

1 **A RESOLUTION APPROVING THE EMERGENCY MAINTENANCE ON CERTAIN**
2 **STORM WATER DETENTION PONDS LOCATED WITHIN THE BOUNDARIES OF THE**
3 **CITY OF SOUTH FULTON IN ORDER TO ADDRESS THE GROWING PUBLIC**
4 **SAFETY AND HEALTH CONCERNS, GEORGIA PURSUANT TO CERTAIN FULTON**
5 **COUNTY EASEMENT RIGHTS; AND FOR OTHER PURPOSES.**

6 **WHEREAS**, Fulton County has certain easement rights for emergency
7 maintenance for approximately thirty-three storm water detention ponds (“Ponds”) located
8 on privately-owned properties within the boundaries of the City of South Fulton, Georgia,
9 the locations of which are attached hereto as Exhibit A; and

10 **WHEREAS**, Fulton County and the City of South Fulton each have Storm Water
11 Management Programs, approved by the State of Georgia Department of Natural
12 Resources Environmental Protection Division, for properties located within their
13 respective jurisdictions, with the City of South Fulton responsible for stormwater
14 management within its jurisdiction; and

15 **WHEREAS**, the Ponds are located entirely within the jurisdiction of the City of
16 South Fulton; and

17 **WHEREAS**, Fulton County citizens who reside near the Ponds within the
18 jurisdiction of the City of South Fulton have expressed concerns to both jurisdictions
19 regarding debris, trees, and vegetation in and around the Ponds which may pose health
20 and safety concerns; and

21 **WHEREAS**, pursuant to Fulton County Code Sec. 1-117, the Board of
22 Commissioners has exclusive jurisdiction and control over the following matters, to-wit:
23 In directing and controlling all the property of the county, as they may deem expedient,
24 according to law, having the care, management, keeping, collecting, or disbursement, of

1 money belonging to the county, or appropriated for its use and benefit, and to exercise
2 such other powers as are granted by law, or are indispensable to their jurisdiction over
3 county matters and county finances; and

4 **WHEREAS**, based on the concerns raised by the citizens, the Board of
5 Commissioners finds it to be in the best interest of these citizens that Fulton County
6 perform emergency maintenance on the Ponds as deemed necessary and pursuant to its
7 emergency easement rights to address the public health and safety concerns posed by
8 the debris and vegetation, until such time that Fulton County no longer possesses these
9 emergency easement rights; and

10 **WHEREAS**, neither the County's Department of Real Estate and Asset
11 Management ("DREAM") nor the Department of Public Works have the personnel or
12 equipment to remove the debris from the Pond; and

13 **WHEREAS**, DREAM estimates that it will cost no more than \$125,000.00 to
14 perform this clean-up work at the Ponds based on the received quotes and to include any
15 tree that is diseased, has fallen, or is currently in danger of falling; and

16 **WHEREAS**, in order to clear the debris and vegetation, Fulton County will need to
17 engage the services of an existing contractor with a current contract with Fulton County
18 to perform similar services or issue an Invitation to Bid to hire a contractor with the ability
19 to perform the work; and

20 **WHEREAS**, the Board of Commissioners finds that it is in the best interest of the
21 citizens of Fulton County for Fulton County, through DREAM, to remove the debris and
22 vegetation from the Ponds as quickly as possible using an existing contractor or one

1 chosen via a competitive procurement process at a cost to the County not to exceed
2 \$125,000.00.

3 **NOW, THEREFORE, BE IT RESOLVED**, the Board of Commissioners hereby
4 approves and authorizes the Department of Real Estate and Asset Management to
5 address the health and safety concerns regarding the Ponds, under the authority of the
6 emergency maintenance easements until such time as Fulton County no longer
7 possesses these easements rights.

8 **BE IT FURTHER RESOLVED**, that Department of Real Estate and Asset
9 Management is authorized to utilize the services of an existing contractor with a current
10 contract with the County to remove the debris from the Ponds or issue an Invitation to Bid
11 to hire a contractor to perform the work at a cost to the County not to exceed \$125,000.00.

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

15 **SO PASSED AND ADOPTED**, this _____ day of April, 2022.

16
17 **FULTON COUNTY BOARD OF**
18 **COMMISSIONERS**

19
20 **SPONSORED BY:**

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24 _____
25 Khadijah Abdur-Rahman
26 Commissioner, District 6
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1 ATTEST:

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5 _____
6 Tonya R. Grier, Clerk of Commission

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APPROVED AS TO FORM:

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14 _____
15 Y. Soo Jo
16 County Attorney