 <p>Fulton County Board of Commissioners Agenda Item Summary</p>	<p>BOC Meeting Date 3/18/2020</p>
<p>Requesting Agency Real Estate and Asset Management</p>	<p>Commission Districts Affected 2</p>
<p>Requested Action <i>(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)</i> Request approval of a Sewer Easement Dedication of 3,061 square feet to Fulton County, a political subdivision of the State of Georgia from Bethany Properties Group, LLC for the purpose of constructing the Baxley Subdivision Project at 12800 Hopewell Road, Milton, Georgia 30004.</p>	
<p>Requirement for Board Action <i>(Cite specific Board policy, statute or code requirement)</i> 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.</p>	
<p>Is this Item related to a Strategic Priority Area? <i>(If yes, note strategic priority area below)</i> Yes All People Trust Government is Effective, Efficient and Fiscally Sound Open and Responsible Government</p>	
<p>Is this a purchasing item? No</p>	
<p>Summary & Background</p>	<p><i>(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)</i></p>
<p>Scope of Work: The proposed Baxley Subdivision Project, a residential development, requires a connection to the County's sewer system. Fulton County development regulations require that all new sewer line connections acknowledge Fulton County's ownership interests in the area(s) in which a connection is being made to the County's sewer system prior to the issuance of a Land Disturbance Permit. The easement area to be conveyed consists of 3,061 square feet and is located in Land Lots 1107 and 1108 of the 2nd District, 2nd Section of Fulton County, Georgia.</p> <p>Community Impact: The community will benefit from the extension of the County's sewer system and the addition of a new residential development.</p> <p>Department Recommendation: The Department of Real Estate and Asset Management recommends acceptance of the easement dedication.</p> <p>Project Implications: Easement dedications by the owner of record to Fulton County are made a part of the public record and grant Fulton County access to perform construction, maintenance and</p>	

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

Continued

upgrades to the sewer system once the proposed improvements are installed.	
Community Issues/Concerns: None.	
Department Issues/Concerns: None.	
History of BOC Agenda Item: None.	
Contract & Compliance Information	(Provide Contractor and Subcontractor details.)

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)

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> By acceptance of this sewer easement dedication, the County saves land acquisition costs of approximately \$4,445.00.				
Exhibits Attached <i>(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)</i> Exhibit 1 – Sewer Easement Agreement				
Source of Additional Information <i>(Type Name, Title, Agency and Phone)</i> Linda Alexander, Real Estate Specialist, Land Division, 404-612-7276				

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	

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: .
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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: 3/9/2020
X	County Attorney:	Stewart, Denva	Date: 3/8/2020
.	Purchasing/Contract Compliance:	.	Date: .
.	Finance/Budget Analyst/Grants Admin:	.	Date: .
.	Grants Management:	.	Date: .
X	County Manager:	Anderson, Dick	Date: 3/9/2020

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

THIS DOCUMENT MUST ONLY BE RECORDED 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 : Baxley Subdivision
 Tax Parcel Identification No.: 22 480011080478, 22 480011080460
 Land Disturbance Permit No.: 18-055WR
 Zoning/Special Use Permit No.: R-15
 (if applicable)

For Fulton County Use Only

Approval Date: _____
 Initials: _____

**SEWER EASEMENT
 (Corporate Form)**

STATE OF GEORGIA,
 COUNTY OF FULTON

This indenture entered into this 28th day of February, 2019, between
Bethany Properties Group 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 sewer line through subject property, and in consideration of the benefits which will accrue to the subject property from the construction of a sewer line through 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) 1107, 1108, 2nd Section (if applicable) of District 2, Fulton County, Georgia, and more particularly described as follows: To wit:

Baxley Subdivision

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 sewer line through my property according to the location and size of said sewer 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 sewer 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 sewer line on both a routine and emergency basis.

Said Grantor hereby warrants that it has the right to sell and convey said sewer 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 sewer 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 sewer 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.

