



Fulton County

Legislation Details (With Text)

File #:	23-0150	Version:	1	Name:	
Type:	Consent - Infrastructure and Economic Development	Status:		Agenda Ready	
File created:	1/31/2023	In control:		Board of Commissioners	
On agenda:	3/1/2023	Final action:			
Title:	Request approval of an Indemnification, Maintenance, and Land Use Agreement for Private Improvement (Indemnification Agreement) between Fulton County, Georgia and Pulte Home Company, LLC for the purpose of granting conditional approval to allow a stormwater drainage improvement within the County's existing sanitary sewer easement for the Enclave at Parkway Village Project at 0 Thompson Road, Union City, Georgia 30213. (APPROVED UPON ADOPTION OF THE CONSENT AGENDA)				

Sponsors:

Indexes:

Code sections:

Attachments: 1. Pulte Enclave 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, Georgia and Pulte Home Company, LLC for the purpose of granting conditional approval to allow a stormwater drainage improvement within the County's existing sanitary sewer easement for the Enclave at Parkway Village Project at 0 Thompson Road, Union City, Georgia 30213. **(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 provides, in part, that "[n]o 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 Thompson Road, Union City, Georgia has requested the conditional approval of the Fulton County Board of Commissioners to allow a stormwater drainage improvement within the County's existing sewer easement onsite.

In accordance with County Policy and the Statue of Frauds, all amendments and edits to contractual agreements involving the County are required to be in writing and approved by the Fulton County Board of Commissioners. At the request of the fee simple property owner, Pulte Home Company, LLC, the Fulton County Department of Real Estate and Asset Management 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 onsite assessment of the encroachment area of approximately 80 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' sewer easement area at 0 Thompson Road, Union City, Georgia

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 install stormwater drainage improvements within the County's 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 the renovated porch to remain within the County's sewer easement.

Community Issues/Concerns: None.

Department Issues/Concerns: None.