

00-R-1861

(Do Not Write Above This Line)

A RESOLUTION

BY: COUNCILMEMBERS DEBI STARNES,  
CATHY WOOLARD AND  
DOUG ALEXANDER

A RESOLUTION AUTHORIZING THE  
MAYOR TO EXECUTE AN AGREEMENT  
AMONG THE CITY OF ATLANTA, THE  
FREEDOM PARK CONSERVANCY, INC.  
AND THE R.A. BLOCH CANCER  
FOUNDATION, INC. FOR THE  
DEVELOPMENT, DESIGN AND  
CONSTRUCTION OF THE RICHARD AND  
ANNETTE BLOCH CANCER SURVIVORS  
PLAZA TO BE LOCATED IN FREEDOM  
PARK AND FOR OTHER PURPOSES

ADOPTED BY

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

Date Referred 11/6/00

Referred To: Finance / Exec

Date Referred \_\_\_\_\_

Referred To: \_\_\_\_\_

Date Referred \_\_\_\_\_

Referred To: \_\_\_\_\_

First Reading

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Referred to \_\_\_\_\_

Committee CD/HR

Date 11/15/00

Chair [Signature]

Action: [Signature]

Fav, Adv, Hold (see rev. side) \_\_\_\_\_

Other: \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

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 \_\_\_\_\_

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  RC Vote

CERTIFIED

**CERTIFIED**

NOV 20 2000

[Signature]

COUNCIL PRESIDENT PROTEM

**CERTIFIED**

NOV 20 2000

[Signature]

MUNICIPAL CLERK

MAYOR'S ACTION

**APPROVED**

NOV 20 2000

[Signature]

MAYOR

**A RESOLUTION**

**00- R -1861**

**BY COUNCILMEMBERS DEBI STARNES, CATHY WOOLARD AND  
DOUG ALEXANDER**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AMONG THE CITY OF ATLANTA, THE FREEDOM PARK CONSERVANCY, INC. AND THE R.A. BLOCH CANCER FOUNDATION, INC. FOR THE DEVELOPMENT, DESIGN AND CONSTRUCTION OF THE RICHARD AND ANNETTE BLOCH CANCER SURVIVORS PLAZA TO BE LOCATED IN FREEDOM PARK AND FOR OTHER PURPOSES.**

**WHEREAS**, the City and Freedom Park Conservancy, Inc. (the Conservancy) are parties to an agreement, as amended, for the design, engineering and construction related to the development of the Freedom Park Trail and associated landscaping within Freedom Park; and

**WHEREAS**, the R. A. Bloch Cancer Foundation, Inc. wishes to donate \$750,000 to the Conservancy for the design and construction of the Richard and Annette Bloch Cancer Survivors Plaza to be located in Freedom Park and to donate an additional \$100,000 to the City of Atlanta for the maintenance of said plaza, as well as to deliver to the site, the sculpture "Cancer... there's hope" by Victor Salmones; and

**WHEREAS**, the City wishes to accept this donation and to authorize and agree to the construction of said plaza.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY  
RESOLVES as follows:**

**SECTION 1:** The Mayor, on behalf of the City of Atlanta, is hereby authorized to execute an agreement among the City of Atlanta, The Freedom Park Conservancy, Inc. and the R. A. Bloch Cancer Foundation, Inc. for the development, design and construction of the Richard and Annette Bloch Cancer Survivors Plaza to be located in Freedom Park. Said agreement shall be in the form which is attached to this resolution.

**SECTION 2:** All resolutions or parts of resolutions in conflict herewith are hereby rescinded.

A true copy,

*Rhonda Dauphin Johnson*

Municipal Clerk, CMC

**ADOPTED by the Council**  
**APPROVED by the Mayor**

November 20, 2000  
November 28, 2000

## Agreement

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_ 2000, by and between R. A. Bloch Cancer Foundation, Inc. (hereinafter referred to as "donor") and the City of Atlanta (hereinafter referred to as "City"), and The Freedom Park Conservancy, Inc.

