CORRECTED COPY

CITY COUNCIL
ATLANTA, GEORGIA

03-O-1963

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 3492 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 NOV 17, 2003
APPROVED by the Mayor NOV 24, 2003

Name of Line No **3950** — **ROXBORO ROAD (FULTON) DISTRIBUTION LINE**

Parcel No **016** 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 **3492 Roxboro Road, 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 **3492 Roxboro Road, 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 17-0009-0004-046-2
on the East by lands of
on the West by lands of 17-0009-0004013-2

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

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

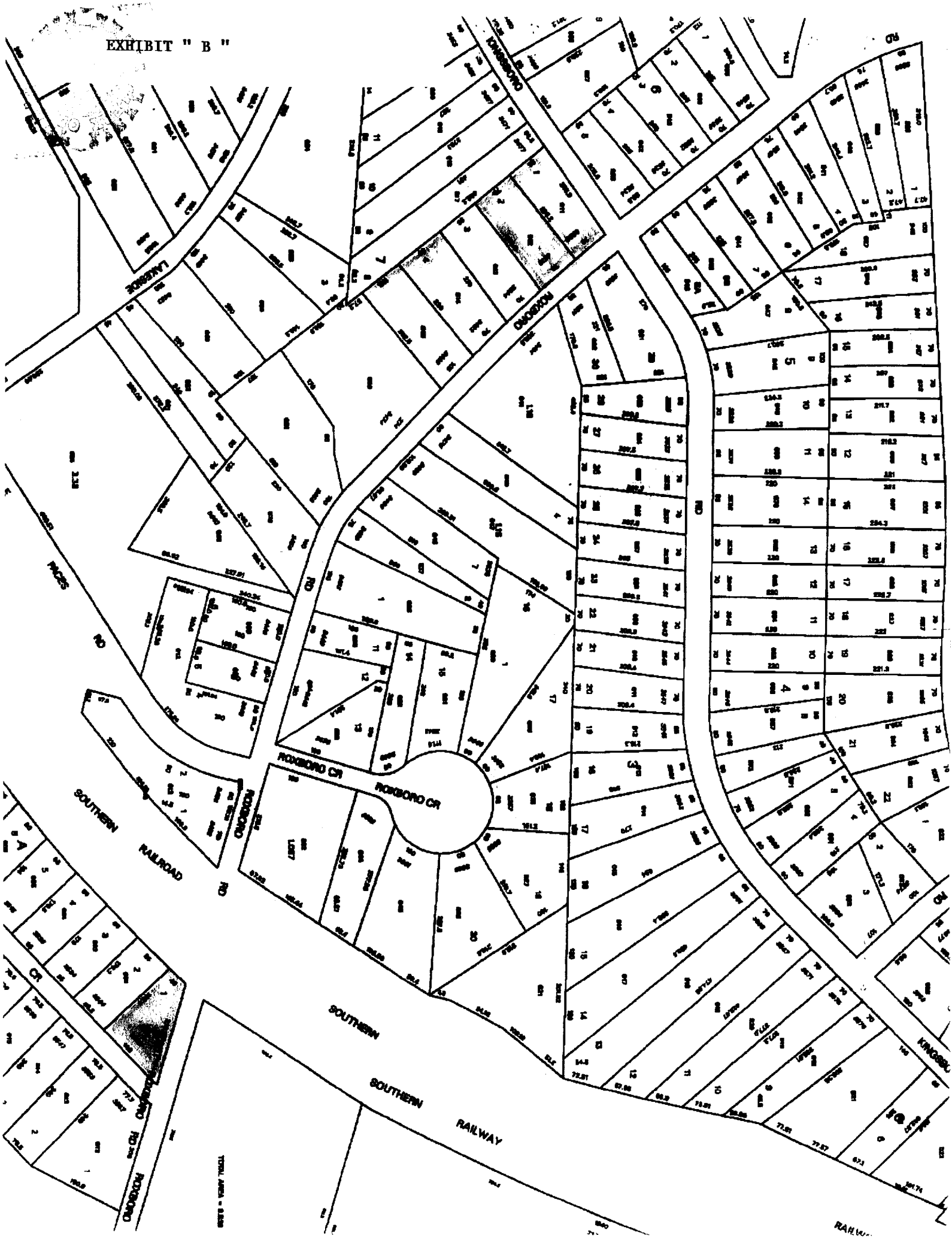
_____
Witness

By: _____ (SEAL)
Name:
Title:

_____
Notary Public

Attest: _____ (SEAL)
Name:
Title:

EXHIBIT " B "



LAKESIDE
ROXBORO
ROXBORO CR
SOUTHERN RAILROAD
SOUTHERN RAILWAY
PACES RD
KINGSBO

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

ADMINISTRATIVE CORRECTION TO LEGISLATION REQUEST FORM

TO: **Rhonda Dauphin Johnson**
Municipal Clerk

Re: 03-O-1963
Legislative ID Number (Ordinance/Resolution)

11/17/03 Adoption Date

11/24/03 Approval Date

FROM ☒ **Councilmember** ☐ **Department Head**

Name: Howard Shook

Dept/Bureau: City Council

E-Mail Address: hshook@atlantaga.gov

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

Howard Shook

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 Rockhart Circle, NE. It should be Rockhart Road, NE

Crb (10)

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03-O-1963

(Do Not Write Above This Line)

AN ORDINANCE

BY: 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 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
Refferred To:
Date Referred
Referred To:

First Reading
Committee
Date
Chair
Referred To

Committee	Committee
City Utilities	
Date: Nov. 10 2003	Date
Chair: Clair Mullen	Chair
Action: Fav, Adv, Hold (see rev. side) Other	Action: Fav, Adv, Hold (see rev. side) Other
Members: Howard Shook	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side) Other	Action: Fav, Adv, Hold (see rev. side) Other
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION
☑ 2nd ☐ 1st & 2nd ☐ 3rd Readings
☑ Consent ☐ V Vote ☑ RC Vote

CERTIFIED
CERTIFIED
NOV 17 2003
Felicia A. Moore
COUNCIL PRESIDENT PRO TEM

CERTIFIED
NOV 17 2003
Municipal Clerk

MAYOR'S ACTION
APPROVED
NOV 24 2003
Shirley Franklin
MAYOR