

1 A RESOLUTION APPROVING A RIGHT OF WAY EASEMENT AGREEMENT BETWEEN
2 FULTON COUNTY, GEORGIA AND GREYSTONE POWER CORPORATION FOR THE
3 PURPOSE OF RELOCATING AND INSTALLING UTILITY POLES ON CEDAR GROVE ROAD;
4 TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE RIGHT OF WAY EASEMENT
5 AGREEMENT AND RELATED DOCUMENTS; TO AUTHORIZE THE COUNTY ATTORNEY TO
6 APPROVE THE RIGHT OF WAY EASEMENT AGREEMENT AND RELATED DOCUMENTS
7 AS TO FORM; AND FOR OTHER PURPOSES.

8
9 **WHEREAS**, Fulton County, Georgia is a political subdivision of the State of
10 Georgia, existing as such under and by the Constitution, statutes, and laws of the State
11 of Georgia; and

12 **WHEREAS**, Fulton County is the fee simple owner of 0 Rivertown Road, South
13 Fulton located in Land Lot 138 of the 7th District of Fulton County, Georgia (Tax Parcel ID:
14 07 170001380449) (the "Property"); and

15 **WHEREAS**, Greystone Power Corporation, an electric membership corporation, is
16 committed to maintaining and improving its power infrastructure within the various
17 communities and municipalities that it serves within Fulton County; and

18 **WHEREAS**, the Rivertown Road at Cedar Grove Road Intersection Improvement
19 Project (the "Project"), planned by the City of South Fulton, requires the Greystone Power
20 Corporation to relocate and install utility poles, and complete electrical grid upgrades,
21 along Cedar Grove Road and Rivertown Road; and

22 **WHEREAS**, Greystone Power Corporation has requested that Fulton County
23 approve a Right of Way Easement Agreement to provide access to the Property to
24 complete necessary work for the Project; and

25 **WHEREAS**, the Fulton County Department of Real Estate and Asset
26 Management recommends granting a Right of Way Easement to Greystone Power
27 Corporation so it may access the Property to complete necessary work for the Project;
28 and

1 **WHEREAS**, pursuant to O.C.G.A. § 36-9-3, Fulton County is authorized to grant
2 easements without a competitive process; and

3 **WHEREAS**, pursuant to Fulton County Code § 1-117, the Board of Commissioners
4 has exclusive jurisdiction and control over directing and controlling all the property of the
5 County, as they may deem expedient, according to law.

6 **NOW THEREFORE BE IT RESOLVED**, that the Board of Commissioners of
7 Fulton County, Georgia, hereby approves the Right of Way Easement Agreement with
8 the Greystone Power Corporation, in substantially the form attached hereto as Exhibit A,
9 so as to grant access to 0 Rivertown Road, South Fulton (Tax Parcel ID: 07
10 170001380449) for the Rivertown Road at Cedar Grove Road Intersection Improvement
11 Project.

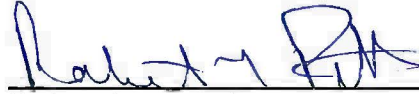
12 **BE IT FURTHER RESOLVED**, that the Chairman of the Board of Commissioners
13 is authorized and directed to execute and deliver the Right of Way Easement Agreement
14 and any related documents to Greystone Power Corporation.

15 **BE IT FURTHER RESOLVED**, that prior to execution of the Right of Way
16 Easement Agreement and any related documents, the County Attorney shall approve all
17 documents as to form and make any necessary revisions thereto to protect the County's
18 interests.

19 **BE IT FINALLY RESOLVED**, that this Resolution shall become effective upon its
20 adoption and that all resolutions and parts of resolutions in conflict with this Resolution
21 are hereby repealed to the extent of such conflict.

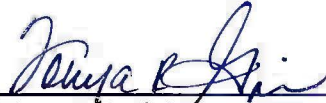
1 SO PASSED AND ADOPTED, this 2nd day of October 2024.

