

13-0-1116

(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:

14-0140-0002-009-1 (Parcel 12)

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 1 9 2013

COUNCIL

Date Referred

7/1/13

Referred To:

CD/HR

Date Referred

8/19/13

Referred To:

Special Call meeting

Date Referred

Referred To:

Committee
Date
Chair
Referred to

First Reading

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

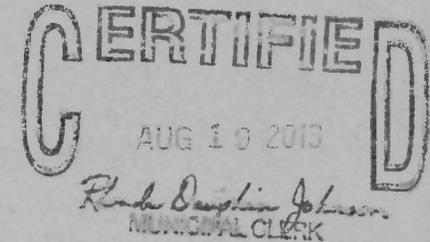
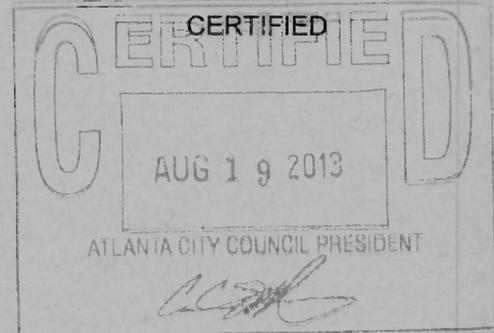
3RD

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



**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:

14-0140-0002-009-1 (Parcel 12)

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 # **14-0140-0002-009-1, depicted as parcel # 12 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 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.

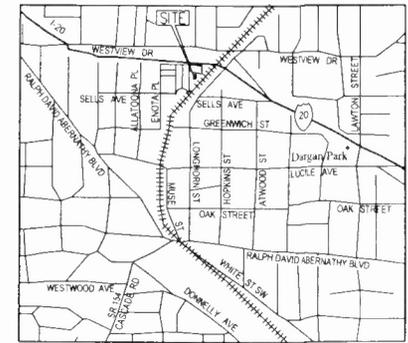
Being a part of the same property conveyed to L.A. Thompson and Bernice F. Thompson by Warranty Deed from T.J. Henry and J.H. Calhoun dated August 25, 1952, filed September 2, 1952, recorded in Deed Book 2773, Page 238, Fulton County, Georgia Records.

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 10000.
- THE SUBJECT PROPERTY SHOWN HEREON IS REFERENCED ON FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 13121003566 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 SECOND 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 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.

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

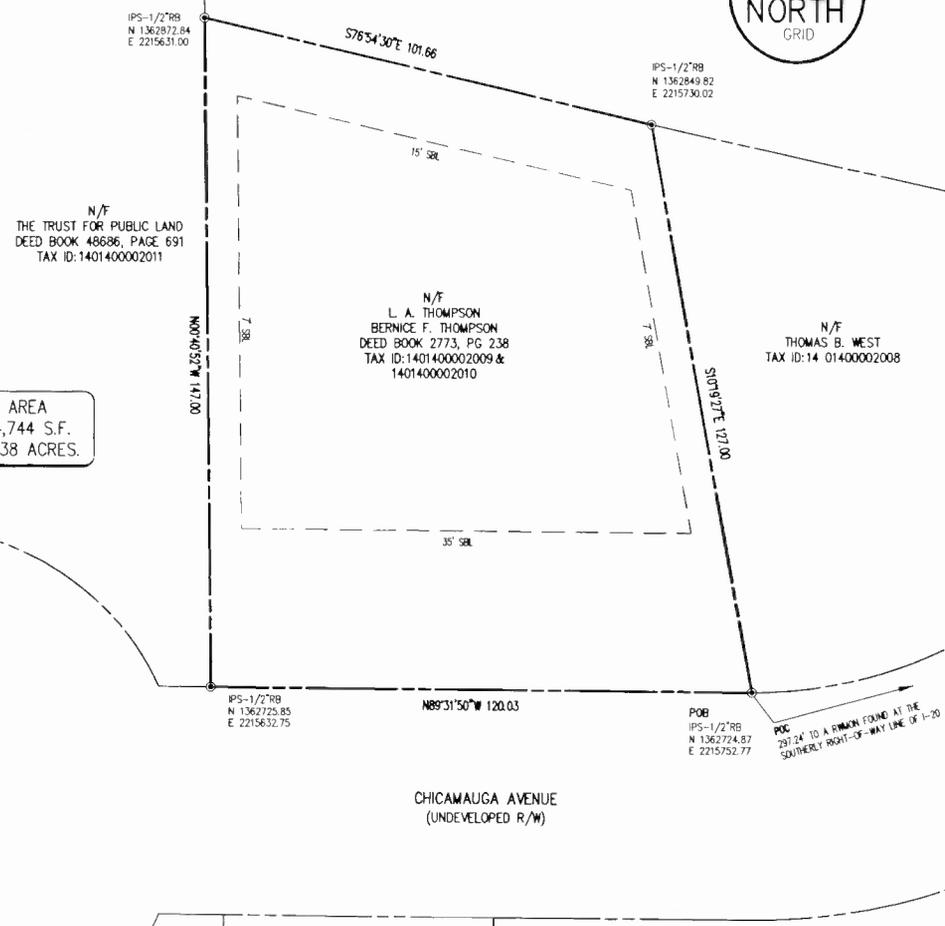


LOCATION MAP
 NOT TO SCALE

LEGEND

- PROPERTY LINE
- - - CENTERLINE DRECK
- x - x - CHAIN LINK FENCE
- 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
- IRON PIN FOUND
- POB POINT OF BEGINNING
- CTP CRIMP TOP PIPE
- RB REBAR
- SBL BUILDING SET BACK LINE
- POC POINT OF COMMENCEMENT
- IRON PIN SET
- LIGHT POLE
- GUY WIRE
- POWER POLE
- TELEPHONE BOX
- SIGN
- RIGHT-OF-WAY MONUMENT

AREA
 14,744 S.F.
 0.338 ACRES.



SURVEY REFERENCES

- DEED BETWEEN THE CITY OF ATLANTA AND R. E. THOMAS IN DEED BOOK 3854, PAGE 155 DATED MARCH 15, 1962.
- DEED BETWEEN EDMOND T. KEMP AND ELL RUTH MILBORN 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. 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 J. H. 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 Chicamauga Avenue; run thence southerly along said northwesterly right-of-way line of Chicamauga 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 Chicamauga Avenue North 89°31'50" West, a distance of 120.03 feet to a 1/2" rebar set.

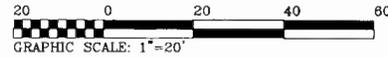
THENCE leaving said northwesterly right-of-way line of Chicamauga Avenue North 00°40'52" West, a distance of 147.00 feet to a 1/2" rebar set;

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

THENCE South 101°9'27" East, a distance of 127.00 feet to a 1/2" rebar set on the aforementioned northwesterly right-of-way line of Chicamauga Avenue, 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

ASCI
 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

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