

CITY COUNCIL  
ATLANTA, GEORGIA

AN ORDINANCE

04-O-0153

BY COUNCILMEMBER JIM MADDOX

AS AMENDED BY CITY UTILITIES COMMITTEE

**AUTHORIZING THE MAYOR TO ENTER INTO A SEWER AGREEMENT WITH PRINCETON LAKES, L.L.C. AND PRINCETON LAKES PARTNERS, L.L.C., A JOINT VENTURE, FOR CONSTRUCTION OF IMPROVEMENTS TO THE CAMP CREEK OUTFALL; ANTICIPATING AND APPROPRIATING WATER AND SEWER FUNDS IN THE AMOUNT OF \$1,375,000.00; AND FOR OTHER PURPOSES.**

**WHEREAS**, by Resolution No. 02-R-1775, adopted by the Council on November 18, 2002 and approved by the Mayor on November 26, 2002, the City of Atlanta adopted the Princeton Lakes Redevelopment Plan and created the Princeton Lakes Redevelopment Area and Tax Allocation District Number Four -- Princeton Lakes; a copy of that Resolution is attached as Exhibit 1; and

**WHEREAS**, by adopting the Redevelopment Plan, the City of Atlanta has determined to exercise the Redevelopment Powers Law, O.C.G.A. Sections 36-44-1 et seq., to enable a public-private partnership to improve economic and social conditions in the area of Southwest Atlanta north of Camp Creek Parkway and south of Hogan Road (the "Redevelopment Area"); and

**WHEREAS**, by Ordinances 02-O-0872/Z-02-34 and 02-O-0879/Z-02-41, adopted by the Council on October 21, 2002 and approved by the Mayor on October 28, 2002, the City approved a master site plan as part of the PD-MU zoning for the Redevelopment Area that includes a retail center, commercial and office space, and residences (the "Development"); copies of those Ordinances are collectively attached as Exhibit 2; and

**WHEREAS**, Princeton Lakes, L.L.C. plans to construct the infrastructure for the residential component and Princeton Lakes Partners, L.L.C. plans to construct the infrastructure for the retail, office, and commercial components of the Development; and

**WHEREAS**, the City has determined that existing sewer capacity at the downstream portion of the Camp Creek Basin is inadequate in size to provide the capacity required by government standards either to service the Camp Creek Basin in its current status or to service additional flow resulting Development specified in the Redevelopment Plan and other future City needs; and

**WHEREAS**, The City has determined that the remedial sanitary sewer capacity relief required for the downstream portion of Camp Creek will consist of constructing improvements to the Camp Creek Outfall, specifically upgrading approximately 7,700 linear feet of sewer line within the Redevelopment Area on property owned by the Developers (the "Improvements"); and

**WHEREAS**, Princeton Lakes, L.L.C., and Princeton Lakes Partners, L.L.C. have agreed to form a joint venture (the "Joint Venture") for the purpose of designing and constructing the Improvements; and

**WHEREAS**, the City and the Joint Venture have determined that the cost of the Improvements, including construction costs, designs and engineering, contingency, and related costs, is estimated to be two million seven hundred fifty thousand dollars (\$2,750,000.00); and

**WHEREAS**, because the Improvements will be equally beneficial to the City as well as to the Joint Venture, the City has agreed to accelerate implementation of the Improvements under a cost sharing arrangement with the Joint Venture under which the City and the Joint Venture each contribute no more than 50 percent of the total design and construction cost.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS** as follows:

**SECTION 1:** The Mayor is authorized to enter into an agreement with the Joint Venture for reimbursement of costs for the design and construction of the Improvements.

**SECTION 2:** Pursuant to this contractual agreement, the City shall contribute no more than 50% of the total cost of the design and construction of the Improvements incurred by the Joint Venture, and in no event shall contribute an amount to exceed \$1,375,000.00.

**SECTION 3:** Pursuant to this contractual agreement, the Department of Watershed Management, prior to construction commencing, must approve all plans and specifications for the Improvements.

