

**AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE 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.**

**Workflow List:**

Santana Kempson Wright	Completed	02/18/2014 1:31 PM
Rita Braswell	Completed	02/18/2014 1:37 PM
Richard Mendoza	Completed	02/18/2014 2:32 PM
Saul Schultz	Completed	02/18/2014 5:16 PM
Mayor's Office	Completed	02/18/2014 5:19 PM
Office of Research and Policy Analysis	Completed	02/19/2014 11:27 AM
Finance/Executive Committee	Completed	02/26/2014 2:51 PM
Atlanta City Council	Completed	03/05/2014 5:25 PM
Finance/Executive Committee	Pending	
Mayor's Office	Pending	

**HISTORY:**

02/26/14	Finance/Executive Committee	
03/03/14	Atlanta City Council	REFERRED TO COMMITTEE

<b>RESULT:</b>	<b>REFERRED TO COMMITTEE [12 TO 0]</b>	<b>Next: 3/12/2014 1:00 PM</b>
<b>AYES:</b>	Bond, Norwood, Dickens, Smith, Young Jr., Archibong, Wan, Shook, Adrean, Moore, Martin, Sheperd	
<b>ABSENT:</b>	Cleta Winslow	
<b>AWAY:</b>	Kwanza Hall, Keisha Lance Bottoms	

**RESULT:** REFERRED TO COMMITTEE [12 TO 0]      **Next: 3/12/2014 1:00 PM**  
**AYES:** Bond, Norwood, Dickens, Smith, Young Jr., Archibong, Wan, Shook, Adrean,  
 Moore, Martin, Sheperd  
**ABSENT:** Cleta Winslow  
**AWAY:** Kwanza Hall, Keisha Lance Bottoms

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

**AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE 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.

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: City Utilities Committee

Chief of Staff Deadline: February 7, 2014

Anticipated Committee Meeting Date(s): February 25, 2014

Anticipated Full Council Date: March 3, 2014

Legislative Counsel's Signature: Stefanie Grant

Commissioner's Signature: [Signature]

Chief Financial Officer: n/a

Chief Information Officer Signature (for IT Procurements): n/a

Chief Procurement Officer Signature: n/a

**CAPTION**

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.

FINANCIAL IMPACT: n/a

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ (date)

Received by LC from CPO: \_\_\_\_\_ (date)

Received by Mayor's Office: [Signature] 2-7-14 (date)

Reviewed by: [Signature] (date)

Submitted to Council: \_\_\_\_\_ (date)

Attachment: Gun Club Landfill (14-O-1119 : Gun Club Road Landfill Easement Interest)

**AN ORDINANCE  
BY CITY UTILITIES 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 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.**

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**WHEREAS**, three (3) properties along Mack Drive, N.W., adjacent to the Landfill, prohibit the City from complying with the 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

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

**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 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.

**Committee of Purview:** City Utilities Committee

**Committee Meeting Date:** February 25, 2014

**Council Meeting Date:** March 3, 2014

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

This legislation is to request the acquisition of temporary and permanent easement interest for the necessary expansion of the Gun Club Road Landfill in order to fully monitor landfill gas and demonstrate gas control as required by Georgia Environmental Protection Division (EPD) regulations.

**2. Please provide background information regarding this legislation.**

Currently three (3) properties along Mack Drive, NW, adjacent to the Landfill, prohibit the City from complying with the post closure care requirements. The City is not able to fully monitor the Landfill and install the required gas control because of these properties.

**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:**
- (h) **Term of Contract:**

**4. Fund Department Account Center:** 5402 (Solid Waste R&E Fund) 130541 (DPW Landfill Closure & Post Closure Care) 5411002 (Easements) 4560000 (Closure & Post Closure Care).

**5. Source of Funds:**

**6. Fiscal Impact: Fair Market Value**

**7. Method of Cost Recovery:**

**This Legislative Request Form Was Prepared By:** Carla Lipscomb, SWS- DPW

## 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

