

13-0-1113

(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:

14-0140-0002-086-9 (Parcel 7)

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
 - ADVERTISE & REFER
 - 1ST ADOPT 2ND READ & REFER
 - PERSONAL PAPER REFER
- ADOPTED BY **AUG 19 2013**
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:
 Chair: Joycelin M. Serepny
 Referred To: CDHR

Committee: CDHR
 Date: 7/9/13
 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: CDHR
 Date: 7/30/13
 Chair: Joycelin M. Serepny
 Action:
 Fav, Adv, Hold (See rev. side)
 Other:
 Members:
 Refer To:

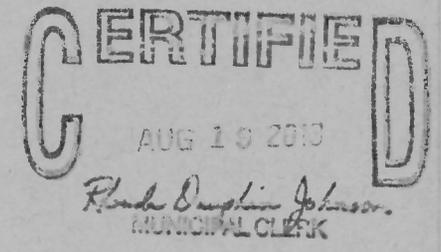
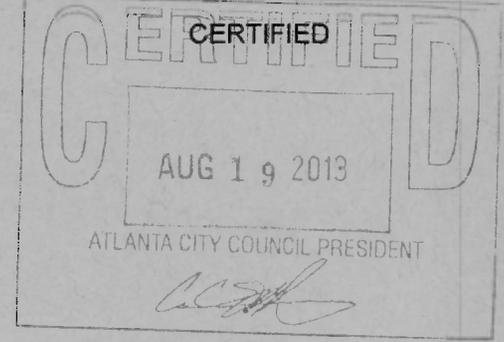
Committee:
 Date:
 Chair:
 Action:
 Fav, Adv, Hold (See rev. side)
 Other:
 Members:
 Refer To:

Refer To:
 Refer To:

Refer To:
 Refer To:

FINAL COUNCIL ACTION

- 2ND 1ST & 2ND 3RD
- Readings
- Consent V Vote RC Vote



MAYOR'S ACTION

233

RCS# 2964
8/19/13
7:14 PM

Atlanta City Council

MULTIPLE 13-O-1112, 1113, 1114, 1115, 1116, 1117
AND 13-O-1118
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 SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDMENATION 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:

14-0140-0002-086-9 (Parcel 7)

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 # **14-0140-0002-086-9, depicted as parcel # 7 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

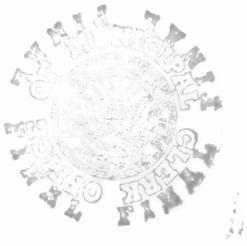


EXHIBIT "A"

LEGAL DESCRIPTION

Parcel No. 7

Tax ID No: 14-0140-0002-086-9

All that tract or parcel of land lying and being in Land Lot 140 of the 14th District of Fulton County, Georgia, being Lot 2 in Block "C" according to plat of Provisional Subdivision Property of Bell & Calhoun, made by L.H. Fitzpatrick, C.E., May, 1952, a copy being on file in the office of Atlanta Title Company and more particularly described as follows:

BEGINNING at a point on the south side of a proposed street to be known as Chicamauga Court one hundred ten (110) feet east of the intersection of Chicamauga Court and another proposed street to be known as Chicamauga Avenue if said streets were extended to form an angle instead of a curve and running thence east along the south side of Chicamauga Court sixty (60) feet to the northwest corner of Lot 1, block aforesaid; thence south along the west line of said Lot 1 one hundred thirty eight (138) feet to the right of way of the Louisville and Nashville Railroad Company; thence southwesterly along the northwesterly side of said right of way eighty eight (88) feet; thence north along the east lines of Lots 3, 4 & 5 block aforesaid two hundred three (203) feet to the south side of Chicamauga Court at the point of beginning.

SURVEYOR'S NOTES

- THIS PLAT IS A CORRECT REPRESENTATION OF THE LANDS PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW, BUT A GEORGIA LICENSED ATTORNEY AT LAW SHOULD BE CONSULTED CONCERNING CORRECT OWNERSHIP, WIDTH, AND LOCATION OF EASEMENTS AND THEIR TITLE QUESTIONS REVEALED BY TITLE EXAMINATION.
- NOT ALL IMPROVEMENTS OR UTILITIES ARE SHOWN HEREON.
- THE DATE OF FIELD WORK FOR THIS SURVEY IS JULY 29, 2010.
- THE BASIS OF BEARINGS FOR THIS SURVEY IS GRID NORTH PER COBB COUNTY CORRS STATION "CCGN".
- THE SUBJECT PROPERTY SHOWN HEREON IS REFERENCED ON FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 131210355E, PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THERE IS NO PRINTED PANEL.
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 24,160 FEET AND AN ANGULAR ERROR OF 1 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE METHOD.
- THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND HAS BEEN FOUND TO HAVE A CLOSURE PRECISION ONE FOOT IN +500,000 FEET.
- THE EQUIPMENT USED FOR THIS SURVEY INCLUDED A TOPCON GTS-303 TOTAL STATION AND A PISON DATA COLLECTOR.
- THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT EXPRESS CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.
- AGILITY SURVEYING CO., INC. DOES NOT WARRANT THE EXISTENCE OR NONEXISTENCE OF ANY WETLANDS OR HAZARDOUS WASTES IN THE SURVEYED SITE.
- THE CERTIFICATIONS SHOWN HEREON ARE INTENDED TO MEET THE GEORGIA PLAT ACT AND TECHNICAL STANDARDS OF THE OFFICIAL CODE OF GEORGIA CHAPTERS 180-1 THRU 180-10 AND ARE NOT A CERTIFICATION TO TITLE OR OWNERSHIP OF PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE ACCORDING TO CURRENT COUNTY RECORDS.
- THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD BOTH WRITTEN AND UNWRITTEN.

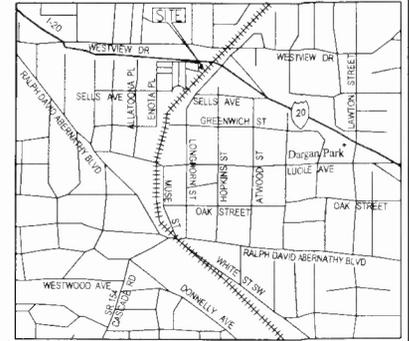
LEGEND

- PROPERTY LINE
- - - CENTERLINE CREEK
- x-x-x-x- CHAIN LINK FENCE
- o-o-o-o- IRON FENCE
- - - UNDERGROUND WATER
- - - UNDERGROUND TELEPHONE
- - - SANITARY SEWER
- - - OVERHEAD ELECTRIC
- - - UNDERGROUND GAS
- - - STORM DRAIN
- ⊙ SANITARY SEWER
- ⊙ IRON PIN FOUND
- ⊙ HEADWALL
- ⊙ IRON PIN SET
- ⊙ WATER VALVE
- ⊙ OTP OPEN TOP PIPE
- ⊙ FIRE HYDRANT
- ⊙ R/W RIGHT-OF-WAY MONUMENT
- ⊙ DROP INLET
- ⊙ RB REBAR
- ⊙ WATER METER
- ⊙ SBL BUILDING SET BACK LINE
- ⊙ TELEPHONE MANHOLE
- ⊙ A/C AIR CONDITIONER
- ⊙ BOLLARD
- ⊙ IRON PIN SET
- ⊙ COMPUTED POINT
- ⊙ LIGHT POLE
- ⊙ SINGLE WING CATCH BASIN
- ⊙ GUY WIRE
- ⊙ DOUBLE WING CATCH BASIN
- ⊙ POWER POLE
- N/F NOW OR FORMERLY
- ⊙ TELEPHONE BOX
- CLF CHAIN LINK FENCE
- ⊙ SIGN
- ⊙ RIGHT-OF-WAY MONUMENT

AREA
7,600 S.F.
0.174 ACRES.

ZONING: R-4
FRONT YARD SETBACK = 35 FEET
REAR YARD SETBACK = 15 FEET
SIDE YARD SETBACK = 7 FEET

INTERSTATE 20
(LIMITED ACCESS R/W)



LOCATION MAP
NOT TO SCALE

SURVEY REFERENCES

- DEED BETWEEN THE CITY OF ATLANTA AND R. E. THOMAS IN DEED BOOK 3854, PAGE 155 DATED MARCH 16, 1952.
- DEED BETWEEN EDMOND T. KEMP AND ELL RUTH WILBORN IN DEED BOOK 2968, PAGE 513 DATED JANUARY 28, 1955.
- DEED BETWEEN T. J. HENRY AND JAMES E. GILBERT IN DEED BOOK 2764, PAGE 434, DATED AUGUST 6, 1952.
- DEED BETWEEN T. J. HENRY AND THOMAS J. HENDRICKS IN DEED BOOK 663, DATED JULY 17, 1952.
- DEED BETWEEN T. J. HENRY AND RUTH W. SIMS IN DEED BOOK 2770, PAGE 107, DATED AUGUST 15, 1952.
- DEPARTMENT OF TRANSPORTATION PROJECT 1-402-1 (3) FULTON COUNTY DATED MAY 1, 1958.
- DEED BETWEEN BENJAMIN DANIEL WEST AND THOMAS B. WEST IN DEED BOOK 43663, PAGE 448, DATED SEPTEMBER 20, 2006.

LEGAL DESCRIPTION

Tax ID: 1401400002086
(7,600 Sq. Ft. or 0.174 Acres)

All and singular that certain tract of land lying and being in Land Lot 140, 14th District, City of Atlanta of Fulton County, Georgia, being more particularly described as follows:

COMMENCING at a right-of-way monument found at the intersection of the northwesterly right-of-way line of Louisville Nashville Railroad (100' R/W) and the southerly right-of-way line of Interstate 20; run thence North 75°48'45" West, a distance of 68.33 feet to 1/2" rebar set, said point being the POINT OF BEGINNING.

