

00-R-0727

(Do Not Write Above This Line)

A RESOLUTION *vern mccarty*
BY: COUNCILMEMBER VERN MCCARTY

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE HAITIAN MINISTRY AUTHORIZING THE CONSTRUCTION AND ERECTION OF A RETAINING WALL EXTENDING APPROXIMATELY 6 INCHES OVER AND ALONG THE PUBLIC RIGHT-OF-WAY AT 930 CUSTER AVENUE, S.E., IN COMPLIANCE WITH THE PROVISIONS OF SECTION 138-36 OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

ADOPTED BY
JUN 05 2000
COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 6/15/00
 Referred To: City Utilities
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

First Reading

Committee _____
 Date _____
 Chair _____
 Referred to _____

Committee City Utilities
 Date 5-30-00
 Chair Clara Muller
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members ON CONSTRUCTION
Michael...
James...
Steve...
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members _____
 Refer To _____

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Readings /
 Consent V Vote RC Vote

CERTIFIED

 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 JUN 05 2000
[Signature]
 DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

 JUN 13 2000
 MAYOR



CITY COUNCIL
ATLANTA, GEORGIA

RESOLUTION

BY COUNCILMEMBER *Dem Stans* VERN MCCARTY

00-*R*-0727

Vern McCarty

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE HAITIAN MINISTRY AUTHORIZING THE CONSTRUCTION AND ERECTION OF A RETAINING WALL EXTENDING APPROXIMATELY 6 INCHES OVER AND ALONG THE PUBLIC RIGHT OF WAY AT 930 CUSTER AVENUE S. E. IN COMPLIANCE WITH THE PROVISIONS OF SECTION 138-36 OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, The Haitian Ministry has built a retaining wall extending approximately six inches over and along the public right of way at 960 Custer Avenue S. E.; and

WHEREAS, The Haitian Ministry built the retaining wall to allow trees to be planted as a vegetative buffer between the right of way and their parking lot; and

WHEREAS, This encroachment was not a part of their building permit; and

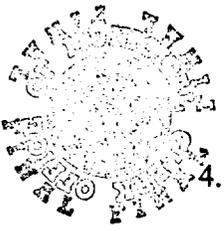
WHEREAS, Requiring the removal of the retaining wall would require the removal of the vegetative buffer; and

WHEREAS, The Haitian Ministry cannot receive a certificate of occupancy from the City without an encroachment agreement; and

WHEREAS, The City has determined that the public interest is served by allowing this encroachment to remain.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

1. The Mayor is hereby authorized to enter into an encroachment agreement with the Haitian Ministry so as to permit the construction of a retaining wall extending approximately 6 inches over and along the public right-of-way at 930 Custer Avenue S. E.
2. The City Attorney is hereby authorized to prepare an appropriate contractual agreement for signature by the Mayor, to be approved by the City Attorney as to form.
3. The Haitian Ministry agrees to indemnify the City for all construction and maintenance and for any damages to persons or properties resulting from the construction and maintenance of said improvement.



The Haitian Ministry agrees to remove said improvement within ninety days after receipt of notice from the City to do so at the expense of the Haitian Ministry

A true copy,

Phonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

JUNE 05, 2000
JUNE 13, 2000

RCS# 1999
6/05/00
6:11 PM

Atlanta City Council

Regular Session

00-R-0727

AUTHORIZE MAYOR TO ENTER INTO AGREEMENT
W/THE HAITIAN MINISTRY/WALL EXTENSION
ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 1
ABSENT 0

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	E Emmons
NV Bond	Y Morris	Y Maddox	NV Alexander
Y Winslow	Y Muller	NV Boazman	NV Pitts

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