

2316

13-0-1123

(Do Not Write Above This Line)

First Reading

Committee Fin/Ecc
Date 6-26-13
Chair [Signature]
Referred To _____

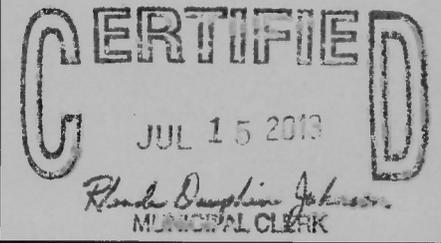
FINAL COUNCIL ACTION

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

AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE
AN ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS, NECESSARY RIGHTS-OF-WAY, AND DONATED PARCELS FROM VARIOUS PROPERTY OWNERS FOR THE COMPLETION OF THE GEORGIA 400 TRAIL, SOUTHWEST ATLANTA BELTLINE TRAIL, SILVER COMET CONNECTOR TRAIL, BATTLE OF ATLANTA TRAIL AND WESTSIDE TRAIL PROJECTS 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 DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. SECTION 32-3-4; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY, TO HANDLE CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.

Committee Fin/Ecc
Date 7/10/13
Chair [Signature]
Action [Signature]
Fav, Adv, Hold (see rev. side) [Signature]
Other _____
Members _____
Refer To _____

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



CONSENT REFER
 REGULAR REPORT REFER
 ADVERTISE & REFER
 1ST ADOPT 2ND READ & REFER
 PERSONAL PAPER REFER
Date Referred 7/1/13
Referred To: _____
Date Referred Referred To: _____
Date Referred: _____
Referred To: _____

Committee _____
Date _____
Chair _____
Action _____
Fav, Adv, Hold (see rev. side) _____
Other _____
Members _____
ADOPTED BY _____
JUL 15 2013 _____
COUNCIL _____
Refer To _____

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

MAYOR'S ACTION
APPROVED
JUL 24 2013
WITHOUT SIGNATURE BY OPERATION OF LAW

**AN ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS, NECESSARY RIGHTS-OF-WAY, AND DONATED PARCELS FROM VARIOUS PROPERTY OWNERS FOR THE COMPLETION OF THE GEORGIA 400 TRAIL, SOUTHWEST ATLANTA BELTLINE TRAIL, SILVER COMET CONNECTOR TRAIL, BATTLE OF ATLANTA TRAIL AND WESTSIDE TRAIL PROJECTS 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 DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. SECTION 32-3-4; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY, TO HANDLE CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.

WHEREAS, it is necessary to acquire permanent and temporary construction easements, necessary rights-of-way, and donated parcels from various property owners for pedestrian and roadway improvements for the Georgia 400 Trail, Southwest Atlanta Beltline Trail, Silver Comet Connector Trail, Battle of Atlanta Trail, and Westside Trail Projects (“Projects”); and

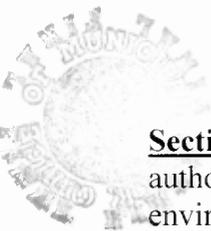
WHEREAS, the Georgia State Law, at O.C.G.A. Section 32-3-4, authorizes the use of declaration of taking as a method of condemnation, if necessary, whenever a municipality is required to take private property for public road purposes or for any other public transportation purposes; and

WHEREAS, use of declaration of taking as a method of condemnation would expedite the acquisition of the property rights necessary for the timely completion of these Projects which involve pedestrian and roadway improvements; and

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

WHEREAS, in order to complete the proposed project in a timely fashion, the requirements of Section 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code, the City of Atlanta Code of Ordinances, which require further authorization of Council for acquisition of permanent and temporary construction easements and necessary rights-of-way described in this Ordinance should be waived.

NOW, THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, 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 temporary or permanent construction easements, necessary rights-of-way, donated parcels and other related property interests (e.g., fee simple, leaseholds, easements, etc.) necessary to complete construction of the Georgia 400 Trail, Southwest Atlanta Beltline Trail, Silver Comet Connector Trail, Battle of Atlanta Trail and Westside Trail Projects (“Projects”).

