



Fulton County Board of Commissioners  
**Agenda Item Summary**

**# 20-0677**

**BOC Meeting Date**  
**10/7/2020**

**Requesting Agency**

Real Estate and Asset Management

**Commission Districts Affected**

2

**Requested Action** *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Request approval of a Water Line Easement Dedication of 5,306 square feet to Fulton County, a political subdivision of the State of Georgia, from Brightwater Homes, LLC, for the purpose of constructing the Farm at Sweetapple Project at 13100 Sweetapple Road, Milton, Georgia 30075.

**Requirement for Board Action** *(Cite specific Board policy, statute or code requirement)*

According to Article XXXIV. – Development Regulations, 34.4.1 Land disturbance permit prerequisites.

**Is this Item related to a Strategic Priority Area?** *(If yes, note strategic priority area below)*

Yes                      Open and Responsible Government

**Is this a purchasing item?**

No

**Summary & Background**

*(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

**Scope of Work:** The proposed Farm at Sweetapple Project, a residential development, requires the construction of a water line. Fulton County development regulations require that all new water connections acknowledge Fulton County's ownership interests in the area(s) in which a water service line connection is being made prior to the issuance of a Land Disturbance Permit. The easement area to be conveyed consists of 5,229 square feet and is located in Land Lot 1017 of the 2nd District, 2nd Section of Fulton County, Georgia.

**Community Impact:** The community will benefit from the extension of the County's water system and the addition of six new single-family homes.

**Department Recommendation:** The Department of Real Estate and Asset Management recommends acceptance of the easement dedication.

**Project Implications:** Easement dedications by the legal owner of record to Fulton County are made a part of public records and grant Fulton County access as necessary to perform construction, maintenance and upgrades to the water system once the proposed improvements are installed on the owner's property.

**Agency Director Approval**

**County Manager's Approval**

**Typed Name and Title**

Joseph N. Davis, Director, Department of Real Estate and Asset Management

**Phone**

404-612-3772

**Signature**

**Date**

Community Issues/Concerns: None.

Department Issues/Concerns: None.

History of BOC Agenda Item: None.

<b>Contract &amp; Compliance Information</b>	<i>(Provide Contractor and Subcontractor details.)</i>
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Agency Director Approval		County Manager's Approval
Typed Name and Title	Phone	
Signature	Date	
Joseph N. Davis, Director, Department of Real Estate and Asset Management	404-612-3772	

Revised 03/12/09 (Previous versions are obsolete)

**# 20-0677**

<b>Solicitation Information</b>	<b>NON-MFBE</b>	<b>MBE</b>	<b>FBE</b>	<b>TOTAL</b>
No. Bid Notices Sent:				
No. Bids Received:				
<b>Total Contract Value</b>	.			
<b>Total M/FBE Values</b>	.			
<b>Total Prime Value</b>	.			
<b>Fiscal Impact / Funding Source</b> <i>(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)</i> By acceptance of this water line easement dedication, the County saves land acquisition cost of approximately \$1,400.00				
<b>Exhibits Attached</b> <i>(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)</i> Exhibit 1 – Water Line Easement Agreement				
<b>Source of Additional Information</b> <i>(Type Name, Title, Agency and Phone)</i> Linda DuBose Alexander, Real Estate Specialist, Land Division, 404-612-7276				

<b>Agency Director Approval</b>		<b>County Manager's Approval</b>
<b>Typed Name and Title</b> Joseph N. Davis, Director, Department of Real Estate and Asset Management	<b>Phone</b> 404-612-3772	
<b>Signature</b>	<b>Date</b>	

Revised 03/12/09 (Previous versions are obsolete)

Continued

**Procurement**

<b>Contract Attached:</b> .	<b>Previous Contracts:</b> .		
<b>Solicitation Number:</b> .	<b>Submitting Agency:</b> .	<b>Staff Contact:</b> .	<b>Contact Phone:</b> .

**Description:.****FINANCIAL SUMMARY**

<b>Total Contract Value:</b>	<b>MBE/FBE Participation:</b>
Original Approved Amount: .	Amount: . %: .
Previous Adjustments: .	Amount: . %: .
This Request: .	Amount: . %: .
TOTAL: .	Amount: . %: .

**Grant Information Summary:**

Amount Requested: .	<input type="checkbox"/>	Cash
Match Required: .	<input type="checkbox"/>	In-Kind
Start Date: .	<input type="checkbox"/>	Approval to Award
End Date: .	<input type="checkbox"/>	Apply & Accept
Match Account \$: .		

<b>Funding Line 1:</b> .	<b>Funding Line 2:</b> .	<b>Funding Line 3:</b> .	<b>Funding Line 4:</b> .
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**KEY CONTRACT TERMS**

<b>Start Date:</b> .	<b>End Date:</b> .
<b>Cost Adjustment:</b> .	<b>Renewal/Extension Terms:</b> .

**ROUTING & APPROVALS**

(Do not edit below this line)

X	Originating Department:	Davis, Joseph	Date: 9/8/2020
X	County Attorney:	Stewart, Denva	Date: 9/8/2020
.	Purchasing/Contract Compliance:	.	Date: .
.	Finance/Budget Analyst/Grants Admin:	.	Date: .
.	Grants Management:	.	Date: .
X	County Manager:	Anderson, Dick	Date: 9/14/2020

[BLANK SPACE ABOVE THIS LINE IS FOR THE SOLE USE OF THE CLERK OF SUPERIOR COURT]

\*\*\*THIS DOCUMENT MAY BE RECORDED ONLY BY PERSONNEL OF THE FULTON COUNTY LAND DIVISION\*\*\*

Return Recorded Document to:  
 Fulton County Land Division  
 141 Pryor Street, S.W. – Suite 8021  
 Atlanta, Georgia 30303

Project Name : The Farm at Sweetapple  
 Tax Parcel Identification No.: 22 349010170210  
 Land Disturbance Permit No.: 19-031WR  
 Zoning/Special Use Permit No.: \_\_\_\_\_  
 (if applicable)

*For Fulton County Use Only*

Approval Date: \_\_\_\_\_  
 Initials: \_\_\_\_\_

**WATER LINE EASEMENT  
 (Corporate Form)**

STATE OF GEORGIA,  
 COUNTY OF FULTON

This indenture entered into this 2ND day of JULY, <sup>2020</sup>~~2019~~, between Brightwater Homes, LLC, a corporation duly organized under the laws of the State of Georgia, party of the first part (hereinafter referred to as Grantor) and **FULTON COUNTY**, a Political Subdivision of the State of Georgia, party of the second part and Grantee.

WITNESSETH, that for and in consideration of \$1.00 in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged and in consideration of the benefits which will accrue to the undersigned from the construction of a water line through subject property, and in consideration of the benefits which will accrue to the subject property from the construction of a water line through the subject property, said Grantor has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey to FULTON COUNTY and to successors and assigns the right, title, and privilege of easements through subject property located in Land Lot(s) 1017, 2nd Section (if applicable) of District 2, Fulton County, Georgia, and more particularly described as follows: To wit:

The Farm at Sweet Apple

*Project Name*

**[ See Exhibit "A" attached hereto and made a part hereof ]**

This right and easement herein granted being to occupy such portion of my property as would be sufficient for the construction, access, maintenance and upgrade of a water line through my property according to the location and size of said

water line as shown on the map and profile now on file in the office of the Public Works Department of Fulton County, and which size and location may be modified from time to time including in the future after the date of this document to accommodate said water line within the aforesaid boundaries of the above-described easement.

For the same consideration, Grantor hereby conveys and relinquishes to FULTON COUNTY a right of access over Grantor's remaining lands as necessary for FULTON COUNTY to perform maintenance and repairs on said water line on both a routine and emergency basis.

Said Grantor hereby warrants that it has the right to sell and convey said water line easement and right of access and binds itself, its successors and assigns forever to warrant and defend the right and title to the above described water line easement unto the said FULTON COUNTY, its successors and assigns against the claims of all persons whomever by virtue of these presents.

Said Grantor hereby waives for itself, its successors and assigns all rights to any further compensation or claim to damages on account of the construction, access, upgrade or maintenance of said water line for the use of the property as herein agreed.

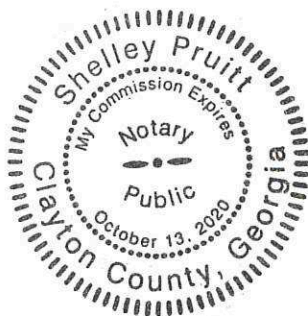
**IN WITNESS HEREOF** said party of the first part has hereunto affixed his/her hand and seal on the day and year first above written.

