

09-0-1703

(Do Not Write Above This Line)

AN ORDINANCE BY  
FINANCE EXECUTIVE COMMITTEE

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, AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR AND TO PURCHASE APPROXIMATELY 6.2 ACRES, LOCATED ON GAULT STREET AND ERIC STREET ("THE CHOSEWOOD PARK EXPANSION") FROM THE CONSERVATION FUND (TCF), IN AN AMOUNT NOT TO EXCEED ONE MILLION TWO HUNDRED THIRTY ONE THOUSAND DOLLARS (\$1,231,000.00), FOR THE PURPOSE OF EXPANDING THE EXISTING CHOSEWOOD PARK. THE CITY'S PURCHASE PRICE, DUE DILIGENCE, PURCHASE SERVICES AND DEVELOPMENT COSTS SHALL BE PAID FROM PARK IMPACT FEE SOUTH, ARTHUR M. BLANK FAMILY FOUNDATION FUNDS AND ACORA FUNDS AS SHOWN BELOW AND FOR OTHER PURPOSES.

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 10/05/09  
Referred To: Finance Exec.

Date Referred  
Referred To:  
Date Referred  
Referred To:

First Reading  
Committee Finance Executive  
Date 9/30/09  
Chair [Signature]  
Referred To Finance Executive

Committee Finance Executive  
Date 10/14/09  
Chair [Signature]  
Action [Signature]  
Fav, Adv, Hold (see rev. side)  
Other Substantive

Members  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

ADOPTED BY

OCT 19 2009

COUNCIL

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

FINAL COUNCIL ACTION  
 2nd  1st & 2nd  3rd  
Readings  
 Consent  V Vote  FC Vote

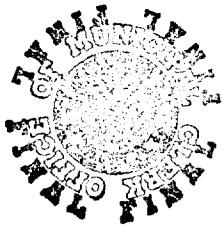
CERTIFIED

OCT 19 2009

CERTIFIED  
OCT 19 2009  
Randy Douglas  
MUNICIPAL CLERK

MAYOR'S ACTION

[Signature]  
2009



CITY COUNCIL  
ATLANTA, GEORGIA

09-O- 1703

A SUBSTITUTE ORDINANCE BY

FINANCE AND EXECUTIVE COMMITTEE

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, AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR AND TO PURCHASE APPROXIMATELY 6.2 ACRES, LOCATED ON GAULT STREET AND ERIC STREET ("THE CHOSEWOOD PARK EXPANSION") FROM THE CONSERVATION FUND (TCF,) IN AN AMOUNT NOT TO EXCEED ONE MILLION TWO HUNDRED THIRTY ONE THOUSAND DOLLARS (\$1,231,000.00), FOR THE PURPOSE OF EXPANDING THE EXISTING CHOSEWOOD PARK. THE CITY'S PURCHASE PRICE, DUE DILIGENCE, PURCHASE SERVICES AND DEVELOPMENT COSTS SHALL BE PAID FROM PARK IMPACT FEE SOUTH, ARTHUR M. BLANK FAMILY FOUNDATION FUNDS AND ACoRA FUNDS AS SHOWN BELOW AND FOR OTHER PURPOSES.

**WHEREAS**, The Conservation Fund ("TCF") is negotiating for or has acquired approximately 6.2 acres of property, located on Gault Street and Eric Street, Atlanta, Georgia, Fulton County, ("the Chosewood Park Expansion Property") for the purpose of expanding the existing Chosewood Park (See attached Exhibit "A"); and

**WHEREAS**, TCF has agreed to sell the Chosewood Park Expansion Property to the City subject to the appropriate City approval processes; 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**, the community is in support of the Chosewood Park Expansion; and

**WHEREAS**, the Arthur M. Blank Family Foundation has donated \$300,000 for a portion of the expansion of Chosewood Park; and

**WHEREAS**, ACoRA has agreed to fund \$757,000 for a portion of the Chosewood Park expansion; and

**WHEREAS**, TCF has agreed to purchase the property and to accept a \$757,000 reimbursement from ACoRA and to donate this amount of the purchase to the City; and



WHEREAS, purchasing the Chosewood Park Expansion 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 to purchase approximately 6.2 acres of real property located on Gault Street and Eric Street, Atlanta, Georgia, Fulton County, ("the Chosewood Park Expansion Property") for the purpose of expanding the existing Chosewood Park. (See attached Exhibit "A".)

**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 Chosewood Park Expansion Property. In addition, the Chief Procurement Officer, or his or her designee, is authorized to obtain and pay for those items and services necessary to purchase the Chosewood Park Expansion Property, including but not limited to title insurance, real estate service fees, demolition, site development, fencing, closing costs and other costs of acquisition (the "City's Due Diligence and Purchase Services").

