

STATE OF GEORGIA
COUNTY OF FULTON

RESOLUTION TO APPROVE AND AUTHORIZE THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE CITY OF SANDY SPRINGS FOR REPAIRS AND FUTURE MAINTENANCE OF THE LAKE FORREST DAM

WHEREAS, Lake Forrest Dam is located near the 4600 block of Lake Forrest Drive and impounds water for a contiguous lake that is approximately .9729 acres within the Lake Forrest community in Sandy Springs; and

WHEREAS, title to the contiguous lake ("Lake Forrest") and two other smaller lakes that feed into Lake Forrest is held by Three Lakes Corporation, LLC, a nonprofit corporation created at the time of the development of the surrounding community and to which all owners of property contiguous to the lakes are members; and

WHEREAS, approximately one-half of the public road known as Lake Forrest Drive lies across the crest of the Dam and is within the City limits of Atlanta; and

WHEREAS, the remaining approximate one-half of the right-of-way lies within the City limits of Sandy Springs, as successor-in-interest to the public road system from Fulton County, Georgia; and

WHEREAS, on or about July 30, 2009, the Environmental Protection Division of the Georgia Department of Natural Resources ("EPA") reclassified the Lake Forrest Dam from a Category II dam to a Category I dam, pursuant to the Georgia Safe Dams Act, O.C.G.A. § 12-5-370, et seq. ("Safe Dams Act"), due to a finding of probable loss of human life if the Dam failed; and

WHEREAS, as a result of the reclassification, certain corrective actions and improvements must be taken to mitigate against the loss of life and property and to ensure the Dam is compliance with the Safe Dams Act; and

WHEREAS, Sandy Springs and the City of Atlanta have agreed to share jointly in addressing the Dam's deficiencies in light of the risk for harm to human life and property, the location of the road across the top of the Dam, and the lack of any records placing title to the Dam structure in any entity or person; and

WHEREAS, attorneys for Sandy Springs and the City of Atlanta have negotiated an intergovernmental agreement that sets forth the terms and conditions upon which the parties will undertake to meet EPA requirements, pursuant to the Safe Dams Act, and to mitigate against risks and potential harm to life and property in the event of a failure of the Dam, and address future joint maintenance of the Dam; and

WHEREAS, Sandy Springs and the City of Atlanta desire to enter into the negotiated intergovernmental agreement upon the terms and conditions contained therein, in the basic form attached hereto as Exhibit A.

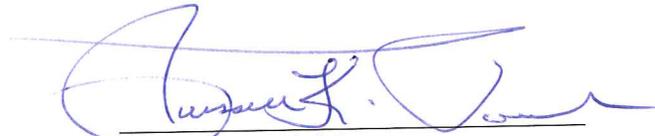
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA, THAT:

RESOLUTION NO. 2015-06-80

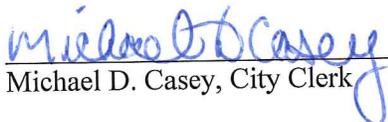
1. The Agreement Between the City of Atlanta and the City of Sandy Springs, Lake Forrest Drive Dam ("IGA"), is hereby approved in basic form as attached hereto as Exhibit A; and
2. The City Manager and the City Attorney are hereby authorized to make such changes to the attached IGA as may be deemed reasonable and necessary; and
3. The City Manager is hereby authorized to execute the final IGA with the City of Atlanta, in the basic form attached hereto as Exhibit A; and
4. The City Manager and City Attorney are hereby authorized to take such actions deemed necessary or prudent to effectuate the intent of this resolution.

RESOLVED this the 16th day of June, 2015.

Approved:


Russell K. Paul, Mayor

Attest:


Michael D. Casey, City Clerk

(Seal)

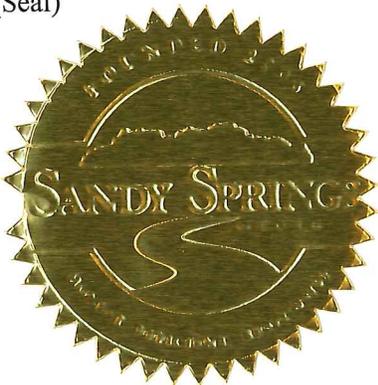


EXHIBIT A

AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE CITY OF SANDY SPRINGS
LAKE FORREST DRIVE DAM
(Basic Form)