

10-R-1372

(Do Not Write Above This Line)

A RESOLUTION BY  
CITY UTILITIES COMMITTEE

AUTHORIZING THE MAYOR OR HIS  
DESIGNEE, ON BEHALF OF THE CITY  
OF ATLANTA, TO ENTER INTO AN  
ENCROACHMENT AGREEMENT FOR  
NON-CONFORMING USES WITH IPC  
INVESTMENTS, LLC, OWNER OF REAL  
PROPERTY LOCATED AT 201  
PEACHTREE STREET, N.E., ATLANTA,  
GEORGIA, FOR THE PURPOSE OF  
PERMITTING AN OVERHEAD CANOPY  
TO PARTIALLY EXTEND INTO THE  
PUBLIC RIGHT-OF-WAY ALONG THE  
EAST SIDE OF PEACHTREE STREET  
FOR APPROXIMATELY FOUR (4) FEET  
BY TWENTY SEVEN (27) 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:

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

Committee  
*City Utilities*

Date  
*July 27 2010*

Chair  
*Walter D. Williams*

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

Members  
*[Signatures]*

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

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

Committee

Date

Chair

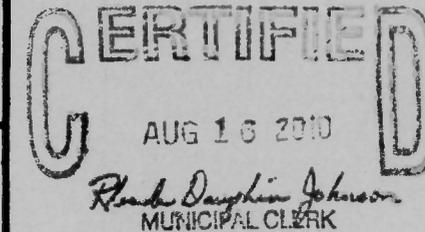
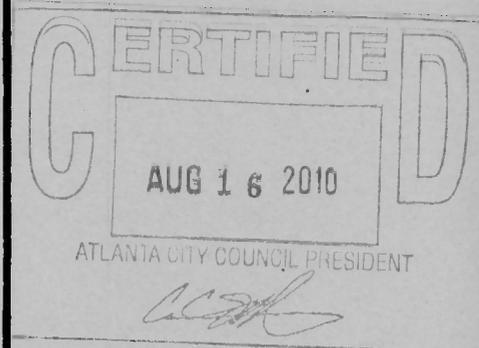
Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Readings
- Consent
- V Vote
- RC Vote

CERTIFIED



MAYOR'S ACTION



ADOPTED BY

AUG 16 2010

COUNCIL

Refer To

Refer To



**A RESOLUTION BY  
CITY UTILITIES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AN ENCROACHMENT AGREEMENT FOR NON-CONFORMING USES WITH IPC INVESTMENTS, LLC, OWNER OF REAL PROPERTY LOCATED AT 201 PEACHTREE STREET, N.E., ATLANTA, GEORGIA, FOR THE PURPOSE OF PERMITTING AN OVERHEAD CANOPY TO PARTIALLY EXTEND INTO THE PUBLIC RIGHT-OF-WAY ALONG THE EAST SIDE OF PEACHTREE STREET FOR APPROXIMATELY TWENTY SEVEN (27) FEET; AND FOR OTHER PURPOSES.**

**WHEREAS**, IPC Investments, LLC (“IPC”), owns certain real property located at 201 Peachtree Street, N.E. in Atlanta, Georgia (“Property”); and

**WHEREAS**, IPC proposes to install an overhead canopy which would extend into the public right-of-way approximately Four (4) feet by Twenty Seven (27) feet; and

**WHEREAS**, the City of Atlanta’s (“City”) Code of Ordinances, at Sections 138-22 and 138-24, requires that an Encroachment Agreement be entered into between the City and IPC for authorization to allow the canopy to be installed in the public right-of-way and for authorization for IPC to continue to maintain the canopy 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 canopy 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**, IPC desires to maintain the canopy; and

**WHEREAS**, IPC has agreed to conform to the conditions set out in the 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 Non-Conforming Uses, at outlined in Section 138, Article II, of the City’s Code of Ordinances with IPC Investments, LLC for the purpose of granting IPC the right to install and the obligation to thereafter maintain an overhead canopy in the public right-of-way at 201 Peachtree Street, N.E. between Ellis Street, N.E. and Andrew Young International Boulevard, N.E., in Atlanta, Georgia as depicted in Exhibit “A” attached hereto, in a form and pursuant to conditions determined by the Commissioner of the 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 canopy shall be submitted for the review and approval of the Commissioner of Public Works.



