



AN ORDINANCE BY COUNCILMEMBER CLAIR MULLER  
AS SUBSTITUTED BY CITY UTILITIES COMMITTEE

AN ORDINANCE TO TRANSFER THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CODE OF ORDINANCES FOR THE RESIDENTIAL SUBDIVISION 'IRMA COURT' (SD-98-28) LOCATED OFF MT. PARAN RD., NW, TO THEN CONSTRUCT 3,658 SQUARE FEET OF SIDEWALK ALONG THE SOUTH SIDE OF PEACHTREE BATTLE AVE., THE SECTION BETWEEN HOWELL MILL ROAD AND WOODWARD WAY; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to the application of John Wesley of Paramount Property Development, Inc. for the subdivision "Irma Court" (SD-98-28) located off Mt. Paran Road, the developer is required to comply with the provisions of Section 15-09.003 of the Code of Ordinances to provide sidewalks; and

WHEREAS, the construction of sidewalks along the frontage of Mt. Paran Road would adversely affect the appearance and character of the neighborhood due to the lack of existing sidewalks along Mt. Paran Rd; and

WHEREAS, the intersection of Peachtree Battle and Howell Mill Road is not only heavily trafficked with vehicles but also by joggers, walkers, and mothers with baby strollers; and

WHEREAS, residents living along Peachtree Battle and other streets near Atlanta Memorial Park utilize the portion of Peachtree Battle between Howell Mill Road and Woodward Way as part of their walking or running course around and near the park; and

WHEREAS, this segment of Peachtree Battle is also without curbing, so the earth is very unstable at this location, which causes soil to erode and mud to run into the street during rainstorms; and

WHEREAS, because of eminent safety concerns on Peachtree Battle Ave., sidewalks particularly along the south side between Howell Mill and Woodward Way, are an immediate priority; therefore, in lieu of sidewalks for Irma Court off Mt. Paran, sidewalks should be constructed along that segment of Peachtree Battle Ave.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:



**SECTION 1:** That the requirements of Section 15-09.003 of the Code of Ordinances are hereby transferred for the construction of 3,658 square feet of sidewalk that would have been constructed for the Irma Court Subdivision (SD-98-28) off of Mt. Paran Rd., NW.

**SECTION 2:** That all other requirements of the Code of Ordinances for the Irma Court Subdivision (SD-98-28) shall remain in full force and effect.

**SECTION 3:** That all ordinances and parts of ordinances in conflict herewith be and the are hereby repealed.

A true copy  
  
Deputy Clerk

**ADOPTED** by the Council  
**APPROVED** by the Mayor

May 16, 2005  
May 23, 2005

RCS# 6656  
5/02/05  
2:43 PM

Atlanta City Council

Regular Session

05-0-0762

WAIVE SIDEWALK REQUIREMENTS FOR IRMA  
COURT; DEPOSIT \$10,500.00 DIST 8 TRUST  
REFER

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

05-0-0762

		05-16-05 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 05-O-0655	31. 05-R-0839	50. 04-R-1789
2. 05-O-0656	32. 05-R-0677	51. 05-R-0793
3. 05-O-0657	33. 05-R-0832	52. 05-R-0795
4. 05-O-0658	34. 05-R-0833	53. 05-R-0799
5. 05-O-0659	35. 05-R-0836	54. 05-R-0800
6. 05-O-0762	36. 05-R-0837	55. 05-R-0801
7. 05-O-0778	37. 05-R-0878	56. 05-R-0802
8. 05-O-0781	38. 05-R-0818	57. 05-R-0805
9. 05-O-0871	39. 05-R-0820	58. 05-R-0806
10. 05-O-0874	40. 05-R-0826	59. 05-R-0807
11. 05-O-0669	41. 05-R-0835	60. 05-R-0810
12. 05-O-0684	42. 05-R-0785	61. 05-R-0812
13. 05-O-0685	43. 05-R-0786	62. 05-R-0814
14. 05-O-0850	44. 05-R-0787	
15. 05-O-0702	45. 05-R-0788	
16. 05-O-0703	46. 05-R-0789	
17. 05-O-0704	47. 05-R-0790	
18. 05-O-0845	48. 05-R-0791	
19. 05-R-0822	49. 05-R-0792	
20. 05-R-0823		
21. 05-R-0824		
22. 05-R-0827		
23. 05-R-0828		
24. 05-R-0834		
25. 05-R-0881		
26. 05-R-0821		
27. 05-R-0872		
28. 05-R-0830		
29. 05-R-0875		
30. 05-R-0838		

05-0-0762

(Do Not Write Above This Line)

AN ORDINANCE BY  
COUNCILMEMBER CLAIR MULLER

AUTHORIZING THE MAYOR OR  
HER DESIGNEE TO WAIVE THE  
SIDEWALK REQUIREMENTS OF  
SECTION 15-09.003 OF THE CITY OF  
ATLANTA CODE OF ORDINANCES,  
TO PROVIDE THAT A CERTAIN  
SUBDIVISION SD-98-28 (IRMA COURT)  
APPLICANT DEPOSIT A DOLLAR  
AMOUNT OF \$10,500 EQUAL TO THE  
VALUE OF THE REQUIRED  
SIDEWALK CONSTRUCTION INTO  
THE DESIGNATED TRUST FUND  
ACCOUNT FOR DISTRICT 8; AND  
FOR OTHER PURPOSES.

ADOPTED BY

MAY 16 2005

SUBSTITUTE COUNCIL

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

Date Referred: 4/18/05  
Referred To: City Utilities  
Date Referred: 5-2-2005  
Referred To: City Utilities  
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

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

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

CERTIFIED

MAY 16 2005

MAYOR'S ACTION

*Andy Frank*