COUNTY AGENDA REQUEST

Department:	Public Works	Presenter(s):	Phil Mallon
Meeting Date:	Wednesday, June 6, 2012	Type of Request:	New Business

Wording for the Agenda:

Discussion of staff's recommendation to quitclaim the landscape island at entrance of Lodge Trail in The Chimneys subdivision to the homeowners association.

Background/History/Details:

The entrance to The Chimneys was modified as part of the Georgia Department of Transportation's widening project on SR 74 (STP-209-1(2)). Since the project has been completed, the HOA has been coordinating with Planning and Zoning to determine what landscape improvements (e.g., vegetative planting, irrigation, lighting, decorative fences, etc.) may be installed. Unlike most newer subdivisions, the landscape island is owned by Fayette County as part of Lodge Trail's right-of-way. Therefore the HOA is limited in what can be done and any improvement is at-risk to future impact or removal by Fayette with no compensation to the HOA.

If the Board were to quitclaim the island to the HOA, the County would benefit by eliminating the maintenance associated with the land (approximately 1,250 sf). The HOA benefits by being able to enhance their entrance in a manner comparable to many subdivision in the area and ensuring their investment is protected by owning the land. The surrounding community benefits by an enhanced entrance visible to all who travel on that portion of SR 74.

This request does not impact GDOT right-of-way or easements. A Quitclaim Deed and Maintenance Agreement is provided as back-up to this agenda item.

What action are you seeking from the Board of Commissioners?

Permission to place staff's request to quitclaim the landscape island at entrance of Lodge Trail in The Chimneys subdivision to the homeowners association on the Consent Agenda for the June 14th Board of Commissioners Meeting.

If this item requires funding, please describe:

No funding required

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

QUITCLAIM DEED AND MAINTENANCE AGREEMENT

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE made this _____ day of _____, 2012, between the COUNTY OF FAYETTE, a political subdivision of the State of Georgia, hereinafter referred to as the COUNTY, and THE CHIMNEYS COMMUNITY ASSOCIATION, INC, a corporation registered with the State of Georgia, hereinafter referred to as the ASSOCIATION.

WITNESSETH THAT:

WHEREAS, Lodge Trail, the entrance to The Chimneys subdivision off State Route 74 has a landscape island delineated by curb and gutter and approximately 13 feet wide by 96 feet long (as measured from back-of-curb to back-of-curb);

WHEREAS, the said landscape island is currently within County Right-of-Way and therefore the County is responsible for maintenance;

WHEREAS, it is preferred by the COUNTY for subdivisions to have landscape islands recorded as owned and maintained by a Homeowners Association or similar corporation;

WHEREAS, the ASSOCIATION has expressed interest in enhancing the entrance and providing on-going maintenance to the landscape island at no cost to the COUNTY; and

WHEREAS, the ASSOCIATION already owns and maintains approximately 6.3 acres of property within The Chimneys subdivision.

NOW, THEREFORE, for and in consideration of the premises, and for the further sum of ONE DOLLAR ($1.00) in hand paid, the receipt whereof is hereby acknowledged, the COUNTY by these presents does hereby remise, release and forever QUITCLAIM to the ASSOCIATION and its assigns, all the right, title, interest, claim or demand, which the COUNTY has or may have had in and to the landscape island delineated by the COUNTY's curb and gutter and highlighted in pink on the Final Plat of the The Chimneys, located in Land Lot 7, 6th District and Land Lots 160 & 161, 4th District, Fayette County, Georgia.

TO HAVE AND TO HOLD the foregoing described premises, together with all and singular the rights, privileges and appurtenances thereto, or in anywise appertaining, to the only proper use, benefit and behoof of the said ASSOCIATION and its assigns, forever.

IN WITHNESS THEROF, the COUNTY, acting by and through the Chairman of the Board of Commissioners, has hereunto caused the hand and seal of the COUNTY of FAYETTE to be sent to these presents the day and year first above written.

COUNTY of FAYETTE

BY: _____
Chairman

ATTEST: _____
Clerk

Signed, Sealed and Delivered this ____ day of _____, 2012, in the presence of:

WITNESS: _____

NOTARY PUBLIC: _____

ETC. THIS LAND APPEARS SUITABLE FOR THE INSTALLATION OF SEPTIC TANKS AND DRAIN FIELDS. HOWEVER, EACH LOT WILL HAVE TO BE INSPECTED TO DETERMINE STYLE OF HOUSE, LOCATION OF HOUSE, ETC. BEFORE A FINAL PERMIT CAN BE ISSUED.

