

12-R-1358
 (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 ACP/PEACHTREE CENTER, LLC, OWNER OF REAL PROPERTY LOCATED AT 225 PEACHTREE STREET, N.E., ATLANTA, GEORGIA FOR THE PURPOSE OF PERMITTING AN OVERHEAD CANOPY WITH AN ELECTRONIC SIGN ALONG THE EAST SIDE OF PEACHTREE STREET BETWEEN JOHN PORTMAN BOULEVARD AND ANDREW YOUNG INTERNATIONAL BOULEVARD, N.E.; AND FOR OTHER PURPOSES.

ADOPTED BY

OCT 15 2012

COUNCIL

- 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 _____

CITY UTILITIES
 Date Oct 2 2012
 Chair Walter Chubb

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

Members _____
John Portman

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

Refer To

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

CERTIFIED

OCT 15 2012

COUNCIL PRESIDENT PROTTEM

CERTIFIED
 OCT 15 2012
Rick Douglas Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

OCT 24 2012

WITHOUT SIGNATURE
 BY OPERATION OF LAW



**A RESOLUTION BY
CITY UTILITIES COMMITTEE**

12- R-1358

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 ACP/PEACHTREE CENTER, LLC, OWNER OF REAL PROPERTY LOCATED AT 225 PEACHTREE STREET, N.E., ATLANTA, GEORGIA FOR THE PURPOSE OF PERMITTING AN OVERHEAD CANOPY WITH AN ELECTRONIC SIGN ALONG THE EAST SIDE OF PEACHTREE STREET BETWEEN JOHN PORTMAN BOULEVARD AND ANDREW YOUNG INTERNATIONAL BOULEVARD, N.E.; AND FOR OTHER PURPOSES.

WHEREAS, ACP/Peachtree Center, LLC (“ACP”) owns real property located at 225 Peachtree Street, N.E. in Atlanta, Georgia (“Property”); and

WHEREAS, ACP proposes to install and maintain an overhead canopy which will extend into the public right-of-way approximately Four (4) feet, with the canopy being approximately Twenty-Six (26) feet in width, and approximately Fifteen (15) feet in height above the sidewalk; and

WHEREAS, ACP will install an electronic business identification sign on the canopy; 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 ACP for authorization to allow the canopy and electronic sign to be installed in the public right-of-way and for authorization for ACP 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 encroachments and has determined that the canopy and electronic sign 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, ACP desires to maintain the canopy and electronic sign; and

WHEREAS, ACP 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 ACP for the purpose of granting ACP the right to install and obligation to thereafter maintain the canopy and electronic sign in the public right-of-way at 225 Peachtree



Street, N.E. between John Portman Boulevard and Andrew Young International Boulevard, N.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 canopy and electronic sign shall be submitted for the review and approval of the Commissioner of Public Works.

BE IT FURTHER RESOLVED, that ACP shall indemnify the City for any damages to property within the public right-of-way resulting from the erection and maintenance of said canopy and electronic sign.

BE IT FURTHER RESOLVED, that ACP 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 ACP.

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 ACP/Peachtree Center, LLC.

BE IT FINALLY RESOLVED, that all funds received from payments for encroachment application and annual inspections shall be deposited into Fund Department Organization and Account Number: 1001 (General Fund) 130301 (DPW Transportation Administration) 3442707 (Miscellaneous Other Revenue) 4210000 (Highways & Streets Admin).

A true copy,

Deputy Municipal Clerk

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

October 15, 2012
October 24, 2012



CVS
Pharmacy

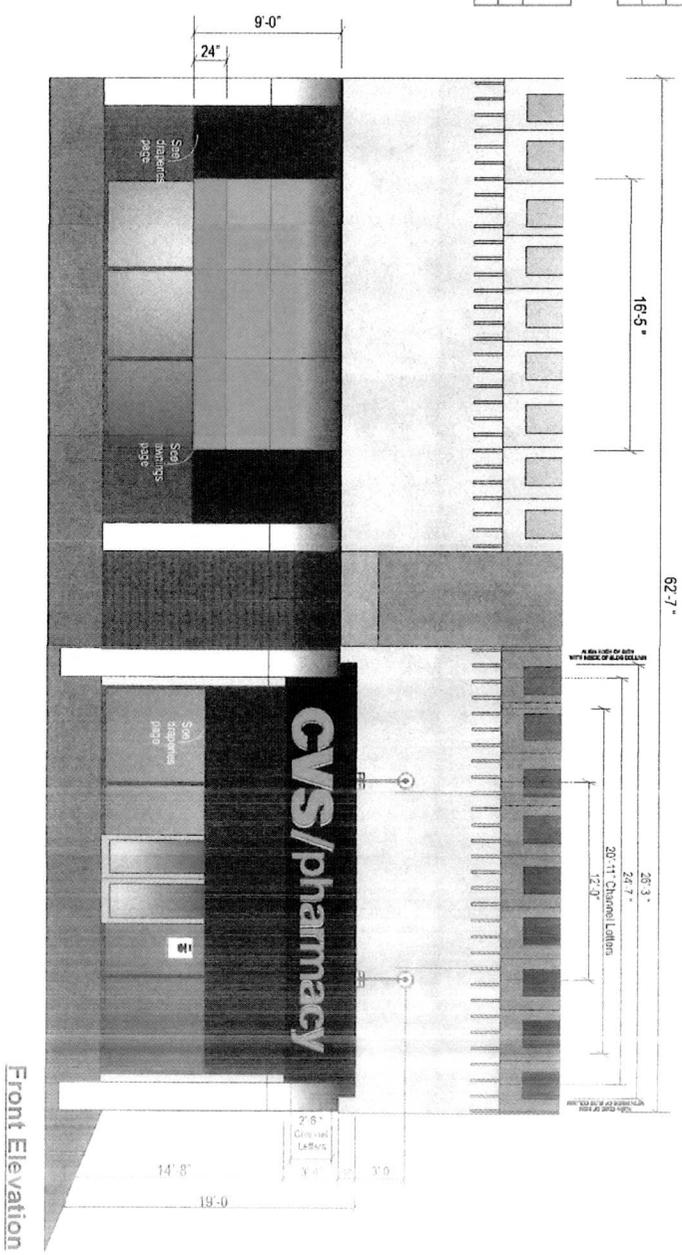
Client: CVS
Site #: CV-10043
Address: 231 Peachtree Street
Atlanta, GA 30303

