

ORDINANCE BY

[Handwritten signatures: C.F. Martin, C. A. Tinslow]

September 17, 2001

AUTHORIZING THE MAYOR TO GRANT AN ADDITIONAL 20' X 30' PERMANENT CONSTRUCTION AND MAINTENANCE EASEMENT AREA TO BELLSOUTH TELECOMMUNICATIONS, INC., FOR THE PURPOSE OF INSTALLING A TELECOMMUNICATIONS CABINET AND PROVIDING ADDITIONAL SPACE FOR AN UNDERGROUND CONTROLLED ENVIRONMENTAL VAULT IN THE CITY'S MADDOX PARK, SO AS TO ENHANCE THE TELECOMMUNICATIONS CAPABILITIES WITHIN THE BANKHEAD HIGHWAY COMMUNITY AND SURROUNDING AREA, LOCATED IN LAND LOT 113 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA; AND TO PAY \$20,000.00 FOR SAID EASEMENT AREA TO BE DEPOSITED INTO TRUST ACCOUNT # 3P02 444101 N21D11B69999 FOR GROUND/SITE IMPROVEMENTS ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS, BUEAU OF PARKS; AND FOR OTHER PURPOSES.

Whereas, Bell South Telecommunications, Inc. requested an easement in the City's Maddox Park in March, 1993, for the purpose of installing a Digital Loop Carrier Equipment Service Cabinet, and the City Council did authorize the adoption of the Ordinance to effectuate the request on March 18, 1993 and the Mayor approved the same legislation on March 25, 1993 (copy of Ordinance attached); and

Whereas, Bell South Telecommunications, Inc. is currently requesting the City of Atlanta, Department of Parks, Recreation and Cultural Affairs, Bureau of Parks to grant an additional permanent construction and maintenance easement for the purpose of installing a Telecommunications Cabinet and additional space for an Underground Controlled Environmental Vault in the City's Maddox Park, so as to enhance the telecommunications capabilities within the Bankhead Highway community and surrounding area, located in Land Lot 113 of the 14th District of Fulton County, Georgia; and

Whereas, Bell South Telecommunications, Inc. will be responsible for the payment of all costs associated with the construction, maintenance and installation of a Telecommunications Cabinet and the Underground Controlled Environmental Vault; and

Whereas, a permanent construction and maintenance easement is required to install a Telecommunications Cabinet and Underground Controlled Environmental Vault in Land Lot 113 of the 14th District of Fulton County, Georgia; and

Whereas, the Bureau of Parks will receive \$20,000.00 for this easement that will be deposited into Trust Account # 3P02 444101 N21D11B69999 for Ground/Site Improvements.



NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,
as follows:

Section 1: That the Mayor be and is hereby authorized to grant an additional 20' X 30' permanent construction and maintenance easement area to Bell South Telecommunications, Inc., for the purpose of installing a Telecommunications Cabinet and providing additional space for an Underground Controlled Environmental Vault in the City's Maddox Park, so as to enhance the Telecommunications capabilities within the Bankhead Highway community and surrounding area, located in Land Lot 113 of the 14th District of Fulton County, Georgia.

Section 2: That the Acting Commissioner of the Department of Parks, Recreation and Cultural Affairs acting as the Mayor's designee, is authorized to review and approve the terms and conditions of the additional permanent construction and maintenance easement area as described and delineated on the drawing attached hereto as Exhibit "A", and made a part hereof by reference (approximately 600 square feet).

Section 3: That Bell South Telecommunications, Inc. will be responsible for the payment of all costs associated with this additional permanent construction and maintenance easement.

Section 4: That Bell South Telecommunications, Inc. will pay the Bureau of Parks \$20,000.00 for the easement area to be deposited into a Trust Account # 3P02 444101 N21D11B69999.

Section 5: That the City Attorney is hereby directed to review and approve the terms and conditions of the permanent construction and maintenance easement prior to execution by the Mayor.

