

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE 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 CONDMENATION 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: 14-0140-0002-010-9 (PARCEL 9) 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.

**Review List:**

Pamela Holmes	Completed	06/14/2013 3:06 PM
George Dusenbury	Completed	06/14/2013 3:36 PM
Mariangela Corales	Completed	06/14/2013 4:30 PM
Mayor's Office	Completed	06/14/2013 5:45 PM
Office of Research and Policy Analysis	Completed	06/17/2013 11:08 AM
Community Development & Human Resources Committee	Completed	06/26/2013 2:45 PM
Atlanta City Council	Completed	07/03/2013 9:45 AM
Community Development & Human Resources Committee		Pending

**HISTORY:**

06/25/13	Community Development & Human Resources Committee	
07/01/13	Atlanta City Council	REFERRED TO COMMITTEES OF PURV

<b>RESULT:</b>	<b>REFERRED TO COMMITTEES OF PURV [13 TO 0]</b>
<b>AYES:</b>	Wan, Martin, Smith, Shook, Winslow, Moore, Young Jr., Sheperd, Bottoms, Hall, Bond, Archibong, Adrean
<b>ABSENT:</b>	Aaron Watson
<b>AWAY:</b>	H. Lamar Willis

**RESULT:**      **REFERRED TO COMMITTEES OF PURV [13 TO 0]**  
**AYES:**        Wan, Martin, Smith, Shook, Winslow, Moore, Young Jr., Sheperd, Bottoms, Hall,  
                     Bond, Archibong, Adrean  
**ABSENT:**     Aaron Watson  
**AWAY:**        H. Lamar Willis

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 SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDMENATION 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: 14-0140-0002-010-9 (PARCEL 9) 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 # 14-0140-0002-010-9, depicted as parcel # 9 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.

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) \_\_\_\_\_

Chief Procurement Officer Signature: \_\_\_\_\_

CAPTION

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:

14-0140-0002-010-9 (Parcel 9)

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.

FINANCIAL IMPACT: (if any)  
Mayor's Staff Only

Received by CPO: \_\_\_\_\_  
(date) 6/7/13

Received by LC from CPO: \_\_\_\_\_  
(date) \_\_\_\_\_

Received by Mayor's Office: \_\_\_\_\_  
(date)

Reviewed by: \_\_\_\_\_  
(date)

645220

Attachment: Enota Park Parcel 9 Attachments (13-O-1114 : An Ordinance authorizing the acquisition)

## EXHIBIT "A"

All that tract or parcel of land lying and being in the City of Atlanta in Land Lot 140 of the 14<sup>th</sup> 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**

1. THIS PLAT IS A CORRECT REPRESENTATION OF THE LINES PLATED AND HAS BEEN PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE SURVEYING BOARD OF GEORGIA, INC. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE CORNERING CORNER OWNERSHIP, MONI, AND LOCATION OF ASSAULTS AND THEIR TITLE EVIDENCES REVEALED BY TITLE EXAMINATION.
2. NOT ALL IMPROVEMENTS OR UTILITIES ARE SHOWN HEREON.
3. THE DATE OF FIELD WORK FOR THIS SURVEY IS 04/23/2010.
4. THE DATE OF FIELD WORK FOR THIS SURVEY IS 04/23/2010.
5. THE SUBJECT PROPERTY SHOWN HEREON IS BOUNDARIED ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 1320200000 FOR THE FEDERAL DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, WHICH IS A CLASSIC PRESSION OF FEET IN 1/1600 FEET AND AN ANNUAL FLOOD OF 1 PERCENT PER ANNUAL FLOOD RISK HAS BEEN OBTAINED FOR THIS PLAT AND HAS BEEN FOUND TO BE A CLASSIC PRESSION OF FEET IN 1/1600 FEET.
6. THE SUBJECT PROPERTY SHOWN HEREON IS BOUNDARIED ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 1320200000 FOR THE FEDERAL DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, WHICH IS A CLASSIC PRESSION OF FEET IN 1/1600 FEET AND AN ANNUAL FLOOD OF 1 PERCENT PER ANNUAL FLOOD RISK HAS BEEN OBTAINED FOR THIS PLAT AND HAS BEEN FOUND TO BE A CLASSIC PRESSION OF FEET IN 1/1600 FEET.
7. THE SUBJECT PROPERTY SHOWN HEREON IS BOUNDARIED ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 1320200000 FOR THE FEDERAL DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, WHICH IS A CLASSIC PRESSION OF FEET IN 1/1600 FEET AND AN ANNUAL FLOOD OF 1 PERCENT PER ANNUAL FLOOD RISK HAS BEEN OBTAINED FOR THIS PLAT AND HAS BEEN FOUND TO BE A CLASSIC PRESSION OF FEET IN 1/1600 FEET.
8. THE SUBJECT PROPERTY SHOWN HEREON IS BOUNDARIED ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 1320200000 FOR THE FEDERAL DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, WHICH IS A CLASSIC PRESSION OF FEET IN 1/1600 FEET AND AN ANNUAL FLOOD OF 1 PERCENT PER ANNUAL FLOOD RISK HAS BEEN OBTAINED FOR THIS PLAT AND HAS BEEN FOUND TO BE A CLASSIC PRESSION OF FEET IN 1/1600 FEET.
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11. THE SUBJECT PROPERTY SHOWN HEREON IS BOUNDARIED ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 1320200000 FOR THE FEDERAL DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, WHICH IS A CLASSIC PRESSION OF FEET IN 1/1600 FEET AND AN ANNUAL FLOOD OF 1 PERCENT PER ANNUAL FLOOD RISK HAS BEEN OBTAINED FOR THIS PLAT AND HAS BEEN FOUND TO BE A CLASSIC PRESSION OF FEET IN 1/1600 FEET.
12. THE SUBJECT PROPERTY SHOWN HEREON IS BOUNDARIED ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 1320200000 FOR THE FEDERAL DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, WHICH IS A CLASSIC PRESSION OF FEET IN 1/1600 FEET AND AN ANNUAL FLOOD OF 1 PERCENT PER ANNUAL FLOOD RISK HAS BEEN OBTAINED FOR THIS PLAT AND HAS BEEN FOUND TO BE A CLASSIC PRESSION OF FEET IN 1/1600 FEET.

