

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 0.15 ACRES OF PROPERTY LOCATED AT 133 DEARBORN STREET SE ATLANTA, GA FROM THE CONSERVATION FUND OR CURRENT LAND OWNER (THE “PROPERTY”), FOR THE PURPOSE OF PROVIDING ACCESS TO KIRKWOOD URBAN FOREST FROM DEARBORN STREET, IN AN AMOUNT NOT TO EXCEED SEVENTY SEVEN THOUSAND TWO HUNDRED SIXTY DOLLARS (\$77,260.00) AND AMENDING THE 2014 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET FOR THE DEPARTMENT OF PARKS AND RECREATION AND THE DEPARTMENT OF FINANCE BY TRANSFERRING BETWEEN ACCOUNTS THE SUM OF SEVENTY SEVEN THOUSAND TWO HUNDRED SIXTY DOLLARS (\$77,260.00) TO PURCHASE THE PROPERTY; AND FOR OTHER PURPOSES

Workflow List:

Finance	Completed	05/01/2014 11:18 AM
Mariangela Corales	Completed	05/01/2014 12:09 PM
George Dusenbury	Completed	05/01/2014 12:10 PM
Mayor's Office	Completed	05/01/2014 1:59 PM
Office of Research and Policy Analysis	Completed	05/01/2014 4:10 PM
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>	

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 0.15 ACRES OF PROPERTY LOCATED AT 133 DEARBORN STREET SE ATLANTA, GA FROM THE CONSERVATION FUND OR CURRENT LAND OWNER (THE “PROPERTY”), FOR THE PURPOSE OF PROVIDING ACCESS TO KIRKWOOD URBAN FOREST FROM DEARBORN STREET, IN AN AMOUNT NOT TO EXCEED SEVENTY SEVEN THOUSAND TWO HUNDRED SIXTY DOLLARS (\$77,260.00) AND AMENDING THE 2014 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET FOR THE DEPARTMENT OF PARKS AND RECREATION AND THE DEPARTMENT OF FINANCE BY TRANSFERRING BETWEEN ACCOUNTS THE SUM OF SEVENTY SEVEN THOUSAND TWO HUNDRED SIXTY DOLLARS (\$77,260.00) TO PURCHASE THE PROPERTY; AND FOR OTHER PURPOSES

WHEREAS, on May 28, 1981 the United States Department of the Interior (the “DOI”) Heritage Conservation and Recreation Service Land and Water Project Agreement Number 13-00569 provided funding for the development of sports and playfields in the Atlanta, Georgia including the City of Atlanta (“City”) property known as Drew Park (the “Agreement”); and

WHEREAS, the Georgia Department of Natural Resources (“Georgia”) monitors compliance with the Agreement on behalf of the DOI; and

WHEREAS, Ordinance 96-O-0587, adopted by Atlanta City Council on May 6, 1996 and signed by the Mayor on May 13, 1996, authorized the conveyance of 23.7 acres of City owned land, a portion of which erroneously contained Drew Park, to the Atlanta Housing Authority for the redevelopment of East Lake Meadows Housing Community and the surrounding area; and

WHEREAS, in order to remain in compliance with the Agreement the City must replace what was known as Drew Park with equivalent parkland; and

WHEREAS, The Conservation Fund (“TCF”) has acquired approximately 0.15 acres of property, located at 133 Dearborn Street, Atlanta, Georgia, Parcel Identification Number 15-206-03-092 (the “Property”) for the purpose of providing access to Kirkwood Urban Forest from Dearborn Street (See attached Exhibit “A”); and

WHEREAS, the Property is being acquired by the City from TCF to satisfy the terms of the Agreement and as replacement property for Drew Park; and

WHEREAS, TCF 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, TCF is a non-profit, 501(c)(3) organization, whose mission is to conserve land and whose work involves working with public agencies 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 and required under the Agreement.