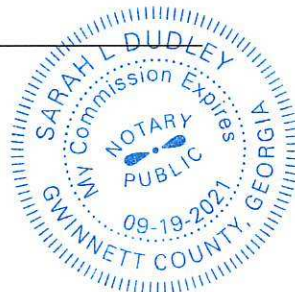
Signed, sealed and delivered this 11th
day of February 20 19
in the presence of:

Valerie Kidd
Witness

[Signature]

Notary Public

[NOTARIAL SEAL]



GRANTOR: Bethany Properties Group, LLC
CORPORATE NAME

By: [Signature]
Print Name: David Chatham for Bethany Properties
Group LLC
Title: Manager

By: _____
Print Name: _____
Title: _____
[CORPORATE SEAL]

EXHIBIT "A"
SHEET 1 OF 7LEGAL DESCRIPTION
SANITARY SEWER EASEMENT "1" FOR BAXLEY S/D

All that tract or parcel of land lying and being located in Land Lot 1108, District 2, Section 2, Fulton County, Georgia, within the City of Alpharetta, and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence at a mag nail set at the intersection of the south line of Land Lot 1108 with the west right of way line of Hopewell Road (an 80' R/W);

THENCE North 12 degrees 32 minutes 14 seconds East for a distance of 4.34' along the west right of way line of Hopewell Road (an 80' R/W) to a point;

THENCE leaving said west right of way line of Hopewell Road, along a curve to the left having a radius of 830.91 feet and an arc length of 91.78 feet, being subtended by a chord of North 87 degrees 00 minutes 21 seconds West for a distance of 91.73 feet to a point;

THENCE South 83 degrees 13 minutes 46 seconds West for a distance of 22.35 feet to a point;

THENCE along a curve to the right having a radius of 233.50 feet and an arc length of 27.71 feet, being subtended by a chord of South 86 degrees 37 minutes 42 seconds West for a distance of 27.69 feet to a point;

THENCE North 89 degrees 58 minutes 22 seconds West for a distance of 40.58 feet to a point;

THENCE along a curve to the right having a radius of 175.00 feet and an arc length of 100.87 feet, being subtended by a chord of North 73 degrees 27 minutes 35 seconds West for a distance of 99.48 feet to a point;

THENCE North 56 degrees 56 minutes 49 seconds West for a distance of 102.32 feet to a point;

THENCE along a curve to the left having a radius of 225.00 feet and an arc length of 61.42 feet, being subtended by a chord of North 64 degrees 46 minutes 04 seconds West for a distance of 61.23 feet to a point;

THENCE North 72 degrees 35 minutes 19 seconds West for a distance of 53.93 feet to a point;

THENCE along a curve to the left having a radius of 87.00 feet and an arc length of 109.68 feet, being subtended by a chord of South 71 degrees 17 minutes 46 seconds West for a distance of 102.56 feet to a point;

THENCE South 35 degrees 10 minutes 52 seconds West for a distance of 109.15 feet to a point;

THENCE along a curve to the right having a radius of 13.00

EXHIBIT "A"
SHEET 2 OF 7

feet and an arc length of 20.42 feet, being subtended by a chord of South 80 degrees 10 minutes 52 seconds West for a distance of 18.38 feet to a point;

THENCE North 54 degrees 49 minutes 08 seconds West for a distance of 24.00 feet to a point;

THENCE along a curve to the right having a radius of 13.00 feet and an arc length of 20.42 feet, being subtended by a chord of North 09 degrees 49 minutes 08 seconds West for a distance of 18.38 feet to a point;

THENCE North 35 degrees 10 minutes 52 seconds East for a distance of 99.46 feet to a point and the TRUE POINT OF BEGINNING;

THENCE South 78 degrees 38 minutes 34 seconds West for a distance of 14.09 feet to a point;

THENCE North 11 degrees 21 minutes 26 seconds West for a distance of 20.00 feet to a point;

THENCE North 78 degrees 38 minutes 34 seconds East for a distance of 37.57 feet to a point;

THENCE along a curve to the left having a radius of 137.00 feet and an arc length of 21.20 feet, being subtended by a chord of South 39 degrees 36 minutes 51 seconds West for a distance of 21.18 feet to a point;

THENCE South 35 degrees 10 minutes 52 seconds West for a distance of 9.69 feet to a point and the point of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said easement contains 503 S.F. and is more fully shown as Baxley S/D Sanitary Sewer Easement "1" on the Fulton County Water & Sanitary Sewer Easement Exhibit for Baxley S/D, by Brumbelow-Reese and Associates, Inc., dated December 5, 2018, bearing their job number 2018-039, and being identified as drawing BAXLEY-SSE.

