

13-0 -1110

(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:

# 14-0171-0013-014-0 (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.

FILED BY  
AUG 19 2013

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

Date Referred 7/1/13

Referred To: CD/HR

Date Referred 8/19/13

Referred To: Special Call Meeting

Date Referred

Referred To:

Committee CD/HR  
Date 7/9/13  
Chair James Shepherd  
Referred To CD/HR

Committee CD/HR  
Date 7/9/13  
Chair

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

Members

Refer To

Committee CD/HR  
Date 7/30/13  
Chair James Shepherd

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

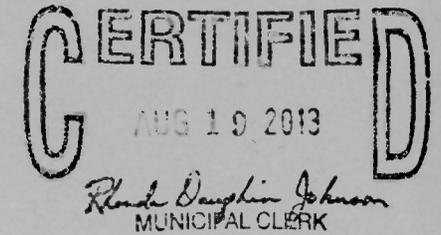
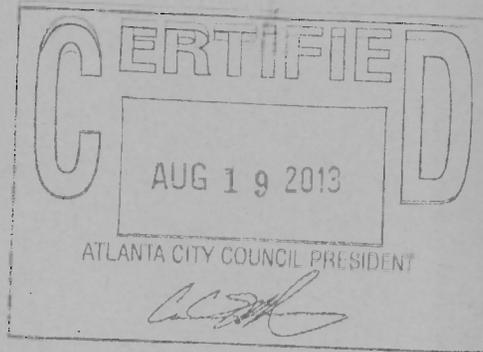
Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

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

CERTIFIED



MAYOR'S ACTION

RCS# 2944  
8/19/13  
4:07 PM

Atlanta City Council

MULTIPLE

13-O-1107 AND 13-O-1110

FILE

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

Y Smith	Y Archibong	E Moore	Y Bond
NV Hall	Y Wan	Y Martin	Y 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:**

**14-0171-0013-014-0 (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.**

**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.

**LEGAL DESCRIPTION**  
**TRACT 12**  
**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 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 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 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**.

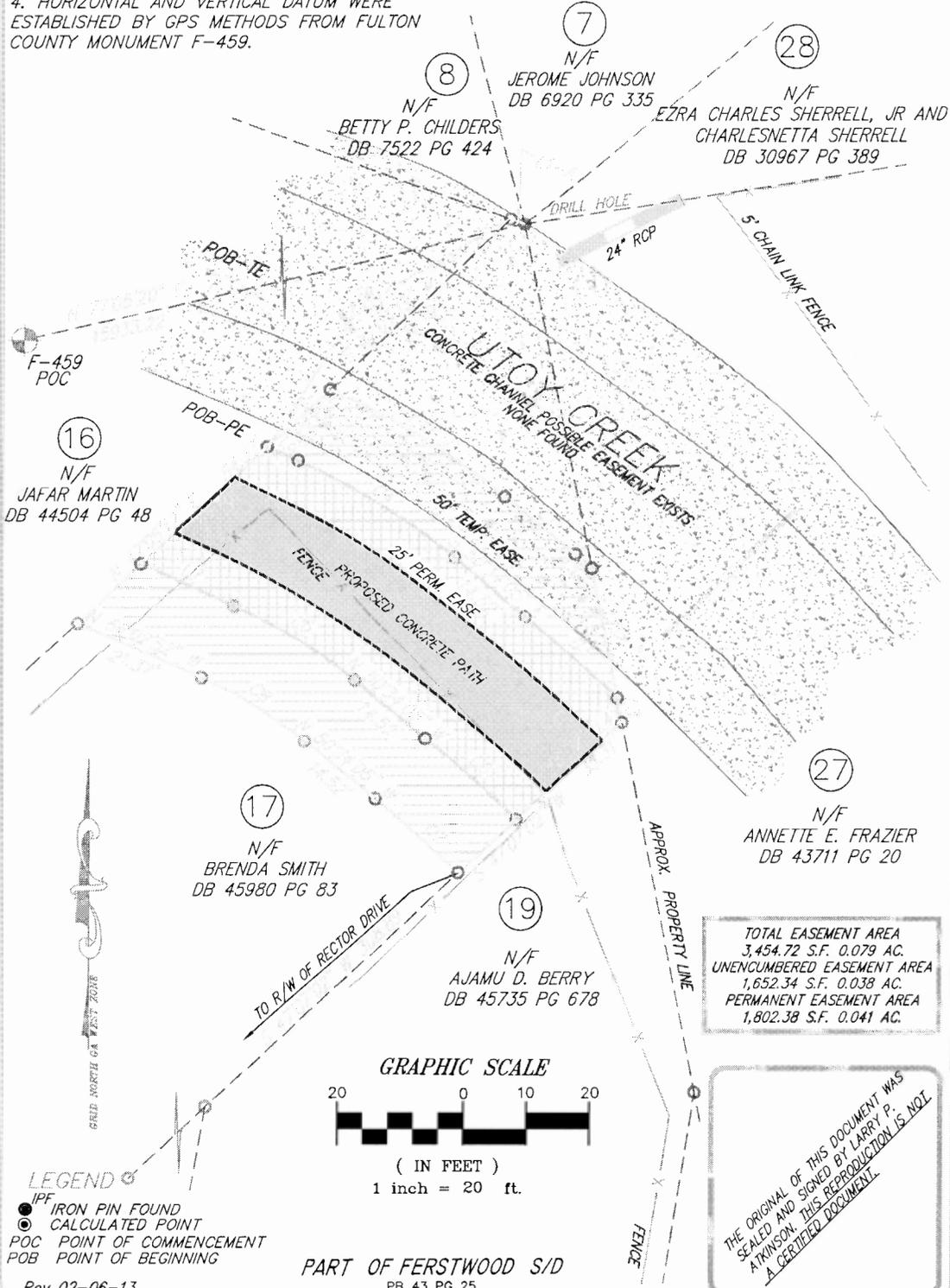
Said Tract or Parcel of Land contains 1,802.38 square feet and or 0.041 acres as shown on a survey prepared by Hartrampf Engineering dated 05-18-09, for the Path Foundation project named J. A. White Park, original Job Number 08082.00. Job Number for the Easement Surveys is 09025.00.

**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



TOTAL EASEMENT AREA  
3,454.72 S.F. 0.079 AC.  
UNENCUMBERED EASEMENT AREA  
1,652.34 S.F. 0.038 AC.  
PERMANENT EASEMENT AREA  
1,802.38 S.F. 0.041 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

PART OF FERSTWOOD S/D  
PB 43 PG 25

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

**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

LINE DATA		
LINE	BEARING	LENGTH
11	S 89°34'08" E	24.87'
11-1	N 62°57'27" W	2.86'
12	S 41°57'25" E	20.76'
13	S 0°57'39" E	1.94'
14	S 47°04'05" W	4.37'
15	S 65°02'52" E	5.75'
17	N 68°02'57" W	15.02'

CURVE DATA				
CURVE	RADIUS	LENGTH	BEARING	DISTANCE
C1	121.00'	11.70'	S 55°15'34" E	17.60'
C2	273.16'	3.40'	S 80°13'04" E	3.40'
C3	265.62'	12.45'	S 45°58'47" E	15.45'
C4	162.50'	22.30'	S 33°05'05" E	22.30'
C5	83.50'	22.26'	N 28°10'36" W	22.26'
C6	241.02'	18.43'	N 40°15'57" W	18.42'
C7	270.17'	12.10'	N 48°21'10" W	12.14'
C8	21.00'	16.18'	N 59°18'40" W	16.18'

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