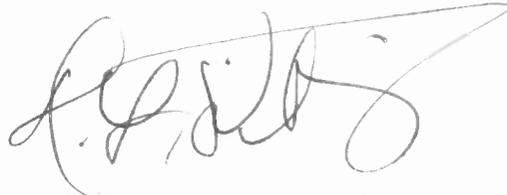


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**A RESOLUTION
BY COUNCILMEMBER**



A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A FORCE ACCOUNT CONSTRUCTION AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION AND CSX TRANSPORTATION, INC., A VIRGINIA CORPORATION, FOR CONSTRUCTION AND MAINTENANCE SERVICES FOR THE SPRING STREET BRIDGE REPLACEMENT PROJECT, PROJECT NUMBERS BHNLB-9073-00(016) AND BRNLB-9073-00(018), P.I. NUMBERS 752086 AND 752860, ON BEHALF OF THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia Department of Transportation ("GDOT") has presented to the City of Atlanta ("City") a desire to replace the Spring Street bridge which is located over the tracks of CSX Transportation, Inc., a Virginia Corporation ("CSXT"); and

WHEREAS, GDOT has expressed a willingness to provide one hundred percent (100%) of the funding for construction of the bridge replacement with GDOT funds and funds appropriated to GDOT by the Federal Highway Administration under Title 23, Highways, of the Code of Federal Regulations, or a combination of funds from above; and

WHEREAS, the new bridge, which will replace the current bridge, will require construction activities within CSXT right of way at Railroad Crossing Inventory Number 340316X and Railroad Milepost OWA 0.32; and

WHEREAS, the construction activities will also require using the existing Fairlie Street at-grade crossing as a construction access; and

WHEREAS, CSXT has expressed a willingness to perform certain construction engineering activities, accounting and billing activities and a willingness to grant GDOT temporary easements for services related to the construction of the Spring Street Bridge Replacement Project; and

WHEREAS, once construction has been completed on the Spring Street Bridge Replacement, the new bridge overpass will be owned and maintained by the City.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor, or his designee, is authorized to execute a Force Account Agreement on behalf of the City of Atlanta with the Georgia Department of Transportation and CSX Transportation, Inc., a Virginia Corporation for construction and maintenance services on the Spring Street Bridge Replacement Project Numbers BHNLB-9073-00(016) and BRNLB-00(018), P.I. Numbers 752086 and 752860.

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare an appropriate Agreement for execution by the Mayor.

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BE IT FINALLY RESOLVED, that this Agreement will not become binding upon the City and the City shall incur no obligation or liability hereunder until the 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 CSX Transportation, Inc.