Section 6: That all Ordinances and parts of Ordinances in conflict herewith be and the same hereby are repealed.

A true copy,

Reonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

SEP 04, 2001
SEP 11, 2001

MUNICIPAL CLERK
ATLANTA, GEORGIA

93-0-0237



ORDINANCE
BY HUMAN RESOURCES AND CITY UTILITIES COMMITTEES

February 22, 1993

AUTHORIZING THE MAYOR TO GRANT A PERMANENT CONSTRUCTION AND MAINTENANCE EASEMENT TO BELL SOUTH TELECOMMUNICATIONS, INC., FOR THE PURPOSE OF INSTALLING A DIGITAL LOOP CARRIER EQUIPMENT SERVICE CABINET IN THE CITY'S MADDOX PARK TO ALLOW SPECIALIZED SERVICES TO THE PUBLIC WORKS CITY FACILITIES LOCATED AT 1150 NORTH AVENUE, AND TO THE CSO PROJECT IN THE AREA AND TO OTHER BELL SOUTH TELECOMMUNICATION CLIENTS.

WHEREAS, Bell South Telecommunications, Inc. is requesting that the City of Atlanta grant a permanent construction and maintenance easement (approximately 200 sq. ft.) for the purpose of installing a service cabinet for digital loop carrier equipment on property in the City's Maddox Park in Land Lot 113 of the 14th District of Fulton County, Georgia. The equipment will allow specialized services to the Public Works City facility at 1150 North Avenue and to the CSO project in the area, in addition to providing other telecommunication services throughout Bell South Telecommunications, Inc.'s network.

WHEREAS, access through Maddox Park is required to provide communication service to the Public Works Facility and the CSO Project, as their manhole is located on Bankhead Highway just outside Maddox Park; and

WHEREAS, the Department of Parks and Recreation ball fields will not be impacted by the easement; and

WHEREAS, the Bureau of Parks has identified two (2) large trees that could possibly be impacted by work in this area, requiring the City Forester's approval in writing prior to any digging in the area; and

WHEREAS, a permanent construction and maintenance easement is required to install said equipment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That the Mayor be and is hereby authorized to grant a permanent construction and maintenance easement to Bell South Telecommunications, Inc., for the purpose of installing a service cabinet for digital carrier loop equipment in the City's Maddox Park located in Land Lot 113 of the 14th District of Fulton County, Georgia.



SECTION 2: The Purchasing Agent is hereby authorized to obtain an appraisal of said easement area to determine its fair market value and negotiate with Bell South Telecommunications, Inc. for the disposition of the permanent construction and maintenance easement.

SECTION 3: That the City Attorney is hereby directed to review and approve the terms and conditions of the construction and maintenance easement prior to execution by the Mayor.

SECTION 4: That Bell South Telecommunications, Inc., will be responsible for payment of all costs associated with the property appraisal, construction, installation, operation and maintenance of the easement area.

SECTION 5: That Bell South Telecommunications, Inc., secure written approval from the City Forester prior to conducting any digging in the City's Maddox Park.

SECTION 6: That all Ordinance and parts of Ordinances in conflict herewith are hereby repealed.

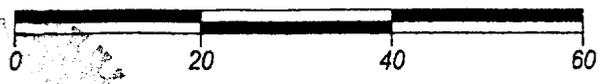
A true copy,

Christina P. Woods

Municipal Clerk, CMC

ADOPTED by City Council March 18, 1993
APPROVED by the Mayor March 25, 1993

Exhibit "A"



Legal Description

All that tract or parcel of land lying and being in Land Lot 113, 14th District, City of Atlanta, Fulton County, Georgia, being adjacent and contiguous to an existing Southern Bell Telephone Company easement recorded in Deed Book 18255 Page 55, Fulton County Records, and being more particularly described as follows:

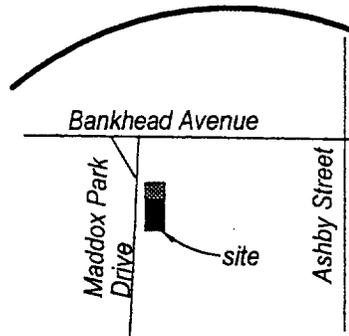
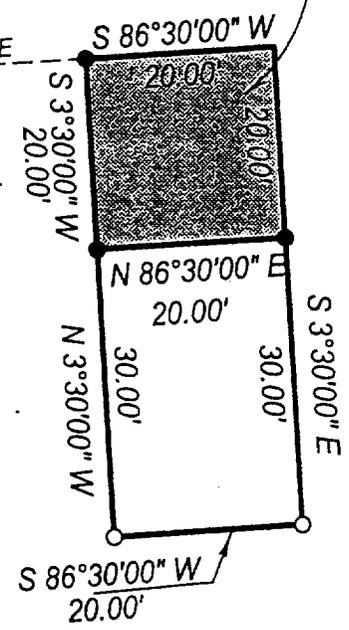
To find the True Point of Beginning, commence at a point on the southern right of way line of Bankhead Avenue at the centerline of Maddox Park Drive, thence along said centerline S 19°28'35" W 92.27' to a point, thence N 86°30'00" E 35.74' to a 1/2" rebar found, thence S 3°30'00" E 20.00' to a 1/2' rebar found and True Point of Beginning, thence N 86°30'00" E 20.00' to a 1/2' rebar found, thence S 3°30'00" E 30.00' to a 1/2" rebar set, thence S 86°30'00" W 20.00' to a 1/2' rebar set, thence N 3°30'00" W 30.00' to the True Point of Beginning, said tract containing 0.0138 acres or 600 square feet.

Maddox Park Drive
 S 19°28'35" W 92.27' to intersection
 S. RW Bankhead Avenue and
 BC

stone pillars

existing Southern Bell Telephone Easement

record Point of Beginning tie Db 18255 Pg 55



Location Map

Easement Area

0.0138 AC or 600 S.F.

North

Db 18255 Pg 55

EXHIBIT A

●	MONUMENT FOUND	EP	EDGE OF PAVEMENT
○	1/2" REBAR SET	BC	BACK OF CURB
—+—	FENCE	—	EASEMENT LINE
—C—	CENTER LINE	●	UTILITY POLE
—P—	PROPERTY LINE	RW	RIGHT OF WAY
N OR F	NOW OR FORMERLY		

EASEMENT SURVEY FOR:

BELLSOUTH

TELECOMMUNICATIONS
 SITE IDENTIFICATION

PP 6114

PROPERTY OF:

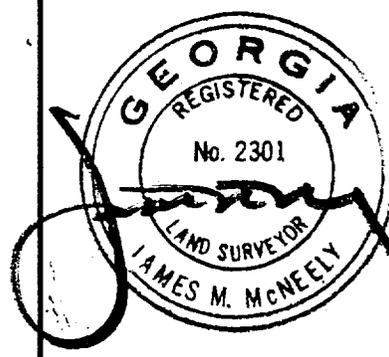
City of Atlanta

LAND LOT 113, 14th DISTRICT,
 ATLANTA, FULTON COUNTY, GEORGIA

Joe Neighbors
 Cheryl Lee

SCALE: 1" = 20' DATE: 6-11-01
 JAMES M. McNEELY, REG. LAND SURVEYOR
 2180 CAMMIE WAGES ROAD
 DACULA, GEORGIA 30211
 (770) 962-3272 FAX (770) 237-0490

01ful682.1



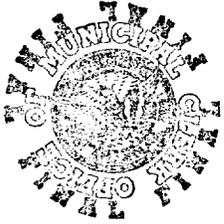
ALL MATTERS OF TITLE EXCEPTED IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW

TYPE MONUMENTS USED: 1/2" REBAR WITH PLASTIC CAP "BELLSOUTH RLS 2301"
 The field data upon which this map or plat is based has a closure precision of one foot in 10,000 feet and an angular error of 0" per angle point, and was not adjusted.

