Consent #11

COUNTY AGENDA REQUEST

Department:	Street Lights	Presenter(s):	Vanessa Birrell
Meeting Date:	Thursday, January 23, 2014	Type of Request:	Consent

Wording for the Agenda:

Approval of staff's request to add Ballard's Terrace as a district to Fayette County's Street Light Program.

Background/History/Details:

The Fayette County Street Lighting Program illuminates streets in participating subdivisions in accordance with standards of the American National Standard Practice for Roadway Lighting, 1973. In September 1983, the Board of Commissioners created Fayette County Street Light Districts. Platted subdivisions are eligible to become a Street Light District when there are at least ten property owners and at 66.67% of those property owners voting in favor of crating a Street Light District.

Ballards Terrace, LLC. and Jeff Lindsey Homes are the property owners in the subdivision known as Ballard's Terrace, and they are petitioning Fayette County to add Ballard's Terrace as a district to Fayette County's Street Light Program. This petition represents thirty-six (36) property owners and equates to 100% support for creating the street light district.

There are fourteen (14) 100-watt street lights inside Ballard's Terrace. Each light is $12.25 per month for a total monthly bill of $171.50. Property owners agree to pay an additional annual assessment on the tax bill of $60.00 to repay the county's expenses.

What action are you seeking from the Board of Commissioners?

Approval of staff's request to to add Ballard's Terrace as a district to Fayette County's Street Light Program.

If this item requires funding, please describe:

These additional lights will cost $171.50 per month according to Coweta-Fayette EMC. Assessments for street lights are levied on the tax bills for participants in the street light program. The residents agree to pay the additional assessments required to add these lights.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*		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	Yes	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval			

Staff Notes:

FAYETTE COUNTY
PETITION FOR STREET LIGHTING

WE, THE UNDERSIGNED, ALL BEING PROPERTY OWNERS OF THE STREET LIGHT DISTRICT Ballards Terrace, DO HEREBY PETITION THE FAYETTE COUNTY BOARD OF COMMISSIONERS FOR THE PLACEMENT OF STREET LIGHTS THROUGH OUR SUBDIVISION OR STREET(S).

EACH OF US DOES HEREBY PLEDGE AND CONSENT TO THE LEVYING OF A LIEN BY FAYETTE COUNTY AGAINST PROPERTY WE OWN FOR THE PURPOSE OF PAYMENT OF THE COST OF AND OPERATING THE STREET LIGHTS. THERE ARE 36 NUMBER OF LOTS CURRENTLY EXISTING IN STREET LIGHT DISTRICT Ballard Terrace, AND EACH OWNER AS SHOWN ON THE TAX RECORDS HAS AFFIRMATIVELY SIGNED THIS PETITION OR INDICATION FOR DISAPPROVAL IS NOTED HEREIN.

THIS PETITION REPRESENTS 36 AFFIRMATIVE VOTES, OR 100 % OF THIS DISTRICT TO BE EFFECTED IN THIS REQUEST. YOUR SIGNATURE ON THIS PETITION INDICATED THAT YOU HAVE READ AND FULLY UNDERSTAND THE REQUIREMENTS FOR APPROVAL OF A STREET LIGHT DISTRICT.

Personally appeared before me, a Notary Public, the undersigned affiant, who says on oath that he, she is one of the subscribing witnesses to the within instrument; that each of said witnesses say the execution and delivery of the same by each grantor therein for the purpose set forth; and that each of said witnesses signed the same as purported.

Sworn to and subscribed before me,

this 30th day of December, 20 13.