ZONING: R-4  
 FRONT YARD SETBACK = 35 FEET  
 REAR YARD SETBACK = 15 FEET  
 SIDE YARD SETBACK = 7 FEET

N/F  
 THE TRUST FOR PUBLIC LAND  
 DEED BOOK 46896 PAGE 691  
 TAX ID: 1014014000020011

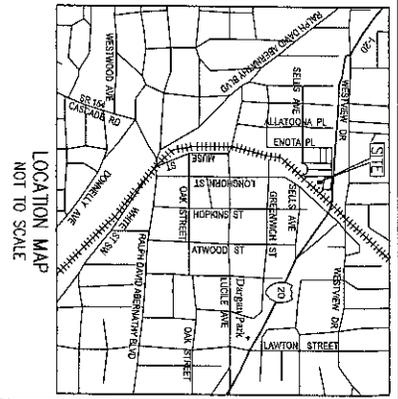
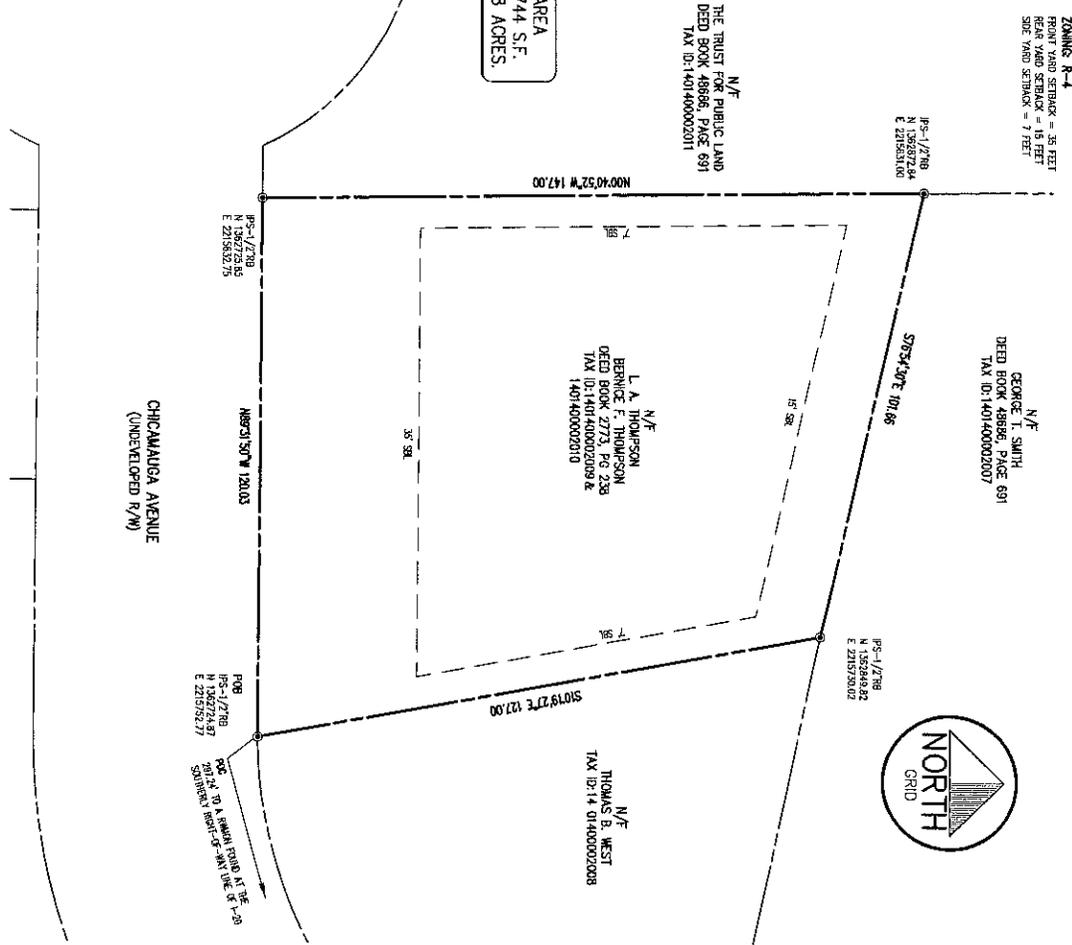
AREA  
 14,744 S.F.  
 0.338 ACRES

