

1 A RESOLUTION APPROVING THE CONVEYANCE OF A UNDERGROUND UTILITY  
2 EASEMENT AGREEMENT BETWEEN FULTON COUNTY, GEORGIA, AND THE  
3 GEORGIA POWER COMPANY FOR THE PURPOSE OF COMPLETING PLANNED  
4 ONSITE IMPROVEMENTS AT 3960 AERO DRIVE; AUTHORIZING THE CHAIRMAN  
5 TO EXECUTE AN UNDERGROUND UTILITY EASEMENT AGREEMENT AND  
6 RELATED DOCUMENTS; AUTHORIZING THE COUNTY ATTORNEY TO APPROVE  
7 THE UNDERGROUND UTILITY EASEMENT AGREEMENT AND RELATED  
8 DOCUMENTS AS TO FORM AND MAKE NECESSARY MODIFICATIONS THEREOF  
9 PRIOR TO EXECUTION; AND FOR OTHER PURPOSES.

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

15 **WHEREAS**, Fulton County is the owner of a tract of land in Fulton County,  
16 Georgia, lying north and northwesterly of M. L. King, Jr. Drive and east and  
17 southeasterly of the Chattahoochee River, comprising nine hundred eighty-five (985)  
18 acres, more or less, which Fulton County has developed for use as an airport commonly  
19 referred to as the Fulton County Executive Airport – Charlie Brown Field, hereinafter  
20 referred to as the "Fulton County Executive Airport;" and

21 **WHEREAS**, it has been determined by Georgia Power Company and the  
22 Department of Real Estate and Asset Management ("DREAM") that planned onsite  
23 improvements to the Aircraft Rescue and Fire Fighting ("ARFF") Facility Phase II –  
24 Airport Administration Offices at 3960 Aero Drive, Atlanta, Georgia at the Fulton County  
25 Executive Airport, will require that the County convey a Utility Easement Area to  
26 Georgia Power Company; and

27 **WHEREAS**, DREAM recommends approval for the granting of a utility easement  
28 to Georgia Power Company at Fulton County Executive Airport in Fulton County,

1 Georgia located in 14FF District of Land Lots 16 & 22 and more particularly described in  
2 Exhibit "A", attached hereto; and

3 **WHEREAS**, pursuant to Fulton County Code § 1-117, the Board of  
4 Commissioners has exclusive jurisdiction and control over directing and controlling all  
5 property of the County.

6 **NOW THEREFORE BE IT RESOLVED**, that the Board of Commissioners of  
7 Fulton County, Georgia, hereby approves of the conveyance of utility easement from  
8 Fulton County to the Georgia Power Company, as more particularly described in Exhibit  
9 "A" attached hereto.


10 **BE IT FURTHER RESOLVED**, that the Chairman of Fulton County Board of  
11 Commissioners is hereby authorized and directed to execute and deliver a utility  
12 easement agreement and other necessary documents to Georgia Power Company to  
13 complete the transfer of the real property rights.

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

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

20 **SO PASSED AND ADOPTED**, this 18<sup>th</sup> day of May 2022.

21 **FULTON COUNTY BOARD OF**  
22 **COMMISSIONERS:**

23  
24  
25   
26 \_\_\_\_\_  
27 Robert L. Pitts  
28 Chairman

2 ITEM # 22-0352 RCS 5/18/22  
RECESS MEETING

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15

ATTEST:

Tonya R. Grier  
Tonya R Grier  
Clerk to the Commission

APPROVED AS TO FORM:

Y. Soo Jo  
Y. Soo Jo  
County Attorney



P:\CALegislation\Land\3965 Aero Road Georgia Power Easement Agreement Resolution.doc



Tax Parcel ID = 14F0022 LL0281  
After recording, return to:  
Georgia Power Company  
Attn: Land Acquisition (Recording)  
241 Ralph McGill Blvd NE  
Bin 10151  
Atlanta, GA 30308-3374

---

PROJECT 2022030313	LETTER FILE	DEED FILE	MAP FILE
ACCOUNT NUMBER 10549137-GPC9596-VBS-0			
NAME OF LINE/PROJECT: 3965 Aero 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 4155 M.L. King Jr, Drive NW, Atlanta, Georgia 30336 (Tax Parcel ID No. 14F0022 LL0281) in Land Lot 16, 22 of the 14FF 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 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.

---

PARCEL 001 NAME OF 3965 AERO DRIVE (FULTON COUNTY) DISTRIBUTION LINE/ PROJECT:  
LINE

---

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))

Tax Parcel ID = 14F0022 LL0281

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

-----  
PROJECT 2022030313      LETTER FILE      DEED FILE      MAP FILE  
ACCOUNT NUMBER    10549137-GPC9596-VBS-0  
NAME OF LINE/PROJECT: 3965 AERO DR. (FULTON COUNTY) DISTRIBUTION LINE  
PARCEL NUMBER 001  
-----

STATE OF GEORGIA  
FULTON COUNTY

## U N D E R G R O U N D   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, 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, Suite 7000, Atlanta, GA 30303, 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 3965 AERO DR. (PARCEL ADDRESS OF 4155 M.L.KING, JR. DR., NW), ATLANTA, GA 30336 (Tax Parcel ID No. 14F0022 LL0281) in Land Lot 16, 22 of the 14FF District of Fulton County, Georgia.

