

A RESOLUTION

BY: CARLA SMITH

Carla Smith

02-R-1284

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE A COMPLAINT FOR AN INJUNCTION AGAINST GREGORY STALLS, MELVIN STALLS PEOPLESTOWN PARKING, INC. FOR AN ILLEGAL PARK-FOR-HIRE LOT OPERATED BY THEM AT 866-872 WASHINGTON STREET, ATLANTA, GEORGIA, AND FOR OTHER PURPOSES

WHEREAS, an illegal park-for hire lot is being operated Gregory Stalls, Melvin Stalls and Peoplestown Parking, LLC on property zoned R-5 at 866 Washington Street in the City of Atlanta during Atlanta Braves games and other events at Turner Field;

WHEREAS, despite being cited for and convicted of Zoning Code violations, these parties have paid the fine and continued to operate this illegal facility;

WHEREAS, the continued operation of this illegal park-for-hire facility creates a nuisance for the adjoining property owners and others who use the streets for access to the residential neighborhoods around Turner Field and causes nearby residents to suffer in the use and enjoyment of their property;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the City Attorney is hereby authorized to filed a Complaint for Injunction similar to the one attached hereto against Gregory Stalls, Melvin Stalls and Peoplestown Parking, LLC to enjoin the operation of the illegal park-for-hire lot at 866 Washington Street, Atlanta, Georgia and to take all legal actions she deems necessary to cause the operation of this facility to cease.

A true copy,

Carla Smith
Deputy Clerk

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

JULY 15, 2002

JULY 24, 2002



IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

CITY OF ATLANTA, GEORGIA,)	
)	
Plaintiff,)	
)	
)	CIVIL ACTION FILE
v.)	NO.
)	
GREGORY STALLS, MELVIN STALLS)	
and PEOPLETOWN PARKING, INC.)	
)	
Defendants.)	

COMPLAINT FOR INJUNCTION

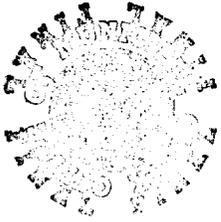
COME NOW the Plaintiff in the above referenced case, the City of Atlanta, Georgia and file this verified Complaint for Injunction showing the Court as follows:

1.

Plaintiff brings this action to temporarily and permanently enjoin defendants from operating an illegal park-for-hire parking lot on residentially zoned property located at 866-872 Washington Street, Atlanta, Fulton County, Georgia.

2.

Defendant Gregory Stalls resides at 2363 Maxwell Drive, SW, Atlanta, Fulton County, Georgia 30311 and is subject to the jurisdiction and venue of this Court. He may be served with a copy of this Complaint and Summons at his home address or at his place of employment, City of Atlanta Department of Parks and Recreation, City Hall East, 675 East Ponce de Leon, 7th Floor, Atlanta, Fulton County, Georgia 30308.



3.

Defendant Melvin Stalls resides at 2494 Old Hapeville Road, Atlanta, Fulton County, Georgia 30315 and is subject to the jurisdiction and venue of this Court. He may be served with a copy of this Complaint and Summons at his home address or at his place of employment, City of Atlanta Department of Public Works, 1110 Hill Street, Atlanta, Fulton County, Georgia 30315.

4.

Defendant Peopletown Parking, LLC may be served with a copy of this Complaint and Summons by serving a Second Original upon its registered agent for service, Arthur P. Tranakos at 125 E. Trinity Place, Suite 306, Decatur, Dekalb County, Georgia.

5.

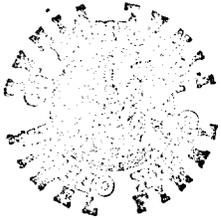
Defendants own property located at 866-872 Washington Street in the City of Atlanta, Georgia ("Property").

6.

The Property is zoned R-5 under the City of Atlanta Zoning Ordinance which allows for single family and duplex use. A copy of a Zoning Verification for this property is attached as Exhibit A. This zoning classification does not allow the Property to be used as a park-for-hire facility or any other type parking facility.

7.

During Atlanta Braves home games and other events at Turner Field, Defendants are using the Property to park motor vehicles of patrons attending these events. These patrons are charged a fee for parking on the Property. This is not a permitted use under the Property's zoning classification of



8.

Defendants and those working for them have been cited by City of Atlanta Code Enforcement Officers for this illegal use and have been fined by the City of Atlanta Municipal Court for their illegal use of the Property. Defendants have paid these fines and continue to use the Property illegally. The continued use of the Property as a park-for-hire facility despite the attempts to enforce the Zoning Ordinance creates a nuisance for the adjoining property owners and others who use the streets for access to residential neighborhoods. This nuisance, which causes nearby residents to suffer in the use and enjoyment of their property, creates a hardship which cannot be remedied by money damages.

9.

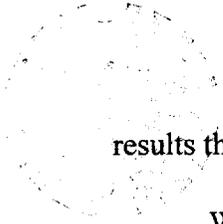
Defendants obviously still profit from the illegal use of the Property even after paying the fines for the Zoning Code violations, because they continue using the property for this illegal use to the detriment of the nearby residents. Furthermore, Defendants have observed that it is not possible to cite them on every occasion when they can profit from the illegal use of the Property. Accordingly, the Defendants continue using the property so as to maintain a nuisance to the detriment of the adjoining property owners and the nearby residents .

10.

The failure of enforcement of the Zoning Code to cause the nuisance to cease and its continued operation despite enforcement of the Zoning Code indicates that the Plaintiff does not have an adequate remedy at law.

11.

Plaintiff is entitled to a temporary, interlocutory and permanent injunction against the Defendants enjoining the continued illegal use of the Property at 866 - 872 Washington Street and the nuisance which



results therefrom.

Wherefore, Plaintiff prays:

(a) that this Court issue a temporary and permanent injunction to prevent the continued illegal use of the Property by Defendants.

(b) that costs of this action be cast against the Defendants and that the Plaintiff be awarded attorney fees

(c) such other and further relief that the Court deems proper.

Respectfully submitted,

Rosalind Rubens Newell
Interim City Attorney
State Bar No. 618290

By: _____
David D. Blum
Sr. Assistant City Attorney
State Bar No. 06450

By: _____
Lemuel H. Ward
Sr. Assistant City Attorney
State Bar No. 737030
Attorneys for Plaintiff

City of Atlanta Department of Law
Suite 4100
68 Mitchell Street, S.W.
Atlanta, Georgia 30335-0332

(404) 330-6400

RCS# 3907
7/15/02
8:01 PM

Atlanta City Council

Regular Session

02-R-1284 Smith Resolution Regarding Complaint

ADOPT

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

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

CORRECTED COPY

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Adopted 7/15/02 by Roll call vote

ADOPTED BY

- CONSENT REFER
REGULAR PAPER 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

Date

Chair

Action:
Fav, Adv, Hold (see rev. side)
Other:

Members

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

CERTIFIED
JUL 15 2002
ATLANTA CITY COUNCIL PRESIDENT
Catherine W. Woodward

CERTIFIED
JUL 15 2002
MAYOR
Frank D. Rouse

MAYOR'S ACTION

APPROVED

JUL 24 2002

WITHOUT SIGNATURE
BY OPERATION OF LAW