

1 A RESOLUTION APPROVING AN UNDERGROUND DISTRIBUTION  
2 CONSTRUCTION AGREEMENT AND RELEASE FOR CONSTRUCTION  
3 AGREEMENT BETWEEN FULTON COUNTY, GEORGIA AND THE GEORGIA  
4 POWER COMPANY FOR THE PURPOSE OF COMPLETING PLANNED  
5 RENOVATIONS AND NEW CONSTRUCTION AT THE OAK HILL CHILD,  
6 ADOLESCENT AND FAMILY CENTER LOCATED AT 2805 METROPOLITAN  
7 PARKWAY, SW, ATLANTA, GEORGIA 30315; TO AUTHORIZE THE CHAIRMAN TO  
8 EXECUTE THE UNDERGROUND DISTRIBUTION CONSTRUCTION AGREEMENT  
9 AND RELEASE FOR CONSTRUCTION AGREEMENT AND RELATED DOCUMENTS;  
10 TO AUTHORIZE THE COUNTY ATTORNEY TO APPROVE THE UNDERGROUND  
11 DISTRIBUTION CONSTRUCTION AGREEMENT AND RELEASE FOR  
12 CONSTRUCTION AGREEMENT AND RELATED DOCUMENTS AS TO FORM AND  
13 TO MAKE MODIFICATIONS AS NECESSARY TO PROTECT THE COUNTY'S  
14 INTEREST PRIOR TO EXECUTION; AND FOR OTHER PURPOSES.

15  
16 **WHEREAS**, Fulton County, Georgia ("Fulton County") is a political subdivision of  
17 the State of Georgia, existing as such under and by the Constitution, statutes, and laws  
18 of the State; and

19 **WHEREAS**, the Fulton County Department of Health and Human services  
20 operates multiple healthcare facilities throughout Fulton County that offer a wide array  
21 of programming for Fulton County residents including behavioral health services; and

22 **WHEREAS**, the Fulton County Department of Real Estate and Asset  
23 Management ("DREAM") has been tasked to complete renovations and new  
24 construction onsite at the Oak Hill Child, Adolescent, & Family Center; and

25 **WHEREAS**, it has been determined by the Georgia Power Company ("GPC")  
26 and DREAM that an Underground Distribution Construction Agreement and Release for  
27 Construction Agreement is required prior to the installation of new electrical service  
28 lines that are necessary to complete the planned new construction and renovations; and

29 **WHEREAS**, DREAM recommends approval of the granting of an Underground  
30 Distribution Construction Agreement and Release for Construction Agreement with GPC  
31 at the Oak Hill Child, Adolescent, & Family Center in substantially the form of Exhibit "A"  
32 and "B", attached hereto; and

1           **WHEREAS**, pursuant to O.C.G.A. § 36-10-1, “[a]ll contracts entered into by the  
2 county governing authority with other persons in behalf of the county shall be in writing  
3 and entered on its minutes”; and

4           **WHEREAS**, pursuant to Fulton County Code § 1-117, the Board of  
5 Commissioners has exclusive jurisdiction and control over all property of the County.

6           **NOW THEREFORE BE IT RESOLVED**, that the Board of Commissioners of  
7 Fulton County, Georgia, hereby approves of the execution of Underground Distribution  
8 Construction Agreement and Release for Construction Agreement between Fulton  
9 County to the Georgia Power Company, as more particularly described in Exhibit “A”  
10 and “B” attached hereto.

11           **BE IT FURTHER RESOLVED**, that the Chairman of Fulton County Board of  
12 Commissioners is authorized to execute and deliver the Underground Distribution  
13 Construction Agreement and Release for Construction Agreement and other necessary  
14 documents to the Georgia Power Company to complete the installation of new electrical  
15 service lines that are necessary to complete the planned new construction and  
16 renovations at the Oak Hill Child, Adolescent, & Family Center.

17           **BE IT FURTHER RESOLVED** that prior to execution of any documents, the  
18 County Attorney shall approve the documents as to form and make necessary changes  
19 thereto to protect the County’s interests.

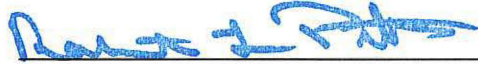
20           **BE IT FINALLY RESOLVED**, that this Resolution shall become effective upon its  
21 adoption and that all resolutions and parts of resolutions in conflict with this Resolution  
22 are hereby repealed to the extent of such conflict.

