

#5

2916

13- R-3584

(Do Not Write Above This Line)

First Reading

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Referred 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

A RESOLUTION BY  
COUNCIL MEMBER 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 STATE FINANCING AND  
INVESTMENT COMMISSION, FOR THE  
CONSTRUCTION OF A TEMPORARY TIE-  
BACK SUPPORT SYSTEM UNDER THE  
RIGHT-OF-WAY OF PARK PLACE, N.E. AND  
JOHN WESLEY DOBBS AVENUE, N.E.  
LOCATED IN LAND LOTS 51 & 78 OF THE  
14<sup>TH</sup> DISTRICT, FULTON, COUNTY,  
GEORGIA; AND FOR OTHER PURPOSES.

substitute

ADOPTED BY

Committee

*City Utilities*

Date

*Oct. 7, 2013*

Chair

*[Signature]*

Action

Fav, Adv, Hold (see rev. side)

Other \_\_\_\_\_

Members

*C. T. Martinway*  
*[Signature]*  
*[Signature]*

*[Signature]*

*[Signature]*  
Refer To

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

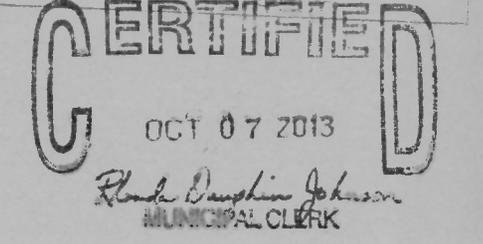
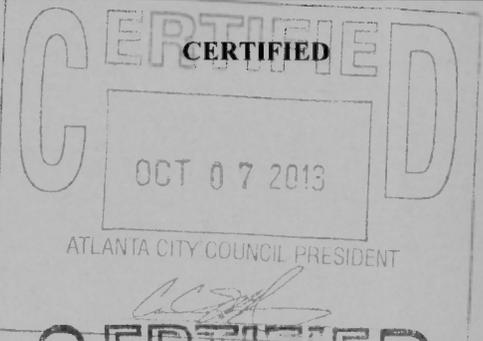
Action \_\_\_\_\_

Fav, Adv, Hold (see rev. side)

Other \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_



CONSENT REFER

OCT 07 2013

REGULAR REPORT REFER

COUNCIL

ADVERTISE & REFER

1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER

PERSONAL PAPER REFER

Date Referred

Referred To:

*9/16/13*  
*City Utilities*

Date Referred

Referred To:

Date Referred:

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 \_\_\_\_\_

MAYOR'S ACTION

APPROVED

OCT 16 2013

WITHOUT SIGNATURE  
BY OPERATION OF LAW



CITY COUNCIL  
ATLANTA, GEORGIA

A RESOLUTION BY

13-R-3584

COUNCILMEMBER, KWANZA HALL

AS SUBSTITUTED BY THE FULL COUNCIL

**A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AN ENCROACHMENT AGREEMENT WITH THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA BY AND ON BEHALF OF GEORGIA STATE UNIVERSITY, FOR THE CONSTRUCTION OF A TEMPORARY TIE-BACK SUPPORT SYSTEM UNDER THE RIGHT-OF-WAY OF PARK PLACE, N.E. AND JOHN WESLEY DOBBS AVENUE, N.E. LOCATED IN LAND LOTS 51 & 78 OF THE 14<sup>TH</sup> DISTRICT, FULTON, COUNTY, GEORGIA; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Georgia State Financing & Investment Commission (the "Commission") is constructing the Humanities-Law Building on property owned by the Board of Regents of the University System of Georgia by and on behalf of Georgia State University (the "Owner") located at 85 Park Place, N.E. in the City of Atlanta ("City"), said property being in Land Lots 51 & 78 of the 14<sup>th</sup> District, Fulton County; and

**WHEREAS**, a temporary tie-back support system is required for the construction of the lower basement level; and

**WHEREAS**, City of Atlanta's ("City") Code of Ordinances, at Sections 138-22 and 138-24, require 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 as 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 Code of Ordinances; 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 with the Board of Regents of the University System of Georgia by and on behalf of Georgia State University, for the purpose of constructing a tie-back support system under the public right-of-way located at 85 Park Place, N.E. in Atlanta, Georgia as depicted in Exhibit "A" attached hereto, in a form and pursuant to the conditions determined by the



Commissioner of the Department of Public Works and the City Attorney, to be desirable, appropriate and in the best interests of the City of Atlanta for this transaction.

**BE IT FURTHER RESOLVED**, that the plans and specifications for said tie-back support system shall be submitted for the review and approval of the Commissioner of Public Works.

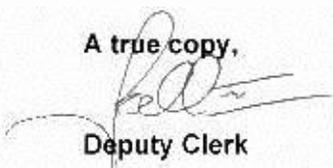
**BE IT FURTHER RESOLVED**, that the Owner as the encroaching party and an entity of the state of Georgia, is prohibited by law from indemnifying any party. Accordingly, the Owner will require any contractors who perform the work contemplated herein to indemnify and hold the City harmless from all claims arising out of the maintenance, or removal of the existing basement, and that said contractors will maintain a policy of public liability insurance, at no expense to the City and in an amount approved by the City.

**BE IT FURTHER RESOLVED**, that the Owner 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 the Owner.

**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 by the City Attorney as to form, executed by the Mayor, attested to by the Municipal Clerk, and delivered to the Board of Regents of the University System of Georgia.

