08- R -0484

A RESOLUTION 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 WESTIN BUCKHEAD ATLANTA, LOCATED AT 3319 PEACHTREE ROAD N.E. ATLANTA, GEORGIA, FOR THE INSTALLATION OF TWO (2) 1,500 GALLON GREASE TRAPS, TO SERVICE THE EXISTING KITCHEN FACILITIES IN THE RIGHT-OF-WAY IN AROUND LENOX DRIVE, N.E. (ALSO KNOWN AS WOODDALE DRIVE); AND FOR OTHER PURPOSES.

WHEREAS, the Westin Buckhead Atlanta ("Westin"), located at 3391 Peachtree Road N.E., Atlanta, Georgia, wishes to install two (2) 1,500 gallon grease traps in around Lenox Drive N.E. (also known as Wooddale Drive N.E.) to service the existing kitchen facilities; and

WHEREAS, the Westin building is located very close to the property line and the property owners assert there is no other reasonable way to construct the grease traps in any other location other than in around Lenox Drive N.E. (also known as Wooddale Drive N.E.); and

WHEREAS, the Westin 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, the Westin 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 the Westin Buckhead Atlanta, located 3391 Peachtree Road Atlanta, Georgia, for the installation of two (2) 1,500 gallon grease traps to service the existing kitchen facilities, in the right-of-way of in Around Lenox,

N.E. (also known as Wooddale Drive N.E.), 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 the Westin Buckhead Atlanta.

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 WESTIN BUCKHEAD ATLANTA, LOCATED AT 3391 PEACHTREE ROAD N.E. ATLANTA, GEORGIA, FOR THE INSTALLATION OF TWO (2) 1,500 GALLON GREASE TRAPS, TO SERVICE THE EXISTING KITCHEN FACILITIES IN THE RIGHT-OF-WAY IN AROUND LENOX DRIVE, N.E. (ALSO KNOWN AS WOODDALE DRIVE); AND FOR OTHER PURPOSES.

Council Meeting Date: March 17, 2008

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 of this legislation is to authorizing the mayor to execute an Encroachment Agreement with the Westin Atlanta at 3391Peachtree Road N.E. Atlanta, GA 30326 to install two (2) 1,500 gallon grease traps to service the existing kitchen facilities in the right-of-way of Around Lenox, N.E. also known as Wooddale Drive, N.E.

2. Please provide background information regarding this legislation.

The Westin Buckhead has been directed by the Department of Watershed Management to install the 1,500 gallon grease traps to service the existing kitchen

facilities. The grease traps has to be installed in the City of Atlanta's right-of-way in Around Lenox Drive, N.E.

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*** N/A

6. **Fiscal Impact:** N/A

7. **Method of Cost Recovery:** Revenues generated will be used to fund the personnel needed to carry out the permitting process.

This Legislative Request Form Was Prepared By: Lorn L. Whittaker

THE WESTIN BUCKHEAD
ATLANTA

July 26, 2007

Mr. Lorn Whittaker
Department of Public Works
Office of Transportation
68 Mitchell Street, S.W.
Suite 4900, City Hall South
Atlanta, GA 30303-3531

Dear Mr. Whittaker,

The Westin Buckhead, located at 3391 Peachtree Road, has been directed by the City of Atlanta Department of Watershed Management to install two 1,500 gallon grease traps to service the existing kitchen facilities. The existing building is located very near the property line and there is no reasonable way to construct the grease traps in any location other than in the right-of-way of the adjacent street, Wooddale Drive NE.

In January of 2007, the Civil Engineering consultant to the Westin, Paul Flippo with Eberly & Associates Inc. submitted plans to Cloressa Wesson with the Office of Transportation with the intent of obtaining a Utility Encroachment Permit to construct the grease traps in the right-of-way of Wooddale Drive NE. On January 22, 2007, the permit applicant received a letter from the Office of Transportation stating that Wooddale Drive NE had been abandoned in 1983 per ordinance 83O14419. At this time, the applicant was told that the review of the Building Permit Documents by The Bureau of Buildings and the Office of Transportation could not occur until the plans were revised to reflect the abandonment of Wooddale Drive NE.

Following the receipt of the letter dated January 22, 2007, the applicant researched the abandonment of Wooddale drive at the Fulton County Courthouse and found no record by Deed or Plat indicating that the right-of-way of Wooddale Drive NE has been abandoned per ordinance 83014419.

The Westin Buckhead is now requesting a Utility Encroachment Permit to allow for the construction of the grease traps in Wooddale Drive NE. Our Civil Engineering Consultant, Paul Flippo, recently spoke with you about the process for obtaining the permit. As we understand it, by providing this letter and a set of drawings, we will begin the process. Your office will forward this information to your legal council who will prepare the subject to be presented at the appropriate City Council Meeting. If this is not correct, please let me know as soon as possible so that we can resolve this issue promptly.

Thank you,

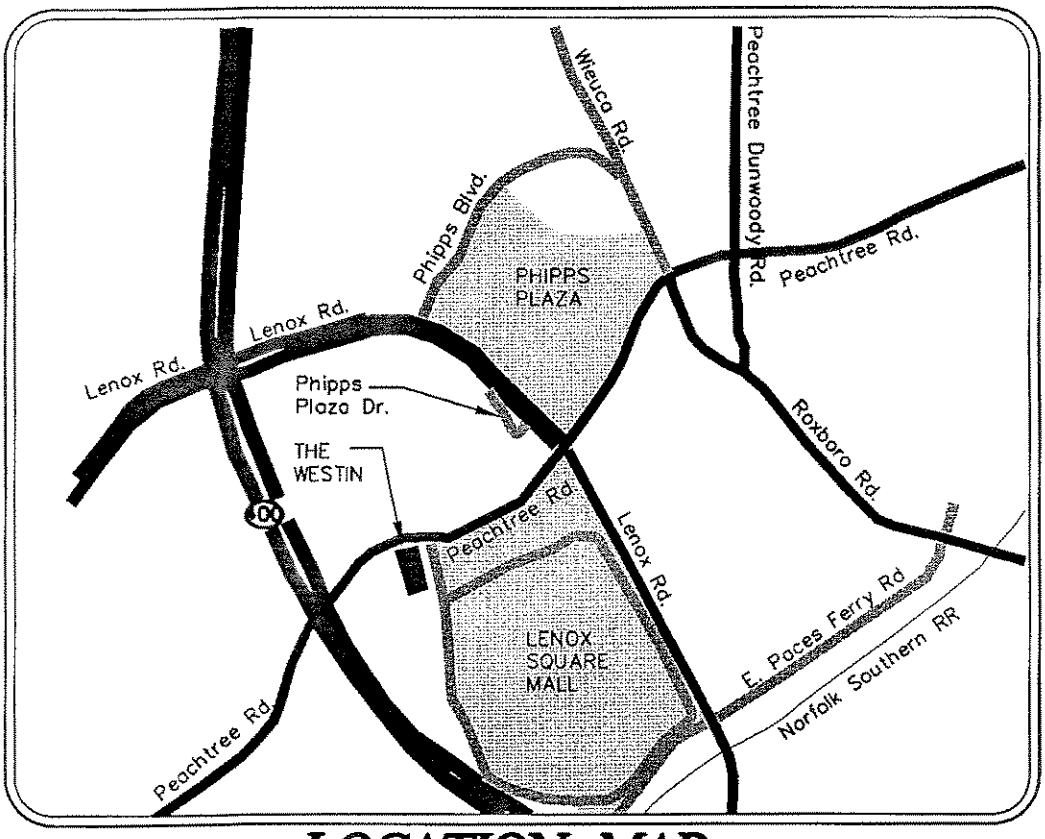
Robert Attaway

Director of Engineering
Westin Buckhead Atlanta

robert.attaway@westin.com

3391 PEACHTREE ROAD NE, ATLANTA, GA 30326
TEL: (404) 365-0065 FAX: (404) 365-8787

VISIT WESTIN.COM/BUCKHEAD OR CALL 1-800-WESTIN-1



LOCATION MAP

N.T.S.

NO PORTION OF THIS PROPERTY LIES IN THE FLOOD HAZARD ZONE AE AS PER THE FULTON COUNTY F.I.R.M. COMMUNITY PANEL NO. 13121C0251E DATED JUNE 22, 1998.

SITE DATA

ZONING USE: N/A
TOTAL ACREAGE: 00.02
DISTURBED ACREAGE: 00.02
FULTON COUNTY, GA
LAND LOT 45; 17th DISTRICT

BUILDING DATA

BUILDING SQUARE FOOTAGE:
N/A

PARKING DATA

REQUIRED PARKING
OFFICE: N/A
WAREHOUSE: N/A
TOTAL: N/A
PARKING PROVIDED: N/A

OWNER/DEVELOPER

CCSH ATLANTA, LLC
C/O HOST RANDY GAINES
6903 ROCK LEDGE DRIVE, STE. 1500
BETHESDA, MARYLAND 20817
(240) 744-1000

ENGINEER

PAUL FLIPPO, P.E.
EBERLY & ASSOCIATES, INC.
1852 CENTURY PLACE, SUITE 202
ATLANTA, GEORGIA 30345
(770) 452-7849

24 HOUR CONTACT

ROBERT ATTAWAY
(404) 365-6432

EBERLY & ASSOCIATES
TEL: 770.452.7849 FAX: 770.452.0836
3680 NORTH PEACHTREE ROAD
ATLANTA, GEORGIA 30341
WWW.EBERLY.NET
LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE

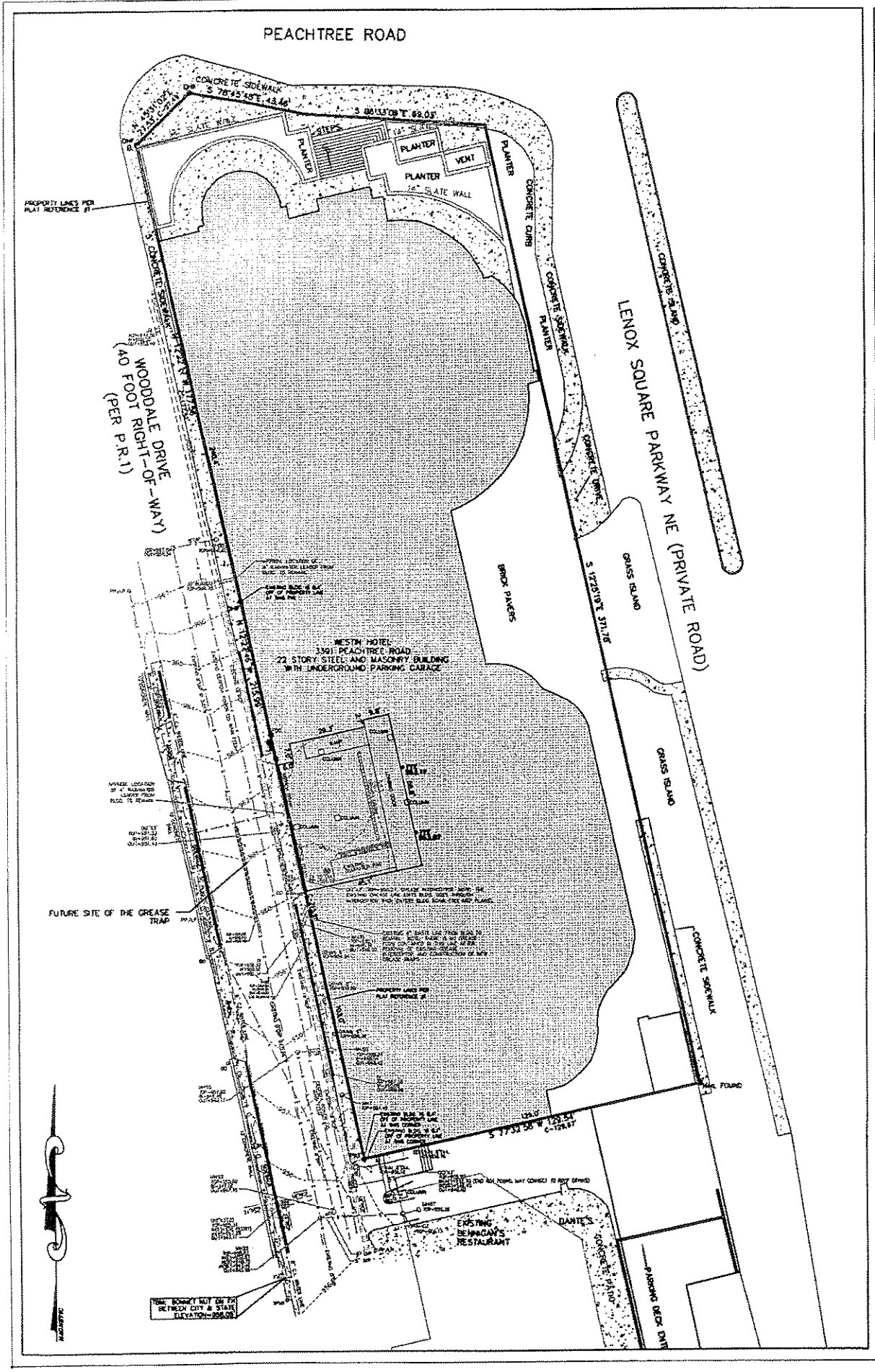
PROJECT:
The Westin-Buckhead
Grease Interceptor Replacement
LAND LOT 45
17th DISTRICT
FULTON COUNTY, GEORGIA

