

#2

11- R-1168

(Do Not Write Above This Line)

A RESOLUTION BY  
COUNCILMEMBER ALEX WAN



A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LOCAL GOVERNMENT LIGHTING PROJECT AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR THE OPERATION, REPAIR, AND MAINTENANCE OF THE SR 400/I-85 CONNECTOR RAMPS PROJECT; AND FOR OTHER PURPOSES.

ADOPTED BY  
AUG 15 2011  
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	Committee
Date	Date
Chair	Chair
Action Fav, Adv, Hold (see rev. side) Other	Action Fav, Adv, Hold (see rev. side) Other
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action Fav, Adv, Hold (see rev. side) Other	Action Fav, Adv, Hold (see rev. side) Other
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

- 2nd       1st & 2nd       3rd  
 Readings  
 Consent     V Vote     RC Vote

CERTIFIED

**CERTIFIED**  
 AUG 15 2011  
 ATLANTA CITY COUNCIL PRESIDENT  


**CERTIFIED**  
 AUG 15 2011  
*Renee Vaughan Johnson*  
 MUNICIPAL CLERK

MAYOR'S ACTION

**APPROVED**

AUG 24 2011

WITHOUT SIGNATURE  
BY OPERATION OF LAW



11-R-1168

A RESOLUTION BY  
COUNCILMEMBER ALEX WAN

*ASU*

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LOCAL GOVERNMENT LIGHTING PROJECT AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR THE OPERATION, REPAIR, AND MAINTENANCE OF THE SR 400/I-85 CONNECTOR RAMPS PROJECT; AND FOR OTHER PURPOSES.**

**WHEREAS,** the Georgia Department of Transportation (“GDOT”) has scheduled a project to install Interstate Lighting as part of the SR 400/I-85 Connector Ramps project in the City of Atlanta, P.I. Number 762380; and

**WHEREAS,** GDOT requires that the City of Atlanta (“City”) enter into a Local Government Lighting Project Agreement (“Agreement”) to assure that lighting will be included in the aforesaid project (see attached as Exhibit “A”); and

**WHEREAS,** the City desires to enter into the proposed Agreement to obtain interstate lighting for SR 400 Southbound to the I-85 Northbound ramp and the I-85 Southbound ramp to SR 400 Northbound ramp for the SR400/I-85 Connector Ramps Project; and

**WHEREAS,** the Agreement will require GDOT to design, fund the materials cost, and construct the lighting system for each location along the SR 400/I-85 Connector Ramps Project as part of the scheduled project; and

**WHEREAS,** the Agreement will require the City to provide the energy, operation, and maintenance of the lighting system.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES,** that the Mayor is hereby authorized, on behalf of the Department of Public Works to enter into an appropriate Local Government Lighting Project Agreement with the Georgia Department of Transportation, for construction of Lighting Improvements along the SR 400/I-85 Connector Ramps Project, P.I. Number 762380; and

**BE IT FURTHER RESOLVED,** that the City Attorney be and is directed to prepare the appropriate contractual agreement for execution by the Mayor.

**BE IT FINALLY RESOLVED,** that the Agreement authorized hereunder shall not become binding upon the City and the City shall incur no obligation or liability hereunder until the same has been signed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form, and delivered to the Georgia Department of Transportation and countersigned by that Party.

A true copy,

*Shonda Dauphin Johnson*  
Municipal Clerk

ADOPTED by the Atlanta City Council  
APPROVED as per City Charter Section 2-403

Aug. 15, 2011  
Aug. 24, 2011



**AGREEMENT**  
**BETWEEN**  
**DEPARTMENT OF TRANSPORTATION**  
**STATE OF GEORGIA**  
**AND THE**  
**CITY OF ATLANTA, GEORGIA**

This Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by and between the DEPARTMENT OF TRANSPORTATION, an agency of the State of Georgia, hereinafter called the **DEPARTMENT**, and the CITY OF ATLANTA, GEORGIA acting by and through its City Council, hereinafter called the **CITY**.

