

**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 3.76 ACRES OF PROPERTY LOCATED AT 3931 LAND O’ LAKES DRIVE, NE ATLANTA, GA FROM THE CONSERVATION FUND OR CURRENT LAND OWNER (THE “PROPERTY”), FOR THE PURPOSE OF EXPANDING THE BLUE HERON NATURE PRESERVE AND TRAIL SYSTEM, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000.00); THE CITY’S PURCHASE PRICE, CLOSING COSTS, DUE DILIGENCE, AND DEVELOPMENT COSTS SHALL BE PAID FROM PARK IMPACT FEE NORTH AS SHOWN BELOW 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 SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000.00); AND FOR OTHER PURPOSES**

**Workflow List:**

Finance	Completed	05/01/2014 11:18 AM
George Dusenbury	Completed	05/01/2014 12:09 PM
Mariangela Corales	Completed	05/01/2014 12:11 PM
Mayor’s Office	Completed	05/01/2014 1:58 PM
Office of Research and Policy Analysis	Completed	05/01/2014 4:03 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>	

LEGISLATION HISTORY – BLUE BACK

**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 3.76 ACRES OF PROPERTY LOCATED AT 3931 LAND O’ LAKES DRIVE, NE ATLANTA, GA FROM THE CONSERVATION FUND OR CURRENT LAND OWNER (THE “PROPERTY”), FOR THE PURPOSE OF EXPANDING THE BLUE HERON NATURE PRESERVE AND TRAIL SYSTEM, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000.00); THE CITY’S PURCHASE PRICE, CLOSING COSTS, DUE DILIGENCE, AND DEVELOPMENT COSTS SHALL BE PAID FROM PARK IMPACT FEE NORTH AS SHOWN BELOW 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 SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000.00); AND FOR OTHER PURPOSES**

WHEREAS, The Conservation Fund (“TCF”) has acquired approximately 3.76 acres of property, located at 3931 Land O’ Lakes Drive, Atlanta, Georgia, Parcel Identification Number 17-0063-0007-033-2 (the “Property”) for the purpose of expanding the Blue Heron Nature Preserve and trail system (as described in Exhibit “A” attached); 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.

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 3931 Land O’ Lakes Drive, NE, Atlanta, Georgia, Parcel Identification Number 17-0063-0007-033-2 (“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

\$650,000.00 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) 91109 (Funding Source SWMA Loan 9989

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

TOTAL \$650,000.00

ADD TO AWARD INSTALLMENT

SWMA Loan 9989/D.I.F. Parks-North

The amount of: \$650,000.00 350291109

TRANSFER TO APPROPRIATIONS					
PTAEO			GENERAL LEDGER		
PROJECT NUMBER	14201997	GREENSPACE PGM; PARKS	FUND	3502	GENERAL GOV. CAPITAL
TASK NUMBER	116	BLUE HERON NATURE	GL DEPT	140106	PRC PARKS DESIGN
AWARD NUMBER	350291109	SWMA LOAN 9989/ D.I.F. Parks-North	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	91109	SWMA LOAN 9989/ D.I. F. Parks-North
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TOTAL

\$650,000.00

SECTION 4: The City's Purchase Price, Due Diligence and Purchase Services, in an amount not to exceed six hundred fifty thousand dollars (\$650,000.00) shall be paid from Park Impact Fee North 14201997 (Project), 116(Task), 350291109 (Award), 5411001 (Expense Type Land).

