

**A RESOLUTION BY  
COUNCILMEMBER C. T. MARTIN  
AS AMENDED BY TRANSPORTATION COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A PROJECT MANAGEMENT AGREEMENT WITH MIDTOWN BUSINESS ASSOCIATION, INC. D/B/A MIDTOWN ALLIANCE ("MIDTOWN ALLIANCE") FOR DESIGN, RIGHT OF WAY AND/OR CONSTRUCTION SERVICES FOR THE FOLLOWING FEDERAL TRANSIT ADMINISTRATION ("FTA") PROJECTS: JUNIPER STREET BICYCLE/PEDESTRIAN FACILITIES, MIDTOWN ATLANTA REGIONAL ACTIVITY CENTER PEDESTRIAN MOBILITY AND SAFETY IMPROVEMENTS, US19/SPRING STREET PEDESTRIAN MOBILITY AND SAFETY IMPROVEMENTS PROJECTS AS OUTLINED IN THE TRANSPORTATION IMPROVEMENT PROGRAM; AUTHORIZING AND APPOINTING MIDTOWN ALLIANCE TO ACT AS THE CITY OF ATLANTA'S IMPLEMENTATION AND CONSTRUCTION MANAGER FOR THE LISTED FTA PROJECTS; AND FOR OTHER PURPOSES.**

**WHEREAS**, Resolution 00-R-0317 consented to the creation of and authorized the Midtown Community Improvement District ("MCID") to provide such services as construction and maintenance of local, collector and arterial streets as shown on the City of Atlanta ("City")'s street classification map or as otherwise in the City's most recent adopted Comprehensive Development Plan, including curbs, sidewalks, street lights and devices to control the flow of traffic on local, collector and arterial streets, and

**WHEREAS**, Midtown Alliance is a non-profit corporation established to exercise and fulfill all the rights, powers, duties and obligations of the Midtown Community Improvement District ("MCID"); and

**WHEREAS**, Midtown Alliance is authorized to contract with the City pursuant to the constitutional and statutory authority of House Bill 544, 1991 Ga. Laws 3653; and

**WHEREAS**, Midtown Alliance offers a strong working public partnership to the City and its citizens and offers unique opportunities to significantly improve pedestrian mobility and access to transit in the Midtown Atlanta area for development of transit access and mobility improvements will significantly improve the quality of life for all citizens of the City; and

**WHEREAS**, the Transportation Improvement Program is the short term portion of the Regional Transportation Plan and allocates federal funds for use in construction of the highest priority transportation projects within the next four years; and

**WHEREAS**, the listed projects are included in the FY 2014-2019 Transportation Program as the Juniper Street Bicycle/Pedestrian Facilities, Midtown Atlanta Regional Activity Center Pedestrian Mobility and Safety Improvements, US 19/Spring Street Pedestrian Mobility and Safety Improvements Project (the "Midtown Projects"); and

**WHEREAS**, the City has requested and received approval and funding for these projects from the Federal Transit Administration ("FTA"); and

**WHEREAS**, the goal of Midtown Alliance is to provide expertise in the planning, design and implementation of these projects; and

**WHEREAS**, Midtown Alliance has committed to the City its willingness to enter into a Project Management Agreement to act as the City's implementation and construction manager for design, right-of-way and construction activities and to provide to or on behalf of the City an amount equal to the 10% local government match required of the City by the FTA in order to allow the City to utilize the federal funding presently designated for the Midtown Projects; and

**WHEREAS**, the Midtown Projects are approved as eligible for federal funds if the City can provide 10% in local government matching funds; and

**WHEREAS**, the City on behalf of the Department of Public Works wishes to enter into a Project Management Agreement ("PMA") with Midtown Alliance, designating Midtown Alliance to act as the City's Implementation Manager for the design, engineering, right of way acquisition and construction activities for the Midtown Projects as outlined in the PMA with Midtown Alliance; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, that the Mayor, or his designee, is authorized to execute a Project Management Agreement on behalf of the City with Midtown Business Association, Inc. d/b/a Midtown Alliance to act as the City's Implementation and Construction Manager for the Midtown Projects listed in this legislation.

**BE IT FURTHER RESOLVED**, that the City is authorized to accept from Midtown Alliance an amount equal to the 10% local government match required of the City in order to allow the City to utilize the federal funds designated for the Midtown Projects listed in this legislation.

**BE IT FURTHER RESOLVED**, that the Mayor, or his designee, is hereby authorized to enter into any necessary agreements in connection with the listed federal transit administration project funds.

**BE IT FURTHER RESOLVED**, that the City Attorney be and is hereby directed to prepare an appropriate Project Management Agreement in cooperation with the Department of Public Works, for execution by the Mayor or his designee.

**BE IT FINALLY RESOLVED**, that such Project Management Agreement shall not become binding upon the City and the City shall incur no obligation or liability there under until the Project Management Agreement has been approved by the City Attorney or her designee as to form, executed by the Mayor or his designee, attested to by the Municipal Clerk and delivered to Midtown Alliance.