

**A SUBSTITUTE ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO AUTHORIZE THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA (“CITY”), TO NEGOTIATE FOR AND TO PURCHASE APPROXIMATELY 10.18 ACRES OF PROPERTY LOCATED AT 2853 CAMPBELLTON ROAD FROM THE CONSERVATION FUND OR CURRENT LAND OWNER (“THE PROPERTY”), FOR THE PURPOSE OF CREATING A NEW PARK IN COUNCIL DISTRICT 11, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$325,000.00). THE CITY’S PURCHASE PRICE, CLOSING COSTS, DUE DILIGENCE, AND DEVELOPMENT COSTS SHALL BE PAID FROM PARK IMPACT FEE WEST AS SHOWN BELOW AND AMENDING THE 2013 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET FOR THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS AND THE DEPARTMENT OF FINANCE BY TRANSFERRING BETWEEN ACCOUNTS THE SUM OF THREE HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$325,000.00); AND FOR OTHER PURPOSES

WHEREAS, The Conservation Fund (“TCF”) is negotiating for or has contracted for approximately 10.18 acres of property, located at 2853 Campbellton Road, Atlanta, Georgia, Parcel Identification Number 14-0218-LL-139-6 (“the Property”) for the purpose of creating a new park in Council District 11 (See attached Exhibit “A”); and

WHEREAS, TCF has agreed to sell the Property to the City subject to the appropriate City approval processes for an amount not to exceed Fair Market Value; and

WHEREAS, TCF is a non-profit, 501(c)(3) organization, whose mission is to conserve land and whose work involves working with public agencies to purchase properties for this purpose, and to hold such properties until the public agency has the funds to purchase the properties; and

WHEREAS, purchasing the Property is consistent with the City’s goals of greenspace acquisition, preservation and park expansion.

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

SECTION 1: The Chief Procurement Officer or his designee, on behalf of the City, is hereby authorized to negotiate with The Conservation Fund or current landowner to purchase all or part of the real property located at 2853 Campbellton Road, Atlanta, Georgia, Parcel Identification Number 14-0218-LL-139-6 (“the Property”), at a purchase price no greater than Fair Market Value.

SECTION 2: The Chief Procurement Officer or his designee is hereby authorized to obtain or review surveys, title reports, environmental assessments, and appraisals to establish the Fair Market Value of the Property. In addition, the Chief Procurement Officer or his designee is authorized to obtain and pay for those items and services necessary to purchase the Property, including but not limited to title insurance, real estate service fees, site development, signage, fencing, closing costs and other costs of acquisition (“The City’s Due Diligence and Purchase Services”).

SECTION 3: The 2013 General Government Capital Outlay Fund Budget, Department of Planning and Community Development is hereby amended as follows:

TRANSFER FROM APPROPRIATIONS

\$325,000.000 from 3502 (General Government Capital Fund) 100101 (DOF Chief Financial Officer) 5999999 (Reserve Conversion Account – Class 1) 1320000 (Chief Executive) 201072 (Admin. Development Recoupment Fees) 91110 (Funding Source SWMA Loan 9991)

<u>Project:</u>	10201072	SWMA Loan 9991
<u>Task:</u>	101	SWMA Loan 9991
<u>Award:</u>	350291110	SWMA Loan 9991
<u>Expense:</u>	5999901	Projects and Grants Budget
<u>Org City of Atlanta</u>		

TOTAL **\$325,000.00**

ADD TO AWARD INSTALLMENT

The amount of : **\$325,000.00** SWMA Loan 9987/D.I.F. Parks-West
350291107

TRANSFER TO APPROPRIATIONS						
PTAEO			GENERAL LEDGER			
PROJECT NUMBER	14201997	GREENSPACE PGM; PARKS		FUND	3502	GENERAL GOV. CAPITAL
TASK NUMBER	112	2853 Campbellton		GL DEPT	140106	PRC PARKS DESIGN

		Road				
AWARD NUMBER	350291107	SWMA LOAN 9987/ D.I.F. Parks-West		EXPENSE ACCT	5999999	PROJECTS AND GRANTS BUDGET
EXPENSE ACCOUNT	5411001	LAND		FUNCTION/ACTIVITY	6220000	PARK AREAS
OWNING ORG	COA	SWMA LOAN		GL PROJECT	201997	GREENSPACE PGM; PARKS WEST
				GL FUNDING SOURCE	91107	SWMA LOAN 9987/ D.I.F. Parks - West

TOTAL

\$325,000.00

SECTION 4: The City's Purchase Price, Due Diligence and Purchase Services, in an amount not to exceed three hundred twenty five thousand dollars (\$325,000.00) shall be paid from Park Impact Fee West 14201997 (Project), 112 (Task), 350291107 (Award), 5411001 (Expense Type Land).