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

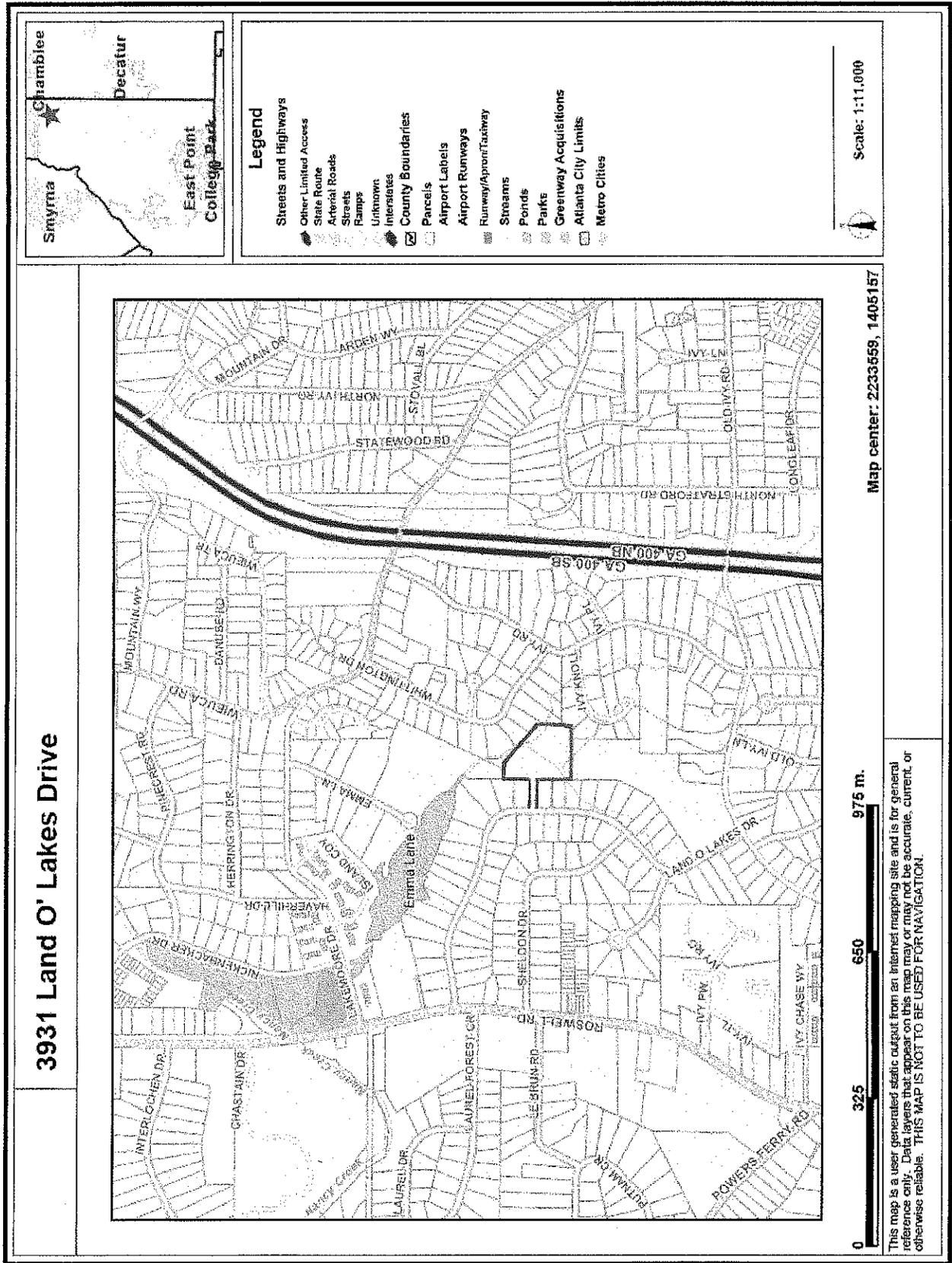
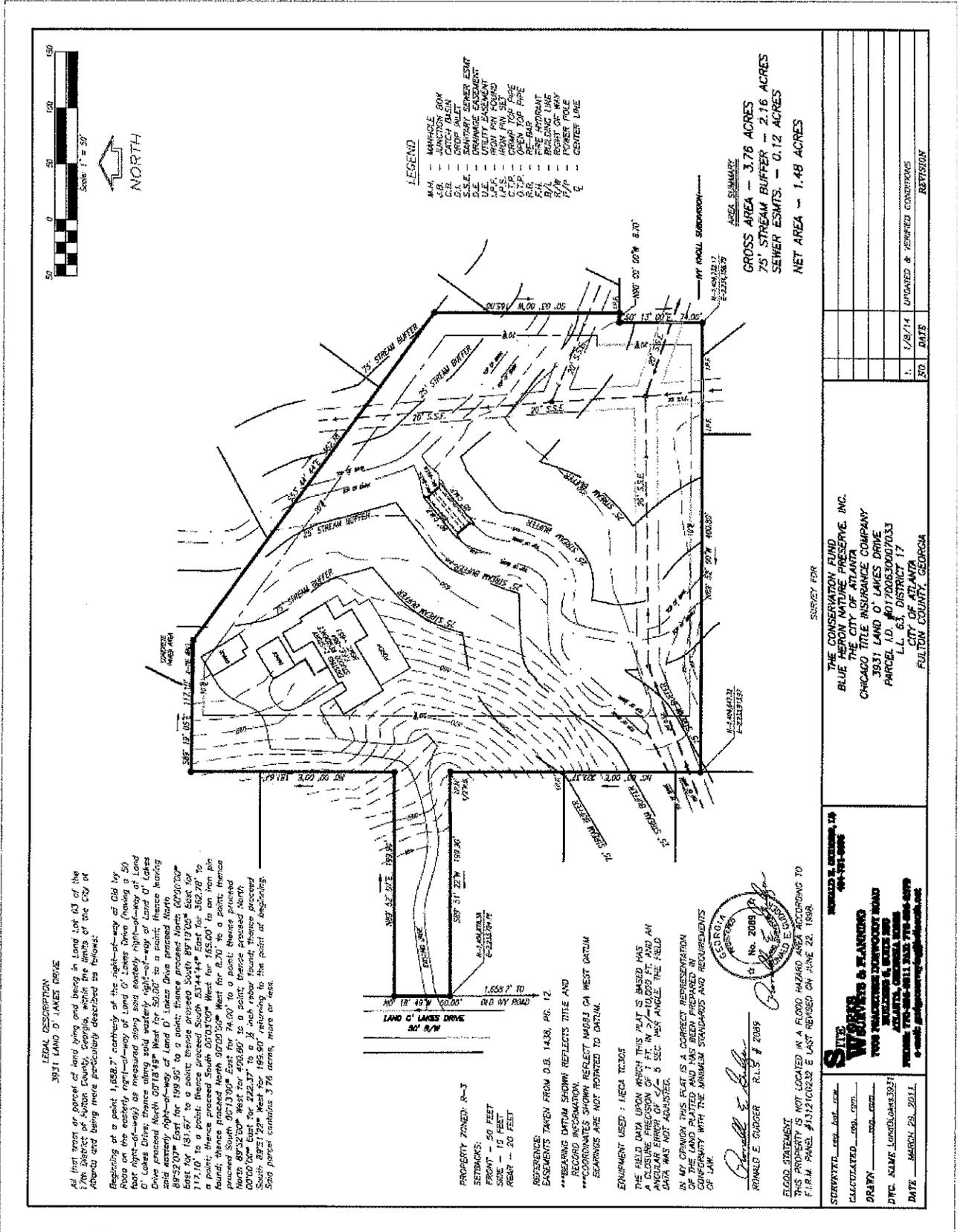


Exhibit A - Page 2 of 2



**LEGAL DESCRIPTION**  
3931 LAND O' LAKES DRIVE

All that tract or parcel of land being in Lot 103 of the 17th District of Fulton County, Georgia, more or less, the City of Atlanta and being more particularly described as follows:

Beginning at a point 1,658.7' easterly of the right-of-way of Old Myrtle on the easterly right-of-way of Land O' Lakes Drive (having a 50' right-of-way) as measured along said easterly right-of-way of Land O' Lakes Drive to the centerline of said easterly right-of-way of Land O' Lakes Drive; thence North 07°18'19" West 501.20' to a point; thence bearing S89°52'07" East for 159.95' to a point; thence proceed North 00°00'00" East for 181.87' to a point; thence proceed South 89°19'05" East for 717.10' to a point; thence proceed South 83°44'44" East for 352.78' to a point; thence proceed South 05°03'00" West for 155.00' to an iron pin found; thence proceed North 09°00'00" West for 8.70' to a point; thence proceed North 07°13'00" East for 74.00' to a point; thence proceed North 00°00'00" East for 222.37' to a point; thence proceed North 00°00'00" East for 192.90' returning to the point at beginning.

Said parcel contains 3.76 acres, more or less.

PROPERTY ZONED: R-3  
SETBACKS: FRONT - 20 FEET  
REAR - 20 FEET  
EASTMENT: TAKEN FROM O.B. 1438, PG. 12  
\*\*\*BEARING DATUM SHOWN REFLECTS TITLE AND RECORD INFORMATION.  
\*\*\*COORDINATES SHOWN REFLECT MAGNETIC ON WEST DATUM.  
SEAMARKS ARE NOT RETURNED TO DATUM.  
EQUIPMENT USED: METCA TOTAL STATION  
THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSEST APPROXIMATION OF 1 FT. IN 250,000 FT. AND AN ANGULAR ERROR OF 5" - 5 SEC. PER ANGLE. THE FIELD DATA WAS NOT ADJUSTED.  
IN MY OPINION THIS PLAN IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN ACCORDANCE WITH THE ANNUAL STATUTES AND REQUIREMENTS OF LAW.  
RONALD E. GADGER R.L.S. # 20916  
No. 2089  
FULTON COUNTY, GEORGIA

**ELIGIBLE STATEMENT**  
THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA ACCORDING TO F.I.R.M. PANEL #1512160232 E LAST REVISION ON JUNE 22, 1988.

**PREPARED BY:** MICHAEL R. GARDNER, L.S. #101-1000  
**DATE:** MARCH 29, 2011

**DRAWN BY:** MICHAEL R. GARDNER, L.S. #101-1000  
**DATE:** MARCH 29, 2011

**DATE:** MARCH 29, 2011

SEARCHED	INDEXED	FILED
CALCULATED	INDEXED	FILED
DRAWN	INDEXED	FILED
DATE	DATE	DATE

**THE CONSERVATION FUND**  
BLUE HERON NATURE PRESERVE, INC.  
THE CITY OF ATLANTA  
CHICAGO TITLE INSURANCE COMPANY  
3931 LAND O' LAKES DRIVE  
PARCEL ID #017200830007033  
L.L. 6.1 DISTRICT 17  
CITY OF ATLANTA  
FULTON COUNTY, GEORGIA

AREA SUMMARY	DATE
GROSS AREA - 3.76 ACRES	1/9/14
75' STREAM BUFFER - 2.16 ACRES	3/0
SEWER EASMTS. - 0.12 ACRES	
NET AREA - 1.48 ACRES	

**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: Finance Executive Committee**

**Caption:** 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 3.76 ACRES OF PROPERTY LOCATED AT 3931 LAND O' LAKES DRIVE NE ATLANTA, GA FROM THE CONSERVATION FUND OR CURRENT LAND OWNER (THE "PROPERTY"), FOR THE PURPOSE OF EXPANDING THE BLUE HERON NATURE PRESERVE AND TRAIL SYSTEM, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000.00); THE CITY'S PURCHASE PRICE, CLOSING COSTS, DUE DILIGENCE, AND DEVELOPMENT COSTS SHALL BE PAID FROM PARK IMPACT FEE NORTH AS SHOWN BELOW 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 SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000.00); AND FOR OTHER PURPOSES

**Council Meeting Date: June 2, 2014**

**Requesting Dept.: Parks and Recreation**

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

**1. Please provide a summary of the purpose of this legislation.**

The purpose of this legislative request is to have an Ordinance authorizing the acquisition of approximately 3.76 acres of property located at 3931 Land O' Lakes Drive from The Conservation Fund or the current land owner for the purpose of expanding the Blue Heron Nature Preserve and Trail system in an amount not to exceed \$650,000.

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

As part of the City's goal of greenspace acquisition, preservation and park expansion, the acquisition of this property which lies between the Blue Heron Nature Preserve; Chastain Park and the PATH GA 400 Trail system allow the creation of trail system to connect the three properties. For this reason the acquisition is an excellent opportunity to expand the nature preserve and associated trail system.

The Conservation Fund has the property under contract and has agreed to sell it to the City for a price not to exceed Fair Market Value.

**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:** None
- (h) **Term of Contract:**

**4. Account Segment :** The City's Purchase Price, Due Diligence and Purchase Services, in an amount not to exceed six hundred thousand dollars (\$650,000.00) shall be paid from Park Impact Fee North 14201997 (Project), 116 (Task), 350291109 (Award), 5411001 (Expense Type Land).

**5. Source of Funds:** Park Impact Fee North

**6. Fiscal Impact:**

This legislation will result in a reduction in an amount not to exceed \$650,000.00 to the Account Segment identified above in item 4.

**7. Method of Cost Recovery:**

**This Legislative Request Form Was Prepared By:** David Davis, Project Manager, Sr., Parks and Greenspace Acquisition and Trina Horton., DPRCA Departmental Contracting Officer/Legislative Liaison.

<p style="text-align: center;">(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 3.76 ACRES OF PROPERTY LOCATED AT 3931 LAND O LAKES DRIVE NE ATLANTA, GA FROM THE CONSERVATION FUND OR CURRENT LAND OWNER (THE "PROPERTY"), FOR THE PURPOSE OF EXPANDING THE BLUE HERON NATURE PRESERVE AND TRAIL SYSTEM, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000.00); THE CITY'S PURCHASE PRICE, CLOSING COSTS, DUE DILIGENCE, AND DEVELOPMENT COSTS SHALL BE PAID FROM PARK IMPACT FEE NORTH AS SHOWN BELOW 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 SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000.00); AND FOR OTHER PURPOSES</p>	<p style="text-align: center;">First Reading</p> <p>Committee _____ Date _____ Chair _____ Referred To _____</p> <p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ Refer To _____</p>	<p style="text-align: center;">Second Reading</p> <p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ Refer To _____</p>	<p style="text-align: center;">FINAL COUNCIL ACTION</p> <p> <input type="checkbox"/> 2<sup>nd</sup>    <input type="checkbox"/> 1<sup>st</sup> &amp; 2<sup>nd</sup>    <input type="checkbox"/> 3<sup>rd</sup>                  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 &amp; REFER</p> <p><input type="checkbox"/> 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ &amp; REFER</p> <p><input type="checkbox"/> PERSONAL PAPER REFER</p> <p>Date Referred _____ Referred To: _____</p> <p>Date Referred _____ Referred To: _____</p> <p>Date Referred _____ Referred To: _____</p>	<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ Refer To _____</p>	<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ Refer To _____</p>	<p style="text-align: center;">MAYOR'S ACTION</p>