

**A RESOLUTION BY
CITY UTILITIES COMMITTEE**

13- R -0187

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 KIM HONG JUN, OWNER OF REAL PROPERTY LOCATED AT 75 PONCE DE LEON AVENUE, N.E., ATLANTA, GEORGIA FOR THE PURPOSE OF PERMITTING FOUR (4) OVERHEAD AWNINGS ALONG THE NORTH SIDE OF PONCE DE LEON AVENUE; AND FOR OTHER PURPOSES.

WHEREAS, Kim Hong Jun owns real property located at 75 Ponce de Leon Avenue, N.E. in Atlanta, Georgia (“Property”); and

WHEREAS, the owner proposes to install four (4) overhead awnings which would extend into the public right-of-way; and

WHEREAS, all of the awnings would extend into the public right-of-way approximately Three (3) feet, with three of the awnings being Five (5) feet in width, the fourth awning being Ten (10) feet in width and all being Eleven (11) 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 than an Encroachment Agreement be entered into between the City and Kim Hong Jun for authorization to allow the awnings to be installed in the public right-of-way and for Kim Hong Jun to continue to maintain the awnings 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 encroachments and has determined that the awnings 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, Kim Hong Jun desires to maintain the awnings; and

WHEREAS, Kim Hong Jun 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 Kim Hong Jun for the purpose of granting Kim Hong Jun the right to install and obligation to thereafter maintain the awnings in the public right-of-way at 75 Ponce de Leon Avenue, N.E. between Peachtree Street, N.E. and Juniper Street, 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 awnings shall be submitted for the review and approval of the Commissioner of Public Works.

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

BE IT FURTHER RESOLVED, that Kim Hong Jun 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 Kim Hong Jun.

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 Kim Hong Jun.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities

Caption:

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 KIM HONG JUN, OWNER OF REAL PROPERTY LOCATED AT 75 PONCE DE LEON AVENUE, N.E., ATLANTA, GEORGIA FOR THE PURPOSE OF PERMITTING FOUR (4) OVERHEAD AWNINGS ALONG THE NORTH SIDE OF PONCE DE LEON AVENUE; AND FOR OTHER PURPOSES.

Requesting Dept.: Department of Public Works

Committee Meeting Date: February 12, 2013

Full Council Date: February 18, 2013

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to grant Kim Hong Jun an Encroachment Agreement to install four (4) awnings/canopies at 75 Ponce de Leon Avenue, Atlanta, GA 30308.

2. Please provide background information regarding this legislation.

Kim Hong Jun submitted an Encroachment Application to install four (4) awnings/canopies on the building located at 75 Ponce de Leon Avenue. The owner wishes to install the canopies to enhance the presence of the building and surroundings and to provide protection during rain for store patrons.

3. If Applicable/Known:

(a) Contract Type:

(b) Source Selection:

(c) Bids/Proposals Due:

- (d) Invitations Issued:**
- (e) Number of Bids:**
- (f) Proposals Received:**
- (g) Bidders/Proponents:**
- (h) Term of Contract:**

4. Fund Account Center:

5. Source of Funds:

6. Fiscal Impact: \$1,300.00 application fee; \$100 Annual Inspection Fee

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Wahab Alabi

EXHIBIT A



CITY OF ATLANTA

KASIM REED
MAYOR

68 MITCHELL STREET, S.W.
SUITE 4900, CITY HALL SOUTH
ATLANTA, GEORGIA 30303-3531
TEL. (404) 330-6501
FAX. (404) 658-7085
Email: publicworks@atlantaga.gov

DEPARTMENT OF PUBLIC WORKS
RICHARD MENDOZA
Commissioner

DEXTER C. WHITE
Deputy Commissioner

Department of Public Works Office of Transportation

Information Checklist – Encroachment Agreements

In order for the Law Department to prepare encroachment agreements pursuant to legislation adopted by the City Council, the following information needs to be provided to the Law Department by the Department of Public Works

1. Scaled Engineering Drawings/Plan of the location on 8-1/2" X 11" Sheet
2. Scaled Engineering Drawings of the encroachment e.g. monuments, awnings, etc. on 8-1/2" X 11" Sheet
3. Structural Calculations with a Professional Engineer's stamp
4. Area and Volume calculation for the encroachment
55-50 Sq Ft,
5. Ordinance/Resolution number of legislation authorizing the project.

