

13-0 -1112

(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 SPECIAL MASTER METHOD,  
O.C.G.A. § 22-2-100 ET SEQ. OR OTHER  
CONDEMNATION METHOD, AS MAY BE  
APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL  
FRONTING ON THE FORMER CHICAMAUGA  
AVENUE, ATLANTA, GEORGIA AND A FULTON  
COUNTY TAX IDENTIFICATION NUMBER OF:

14-0140-0002-027-3 (Parcel 6)

IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA  
PLACE PARK; 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), PTAE0, Project: 14100247, Task: 101, Award:  
312921230, Expense Type: 5411001, Organization: City of  
Atlanta; AND FOR OTHER PURPOSES.

- CONSENT REFER
- REGULAR REPORT REFER AUG 19 2013
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

ADOPTED BY  
COUNCIL

Date Referred

7/1/13

Referred To:

CD/HR

Date Referred

8/19/13

Referred To:

Special Call Meeting

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred To

CDHR  
Joyce M. Shepherd  
CDHR

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

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 19 2013

ATLANTA CITY COUNCIL PRESIDENT

*[Signature]*

CERTIFIED  
AUG 19 2013

Ronda Daughlin Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

23



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

Atlanta City Council

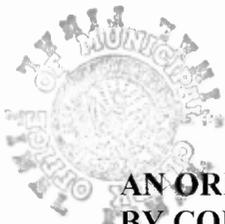
MULTIPLE

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 SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD, AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE, OF A PARCEL FRONTING ON THE FORMER CHICAMAUGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:**

**14-0140-0002-027-3 (Parcel 6)**

**IN ORDER TO EXPAND THE BOUNDARIES OF ENOTA PLACE PARK; 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), PTAE0, Project: 14100247, Task: 101, Award: 312921230, Expense Type: 5411001, Organization: City of Atlanta; AND FOR OTHER PURPOSES.**

**WHEREAS,** the recitations in Ordinance 03-O-0926 indicate that the City maintained Enota Place Park, for public use as a public park for many years as a leasehold and the Ordinance authorized the acquisition and/or condemnation of Enota Place Park in fee simple; and

**WHEREAS,** Ordinance 09-O-1372 authorized the purchase of approximately six acres from the Trust for Public Land for the expansion of Enota Place Park which is located along the Beltline; and

**WHEREAS,** the City and/or Atlanta Beltline, Inc. has acquired most of the parcels necessary to accomplish the expansion of Enota Place Park; and

**WHEREAS,** to complete the Enota Place Park expansion, it is necessary to exercise eminent domain for parcel #'s 6, 7, 9, 11, 12, 18 and 21 depicted in Ordinance 12-O-0490 ("Parcels"); and

**WHEREAS,** the exercise of eminent domain over the Parcels is necessary for the expansion of Enota Place Park boundaries, which Parcels will be possessed, occupied and used by the general public; and

**WHEREAS,** the City engaged in good faith negotiations with the owner of the Property to acquire the Property based upon a certified appraisal of the Property; and



**WHEREAS**, condemnation, including use of the Special Master method, pursuant to O.C.G.A. § 22-2-100 or other appropriate method, as provided in O.C.G.A. § 22-2-1 *et seq.*, is necessary to complete the expansion of Enota Place Park.

**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 and acquire good and marketable fee simple title to tax parcel identification # **14-0140-0002-027-3, depicted as parcel # 6 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 Special Mater Method, pursuant to O.C.G.A. § 22-2-100 *et seq.*, or, alternatively, other condemnation proceeding authorized by Title 22 of the Official Code of Georgia is authorized to acquire good and marketable title to the Property for purposes of completing the Parcels.

**Section 3.** 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 Parcels.

**Section 4.** 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 Parcels.

**Section 5.** 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 seven Parcels shall not exceed \$306,000.00.

**Section 6.** 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



EXHIBIT "A"

All that tract or parcel of land lying and being in the City of Atlanta, in Land Lot 140 of the 14<sup>th</sup> District of Fulton County, Georgia, and more particularly described as follows:

BEGINNING at a point on the east side of Chicamauga Avenue, sixty (60) feet south to the southeast corner of two proposed streets to be known as Chicamauga Avenue and Chicamauga Court, if said streets were extended to form an angle instead of a curve, and running thence east one hundred ten (110) feet; thence south seventy (70) feet; thence slightly northwesterly one hundred fourteen (114) feet to Chicamauga Avenue; thence north along the east side of Chicamauga Avenue sixty (60) feet to the point of beginning.

Being a part of the same property conveyed to S.S. Robinson and M.V. Sullivan by Warranty Deed from Mrs. Nancy M. Green dated December 10, 1955, filed December 13, 1955, recorded in Deed Book 3066, Page 577, Fulton County, Georgia records.

