

11-0-1004
(Do Not Write Above This Line)

**AN ORDINANCE BY
CITY UTILITIES COMMITTEE**

AN ORDINANCE AUTHORIZING THE RENAMING OF HARRIS STREET TO JOHN PORTMAN BOULEVARD BY AND THROUGH ACTIONS OF THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC WORKS OR DESIGNEE; AND FOR OTHER PURPOSES.

As Amended

**ADOPTED BY
AUG 15 2011
COUNCIL**

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

Date Referred 7/18/11
 Referred To: City Utilities
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

Committee City Utilities
 Date July 13, 2011
 Chair [Signature]
 Referred to _____

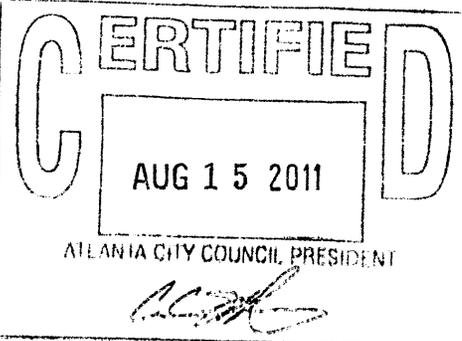
Committee City Utilities
 Date July 26, 2011
 Chair [Signature]
 Action Fav, Adv, Hold (see rev. side) [Signature]
 Other _____
 Members [Signature]
C. J. Martin
[Signature]
[Signature]
 Refer To _____

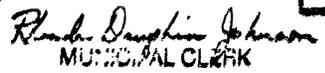
Committee _____
 Date _____
 Chair _____
 Action Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members _____
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members _____
 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
 AUG 15 2011


MAYOR'S ACTION
 APPROVED
 AUG 22 2011




AN AMENDED ORDINANCE BY

11-O-1004

CITY UTILITIES COMMITTEE

AN ORDINANCE AUTHORIZING THE RENAMING OF HARRIS STREET TO JOHN PORTMAN BOULEVARD BY AND THROUGH ACTIONS OF THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC WORKS OR DESIGNEE; AND FOR OTHER PURPOSES.

WHEREAS, an application has been filed with the Commissioner of the Department of Public Works (the "Application") requesting that Harris Street be renamed to John Portman Boulevard in honor of the internationally famous Atlanta architect John Portman; and

WHEREAS, Sec. 138-8 of the City Code requires that the Application meet certain criteria before it can be further processed; and

WHEREAS, the Commissioner of the Department of Public Works or his designee (the "Commissioner") did review the application and determine that the Application sought to rename Harris Street after a living person who was older than 75 years of age, included original signatures of property owners and/or businesses approving the renaming and which are defined by Sec. 138-8 as those who must consent and contained a check which was for the \$2,500 administrative fee; and

WHEREAS, the Commissioner did determine that the original signatures of property owners and/or businesses approving the renaming exceeded the 75% minimum approvals required by Sec. 138-8 and did, in fact, include an analysis of each of the twelve (12) block faces on Harris Street which matched the consent documents to addresses and parcel identification records from the Fulton County Tax Assessor; and

WHEREAS, the Application did confirm that diligent efforts had been made to determine the identity of any business which was located on Harris Street; and

WHEREAS, it appears that this Application meets the requirements of Sec. 138-8(h) in that it proposes and records consents of property owners and affected businesses for the entire length of the street; and

WHEREAS, upon a determination that the Application was complete, Sec. 138-8 requires that written notification be given to certain individuals or entities; and

WHEREAS, as required by Sec. 138-8(1)(a)(1), the Commissioner did provide notification of the receipt of the Application to the following City agencies by electronic transmission of the Application to the following agencies: *Atlanta Police Department* by and through its Deputy Chief, Peter Andressen; *Atlanta Fire Rescue* by and through its



Chief, Kelvin Cochran; *Office of Planning* by and through its Director, Charletta Wilson Jacks and Neighborhood Planning Unit and Citizen Participation Coordinator, Wendy Scruggs-Murray; *Office of Transportation* was designated to review the Application and coordinate all other notices; *Office of Buildings* by and through its Director, Don Rosenthal; *Department of Watershed Management* by and through its Commissioner JoAnn J. Macrina; and

WHEREAS, as required by Sec. 138-8(1)(a)(1), the Commissioner did provide notification of the receipt of the Application to the Metropolitan Atlanta Rapid Transit Authority by letters to Rich Krisak, its Assistant General Manager for Rail Operations and Mary Ann Jackson, its Assistant General Manager for Rail Operations; and

WHEREAS, as required by Sec. 138-8(1)(a)(1), the Commissioner did provide notification of the receipt of the Application to the State of Georgia Department of Transportation by a letter to Gerald Ross, the Deputy Commissioner and Chief Engineer; and

