

1 A RESOLUTION APPROVING TWO RIGHT OF WAY DEEDS, A
2 REGULATIONS FOR DRIVEWAY ENCROACHMENT CONTROL MANUAL
3 AGREEMENT AND A GDOT BONDING REQUIREMENTS FOR
4 ENCROACHMENT PERMITS LETTER BETWEEN FULTON COUNTY,
5 GEORGIA AND THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR
6 THE PURPOSE OF CONNECTING DRIVEWAY ACCESS FROM THE
7 PROPOSED FULTON COUNTY ANIMAL SHELTER TO FULTON INDUSTRIAL
8 BOULEVARD; TO AUTHORIZE THE CHAIRMAN TO EXECUTE EACH
9 AGREEMENT AND RELATED DOCUMENTS; TO AUTHORIZE THE COUNTY
10 ATTORNEY TO APPROVE EACH AGREEMENT AS TO FORM AND MAKE
11 MODIFICATIONS AS NECESSARY PRIOR TO EXECUTION; AND FOR
12 OTHER PURPOSES
13

14 WHEREAS, Fulton County is a political subdivision of State of Georgia
15 and committed to the practice of optimizing available resources for the purpose
16 of providing the highest level of government services and improving the quality of
17 life for all residents and visitors of Fulton County; and

18 WHEREAS, the Fulton County Board of Commissioners previously
19 approved the construction of the Fulton County Animal Shelter facility at is
20 December 15, 2021 meeting as Agenda Item # 21-01042; and

21 WHEREAS, the construction of the Fulton County Animal Shelter facility
22 requires driveway access to Fulton Industrial Boulevard, also known as State
23 Route 70, which is under the control of the Georgia Department of Transportation
24 ("GDOT"); and

25 WHEREAS, before granting Fulton County permission to connect its
26 driveway access from the proposed Fulton County Animal Shelter Facility to
27 Fulton Industrial Boulevard formal agreements with the GDOT, including the
28 terms in which driveway access will be permitted, must be approved by the
29 Fulton County Board of Commissioners; and

1 **WHEREAS**, GDOT requires that Fulton County execute two (2) right of
2 way deeds, a GDOT Bonding Requirements for Encroachment Permits Letter
3 and a Regulations for Driveway and an Encroachment Control Manual
4 Agreement, each in substantially the form attached hereto as Exhibit "A," before
5 granting Fulton County permission to connect its driveway access to Fulton
6 Industrial Boulevard from the proposed animal shelter; and

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

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

16 **NOW THEREFORE, IT IS HEREBY RESOLVED**, that the Board of
17 Commissioners of Fulton County hereby authorizes the Chairman to execute two
18 (2) right of way deeds, a GDOT Bonding Requirements for Encroachment
19 Permits Letter and a Regulations for Driveway and an Encroachment Control
20 Manual Agreement with the Georgia Department of Transportation, each in the
21 form substantially attached hereto as Exhibit "A".

1 **BE IT FURTHER RESOLVED**, that prior to execution of these documents,
2 the County Attorney shall approve the documents as to form and make any
3 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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8
9 **SO PASSED AND ADOPTED**, this _____ day of _____, 2022.

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13 **FULTON COUNTY**
14 **BOARD OF COMMISSIONERS**

15
16
17
18 _____
19 Robert L. Pitts, Chairman

20
21
22 **ATTEST:**

23
24
25
26 _____
27 Tonya R. Grier, Clerk to the Commission

28 **APPROVED AS TO FORM:**

29
30
31 _____
32 Y. Soo Jo, County Attorney