





TO: John McDonough, City Manager

FROM: Kevin J. Walter, P.E., Public Works Director

DATE: June 25, 2012, for Submission onto the Consent Agenda of the July 17, 2012 City Council Meeting

ITEM: Consideration of the Acceptance of the Permanent Drainage and Temporary Construction Easement.

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***Public Works Department's Recommendation:***

Staff recommends that the Mayor and City Council accept the Permanent Drainage and Temporary Construction Easement on that tract or parcel of land lying and located in Land Lot 128 of the 17<sup>th</sup> District, Fulton County, Georgia. The property as shown in the attached exhibit is owned by the property owners, Victor and Cindy Clements; residing at 140 River North Drive. The easement area consists of approximately 89.00 square feet of Permanent Drainage Easement and 4,860.00 square feet of Temporary Construction Easement.

***Background:***

The acquisition of the Permanent Drainage and Temporary Construction Easement across the Clements property is necessary in order to access a failing drainage pipe underneath River North Drive. The failing pipe will likely cause significant property damage if repairs aren't performed.

***Discussion:***

N/A

***Alternatives:***

The City could elect to forego the repairs to the failing pipe, but would likely be responsible for property damages when flooding occurred.

***Financial Impact:***

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

***Attachments:***

- I. Resolution
- II. Exhibits
  - Aerial Map
  - GIS Map
  - Permanent Drainage and Temporary Construction Easement

*Public  
Works*

STATE OF GEORGIA  
COUNTY OF FULTON

**A RESOLUTION TO ACCEPT THE PERMANENT DRAINAGE AND TEMPORARY  
CONSTRUCTION EASEMENT ON PROPERTY LOCATED IN LAND LOT 128 OF THE 17<sup>TH</sup>  
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 and Temporary Construction Easement by the City of Sandy Springs for the property located at 140 River North Drive, from Victor and Cindy Clements, located on Land Lot 128 of the 17<sup>th</sup> 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 stormwater drainage pipe in the River North subdivision, the City approves the acceptance of the Permanent Drainage and Temporary Construction Easement located on Land Lot 128 of the 17<sup>th</sup> District, City of Sandy Springs, Fulton County, Georgia.

**RESOLVED** this 17<sup>th</sup> day of July, 2012.

**APPROVED:**

\_\_\_\_\_  
Eva Galambos, Mayor

Attest:

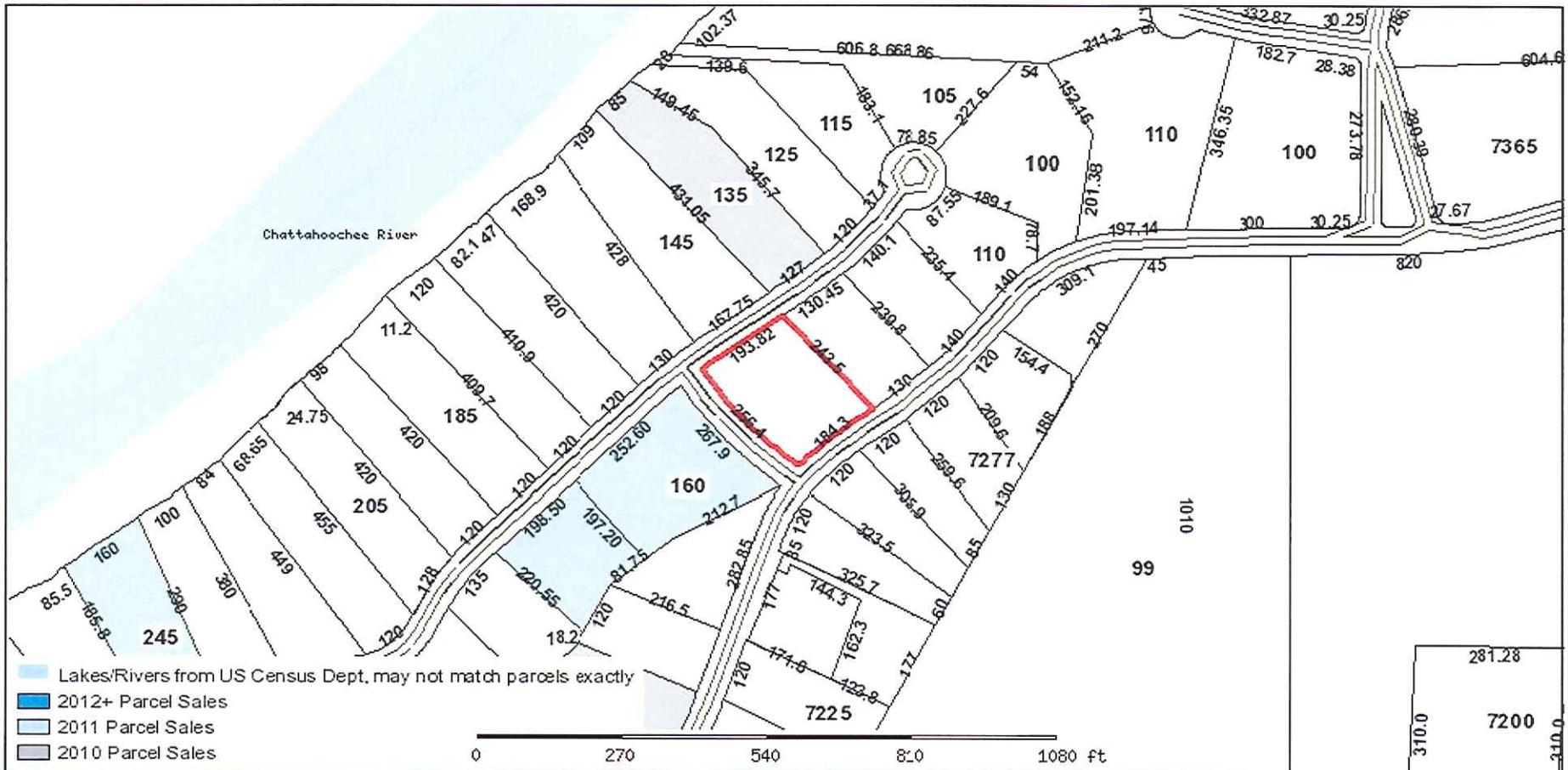
\_\_\_\_\_  
Michael Casey, City Clerk  
(Seal)



