

AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE WAIVING ANY CONFLICTING PROVISIONS OF ARTICLE X, DIVISION 14, SUBSECTION III OF THE ATLANTA CITY CODE OF ORDINANCES AND AUTHORIZING THE MAYOR ON BEHALF OF THE CITY OF ATLANTA TO EXECUTE APPROPRIATE DOCUMENTS CONVEYING TEMPORARY CONSTRUCTION EASEMENTS TO THE ATLANTA INDEPENDENT SCHOOL SYSTEM (“APS”) TO ALLOW APS’ CONSTRUCTION OF A PARKING LOT AT FREEDOM PARK AND AUTHORIZING ACCEPTANCE OF THE COMPLETED PARKING LOT FROM APS AS A DONATION TO THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Review List:

George Dusenbury	Completed	10/18/2013 3:06 PM
Mariangela Corales	Completed	10/21/2013 10:12 AM
Mayor's Office	Completed	10/21/2013 10:21 AM
Office of Research and Policy Analysis	Completed	10/21/2013 11:12 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 ANY CONFLICTING PROVISIONS OF ARTICLE X, DIVISION 14, SUBSECTION III OF THE ATLANTA CITY CODE OF ORDINANCES AND AUTHORIZING THE MAYOR ON BEHALF OF THE CITY OF ATLANTA TO EXECUTE APPROPRIATE DOCUMENTS CONVEYING TEMPORARY CONSTRUCTION EASEMENTS TO THE ATLANTA INDEPENDENT SCHOOL SYSTEM (“APS”) TO ALLOW APS’ CONSTRUCTION OF A PARKING LOT AT FREEDOM PARK AND AUTHORIZING ACCEPTANCE OF THE COMPLETED PARKING LOT FROM APS AS A DONATION TO THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, Pursuant to Ordinance 92-O-0905 adopted by the Atlanta City Council on June 15, 1992 and approved by the Mayor on June 17, 1992 the City of Atlanta (the “City”) entered into a settlement agreement with Georgia Department of Transportation (“GDOT”) and The Citizens Group Known as Caution, Inc., (the “Settlement Agreement”); and

WHEREAS, on March 30, 1998, the City, GDOT and the Freedom Park Conservancy-Caution Inc., entered into the Consent Agreement Freedom Parkway Property Disposition (the “Consent Agreement”); and

WHEREAS, pursuant to the Settlement Agreement and the Consent Agreement the City and GDOT entered into a 99 year lease dated September 28, 1998, (the “Lease”) whereby the City leases from GDOT the property known today as Freedom Park located at Candler Park Avenue and North Avenue and as more particularly described in Exhibit A attached hereto (the “Park”); and

WHEREAS, Section 4.1 of the Lease requires the City to “provide for parking for visitors” at the Park; and

WHEREAS, the City has determined there is a need for additional parking at the Park to accommodate an increased number visitors and the proposed parking lot will be the trailhead of a newly constructed trail as more particularly described in Exhibit B attached hereto (the “Project”); and

WHEREAS, The Mary Lin Elementary School which is owned and operated by APS, abuts the Park and in an effort to be a good neighbors and support the City, APS desires to donate the design and construction of the Project; and

WHEREAS, the Project is not only permissible under the Lease, but also a Lease requirement under Section 4.1; and

WHEREAS, the Project will greatly benefit the City, the Park and all who visit the Park and by accepting APS’ donation the City will incur no financial obligation in connection with the Project; and

WHEREAS, the Commissioner of Parks and Recreation and the Chief Procurement Officer have recommended that the City execute the necessary documents to effectuate the Project and accept the donation.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That the Mayor is hereby authorized to execute any and all appropriate documents conveying temporary construction easements as shown on Exhibit C in favor of APS to enable the Project at the Park.

SECTION 2: That the Project will be constructed by APS at no cost to the City.

SECTION 3: That all plans for the Project shall be approved in advance by the City and APS shall obtain all requisite approvals for the Project.

SECTION 4: That Article X, Division 14, Subsection III of the Atlanta City Code is hereby waived to the extent of any conflict with this Ordinance.

SECTION 5: That the City Attorney is directed to prepare appropriate documents for execution by the Mayor.

