

AN ORDINANCE BY COUNCILMEMBER KWANZA HALL AUTHORIZING THE MAYOR, OR HIS DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, TO ACCEPT A DONATION FROM JAMESTOWN PONCE CITY MARKET, L.P. OF A REAL ESTATE EASEMENT LOCATED ON THE NORTH SIDE OF NORTH AVENUE, N.E. IMMEDIATELY ADJACENT TO THE PONCE CITY MARKET DEVELOPMENT AT A PRESENTLY EXISTING DRIVEWAY TO PROVIDE ENTRY AND EXIT ACCESS TO THE PONCE CITY MARKET; TO ACCEPT A DONATION FROM JAMESTOWN PONCE CITY MARKET, L.P., OF TRAFFIC SIGNAL EQUIPMENT SAID EQUIPMENT TO BE INSTALLED BOTH WITHIN THE EASEMENT AREA AND IN THE PUBLIC RIGHT-OF-WAY ON THE SOUTH SIDE OF NORTH AVENUE, N.E.; TO AUTHORIZE THE MAYOR TO ENTER INTO ALL NECESSARY AGREEMENTS TO EFFECTUATE THE OBLIGATIONS DESCRIBED HEREIN; AND FOR OTHER PURPOSES.

Review List:

Atlanta City Council	Completed	11/21/2013 4:07 PM
Transportation Committee	Pending	
Mayor's Office	Pending	

HISTORY:

11/18/13 Atlanta City Council

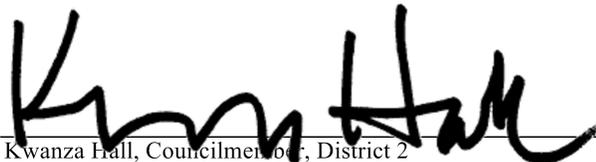
Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY – BLUE BACK

CITY COUNCIL
ATLANTA, GEORGIA

13-O-1398

SPONSOR SIGNATURES

A handwritten signature in black ink, appearing to read "Kwanza Hall", written over a horizontal line.

Kwanza Hall, Councilmember, District 2

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WHEREAS, Jamestown Ponce City Market, L.P. ("Jamestown") is restoring the former Sears, Roebuck & Co. distribution center located at 675 Ponce de Leon Avenue, N.E. (the building formerly known as "City Hall East") as a mixed-use development housing best-in-class office, retail and residential space ("Project" and/or "Market"); and

WHEREAS, upon opening of the Market to the general public, significant traffic will be entering and exiting the Market from a driveway adjacent to the Project and located on the north side of North Avenue, N.E. approximately five hundred (500) feet east of Glen Iris Drive, N.E.; and

WHEREAS, in order to better control vehicular and pedestrian traffic and to maximize safety in the driveway area of the Project, a permanent easement ("Easement") is needed for the installation of traffic signal equipment ("Equipment") on real property located on the North Avenue side of the Project on the north side of North Avenue, N.E. with additional Equipment to be installed in the public right-of-way on the south side of North Avenue, N.E., directly across the street from the Easement; and

WHEREAS, Jamestown has agreed to donate both the Easement and all Equipment to the City of Atlanta ("City") at no cost to the City; and

WHEREAS, Jamestown is also paying the full cost of installing the traffic signals and related equipment; and

WHEREAS, the City desires to accept the donations by Jamestown comprised of the Easement, all Equipment, and Jamestown's commitment to install said Equipment at no cost to the City; and

WHEREAS, the Commissioner of the Department of Public Works has reviewed the plans for the proposed installation and has determined that said plans are in the best interests of the City; and

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WHEREAS, after installation of the Equipment is completed to the satisfaction of the City, the City has agreed to thereafter operate and maintain the Equipment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1: That the Mayor or his designee is authorized to accept on behalf of the Department of Public Works, and does hereby accept the following donations of real and personal property and resources:

- a. A permanent Traffic Signal Equipment Real Estate Easement (attached hereto as Exhibit "A") from Jamestown Ponce City Market, L.P., for the purpose of installing traffic signal equipment on private property to be installed along North Avenue, N.E., in a form and pursuant to the conditions determined by the Commissioner of the Department of Public Works and the City Attorney, to be desirable, appropriate, and in the best interests of the City; and

- b. All necessary traffic signal equipment, to be installed at Jamestown's expense, along both the north and south sides of North Avenue, N.B. approximately five hundred (500) feet east of Glenn Iris Drive, N.E. as depicted in Exhibit "B" attached hereto.

SECTION 2: That the City will operate and maintain the traffic signal equipment after the equipment has been fully and successfully installed by Jamestown.

SECTION 3: That the City Attorney is directed to prepare any necessary agreement(s), acceptable as to form, for execution by the Mayor or his designee and Jamestown, to effectuate the obligations of Jamestown and the City described herein.

SECTION 4: That any and all agreements prepared by the parties as authorized herein, shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder until the agreement(s) have been approved by the City Attorney as to form, executed by the Mayor, attested to by the Municipal Clerk, and delivered to Jamestown.

SECTION 5: All ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said conflict.



**AN ORDINANCE BY
COUNCILMEMBER KWANZA HALL**

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WHEREAS, upon opening of the Market to the general public, significant traffic will be entering and exiting the Market from a driveway adjacent to the Project and located on the north side of North Avenue, N.E. approximately five hundred (500) feet east of Glen Iris Drive, N.E.; and

WHEREAS, in order to better control vehicular and pedestrian traffic and to maximize safety in the driveway area of the Project, a permanent easement ("Easement") is needed for the installation of traffic signal equipment ("Equipment") on real property located on the North A venue side of the Project on the north side of North A venue, N.E. with additional Equipment to be installed in the public right-of-way on the south side of North Avenue, N.E., directly across the street from the Easement; and

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- b. All necessary traffic signal equipment, to be installed at Jamestown's expense, along both the north and south sides of North Avenue, N.B. approximately five hundred (500) feet east of Glenn Iris Drive, N.E. as depicted in Exhibit "B" attached hereto.

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Attachment: DOC24 (13-O-1398 : City Market)