

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN SERVICES COMMITTEE AUTHORIZING THE MAYOR OR HER DESIGNEE, OR THE CHIEF PROCUREMENT OFFICER OR HIS DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA TO ACQUIRE FROM THE CONSERVATION FUND APPROXIMATELY 216 ACRES OF REAL PROPERTY LOCATED AT 0 FORREST PARK RD SE, FULTON COUNTY TAX PARCEL ID NUMBERS 14-0003-LL-017-3, 14-0002-LL-024-0, 14-0004-LL-049-5, 14-0004-LL-053-7 FOR THE PROTECTION, MAINTENANCE, AND REGENERATION OF TREES AND OTHER FOREST RESOURCES AS AUTHORIZED UNDER CITY CODE SECTION 158-66 (B); TO BE DESIGNATED, IN PERPETUITY AS FORESTED LAND, AND TO EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE THE PROPERTY; AUTHORIZING ACQUISITION, DUE DILIGENCE, CLOSING COSTS, SIGNAGE, DEMOLITION, SITE SECURITY AND STABILIZATION, FENCING, AND OTHER SITE DEVELOPMENT COSTS IN AN AMOUNT NOT TO EXCEED FIVE MILLION THREE HUNDRED FIFTEEN THOUSAND TWO HUNDRED THIRTY-THREE DOLLARS AND ONE CENT (\$5,315,233.01); TO BE PAID FROM THE TREE TRUST FUND USING THE FUND AND ACCOUNT INFORMATION LISTED HEREIN; WAIVING SECTION 2-1541(D) OF THE PROCUREMENT AND REAL ESTATE CODE; AND FOR OTHER PURPOSES.

WHEREAS, greenspace is an integral part of the fabric of the City of Atlanta ("City"); and

WHEREAS, Ordinance 16-0-1353, adopted by the City Council on November 21, 2016 and approved as per City Charter Section 2-403 on November 30, 2016 (codified as City Code Sec. 158-66(b)), authorizes the City to procure privately-owned afforested property containing i) 80 percent or more canopy cover; ii) minimum forestation standards of 1,000 DBH inches; and/or iii) 50 mature trees per acre ("minimum eligibility criterion"); and

WHEREAS, in addition to meeting one or more of the minimum eligibility criterion, the aforementioned city code section requires that the property: i) be dedicated and preserved in perpetuity as forested land; ii) be available for public use without cost (subject to park rules and other applicable city ordinances); and c) use of the property be restricted to passive recreational activities with minimal environmental impact, as determined and established in writing by the Department of Parks and Recreation commissioner based on the characteristics of the property; and

WHEREAS, the City has identified property located at 0 Forrest Park Rd SE, Fulton County tax parcel ID numbers; 14-0003-LL-017-3, 14-0002-LL-024-0, 14-0004-LL-049-5, 14-0004-LL-053-7 (the "Property") approximately depicted in Exhibit A, attached hereto and incorporated herein by this reference that it has determined should be preserved as afforested land in perpetuity for its high conservation value; and

WHEREAS, pursuant to code section 158-66(b)(3), the commissioners of the Department of City Planning and the Department of Parks and Recreation jointly developed a written list of factors and a process for evaluating parcels that may be suitable for acquisition as forested property and each

commissioner prepared an affidavit affirming that these factors and process were followed in the selection of the Property and these affidavits are attached as Exhibit C; and

WHEREAS, The Conservation Fund (the "TCF") was founded in 1985 works to protect land with high conservation value to protect properties for wildlife, recreation and/or historical significance; and

WHEREAS, TCF is a non-profit, 501 (c) (3) organization, who's mission it is to acquire and hold real properties until the respective public agencies have funds to purchase the properties; and

WHEREAS, TFC purchased the Property; and

WHEREAS, the Nature Conservancy is working in the South River watershed to protect the important waterway and to center their efforts on the people who live there; and

WHEREAS, the Nature Conservancy's vision for the South River watershed is to provide people with the skills and tools to advocate for themselves and their community on environmental issues that impact their daily lives; and

WHEREAS, the Property meets the minimum eligibility criterion, including preserving and contributing to the South River watershed, and it is in the best interest of the City to acquire the Property as forested land in perpetuity from TCF; and

WHEREAS, it is the desire of the City of Atlanta to acquire the Property from TFC; and

WHEREAS, following the acquisition of the Property by the City, it shall be available for public use without cost (subject to City of Atlanta rules and other ordinances); and

WHEREAS, the acquisition of the Property would protect in perpetuity high-value mature forest and habitat for the benefit of Atlanta's residents and environment; and

WHEREAS, following the acquisition of the Property, the Property shall be subject to a deed restriction that preserves the Property in perpetuity; and

WHEREAS, as specified in the code section 158-66 (b), a Property Maintenance Plan and Budget has been created that specifies the types of maintenance and improvements that will be needed at the property, See Exhibit B attached hereto; and

WHEREAS, following the acquisition of the Property, the City of Atlanta Department of Parks and Recreation ("DPR") is the department responsible for oversight of the property; and

WHEREAS, funding from the Tree Trust Fund will be allocated to DPR or their designee to conduct maintenance on the Property for the protection, maintenance, and regeneration of trees and other forest resources as authorized under City code section 158-66 (b).