APPROVED BY THE DEPT. OF PUBLIC HEALTH, FAYETTE CO., GA.

DATE: N/A SIGNED: N/A
Environmental Health Specialist

APPROVED BY THE COUNTY ENGINEER, FAYETTE CO., GA.
ALL AS-BUILT PLANS HAVE BEEN APPROVED

DATE: 11/9/98 SIGNED: David A. Bokowski
for County Engineer

APPROVED BY THE FAYETTE CO. PLANNING COMMISSION

DATE: 11-19-98 SIGNED: Robyn S Moore
Secretary

We the undersigned owner(s) and/or mortgagee(s) of the CHIMNEYS Subdivision, hereby offer to dedicate and/or reserve for public use the right-of-way, easements and other ground as shown on this plat.

DATE: 11/3/98 SIGNED: Wray A. Russell
Owner

DATE: N/A SIGNED: N/A
Mortgagee

I certify that all measurements are correct and were prepared from an actual survey of the property made under my supervision, that all monument locations are correctly shown, and that the property will drain as shown.

DATE: 11/3/98 SIGNED: Mark R. Wilbur
Ga. Registered Land Surveyor

FIELD CLOSURE: 1 FOOT: 15,000 + FEET
ANGLE ERROR: 6" PER SETUP
PLAT CLOSURE: 100,000 + FEET
ADJUSTMENT: NO ADJUSTMENT

Fayette County does not accept the ownership, maintenance or responsibility for any drainage easement or overall drainage plan, or the lack of one, indicated by this plat.

APPROVED BY THE FAYETTE CO. ZONING ADMINISTRATOR

DATE: 11/18/98 SIGNED: Kathy Zeitler
Zoning Administrator

APPROVED BY THE FAYETTE CO. FIRE MARSHAL.
ALL FIRE HYDRANTS(S) LOCATED AS SHOWN

DATE: 11-19-98 SIGNED: Jeanne Tucker for Fire Marshal
Fire Marshal

CONDITIONS FOR ZONING:

1. THAT THE FRONT YARD SETBACK BE A MINIMUM OF 100 FEET FROM THE NEW RIGHT-OF-WAY OF S.R. 74. SAID SETBACK AND THE PROPOSED NEW RIGHT-OF-WAY OF FIVE (5) ADDITIONAL FEET MUST BE DEPICTED ON THE PRELIMINARY AND FINAL PLATS AND LABELED ACCORDINGLY.
2. THAT ADEQUATE AREA BE INCLUDED WITH LOTS AFFECTED BY THIS NEW RIGHT-OF-WAY ON THE PRELIMINARY AND FINAL PLATS SO THEY WILL NOT BE REDUCED TO LESS THAN ONE (1) ACRE AFTER RIGHT-OF-WAY ACQUISITION.
3. THAT A 50 FOOT BUFFER UNDISTURBED EXCEPT FOR APPROVED ACCESS AND UTILITY CROSSINGS BE MAINTAINED ALONG THE EXISTING RIGHT-OF-WAY OF S.R. 74 AS DEPICTED ON THE CONCEPT PLAN, AND THAT SAID BUFFER BE INDICATED ON THE PRELIMINARY AND FINAL PLATS. IF EXISTING VEGETATION IS INSUFFICIENT, THE BUFFER MUST BE PLANTED OR BONDED IN ACCORDANCE WITH SECTION 6-23 OF THE ZONING ORDINANCE PRIOR TO THE APPROVAL OF THE FINAL PLAT

NOTE: ALL LOTS SERVED BY SANITARY SEWER.

PATHWAY COMMUNITIES

THE DEVELOPERS OF PEACHTREE CITY

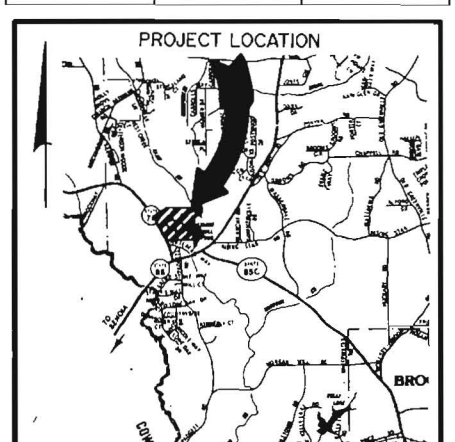
P.O. BOX 3007 / 200 WESTPARK DRIVE SUITE 300
PEACHTREE CITY, GEORGIA 30269 770-487-5555

FINAL PLAT OF
THE CHIMNEYS
LAND LOT 7 6TH DISTRICT
LAND LOTS 160 & 161 4TH DISTRICT
FAYETTE COUNTY, GEORGIA

NOTE: THIS PROPERTY IS SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE CHIMNEYS COMMUNITY ASSOCIATION, INC. RECORDED IN DEED BOOK 1313 PAGE 73-138, FAYETTE COUNTY, GEORGIA SUPERIOR COURT RECORD ROOM.