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 The Conservation Fund or current landowner to purchase all or part of the real property located at 133 Dearborn Street, SE, Atlanta, Georgia, Parcel Identification Number 15-206-03-902 (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

\$77,260.00 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)

<u>Project:</u>	10201072	SWMA Loan 9991
<u>Task:</u>	101	SWMA Loan 9991
<u>Award:</u>	350291110	SWMA Loan 9991
<u>Expense:</u>	59999 99	Projects and Grants Budget
<u>Org City of Atlanta</u>		

TOTAL		\$77,260.00
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ADD TO AWARD INSTALLMENTSWMA Loan 9988/D.I.F. Parks-South

The amount of: \$77,260.00

350291108

TRANSFER TO APPROPRIATIONS						
PTAEO			GENERAL LEDGER			
PROJECT NUMBER	14201997	GREENSPACE PGM; PARKS		FUND	3502	GENERAL GOV. CAPITAL
TASK NUMBER	117	KIRKWOOD URBAN FOREST		GL DEPT	140106	PRC PARKS DESIGN
AWARD NUMBER	350291108	SWMA LOAN 9988 / D.I.F. Parks-South		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	91108	SWMA LOAN 9988 7/ D.I. F. Parks-South

TOTAL

\$77,260.00

SECTION 4: The City's Purchase Price, Due Diligence and Purchase Services, in an amount not to exceed seventy seven thousand two hundred sixty dollars (\$77,260.00) shall be paid from Park Impact Fee South 14201997 (Project), 117 (Task), 350291108 (Award), 5411001 (Expense Type Land).

SECTION 5: Upon acquisition, the Department of Parks, and Recreation, Office of Parks, is hereby charged with all responsibility for the Property and shall retain the land in perpetuity as public parkland. 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.

SECTION 11: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

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: April 25, 2014

Anticipated Committee Meeting Date(s): May 14, 2014 and May 28, 2014

Anticipated Full Council Date: June 2, 2014

Legislative Counsel's Signature: _____

Commissioner's Signature: _____

Chief Financial Officer: K/S

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 0.15 ACRES OF PROPERTY LOCATED AT 133 DEARBORN STREET SE ATLANTA, GA FROM THE CONSERVATION FUND OR CURRENT LAND OWNER (THE "PROPERTY"), FOR THE PURPOSE OF PROVIDING ACCESS TO KIRKWOOD URBAN FOREST FROM DEARBORN STREET, IN AN AMOUNT NOT TO EXCEED SEVENTY SEVEN THOUSAND TWO HUNDRED SIXTY DOLLARS (\$77,260.00) AND AMENDING THE 2014 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET FOR THE DEPARTMENT OF PARKS AND RECREATION AND THE DEPARTMENT OF FINANCE BY TRANSFERRING BETWEEN ACCOUNTS THE SUM OF SEVENTY SEVEN THOUSAND TWO HUNDRED SIXTY DOLLARS (\$77,260.00) TO PURCHASE THE PROPERTY; 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: Janice Drel 4/25/14
(date)

Reviewed by: _____
(date)

Submitted to Council: _____ (date)