**BE IT FURTHER RESOLVED**, that IPC shall indemnify the City for any damages to persons or properties resulting from the erection and maintenance of said canopy.

**BE IT FURTHER RESOLVED**, that IPC 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 IPC.

**BE IT FURTHER 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, executed by the Mayor, attested to by the Municipal Clerk and delivered to IPC Investments, LLC.

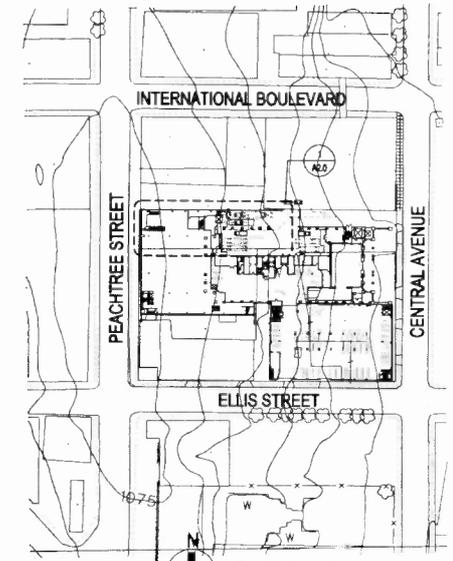
A true copy,

*Rhonda Daughia Johnson*  
Municipal Clerk

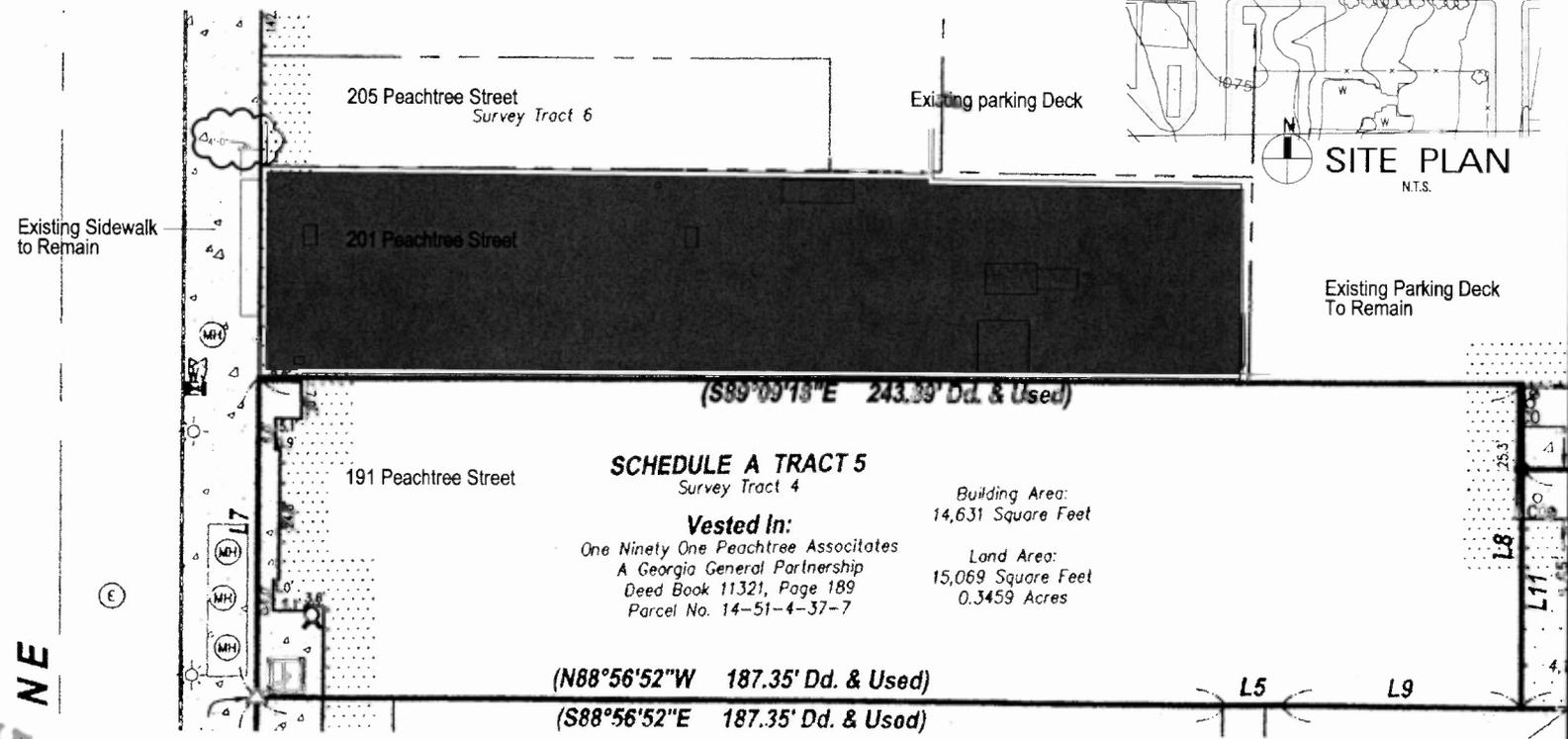
ADOPTED by the Atlanta City Council  
APPROVED by Mayor Kasim Reed

