



# CITY OF ATLANTA

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City of Atlanta  
Georgia

Ordinance  
17-O-1586

Adopted  
Oct 2, 2017 1:00 PM

**AN ORDINANCE BY COUNCILMEMBER MICHAEL JULIAN BOND AUTHORIZING THE CHIEF PROCUREMENT OFFICER OR HER DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR THE ACQUISITION OF FEE SIMPLE TITLE TO THE REAL PROPERTY AT 2171 MACK DRIVE (PARCEL ID 17 024700010493), 2181 MACK DRIVE (PARCEL ID 17 024700010501), SIZEMORE AVENUE/GUN CLUB DRIVE (PARCEL ID 17 024700030152), AND 1350 SIZEMORE AVENUE (PARCEL III 17 024700031036), ATLANTA, FULTON COUNTY, GEORGIA (COLLECTIVELY, THE "PROPERTIES"); AUTHORIZING THE MAYOR OR HIS DESIGNEE, ON BEHALF OF THE CITY, TO EXECUTE ALL NECESSARY DOCUMENTS TO ACQUIRE THE PROPERTIES; ALL AMOUNTS TO BE PAID FROM FUND OR ACCOUNT NUMBER(S) LISTED HEREIN; WAIVING SECTION 2-1541 OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY CODE OF ORDINANCES, ARTICLE X; ALL AMOUNTS TO BE PAID FROM FUND OR ACCOUNT NUMBERS LISTED HEREIN; AND FOR OTHER PURPOSES.**

### Information

<b>Department:</b>	Office of the Municipal Clerk	<b>Sponsors:</b>	Councilmember, Post 1 At-Large Michael Julian Bond
<b>Category:</b>	Personal Paper	<b>Functions:</b>	None Required

### Attachments

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### Body

**WHEREAS**, the City of Atlanta (the "City") is conducting post-closure care of the closed permitted Gun Club Road Municipal Landfill and the former open dump site known as Baby Gun Club Landfill; and

**WHEREAS**, the City needs to acquire certain additional properties to conduct certain monitoring activities associated with post-closure care; and

**WHEREAS**, obtaining title to 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 (collectively, the "**Properties**") is necessary for the City to conduct the necessary monitoring activities; and

**WHEREAS** the City seeks to acquire the Properties to conduct certain monitoring activities associated with post closure care; and

**WHEREAS**, it will be beneficial to the City and surrounding community for the City to acquire the Properties; and

**WHEREAS**, the Chief Procurement Officer ("**CPO**"), in conjunction with the using agency, the Department of Public Works, has determined that the acquisition of the Properties is useful and necessary; and

**WHEREAS**, Filez, LLC ("**Owner**") is the current record title owner of the Properties, subject to any security deeds and other liens and encumbrances; and

**WHEREAS**, it is necessary for the CPO or her designee on behalf of the City to negotiate with the Owner to acquire fee simple title to the Properties; and

**WHEREAS**, there may occasion where it is in the City's best interest to avoid the costs and expenses of litigation to acquire Properties at an amount above the estimated just compensation ("**EJC**") as established by the CPO based on an appraisal of their market value.

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

**Section 1.** The CPO or her designee is authorized, pursuant to Section 2-1541 of the City Code of Ordinances, to obtain environmental reports, title reports and title certificates, appraisals, surveys and such other due diligence items as may be necessary or desirable for the acquisition of the Properties, if needed.

**Section 2.** There may occasion where it is in the City's best interest to avoid the costs and expenses of litigation to acquire Properties at an amount above the EJC as established by the CPO based on an appraisal of their market value. In such instance, the City is authorized to acquire each Property at an amount not to exceed ten percent (10%) above the EJC for such Property without further authorization of City Council. The City is further authorized, with the written approval of the CPO, to acquire a Property at an amount not to exceed twenty percent (20%) above the EJC for such Property without further authorization of City Council. However, in no event shall the authority to acquire such Property without further City Council authorization exceed twenty percent (20%) above the EJC for each Property.

**Section 3.** The Mayor or his designee is authorized to execute on behalf of the City all documents that the City Attorney deems necessary or advisable for the purchase of the Properties and to carry into effect the intent of this Ordinance, including but not limited to agreements of purchase and sale, deeds, closing documents and any ancillary agreements.

**Section 4.** The City Attorney or his designee is authorized to take all necessary action to close or to monitor the closing of the transaction(s) for purchase of the Properties, to record the deed(s), to verify title subject to utility easements of record, and to have a policy of owner's title insurance issued in favor of the City for each of the Properties.

**Section 5.** All costs and expenses for the purchase of the Properties, including purchase price, due diligence activities and costs of closing, shall be charged to and paid from the following fund or account: 5401 (SOLID WASTE SERVICES REVENUE FUND) 130501 (DPW SOLID WASTE ADMINISTRATION) 5411001 (LAND EXPENSE) 4510000 (SOLID WASTE ADMINISTRATION).

**Section 6.** The applicable provisions of the Procurement and Real Estate Code of the City Code of Ordinances, Article X, Section 2-1541, are hereby waived so that the City may determine the legal descriptions of the Properties by survey, and inasmuch as they require the CPO to prepare and negotiate an option to purchase the Property and obtain additional City Council authorization to accept such option(s). Such code sections are waived so that the Property can be acquired in a timely manner to meet the requirements of this Ordinance.

**Section 7.** 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.

### Meeting History

<a href="#">Sep 18, 2017 1:00 PM Video</a>	<b>Atlanta City Council</b>	<b>Regular Meeting</b>	<b>Draft</b>
REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION			
<b>RESULT: REFERRED WITHOUT OBJECTION</b>			
<a href="#">Sep 27, 2017 1:00 PM Video</a>	<b>Finance/Executive Committee</b>	<b>Regular Committee Meeting</b>	<b>Draft</b>
<b>RESULT: FAVORABLE [UNANIMOUS]</b>			
<b>SECONDER:</b> Alex Wan, Councilmember, District 6			
<b>AYES:</b> Howard Shook, Yolanda Adrean, Alex Wan, Natalyn Mosby Archibong, Carla Smith, Clarence "C. T." Martin, Felicia A. Moore			
<a href="#">Oct 2, 2017 1:00 PM Video</a>	<b>Atlanta City Council</b>	<b>Regular Meeting</b>	<b>Draft</b>
ADOPTED BY A ROLL CALL VOTE OF 15 YEAS; 0 NAYS			
<b>RESULT: ADOPTED [UNANIMOUS]</b>			

**AYES:** Michael Julian Bond, Mary Norwood, Andre Dickens, Carla Smith, Kwanza Hall, Ivory Lee Young Jr., Cleta Winslow, Natalyn Mosby Archibong, Alex Wan, Howard Shook, Yolanda Adrean, Felicia A. Moore, Clarence "C. T." Martin, Keisha Lance Bottoms, Joyce Sheperd

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