

AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE AUTHORIZING THE PURCHASE OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS, NECESSARY RIGHTS-OF-WAY, AND DONATED PARCELS FROM VARIOUS PROPERTY OWNERS FOR THE COMPLETION OF THE GEORGIA 400 TRAIL, SOUTHWEST ATLANTA BELTLINE TRAIL, SILVER COMET CONNECTOR TRAIL, BATTLE OF ATLANTA TRAIL AND WESTSIDE TRAIL PROJECTS AND TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO HAVE THE LEGAL AUTHORITY TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS, UP TO AND INCLUDING CONDEMNATION PROCEEDINGS, PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. SECTION 32-3-4; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY, TO HANDLE CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.

Review List:

Santana Wright	Completed	06/13/2013 6:18 PM
Rita Braswell	Completed	06/17/2013 12:14 PM
Richard Mendoza	Completed	06/17/2013 1:06 PM
Saul Schultz	Completed	06/18/2013 1:10 PM
Mayor's Office	Completed	06/18/2013 2:23 PM
Office of Research and Policy Analysis	Completed	06/18/2013 2:44 PM
Finance/Executive Committee	Completed	06/27/2013 1:42 PM
Atlanta City Council	Completed	07/03/2013 9:45 AM
Atlanta City Council	Completed	07/03/2013 9:45 AM
Finance/Executive Committee	Pending	

HISTORY:

06/26/13 Finance/Executive Committee REFERRED TO COMMITTEE

RESULT:	REFERRED TO COMMITTEE [5 TO 0]
AYES:	Wan, Archibong, Adrean, Martin, Shook
ABSENT:	Felicia A. Moore
AWAY:	Aaron Watson

07/01/13 Atlanta City Council REFERRED TO COMMITTEES OF PURV

RESULT:	REFERRED TO COMMITTEES OF PURV BY CONSENT VOTE [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

RESULT: REFERRED TO COMMITTEES OF PURV BY CONSENT VOTE [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
<p style="text-align: center;">CERTIFIED</p> <p style="text-align: center;">7/10/2013</p> <p style="text-align: center;">ATLANTA CITY COUNCIL PRESIDENT</p> 	
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

**AN ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE AUTHORIZING THE PURCHASE OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS, NECESSARY RIGHTS-OF-WAY, AND DONATED PARCELS FROM VARIOUS PROPERTY OWNERS FOR THE COMPLETION OF THE GEORGIA 400 TRAIL, SOUTHWEST ATLANTA BELTLINE TRAIL, SILVER COMET CONNECTOR TRAIL, BATTLE OF ATLANTA TRAIL AND WESTSIDE TRAIL PROJECTS AND TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO HAVE THE LEGAL AUTHORITY TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS, UP TO AND INCLUDING CONDEMNATION PROCEEDINGS, PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. SECTION 32-3-4; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY, TO HANDLE CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.

WHEREAS, it is necessary to acquire permanent and temporary construction easements, necessary rights-of-way, and donated parcels from various property owners for pedestrian and roadway improvements for the Georgia 400 Trail, Southwest Atlanta Beltline Trail, Silver Comet Connector Trail, Battle of Atlanta Trail, and Westside Trail Projects (“Projects”); and

WHEREAS, the Georgia State Law, at O.C.G.A. Section 32-3-4, authorizes the use of declaration of taking as a method of condemnation, if necessary, whenever a municipality is required to take private property for public road purposes or for any other public transportation purposes; and

WHEREAS, use of declaration of taking as a method of condemnation would expedite the acquisition of the property rights necessary for the timely completion of these Projects which involve pedestrian and roadway improvements; and

WHEREAS, Georgia State Law, at O.C.G.A. Section 32-3-6, requires a finding by municipality that circumstances necessitate the use of declaration of taking before such method of condemnation can be used by a municipal government; and

WHEREAS, in order to complete the proposed project in a timely fashion, the requirements of Section 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code, the City of Atlanta Code of Ordinances, which require further authorization of Council for acquisition of permanent and temporary construction easements and necessary rights-of-way described in this Ordinance should be waived.

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

Section 1: That the Chief Procurement Officer, or his designee or consultant, is hereby authorized to obtain title reports, appraisal reports, land surveys, legal descriptions, and environmental reports for the purpose of acquiring temporary or permanent construction easements, necessary rights-of-way, donated parcels and other related property interests (e.g., fee simple, leaseholds, easements, etc.) necessary to

complete construction of the Georgia 400 Trail, Southwest Atlanta Beltline Trail, Silver Comet Connector Trail, Battle of Atlanta Trail and Westside Trail Projects (“Projects”).