REVISIONS:

LOCATION MAP
SCALE: N.T.S.
DATE: 01/08/08
DRAWN BY:
PROJECT MANAGER: PAUL FLIPPO
QA/QC CHECK:

PROJECT NO.
06-140

C0.0



BERLY & ASSOCIATES

TEL: 770.452.7049 FAX: 770.452.0086
3690 NORTH PEACHTREE ROAD
ATLANTA, GEORGIA 30341
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LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE

PROJECT:
The Westin-Buckhead
Grease Interceptor Replacement
LAND LOT 45
17th DISTRICT
FULTON COUNTY, GEORGIA

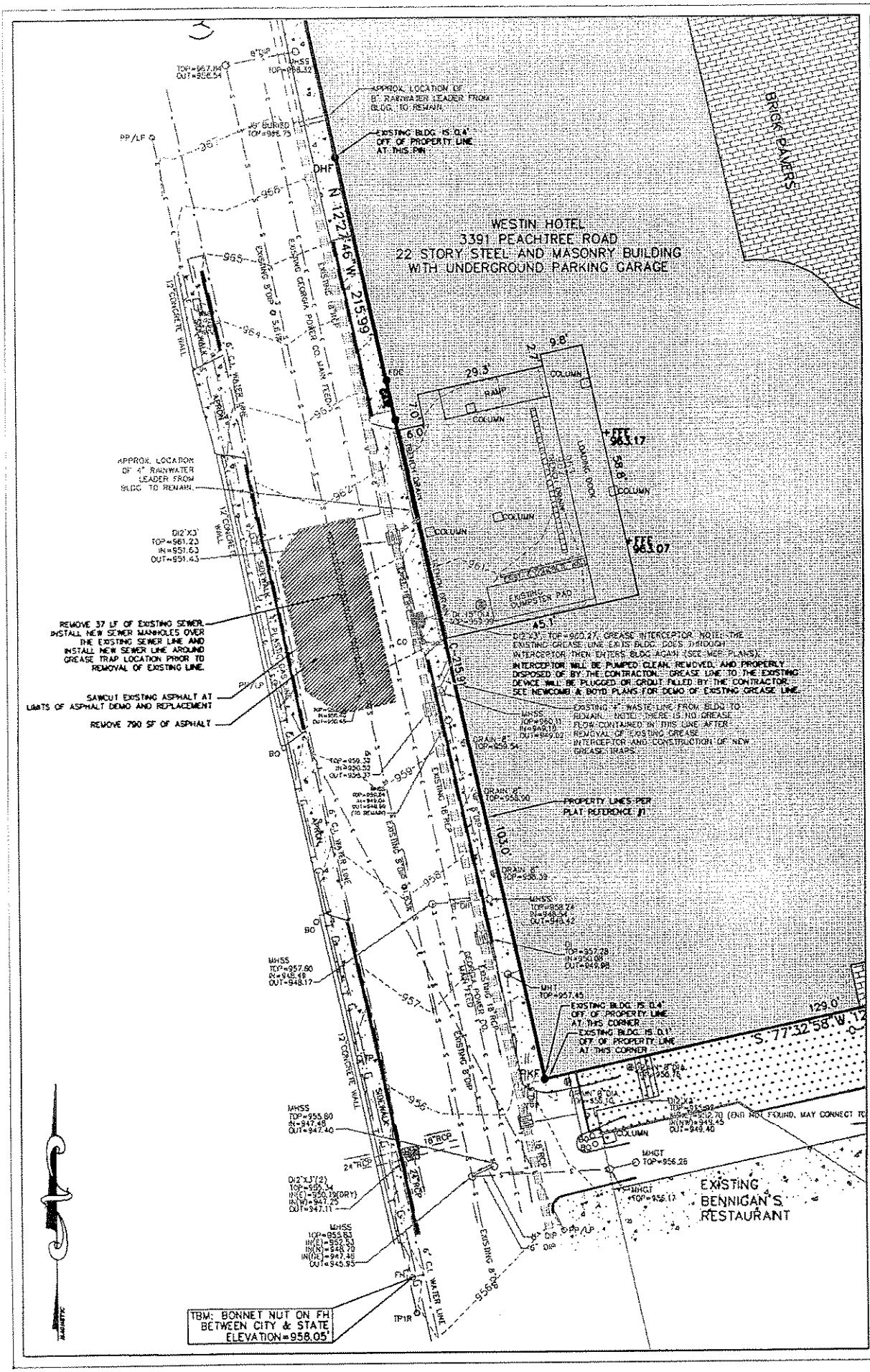
REVISIONS:

EXISTING CONDITIONS PLAN

SCALE: 1"=50'
DATE: 01/08/08
DRAWN BY:
PROJECT MANAGER: PAUL PUPPO
QA/QC CHECK:

PROJECT NO.
06-140

C1.0



EBERLY & ASSOCIATES

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3680 NORTH PEACHTREE ROAD
ATLANTA, GEORGIA 30341
WWW.EBERLY.NET

LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE

PROJECT:
The Westin-Buckhead
Grease Interceptor Replacement
LAND LOT 45
17th DISTRICT
FULTON COUNTY, GEORGIA

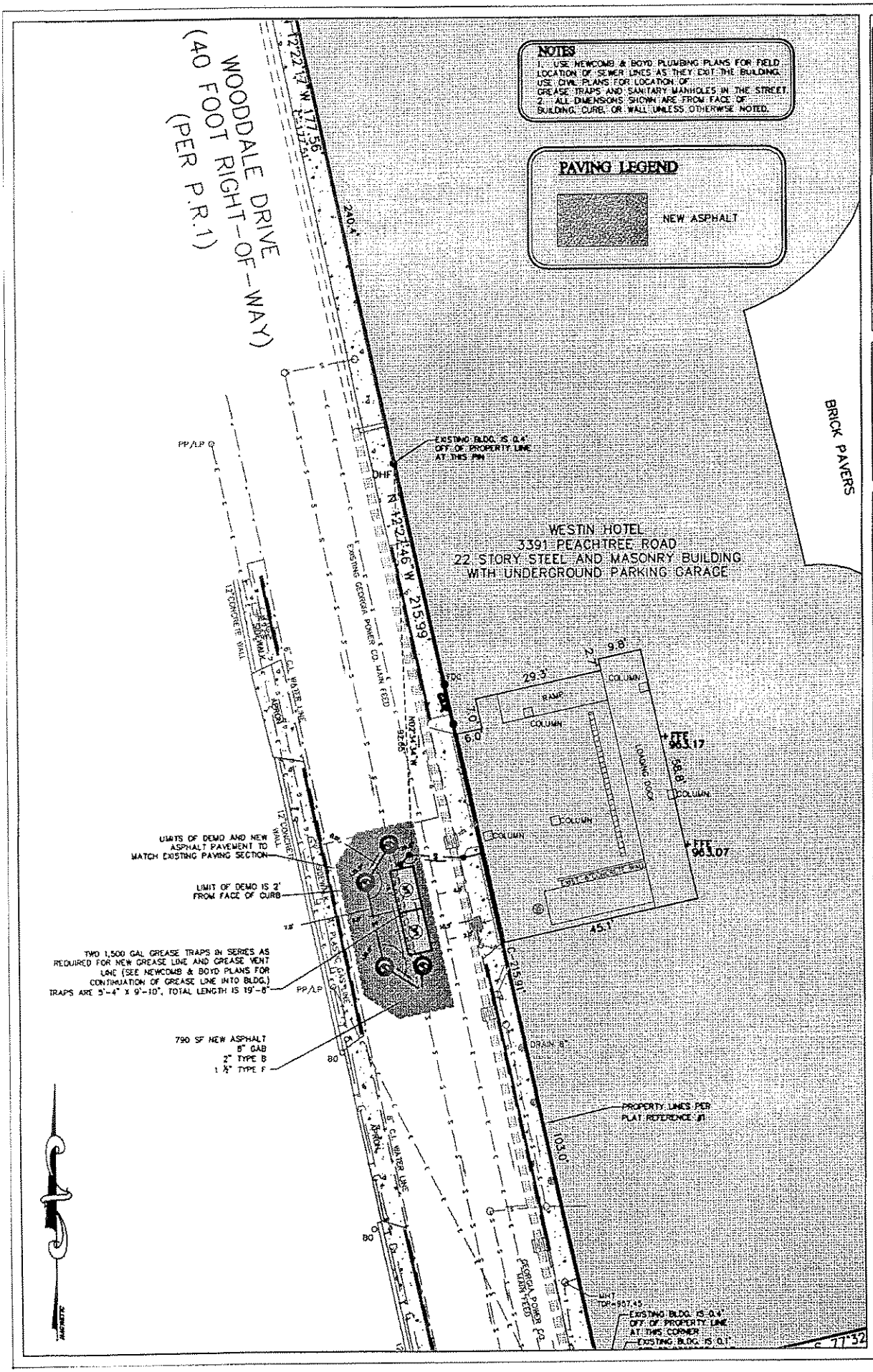
REVISIONS:

DEMOLITION PLAN

SCALE:	1"=30'
DATE:	01/08/08
DRAWN BY:	
PROJECT MANAGER:	PAUL FLIPPO
QA/QC CHECK:	

PROJECT NO.
06-140

C2.0



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CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE

PROJECT:
The Westin-Buckhead
Grease Interceptor Replacement
LAND LOT 45
17th DISTRICT
FULTON COUNTY, GEORGIA

