

03-0-1960

AN ORDINANCE BY

COUNCILMEMBER HOWARD SHOOK

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN EASEMENT AGREEMENT WITH GEORGIA POWER COMPANY FOR THE PLACEMENT OF GUY-WIRES AND POLES ON PRIVATE PROPERTY OWNED TY THE CITY OF ATLANTA ALONG ROXBORO ROAD; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has entered into various agreements with the Georgia Department of Transportation and other entries regarding the construction of the Roxboro Road Widening project; and

WHEREAS, in order to facilitate the construction of the project, the City of Atlanta has acquired the necessary rights-of-way, which in some cases resulted in the purchase of entire parcels of land s presently divided; and

WHEREAS, in order to facilitate the construction of the project, Georgia Power Company must relocate its electric power line on private property owned by the City.

WHEREAS, the abutting property owner has agreed to acquire said streets from the City of Atlanta for the appraised fair market value; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

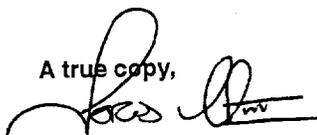
SECTION 1. That the mayor is hereby authorized to enter into Easement Agreements with Georgia Power Company, in substantially the form attached hereto, Exhibit "A", for the construction, installation, operation, and use of power line poles and/or guy-wires on certain parcels of private property owned by the City of Atlanta along Roxboro Road.

SECTION 2. Property affected is 3488 Roxboro Road, NE and a description is attached hereto as Exhibit "B".

SECTION 3. If and when the City sells said properties, the easements will be transferred to and become the responsibility of the purchaser.

SECTION 4. That this agreement shall not become binding upon the City and the City shall incur no liability upon the same until said agreement has been executed by the Mayor and delivered to the contracting parties.

SECTION 5. This ordinance or part of any ordinance that may be in conflict, is hereby waived with regard to and to the extent of the conflict for this location only.

A true copy,

Deputy Clerk

**ADOPTED by the Council
APPROVED by the Mayor**

**NOV 17, 2003
NOV 24, 2003**

Name of Line ROXBORO ROAD (FULTON) DISTRIBUTION LINE
No 3950
Parcel No 017 Account No 69596-001971-0-89251-30000000
Letter File 9-3500 Deed File 10649 Map File N/A

State of Georgia
Fulton County

E A S E M E N T

Received of Georgia Power Company, hereinafter called the Company, the sum of Ten and 00/100 ***** Dollars
\$ 10.00 and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, in exchange for which the undersigned City of Atlanta
whose Post Office Address is

3488 Roxboro Road NE, Atlanta, GA 30326

does hereby grant and convey to said Company, its successors and assigns, the right, privilege and easement to go in, upon along and across that tract of land owned by the undersigned at

3488 Roxboro Road NE, Atlanta, GA 30326

(address of property) in Land Lot 9 of the 17th District of FULTON County, State of Georgia, said lands being bounded as follows:

- on the North by lands of Roxboro Road
- on the South by lands of 17-0009-0004-060
- on the East by lands of Roxboro Road
- on the West by lands of 17-0009-0004-014-4

together with the right to construct, operate and maintain continuously upon and under said land, its lines for transmitting electric current with poles, wires, transformer, service pedestals, and other necessary apparatus, fixtures and appliances, including the right to stretch communication wires on said poles, or under said lands with necessary appliances; with the right to permit the attachment of the wires and appliances of any other company, or person, to said poles: 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 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 said land to and from said lines. Any timber cut



Parcel 017 Name of Line ROXBORO ROAD (FULTON) DISTRIBUTION LINE

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.

The rights herein include and embrace the right to clear and keep clear all trees and other obstructions located within fifteen (15') feet of the distribution pole line, plus the right to install and maintain anchors and guy wires as needed in the construction and maintenance of the above mentioned distribution line.

Said Company shall not be liable for or bound by any statement or understanding not herein expressed.

IN WITNESS WHEREOF, the Undersigned ha__ hereunto set _____ hand__ and seal, this _____ day of _____, _____.

