

12-1538
 (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 ANSLEY NORTH COOPERATIVE, OWNER OF REAL PROPERTY LOCATED AT 1705 MONROE DRIVE, N.E., ATLANTA, GEORGIA FOR THE PURPOSE OF PERMITTING THE REPLACEMENT OF A FAILING RETAINING WALL WITH A NEW WALL TO PARTIALLY EXTEND INTO THE PUBLIC RIGHT OF WAY ALONG THE EAST SIDE OF MONROE DRIVE FOR AN APPROXIMATE TOTAL OF FIVE (5) FEET; AND FOR OTHER PURPOSES.

ADOPTED BY
 NOV 19 2012
COUNCIL

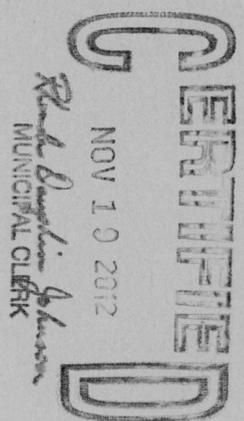
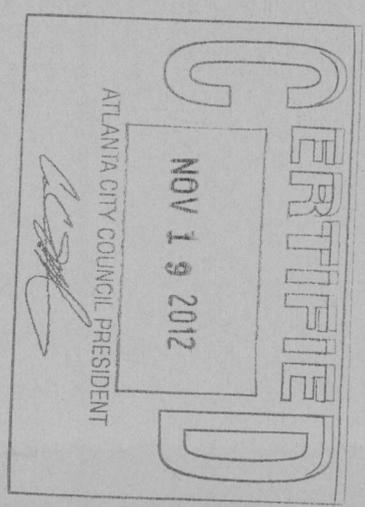
- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____
 Referred To: _____

First Reading
 Committee _____
 Date _____
 Chair _____
 Referred 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 _____
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FINAL COUNCIL ACTION
 2ND 1ST & 2ND 3RD
 Readings
 Consent V Vote RC Vote



MAYOR'S ACTION
APPROVED
 NOV 28 2012
 WITHOUT SIGNATURE
 BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION BY
CITY UTILITIES COMMITTEE

12-R-1538

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 ANSLEY NORTH COOPERATIVE, OWNER OF REAL PROPERTY LOCATED AT 1705 MONROE DRIVE, N.E., ATLANTA, GEORGIA FOR THE PURPOSE OF PERMITTING THE REPLACEMENT OF A FAILING RETAINING WALL WITH A NEW WALL TO PARTIALLY EXTEND INTO THE PUBLIC RIGHT OF WAY ALONG THE EAST SIDE OF MONROE DRIVE FOR AN APPROXIMATE TOTAL OF FIVE (5) FEET; AND FOR OTHER PURPOSES.

WHEREAS, Ansley North Cooperative (“Ansley”) owns certain real property located at 1705 Monroe Drive, N.E. in Atlanta, Georgia (“Property”); and

WHEREAS, the current retaining wall (“Wall”) is failing and must be rebuilt; and

WHEREAS, in order to rebuild the Wall 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 five (5) 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 Ansley North Cooperative for authorization to allow the Wall to be rebuilt in the public right-of-way and for authorization for Ansley to continue to maintain the Wall 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 Wall 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, Ansley desires to continue to maintain the Wall in the public right-of-way; and

WHEREAS, Ansley 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 Ansley for the purpose of granting Ansley the right to rebuild and the obligation to thereafter maintain the retaining wall in the public right-of-way at 1705 Monroe Drive, N.E., between Montgomery Ferry Drive, N.E. and Piedmont Avenue, 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.

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

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

BE IT FURTHER RESOLVED, that Ansley 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 Ansley.

BE IT FINALLY 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 Ansley North Cooperative.

A true copy,

Deputy Municipal Clerk

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

November 19, 2012
November 28, 2012



EXHIBIT A



CITY OF ATLANTA

KASIM REED
MAYOR

68 MITCHELL STREET, S.W.
SUITE 4900, CITY HALL SOUTH
ATLANTA, GEORGIA 30303-3531
TEL. (404) 330-6501
FAX. (404) 658-7085
Email: publicworks@atlantaga.gov

DEPARTMENT OF PUBLIC WORKS
RICHARD MENDOZA
Commissioner

DEXTER C. WHITE
Deputy Commissioner

Department of Public Works Office of Transportation

Information Checklist – Encroachment Agreements

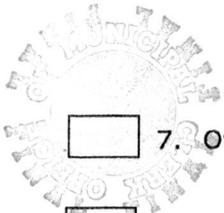
In order for the Law Department to prepare encroachment agreements pursuant to legislation adopted by the City Council, the following information needs to be provided to the Law Department by the Department of Public Works

- 1. Scaled Engineering Drawings/Plan of the location on 8-1/2" X 11" Sheet
- 2. Scaled Engineering Drawings of the encroachment e.g. monuments, awnings, etc. on 8-1/2" X 11" Sheet
- 3. Structural Calculations with a Professional Engineer's stamp
- 4. Area and Volume calculation for the encroachment *250 SF / 375 CF +/-*
- 5. Ordinance/Resolution number of legislation authorizing the project.

