

## RESOLUTION NO. 2026 - 103

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### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO RETURN CERTAIN MONIES PAID BY A PROPERTY OWNER RELATING TO SIDEWALK INSTALLATION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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**WHEREAS** property located at 4740 Shipp Road was platted as a parcel within the Lost Mountain Lakes Subdivision but was never developed as part of that subdivision due to its access being blocked by easements and undisturbed buffers and because it fronts Shipp Road; and

**WHEREAS** the property to the west and south of subject property are located in the county. and because the subject lot was not developed with a home at the time the rest of the subdivision was developed, no sidewalk was installed at the frontage; and

**WHEREAS** the Unified Development Code (UDC) provides that curb, gutter, and sidewalk are required for new construction on existing streets, but no sidewalk exists along the side of Shipp Road where the property is located; and

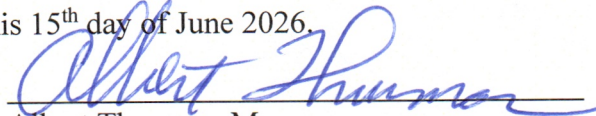
**WHEREAS** given the existing conditions, the City granted relief to the owner in 2022 by allowing the owner to pay to the city 110% of the estimated cost of construction in order to allow the City rather than the owner to manage construction; and

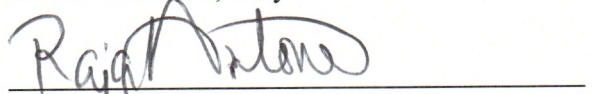
**WHEREAS** the City received a quote to construct the sidewalk improvements that was 64% greater than the original estimate, and is not budgeted by the City; and

**WHEREAS** the required tree removal and installation of pipe to manage drainage is not recommended particularly given the lack of other sidewalks and drainage problems that currently exist on the stretch of right of way north of Shipp Road, and the City finds it in the best interest of public health, safety and welfare to refrain from constructing sidewalks on the north side of Shipp Road unless and until it can be determined whether sidewalks in this area are feasible and appropriate as a public project and to return monies previously paid by the owner.

**NOW THEREFORE**, be it hereby resolved by the Mayor and Council of the City of Powder Springs that sidewalks on the north side of Shipp Road are more appropriately a public improvement project and only after a determination is made that sidewalks are feasible and appropriate for the entire stretch of right-of-way and that funds paid by the owner shall be refunded.

**SO RESOLVED AND EFFECTIVE** on this 15<sup>th</sup> day of June 2026.

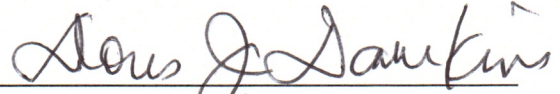
  
Albert Thurman, Mayor

  
Raja Antone, Council Member

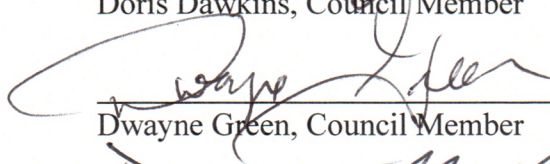
[additional signatures follow]

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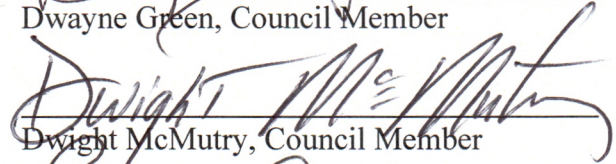
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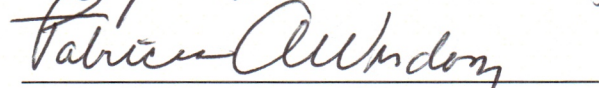
Doris Dawkins, Council Member



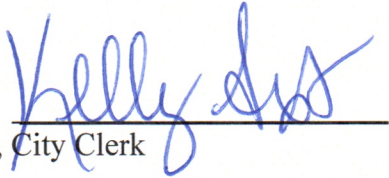
Dwayne Green, Council Member



Dwight McMurtry, Council Member



Patricia Wisdom, Council Member

ATTEST:   
Kelly Axt, City Clerk