Signed, sealed and delivered this  
day of July 02, 20 19-20  
in the presence of:

Barbara Patterson  
Witness

Shelley Pruitt  
Notary Public

[NOTARIAL SEAL]



GRANTOR: BRIGHTWATER HOMES LLC  
CORPORATE NAME

By: [Signature]  
Print Name: JOEL FERGUSON  
Title: VP OPERATIONS

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

[CORPORATE SEAL]



EASEMENT CLOSURE - 1:526,449

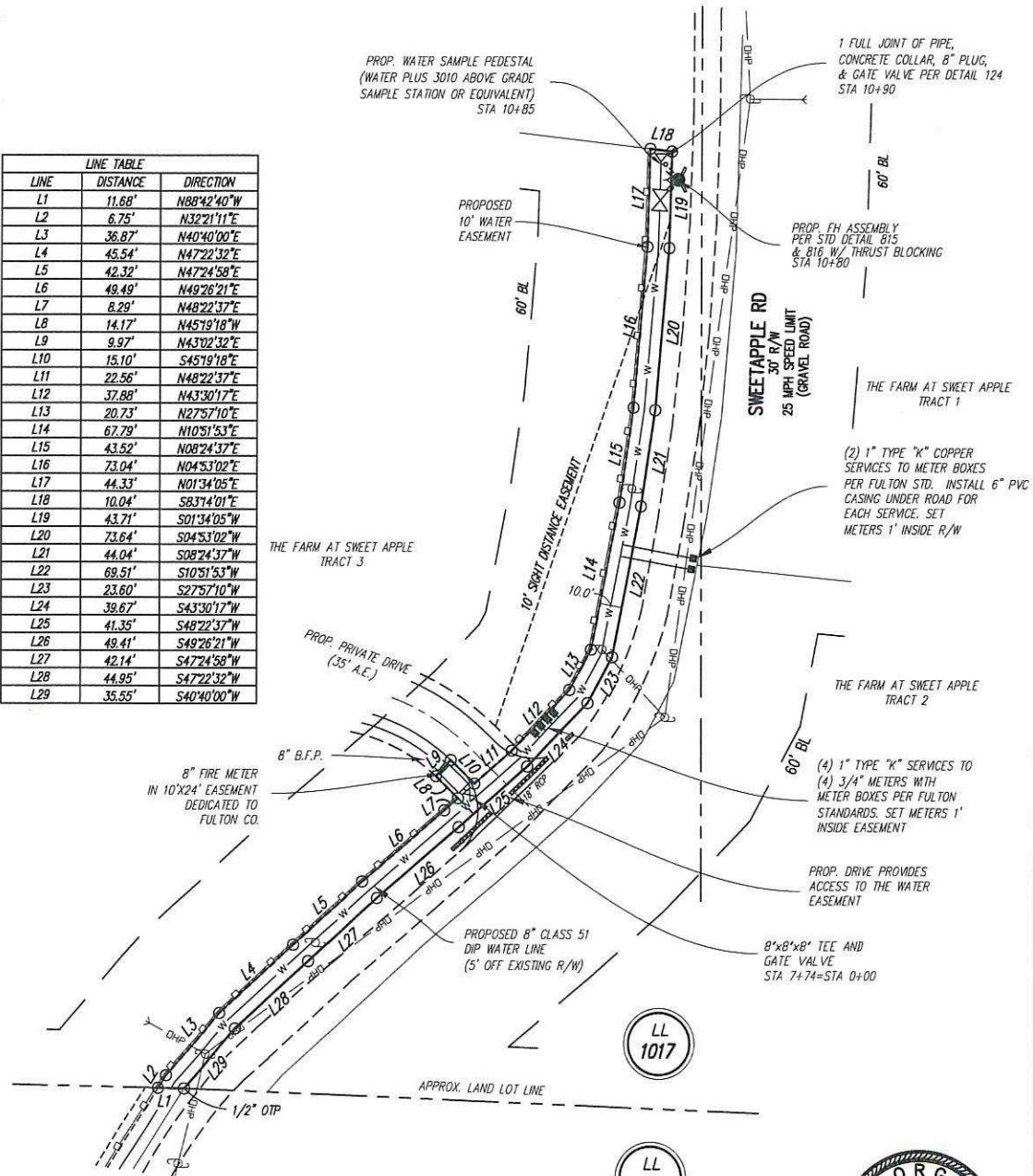
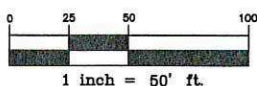
WATER EASEMENT AREA:

0.120 ACRES

5,230 SQ.FT.

THIS PROPERTY IS NOT LOCATED WITHIN A FEMA 100  
YEAR FLOOD ZONE ACCORDING TO FULTON COUNTY,  
FEMA MAP #13121C0032F, DATED: SEPTEMBER 18, 2013.