23  
24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

**SO PASSED AND ADOPTED**, this 6<sup>th</sup> day of March, 2024.

**FULTON COUNTY  
BOARD OF COMMISSIONERS**



Robert L. Pitts, Chairman

**ATTEST:**



Tonya R. Grier  
Clerk to the Commission

**APPROVED AS TO FORM:**

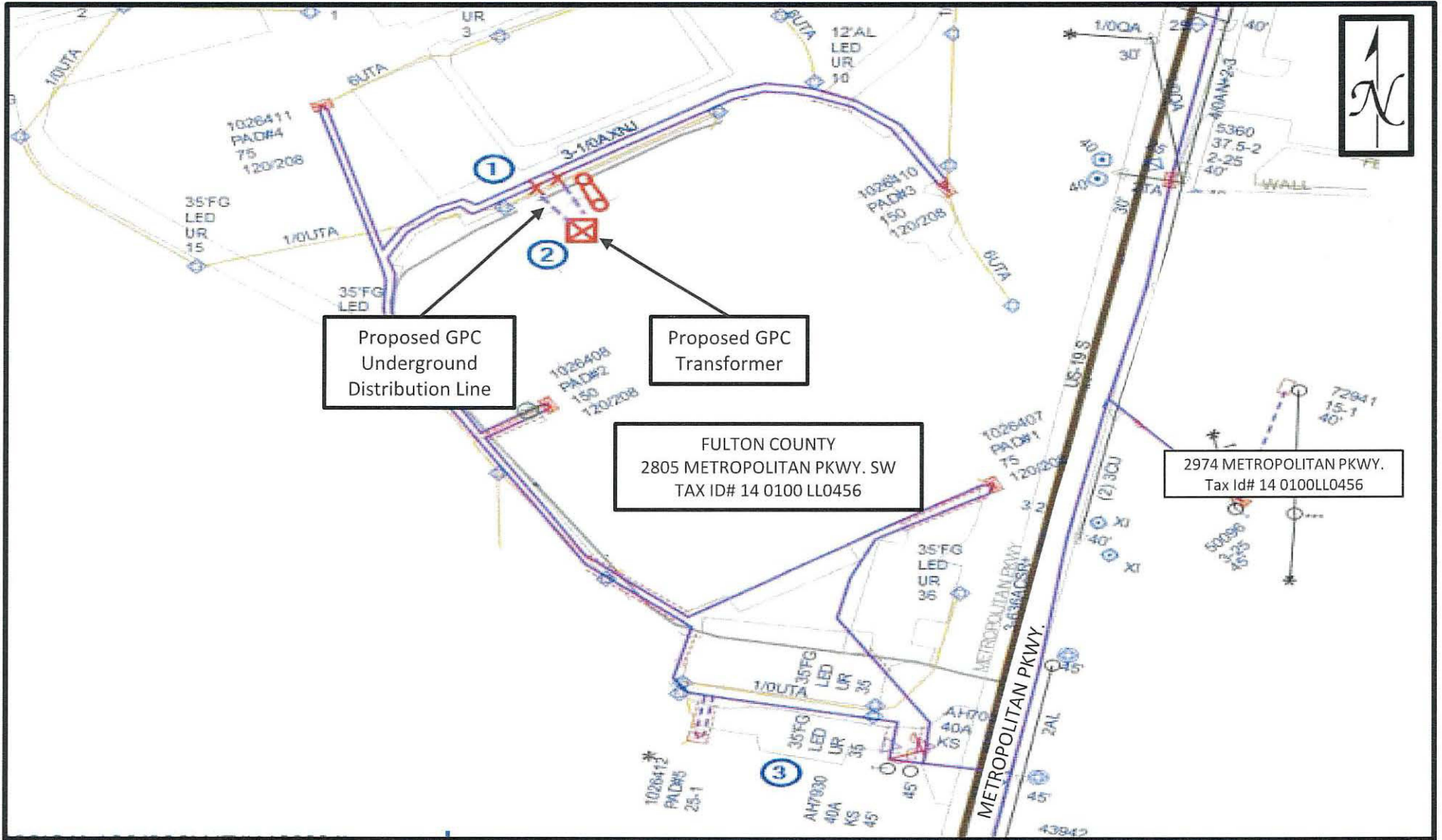


Y. Soo Jo, County Attorney



Initial \_\_\_\_\_

# EXHIBIT "A"



**2805 METROPOLITAN PKWY. SW  
(FULTON COUNTY)  
DISTRIBUTION LINE  
LIMS # 2024010184  
Work Location(s): 1-3**



A SOUTHERN COMPANY

## Underground Distribution Construction Agreement

PROJECT / OWNER: 2024010184-001 Fulton County

LOCATION: 2805 Metropolitan Parkway Atlanta, Georgia 30315

OWNER / DEVELOPER: Fulton County

AREA OF CONSTRUCTION: Per attached Exhibit A

Customer / Developer does hereby attest that the above referenced area of construction in which underground electric distribution facilities are to be installed is clear of all obstructions; that all property lines, where required, are clearly marked and that the area is finished to a grade which shall not change more than three (3+/-) inches of the final grade.

