
CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: July 31, 2013

FROM: John McDonough, City Manager

AGENDA ITEM: Consideration of the Acceptance of the Permanent Drainage Easement (7485 South Spalding Lake Drive)

MEETING DATE: For Submission onto the August 6, 2013, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Exhibits
Resolution

APPROVAL BY CITY MANAGER:  APPROVED

PLACED ON AGENDA FOR: 8/6/2013

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: 

REMARKS:



TO: John McDonough, City Manager

FROM: Garrin M. Coleman, P.E., Public Works Director

DATE: July 23, 2013, for Submission onto the Consent Agenda of the August 6, 2013 City Council Meeting

ITEM: Consideration of the Acceptance of the Permanent Drainage Easement.

Public Works Department's Recommendation:

Staff recommends that the Mayor and City Council accept the Permanent Drainage Easement on that tract or parcel of land lying and located in Land Lot 337 of the 6th District, Fulton County, Georgia. The property as shown in the attached exhibit is owned by the property owners, Richard L. Lieberman, residing at 7485 South Spalding Lake Drive. The easement area is required for the perpetual maintenance of a detention pond.

Background:

The acquisition of the Permanent Drainage Easement across the Lieberman property is necessary in order to repair and maintain a failing drainage outfall structure and to clean out and maintain the detention pond. The pond has been determined to be the City's responsibility however; the limits of the pond were vague based upon the recorded subdivision plat. This easement defines the area needed under current capacity standards and establishes a convenient access point to the pond for perpetual maintenance.

Discussion:

N/A

Alternatives:

The City could elect to forego the repairs to the failing pipe; however, further deterioration of the existing outfall infrastructure would likely occur, thereby potentially causing flooding of neighboring properties.

Financial Impact:

The owners donated the necessary easements and no compensation was needed.

Attachments:

- I. Exhibits
 - Aerial and GIS Map of the Property
 - Executed Permanent Drainage Easement
- II. Resolution



7485 South Spalding Lake Drive / Permanent Drainage Easement / Detention Pond			
Parcel: 06 033700040205 Acres: 0			
Name:	LIEBERMAN RICHARD L	Land Value	\$ 85,400
Site:	7485 SOUTH SPALDING LAKE DR	Building Value	\$ 377,400
Sale:	0 on 1998-05-28 Reason=U Qual=4	Misc Value	0
Mail:	7485 SOUTH SPALDING LAKE DR	Total Value:	\$ 462,800
	SANDY SPRINGS, GA 30350		



The Fulton County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER FULTON COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 07/15/13 : 15:23:34

PERMANENT DRAINAGE AND ACCESS EASEMENT

STATE OF GEORGIA
FULTON COUNTY

THIS AGREEMENT is entered into this 7th day of June, 2013, between Richard L. Lieberman, herein referred to as the "**Grantor**", and the City of Sandy Springs, a Municipal Corporation of the State of Georgia, hereinafter called the "**Grantee**".

WHEREAS, the Grantee is desirous of obtaining a permanent drainage easement for the construction, maintenance, and future improvements or upgrades of storm water drainage appurtenances as described in Exhibit "A" on or across the property of Grantor located at 7485 South Spalding Lake Drive, Sandy Springs, Georgia, more particularly described on the Final Plat as recorded in Plat Book 131, page 17, Fulton County Records (hereinafter referred to as the "Property"), and incorporated herein by reference.

WHEREAS, Grantor desires to convey said Permanent Drainage and Access Easement and any and all stormwater infrastructure improvements located within said Permanent Drainage and Access Easement in the said described property as is further shown on the attached Exhibit "A", and incorporated herein by reference.

NOW, THEREFORE, for and in consideration of One dollar (\$1.00) and other valuable consideration in hand paid by each party to the other, it is HEREBY AGREED as follows:

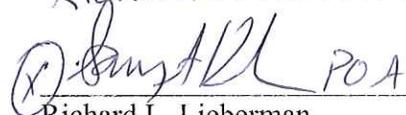
1. The City of Sandy Springs hereby agrees to maintain the City Stormwater Infrastructure as set forth in Exhibit "A" in a structurally sound condition so that it satisfies its stormwater management function to protect the public health, safety, and welfare.
2. The Grantor hereby agrees to provide prompt notice to the City of any maintenance issues regarding the functioning of the pond and/or stormwater infrastructure.
3. The Grantor hereby grants to the City of Sandy Springs a Permanent Access Easement to enter upon the premises for purposes of inspection, maintenance, and improvements to the Stormwater Infrastructure. Provided, however, that the City of Sandy Springs shall provide 24 hour notice of the City's intention to enter upon the property. Except, however, no notice shall be required in the event of an emergency threatening loss of life or property, Sandy Springs is hereby granted immediate access to the Easement Area to perform any required maintenance or improvements.
4. Owner is prohibited from: a) the importation of fill or debris into the Easement Area, b) any modification to any structure or any action which increases the volume of water entering into the City Stormwater Infrastructure without the City of Sandy Springs'

