

A RESOLUTION BY TRANSPORTATION COMMITTEE 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.

Review List:

Santana Wright	Completed	08/16/2013 4:38 PM
Rita Braswell	Completed	08/19/2013 9:41 AM
Richard Mendoza	Completed	08/19/2013 12:10 PM
Saul Schultz	Completed	08/19/2013 2:45 PM
Mayor's Office	Completed	08/19/2013 2:54 PM
Office of Research and Policy Analysis	Completed	08/20/2013 11:31 AM
Transportation Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

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

LEGISLATION HISTORY – BLUE BACK

**A RESOLUTION
BY TRANSPORTATION COMMITTEE**

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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.

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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 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 CONTINUING TO THE END OF THE CITY OF ATLANTA CITY LIMITS IN FULTON COUNTY; AND FOR OTHER PURPOSES.

Committee of Purview: Transportation Committee

Committee Meeting Date: August 28, 2013

Council Meeting Date: September 3, 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 a Local Government Lighting Project Agreement with the Georgia Department of Transportation to operate and maintain 26 lights to be installed as part of the Roadway Lighting on State Route 13/Buford Highway, N.E.

2. Please provide background information regarding this legislation.

The lights will be installed in a newly constructed project area on Buford Highway. The lights will provide safety for pedestrians and drivers using the corridor. GDOT conducted a photo metric study which revealed a total of 26 street lights are needed. The City of Atlanta will provide energy, operation and maintenance once the lights have been installed.

3. If Applicable/Known:

- (a) **Contract Type:** Operation and Maintenance Agreement
- (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:** 50 years

4. Fund Department Account Center:

5. Source of Funds: General Fund

6. Fiscal Impact: \$2,970.24 annually (beginning FY15)

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Clyde Moore

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

WITNESS

BY _____
Commissioner

Notary Public

(SEAL)

This Agreement approved by City Council at a meeting held at

This ___ day of _____,

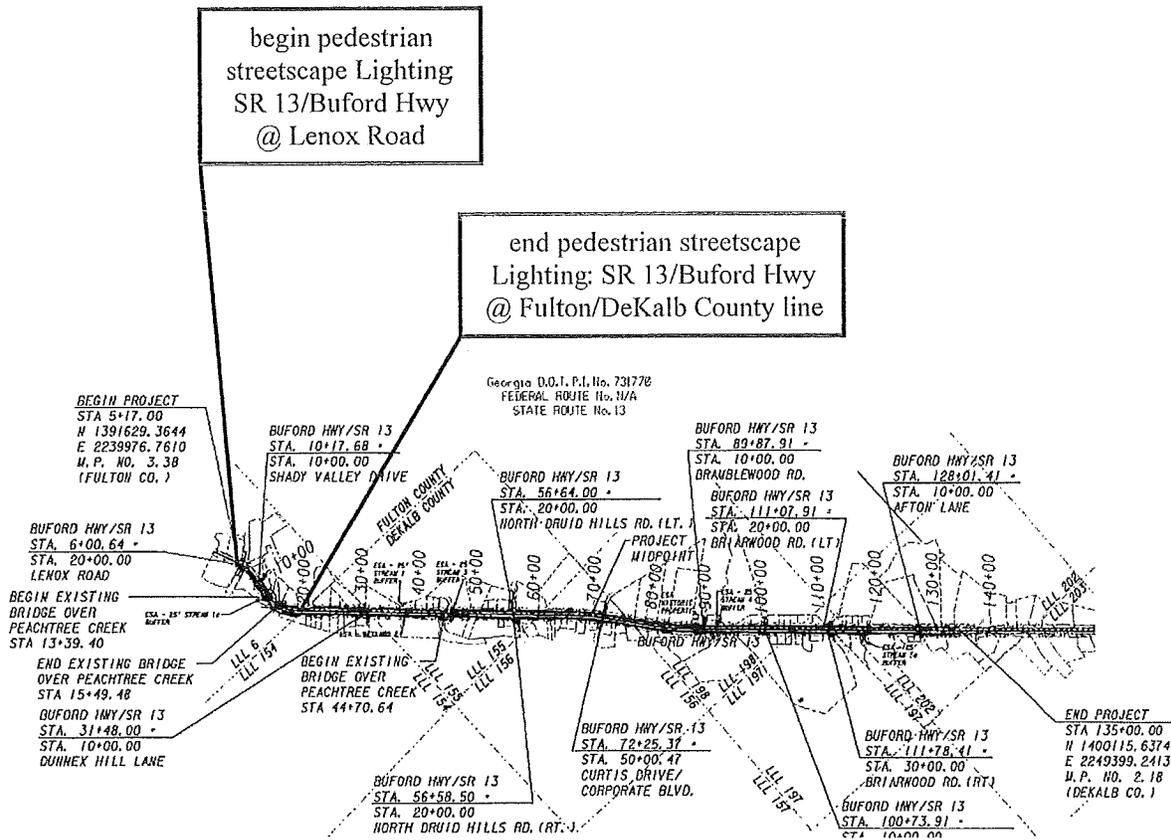
2013.

ATTEST:

Treasurer

City Clerk

Attachment "A"



Project Location Map

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

(Do Not Write Above This Line)

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First Reading
 Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee _____

Date _____

Chair _____

Fav, Adv, Hold (See rev.side)
 Action
 Other

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Fav, Adv, Hold (See rev.side)
 Action
 Other

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Fav, Adv, Hold (See rev.side)
 Action
 Other

Members _____

Refer To _____

- 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: _____

- FINAL COUNCIL ACTION
- 2ND Readings
 - 1ST & 2ND
 - 3RD
 - Consent
 - V Vote
 - RC Vote

CERTIFIED

MAYOR'S ACTION

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: Transportation Committee

Chief of Staff Deadline: August 9, 2013

Anticipated Committee Meeting Date(s): August 28, 2013

Anticipated Full Council Date: September 3, 2013

Legislative Counsel's Signature: Saul Schultz

Commissioner's Signature: [Signature]

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 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.

FINANCIAL IMPACT:

Mayor's Staff Only

Received by CPO: _____ (date)

Received by LC from CPO: _____ (date)

Received by Mayor's Office: 8/8/13 (date)

Reviewed by: [Signature] (date)

Submitted to Council: _____ (date)