



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

## **MEMORANDUM**

**To:** Mayor and City Council

**From:** Ishri Sankar, PE

**Date:** March 25, 2019

**Subject:** **SECOND READ: Permanent Easement Agreements for Georgia Power Company Utility Poles at 5315, 5363 and 5345 Roberts Drive**

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### **BACKGROUND**

Georgia Power Company has requested permanent easements on city property located at 5315 Roberts Drive (fire station), 5363 Roberts Drive (Dunwoody Nature Center), and 5435 Roberts Drive (existing Austin Elementary School) for the relocation of power poles and guy wires. The relocations are necessary to make room for the transportation improvements along Roberts Drive at the new Austin Elementary School.

### **RECOMMENDED ACTION**

Staff recommends granting this easement to Georgia Power Company to allow for construction of the transportation improvements on Roberts Drive for the new Austin Elementary School.

Return To:  
 Georgia Power Company  
 Attn: Land Acquisition (Recording)  
 241 Ralph McGill Blvd NE  
 Bin 10151  
 Atlanta, GA 30308-3374

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 PROJECT **2019020039**      LETTER FILE      DEED FILE      MAP FILE  
 ACCOUNT NUMBER      **69596-VBS-0-JD00G8-0-0-89200500-0**  
 NAME OF LINE/PROJECT: **PI # L6946 ROBERTS DRIVE - AUSTIN ELEM SCHOOL (DEKALB COUNTY)**  
**DISTRIBUTION LINE**  
 PARCEL NUMBER **009**  
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STATE OF GEORGIA  
 DEKALB COUNTY

## 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 30338**, 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 5363 Roberts Dr, Atlanta, GA 30338 (Tax Parcel ID No. 18 376 01 003) in Land Lot 376 of the 18 District of Dekalb County, Georgia.

The "Easement Area" is defined as any portion of the Property located within fifteen (15) feet of the centerline of the overhead distribution line(s) as installed in the approximate location shown on "Exhibit A" attached hereto and made a part hereof and 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".

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 poles, wires, transformers, service pedestals, anchors, guy wires and other necessary apparatus, fixtures, and appliances; the right to attach communication

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PARCEL 009	NAME OF LINE/PROJECT:	<b>PI # L6946 ROBERTS DRIVE - AUSTIN ELEM SCHOOL (DEKALB COUNTY) DISTRIBUTION LINE</b>
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facilities and related apparatus, fixtures, and appliances to said poles; the right to stretch communication or other lines within the Easement Area; the right to permit the attachment of the cables, lines, wires, apparatus, fixtures, and appliances of any other company or person to said poles for electrical, communication or other purposes; the right to assign this 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 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 maintenance and operation of said overhead or 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)]

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PARCEL 009

NAME OF  
LINE/PROJECT:

PI # L6946 ROBERTS DRIVE - AUSTIN ELEM SCHOOL  
(DEKALB COUNTY) DISTRIBUTION LINE  
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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 presence of: CITY OF DUNWOODY

By: \_\_\_\_\_ (SEAL)

\_\_\_\_\_  
Witness

Title:

Attest: \_\_\_\_\_ (SEAL)

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

Name:

Title:

**STATE OF GEORGIA  
CITY OF DUNWOODY**

**ORDINANCE 2019-XX-XX**

**AN ORDINANCE TO GRANT GEORGIA POWER COMPANY A PERMANENT EASEMENT FOR THE PURPOSE TO CONSTRUCT AND MAINTAIN POWER SERVICE LINES ALONG ROBERTS DRIVE**

**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 \_\_\_\_\_, 2019.

Approved:

\_\_\_\_\_  
Denis L. Shortal, Mayor

Approved as to Form and Content

Attest:

\_\_\_\_\_  
Sharon Lowery, City Clerk

\_\_\_\_\_  
City Attorney

(Seal)

Return To:  
 Georgia Power Company  
 Attn: Land Acquisition (Recording)  
 241 Ralph McGill Blvd NE  
 Bin 10151  
 Atlanta, GA 30308-3374

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**DISTRIBUTION LINE**  
 PARCEL NUMBER **002**  
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STATE OF GEORGIA  
 DEKALB COUNTY

## 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, Georgia 30338**, 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 5315 ROBERTS DR, Dunwoody, GA 30338 (Tax Parcel ID No. 18 376 01 190) in Land Lot 376 of the 18 District of Dekalb County, Georgia.

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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 poles, wires, transformers, service pedestals, anchors, guy wires and other necessary apparatus, fixtures, and appliances; the right to attach communication

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PARCEL 002	NAME OF	PI # L6946 ROBERTS DRIVE - AUSTIN ELEM SCHOOL
	LINE/PROJECT:	(DEKALB COUNTY) DISTRIBUTION LINE

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facilities and related apparatus, fixtures, and appliances to said poles; the right to stretch communication or other lines within the Easement Area; the right to permit the attachment of the cables, lines, wires, apparatus, fixtures, and appliances of any other company or person to said poles for electrical, communication or other purposes; the right to assign this 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 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 maintenance and operation of said overhead or 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.

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PARCEL 002

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PI # L6946 ROBERTS DRIVE - AUSTIN ELEM SCHOOL  
(DEKALB COUNTY) DISTRIBUTION LINE  
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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 presence of: CITY OF DUNWOODY

By: \_\_\_\_\_ (SEAL)

\_\_\_\_\_  
Witness

Title:

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Notary Public

Name:  
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By: \_\_\_\_\_ (SEAL)

\_\_\_\_\_  
Witness

Title:

Attest: \_\_\_\_\_ (SEAL)

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

Name:  
Title: