CITY COUNCIL
ATLANTA, GEORGIA

13-O-1178

AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE 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 0.904 ACRE OF PROPERTY LOCATED AT 0 NORTH IVY ROAD FROM LIVABLE BUCKHEAD INC., OR THE CURRENT LAND OWNER, FOR THE PURPOSE OF CREATING A NEW PARK IN COUNCIL DISTRICT 7, IN AN AMOUNT NOT TO EXCEED NINETY-EIGHT THOUSAND DOLLARS ($98,000.00); THE CITY'S PURCHASE PRICE, CLOSING COSTS, DUE DILIGENCE, AND DEVELOPMENT COSTS SHALL BE PAID FROM PARK IMPACT FEE NORTH 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 NINETY-EIGHT THOUSAND DOLLARS ($98,000.00); AND FOR OTHER PURPOSES

LEGISLATION HISTORY – BLUE BACK

Review List:

Pamela Holmes	Completed	06/28/2013 9:43 AM
George Dusenbury	Completed	06/28/2013 12:33 PM
Mariangela Corales	Completed	06/28/2013 12:41 PM
Mayor's Office	Completed	06/28/2013 4:03 PM
Office of Research and Policy Analysis	Completed	07/01/2013 12:29 PM
Finance/Executive Committee	Completed	07/11/2013 11:42 AM
Atlanta City Council	Completed	07/17/2013 7:38 PM
Finance/Executive Committee	Pending	

HISTORY:

07/10/13	Finance/Executive Committee	
07/15/13	Atlanta City Council	REFERRED WITHOUT OBJECTION

RESULT:	**REFERRED WITHOUT OBJECTION BY CONSENT VOTE [10 TO 0]**
AYES:	Watson, Wan, Martin, Winslow, Moore, Young Jr., Bottoms, Bond, Archibong, Adrean
ABSENT:	Howard Shook, Joyce Sheperd
AWAY:	Carla Smith, H. Lamar Willis, Kwanza Hall

RESULT:	**REFERRED WITHOUT OBJECTION BY CONSENT VOTE [10 TO 0]**
AYES:	Watson, Wan, Martin, Winslow, Moore, Young Jr., Bottoms, Bond, Archibong, Adrean
ABSENT:	Howard Shook, Joyce Sheperd
AWAY:	Carla Smith, H. Lamar Willis, Kwanza Hall

Certified by Presiding Officer	Certified by Clerk
Mayor's Action *See Authentication Page Attachment*	

AN ORDINANCE
BY

AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE 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 0.904 ACRE OF PROPERTY LOCATED AT 0 NORTH IVY ROAD FROM LIVABLE BUCKHEAD INC., OR THE CURRENT LAND OWNER, FOR THE PURPOSE OF CREATING A NEW PARK IN COUNCIL DISTRICT 7, IN AN AMOUNT NOT TO EXCEED NINETY-EIGHT THOUSAND DOLLARS ($98,000.00); THE CITY'S PURCHASE PRICE, CLOSING COSTS, DUE DILIGENCE, AND DEVELOPMENT COSTS SHALL BE PAID FROM PARK IMPACT FEE NORTH 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 NINETY-EIGHT THOUSAND DOLLARS ($98,000.00); AND FOR OTHER PURPOSES

WHEREAS, Livable Buckhead, Inc., ("LBI") is negotiating for or has contracted for approximately 0.904 acres of property, located at 0 North Ivy Road, Atlanta, Georgia, Parcel Identification Number 17-0043-0001-045-7 (the "Property") for the purpose of creating a new park in Council District 7 (See attached Exhibit "A"); and

WHEREAS, LBI 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, LBI is a non-profit, 501(c)(3) organization, whose mission is to implement the Buckhead Collection Study by creating parks and conserving greenspace in Council District 7 and whose work involves working with the City 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 Livable Buckhead, Inc., or current landowner to purchase all or part of the real property located at 0 North Ivy Road, Atlanta, Georgia, Parcel Identification Number 17-0043-0002-045-7 (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

$98,000.00 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)