WHEREAS, the CITY has represented to the DEPARTMENT a desire to obtain Interstate Lighting as part of the SR 400/I-85 connector ramps project in the City of Atlanta, Georgia, said Lighting to be installed under GDOT Project NH000-0085-02(153) P.I. No. 762380 Fulton County; and

WHEREAS, the CITY has represented to the DEPARTMENT a desire to participate in: 1) Providing the Energy and 2) the Operation and Maintenance of said lighting systems at the aforesaid location, and the DEPARTMENT has relied upon such representation; and



WHEREAS, the DEPARTMENT has indicated a willingness to fund the materials and installation for the said lighting systems at the aforesaid locations, with funds of the DEPARTMENT, funds apportioned to the DEPARTMENT by the Federal Highway Administration under Title 23, United States Code, Section 104, or a combination of funds from any of the above sources.

NOW, THEREFORE, in consideration of the mutual promises made and of the benefits to flow from one to the other, the DEPARTMENT and the CITY hereby agree each with the other as follows:

1. The DEPARTMENT or its assigns shall cause the installation of all materials and equipment necessary for the Interstate Lighting as part of the SR 400/I-85 connector ramps project in the City of Atlanta, Georgia, GDOT Project NH000-0085-02(153) P.I. No. 762380, as shown on Attachment "A" attached hereto and made a part hereof.

2. Upon completion of installation of said lighting system, and acceptance by the DEPARTMENT, the CITY shall assume full responsibility for the operation, the repair and the maintenance of the entire lighting system, including but not limited to repairs of any damages, replacement of lamps, ballasts, luminaires, lighting structures, associated equipment, conduit, wiring and service equipment, and the requirements of the Georgia Utility Facility Protection Act. The CITY further agrees to provide and pay for all the energy required for the operation of said lighting system.



3. The DEPARTMENT shall retain ownership of all materials and various components of the entire lighting system. The CITY, in its operation and maintenance of the lighting system, shall not in any way alter the type or location of any of the various components which make up the entire lighting system without prior written approval from the DEPARTMENT.

4. This Agreement is considered as continuing for a period of fifty (50) years from the date of execution of this Agreement. The DEPARTMENT reserves the right to terminate this Agreement, at any time for just cause, upon thirty (30) days written notice to the CITY.

5. It is understood by the CITY that the DEPARTMENT has relied upon the CITY'S representation of providing for the energy, maintenance, and operation of the lighting represented by this Agreement; therefore, if the CITY elects to de-energize or fails to properly maintain or to repair the lighting system during the term of this Agreement, the CITY shall reimburse the DEPARTMENT the materials cost for the lighting system. If the CITY elects to de-energize or fails to properly maintain any individual unit within the lighting system, the CITY shall reimburse the DEPARTMENT for the material cost for the individual unit which will include all costs for the pole, luminaires, foundations, and associated wiring. The DEPARTMENT will provide the CITY with a statement of material costs upon completion of the installation.

The covenants herein contained shall, except as otherwise provided accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.



IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement the day and year first above written.

RECOMMENDED:

CITY OF ATLANTA, GEORGIA

BY:

\_\_\_\_\_  
Mayor

(SEAL)

DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
WITNESS

BY \_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Notary Public

(SEAL)

This Agreement approved by the  
City Council at a meeting held at

\_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_,

ATTEST:

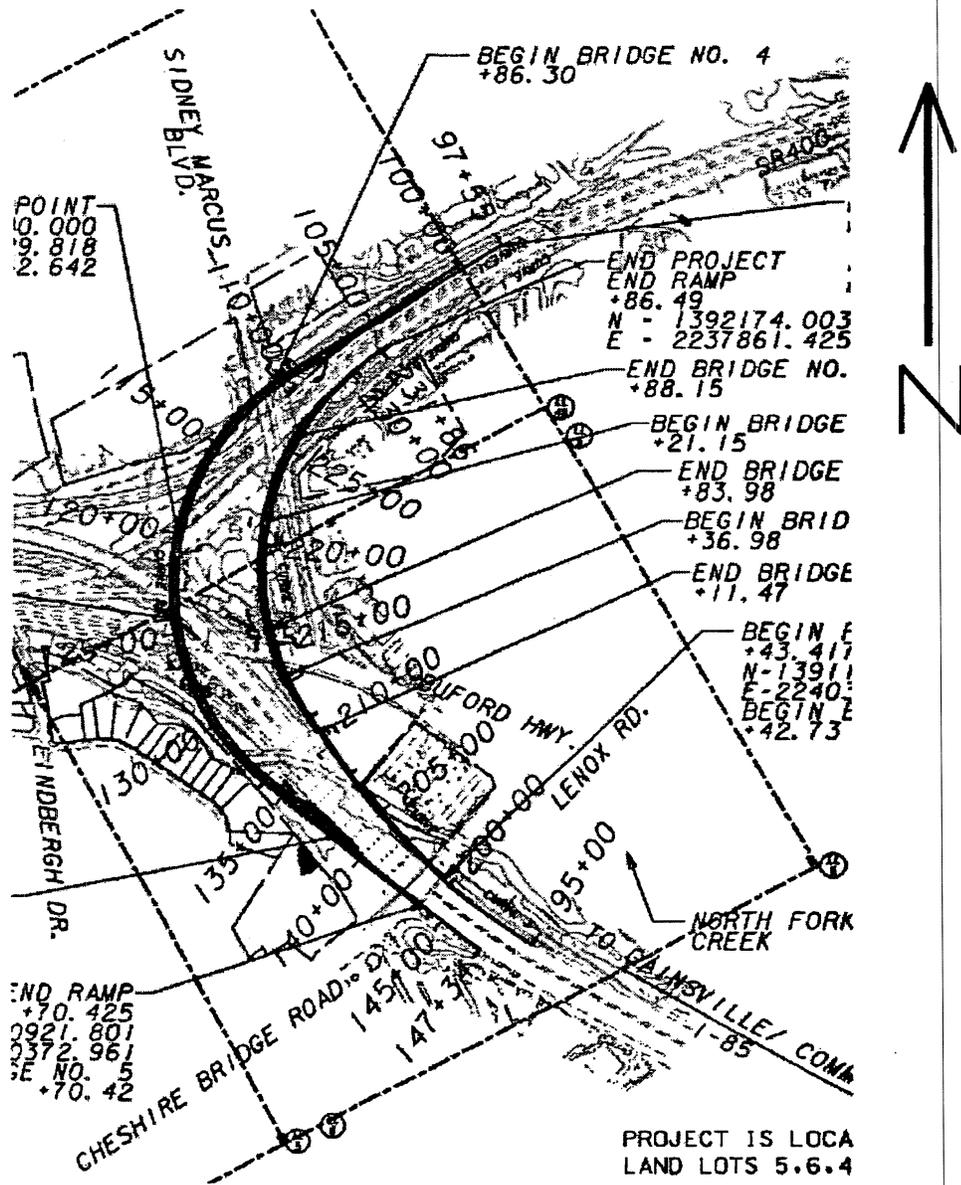
2011.

\_\_\_\_\_  
Treasurer

\_\_\_\_\_  
City Clerk



# Attachment "A"



**Project Location Map**

SR 400 @ Interstate 85 -- GDOT Project: NH000-0085-02(153) -- P.I. No. 762380  
Fulton County

RCS# 1349  
8/15/11  
8:41 PM

Atlanta City Council

REGULAR SESSION

WAN PP

AUTHORIZING MAYOR TO EXECUTE LOCAL  
GOVERNMENT LIGHTING PROJECT AGREEMENT  
ADOPT

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

B Smith	Y Archibong	Y Moore	Y Bond
E Hall	Y Wan	Y Martin	Y Watson
Y Young	E Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

WAN PP