

AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE AUTHORIZING THE MAYOR, OR HER DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, TO EXECUTE ALL APPROPRIATE DOCUMENTS FOR THE ACQUISITION OF CERTAIN PROPERTIES, PERMANENT EASEMENTS, TEMPORARY CONSTRUCTION EASEMENTS, RIGHTS-OF-WAY, FEE SIMPLE ACQUISITIONS, AND SUCH OTHER PROPERTY INTERESTS NECESSARY FOR THE COMPLETION OF THE DOWNTOWN WATER STORAGE TANK AND PUMP STATION PROJECT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; 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 PROCEED WITH CONDEMNATION PROCEEDINGS, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§22-3-140 AND 32-3-4 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 AND PAYMENTS FOR PROPERTY INTERESTS WILL BE CHARGED TO AND PAID FROM ACCOUNT NUMBERS 5052 (WATER & WASTEWATER RENEWAL AND EXTENSION FUND) 170243 (DWM DRINKING WATER PUMPING MAINTENANCE/REPAIR) 5411001 (LAND) 4330000 (TREATMENT) AND PROJECT TASK AWARD EXPENDITURE AND ORGANIZATION NUMBER 17111815 (DOWNTOWN H2O STORAGE TANK & PS) 102 (DWM RNE 9999) 505221391 (DWM RNE FUND) 5411001 (LAND) COA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (“City”) is responsible for maintaining and servicing Atlanta’s drinking water system and implementation of projects to establish infrastructure that will enable the City to meet water quality requirements and service demand in the near term and future; and

WHEREAS, the Department of Watershed Management (the “Department”) has identified the need for the construction of the Downtown Water Storage Tank and Pump Station Project, which includes the construction of one finished water storage tank and piping, a re-pump station, remote SCADA control for un-manned operation, water quality equipment, back-up generator for uninterrupted electrical supply, architectural treatment for scape blending into the neighborhood, and green infrastructure for stormwater management at the site and along the existing transmission main (“Project”); and

WHEREAS, the Department has identified the need to locate a single seven (7) million gallon ground level finished water storage tank at the property having a current address of 999 Desoto Street NW Atlanta, Georgia 30314, said property having a Fulton County, Georgia Tax Identification Number 10-0115-0008-088-0, said property containing approximately 2.22 acres of land, more or less, as further depicted and described in Exhibit “A”, attached and incorporated herein (“Property”); and

WHEREAS, the Project will provide short-term emergency water supply to feed the water distribution network, storage and system redundancy in order to maintain pressure and provide sufficient water supply in the distribution network in the case of a major disruption at the Hemphill Water Treatment Plant or Hemphill Pump Station or a major break in one of the key distribution lines for downtown Atlanta and surrounding areas; and

WHEREAS, the Project will improve the public health and safety by reinforcing pressure in the system; reducing the potential for boil water advisories, increasing service reliability, improving the reliability of water supply for customers and fire-fighting, and increasing the efficiency of service delivery during non-emergency periods; and

WHEREAS, the Department has identified the need to acquire certain properties, permanent easements, temporary construction easements, rights-of-entry, rights-of-way, fee simple acquisitions, and such other property interests necessary for the completion of the downtown water storage tank, pump station and upgrades at the Hemphill Pump Station the Property in fee simple interest for the Project; and

WHEREAS, in order to acquire the Property, it is in the City's best interest to authorize the Mayor, or her designee, to proceed with all appropriate due diligence efforts needed to acquire the Property for the Project, such as environmental studies, title searches, appraisals and surveys or other needed efforts; and to negotiate in good faith with property owners to acquire the Property and/or exchange such property interests necessary to complete the Project; 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 at less than the EJC, if a property owner offers a lower price after being informed of the EJC or the Property is listed for sale at a lower price; and alternatively, it may be in the City's best interest to negotiate an amount greater than the EJC for purposes of acquiring the needed Property to avoid the costs and expense of litigation; and

WHEREAS, should good faith negotiations fail to reach an agreement on the purchase of any Property, it is necessary to acquire the Property through condemnation proceedings and specifically use the Declaration of Taking Method, pursuant to O.C.G.A. §§22-3-140 and 32-3-4 in order to timely complete the Project and ensure sufficient water supply for the City's customers.

