

13-0-1360

(Do Not Write Above This Line)

First Reading

Committee Fin. / Exec
Date 10-30-13
Chair Jessica A. Mann
Referred To _____

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd
Readings
 Consent V Vote RC Vote

AN ORDINANCE
BY FINANCE EXECUTIVE COMMITTEE

AN ORDINANCE WAIVING ANY CONFLICTING PROVISIONS OF ARTICLE X, DIVISION 14, SUBSECTION III OF THE ATLANTA CITY CODE OF ORDINANCES AND AUTHORIZING THE MAYOR ON BEHALF OF THE CITY OF ATLANTA TO EXECUTE APPROPRIATE DOCUMENTS CONVEYING TEMPORARY CONSTRUCTION EASEMENTS TO THE ATLANTA INDEPENDENT SCHOOL SYSTEM ("APS") TO ALLOW APS' CONSTRUCTION OF A PARKING LOT AT FREEDOM PARK AND AUTHORIZING ACCEPTANCE OF THE COMPLETED PARKING LOT FROM APS AS A DONATION TO THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Committee Fin. / Exec
Date 11-13-13
Chair [Signature]
Action [Signature]
Fav, Adv, Hold (see rev. side)
Other _____
Members _____
Refer To [Signature]

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

CERTIFIED
CERTIFIED
NOV 18 2013
COUNCIL PRESIDENT PROTEM

CERTIFIED
CERTIFIED
NOV 18 2013
Ronda Dushin Johnson
MUNICIPAL CLERK

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Committee _____
Date _____
Chair _____
Action _____
Fav, Adv, Hold (see rev. side)
Other _____
Members _____
ADOPTED BY
NOV 18 2013
COUNCIL
Refer To _____

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

MAYOR'S ACTION
APPROVED
NOV 27 2013
WITHOUT SIGNATURE
BY OPERATION OF LAW

Date Referred 11/4/13
Referred To: Finance / Exec
Date Referred _____
Referred To: _____
Date Referred: _____
Referred To: _____



**AN ORDINANCE
BY FINANCE EXECUTIVE COMMITTEE**

AN ORDINANCE WAIVING ANY CONFLICTING PROVISIONS OF ARTICLE X, DIVISION 14, SUBSECTION III OF THE ATLANTA CITY CODE OF ORDINANCES AND AUTHORIZING THE MAYOR ON BEHALF OF THE CITY OF ATLANTA TO EXECUTE APPROPRIATE DOCUMENTS CONVEYING TEMPORARY CONSTRUCTION EASEMENTS TO THE ATLANTA INDEPENDENT SCHOOL SYSTEM ("APS") TO ALLOW APS' CONSTRUCTION OF A PARKING LOT AT FREEDOM PARK AND AUTHORIZING ACCEPTANCE OF THE COMPLETED PARKING LOT FROM APS AS A DONATION TO THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, Pursuant to Ordinance 92-O-0905 adopted by the Atlanta City Council on June 15, 1992 and approved by the Mayor on June 17, 1992 the City of Atlanta (the "City") entered into a settlement agreement with Georgia Department of Transportation ("GDOT") and The Citizens Group Known as Caution, Inc., (the "Settlement Agreement"); and

WHEREAS, on March 30, 1998, the City, GDOT and the Freedom Park Conservancy-Caution Inc., entered into the Consent Agreement Freedom Parkway Property Disposition (the "Consent Agreement"); and

WHEREAS, pursuant to the Settlement Agreement and the Consent Agreement the City and GDOT entered into a 99 year lease dated September 28, 1998, (the "Lease") whereby the City leases from GDOT the property known today as Freedom Park located at Candler Park Avenue and North Avenue and as more particularly described in Exhibit A attached hereto (the "Park"); and

WHEREAS, Section 4.1 of the Lease requires the City to "provide for parking for visitors" at the Park; and

WHEREAS, the City has determined there is a need for additional parking at the Park to accommodate an increased number visitors and the proposed parking lot will be the trailhead of a newly constructed trail as more particularly described in Exhibit B attached hereto (the "Project"); and

WHEREAS, The Mary Lin Elementary School which is owned and operated by APS, abuts the Park and in an effort to be a good neighbors and support the City, APS desires to donate the design and construction of the Project; and

WHEREAS, the Project is not only permissible under the Lease, but also a Lease requirement under Section 4.1; and

WHEREAS, the Project will greatly benefit the City, the Park and all who visit the Park and by accepting APS' donation the City will incur no financial obligation in connection with the Project; and



WHEREAS, the Commissioner of Parks and Recreation and the Chief Procurement Officer have recommended that the City execute the necessary documents to effectuate the Project and accept the donation.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That the Mayor is hereby authorized to execute any and all appropriate documents conveying temporary construction easements as shown on Exhibit C in favor of APS to enable the Project at the Park.

