

A RESOLUTION CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A MEMORANDUM OF UNDERSTANDING AGREEMENT WITH THE PATH FOUNDATION, INC. (“PATH”) FOR PRELIMINARY ENGINEERING AND CONSTRUCTION SERVICES FOR THE GEORGIA 400 TRAIL PROJECT; AND AUTHORIZING AN AGREEMENT WITH THE PATH FOUNDATION, INC., APPOINTING PATH TO ACT AS THE CITY’S AGENT AND CONSTRUCTION MANAGER FOR THE GEORGIA 400 TRAIL PROJECT; AND FOR OTHER PURPOSES.

Review List:

Santana Wright	Completed	06/13/2013 6:19 PM
Rita Braswell	Completed	06/18/2013 1:54 PM
Richard Mendoza	Completed	06/18/2013 2:02 PM
Saul Schultz	Completed	06/18/2013 2:18 PM
Mayor's Office	Completed	06/18/2013 2:22 PM
Office of Research and Policy Analysis	Completed	06/18/2013 2:41 PM
City Utilities Committee	Pending	
Atlanta City Council	Pending	

LEGISLATION HISTORY – BLUE BACK

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

**A RESOLUTION
BY CITY UTILITIES COMMITTEE**

A RESOLUTION CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A MEMORANDUM OF UNDERSTANDING AGREEMENT WITH THE PATH FOUNDATION, INC. (“PATH”) FOR PRELIMINARY ENGINEERING AND CONSTRUCTION SERVICES FOR THE GEORGIA 400 TRAIL PROJECT; AND AUTHORIZING AN AGREEMENT WITH THE PATH FOUNDATION, INC., APPOINTING PATH TO ACT AS THE CITY’S AGENT AND CONSTRUCTION MANAGER FOR THE GEORGIA 400 TRAIL PROJECT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (“City”) has the goal of providing trails for use of its citizens and visitors as a safe venue to engage in outdoor activities free of conflict with automobiles on the streets and rights of way; and

WHEREAS, the goal of the Path Foundation, Inc. (“PATH”) is to facilitate such trail systems by providing expertise in the planning, design and implementation of the Project and providing private funding for the Project; and

WHEREAS, the City of Atlanta and PATH believe that a strong working relationship offers the City and its citizens a unique opportunity for the development of new greenspace, recreation areas and alternative transportation infrastructure which will significantly improve the quality of life for all citizens of the City; and

WHEREAS, PATH has facilitated arrangements in which funding is made available from sources other than the City of Atlanta for design, engineering, and construction connected with development of the aforementioned project; and

WHEREAS, local match contributions for the design, engineering, and construction work necessary to complete certain infrastructure improvement projects will be funded fully by PATH; and

WHEREAS, the City desires to enter into a Memorandum of Understanding with PATH to provide preliminary engineering and construction services for the Georgia 400 Trail Project and to authorize PATH to act as the City’s agent and construction manager for the Project.

THE CITY COUNCIL OF THE CITY OF ATLANTA HEREBY RESOLVES that the Mayor is hereby authorized to execute on behalf of the City of Atlanta, a Memorandum of Understanding with PATH to provide preliminary engineering and construction services for the GA 400 Trail Project (“Project”) and to authorize PATH to act as the City’s agent and construction manager for the Project.

BE IT FURTHER RESOLVED, that the City Attorney is directed to negotiate, prepare and review an appropriate Memorandum of Understanding Agreement, acceptable as to form, for execution by the Mayor and the Path Foundation, Inc.

BE IT FINALLY RESOLVED, that the agreement will not become binding on the City and the City will incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to the Path Foundation, Inc.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Santana Kempson Wright

Contact Number: 404-330-6579

Originating Department: Department of Public Works

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: June 7, 2013

Anticipated Committee Meeting Date(s): June 25, 2013

Anticipated Full Council Date: July 3, 2013

Legislative Counsel's Signature: Saul Schultz

Commissioner's Signature: Richard Mendez (SKW)

Chief Financial Officer: _____

Chief Information Officer Signature (for IT Procurements) _____

Chief Procurement Officer Signature: _____

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A MEMORANDUM OF UNDERSTANDING AGREEMENT WITH THE PATH FOUNDATION, INC. ("PATH") FOR PRELIMINARY ENGINEERING AND CONSTRUCTION SERVICES FOR THE GEORGIA 400 TRAIL PROJECT; AND AUTHORIZING AN AGREEMENT WITH THE PATH FOUNDATION, INC., APPOINTING PATH TO ACT AS THE CITY'S AGENT AND CONSTRUCTION MANAGER FOR THE GEORGIA 400 TRAIL PROJECT; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT:

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: UJ. 6/7/13
(date)

Reviewed by: _____
(date)

Submitted to Council: _____ (date)

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BY CITY UTILITIES COMMITTEE

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Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Caption:

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A MEMORANDUM OF UNDERSTANDING AGREEMENT WITH THE PATH FOUNDATION, INC. ("PATH") FOR PRELIMINARY ENGINEERING AND CONSTRUCTION SERVICES FOR THE GEORGIA 400 TRAIL PROJECT; AND AUTHORIZING AN AGREEMENT WITH THE PATH FOUNDATION, INC., APPOINTING PATH TO ACT AS THE CITY'S AGENT AND CONSTRUCTION MANAGER FOR THE GEORGIA 400 TRAIL PROJECT; AND FOR OTHER PURPOSES.

Committee of Purview: City Utilities Committee

Committee Meeting Date: June 25, 2013

Council Meeting Date: July 1, 2013

Requesting Dept.: Department of Public Works

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to enter into this Memorandum of Understanding Agreement with Path Foundation, Inc. to establish the defining responsibilities and conditions of the parties for the design, right-of-way, and construction of the GA 400 Trail Project and to authorize PATH to act as the City's Agent and Construction Manager for the Georgia 400 Greenway Trail Project.

