

**Action Requested/Required:**

- ☒ Vote/Action Requested
☐ Discussion or Presentation Only
☐ Public Hearing
Report Date: _____
Hearing Date: _____
Voting Date: _____

Department: Public Works **Presenter(s) & Title:** Kelly Pendley - Operations Manager

Agenda Item Title:

Discussion and Possible Action on Proposed Georgia Power Company Underground Easement for South Canton Park

Summary:

Georgia Power will install underground distribution line to support wires, transformers, service pedestals, and other necessary apparatus and fixtures required for the new infrastructure at 2939 Marietta Highway, Canton, GA 30114, also known as South Canton Park. Please see attachment for map and the Underground Distribution Construction Agreement.

Budget Implications:

Budgeted? ☐ Yes ☐ No ☒ N/A

Total Cost of Project: _____ Check if Estimated ☐

Fund Source: General Fund ☐ Water & Sewer ☐ Sales Tax ☐ Other: _____

Staff Recommendations:

Staff recommends: Motion to approve Georgia Power Company Underground Easement for South Canton Park

Reviews:

Has this been reviewed by Management and Legal Counsel, if required? ☐ Yes ☐ No

Attachments:

Underground Easement (this includes a map and Construction Agreement)

After recording, return to:
Georgia Power Company
Attn: Land Acquisition (Recording)
241 Ralph McGill Blvd NE
Bin 10151
Atlanta, GA 30308-3374

TAX ID: 14N18C 019
PROJECT 2026060291 LETTER FILE DEED FILE MAP FILE
ACCOUNT NUMBER 11112430-GPC9596-VBS-GP643E05226
NAME OF LINE/PROJECT: SOUTH CANTON PARK (CHEROKEE COUNTY) DISTRIBUTION LINE

PARCEL NUMBER 001

STATE OF GEORGIA
CHEROKEE COUNTY

U N D E R G R O U N D E A S E M E N T

For and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid by GEORGIA POWER COMPANY, a Georgia corporation (the "Company"), the receipt and sufficiency of which are hereby acknowledged, CITY OF CANTON, GEORGIA (the "Undersigned", which term shall include heirs, successors and/or assigns), whose mailing Address is 110 Academy St, Canton, GA 30114-3003, does hereby grant and convey to the Company, its successors and assigns, the right, privilege and easement to go in, upon, along, across, under and through the Property (as defined below) for the purposes described herein.

The "Property" is defined as that certain tract of land owned by the Undersigned at 2939 MARIETTA HWY, CANTON, GA 30114 (Tax Parcel ID No. 14N18C 019) in Land Lot 127, 162, Section 2 of the 14 District of Cherokee County, Georgia.

The "Easement Area" is defined as any portion of the Property located (a) within ten (10) feet of the centerline of the underground distribution line(s) as installed in the approximate location(s) shown on "Exhibit A" attached hereto and made a part hereof, and (b) within ten (10) feet from each side of any related above-ground equipment and facilities, including without limitations cubicles, transformers and service pedestals, as installed in the approximate location(s) shown in "Exhibit A".

The rights granted herein include and embrace the right of the Company to construct, operate, maintain, repair, renew and rebuild continuously upon and under the Easement Area its lines for transmitting electric current with wires, transformers, service pedestals, manholes, conduits, cables and other necessary apparatus, fixtures and appliances; the right to stretch communication or other

PARCEL 001 NAME OF SOUTH CANTON PARK (CHEROKEE COUNTY) DISTRIBUTION
 LINE/PROJECT: LINE

lines of any other company or person under the Easement Area; the right to assign this Underground Easement in whole or in part; the right at all times to enter upon the Easement Area for the purpose of inspecting said lines and/or making repairs, renewals, alterations and extensions thereon, thereunder, thereto or therefrom; the right to cut, trim, remove, clear and keep clear of said underground lines, transformers, fixtures, and appliances all trees and other obstructions that may in the opinion of the Company now or hereafter in any way interfere or be likely to interfere with the proper maintenance and operation of said underground lines, transformers, fixtures, and appliances; the right of ingress and egress over the Property to and from the Easement Area; and the right to install and maintain electrical and communication lines and facilities to existing and future structure(s) within the Easement Area under the easement terms provided herein. Any timber cut on the Easement Area by or for the 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 Company shall not be liable for or bound by any statement, agreement or understanding not herein expressed.

