



DATE: *January 9, 2020*  
TO: Mayor and City Council  
FROM: *[Signature]* Assistant City Manager  
SUBJECT: Sewer Easement Encroachment Agreement  
Gwinnett Department of Water Resources  
Sugar Hill Greenway

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RECOMMENDED ACTION

**Approve and authorize the Mayor to sign the Sewer Easement Encroachment Agreement with the Gwinnett Department of Water Resources for the construction, operation and maintenance of the Sugar Hill Greenway on the portion of the sewer easement between Level Creek and Whitehead Roads.**

Georgia Department of Transportation (GDOT) is coordinating two uses of the old outer perimeter right-of-way between Level Creek and Whitehead Roads. The city and county have projects within one of the narrow portions of the state property. Gwinnett Department of Water Resources (DWR) is proposing improvements in the area that will affect the construction and, later the operation of the greenway trail.

The proposed solution to the conflict of uses is to allow the overlap to continue with an understanding of maintenance and repair requirements given certain contingencies. The agreement addresses situations where county activity may damage the greenway and its associated structures should they find it necessary to repair, replace, or relocate their sewer line. While this might be grounds to contest the agreement in another set of circumstances, DWR is in the position of having an existing line in place prior to trail construction.

The proposed agreement limits itself to the area shown on Exhibit A, some 300 feet of the trail, and is recommended for approval. Therefore, staff is recommending approval of the document.

*Attachment*  
*Easement Encroachment Agreement*  
*Exhibit A*



REQUEST FOR ENCROACHMENT INTO Parkview / Pinecrest EASEMENT  
I (We), City of Sugar Hill, Owner(s) of property described  
as Tax Parcel # See attached Exhibit 'A',  
address N/A,  
project name Sugar Hill Greenway Phase 1  
do hereby request that Gwinnett County:

Allow an **encroachment** into the Parkview / Pinecrest easement are as described in the attached documents.

(Encroachment Agreement Form is required.) Include an 8 ½ x 11 or 8 ½ x14 exhibit which clearly depicts the nature of the encroachment, with profile, if pertinent.

Upon approval, I (we) will execute the Encroachment Agreement Form and /or other necessary documents required by the County.

Signed: \_\_\_\_\_

CONTACT NAME \_\_\_\_\_ Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

**Action taken by Department of Water Resources:**

\_\_\_\_\_ Request approved

\_\_\_\_\_ Request approved but with following conditions and/or stipulations:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Request denied

Reason(s) \_\_\_\_\_

**Action Approved by:**

\_\_\_\_\_ Date: \_\_\_\_\_  
Division Director, Infrastructure Support

\_\_\_\_\_ Date: \_\_\_\_\_  
Section Manager, Field Operations

\_\_\_\_\_ Date: \_\_\_\_\_  
Real Estate Specialist/DOSS

Project Name Sugar Hill Greenway Phase 1

**ENCROACHMENT AGREEMENT**

Re: ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT OF \_\_\_\_\_ OF THE \_\_\_\_\_th DISTRICT OF GWINNETT COUNTY, GEORGIA, AND BEING FURTHER DESCRIBED AS GWINNETT COUNTY TAX PARCEL NUMBER \_\_\_\_\_ (See Attached Exhibit)

The undersigned owner(s) of the described property, in consideration of one dollar (\$1.00) and other good and valuable considerations, paid and received, hereby agrees as follows:

1.

The undersigned owner(s) of the above described property hereby enters into the agreement to exchange for the acceptance by Gwinnett County of an encroachment into the existing Parkview / Pinecrest Easement located on the above described property.

The encroachment consists of Concrete trail, Boardwalk, Helical Piers as shown on the attached exhibit "A". The owner(s) further acknowledges that this situation is not the fault of Gwinnett County and the undersigned owner(s) agrees to indemnify and hold harmless Gwinnett County or it's agents against all hurt, personal injury, personal property loss and/or damage caused by Gwinnett County's maintenance, repair, replacement or relocation of the line, the mechanical failure of the line, or the settling of soil, to and including, but not limited to any retaining walls, parking lots, parking decks, structures, footings, plantings, and/or any other improvements encroaching into the area of or near the Parkview / Pinecrest line easement and/or Sanitary Sewer line.

2.

In the event Gwinnett County, State of Georgia, (through the elected officials, administrators and /or employees of the same) find it necessary to relocate the existing sewer line due to the encroachment, the undersigned hereby agrees to pay any and all expenses related thereto and further agrees to the relocation of said line and the easement at the discretion of Gwinnett County.

3.

This agreement is a covenant running with the said property, and shall have perpetual duration.

4.

This agreement shall be binding on the heirs, representatives, successors and assigns of the undersigned.

