

14-C-1119

(Do Not Write Above This Line)

AN ORDINANCE BY
FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ALL APPROPRIATE DOCUMENTS FOR THE ACQUISITION OF TEMPORARY AND PERMANENT EASEMENT INTERESTS OR OTHER PROPERTY INTERESTS NECESSARY FOR THE EXPANSION OF THE GUN CLUB LANDFILL COMPLIANCE BOUNDARY, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS; AUTHORIZING NEGOTIATIONS WITH SUCH PROPERTY OWNERS FOR THE ACQUISITION OF SUCH PROPERTY INTERESTS; AUTHORIZING TITLE SEARCHES, APPRAISALS, SURVEYS, ENVIRONMENTAL STUDIES AND ANY OTHER ITEMS NECESSARY FOR THE ACQUISITION OF SUCH PROPERTY INTERESTS; AUTHORIZING THE MAYOR AND THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §22-3-140 OR OTHER CONDEMNATION METHOD, AS MAY BE APPROPRIATE, PURSUANT TO O.C.G.A. §22-2-1, ET SEQ.; WAIVING ARTICLE X, REAL ESTATE AND PROCUREMENT CODE, OF THE CITY OF ATLANTA CODE OF ORDINANCES; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER LISTED HEREIN; AND FOR OTHER PURPOSES.

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred: 3/3/14
 Referred To: Finance/Exec
 Date Referred:
 Referred To:
 Date Referred:
 Referred To:

Committee: *Finance/Executive*
 Date: *3-1-14*
 Chair: *[Signature]*
 Referred To: *[Signature]*

Quantity: *3*
 Date: *3-1-14*
 Chair: *[Signature]*
 Action: *[Signature]*
 Fav. Adv. Hold (see rev. side)
 Other:

Member: *[Signature]*
 Member: *[Signature]*
 Member: *[Signature]*
 Refer To: *[Signature]*

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

ADOPTED BY

MAR 17 2014

COUNCIL

Refer To

Committee

Date
 Chair
 Action
 Fav. Adv. Hold (see rev. side)
 Other

Members

Refer To

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Consent V Vote R/C Vote

CERTIFIED
 MAR 17 2014
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 MAR 17 2014
[Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION
APPROVED
 MAR 26 2014
 WITHOUT SIGNATURE
 BY OPERATION OF LAW

AN ORDINANCE

BY FINANCE/EXECUTIVE COMMITTEE

14-O-1119

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ALL APPROPRIATE DOCUMENTS FOR THE ACQUISITION OF TEMPORARY AND PERMANENT EASEMENT INTERESTS OR OTHER PROPERTY INTERESTS NECESSARY FOR THE EXPANSION OF THE GUN CLUB LANDFILL COMPLIANCE BOUNDARY, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS; AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS FOR THE ACQUISITION OF SUCH PROPERTY INTERESTS; AUTHORIZING TITLE SEARCHES, APPRAISALS, SURVEYS, ENVIRONMENTAL STUDIES AND ANY OTHER ITEMS NECESSARY FOR THE ACQUISITION OF SUCH PROPERTY INTERESTS; AUTHORIZING THE MAYOR AND THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §22-3-140 OR OTHER CONDEMNATION METHOD, AS MAY BE APPROPRIATE, PURSUANT TO O.C.G.A. §22-2-1, ET SEQ.; WAIVING ARTICLE X, REAL ESTATE AND PROCUREMENT CODE, OF THE CITY OF ATLANTA CODE OF ORDINANCES; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER LISTED HEREIN; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (“City”) owns the Gun Club Road Landfill, a closed municipal solid waste landfill, at 1401 Gun Club Road, Fulton County, Atlanta, Georgia, (the “Landfill”); and

WHEREAS, in order to comply with the Georgia Environmental Protection Division (“Georgia EPD”) regulations regarding the closed landfill, the City needs to expand its current Post closure care compliance boundaries to fully monitor landfill gas and demonstrate gas control; and

WHEREAS, three (3) properties along Mack Drive, N.W., adjacent to the Landfill, prohibit the City from complying with the Georgia EPD post closure care requirements; and

WHEREAS, as a result, the City is not able to fully monitor the Landfill and install the required gas control system; and

WHEREAS, the Department of Public Works has identified the need to acquire certain temporary construction easements, permanent easements, and other property interests (“Property Interests”) for the purpose of complying with the Georgia EPD landfill post closure care requirements on and within certain properties, as identified particularly in the chart, attached as Exhibit “A”; and

WHEREAS, it is in the City’s best interest to authorize the Mayor, or his authorized designee, to negotiate in good faith with the adjacent property owners and to acquire the Property Interests necessary to comply with the Georgia EPD landfill post closure care requirements; and

WHEREAS, should good faith negotiations fail, it is necessary to acquire the Property Interests through condemnation proceedings and specifically through the use of the Declaration of Takings method, pursuant to O.C.G.A. §22-3-140, as may be required to acquire the Property Interests necessary for compliance with the Georgia EPD landfill post closure care requirements; and

WHEREAS, the Procurement and Real Estate Code of the City Code of Ordinances, Article X, requires the City to purchase property at fair market value, as established by a certified appraisal, or the “established just compensation” (“EJC”); and

WHEREAS, there are occasions where it may be in the City’s best interests to acquire the Property Interests at less than the EJC, if such is offered by a property owner after being informed of the EJC; and, alternatively, it may be in the City’s best interests to negotiate an amount greater than the EJC for purposes of acquiring the needed Property Interests to avoid the costs and expense of litigation.