2. Please provide background information regarding this legislation.

The trail is approximately five (5) miles long, extending from a historic cemetery site to trailhead off Loridans Drive south to the Atlanta Beltline's Peachtree Creek spur trail. The trail will wind through the North Buckhead, Peachtree Park and Lindmont Lavista neighborhoods, providing an alternate mode of transportation and recreational activity for residents.

3. If Applicable/Known:

(a) **Contract Type:** Memorandum of Understanding

(b) **Source Selection:** n/a

(c) **Bids/Proposals Due:** n/a

- (d) Invitations Issued: n/a
- (e) Number of Bids: n/a
- (f) Proposals Received: n/a
- (g) Bidders/Proponents: n/a
- (h) Term of Contract: n/a

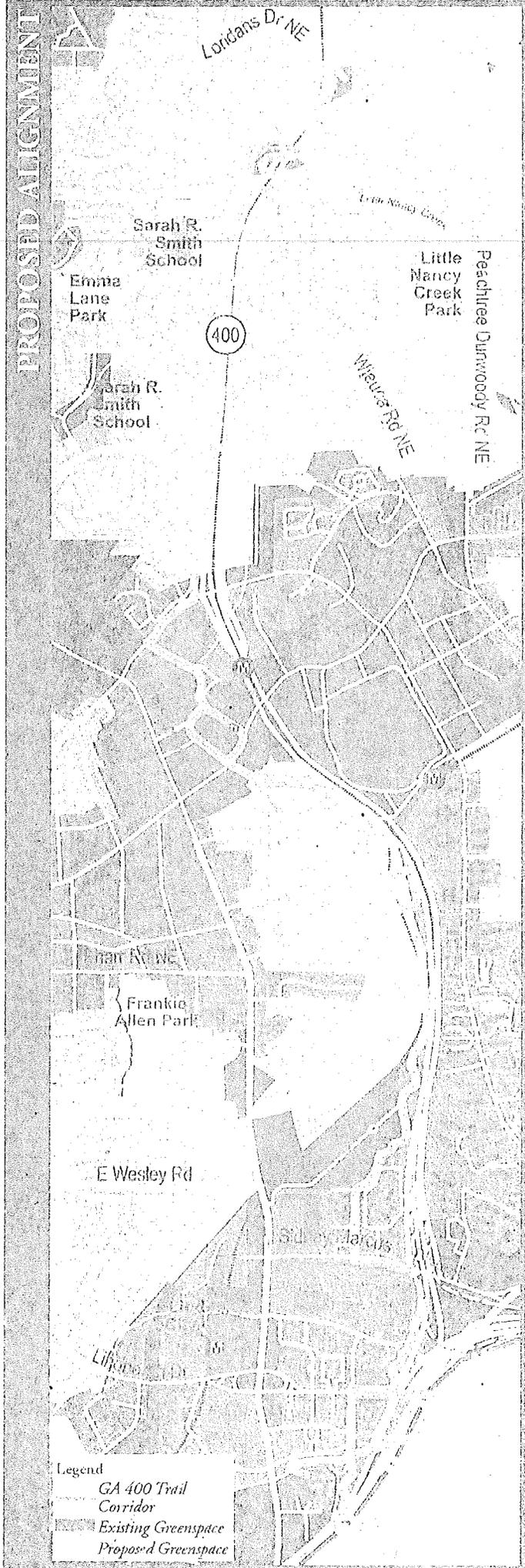
4. Fund Department Account Center: None

5. Source of Funds: None

6. Fiscal Impact: None

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Dawn Riley



<p>(Do Not Write Above This Line)</p> <p style="text-align: center;">A RESOLUTION BY CITY UTILITIES COMMITTEE</p> <p>A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE TO EXECUTE A MEMORANDUM OF UNDERSTANDING AGREEMENT WITH THE PATH FOUNDATION, INC. ("PATH") FOR PRELIMINARY ENGINEERING AND CONSTRUCTION SERVICES FOR THE GEORGIA 400 TRAIL PROJECT; AND AUTHORIZING AN AGREEMENT WITH THE PATH FOUNDATION, INC., APPOINTING PATH TO ACT AS THE CITY'S AGENT AND CONSTRUCTION MANAGER FOR THE GEORGIA 400 TRAIL PROJECT; AND FOR OTHER PURPOSES.</p>	<p>Committee _____ Date _____ Chair _____ Referred To _____</p> <p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (See rev.side) Other _____ Members _____</p> <p>Refer To _____</p>	<p>Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (See rev.side) Other _____ Members _____</p> <p>Refer To _____</p>	<p>FINAL COUNCIL ACTION</p> <p><input type="checkbox"/> 2ND <input type="checkbox"/> 1ST & 2ND <input type="checkbox"/> 3RD</p> <p>Readings</p> <p><input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote</p>
<p><input type="checkbox"/> CONSENT REFER</p> <p><input type="checkbox"/> REGULAR REPORT REFER</p> <p><input type="checkbox"/> ADVERTISE & REFER</p> <p><input type="checkbox"/> 1ST ADOPT 2ND READ & REFER</p> <p><input type="checkbox"/> PERSONAL PAPER REFER</p> <p>Date Referred _____</p> <p>Referred To: _____</p> <p>Date Referred _____</p> <p>Referred To: _____</p> <p>Date Referred _____</p> <p>Referred To: _____</p>	<p>CERTIFIED</p>		
<p>MAYOR'S ACTION</p>			