REVISION INFO	
02/14/2012	Revised Awnings with additons. Created Permit Renderings
03/26/2012	Added and Revised Canopy Detail
04/09/2012	Revised Sign C detail and building drawing
04/19/2012	Revised Sign A detail and added detail to drawings. Updated Sign B facade detail
04/24/2012	Superimposed Signs onto Client Provided Drawings
07/26/2012	Added interior draperies
09/09/2012	Removed interior draperies Updated Sign A Detail

JK			

The rendering is a representation of the proposed sign and building drawing. It is not intended to be a final rendering. It is subject to change without notice. Please contact your architect or engineer with any questions or comments.

AnchorSign
1.800.213.3331

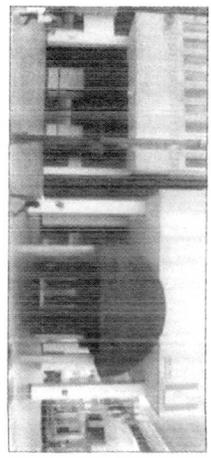


Front Elevation
Scale: 1/8" = 1'-0"

Sign C	
Sign:	30' CVS/Pharmacy
Sign Type:	Individual Channel Letters
Illumination:	Internally Illuminated With LEDs
Square Footage:	52.30
To Grade:	Top of Sign To Grade = 19'-0" Bottom of Sign To Grade = 14'-6"

Sign D	
Sign:	Open Hours
Sign Type:	Plaque
Illumination:	Non-Illuminated
Square Footage:	2.42

Note
(3) separate awnings
Existing awning frame to be recovered with new material



Existing

Awnings	Existing Awnings Recovered
Illumination:	Non-Illuminated
To Grade:	Bottom of Awning to Grade = 15'-5 1/2"
Draperies	Existing Draperies Recovered
Illumination:	Non-Illuminated
To Grade:	Bottom of Draperies to Grade = 15'-5 1/2"

225 Peachtree Street, N.E.



RCS# 2350
10/15/12
2:17 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I
10/15/2012
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 2

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

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	10-15-12 ITEMS ADVERSED ON CONSENT
1. 12-O-1267 2. 12-O-1400 3. 12-O-1281 4. 12-O-1276 5. 12-O-1277 6. 12-O-1399 7. 12-R-0965 8. 12-R-1357 9. 12-R-1358 10. 12-R-1359 11. 12-R-1360 12. 11-R-1361 13. 12-R-1362 14. 12-R-1363 15. 12-R-1364 16. 12-R-1365 17. 12-R-1366 18. 12-R-1367 19. 12-R-1368 20. 12-R-1254 21. 12-R-1403 22. 12-R-1338 23. 12-R-1371 24. 12-R-1406 25. 12-R-1330 26. 12-R-1332 27. 12-R-1333 28. 12-R-1334 29. 12-R-1340 30. 12-R-1341 31. 12-R-1342 32. 12-R-1343 33. 12-R-1344 34. 12-R-1345	35. 12-R-1348 36. 12-R-1349 37. 12-R-1351 38. 12-R-1372 39. 12-R-1373 40. 12-R-1374 41. 12-R-1375 42. 12-R-1376 43. 12-R-1377 44. 12-R-1378 45. 12-R-1379 46. 12-R-1380 47. 12-R-1381 48. 12-R-1382	49. 12-R-1383 50. 12-R-1384 51. 12-R-1385 52. 12-R-1386 53. 12-R-1387 54. 12-R-1388 55. 12-R-1389 56. 12-R-1390