

AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE WAIVING THE COMPETITIVE PROCUREMENT PROVISIONS UNDER SECTIONS 2-1541 (D) AND 2-1545 (D) OF THE CODE OF ORDINANCES; AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA (“CITY”) TO ENTER INTO AN AGREEMENT WITH THE ATLANTA METROPOLITAN RAPID TRANSIT AUTHORITY (MARTA), TO PURCHASE PERMANENT AND/OR TEMPORARY EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY TO ACQUIRE A LINEAR PATH OF SIXTY THOUSAND (60,000) SQUARE FEET ON PROPERTY LOCATED AT 650 CANTERBURY ROAD NE, ATLANTA, GEORGIA, IN ORDER TO FACILITATE CONSTRUCTION OF THE PATH 400 TRAIL PROJECT TRAVERSING COUNCIL DISTRICTS SIX AND SEVEN; AND AMENDING THE 2016 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGETS IN THE DEPARTMENTS OF PARKS AND RECREATION, AND FINANCE PARKS NORTHBY TRANSFERRING TO AND FROM VARIOUS ACCOUNTS THE SUM OF ONE HUNDRED SEVENTY SIX THOUSAND TWO HUNDRED SEVENTY DOLLARS AND ZERO CENTS (\$176,270.00) FOR THE CITY’S PARTICIPATION IN COST OF THE OVERALL ACQUISITION OF; AND FOR OTHER PURPOSES.

WHEREAS, in 2009 the City’s Project Green Space Plan identified District 7 as being underserved with respect to park and green spaces; and

WHEREAS, acquiring new land for parks, and trail connectivity were identified as fundamentals of the Project Green Space Plan; and

WHEREAS, the 5.2 mile PATH 400 greenway was identified in the 2011 Buckhead Collection included in the Project green Space Plan as the spine of the parks network, providing connectivity for the future parks system as well as regional connectivity to the Beltline and other metro area trails; and

WHEREAS, the City has entered in to agreements with the Georgia Department of Transportation to facilitate the construction of PATH 400 Trail; and

WHEREAS, the acquisition of 60,000 square feet of permanent and temporary easements on land located at 650 Canterbury Road, N.E., Atlanta, Georgia, across parcel numbers 17-004700080167, 17-000700010378, and 17-004700080043, is necessary in order to properly align the trail; and

WHEREAS, completing the acquisition of the permanent and temporary easements will provide residents and visitors direct access to the Buckhead Arts and Business Districts to Miami Circle, being connected from the PATH 400 Trail; and

WHEREAS, the total cost to acquire both the permanent and temporary easements, including all due diligence, is One Hundred Seventy Six Thousand Two Hundred Seventy Thousand Dollars and Zero Cents (\$176,270.00); and

WHEREAS, the acquisition of the permanent and temporary easements is consistent with the City’s goal of increasing green space and will benefit the Buckhead Community by adding connectivity within the City’s comprehensive system of trail development.

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

SECTION 1: The Chief Procurement Officer, or his designee is hereby authorized to obtain title reports, appraisal reports, land survey, legal descriptions and environmental reports for the purpose of acquiring temporary and/ or permanent easements and the necessary rights-of-way, located on parcel numbers 17-004700080167, 17-000100010378, and 17-004700080043, at physical address 650 Canterbury Road NE, to complete construction of this critical linkage for the PATH 400 Trail Project.

SECTION 2: The Chief Procurement Officer will provide the necessary appraisal reports as required by Section 2-1541 of the Procurement and Real Estate Code.

SECTION 3: The Chief Procurement Officer, his designee or consultant is hereby authorized to negotiate with MARTA to acquire temporary and/or permanent easements and the necessary rights-of-way to complete construction of this critical linkage for the PATH 400 Trail Project.

SECTION 4: The Chief Procurement Officer, his designee or consultant is authorized to settle the referenced acquisitions at an amount not to exceed ten per cent (10%) or Two Hundred Fifty Dollars (\$250.00), whichever is greater, above the estimated just compensation. The Chief Procurement Officer is authorized to settle administratively such acquisitions without further Atlanta City Council authorization not exceeding twenty percent (20%) or Five Hundred Dollars (\$500.00), whichever is greater, above the estimated just compensation for the Properties.

SECTION 5: The requirements of Sections 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code, which require further authorization of the Atlanta City Council for the acquisition of permanent and temporary easements described in this Ordinance, are hereby waived.

SECTION 6: The City Attorney or her designee is authorized to monitor and supervise the closing transactions in connection with each property, with the assistance of the Chief Procurement Officer, his designee or consultant.

SECTION 7: The 2016 General Government Capital Outlay Fund Budget, Department of Parks and Recreation is hereby amended as follows:

TRANSFER FROM APPROPRIATIONS

\$176,270.00 from 3502 (General Government Capital Outlay Fund) 100101 (DOF Chief Financial Officer) 5999999 (Reserve Conversion Account) 1320000 (Chief Executive) 201072 (Admin. Development Recoupment Fees) 91109 (Dev Recoup Fees)

PROJECT		Dev Recoup Fees
Task	101	Dev Recoup Fees
Award	350291109	Dev Recoup Fees
Project	10201072	Admin Dev Recoup Fees
Expense	5999901	Projects and Grants Budget
Org City of Atlanta		

TOTAL \$176,270.00

ADD TO AWARD INSTALLMENT

D.I.F PARKS-NORTH					
TRANSFER TO APPROPRIATIONS					
PTAEO			GENERAL LEDGER		
PROJECT NUMBER	14201997	GREENSPACE PGM; PARKS	FUND	3502	GENERAL GOV. CAPITAL
TASK NUMBER	121	Perm/Temp Easements for Green Space at 650 Canterbury Rd. N.E.	GL DEPT	140106	PRC PARKS DESIGN
AWARD NUMBER	350291109	D.I.F. Parks-North	EXPENSE ACCT	5999999	PROJECTS AND GRANTS BUDGET
EXPENSE ACCOUNT	5411001	LAND	FUNCTION/ACTIVITY	6220000	PARK AREAS
OWNING ORG	COA		GL PROJECT	201997	GREENSPACE PGM; PARKS NORTH
			GL FUNDING SOURCE	91109	D.I. F. Parks-North

SECTION 8: All costs associated with the City’s acquisition of both the permanent and temporary easements, including, but not limited to the cost of the appraisal and appraisal reports for the properties shall not exceed One Hundred Seventy Six Thousand Two Hundred and Seventy Dollars and Zero Cents (\$176,270.00) and shall be charged to and paid from: 3502 5411001 6220000 91109, LAND PARK AREAS.

SECTION 10: The Mayor, on behalf of the City, is authorized to execute any and all deeds, instrument or other documents that the Department of Law deems necessary or advisable in order to affect the intent of this ordinance.

SECTION 11 The City Attorney is hereby directed to prepare for execution by the Mayor, all deeds, instruments, or other document that the City Attorney deems necessary or advisable to carry into effect the intent of this ordinance.

SECTION 12: Said deeds, instruments, or other documents shall not become binding upon the City, and the City shall incur neither 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 13: That 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.

**CITY COUNCIL
ATLANTA, GEORGIA**

16-O-1207

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Workflow List:

Finance	Completed	04/14/2016 12:21 PM
Amy Phuong	Completed	04/14/2016 12:42 PM
Susan Garrett	Completed	04/14/2016 12:49 PM
Procurement	Completed	04/14/2016 1:59 PM
Adam Smith	Completed	04/14/2016 2:45 PM
Mayor's Office	Completed	04/14/2016 3:25 PM
Office of Research and Policy Analysis	Completed	04/21/2016 3:59 PM
Finance/Executive Committee	Completed	04/27/2016 1:00 PM
Atlanta City Council	Completed	05/02/2016 1:00 PM
Atlanta City Council	Completed	05/02/2016 1:00 PM
Finance/Executive Committee	Completed	05/11/2016 1:00 PM
Atlanta City Council	Completed	05/16/2016 1:00 PM
Mayor's Office	Pending	

HISTORY:

04/27/16	Finance/Executive Committee	
05/02/16	Atlanta City Council	REFERRED TO COMMITTEE

RESULT:	REFERRED TO COMMITTEE [UNANIMOUS]	Next: 5/11/2016 1:00 PM
AYES:	Bond, Norwood, Dickens, Smith, Hall, Young Jr., Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd	

05/11/16	Finance/Executive Committee	FAVORABLE
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RESULT:	FAVORABLE [UNANIMOUS]	Next: 5/16/2016 1:00 PM
AYES:	Wan, Shook, Adrean, Martin, Moore, Dickens	
ABSENT:	Natalyn Mosby Archibong	

05/16/2016

Atlanta City Council

ADOPTED

RESULT:	ADOPTED BY CONSENT VOTE [13 TO 0]
AYES:	Bond, Norwood, Dickens, Smith, Young Jr., Winslow, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd
ABSENT:	Natalyn Mosby Archibong
AWAY:	Kwanza Hall

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