

**AN ORDINANCE BY
COUNCILMEMBER JOYCE M. SHEPERD**

13-O-0169

AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE

A SUBSTITUTE ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE REQUIREMENTS CONTAINED IN SECTIONS 2-1541 (C) AND (D) OF ARTICLE X DIVISION 14 SUBDIVISION II PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES AND AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA TO PURCHASE PROPERTY LOCATED AT METROPOLITAN PARKWAY, SW AND IDENTIFIED BY TAX PARCEL NUMBERS 14-0102-0007-041 AND 043 IN AN AMOUNT NOT TO EXCEED SIX HUNDRED THOUSAND DOLLARS AND NO CENTS (\$600,000.00), FROM MANLEY HOMES, INC., ITS SUCCESSORS OR ASSIGNS, FOR THE PURPOSE OF PROCURING THE SITE OF A PROPOSED ATLANTA POLICE PRECINCT ON BEHALF OF THE ATLANTA POLICE DEPARTMENT AND THE OFFICE OF ENTERPRISE ASSETS MANAGEMENT; TO BE CHARGED TO AND PAID FROM ACCOUNTS LISTED BELOW; AND FOR OTHER PURPOSES.

WHEREAS, the Atlanta Police Department (“APD”) needs an additional police precinct in APD Zone 3 within the city of Atlanta; and

WHEREAS, APD and the City of Atlanta’s (“City”) Office of Enterprise Assets Management (“OEAM”) have identified property located on Metropolitan Parkway, SW and indentified by tax parcel numbers 14-0120-0007-041 and 043 and more particularly described in Exhibit A attached hereto (the “Property”) as a site for the APD police precinct to be built; and

WHEREAS, the City currently holds an option to purchase the Property in an amount not to exceed Six Hundred Thousand Dollars and No Cents (\$600,000.00), a copy of which is attached hereto as Exhibit B; and

WHEREAS, the purchase price is Ten Thousand Dollars below the appraised fair market value of the Property; and

WHEREAS, APD and OEAM desire to exercise the City’s option and purchase the Property for the purpose of building an APD Zone 3 police precinct.

NOW THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That the Chief Procurement Officer or his designee is hereby authorized to obtain and pay for those items and services necessary to purchase the Property, including but not limited to review surveys, title reports, title insurance, environmental

assessments, real estate service fees, cleanup, closing costs and other costs of acquisition and development.

SECTION 2: That the Chief Procurement Officer or his designee, on behalf of the City, is hereby authorized to complete negotiations with Manley Homes, Inc., its successors or assigns, to purchase the Property in an amount not to exceed Six Hundred Thousand Dollars and No Cents (\$600,000.00).

SECTION 3: That Section 2-1541 (c) of Article X, Division 14, Subdivision II, Procurement and Real Estate Code of the City of Atlanta Code of Ordinances is waived to allow for the negotiated purchase price in an amount not to exceed Six Hundred Thousand Dollars and No Cents (\$600,000.00) which is Ten Thousand Dollars below the appraised fair market value of the Property.

SECTION 4: That the Chief Financial Officer is authorized to:

Transfer from Appropriations \$600,000.00

Fund: 3502 Capital Outlay Fund
Dept: 240202 (APD Police Stations and Buildings)
Expense: 5999999
Project: 24101957
Award: 350291106
Function Activity: 3260000

Transfer to Appropriations \$600,000.00

Fund: 3502 Capital Outlay Fund
Award: 350291106
Project #: 24111450 (New Zone 3 Precinct)
Dept: 240202 (APD Police Stations and Buildings)
Function Activity: 3260000
Funding Source: 91106 (APD Impact Fee)
Expense: 5411001 (Land)

SECTION 5: That the Chief Financial Officer is authorized to pay the negotiated purchase price in an amount not to exceed Six Hundred Thousand Dollars and No Cents (\$600,000.00) from: Fund: 3502 Award: 350291106 Project #: 24111450 (New Zone 3 Precinct) Dept: 240202 Function Activity: 3260000 Funding Source: 91106 Expense: 5411001.

