



**CITY COUNCIL
ATLANTA, GEORGIA**

04-~~R~~-0889

A RESOLUTION BY

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A SEWER AGREEMENT WITH GEORGIA AQUARIUM INC. FOR REIMBURSEMENT OF COSTS ASSOCIATED WITH CONSTRUCTION OF IMPROVEMENTS WITHIN TANYARD COMBINED SEWER BASIN; IDENTIFYING THE FUND AND ACCOUNT NUMBER FROM WHICH THE REIMBURSEMENT SHALL BE MADE; AND FOR OTHER PURPOSES.

WHEREAS, Georgia Aquarium Inc. is constructing a 300,000 square foot aquarium north of Centennial Olympic Park; and

WHEREAS, the construction of the projects shall continue the economic growth of the City; and

WHEREAS, the projects are located in the Tanyard Combined Sewer basin; and

WHEREAS, the projects need to improve sewer infrastructure on the site including the separation of storm and sanitary sewers; and

WHEREAS, it was appropriate and beneficial to the City to have the improvements to the sewer system; and

WHEREAS, Georgia Aquarium, Inc. has proposed to construct new separated storm and sanitary sewer lines within City sewer easements that would be dedicated to the City after construction; and

WHEREAS, the City has identified additional improvements to the sewer system that will be equally beneficial to the City, the City has proposed a cost sharing arrangement with the Georgia Aquarium under which the City shall pay for the portion of the costs of improvements above Station 06+-7.59 as more fully identified on the drawings attached as Exhibit A; and

WHEREAS, the City and the Georgia Aquarium, Inc. have determined that the cost of the City's share of improvements, including construction costs, designs and engineering, contingency, and related costs, is estimated to be one million five hundred eighty thousand dollars (\$1,580,000.00).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA that the Mayor is authorized to enter into an agreement with the Georgia Aquarium, Inc. for reimbursement of costs for the design and construction of the Improvements.



BE IT FURTHER RESOLVED, that pursuant to this contractual agreement, the Department of Watershed Management, prior to construction commencing, must approve all plans and specifications for the Improvements.

BE IT FURTHER RESOLVED, that to effectuate this contractual agreement, the Mayor is authorized to execute such real property documents necessary to grant to Georgia Aquarium, Inc. those temporary encroachments, construction easements, and other temporary real property rights as needed to permit construction of the Improvements.

BE IT FURTHER RESOLVED, that the Mayor is further authorized to execute any and all agreements and other documents or instruments as needed to accomplish this transaction after approval by the City Attorney as to form.

BE IT FURTHER RESOLVED, that all expenses under this contractual agreement shall be paid from fund account and center number Water & Sewer Renewal and Extension Fund 2J21 574001.

BE IT FURTHER RESOLVED, that the City shall contribute no more than \$1,850,000.00, the amount estimated to be the costs of sewer infrastructure above Station 06+-7.59, as more fully identified in the plans and specifications for the project attached as Exhibit A.

BE IT FURTHER RESOLVED, that no agreement shall be binding on the City, nor shall the City incur any liability thereunder, unless the agreement has been signed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to the Georgia Aquarium, Inc.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

MAY 17, 2004
MAY 25, 2004

RCS# 5712
5/17/04
2:10 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-13 EXCEPT:04-R-0876
04-R-0911 04-R-0835 04-R-0882
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

| | | | | |
|-----------|-------------|----------|------------|-----------|
| Y Smith | Y Winslow | Y Shook | Y Martin | Y Norwood |
| Y Starnes | Y Archibong | Y Muller | B Maddox | Y Willis |
| Y Young | Y Fauver | Y Moore | Y Mitchell | |

CONSENT I

| 3-01-04 Council Meeting | |
|---|---|
| ITEMS ADOPTED ON CONSENT | ITEMS ADOPTED ON CONSENT |
| <ul style="list-style-type: none"> 1. 04-O-0858 2. 04-O-0869 3. 04-O-0372 4. 04-O-0373 5. 04-O-0641 6. 04-O-0642 7. 04-O-0646 8. 04-O-0648 9. 04-O-0650 10. 04-O-0652 11. 04-O-0653 12. 04-O-0656 13. 04-O-0657 14. 04-O-0874 15. 04-O-0488 16. 04-O-0700 17. 04-O-0872 18. 04-O-0660 19. 04-O-0661 20. 04-O-0873 21. 03-R-2228 22. 04-R-0805 23. 04-R-0806 24. 04-R-0808 25. 04-R-0809 26. 04-R-0822 27. 04-R-0859 28. 04-R-0882 29. 04-R-0889 30. 04-R-0369 31. 04-R-0870 32. 04-R-0876 33. 04-R-0815 34. 04-R-0847 35. 04-R-0862 36. 04-R-0863 37. 04-R-0821 38. 04-R-0807 39. 04-R-0811 40. 04-R-0812 | <ul style="list-style-type: none"> 41. 04-R-0813 42. 04-R-0865 43. 04-R-0824 44. 04-R-0825 45. 04-R-0826 46. 04-R-0827 47. 04-R-0828 <p style="text-align: center;">ITEMS ADVERSED ON CONSENT</p> <ul style="list-style-type: none"> 48. 04-R-0829 49. 04-R-0830 50. 04-R-0831 51. 04-R-0832 52. 04-R-0833 53. 04-R-0834 54. 04-R-0836 55. 04-R-0837 56. 04-R-0838 57. 04-R-0839 58. 04-R-0840 59. 04-R-0841 60. 04-R-0842 61. 04-R-0843 62. 04-R-0844 63. 04-R-0845 64. 04-R-0846 |

04-2-0889
 (Do Not Write Above This Line)

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ADOPTED BY

MAY 17 2004

COUNCIL

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

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee _____
 Date 5/1/2004
 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

Committee

Date

Chair

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

Members

Refer To

Refer To

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Consent V Vote RC Vote

CERTIFIED

CERTIFIED
 MAY 17 2004

[Signature]
 CLERK

MAY 17 2004

MAYOR'S ACTION

[Signature]
 MAY 25 2004