

12-12-0995

(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 THE ATLANTA PRESERVATION CENTER, OWNER OF REAL PROPERTY LOCATED AT 327 ST. PAUL AVENUE, S.E., ATLANTA, GEORGIA FOR THE PURPOSE OF PERMITTING THE REPLACEMENT OF TWO FAILING RETAINING WALLS WITH NEW WALLS TO PARTIALLY EXTEND INTO THE PUBLIC RIGHT-OF-WAY ALONG THE NORTH SIDE OF ORLEANS STREET FOR AN APPROXIMATE TOTAL OF SEVENTY EIGHT (78) FEET; AND FOR OTHER PURPOSES.

As Amended

- 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

City Committee
Date July 31, 2012
Chair John G. Vucich

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

Members
John G. Vucich

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

AUG 2 0 2012

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

AUG 2 0 2012

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED

AUG 2 0 2012

Rachel Douglas
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

AUG 2 9 2012

WITHOUT SIGNATURE
BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

AN AMENDED RESOLUTION BY

12-R-0995

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 THE ATLANTA PRESERVATION CENTER, OWNER OF REAL PROPERTY LOCATED AT 327 ST. PAUL AVENUE, S.E., ATLANTA, GEORGIA FOR THE PURPOSE OF PERMITTING THE REPLACEMENT OF TWO FAILING RETAINING WALLS WITH NEW WALLS TO PARTIALLY EXTEND INTO THE PUBLIC RIGHT-OF-WAY ALONG THE NORTH SIDE OF ORLEANS STREET FOR AN APPROXIMATE TOTAL OF SEVENTY-EIGHT (78) FEET; AND FOR OTHER PURPOSES.

WHEREAS, the Atlanta Preservation Center owns certain real property located at 327 St. Paul Avenue, S.E. in Atlanta, Georgia ("Property"); and

WHEREAS, the current retaining walls ("Walls") are failing and must be rebuilt; and

WHEREAS, in order to rebuild the Walls with appropriate footing for support, the area below the existing sidewalk must be used which partially extends into the public right-of-way for a total distance of approximately seventy-eight (78) feet; and

WHEREAS, the City of Atlanta's ("City") Code of Ordinances, at Sections 138-22, 138-24 and 138-26, requires that an Encroachment Agreement be entered into between the City and the Atlanta Preservation Center for authorization to allow the Walls to be rebuilt in the public right-of-way and for authorization for the Atlanta Preservation Center to continue to maintain the Walls 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 Walls 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, the Atlanta Preservation Center desires to continue to maintain the Walls in the public right-of-way; and

WHEREAS, the Atlanta Preservation Center has agreed to conform to the conditions set out in the City's Code of Ordinances at Sections 138-22, 138-24 and 138-26.

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 the Atlanta Preservation Center for the purpose of granting the Atlanta Preservation



Center the right to rebuild and the obligation to thereafter maintain the retaining walls in the public right-of-way at 327 St. Paul Avenue, S.E. between Broyles Street, S.E. and Grant Street, S.E. in Atlanta, Georgia as depicted in Exhibit "A" attached hereto, in a form 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 interest of the City of Atlanta for this transaction.

BE IT FURTHER RESOLVED, that the plans and specifications for said retaining walls shall be submitted for the review and approval of the Commissioner of Public Works.

BE IT FURTHER RESOLVED, that the Atlanta Preservation Center shall indemnify the City for any damages to properties within the public right-of-way resulting from the erection and maintenance of said retaining walls.

BE IT FURTHER RESOLVED, that the Atlanta Preservation Center shall comply with the conditions set out at Sections 138-22, 138-24 and 138-26 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 the Atlanta Preservation Center

AND FINALLY BE IT 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 the Atlanta Preservation Center.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED as amended by the Council
APPROVED as per City Charter Section 2-403