6. The date that DPW completed its review and approval of the plans and technical specifications for the project. _____

DEPARTMENT OF PUBLIC WORKS – OFFICE OF TRANSPORTATION

"Designing, Implementing & Maintaining a Sustainable Transportation Infrastructure System"

LALITHA ENTERPRISES INC
75 PONCE DE LEON STE 100
ATLANTA, GA 30308

1532

64-481/610

DATE 09/25/2012

PAY TO THE ORDER OF

City of Atlanta

\$ 1,300.00

Thirteen hundred dollars & ⁰⁰/₁₀₀ cents only - DOLLARS



CAPITOL CITY BANK
TRUST COMPANY
P.O. BOX 2280 • ATLANTA, GEORGIA 30311

FOR Canopy Encroachment

⑈001532⑈ ⑆061004812⑆ 00 79 65 7⑈

Department of Public Works Office of Transportation

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3. Structural Calculations with a Professional Engineer's stamp
- ? 4. Area and Volume calculation for the encroachment
55-50 Sq. Ft.
5. Ordinance/Resolution number of legislation authorizing the project.

6. The date that DPW completed its review and approval of the plans and technical specifications for the project. _____

DEPARTMENT OF PUBLIC WORKS – OFFICE OF TRANSPORTATION

"Designing, Implementing & Maintaining a Sustainable Transportation Infrastructure System"

7. Owner of the Property KIM HONG JUN

8. Name and title of encroaching party official who will execute the agreement. This person **must** have legal authority to bind the encroaching party to the terms of the encroachment agreement.

Name RAMANA REDDY BATHINI

Title Manager - Ph: 404-386-3358

9. Full corporate name of encroaching party.
Kim Hong Jun

10. Mailing address of encroaching party.
75, PONCE DE LEON AVE,
ATLANTA, GA-30308.

11. Name and telephone number of contact person for encroaching party.
Name KIM HONG JUN
Number 404-641-8868

12. When applicable, the date that the Urban Design Commission completed its review and approval of the design and location of the project.
8/09/2011

13. The amount of public liability insurance that will be required for this project (as determined by Risk Management).

14. Whether the encroachment is permanent or temporary
Permanent
If Temporary, the expected length of time the encroachment will be in place.

15. Whether a performance/completion bond is required for this encroachment

If a bond is required, the dollar amount that will be required for the bond:



16. Fees to be charged by DPW to the encroaching party – If none, indicate with a zero in the appropriate blank below:

- a. Application and Review Fee: \$1,300.00
- b. ROW use fee (rental): \$100.00

If the right-of-way use fee is to be imposed, please provide the basis upon which the fee has been determined:

Law Department contact: Saul Schultz 404-330-6491

DPW contact: Name Wahab Alabi 404-330-6501



17. Project Brief Description – Include reason(s) for encroachment.

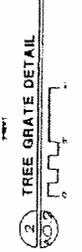
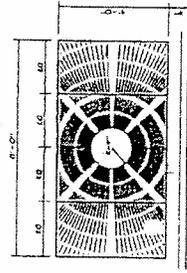
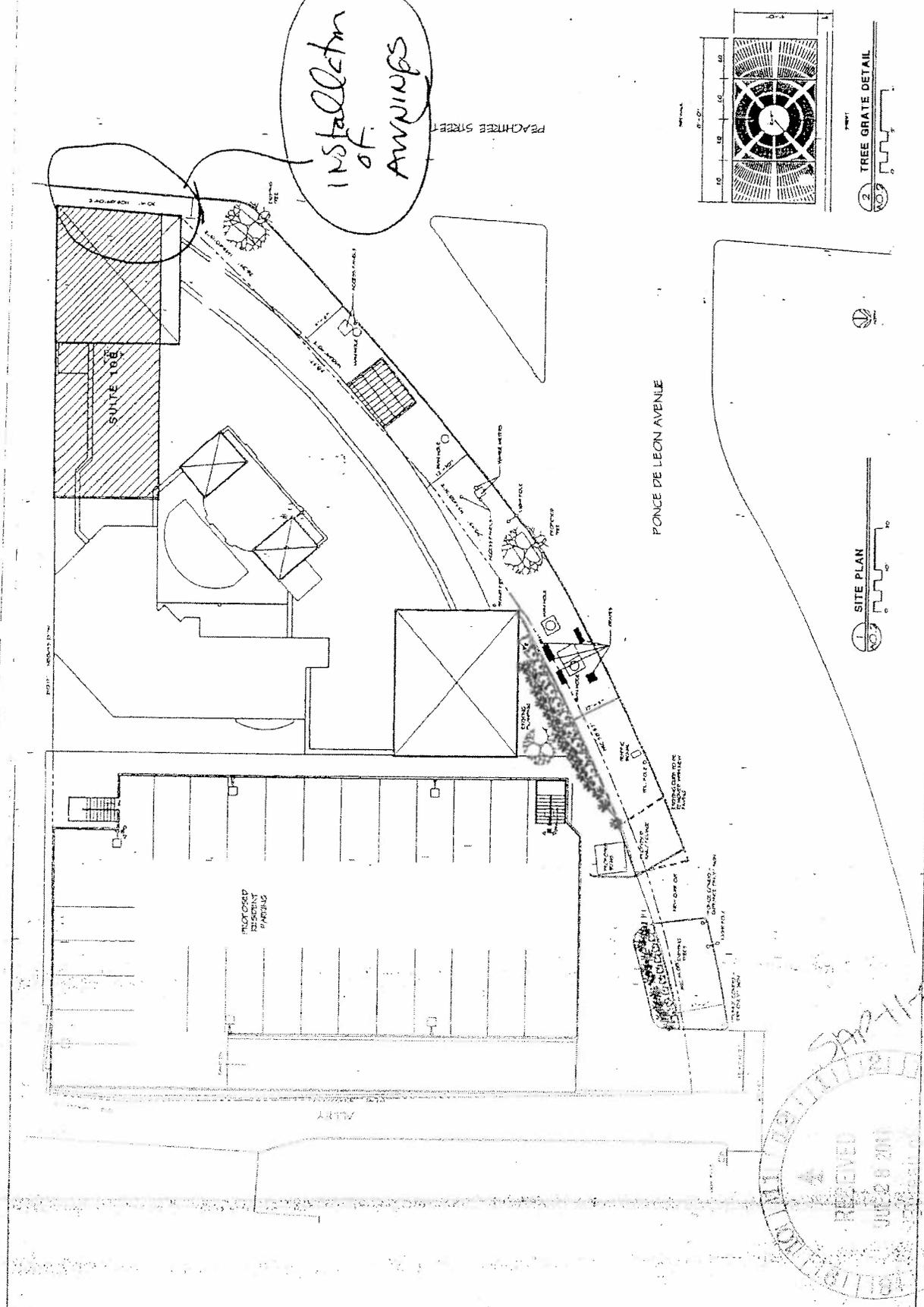
Installation of Awnings at 75, Ponce De Leon Ave.,
Suite #100, Atlanta, GA-30308.