This map or plat has been calculated for closure and is found to be accurate within one foot in 100,000 feet.

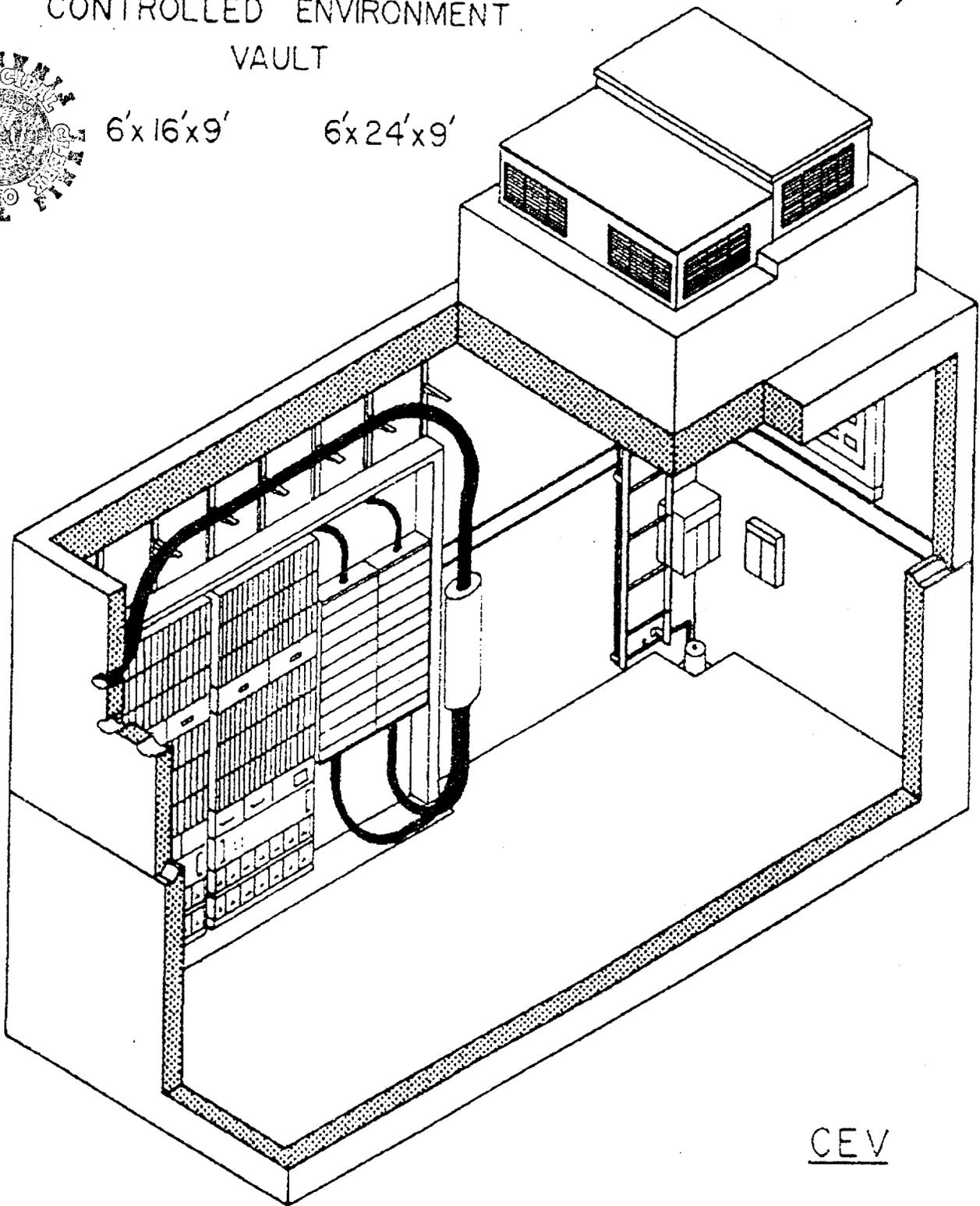
The type of equipment used to obtain the linear and angular measurements used in the preparation of said map or plat is Topcon GPT 1003.