AUG 16, 2010  
AUG 24, 2010

EXHIBIT  
A



SITE PLAN  
N.T.S.



NE

01  
SITE PLAN  
SCALE: 3/32"=1'-0"



COOPER CARRY

ATLANTA - WASHINGTON - NEW YORK - NEWPORT BEACH

191 Peachtree Street  
SUITE 2400  
ATLANTA, GA 30303  
404-237-2000  
WWW.COOPERCARRY.COM

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1	Issued For Construction	3/12/2010
2	Issued For Construction	3/12/2010

201 Peachtree Street  
Atlanta, Georgia 30303  
Capital Improvements

Crescent Properties Incorporated

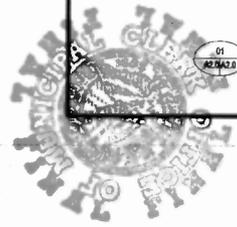
SITE PLAN

Greg Miller, AIA	20060373
Professional-Engineer	Project No.
Project Manager	Date: 03/09/10
Project Address	
	A2.0
Drawing No.	

Issued For Construction

N:\2006\20060373\7-drawings\la2\_0\_site.shx

PLOT DATE: 3/12/2010



RCS# 487  
8/16/10  
3:14 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

EXCEPT 10-O-1338,10-R-1416

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

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

CONSENT I

		08-16-10
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	
1. 10-O-1422	38. 10-R-1381	
2. 10-O-0603	39. 10-R-1382	
3. 10-O-1279	40. 10-R-1383	
4. 10-O-1345	41. 10-R-1384	
5. 10-O-1421	42. 10-R-1385	
6. 10-O-1276	43. 10-R-1386	
7. 10-O-1417	44. 10-R-1387	
8. 10-O-1272	45. 10-R-1388	
9. 10-R-1368	46. 10-R-1389	
10. 10-R-1369	47. 10-R-1390	
11. 10-R-1370	48. 10-R-1391	
12. 10-R-1372	49. 10-R-1392	
13. 10-R-1409	50. 10-R-1393	
14. 10-R-1411		
15. 10-R-1412		
16. 10-R-1413		
17. 10-R-1414		
18. 10-R-1415		
19. 10-R-1423		
20. 10-R-1424		
21. 10-R-1425		
22. 10-R-0727		
23. 10-R-1394		
24. 10-R-1401		
25. 10-R-1402		
26. 10-R-1403		
27. 10-R-1404		
28. 10-R-1405		
29. 10-R-1406		
30. 10-R-1426		
31. 10-R-1427		
32. 10-R-1375		
33. 10-R-1376		
34. 10-R-1377		
35. 10-R-1378		
36. 10-R-1379		
37. 10-R-1380		