**WITNESSETH:**

WHEREAS, Donor has proposed development of a cancer survivors <sup>plaza</sup> park in Atlanta, Ga.; and

WHEREAS, a site located on Moreland Ave. between Druid Pl. and North Ave. has been recommended as dedicated park land by Donor and City and Freedom Park Conservancy, Inc. and

WHEREAS, Donor has graciously agreed to donate funds and materials as specified in Article V to design, construct and maintain such cancer survivors park; and

WHEREAS, the parties desire to enter into an agreement to set forth their respective rights, duties and obligations concerning such park.

NOW, THEREFORE, in consideration of these mutual covenants, the parties do hereby agree and contract as follows:

### I. PURPOSE

The purpose of this Agreement is to specify the rights, duties, obligations and responsibilities of the parties for the development, construction and maintenance of a park in Atlanta, GA

### II. SITE

The site for the cancer survivors <sup>plaza</sup> park is a 4 acre parcel of undeveloped real property leased by the City and located on the East side of Moreland Ave between. It is centrally located, easily accessible and will be seen on a daily basis by virtue of its position on a major trafficway. Plat No. \_\_\_\_\_ is appended for further description (Attachment A). North Ave &  
Druid Pl.  
Concept Plan

### III. PARK NAME

will be referred to and known as the "Richard & Annette Bloch Cancer Survivors Plaza"

### IV. TERM

This agreement shall be in full force and effect from and after the date of execution.

### V. RIGHTS, DUTIES AND OBLIGATIONS OF DONORS

Donor agrees to pay to The Freedom Park Conservancy for the design, and construction of the Richard and Annette Cancer Survivors Plaza the sum of \$750,000 as follows: \$250,000 on signing this agreement, \$250,000 upon beginning construction (i.e. groundbreaking), and \$250,000 upon completion of construction. Donor Agrees to pay to City \$100,000 at dedication to fund perpetual maintenance. Additionally, donor will deliver the sculpture "Cancer...there's hope" by Victor Salmones.

## VI. RIGHTS, DUTIES AND OBLIGATIONS OF CITY

Freedom Park Conservancy, Inc.  
and City agree to:

1. Utilize Donor's contributions solely to pay actual costs incurred by City<sup>and Freedom Park Conservancy Inc.</sup> for design, construction, site amenities and improvements, and maintenance of the Richard & Annette Bloch Cancer Survivors

2. Construct the Richard & Annette Bloch Cancer Survivors<sup>Plaza</sup> in accordance with the design of ECOS Environmental Design dated Oct 13, 2000\* (attached hereto as Attachment B and made a part of this agreement). The park is to be completed by June 1, 2002. Failure to complete the Park by that date shall be cause for the ← to pay to the Donor the sum of \$100 per day until the Park is substantially completed and dedicated. Freedom Park Conservancy, Inc.

3. Organize a dedication ceremony upon completion.

4. Maintain the park in a neat, orderly, and attractive appearance and operating condition. To insure that the park is properly maintained, an independent group of three or more individuals shall be designated by both parties to review the condition of the park from time to time. If this committee feels that something needs to be done to properly maintain the park, they shall notify the City. If the City fails to take action on their request within 60 days, the independent group may take such action as is necessary to properly maintain the park and will be reimbursed any costs by the City promptly.

## VII. GENERAL CONDITIONS

The following conditions shall apply to this Agreement:

### 1. Applicable Law.

Parties to this agreement shall conform to all existing and applicable City ordinances, resolutions, state laws, federal laws and all existing and applicable rules and regulations. Georgia law will govern the terms and the performance under this Agreement.

### 2. Merger

This Agreement shall not be merged into any other oral or written contract, lease or deed of any type. This is the complete and full agreement of the parties.

### 3. Modification

This Agreement contains the entire agreement of the parties. No representations were made or relied upon by either party other than those that are expressly set forth herein. No agent, employee or other representative of either party is empowered to alter any of the terms hereof unless done in writing and signed by an authorized officer of the respective parties.