- 6. The date that DPW completed its review and approval of the plans and technical specifications for the project. _____

DEPARTMENT OF PUBLIC WORKS – OFFICE OF TRANSPORTATION

"Designing, Implementing & Maintaining a Sustainable Transportation Infrastructure System"



7. Owner of the Property Ansley North Cooperative

8. Name and title of encroaching party official who will execute the agreement. This person **must** have legal authority to bind the encroaching party to the terms of the encroachment agreement.

Name David Young
Title Board Member

9. Full corporate name of encroaching party.
Ansley North Cooperative

10. Mailing address of encroaching party.
1075 Monroe Dr
Atlanta, GA 30

11. Name and telephone number of contact person for encroaching party.
Name David Young
Number 404-556-2699

12. When applicable, the date that the Urban Design Commission completed its review and approval of the design and location of the project.

13. The amount of public liability insurance that will be required for this project (as determined by Risk Management).

14. Whether the encroachment is permanent or temporary
Permanent
If Temporary, the expected length of time the encroachment will be in place.



15. Whether a performance/completion bond is required for this encroachment

If a bond is required, the dollar amount that will be required for the bond:

16. Fees to be charged by DPW to the encroaching party - If none, indicate with a zero in the appropriate blank below:

- a. Application and Review Fee: \$1,300.00
b. ROW use fee (rental): \$100.00

If the right-of-way use fee is to be imposed, please provide the basis upon which the fee has been determined:

DPW contact: Name Wahab Alabi 404-330-6501

17. Project Brief Description - Include reason(s) for encroachment.

Replacing an existing retaining wall
which is already in the right of way.



7. Owner of the Property Ansley North Cooperative

8. Name and title of encroaching party official who will execute the agreement. This person **must** have legal authority to bind the encroaching party to the terms of the encroachment agreement.
Name David Young
Title Board Member

9. Full corporate name of encroaching party.
Ansley North Cooperative

10. Mailing address of encroaching party.
1075 Monroe Dr
Atlanta, GA 30

11. Name and telephone number of contact person for encroaching party.
Name David Young
Number 404-556-2699

12. When applicable, the date that the Urban Design Commission completed its review and approval of the design and location of the project.

