



41 Perimeter Center East, Suite 250
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dunwoodyga.gov

MEMORANDUM

To: Mayor and City Council
From: Brent Walker, Parks and Recreation Manager
Date: May 12, 2014
Subject: **Utility Easement at Dunwoody Nature Center**

ITEM DESCRIPTION

Staff recommends granting a utility easement to Georgia Power for underground electrical service at the Dunwoody Nature Center to facilitate the expansion of the outdoor classroom and lecture space.

BACKGROUND

As part of the 2013 Budget, the city allocated funds for a Facilities Improvement Partnership Program in recognition that the city's Recreation Partners, as direct users of our existing park buildings, facilities, and grounds, are aware of ways in which the City may best be able to invest in and improve our parks.

In December 2013, as part of the 2013 Facilities Improvement Partnership Program, the Council awarded a contract to renovate the Dunwoody Nature Center by expanding the outdoor classroom and lecture space.

To facilitate the construction of the outdoor classroom and lecture space, the city needs to remove an existing power pole and convert the feed to underground service. Georgia Power has agreed to complete the work at no cost to the city but requires a standard easement agreement for the new underground line.

Granting this utility easement will facilitate the expansion of the outdoor classroom and lecture space making power available for the numerous classes, field trips, and small concerts held on the east side of the park behind the Dunwoody Nature Center facility.

RECOMMENDATION

Staff recommends adopting an ordinance to authorize the Mayor to grant an easement to Georgia Power for underground electrical service at the Dunwoody Nature Center. Legal counsel has reviewed and approved the attached Ordinance and easement agreement.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2014-04-XX

AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO THE GEORGIA POWER COMPANY FOR UNDERGROUND ELECTRICAL SERVICE AT THE DUNWOODY NATURE CENTER ADDRESSED AT 5343 ROBERTS DRIVE, DUNWOODY, GA

- WHEREAS,** by Resolution 2010-05-21 the City authorized the acquisition of Dunwoody Park from DeKalb County; and
- WHEREAS,** in 2012 the City formalized its relationship with the Dunwoody Nature Center and adopted a Facility Usage Agreement with the Dunwoody Nature Center for their use and operation of certain facilities at Dunwoody Park; and
- WHEREAS,** as part of the 2013 Budget, the city allocated funds for a Facilities Improvement Partnership Program in recognition that the city's Recreation Partners with Facility Usage Agreements, as direct users of our existing park buildings, facilities, and grounds, are aware of ways in which the City may best be able to invest in and improve our parks; and
- WHEREAS,** in December 2013, as part of the Facilities Improvement Partnership Program, the Council awarded a contract to renovate the Dunwoody Nature Center by expanding the outdoor classroom and lecture space; and
- WHEREAS,** to facilitate the construction of the outdoor classroom and lecture space, the city needs to remove an existing power pole and convert the feed to underground service; and
- WHEREAS,** Georgia Power has agreed to complete the work at no cost to the city but requires a standard easement agreement for the new underground line attached hereto as Exhibit A and incorporated herein.

NOW, THEREFORE BE IT RESOLVED, 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 to affect the granting of an easement to Georgia Power Company as described herein.

SO RESOLVED AND EFFECTIVE, this 12th day of May, 2014.

Approved:

Michael G. Davis, Mayor

Attest:

Sharon Lowery, City Clerk

(Seal)

Easement

STATE OF GEORGIA

Name of Line: North ShallowfordDekalb COUNTY

Account No: _____

Received of GEORGIA POWER COMPANY, hereinafter called the Company, the sum of

One Dollar,\$1.00 in consideration of which**X Dunwoody Nature Center**

whose Post Office Address is

X 5343 Roberts Drive, Dunwoody, GA, 30338

do(es) hereby grant and convey to said Company, its successors and assigns, the right, privilege and easement to go in, upon, along,

across and under that tract of land, the premises, owned by the Undersigned in Land Lot(s) / GMD(s) Number(ed) _____

of the _____ Land District, Section Dekalb County, State of Georgia

known as _____ (street address) and the part

5343 Roberts Drive, Dunwoody, GA, 30338

of the premises being used as the easement area being more particularly described on a plat marked "Exhibit A" attached hereto and made a part hereof, the

easement hereby granted is 30 feet in width as measured 15 feet on each side of the centerline of the overhead electrical lines and 20 feet in width as measured 10 feet on each side of the centerline of the underground electrical lines to be constructed, together with the right to construct, operate, and maintain continuously upon and under said land, its lines for transmitting electric current, with poles, wires, transformers, service pedestals, present and future service laterals, and other necessary apparatus, fixtures and appliances, including the right to attach communication facilities to said poles, or under said lands with necessary appliances and the right to install, maintain, and use anchors or guy wires on lands of the Undersigned adjacent to the Premises; with the right to assign this easement in whole or in part; together with the right at all times to enter upon said premises for the purpose of inspecting said lines, making repairs, renewals, alterations and extensions thereon, thereunder, thereto or therefrom; together with the right to cut away and keep clear of said overhead or 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 operation of said overhead or underground lines, transformers, fixtures, and appliances; also the right of ingress and egress over the property of the Undersigned to and from said lines. The rights herein granted include all the necessary rights for Company and its assigns to install and maintain electrical lines and communication facilities to existing and future structure(s) under the easement terms herein provided, on the property of the undersigned. Any timber cut on said land by or for said 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. Said Company shall not be liable for nor bound by any statement, agreement or understanding not herein expressed.

IN WITNESS WHEREOF, the said Undersigned

_____ hereunto set _____ hand(s) and seal(s) this _____ day of _____, 20

Signed, sealed and delivered in the presence of:

X _____ X _____ Owner's SignatureWitness _____ Print Name X _____X _____ _____ Owner's Signature

Notary Public _____ (SEAL)

(This easement is to be signed in the presence of two (2) witnesses, one of whom must be a Notary Public)

Work Memorandum/Field Notes MetroNorth _ North Shallowford		DWO Number GP801-E02114	Date 3/24/14	Easement Required : No
Customer Dunwoody Nature Center			Service Order Date Same	
Location 5343 Roberts Drive, Dunwoody			Wiring Approval Number & Date	
Engineer Jay Porch 20*682	Map Number		Revenue	
County DeKalb	Tax Area		Service Voltage 120/240	
Meter to be set by: Line Department Meter Department Service: Tap: Non Tap Type Meter to be set: 1 Phase _____ 3 Phase _____			UPC Locate # Good: Thru: Update by: Grid:	
Completed by: _____ Date: _____				

Job Description: Customer needs underground service relocated due to new pavillion being built and would like to remove an existing pole. Customer is currently being fed overhead and would like underground service the whole way.

Sub.: Spalding Drive **CKT:** K0712