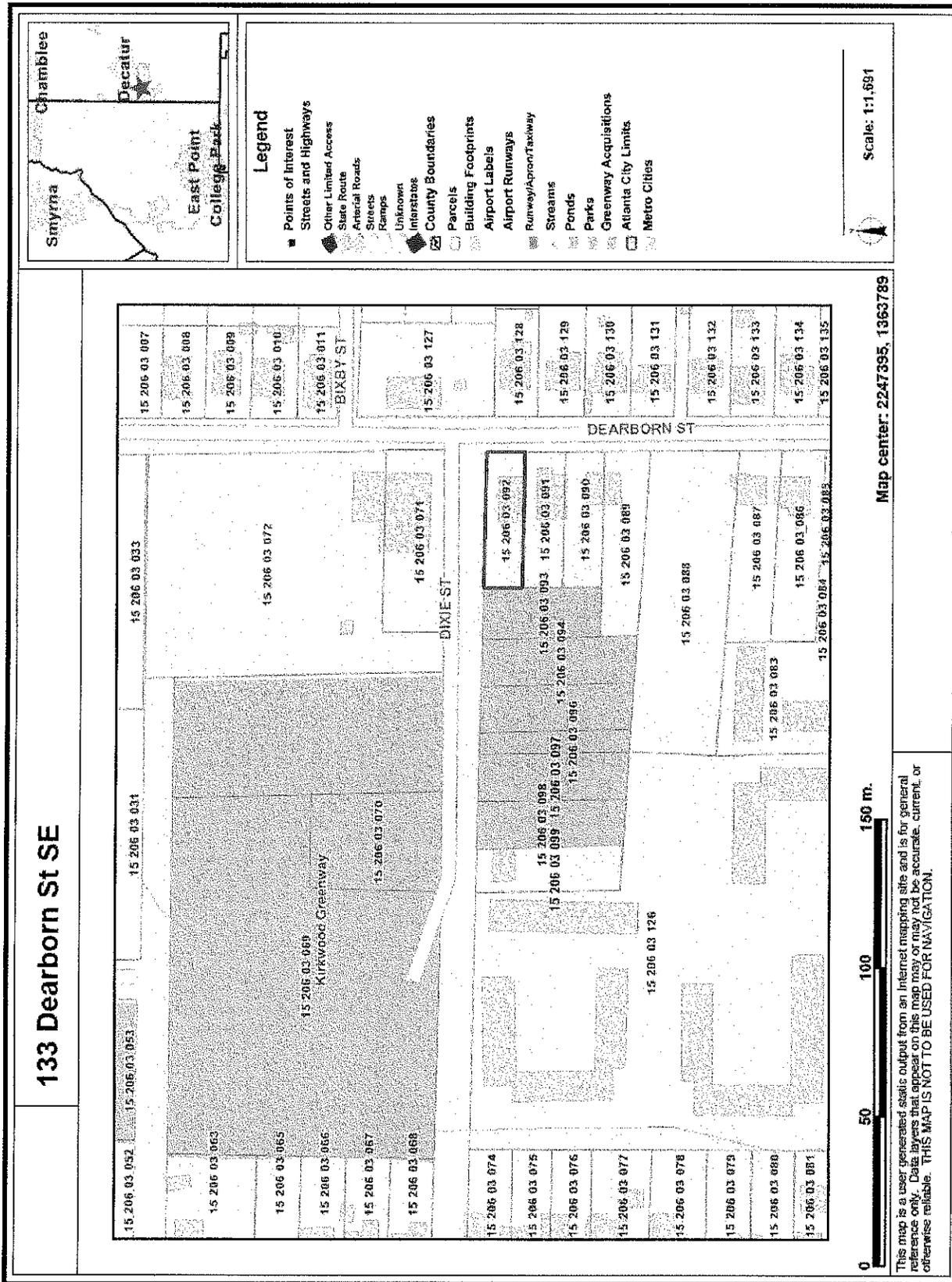
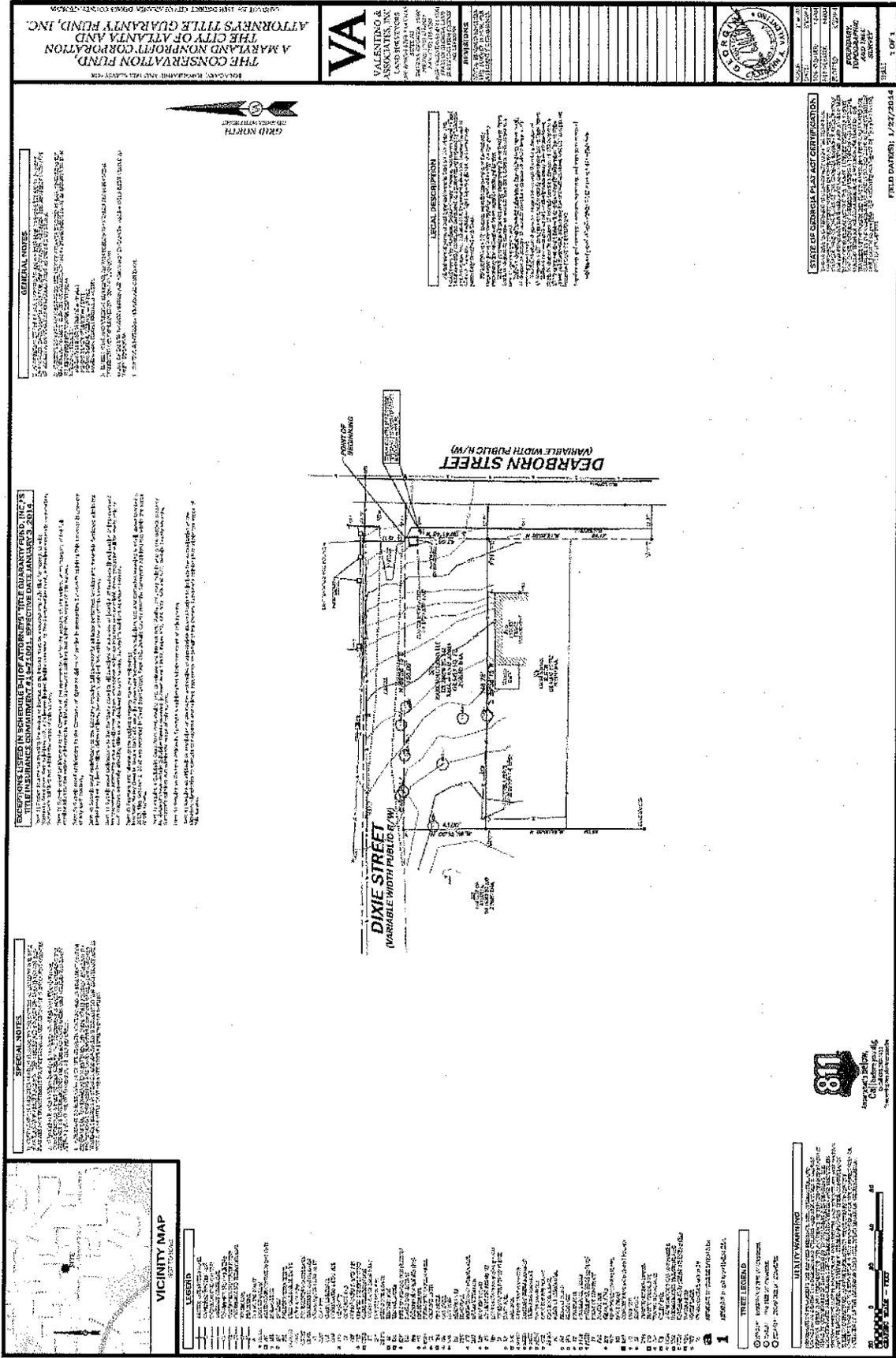


