

13-R-3159
(Do Not Write Above This Line)

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

FINAL COUNCIL ACTION

2ND 1ST & 2ND 3RD
Readings
 Consent V Vote RC Vote

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 WITH POST ALEXANDER II, LLC, FOR THE CONSTRUCTION AND OPERATION OF TEMPORARY TIE-BACK SUPPORTS UNDER THE RIGHT-OF-WAY OF PHIPPS BOULEVARD, N.E. AND LENOX ROAD, N.E.; AND FOR OTHER PURPOSES.

ADOPTED BY
JUN 03 2013
COUNCIL

Committee City Util. Res
Date May 28 2013
Chair H. S. Smith
Action Other
Fav, Adv, Hold (See rev. side)
Other
Members Carla Smith
H. S. Smith
Refer To _____

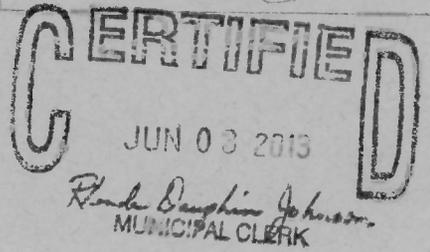
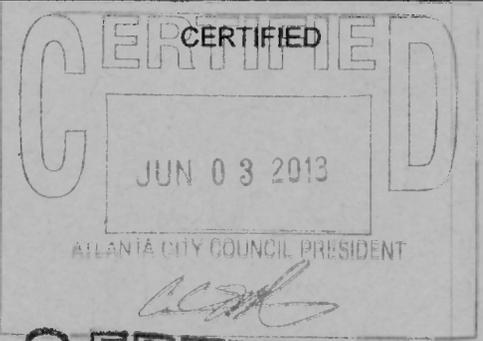
Committee _____
Date _____
Chair _____
Action _____
Fav, Adv, Hold (See rev. side)
Other _____
Members _____
Refer To _____

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

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

- 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: _____



MAYOR'S ACTION

APPROVED

JUN 12 2013

WITHOUT SIGNATURE
BY OPERATION OF LAW



**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 WITH POST ALEXANDER II, LLC, FOR THE CONSTRUCTION AND OPERATION OF TEMPORARY TIE-BACK SUPPORTS UNDER THE RIGHT-OF-WAY OF PHIPPS BOULEVARD, N.E. AND LENOX ROAD, N.E.; AND FOR OTHER PURPOSES.

WHEREAS, Post Alexander II, LLC (“the owner”) proposes to construct an expansion of the Post Alexander Apartment Homes on property located at 600 Phipps Boulevard, N.E. in Atlanta, Georgia, said property being in Land Lots 44 & 45, 17th District, Fulton County; and

WHEREAS, a temporary tie-back support system is required for the construction of perimeter cast-in-place concrete retaining walls for below grade parking levels on Phipps Boulevard, N.W. and Lenox Road, N.E.; and

WHEREAS, the City of Atlanta’s (“City”) Code of Ordinances, at Sections 138-22 and 138-24, requires that an Encroachment Agreement be entered into between the City and the owner for authorization to allow the temporary tie-back support system to be installed under the public right-of-way and for authorization for the owner to continue to maintain the temporary tie-back support system under the public right-of-way; and

WHEREAS, the Commissioner of the Department of Public Works has reviewed the plans for the proposed facilities and has determined that said plans meet the technical requirements set forth in Section 138-24(b) of the City of Atlanta Code of Ordinances.

WHEREAS, the owner desires to maintain the temporary tie-back support system; and

WHEREAS, the owner has agreed to conform to the conditions set out in the City’s Code of Ordinances at Sections 138-22 and 138-24.

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 Official Code of the City of Atlanta, with Post Alexander II, LLC for the construction, installation, operation, use and maintenance of temporary tie-back supports in the public right-of-way of 600 Phipps Boulevard, N.E as depicted in Exhibit “A” attached hereto.

BE IT FURTHER RESOLVED, that the temporary tie-back support system shall be comprised of 23 tie-backs installed along Phipps Boulevard, N.E. and 14 tie-backs installed along Lenox Road, N.E.

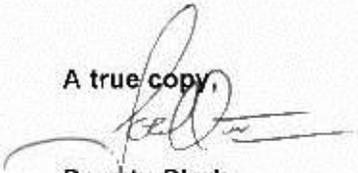


BE IT FURTHER RESOLVED, that Post Alexander II, LLC shall indemnify the City for any damages to property within the public right-of-way resulting from the construction, installation, operation, use, maintenance and removal of said supports.

BE IT FURTHER RESOLVED, that Post Alexander II, LLC shall comply with the conditions set out at Sections 138-22 and 138-24 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 Post Alexander II, LLC.

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 Post Alexander II, LLC.

A true copy,

Deputy Clerk

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

JUN 03, 2013
JUN 12, 2013

RCS# 2758
6/03/13
3:17 PM

Atlanta City Council

CONSENT I

CONSENT SECTION I; ALL ITEMS EXCEPT
13-O-0514
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

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

CONSENT I

RCS# 2771
6/03/13
4:42 PM

Atlanta City Council

CONSENT I

CONSENT SECTION I; ALL ITEMS EXCEPT
13-O-0514
RECONSIDER

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

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

CONSENT I

RCS# 2772
6/03/13
4:43 PM

Atlanta City Council

CONSENT I

CONSENT SECTION I; ALL ITEMS EXCEPT
13-O-0514 AND 13-R-3203
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

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

CONSENT I

+

		06-03-13
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	
1. 13-O-1050	39. 13-R-3176	
2. 13-O-1047	40. 13-R-3177	
3. 13-O-1035	41. 13-R-3178	
4. 13-O-1023	42. 13-R-3179	
5. 13-R-3157	43. 13-R-3180	
6. 13-R-3158	44. 13-R-3181	
7. 13-R-3159	45. 13-R-3182	
8. 13-R-3111	46. 13-R-3183	
9. 13-R-3155	47. 13-R-3184	
10. 13-R-3200	48. 13-R-3185	
11. 13-R-3201	49. 13-R-3186	
12. 13-R-3202	50. 13-R-3187	
13. 13-R-3204	51. 13-R-3188	
14. 13-R-3152	52. 13-R-3189	
15. 13-R-3153	53. 13-R-3190	
16. 13-R-3160	54. 13-R-3191	
17. 13-R-3161	55. 13-R-3192	
18. 13-R-3162	56. 13-R-3193	
19. 13-R-3215	57. 13-R-3194	
20. 13-R-3207	58. 13-R-3195	
21. 13-R-3208	59. 13-R-3196	
22. 13-R-3209	60. 13-R-3197	
23. 13-R-3211	61. 13-R-3198	
24. 13-R-3212	62. 13-R-3199	
25. 13-R-3213		
26. 13-R-3214		
27. 13-R-3164		
28. 13-R-3165		
29. 13-R-3166		
30. 13-R-3167		
31. 13-R-3168		
32. 13-R-3169		
33. 13-R-3170		
34. 13-R-3171		
35. 13-R-3172		
36. 13-R-3173		
37. 13-R-3174		
38. 13-R-3175		