

14-23198

(Do Not Write Above This Line)

A RESOLUTION  
BY CITY UTILITIES COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A MEMORANDUM OF UNDERSTANDING AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION ("GDOT") FOR PRELIMINARY ENGINEERING AND CONSTRUCTION SERVICES FOR THE WESTSIDE TRAIL PHASE III PROJECT; AUTHORIZING THE MAYOR, OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH PATH FOUNDATION, INC., APPOINTING PATH TO ACT AS THE CITY'S AGENT AND CONSTRUCTION MANAGER FOR THE WESTSIDE TRAIL PHASE III PROJECT; AND AUTHORIZING THE MAYOR TO EXECUTE ALL FUTURE AGREEMENTS WITH GDOT ASSOCIATED WITH THE WESTSIDE TRAIL PHASE III PROJECT TO INCLUDE, BUT NOT BE LIMITED TO, PROJECT FRAMEWORK, RIGHT OF WAY ACQUISITION, CONSTRUCTION, AND MOWING AND MAINTENANCE AGREEMENTS; AND FOR OTHER PURPOSES.

CONSENT REFER

REGULAR REPORT REFER

ADVERTISE & REFER

1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER

PERSONAL PAPER REFER

Date Referred  
Referred To:

Date Referred  
Referred To:

Date Referred:

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

*City Committee  
February 14, 2014  
Chair  
M. H. ...*

Fav, Adv, Hold (see rev. side)  
Other \_\_\_\_\_

Members \_\_\_\_\_

*Refer To  
Municipal Clerk*

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Fav, Adv, Hold (see rev. side)  
Other \_\_\_\_\_

Members \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Fav, Adv, Hold (see rev. side)  
Other \_\_\_\_\_

Members \_\_\_\_\_

**ADOPTED BY**  
**COUNCIL**  
FEB 17 2014

Refer To

Refer To

FINAL COUNCIL ACTION  
1<sup>st</sup> & 2<sup>nd</sup>  3<sup>rd</sup>

Readings

Consent & Vote  
 1<sup>st</sup> & 2<sup>nd</sup>  3<sup>rd</sup>  BG Vote

**CERTIFIED**  
FEB 17 2014

ATLANTA CITY COUNCIL PRESIDENT

*[Signature]*

**CERTIFIED**  
FEB 17 2014  
Municipal Clerk

MAYOR'S ACTION

**APPROVED**

FEB 26 2014

WITHOUT SIGNATURE  
BY OPERATION OF LAW

3704

**A RESOLUTION  
BY CITY UTILITIES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A MEMORANDUM OF UNDERSTANDING AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION (“GDOT”) FOR PRELIMINARY ENGINEERING AND CONSTRUCTION SERVICES FOR THE WESTSIDE TRAIL PHASE III PROJECT; AUTHORIZING THE MAYOR, OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH PATH FOUNDATION, INC., APPOINTING PATH TO ACT AS THE CITY’S AGENT AND CONSTRUCTION MANAGER FOR THE WESTSIDE TRAIL PHASE III PROJECT; AND AUTHORIZING THE MAYOR TO EXECUTE ALL FUTURE AGREEMENTS WITH GDOT ASSOCIATED WITH THE WESTSIDE TRAIL PHASE III PROJECT TO INCLUDE, BUT NOT BE LIMITED TO, PROJECT FRAMEWORK, RIGHT OF WAY ACQUISITION, CONSTRUCTION, AND MOWING AND MAINTENANCE AGREEMENTS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Transportation Enhancement (“TE”) program makes federal funding available in conjunction with local matching contributions for the design, engineering, and construction work necessary to complete certain infrastructure improvement projects which are made a part of the Regional Transportation Improvement Plan; and

**WHEREAS**, GDOT has committed up to eighty percent (80%) or Three Hundred Thousand Dollars (\$300,000.00) in TE program funds necessary to design and construct the Westside Trail Project, Phase III (“Project”), GDOT Project Identification Number, PI# 0012736; and

**WHEREAS**, GDOT funding will be provided to the City of Atlanta (“City”) as reimbursement for contracted design, engineering and construction expenses upon inspection of work; and

