:22 AM
Community Development & Human Resources Committee	Completed	06/26/2013 2:45 PM
Atlanta City Council	Completed	07/16/2013 12:55 PM
Community Development & Human Resources Committee	Completed	07/09/2013 4:58 PM
Atlanta City Council	Completed	07/17/2013 7:38 PM
Community Development & Human Resources Committee	Completed	07/31/2013 1:07 PM
Atlanta City Council	Pending	

HISTORY:

06/25/13	Community Development & Human Resources Committee	
07/01/13	Atlanta City Council	REFERRED TO COMMITTEES OF PURV

RESULT:	REFERRED TO COMMITTEES OF PURV [13 TO 0]
AYES:	Wan, Martin, Smith, Shook, Winslow, Moore, Young Jr., Sheperd, Bottoms, Hall, Bond, Archibong, Adrean
ABSENT:	Aaron Watson
AWAY:	H. Lamar Willis

07/09/13 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE

07/15/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION

07/30/13

Community Development & Human Resources Committee FAVORABLE

RESULT: FAVORABLE [UNANIMOUS]

AYES: Sheperd, Hall, Shook, Willis, Winslow, Young Jr.

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**AN ORDINANCE
BY**

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0171-0013-012-4 (2063 RECTOR DRIVE) (PARCEL #10) IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Ordinances 09-O-0555 and 12-O-0499, the City has acquired easement or fee simple interest in numerous parcels in connection with the proposed Southwest Beltline Connector Trail which connects the Lionel Hampton Trail, Westwood Avenue, John A. White Park and Adams Park (“Project”).

WHEREAS, six trail easements remain needed to complete the Southwest Beltline Connector Trail and efforts to acquire said easements through negotiation have been unsuccessful due to numerous issues including liens and other clouds on title; and

WHEREAS, to complete the Southwest Beltline Connector Trail, it is necessary to exercise eminent domain to acquire a 25 foot permanent trail easement (approximate) and a 50 foot temporary trail construction easement (approximate) for parcel # 10, as depicted on Exhibit “A” (“Parcel”); and

WHEREAS, the exercise of eminent domain over the Parcel is necessary for the expansion of Southwest Beltline Connector Trail, which Parcel will be possessed, occupied and used by the general public; and

WHEREAS, the City engaged in good faith negotiations with the owner of each Parcel to acquire the Parcel based upon a certified appraisal of the Parcel; and

WHEREAS, condemnation by the Declaration of Taking method, pursuant to O.C.G.A. §§ 32-3-5 and 32-3-6, is necessary for the completion of the Southwest Beltline Connector Trail, a public transportation purpose.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, AS FOLLOWS:

Section 1. Pursuant to Section 2-1542 of the City's Code of Ordinances, the City Attorney is authorized to institute condemnation or other legal proceedings, as may be necessary to clear existing liens and encumbrances on the Property, to acquire an approximate twenty-five (25) foot permanent trail easement and an approximate fifty (50) foot temporary construction easement through tax parcel identification # 14-0171-0013-012-4 (2063 Rector Drive), depicted as parcel # 10 on Exhibit "A" hereto, without further authorization by City Council, including engagement and/or use of outside counsel as may be necessary for the purpose of completing the Project in accordance with the Agreement.

Section 2. The term of each temporary construction easement authorized in the proceeding sections shall be for a term commencing on the first day that such easement vests in the City of Atlanta and ending at the point in which construction terminates, but in no case shall such term exceed two years.

Section 3. The Declaration of Taking, pursuant to O.C.G.A. §§ 32-3-5 and 32-3-6, is authorized to acquire good and marketable title to the Property for purposes of completing the Project.

Section 4. The City Attorney, or her designee, is authorized to monitor and supervise the transactions associated with all legal proceedings and actions concerning the acquisition of the Property.

Section 5. The Mayor, or his designee, is authorized to execute all documents on behalf of the City as may be necessary to effectuate the purposes of this Ordinance, including without limitation, acquisition of good and marketable title to the Property.

Section 6. All costs related to acquisition of the Parcels, as authorized by this Ordinance will be charged to and paid from Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta. The aggregate amount to condemn each of the six Parcels shall not exceed \$141,000.00.

Section 7. Article X, Division 14, Subdivision II of the City's Code of Ordinances is waived to the extent such sections apply, such that all authorizations granted in this Ordinance are granted without the need for prior or further authorization of City Council so that the Property can be acquired in a timely fashion to meet the requirements of the Project under the Agreement.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Dept.'s Legislative Liaison: Ellen Wickersham (DPRCA); Mark Haldane (OEAM)

Contact Number: 404-614-8293; 404-865-8586

Originating Department: DPRCA/OEAM

Committee(s) of Purview: Community Development/Human Resources

Chief of Staff Deadline: June 7, 2013

Anticipated Committee Meeting Date(s): June 25, 2013 & July 9, 2013

Anticipated Full Council Date: July 15, 2013

Legislative Counsel's Signature: *[Signature]*

Commissioner's Signature: *[Signature]*

Chief Information Officer Signature (for IT Procurements) _____

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0171-0013-012-4 (2063 Rector Drive) (Parcel #10)

IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PT&EO, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: _____ (date) Received by LC from CPO: _____ (date)

Received by Mayor's Office: Dr 6/7/13 (date) Reviewed by: *[Signature]* (date)

634642

Attachment: 2063 Rector Dr. (Parcel 10) Attachments (13-O-1109 : An Ordinance authorizing acquisition of 2063 Rector Dr. (Parcel 10) to

LEGAL DESCRIPTION
TRACT 10
Temporary 50 Ft Easement

All that Tract or Parcel of Land lying and being in Land Lot 171 of the 14th District Fulton County, Georgia more particularly described as follows:

Commencing at a Fulton County Georgia Monument stamped F-459 on the face of the disk and having a Grid North Coordinate of 1354426.24 and a Grid East Coordinate of 2193518.3310 an elevation of 807.86 feet, thence North 77 Degrees 05 Minutes 20 Seconds East a distance of 15933.22 feet to a drill hole in a concrete drainage ditch, thence North 69 Degrees 57 Minutes 27 Seconds West a distance of 80.30 feet to a point, thence South 47 Degrees 10 Minutes 58 Seconds West a distance of 39.85 feet to the **Point of Beginning**, thence South 47 Degrees 10 Minutes 58 Seconds West a distance of 59.49 feet to a point; thence along a curve to the right having an arc length of 75.28 feet a radius of 255.00 feet and being subtended by a chord bearing of North 63 Degrees 53 Minutes 40 Seconds West a distance of 75.01 feet to a point on the southeastern line of now or formerly owned by John Cuyler; thence along said line North 47 Degrees 32 Minutes 53 Seconds East a distance of 51.65 Feet to a point; thence along a curve to the left having an arc length of 66.42 feet and a radius of 205.00 feet and being subtended by a chord bearing of South 67 Degrees 57 Minutes 53 Seconds East a distance of 66.13 feet to a point; thence South 77 Degrees 14 Minutes 50 Seconds East a distance of 11.88 feet to the **Point of Beginning**.