**SECTION 3:** The 2009 General Government Capital Outlay Fund Budget, Department of Planning and Community Development is hereby amended as follows:

#### **TRANSFER FROM APPROPRIATIONS**

\$174,000.00 from 3502 (General Government Capital Fund) 100101 (DOF Chief Financial Officer) 5999901 (Reserve Conversion Account – Class 1) 1320000 (Chief Executive) 201072 (Admin. Development Recoupment Fees) 91110 (Funding Source SWMA Loan 9991)

Project: 10201072  
Task: 101  
Award: 350291110  
Expense: 5999901 RESERVE  
Org City of Atlanta

**TOTAL** **\$174,000.00**

#### **TRANSFER TO APPROPRIATIONS**

\$174,000.00 to 3502 (General Governmental Capital Fund) 140106 (PRC Parks Design) 5411001 (Land) 6220000 (Parks Areas) 201997 (Green Space Program,) 91108 (Funding Source SWMA Loan 9988)

Project: 14201997  
Task: 103  
Award: 350291108



Expense:  
Org City of Atlanta

5411001 LAND

TOTAL

\$174,000.00

**SECTION 4:** The City's Purchase Price, plus Closing Costs, Development Costs, and Due Diligence and Purchase Services, shall be in a total amount not to exceed One Million Two Hundred Thirty One Thousand Dollars (\$1,231,000.00). The City's Purchase Price, Due Diligence, Purchase Services and Development Costs shall be paid from Park Impact Fee South Fund Account Segment/PATEO Numbers: 14201997 (PROJECT) 103 (TASK), 350291107 (AWARD), 5411001 (EXPENSE TYPE- LAND), and ACCOUNT SEGMENT NUMBERS - 3502-General Government Capital Fund, 140106-PRC Parks Design, 5411001-Land, 6220000-Parks Areas, 201997-Project Green Space Program, 91108-Funding Source- SWMA Loan 9988 in an amount not to exceed One Hundred Seventy Four Thousand Dollars (\$174,000.00); from The Arthur M. Blank Family Foundation Fund in an amount not to exceed Three Hundred Thousand Dollars (\$300,000.00) from

Fund:	2501
Dept.:	140106
Acct.:	5411001
Func. Activ.:	6220000
Proj.:	102854
Fund Sc.:	10898
Project:	14102854
Task:	101
Award:	250110898
Expense Type:	5411001

and to accept a donation from TCF for a reimbursement from ACoRA Funds in an amount not to exceed to Seven Hundred Fifty Seven Thousand Dollars (\$757,000.)

**SECTION 5:** Upon acquisition, the Department of Parks, Recreation, and Cultural Affairs, Office of Parks, is hereby charged with all responsibility for the Chosewood Park Expansion Property and shall retain the land in perpetuity as a public park. 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 Chosewood Park Expansion 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, for purposes of the Chosewood Park Expansion Property only, to allow the purchase of the Chosewood Park Expansion 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 City Law Department deems to be necessary or advisable in order to carry out the purposes and 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 out the purposes and intent of this Ordinance.

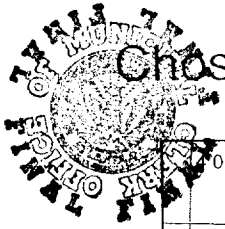
**SECTION 10:** Said deeds, instruments, or other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been approved by the City Attorney as to form, attested to by the Municipal Clerk, and signed by the Mayor.

**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. All resolutions and parts of resolutions in conflict herewith are hereby waived, but only to the extent of such conflict.