### 4. Strict compliance

All provisions of this agreement and each and every document that shall be attached shall be strictly complied with as written, and no substitution or change shall be made except upon written direction from an authorized representative.

\* To be further revised

**5. Authorized Representative**

In further consideration of the mutual covenants herein contained, the parties hereto expressly agree that for the purposes of notice, including legal service of process, during the term of this agreement and for the period of any applicable statute of limitations thereafter, the following named individuals shall be authorized representatives of the parties:

A. City of Atlanta  
Bill Campbell, Mayor  
55 Trinity Ave SW  
Atlanta, GA 30335

B. R. A. Bloch Cancer Foundation, Inc.  
Attn: Mr. & Mrs. Richard Bloch  
4410 Main Street  
Kansas City, MO 64111

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

ATTEST:

CITY OF Atlanta

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BY: Bill Campbell, Mayor (SEAL)

R. A. BLOCH CANCER FOUNDATION, INC.

\_\_\_\_\_  
Richard A. Bloch, Pres.

(As to the City of Atlanta)

The Freedom Park Conservancy, Inc.

Approved As To Form:

\_\_\_\_\_  
City Attorney

By Kara Land, President

Council President Pro Tem Starnes  
Presided

RCS# 2401  
11/20/00  
2:00 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-18

00-R-1849  
(Morris Voted NAY)

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty  
Y Starnes  
NV Bond  
Y Winslow

Y Dorsey  
Y Woolard  
Y Morris  
Y Muller

Y Moore  
Y Martin  
Y Maddox  
Y Boazman

Y Thomas  
Y Emmons  
NV Alexander  
NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA

00-O-1111  
00-R-1693  
00-R-1694  
00-R-1695  
00-R-1696  
00-R-1697  
00-R-1804  
00-R-1835

CONSENT

11/20/00 Council Meeting		
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1690 2. 00-O-1691 3. 00-O-1692 4. 00-O-1845 5. 00-O-1864 6. 00-O-0728 7. 00-R-1702 8. 00-R-1703 9. 00-R-1705 10. 00-R-1707 11. 00-R-1850 12. 00-R-1865 13. 00-R-1851 14. 00-R-1873 15. 00-R-1622 16. 00-R-1623 17. 00-R-1699 18. 00-R-1775* 19. 00-R-1776* 20. 00-R-1777* 21. 00-R-1782 22. 00-R-1687 23. 00-R-1668 24. 00-R-1786 25. 00-R-1789 26. 00-R-1799 27. 00-R-1800 28. 00-R-1813 29. 00-R-1814	30. 00-R-1815 31. 00-R-1849# 32. 00-R-1858 33. 00-R-1862 34. 00-R-1787* 35. 00-R-1790 36. 00-R-1791 37. 00-R-1794 38. 00-R-1798 39. 00-R-1861 40. 00-R-1686 41. 00-R-1843 42. 00-R-1869 43. 00-R-1870 44. 00-R-0973 45. 00-R-0816 46. 00-R-1803 47. 00-R-1805 48. 00-R-1806 49. 00-R-1807 50. 00-R-1808 51. 00-R-1809 52. 00-R-1810 53. 00-R-1811 54. 00-R-1812	55. 00-R-1816 56. 00-R-1817 57. 00-R-1818 58. 00-R-1819 59. 00-R-1820 60. 00-R-1821 61. 00-R-1822 62. 00-R-1823 63. 00-R-1824 64. 00-R-1825 65. 00-R-1826 66. 00-R-1827 67. 00-R-1828 68. 00-R-1829 69. 00-R-1830 70. 00-R-1831 71. 00-R-1832 72. 00-R-1833 73. 00-R-1834 74. 00-R-1836 75. 00-R-1837 76. 00-R-1838 77. 00-R-1839 78. 00-R-1840 79. 00-R-1841 80. 00-R-1842  * President Pitts recused himself.  # Lee Morris not voting.