

(Do Not Write Above This Line)

12-*P*-0299

A RESOLUTION BY  
TRANSPORTATION COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR,  
OR HIS DESIGNEE, 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 TWENTY-FIVE NEW ROADWAY LIGHTS  
ON STATE ROUTE 154/MEMORIAL DRIVE  
BEGINNING AT FRASER STREET,  
SOUTHEAST AND CONTINUING TO  
CONNALLY STREET, SOUTHEAST, IN  
FULTON COUNTY; AND FOR OTHER  
PURPOSES.

ADOPTED BY

MAR 19 2012

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 \_\_\_\_\_

*TRANSPORTATION*  
 5-14-12 Date  
 Chair \_\_\_\_\_

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

Members  
*Victoria C. ...*  
*...*

*...*  
*...*

Refer 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

Refer To

Committee

Date

Chair

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

Members

CERTIFIED

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

CERTIFIED  
 MAR 19 2012

ATLANTA CITY COUNCIL PRESIDENT

*...*

CERTIFIED  
 MAR 19 2012

*...*  
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAR 28 2012

WITHOUT SIGNATURE  
BY OPERATION OF LAW



**CITY COUNCIL  
ATLANTA, GEORGIA**

**12-*R*-0299**

**A RESOLUTION BY  
TRANSPORTATION COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, 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 TWENTY-FIVE NEW ROADWAY LIGHTS ON STATE ROUTE 154/MEMORIAL DRIVE BEGINNING AT FRASER STREET, SOUTHEAST AND CONTINUING TO CONNALLY STREET, SOUTHEAST, IN FULTON COUNTY; AND FOR OTHER PURPOSES.**

**WHEREAS,** the Georgia Department of Transportation (“GDOT”) has scheduled a project to install Roadway Lighting on State Route 154/Memorial Drive, SE beginning at Fraser Street, SE and continuing to Connally Street, SE, in Fulton County; and

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

**WHEREAS,** the City desires to enter into the proposed Agreement to obtain roadway lighting for SR154/Memorial Drive, SE beginning at Fraser Street, SE continuing to Connally Street, SE, in Fulton County, Georgia; and

**WHEREAS,** the Agreement will require GDOT to design, fund the materials cost, and construct the lighting system for each location along SR154/Memorial Drive, SE; and

**WHEREAS,** the Agreement will require the City to provide the energy, operate, and maintain 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 SR154/Memorial Drive; 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,

Deputy Municipal Clerk

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

MAR. 19, 2012  
MAR. 28, 2012



**MEMORANDUM OF AGREEMENT**

**FOR**

**ROADWAY LIGHTING ON STATE ROUTE 154 / MEMORIAL DRIVE**

**CONSISTING OF**

**25 LIGHTING STRUCTURES ON PERMIT NO. 1076432 IN CONJUNCTION WITH  
PROJECT NUMBER 0006979 ON STATE ROUTE 154 / MEMORIAL DRIVE  
BEGINNING AT FRASER STREET AND CONTINUING TO CONNALLY STREET, IN  
FULTON COUNTY.**

**BETWEEN**

The City of Atlanta, acting by and through its City Council, hereinafter called the **CITY**, and the Department of Transportation, an agency of the State of Georgia, hereinafter called the **DEPARTMENT**.

**RELATIVE TO**

The City is requesting to install 25 Lighting Structures along the existing roadway of State Route 154 / Memorial Drive, beginning at Fraser Street and continuing to Connally Street, Fulton County (See Attached Aerial Map).

**I. IT IS THE INTENTION OF THE PARTIES:**

A. That the **CITY**, only to the extent that it may be bound by contracts which may hereafter be entered into, shall be responsible for the following:

1. The **CITY** shall Install, Locate, Provide the Energy, Operate, Maintain and Design additional roadway lighting in accordance with the Georgia Department of Transportation's Design Policy Manual, along the



shoulder of the existing roadway of State Route 154 / Memorial Drive, beginning at Fraser Street and continuing to Connally Street, Fulton County.

2. The CITY, in its operation and maintenance of the lighting systems, 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.

3. The CITY shall at all times indemnify and save harmless the DEPARTMENT and the State of Georgia, to the extent allowed by law, from any and all responsibility for damages or liability, or both, which may result from the installation, construction, reconstruction, operation, maintenance or repair, or any combination of any of the foregoing.

