

AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE WAIVING THE APPRAISAL REQUIREMENT CONTAINED IN §2-1574 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA (“CODE”) AS WELL AS ANY OTHER CONFLICTING CODE PROVISIONS AND AUTHORIZING THE MAYOR TO GRANT EASEMENTS TO FULTON COUNTY, GEORGIA FOR PROPERTY LOCATED ADJACENT TO OLD NATIONAL HIGHWAY, NEAR HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT IN LAND LOT 68 OF THE 13TH DISTRICT, FULTON COUNTY; AND FOR OTHER PURPOSES.

Review List:

Richard Rubin	Completed	08/15/2013 4:27 PM
Louis Miller	Completed	08/16/2013 8:32 AM
Mayor's Office	Completed	08/16/2013 9:59 AM
Office of Research and Policy Analysis	Completed	08/20/2013 9:56 AM
Finance/Executive Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

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

LEGISLATION HISTORY – BLUE BACK

**AN ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE WAIVING THE APPRAISAL REQUIREMENT CONTAINED IN §2-1574 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA (“CODE”) AS WELL AS ANY OTHER CONFLICTING CODE PROVISIONS AND AUTHORIZING THE MAYOR TO GRANT EASEMENTS TO FULTON COUNTY, GEORGIA FOR PROPERTY LOCATED ADJACENT TO OLD NATIONAL HIGHWAY, NEAR HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT IN LAND LOT 68 OF THE 13TH DISTRICT, FULTON COUNTY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the “City”) owns and operates Hartsfield-Jackson Atlanta International Airport (“Airport”) including two parcels of land located on Old National Highway, Fulton County, Georgia (the “Land”); and

WHEREAS, Fulton County Georgia seeks permanent and temporary easements and the City desires to grant a permanent construction and maintenance easement of approximately 174.27 square feet of the Land and a temporary construction easement of approximately 500 square feet of the Land (“Easements”), all for the purpose of improving Old National Highway; and

WHEREAS, Fulton County, Georgia and the Department of Aviation agree that the size of the permanent easement is de minimis, the temporary easement has no value, and the need to determine the fair market value of the permanent easement by appraisal is unnecessary and cost prohibitive; and

WHEREAS, Fulton County, Georgia has offered to purchase the permanent construction and maintenance easement for \$500.00; and

WHEREAS, the Department of Aviation has determined that sale of the permanent easement to Fulton County Georgia for the sum of \$500.00 is fair, reasonable and in the best interests of the City; and

WHEREAS, the Department of Aviation is requesting a waiver of the Code as it relates to the requirement to obtain an appraisal to determine the fair market value of the easement; and

WHEREAS, the Georgia Department of Transportation (“GDOT”) will perform the road improvement on behalf of Fulton County, Georgia.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS that the Mayor is authorized to execute any and all documents or legal instruments to sell the permanent construction and maintenance easement and transfer the temporary easement to Fulton County, Georgia.

SECTION 1: The Mayor is authorized to convey these interests in an amount not less than \$500.00.

SECTION 2: That all ordinances or parts of ordinances in conflict with this ordinance, including but not limited to Code §2-1574, are hereby waived to the extent of the conflict.

SECTION 3: Proceeds received by the City from the sale of said easement to Fulton County Georgia are to be deposited to 5501 (Airport Revenue Fund) 000002 (Revenue Department) 3921001 (Proceeds of Sale of Capital) 7563000 (Airport).

SECTION 4: That the City Attorney is authorized to prepare all necessary agreements and that the City shall incur no liability under such agreements until the agreements have been executed by the Mayor, attested to by the Municipal Clerk, and approved as to form by the City Attorney and delivered to the appropriate parties.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Anita Williams

Contact Number: 404-530-6600

Originating Department: Aviation

Committee(s) of Purview: Finance/Executive

Chief of Staff Deadline: 08/09/13

Anticipated Committee Meeting Date(s): 08/28/13

Anticipated Full Council Date: 09/03/13

Legislative Counsel's Signature: Richard Rubin, Senior Assistant City Attorney

Commissioner's Signature: Louis Miller

Chief Financial Officer: N/A

Chief Information Officer Signature (for IT Procurements) N/A

Chief Procurement Officer Signature: N/A

CAPTION

AN ORDINANCE WAIVING THE APPRAISAL REQUIREMENT CONTAINED IN §2-1574 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA ("CODE") AS WELL AS ANY OTHER CONFLICTING CODE PROVISIONS AND AUTHORIZING THE MAYOR TO GRANT EASEMENTS TO FULTON COUNTY, GEORGIA FOR PROPERTY LOCATED ADJACENT TO OLD NATIONAL HIGHWAY, NEAR HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT IN LAND LOT 68 OF THE 13th DISTRICT, FULTON COUNTY; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any) \$500.00