CPEX LLC
BS. 678-758-4817
3522 ASHFORD DUNWOODY RD
STE 117
ATLANTA, GA 30319

BB&T
BRANCH BANKING AND TRUST COMPANY
1-800-BANK BBT BBT.com
64-1341/611

1774

7/30/2012

PAY TO THE ORDER OF City of Atlanta

\$ **1,300.00

One Thousand Three Hundred and 00/100*****

DOLLARS

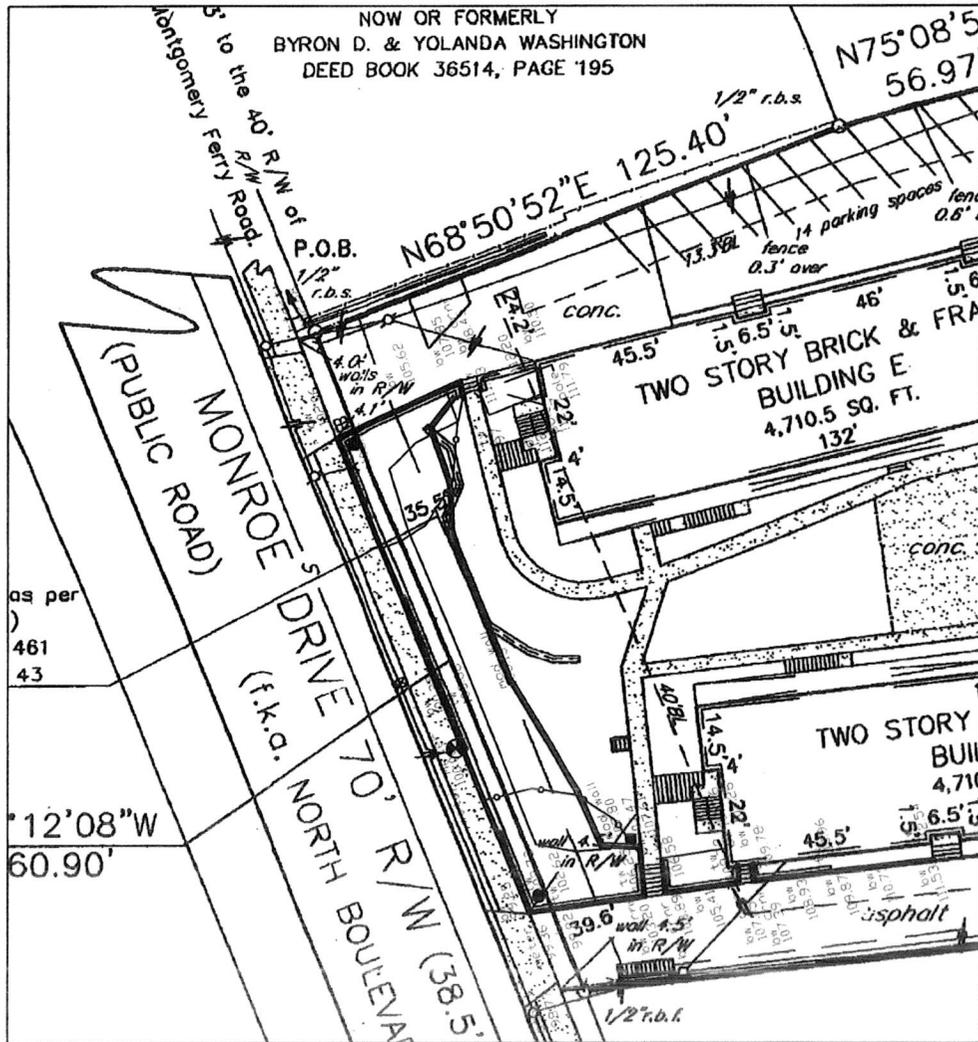
City of Atlanta

MEMO Encroachment Perm L
1705 Monroe Dr.

⑈00177⑈ ⑆061113415⑆0005241234187⑈



RETAINING WALL ENCROACHMENT EXHIBIT



PLAN VIEW

1" = 40'



WALL ENCROACHMENT:
 WALL LENGTH = 126'
 WALL HEIGHT = 5.0'
 WALL IS 5' INSIDE ROW
 ENCROACHMENT AREA = 580 SF
 ENCROACHMENT VOLUME = 290 CY

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 TEL: (770) 592-2950 FAX: (770) 592-2953
 EMAIL: ENGINEERING@EESOLS.COM
 ENGINEER@EARTH SOLUTIONS.COM

ACCESS MANAGEMENT GROUP
 1100 NORTHMEADOW PARKWAY,
 SUITE 114
 ROSWELL, GA 30076
 TEL: (770) 777-8890 FAX: (770) 777-6918

PHASE I PLAN VIEW
1705 MONROE DRIVE
 CITY: ATLANTA
 STATE: GEORGIA

DESIGNED BY: JRE
 DRAWN BY: JRE
 CHECK BY: LGP
 DATE: AUGUST 14, 2012
 SHEET: **RW1**
 OF 1
 PROJECT NO: Z10-0844

RCS# 2400
11/19/12
2:23 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I
EXCEPT 12-O-1416
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

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

CONSENT I

		11-19-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPDED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 12-O-1404	35. 12-R-1558	69. 12-R-1581
2. 12-O-1504	36. 12-R-1559	70. 12-R-1582
3. 12-O-1505	37. 12-R-1560	71. 12-R-1583
4. 12-O-1506	38. 12-R-1561	72. 12-R-1584
5. 12-O-1507	39. 12-R-1562	73. 12-R-1585
6. 12-O-1598	40. 12-R-1563	ITEMS ADVERSED ON CONSENT
7. 12-O-1515	41. 12-R-1564	74. 12-R-1586
8. 12-O-1516	42. 12-R-1596	75. 12-R-1587
9. 12-O-1525	43. 12-R-1617	76. 12-R-1588
10. 12-O-1526	44. 12-R-1625	77. 12-R-1589
11. 12-O-1609	45. 12-R-1626	78. 12-R-1590
12. 12-O-1611	46. 12-R-1538	79. 12-R-1592
13. 12-O-1495	47. 12-R-1540	80. 12-R-1593
14. 12-O-1497	48. 12-R-1541	
15. 12-O-1498	49. 12-R-1601	
16. 12-O-1608	50. 12-R-1602	
17. 12-O-1508	51. 12-R-1616	
18. 12-O-1509	52. 12-R-1511	
19. 12-O-1523	53. 12-R-1542	
20. 12-R-1566	54. 12-R-1543	
21. 12-R-1567	55. 12-R-1544	
22. 12-R-1568	56. 12-R-1612	
23. 12-R-1547	57. 12-R-1624	
24. 12-R-1548	58. 12-R-1570	
25. 12-R-1549	59. 12-R-1571	
26. 12-R-1619	60. 12-R-1572	
27. 12-R-1096	61. 12-R-1573	
28. 12-R-1347	62. 12-R-1574	
29. 12-R-1355	63. 12-R-1575	
30. 12-R-1531	64. 12-R-1576	
31. 12-R-1554	65. 12-R-1577	
32. 12-R-1555	66. 12-R-1578	
33. 12-R-1556	67. 12-R-1579	
34. 12-R-1557	68. 12-R-1580	