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

SECTION 1: The Mayor, or her designee, is authorized to negotiate with the affected property owners of the Property and to perform surveys, appraisals, title searches, environmental studies and such other due diligence tasks needed to acquire the Property to complete the Project on behalf of the City without further authorization by the City Council.

SECTION 2: The requirements of the City of Atlanta Code of Ordinances, Sections 2-1517, 2-1541, 2-1545 and other Sections of Division 14. Real Estate, Article X. Real Estate and Procurement Code are hereby waived to the extent applicable so that all authorizations granted in this Ordinance are granted

without the need for prior or further authorization in order to timely acquire the Property needed to complete the Project.

SECTION 3: The Mayor, or her authorized designee, is authorized to obtain appraisals to establish the EJC to establish the fair market value.

SECTION 4: The Mayor, or her designee, is authorized to purchase the Property at an amount less than the EJC if the property owner offers a lower price after being informed of the EJC or the property is listed for sale at an amount less than the EJC.

SECTION 5: The Mayor, the Chief Procurement Officer, or their respective designees, are authorized to settle the acquisition of the Property in an amount not to exceed twenty percent (20%) above the EJC or offer an additional amount not to exceed Two Hundred Fifty Dollars and No Cents (\$250.00) when the EJC is equal to or less than Two Thousand, Five Hundred Dollars and No Cents (\$2,500.00), whichever is greater, in order to avoid further costs and expense to the City, including litigation.

SECTION 6: The Mayor, the Chief Procurement Officer, or their respective designees, are authorized to settle the acquisition of the Property in an amount not to exceed twenty percent (20%) above the EJC, or for Five Hundred Dollars and No Cents (\$500.00), when the EJC is greater than Two Thousand Five Hundred Dollars and No Cents (\$2,500.00), whichever is greater, in order to avoid further costs and expense to the City, including litigation.

SECTION 7: If negotiations with affected property owners are successful, the Mayor, or her designee, is authorized to execute all documents on behalf of the City as may be necessary to acquire the Property needed to complete the Project and to effectuate the purposes of this Ordinance.

SECTION 8: The City Attorney, or her designee, is authorized to monitor, supervise and conduct proceedings for the closing transactions with affected property owners for the acquisition of the Property needed to complete the Project.

SECTION 9: If good faith negotiations with affected property owners of the Property are not successful, the City Attorney, or her authorized designee, is authorized to use all means necessary and specifically by condemnation proceedings pursuant to the Declaration of Taking Method, O.C.G.A. §§22-3-140 and 32-3-4, or by consent of the owners through such other method as may be legally appropriate to acquire the Property interests necessary for the Project.

SECTION 10: The costs associated with this Ordinance shall be charged to and paid from Fund Department Organization and Account Number 5052 (Water & Wastewater Renewal and Extension Fund) 170243 (DWM Drinking Water Pumping Maintenance/Repair) 5411001 (Land) 4330000 (Treatment) and Project Task Award Expenditure and Organization Number 17111815 (Downtown H2O Storage Tank & PS) 102 (DWM RNE 9999) 505221391 (DWM RNE Fund) 5411001 (Land) COA.

SECTION 11: All Ordinances or parts of Ordinances in conflict with this Ordinance are waived to the extent of the conflict.