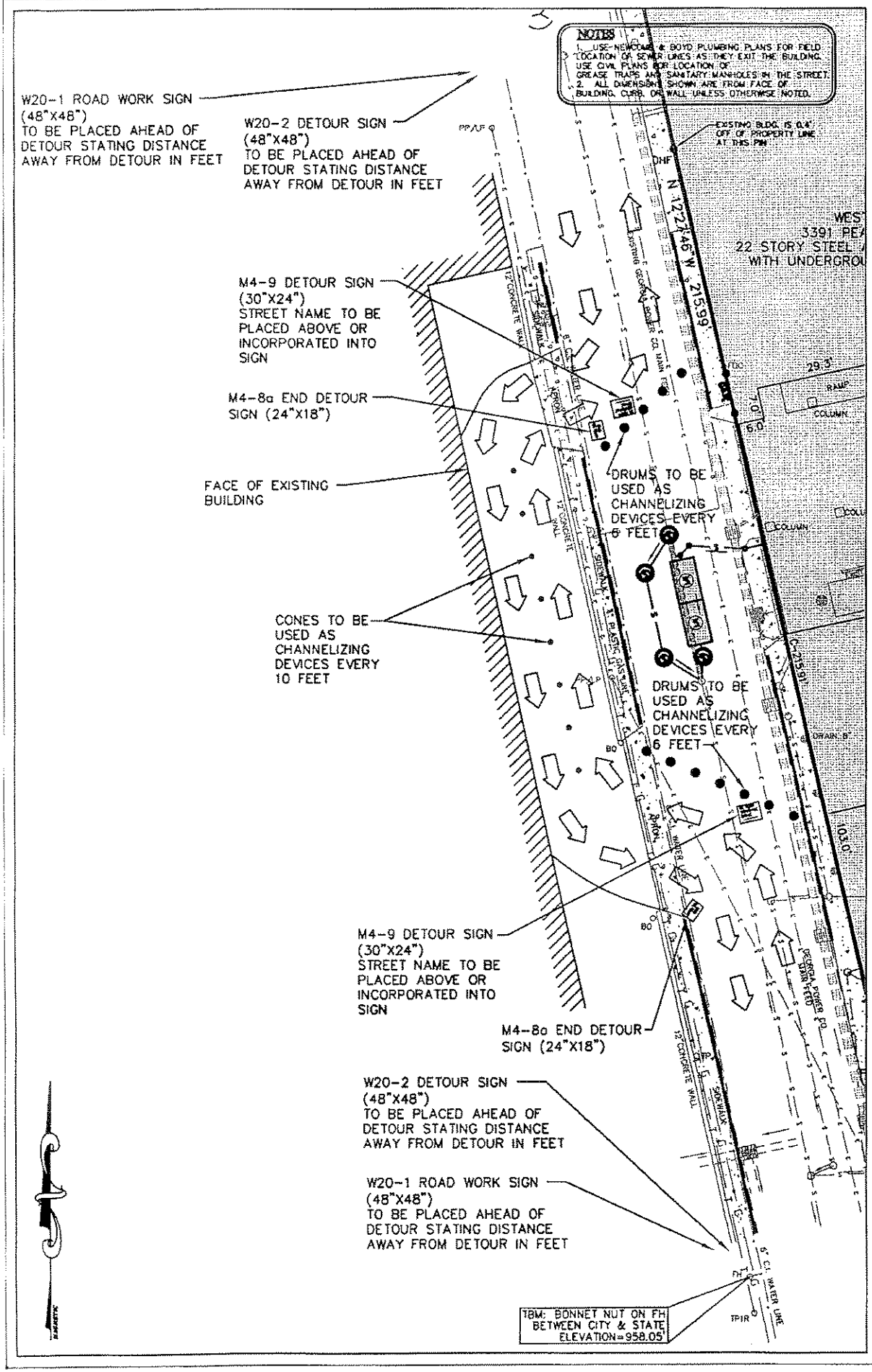
REVISIONS:

LAYOUT PLAN

SCALE:	1" = 30'
DATE:	01/08/08
DRAWN BY:	
PROJECT MANAGER:	PAUL FILIPPO
QA/QC CHECK:	

PROJECT NO.
06-140

C3.0



BERLY & ASSOCIATES

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3686 NORTH PEACHTREE ROAD
ATLANTA, GEORGIA 30341
WWW.BERLY.NET

LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE

PROJECT:
The Westin–Buckhead
Grease Interceptor Replacement
LAND LOT 45
17th DISTRICT
FULTON COUNTY, GEORGIA

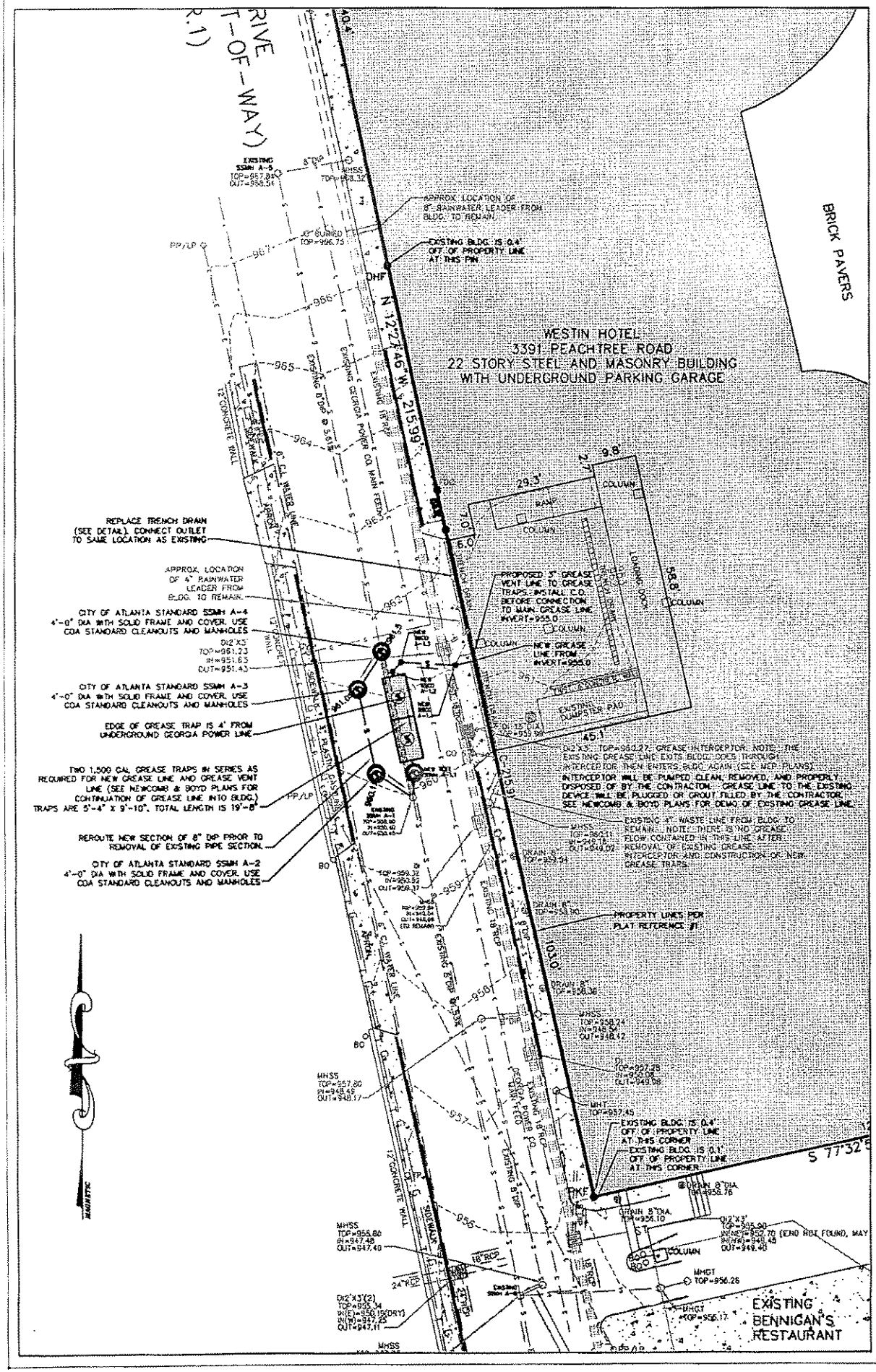
REVISIONS:

TRAFFIC CONTROL PLAN

SCALE: 1"=30'
DATE: 01/08/08
DRAWN BY:
PROJECT MANAGER: PAUL FUPPO
QA/QC CHECK:

PROJECT NO.
06-140

C3.1



BERLY & ASSOCIATES

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WWW.BERLY.NET

LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE

PROJECT:
The Westin-Buckhead
Grease Interceptor Replacement

LAND LOT 45
17th DISTRICT
FULTON COUNTY, GEORGIA

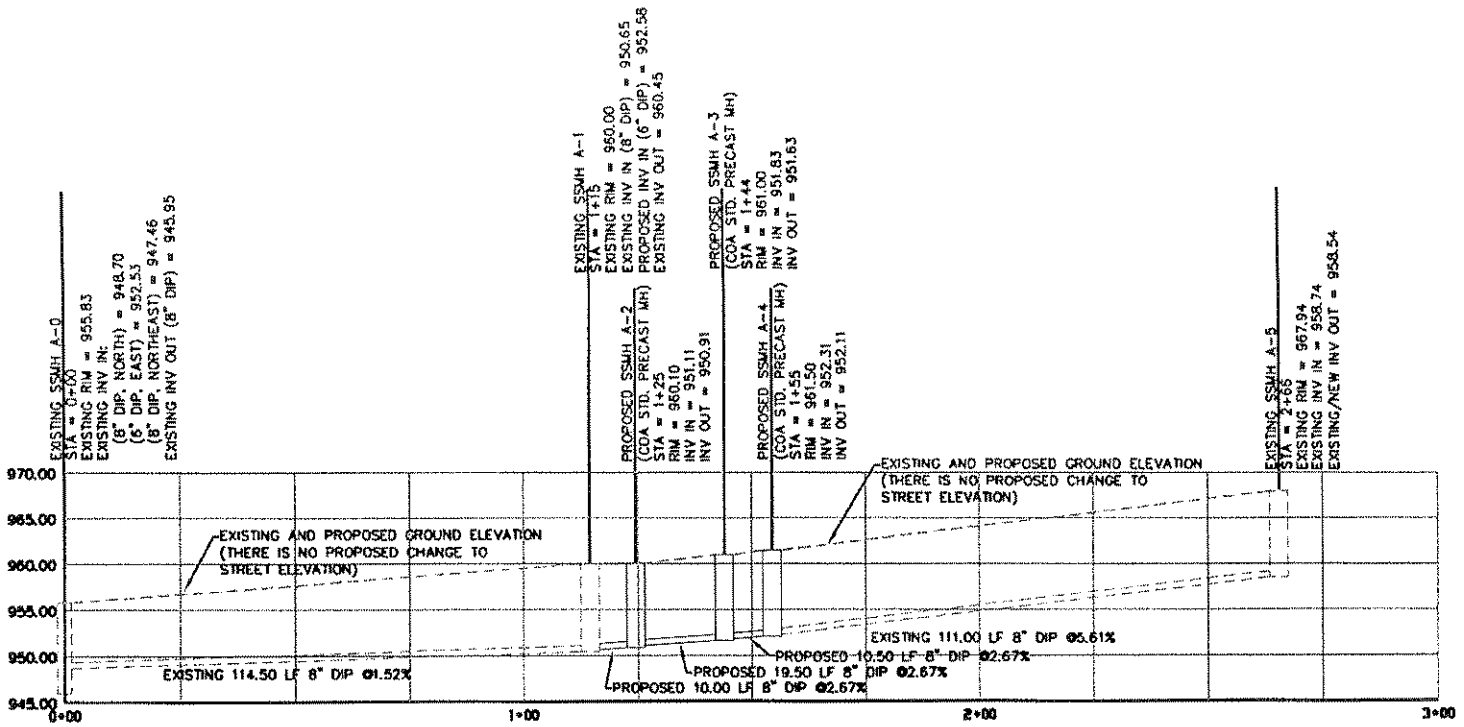
REVISIONS:

UTILITY PLAN

SCALE: 1"=30'
DATE: 01/08/08
DRAWN BY:
PROJECT MANAGER: PAUL PUPPO
QA/QC CHECK:

PROJECT NO.
06-140

C4.0



SANITARY SEWER PROFILE A-0 TO A-5

H: 1"=40'
V: 1"=20'

Upstream Node	Downstream Node	Section Size	Length (ft)	Material Description	Constructed Slope (ft/ft)	Upstream Invert Elevation (ft)	Downstream Invert Elevation (ft)	Upstream Cover (ft)	Downstream Cover (ft)
SSMH A-5	SSMH A-4	8 inch	111.00	DIP	0.0561	958.54	952.31	8.73	8.52
SSMH A-4	SSMH A-3	8 inch	10.50	DIP	0.0267	952.11	951.83	8.72	8.50
SSMH A-3	SSMH A-2	8 inch	19.50	DIP	0.0267	951.63	951.11	8.70	8.32
SSMH A-2	SSMH A-1	8 inch	10.00	DIP	0.0260	950.91	950.65	8.52	8.68
SSMH A-1	SSMH A-0	8 inch	114.50	DIP	0.0153	950.45	948.70	8.88	6.46
SS FROM BLDG	SS CLEANOUT A-1.4	6 inch	4.50	DIP	0.0489	955.00	954.78	5.50	5.72
SS CLEANOUT A-1.4	SS CLEANOUT A-1.3	6 inch	12.50	DIP	0.0496	954.78	954.16	5.72	6.64
SS CLEANOUT A-1.3	SS CLEANOUT A-1.2	6 inch	3.00	DIP	0.0500	954.16	954.01	6.64	6.69
SS CLEANOUT A-1.2	TEST SSMH A-1.1	6 inch	24.00	DIP	N/A	954.00	953.83	6.70	5.87
TEST SSMH A-1.1	SSMH A-1	6 inch	5.00	DIP	0.0500	952.83	952.58	6.87	6.92