Signed, sealed and delivered in the presence of:

City of Atlanta

Witness

By: _____ (SEAL)
Name:
Title:

Notary Public

Attest: _____ (SEAL)
Name:
Title:

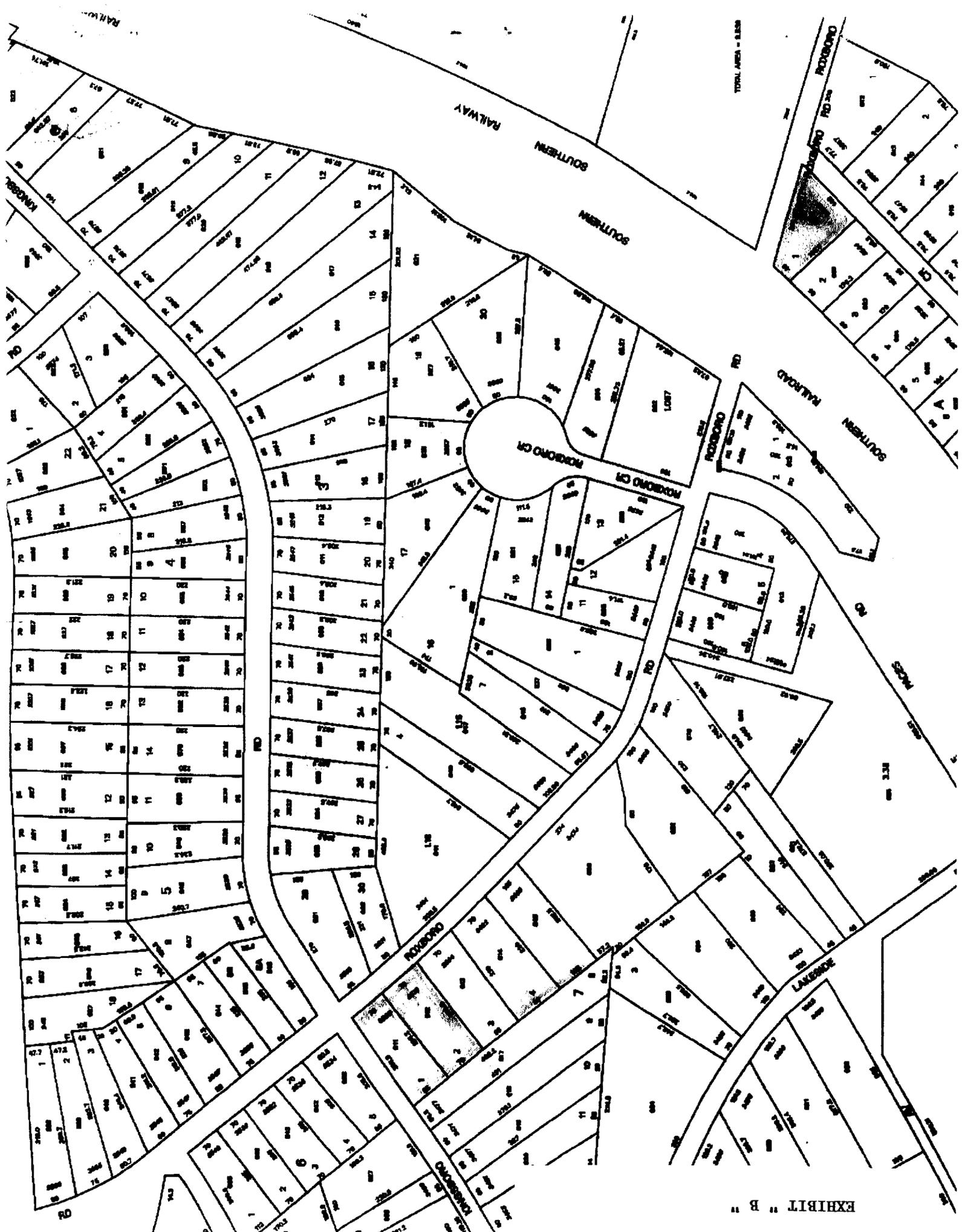


EXHIBIT " B "

