

A SUBSTITUTE ORDINANCE BY:

04-O-1651

CITY UTILITIES COMMITTEE

**AUTHORIZING AN EASEMENT IN FAVOR OF GEORGIA POWER
COMPANY FOR THE PLACEMENT OF ONE (1) ELECTRIC POWER POLE
ON NORTH SIDE OF MILLS STREET, BETWEEN VENABLE STREET AND
MCAFFEE STREET**

WHEREAS, the Georgia Aquarium and the new World of Coca-Cola projects play an important part in the continuing revitalization of the downtown area; and

WHEREAS, in order to accommodate the construction of these important projects Georgia Power Company ("GPC") is willing to relocate its existing electric transmission line facility in the area; and

WHEREAS, the existing GPC facility is located on private property pursuant to private easements in favor of GPC; and

WHEREAS, the proposed relocation would place one (1) GPC electric power pole in the public right-of-way on the north side of Mills Street; and

WHEREAS, the proposed location for such power pole appears to be the only feasible location; and

WHEREAS, the neighboring property owners support the proposed location of the power pole; and

WHEREAS, GPC is willing to place its power pole in such public right-of-way provided it is granted an easement such that the cost of any future relocations of such pole and accompanying electric facilities will not be borne by GPC; and

WHEREAS, the December 8, 1965 Franchise Agreement between the City of Atlanta ("City") and GPC otherwise would provide for GPC to remove its equipment and facilities in the public right-of-way at GPC's expense upon the written notice of the City; and

WHEREAS, in order to facilitate the construction of the Georgia Aquarium and new World of Coca-Cola projects it is in the public interest to relocate the GPC facilities as proposed without requiring GPC to incur the financial risk of possible future relocation or removal; and

WHEREAS, the proposed relocation further advances the public interest by eliminating or minimizing the need to demolish any buildings in the surrounding area and thereby preserves the character of the community; and



WHEREAS, an easement on City property as shown on attached Exhibit A is necessary for the location of the power pole in order to accomplish the foregoing.

NOW, THEREFORE, THE COUNCIL FOR THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1. The Mayor is hereby authorized to execute an easement in favor of Georgia Power Company for the area shown on Exhibit A, subject to the payment of fair market value for the easement, and such easement shall be in the form attached hereto as Exhibit B, and provided further, that the cost of any further relocation of Georgia Power Company's equipment and facilities located within such easement shall not be borne by Georgia Power Company.

Section 2. As a condition to the execution of the easement Georgia Power Company or its designee shall deliver to the City an appropriate five (5) year bond in an amount necessary to cover the one time relocation of the Georgia Power Company's equipment and facilities in the right of way.

Section 3. The Mayor or her designee is authorized to negotiate the necessary amount of the bond to cover the cost of a one time relocation of Georgia Power Company's equipment in the right of way.

Section 4. All ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby waived.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

October 18, 2004
October 20, 2004

RCS# 6139
10/18/04
2:33 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 6-18, EXCEPT:04-O-1369
04-R-1764 04-R-1765
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

NV Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

10-04-04 Council Meeting		
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1570	38. 04-R-1772	48. 04-R-1783
2. 04-O-1586	39. 04-R-1773	49. 04-R-1784
3. 04-O-1667	40. 04-R-1774	50. 04-R-1785
4. 04-O-1669	41. 04-R-1775	51. 04-R-1786
5. 04-O-1670	42. 04-R-1776	52. 04-R-1787
6. 04-O-1671	43. 04-R-1777	53. 04-R-1788
7. 04-O-1672	44. 04-R-1778	54. 04-R-1789
8. 04-O-1658	45. 04-R-1779	55. 04-R-1790
9. 04-O-1807	46. 04-R-1780	56. 04-R-1791
10. 04-O-1810	47. 04-R-1781	57. 04-R-1792
11. 04-O-1813		58. 04-R-1793
12. 04-O-1817		59. 04-R-1794
13. 04-O-1850		
14. 04-O-1651		
15. 04-O-1654		
16. 04-O-1808		
17. 04-R-1472		
18. 04-R-1751		
19. 04-R-1798		
20. 04-R-1485		
21. 04-R-1759		
22. 04-R-1760		
23. 04-R-1761		
24. 04-R-1797		
25. 04-R-1824		
26. 04-R-1825		
27. 04-R-1762		
28. 04-R-1754		
29. 04-R-1755		
30. 04-R-1756		
31. 04-R-1757		
32. 04-R-1827		
33. 04-R-1799		
34. 04-R-1768		
35. 04-R-1769		
36. 04-R-1770		
37. 04-R-1771		

04-0-1651
(Do Not Write Above This Line)

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BY UTILITY COMMITTEE
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ADOPTED BY

SUBSTITUTE OCT 1 8 2004

COUNCIL

Jerry DeLoach

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

Date Referred 9/20/04

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee *City Utilities*
Date *Sept 28 2004*
Chair *...*
Referred To *...*

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Members

Action

Fav, Adv, Hold (see rev. side)

Other

Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Members

Fav, Adv, Hold (see rev. side)

ON submitt

...

Refer To

Refer To

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

CERTIFIED

OCT 1 8 2004

ATLANTA CITY GOVERNMENT PRESIDENT

...

RECORDED
OCT 1 8 2004
Rochelle D...
MUNICIPAL CLERK

APPROVED

OCT 10 2004
...
MAYOR