PIMSLER HOSS ARCHITECTS
 ANDY C. PIMSLER, AIA
 501 PEACHTREE STREET, N.E.
 ATLANTA, GEORGIA 30308
 404-873-1212
 404-873-1233 (FAX)

PONCE
 CONDOMINIUM
 75 PONCE DE LEON AVENUE
 ATLANTA
 GEORGIA

PROJECT NO.	11-02-1
DATE	11-02-1
SCALE	AS SHOWN
DATE	11-02-1
DATE	11-02-1
DATE	11-02-1

PROPOSED
 SITE PLAN
 A0.2
 PREPARED FOR CONSTRUCTION



RECEIVED
 JUL 26 2011
 PLANNING
 250-11-245

Wall Sign Elevation

Scale 3/16" = 1'

Date 7/27/2010

Client Peachtree Superette

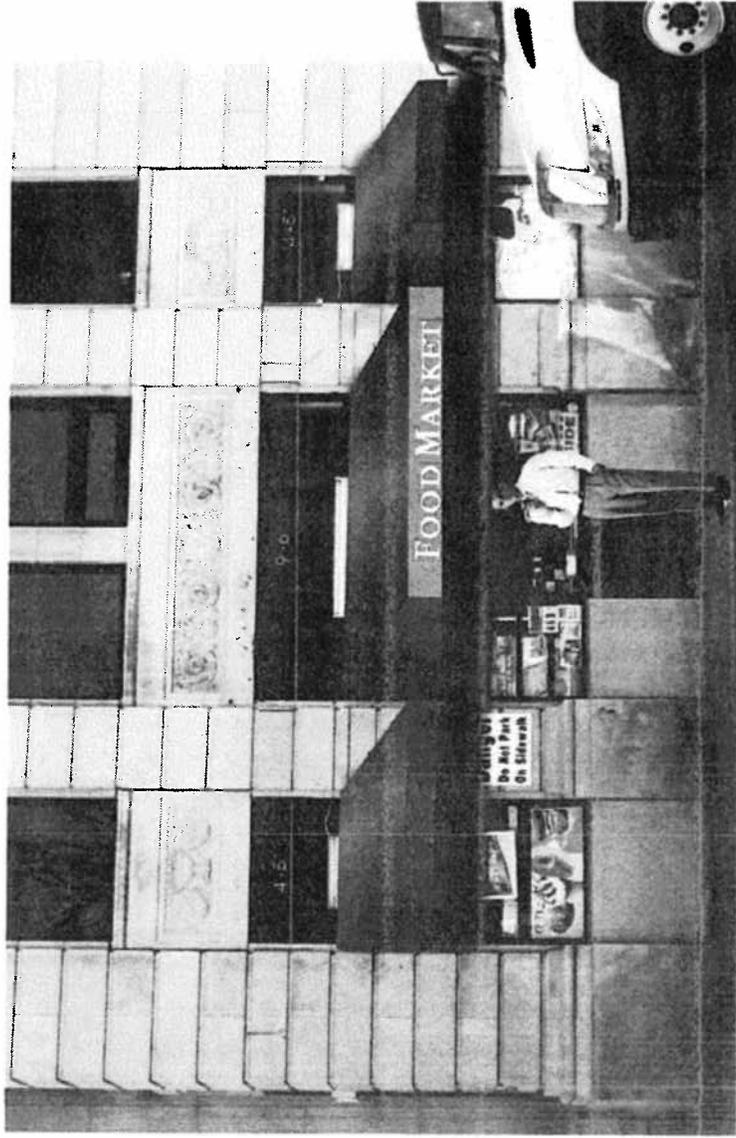
Location
75 Ponce De Leon Ave, Suite 100
Atlanta, GA 30306

