

02-R-1773

**A RESOLUTION
BY COUNCIL MEMBER CLAIR MULLER**

AS AMENDED BY CITY UTILITIES COMMITTEE

A RESOLUTION AUTHORIZING REIMBURSEMENT TO THE CITY FOR WORK UNDERTAKEN BY A CITY CONTRACTOR TO RELOCATE AN EXISTING SEWER LINE AT 2586 HABERSHAM ROAD BY THE CITY'S ACCEPTANCE OF A CHECK (#8809828533) IN THE AMOUNT OF \$13,758.86 FROM WEIDMANN & ASSOCIATES, INC., TO BE DEPOSITED IN FUND, ACCOUNT AND CENTER NUMBER 2J24 469116 M24I02109999; FURTHER AUTHORIZING THE CITY TO ACCEPT A RELOCATED SEWER EASEMENT AND TO EXECUTE AND DELIVER TO THE OWNERS OF 2586 HABERSHAM ROAD ANY DOCUMENTS NECESSARY TO EVIDENCE THE CITY'S RELINQUISHMENT OF THE PRIOR SEWER EASEMENT AND ACCEPTANCE OF THE NEW SEWER EASEMENT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta had previously budgeted money for a planned sewer rehabilitation through the Rivers Road portion of the Sewer System Evaluation Survey project along a original easement at 2586 Habersham Road; and

WHEREAS, the costs of this SSES rehabilitation were budgeted to be \$17,426.00 and paid from Fund, Account and Center Numbers: 2J21 574001 M24I02109999, 2J24 M24I02109999 574001, and 2J25 574001 M24I02109999; and

WHEREAS, the plan for the rehabilitation includes bursting an existing sewer pipe located under property owned by Perry and Jane Ballard at 2586 Habersham Road; and

WHEREAS, the Ballards, instead, desire to relocate the sanitary sewer line currently located on their property and have agreed to reimburse the City for the additional costs associated with the relocation; and

WHEREAS, the sewer rehabilitation Contractor for the Rivers Road Sewer Rehabilitation Project (Roland Pugh Construction, Inc.) has submitted a cost for re-routing the sanitary sewer line at 2586 Habersham Road in the amount of \$31,184.86, reflecting a difference in cost of \$13,758.86 for the relocation of the sanitary sewer line under the Ballard's property, as opposed to the planned pipe bursting; and

WHEREAS, the Ballards have submitted a check in the amount of \$13,758.86 to reimburse the costs to the City above the amount previously budgeted for bursting the existing sewer line; and



WHEREAS, the Ballards have also submitted a signed letter to the City, setting forth the terms they have agreed to for the Contractor for the City to perform the sewer relocation work concerning their property; a copy of that letter is attached as Exhibit 1; and

WHEREAS, upon successful completion of the sanitary sewer line relocation under the Ballard's property, the City will relinquish its easement along the original alignment and will accept from the Ballards a twenty-foot easement along the newly relocated sanitary sewer line alignment;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA that

SECTION 1: The Commissioner of the Department of Public Works of the City of Atlanta is authorized to accept from the Ballards a right of entry onto their property, 2586 Habersham Road, as evidenced by Exhibit 1 attached, for the purpose of relocating the sanitary sewer service line existing on the property, to be approved by the City Attorney as to form.

SECTION 2: the City of Atlanta is authorized to accept a check (#8809828533) in the amount of \$13,758.86 from Weidmann & Associates, Inc., to be deposited in City of Atlanta account number 2J24 469116 M24I02109999.

SECTION 3: The City is further authorized to accept from the Ballards a Relocated Easement that indicates that the former easement on the Ballard's property is relocated to a twenty-foot easement aligned along the newly relocated sanitary sewer service line to be located upon the Ballard's property, and to execute and deliver to the Ballards any documents, including a Quitclaim Deed, necessary to evidence the City's relinquishment of the prior easement under the Ballard's property, to be approved by the City attorney as to form.

A true copy,

Rhonda Daughtrik Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

OCT 21, 2002
OCT 28, 2002



Exhibit 1



Dr. and Mrs. Perry Ballard
2586 Habersham Road
Atlanta, Georgia 30305

September 5, 2002

City of Atlanta
Department of Public Works
68 Mitchell St. SW
Atlanta, Georgia

Re: 2586 Habersham Road

To whom it may concern,

This letter is being written concerning discussions between our remodeling contractor, Weidmann & Associates, Inc. ("WAI"), and the City of Atlanta (the "City") concerning the relocation of the sewer line on our above-referenced property. Specifically, the City is intending to replace the sewer line and we would like it relocated to accommodate some remodeling work and new construction on our property. It is my understanding the City will use its Contractor (the "Contractor") to complete the relocation work if we agree to the terms outlined in the accompanying memo. We hereby agree to the terms of the memo as set forth below:

1. We will remove the pool deck and coping prior to the start of work by the City on the sewer line across the property (pool to be filled in);
2. We will have the clearing work completed prior to the start of work by the City on the sewer line across the property;
3. We will hold the City and its Contractor harmless for any subsequent damage to the two large trees that the directionally drilled sewer will be installed between;
4. We assume responsibility for all subsequent landscaping, aside from grassing to prevent erosion;
5. We will refrain from planting trees within the 20' easement area (shallow rooted bushes and shrubs not included); and
6. Upon successful completion of the sanitary sewer reroute, the City will relinquish its easement upon the original alignment.

It is our understanding that the sewer work is scheduled to begin on or about September 16, 2002. If the actual start of work varies from this date by more than 30 days, we reserve the right to withdraw our request for the sewer relocation within 30 days written notice to the City and obtain a refund of the accompanying payment in the amount of \$13,758.80. Such payment is being made in the form of a cashier's

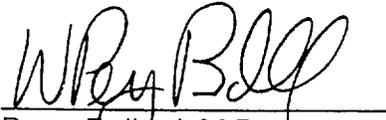


September 5, 2002

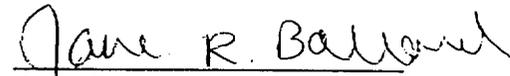
check payable to the City and bearing the note "Rivers Road Project - 2586 Habersham Reroute."

Thanks in advance for your attention to this matter.

Sincerely,



Perry Ballard, M.D.
Co-Owner



Jane R. Ballard
Co-Owner



CITY OF ATLANTA

68 MITCHELL ST, SW, ATLANTA, GEORGIA 30303-0324
SUITE 4700, CITY HALL - SOUTH
(404) 330-6240
FAX (404) 658-7552
email: publicworks@ci.atlanta.ga.us

SHIRLEY FRANKLIN
MAYOR

DEPARTMENT OF PUBLIC WORKS
Norman A. Koplun, P.E.
Interim Commissioner
David W. Peters, P.E.
Acting Deputy Commissioner
Garney Ingram-Reid
Deputy Commissioner
John W. Griffin, Jr.
Deputy Commissioner

Memorandum

Date August 14, 2002

To: Owners of 2586 Habersham Road

From: Jim Brady, P.E. – Project Manager Rivers Road Sewer Rehabilitation Project FC-7299-00

Cc: Lance Clark P.E., Lowell Chambers P.E., Russell Phifer

Re: Cost of Rerouting of Sanitary Sewer on Property

The sewer rehabilitation Contractor for the Rivers Road Sewer Rehabilitation Project (Roland Pugh Construction, Inc.) has submitted a cost estimate for re-routng the sanitary sewer at 2586 Habersham Road in the amount of \$35,144.80. The breakdown of these costs are enclosed with this memo.

The City is willing to credit the following costs of rehabilitation work that would have been performed along the original easement toward the reroute work:

200 l.f. of Pipebursting (8'-12' depth)	@\$74/lf	= \$ 14,800.00
Reconnect Private Service 1ea.	@\$800/ea.	= \$ 800.00
10 l.f. of 6" PVC Service	@\$119/lf	= \$ 1,190.00
Cleanout at Easement edge 1ea.	@\$636/ea.	= \$ 636.00
Total:		\$ 17,426.00

Looking at the Contractors proposal, it should be noted that there is an item for Clearing in the amount of \$3,960.00. This is for clearing the bushes, trees and shrubs 10' each side of centerline of the upstream leg as well as to facilitate any access necessary to get to the back of the property. If this can be performed by

The amount due from the property owner if the Contractor has to perform the all the work, including clearing, is \$17,718.80. If that item is removed, the charge becomes \$13,758.80. A cashiers check for the proper amount must be payable to the "City of Atlanta". Also note on the check "Rivers Road Project -2586 Habersham Reroute".

Performance of this work is contingent upon obtaining all requisite permits and approvals from the Bureau of Buildings and Site Development. Additionally, the homeowner must submit a signed letter to the City stating that:

1. The pool will be removed in advance of the work by others.
2. The clearing noted above will be performed by others (if applicable).
3. The City and its Contractor shall be held harmless for any subsequent damage to the two large trees that the directionally drilled sewer shall be installed between.
4. The Owner is responsible for all subsequent landscaping, aside from grassing to prevent erosion.
5. The Owner will refrain from planting trees within the 20' easement area (shallow rooted bushes and shrubs are okay).

Upon successful completion of the sanitary sewer reroute the City will relinquish its easement upon the original alignment.

JJB/jjb

E:\OfficeFiles\WORD\RiversRoad\2586habersham reroute.doc

10/21/02 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA**

1. 02-O-1368
2. 02-O-1710
3. 02-O-1674
4. 02-O-1645
5. 02-O-1646
6. 02-O-1647
7. 02-O-1648
8. 02-O-1672
9. 02-O-1726
10. 02-O-1728
11. 02-O-1776
12. 02-O-1779
13. 02-O-1781
14. 02-O-1783
15. 02-O-1790
16. 02-O-1791
17. 02-O-1661
18. 02-O-1793
19. 02-O-1584
20. 02-O-1636
21. 02-O-1788
22. 02-R-1176
23. 02-R-1736
24. 02-R-1737
25. 02-R-1745
26. 02-R-1769
27. 02-R-1716
28. 02-R-1740
29. 02-R-1735
30. 02-R-1797
31. 02-R-1800
32. 02-R-1663
33. 02-R-1780
34. 02-R-1802
35. 02-R-1588
36. 02-R-1773
37. 02-R-1787
38. 02-R-1799
39. 02-R-1760
40. 02-R-1761
41. 02-R-1762
42. 02-R-1763
43. 02-R-1764
44. 02-R-1765

45. 02-R-1766
46. 02-R-1767
47. 02-R-1768

**ITEMS ADVERSED
ON CONSENT AGENDA**

48. 02-R-1746
49. 02-R-1747
50. 02-R-1748
51. 02-R-1749
52. 02-R-1750
53. 02-R-1751
54. 02-R-1752
55. 02-R-1753
56. 02-R-1754
57. 02-R-1755
58. 02-R-1756
59. 02-R-1757
60. 02-R-1758
61. 02-R-1759
62. 02-R-1366

Consent I Vote: 12 Yeas; 0 Nays (See RCS #4102)
Items Removed from Consent: 02-O-1643; 02-O-1795; 02-R-1803; 02-R-1729

LARGE ATTACHMENT:

DOCUMENT(S),

MANUAL(S)

OR

MAP(S)

NOT COPIED,

PULL ORIGINAL

FOR COPY OR TO VIEW

02-R-1773
 (Do Not Write Above This Line)

A RESOLUTION
 BY COUNCIL MEMBER CLAIR MULLER

A RESOLUTION AUTHORIZING
 REIMBURSEMENT TO THE CITY FOR
 WORK UNDERTAKEN BY A CITY
 CONTRACTOR TO RELOCATE AN
 EXISTING SEWER LINE AT 2586
 HARBERSHAM ROAD BY THE CITY'S
 ACCEPTANCE OF A CHECK
 (#8309828533) IN THE AMOUNT OF
 \$13,758.85 FROM WEIDMANN &
 ASSOCIATES, INC., TO BE DEPOSITED
 IN FUND, ACCOUNT AND CENTER
 NUMBER 0124 445214M241021099999;
 FURTHER AUTHORIZING THE CITY TO
 ACCEPT A RELOCATED SEWER
 EASEMENT AND TO EXECUTE AND
 DELIVER TO THE OWNERS OF 2586
 HARBERSHAM ROAD ANY DOCUMENTS
 NECESSARY TO EVIDENCE THE
 CITY'S CONSENT IN BEHALF OF THE
 CITY OF SEWER LABORERS' UNION
 LOCAL 1000.

ADVERTISE & REFER

1st ADOPT 2nd READ & REFER

PERSONAL PAPER REFER
As amended

Date Referred 10/7/02

Referred To: C.U.L.C.

Date Referred _____

Referred To: _____

Date Referred _____

Referred To: _____

First Reading

Committee _____

Date _____

Chair _____

Referred To _____

Committee City

Date 10/22/02

Chair Clair Muller

Action Refer

Fav, Adv, Hold (see rev. side) _____

Other Refer

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 _____

ADOPTED BY

COUNCIL

Refer To _____

Committee _____

Date _____

Chair _____

Action _____

Fav, Adv, Hold (see rev. side) _____

Other _____

Members _____

Refer To _____

FINAL COUNCIL ACTION

2nd

1st & 2nd

3rd

Consent

V Vote

RC Vote

CERTIFIED

OCT 21 2002

Clair Muller

OCT 21 2002

Clair Muller

MAYOR'S ACTION

OCT 28 2002

Andy Stark

FAYOR