CONTROLLED ENVIRONMENT
VAULT



6'x16'x9'

6'x24'x9'

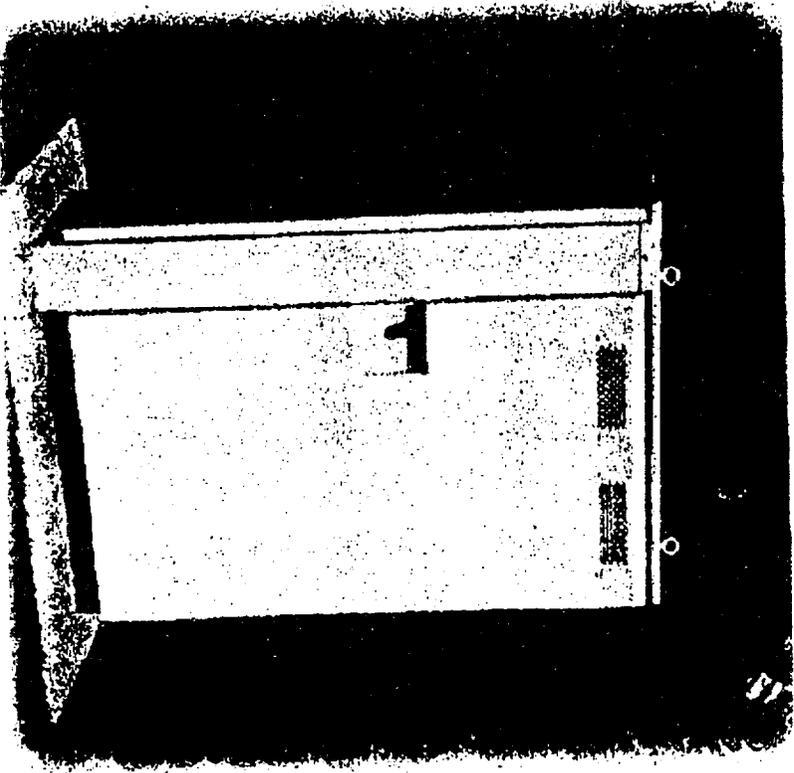


CEV

MANUFACTURERS OF HIGH GRADE