Said Tract or Parcel of Land contains 3,832.09 square feet and or 0.088 acres as shown on a survey prepared by Hartrampf Engineering dated 05-18-09, for the Path Foundation project named J. A. White Park, original Job Number 08082.00. Job Number for the Easement Surveys is 09025.00.

LEGAL DESCRIPTION
TRACT 10
Permanent 25 Ft Easement

All that Tract or Parcel of Land lying and being in Land Lot 171 of the 14th District Fulton County, Georgia more particularly described as follows:

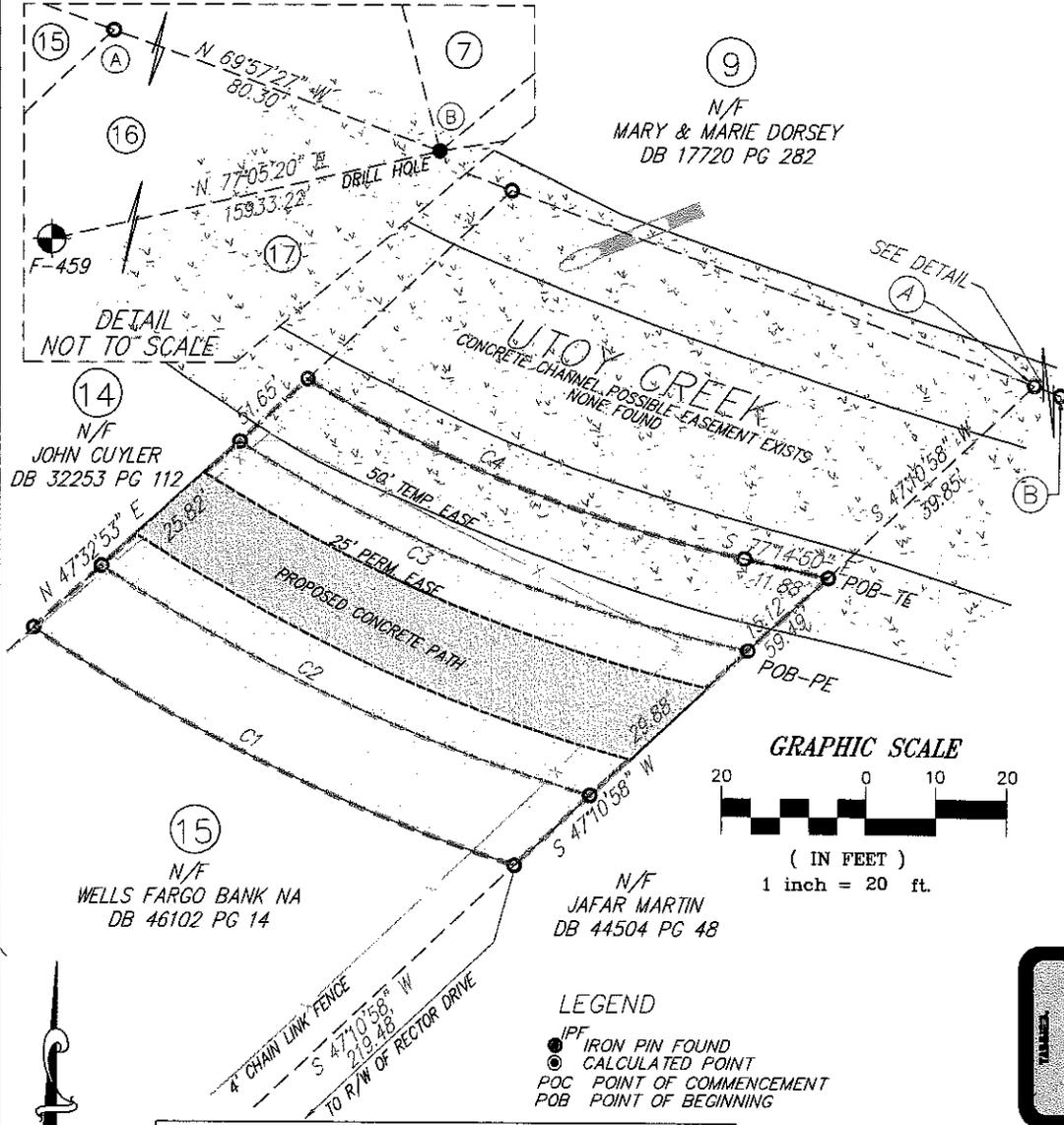
Commencing at a Fulton County Georgia Monument stamped F-459 on the face of the disk and having a Grid North Coordinate of 1354426.24 and a Grid East Coordinate of 2193518.3310 an elevation of 807.86 feet, thence North 77 Degrees 05 Minutes 20 Seconds East a distance of 15933.22 feet to a drill hole in a concrete drainage ditch, thence North 69 Degrees 57 Minutes 27 Seconds West a distance of 80.30 feet to a point; thence South 47 Degrees 10 Minutes 58 Seconds West a distance of 54.97 Feet to the **Point of Beginning**, thence South 47 Degrees 10 Minutes 58 Seconds West a distance of 29.88 feet to a point; thence along a curve to the right having an arc length of 75.85 feet a radius of 242.50 feet and being subtended by a chord bearing of North 65 Degrees 04 Minutes 45 Seconds West a distance of 75.54 feet; thence along the southeastern line of a parcel now or formerly owned by John Cuyler; thence North 47 Degrees 32 Minutes 53 Seconds East a distance of 25.82 feet to a point; thence along a curve to the left having an arc length of 77.43 feet a radius of 217.50 feet and being subtended by a chord bearing of South 67 Degrees 55 Minutes 28 Seconds East a distance of 77.02 feet to the **Point of Beginning**.

Said Tract or Parcel of Land contains 1,914.47 square feet and or 0.044 acres as shown on a survey prepared by Hartrampf Engineering dated 05-18-09, for the Path Foundation project named J. A. White Park, original Job Number 08082.00. Job Number for the Easement Surveys is 09025.00.

GENERAL NOTES

1. THE FIELD DATA FOR THIS SURVEY WAS COLLECTED USING A TOPCON GTS-302D TOTAL STATION.
2. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 16,000 FEET, AND AN ANGULAR ERROR OF 00' 00" 08" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.
3. DATE OF FIELD SURVEY: 10/6/08.
4. HORIZONTAL AND VERTICAL DATUM WERE ESTABLISHED BY GPS METHODS FROM FULTON COUNTY MONUMENT F-459.

**EASEMENT PLAT TRACT 10
FOR THE PATH FOUNDATION
THE CITY OF ATLANTA AND
CHICAGO TITLE INSURANCE COMPANY
LAND LOT 171, 14TH. DISTRICT
FULTON, COUNTY
GEORGIA
14-0171-0013-012-4**



Total Easement Area 3,832.09 sq ft
Unencumbered Temporary Easement Area 1917.62 sq ft
Permanent Easement Area 1914.47

CURVE TABLE				
CURVE	RADIUS	LENGTH	BEARING	DISTANCE
C1	255.00'	75.28'	N 63°53'40" W	75.01'
C2	242.50'	75.85'	N 65°04'45" W	75.54'
C3	217.50'	77.43'	S 67°55'28" E	77.02'
C4	205.00'	66.42'	S 67°57'53" E	66.13'

THE ORIGINAL OF THIS DOCUMENT WAS SEALED AND SIGNED BY LARRY P. ATKINSON. THIS REPRODUCTION IS NOT A CERTIFIED DOCUMENT.

