

AN ORDINANCE BY

COUNCILMEMBER KWANZA HALL



AN ORDINANCE: AUTHORIZING THE CONVERSION OF SEVENTH STREET N.E. BETWEEN WEST PEACHTREE STREET AND AND PIEDMONT AVENUE N.E. FROM A ONE WAY STREET TO A TWO WAY STREET; AUTHORIZING THE INSTALLATION AND MODIFICATION OF THE TRAFFIC SIGNALS ON SEVENTH STREET, N.E. TO ACCOMMODATE SUCH TWO WAY CONVERSION; AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE MIDTOWN COMMUNITY IMPROVEMENT DISTRICT TO UNDERTAKE PORTIONS OF THESE IMPROVEMENTS; AUTHORIZING THE USE OF TRANSPORTATION IMPACT FEES TO PAY THE COST OF SUCH IMPROVEMENTS; AND FOR OTHER PURPOSES.

WHEREAS, the Connect Atlanta Plan is the City of Atlanta's (the "City") first comprehensive traffic plan and was incorporated into the City's comprehensive development plan and adopted by the City Council in Ordinance 08-O-2232 which was then approved by the Mayor; and

WHEREAS, the Connect Atlanta Plan provides the City with a prioritized list of transit, roadway and alternative transportation improvements; and

WHEREAS, the conversion of Seventh Street N.E. between West Peachtree Street N.E. and Piedmont Avenue N.E. for two way operation is a project identified in the Connect Atlanta Plan (Project ID #OW-005) and traffic signal modifications are a necessary part of such conversion; and

WHEREAS, two way conversion of Seventh Street N.E., including the proposed signal modifications, is anticipated to provide better connectivity for nearby road users in Midtown's core, including vehicular and bicycle traffic; and

WHEREAS, Article IX, Section VII of the Constitution of the State of Georgia authorizes municipalities to create community improvement districts and pursuant to the "Atlanta Community Improvement District Act", enacted by the Georgia General Assembly as House Bill 544, the City of Atlanta created Midtown Atlanta Community Improvement District by and through City Council Resolution No. 00-R-0317 by and pursuant to the constitutional and statutory authority cited;

WHEREAS, Resolution 00-R-0317 provided that Midtown Atlanta CID could enter into a Cooperation Agreement to provide such governmental services as the construction and maintenance of local, collector and arterial streets as shown on the City's street classification map or as otherwise included in the City's street classification map or as otherwise included in the City's most recently adopted Comprehensive

Development Plan, including curbs, sidewalks, street lights and devices to control the flow of traffic on local, collector and arterial streets; and

WHEREAS, Midtown CID is authorized to contract with the City pursuant to the constitutional and statutory authority above referenced; and

WHEREAS, Midtown CID wishes to undertake the two-way conversion of Seventh Street N.E. between West Peachtree Street N.E. and Piedmont Avenue N.E, and pursuant to separate legislation 100 6th Street, LLC is undertaking a portion of the Seventh Street N.E. conversion between Peachtree Street N.E. and Juniper Street N.E. and the required signal modification on Seventh Street N.E. at Juniper Street N.E. so that connectivity is maintained from Juniper Street to West Peachtree Street; and

WHEREAS, the two way conversion of Seventh Street N.E is a part of the capital improvements program of the City's comprehensive development plan and "system improvement" pursuant to O.C.G.A. Sec. 36-71(2)(20) and Section 19-1006 of the City of Atlanta Code of Ordinances and therefore the work to implement such two way conversion, including the modification of traffic signals necessitated thereby, is eligible for financing by development impact fees pursuant; and

WHEREAS, Midtown CID agrees to design, permit and construct the conversion from one way to two way on Seventh Street N.E. between West Peachtree Street N.E. to Peachtree Street N.E. and from Juniper Street N.E. to Piedmont Avenue N.E., and to the design, permit and implement the installation and modification of the traffic signals on Seventh Street N.E. at Peachtree Street N.E. and Piedmont Avenue N.E. to support such two way operation; and

WHEREAS, the undertaking of this project through the Cooperation Agreement between the City and Midtown CID offers a unique opportunity to significantly improve traffic flow in Midtown.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, AS FOLLOWS:

Section 1: The Commissioner of the Department of Public Works is authorized to implement Project ID #OW-005 which is identified in the Connect Atlanta Plan as the conversion of Seventh Street N.E. between West Peachtree Street N.E and Piedmont Avenue N.E from a one way street to a two way street.

Section 2: The Commissioner of the Department of Public Works is authorized to install and/or modify such traffic signals as may be necessary to accommodate two way traffic flow on Seventh Street N.E.

Section 3: The Mayor is authorized on behalf of the City to enter into an agreement with the Midtown CID for design, and construction required to implement the conversion from one way to two way on Seventh Street N.E. between West Peachtree Street N.E. and Peachtree Street N.E. and between Juniper Street N.E. and Piedmont

Avenue N.E. and for the installation and modification of such traffic signals as may be necessary to accommodate support such two way operation (the “Seventh Street Project Agreement”).

Section 4: The plans which are to be implemented and constructed under the Seventh Street Project Agreement shall be subject to the approval of the Commissioner of the Department of Public Works and require the installation of the City’s standard street detail and construction specifications and a not-to-exceed cost approved by the Commissioner of the Department of Public Works based on the approved design shall be made a part of such agreement.

Section 5: The Seventh Street Project Agreement may provide that Midtown CID is authorized to contract with other entities for the obligations which it has undertaken in such agreement but Midtown CID shall in all circumstances remain responsible for any cost in excess of the not-to-exceed cost approved by the Commissioner of the Department of Public Works and for the delivery of the improvements agreed to be undertaken.

Section 6: The Chief Financial Officer is authorized appropriate transportation impact fees sufficient to pay the not-to-exceed cost approved by the Commissioner of the Department of Public Works provided however that if sufficient transportation impact fees are not available to be encumbered as of the date that the Seventh Street Project Agreement is executed that no notice to proceed can be issued. When sufficient transportation impact fees are available to be encumbered and have been encumbered, the notice to proceed may be issued.

Section 7: The Chief Financial Officer is authorized to receive and pay invoices from Midtown CID in the manner set forth in the Seventh Street Project Agreement.

Section 8: That this ordinance shall become effective immediately upon its approval by the City Council and signature by the Mayor or by operation of law.