**SECTION 4:** To effectuate this contractual agreement, the Mayor is authorized to execute such real property documents necessary to grant to the Joint Venture those temporary encroachments, construction easements, and other temporary real property rights as needed to permit construction of the Improvements.

**SECTION 5:** 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.

**SECTION 6:** Once the Improvements are completed and accepted by the City, the developers of the Development shall be entitled to sufficient sewer capacity to service the Development.

**SECTION 7:** That the 2004 (Water and Wastewater Renewal and Extension Fund) Budget is amended hereby as follows:

**TRANSFER FROM APPROPRIATION**

2J21 791001 T11001	Reserve for Appropriations	<b>\$1,375,000.00</b>
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**TRANSFER TO APPROPRIATION**

2J21 774001 Q38I02749999	Camp Creek Outfall Sewer Improvements Project	<b>\$1,375,000.00</b>
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**SECTION 8:** All expenses under this contractual agreement shall be paid from Fund, Account and Center Number 2J21 574001 Q38I02749999

**SECTION 9:** 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 Joint Venture.

**SECTION 10:** Any ordinance or part of any ordinance in conflict with the terms of this ordinance is hereby waived.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED as amended by the Council  
APPROVED by the Mayor

FEB 02, 2004  
FEB 10, 2004



2-02-4 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 04-O-0033	41. 04-R-0088
2. 04-O-0037	42. 04-R-0089
3. 04-O-0151	43. 04-R-0090
4. 04-O-0159	44. 04-R-0091
5. 04-O-0153	45. 04-R-0092
6. 04-R-0176	46. 04-R-0093
7. 04-R-0133	47. 04-R-0094
8. 04-R-0178	<b>ITEMS ADVERSE</b>
9. 04-R-2123	<b>ON CONSENT</b>
10. 04-R-0135	48. 04-R-0096
11. 04-R-0136	49. 04-R-0097
12. 04-R-0137	50. 04-R-0098
13. 04-R-0138	51. 04-R-0099
14. 04-R-0139	52. 04-R-0100
15. 04-R-0145	53. 04-R-0101
16. 04-R-0146	54. 04-R-0102
17. 04-R-0147	<b>55.</b> 04-R-0103
18. 04-R-0148	56. 04-R-0104
19. 04-R-0149	57. 04-R-0105
20. 04-R-0150	58. 04-R-0106
21. 04-R-0154	59. 04-R-0107
22. 04-R-0160	60. 04-R-0108
23. 04-R-0161	61. 04-R-0109
24. 04-R-0162	62. 04-R-0110
25. 04-R-0164	63. 04-R-0111
26. 04-R-0184	64. 04-R-0112
27. 04-R-0140	65. 04-R-0113
28. 04-R-0170	66. 04-R-0114
29. 04-R-0076	67. 04-R-0115
30. 04-R-0077	68. 04-R-0116
31. 04-R-0078	69. 04-R-0117
32. 04-R-0079	70. 04-R-0118
33. 04-R-0080	71. 04-R-0119
34. 04-R-0081	72. 04-R-0120
35. 04-R-0082	73. 04-R-0121
36. 04-R-0083	74. 04-R-0122
37. 04-R-0084	75. 04-R-0123
38. 04-R-0085	76. 04-R-0124
39. 04-R-0086	
40. 04-R-0087	

**04-0-0153**  
(Do Not Write Above This Line)

AN ORDINANCE BY:  
COUNCILMEMBER JIM MADDOX

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ADOPTED BY

FEB 02 2004

COUNCIL

**AS AMENDED**

- 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

Chair

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

Members

Refer To

Refer To

Committee

Date

Chair

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

FEB 02 2004

**CERTIFIED**

FEB 02 2004

*Rickie Douglas Johnson*  
MUNICIPAL CLERK

**APPROVED**

FEB 10 2004

*Andy Maddox*  
MAYOR