

**AN ORDINANCE BY COUNCILMEMBER(S) ANDRE DICKENS, CARLA SMITH, AMIR FAROKHI, IVORY LEE YOUNG, JR., NATALYN MOSBY ARCHIBONG, JENNIFER IDE, HOWARD SHOOK, J.P. MATZIGKEIT, DUSTIN HILLIS, ANDREA BOONE, MARCI COLLIER-OVERSTREET, JOYCE SHEPHERD, AND MATT WESTMORELAND
AS SUBSTITUTED BY FINANCE EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA (“CITY”) TO TRANSFER THE PROPERTIES LISTED ON EXHIBIT “A” ATTACHED HERETO (COLLECTIVELY, THE “PROPERTY”) TO THE ATLANTA INDEPENDENT SCHOOL SYSTEM BY QUITCLAIM DEED; AUTHORIZING THE MAYOR OR HER DESIGNEE, ON BEHALF OF THE CITY, TO EXECUTE SUCH QUITCLAIM DEEDS AND ALL OTHER NECESSARY DOCUMENTS TO EFFECTUATE THE INTENT OF THIS ORDINANCE; TO WAIVE CERTAIN PROVISIONS OF THE PROCUREMENT AND REAL ESTATE CODE, CITY OF ATLANTA CODE OF ORDINANCES, ARTICLE X; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (“City”) holds legal title or has an interest in the Property; and

WHEREAS, certain parcels are the subject of a dispute between the City and the Atlanta Board of Education (“APS”) in the case of *Atlanta Independent School System v. All Persons, et seq.*, Fulton County Superior Court, Civil Action File No. 2015-CV-258910 (the “**Lawsuit**”); and

WHEREAS, pursuant to the exception in O.C.G.A. § 36-37-6(e)(2)(D) to the state-law procurement requirements, the City desires to transfer the Property to APS for the public purpose of education facilities and promoting affordable housing within the City; and

WHEREAS, the City is acting in its sole discretion in transferring the Property to APS voluntarily and not as the result of any legal obligation to do so; and

WHEREAS, the City is committed to promoting housing affordability and opportunities for mixed-income housing developments in the City and has implemented multiple housing policies and programs to further these objectives; and

WHEREAS, pursuant to Ordinance 16-O-1163 adopted by the Atlanta City Council on May 2, 2016 and approved by operation of law on May 11, 2016, the City requires that all multi-family residential properties in the City receiving a public grant, incentive or subsidy shall provide affordable housing (“**City Affordable Housing Policy**”); and

WHEREAS, to further promote housing affordability in the City, the Atlanta City Council adopted Inclusionary Zoning Ordinances 17-O-1542 (Beltline) and 17-O-1556 (Westside) on November 20, 2017, enacted on November 28, 2017, and effective on January 28, 2018 which require that all improvements to real property in the Beltline or Westside Overlay Districts upon which ten (10)

or more new residential rental dwelling units will be constructed shall contain affordable housing;
and

WHEREAS, on January 9, 2017, APS adopted an affordable housing policy in substantially similar form to the City Affordable Housing Policy (the “**APS Affordable Housing Policy**”); and

WHEREAS, in conjunction with the adoption of the APS Affordable Housing Policy, APS adopted a resolution creating a taskforce to explore opportunities to repurpose surplus facilities into affordable housing units; and

WHEREAS, the City desires to effectively partner with APS to facilitate housing affordability in the city, which may include a focus on workforce housing options for City teachers, police and firefighters; and

WHEREAS, any partnership between the City and APS for the purpose of facilitating housing affordability must be carried out consistent with the sole constitutional duty of APS – to provide public educational services to K-12 students within the City; and

WHEREAS, the City desires to be a collaborative partner with APS and support its mission to graduate every student ready for college and career; and

WHEREAS, prior to execution and delivery of any quitclaim deeds to the Property, it is in the best interest of the City to receive written assurances from APS that the properties previously conveyed to APS by the City that are subject to the Lawsuit and any Property authorized to be conveyed pursuant to this Ordinance that is subject to the Lawsuit will be dismissed from the Lawsuit.

