



**A RESOLUTION BY:**

**CITY UTILITIES COMMITTEE**

**02-R-0486**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN ENCROACHMENT AGREEMENT WITH TUFF/ATLANTA HOUSING, LLC, UNIVERSITY LOFTS, LLC, OR THEIR DESIGNEE(S) FOR THE INSTALLATION OF PRIVATE UTILITY FACILITIES CROSSING UNDER AUDITORIUM PLACE IN THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.**

**WHEREAS,** TUFF/Atlanta Housing LLC, University Lofts, LLC and the Brookwood Group, as the Development Manager, are currently developing the "University Lofts" (the "Development"), a 14 story loft style building for housing 397 graduate, married, and international students, including ground level service retail and other facilities, adjoining the Georgia State University campus in downtown Atlanta; and

**WHEREAS,** as part of constructing the Development, four 4" PVC Data Ducts (the "Encroachments") are proposed to be installed under Auditorium Place, a street in the City of Atlanta, connecting the Development with Georgia State University's Data Network; and

**WHEREAS,** Brookwood Group has approached the City seeking an Encroachment Agreement allowing the installation of the Encroachments under Auditorium Place; and

**WHEREAS,** the Director of the Bureau of Buildings and the Commissioner of the Department of Public Works have reviewed the plans for the Development and the installation of the Encroachments under Auditorium Place, have determined that the plans meet the appropriate technical requirements and believe it to be desirable and in the best interests of the City to authorize the City to execute an Encroachment Agreement allowing the installation of the Encroachments;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:**

**Section 1.** The Mayor is authorized to enter into an Encroachment Agreement, as outlined in Section 138, Article II, of the City's Code of Ordinances, with TUFF/Atlanta Housing LLC, University Lofts, LLC, or their designee(s), for the installation of the Encroachments under the right-of-way in Auditorium Place, in a form and pursuant to conditions determined by the Commissioner of the City's Department of Public Works and the City Attorney to be desirable, appropriate and in the best interests of the City for this transaction.



**Section 2.** That the City Attorney is directed to prepare an Encroachment Agreement in accordance with Section 138, Article II, of the City's Code of Ordinances.

**Section 3.** That the Encroachment Agreement will not become binding upon the City and the City will incur no liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk and delivered to the appropriate parties.

A true copy,

*Khonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

APR 01, 2002  
APR 05, 2002

RCS# 3635  
4/01/02  
2:42 PM

Atlanta City Council

Regular Session

CONSENT I

Except; 02-R-0531; 02-R-0499; R-0497; R-0561  
02-R-0498; 02-R-0588; 02-R-0589; 02-R-0513

ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF ITEMS  
ADOPTED/ADVERSED ON  
CONSENT AGENDA

|           |             |           |            |
|-----------|-------------|-----------|------------|
| Y Smith   | Y Archibong | Y Moore   | Y Mitchell |
| Y Starnes | NV Fauver   | Y Martin  | Y Norwood  |
| Y Young   | Y Shook     | Y Maddox  | Y Willis   |
| Y Winslow | Y Muller    | Y Boazman | B Woolard  |

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
02-R-0497  
02-R-0498  
02-R-0499  
02-R-0513  
02-R-0531  
02-R-0561  
02-R-0589

**CORRECTED COPY**

CONSENT I

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**04/01/02 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

**ITEMS ADOPTED ON  
CONSENT AGENDA**

**ITEMS  
ADVERSED  
ON CONSENT  
AGENDA**

1. 02-O-0562
2. 02-O-0564
3. 02-O-0566
4. 02-O-0568
5. 02-O-0582
6. 02-O-0389
7. 02-O-0392
8. 02-O-0390
9. 02-O-0458
10. 02-O-0394
11. 02-O-0397
12. 02-O-0399
13. 02-O-0400
14. 02-O-0401
15. 02-O-0402
16. 02-O-0403
17. 02-O-0404
18. 02-O-0405
19. 02-O-0408
20. 02-R-0464
21. 02-R-0494
22. 02-R-0495
23. 02-R-0496
24. 02-R-0500
25. 02-R-0560
26. 02-R-0569
27. 02-R-0570
28. 02-R-0571
29. 02-R-0572
30. 02-R-0573
31. 02-R-0574
32. 02-R-0595
33. 02-R-0596

34. 02-R-0486
35. 02-R-0511
36. 02-R-0587
37. 02-R-0492
38. 02-R-0493
39. 02-R-0557
40. 02-R-0521
41. 02-R-0522
42. 02-R-0523
43. 02-R-0524
44. 02-R-0525
45. 02-R-0526
46. 02-R-0527
47. 02-R-0528
48. 02-R-0529
49. 02-R-0530
50. 02-R-0567
51. 02-R-0588
52. 02-R-0518
53. 02-R-0556
54. 02-R-0558
55. 02-R-0585
56. 02-R-0586
57. 02-R-0349
58. 02-R-0506
59. 02-R-0532
60. 02-R-0533
61. 02-R-0534
62. 02-R-0535

63. 02-R-0514
  64. 02-R-0515
  65. 02-R-0516
  66. 02-R-0517
  67. 02-R-0536
  68. 02-R-0537
  69. 02-R-0538
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  74. 02-R-0543
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  77. 02-R-0546
  78. 02-R-0547
  79. 02-R-0548
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  81. 02-R-0550
  82. 02-R-0551
  83. 02-R-0552
  84. 02-R-0553
  85. 02-R-0554
  86. 02-R-0555
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02-R-0486

(Do Not Write Above This Line)

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CITY UTILITIES COMMITTEE

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ADOPTED BY

APR 01 2002

COUNCIL

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

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred to \_\_\_\_\_

Committee City Utilities  
 Date April 26, 2002  
 Chair Clara Mullen  
 Action: \_\_\_\_\_  
 Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
 Other: \_\_\_\_\_  
 Members Clara Mullen  
[Signature]  
[Signature]  
 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

APR 1 2002

*Clara Mullen*

CERTIFIED

APR 01 2002

*Renee Douglas Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION

*APR 05 2002*  
*[Signature]*  
MAYOR