



4800 Ashford Dunwoody Road
Dunwoody, Georgia 30338
dunwoodyga.gov | 678.382.6700

MEMORANDUM

To: Mayor and City Council
From: Brent Walker, Parks Director
Date: March 12, 2018
Subject: **Second Read: Permanent Easement Agreement for Georgia Power Company at Dunwoody Nature Center**

BACKGROUND

Georgia Power Company has requested a permanent easement on the City’s property located at 5321 Roberts Drive for the relocation of power poles and guy wires for the construction of a new entranceway for the Dunwoody Nature Center and Austin Elementary School. The easement area requested is located in the southwest corner of the property, as can be seen on the attached site map highlighted in yellow.

RECOMMENDATION

Staff recommends granting this easement to Georgia Power Company as it is a benefit for the construction of the new entranceway to the Dunwoody Nature Center and Austin Elementary School.

Denis Shortal Mayor
Eric Linton, ICMA-CM City Manager
Sharon Lowery, CMC City Clerk

Pam Tallmadge City Council Post 1
Jim Riticher City Council Post 2
Tom Lambert City Council Post 3

Terry Nail City Council Post 4
Lynn Deutsch City Council Post 5
John Heneghan City Council Post 6

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2018-XX-XX

AN ORDINANCE TO GRANT GEORGIA POWER COMPANY A PERMANENT EASEMENT FOR THE PURPOSE TO CONSTRUCT AND MAINTAIN POWER SERVICE LINES TO THE DUNWOODY NATURE CENTER

WHEREAS, the City of Dunwoody (Grantor) and Georgia Power Company ("Grantee") wish to enter into an agreement to relocate power utilities to the Dunwoody Nature Center; and

WHEREAS, as part of the development of the Property, Grantee has requested a permanent construction and maintenance easement to install and maintain the power service lines to the Center; and

WHEREAS, the proposed easement is a benefit to the construction of the new Dunwoody Nature Center and Austin Elementary School entrance; and

WHEREAS, the Grantee as part of their services will construct and maintain service lines, through a section of right of way and City property at 5321 Roberts Drive along the northern entrance to Dunwoody Park and Nature Center.

NOW, THEREFORE IT SHALL BE ORDAINED, by the Mayor and Council for the City of Dunwoody, that the Mayor, City Manager, and City Attorney are hereby authorized to execute all necessary documents.

SO RESOLVED AND EFFECTIVE, this ____ day of _____, 2018.

Approved:

Denis L. Shortal, Mayor

Approved as to Form and Content

Attest:

Sharon Lowery, City Clerk

City Attorney

(Seal)

PROJECT **2018017049** LETTER FILE **9-16470** DEED FILE **25915** MAP FILE **N/A**
ACCOUNT NUMBER **69596-VBS-0-E01818-0-GP801-30000000-0**
NAME OF LINE/PROJECT: **5321 ROBERTS DR. (DEKALB COUNTY) DISTRIBUTION LINE**

PARCEL NUMBER **001**

STATE OF GEORGIA
DEKALB COUNTY

U N D E R G R O U N D E A S E M E N T

For and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid by GEORGIA POWER COMPANY, a Georgia corporation (the "Company"), the receipt and sufficiency of which are hereby acknowledged, CITY OF DUNWOODY (the "Undersigned", which term shall include heirs, successors and/or assigns), whose mailing Address is 4800 Ashford Dunwoody Road, Dunwoody, GA 30346-1902, does hereby grant and convey to the Company, its successors and assigns, the right, privilege and easement to go in, upon, along, across, under and through the Property (as defined below) for the purposes described herein.

The "Property" is defined as that certain tract of land owned by the Undersigned at 5321 Roberts Dr, Atlanta, GA 30338 (Tax Parcel ID No. 18 376 01 005) in Land Lot 375, 376 of the 18 District of Dekalb County, Georgia.

The "Easement Area" is defined as any portion of the Property located within ten (10) feet of the centerline of the underground distribution line(s) and related equipment as installed in the approximate location shown on "Exhibit A" attached hereto and made a part hereof.

The rights granted herein include and embrace the right of the Company to construct, operate, maintain, repair, renew and rebuild continuously upon and under the Easement Area its lines for transmitting electric current with wires, transformers, service pedestals, manholes, conduits, cables and other necessary apparatus, fixtures and appliances; the right to stretch communication or other

 PARCEL 001 NAME OF 5321 ROBERTS DR. (DEKALB COUNTY) DISTRIBUTION
 LINE/PROJECT: LINE

lines of any other company or person under the Easement Area; the right to assign this Underground Easement in whole or in part; the right at all times to enter upon the Easement Area for the purpose of inspecting said lines and/or making repairs, renewals, alterations and extensions thereon, thereunder, thereto or therefrom; the right to cut, trim, remove, clear and keep clear of said underground lines, transformers, fixtures, and appliances all trees and other obstructions that may in the opinion of the Company now or hereafter in any way interfere or be likely to interfere with the proper maintenance and operation of said underground lines, transformers, fixtures, and appliances; the right of ingress and egress over the Property to and from the Easement Area; and the right to install and maintain electrical and communication lines and facilities to existing and future structure(s) within the Easement Area under the easement terms provided herein. Any timber cut on the Easement Area by or for the Company shall remain the property of the owner of said timber.

The Undersigned does not convey any land, but merely grants the rights, privileges and easements hereinbefore set out.

The Company shall not be liable for or bound by any statement, agreement or understanding not herein expressed.

[Signature(s) on Following Page(s)]

 PARCEL 001 NAME OF 5321 ROBERTS DR. (DEKALB COUNTY) DISTRIBUTION
 LINE/PROJECT: LINE

IN WITNESS WHEREOF, the Undersigned has/have hereunto set his/her/their hand(s) and seal(s), this _____ day of _____, _____.

Signed, sealed and delivered in the CITY OF DUNWOODY
 presence of:

By: _____ (SEAL)

 Witness

Title:

Attest: _____ (SEAL)

 Notary Public

Name:
 Title:

