

13-0 -1114

(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:

14-0140-0002-010-9 (Parcel 9)

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), PTAEO, Project: 14100247, Task: 101, Award:  
312921230, Expense Type: 5411001, Organization: City of  
Atlanta; AND FOR OTHER PURPOSES.

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

AUG 19 2013  
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

CDHR

Date

Chair

Referred 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

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

2331

Consent

V Vote

RC Vote

CERTIFIED  
AUG 19 2013  
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED  
AUG 19 2013  
Rhonda Daughlin Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

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 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:**

**14-0140-0002-010-9 (Parcel 9)**

**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 # **14-0140-0002-010-9, depicted as parcel # 9 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.

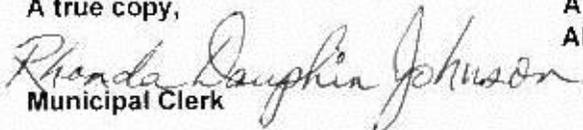
**Section 3.** The City Attorney, or her designee, is authorized to monitor and supervise the transactions associated with all legal proceedings and actions concerning the acquisition of the Parcels.

**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,

  
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 being more particularly described as follows:

BEGINNING at a point on the north side of a proposed street to be known as Chicamauga Avenue six hundred seventy (670) feet southerly, southwesterly and westerly, following the curvature of Chicamauga Avenue from the southwest corner of two proposed streets to be known as Chicamauga Avenue and Chicamauga Court, and running thence north one hundred forty seven (147) feet; thence southeasterly fifty five (55) feet; thence south one hundred twenty nine (129) feet to Chicamauga Avenue; thence west along the north side of Chicamauga Avenue sixty (60) feet to the point of beginning.

Being a part of the same property conveyed to L.A. Thompson and Bernice F. Thompson by Warranty Deed from T.J. Henry and J.H. Calhoun dated August 25, 1952, filed September 2, 1952, recorded in Deed Book 2773, Page 238, Fulton County, Georgia Records.

**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 "COGN".
- THE SUBJECT PROPERTY SHOWN HEREON IS REFERENCED ON FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 131202035E 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 24,180 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 91,515 FEET.
- THE EQUIPMENT USED FOR THIS SURVEY INCLUDED A TOPCON GTS-303 TOTAL STATION AND A PSION 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 METALS 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.

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

N/F  
 GEORGE T. SMITH  
 DEED BOOK 48686, PAGE 691  
 TAX ID: 1401400002007



IPS-1/2"RB  
 N 1362872.84  
 E 2215631.00

IPS-1/2"RB  
 N 1362849.82  
 E 2215730.02

N/F  
 THE TRUST FOR PUBLIC LAND  
 DEED BOOK 48686, PAGE 691  
 TAX ID: 1401400002011

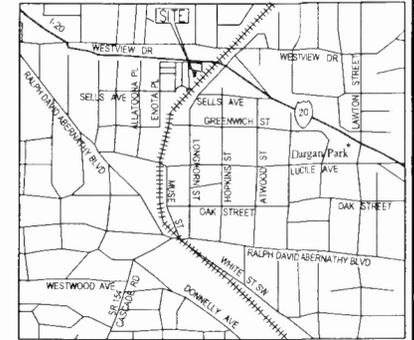
N/F  
 L. A. THOMPSON  
 BERNICE F. THOMPSON  
 DEED BOOK 2773, PG 238  
 TAX ID: 1401400002009 &  
 1401400002010

N/F  
 THOMAS B. WEST  
 TAX ID: 14 01400002008

**LEGEND**

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

AREA  
 14,744 S.F.  
 0.338 ACRES.



**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, 1962.
- DEED BETWEEN EDWARD T. KEAP 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 2754, PAGE 434, DATED AUGUST 6, 1952.
- DEED BETWEEN T. J. HENRY AND THOMAS J. HENRICKS IN 2758, PAGE 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 THE TRUST FOR PUBLIC LAND AND THE CITY OF ATLANTA IN DEED BOOK 48686, PAGE 691, DATED DECEMBER 31, 2009.
- DEED BETWEEN T. J. HENRY AND L. W. CALHOUN AND L. A. THOMPSON AND BERNICE F. THOMPSON IN DEED BOOK 2773, PAGE 238, DATED AUGUST 25, 1952.

**LEGAL DESCRIPTION**

Tax ID: 1401400002009 & 1401400002010  
 (14,744 Sq. Ft. or 0.338 Acres)

All and singular that certain tract of land lying and being in 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 southerly right-of-way line of Interstate 20 and the northwesterly right-of-way line of Chicomauga Avenue; run thence southerly along said northwesterly right-of-way line of Chicomauga Avenue a distance of 297.24 feet to a 1/2" rebar set, said point being the POINT OF BEGINNING.

From the true point of beginning as thus established, run thence along said northwesterly right-of-way line of Chicomauga Avenue North 89°31'50" West, a distance of 120.03 feet to a 1/2" rebar set.

THENCE leaving said northwesterly right-of-way line of Chicomauga Avenue North 00°40'52" West, a distance of 147.00 feet to a 1/2" rebar set;

THENCE South 76°54'30" East, a distance of 101.66 feet to a 1/2" rebar set;

THENCE South 10°19'27" East, a distance of 127.00 feet to a 1/2" rebar set on the aforementioned northwesterly right-of-way line of Chicomauga Avenue, said point being the POINT OF BEGINNING.

N89°31'50"W 120.03

CHICAMAUGA AVENUE  
 (UNDEVELOPED R/W)



**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.

NO.	DATE	REVISIONS PER COMMENTS RECEIVED 12-14-10	BY

**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: 1401400002009 &  
 1401400002010  
 FOR  
**CITY OF ATLANTA, SMITH REAL ESTATE SERVICES, INC., AND CHICAGO TITLE INSURANCE COMPANY**

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