ITEM	SQUARE FEET	ACRES
LOTS (60)	3,233,268	74.225
STREETS	364,045	8.357
HOME OWNERS ASSOCIATION	273,667	6.282
COUNTY OPEN AREA	782,353	17.960
TOTALS	4,653,333	106.825

PROJECT LOCATION



VICINITY MAP
(NOT TO SCALE)

Recorded 11-19, 1998
Plat Book 31
Page(s) 81
Fayette County, Georgia
W. A. Ballard Clerk

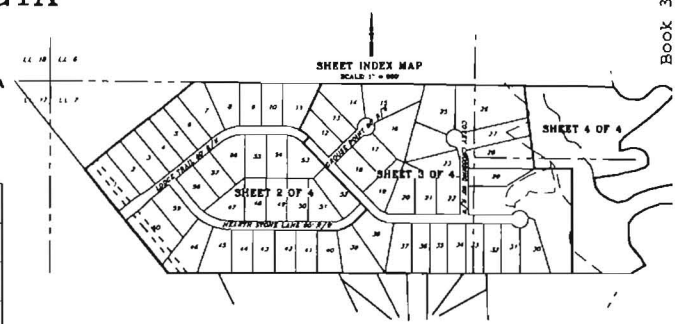
ZONE R-45

SETBACKS	MINIMUM LOT WIDTH AT BUILDING LINE = 125.00'
FRONT 40'	SETBACKS PER PRELIMINARY PLAT APPROVAL DATED: 12/97.
SIDE 15'	
REAR 30'	

SHEET 1 OF 4

1. RETURN RADII FOR R/W AT CUL-DE-SACS AND STREET INTERSECTIONS = 25.00'.
2. ALL DISTANCES SHOWN ALONG CURVES ARE ARC LENGTHS.
3. SITE B.M. = NAIL IN BASE OF 8" PINE AT N.E. CORNER OF LOT NO. 59. ELEVATION = 803.83 N.G.V.D. 1929
4. IN ACCORDANCE WITH U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL NO. 13113C0090 D DATED MARCH 16, 1998. THIS PROPERTY DOES LIE WITHIN A FLOOD HAZARD ZONE.
5. 3/4" X 16" STEEL RODS SET AT ALL LOT CORNERS; NO RODS ARE SET AT P.C. & P.T. OF CURVES UNLESS IT IS LOT CORNER
6. THERE IS A 10' EASEMENT (5' EACH SIDE OF AND PARALLEL TO ALL PROPERTY LINES) FOR THE PURPOSE OF INGRESS, EGRESS AND REPAIR OF DRAINAGE STRUCTURES OR TO MAINTAIN POSITIVE DRAINAGE.