SECTION 5: Upon acquisition, the Department of Parks, Recreation, and Cultural Affairs, Office of Parks, is hereby charged with all responsibility for the Property and shall retain the land in perpetuity as a public park. Nothing in this ordinance shall prohibit the development of this property for uses consistent with generally accepted park activities, including but not limited to trails, playgrounds, picnic areas, parking, and gazebos. Nothing in this section shall preclude a neighborhood group(s) or other private entity from maintaining all or part of the property pursuant to an agreement with the City.

SECTION 6: The City's Greenspace Acquisition Consultant, ("the Consultant") is authorized to settle the acquisition of the Property at an amount authorized by the Chief Procurement Officer. The Consultant may also arrange and negotiate for the Due Diligence and Purchase Services.

SECTION 7: The requirements of the City Code Section 2-1541 (d), of the Procurement and Real Estate Code, are waived to allow the purchase of the Property on behalf of the City without further authorization by the City Council.

SECTION 8: The Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments or other documents that the Law Department deems to be necessary or advisable in order to carry into effect the intent of this ordinance.

SECTION 9: 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 10: 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 approved by the City Attorney as to form, attested to by the Municipal Clerk, and signed by the Mayor.

SECTION 11: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

**AN ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE**

13-0-0442

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<u>Org City of Atlanta</u>		

TOTAL **\$325,000.00**

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TASK NUMBER	112	2853 Campbellton Road		GL DEPT	140106	PRC PARKS DESIGN
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		Parks-West				BUDGET
EXPENSE ACCOUNT	5411001	LAND		FUNCTION/ACTIVITY	6220000	PARK AREAS
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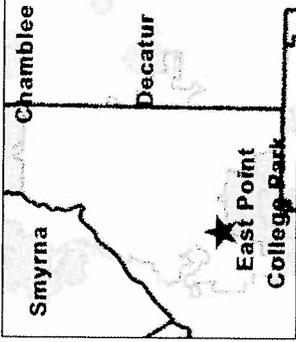
SECTION 7: The requirements of the City Code Section 2-1541 (d), of the Procurement and Real Estate Code, are waived to allow the purchase of the Property on behalf of the City without further authorization by the City Council.

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SECTION 9: 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 10: 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

2853 Campbellton Rd Exhibit A

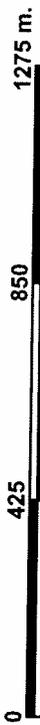
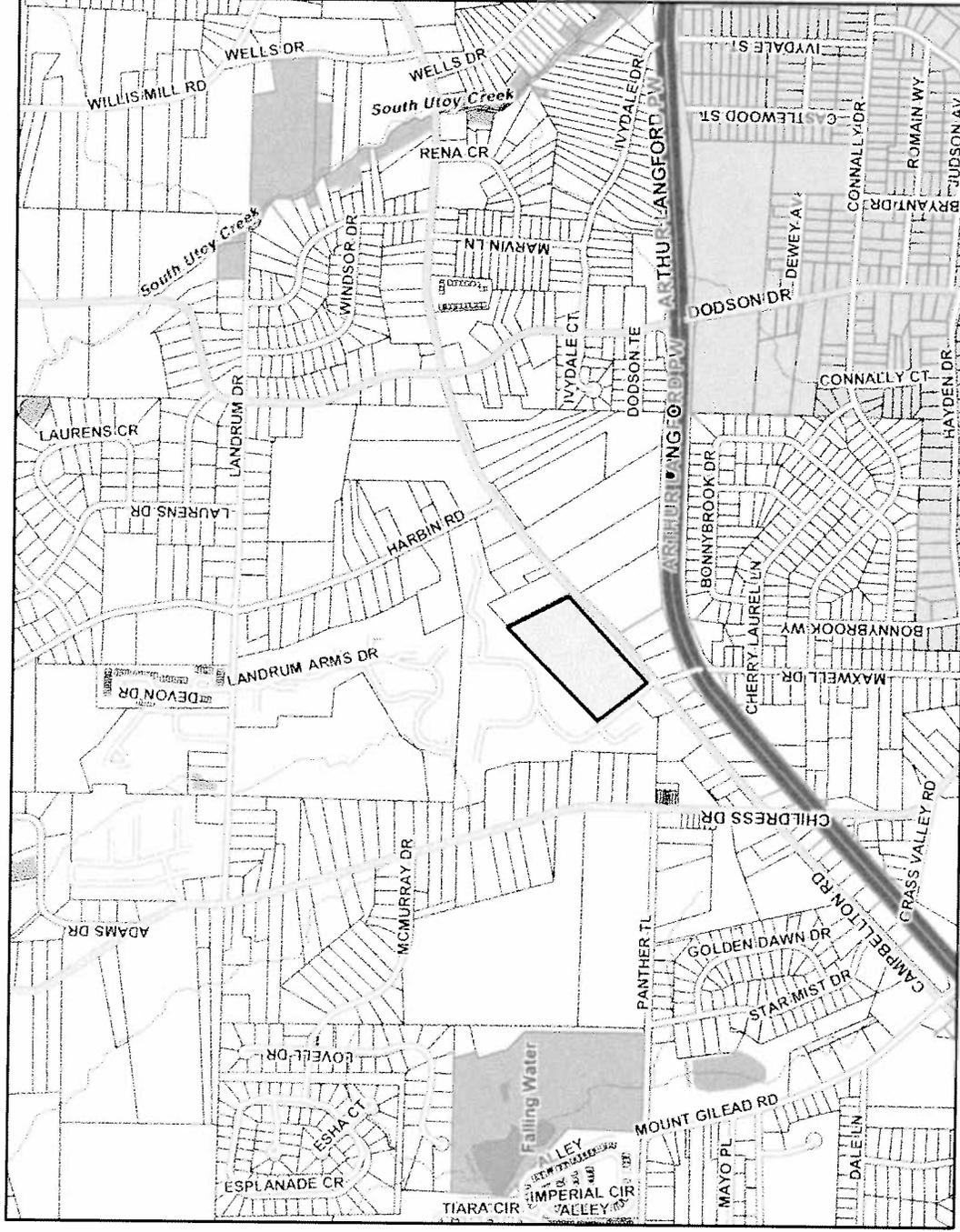


