

# COMMITTEE AMENDMENT FORM

DATE: 10/9/07

COMMITTEE      CITY UTILITIES      PAGE NUM. (S) 1

ORDINANCE I. D. #07-O-      SECTION (S)

RESOLUTION I. D. #07-R-2133      PARA. CAPTION,

AMENDS THE LEGISLATION BY CORRECTLY SPELLING STRATFORD  
ROAD, NE IN THE CAPTION

AMENDMENT DONE BY COUNCIL STAFF 10/9/07

**A RESOLUTION BY**

**07-R-2133**

**COUNCIL MEMBER HOWARD SHOOK**

**AS AMENDED BY CITY UTILITIES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA (“CITY”), TO ENTER INTO AN ENCROACHMENT AGREEMENT FOR NON-CONFORMING USES, WITH THE MANSION CENTRE HOLDING, LLC., FOR THE PURPOSE OF INSTALLING A CANOPY ON STRATFORD ROAD, N.E., ON THE CITY’S RIGHT-OF-WAY; AND FOR OTHER PURPOSES.**

**WHEREAS**, Mansion Centre Holding, LLC. (“MCH”) is constructing a multi-use development, which includes 166,000 square feet of hotel and restaurant commercial space, and 202,000 square feet of residential condominiums, located at 3376 Peachtree Road, N.E., Atlanta, Georgia; and

**WHEREAS**, MCH wishes to install a canopy at the residential entrance on Stratford Road that will extend over the sidewalk into the City of Atlanta’s right-of-way of Stratford Road; and

**WHEREAS**, installation of the canopy would allow residents to go from their cars to the building without being exposed to inclement weather conditions; and

**WHEREAS**, the canopy will extend 6 feet, 5 inches into the right-of-way of Stratford Road for a length of 27 feet, 3 ¾ inches along at a height of 11.5 feet above the sidewalk to the bottom of the canopy (see attached as exhibit “A”); and

**WHEREAS**, the canopy will be cantilevered over the sidewalk with no supports below its bottom face which allows for no restrictions on the flow of traffic along the entire 10 foot width of the sidewalk; and

**WHEREAS**, MCH desires to obtain from the City an agreement for the construction, installation, maintenance, repair and replacement of the Encroachments into, and the presence and existence of the Encroachments in, the Encroachment Areas; and

**WHEREAS**, MCH is requesting this permanent construction and maintenance agreement to accomplish the tasks identified above; and

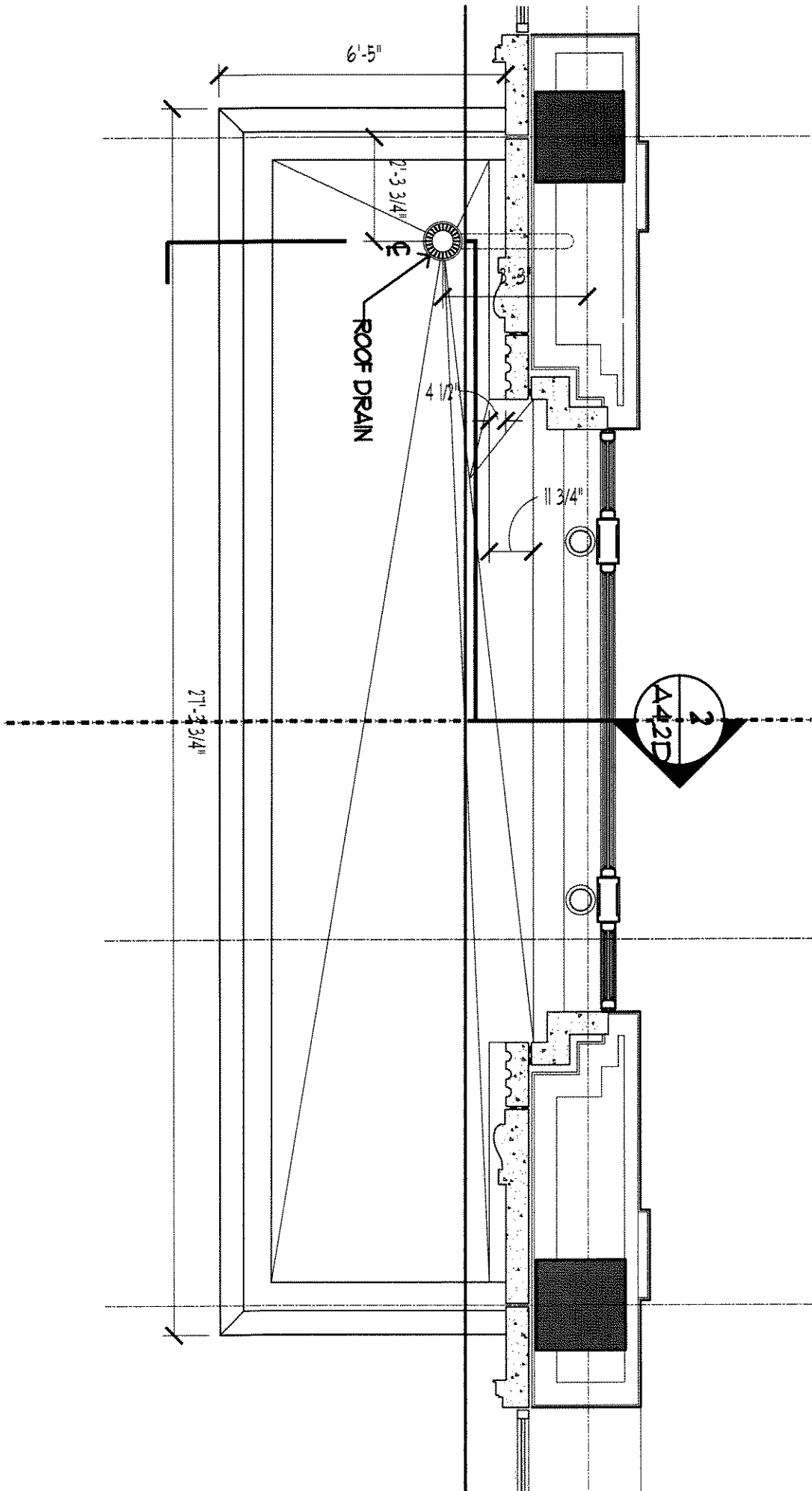
**WHEREAS**, the City of Atlanta’s Code of Ordinances, Section 138, Article II, requires a Right-of-Way Encroachment Agreement for non-conforming uses for the construction and operation of private structures or properties that encroach into and within the public right-of-way for which there is not an applicable agreement; and