Section 2: That the Chief Procurement Officer, or his designee or consultant, is hereby authorized to negotiate with the affected property owners to acquire temporary or permanent construction easements, necessary rights-of-way, donated parcels and other related property interests necessary to complete construction of the Projects.

Section 3: That the Chief Procurement Officer, his designee or consultant, is authorized to settle those acquisitions of property at an amount not to exceed ten percent (10%) or Two Hundred Fifty Dollars (\$250.00), whichever is greater, above the estimated just compensation. The Chief Procurement Officer is authorized to administratively settle, without further authorization of City Council, those acquisitions which exceed this limit. However, in no event shall the Chief Procurement Officer’s authority to administratively negotiate or settle such acquisitions without Council authorization exceed twenty percent (20%) or Five Hundred Dollars (\$500.00), whichever is greater, above the estimated just compensation for each property.

Section 4: That in order to complete the Projects in a timely fashion, the requirements of Sections 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code, the City of Atlanta Code of Ordinances, which require further authorization of Council for acquisition of permanent and temporary construction easements, necessary rights-of-way, donated parcels and other related property interests described in this Ordinance are waived.

Section 5: That the City Attorney is authorized to monitor and supervise the closing transactions with affected property owners in connection with the Projects, with the assistance of the Chief Procurement Officer, or his designee or consultant.

Section 6: That the use of declaration of taking as a method of condemnation be utilized, pursuant to O.C.G.A. Section 32-3-4, if necessary, to expedite the acquisition of any property rights necessary for the timely completion of the Projects.

Section 7: That the City Attorney is authorized to engage the services of outside counsel, where necessary, to acquire any property right deemed necessary in connection with the Projects, in accordance with state law, without further authorization from City Council. The provisions of Section 2-1542 requiring further authorization for condemnations are hereby waived.

Section 8: That all costs associated with this Ordinance, including, but not limited to costs of the appraisals and appraisal reports, will be charged to and paid from General Government Capital Funds, Trust Funds, Quality of Life Bonds and/or combination of other sources.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Santana Kempson Wright

Contact Number: 404-330-6579

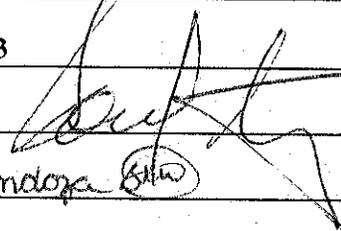
Originating Department: Department of Public Works

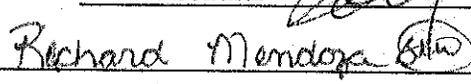
Committee(s) of Purview: Finance/Executive Committee

Chief of Staff Deadline: June 7, 2013

Anticipated Committee Meeting Date(s): June 26, 2013 (1st read); July 10, 2013 (2nd read)

Anticipated Full Council Date: July 15, 2013

Legislative Counsel's Signature: Saul Schultz 

Commissioner's Signature: Richard Mendez 

Chief Financial Officer: _____

Chief Information Officer Signature (for IT Procurements) _____

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS, NECESSARY RIGHTS-OF-WAY, AND DONATED PARCELS FROM VARIOUS PROPERTY OWNERS FOR THE COMPLETION OF THE GEORGIA 400 TRAIL, SOUTHWEST ATLANTA BELTLINE TRAIL, SILVER COMET CONNECTOR TRAIL, BATTLE OF ATLANTA TRAIL AND WESTSIDE TRAIL PROJECTS AND TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO HAVE THE LEGAL AUTHORITY TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS, UP TO AND INCLUDING CONDEMNATION PROCEEDINGS, PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. SECTION 32-3-4; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY, TO HANDLE CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT:

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: YT, 6/17/13
(date)

Reviewed by: 
(date)

Submitted to Council: _____ (date)

**AN ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE**

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WHEREAS, the Georgia State Law, at O.C.G.A. Section 32-3-4, authorizes the use of declaration of taking as a method of condemnation, if necessary, whenever a municipality is required to take private property for public road purposes or for any other public transportation purposes; and

WHEREAS, use of declaration of taking as a method of condemnation would expedite the acquisition of the property rights necessary for the timely completion of these Projects which involve pedestrian and roadway improvements; and

WHEREAS, Georgia State Law, at O.C.G.A. Section 32-3-6, requires a finding by municipality that circumstances necessitate the use of declaration of taking before such method of condemnation can be used by a municipal government; and

WHEREAS, in order to complete the proposed project in a timely fashion, the requirements of Section 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code, the City of Atlanta Code of Ordinances, which require further authorization of Council for acquisition of permanent and temporary construction easements and necessary rights-of-way described in this Ordinance should be waived.