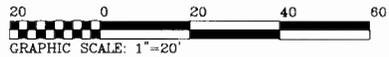
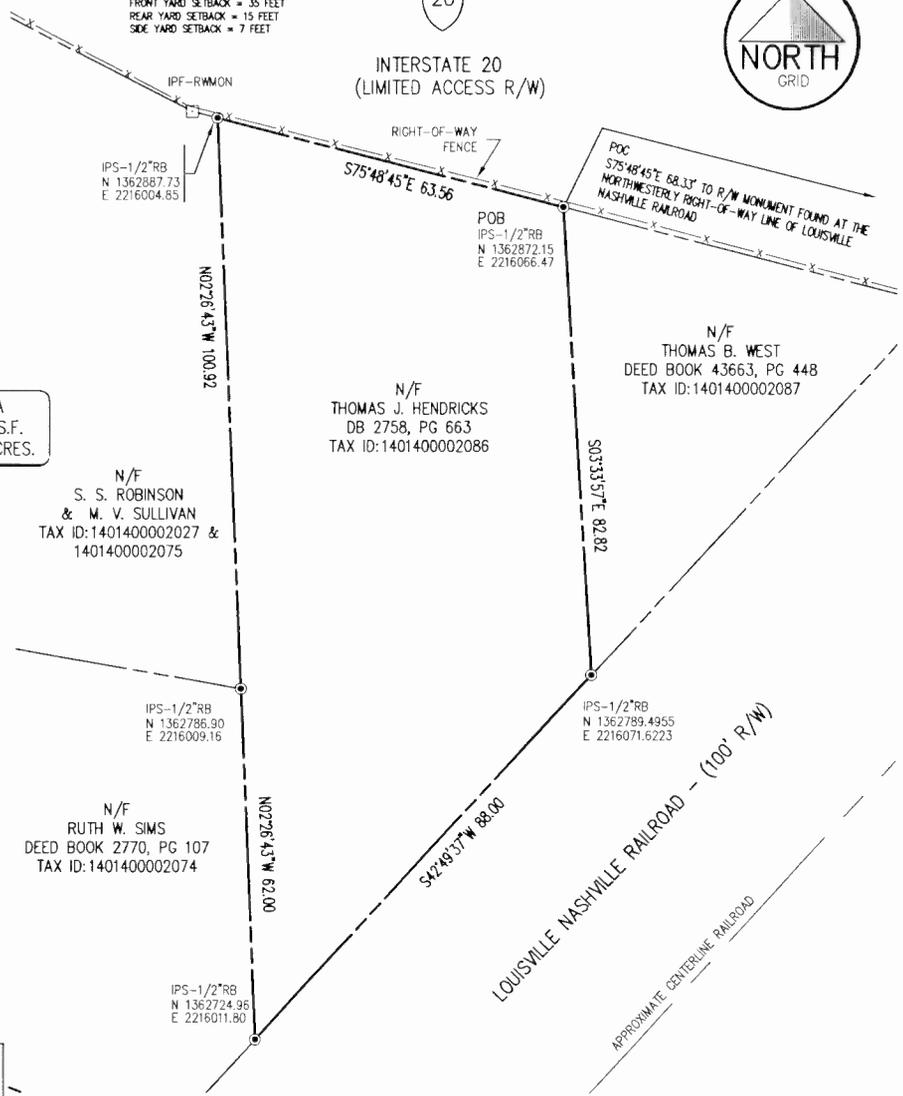
From the true point of beginning as thus established, leaving said southerly right-of-way line of Interstate 20 South 02°33'57" East, a distance of 82.82 feet to a 1/2" rebar set on the aforementioned northwesterly right-of-way line of Louisville Nashville Railroad;

THENCE along said northwesterly right-of-way line of Louisville Nashville Railroad South 42°49'37" West, a distance of 88.00 feet to a 1/2" rebar set.

THENCE leaving said northwesterly right-of-way line of Louisville Nashville Railroad North 02°26'43" West, a distance of 62.00 feet to a 1/2" rebar set;

THENCE North 02°26'43" West, a distance of 100.92 feet to a 1/2" rebar set on the aforementioned southerly right-of-way line of Interstate 20;

THENCE along said southerly right-of-way line of Interstate 20 South 75°48'45" East, a distance of 63.56 feet to a 1/2" rebar set, said point being the POINT OF BEGINNING.



IF YOU DIG GEORGIA... CALL US FIRST!
1-800-282-7411
770-623-4344
(METRO ATLANTA, ONLY)
UTILITIES PROTECTION CENTER
IT'S THE LAW

CAUTION
THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTORS CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

REVISION	DATE	DESCRIPTION
1	12-14-10	REVISIONS PER COMMENTS RECEIVED 12-14-10

Agility Surveying Co., Inc.
Geospatial and Infrastructural Consultants
707 WHITLOCK AVE., SUITE A-40
MARIETTA, GA 30064
TEL: 678-354-9025
FAX: 678-354-9026

BOUNDARY SURVEY
TAX ID: 1401400002086
FOR
CITY OF ATLANTA, SMITH REAL ESTATE SERVICES, INC., AND CHICAGO TITLE INSURANCE COMPANY

PROJECT MANAGER	DATE	DRAWN BY	CHECKED BY
R. STANLEY	AUGUST 5, 2010	J. DE LA CRUZ	R. STANLEY
LOCATION		FIELD BOOK/PAGE	SCALE
LAND LOT 140 14TH DISTRICT CITY OF ATLANTA FULTON COUNTY GEORGIA		FB 630, PG 20	1" = 20'
PROJECT NUMBER		SHEET NO.	
01285.003.1		1 OF 1	