

RESOLUTION AUTHORIZING GRANT OF SEWER LINE EASEMENT

Whereas, The State of Georgia issued an Executive Order approving the application of the Town of Resaca for participation in the Water and Waste Disposal Systems for Rural Communities Program: Public Sewage System Phase 2 (Gordon County, GA) [P&Q File No. 414-01B1]

Whereas, The City of Resaca has requested the grant of a sewer line easement through and across property of Gordon County known as the Gordon County Fort Wayne Historical Site. The project engineer redesigned the location of the sewer easement to minimize the impact of the easement on the historic features on the site. The proposed Grant of Easement and Plat showing its location and dimensions are attached hereto.

Whereas, this project and easement have been reviewed and approved by agencies of the State of Georgia including the DNR Watershed Protection Branch; DNR EPD Flood Management; and, DNR Historic Preservation Commission. The Gordon County Planning Commission recommended the current location that is now being proposed in lieu of a previous site that was rejected due to its impact on historic assets.

Whereas, this sewer easement is consistent with this property's designation as Greenspace Property which allows the construction of underground utilities which do not significantly impair the utility of the property as a Greenspace. The following language has been included in the easement to preserve the natural and historic aspects of the property: "The sanitary sewer line shall be placed underground and all manholes, clean outs and other required equipment or appurtenances shall be placed at or below ground level to preserve the historic view shed of the Fort Wayne park."

Whereas, the Grant of Easement and sewer line will serve legitimate public needs including environmental health, watershed protection and elimination septic systems.

Now therefore, it is hereby resolved that the Grant of a Sewer Line Easement as described in the documents attached hereto is approved and the Chairman of the Board of Commissioners is authorized to sign the document of conveyance. Should the easement ever cease to be used for a sewer line, the easement will be extinguished and the rights conveyed will revert to the Grantor.

This resolution was approved in Regular Session of the Board of Commissioners of Gordon County, Georgia this 6th day of February, 2018.

By:

Attest:

Becky Hood, Chairman
Gordon County Board of Commissioners

Annette Berry
County Clerk

Return to:
Brandon L. Bowen
Jenkins & Bowen, P.C.
15 South Public Square
Cartersville, GA 30120

SEWER LINE EASEMENT

STATE OF GEORGIA
COUNTY OF GORDON

IN CONSIDERATION of the sum of \$10.00 (Ten Dollars and No Cents), paid cash in hand, the receipt of which is hereby acknowledged at or before the sealing of these presents, and for other good and valuable consideration, Gordon County, Georgia (hereinafter "Grantor"), as its respective interests may appear, does hereby grant unto THE TOWN OF RESACA, GEORGIA (hereinafter "Grantee"), a political subdivision of the State of Georgia, its successors and assigns, a permanent non-exclusive easement in, upon, through, and across Grantor's property known as the Gordon County Fort Wayne Historical Site, and being Parcel Number 040 039, in that deed recorded in the deed books of Gordon County, Georgia, in book 1005, page numbers 104-106, and as shown on Exhibit A attached hereto.

The easement shall run along the border of the property abutting Taylor Ridge Road from that point where Taylor Ridge Road intersects Nicklesville Road to that point where Tabernacle Road intersects Taylor Ridge Road, as shown on Exhibit A attached hereto. The permanent easement shall be twenty (20) feet in width. Said permanent easement being in the nature of a right of way for the purposes of laying, relaying, erecting, constructing, installing, inspecting, and thereafter using, operating, extending, repairing, replacing and maintaining a sanitary sewer line, manholes and any other required equipment and appurtenances. The sanitary sewer line shall be placed underground and all manholes, clean outs and other required equipment or appurtenances shall be placed at or below ground level to preserve the historic view shed of the Fort Wayne park.

Said construction easement being in the nature of a right of way to be enlarged to forty (40) feet during the period of construction, required future maintenance, or reconstruction, so as to facilitate the operation, repair, or installation of equipment, after which installation, repair or reconstruction, the width of said construction easement shall be reduced to the permanent twenty (20) foot width, and Grantee shall, as soon as practicable, restore the condition in which said land was before construction or repair, insofar as reasonably possible, without expense to the Grantor.

The easement granted herein shall include all rights, benefits, privileges, and other implied easements necessary or convenient for the full enjoyment and use of the easement area for the purposes described herein. By way of example, such rights shall include specifically, but without limitation, the right to enter upon and to pass and repass over and along said easement and to deposit tools, implements, and other materials thereon by said Grantee, its officers, agents, and employees and by any contractor, his agents, and employees engaged by said Grantee. Such rights shall also include by way of example, but without limitation, the necessary easements and rights for

ingress and egress over the easement area and the right to cut away and keep clear, remove and dispose of all trees and to remove and dispose of all obstructions now on the easement area; provided, however, that Grantee shall restore the surface area to the same condition as existed before such disturbance of the surface area; and further provided that if the affected area is natural and has not been previously improved with landscaping, such areas shall be smoothed and seeded with grass.

Grantor, its successors and assigns hereby expressly reserve the use of the property within which said easement is located for any and all purposes not inconsistent with the easement. The easement herein shall bind the heirs and assigns of the undersigned Grantor, and shall inure to the benefit of the successors in title of the Grantor. Grantor warrants that it has the right to sell, convey, and grant this easement and to bind itself, its heirs, executors and administrators and forever to defend by virtue of these presents for the period herein contained.

TO HAVE AND TO HOLD all and singular the aforesaid rights, privileges and easements hereinabove set out to the proper use and enjoyment by Grantee, its successors and assigns.

IN WITNESS WHEREOF, the undersigned have executed this instrument this _____ day of _____, 2018, under their hand and seal.

GRANTOR:

Becky Hood, Chairman
Board of Commissioners
Gordon County, Georgia

Signed, sealed and delivered in the presence of:

(Notary Public)

My Commission Expires:

Witness:

Print Name: Annette Berry, County Clerk

EXHIBIT A