Georgia Power Company, its employees, and contractors working on this project are hereby released from all claims due to damage of underground facilities that have not been located in the field and that are not covered by the "Utilities Protection Act of Georgia".

Customer / Developer does hereby agree to bear any and all costs to alter the installed underground electric distribution facilities as a result of grade changes or Developer design changes.

Customer / Developer shall be responsible for providing Georgia Power Company a clear unpaved route where underground electric distribution facilities can be installed. If this area is paved and conduit has not been installed, before Georgia Power Company facilities are installed the Developer shall be responsible for opening and re-paving the area required by Georgia Power Company.

Customer / Developer shall be responsible to communicate with contractors and subcontractors warning them of underground electric distribution facilities in the area and for notifying the Georgia Power Company by calling the Utilities Protection Center at GA 811 at least three (3) working days in advance to locate underground electric distribution facilities before digging or grading in the vicinity of installed underground electrical facilities. If Georgia Power Company is not notified, and the underground electric distribution facilities are damaged, then the Developer shall bear the cost of repairs.

Should underground electric distribution facilities become damaged in any way, Customer / Developer will notify the Georgia Power Company at phone #1-888-660-5890 and the Utilities Protection Center at GA 811.

Developer will establish and maintain the appropriate clearances for the transformer(s) on this site per Georgia Power Company Distribution Specification GUK-00.5003, dated 2/7/07. Electric service will not be provided until this specification is satisfied.

Georgia Power Company is not responsible for any damages to locks, gates, fences, walls, vehicles, equipment, trees, landscaping, sidewalks, or any other items that inhibit Georgia Power's access to the poles, cables, transformers, metering, or other equipment serving this site. This includes routine or emergency access of all equipment and personnel.

Fulton County, a political subdivision of the State of Georgia

By: 

Robert L. Pitts, Chairman

Fulton County Board of Commissioners

APPROVED AS TO FORM



Y. Soo. Jo, County Attorney

Attest: 

Tonya Grier,

Clerk to the Commission



ITEM # 24-0130 RM 3/6/24  
REGULAR MEETING

Release for Construction Agreement

Overhead/Underground Electrical Service      Version 1.8 (9/28/15)      Georgia Power Company

To 2024010184-001 2805 Metropolitan Pkwy. for construction, all of the following items must be verified complete, this form signed and returned to the address below:

- The Underground Distribution Construction Agreement has been signed by the Customer / Developer.
- The \$ 1,200.00 per service point underground service fee (where applicable) and any other CIAC has been paid.
- The easement has been signed and properly witnessed by the Property Owner.
- Lot Corners have been marked on the curb with paint in lieu of permanent property pins.
- Clearance behind the curb or from the edge of pavement/roadway of 12 feet is level with curb and free from obstructions and within three (3) inches of final grade.
- Sewer laterals, water lines and any other privately-owned facilities are adequately located and plainly marked.
- Paving and curbing or final grading, as applicable is complete.
- Removal of unforeseen obstructions and supply of suitable backfill material,
- A) will be provided by the Developer / Customer. The Developer / Customer agrees to remove rock and have suitable backfill available during construction while ensuring there are no construction delays.

-or-

B) will be provided for by Georgia Power crews / contractors. The Developer / Customer may be billed for any additional charges that GPC incurs for the rock removal and select dirt for backfill charged to Georgia Power if actual costs exceed cost allowances.

Erosion, Sedimentation, and Pollution Control Plan. The Developer's Storm Water Pollution Prevention Plan (SWPPP) is in place and available for review. A certification Statement is available for GPC or its subcontractor to sign on the Developer's SWPPP. This project:

A) requires a Notice of Intent (NOI) and a copy, with the permit number, is enclosed. The owner/developer agrees to provide a copy of the Notice of Termination (NOT) when filed.

-or-

B) will not have land disturbance activities totaling more than one (1) acre of land in the common development or it will not trigger any other requirements of the *Georgia Water Quality Control Act*.

The property owner / developer approves the distribution design and lighting represented on GPC's construction print.

Emergency and Standby Generation will be installed on-site: ~~Yes~~ **No** ~~No~~ **Yes** if yes, then the installation must meet requirements as stated in GPC Distribution Bulletin 18-23, and the application referenced below must be completed.

The Application for Emergency and Standby Generation Installation & Operation document has been completed and returned to a GPC Engineer or Key Account Manager.

GPC scheduling meetings are usually held weekly. After being released for construction, the job will be scheduled, and the Customer / Developer will be notified of the proposed start date.

