

**A RESOLUTION BY
FINANCE/EXECUTIVE COMMITTEE**

08- R -0245

A RESOLUTION TO CORRECT RESOLUTION 06-R-1312 ADOPTED BY THE ATLANTA CITY COUNCIL ON JUNE 19, 2006 AND APPROVED BY THE MAYOR ON JUNE 22, 2006, SO AS TO REFLECT THE GEORGIA BUILDING AUTHORITY AS THE CORRECT PARTY TO THE ENCROACHMENT AGREEMENT WITH THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, Resolution 06-R-1312 “authorized the Mayor, to enter into an Encroachment Agreement for nonconforming uses as outlined in Section 138, Article II, of the City’s Code of Ordinances, with S&ME, Inc., contracted by the State of Georgia, for the installation of an underground monitoring well for soil testing.” ; and

WHEREAS, the Atlanta City Council adopted Resolution 06-R-1312 on June 19, 2006, and the Mayor approved the same on June 22, 2006; and

WHEREAS, Resolution 06-R-1312 incorrectly identified S&ME, Inc., the contractor, as the proper party to the aforesaid encroachment agreement; and

WHEREAS, the Georgia Building Authority is the correct and proper party to the said encroachment agreement; and

WHEREAS, the Department of Public Works desires to correct Resolution 06-R-1312 to reflect the Georgia Building Authority as the correct and proper party to the encroachment agreement with the City of Atlanta for the purpose of installing the underground monitoring well for soil testing.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that Resolution 06-R-1312 be corrected to read that the Mayor is authorized to enter into an Encroachment Agreement for nonconforming uses, as outlined in Section 138, Article II, of the City’s Code of Ordinances with the Georgia Building Authority for the installation of an underground monitoring well for soil testing.

BE IT FINALLY RESOLVED, that the Agreement will not become binding upon the City and the City will incur no obligation or 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 the Georgia Building Authority.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Finance/Executive

Caption: A RESOLUTION TO CORRECT RESOLUTION 06-R-1312 ADOPTED BY THE ATLANTA CITY COUNCIL ON JUNE 19, 2006 AND APPROVED BY THE MAYOR ON JUNE 22, 2006, SO AS TO REFLECT THE GEORGIA BUILDING AUTHORITY AS THE CORRECT PARTY TO THE ENCROACHMENT AGREEMENT WITH THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Council Meeting Date: January 22, 2008

Requesting Dept.: Department of Public Works Development

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of the legislation is to correct Resolution 06-R-1312 adopted by the Atlanta City Council on June 19, 2006, so as to reflect the Georgia Building Authority as the correct party to the encroachment agreement with the City of Atlanta.

2. Please provide background information regarding this legislation.

3. If Applicable/Known:

(a) Contract Type (e.g. Professional Services, Construction Agreement, etc):

(b) Source Selection:

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

(i) Fund Account Center:

5. Source of Funds:

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Soraya Belgrave

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION BY
TRANSPORTATION COMMITTEE

06-*R*-1312

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN ENCROACHMENT AGREEMENT FOR NON-CONFORMING USES WITH S&ME, INC., ENGINEERING TESTING ENVIRONMENT SERVICES, FOR THE INSTALLATION OF AN UNDERGROUND MONITORING WELL FOR SOIL TESTING, LOCATED ON THE WEST CURB FACE OF PIEDMONT AVENUE, ABUTTING 1 MARTIN LUTHER KING JR. DRIVE, FULTON COUNTY, GEORGIA, THE GEORGIA BUILDING AUTHORITY; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia Environmental Facilities Authority has issued a mandate to perform a technical review of Georgia Building Authority facilities per Georgia Rule of Underground Storage Tank Management; and

WHEREAS, S&ME, Inc. ("S&ME") has been contracted by the state to perform this review desires to install an underground monitoring well for soil testing for a period of three (3) years, on the West curb face of Piedmont Avenue, abutting the Georgia Building Authority, 1 Martin Luther King Jr. Drive, Fulton County, Georgia, ("encroachment area"); and

