

1301394

AN ORDINANCE BY
COUNCILMEMBER ALEX WAN



AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AN ENCROACHMENT AGREEMENT FOR NON-CONFORMING USES WITH KKS, INC., D/B/A “THE WARREN”, A LESSEE OF REAL PROPERTY LOCATED AT 818 NORTH HIGHLAND AVENUE, FOR THE PURPOSE OF INSTALLING A BLADE SIGN AT THE THIRD FLOOR LEVEL OF THE BUILDING WHICH WILL EXTEND OVER THE PUBLIC RIGHT-OF-WAY; TO WAIVE THE REQUIREMENT THAT THE ADJACENT LANDOWNER ENTER INTO THE AGREEMENT; AND FOR OTHER PURPOSES.

WHEREAS, KKS, Inc. d/b/a “The Warren” (“Applicant”), is a tenant at a building located at 818 North Highland Avenue (“Property”); and

WHEREAS, the Applicant has a lease agreement with the owner of said property, Concrete Ideas, LLC, and said lease agreement does permit the Applicant to attach a sign to the exterior wall of the building at the third floor level; and

WHEREAS, the 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 Applicant for authorization to allow the installation of the 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 pedestrian traffic or otherwise to perform its intended public function; and

WHEREAS, the Applicant desires to maintain the sign that will be installed; and

WHEREAS, the Applicant has agreed to conform to the conditions set out in the City Code of Ordinances at Sections 138-22 and 138-24; and

WHEREAS, the provision in section 138-24 (b) that provides that the adjoining property owner be a party to the encroachment agreement will be waived pursuant to the provisions in the lease agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: 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, under the City’s Code of Ordinances with the Applicant for the purpose of granting to the Applicant the right to install a blade sign at the third floor level of the property located at 818 North Highland Avenue 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.

SECTION 2: That the plans and specifications for said blade sign shall be submitted for the review and approval of the Commissioner of Public Works.

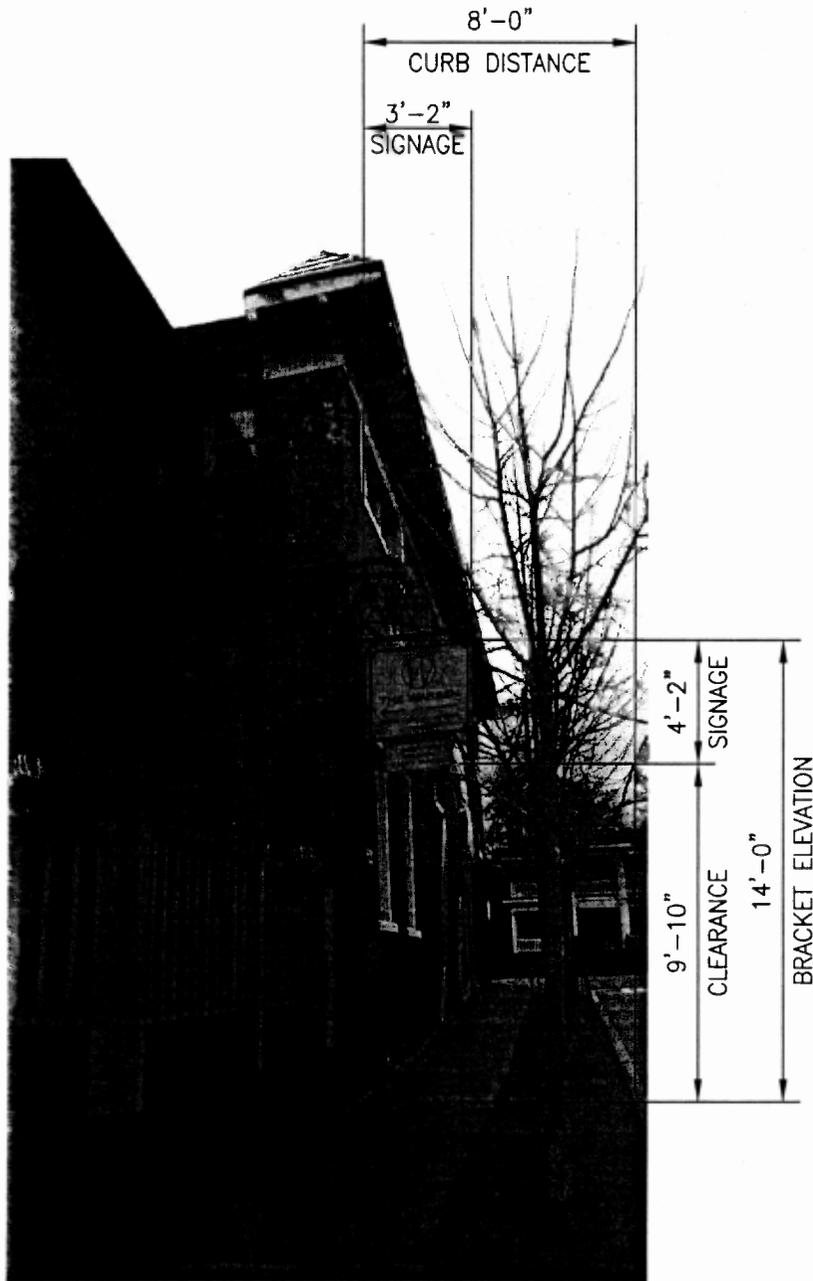
SECTION 3: That the applicant as the encroaching party shall protect the interest of the City and will require any contractors who perform the work contemplated herein to indemnify and hold the City harmless from all claims arising out of the installation, maintenance, or removal of the blade sign, and 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.