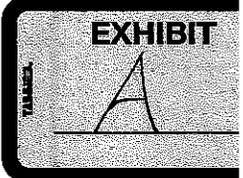
Scale: 1"=20'
Revisions:
08-03-09
02-06-13



7000 Central Parkway Suite 1475 Atlanta Ga. 30328 678-320-1888

DRAWN BY RBM
Checked by LPA
Date 05/16/09
Job No. 09025.00

Attachment: 2063 Rector Dr. (Parcel 10) Attachments (13-O-1109 : An Ordinance authorizing acquisition of 2063 Rector Dr. (Parcel 10) to



Submitted to Council: _____ (date)

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

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Committee of Purview: Community Development/Human Resources

Caption:

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

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Council Meeting Date: July 15, 2013

Requesting Dept.: DPRCA/OEAM

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to authorize condemnation of a temporary construction easement and a permanent easement by the declaration of taking method in order to finalize the pedestrian southwest beltline connector trail transportation project connecting Lionel Hampton Trail, Westwood Avenue, John A. White Park and Adams Park. Good faith efforts to acquire the property through negotiation were not successful.

2. Please provide background information regarding this legislation.

SW Beltline connector trail project.

634642

3. If Applicable/Known: N/A

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
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4. Fund Account Center (Ex. Name and number):

FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAEQ, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001

5. Source of Funds: Example: Local Assistance Grant: FROM PARK OPPORTUNITY BOND FUND 2005A.

6. Fiscal Impact:

7. Method of Cost Recovery: N/A

This Legislative Request Form Was Prepared By: Ellen Wickersham 404-614-8293.

<p>(Do Not Write Above This Line)</p> <p>AN ORDINANCE BY COMMUNITY DEVELOPMENT / HUMAN RESOURCES COMMITTEE</p> <p>AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: # 14-0171-0013-012-4 (2063 Rector Drive) (Parcel # 10) IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A; FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PI/ARO, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.</p>	<p>Committee _____ Date _____ Chair _____ Referred To _____</p> <p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (See rev.side) Other _____ Members _____</p> <p>Refer To _____</p> <p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (See rev.side) Other _____ Members _____</p> <p>Refer To _____</p>	<p>FINAL COUNCIL ACTION <input type="checkbox"/> 2ND <input type="checkbox"/> 1ST & 2ND <input type="checkbox"/> 3RD Readings</p> <p><input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote</p> <p>CERTIFIED</p>
<p><input type="checkbox"/> CONSENT REFER <input type="checkbox"/> REGULAR REPORT REFER <input type="checkbox"/> ADVERTISE & REFER <input type="checkbox"/> 1ST ADOPT 2ND READ & REFER <input type="checkbox"/> PERSONAL PAPER REFER</p>	<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (See rev.side) Other _____ Members _____</p> <p>Refer To _____</p>	<p>MAYOR'S ACTION</p>
<p>Date Referred _____ Referred To: _____ Date Referred _____ Referred To: _____ Date Referred _____ Referred To: _____</p>		

Attachment: 2063 Rector Dr. (Parcel 10) Attachments (13-O-1109 : An Ordinance authorizing acquisition of 2063 Rector Dr. (Parcel 10) to

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0171-0013-014-0 (2049 RECTOR DRIVE) (PARCEL # 12) IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Review List:

Pamela Holmes	Completed	06/14/2013 12:07 PM
George Dusenbury	Completed	06/14/2013 12:10 PM
Mariangela Corales	Completed	06/14/2013 2:36 PM
Mayor's Office	Completed	06/14/2013 5:43 PM
Office of Research and Policy Analysis	Completed	06/17/2013 11:19 AM
Community Development & Human Resources Committee	Completed	06/26/2013 2:45 PM
Atlanta City Council	Completed	07/16/2013 12:55 PM
Community Development & Human Resources Committee	Completed	07/09/2013 4:58 PM
Atlanta City Council	Completed	07/17/2013 7:38 PM
Community Development & Human Resources Committee	Completed	07/31/2013 1:29 PM
Atlanta City Council	Pending	

HISTORY:

06/25/13	Community Development & Human Resources Committee	
07/01/13	Atlanta City Council	REFERRED TO COMMITTEES OF PURV

RESULT:	REFERRED TO COMMITTEES OF PURV [13 TO 0]
AYES:	Wan, Martin, Smith, Shook, Winslow, Moore, Young Jr., Sheperd, Bottoms, Hall, Bond, Archibong, Adrean
ABSENT:	Aaron Watson
AWAY:	H. Lamar Willis

07/09/13 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE

07/15/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION

07/30/13

Community Development & Human Resources Committee FAVORABLE

RESULT: FAVORABLE [UNANIMOUS]

AYES: Sheperd, Hall, Shook, Willis, Winslow, Young Jr.

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**AN ORDINANCE
BY**

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0171-0013-014-0 (2049 RECTOR DRIVE) (PARCEL # 12) IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Ordinances 09-O-0555 and 12-O-0499, the City has acquired easement or fee simple interest in numerous parcels in connection with the proposed Southwest Beltline Connector Trail which connects the Lionel Hampton Trail, Westwood Avenue, John A. White Park and Adams Park (“Project”).

WHEREAS, six trail easements remain needed to complete the Southwest Beltline Connector Trail and efforts to acquire said easements through negotiation have been unsuccessful due to numerous issues including liens and other clouds on title; and

WHEREAS, to complete the Southwest Beltline Connector Trail, it is necessary to exercise eminent domain to acquire a 25 foot permanent trail easement (approximate) and a 50 foot temporary trail construction easement (approximate) for parcel # 12, as depicted on Exhibit “A” (“Parcel”); and

WHEREAS, the exercise of eminent domain over the Parcel is necessary for the expansion of Southwest Beltline Connector Trail, which Parcel will be possessed, occupied and used by the general public; and

WHEREAS, the City engaged in good faith negotiations with the owner of each Parcel to acquire the Parcel based upon a certified appraisal of the Parcel; and

WHEREAS, condemnation by the Declaration of Taking method, pursuant to O.C.G.A. §§ 32-3-5 and 32-3-6, is necessary for the completion of the Southwest Beltline Connector Trail, a public transportation purpose.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, AS FOLLOWS:

Section 1. Pursuant to Section 2-1542 of the City's Code of Ordinances, the City Attorney is authorized to institute condemnation or other legal proceedings, as may be necessary to clear existing liens and encumbrances on the Property, to acquire an approximate twenty-five (25) foot permanent trail easement and an approximate fifty (50) foot temporary construction easement through tax parcel identification # 14-0171-0013-014-0 (2049 Rector Drive), depicted as parcel # 12 on Exhibit "A" hereto, without further authorization by City Council, including engagement and/or use of outside counsel as may be necessary for the purpose of completing the Project in accordance with the Agreement.