WHEREAS, the underground monitoring well, or portions thereof or attachments thereto, will encroach onto the public right-of-way surrounding the encroachment area; and

WHEREAS, the Department of Public Works will facilitate the installation of the encroachments by providing lane closures during the installation of the monitoring devices below the sidewalk in the City of Atlanta's right-of-way; and

WHEREAS, the City's Code of Ordinances (Section 138-22) requires a nonconforming encroachment agreement for structures that encroach into public right-of-way and for which there is not an applicable agreement; and

WHEREAS, the Department of Public Works have reviewed the plans for the encroachments and determined that the plans meet the appropriate technical requirements; and

WHEREAS, the Commissioner of the Department of Public Works has reviewed the plans for the right-of-way encroachment and has determined the work will not adversely impact the ability of the affected rights-of-way to handle vehicular or pedestrian traffic or otherwise to perform its intended public function.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVED, that the Mayor is authorized to enter into an Encroachment Agreement for nonconforming uses, as outlined in Section 138, Article II, of the City's Code of

Ordinances, with S&ME, Inc., contracted by the State of Georgia, for the installation of an underground monitoring well for soil testing.

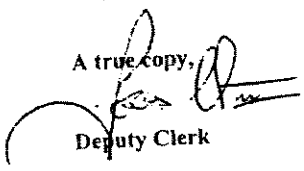
BE IT FURTHER RESOLVED, that the placement of the underground monitoring well is on the West curb face of Piedmont Avenue, abutting the Georgia Building Authority, 1 Martin Luther King Jr. Drive, Fulton County, Georgia.

BE IT FURTHER RESOLVED, the monitoring period will be three (3) years.

BE IT FURTHER RESOLVED that the City Attorney is directed to prepare an appropriate Agreement for execution by the Mayor.

BE IT FINALLY RESOLVED that the Agreement will not become binding upon the City and the City will incur no obligation or 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 S&ME, Inc.

A true copy,


Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

June 19, 2006
June 22, 2006

RCS# 311
6/19/06
2:18 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

CONSENT I PG(S)

ADOPT

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

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

CONSENT I

06-19-06 Council Meeting		
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 06-O-1141	40. 06-R-1235	75. 06-R-1266
2. 06-O-1195	41. 06-R-1236	76. 06-R-1267
3. 06-O-1196	42. 06-R-1237	77. 06-R-1268
4. 06-O-1159	43. 06-R-1238	78. 06-R-1269
5. 06-O-1161	44. 06-R-1239	79. 06-R-1270
6. 06-O-1180	45. 06-R-1240	80. 06-R-1271
7. 06-O-1184	46. 06-R-1241	81. 06-R-1272
8. 06-O-1189	47. 06-R-1242	82. 06-R-1273
9. 06-O-1172	48. 06-R-1243	83. 06-R-1274
10. 06-O-1154	49. 06-R-1244	84. 06-R-1275
11. 06-O-1194	50. 06-R-1245	85. 06-R-1276
12. 06-O-1330	51. 06-R-1246	86. 06-R-1277
13. 06-O-1331	52. 06-R-1247	87. 06-R-1278
14. 06-O-1332	53. 06-R-1248	88. 06-R-1279
15. 06-R-1174	54. 06-R-1249	89. 06-R-1280
16. 06-R-1310	55. 06-R-1251	90. 06-R-1281
17. 06-R-1311	56. 06-R-1320	91. 06-R-1282
18. 06-R-1325	57. 06-R-1341	92. 06-R-1283
19. 06-R-1308	58. 06-R-1342	93. 06-R-1284
20. 06-R-1321	59. 06-R-1345	94. 06-R-1285
21. 06-R-1322	60. 06-R-1346	95. 06-R-1286
22. 06-R-1343	61. 06-R-1252	96. 06-R-1287
23. 06-R-1303	62. 06-R-1253	97. 06-R-1288
24. 06-R-1304	Adversed Claims	98. 06-R-1289
25. 06-R-1305	63. 06-R-1254	99. 06-R-1290
26. 06-R-1307	64. 06-R-1255	100. 06-R-1291
27. 06-R-1312	65. 06-R-1256	101. 06-R-1292
28. 06-R-1313	66. 06-R-1257	102. 06-R-1293
29. 06-R-1309	67. 06-R-1258	103. 06-R-1294
30. 06-R-1314	68. 06-R-1259	104. 06-R-1295
31. 06-R-1316	69. 06-R-1260	105. 06-R-1296
32. 06-R-1227	70. 06-R-1261	106. 06-R-1297
33. 06-R-1228	71. 06-R-1262	107. 06-R-1298
34. 06-R-1229	72. 06-R-1263	108. 06-R-1299
35. 06-R-1230	73. 06-R-1264	109. 06-R-1300
36. 06-R-1231	74. 06-R-1265	110. 06-R-1301
37. 06-R-1232		111. 06-R-1302
38. 06-R-1233		
39. 06-R-1234		

