



A RESOLUTION

BY: CITY UTILITIES COMMITTEE

02- R-1660

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LOCAL ASSISTANCE ROAD PROGRAM AGREEMENT FOR PROJECT NO. PR 8531-90 (089), FOR THE PURPOSE OF RESURFACING CITY STREETS, AND FOR OTHER PURPOSES:

WHEREAS, the Georgia Department of Transportation has agreed to resurface five streets, 1.780 miles of roadway in the City of Atlanta in connection with the Local Assistance Road Program and has presented two agreements for execution by the City of Atlanta, and it is deemed beneficial to the City of Atlanta to participate in this program; and

WHEREAS, Project PR 8531-90 (089) will benefit citizens in certain City Council Districts within the City of Atlanta, County of Fulton.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA that the Mayor be and is hereby authorized to execute a Local Assistance Road Program Agreement for Project PR 8531-90 (089), in substantially the form attached hereto, Exhibit "A", for the purpose of resurfacing the following street, and for other purposes:

1. **Howard Street, SE** from Hosea L. Williams Drive to Memorial Drive
2. **Howard Street, NE** from Hosea L. Williams Drive to Kirkwood Drive
3. **Marion Avenue, NE** from Oakdale Road to dead end
4. **Ormewood Avenue, SE** from Moreland Avenue to Flat Shoals Road
5. **S. Ponce De Leon Avenue, NE** from Ponce De Leon Avenue to City Limits

BE IT FURTHER RESOLVED that a description of Project PR 8531-90 (089) is attached hereto as Exhibit "B".

BE IT FINALLY RESOLVED that the City of Atlanta shall incur no liability under these agreements until same has been executed by the Georgia Department of Transportation.

A true copy,

Rhonda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

OCT 07, 2002
OCT 15, 2002

DEPARTMENT OF TRANSPORTATION
CITY RIGHT OF WAY AGREEMENT

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF ATLANTA

The DEPARTMENT will assist the CITY in constructing a project for the resurfacing of 1.78 Miles as per attached sketch and designated as Project Number PR 8531-90 (089), hereinafter referred to as the "Project", a complete plan of said project is on file at the appropriate District Office of the Department of Transportation, on which reference is hereby made for all purposes;

Therefore, in consideration of the mutual benefit to the parties derived from the construction, installation and operation of said improvements, the CITY agrees as follows:

The CITY agrees to furnish, at no expense to the Department of Transportation, good and sufficient title, to provide Right of Way, necessary for the proper construction and maintenance of the above named project in accordance with pertinent agreements and regulations, according to the plans prepared by the DEPARTMENT, including any drainage deemed necessary by the Department or it's engineers, within the limits of said CITY.

The CITY agrees to provide for it's proper maintenance after completion of said improvements, and will make ample provisions each year for such maintenance.

The CITY agrees that when the above numbered project is advertised for letting, the CITY will arrange with various utility owners to place underground facilities that are approved to remain under the pavement in a satisfactory state of repair except where this phase of work is covered by separate agreements.

The CITY further agrees to assume responsibility for and cooperate with the Utility Owners in the moving, setting back, replacing or lowering of all customer's service connections, including gas lines, telephone lines, electric power lines, water mains and sanitary sewer connections to clear construction by one foot whether such facilities are publicly or privately owned except where this phase is covered by separate agreement. Additionally, the CITY will require stubs and headers to be installed to avoid future cutting of the pavement.

It is further agreed that after construction is completed on off-system projects, no new or additional utilities facilities will be allowed to encroach on the rights of way for this project except under permit issued by the CITY in accordance with the policies of the Department of Transportation, with special emphasis on the Department's prohibition on pavement cuts in new and widened roadways.

The CITY agrees to remove any existing structures or obstructions as provided in pertinent agreements, prior to advertisement for letting and to prevent any future encroachments upon the right of way limits of said roadway not covered by permits duly issued by the Department of the CITY; and furthermore agrees, obligates and binds itself in accordance with Title 40 of the Georgia Code that it will not pass any laws, rules, regulations or ordinances which penalize, hinder or otherwise obstruct the free movement of vehicular traffic on said roadway, including angle parking, nor erect any traffic signals, towers or lights on the said right of way without written consent of the DEPARTMENT.

The CITY agrees that prior to, during and after completion of the construction of the above named Project, the CITY shall defend and hold harmless the Department of Transportation for any liability for direct or consequential damages resulting from personal injury, property damages, or inverse condemnation, except for that which is the result of the sole negligence of the Department of Transportation. After completion and final acceptance by the Department, of the Project, the CITY assumes complete ownership, control, and responsibility, including any liability for the above named Project.

This Agreement is made and entered into in the City of Atlanta, Dekalb County, Georgia, and shall be governed and construed under the Laws of the State of Georgia.

