



# Fulton County

## Legislation Text

---

File #: 21-0683, Version: 1

---

### Department

Real Estate and Asset Management

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

Request approval of Indemnification, Maintenance, and Land Use Agreement for Private Improvement (Indemnification Agreement) between Fulton County, a political subdivision of the State of Georgia and Joseph and Dorothy DePasquale for the purpose granting conditional approval to allow a portion of a wood deck to remain within the County's existing sanitary sewer easement at 170 Burford Hollow, 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 VII (Required Improvements), Section 8.5.5©, 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:** Property owners at 170 Burford Hollow, Alpharetta, Georgia 30022 have requested

the conditional approval of the Fulton County Board of Commissioners to allow a portion their wooden deck and stairs to remain within the County's existing sewer easement. The Department of Public works has completed an onsite assessment of the encroachment area of approximately 200 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. In accordance with County Policy and the Statue of Frauds, all agreements involving the County are required to be in writing and approved by the Fulton County Board of Commissioners. 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 170 Burford Hollow, Alpharetta, Georgia 30022.

**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 that will allow an existing portion of a wooden deck to remain within the County's sewer easement area.

**Department Recommendation:** The Department of Real Estate and Asset Management and the Department of Public Works recommends the approval of the Indemnification Agreement to formalize the terms of Fulton County's conditional approval of the encroachment of private improvements within the County' sewer easement.

**Project Implications:** No negative impacts to the County's sanitary sewer system or access to the sanitary sewer line will result by allowing the property owner to retain a portion of their wood deck presently located within the County's sewer easement

**Community Issues/Concerns:** None

**Department Issues/Concerns:** None