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

TOTAL $98,000.00

ADD TO AWARD INSTALLMENT

		SWMA Loan 9988/D.I.F. Parks-North
The amount of:	$98,000.00	350291109

TRANSFER TO APPROPRIATIONS						
PTAEO				GENERAL LEDGER		
PROJECT NUMBER	14201997	GREENSPACE PGM; PARKS		FUND	3502	GENERAL GOV. CAPITAL
TASK NUMBER	115	NORTH IVY ROAD		GL DEPT	140106	PRC PARKS DESIGN
AWARD NUMBER	350291109	SWMA LOAN 9987/ D.I.F. Parks-North		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 North

				GL FUNDING SOURCE	91109	SWMA LOAN 9987/ D.I. F. Parks-North

TOTAL $98,000.00

SECTION 4: The City's Purchase Price, Due Diligence and Purchase Services, in an amount not to exceed ninety eight thousand dollars ($98,000.00) shall be paid from Park Impact Fee North 14201997 (Project), 115 (Task), 350291109 (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.

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: June 21, 2013

Anticipated Committee Meeting Date(s): July 10, 2013, and July 31, 2013

Anticipated Full Council Date: August 19, 2013

Legislative Counsel's Signature:

Commissioner's Signature:

Chief Information Officer Signature (*for IT Procurements*)

Chief Procurement Officer Signature:

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 0.904 ACRES OF PROPERTY LOCATED AT 0 NORTH IVY ROAD FROM LIVABLE BUCKHEAD INC., OR THE CURRENT LAND OWNER, FOR THE PURPOSE OF CREATING A NEW PARK IN COUNCIL DISTRICT 7, IN AN AMOUNT NOT TO EXCEED NINETY EIGHT THOUSAND DOLLARS ($98,000.00); THE CITY'S PURCHASE PRICE, CLOSING COSTS, DUE DILIGENCE, AND DEVELOPMENT COSTS SHALL BE PAID FROM PARK IMPACT FEE NORTH 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 NINETY EIGHT THOUSAND DOLLARS ($98,000.00); AND FOR OTHER PURPOSES

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

Received by CPO: _____ (date) **Received by LC from CPO:** _____ (date)

Received by Mayor's Office: VJ 6/21/13 (date) **Reviewed by:** _____ (date)

Submitted to Council: _____ (date)

Rev. 020211

Attachment: North Ivy Attachments (13-O-1178 : An Ordinance authorizing the COA to waive the real estate code to purchase 0 North Ivy Road)

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 0.904 ACRES OF PROPERTY LOCATED AT 0 NORTH IVY ROAD FROM LIVABLE BUCKHEAD INC., OR THE CURRENT LAND OWNER, FOR THE PURPOSE OF CREATING A NEW PARK IN COUNCIL DISTRICT 7, IN AN AMOUNT NOT TO EXCEED NINETY EIGHT THOUSAND DOLLARS ($98,000.00); THE CITY'S PURCHASE PRICE, CLOSING COSTS, DUE DILIGENCE, AND DEVELOPMENT COSTS SHALL BE PAID FROM PARK IMPACT FEE NORTH 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 NINETY EIGHT THOUSAND DOLLARS ($98,000.00); AND FOR OTHER PURPOSES

Council Meeting Date: August 19, 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 0.904 acres of property located at 0 North Ivy Road from Livable Buckhead, Inc.or the current land owner for the purpose of creating a new park in Council District 7 in an amount not to exceed $98,000.

2. Please provide background information regarding this legislation.

Council District 7 has the least amount of public greenspace in the City. In an effort to add park land, this property was identified as an excellent choice for acquisition. This property is adjacent to the proposed 8 acre Mountain Way

Common located along GDOT ROW for GA 400 where it will connect to the proposed PATH 400 Trail currently in design. Livable Buckhead, Inc. has the property under contract and has agreed to sell it to the City for a price not to exceed Fair Market Value.

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 ninety eight thousand dollars ($98,000.00) shall be paid from Park Impact Fee North 14201997 (Project), 115 (Task), 350291109 (Award), 5411001 (Expense Type Land).