The "Easement Area" is defined as any portion of the Property located (a) within ten (10) feet of the centerline of the underground distribution line(s) as installed in the approximate location(s) shown on "Exhibit A" attached hereto and made a part hereof, and (b) within ten (10) feet from each side of any related above-ground equipment and facilities, including without limitations cubicles, transformers and service pedestals, as installed in the approximate location(s) shown in "Exhibit A".

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,

-----  
PARCEL 001

NAME OF  
LINE/PROJECT:

3965 AERO DR. (FULTON COUNTY) DISTRIBUTION LINE  
-----

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 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  
LINE/PROJECT:

3965 AERO DR. (FULTON COUNTY) DISTRIBUTION LINE

IN WITNESS WHEREOF, the Undersigned has/have hereunto set his/her/their  
hand(s) and seal(s), this 22<sup>ND</sup> day of November, 2022.

Signed, sealed and delivered in the  
presence of:

FULTON COUNTY, A POLITICAL SUBDIVISION OF THE  
STATE OF GEORGIA

Adrian Adams  
Witness  
Allyson Dillinger  
Notary Public

By: Robert L. Pitts  
Name: ROBERT L. PITTS  
Title: CHAIRMAN OF FULTON COUNTY BOARD OF  
COMMISSIONERS

Attest: Tonya Grier (SEAL)  
Name: TONYA GRIER  
Title: CLERK OF THE COMMISSION



APPROVED AS TO FORM

This 18 day of November, 2022.

W. H. G.  
County Attorney



# EXHIBIT A

North ↑

ADDRESS: 3952 AVIATION CIR  
DWE: GP101E06520  
ENG: B. TURNER  
PHONE: 770-280-6488  
SITE CONTACT: 404-613-4206  
SUB/CIRCUIT: HIGHTOWER/H0162  
REFERENCE POITNS: SW#AN6414

Fulton County  
known as Executive Airport  
PIN 14F 0021 LL 0084  
AND  
14 F 0017 LL 0395  
Parcel: 001

Sandy Creek

WL: 5  
IN: GROUNDS @ 5320'

Sandy Creek Rd NW

WL: 4  
IN: GROUNDS @ 5640'

Proposed easement area →

WL: 3  
IN: GROUNDS @ 2680'

WL: 2  
IN: GROUNDS @ 1320'

WL: 1  
IN: DOUBLE 3 PH RISER AS0248 AND AS0249 25AMP KS  
BORE 200' 3-1/2 AXN UNDER GA-70

WL: 4  
IN: 75KVA, 120/208, T#1115394  
Norfolk Southern

existing

Fulton Ind Blvd

Mercury Dr  
Highway 42

This map or data, including, without limitation, any and all information and systems made available on this map or data, is provided "AS IS". Southern Company does not warrant the accuracy, completeness or reliability of any maps or data and the user may and is hereby notified that the user of this map or data, for any purpose other than that for which it was prepared, is at the user's sole risk and is not a product of Southern Company.

Scale  
0 30 60 120 180 240  
NOT TO SCALE

GEORGIA POWER COMPANY  
JOB TITLE: Job Applicant  
LOCATION: Address  
City  
ENGINEERED BY: Engineer Name

MAP REFERENCE  
Map Reference

Georgia Power

3952 Aviation (Fulton County)  
Distribution Line  
LIMS: 2020090176

### Release for Construction Agreement

To release 3965 Aero 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 The property owner / developer approves the distribution design and lighting represented on GPC's construction print.

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 NOI and a copy is enclosed., with the permit number is enclose. The owner/ developer agrees to provide a copy of the Notice of Termination (NOT) when filed.

-or-

     B) will not have land disturbance activities to 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.

poles, cables, transformers, metering, or other equipment serving this site. This includes routine or emergency access of all equipment and personnel.

APPROVED \_\_\_\_\_

Signed, sealed and delivered this 22<sup>ND</sup> day of November, 2022 in the presence of:

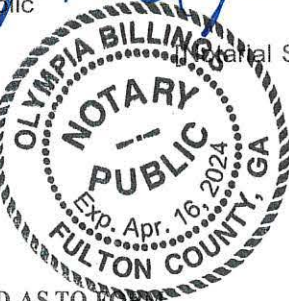
**Fulton County, a political subdivision of the State of Georgia**

Adrian Adams  
Witness

By: [Signature]  
Robert L. Pitts, Chairman  
Fulton County Board of Commissioners

[Signature]  
Notary Public  
[Partial Seal]

Attest: [Signature]  
Tonya Grier,  
Clerk to the Commission



APPROVED AS TO FORM

This 18 day of November, 2022.

