

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH A CERTAIN PARCEL LISTED UNDER FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0171-0013-016-5 (2025 RECTOR DRIVE) (PARCEL #13) IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; 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.

Review List:

Pamela Holmes	Completed	06/14/2013 12:08 PM
George Dusenbury	Completed	06/14/2013 12:10 PM
Mariangela Corales	Completed	06/14/2013 2:36 PM
Mayor's Office	Completed	06/14/2013 5:43 PM
Office of Research and Policy Analysis	Completed	06/17/2013 11:18 AM
Community Development & Human Resources Committee		Pending
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**AN ORDINANCE
BY**

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH A CERTAIN PARCEL LISTED UNDER FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0171-0013-016-5 (2025 RECTOR DRIVE) (PARCEL #13) IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; 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, pursuant to Ordinances 09-O-0555 and 12-O-0499, the City has acquired easement or fee simple interest in numerous parcels in connection with the proposed Southwest Beltline Connector Trail which connects the Lionel Hampton Trail, Westwood Avenue, John A. White Park and Adams Park (“Project”).

WHEREAS, six trail easements remain needed to complete the Southwest Beltline Connector Trail and efforts to acquire said easements through negotiation have been unsuccessful due to numerous issues including liens and other clouds on title; and

WHEREAS, to complete the Southwest Beltline Connector Trail, it is necessary to exercise eminent domain to acquire a 25 foot permanent trail easement (approximate) and a 50 foot temporary trail construction easement (approximate) for parcel # 13, as depicted on Exhibit “A” (“Parcel”); and

WHEREAS, the exercise of eminent domain over the Parcels is necessary for the expansion of Southwest Beltline Connector Trail, which Parcel will be possessed, occupied and used by the general public; and

WHEREAS, the City engaged in good faith negotiations with the owner of each Parcel to acquire the Parcel based upon a certified appraisal of the Parcel; and

WHEREAS, condemnation of the Parcel by the Declaration of Taking method, pursuant to O.C.G.A. §§ 32-3-5 and 32-3-6, is necessary for the completion of the Southwest Beltline Connector Trail, a public transportation purpose.

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, to acquire an approximate twenty-five (25) foot permanent trail easement and an approximate fifty (50) foot temporary construction easement through tax parcel identification # 14-0171-0013-016-5 (2025 Rector Drive), depicted as parcel # 13 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 term of each temporary construction easement authorized in the proceeding sections shall be for a term commencing on the first day that such easement vests in the City of Atlanta and ending at the point in which construction terminates, but in no case shall such term exceed two years.

Section 3. The Declaration of Taking Method, pursuant to O.C.G.A. §§ 32-3-5 and 32-3-6, is authorized to acquire good and marketable title to the Property for purposes of completing the Project.

Section 4. 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 Property.

Section 5. 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 Property.

Section 6. 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 six Parcels shall not exceed \$141,000.00

Section 7. 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.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE ATTN: CANDACE BYRD
Dept.'s Legislative Liaison: Ellen Wickersham (DPRCA); Mark Haldane (OEAM)

Contact Number: 404-614-8293; 404-865-8586

Originating Department: DPRCA/OEAM

Committee(s) of Purview: Community Development/Human Resources

Chief of Staff Deadline: June 7, 2013

Anticipated Committee Meeting Date(s): June 25, 2013 & July 9, 2013

Anticipated Full Council Date: July 15, 2013

Legislative Counsel's Signature: *[Signature]*

Commissioner's Signature: *[Signature]*

Chief Information Officer Signature (for IT Procurements): *[Signature]*

Chief Procurement Officer Signature: *[Signature]*

CAPTION
AN ORDINANCE
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

14-0171-0013-016-5 (2025 Rector Drive) (Parcel #13)

IN ORDER TO COMPLETE THE SOUTHWEST BELTLINE CONNECTOR TRAIL; 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.

FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: _____

Received by LC from CPO: _____

(date) 6/7/13

(date)

Received by Mayor's Office: _____

Reviewed by: _____

(date)

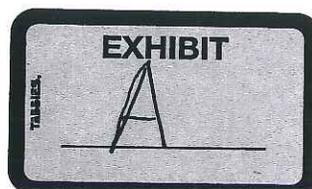
(date)

LEGAL DESCRIPTION
TRACT 13
Permanent 25 Ft Easement

All that Tract or Parcel of Land lying and being in Land Lot 171 of the 14th District Fulton County, Georgia more particularly described as follows:

Commencing at a Fulton County Georgia Monument stamped F-459 on the face of the disk and having a Grid North Coordinate of 1354426.24 and a Grid East Coordinate of 2193518.3310 an elevation of 807.86 feet, thence North 77 Degrees 05 Minutes 20 Seconds East a distance of 15933.22 feet to a drill hole in a concrete drainage channel and being the intersection and common lot corner for the following property owners: N/F Betty P Childers, N/F Jerome Johnson, N/F Ezra C Sherrell Jr. and Charlesnetta Sherrell, and Annette E Frazier, thence South 11 Degrees 07 Minutes 39 Seconds East a distance of 80.13 feet to the **Point of Beginning**, thence South 11 Degrees 07 Minutes 39 Seconds East a distance of 42.41 feet to a point; thence along a curve to the left having an arc length of 36.08 feet a radius of 421.79 feet and being subtended by a chord bearing North 43 Degrees 38 Minutes 00 Seconds West a distance of 36.07 feet to a point; thence North 47 Degrees 07 Minutes 02 Seconds East a distance of 22.79 feet to the **Point of Beginning**.