EXHIBIT "A"
SHEET 3 OF 7LEGAL DESCRIPTION
SANITARY SEWER EASEMENT "2" FOR BAXLEY S/D

All that tract or parcel of land lying and being located in Land Lot 1108, District 2, Section 2, Fulton County, Georgia, within the City of Alpharetta, and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence at a mag nail set at the intersection of the south line of Land Lot 1108 with the west right of way line of Hopewell Road (an 80' R/W);

THENCE North 12 degrees 32 minutes 14 seconds East for a distance of 4.34' along the west right of way line of Hopewell Road (an 80' R/W) to a point;

THENCE leaving said west right of way line of Hopewell Road, along a curve to the left having a radius of 830.91 feet and an arc length of 91.77 feet, being subtended by a chord of North 87 degrees 00 minutes 21 seconds West for a distance of 91.73 feet to a point;

THENCE South 83 degrees 13 minutes 46 seconds West for a distance of 22.35 feet to a point;

THENCE along a curve to the right having a radius of 233.50 feet and an arc length of 27.71 feet, being subtended by a chord of South 86 degrees 37 minutes 42 seconds West for a distance of 27.69 feet to a point;

THENCE North 89 degrees 58 minutes 22 seconds West for a distance of 40.58 feet to a point;

THENCE along a curve to the right having a radius of 175.00 feet and an arc length of 100.87 feet, being subtended by a chord of North 73 degrees 27 minutes 35 seconds West for a distance of 99.48 feet to a point;

THENCE North 56 degrees 56 minutes 49 seconds West for a distance of 102.32 feet to a point;

THENCE along a curve to the left having a radius of 225.00 feet and an arc length of 61.42 feet, being subtended by a chord of North 64 degrees 46 minutes 04 seconds West for a distance of 61.23 feet to a point;

THENCE North 72 degrees 35 minutes 19 seconds West for a distance of 53.93 feet to a point;

THENCE along a curve to the left having a radius of 87.00 feet and an arc length of 109.68 feet, being subtended by a chord of South 71 degrees 17 minutes 46 seconds West for a distance of 102.56 feet to a point;

THENCE South 35 degrees 10 minutes 52 seconds West for a distance of 109.15 feet to a point;

THENCE along a curve to the right having a radius of 13.00

EXHIBIT "A"
SHEET 4 OF 7

feet and an arc length of 20.42 feet, being subtended by a chord of South 80 degrees 10 minutes 52 seconds West for a distance of 18.38 feet to a point;

THENCE North 54 degrees 49 minutes 08 seconds West for a distance of 24.00 feet to a point;

THENCE along a curve to the right having a radius of 13.00 feet and an arc length of 20.42 feet, being subtended by a chord of North 09 degrees 49 minutes 08 seconds West for a distance of 18.38 feet to a point;

THENCE North 35 degrees 10 minutes 52 seconds East for a distance of 99.46 feet to a point;

THENCE continuing North 35 degrees 10 minutes 52 seconds East for a distance of 9.69 feet to a point;

THENCE along a curve to the right having a radius of 137.00 feet and an arc length of 21.20 feet, being subtended by a chord of North 39 degrees 36 minutes 51 seconds East for a distance of 21.18 feet to a point;

THENCE along a curve to the right having a radius of 137.00 feet and an arc length of 128.63 feet, being subtended by a chord of North 70 degrees 56 minutes 44 seconds East for a distance of 123.96 feet to a point and the TRUE POINT OF BEGINNING;

THENCE North 08 degrees 41 minutes 06 seconds East for a distance of 129.09 feet to a point on the north property line of Baxley S/D (also being the south property line of LSI Hopewell);

THENCE along the north property line of Baxley S/D (also being the south property line of LSI Hopewell), South 72 degrees 34 minutes 59 seconds East for a distance of 20.23 feet to a point;

THENCE South 08 degrees 41 minutes 06 seconds West for a distance of 127.19 feet to a point;

THENCE along a curve to the left having a radius of 137.00 feet and an arc length of 20.05 feet, being subtended by a chord of North 77 degrees 57 minutes 48 seconds West for a distance of 20.03 feet to a point and the point of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said easement contains 2,558 S.F. and is more fully shown as Baxley S/D Sanitary Sewer Easement "2" on the Fulton County Water & Sanitary Sewer Easement Exhibit for Baxley S/D, by Brumbelow-Reese and Associates, Inc., dated December 5, 2018, bearing their job number 2018-039, and being identified as drawing BAXLEY-SSE.

