

13-0-1115
(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:

14-0140-0002-075-2 (Parcel 11)

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
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

ADOPTED BY
AUG 19 2013
COUNCIL

Date Referred

7/11/13

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

2ND

1ST & 2ND

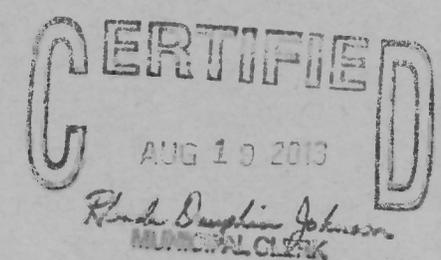
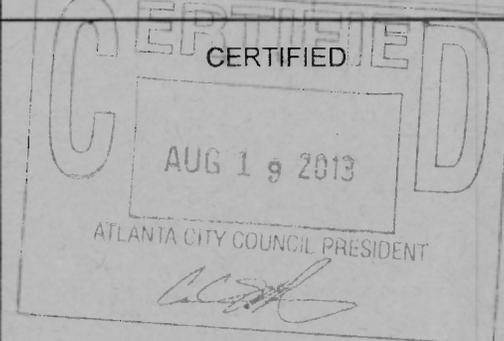
3RD

Readings

Consent

V Vote

RC Vote



MAYOR'S ACTION

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

13-0 -1115

**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:

14-0140-0002-075-2 (Parcel 11)

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 # **14-0140-0002-075-2, depicted as parcel # 11 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 Dauphin 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 14th 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.

SURVEYOR'S NOTES

1. 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.
2. NOT ALL IMPROVEMENTS OR UTILITIES ARE SHOWN HEREON.
3. THE DATE OF FIELD WORK FOR THIS SURVEY IS JULY 29, 2010.
4. THE BASIS OF BEARINGS FOR THIS SURVEY IS GRID NORTH PER COBB COUNTY CORRS STATION "COGN".
5. THE SUBJECT PROPERTY SHOWN HEREON IS REFERENCED ON FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 131210036E, PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY; THERE IS NO PRINTED PANEL.
6. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 24,150 FEET AND AN ANGULAR ERROR OF 1 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE METHOD.
7. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND HAS BEEN FOUND TO HAVE A CLOSURE PRECISION ONE FOOT IN 115,021 FEET.
8. THE EQUIPMENT USED FOR THIS SURVEY INCLUDED A TOPCON GTS-303 TOTAL STATION AND A PSION DATA COLLECTOR.
9. 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.
10. AGILITY SURVEYING CO., INC. DOES NOT WARRANT THE EXISTENCE OR NONEXISTENCE OF ANY METALS OR HAZARDOUS WASTES IN THE SURVEYED SITE.
11. THE CERTIFICATIONS SHOWN HEREON WERE INTENDED TO MEET THE GEORGIA PLAT ACT AND TECHNICAL STANDARDS OF THE OFFICIAL CODE OF GEORGIA CHAPTERS 190-1 THRU 190-10 AND ARE NOT A CERTIFICATION TO TITLE OR OWNERSHIP OF PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE ACCORDING TO CURRENT COUNTY RECORDS.
12. 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 - | CHAIN LINK FENCE |
| - o - o - o - | IRON FENCE |
| - - - - - | UNDERGROUND WATER |
| - - - - - | UNDERGROUND TELEPHONE |
| - - - - - | SANITARY SEWER |
| - - - - - | OVERHEAD ELECTRIC |
| - - - - - | UNDERGROUND GAS |
| - - - - - | STORM DRAIN |
| ○ | SANITARY SEWER |
| ○ | HEADWALL |
| ○ | WATER VALVE |
| ○ | FIRE HYDRANT |
| ○ | DROP INLET |
| ○ | WATER METER |
| ○ | TELEPHONE MANHOLE |
| ○ | BOLLARD |
| ○ | COMPUTED POINT |
| ○ | SINGLE WING CATCH BASIN |
| ○ | DOUBLE WING CATCH BASIN |
| N/F | NOW OR FORMERLY |
| CLF | CHAIN LINK FENCE |
| R/W | RIGHT-OF-WAY |
| RMON | RIGHT-OF-WAY MONUMENT |
| ○ | IRON PIN FOUND |
| ○ | IPS IRON PIN SET |
| ○ | OTP OPEN TOP PIPE |
| ○ | CIP CRIMP TOP PIPE |
| ○ | RB REBAR |
| ○ | POC POINT OF COMMENCEMENT |
| ○ | POB POINT OF BEGINNING |
| ○ | SBL BUILDING SET BACK LINE |
| ○ | A/C AIR CONDITIONER |
| ○ | IRON PIN SET |
| ○ | LIGHT POLE |
| ○ | GUY WIRE |
| ○ | POWER POLE |
| ○ | TELEPHONE BOX |
| ○ | SIGN |