4 BY:

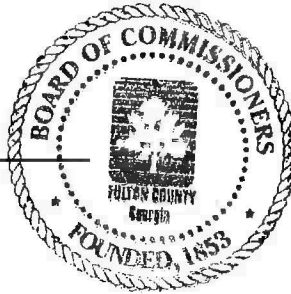
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6 Robert L. Pitts, Chairman
7 Fulton County Board of Commissioners
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9

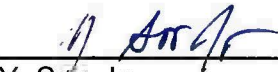
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11
12 ATTEST:

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14 Tonya R. Grier
15 Clerk to the Commission
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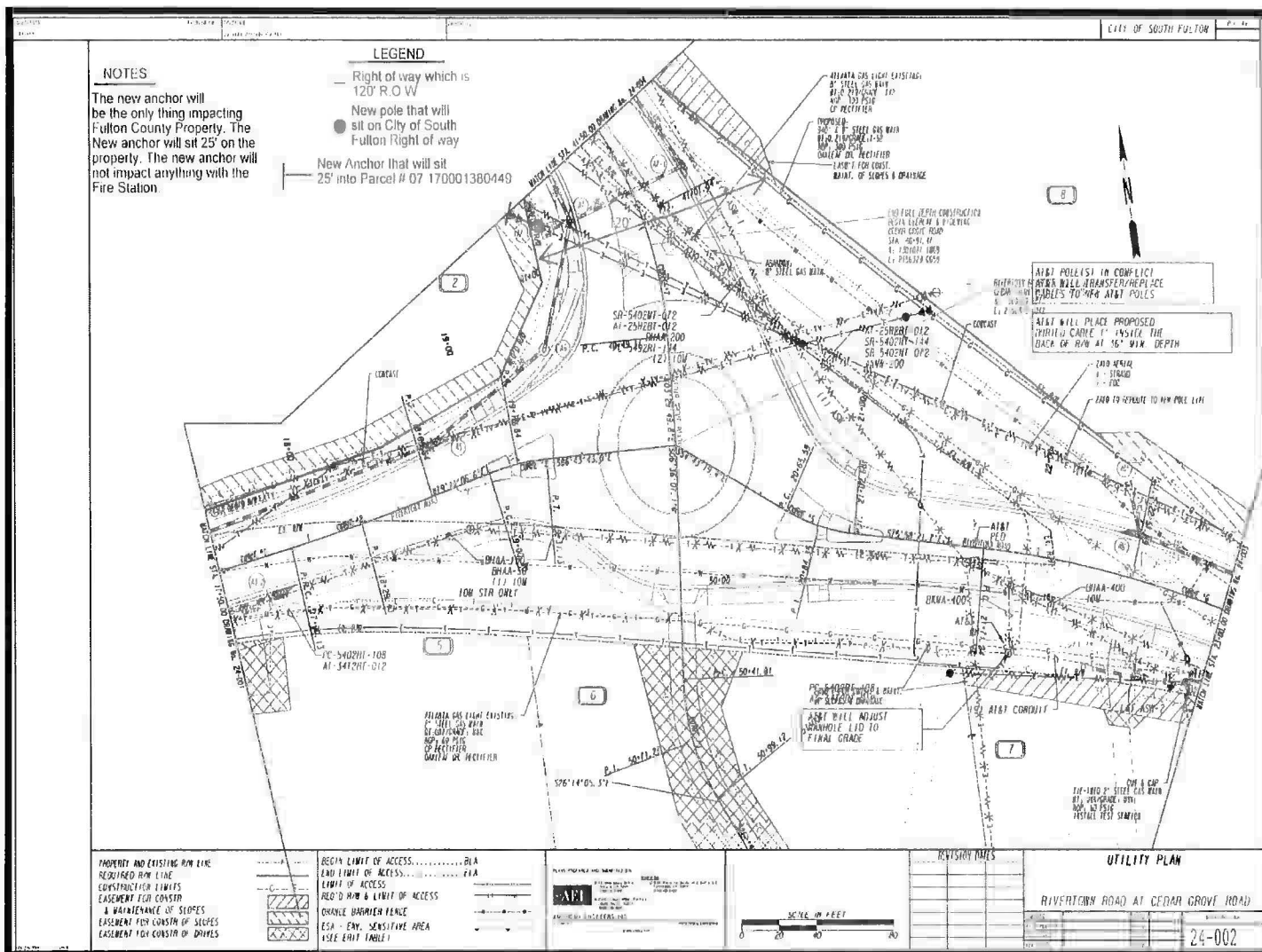


20
21 APPROVED AS TO FORM:

22 

23 Y. Soo Jo
24 Office of the County Attorney
25

EXHIBIT A



GreyStone Power Corporation
P. O. Box 897
Douglasville, Georgia 30133-0897

STATE OF GEORGIA
FULTON COUNTY

RIGHT OF WAY EASEMENT

This **RIGHT OF WAY EASEMENT** granted and conveyed by grantor, Fulton County, a political subdivision of the State of Georgia whose mailing address is 141 Pryor Street, Suite 8021, Atlanta, Georgia 30303 ("Grantor") to GreyStone Power Corporation, an Electric Membership Corporation, whose post office address is P.O. Box 897, DOUGLASVILLE, GEORGIA, 30133 ("Grantee"), as of this 2nd day of October 2024. The terms Grantor and Grantee include each party named if more than one, each party's respective heirs, executors, administrators, successors and assigns, and the masculine, feminine and neuter gender where the context requires or permits. Grantor, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Grantor, does hereby grant unto Grantee the perpetual right and easement to go in and upon and occupy the property of Grantor described below (the "Property") for the following uses and purposes:

CONSTRUCT AND RECONSTRUCT. To install, reinstall, construct, reconstruct, replace, relocate, operate, maintain, use, inspect, repair, alter, improve, substitute for, extend and remove above ground, surface and underground lines, cables, apparatus and facilities (separately or collectively, the "System"), including, without limitation, poles, towers, crossarms, fixtures, conduits, manholes, vaults, transformers, pads, equipment and appliances, guywires, anchors and stub poles (which anchors and stub poles may be located outside the exterior boundaries of the right-of-way easement area described herein) as may now or hereafter be necessary or convenient for the transmission and distribution of electric energy, data, TV and communication signals and any other tangible or intangible commodity.

INGRESS AND EGRESS. To enter upon the property through any adjacent property of Grantor at any time for any of the purposes enumerated above.

RIGHT-OF-WAY MAINTENANCE. To keep and maintain the right-of-way easement area clear, by mechanical or chemical means or otherwise, of all structures, trees, stumps, roots, shrubbery and undergrowth within the right-of-way area described below. To cut and remove any tree or trees ("danger tree(s)") outside of the right-of-way area which, in the opinion of Grantee or its representatives, constitutes a hazard to or may endanger the safe and proper operation or maintenance of said lines and System. As used herein, a danger tree is a tree whose height plus five feet is equal to, or greater than, the distance from the base thereof to a point on the ground directly beneath the nearest portion of the System. Grantor may cut any such vegetation within the easement area.

MISCELLANEOUS. Grantor warrants and represents that Grantor owns the property. Grantor covenants and agrees that the System installed incident to this right-of-way easement by Grantee or its representatives shall be and remain the property of Grantee which shall be removable and replaceable at its option.

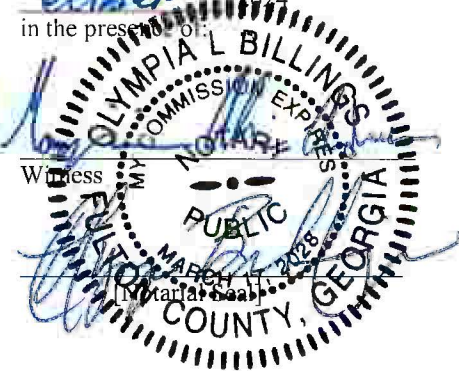
RIGHT-OF-WAY EASEMENT AREA. The right-of-way easement area shall be twenty feet (20) in width and shall be: Ten Feet (10) on either side of the center line shown on Exhibit "A" annexed hereto and by reference incorporated herein.

DESCRIPTION OF PROPERTY. All that tract of land, including abutting waterways, streets, roads and highways, being in Land Lot 1700, 7th District, Fulton County, Georgia, more particularly described as follows:

The property of Grantor has an address of 0 Rivertown Rd, South Fulton, Georgia.
Parcel # 07 170001380449

IN WITNESS WHEREOF, the undersigned Grantor has set his hand and seal the year and date first above written.

Signed, sealed and delivered this 31st day of October 2024 of FULTON COUNTY, a political subdivision of the State of Georgia in the presence of:



By: [Signature]
Robert L. Pitts, Chairman
Fulton County Board of Commissioners

Attest: [Signature]
Tonya R. Grier
Clerk to the Commission

APPROVED AS TO FORM

[Signature]
Y. Soo Jo, County Attorney



ITEM # 24-0625 FRM 10/2/24
FIRST REGULAR MEETING

Exhibit A