Section 2. The term of each temporary construction easement authorized in the proceeding sections shall be for a term commencing on the first day that such easement vests in the City of Atlanta and ending at the point in which construction terminates, but in no case shall such term exceed two years.

Section 3. The Declaration of Taking Method, pursuant to O.C.G.A. §§ 32-3-5 and 32-3-6, is authorized to acquire good and marketable title to the Property for purposes of completing the Project.

Section 4. The City Attorney, or her designee, is authorized to monitor and supervise the transactions associated with all legal proceedings and actions concerning the acquisition of the Property.

Section 5. The Mayor, or his designee, is authorized to execute all documents on behalf of the City as may be necessary to effectuate the purposes of this Ordinance, including without limitation, acquisition of good and marketable title to the Property.

Section 6. All costs related to acquisition of the Parcels, as authorized by this Ordinance will be charged to and paid from Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta. The aggregate amount to condemn each of the six Parcels shall not exceed \$141,000.00

Section 7. Article X, Division 14, Subdivision II of the City's Code of Ordinances is waived to the extent such sections apply, such that all authorizations granted in this Ordinance are granted without the need for prior or further authorization of City Council so that the Property can be acquired in a timely fashion to meet the requirements of the Project under the Agreement.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE ATTN: CANDACE BYRD
Dept.'s Legislative Liaison: Ellen Wickersham (DPRCA); Mark Haldane (OEAM)

Contact Number: 404-614-8293; 404-865-8586

Originating Department: DPRCA/OEAM

Committee(s) of Purview: Community Development/Human Resources

Chief of Staff Deadline: June 7, 2013

Anticipated Committee Meeting Date(s): June 25, 2013 & July 9, 2013

Anticipated Full Council Date: July 15, 2013

Legislative Counsel's Signature: *[Signature]*

Commissioner's Signature: *[Signature]*

Chief Information Officer Signature (for IT Procurements):

Chief Procurement Officer Signature:

CAPTION
AN ORDINANCE
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0171-0013-014-0 (2049 Rector Drive) (Parcel # 12)

IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAEO, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)
Mayor's Staff Only

Received by CPO: _____ (date)

Received by LC from CPO: _____ (date)

Received by Mayor's Office: *VJ- 6/17/13* (date)

Reviewed by: *[Signature]* (date)

Submitted to Council: _____ (date)

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development/Human Resources

Caption:

AN ORDINANCE
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0171-0013-014-0 (2049 Rector Drive) (Parcel # 12)

IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Council Meeting Date: July 15, 2013

Requesting Dept.: DPRCA/OEAM

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to authorize condemnation of a temporary construction easement and a permanent easement by the declaration of taking method in order to finalize the pedestrian southwest beltline connector trail transportation project connecting Lionel Hampton Trail, Westwood Avenue, John A. White Park and Adams Park. Good faith efforts to acquire the property through negotiation were not successful due to title issues.

2. Please provide background information regarding this legislation.

SW Beltline connector trail project.

3. If Applicable/Known: N/A

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:**

4. Fund Account Center (Ex. Name and number):

FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001

5. Source of Funds: Example: Local Assistance Grant: FROM PARK OPPORTUNITY BOND FUND 2005A.

6. Fiscal Impact:

7. Method of Cost Recovery: N/A

This Legislative Request Form Was Prepared By: Ellen Wickersham 404-614-8293.

LEGAL DESCRIPTION
TRACT 12
Temporary 50 Ft Easement

All that Tract or Parcel of Land lying and being in Land Lot 171 of the 14th District Fulton County, Georgia more particularly described as follows:

Commencing at a Fulton County Georgia Monument stamped F-459 on the face of the disk and having a Grid North Coordinate of 1354426.24 and a Grid East Coordinate of 2193518.3310 an elevation of 807.86 feet, thence North 77 Degrees 05 Minutes 20 Seconds East a distance of 15933.22 feet to a drill hole in a concrete drainage channel and being the intersection and common lot corner for the following property owners: N/F Betty P Childers, N/F Jerome Johnson, N/F Ezra C Sherrell Jr. and Charlesnetta Sherrell, and Annette E Frazier, thence North 69 Degrees 57 Minutes 27 Seconds West a distance of 2.30 feet to a point, thence South 47 Degrees 05 Minutes 12 Seconds West a distance of 39.19 Feet to the **Point of Beginning**, thence along a curve to the right having an arc length of 32.70 feet, a radius of 121.00 feet and being subtended by a chord bearing of South 58 Degrees 18 Minutes 35 Seconds East a distance of 32.60 feet to a point; thence South 50 Degrees 34 Minutes 05 Seconds East a distance of 14.52 feet to a point; thence along a curve to the right having an arc length of 3.40 feet, a radius of 279.18 feet and being subtended by a chord bearing of South 50 Degrees 13 Minutes 08 Seconds East a distance of 3.40 feet to a point on the western line of now or formerly Annette E Frazier; thence along said line South 11 Degrees 07 Minutes 39 Seconds East a distance of 24.67 feet to a point on the northwestern line of now or formerly Ajamu D. Berry; thence along said line South 47 Degrees 07 Minutes 02 Seconds West a distance of 35.31 feet to a point; thence along a curve to the left having an arc length of 17.75 feet, a radius of 229.18 feet and being subtended by a chord bearing of North 48 Degrees 21 Minutes 00 Seconds West a distance of 17.74 feet to a point; thence North 50 Degrees 34 Minutes 05 Seconds West a distance of 14.52 feet to a point; thence along a curve to the left having an arc length of 19.18 feet, a radius of 71.00 feet and being subtended by a chord bearing of North 58 Degrees 18 Minutes 29 Seconds West a distance of 19.12 feet to a point; thence North 66 Degrees 02 Minutes 52 Seconds West a distance of 21.37 feet to a point on the southeastern line of now or formerly Jafar Martin; thence along said line North 47 Degrees 05 Minutes 12 Seconds East a distance of 54.37 feet to the **Point of Beginning**.

Said Tract or Parcel of Land contains 3,454.72 square feet and or 0.078 acres as shown on a survey prepared by Hartrampf Engineering dated 05-18-09 for the Path Foundation project named J. A. White Park, original Job Number 08082.00. Job Number for the Easement Surveys is 09025.00.