SANITARY SEWER PIPE REPORT

C5.0

PROJECT NO. 06-140

UTILITY PROFILES

SCALE: 1"=40' AND 1"=20'
DATE: 01/08/08
DRAWN BY:
PROJECT MANAGER: PAUL FLIPPO
QA/QC CHECK:

REVISIONS:

PROJECT:
The Westin-Buckhead
Grease Interceptor Replacement
LAND LOT 45
17th DISTRICT
FULTON COUNTY, GEORGIA

ENERGY & ASSOCIATES
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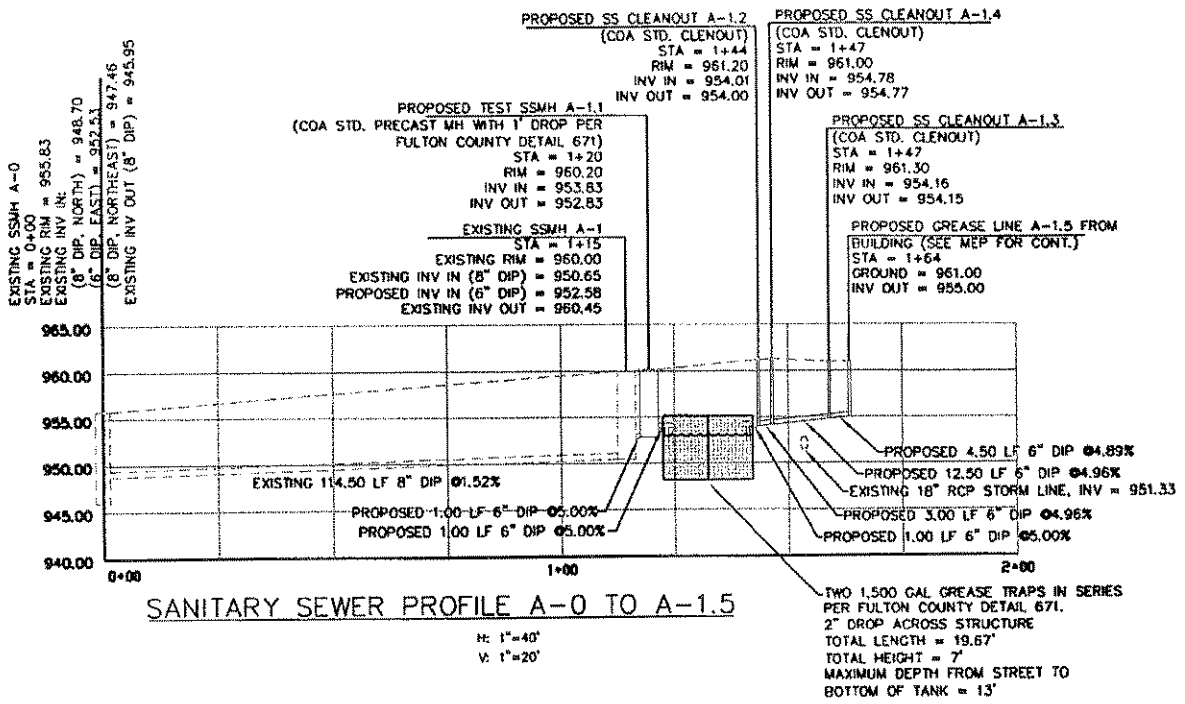
LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE



SANITARY SEWER PROFILE A-0 TO A-1.5

H: 1"=40'
V: 1"=20'

C5.1

PROJECT NO. 06-140

UTILITY PROFILE

SCALE:	1"=40' AND 1"=20'
DATE:	01/08/08
DRAWN BY:	
PROJECT MANAGER:	PAUL FLIPPO
QA/QC CHECK:	

REVISIONS:

PROJECT:

The Westin-Buckhead
Grease Interceptor Replacement

LAND LOT 45
17th DISTRICT
FULTON COUNTY, GEORGIA

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ATLANTA, GEORGIA 30341
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LAND PLANNING
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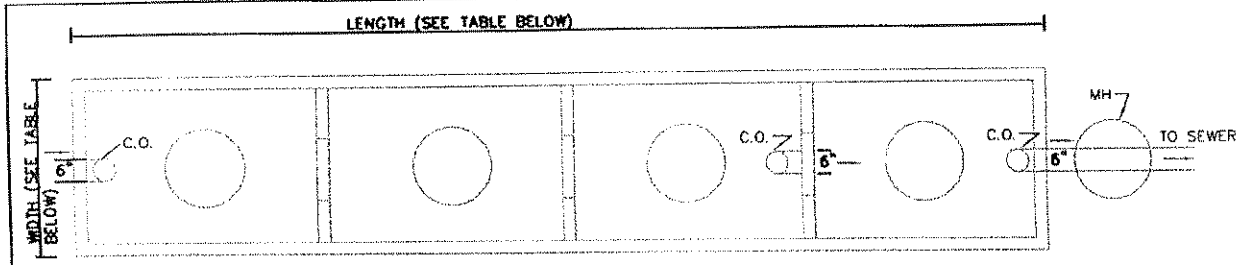
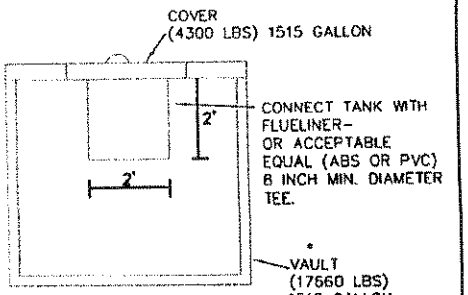
LANDSCAPE ARCHITECTURE



PLAN VIEW
N.T.S.