This the ____ day of _____, 2002.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF ATLANTA

Shirley Franklin Mayor

I, _____, as Clerk of said City, do hereby certify that I am custodian of the books and records of the same, and that the above and foregoing copy of the original is now on file in my office, and that the Mayor of the City was authorized and directed to execute the same for and in behalf of said City.

Witness my hand and official signature, this ____ day of _____, 2002.

City Clerk

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF ATLANTA

This is to certify, that in my opinion, the dedication of the streets named and described above is complete.

City Attorney Date

L A R P P R O J E C T R E P O R T

Roads/Streets in: DEKALB / ATLANTA	Project Number: PR 8531-90 (089)
1 Road Name...: HOWARD ST Co. Rd. No.: CS Beginning At: MEMORIAL DR Ending At...: HOSEA WILLIAMS DR	Proposed Construction: Superpave Design Lev A SPE 9.5MM@125# ASP LEVS
Length: 0.280MI Width(FT): 26 Required Striping:	
2 Road Name...: HOWARD ST Co. Rd. No.: CS Beginning At: HOSEA WILLIAMS DR Ending At...: KIRKWOOD DRD	Proposed Construction: Superpave Design Lev A SPE 9.5MM@125# ASP LEVS
Length: 0.640MI Width(FT): 25 Required Striping:	
3 Road Name...: MARION AVE Co. Rd. No.: CS Beginning At: OAKDALE RD Ending At...: D E	Proposed Construction: Superpave Design Lev A SPE 9.5MM@125# ASP LEVS
Length: 0.070MI Width(FT): 21 Required Striping:	
4 Road Name...: ORMEWOOD AVE Co. Rd. No.: CS Beginning At: MORELAND AVE Ending At...: FLATSHOALS RD	Proposed Construction: Superpave Design Lev B SPE 9.5MM@125# ASP LEVS
Length: 0.510MI Width(FT): 32 Required Striping:	
5 Road Name...: SOUTH FOWCE DE LEON AVE Co. Rd. No.: CS Beginning At: FOWCE DE LEON AVE Ending At...: CITY LIMIT	Proposed Construction: Superpave Design Lev A SPE 9.5MM@125# ASP LEVS
Length: 0.280MI Width(FT): 26 Required Striping:	

1.78

Local Assistance Road Program

The following is a list of street resurfacing projects approved by the Georgia Department of Transportation for inclusion into the LARP Program, and the Post Roads Program.

Project #	Street Name	Quadrant	Beginning At	Ending At	Council District	Mileage
PR 8531-90 (089)	HOWARD STREET	SE	MEMORIAL DR	HOSEA L WILLIAMS DR	5	0.28
	HOWARD STREET	NE	HOSEA L WILLIAMS DR	KIRKWOOD DR	5	0.64
	MARION AVENUE	NE	OAKDALE RD	DEAD END	6	0.07
	ORMEWOOD AVENUE	SE	MORELAND AV	FLAT SHOALS RD	5	0.51
	S. PONCE DE LEON AVENUE	NE	PONCE DE LEON AV	CITY LIMITS	6	0.28

1.78

02-P-1660

(Do Not Write Above This Line)

A RESOLUTION

BY: CITY UTILITIES COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LOCAL ASSISTANCE ROAD PROGRAM AGREEMENT FOR PROJECT NO. PR 8531-90 (89), FOR THE PURPOSE OF RESURFACING CITY STREETS, AND FOR OTHER PURPOSES.

1. Howard Street, SE from Hossea L. Williams Drive to Memorial Drive
2. Howard Street, NE from Hossea L. Williams Drive to Kirkwood Drive
3. Marion Avenue, NE from Oakdale Road to dead end
4. Ormewood Avenue, SE from Moreland Avenue to Flat Shoals Road
5. S. Ponce De Leon Avenue, NE from Ponce De Leon Avenue to City Limits

ADOPTED BY

OCT 07 2002

COUNCIL

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

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____

Committee City Utilities
 Date Oct 7 2002
 Chair [Signature]
 Actions: [Signature]
 Fav, Adv, Held (see rev. side)
 Other: _____
 Members [Signature]
[Signature]
[Signature]
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Actions: _____
 Fav, Adv, Held (see rev. side)
 Other: _____
 Members _____
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Actions: _____
 Fav, Adv, Held (see rev. side)
 Other: _____
 Members _____
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Actions: _____
 Fav, Adv, Held (see rev. side)
 Other: _____
 Members _____
 Refer To _____

COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Readings
- Consent
- V Vote
- RC Vote

CERTIFIED

OCT 07 2002

MAYOR'S ACTION

[Signature]
 OCT 13 2002