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

SECTION 1: The Property is not useful to or needed by the City and is declared surplus.

SECTION 2: The Interim Chief Procurement Officer or her designee is authorized to obtain a title report and a land survey of the Property, if necessary.

SECTION 3: The City is authorized to transfer the Property to APS in an “as is”, “where is” condition for the public purpose of providing educational facilities and promoting affordable housing in the City, and the quitclaim deeds transferring the properties to APS shall not contain any conditions or restrictions, other than those contained in the form quitclaim deed agreed to by the City and APS and attached hereto as **Exhibit B**.

SECTION 4: Section 2-1572 of the Procurement and Real Estate Code, City Code of Ordinances, Article X, is hereby waived for purposes of this ordinance only to allow for the transfer of the Property with the exact legal descriptions to be verified by survey, if necessary and agreed upon by the parties before conveyance to APS without competitive sealed bidding or the requirement

for further authorization by the City Council to approve the transfer of the Property, and to effectuate the purposes of this ordinance.

SECTION 5: Subject to Section 6, the Mayor or her designee, on behalf of the City, is authorized to effectuate such transfer by executing quitclaim deeds of the Property to APS without any representation or warranty, whatsoever, other than neither Grantor, nor any person or persons claiming under Grantor, shall at any time claim or demand any right, title or interest to said Properties or their appurtenances and subject to all other encumbrances including all recorded or unrecorded utility easements, and to execute all other documents necessary to effectuate the intent of this ordinance.

SECTION 6: The Mayor or her designee is not authorized to execute and deliver the quitclaim deeds conveying the Property to APS until the City receives written assurances from APS, satisfactory to the City, that APS will dismiss from the Lawsuit (i) the properties that have been previously conveyed to APS by the City that are subject to the Lawsuit and (ii) any Property authorized to be conveyed pursuant to this Ordinance that is subject to the Lawsuit; and the dismissals shall occur within seven (7) days of the date of delivery of the quitclaim deeds for the Property to APS.

SECTION 7: That 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 signed by the Mayor, attested to by the Municipal Clerk, and approved as to form by the City Attorney.

Exhibit "A"
PROPERTY

	<u>Property:</u>	<u>Address:</u>	<u>Parcel Identification #:</u>
1.	William M. Boyd Elementary School	1891 Johnson Road, NW Atlanta, GA 30318	170226 LL023
2.	Garden Hills Elementary School	285 Sheridan Drive, NE Atlanta, GA 30306	17 0100 LL010
3.	Heritage Academy	3500 Villa Circle, Atlanta, GA 30054	14 00340003078
4.	C.M. Pitts Elementary School	2250 Perry Blvd., NW Atlanta, GA 30318	17 0245 LL020
5.	A.F. Herndon Elementary School	350 Temple Street, NW Atlanta, GA 30314	1401140006002
6.	C.D. Hubert Elementary School	1043 Memorial Dr., SE Atlanta, GA 30316	14 001200040896
7.	Office of Internal Resolution/ The Little White House	2380 Peachtree Road, NW Atlanta, GA 30305	17 01110002035
8.	W. F. Slaton School	688 Grant Street, SE Atlanta, GA 30315	14 00430002077 14 00430002087 14 00430002086 14 00430002084 14 00430002085 14 004300020834 14 004300020826 14 004300020818 14 004300020800 14 004300020792 14 004300020784
9.	Sylvan Hills Elementary School	1757 Melrose Drive, SW Atlanta, GA 30310	14 01210010001
10.	Wesley Avenue	187 Wesley Avenue, NE Atlanta, GA 30307	15 210 03 145
11.	Peterson Elementary School	1757 Mary Dell Drive, SE Atlanta, GA 30316	15 143 20 043 15 147 09 079 15 147 09 078 15 142 09 041 15 142 09 013 15 143 20 001
12.	Boulder Park Drive	No street address	14F 0059 LL0097
13.	Fairburn Road	331 Fairburn Rd, SW Atlanta, GA 30331	14F 0012 LL014