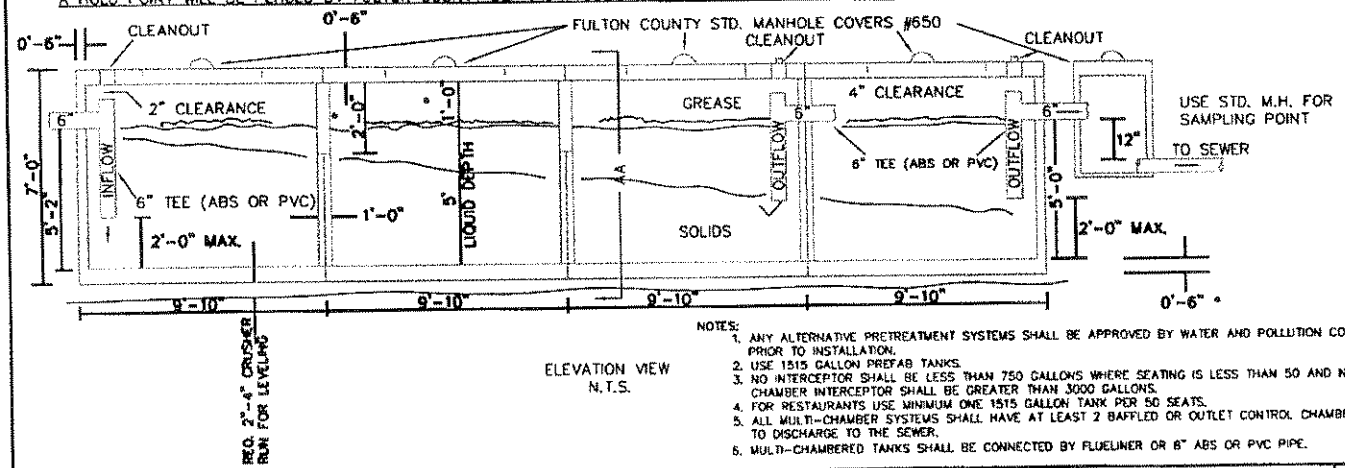


TYPICAL SECTION AA

GALLON CAPACITY	OUTSIDE DIMENSIONS LENGTH	WIDTH	HEIGHT
1515	9'-10"	5'-4"	7'-0"
1077	9'-10"	4'-10"	5'-10"
785	8'-4"	4'-4"	5'-10"

*SPECIFICATIONS
CONCRETE MINIMUM STRENGTH 5000 PSI AT 28 DAYS
STEEL REINFORCEMENT ASTM A-615.75, GRADE 60, ONE INCH COVER MINIMUM
DESIGN LOADING AASHO HS20-44
CONSTRUCTION JOINT SEALED WITH ONE INCH DIA. BUTYL RUBBER OR EQUIVALENT.

A HOLD POINT WILL BE PLACED BY FULTON COUNTY DEPT. OF PUBLIC WORKS PRIOR TO BACKFILLING FOR INSPECTION OF TANKS



ELEVATION VIEW
N.T.S.

NOTES:
1. ANY ALTERNATIVE PRETREATMENT SYSTEMS SHALL BE APPROVED BY WATER AND POLLUTION CONTROL SECTION PRIOR TO INSTALLATION.
2. USE 1515 GALLON PREFAB TANKS.
3. NO INTERCEPTOR SHALL BE LESS THAN 750 GALLONS WHERE SEATING IS LESS THAN 50 AND NO SINGLE CHAMBER INTERCEPTOR SHALL BE GREATER THAN 3000 GALLONS.
4. FOR RESTAURANTS USE MINIMUM ONE 1515 GALLON TANK PER 50 SEATS.
5. ALL MULTI-CHAMBER SYSTEMS SHALL HAVE AT LEAST 2 BAFFLED OR OUTLET CONTROL CHAMBERS PRIOR TO DISCHARGE TO THE SEWER.
6. MULTI-CHAMBERED TANKS SHALL BE CONNECTED BY FLUELINER OR 8" ABS OR PVC PIPE.

BY	REVISION	DATE
JPD	MISC.	8/3/90
JPD	MISC.	9/25/91

LEGEND	BY	REVISION	DATE	BY	REVISION	DATE	SCALE	DSG/DRN/CHKD:	FULTON COUNTY PUBLIC WORKS	DWG. NO.	SHEET:
GREASE/SOLIDS/OIL INTERCEPTOR					ACAD	5/31/95	1"=	APPROVED: C.H. OLSEN DATE:	141 PRYOR ST. ATLANTA, GA. 30303 404-730-7400 FAX: 730-6325	671	OF:

C5.2

PROJECT NO. 06-140

UTILITY PROFILES

SCALE:	NO SCALE
DATE:	01/08/08
DRAWN BY:	
PROJECT MANAGER:	PAUL FLIPPO
QA/QC CHECK:	

REVISIONS:

PROJECT:
The Westin-Buckhead
Grease Interceptor Replacement
LAND LOT 45
17th DISTRICT
FULTON COUNTY, GEORGIA

BERLY & ASSOCIATES
TEL: 770.452.7849 FAX: 770.452.0085
3680 NORTH PEACHTREE ROAD
ATLANTA, GEORGIA 30341
WWW.BERLY.NET
LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE

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: February 27, 2008

Anticipated Committee Meeting Date(s): March 12, 2008

Anticipated Full Council Date: March 17, 2008

Legislative Counsel's Signature: Terry Grandison Terry Grandison

Commissioner Signature: Sandra Jenning (for DES)

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 WESTIN BUCKHEAD ATLANTA, LOCATED AT 3391 PEACHTREE ROAD N.E. ATLANTA, GEORGIA, FOR THE INSTALLATION OF TWO (2) 1,500 GALLON GREASE TRAPS, TO SERVICE THE EXISTING KITCHEN FACILITIES IN THE RIGHT-OF-WAY IN AROUND LENOX DRIVE, N.E. (ALSO KNOWN AS WOODDALE DRIVE); AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ (date) Received by LC from CPO: _____ (date)

Received by Mayor's Office: 2.27.08 (date) Reviewed by: _____ (date)

Submitted to Council: _____ (date)