WHEREAS, as required by Sec. 138-8(1)(a)(2), the Commissioner did give written notice of the receipt of the Application to the affected Neighborhood Planning Unit ("NPU M") through letters to its Chair and Zoning Chair and to the Atlanta Public Schools by letter to the Deputy Superintendent of Operations for determination of and notice to the affected public schools to be made by the Operations Department; and

WHEREAS, Sec. 138-8(1)(a)(3) gives the Commissioner discretion to determine if persons other than those specified by the terms of Sec. 138-8 should receive notice of the Application and the Commissioner has reviewed the list of persons who receive electronic notice of the Agenda of the City of Atlanta Urban Design Commission and deems that the receipt of notice by these persons is sufficient for the purposes of Sec. 138-8(1)(a)(3); and

WHEREAS, the Commissioner did cause signs to be posted on Harris Street which gave notice of the Application; and

WHEREAS, the Urban Design Commission did publish an Agenda which showed that the Application was the subject of a Review and Comment action; and

WHEREAS, after the Review and Comment, the Commissioner did receive the written findings of the Urban Design Commission regarding the street renaming proposed in the Application; and

WHEREAS, the Commissioner has determined that the cost for producing the signage which will replace the seven existing Harris Street overhead signs and twelve Harris Street pole signs will be \$4,230.00; and

WHEREAS, the Ordinance 11-O-0856 authorized that the \$3,000 paid in connection with Ordinance 10-O-1981 be applied towards the Application and the \$3,730 received



connection with the Application is sufficient to pay the \$2,500 administrative fee and the \$4,230 cost for production of new signs; and

WHEREAS, the Commissioner has determined that the future costs of maintaining signage is the same for any street name such that it is unnecessary to produce more than the existing number of street signs, that there are no known additional signage costs and the Application makes sufficient arrangements for the responsibility of the payment of unforeseen costs associated with the production of the signs necessary for the street renaming based on the agreement of the applicant to pay the costs within three days of being notified; and

WHEREAS, the Commissioner has determined that no site plan of improvements are necessary in that the location of Harris Street and the associated signage is capable of being easily ascertained without a site plan; and

WHEREAS, at the time that this legislation was drafted the Commissioner determined that no amenities associated with Application were necessary such that no specifications and details were required;

WHEREAS, the narrative biography of the individual associated with the street renaming was included with the Application and shows that Mr. John Portman is of local, national and international reputation; and

WHEREAS, the Commissioner has determined that there is no necessity for the inclusion of a proposed maintenance schedule for any improvements associated with the proposed street renaming in that that the future costs of maintaining signage is on an as needed basis such that it is unnecessary to include a legal description of the proposed street renaming area in that the location of Harris Street and the associated signage is capable of being easily ascertained without a legal description; and

WHEREAS, the previous "whereas clauses" have specifically indicated that the conditions set forth in Sec. 138-8 have been met; and

WHEREAS, the authority of the City and its governing authority to rename streets has been tested in *Goodman v. City of Atlanta*, 246 Ga. 79 (1980) with respect to the renaming of Forrest Avenue to Ralph McGill Boulevard and found to be within the authority granted to City under its Charter; and

WHEREAS, the Commissioner did make a finding that the street renaming proposed in the Application was feasible and did so notify the Applicant; and

WHEREAS, the instant ordinance concerning the Application can now be introduced and considered and will be ripe for a final vote by the City Council after a properly advertized public hearing is held by the City Utilities Committee; and

WHEREAS, the written request to the municipal clerk by the staff of the City Utilities Committee for the placing of the advertisement for the public hearing indicated that the



Commission staff had considered the Application to be complete and that all conditions of Sec. 138-8 had been satisfied by the applicant where such actions were required to be taken by the applicant;

NOW THEREFORE, the City Council of the City of Atlanta Georgia, hereby ordains as follows:

Section 1: That Harris Street be renamed John Portman Boulevard and the Department of Public Works will approve the installation of “Historic Harris Street” street toppers at each corner of the intersections.

Section 2: That the Office of Transportation and other agencies of the City be and are authorized to make such notifications of the passage of this ordinance as required by Sec. 138-8 or as otherwise are necessary to implement the renaming of Harris Street to John Portman Boulevard.

Section 3: That the Office of Transportation and other agencies of the City be and are authorized take such steps as are required by Sec. 138-8 or as otherwise are necessary to implement the renaming of Harris Street to John Portman Boulevard.

Section 4: The commission is requesting that a marker/plaque with the history of Harris Street be prominently displayed along the corridor.

Section 5: That this ordinance becomes effective upon the Mayor’s signature or as specified by City Charter Sec. 2-403.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED as amended by the Atlanta City Council
APPROVED by Mayor Kasim Reed

Aug. 15, 2011
Aug. 22, 2011

RCS# 1327
8/15/11
5:40 PM

Atlanta City Council

REGULAR SESSION

11-O-1004

RENAMING HARRIS STREET TO JOHN PORTMAN
BOULEVARD
ADOPT/AMENDED

YEAS: 8
NAYS: 6
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

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

11-O-1004