

11-1633

(Do Not Write Above This Line)

A RESOLUTION
BY CITY UTILITIES COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A MEMORANDUM OF UNDERSTANDING AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR PRELIMINARY ENGINEERING AND CONSTRUCTION SERVICES FOR THE WESTSIDE TRAIL PROJECT, PHASE II; AND AUTHORIZING AN AGREEMENT WITH PATH FOUNDATION, INC., APPOINTING CITY'S AGENT AND CONSTRUCTION MANAGER FOR THE WESTSIDE TRAIL PROJECT, PHASE II; AND FOR OTHER PURPOSES.

substitute

ADOPTED BY

- CONSENT REFER
- REGULAR REPORT REFER NOV 21 2011
- 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
City Utilities / Nov. 15, 2011

Chair
Michael Buckley

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

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 _____

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

Members _____

Committee _____

Date _____

Chair _____

Refer To _____

Refer To _____

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
Readings
 Consent V Vote RC Vote

CERTIFIED

CERTIFIED
NOV 21 2011

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
NOV 21 2011

MUNICIPAL CLERK
MAYOR'S ACTION

APPROVED

NOV 30 2011

WITHOUT SIGNATURE
BY OPERATION OF LAW



**A SUBSTITUTE RESOLUTION
BY CITY UTILITIES COMMITTEE**

A SUBSTITUTE RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A MEMORANDUM OF UNDERSTANDING AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR PRELIMINARY ENGINEERING AND CONSTRUCTION SERVICES FOR THE WESTSIDE TRAIL PROJECT, PHASE II; AND AUTHORIZING AN AGREEMENT WITH PATH FOUNDATION, INC., APPOINTING PATH FOUNDATION, INC. TO ACT AS THE CITY'S AGENT AND CONSTRUCTION MANAGER FOR THE WESTSIDE TRAIL PROJECT, PHASE II; AND FOR OTHER PURPOSES.

WHEREAS, the City has the goal of providing trails for use of its citizens and visitors as a safe venue to engage in outdoor activities free of conflict with automobiles on the streets and rights of way; and

WHEREAS, the stated goal of the Path Foundation, Inc. ("PATH") is to facilitate such trail systems by providing expertise in the planning, design and implementation of the Project and locating private funding to combine with the local government match necessary to access federal funding made available as part of the Transportation Enhancement Activities program administered by the Georgia Department of Transportation ("GDOT"); and

WHEREAS, the City of Atlanta and PATH believe that a strong working relationship offers the City and its citizens a unique opportunity for the development of new greenspace, recreation areas, and alternative transportation infrastructure which will significantly improve the quality of life for all citizens of the City; and

WHEREAS, the Transportation Enhancement ("TE") program makes federal funding available in conjunction with local matching contributions for the design, engineering, and construction work necessary to complete certain infrastructure improvement projects which are made a part of the Regional Transportation Improvement Plan; and

WHEREAS, GDOT funding will be provided to the City of Atlanta as reimbursement of contracted design, engineering and construction expenses upon inspection of work; and

WHEREAS, GDOT has committed up to 80% (\$700,000.00) in TE program funds necessary to design and/or construct the Westside Trail Project, Phase II ("Project"), GDOT Project Identification Number, PI# 0010645; and

WHEREAS, the City and PATH agree to jointly fund the project to complete the twenty percent (20%) local match requirement necessary to secure the federal funding and to provide additional funds needed for completion of the project; and



WHEREAS, the Project must be fully funded prior to reimbursement from GDOT in order to execute said contracts for construction; and

WHEREAS, the City is required to execute a Memorandum of Understanding with GDOT in order to receive these committed TE funds; and

WHEREAS, PATH has facilitated arrangements in which funding is made available from sources other than the City for design, engineering, and construction connected with development of the aforementioned project; and

WHEREAS, the City wishes to enter into a contractual agreement with PATH to act as the City's agent and construction manager for the Westside Trail Project, Phase II; and

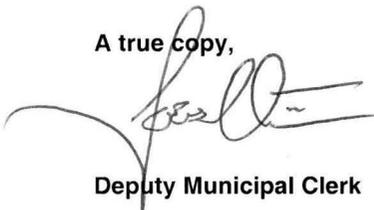
WHEREAS, approval of this legislation authorizes the Mayor to execute future agreements with GDOT associated with the aforementioned project including, but not limited to, project framework, right of way acquisition, construction, and mowing and maintenance agreements.

THE CITY COUNCIL OF THE CITY OF ATLANTA HEREBY RESOLVES that the Mayor is hereby authorized to execute on behalf of the City of Atlanta, a Memorandum of Understanding with GDOT and to enter into a contractual agreement with PATH to act as the City's agent and construction manager for PI# 0010645 (Westside Trail Project, Phase II).

BE IT FURTHER RESOLVED, that any increase in the City's financial obligation above that specified in the authorizing legislation must be approved by further action of the City Council.

BE IT FINALLY RESOLVED, that the City Attorney be and hereby is directed to negotiate, prepare, review and present to the Mayor for execution, the agreements necessary to effect the intent of this resolution provided that such agreements are in compliance with the conditions set forth herein.

A true copy,



Deputy Municipal Clerk

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

Nov. 21, 2011
Nov. 30, 2011

ECB# 1554
11/21/11
2:02 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ALL ITEMS EXCEPT 11-O-1553

ADOPT ~~AMENDED~~

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

CONSENT I