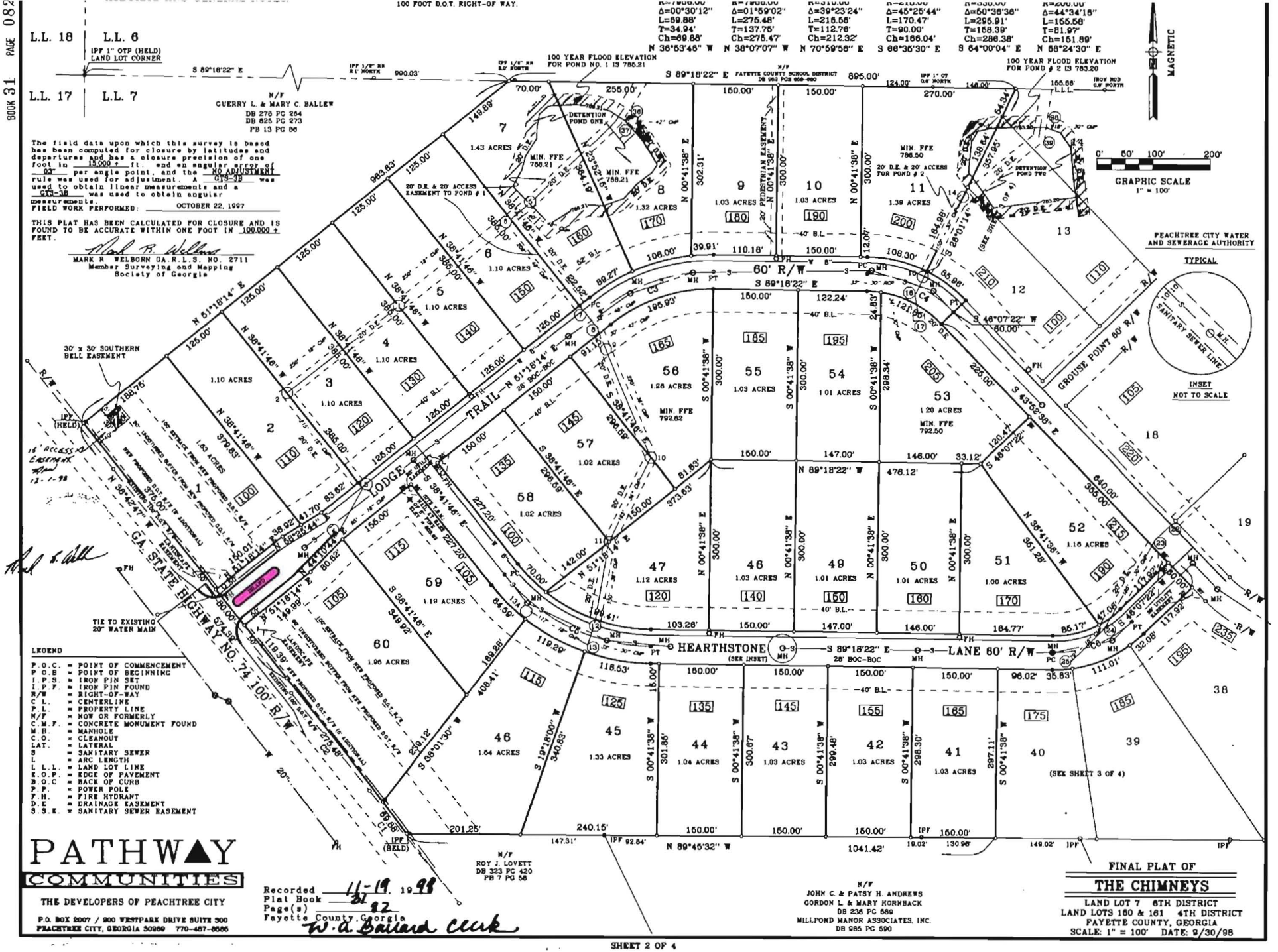
SHEET INDEX MAP
SCALE 1" = 200'



STORM DRAIN ASBUILTS

NO.	TYPE STRUCTURE	TOP	INVERT IN	INVERT OUT	PIPE SI
1	DROP INLET	790.09	785.64	785.59	18" CM
2	JUNCTION BOX	802.96	796.75	796.63	18" CM
3	CATCH BASIN	803.58	795.92	795.92	18" CM
4	CATCH BASIN	806.06		799.82	18" CM
5	HEAD WALL			782.17	48" CM
6	JUNCTION BOX	798.71	FROM 1 798.04		18" CM
			FROM 7 792.49	792.49	48" CM
					48" CM
7	CATCH BASIN	795.19	784.82	784.73	48" CM
8	CATCH BASIN	795.12	788.34	788.15	48" CM
					48" CM
9	YARD INLET	792.21	786.77		36" CM
				786.46	48" CM
10	JUNCTION BOX	801.92	790.63	790.53	36" CM
11	YARD INLET	796.81	793.37	793.31	36" CM
12	CATCH BASIN	801.06	795.49		30" CM
				795.09	36" CM
13	CATCH BASIN	801.90	796.09		18" CM
				795.81	30" CM
13A	CATCH BASIN	802.44		797.94	18" CM
14	HEAD WALL			782.45	30" CM
15	CATCH BASIN	789.37	784.13	783.99	30" CM
16	CATCH BASIN	789.29	784.57	784.48	30" CM
17	YARD INLET	789.50		784.58	30" CM
18	HEAD WALL			786.02	18" CM
19	CATCH BASIN	778.43		771.26	18" CM
20	HEAD WALL			789.98	30" CM
21	JUNCTION BOX	783.25	770.75	770.74	30" CM
22	CATCH BASIN	783.01	773.76		30" CM
				773.31	30" CM
23	CATCH BASIN	783.47	774.12	774.17	30" CM
24	CATCH BASIN	781.27	776.13		18" CM
				775.93	30" CM
25	CATCH BASIN	782.45		778.93	18" CM
26	HEAD WALL			787.74	48" CM
27	CATCH BASIN	784.21	786.59		48" CM
				786.20	48" CM
28	CATCH BASIN	788.99	FROM 31		18" CM
			FROM 29 789.11	789.10	42" CM
					48" CM
29	CATCH BASIN	789.88	FROM 29A 791.14		24" CM
			FROM 30 791.06		36" RC
				790.13	42" CM
29A	CATCH BASIN	773.38		784.75	24" CM
30	YARD INLET	787.94	782.75		30" RC
31	YARD INLET	786.32	781.26		18" CM
32	HEAD WALL			788.38	36" CM
33	JUNCTION BOX	784.80	780.26		24" RC
				779.81	30" RC
				779.14	42" CM
34	HEAD WALL			780.40	30" RC
34A	CATCH BASIN	784.77	759.79	759.80	30" RC
34B	CATCH BASIN	784.98	759.60	759.54	30" RC
35	CATCH BASIN	787.22		781.92	30" RC
36	HEAD WALL		780.30		42" CM
37	OUTLET	786.49	780.65	780.34	48" CM
38	HEAD WALL		780.11		30" CM
39	OUTLET	784.48	780.10	780.48	30" CM