**CITY COUNCIL
ATLANTA, GEORGIA**

19-O-1012

AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE AUTHORIZING THE MAYOR, OR HER DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, TO EXECUTE ALL APPROPRIATE DOCUMENTS FOR THE ACQUISITION OF CERTAIN PROPERTIES, PERMANENT EASEMENTS, TEMPORARY CONSTRUCTION EASEMENTS, RIGHTS-OF-WAY, FEE SIMPLE ACQUISITIONS, AND SUCH OTHER PROPERTY INTERESTS NECESSARY FOR THE COMPLETION OF THE DOWNTOWN WATER STORAGE TANK AND PUMP STATION PROJECT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; 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 PROCEED WITH CONDEMNATION PROCEEDINGS, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§22-3-140 AND 32-3-4 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 AND PAYMENTS FOR PROPERTY INTERESTS WILL BE CHARGED TO AND PAID FROM ACCOUNT NUMBERS 5052 (WATER & WASTEWATER RENEWAL AND EXTENSION FUND) 170243 (DWM DRINKING WATER PUMPING MAINTENANCE/REPAIR) 5411001 (LAND) 4330000 (TREATMENT) AND PROJECT TASK AWARD EXPENDITURE AND ORGANIZATION NUMBER 17111815 (DOWNTOWN H2O STORAGE TANK & PS) 102 (DWM RNE 9999) 505221391 (DWM RNE FUND) 5411001 (LAND) COA; AND FOR OTHER PURPOSES.

Workflow List:

Cristi Bickham	Completed	01/04/2019 11:29 AM
Kishia Powell	Completed	01/04/2019 11:30 AM
Finance	Completed	01/04/2019 11:37 AM
Patrick McShane	Completed	01/04/2019 11:38 AM
Atlanta Information Management (AIM)	Skipped	01/04/2019 11:23 AM
Procurement	Skipped	01/04/2019 11:23 AM
David Wilson	Skipped	01/04/2019 11:23 AM
Mayor's Office	Completed	01/04/2019 1:04 PM
Office of Research and Policy Analysis	Completed	01/09/2019 12:46 PM
Finance/Executive Committee	Completed	01/16/2019 1:35 PM
Atlanta City Council	Completed	01/22/2019 1:00 PM
Finance/Executive Committee	Pending	01/30/2019 1:00 PM
Atlanta City Council	Completed	01/22/2019 1:00 PM
Mayor's Office	Pending	

HISTORY:

01/16/19	Finance/Executive Committee	ACCEPTED
----------	-----------------------------	----------

RESULT: ACCEPTED [UNANIMOUS] **Next: 1/22/2019 1:00 PM**
MOVER: Matt Westmoreland, Post 2 At Large
SECONDER: Andre Dickens, Post 3 At Large
AYES: Shook, Archibong, Boone, Dickens, Ide, Matzigkeit, Westmoreland

RESULT: REFERRED TO COMMITTEE BY CONSENT VOTE [UNANIMOUS] **Next: 1/30/2019 1:00 PM**
MOVER: Matt Westmoreland, Councilmember, Post 2 At Large
SECONDER: Amir R Farokhi, Councilmember, District 2
AYES: Bond, Westmoreland, Dickens, Smith, Farokhi, Winslow, Archibong, Ide, Shook, Matzigkeit, Hillis, Boone, Overstreet
ABSENT: Joyce M Sheperd

AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE AUTHORIZING THE MAYOR, OR HER DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, TO EXECUTE ALL APPROPRIATE DOCUMENTS FOR THE ACQUISITION OF CERTAIN PROPERTIES, PERMANENT EASEMENTS, TEMPORARY CONSTRUCTION EASEMENTS, RIGHTS-OF-WAY, FEE SIMPLE ACQUISITIONS, AND SUCH OTHER PROPERTY INTERESTS NECESSARY FOR THE COMPLETION OF THE DOWNTOWN WATER STORAGE TANK AND PUMP STATION PROJECT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; 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 PROCEED WITH CONDEMNATION PROCEEDINGS, PURSUANT TO THE DECLARATION OF TAKING METHOD, O.C.G.A. §§22-3-140 AND 32-3-4 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 AND PAYMENTS FOR PROPERTY INTERESTS WILL BE CHARGED TO AND PAID FROM ACCOUNT NUMBERS 5052 (WATER & WASTEWATER RENEWAL AND EXTENSION FUND) 170243 (DWM DRINKING WATER PUMPING MAINTENANCE/REPAIR) 5411001 (LAND) 4330000 (TREATMENT) AND PROJECT TASK AWARD EXPENDITURE AND ORGANIZATION NUMBER 17111815 (DOWNTOWN H2O STORAGE TANK & PS) 102 (DWM RNE 9999) 505221391 (DWM RNE FUND) 5411001 (LAND) COA; AND FOR OTHER PURPOSES.