SECTION 6: That the requirements of Section 2-1541 (d), Article X, Division 14, Subdivision II, Procurement and Real Estate Code of the City of Atlanta, are hereby waived to allow the purchase of the Property on behalf of the City without further authorization by the City Council.

SECTION 7: That the Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments or other documents that the Department of Law deems necessary or advisable in order to carry into effect the intent of this ordinance.

SECTION 8: That the City Attorney is hereby directed to prepare for execution by the Mayor, any and all deeds, instruments, or other documents that the City Attorney deems necessary or advisable to carry into effect the intent of this ordinance.

SECTION 9: That said deeds, instruments, or other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been signed by the Mayor, attested to by the Municipal Clerk, and approved as to form by the City Attorney.

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WHEREAS, the Atlanta Police Department (“APD”) needs an additional police precinct in APD Zone 3 within the city of Atlanta; and

WHEREAS, APD and the City of Atlanta’s (“City”) Office of Enterprise Assets Management (“OEAM”) have identified property located on Metropolitan Parkway, SW and identified by tax parcel numbers 14-0120-0007-041 and 043 and more particularly described in Exhibit A attached hereto (the “Property”) as a site for the APD police precinct to be built; and

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SECTION 1: That the Chief Procurement Officer or his designee is hereby authorized to obtain and pay for those items and services necessary to purchase the Property,

including but not limited to review surveys, title reports, title insurance, environmental assessments, real estate service fees, cleanup, closing costs and other costs of acquisition and development.

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SECTION 3: That Section 2-1541 (c) of Article X, Division 14, Subdivision II, Procurement and Real Estate Code of the City of Atlanta Code of Ordinances is waived to allow for the negotiated purchase price in an amount not to exceed Six Hundred Thousand Dollars and No Cents (\$600,000.00) which is Ten Thousand Dollars below the appraised fair market value of the Property.

SECTION 4: That all funds shall be charged to and paid from the following: 3501 (General Gov. Capital), Department 240202 (APD Stations & Buildings), Account 5999999 (Project & Grants Budget), Function Activity 3260000 (Police Stations & Buildings), Project 2411140 (New Zone 3 Precinct), GL Funding, 91106 (SWMA Loan 9986/D.I.F. Police).

SECTION 5: That the requirements of Section 2-1541 (d), Article X, Division 14, Subdivision II, Procurement and Real Estate Code of the City of Atlanta, are hereby waived to allow the purchase of the Property on behalf of the City without further authorization by the City Council.

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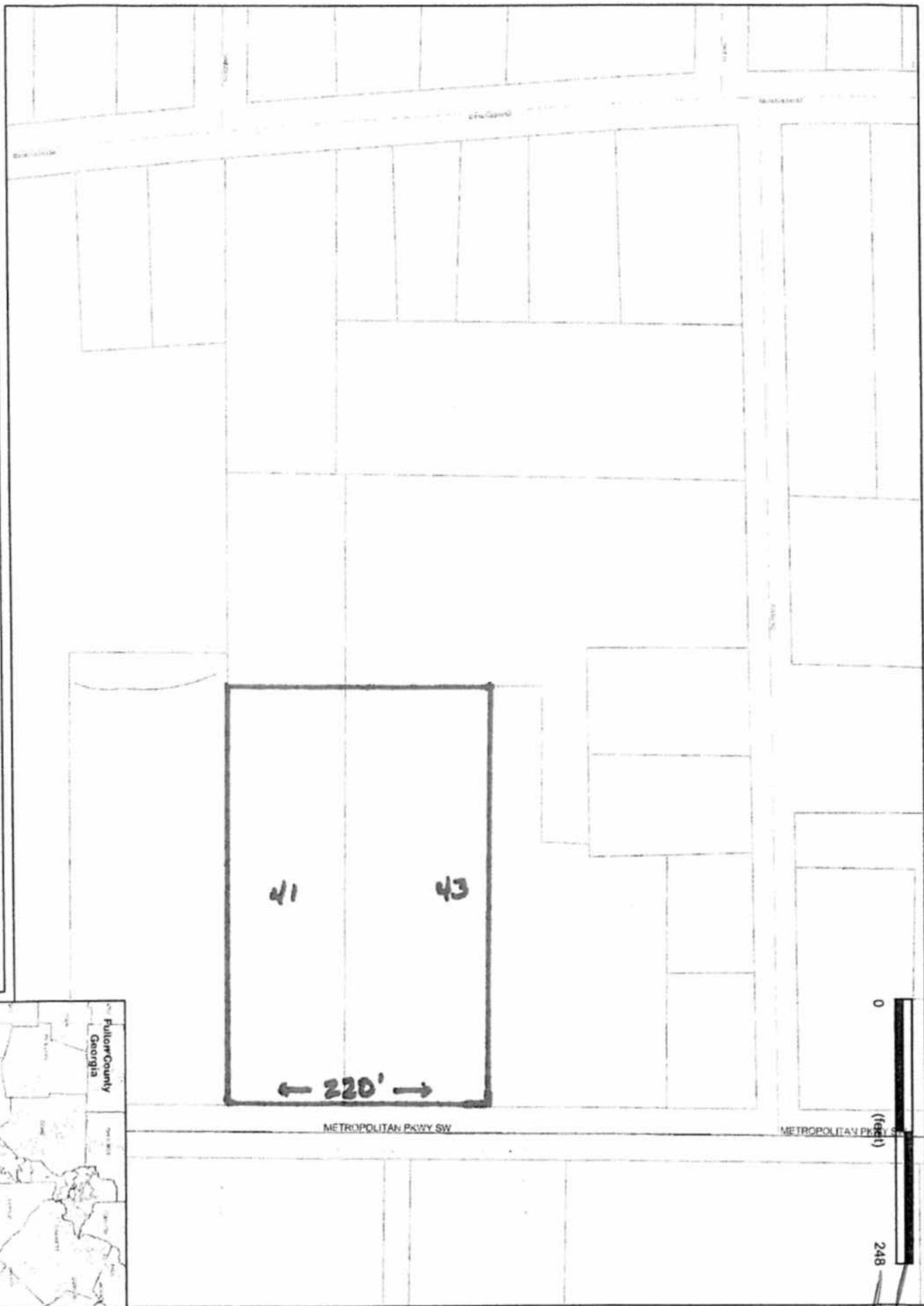


EXHIBIT A

Kasim Reed
Mayor



Duriya Farooqui
Chief Operating Officer

CITY OF ATLANTA

Facilities Management
Billy Warren, Director

Enterprise Assets Management
68 Mitchell Street, Suite 1225
Atlanta, Georgia 30303
404-330-6225 / 404-658-7787 (fax)

Real Estate Portfolio
John C. Lavelle, Director

OPTION TO PURCHASE PROPERTY

GEORGIA, FULTON COUNTY

For and in consideration of the sum of One Dollar (\$1.00), receipt whereof being hereby acknowledged, the undersigned grants to the City of Atlanta an Option to purchase two acres of the following described real estate:

A PORTION OF THAT TRACT or parcels of land lying and being in Fulton County, Georgia, and being more specifically identified as part of tax parcels # 14-0102-0007-041 and 043, Metropolitan Parkway SW, Atlanta, GA 30315, and generally shown on the plat attached hereto and made a part hereof as Exhibit "A".

For the sum of: **\$600,000.00** (Six Hundred Thousand & No Dollars

The following conditions are imposed upon the grant of this option:

- (1) This Option shall extend for 120 days from execution date and may be exercised at any time within such period by giving notice of acceptance to the undersigned.
- (2) The purchase price recited will be full payment for the acquisition of two acres of land having frontage of 220 linear feet along Metropolitan Parkway.
- (3) The undersigned shall discharge any liens against said property on or before the date of closing that may apply to this acquisition. Additional time required to secure lien holder consent will not apply towards the time limits set forth in #1 above.
- (3) This Option is based upon:
 - Receipt of a satisfactory Phase I environmental report.
 - A survey sealed by a Registered Land Surveyor, satisfactory to the seller below.
 - Adoption of the proposed sale by the City Council and approval by the Mayor of the City of Atlanta.