Sales Henry Yang

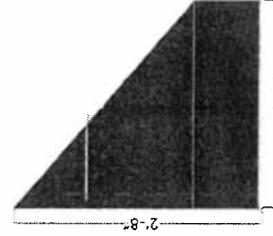
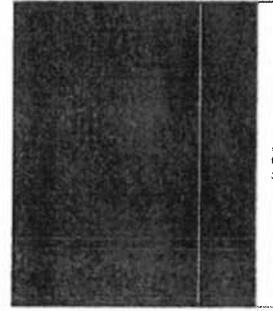
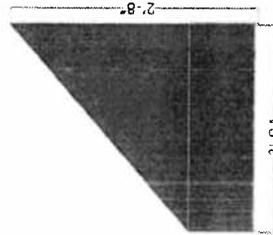
Description

Item: Wall Sign
Material: Aluminum
Finish: Anodized
Mount: Adhesive
Notes: See drawing for details

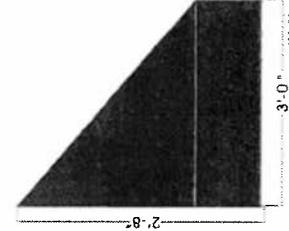
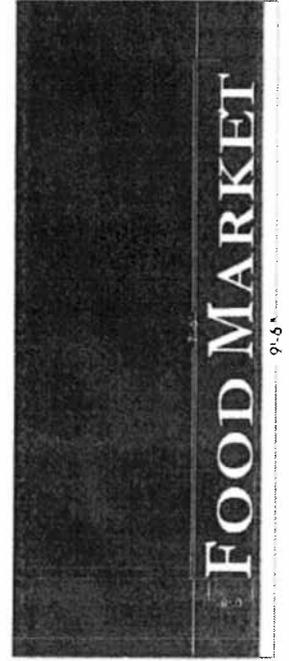
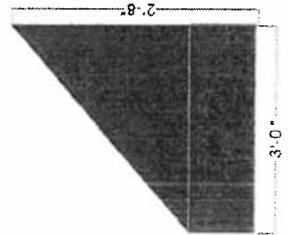
Sq ft 5 sqft for FOOD MARKET



Scale 3/8" = 1'



