10- R -0625

(Do Not Write Above This Line)

A RESOLUTION BY
CITY UTILITIES COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AN ENCROACHMENT AGREEMENT FOR NON-CONFORMING USES WITH ATLANTIC STATION, L.L.C., OWNER OF REAL PROPERTY LOCATED ON THE NORTH SIDE OF 16TH STREET BETWEEN STATE STREET, N.W. AND FRANCIS STREET, N.W., ATLANTA, GEORGIA, FOR THE PURPOSE OF PERMITTING A PORTION OF A PRESENTLY EXISTING BOUNDARY WALL WHICH PARTIALLY EXTENDS ONE-THIRD OF ONE FOOT INTO THE PUBLIC RIGHT-OF-WAY RUNNING ALONG THE NORTH SIDE OF 16TH STREET FOR APPROXIMATELY TWO HUNDRED FIFTY EIGHT (258) FEET; AND FOR OTHER PURPOSES.

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

Date Referred

Referred To:

Date Referred

Refferred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred To

Committee: City Utilities

Date: April 27, 2010

Chair: Natalie Archibald

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

Other

Members: Carla Smith, Ivan Watts, Yadrian, [illegible]

Refer 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: ADOPTED BY MAY 03 2010 COUNCIL

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 MAY 03 2010 ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED MAY 03 2010 Rhonda Dauphin Johnson MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED MAY 11 2010 MAYOR

CITY COUNCIL
ATLANTA, GEORGIA

10- R -0625

A RESOLUTION BY
CITY UTILITIES COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AN ENCROACHMENT AGREEMENT FOR NON-CONFORMING USES WITH ATLANTIC STATION, L.L.C., OWNER OF REAL PROPERTY LOCATED ON THE NORTH SIDE OF 16TH STREET BETWEEN STATE STREET, N.W. AND FRANCIS STREET, N.W., ATLANTA, GEORGIA, FOR THE PURPOSE OF PERMITTING A PORTION OF A PRESENTLY EXISTING BOUNDARY WALL WHICH PARTIALLY EXTENDS ONE-THIRD OF ONE FOOT INTO THE PUBLIC RIGHT-OF-WAY RUNNING ALONG THE NORTH SIDE OF 16TH STREET FOR APPROXIMATELY TWO HUNDRED FIFTY EIGHT (258) FEET; AND FOR OTHER PURPOSES.

WHEREAS, Atlantic Station, L.L.C., a Delaware limited liability company (hereinafter "Atlantic Station"), owns that certain commercial real estate parcel depicted as "R-14" on that certain Conceptual Master Plan for Atlantic Station® dated August 2004, attached hereto as Exhibit "A" and incorporated herein by this reference, which land is adjacent to 16th Street between State Street, N.W. and Francis Street, N.W. in Atlanta, Georgia; and

WHEREAS, it has been determined that a portion of a presently existing boundary wall (hereinafter "Wall") currently owned by Atlantic Station and running along the full length of a parking deck on Parcel R-14, adjacent to 16th Street, extends approximately one-third of a foot into the public right-of-way for a distance of approximately two hundred fifty eight (258) feet; and

WHEREAS, the City's Code of Ordinances, at Sections 138-22 and 138-24, require that an Encroachment Agreement be entered into between the City and Atlantic Station for authorization to allow the Wall to remain in the public right-of-way and for authorization for Atlantic Station to continue to maintain the Wall that is in the public right-of-way; and

WHEREAS, the Commissioner of the Department of Public Works has reviewed the plans for the right-of-way encroachment and has determined that the Wall will not adversely impact the ability of the affected right-of-way to handle vehicular or pedestrian traffic or otherwise to perform its intended public function; and

WHEREAS, Atlantic Station desires to continue to maintain the presently existing Wall in the public right-of-way; and

WHEREAS, Atlantic Station has agreed to conform to the conditions set out in the Atlanta City Code of Ordinances at Sections 138-22 and 138-24.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or his designee is authorized, on behalf of the Department of Public Works, to enter into an Encroachment Agreement for

Noncomforming Uses, as outlined in Section 138, Article II, of the City's Code of Ordinances with Atlantic Station for the purpose of granting to Atlantic Station the right to install and the obligation to thereafter maintain a boundary wall in the public right-of-way along a portion of the street frontage along the north side of 16th Street between State Street, N.W. and Francis Street, N.W. in Atlanta, Georgia as depicted on Exhibit "B" attached hereto, 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 plans and specifications for said Wall shall be submitted for the review and approval of the Commissioner of Public Works.