EXHIBIT A - Page 2 of 2



Attachment: 133 Dearborn Attachments (14-O-1252 : Ordinance to waive the procurement code to purchase 0.15 acres at 133 Dearborn Street)

<p>(Do Not Write Above This Line)</p> <p>AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE</p> <p>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 0.15 ACRES OF PROPERTY LOCATED AT 133 DEARBORN STREET SE ATLANTA, GA FROM THE CONSERVATION FUND OR CURRENT LAND OWNER (THE "PROPERTY"), FOR THE PURPOSE OF PROVIDING ACCESS TO KIRKWOOD URBAN FOREST FROM DEARBORN STREET, IN AN AMOUNT NOT TO EXCEED SEVENTY SEVEN THOUSAND TWO HUNDRED SIXTY DOLLARS (\$77,260.00), AND AMENDING THE 2014 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET FOR THE DEPARTMENT OF PARKS AND RECREATION AND BETWEEN ACCOUNTS THE SUM OF SEVENTY SEVEN THOUSAND TWO HUNDRED SIXTY DOLLARS (\$77,260.00) TO PURCHASE THE PROPERTY, AND FOR OTHER PURPOSES</p>	<p style="text-align: right;">First Reading</p> <p>Committee _____ Date _____ Chair _____ Referred To _____</p> <p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p> <p>Refer To _____</p>	<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p> <p>Refer To _____</p>	<p style="text-align: right;">FINAL COUNCIL ACTION</p> <p><input type="checkbox"/> 2nd <input type="checkbox"/> 1st & 2nd <input type="checkbox"/> 3rd Readings <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote</p> <p style="text-align: center;">CERTIFIED</p>
<p><input type="checkbox"/> CONSENT REFER</p> <p><input type="checkbox"/> REGULAR REPORT REFER</p> <p><input type="checkbox"/> ADVERTISE & REFER</p> <p><input type="checkbox"/> 1ST ADOPT 2ND READ & REFER</p> <p><input type="checkbox"/> PERSONAL PAPER REFER</p> <p>Date Referred _____ Referred To: _____ Date Referred _____ Referred To: _____ Date Referred _____ Referred To: _____</p>	<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p> <p>Refer To _____</p>	<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____</p> <p>Refer To _____</p>	<p style="text-align: center;">MAYOR'S ACTION</p>