



Fulton County Board of Commissioners
Agenda Item Summary

20-0681

BOC Meeting Date
10/7/2020

Requesting Agency

Real Estate and Asset Management

Commission Districts Affected

2 and 7

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

Request approval of a Resolution approving the conveyance of a underground easement from Fulton County, Georgia to the Georgia Power Company for the purpose of completing planned onsite improvements at 4193 Martin Luther King Jr. Drive; authorizing the Chairman to execute an Underground Easement Agreement and related documents; authorizing the County Attorney to approve the Underground Easement Agreement and related documents as to form and make necessary modifications thereof prior to execution.

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

Pursuant to O.C.G.A. § 36-9-2, Fulton County has the authority to sell, grant, lease, rent, convey, or transfer any real property owned by the County and Fulton County Code § 1-117 which provides that the Board of Commissioners have exclusive jurisdiction and control of all the property of the county, as it may deem expedient, according to law.

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: Planned onsite improvement to the airport hangar facility leased to Cox Enterprises Inc. at 4193 Martin Luther King Jr. Drive, Atlanta, Georgia within the Fulton County Executive Airport requires the expansion of the onsite Underground Utility Easement Area with Georgia Power Company. Long-term airport tenant Cox Enterprises has submitted construction plans that will increase the HVAC load to their hangar facility which has necessitated an upgrade and relocation of the onsite electrical transformer.

In accordance with Georgia Power's electrical service regulations all modification to existing service connections must acknowledge Georgia Power's easement interests in the area(s) on which their electrical service equipment is located.

The approval of the Fulton County Board of Commissioners is required to convey a real property interest in a County owned real property.

Community Impact: Planned improvements to the Cox Enterprises' hangar facility will not impact the

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

| | |
|---|--|
| <p>community.</p> <p>Department Recommendation: The Department of Real Estate and Asset Management recommends approval of the conveyance of the Underground Utility Easement Agreement between Fulton County and the Georgia Power Company for the purpose of completing planned improvements to the Cox Enterprises Inc., airport hangar facility.</p> <p>Project Implications: The Georgia Power Company will not complete planned onsite electrical equipment modifications without an executed utility easement agreement from the fee simple owner.</p> <p>Community Issues/Concerns: None.</p> <p>Department Issues/Concerns: None.</p> <p>History of BOC Agenda Item: Initial Ground Lease Agreement approved at the Board of Commissioners Meeting held December 1, 1999.</p> | |
| Contract & Compliance Information | <i>(Provide Contractor and Subcontractor details.)</i> |

| 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)

20-0681

| | | | | |
|---|-----------------|------------|------------|--------------|
| Solicitation Information | NON-MFBE | MBE | FBE | TOTAL |
| No. Bid Notices Sent: | | | | |
| No. Bids Received: | | | | |
| | | | | |
| Total Contract Value | . | | | |
| Total M/FBE Values | . | | | |
| Total Prime Value | . | | | |
| | | | | |
| Fiscal Impact / Funding Source <i>(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)</i> This agenda item does not involve any financial considerations for Georgia Power Company or Fulton County. | | | | |
| Exhibits Attached <i>(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)</i> Exhibit 1: Resolution Exhibit 2: Utility Easement Agreement Exhibit 3: Release for Construction Agreement | | | | |
| Source of Additional Information <i>(Type Name, Title, Agency and Phone)</i> Michael A. Graham, Land Administrator 404-612-7884 | | | | |

| | | |
|--|------------------------------|----------------------------------|
| 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 | |

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

Continued

Procurement

| | | | |
|----------------------------------|---------------------------------|----------------------------|----------------------------|
| Contract Attached: . | Previous Contracts: . | | |
| Solicitation Number: . | Submitting Agency: . | Staff Contact: . | Contact Phone: . |

Description:.**FINANCIAL SUMMARY**

| | |
|------------------------------|-------------------------------|
| Total Contract Value: | MBE/FBE Participation: |
| 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 \$: . | | |

| | | | |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Funding Line 1: . | Funding Line 2: . | Funding Line 3: . | Funding Line 4: . |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|

KEY CONTRACT TERMS

| | |
|------------------------------|--------------------------------------|
| Start Date: . | End Date: . |
| Cost Adjustment: . | Renewal/Extension Terms: . |