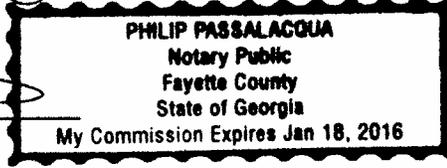
IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 26 day of November 2012.

Signed, sealed and delivered
In the presence of:

Bryan Morehead
Unofficial Witness

By: *[Signature]*
Title: *POA SPREHARBOR Dredgers, Inc*

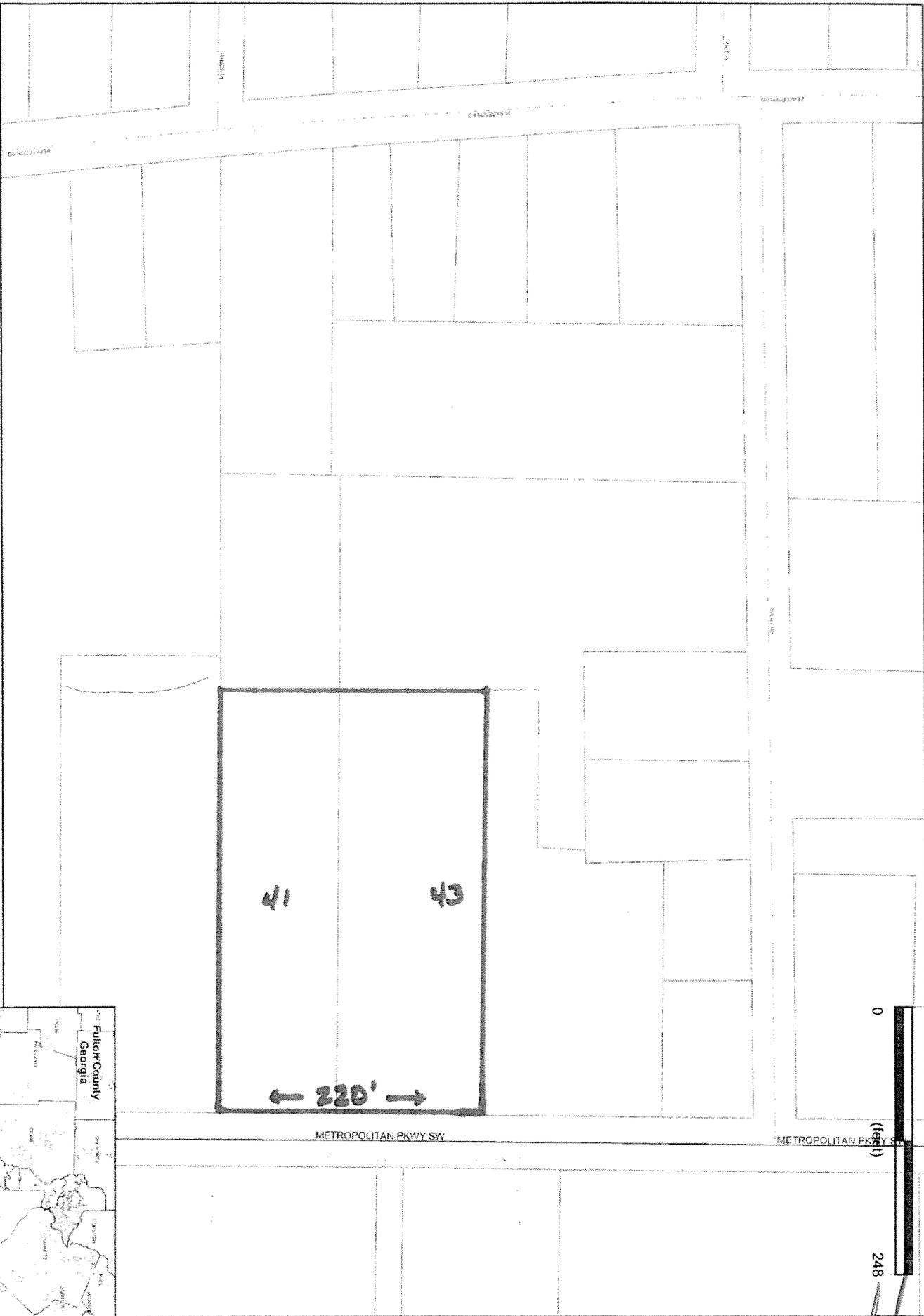
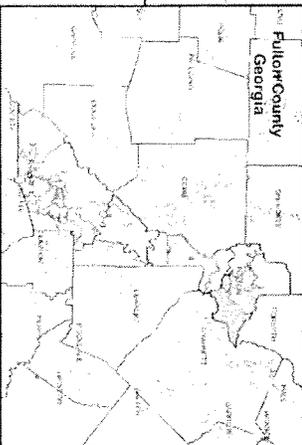
[Signature]
Notary Public



