

10-R-0626

(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 JOHN CHARMAN, OWNER OF REAL PROPERTY LOCATED AT 3685 PACES FERRY ROAD, ATLANTA, GEORGIA, FOR THE PURPOSE OF PERMITTING A PORTION OF A PRESENTLY EXISTING BOUNDARY WALL WHICH IS LOCATED IN THE PUBLIC RIGHT-OF-WAY RUNNING ALONG PACES FERRY ROAD FOR APPROXIMATELY ONE HUNDRED TWENTY (120) 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 _____

Referred To: _____

Date Referred _____

Referred To: _____

Committee _____

Date _____

Chair _____

Referred To _____

First Reading

Committee City Utilities

Date April 27, 2010

Chair Michael S. ...

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

Other _____

Members [Signatures]

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 _____

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 _____

Refer To _____

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

CERTIFIED

CERTIFIED

MAY 03 2010

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED

MAY 03 2010

[Signature]

MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAY 11 2010

[Signature]

MAYOR



**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 JOHN CHARMAN, OWNER OF REAL PROPERTY LOCATED AT 3685 PACES FERRY ROAD, ATLANTA, GEORGIA, FOR THE PURPOSE OF PERMITTING A PORTION OF A PRESENTLY EXISTING BOUNDARY WALL WHICH IS LOCATED IN THE PUBLIC RIGHT-OF-WAY RUNNING ALONG PACES FERRY ROAD FOR APPROXIMATELY ONE HUNDRED TWENTY (120) FEET; AND FOR OTHER PURPOSES.

WHEREAS, John Charman (hereinafter "Charman") owns a certain residential real estate parcel located at 3685 Paces Ferry Road, Atlanta, Georgia 30327; and

WHEREAS, Charman is moving through the City of Atlanta's (hereinafter "City") permitting process for the enhancement of a boundary wall (hereinafter "Wall") running along Paces Ferry Road, in front of the Charman property; and

WHEREAS, Charman has been advised that a portion of the presently existing Wall running along the full length of the real estate parcel along Paces Ferry Road is located within the public right-of-way for a distance of approximately one hundred twenty (120) 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 Charman for authorization to allow the Wall to remain in the public right-of-way and for authorization for Charman 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 work 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, Charman desires to continue to maintain the presently existing Wall in the public right-of-way, and to erect a three (3) foot ornamental fence on the wall, in a location as generally depicted on Exhibit "A" attached hereto and by this reference made apart hereof (hereinafter referred to as the "Site Plan"), and

WHEREAS, Charman 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 Nonconforming Uses, as outlined in Section 138, Article II, of the City's Code of



Ordinances with John Charman for the purpose of granting to Charman 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 at 3685 Paces Ferry Road, Atlanta, Georgia 30327 as depicted in Exhibit "A" 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 retaining Wall and fence shall be submitted for the review and approval of the Commissioner of Public Works.

BE IT FURTHER RESOLVED, that Charman 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 Charman shall, in compliance with Section 138-24 (b)(9) of the City's Code of Ordinances pay to the City, in lieu of an annual rental, the one-time lump sum payment of ten thousand six hundred dollars (\$10,600.00).

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

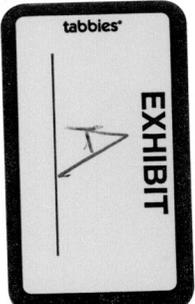
BE IT FINALLY RESOLVED, that the Agreement shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder until the agreement has been approved as to form by the City Attorney, signed by the Mayor, executed by the City Clerk, and delivered to Charman.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

