

STATE OF GEORGIA
COUNTY OF FULTON

**RESOLUTION TO APPROVE FILING OF AN ACTION IN THE SUPERIOR COURT
OF FULTON COUNTY AGAINST FULTON COUNTY REGARDING LACK OF CARE
AND MAINTENANCE OF THE ARLINGTON CEMETERY DETENTION PONDS**

WHEREAS, two (2) detention ponds (the "Detention Ponds") are located in the City of Sandy Springs (the "City") on a parcel of land located at 201 Mount Vernon Highway, commonly known as Arlington Cemetery; and

WHEREAS, lack of care and maintenance has caused the Detention Ponds to cease functioning as designed, creating issues regarding stormwater discharge within areas downstream from the Detention Ponds; and

WHEREAS, the City of Sandy Springs (the "City") notified the owners of Arlington Cemetery of the existing care and maintenance issues regarding the Detention Ponds; and

WHEREAS, the owners of Arlington Cemetery produced documentation that the Detention Ponds were constructed by Fulton County, Georgia (the "County") within certain permanent easement areas granted to the County dated October 15, 1976, recorded in Deed Book 6588, page 322 and March 14, 1978, recorded in Deed Book 6956, page 318, respectively (the "Easements");

WHEREAS, the County has ownership of the Detention Ponds, as demonstrated by the Easements, and is therefore responsible for maintenance of the Detention Ponds;

WHEREAS, the City contacted the County, placing the County on notice regarding the existing care and maintenance issues with the Detention Ponds and damages being incurred as a result of maintenance deficiencies;

WHEREAS, damage and stormwater discharge issues continue to accrue as a result of the County's failure to maintain the Detention Ponds;

WHEREAS, to date, the County has failed to respond to the City regarding the notice;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA AS FOLLOWS:

The City Attorney is authorized to file an appropriate action on behalf of the City in the Superior Court of Fulton County to insure that the County meets its maintenance and care obligations regarding the Detention Ponds.

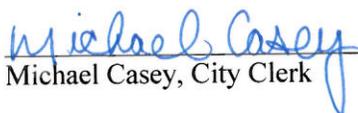
RESOLVED, this 5th day of October, 2010

Approved:



Eva Galambos, Mayor

Attest:


Michael Casey, City Clerk

(Seal)

