

**13-12-0187**  
(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 KIM HONG JUN, OWNER OF REAL PROPERTY LOCATED AT 75 PONCE DE LEON AVENUE, N.E., ATLANTA, GEORGIA FOR THE PURPOSE OF PERMITTING FOUR (4) OVERHEAD AWNINGS ALONG THE NORTH SIDE OF PONCE DE LEON AVENUE; AND FOR OTHER PURPOSES.

ADOPTED BY  
FEB 18 2013  
COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

Committee City Utilities  
Date February 12, 2013  
Chair [Signature]  
Action [Signature]  
Fav, Adv, Hold (See rev.side)  
Other  
Members [Signature]  
[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 \_\_\_\_\_  
ADOPTED BY  
FEB 18 2013  
COUNCIL  
Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Action \_\_\_\_\_  
Fav, Adv, Hold (See rev.side)  
Other  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

FINAL COUNCIL ACTION  
 2<sup>ND</sup>  1<sup>ST</sup> & 2<sup>ND</sup>  3<sup>RD</sup>  
Readings  
 Consent  V Vote  RC Vote

CERTIFIED

CERTIFIED  
FEB 18 2013  
ATLANTA CITY COUNCIL PRESIDENT  
[Signature]

CERTIFIED  
FEB 18 2013  
Ronda Daphnie Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED  
FEB 25 2013  
WITHOUT SIGNATURE  
BY OPERATION OF LAW



CITY COUNCIL  
ATLANTA, GEORGIA

A RESOLUTION BY  
CITY UTILITIES COMMITTEE

13- R -0187

**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 KIM HONG JUN, OWNER OF REAL PROPERTY LOCATED AT 75 PONCE DE LEON AVENUE, N.E., ATLANTA, GEORGIA FOR THE PURPOSE OF PERMITTING FOUR (4) OVERHEAD AWNINGS ALONG THE NORTH SIDE OF PONCE DE LEON AVENUE; AND FOR OTHER PURPOSES.**

**WHEREAS**, Kim Hong Jun owns real property located at 75 Ponce de Leon Avenue, N.E. in Atlanta, Georgia ("Property"); and

**WHEREAS**, the owner proposes to install four (4) overhead awnings which would extend into the public right-of-way; and

**WHEREAS**, all of the awnings would extend into the public right-of-way approximately Three (3) feet, with three of the awnings being Five (5) feet in width, the fourth awning being Ten (10) feet in width and all being Eleven (11) feet in height above the sidewalk; 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 Kim Hong Jun for authorization to allow the awnings to be installed in the public right-of-way and for Kim Hong Jun to continue to maintain the awnings 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 awnings 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**, Kim Hong Jun desires to maintain the awnings; and

**WHEREAS**, Kim Hong Jun 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 Kim Hong Jun for the purpose of granting Kim Hong Jun the right to install and obligation to thereafter maintain the awnings in the public right-of-way at 75 Ponce de Leon Avenue, N.E. between Peachtree Street, N.E. and Juniper Street, 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.



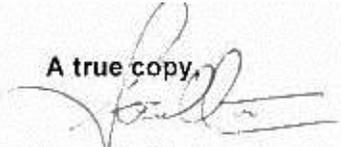
**BE IT FURTHER RESOLVED**, that the plans and specifications for said awnings shall be submitted for the review and approval of the Commissioner of Public Works.

**BE IT FURTHER RESOLVED**, that Kim Hong Jun shall indemnify the City for any damages to property within the public right-of-way resulting from the erection and maintenance of said awnings.

**BE IT FURTHER RESOLVED**, that Kim Hong Jun 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 Kim Hong Jun.

**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 Kim Hong Jun.

A true copy,  
  
Deputy Clerk

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

FEB 18, 2013  
FEB 27, 2013



CITY OF ATLANTA



KASIM REED  
MAYOR

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TEL. (404) 330-6501  
FAX. (404) 658-7085  
Email: [publicworks@atlantaga.gov](mailto: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  
*55-50 Sq. Ft.*
- 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. \_\_\_\_\_



RCS# 2559  
2/18/13  
2:03 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; 2/18/2013

ALL ITEMS

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
Y Young	Y Shook	Y Bottoms	NV Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

		02-18-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 13-O-0126	35. 13-R-0189	67. 13-R-0241
2. 13-O-0129	36. 13-R-0210	68. 13-R-0242
3. 13-O-0175	37. 13-R-0211	69. 13-R-0243
4. 12-O-1314	38. 13-R-0212	70. 13-R-0244
5. 13-O-0132	39. 13-R-0213	71. 13-R-0245
6. 13-O-0276	40. 13-R-0214	72. 13-R-0246
7. 13-O-0279	41. 13-R-0215	73. 13-R-0247
8. 13-O-0283	42. 13-R-0216	74. 13-R-0248
9. 13-R-0193	43. 13-R-0217	75. 13-R-0249
10. 13-R-0201	44. 13-R-0218	76. 13-R-0250
11. 13-R-0202	45. 13-R-0219	77. 13-R-0251
12. 13-R-0203	46. 13-R-0220	78. 13-R-0252
13. 13-R-0207	<b>ITEMS ADVERSED ON CONSENT</b>	79. 13-R-0253
14. 13-R-0286	47. 13-R-0221	80. 13-R-0254
15. 13-R-0007	48. 13-R-0222	81. 13-R-0255
16. 13-R-0011	49. 13-R-0223	82. 13-R-0256
17. 13-R-0013	50. 13-R-0224	83. 13-R-0257
18. 13-R-0204	51. 13-R-0225	84. 13-R-0258
19. 13-R-0205	52. 13-R-0226	85. 13-R-0259
20. 13-R-0208	53. 13-R-0227	86. 13-R-0260
21. 13-R-0209	54. 13-R-0228	87. 13-R-0261
22. 13-R-0195	55. 13-R-0229	88. 13-R-0262
23. 13-R-0196	56. 13-R-0230	89. 13-R-0263
24. 13-R-0197	57. 13-R-0231	90. 13-R-0264
25. 13-R-0198	58. 13-R-0232	91. 13-R-0265
26. 13-R-0277	59. 13-R-0233	92. 13-R-0266
27. 13-R-0181	60. 13-R-0234	93. 13-R-0267
28. 13-R-0182	61. 13-R-0235	94. 13-R-0268
29. 13-R-0183	62. 13-R-0236	95. 13-R-0269
30. 13-R-0184	63. 13-R-0237	96. 13-R-0270
31. 13-R-0185	64. 13-R-0238	97. 13-R-0271
32. 13-R-0186	65. 13-R-0239	98. 13-R-0272
33. 13-R-0187	66. 13-R-0240	
34. 13-R-0188		