

RCS# 6683
5/16/05
2:38 PM

Atlanta City Council

Regular Session

MULTIPLE

03-O-2107 04-O-0329 04-O-0435 04-O-1353
05-O-0269 05-R-0223 04-R-1288
FILE

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 1
ABSENT 1

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

MULTIPLE

AN ORDINANCE

BY COUNCILMEMBER IVORY YOUNG



AUTHORIZING THE MAYOR TO ENTER INTO A SEWER AGREEMENT WITH NORTHSIDE VILLAGE DEVELOPMENT, LLC FOR REIMBURSEMENT OF THE COSTS OF DESIGNING AND CONSTRUCTING STORM SEWER SYSTEM IMPROVEMENTS IN THE ENGLISH AVENUE NEIGHBORHOOD; APPROPRIATING FUNDS IN THE AMOUNT OF \$130,000.00; AND FOR OTHER PURPOSES.

WHEREAS, by Ordinance No. 02-O-1065/Z-02-45, adopted by the Council on October 7, 2002 and approved by the Mayor on October 15, 2002, the City rezoned certain parcels at Western Avenue and Northside Drive in the English Avenue Neighborhood from I-1 to C-3-C; and

WHEREAS, Northside Village Development, LLC (the "Developer") is developing a mixed income residential and commercial development on the site, which will include 261 apartments, 85 percent of which are affordable to households making 60 percent of the area median income; 8000 square feet of commercial space; and a parking deck with 450 spaces (the "Village"); and

WHEREAS, the City determined that existing combined sewer capacity was inadequate to provide the capacity required by government standards either to service this area of the Proctor Creek Basin in its current status or to service additional flow resulting from the Village and other future development in the area; and

WHEREAS, the City determined that the remedial capacity relief required consisted of constructing a new 30-inch storm sewer trunk line in the right-of-way of Vine Street and replacing a manhole (the "Improvements"); and

WHEREAS, the City and the Developer have determined that the cost of the Improvements, including construction costs, design and engineering, and related costs, is \$130,000.00, as shown on Exhibit A attached to this Ordinance; and

WHEREAS, the Developer has constructed the Improvements in accordance with plans and specifications approved by the City, and the City has accepted the Improvements; and

WHEREAS, because the Improvements constitute system improvements that are beneficial to the City beyond the needs of the Village, the City now desires to reimburse the Developer for the cost of designing and constructing the Improvements.

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 Developer for reimbursement of the cost of design and construction of the Improvements in the amount of \$130,000.00.

Section 2. 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 3. The _____ Fund is hereby amended as follows:

Transfer from Appropriations

Account no. _____ \$ _____

Transfer to Appropriations

Account no. _____ Vine St. Storm Sewer Improvements \$ _____

Section 4. All expenses under this contractual agreement shall be paid from fund, account, and center number _____.

Section 5. 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 and delivered to the contracting party.

Section 6. Any ordinance or part of any ordinance in conflict with the terms of this ordinance is hereby waived.

#23

05-0-0269

(Do Not Write Above This Line)

AN ORDINANCE BY:

COUNCILMEMBER IVORY LEE YOUNG, JR.

AUTHORIZING THE MAYOR TO ENTER INTO A SEWER AGREEMENT WITH NORTSIDE VILLAGE DEVELOPMENT, LLC FOR REIMBURSEMENT OF THE COSTS OF DESIGNING AND CONSTRUCTING STORM SEWER SYSTEM IMPROVEMENTS IN THE ENGLISH AVENUE NEIGHBORHOOD; APPROPRIATING FUNDS IN THE AMOUNT OF \$130,000.00; AND FOR OTHER PURPOSES.

FILED BY CITY COUNCIL

MAY 16 2005

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

Date Referred 2/7/05

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Chair

Date 5-5-2005

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

Members

Refer To

Committee

Date

Chair

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

Members

Refer To

Committee

Date

Chair

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

Members

Refer To

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

CERTIFIED

MAY 16 2005

RECEIVED
MAY 16 2005
CITY CLERK

MAYOR'S ACTION