SECTION 2: That the Project will be constructed by APS at no cost to the City.

SECTION 3: That all plans for the Project shall be approved in advance by the City and APS shall obtain all requisite approvals for the Project.

SECTION 4: That Article X, Division 14, Subsection III of the Atlanta City Code is hereby waived to the extent of any conflict with this Ordinance.

SECTION 5: That the City Attorney is directed to prepare appropriate documents for execution by the Mayor.

SECTION 6: That the documents will not become binding on the City and the City will incur no obligation or liability under them until they have been executed by the Mayor, approved as to form by the City Attorney and delivered to APS.

SECTION 7: That the Mayor, on behalf of the City is hereby authorized to accept the Project as a donation to the City from APS.

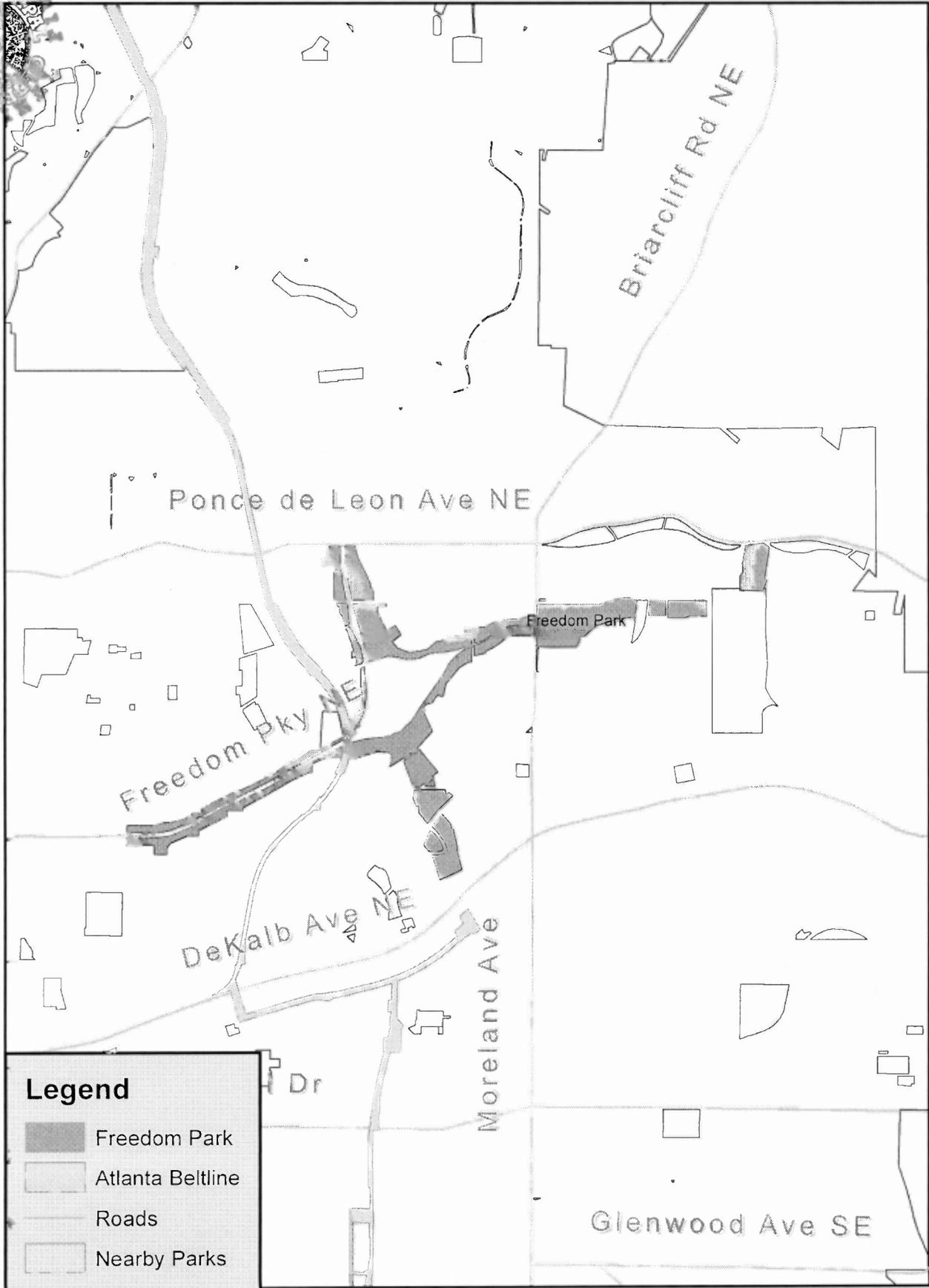
SECTION 8: That all ordinances or parts of ordinances in conflict with this are waived to the extent of the conflict.

