

Resolution No. 2017-125

A RESOLUTION ACCEPTING THE DEDICATION OF STREETS AND OTHER ITEMS CONTAINED WITHIN SILVERBROOKE UNITS 2; ACCEPTING THE DEDICATION OF STREETS AND OTHER ITEMS CONTAINED WITHIN SPRINGBROOKE ESTATES UNIT 1, PHASE 1 AND UNIT 2, PHASE 2 AND PHASE 3; EXPRESSLY DISCLAIMING THE ACCEPTANCE OF OTHER ITEMS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Final Plat for Silverbrooke, Units 2a and 2b were previously executed and approved as fulfilling the requirements of the Unified Development Code, including the necessary Certification of Ownership and Dedication to the City of Powder Springs of public infrastructure and recorded October 1, 2007 and March 16, 2015;

WHEREAS, the Final Plat for Springbrooke Estates Unit 1, Phase 1 and Springbrooke Estates Unit 2, Phases 2 and 3 were previously executed and approved as fulfilling the requirements of the Unified Development Code, including the necessary Certification of Ownership and Dedication to the City of Powder Springs of public infrastructure and recorded June 5, 2007 and October 16, 2013, respectively ;

WHEREAS, the Owner did not complete the final paving and topping of Silverbrooke Crossing or Silverbrooke Court;

WHEREAS, the Owner did not complete the final paving and topping of Falls Avenue, Creekside Lane, Birchbrooke Path, Lily Brooke Court and Misty Creek Court;

WHEREAS, the City collected paving fees at the issuance of building permits for lots in Silverbrooke, Unit 2a and Unit 2b and in Springbrooke Unit 1, Phase 1 and Springbrooke Unit 2, Phases 2 and 3, for the subsequent final paving of said developments, which is sufficient to cover 74 percent of the cost to pave;

WHEREAS, the City of Powder Springs has never formally accepted the Owner's dedication, and the Unified Development Code requires that acceptance of improvements by the City for perpetual maintenance occurs by resolution of the City Council;

WHEREAS, the Mayor and Council deem it appropriate to accept for maintenance the streets from curb to curb, though extending to include the paved surface of sidewalks which are currently present, the water lines, sanitary sewer lines, and storm water drainage lines within the platted right of way excluding retention or detention ponds, including sufficient easement areas for such maintenance of the accepted elements, while expressly disclaiming and not accepting any and all elements not expressly accepted, including but not limited to trees, parks, playgrounds, open spaces, community green, conservation areas and detention or retention ponds.

WHEREAS, the City of Powder Springs desires to use resurfacing monies from the 2016 Special Purpose Local Option Sales Tax Program (2011 SPLOST dollars) to supplement the paving proceeds paid at building permit issuance in order to complete paving of Silverbrooke Crossing and Silverbrooke Court in Silverbrooke Units 2a and 2b and Falls Avenue, Creekside Lane,

Resolution No. 2017-125

Birchbrooke Path, Lily Brooke Court and Misty Creek Court. in Springbrooke Estates Unit 1, Phase 1 and Springbrooke Estates Unit 2, Phases 2 and 3;

NOW THEREFORE, BE IT THEREFORE RESOLVED by the Mayor and Council for the City of Powder Springs as follows:

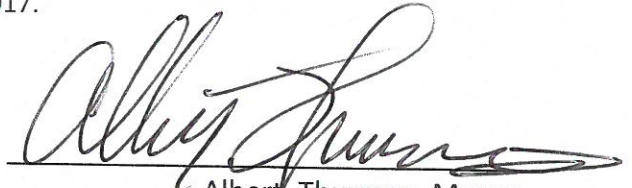
- (1) Upon completion of any necessary preliminary patching of street surfaces by the owner, that the streets (back of curb to back of curb), sidewalks, water lines, sanitary sewer lines, and storm water drainage lines within the platted right of way but not detention or retention ponds, including sufficient easement area within the platted right of way for maintenance of the accepted elements in Silverbrooke Units 2a and 2b as shown in the delineated Plat Book 266, Page 9 and Plat Book 274, Page 774 in the real estate records of the Clerk of Superior Court, Cobb County, Georgia will hereby be accepted for perpetual maintenance;
- (2) That all things contained within the referenced plat which are not hereby expressly accepted, are hereby expressly disclaimed and not accepted, including but not limited to trees, parks, playgrounds, open spaces, community greens, wetland easement areas, and detention or retention ponds; and
- (3) The SPLOST Program Manager is hereby directed to obtain bids for the paving and topping of Silverbrooke Crossing and Silverbrooke Court in Silverbrooke Units 2a and 2b, which said bid shall be offset by the paving proceeds previously received by the City of Powder Springs at issuance of building permits;

BE IT FUTHER RESOLVED, as follows:

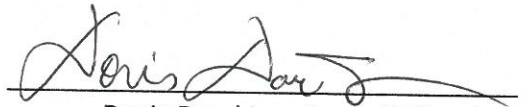
- (1) (1) Upon completion of any necessary preliminary patching of street surfaces by the owner, that the streets (back of curb to back of curb), sidewalks, water lines, sanitary sewer lines, and storm water drainage lines within the platted right of way but not detention or retention ponds, including sufficient easement area within the platted right of way for maintenance of the accepted elements in Springbrooke Estates Unit 1, Phase 1 and Springbrooke Estates Unit 2, Phases 2 and 3, as shown in the delineated Plat Book 261, Page 67 and Plat Book 273, Page 355 in the real estate records of the Clerk of Superior Court, Cobb County, Georgia will hereby be accepted for perpetual maintenance;
- (2) That all things contained within the referenced plat which are not hereby expressly accepted, are hereby expressly disclaimed and not accepted, including but not limited to trees, parks, playgrounds, open spaces, community greens, wetland easement areas, and detention or retention ponds; and
- (3) The SPLOST Program Manager is hereby directed to obtain bids for the paving and topping of Falls Avenue, Creekside Lane, Birchbrooke Path, Lily Brooke Court and Misty Creek Court. in Springbrooke Unit 1, Phase 1 and Springbrooke Unit 2, Phases 2 and 3, which said bid shall be offset by the paving proceeds previously received by the City of Powder Springs at issuance of building permits;

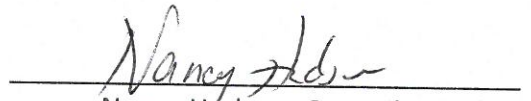
Resolution No. 2017-125

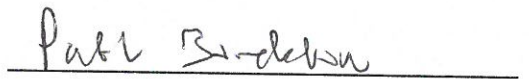
SO RESOLVED this 18th day of September, 2017.

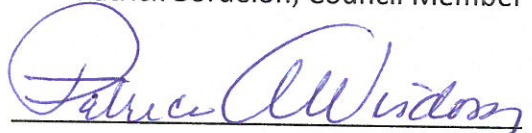

Albert Thurman, Mayor


Cheryl Sarvis, Council Member


Doris Dawkins, Council Member


Nancy Hudson, Council Member


Patrick Bordelon, Council Member


Patricia Wisdom, Council Member

Attest: 
Kelly Axt, City Clerk