

#23

13-0-0328

(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

AN ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT EASEMENTS, AND THE ACQUISITION OF REAL PROPERTY LOCATED AT 133 PEACHTREE STREET, N.E., CITY OF ATLANTA, FULTON COUNTY, GEORGIA (PARCEL IDENTIFICATION NUMBER 14-0051-0007-043-2) FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVMENTS IN CONNECTION WITH THE ATLANTA STREETCAR PROJECT; AND TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO HAVE THE LEGAL AUTHORITY TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS PURSUANT TO THE METHOD AUTHORIZED BY O.C.G.A SECTION 32-3-4, ALL CONTRACTED WORK 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.

As Amended

Committee *Fin./Exec*
Date *2-27-13*
Chair *Alvin A. Moore Gray*
Action *Fav, Adv, Hold (see rev. side)*
Other *As Amended*
Members _____
Refer To _____

Committee _____
Date _____
Chair _____
Action _____
Fav, Adv, Hold (see rev. side) _____
Other _____
Members _____
Refer To _____

CERTIFIED
MAR 04 2013
ATLANTA CITY COUNCIL PRESIDENT
CERTIFIED
MAR 04 2013
Renee Douglas Johnson
MUNICIPAL CLERK

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

ADOPTED BY
MAR 04 2013
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

MAR 13 2013

WITHOUT SIGNATURE
BY OPERATION OF LAW

Date Referred *2/18/13*
Referred To: *Finance Exec*

Date Referred _____
Referred To: _____

Date Referred: _____

Referred To: _____



**AN AMENDED ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE**

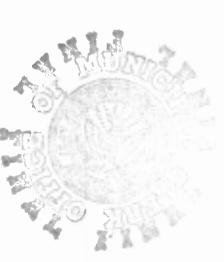
AN AMENDED ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT EASEMENTS, AND THE ACQUISITION OF REAL PROPERTY LOCATED AT 133 PEACHTREE STREET, N.E., CITY OF ATLANTA, FULTON COUNTY, GEORGIA (PARCEL IDENTIFICATION NUMBER 14-0051-0007-037-4) FOR THE PURPOSE OF INSTALLING CERTAIN IMPROVEMENTS IN CONNECTION WITH THE ATLANTA STREETCAR PROJECT; AND TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO HAVE THE LEGAL AUTHORITY TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS PURSUANT TO THE METHOD AUTHORIZED BY O.C.G.A SECTION 32-3-4, ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM FUND 2501 (INTERGOVERNMENTAL GRANT FUND) DEPARTMENT/ORGANIZATION 040416 (EXE-CAPITAL PROJECTS) ACCOUNT 5710001 (PAYMENTS TO OTHER GOVERNMENTS) FUNCTION/ACTIVITY 7550001 (STREETCAR) PROJECT 111097 (STREETCAR PHASE 1) FUNDING SOURCE 11995 (STREETCAR ADID) 11996 (STREETCAR AURA) 91993 (STREETCAR COA); AND FOR OTHER PURPOSES.

WHEREAS, in connection with the construction and development of the Atlanta Streetcar Project, a modern electric streetcar, the first phase of which will span 2.7 miles in downtown Atlanta ("Project"), it is necessary for the City of Atlanta, Georgia ("City") to acquire certain easements, property and 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 City's Code of Ordinances ("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 that certain parcel of real property with an address of 133 Peachtree Street, NE, City of Atlanta, Fulton County, Georgia with a parcel identification number of 14-0051-0007-037-4 ("Property"), for which an easement or right-of-way is required; and

WHEREAS, in accordance with Section 4.01 of the Intergovernmental Agreement between the City, the Atlanta Downtown 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, to facilitate the timely purchase of easements and the necessary rights-of-way from the various property owners, MARTA shall procure the contractor who will be responsible for providing the necessary appraisal and appraisal reports, as required by Section 2-1541(c) of the City of Atlanta Code of Ordinances; 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, the Official Code of Georgia ("O.C.G.A.") Section 32-3-4 authorizes the use of a declaration of taking as a method of condemnation, if necessary, whenever a municipality is required to take private property for public road purposes or for any other public transportation purposes; and

WHEREAS, O.C.G.A. Section 32-3-6 requires a finding by a municipality that circumstances necessitate the use of declaration of taking before such method of condemnation can be used by a municipal government; and

WHEREAS, use of declaration of taking as a method of condemnation would expedite the acquisition of the property rights necessary for the timely completion of this Project which involves road and transportation improvements; 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 City Code that requires further authorization from City Council for the acquisition of 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 (or 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 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 (or his designee or consultant) is hereby authorized to negotiate with each Property owner to acquire 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 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 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 (or his designee or consultant).

SECTION 7: That the use of declaration of taking as a method of condemnation be utilized, pursuant to O.C.G.A Section 32-3-4, if necessary, to expedite the acquisition of any property or property right necessary for the timely completion of the Project, without further authorization from the Atlanta City Council when the Chief Procurement Officer (or his designee or consultant) is unable to negotiate a settlement with the affected property owners pursuant to Sections 3 and 4 above.