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Section 2: That the Chief Procurement Officer, or his designee or consultant, is hereby authorized to negotiate with the affected property owners to acquire temporary or permanent construction easements, necessary rights-of-way, donated parcels and other related property interests necessary to complete construction of the Projects.

Section 3: That the Chief Procurement Officer, his designee or consultant, is authorized to settle those acquisitions of property at an amount not to exceed ten percent (10%) or Two Hundred Fifty Dollars (\$250.00), whichever is greater, above the estimated just compensation. The Chief Procurement Officer is authorized to administratively settle, without further authorization of City Council, those acquisitions which exceed this limit. However, in no event shall the Chief Procurement Officer’s authority to administratively negotiate or settle such acquisitions without Council authorization exceed twenty percent (20%) or Five Hundred Dollars (\$500.00), whichever is greater, above the estimated just compensation for each property.

Section 4: That in order to complete the Projects in a timely fashion, the requirements of Sections 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code, the City of Atlanta Code of Ordinances, which require further authorization of Council for acquisition of permanent and temporary construction easements, necessary rights-of-way, donated parcels and other related property interests described in this Ordinance are waived.

Section 5: That the City Attorney is authorized to monitor and supervise the closing transactions with affected property owners in connection with the Projects, with the assistance of the Chief Procurement Officer, or his designee or consultant.

Section 6: That the use of declaration of taking as a method of condemnation be utilized, pursuant to O.C.G.A. Section 32-3-4, if necessary, to expedite the acquisition of any property rights necessary for the timely completion of the Projects.

Section 7: That the City Attorney is authorized to engage the services of outside counsel, where necessary, to acquire any property right deemed necessary in connection with the Projects, in accordance with state law, without further authorization from City Council. The provisions of Section 2-1542 requiring further authorization for condemnations are hereby waived.

Section 8: That all costs associated with this Ordinance, including, but not limited to costs of the appraisals and appraisal reports, will be charged to and paid from General Government Capital Funds, Trust Funds, Quality of Life Bonds and/or combination of other sources.

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:

Caption:

AN ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS, NECESSARY RIGHTS-OF-WAY, AND DONATED PARCELS FROM VARIOUS PROPERTY OWNERS FOR THE COMPLETION OF THE GEORGIA 400 TRAIL, SOUTHWEST ATLANTA BELTLINE TRAIL, SILVER COMET CONNECTOR TRAIL, BATTLE OF ATLANTA TRAIL AND WESTSIDE TRAIL PROJECTS AND TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO HAVE THE LEGAL AUTHORITY TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS, UP TO AND INCLUDING CONDEMNATION PROCEEDINGS, PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. SECTION 32-3-4; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY, TO HANDLE CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.

Committee of Purview: Finance/Executive Committee

Committee Meeting Date: June 26, 2013 (1st read); July 10, 2013 (2nd read)

Council Meeting Date: July 15, 2013

Requesting Dept.: Department of Public Works

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 the purchase of permanent and temporary construction easements, necessary rights-of-way and donated parcels from various property owners for the completion of the Georgia 400 Trail, Southwest Atlanta Beltline Trail, Silver Comet Connector Trail, Battle of Atlanta Trail and Westside Trail Projects.

2. Please provide background information regarding this legislation.

To obtain right of way from property owners impending the completion of the Georgia 400 Trail, Southwest Atlanta Beltline Trail, Silver Comet Connector Trail, Battle of Atlanta Trail, and Westside Trail Projects.