x2



#UL Listed

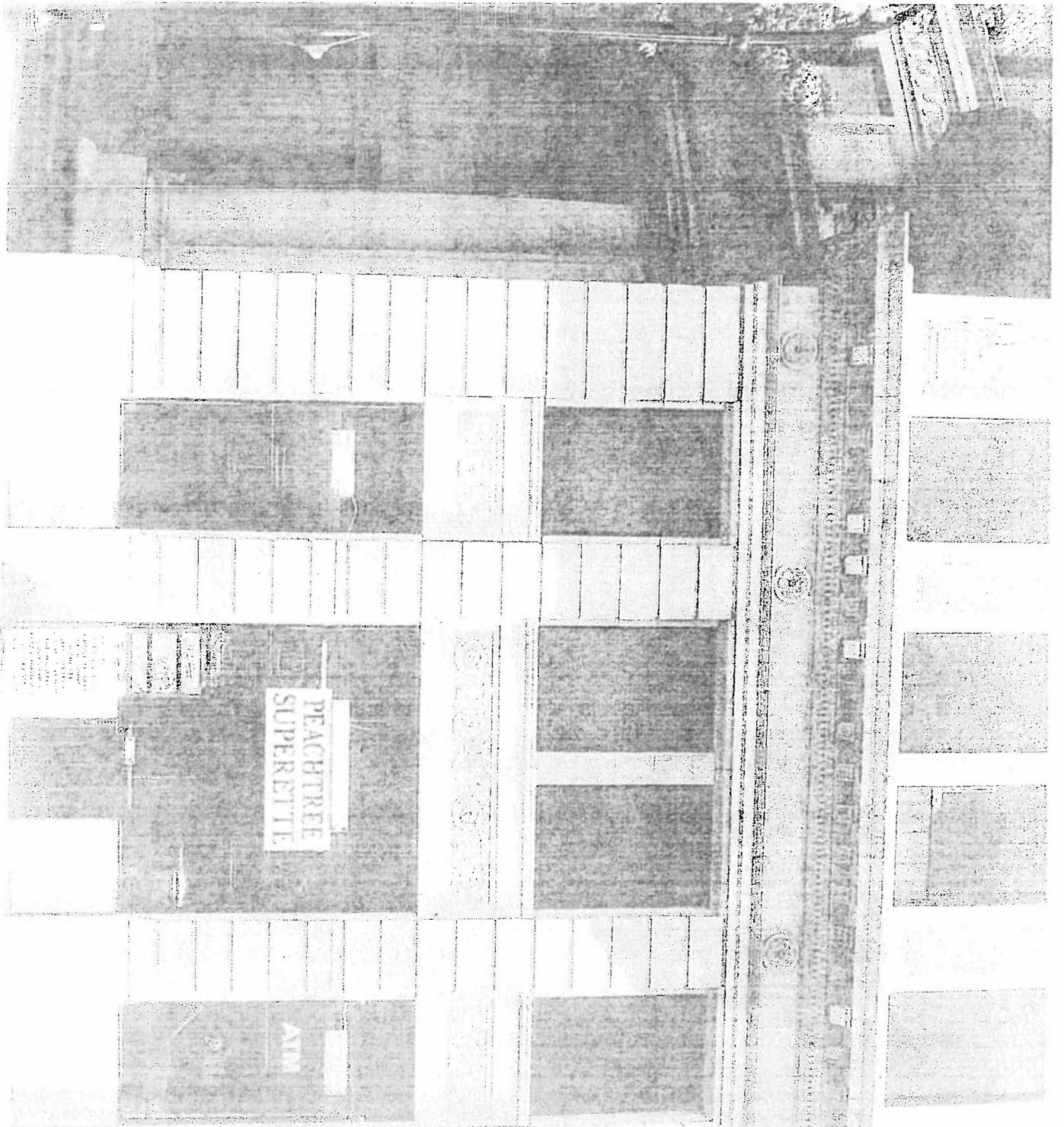
Design Sharon

Customer's Approval

NOTE: This is a computer generated representation. Actual sign may vary due to fabrication tolerances and printing process.

This original drawing or copy is submitted for your personal use in connection with a project we are planning for you. It is not to be copied, reproduced or distributed to anyone outside your organization without written permission from Lee's Signs.