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

SECTION 1: The Chief Procurement Officer ("CPO") or their designee, on behalf of the City, is hereby authorized to negotiate with TCF to purchase all or part of Property at 0 Forrest Park Rd SE, Fulton County tax parcel ID numbers; 14-0003-LL-017-3, 14-0002-LL-024-0, 14-0004-LL-049-5, 14-0004-LL-053-7 at a cost (the "Purchase Price") that is at or no greater than fair market value as determined by an appraisal approved by the CPO or their designee. The Property is approximately depicted in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 2: The CPO or their designee is authorized to obtain and pay for due diligence items deemed necessary or desirable for the acquisition of the Property; to pay for items or services necessary to purchase the Property, including but not limited to; surveys, title reports, environmental assessments, appraisals, title insurance, real estate service fees, technical reports, site security, signage, site stabilization, fencing, closing costs, and other costs of acquisition (collectively, the "Due Diligence and Purchase Services").

SECTION 3: The Purchase Price, Due Diligence, Purchase Services and site security and stabilization shall not exceed a total of Five million, three hundred fifteen thousand, two hundred thirty-three dollars and one cent (\$5,315,233.01) (made of up \$4,689,993.01 in acquisition costs and \$625,240 in site security and stabilization costs) and shall be paid from the Tree Trust Fund enumerated in Section 4.

SECTION 4: The costs of the purchase for the acquisition in an amount not to exceed \$4,689,993.01 shall be charged to and paid from Fund, Department Organization and Account Number:

Fund 7701 Trust Fund, Department 250101 DCP Commissioner, Account 5411001 Land Exp, Function Activity 1320000 Chief Executive, Project 600013 Tree Removal Protection, 69999 Funding Source for Non Capital Trust.

The costs for site security and stabilization in an amount not to exceed \$625,240 shall be charged to and paid from the FY2020 Tree Trust Fund budget, Department of Parks and Recreation which is hereby amended as follows:

TRANSFER FROM APPROPRIATIONS						
PTAEO			GENERAL LEDGER			
PROJECT NUMBER	NIA	NIA	FUND	7701	TRUST FUND	

TASK NUMBER	NIA	NIA		GLDEPT	250101	PCD COMMISSIONER
AWARD NUMBER	NIA	NIA		ACCT	5239004	SERVICE GRANTS
EXPENSE ACCOUNT	NIA	NIA		FUNCTION/ACTIVITY	1320000	CHIEF EXECUTIVE
OWNING ORG	NIA	NIA		GL PROJECT	600013	TREE REMOVAL PROTECTION
				GL FUNDING SOURCE	69999	NON CAPITAL
TOTAL						\$625,240.00

ADD TO APPROPRIATIONS						
PTAEO			GENERAL LEDGER			
PROJECT NUMBER	NIA	NIA		FUND	7701	TRUST FUND
TASK NUMBER	NIA	NIA		GLDEPT	140201	PRC PARKS ADMIN
AWARD NUMBER	NIA	NIA		ACCT	5212001	CONSULTANT PROF. SERVICES
EXPENSE ACCOUNT	NIA	NIA		FUNCTION/ACTIVITY	6210000	PARKADMIN
OWNING ORG	NIA	NIA		GL PROJECT	600013	TREE REMOVAL
				GL FUNDING SOURCE	69999	NON CAPITAL
TOTAL						\$625,240.00

SECTION 5: The Property is hereby dedicated as a Tree Trust Fund Acquisition and the City of Atlanta shall retain the Property in perpetuity as public forested land with passive recreational facilities, provided that such facilities are developed and managed to have minimal environmental impact, as determined and established based on the characteristics of the property.

SECTION 6: The Property shall be available for public use without cost (subject to City of Atlanta rules and other ordinances).

SECTION 7: Attached to this ordinance as Exhibit B is the maintenance plan for the Property. This plan describes the types of maintenance that may be needed at the Property, estimates the Property's annual maintenance cost, and identifies the source of funding for the estimated annual maintenance cost. To the extent that the commissioner identifies the tree trust fund as the source of maintenance funding, any specific allocation of maintenance dollars from the tree trust fund shall be authorized as a separate procurement or expenditure, in a manner consistent with applicable city ordinances.

SECTION 8: The requirements of Article X, Division 14, Subdivision II, Section 2-1541(d) (Procurement and Real Estate Code) of the City of Atlanta Code of Ordinances, are waived, for the purposes of this Ordinance only, to allow the purchase of the Property on behalf of the City without further authorization by the City Council.