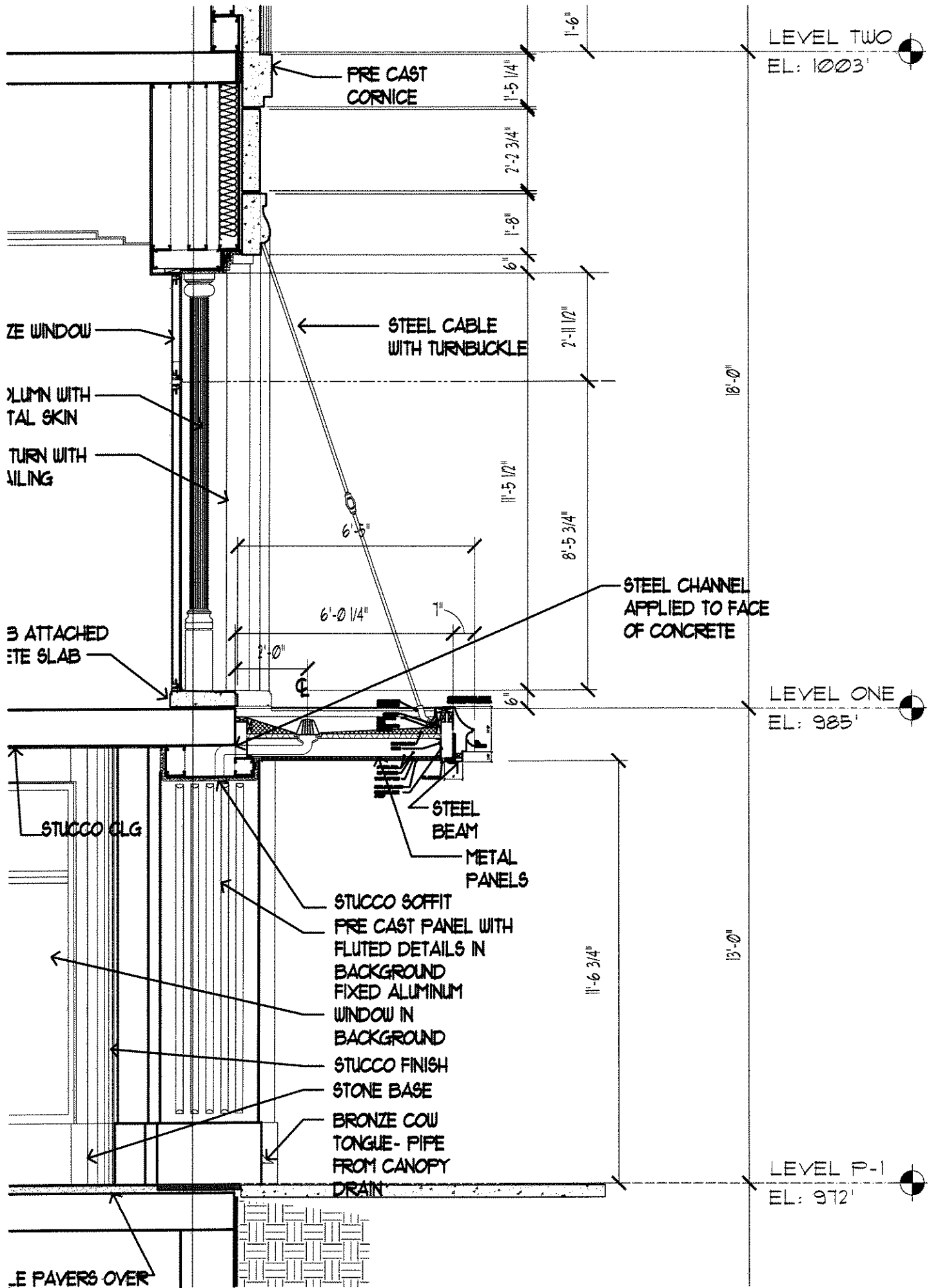
**WHEREAS**, the Commissioner of the Department of Public Works has reviewed the plans for the Right-of-Way Encroachments and has determined that the work will not adversely impact the ability of the affected Rights-of-Way to handle vehicular or pedestrian traffic or otherwise to perform its intended public function.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor is authorized, on behalf of the City of Atlanta, to enter into an Encroachment Agreement for Nonconforming Uses, as outlined in Section 138, Article II, of the City's Code of Ordinances, with Mansion Centre Holding, LLC, for the purpose of installing a canopy on Stratford Road, N.E. on the City's Right-of-Way, 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 of Atlanta for this transaction.

**BE IT FURTHER RESOLVED**, that the City Attorney is directed to prepare an Encroachment Agreement for Non-Conforming Uses in accordance with Section 138, Article II, of the City's Code of Ordinances.

**BE IT FINALLY RESOLVED**, that the Encroachment Agreement for Non-Conforming Uses will not become binding upon the City, and the City will incur no obligation nor liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to Mansion Centre Holding, LLC.





LEVEL TWO  
EL: 1003'

LEVEL ONE  
EL: 985'

LEVEL P-1  
EL: 972'

PRE CAST  
CORNICE

STEEL CABLE  
WITH TURNBUCKLE

STEEL CHANNEL  
APPLIED TO FACE  
OF CONCRETE

STEEL  
BEAM

METAL  
PANELS

STUCCO SOFFIT  
PRE CAST PANEL WITH  
FLUTED DETAILS IN  
BACKGROUND  
FIXED ALUMINUM  
WINDOW IN  
BACKGROUND  
STUCCO FINISH  
STONE BASE  
BRONZE COW  
TONGUE- PIPE  
FROM CANOPY

DRAIN

STUCCO CLG

STONE WINDOW

COLUMN WITH  
METAL SKIN

TURN WITH  
FINISHING

3 ATTACHED  
CONCRETE SLAB

STONE PAVERS OVER

HLSH

07-R-2133

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**WHEREAS**, Mansion Centre Holding, LLC. (“MCH”) is constructing a multi-use development, which includes 166,000 square feet of hotel and restaurant commercial space, and 202,000 square feet of residential condominiums, located at 3376 Peachtree Road, N.E., Atlanta, Georgia; and

**WHEREAS**, MCH wishes to install a canopy at the residential entrance on Stratford Road that will extend over the sidewalk into the City of Atlanta’s right-of-way of Stratford Road; and

**WHEREAS**, installation of the canopy would allow residents to go from their cars to the building without being exposed to inclement weather conditions; and

**WHEREAS**, the canopy will extend 10.83 feet into the right-of-way of Stratford Road for a length of 26.17 feet along at a height of 11.5 feet above the sidewalk to the bottom of the canopy (see attached as exhibit “A”); and

**WHEREAS**, the canopy will be cantilevered over the sidewalk with no supports below its bottom face which allows for no restrictions on the flow of traffic along the entire 10 foot width of the sidewalk; and

**WHEREAS**, MCH desires to obtain from the City an agreement for the construction, installation, maintenance, repair and replacement of the Encroachments into, and the presence and existence of the Encroachments in, the Encroachment Areas; and

**WHEREAS**, MCH is requesting this permanent construction and maintenance agreement to accomplish the tasks identified above; and

**WHEREAS**, the City of Atlanta’s Code of Ordinances, Section 138, Article II, requires a Right-of-Way Encroachment Agreement for non-conforming uses for the construction and operation of private structures or properties that encroach into and within the public right-of-way for which there is not an applicable agreement; and

**WHEREAS**, the Commissioner of the Department of Public Works has reviewed the plans for the Right-of-Way Encroachments and has determined that the work will not adversely impact the ability of the affected Rights-of-Way to handle vehicular or pedestrian traffic or otherwise to perform its intended public function.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor is authorized, on behalf of the City of Atlanta, to enter into an Encroachment Agreement for Nonconforming Uses, as outlined in Section 138, Article II, of the City's Code of Ordinances, with Mansion Centre Holding, LLC, for the purpose of installing a canopy on Stratford Road, N.E. on the City's Right-of-Way, 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 of Atlanta for this transaction.

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**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** City Utilities

**Caption:** A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO ENTER INTO AN ENCROACHMENT AGREEMENT FOR NON-CONFORMING USES, WITH THE MANSION CENTRE HOLDING, LLC., FOR THE PURPOSE OF INSTALLING A CANOPY ON STRAFFORD ROAD, N.E., ON THE CITY'S RIGHT-OF-WAY; AND FOR OTHER PURPOSES.

**Council Meeting Date:** October 1, 2007

**Requesting Dept.:** Public Works

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose is the installation of non-conforming encroachments the City of Atlanta's Right-of-Way on the following street segments:-

To install a Canopy on Stratford Road, N.E. on the City of Atlanta's Right-of-Way

**2. Please provide background information regarding this legislation.**

The Mansion Centre Holding, LLC is constructing a multi-use development including 166,000 s.f. of hotel and restaurant commercial space and 202,000 s.f. of residential condominiums located at 3376 Peachtree Road, NE, Atlanta, Georgia. A very small portion of this project will encroach into the right-of-way of Stratford Road. There is a canopy at the residential entrance on Stratford Road that will extend over the sidewalk into the right-of-way of Stratford Road. Legislation to authorize Non-conforming Encroachments on the City of Atlanta's Right-of-Way. The encroachments is listed as follows:-

The Canopy is situated at the residential entrance on Stratford Road that will extend over the sidewalk into the right-of-way of Stratford Road. This canopy is to cover the residential entrance on Stratford Road at the residential drop off point to allow residence to go from their cars to the building without having to be exposed to incimate weather conditions.

The canopy will extend 10.83 feet into the R.O.W. of Stratford Road for a length of 26.17 feet along and at a height of 11.5 feet above the sidewalk to the bottom of the canopy. The canopy will be cantilevered over the sidewalk with no supports below its bottom face which allows for no constrictions on the flow of traffic

along the entire 10 foot width of the sidewalk. The construction of the canopy will consist of laminated glass panels within a bronze frame.

**3. If Applicable/Known:**

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** NA
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:**

4. **Fund Account Center:**

5. **Source of Funds: *Example: Local Assistance Grant***

6. **Fiscal Impact:**

7. **Method of Cost Recovery:**

**This Legislative Request Form Was Prepared By: Lorn Whittaker**

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: (404) 330-6002

Originating Department: Public Works

Committee(s) of Purview: City Utilities

Chief of Staff Deadline: September 10, 2007

Anticipated Committee Meeting Date(s): September 26, 2007

Anticipated Full Council Date: October 1, 2007

Legislative Counsel's Signature: Terry Grandison 

Commissioner Signature: \_\_\_\_\_

Chief Procurement Officer Signature: \_\_\_\_\_

**CAPTION**  
A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO ENTER INTO AN ENCROACHMENT AGREEMENT FOR NON-CONFORMING USES, WITH THE MANSION CENTRE HOLDING, LLC., FOR THE PURPOSE OF INSTALLING A CANOPY ON STRAFFORD ROAD, N.E., ON THE CITY'S RIGHT-OF-WAY; AND FOR OTHER PURPOSES.

Mayor's Staff Only  
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Received by CPO: \_\_\_\_\_ (date)      Received by LC from CPO: \_\_\_\_\_ (date)

Received by Mayor's Office:  \_\_\_\_\_ (date)      Reviewed by:  \_\_\_\_\_ (date)

Submitted to Council: \_\_\_\_\_ (date)