ROUTING & APPROVALS

(Do not edit below this line)

| | | | |
|---|--------------------------------------|-----------------|-----------------|
| X | Originating Department: | Davis, Joseph | Date: 9/8/2020 |
| X | County Attorney: | Stewart, Derval | Date: 9/8/2020 |
| . | Purchasing/Contract Compliance: | . | Date: . |
| . | Finance/Budget Analyst/Grants Admin: | . | Date: . |
| . | Grants Management: | . | Date: . |
| X | County Manager: | Anderson, Dick | Date: 9/15/2020 |

1 **A RESOLUTION APPROVING THE CONVEYANCE OF A UNDERGROUND**
2 **EASEMENT FROM FULTON COUNTY, GEORGIA TO THE GEORGIA POWER**
3 **COMPANY FOR THE PURPOSE OF COMPLETING PLANNED ONSITE**
4 **IMPROVEMENTS AT 4193 MARTIN LUTHER KING JR DRIVE; AUTHORIZING THE**
5 **CHAIRMAN TO EXECUTE AN UNDERGROUND EASEMENT AGREEMENT AND**
6 **RELATED DOCUMENTS; AUTHORIZING THE COUNTY ATTORNEY TO APPROVE**
7 **THE UNDERGROUND EASEMENT AGREEMENT AND RELATED DOCUMENTS AS**
8 **TO FORM AND MAKE NECESSARY MODIFICATIONS THEREOF PRIOR TO**
9 **EXECUTION; AND FOR OTHER PURPOSES.**

10
11 **WHEREAS**, Fulton County, a political subdivision of the state of Georgia, is the
12 owner of approximately 300 acres of real property located in Land Lots 22 and 53 of
13 Fulton County, Georgia, lying north and northwesterly of Martin Luther King Jr. Drive
14 formally known as the Fulton County Executive Airport – Charlie Brown Field; and

15 **WHEREAS**, Cox Enterprises Inc., a Delaware corporation, leases 3.135 acres of
16 land at 4193 Martin Luther King Jr. Drive as per that lease agreement between Fulton
17 County and Cox Enterprises Inc. approved at the Board of Commissioners' meeting held
18 December 1, 1999 as Agenda Item #1617; and

19 **WHEREAS**, Fulton County is committed to the practice of optimizing its assets
20 for the purpose of providing the highest possible level of government services and
21 improving the quality of life for all residents and visitors; and

22 **WHEREAS**, it is a Fulton County initiative that All People Trust Government is
23 Efficient, Effective and Fiscally Sound and manage its assets wisely and develops and
24 follow policies that promote both efficient and effective practices in all areas to include
25 leasing of airport hangar space; and

26 **WHEREAS**, Cox Enterprise Inc. has requested and received conditional approval
27 of staff to complete planned renovations within their airport hangar facility at the Fulton
28 County Executive Airport – Charlie Brown Field; and

1 **WHEREAS**, it has been determined by Georgia Power Company, the Fulton
2 County Department of Real Estate and Asset Management, and Cox Enterprises Inc.
3 that an expansion of the onsite utility easement will be required prior to completing
4 planned renovations within the hangar facility leased to Cox Enterprises Inc.; and

5 **WHEREAS**, the Fulton County Department of Real Estate and Asset
6 Management recommends approval for the granting of a utility easement, via an
7 underground easement agreement, to the Georgia Power Company for the purpose of
8 completing planned renovations to the Cox Enterprises Inc. airport hangar facility
9 located in 14F District of Land Lots 22 and 53 Fulton County, Georgia, which agreement
10 is more particularly described in Exhibit "A", attached hereto; and

11 **WHEREAS**, Fulton County is authorized pursuant to O.C.G.A. § 36-9-2, by order
12 entered on its minutes, to direct the disposal of any real property which may lawfully be
13 disposed of and make and execute good and sufficient title thereof on behalf of the
14 County; and

15 **WHEREAS**, the Board of Commissioners have exclusive jurisdiction and control
16 over all of the property of the county, as they deem expedient, according to law.

17 **NOW THEREFORE BE IT RESOLVED**, that the Board of Commissioners of
18 Fulton County, Georgia, hereby approves the conveyance of an Underground Utility
19 Easement from Fulton County to Georgia Power Company, via an Underground
20 Easement Agreement, as same is more particularly described in Exhibit "A" attached
21 hereto.