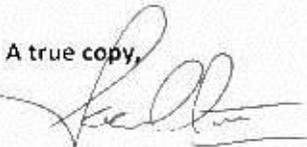
SECTION 8: That the City Attorney is authorized to engage the services of outside counsel, where necessary, to acquire any property right deemed necessary in connection with this Project, in accordance with the laws of the State of Georgia.

SECTION 9: That all costs associated with this Ordinance, including, but not limited to the cost of the appraisal and appraisal reports for the Property, will be charged to and paid from Fund 2501 (Intergovernmental Grant Fund) Department/Organization 040416 (EXE-Capital Projects) Account 5710001 (Payments to Other Governments) Function/Activity 7550001 (Streetcar) Project H 1097 (STREETCAR PHASE H Funding Source 11995 (STREETCAR ADD) 11996 (STREETCAR AURA) 91993 (STREETCAR COA).

SECTION 10: 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.

SECTION 11: That this Ordinance shall become effective immediately upon signing by the Mayor or as otherwise provided by the operation of law.

A true copy,


Deputy Municipal Clerk

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

March 04, 2013
March 13, 2013



ATLANTA STREETCAR

Finance Executive Committee
Atlanta City Council
February 27, 2013



Atlanta Streetcar Project
Real Estate Acquisitions Legislation

| Ordinance | Parcel ID | Address | Owner | Property | Right of Way (SF) | Permanent Easement (SF) | Temporary Easement (SF) | Purpose | OCS FDN/ Basement Conflict |
|-----------|--------------------|----------------------|-----------------------------------|-----------------------|-------------------|-------------------------|-------------------------|--|-------------------------------|
| 13-O-0321 | 14-0078-0007-083-7 | 0 Luckie Street | Luckie Street Prop LLC | Turner COP Stop | 1193 | 0 | 803 | Sidewalk reconstruction, OCS poles | |
| 13-O-0322 | 14-0078-0013-017-7 | 127 Peachtree Street | REM Associates L P | The Candler Building | | | | Attachment | Yes |
| 13-O-0323 | 14-0078-0012-073-1 | 130 Peachtree Street | Grand Prix Atlanta, LLC | Residence Inn | | | | Attachment | Yes |
| 13-O-0324 | 14-0051-0007-043-2 | 133 Peachtree Street | Koch RP Holdings I, LLC | Georgia Pacific Corp | 0 | 153 | 326 | PE - Streetcar stop, TCE - sidewalk reconstruction | |
| 13-O-0325 | 14-0078-0012-094-7 | 150 Carnegie Way | Atlanta Exchange, LLC | Lanier Parking Garage | | | | Attachment | Yes |
| 13-O-0326 | 14-0078-0012-104-4 | 150 Carnegie Way | Peachtree Carnegie, LLC | Lanier Parking Garage | | | | Attachment | Yes |
| 13-O-0327 | 14-0078-0007-085-2 | 168 Luckie Street | Tabernacle Group LLC | The Tabernacle | 1959 | 0 | 1592 | Roadway realignment, sidewalk reconstruction, driveway reconstruction, OCS poles | |
| | 14-0078-0007-084-5 | 152 Luckie Street | | | | | | | |
| 13-O-0328 | 14-0051-0007-037-4 | 133 Peachtree Street | GA-MET (formerly Georgia Pacific) | Georgia Pacific | 0 | 0 | 72 | OCS pole construction | |

*All items are subject to revisions as the design progresses.



