

11-R-1580

(Do Not Write Above This Line)

A RESOLUTION 11-R-
BY FINANCE/EXECUTIVE COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE THIRD AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ATLANTA, METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY, THE DOWNTOWN ATLANTA COMMUNITY IMPROVEMENT DISTRICT, AND THE ATLANTA DOWNTOWN IMPROVEMENT DISTRICT, INC., FOR THE ATLANTA STREETCAR PROJECT IN ORDER TO AUTHORIZE THE CITY'S CONTRIBUTION OF AN AMOUNT UP TO NINE MILLION EIGHT HUNDRED THOUSAND DOLARS AND NO CENTS (\$9,800,000.00) TO THE PROJECT FROM THE DEPARTMENT OF WATERSHED MANAGEMENT FOR THE PURPOSE OF PAYING FOR THE RELOCATION OF THE PUBLIC UTILITIES AS PART OF THE PROJECT, WHICH SHALL BE PAID TO MARTA AND INCLUDED IN THE PROJECT; TO DEFINE THE RESPONSIBILITIES OF THE PARTIES RELATED TO THE CITY'S CONTRIBUTION FOR SUCH UTILITY RELOCATION; AND FOR OTHER PURPOSES.

ADOPTED BY

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

NOV 07 2011
COUNCIL

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee Finance/Executive
 Date 11-2-11
 Chair [Signature]
 Action [Signature]
 Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members [Signatures]
 Refer To _____

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 _____

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

FINAL COUNCIL ACTION

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

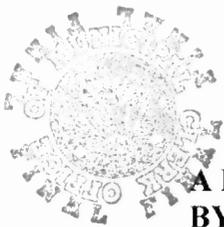
CERTIFIED

CERTIFIED
 NOV 07 2011
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 NOV 07 2011
 Rhonda Douglas Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
 NOV 16 2011
 WITHOUT SIGNATURE
 BY OPERATION OF LAW



**A RESOLUTION
BY FINANCE/EXECUTIVE COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE THIRD AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ATLANTA, METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY, THE DOWNTOWN ATLANTA COMMUNITY IMPROVEMENT DISTRICT, AND THE ATLANTA DOWNTOWN IMPROVEMENT DISTRICT, INC., FOR THE ATLANTA STREETCAR PROJECT IN ORDER TO AUTHORIZE THE CITY'S CONTRIBUTION OF AN AMOUNT UP TO NINE MILLION EIGHT HUNDRED THOUSAND DOLARS AND NO CENTS (\$9,800,000.00) TO THE PROJECT FROM THE DEPARTMENT OF WATERSHED MANAGEMENT FOR THE PURPOSE OF PAYING FOR THE RELOCATION OF THE PUBLIC UTILITIES AS PART OF THE PROJECT, WHICH SHALL BE PAID TO MARTA AND INCLUDED IN THE PROJECT; TO DEFINE THE RESPONSIBILITIES OF THE PARTIES RELATED TO THE CITY'S CONTRIBUTION FOR SUCH UTILITY RELOCATION; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Ordinance 11-O-0327, adopted by the Atlanta City Council on March 7, 2011 and approved by the Mayor on March 14, 2011, the City of Atlanta (the "City") entered into an intergovernmental agreement in March, 2011 ("Intergovernmental Agreement") with Metropolitan Atlanta Rapid Transit Authority ("MARTA"), the Downtown Atlanta Community Improvement District, and the Atlanta Downtown Improvement District, Inc. (the "Parties"), to build a modern streetcar system in the City (the "Atlanta Streetcar"); and

WHEREAS, the City and DACID/ADID (the "Project Sponsors") have secured independent funding from the Federal Transit Administration in the amount of One Million, One Thousand, Four Hundred Dollars and No Cents (\$1,001,400.00) ("Luckie Street Award") for the purpose of converting Luckie Street, an urban arterial street located in the Atlanta Streetcar's alignment between Centennial Olympic Park Drive, N.W. and Peachtree Street from a one-way into a two-way street, thereby allowing for two-way traffic (the "Luckie Street Project"); and

WHEREAS, the Luckie Street Award requires a twenty percent (20%) local share obligation in the amount of Two Hundred Fifty Thousand, Three Hundred Fifty Dollars and No Cents (\$250,350.00) that will be provided by the Atlanta Downtown Improvement District (ADID); and

WHEREAS, to facilitate the design, construction and operation of the Atlanta Streetcar, the Parties agree that the Luckie Street Project can be integrated into the Atlanta Streetcar's procurement, design and construction project; and

WHEREAS, MARTA has agreed to include the Luckie Street Project in the Atlanta Streetcar Project Design-Build Project, MARTA RFP P21954; and



WHEREAS, to facilitate the design, construction and operation of the Atlanta Streetcar, the Parties agree that the Luckie Street Project can be integrated into the Atlanta Streetcar's procurement, design and construction project; and

WHEREAS, MARTA has agreed to include the Luckie Street Project in the Atlanta Streetcar Project Design-Build Project, MARTA RFP P21954; and

WHEREAS, to facilitate the timely completion of the Luckie Street Project, the Department of Watershed Management ("DWM") has agreed to fund the relocation of the water, sewer and storm water utilities ("Public Utilities"), as may be necessary accommodate the final design of the Atlanta Streetcar's alignment; and

WHEREAS, since the final determination of need for relocating public utilities will be determined by the final design of the Atlanta Streetcar, through the design-build process, MARTA and DWM have agreed to include the relocation of the Public Utilities as an allowance in the design-build agreement for the Luckie Street Project; and