Said Tract or Parcel of Land contains 401.76 square feet and or 0.009 acres as shown on a survey prepared by Hartrampf Engineering dated 05-18-09, for the Path Foundation project named J A White Park, original Job Number 08082.00. Job Number for the Easement Surveys is 09025.00.



LEGAL DESCRIPTION
TRACT 13
Temporary 50 Ft Easement

All that Tract or Parcel of Land lying and being in Land Lot 171 of the 14th District Fulton County, Georgia more particularly described as follows:
Commencing at a Fulton County Georgia Monument stamped F-459 on the face of the disk and having a Grid North Coordinate of 1354426.24 and a Grid East Coordinate of 2193518.3310 an elevation of 807.86 feet, thence North 77 Degrees 05 Minutes 20 Seconds East a distance of 15933.22 feet to a drill hole in a concrete drainage channel and being the intersection and common lot corner for the following property owners: N/F Betty P Childers, N/F Jerome Johnson, N/F Ezra C Sherrell Jr. and Charlesnetta Sherrell, and Annette E. Frazier, thence South 11 Degrees 07 Minutes 39 Seconds East a distance of 80.13 feet to the **Point of Beginning**, thence South 11 Degrees 07 Minutes 39 Seconds East a distance of 60.00 feet to a point; thence South 09 Degrees 03 minutes 58 Seconds West a distance of 5.35 feet to a point; thence along a curve to the left having an arc length of 54.36 feet a radius of 409.29 feet and being subtended by a chord bearing North 42 Degrees 22 Minutes 36 Seconds West a distance of 54.32 feet to a point; thence North 47 Degrees 07 Minutes 02 Seconds East a distance of 35.31 feet to the **Point of Beginning**.

Said Tract or Parcel of Land contains 981.89 square feet and or 0.023 acres as shown on a survey prepared by Hartrampf Engineering dated 05-18-09, for the Path Foundation project named J. A. White Park, original Job Number 08082.00. Job Number for the Easement Surveys is 09025.00.

GENERAL NOTES

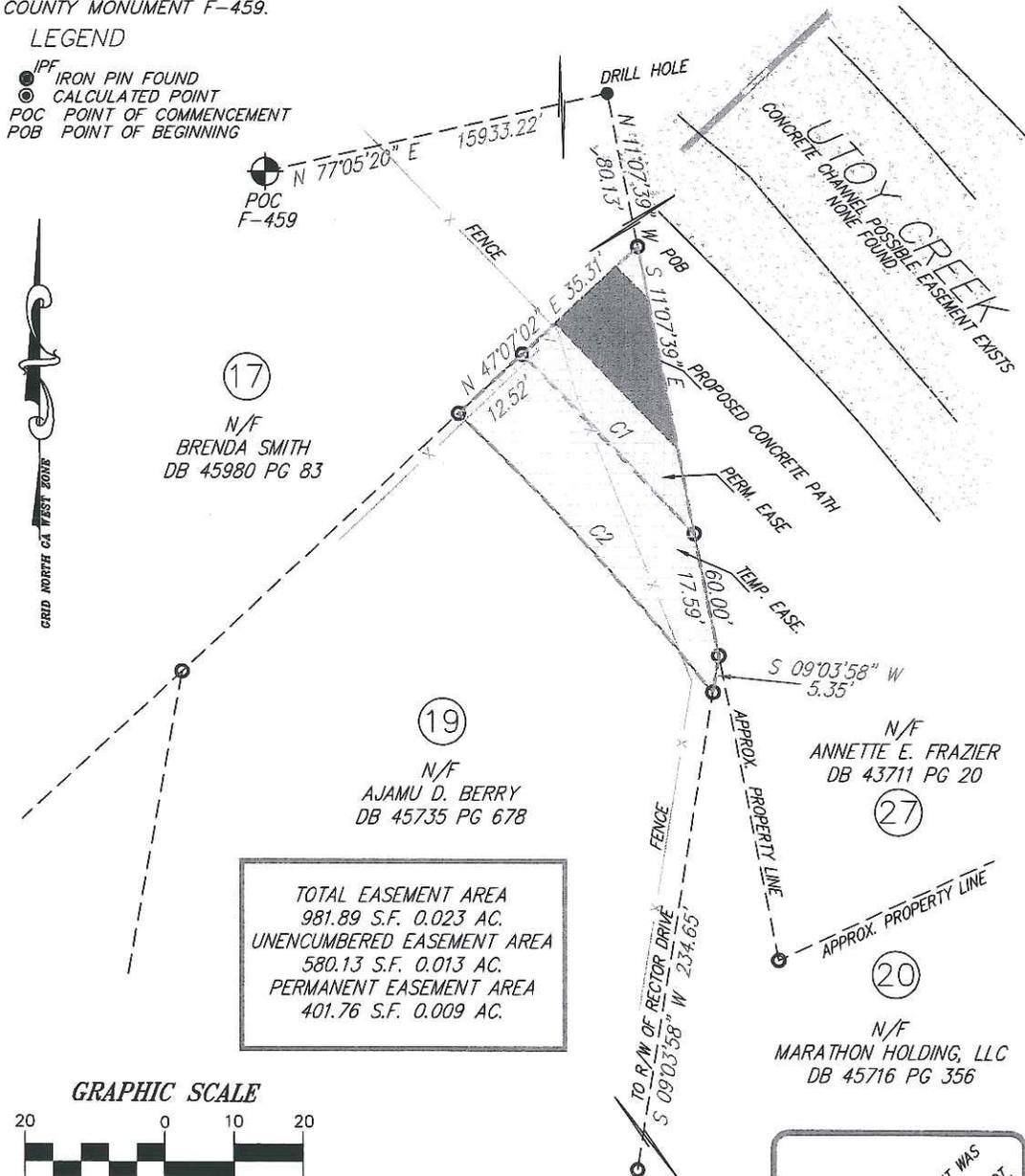
1. THE FIELD DATA FOR THIS SURVEY WAS COLLECTED USING A TOPCON GTS-302D TOTAL STATION.
2. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 16,000 FEET, AND AN ANGULAR ERROR OF 00' 00' 08" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.
3. DATE OF FIELD SURVEY: 10/6/08.
4. HORIZONTAL AND VERTICAL DATUM WERE ESTABLISHED BY GPS METHODS FROM FULTON COUNTY MONUMENT F-459.