Fulton County, a political subdivision of the State of Georgia

By [Signature]

Robert L. Pitts, Chairman  
Fulton County Board of Commissioners

APPROVED AS TO FORM

[Signature]

Y. Soo. Jo, County Attorney



Witness: [Signature]

Tonya Grier,  
Clerk to the Commission

ITEM # 24-0150 RM 3/6/24  
REGULAR MEETING

Tax Parcel ID 14 0100 LL0456

After recording, return to:  
Georgia Power Company  
Attn: Land Acquisition (Recording)  
241 Ralph McGill Blvd NE  
Bin 10151  
Atlanta, GA 30308-3374

PROJECT 2024010184 LETTER FILE DEED FILE MAP FILE  
ACCOUNT NUMBER 11047464-GPC9596-VBS-GP141E00124  
NAME OF LINE/PROJECT: 2805 METROPOLITAN PKWY (FULTON COUNTY) DISTRIBUTION LINE  
PARCEL NUMBER 001

STATE OF GEORGIA  
FULTON COUNTY

## U N D E R G R O U N D E A S E M E N T

For and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid by GEORGIA POWER COMPANY, a Georgia corporation (the "Company"), the receipt and sufficiency of which are hereby acknowledged, FULTON COUNTY (the "Undersigned", which term shall include heirs, successors and/or assigns), whose mailing Address is 141 Pryor St. SW, Atlanta, GA 30303-3444, does hereby grant and convey to the Company, its successors and assigns, the right, privilege and easement to go in, upon, along, across, under and through the Property (as defined below) for the purposes described herein.

The "Property" is defined as that certain tract of land owned by the Undersigned at 2805 METROPOLITAN PKWY. SW, ATLANTA, GA 30315 (Tax Parcel ID No. 14 0100 LL0456) in Land Lot 100 of the 14 District of Fulton County, Georgia.

The "Easement Area" is defined as any portion of the Property located (a) within ten (10) feet of the centerline of the underground distribution line(s) as installed in the approximate location(s) shown on "Exhibit A" attached hereto and made a part hereof, and (b) within ten (10) feet from each side of any related above-ground equipment and facilities, including without limitations cubicles, transformers and service pedestals, as installed in the approximate location(s) shown in "Exhibit A".

The rights granted herein include and embrace the right of the Company to construct, operate, maintain, repair, renew and rebuild continuously upon and under the Easement Area its lines for transmitting electric current with wires, transformers, service pedestals, manholes, conduits, cables and other necessary



apparatus, fixtures and appliances; the right to stretch communication or other lines of any other company or person under the Easement Area; the right to assign this Underground Easement in whole or in part; the right at all times to enter upon the Easement Area for the purpose of inspecting said lines and/or making repairs, renewals, alterations and extensions thereon, thereunder, thereto or therefrom; the right to cut, trim, remove, clear and keep clear of said underground lines, transformers, fixtures, and appliances all trees and other obstructions that may in the opinion of the Company now or hereafter in any way interfere or be likely to interfere with the proper maintenance and operation of said underground lines, transformers, fixtures, and appliances; the right of ingress and egress over the Property to and from the Easement Area; and the right to install and maintain electrical and communication lines and facilities to existing and future structure(s) within the Easement Area under the easement terms provided herein. Any timber cut on the Easement Area by or for the Company shall remain the property of the owner of said timber.

The Undersigned does not convey any land, but merely grants the rights, privileges and easements hereinbefore set out.

The Company shall not be liable for or bound by any statement, agreement or understanding not herein expressed.

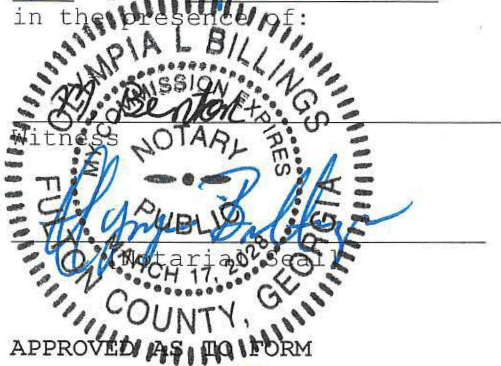
[Signature(s) on Following Page(s)]

PARCEL 001

NAME OF  
LINE/PROJECT:

2805 METROPOLITAN PKWY (FULTON COUNTY)  
DISTRIBUTION LINE

Signed, sealed and delivered this  
14<sup>th</sup> day of June, 2024  
in the presence of:



APPROVED AS A FORM

[Signature]  
Y. Soo Jo, County Attorney

FULTON COUNTY, a political subdivision of  
the State of Georgia

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

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



ITEM # 24-0150 RM 3624  
REGULAR MEETING

Initial \_\_\_\_\_

# EXHIBIT "A"

