

**INTERGOVERNMENTAL AGREEMENT
FOR THE PROVISION OF INSTALLATION AND MAINTENANCE OF
TRAFFIC CALMING DEVICES ON CLOUD STREET BETWEEN
DEKALB COUNTY, GEORGIA and
THE CITY OF STONE MOUNTAIN, GEORGIA**

THIS INTERGOVERNMENTAL AGREEMENT, by and between DeKalb County, Georgia (“County”) and the City of Stone Mountain, Georgia (“City”) entered into this _____ day of _____, 2018.

WHEREAS, DeKalb County, Georgia is a constitutionally created political subdivision of the State of Georgia; and

WHEREAS, the City of Stone Mountain is a municipality organized under the Laws of the State of Georgia, acting by and through its duly elected City Council; and

WHEREAS, the Georgia Constitution Art. 9, § 2, ¶ 3 prohibits cities and counties from exercising certain governmental authority within each other’s boundaries except by Intergovernmental Agreement or as otherwise provided by law; and

WHEREAS, the County and City desire to enter into an Intergovernmental Agreement (“IGA”), pursuant to Ga. Const. Art. 9, § 3, ¶ 1, for the County to install traffic calming devices on Cloud Street, which is located within the municipal boundaries of the City of Stone Mountain; and

WHEREAS, the petition process for installation of traffic calming devices on Cloud Street (“Petition”) was originally initiated in 2015, but was thereafter delayed due to requested re-design; and

WHEREAS, City residents were contributors to the Special Tax District - Designated Services (“Designated Fund”) at the time the Petition was originally filed and had been contributing into such Designated Fund for a number of years; and

WHEREAS, such payments by City residents have been made as taxes to the Designated Fund; and

WHEREAS, the County and City agree that Petitioners should receive the benefit of the City residents’ payment over the years into the Designated Fund in the form of installation of traffic calming devices on Cloud Street based on the original date of the Petition and the City’s contribution to the Designated Fund; and

WHEREAS, the County and the City further desire to establish the division of services to be shared by the County and the City related to the installation and maintenance of traffic calming devices pursuant to this Agreement; and

WHEREAS, the County and the City desire to maintain a mutually beneficial, efficient and cooperative relationship that will promote the interests of the citizens of both jurisdictions and the Cloud Street Traffic Calming Petition process has been on-going for some time; and

WHEREAS, the County and the City have authorized the execution of this Intergovernmental Agreement through appropriate Resolutions adopted by their respective governing bodies and the respective governing bodies have both approved the Cloud Street Traffic Calming Petition,

NOW THEREFORE, in consideration of the following mutual obligations, the County and City agree as follows:

ARTICLE 1

PURPOSE AND INTENT

1.1 The purpose of this Agreement is for the County to install traffic calming devices on Cloud Street, as indicated in Attachment A. Attachment A is attached hereto and hereby incorporated into this IGA. The County will pay for the costs of installation of the traffic calming devices on Cloud Street, as indicated in Attachment A, in a total amount not to exceed \$24,435.00.

1.2 The City will be responsible for levying and collecting taxes and/or fees for the purpose of maintenance, upkeep and repair of the traffic calming devices installed on Cloud Street and the City shall be solely responsible for the maintenance, upkeep and repair of the traffic calming devices on Cloud Street.

ARTICLE 2

TERM OF AGREEMENT

The term of this agreement shall be for fifty (50) years.

ARTICLE 3

RECORDKEEPING AND REPORTING

DeKalb County is the central repository for all records related to the installation of traffic calming devices on Cloud Street and will make available public records as defined by the Georgia Open Records Act, O.C.G.A. § 50-18-70, *et seq.*

ARTICLE 4

AMENDMENTS

This Agreement may be modified at any time during the term by mutual written consent of both parties, as approved by the parties' governing authorities.