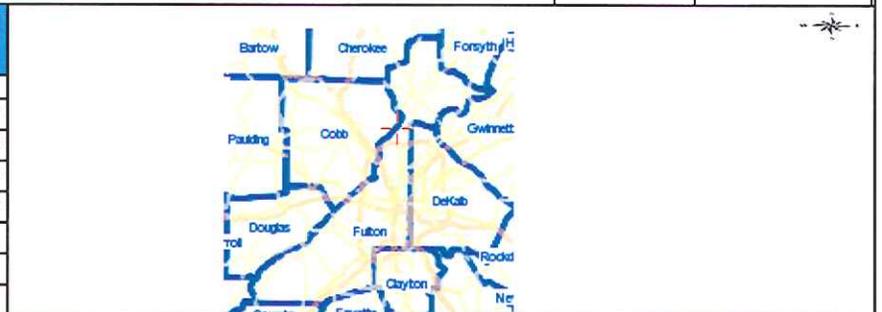
Permanent Drainage and Temporary Construction Easement			
Parcel: 17 012800010422 Acres: 1.0847			
Name:	CLEMENTS VICTOR R & CINDY K	Land Value	0
Site:	140 RIVER NORTH DR	Building Value	0
Sale:	\$350,000 on 1998-05-29 Reason=U Qual=9	Misc Value	0
Mail:	140 RIVER NORTH DR SANDY SPRINGS, GA 30328	Total Value:	0



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: 06/21/12 : 08:29:08



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**PERMANENT DRAINAGE AND TEMPORARY CONSTRUCTION  
EASEMENT**

**STATE OF GEORGIA  
FULTON COUNTY**

THIS AGREEMENT is entered into the 25<sup>th</sup> day of April in the year of 2012, between Victor R. Clements and Cindy K. Clements herein referred to as the "Grantor", and the City of Sandy Springs, GA, hereinafter called the "Grantee".

THAT WHEREAS, Grantee is desirous of obtaining a 89.00 square foot Permanent Drainage Easement and a Temporary Construction Easement across the property of Grantor, located in Land Lot 128 of Land District 17 of Fulton County, GA, as is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference, and:

WHEREAS, Grantor desires to convey said permanent drainage easement and any and all improvements located within said permanent drainage easement in and to the said described property as is further shown on the drawing attached as Exhibit "A", incorporated herein by reference.

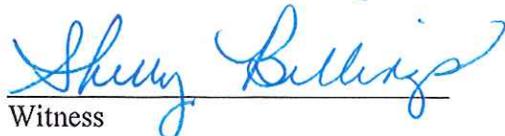
NOW, THEREFORE, in consideration of the foregoing recitals and ONE DOLLAR (\$1.00), the receipt and sufficiency of which are hereby acknowledged by Grantor, Grantor does hereby sell and convey to the City of Sandy Springs, GA a Permanent Drainage Easement and a Temporary Construction Easement as described on and illustrated on Exhibit "A", attached hereto and incorporated herein by reference.

The easement herein shall bind the heirs and assigns of the undersigned party, and shall inure to the benefit of the successors in title of Grantee.

The Temporary Construction Easement shall expire in 12 months from date of execution or upon completion and acceptance of the project by the City of Sandy Springs Public Works Department; whichever shall occur first. Trees that are removed within the easement area during the storm drain repairs activity will be replaced with similar species trees.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered in the presence of:

  
Witness

 (L.S.)  
VICTOR R. CLEMENTS

  
Notary Public

 (L.S.)  
CINDY K. CLEMENTS

NOTARY PUBLIC  
FULTON COUNTY, GEORGIA  
MY COMMISSION EXPIRES  
MARCH 5, 2015