Legend

- Streets and Highways
- Other Limited Access
- State Route
- Arterial Roads
- Streets
- Ramps
- Unknown
- Interstates
- County Boundaries
- Parcels
- Airport Labels
- Airport Runways
- Runway/Apron/Taxiway
- Streams
- Ponds
- Parks
- Greenway Acquisitions
- Atlanta City Limits
- Metro Cities



Scale: 1:14,197



Map center: 2200777, 1346570

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

same has been approved by the City Attorney as to form, attested to by the Municipal Clerk, and signed by the Mayor.

SECTION 11: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

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: Finance Executive Committee

Caption: AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO AUTHORIZE THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR AND TO PURCHASE APPROXIMATELY 10.18 ACRES OF PROPERTY LOCATED AT 2853 CAMPBELLTON ROAD FROM THE CONSERVATION FUND OR CURRENT LAND OWNER ("THE PROPERTY"), FOR THE PURPOSE OF CREATING A NEW PARK IN COUNCIL DISTRICT 11, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$325,000.00). THE CITY'S PURCHASE PRICE, CLOSING COSTS, DUE DILIGENCE, AND DEVELOPMENT COSTS SHALL BE PAID FROM PARK IMPACT FEE WEST AS SHOWN BELOW AND AMENDING THE 2013 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET FOR THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS AND THE DEPARTMENT OF FINANCE BY TRANSFERRING BETWEEN ACCOUNTS THE SUM OF THREE HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$325,000.00); AND FOR OTHER PURPOSES

Council Meeting Date: March 18, 2013

Requesting Dept.: Department of Parks, Recreation, and Cultural Affairs

B. To be completed by the department:

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

The purpose of this legislative request is to have an Ordinance authorizing the acquisition of approximately 10.18 acres of land from The Conservation Fund or the current landowner for the creation of a new park in Council District 11 in an amount not to exceed \$325,000 from Park Impact Fee West funds.

2. Please provide background information regarding this legislation.

The Department of Parks, Recreation and Cultural Affairs is actively expanding parkland throughout the city. This property has been identified as one which will expand the city's inventory of parkland and provide additional greenspace for an under-parked area of 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:** None
- (h) **Term of Contract:**

4. Account Segment: The City's Purchase Price, Due Diligence and Purchase Services, in an amount not to exceed three hundred twenty five thousand dollars (\$325,000.00) shall be paid from Park Impact Fee West 14201997 (Project), 112 (Task), 350291107 (Award), 5411001 (Expense Type Land).

5. Source of Funds: Park Impact Fee West

6. Fiscal Impact: This legislation will result in a reduction in an amount not to exceed \$325,000.00 to the Account Segment identified above in item 4.

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Ellen Wickersham, Senior Acquisition Manager, Parks and Greenspace and Trina Horton, DPRCA Departmental Contracting Officer/Legislative Liaison.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Trina Horton

Contact Number: (404) 546-6795

Originating Department: Department of Parks, Recreation and Cultural Affairs

Committee(s) of Purview: Finance Executive Committee

Chief of Staff Deadline: February 22, 2013

Anticipated Committee Meeting Date(s): March 13, 2013

Anticipated Full Council Date: March 18, 2013

Legislative Counsel's Signature: Bill Carter

Commissioner's Signature: [Signature]

Chief Information Officer Signature (for IT Procurements): _____

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE

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FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: 2.22.13 [Signature]
(date)

Reviewed by: [Signature]
(date)

Submitted to Council: _____ (date)