

1 **A RESOLUTION AUTHORIZING A CONSTRUCTION AND MAINTENANCE**  
2 **EASEMENT AGREEMENT BETWEEN FULTON COUNTY, GEORGIA (GRANTOR)**  
3 **AND THE GEORGIA DEPARTMENT OF TRANSPORTATION (GDOT) (GRANTEE)**  
4 **LOCATED ON FULTON COUNTY-OWNED PROPERTY AT 0 HARWELL ROAD NW,**  
5 **ATLANTA, GEORGIA TO CONSTRUCT ROADWAY IMPROVEMENTS;**  
6 **AUTHORIZING THE CHAIRMAN TO EXECUTE THE CONSTRUCTION AND**  
7 **MAINTENANCE EASEMENT AGREEMENT AND RELATED DOCUMENTS;**  
8 **AUTHORIZING THE COUNTY ATTORNEY TO APPROVE THE CONSTRUCTION AND**  
9 **MAINTENANCE EASEMENT AGREEMENT AND RELATED DOCUMENTS AS TO**  
10 **FORM AND TO MAKE NECESSARY CHANGES THERETO PRIOR TO EXECUTION;**  
11 **AND FOR OTHER PURPOSES.**

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

16 **WHEREAS,** Fulton County has fee simple ownership of the subject real property  
17 and all improvements located at 0 Harwell Road NW, Atlanta, Georgia (Tax Parcel ID #  
18 14 0238 LL0303), located in the 14th District, Land Lot 238, and more particularly  
19 depicted in Exhibit “A,” attached hereto and incorporated herein by reference (the  
20 “Property”); and

21 **WHEREAS,** the Georgia Department of Transportation (“GDOT”) desires to build  
22 roadway and drainage improvements as part of the I-285 / I-20 Interchange Improvement  
23 Project, Project No. 0013918 (the “Project”), to promote the efficiency of traffic flow in  
24 Fulton County; and

25 **WHEREAS,** GDOT requires permanent onsite access to a portion of the Property  
26 for the Project; and

27 **WHEREAS,** GDOT has submitted an offer to acquire an easement of  
28 approximately 482.21 square feet on the Property from Fulton County; and

29 **WHEREAS,** GDOT completed a market value assessment of the required  
30 easement area and the market value was determined to be \$500.00; and

1           **WHEREAS**, Fulton County desires to sell to GDOT an easement of approximately  
2 482.21 square feet on the Property for the fair market value compensation of \$500.00 to  
3 facilitate the Project; and

4           **WHEREAS**, O.C.G.A. § 36-9-3(a)(2)(A) authorizes the granting of easements  
5 without a competitive process; and

6           **WHEREAS**, pursuant to Fulton County Code § 1-117, the Fulton County Board of  
7 Commissioners has exclusive jurisdiction and control over directing and controlling all the  
8 property of the county, as they may deem expedient, according to law.

9           **NOW THEREFORE BE IT RESOLVED**, that the Fulton County Board of  
10 Commissioners hereby approves the conveyance of an easement area of approximately  
11 482.21 square feet of Fulton County-owned real property located at 0 Harwell Road NW,  
12 Atlanta, Georgia (Tax Parcel ID # 14 0238 LL0303) in the 14th District, Land Lot 238, and  
13 more particularly depicted in Exhibit "A", attached hereto and incorporated herein by  
14 reference, to the Georgia Department of Transportation for \$500.00, for the purpose of  
15 constructing the I-285 / I-20 Interchange Improvement Project.

16           **BE IT FURTHER RESOLVED** that the Chairman of the Fulton County Board of  
17 Commissioners shall be authorized and directed to execute and deliver a Construction  
18 Easement and Maintenance Agreement, in substantially the form attached hereto as  
19 Exhibit "B", and any related documents to the Georgia Department of Transportation to  
20 complete the conveyance of property rights.

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

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

4           **SO PASSED AND ADOPTED**, this \_\_\_\_ day of \_\_\_\_\_ 2024.

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**FULTON COUNTY BOARD OF  
COMMISSIONERS**

\_\_\_\_\_  
Robert L. Pitts, Chairman (At-Large)

