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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council

**DATE:** July 28, 2011

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** Consideration of Approval of the Acceptance of the Permanent Drainage Easements for Storm Water Management

**MEETING DATE:** For Submission onto the August 2, 2011, City Council Regular Meeting Agenda

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*BACKGROUND INFORMATION: (Attach additional pages if necessary)*

See attached:

Memorandum  
Resolution  
Exhibits

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APPROVAL BY CITY MANAGER:  APPROVED

\_\_\_\_\_ NOT APPROVED

PLACED ON AGENDA FOR: 8/2/11

CITY ATTORNEY APPROVAL REQUIRED: ( ) YES ( ) NO

CITY ATTORNEY APPROVAL: 

REMARKS:



TO: John McDonough, City Manager

FROM: Kevin Walter, Public Works Director

DATE: July 11, 2011, for Submission on the Consent Agenda of the August 2, 2011 City Council Meeting

ITEM: Consideration of Approval of the Acceptance of the Permanent Drainage Easements for Storm Water Management

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

The staff recommends that the Mayor and City Council accept the following Permanent Drainage Easements:

1. Christine Klein and Jeffrey Klein.....LL 15, District 17 .....5200 Falcon Chase Lane

***Background:***

Permanent Drainage Easements are needed for repairs and future maintenance of Storm Drainage infrastructure located at the above referenced address. The owners listed above have granted the City a Permanent Drainage Easement after discussions with City Public Works staff as to the necessity of such actions.

***Discussion:***

The attached exhibits include those plats on which the Permanent Drainage Easement is located on the property.

***Alternatives:***

N/A

***Financial Impact:***

The property owners listed above have electively donated the Permanent Drainage Easement. The City did not have to expend funds for the easement acquisition.

***Attachments:***

- I. Resolution
- II. Exhibits

*Public  
Works*

STATE OF GEORGIA  
COUNTY OF FULTON

**A RESOLUTION TO ACCEPT THE PERMANENT DRAINAGE EASEMENTS ON PROPERTY  
LOCATED IN LAND LOTS 15, OF THE 17TH 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 by the City of Sandy Springs of permanent drainage easement rights:

- 5200 Falcon Chase Lane, Land Lot 15 of the 17<sup>th</sup> District, Fulton County – Jeffery and Christine Klein

**WHEREAS**, upon adoption of this Resolution, staff will incorporate the maintenance of the acquired property into the City's management program to effectuate the management of Department of Public Works' Right-of-Way policy and Storm water policy.

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

That they approve the acceptance of the permanent drainage easement rights in:

- Land Lot 15 of the 17th District, owned by Jeffery & Christine Klein

It is further affirmed that the property owners have been justly compensated by the City and there is no further financial impact to the City of Sandy Springs, other than the costs related to the recording of the documents and the maintenance of the City's right-of-way.