LEGAL DESCRIPTION
TRACT 12
Permanent 25 Ft Easement

All that Tract or Parcel of Land lying and being in Land Lot 171 of the 14th District Fulton County, Georgia more particularly described as follows:

Commencing at a Fulton County Georgia Monument stamped F-459 on the face of the disk and having a Grid North Coordinate of 1354426.24 and a Grid East Coordinate of 2193518.3310 an elevation of 807.86 feet, thence North 77 Degrees 05 Minutes 20 Seconds East a distance of 15933.22 feet to a drill hole in a concrete drainage channel and being the intersection and common lot corner for the following property owners: N/F Betty P. Childers, N/F Jerome Johnson, N/F Ezra C Sherrell Jr. and Charlesnetta Sherrell, and N/F Annette E. Frazier, thence North 69 Degrees 57 Minutes 27 Seconds West a distance of 2.30 feet to a point, thence South 47 Degrees 05 Minutes 12 Seconds West a distance of 52.78 Feet to the **Point of Beginning**, thence South 66 Degrees 02 Minutes 52 Seconds East a distance of 5.35 feet to a point; thence along a curve to the right having an arc length of 29.31 feet, a radius of 108.50 feet and being subtended by a chord bearing of South 58 Degrees 18 Minutes 28 Seconds East a distance of 29.22 feet to a point; thence South 50 Degrees 34 Minutes 05 Seconds East a distance of 14.52 feet to a point; thence along a curve to the right having an arc length of 19.45 feet, a radius of 266.68 feet and being subtended by a chord bearing of South 48 Degrees 28 Minutes 43 Seconds East a distance of 19.45 feet to a point on the western line of now or formerly Annette E. Frazier; thence along said line South 11 Degrees 07 Minutes 39 Seconds East a distance of 3.91 feet to a point on the northwestern line of now or formerly Ajamu D Berry; thence along said line South 47 Degrees 07 Minutes 02 Seconds West a distance of 22.79 feet to a point; thence along a curve to the left having an arc length of 19.42 feet, a radius of 241.68 feet and being subtended by a chord bearing of North 48 Degrees 15 Minutes 57 Seconds West a distance of 19.42 feet to a point; thence North 50 Degrees 34 Minutes 05 Seconds West a distance of 14.52 feet to a point; thence along a curve to the left having an arc length of 22.56 feet, a radius of 83.50 feet and being subtended by a chord bearing of North 58 Degrees 18 Minutes 35 Seconds West a distance of 22.50 feet to a point; thence North 66 Degrees 02 Minutes 52 Seconds West a distance of 16.02 feet to a point on the southeastern line of now or formerly Jafar Martin; thence along said line North 47 Degrees 05 Minutes 12 Seconds East a distance of 27.19 feet to the **Point of Beginning**.

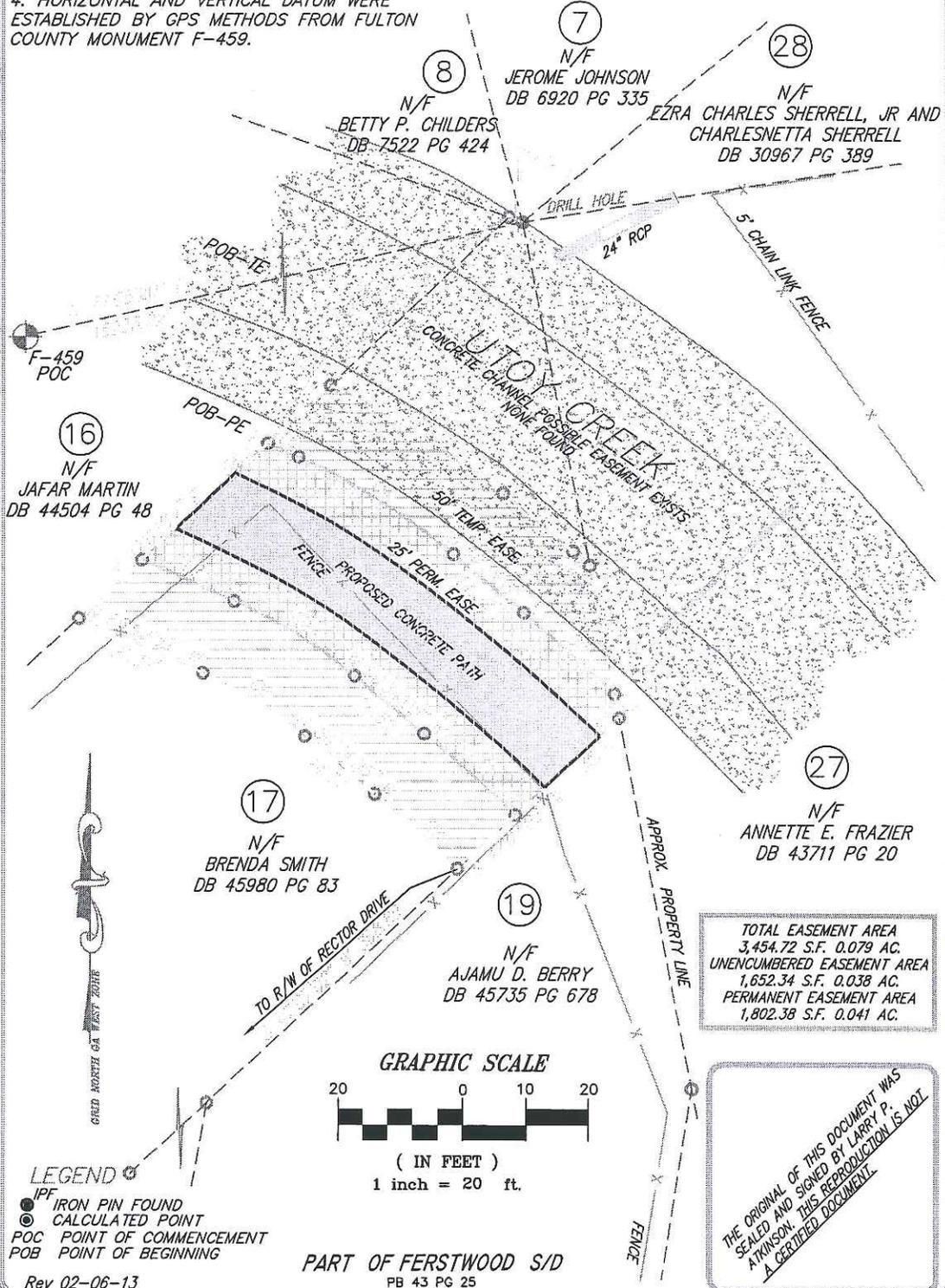
Said Tract or Parcel of Land contains 1,802.38 square feet and or 0.041 acres as shown on a survey prepared by Hartrampf Engineering dated 05-18-09, for the Path Foundation project named J. A. White Park, original Job Number 08082.00. Job Number for the Easement Surveys is 09025.00.

GENERAL NOTES

1. THE FIELD DATA FOR THIS SURVEY WAS COLLECTED USING A TOPCON GTS-302D TOTAL STATION.
2. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 16,000 FEET, AND AN ANGULAR ERROR OF 00' 00" 08" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.
3. DATE OF FIELD SURVEY: 10/6/08.
4. HORIZONTAL AND VERTICAL DATUM WERE ESTABLISHED BY GPS METHODS FROM FULTON COUNTY MONUMENT F-459.

