

13-0 -1109

(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:

# 14-0171-0013-012-4 (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), PTAEO,  
PROJECT: 14100247, TASK: 101, AWARD: 312921230,  
EXPENSE TYPE: 5411001, ORGANIZATION: CITY OF  
ATLANTA; AND FOR OTHER PURPOSES.

ADOPTED BY

- CONSENT REFER AUG 1 9 2013
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

COUNCIL

Date Referred: 7/1/13  
 Referred To: CD/HR  
 Date Referred: 8/1/13  
 Referred To: Special Call Meeting  
 Date Referred:  
 Referred To:

First Reading

Committee: CDHR  
 Date: 7/9/13  
 Chair: Joyner  
 Referred To: CDHR

Committee: CD/HR  
 Date: 7/9/13  
 Chair:

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

Refer To

Committee: CDHR  
 Date: 7/30/13  
 Chair: Joyner

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

- 2<sup>ND</sup>
  - 1<sup>ST</sup> & 2<sup>ND</sup>
  - 3<sup>RD</sup>
- Readings
- Consent
  - V Vote
  - RC Vote

CERTIFIED  
 AUG 1 9 2013  
 ATLANTA CITY COUNCIL PRESIDENT  
*[Signature]*

CERTIFIED  
 AUG 1 9 2013  
 Rhonda Daughlin Johnson  
 MUNICIPAL CLERK

MAYOR'S ACTION

RCS# 2963  
8/19/13  
7:11 PM

Atlanta City Council

MULTIPLE 13-O-1108, 13-O-1109 AND 13-O-1111

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 3

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

MULTIPLE

RCS# 2945  
8/19/13  
4:10 PM

Atlanta City Council

MULTIPLE

13-O-1108, 1109, 1111, 1112,  
1113, 1114, 1115, 1116, 1117 AND 1118  
REFER/SPEC CALL

YEAS: 10  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 5  
EXCUSED: 1  
ABSENT 0

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

MULTIPLE



**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), PTAEO, 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.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk

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

AUG 19, 2013  
AUG 28, 2013



**LEGAL DESCRIPTION**  
**TRACT 10**  
**Temporary 50 Ft Easement**

All that Tract or Parcel of Land lying and being in Land Lot 171 of the 14<sup>th</sup> 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 14<sup>th</sup> 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**.

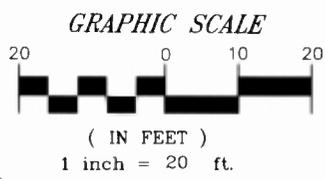
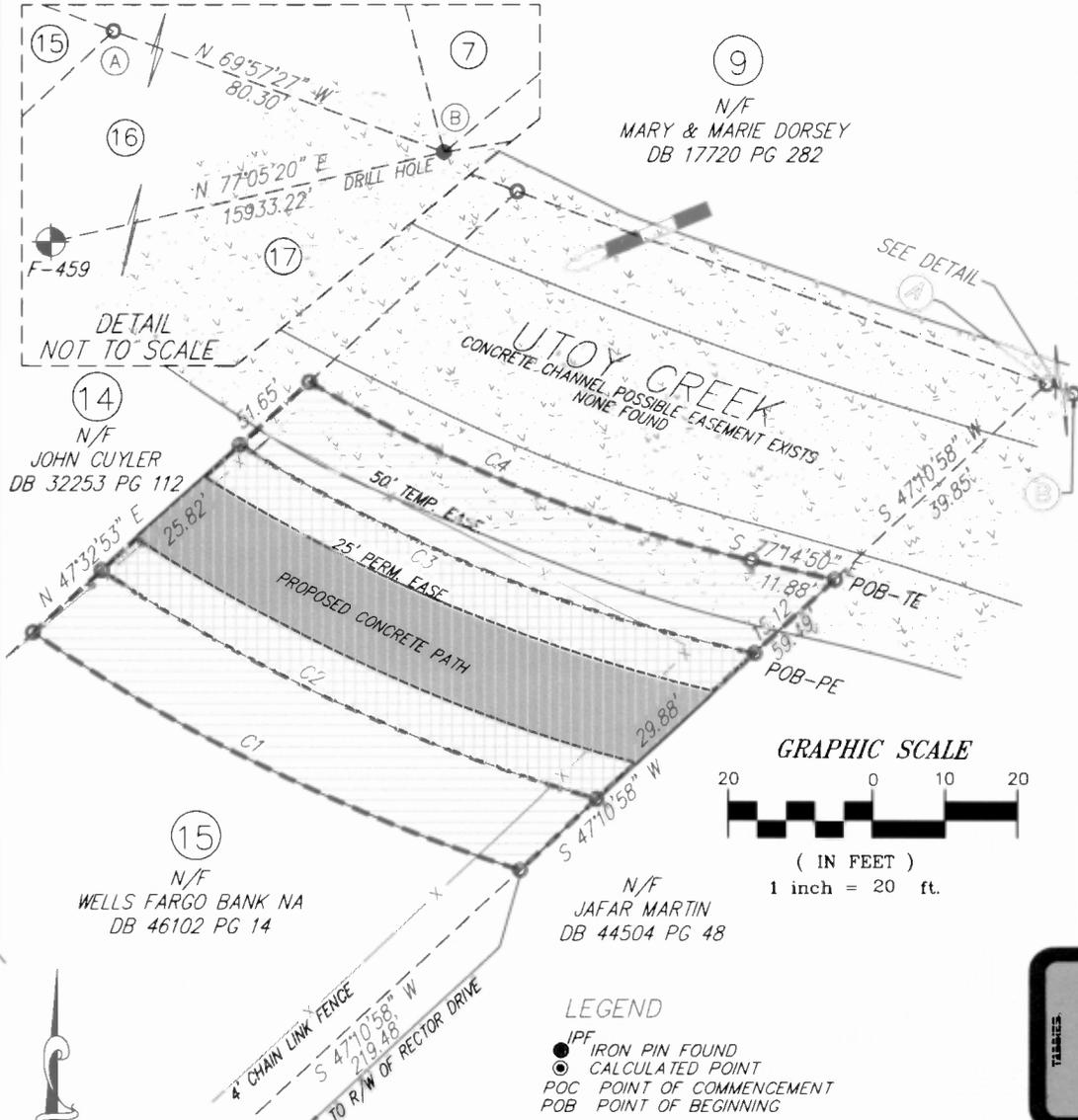
Said Tract or Parcel of Land contains 1,914.47 square feet and or 0.044 acres as shown on a survey prepared by Hartrampf Engineering dated 05-18-09, for the Path Foundation project named J. A. White Park, original Job Number 08082.00. Job Number for the Easement Surveys is 09025.00.



**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**

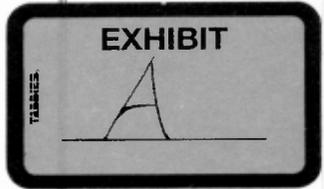


- LEGEND**
- IPF IRON PIN FOUND
  - CALCULATED POINT
  - POC POINT OF COMMENCEMENT
  - POB POINT OF BEGINNING

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

ORIG-NO.08082.00