

12-R-1727

(Do Not Write Above This Line)

A RESOLUTION BY
COUNCILMEMBER KWANZA HALL

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AN ENCROACHMENT AGREEMENT WITH THE GEORGIA PROTON TREATMENT CENTER, LLC ("GPTC") OWNER OF REAL PROPERTY LOCATED AT 615 PEACHTREE STREET, NE, ATLANTA, GEORGIA FOR THE PURPOSE OF PERMITTING THE INSTALLATION OF A TEMPORARY THE-BACK SYSTEM AND ANCHORS TO BE LOCATED WITHIN AND UNDER THE PUBLIC RIGHTS-OF-WAY OF PEACHTREE STREET, BEGINNING FORTY (40') FEET NORTH FROM THE CENTER LINE OF NORTH AVENUE AND CONTINUING NORTH SIXTY (60') FEET ALONG THE EASTERN RIGHT-OF-WAY OF PEACHTREE STREET AND PONCE DE LEON AVENUE, BEGINNING FORTY (40') FEET WEST FROM THE CENTER LINE OF JUNIPER STREET AND CONTINUING WEST ONE HUNDRED SEVENTY (170) FEET ALONG THE SOUTHERN RIGHT-OF-WAY OF PONCE DE LEON AVENUE, LOCATED IN LAND LOT 49 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA, AND FOR OTHER PURPOSES.

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

Date Referred: 11/19/12
 Referred To: City Utilities
 Date Referred:
 Referred To:
 Date Referred:
 Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

City Utilities
 Nov. Date 27 2012
 Chair *Bob Smith*

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

Members
Paul Smith

Johnson

Refer To _____

Committee _____

Date _____

Chair _____

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

Members _____

ADOPTED BY

DEC 03 2012

COUNCIL

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 _____

CERTIFIED
 DEC 03 2012

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED
 DEC 03 2012

[Signature]
 MUNICIPAL CLERK

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

MAYOR'S ACTION

APPROVED

DEC 12 2012

WITHOUT SIGNATURE
 BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

Kwll

12-R-1727

**A RESOLUTION BY
COUNCILMEMBER KWANZA HALL**

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AN ENCROACHMENT AGREEMENT WITH THE GEORGIA PROTON TREATMENT CENTER, LLC (“GPTC”) OWNER OF REAL PROPERTY LOCATED AT 615 PEACHTREE STREET, NE, ATLANTA, GEORGIA FOR THE PURPOSE OF PERMITTING THE INSTALLATION OF A TEMPORARY TIE-BACK SYSTEM AND ANCHORS TO BE LOCATED WITHIN AND UNDER THE PUBLIC RIGHTS-OF-WAY OF PEACHTREE STREET, BEGINNING FORTY (40’) FEET NORTH FROM THE CENTER LINE OF NORTH AVENUE AND CONTINUING NORTH SIXTY (60’) FEET ALONG THE EASTERN RIGHT-OF-WAY OF PEACHTREE STREET AND PONCE DE LEON AVENUE, BEGINNING FORTY (40’) FEET WEST FROM THE CENTER LINE OF JUNIPER STREET AND CONTINUING WEST ONE HUNDRED SEVENTY (170’) FEET ALONG THE SOUTHERN RIGHT-OF-WAY OF PONCE DE LEON AVENUE, LOCATED IN LAND LOT 49 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA, AND FOR OTHER PURPOSES.

WHEREAS, the GPTC owns certain real property located at 615 Peachtree Street, NE in Atlanta, Georgia (“Property”); and

WHEREAS, the GPTC is the first facility of its type in Georgia and one of ten such facilities in the nation; and

WHEREAS, GPTC will be an asset to the Atlanta medical and business community by adding an otherwise available medical treatment and by adding to the City’s employment base; and

WHEREAS, placement and removal of Temporary Tie-Back System and Anchors must be constructed to allow for the development of the proton cancer treatment center at 615 Peachtree Street, NE, Atlanta, Georgia and consequently serve a substantial public benefit; and

WHEREAS, in order to build the GPTC, Temporary Tie-Back System and Anchors are required for support of rights-of-way, and foundations; and

WHEREAS, the area below the Temporary Tie-Back System and Anchors; 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 GPTC for authorization for GPTC to continue to maintain the Temporary Tie-Back System and Anchors in the public rights-of-way; and

WHEREAS, the Commissioner of the Department of Public Works has reviewed the plans for the rights-of-way encroachment and has determined that the Temporary Tie-Back System and Anchors will not adversely impact the ability of the affected rights-of-way to handle vehicular or pedestrian traffic or otherwise to perform its intended public function; and



