

13-R-3319

(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 FOR NON-CONFORMING USES WITH INK ACQUISITIONS LLC D/B/A R-H HOLDINGS, OWNER OF REAL PROPERTY LOCATED AT 134-A PEACHTREE STREET, N.W., ATLANTA, GEORGIA FOR THE PURPOSE OF PERMITTING THE REPLACEMENT OF AN EXISTING STONE SIGN BAND WITH A NEW L.E.D. LIGHTED CANOPY SIGN ALONG THE WEST SIDE OF PEACHTREE STREET; AND FOR OTHER PURPOSES.

ADOPTED BY

Committee
City Utilities
Date
July 9 2013
Chair

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

Members

Refer To

Committee

Date

Chair

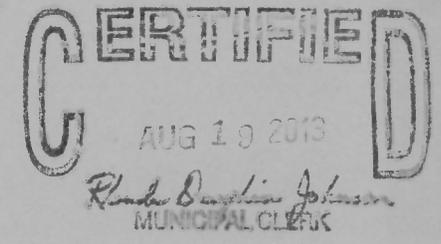
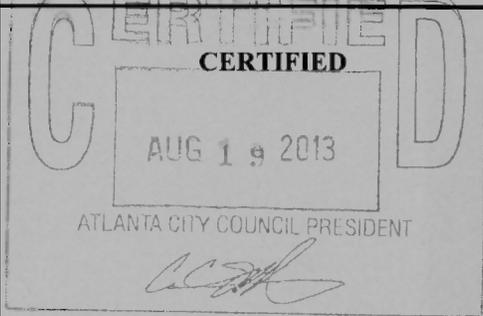
Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To



- CONSENT REFER AUG 19 2013
- REGULAR REPORT REFER COUNCIL
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred
Referred To:

Date Referred
Referred To:

Date Referred:

Referred To:

Committee
City Utilities
Date
July 30 2013
Chair
Harold Sted

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

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

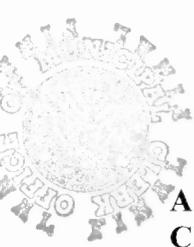
Refer To

MAYOR'S ACTION

APPROVED

AUG 28 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 FOR NON-CONFORMING USES WITH INK ACQUISITIONS LLC D/B/A R-H HOLDINGS, OWNER OF REAL PROPERTY LOCATED AT 134-A PEACHTREE STREET, N.W., ATLANTA, GEORGIA FOR THE PURPOSE OF PERMITTING THE REPLACEMENT OF AN EXISTING STONE SIGN BAND WITH A NEW L.E.D. LIGHTED CANOPY SIGN ALONG THE WEST SIDE OF PEACHTREE STREET; AND FOR OTHER PURPOSES.

WHEREAS, Ink Acquisitions LLC d/b/a R-H Holdings ("Owner") owns real property located at 134-A Peachtree Street, N.W. in Atlanta, Georgia ("Property"); and

WHEREAS, the Owner proposes to replace the existing stone sign band with a new L.E.D. lighted canopy sign ("Sign") which will extend into the public right-of-way approximately Eleven (11) feet in width and Eight (8) 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 the Owner for authorization to allow the Sign to be installed in the public right-of-way and for authorization for the owner to continue to maintain the canopy sign 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 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, the owner desires to maintain the Sign; and

WHEREAS, the Owner 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 Ink Acquisitions LLC d/b/a R-H Holdings for the purpose of granting the Owner the right to install and to thereafter maintain the Sign in the public right-of-way at 134-A Peachtree Street, N.W. between Forsyth Street, N.W. and Park Place, 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 Sign shall be submitted for the review and approval of the Commissioner of Public Works.

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

BE IT FURTHER RESOLVED, that the Owner 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 the Owner.

BE IT FINALLY RESOLVED, that the Encroachment 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 Ink Acquisitions LLC d/b/a R-H Holdings.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

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

AUG 19, 2013
AUG 28, 2013

RCS# 2926
8/19/13
3:25 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; ALL ITEMS
EXCEPT 13-R-3404, 13-R-3406 & ~~13~~-O-1734
ADOPT *12 ocp*

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

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

CONSENT I

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		08-19-13
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	
1. 13-O-0441	37. 13-R-3387	
2. 13-O-1054	38. 13-R-3388	
3. 13-O-1177	39. 13-R-3389	
4. 13-O-1178	40. 13-R-3390	
5. 13-O-1179	41. 13-R-3391	
6. 13-O-1180	42. 13-R-3392	
7. 13-O-1181	43. 13-R-3393	
8. 13-O-1182	44. 13-R-3394	
9. 13-O-1191	45. 13-R-3395	
10. 13-O-1150	46. 13-R-3396	
11. 13-O-1151	47. 13-R-3397	
12. 13-O-1152	48. 13-R-3398	
13. 12-O-1613	49. 13-R-3399	
14. 13-O-0433	50. 13-R-3400	
15. 13-O-1187	51. 13-R-3401	
16. 13-O-1056	52. 13-R-3402	
17. 13-O-1058	53. 13-R-3403	
18. 13-O-1176		
19. 13-O-1192		
20. 12-R-1146		
21. 13-R-3407		
22. 13-R-3408		
23. 13-R-3319		
24. 13-R-3321		
25. 13-R-3405		
26. 13-R-3376		
27. 13-R-3377		
28. 13-R-3382		
29. 13-R-3383		
30. 13-R-3378		
31. 13-R-3379		
32. 13-R-3380		
33. 13-R-3381		
34. 13-R-3384		
35. 13-R-3385		
36. 13-R-3386		