SECTION 5: That the Applicant shall comply with the conditions set out at Sections 138-22 and 138-24 of the City's Code of Ordinances.

SECTION 6: That the City Attorney is directed to prepare an Encroachment Agreement, acceptable as to form, for execution by the Mayor and the Applicant.

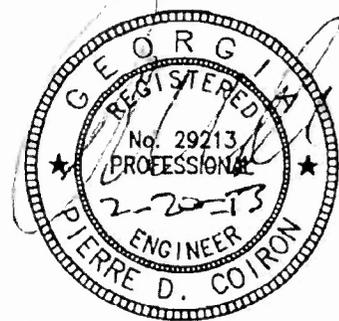
SECTION 7: That the provisions of Section 138-24 (b) of the Atlanta City Code with respect to the requirement that the adjoining landowner be required to execute the encroachment agreement are hereby waived.

SECTION 8: 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 Applicant.



SIDEWALK ENCROACHMENT

SCALE: $\frac{3}{8}$ "=1'-0"



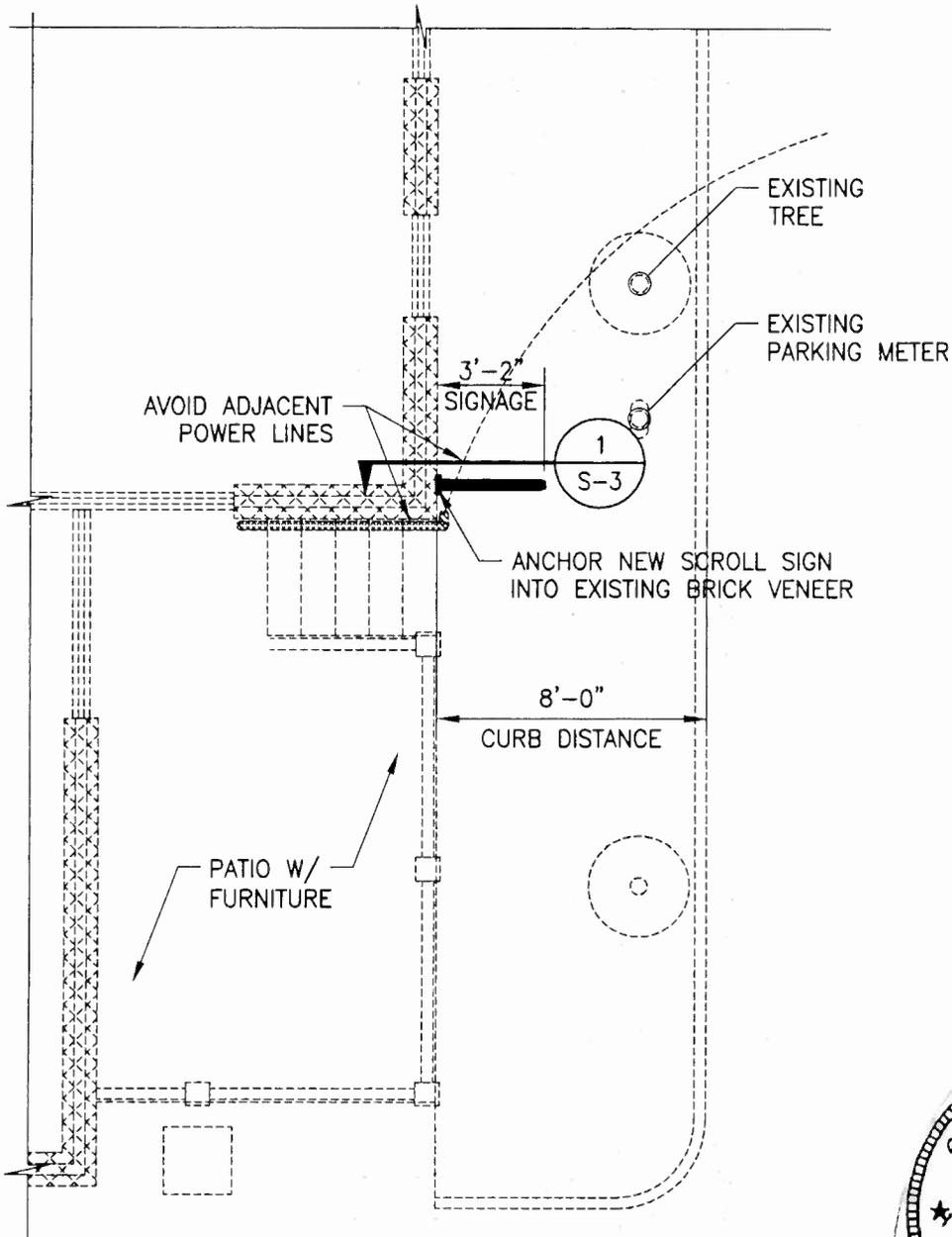
SIGNAGE ENCROACHMENT
PLANS & ELEVATIONS

**S^e STABILITY
ENGINEERING**

431 Ponce de Leon Av, Ste 4, Decatur, GA 30030 Ph/Fax: 404-377-9316

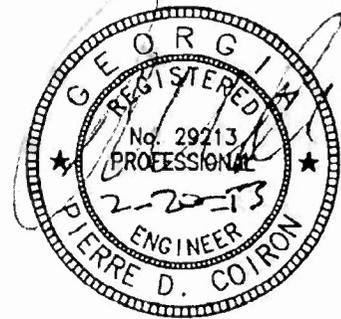
818 N. HIGHLAND
THE WARREN

SCALE: NOTED	DATE: 2/20/2013	DRWN BY: CAM
STABILITY NUMBER: Se13027		
S-1	SHT OF 1 4	REV



STREET PLAN

SCALE: $\frac{3}{16}$ " = 1'-0"



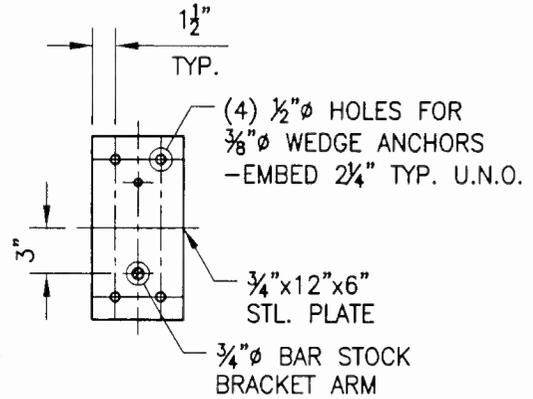
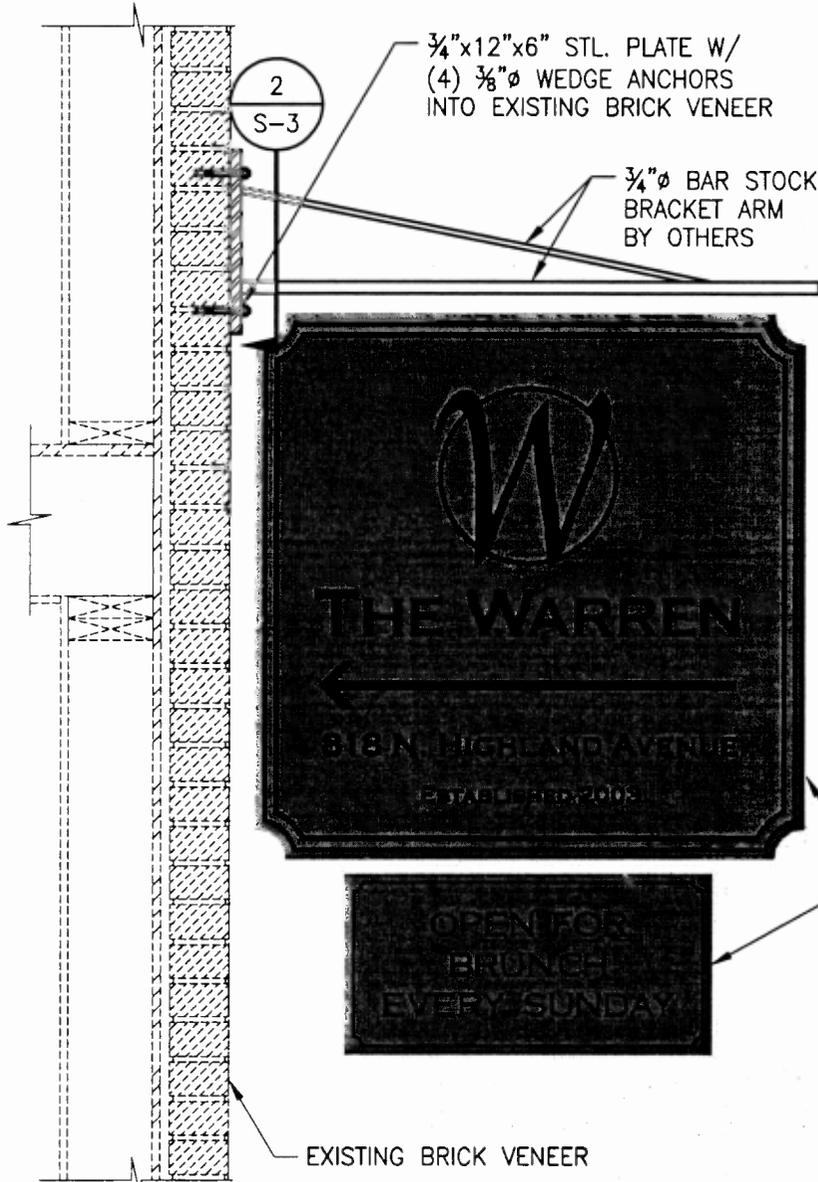
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818 N. HIGHLAND
THE WARREN