**EASEMENT PLAT TRACT 12
FOR THE PATH FOUNDATION
THE CITY OF ATLANTA AND
CHICAGO TITLE INSURANCE COMPANY
LAND LOT 171, 14TH. DISTRICT
FULTON, COUNTY
GEORGIA**

14-0171-0013-0140



Rev 02-06-13

PART OF FERSTWOOD S/D
PB 43 PG 25

THE ORIGINAL OF THIS DOCUMENT WAS
SEALED AND SIGNED BY LARRY P.
ATKINSON. THIS REPRODUCTION IS NOT
A CERTIFIED DOCUMENT.

Scale: 1"=20'

Revisions:
08-03-09

SHEET 1 OF 2

7000 Central Parkway Suite 1475



Atlanta Ga. 30328 678-320-1888

DRAWN BY REM

Checked by LPA

Date 05/16/09

Job No. 09025.00

ORIG-NO.08082.00

**EASEMENT PLAT TRACT 12
 FOR THE PATH FOUNDATION
 THE CITY OF ATLANTA AND
 CHICAGO TITLE INSURANCE COMPANY
 LAND LOT 171, 14TH. DISTRICT
 FULTON, COUNTY
 GEORGIA**

14-0171-0013-0140

NO.	DESCRIPTION	ACRES	AREA	PERCENT
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THE ORIGINAL OF THIS DOCUMENT WAS
 SEALED AND SIGNED BY LARRY P.
 ATKINSON. THIS REPRODUCTION IS NOT
 A CERTIFIED DOCUMENT.

Rev 02-06-13

Scale: 1"=20'
 Revisions:
 08-03-09
 SHEET 2 OF 2



7000 Central Parkway Suite 1475 Atlanta Ga. 30328 678-320-1888

DRAWN BY RBM
 Checked by LPA
 Date 05/16/09
 Job No. 09025.00
 ORIG-NO.08082.00

(Do Not Write Above This Line)
 AN ORDINANCE BY
 COMMUNITY DEVELOPMENT/HUMAN RESOURCES
 COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0171-0013-0144-0 (2049 Rector Drive) (Parcel # 12)
 IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL: TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL, WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A; FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN, ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PLAEO, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

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

Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

First Reading
 Committee _____
 Date _____
 Chair _____
 Referred 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

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

Refer To

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

CERTIFIED

MAYOR'S ACTION

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH A CERTAIN PARCEL LISTED UNDER FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0171-0013-016-5 (2025 RECTOR DRIVE) (PARCEL #13) IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAEO, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Review List:

Pamela Holmes	Completed	06/14/2013 12:08 PM
George Dusenbury	Completed	06/14/2013 12:10 PM
Mariangela Corales	Completed	06/14/2013 2:36 PM
Mayor's Office	Completed	06/14/2013 5:43 PM
Office of Research and Policy Analysis	Completed	06/17/2013 11:18 AM
Community Development & Human Resources Committee	Completed	06/26/2013 2:45 PM
Atlanta City Council	Completed	07/16/2013 12:55 PM
Community Development & Human Resources Committee	Completed	07/09/2013 4:58 PM
Atlanta City Council	Completed	07/17/2013 7:38 PM
Community Development & Human Resources Committee	Completed	07/31/2013 1:07 PM
Atlanta City Council	Pending	

HISTORY:

06/25/13	Community Development & Human Resources Committee	
07/01/13	Atlanta City Council	REFERRED TO COMMITTEES OF PURV

RESULT:	REFERRED TO COMMITTEES OF PURV [13 TO 0]
AYES:	Wan, Martin, Smith, Shook, Winslow, Moore, Young Jr., Sheperd, Bottoms, Hall, Bond, Archibong, Adrean
ABSENT:	Aaron Watson
AWAY:	H. Lamar Willis

07/09/13 Community Development & Human Resources Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE

07/15/13

Atlanta City Council

REFERRED WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION

07/30/13

Community Development & Human Resources Committee FAVORABLE

RESULT: FAVORABLE [UNANIMOUS]

AYES: Sheperd, Hall, Shook, Willis, Winslow, Young Jr.

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**AN ORDINANCE
BY**

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH A CERTAIN PARCEL LISTED UNDER FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0171-0013-016-5 (2025 RECTOR DRIVE) (PARCEL #13) IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Ordinances 09-O-0555 and 12-O-0499, the City has acquired easement or fee simple interest in numerous parcels in connection with the proposed Southwest Beltline Connector Trail which connects the Lionel Hampton Trail, Westwood Avenue, John A. White Park and Adams Park (“Project”).

WHEREAS, six trail easements remain needed to complete the Southwest Beltline Connector Trail and efforts to acquire said easements through negotiation have been unsuccessful due to numerous issues including liens and other clouds on title; and

WHEREAS, to complete the Southwest Beltline Connector Trail, it is necessary to exercise eminent domain to acquire a 25 foot permanent trail easement (approximate) and a 50 foot temporary trail construction easement (approximate) for parcel # 13, as depicted on Exhibit “A” (“Parcel”); and

WHEREAS, the exercise of eminent domain over the Parcels is necessary for the expansion of Southwest Beltline Connector Trail, which Parcel will be possessed, occupied and used by the general public; and

WHEREAS, the City engaged in good faith negotiations with the owner of each Parcel to acquire the Parcel based upon a certified appraisal of the Parcel; and

WHEREAS, condemnation of the Parcel by the Declaration of Taking method, pursuant to O.C.G.A. §§ 32-3-5 and 32-3-6, is necessary for the completion of the Southwest Beltline Connector Trail, a public transportation purpose.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, AS FOLLOWS:

Section 1. Pursuant to Section 2-1542 of the City's Code of Ordinances, the City Attorney is authorized to institute condemnation or other legal proceedings, as may be necessary to clear existing liens and encumbrances on the Property, to acquire an approximate twenty-five (25) foot permanent trail easement and an approximate fifty (50) foot temporary construction easement through tax parcel identification # 14-0171-0013-016-5 (2025 Rector Drive), depicted as parcel # 13 on Exhibit "A" hereto, without further authorization by City Council, including engagement and/or use of outside counsel as may be necessary for the purpose of completing the Project in accordance with the Agreement.

Section 2. The term of each temporary construction easement authorized in the proceeding sections shall be for a term commencing on the first day that such easement vests in the City of Atlanta and ending at the point in which construction terminates, but in no case shall such term exceed two years.

Section 3. The Declaration of Taking Method, pursuant to O.C.G.A. §§ 32-3-5 and 32-3-6, is authorized to acquire good and marketable title to the Property for purposes of completing the Project.

Section 4. The City Attorney, or her designee, is authorized to monitor and supervise the transactions associated with all legal proceedings and actions concerning the acquisition of the Property.

Section 5. The Mayor, or his designee, is authorized to execute all documents on behalf of the City as may be necessary to effectuate the purposes of this Ordinance, including without limitation, acquisition of good and marketable title to the Property.