[Signature]  
County Attorney

ITEM # 22-1352 RCS 5/18/20  
RECESS MEETING



## Underground Distribution Construction Agreement

PROJECT / CUSTOMER: 3965 Aero Drive Animal Shelter

LOCATION: 3965 Aero Drive Atlanta, Georgia

DEVELOPER / CUSTOMER: Trident Construction /Fulton County

AREA OF CONSTRUCTION: Per Attached Exhibit A

Customer / Developer does hereby attest that the above referenced area of construction in which underground electric distribution facilities are to be installed is clear of all obstructions; that all property lines, where required, are clearly marked and that the area is finished to a grade which shall not change more than three (3+/-) inches of the final grade.

Georgia Power Company, its employees, and contractors working on this project are hereby released from all claims due to damage of underground facilities that have not been located in the field and that are not covered by the "Utilities Protection Act of Georgia".

Customer / Developer does hereby agree to bear any and all costs to alter the installed underground electric distribution facilities as a result of grade changes or Developer design changes.

Customer / Developer shall be responsible for providing Georgia Power Company a clear unpaved route where underground electric distribution facilities can be installed. If this area is paved and conduit has not been installed, before Georgia Power Company facilities are installed the Developer shall be responsible for opening and re-paving the area required by Georgia Power Company.

Customer / Developer shall be responsible to communicate with contractors and subcontractors warning them of underground electric distribution facilities in the area and for notifying the Georgia Power Company by calling the Utilities Protection Center at GA 811 at least three (3) working days in advance to locate underground electric distribution facilities before digging or grading in the vicinity of installed underground electrical facilities. If Georgia Power Company is not notified, and the underground electric distribution facilities are damaged, then the Developer shall bear the cost of repairs.

Should underground electric distribution facilities become damaged in any way, Customer / Developer will notify the Georgia Power Company at phone #1-888-660-5890 and the Utilities Protection Center at GA 811.

Developer will establish and maintain the appropriate clearances for the transformer(s) on this site per Georgia Power Company Distribution Specification GUK 00.5003, dated 2/07/07. Electric service will not be provided until this specification is satisfied.

Georgia Power Company is not responsible for any damages to locks, gates, fences, walls, vehicles, equipment, trees, landscaping, sidewalks, or any other items that inhibit Georgia Power's access to the



X   Emergency and Standby Generation will be installed on-site:   X   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.

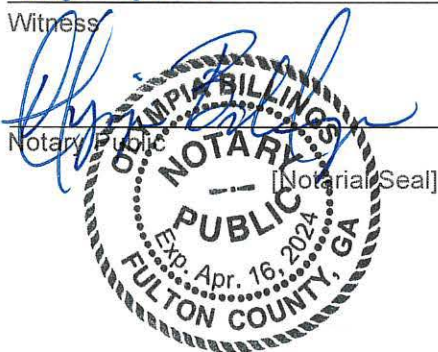
GPC scheduling meetings are usually held weekly. After being released for construction, the job will be scheduled and the Customer/ Developer will be notified of the proposed start date.

Signed, sealed and delivered this 28<sup>th</sup> day of November 2022 in the presence of:

**Fulton County, a political subdivision of the  
State of Georgia**

adrian adams

Witness



By: [Signature]

Robert L. Pitts, Chairman  
Fulton County Board of Commissioners

Attest: [Signature]  
Tonya Grier,  
Clerk to the Commission

APPROVED AS TO FORM

This 18 day of November, 2022.

[Signature]

County Attorney



ITEM # 22-0352 RCS 5/18/22  
RECESS MEETING

Parcel 001 Name of Line/ Project

3945 Aero Drive ( FULTON COUNTY)

DISTRIBUTION LINE

IN WITNESS WHEREOF, the Undersigned has/have hereunto set his/her/their  
Hand (s) and seal(s), this 3RD day of June, 2022;

Signed, sealed and delivered this 3RD day of  
June, 2022 in the presence of:

Fulton County, a political subdivision of the  
State of Georgia

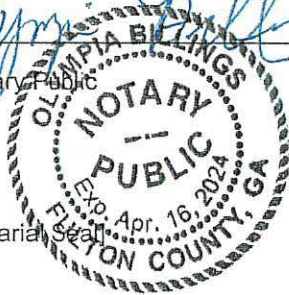
Adrian Adams

Witness

[Signature]

Notary Public

[Notarial Seal]



By: [Signature]

Robert L. Pitts, Chairman

Fulton County Board of Commissioners

Attest: [Signature]

Tonya Grier,  
Clerk to the Commission

APPROVED AS TO FORM

This 3RD day of June, 2022.

[Signature]  
Y. Soo Jo, County Attorney