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

SECTION 1. The Mayor, or his authorized designee, is authorized to negotiate with the affected property owners of the properties designated in Exhibit “A” and take appropriate actions necessary to acquire the Property Interests necessary to comply with the Georgia EPD landfill post closure care requirements.

SECTION 2. If negotiations with said property owners are successful, the Mayor, or his authorized designee, is authorized to execute all documents on behalf of the City as may be necessary to acquire the Property Interests necessary for compliance with the Georgia EPD landfill post closure care requirements and to effectuate the purposes of this Ordinance.

SECTION 3. The City Attorney, or her authorized designee, is authorized to monitor and supervise the transactions associated with all legal proceedings and actions concerning the acquisition of the Property Interests necessary for compliance with the Georgia EPD landfill post closure care requirements.

SECTION 4. If good faith negotiations with affected property owners of the properties designated in Exhibit “A” are not successful, the City Attorney, or her designee, is authorized to use all means necessary and specifically by condemnation proceedings pursuant to the Declaration of Taking method, pursuant to O.C.G.A. § 22-3-140, or by the consent of the owners through such other method as may be legally appropriate to acquire the Property Interests necessary for compliance with the Georgia EPD landfill post closure care requirements.

SECTION 5. The costs associated with this Ordinance shall be charged to and paid from FDOA: 5402 (Solid Waste R&E Fund) 130541 (DPW Landfill Closure & Post Closure Care) 5411002 (Easements) 4560000 (Closure & Post Closure Care).

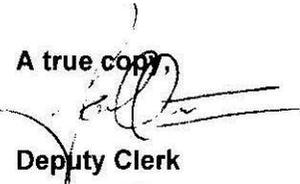
SECTION 6. Article X, Real Estate and Procurement Code, of the City of Atlanta Code of Ordinances, specifically including and without limitation, "Division 14. Real Estate" is hereby waived to the extent applicable to meet the intent and purpose of this Ordinance so that all authorizations granted in this Ordinance are granted without the need for prior or further authorization of City Council so that the Property Interests can be acquired in a timely fashion to meet the requirements of compliance with the Georgia EPD landfill post closure care requirements.

SECTION 7. The Mayor, or his designee, is authorized to acquire the Property Interests at an amount less than the EJC, if such amount is offered by a property owner after being informed of the EJC; and is further authorized to settle acquisitions of the Property Interests in an amount not to exceed ten percent (10%) above the EJC, if such is in the best interests of the City to avoid the costs and expense of litigation.

SECTION 8. The Mayor, or his designee, is authorized to perform and obtain title searches, appraisals, surveys, environmental studies and any other tasks necessary for the acquisition of the Property Interests.