**EASEMENT PLAT TRACT 13
FOR THE PATH FOUNDATION
THE CITY OF ATLANTA AND
CHICAGO TITLE INSURANCE COMPANY
LAND LOT 171, 14TH. DISTRICT
FULTON, COUNTY
GEORGIA**

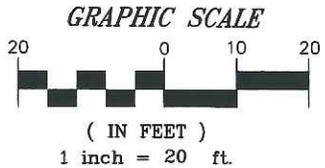
14-0171-0013-0165

LEGEND

- IPF IRON PIN FOUND
- CALCULATED POINT
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING



TOTAL EASEMENT AREA
981.89 S.F. 0.023 AC.
UNENCUMBERED EASEMENT AREA
580.13 S.F. 0.013 AC.
PERMANENT EASEMENT AREA
401.76 S.F. 0.009 AC.



CURVE TABLE				
CURVE	RADIUS	LENGTH	BEARING	DISTANCE
C1	421.79'	36.08'	N 43°38'00" W	36.07'
C2	409.29'	54.36'	N 42°22'36" W	54.32'

THE ORIGINAL OF THIS DOCUMENT WAS SEALED AND SIGNED BY LARRY P. ATKINSON. THIS REPRODUCTION IS NOT A CERTIFIED DOCUMENT.

Scale: 1"=20'
Revisions:
08-03-09
02-06-13



DRAWN BY RBM
Checked by LPA
Date 05/16/09
Job No. 09025.00
ORIG-NO.08082.00

Submitted to Council: _____ (date)

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: Community Development/Human Resources

Caption:

AN ORDINANCE
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

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Council Meeting Date: July 15, 2013

Requesting Dept.: DPRCA/OEAM

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to authorize condemnation of a temporary construction easement and a permanent easement by the declaration of taking method in order to finalize the pedestrian southwest beltline connector trail transportation project connecting Lionel Hampton Trail, Westwood Avenue, John A. White Park and Adams Park. Good faith efforts to acquire the property through negotiation were not successful.

2. Please provide background information regarding this legislation.

SW Beltline connector trail project.

3. If Applicable/Known: N/A

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**
- (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 (Ex. Name and number):

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

5. Source of Funds: Example: Local Assistance Grant: FROM PARK OPPORTUNITY BOND FUND 2005A.**6. Fiscal Impact:****7. Method of Cost Recovery: N/A**

This Legislative Request Form Was Prepared By: Ellen Wickersham 404-614-8293.

(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 DECLARATION OF TAKING METHOD, O.C.G.A. §§ 32-3-5 AND 32-3-6, AS MAY BE APPLICABLE, OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH SIX PARCELS HAVING A FULTON COUNTY TAX IDENTIFICATION NUMBER OF:

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- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

First Reading
 Committee _____
 Date _____
 Chair _____
 Referred To _____

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

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

Refer To _____

Refer To _____

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

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

Refer To _____

Refer To _____

- FINAL COUNCIL ACTION
- 2nd
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - RC Vote

CERTIFIED

MAYOR'S ACTION