



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: March 22, 2011

FROM: John McDonough, City Manager

AGENDA ITEM: Consideration of Approval of the Acceptance of the Permanent Drainage Easements for Storm water Detention Pond Project

MEETING DATE: For Submission onto the April 5, 2011, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Resolution
Exhibits

APPROVAL BY CITY MANAGER: JMM APPROVED

_____ NOT APPROVED

PLACED ON AGENDA FOR: 4/5/2011

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: JMM

REMARKS:



TO: John McDonough, City Manager

FROM: Thomas Black, Public Works Director

DATE: March 22, 2011, for Submission onto the Consent Agenda of the April 5, 2011 City Council Meeting

ITEM: Consideration of Approval of the Acceptance of the Permanent Drainage Easements for Storm water Detention Pond Project

Public Works Department's Recommendation:

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

1. Jae Jong Kim and Young Seon K....LL 337, 6th District.....335 Keymar Court
2. Annette Bond.....LL 337, 6th District.....340 Keymar Court

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. Exhibits
- II. Resolution

*Public
Works*

STATE OF GEORGIA
COUNTY OF FULTON

**A RESOLUTION TO ACCEPT THE PERMANENT DRAINAGE EASEMENTS ON PROPERTY
LOCATED IN LAND LOTS 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 by the City of Sandy Springs of permanent drainage easement rights in Land Lot 337 of the 6th District, City of Sandy Springs, Fulton County, Georgia owned by Jae Jong Kim and Young Seon Kim of 335 Keymar Court and Annette Bond of 340 Keymar Court.

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 337 of the 6th District, which are owned by Jae Jong Kim, Young Seon Kim and Annette Bond.

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.

To facilitate Storm water maintenance the City authorizes the acceptance of permanent drainage easements rights on Land Lot 337 of the 6th District, City of Sandy Springs, Fulton County, Georgia.

RESOLVED this the 5th day of April, 2011.

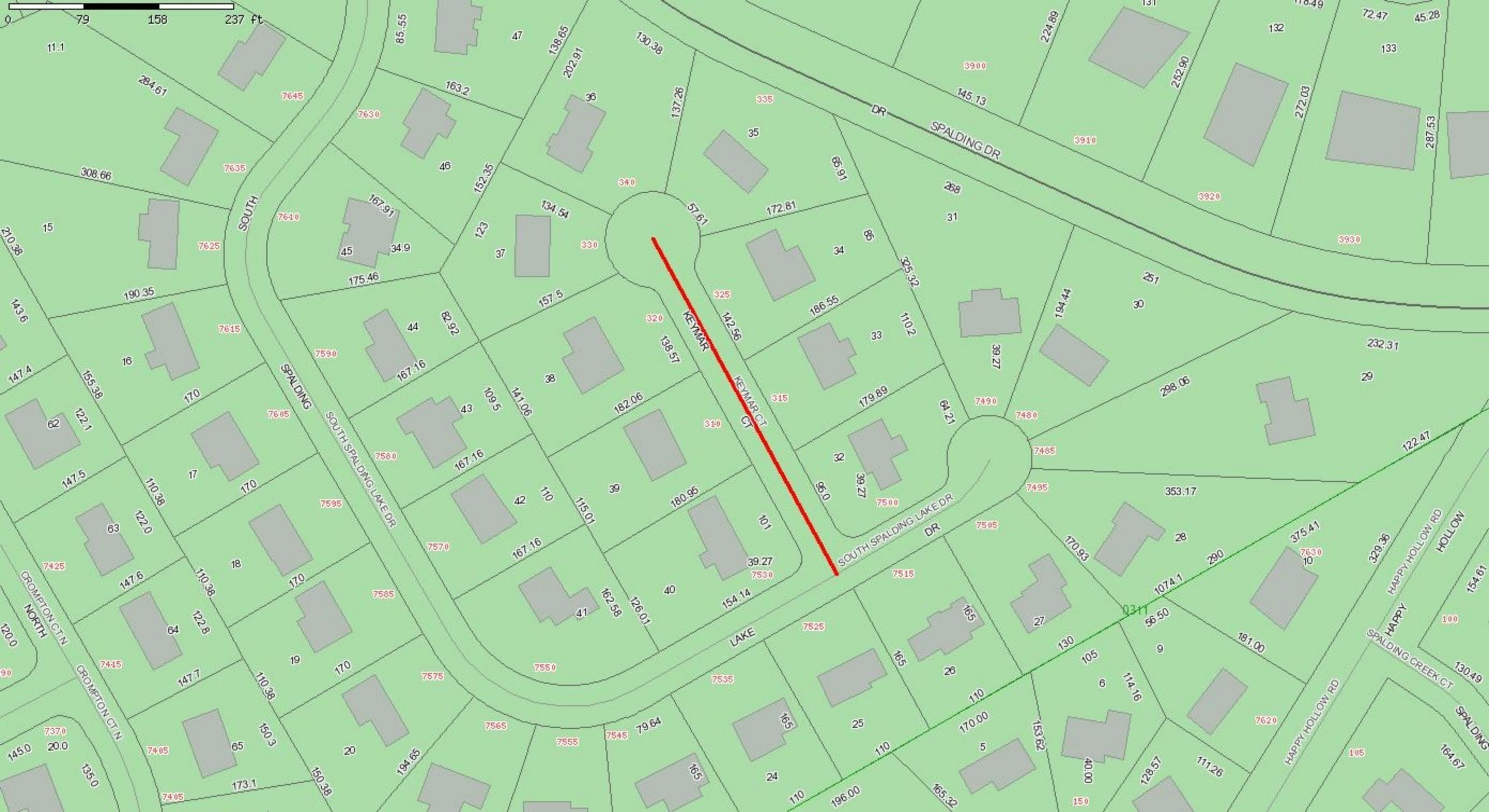
Approved:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk
(Seal)





PERMANENT DRAINAGE EASEMENT

STATE OF GEORGIA
FULTON COUNTY

THIS AGREEMENT is entered into this 3 day of FEBRUARY, 2010 between Jae Jong Kim and Young Seon Kim, 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 335 Keymar Court, Sandy Springs, Georgia, more particularly described on the Final Plat as recorded in Plat Book 134, page 74, 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.

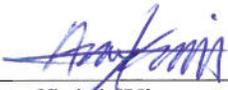
NOW, THEREFORE, for and in consideration of One dollar (\$1.00) and other valuable consideration in hand paid by each party to the other, it is HEREBY AGREED as follows:

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.



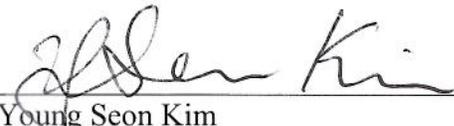
Unofficial Witness



Jae Jong Kim (L.S.)



Notary Public
My Commission expires Jan. 11, 2014



Young Seon Kim (L.S.)

CITY OF SANDY SPRINGS, GEORGIA

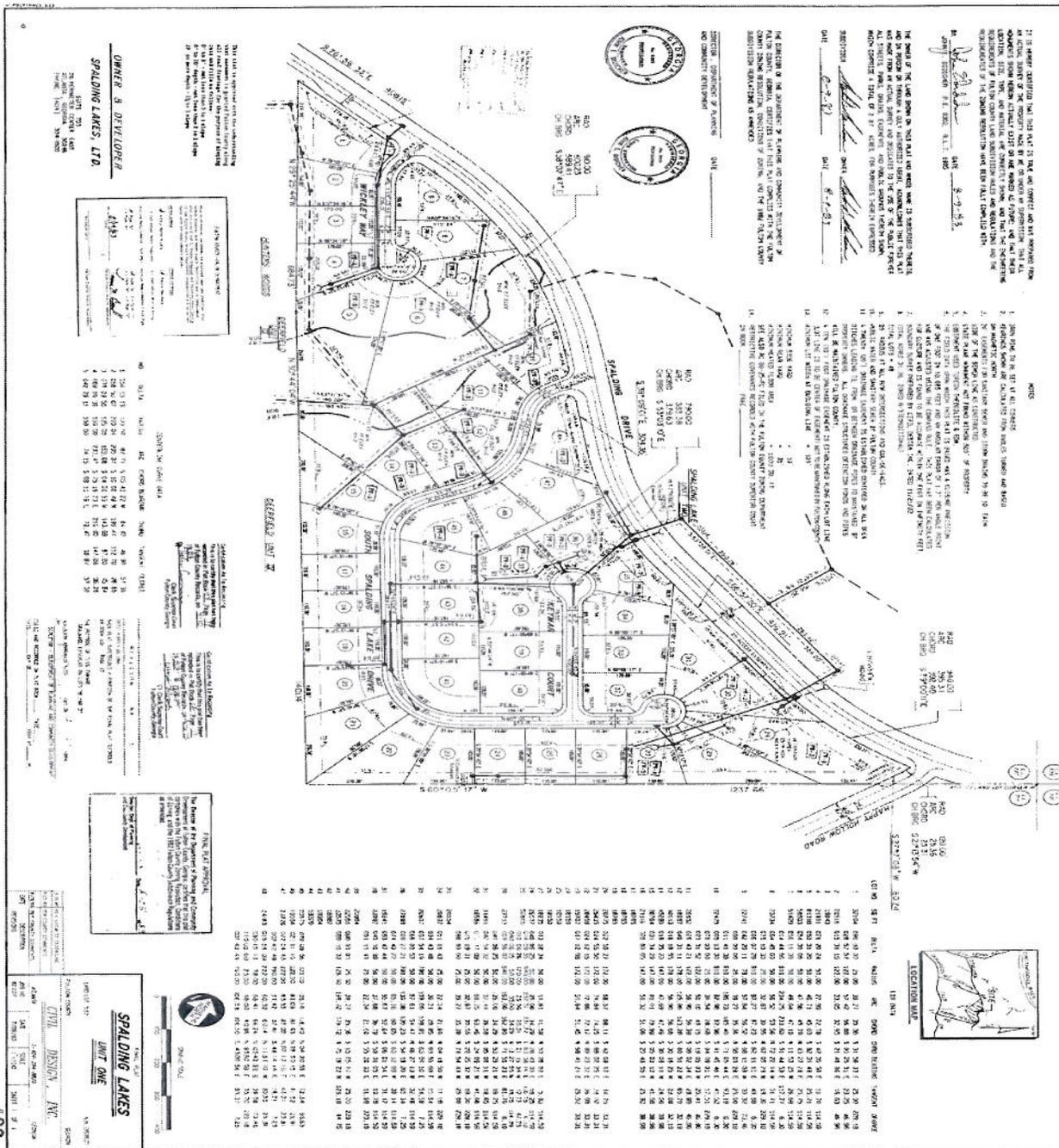
By: _____
Eva Galambos, Mayor

Attest:

Approved as to Form:

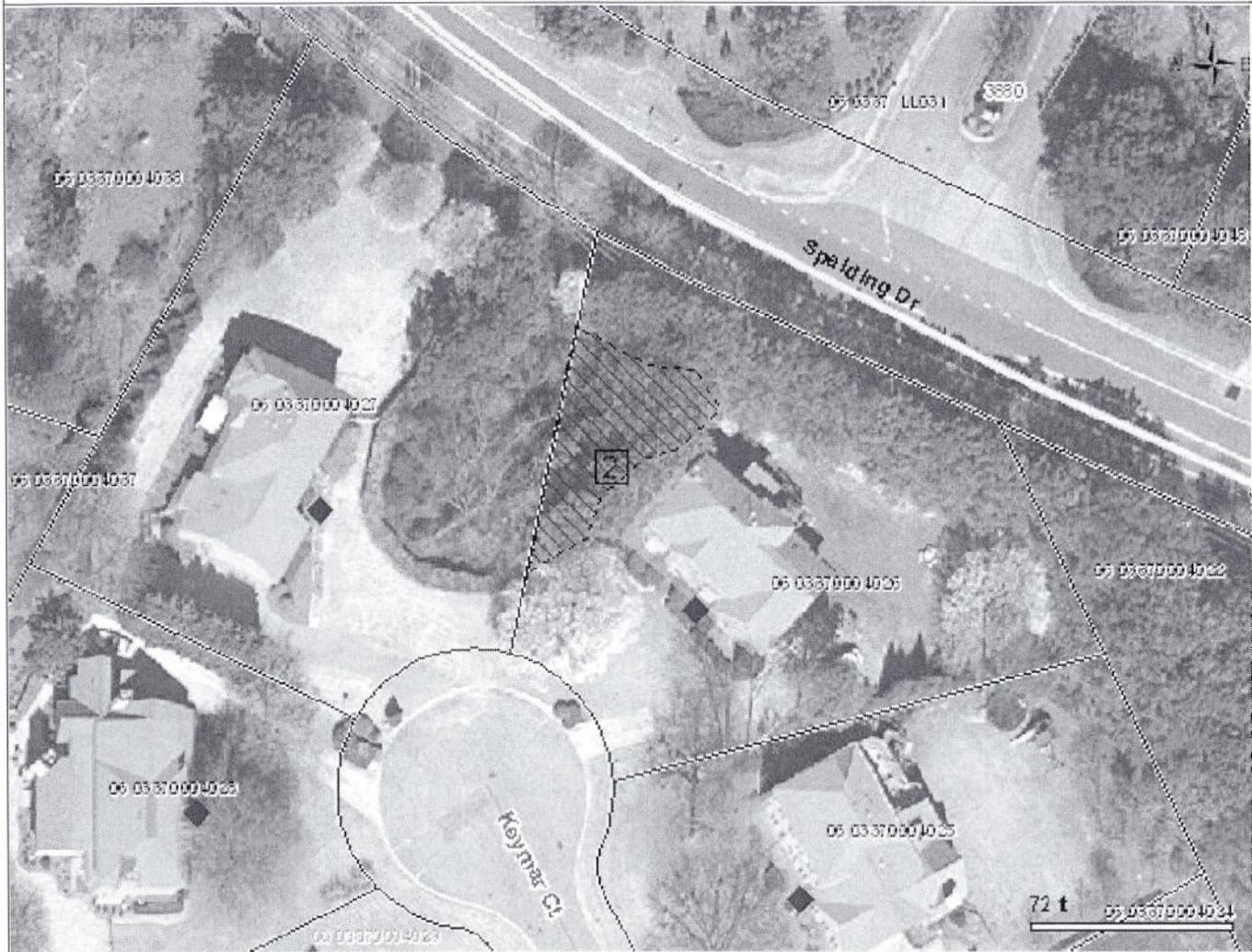
City Clerk

Office of the City Attorney



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

335 Keymar Ct



1 polygon
2 polygon

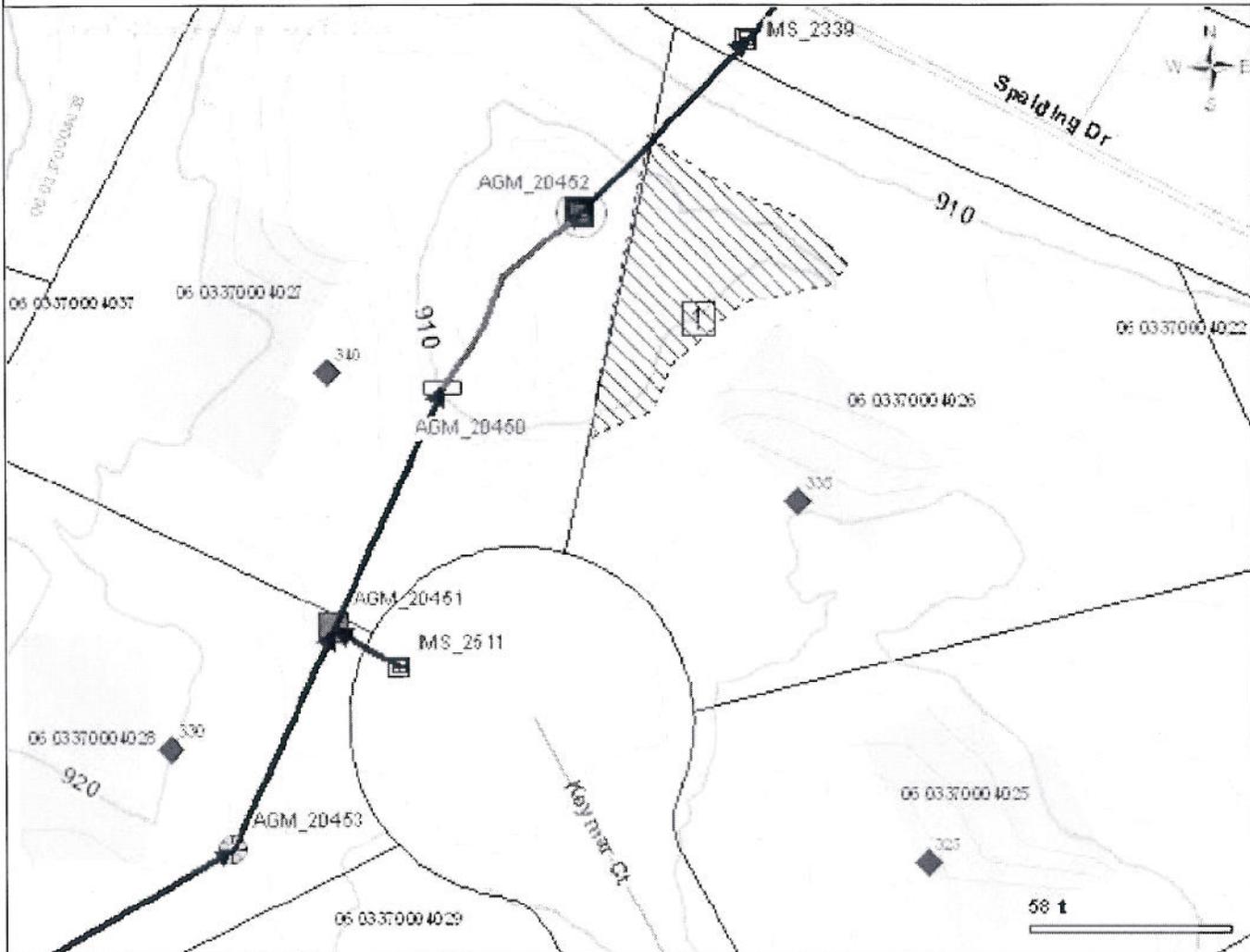
Map Printed On {2010-12-21 16:44}

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

335 Keymar Ct



1 polygon

Map Printed On {2010-12-22 13:39}

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PERMANENT DRAINAGE EASEMENT

STATE OF GEORGIA
FULTON COUNTY

THIS AGREEMENT is entered into this 9 day of February, 2010 between Annette Bond, 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 340 Keymar Court, Sandy Springs, Georgia, more particularly described on the Final Plat as recorded in Plat Book 134, page 74, 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.
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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.

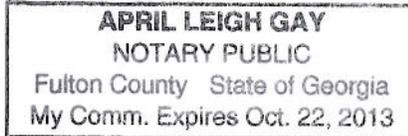
5. The Owner agrees that the City can assign its rights and responsibilities under this agreement.
6. This agreement shall be binding upon and insure to the benefit of the parties hereto and their respective executors, administrators, heirs, successors and successors-in-title, whether voluntary by action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

