

#2718

13- R -3525

(Do Not Write Above This Line)

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-SIX NEW ROADWAY LIGHTS ON STATE ROUTE 13/BUFORD HIGHWAY, N.E. BEGINNING AT CHESHIRE BRIDGE ROAD, N.E./LENOX ROAD AND CONTINUING NORTH TO THE END OF THE CITY OF ATLANTA CITY LIMITS IN FULTON COUNTY; AND FOR OTHER PURPOSES.

ADOPTED BY
SEP 03 2013
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 Cl _____
Referred To _____

Committee Transportation
Date August 28, 2013
Chair Cl

Action
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
SEP 03 2013
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
SEP 03 2013
Ronda Daughlin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
SEP 12 2013
WITHOUT SIGNATURE
BY OPERATION OF LAW

**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-SIX NEW ROADWAY LIGHTS ON STATE ROUTE 13/BUFORD HIGHWAY, N.E. BEGINNING AT CHESHIRE BRIDGE ROAD, N.E./LENOX ROAD AND CONTINUING NORTH TO THE END OF THE CITY OF ATLANTA CITY LIMITS 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 13/Buford Highway, N.E. beginning at Cheshire Bridge Road N.E./Lenox Road and continuing north to the end of the City of Atlanta city limits 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 the city, after installation of the lighting, will provide the energy to operate the lights and will maintain the lights in the aforesaid project (see attached Exhibit “A”); and

WHEREAS, the City desires to enter into the proposed Agreement to obtain roadway lighting for SR13/Buford Highway, N.E. beginning at Cheshire Bridge Road, N.E./Lenox Road continuing to the end of the City of Atlanta city limits 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 SR13/Buford Highway, N.E.; and

WHEREAS, the Agreement will require the City to provide the energy, to operate the installed lights, and to 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 SR13/Buford Highway, N.E.; 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 Clerk

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

SEP 03, 2013
SEP 12, 2013



AGREEMENT

BETWEEN

DEPARTMENT OF TRANSPORTATION

STATE OF GEORGIA

AND

CITY OF ATLANTA

This Agreement is made and entered into this _____ day of _____, 2013, by and between the DEPARTMENT OF TRANSPORTATION, an agency of the State of Georgia, hereinafter called the DEPARTMENT, and CITY OF ATLANTA, GEORGIA, acting by and through its City Council, hereinafter called the CITY.

WHEREAS, the CITY has represented to the DEPARTMENT a desire to obtain pedestrian streetscape Lighting along SR 13/Buford Highway within the City of Atlanta in Fulton County, Georgia, said Lighting to be installed under P.I. No. 731770; and

WHEREAS, the CITY has represented to the DEPARTMENT a desire to participate in: 1) Providing the Energy and 2) the Operation and Maintenance of said lighting systems at the aforesaid location, and the DEPARTMENT has relied upon such representation; and



WHEREAS, the DEPARTMENT has indicated a willingness to fund the materials and installation for the said lighting systems at the aforesaid locations, with funds of the DEPARTMENT, funds apportioned to the DEPARTMENT by the Federal Highway Administration under Title 23, United States Code, Section 104, or a combination of funds from any of the above sources.

NOW, THEREFORE, in consideration of the mutual promises made and of the benefits to flow from one to the other, the DEPARTMENT and the CITY hereby agree each with the other as follows:

1. The DEPARTMENT or its assigns shall cause the installation of all materials and equipment necessary for Lighting along SR 13/Buford Highway within the City of Atlanta in Fulton County, Georgia, said Lighting to be installed under P.I. No. 731770, as shown on Attachment "A" attached hereto and made a part hereof.

2. Upon completion of installation of said lighting system, and acceptance by the DEPARTMENT, the CITY shall assume full responsibility for the operation, the repair and the maintenance of the entire lighting system, including but not limited to repairs of any damages, replacement of lamps, ballasts, luminaires, lighting structures, associated equipment, conduit, wiring and service equipment, and the requirements of the Georgia Utility Facility Protection Act. The CITY further agrees to provide and pay for all the energy required for the operation of said lighting system.



