

12-R-0376

(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

RESOLUTION AUTHORIZING THE INITIATION OF THE PROCESS OF RENAMING THAT PORTION OF GREENBRIAR PARKWAY BETWEEN BARGE ROAD TO THE WEST AND THE INTERSECTION OF GREENBRIAR PARKWAY AND CONTINENTAL COLONY PARKWAY TO THE EAST TO TYLER PERRY WAY BY AND THROUGH ACTIONS OF THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC WORKS OR DESIGNEE; AND FOR OTHER PURPOSES.

Committee City Utilities
Date March 13, 2012
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

Committee _____

Date _____

Chair _____

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

Members

Refer To

CERTIFIED
DEC 02 2013
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
DEC 02 2013
Ronda Dandrea Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

AUTOMATICALLY TERMINATED
AND
FILED BY CLERK
PER CHARTER SECTION 2-407
DEC 02 2013

- 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:

CITY UTILITIES COMMITTEE

RESOLUTION AUTHORIZING THE INITIATION OF THE PROCESS OF RENAMING THAT PORTION OF GREENBRIAR PARKWAY BETWEEN BARGE ROAD TO THE WEST AND THE INTERSECTION OF GREENBRIAR PARKWAY AND CONTINENTAL COLONY PARKWAY TO THE EAST TO TYLER PERRY WAY BY AND THROUGH ACTIONS OF THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC WORKS OR DESIGNEE; AND FOR OTHER PURPOSES.

WHEREAS, an application shall be filed with the Commissioner of the Department of Public Works (the "Application") requesting that the portion of Greenbriar Parkway between Barge Road to the West and the intersection of Greenbriar Parkway and Continental Colony Parkway to the East be renamed Tyler Perry Way in honor of the internationally famous Atlanta Filmmaker Tyler Perry; and

WHEREAS, Sec. 138-8 of the City Code requires that the Application meet certain criteria before it can be further processed; and

WHEREAS, the Commissioner of the Department of Public Works or his designee (the "Commissioner") shall review the application and determine that the Application sought to rename Greenbriar Parkway after an existing business includes original signatures of property owners and/or business approving the renaming and which are defined by Sec. 138-8 as those who must consent and shall contain a check was for the \$2,500.00 administrative fee; and

WHEREAS, the Commissioner shall determine that the original signatures of the property owners and/or business approving the renaming exceeds the 75% minimum approval required by Sec. 138-8 and shall, in fact, include an analysis of each of the addresses on the above-described segment of Greenbriar Parkway which matches the consent documents to addresses and parcel identification records from the Fulton County Tax Assessor; and

WHEREAS, the Application shall confirm that diligent efforts have been made to determine the identity of any business which was located on the above-described segment of Greenbriar Parkway; and

WHEREAS, the Application shall meet the requirements of Sec. 138-8(h) in that it proposes and records consents of property owners and affected businesses for the entire length of the street of the above-described segment of Greenbriar Parkway; and

WHEREAS, upon a determination that the Application is complete, Sec. 138-8 requires that written notification be given to certain individuals or entities; and

WHEREAS, as required by Sec. 138-8(1)(a)(1), the Commissioner shall provide notification of the receipt of the Application to the following City agencies by electronic transmission of the Application to the following agencies: *Atlanta Police Department; Atlanta Fire Rescue; Office of Planning and Neighborhood Planning Unit and Citizen Participation Coordinator, Office of Transportation; Department of Public Works*; and

WHEREAS, as required by Sec. 138-8(1)(a)(1), the Commissioner shall provide notification of the receipt of the Application to the Metropolitan Atlanta Rapid Transit Authority (MARTA); and

WHEREAS, as requires by Sec. 138-8(1)(a)(1), the Commissioner shall provide notification of the receipt of the Application to the State of Georgia Department of Transportation (GADOT); and

WHEREAS, as required by Sec. 13-8(1)(a)(2), the Commissioner shall give written notice of the receipt of the Application to the affected Neighborhood Planning Unit (“NPU R”) through letters to its Chair and Zoning Chair and to the Atlanta Public Schools by letter to the Deputy Superintendent of Operations for determination of and notice to the affected public schools to be made by the Operations Department; and

WHEREAS, Sec. 138 (1)(a)(3) gives the Commissioner discretion to determine if persons other than those specified by the terms of Sec. 138-8 should receive notice of the Application and the Commissioner shall review the list of persons who receive electronic notice of the Agenda of the City of Atlanta Urban Design Commission and deems that the receipt of notice by these persons will be sufficient for the purposes of Sec. 138-8(1)(a)(3); and

WHEREAS, the Commissioner shall cause signs to be posted on the above-described segment of Greenbriar Parkway which gives notice of the Application; and

WHEREAS, the Urban Design Commission shall publish an Agenda which shows that the Application is the subject of a Review and Comment action; and

WHEREAS, after the Review and Comment, the Commissioner shall receive written findings of the Urban Design Commission regarding the street renaming proposed in the Application; and

WHEREAS, the Commissioner shall determine that the cost for producing the signage will replace the existing street overhead signs and street pole signs; and

WHEREAS, the Commissioner shall determine that the future costs of maintaining signage is the same for any street name such that it is unnecessary to produce more than the existing number of street signs, that there are no known additional signage costs and the Application makes sufficient arrangements for the responsibility of the payment of unforeseen costs associated with the production of the signs necessary for the street renaming based on the agreement of the applicant to pay the costs within three days of being notified; and

WHEREAS, the Commissioner shall determine that no site plan of improvements are necessary in that the location of the subject section of Greenbriar Parkway and the associated signage will be capable of being easily ascertained without a site plan; and

WHEREAS, the Commissioner shall determine that no amenities associated with the Application are necessary such that no specifications and details are required.

WHEREAS, the narrative biography of the Business associated with the street renaming shall be included with the Application and show that Tyler Perry is of local, national and international reputation; and

WHEREAS, the Commissioner shall determine that there is no necessity for the inclusion of a proposed maintenance schedule for any improvements associated with the proposed street renaming in that the future costs of maintaining signage is on an as needed basis such that it is unnecessary to include a legal description of the proposed street renaming area in that the location of the subject segment of Greenbriar Parkway and the associated signage is capable of being easily ascertained without a legal description; and

WHEREAS, the authority of the City and its governing authority to rename streets has been tested in *Goodman v. City of Atlanta*, 246 Ga. 79 (1980) with respect to the renaming of Forrest Avenue to Ralph McGill Boulevard and found to be within the authority granted to City under its Charter; and

WHEREAS, the Commissioner shall make a finding that the street renaming proposed in the Application is feasible and shall notify the applicant; and

WHEREAS, upon satisfaction of the above-referenced conditions contained in each whereas, the ordinance concerning the Application be introduced and considered and will be ripe for a final vote by the City Council after a properly advertised hearing is held by the City Utilities Committee; and

WHEREAS, the written request to the municipal clerk by the staff of the City Utilities Committee for the placing of the advertisement for the public hearing indicated that the council staff had considered the Application to be complete and that all conditions of Sec. 138-8 had been satisfied by the applicant where such actions were required to be taken by the applicant.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows: That the Commissioner of the Department of Public Works immediately undertake the discharge of the action contained in the whereas provisions of this resolution to accomplish the renaming of that portion of Greenbriar Parkway between Barge Road to the West and the intersection of Greenbriar Parkway and Continental Colony Parkway to the East be renamed Tyler Perry Way.

AND FINALLY, BE IT RESOLVED that all ordinances and parts of ordinances in conflict herewith be and the same are hereby waived in this instance only.