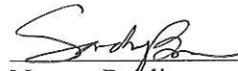
approval, c) constructing or maintaining any structure which would obstruct the City of Sandy Springs ability to maintain the City Stormwater Infrastructure, d) any action violating a state or federal law or local ordinance with respect to the City Stormwater Infrastructure. Owner understands and agrees that the City of Sandy Springs has the right to remove any trees, vegetation or structures which obstruct access to the Easement Area.

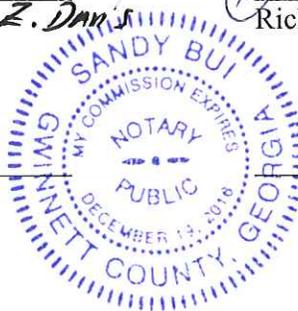
5. The Owner agrees that the City can assign its rights and responsibilities under this agreement.
6. This agreement shall be binding upon and insure to the benefit of the parties hereto and their respective executors, administrators, heirs, successors and successors-in-title, whether voluntary by action of the parties or involuntary by operation of law. IT IS HEREBY STIPULATED AND AGREED that this Agreement constitutes a covenant running with the land herein described.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed under seal as of the date of acceptance by Owner.


Unofficial Witness Marilyn Z. Davis

Richard Lieberman by
 POA (L.S.)
Richard L. Lieberman

 6.7.13
Notary Public



(L.S.)

CITY OF SANDY SPRINGS, GEORGIA _____

By: _____
Eva Galambos, Mayor

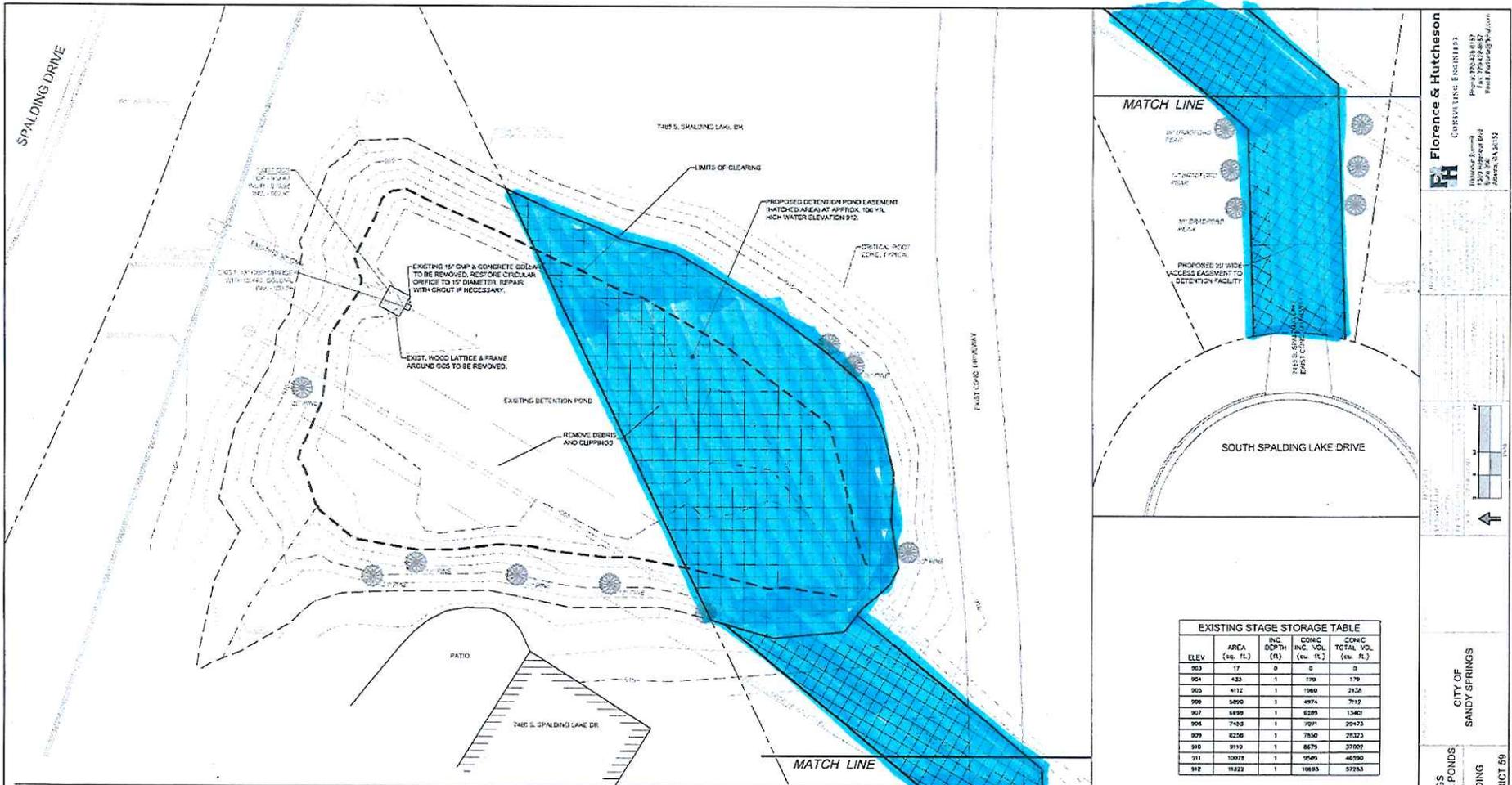
Attest:

Approved as to Form:

City Clerk

Office of the City Attorney

Exhibit A



- DEMOLITION NOTES:**
1. ALL DEBRIS SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN ACCORDANCE WITH ALL CITY, STATE AND FEDERAL LAWS AND ORDINANCES.
 2. EXISTING UTILITIES SHALL BE LOCATED BY THE CONTRACTOR PRIOR TO ANY EXCAVATION OR DEMOLITION. EXISTING STRUCTURES AND SUBGRADE UTILITY LOCATIONS ARE APPROXIMATE AND BASED ON INFORMATION CONTAINED IN THE BOUNDARY AND TOPOGRAPHIC SURVEY.
 3. THE CONTRACTOR SHALL ESTABLISH A BARRICADE AROUND THE ENTIRE PERIMETER OF WORK TO PREVENT ACCESS BY THE PUBLIC DURING DEMOLITION AND CONSTRUCTION.
 4. SEE THE EROSION CONTROL PLANS FOR EROSION CONTROL MEASURES AND NOTES. ADDITIONAL MEASURES MAY BE REQUIRED AT THE DISCRETION OF THE INSPECTOR OR THE PROJECT ENGINEER.
 5. ANY UNDERGROUND UTILITIES, PAVEMENT, CURBS, ETC. DAMAGED BY THE CONTRACTOR OR RESULTING FROM THEIR ACTIVITIES SHALL BE REPAIRED AT THEIR EXPENSE.
 6. IF THE CONTRACTOR IN THE COURSE OF WORK FINDS ANY DISCREPANCIES BETWEEN THE PLANS AND THE PHYSICAL CONDITIONS OF THE LOCALITY, OR ANY ERRORS OR OMISSIONS IN THE PLANS OR IN THE LAYOUT AS GIVEN BY THE ENGINEER, IT SHALL BE THE CONTRACTOR'S DUTY TO IMMEDIATELY INFORM THE ENGINEER, IN WRITING, AND THE ENGINEER WILL PROMPTLY VERIFY THE SAME. ANY WORK DONE AFTER SUCH A DISCOVERY, UNLESS AUTHORIZED WILL BE AT THE CONTRACTOR'S RISK.

- UTILITY NOTES**
1. THE EXISTING STRUCTURES AND SUBGRADE UTILITY LOCATIONS ARE APPROXIMATE AND BASED ON INFORMATION OBTAINED FROM THE FULCON CITY SURVEYOR. THERE MAY BE ADDITIONAL UTILITIES WITHIN THE LIMITS OF CONSTRUCTION.
 2. ALL EXISTING UTILITIES WITHIN THE LIMITS OF CONSTRUCTION SHALL BE LOCATED BY THE CONTRACTOR PRIOR TO ANY EXCAVATION.
 3. THE CONTRACTOR IS RESPONSIBLE FOR THE COORDINATION, DEMOLITION, AND INSTALLATION OF ALL UTILITIES SERVICES REQUIRED TO COMPLETE THE PROJECT.
 4. THE CONTRACTOR SHALL COORDINATE ALL TEMPORARY SERVICE OUTAGES WITH THE DESIGN ENGINEER AND THE CITY OF ROMEO IN ORDER TO MINIMIZE THE IMPACT TO THE OPERATION OF THE CITY.
- DRAINAGE BASIN NOTES:**
1. SOILS SERIES MAP UNIT UR (URBAN LAND) ACCORDING TO NRCS-USDA WEB SOIL SURVEY MAP.
 2. APPROXIMATE DRAINAGE AREA TO DETENTION POND IS 12.1 ACRES.
 3. APPROXIMATE IMPERVIOUS AREA IS 2.75 ACRES, OR 23% OF OVERALL BASIN.