**RESOLVED** this the 2<sup>nd</sup> day of August, 2011.

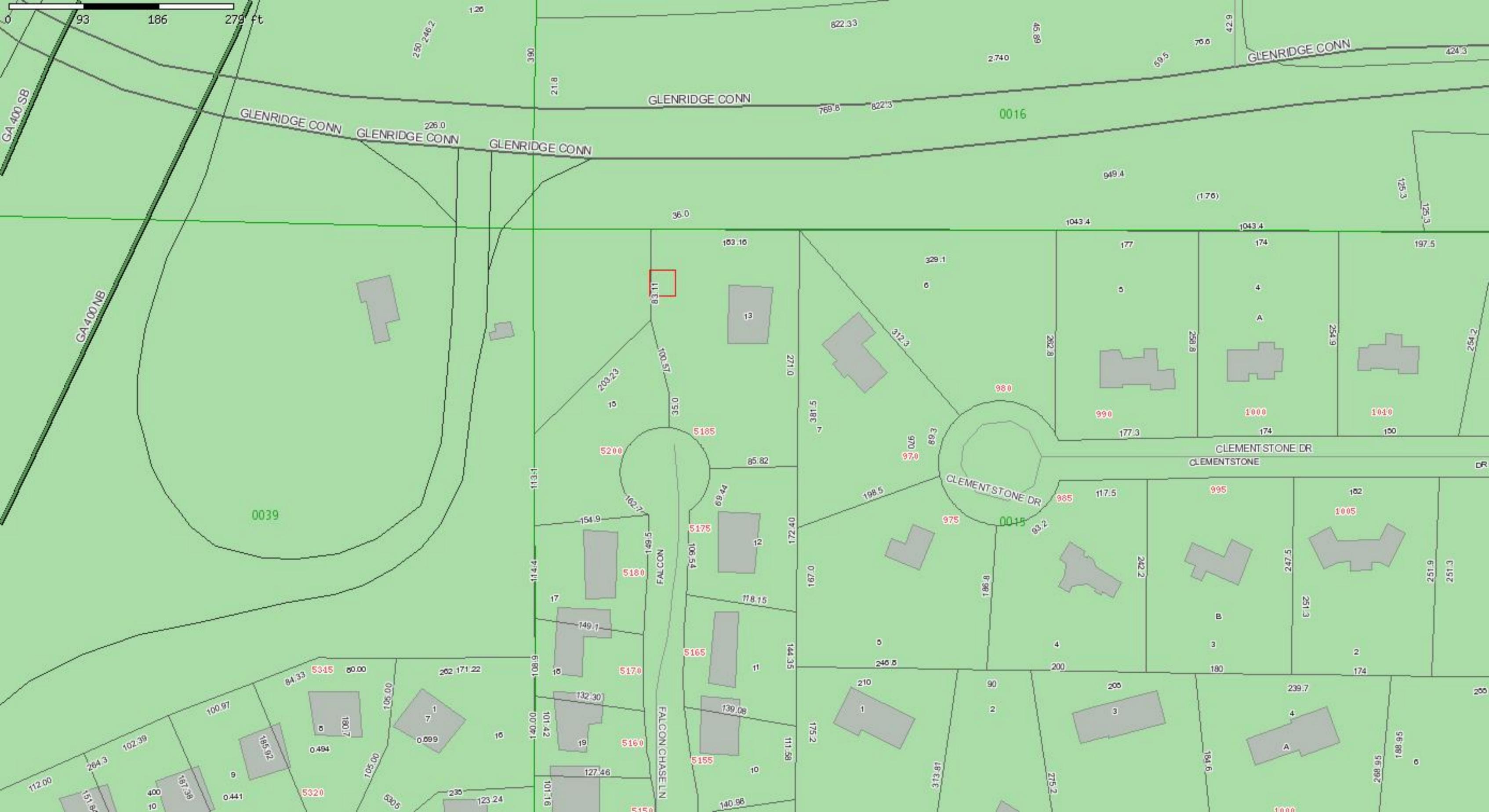
Approved:

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

Attest:

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





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## PERMANENT DRAINAGE EASEMENT

STATE OF GEORGIA  
FULTON COUNTY

**THIS AGREEMENT** is entered into this 30<sup>th</sup> day of April, 2011 between Christine Klein and Jeffery Klein, herein referred to as the "**Grantor**", and the CITY OF SANDY SPRINGS, 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 drainage appurtenances as described in Exhibit "A" on or across the property of Grantor located at 5200 Falcon Chase Lane, Sandy Springs, Georgia, more particularly described on the Final Plat as recorded in Plat Book 178, page 11, Fulton County Records (hereinafter referred to as the "Property"), and incorporated herein by reference.

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

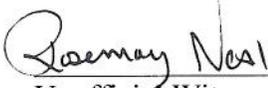
**NOW, THEREFORE**, for and in consideration of One dollar (\$1.00) and other valuable consideration in hand paid by each party to the other, it is HEREBY AGREED as follows:

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 Easement to enter upon the premises for purposes of inspection, maintenance, and improvements to the City 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.

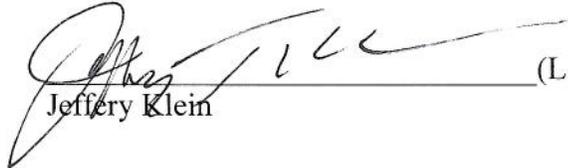
5. The Owner agrees that the City can assign its rights and responsibilities under this agreement.
6. This agreement shall be binding upon and insure to the benefit of the parties hereto and their respective executors, administrators, heirs, successors and successors-in-title, whether voluntary by action 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.

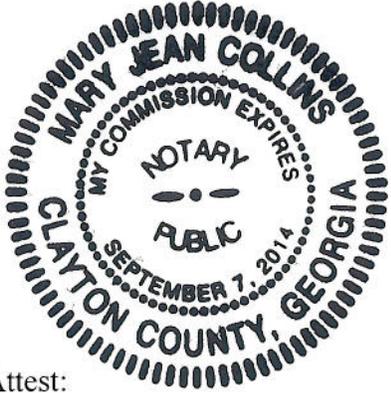
**IN WITNESS WHEREOF**, the parties have caused this Agreement to be executed under seal as of the date of acceptance by Owner.