[Signature(s) on Following Page(s)]

**SOUTH CANTON PARK (CHEROKEE COUNTY) DISTRIBUTION
LINE**

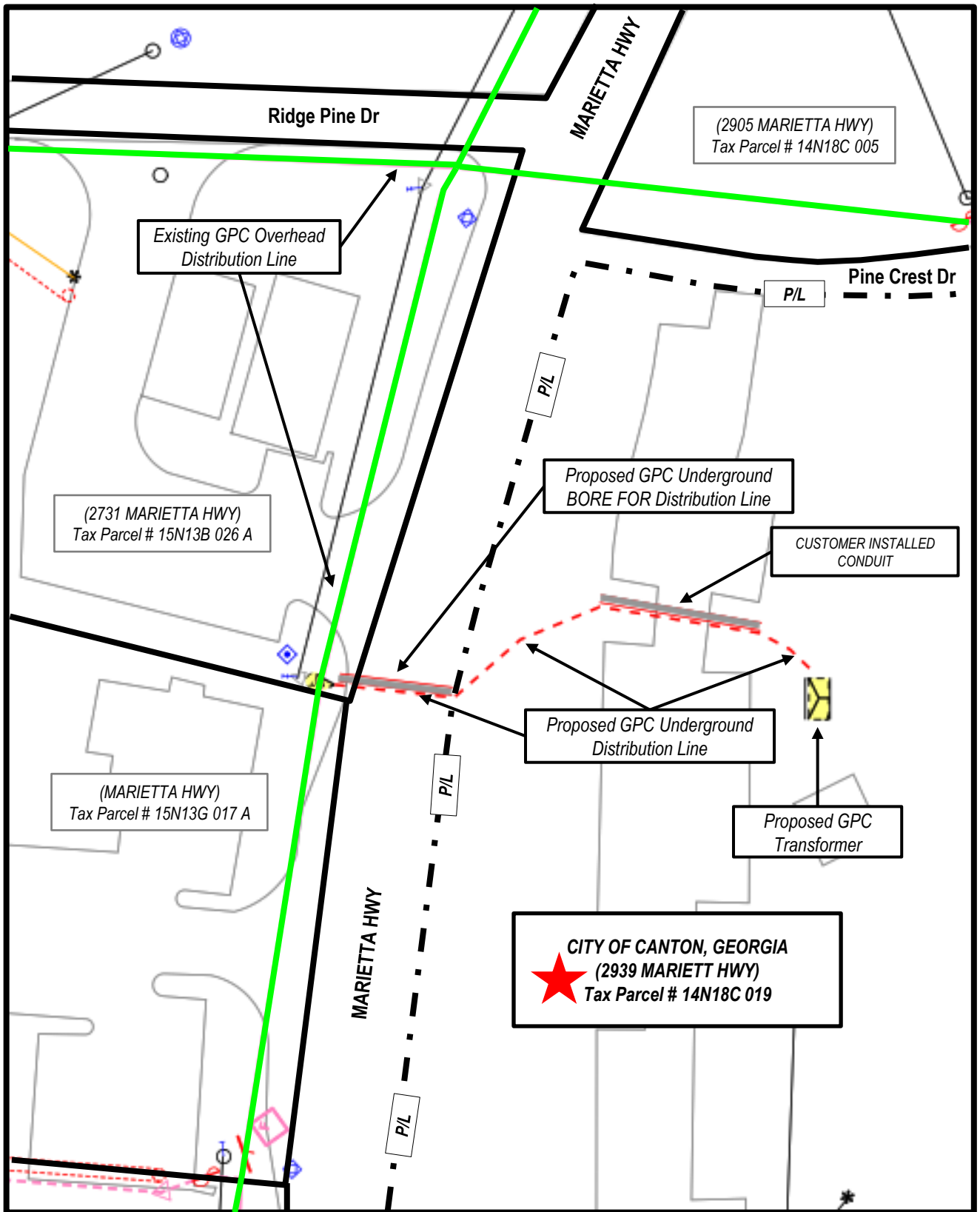
Signed, sealed and delivered in the presence of: CITY OF CANTON, GEORGIA