- SURVEY NOTES:**
1. FIELDWORK PERFORMED BY FLORENCE & HUTCHESON, INC. ON JANUARY 28, 2011.
 2. HORIZONTAL COORDINATES AND VERTICAL DATUM ARE ASSUMED.
 3. SUPPLEMENTAL INFORMATION SHOWN FROM FULCON COUNTY, GEORGIA/GIS DATA.
 4. ANY UTILITY INFORMATION SHOWN IS APPROXIMATE. UNDERGROUND UTILITIES, UTILITY EASEMENTS MAY BE IN EFFECT, BOTH RECORDED AND UNRECORDED, AND ARE NOT SHOWN.
 5. THIS SITE IS NOT LOCATED WITHIN A ZONE (AAE, SHADING ZONE X) AS DEFINED BY FULCON COMMUNITY PANEL NUMBER 1372/CD240F FOR UNINCORPORATED FULTON COUNTY, GEORGIA DATED JUNE 18, 2010.

EXISTING STAGE STORAGE TABLE

ELEV	AREA (sq. ft.)	INC. DEPTH (ft.)	CONC. INC. VOL (cu. ft.)	CONC. TOTAL VOL (cu. ft.)
903	17	2	8	8
904	433	1	179	179
905	4112	1	1960	2138
906	5890	1	4874	7117
907	8899	1	6289	13401
908	7403	1	7071	20473
909	8256	1	7850	28323
910	9119	1	8679	37002
911	10078	1	9585	46586
912	11322	1	10863	57449

THE CONTRACTOR MUST CALL THE UTILITIES PROTECTION CENTER FOUR DAYS BEFORE ANY EXCAVATION.

COLOR CODES FOR UTILITY LOCATING

- RED: ELECTRIC
- YELLOW: GAS-OIL
- ORANGE: TELEPHONE/CATV
- BLUE: WATER
- GREEN: SEWER

OVERHEAD UNDERGROUND

IF YOU DIG GEORGIA, CALL US FIRST! 1-800-287-7411

IT'S THE LAW

Florence & Hutcheson
CONSULTING ENGINEERS
1509 Riverchase Blvd
Atlanta, GA 30329
Phone: 770-454-8844
Fax: 770-454-8847
Email: florence@fh-engineers.com

CITY OF SANDY SPRINGS

SANDY SPRINGS STORAMWATER PONDS

7480 S. SPALDING LAKE DRIVE
LL 337 DISTRICT 59

DEMOLITION PLAN

C-01

STATE OF GEORGIA
COUNTY OF FULTON

**A RESOLUTION TO ACCEPT THE PERMANENT DRAINAGE EASEMENT ON PROPERTY
LOCATED IN LAND LOT 337 OF THE 6TH DISTRICT, CITY OF SANDY SPRINGS,
FULTON COUNTY, GEORGIA**

WHEREAS, it is necessary, from time to time, to establish policies, procedures and guidelines consistent with the administration of a municipal government consistent with the US Constitution, Federal Statutes, alignment with Federal, Georgia's State Constitution, and the Charter for the City of Sandy Springs, and

WHEREAS, the City Manager directed the Department of Public Works to develop standard policies for recurring matters, to establish appropriate internal controls and legal compliance, and to provide for an efficient and effective means to serve constituents; and

WHEREAS, the Department of Public Works, in response to the guidance provided by the City Manager, has reviewed and approves the acceptance of the Permanent Drainage Easement by the City of Sandy Springs for the property located at 7485 South Spalding Lake Drive, from the Legal Power of Attorney for Richard L. Lieberman, located in Land Lot 337 of the 6th District, City of Sandy Springs, Fulton County, Georgia

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA

To facilitate the repairs and maintenance of a detention pond in the Spalding Lakes subdivision, the City approves the acceptance of the Permanent Drainage Easement located in Land Lot 337 of the 6th District, City of Sandy Springs, Fulton County, Georgia.

RESOLVED this 6th day of August, 2013.

APPROVED:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk
(Seal)