

*Yolanda*  
**12-R-1145**  
 (Do Not Write Above This Line)

A RESOLUTION BY

COUNCILMEMBER YOLANDA ADREAN

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A RIGHT-OF-WAY MAINTENANCE AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION CONCERNING A MEDIAN ISLAND TO BE INSTALLED ON NORTHSIDE DRIVE BETWEEN PEACHTREE BATTLE AVENUE AND SAGAMORE DRIVE, AND A RIGHT-OF-WAY MAINTENANCE AGREEMENT BETWEEN THE CITY AND PEACHTREE BATTLE ALLIANCE, INC. IN WHICH PEACHTREE BATTLE ALLIANCE, INC. WILL ASSUME THE CITY'S OBLIGATIONS AS SET FORTH IN THE MAINTENANCE AGREEMENT ENTERED INTO BETWEEN THE CITY AND THE GEORGIA DEPARTMENT OF TRANSPORTATION; AND FOR OTHER PURPOSES.

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

Date Referred 8/20/12  
 Referred To: City Utilities  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_

First Reading  
 Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

*City Utilities*  
 Date August 28 2012  
 Chair *Yolanda Adrean*  
 Action  Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_

Members: *Yolanda Adrean*  
 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 \_\_\_\_\_

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

Members \_\_\_\_\_  
**ADOPTED BY**  
SEP 04 2012  
**COUNCIL**  
 Refer To \_\_\_\_\_

Members \_\_\_\_\_  
 Refer To \_\_\_\_\_

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

CERTIFIED

**CERTIFIED**  
 SEP 04 2012  
 ATLANTA CITY COUNCIL PRESIDENT  
*Yolanda Adrean*

**CERTIFIED**  
 SEP 04 2012  
*Renee D'Amico*  
 MUNICIPAL CLERK

MAYOR'S ACTION

**APPROVED**

SEP 13 2012

WITHOUT SIGNATURE  
 BY OPERATION OF LAW



A RESOLUTION BY

*Yolanda Adrean*

*Shirley A. Abou*

COUNCILMEMBER YOLANDA ADREAN

**A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A RIGHT-OF-WAY MAINTENANCE AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION CONCERNING A MEDIAN ISLAND TO BE INSTALLED ON NORTHSIDE DRIVE BETWEEN PEACHTREE BATTLE AVENUE AND SAGAMORE DRIVE, AND A RIGHT-OF-WAY MAINTENANCE AGREEMENT BETWEEN THE CITY AND PEACHTREE BATTLE ALLIANCE, INC. IN WHICH PEACHTREE BATTLE ALLIANCE, INC. WILL ASSUME THE CITY'S OBLIGATIONS AS SET FORTH IN THE MAINTENANCE AGREEMENT ENTERED INTO BETWEEN THE CITY AND THE GEORGIA DEPARTMENT OF TRANSPORTATION; AND FOR OTHER PURPOSES.**

**WHEREAS**, many roadside areas and median islands within the Georgia Department of Transportation's ("GDOT") right of way must be maintained and attractively landscaped; and

**WHEREAS**, the City of Atlanta ("City") has expressed an interest in installing drought tolerant shrubs within a median island to be installed by GDOT on Northside Drive (State Highway Route 41), between Peachtree Battle Avenue and Sagamore Drive ("Project"); and

**WHEREAS**, in order to permit the planting of shrubbery in the median island to be installed by GDOT, GDOT requires that the City execute a Right-of-Way Maintenance Agreement that will require the City to maintain the landscaping in the Project area that is under the control of GDOT; and

**WHEREAS**, as a condition of the City's willingness to cause the planting of shrubbery in the Project area, the City will assign its responsibilities under its maintenance agreement with GDOT for the duration of said agreement to Peachtree Battle Alliance, Inc.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor, or his designee, is authorized to enter into a Right-of-Way Maintenance Agreement with GDOT wherein the City, through Peachtree Battle Alliance, Inc., will cause the planting of drought resistant shrubbery in the Project area.

**BE IT FURTHER RESOLVED** that as a condition of the City's entry into the Right-of-Way Maintenance Agreement with GDOT, the City will assign its responsibilities under its agreement with GDOT to Peachtree Battle Alliance, Inc., in a separate maintenance agreement.

**BE IT FINALLY RESOLVED**, that neither of said agreements will become binding on the City and the City will incur no liability nor obligation under either agreement until each agreement has been approved by the City Attorney as to form, executed by the Mayor, attested to by the Municipal Clerk, and delivered to the Georgia Department of Transportation and Peachtree Battle Alliance, Inc.

A true copy,

*[Signature]*  
Deputy Municipal Clerk

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

September 04, 2012  
September 13, 2012

RCS# 2239  
9/04/12  
2:43 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I  
9/4/2012  
ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 3

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

CONSENT I

		09-04-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 12-O-1132	35. 12-R-1086	48. 12-R-1114
2. 12-O-1144	36. 12-R-1087	49. 12-R-1115
3. 12-O-1142	37. 12-R-1088	50. 12-R-1116
4. 12-O-0349	38. 12-R-1104	51. 12-R-1117
5. 12-O-1134	39. 12-R-1105	52. 12-R-1118
6. 12-O-1135	40. 12-R-1106	53. 12-R-1119
7. 12-R-1097	41. 12-R-1107	54. 12-R-1120
8. 12-R-1098	42. 12-R-1108	55. 12-R-1121
9. 10-R-1099	43. 12-R-1109	56. 12-R-1122
10. 12-R-1100	44. 12-R-1110	57. 12-R-1123
11. 12-R-1102	45. 12-R-1111	58. 12-R-1124
12. 11-R-1103	46. 12-R-1112	59. 12-R-1125
13. 12-R-1130	47. 12-R-1113	60. 12-R-1126
14. 12-R-1057		61. 12-R-1127
15. 12-R-1058		
16. 12-R-1059		
17. 12-R-1060		
18. 12-R-1061		
19. 12-R-1062		
20. 12-R-1145		
21. 12-R-1064		
22. 12-R-1065		
23. 12-R-1066		
24. 12-R-1148		
25. 12-R-1073		
26. 12-R-1074		
27. 12-R-1075		
28. 12-R-1076		
29. 12-R-1078		
30. 12-R-1079		
31. 12-R-1082		
32. 12-R-1083		
33. 12-R-1084		
34. 12-R-1085		