Section 6. All costs related to acquisition of the Parcels, as authorized by this Ordinance will be charged to and paid from Park Opportunity Bond Fund 2005a: Fund: 3129 (Park Improvement Bond), Dept.: 140106 (Parks Design), Account: 5411001 (Land), Function Activity: 6220000 (Park Areas), Project: 100247 (Ground & Site Improvements), Funding Source: 21230 (2005a Park Improvement Bond 9999), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta. The aggregate amount to condemn each of the six Parcels shall not exceed \$141,000.00

Section 7. Article X, Division 14, Subdivision II of the City's Code of Ordinances is waived to the extent such sections apply, such that all authorizations granted in this Ordinance are granted without the need for prior or further authorization of City Council so that the Property can be acquired in a timely fashion to meet the requirements of the Project under the Agreement.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE ATTN: CANDACE BYRD
Dept.'s Legislative Liaison: Ellen Wickersham (DPRCA); Mark Haldane (OEAM)

Contact Number: 404-614-8293; 404-865-8586

Originating Department: DPRCA/OEAM

Committee(s) of Purview: Community Development/Human Resources

Chief of Staff Deadline: June 7, 2013

Anticipated Committee Meeting Date(s): June 25, 2013 & July 9, 2013

Anticipated Full Council Date: July 15, 2013

Legislative Counsel's Signature: *[Signature]*

Commissioner's Signature: *[Signature]*

Chief Information Officer Signature (for IT Procurements): *[Signature]*

Chief Procurement Officer Signature: *[Signature]*

CAPTION

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0171-0013-016-5 (2025 Rector Drive) (Parcel #13)

IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: _____

Received by LC from CPO: _____

(date)

(date)

Received by Mayor's Office: 2/9 6/7/13

Reviewed by: *[Signature]*

(date)

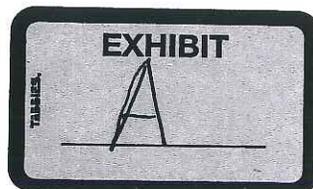
(date)

LEGAL DESCRIPTION
TRACT 13
Permanent 25 Ft Easement

All that Tract or Parcel of Land lying and being in Land Lot 171 of the 14th District Fulton County, Georgia more particularly described as follows:

Commencing at a Fulton County Georgia Monument stamped F-459 on the face of the disk and having a Grid North Coordinate of 1354426.24 and a Grid East Coordinate of 2193518.3310 an elevation of 807.86 feet, thence North 77 Degrees 05 Minutes 20 Seconds East a distance of 15933.22 feet to a drill hole in a concrete drainage channel and being the intersection and common lot corner for the following property owners: N/F Betty P Childers, N/F Jerome Johnson, N/F Ezra C Sherrell Jr. and Charlesnetta Sherrell, and Annette E Frazier, thence South 11 Degrees 07 Minutes 39 Seconds East a distance of 80.13 feet to the **Point of Beginning**, thence South 11 Degrees 07 Minutes 39 Seconds East a distance of 42.41 feet to a point; thence along a curve to the left having an arc length of 36.08 feet a radius of 421.79 feet and being subtended by a chord bearing North 43 Degrees 38 Minutes 00 Seconds West a distance of 36.07 feet to a point; thence North 47 Degrees 07 Minutes 02 Seconds East a distance of 22.79 feet to the **Point of Beginning**.

Said Tract or Parcel of Land contains 401.76 square feet and or 0.009 acres as shown on a survey prepared by Hartrampf Engineering dated 05-18-09, for the Path Foundation project named J A White Park, original Job Number 08082.00. Job Number for the Easement Surveys is 09025.00.



LEGAL DESCRIPTION
TRACT 13
Temporary 50 Ft Easement

All that Tract or Parcel of Land lying and being in Land Lot 171 of the 14th District Fulton County, Georgia more particularly described as follows:
Commencing at a Fulton County Georgia Monument stamped F-459 on the face of the disk and having a Grid North Coordinate of 1354426.24 and a Grid East Coordinate of 2193518.3310 an elevation of 807.86 feet, thence North 77 Degrees 05 Minutes 20 Seconds East a distance of 15933.22 feet to a drill hole in a concrete drainage channel and being the intersection and common lot corner for the following property owners: N/F Betty P Childers, N/F Jerome Johnson, N/F Ezra C Sherrell Jr. and Charlesnetta Sherrell, and Annette E. Frazier, thence South 11 Degrees 07 Minutes 39 Seconds East a distance of 80.13 feet to the **Point of Beginning**, thence South 11 Degrees 07 Minutes 39 Seconds East a distance of 60.00 feet to a point; thence South 09 Degrees 03 minutes 58 Seconds West a distance of 5.35 feet to a point; thence along a curve to the left having an arc length of 54.36 feet a radius of 409.29 feet and being subtended by a chord bearing North 42 Degrees 22 Minutes 36 Seconds West a distance of 54.32 feet to a point; thence North 47 Degrees 07 Minutes 02 Seconds East a distance of 35.31 feet to the **Point of Beginning**.

Said Tract or Parcel of Land contains 981.89 square feet and or 0.023 acres as shown on a survey prepared by Hartrampf Engineering dated 05-18-09, for the Path Foundation project named J. A. White Park, original Job Number 08082.00. Job Number for the Easement Surveys is 09025.00.