IN WITNESS whereof, the undersigned affixes \_\_\_\_\_ hands and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

Owner:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Notary Public

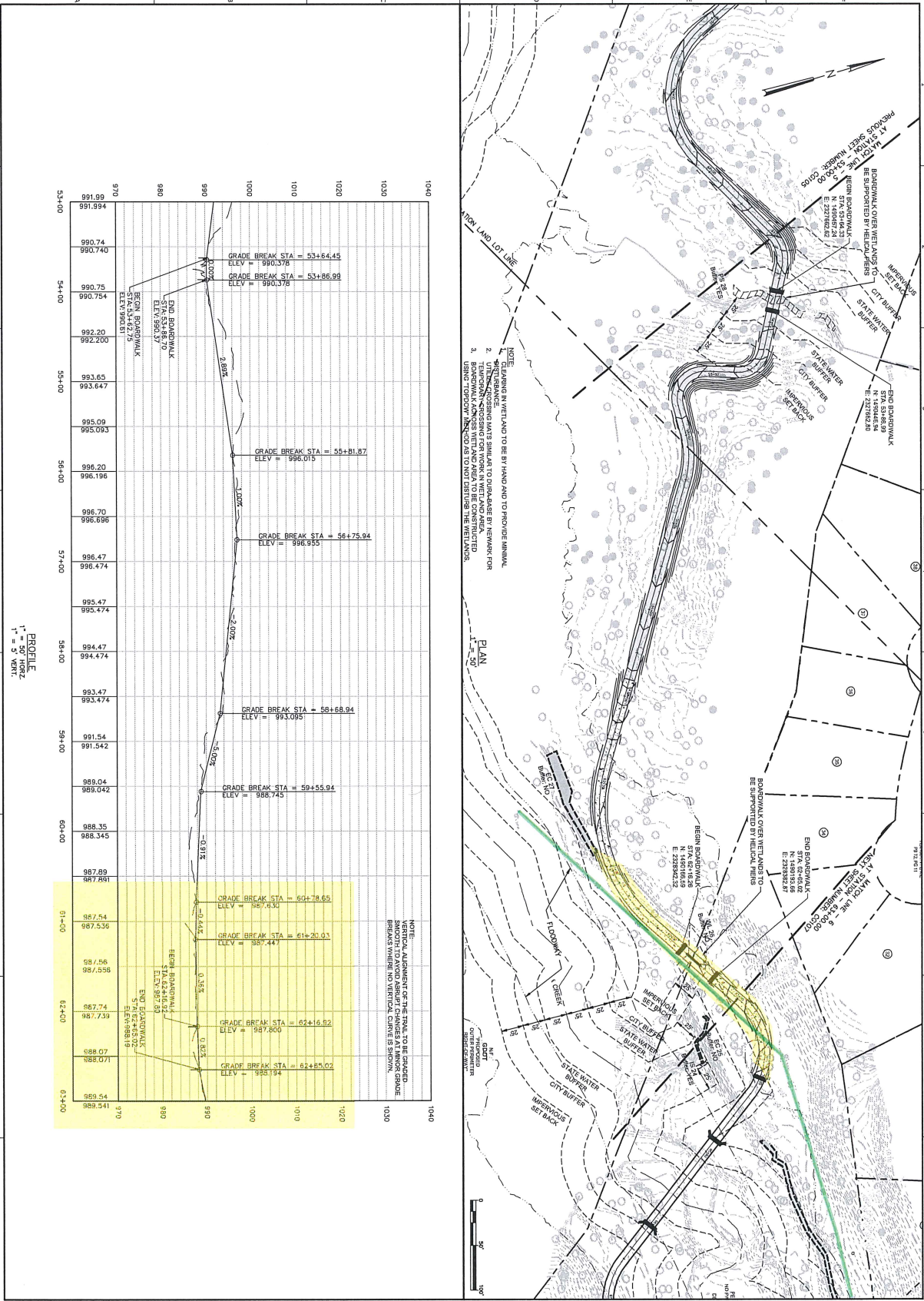
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name



# Exhibit 'A'

Sanitary Sewer Main  
Trail, Boardwalk, Pier Limits



<p>PROJECT NO. 12-6-19</p> <p>DATE 12-6-19</p> <p>DESIGNER: GNANASVK</p> <p>CHECKER: [ ]</p> <p>DATE: MAY 18, 2018</p> <p>PROJECT NO. 12-6-19</p> <p>DATE: MAY 18, 2018</p> <p>DESIGNER: GNANASVK</p> <p>CHECKER: [ ]</p>	<p>12-6-19 30% REALIGNMENT</p> <p>REV DATE REVISION DESCRIPTION</p>
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**SUGAR HILL GREENWAY PHASE 1**

**SUGAR HILL CITY OF SUGAR HILL**  
5039 WEST BROAD STREET  
SUGAR HILL, GA 30518

**JACOBS**

11 Tech Street  
Suite 400  
Atlanta, GA 30303-3106

**CG106**

GRADING PLAN AND PROFILE