14.	Connally Elementary School	1625 West Haven Drive, SW Atlanta, GA 30311	14 01500011037 14 015000110386 14 015000110444 14 015100020477 14 0150 LL0018
15.	Cheney Field	701 Connally Street, SE Atlanta, GA 30315	14 0054 LL001
16.	Charles W. Hill Elementary School	386 Pine Street, NE Atlanta, GA 30308	1400470004097
17.	L.O. Kimberly Elementary School	3090 McMurray Drive, SW Atlanta, GA 30311	140231002001 14 02310001044
18.	Ralph Bunche Middle School	1925 Niskey Lake Road, SW Atlanta, GA 30331	14F 0044 LL080 14F 004321008
19.	Price Middle School	1670 Benjamin W. Bickers Dr., SW Atlanta, GA 30315	14 0057 LL002
20.	Daniel M. Therrell High School	3099 Panther Trace, SW Atlanta, GA 30311	14 0231 LL005
21.	Parcel Adjacent to George A. Towns Elementary School	780 Bolton Road, NW Atlanta, GA 30331	14 02410003002
22.	Field of Dreams – Inman Middle School	Virginia Avenue	17 00530012005
23.	C.S. King High School	1190 Northwest Dr., NW Atlanta, GA 30318	17 0258 LL1283 17 0258 LL1341 17 0258 LL1333
24.	E. Rivers Elementary School	8 Peachtree Battle Avenue, NW Atlanta, GA 30305	17 011100020552 17 011100020545
25.	M. Agnes Jones Elementary School	1040 Fair Street, NW Atlanta, GA 30314	14 011600081044
26.	West Manor Elementary School	570 Lynhurst Drive, SW Atlanta, GA 30311	14 0236 LL0438
27.	John E. Hope – Charles W. Hill Elementary School	112 Boulevard, NE Atlanta, GA 30312	14 004600110830
28.	Milton Avenue Elementary School - Climax Street Parcels	1201 Climax St SE, Atlanta, GA 30315	14 005600040182 14 005600040190
29.	Arkwright Elementary School Ball Fields	1261 Lockwood DR Atlanta GA 30311	14 015200090172, 14 015200090180 14 015200090198
30.	Woodson Park Academy	20 Evelyn Way, NW Atlanta, GA 30318	14 0145LL0164
31.	Forrest Hills Academy	2930 and 2960 Forrest Hills Dr., SW Atlanta, GA 30315	14 0068LL107 14 0068LL118 14 0068LL117

** Each of the above are subject to a survey and modification of legal description if needed.*

Exhibit “B”
FORM QUITCLAIM DEED
(Fulton County and DeKalb County)

After recording return to:

Nelson Mullins Riley & Scarborough LLP
c/o Cheryl V. Shaw
201 17th Street NW, Suite 1700
Atlanta, GA 30363
cheryl.shaw@nelsonmullins.com

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STATE OF GEORGIA
COUNTY OF FULTON

QUITCLAIM DEED

THIS QUITCLAIM DEED, made as of the ____ day of _____, 2018, by and between the CITY OF ATLANTA, a municipality organized under the laws of the State of Georgia (“Grantor”) and **ATLANTA INDEPENDENT SCHOOL SYSTEM**, an entity created by an Act of the Georgia General Assembly, managed and controlled by the Atlanta Board of Education (hereinafter called (“Grantee”)) (the words “Grantor” and “Grantee” include their respective successors and assigns).

WITNESSETH that Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, by these presents does hereby release, remise, convey, and QUITCLAIM to Grantee the land more particularly described on Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”), commonly known as A.F. Herndon Elementary School, Arkwright Elementary School Ball Fields, Boulder Park Drive, Ralph Bunche Middle School, C.S. King High School, Charles W. Hill Elementary School, C.D. Hubert Elementary School, Cheney Field, C.M. Pitts Elementary School, Connally Elementary School, E. Rivers Elementary School, Fairburn Road, Field of Dreams – Inman Middle School, Forrest Hills Academy, Garden Hills Elementary School, Parcel Adjacent to George A. Towns Elementary School, Heritage Academy, John E. Hope – Charles W. Hill Elementary School, L.O. Kimberly Elementary School, M. Agnes Jones Elementary School, Milton Avenue Elementary School - Climax Street Parcels, Office of Internal Resolution – Little White House, Price Middle School, W. F. Slaton School, Sylvan Hills Elementary School, Daniel M. Therrell High School, William M. Boyd Elementary School, West Manor Elementary School, Woodson Park Academy.