LINE	DISTANCE	DIRECTION
L1	11.68'	N88°42'40"W
L2	6.75'	N32°21'11"E
L3	36.87'	N40°40'00"E
L4	45.54'	N47°22'32"E
L5	42.32'	N47°24'58"E
L6	49.49'	N49°26'21"E
L7	8.29'	N48°22'37"E
L8	14.17'	N45°19'18"W
L9	9.97'	N43°02'32"E
L10	15.10'	S45°19'18"E
L11	22.56'	N48°22'37"E
L12	37.88'	N43°30'17"E
L13	20.73'	N27°57'10"E
L14	67.79'	N10°51'53"E
L15	43.52'	N08°24'37"E
L16	73.04'	N04°53'02"E
L17	44.33'	N01°34'05"E
L18	10.04'	S83°14'01"E
L19	43.71'	S01°34'05"W
L20	73.64'	S04°53'02"W
L21	44.04'	S08°24'37"W
L22	69.51'	S10°51'53"W
L23	23.60'	S27°57'10"W
L24	39.67'	S43°30'17"W
L25	41.35'	S48°22'37"W
L26	49.41'	S49°26'21"W
L27	42.14'	S47°24'58"W
L28	44.95'	S47°22'32"W
L29	35.55'	S40°40'00"W

WATER EASEMENT PLAT FOR:**FULTON COUNTY**LOCATED IN LAND LOT 1017  
IN THE 2ND DISTRICT, 2ND SECTION  
IN THE CITY OF MILTON  
FULTON COUNTY, GEORGIA  
SCALE: 1" = 50' DATE: SEPTEMBER 24, 2019**centerline**Surveying and Land Planning, Inc.  
1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA. 30144  
PHONE: (770) 424-0028 FAX: (770) 424-2399

LSF #001298

319036-WE2



Legal Description  
Water Line Easement  
The Farm at Sweetapple, Tract 3

All that tract or parcel of land lying and being in City of Milton and Land Lot 1017 of the 2<sup>nd</sup> District, 2<sup>nd</sup> Section of Fulton County, Georgia and being more particularly described as follows:

To arrive at the POINT OF BEGINNING, commence at the intersection of the Land Lot Line common to Land Lots 1017 and 1072 of the 2<sup>nd</sup> District, 2<sup>nd</sup> Section of Fulton County with the western Right of way of Sweetapple Road (30' R/W), said point being the POINT OF BEGINNING.

From the POINT OF BEGINNING as thus established and leaving said western right of way, proceed N88°42'40"W, a distance of 11.68' to a point; thence N32°21'11"E, a distance of 6.75' to a point; thence N40°40'00"E, a distance of 36.87' to a point; thence N47°22'32"E, a distance of 45.54' to a point; thence N47°24'58"E, a distance of 42.32' to a point; thence N49°26'21"E a distance of 49.49' to a point; thence N48°22'37"E a distance of 8.29' to a point; thence N45°19'18"W, a distance of 14.17' to a point; thence N43°02'32"E, a distance of 9.97' to a point; thence S45°19'18"E, a distance of 15.10' to a point; thence N48°22'37"E, a distance of 22.56' to a point; thence N43°30'17"E, a distance of 37.88' to a point; thence N27°57'10"E, a distance of 20.73' to a point; thence N10°51'53"E, a distance of 67.79' to a point; thence N08°24'37"E, a distance of 43.52' to a point; thence N04°53'02"E, a distance of 73.04' to a point; thence N01°34'05"E, a distance of 44.33' to a point on the western right of way of Sweetapple Road (30' R/W); thence continue along said western right of way, S83°14'01"E, a distance of 10.04' to a point; thence S01°34'05"W, a distance of 43.71' to a point; thence S04°53'02"W, a distance of 73.64' to a point; thence S08°24'37"W, a distance of 44.04' to a point; thence S10°51'53"W, a distance of 69.51' to a point; thence S27°57'10"W, a distance of 23.60' to a point; thence S43°30'17"W, a distance of 39.67' to a point; thence S48°22'37"W, a distance of 41.35' to a point; thence S49°26'21"W, a distance of 49.41' to a point; thence S47°24'58"W, a distance of 42.14' to a point; thence S47°22'32"W, a distance of 44.95' to a point; thence S40°40'00"W, a distance of 35.55' to a point, said point being the POINT OF BEGINNING.

Said Tract or parcel contains 5229.15 square feet or 0.120 Acres, as shown on the Water Easement Plat for Fulton County, prepared by Centerline Surveying and Land Planning, Inc, dated September 24, 2019.