By: *Philip Passalacqua*
Title: *Notary*

EXHIBIT B

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Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities

Caption: AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE REQUIREMENTS CONTAINED IN SECTIONS 2-1541 (C) AND (D) OF ARTICLE X DIVISION 14 SUBDIVISION II PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES AND AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA TO PURCHASE PROPERTY LOCATED AT METROPOLITAN PARKWAY, SW AND IDENTIFIED BY TAX PARCEL NUMBERS 14-0102-0007-041 AND 043 IN AN AMOUNT NOT TO EXCEED SIX HUNDRED THOUSAND DOLLARS AND NO CENTS (\$600,000.00), FROM MANLEY HOMES, INC., ITS SUCCESSORS OR ASSIGNS, FOR THE PURPOSE OF PROCURING THE SITE OF A PROPOSED ATLANTA POLICE PRECINCT ON BEHALF OF THE ATLANTA POLICE DEPARTMENT AND THE OFFICE OF ENTERPRISE ASSETS MANAGEMENT; TO BE CHARGED TO AND PAID FROM 3501 (GENERAL GOV. CAPITAL), DEPARTMENT 240202 (APD STATIONS & BUILDINGS), ACCOUNT 5999999 (PROJECT & GRANTS BUDGET), FUNCTION ACTIVITY 3260000 (POLICE STATIONS & BUILDINGS), PROJECT 2411140 (NEW ZONE 3 PRECINCT), GL FUNDING, 91106 (SWMA LOAN 9986/D.I.F. POLICE); AND FOR OTHER PURPOSES.

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation.

Approval of this Ordinance would authorize the Office of Enterprise Assets Management to complete negotiations and purchase a two-acre site on Metropolitan Parkway that would become the site for the Atlanta Police Department's Zone 3 Precinct.

2. Please provide background information regarding this legislation.

In conjunction with APD, OEAM has identified and appraised the desired site. OEAM has negotiated an option to acquire the property for \$600,000. Pursuant to this ordinance, OEAM would be authorized to complete the necessary due diligence on the site and, assuming no problems, to close on the option and complete the sale to the city.

3. If Applicable/Known:

(a) Contract Type:

(b) Source Selection:

(c) **Bids/Proposals Due:**

(d) **Invitations Issued:**

(e) **Number of Bids:**

(f) **Proposals Received:**

(g) **Bidders/Proponents:**

(h) **Term of Contract:**

4. Fund Account Center:

5. Source of Funds: APD is submitting its legislation for the Zone 3 Precinct Project and will provide the necessary funding line prior to its consideration by full council. The acquisition will be charged to and paid from 3501 (General Gov. Capital), Department 240202 (APD Stations & Buildings), Account 5999999 (Project & Grants Budget), Function Activity 3260000 (Police Stations & Buildings), Project 2411140 (New Zone 3 Precinct), GI Funding, 91106 (Swma Loan 9986/D.I.F Police);

6. Fiscal Impact: NA

7. Method of Cost Recovery: NA

This Legislative Request Form Was Prepared By: John Lavelle, Director of Real Estate Portfolio/ OEAM.