

**AN ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH THE EXERCISE OF EMINENT DOMAIN, PURSUANT TO THE SPECIAL MASTER METHOD, O.C.G.A. § 22-2-100 ET SEQ. OR OTHER CONDEMNATION METHOD AS MAY BE APPLICABLE, OF FEE SIMPLE TITLE TO 2171 MACK DRIVE, 2181 MACK DRIVE, SIZEMORE AVENUE/GUN CLUB DRIVE PARCEL 17 024700030152, AND 1350 SIZEMORE AVENUE, ATLANTA, FULTON COUNTY, GEORGIA (COLLECTIVELY, THE “PROPERTIES”) FOR PUBLIC USE; TO AUTHORIZE THE CITY ATTORNEY, OR HIS DESIGNEE, TO INSTITUTE FORMAL CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY FOR PUBLIC USE, INCLUDING USE OF OUTSIDE COUNSEL WHERE NECESSARY; AUTHORIZING THE PAYMENT OF JUST AND ADEQUATE COMPENSATION FOR THE PROPERTY TO THE OWNER AND ANY OTHER PARTIES ENTITLED THERETO; ALL AMOUNTS ASSOCIATED WITH THESE ACTIONS SHALL BE CHARGED TO AND PAID FROM FUND OR ACCOUNT NUMBERS LISTED HEREIN; AND FOR OTHER PURPOSES.

WHEREAS, City Council Code of Ordinance, Sec. 2-1541 of the Procurement and Real Estate Code authorizes negotiation by the Chief Procurement Officer or her designee on behalf of the City of Atlanta (“**City**”) to negotiate for the acquisition of the improved real property located at 2181 Mack Drive, Atlanta, Georgia (Parcel ID 17 024700010501), and the vacant lots located at 2171 Mack Drive, Atlanta, Georgia (Parcel ID 17 024700010493), Sizemore Avenue/Gun Club Drive (Parcel ID 17 024700030152), and 1350 Sizemore Avenue (Parcel ID 17 024700031036), in Atlanta, Fulton County, Georgia, all as more particularly described on **Exhibit “A”** attached hereto and incorporated herein by this reference (the “**Properties**”); and

WHEREAS, the City engaged in good faith negotiations with the owner of the Properties to acquire the Properties based upon a certified appraisal of the same, but the negotiations were unsuccessful; and

WHEREAS, the exercise of eminent domain over the Properties is necessary for public use; and

WHEREAS, condemnation, including use of the Special Master method pursuant to O.C.G.A. § 22-2-100 or other appropriate method, as provided in O.C.G.A. § 22-2-1 *et seq.*, is necessary to accomplish the public use.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1. Pursuant to Section 2-1542 of the City’s Code of Ordinances, the City Attorney is authorized to institute condemnation or other legal proceedings to acquire good and marketable fee simple title to 2171 Mack Drive, 2181 Mack Drive, Sizemore Avenue/Gun Club Drive Parcel 17 024700030152, and 1350 Sizemore Avenue, as more fully described on **Exhibit “A”** hereto and incorporated herein by reference, without further authorization by City Council, including

engagement and/or use of outside counsel as may be necessary for the purpose of completing the acquisition of the Properties.

Section 2. The City Attorney is authorized to use the Special Master Method, pursuant to O.C.G.A. § 22-2-100 *et seq.*, or, alternatively, other condemnation proceeding authorized by Title 22 of the Official Code of Georgia, to acquire good and marketable title to the Properties.

Section 3. The City Attorney, or his designee, is authorized to monitor and supervise the transactions associated with all legal proceedings and actions concerning the acquisition of the Properties.

Section 4. The Mayor, or his designee, is authorized to execute all documents on behalf of the City as may be necessary to effectuate the purposes of this Ordinance, including without limitation, acquisition of good and marketable title to the Properties.

Section 5. All costs related to acquisition of the Properties, including the payment of just and adequate compensation for the Properties, which is hereby authorized, will be charged to and paid from fund or account: 5401 (SOLID WASTE SERVICES REVENUE FUND) 130501 (DPW SOLID WASTE ADMINISTRATION) 5411001 (LAND EXPENSE) 4510000 (SOLID WASTE ADMINISTRATION). The aggregate amount to condemn the Properties shall not exceed Two Hundred Thousand Dollars (\$200,000.00).

Section 6. Article X, Division 14, Subdivision II of the City's Code of Ordinances is waived to the extent such sections apply, such that all authorizations granted in this Ordinance are granted without the need for prior or further authorization of City Council so that the Properties can be acquired in a timely fashion to meet the requirements of the intended public use.

Exhibit "A"
Legal Description of the Properties

1. 2181 Mack Dr:

All that tract or parcel of land lying and being in Land Lot 247 of the 17th District, Fulton County, Georgia, being Lot 12, R. C. McWilliams Property, as per plat recorded in Plat Book 36, page 13, Fulton County records; which plat is incorporated herein and made a part hereof.

2. 0 Sizemore:

All that tract or parcel of land lying and being in Land Lot 247 of the 17th District, Fulton County, Georgia, being more particularly described as follows:

Beginning at a point located at the southwest intersection of Gun Club Road and Sizemore Road; running thence northwesterly along the southwesterly side of Gun Club Road a distance of 150 feet to a point; running thence southwesterly 70.0 feet to a point; running thence southeasterly a distance of 150 feet to a point located on the northwesterly side of Sizemore Road; running thence northeasterly as measured along the northwesterly side of Sizemore Road a distance of 65 feet to said intersection and the point of beginning.

3. 1350 Sizemore:

All that tract or parcel of land lying and being in Land Lot 247 of the 17th District, Fulton County, Georgia, being more particularly described as follows:

Beginning at a point located at the Northwesterly side of Sizemore Drive (also known as Sizemore Road and Avenue) 65 feet Southwesterly from the corner formed by the intersection of the Northwesterly side of Sizemore Drive and Southwesterly side of Gun Club Drive; running thence Southwesterly along the Northwesterly side of Sizemore Drive 57 feet to a point; running thence Northwesterly 141.6 feet to a point; running thence Northeasterly 60 feet to a point; running thence Southeasterly 150 feet to the Northwesterly side of Sizemore Drive and the point of beginning, being improved property known as 1350 Sizemore Drive, Atlanta, Georgia 30318, according to the present system of numbering houses in Fulton County, Georgia.

4. 2171 Mack Dr.:

All that tract or parcel of land lying and being in Land Lot 247 of the 17th District, Fulton County, Georgia, being Lot 13, R. C. McWilliams Property, as per plat recorded in Plat Book 36, page 13, Fulton County records; which plat is incorporated herein and made a part hereof.