GENERAL NOTES

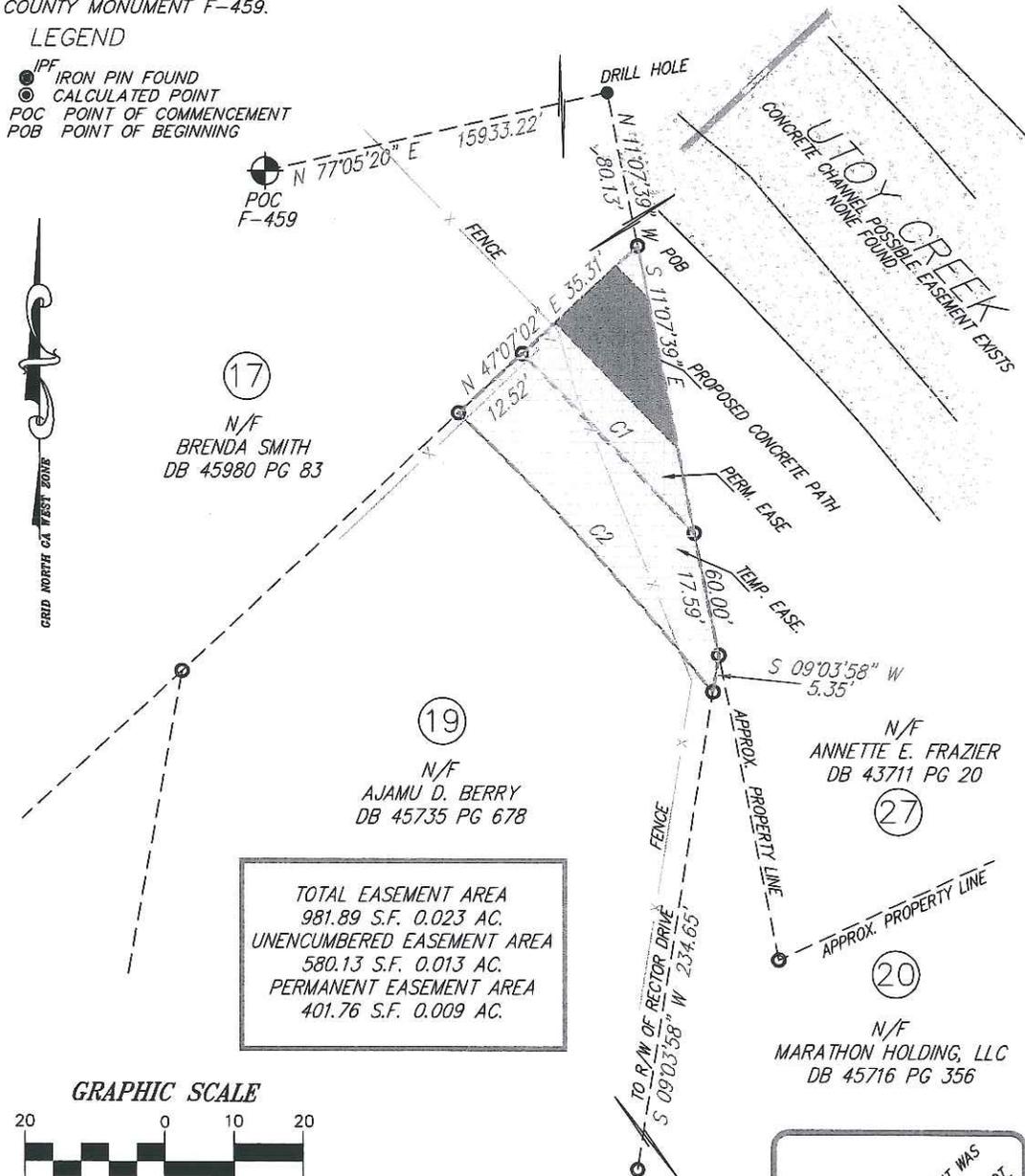
1. THE FIELD DATA FOR THIS SURVEY WAS COLLECTED USING A TOPCON GTS-302D TOTAL STATION.
2. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 16,000 FEET, AND AN ANGULAR ERROR OF 00' 00' 08" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.
3. DATE OF FIELD SURVEY: 10/6/08.
4. HORIZONTAL AND VERTICAL DATUM WERE ESTABLISHED BY GPS METHODS FROM FULTON COUNTY MONUMENT F-459.

**EASEMENT PLAT TRACT 13
FOR THE PATH FOUNDATION
THE CITY OF ATLANTA AND
CHICAGO TITLE INSURANCE COMPANY
LAND LOT 171, 14TH. DISTRICT
FULTON, COUNTY
GEORGIA**

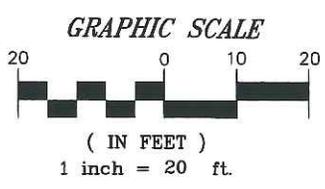
14-0171-0013-0165

LEGEND

- IPF IRON PIN FOUND
- CALCULATED POINT
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING



TOTAL EASEMENT AREA
981.89 S.F. 0.023 AC.
UNENCUMBERED EASEMENT AREA
580.13 S.F. 0.013 AC.
PERMANENT EASEMENT AREA
401.76 S.F. 0.009 AC.



CURVE TABLE				
CURVE	RADIUS	LENGTH	BEARING	DISTANCE
C1	421.79'	36.08'	N 43°38'00" W	36.07'
C2	409.29'	54.36'	N 42°22'36" W	54.32'

THE ORIGINAL OF THIS DOCUMENT WAS
SEALED AND SIGNED BY LARRY P.
ATKINSON. THIS REPRODUCTION IS NOT
A CERTIFIED DOCUMENT.

Scale: 1"=20'		DRAWN BY RBM
Revisions:		Checked by LPA
08-03-09		Date 05/16/09
02-06-13	7000 Central Parkway Suite 1475 Atlanta Ga. 30328	Job No. 09025.00
		ORIG-NO.08082.00

Submitted to Council: _____ (date)

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development/Human Resources

Caption:

AN ORDINANCE
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0171-0013-016-5 (2025 Rector Drive) (Parcel #13)

IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A: FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Council Meeting Date: July 15, 2013

Requesting Dept.: DPRCA/OEAM

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to authorize condemnation of a temporary construction easement and a permanent easement by the declaration of taking method in order to finalize the pedestrian southwest beltline connector trail transportation project connecting Lionel Hampton Trail, Westwood Avenue, John A. White Park and Adams Park. Good faith efforts to acquire the property through negotiation were not successful.

2. Please provide background information regarding this legislation.

SW Beltline connector trail project.

3. If Applicable/Known: N/A

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:**

4. Fund Account Center (Ex. Name and number):

FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAE0, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001

5. Source of Funds: Example: Local Assistance Grant: FROM PARK OPPORTUNITY BOND FUND 2005A.**6. Fiscal Impact:****7. Method of Cost Recovery: N/A**

This Legislative Request Form Was Prepared By: Ellen Wickersham 404-614-8293.

<p>(Do Not Write Above This Line)</p> <p>AN ORDINANCE BY COMMUNITY DEVELOPMENT / HUMAN RESOURCES COMMITTEE</p> <p>AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: # 14-0171-0013-016-5 (2025 Rector Drive) (Parcel #13) IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; FOR THE PAYMENT OF JUST AND ADEQUATE COMPENSATION TO THE OWNER; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM PARK OPPORTUNITY BOND FUND 2005A; FUND: 3129 (PARK IMPROVEMENT BOND), DEPT.: 140106 (PARKS DESIGN), ACCOUNT: 5411001 (LAND), FUNCTION ACTIVITY: 6220000 (PARK AREAS), PROJECT: 100247 (GROUND & SITE IMPROVEMENTS), FUNDING SOURCE: 21230 (2005A PARK IMPROVEMENT BOND 9999), PTAEO, PROJECT: 14100247, TASK: 101, AWARD: 312921230, EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF ATLANTA; AND FOR OTHER PURPOSES.</p>	<p style="text-align: center;">First Reading</p> <p>Committee _____ Date _____ Chair _____ Referred To _____</p> <p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____</p> <p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____</p>		<p style="text-align: center;">FINAL COUNCIL ACTION</p> <p><input type="checkbox"/> 2nd <input type="checkbox"/> 1st & 2nd <input type="checkbox"/> 3rd Readings <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote</p> <p style="text-align: center;">CERTIFIED</p> <p style="text-align: center;">MAYOR'S ACTION</p>
<p><input type="checkbox"/> CONSENT REFER</p> <p><input type="checkbox"/> REGULAR REPORT REFER</p> <p><input type="checkbox"/> ADVERTISE & REFER</p> <p><input type="checkbox"/> 1st ADOPT 2nd READ & REFER</p> <p><input type="checkbox"/> PERSONAL PAPER REFER</p> <p>Date Referred _____</p> <p>Referred To: _____</p>	<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____</p> <p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____</p>	<p><input type="checkbox"/> 2nd <input type="checkbox"/> 1st & 2nd <input type="checkbox"/> 3rd Readings <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote</p> <p style="text-align: center;">CERTIFIED</p> <p style="text-align: center;">MAYOR'S ACTION</p>	