Section 2: That the Chief Procurement Officer, or his designee or consultant, is hereby authorized to negotiate with the affected property owners to acquire temporary or permanent construction easements, necessary rights-of-way, donated parcels and other related property interests necessary to complete construction of the Projects.

Section 3: That the Chief Procurement Officer, his designee or consultant, is authorized to settle those acquisitions of property at an amount not to exceed ten percent (10%) or Two Hundred Fifty Dollars (\$250.00), whichever is greater, above the estimated just compensation. The Chief Procurement Officer is authorized to administratively 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 administratively negotiate or settle such acquisitions without Council authorization exceed twenty percent (20%) or Five Hundred Dollars (\$500.00), whichever is greater, above the estimated just compensation for each property.

Section 4: That in order to complete the Projects in a timely fashion, the requirements of Sections 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code, the City of Atlanta Code of Ordinances, which require further authorization of Council for acquisition of permanent and temporary construction easements, necessary rights-of-way, donated parcels and other related property interests described in this Ordinance are waived.

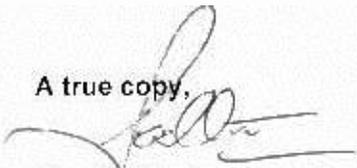
Section 5: That the City Attorney is authorized to monitor and supervise the closing transactions with affected property owners in connection with the Projects, with the assistance of the Chief Procurement Officer, or his designee or consultant.

Section 6: 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 rights necessary for the timely completion of the Projects.

Section 7: 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 the Projects, in accordance with state law, without further authorization from City Council. The provisions of Section 2-1542 requiring further authorization for condemnations are hereby waived.

Section 8: That all costs associated with this Ordinance, including, but not limited to costs of the appraisals and appraisal reports, will be charged to and paid from General Government Capital Funds, Trust Funds, Quality of Life Bonds and/or combination of other sources.

A true copy,



Deputy Clerk

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

JUL 15, 2013
JUL 24, 2013

RCS# 2897
7/15/13
3:34 PM

Atlanta City Council

CONSENT AGENDA SECTION I (PAGES 3-20)
EXCEPT 1138;1189;1154
ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 2

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

+

		07-01-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 13-O-1127	36. 13-R-3332	41. 13-R-3337
2. 13-O-1153	37. 13-R-3333	42. 13-R-3338
3. 13-O-0311	38. 13-R-3334	43. 13-R-3339
4. 13-O-1122	39. 13-R-3335	44. 13-R-3340
5. 13-O-1123	40. 13-R-3336	45. 13-R-3341
6. 13-O-1139		46. 13-R-3342
7. 13-O-1183		47. 13-R-3343
8. 13-O-1185		48. 13-R-3344
9. 13-O-1119		49. 13-R-3345
10. 13-O-1120		50. 13-R-3346
11. 13-O-1121		51. 13-R-3347
12. 13-O-1125		52. 13-R-3348
13. 13-O-1155		53. 13-R-3349
14. 13-R-3312		54. 13-R-3350
15. 13-R-3315		55. 13-R-3351
16. 13-R-3325		56. 13-R-3352
17. 13-R-3326		57. 13-R-3353
18. 13-R-3266		58. 13-R-3354
19. 13-R-3322		59. 13-R-3355
20. 13-R-3323		60. 13-R-3356
21. 13-R-3316		61. 13-R-3357
22. 13-R-3317		62. 13-R-3358
23. 13-R-3306		63. 13-R-3359
24. 13-R-3307		64. 13-R-3360
25. 13-R-3308		65. 13-R-3361
26. 13-R-3318		66. 13-R-3362
27. 13-R-3375		67. 13-R-3363
28. 13-R-3313		68. 13-R-3364
29. 13-R-3320		69. 13-R-3365
30. 13-R-3324		70. 13-R-3366
31. 13-R-3327		71. 13-R-3367
32. 13-R-3328		72. 13-R-3368
33. 13-R-3329		73. 13-R-3369
34. 13-R-3330		74. 13-R-3370
35. 13-R-3331		75. 13-R-3371
		76. 13-R-3372
		77. 13-R-3373