DONNA H. BLACK
MY COMMISSION EXPIRES
NOTARY PUBLIC
FAYETTE COUNTY, GEORGIA

(Subscribing Witness)

Notary Public

Fayette County, State of Georgia Expires 5.1.17

REQUIREMENTS FOR APPROVAL OF A STREETLIGHT DISTRICT

In order for a Streetlight District to be formed, the following steps are necessary:

1. Obtain Petition Forms from the Engineering Department.

   All property owners in the subdivision must be contacted and they must sign "Yes" or "No" concerning the installation of street lighting and billing by Fayette County upon their tax bills. Only the property owner's signature will be accepted. If both husband and wife are joint legal owners, both signatures will be required - a "Mr. & Mrs." signature is not acceptable. Each owner must sign individually. In the event that a property owner cannot be personally contacted, the receipt from a registered letter will be accepted. No signature may be withdrawn from the Petition after it is filed with the County Engineer's Office. The purpose of the witness' signature is to verify the property owner's signature, if in question. Percentages will be calculated based on individual lots whose owners sign affirmatively, divided by the total number of platted lots in the district.

2. The petition must contain not less than ten (10) property owners representing not less than sixty-six and two-thirds percent (66-2/3%) affirmative signatures of the property owners within the district to be established. A petition may however, be brought by less than ten (10) property owners where such represents one hundred percent (100%) affirmative signatures of the property owners within the district to be established.

3. The completed Petition is returned to this office where it is checked to ensure requirement compliance. It will be returned to the sender if it does not meet such requirements of a 66-2/3% affirmative vote. Petitions meeting requirements will be presented to the Board of Commissioners at an official Bi-Monthly Meeting for approval or disapproval. Deadline for approval is January 1, of each calendar year.

4. The representative of the group requesting approval of a Streetlight District and returning the petition to this office must also furnish three (3) copies of the approved final plat of the subdivision. These plats may be obtained from the Tax Assessor's Office located at 140 Stonewall Avenue West, Fayetteville, GA 30214.

The objective of the Fayette County Street Lighting Program is to illuminate the streets of participating subdivisions in accordance with standards of the American National Standard Practice for Roadway Lighting, 1973. It is not the objective of this program to illuminate private property.

The Fayette County Street Lighting Program will be administered by the County Stormwater Management's Office, 140 Stonewall Avenue West, Suite 203, Fayetteville, GA 30214. Telephone: (770)305-5410.

There are two power companies serving Fayette County: Georgia Power Company and Coweta-Fayette EMC. Their rates vary slightly.

In order for a Developer to have a proposed subdivision approved as a Streetlight District, the plat for such subdivision must be approved and made a part of the County's Official Tax Records.

Property owners within a street light district will be billed annually on their County Tax Bill for the previous year's use of lights. Cost for street lighting shall be set by the Board of Commissioners in consultation with the County Engineer. In all cases, the rates for a street light district shall be sufficient to cover the expenses and costs associated with the lights for that district. The charges shall be levied on a "per lot" basis.

FAYETTE COUNTY STREET LIGHTING PROGRAM
SIGNATURE SHEET

3, 8, 10, 17, 18, 20, 31
Lot #(s)

Jeff Lindsey Communities
Property Owner(s)

140 Village Cir, Senoia, GA 30276
(Street & No.)

	Yes	No	(Check yes or no for each Address signature)
Jeffery Lindsey **Signature**	☑	☐	
Signature	☑	☐	**Witness**

1, 2, 4, 5, 6, 7, 9, 11–16, 19,
21 – 30, 32 – 36
Lot #(s)

Ballards Terrace, LLC
Property Owner(s)

270 North Jeff Davis Dr.
(Street & No.) Fayetteville, GA 30214

	Yes	No	(Check yes or no for each Address signature)
Signature	☑	☐	
Signature	☐	☐	**Witness**

FAYETTE COUNTY STREET LIGHTING PROGRAM
SIGNATURE SHEET

_____
Lot #(s)

_____
Property Owner(s)

_____ Yes No (Check yes or no for each Address signature)
(Street & No.)

_____ ☐ ☐
Signature

_____ ☐ ☐ _____
Signature Witness

_____
Lot #(s)

_____
Property Owner(s)

_____ Yes No (Check yes or no for each Address signature)
(Street & No.)

_____ ☐ ☐
Signature

_____ ☐ ☐ _____
Signature Witness