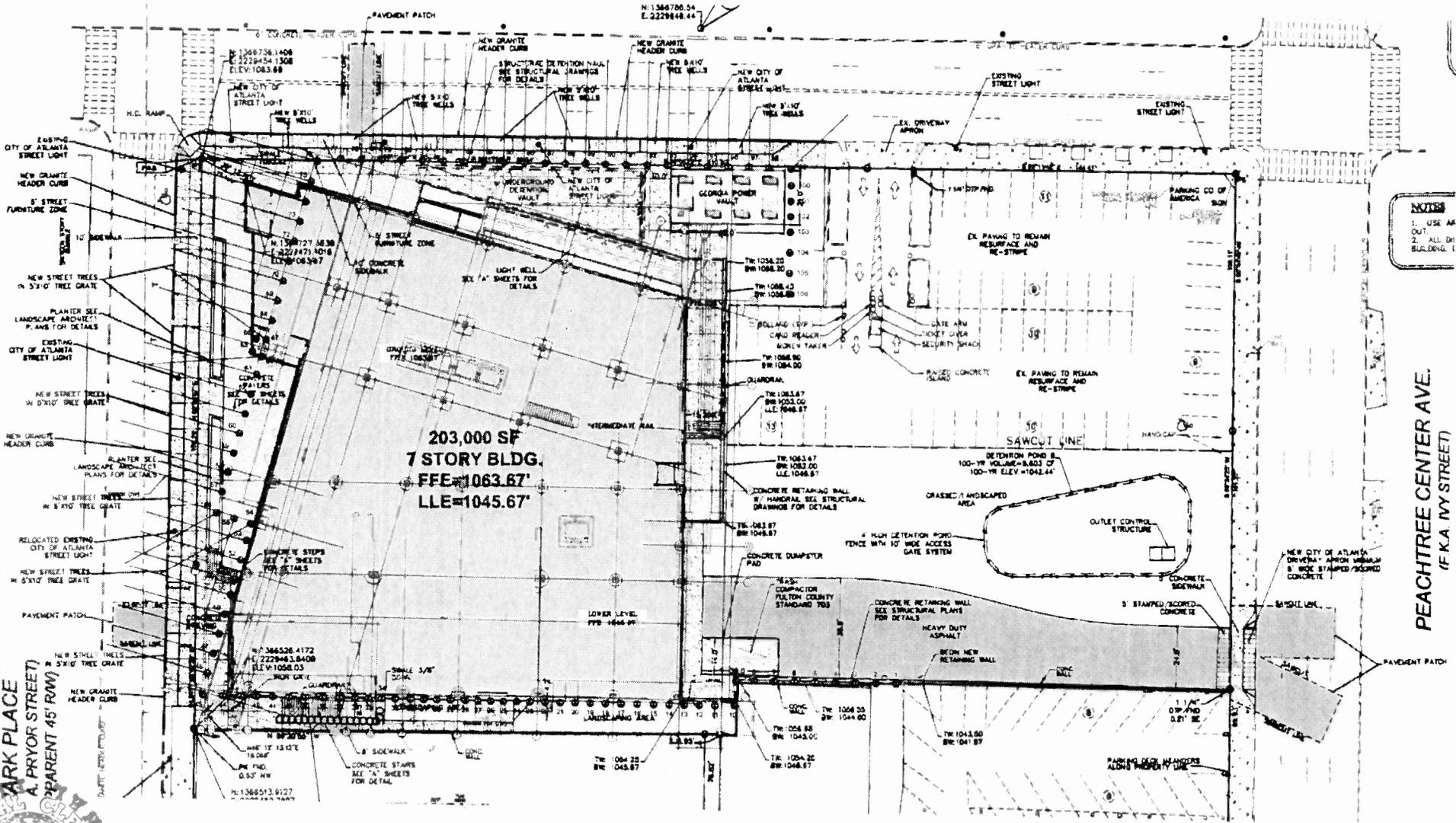
A true copy,

  
Deputy Clerk

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

OCT 07, 2013  
OCT 16, 2013

MARK PLACE  
A. PRYOR STREET  
WARRANT 45' ROW



203,000 SF  
7 STORY BLDG.  
FFE=1063.67'  
LLE=1045.67'

NOTES  
1. USE AS  
OUT.  
2. ALL DR  
BUILDING I

PEACHTREE CENTER AVE.  
(F.K.A. IVY STREET)

N: 1366706.54  
E: 2229448.44

N: 1366738.1408  
E: 2229434.1308  
ELEV: 1083.88

N: 1366727.8838  
E: 2229473.4018  
ELEV: 1083.87

N: 1366526.4172  
E: 2229483.8408  
ELEV: 1058.03

N: 1366513.9127  
E: 2229483.8408

LOWER LEVEL  
F.F.S. 1044.88

TR: 1006.00  
BR: 1044.00

TR: 1006.88  
BR: 1043.00

TR: 1004.00  
BR: 1048.87



RCS# 3042  
10/07/13  
3:44 PM

Atlanta City Council

13-R-3584

ENCROACHMENT AGRMENT;GA STATE FINANCING  
TEMPORARR TIE-BACK SUPPORT SYSTEM  
ADOPT ON SUB

YEAS: 9  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 1  
ABSENT 3

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