

**A RESOLUTION BY  
CITY UTILITIES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, TO ENTER INTO TIE-BACK AGREEMENT, WITH TCRA PROPERTIES, INC., FOR A CONSTRUCTION EASEMENT AT THE ST. REGIS PLAZA PHASE II, 88 WEST PACES FERRY ROAD; AND FOR OTHER PURPOSES.**

**WHEREAS**, TCRA Properties, Inc. (“TCRA”) is the owner of the St. Regis Plaza Phase II, located at 88 West Paces Ferry Road; and

**WHEREAS**, TCRA requires a temporary construction easement to stabilize the retaining wall at the aforesaid location; and

**WHEREAS**, TCRA has approached the City seeking a tie-back construction easement agreement allowing for the construction of a retaining wall at the aforesaid location for a right-of-way easement fee of ten-dollars (\$10.00); and

**WHEREAS**, the professional staff of the Department of Public Works have reviewed the plans for the proposed tie-back locations, and have determined that it meets the requirements set forth in Section 138-24(b) of the Official Code of the City of Atlanta.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor is authorized to enter into a Tie-Back Easement Agreement, as outlined in Section 138, Article II of the Official Code of the City of Atlanta, with TCRA Properties, Inc. at the St. Regis Plaza Phase II, 88 West Paces Ferry Road, for the right-of-way easement fee of ten-dollars (\$10.00).

**BE IT FURTHER RESOLVED**, that the Commissioner of Public Works, as the Mayor’s designee, is authorized to review and approve the terms and conditions for the construction, maintenance and removal of the tie-back construction easement agreement.

**BE IT FURTHER RESOLVED**, that the City Attorney is directed to prepare an appropriate Agreement for execution by the parties, provided that TCRA Properties, Inc., shall indemnify the City and hold the City harmless from any and all claims arising from the construction, installation, operation, use, maintenance and removal of said facilities.

**BE IT FINALLY RESOLVED**, that the Agreement will not become binding on the City, and the City will incur no obligation nor liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to TCRA Properties, Inc.

(e) Number of Bids: N/A

(f) Proposals Received: N/A

(g) Bidders/Proponents: N/A

(h) Term of Contract: N/A

4. Fund Account Center: N/A

5. Source of Funds: *Example: Local Assistance Grant* N/A

6. Fiscal Impact: N/A

7. Method of Cost Recovery: N/A

This Legislative Request Form Was Prepared By: Norman Robinson

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: (404) 330-6002

Originating Department: Public Works

Committee(s) of Purview: City Utilities

Chief of Staff Deadline: September 24, 2007

Anticipated Committee Meeting Date(s): October 9, 2007

Anticipated Full Council Date: October 15, 2007

Legislative Counsel's Signature: Terry Grandison

Commissioner Signature: [Handwritten Signature]

Chief Procurement Officer Signature: \_\_\_\_\_

**CAPTION**

**A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, TO ENTER INTO TIE-BACK EASEMENT AGREEMENT, WITH TCRA PROPERTIES, INC., FOR THE CONSTRUCTION PURPOSES AT THE ST. REGIS PLAZA PHASE II, 88 WEST PACES FERRY ROAD; AND FOR OTHER PURPOSES.**

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ (date) Received by LC from CPO: \_\_\_\_\_ (date)

Received by Mayor's Office: 9/24/07 (date) [Signature] Reviewed by: [Signature] (date)

Submitted to Council: \_\_\_\_\_ (date)