SECTION 9. All ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

A true copy


Deputy Clerk

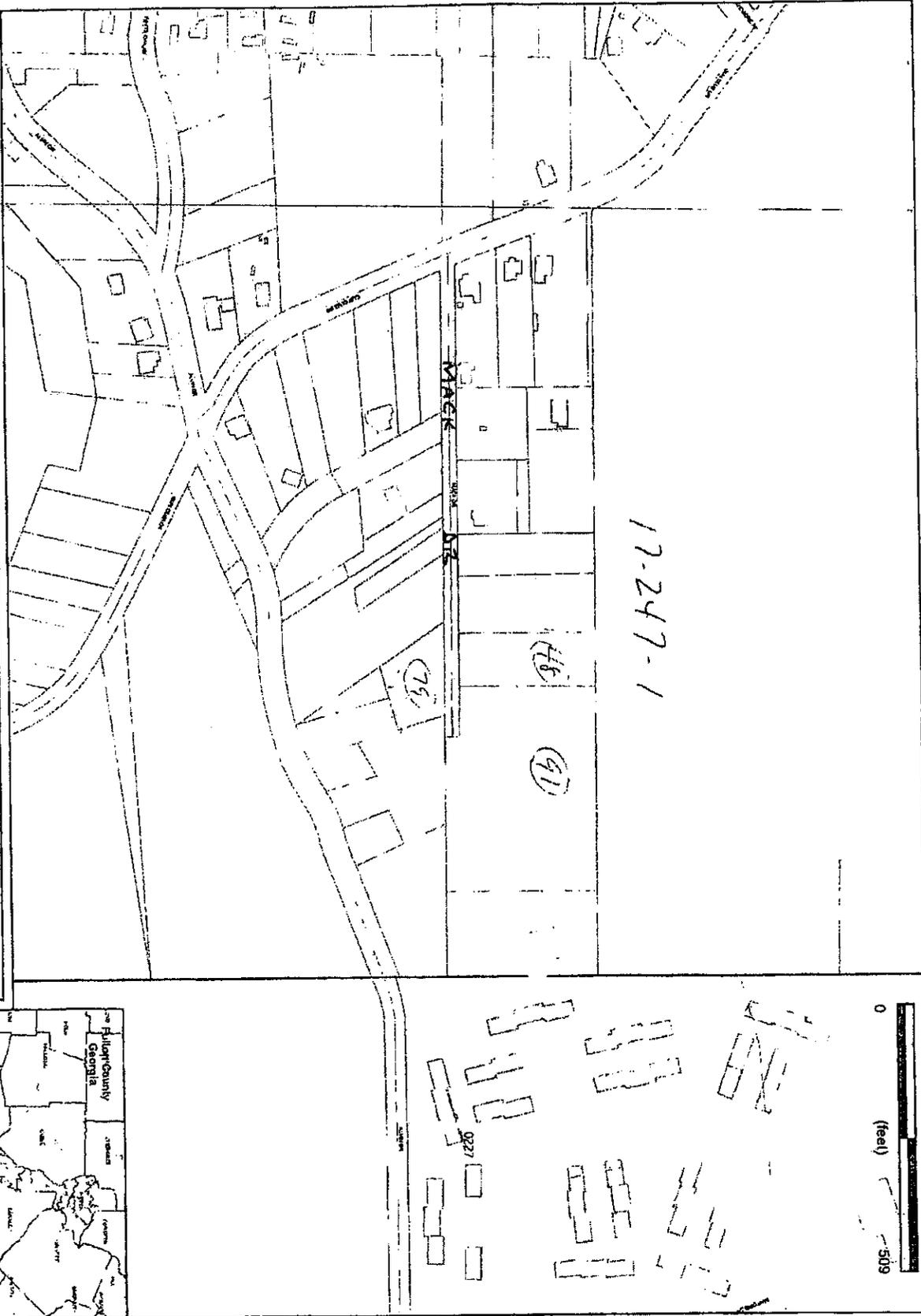
ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

MAR 17, 2014
MAR 26, 2014

Exhibit "A"

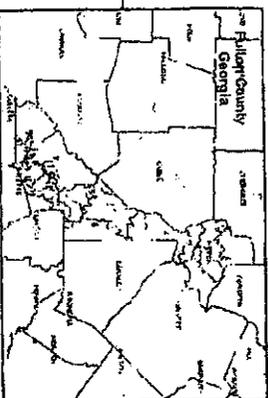
Land Area Summary

		Square	
	Tax Parcel No.	Feet	Acres
Mack Dr Northeast Portion	17-247-10-91-5	74,478	1.7098
Mack Dr Northwest Portion	17-247-10-48-5	39,548	0.9079
Gore	NA	13,140	0.3017
Mack Dr Southern Portion	17-247-10-79-0	<u>19,118</u>	<u>0.4389</u>
Total Land Area		146,284	3.3582



Prepared by Fulton County Department of
 Enforcement and Community Development
 Support Services Division
 using Geographic Information System
 Date: 07/23/15

Fulton County provides the data within this page for your personal use "as is".
 The data is not guaranteed to be accurate, correct, or complete.



RCS# 180
3/17/14
4:19 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I: EXCEPT
14-0-1114;1135; 1136
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	NV Norwood
Y Young	Y Shook	B Bottoms	Y Dickens
NV Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

RCS# 181
3/17/14
4:21 PM

Atlanta City Council

CONSENT I

14-0-1114;1135; 1136
ADOPT

YEAS: 9
NAYS: 2
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	N Moore	Y Bond
NV Hall	N Wan	Y Martin	NV Norwood
Y Young	Y Shook	B Bottoms	Y Dickens
NV Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

+

		03-17-14
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 14-O-1119	34. 14-R-3298	
2. 14-O-1120	35. 14-R-3299	
3. 14-O-1140	36. 14-R-3300	
4. 14-O-1141	37. 14-R-3301	
5. 14-O-1142	38. 14-R-3302	
6. 14-O-1143	39. 14-R-3303	
7. 14-O-1144	40. 14-R-3304	
8. 14-O-1145	41. 14-R-3305	
9. 14-O-1146	42. 14-R-3306	
10. 14-O-1147	43. 14-R-3307	
11. 14-O-1121	44. 14-R-3308	
12. 14-O-1122	45. 14-R-3309	
13. 14-O-1123	46. 14-R-3310	
14. 14-O-1124	47. 14-R-3311	
15. 14-O-1131	48. 14-R-3312	
16. 14-R-3314	49. 14-R-3313	
17. 14-R-3315		
18. 14-R-3316		
19. 14-R-3317		
20. 14-R-3289		
21. 14-R-3290		
22. 14-R-3291		
23. 14-R-3285		
24. 14-R-3286		
25. 14-R-3287		
26. 14-R-3288		
27. 14-R-3318		
28. 14-R-3292		
29. 14-R-3293		
30. 14-R-3294		
31. 14-R-3295		
32. 14-R-3296		
33. 14-R-3297		