**IF YOU DIG GEORGIA...**  
 CALL US FIRST!  
 1-800-282-7411  
 770-623-4344  
 (METRO ATLANTA ONLY)  
 UTILITIES PROTECTION CENTER  
 IT'S THE LAW

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONFORMANCE ONLY. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES AND ASSUMES NO RESPONSIBILITY FOR THE LOCATION SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL UTILITIES WITHIN THE LIMITS OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND DEPTH OF ALL UTILITIES WITHIN THE LIMITS OF THE PROJECT.

\*\*\*CAUTION\*\*\*

- LEGEND**
- PROPERTY LINE
  - CENTERLINE CROSS
  - CHAIN LINK FENCE
  - IRON FENCE
  - UNDERGROUND WATER
  - UNDERGROUND TELEPHONE
  - SANITARY SINKER
  - OVERHEAD ELECTRIC
  - UNDERGROUND GAS
  - STORM DRAIN
  - SPRINKLER SINKER
  - PE IRON PIN FOUND
  - P3 IRON PIN SET
  - P38 POINT OF BEGINNING
  - CIP CURB TOP PER
  - 80 REBAR
  - SBL BUILDING SET BACK LINE
  - POC POINT OF COMMENCEMENT
  - IRON PIN SET
  - LIGHT POLE
  - UTILITY WIRE
  - POWERS POLE
  - TELEPHONE BOX
  - SN
  - RIGHT-OF-WAY
  - RIGHT-OF-WAY MONUMENT
  - COMBINED POINT
  - DOUBLE WING CATCH BASIN
  - NEW OR EXISTING
  - CHAIN LINK FENCE
  - RIGHT-OF-WAY



**SURVEY REFERENCES**

1. DEED BETWEEN THE CITY OF ATLANTA AND R. E. THOMAS IN DEED BOOK 2856 PAGE 212 DATED JANUARY 28, 1955.
2. DEED BETWEEN L. A. THOMPSON AND BERNICE F. THOMPSON IN DEED BOOK 2773 PAGE 238 DATED JANUARY 17, 1952.
3. DEED BETWEEN L. A. THOMPSON AND BERNICE F. THOMPSON IN DEED BOOK 2773 PAGE 238 DATED JANUARY 17, 1952.
4. DEED BETWEEN L. A. THOMPSON AND BERNICE F. THOMPSON IN DEED BOOK 2773 PAGE 238 DATED JANUARY 17, 1952.
5. DEED BETWEEN L. A. THOMPSON AND BERNICE F. THOMPSON IN DEED BOOK 2773 PAGE 238 DATED JANUARY 17, 1952.
6. DEED BETWEEN L. A. THOMPSON AND BERNICE F. THOMPSON IN DEED BOOK 2773 PAGE 238 DATED JANUARY 17, 1952.
7. DEED BETWEEN THE TRUST FOR PUBLIC LAND AND THE CITY OF ATLANTA IN DEED BOOK 46896 PAGE 691 DATED JANUARY 17, 1952.
8. DEED BETWEEN L. A. THOMPSON AND BERNICE F. THOMPSON IN DEED BOOK 2773 PAGE 238 DATED JANUARY 17, 1952.
9. DEED BETWEEN L. A. THOMPSON AND BERNICE F. THOMPSON IN DEED BOOK 2773 PAGE 238 DATED JANUARY 17, 1952.
10. DEED BETWEEN L. A. THOMPSON AND BERNICE F. THOMPSON IN DEED BOOK 2773 PAGE 238 DATED JANUARY 17, 1952.
11. DEED BETWEEN L. A. THOMPSON AND BERNICE F. THOMPSON IN DEED BOOK 2773 PAGE 238 DATED JANUARY 17, 1952.
12. DEED BETWEEN L. A. THOMPSON AND BERNICE F. THOMPSON IN DEED BOOK 2773 PAGE 238 DATED JANUARY 17, 1952.