  
\_\_\_\_\_  
Unofficial Witness

  
\_\_\_\_\_  
Christine Klein (L.S.)

  
\_\_\_\_\_  
Notary Public

  
\_\_\_\_\_  
Jeffery Klein (L.S.)



Attest:

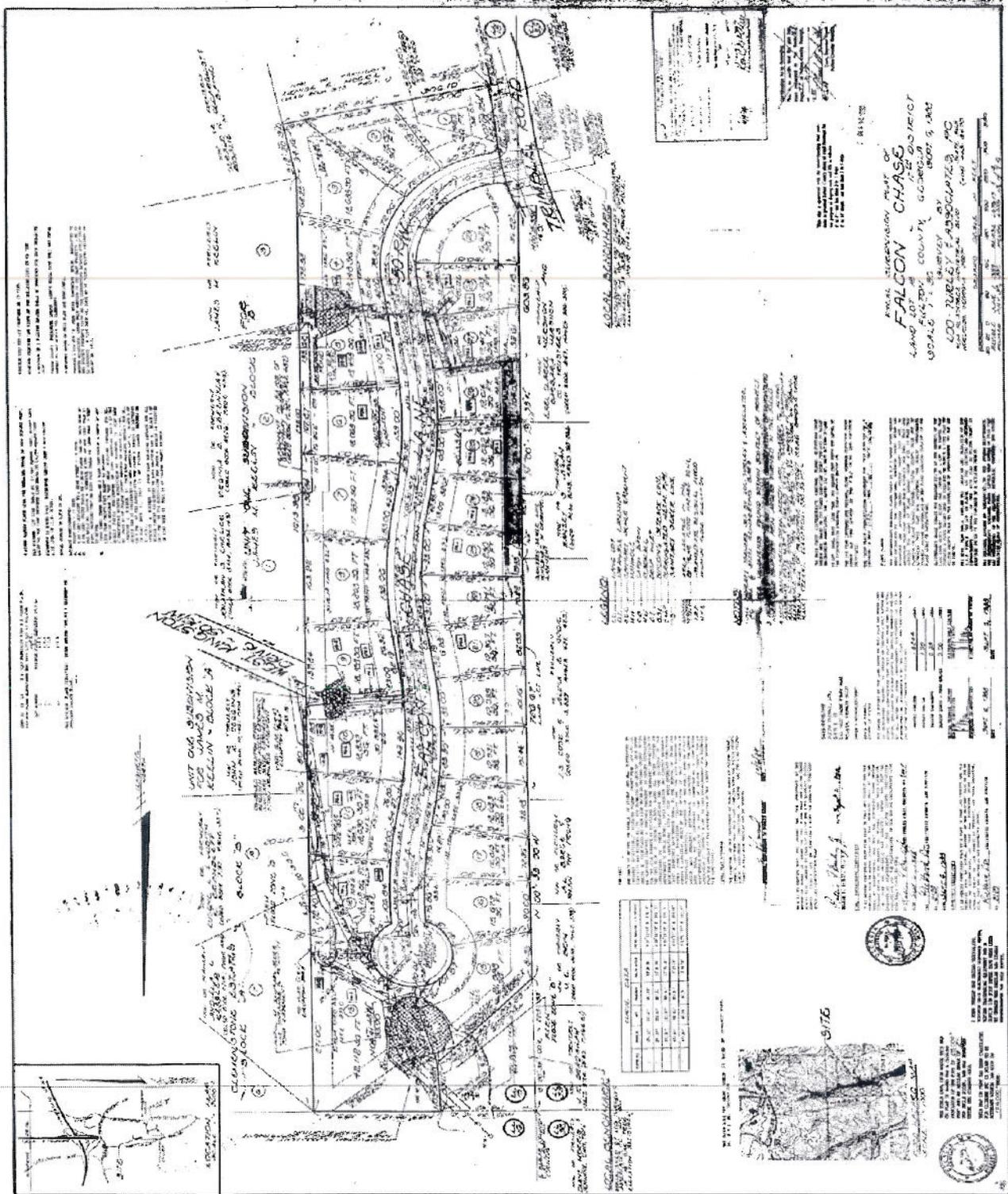
\_\_\_\_\_  
City Clerk

**CITY OF SANDY SPRINGS, GEORGIA**

By: \_\_\_\_\_  