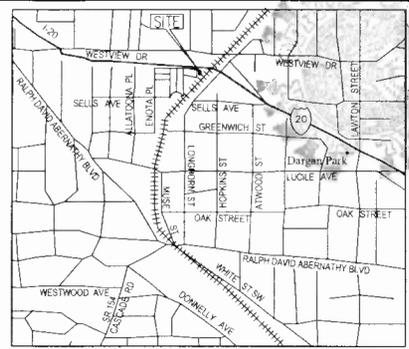
IF YOU DIG GEORGIA... CALL US FIRST!
 1-800-282-7411
 770-623-4344
 (METRO ATLANTA ONLY)
 UTILITIES PROTECTION CENTER
 IT'S THE LAW

CAUTION

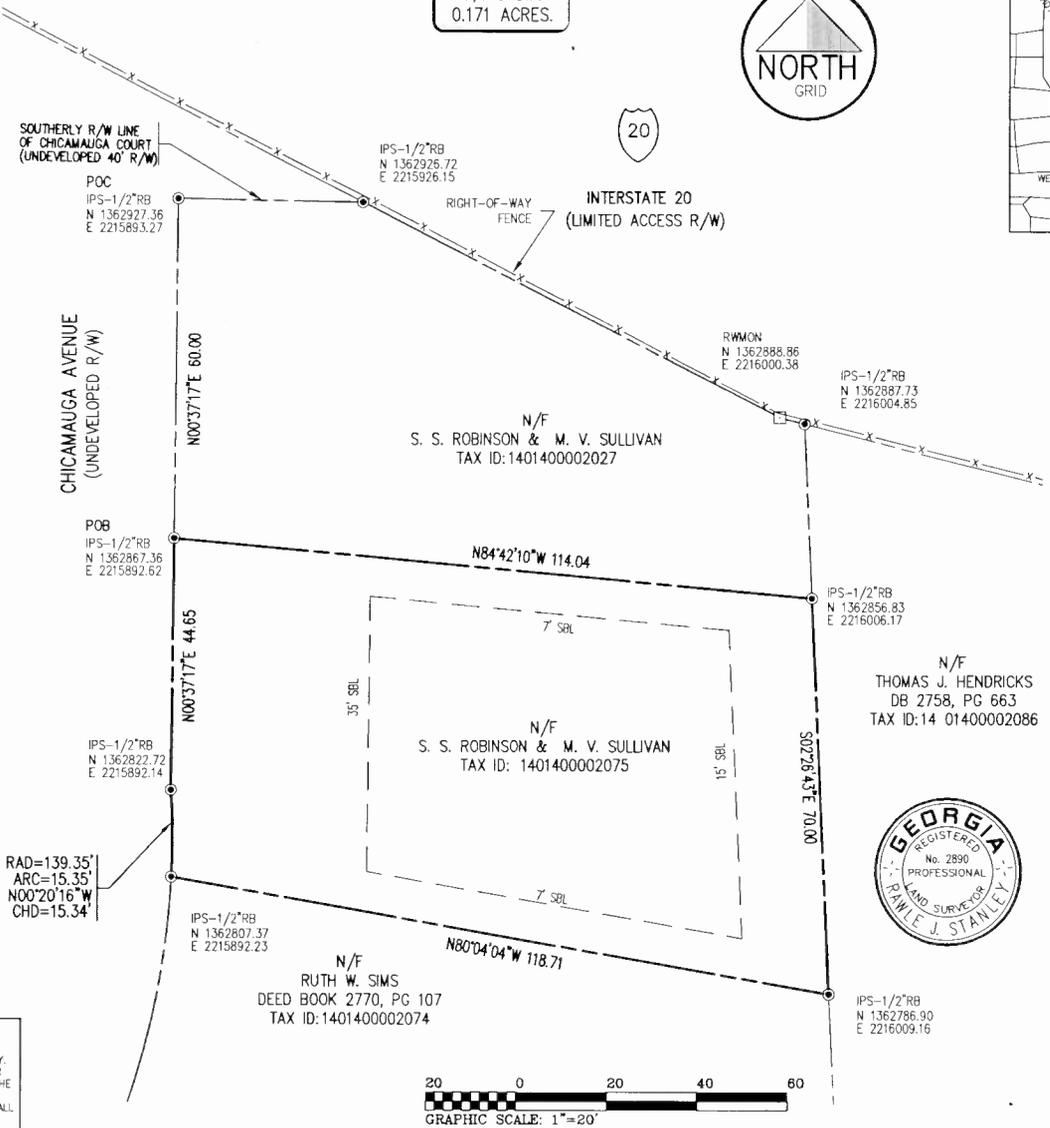
THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTORS CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE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