(Do Not Write Above This Line)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN ENCROACHMENT AGREEMENT FOR NON-CONFORMING USES WITH S&M, INC., ENGINEERING TESTING ENVIRONMENT SERVICES, FOR THE INSTALLATION OF AN UNDERGROUND MONITORING WELL FOR SOIL TESTING, LOCATED ON THE WEST CURB FACE OF PIEDMONT AVENUE, ABUTTING 1 MARTIN LUTHER KING JR. DRIVE, FULTON COUNTY, GEORGIA, THE GEORGIA BUILDING AUTHORITY; AND FOR OTHER PURPOSES.

ADOPTED BY
JUN 19 2006
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 _____

Committee _____

Date _____

Chair _____

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

Other _____

Members _____

Committee _____

Date _____

Chair _____

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

Other _____

Members _____

Committee

Date _____

Chair _____

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

Other _____

Members _____

Date _____

Chair _____

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

Other _____

Members _____

Refer To

Refer To

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd

Readings

Consent V Vote RC Vote

CERTIFIED

CERTIFIED

JUN 19 2006

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED

JUN 19 2006

ATLANTA CITY COUNCIL CLERK

MAYOR'S ACTION

APPROVED

[Signature]

MAYOR

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd
 Readings

Consent V Vote RC Vote

CERTIFIED

(Do Not Write Above This Line)

AN AMENDED RESOLUTION BY
 FINANCE/EXECUTIVE COMMITTEE

A RESOLUTION TO CORRECT RESOLUTION 06-R-1312 ADOPTED BY THE ATLANTA CITY COUNCIL ON JUNE 19, 2006 AND APPROVED BY THE MAYOR ON JUNE 22, 2006, SO AS TO REFLECT THE GEORGIA BUILDING AUTHORITY AS THE CORRECT PARTY TO THE ENCROACHMENT AGREEMENT WITH THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Committee _____ Date _____ Chair _____ Referred To _____	First Reading 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 _____ Refer To _____	Second Reading Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____ Refer To _____

MAYOR'S ACTION

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: _____

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: Finance/Executive

Chief of Staff Deadline: December 19, 2007

Anticipated Committee Meeting Date(s): January 16, 2008

Anticipated Full Council Date: January 22, 2008

Legislative Counsel's Signature: Terry Grandison

Commissioner Signature: 

Chief Procurement Officer Signature: _____

CAPTION

A RESOLUTION TO CORRECT RESOLUTION 06-R-1312 ADOPTED BY THE ATLANTA CITY COUNCIL ON JUNE 19, 2006 AND APPROVED BY THE MAYOR ON JUNE 22, 2006, SO AS TO REFLECT THE GEORGIA BUILDING AUTHORITY AS THE CORRECT PARTY TO THE ENCROACHMENT AGREEMENT WITH THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 1.23.08  Reviewed by: 
(date) (date)

Submitted to Council: _____
(date)