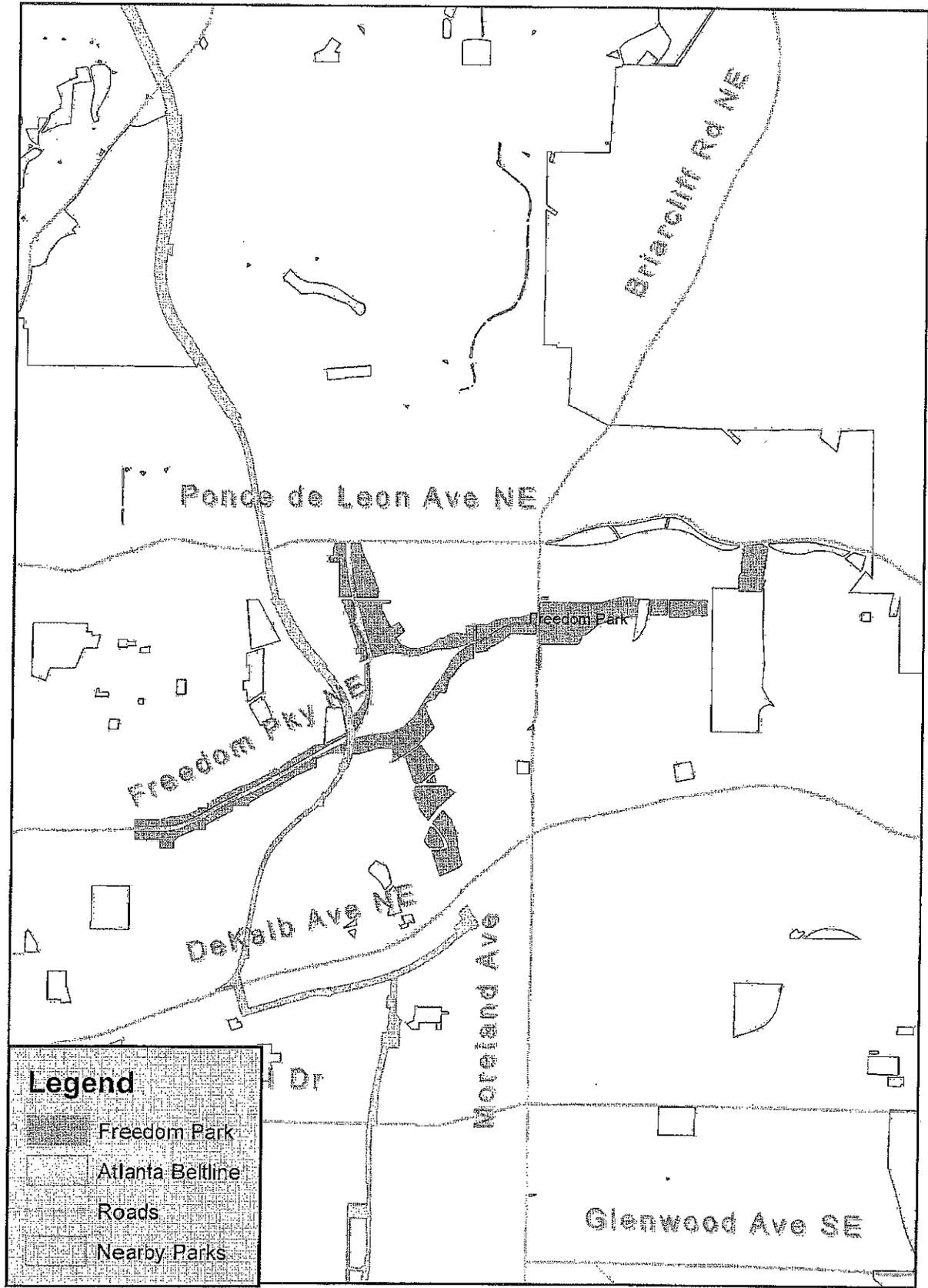
SECTION 6: That the documents will not become binding on the City and the City will incur no obligation or liability under them until they have been executed by the Mayor, approved as to form by the City Attorney and delivered to APS.

SECTION 7: That the Mayor, on behalf of the City is hereby authorized to accept the Project as a donation to the City from APS.

SECTION 8: That all ordinances or parts of ordinances in conflict with this are waived to the extent of the conflict.

Exhibit A

Freedom Park



Legend

-  Freedom Park
-  Atlanta Beltline
-  Roads
-  Nearby Parks

0.45 0.225 0 0.45 Miles

Park Design 10/9/13

Attachment: Freedom Park Exhibits (13-O-1360 : An Ordinance waiving the code to allow for construction and donation of parking lot at

