

CITY COUNCIL
ATLANTA, GEORGIA

A SUBSTITUTE RESOLUTION BY COUNCILMEMBER DEBI STARNES

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN ENCROACHMENT AGREEMENT WITH ATLANTIC STATION, L.L.C. OR ITS DESIGNEE(S) FOR THE MAINTENANCE OF A PRIVATE IRRIGATION SYSTEM AND RELATED FACILITIES WITHIN THE RIGHTS-OF-WAY CONSTRUCTED BY ATLANTIC STATION, L.L.C. WHICH ARE LOCATED WITHIN THE CITY OF ATLANTA AND ARE IN THE PROCESS OF BEING DEDICATED AS PUBLIC STREETS TO THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, in December of 1999, Atlantic Station, L.L.C. (“Atlantic Station”) purchased approximately 143 acres of land in northwest Atlanta known as the Atlantic Steel Mill site (the “Property”); and

WHEREAS, Atlantic Station is now developing the Property in accordance with a Redevelopment Plan adopted by the City of Atlanta; and

WHEREAS, as a part of the subject Redevelopment Plan, Atlantic Station is in the process of delivering to the City of Atlanta for dedication certain rights-of-way within the Property (the “New Public Streets”); and

WHEREAS, as part of the construction of the New Public Streets and development of the Property by Atlantic Station, a private irrigation system and related facilities has been installed under and within the Property and portions of the New Public Streets for irrigation of the landscaping located therein (the “Irrigation System”); and

WHEREAS, Atlantic Station has approached the City seeking an Encroachment Agreement for the portions of the Irrigation System which are located within the rights-of-way of the New Public Streets as depicted in that certain Irrigation Plan for Atlantic Station prepared by John Deere Landscapes, dated November 7, 2002 (the “Irrigation Plan”), attached hereto as Exhibit “A” and incorporated herein by this reference, together with the right to use, maintain, repair, and replace the Irrigation System; and

WHEREAS, the Director of the Bureau of Buildings and the Commissioner of the Department of Watershed Management have reviewed the plans for the development of the Property and the installation of the Irrigation System in the New Public Streets, 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 for the existence, use, maintenance, repair, and replacement of the Irrigation System;

NOW, THEREFORE, BE IT RESOLVED BY 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 of Atlanta Code of Ordinances, with Atlantic Station, or its designee(s), for the existence, use, maintenance, repair, and replacement of the Irrigation System in the rights-of-way of the New Public Streets as depicted on the Irrigation Plan attached hereto as Exhibit "A", in a form determined by the Commissioner of the City's Department of Public Works and the City Attorney to be desirable, appropriate and in the best interest 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.

RCS# 5457
2/16/04
7:49 PM

Atlanta City Council

Regular Session

04-R-0244

ENCHROACHMENT AGRMNT W/ATLANTIC STATION
PRIVATE IRRIGATION SYSYTEM FACILITIES
FILE

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

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

04-R-0244

#14

04-R-0244

(Do Not Write Above This Line)

A RESOLUTION BY COUNCILMEMBER DEBI STARBUCK
A RESOLUTION AUTHORIZING THE MAYOR OR
HER DESIGNEE TO ENTER INTO AN ENCROACHMENT
AGREEMENT WITH ATLANTIC STATION, L.L.C. OR
ITS DESIGNEES) FOR THE MAINTENANCE OF A
PRIVATE IRRIGATION SYSTEM UNDER A PORTION
OF 16TH STREET IN THE CITY OF ATLANTA
THAT HAS BEEN CONSTRUCTED BY ATLANTIC
STATION, L.L.C. AND IS IN THE PROCESS OF BEING
DEDICATED AS A PUBLIC STREET TO THE CITY OF
ATLANTA, AND FOR OTHER PURPOSES.

FILED BY
CITY COUNCIL

FEB 16 2004

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

Date Referred 02/02/04

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee
Date 2/10/04
Chair
Action

Fav. Adv, Hold (see rev. side)
Other
Members

Refer To

Committee

Date

Chair

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

Members

Refer To

Committee

Date

Chair

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

Members

Committee

Date

Chair

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

Members

Refer To

Refer To

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

CERTIFIED

FEB 16 2004

CERTIFIED
FEB 16 2004

Municipal Clerk

MAYOR'S ACTION