Eva Galambos, Mayor

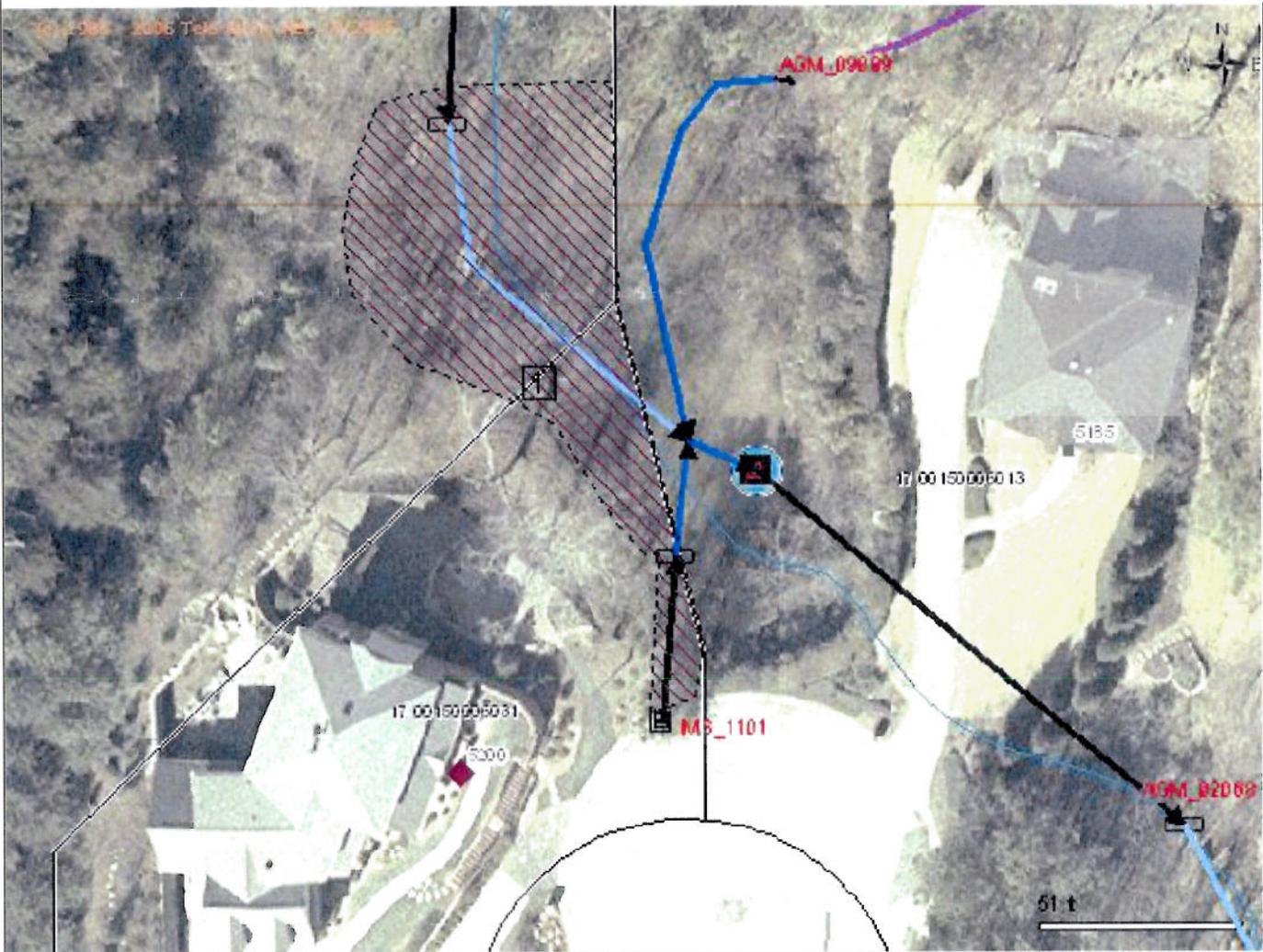
Approved as to Form:

\_\_\_\_\_  
Office of the City Attorney



- Subdivision Plat as per deed book
- Minimal storm data shown on original plat
- Additional Information shown on page 2

