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<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

**CITY COUNCIL
ATLANTA, GEORGIA**

15-O-1562

SPONSOR SIGNATURES



Natalyn Mosby Archibong, Councilmember, District 5

AN ORDINANCE BY COUNCILMEMBERS IVORY LEE YOUNG, JR. AND NATALYN ARCHIBONG AS AMENDED BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AN ENCROACHMENT AGREEMENT WITH THE ATLANTA BICYCLE COALITION FOR THE PURPOSE OF INSTALLING A BICYCLE CORRAL NEAR 1984 HOSEA L. WILLIAMS DRIVE, N.E., ATLANTA, GEORGIA; TO WAIVE THE \$1,300.00 PERMIT FEE REQUIRED IN SECTION 138-20(A) OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES .(HELD 12/1/15)

WHEREAS, it is the stated goal of the City of Atlanta to expand pedestrian and bicycle facilities as a transportation alternative to the single occupancy vehicle mode of travel and to increase the pedestrian and bicycle linkages that support mass transit; and

WHEREAS, the Atlanta Bicycle Coalition (“Encroaching Party”) desire to install a bicycle corral near 1984 Hosea L. Williams Drive, N.E., Atlanta, Georgia to be located in the public right-of-way; and

WHEREAS, the City of Atlanta’s (“City”) Code of Ordinances at Sections 138-20, 138-22, and 138-24, require that an Encroachment Agreement be entered into between the City and the Encroaching Party for authorization to allow the Encroaching Party to install the bicycle corral in the public right-of-way and for authorization for the Encroaching Party to continue to maintain the bicycle corral in the public right-of-way; and

WHEREAS, the Commissioner of the Department of Public Works will review the plans for the encroachment agreement and will determine that the bicycle corral 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 Encroaching Party desires to install and maintain the bicycle corral; and

WHEREAS, the Encroaching Party has agreed to conform to conditions set out in the City’s Code of Ordinances at Sections 138-20, 138-24, and 138-24.

NOW, THEREFORE, BE IT ORDAINED BY THE 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 Nonconforming Uses (the “Encroachment Agreement”), as outlined in Section 138, Article II, of the City’s Code of Ordinances with the Encroaching Party for the purpose of granting to the Encroaching Party the right to install and to thereafter maintain a bicycle corral in the public right-of-way near 1984 Hosea L. Williams Drive, N.E., Atlanta, Georgia as depicted in Exhibit “A” hereto attached, 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 interest of the City of Atlanta for this transaction.

SECTION 2: That the requirement of Section 138-20(a) of the City of Atlanta Code of Ordinances, which requires an initial \$1,300.00 permit fee be waived for purposes of this ordinance only.

SECTION 3: That the Encroaching Party shall indemnify the City for any damages to persons or properties resulting from the erection and maintenance of said bicycle corral and such indemnification shall be set forth in the Encroachment Agreement.

SECTION 4: That the Encroaching Party shall comply with the conditions set out at Sections 138-20, 138-22, and 138-24 of the City's Code of Ordinances.

SECTION 5: That the City Attorney is directed to prepare an Encroachment Agreement, acceptable as to form, for execution by the Mayor and the Encroaching Party.

SECTION 6: 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 the Encroaching Party.