



# Fulton County

## Legislation Details (With Text)

**File #:** 24-0336      **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 an Indemnification, Maintenance, and Land Use Agreement for Private Improvement (Indemnification Agreement) between Fulton County, a political subdivision of the State of Georgia, and Pulte Home Company, LLC for the purpose granting conditional approval to allow stormwater piping to remain within a portion of the County's existing sanitary sewer easement at 0 Lakefield Drive (a/k/a 11354 Technology Circle), Johns Creek, Georgia 30097. (APPROVED UPON ADOPTION OF THE CONSENT AGENDA)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Embry SS IA Executed

| Date | Ver. | Action By | Action | Result |
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### Department

Real Estate and Asset Management

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

Request approval of an Indemnification, Maintenance, and Land Use Agreement for Private Improvement (Indemnification Agreement) between Fulton County, a political subdivision of the State of Georgia, and Pulte Home Company, LLC for the purpose granting conditional approval to allow stormwater piping to remain within a portion of the County's existing sanitary sewer easement at 0 Lakefield Drive (a/k/a 11354 Technology Circle), Johns Creek, Georgia 30097. **(APPROVED UPON ADOPTION OF THE CONSENT AGENDA)**

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

Fulton County is authorized to grant an encroachment on its sewer easement pursuant to Fulton County Code, Subpart B-Code of Resolutions - Appendix A - Subdivision Regulations, Article IX (Required Improvements), Section 9.5.5(c), which states the following in part: "No retaining wall, building, pole, sign or other vertical structure shall be constructed in sanitary and storm sewer easements, including vehicular access easements around structures, without approval from the [Director of Public Works]."

### 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:** Pulte Home Company, LLC, the owner of the real property located at 0 Lakefield Drive (a/k/a 11354 Technology Circle), Johns Creek, Georgia 30097, has requested the conditional approval of the Fulton County Board of Commissioners to allow stormwater infrastructure to remain within a portion of the County’s existing sewer easement onsite.

At the request of the fee simple property owner, Pulte Home Company, LLC, the Fulton County Department of Real Estate and Asset Management, DREAM and the Fulton County Department of Public Works request approval to amend the terms of the County’s sewer easement for this location.

The Department of Public Works has completed an on-site assessment of the encroachment area of approximately 1,697 square feet and confirmed that the County’s sewer system will not be adversely impacted and can continue to be properly maintained if this encroachment is granted.

The purpose of the Indemnification Agreement is to affirm the terms of Fulton County’s conditional approval of the encroachment of private improvements within the County’s sewer easement area at 0 Lakefield Drive (a/k/a 11354 Technology Circle), Johns Creek, Georgia 30097.

**Community Impact:** The Indemnification Agreement allows Fulton County full access to maintain its sanitary sewer service line while granting the property owner the conditional approval to allow stormwater piping to remain within a portion of the County’s existing sanitary sewer easement area.

**Department Recommendation:** The Department of Real Estate and Asset Management accepts the conclusion of the Department of Public Works to accept the Indemnification Agreement and recommends its approval.

**Project Implications:** No negative impacts to the sanitary sewer service or access to the sanitary sewer line will result by allowing stormwater infrastructure to remain within a portion of the County’s sewer easement.

**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.