



# Fulton County

## Legislation Text

File #: 24-0374, Version: 1

### 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, Georgia and JEN Georgia 19, LLC for the purpose granting conditional approval to allow stormwater infrastructure to remain within a portion the County's existing sanitary sewer easement at 11190 Rock Mill Road, Alpharetta, Georgia 30022. **(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:** JEN Georgia 19, LLC, the owner of the real property located at 11190 Rock Mill Road, Alpharetta, Georgia 30022, has requested the conditional approval of the Fulton County Board

of Commissioners to allow stormwater infrastructure to remain within the County's existing sewer easement.

Jen Georgia 19, LLC, the Fulton County Department of Real Estate and Asset Management, DREAM, and the Fulton County Department of Public Works formally request approval to amend the terms of the County's sanitary sewer easement onsite at 11190 Rock Mill Road, Alpharetta, Georgia 30022 to permit an encroachment of stormwater infrastructure.

The Department of Public Works has completed an assessment of the encroachment area of approximately 834 square feet and confirmed 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.

**Community Impact:** Fulton County's access to maintain its sanitary sewer service line while granting the property owner the conditional approval to allow stormwater improvements to remain within the County's sewer easement area will not adversely impact sewer services.

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

**Project Implications:** No negative impact to sanitary sewer services or access to maintain the County's onsite 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.