



**A SUBSTITUTE ORDINANCE**

**BY FINANCE/EXECUTIVE COMMITTEE**

**AN ORDINANCE DIRECTING THE CHIEF FINANCIAL OFFICER TO REIMBURSE CARTER & ASSOCIATES AND MARTA FOR THE PARTIAL COST OF PUBLIC FACILITIES IMPROVEMENTS ASSOCIATED WITH THE DEVELOPMENT LOCATED AT 2424 PIEDMONT ROAD N.E. AND DIRECTING THE COMMISSIONER OF THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT TO CERTIFY ACCEPTANCE OF THE IMPROVEMENTS AS LISTED IN THE 2003 COMPREHENSIVE DEVELOPMENT PLAN (CDP) AND 2003 CAPITAL IMPROVEMENT PROGRAM (CIP) AND FOR OTHER PURPOSES**

**WHEREAS** adopted ordinance 99-O-0941 directed that the City use an amount equal to the impact fees paid in connection with the development of Lindbergh City Center, as well as other funding, to fund the partial cost of public facilities improvements; and

**WHEREAS** adopted ordinance 01-O-1889 extended the date to which such impact fees be obligated to 12/31/03; and

**WHEREAS** the projects listed in Exhibit A of this ordinance include the public improvements listed in Exhibit A of adopted Ordinance 99-O-0941, including the traffic calming projects identified in the Transportation Improvement Program as projects AT-AR-BP293 (Peachtree Hills Drive), AT-AR BP138 (Lindbergh Drive) and AT-AR BP301 (East Wesley Road), which shall be partially funded with the impact fees paid in connection with the development of Lindbergh City Center; and

**WHEREAS** the total estimated project costs of the three traffic calming projects noted above is \$4,680,783; and

**WHEREAS** adopted ordinance 01-O-1889 authorized the mayor to enter into agreements to complete the scope of work for the three aforementioned projects to the extent of appropriated funding, including entering into a Construction Management agreement with Carter & Associates; and

**WHEREAS** companion legislation has been prepared and submitted to accept Federal Transportation funds for these three projects in the amount of \$2,834,000 as designated from the Regional Transportation Improvement Program for the funding of 80% of the construction costs portion of these projects; and

**WHEREAS** adopted ordinance 01-O-0037 directed that the \$509,409 in transportation impact fees paid by Carter & Associates on permit #BB 200004841 be used towards the



03-O-0633

partial payment survey, design, administrative, and legal costs associated with these projects; and

**WHEREAS** Carter & Associates, paid \$29,145 in transportation impact fees on permit #BB 200103698 (Exhibit C) related to the Lindbergh City Center Project; and

**WHEREAS** adopted ordinance 99-O-0941 directed that an amount equal to the transportation impact fees paid in connection with the Lindbergh City Center Project be used to fund the partial cost of approved transportation improvements; and

**WHEREAS** Carter & Associates paid \$241,775 in park & recreation impact fees on permit # BB 200004841 (Exhibit B), and \$24,090 in park & recreation impact fees on permit # BB 200103698 (Exhibit C), for a total of \$265,865 in park & recreation impact fees; and

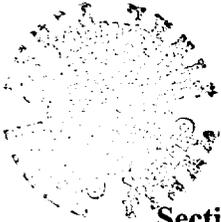
**WHEREAS** adopted ordinance 99-O-0941 directed that an amount equal to the park & recreation impact fees paid in connection with the Lindbergh City Center Project be used to fund the partial cost of approved parks additions or improvements and MARTA, through Carter & Associates, has held in conservation 3.788 acres of land, with an appraised value of \$779,710, paid \$47,724 to construct a nature trail across said land, and paid \$230,969 for creek restoration in Peachtree Hills Park and Tanyard Park, for a total of \$1,058,403 in approved Parks additions and improvements that are for public use and which have been approved by the appropriate City of Atlanta departments (Exhibit D); and

**WHEREAS** Carter & Associates, on behalf of the project and MARTA, is therefore eligible to receive both a reimbursement of the \$265,865 in park & recreation impact fees it paid, and the balance of \$792,538 in park and recreation impact fee credits, both for the provision of said approved Parks additions and improvements; and

**WHEREAS** Carter & Associates, on behalf of the project and MARTA wishes to apply this \$265,865 reimbursement of park & recreation impact fees to \$265,865 in prepaid transportation impact fees to be used by the City towards the partial payment of project costs associated with the three above listed transportation projects.

**NOW THEREFORE IT IS ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:**

**Section 1:** The Chief Financial Officer is authorized to reimburse Carter & Associates Park & Recreation impact fees in an amount not to exceed \$265,865; all charges and expenses associated with this reimbursement of impact fees be charged to and paid from: FAC 1C28 529010 T31X049991



03-O-0633

**Section 2:** That the Commissioner of Planning and Community Development is directed to use the total of the above referenced development impact fees paid by Carter & Associates on building permit # BB 200103698 and # BB 200004841 (attached as Exhibits B and C) and any prepaid impact fees paid by Carter & Associates, all associated with Lindbergh City Center, for the partial cost of providing public improvements as listed on Exhibit A

**Section 3:** That the Chief Financial Officer is authorized to reimburse Carter & Associates from the General Government Capital Outlay Fund Budget for costs associated with providing the public improvements, as listed on the attached Exhibit A, the total of which shall not exceed the previously authorized amounts, plus the total of the prepaid transportation impact fees, plus \$29,145, and that all costs associated with this reimbursement be charged to and paid from fund, account, and center combination 1C28 529010 M11X04519985.

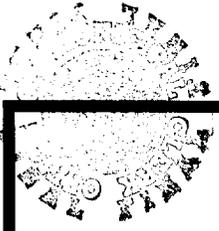
**Section 4:** In the event that the impact fee funds earmarked by this ordinance have not been obligated to construction projects by December 31, 2004, said funds shall be placed in the appropriate impact fee account reserve centers for appropriation to other impact fee supported projects.

**Section 5:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy,  
*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

MAY 19, 2003  
MAY 27, 2003



**ORDINANCE**  
**03-O-0633**

**INDEX**

**Exhibit A - Traffic Calming Projects**

**Exhibit B – Building Permit # BB 200004841**

**Exhibit C - Building Permit # BB 200103698**

**TRAFFIC CALMING PROJECTS**

<b>TIP #</b>	<b>FUND</b>	<b>GDOT PI #</b>	<b>CIP #</b>	<b>DESCRIPTION</b>
AT-AR BP138	Q23-STP	762518	TR-2002-0092 (partial)	<b>Lindbergh Drive</b> Transit Oriented Sidwalks from Peachtree Road to Chesire Bridge Road
AT-AR BP293	Q40-CMAQ	762624	TR-2002-0103	<b>Peachtree Hills</b> Sidewalk from Peachtree to Lindbergh
AT-AR BP301	Q23-STP	0000337	TR-2002-0074	<b>East Wesley Streetscape</b> from Piedmont to Peachtree



# BUILDING PERMIT

CITY OF ATLANTA - BUREAU OF BUILDINGS

Permit No.: BB 200004841 ✓  
Date Issued: 18-JUL-2000

## GENERAL PERMIT INFORMATION

Location: 2420 PIEDMONT RD NE  
BELL SOUTH @ LINDBERGH-SITE WORK  
Estimated Cost: \$10,000,000.00 Permit Fee: \$40,000.00  
Plans: BLC1 200000066 Aprvd. By: R. STANDLEY  
BB 200004841  
Zone: I-1 Aprvd. By: S. BARFIELD  
PCN: 17 0059 LL041 Issued By: R. STANDLEY  
Bldgs.: 1 Tot. FL Area: 999,399  
Tot. Units: Parking Req'd.:

## BUILDING INFORMATION

Bldg. Name: MARTA-LINDBERG  
Stories: 15 Height in Ft.: 190  
Max. Occ.: 9,993 Ground FL Area:  
Tot. FL Area: 999,399  
Units: Space FL Area:

ERECT OFFICE BLDG  
TYPE II SPRINKLERED CONST  
BUSINESS OCCUPANCY-NEW

## ADDRESS INFORMATION

Owner - CARTER & ASSOC  
1275 PEACHTREE ST  
ATLANTA, GA 30309 404-888-3000  
Builder - HARDIN CONSTRUCTION  
1380 W. PACES FERRY ROAD  
ATLANTA, GA 30335 404-264-0404  
Architect - COOPER-CARY INC  
3520 PIEDMONT ROAD, NE, SUITE 200  
ATLANTA, GA 30305 404-237-2000  
Engineer-Civil - H D R/ W L JORDEN  
1908 CLIFF VALLEY WAY  
ATLANTA, GA 30329 404/320-1001

SCOPE OF WORK: New office bldg; mixed use development consisting of office, retail and restaurant and parking deck; (Previously logged 9909231221; TWO 14 STORY TOWERS, TOTAL OF 999,399 SQ. FT. FREE STANDING PARKING DECK CONSISTING OF 7 LEVELS

## COMMENTS

ZONING COMMENT; DEVELOPMENT OF REGIONAL IMPACT ATTACHED; V-99-346 FOR PARKING REDUCTION TO 10,461 SPACES, 2,304 SPACES PROVIDED ON THIS PORTION OF OVERALL APPROVAL OF VARIANCE

## POST IN A CONSPICUOUS PLACE ON THE JOB

DO NOT: POUR CONCRETE, COVER FRAMING NOR OCCUPY BUILDING UNTIL ALL INSPECTIONS HAVE BEEN MADE.

A SEPARATE PERMIT IS REQUIRED FOR ELECTRICAL, PLUMBING, HVAC WORK AND SIGNS.

## GEORGIA - FULTON COUNTY

Personally appeared: DAN FITZPATRICK

who on oath says that (he) (she) is the applicant for the foregoing, and that all statements are true to the best of (his) (her) knowledge, and that the work to be done thereon is authorized by the owner.

AGENT  CONTRACTOR  OWNER

Applicant: [Signature]  
Address: 1275 PEACHTREE ST  
ATLANTA, GA 30309  
Phone No.: 404-888-3000

Sworn to and subscribed before me this Eighteenth day of July, 2000.

[Signature]  
Notary Public

Inspector:  
G. CABANAW, 404-330-6146 Hrs. 7:15 - 8:45

The issuance of this permit shall not prevent the building official from thereafter requiring the correction of errors in the plans and specifications or from preventing building operations being carried on thereunder when in violation of the Building Code or of any other ordinance of the City of Atlanta. Except as otherwise stated, a permit for construction under which no work is commenced within six months after issuance, or where the work commenced is suspended or abandoned for six months, shall expire, and fees paid shall be forfeited.

Norman Koplos, P.E.  
Director  
Bureau of Buildings

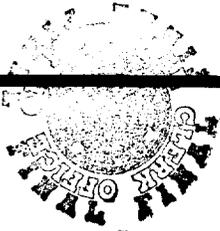
Fee Description	Fee Amount	Fee Account No.
Building Permit Fee	40,000.00	1A01422101 B00001
Fire/Tires Impact Fee	67,250.00	IC28 497101T31X04109991
Parks/Rec Impact Fee-North	241,775.00	IC28 497201T31X04109991
Police Impact Fee	19,495.00	IC28 497301T31X04109991
Traffic Impact Fee	509,409.00	IC28 467401M11X04319985
<b>Total Impact Fees:</b>	<b>837,929.00</b>	
<b>Total:</b>	<b>\$877,929.00</b>	

NOT VALID UNLESS  
STAMPED PAID BY MUNICIPAL  
REVENUE COLLECTOR.  
NOT TRANSFERABLE

Certificate of Occupancy # \_\_\_\_\_  
Completed Date: \_\_\_\_\_

A CERTIFICATE OF OCCUPANCY IS REQUIRED

(Inspector's signature)



# BUILDING PERMIT

CITY OF ATLANTA - BUREAU OF BUILDINGS

Permit No.: BB 200103698  
Date Issued: 14-JUN-2001

### GENERAL PERMIT INFORMATION

Location: 2424 PIEDMONT RD NE  
DECK 2/MERCANTILE/OFFICE FOUNDATION

Estimated Cost: \$565,470.00 Permit Fee: \$2,262.00  
Plans: BLC1 200000066 Aprvd. By: R. STANDLEY  
BB 200004841

Zone: I-1 Aprvd. By: A. HEARD  
PCN: 17 0059 LL041 Issued By: R. STANDLEY

Bldgs.: 1 Tot. Fl. Area: 544,554  
Tot. Units: Parking Req'd.: 10,461

**BUILDING INFORMATION**

Bldg. Name: PARKING DECK 2/OFFICE-RETAIL  
Stories: 6 Height In Ft.: 65  
Max. Occ.: 1,116 Ground Fl. Area: 73,229  
Tot. Fl. Area: 544,554  
Units: Space Fl. Area: 50,085

ERECT BUSINESS  
TYPE I CONST  
STORAGE OCCUPANCY

### ADDRESS INFORMATION

Owner - M A R T A  
2424 PIEDMONT ROAD NE  
ATLANTA, GA 30309 404-888-3000

Engineer - Civil - PHARR ENGINEERING  
1720 CENTURY CIRCLE NE STE 22  
ATLANTA, GA 30345 404-325-3441

Builder - HARDIN CONSTRUCTION  
1380 W. PACES FERRY ROAD  
ATLANTA, GA 30335 404-264-0404

Architect - COOPER CARRY  
3520 PIEDMONT RD NE SUITE 200  
ATLANTA, GA 30305 404-237-2000

SCOPE OF WORK: Phase I - mixed use development consisting of office, retail, restaurant and parking decks  
THIS LOCATION IS NOT APPROVED FOR ADULT BUSINESS

### COMMENTS

Zoning comment: V-99-346 for parking reduction.

Foundations only for parking deck #2, including 23715 sf office (business occupancy) & 26,370 sf retail space (mercantile occupancy)

Impact fees: E0100499; includes 50% MARTA reduction for transportation & adjustment for office > 500,000 sf (entire site)

A CERTIFICATE OF OCCUPANCY IS REQUIRED

### POST IN A CONSPICUOUS PLACE ON THE JOB

DO NOT: POUR CONCRETE, COVER FRAMING NOR OCCUPY BUILDING UNTIL ALL INSPECTIONS HAVE BEEN MADE.

A SEPARATE PERMIT IS REQUIRED FOR ELECTRICAL, PLUMBING, HVAC WORK AND SIGNS.

### GEORGIA - FULTON COUNTY

The recipient of the building permit shall post a copy of same on a sign not less than six square feet with the words "Notice of Issuance of Building Permit" in letters not less than four inches high in a conspicuous place on the affected property so that the sign and permit can be easily viewed from the public street on which the property fronts. Said sign shall be posted no later than 24 hours after the issuance of the building permit and shall not be removed for 30 days. The recipient of the building permit shall also file a notarized affidavit with the Clerk of Council certifying under penalty of perjury the date on which the sign required in the above paragraph was posted.

Ordinance 00-O-1664Z-00-88 Jan 25, 2001

Personally appeared: CHIP FLORENZ who on oath says that (he) (she) is the applicant for the foregoing, and that all statements are true to the best of (his) (her) knowledge, and that the work to be done thereon is authorized by the owner.

AGENT  CONTRACTOR  OWNER

Applicant: Chip Florenz  
Address: 1275 PIEDMONT RD  
ATLANTA, GA 30309  
Phone No.: 778-403-4481

Sword to and subscribed before me this 14th day of June, 2001.

Inspector: Chip Florenz  
Notary Public  
G. CABANAW, 404-330-6146 Hrs. 7:15 - 6:45

The issuance of this permit shall not prevent the building official from thereafter requiring the correction of errors in the plans and specifications or from preventing building operations being carried on thereunder when in violation of the Building Code or of any other ordinance of the City of Atlanta. Except as otherwise stated, a permit for construction under which no work is commenced within six months after issuance, or where the work commenced is suspended or abandoned for six months, shall expire, and fees paid shall be forfeited.

Norman Koplon, P.E.  
Director  
Bureau of Buildings

Fee Description	Fee Amount	Fee Account No.
Building Permit Fee	2,262.00	1A01422101 B000001
Fire/EMS Impact Fee	6,718.00	IC28 497101T31X04109991
Parks/Rec Impact Fee - North	24,090.00	IC28 497201T31X04109991
Police Impact Fee	1,930.00	IC28 497301T31X04109991
Traffic Impact Fee	29,145.00	IC28 467401M11X04519985
<b>Total Impact Fees:</b>	<b>61,883.00</b>	
<b>Total:</b>	<b>\$64,145.00</b>	

NOT VALID UNLESS  
STAMPED PAID BY MUNICIPAL  
REVENUE COLLECTOR.  
NOT TRANSFERABLE  
Certificate of Occupancy # \_\_\_\_\_  
Completed Date: \_\_\_\_\_

(Inspector's signature)



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**5/19/03 FULL COUNCIL MEETING**

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**Items Adopted on the Consent Agenda**

1. 03-O-0601
2. 03-O-0551
3. 03-O-0552
4. 03-O-0600
5. 03-O-0554
6. 03-O-0617
7. 03-O-0632
8. 03-O-0633
9. 03-O-0660
10. 03-O-0772
11. 03-O-0628
12. 03-O-0759
13. 03-R-0655
14. 03-R-0700
15. 03-R-0701
16. 03-R-0704
17. 03-R-0784
18. 03-R-0785
19. 03-R-0707
20. 03-R-0708
21. 03-R-0709
22. 03-R-0718
23. 03-R-0782
24. 03-R-0713
25. 03-R-0714
26. 03-R-0716
27. 03-R-0760
28. 03-R-0768
29. 03-R-0774
30. 03-R-0776
31. 03-R-0779
32. 03-R-0722
33. 03-R-0723
34. 03-R-0724
35. 03-R-0725

**Items Adversed on the  
Consent Agenda**

36. 03-R-0726
37. 03-R-0727
38. 03-R-0728
39. 03-R-0729
40. 03-R-0730
41. 03-R-0731
42. 03-R-0732
43. 03-R-0733
44. 03-R-0734
45. 03-R-0735
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51. 03-R-0741
52. 03-R-0742
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55. 03-R-0745
56. 03-R-0746
57. 03-R-0747
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59. 03-R-0749
60. 03-R-0750
61. 03-R-0783

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Consent I Vote: 13 Yeas; 0 Nays: (See RCS #4717)

Items Removed from the Consent Agenda: 03-O-0456; 03-R-0598; 03-R-0703; 03-R-0773; 03-R-0788

03-0 -0633

(Do Not Write Above This Line)

AN ORDINANCE  
 BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE DIRECTING THE CHIEF FINANCIAL OFFICER TO REIMBURSE CARTER & ASSOCIATES AND MARTA FOR THE PARTIAL COSTS OF PUBLIC FACILITIES IMPROVEMENTS ASSOCIATED WITH THE DEVELOPMENT LOCATED AT 2424 PIEDMONT ROAD N.E. AND DIRECTING THE COMMISSIONER OF THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT TO CERTIFY ACCEPTANCE OF THE IMPROVEMENTS AS LISTED IN THE 2003 COMPREHENSIVE DEVELOPMENT PLAN (CDP) AND 2003 CAPITAL IMPROVEMENT PROGRAM (CIP) AND FOR OTHER PURPOSES

**ADOPTED BY**

MAY 19 2003

**SUBSTITUTE COUNCIL**

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

Date Referred 5/5/03

Referred To: Finance/Executive

Date Referred

Referred To:

Date Referred

Referred To:

Committee F.I.R.O. Finance/Executive

Date 5/14/03

Chair [Signature]

Referred to FIN Executive

Committee Finance/Executive

Date 5/14/03

Chair [Signature]

Action: Fav, Adv, Hold (see rev. side)

Other: ON Substitute

Members [List of names]

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

MAY 19 2003

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED

MAY 19 2003

[Signature]  
MUNICIPAL CLERK

MAYOR'S ACTION

MAY 27 2003

[Signature]