

11-0-1410

(Do Not Write Above This Line)

AN ORDINANCE BY COUNCILMEMBER KWANZA B. HALL

AN ORDINANCE TO RATIFY THE CONTINUING USE OF THE TRUST FUND ESTABLISHED BY ATLANTA CITY COUNCIL RESOLUTION 97-R-1686 AND TO EXPAND THE USE OF SAID TRUST FUND TO BE USED FOR THE DEPOSIT OF ALL FUNDS DONATED TO THE CITY FOR THE REPAIR AND CONSTRUCTION OF SIDEWALKS, AND, IN ADDITION, FOR THE DEPOSIT OF FEES PAID TO AND/OR COLLECTED BY THE CITY FOR THE REPAIR AND CONSTRUCTION OF SIDEWALKS PURSUANT TO CHAPTER 138, DIVISION 1, SECTIONS 138-14 (d) AND 138-76, AND CHAPTER 138, DIVISION 3, SECTION 138-103 OF THE ATLANTA CITY CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

ADOPTED BY

OCT 03 2011

COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred: 9/19/2011  
 Referred To: Finance/Exe  
 Date Referred:  
 Referred To:  
 Date Referred:  
 Referred To:

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

Committee

Finance/Executive

Date

9/28/11

Chair

Johnson

Action

Fav, Adv, Hold (see rev. side)

Other

Members:

*[Signature]*

*[Signature]*

*[Signature]*

Refer To

*[Signature]*

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

FINAL COUNCIL ACTION

- 2<sup>nd</sup>
- 1<sup>st</sup> & 2<sup>nd</sup>
- 3<sup>rd</sup>
- Readings
- Consent  V Vote  RC Vote

CERTIFIED

OCT 03 2011

ATLANTA CITY COUNCIL PRESIDENT

*[Signature]*

CERTIFIED

OCT 03 2011

*[Signature]*  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

OCT 12 2011

WITHOUT SIGNATURE BY OPERATION OF LAW



**AN ORDINANCE  
BY COUNCILMEMBER KWANZA HALL**

**AN ORDINANCE TO RATIFY THE CONTINUING USE OF THE TRUST FUND ESTABLISHED BY ATLANTA CITY COUNCIL RESOLUTION 97-R-1686 AND TO EXPAND THE USE OF SAID TRUST FUND TO BE USED FOR THE DEPOSIT OF ALL FUNDS DONATED TO THE CITY FOR THE REPAIR AND CONSTRUCTION OF SIDEWALKS, AND, IN ADDITION, FOR THE DEPOSIT OF FEES PAID TO AND/OR COLLECTED BY THE CITY FOR THE REPAIR AND CONSTRUCTION OF SIDEWALKS PURSUANT TO CHAPTER 138, DIVISION 1, SECTIONS 138-14 (d) AND 138-76, AND CHAPTER 138, DIVISION 3, SECTION 138-103 OF THE ATLANTA CITY CODE OF ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta Code of Ordinances, at Sections 138-14(d), 138-76, and 138-103 authorize the Department of Public Works to provide installation services with respect to sidewalks that are in disrepair; and

**WHEREAS**, said code sections provide that it is the obligation of the abutting property owner to repair damaged sidewalks; and

**WHEREAS**, said code sections further provide that when the abutting property owner fails to make such repairs after receiving notice from the City, then the City's Department of Public Works may cause such repairs to be made and to charge the cost of such repairs to the abutting property owner.

**WHEREAS**, Resolution 97-R-1686, adopted by the City Council of the City of Atlanta on November 17, 1997 and approved by the Mayor on November 24, 1997, authorized the Mayor or his designee to accept donations to be used exclusively for construction of sidewalks in accordance with the Citywide sidewalk program; and

**WHEREAS**, all such donations accepted were to be deposited in Trust Fund Account No. P3P02 464101 M22F0334QNA0 and expended from Trust Fund 3P02 574001 M22F0334QNA0; and

**WHEREAS**, all sidewalk construction and repair fees and donations collected by the City are currently being placed in the City's General Fund instead of the Trust Account authorized by Resolution 97-R-1686; and

**WHEREAS**, the deposit of such funds into the General Fund does not allow the Department of Public Works to access these funds for future sidewalk construction and repairs.



**WHEREAS**, the City wishes to restrict the use of the funds received pursuant to Code sections 138-14(d), 138-76, and 138-103 for future sidewalk construction and repairs by depositing the funds in the trust account designated in Resolution 97-R-1686.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:**

**SECTION 1:** That the City Council hereby ratifies the continued use of the Trust Fund created pursuant to Resolution 97-R-1686 on behalf of the Department of Public Works for the deposit of donations made to the City for the repair and construction of sidewalks and, in addition, for the deposit of payments made to the City by abutting property owners of sidewalks that have been constructed or repaired, pursuant to the provisions of City Code Sections 138-14(d), 138-76, and 138-103.

**SECTION 2:** That the Chief Financial Officer is hereby authorized to expand the use of the trust fund account established pursuant to Resolution 97-R-1686 on behalf of the Department of Public Works for the deposit of donations made to the City for the repair and construction of sidewalks and, in addition, for the deposit of payments made to the City by abutting property owners of sidewalks that have been constructed or repaired, pursuant to the provisions of City Code Sections 138-14(d), 138-76, and 138-103.

**SECTION 3:** That all funds received from donations and payments for sidewalk construction and repairs shall be deposited in Trust Fund Account No. 7701 (TRUST FUND), 130308 (DPW TRANSPORTATION DESIGN), 3432104 (CURB/SW/GUTTER ASSESSMENTS, CY), 4270000 (TRAFFIC ENGINEERING), 101619 (CITYWIDE SIDEWALK PROGRAM) 91494 (SPECIAL TRUST OPERATIONS), 7701 (TRUST FUND), 130308 (DPW TRANSPORTATION DESIGN), 3432104 (CURB/SW/GUTTER ASSESSMENTS, PY), 4270000 (TRAFFIC ENGINEERING), 101619 (CITYWIDE SIDEWALK PROGRAM) 91494 (SPECIAL TRUST OPERATIONS) and shall be expended from Trust Fund Account Number 7701 (Trust Fund), 130308 (DPW TRANSPORTATION DESIGN), 5311004 (SUPPLIES, CONSUMABLE-RAW/ BUILDING MATERIALS), 101619 (CITYWIDE SIDEWALK PROGRAM) 91494 (SPECIAL TRUST OPERATIONS).

**SECTION 4:** That all ordinances and resolutions and parts of ordinances and resolutions in conflict herewith are hereby waived to the extent of the conflict.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk

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

OCT 03, 2011  
OCT 12, 2011

RCS# 1457  
10/03/11  
3:01 PM

Atlanta City Council

REGULAR SESSION

11-O-1410

RATIFY TRUST FUND USE EST. BY 97-R-1686  
REPAIR AND CONSTRUCTION OF SIDEWALKS  
ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

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

11-O-1410