ARTICLE 5

ENTIRE AGREEMENT

5.1 The parties acknowledge, one to the other, that the terms of this Agreement constitute the entire understanding and Agreement of the parties regarding the subject matter of the Agreement.

5.2 The attachments referred to and annexed to this Agreement are made a part of this Agreement.

ARTICLE 6

SEVERABILITY

If a court of competent jurisdiction renders any provision of this Agreement (or portion of a provision) to be invalid or otherwise unenforceable, that provision or portion of the provision will be severed and the remainder of this Agreement will continue in full force and effect as if the invalid provision or portion of the provision were not part of this Agreement.

ARTICLE 7

BINDING EFFECT

This Agreement shall inure to the benefit of, and be binding upon, the respective parties' successors.

ARTICLE 8

COUNTERPARTS

This Agreement may be executed in several counterparts, each of which shall be an original, and all of which shall constitute but one and the same instrument.

ARTICLE 9

THIRD-PARTY BENEFICIARIES

This agreement shall not be construed as, or deemed to be, an agreement for the benefit of any third party or parties. No third party or parties shall have any right of action hereunder for any cause whatsoever.

(SIGNATURES ON FOLLOWING PAGE)

IN WITNESS WHEREOF, the Parties have executed this Agreement through their duly authorized officers on the day and year written below.

This ____ day of _____, 2018.

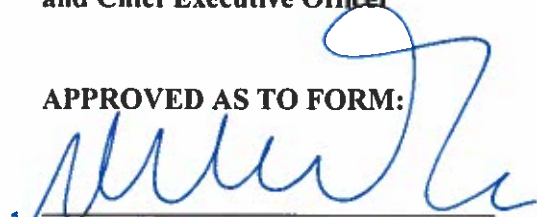
DEKALB COUNTY, GEORGIA

Dir. (SEAL)
MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

BARBARA H. SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners
and Chief Executive Officer

APPROVED AS TO FORM:



County Attorney
Supervising
MATTHEW C COE

CITY OF STONE MOUNTAIN, GEORGIA

Patricia Wheeler

Mayor Patricia Wheeler

Alicia Daniels

Municipal Clerk (SEAL)

Approved as to Form:

[Signature]

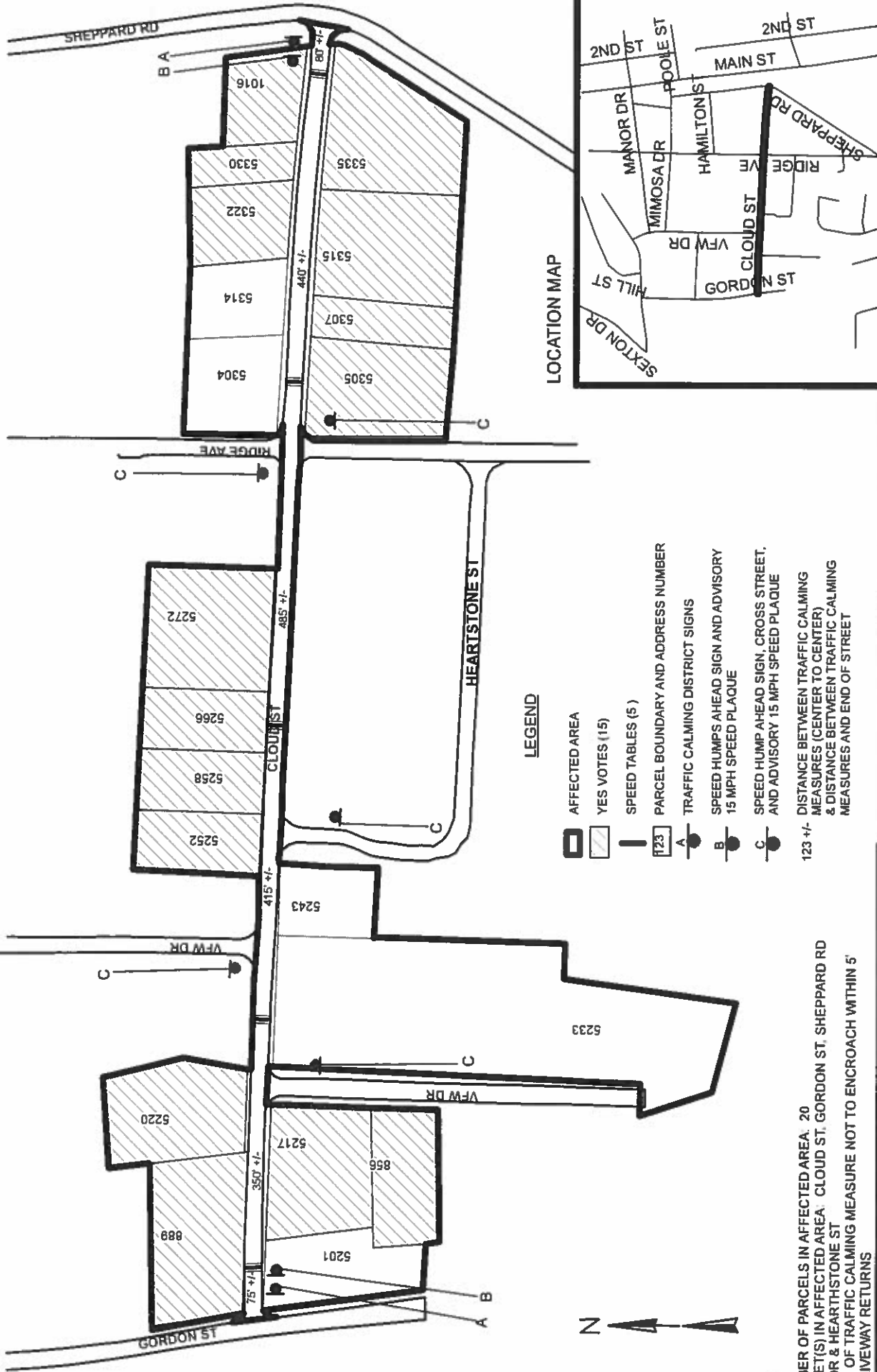
City Attorney



Attachment A

See Traffic Calming District 17-18-13 Map on the following page.

TRAFFIC CALMING DISTRICT 17-18-13



LEGEND

- AFFECTED AREA
- YES VOTES (15)
- SPEED TABLES (5)
- PARCEL BOUNDARY AND ADDRESS NUMBER
- TRAFFIC CALMING DISTRICT SIGNS
- SPEED HUMPS AHEAD SIGN AND ADVISORY 15 MPH SPEED PLAQUE
- SPEED HUMP AHEAD SIGN, CROSS STREET, AND ADVISORY 15 MPH SPEED PLAQUE
- DISTANCE BETWEEN TRAFFIC CALMING MEASURES (CENTER TO CENTER) & DISTANCE BETWEEN TRAFFIC CALMING MEASURES AND END OF STREET

NOTES

- 1) NUMBER OF PARCELS IN AFFECTED AREA: 20
- 2) STREET(S) IN AFFECTED AREA: CLOUD ST, GORDON ST, SHEPPARD RD VFW DR & HEARTHSTONE ST
- 3) EDGE OF TRAFFIC CALMING MEASURE NOT TO ENCROACH WITHIN 5' OF DRIVEWAY RETURNS

DEKALB COUNTY TRANSPORTATION DIVISION TRAFFIC CALMING SECTION

DRAWN BY: AE
REVIEWED BY: PGK
REVIEWED BY:
REVIEWED BY:

SCALE: N.T.S.

Date: 12/12/2017

CLOUD STREET

DIST: 18 TH LAND LOTS: 73, 74, 89 & 90

COMMISSION DISTRICTS: 4 & 7