

**RESOLUTION APPROVING AN UNDERGROUND EASEMENT AGREEMENT BETWEEN FULTON COUNTY, GEORGIA AND GEORGIA POWER COMPANY FOR THE PURPOSE OF RELOCATING AN ONSITE UTILITY SERVICE POLE AT 470 MORGAN FALLS ROAD, SANDY SPRINGS, GEORGIA, FORMALLY KNOWN AS THE SANDY SPRINGS RECYCLE CENTER; AUTHORIZING THE CHAIRMAN TO EXECUTE AN UNDERGROUND EASEMENT AGREEMENT AND RELATED DOCUMENTS; AUTHORIZING THE COUNTY ATTORNEY TO APPROVE THE UNDERGROUND EASEMENT AGREEMENT AS TO FORM AND MAKE MODIFICATIONS AS NECESSARY PRIOR TO EXECUTION; AND FOR OTHER PURPOSES.**

**WHEREAS**, Fulton County, Georgia ("Fulton County"), is a political subdivision of the State of Georgia, existing as such under and by the Constitution, statutes, and laws of the State; and

**WHEREAS**, Fulton County is the fee simple owner of the real property located at 470 Morgan Falls Road, Sandy Springs, Georgia, formally known as the Sandy Springs Recycle Center, by virtue of a warranty deed recorded at the Fulton County Courthouse Deed Book 4342, Pages 377-379; and

**WHEREAS**, Fulton County Board of Commissioners approved a Ground Lease Agreement with Keep North Fulton Beautiful Inc. at the Board of Commissioners Meeting held December 21, 2016 as agenda item number 16-1153 for approximately 1.7 acres of land for use as a recycling center; and

**WHEREAS**, the Fulton County Department of Real Estate and Asset Management has received a request from Keep North Fulton Beautiful Inc. requesting that the Fulton County Board of Commissioners grant Georgia Power Company an Underground Utility Easement for the purpose of relocating an onsite service pole at 470 Morgan Falls, Sandy Springs, Georgia so that the vertical height of the service lines that provide electrical service can be increased to avoid collisions with sanitation vehicles when leaving and entering the site; and

1       **WHEREAS**, it has been determined by the Georgia Power Company and Fulton  
2 County Department of Real Estate and Asset Management that a new utility easement  
3 will be required to relocate an onsite service pole which is necessary to complete the  
4 planned onsite improvements and remove a safety hazard; and

5       **WHEREAS**, the Fulton County Department of Real Estate and Asset  
6 Management recommends approval for the granting of a utility easement to Georgia  
7 Power Company at 470 Morgan Falls Road, Sandy Springs, Georgia, formally known as  
8 the Sandy Springs Recycle Center; and

9       **WHEREAS**, pursuant to O.C.G.A. § 36-10-1, "[a]ll contracts entered into by the  
10 county governing authority with other persons in behalf of the county shall be in writing  
11 and entered on its minutes."

12       **NOW THEREFORE BE IT RESOLVED**, that the Board of Commissioners of  
13 Fulton County, Georgia, hereby approves of the conveyance of a utility easement from  
14 Fulton County to Georgia Power Company, as more particularly described in Exhibit "A"  
15 attached hereto.

16       **BE IT FURTHER RESOLVED**, that the Chairman of Fulton County Board of  
17 Commissioners be authorized and directed to execute and deliver a utility easement  
18 agreement and other necessary documents to Georgia Power Company to complete  
19 the conveyance of easement rights.

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

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 19<sup>th</sup> day of May 2021.

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6 **FULTON COUNTY BOARD OF**  
7 **COMMISSIONERS**



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Robert L. Pitts



14 **ATTEST:**

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Tonya R. Grier, Clerk to the Commission

19 **APPROVED AS TO FORM:**

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Kaye Burwell, Interim County Attorney

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**AFFIDAVIT**

Personally appeared before me, the undersigned officer duly authorized to administer oaths,  
Fulton County, who after being duly sworn, deposes and states as follows:

1. I am over 18 years of age and otherwise competent to make this Affidavit. The facts stated here are based upon my personal knowledge.
2. I am a duly authorized representative of Fulton County (the "County").
3. The County owns the property located at 470 Morgan Falls Rd, Sandy Springs, GA 30350 (the "Property").
4. The County has been paying taxes on or has owned the Property since \_\_\_\_\_.

On behalf of the County I further represent to the best of my knowledge and belief that, as of the date of this Affidavit, there is no valid preliminary notice or claim of lien affecting the Property which has not been previously cancelled, dissolved, or expired.

Signed, sealed and delivered in the presence of:

Subscribed and sworn before me on this the  
28<sup>th</sup> day of May, 2021.

Witness

Notary Public



By: \_\_\_\_\_ (SEAL)

Robert L. Pitts, Chairman  
 Fulton County Board of Commissioners

Attest: \_\_\_\_\_ (SEAL)

Tonya Grier  
 Clerk to the Commissioners



[CORPORATE SEAL]

APPROVED AS TO FORM

This \_\_\_\_\_ day of \_\_\_\_\_, 2021.

County Attorney

ITEM # 21-0356 RCS 5/19/21  
 RECESS MEETING

## Exhibit A – Property Description

470 Morgan Falls Rd, Sandy Springs Rd, 30350

Tax Parcel ID No. 17 0076000010028

Land Lot 76

17th District of Fulton County

Tax Parcel ID = 17 007600010028

After recording, return to:  
 Georgia Power Company  
 Attn: Land Acquisition (Recording)  
 241 Ralph McGill Blvd NE  
 Bin 10151  
 Atlanta, GA 30308-3374

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 PROJECT 2021010307      LETTER FILE      DEED FILE      MAP FILE  
 ACCOUNT NUMBER      69596-VBS-0-M03420-0-GP811-30000000-0  
 NAME OF LINE/PROJECT: 470 MORGAN FALLS (FULTON COUNTY) DISTRIBUTION LINE  
 PARCEL NUMBER 001  
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STATE OF GEORGIA  
 FULTON COUNTY

### E A S E M E N T

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 (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 450 & 470 MORGAN FALLS PL NE, ATLANTA, GA 30350 (Tax Parcel ID No. 17 007600010028) in Land Lot 30, 31, 76, 77, 84 of the 17 District of Fulton County, Georgia.

The "Easement Area" is defined as any portion of the Property located within fifteen (15) feet of the centerline of the overhead distribution line(s) 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 poles, wires, transformers, service pedestals, anchors, guy wires and other necessary apparatus, fixtures, and appliances; the right to attach communication facilities and related apparatus, fixtures, and appliances to said poles; the right to stretch communication or other lines within the Easement Area; the right to permit the attachment of the cables, lines, wires, apparatus, fixtures, and appliances of any other company or person to said poles for electrical,

PARCEL 001	NAME OF	470 MORGAN FALLS (FULTON COUNTY) DISTRIBUTION
	LINE/PROJECT:	LINE

communication or other purposes; the right to assign this Easement in whole or in part; the right at all times to 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 overhead or 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 overhead or 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

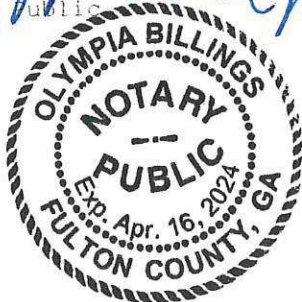
NAME OF  
LINE/PROJECT:

470 MORGAN FALLS (FULTON COUNTY) DISTRIBUTION  
LINE

IN WITNESS WHEREOF, the Undersigned has/have hereunto set his/her/their  
hand(s) and seal(s), this \_\_\_\_\_ day of \_\_\_\_\_,  
Signed, sealed and delivered in the presence of: FULTON COUNTY, a political subdivision  
of the State of Georgia

Witness

Notary Public



APPROVED AS TO FORM

This \_\_\_\_\_ day of \_\_\_\_\_, 2021.

County Attorney

By:

Robert L. Pitts (SEAL)

Robert L. Pitts, Chairman  
Fulton County Board of Commissioners

Attest:

Tonya R. Grier (SEAL)

Tonya Grier  
Clerk to the Board



[CORPORATE SEAL]



North

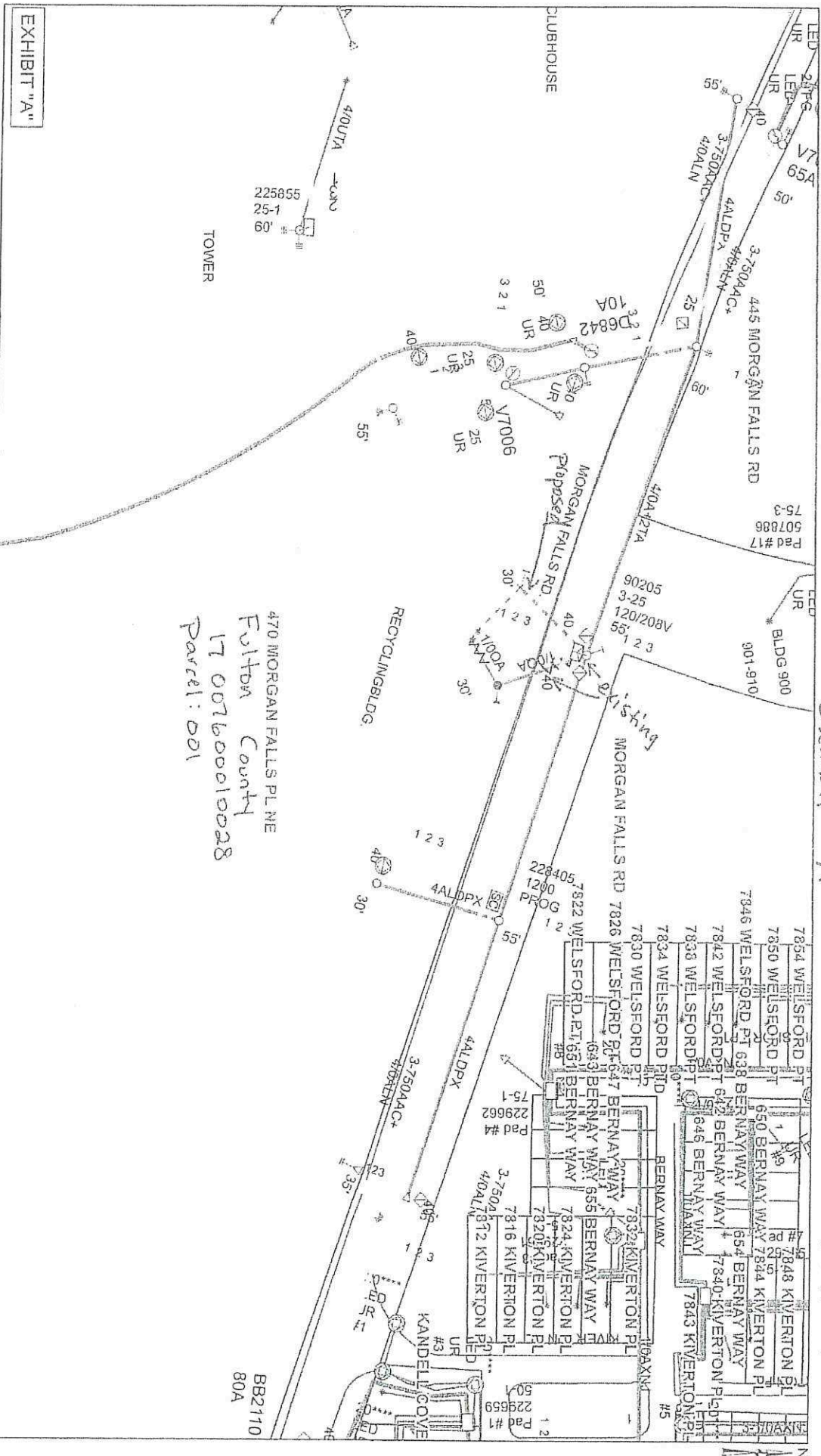


EXHIBIT "A"

470 Morgan Falls (Fulton County)  
Distribution Line  
LIMS: 2021010307

470 MORGAN FALLS PL NE  
FULTON County  
17 007600010028  
Parcel: 001

Scale 0 12.5 25 50 75 100 IN FEET 0 30 60 90 120 METERS	GEORGIA POWER COMPANY JOB TITLE <u>MORGAN FALLS RECYCLING</u> LOCATION <u>470 MORGAN FALLS RD</u> <u>SANDY SPRINGS, GA 30380</u> ENGINEERED BY <u>CHARLES HENLEY</u>	MAP REFERENCE  A Georgia Power
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