BE IT FURTHER RESOLVED, that Atlantic Station shall indemnify the city for any damages to persons or properties resulting from the erection and maintenance of said Wall.

BE IT FURTHER RESOLVED, that Atlantic Station shall comply with the conditions set out at Sections 138-22 and 138-24 of the City's Code of Ordinances.

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare an encroachment agreement, acceptable as to form, for execution by the Mayor and Atlantic Station.

BE IT FINALLY RESOLVED, that the Agreement shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder until the agreement has been approved as to form by the City Attorney, signed by the Mayor, executed by the City Clerk, and delivered to Atlantic Station.

A true copy,

Rhonda Daughin Johnson

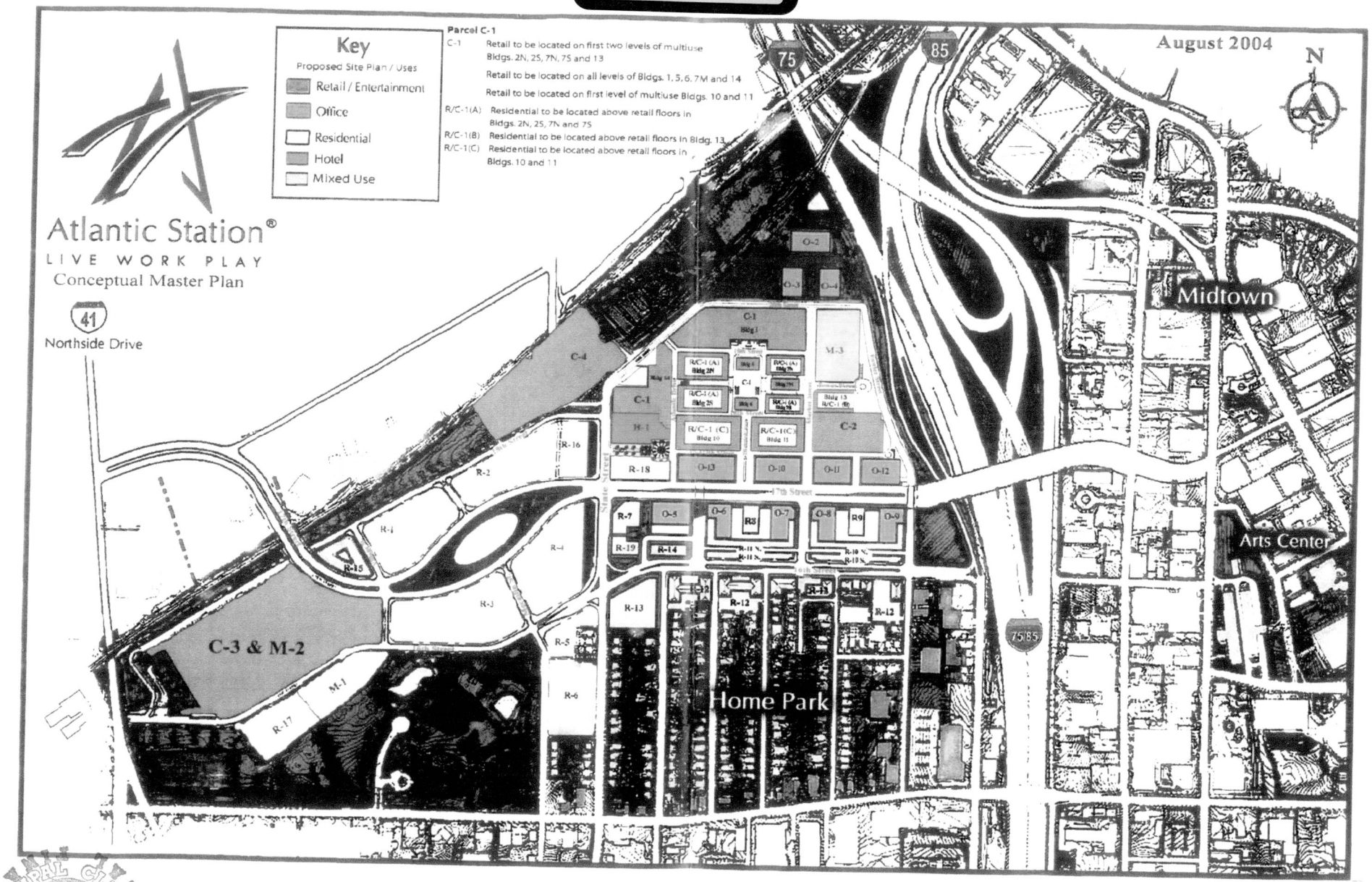
Municipal Clerk

ADOPTED by the Atlanta City Council **MAY 03, 2010**

APPROVED by Mayor kasim Reed **MAY 11, 2010**

EXHIBIT

A



MUNICIPAL CLERK OFFICE

EXHIBIT

B

SURVEY NOTES

