



# Fulton County

## Legislation Details (With Text)

<b>File #:</b>	23-0294	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Consent - Infrastructure and Economic Development	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	3/20/2023	<b>In control:</b>		Board of Commissioners	
<b>On agenda:</b>	5/3/2023	<b>Final action:</b>			
<b>Title:</b>	Request approval of an Indemnification, Maintenance, and Land Use Agreement for Private Improvement between Fulton County, a political subdivision of the State of Georgia, and Jen Georgia 18, LLC, for the purpose granting conditional approval to allow stormwater piping within the County's existing sanitary sewer easement at 314 Thompson Street et al, Alpharetta, Georgia 30009. (APPROVED UPON ADOPTION OF THE CONSENT AGENDA)				

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. JenGA Chiswick Sewer IA, 2. 2023-0294

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 an Indemnification, Maintenance, and Land Use Agreement for Private Improvement between Fulton County, a political subdivision of the State of Georgia, and Jen Georgia 18, LLC, for the purpose granting conditional approval to allow stormwater piping within the County's existing sanitary sewer easement at 314 Thompson Street et al, Alpharetta, Georgia 30009. (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]." Further, O.C.G.A. § 36-10-1 requires that "[a]ll contracts entered into by the county governing authority with other persons in behalf of the county shall be in writing and entered on its 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:** Jen Georgia 18, LLC, the owner of the real property located at 314 Thompson Street et al, Alpharetta, Georgia 30009 has requested the conditional approval of the Fulton County Board of Commissioners to install a stormwater drainage pipe within the County's existing sewer easement.

In accordance with County Policy and the Statute 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. Jen Georgia 18, 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 797.5 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, Maintenance, and Land Use Agreement for Private Improvement ("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 314 Thompson Street et al in Alpharetta, 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 a stormwater drainage pipe 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 request approval of an Indemnification Agreement to formally acknowledge a permitted encroachment within an existing sanitary easement.

**Project Implications:** No negative impacts to the sanitary sewer service or access to the sanitary sewer line will result by allowing a stormwater pipe to be installed within the County's sewer easement.

**Community Issues/Concerns:** None.

**Department Issues/Concerns:** None.