Mayor's Staff Only

Received by CPO: (date)

Received by LC from CPO: (date)

Received by Mayor's Office: 7.26.13 (date)

Reviewed by: (date)

Submitted to Council: (date)

Legislative White Paper

Committee of Purview: Transportation

Caption:

AN ORDINANCE WAIVING THE APPRAISAL REQUIREMENT CONTAINED IN §2-1574 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA (“CODE”) AS WELL AS ANY OTHER CONFLICTING CODE PROVISIONS AND AUTHORIZING THE MAYOR TO GRANT EASEMENTS TO FULTON COUNTY, GEORGIA FOR PROPERTY LOCATED ADJACENT TO OLD NATIONAL HIGHWAY, NEAR HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT IN LAND LOT 68 OF THE 13th DISTRICT, FULTON COUNTY; AND FOR OTHER PURPOSES.

Council Meeting Date: 09/03/13

Legislation Title: Old National Streetscape Easements

Requesting Dept.: Aviation

Contract Type: N/A

Source Selection: N/A

Bids/Proposals Due: N/A

Invitations Issued: N/A

Number of Bids/

Proposals Received: N/A

Bidders/Proponents: N/A

Background: Fulton County has implemented a Streetscape project for the purposes of substantially improving the corridor along the Old National Highway adjacent to Hartsfield-Jackson Atlanta International Airport (Airport). This project includes creating both temporary and permanent easements along the corridor on a number of parcels of land two of which are owned by the Airport. These parcels were acquired many years ago as a part of the noise abatement program and are unimproved.

Fulton County needs two (2) easements from the Airport:

- 1) A temporary construction easement that has no value
- 2) A permanent driveway easement of approximately 174.25 square feet

The Department of Aviation has had several informal discussions with an appraiser regarding this transaction and has been advised that the offer made by Fulton County appears to be

more than fair particularly in light of the fact that the Streetscape project will enhance the value of both parcels owned by the Airport. As a result, the Department of Aviation has determined that sale of the permanent driveway easement to Fulton County Georgia for the sum of \$500.00 is fair, reasonable and in the best interests of the City.

Fund Account Center: Proceeds received by the City from the sale of said easement to Fulton County Georgia are to be deposited to 5501 (Airport Revenue Fund) 000002 (Revenue Department) 3921001 (Proceeds of Sale of Capital) 7563000 (Airport).

Source of Funds: N/A

Fiscal Impact: \$500.00

Term of Contract: N/A

Method of Cost Recovery: N/A

Approvals:

DOF: yes

DOL: yes

Prepared By: Anita Williams

Contact Number: 404-382-2313

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:

Caption:

Council Meeting Date:

Requesting Dept.:

FAC Confirmed by:

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 execution of a temporary and a permanent easement agreement to Fulton County.

2. Please provide background information regarding this legislation.

Fulton County has implemented a Streetscape project for the purposes of substantially improving the corridor along the Old National Highway adjacent to Hartsfield-Jackson Atlanta International Airport (Airport). This project includes creating both temporary and permanent easements along the corridor on a number of parcels of land two of which are owned by the Airport. These parcels were acquired many years ago as a part of the noise abatement program and are unimproved.

Fulton County needs two (2) easements from the Airport;

- 1) A temporary construction easement that has no value
- 2) A permanent driveway easement of approximately 174.25 square feet

Fulton County, through its consultant, Harvey Booker, has determined that there is no value associated with the temporary easement and has made an offer of \$500 for the permanent driveway easement. Both Fulton County and the Department of Aviation agree that the size of the permanent easement is de minimis and the need to determine the fair market value of the easement is unnecessary and cost prohibitive. Cost quotes received from qualified MAI appraisers to assess the value of the permanent driveway easement ranged from \$2800 to \$3100 far exceeding the offer made by Fulton County.

The Department of Aviation has had several informal discussions with an appraiser regarding this transaction and has been advised that the offer made by Fulton County appears to be more than fair particularly in light of the fact that the Streetscape project will enhance the value of both of the parcels owned by the Airport. As a result, the Department of Aviation has determined that sale of the permanent driveway easement to Fulton County Georgia for the sum of \$500.00 is fair, reasonable and in the best interests of the City.

3. If Applicable/Known:

- (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: N/A

4. Fund Account Center (Ex. Name and number):

5501 (Airport Revenue Fund) 000002 (Revenue Department) 3921001 (Proceeds of Sale of Capital) 7563000 (Airport)

5. Source of Funds: Example: Local Assistance Grant

6. Fiscal Impact: N/A

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery: N/A

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.

This Legislative Request Form Was Prepared By: David Sellers