Christa B. Harrod
Unofficial Witness

Annette K. Bond (L.S.)
Annette Bond

April Leigh Gay
Notary Public



CITY OF SANDY SPRINGS, GEORGIA

By: _____
Eva Galambos, Mayor

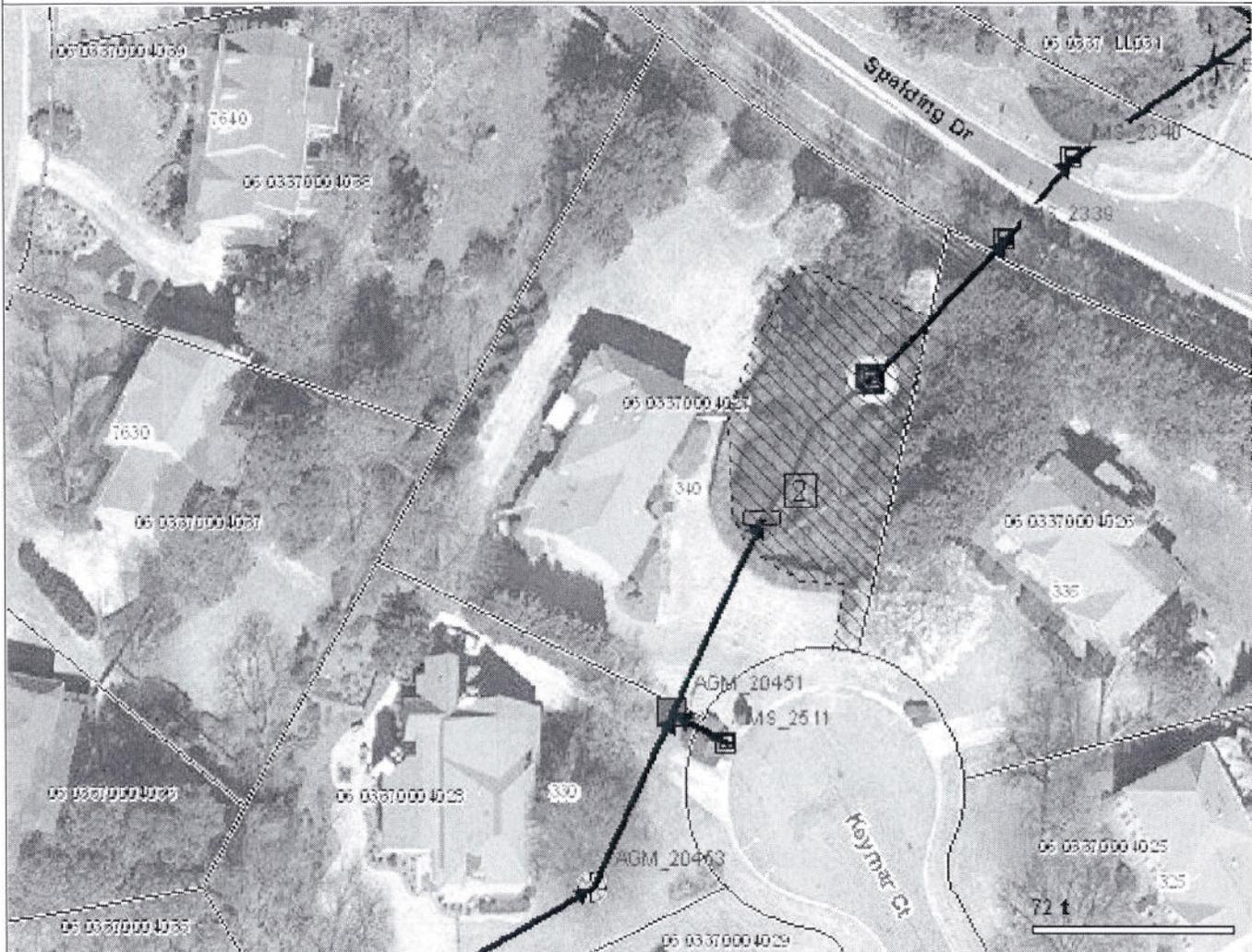
Attest:

Approved as to Form:

City Clerk

Office of the City Attorney

340 Keymar Ct



1 polygon:
2 polygon:

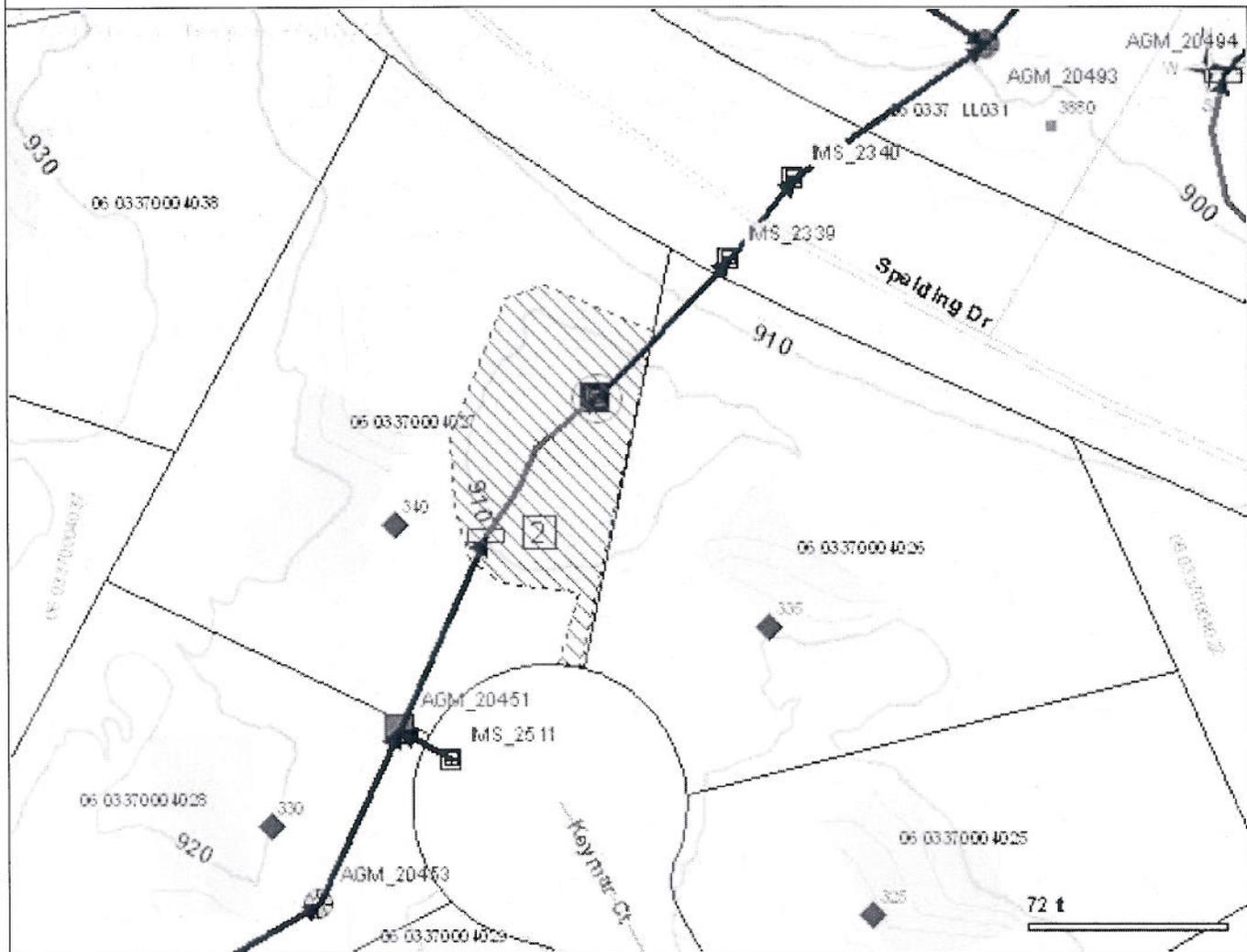
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340 Keymar Ct



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2 polygon

Map Printed On {2010-12-22 13:30}

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