

**AN ORDINANCE BY:
COUNCILMEMBER HOWARD SHOOK**

04-O-0159

**AS SUBSTITUTED BY THE
FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH STAFFORD PLAZA, LLC AND TCRA PROPERTIES, INC., PERTAINING TO THE CONSTRUCTION AND DEDICATION OF CERTAIN PUBLIC IMPROVEMENTS; TO GRANT TEMPORARY ENCROACHMENTS AS NECESSARY; TO ACCEPT CONTRIBUTIONS IN THE AMOUNT OF \$50,000.00 FOR ON-GOING MAINTENANCE; AND TO EXECUTE ALL CONTRACTS, EASEMENTS, AND OTHER DOCUMENTS AS NEEDED TO ACCOMPLISH THIS TRANSACTION; AND FOR OTHER PURPOSES.

WHEREAS, Stafford Plaza, LLC, a Georgia Limited Liability Company, is the owner of a parcel located at 3050 Peachtree Road in the City of Atlanta (the "Property"); and

WHEREAS, Stafford Plaza, LLC and TCRA Properties, Inc., a Texas Corporation, proposes to build on the Property a seven story office and retail building, a 19 story 270 unit apartment building, and a 985 space parking facility; and

WHEREAS, the City desires to promote continued residential growth within the City limits; and

WHEREAS, the City has determined that the existing sanitary sewer lines within the Peachtree Creek Sanitary Sewer Basin that would otherwise be utilized to service the estimated needs of the Property does not provide adequate flow capacity for the proposed development; and

WHEREAS, Stafford Plaza, LLC and TCRA Properties, Inc., have proposed to construct a new sewer line within City sewer easements that would be dedicated to the City after construction and said lines would carry the flow to a part of the City's sanitary sewer system that does have the capacity to adequately service the needs of the Property; and

WHEREAS, the new sewer line, upon express approval by the Georgia Department of Transportation will cross over Peachtree Creek; and

WHEREAS, the proposed construction would also provide capacity for future growth within the immediate area; and

WHEREAS, the Council now desires to authorize construction and installation of the sewer lines and allow sewer service to the Development.



**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 Stafford Plaza, LLC and TCRA Properties, Inc., to allow Stafford Plaza, LLC and TCRA Properties, Inc., to construct the sewer lines necessary to provide adequate capacity for the proposed development at 3050 Peachtree Road and for future growth in the immediate area and for Stafford Plaza, LLC and TCRA Properties, Inc., to contribute funds to the City in the amount of \$50,000.00, a reasonable portion of the estimated amount of money needed for the on-going maintenance and upkeep of the sewer line, under the terms and conditions set forth therein, in substantial form as set forth in Exhibit A, attached hereto.

Section 2: Pursuant to this contractual agreement, all plans and specifications for the sewer lines must be approved by the Department of Watershed Management prior to construction, where all plans and specifications must be related to the specific project at 3050 Peachtree Road.

Section 3: To effectuate this contractual agreement, the Mayor is authorized to execute such real property documents necessary to grant to Stafford Plaza, LLC and TCRA Properties, Inc., those temporary encroachments, construction easements, and other temporary real property rights as needed to permit construction of the sewer lines.

Section 4: The Mayor is further authorized to execute all and any agreements and other documents or instruments as needed to accomplish this transaction after approval by the City Attorney as to form.

Section 5: Once the sewer lines are completed and accepted by the City, the developers of the Property shall be entitled to sufficient sewer capacity to service the development.

Section 6: The funds contributed by Stafford Plaza, LLC and TCRA Properties, Inc., shall be placed in the Department of Watershed Management Account Number **2J01 492303 B00001**, and used to defray the costs of maintenance and upkeep of the sewer line.

Section 7: 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 Stafford Plaza, LLC and TCRA Properties, Inc.

Section 8: Any ordinance or part of any ordinance in conflict with the terms of this ordinance is hereby waived.

A true copy,


Municipal Clerk, CMC

ADOPTED 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	ITEMS ADVERSE
9. 04-R-2123	ON CONSENT
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	55. 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	

LARGE ATTACHMENT:

DOCUMENT(S),

MANUAL(S)

OR

MAP(S)

NOT COPIED,

PULL ORIGINAL

FOR COPY OR TO VIEW

04-0-0159

(Do Not Write Above This Line)

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COUNCIL MEMBER HOWARD SHOOK

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ADOPTED BY

FEB 02 2004

~~SUBSTITUTE~~ 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 _____

Final Committee

Date *1/28/04*
Chair *Frank Shook*

Action *(Fav/Adv, Hold (see rev. side))*
Subst. *Refer*

Members

Frank Shook
Frank Shook
Frank Shook
Frank Shook

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

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

FEB 02 2004

CERTIFIED

FEB 02 2004

Frank Shook
MUNICIPAL CLERK

APPROVED
FEB 10 2004
Frank Shook
MAYOR