EQUIPMENT USED:
A TOPCON 223 TOTAL STATION WAS USED TO OBTAIN ANGULAR MEASUREMENTS AND DISTANCE MEASUREMENTS.

A TRIMBLE R-8 DUAL FREQUENCY GPS UNIT WAS USED FOR ESTABLISHING CONTROL. A NETWORK ADJUSTED RTK SURVEY WAS PERFORMED AND ADJUSTED BY RELATIVE POSITIONAL ACCURACY.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED IS WITHIN THE POSITIONAL TOLERANCES ALLOWED FOR ALTA / ACSM LAND TITLE SURVEYS PER THE 2005 MINIMUM TECHNICAL STANDARDS ESTABLISHED BY ALTA AND ACSM AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

CLOSURE STATEMENT:
THE PLAT HAS BEEN CALCULATED FOR CLOSURE, SAID CLOSURE IS GREATER THAN ONE FOOT IN 500,000 - FEET.

THE BEARINGS SHOWN ON THIS SURVEY ARE COMPUTED ANGLES BASED ON A GRID BEARING BASE (GA WEST ZONE).

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT THE EXPRESS CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

TERRAMARK LAND SURVEYING, INC. DOES NOT WARRANT THE EXISTENCE OR NON-EXISTENCE OF ANY WETLANDS OR HAZARDOUS WASTE IN THE SURVEY AREA.