AUG 20, 2012
AUG 29, 2012

EXHIBIT A

LOT INFORMATION

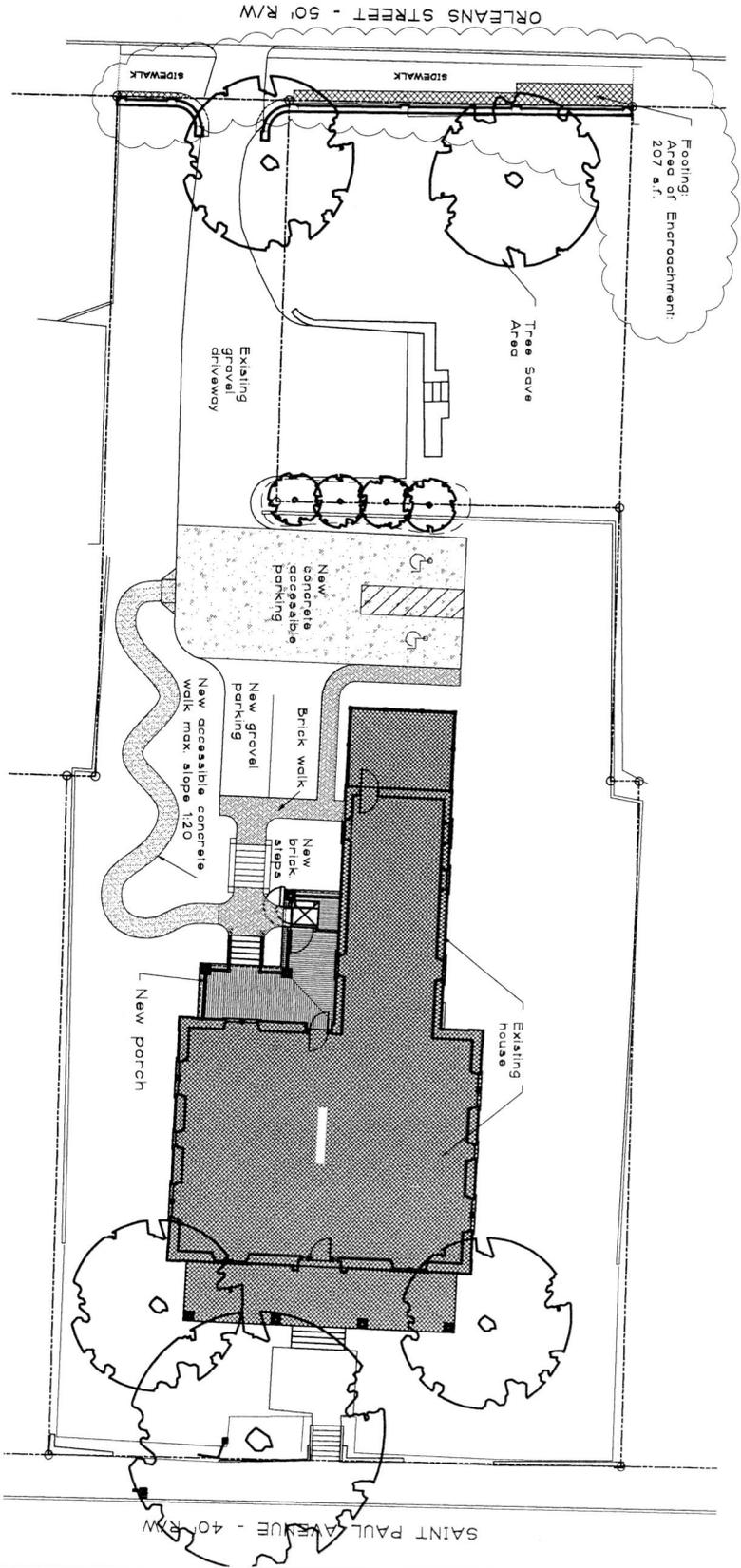
ZONING: R5 w/ Special Use Permit for Community Service Facility
 LOT AREA: 22,607 S.F. (0.519 ACI)
 FRONT YARD SETBACK: 30'
 SIDE YARD SETBACK: 7'
 REAR YARD SETBACK: 7'

LOT COVERAGE:

ALLOWABLE EXISTING	55% (12,434 SF) 18% (4,067 SF)
PROPOSED	18% (4,067 SF) NO CHANGE

FLOOR AREA RATIO:

ALLOWABLE EXISTING	.50 (11,303 SF) .14 (3,063 SF)
PROPOSED	.14 (3,063 SF) NO CHANGE



1 Site Plan
 A1.03 1" = 20'-0"



Harrison
 Design
 LLC

537 Woodford Ave., SE
 Atlanta, GA 30312
 (404) 725-7240



Retaining Wall for the Historic
 Grant Mansion
 327 St. Paul Ave., SE
 Atlanta, Georgia 30312

Permit: SPT, Exp 2/7, 2012
 REV 08.03.2012

A1.03

SITE PLAN

RCS# 2210
8/20/12
3:39 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I
MONDAY, AUGUST 20, 2012
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 1
ABSENT 1

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

CONSENT I

		08-20-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPDED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 12-O-0910	35. 12-R-1024	39. 12-R-1027
2. 12-O-0911	36. 12-R-1025	40. 12-R-1028
3. 12-O-1005	37. 12-R-1026	41. 12-R-1029
4. 12-O-0905	38. 12-R-1039	42. 12-R-1030
5. 12-O-0906		43. 12-R-1031
6. 12-O-0452		44. 12-R-1032
7. 12-O-0999		45. 12-R-1033
8. 12-O-1002		46. 12-R-1034
9. 10-O-2228		47. 12-R-1035
10. 12-O-1003		
11. 12-O-1007		
12. 11-R-1104		
13. 12-R-0985		
14. 12-R-0986		
15. 12-R-0988		
16. 12-R-0990		
17. 12-R-0993		
18. 12-R-0994		
19. 12-R-0995		
20. 12-R-0996		
21. 12-R-1008		
22. 12-R-1011		
23. 12-R-1012		
24. 12-R-1013		
25. 12-R-1014		
26. 12-R-1015		
27. 12-R-1016		
28. 12-R-1017		
29. 12-R-1018		
30. 12-R-1019		
31. 12-R-1020		
32. 12-R-1021		
33. 12-R-1022		
34. 12-R-1023		