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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council                      **DATE:** May 6, 2011

**FROM:** John McDonough, City Manager

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

**MEETING DATE:** For Submission onto the May 17, 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:**                     JAM                     APPROVED

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

**PLACED ON AGENDA FOR:**                     5/17/2011                    

**CITY ATTORNEY APPROVAL REQUIRED:** (  ) YES      (    ) NO

**CITY ATTORNEY APPROVAL:**                     [Signature]                    

**REMARKS:**



TO: John McDonough, City Manager

FROM: Thomas Black, Public Works Director

DATE: May 3, 2011, for Submission onto the Consent Agenda of the May 17, 2011 City Council Meeting

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

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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. Lon D. Fancher.....6775 Lisa 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 EASEMENT ON PROPERTY  
LOCATED IN LAND LOTS 20, 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:

Land Lot 20 of the 17<sup>th</sup> District, City of Sandy Springs, Fulton County, Georgia owned by Lon D.Fancher

**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 20 of the 17<sup>th</sup> District, City of Sandy Springs, Fulton County, Georgia owned by Lon D.Fancher

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.

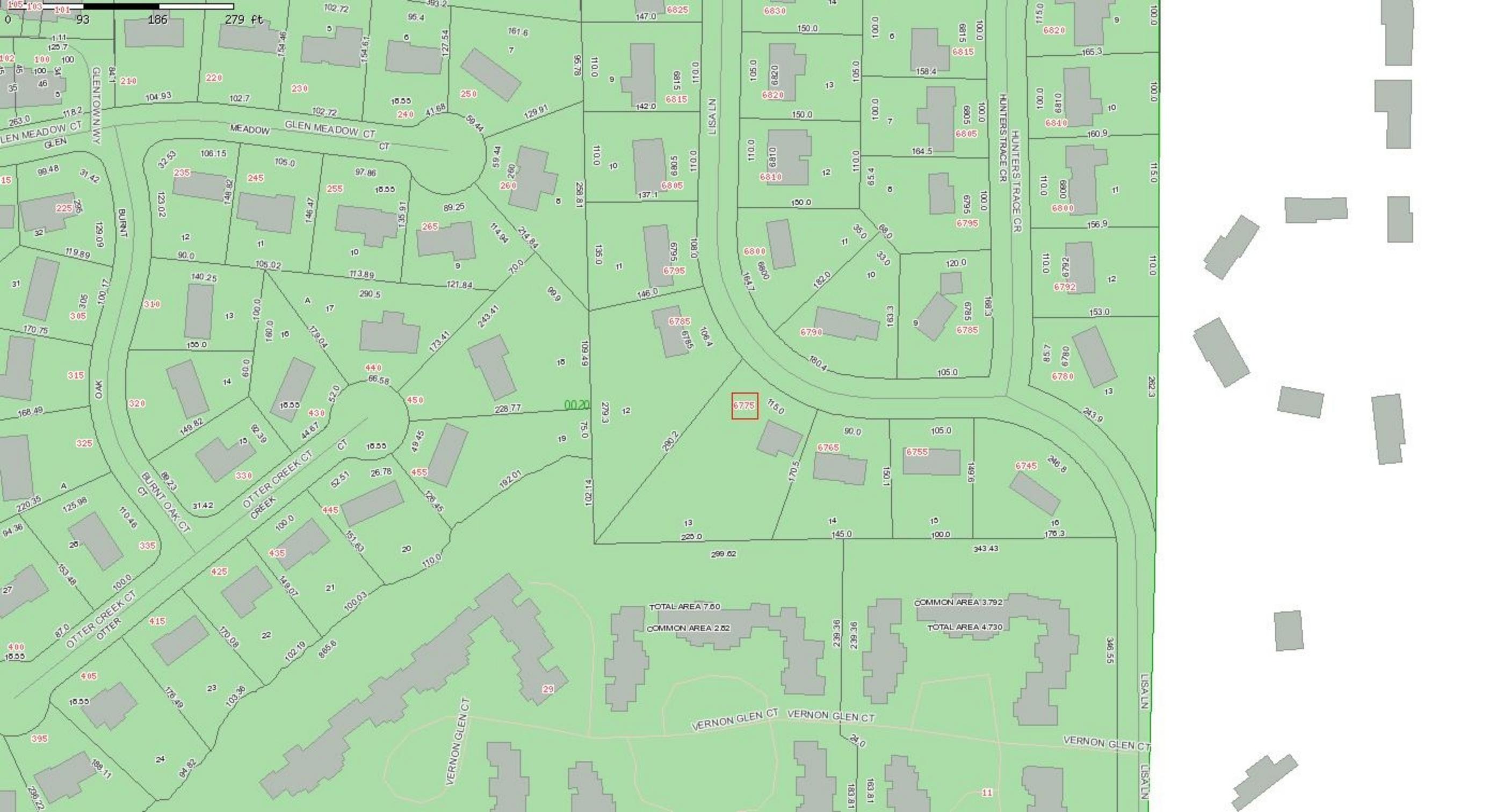
**RESOLVED** this the 17th day of May, 2011.

