

Resolution No. 2022 - 103

A RESOLUTION AMENDING RESOLUTION 2013-23 TO INCLUDE CERTAIN AREA WITHIN PUBLIC RIGHT OF WAY; EXPRESSLY DISCLAIMING THE ACCEPTANCE OF OTHER ITEMS; APPROVING AND AUTHORIZING THE MAYOR OR MAYOR PRO TEM TO EXECUTE AN AGREEMENT WITH ARDITO CONSTRUCTION COMPANY TO REPAIR CERTAIN RIGHT OF WAY LOCATED WITHIN THE SILVER SPRING RESIDENTIAL DEVELOPMENT FOR AN AMOUNT OF \$23,362.50; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS as set forth in Resolution 2022-043, Silver Springs Village Homeowner's Association ("HOA") previously donated and the City of Powder Springs accepted certain real property located within the residential subdivision on the southern shoulder of the northern arc of Silver Springs Boulevard approximately six feet off the back of existing curb; and

WHEREAS, said donation was contingent upon the preparation of a final plat amendment by the HOA identifying the property and payment of funds equal to one-half the amount required to improve the dedicated property; and

WHEREAS review of the recorded final plat revealed that the plat had been prepared with a dedication of right of way needed for certain repairs along Silver Springs Boulevard but the dedication was not formally accepted by the City but certain right of way was instead accepted by Resolution 2013-23 with express limitations and disclaimers; and

WHEREAS the effect of said limitation and disclaimers in Resolution 2013-23 excluded the subject area along Silver Springs Boulevard, and the City desires to amend Resolution 2013-23 to formally accept the right of way highlighted in yellow in the attached Exhibit "A", which is the area intended to be donated and authorized by Resolution 2022-043;

WHEREAS the City further desires to remove the requirement for and avoid the unnecessary expense of preparing a new final plat for this subdivision but does desire to record this Resolution and attachment with the plat book (Plat Book 275, Page 667) in the County's land records referencing the original plat;

WHEREAS the City solicited and obtained quotes to complete repairs within the donated area and desires to accept the quote submitted by Ardito Construction Company in the amount of \$23,362.50; and

NOW THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Council for the City of Powder Springs it amends Resolution 2013-23 in order to accept for perpetual maintenance real property highlighted in yellow in the attached Exhibit "A".

BE IT FURTHER RESOLVED that the Mayor or Mayor Pro Tem is authorized to execute an agreement with Ardito Construction Company to repair said right of way area for an amount of \$23,362.50, subject to payment of funds by the HOA equal to \$11,681.25 and recording of this resolution in the plat book referencing the original plat for this subdivision. The Mayor and

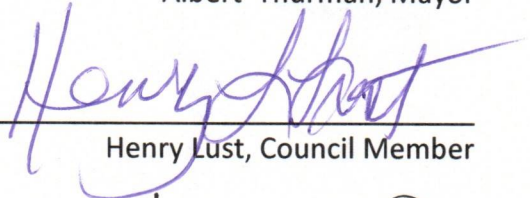
Resolution No. 2022 - 103

Council expressly disclaim and does not accept any utility located within the donated and dedicated right of way.

SO RESOLVED this 18th day of July, 2022.

Absent

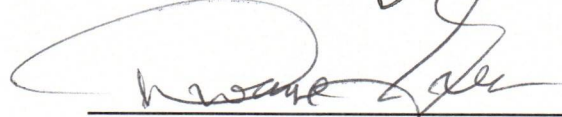
Albert Thurman, Mayor



Henry Lust, Council Member



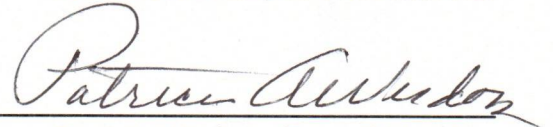
Doris Dawkins, Council Member



Dwayne Green, Council Member

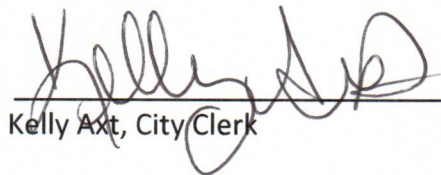


Patrick Bordelon, Council Member



Patricia Wisdom, Council Member

Attest:


Kelly Axt, City Clerk