**WHEREAS**, the City has committed through appropriations, the funding from various sources, including impact fees, Quality of Life Improvement Bond funds, and trust funds to complete the twenty percent (20%) local match requirement necessary to secure the federal funding; and

**WHEREAS**, the Project must be fully funded prior to reimbursement from GDOT in order to execute said contracts for construction; and

**WHEREAS**, the City is required to execute a Memorandum of Understanding with GDOT in order to receive the committed TE funds; and

**WHEREAS**, the stated goal of the Path Foundation, Inc. (“PATH”) is to provide expertise in the planning, design and implementation of the Project and locate private funding to combine with the local government match necessary to access federal funding

made available as part of the Transportation Enhancement Activities program administered by GDOT; 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 historically facilitated arrangements in which funding is made available from sources other than the City for design, engineering, and construction connected with development of this Project; and

**WHEREAS**, the City wishes to enter into a contractual agreement with PATH to act as the City's agent and construction manager for the Project; and

**WHEREAS**, approval of this legislation authorizes the Mayor to execute future agreements with GDOT associated with this Project including, but not limited to, project framework, right of way acquisition, construction, and mowing and maintenance agreements.

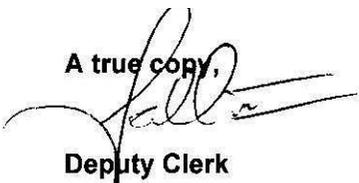
**THE CITY COUNCIL OF THE CITY OF ATLANTA HEREBY RESOLVES**, that the Mayor is hereby authorized to execute on behalf of the City of Atlanta, a Memorandum of Understanding with GDOT and to enter into a contractual agreement with PATH to act as the City's agent and construction manager for Project Indicator #0012736 (Westside Trail Phase III Project).

**BE IT FURTHER RESOLVED**, that any increase in the City's financial obligation above that specified in the authorizing legislation must be approved by further action of the City Council.

**BE IT FURTHER RESOLVED**, that the Mayor is authorized to execute future agreements with GDOT associated with this Project including, but not limited to, project framework, right of way acquisition, construction, and mowing and maintenance agreements.

**BE IT FINALLY RESOLVED**, that the City Attorney be and hereby is directed to negotiate, prepare, review and present to the Mayor for execution, the agreements necessary to effect the intent of this resolution provided that such agreements are in compliance with the conditions set forth herein.

A true copy,



Deputy Clerk

ADOPTED by the Atlanta City Council  
APPROVED as per City Charter Section 2-403

FEB 17, 2014  
FEB 26, 2014

RCS# 99  
2/17/14  
2:51 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I: ALL ITEMS  
EXCEPT 14-O-1072  
ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

NV Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Norwood
Y Young	Y Shook	NV Bottoms	Y Dickens
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

+

		02-17-14
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	
1. 14-O-1068	34. 14-R-3154	
2. 14-O-1099	35. 14-R-3155	
3. 14-O-1055	36. 14-R-3156	
4. 14-O-1085	37. 14-R-3157	
5. 14-O-1086	38. 14-R-3158	
6. 14-O-1088	39. 14-R-3159	
7. 14-O-1096	40. 14-R-3160	
8. 14-O-1100	41. 14-R-3161	
9. 14-O-1083	42. 14-R-3162	
10. 14-O-1084	43. 14-R-3163	
11. 14-O-1094	44. 14-R-3164	
12. 14-R-3179	45. 14-R-3165	
13. 14-R-3180	46. 14-R-3166	
14. 14-R-3181	47. 14-R-3167	
15. 14-R-3182	48. 14-R-3168	
16. 14-R-3183	49. 14-R-3169	
17. 14-R-3140	50. 14-R-3170	
18. 14-R-3141	51. 14-R-3171	
19. 14-R-3142	52. 14-R-3172	
20. 14-R-3143	53. 14-R-3173	
21. 14-R-3145	54. 14-R-3174	
22. 14-R-3149	55. 14-R-3175	
23. 14-R-3190	56. 14-R-3176	
24. 14-R-3191	57. 14-R-3177	
25. 14-R-3192	58. 14-R-3178	
26. 14-R-3194		
27. 14-R-3195		
28. 14-R-3196		
29. 14-R-3198		
30. 14-R-3150		
31. 14-R-3151		
32. 14-R-3152		
33. 14-R-3153		