GRID-WEST ZONE

BRUMBELOW, REESE & ASSOC., INC.
LAND SURVEYORS, LAND PLANNERS,
DEVELOPMENT CONSULTANTS
[GEORGIA LICENSE LSPF000285]
13685 HIGHWAY 9 N
MILITON, GEORGIA 30004-3616
PHONE: 770-475-6817
FAX: 770-569-4848
EMAIL: BRASSINC@COMCAST.NET

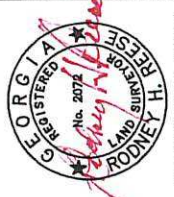
LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N 12°32'14" E	4.34'
L2	S 83°13'46" W	22.35'
L3	N 89°58'22" W	40.58'
L4	N 56°56'49" W	102.32'
L5	N 72°35'19" W	53.93'
L6	S 35°10'52" W	109.15'
L7	N 54°49'08" W	24.00'
L8	N 35°10'52" E	99.46'
L9	N 35°10'52" E	9.69'
L10	S 72°35'19" E	53.93'
L11	S 56°56'49" E	102.32'
L12	S 89°58'22" E	40.58'
L13	N 74°40'57" E	30.92'
L14	S 78°15'12" E	7.67'
L15	S 12°32'14" W	67.45'
L16	N 12°32'14" E	28.57'
L17	S 78°38'34" W	14.09'
L18	N 11°21'26" W	20.00'
L19	N 78°38'34" E	37.57'
L20	N 08°41'06" E	129.09'
L21	S 72°34'59" E	20.23'
L22	S 08°41'06" W	127.19'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L23	N 69°07'11" W	187.23'
L24	N 69°07'11" W	9.39'
L25	N 56°55'04" W	10.83'
L26	N 33°17'58" E	10.25'
L27	S 56°42'02" E	10.54'
L28	S 69°05'31" E	9.68'
L29	S 33°17'58" W	10.27'
L30	N 56°55'04" W	146.94'
L31	N 56°55'04" W	22.05'
L32	N 72°34'59" W	2.12'
L33	N 02°10'51" W	11.82'
L34	S 69°41'42" E	8.18'
L35	S 56°42'02" E	15.27'
L36	S 02°10'51" E	13.27'
L37	N 72°34'59" W	128.89'
L38	N 08°41'06" E	30.51'
L39	S 18°15'57" E	14.64'
L40	S 69°41'42" E	13.65'
L41	S 08°41'06" W	17.78'
L42	S 72°34'59" E	38.60'

CURVE TABLE				
CURVE #	BEARING	CHORD	RADIUS	ARC
C1	N 87°00'21" W	91.73'	830.91'	91.77'
C2	S 86°37'42" W	27.69'	233.50'	27.70'
C3	N 73°27'35" W	99.48'	175.00'	100.87'
C4	N 64°46'04" W	61.23'	225.00'	61.42'
C5	S 71°17'46" W	102.56'	87.00'	109.68'
C6	S 80°10'52" W	18.38'	13.00'	20.42'
C7	N 09°49'08" W	18.38'	13.00'	20.42'
C8	N 39°36'51" E	21.18'	137.00'	21.20'
C9	N 70°56'44" E	123.96'	137.00'	128.63'
C10	S 77°57'48" E	20.03'	137.00'	20.05'
C11	S 73°10'46" E	2.83'	137.00'	2.83'
C12	S 64°46'04" E	74.84'	275.00'	75.07'
C13	S 73°27'35" E	71.06'	125.00'	72.05'
C14	N 82°21'17" E	49.00'	182.79'	49.14'
C15	N 88°12'53" E	70.20'	150.00'	70.85'

BRUMBELOW-REESE & ASSOC., INC.
LAND SURVEYORS, LAND PLANNERS,
DEVELOPMENT CONSULTANTS
(GEORGIA LICENSE LSP000285)

13685 HIGHWAY 9 N
MILTON, GEORGIA 30004-3616
PHONE: 770-475-6817
FAX: 770-569-4940
EMAIL: BRASSINC@COM



GEORGIA R.L.S. # 2072
MEMBER OF S.A.M.S.O.G.

LOCATED IN:
LAND LOT(S): 1108
DISTRICT: 2, SECTION: 2
CITY OF: ALPHARETTA, MILTON
COUNTY OF: FULTON
STATE OF GEORGIA

FULTON COUNTY WATER & SANITARY
SEWER EASEMENT EXHIBIT FOR:

BAXLEY S/D
FULTON COUNTY LDP #18-055WR

DATE: DECEMBER 5, 2018

DRAWN BY: MK
DRAWING: BAXLEY-SSE
JOB NO. 2018-039