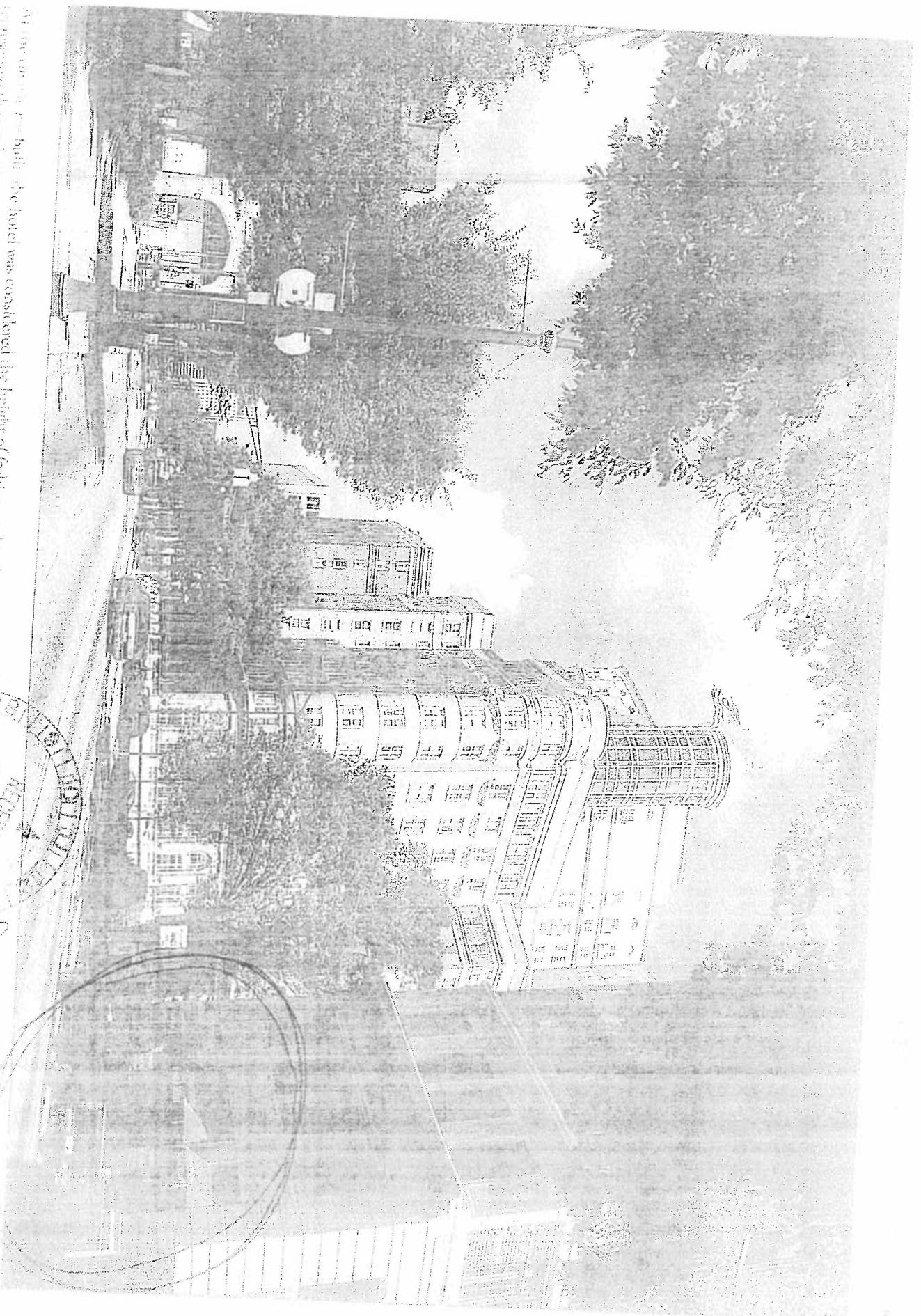
Lee's Signs
803 S. Peachtree St., Suite 107, Peachtree, GA 30309
Phone: 770.739.0069 / Fax: 770.739.0070



1057

1057

1057



At the time the building was considered the height of fashion and to fact
the preservation of the building was a must extension of the city. After closing in 1981, the
building was converted to 1991 as apartments with the notable addition of a
modern building extension, the original's distinctive rounded corner. The new structure
was designed by architect [Name].

RECEIVED
BUREAU OF
PLANNING
MAY 11 1985



City of Atlanta Office of Planning
SPECIAL ADMINISTRATIVE PERMIT (SAP) APPLICATION
NOTARIZED AUTHORIZATION BY PROPERTY OWNER

(Required only if applicant is not the owner of the property subject to the application)

TYPE OF APPLICATION: **Special Administrative Permit**

I, KIM HONG JUN SWEAR THAT I AM THE OWNER
owner(s) name

OF THE PROPERTY LOCATED AT: 75, PONCE DE LEON AVE,
SUITE #100, ATLANTA, GA-30308
AS SHOWN IN THE RECORDS OF FULTON COUNTY, GEORGIA
WHICH IS THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I AUTHORIZE THE
PERSON NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF THIS
APPLICATION.