A true copy,

Deputy Clerk

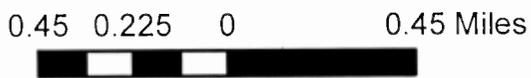
ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

NOV 18, 2013
NOV 27, 2013



Legend

- Freedom Park
- Atlanta Beltline
- Roads
- Nearby Parks





MARY LIN ELEMENTARY SCHOOL RENOVATION / ADDITION
 100 Candler Park Drive
 Northeast Atlanta, GA 30307

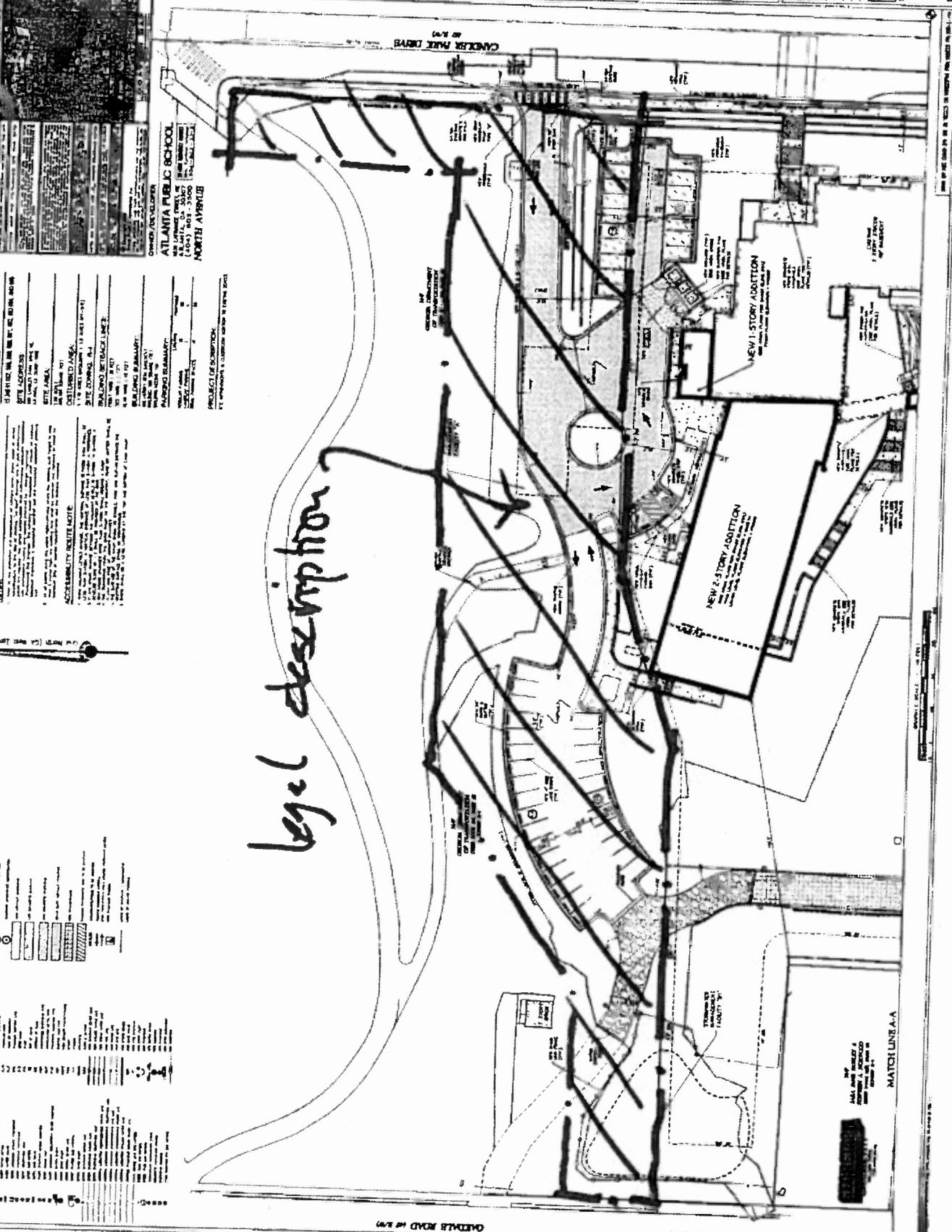
ATLANTA PUBLIC SCHOOLS

PROJECT NO. CA.1

SITE PLAN

DATE SET
ACTED CONSTRUCTION

Scale 1/8" = 1'-0"



Legal description

Exhibit C

OWNER / DEVELOPER
 ATLANTA PUBLIC SCHOOLS
 100 Candler Park Drive
 Northeast Atlanta, GA 30307

PROJECT OF DESCRIPTION
 RENOVATION & ADDITION TO THE EXISTING

PROJECT OF DESCRIPTION
 RENOVATION & ADDITION TO THE EXISTING

NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF ATLANTA SPECIFICATIONS AND THE STATE OF GEORGIA SPECIFICATIONS.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ATLANTA AND THE STATE OF GEORGIA.

3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.

5. THE CONTRACTOR SHALL MAINTAIN THE EXISTING CURBS AND SIDEWALKS.

6. THE CONTRACTOR SHALL MAINTAIN THE EXISTING LANDSCAPE.

7. THE CONTRACTOR SHALL MAINTAIN THE EXISTING TRAFFIC PATTERNS.

8. THE CONTRACTOR SHALL MAINTAIN THE EXISTING UTILITIES.

9. THE CONTRACTOR SHALL MAINTAIN THE EXISTING STRUCTURES.

10. THE CONTRACTOR SHALL MAINTAIN THE EXISTING LANDSCAPE.

LEGEND:

EXISTING BUILDING FOOTPRINT

EXISTING PARKING

