

10-1766
(Do Not Write Above This Line)

**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 ONE NINETY ONE PEACHTREE ASSOCIATES, LLC., OWNER OF REAL PROPERTY LOCATED AT 191 PEACHTREE STREET, N.E., ATLANTA, GEORGIA, FOR THE PURPOSE OF PERMITTING THE INSTALLATION OF TWO LIGHTED BOLLARDS THAT ARE APPROXIMATELY TWO (2) FEET WIDE AND TWO (2) FEET DEEP AND A PLANTING STRIP APPROXIMATELY THREE (3) FEET IN DEPTH AND SIXTY FIVE (65) FEET IN LENGTH THAT WILL PARTIALLY EXTEND INTO THE PUBLIC RIGHT-OF-WAY ALONG THE WEST SIDE OF PEACHTREE CENTER AVENUE, N.E. BETWEEN ANDREW YOUNG INTERNATIONAL BOULEVARD, N.E. AND ELLIS STREET, N.E.; 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 Oct. 12, 2010

Chair Robert M. Archuleta

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

Members

[Signature]

[Signature]

[Signature]

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

OCT 18 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
OCT 18 2010
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
OCT 18 2010
Rhonda Daughin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

OCT 27 2010

WITHOUT SIGNATURE
BY OPERATION OF LAW



**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 ONE NINETY ONE PEACHTREE ASSOCIATES, LLC., OWNER OF REAL PROPERTY LOCATED AT 191 PEACHTREE STREET, N.E., ATLANTA, GEORGIA, FOR THE PURPOSE OF PERMITTING THE INSTALLATION OF TWO LIGHTED BOLLARDS THAT ARE APPROXIMATELY TWO (2) FEET WIDE AND TWO (2) FEET DEEP AND A PLANTING STRIP APPROXIMATELY THREE (3) FEET IN DEPTH AND SIXTY FIVE (65) FEET IN LENGTH THAT WILL PARTIALLY EXTEND INTO THE PUBLIC RIGHT-OF-WAY ALONG THE WEST SIDE OF PEACHTREE CENTER AVENUE, N.E. BETWEEN ANDREW YOUNG INTERNATIONAL BOULEVARD, N.E. AND ELLIS STREET, N.E.; AND FOR OTHER PURPOSES.

WHEREAS, One Ninety One Peachtree Associates, LLC. (“One Ninety One”) owns certain real property located at 191 Peachtree Street, N.E. in Atlanta, Georgia (“Property”); and

WHEREAS, One Ninety One proposes to install into the public right-of-way two lighted bollards with base dimensions of Two (2) feet by Two (2) feet and a planting strip approximately Three (3) feet deep by Sixty Five (65) feet in length; 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 One Ninety One for authorization to allow the bollards and planting strip to be installed in the public right-of-way and for authorization for One Ninety One to continue to maintain the bollards and planting strip 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 bollards and planting strip 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, One Ninety One desires to maintain the bollards and planting strip; and

WHEREAS, One Ninety One 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, as outlined in Section 138, Article II, of the City’s Code of Ordinances with One Ninety One Peachtree Associates, LLC., for the purpose of granting One Ninety One the right to install and the obligation to thereafter maintain two bollards and a planting strip in the public right-of-way at 191 Peachtree Center Avenue, 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 bollards and planting strip shall be submitted for the review and approval of the Commissioner of Public Works.

BE IT FURTHER RESOLVED, that One Ninety One shall indemnify the City for any damages to persons or properties resulting from the erection and maintenance of said bollards and planting strip.

BE IT FURTHER RESOLVED, that One Ninety One 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 One Ninety One.

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 One Ninety One Peachtree Associates, LLC.

A true copy.

A handwritten signature in black ink, appearing to be "S. L. ...", written over the text "A true copy." and "Deputy Clerk".