NAME OF APPLICANT:

RAMANA REDDY V. BATHINI

ADDRESS: 75, PONCE DE LEON AVE, SUITE #100
ATLANTA, GA-30316

TELEPHONE: 404-386-3358

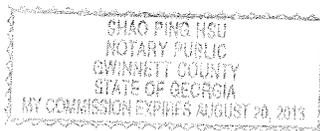
[Signature]
Signature of Property Owner

KIM HONG JUN
Print Name of Property Owner

Personally Appeared
Before Me

[Signature]

Who Swears That The
Information Contained
In this Authorization
is True and Correct
To The Best of His or Her
Knowledge and Belief.



[Signature]
Signature of Notary Public

7/28/11
Date

Wall Sign Elevation

Date 11.7.12

Client **Peachtree Superette**

Location
75 Ponce De Leon Ave, Suite 100
Atlanta, GA 30308

Sales Henry Yang

Description

Trim: Light Charcoal
Fabric: Light Charcoal Finest form WeatherMAX
Frame: Aluminum
Font: Garamond

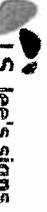
Design

Customer's Approval

X

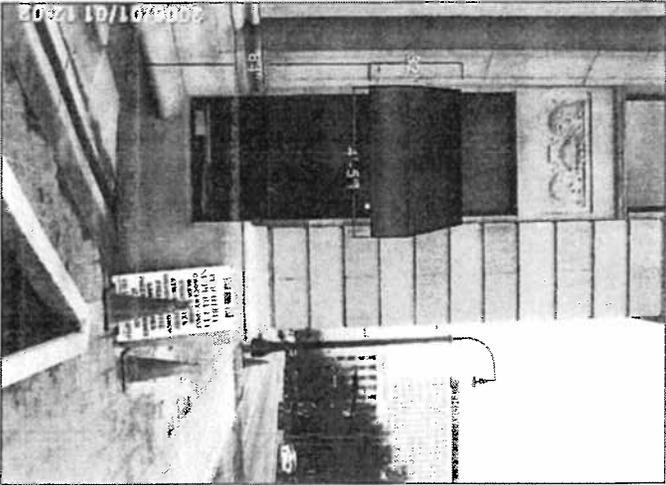
NOTE: This is a computer generated representation.
Actual signage may vary due to standard manufacturing practices.

This original drawing or copy is submitted for your personal use in connection with a project we are planning for you. It is not to be copied, reproduced or exhibited to anyone outside your organization without written permission from:



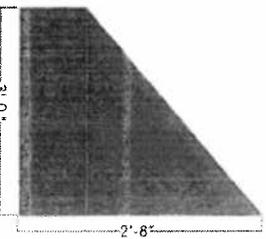
853 S. Peachtree St., Suite 107, Norcross, GA 30071
Phone: 770.729.0069 / Fax: 770.729.0697

Scale 3/16" = 1'



Scale 3/8" = 1'

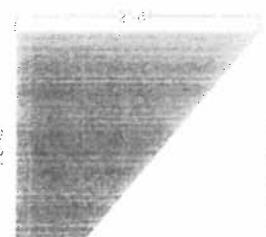
Side View



Front View



Side View



X1

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Santana Kempson Wright

Contact Number: (404) 330-6579

Originating Department: Department of Public Works

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: January 25, 2013

Anticipated Committee Meeting Date(s): February 12, 2013

Anticipated Full Council Date: February 18, 2013

Legislative Counsel's Signature: Saul Schultz

W/S Commissioner's Signature: [Handwritten Signature]

Chief Information Officer Signature (for IT Procurements) _____

Chief Procurement Officer Signature: _____

CAPTION

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 KIM HONG JUN, OWNER OF REAL PROPERTY LOCATED AT 75 PONCE DE LEON AVENUE, N.E., ATLANTA, GEORGIA FOR THE PURPOSE OF PERMITTING FOUR (4) OVERHEAD AWNINGS ALONG THE NORTH SIDE OF PONCE DE LEON AVENUE; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT:

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: [Handwritten Signature] 1-25-13
(date)

Reviewed by: [Handwritten Signature]
(date)

Submitted to Council: _____ (date)