RCS# 5155
11/17/03
3:51 PM

Atlanta City Council

Regular Session

CONSENT I

EXCEPT:03-R-1973,03-R-1974,1981,1834,
03-R-1801,03-R-1878 03-R-1879, 03-R-1971
ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1812 2. 03-O-1802 3. 03-O-1958 4. 03-O-1959 5. 03-O-1960 6. 03-O-1961 7. 03-O-1962 8. 03-O-1963 9. 03-O-1809 10. 03-O-1957 11. 03-O-1862 12. 03-O-1868 13. 03-O-1699 14. 03-O-1805 15. 03-O-1806 16. 03-O-1807 17. 03-O-1813 18. 03-O-1871 19. 03-O-1966 20. 03-R-1477 21. 03-R-1877 22. 03-R-1952 23. 03-R-1886 24. 03-R-1882 25. 03-R-1883 26. 03-R-1884 27. 03-R-1885 28. 03-R-1980 29. 03-R-1972 30. 03-R-1982 31. 03-R-0929 32. 03-R-0982 33. 03-R-1665 34. 03-R-1889 35. 03-R-1891 36. 03-R-1892 37. 03-R-1893 38. 03-R-1894 39. 03-R-1900 40. 03-R-1953 41. 03-R-1975	42. 03-R-1902 43. 03-R-1903 44. 03-R-1904 45. 03-R-1905 46. 03-R-1906 47. 03-R-1907 Items Adversed on consent 48. 03-R-1908 49. 03-R-1909 50. 03-R-1910 51. 03-R-1911 52. 03-R-1912 53. 03-R-1913 54. 03-R-1914 55. 03-R-1915 56. 03-R-1916 57. 03-R-1917 58. 03-R-1918 59. 03-R-1919 60. 03-R-1920 61. 03-R-1921 62. 03-R-1922 63. 03-R-1923 64. 03-R-1924 65. 03-R-1925 66. 03-R-1926 67. 03-R-1927 68. 03-R-1928 69. 03-R-1929 70. 03-R-1930 71. 03-R-1931 72. 03-R-1932 73. 03-R-1933 74. 03-R-1934 75. 03-R-1935 76. 03-R-1936 77. 03-R-1937 78. 03-R-1938 79. 03-R-1939	80. 03-R-1940 81. 03-R-1941 82. 03-R-1942 83. 03-R-1943 84. 03-R-1944 85. 03-R-1945 86. 03-R-1946 87. 03-R-1947 88. 03-R-1948 89. 03-R-1949 90. 03-R-1950 91. 03-R-1951

**ADMINISTRATIVE CORRECTION TO LEGISLATION
REQUEST FORM**

TO: Rhonda Dauphin Johnson
Municipal Clerk

Re: 03-0-1960
Legislative ID Number (Ordinance/Resolution)

11/17/03
Adoption Date

11/24/03
Approval Date

FROM: Councilmember Department Head

Name: Howard Shark

Dept/Bureau: City Council

E-Mail Address: hshark@atlantaga.gov

Telephone No: 330-6050 **Fax No:** 658-6510

Howard Shark
Signature(s) of Councilmember and/or Department Head

(Questions 1-5, below and on reverse side of page, must be completed.)

1.) What is the requested change/correction? (Give detailed description; Use additional page(s) if necessary; Provide supporting attachments as needed.)

The original legislation
in section 2 incorrectly referred
to the property as 3492 Rockhaven
Circle, N.E. It should be
Rockham Road, N.E.

03-0-1960
(Do Not Write Above This Line)

AN ORDINANCE

BY: *Harold Shouse*

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN EASEMENT AGREEMENT WITH GEORGIA POWER COMPANY FOR THE PLACEMENT OF GUY-WIRES AND POLES ON PRIVATE PROPERTY OWNED BY THE CITY OF ATLANTA ALONG ROXBORO ROAD; AND FOR OTHER PURPOSES.

ADOPTED BY
NOV 17 2003
COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 11/3/03

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

City Council
11/3/03

Chair
Harold Shouse

Action
Fav, Adv, Hold (see rev. side)
Other _____

Members

William D. Moore
Harold Shouse

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other _____

Members

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other _____

Members

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other _____

Members

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd

Readings

Consent V Vote RC Vote

CERTIFIED

CERTIFIED

NOV 7 2003

William D. Moore
COUNCIL PRESIDENT

CERTIFIED

NOV 17 2003

Harold Shouse
MAYOR

MAYOR'S ACTION

APPROVED

NOV 24 2003

Harold Shouse
MAYOR