

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 7th day of October 2020.

FULTON COUNTY BOARD OF COMMISSIONERS



Robert L. Pitts, Chairman

ATTEST:


Tonya Grier, Interim Clerk to the Board of Commissioners

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

enter upon the Easement Area for the purpose of inspecting said lines and/or making repairs, renewals, alterations and extensions thereon, thereunder, thereto or therefrom; the right to cut, trim, remove, clear and keep clear of said underground lines, transformers, fixtures, and appliances all trees and other obstructions that may in the opinion of the Company now or hereafter in any way interfere or be likely to interfere with the proper maintenance and operation of said underground lines, transformers, fixtures, and appliances; the right of ingress and egress over the Property to and from the Easement Area; and the right to install and maintain electrical and communication lines and facilities to existing and future structure(s) within the Easement Area under the easement terms provided herein. Any timber cut on the Easement Area by or for the Company shall remain the property of the owner of said timber.

The Undersigned does not convey any land, but merely grants the rights, privileges and easements hereinbefore set out.

The Company shall not be liable for or bound by any statement, agreement or understanding not herein expressed.

(Signature(s) on Following Page(s))

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 20 day of October, 2020.

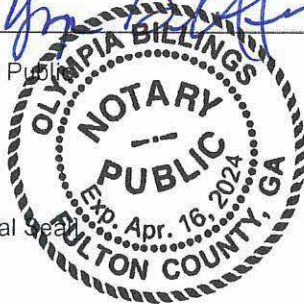
Signed, sealed and delivered this 20 day of
October, 2020 in the presence of:

Fulton County, a political subdivision of the
State of Georgia

Dan Peterson
Witness

Alynn Biffing
Notary Public

[Notarial Seal]



APPROVED AS TO FORM

This 16 day of October, 2020.

Patricia DeLoe

County Attorney

By: Robert L. Pitts

Robert L. Pitts, Chairman

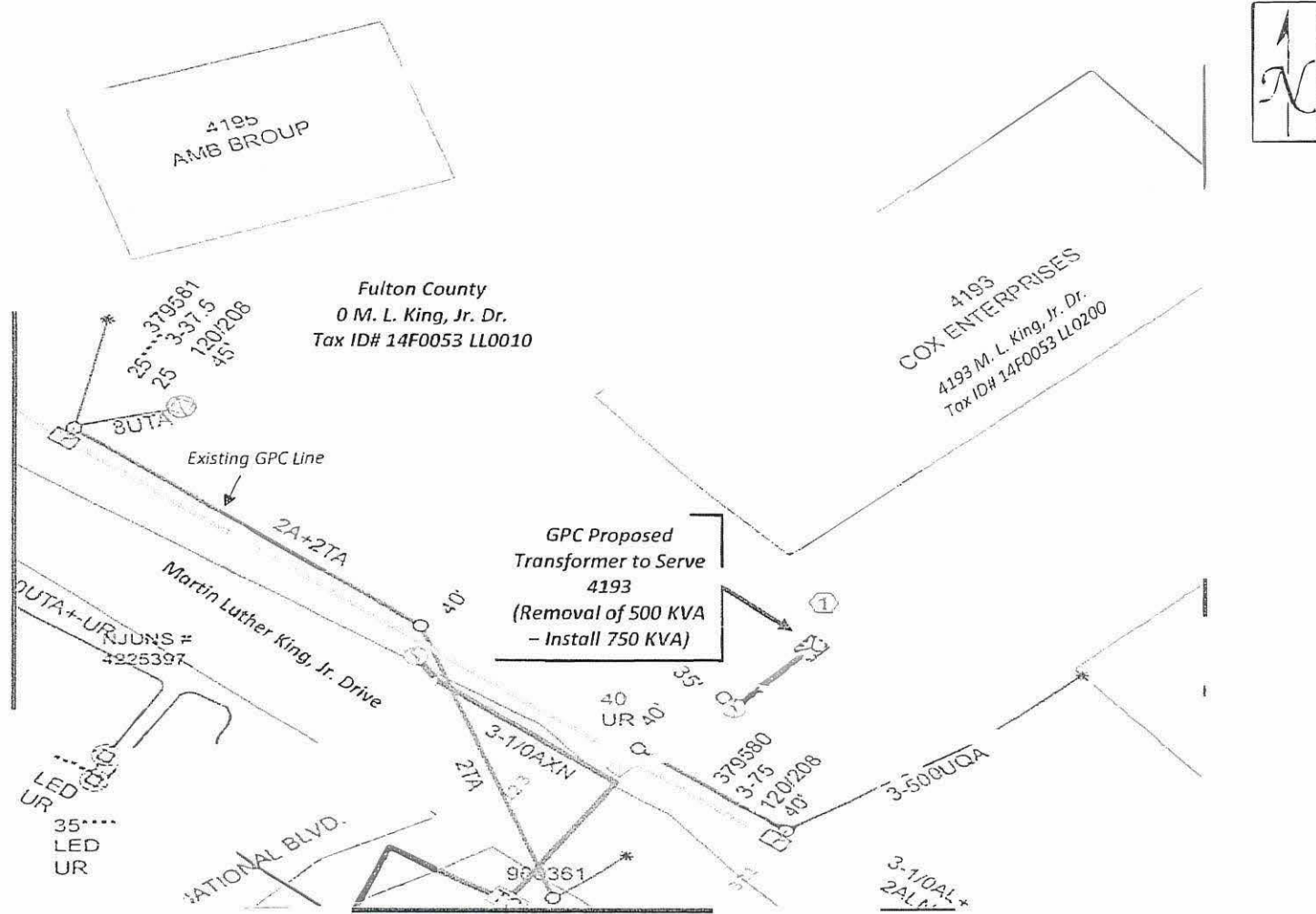
Fulton County Board of Commissioners

Attest:



Tonya Grier,
Interim Clerk to the Commission

EXHIBIT "A"



Environmental & Natural Resources

Parcel 001

DRAWING NOT TO SCALE

**COX HANGER, 4193 MARTIN LUTHER
KING JR. DRIVE (FULTON COUNTY)
DISTRIBUTION LINE
LIMS # 2020080030
Work Location(s): 1**

20 0681

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*.

20-0681

 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 20th day of October, 2020 in the presence of:

Daunte Pitts

Witness

Olivia Billings

Notary Public

[Notarial Seal]



APPROVED AS TO FORM

This 16th day of October, 2020.

Patrice Dubois

County Attorney

Fulton County, a political subdivision of the State of Georgia

By: *Robert L. Pitts*

Robert L. Pitts, Chairman

Fulton County Board of Commissioners

Attest:



Tonya Grier

Interim Clerk to the Commission

ITEM # 20-0681 RM 10/7/20
REGULAR MEETING