Deputy Clerk

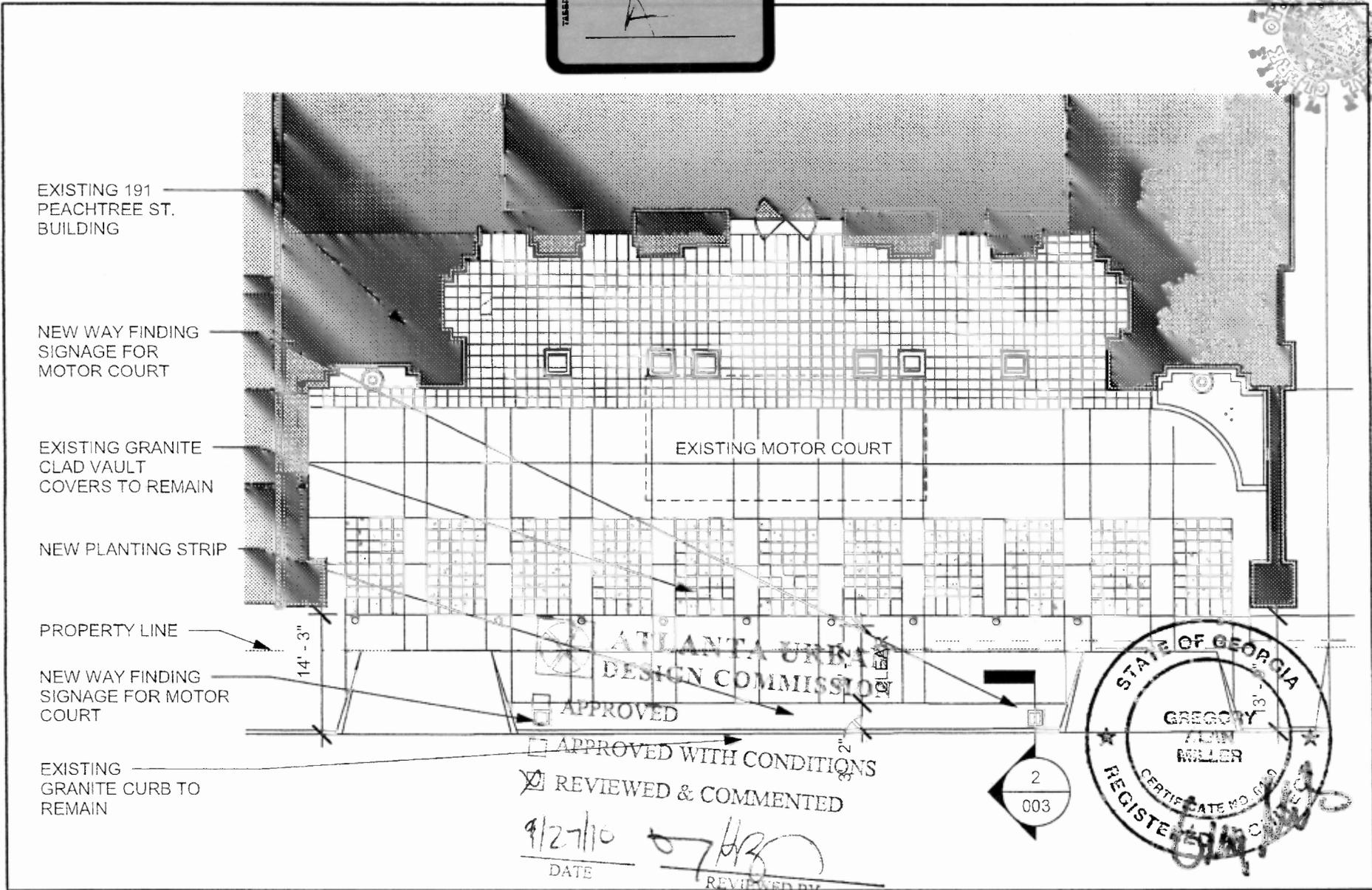
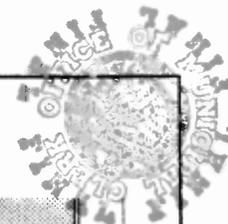
ADOPTED by the Atlanta Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