WHEREAS, the City of Atlanta, Department of Watershed Management has identified, in connection with the Luckie Street Project funds in an initial amount of Eight Million Dollars and No Cents (\$8,000,000.00), which may be increased up to Nine Million Eight Hundred Thousand Dollars and No Cents (\$9,800,000.00) if approved by DWM, from the Water and Wastewater Renewal and Extension Fund Reserve for the purpose of funding the relocation of the Public Utilities, as part of the Luckie Street Project ("DWM Funds"), which shall be transferred to MARTA to be used in accordance with the Intergovernmental Agreement between the City of Atlanta and MARTA and the final terms and conditions of the design-build agreement between MARTA and the design-build contractor, who is awarded the contract for the Luckie Street Project; and

WHEREAS, the Parties desire to enter into this third amendment to the Intergovernmental Agreement for the Atlanta Streetcar Project ("Third Amendment") for the purpose of defining the terms and conditions of the parties related to the DWM Funds, including without limitation, MARTA's use of the DWM Funds for relocating the Public Utilities under the Luckie Street Project; and MARTA's responsibilities to ensure that the Public Utilities are designed and constructed in accordance with applicable standards and regulations through the life of the Project.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the Mayor is authorized to execute this Third Amendment to the Intergovernmental Agreement in order to provide for use of the DWM Funds for relocating the Public Utilities under the Luckie Street Project and the respective duties and responsibilities of the Parties in relation to the inclusion of the DWM Funds, as an allowance in final design-build contract for the Luckie Street Project.

BE IT FURTHER RESOLVED, that the City Attorney is directed to negotiate, prepare, and/or review the Third Amendment necessary to effectuate the intent of this resolution provided that such amendment is in compliance with the conditions set forth herein.



BE IT FURTHER RESOLVED, that the Third Amendment to the Intergovernmental Agreement (and any other amendments to the Intergovernmental 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 by the City Attorney as to form and delivered to the Parties.

BE IT FURTHER RESOLVED, that the DWM Funds shall be paid to MARTA in an initial amount of Eight Million Dollars and No Cents (\$8,000,000.00), which may be increased up to Nine Million Eight Hundred Thousand Dollars and No Cents (\$9,800,000.00) if approved by DWM, for the purposes set forth in this Resolution associated with the costs of relocating the Public Utilities under the Project, all amounts to be paid from Fund Department Organization and Account Number 5052 (Water & Wastewater R&E Fund) 170101(DWM Commissioner of Watershed Management) 5414002 (Facilities Other Than Bldgs/Infrastructure –CIP) 1320000 (Chief Executive) and Project Task Expenditure Account and Organization Number 17111167 (Atlanta Streetcar) 101(Task) 505221391 (Water & Wastewater R&E Fund) 5414002 (Facilities Other Than Bldgs/Infrastructure –CIP) COA (City of Atlanta).

BE IT FINALLY RESOLVED, that all resolutions in conflict with this resolution are hereby waived to the extent of the conflict.

A true copy,

A handwritten signature in black ink, appearing to be 'S. S. S.', written over a horizontal line.

Deputy Municipal Clerk

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

**Nov. 07, 2011
Nov. 16, 2011**

RCS# 1545
11/07/11
4:34 PM

Atlanta City Council

REGULAR SESSION

11-R-1580 AGREEMENT W/MARTA DWNTWN CID AND DID FOR
 STREETCAR PROJ/RELOCATION PUB UTILITIES
 ADOPT

YEAS: 10
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 2
ABSENT 2

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

11-R-1580

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Dept.'s Legislative Liaison: Stefanie Grant

Contact Number: 404-330-6404

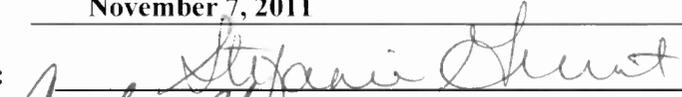
Originating Department: Law

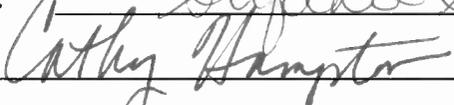
Committee(s) of Purview: Finance/Executive

Chief of Staff Deadline: October 14, 2011

Anticipated Committee Meeting Date(s): November 2, 2011

Anticipated Full Council Date: November 7, 2011

Legislative Counsel's Signature: 

Commissioner's Signature: 

Chief Information Officer Signature (for IT Procurements) _____

Chief Procurement Officer Signature: _____

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE THIRD AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ATLANTA, METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY, THE DOWNTOWN ATLANTA COMMUNITY IMPROVEMENT DISTRICT, AND THE ATLANTA DOWNTOWN IMPROVEMENT DISTRICT, INC., FOR THE ATLANTA STREETCAR PROJECT IN ORDER TO AUTHORIZE THE CITY'S CONTRIBUTION OF AN AMOUNT UP TO NINE MILLION EIGHT HUNDRED THOUSAND DOLARS AND NO CENTS (\$9,800,000.00) TO THE PROJECT FROM THE DEPARTMENT OF WATERSHED MANAGEMENT FOR THE PURPOSE OF PAYING FOR THE RELOCATION OF THE PUBLIC UTILITIES AS PART OF THE PROJECT, WHICH SHALL BE PAID TO MARTA AND INCLUDED IN THE PROJECT; TO DEFINE THE RESPONSIBILITIES OF THE PARTIES RELATED TO THE CITY'S CONTRIBUTION FOR SUCH UTILITY RELOCATION; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any) : \$9,800,000.00

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: 10-17-11 
(date)

Reviewed by: 
(date)

Submitted to Council: _____ (date)