SECTION 9: The Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments or other documents that the City Attorney deems to be necessary or advisable in order to carry into effect the intent of this Ordinance.

SECTION 10: The City Attorney is hereby directed to prepare, for execution by the Mayor on behalf of the City, any and all deeds, instruments, or other documents that the City Attorney deems necessary or advisable to carry into effect the intent of this Ordinance.

SECTION 11: 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 12: The Mayor or her designee, the City Attorney or her designee, the Chief Procurement Officer or his designee, the Commissioner of the Department of Parks and Recreation or his designee, or other agent of the City, on behalf of the City in their official capacities in accordance with this ordinance, are authorized to take and do such further acts and deeds, and to execute and deliver, for and in the name of the City, respectively, such other documents, certificates, papers and instruments as they deem to be necessary, appropriate, advisable or required in order to effectuate the purpose and intent of this Ordinance and to consummate the actions contemplated by this Ordinance.

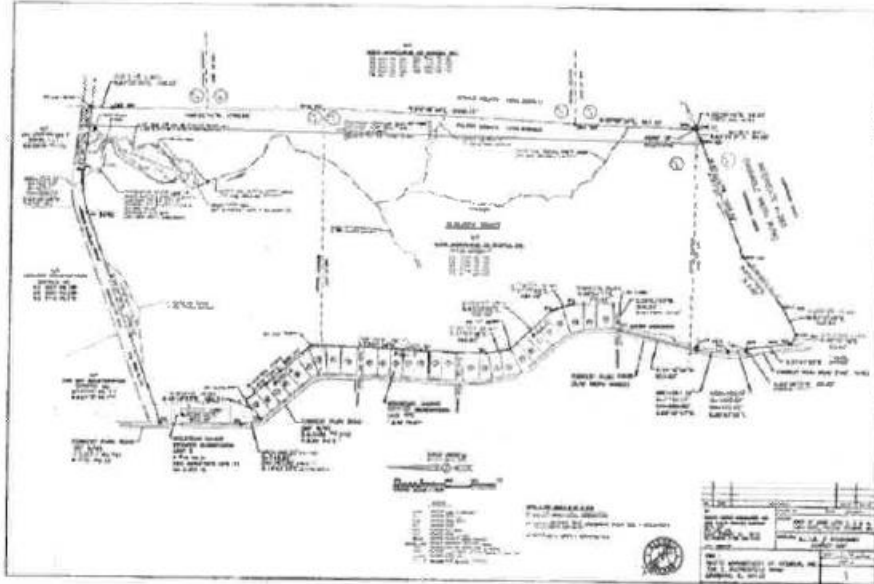
SECTION 13: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

Exhibit "A"

Description of Property

Portions of Tax Parcel IDs 14-0003-LL-017-3, 14-0002-LL-024-0, 14-0004-LL-049-5, 14-0004-LL-053-7

The boundary line as shown in red below is approximately 100 ft from the Dekalb County border.



CITY COUNCIL
ATLANTA, GEORGIA

20-O-1215

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Workflow List:

Tim Keane	Completed	02/27/2020 1:45 PM
Jonathan S Futrell	Completed	02/27/2020 3:09 PM
Finance	Completed	02/28/2020 10:40 AM
Mayor's Office	Completed	02/28/2020 10:45 AM
Office of Research and Policy Analysis	Completed	03/03/2020 3:04 PM
Community Development & Human Services Committee	Completed	03/10/2020 12:00 PM
Atlanta City Council	Completed	03/17/2020 10:00 AM
Community Development & Human Services Committee	Completed	03/24/2020 12:00 PM
Atlanta City Council	Pending	04/20/2020 1:00 PM
Mayor's Office	Pending	

HISTORY:

03/10/20 Community Development & Human Services Committee

SOUNDED AND FORWARDED TO FULL COUNCIL

03/17/20 Atlanta City Council REFERRED TO COMMITTEE

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN SERVICES COMMITTEE BY UNANIMOUS CONSENT OF COUNCIL MEMBERS PRESENT (15Y/0N)

RESULT:	REFERRED TO COMMITTEE [UNANIMOUS]	Next: 3/24/2020 12:00 PM
AYES:	Bond, Westmoreland, Dickens, Smith, Farokhi, Brown, Winslow, Archibong, Ide, Shook, Matzigkeit, Hillis, Boone, Overstreet, Sheperd	

03/24/20 Community Development & Human Services Committee FAVORABLE

RESULT: FAVORABLE [UNANIMOUS]

Next: 4/20/2020 1:00 PM

MOVER: Carla Smith, District 1

SECONDER: Joyce M Sheperd, District 12

AYES: Westmoreland, Bond, Smith, Farokhi, Brown, Archibong, Sheperd

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