EXISTING DRIVEWAYS

EXISTING UTILITIES

EXISTING STRUCTURES

EXISTING LANDSCAPE

EXISTING TRAFFIC PATTERNS

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EXISTING TRAFFIC PATTERNS

EXISTING UTILITIES

EXISTING STRUCTURES

EXISTING LANDSCAPE

EXISTING TRAFFIC PATTERNS

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| ITEMS ADOPTED ON CONSENT | ITEMS ADOPTED ON CONSENT | 11-18-13 ITEMS ADVERSED ON CONSENT |
|--|--|--|
| 1. 13-O-1243 2. 13-O-1355 3. 13-O-1357 4. 13-O-1358 5. 13-O-1359 6. 13-O-1346 7. 13-O-1347 8. 13-O-1348 9. 13-O-1349 10. 13-O-1350 11. 13-O-1351 12. 13-O-1384 13. 13-O-0030 14. 13-O-1299 15. 13-O-1337 16. 13-O-1360 17. 13-O-1361 18. 13-O-1362 19. 13-O-1370 20. 13-O-1371 21. 13-O-1372 22. 13-O-1381 23. 13-O-1382 24. 13-O-1383 25. 13-O-1315 26. 13-O-1366 27. 13-O-1367 28. 13-O-1368 29. 13-O-1374 30. 13-O-1375 31. 13-O-1379 | 32. 13-O-1380 33. 13-R-3767 34. 13-R-3737 35. 13-R-3738 36. 13-R-3739 37. 13-R-3740 38. 13-R-3741 39. 13-R-3762 40. 13-R-3763 41. 13-R-3764 42. 13-R-3765 43. 13-R-3766 44. 13-R-3543 45. 13-R-3735 46. 13-R-3734 47. 13-R-3769 48. 13-R-3770 49. 13-R-3771 50. 13-R-3772 51. 13-R-3774 52. 13-R-3775 53. 13-R-3742 54. 13-R-3744 55. 13-R-3745 56. 13-R-3746 57. 13-R-3747 58. 13-R-3748 59. 13-R-3749 60. 13-R-3750 61. 13-R-3751 | 62. 13-R-3752 63. 13-R-3753 64. 13-R-3754 65. 13-R-3755 66. 13-R-3756 67. 13-R-3757 68. 13-R-3758 69. 13-R-3759 70. 13-R-3760 71. 13-R-3761 |