OCT 18, 2010

OCT 27, 2010

EXHIBIT

A



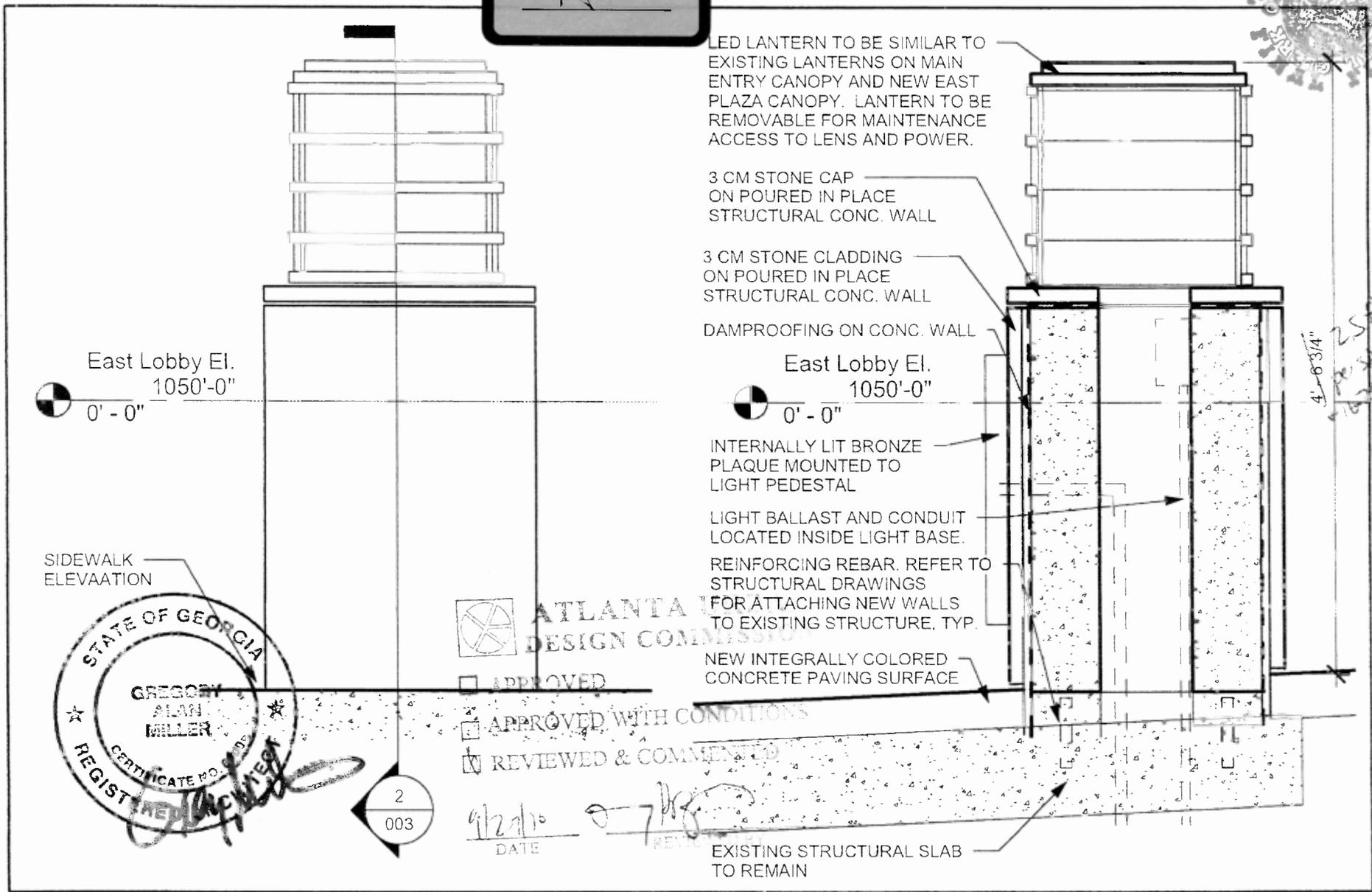
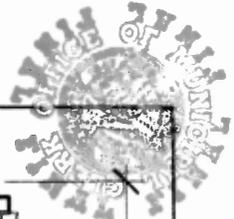
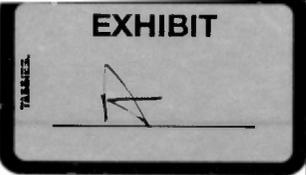
ATLANTA URBAN
DESIGN COMMISSION

APPROVED
 APPROVED WITH CONDITIONS
 REVIEWED & COMMENTED

9/27/10 *[Signature]*
 DATE REVIEWED BY



ENCROACHMENT PLAN		DATE: 9/27/2010	DRAWING NO
PROJECT NAME 191 Peachtree Street East Entry		SCALE: 1/16" = 1'-0"	002
PROJECT NO 20090057	REF. DOC. 001		



ATLANTA DESIGN COMMISSION

- APPROVED
- APPROVED WITH CONDITIONS
- REVIEWED & COMMENTED

9/27/10 DATE

07/10 REVIEWER



WAYFINDING ELEMENT ELEVATION AND SECTION			DATE: 9/27/2010	DRAWING NO. 003
PROJECT NAME 191 Peachtree Street East Entry	PROJECT NO. 20090057	REF. DOC. 001	SCALE 1" = 1'-0"	

RCS# 603
10/18/10
2:58 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

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

CONSENT I

		10-18-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-1419	36. 10-R-1791	47. 10-R-1801
2. 10-O-1717	37. 10-R-1792	48. 10-R-1802
3. 10-O-1718	38. 10-R-1793	49. 10-R-1803
4. 10-O-1719	39. 10-R-1794	
5. 10-O-1720	40. 10-R-1795	
6. 10-O-1702	41. 10-R-1796	
7. 10-O-1811	42. 10-R-1797	
8. 10-O-1420	43. 10-R-1798	
9. 10-O-1692	44. 10-R-1799	
10. 10-O-1722	45. 10-R-1800	
11. 10-R-1721	46. 10-R-1804	
12. 10-R-1816		
13. 10-R-1771		
14. 10-R-1772		
15. 10-R-1654		
16. 10-R-1764		
17. 10-R-1765		
18. 10-R-1766		
19. 10-R-0944		
20. 10-R-1774		
21. 10-R-1775		
22. 10-R-1777		
23. 10-R-1778		
24. 10-R-1779		
25. 10-R-1780		
26. 10-R-1812		
27. 10-R-1782		
28. 10-R-1783		
29. 10-R-1784		
30. 10-R-1785		
31. 10-R-1786		
32. 10-R-1787		
33. 10-R-1788		
34. 10-R-1789		
35. 10-R-1790		