



Fulton County

Legislation Details (With Text)

File #: 24-0332 **Version:** 1 **Name:**

Type: Consent - Infrastructure and Economic Development **Status:** Agenda Ready

File created: 5/2/2024 **In control:** Board of Commissioners

On agenda: 5/15/2024 **Final action:**

Title: Request approval of a Sanitary Sewer System Ownership, Operation, Maintenance, and Repair Agreement between Fulton County, a political subdivision of the State of Georgia, and 1858 Alpharetta Partners, LLC, for the purpose of granting Fulton County legal access to extend and maintain the sanitary sewer system at 101 Cumming Street, Alpharetta, Georgia 30009 (the Development). (APPROVED UPON ADOPTION OF THE CONSENT AGENDA)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1858 SS PSA executed (Update)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Department

Real Estate and Asset Management

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

Request approval of a Sanitary Sewer System Ownership, Operation, Maintenance, and Repair Agreement between Fulton County, a political subdivision of the State of Georgia, and 1858 Alpharetta Partners, LLC, for the purpose of granting Fulton County legal access to extend and maintain the sanitary sewer system at 101 Cumming Street, Alpharetta, Georgia 30009 (the Development). **(APPROVED UPON ADOPTION OF THE CONSENT AGENDA)**

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

Pursuant to Fulton County Code ("FCC") § 34-509, any building, residence, or other facility designed or used for human occupancy or congregation must provide a sewerage system within the building and that system must be connected to the public system in most situations, including the current development. In addition, pursuant to FCC § 1-117, the Board of Commissioners is vested with exclusive jurisdiction to direct and control all the property in the County, according to the law. Finally, O.C.G.A. § 36-10-1 requires that all contracts entered into by a county governing authority on behalf of a county be in writing and entered on the governing authority's minutes.

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

Open and Responsible Government

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 Department of Real Estate and Asset Management (DREAM) and the Department of Public Works requests the approval of the Fulton Board of Commissioners to execute a Sanitary Sewer System Ownership, Operation, Maintenance, and Repair Agreement with 1858 Alpharetta Partners, LLC.

Environmental Protection Division, EPD regulations require that where a permitted public sanitary sewer system is available, developments and a property requiring sanitary sewer services shall obtain sanitary sewer service through an extension of the public service system.

1858 Alpharetta Partners, LLC, the Owner of the real property located at 101 Cumming Street, Alpharetta, Georgia 30009, has agreed to provide Fulton County easement access for the purpose of maintaining and expanding the county’s sewer system within their Development.

The purpose of the Sanitary Sewer System Ownership, Operation, Maintenance, and Repair Agreement is to formalize maintenance responsibilities and conditions for legal access for Fulton County, 1858 Alpharetta Partners, LLC, and future owners that acquire the Development at 101 Cumming Street, Alpharetta, Georgia.

Community Impact: The Department of Public Works has confirmed that if this Agreement is approved, the County’s sewer system will not be adversely impacted and can continue to be properly maintained.

Department Recommendation: The Department of Real Estate and Asset Management accepts the Department of Public Works' conclusion to accept the Sanitary Sewer System Ownership, Operation, Maintenance, and Repair Agreement and recommends its approval.

Project Implications: Approval of this Agreement will not compromise or restrict sewer services, nor will it impede access to the sewer line for necessary maintenance.

Community Issues/Concerns: None.

Department Issues/Concerns: None.

Fiscal Impact / Funding Source

Funding Line 1:

Approval of the Agenda Item does not involve the receipt or payment of funding.