2327

13-O-1111

(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:

14-0171-0013-016-5 (2025 Rector Drive) (Parcel # 13)

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
AUG 19 2013
COUNCIL

- ☑ CONSENT REFER
- ☐ 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
Refferred To: Special Call Meeting
Date Referred
Referred To:

First Reading
Committee CD/HR
Date
Chair Joyce Sheperd
Referred To

Committee	Committee
CD/HR	
Date 7/9/13	Date
Chair	Chair
Action Fav, Adv, Hold (see rev. side)	Action Fav, Adv, Hold (see rev. side)
Other	Other
Members	Members
Refer To	Refer To

Committee	Committee
CD/HR	
Date 8/19/13	Date
Chair Joyce Sheperd	Chair
Action Fav, Adv, Hold (see rev. side)	Action Fav, Adv, Hold (see rev. side)
Other	Other
Members	Members
Refer To	Refer To

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

CERTIFIED
AUG 19 2013
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
AUG 19 2013
Rhonda Dauphin 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

CITY COUNCIL
ATLANTA, GEORGIA

13-O-1111

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 A CERTAIN PARCEL LISTED UNDER FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0171-0013-016-5 (2025 Rector Drive) (Parcel #13)

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 # 13, as depicted on Exhibit "A" ("Parcel"); and

WHEREAS, the exercise of eminent domain over the Parcels 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 of the Parcel 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 # **14-0171-0013-016-5 (2025 Rector Drive), depicted as parcel # 13 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), PTAEO, 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 Dauphin Johnson

Municipal Clerk

ADOPTED by the Atlanta City Council AUG 19, 2013

APPROVED as per City Charter Section 2-403 AUG 28, 2013

LEGAL DESCRIPTION
TRACT 13
Permanent 25 Ft Easement

All that Tract or Parcel of Land lying and being in Land Lot 171 of the 14th 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 South 11 Degrees 07 Minutes 39 Seconds East a distance of 80.13 feet to the **Point of Beginning**, thence South 11 Degrees 07 Minutes 39 Seconds East a distance of 42.41 feet to a point; thence along a curve to the left having an arc length of 36.08 feet a radius of 421.79 feet and being subtended by a chord bearing North 43 Degrees 38 Minutes 00 Seconds West a distance of 36.07 feet to a point; thence North 47 Degrees 07 Minutes 02 Seconds East a distance of 22.79 feet to the **Point of Beginning.**

Said Tract or Parcel of Land contains 401.76 square feet and or 0.009 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.

EXHIBIT
A

LEGAL DESCRIPTION
TRACT 13
Temporary 50 Ft Easement

All that Tract or Parcel of Land lying and being in Land Lot 171 of the 14th 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 South 11 Degrees 07 Minutes 39 Seconds East a distance of 80.13 feet to the **Point of Beginning**, thence South 11 Degrees 07 Minutes 39 Seconds East a distance of 60.00 feet to a point; thence South 09 Degrees 03 minutes 58 Seconds West a distance of 5.35 feet to a point; thence along a curve to the left having an arc length of 54.36 feet a radius of 409.29 feet and being subtended by a chord bearing North 42 Degrees 22 Minutes 36 Seconds West a distance of 54.32 feet to a point; thence North 47 Degrees 07 Minutes 02 Seconds East a distance of 35.31 feet to the **Point of Beginning**.

Said Tract or Parcel of Land contains 981.89 square feet and or 0.023 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.

EASEMENT PLAT TRACT 13

FOR THE PATH FOUNDATION
THE CITY OF ATLANTA AND
CHICAGO TITLE INSURANCE COMPANY
LAND LOT 171, 14TH. DISTRICT
FULTON, COUNTY
GEORGIA