Print Date: 2/27/2013

URS

| URS Real Estate Exhibit Sheet# | Address ¹ | Owner ² | Property ³ | COA Mitigation | URS Mitigation | Construction Date | Approx STA | Right of Way (SF) | Permanent Easement (SF) | Temporary Easement (SF) | Priority | Purpose | Status |
|--------------------------------|--------------------------------|--|--|------------------------------|----------------|-------------------|------------|-------------------|-------------------------|-------------------------|--|--|---|
| RW101 | 91 Peachtree St ² | City of Atlanta | Woodruff Park | None | None | 4/5/2013 | 101+25 | 0 | 100 | 1210 | No ROE required | PE - OCS Poles and roadway widening TCE - sidewalk reconstruction | |
| N/A | 23 Park Pl | Panther Place LLC | Panther Place LLC | ROE | Resequencing | 4/5/2013 | 105+75 | 236 | 0 | 140 | OCS, New curb location, sidewalk reconstruction. John L. discussing ROE with Russ. | New curb location, sidewalk reconstruction and an OCS pole | Plats submitted. Currently under OCS design revision due to basement and utility conflicts. |
| RW102 | 212 Edgewood Ave | Mahn Tabatabai | B & T Real State Investors | ROE | Resequencing | 7/30/2013 | 130+05 | 0 | 0 | 231 | Sidewalk reconstruction for ADA - across the street from the alignment | Sidewalk reconstruction | |
| RW102 | 207 Edgewood Ave | Edgewood Holdings, LLC | Amarc Edgewood Clinic | ROE | Resequencing | 7/30/2013 | 129+95 | 0 | 0 | 24 | Sidewalk reconstruction - on the same side of the street as the alignment | Sidewalk reconstruction | |
| RW103 | 246 Edgewood Ave | Board of Regents of the University System of Georgia | LRB of Georgia LLC | ROE | Resequencing | 7/30/2013 | 132+75 | 0 | 0 | 46 | Sidewalk reconstruction for ADA - across the street from the alignment | Sidewalk reconstruction | |
| | REMOVED | | | | | | | | | | | | |
| RW104 | 346 Edgewood Ave | Mang Nguyen | Nguyen Mang | ROE | Resequencing | 2/21/2013 | 141+85 | 0 | 0 | 43 | Sidewalk reconstruction for ADA - across the street from the alignment | Sidewalk reconstruction | |
| RW104 | 345 Edgewood Ave | MPR Holdings LLC | GG White LLC | ROE | Resequencing | 2/21/2013 | 141+85 | 0 | 0 | 15 | Sidewalk reconstruction - on the same side of the street as the alignment | Sidewalk reconstruction | |
| RW105 | 400 Edgewood Ave | 400 Edgewood LLC | Four Hundred Edgewood LLC | ROE | Resequencing | 2/27/2013 | 148+25 | 0 | 0 | 103 | Sidewalk reconstruction - on the same side of the street as the alignment | Sidewalk reconstruction | |
| RW106 | 91 Pryor St | N/A ⁴ | Georgia Department of Transportation | ROE | Resequencing | 9/10/2013 | 196+00 | 0 | 0 | 177 | New curb location, sidewalk reconstruction on the alignment. | New curb location, sidewalk reconstruction | |
| RW107 | 133 Peachtree St | Georgia Pacific Corporation | Georgia Pacific Corp et al. | ROE & Condemnation | Resequencing | 3/13/2013 | 201+80 | 0 | 0 | 72 | OCS pole construction | OCS pole construction | |
| RW107 | 133 Peachtree St | Koch RP Holdings I, LLC ⁷ | Georgia Pacific Corp et al. ⁷ | ROE & Condemnation | Resequencing | 3/13/2013 | 202+60 | 0 | 153 | 326 | PE - Streetcar stop, TCE - sidewalk reconstruction | PE - Streetcar stop, TCE - sidewalk reconstruction | |
| RW107 | 171 Peachtree St | MARTA | Georgia Pacific Corp | ROE | None | 3/13/2013 | 203+25 | 0 | 396 | 385 | PE - OCS poles & OCS wiring & Streetcar stop TCE - sidewalk reconstruction | PE - Streetcar stop, OCS poles, & OCS wiring TCE - sidewalk reconstruction | |
| | 171 Peachtree St | MARTA | Kiosk | COA Law Dept | None | 3/13/2013 | | | | | | | |
| RW108 | 265 Park Ave West ⁸ | State of Georgia | Centennial Olympic Park | Revocable License Agreements | None | 8/1/2013 | 219+50 | 0 | 78 | 0 | OCS pole | OCS pole | |
| N/A | 133 Luckie St ¹⁰ | Lukie Street Prop LLC | Luckie Street Prop LLC | Condemnation | Resequencing | 8/1/2013 | 220+25 | 1193 | 0 | 803 | OCS poles, Sidewalk reconstruction | Sidewalk reconstruction, OCS poles | Plats submitted |
| RW108 | 180 Techwood Dr | State of Georgia | Centennial Olympic Park | Revocable License Agreements | None | 8/1/2013 | 221+15 | 0 | 148 | 288 | | OCS pole, sidewalk reconstruction | Traffic signal mast arm is located on OCS pole, need clarification on easement |
| N/A | 168 Luckie St | Tabernacle Group LLC | Tabernacle Group LLC | Condemnation | Resequencing | 8/5/2013 | 222+50 | 1959 | 0 | 1592 | | Roadway realignment, sidewalk reconstruction, driveway reconstruction, OCS poles | Plats submitted |
| RW109 | 90 Forsyth St | Toyoko Inn Atlanta LLC | Selig Enterprises Inc | ROE | Resequencing | 9/3/2013 | 233+75 | 0 | 0 | 143 | | Sidewalk reconstruction | |
| N/A | 394 Auburn Avenue | Wheat St. Charitable Foundation | Wheat Street Driveway | ROE & Condemnation | Resequencing | 4/9/2013 | | .02 acre | | | | Driveway closure | Plats submitted |

| | | | |
|-------|------|-----|------|
| Total | 3388 | 875 | 5598 |
|-------|------|-----|------|

RCS# 2587
3/04/13
3:12 PM

Atlanta City Council

MULTIPLE

13-O-0321/13-O-0322/13-O-0323/13-O-0324
13-O-0325/13-O-0326/13-O-0327/13-O-0328
ADOPT AS AMNDED

YEAS: 12
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 2
ABSENT 0

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

MULTIPLE