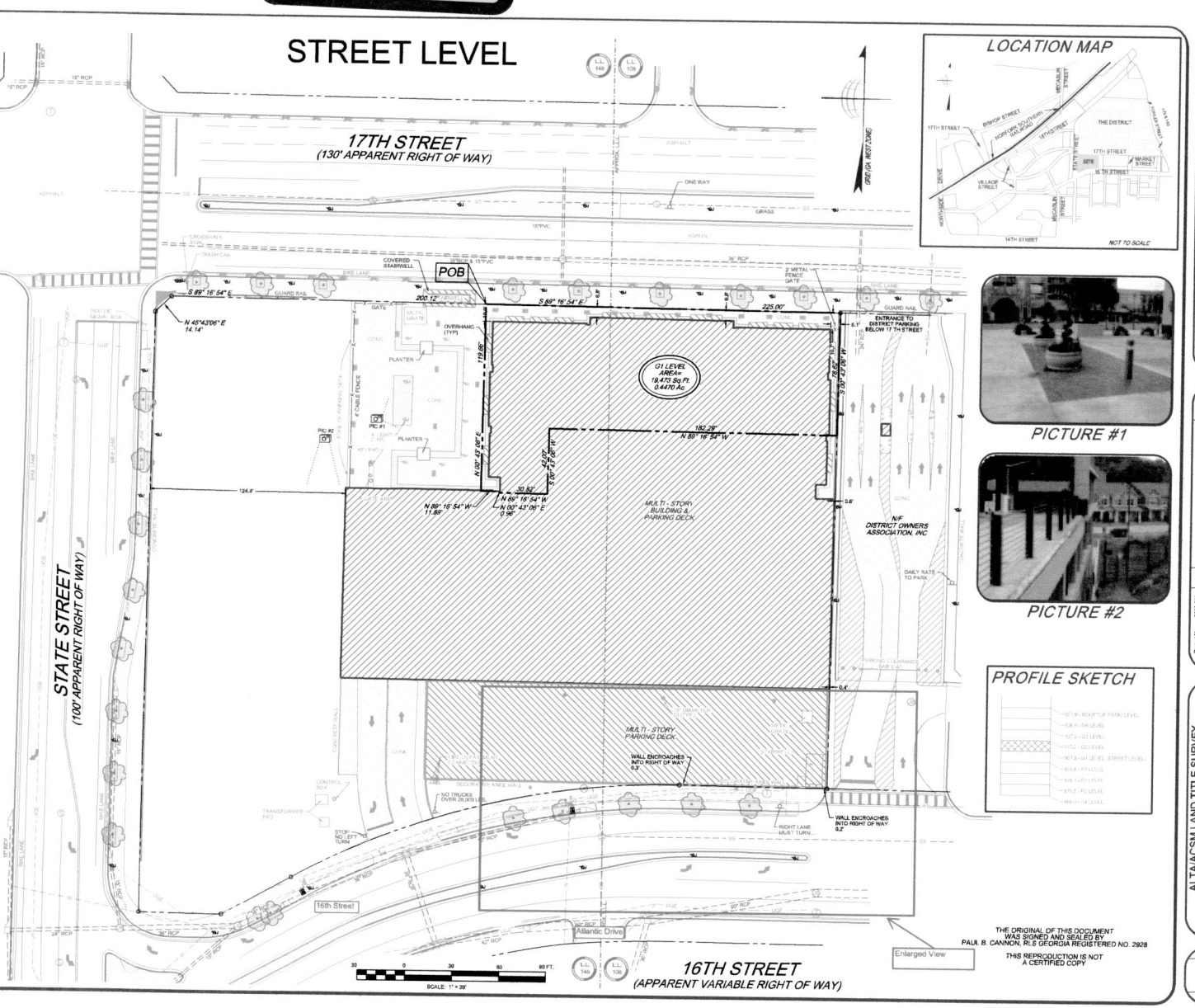
FIELD WORK FOR THIS PROPERTY WAS COMPLETED ON AUGUST 17, 2009.

LEGEND

FENCE	TRANSFORMER BOX (TX)
STORM DRAIN LINE	FLAG POLE (FP)
SANITARY SEWER	CALCULATED POINT
FORCE MAIN	FIRE HYDRANT (FH)
WATER LINE	WATER VALVE (WV)
GAS LINE	WATER METER (WM)
UNDERGROUND POWER LINE	LIGHT POLE (LP)
OVERHEAD POWER LINE	GAS METER (GM)
UNDERGROUND TELEPHONE	GAS VALVE (GV)
FIBER OPTIC	HEAD WALL (HW)
CABLE TELEVISION	CURB AND GUTTER (C&G)
TOPOGRAPHIC CONTOUR	SPOT ELEVATION
PROPERTY LINE	ELECTRIC METER (EM)
CATCH BASIN (SWCB)	POWER POLE (PP)
CATCH BASIN (SWCB)	SIGN
DROP INLET (DI)	BM BENCHMARK
JUNCTION BOX (JB)	CLEANOUT (CO)
SS MANHOLE (MH)	AREA OF PHOTOGRAPH

REFERENCE MATERIAL

1. TOPOGRAPHIC SURVEY FOR THE NOVARE GROUP PREPARED BY TERRAMARK LAND SURVEYING, INC. DATED MAY 11, 2006



LOCATION MAP

PICTURE #1

PICTURE #2

PROFILE SKETCH

THE ORIGINAL OF THIS DOCUMENT WAS SIGNED AND SEALED BY PAUL B. CANNON, RLS GEORGIA REGISTERED NO. 2928

THIS REPRODUCTION IS NOT A CERTIFIED COPY

TerraMark Land Surveying, Inc.
848 South Carnal Road, Suite A-2
Roswell, Georgia 30076
Phone No. (770) 421-1527
Fax No. (678) 841-1111
www.terramark.com