3. The DEPARTMENT shall retain ownership of all materials and various components of the entire lighting system. The CITY, in its operation and maintenance of the lighting system, shall not in any way alter the type or location, or the design of any of the various components which make up the entire lighting system without prior written approval from the DEPARTMENT.

4. This Agreement is considered as continuing for a period of fifty (50) years from the date of execution of this Agreement. The DEPARTMENT reserves the right to terminate this Agreement, at any time for just cause, upon thirty (30) days written notice to the CITY.

5. It is understood by the City that the DEPARTMENT has relied upon the CITY'S representation of providing for the energy, maintenance, and operation and repair of the lighting represented by this Agreement; therefore, if the CITY elects to de-energize or fails to properly maintain or to repair the lighting system during the term of this Agreement, the CITY shall reimburse the DEPARTMENT the materials cost for the lighting system. If the CITY elects to de-energize or fails to properly operate, to repair, or to maintain any individual unit within the lighting system, the CITY shall reimburse the DEPARTMENT for the material cost for the individual unit which will include all costs for the pole, luminaires, foundations, and associated wiring. The DEPARTMENT will provide the CITY with a statement of material costs upon completion of the installation.

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.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement the day and year first above written.



RECOMMENDED:

CITY OF ATLANTA

BY: _____
Mayor

(SEAL)

DEPARTMENT OF TRANSPORTATION

BY _____
Commissioner

(SEAL)

WITNESS

Notary Public

This Agreement approved by City Council at a meeting held at

This ___ day of _____,

2013.

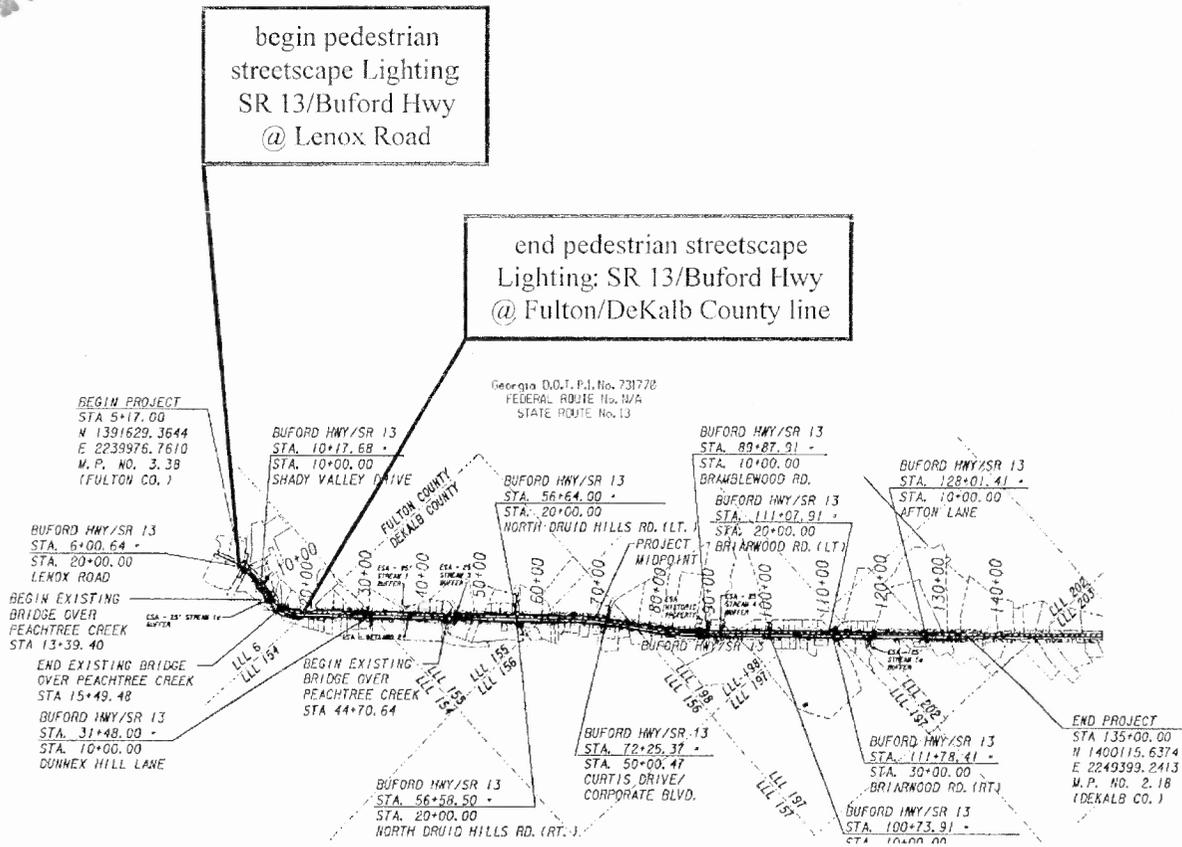
ATTEST:

Treasurer

City Clerk



Attachment "A"



Project Location Map

P.I. No. 731770 ~ Fulton County
HPP00-0013-01(062)
SR 13/Buford Hwy

RCS# 2982
9/03/13
2:09 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; ALL ITEMS
EXCEPT 13-R-3434
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	B Bond
NV 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

†

		09-03-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 13-O-1202	40. 13-R-3526	79. 13-R-3477
2. 13-O-1203	41. 13-R-3527	80. 13-R-3478
3. 13-O-1204	42. 13-R-3529	81. 13-R-3479
4. 13-O-1205	43. 13-R-3441	82. 13-R-3480
5. 13-O-1206	44. 13-R-3442	83. 13-R-3481
6. 13-O-1213	45. 13-R-3443	84. 13-R-3482
7. 13-O-1214	46. 13-R-3444	85. 13-R-3483
8. 13-O-1200	47. 13-R-3445	86. 13-R-3484
9. 13-O-1209	48. 13-R-3446	87. 13-R-3485
10. 13-O-1197	49. 13-R-3447	88. 13-R-3486
11. 13-O-1199	50. 13-R-3448	89. 13-R-3487
12. 13-R-3415	51. 13-R-3449	90. 13-R-3488
13. 13-R-3419	52. 13-R-3450	91. 13-R-3489
14. 13-R-3420	53. 13-R-3451	92. 13-R-3490
15. 13-R-3421	54. 13-R-3452	93. 13-R-3491
16. 13-R-3422	55. 13-R-3453	94. 13-R-3492
17. 13-R-3423	56. 13-R-3454	95. 13-R-3493
18. 13-R-3424	57. 13-R-3455	96. 13-R-3494
19. 13-R-3411	58. 13-R-3456	97. 13-R-3495
20. 13-R-3426	59. 13-R-3457	98. 13-R-3496
21. 13-R-3528	60. 13-R-3458	99. 13-R-3497
22. 13-R-3431	61. 13-R-3459	100. 13-R-3498
23. 13-R-3432	62. 13-R-3460	101. 13-R-3499
24. 13-R-3433	63. 13-R-3461	102. 13-R-3500
25. 13-R-3435	64. 13-R-3462	103. 13-R-3501
26. 13-R-3436	65. 13-R-3463	104. 13-R-3502
27. 13-R-3437	66. 13-R-3464	105. 13-R-3503
28. 13-R-3438	67. 13-R-3465	106. 13-R-3504
29. 13-R-3439	68. 13-R-3466	107. 13-R-3505
30. 13-R-3440	69. 13-R-3467	108. 13-R-3506
31. 13-R-3413	70. 13-R-3468	109. 13-R-3507
32. 13-R-3518	71. 13-R-3469	110. 13-R-3508
33. 13-R-3519	72. 13-R-3470	111. 13-R-3509
34. 13-R-3520	73. 13-R-3471	112. 13-R-3510
35. 13-R-3521	74. 13-R-3472	113. 13-R-3511
36. 13-R-3522	75. 13-R-3473	114. 13-R-3512
37. 13-R-3523	76. 13-R-3474	115. 13-R-3513
38. 13-R-3524	77. 13-R-3475	116. 13-R-3514
39. 13-R-3525	78. 13-R-3476	117. 13-R-3515
		118. 13-R-3516