

1    **A RESOLUTION APPROVING GOVERNMENTAL ENCROACHMENT**  
2    **AGREEMENT FOR EASEMENT BETWEEN FULTON COUNTY, GEORGIA**  
3    **AND GEORGIA POWER COMPANY FOR THE PURPOSE OF**  
4    **CONSTRUCTING DRIVEWAY ACCESS FROM THE PROPOSED FULTON**  
5    **COUNTY ANIMAL SHELTER TO FULTON INDUSTRIAL BOULEVARD; TO**  
6    **AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT AND**  
7    **RELATED DOCUMENTS; TO AUTHORIZE THE COUNTY ATTORNEY TO**  
8    **APPROVE THE AGREEMENT AS TO FORM AND MAKE MODIFICATIONS**  
9    **AS NECESSARY TO PROTECT THE COUNTY’S INTEREST PRIOR TO**  
10   **EXECUTION; AND FOR OTHER PURPOSES.**

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12       **WHEREAS,** Fulton County is a political subdivision of State of Georgia  
13 and committed to the practice of optimizing available resources for the purpose  
14 of providing the highest level of government services and improving the quality of  
15 life for all residents and visitors of Fulton County; and

16       **WHEREAS,** the Fulton County Board of Commissioners previously  
17 approved the construction of the Fulton County Animal Shelter facility at is  
18 December 15, 2021 meeting as Agenda Item # 21-01042; and

19       **WHEREAS,** the construction of the Fulton County Animal Shelter facility  
20 requires driveway access to Fulton Industrial Boulevard, also known as State  
21 Route 70, which is under the control of the Georgia Department of Transportation  
22 (“GDOT”); and

23       **WHEREAS,** Georgia Power Company is the fee simple owner of real  
24 property that must be crossed by Fulton County to connect its driveway access  
25 from the proposed Fulton County Animal Shelter facility to Fulton Industrial  
26 Boulevard; and

27       **WHEREAS,** the Governmental Encroachment Agreement for Easement is  
28 a formal legal document acknowledging the terms in which encroachments are  
29 permitted on real property owned by Georgia Power Company; and

1           **WHEREAS**, Georgia Power Company requires that Fulton County  
2 execute a Governmental Encroachment Agreement for Easement in substantially  
3 the form attached hereto as Exhibit "A" before granting Fulton County permission  
4 to transverse real property owned by it for the purpose of connecting driveway  
5 access to Fulton Industrial Boulevard from the proposed animal shelter.

6           **NOW THEREFORE, IT IS HEREBY RESOLVED**, that the Board of  
7 Commissioners of Fulton County hereby authorizes the Chairman to execute a  
8 Governmental Encroachment Agreement for Easement with Georgia Power  
9 Company in the form substantially attached hereto as Exhibit "A".

10           **BE IT FURTHER RESOLVED**, that prior to execution of these documents,  
11 the County Attorney shall approve the documents as to form and make any  
12 necessary changes thereto to protect the County's interests.

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

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17           **SO PASSED AND ADOPTED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.  
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22                                   **FULTON COUNTY BOARD OF**  
23                                   **COMMISSIONERS**  
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27                                   \_\_\_\_\_  
28                                   Robert L. Pitts  
29                                   Chairman  
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ATTEST:

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Tonya R. Grier  
Clerk to the Commission

APPROVED AS TO FORM:

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Y. Soo Jo  
County Attorney