Title:

Title:

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Exhibit A





Underground Distribution Construction Agreement

PROJECT / CUSTOMER: SOUTH CANTON PARK (CHEROKEE COUNTY)
DISTRIBUTION LINE

LOCATION: 2939 Marietta HWY, GA 30114

DEVELOPER / CUSTOMER: CITY OF CANTON, GEORGIA

AREA OF CONSTRUCTION: _____

Customer / Developer does hereby attest that the above referenced area of construction in which underground electric distribution facilities are to be installed is clear of all obstructions; that all property lines, where required, are clearly marked and that the area is finished to a grade which shall not change more than three (3+/-) inches of the final grade.

Georgia Power Company, its employees, and contractors working on this project are hereby released from all claims due to damage of underground facilities that have not been located in the field and that are not covered by the "Utilities Protection Act of Georgia".

Customer / Developer does hereby agree to bear any and all costs to alter the installed underground electric distribution facilities as a result of grade changes or Developer design changes.

Customer / Developer shall be responsible for providing Georgia Power Company a clear unpaved route where underground electric distribution facilities can be installed. If this area is paved and conduit has not been installed, before Georgia Power Company facilities are installed the Developer shall be responsible for opening and re-paving the area required by Georgia Power Company.

Customer / Developer shall be responsible to communicate with contractors and subcontractors warning them of underground electric distribution facilities in the area and for notifying the Georgia Power Company by calling the Utilities Protection Center at GA 811 at least three (3) working days in advance to locate underground electric distribution facilities before digging or grading in the vicinity of installed underground electrical facilities. If Georgia Power Company is not notified, and the underground electric distribution facilities are damaged, then the Developer shall bear the cost of repairs.

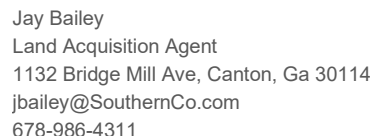
Should underground electric distribution facilities become damaged in any way, Customer / Developer will notify the Georgia Power Company at phone #1-888-660-5890 and the Utilities Protection Center at GA 811.

Developer will establish and maintain the appropriate clearances for the transformer(s) on this site per Georgia Power Company Distribution Specification GUK-00.5003, dated 2/7/07. Electric service will not be provided until this specification is satisfied.

Georgia Power Company is not responsible for any damages to locks, gates, fences, walls, vehicles, equipment, trees, landscaping, sidewalks, or any other items that inhibit Georgia Power's access to the poles, cables, transformers, metering, or other equipment serving this site. This includes routine or emergency access of all equipment and personnel.

APPROVED: _____ **DATE:** _____

PRINT NAME / TITLE / COMPANY: _____



Name of Project: SOUTH CANTON PARK (CHEROKEE COUNTY)
DISTRIBUTION LINE

Site Location: 2939 Marietta HWY

City: Canton **County:** CHEROKEE

Owner: CITY OF CANTON, GEORGIA

Operator: N/A

As owner and/or operator we certify that this project is not subject to coverage under Permit No. GAR 100003 for the following reason(s); initial all applicable reasons:

- _____ The project will not have land disturbance activities of one (1) or more acres; or
- _____ The project will not have storm water discharges via point sources to waters of the State of Georgia; or
- _____ The project will not have storm water discharges from the construction site

Name:	_____	Title:	_____
Signature	_____	Date	_____
Operator:	N/A	Title:	N/A
Signature	N/A	Date	N/A

Release for Construction Agreement

Underground Electrical Service

Version 2.1 (7/01/2020)

Georgia Power Company

To release 2939 Marietta HW, Canton, Ga 30114/SOUTH CANTON PARK CHEROKEE COUNTY) DISTRIBUTION LINE **for construction, all** of the following items must be verified complete, this form signed and returned to the address below:

- ✱ The Underground Distribution Construction Agreement has been signed by the Customer / Developer.
- ✱ The \$ 1,200.00 per service point underground service fee (where applicable) and any other CIAC has been paid.
- ✱ The easement has been signed and properly witnessed by the Property Owner.
- ✱ Lot Corners have been marked on the curb with paint in lieu of permanent property pins.
- ✱ Clearance behind the curb or from the edge of pavement/roadway of 15 feet is level with curb and free from obstructions and **within three (3) inches of final grade.**
- ✱ Sewer laterals, water lines and any other privately-owned facilities are adequately located and plainly marked.
- ✱ Paving and curbing or final grading, as applicable is complete.
- ✱ **Removal of unforeseen obstructions and supply of suitable backfill material.**

_____ A) will be provided by the Developer / Customer. The Developer / Customer agrees to remove rock and have suitable backfill available during construction while ensuring there are no construction delays.

-or-

_____ B) will be provided for by Georgia Power crews / contractors. The Developer / Customer may be billed for any additional charges that GPC incurs for the rock removal and select dirt for backfill charged to Georgia Power if actual costs exceed cost allowances.

- ✱ **Erosion, Sedimentation, and Pollution Control Plan. The Developer's Storm Water Pollution Prevention Plan (SWPPP) is in place and available for review.** A certification Statement is available for GPC or its subcontractor to sign on the Developer's SWPPP. This project:

_____ A) requires a Notice of Intent (NOI) and a copy, with the permit number, is enclosed. The owner/developer agrees to provide a copy of the Notice of Termination (NOT) when filed.

-or-

_____ B) will not have land disturbance activities totaling more than one (1) acre of land in the common development or it will not trigger any other requirements of the *Georgia Water Quality Control Act*.

- ✱ The property owner / developer approves the distribution design and lighting represented on GPC's construction print.
- ✱ Emergency and Standby Generation will be installed on-site: _____ ✱ **No** _____ **Yes** – if yes, then the installation must meet requirements as stated in GPC Distribution Bulletin 18-23, and the application referenced below must be completed.
- ✱ The Application for Emergency and Standby Generation Installation & Operation document has been completed and returned to a GPC Engineer or Key Account Manager.

Please select an option and provide appropriate documents as detailed

GPC scheduling meetings are usually held weekly. After being released for construction, the job will be scheduled and the Customer / Developer will be notified of the proposed start date.

Emily Davis

Signed: _____

Canton Operating HQ

Developer: _____

(470) 877-9831

Phone # / Fax #: _____

ekdavis@southernco.com

Date: _____



Underground Distribution Construction Agreement – Trenching within Tree Dripline

PROJECT / CUSTOMER:	SOUTH CANTON PARK (CHERORKEE COUNTY) DISTRIBUTION LINE
LOCATION:	2939 Marietta Hwy Canton Ga 30114
DEVELOPER / CUSTOMER:	CITH OF CANTON, GEORGIA
AREA OF CONSTRUCTION:	

It is the policy of Georgia Power Company to avoid digging within the dripline of any trees while installing distribution facilities on the customer's property.

In order to install and/or relocate overhead/underground facilities in the areas specified by, Georgia Power Company would have to install electrical facilities within the drip line of trees along said route.

Georgia Power Company, its employees, and/or its contractors working on this project are hereby released, by the designee(s) of this agreement, from any liability and claims due to damages caused to trees along said route, due to installation processes and/or procedures.

APPROVED

DATE

PRINT NAME

TITLE

COMPANY