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

AREA
 7,470 S.F.
 0.171 ACRES.



LOCATION MAP
 NOT TO SCALE



SURVEY REFERENCES

1. DEED BETWEEN THE CITY OF ATLANTA AND R. E. THOMAS IN DEED BOOK 3854, PAGE 155 DATED MARCH 16, 1962.
2. DEED BETWEEN EDMOND T. KEMP AND ELL RUTH WILBORN IN DEED BOOK 3964, PAGE 513 DATED JANUARY 28, 1955.
3. DEED BETWEEN T. J. HENRY AND JAMES E. GUBERT IN DEED BOOK 2784, PAGE 434, DATED AUGUST 6, 1952.
4. DEED BETWEEN T. J. HENRY AND THOMAS J. HENDRICKS IN 2758, PAGE 663, DATED JULY 17, 1952.
5. DEED BETWEEN T. J. HENRY AND RUTH W. SIMS IN DEED BOOK 2770, PAGE 107, DATED AUGUST 15, 1952.
6. DEPARTMENT OF TRANSPORTATION PROJECT I-402-1 (3) FULTON COUNTY DATED MAY 1, 1958.

LEGAL DESCRIPTION

Tax Id: 140140002075 (PARCEL 11)
 (7,470 Sq. Ft. or 0.171 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:

To find the point of beginning, COMMENCE at a 1/2" rebar set at the intersection of the southerly right-of-way line of Chicamauga Court and the easterly right-of-way line of Chicamauga Avenue; run thence along said easterly right-of-way line of Chicamauga Avenue South 00°37'17" West, a distance of 60.00 feet to a 1/2" rebar set, said point being the POINT OF BEGINNING.

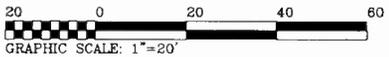
From the point of beginning as thus established, leaving said easterly right-of-way line of Chicamauga Avenue South 84°42'10" East, a distance of 114.04 feet to a 1/2" rebar set;

THENCE South 02°26'43" East, a distance of 70.00 feet to a 1/2" rebar set;

THENCE North 80°04'04" West, a distance of 118.71 feet to a 1/2" rebar set on the aforementioned easterly right-of-way line of Chicamauga Avenue;

THENCE along said easterly right-of-way line of Chicamauga Avenue along the arc of a curve to the left a distance of 15.35 feet, said curve having a radius of 139.35 feet and a chord of North 00°20'16" West, 15.34 feet, to a 1/2" rebar set;

THENCE continue along said easterly right-of-way line of Chicamauga Avenue North 00°37'17" East, a distance of 44.65 feet to a 1/2" rebar set, said point being the POINT OF BEGINNING.



| REVISION | DATE | DESCRIPTION |
|----------|---------|--------------------------------------------------------------------------|
| 2 | 9-17-12 | OWNERS TREE BLOCK TO CITY OF ATLANTA AND CHICAGO TITLE INSURANCE COMPANY |
| 1 | 9-6-12 | PARCEL 11 AND PARCELS 9 AND 11 |

ASCO 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: 1401400002075
 FOR
CITY OF ATLANTA AND CHICAGO TITLE INSURANCE COMPANY

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