5200 Falcon Chase Lane



1 polygon

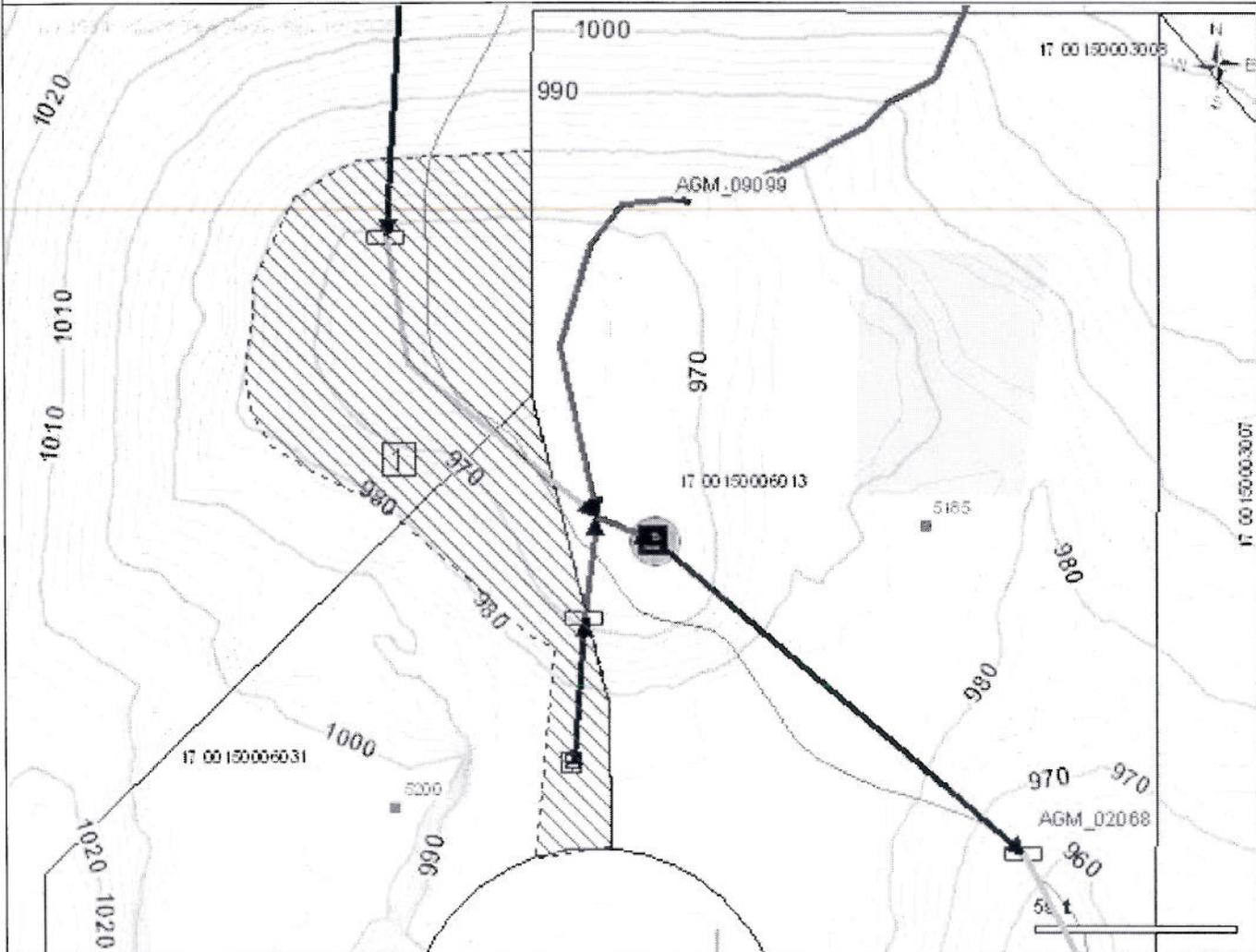
Map Printed On {2010-12-21 16:15}

This map has been compiled from the most accurate source data from Fulton County and the City of Sandy Springs. This map is for informational purposes only and is not to be interpreted as a legal document. The City assumes no legal responsibility for the information shown on this map. For inquiries please contact the City of Sandy Springs.

Legend

- Hashed area represents area requested for easement needed to maintain stormwater appurtenances
- Pond structures to be repaired/removed/ adjusted as needed to function as required within the easement area
- Areas disturbed will be returned to original conditions to the extent possible
- Property Owner to be given notice prior to commencement of work and coordination with access to property

5200 Falcon Trace Lane



1 polygon

Map Printed On {2010-12-22 14:29}

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*using materials/landscaping of similar size and quality.*