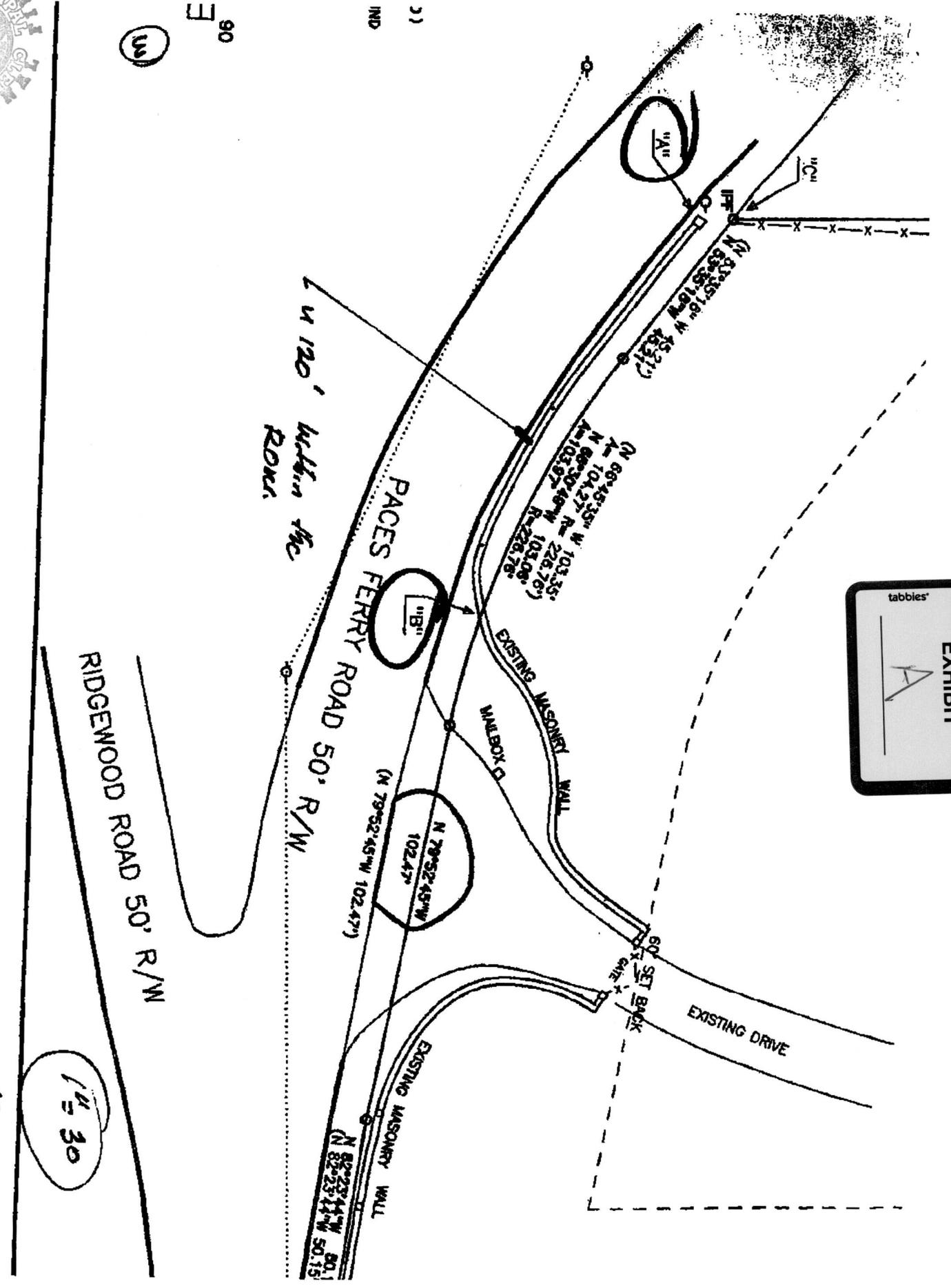
ADOPTED by the Atlanta City Council
APPROVED by Mayor kasim Reed

MAY 03, 2010
MAY 11, 2010



90
E
W

IND
))



W 120' within the ROW.

RIDGEWOOD ROAD 50' R/W

14 30

120