WHEREAS, GPTC desires to continue to maintain the Temporary Tie-Back System and Anchors in the public rights-of-way for the duration of their presence in said rights-of-way; and

WHEREAS, GPTC 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, as outlined in Section 138, Article II, of the City's Code of Ordinances with 615 Peachtree, LLC for the purpose of granting GPTC the right to build and the obligation to thereafter maintain same so long as they exist with the Temporary Tie-Back System and Anchors in the public rights-of-way at 615 Peachtree Street and Ponce de Leon Avenue in Atlanta, Georgia located within and under the public rights-of-way of Peachtree Street, beginning forty (40') feet north from the center line of north avenue and continuing north sixty (60') feet along the eastern right-of-way of Peachtree Street and Ponce de Leon Avenue, beginning forty (40') feet west from the center line of juniper street and continuing west one hundred seventy (170') feet along the southern right-of-way of Ponce de Leon Avenue, located in Land Lot 49 of the 14th District of Fulton County, 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 Tie-Backs shall be submitted for the review and approval of the Commissioner of Public Works.

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

BE IT FURTHER RESOLVED, that GPTC 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 GPTC.

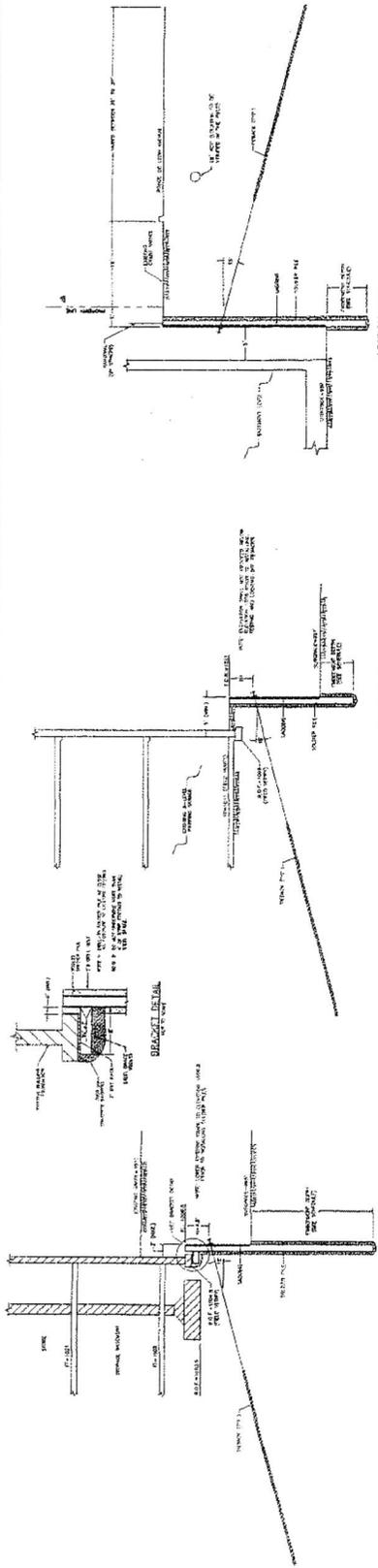
AND FINALLY BE IT RESOLVED, that the Agreement shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder until the Agreement has been approved as to form by the City Attorney, executed by the Mayor, attested to by the Municipal Clerk and delivered to GPTC.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