**ATTEST:**

\_\_\_\_\_  
Tonya R. Grier, Clerk to the Commission

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24 **APPROVED AS TO FORM:**

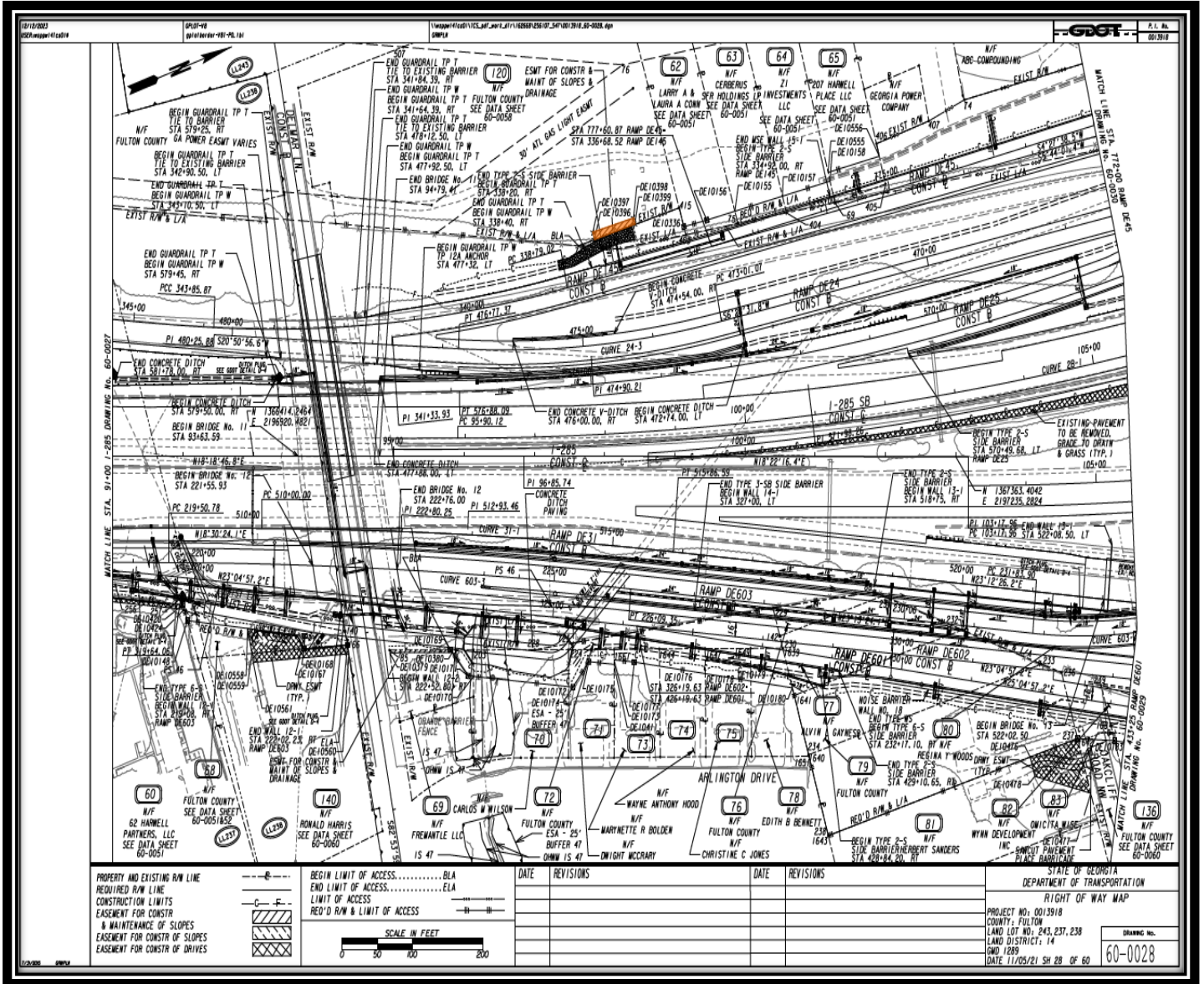
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\_\_\_\_\_  
Y. Soo Jo  
County Attorney

# Exhibit A

## Legal Description

### 0 Harwell Road NW (14 0238 LL0303)



P. I. NO.: 0013918  
PARCEL NO.: 120  
COUNTY: Fulton  
DATE OF R/W PLANS: November 5, 2021  
REVISION DATE: N/A

All that tract or parcel of land lying and being in Land Lot 238 of the 14<sup>th</sup> Land District and/or 1289 Georgia Militia District of Fulton County, Georgia, being more particularly described as follows:

**Permanent Easement for Slopes and Drainage**

Granted is the right to construct and maintain any required slopes and drainage within the easement area shown on the attached plat.

Beginning at a point 43.48 feet right of and opposite Station 338+30.00 on the construction baseline of Ramp DE145 on Georgia Highway Project No. 0013918; running thence N 85°56'45.1" W a distance of 8.52 feet to a point 51.99 feet right of and opposite station 338+30.25 on said construction baseline laid out for Ramp DE145; thence N 2°52'16.8" E a distance of 60.07 feet to a point 54.99 feet right of and opposite station 337+70.25 on said construction baseline laid out for Ramp DE145; thence S 86°09'56.2" E a distance of 7.53 feet to a point 47.46 feet right of and opposite station 337+70.00 on said construction baseline laid out for Ramp DE145; thence S 1°55'59.6" W a distance of 60.13 feet back to the point of beginning. Consisting of 0.011 acres more or less.

Exhibit B

Form of Construction and Maintenance Easement Agreement

0 Harwell Road NW (14 0238 LL0303)