This conveyance is subject to all matters which may be disclosed by a careful inspection or survey of the Property, taxes, public rights-of-ways, easements and zoning. Furthermore, Grantor reserves for the benefit of Grantor and its successors and assigns a perpetual, non-exclusive easement over, across, under, and through the Property for the purpose of operating, maintaining, repairing, replacing, expanding, installing and constructing water lines, the storm water sewer lines or detention ponds, the sanitary sewer lines, and related or similar utility facilities that may currently exist over, across, under, and through the Property (collectively, the “Utilities”)

to channel, distribute or transport water, storm water or sewage, together with all rights, title and interests of Grantor in and to the Utilities, and together with all necessary rights of ingress and egress over, across, under, and through the Property in connection with the same.

This conveyance is authorized by Atlanta City Council Ordinance 18-O-1054 adopted by the Atlanta City Council and approved by signature of the Mayor or by operation of law pursuant to City Charter Sec. 2-403.

TO HAVE AND TO HOLD the Property to Grantee, "AS-IS, WHERE-IS", without representation or warranty, whatsoever other than neither Grantor, nor any person or persons claiming under Grantor shall at any time claim or demand any right, title or interest to said Property or its appurtenances.

IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed under seal as of the day and year first set forth above.

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public

(NOTARIAL SEAL)

GRANTOR:

CITY OF ATLANTA, a municipality
organized under the laws of the State of
Georgia

By: _____
Name: KEISHA LANCE BOTTOMS
Title: MAYOR

ATTEST:

By: _____
Title: MUNICIPAL CLERK

APPROVED AS TO FORM:

By: _____
Title: DEPUTY CITY ATTORNEY

After recording return to:

Nelson Mullins Riley & Scarborough LLP
c/o Cheryl V. Shaw
201 17th Street NW, Suite 1700
Atlanta, GA 30363
cheryl.shaw@nelsonmullins.com

Space above this line for recording information

STATE OF GEORGIA
COUNTY OF DEKALB

QUITCLAIM DEED

THIS QUITCLAIM DEED, made as of the ____ day of _____, 2018, by and between the CITY OF ATLANTA, a municipality organized under the laws of the State of Georgia (“Grantor”) and **ATLANTA INDEPENDENT SCHOOL SYSTEM**, an entity created by an Act of the Georgia General Assembly, managed and controlled by the Atlanta Board of Education (hereinafter called (“Grantee”) (the words “Grantor” and “Grantee” include their respective successors and assigns).

WITNESSETH that Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, by these presents does hereby release, remise, convey, and QUITCLAIM to Grantee the land more particularly described on Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”), commonly known as Peterson Elementary School/Marshal High School and Wesley Avenue.

This conveyance is subject to all matters which may be disclosed by a careful inspection or survey of the Property, taxes, public rights-of-ways, easements and zoning. Furthermore, Grantor reserves for the benefit of Grantor and its successors and assigns a perpetual, non-exclusive easement over, across, under, and through the Property for the purpose of operating, maintaining, repairing, replacing, expanding, installing and constructing water lines, the storm water sewer lines or detention ponds, the sanitary sewer lines, and related or similar utility facilities that may currently exist over, across, under, and through the Property (collectively, the “Utilities”) to channel, distribute or transport water, storm water or sewage, together with all rights, title and interests of Grantor in and to the Utilities, and together with all necessary rights of ingress and egress over, across, under, and through the Property in connection with the same.

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Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public

(NOTARIAL SEAL)

GRANTOR:

CITY OF ATLANTA, a municipality
organized under the laws of the State of
Georgia

By: _____
Name: KEISHA LANCE BOTTOMS
Title: MAYOR

ATTEST:

By: _____
Title: MUNICIPAL CLERK

APPROVED AS TO FORM:

By: _____
Title: DEPUTY CITY ATTORNEY