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

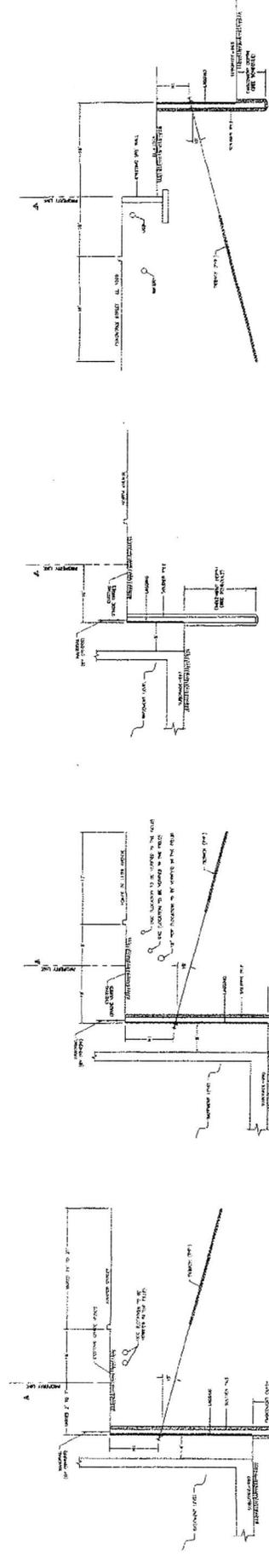
DEC 03, 2012
DEC 12, 2012



SECTION A-A
EASTING BOUNDARIES
NOT TO SCALE

SECTION B-B
EASTING BOUNDARIES
NOT TO SCALE

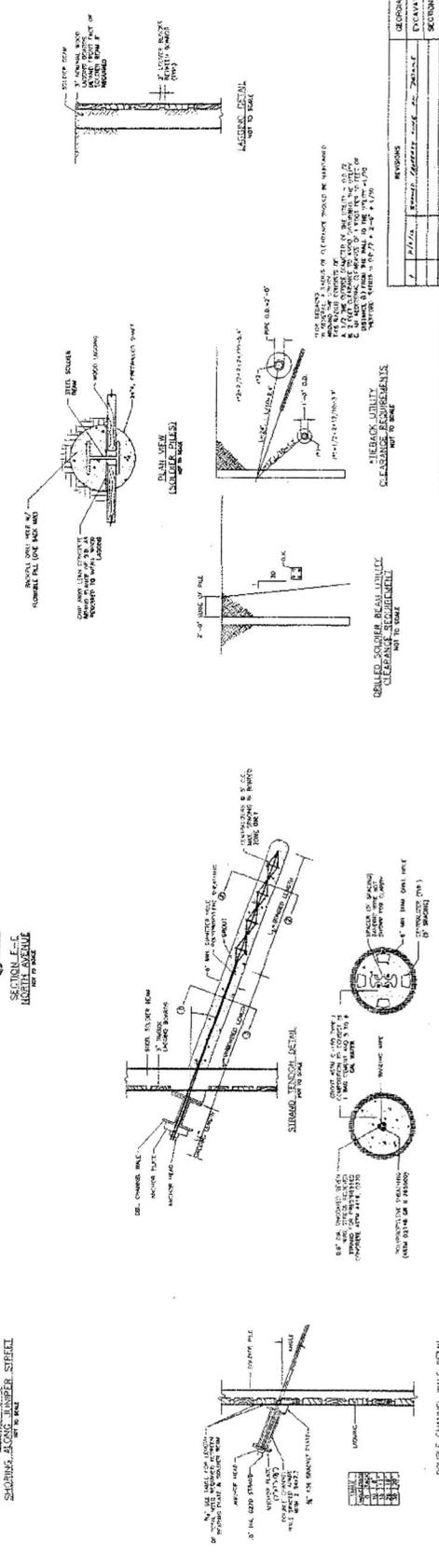
SECTION C-C
EASTING BOUNDARIES
NOT TO SCALE



SECTION D-D
SOUTH JUNGFER STREET
NOT TO SCALE

SECTION E-E
NORTH JUNGFER STREET
NOT TO SCALE

SECTION G-G
EASTING BOUNDARIES
NOT TO SCALE



SECTION H-H
EASTING BOUNDARIES
NOT TO SCALE

SECTION I-I
SOUTH JUNGFER STREET
NOT TO SCALE

SECTION J-J
EASTING BOUNDARIES
NOT TO SCALE

SECTION K-K EASTING BOUNDARIES: A cross-section diagram showing a steel beam supported by a concrete wall. The wall is on the left, and the beam is on the right. The diagram shows the beam's connection to the wall, including bolts and gusset plates. A 'SECTION L-L SOUTH JUNGFER STREET' detail is also shown, detailing the connection of a beam to a wall.

SECTION K-K
EASTING BOUNDARIES
NOT TO SCALE

SECTION L-L
SOUTH JUNGFER STREET
NOT TO SCALE

SECTION M-M
EASTING BOUNDARIES
NOT TO SCALE



George P.E. No. 000402
Schnabel
Professional Engineer
11-4601
Date: 11/26/72
Page: 4 of 4

NO.	REVISION	DATE	BY	CHKD.
1	ISSUED	11/26/72	GEORGE	

SECTION M-M EASTING BOUNDARIES: A cross-section diagram showing a steel beam supported by a concrete wall. The wall is on the left, and the beam is on the right. The diagram shows the beam's connection to the wall, including bolts and gusset plates. A 'SECTION N-N SOUTH JUNGFER STREET' detail is also shown, detailing the connection of a beam to a wall.