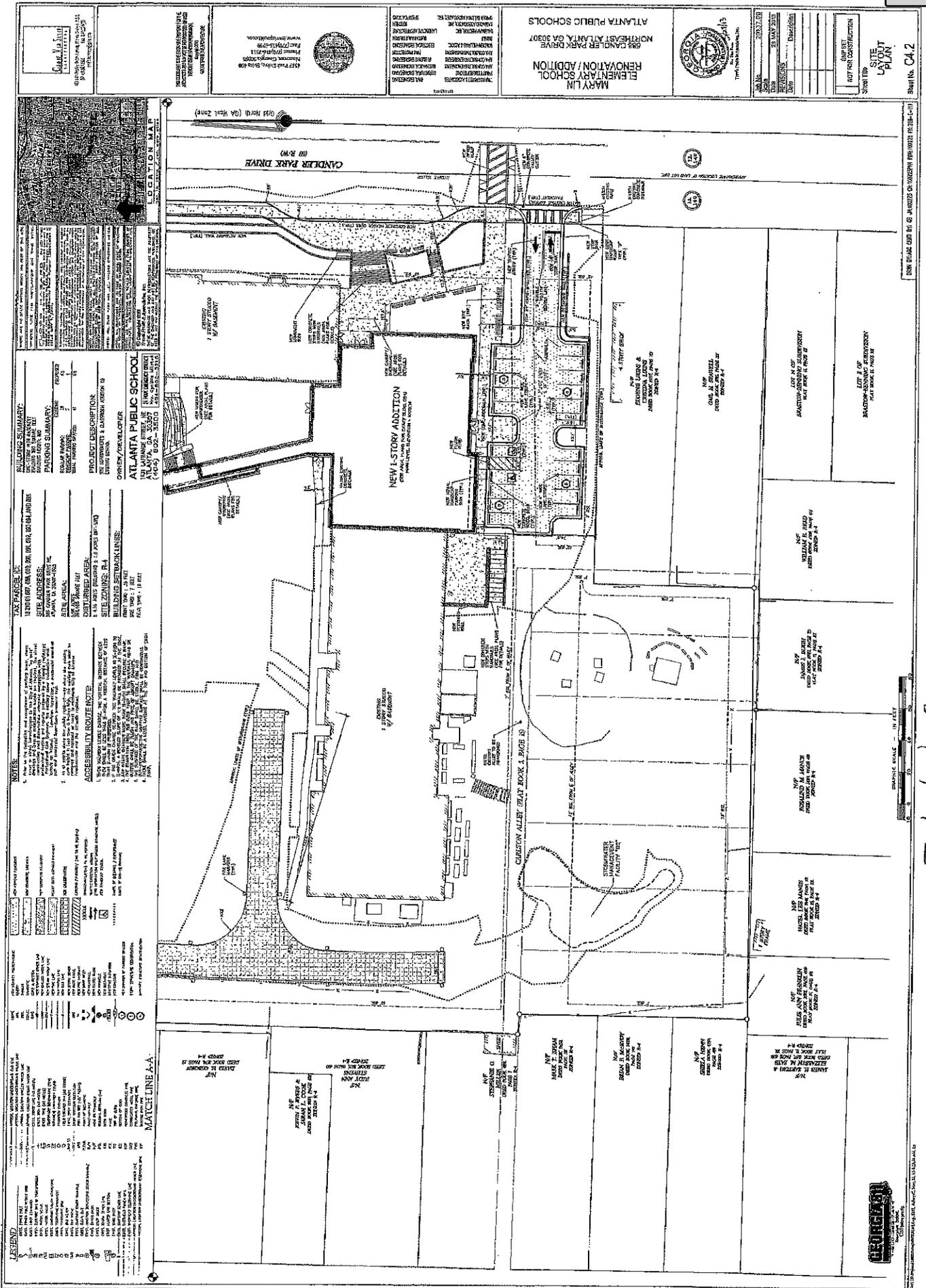


Exhibit B

Attachment: Freedom Park Exhibits (13-O-1360 : An Ordinance waiving the code to allow for construction and donation of parking lot at

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 and Recreation

Committee(s) of Purview: Finance Executive Committee

Chief of Staff Deadline: October 11, 2013

Anticipated Committee Meeting Date(s): October 30, 2013 & November 13, 2013

Anticipated Full Council Date: November 18, 2013

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature]

Chief Financial Officer: _____

Chief Information Officer Signature (for IT Procurements): _____

Chief Procurement Officer Signature: _____

CAPTION
AN ORDINANCE
BY FINANCE EXECUTIVE COMMITTEE

AN ORDINANCE WAIVING ANY CONFLICTING PROVISIONS OF ARTICLE X, DIVISION 14, SUBSECTION III OF THE ATLANTA CITY CODE OF ORDINANCES AND AUTHORIZING THE MAYOR ON BEHALF OF THE CITY OF ATLANTA TO EXECUTE APPROPRIATE DOCUMENTS CONVEYING TEMPORARY CONSTRUCTION EASEMENTS TO THE ATLANTA INDEPENDENT SCHOOL SYSTEM ("APS") TO ALLOW APS' CONSTRUCTION OF A PARKING LOT AT FREEDOM PARK AND AUTHORIZING ACCEPTANCE OF THE COMPLETED PARKING LOT FROM APS AS A DONATION TO THE CITY OF ATLANTA; 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: 10-11-13 (date)

Reviewed by: [Signature] (date)

Submitted to Council: _____ (date)