PRECAST CONCRETE PRODUCTS

52B Type Cabinet

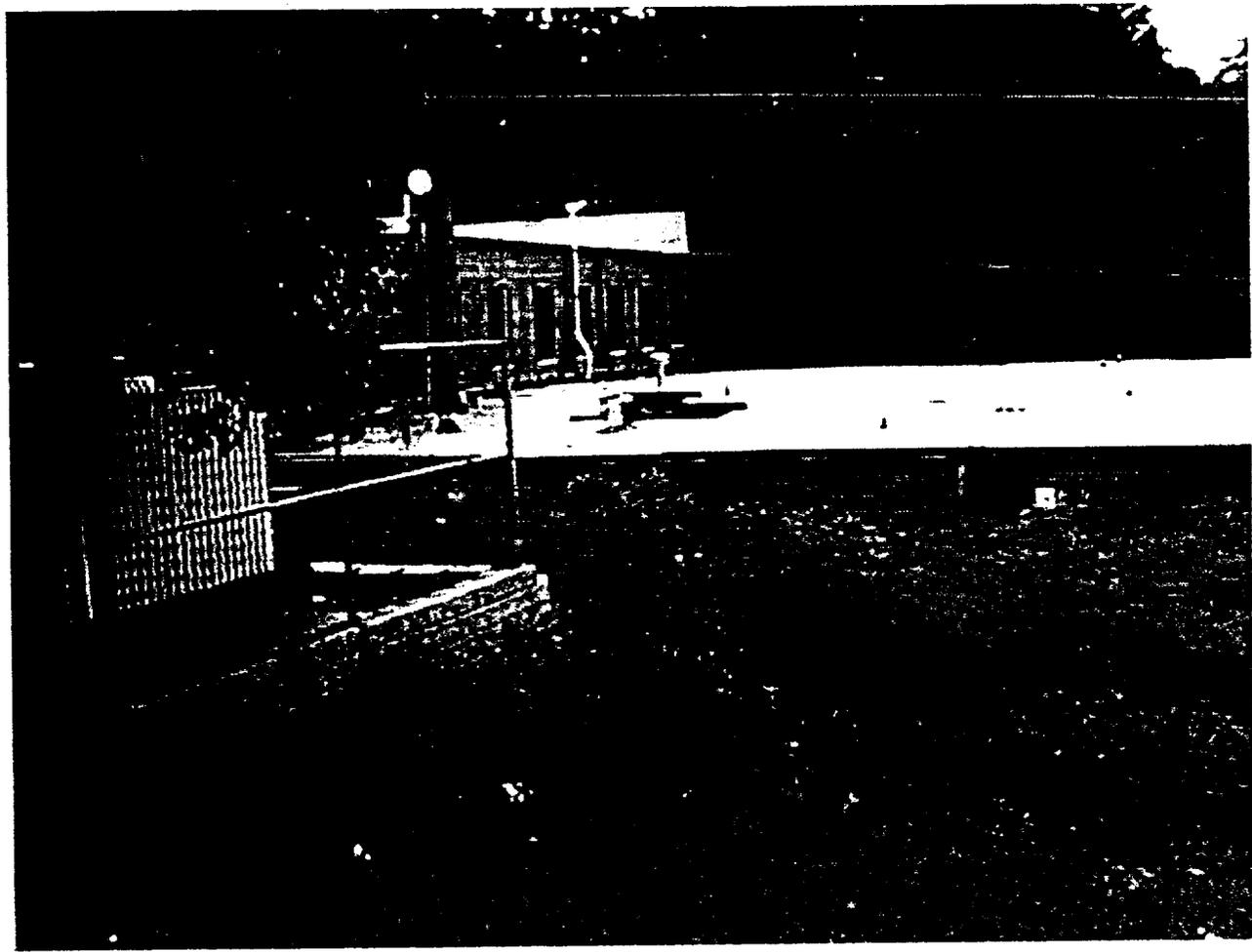
Lucent Technologies
Bell Labs Innovators



