

1 **A RESOLUTION APPROVING A WATER UTILITY EASEMENT AGREEMENT**
2 **BETWEEN FULTON COUNTY AND THE CITY OF ATLANTA FOR THE**
3 **PURPOSE OF CONNECTING WATER SERVICES TO THE PROPOSED**
4 **FULTON COUNTY ANIMAL SHELTER LOCATED AT 1251 FULTON**
5 **INDUSTRIAL BOULEVARD, NW, ATLANTA GEORGIA; TO AUTHORIZE THE**
6 **CHAIRMAN TO EXECUTE A WATER UTILITY EASEMENT AGREEMENT**
7 **AND RELATED DOCUMENTS; TO AUTHORIZE THE COUNTY ATTORNEY**
8 **TO APPROVE ALL DOCUMENTS AS TO FORM AND MAKE MODIFICATIONS**
9 **AS NECESSARY TO PROTECT THE COUNTY’S INTEREST PRIOR TO**
10 **EXECUTION; AND FOR OTHER PURPOSES**

11
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 # 21-1042; and

19 **WHEREAS**, the construction of the Fulton County Animal Shelter facility at
20 1251 Fulton Industrial Boulevard, NW, Atlanta, Georgia will require a connection
21 to water services currently provided by the City of Atlanta; and

22 **WHEREAS**, prior to granting Fulton County permission to connect its
23 water service lines to the proposed Fulton County Animal Shelter Facility a
24 formal utility easement agreement with the City of Atlanta inclusive of the terms
25 in which water service line connections are permitted must be approved by the
26 Fulton County Board of Commissioners; and

27 **WHEREAS**, City of Atlanta requires that Fulton County execute a Water
28 Utility Easement Agreement in substantially the form attached hereto as Exhibit

1 "A," before granting Fulton County permission to connect its water service line to
2 the proposed animal shelter; and

3 **WHEREAS**, pursuant to O.C.G.A. § 36-9-2, the Board of Commissioners
4 has control over all property belonging to the County and may, by order entered
5 on its minutes, direct the disposal of any real property which may lawfully be
6 disposed of and make and execute good and sufficient title thereof on behalf of
7 the County and has authority to sell, grant, lease, rent, convey, or transfer any
8 real property owned by the County; and

9 **WHEREAS**, pursuant to O.C.G.A. § 36-9-3, the Board of Commissioners
10 is authorized to grant easements and rights of way; sell, convey, or transfer road
11 rights of way; and sell, transfer, or conveyance real property to any other body
12 politic.

13 **NOW THEREFORE, IT IS HEREBY RESOLVED**, that the Board of
14 Commissioners of Fulton County hereby authorizes the Chairman to execute a
15 Water Utility Easement Agreement and any other necessary document related
16 thereto with the City of Atlanta in substantially the form attached hereto as Exhibit
17 "A"

18 **BE IT FURTHER RESOLVED** that the Chairman of Fulton County Board
19 of Commissioners be authorized and directed to execute and deliver a Water
20 Utility Easement Agreement in substantially the form as attached hereto as
21 Exhibit "A".

1 **BE IT FURTHER RESOLVED**, that prior to execution of the required
2 documents, the County Attorney shall approve the documents as to form and
3 make any necessary changes thereto to protect the County's interests.

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

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9 **SO PASSED AND ADOPTED**, this _____ day of _____, 2023.

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FULTON COUNTY BOARD OF COMMISSIONERS

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Robert L. Pitts, Chairman

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ATTEST:

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Tonya R. Grier, Clerk to the Commission

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26 APPROVED AS TO FORM:

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30 _____
Y. Soo Jo, County Attorney