Approved:

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

Attest:

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



6775

TOTAL AREA 7.60

COMMON AREA 2.82

COMMON AREA 3.792

TOTAL AREA 4.730

VERNON GLEN CT

VERNON GLEN CT

93

279 ft

GLEN MEADOW CT

BURNT OAK CT

OTTER CREEK CT

VERNON GLEN CT

HUNTERS TRACE CR

LISALYN

104.93

102.7

230

102.72

95.4

161.6

7

129.91

147.0

6825

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100.0

158.4

6815

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165.3

6820

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106.15

105.0

97.86

105.0

89.25

260

114.94

214.84

137.1

6805

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164.5

6805

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123.02

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TOTAL AREA 7.60

COMMON AREA 3.792

## PERMANENT DRAINAGE EASEMENT

STATE OF GEORGIA  
FULTON COUNTY

THIS AGREEMENT is entered into this 30<sup>th</sup> day of March, 2011 between Lon D. Fancher, 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 6775 Lisa Lane, Sandy Springs, Georgia, more particularly described on the Final Plat as recorded in Plat Book 115, page 42, 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.

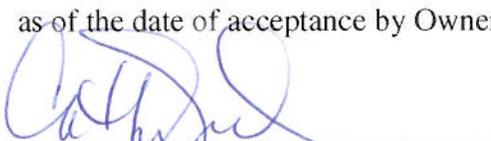
NOW, THEREFORE, for and in consideration of One dollar (\$1.00) and other valuable consideration in hand paid by each party to the other, it is HEREBY AGREED as follows:

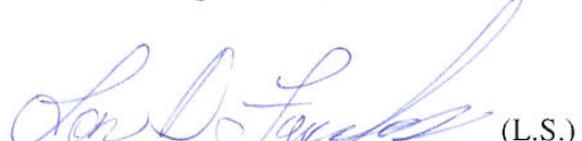
1. The City of Sandy Springs hereby agrees to maintain the City Stormwater Infrastructure as set forth in Exhibit "A" in a structurally sound condition so that it satisfies its stormwater management function to protect the public health, safety, and welfare.
2. The Grantor hereby agrees to provide prompt 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.

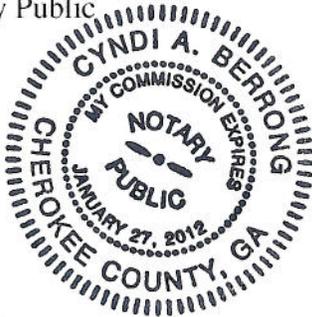
5. The Owner agrees that the City can assign its rights and responsibilities under this agreement.
6. This agreement shall be binding upon and insure to the benefit of the parties hereto and their respective executors, administrators, heirs, successors and successors-in-title, whether voluntary by action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

  
\_\_\_\_\_  
Lon D. Fancher (L.S.)

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



**CITY OF SANDY SPRINGS, GEORGIA**

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

Attest:  
  
\_\_\_\_\_  
City Clerk

Approved as to Form:  
  
\_\_\_\_\_  
Office of the City Attorney

# Exhibit A