VOTE RECORD - ORDINANCE 19-O-1012						
			YES/AYE	NO/NAY	ABSTAIN	ABSENT
<input type="checkbox"/> ADOPTED						
<input type="checkbox"/> ADVERSED						
<input type="checkbox"/> FAVORABLE						
<input type="checkbox"/> ACCEPTED AND FILED						
<input type="checkbox"/> FIRST READING						
<input type="checkbox"/> SECOND READING						
<input type="checkbox"/> THIRD READING						
<input type="checkbox"/> FOURTH READING						
<input type="checkbox"/> FIFTH READING						
<input checked="" type="checkbox"/> REFERRED TO COMMITTEE						
<input type="checkbox"/> HELD IN COMMITTEE						
<input type="checkbox"/> TABLED						
<input type="checkbox"/> DEFERRED						
<input type="checkbox"/> RECONSIDERED						
<input type="checkbox"/> FILED						
<input type="checkbox"/> ADOPTED AS AMENDED						
<input type="checkbox"/> AMENDED						
<input type="checkbox"/> ACCEPTED						
<input type="checkbox"/> SUBSTITUTED						
<input type="checkbox"/> AMENDED SUBSTITUTE						
	MICHAEL JULIAN BOND	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	MATT WESTMORELAND	MOVER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANDRE DICKENS	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	CARLA SMITH	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	AMIR R FAROKHI	SECONDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	CLETA WINSLOW	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NATALYN MOSBY ARCHIBONG	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	JENNIFER N IDE	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	HOWARD SHOOK	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	JP MATZIGKEIT	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	DUSTIN HILLIS	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANDREA L BOONE	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	MARCI COLLIER OVERSTREET	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	JOYCE M SHEPERD	VOTER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<input type="checkbox"/> FILED BY COMMITTEE <input type="checkbox"/> REFERRED TO ZRB AND ZC <input type="checkbox"/> REFERRED WITHOUT OBJECTION <input type="checkbox"/> ADOPTED ON SUBSTITUTE <input type="checkbox"/> ADOPTED SUBSTITUTE AS AMENDED <input type="checkbox"/> FORWARDED WITH NO RECOMMENDATI <input type="checkbox"/> REFERRED TO SC <input type="checkbox"/> FILED WITHOUT OBJECTION <input type="checkbox"/> FAILED <input type="checkbox"/> FORWARDED TO FC/NQ <input type="checkbox"/> FAVORABLE ON SUBSTITUTE <input type="checkbox"/> FAVORABLE/SUB/AMENDED <input type="checkbox"/> FAVORABLE/SUB/AMND/COND <input type="checkbox"/> FAVORABLE/AMND/COND <input type="checkbox"/> FAVORABLE AS AMENDED <input type="checkbox"/> RETURNED AS HELD <input type="checkbox"/> FAVORABLE ON CONDITION <input type="checkbox"/> FAVORABLE/SUB/CONDITION <input type="checkbox"/> QUADRENNIALY TERMINATED <input type="checkbox"/> QUESTION CALLED <input type="checkbox"/> ROUTED TO COW <input type="checkbox"/> SUSTAINED <input type="checkbox"/> OVERRIDEN <input type="checkbox"/> NOT ACCEPTED BY COMMITTEE <input type="checkbox"/> SUSTAINED W/O OBJECTION <input type="checkbox"/> TABLED W/O OBJECTION <input type="checkbox"/> HELD IN COW	
---	--

[Unanimous]

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