**LEGAL DESCRIPTION**  
 Lot 46, 14014000020009 & 14014000020010  
 (14,744 Sq. Ft. or 0.338 Acres)

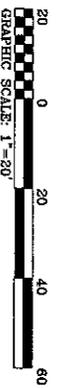
As and singular that certain tract of land lying and being a lot 46, 14014000020009 & 14014000020010, City of Atlanta, Fulton County, Georgia, being more particularly described as follows:

COMMENCING at a right-of-way monument found at the intersection of the southerly right-of-way line of Chippewa Avenue, ten (10) feet southerly along said southerly right-of-way line of Chippewa Avenue a distance of 2812.24 feet to a 'Y' rebar set, said point being the POINT OF BEGINNING.

From the top point of beginning on this established, run thence southerly 101.68 feet to a 'Y' rebar set, said point being the POINT OF BEGINNING.

From the top point of beginning on this established, run thence southerly 101.68 feet to a 'Y' rebar set, said point being the POINT OF BEGINNING.

From the top point of beginning on this established, run thence southerly 101.68 feet to a 'Y' rebar set, said point being the POINT OF BEGINNING.



BOUNDARY SURVEY  
 TAX ID: 14014000020009 &  
 14014000020010

FOR  
**CITY OF ATLANTA, SMITH REAL ESTATE SERVICES, INC., AND CHICAGO TITLE INSURANCE COMPANY**

**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

PROJECT NUMBER	DATE	DRAWN BY	CHECKED BY
R. STANLEY <td>AUGUST 5, 2010 <td>L. DE LA CRUZ <td>R. STANLEY </td></td></td>	AUGUST 5, 2010 <td>L. DE LA CRUZ <td>R. STANLEY </td></td>	L. DE LA CRUZ <td>R. STANLEY </td>	R. STANLEY
LOCATION <td>LAND LOT 149 <td>FEED BOOK/PAGE <td>SCALE</td> </td></td>	LAND LOT 149 <td>FEED BOOK/PAGE <td>SCALE</td> </td>	FEED BOOK/PAGE <td>SCALE</td>	SCALE
	VIA DISTRICT	FB 630, PG 20	1" = 20'
	FULTON COUNTY	PROJECT NUMBER	SHEET NO.
	GEORGIA	01285.003.1	1 OF 1

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 SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDMENATION 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:

14-0140-0002-010-9 (Parcel 9)

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.

**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 fee simple interest in order to expand Enota Park. All parcels to be condemned are raw land. No displacement will occur. Good faith efforts to acquire the property through negotiation were not successful due to title issues—questions of ownership and liens exceeding fair market value.

**2. Please provide background information regarding this legislation.**

Enota Park expansion

645220

Attachment: Enota Park Parcel 9 Attachments (13-O-1114 : An Ordinance authorizing the acquisition)

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, Organization: City of Atlanta

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 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 CHICAMADGA AVENUE, ATLANTA, GEORGIA AND A FULTON COUNTY TAX IDENTIFICATION NUMBER OF: 14-0140-0002-010-9 (Parcel 9)

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
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred: \_\_\_\_\_

Referred To: \_\_\_\_\_

Date Referred: \_\_\_\_\_

Referred To: \_\_\_\_\_

Date Referred: \_\_\_\_\_

Referred To: \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Referred 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

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: \_\_\_\_\_

Refer To: \_\_\_\_\_

- FINAL COUNCIL ACTION
- 2<sup>ND</sup>
  - 1<sup>ST</sup> & 2<sup>ND</sup> Readings
  - 3<sup>RD</sup>
  - Consent
  - V Vote
  - RC Vote

CERTIFIED

MAYOR'S ACTION