22 **BE IT FURTHER RESOLVED**, that the Chairman of Fulton County Board of
23 Commissioners is hereby authorized and directed to execute and deliver a utility

easement agreement and other necessary documents to the Georgia Power Company to complete the transfer of the real property rights.

BE IT FURTHER RESOLVED that prior to execution of any of these documents, the County Attorney shall approve any and all such documents as to form and make any necessary modifications thereto to protect the County's interests.

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 _____ 2020.

FULTON COUNTY BOARD OF COMMISSIONERS

Robert L. Pitts, Chairman

ATTEST:

Tonya Grier, Interim Clerk to the Commission

APPROVED AS TO FORM:

Patrise Perkins-Hooker, County Attorney

Tax Parcel ID = 14F0053 LL0010
 After recording, return to: Georgia Power Company
 Attn: Land Acquisition (Recording)
 241 Ralph McGill Blvd NE
 Bin 10151
 Atlanta, GA 30308-3374

| | | | |
|--------------------|-------------|-----------|----------|
| PROJECT 2020080030 | LETTER FILE | DEED FILE | MAP FILE |
|--------------------|-------------|-----------|----------|

ACCOUNT NUMBER 69596-VBS-0-E04020-0-GP660-0000000-0
 NAME OF LINE/PROJECT: COX HANGER, 4193 MARTIN LUTHER KING JR. DRIVE (FULTON COUNTY) DISTRIBUTION LINE
 PARCEL NUMBER 001

STATE OF GEORGIA
 FULTON COUNTY

UNDERGROUND EASEMENT

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, A POLITICAL SUBDIVISION OF THE STATE OF GEORGIA** (the "Undersigned", which term shall include heirs, successors and/or assigns), whose mailing Address is **141 Pryor St SW # 7000, Atlanta, GA 30303-3466**, 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 M.L. KING JR. DRIVE SW ATLANTA, GA 30336 (Tax Parcel ID No. 14F0053 LL0010) in Land Lot 22,53,54 of the 14th District of Fulton County, Georgia.

The "Easement Area" is defined as any portion of the Property located within ten (10) feet of the centerline of the underground distribution line(s) and related equipment as installed in the approximate location shown on "Exhibit A" attached hereto and made a part hereof.

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

PARCEL 001 NAME OF COX HANGER 4193 MARTIN LUTHER KING JR. DRIVE (FULTON COUNTY)
LINE/ PROJECT: (FULTON COUNTY) DISTRIBUTION LINE

IN WITNESS WHEREOF, the Undersigned has/have hereunto set his/her/their
Hand (s) and seal(s), this _____ day of _____, 20____;

Signed, sealed and delivered this _____ day of _____,
_____, 2020 in the presence of:

**Fulton County, a political subdivision of the
State of Georgia**

Witness

By: _____

Robert L. Pitts, Chairman

Fulton County Board of Commissioners

Notary Public

Attest: _____

Tonya Grier,
Clerk to the Commission

[Notarial Seal]

APPROVED AS TO FORM

This _____ day of _____, 2020.