TerraMark Professional Land Surveying

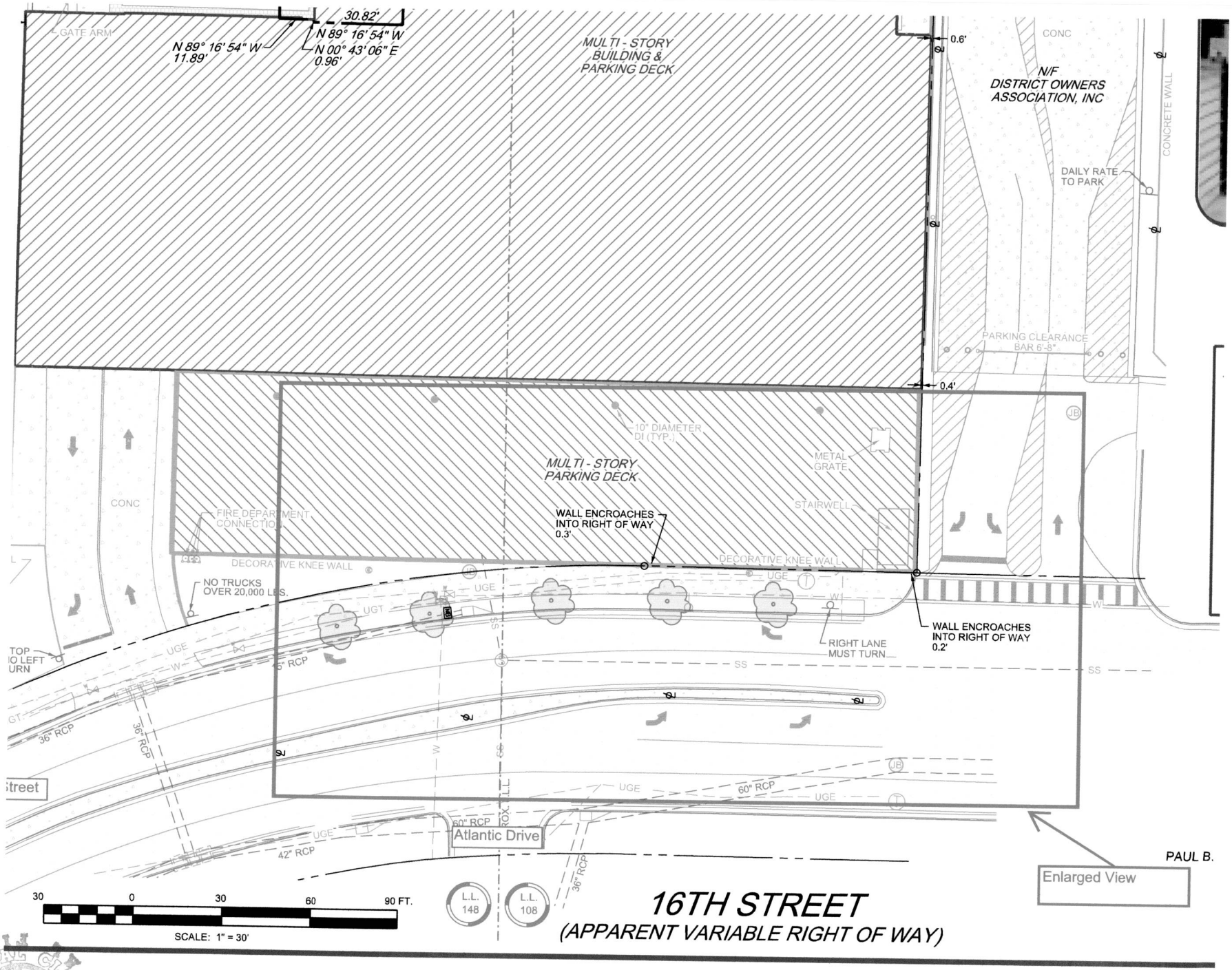
Revision	Date

Project No.	2008-070	No	Revision
Survey Crew:	GM	#1	
		#2	
Drawn By:	TJK	#3	
		#4	
Approved By:	PBC	#5	
		#6	
Date:	08/25/09	#7	
		#8	
Scale:	1"=30'	#9	
		#10	

