

RESOLUTION NO. 2023 - 161

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**A RESOLUTION APPROVING CERTAIN ENCROACHMENT IN THE RIGHT OF WAY; AUTHORIZING THE MAYOR TO EXECUTE AN ENCROACHMENT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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**WHEREAS** Georgia Capital has been issued a land disturbance permit to begin development of a townhome community on New Macland Road; and

**WHEREAS** the topography of the development site requires a large retaining wall around the development fronting New Macland and the right of way on New Macland is inadequate based on the required dimensions of the development code;

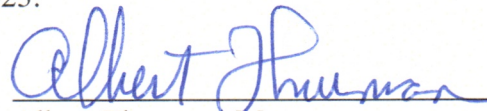
**WHEREAS** to address the obstacles, maintain the usability of the backyards of the residential lots and to better control development costs, the developer has requested to increase the buffer width by placing landscaping in the right of way to create a slope onto private property and increase the landscape buffer; and

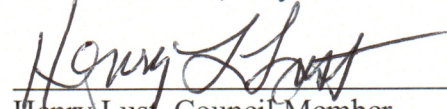
**WHEREAS** the site plan is consistent with the plan presented at zoning and the developer is agreeable to donating the right of way in exchange for placing the landscape buffers in the same area;

**WHEREAS** subject to maintenance of the landscape buffer in the right of way by the Homeowners' Association, the City desires to approve the encroachment permit to enable the developer to install and the developer and HOA to maintain the landscape buffer at no cost to the City.

**NOW THEREFORE**, be it hereby resolved by the Mayor and Council of the City of Powder Springs that it authorizes the Mayor to execute an encroachment agreement with the developer and HOA for the townhome development on New Macland Road to install and maintain a landscape buffer, subject to preparation of the agreement by the City Attorney and the recording of said agreement with the land records relating to the development. This resolution shall be effective immediately upon adoption.

**SO RESOLVED** this 21<sup>st</sup> day of August 2023.

  
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Albert Thurman, Mayor

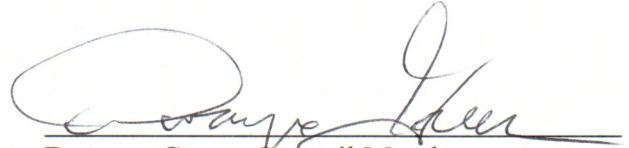
  
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Henry Lust, Council Member

  
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Doris Dawkins, Council Member

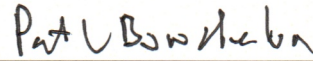
[additional signatures follow}

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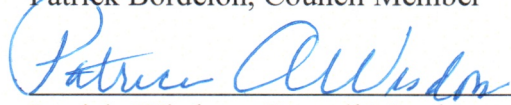
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Dwayne Green, Council Member



Patrick Bordelon, Council Member



Patricia Wisdom, Council Member

ATTEST:  
Kelly Axt, City Clerk