Book 31, Page 81, File Number



The field data upon which this survey is based has been computed for closure by latitudes and departures and has a closure precision of one foot in 15,000 + ft. and an angular error of 03" per angle point, and the NO ADJUSTMENT rule was used for adjustment. A CTS-3B was used to obtain linear measurements and a CTS-3B was used to obtain angular measurements.

FIELD WORK PERFORMED: OCTOBER 22, 1997

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 + FEET.

MARK R. WELBORN GA. R.L.S. NO. 2711
Member Surveying and Mapping Society of Georgia

LEGEND

- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- I.P.S. = IRON PIN SET
- I.P.F. = IRON PIN FOUND
- R/W = RIGHT-OF-WAY
- C.L. = CENTERLINE
- P.L. = PROPERTY LINE
- N/F = NOW OR FORMERLY
- C.M.F. = CONCRETE MONUMENT FOUND
- M.H. = MANHOLE
- C.O. = CLEANOUT
- LAT. = LATERAL
- S = SANITARY SEWER
- L = ARC LENGTH
- L.L.L. = LAND LOT LINE
- E.O.P. = EDGE OF PAVEMENT
- B.O.C = BACK OF CURB
- P.P. = POWER POLE
- F.H. = FIRE HYDRANT
- D.E. = DRAINAGE EASEMENT
- S.S.E. = SANITARY SEWER EASEMENT

PATHWAY COMMUNITIES

THE DEVELOPERS OF PEACHTREE CITY

P.O. BOX 2007 / 900 WESTPARK DRIVE SUITE 300
PEACHTREE CITY, GEORGIA 30269 770-487-6666

Recorded 11-19 1998
Plat Book 31
Page(s) 82
Fayette County, Georgia
W. A. Bailard clerk