SCALE: NOTED	DATE: 2/20/2013	DRWN BY: CAM
STABILITY NUMBER: Se13027		
S-2	SHT OF	2 4 REV



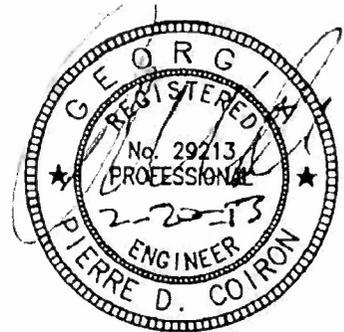
2
S-3

ANCHOR PLATE
SCALE: 1"=1'-0"

ROUTED FOAM SIGN W/ RIDER
TOTAL WEIGHT = 10 LBS MAX.

1
S-3

BRACKET ANCHORAGE DETAIL
SCALE: 1"=1'-0"



**SIGNAGE ANCHORAGE
DETAILS & CALCULATIONS**

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**818 N. HIGHLAND
THE WARREN**

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S-3	SHT OF	3 4
	REV	

S^e STABILITY ENGINEERING

431 W. Ponce de Leon Ave., Suite 4 • Decatur, GA 30030
 phone: 404.377.9318 • fax: 404.377.9317
 www.stabilityengineering.com

JOB S^e13027-818 N. HIGHLAND SIGNAGE

SHEET NO. ANCHORAGE CALCS OF _____

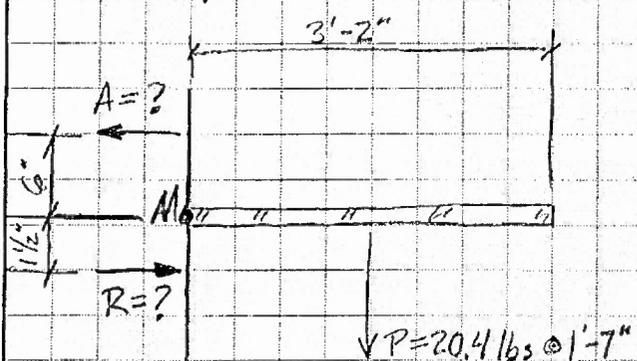
CALCULATED BY CMURPHY DATE 2/20/2013

CHECKED BY _____ DATE _____

SCALE _____

SIGN WEIGHT = 7lbs + 2lbs + 1lb fasteners = 10lbs

$\frac{3}{4}$ " BAR STACK SCROLL = 7lbs. $\Rightarrow P = 1.2(10+7) = 20.4$ lbs

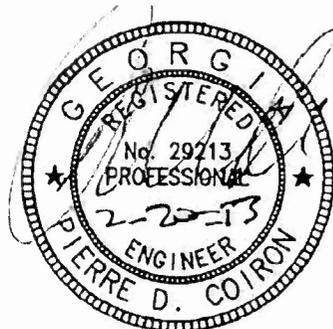


$\sum M_m = 0 = A \times 6" + R \times 1\frac{1}{2}" - P \times 19"$

LET $A=R$; $A = 19 \times P / 7\frac{1}{2}"$

$A = 51.7$ lbs $\times (\sqrt{2} = 1.67) = 86.1$ lbs

2 ANCHOR
43#



SIGNAGE ANCHORAGE DETAILS & CALCULATIONS

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818 N. HIGHLAND
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SCALE: NOTED	DATE: 2/20/2013	DRWN BY: CAM
STABILITY NUMBER: Se13027		
S-4	SHT OF	4 4 REV