Lucent Technologies Proprietary

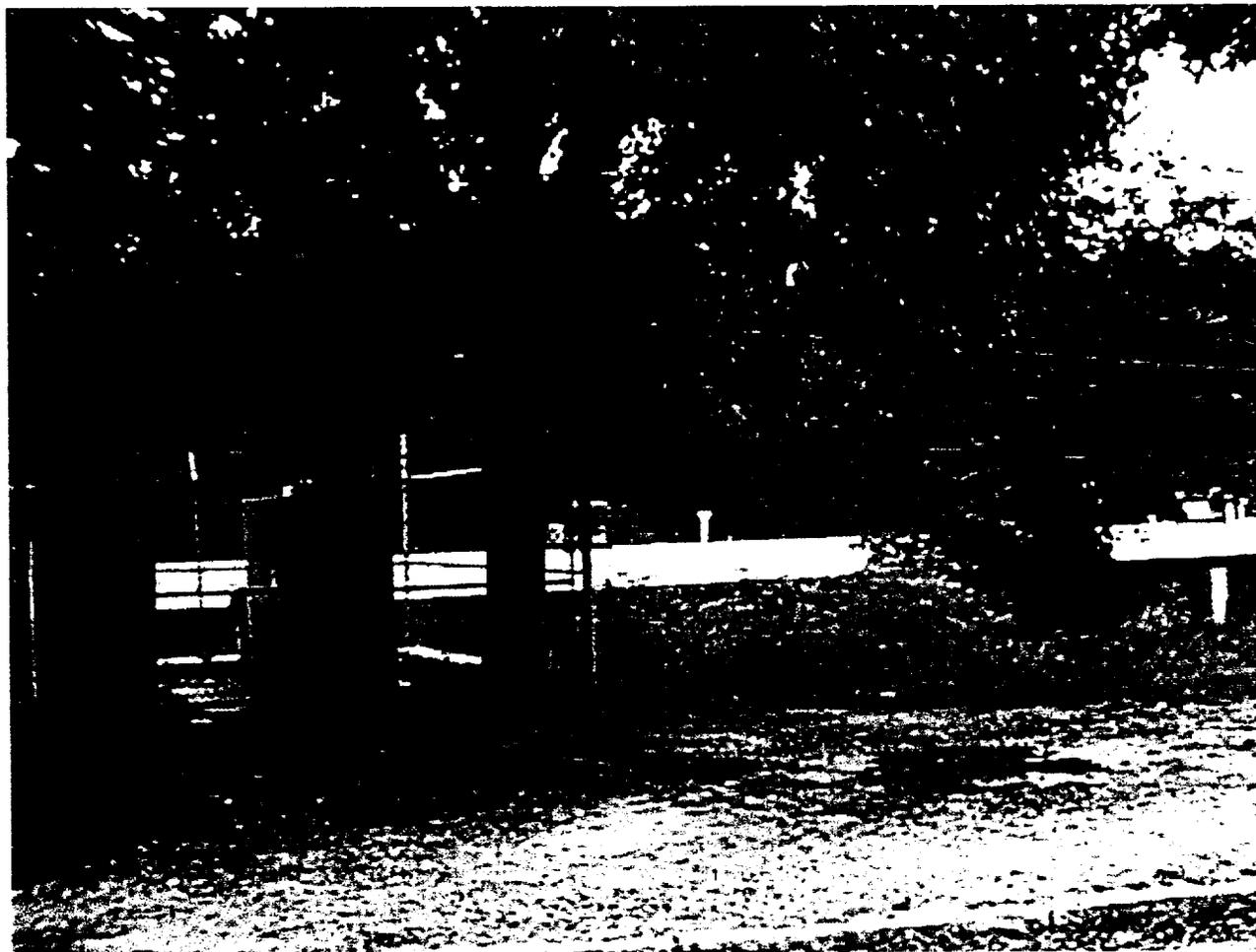


Malden Plc Inc
7/11/01





Walden
The
7/10/00



Middle Park 2

7/10/01





STATE OF GEORGIA
COUNTY OF FULTON

BELLSOUTH

8416-C-GA
(09-2000)

Preparer's name and address:
(Return document to the BellSouth
address on back)

J. B. Neighbors & Associates Inc.
P.O. Box 7868
Athens GA 30604

Easement

For and in consideration of ***TEN*** dollars (\$ 10.00) and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, the undersigned owner(s) of the premises described below, hereinafter referred to as Grantor, do(es) hereby grant to **BELLSOUTH TELECOMMUNICATIONS, INC.**, a Georgia corporation, its licensees, agents, successors, assigns, and allied and associated companies, hereinafter referred to as Grantee, an easement to construct, operate, maintain, add, and/or remove such systems of communications, or related services as the Grantee may from time to time require upon, over, and under a portion of the lands described in Deed Book _____, page _____, _____ County, Georgia Records, and, to the fullest extent the grantor has the power to grant, upon, over, along, and under the roads, streets, or highways adjoining or through said property. The said easement is more particularly described as follows:

All that tract or parcel of land lying in Land Lot(s) 113, (Land District) (GMD) 14TH,
Section _____, FULTON County, State of Georgia, consisting of a (strip) (parcel) of land
20' x 30' as shown and described on the ATTACHED PLAT marked
EXHIBIT "A" which is incorporated herein by reference.

The following rights are also granted: the exclusive right to allow any other person, firm, or corporation to attach wires or lay cable or conduit or other appurtenances upon, over, and under said easement for communications or electric power transmission or distribution; ingress to and egress from said easement at all times; the right, but not the obligation, to clear the easement and keep it cleared of all trees, undergrowth, or other obstructions; the right, but not the obligation, to trim and cut and keep trimmed and cut all dead, weak, leaning, or dangerous trees or limbs outside the easement which might interfere with or fall upon the lines or systems of communication or power transmission or distribution; the right to relocate said facilities, systems of communications, or related services on said lands to conform to any future highway relocation, widening, or improvements.

To have and to hold the above granted easement unto BellSouth Telecommunications, Inc., its licensees, agents, successors, assigns, and allied and associated companies forever and in perpetuity.

Grantor warrants that grantor is the true owner of record of the above described land on which the aforesaid easement is granted.

RCS# 3071
9/04/01
1:56 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-9

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y McCarty
Y Starnes
Y Bond
Y Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
Y Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-1290
01-R-1225

CONSENT

09/04/01 Council Meeting

ITEMS ADOPTED ON CONSENT AGENDA

1. 01-O-1294
2. 01-O-1295
3. 01-O-1296
4. 01-O-0959
5. 01-O-1177
6. 01-O-1178
7. 01-O-1179
8. 01-O-1180
9. 01-O-1182
10. 01-O-1181
11. 01-O-1183
12. 01-O-1184
13. 01-O-1185
14. 01-O-1219
15. 01-O-1220
16. 01-O-1186
17. 01-O-1293
18. 01-O-1309
19. 01-O-1314
20. 01-O-1287
21. 01-O-1291
22. 01-R-1127
23. 01-R-1222
24. 01-R-1229
25. 01-R-1278
26. 01-R-1279
27. 01-R-1280
28. 01-R-1010
29. 01-R-1233
30. 01-R-1326
31. 01-R-1275
32. 01-R-1176
33. 01-R-1270
34. 01-R-1271

01-C-1296

(Do Not Write Above This Line)

ORDINANCE BY

Clayton Anderson

AUTHORIZING THE MAYOR TO GRANT AN ADDITIONAL 20' X 30' PERMANENT CONSTRUCTION AND MAINTENANCE EASEMENT AREA TO BELLSOUTH TELECOMMUNICATIONS, INC., FOR THE PURPOSE OF INSTALLING A TELECOMMUNICATIONS CABINET AND PROVIDING ADDITIONAL SPACE FOR AN UNDERGROUND CONTROLLED ENVIRONMENTAL VAULT IN THE CITY'S MADDOX PARK, SO AS TO ENHANCE THE TELECOMMUNICATIONS CAPABILITIES WITHIN THE BANKHEAD HIGHWAY COMMUNITY AND SURROUNDING AREA, LOCATED IN LAND LOT 113 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA; AND TO PAY \$20,000.00 FOR SAID EASEMENT AREA TO BE DEPOSITED INTO TRUST ACCOUNT #3P02 444101 N21D11B69999 FOR GROUND/SITE IMPROVEMENTS ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS, BUREAU OF PARKS; AND FOR OTHER PURPOSES.

ADOPTED BY

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

Date Referred

8/6/01

Referred To:

City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred 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

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
SEP 04 2001
Mark ...
COUNCIL PRESIDENT PROTEM

CERTIFIED
SEP 04 2001
Paul ... Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

SEP 11 2001

[Signature]