A true copy,  
*Phanda Daughin Johnson*  
Municipal Clerk

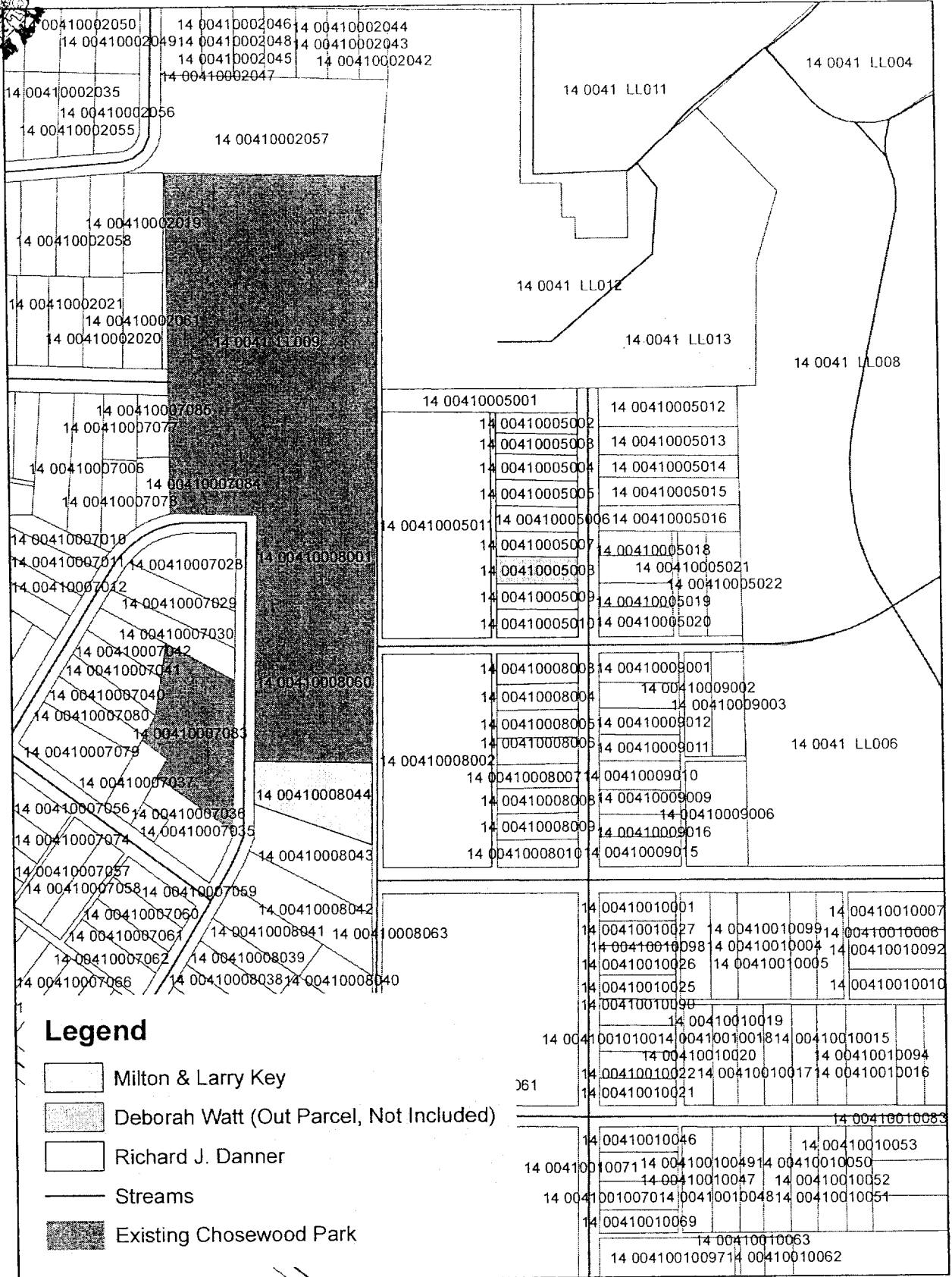
**ADOPTED by the Atlanta City Council**  
**APPROVED by Mayor Shirley Franklin**

**OCT 19, 2009**  
**OCT 27, 2009**



# Chosewood Park Expansion

# EXHIBIT A (Page 1 of 2)





**EXHIBIT A**  
**(Page 2 of 2)**

**CHOSEWOOD PARK EXPANSION**

PROJECT NAME	ADDRESS	PARCEL IDS	TOTAL ACRES	TCF CLOSING DATE	TOTAL EST. ACQ. COSTS
Richard Danner	Gault Street	14-0041-0005-001 14-0041-0005-002 14-0041-0005-003 14-0041-0005-004 14-0041-0005-005 14-0041-0005-006 14-0041-0005-007 14-0041-0005-009 14-0041-0005-010 14-0041-0005-011 14-0041-0008-002 14-0041-0008-003	5.63	11-02-2009	\$1,151,000
Larry & Milton Key	Eric Street	14-0041-0008-044	0.57	10-27-2009	\$80,000
<b>TOTAL COSTS</b>			6.2		\$1,231,000





ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	10-19-09 ITEMS ADVERSED ON CONSENT
1. 09-O-1660 2. 09-O-1661 3. 09-O-1320 4. 09-O-1668 5. 09-O-1724 6. 09-O-1807 7. 09-O-1810 8. 09-O-1693 9. 09-O-1703 10. 09-O-1722 11. 09-O-1723 12. 09-O-1803 13. 09-O-1805 14. 09-R-1317 19. 09-R-1813 20. 09-R-1735 21. 09-R-1738 22. 08-R-1322 23. 09-R-1820 24. 09-R-1672 25. 09-R-1740 26. 09-R-1779 27. 09-R-1780 28. 09-R-1781 29. 09-R-1782 30. 09-R-1785 31. 09-R-1786 32. 09-R-1789 33. 09-R-1790 34. 09-R-1791 35. 09-R-1792 36. 09-R-1793 37. 09-R-1794	38. 09-R-1741 39. 09-R-1742 40. 09-R-1743 41. 09-R-1744 42. 09-R-1745 43. 09-R-1746 44. 09-R-1747 45. 09-R-1748 46. 09-R-1749 47. 09-R-1750 48. 09-R-1751 49. 09-R-1752 50. 09-R-1753 51. 09-R-1754	52. 09-R-1755 53. 09-R-1756 54. 09-R-1757 55. 09-R-1758 56. 09-R-1759 57. 09-R-1760 58. 09-R-1761 59. 09-R-1762 60. 09-R-1763 61. 09-R-1764 62. 09-R-1765 63. 09-R-1766 64. 09-R-1767 65. 09-R-1768 66. 09-R-1769 67. 09-R-1770 68. 09-R-1771 69. 09-R-1772 70. 09-R-1773 71. 09-R-1774 72. 09-R-1775 73. 09-R-1776 74. 09-R-1777