County Attorney

DRAWING NOT TO SCALE

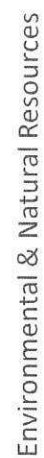
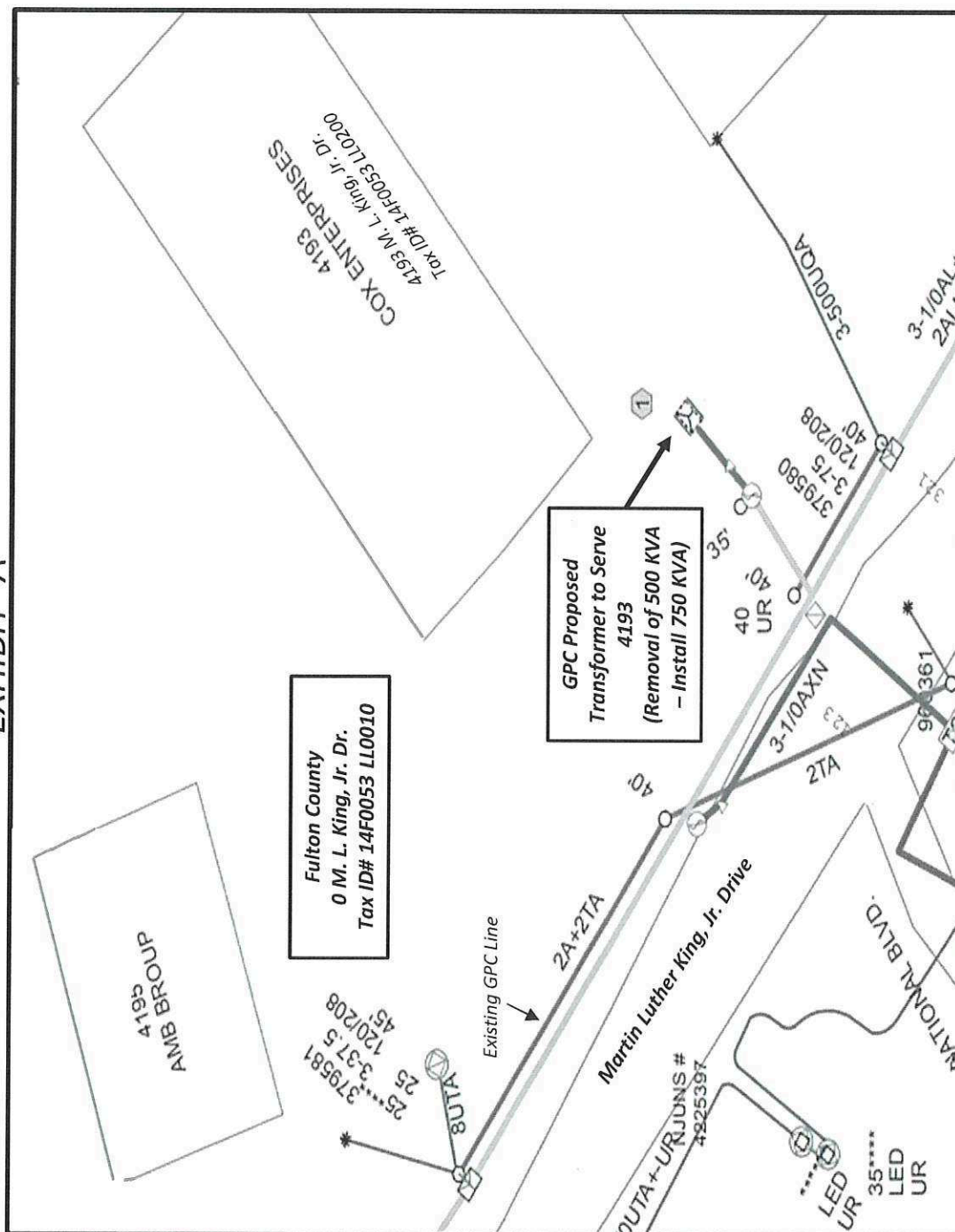


EXHIBIT "A"



Release for Construction Agreement

To release Cox Hangar, 4193 Martin Luther King Jr. Drive Atlanta, Georgia for construction, all of the following items must be verified. Complete this form, sign and return to GPC engineer:

 X The Underground Distribution Construction Agreement has been signed by the Customer / Developer.

 N/A The \$ 1,000.00 per service point underground service fee (where applicable) and any other CIAC has been paid.

 X The easement has been signed and properly witnessed by the Property Owner.

 X Lot Corners have been marked on the curb with paint in lieu of permanent property pins.

 X Clearance behind the curb of 12 feet is level with curb and free from obstructions and within three (3) inches of final grade.

 X Sewer laterals, water lines and any other privately owned facilities are adequately located and plainly marked.

 X Paving and curbing or final grading, as applicable is complete.

 X Removal of unforeseen obstructions and supply of suitable backfill material,

 X 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.

 X 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:

 X 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-

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

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

 X Emergency and Standby Generation will be installed on-site: 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.

 X 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.

Signed, sealed and delivered this day of , 2020 in the presence of:

Fulton County, a political subdivision of the State of Georgia

By: _____

Witness

Robert L. Pitts, Chairman

Fulton County Board of Commissioners

Notary Public

Attest: _____

[Notarial Seal]

Tonya Grier,

Clerk to the Commission

APPROVED AS TO FORM

This day of , 2020.

County Attorney