

#10

13-0-0171

(Do Not Write Above This Line)

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

FINAL COUNCIL ACTION

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

AN ORDINANCE BY
BY COUNCIL MEMBER

[Signature]

Committee City Utilities
Date January 29, 2013

Committee _____

Date _____

Chair _____

Action _____

Fav, Adv, Hold (see rev. side) _____

Other _____

Members _____

Refer To _____

AN ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND THE ACQUISITION OF REAL PROPERTY LOCATED IN THE CITY OF ATLANTA, FULTON COUNTY, GEORGIA AND IDENTIFIED ON EXHIBIT A, ATTACHED TO THIS ORDINANCE AND INCORPORATED HEREIN, FOR THE PURPOSES OF CERTAIN IMPROVEMENTS IN CONNECTION WITH THE ATLANTA STREETCAR PROJECT; COSTS ASSOCIATED WITH THE REFERENCED EASEMENTS AND REAL PROPERTY ACQUISITION TO BE CHARGED TO AND PAID FROM FUND 2501 (INTERGOVERNMENTAL GRANT FUND) DEPARTMENT/ ORGANIZATION 040416 (EXE-CAPITAL PROJECTS) ACCOUNT 5710001 (PAYMENTS TO OTHER GOVERNMENTS) FUNCTION/ACTIVITY 7550001 (STREETCAR); AND FOR OTHER PURPOSES.

Chair H. L. Smith
Action AS AMENDED
Members _____

Carol Smith
[Signature]
[Signature]
Refer To _____

CERTIFIED

CERTIFIED
FEB 04 2013
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
FEB 04 2013
Renee Daughlin Johnson
MUNICIPAL CLERK

CONSENT REFER AS Amended
 REGULAR REPORT REFER **ADOPTED BY**
 ADVERTISE & REFER FEB 04 2013
 1ST ADOPT 2ND READ & REFER
 PERSONAL PAPER REFER **COUNCIL**

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 _____

MAYOR'S ACTION

APPROVED

FEB 13 2013

WITHOUT SIGNATURE
BY OPERATION OF LAW

Date Referred 1/22/13
Referred To: City Utilities

Date Referred
Referred To:

Date Referred:

Referred To:



AN ORDINANCE

BY COUNCILMEMBERS H. LAMAR WILLIS AND AARON WATSON

AS AMENDED BY CITY UTILITIES COMMITTEE

AN AMENDED ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS, THE ACQUISITION OF REAL PROPERTY LOCATED IN THE CITY OF ATLANTA, FULTON COUNTY, GEORGIA AND IDENTIFIED ON EXHIBIT A, ATTACHED TO THIS ORDINANCE AND INCORPORATED HEREIN, AND THE WAIVER OF ARTICLE X, DIVISION 14, SECTIONS 2-1541(d) AND 1545(d) OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES, FOR THE PURPOSES OF CERTAIN IMPROVEMENTS IN CONNECTION WITH THE ATLANTA STREETCAR PROJECT; COSTS ASSOCIATED WITH THE REFERENCED EASEMENTS AND REAL PROPERTY ACQUISITION TO BE CHARGED TO AND PAID FROM FUND 2501 (INTERGOVERNMENTAL GRANT FUND) DEPARTMENT/ ORGANIZATION 040416 (EXE-CAPITAL PROJECTS) ACCOUNT 5710001 (PAYMENTS TO OTHER GOVERNMENTS) FUNCTION/ACTIVITY 7550001 (STREETCAR); AND FOR OTHER PURPOSES.

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

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

WHEREAS, since adoption of Ordinance 12-O-0568, the design-build contractor for the Project has identified the additional parcels of property identified on Exhibit A attached hereto and incorporated herein by this reference (collectively, the “Property”), for which a temporary and/or permanent construction easement is required; and

WHEREAS, in accordance with Section 4.01 of the Intergovernmental Agreement between the City, the Downtown Atlanta Improvement District and the Metropolitan Atlanta Rapid Transit Authority (“MARTA”), authorized by Atlanta City Council Ordinance 11-O-0327,



MARTA is charged with providing technical support and oversight of construction and implementation services for the Project; and

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

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

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

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

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

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

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

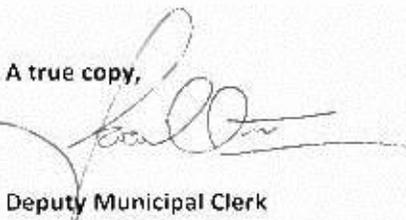
SECTION 5: That the requirements of Sections 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code which require further authorization of City Council for the acquisition of permanent and temporary easements and real property described in this Ordinance are waived.

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



SECTION 7: That all costs associated with this Ordinance, including, but not limited to the cost of the appraisal and appraisal reports for the Property, will be charged to and paid from Fund 2501 (Intergovernmental Grant Fund) Department/Organization 040416 (EXE-Capital Projects) Account 5710001 (Payments to Other Governments) Function/Activity 7550001 (Streetcar).

SECTION 8: That all ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only and only to the extent of the conflict.

A true copy,

Deputy Municipal Clerk

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

February 04, 2013
February 13, 2013

EXHIBIT A



Atlanta Streetcar Additional Right-of-Way and Easement Needs

Address	Approx. STA	Permanent Easement (Estimated SF)	Temporary Easement (Estimated SF)	Purpose
91 Peachtree Street	101+25	100	1210	Permanent Easement - OCS poles and roadway widening Temporary Construction Easement - Sidewalk reconstruction
212 Edgewood Avenue	130+05	0	116	Sidewalk reconstruction
207 Edgewood Avenue	129+95	0	24	Sidewalk reconstruction
246 Edgewood Avenue	132+75	0	30	Sidewalk reconstruction
252 Edgewood Avenue	133+27	0	6	Sidewalk reconstruction
346 Edgewood Avenue	141+85	0	43	Sidewalk reconstruction
345 Edgewood Avenue	141+85	0	15	Sidewalk reconstruction
400 Edgewood Avenue	148+25	0	103	Sidewalk reconstruction
91 Pryor Street	196+00	0	177	New curb location, Sidewalk reconstruction
133 Peachtree Street	201+80	0	72	OCS pole construction
133 Peachtree Street	202+60	153	326	Permanent Easement - Streetcar stop Temporary Construction Easement - Sidewalk reconstruction
171 Peachtree Street	203+25	396	385	Permanent Easement - Streetcar stop, OCS poles and OCS wiring Temporary Construction Easement - Sidewalk reconstruction
265 Park Avenue West	219+50	78	0	OCS pole
180 Techwood Drive	221+15	148	288	OCS pole, Sidewalk reconstruction
90 Forsyth Street	233+75	0	23	Sidewalk reconstruction

Total	875	2818
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RCS# 2552
2/04/13
4:47 PM

Atlanta City Council

13-O-0171

PURCHASE OF PERMANENT AND TEMPORARY
CONSTRUCTION EASEMENTS; STREETCAR PROJ
ADOPT AS AMNDED

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

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

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