14-0171-0013-0165

GENERAL NOTES

1. THE FIELD DATA FOR THIS SURVEY WAS COLLECTED USING A TOPCON GTS-302D TOTAL STATION.

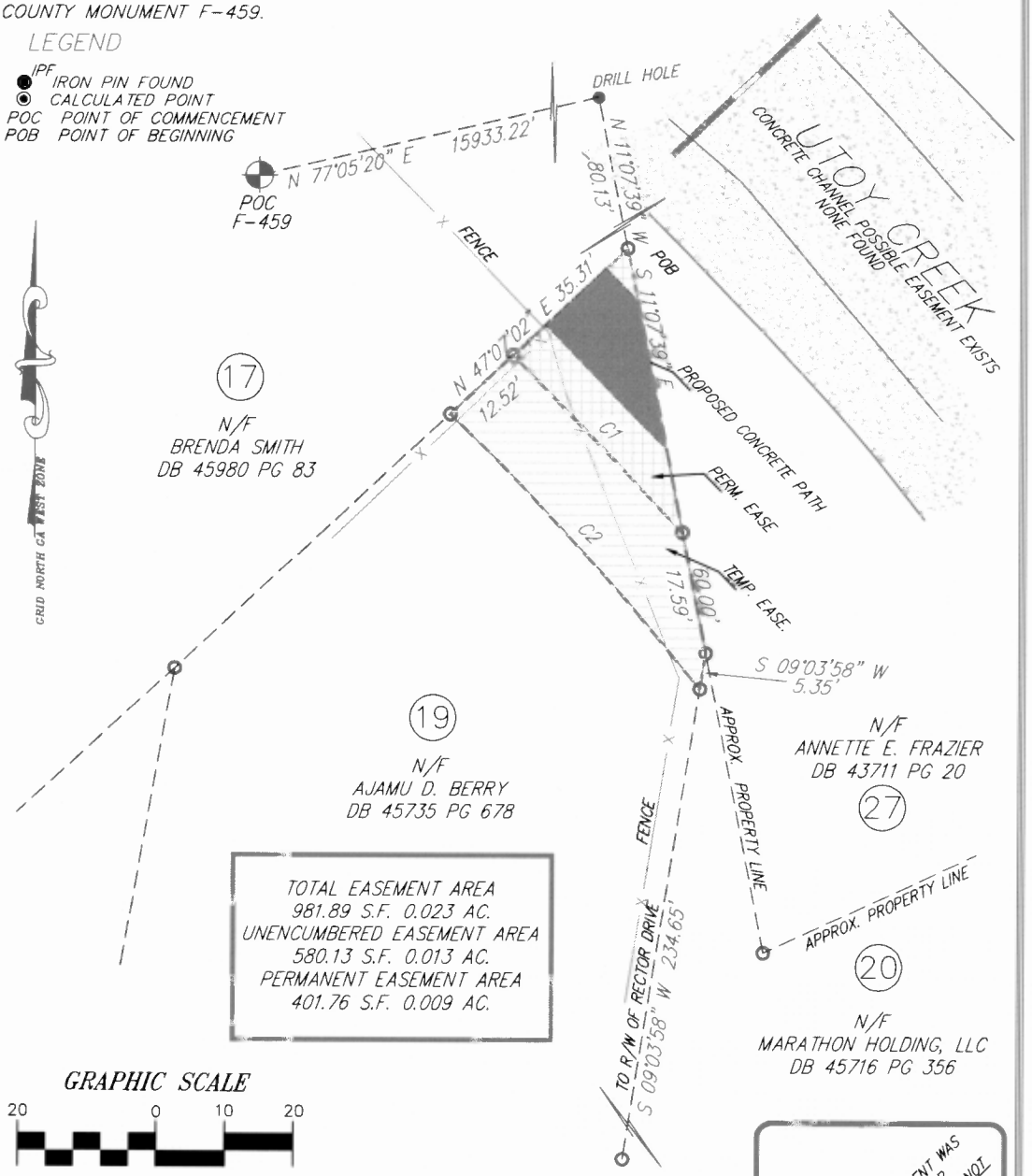
2. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 16,000 FEET, AND AN ANGULAR ERROR OF 00° 00' 08" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.

3. DATE OF FIELD SURVEY: 10/6/08.

4. HORIZONTAL AND VERTICAL DATUM WERE ESTABLISHED BY GPS METHODS FROM FULTON COUNTY MONUMENT F-459.

LEGEND

IPF IRON PIN FOUND
CALCULATED POINT
POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING



TOTAL EASEMENT AREA
981.89 S.F. 0.023 AC.
UNENCUMBERED EASEMENT AREA
580.13 S.F. 0.013 AC.
PERMANENT EASEMENT AREA
401.76 S.F. 0.009 AC.

GRAPHIC SCALE

20 0 10 20

(IN FEET)
1 inch = 20 ft.

CURVE TABLE				
CURVE	RADIUS	LENGTH	BEARING	DISTANCE
C1	421.79'	36.08'	N 43°38'00" W	36.07'
C2	409.29'	54.36'	N 42°22'36" W	54.32'

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

HARTRAMPF
7000 Central Parkway Suite 1475 Atlanta Ga. 30328

DRAWN BY RBM
Checked by LPA
Date 05/16/09
Job No. 09025.00

ORIG-NO.08082.00