4. The CITY assumes full responsibility for the requirements of the Georgia Utility Facility Protection Act.

II. **IT IS FURTHER AGREED**, that the DEPARTMENT, only to the extent that it may be bound by contracts which may hereafter be entered into, shall reserve the right to remove the aforementioned lighting upgrades in the event that the CITY elects to de-energize or fails to properly maintain any individual component within the systems or the complete system(s) including poles, mast arms, luminaires, foundations and associated wiring. In addition the Department reserves the right, at its sole discretion, to remove or replace any lighting upgrades where the public safety is at any time compromised by the actions or inactions of the



CITY.

**III. IT IS FURTHER AGREED**, that this Agreement shall remain in effect for a period of fifty (50) years.

**IV. IT IS FURTHER AGREED**, 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.

This document is a Memorandum of Agreement expressing the present intentions of the parties. Nothing contained herein shall require the undertaking of any act, project, study, analysis, or any other activity by any party until a contract for such activity is executed. Nor shall this document require the expenditure of any funds by any party until a contract authorizing such expenditure is executed.

However, nothing contained herein shall be construed to prohibit any party's undertaking any act, project, study, analysis, or any other activity, which the party is required by law to contract to undertake as part of any other program, which fulfills some function shown herein as intended to be performed by the party undertaking such act, project, study, analysis, or any other activity.



IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Agreement to be executed by their duly authorized officials, and their respective seals attached hereto.

Signed, sealed and delivered  
this \_\_\_\_\_ day of \_\_\_\_\_,  
201\_, in the presence of:

GEORGIA DEPARTMENT OF TRANSPORTATION  
\_\_\_\_\_  
COMMISSIONER

RECOMMENDED:

\_\_\_\_\_  
Jeff Baker, P.E.  
State Utilities Engineer

-----  
**REQUESTED BY: CITY OF ATLANTA, GEORGIA**

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

BY: \_\_\_\_\_  
WITNESS

BY: \_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

(OFFICIAL SEAL OF CITY OF ATLANTA)

SWORN TO AND SUBSCRIBED BEFORE  
ME ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
201\_.

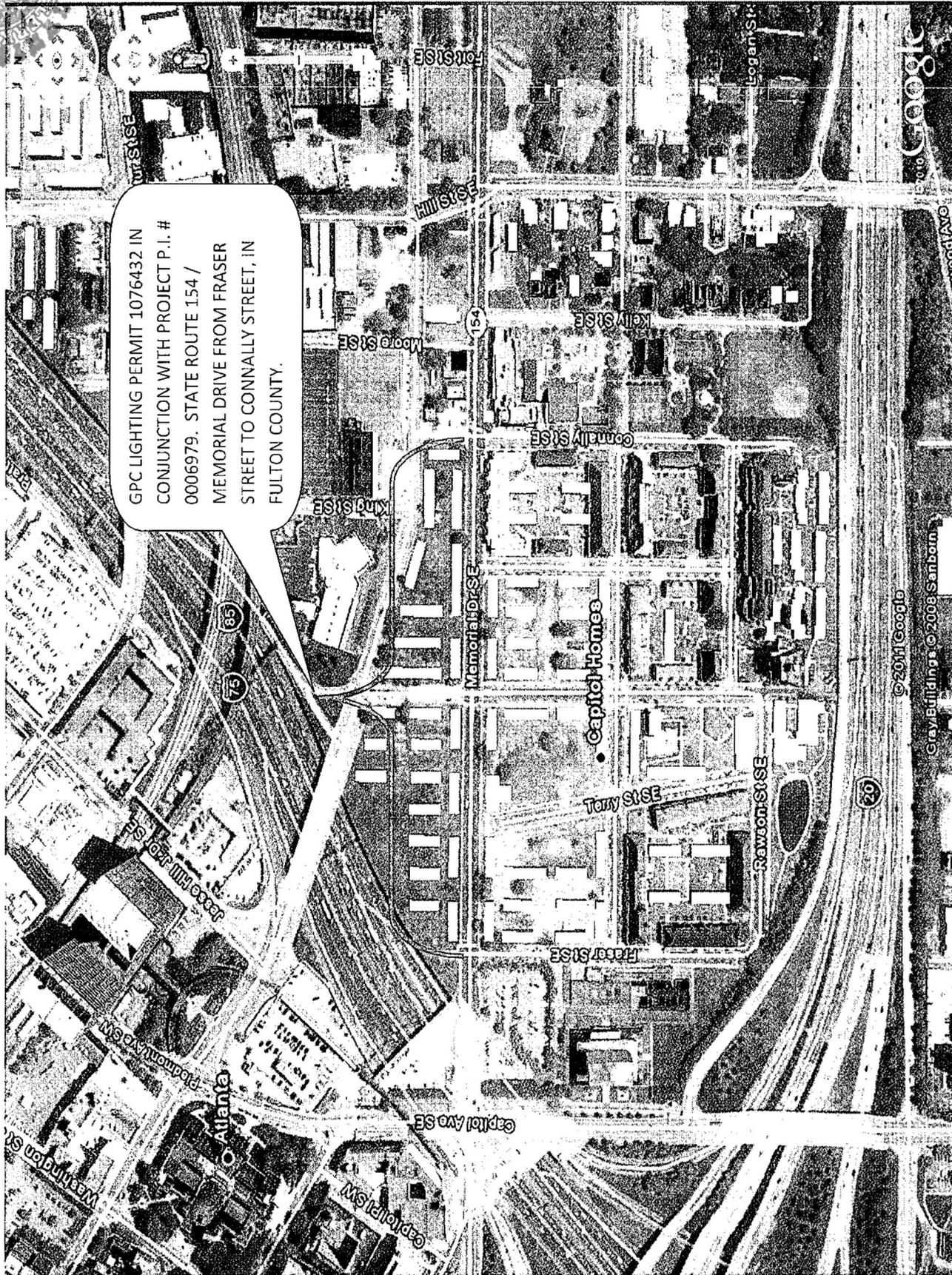
Attest:

This Agreement approved by the  
City Counsel at a meeting held  
at \_\_\_\_\_ on

BY: \_\_\_\_\_

the \_\_\_ day of \_\_\_\_\_, 201\_.

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



GPC LIGHTING PERMIT 1076432 IN CONJUNCTION WITH PROJECT P.I. # 0006979. STATE ROUTE 154 / MEMORIAL DRIVE FROM FRASER STREET TO CONNALLY STREET, IN FULTON COUNTY.

Google

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RCS# 1815  
3/19/12  
3:34 PM

Atlanta City Council

CONSENT I

3/19/2012 ATLANTA CITY COUNCIL AGENDA  
ALL EXCEPT 12-O-0358/0359/0361/0360  
ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 1

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

CONSENT I

		03-19-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 12-O-0218	41. 12-R-0344	58. 12-R-0333
2. 12-O-0219	42. 12-R-0317	59. 12-R-0334
3. 12-O-0236	43. 21-R-0318	60. 12-R-0335
4. 12-O-0353	44. 12-R-0319	61. 12-R-0336
5. 12-O-0240	45. 12-R-0320	62. 12-R-0337
6. 12-O-0241	46. 12-R-0321	63. 12-R-0338
7. 12-O-0242	47. 12-R-0322	64. 12-R-0339
8. 12-O-0243	48. 12-R-0323	65. 12-R-0340
9. 12-O-0365	49. 12-R-0324	66. 12-R-0341
10. 12-O-0190	50. 12-R-0325	67. 21-R-0342
11. 12-O-0232	51. 12-R-0326	
12. 12-O-0151	52. 12-R-0327	
13. 12-O-0150	53. 12-R-0328	
14. 12-O-0152	54. 12-R-0329	
15. 12-O-0194	55. 12-R-0330	
16. 12-R-0299	56. 12-R-0331	
17. 12-R-0300	57. 12-R-0332	
19. 12-R-0301		
20. 12-R-0302		
21. 12-R-0303		
22. 12-R-0304		
23. 12-R-0305		
24. 12-R-0308		
25. 12-R-0309		
26. 12-R-0310		
27. 12-R-0312		
28. 12-R-0313		
29. 12-R-0314		
30. 12-R-0315		
31. 12-R-0366		
32. 12-R-0293		
33. 12-R-0294		
34. 12-R-0295		
35. 12-R-0297		
36. 12-R-0290		
37. 12-R-0367		
38. 12-R-0348		
39. 12-R-0364		
40. 12-R-0343		