SECTION N-N SOUTH JUNGFER STREET: A cross-section diagram showing a steel beam supported by a concrete wall. The wall is on the left, and the beam is on the right. The diagram shows the beam's connection to the wall, including bolts and gusset plates. A 'SECTION O-O EASTING BOUNDARIES' detail is also shown, detailing the connection of a beam to a wall.

SECTION O-O EASTING BOUNDARIES: A cross-section diagram showing a steel beam supported by a concrete wall. The wall is on the left, and the beam is on the right. The diagram shows the beam's connection to the wall, including bolts and gusset plates. A 'SECTION P-P SOUTH JUNGFER STREET' detail is also shown, detailing the connection of a beam to a wall.

SECTION P-P SOUTH JUNGFER STREET: A cross-section diagram showing a steel beam supported by a concrete wall. The wall is on the left, and the beam is on the right. The diagram shows the beam's connection to the wall, including bolts and gusset plates. A 'SECTION Q-Q EASTING BOUNDARIES' detail is also shown, detailing the connection of a beam to a wall.

SECTION Q-Q EASTING BOUNDARIES: A cross-section diagram showing a steel beam supported by a concrete wall. The wall is on the left, and the beam is on the right. The diagram shows the beam's connection to the wall, including bolts and gusset plates. A 'SECTION R-R SOUTH JUNGFER STREET' detail is also shown, detailing the connection of a beam to a wall.

SECTION R-R SOUTH JUNGFER STREET: A cross-section diagram showing a steel beam supported by a concrete wall. The wall is on the left, and the beam is on the right. The diagram shows the beam's connection to the wall, including bolts and gusset plates. A 'SECTION S-S EASTING BOUNDARIES' detail is also shown, detailing the connection of a beam to a wall.

SECTION S-S EASTING BOUNDARIES: A cross-section diagram showing a steel beam supported by a concrete wall. The wall is on the left, and the beam is on the right. The diagram shows the beam's connection to the wall, including bolts and gusset plates. A 'SECTION T-T SOUTH JUNGFER STREET' detail is also shown, detailing the connection of a beam to a wall.

RCS# 2447
12/03/12
2:58 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; ALL ITEMS
EXCEPT 12-R-1647
ADOPT

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

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

CONSENT I

		12-03-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 12-O-1252	35. 12-R-1669	69. 12-R-1692
2. 12-O-1550	36. 12-R-1737	70. 12-R-1693
3. 12-O-1551	37. 12-R-1742	71. 12-R-1694
4. 12-O-1552	38. 12-R-1753	72. 12-R-1695
5. 12-O-1553	39. 12-R-1754	73. 12-R-1696
6. 12-O-1728	40. 12-R-1641	74. 12-R-1697
7. 12-O-1738	41. 12-R-1642	75. 12-R-1698
8. 12-O-1545	42. 12-R-1643	76. 12-R-1699
9. 12-O-1546	43. 12-R-1644	77. 12-R-1700
10. 12-O-1425	44. 12-R-1645	ITEMS ADVERSED ON CONSENT
11. 12-O-1426	45. 12-R-1648	78. 12-R-1701
12. 12-O-1427	46. 12-R-1649	79. 12-R-1702
13. 12-O-1429	47. 12-R-1650	80. 12-R-1703
14. 12-O-1430	48. 12-R-1651	81. 12-R-1704
15. 12-O-1569	49. 12-R-1727	82. 12-R-1705
16. 12-O-1725	50. 12-R-1729	83. 12-R-1706
17. 12-R-1675	51. 12-R-1731	84. 12-R-1707
18. 12-R-1677	52. 12-R-1732	85. 12-R-1708
19. 12-R-1678	53. 12-R-1745	86. 12-R-1709
20. 12-R-1679	54. 12-R-1652	87. 12-R-1710
21. 12-R-1565	55. 12-R-1663	88. 12-R-1711
22. 12-R-1654	56. 12-R-1722	89. 12-R-1712
23. 12-R-1655	57. 12-R-1752	90. 12-R-1713
24. 12-R-1656	58. 12-R-1681	91. 12-R-1714
25. 12-R-1657	59. 12-R-1682	92. 12-R-1715
26. 12-R-1658	60. 12-R-1683	93. 12-R-1716
27. 12-R-1659	61. 12-R-1684	94. 12-R-1717
28. 12-R-1660	62. 12-R-1685	95. 12-R-1718
29. 12-R-1661	63. 12-R-1686	96. 12-R-1719
30. 12-R-1662	64. 12-R-1687	
31. 12-R-1664	65. 12-R-1688	
32. 12-R-1665	66. 12-R-1689	
33. 12-R-1666	67. 12-R-1690	
34. 12-R-1667	68. 12-R-1691	