

1 A RESOLUTION AUTHORIZING THE ACQUISITION OF EASEMENT RIGHTS
2 WHERE NECESSARY TO COMPLETE CONSTRUCTION OF THE SANITARY
3 SEWER EXTENSION AT MANNING DRIVE, PINETREE CIRCLE AND COLD
4 CREEK DRIVE, TO AUTHORIZE THE CHAIRMAN TO EXECUTE ALL
5 DOCUMENTS NECESSARY TO ACQUIRE SAID; TO AUTHORIZE THE
6 COUNTY ATTORNEY TO APPROVE ANY REQUIRED DOCUMENTS AS TO
7 FORM AND TO MAKE NECESSARY MODIFICATIONS THERETO TO
8 PROTECT THE COUNTY'S INTEREST PRIOR TO EXECUTION; AND FOR
9 OTHER PURPOSES.

10
11 WHEREAS, Fulton County Georgia, is a political subdivision of the State of
12 Georgia, existing as such under and by the Constitution, statutes, and laws of the
13 State; and

14 WHEREAS, the Board of Commissioners of Fulton County has
15 determined that it is in the best interest of the public's health, safety and welfare,
16 to construct, install, alter, improve and extend the County's sewer system within
17 Fulton County; and

18 WHEREAS, the Board of Commissioners of Fulton County has
19 determined that it is in the best interest of its citizens to acquire permanent and
20 temporary sewer easements for the purpose of improving the County's sewer
21 system with the construction of the project known as the Sanitary Sewer Extension
22 at Manning Drive, Pinetree Circle and Cold Creek Drive (the "Project"); and

23 WHEREAS, the easements areas required to complete construction are
24 further described in Exhibit "A," attached hereto and made a part hereof by
25 reference; and

26 WHEREAS, the Fulton County Department of Real Estate and Asset
27 Management and the Fulton County Department of Public Works are
28 recommending that the Board of Commissioners approve the acquisition of

1 permanent and temporary sewer easements on three (3) real properties in order
2 to complete the Project; and

3 **WHEREAS,** the Land Administrator will be responsible for negotiating
4 mutually acceptable terms of settlement with the three (3) property owners
5 impacted by the Project; and

6 **WHEREAS,** pursuant to Fulton County Code § 1-117, the Board of
7 Commissioners has exclusive jurisdiction over directing and controlling all
8 property of the County.

9 **NOW, THEREFORE, BE IT RESOLVED,** that the Board of
10 Commissioners of Fulton County hereby re-affirms that it is in the best interest of
11 the public health, safety, and welfare, to construct, install, alter and extend the
12 existing publicly owned and operated sewer system as shown and identified on
13 the plans and specifications on file in the Fulton County Department of Public
14 Works, being designated the Sanitary Sewer Extension at Manning Drive,
15 Pinetree Circle and Cold Creek Drive.

16 **BE IT FURTHER RESOLVED,** that the purchase of the needed real
17 property rights to complete the Project as referenced herein is authorized and
18 approved.

19 **BE IT FURTHER RESOLVED,** that the purchase of the permanent and
20 temporary easements hereby authorized shall be for an amount not less than the
21 fair market value of each property, as determined by the Fulton County Land
22 Administrator.

BE IT FURTHER RESOLVED, that the Director of Finance is hereby authorized and directed to expend all necessary and proper payments for the expenses incurred by the Land Administrator in carrying out the acquisition, management duties and obligations of the acquisition of the easements on the properties necessary for the Project upon receipt of a written request from the Land Administrator for all costs incurred, and further that these costs are to be paid from the approved funded accounting line 203-540-5400-S165 Linear Sewer Improvements.

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 the conflict.

SO PASSED AND ADOPTED, this _____ day of _____, 2022.

FULTON COUNTY BOARD OF COMMISSIONERS

SPONSORED BY:

By: Bob Ellis, Commissioner, District 2

ATTEST:

Tonya Grier, Clerk of Commission

APPROVED AS TO FORM:

Y. Soo Jo, County Attorney