3. If Applicable/Known:

(a) Contract Type: n/a

(b) Source Selection: n/a

(c) Bids/Proposals Due: n/a

- (d) Invitations Issued: n/a
- (e) Number of Bids: n/a
- (f) Proposals Received: n/a
- (g) Bidders/Proponents: n/a
- (h) Term of Contract: n/a

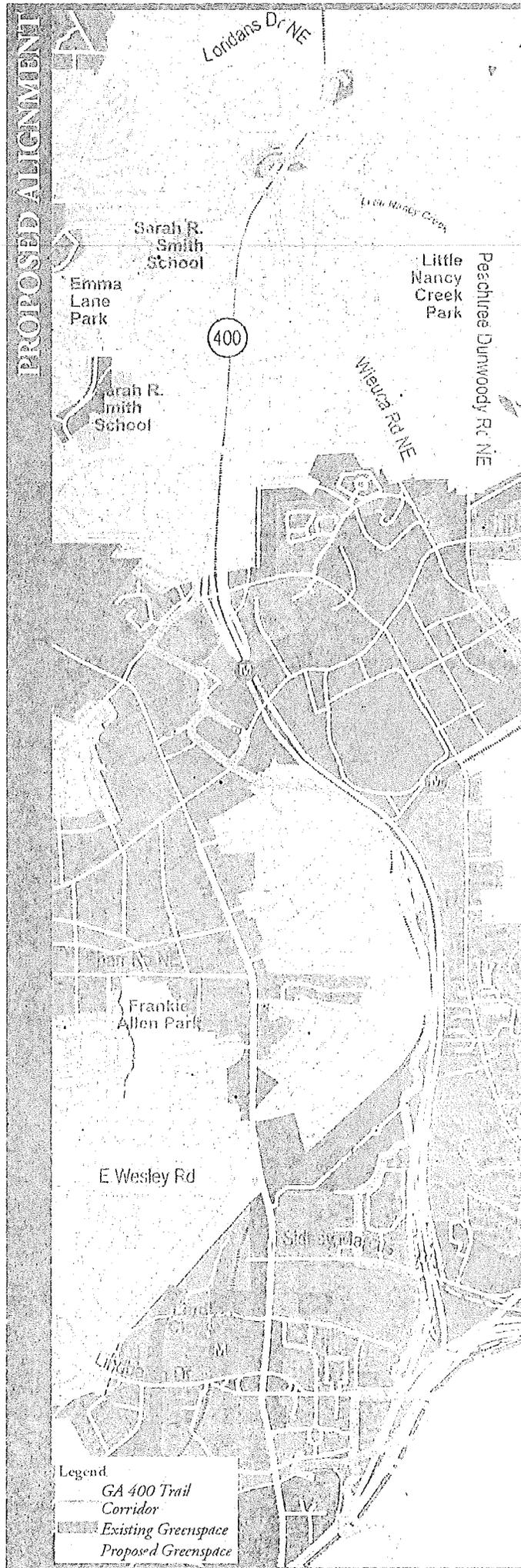
4. Fund Department Account Center:

5. Source of Funds:

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Dawn Riley



<p>Committee _____ Date _____ Chair _____ Referred To _____</p>	<p>First Reading</p>		<p>FINAL COUNCIL ACTION <input type="checkbox"/> 2nd <input type="checkbox"/> 1st & 2nd <input type="checkbox"/> 3rd Readings <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote</p>
<p>(Do Not Write Above This Line)</p> <p>AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE</p> <p>AN ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS, NECESSARY RIGHTS-OF-WAY, AND DONATED PARCELS FROM VARIOUS PROPERTY OWNERS FOR THE COMPLETION OF THE GEORGIA 400 TRAIL, SOUTHWEST ATLANTA BELTLINE TRAIL, SILVER COMET CONNECTOR TRAIL, BATTLE OF ATLANTA TRAIL AND WESTSIDE TRAIL PROJECTS AND TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO HAVE THE LEGAL AUTHORITY TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS, UP TO AND INCLUDING CONDEMNATION PROCEEDINGS, PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY C.C.G.A. SECTION 32-3-4; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY, TO HANDLE CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ Refer To _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ Refer To _____</p>	<p>CERTIFIED</p>
<p><input type="checkbox"/> CONSENT REFER</p> <p><input type="checkbox"/> REGULAR REPORT REFER</p> <p><input type="checkbox"/> ADVERTISE & REFER</p> <p><input type="checkbox"/> 1ST ADOPT 2ND READ & REFER</p> <p><input type="checkbox"/> PERSONAL PAPER REFER</p> <p>Date Referred _____ Referred To: _____</p> <p>Date Referred _____ Referred To: _____</p> <p>Date Referred: _____ Referred To: _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ Refer To _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ Refer To _____</p>	<p>MAYOR'S ACTION</p>