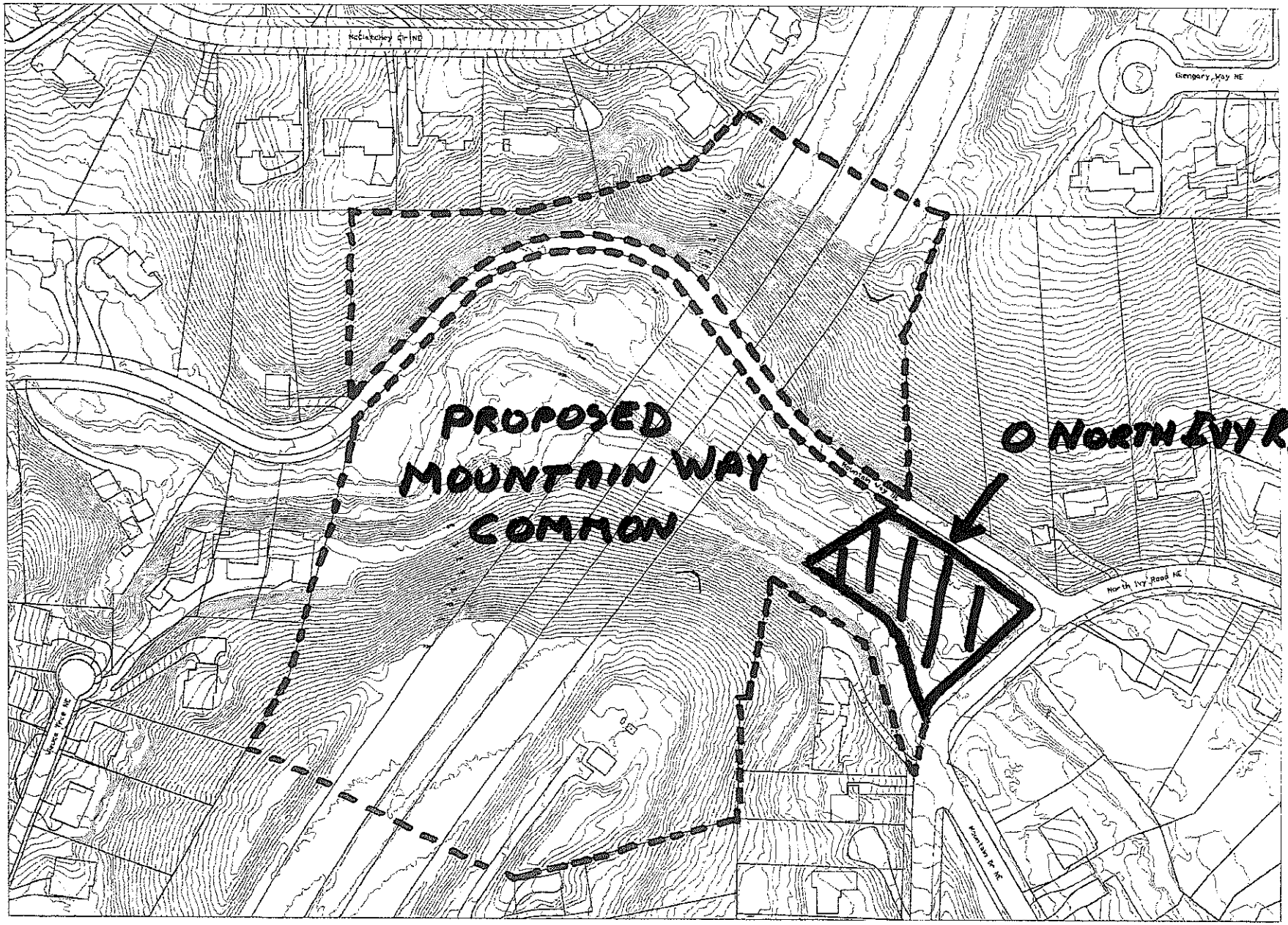
5. Source of Funds: Park Impact Fee North

6. Fiscal Impact:

This legislation will result in a reduction in an amount not to exceed $98,000 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.



0 NORTH IVY ROAD AT MOUNTAIN WAY

(Do Not Write Above This Line)

First Reading

Committee_____
Date_____
Chair_____
Referred To_____

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd Readings

☐ Consent ☐ V Vote ☐ RC Vote

AN ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE

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

CERTIFIED

☐ 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:

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

MAYOR'S ACTION