

**CITY COUNCIL
ATLANTA, GEORGIA**

14-R-3198

A RESOLUTION BY CITY UTILITIES COMMITTEE 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.

Workflow List:

Santana Kempson Wright	Completed	02/03/2014 11:02 AM
Rita Braswell	Completed	02/04/2014 11:41 AM
Richard Mendoza	Completed	02/04/2014 11:54 AM
Saul Schultz	Completed	02/04/2014 12:23 PM
Mayor's Office	Completed	02/04/2014 12:25 PM
Office of Research and Policy Analysis	Completed	02/05/2014 9:17 AM
City Utilities Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

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

A RESOLUTION BY CITY UTILITIES COMMITTEE 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.

AND FINALLY BE IT 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.