



# Fulton County

## Legislation Details (With Text)

**File #:** 23-0347      **Version:** 1      **Name:**  
**Type:** CM Action Item - Health and Human Services      **Status:** Passed  
**File created:** 4/12/2023      **In control:** Board of Commissioners  
**On agenda:** 5/17/2023      **Final action:** 5/17/2023  
**Title:** Request approval of the dedication of a Permanent Construction Easement of 23,635.49 square feet and a Temporary Construction Easement of 24,975.35 square feet to Johns Creek, Georgia, from Fulton County, Georgia for the purpose of constructing the Old Alabama Road Trail in Johns Creek, Georgia; to authorize the Chairman to sign the easements and any related documents to complete the deciation; to authorize the County Attorney to approve the easements and any related documents as to form and make necessary modifications prior to execution to protect the County's interests. (APPROVED)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - Old Alabama Road Trail Concept Layout, 2. Exhibit 2 - Permanent Construction Easement - Old Alabama Sidewalk, 3. Exhibit 3 - Temporary Construction Easement - Old Alabama Sidewalk, 4. 2023-0347

| Date      | Ver. | Action By              | Action  | Result |
|-----------|------|------------------------|---------|--------|
| 5/17/2023 | 1    | Board of Commissioners | approve | Pass   |

### Department

Public Works

### Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Request approval of the dedication of a Permanent Construction Easement of 23,635.49 square feet and a Temporary Construction Easement of 24,975.35 square feet to Johns Creek, Georgia, from Fulton County, Georgia for the purpose of constructing the Old Alabama Road Trail in Johns Creek, Georgia; to authorize the Chairman to sign the easements and any related documents to complete the deciation; to authorize the County Attorney to approve the easements and any related documents as to form and make necessary modifications prior to execution to protect the County's interests. (APPROVED)

### Requirement for Board Action *(Cite specific Board policy, statute or code requirement)*

Fulton County Code § 1-117 provides, in pertinent part, that the Board of Commissioners shall have exclusive jurisdiction and control "in directing and controlling all the property of the county, as they may deem expedient, according to law . . ."

### Strategic Priority Area related to this item *(If yes, note strategic priority area below)*

Health and Human Services

### Commission Districts Affected

- All Districts
- District 1
- District 2
- District 3
- District 4
- District 5
- District 6

**Is this a purchasing item?**

No

**Summary & Background** *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

**Scope of Work:**

The City of Johns Creek is proposing to extend the existing Old Alabama Road Trail along the north side of Old Alabama Road between the Autrey Mill Nature Preserve and Spruill Road. The trail will be 10 feet wide, will be maintained by Johns Creek, and will be constructed on the shoulder of Old Alabama Road. During the construction of the trail, Johns Creek will need to regrade the shoulder and that activity will encroach onto property owned by Fulton County that is used as part of the Tom Lowe Water Treatment Plant. Therefore, the City of Johns Creek has requested that Fulton County allow the dedication of a Permanent Construction Easement of 23,635.49 square feet and a Temporary Construction Easement of 24,975.35 square feet of Fulton County property to Johns Creek for the construction of the trail. After the trail is constructed, the temporary easement area will be returned to Fulton County while the permanent easement area will remain under the maintenance responsibility of the City of Johns Creek.

The proposed trail was presented to the Atlanta-Fulton County Water Resources Commission (AFCWRC), owner and operator of the Tom Lowe Water Treatment Plant, on Tuesday April 11, 2023. The AFCWRC Board was in favor of the request. The construction easement plans that illustrate the planned trail and needed easements are attached. The planned trail and easement request will not interfere with the current and planned operations of the water treatment plant.

**Community Impact:**

The Old Alabama Road trail is a project supported by Johns Creek as part of their trail master plan and will be constructed utilizing TSPLOST funds.

**Department Recommendation:**

The Department of Public Works recommends that Fulton County provide the requested temporary and permanent easements to the City of Johns Creek.

**Project Implications:**

Without these easements within Fulton County's property along Old Alabama Road, the City of Johns Creek would not be able to construct the planned trail.

**Community Issues/Concerns:**

None have been raised by the community to the Department of Public Works.

**Department Issues/Concerns:**

The Department of Public Works does not have any issues or concerns.

**Fiscal Impact / Funding Source**

**Funding Line 1:**