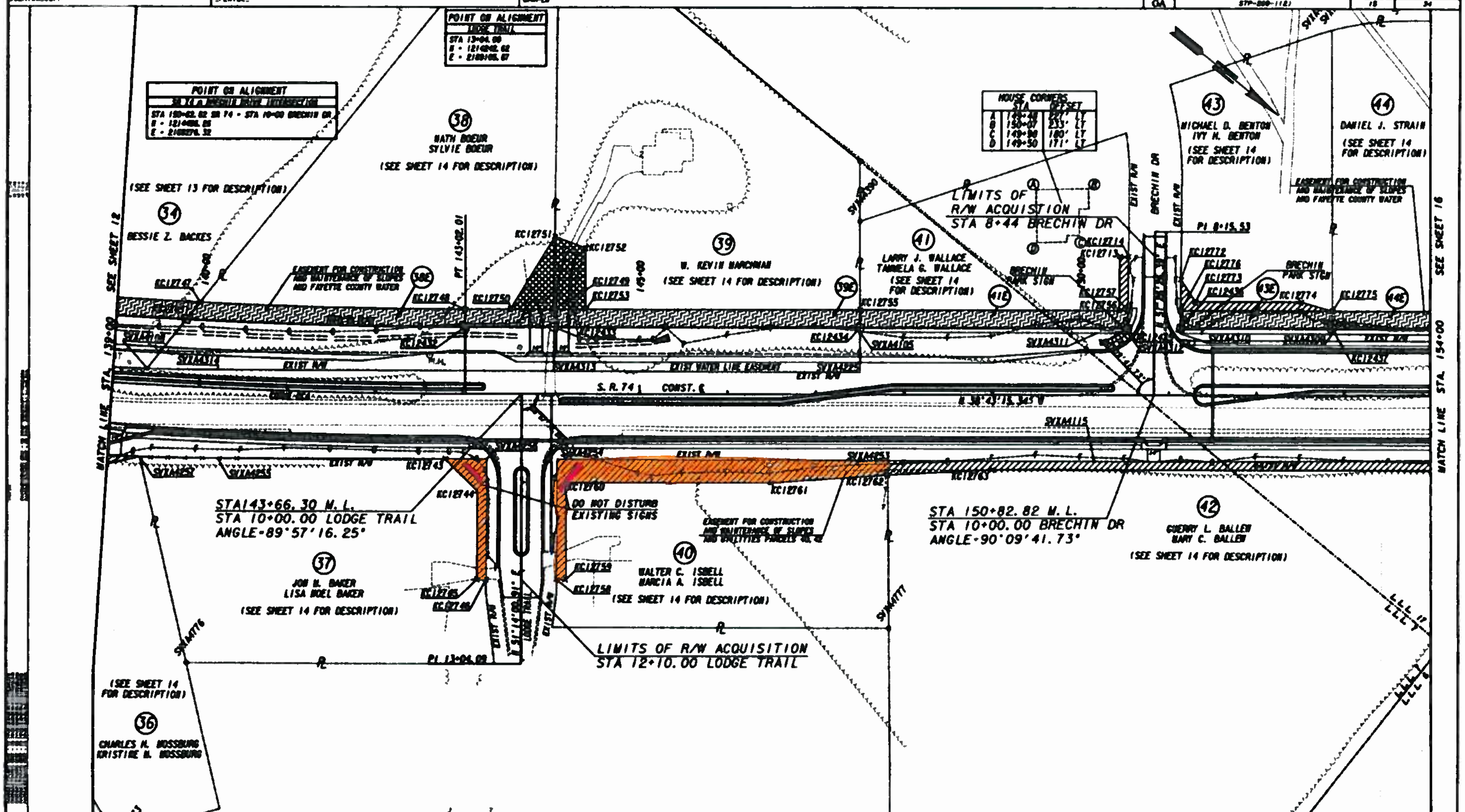
FINAL PLAT OF

THE CHIMNEYS

LAND LOT 7 6TH DISTRICT
LAND LOTS 160 & 161 4TH DISTRICT
FAYETTE COUNTY, GEORGIA
SCALE: 1" = 100' DATE: 9/30/98

No R/W NEEDED @ THESE 2 Parcels / Just Easement In Orange

STATE	Project Number	SHEET NO.	TOTAL SHEETS
GA	STP-209-1(2)	15	34



PROPERTY AND EXISTING R/W LINE	
REQUIRED R/W LINE	
CONSTRUCTION LIMITS	
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES	
EASEMENT FOR CONSTR OF SLOPES	
EASEMENT FOR CONSTR OF DRIVES	

BEGIN LIMIT OF ACCESS............BLA
END LIMIT OF ACCESS............ELA
LIMIT OF ACCESS
REQ'D R/W & LIMIT OF ACCESS

SCALE IN FEET
0 50 100 200

MULKEY
ENGINEERS & CONSULTANTS
1255 CANTON STREET, SUITE G
ROSWELL, GEORGIA 30075
(678) 461-3511

DATE	REVISIONS	DATE	REVISIONS
1/02/07	PAR 41 ADDED HOUSE STA & OFFSET	3/31/08	REVISED DATE IN TITLE BLOCK TO 5/12/06
3/14/07	REVISED ESMTS LT TO SLOPES AND FAYETTE CO WATER		
" "	PAR 41 ADDED HOUSE STA AND OFFSETS TO 4 CORNERS		
8/07/07	ADDED SIGN LABEL PAR 41, 43		
10/19/07	ADDED PARCELS 38E, 39E, 41E, 43E, 44E		
1/18/08	ADDED UTILITIES TO ESMT DESCRIPT PARS 40, 42		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
PROJECT NO: STP-209-1(2)
COUNTY: FAYETTE
LAND LOT NO: 6, 7, & 17
LAND DISTRICT: 6
GMD 495
DATE 5/12/06 SH 15 OF 34