ALTA/ACSM LAND TITLE SURVEY
FOR
THE NOVARE / ATLANTIC DEVELOPMENT LLC
CHICAGO TITLE INSURANCE COMPANY
& CORUS BANK, N.A.
LOCATED IN N.A.
LAND LOTS 108 & 148, 17TH DISTRICT
FULTON COUNTY, GEORGIA

SHEET NO.
2/12
TM 24-163V

MUNICIPAL CLERK'S OFFICE



OFFICE OF MUNICIPAL CLERK

RCS# 209
5/03/10
2:27 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS:	11
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	3
EXCUSED:	0
ABSENT	2

NV Smith	Y Archibong	Y Moore	B Bond
Y Hall	Y Wan	Y Martin	NV Watson
Y Young	Y Shook	Y Bottoms	Y Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

		05-03-10
ITEMS ADOPTED ON CONSENT	**ITEMS ADOPTED ON CONSENT**	**ITEMS ADVERSED ON CONSENT**
1. 10-O-0393	36. 10-R-0642	76. 10-R-0682
2. 10-O-0492	37. 10-R-0651	77. 10-R-0683
3. 10-O-0598	38. 10-R-0783	78. 10-R-0684
4. 10-O-0595	39. 10-R-0789	79. 10-R-0685
5. 10-O-0782	40. 10-R-0724	80. 10-R-0686
6. 10-O-0790	41. 10-R-0725	81. 10-R-0687
7. 10-R-0652	42. 10-R-0726	82. 10-R-0688
8. 10-R-0749	43. 10-R-0771	83. 10-R-0689
9. 10-R-0750	44. 10-R-0736	84. 10-R-0690
10. 10-R-0753	45. 10-R-0737	85. 10-R-0691
11. 10-R-0754	46. 10-R-0738	86. 10-R-0692
12. 10-R-0755	47. 10-R-0653	87. 10-R-0693
13. 10-R-0756	48. 10-R-0654	88. 10-R-0694
14. 10-R-0757	49. 10-R-0655	89. 10-R-0695
15. 10-R-0758	50. 10-R-0656	90. 10-R-0696
16. 10-R-0759	51. 10-R-0657	91. 10-R-0697
17. 10-R-0770	52. 10-R-0658	92. 10-R-0698
19 10-R-0775	53. 10-R-0659	93. 10-R-0699
20. 10-R-0781	54. 10-R-0660	94. 10-R-0700
21. 10-R-0786	55. 10-R-0661	95. 10-R-0701
22. 10-R-0787	56. 10-R-0662	96. 10-R-0702
23. 10-R-0797	57. 10-R-0663	97. 10-R-0703
24. 10-R-0799	58. 10-R-0664	98. 10-R-0704
25. 10-R-0800	59. 10-R-0665	99. 10-R-0705
26. 10-R-0620	60. 10-R-0666	100. 10-R-0706
27. 10-R-0621	61. 10-R-0667	101. 10-R-0707
28. 10-R-0622	62. 10-R-0668	102. 10-R-0708
29. 10-R-0625	63. 10-R-0669	103. 10-R-0709
30. 10-R-0626	64. 10-R-0670	104. 10-R-0710
31. 10-R-0637	65. 10-R-0671	105. 10-R-0711
32. 10-R-0752	66. 10-R-0672	106. 10-R-0712
33. 10-R-0496	67. 10-R-0673	107. 10-R-0713
34. 10-R-0640	68. 10-R-0674	108. 10-R-0714
35. 10-R-0641	69. 10-R-0675	109. 10-R-0715
	70. 10-R-0676	110. 10-R-0716
	71. 10-R-0677	111. 10-R-0717
	Items Adversed	112. 10-R-0718
	72. 10-R-0678	113. 10-R-0719
	73. 10-R-0679	114. 10-R-0720
	74. 10-R-0680	115. 10-R-0721
	75. 10-R-0681	116. 10-R-0722
		117. 10-R-0723