

1 **RESOLUTION APPROVING AN UNDERGROUND EASEMENT AGREEMENT**
2 **BETWEEN FULTON COUNTY, GEORGIA AND GEORGIA POWER COMPANY FOR**
3 **THE PURPOSE OF RELOCATING AN ONSITE UTILITY SERVICE POLE AT 470**
4 **MORGAN FALLS ROAD, SANDY SPRINGS, GEORGIA, FORMALLY KNOWN AS**
5 **THE SANDY SPRINGS RECYCLE CENTER; AUTHORIZING THE CHAIRMAN TO**
6 **EXECUTE AN UNDERGROUND EASEMENT AGREEMENT AND RELATED**
7 **DOCUMENTS; AUTHORIZING THE COUNTY ATTORNEY TO APPROVE THE**
8 **UNDERGROUND EASEMENT AGREEMENT AS TO FORM AND MAKE**
9 **MODIFICATIONS AS NECESSARY PRIOR TO EXECUTION; AND FOR OTHER**
10 **PURPOSES.**

11
12 **WHEREAS**, Fulton County, Georgia ("Fulton County"), is a political subdivision
13 of the State of Georgia, existing as such under and by the Constitution, statutes, and
14 laws of the State; and

15 **WHEREAS**, Fulton County is the fee simple owner of the real property located at
16 470 Morgan Falls Road, Sandy Springs, Georgia, formally known as the Sandy Springs
17 Recycle Center, by virtue of a warranty deed recorded at the Fulton County Courthouse
18 Deed Book 4342, Pages 377-379; and

19 **WHEREAS**, Fulton County Board of Commissioners approved a Ground Lease
20 Agreement with Keep North Fulton Beautiful Inc. at the Board of Commissioners
21 Meeting held December 21, 2016 as agenda item number 16-1153 for approximately
22 1.7 acres of land for use as a recycling center; and

23 **WHEREAS**, the Fulton County Department of Real Estate and Asset
24 Management has received a request from Keep North Fulton Beautiful Inc. requesting
25 that the Fulton County Board of Commissioners grant Georgia Power Company an
26 Underground Utility Easement for the purpose of relocating an onsite service pole at
27 470 Morgan Falls, Sandy Springs, Georgia so that the vertical height of the service lines
28 that provide electrical service can be increased to avoid collisions with sanitation
29 vehicles when leaving and entering the site; and

1 **WHEREAS**, it has been determined by the Georgia Power Company and Fulton
2 County Department of Real Estate and Asset Management that a new utility easement
3 will be required to relocate an onsite service pole which is necessary to complete the
4 planned onsite improvements and remove a safety hazard; and

5 **WHEREAS**, the Fulton County Department of Real Estate and Asset
6 Management recommends approval for the granting of a utility easement to Georgia
7 Power Company at 470 Morgan Falls Road, Sandy Springs, Georgia, formally known as
8 the Sandy Springs Recycle Center; and

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

12 **NOW THEREFORE BE IT RESOLVED**, that the Board of Commissioners of
13 Fulton County, Georgia, hereby approves of the conveyance of a utility easement from
14 Fulton County to Georgia Power Company, as more particularly described in Exhibit “A”
15 attached hereto.

16 **BE IT FURTHER RESOLVED**, that the Chairman of Fulton County Board of
17 Commissioners be authorized and directed to execute and deliver a utility easement
18 agreement and other necessary documents to Georgia Power Company to complete
19 the conveyance of easement rights.

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

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

SO PASSED AND ADOPTED, this ____ day of _____ 2021.

FULTON COUNTY BOARD OF COMMISSIONERS

Robert L. Pitts

ATTEST:

Tonya R. Grier, Clerk to the Commission

APPROVED AS TO FORM:

Kaye Burwell, Interim County Attorney

P:\CALegislation\Land\Resolution Authorizing the Utility Easement Georgia Power Recycle Center MG pjo.doc